

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 26, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

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DISCUSSION

SUBJECT:

ZON-20507 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: LIVEWORK, LLC - Request for a Rezoning FROM: P-R (PROFESSIONAL OFFICE AND PARKING), C-1 (LIMITED COMMERCIAL), AND C-2 (GENERAL COMMERCIAL) TO: C-1 (LIMITED COMMERCIAL) on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), Ward 3 (Reese).

C.C.: 05/16/07

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 **APPROVAL**.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at meeting – Letter regarding private easement agreement by Kummer Kaempfer Bonner Renshaw & Ferrario for Items 54-58

MOTION:

STEINMAN – APPROVED subject to conditions and amending Condition 3 as read for the record as follows:

3. Dedicate the additional right-of-way on Charleston Boulevard adjacent to this site necessary for a 50-foot half street, the additional right-of-way necessary for a total radius of 25 feet on the southwest corner of Charleston Boulevard and 4th Street, and the southeast corner of Charleston Boulevard and 3rd Street prior to the issuance of any permits. In addition grant pedestrian access easements for all sidewalks located outside of public street right-of-way on the map for this site.

– UNANIMOUS with **TRUEDELL** abstaining since he owns an interest in property within the notice area

To be heard by City Council on 6/6/2007

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 54 – ZON-20507

MINUTES:

CHAIRMAN DAVENPORT declared the Public Hearing open for Items 54-58.

ANDY REED, Planning Supervisor, stated that Items 54, 55, 57 and 58 are for the mixed use project at Charleston Boulevard and 4th Avenue which are consistent with the pattern of development and he recommended approval. Item 56 pertains to a related parking structure to be located at the northeast corner of Casino Center Boulevard and Coolidge Avenue. The structure is consistent with proposed development in the area and MR. REED recommended approval.

ATTORNEY STEPHANIE ALLEN, 3800 Howard Hughes Parkway, appeared on behalf of the property owner and stated that the applicant has agreed to provide and enter into an easement agreement with the immediate property owner south of the project. The agreement would allow the adjacent property owner to maintain access through the alleyway and ATTORNEY ALLEN submitted the letter of agreement from her colleague, ATTORNEY TABITHA KEETCH.

In response to CHAIRMAN DAVENPORT'S concerns, DEPUTY CITY ATTORNEY JAMES LEWIS clarified that the aforementioned agreement is a grant of a private easement and the City would not have any issue to that agreement.

MARGO WHEELER, Director of Planning and Development Department, stated that Item 56 is a separate item as it is located at another location and has a supplemental applicant.

TOM MCGOWAN, Las Vegas resident, inquired the location of the headquarters belonging to Livework, LLC, if there is a traffic study associated with the proposal, and whether or not a social-economic study had been performed. He stated that he only supports development that is pre-planned and if the impacts upon the public is carefully addressed and resolved prior to development. He opposed the proposal.

ROBERT OEHLER, 2115 South Tenaya Way, expressed concern regarding the Vacation of the alleyway which affects his nearby property. DEPUTY CITY ATTORNEY LEWIS explained that a condition would be placed upon the Vacation and will not record until there is an agreement between MR. OEHLER and the applicant. GINA VENGLASS, Public Works, confirmed that Condition 2 of Item 57 properly addresses MR. OEHLER'S concerns.

COMMISSIONER DUNNAM stated that if the applicant does not have the consent of MR. OEHLER, he would not support the matter. MR. OEHLER confirmed that he was unclear about the agreement.

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MINUTES – Continued:

TODD FARLOW, 240 North 19th Street, requested ATTORNEY ALLEN display renderings of the project and inquired whether it was associated with another project in the area proposed as a LEED building. CHAIRMAN DAVENPORT stated that the LEED Building is separate from the proposal and a realignment of 3rd Street is planned to appease potential traffic congestion.

ATTORNEY ALLEN confirmed that the applicant is a resident of Las Vegas and plans to comply with all required studies for the development. She stated that the project would positively impact the Downtown area. She reiterated that the submitted letter should verify the applicant's intent to cooperate and enter into a private easement agreement for the alleyway access.

COMMISSIONER TROWBRIDGE inquired whether there should be valid consideration regarding whether an applicant/owner is a local resident and DEPUTY CITY ATTORNEY LEWIS confirmed that information is not relevant.

COMMISSIONER EVANS expressed support for the type of development presented but noted that it would be helpful to have as much information as possible prior to a Public Hearing. He expressed concern for the design and encouraged imaginative structures since the City welcomes high-rise structures.

ATTORNEY ALLEN described the layout of the site plan including the affected bus route, associated open space, and parking access for handicap patrons and retail employees. Because the structure is within the Arts District, special design was considered to include a variety of color palettes as well as architectural enhancements and embellishments. ATTORNEY ALLEN detailed the unique design of the parking garage programmed to service the residents of the project and visitors of the Arts District. The animation of the parking garage would allow cars to enter and be parked automatically.

COMMISSIONER EVANS queried whether ATTORNEY ALLEN had met with the Arts District Neighborhood Association. She stated that there has been ongoing communication with the Planning Department, the applicant, and ATTORNEY KEETCH; however, she was unable to confirm whether a meeting was held with the Arts District Neighborhood Association though heavy contemplation was placed in the selection of art to be placed on the parking structure.

COMMISSIONER STEINMAN made referenced to the required studies and inquired if an Environmental Impact Study was required. He further questioned whether a traffic analysis differs from a traffic study and MS VENGLASS responded that those terms are used interchangeably and have the same meaning. COMMISSIONER STEINMAN stated that he has made numerous

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MINUTES – Continued:

requests to staff requesting that all studies be performed and available as backup to any project prior to a Public Hearing.

CHAIRMAN DAVENPORT declared the Public Hearing closed for Items 54-58.

(8:35 – 9:01)

2-1538

CONDITIONS

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-20502) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

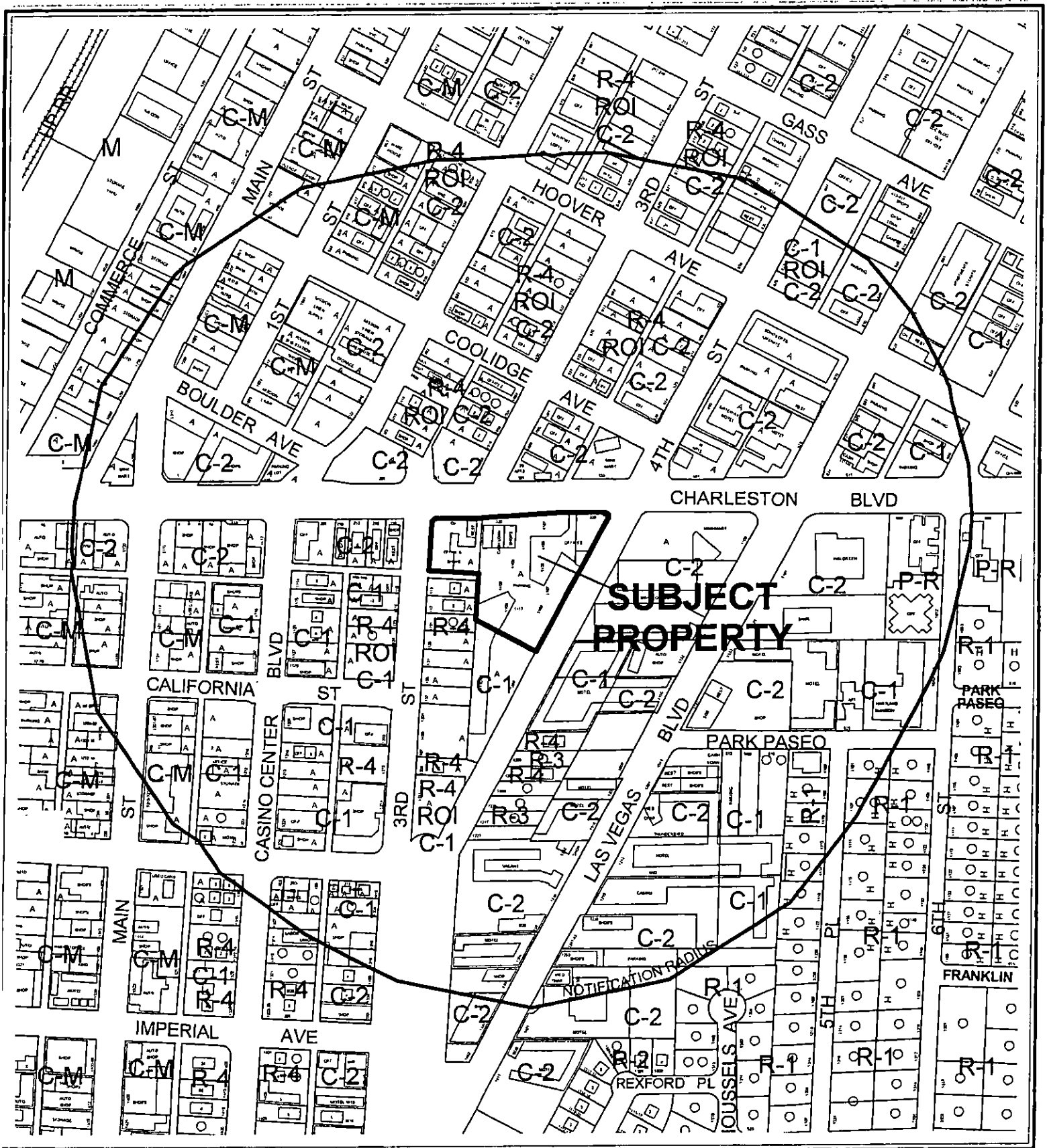
3. Dedicate the additional right-of-way on Charleston Boulevard adjacent to this site necessary for a 50-foot half street, the additional right-of-way necessary for a total radius of 25 feet on the southwest corner of Charleston Boulevard and 4th Street, and the southeast corner of Charleston Boulevard and 4th Street prior to the issuance of any permits. In addition grant pedestrian access easements for all sidewalks located outside of public street right-of-way on the map for this site.
4. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval related to this project.
6. 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

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CONDITIONS – Continued:

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.

7. 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.



CASE: ZON-20507

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL), C-2 (GENERAL COMMERCIAL), AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)

0 300 600 Feet





CASE: ZON-20507

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL), C-2 (GENERAL COMMERCIAL), AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)

0 300 600 Feet



City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 26, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: ZON-20507 - APPLICANT/OWNER: LIVEWORK, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: **APPROVAL**, subject to:

Planning and Development

1. A Resolution of Intent with a two-year time limit is hereby granted.
2. A Site Development Plan Review (SDR-20502) application approved by the City of Las Vegas is required prior to issuance of any permits, any site grading, and all development activity for the site.

Public Works

3. Dedicate the additional right-of-way on Charleston Boulevard adjacent to this site necessary for a 50-foot half street, the additional right-of-way necessary for a total radius of 25 feet on the southwest corner of Charleston Boulevard and 4th Street, and the southeast corner of Charleston Boulevard and 4th Street prior to the issuance of any permits. In addition grant pedestrian access easements for all sidewalks located outside of public street right-of-way on the map for this site.
4. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
5. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval related to this project.
6. 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

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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.

7. 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.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Rezoning from P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) to C-1 (Limited Commercial) on 2.67 acres at the southwest corner of Charleston Boulevard at Fourth Street. The project site currently consists of commercial retail and office uses.

The proposed rezoning to the C-1 (Limited Commercial) zoning district is consistent with the MXU (Mixed Use) General Plan designation. The proposed mixed use development is appropriate for a C-1 (Limited Commercial) zoning district with the approval of a Special Use Permit (SUP-20519) and approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/18/95	The City Council Approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
12/20/95	The City Council Approved a Rezoning (Z-0093-95) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
04/03/96	The City Council granted the appeal of a Board of Zoning Adjustment denial thereby approving a Special Use Permit (U-0008-96) for a 14 foot by 24 foot Off-Premise Advertising (Billboard) Sign on the subject property.
10/01/03	The City Council Approved a Site Development Plan Review (SDR-2784) 12,103 square foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval.
04/26/07	Companion items for a Special Use Permit (SUP-20519), Vacation (VAC-20522), and Site Development Plan Review (SDR-20502) will be heard concurrently with this item. The overall project covers a parking garage site also being reviewed concurrently with this item for a Site Development Plan Review (SDR-20492).

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Related Building Permits/Business Licenses	
06/01/86	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00709) was re-issued due to a change of location on 06/25/98 with no apparent Planning and Development review.
10/02/91	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03034) was issued by Business Services on 11/08/91 and was re-issued due to a license re-classification on 02/27/04 with no apparent Planning and Development review.
02/11/94	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00719) was issued by Business Services on 02/28/94 and was re-issued due to a change of location on 02/22/96 with no apparent Planning and Development review.
03/23/95	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03035) was issued by Business Services on 04/21/95 with no apparent Planning and Development review.
05/25/95	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-02273) was issued by Business Services on 06/02/95 with no apparent Planning and Development review.
08/12/96	A business license for a M01 (Maintenance Services: Janitorial – Janitorial, cleaning, or maintenance services. Includes carpet cleaning and swimming pool/spa maintenance, but does not include contracting, lawn and landscape maintenance, construction cleanup, or tree trimming) category license was processed in by the Department of Finance and Business Services. This license (M01-05281) was issued by Business Services on 08/16/96 with no apparent Planning and Development review.

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01/15/97	A business license for a T07 (Travel & Ticket Agency – Any person in the business of purchasing and reserving hotel accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists or other persons) category license was processed in by the Department of Finance and Business Services. This license (T07-00541) was originally issued by Business Services on 02/04/97 and was re-issued due to a change of location on 09/25/98 with no apparent Planning and Development review.
12/19/97	A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01000) was re-issued due to a change of location on 03/03/04, with Planning and Development Department recording approval.
03/01/00	A business license for a M18 (Management or Marketing Service – Any person or firm that conducts budgeting, marketing or management counseling or consulting services for another) category license was processed in by the Department of Finance and Business Services. This license (M18-01877) was issued by Business Services on 03/15/00 with no apparent Planning and Development review. A “cease and desist” order was issued on this license on 04/16/07.
02/23/01	A business license for a T-12 (Answering Message Service – Any person who provides services such as telephone answering, forwarding, message taking, paging or voice mail services) category license was processed in by the Department of Finance and Business Services. This license (T12-00022) was issued by Business Services on 03/13/01 with no apparent Planning and Development review.
12/19/01	A business license for a T18 (Miscellaneous Telephone Sales/Service - A business which sells telephones, cellular phones, and other miscellaneous accessories) category license was processed in by the Department of Finance and Business Services. This license (T18-00489) was issued by Business Services on 01/08/02 with no apparent Planning and Development review.
03/26/02	A business license for a F02 (Finance Company – Any person other than a bank, mortgage company, savings and loan, credit union, trust company or pawnbroker, who is licensed or required to be licensed under NRS 675 in order to lend money to others for profit or to hold himself out to the public) category license was processed in by the Department of Finance and Business Services. This license (F02-00267) was issued by Business Services on 05/30/02 with no apparent Planning and Development review.
05/22/03	A business license for an A23 (Bookkeeper – Any business or person, other than a certified public accountant or public accountant, engaged in providing the service of recording the accounts, transactions or preparation of tax returns on behalf of another business or person) category license was processed in by the Department of Finance and Business Services. This license (A23-01994) was issued by Business Services on 06/06/03 with no apparent Planning and Development review.

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06/13/03	A business license for a M21 (Merchandise Broker – Any person who acts as an agent for others in negotiating contracts, purchases, the sale of goods, wares or services and who does not take possession of the merchandise) category license was processed in by the Department of Finance and Business Services. This license (M21-00682) was issued by Business Services on 06/25/03 with no apparent Planning and Development review.
01/05/05	A business license for a F11 (Specialty Food Store – For retail stores selling specialty foods such as See's Candy, Hickory Farms, and ethnic food stores such as oriental markets, etc.) category license was processed in by the Department of Finance and Business Services. This license (F11-00113) was originally issued by Business Services on 01/25/05 and was re-issued due to a change of location on 08/14/06, with Planning and Development Department recording approval on 08/09/06.
04/18/05	A business license for a B20 (Business Support Service – Any business that performs for one or more other businesses a service that is performed internally to a business including billing, mailing, printing, customer service evaluations, process claims/paperwork) category license was processed in by the Department of Finance and Business Services. This license (B20-00916) was issued by Business Services on 06/10/05 with no apparent Planning and Development review. This license has been marked “out of business” as of 03/29/07.
08/12/05	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00290) was issued by Business Services on 09/02/05 with no apparent Planning and Development review.
09/19/05	A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00309) was issued by Business Services on 10/05/05, with Planning and Development Department recording approval on 09/21/05. This license has been marked “expired” as of 02/26/07.
08/25/06	A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00381) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.

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08/25/06	A business license for a Q20 (Interpreter/Translator – Interpreter/Translator Firm comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q20-00056) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.
10/23/06	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00972) was issued by Business Services on 11/15/06, with Planning and Development Department recording approval on 10/25/06.
02/10/07	A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01968) was issued by Business Services on 03/14/07 with no apparent Planning and Development review.
Pre-Application Meeting	
03/01/07	A pre-application meeting was held and elements of this application were discussed. Requirements for the Arts District of the Downtown Centennial Plan were discussed, including the proposed parking alternative. Submittal requirements were discussed.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
03/22/07	The Department of Planning and Development conducted a site visit that found that this was a developed site that encompassed multiple existing buildings. It was also noted that there is an off-premise (billboard) sign on the site that would also be removed to make way for this project. It was noted that the alley that this project requests to vacate appears to be the only vehicular entrance to the residential property to the south of the alleyway.

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Details of Application Request	
Site Area	
Net Acres	2.67

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	General Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
North	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	C (Commercial)	C-2 (General Commercial)
	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
East	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Mini-Storage Facility	C (Commercial)	C-2 (General Commercial)
	Hotel, Motel or Hotel Suites	C (Commercial)	C-1 (Limited Commercial)
West	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	MXU (Mixed Use)	C-1 (Limited Commercial)
			R-4 (High Density Residential)

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<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y
Project of Regional Significance		X	n/a

DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan, the following development standards apply to the subject proposal:*

<i>Standard</i>	<i>Provided</i>	<i>Compliance</i>
Min. Lot Size	116,305 SF	Y
Min. Setbacks		
• Front (3 rd Street)	0 Feet	Y
• Side	5.8 Feet	Y
• Corner (Charleston Boulevard)	5.5 Feet	Y
• Rear (4 th Street)	0 Feet	Y
Max. Lot Coverage	70%	Y
Max. Building Height	160' (12-Stories)	Y
Mech. Equipment	Screened	Y

- * 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.

Pursuant to the Downtown Centennial Plan, the following residential adjacency standards apply to the subject proposal:*

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Compliance</i>
3:1 proximity slope	480 Feet	5.8 Feet	Y*
Adjacent development matching setback	20 Feet	5.8 Feet	Y*

- * Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Title 19.08.060 (Residential Adjacency Standards).

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Pursuant to the Downtown Centennial Plan, the following landscape and buffer standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces (located in islands and/or at the perimeter)	4 Trees	>4 Trees	Y
TOTAL			52 Trees for On-site 40 Trees for Streetscape	Y
Min. Zone Width	n/a		0-20 Feet	Y
Landscape Area Required	10 SF./Parking Space 2,200 SF Total		>2,200 SF	Y
Wall Height	n/a		6 Feet @ Interior P/L	Y

Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:

Streetscape Standards	Required	Provided	Compliance
East/West Street (Charleston Boulevard)	1 Shade Tree @ 30' O.C. Maximum (min. 24" box) 17 Shade Trees	24 Shade Trees (36" box)	Y
North/South Street (4 th Street)	1 Palm Tree @ 35' O.C. Maximum (min. 25' height) 13 Palm Trees	11 Palm Trees (36" box; no height listed)	N*
North/South Street (3 rd Street)	1 Palm Tree @ 35' O.C. Maximum (min. 25' height) 5 Palm Trees	5 Palm Trees (36" box; no height listed)	Y
Right-of Way Improvements:	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Y

- * The trees planted north of the entry drive met the spacing requirements. Those to the south of the drive do not. A condition of approval has been added to the Site Development Plan Review (SDR-20502) to add two palm trees to the south of the 4th Street entry drive to bring the number and maximum distance in to compliance with the plan. Further, the revised technical landscape plan is required to have tabulated all tree heights along with the quantities and sizes.

ZON-20507 - Staff Report Page Nine
April 26, 2007 - Planning Commission Meeting

Pursuant to Title 19.04 and 19.10, the following parking standards apply:*

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided Parking		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
General Retail, Other Than Listed	58,000 SF GFA	1 / 250 SF	225 Spaces	7 Spaces	0 Spaces		Y**
Multi-Family Residential	Studio & 1 Bedroom Units: 880	1.25 spaces / Unit	1,079 Spaces	21 Spaces	0 Spaces		Y**
	2 Bedroom Units: 220	1.75 spaces / Unit	377 Spaces	8 Spaces	0 Spaces		Y**
	Total Units: 1,100	1 Guest Space / 6 Units	178 Spaces	6 Spaces	0 Spaces		Y**
Sub-total			1,859 Spaces	84 Spaces	0 Spaces	22 Spaces	Y**
TOTAL (including handicap)			1,943 Spaces		22 Spaces		Y**

* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements.

** It is the intention of the applicant to provide parking at the proposed automated parking structure located two blocks north at South Casino Center Boulevard and Coolidge Avenue. This portion of the overall project proposal is being heard as a companion Site Development Plan Review (SDR-20492).

ANALYSIS

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a C (Commercial) land use designation. The C (Commercial) designation allows uses comparable to the following land use categories: O (Office), SC (Service Commercial), and GC (General Commercial). The proposed uses are in compliance with the land use designation.

ZON-20507 - Staff Report Page Ten
April 26, 2007 - Planning Commission Meeting

This Rezoning proposes to change the zoning of the subject site where one of the parcels comprising the development is zoned C-1 (Limited Commercial) and the remaining parcel is zoned P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial). The existing and proposed uses established at this location are permissible in a C-1 (Limited Commercial) zoning district which is compatible with the C (Commercial) General Plan designation.

This site is within the Live/Work Overlay District. The mixed-use nature of the proposed development will offer employment and housing options on-site; however, the project does not include any live/work units as outlined in Title 19.06.130.

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the C (Commercial) designation.

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the 18b The Las Vegas Arts District. This district, which is within the bounds of the Downtown South district, is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with its own unique design standards. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

The site encompasses two parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision there will need to be a tentative map review and final map technical review prior to any building permits being issued.

The rezoning has been submitted in conjunction with a proposed Site Development Plan Review (SDR-20502) to site a proposed 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units; Vacation (VAC-20522) to vacate a public right-of-way and access easement; Special Use Permit (SUP-20429) to allow a mixed-use development with residential uses in a proposed C-1 (Limited Commercial) zoning district; and Site Development Plan Review (SDR-20492) to site an off-site, 120-foot high, 1,500 space automated parking structure with 12,000 square feet of ground level commercial space.

ZON-20507 - Staff Report Page Eleven
April 26, 2007 - Planning Commission Meeting

The proposed rezoning is in conformance with the site's general plan designation and is appropriate for the development as proposed. As this action would bring the portion of the site with multiple zoning districts under one category and the request is compatible with the existing commercial and residential developments in the area, staff is in support of this rezoning.

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 would unify the zoning at this site into one designation that conforms to the General Plan. The site's existing and proposed buildings can accommodate the range of uses identified and is in compliance with the proposed General Plan category.

2. "The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts."

The proposed rezoning will be compatible with the residential and commercial developments in this area.

3. "Growth and development factors in the community indicate the need for or appropriateness of the rezoning."

Growth and development factors indicate a need for housing options and services such as will be provided to locate in this area. Given the General Plan designation of C (Commercial) on the subject site, the rezoning to the C-1 (Limited Commercial) zoning district is appropriate for the area.

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."

South 4th Street will be the principal vehicular access point for the development, with egress to South 3rd Street to the west. The site also abuts West Charleston Boulevard, which will most likely be used by pedestrians patronizing the ground-floor commercial businesses. The site has excellent access to public transportation, which will assist in reducing the number of vehicle trips generated by the development.

ZON-20507 - Staff Report Page Twelve
April 26, 2007 - Planning Commission Meeting

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 297 [Mailed with SUP-20519, SDR-20492 and SDR-20502]

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number **ZON-20507** APN **162-03-115-001,002**
Name of Property Owner: **LIVEWORK, LLC**
Name of Applicant: **LIVEWORK, LLC**
Name of Representative: **APIUS ARCHITECTURE**

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: _____

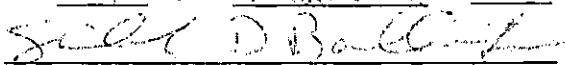
Partner(s): _____

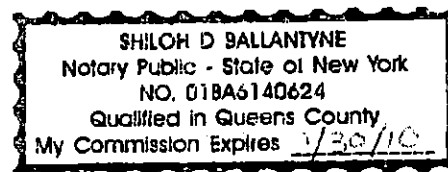
APN: _____

Signature of Property Owner: 

Print Name: David Mitchell

Subscribed and sworn before me

This 9 day of March, 2007

Notary Public in and for said County and State





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LAB NUMBER	PC 6 RAND 11
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WHEELBASE	12.5	12
AXLE SPACET	12.5	12.5
REAR	12.5	12.5

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B. FIVE AREAS

COMMITTEE

RECENTLY

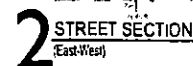
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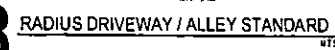
UNITS	
STUDIO UNITS	44
* BROADCAST UNITS	42
PRODUCTION UNITS	27
TOTAL UNITS	113
RAA	11
DO NOT	41

[illegible]

North - South



East-West



RADIUS DRIVEWAY / ALLEY STANDARD

SITE PLAN /
GROUND
FLOOR PLAN

AS101

Sub 17745: 1964 Program



E CHARLESTON BLVD

S 4TH STREET
1820 ROWLEY

Aquarius Residences

Site Development Review

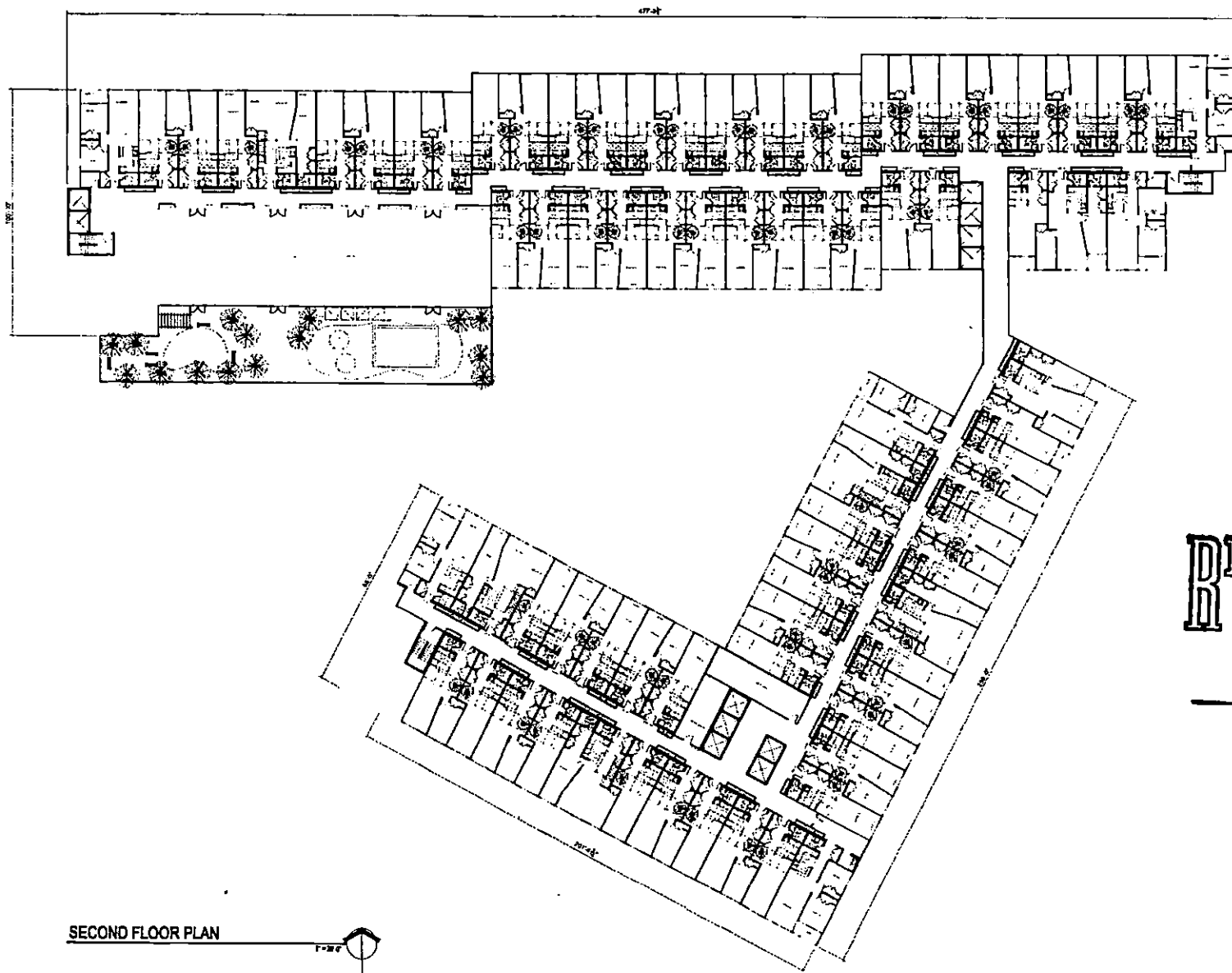
Charleston and 4th Street
Las Vegas, Nevada 89104

ZON-20507

REVISED

04/26/07 PC

APTUS Architecture



RECEIVED
MAR 13 2007

SECOND FLOOR PLAN



April 6, 2007

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

**APN: 162-03-115-001 and 002
139-34-410-056, 057, 058 and 059**

Re:

- a. Rezoning
- b. Site Development Review
- c. Special Use Permit for Mixed Use
- d. Vacation for alley and public access easement off of 3rd Street and 3rd Place
- e. Waiver of Required Stepbacks

To Whom It May Concern:

We respectfully submit this application for a Rezoning, Site Development Review, Special Use Permit and a Vacation for the alley and public access easement for the project now known as "Aquarius Residences". This is a mixed use project containing ground floor commercial, live work units and condominium residences above the ground floor at the southwest corner of Charleston and Fourth Street. All of the parking except for required residential handicap parking for this project will be located in an automated parking structure on the Southeast Corner of Casino Center and Coolidge. These parcels are currently zoned P-R, C-1 and C-2 and are in the Downtown Centennial Plan. We are also requesting that two portions of the principle parcel # 162-03-115-001 be rezoned to C-1 to eliminate the split zoning and to provide continuity throughout the Charleston and 4th Street site.

The project is a mixed-use 12 story project and will be 160' feet in height. The ground floor will have 70,000 SF (58,000 SF at the Charleston site and 12,000 SF at the Casino Center site) of commercial space. Public parking for the Charleston and 4th Street portion of the retail is not provided on site in the attempt to create a walk-able corridor within the downtown area. To create and maintain a thriving urban community, retailers need pedestrian traffic passing by their establishments. With this project, we are promoting a walking lifestyle that is guided by the location of the residence in relation to the vehicle. The walking route between the two is less than ¼ mile. In addition, the new downtown BRT (bus rapid transit) will make it's way south on Casino Center with a stop at Coolidge (our parking structure site) and have a new route directly across Charleston tying into 3rd Street with another stop at the west side of our development. The traffic signal will be relocated from Charleston and Casino Center to Charleston and 3rd, which will further invite pedestrian and public transportation to travel in between our two sites.

For the Casino Center and Coolidge site, ingress and egress into the parking will be off of the alley which intersects Coolidge Avenue. The parking structure is fully automated and is not-occupied. There will be 1500 parking spaces inside the structure. The spaces will be for the residents of the Aquarius Condominium Residences and for residents and employees of the Arts District and the general downtown area. There will be ground floor commercial along Casino Center which could also tie into additional gallery space for the growing Arts District. The intent of the design of the parking structure is to become a living canvas to display art and movies and to help bring the arts district to the next level.

We are requesting a vacation of the 20' service alley directly off of 3rd Street, just south of Charleston. This will become the west end of the vehicular access for the project, with another ingress/egress off of 4th Street. Off of this new vehicular access will be drop off areas for residents, handicap parking,

**ZON-20507
REVISED
04/26/07 PC**

and service loading and unloading. We are also requesting a vacation for the public access easement and public right of way off of 3rd Place. The new development will cover this area to give a strong retail presence along Charleston.

The Charleston and 4th Street Site will have stone veneer and insulated glazing at the ground level retail portion of the building, transitioning to a cementitious preformed panel for the upper stories. There are also glass railings at the residential balconies. We are asking for a waiver of the required stepbacks for both sites due to the nature of the building systems used. All mechanical equipment will be fully screened from view.

All work along Charleston will be submitted and approved through Nevada Department of Transportation. The existing sewer easements running through the Charleston and 4th Street site will be removed and relocated.

The owner desires to provide much needed and obtainable rental housing within the downtown area of the city. To compliment approximately 1,100 condominium residences for rent will be almost 70,000 square feet of commercial space. This residential and commercial development will be an asset to the City of Las Vegas by helping to spur additional revitalization and reinforcing redevelopment in an area which has already begun a transformation.

We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. We hope that you will join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kristen G. Neuman', with a stylized, flowing script.

Kristen G. Neuman, AIA
APTUS Architecture

**ZON-20507
REVISED
04/26/07 PC**

**KUMMER
KAEMPFER**

**KUMMER KAEMPFER BONNER
RENSHAW & FERRARIO**

ATTORNEYS AT LAW

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Fax: 775.852.3982

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Suite 150
Las Vegas, NV 89129
Tel: 702.693.4280
Fax: 702.939.8457

CARSON CITY OFFICE
510 W. Fourth Street
Carson City, NV 89703
Tel: 775.682.1311
Fax: 775.662.0257

April 25, 2007

Via Facsimile – 873-1088

Ms. Marilyn Oehler
2115 S Tenaya Way
Las Vegas, NV 89117-2008

**Re: Request to Vacate Alley and Public Access Easement east of 3rd Street
VAC-20522
Livework, LLC**

Dear Ms. Oehler:

This office represents Livework, LLC with respect to the above referenced vacation request. This request is scheduled to be heard by the City of Las Vegas Planning Commission on April 26, 2007 and the City Council on May 16, 2007.

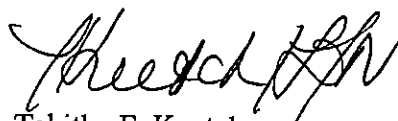
The purpose of this letter is to confirm that access to Assessor's Parcel Number's 162-03-110-002 & 003 will not be affected by the proposed vacation. In addition, Livework, LLC its successors and/or assigns will own and maintain the vacated right-of-way. To ensure that access is continually maintained and to reaffirm its maintenance responsibilities, prior to recordation of the vacation, Livework, LLC has agreed to negotiate, execute and record an easement agreement evidencing the same.

Lastly, as we discussed, your trash pick-up and disposal will not be affected nor will it be impeded in any way as a result of the vacation.

We appreciate your willingness to work with us on this matter and look forward to working with you in the future. Please let me know if you have any questions or if we can provide you with any additional information. •

Sincerely,

KUMMER KAEMPFER BONNER RENSCHAW & FERRARIO


Tabitha F. Keetch

TFK/lmj



335875

Submitted at Planning Commission

Date 4/26/07 Item #54-58
14415.1

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: APRIL 26, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

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

SUBJECT:

SUP-20519 - SPECIAL USE PERMIT RELATED TO ZON-20507 - PUBLIC HEARING - APPLICANT/OWNER: LIVEWORK, LLC - Request for a Special Use Permit FOR A 12-STORY MIXED-USE DEVELOPMENT INCLUDING 58,000 SQUARE FEET OF COMMERCIAL SPACE AND 1,100 RESIDENTIAL CONDOMINIUM UNITS at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 3 (Reese).

C.C.: 05/16/07

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

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:

STEINMAN – APPROVED subject to conditions – **UNANIMOUS** with **TRUESDELL** abstaining since he owns an interest in property within the notice area

To be heard by City Council on 6/6/2007

MINUTES:

See Item 54 for related discussion and backup.

(8:35 – 9:01)

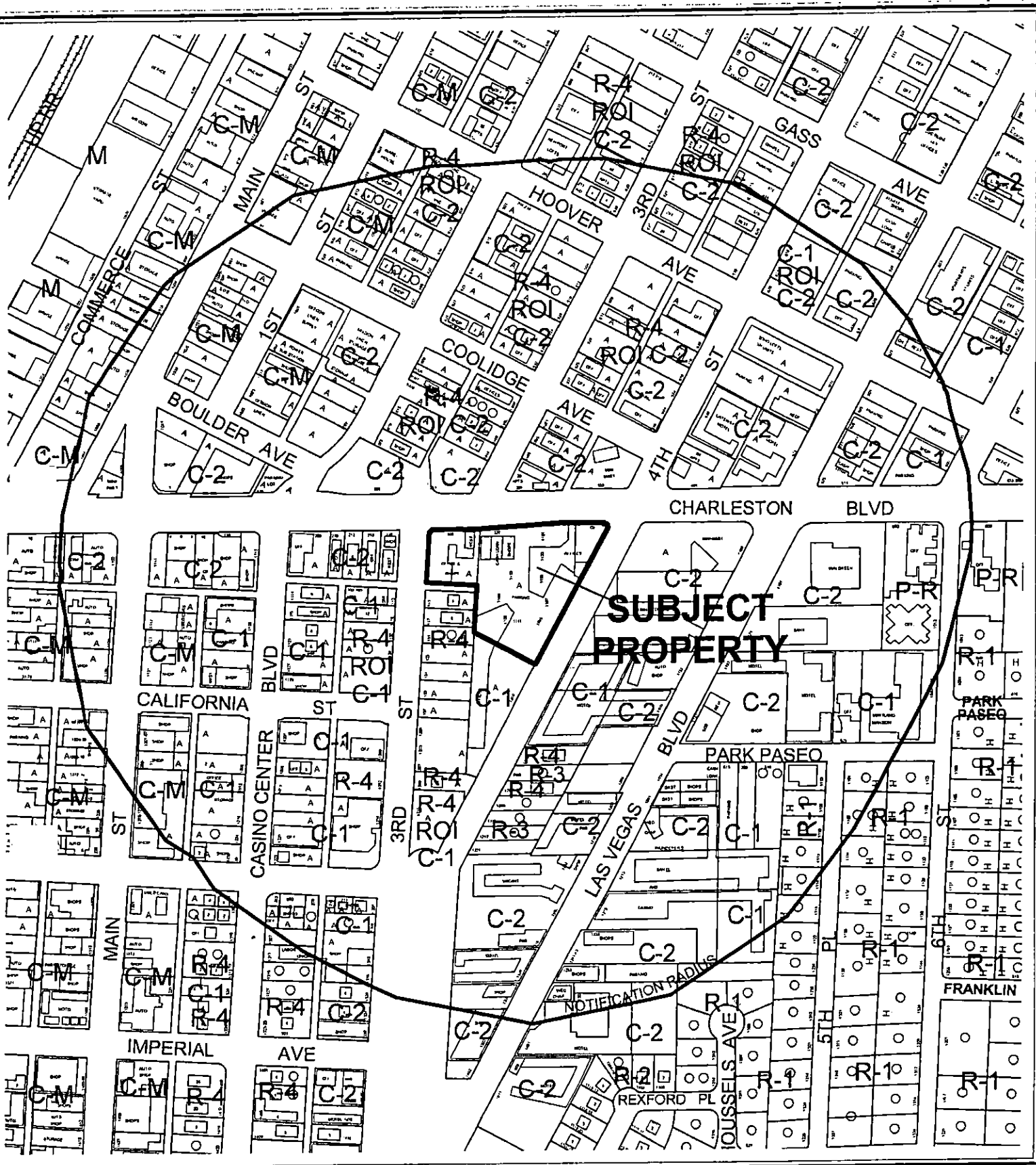
2-1538

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 55 – SUP-20519

CONDITIONS:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-20507), Vacation (VAC-20522) and Site Development Plan Review (SDR-20502) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.



CASE: **SUP-20519**

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL), C-2 (GENERAL COMMERCIAL), AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)

City of Las Vegas

AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 26, 2007

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: SUP-20519 - APPLICANT/OWNER: LIVEWORK, LLC

**** CONDITIONS ****

STAFF RECOMMENDATION: APPROVAL, subject to:

Planning and Development

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-20507), Vacation (VAC-20522) and Site Development Plan Review (SDR-20502) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SUP-20519 - Staff Report Page One
April 26, 2007 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request for a Special Use Permit for a Mixed-Use use for a 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units on 2.67 acres at southwest corner of West Charleston Boulevard and South 4th Street. This site is part of a larger project that includes a 120-foot high, 1,500 space automated parking structure with 12,000 square feet of ground level commercial space located at the northeast corner of South Casino Center Boulevard and Coolidge Avenue.

The subject proposal meets all Title 19.04 conditions for the Mixed-Use use. This use is compatible with the surrounding area and the proposed development is in keeping with the objectives and goals of the Downtown Centennial Plan; approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/18/95	The City Council Approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
12/20/95	The City Council Approved a Rezoning (Z-0093-95) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
04/03/96	The City Council granted the appeal of a Board of Zoning Adjustment denial thereby approving a Special Use Permit (U-0008-96) for a 14 foot by 24 foot Off-Premise Advertising (Billboard) Sign on the subject property.
10/01/03	The City Council Approved a Site Development Plan Review (SDR-2784) 12,103 square foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval.
04/26/07	Companion items for a Rezoning (ZON-20507), Vacation (VAC-20522), and Site Development Plan Review (SDR-20502) will be heard concurrently with this item. The overall project covers a parking garage site also being reviewed concurrently with this item for a Site Development Plan Review (SDR-20492).

SUP-20519 - Staff Report Page Two
April 26, 2007 - Planning Commission Meeting

Related Building Permits/Business Licenses	
06/01/86	A business license for a Q13 (Law Firm or Law Office -- Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00709) was re-issued due to a change of location on 06/25/98 with no apparent Planning and Development review.
10/02/91	A business license for an I04 (Insurance Agent -- Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03034) was issued by Business Services on 11/08/91 and was re-issued due to a license re-classification on 02/27/04 with no apparent Planning and Development review.
02/11/94	A business license for a Q13 (Law Firm or Law Office -- Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00719) was issued by Business Services on 02/28/94 and was re-issued due to a change of location on 02/22/96 with no apparent Planning and Development review.
03/23/95	A business license for an I04 (Insurance Agent -- Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03035) was issued by Business Services on 04/21/95 with no apparent Planning and Development review.
05/25/95	A business license for an I04 (Insurance Agent -- Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-02273) was issued by Business Services on 06/02/95 with no apparent Planning and Development review.
08/12/96	A business license for a M01 (Maintenance Services: Janitorial -- Janitorial, cleaning, or maintenance services. Includes carpet cleaning and swimming pool/spa maintenance, but does not include contracting, lawn and landscape maintenance, construction cleanup, or tree trimming) category license was processed in by the Department of Finance and Business Services. This license (M01-05281) was issued by Business Services on 08/16/96 with no apparent Planning and Development review.

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01/15/97	A business license for a T07 (Travel & Ticket Agency – Any person in the business of purchasing and reserving hotel accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists or other persons) category license was processed in by the Department of Finance and Business Services. This license (T07-00541) was originally issued by Business Services on 02/04/97 and was re-issued due to a change of location on 09/25/98 with no apparent Planning and Development review.
12/19/97	A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01000) was re-issued due to a change of location on 03/03/04, with Planning and Development Department recording approval.
03/01/00	A business license for a M18 (Management or Marketing Service – Any person or firm that conducts budgeting, marketing or management counseling or consulting services for another) category license was processed in by the Department of Finance and Business Services. This license (M18-01877) was issued by Business Services on 03/15/00 with no apparent Planning and Development review. A “cease and desist” order was issued on this license on 04/16/07.
02/23/01	A business license for a T-12 (Answering Message Service – Any person who provides services such as telephone answering, forwarding, message taking, paging or voice mail services) category license was processed in by the Department of Finance and Business Services. This license (T12-00022) was issued by Business Services on 03/13/01 with no apparent Planning and Development review.
12/19/01	A business license for a T18 (Miscellaneous Telephone Sales/Service - A business which sells telephones, cellular phones, and other miscellaneous accessories) category license was processed in by the Department of Finance and Business Services. This license (T18-00489) was issued by Business Services on 01/08/02 with no apparent Planning and Development review.
03/26/02	A business license for a F02 (Finance Company – Any person other than a bank, mortgage company, savings and loan, credit union, trust company or pawnbroker, who is licensed or required to be licensed under NRS 675 in order to lend money to others for profit or to hold himself out to the public) category license was processed in by the Department of Finance and Business Services. This license (F02-00267) was issued by Business Services on 05/30/02 with no apparent Planning and Development review.
05/22/03	A business license for an A23 (Bookkeeper – Any business or person, other than a certified public accountant or public accountant, engaged in providing the service of recording the accounts, transactions or preparation of tax returns on behalf of another business or person) category license was processed in by the Department of Finance and Business Services. This license (A23-01994) was issued by Business Services on 06/06/03 with no apparent Planning and Development review.

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April 26, 2007 - Planning Commission Meeting

06/13/03	A business license for a M21 (Merchandise Broker – Any person who acts as an agent for others in negotiating contracts, purchases, the sale of goods, wares or services and who does not take possession of the merchandise) category license was processed in by the Department of Finance and Business Services. This license (M21-00682) was issued by Business Services on 06/25/03 with no apparent Planning and Development review.
01/05/05	A business license for a F11 (Specialty Food Store – For retail stores selling specialty foods such as See's Candy, Hickory Farms, and ethnic food stores such as oriental markets, etc.) category license was processed in by the Department of Finance and Business Services. This license (F11-00113) was originally issued by Business Services on 01/25/05 and was re-issued due to a change of location on 08/14/06, with Planning and Development Department recording approval on 08/09/06.
04/18/05	A business license for a B20 (Business Support Service – Any business that performs for one or more other businesses a service that is performed internally to a business including billing, mailing, printing, customer service evaluations, process claims/paperwork) category license was processed in by the Department of Finance and Business Services. This license (B20-00916) was issued by Business Services on 06/10/05 with no apparent Planning and Development review. This license has been marked “out of business” as of 03/29/07.
08/12/05	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00290) was issued by Business Services on 09/02/05 with no apparent Planning and Development review.
09/19/05	A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00309) was issued by Business Services on 10/05/05, with Planning and Development Department recording approval on 09/21/05. This license has been marked “expired” as of 02/26/07.
08/25/06	A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00381) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.

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08/25/06	A business license for a Q20 (Interpreter/Translator – Interpreter/Translator Firm comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q20-00056) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.
10/23/06	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00972) was issued by Business Services on 11/15/06, with Planning and Development Department recording approval on 10/25/06.
02/10/07	A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01968) was issued by Business Services on 03/14/07 with no apparent Planning and Development review.
Pre-Application Meeting	
03/01/07	A pre-application meeting was held and elements of this application were discussed. Requirements for the Arts District of the Downtown Centennial Plan were discussed, including the proposed parking alternative. Submittal requirements were discussed.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
03/22/07	The Department of Planning and Development conducted a site visit that found that this was a developed site that encompassed multiple existing buildings. It was also noted that there is an off-premise (billboard) sign on the site that would also be removed to make way for this project. It was noted that the alley that this project requests to vacate appears to be the only vehicular entrance to the residential property to the south of the alleyway.

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April 26, 2007 - Planning Commission Meeting

Details of Application Request	
Site Area	
Net Acres	2.67

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	General Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
North	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	C (Commercial)	C-2 (General Commercial)
	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
East	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Mini-Storage Facility	C (Commercial)	C-2 (General Commercial)
	Hotel, Motel or Hotel Suites	C (Commercial)	C-1 (Limited Commercial)
West	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	MXU (Mixed Use)	C-1 (Limited Commercial)
			R-4 (High Density Residential)

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April 26, 2007 - Planning Commission Meeting

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y
Project of Regional Significance		X	n/a

ANALYSIS

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a C (Commercial) land use designation. The C (Commercial) designation allows uses comparable to the following land use categories: O (Office), SC (Service Commercial), and GC (General Commercial). The proposed uses are in compliance with the land use designation.

There is a Rezoning (ZON-20507) proposed to change the zoning of the subject site where one of the parcels comprising the development is zoned C-1 (Limited Commercial) and the remaining parcel is zoned P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial). The existing and proposed uses established at this location are permissible in a C-1 (Limited Commercial) zoning district which is compatible with the C (Commercial) General Plan designation.

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the C (Commercial) designation.

This site is within the Live/Work Overlay district. The mixed-use nature of the proposed development will offer employment and housing options on-site; however, the project does not include any live/work units as outlined in Title 19.06.130.

The project area is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the 18b The Las Vegas Arts District. This district, which is within the bounds of the Downtown South district, is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with it's own unique design standards. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

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April 26, 2007 - Planning Commission Meeting

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

The site encompasses two parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision there will need to be a tentative map review and final map technical review prior to any building permits being issued.

Minimum Requirements of Approval for a Mixed-Use Development use in the proposed C-1 (Limited Commercial) zoning district are:

1. Residential uses permitted as of right in the R-3 and R-4 Zoning Districts may be permitted by means of Special Use Permit within a P-R, N-S, O, C-1, C-2, or C-PB Zoning District.
2. Nonresidential uses permitted as of right in the P-R, N-S, O, and C-1 Zoning Districts may be permitted by means of Special Use Permit within an R-3 or R-4 Zoning District.
3. When residential and nonresidential uses are approved for a single parcel:
 - a. 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; and
 - b. 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.

This special use permit has been submitted in conjunction with a proposed Rezoning (ZON-20507) to consolidate the sites existing P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) zoning designations to just C-1 (Limited Commercial); Site Development Plan Review (SDR-20502) to site a proposed 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units; Vacation (VAC-20522) to vacate a public right-of-way and access easement; and Site Development Plan Review (SDR-20492) to site an off-site, 120-foot high, 1,500 space automated parking structure with 12,000 square feet of ground level commercial space.

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April 26, 2007 - Planning Commission Meeting

The proposed mixed-use use meets the minimum requirements of approval per Title 19.04. Due to the compatibility of this use with the surrounding present and future land use designations, staff is recommending approval of this special use permit.

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 be significantly impacted by the adjacent land uses. The Centennial Plan seeks a broad diversity of uses in the downtown area, and states that integrating a successful residential community adjacent to the Downtown is vital to the success of 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 412 units per acre, which is appropriate for an urban 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.”**

South 4th Street will be the principal vehicular access point for the development, with egress to South 3rd Street to the west. The site also abuts West Charleston Boulevard, which will most likely be used by pedestrians patronizing the ground-floor commercial businesses. The site has excellent access to public transportation, 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.

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April 26, 2007 - Planning Commission Meeting

5. The use meets all of the applicable conditions per Title 19.04.

The proposed mixed use development meets all minimum conditions of Title 19.04 with approval of this action.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 297 [Mailed with ZON-20507, SDR-20492, and SDR-20502]

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SUP-20519** APN: 162-03-115-001,002
Name of Property Owner: LIVEWORK, LLC
Name of Applicant: LIVEWORK, LLC
Name of Representative: APTUS ARCHITECTURE

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: _____

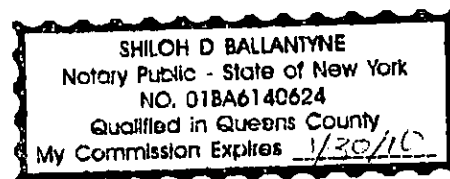
Signature of Property Owner: 

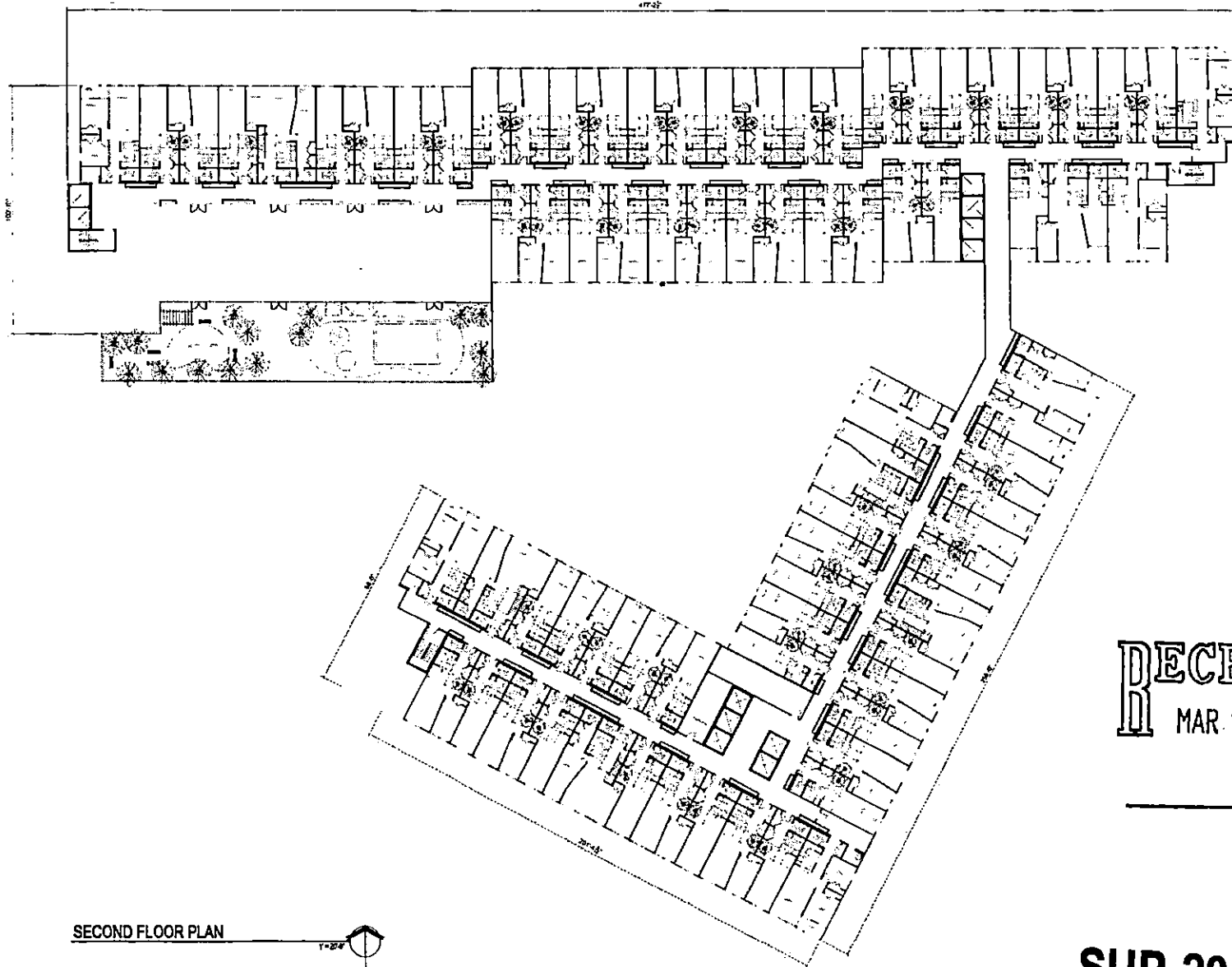
Print Name: David Mitchell

Subscribed and sworn before me

This 9 day of March, 2011

Shiloh D Ballantyne
Notary Public in and for said County and State





RECEIVED
MAR 13 2007

SECOND FLOOR PLAN



April 6, 2007

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

**APN: 162-03-115-001 and 002
139-34-410-056, 057, 058 and 059**

Re:

- a. Rezoning
- b. Site Development Review
- c. Special Use Permit for Mixed Use
- d. Vacation for alley and public access easement off of 3rd Street and 3rd Place
- e. Waiver of Required Stepbacks

To Whom It May Concern:

We respectfully submit this application for a Rezoning, Site Development Review, Special Use Permit and a Vacation for the alley and public access easement for the project now known as "Aquarius Residences". This is a mixed use project containing ground floor commercial, live work units and condominium residences above the ground floor at the southwest corner of Charleston and Fourth Street. All of the parking except for required residential handicap parking for this project will be located in an automated parking structure on the Southeast Corner of Casino Center and Coolidge. These parcels are currently zoned P-R, C-1 and C-2 and are in the Downtown Centennial Plan. We are also requesting that two portions of the principle parcel # 162-03-115-001 be rezoned to C-1 to eliminate the split zoning and to provide continuity throughout the Charleston and 4th Street site.

The project is a mixed-use 12 story project and will be 160' feet in height. The ground floor will have 70,000 SF (58,000 SF at the Charleston site and 12,000 SF at the Casino Center site) of commercial space. Public parking for the Charleston and 4th Street portion of the retail is not provided on site in the attempt to create a walk-able corridor within the downtown area. To create and maintain a thriving urban community, retailers need pedestrian traffic passing by their establishments. With this project, we are promoting a walking lifestyle that is guided by the location of the residence in relation to the vehicle. The walking route between the two is less than ¼ mile. In addition, the new downtown BRT (bus rapid transit) will make it's way south on Casino Center with a stop at Coolidge (our parking structure site) and have a new route directly across Charleston tying into 3rd Street with another stop at the west side of our development. The traffic signal will be relocated from Charleston and Casino Center to Charleston and 3rd, which will further invite pedestrian and public transportation to travel in between our two sites.

For the Casino Center and Coolidge site, ingress and egress into the parking will be off of the alley which intersects Coolidge Avenue. The parking structure is fully automated and is not-occupied. There will be 1500 parking spaces inside the structure. The spaces will be for the residents of the Aquarius Condominium Residences and for residents and employees of the Arts District and the general downtown area. There will be ground floor commercial along Casino Center which could also tie into additional gallery space for the growing Arts District. The intent of the design of the parking structure is to become a living canvas to display art and movies and to help bring the arts district to the next level.

We are requesting a vacation of the 20' service alley directly off of 3rd Street, just south of Charleston. This will become the west end of the vehicular access for the project, with another ingress/egress off of 4th Street. Off of this new vehicular access will be drop off areas for residents, handicap parking,

and service loading and unloading. We are also requesting a vacation for the public access easement and public right of way off of 3rd Place. The new development will cover this area to give a strong retail presence along Charleston.

The Charleston and 4th Street Site will have stone veneer and insulated glazing at the ground level retail portion of the building, transitioning to a cementitious preformed panel for the upper stories. There are also glass railings at the residential balconies. We are asking for a waiver of the required stepbacks for both sites due to the nature of the building systems used. All mechanical equipment will be fully screened from view.

All work along Charleston will be submitted and approved through Nevada Department of Transportation. The existing sewer easements running through the Charleston and 4th Street site will be removed and relocated.

The owner desires to provide much needed and obtainable rental housing within the downtown area of the city. To compliment approximately 1,100 condominium residences for rent will be almost 70,000 square feet of commercial space. This residential and commercial development will be an asset to the City of Las Vegas by helping to spur additional revitalization and reinforcing redevelopment in an area which has already begun a transformation.

We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. We hope that you will join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,



Kristen G. Neuman, AIA
APTUS Architecture

SUP-20519
REVISED
04/26/07 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 26, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

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

SUBJECT:

SDR-20492 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-20507 AND SUP-20519 - PUBLIC HEARING - APPLICANT: LIVEWORK, LLC - OWNER: LEAH PROPERTY, LLC - Request for a Site Development Plan Review FOR A 120-FOOT HIGH 1,500 SPACE PARKING STRUCTURE WITH 12,000 SQUARE FEET OF GROUND FLOOR COMMERCIAL on 0.63 acres at the northeast corner of Casino Center Boulevard and Coolidge Avenue (APNs 139-34-410-056, 057, 058 and 059), C-2 (General Commercial) Zone and R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone, Ward 3 (Reese).

C.C.: 05/16/07

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends **APPROVAL**.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

STEINMAN – APPROVED subject to conditions – **UNANIMOUS** with **TRUESDELL** abstaining since he owns an interest in property within the notice area

To be heard by City Council on 6/6/2007

MINUTES:

See Item 54 for related discussion and backup.

(8:35 – 9:01)
2-1538

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 56 – SDR-20492

CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (Z-0100-64) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, date stamped 04/06/07, and the landscape plan and building elevations, date stamped 03/13/07, except as amended by conditions herein.
4. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
5. All proposed signage locations as depicted on the building elevations, date stamped 03/13/07, must be for on-premise advertising only. Off-premise advertising signs will require separate approval through the Special Use Permit application process. All signage must meet the applicable requirements of the Downtown Centennial Plan and Title 19. All signage requires the issuance of a building permit.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: all tree heights are to be included in the landscape legend to ensure compliance with the Downtown Centennial Plan's minimum streetscape standards.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 56 – SDR-20492

CONDITIONS – Continued:

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

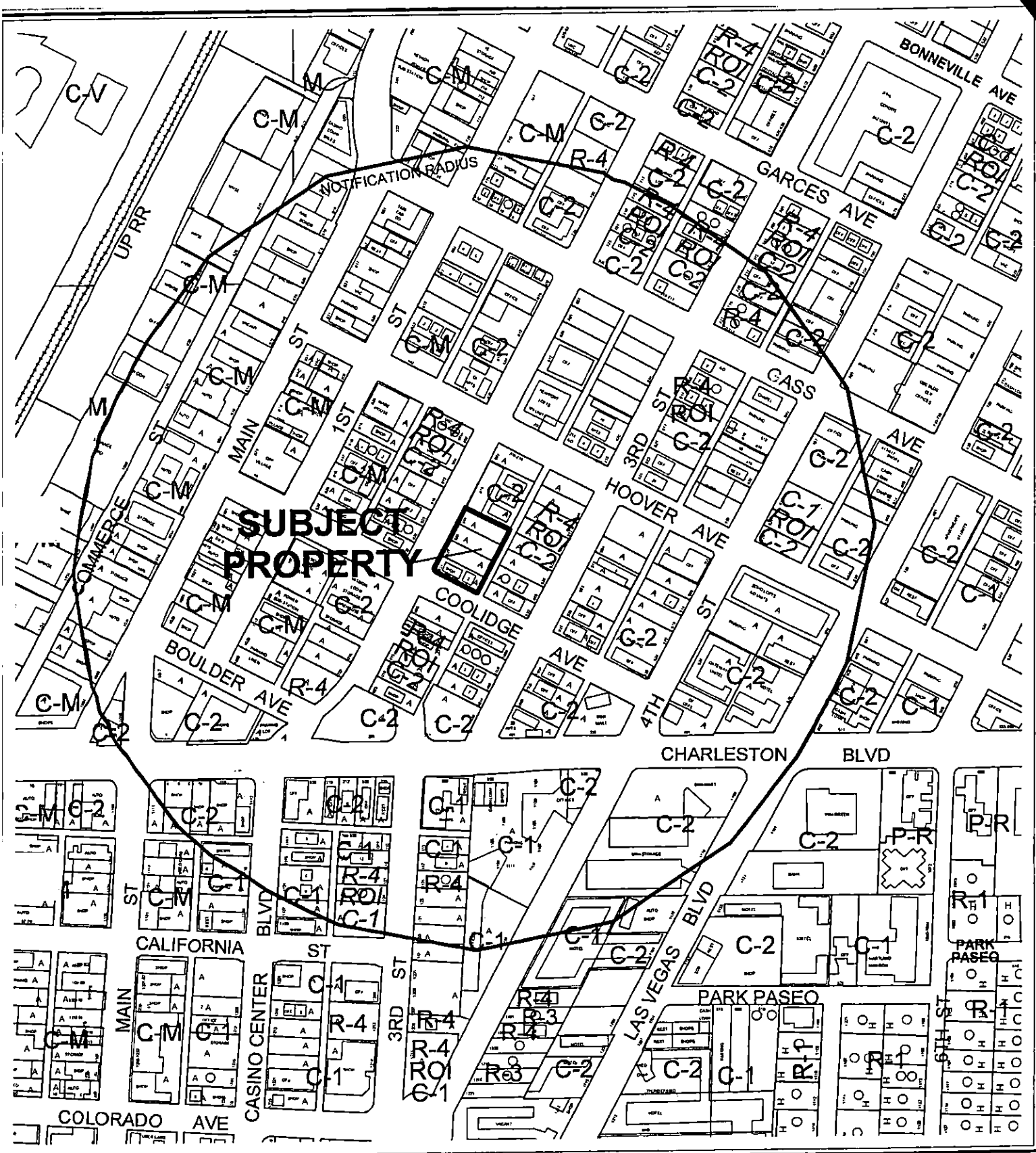
Public Works

17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Casino Center/3rd Street Realignment Project, Casino Center Bus Rapid

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 56 – SDR-20492

CONDITIONS – Continued:

- Transit Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval herein.
 19. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
 20. Landscape and maintain all unimproved rights-of-way, if any, on Casino Center Boulevard and Coolidge Avenue adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
 21. Submit an Encroachment Agreement for all landscaping, if any, located in the Casino Center Boulevard and Coolidge Avenue public right-of-way adjacent to this site prior to occupancy of this site.
 22. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from Coolidge Avenue. Revise the on-site circulation pattern to ingress from the alley and egress onto Coolidge Avenue.
 23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.



CASE: SDR-20492

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

**R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2
(GENERAL COMMERCIAL)**





0 500 Feet

CASE: SDR-20492

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-4 (HIGH DENSITY RESIDENTIAL) UNDER RESOLUTION OF INTENT TO C-2
(GENERAL COMMERCIAL)



*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 26, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-20492 - APPLICANT/OWNER: LIVEWORK, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL**, subject to:**Planning and Development**

1. Conformance to the Conditions of Approval for Rezoning (Z-0100-64) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, date stamped 04/06/07, and the landscape plan and building elevations, date stamped 03/13/07, except as amended by conditions herein.
4. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
5. All proposed signage locations as depicted on the building elevations, date stamped 03/13/07, must be for on-premise advertising only. Off-premise advertising signs will require separate approval through the Special Use Permit application process. All signage must meet the applicable requirements of the Downtown Centennial Plan and Title 19. All signage requires the issuance of a building permit.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: all tree heights are to be included in the landscape legend to ensure compliance with the Downtown Centennial Plan's minimum streetscape standards.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.

RTS

SDR-20492 - Conditions Page Two
April 26, 2007 - Planning Commission Meeting

8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

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Public Works

17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Casino Center/3rd Street Realignment Project, Casino Center Bus Rapid Transit Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval herein.
19. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
20. Landscape and maintain all unimproved rights-of-way, if any, on Casino Center Boulevard and Coolidge Avenue adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. Submit an Encroachment Agreement for all landscaping, if any, located in the Casino Center Boulevard and Coolidge Avenue public right-of-way adjacent to this site prior to occupancy of this site.
22. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from Coolidge Avenue. Revise the on-site circulation pattern to ingress from the alley and egress onto Coolidge Avenue.
23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.

SDR-20492 - Staff Report Page One
April 26, 2007 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review for a proposed 120-foot high, 1,500 space automated parking structure with 12,000 square feet of ground level commercial space on 0.63 acres at northeast corner of South Casino Center Boulevard and Coolidge Avenue. This site is part of a larger project that includes a 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units located at the southwest corner of West Charleston Boulevard and South 4th Street.

The applicant indicates that the unique parking arrangement offered by the off-site nature of this automated parking structure will help generate the urban walking lifestyle that is called for in this area. It is the applicant's belief that the pedestrian traffic to and from the proposed mixed-use development will help the ground level commercial spaces thrive in both locations. The proposed development and potential uses are appropriate for the R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) and C-2 (General Commercial) zoning districts and approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
12/16/64	The City Council approved a Rezoning (Z-0100-64) to reclassify property, including the subject parcels, in the area generally bounded by Main Street, Bonanza Road, Las Vegas Boulevard and Charleston Boulevard from R-1 (Single Family Residential), R-4 (High Density Residential), C-1 (Limited Commercial) and C-V (Civic) to C-2 (General Commercial).
12/05/78	The Board of Zoning Adjustment denied a Variance request (V-0095-78) that would have allowed 10 parking spaces where 29 parking spaces were required for a 29-unit apartment building.
09/23/04	The Planning Commission approved a Site Development Plan Review (SDR-4999) for a proposed 153,100 square foot mixed-use development on 1.38 acres adjacent to the north side of Coolidge Avenue, between Casino Center Boulevard and 3 rd Street. Staff recommended approval.
04/26/07	The overall project includes the mixed-use development site also being reviewed concurrently with this item for a Rezoning (ZON-20507), Special Use Permit (SUP-20519), Vacation (VAC-20522), and Site Development Plan Review (SDR-20502).

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April 26, 2007 - Planning Commission Meeting

Related Building Permits/Business Licenses	
11/04/83	A business license for a G04 (Gifts and Novelties – The sale of ornamental gifts and novelties, ie, statues, clocks, souvenirs, plaques, etc) category license was processed in by the Department of Finance and Business Services and the license (G04-01039) was issued with no apparent Planning and Development review.
02/12/03	A business license for an R23 (Recreational Instruction or Lessons – Any business that provides the service of instruction, ice skating lessons, etc., and tutoring English, math, or any subject that does not require state license per NRS 394) category license was processed in by the Department of Finance and Business Services and the license (R23-00010) was re-issued due to a license re-classification with no apparent Planning and Development review.
Pre-Application Meeting	
03/01/07	A pre-application meeting was held and elements of this application were discussed. Requirements for the Arts District of the Downtown Centennial Plan were discussed, including the proposed parking alternative. Submittal requirements were discussed.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
03/22/07	The Department of Planning and Development conducted a site visit that found that this was a partially developed site that encompassed existing buildings and vacant land.

Details of Application Request	
Site Area	
Net Acres	0.63

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	General Retail, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial) Zone and
	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone
North	Multi-Family Residential	MXU (Mixed Use)	C-2 (General Commercial)

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April 26, 2007 - Planning Commission Meeting

South	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone
East	Office, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)
	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone
	Undeveloped	MXU (Mixed Use)	R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone
West	Office, Other Than Listed	MXU (Mixed Use)	C-2 (General Commercial)
	Multi-Family Residential	MXU (Mixed Use)	R-4 (High Density Residential) Zone under Resolution of Intent to C-2 (General Commercial) Zone

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment		X	n/a
Project of Regional Significance		X	n/a

DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan, the following development standards apply to the subject proposal:*

RTS

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Standard	Provided	Compliance
Min. Lot Size	27,443 SF	Y
Min. Setbacks		
• Front (Coolidge Avenue)	0 Feet	Y
• Side	0 Feet	Y
• Corner (Charleston Boulevard)	0 Feet	Y
• Rear (4 th Street)	0 Feet	Y
Max. Lot Coverage	99.8%	Y
Max. Building Height	120 Feet	Y
Mech. Equipment	Screened	Y

- * 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.

Pursuant to the Downtown Centennial Plan, the following residential adjacency standards apply to the subject proposal:*

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	360 Feet	0 Feet	Y*
Adjacent development matching setback	20 Feet	0 Feet	Y*

- * Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Title 19.08.060 (Residential Adjacency Standards).

Pursuant to the Downtown Centennial Plan, the following landscape and buffer standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	n/a	0 Trees	0 Trees	Y
TOTAL			0 Trees for On-site 11 Trees for Streetscape	Y
Min. Zone Width	n/a		0 Feet	Y
Landscape Area Required	n/a		0 SF	Y

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Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:

Streetscape Standards	Required	Provided	Compliance
East/West Street (Coolidge Avenue)	1 Shade Tree @ 15-20' O.C. Maximum (min. 24" box) 5 Shade Trees	5 Shade Trees (36" box)	Y
North/South Street (South Casino Center Boulevard)	1 Palm Tree @ 30' O.C. Maximum (min. 25' height) 6 Palm Trees	6 Palm Trees (36" box; no height listed)	Y*
Right-of Way Improvements:	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Y

- * A condition of approval has been added the revised technical landscape plan is required to have tabulated all tree heights along with the quantities and sizes.

Pursuant to Title 19.04 and 19.10, the following parking standards apply:*

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
General Retail, Other Than Listed	12,000 SF GFA	1 / 175 SF	66 Spaces	3 Spaces	1,500 Spaces	0 *** Spaces	
TOTAL (including handicap)			69 Spaces		1,500 Spaces		Y **

- * Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements.

- ** It is the intention of the applicant that this location provide parking for the proposed mixed-use development two blocks south at East Charleston Boulevard and South 4th Street. This portion of the overall project proposal is being heard as a companion Site Development Plan Review (SDR-20502).

- *** The proposed parking structure is an automated facility and has no designated location for handicap accessible parking. There is an attendant proposed to be on duty at the facility to assist patrons with the system.

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ANALYSIS

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a MXU (Mixed Use) land use designation. The MXU (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), and GC (General Commercial). The proposed uses are in compliance with the land use designation.

There is an existing resolution of intent in effect for three of the four parcels that make up this site. A Rezoning (Z-0100-64) approved the intent to change the zoning of the subject site of which one of the parcels comprising the development has hard zoned C-2 (Limited Commercial). The remaining parcels are zoned R-4 (High Density Residential) under Resolution of Intent to C-2 (General Commercial). The proposed uses established at this location are permissible in a C-2 (General Commercial) zoning district which is compatible with the MXU (Mixed Use) General Plan designation.

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a MXU (Mixed Use) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the MXU (Mixed Use) designation.

This site is within the Live/Work Overlay district. The mixed-use nature of the primary site's proposed development will offer employment and housing options at that site; however, the project does not include any live/work units as outlined in Title 19.06.130.

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the 18b The Las Vegas Arts District. This district, which is within the bounds of the Downtown South district, is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with its own unique design standards. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan. Specifically, this parking structure incorporates ground level commercial space along the primary street frontage (South Casino Center Boulevard) as outlined in the standards for a parking structure within 18b The Las Vegas Arts District.

Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

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The site encompasses four parcels with the proposed building built across the lot lines. A condition has been added that prior to the issuance of any building or grading permits that a reversionary parcel map or administrative joining consolidating the parcels be recorded.

- **Site Plan**

The site plan is in compliance with the standards of the C-2 (General Commercial) zoning district and the Downtown Centennial Plan's 18b The Las Vegas Arts District standards. This location will service as the secondary site for a multi-site project that includes this parking structure and a mixed-use development on the primary location.

The site is located on the east side of South Casino Center Boulevard at the northeast corner of the intersection with Coolidge Avenue. This site consists of one developed and three undeveloped parcels of land in the city's Downtown South district.

The site plan illustrates one building that encompasses the entire project area. There is a proposed entrance to the facility off of the adjacent alleyway and exit on to Coolidge Avenue.

- **Landscape Plan**

As the proposed parking structure is built with zero setbacks the landscape plan depicts only the required streetscape landscaping required by the Downtown Centennial Plan. The landscaping provided in the amenity zone is depicted as having multiple tree species meeting the size standard minimums. The trees are planted approximately every 20 feet on center along both the north/south and east/west right-of-ways. Due to the parking being enclosed there is no parking lot related landscaping.

- **Elevations/Floor Plan**

The elevations depict a 120-foot high automated parking structure. It should be noted that both the west and south elevations depicts signage on the parking garage. A condition has been added requiring that this signage be for on-premise advertising only. Off-premise advertising signs will require separate approval. All signage must meet the applicable requirements of the Downtown Centennial Plan and Title 19. No setbacks are provided.

The materials and design of the building exteriors will match that of the proposed mixed-use development at the primary site. Materials used include metal veneer, sandstone veneer, cementations panels, and aluminum storefront. The building elevations illustrate a building of contemporary design.

The floor plan shows that there will be 12,000 square feet of tenantable commercial space fronting towards the South Casino Center Boulevard. The remaining space in the building will be devoted to the 1,500 space automated parking operation that is meant to serve the primary mixed-use development's commercial and residential parking needs; the onsite commercial parking needs; and unmet parking demand of area visitors.

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The site development plan review has been submitted in conjunction with applications for the principle development site, including: a proposed Rezoning (ZON-20507) to consolidate that site's existing P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) zoning designations to just C-1 (Limited Commercial); Vacation (VAC-20522) to vacate a public right-of-way and access easement; Special Use Permit (SUP-20429) to allow a mixed-use development with residential uses in the proposed C-1 (Limited Commercial) zoning district; and Site Development Plan Review (SDR-20502) to site a proposed 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units.

The proposed site development plan review is in conformance with the site's general plan designation and is appropriate for the proposed zoning district. The proposed parking structure meets the standards and objectives of The Downtown Centennial Plan and the request is compatible with the existing commercial and residential developments in the area, staff is in support of this site development plan review request.

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 building will be compatible with existing and proposed development in the immediate area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The development will be consistent with all code requirements.

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

The alleyway that runs between Hoover Avenue and Coolidge Avenue will be the vehicular access point for the parking structure, with egress to Coolidge Avenue. The site has excellent access to public transportation, which will assist in reducing the number of vehicle trips generated by the residents of the mixed-use development. This potential reduction in demand by the residents of the mixed-use development will allow the facility to provide structure parking to area visitors thus reducing the demand for surface parking in this downtown area.

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4. Building and landscape materials are appropriate for the area and for the City;

The proposed structure and landscape materials are appropriate for the area. Additionally, the landscape materials meet the types required for this area under the Downtown Centennial Plan.

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 proposed building elevations, design characteristics, and aesthetic features will continue to offer commercial opportunities as well as offer an additional parking option for downtown that will be harmonious and compatible with development in the area.

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

The proposed plan will not impact public health, safety or welfare since the development will be subject to City inspections during construction of the building as well routine business license inspections for the tenant commercial spaces.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 297 [Mailed with ZON-20507, SUP-20519, and SDR-20502]

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-20492** APN: 139-34-410-056, 057, 058, 059

Name of Property Owner: Leah Property, LLC

Name of Applicant: LIVEWORK, LLC

Name of Representative: APTUS ARCHITECTURE

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: _____

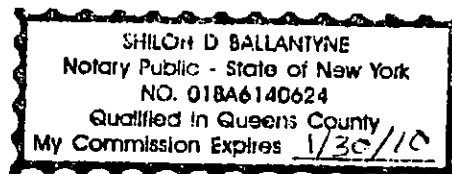
Signature of Property Owner: af

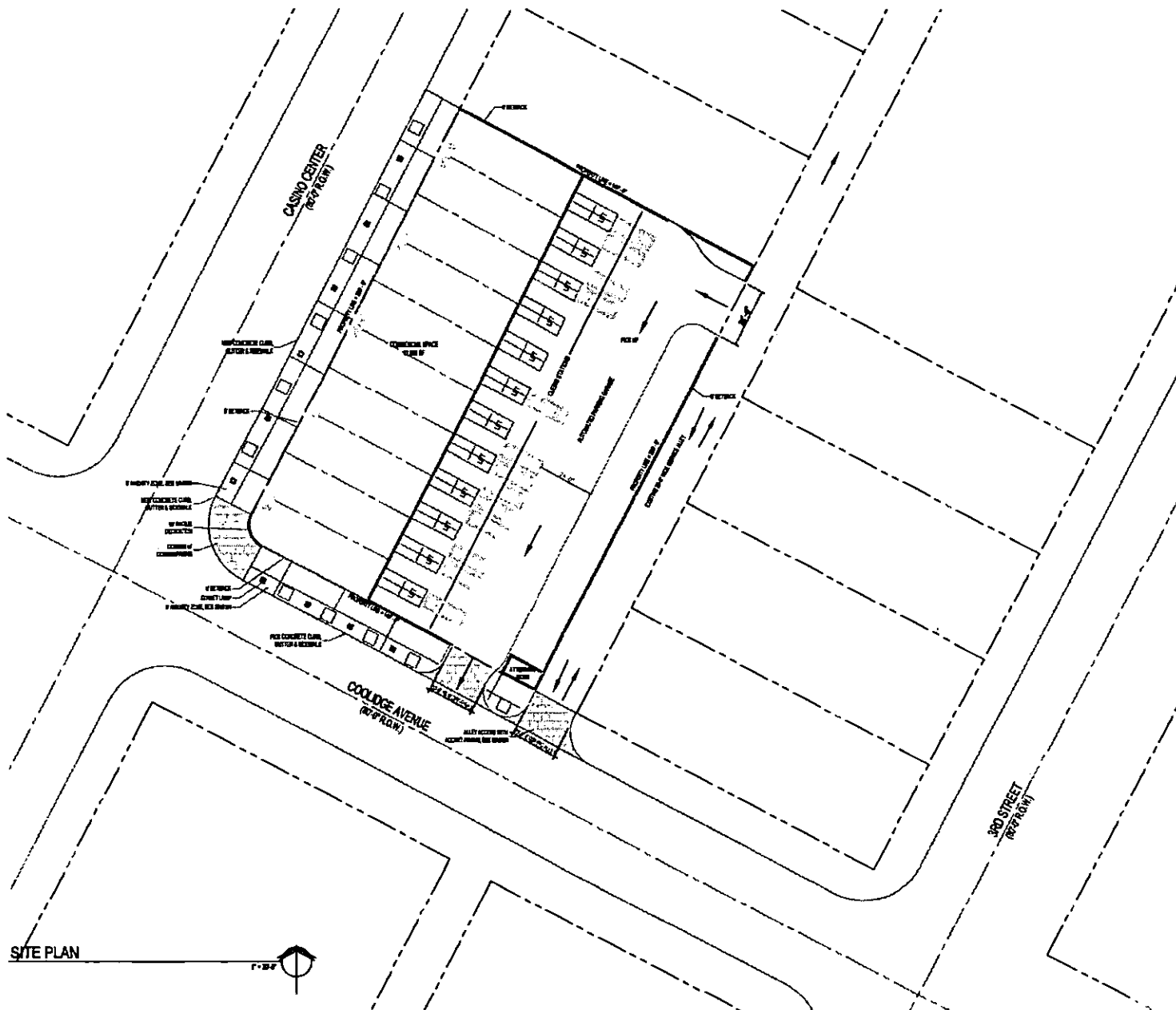
Print Name: David Mitchell

Subscribed and sworn before me

This 9 day of March, 2007

Sharon D Ballantyne
Notary Public in and for said County and State





LOCATION MAP

Site Zoning & Data

SITE DATA

PARCEL NUMBER	170-24-010-001-001-001
JURISDICTION	CITY OF LAS VEGAS, NEVADA
EXISTING ZONING	D-2
SITE AREA	2.2 ACRES 92,000 SQ. FT.

NETSQUARE - SUBDIVISION

PLANS	FEET	PLANS
PLAT	10.0	0.0
INTERIOR SIZE	10.0	0.0
SQ. FT. TOTAL	10.0	0.0
REAR	10.0	0.0

MAX. HEIGHT

ACTUAL HEIGHT	10.0
LOT COVERED BY BUILDING	10.0
ACTUAL LOT COVERED	10.0

BUILDING AREA

BUILDING AREA	10,000 SQ. FT.
PERMITTED BUILDING AREA	10,000 SQ. FT.
TOTAL	10,000 SQ. FT.

PARKING COUNTS

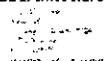
PARKING COUNTS	1000 SPACES

SITE PLAN



Aquarius Parking
 Site Development Review
 Casino Center and Coolidge Ave.
 Las Vegas, Nevada 89104

APTUSIA Architecture

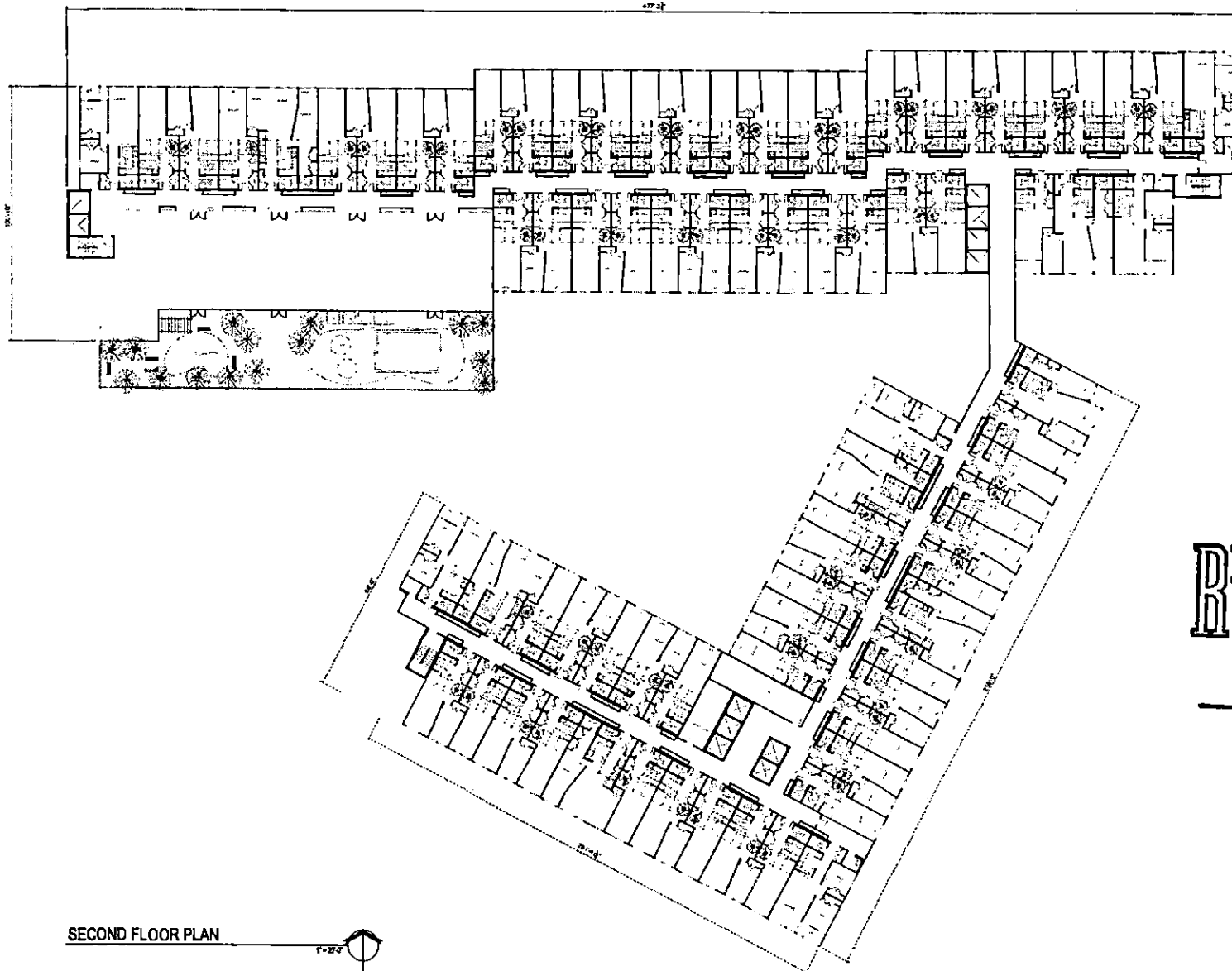


City of Las Vegas, NV
 City of Las Vegas, NV
 City of Las Vegas, NV

SITE PLAN

AS102

26.177 L.F. Land Parcel



RECEIVED
MAR 13 2007

SECOND FLOOR PLAN



APN

April 6, 2007

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

APN: 162-03-115-001 and 002
139-34-410-056, 057, 058 and 059

Re:

- a. Rezoning
- b. Site Development Review
- c. Special Use Permit for Mixed Use
- d. Vacation for alley and public access easement off of 3rd Street and 3rd Place
- e. Waiver of Required Stepbacks

To Whom It May Concern:

We respectfully submit this application for a Rezoning, Site Development Review, Special Use Permit and a Vacation for the alley and public access easement for the project now known as "Aquarius Residences". This is a mixed use project containing ground floor commercial, live work units and condominium residences above the ground floor at the southwest corner of Charleston and Fourth Street. All of the parking except for required residential handicap parking for this project will be located in an automated parking structure on the Southeast Corner of Casino Center and Coolidge. These parcels are currently zoned P-R, C-1 and C-2 and are in the Downtown Centennial Plan. We are also requesting that two portions of the principle parcel # 162-03-115-001 be rezoned to C-1 to eliminate the split zoning and to provide continuity throughout the Charleston and 4th Street site.

The project is a mixed-use 12 story project and will be 160' feet in height. The ground floor will have 70,000 SF (58,000 SF at the Charleston site and 12,000 SF at the Casino Center site) of commercial space. Public parking for the Charleston and 4th Street portion of the retail is not provided on site in the attempt to create a walk-able corridor within the downtown area. To create and maintain a thriving urban community, retailers need pedestrian traffic passing by their establishments. With this project, we are promoting a walking lifestyle that is guided by the location of the residence in relation to the vehicle. The walking route between the two is less than ¼ mile. In addition, the new downtown BRT (bus rapid transit) will make it's way south on Casino Center with a stop at Coolidge (our parking structure site) and have a new route directly across Charleston tying into 3rd Street with another stop at the west side of our development. The traffic signal will be relocated from Charleston and Casino Center to Charleston and 3rd, which will further invite pedestrian and public transportation to travel in between our two sites.

For the Casino Center and Coolidge site, ingress and egress into the parking will be off of the alley which intersects Coolidge Avenue. The parking structure is fully automated and is not-occupied. There will be 1500 parking spaces inside the structure. The spaces will be for the residents of the Aquarius Condominium Residences and for residents and employees of the Arts District and the general downtown area. There will be ground floor commercial along Casino Center which could also tie into additional gallery space for the growing Arts District. The intent of the design of the parking structure is to become a living canvas to display art and movies and to help bring the arts district to the next level.

We are requesting a vacation of the 20' service alley directly off of 3rd Street, just south of Charleston. This will become the west end of the vehicular access for the project, with another ingress/egress off of 4th Street. Off of this new vehicular access will be drop off areas for residents, handicap parking,

SDR-20492

REVISED

04/26/07 PC

and service loading and unloading. We are also requesting a vacation for the public access easement and public right of way off of 3rd Place. The new development will cover this area to give a strong retail presence along Charleston.

The Charleston and 4th Street Site will have stone veneer and insulated glazing at the ground level retail portion of the building, transitioning to a cementitious preformed panel for the upper stories. There are also glass railings at the residential balconies. We are asking for a waiver of the required stepbacks for both sites due to the nature of the building systems used. All mechanical equipment will be fully screened from view.

All work along Charleston will be submitted and approved through Nevada Department of Transportation. The existing sewer easements running through the Charleston and 4th Street site will be removed and relocated.

The owner desires to provide much needed and obtainable rental housing within the downtown area of the city. To compliment approximately 1,100 condominium residences for rent will be almost 70,000 square feet of commercial space. This residential and commercial development will be an asset to the City of Las Vegas by helping to spur additional revitalization and reinforcing redevelopment in an area which has already begun a transformation.

We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. We hope that you will join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read 'Kristen G. Neuman', with a stylized, flowing script.

Kristen G. Neuman, AIA
APTUS Architecture

SDR-20492
REVISED
04/26/07 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT

PLANNING COMMISSION MEETING OF: APRIL 26, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: M. MARGO WHEELER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

VAC-20522 - VACATION RELATED TO ZON-20507, SUP-20519, AND SDR-20492 - PUBLIC HEARING – APPLICANT/OWNER: LIVEWORK, LLC - Petition to Vacate a 20-foot service alley and access easement generally located east of 3rd Street commencing approximately 137 feet south of the southeast corner of 3rd Street and Charleston Boulevard, Ward 3 (Reese).

SET DATE: 05/02/07

C.C.: 05/16/07

PROTESTS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

2

APPROVALS RECEIVED BEFORE:

**Planning Commission Mtg.
City Council Meeting**

0

RECOMMENDATION:

Staff recommends **APPROVAL**.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Protest Letter

MOTION:

STEINMAN – APPROVED subject to conditions – Motion carried with **DUNNAM** voting **NO** and **TRUESDELL** abstaining since he owns an interest in property within the notice area

To be heard by City Council on 6/6/2007

MINUTES:

See Item 54 for related discussion and backup.

(8:35 – 9:01)

2-1538

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 57 – VAC-20522

CONDITIONS:

1. The limits of this Petition of Vacation shall be defined as the alley and public access easement located east of 3rd Street, south of Charleston Boulevard.
2. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including those properties not controlled by the applicant, so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. The plan shall also show how drivable access will continue to be provided to Assessors Parcel Number 162-03-110-002; the Order of Vacation shall not record until all issues regarding parcel access have been resolved. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
3. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation. If easements are required, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by ZON-20507 may be used to satisfy this requirement provided that it addresses the area to be vacated.
5. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.
6. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
7. All development shall be in conformance with code requirements and design standards of all City Departments.

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 57 – VAC-20522

CONDITIONS – Continued:

8. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
9. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

C-2
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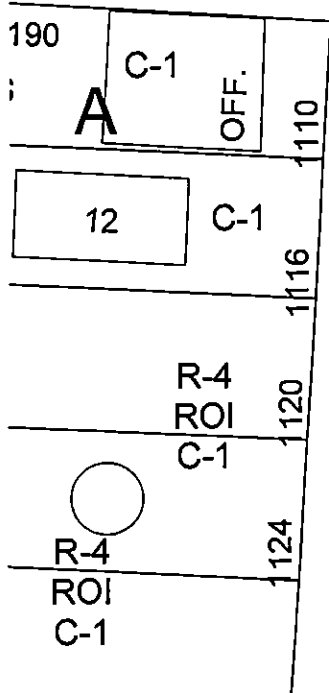
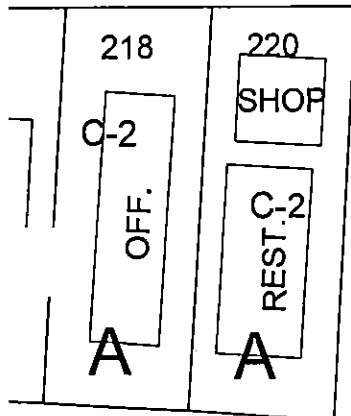
C-2

3RD ST

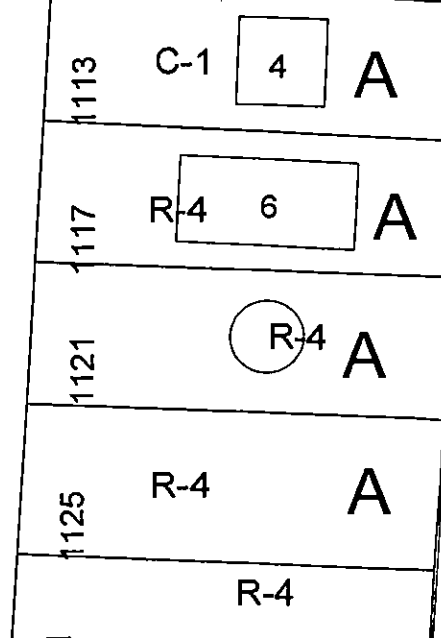
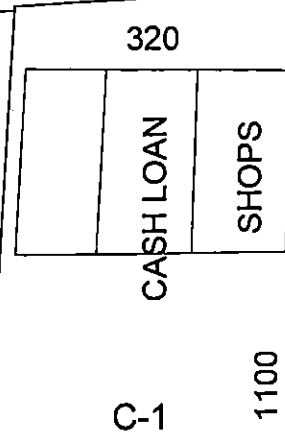
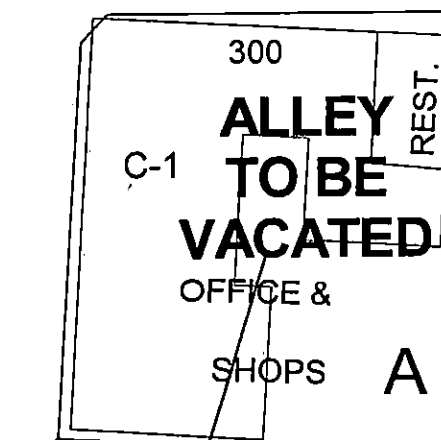
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APTS. C-2
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CHARLESTON BLVD

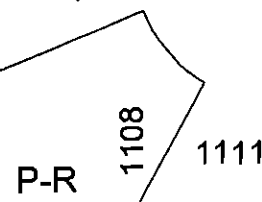
**PUBLIC ACCESS
EASEMENT TO
BE VACATED**



3RD ST



1100 PARKING

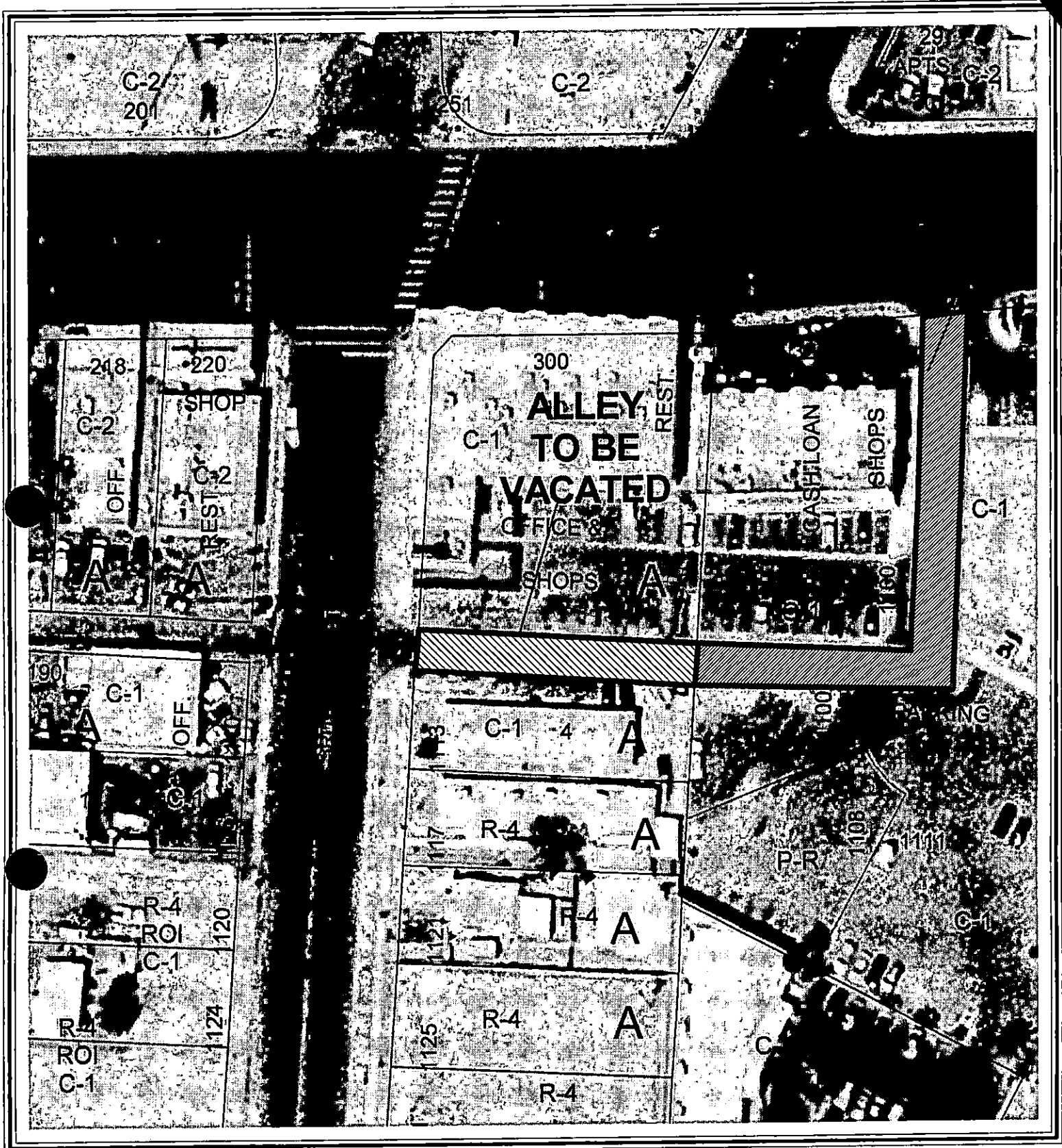


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0 50 100 Feet

CASE: VAC-20522





CASE: VAC-20522

0 50 100 Feet



*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 26, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: VAC-20522 - APPLICANT/OWNER: LIVEWORK, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL, subject to:**

1. The limits of this Petition of Vacation shall be defined as the alley and public access easement located east of 3rd Street, south of Charleston Boulevard.
2. Provide a plan showing how the right-of-way proposed to be vacated will be incorporated into the abutting properties, including those properties not controlled by the applicant, so that an un-maintained "no-man's land" area is not produced by this action. The required plan shall identify exactly who is responsible to reclaim each portion of right-of-way and exactly how the right-of-way will be reclaimed, and shall provide a schedule of when such reclamation will occur. The plan shall also show how drivable access will continue to be provided to Assessors Parcel Number 162-03-110-002; the Order of Vacation shall not record until all issues regarding parcel access have been resolved. Such plan shall be approved by the City Engineer prior to the recordation of the Order of Vacation or the submittal of any construction drawings adjacent to or overlying the area requested for vacation, whichever may occur first.
3. A sanitary sewer relocation/abandonment plan must be approved by the Department of Public Works. If relocation is proposed, the relocated sewer lines must be constructed and active prior to the recordation of the Order of Vacation. Alternatively, public sewer easements shall be retained through this Petition of Vacation. If easements are required, this Vacation may record in phases, to allow for future elimination of easements at the discretion of the City Engineer.
4. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of the Order of Vacation for this application. Appropriate drainage easements shall be reserved if recommended by the approved Drainage Plan/Study. The drainage study required by ZON-20507 may be used to satisfy this requirement provided that it addresses the area to be vacated.
5. All public improvements, if any, adjacent to and in conflict with this vacation application are to be modified, as necessary, at the applicant's expense prior to the recordation of an Order of Vacation.

RTS

VAC-20522 - Conditions Page Two
April 26, 2007 - Planning Commission Meeting

6. Reservation of easements for the facilities of the various utility companies together with reasonable ingress thereto and egress there from shall be provided if required.
7. All development shall be in conformance with code requirements and design standards of all City Departments.
8. The Order of Vacation shall not be recorded until all of the above conditions have been met provided, however, that modifications to public improvements may be fulfilled for purposes of recordation by providing sufficient security for the performance thereof in accordance with the Subdivision Ordinance of the City of Las Vegas. City Staff is empowered to modify this application if necessary because of technical concerns or because of other related review actions as long as current City right-of-way requirements are still complied with and the intent of the vacation application is not changed. If applicable, a five foot wide easement for public streetlight and fire hydrant purposes shall be retained on all vacation actions abutting public street corridors that will remain dedicated and available for public use. Also, if applicable and where needed, public easement corridors and sight visibility or other easements that would/should cross any right-of-way being vacated must be retained.
9. If the Order of Vacation is not recorded within one (1) year after approval by the City of Las Vegas or an Extension of Time is not granted by the Planning Director, then approval will terminate and a new petition must be submitted.

VAC-20522 - Staff Report Page One
April 26, 2007 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This application is a request for a Vacation of a 20-foot wide public alleyway and access easement generally located east of South 3rd Street commencing approximately 137 feet south of the southeast corner of South 3rd Street and East Charleston Boulevard. This application is being submitted to provide the necessary area for the siting of a proposed mixed use development on this site.

The applicant is proposing to vacate approximately 138 linear feet of the public alleyway that run to the south of the western of the two parcels that make up the project site. Further, the applicant is proposing to vacate approximately 294 linear feet of the public access easement that runs east from the end of the public alleyway and then runs north through the eastern of the two parcels that make up the project site. Approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/18/95	The City Council Approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
12/20/95	The City Council Approved a Rezoning (Z-0093-95) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
04/03/96	The City Council granted the appeal of a Board of Zoning Adjustment denial thereby approving a Special Use Permit (U-0008-96) for a 14 foot by 24 foot Off-Premise Advertising (Billboard) Sign on the subject property.
10/01/03	The City Council Approved a Site Development Plan Review (SDR-2784) 12,103 square foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval.
04/26/07	Companion items for a Rezoning (ZON-20507), Special Use Permit (SUP-20519), and Site Development Plan Review (SDR-20502) will be heard concurrently with this item. The overall project covers a parking garage site also being reviewed concurrently with this item for a Site Development Plan Review (SDR-20492).

VAC-20522 - Staff Report Page Two
 April 26, 2007 - Planning Commission Meeting

Related Building Permits/Business Licenses	
06/01/86	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00709) was re-issued due to a change of location on 06/25/98 with no apparent Planning and Development review.
10/02/91	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03034) was issued by Business Services on 11/08/91 and was re-issued due to a license re-classification on 02/27/04 with no apparent Planning and Development review.
02/11/94	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00719) was issued by Business Services on 02/28/94 and was re-issued due to a change of location on 02/22/96 with no apparent Planning and Development review.
03/23/95	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03035) was issued by Business Services on 04/21/95 with no apparent Planning and Development review.
05/25/95	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-02273) was issued by Business Services on 06/02/95 with no apparent Planning and Development review.
08/12/96	A business license for a M01 (Maintenance Services: Janitorial – Janitorial, cleaning, or maintenance services. Includes carpet cleaning and swimming pool/spa maintenance, but does not include contracting, lawn and landscape maintenance, construction cleanup, or tree trimming) category license was processed in by the Department of Finance and Business Services. This license (M01-05281) was issued by Business Services on 08/16/96 with no apparent Planning and Development review.

VAC-20522 - Staff Report Page Three
April 26, 2007 - Planning Commission Meeting

01/15/97	A business license for a T07 (Travel & Ticket Agency – Any person in the business of purchasing and reserving hotel accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists or other persons) category license was processed in by the Department of Finance and Business Services. This license (T07-00541) was originally issued by Business Services on 02/04/97 and was re-issued due to a change of location on 09/25/98 with no apparent Planning and Development review.
12/19/97	A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01000) was re-issued due to a change of location on 03/03/04, with Planning and Development Department recording approval.
03/01/00	A business license for a M18 (Management or Marketing Service – Any person or firm that conducts budgeting, marketing or management counseling or consulting services for another) category license was processed in by the Department of Finance and Business Services. This license (M18-01877) was issued by Business Services on 03/15/00 with no apparent Planning and Development review. A “cease and desist” order was issued on this license on 04/16/07.
02/23/01	A business license for a T-12 (Answering Message Service – Any person who provides services such as telephone answering, forwarding, message taking, paging or voice mail services) category license was processed in by the Department of Finance and Business Services. This license (T12-00022) was issued by Business Services on 03/13/01 with no apparent Planning and Development review.
12/19/01	A business license for a T18 (Miscellaneous Telephone Sales/Service - A business which sells telephones, cellular phones, and other miscellaneous accessories) category license was processed in by the Department of Finance and Business Services. This license (T18-00489) was issued by Business Services on 01/08/02 with no apparent Planning and Development review.
03/26/02	A business license for a F02 (Finance Company – Any person other than a bank, mortgage company, savings and loan, credit union, trust company or pawnbroker, who is licensed or required to be licensed under NRS 675 in order to lend money to others for profit or to hold himself out to the public) category license was processed in by the Department of Finance and Business Services. This license (F02-00267) was issued by Business Services on 05/30/02 with no apparent Planning and Development review.
05/22/03	A business license for an A23 (Bookkeeper – Any business or person, other than a certified public accountant or public accountant, engaged in providing the service of recording the accounts, transactions or preparation of tax returns on behalf of another business or person) category license was processed in by the Department of Finance and Business Services. This license (A23-01994) was issued by Business Services on 06/06/03 with no apparent Planning and Development review.

VAC-20522 - Staff Report Page Four
April 26, 2007 - Planning Commission Meeting

06/13/03	A business license for a M21 (Merchandise Broker – Any person who acts as an agent for others in negotiating contracts, purchases, the sale of goods, wares or services and who does not take possession of the merchandise) category license was processed in by the Department of Finance and Business Services. This license (M21-00682) was issued by Business Services on 06/25/03 with no apparent Planning and Development review.
01/05/05	A business license for a F11 (Specialty Food Store – For retail stores selling specialty foods such as See's Candy, Hickory Farms, and ethnic food stores such as oriental markets, etc.) category license was processed in by the Department of Finance and Business Services. This license (F11-00113) was originally issued by Business Services on 01/25/05 and was re-issued due to a change of location on 08/14/06, with Planning and Development Department recording approval on 08/09/06.
04/18/05	A business license for a B20 (Business Support Service – Any business that performs for one or more other businesses a service that is performed internally to a business including billing, mailing, printing, customer service evaluations, process claims/paperwork) category license was processed in by the Department of Finance and Business Services. This license (B20-00916) was issued by Business Services on 06/10/05 with no apparent Planning and Development review. This license has been marked “out of business” as of 03/29/07.
08/12/05	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00290) was issued by Business Services on 09/02/05 with no apparent Planning and Development review.
09/19/05	A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00309) was issued by Business Services on 10/05/05, with Planning and Development Department recording approval on 09/21/05. This license has been marked “expired” as of 02/26/07.
08/25/06	A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00381) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.

VAC-20522 - Staff Report Page Five
April 26, 2007 - Planning Commission Meeting

08/25/06	A business license for a Q20 (Interpreter/Translator – Interpreter/Translator Firm comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q20-00056) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.
10/23/06	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00972) was issued by Business Services on 11/15/06, with Planning and Development Department recording approval on 10/25/06.
02/10/07	A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01968) was issued by Business Services on 03/14/07 with no apparent Planning and Development review.
Pre-Application Meeting	
03/01/07	A pre-application meeting was held and elements of this application were discussed. Requirements for the Arts District of the Downtown Centennial Plan were discussed, including the proposed parking alternative. Submittal requirements were discussed.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
03/22/07	The Department of Planning and Development conducted a site visit that found that this was a developed site that encompassed multiple existing buildings. It was also noted that there is an off-premise (billboard) sign on the site that would also be removed to make way for this project. It was noted that the alley that this project requests to vacate appears to be the only vehicular entrance to the residential property to the south of the alleyway.

VAC-20522 - Staff Report Page Six
 April 26, 2007 - Planning Commission Meeting

Details of Application Request	
Site Area	
Net Acres	2.67

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	General Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
North	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	C (Commercial)	C-2 (General Commercial)
	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
East	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Mini-Storage Facility	C (Commercial)	C-2 (General Commercial)
	Hotel, Motel or Hotel Suites	C (Commercial)	C-1 (Limited Commercial)
West	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	MXU (Mixed Use)	C-1 (Limited Commercial)
			R-4 (High Density Residential)

VAC-20522 - Staff Report Page Seven
 April 26, 2007 - Planning Commission Meeting

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y
Project of Regional Significance		X	n/a

DETAILS OF APPLICATION REQUEST

The property is legally described as a 20-foot wide public service alley and public access easement generally located east of South 3rd Street commencing approximately 137 feet south of the southeast corner of South 3rd Street and East Charleston Boulevard.

Said property being a portion of the North Half (N½) of the Northeast Quarter (NE¼) of the Northwest Quarter (NW¼) of Section 3, Township 21 South, Range 61 East, M.D.M.

ANALYSIS

- **Planning and Development**

A Site Development Plan Review (SDR-20502) if approved would require that this vacation be approved and recorded in order to develop the site as reviewed. If the vacation is not approved by the City Council, then the site plan must be revised to conform to the existing right-of-way and access easement and resubmitted to the Planning and Development Department.

Planning staff has no objection to the vacation request. No adverse affects to traffic circulation or site access would result with the proposed vacation.

- **Public Works**

We present the following information concerning this request to vacate certain public street ROW:

- A. Does this vacation request result in uniform or non-uniform right-of-way widths? *Uniform, as it will eliminate an alley and public access easement that will be incorporated into a proposed project.*

RTS

VAC-20522 - Staff Report Page Eight
April 26, 2007 - Planning Commission Meeting

- B. From a traffic handling viewpoint will this vacation request result in a reduced traffic handling capability? *No, since the entire width of the public access easement and alley will be eliminated.*
- C. Does it appear that the vacation request involves only excess right-of-way? *No, however the entire area to be vacated will be incorporated into a proposed project.*
- D. Does this vacation request coincide with development plans of the adjacent parcels? *Yes, it will be incorporated into a proposed mixed-use project, ZON-20507 and SDR-20492.*
- E. Does this vacation request eliminate public street access to any abutting parcel? *No, however it eliminates the only drivable access to Assessors Parcel Number 162-03-110-002. A condition of approval has been added to address this issue.*
- F. Does this vacation request result in a conflict with any existing City requirements? *No.*
- G. Does the Department of Public Works have an objection to this vacation request? *No.*

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 297 [Mailed with ZON-20507, SUP-20519, SDR-20492 & SDR-20502]

APPROVALS 0

PROTESTS 1



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **VAC-20522** APN: 162-03-115-001, 002

Name of Property Owner: LIVEWORK, LLC

Name of Applicant: LIVEWORK, LLC

Name of Representative: APTUS ARCHITECTURE

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: _____

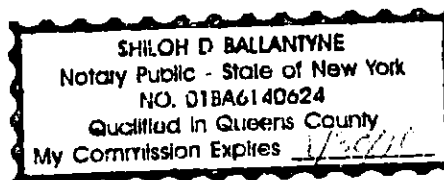
Signature of Property Owner: 

Print Name: David Mitchell

Subscribed and sworn before me

This 11 day of March, 2011

Shiloh D. Ballantyne
Notary Public in and for said County and State



APTUS

March 13, 2007

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

RECEIVED
MAR 13 2007

**APN: 162-03-115-001 and 002
139-34-410-056, 057, 058 and 059**

Re:

- a. Rezoning
- b. Site Development Review
- c. Special Use Permit for Mixed Use
- d. Vacation for alley off of 3rd Street
- e. Waiver of Required Stepbacks

To Whom It May Concern:

We respectfully submit this application for a Rezoning, Site Development Review, Special Use Permit and a Vacation for the alley for the project now known as "Aquarius Residences". This is a mixed use project containing ground floor commercial, live work units and condominium residences above the ground floor at the southwest corner of Charleston and Fourth Street. All of the parking except for required residential handicap parking for this project will be located in an automated parking structure on the Southeast Corner of Casino Center and Coolidge. These parcels are currently zoned P-R, C-1 and C-2 and are in the Downtown Centennial Plan. We are also requesting that two portions of the principle parcel # 162-03-115-001 be rezoned to C-1 to eliminate the split zoning and to provide continuity throughout the Charleston and 4th Street site.

The project is a mixed-use 12 story project and will be 160' feet in height. The ground floor will have 70,000 SF (58,000 SF at the Charleston site and 12,000 SF at the Casino Center site) of commercial space. Public parking for the Charleston and 4th Street portion of the retail is not provided on site in the attempt to create a walk-able corridor within the downtown area. To create and maintain a thriving urban community, retailers need pedestrian traffic passing by their establishments. With this project, we are promoting a walking lifestyle that is guided by the location of the residence in relation to the vehicle. The walking route between the two is less than ¼ mile. In addition, the new downtown BRT (bus rapid transit) will make it's way south on Casino Center with a stop at Coolidge (our parking structure site) and have a new route directly across Charleston tying into 3rd Street with another stop at the west side of our development. The traffic signal will be relocated from Charleston and Casino Center to Charleston and 3rd, which will further invite pedestrian and public transportation to travel in between our two sites.

For the Casino Center and Coolidge site, ingress and egress into the parking will be off of the alley which intersects Coolidge Avenue. The parking structure is fully automated and is not-occupied. There will be 1500 parking spaces inside the structure. The spaces will be for the residents of the Aquarius Condominium Residences and for residents and employees of the Arts District and the general downtown area. There will be ground floor commercial along Casino Center which could also tie into additional gallery space for the growing Arts District. The intent of the design of the parking structure is to become a living canvas to display art and movies and to help bring the arts district to the next level.

We are requesting a vacation of the 20' service alley directly off of 3rd Street, just south of Charleston. This will become the west end of the vehicular access for the project, with another ingress/egress off

VAC-20522
04/26/07 PC

of 4th Street. Off of this new vehicular access will be drop off areas for residents, handicap parking, and service loading and unloading.

The Charleston and 4th Street Site will have stone veneer and insulated glazing at the ground level retail portion of the building, transitioning to a cementitious preformed panel for the upper stories. There are also glass railings at the residential balconies. We are asking for a waiver of the required stepbacks for both sites due to the nature of the building systems used. All mechanical equipment will be fully screened from view.

All work along Charleston will be submitted and approved through Nevada Department of Transportation. The existing sewer easements running through the Charleston and 4th Street site will be removed and relocated.

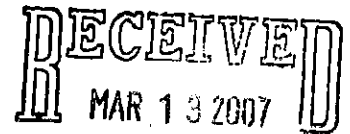
The owner desires to provide much needed and obtainable rental housing within the downtown area of the city. To compliment approximately 1,100 condominium residences for rent will be almost 70,000 square feet of commercial space. This residential and commercial development will be an asset to the City of Las Vegas by helping to spur additional revitalization and reinforcing redevelopment in an area which has already begun a transformation.

We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. We hope that you will join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,



Kristen G. Neuman, AIA
APTUS Architecture



VAC-20522
04/26/07 PC

Letter of opposition**Case: VAC-20522**

We are placing a formal objection to this project. Eliminating the alley on the north side of 1113 S. 3rd St. would LAND LOCK our property at both 1113 S. 3rd St. and 1117 S. 3rd St. Las Vegas, NV 89104. These properties consist of 10 apartments total.

The Alley is:

1. The parking for both 1113 S. 3rd St and 1117 S. 3rd St. is in the back of the building (east side of property) and the only access to the back of the building is the alley.
2. Moving into and out of the apartments can only be done from the back of the building, there is inadequate access to move in thru the front of the properties.
3. Used to access our trash dumpsters.
4. Access to above ground power lines, under ground sewer, and water.
5. The back of the properties is the only access to move all appliances in and out, and major repairs for the apartments.

Thank you,

Robert Oehler - Marilyn A Oehler

Robert and Marilyn Oehler
2115 S. Tenaya Way
Las Vegas, NV 89117
702-873-1088

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 26, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

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

SUBJECT:

SDR-20502 - SITE DEVELOPMENT PLAN REVIEW RELATED TO ZON-20507, SUP-20519, SDR-20492 AND VAC-20522 - PUBLIC HEARING - APPLICANT/OWNER: LIVEWORK, LLC - Request for a Site Development Plan Review FOR A 12-STORY MIXED-USE DEVELOPMENT INCLUDING 58,000 SQUARE FEET OF COMMERCIAL SPACE AND 1,100 RESIDENTIAL CONDOMINIUM UNITS on 2.67 acres at the southwest corner of Charleston Boulevard and Fourth Street (APNs 162-03-115-001 and 002), P-R (Professional Office And Parking), C-1 (Limited Commercial) and C-2 (General Commercial) Zones [PROPOSED: C-1 (Limited Commercial)], Ward 3 (Reese).

C.C.: 05/16/07

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions For This Application
3. Staff Report
4. Justification Letter

MOTION:

STEINMAN - APPROVED subject to conditions - UNANIMOUS with TRUESDELL abstaining since he owns an interest in property within the notice area

To be heard by City Council on 6/6/2007

MINUTES:

See Item 54 for related discussion and backup.

(8:35 - 9:01)

2-1538

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 58 – SDR-20502

CONDITIONS:

Planning and Development

1. Conformance to the Conditions of Approval for Rezoning (Z-0100-64) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, date stamped 04/06/07, and the landscape plan and building elevations, date stamped 03/13/07, except as amended by conditions herein.
4. Recordation of a reversionary parcel map or administrative joining consolidating the parcels on the site prior to issuance of any building or grading permits.
5. All proposed signage locations as depicted on the building elevations, date stamped 03/13/07, must be for on-premise advertising only. Off-premise advertising signs will require separate approval through the Special Use Permit application process. All signage must meet the applicable requirements of the Downtown Centennial Plan and Title 19. All signage requires the issuance of a building permit.
6. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: all tree heights are to be included in the landscape legend to ensure compliance with the Downtown Centennial Plan's minimum streetscape standards.
7. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
8. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 58 – SDR-20502

CONDITIONS – Continued:

9. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).
10. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
11. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
12. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
15. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
16. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

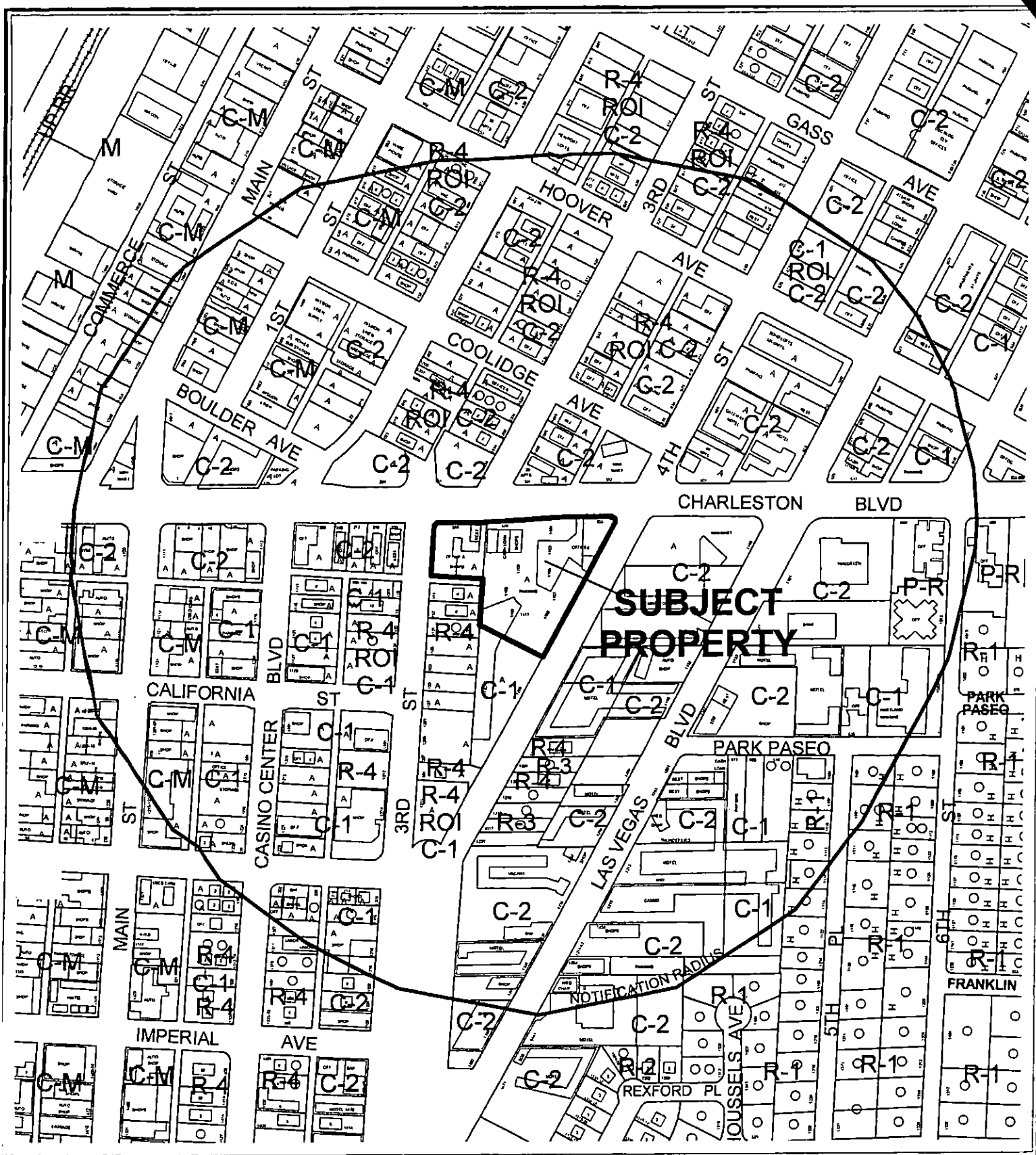
Public Works

17. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Casino Center/3rd Street Realignment Project, Casino Center Bus Rapid

PLANNING COMMISSION MEETING OF APRIL 26, 2007
Department of Planning and Development
Item 58 – SDR-20502

CONDITIONS – Continued:

- Transit Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.
18. Remove all substandard public street improvements and unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current Las Vegas Downtown Centennial Plan Standards concurrent with development of this site, except as amended by Conditions of Approval herein.
 19. Submit a Reversionary Map for this site or coordinate with the City Surveyor to determine an acceptable mapping method; comply with the recommendations of the City Surveyor.
 20. Landscape and maintain all unimproved rights-of-way, if any, on Casino Center Boulevard and Coolidge Avenue adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
 21. Submit an Encroachment Agreement for all landscaping, if any, located in the Casino Center Boulevard and Coolidge Avenue public right-of-way adjacent to this site prior to occupancy of this site.
 22. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from Coolidge Avenue. Revise the on-site circulation pattern to ingress from the alley and egress onto Coolidge Avenue.
 23. Meet with the Flood Control Section of the Department of Public Works for assistance with establishing finished floor elevations and drainage paths for this site prior to submittal of construction plans, the issuance of any building or grading permits or the submittal of a map for this site, whichever may occur first. Provide and improve all drainage ways as recommended.



CASE: SDR-20502

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL), C-2 (GENERAL COMMERCIAL), AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)



0 300 600 Feet

CASE: SDR-20502

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL), C-2 (GENERAL COMMERCIAL), AND P-R (PROFESSIONAL OFFICE AND PARKING)

PROPOSED ZONING OF SUBJECT PROPERTY:

C-1 (LIMITED COMMERCIAL)



*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 26, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: SDR-20502 - APPLICANT/OWNER: LIVEWORK, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL, subject to:****Planning and Development**

1. Approval of and conformance to the Conditions of Approval for Rezoning (ZON-20507), Special Use Permit (SUP-20519), and Vacation (VAC-20522) shall be required.
2. This approval shall be void two years from the date of final approval, unless a building permit has been issued for the principal building on the site. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan, date stamped 04/06/07, and the landscape plan and building elevations, date stamped 03/13/07, except as amended by conditions herein.
4. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. The technical landscape plan shall include the following changes from the conceptual landscape plan: add two palm trees to the south of the South 4th Street entry drive to bring the number and maximum distance into compliance with the Downtown Centennial plan. Further, tabulate all tree heights along with the quantities and sizes.
5. Pre-planting and post-planting landscape inspections are required to ensure the appropriate plant material, location, size of planters, and landscape plans are being utilized. The Planning and Development Department must be contacted to schedule an inspection prior to the start of the landscape installation and after the landscape installation is completed. A certificate of occupancy will not be issued or the final inspection will not be approved until the landscape inspections have been completed.
6. Reflective glazing at the pedestrian level is prohibited. Glazing above the pedestrian level shall be limited to a maximum reflectance rating of 22% (as defined by the National Institute of Standards and Technology).

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April 26, 2007 - Planning Commission Meeting

7. All mechanical equipment, air conditioners and trash areas shall be fully screened in views from the abutting streets.
8. All utility boxes exceeding 27 cubic feet in size shall meet the standards of LVMC Title 19.12.040.
9. Parking lot lighting standards shall be no more than 30 feet in height and shall utilize downward-directed lights with full cut-off luminaries. Lighting on the exterior of buildings shall be shielded and shall be downward-directed. Non-residential property lighting shall be directed away from residential property or screened, and shall not create fugitive lighting on adjacent properties.
10. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
11. A Comprehensive Construction Staging Plan shall be submitted to the Planning and Development Department for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
12. Written approval by the Clark County Department of Aviation with no change in flight patterns shall be submitted to the City of Las Vegas prior to the issuance of building permits.
13. Prior to the submittal of a building permit application, the applicant shall meet with Planning and Development Department staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
14. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

15. Contact the City Engineer's Office at 229-6272 to coordinate the development of this project with the Casino Center/3rd Street Realignment Project, Casino Center Bus Rapid Transit Project and any other public improvement projects adjacent to this site. Comply with the recommendations of the City Engineer.

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April 26, 2007 - Planning Commission Meeting

16. Submit a Petition of Vacation for all right-of-way and public access and/or utility easements in conflict with this site plan. The Order of Vacation must record prior to recordation of a Final Map for this site.
17. Prior to the submittal of a Tentative Map or civil construction drawings for this site, whichever occurs first, a sewer relocation and abandonment plan for all public sewers in conflict with this site shall be submitted and approved by the Collection Systems Section of the Department of Public Works. All existing public sewer easements in conflict with this site shall be vacated prior to the recordation of a Final Map for this site and new public sewer easements granted as necessary. Sewer service to existing downstream parcels shall be maintained during relocation.
18. Landscape and maintain all unimproved rights-of-way, if any, on 3rd Street, 4th Street and Charleston Boulevard adjacent to this site. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
19. Submit an Encroachment Agreement for all landscaping, if any, located in the 3rd Street, 4th Street and Charleston Boulevard public right-of-way adjacent to this site prior to occupancy of this site.
20. Obtain an Occupancy Permit from the Nevada Department of Transportation for all landscaping and private improvements in the Charleston Boulevard public right-of-way adjacent to this site.
21. Submit an application for a deviation from Standard Drawing #222a for the driveways accessing this site from 3rd and 4th Streets.
22. 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.
23. Site development to comply with all applicable conditions of approval for Zoning Reclassification ZON-20507 and all other applicable site-related actions.

SDR-20502 - Staff Report Page One
April 26, 2007 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for a Site Development Plan Review for a proposed 12-story mixed-use development that includes 58,000 square foot of commercial space and 1,100 residential condominium units on 2.67 acres at southwest corner of West Charleston Boulevard and South 4th Street. This site is part of a larger project that includes a 120-foot high, 1,500 space automated parking structure with 12,000 square feet of ground level commercial space located at the northeast corner of South Casino Center Boulevard and Coolidge Avenue.

The applicant indicates that the unique parking arrangement of the proposed mixed-use development will help generate the urban walking lifestyle that is called for in this area. It is the applicant's belief that the pedestrian traffic to and from the off-site parking structure, for those who choose to have a car, will help the ground level commercial spaces thrive in both locations. Further, the applicant has taken in to account that there are additional transit option coming for the 3rd Street/Casino Center corridor that potential residents will take advantage of for trips outside the downtown area. The proposed development and potential uses are appropriate for the proposed C-1 (Limited Commercial) zoning district and approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
05/18/95	The City Council Approved a Rezoning (Z-0037-94) from R-1 (Single Family Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
12/20/95	The City Council Approved a Rezoning (Z-0093-95) from R-4 (Apartment Residence) to C-1 (Limited Commercial) on a portion of the subject site. The Planning Commission recommended approval.
04/03/96	The City Council granted the appeal of a Board of Zoning Adjustment denial thereby approving a Special Use Permit (U-0008-96) for a 14 foot by 24 foot Off-Premise Advertising (Billboard) Sign on the subject property.
10/01/03	The City Council Approved a Site Development Plan Review (SDR-2784) 12,103 square foot office building on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and Fourth Street. The Planning Commission and staff recommended approval.
04/26/07	Companion items for a Rezoning (ZON-20507), Special Use Permit (SUP-20519), and Vacation (VAC-20522) will be heard concurrently with this item. The overall project covers a parking garage site also being reviewed concurrently with this item for a Site Development Plan Review (SDR-20492).

RTS

SDR-20502 - Staff Report Page Two
April 26, 2007 - Planning Commission Meeting

Related Building Permits/Business Licenses	
06/01/86	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00709) was re-issued due to a change of location on 06/25/98 with no apparent Planning and Development review.
10/02/91	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03034) was issued by Business Services on 11/08/91 and was re-issued due to a license re-classification on 02/27/04 with no apparent Planning and Development review.
02/11/94	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00719) was issued by Business Services on 02/28/94 and was re-issued due to a change of location on 02/22/96 with no apparent Planning and Development review.
03/23/95	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-03035) was issued by Business Services on 04/21/95 with no apparent Planning and Development review.
05/25/95	A business license for an I04 (Insurance Agent – Any individual, firm, or corporation appointed by an insurer to solicit applications for insurance, annuity contracts or to negotiate for such contracts on behalf of the insurer) category license was processed in by the Department of Finance and Business Services. This license (I04-02273) was issued by Business Services on 06/02/95 with no apparent Planning and Development review.
08/12/96	A business license for a M01 (Maintenance Services: Janitorial – Janitorial, cleaning, or maintenance services. Includes carpet cleaning and swimming pool/spa maintenance, but does not include contracting, lawn and landscape maintenance, construction cleanup, or tree trimming) category license was processed in by the Department of Finance and Business Services. This license (M01-05281) was issued by Business Services on 08/16/96 with no apparent Planning and Development review.

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01/15/97	A business license for a T07 (Travel & Ticket Agency – Any person in the business of purchasing and reserving hotel accommodations, transportation, show tickets, entertainment or other vacation incidentals for tourists or other persons) category license was processed in by the Department of Finance and Business Services. This license (T07-00541) was originally issued by Business Services on 02/04/97 and was re-issued due to a change of location on 09/25/98 with no apparent Planning and Development review.
12/19/97	A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01000) was re-issued due to a change of location on 03/03/04, with Planning and Development Department recording approval.
03/01/00	A business license for a M18 (Management or Marketing Service – Any person or firm that conducts budgeting, marketing or management counseling or consulting services for another) category license was processed in by the Department of Finance and Business Services. This license (M18-01877) was issued by Business Services on 03/15/00 with no apparent Planning and Development review. A “cease and desist” order was issued on this license on 04/16/07.
02/23/01	A business license for a T-12 (Answering Message Service – Any person who provides services such as telephone answering, forwarding, message taking, paging or voice mail services) category license was processed in by the Department of Finance and Business Services. This license (T12-00022) was issued by Business Services on 03/13/01 with no apparent Planning and Development review.
12/19/01	A business license for a T18 (Miscellaneous Telephone Sales/Service - A business which sells telephones, cellular phones, and other miscellaneous accessories) category license was processed in by the Department of Finance and Business Services. This license (T18-00489) was issued by Business Services on 01/08/02 with no apparent Planning and Development review.
03/26/02	A business license for a F02 (Finance Company – Any person other than a bank, mortgage company, savings and loan, credit union, trust company or pawnbroker, who is licensed or required to be licensed under NRS 675 in order to lend money to others for profit or to hold himself out to the public) category license was processed in by the Department of Finance and Business Services. This license (F02-00267) was issued by Business Services on 05/30/02 with no apparent Planning and Development review.
05/22/03	A business license for an A23 (Bookkeeper – Any business or person, other than a certified public accountant or public accountant, engaged in providing the service of recording the accounts, transactions or preparation of tax returns on behalf of another business or person) category license was processed in by the Department of Finance and Business Services. This license (A23-01994) was issued by Business Services on 06/06/03 with no apparent Planning and Development review.

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April 26, 2007 - Planning Commission Meeting

06/13/03	A business license for a M21 (Merchandise Broker – Any person who acts as an agent for others in negotiating contracts, purchases, the sale of goods, wares or services and who does not take possession of the merchandise) category license was processed in by the Department of Finance and Business Services. This license (M21-00682) was issued by Business Services on 06/25/03 with no apparent Planning and Development review.
01/05/05	A business license for a F11 (Specialty Food Store – For retail stores selling specialty foods such as See's Candy, Hickory Farms, and ethnic food stores such as oriental markets, etc.) category license was processed in by the Department of Finance and Business Services. This license (F11-00113) was originally issued by Business Services on 01/25/05 and was re-issued due to a change of location on 08/14/06, with Planning and Development Department recording approval on 08/09/06.
04/18/05	A business license for a B20 (Business Support Service – Any business that performs for one or more other businesses a service that is performed internally to a business including billing, mailing, printing, customer service evaluations, process claims/paperwork) category license was processed in by the Department of Finance and Business Services. This license (B20-00916) was issued by Business Services on 06/10/05 with no apparent Planning and Development review. This license has been marked “out of business” as of 03/29/07.
08/12/05	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00290) was issued by Business Services on 09/02/05 with no apparent Planning and Development review.
09/19/05	A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00309) was issued by Business Services on 10/05/05, with Planning and Development Department recording approval on 09/21/05. This license has been marked “expired” as of 02/26/07.
08/25/06	A business license for a P27 (Personal Services – Any business that provides personal services, including without limitation a wake-up service, reminder service, errand service, vehicle registration service, personal chef, cook, shopping service or pet sitting service) category license was processed in by the Department of Finance and Business Services. This license (P27-00381) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.

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April 26, 2007 - Planning Commission Meeting

08/25/06	A business license for a Q20 (Interpreter/Translator – Interpreter/Translator Firm comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q20-00056) was issued by Business Services on 09/15/06, with Planning and Development Department recording approval on 09/08/06.
10/23/06	A business license for a Q13 (Law Firm or Law Office – Law Firm or Law Office comprised of one or more professionals created for the purpose of practicing the profession for which a license, certificate, registration, permit or similar type of authorization is issued by a regulatory body as defined in NRS title 54, chapter 622 or regulated pursuant to the Nevada Supreme Court Rules, for any type of compensation) category license was processed in by the Department of Finance and Business Services. This license (Q13-00972) was issued by Business Services on 11/15/06, with Planning and Development Department recording approval on 10/25/06.
02/10/07	A business license for a J01 (Jewelry Sales and Repairs – A business which sells new jewelry or repairs jewelry) category license was processed in by the Department of Finance and Business Services. This license (J01-01968) was issued by Business Services on 03/14/07 with no apparent Planning and Development review.
Pre-Application Meeting	
03/01/07	A pre-application meeting was held and elements of this application were discussed. Requirements for the Arts District of the Downtown Centennial Plan were discussed, including the proposed parking alternative. Submittal requirements were discussed.
Neighborhood Meeting	
A neighborhood meeting is not required for this application, nor was one held.	

Field Check	
03/22/07	The Department of Planning and Development conducted a site visit that found that this was a developed site that encompassed multiple existing buildings. It was also noted that there is an off-premise (billboard) sign on the site that would also be removed to make way for this project. It was noted that the alley that this project requests to vacate appears to be the only vehicular entrance to the residential property to the south of the alleyway.

Details of Application Request	
Site Area	
Net Acres	2.67

RTS

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April 26, 2007 - Planning Commission Meeting

Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Office, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	General Retail, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
			P-R (Professional Office and Parking)
North	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	C (Commercial)	C-2 (General Commercial)
	Undeveloped	C (Commercial)	C-2 (General Commercial)
South	Office, Other Than Listed	C (Commercial)	C-1 (Limited Commercial)
East	Service Station (without Automotive Repair)	C (Commercial)	C-2 (General Commercial)
	Mini-Storage Facility	C (Commercial)	C-2 (General Commercial)
	Hotel, Motel or Hotel Suites	C (Commercial)	C-1 (Limited Commercial)
West	General Retail, Other Than Listed	C (Commercial)	C-2 (General Commercial)
	Multi-Family Residential	MXU (Mixed Use)	C-1 (Limited Commercial)
			R-4 (High Density Residential)

Special Districts/Zones	Yes	No	Compliance
Special Area Plan			
Downtown Centennial Plan	X		Y
Redevelopment Plan Area	X		Y
Special Districts/Zones	Yes	No	Compliance
Special Purpose and Overlay Districts			
Live/Work Overlay District	X		Y
Trails		X	n/a
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y
Project of Regional Significance		X	n/a

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DEVELOPMENT STANDARDS

Pursuant to the Downtown Centennial Plan, the following development standards apply to the subject proposal:*

Standard	Provided	Compliance
Min. Lot Size	116,305 SF	Y
Min. Setbacks		
• Front (3 rd Street)	0 Feet	Y
• Side	5.8 Feet	Y
• Corner (Charleston Boulevard)	5.5 Feet	Y
• Rear (4 th Street)	0 Feet	Y
Max. Lot Coverage	70%	Y
Max. Building Height	160' (12-Stories)	Y
Mech. Equipment	Screened	Y

- * 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.

Pursuant to the Downtown Centennial Plan, the following residential adjacency standards apply to the subject proposal:*

Residential Adjacency Standards	Required/Allowed	Provided	Compliance
3:1 proximity slope	480 Feet	5.8 Feet	Y*
Adjacent development matching setback	20 Feet	5.8 Feet	Y*

- * Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of Title 19.08.060 (Residential Adjacency Standards).

Pursuant to the Downtown Centennial Plan, the following landscape and buffer standards apply:

Landscaping and Open Space Standards				
Standards	Required		Provided	Compliance
	Ratio	Trees		
Parking Area	1 Tree/6 Spaces (located in islands and/or at the perimeter)	4 Trees	>4 Trees	Y
TOTAL			52 Trees for On-site 40 Trees for Streetscape	Y
Min. Zone Width	n/a		0-20 Feet	Y
Landscape Area Required	10 SF./Parking Space 2,200 SF Total		>2,200 SF	Y
Wall Height	n/a		6 Feet @ Interior P/L	Y

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Pursuant to the Downtown Centennial Plan, the following streetscape standards apply:

Streetscape Standards	Required	Provided	Compliance
East/West Street (Charleston Boulevard)	1 Shade Tree @ 15-20' O.C. Maximum (min. 24" box) 17 Shade Trees	24 Shade Trees (36" box)	Y
North/South Street (4 th Street)	1 Palm Tree @ 30' O.C. Maximum (min. 25' height) 13 Palm Trees	11 Palm Trees (36" box; no height listed)	N*
North/South Street (3 rd Street)	1 Palm Tree @ 30' O.C. Maximum (min. 25' height) 5 Palm Trees	5 Palm Trees (36" box; no height listed)	Y
Right-of Way Improvements:	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Sidewalk and Amenity Zones (Per Graphics 11 & 12, Downtown Centennial Plan)	Y

- * The trees planted north of the entry drive met the spacing requirements. Those to the south of the drive do not. A condition of approval has been added to this review to add two palm trees to the south of the 4th Street entry drive to bring the number and maximum distance into compliance with the plan. Further, the revised technical landscape plan is required to have tabulated all tree heights along with the quantities and sizes.

Pursuant to Title 19.04 and 19.10, the following parking standards apply:*

Pursuant to Title 19.04 and 19.10, the following parking standards apply.

Parking Requirement - Downtown							
Use	Gross Floor Area or Number of Units	Base Parking Requirement		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular		Handi-capped
General Retail, Other Than Listed	58,000 SF GFA	1 / 250 SF	225 Spaces	7 Spaces	0 Spaces		Y**
Multi-Family Residential	Studio & 1 Bedroom Units: 880	1.25 spaces / Unit	1,079 Spaces	21 Spaces	0 Spaces		Y**
	2 Bedroom Units: 220	1.75 spaces / Unit	377 Spaces	8 Spaces	0 Spaces		Y**
	Total Units: 1,100	1 Guest Space / 6 Units	178 Spaces	6 Spaces	0 Spaces		Y**
Sub-total			1,859 Spaces	84 Spaces	0 Spaces	22 Spaces	Y**

RTS

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TOTAL (including handicap)			1,943 Spaces	22 Spaces	Y**

* Title 19.06.060 exempts properties within the Downtown Centennial Plan area from the automatic application of standard parking requirements.

** It is the intention of the applicant to provide parking at the proposed 1,500 space automated parking structure located two blocks north at South Casino Center Boulevard and Coolidge Avenue. This portion of the overall project proposal is being heard as a companion Site Development Plan Review (SDR-20492).

ANALYSIS

The subject property is located within the boundaries of the Las Vegas Redevelopment District of the Southeast Sector Plan of the General Plan, and has a C (Commercial) land use designation. The C (Commercial) designation allows uses comparable to the following land use categories: O (Office), SC (Service Commercial), and GC (General Commercial). The proposed uses are in compliance with the land use designation.

There is a Rezoning (ZON-20507) proposed to change the zoning of the subject site where one of the parcels comprising the development is zoned C-1 (Limited Commercial) and the remaining parcel is zoned P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial). The existing and proposed uses established at this location are permissible in a C-1 (Limited Commercial) zoning district which is compatible with the C (Commercial) General Plan designation.

As previously noted, the parcel is within the boundaries of the Las Vegas Redevelopment Area, with a C (Commercial) land use designation. The proposed uses are in conformance with Redevelopment Plan policies that encourage innovative, mixed use projects in this area of the City. The proposed development is in compliance with the C (Commercial) designation.

This site is with in the Live/Work Overlay district. The mixed-use nature of the proposed development will offer employment and housing options on-site; however, the project does not include any live/work units as outlined in Title 19.06.130.

The parcel is within the Las Vegas Downtown Centennial Plan boundaries, and is located in the 18b The Las Vegas Arts District. This district, which is within the bounds of the Downtown South district, is intended to accommodate a wide variety of commercial and residential uses within a dense, urban environment with it's own unique design standards. The proposed project is consistent with the goals and objectives of the Downtown Centennial Plan.

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Pursuant to Title 19.06.060 properties within the Downtown Centennial Plan area are exempt from the automatic application of development standards for building height limitations, setbacks, lot coverage, residential adjacency, standard landscaping requirements, and standard parking requirements. The proposed development conforms to the applicable setbacks and lot coverage requirements specified by the Downtown Centennial Plan; height limits and parking requirements are not automatically applied.

The site encompasses two parcels with a proposed building built across the lot lines. As it is the stated intention of the applicant to create a mixed-use subdivision, there will need to be a tentative map review and final map technical review prior to any building permits being issued.

- **Site Plan**

The site plan is in compliance with the standards of the proposed C-1 (Limited Commercial) zoning district and the Downtown Centennial Plan's 18b The Las Vegas Arts District standards. This location will service as the primary site for a multi-site project that includes this mixed-use development and a parking structure on the secondary location.

The site is located on the south side of East Charleston Boulevard between South 3rd Street and South 4th Street. This site consists of two developed parcels of land at the within the city's Downtown South district.

The site plan illustrates a single mixed-use building that is intended to be built to the property lines adjacent to the East Charleston and South 4th Street right-of-ways. Just south intersection of these two major streets there is a pedestrian plaza indicated that will provide a public space accessible from the ground level commercial activities. There is a proposed interior open space with bench seating at the designated pick-up/drop-off lane. The plan calls for only handicap accessible parking to be provided on-site. All other parking will be at the off-site, 1,500 space automated parking structure located two blocks north at South Casino Center Boulevard and Coolidge Avenue. There are also loading spaces identified that will be able to handle large deliveries.

- **Landscape Plan**

The landscape plan reflects landscaping will be provided within the proposed pedestrian plaza located just south of the southwest corner of the East Charleston Boulevard and South 4th Street. Further, landscaping is being provided within the community open space that is interior to the development's building envelope. The proposed mixed-use development has no perimeter landscape buffer at the site's north, east, and west sides where adjacent to the public right-of-ways due to the zero setbacks. At the interior lot lines on the south and a portion of the west there is perimeter landscaping within the proposed setback areas. The perimeter landscape buffers are depicted as having multiple tree species that meet or exceed the size standard of a minimum 24-inch box. The trees are planted in various groupings averaging approximately every 20 feet on center inside the available perimeter buffer area.

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The streetscape requirements for 18b The Las Vegas Arts District require 13 palm trees to be planted within the South 4th Street amenity zone. The landscape plan submitted shows 11 palm trees where those north of the entry drive are properly spaced at a maximum of 35 feet on center and those south of the drive are at a greater than allowed separation. A condition of approval has been added that the required technical landscape plan be revised to add two palm trees to the south of the South 4th Street entry drive. This will bring the number and maximum distance of these trees into compliance with the plan. Further, the condition requires that the revised plan include in the legend tabulation the heights of all trees to be planted within the streetscape amenity zone and that they must be in compliance with the plan standards for this district. The limited parking lot landscaping required is planted in the open space area and along a portion of the interior pedestrian pathway.

- Elevations/Floor Plan

The elevations depict a 12-story high-rise mixed-use development with ground level commercial spaces with residential spaces above. The elevation depicts recessed balcony to help breakup the solid massing of the building's above ground façade. A band of sandstone veneer will visually separate the commercial portion of the building from the residential. Materials used include tinted glass railings, preformed exterior cementations panels, sandstone veneer, and aluminum storefront. No stepbacks are provided.

The floor plans show that there will be a mix of studio, one, and two bedroom residential units in the building. The residential community pool and activities area will be on a second floor deck that will be to the rear of the building overlooking the community open space. The units range from an approximate 489 square feet in the studio units to 967 square feet of living area in the standard two bedroom units. The building will offer, on the 12th Floor, a limited number of one and two bedroom units that have a mezzanine level with roof top terraces.

The site development plan review has been submitted in conjunction with a proposed Rezoning (ZON-20507) to consolidate the sites existing P-R (Professional Office and Parking), C-1 (Limited Commercial), and C-2 (General Commercial) zoning designations to just C-1 (Limited Commercial); Vacation (VAC-20522) to vacate a public right-of-way and access easement; Special Use Permit (SUP-20429) to allow a mixed-use development with residential uses in a proposed C-1 (Limited Commercial) zoning district; and Site Development Plan Review (SDR-20492) to site an off-site, 120-foot high, 1,500 space automated parking structure with 12,000 square feet of ground level commercial space.

The proposed site development plan review is in conformance with the site's general plan designation and is appropriate for the proposed zoning district. The proposed mixed-use development meets the standards and objectives of The Downtown Centennial Plan and the request is compatible with the existing commercial and residential developments in the area, staff is in support of this site development plan review request.

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April 26, 2007 - Planning Commission Meeting

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 building will be compatible with existing and proposed development in the immediate area.

- 2. The proposed development is consistent with the General Plan, this Title, the Design Standards Manual, the Landscape, Wall and Buffer Standards, and other duly-adopted city plans, policies and standards;**

The development will be consistent with all code requirements.

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

The South 4th Street will be the principal vehicular access point for the development, with egress to South 3rd Street to the west. The site also abuts West Charleston Boulevard, which will most likely be used by pedestrians patronizing the ground-floor commercial businesses. The site has excellent access to public transportation, which will assist in reducing the number of vehicle trips generated by the development.

- 4. Building and landscape materials are appropriate for the area and for the City;**

The proposed structure and landscape materials are appropriate for the area. Additionally, the landscape materials meet the types required for this area under the Downtown Centennial Plan.

- 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 proposed building will continue to offer commercial opportunities as well as offer an urban residential housing option the will be harmonious and compatible with development in the area.

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April 26, 2007 - Planning Commission Meeting

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

The proposed plan will not impact public health, safety or welfare since the development will be subject to City inspections during construction of the building as well routine business license inspections for the tenant commercial spaces.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 18

ASSEMBLY DISTRICT 9

SENATE DISTRICT 10

NOTICES MAILED 297 [Mailed with ZON-20507, SUP-20519, and SDR-20492]

APPROVALS 0

PROTESTS 0



PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **SDR-20502** APN: 162-03-115-001, 002

Name of Property Owner: LIVEWORK, LLC

Name of Applicant: LIVEWORK, LLC

Name of Representative: APTUS ARCHITECTURE

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: 

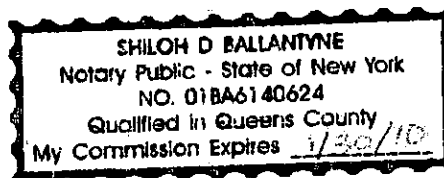
Print Name: David Mitchell

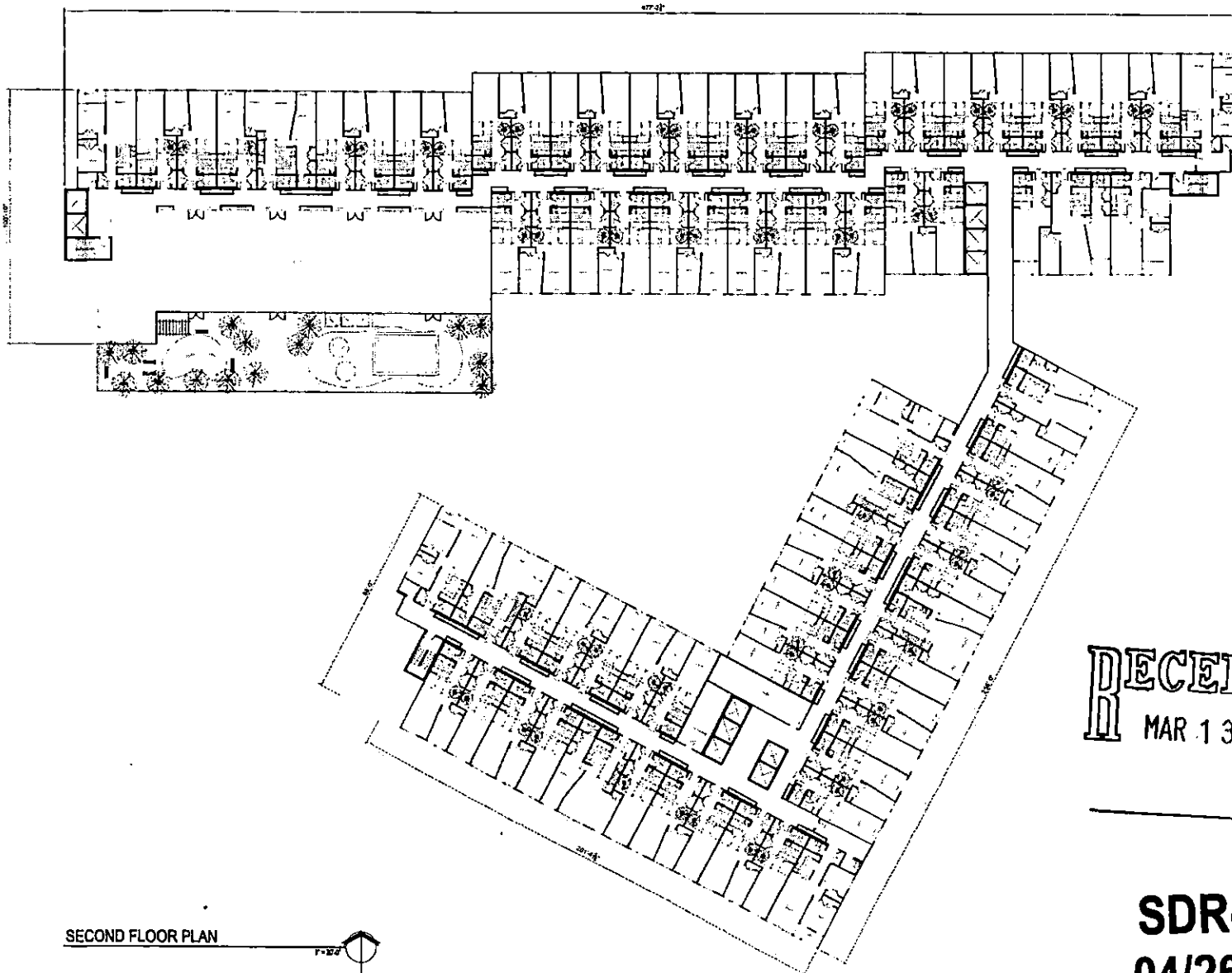
Subscribed and sworn before me

This 9 day of March, 2007

Shiloh D Ballantyne

Notary Public in and for said County and State





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MAR 13 2007

SDR-20502
04/26/07 PC

SECOND FLOOR PLAN



APTUS Architecture

1000 W. 10th Ave.
Suite 100
Las Vegas, NV 89104
702.735.1100
www.aptusarch.com

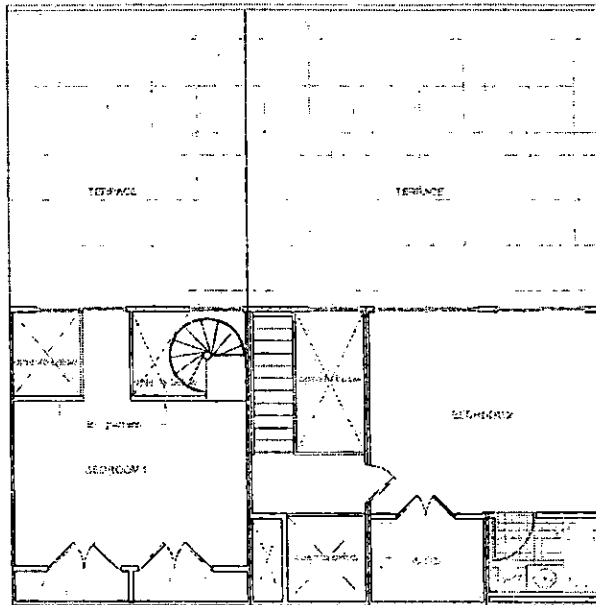
Aquarius Residences
Site Development Review
Charleston and 4th Street
Las Vegas, Nevada 89104

City of Las Vegas SDR-20502-PC-04/26/07

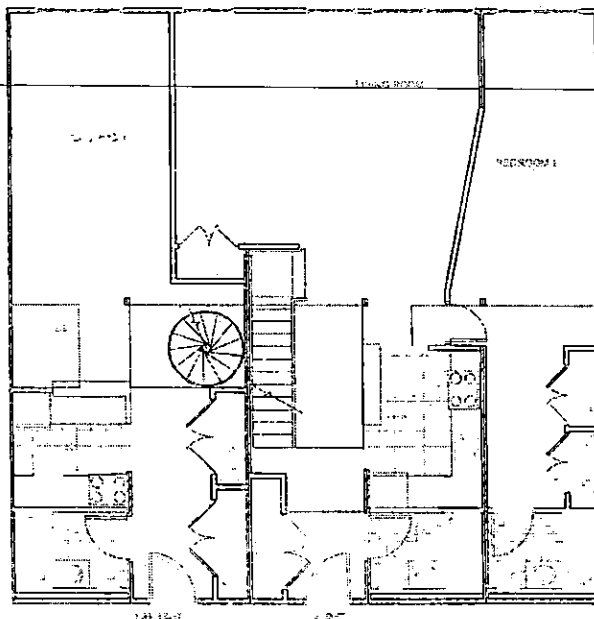
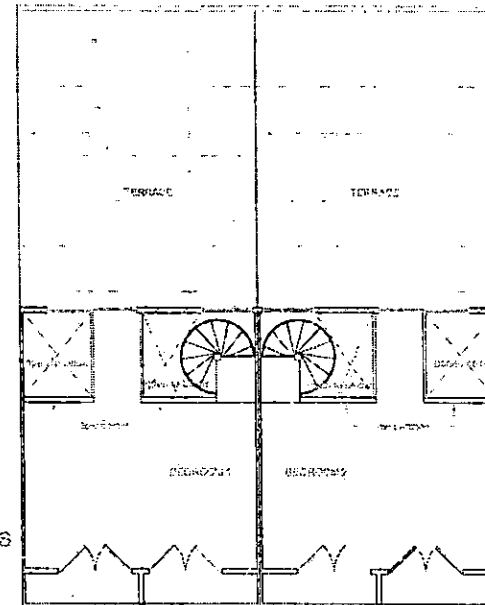
SECOND
FLOOR PLAN

A100

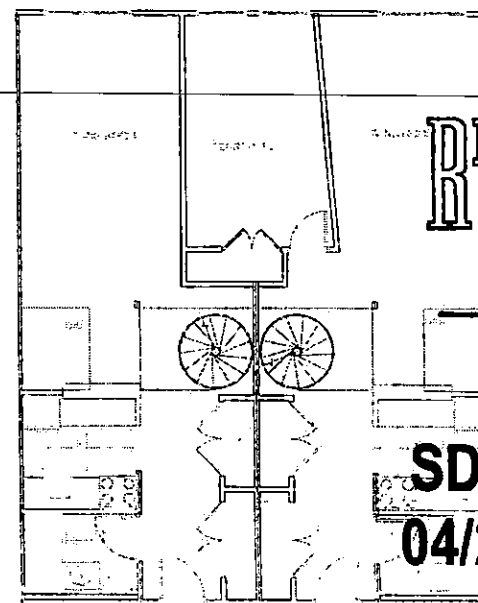
SD 177 LV Land Package



12TH FLOOR MEZZANINE PLANS

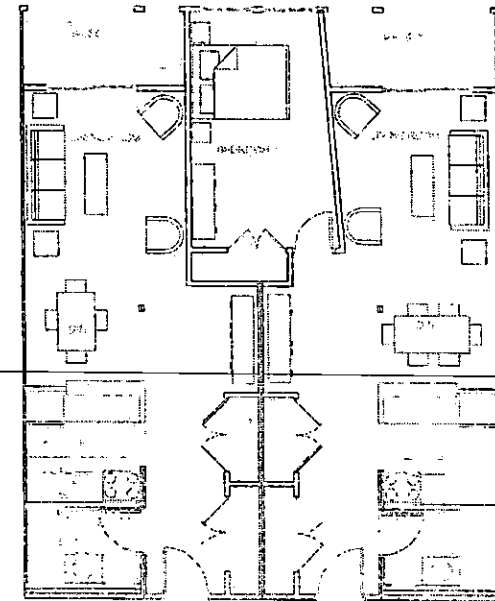
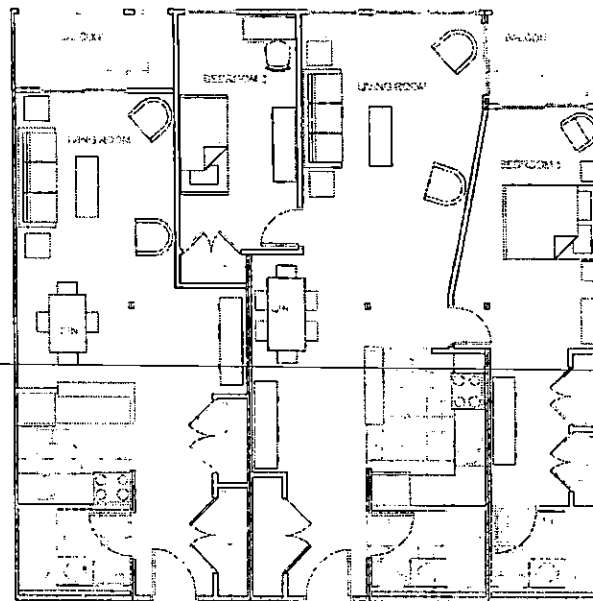
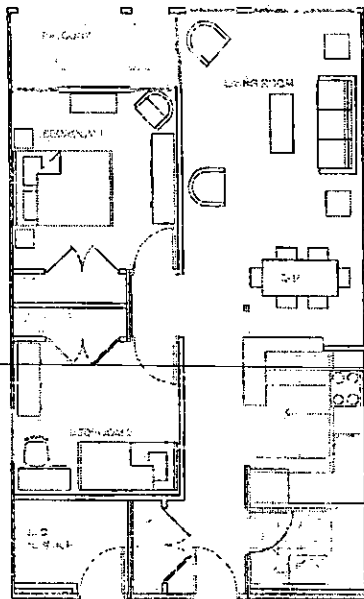


12TH FLOOR PLANS

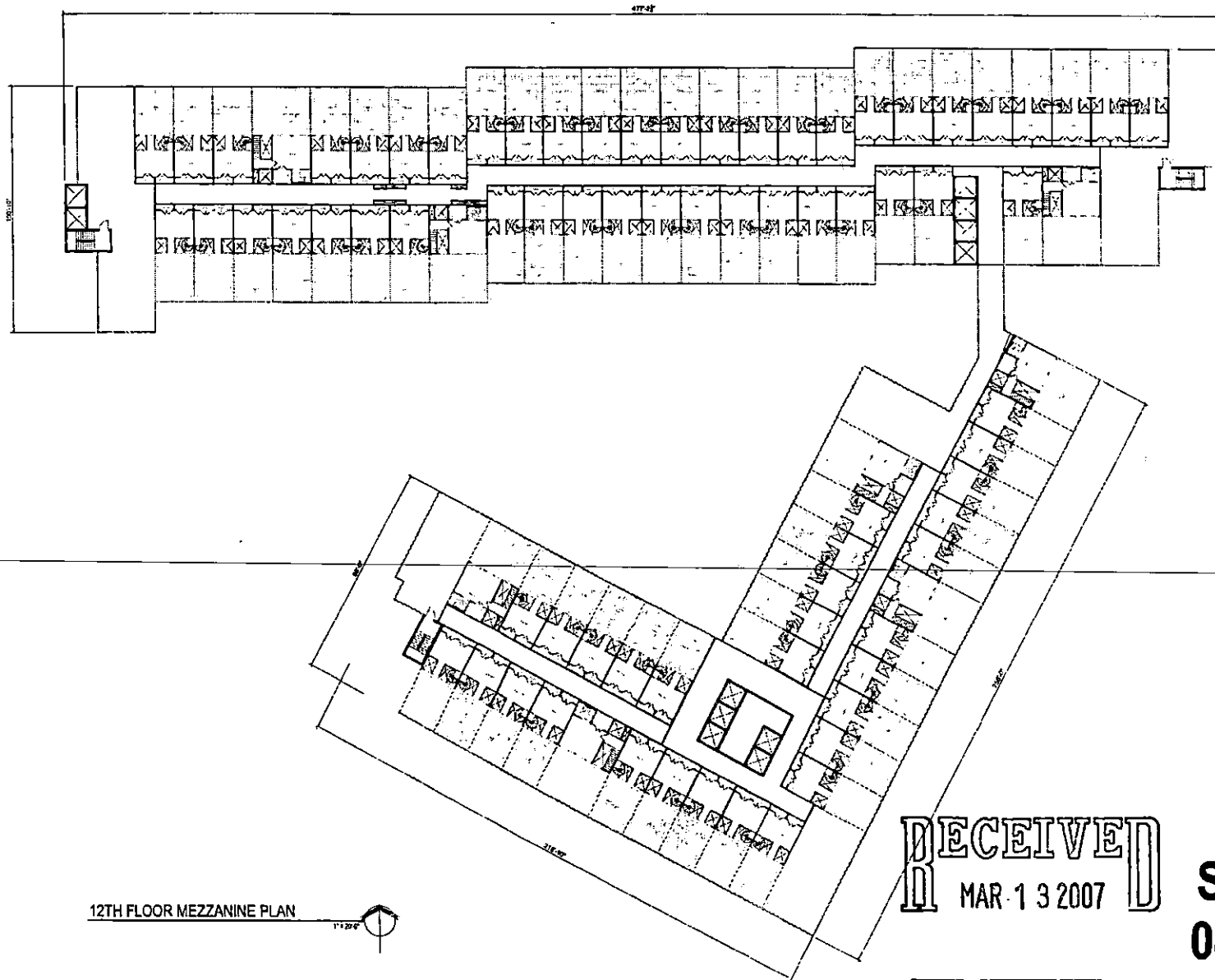


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MAR 13 2007 **04/26/07 PC**



12TH FLOOR MEZZANINE PLAN



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12TH FLOOR
MEZZANINE
PLAN

A103

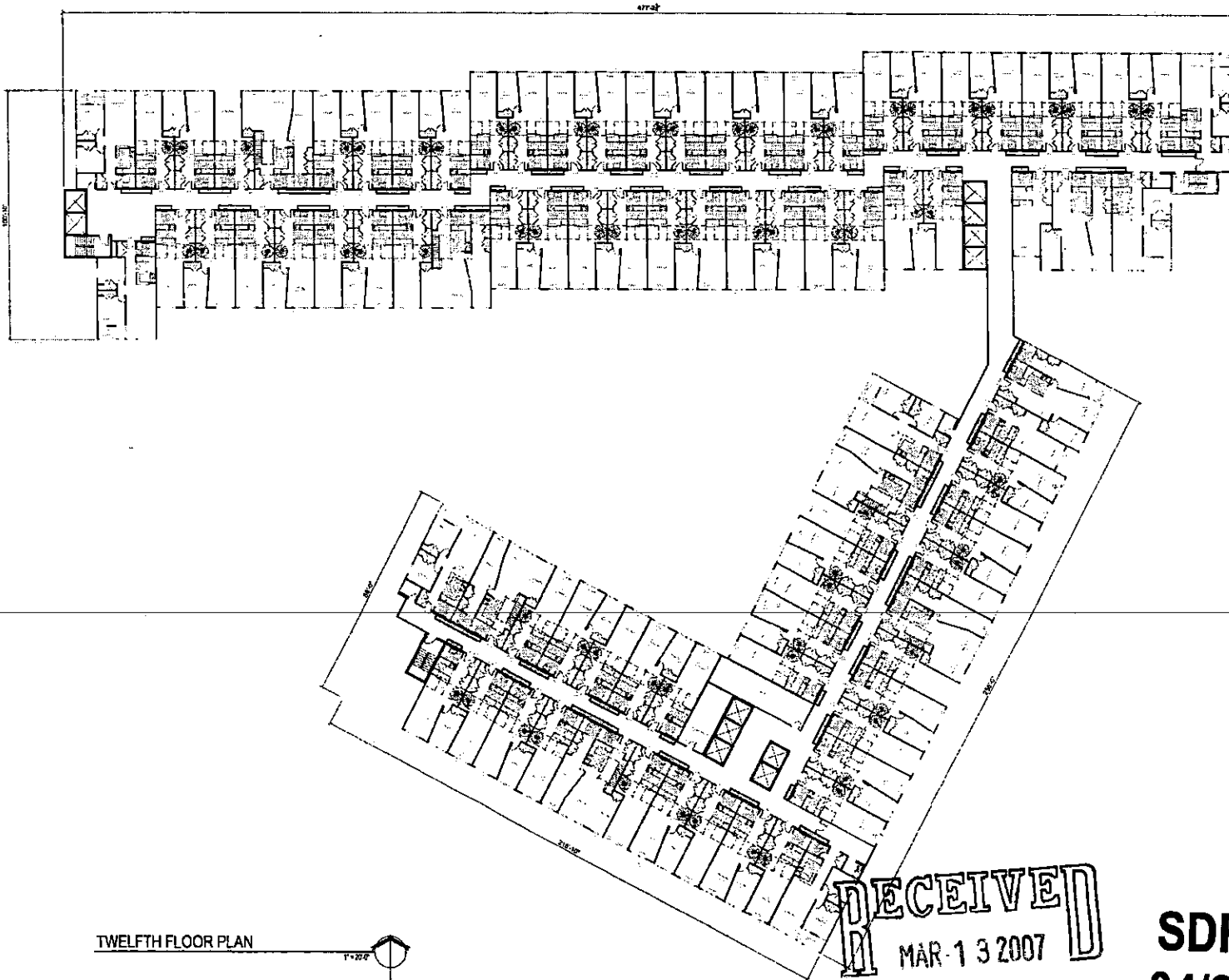
APTUSIAArchitecture

12001 Squawack Road
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Las Vegas, Nevada 89104
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F 702.814.1201
info@aptusiarchitecture.com

Aquarius Residences
Site Development Review
Charleston and 4th Street
Las Vegas, Nevada 89104

City of Las Vegas SDR, SUP, RZ, VAC, Lateral 31307

04/10/07 LV Local Purview



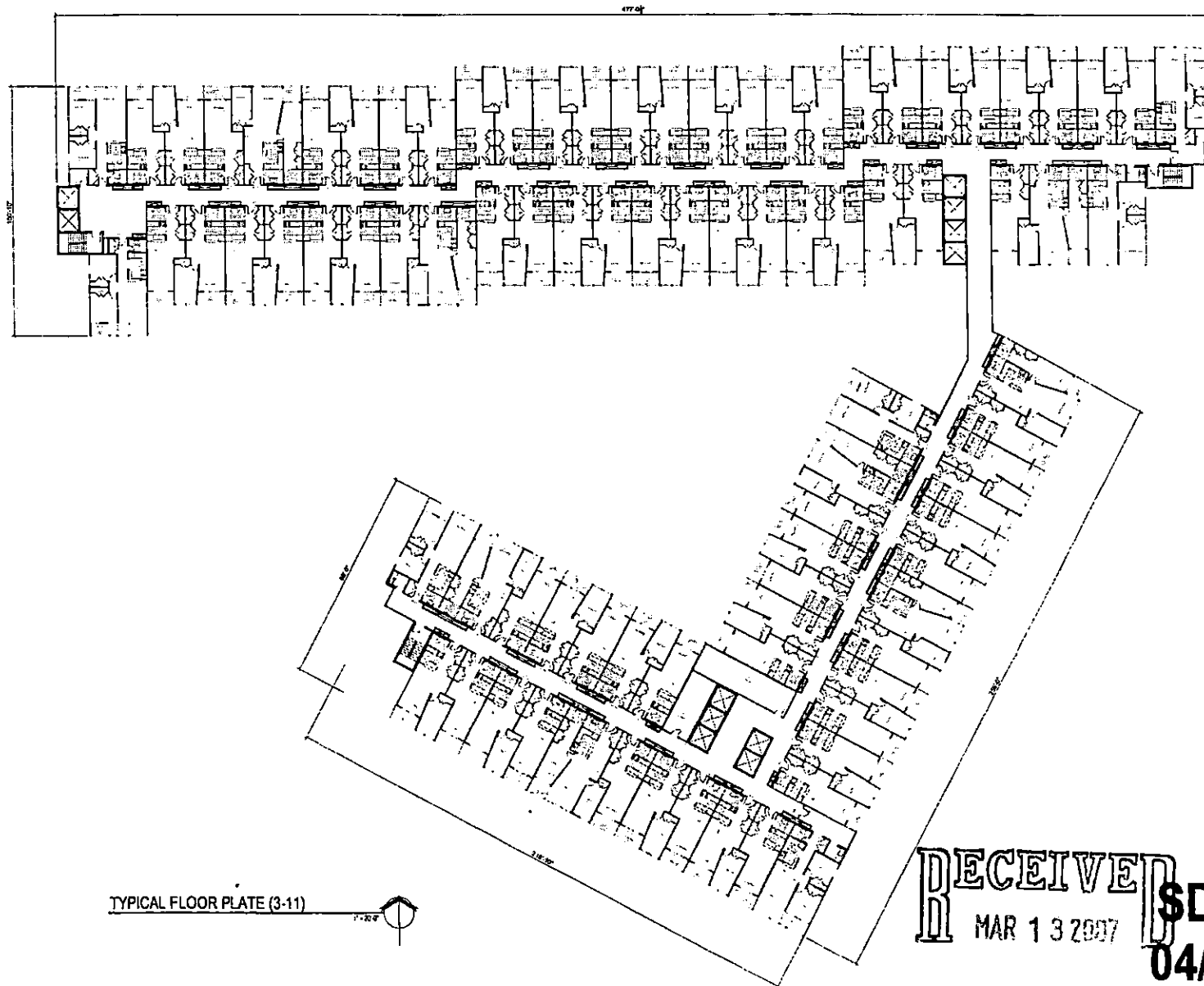
TWELFTH FLOOR PLAN



1" = 20'

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TYPICAL FLOOR PLATE (3-11)



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Aquarius Residences
Site Development Review
Charleston and 4th Street
Las Vegas, Nevada 89104

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info@aptusiarchitecture.com

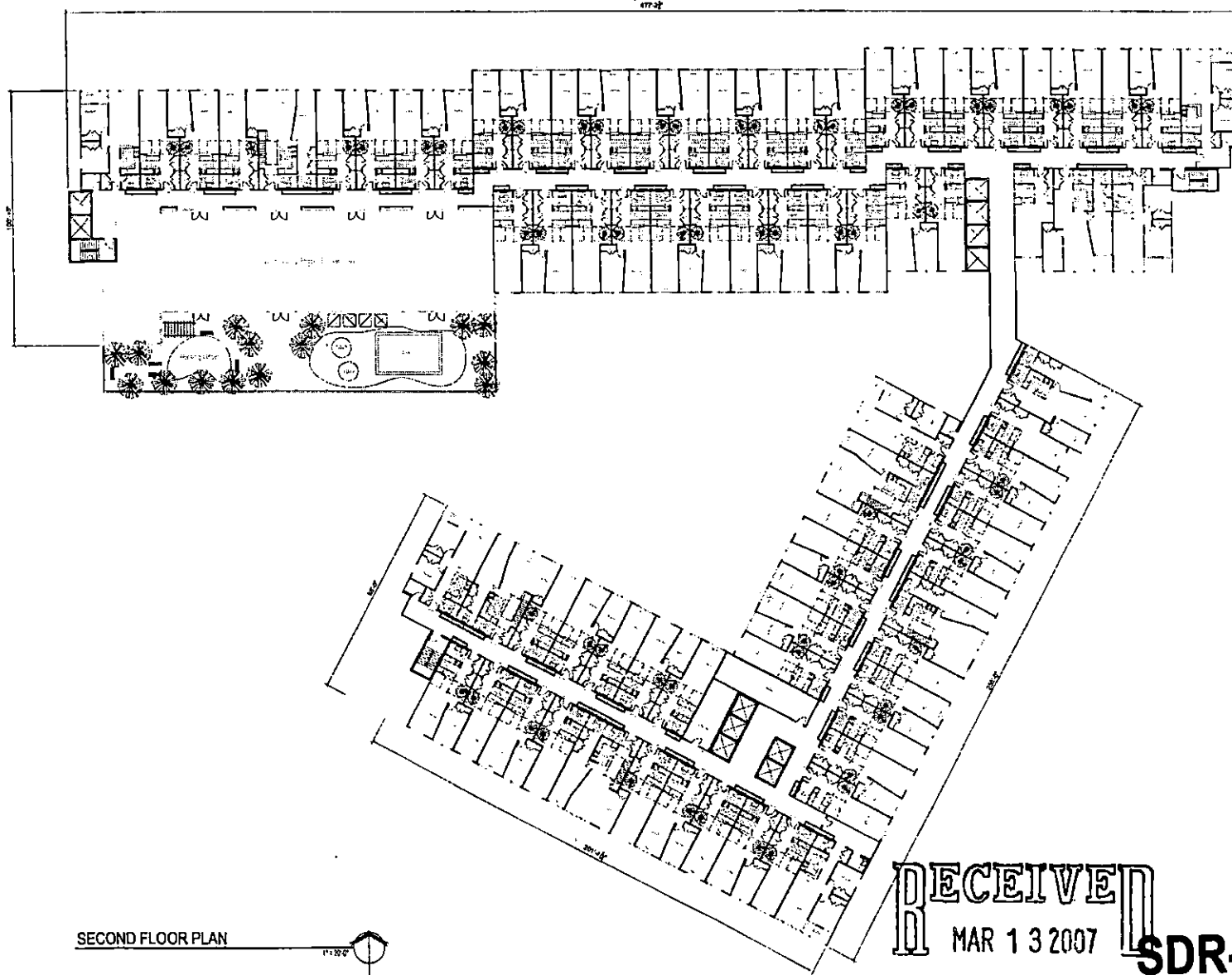
City of Las Vegas SDR, BAP, RZ, VAC Submittal

3/13/07

TYPICAL
FLOOR PLATE

A101

06/17/07 (V) Land Patterns



SECOND FLOOR PLAN



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Aquarius Residences
Site Development Review
Charleston and 4th Street
Las Vegas, Nevada 89104

APTUS Architecture

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Las Vegas, Nevada 89104
P 702.831.1200
F 702.831.1211
www.aplusarch.com

City of Las Vegas SDR, SUP, RZ, VAC Submittal

11187

SECOND
FLOOR PLAN

A100

04.177 L.V. Land Permit



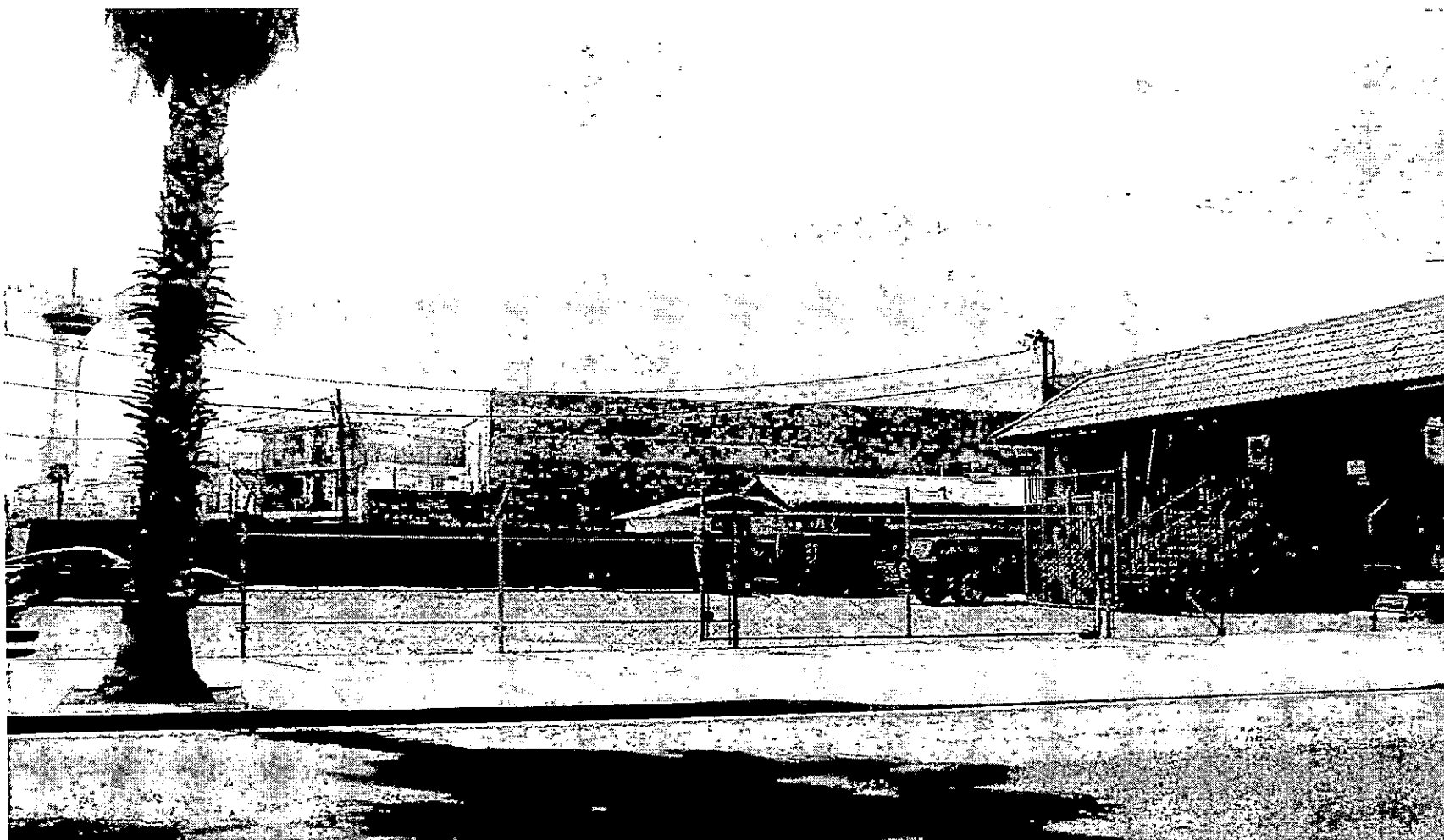
ZON-20507, SUP-20519, VAC-20522, SDR-20492 & SDR-20502 - APPLICANT/OWNER: LIVEWORK, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET
APRIL 26, 2007 PLANNING COMMISSION

03/28/07



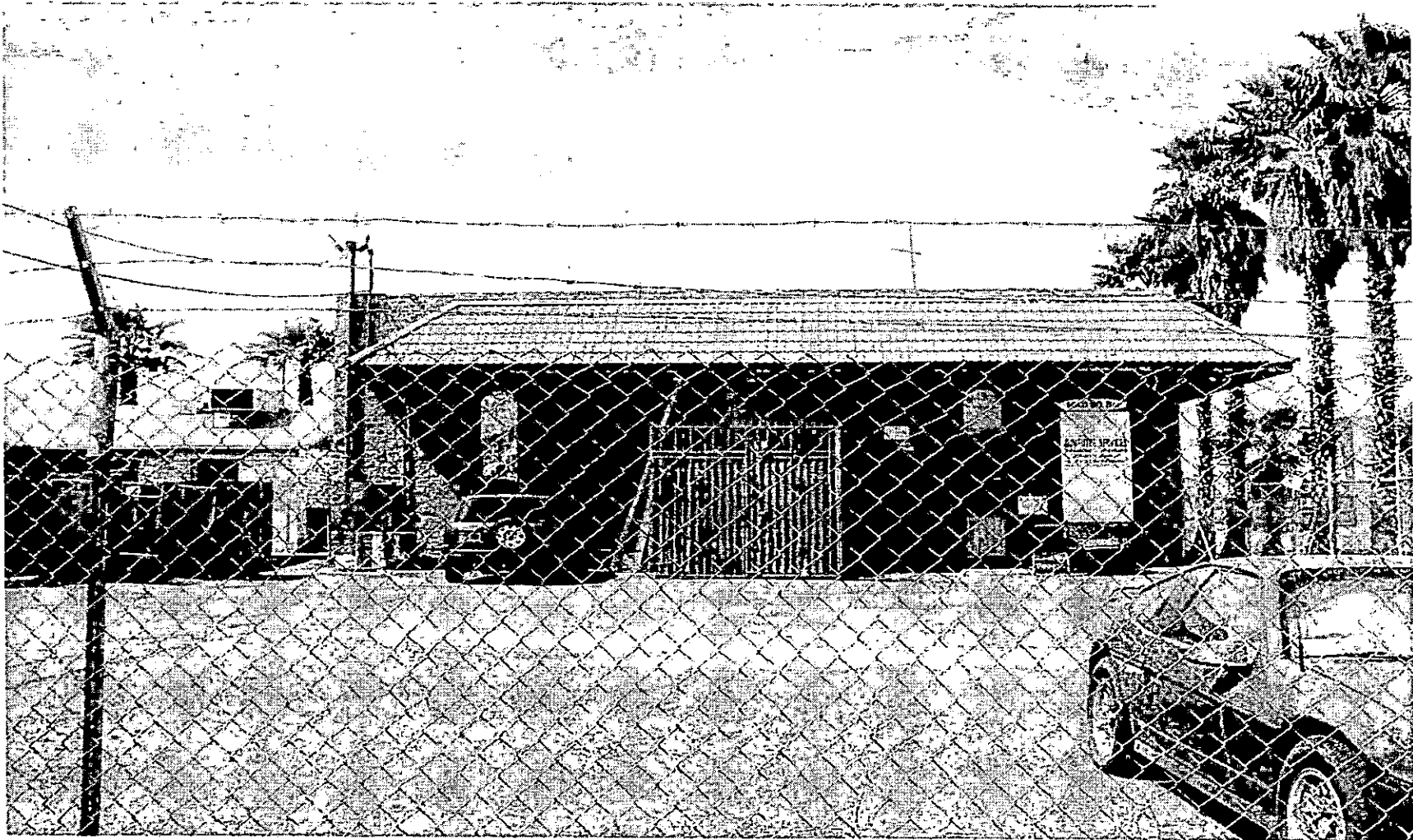
ZON-20507, SUP-20519, VAC-20522, SDR-20492 & SDR-20502 - APPLICANT/OWNER: LIVEWORK, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET
APRIL 26, 2007 PLANNING COMMISSION

03/28/07



ZON-20507, SUP-20519, VAC-20522, SDR-20492 & SDR-20502 - APPLICANT/OWNER: LIVEWORK, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET
APRIL 26, 2007 PLANNING COMMISSION

03/28/07



ZON-20507, SUP-20519, VAC-20522, SDR-20492 & SDR-20502 - APPLICANT/OWNER: LIVEWORK, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET
APRIL 26, 2007 PLANNING COMMISSION

03/28/07



ZON-20507, SUP-20519, VAC-20522, SDR-20492 & SDR-20502 - APPLICANT/OWNER: LIVEWORK, LLC
SOUTHWEST CORNER OF CHARLESTON BOULEVARD AND FOURTH STREET
APRIL 26, 2007 PLANNING COMMISSION

03/28/07

April 6, 2007

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

APN: 162-03-115-001 and 002
139-34-410-056, 057, 058 and 059

Re:

- a. Rezoning
- b. Site Development Review
- c. Special Use Permit for Mixed Use
- d. Vacation for alley and public access easement off of 3rd Street and 3rd Place
- e. Waiver of Required Stepbacks

To Whom It May Concern:

We respectfully submit this application for a Rezoning, Site Development Review, Special Use Permit and a Vacation for the alley and public access easement for the project now known as "Aquarius Residences". This is a mixed use project containing ground floor commercial, live work units and condominium residences above the ground floor at the southwest corner of Charleston and Fourth Street. All of the parking except for required residential handicap parking for this project will be located in an automated parking structure on the Southeast Corner of Casino Center and Coolidge. These parcels are currently zoned P-R, C-1 and C-2 and are in the Downtown Centennial Plan. We are also requesting that two portions of the principle parcel # 162-03-115-001 be rezoned to C-1 to eliminate the split zoning and to provide continuity throughout the Charleston and 4th Street site.

The project is a mixed-use 12 story project and will be 160' feet in height. The ground floor will have 70,000 SF (58,000 SF at the Charleston site and 12,000 SF at the Casino Center site) of commercial space. Public parking for the Charleston and 4th Street portion of the retail is not provided on site in the attempt to create a walk-able corridor within the downtown area. To create and maintain a thriving urban community, retailers need pedestrian traffic passing by their establishments. With this project, we are promoting a walking lifestyle that is guided by the location of the residence in relation to the vehicle. The walking route between the two is less than ¼ mile. In addition, the new downtown BRT (bus rapid transit) will make it's way south on Casino Center with a stop at Coolidge (our parking structure site) and have a new route directly across Charleston tying into 3rd Street with another stop at the west side of our development. The traffic signal will be relocated from Charleston and Casino Center to Charleston and 3rd, which will further invite pedestrian and public transportation to travel in between our two sites.

For the Casino Center and Coolidge site, ingress and egress into the parking will be off of the alley which intersects Coolidge Avenue. The parking structure is fully automated and is not-occupied. There will be 1500 parking spaces inside the structure. The spaces will be for the residents of the Aquarius Condominium Residences and for residents and employees of the Arts District and the general downtown area. There will be ground floor commercial along Casino Center which could also tie into additional gallery space for the growing Arts District. The intent of the design of the parking structure is to become a living canvas to display art and movies and to help bring the arts district to the next level.

We are requesting a vacation of the 20' service alley directly off of 3rd Street, just south of Charleston. This will become the west end of the vehicular access for the project, with another ingress/egress off of 4th Street. Off of this new vehicular access will be drop off areas for residents, handicap parking, etc.

SDR-20502
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04/26/07 PC

and service loading and unloading. We are also requesting a vacation for the public access easement and public right of way off of 3rd Place. The new development will cover this area to give a strong retail presence along Charleston.

The Charleston and 4th Street Site will have stone veneer and insulated glazing at the ground level retail portion of the building, transitioning to a cementitious preformed panel for the upper stories. There are also glass railings at the residential balconies. We are asking for a waiver of the required stepbacks for both sites due to the nature of the building systems used. All mechanical equipment will be fully screened from view.

All work along Charleston will be submitted and approved through Nevada Department of Transportation. The existing sewer easements running through the Charleston and 4th Street site will be removed and relocated.

The owner desires to provide much needed and obtainable rental housing within the downtown area of the city. To compliment approximately 1,100 condominium residences for rent will be almost 70,000 square feet of commercial space. This residential and commercial development will be an asset to the City of Las Vegas by helping to spur additional revitalization and reinforcing redevelopment in an area which has already begun a transformation.

We have made every attempt to try and follow City of Las Vegas Title 19 as well as the Centennial Plan as closely as possible in the design and layout of this site. We hope that you will join us in our attempt to bring much-needed high caliber product into downtown and to Las Vegas residents.

Respectfully Submitted,

A handwritten signature in black ink, appearing to read "Kristen G. Neuman".

Kristen G. Neuman, AIA
APTUS Architecture

SDR-20502
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04/26/07 PC

AGENDA SUMMARY PAGE - PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 26, 2007

DEPARTMENT: PLANNING & DEVELOPMENT

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

SUBJECT:

ZON-20543 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: KYLE ACQUISITION GROUP, LLC - Request for Rezoning FROM: R-E (RESIDENCE ESTATES) AND U (UNDEVELOPED) TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT) LAND USE DESIGNATION] TO: TD (TRADITIONAL DEVELOPMENT) on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road (APNs 125-06-001-001 and 002; 125-06-002-001, 002, 003 and 009; 125-07-101-001 and 002; 125-07-201-001 and 002; 125-07-301-001 and 002; 125-07-401-001 and 002; 125-07-501-001 and 002; 125-07-601-001 and 002; and 126-12-000-001) Ward 6 (Ross).

C.C.: 05/16/07

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

4

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

1

RECOMMENDATION:

Staff recommends **APPROVAL**.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions For This Application
3. Staff Report
4. Justification Letter
5. Submitted at meeting – Development agreement, design guidelines, development summary and resolution summaries by staff

MOTION:

TROWBRIDGE – HOLD IN ABEYANCE to 5/10/2007 – UNANIMOUS

MINUTES:

CHAIRMAN DAVENPORT declared the Public Hearing open.

TOM PERIGO, Deputy Director of Planning and Development Department, reported that in 2004 the Council adopted Resolution 17604 outlining expectations for public facilities, community design and energy and water conservation. Staff has worked on the plan for the site for the last two years and believes that the documents associated with the rezone request would fulfill the requirements

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of the resolution. MR. PERIGO stated the application meets the requirements for Traditional Development (TD) zoning and recommended approval.

ATTORNEY MARK FIORENTINO, 3800 Howard Hughes Parkway, appeared on behalf of the applicant and recollects a brief introduction of the proposal at the previous Planning Commission meeting. He thanked staff for their assistance as several years worth of effort has been exhausted to create this plan. He outlined the resolution referenced by MR. PERIGO and confirmed that the plan was designed with those considerations in mind and noted the very detailed design standards established. He depicted the land use plan and noted the residential area primarily of single-family housing, a mixed use area in the Town Center area to be more dense than a second mixed use area, open and trailed areas, and the two large arroyos to be preserved. ATTORNEY FIORENTINO detailed the open space area that would accommodate turf and play areas associated with its individual community center. There are trail components and pocket parks in addition to three larger programmable parks with soccer and dog parks planned.

ATTORNEY FIORENTINO submitted a proposed development agreement for the project and stated that the agreement would embody all the infrastructure obligations and arrangements made with staff, albeit minor wording issues remain. CHAIRMAN DAVENPORT requested clarification about whether there would be a pool associated with each community center presented with the parks and ATTORNEY FIORENTINO confirmed there would be.

The summary of the development agreement was not intended to be a complete description of every detail but addresses key points. There would be a total unit cap with planning areas containing caps within and maximum percentages of unit types in each to guarantee a mix of the unit types in each planning area and collectively a mix of unit types for the entire project. ATTORNEY FIORENTINO commented that this project would be subjected to the strongest provisions he has been part. Such provisions would consist of details regarding the installation of village and main streets concurrent with or ahead of the actual completion of the subdivision under the development agreement. There would be substantial open space obligations as the applicant is building each park. Upon completion, there would be some parks maintained by the City and some by the homeowners' association.

ATTORNEY FIORENTINO stated that modifications to the design standards are very limited and can only be made by the master developer. Deviations to the standards could only be done in limited circumstances in which case they must be approved by the City. One key point addresses height limitations in both the mixed-use districts. He noted the requirement that the applicant would reappear to address detailed standards for the true mix-use projects. In the future there would be a separate set of standards addressing commercial and mixed uses. He stated that all

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required studies had been completed and approved. Provisions exist if the developer opts to substantially modify the plan. ATTORNEY FIORENTINO noted the school sites that would benefit from a dedication to build a transit hub for a bus route. Unique to the project, he stated that all residential units would be equipped with fire sprinkler systems. He acknowledged the planned fire station and stated that the applicant had contributed financially to the construction of the facility.

ATTORNEY FIORENTINO stated that agreement was made for the applicant to fund construction of a Metro Police substation and has also agreed to pay \$10 million towards the construction of the interim improvements at the Kyle Canyon interchange. In addition, the applicant would work with the City to assist the prioritization of the Hualapai Way interchange. Sufficient right-of-way would be dedicated to the Horse/Hualapai conversion to six lanes should future traffic demand that. There is agreement with whom to dedicate land outside the boundaries of the project for the outer beltway alignment and would be done before the right-of-way would be relinquished.

ATTORNEY FIORENTINO summarized that the changes of the design guidelines were related to requests of staff, or were revisions required to be made in order to comply with the approved traffic study. He stated that the uses allowed in the district have been defined with certain conditions relating to specific uses but are in substantial conformance with Title 19. He requested a favorable recommendation.

DEPUTY CITY ATTORNEY JAMES LEWIS confirmed that the City has worked on the development of this project for several years and is content with the proposal. He acknowledged that language revisions are required before the matter is heard by Council. If approved, a list of issues would require agreement by the developer and specifics had been provided by the Public Works Department. Outstanding language must be deliberated upon addressing the Northern Beltway or Mountain Edge Parkway and the arrangement between the City and the developer with regard to the relinquishment of the right-of-way and their provision of land to the City in exchange. DEPUTY CITY ATTORNEY LEWIS noted ATTORNEY FIORENTINO'S comments that, by City Code, the development agreement is in conformance with the General Plan. He advised the Commission that the matter should be abeyed for two weeks to allow the Commission to comply with the provisions of Las Vegas Municipal Code 19.18.090 sub B. The Open Meeting Law does not allow the Commission to take action on the development agreement and he recommended that additional Public Notice would be necessary to guard against assertions that the Commission violated the law by taking action on the development agreement.

COMMISSIONER TROWBRIDGE stated he spent a significant amount of hours familiarizing himself with all documents obtained prior to the commencement of the meeting and stated that

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he has not had the opportunity to look over the recently submitted documents. He complimented the layout of the plan in its entirety, especially the incorporation of the existing arroyos with the proposed trail system; however, he supported the request to abey the matter.

COMMISSIONER TROWBRIDGE recognized the undertaking involved with the proposal and requested specific attention be directed to the fire station, metro station and school needs to be assured that all needs are met for the projected 16,000 unit development. He suggested the City provide plenty of lead time to staff responsible for acquiring land from Bureau of Land Management (BLM) to acquire large perimeter parcels and provide the development with additional needed amenities. COMMISSIONER TROWBRIDGE recognized that the City could be held as a liable party to language or content within the provisions of the document and therefore requested that the City proceed cautiously.

TODD FARLOW, 240 North 19th Street, complimented the project's progress from the beginning when COUNCILMAN MACK initiated neighborhood meetings. He inquired about the dual water supply system so that gray water could be used to maintain the open space and for drinking purposes.

TOM McGOWAN, Las Vegas resident, recognized the project's magnificence but recommended the matter be denied.

ALEX McKYTON, 9033 Big Plantation Avenue, pointed out that the public has not been adequately involved in the progress of the project nor have any plans been shared with the community. He referenced notification about a casino with a 160 foot tower planned that would be out of character.

JENNIFER TAYLOR, 8158 Hawk Clan Court, concurred with the aforementioned concerns and added that the density is overwhelming considering the urban mixed use area south of Brent Lane. She pointed out that the development agreement allows for or contemplates 80-foot high uses in the urban mixed use areas. She requested there be intense scrutiny to decide what is allowed on those parcels when the development plan is arranged. She supported the abeyance in an effort to protect the neighborhood and to assure a superior project is developed.

TODD SCHWARTZ, 9112 Watermelon Seed Avenue, appeared as the president on behalf of the Spring Mountain Ranch Community and informed the Commission that he participated in meetings about the project. MR. SCHWARTZ expressed disappointment about not completely understanding what Traditional Development zoning would allow and the vagueness presented by the representatives. He stated that although he has met with the developers to discuss.

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compromise, there has not been any change to the project reflecting consideration of the neighbors' concerns

ATTORNEY JEFF SILVER, Gordon and Silver, appeared on behalf of a client affected by a portion of the subject property. ATTORNEY SILVER stated that during a hearing in July 2006 it was promised that those affected by the alignment could offer input relative to the change of the alignment, yet the developer has only worked with City staff and not the community. He stated the developer was aware that the beltway would be constructed through their property and should have planned differently to avoid the adverse impact upon so many residents.

ATTORNEY FIORENTINO confirmed there were at least six meetings held with the community regarding plans for the subject site. He stated that when the General Plan Amendment (GPA) was changed, the applicant was required to conduct a neighborhood meeting at which time comment cards were distributed. In addition, there were two public information fairs that included a broader audience and an even larger meeting, not required, where more comment cards were distributed. From the 10 comment cards received, the concerns expressed requested that attached and multi-family homes not be developed east of US95 and that there be adequate buffering and transition. ATTORNEY FIORENTINO disagreed with the request to restrict multi-family housing east of US95 because it contradicts with the goals to provide diversity housing.

ATTORNEY FIORENTINO detailed the plans for the section of the site that has an overpass which then requires any use to be constructed under the interchange. The grade of the land does not permit single-family housing units to be considered. He indicated that the portion of Fort Apache Road to be vacated would allow for appropriate buffering and walkways including safe passage to the school site. He reiterated that the design standards have not been set and those decisions about the appropriate uses are for the Commission to decide.

In response to COMMISSIONER TROWBRIDGE'S concerns, ATTORNEY FIORENTINO stated that the open space is purposely designed as a fundamental concept to offer several open space areas and provide numerous community centers and pools as opposed to one large regional park. He also stated that the usage of gray water would not be cost effective for the entire project; however, he stated the applicant would consider testing those options in a small area.

ATTORNEY FIORENTINO referenced Title 19.18 to confirm that there is not a requirement to notice the public regarding development agreement standards. He suggested that all issues be expressed to allow him the opportunity to address the matters, but CHAIRMAN DAVENPORT reminded the Commission that per DEPUTY CITY ATTORNEY LEWIS' advice the matter

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should be held in abeyance. If there are outstanding questions or concerns, a list of such matters could be submitted and a copy could be provided to ATTORNEY FIORENTINO.

COMMISSIONER EVANS inquired about alternative energy sources considered for the project and whether the native vegetation could be replanted elsewhere on the site or throughout the community. ATTORNEY FIORENTINO verified there are provisions in the design standards addressing solar energy based a home's design and orientation and that additional information would be supplied to the new homeowners referring them to additional options. He stated that the applicant has intentions to harvest native plants but it has not been decided if those plants would be incorporated within this project.

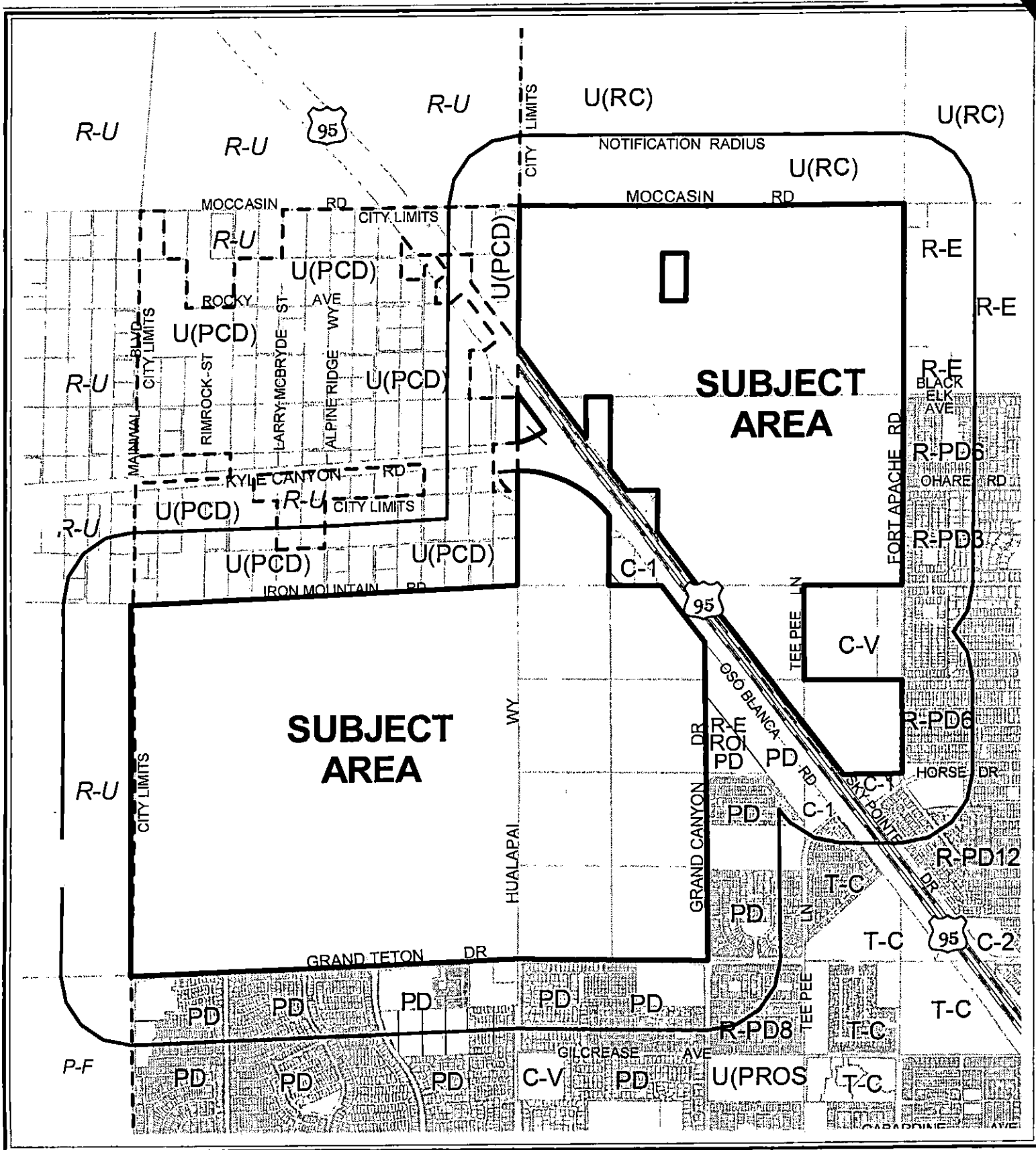
COMMISSIONER STEINMAN queried whether the amount of schools planned would be adequate for the amount of residents projected on the site, whether one fire station would be sufficient and if a police station is planned. ATTORNEY FIORENTINO referenced a letter from the school district which confirmed that the school sites are sufficient since there are other schools in the area that would serve this community too. Likewise, he stated that fire personnel have expressed content that the station would adequately serve the community since it would not be the sole provider and the same with the police substation.

COMMISSIONER TRUESDELL outlined the long process that this project has endured in order to be heard and noted that information about the project had been posted on the City's website for nearly two years. MR. PERIGO verified that the project is in compliance with the Northwest Open Space Plan. COMMISSIONER TRUESDELL stated that the plan presented is a very comprehensive plan. DEPUTY CITY ATTORNEY LEWIS reiterated that as a precaution, he recommends an abeyance. Two years have been spent working on the project and if abeyed, the City would add individual notice to the development agreement that would unarguably comply with issues about the Open Meeting Law.

CHAIRMAN DAVENPORT declared the Public Hearing closed.

(9:01 – 10:08)

2-2611



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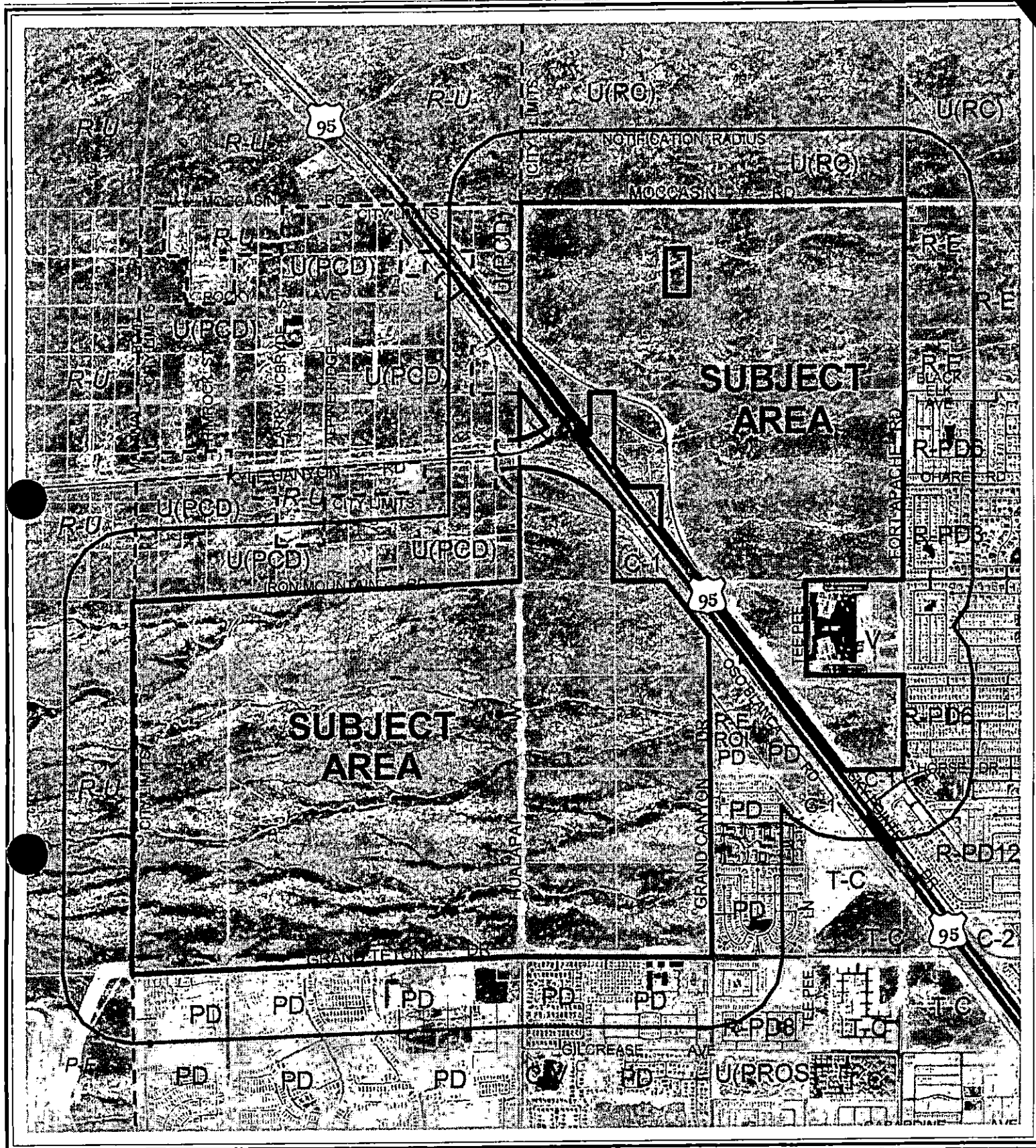
RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) AND U (DEVELOPED) [TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT) LAND USE DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

TD (TRADITIONAL DEVELOPMENT)



CASE: ZON-20543

RADIUS: 1000 FT

ZONING OF SUBJECT PROPERTY:

R-E (RESIDENCE ESTATES) AND U (DEVELOPED) [TND (TRADITIONAL NEIGHBORHOOD DEVELOPMENT) LAND USE DESIGNATION]

PROPOSED ZONING OF SUBJECT PROPERTY:

TD (TRADITIONAL DEVELOPMENT)

0 2000 4000 Feet



*City of Las Vegas***AGENDA MEMO****PLANNING COMMISSION MEETING DATE: APRIL 26, 2007****DEPARTMENT: PLANNING AND DEVELOPMENT****ITEM DESCRIPTION: ZON-20543 - APPLICANT/OWNER: KYLE ACQUISITION GROUP, LLC**

**** CONDITIONS ******STAFF RECOMMENDATION: APPROVAL****Public Works**

1. The existing public right-of-way grant for the southern alignment of the proposed "Northern Beltway" (AKA Mountains' Edge Parkway) must be vacated prior to the submittal of any Final Map that does not accommodate the existing right-of-way. The applicant shall enter into a formal agreement with the City to replace the existing rights-of-way with appropriate rights-of-way along the Northern Alignment as depicted on the City's Master Plan of Streets and Highways prior to submittal of a Parent Tentative Map for this site, and the terms of such agreement shall have been complied with prior to submittal of a Parent Final Map for this site.
2. Dedicate appropriate rights-of-way for public street infrastructure within this Master Plan to the City of Las Vegas in accordance with the Kyle Canyon Development Agreement and Design Guidelines and as required in the approved Master Traffic Study, Master Drainage Study, and Master Sanitary Sewer Study. Grant pedestrian access easements and appropriate easements for all public facilities (sewer, drainage, sidewalk, traffic signal, streetlighting, etc) as required by the City.
3. Coordinate with the Right-of-Way Section of the Department of Public Works to determine the application submittal requirements for Bureau of Land Management (BLM) applications for all BLM-held properties adjacent to roadways proposed in this development. A copy of the plant survey (if applicable), approved right-of-way grant issued by BLM, receipt for tortoise mitigation fee payment and notice to proceed issued by BLM (if applicable) shall be submitted to the Right-of-Way Section prior to approval of construction drawings for this site or the issuance of any permits, whichever may occur first.
4. Submit an application to amend the City's Master Plan of Streets and Highways for all affected Master Planned roadways interior and adjacent to this site prior to the submittal of a Parent Final Map for this site. The proposed amendment to the Master Plan of Streets and Highways must be approved by the City Council prior to the recordation of a Parent Final Map.

RTS

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5. Appropriate half-street or full-width street improvements, including appropriate overpaving (if legally able) of all public streets proposed as part of the Master Development Plan shall be constructed by the Master Developer in accordance with the Kyle Canyon Development Agreement and Design Guidelines and the approved Master Traffic Study. Where this site is required to construct public street improvements on two sides of a "Not a Part" piece, or where needed for pavement continuity, widened paving shall be constructed adjacent to the not a part piece unless specifically allowed otherwise by the City Engineer.
6. Submit a design for approval by the City Traffic Engineer of the Shaumber Road and Grand Teton Drive intersection demonstrating how the roadway will be designed around the existing power transmission pole. This design shall be reflected on the Parent Final Map for this site.
7. Coordinate with the Nevada Department of Transportation (NDOT) for all work within existing NDOT rights-of-way and controlled-access areas. Obtain appropriate Occupancy Permits for all such work.
8. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been granted to the City.
9. An update to the approved Master Drainage Study shall be submitted for approval by the Flood Control Section that illustrates the proposed phasing of improvements in accordance with the Development Agreement.
10. The Parent Tentative Map shall show all additional right-of-way for turn lanes and bus turnouts required by the Master Traffic Study, and such additional rights-of-way shall be dedicated on the Parent Final Map unless an update to the approved Master Traffic Impact Analysis is submitted to and approved by the Department of Public Works that shows that specific additional rights-of-way are not required. Comply with the recommendations of the approved Master Traffic Study update prior to occupancy of the site. If additional rights-of-way are not required and Traffic Control devices are or may be proposed within or adjacent to this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted on the Parent Final Map. Phased compliance will be allowed if recommended by the approved 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.

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11. The City may require updates to the approved Traffic Impact Analysis if future development is proposed that differs substantially, in the opinion of the City Traffic Engineer, from the assumptions of the approved Master Traffic Impact Analysis. Additional public right-of-way dedications may be required to accommodate such changes.
12. Site-specific Drainage Plans and Traffic Access Analysis Reports may be required as each internal site develops as required by the Department of Public Works. The City reserves the right to impose additional site-specific conditions with future site development actions.
13. Site development to comply with the Kyle Canyon Development Agreement and Design Guidelines, the approved Master Traffic Study, Master Drainage Study and Master Sanitary Sewer Study and all other site-related actions.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This request is for the Rezoning of R-E (Residence Estates) and U (TND) (Undeveloped) [TND (Traditional Neighborhood Development) General Plan Designation] to T-D (Traditional Development) on 1,712 acres at the southwest corner of Fort Apache Road and Moccasin Road.

The applicant states that this request is a part of the framework needed for the orderly development of this area of the city. The requested zoning district is designated under Title 19 for the development of comprehensively-planned mixed-use communities, with a minimum of eighty contiguous acres of land under one ownership or control, which can provide a balanced mix of residential, commercial and civic uses.

The proposed rezoning to the T-D (Traditional Development) zoning district is consistent with the existing TND (Traditional Neighborhood Development) General Plan designation. In conjunction with the Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement, this action will allow this area to develop as outlined by the General Plan and approval of this request is recommended.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
01/03/01	The City Council approved a petition (A-0019-99) to annex property generally located on the northwest corner of Hualapai Way and Grand Teton Road containing 667 acres of land.
04/02/03	ZON-1364 The City Council approved a request to Rezone (ZON-1364) portions of property along the Rancho Corridor in an attempt to clean up the disparity between the zone and general plan designations in this area. The Planning Commission and staff recommended approval.
05/19/04	The City Council approved a request to amend a portion of Map 10 of the General Plan (GPA-4044) to realign power line corridors within the Cliff's Edge Master Development Plan area. The realignment placed power lines on the north side of Grand Teton Drive, within the Kyle Canyon area and within the overall subject parcel. The Planning Commission and staff recommended approval.
12/01/04	The City Council approved a request to amend the Master Plan Recreation and Transportation Trail Elements (GPA-5157) to re-designate portions of proposed alignments in developed areas as pedestrian paths. The Planning Commission and staff recommended approval.

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01/05/05	The City Council approved a request to adopt the Northwest Open Space Plan (DIR-5543) for property generally located north of Cheyenne Avenue, west of Decatur Boulevard, and east of Puli Drive. The Planning Commission and staff recommended approval.
01/18/06	The City Council approved a request (GPA-9167) to amend a portion of the Centennial Hills Sector Plan of the Master Plan from SC (Service Commercial), PCD (Planned Community Development) and PF (Public Facilities), to TND (Traditional Neighborhood Development) on 1,712 acres generally located north of Grand Teton Drive, between Puli Road and Fort Apache Road. The Planning Commission and staff recommended approval.
06/07/06	The City Council approved a request (GPA-12339) to amend Map Eleven of the Centennial Hills Sector Plan to allow the relocation of an approved Electric Utility Substation from the northeast corner of Hualapai Way and Grand Teton Drive to a site north and west of the approved location; and for the addition of transmission lines related to the proposed relocation of the proposed substation. The Planning Commission and staff recommended approval.
07/19/06	The City Council approved a Site Development Plan Review (SDR-13535) and Special Use Permit (SUP-13536) to allow the relocation of an approved Electric Utility Substation from the northeast corner of Hualapai Way and Grand Teton Drive to a site north and west of the approved location. The Planning Commission and staff recommended approval.
<i>Related Building Permits/Business Licenses</i>	
There are no building permits or businesses licenses related to this site or action.	
<i>Pre-Application Meeting</i>	
03/14/07	A pre-application meeting was held and elements of this application were discussed. Submittal requirements were discussed.
<i>Neighborhood Meeting</i>	
A neighborhood meeting is not required nor was one held.	
<i>Field Check</i>	
No field check was conducted for this site.	
<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	1,712

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Surrounding Property	Existing Land Use	Planned Land Use	Existing Zoning
Subject Property	Undeveloped	TND (Traditional Neighborhood Development)	U (TND) (Undeveloped) [TND (Traditional Neighborhood Development) General Plan Designation]
			R-E (Residence Estates)
North	Undeveloped	PCD (Planned Community Development)	U (PCD) (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
		TND (Traditional Neighborhood Development)	U (TND) (Undeveloped) [TND (Traditional Neighborhood Development) General Plan Designation]
South	Undeveloped	PCD (Planned Community Development)	PD (Planned Development)
			R-E (Residence Estates)
		SC (Service Commercial)	R-E (Residence Estates)
			C-2 (General Commercial)
	Single-Family Residential	PCD (Planned Community Development)	PD (Planned Development)
	Multi-Family Residential	PCD (Planned Community Development)	PD (Planned Development)
East	Undeveloped	PF (Public Facilities)	R-E (Residence Estates)
		L (Low Density Residential)	R-E (Residence Estates)
		ML (Medium-Low Density Residential)	R-E (Residence Estates)

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	Public School, Primary	PCD (Planned Community Development)	C-V (Civic)
	Single-Family Residential	PCD (Planned Community Development)	R-PD3 (Residential Planned Development – 3 Units Pr Acre)
			R-PD6 (Residential Planned Development – 6 Units Pr Acre)
	Multi-Family Residential	PCD (Planned Community Development)	PD (Planned Development)
West	Undeveloped	PCD (Planned Community Development)	U (Undeveloped) [PCD (Planned Community Development) General Plan Designation]
		Clark County	Clark County

<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Area Plan		X	n/a
<i>Special Districts/Zones</i>	<i>Yes</i>	<i>No</i>	<i>Compliance</i>
Special Purpose and Overlay Districts		X	n/a
Trails	X		Y
Rural Preservation Overlay District		X	n/a
Development Impact Notification Assessment	X		Y
Project of Regional Significance	X		Y

ANALYSIS

The subject site is located on the Centennial Hill Sector Map of the General Plan. The site is designated as TND (Traditional Neighborhood Development). This category allows development that is characterized as a mixed-use development type that allows for a balanced mix of housing, commercial, and civic uses. It is intended to be organized as a series of pedestrian-oriented neighborhoods with a mixture of housing types, with the uses of daily living within proximity of dwellings. The TND (Traditional Neighborhood Development) category differs from other designations by focusing on pedestrian-oriented neighborhoods that de-emphasizes gated, private streets, cul-de-sacs and perimeter walls along the roadways. The proposed rezoning to the T-D (Traditional Development) zoning district will allow a comprehensively-planned mixed-use community, with a minimum of eighty contiguous acres of land under one ownership or control, which can provide a balanced mix of residential, commercial and civic uses as outlined in Title 19.02.

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The current version of the Kyle Canyon Development Standards and Design Guidelines illustrates how the Master Developer and the City of Las Vegas are attempting to meet the objectives of the TND (Traditional Neighborhood Development) General Plan Designation and the T-D (Traditional Development) zoning district. Specifically, the design guidelines emphasize the pedestrian and neighborhood connectedness called for by the proposed zoning designation. One way that they do this is by requiring that in certain positional situations, residential neighborhoods that make use of a cul-de-sac street have terminuses that end not in the typical residential lots completely surrounding the bulb but with a pedestrian oriented common lot. This configuration allows bicycle and pedestrian access between these normally cut off neighborhoods and the surrounding community. Additionally, the latest draft of the preliminary pod access points plan depicts efforts to maintain connections between neighboring developer parcels using both vehicular and pedestrian paths. Streets within the master plan area provide various ways to emphasize the pedestrian orientation by providing protected sidewalks and trails that are separated from the roadway by landscaping buffers of varying widths. Additionally, collector and neighborhood streets provide on-street parking lanes to add an extra layer of separation between pedestrian and vehicular traffic.

The development standards outline the use of walls in this master planned community. There are standards for walls along the perimeter of the overall community (village walls) as well as standards for product and front yard walls. The emphasis of the guidelines has been to minimize the solid block walls and incorporate more wrought iron view fencing. The wall heights are variable based on the topographic constraints of the individual site, but typically can not exceed heights of 12.67 feet for Village Walls, 18 feet for Product Walls, and 5.33 feet for front yard walls.

One main component of the TND (Traditional Neighborhood Development) General Plan Designation is that neighborhoods contain a mix housing types. Under the typical zoning or master plan certain areas are reserved for a limited type of housing (i.e. Title 19's R-1 (Single Family Residential) zoning district and The Cliff's Edge Master Plan's L (Low Density Residential) designation only allow single family detached structures conforming to development wide lot sizes and setback requirements). Under the development standards for Kyle Canyon various housing types are encouraged in each residential parcel type. Specifically, within the Neighborhood Residential Parcels, each builder is required to produce a minimum of two single family building types and no type may exceed 60 percent of the units in that developer parcel. In the Neighborhood Residential designation there are 11 building type variants to work with.

Further, the plan limits the number of gated communities within the plan area to a maximum of 4,000 units or 25 percent of the master plan's residential offerings. The guidelines prohibit these gated neighborhoods from using solid perimeter walls to enclose the development and are encouraged to use wrought iron view fences where possible. As a part of the allowance for gated communities, the standards still require that a number of these developments provide secured pedestrian access points to neighboring developer parcels and village streets.

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The design guidelines include detailed descriptions of how the developers are to incorporate and make accessible the area's natural environment and the proposed trail system. The arroyos are being excluded from development and being integrated as a part of the community's parks and open space. The development standards give special attention to how neighborhoods and roadways that border these areas are to emphasize their openness and accessibility. One way that this is accomplished is to provide pedestrian access points from all developer parcels that are adjacent to these natural features. The trail and pedestrian pathways system within the master plan area is rather extensive, making the entire master plan area pedestrian accessible. The interior trail system connects to the broader community by linking to the Red Rock Canyon National Conservation Area, the Mountain Edge Parkway Trail and the city's trail system along Grand Teton Drive.

Overall the current version of the Kyle Canyon Development Standards and Design Guidelines meet the objectives of the TND (Traditional Neighborhood Development) General Plan Designation and proposed T-D (Traditional Development) zoning district. The allowance of cul-de-sac streets and the potential use of product walls to separate the developments have been mitigated in part by providing the pedestrian connections at select bulb terminuses and requiring access points between adjacent developer parcels. The potential for community and development walls are limited by the development standards and their impact reduced due to the direction to use view fences where possible versus solid, block walls.

The site encompasses multiple parcels that are to be included with the Kyle Canyon Development Standards and Design Guidelines and covered under the plan's Development Agreement. The proposed rezoning to the T-D (Traditional Development) zoning district is consistent with the existing TND (Traditional Neighborhood Development) General Plan designation. This rezoning is one of the necessary steps in moving forward with the master plan process for this area and staff is recommending approval of this item.

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 would bring the zoning at this site into conformance with the TND (Traditional Neighborhood Development) designation as listed under the Centennial Hills Sector Plan of the General Plan. The TND (Traditional Neighborhood Development) category allows for a balanced mix of housing, commercial, and civic uses. The proposed Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement will accommodate a range of development options and is in compliance with the General Plan.

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April 26, 2007 - Planning Commission Meeting

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 Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement identify uses and densities that are compatible with the areas that are currently developed. None of these properties should be affected by the possibility of rezoning. The proposed rezoning would be compatible with the residential and educational uses that surround the subject properties.

3. **“Growth and development factors in the community indicate the need for or appropriateness of the rezoning.”**

Growth and development factors indicate a need for future residential, commercial, and civic activities to locate in this area. Given the existing General Plan designation of TND (Traditional Neighborhood Development) on the subject site, the rezoning to the T-D (Traditional Development) zoning district is appropriate for the area.

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.”**

The site will receive access from U.S. 95 as well as other major and minor streets that will be connected or developed as part of the Kyle Canyon Development Standards and Design Guidelines and Master Development Agreement.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

4

ASSEMBLY DISTRICT 13

SENATE DISTRICT 9

NOTICES MAILED 2,013

APPROVALS 0

PROTESTS 0

PLANNING & DEVELOPMENT DEPARTMENT

STATEMENT OF FINANCIAL INTEREST

Case Number: **ZON-20543** APN: SEE LIST

Name of Property Owner: Kyle Acquisition Group, LLC

Name of Applicant: Kyle Acquisition Group, 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

X No

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

City Official: _____

Partner(s): _____

APN:

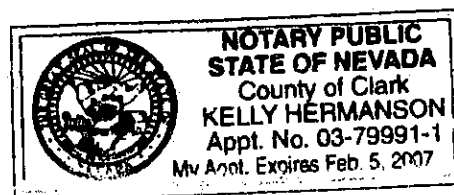
Signature of Property Owner:

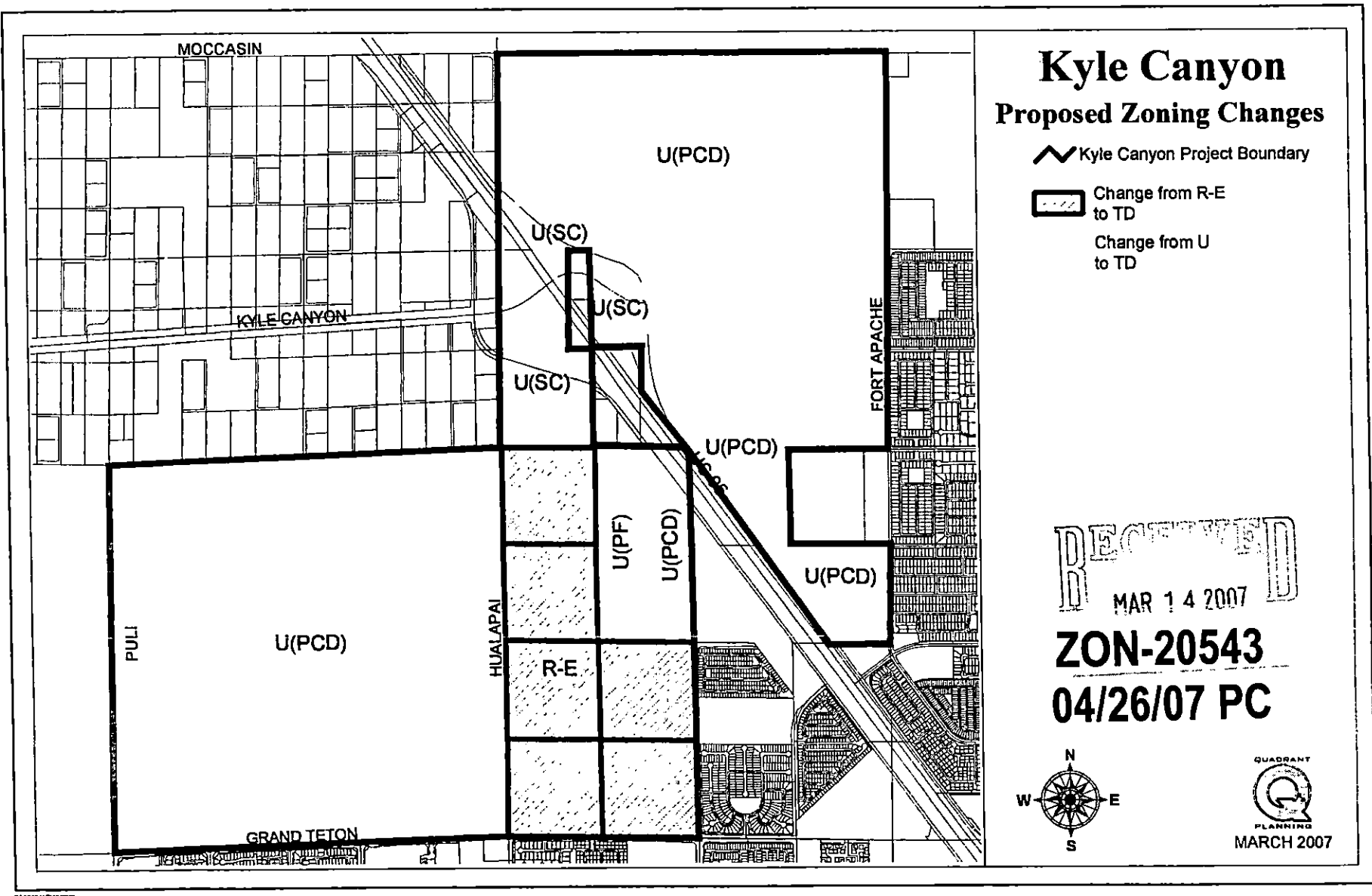
Print Name: _____

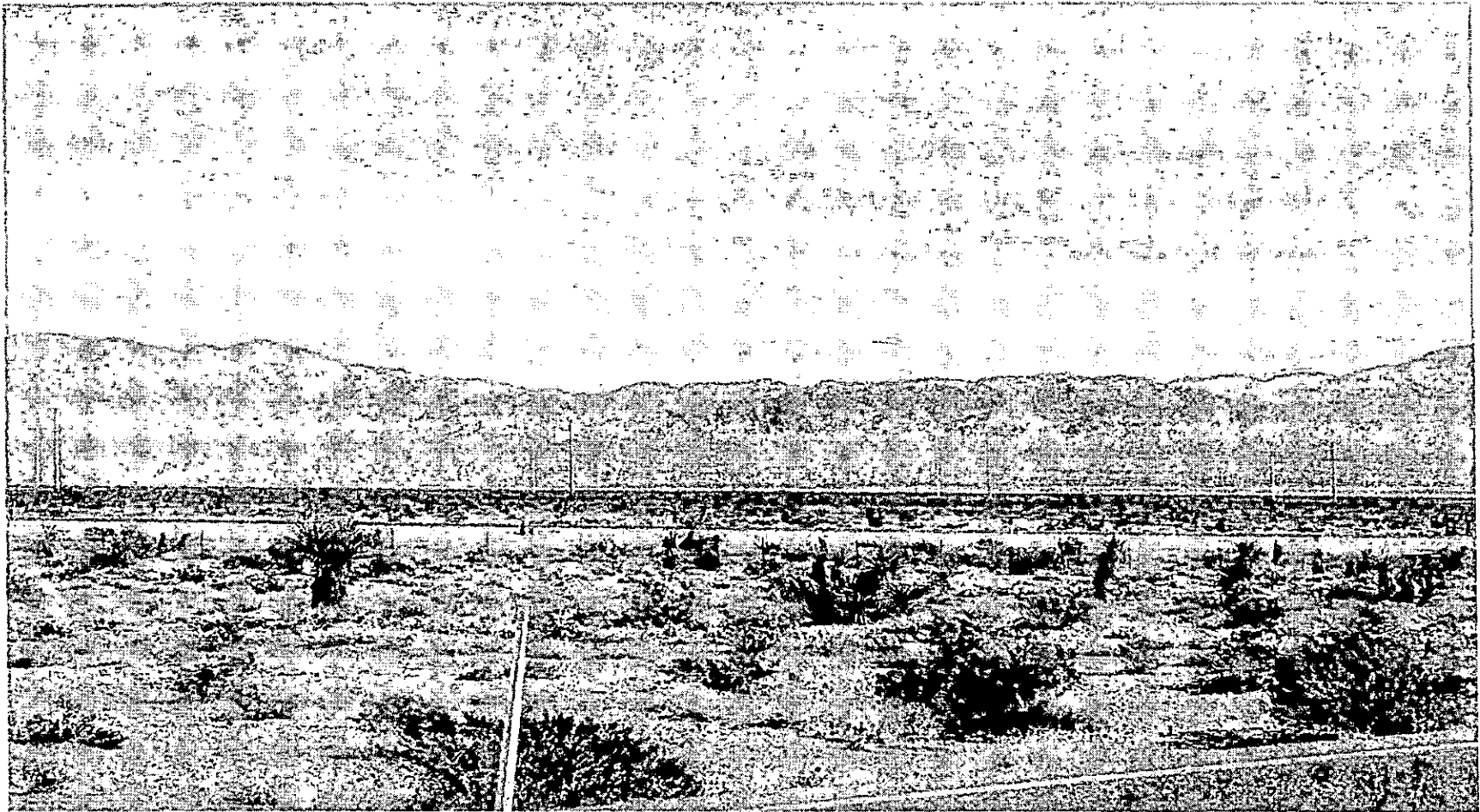
Subscribed and sworn before me

This 9 day of September 2005

Kelly Hummer
Notary Public in and for said County and State

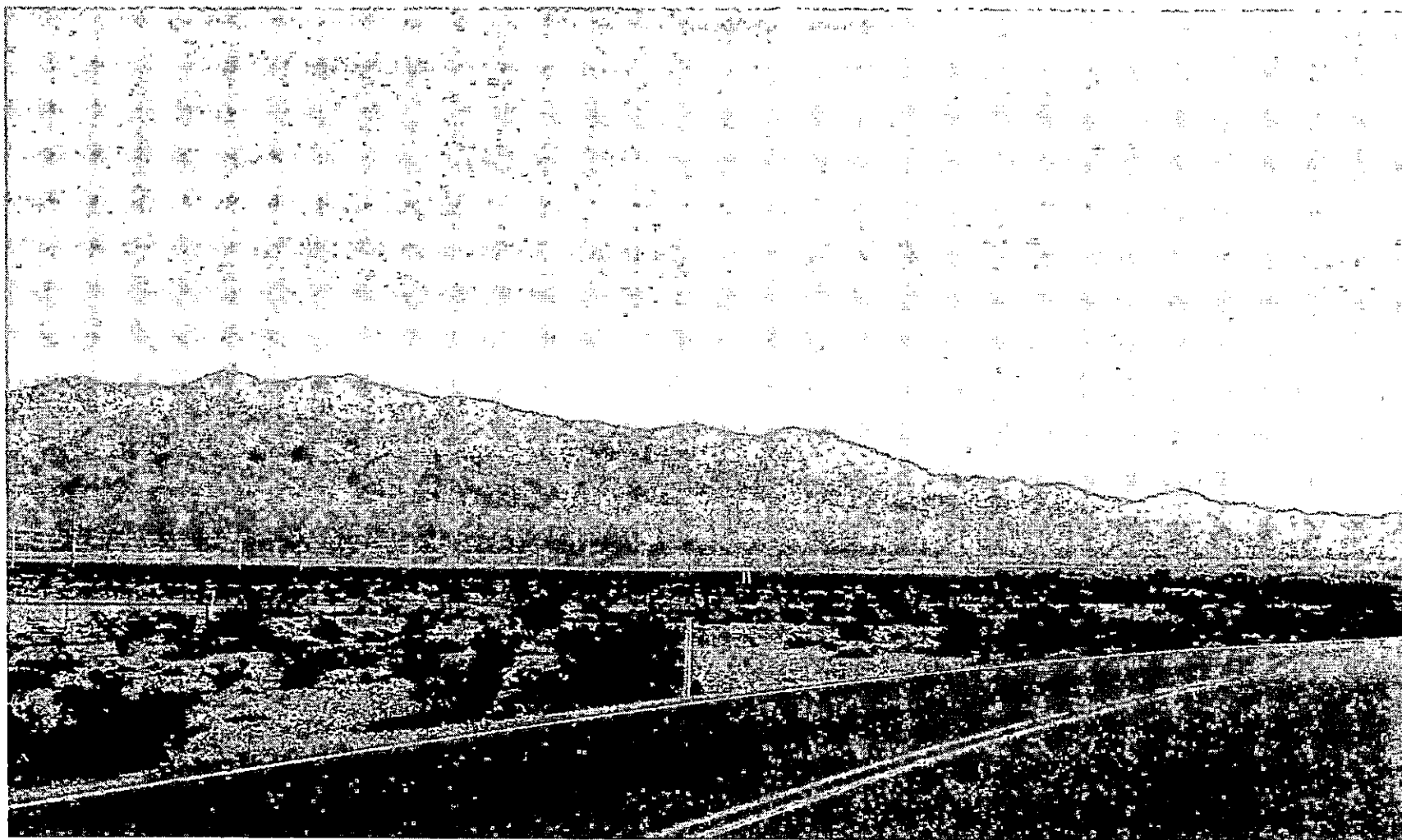






ZON-20543, APPLICANT/OWNER: KYLE ACQUISITION GROUP, LLC
SOUTHWEST CORNER OF FORT APACHE ROAD AND MOCCASIN ROAD
APRIL 26, 2007 PLANNING COMMISSION

03/26/07



ZON-20543, APPLICANT/OWNER: KYLE ACQUISITION GROUP, LLC
SOUTHWEST CORNER OF FORT APACHE ROAD AND MOCCASIN ROAD
APRIL 26, 2007 PLANNING COMMISSION

03/26/07



ZON-20543, APPLICANT/OWNER: KYLE ACQUISITION GROUP, LLC
SOUTHWEST CORNER OF FORT APACHE ROAD AND MOCCASIN ROAD
APRIL 26, 2007 PLANNING COMMISSION

03/26/07

November 1, 2005

Mr. Tom Perrigo, Planning Manager
City of Las Vegas
Planning and Development Department
731 South 4th Street
Las Vegas, NV 89101



SUBJECT: JUSTIFICATION LETTER FOR RE-ZONING FROM U(PCD), U(PF), U(SC) AND R-E TO TD (TRADITIONAL DEVELOPMENT), INCLUDING THE MASTER DESIGN GUIDELINES FOR A 1,712 ACRE MASTER PLANNED COMMUNITY (KYLE CANYON) LOCATED IN WARD 6 (APN'S: 125-06-001-001; 125-06-001-002; 125-06-002-001; 125-06-002-002; 125-06-002-003; 125-06-002-009; 125-07-101-001; 125-07-101-002; 125-07-201-001; 125-07-201-002; 125-07-301-001; 125-07-301-002; 125-07-401-001; 125-07-401-002; 125-07-501-001; 125-07-602-001; 125-07-602-002; AND 126-12-000-001)

Dear Tom:

My office represents the applicant in the above mentioned request which will accommodate a 1,712 acre mixed-use Master Planned Community within the City of Las Vegas' Centennial Hills Sector Plan area.

The majority of the areas within the boundary of this request are currently planned PCD (Planned Community Development) in the Centennial Hills Sector Plan. The City is processing a General Plan Amendment to take all of the area from PF (Public Facility), SC (Service Commercial) and PCD (Planned Community Development) to TND (Traditional Neighborhood District) which will make this Rezoning request conforming.

The Kyle Canyon Master Plan and its accompanying Design Guidelines reflect the objectives as set forth in the TD (Traditional Development) Zoning District of Title 19 of the City Municipal Code.

The applicant's objective in submitting this request is to provide the framework for the orderly development of roughly 1,712 acres that are harmonious and beneficial to the City of Las Vegas. The Plan, when developed, will provide a variety of housing types and employment opportunities which will further benefit the City and its current and future residents. In addition, the development of this Plan will avoid the premature or

3455 Cliff Shadows Way, Suite 100
Las Vegas, NV 89129

P 702 395 3154

F 702 242 0414

E info@quadplan.com

www.quadplan.com

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**ZON-20543
04/26/07 PC**

inappropriate development of uses that could occur if this area were to develop in a piecemeal fashion.

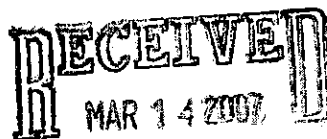
Furthermore, the Plan's Design guidelines will ensure quality, visual continuity, and consistency of design that reflect the specific circumstances of the site. We are confident that this Plan will result in a Master Planned Community that is unique to the Las Vegas Valley and one in which others will look to for inspiration for future developments.

Should any further information be desired, feel free to contact me at 702-395-3154. Thank you for your time and dedication with respect to this project. Your consideration of this request is greatly appreciated

Sincerely,

A handwritten signature in black ink, appearing to read "Joel V. McCulloch". The signature is fluid and cursive, with the first name "Joel" and last name "McCulloch" clearly distinguishable.

JOEL V. MCCULLOCH
PLANNING COORDINATOR



ZON-20543
04/26/07 PC

**DEVELOPMENT AGREEMENT
BETWEEN
CITY OF LAS VEGAS
AND
KYLE ACQUISITION GROUP, LLC**

April 26, 2007

Submitted at Planning Commission

Date 4/26/07 Item # 59

THIS DEVELOPMENT AGREEMENT is made and entered into this _____ day of _____, 2006 by and between the **CITY OF LAS VEGAS**, a municipal corporation of the State of Nevada ("City") and **KYLE ACQUISITION GROUP, LLC**, a Nevada limited liability company ("Master Developer").

RECITALS

A. City has authority, pursuant to NRS Chapter 278 and Title 19 of the Code, to enter into development agreements such as this Agreement, with persons having a legal or equitable interest in real property to establish long-range plans for the development of such property.

B. Master Developer acknowledges that it is the legal owner of the Property described on Exhibit "A" attached hereto. Master Developer and City desire to enter into this Agreement in conformance with the requirements of NRS Chapter 278, and as otherwise permitted by law.

C. The parties acknowledge that this Agreement will further the goals and values of City as provided by (i) Resolution R-176-2004 adopted by the City Council, (ii) City's Centennial Hills Sector Plan and (iii) the Las Vegas 2020 Master Plan.

D. The parties further acknowledge that this Agreement will (i) provide for public services, public uses and urban infrastructure, (ii) promote the health, safety and general welfare of City and its inhabitants, (iii) minimize uncertainty in planning for and securing orderly development of the Property and surrounding areas, (iv) insure attainment of the maximum efficient utilization of resources within City at the least economic cost to its citizens, and (v) otherwise achieve the goals and purposes for which the laws governing development agreements were enacted.

E. As a result of the development of the Property, City will receive needed jobs, sales and other tax revenues, significant increases to its real property tax base and substantial improvements to the public infrastructure. City will additionally receive a greater degree of certainty with respect to the phasing, timing and orderly development of City infrastructure by a developer with significant economic resources and experience in the development process.

F. Master Developer understands and acknowledges that there are insufficient public services available in order to properly construct and populate the Community. Subject to the terms and conditions of this Agreement, Master Developer agrees to provide those necessary public services, facilities and infrastructure improvements on the Property and outside the Property as specifically provided for herein.

G. Master Developer desires to obtain reasonable assurances that it may develop the Community in accordance with the terms, conditions and intent of this Agreement. Master Developer's decision to enter into this Agreement and commence development of the Community is based on expectations of proceeding and the right to proceed with the Community in accordance with this Agreement and the Applicable Rules.

H. Master Developer further acknowledges that this Agreement was made a part of the record at the time of its approval by the City Council and that Master Developer agrees without protest to the requirements, limitations, and conditions imposed by this Agreement.

I. The City Council, having determined that this Agreement is in conformance with Resolution R-176-2004, the Centennial Hills Sector Plan and the Las Vegas 2020 Master Plan, and that all other substantive and procedural requirements for approval of this Agreement have been satisfied, and after giving notice as required by the relevant law, and after introducing this Agreement by ordinance at a public hearing on _____, and after a subsequent public hearing to consider the

substance of this Agreement on _____, the City Council found this Agreement to be in the public interest and lawful in all respects, and approved the execution of this Agreement by the Mayor of the City of Las Vegas.

NOW, THEREFORE, in consideration of the foregoing recitals, the promises and covenants contained herein and other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto agree as follows:

SECTION ONE DEFINITIONS

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

"Affiliate" of any person means (a) any other Person directly or indirectly controlling or controlled by or under direct or indirect common control with such Person and (b) any other Person that beneficially owns at least fifty percent (50%) of the voting common stock or partnership interest or limited liability company interest, as applicable, of such Person. For the purposes of this definition, "control" when used with respect to any Person, means the power to direct the management and policies of such Person, directly or indirectly, whether through the ownership of voting securities, partnership interests, by contract or otherwise; and the terms "controlling" or "controlled" have meanings correlative to the foregoing.

"Agreement" means this development agreement and at any given time includes all addenda and exhibits incorporated by reference and all amendments which hereafter are duly entered into in accordance with the terms of this Agreement.

"Applicable Rules" means and refers to:

- (a) The provisions of the Code and all other uniformly-applied City rules, policies, regulations, ordinances, laws, general or specific, which were in effect on the Effective Date;
- (b) This Agreement;
- (c) The Design Guidelines; and
- (d) The term "Applicable Rules" does not include:
 - (i) Any ordinances, laws, policies, regulations or procedures adopted by a governmental entity other than City;
 - (ii) Any fee or monetary payment prescribed by City ordinance which is uniformly applied to all development and construction subject to the City's jurisdiction; or
 - (iii) Any applicable state or federal law or regulation.

"BLM" means: the Bureau of Land Management.

"Building Codes" means the following codes: 2006 International Residential Code; 2006 International Building Code; 1997 Uniform Administrative Code; 2006 Pool Code; 2006 Uniform Plumbing Code; 2005 National Electric Code; 2006 Uniform Mechanical Code; and National Fire Protection Agency 1, to the extent adopted by the City and subject to any modifications that are adopted by the City.

"CCRFCD" means the Clark County Regional Flood Control District.

"CCSD" means the Clark County School District.

"City" means the City of Las Vegas, together with its successors and assigns.

"City Council" means the Las Vegas City Council.

"City Infrastructure Improvement Standards" means in their most recent editions and with the most recent amendments adopted by the City, the Standard Drawings for Public Works Construction Off-site Improvements, Clark County, Nevada; Uniform Standard Specifications for Public Works Construction Off-site Improvements, Clark County, Nevada; Uniform Regulations for the Control of Drainage and Hydrologic Criteria and Drainage Design Manual, Clark County Regional Flood Control District; Design and Construction Standards for Wastewater Collection Systems of Southern Nevada; and any other engineering, development or design standards and specifications adopted by the City Council. The term includes standards for public improvements and standards for private improvements required under Title 18. The term does not include the Kyle Canyon engineered drawings contained in the Design Guidelines.

"Code" means the Las Vegas Municipal Code, including all ordinances, rules, regulations, standards, criteria, manuals and other references adopted therein.

"Community" means the Property and any and all improvements provided for or constructed thereupon.

"Dedicated Staff" means all of the individuals identified in Section 3.08(b).

"Designated Builder" means any legal entity that owns any parcel of real property within the Community, provided that such entity is designated as such by Master Developer to City Manager in writing. For purposes of the Applicable Rules, the term "Designated Builder" is intended to differentiate between the Master Developer and any other entity, including an Affiliate, partner or corporation related to Master Developer except to the extent that Master Developer engages in the development of a structure or other improvements on a Development Parcel within the Community, in which case Master Developer shall so notify the City Manager in writing.

"Designated Builder Parcel" means any real property within the Community owned by a Designated Builder.

"Design Guidelines" means the document prepared by Master Developer and reviewed and approved by City as a part of this Agreement, which is fully incorporated herein.

"Development Parcels" means legally subdivided parcels of land within the Community that are intended to be developed or further subdivided.

"Development Phase" means each of those portions of the Property described on Exhibit "B" hereto.

"Director of Planning" means the Director of the City's Planning and Development Department or her designee.

"Director of Public Works" means the Director of the City's Department of Public Works or his designee.

"Effective Date" means the date, on or after the adoption by City of an ordinance approving the execution of this Agreement, and the subsequent execution of this Agreement by the Parties, on which this Agreement is recorded in the Office of the County Recorder of Clark County. Each party agrees to cooperate as requested by the other party to cause the recordation of this Agreement without delay.

"Entitlement Request" means a request by Master Developer or a Designated Builder for any land use approval including, without limitation, a tentative or final subdivision map.

"Fire Station" means a building used for fire personnel and equipment.

"Fire Station Site" means property owned or controlled by the City at the southwest corner of Grand Teton and Hualapai.

"Geotechnical Report" means a report of a comprehensive geotechnical analysis of the Property prepared under the direction of and stamped by a Nevada-licensed professional geotechnical engineer.

"Grading Plan, Master Rough" means a plan or plans prepared by a Nevada-licensed professional engineer, to:

- a) Specify areas of less than two hundred (200) acres in size where the Master Developer intends to perform rough grading operations;
- b) Identify existing elevations and features that are to be preserved within the Community and do so at a drawing scale not to exceed one hundred feet (100') per inch;
- c) Identify approximate future elevations and slopes of roadways, paseos, residential and commercial Development Parcels, open space, and drainage areas;
- d) Identify rough design elevations on a two hundred foot (200') grid, and at street intersections, at pod boundaries and at drainage basin boundaries, or more frequently; and
- e) Identify locations and heights of potential stock piles.

The Master Rough Grading Plan shall be reviewed by the Director of Public Works for conformance to the grading and drainage aspects of the approved Master Drainage Study and the Director of Planning and Development shall consider the plan for the aesthetic aspects of the plan. The intent of the document is to establish rough grade elevations for both roadways and Development Parcels such that significant unanticipated grade and earthwork differences do not occur at the time of development of individual subdivisions.

"Grading Plan Specific", which accompanies the Technical Drainage Study, means a detailed grading plan for a development site within the Community to further define the grading within residential or commercial subdivision sites as identified in the Master Rough Grading Plan to a level of detail sufficient to support construction drawings, in accordance with the CCRFCD Hydrologic Criteria and Drainage Design Manual.

"LVVWD" means the Las Vegas Valley Water District.

"Master Developer" means KYLE ACQUISITION GROUP, LLC, a Nevada limited liability company, and its successors and assigns as permitted by the terms of this Agreement. For purposes of the Applicable Rules, Master Developer shall not be considered a Designated Builder.

"Master Drainage Study" means the comprehensive hydrologic and hydraulic study conditionally approved by the Director of Public Works on January 22, 2007 and incorporated in its entirety herein as Exhibit G.

"Master HOA" means a unit-owners' association organized pursuant to NRS 116.3101, that is comprised of owners of residential dwelling units in the Community.

"Master Land Use Plan" means the approved site plan for the Community, which is Figure 2-1 of the Design Guidelines.

"Master Sanitary Sewer Study" means the comprehensive hydraulic study conditionally approved by the Director of Public Works on January 19, 2007 and incorporated in its entirety herein as Exhibit G.

"Master Studies" means the Master Traffic Study, the Master Drainage Study, and the Master Sanitary Sewer Study. and

"Master Traffic Study" means the comprehensive study conditionally approved by the Director of Public Works on _____ and incorporated in its entirety herein as Exhibit G.

"Master Utility Improvements" means those water, sanitary sewer, storm water drainage, power, street light and natural gas improvements within and directly adjacent to the Property necessary to serve the proposed development of the Community other than those utility improvements to be located within individual Development Parcels. All public sewer and public drainage easements located outside of public right-of-way must be within common lots of the Master Developer or of the Designated Builder Parcels.

"Master Utility Plan" means a conceptual depiction of all existing and proposed utility alignments, easements or otherwise, within and directly adjacent to the Property necessary to serve the proposed development of the Community, other than those utility improvements to be located within individual Development Parcels. The Master Developer shall align all proposed utilities within proposed public rights-of-way and dedicate such rights-of-way to the City before granting utility easements to specific utility companies, except easements for existing Nevada Power facilities constructed pursuant to BLM grants, and easements necessary for existing and future LVWWD water transmission mains.

"Metro" means the Las Vegas Metropolitan Police Department.

"NRS" means the Nevada Revised Statutes, as amended from time to time.

"Off-Property" means outside of the physical boundaries of the Property.

"Off-Property Improvements," as this definition relates to the Master Studies, means infrastructure improvements located outside the Property boundaries required by the Master Studies or other governmental entities to be completed by the Master Developer due to the development of the Community.

"On-Property" means within the physical boundaries of the Property.

"On-Property Improvements," as this definition relates to the Master Studies, means infrastructure improvements located within the Property boundaries required by the Master Studies or other governmental entities to be completed by the Master Developer due to the development of the Community.

"Off-Site Improvements" means any and all improvements necessary for a discrete parcel of property as required by the Applicable Rules.

"Parent Map, Tentative" means a preliminary subdivision map of the Property that is the first discretionary request by the Master Developer to legally subdivide the Property pursuant to the provisions of NRS 278 and Title 18 of the Code. Such map shall delineate all areas to be subdivided, including roadways and related necessary rights-of-way, easements and common areas.

"Parent Map, Final" means a final subdivision map of the Property prepared in accordance with any and all conditions of the approved Tentative Parent Map, NRS 278 and Title 18 of the Code that acts to legally subdivide the Property.

"Parks Agreement" means that agreement between Master Developer and City identifying the rights, duties and obligations of Master Developer and City as to the design, construction and maintenance of public open space, parks, trails and other recreation amenities to be developed within the Community. The Parks Agreement was approved by the City Council on _____, 200__, and is fully incorporated herein.

"Party," when used in the singular form, means either Master Developer or City and in the plural form of "Parties" means both Master Developer and City.

"Planning Commission" means the City of Las Vegas Planning Commission.

"Planning Department" means the Planning and Development Department of City.

"Property" means that certain 1,712± gross acres of unimproved real property which is the subject of this Agreement. The legal description of the Property is set forth at Exhibit "A".

"RTC" means the Regional Transportation Commission of Southern Nevada.

"Standard Improvements" as this definition relates to Section Five, herein, means any and all Off-Site Improvements including, but not limited to, streets, sewers, sidewalks, curbs, gutters, storm drains streetlights and trails required in the Park Agreement.

"Subdivision Map" means any instrument under NRS and Title 18 of the Code which legally subdivides property or gives the right to legally subdivide property, including, without limitation, parcel maps, division of land into large parcels, Tentative and Final Parent maps, tentative commercial subdivision maps, final commercial subdivision maps, reversionary maps, condominium subdivision maps, or tentative or final residential subdivision maps, for all or a portion of the Community.

"Sub-HOA" means a unit-owners' association organized pursuant to NRS 116.3101, that is comprised of owners of residential dwelling units in the Community and is subordinate to the Master HOA.

"Technical Drainage Study" means: a comprehensive hydrologic study prepared under the direction of and stamped by a Nevada-licensed professional engineer, to:

- (a) Estimate the impact of storm water run-off affecting a Development Parcel from on-property and off-property sources;
- (b) Estimate the impact of any storm water run-off that will affect down-stream off-property real property;
- (c) Identify the impacts of any storm water run-off that will affect the Development Parcel; the on-property proposed drainage facilities and patterns and any off-property drainage facilities and patterns;
- (d) Identify the means and methods necessary to mitigate such impact, including a commitment to implement, or pay for such mitigating improvements within a specified time frame; and
- (e) Identify the future elevations of roadways.

The Technical Drainage Study shall be approved by the Director of Public Works.

"Term" means the term of this Agreement.

"Village Street" means any of those roadways identified as Village Streets and which Master Developer is obligated to construct pursuant to the Master Traffic Study, together with associated curb, gutter, underground utility improvements including fiber optic interconnect, streetlights, traffic control signs and signals, sidewalk or trail and landscaping as indicated on the appropriate cross section in the Design Guidelines. Prior to installation of the final lift of asphalt, Designated Builders may have access for designated Builder Parcel underground utility connections.

SECTION TWO APPLICABLE RULES AND CONFLICTING LAWS

2.01 Reliance on the Applicable Rules. City and Master Developer agree that Master Developer will be permitted to carry out and complete the development of the Community in accordance with the terms of this Agreement and the Applicable Rules. The terms of this Agreement shall supersede any conflicting provision of the City Code except as provided in Section 2.02 below.

2.02. Application of Subsequently Enacted Rules by the City. The City shall not amend, alter or change any Applicable Rule as applied to the development of the Community, or apply a new fee, rule regulation, resolution, policy or ordinance to the development of the Community, except as follows:

(a) The development of the Community shall be subject to the Building Codes in effect at the time of issuance of the permit for the particular development activity.

(b) The application of a new uniformly-applied rule, regulation, resolution, policy or ordinance to the development of the Community is permitted, provided that such action is necessary to protect the health, safety and welfare of City residents, and provided that City gives Master Developer written notice 30 days prior to implementing a new policy.

(c) Nothing in this Agreement shall preclude the application to the Community of new or changed rules, regulations, policies, resolutions or ordinances specifically mandated and required by changes in state or federal laws or regulations. In such event, the provisions of Section 2.04 to 2.06 of this Agreement are applicable.

(d) Should the City adopt or amend rules, regulations, policies, resolutions or ordinances and apply such rules to the development of the Community, other than pursuant to one of the above subparagraphs 2.02(a), 2.02(b) or 2.02(c), the Master Developer shall have the option, in its sole discretion, of accepting such new or amended rules by giving written notice of such acceptance. City and the Master Developer shall subsequently execute an amendment to this Agreement evidencing the Master Developer's acceptance of the new or amended ordinance, rule, regulation or policy within a reasonable time.

2.03. Application of New Fees. Notwithstanding Section 2.02 above, City may increase cost-based processing fees, entitlement processing fees, inspection fees, plan review fees, facility fees, water connection fees or sewer connection fees that uniformly apply to all development in City.

2.04 Conflicting Federal or State Rules. In the event that any federal or state laws or regulations prevent or preclude compliance by City or Master Developer with one or more provisions of this Agreement or require changes to any approval given by City, this Agreement shall remain in full force and effect as to those provisions not affected, and:

(a) Notice of Conflict. Either Party, upon learning of any such matter, will provide the other party with written notice thereof and provide a copy of any such law, rule, regulation or policy together with a statement of how any such matter conflicts with the provisions of this Agreement; and

(b) Modification Conferences. The Parties shall, within thirty (30) calendar days of the notice referred to in the preceding subsection, meet and confer in good faith and attempt to modify this Agreement to bring it into compliance with any such federal or state law, rule, regulation or policy.

2.05 City Council Hearings. In the event either Party believes that an amendment to this Agreement is necessary due to the effect of any federal or state law, rule, regulation or policy, the proposed amendment shall be scheduled for hearing before the City Council. The City Council shall determine the exact nature of the amendment necessitated by such federal or state law or regulation.

Master Developer shall have the right to offer oral and written testimony at the hearing. Any amendment ordered by the City Council pursuant to a hearing contemplated by this Section 2.05 is subject to judicial review, but such review shall be filed within twenty-five (25) calendar days from the date of the hearing. The Parties agree that any matter submitted for judicial review shall be subject to expedited review in accordance with Rule 2.15 of the Eighth Judicial District Court of the State of Nevada.

2.06 City Cooperation. City shall cooperate with Master Developer in securing any City permits, licenses or other authorizations that may be required as a result of any amendment resulting from actions initiated under Section 2.05. As required by the Applicable Rules, Master Developer shall be responsible to pay all applicable fees in connection with securing of such permits, licenses or other authorizations.

SECTION THREE PLANNING AND DEVELOPMENT OF THE COMMUNITY

3.01. Permitted Uses, Density, Height and Size of Structures. Pursuant to NRS Chapter 278, this Agreement must set forth the maximum height and size of structures to be constructed in the Community, the density of uses and the permitted uses of the land for each parcel within the Community.

(a) Maximum Units Permitted. The number of dwelling units within the Community shall not exceed sixteen thousand (16,000).

(b) Permitted Unit Types. The types of buildings and dwelling units permitted in the Community is as set forth in the Design Guidelines.

(c) Density. The maximum density permitted on the Property shall be as set forth in the Kyle Canyon Residential Land Use Table and the related Planning Area Map, both of which are attached as Exhibit F to this Agreement and incorporated fully herein. Master Developer shall have the right to determine the number of residential dwelling units to be developed on any Development Parcel so long as all the terms and conditions of the Design Guidelines that relate to product density and product type are adhered to.

(d) Maximum Height and Size of Structures. Except as provided in subsection 3.24, the maximum height and size of structures within the Community is as set forth in the Design Guidelines.

(e) Land Uses. City acknowledges and agrees that the land use categories allowed within the Community are designated on the Master Land Use Plan and the uses permitted within each category are as described in this Agreement and the Design Guidelines. The Design Guidelines specifically delineate permitted uses, conditional uses and special uses within the Community.

3.04 Phasing of Construction.

(a) Generally. While Master Developer has the sole discretion to decide upon the date that it commences development of the Community and any improvements therein, Master Developer agrees to construct certain improvements that are a direct public benefit within the periods of time set forth in this Section 3.04 and in the Park Agreement.

(b) Phasing Map. Attached hereto as Exhibit B is a map of the Community that generally describes the phases of construction of the Community. The phases may be revised by Master Developer if these revisions are coordinated with the Director of Planning and Development and the Director of Public Works. Prior to the Effective Date, Master Developer will submit a draft phasing schedule to City.

(c) Phasing Schedule. Master Developer shall complete the construction of all Village Streets within a development phase as follows:

A minimum of two lanes of asphalt pavement on the Village Street providing the main access to a particular Designated Builder Parcel, and a working sanitary sewer connection shall be in place prior to final inspection of any dwelling units within that Designated Builder Parcel. Permanent improvements on all major access Village Streets shall be substantially constructed as determined by the Director of Public Works prior to issuance of any building permits beyond 50% of all units within that Designated Builder Parcel. In addition, a roadway network to the boundary of this Designated Builder Parcel must be completed such that both vehicular and pedestrian access is provided.

All off-site improvements adjacent to that Designated Builder Parcel shall be substantially constructed as determined by the Director of Public Works, prior to issuance of building permits beyond 75% of all units within that Designated Builder Parcel. The above thresholds notwithstanding, all adjacent Village Streets shall be substantially complete as determined by the Director of Public Works within 24 months of the commencement of construction of such adjacent Village Streets. All required landscaping along streets adjacent to the Designated Builder Parcel will be complete within 2 months of the final inspection of the final unit in that Designated Builder Parcel.

(d) Site Grading. Master Developer and any Designated Builder may grade portions of the Property in conformance with the conditionally approved Master Drainage Study and applicable Development Parcel technical drainage studies prior to approval of any additional drainage studies provided the Master Traffic Study has been approved, a Master Rough Grading Plan(s) has been approved for the area to be graded, and a completion bond has been posted with the City for the cost of the proposed grading. The completion bond will not exceed one million dollars (\$1,000,000.00) for each Master Rough Grading Plan (i.e. 200 acre area). This bond(s) will be released by the City after the work is substantially complete or after Technical Drainage Studies that address the same area of the Property have been approved, whichever occurs first.

(e) Parks. Master Developer shall commence the design and construction of all parks and trails in the Community in accordance with the terms of the Parks Agreement.

(f) Assumption of Responsibility by Multiple Contractors. Permits that are awarded by City for each approved plan set will be based on work to be performed by each contractor. If a plan set includes multiple facets or phases of construction, separate contractors can pull permits. In the event of multiple permits and separate contractors per approved plan, Master Developer will provide City with regular updates identifying the approved permits that have been awarded for each plan.

3.05. Modifications of Design Guidelines. Modifications are changes to the Design Guidelines that apply permanently to all development in the Community. The Parties agree that modifications of the Design Guidelines are generally not in the best interests of the effective and consistent development of the community, as the Parties spent a considerable amount of time and effort negotiating at arms-length to provide for the community as provided by the Design Guidelines. However, the Parties do acknowledge that there are special circumstances which may necessitate the modification of certain provisions of the Design Guidelines to accommodate unique situations which are presented to the Master Developer upon the actual development of the community. Further, the Parties agree that modifications of the Design Guidelines can change the look, feel and construction of the community in such a way that the original intent of the Parties is not demonstrated by the developed product. To that end, the Parties also agree that the only proper entity to request a modification of the Design Guidelines is the Master Developer entity itself, and not a Designated Builder or any other purchaser of real property within the community.

(a) Applicant. Requests for all modifications of the Design Guidelines may be made only by Master Developer.

(b) Minor Modifications. Minor Modifications are changes to the Design Guidelines that include:

- (i) changes in architectural styles, color palettes and detail elements.
- (ii) the addition of similar and complementary residential or commercial uses and architectural styles, color palettes and detail elements.
- (iii) changes in building materials.
- (iv) changes in landscaping materials, plant palettes, and landscaping detail elements.

(c) **Submittal, Review, Decision, and Appeal.**

(i) An application for Minor Modification of the Design Guidelines may be made to the Director of Planning for her consideration. The Director of Planning shall coordinate the City's review of the application and shall perform all administrative actions related to the application.

(ii) The Director of Planning may, in her discretion, approve a Minor Modification or impose any reasonable condition upon such approval. The Director of Planning shall issue a written decision within 30 business days of receipt of the application. Her decision is final unless it is appealed by the Master Developer pursuant to subsection (iii) below. Applications for which no written decision is issued within 30 days shall be deemed approved. If the Director of Planning rejects a request for a Minor Modification, the request shall automatically be deemed a Major Modification, and at the option of the Master Developer, the decision of the Director of Planning may be appealed to the Planning Commission.

(iii) Master Developer may appeal any decision of the Director of Planning to the Planning Commission by providing a written request for an appeal within 10 business days of receiving notice of the decision. The Planning Commission shall hear such appeal within thirty (30) days.

(iv) Master Developer may appeal any action of the Planning Commission by providing a written request for an appeal within ten (10) business days of the Planning Commission action. The City Council shall hear such appeal within thirty (30) days.

(d) **Major Modifications.**

(i) Any application for a modification to the Design Guidelines that does not qualify as a Minor Modification is a Major Modification. All applications for Major Modifications shall be scheduled for a hearing before the Planning Commission within thirty (30) days of either the City's receipt of the application or its receipt of the appeal provided for in subsection (c) above, whichever is applicable.

(ii) Prior to Planning Commission consideration of a Major Modification that increases density in the Community, the Master Developer shall meet and confer with the Director of Public Works or his designee as to whether an update to the Master Studies is required. If the Director of Public Works or his designee requires an update to one or more of the Master Studies, such update shall be prepared by Master Developer and submitted to the Department of Public Works no later than fifteen (15) business days prior to the Planning Commission hearing

(iii) All actions by the Planning Commission on Major Modifications shall be scheduled for a hearing by the City Council within thirty (30) days of such action.

3.06 Deviation to Design Guidelines. A deviation is an adjustment to a particular requirement of the Design Guidelines for a particular Designated Builder Parcel or lot.

- (a) **Minor Deviation.** A Minor Deviation must not have a material and adverse impact on the overall development of the Community and may not exceed ten percent (10%) of a particular requirement delineated by the Design Guidelines. An application for a Minor Deviation may only be made under the following circumstances:

- (i) A request for deviation from any particular requirement delineated by the Design Guidelines on ten percent (10%) or less of the lots in a Designated Builder Parcel; or
- (ii) A request for deviation from the following particular requirements on greater than 10% of the lots in a Designated Builder Parcel or on an entire Designated Builder Parcel:

- (1) Changes in architectural styles, color palettes and detail elements.
- (2) The addition of similar and complementary residential or commercial uses and architectural styles, color palettes and detail elements.
- (3) Changes in building materials.
- (4) Changes in landscaping materials, plant palettes, and landscaping detail elements.
- (5) Setback Encroachments for courtyards, porches, miradors, casitas, architectural projections as defined by 3.5 of the Design Guidelines, garages and carriage units.
- (6) Height of courtyard walls.

- 1) Administrative Review Permitted. Applications for Minor Deviation may be filed by the Master Developer or a Designated Builder as provided herein. Any application by a Designated Builder must include a written statement from the Master Developer that it either approves or has no objection to the request.

2) Submittal, Review and Appeal

(a) An application for Minor Deviation from the Design Guidelines may be made to the Director of Planning for her consideration. The Director of Planning shall coordinate the City's review of the application and shall perform all administrative actions related to the application.

(b) The Director of Planning may, in her discretion, approve a Minor Deviation or impose any reasonable condition upon such approval. The Director of Planning shall issue a written decision within thirty (30) business days of receipt of the application. Her decision is final unless it is appealed by the Master Developer pursuant to subsection (c) below. Applications for which no written decision is issued within 30 days shall be deemed approved.

(c) Master Developer or Designated Builder may appeal any decision of the Director of Planning to the Planning Commission by providing a written request for an appeal within 10 business days of receiving notice of the decision. The Planning Commission shall hear such appeal within thirty (30) days.

(d) Master Developer or Designated Builder may appeal any action of the Planning Commission by providing a written request for an appeal within ten (10) business days of the Planning Commission action. The City Council shall hear such appeal within thirty (30) days.

- (b) Major Deviation. A Major Deviation must not have a material and adverse impact on the overall development of the Community, may exceed ten percent (10%) of any particular

requirement delineated by the Design Guidelines but may not exceed ten percent (10%) of the lots in a Designated Builder Parcel.

(i) City Council Approval Required. Applications for Major Deviations may be filed by the Master Developer or a Designated Builder as provided herein. Any application by a Designated Builder must include a written statement from the Master Developer that it either approves or has no objection to the request.

(ii) Submittal, Review and Approval.

(1) All applications for Major Deviations shall be scheduled for a hearing before the Planning Commission within thirty (30) days of the City's receipt of the application.

(2) All actions by the Planning Commission on Major Deviations shall be scheduled for a hearing by the City Council within thirty (30) days of such action.

(c) If Master Developer or Designated Builder requests a deviation from adopted City Infrastructure Improvement Standards or the Kyle Canyon Engineered Details, an application for said deviation shall be submitted to the Land Development Section of the Department of Public Works and related fees paid for consideration by the City Engineer pursuant to the Applicable Rules.

(d) Any request for deviation other than those specifically provided shall be processed pursuant to 3.05 (Modifications of Design Guidelines).

3.07. Entitlement Requests.

(a) Generally. City agrees to cooperate reasonably with Master Developer to:

(i) Expeditiously process all Entitlement Requests in connection with the Property that are in compliance with the Applicable Rules and Master Studies; and

(ii) Subject to reasonable conditions not otherwise in conflict with the Applicable Rules or the Master Studies, promptly consider the approval of Entitlement Requests.

(b) Required Zoning Entitlement for Property. The Parties acknowledge and agree that the proper means to legally entitle the Property for eventual development is by way of the Master Developer's application and for a Traditional Development Zoning Classification and an approved Traditional Development Community Program for the Property in accordance with Title 19.06.160 of the Code.

The City Council finds that this Agreement, together with the exhibits and attachments, which include the Master Land Use Plan, the Design Guidelines, and the Master Studies fulfill and accomplish the required submittals pursuant to the TD zoning district and shall be the basis of any approvals granted to the Master Developer under a TD zoning district application.

(c) Other Entitlement Requests. Except as provided herein, all other Entitlement Request applications shall be processed by City according to the Applicable Rules. The Parties acknowledge that the procedures for processing such Entitlement Request applications are governed by the Code. In addition, any additional application requirements delineated herein shall be supplemental and in addition to such Code requirements.

(i) Parent Tentative Map. Master Developer shall satisfy all Code requirements and the following conditions precedent before filing an application for consideration of

a Parent Tentative Map:

- (1) Conditional approval of all Master Studies;
 - (2) City approval of an exhibit acknowledging that all parcels within the Property, including those parcels "Not a Part" have, or will be provided legal access; and
 - (3) Submittal of a Master Utility Plan.
- (ii) Parent Final Subdivision Map. Master Developer shall satisfy all Code requirements before filing an application for consideration of a Parent Final Subdivision Map; provided that upon City approval of a Special Improvement District or upon posting of a bond for offsite roadway improvements that are adjacent to the Property, the requirements of Chapter 18.26.010 and Chapter 18.26.020 shall be deemed to be satisfied. The above noted bond will be relinquished by the City upon funding of a Special Improvement District. Prior to complete allocation of the funds available from the Special Improvement District, the Master Developer will be required to bond for the improvements that remain to be completed in accordance with the terms of the Special Improvement District Agreement.
- (iii) City agrees that the Parent Final Subdivision Map for the entire Property shall be processed and recorded pursuant to the following schedule:

Parent Final Subdivision Map Processing Schedule

	<u>Duration</u>
Submittal of Parent Final Maps (East and West) to City	0 Weeks
City Blueline Technical Review	5.5 Weeks
(Workshop and Public Hearing - See Note 1)	
Address City Comments	4 Weeks
City Second Review (in response to Blueline Comments)	3 Weeks
(Builder Tentative Subdivision Map Submittal – See Note 2)	
Address City Comments	2.5 Weeks
Obtain LVVWD, CCHD, & DWR Signatures	2 Weeks
Submit Mylars to City	0 Weeks
City Signatures	2 Weeks
County Recorder Review & Recordation	1 Week
TOTAL DURATION	20 Weeks³

Notes:

1) Upon completion of the Blueline Technical Review, the City of Las Vegas will provide a summary of comments and immediately schedule a workshop with the builder ("Workshop") that will be held within ten (10) days of completion of the City Blueline Technical Review and will be attended by the City staff members that are responsible for the comments provided to the Master Developer. The City will also schedule a hearing by the City Council within thirty (30) days of the Blueline Technical Review. The Master Developer may elect to forego the hearing if the Master Developer agrees to the conditions of approval recommended by the City.

2) The City will accept submittals of tentative subdivision maps for Designated Builder Parcels for review and approval upon the concurrent submittal of the Parent Final Map(s) in response to the comments provided as a result of the City Blueline Technical Review.

3) The Master Developer and City recognize that the Total Duration shown may change if the Master Developer elects to pursue the hearing as discussed in Note 1.

(iii) Tentative Subdivision Map. Master Developer and/or Designated Builders shall satisfy all Code requirements for filing of an application for consideration of a tentative subdivision map, except that, notwithstanding any Code requirements to the contrary, Master Developer and/or Designated Builders may submit tentative subdivision maps concurrent with the submittal for the City's second review of the Parent Final Map as described in Section 3.08.

(iv) Site Development Plan Review. Master Developer and/or Designated Builders shall satisfy all Code requirements for the filing of an application for a site development plan review except that, notwithstanding any Code requirements to the contrary, Master Developer and/or Designated Builders may submit an application for site development plan review for a Gaming Enterprise District and public infrastructure facilities such as power substations prior to recordation of a Parent Final Subdivision Map. The Parties further agree that:

(1) City staff shall consider and make a decision with respect to any application for a Site Development Plan within thirty (30) days of receipt of the application.

(2) Any appeal of an adverse decision on a site development plan review shall be scheduled for a hearing before the City Council within forty-five (45) days of City's receipt of the application for appeal.

(v) Special Use Permits. Master Developer and/or Designated Builders shall satisfy all Code requirements for the filing of an application for a special use permit except that, notwithstanding any Code requirements to the contrary, Master Developer and/or Designated Builders may submit an application for special use permits for a non-restricted gaming, Gaming Enterprise District and public infrastructure facilities such as power substations prior to recordation of a Parent Final Subdivision Map. The Parties further agree that:

(a) Except as otherwise provided in this Agreement and the Design Guidelines, special use permit applications shall be processed in accordance with Section 19.18.060 of the Code.

(b) City shall not accept any special use permit application without written verification that the Master Developer either approves of the application or has no objection thereto.

(c) City may approve any application required by the Code for non-restricted gaming or for a Gaming Enterprise District prior to the recordation of the Parent Final Map.

(vi) Gaming Enterprise District--Hotel/Casino. Master Developer acknowledges that there are certain Entitlement Request applications that must be considered by the City Council before an establishment offering non-restricted gaming may be constructed and operated within the Community. City acknowledges that Master Developer may apply for a Gaming Enterprise District designation in accordance with NRS 463.3086 and the Code to allow a non-restricted gaming establishment within the Community. City recognizes that non-restricted gaming establishments have been appropriately included and developed in other master-planned communities throughout the City and Clark County, and City acknowledges that the Community may be an appropriate location for a non-restricted gaming establishment as well. A hotel or appurtenant structure associated with a non-restricted gaming establishment shall be no greater than 160 feet in height.

3.08. Dedicated Staff and the Processing of Applications.

(a) Processing Fees. Generally. All Entitlement Requests, Minor or Major Modification

Requests and all other requests related to the development of the Community shall pay the fees as provided by the Code.

(b) Dedicated Staff. City will designate at least one person in the various City departments to be knowledgeable and available for processing matters related to the Community. Such person will be familiar with the Community, including without limitation, the Applicable Rules. The following City departments and divisions will have such a person so designated:

- (i) Department of Planning and Development;
- (ii) Building and Safety Department;
- (iii) Public Works Department;
- (iv) Right-of-Way Section of the Department of Public Works;
- (v) Traffic Division of the Department of Public Works;
- (vi) Flood Control Section of the Department of Public Works;
- (vii) Collection System Planning Section of the Department of Public Works;
- (viii) Such other City Departments, divisions or agencies as may be necessary to process applications related to the Community; and
- (ix) Surveying Section of the Department of Public Works; and
- (x) The Coordinator (defined below).

(c) Meetings. The Dedicated Staff will be available for individual construction document and construction progress meetings with Master Developer as requested by Master Developer

(d) Processing.

(i) The City acknowledges the Master Developer's need to have expeditious reviews of all studies, maps, plans, applications for permits and other authorizations for development of and within the Community (collectively, the "Applications").

(ii) The Master Developer agrees to provide the City with a master Schedule (as defined herein) setting forth expected dates of submission for Applications for the Community. The master Schedule shall be complete for all anticipated Applications, and may be used by the City to plan and adjust its staffing capacity accordingly. The Master Developer shall provide the City with periodic, but not less than quarterly, updates of the master Schedule providing additional Applications, changed submission dates, and reflecting Applications already submitted to City, throughout the development of the Community.

(iii) The City and Master Developer agree that the schedule "Schedule set forth below is a reasonable estimate of time for the City to process Applications, and shall constitute the targeted time for City to review Applications of the type listed. The Schedule is expressed in Business Days (bd) from the date of submittal:

	Category	1 st Review	2 nd Review	3 rd Review *	Mylar/Map Signature
1.	Master Drainage Study updates, Master Rough Grading Plans and Technical Drainage Studies	10 bd	10 bd	5 bd	N/A
2.	Traffic Studies	20 bd	15 bd	5 bd	N/A
3.	Civil Improvement Plans **	20 bd	15 bd	5 bd	10 bd
4.	Final Maps	20 bd	10 bd	5	10 bd
5.	Parcel Maps	20 bd	10 bd	N/A	10 bd
6.	Boundary Line Adjustments	20 bd	10 bd	N/A	10 bd
7.	Reversionary Maps	20 bd	10 bd	N/A	10 bd
8.	Single Family-Standard Plans	10 bd	10 bd	5 bd	
9.	Single Family - Production Homes	10 bd	5 bd	10 bd	
10.	Single Family – Custom	10 bd	10 bd	10 bd	
11.	Apartments – Model Plans	10 bd	10 bd	10 bd	
12.	Apartments – Production Plans	10 bd	10 bd	10 bd	
13.	Condo-Standard Plans	10 bd	10 bd	10 bd	
14.	Condo – Model Plans	10 bd	10 bd	10 bd	
15.	Condo – Production Plans	10 bd	10 bd	10 bd	
16.	New Commercial (< 2.5k sf)	10 bd	10 bd	10 bd	
17.	Assembly - Restaurants	10 bd	10 bd	10 bd	
18.	Assembly - Restaurants	10 bd	10 bd	10 bd	
19.	Commercial Shell Building	10 bd	10 bd	10 bd	
20.	Tenant Improvement (< 2.5k sf)	10 bd	10 bd	10 bd	
21.	Tenant Improvement (> 2.5k sf)	5bd	5 bd	5 bd	
22.	Fire Sprinkler System	10 bd	5 bd	5 bd	
23.	Fire Alarm System	10 bd	5 bd	5 bd	

- If 3rd or subsequent review is required
- ** Civil Improvement Plans can be submitted concurrent with the application for second review of the technical drainage studies and traffic studies (if such studies are required).

(iv) The City reserves the right to extend the Schedule for unusually large or complex Applications (i.e., pump stations, reservoirs, flood control facilities, mixed use projects, condominiums, and townhouses, etc.) subject to written or electronic (e-mail) notification within four (4) Business Days of the submittal and the provision of a target date for the completion of the review. Applications not listed in the Schedule shall be reviewed within a reasonable time frame as is agreed upon between the Parties.

(v) Master Developer acknowledges that submission of Applications in other than the proper sequence may delay the consideration of many related Applications. For backbone infrastructure, or for other processing as determined necessary by the Parties, the Parties will determine the proper sequence of submittals (as agreed upon, the "Alternative Schedule"). The City agrees to the review of Applications in accordance with the Schedule or the Alternative Schedule only if the Applications are submitted in the proper sequence. Proper sequence as used in this section for submitting Applications: (a) in accordance with the Schedule, is the order of submission of similar type applications as required by City as of the Effective Date; and (b) in accordance with the Alternative Schedule, is the order as provided in the Alternative Schedule. Therefore, Master Developer agrees that

Applications will be submitted in the proper sequence in order to avoid coordination problems with reviews.

(vi) City shall advise through the Coordinator the applicants designee, whose name and standard and electronic (e-mail) address shall be provided to City with each Application, in writing or electronically within four (4) Business Days of a submittal if City is unable to complete processing the Application in the time required by the Schedule and Alternative Schedule; and City shall advise the applicants designee of the Business Day when City reasonably believes it will complete processing of the Application. If the City projected completion date is more than five (5) Business Days later than the date required under the Schedule or the Alternative Schedule, the applicant shall have the option to either: (a) accept the alternative timeframe projected by City; or (b) request City to utilize the process described in Subsection (viii), below.

(vii) City shall assign one full time staff member to act as a central point of contact ("Coordinator") for all coordination and communication between the City and the Master Developer as to Applications. The Coordinator will be responsible for facilitating communications, providing Master Developer with notice of new uniformly applied policies in accordance with Section 2.02(b), advising applicants in accordance with sub-section (vi) above, and providing the Master Developer with periodic updates regarding the Schedule and issues that need to be resolved for the Community to stay on the Schedule. Master Developer agrees to compensate City for the Coordinator's services pursuant to a separate dedicated coordinator reimbursement agreement with the City. If requested in writing by Master Developer, the City Manager shall designate a second Coordinator ("2^d Coordinator") within fourteen (14) Business Days of receipt of Master Developer's written request. Delivery of the written request by Master Developer to City shall constitute Master Developer's agreement to compensate City for the 2d Coordinator's services as set forth in a second coordinator reimbursement agreement with the City. The 2d Coordinator shall not commence work as 2d Coordinator until the second coordinator reimbursement agreement is fully executed.

(viii) If City is unable to complete processing of an Application for which the Applicable Rules identify an express process in the time required by the Schedule, or an Alternative Schedule, the applicant may request review of the Application pursuant to the express civil plan check process in accordance with the Applicable Rules, except that the applicant may request a plan check to be scheduled concurrent with the application for second review of the technical drainage studies and traffic studies (if such studies are required).

(e) Dedicated Inspectors. City shall designate one full time construction inspector from the Offsite Inspection Testing division of the Department of Public Works that is dedicated exclusively to the Property once commencement of construction begins. Master Developer shall reimburse City an amount equal to the difference, if any, between the inspection fees paid in connection with construction of infrastructure improvements on the Property and the salary of the full-time inspector.

If such inspector approves a portion of the project that also requires a utility company approval, final approval from Department of Public Works Offsite Inspection Testing to the Special Improvement District section for funding release will not be given until Master Developer provides a letter to Offsite Inspection Testing with a copy of the inspection approval memo from the said utility company. At the time proof of the utility company approved inspection is received, Offsite Inspection Testing shall have 10 business days to verify the work is completed and issue final approval notice to the Special Improvement District section. If an outside utility company inspection is not required, Offsite Inspection Testing shall have 10 business days to verify the work is completed and issue final approval notice to the Special Improvement District section. If it is determined that the work is not complete, Offsite Inspection Testing shall have 10 business days after being renotified that the work is complete to issue final approval notice to the Special Improvement District Section.

(f) Designated Builders will be permitted to submit Applications for building permits for model homes earlier than would otherwise be required under the Applicable Rules upon compliance with the same requirements that City has traditionally imposed on developers for model homes building

permits as of the Effective Date.

(g) Inspection Fees. Construction documents and plans that are prepared on behalf of Master Developer for water facilities such as water pumping stations, water reservoirs, water transmission mains, and water distribution mains, that are reviewed by City for approval, shall not require payment of inspection fees to City unless the water service provider agrees not provide those inspection services.

(h) Separation of Improvement Plans. the City recognizes that the Master Developer may choose to separate plans for review and approval by the City within a particular alignment into separate plans sets. This may include separate plans for sanitary sewer, potable water, streets and storm drain. The individual plan sets shall show all existing and proposed utility alignments.

3.09. Impact Statement as Required by Chapter 481, Statutes of Nevada 1999. The Impact Statement for Projects of Significant Impact within the Las Vegas Urban Growth Zone was timely submitted to City. City received and reviewed the Impact Statement and finds that it satisfies the statutory requirements. The Impact Statement is set forth herein at Exhibit "C."

3.10. Common Name for the Community. Master Developer shall establish a common name for the Community and shall disclose such proposed name to City, by written letter to City Manager. City acknowledges that Master Developer will devote substantial resources to promote such common name and protect its value as a unique intellectual property right, which may include filing state and federal registrations for such name. The Parties therefore agree that Master Developer shall have the exclusive right to own, control and license the name. City shall have no obligation to police the use, wrongful or otherwise, of the name by third parties.

3.11. "Saw-tooth Street" Mitigation required. Where "Not a Part" parcels exist within or adjacent to the Property, that are or will be developed outside of the Community framework, but are bounded on two (or more) sides by developments within the Community, and that result in a "saw-tooth street improvement" (as generally and customarily defined in the Las Vegas Valley) or a non-continuous roadway, Master Developer shall construct such improvements necessary to tie the roadways and any applicable sidewalks or trails together or eliminate the saw-tooth, whichever is necessary. If such construction is restricted due to a lack of available rights-of-way, City agrees to either obtain the necessary rights-of-way at no cost to Developer or relieve Master Developer of the requirement to construct such facilities.

3.12. Identity Monuments. Prior to the construction of any identity monuments on the Property, Master Developer shall submit for approval a plan which includes the design and placement of the identity monuments. Such plan shall be reviewed and acted upon by City within thirty (30) days of receipt by City. If the City does act within thirty (30) days, City shall be conclusively deemed to have approved the design and location of the monuments. Sign permits for such Identity Monuments may be issued at any time after approval. Any appeal by the applicant of an adverse decision shall be scheduled for a hearing before the City Council within forty-five (45) days of the City's receipt of the application for appeal.

3.13. Common Area Landscaping. All common area landscaping shall be designed and constructed in accordance with the Design Guidelines. Sidewalks, landscaping and other appurtenances within common areas shall be maintained by the Master HOA or a Sub-HOA, at Master Developer's option. Unless provided for in the Park Agreement, all landscaping that is not the responsibility of a lot owner to maintain shall be maintained by the Master HOA or a Sub-HOA. City will grant to Master Developer, through appropriate encroachment agreements, the right to encroach into all public rights-of-way within the Property for the maintenance of landscaping at no cost to the City. The parties agree that such right of encroachment is for the mutual benefit of the City, Master Developer and the Master HOA and any Sub-HOA. Master Developer shall have the right to assign such encroachment rights to the Master HOA and any Sub-HOA.

3.14. Streetlights.

(a) Generally. Master Developer shall install standard streetlights or a City approved alternate on public streets dedicated to City as required by the Code. Streetlights shall be constructed in conformance with the terms of the Design Guidelines.

(b) Non-Standard Height. Master Developer shall install an approved City standard streetlight. If the terrain and final grading within the Kyle Canyon development is such that pole height is required to vary from approved standards and is not stocked by the City, the Master Developer shall initially provide the following items to the City at no cost:

- (i) a fully functional constructed storage yard in the Kyle Canyon area; and
- (ii) replacement poles consisting of the various required heights.

(c) Non-Standard Design. If Master Developer proposes the use of non-standard streetlights that are acceptable to the City, the Master Developer shall enter into an agreement with the City in which the Master Developer agrees to participate in acquiring and supplying said streetlights and any associated specialized equipment. In the event a non-standard streetlight is approved, and is requested to be maintained by the City, the Master Developer shall initially provide the following items to the City at no cost:

a) a fully functional constructed storage yard in the Kyle Canyon area or in a City accepted alternative location;

b) stock parts and poles for replacement of non-standard streetlight equipment; and

c) any specialized equipment and vehicles required for the maintenance of the non-standard streetlights.

(d) Required Study. For standard streetlights that are required to have varied pole length due to terrain and final grading, the Master Developer shall submit an "illumination study" to be approved by the Traffic/Electrical Field Operational Section that identifies streetlight spacing for lengths that include those affected streetlights. For non-standard streetlights, the Master Developer shall submit an "illumination study" to be approved by the Traffic/Electrical Field Operation Section that identifies all streetlight equipment specifications and spacing. In addition to the Code requirements, each and every streetlight over seven feet from grade to its highest point (either on a light pole or attached to structure), on City-dedicated public streets, on Homeowner Association-maintained private streets, and any parking lots or parking structures shall be installed with "full cut-offs" to prevent illumination from spilling beyond the sidewalk and road areas.

3.15. Telecommunications Facilities. The Parties acknowledge that temporary and permanent Telecommunication Facilities are a necessary component to effective communication and will be necessary on the Property. The Parties agree that determining the appropriate location(s), number, and general appearance of Telecommunication Facilities as part of this Agreement will permit both the Master Developer and the City to appropriately plan the Community and will help minimize any potential conflicts or disputes that might arise in regard to permits for such towers in the future. Therefore, the Parties agree that Telecommunication Facilities on the Property shall be subject to the following conditions:

(a) The Telecommunication Facilities must comply with Federal Communication Commission standards;

(b) Within six months of the recordation of the Final Parent Map, Master Developer shall submit a Telecommunications Facilities Map for consideration and approval by the Planning Commission and City Council to indicate the location of Telecommunication Facilities.

The Telecommunication Facilities shall be located on the property identified by the

Telecommunication Facilities Map, subject to administrative review pursuant to the Code, unless otherwise indicated by the Design Guidelines, and in the case of facilities located on City-owned property, approval of lease from the City is required;

(c) The Telecommunications Facilities shall be architecturally compatible with the Design Guidelines and incorporate reasonable camouflaging/stealth techniques such as architecturally screened roof-mounted antennas or incorporation into flagpoles and the like;

(d) Master Developer shall use all reasonable efforts to ensure co-location of Telecommunication Facilities antennas;

(e) Telecommunication Facilities shall not obstruct public safety communications and the usual and customary transmission of other communication services enjoyed by adjacent property owners; and

(f) Freestanding (stand alone) Telecommunications Facilities not located on City-owned property shall not be in excess of seventy (70) feet in height and shall not be located within one hundred (100) feet of any residential lot.

City shall permit the installation by Master Developer of optical fiber and other telecommunication improvements in all City rights-of-way within the Property. All such improvements placed within the right-of-way shall be shown and approved on civil improvement plans. Each occurrence of optical fiber and other telecommunication improvements shall have its own encroachment agreement and, unless otherwise approved by the Director of Public Works, shall not exceed 120 feet in length within the public right-of-way.

3.17. Blasting. Master Developer agrees to comply with all Code and City written policies as related to blasting.

3.18. Property Dedications to City. Any real property (and fixtures thereupon) transferred or dedicated to City or any other public entity shall be free and clear of any mortgages, deeds of trust, liens or encumbrances (except for any encumbrances that existed on the patent at the time it was delivered to Master Developer from the United States of America).

3.19. Anti-Moratorium. The Parties agree that no moratorium or future ordinance, resolution or other land use rule or regulation imposing a limitation on the construction, rate, timing or sequencing of the development of property including those that affect parcel or subdivision maps, building permits, occupancy permits or other entitlements to use land that are issued or granted by City shall apply to the development of the Community or portion thereof. Notwithstanding the foregoing, City may adopt ordinances, resolutions or rules or regulations that are necessary to:

- (a) comply with any state or federal laws or regulations as provided by Section 2.4, above;
- (b) alleviate or otherwise contain a legitimate, bona fide harmful and/or noxious use of the Property, in which event the ordinance shall contain the most minimal and least intrusive alternative possible, and shall not, in any event, be imposed arbitrarily; or
- (c) maintain City's compliance with non-City and state sewerage, water system and utility regulations.

In the event of any such moratorium, future ordinance, resolution, rule or regulation, unless taken pursuant to the three exceptions contained above, Master Developer shall continue to be entitled to apply for and receive consideration of Entitlement Requests and other applications contemplated in Section 3 in accordance with the Applicable Rules.

3.20. Additional Property Not Included Within Agreement. This Agreement does not authorize

the development by Master Developer of additional property outside the boundaries of the Property (except the addition of APN's 125-06-002-006, 125-06-002-005 and 125-06-002-007 to the extent that certain public facilities are explicitly referred to herein such as school sites, water facilities and fire stations) without an amendment to this Agreement.

3.21. Cooperation in Financing. City will execute and deliver within thirty (30) days of a written request from Master Developer, such documents as may be reasonably necessary to acknowledge that:

(a) City has no lien on the Property as a direct result of this Agreement, or disclosure of any City liens that exist; and

(b) City is not aware of a default of this Agreement by Master Developer or if it is in default of this Agreement, the specific ground(s) of default. Nothing herein shall be deemed to relieve Master Developer of its obligations under this Agreement or its liability for failure to perform its obligations under this Agreement.

3.22. Franchise Agreements. City warrants that it has entered into franchise agreements with all of the public utility companies that provide adequate utility services to the Property, specifically, Nevada Power Company, Embarq (aka, Sprint Central Telephone-Nevada), Southwest Gas Corporation, and Cox Communications (the "Franchise Agreements").

3.23. Development in Town Center and Urban Mixed-Use.

(a) Master Developer shall submit to City for approval a set of design guidelines and development standards governing development in the Town Center and Urban Mix-Use land use categories ("The Town Center Standards"). The Town Center Standards shall include a requirement for commercial uses and be submitted prior to the earlier of:

(i) 18 months from the Effective Date; or

(ii) the issuance of the 3500th residential building permit.

(b) The City may withhold building permits for any permanent habitable structure within the Town Center and Urban Mixed-Use areas until The Town Center Standards have been approved by the City Council.

(c) Buildings in the Town Center area shall not exceed 160 feet in height, and buildings in the Urban Mixed-Use area shall not exceed 80 feet in height.

(d) Master Developer shall not apply to reduce the boundaries of, or to add single family detached housing as a permitted use in, the Town Center Mixed Use District for a period of five (5) years from the day the Town Center Standards are approved.

SECTION FOUR MAINTENANCE OF THE COMMUNITY

4.01 Maintenance of Public and Common Areas.

(a) Master Community HOA. Master Developer agrees to organize a Master HOA to manage and maintain sidewalk, common landscape areas, any landscaping within the street rights-of-way including median islands, private, drainage facilities located within common elements, including but not limited to, rip-rap lined channels and natural arroyos as determined by the Master Drainage Study or applicable Technical Drainage Studies, but excluding City dedicated public streets, curbs, gutters, streetlights upon City-dedicated public streets, City owned traffic control devices and traffic control signage and permanent flood control facilities as identified on the Regional Flood Control District Master Plan Update that are eligible for maintenance funding. The Master HOA shall be formed at the time of

recordation of the Final Parent Map.

(b) Maintenance Obligations of the Master HOA and Sub-HOAs. Except as provided in the Parks Agreement, the Master HOA and the Sub-HOAs (which hereinafter may be referred to collectively as the "HOAs") shall be responsible to maintain in good condition and repair all common areas that are transferred to them for repair and maintenance (the "Maintained Facilities"), including, but not limited to all developed and undeveloped sidewalks, private streets, private alleys, private drives, landscaped areas, parks and park facilities, trails, amenity zones, drainage facilities within Common Elements, sight visibility zones, and any landscaping in, on and around medians and public rights-of-way.

Master Developer acknowledges and agrees that common-interest communities will be created and governed by Declarations as such term is defined in NRS 116.037. Such Declarations will be recorded by Master Developer or Designated Builders as an encumbrance against the property to be governed by the appropriate HOA. In each case, the HOA shall have the power to assess the encumbered property to pay the cost of such maintenance and repair and to create and enforce liens in the event of the nonpayment of such assessments. Master Developer further agrees that such Declarations will contain a covenant running to the benefit of City, and enforceable by City, that such facilities will be maintained in good condition and repair. Such HOAs will be Nevada not-for-profit corporations with a board of directors elected by the subject owners, provided, however, that Master Developer may control the board of directors of such HOA for as long as permitted by applicable law.

(c) Such Declarations must be executed and recorded with the office of the Clark County Recorder, and shall include the following provisions, the form of which provisions is to be approved by the City:

i) that the governing board of the HOA must have the power to maintain the Maintained Facilities;

ii) that the plan described in Section 4.02 can only be materially amended by the HOA board with the written consent of City;

iii) that the powers under the Declaration cannot be exercised in a manner that would defeat or materially and adversely affect the implementation of the Maintenance Plan; and

iv) that in the event the HOA fails to maintain the Maintained Facilities in accordance with the provisions of the plan described in Section 4.02, City may exercise its rights under the Declaration, including the right of City to levy assessments on the property owners for costs incurred by City in maintaining the Maintained Facilities, which assessments shall constitute liens against the land and the individual lots within the subdivision which may be executed upon. City shall have the right to review the Declaration for the sole purpose of determining its compliance with the provisions of this Section Four.

4.02 Maintenance Plan. For park and common areas, maintained by an HOA the Declaration pursuant to this Section 4 shall provide for a plan of maintenance that contains provisions that substantially conforms to those set forth in Exhibit F of the Parks Agreement.

4.03 Release of Master Developer. Following Master Developer's creation of HOAs to maintain the Maintained Facilities, and approval of the maintenance plan with respect to each HOA, City will hold each HOA responsible for the maintenance of the Maintained Facilities in each particular development covered by each Declaration and Master Developer shall have no further liability in connection with the maintenance and operation of such particular Maintained Facilities. Notwithstanding the preceding sentence, Master Developer shall be responsible for the plants, trees, grass, irrigation systems, and any other botanicals or mechanical appurtenances related in any way to the Maintained Facilities pursuant to any and all express or implied warranties provided by Master Developer to the HOA under NRS Chapter 116.

4.04 City Maintenance Obligation Acknowledged. City acknowledges and agrees that all permanent flood control facilities as identified on the Regional Flood Control District Master Plan Update and eligible for maintenance funding and all City dedicated public streets (excluding any landscape within the right-of-way), associated curbs, gutters, City-owned traffic control devices, signage, those improvements identified with Drainage Studies for public maintenance, and streetlights upon City-dedicated public streets within the Community and accepted by the City will be maintained by City in good condition and repair at the City's sole cost and expense. City will maintain all temporary detention basins identified in the Master Drainage Study. Within 60 days of completion of the first temporary basin, Master Developer shall deposit into a special account \$100,000 to reimburse City for City's costs to maintain the basins. Master Developer shall annually thereafter deposit an amount necessary to restore the balance of the account to \$100,000.

SECTION FIVE PUBLIC FACILITIES

5.01. Elementary, Middle and High School Acreage. Master Developer shall dedicate, at no cost to City or the CCSD, up to 72 acres total for the school sites shown on the Master Land Use Plan. Master Developer further agrees to construct Standard Improvements adjacent to the school parcels. Such improvements for each dedicated parcel shall be constructed by Master Developer on such schedule as agreed between Master Developer and the CCSD. City agrees that Master Developer has met its obligation in this section if it offers the dedication to the CCSD with restrictions requiring a) conformance with the Design Guidelines; and b) replacement of any Standard Improvements or facilities installed by Master Developer damaged or removed by CCSD.

5.02. Fire Protection.

(a) Payment Towards Construction of Fire Station. Within 18 months of the Effective Date, Master Developer shall pay to City \$1,000,000 towards the construction of a Fire Station at the Fire Station Site.

(b) Mandatory Fire Suppression Systems. Anything in the Applicable Rules to the contrary notwithstanding, every residential dwelling unit constructed in the Community shall be constructed with an automatic fire suppression system pursuant to specifications set forth in the Building Codes. Individual pressure booster pumps may be used to comply with water pressure requirements only where: (i) requiring an increase in diameter of the sprinkler pipes inside a dwelling unit would increase the construction costs of such dwelling unit by more than Five Hundred (\$500.00) Dollars, adjusted for inflation; or (ii) hydraulic calculations demonstrate that the required water pressure cannot be provided without use of a pump; or (iii) a builder would otherwise be required to modify the architectural plans for a dwelling unit. Nothing in this Section 5.02 is intended to relieve Master Developer or a Designated Builder from any obligation to install automatic fire suppression systems in non-residential structures, which shall be provided as required by the Applicable Rules.

(c) Waiver of Permit, Inspection Fees. Master Developer and Designated Builders shall not be required to pay any cost or fee associated with the inspection of a fire suppression system required in Subsection (b) above. City shall use its best efforts to cause the LVVWD to waive any costs or fees associated with Master Developer and Designated Builders compliance with Subsection (b), above.

(d) Establishment of a Fire Safe Community Program.

(i) Within 90 days of the Effective Date, City shall establish a Fire Safe Community Program (the "FSCP") similar to City's Green Building Program.

(ii) City shall promote the FSCP, and the fact that Master Developer and Designated Builders comply with the FSCP:

- 1) on all official City websites; and

2) in written materials that are available in all offices of the City that are open to the general public during normal business hours.

(iii) All websites and written material described in Subsection (ii) above shall contain a reference to a website provided by Master Developer where people can obtain information about the Community, the Master Developer and Designated Builders.

(iv) Within 90 days of City sending written notice to Master Developer that City has established the FSCP, Master Developer shall pay City \$50,000 towards the cost of City's obligations set forth in this Subsection (e).

5.03. Regional Transportation Center.

(a) Dedication of a Transit Center Site. Master Developer shall, at no cost to City or the RTC, dedicate up to two and one-half (2.5) gross acres of land to serve as a transit hub and transfer point for various bus routes. Such dedication shall be subject to a restriction that requires the RTC to allow, at no cost, at least one-half (1/2) acre of the RTC parcel to be used for parking facilities that serve both the RTC parcel and the Property. Master Developer shall construct Standard Improvements adjacent to the RTC parcel. The Transit Center shall be in the location shown on the Master Land Use Plan or in such alternate location approved by Master Developer, City and the RTC. So long as the alternative location is within the Town Center Mixed-Use district, an amendment to the Master Land Use Plan shall not be required. Master Developer is under no obligation to dedicate any land to the RTC other than as required herein.

(b) Design of the Regional Transportation Center. RTC shall design the Transit Center in accordance with the Design Guidelines, subject to the approval of Master Developer and City.

5.04 Police Services. Designated Builders shall pay City \$218 per residential unit for use in the construction of a Metro substation to serve the Community and the surrounding area. Such payment shall be made concurrent with the building permit application for each residential unit.

SECTION SIX OPEN SPACE, PARKS, TRAILS AND RECREATION FACILITIES

6.01. Parks Agreement. There exists a Parks Agreement describing the Parties' responsibilities regarding the design, construction, ownership and maintenance responsibilities for the open space, parks, trails and other recreation amenities to be provided by Master Developer. Such agreement is attached hereto as Exhibit "D" and incorporated fully herein. The parties acknowledge that the Park Agreement is a vital and integral part of this Agreement, and this Agreement would not have otherwise been approved and executed without the prior approval of the Park Agreement by the City Council.

SECTION SEVEN PROJECT INFRASTRUCTURE IMPROVEMENTS

7.01. Conformance to Master Studies. Master Developer agrees to construct and dedicate to City or other governmental or quasi-governmental entity or appropriate utility company, all infrastructure necessary for the development of the Community as required by the Master Studies and this Agreement.

7.02. Acquisition of Rights-of-Way and Easements. City acknowledges that certain rights-of-way and easements outside the boundaries of the Property may be necessary for the construction of the necessary infrastructure improvements. City shall assist the Master Developer in obtaining the necessary rights-of-way, easements or other interests not owned by Master Developer necessary to construct the necessary infrastructure improvements. With regard to any necessary roadways and/or necessary drainage corridors that are proposed to abut or cross BLM lands, Master Developer shall submit all required documentation to City to enable City to acquire the necessary rights from the BLM. City will

accept and initiate processing these applications through the BLM upon submittal of the Master Studies and will diligently pursue approval of the applications in a timely manner. In the event any required rights-of-way, easements or other interests can not be obtained, City may allow a modification of the appropriate approved Master Study to permit development of the Community without such right-of-way, easements or other interest.

7.03. Water Supply. The Parties acknowledge that City currently has no role in the allocation of water to customers of the Las Vegas Valley Water District. If, however, City assumes any role in water allocation during the term of this Agreement, City agrees it will endeavor to allocate or cause to be allocated to the Community water in order that the development of the Community will continue uninterrupted. City and Master Developer will cooperate with the Las Vegas Valley Water District in granting over their respective properties reasonable easements or right-of-ways either On-Property or Off-Property necessary for the installation of water facilities to serve the development. Master Developer agrees to execute all Affidavits of Waiver and Consent forms required by City in order for water laterals and mains to be a part of any proposed special improvement districts.

7.04 Traffic Improvements.

(a) Obligation to Construct Village Streets solely on Master Developer. Master Developer is obligated to, and shall design and construct all Village Streets, as indicated in the Master Traffic Study. Master Developer acknowledges and agrees that this obligation shall not be delegated to, transferred to or completed by any Designated Builder.

(b) Traffic Signal Improvements. In lieu of Master Developer or Designated Builders constructing traffic signal improvements, On-Property or Off-Property, Designated Builders shall pay the impact fee imposed by Ordinance 5644 (Bill 2003-94), as amended from time to time by City. Pursuant to Ordinance 5644, Designated Builders shall be entitled to a credit equal to the cost of any traffic signal improvement installed or constructed by Master Developer or a Designated Builder, including, but not limited to upgraded pole foundations, conduit, and similar improvements.

(c) Updates. If required by the Director of Public Works, Master Developer or a Designated Builder shall submit and receive conditional approval of a site-specific update of the Master Traffic Study prior to the approval of the following land use applications: tentative map (residential or commercial); site development plan review (multi-family or commercial); parcel map; or special use permit, but only if the applications propose land use, density, or entrances that deviate from the approved Master Study.

(d) Construction Phasing. Master Developer shall submit a phasing plan and estimated sequence for all required On-Property and Off-Property street improvements as a part of the Master Traffic Study.

(e) Kyle Canyon Engineered Details. Design Guidelines shall include engineered details for each public street type, private street type, alley type, trail type, sidewalk type, path type or other roadways or pedestrian travel paths that differ from the City's Standard Drawings for the City's review and approval.

(f) Timing of Subdivision Improvements. Civil improvement plans for construction upon a Designated Builder Parcel may be submitted to Public Works after all of the following have occurred:

(i) conditional approval or concurrent with second submittal of a Technical Drainage Study for a Designated Builder Parcel;

(ii) if required by the Public Works Director, approval or concurrent with second submittal of a traffic study for a Designated Builder Parcel;

(iii) approval of a tentative map or site development plan review for the Designated Builder Parcel, as applicable; and

(iv) submittal for second review of the civil improvement plans to the City for the surrounding master infrastructure.

Surrounding master infrastructure civil improvement plans must be approved prior to approval of civil improvement plans for the Designated Builder Parcel.

7.05 Mountain Edge Parkway. Currently, the Property contains a Right-of-Way in favor of the City for a proposed Mountain Edge Parkway (the "Existing ROW"). The Parties have agreed to a realignment of the proposed Mountain Edge Parkway Right-of-Way (the "Northern ROW") and for the means by which the City shall acquire certain of the necessary rights-of-way for the Parkway both within and outside the boundaries of the Property and for the abandonment by the City of the Existing ROW. Except as required by the Master Studies and as set forth herein, City shall not require the dedication of any easement, right-of-way or other interest for the Mountain Edge Parkway.

The agreement of the parties as to the Northern ROW is as follows:

1. Prior to the recordation of the Kyle Parent Final Map, certain parcels within Section 1 as depicted on Exhibit H (the "Section 1 Land"), will be dedicated to the City.
2. Prior to the recordation of the Kyle Parent Final Map, certain parcels currently within the Providence Master Plan as depicted on Exhibit I (the "Providence Land"), will be dedicated to the City. The Providence Land will be dedicated free of any debt encumbrances, and subject only to standard title exceptions.
3. After the Section 1 Land and the Providence Land are dedicated to the City, the City will remove the existing Parkway Right-of-Way.
4. The Kyle Final Map will then be recorded. The Kyle Final Map will not contain the Existing ROW and will contain the Northern ROW, as depicted on Exhibit J.
5. In any event, the Existing ROW will not be removed until the Section 1 Land and the Providence Land are dedicated to the City as set forth herein. In the unforeseen event that the Section 1 Land and the Providence Land are ultimately not dedicated to the City, the parties will need to amend the master plan approvals to take into account the Existing ROW.
6. The City shall not bear any escrow fees, title insurance premiums or other costs related to the dedication of the Section 1 Land and the Providence Land.

With regard to the dedication of the Section 1 Land, there are two alternatives:

Alternate 1

7. As to the dedication of the Section 1 Land, the land will be dedicated free of any debt encumbrances, and subject only to standard title exceptions.

Alternate 2

8. Alternatively, the Section 1 Land may be dedicated subject only to standard title exceptions and to encumbrances for debt ("Debt Encumbrances"), only upon the following terms:
 - a. Along with the dedication, an Irrevocable Letter of Credit in favor of the City and the Debt lien holders will be provided to the City, issued by a commercial bank

reasonably acceptable to the City (the "LOC");

- b. The "LOC" will be in the amount of the Debt Encumbrances, plus related expenses. The LOC will allow the City or the Debt lien holders to draw upon the LOC to extinguish the Debt Encumbrances, should there be an uncured default under the loan agreements that underlie the Debt Encumbrances, or an uncured default in the terms of this agreement;
- c. An agreement, in the form and substance reasonably acceptable to the City, will be provided to the City, which will be executed by the Debt lien holders and the Section 1 land owners, which acknowledges the dedication and the terms under which the City is accepting the dedication subject to the Debt Encumbrances. The lender agreement will provide that all notices sent by the lenders to the debtors related to the Section 1 Land will be copied to the City, and that the loan agreements cannot be amended or modified without the approval of the City. The lender agreement will further provide that, upon receipt of the full payment in the amount equal to the LOC, the Debt Encumbrances will be fully released regardless of whether the amount of the LOC is sufficient to cover all the debt, expenses and/or other obligations of the Section 1 Land owners to the lenders; and
- d. The loans underlying the Debt Encumbrances will be fully paid within five (5) years of the date of the dedication, resulting in a full extinguishment of the Debt Encumbrances.

7.06 Other Roadway Improvements.

- a. Kyle Canyon Interchange. Within 30 days of the Effective Date, City shall begin design of the Kyle Canyon/US-95 interchange. The design shall be in substantial conformance with Exhibit K. City shall complete the design of the interchange and obtain all necessary approvals for construction within 24 months of the Effective Date. City shall complete construction within 42 months of the Effective Date. Master Developer shall pay City the following amounts: i) \$2 million within 30 days of City's completion of the design; ii) \$3 million within 30 days of the construction being 50% complete; and iii) \$5 million upon completion of construction.
- b. Horse Drive Interchange. City shall use its best efforts to complete construction of the Horse Drive/US-95 interchange within 30 months of the Effective Date.
- c. Hualapai Interchange. Parties will cooperate in: i) requesting that Clark County prioritize construction of appropriate improvements to the Hualapai/215 interchange; and ii) obtaining any available federal, state, RTC or Clark County funding for such construction.
- d. Hualapai/Horse Connector. Master Developer shall dedicate with the Parent Final Map the right-of-way shown on Exhibit L, and shall construct the improvements shown on Exhibit L in accordance with the requirements of the Master Traffic Study. City may construct at its discretion and cost the improvements shown on Exhibit M.

7.07 Flood Control.

(a) Obligation to Construct Flood Control Facilities solely on Master Developer. Master Developer shall design and construct flood control facilities that are identified as Master Developer's responsibility in the Master Drainage Study. Master Developer acknowledges and agrees that this

obligation shall not be delegated to, transferred to or completed by any Designated Builder.

(b) Other Governmental Approvals. The Clark County Regional Flood Control District, the Nevada Department of Transportation and any other state or federal agencies, as required, shall approve the Master Drainage Study prior to final approval from City. Clark County Department of Development Services shall receive a copy of the Master Drainage Study and shall have the opportunity to comment.

(c) Updates. The Director of Public Works may require an update to the Master Drainage Study or Master Technical Study as a condition of approval of the following land use applications: tentative map, residential or commercial; site development plan review, multifamily or commercial; or parcel map. The update must be approved prior to the approval of any construction drawings and the issuance of any final grading permits.

(d) Regional Flood Control Facility Construction by Master Developer. The Master Developer agrees to design and substantially complete the County Regional Flood Control District facilities as defined in the Master Drainage Study pursuant to the Regional Flood Control District 2002 Master Plan Update prior to the final inspection of the first unit within each area protected by the appropriate drainage facility.

An interim drainage facility in lieu of the permanent regional facility could be considered acceptable for the Las Vegas Wash – Moccasin (LVMO 0000) facility. Additionally, those facilities that will be in the Mountain Edge Parkway alignment (right-of-way) will be interim drainage facilities. Interim drainage facilities shall be maintained in accordance with Section 4.01 of this Agreement.

If required by the Master Drainage Study or technical drainage studies, the above facilities or portions thereof shall be constructed prior to issuance of any building permits for affected downstream units or alternate flood protection or mitigation acceptable to City must be provided.

(e) Construction Phasing. Master Developer shall submit a phasing and sequencing plan for all drainage improvements within the Community as a part of the Master Drainage Plan. The phasing plan and schedule must clearly identify drainage facilities (interim or permanent) necessary prior to permitting any downstream units for construction.

SECTION EIGHT SPECIAL IMPROVEMENT DISTRICT

City agrees to consider and, if appropriate, process and facilitate, with due diligence, any applications made by Master Developer for the creation of a special improvement district. If a request to create a special improvement district is made by Master Developer, the Parties agree to utilize the City's Master Developer Special Improvement District Guidelines, which are attached hereto at Exhibit "E." The Parties agree that nothing contained in this Section or elsewhere in this Agreement constitutes in any way a pre-approval or authorization of any such special improvement district and any special improvement district must be processed and approved pursuant to State law and the Applicable Rules.

SECTION NINE REVIEW OF DEVELOPMENT

9.01 Frequency of Reviews. As provided by NRS Chapter 278, Master Developer shall appear before the City Council to review the development of the Community. The Parties agree that the first review occur no later than eleven (11) months after the Effective Date of this Agreement, and again at

least annually on the anniversary date of that first review thereafter, or as otherwise requested by City upon fourteen (14) days written notice to Master Developer. For any such review, Master Developer shall provide, and City shall review, a report submitted by Master Developer documenting the extent of Master Developer's and City's material compliance with the terms of this Agreement during the preceding period.

The report shall contain information regarding the progress of development within the Community, including, without limitation:

- (a) data showing the total number of residential units built and approved on the date of the report;
- (b) specific densities within each subdivision and within the Community as a whole; and
- (c) the status of development within the Community and the anticipated phases of development for the next calendar year.

In the event Master Developer fails to submit such a report within thirty (30) days following written notice from City that the deadline for such a report has passed, Master Developer shall be in default of this provision and City shall prepare such a report and conduct the required review in such form and manner as City may determine in its sole discretion. City shall charge Master Developer for its reasonable expenses, fees and costs incurred in conducting such review and preparing such report. If at the time of review an issue not previously identified in writing is required to be addressed, the review at the request of either party may be continued to afford reasonable time for response

9.02 Opportunity to be heard. The report required by this Section shall be considered solely by the City Council. Master Developer shall be permitted an opportunity to be heard orally and in writing before the City Council regarding performance of the parties under this Agreement. The Director of Planning may, in her discretion, provide copies of the report to members of City's Planning Commission for their information and use.

9.03 Action by the City Council. At the conclusion of the public hearing on the review, the City Council may take any action permitted by NRS 278.0205 and/or this Agreement.

SECTION TEN DEFAULT

10.01 Opportunity to Cure; Default. In the event of any noncompliance with any provision of this Agreement, the Party alleging such noncompliance shall deliver to the other by certified mail a ten (10) day notice of default and opportunity to cure. The time of notice shall be measured from the date of receipt of the certified mailing. The notice of noncompliance shall specify the nature of the alleged noncompliance and the manner in which it may be satisfactorily corrected, during which ten (10) day period the party alleged to be in noncompliance shall not be considered in default for the purposes of termination or institution of legal proceedings.

If the noncompliance cannot reasonably be cured within the ten (10) day cure period, the non-compliant Party may timely cure the noncompliance for purposes of this Section Ten if it commences the appropriate remedial action within the ten (10) day cure period and thereafter diligently prosecutes such action to completion within a period of time acceptable to the non-breaching Party. If no agreement between the Parties is reached regarding the appropriate timeframe for remedial action, the cure period shall not be longer than thirty (30) days from the date the ten (10) day notice of noncompliance and opportunity to cure was mailed to the non-compliant Party.

If the noncompliance is corrected, then no default shall exist and the noticing party shall take no further action. If the noncompliance is not corrected within the relevant cure period, the non-complaint party is in default, and the party alleging non-compliance may declare the breaching party in default and elect any one or more of the following courses.

(a) Option to Terminate. After proper notice and the expiration of the above-referenced period for correcting the alleged noncompliance, the party alleging the default may give notice of intent to amend or terminate this Agreement as authorized by NRS Chapter 278. Following any such notice of intent to amend or terminate, the matter shall be scheduled and noticed as required by law for consideration and review solely by the City Council.

(b) Amendment or Termination by City. Following consideration of the evidence presented before the City Council and a finding that a default has occurred by Master Developer and remains uncorrected, City may amend or terminate this Agreement. Termination shall not in any manner rescind, modify, or terminate any vested right in favor of Master Developer, as determined under the Applicable Rules, existing or received as of the date of the termination. Master Developer shall have twenty-five (25) days after receipt of written notice of termination to institute legal action pursuant to this Section to determine whether a default existed and whether City was entitled to terminate this Agreement.

(c) Termination by Master Developer. In the event City substantially defaults under this Agreement, Master Developer shall have the right to terminate this Agreement after the hearing set forth in this Section. Master Developer shall have the option, in its discretion, to maintain this Agreement in effect, and seek to enforce all of City's obligations by pursuing an action pursuant to Section 10.03.

10.02. Unavoidable Delay, Extension of Time. Neither party hereunder shall be deemed to be in default, and performance shall be excused, where delays or defaults are caused by war, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, or acts of God. If written notice of any such delay is given to one party or the other within thirty (30) days after the commencement thereof, an automatic extension of time, unless otherwise objected to by the party in receipt of the notice within thirty (30) days of such written notice, shall be granted coextensive with the period of the enforced delay, or longer as may be required by circumstances or as may be subsequently agreed to between City and Master Developer. Any such extensions of time shall have no effect upon the timing of and the conclusions reached in the reviews to be conducted pursuant to Section Nine above.

10.03. Limitation on Monetary Damages. City and the Master Developer agree that they would not have entered into this Agreement if either were to be liable for monetary damages based upon a breach of this Agreement or any other allegation or cause of action based upon or with respect to this Agreement. Accordingly, City and Master Developer may pursue any course of action at law or in equity available for breach of contract, except that neither Party shall be liable to the other or to any other person for any monetary damages based upon a breach of this Agreement or any other allegation or cause of action based upon or with respect to this Agreement.

10.04. Venue. Jurisdiction for judicial review under this Agreement shall rest exclusively with the Eight Judicial District Court, County of Clark, State of Nevada or the United States District Court, District of Nevada.

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

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

SECTION ELEVEN GENERAL PROVISIONS

11.01. Duration of Agreement. The Term of this Agreement shall commence upon the Effective Date and shall expire on the twentieth (20th) anniversary of the Effective Date, unless terminated earlier pursuant to the terms hereof. City agrees that the Master Developer shall have the right to request extension of the Term of this Agreement for an additional five (5) years upon the following conditions:

- (a) Master Developer provides written notice of such extension to City at least one hundred-eighty (180) days prior to the expiration of the original Term of this Agreement;
- (b) Master Developer is not in default of this Agreement; and
- (c) Master Developer and City enter into an amendment to this Agreement memorializing the extension of the Term.

11.02. Assignment.

(a) To a Third Party. Assignment or a transfer of rights or obligations under this Agreement to a third person other than as provided herein is not a contemplated transaction under this Agreement. Master Developer shall not sell or transfer any or all of its rights or obligations under this Agreement to a third person other than as provided herein without the approval of the City Council and any such transfer is an immediate default of this Agreement notwithstanding the cure provisions of Section Ten. Any cumulative swap, trade, sale or other transfer of more than thirty-three percent (33%) of the ownership interests of Master Developer entity to a third person not otherwise contemplated by this Agreement, shall be considered a transfer of rights or obligations under this Agreement that requires City Council approval as provided above.

(b) To an Affiliate of Master Developer. Except as otherwise provided by Section 11.02(c), below, the rights of the Master Developer under this Agreement may be freely transferred or assigned to an Affiliate of the Master Developer provided that such entity shall assume in writing all obligations of the Master Developer hereunder.

(c) Transfer Not to Relieve the Master Developer of its Obligation. Except as expressly provided herein, no assignment or transfer of any portion of the Property shall relieve Master Developer of its obligations hereunder, and such assignment or transfer shall be subject to all of the terms and conditions of this Agreement, provided, however, that no such transferee shall be deemed to be the Master Developer hereunder. This subsection shall have no effect upon the validity of obligations recorded as covenants, conditions, restrictions or liens against parcels of real property.

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

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

apply to the extent such damage, liability, or claim is proximately caused by the intentional or negligent act of City, its officers, agent, employees, or representatives. This section shall survive any termination of this Agreement.

11.05. Binding Effect of Agreement. Subject to Section 11.02, the burdens of this Agreement bind, and the benefits of this Agreement inure to, the Parties' respective assigns and successors-in-interest and the property which is the subject of this Agreement.

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

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

To City: City of Las Vegas
400 Stewart Avenue
Las Vegas, Nevada 89101
Attention: City Manager
Attention: Director of Planning

To Owner: Kyle Acquisition Group, LLC
3455 Cliff Shadows Parkway
Suite 220
Las Vegas, Nevada 89129
Attention: Tom DeVore

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

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

11.09 Waivers. All waivers of the provisions of this Agreement shall be in writing and signed by the appropriate officers of Master Developer or approved by the City Council, as the case may be.

11.10 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 Master Developer in a form suitable for recordation in the Official Records of Clark County, Nevada. Upon completion of the performance of this Agreement, a statement evidencing said completion, shall be signed by the appropriate officers of the City and Master Developer and shall be recorded in the Official Records of Clark County, Nevada. A revocation or termination shall be signed by the appropriate officers of the City or Master Developer and shall be recorded in the Official Records of Clark County, Nevada.

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

to sections and exhibits shall be to sections and exhibits to this Agreement, unless otherwise specified.

11.12 Release. Each residential lot shown on a recorded Subdivision Map within the Community shall be automatically released from the encumbrance of this Agreement without the necessity of executing or recording any instrument of release upon the issuance of a building permit for the construction of a residence thereon.

11.13 Severability of Terms. If any term or other provision of this Agreement is held to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect, provided that the invalidity, illegality or unenforceability of such terms does not materially impair the Parties' ability to consummate the transactions contemplated hereby. If any term or other provision is invalid, illegal or incapable of being enforced, the Parties hereto shall, if possible, amend this Agreement so as to affect the original intention of the Parties.

11.14 Exercise of Discretion. Wherever a Party to this Agreement has discretion to make a decision, it shall be required that such discretion be exercised reasonably unless otherwise explicitly provided in the particular instance that such decision may be made in the Party's "sole" or "absolute" discretion or where otherwise allowed by applicable law..

11.15 No Third Party Beneficiary. This Agreement is intended to be for the exclusive benefit of the parties hereto and their permitted assignees. No third party beneficiary to this Agreement is contemplated and none shall be construed or inferred from the terms hereof. In particular, no person purchasing or acquiring title to land within the Community or residing in the Community shall, as a result of such purchase, acquisition or residence, have any right to enforce any obligation of Master Developer or City nor any right or cause of action for any alleged breach of any obligation hereunder by either party hereto.

11.16 Gender Neutral. In this Development Agreement (unless the context requires otherwise), the masculine, feminine and neutral genders and the singular and the plural include one another.

In Witness Whereof, this Agreement has been executed by the parties on the day and year first above written.

CITY:

OWNER:

CITY COUNCIL, CITY OF LAS VEGAS

KYLE ACQUISITION GROUP, LLC

By: _____

Oscar B. Goodman, Mayor

By: _____

Name: _____

Approved as to Form: _____

Title: _____

Deputy City Attorney

Attest:

City Clerk

By: _____

Barbara J. Ronemus, City Clerk

SUBSCRIBED AND SWORN TO before me

on this _____ day of _____,
200__.

Notary Public in and for said County and State

EXHIBIT A
TO THE KYLE CANYON DEVELOPMENT AGREEMENT
PROPERTY DESCRIPTION

EXHIBIT A
TO THE KYLE CANYON DEVELOPMENT AGREEMENT
PROPERTY DESCRIPTION

T. 19 S., R 59 E., sec. 12, Lots 1 to 16, inclusive.

T. 19 S., R. 60 E., sec 6, Lots 12 to 30, inclusive; sec. 7, Lots 6, 8, 9, 10, 11, 12, 14, 16, 18, 19, 20, and 21.

EXHIBIT B
TO THE KYLE CANYON DEVELOPMENT AGREEMENT
DEVELOPMENT PHASES

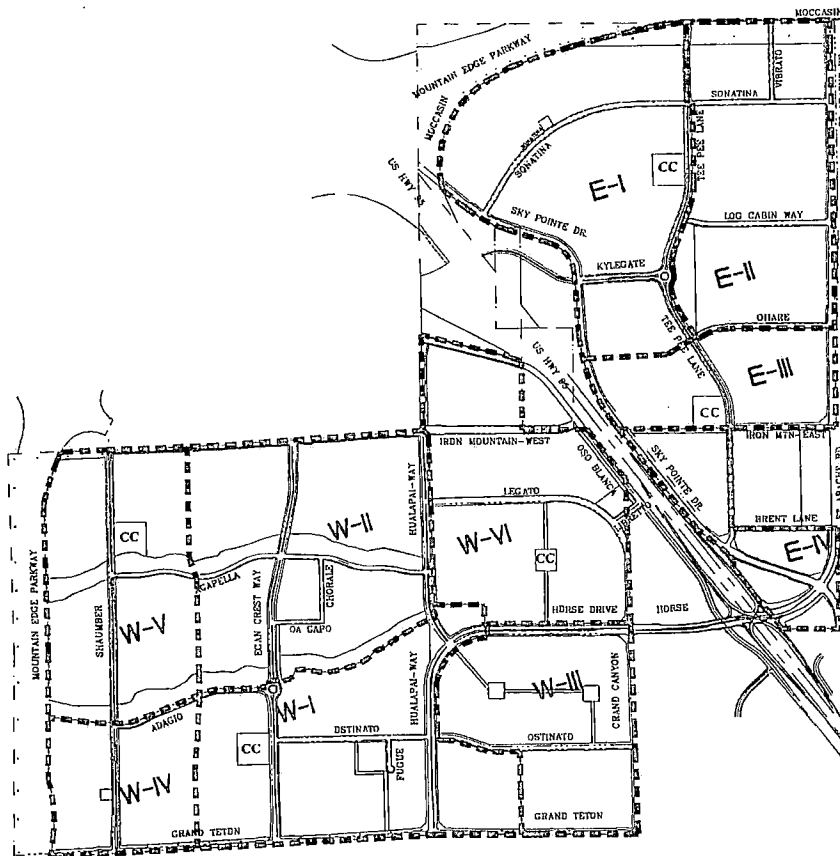


LEGEND

--- PHASE LINE

W-V PHASE

CC COMMUNITY CENTER



KYLE CANYON DEVELOPMENT PHASES

EXHIBIT C
TO THE KYLE CANYON DEVELOPMENT AGREEMENT
IMPACT STATEMENT

CITY OF LAS VEGAS
PLANNING AND DEVELOPMENT DEPARTMENT

ENVIRONMENTAL IMPACT ASSESSMENT

Pursuant to Las Vegas Municipal Code (LVMC) Section 19.18.010(E) and Ordinance No. 5477 (May 1, 2002), the City of Las Vegas has determined that your project is subject to a Development Impact Notice and Assessment (DINA) and/or meets the criteria for a Project of Regional Significance as established by the Southern Nevada Regional Policy Plan.

ENVIRONMENTAL FACTORS POTENTIALLY AFFECTED:

The environmental factors checked below would be potentially affected by this project. The Environmental Impact Assessment forms attached herein must be prepared for each factor* and submitted for evaluation.

√	Project Description
√	Transportation and Traffic
√	Schools
√	Emergency Services
√	Housing
√	Mass Transit
√	Open Space and Recreation
√	Hydrology
√	Water Quality
√	Utilities and Service System

* Bold question numbers denote minimum NRS requirements

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

Applicant Information

The following Environmental Impact Assessment is being submitted for consideration for the proposed project known as Kyle Canyon Master Plan, located between Moccasin Rd. and Grand Teton Dr. and North Fort Apache and Puli Rd..

This document is being prepared by:

Company Name: Moser Architecture Studio
Address: 3425 Cliff Shadows Pkwy.
Suite 150
Las Vegas, NV, 89129

Contact Person:

Name: Betty Casey
Title: Project Manager
Telephone: 702-693-4280
Fax: 702-939-8460
E-mail: betty@moserarchitecture.com

I certify that the statements made by me on this Environmental Impact Assessment represent my best professional judgment and are, to the best of my knowledge, true and complete and correct. I understand that any misrepresentation or material omission of fact on this document may be considered as constituting grounds for an incomplete application and may uphold processing of the application until complete information is provided.

Signature: _____

Date: _____

Name: Betty Casey
Title: Project Manager

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

	Project Description

1.a	Project title:	Kyle Canyon Master Plan
1.b	Application #:	
1.c	Project location:	Bordered by Moccasin Rd. to the north, Grand Teton to the south, N. Fort Apache on the east and Puli Rd. on the west.
1.d	Project sponsor	
	Name:	Kyle Acquisition Group, LLC
	Address:	3455 Cliff Shadows Pkwy., Suite 220
	Telephone:	702-242-4949
1.e	G. P. designation:	Traditional Neighborhood Development
1.f	Zoning:	U and R-E
1.g	Project description:	
	Total site acreage:	1,712
	i) Residential	
	Total units:	16,000 maximum
	FAR per Lot:	Varies
	Lot Coverage per Lot:	Varies
	ii) Hospitality	
	Total rooms:	61 acres designated for Casino Complex
	Total entertainment:	155,000 s.f.
	iii) Commercial	
	Total S.F.:	30 acres designated for Mixed use commercial development
	Total FAR:	Varies
	Total Lot Coverage:	Varies
1.h	Briefly describe the project's surrounding land use and setting:	
	North:	(PD) Undeveloped
	East:	(R-PD) Single Family Residential
	South:	(PD) Undeveloped
	West:	(RC) Red Rock Conservation
1.i	Project narrative (Describe the whole action involved, including but not limited to later phases of the project, and any secondary, support, or off-site features necessary for its implementation. Attach exhibits if necessary):	

ENVIRONMENTAL IMPACT ASSESSMENT

Narrative: The Kyle Canyon Master Development Plan comprises approximately 1,712 acres of land. The project is planned for a range of single, cluster and multi-family residential uses, as well as mixed use urban centers and commercial, resort and casino uses. The Master Development Plan also contains sites designated for parks, trails, community center, school, and other public facility uses.

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

Transportation and Traffic

- 2.a Would the project include adequate emergency access pursuant to LVMC Fire and emergency response requirements?

Explain: Yes. The Development Agreement provides for adequate police and fire protection.

- 2.b Would the project provide adequate parking pursuant to LVMC parking requirements?

Explain: Yes, the project shall provide adequate parking for the proposed development.

- 2.c Would the project potentially increase hazards due to a design feature (e.g., sharp curves, dangerous intersection) or incompatible uses (e.g., commercial heavy equipment)?

Explain: No. The proposed facility would not increase hazards due to a design feature or incompatible uses.

- 2.d Would the site have sufficient access to streets and highways, adequate in width and pavement type to carry the quantity and quality of traffic generated by the proposed project?

Explain: Yes. The site shall have access to Horse Drive, Grand Teton Drive, Grand Canyon Drive, and Hualapai Way. When fully improved, these roadways shall have the capacity to accommodate the traffic generated by this project

- 2.e Insert a Table (attach additional sheets if necessary), indicating the number of vehicle trips that the proposal will generate, estimated by applying to the proposal the average trip rates for the peak days and hours established by the Institute of Transportation Engineers (or its successor).

Table: Tables follow on pages 6 through 9.

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

TRIP GENERATION ITE CODE 820 SHOPPING CENTER 1,306,800 SQUARE FEET	
AM PEAK HOUR	
Average Rate = 1.03 Trips per 1,000 Square Feet $T = (1.03)(1,306.800)$ $T = 1,346.01$ or 1,347 Trips	
<u>61% Entering</u> 822 Trips	<u>39% Exiting</u> 525 Trips
PM PEAK HOUR	
Average Rate = 3.75 Trips per 1,000 Square Feet $T = (3.75)(1,306.800)$ $T = 4,900.5$ or 4,901 Trips	
<u>48% Entering</u> 2,352 Trips	<u>52% Exiting</u> 2,549 Trips
WEEKDAY	
Average Rate = 42.94 Trips per 1,000 Square Feet $T = (42.94)(1,306.800)$ $T = 56,113.99$ or 56,114 Trips	

TRIP GENERATION ITE CODE 210 SINGLE-FAMILY DETACHED HOUSING 7,700 DWELLING UNITS	
AM PEAK HOUR	
$T = 0.70(X) + 9.43$ $T = 0.70(7,700) + 9.43$ $T = 5,399.43$ or 5,400 Trips	
<u>25% Entering</u> 1,350 Trips	<u>75% Exiting</u> 4,050 Trips
PM PEAK HOUR	
$\ln(T) = 0.90 \ln(X) + 0.53$ $\ln(T) = 0.90 \ln(7,700) + 0.53$ $T = 5,345.86$ or 5,346 Trips	
<u>63% Entering</u> 3,368 Trips	<u>37% Exiting</u> 1,978 Trips

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

WEEKDAY	
$Ln(T) = 0.92 Ln(X) + 2.71$ $Ln(T) = 0.92 Ln(7,700) + 2.71$ $T = 56,560.01$ or 56,561 Trips	

TRIP GENERATION ITE CODE 230 RESIDENTIAL CONDOMINIUM/TOWNHOUSE 4,650 DWELLING UNITS	
AM PEAK HOUR	
$Ln(T) = 0.80 Ln(X) + 0.26$ $Ln(T) = 0.80 Ln(4,650) + 0.26$ $T = 1,113.98$ or 1,114 Trips	
<u>17% Entering</u> 189 Trips	<u>83% Exiting</u> 925 Trips
PM PEAK HOUR	
$Ln(T) = 0.82 Ln(X) + 0.32$ $Ln(T) = 0.82 Ln(4,650) + 0.32$ $T = 1,400.51$ or 1,401 Trips	
<u>67% Entering</u> 939 Trips	<u>33% Exiting</u> 462 Trips
WEEKDAY	
$Ln(T) = 0.85 Ln(X) + 2.55$ $Ln(T) = 0.85 Ln(4,650) + 2.55$ $T = 16,779.77$ or 16,780 Trips	

TRIP GENERATION ITE CODE 220 APARTMENT 4,650 DWELLING UNITS	
AM PEAK HOUR	
$T = 0.49(X) + 3.73$ $T = 0.49(4,650) + 3.73$ $T = 2,282.23$ or 2,283 Trips	
<u>20% Entering</u>	<u>80% Exiting</u>

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

457 Trips	1,826 Trips
PM PEAK HOUR	
$T = 0.55(X) + 17.65$ $T = 0.55(4,650) + 17.65$ $T = 2,575.15$ or 2,576 Trips	
<u>65% Entering</u> 1,674 Trips	<u>35% Exiting</u> 902 Trips
WEEKDAY	
$T = 6.01(X) + 150.35$ $T = 6.01(4,650) + 150.35$ $T = 28,096.85$ or 28,097 Trips	

TRIP GENERATION RESORT CORRIDOR HOTEL/CASINO 1,500 HOTEL ROOMS 150,000 SQUARE FOOT CASINO	
AM PEAK HOUR	
$T = 0.168(X_1) + 4.583(X_2) + 107.789$ $T = 0.168(464) + 4.583(155.000) + 107.789$ $T = 892.394$ or 893 Trips	
<u>59% Entering</u> 527 Trips	<u>41% Exiting</u> 366 Trips
PM PEAK HOUR	
$T = 0.290(X_1) + 9.780(X_2)$ $T = 0.290(464) + 9.780(155.000)$ $T = 1,651$ Trips	
<u>48% Entering</u> 492 Trips	<u>52% Exiting</u> 859 Trips
WEEKDAY	
$T = \text{PM PEAK HOUR} / 0.10$ $T = 1,651 / 0.10$ $T = 16,510$ Trips	
Where X_1 = Number of Hotel Rooms X_2 = Casino Square Footage in Thousands	

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

TOTAL TRIPS	
AM PEAK HOUR	
Entering 3,345 Trips	Exiting 5,866 Trips
PM PEAK HOUR	
Entering 8,825 Trips	Exiting 6,750 Trips
WEEKDAY	
174,062 Trips	

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

Schools

3.a What is the total number of proposed residential units?

Conventional units: 16,000 max.

Age-restricted units: 0

3.b Based upon the student generation factors utilized by Clark County School District¹ what is the estimated number of pupils generated by the proposal which will be added to the enrollment of each of the following:

Elementary School

School name: Proposed (see land use map)

Distance from site²: N/A

Number of pupils: 3,920

Junior High/Middle School

School name: Proposed (see land use map)

Distance from site²: N/A

Number of pupils: 1,968

High School

School name: Proposed (see land use map)

Distance from site²: N/A

Number of pupils: 2,192

¹ See Exhibit 1

² Attach a map indicating the primary route/distance from the proposed project main entry point to the school main access point.

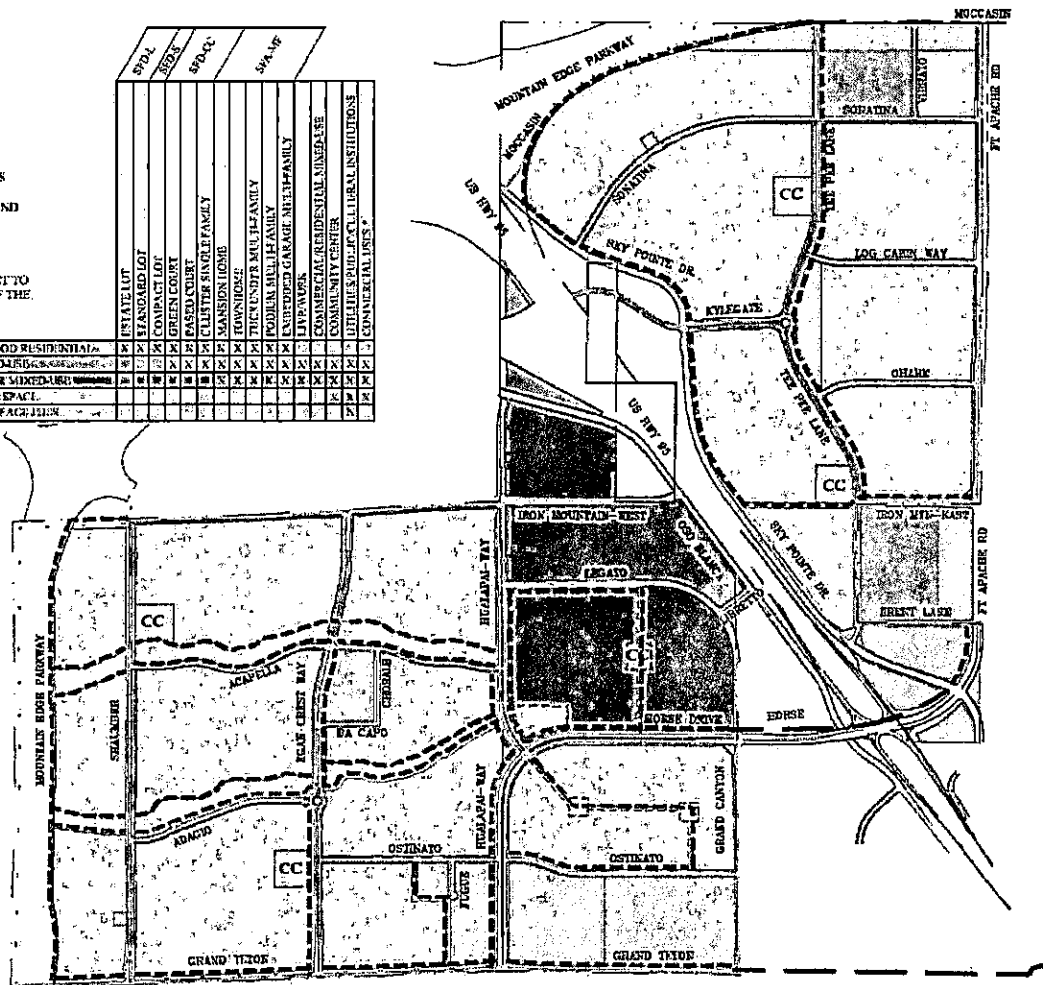
ENVIRONMENTAL IMPACT ASSESSMENT



LEGEND

- ☐ NEIGHBORHOOD RESIDENTIAL
☐ TOWN CENTER MIXED-USE
☐ URBAN MIXED-USE
☐ COMMUNITY FACILITIES / SCHOOLS
☐ PARKS/OPEN SPACE
☐ PARKS/OPEN SPACE - (LOCATION AND DESIGN TO BE DETERMINED)
☐ COMMUNITY CENTER
☐ TRANS

* NOTE: COMMERCIAL USES SUBJECT TO THE LIMITATIONS OF SECTION 4 OF THE DESIGN GUIDELINES

[illegible]

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

Emergency Services

- 4.a Provide the distance from the site of the proposal to the nearest facilities from which firefighting, police and emergency services will be provided, including without limitation, facilities of a local government that are planned but not yet constructed, and facilities that have been included in a local government's plan for capital improvements prepared pursuant to NRS 278.0226.

Fire

Name of the facility: Fire Station 41- City of Las Vegas
Existing/proposed: Existing
Distance from site³: 4.51 miles

Police

Name of the facility: Northwest Area Command
Existing/proposed: Existing
Distance from site³: 12.14 miles

Emergency Services

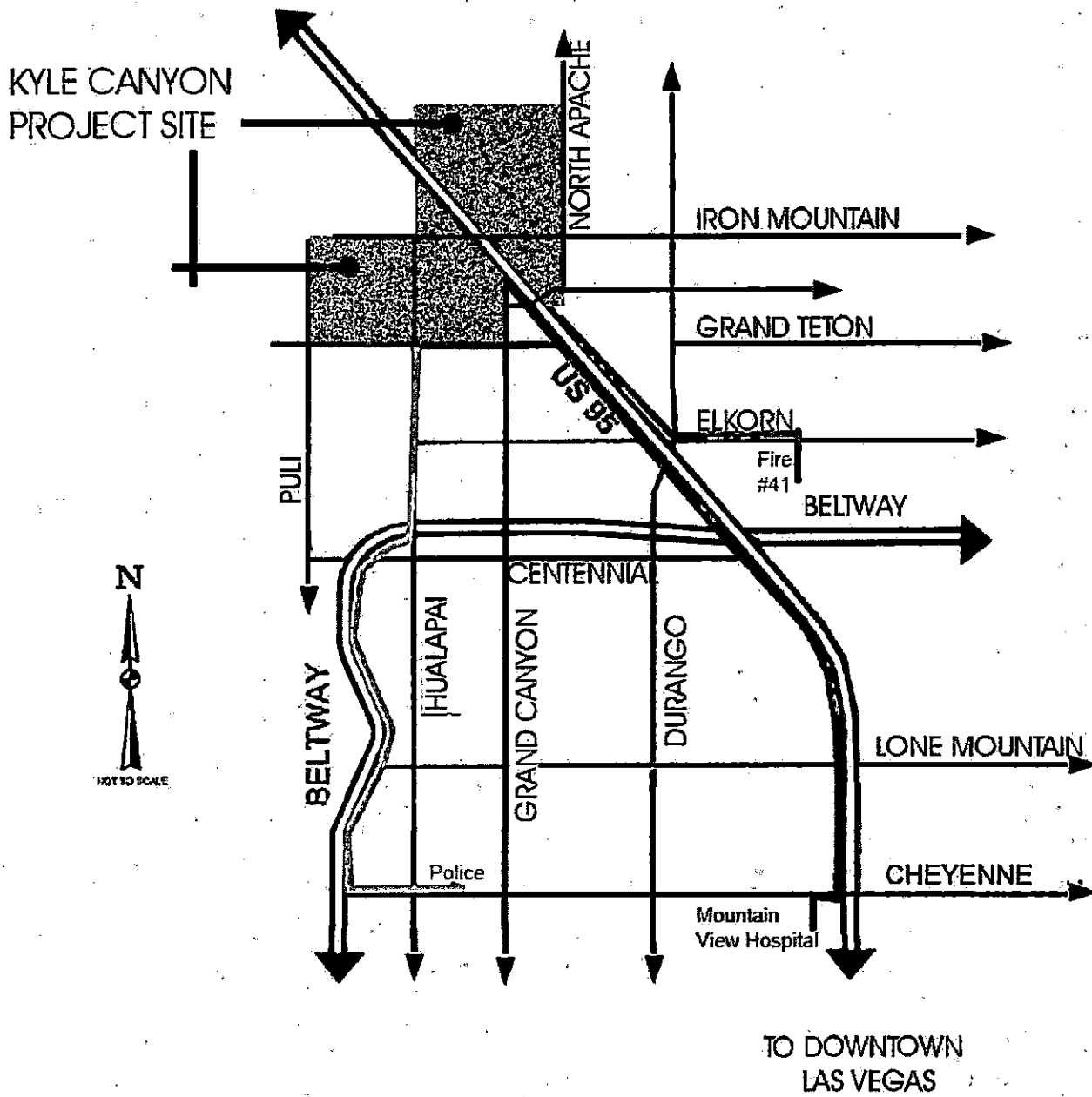
Name of the facility: Mountain View Hospital
Existing/proposed: Existing
Distance from site³: 8.67 miles

- 4.b Would the project result in increase for emergency services in order to maintain acceptable service ratios, response times or other performance objectives for any of the public services:

Explain: The project would not produce demand for additional emergency services during the initial development stages. Over time, additional fire services may need to be provided. Police services come from the Northwest Area Command and emergency services would currently be provided from Mountain View Hospital. These may need to be augmented in the future. However, land for new emergency services has been accounted for in civic parcels noted on the Land Use Plan.

³ Attach a map indicating the primary route/distance from the proposed project main entry point to the firefighting, police, and emergency services main access point.

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT



City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

Housing

- 5.a Would the proposed project conflict with any applicable land use plan, policy, or regulation of an agency with jurisdiction over the project (including, but not limited to the general plan, specific plan, rural preservation area, or zoning ordinance)?

Explain: No, the current land use is consistent with the proposed project. The site currently has an existing planned development on the east border. This master plan will be a comprehensive guide to aid all builders and the city in creating an beautiful and efficient use of the land.

- 5.b Would the project displace or eliminate existing housing?

Explain: No. The site is currently undeveloped and will not displace any existing housing.

- 5.c What are the project characteristics, in terms of:

Density: Varies

Height: Varies

Gated community: partialy

Housing Type: All types

Home ownership: Partially

- 5.d Provide a brief statement setting forth the anticipated effects of the proposal on housing.

Explain: The proposal will not affect the housing surrounding the site. It will provide living units for many people looking for housing options in a innovative and comprehensive community.

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

	Mass Transit

- 6.a Provide the distance from the site of the proposal to the nearest mass transit loading point.

Line number/name: Route 405 - Northwest Circulator

Location: Target Center stop at US 95 and Buffalo

Distance from site⁴: 4 miles

-
- 6.b Would the project result in change to the existing mass transit route, creation of a new line, or new loading points?

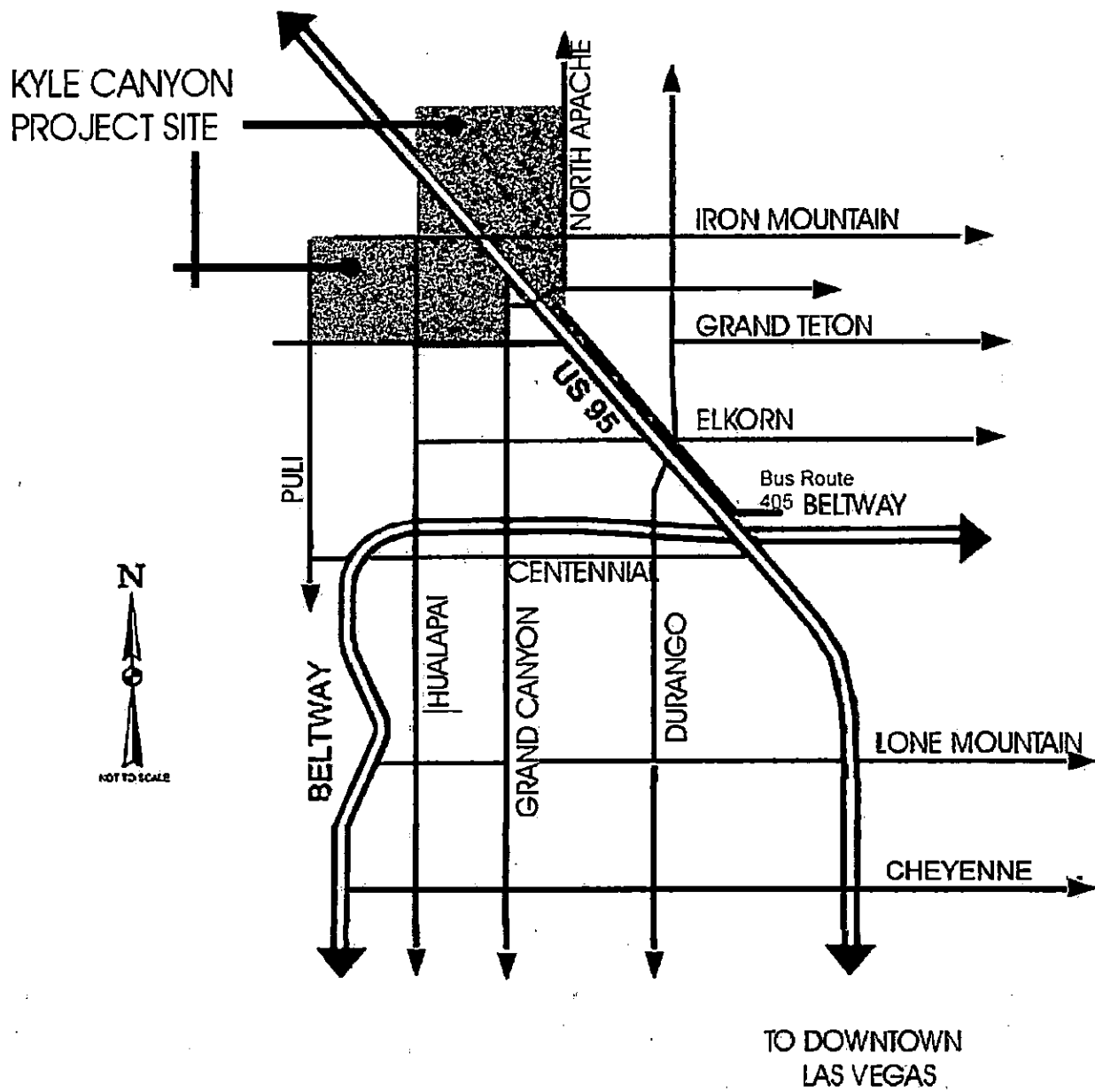
Explain: No, this project is not expected to require a new bus route. However, as the bus system continues to expand, routes may be added that serve this project.

-
- 6.c Provide a brief statement setting forth the anticipated effects of the proposal on mass transit.

Explain: This project is not expected to have an effect on the bus system since service is not currently provided to this area.

⁴ Attach a map indicating the primary pedestrian route/distance from the proposed project main entry point to the nearest mass transit.

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT



City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

Open Space and Recreation

- 7.a Provide the distance from the site of the proposal to the nearest existing⁵ or planned⁶ (as identified by the City of Las Vegas Master Plan – Parks Element, 2000) recreation area as follows:

Neighborhood Park

Park name: Various internal Parks

Location: See land use map

Distance from site⁷: n/a

Community Park

Park name: Proposed Park Jones and Iron Mountain

Location: Jones and Iron Mountain

Distance from site⁷: 8 miles

Regional Park

Park name: Proposed Park Jones and Iron Mountain

Location: Jones and Iron Mountain

Distance from site⁷: 8 miles

- 7.b Based upon 1990 US Census population table⁸, what would be the total population generated by the proposed project?

Explain: The exact breakdown of multi family and single family homes has not been determined. The development will have a maximum of 16,000 units that could create a maximum population of 36,480.

- 7.c How much public parkland would be included in the proposed project?

Explain: The proposed schools will be sharing ball fields and open areas with neighborhoods. Also an ample amount of park space has been planned for and included in the master plan.

- 7.d Provide a brief statement setting forth the anticipated effects of the proposal on open space and recreation.

Explain: The site will be providing trails, open space, and recreation fields for the community. The existing parks should receive minimal impact due to the large amount of park space included in the plan.

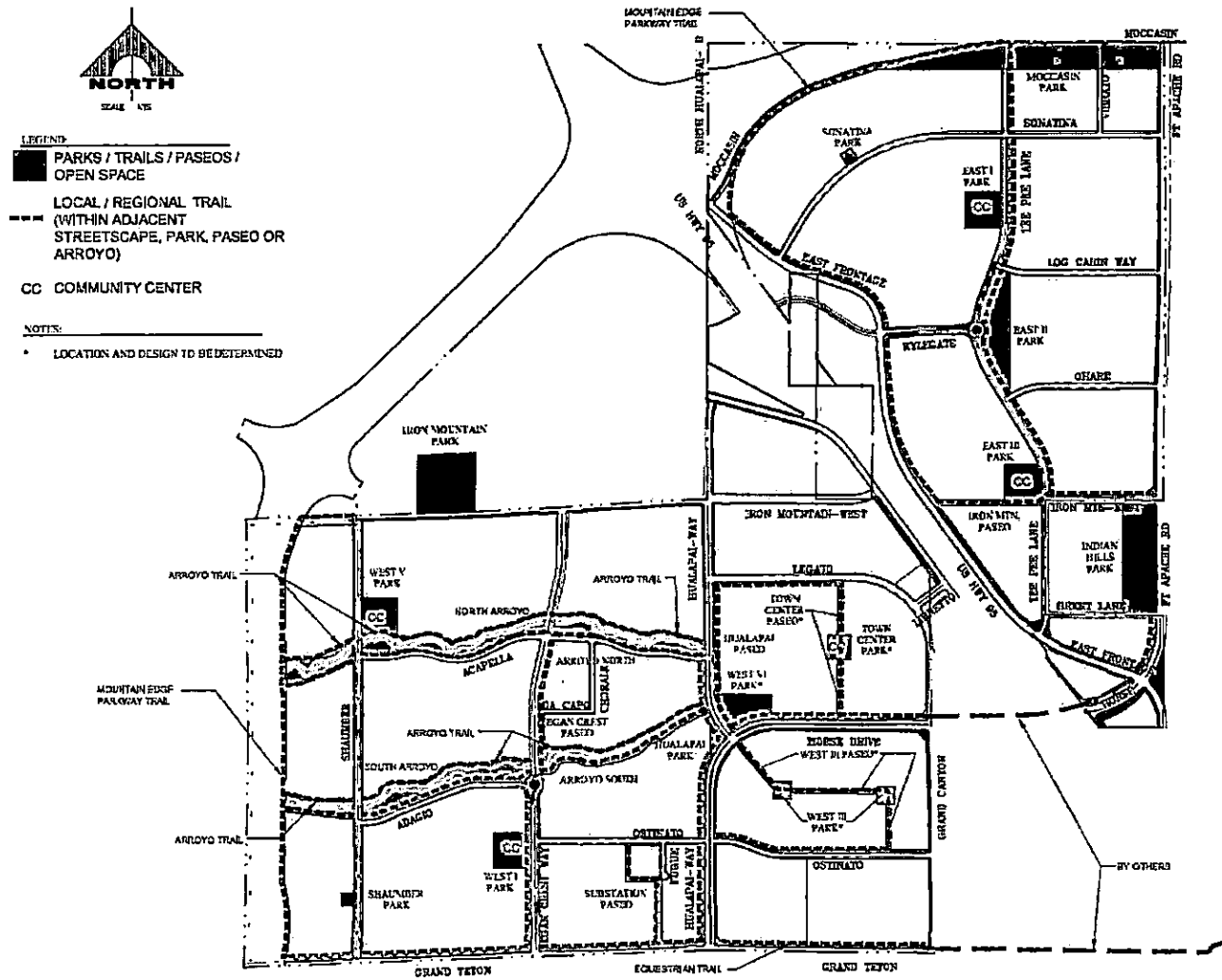
⁵ See Exhibit 2

⁶ See Exhibit 3

⁷ Attach a map indicating the straight distance from the project property line to the park property line.

⁸ See Exhibit 4

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT



City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

Hydrology

- 8.a Would the proposed project alter the existing drainage pattern of the site area?
- Explain: The master drainage plan for the proposed 1,712 acres in this plan shall be submitted to and approved by the City of Las Vegas Department of Public Works prior to the issuance of any permits or recordation of any final maps.
-
- 8.b What is the quantity of the increase in storm water runoff generated by the proposed project, estimated by using standards hydrologic method?
- Explain: Preliminary data obtained from the City of Las Vegas Northwest Neighborhood Master Drainage Study, Phase 2 show off-site storm flows impacting the project site.
-
- 8.c Would the total quantity of water runoff after construction exceed the capacity of existing or planned storm water drainage system?
- Explain: The Northwest Study outlines the proposed system to convey storm flows within the Clark County Regional Flood Control District System. The Master Drainage Plan will address the capacity of existing and planned storm water drainage systems and the need to construct interim detention facilities.
-
- 8.d Would the proposed project result in the construction of a new storm water drainage facility or the expansion of existing facilities? Is the storm water facility identified in the Neighborhood, City Wide or the Regional Master Plans?
- Explain: The Master Drainage Plan will address intercepting additional storm flows from the west and directing into the Moccasin/ Kyle Canyon system; eventually to the Upper Las Vegas Wash detention basin.
-
- 8.e Would the proposed project place housing within a 100-year special flood hazard area as mapped on the Federal Emergency Management Agency (FEMA) Flood Insurance Rate Map (FIRM)?
- Explain: No, peak flows are being detained in a detention basin. Please see Master Drainage Study.
-
- 8.f Would the proposed project require drainage mitigation to protect the development from interim flows?
- Explain: The interim condition flows are detained in a detention basin and are routed within the perimeter streets proposed with the project in a manner consistent with the routing patterns established in the Northwest Neighborhood Study Phase 2.
-
- 8.g Would the proposed project development meet the Clark County Regional Flood Control District – Hydrologic Criteria and Drainage Design Manual requirements for street flow and dry lane criteria for both the existing and the ultimate flow conditions?
- Explain: Yes, all streets will be designed to meet criteria for street flow and dry lane.

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

Water Quality

- 9.a Would water service provided to the proposed project by an existing or planned facility?

Explain: Both, The LVVWD currently provides or has proposed plans to provide water in the 2860,2975,3090 and 3205 Pressure zones.

- 9.b Would the proposed project result in the construction of a new water treatment facility or expansion of existing facilities?

Explain: The LVVWD is currently constructing the 3205 and 3090 Pumping Station and the 2975 reservoir located at Elkhorn Road and Shaumber Road. Pipelines extending to Grand Teton in the 3090 and 3205 Pressure zones are currently in design.

- 9.c What is the quantity of water that the project will demand during and after completion of the project, estimated by applying a demand factor established by the provider of water service or an equivalent calculation to the number of units that will be created by and the gross acreage that will be occupied by the project?

Explain: During construction the site will be developed in phases and within each phase lots will be constructed at different times. The water used during construction will be used for dust control and various other construction needs.

After Completion:					
Total gross acreage of site =	1,712	acres			
Commercial Demand Flow Rate: Avg Day=	2.1	gpm/ac			
Res. Demand Flow Rate: Avg Day=	7.01	gmp/ac			
Therefore:					
Commercial =	80	aces	x	2.1 gpm/ac	= 168 gpm
Residential =	1,020	acres	x	7.01gmp/ac	= 7150.2 gpm
Total =	168	gpm	+	7150	gpm = 7318.2 gpm

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

	Utilities and Service System

- 10.a Would the proposed project connect to an existing or planned sewer system?

Explain: Sewer service to the Master Development Plan area can be provided by extension of several City of Las Vegas sewer lines that border the project.

-
- 10.b What is the quantity of sewage affluent generated by the proposed project, estimated by applying a sewage generation factor established by the provider of sewer service or an equivalent calculation to the number of units or area of indoor floor space that would be created by the project?

Explain: Average Flow= 4.265 MGD, Peak Flow= 9.723 MGD

-
- 10.c Would the total quantity of sewage effluent generated by the proposed project exceed the capacity of existing or planned sewer system and wastewater treatment facility?

Explain: Depending on identified sewer flow demands within the Master Plan area, upgrades elsewhere in the existing City of Las Vegas system may be needed. A specific study of capacity and topography will determine the extent of connections, extensions, and system capacity upgrades that will be required.

-
- 10.d Would the proposed project generate any industrial waste?

Explain: No, the entire project will consist of commercial, retail, and residential and will not be generating any industrial waste.

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

EXHIBIT 1

Clark County School District
April 9, 2002

2001-2001 Valley-wide Student Yields

Grade	Student Yield	
	Single-Family	Multi-Family
K-5	0.245	0.163
6-8	0.123	0.066
9-12	0.137	0.062
P & 13	0.004	0.002

Single-Family units include mobile homes and townhouse.

Multi-Family units include a combination of apartments, plexes, and condominiums.

P & 13: Pre-school and Sunset School.

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

EXHIBIT 2

City of Las Vegas
Master Plan – Parks Element
March 15, 2000

Existing City Parks
(Map 1, pp. 11)

Parks Name	Classification			Acres
	N	C	R	
Aloha Shores Park	X			4.03
Angel Park	X			6.11
AnSan Sister City Park	X			7.83
Baker Park	X			6.78
Bob Baskin Park	X			6.18
Bruce Trent Park	X			10.00
Buckskin Basin	X	X		39.17
Charleston Heights Park	X			3.90
Charleston Heights	X			7.12
Chester A. Stupak Park	X			1.23
Children's Mem. Park	X	X		29.82
Coleman Park	X			4.00
Cragin Park	X			3.27
Dexter Park	X			4.70
Doolittle Park	X			15.28
Ed Fountain Park	X	X		29.82
Ethel Pearson Park	X			2.59
Fitzgerald Tot Lot	X			0.70
Freedom Park	X	X	X	68.08
Hadland Park	X			13.64

Parks Name	Classification			Acres
	N	C	R	
Heers Park	X			7.07
Hills Park	X			13.50
Huntridge Circle Park	X			3.14
James Gay III Park	X			7.18
Jaycee Park	X			18.40
Lorenzi Park	X	X	X	59.37
Lubertha Johnson Park	X			1.60
Mary Dutton Park	X			0.20
Mirabelli Park	X			1.41
Pueblo Park(s)	X			5.09
Rafael Rivera Park	X			9.28
Rainbow Family Park	X	X		26.48
Elkhorn/Durango Fields	X	X		
Rotary Park	X			3.34
Stewart Place Park	X			3.45
Wayne Bunker Family Pk	X			13.75
W. Charleston Lions Park	X			4.50
Wildwood Park	X			1.24
Woofter Family Park	X			9.22
Clarence Ray Park	X			0.10

N: Neighborhood Park

C: Community Park

R: Regional Park

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

EXHIBIT 3

City of Las Vegas
Master Plan – Parks Element
March 15, 2000

Planned City Parks
(Map 12, pp. 49)

Parks Name	Classification			Acres
	N	C	R	
Fort Apache/Log Cabin Park	X			TBD
Jones/Iron Mountain Park	X	X	X	TBD
Grand Canyon/Bardley Park	X	X		40.0/34.0
Fort Apache/Elkhorn Park	X			TBD
Elkhorn/Durango Ballfields	X	X		TBD
Deer Springs Park	X	X		110.0/40.0
Deer Springs/Thom Park	X	X		TBD
Regional Sports Park	X	X		60.00
Ann/Cimmaron Park	X			2.50
Cheyenne/Jensen	X	X		20.00
Metro Park	X			17.00
Alexander/Diamond Ridge Park	X			TBD
Cheyenne/Durango Park	X	X	X	5.0/61.5
Northwest Soccer Park	X	X		TBD
Summerlin Sports Park	X			TBD
Pioneer/Silver Ridge Park	X			TBD
AnSan Sister City Park	X			TBD
Buffalo/Oakey Park	X	X		42.5/30.0
Pioneer/O'Bannon Park	X			TBD
Oakey/Redwood Park	X	X		28.00
Heritage Park	X			TBD
Dog Fanciers Park	X			0.5/6.0
Bonanza/Honolulu Park	X			TBD

N: Neighborhood Park C: Community Park R: Regional Park

City of Las Vegas
ENVIRONMENTAL IMPACT ASSESSMENT

EXHIBIT 4

US Census Bureau
1990

Persons per Units by Units in Structure by Owner and Renter Occupied
(City of Las Vegas, US Census Bureau, 1990 STF-1)

Owner Occupied	Persons per Unit
Single Family Detached	2.82
Single Family Attached (Townhouse)	2.14
Condominiums	
2 to 19 units	1.92
20 to 49 units	1.86
50 or more units	1.35
Mobile Home or Trailer	2.05

Renter Occupied	Persons per Unit
Single Family Detached	3.33
Single Family Attached (Townhouse)	2.79
Apartments	
2 to 19 units	2.23
20 to 49 units	1.82
50 or more units	1.76
Mobile Home or Trailer	1.87

EXHIBIT D
TO THE KYLE CANYON DEVELOPMENT AGREEMENT
PARKS AGREEMENT

KYLE CANYON PARKS AGREEMENT

THIS KYLE CANYON PARKS AGREEMENT (the "Parks Agreement") is made this _____ day of _____, 2007, by the **CITY OF LAS VEGAS**, a municipal corporation of the State of Nevada (the "City") and **KYLE ACQUISITION GROUP, LLC**, a _____ limited liability company ("Developer"). All of the foregoing entities are sometimes referred to herein individually as a "Party" and collectively as the "Parties."

RECITALS

- A. Developer is the owner and master developer of certain land described in Exhibit A attached hereto ("Kyle Canyon") within the corporate boundaries of the City. Developer has, concurrently with the execution of this Parks Agreement, entered into a Development Agreement with the City, which governs the future planning and development of Kyle Canyon ("Development Agreement").
- B. The Development Agreement contemplates that Developer will construct parks and other recreational amenities within Kyle Canyon as a condition to the City's approval of the development project.
- C. Developer has conveyed or has agreed to convey its real property (other than public sites and community facilities) to the builders which are its members (the "Builders") in percentages equal to the Builders' percentage ownership of Developer, pursuant to the plan of liquidation of Developer provided in its Operating Agreement for the purpose of constructing and selling dwelling units and commercial uses thereon.
- D. Pursuant to Chapter 4.24 of the Municipal Code of the City (the "Code"), a residential construction tax is payable prior to the issuance of a building permit for the construction of a residential dwelling unit.
- E. Pursuant to Section 4.24.140 of the Code, the residential construction tax may be waived for a project upon the developer's execution of an agreement with the City requiring the developer to construct park facilities ("Qualified Parks") in lieu of paying the tax.
- F. Pursuant to Section 4.24.100(A) of the Code, a developer may establish an association for the common ownership and maintenance of a developed park site that is designed for, and dedicated exclusively to, recreation in such development. Pursuant to Section 4 of the Development Agreement, Developer has agreed to organize a Master Homeowners Association (the "Master HOA") that will maintain certain parks and common areas.
- G. The Parties wish to enter into this Parks Agreement to: (i) establish the amount and nature of the parks and recreational facilities to be constructed by Developer as part of its obligations with respect to the development of Kyle, (ii) waive the residential construction tax, (iii) set forth the ownership and maintenance of the Qualified Parks by the City and Master HOA, (iii) establish the procedure by which the right is reserved or granted to the public for use of the Qualified Parks, and (iv) for other purposes as set forth below. The parties intend that this Parks Agreement be a covenant running with the land with respect to any Qualified Parks.

NOW, THEREFORE, in consideration of the above recitals and of other valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the Parties agree to the following plan for the construction, protection and benefit of the Qualified Parks. This Parks Agreement shall run with, and shall be binding upon and pass with the ownership interest in the Qualified Parks and shall inure to the benefit of and apply to and bind the Parties and their respective successors in interest.

1. Designation of Park Acreage. Developer agrees to design and construct, at Developer's sole cost and expense, all of those parks, trails open spaces and other recreational areas depicted on Exhibit B attached hereto. Each of the park areas is hereinafter referred to by the name designation indicated on Exhibit B. Land for Moccasin Park and all recreational amenities for Indian Hills, Iron Mountain and Moccasin Parks shall be dedicated to the City. All other parks and recreational amenities shall be dedicated to the Master HOA. Certain areas within the parks, such as community swimming pools, may be reserved for the exclusive use of members of the Master HOA and their guests and, therefore, are not deemed to be Qualified Parks for purposes of this Agreement.
2. Required Facilities of Parks. Developer agrees that each of the Qualified Parks shall, as a minimum, contain those amenities and features described in Exhibit C hereto (the "Required Facilities"). City agrees that Developer shall have discretion with respect to any other amenities or features that are to be placed within the parks in addition to the Required Facilities and that City shall not unreasonably withhold or delay its approval of any conceptual plan for a park that contains all of the Required Facilities.
3. Design of Parks. Prior to construction of each park, Developer shall meet with the City staff to discuss park amenity programming and shall submit to the City a conceptual plan for such park showing the Required Facilities and any additional proposed amenities and features of the park in plan view for City's review. Following acceptance by the City of the conceptual plan, Developer shall proceed to design the park in accordance with the standards set forth in the Kyle Canyon Design Guidelines. Where the design of a Required Facility is not contained in the standards of the Kyle Canyon Design Guidelines, the Required Facility shall be designed in accordance with Parks Standards Office of Architectural Services City of Las Vegas Department of Public Works dated March 8, 2007 (Exhibit E). City agrees that its final approval of the drawings and specifications for the park shall be limited to adherence with the approved conceptual plan, the Kyle Canyon Design Guidelines, the Exhibit E, this Parks Agreement and the provisions of the Building Codes relating generally to construction of improvements within the City.
4. Construction of Parks. Following approval of the drawings and specifications for each park Master Developer shall promptly proceed with construction thereof and diligently pursue completion of each park in accordance with the schedule set forth in Section 5.
5. Completion Schedule. Developer agrees that it will adhere to the following schedule for design and construction of Parks.
 - A) For purposes of this Parks Agreement, Kyle Canyon comprises several "Park Areas," each of which has associated parks and other amenities within its boundaries. The Park Areas are described on Exhibit D hereto.
 - B) Developer shall submit to the City for its review a conceptual plan of all parks located within a Park Area prior to the issuance of the five hundredth (500th) permit for the construction of dwelling units within such Park Area. City will notify the Master Developer when the four hundredth (400th) permit has been issued in each Park Area.
 - C) Developer shall prepare 90 percent construction drawings and specifications for all parks and submit them to the City for its review within one hundred eighty (180) calendar days following the City's approval of the conceptual plans for such park. Developer shall subsequently submit 100 percent construction drawings and specifications within 90 days of completion of the City's review.

D) Developer shall commence construction of each park within ninety (90) days following the City's final approval of the construction drawings and specifications for such park and shall complete each such park within 18 months of the start of construction.

E) Developer shall commence construction of the Indian Hills Park in conformance with the plans attached as Exhibit G within 180 calendar days of receiving notice from City that contains: 1) plans sufficient to acquire permits to construct the park; and 2) confirmation that adequate flood control facilities are in place to protect the park. Developer will complete construction within 18 months of commencement.

F) Developer will construct the Iron Mountain Park on APN _____. The park will contain the amenities and structures described in Exhibit C and conform to the standards set forth in Exhibit E. Developer shall commence construction within 180 calendar days of receiving notice from the City that: a) identifies a site sufficient to accommodate the amenities and structures described in Exhibit C; b) contains plans sufficient to acquire permits to construct the park; c) notifies Developer of the issuance of the 8,000th permit for the construction of dwelling units within Kyle Canyon; and d) confirmation that adequate flood control facilities are in place to protect the park.

6. Public's Right to Use of Qualified Parks. Developer agrees that the Qualified Parks will be available for use by the general public on a non-discriminatory basis. Developer shall ensure that a land use restriction creating nondiscriminatory access and use rights for the public to and over such Qualified Park is recorded against the park parcel in the Official Records of Clark County, and shall provide a verified copy thereof (with the recording information set forth thereon) to the City. In the event of any failure to record such restriction, the Master HOA shall record such restriction and provide such copy to the City upon receiving such Qualified Park from Developer. Except for Indian Hills Park, Iron Mountain Park, and Moccasin Park, which shall be dedicated to the City, each Qualified Park shall be conveyed by Developer to the Master HOA within 60 days of final completion and accepted as a "Park" to be maintained by the Master HOA pursuant to the Declaration.

7. Maintenance Obligations. The Master HOA will assume and accept the Master HOA's duty pursuant to the Declaration to maintain the Qualified Parks, except for Indian Hills Park, Iron Mountain Park, and Moccasin Park (the "HOA Parks"), which shall be maintained by the City within 30 days of completion. The Master HOA shall maintain the Qualified Parks it has accepted in good condition and repair in compliance with the Declaration except as otherwise set forth herein. This Parks Agreement, along with the Maintenance Plan attached hereto as Exhibit F take the place of and satisfies the requirements of the maintenance plan with the Master HOA required by the City with respect to the Qualified Parks pursuant to NRS 278.4789.

8. Rules and Regulations. The Master HOA shall have the right to establish rules and regulations for use of the HOA Parks; that it has accepted. However, all rules and regulations must apply equally to members of the Master HOA and the public. The rules and regulations cannot discriminate against members of the public in favor of members of the Master HOA. The Parties acknowledge and agree that portions of certain HOA Parks may be reserved for the private use of Members of the Master HOA and guests of the Master HOA.

9. Amendment of the Declaration. Neither Developer nor the Master HOA shall (i) amend any provision of the Declaration affecting the Qualified Parks in a manner that violates any term or provision of this Parks Agreement, without obtaining the prior written consent of the City, or (ii) take any action pursuant to any provision of the Declaration or otherwise to change an active recreational area or facility to a use or character that does not permit active recreational use.

10. Damage and Restoration. In the event of damage to or destruction of the HOA Parks, the Master HOA Association shall, as soon as reasonably possible, restore and reconstruct the damaged or destroyed areas to at least as good a condition as they were in immediately prior to such damage or destruction. All work shall be performed in a good and workmanlike manner and shall conform to all applicable governmental requirements, the Declaration and this Parks Agreement.
11. Construction of Qualified Parks. Developer shall, at Developer's expense, obtain all necessary permits and licenses for the construction and installation of the improvements in the Qualified Parks, give all necessary notices and pay all fees and taxes required by law.
12. Waiver of Residential Construction Tax. In consideration of Developer's agreement to construct all of the Qualified Parks identified in this Agreement, City hereby waives the residential construction tax for the all residences constructed in Kyle up to the maximum number of residential units permitted by the Development Agreement and further waives the requirement for security for the estimated cost of construction.
13. Use of Flood Control Facilities. City will allow Master Developer to construct open space, parks, trails and other recreational amenities within drainage corridors, drainage channels, and flood plains (for purposes of this Section only these terms may otherwise be defined as "Flood Facilities") so long as the Flood Facilities meet the minimum design and construction standards of City and the Clark County Regional Flood Control District. Master Developer shall be responsible for the replacement and/or repair of the open space, parks, trails and other recreation amenities within such Flood Facilities, if and when damaged or destroyed by water until such time as Master Developer shall convey the facilities to the Master HOA. This provision shall survive any termination or expiration of this Agreement.
14. Enforcement and Remedies.
 - (a) General. If any Party defaults in the performance of any obligation under this Parks Agreement, and if such default remains uncured thirty (30) days after written notice from the other Party ("Nondefaulting Party"), stating with particularity the nature and extent of such default, then Nondefaulting Party shall have the right to (i) perform such obligation on behalf of such defaulting Party and (ii) be reimbursed by such defaulting Party, within 10 days of written demand, for the cost thereof. The failure of the Nondefaulting Party to insist, in any one or more cases, upon the strict performance of any provision of this Parks Agreement shall not be construed as a waiver of the future breach of such provision or any other provision of this Parks Agreement.
 - (b) Withholding of Residential Permits. If Master Developer fails to cure any default of its obligations described in Section 5, the City Council may, after a hearing, withhold the issuance of residential dwelling unit permits within a particular Park Area. City shall provide Master Developer written notice at least forty-five (45) days prior to such hearing.
 - (c) Remedies Cumulative. Each Party to this Parks Agreement may prosecute any proceeding at law or in equity against any person or entity violating or attempting to violate any of the covenants or provisions contained herein to prevent such person or entity from so doing and to recover damages for any such violation. All remedies provided in this Parks Agreement are cumulative. Therefore, notwithstanding the exercise by a Party of any remedy hereunder, such Party shall have recourse to all other remedies as may be available at law or in equity.
15. Miscellaneous.

- (a) Assignment. The Master HOA may not assign any of its rights or obligations under this Parks Agreement without prior written approval from the City. Developer may assign its rights and obligations under this Parks Agreement so long as Developer notifies the City of the assignment, and provided that completion of all the Qualified Parks, and their conveyance to the City or Master HOA are first secured by a performance bond in the amount and form, and from a surety agreed to by the City, naming the City and Master HOA as joint Obligees, or such Qualified Parks have actually been completed and conveyed to the Master HOA.
- (b) Notices. Except as otherwise provided in this Parks Agreement, notice to be given to a Party must be in writing and may be delivered to the Party personally or by any system or technology designed to record and communicate messages, telegraph, facsimile, electronic mail, or other electronic means. Alternatively, notice may be delivered by regular United States mail, postage prepaid, addressed to the Party at the most recent address furnished by such Party to the other Party. Such notice is deemed delivered three (3) business days after the time of such mailing. Notices are to be delivered to both the Party and to the Party's attorneys.
- (c) Interpretation. The captions of the various provisions of this Parks Agreement are for convenience and identification only and shall not be deemed to limit or define the contents thereof. This Parks Agreement shall be construed in accordance with the laws of the State of Nevada. This Parks Agreement supersedes all prior written or verbal representations or declarations of the Parties with respect to the subject matter hereof. If any clause, sentence, or other portion of this Parks Agreement shall become illegal, null, or void for any reason, or shall be held by any court of competent jurisdiction to be so, the remaining portions thereof shall remain in full force and effect.
- (d) Binding Effect; Covenants Running With Land. By acceptance of a deed, lease or document of conveyance, or acquiring any ownership or leasehold interest in any of the real property constituting a Qualified Park, each person binds such person and such person's heirs, personal representatives, successors, transferees and assigns to all of the provisions, restrictions, covenants, conditions, rules and regulations now or hereafter imposed by this Parks Agreement and any amendment hereto. In addition, each such person by so doing hereby acknowledges that this Parks Agreement sets forth a general scheme for the improvement and development of the real property covered hereby and evidences such person's intent that all the provisions contained in this Parks Agreement, as amended, shall run with the land and be binding on all subsequent and future owners, lessees, grantees, purchasers, assignees and transferees of property subject to this Parks Agreement. Each such person fully understands and acknowledges that this Parks Agreement shall be mutually beneficial and enforceable as provided herein by the various subsequent and future Owners, as well as by the parties hereto.
- (e) Recordation. This Parks Agreement shall be recorded in the Official Records of Clark County, Nevada, and shall be effective upon such recordation.
- (f) Duration and Amendment. This Parks Agreement shall continue in full force unless a Declaration of Termination satisfying the requirements of an amendment to this Parks Agreement is recorded. This Parks Agreement may be amended at any time by recording an amendment executed by Developer, the City, and the Master HOA.

- (g) No Third Party Beneficiaries. This Parks Agreement is intended for the exclusive benefit of the Parties hereto and their respective permitted assigns and the general public and is not intended and shall not be construed as conferring any benefit or right on any third parties, including any Designated Builders within Kyle Canyon.

[SIGNATURES ON FOLLOWING PAGES]

SIGNATURE PAGE TO KYLE CANYON MASTER PARKS AGREEMENT

KYLE ACQUISITION GROUP, LLC,

By: _____

Print Name: _____

Title: _____

STATE OF NEVADA)

) ss.

COUNTY OF CLARK)

On _____, 200__, before me, the undersigned, personally appeared _____ personally known to me (or proved to me on the basis of satisfactory evidence) to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument to be the person, or the entity upon behalf of which the person acted, executed the instrument.

WITNESS my hand and official seal.

Notary Public in and for said State

(SEAL)

SIGNATURE PAGE TO KYLE CANYON PARKS AGREEMENT

CITY OF LAS VEGAS, NEVADA

By: _____

Print Name: Oscar B. Goodman

Title: Mayor

ATTEST:

Barbara Jo Ronemus, City Clerk

Approved As To Form:

Deputy City Attorney

STATE OF NEVADA)

) ss.

COUNTY OF CLARK)

 This instrument was acknowledged before me on this ____ day of _____,
2003 by _____ as _____ and
_____ as _____ of the City of
Nevada.

Notary Public
(My commission expires: _____)

EXHIBIT A

TO KYLE CANYON PARKS AGREEMENT

DESCRIPTION OF PROPERTY

EXHIBIT A
TO KYLE CANYON PARKS AGREEMENT
DESCRIPTION OF PROPERTY

T. 19 S., R. 59 E., sec. 12, Lots 1 to 16, inclusive.

T. 19 S., R. 60 E., sec 6, Lots 12 to 30, inclusive; sec. 7, Lots 6, 8, 9, 10, 11, 12, 14, 16, 18, 19, 20, and 21.

EXHIBIT B

TO KYLE CANYON PARKS AGREEMENT
PARKS, TRAILS AND OPEN SPACE MAP

[MAP FOLLOWS THIS PAGE]

 PARKS / TRAILS / PASEOS /
OPEN SPACE

LOCAL / REGIONAL TRAIL
(WITH ADJACENT
STREETSCAPE, PARK, PASEO OR
ARROYO)

CC COMMUNITY CENTER

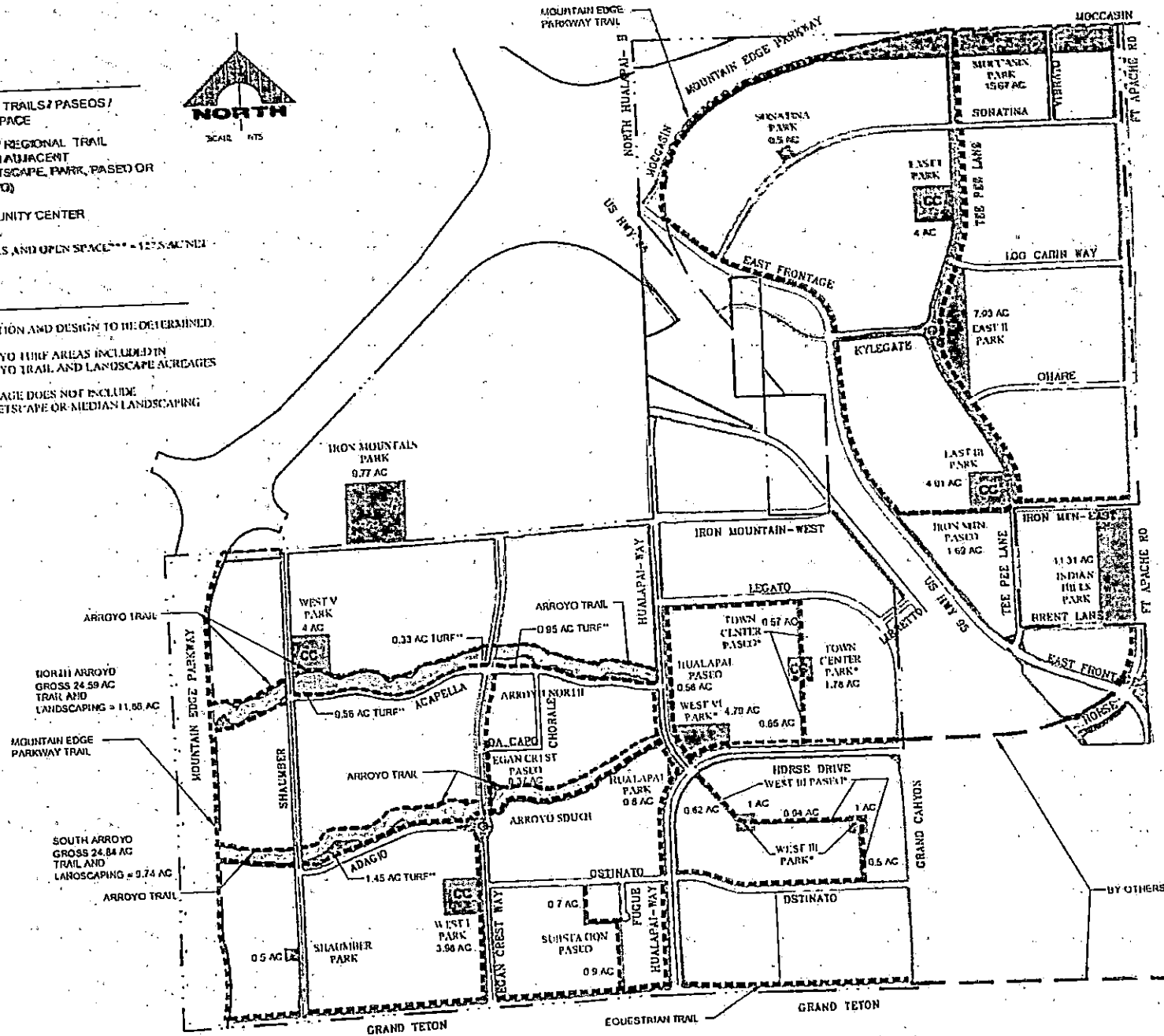
TOTAL PARKS AND OPEN SPACE*** - 127 SACS/MI

NOTES:

LOCATION AND DESIGN TO BE DETERMINED.

ARROYO TRAIL AREAS INCLUDED IN
ARROYO TRAIL AND LANDSCAPE ACRES

*** ACUREAGE DOES NOT INCLUDE
STREETSCAPE OR MEDIAN LANDSCAPING



KYLE CANYON PARKS, TRAILS, AND OPEN SPACE

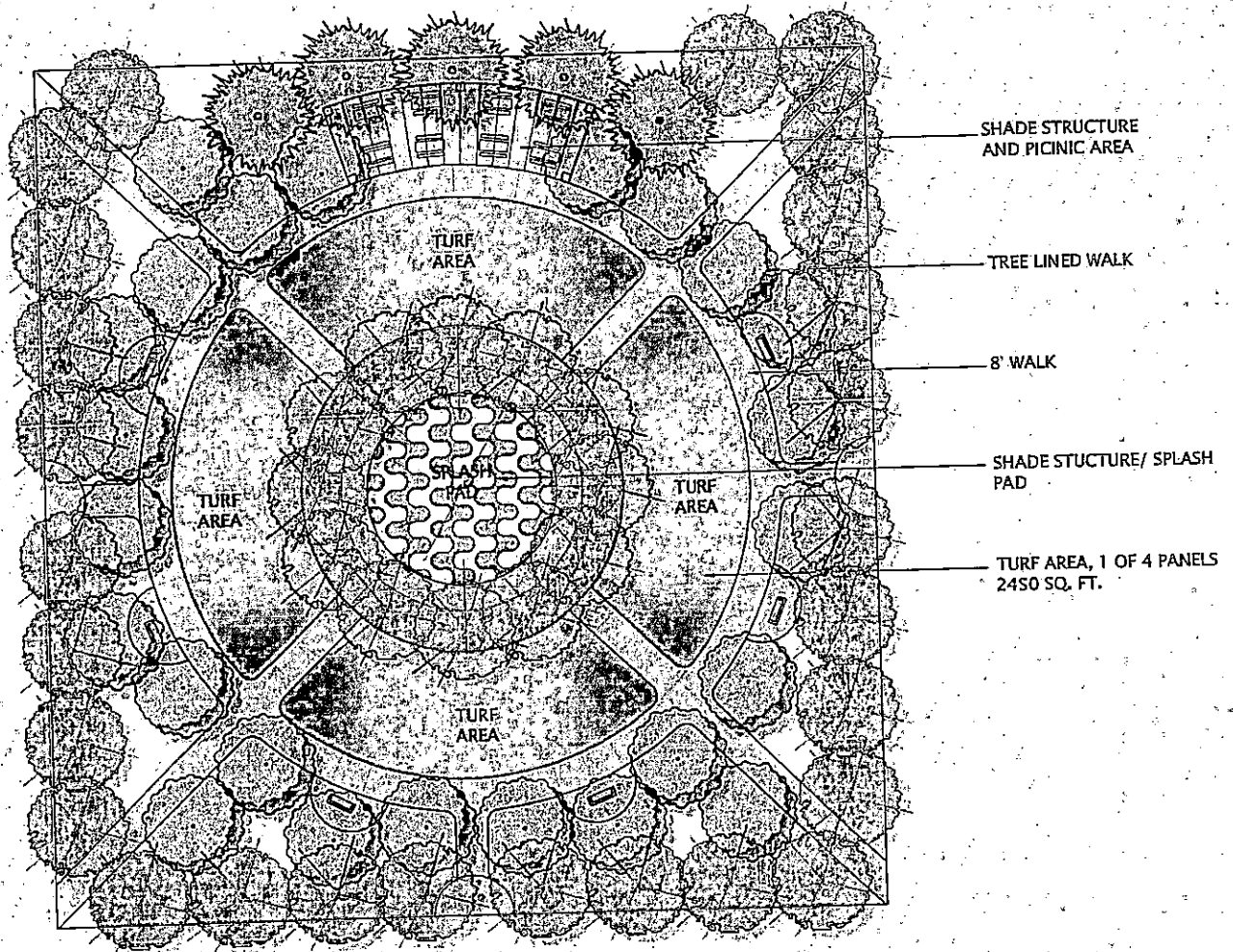
EXHIBIT C
TO KYLE CANYON PARKS AGREEMENT
REQUIRED FACILITIES
[LIST FOLLOWS THIS PAGE]

**PARKS AGREEMENT
EXHIBIT C
KYLE CANYON PARK, ARROYOS AND PASEOS**

Structures and Site Amenity Programming

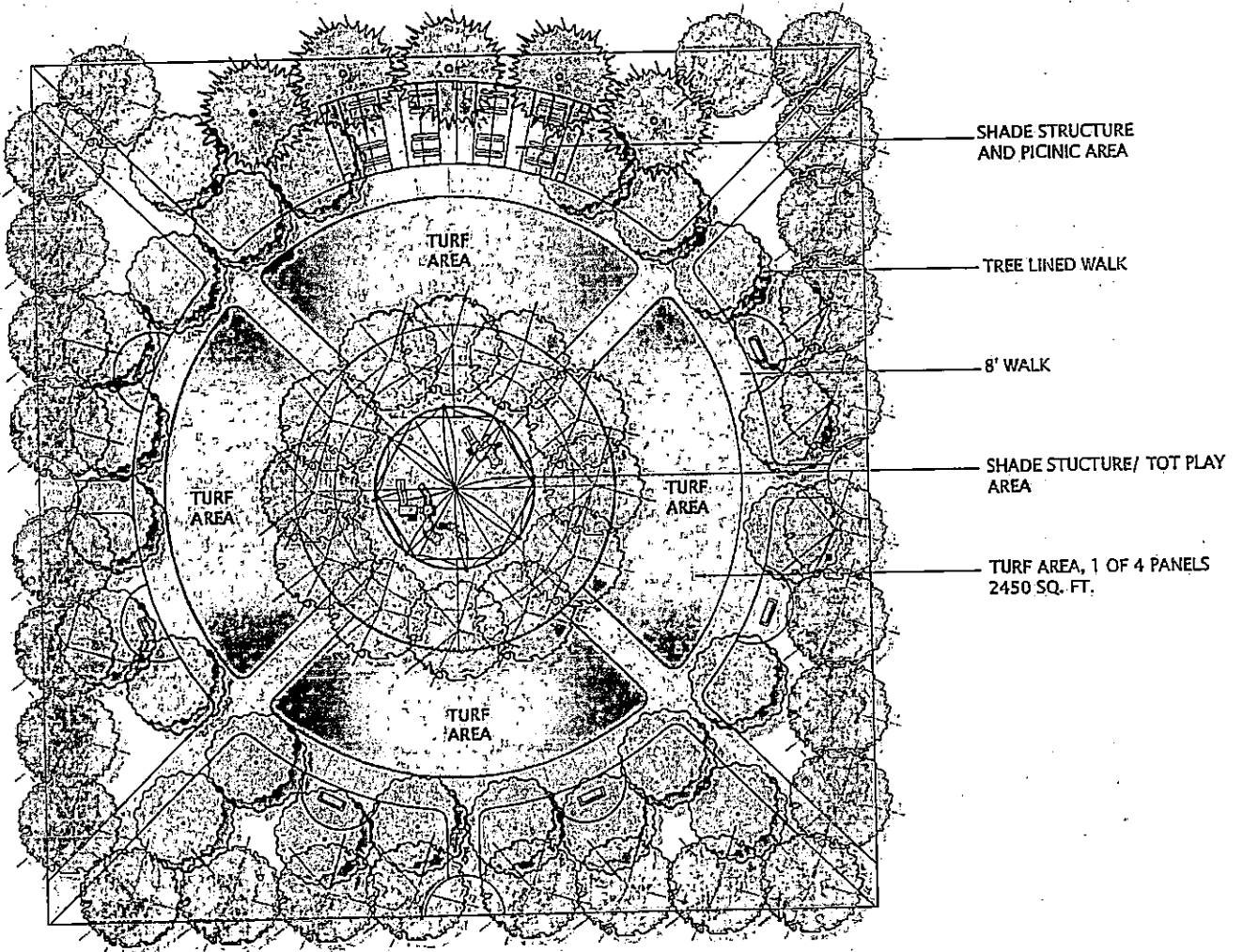
Structures and Site Amenity Programming																															
	Gross Area (acres)	Improved Area (acres)	Community Center 2,000 sq. ft.	Community Center 3,000 sq. ft.	Dual Access Restroom	Restroom	Pool <2,000 sq. ft.	Tennis Court	Basketball Court	Tot Lot	Tot Play Area	Parking Spaces	Picnic Area (3 - 6 tables)	Shade Structure	Landscape Demonstration Garden	Civic and Non-Profit Area (acres)	Turf Play Area (acres)	Splash Park	Splash Pad	Multi-Use Field	Sand Volleyball court	Frisbee Golf	Soccer Field	Baseball / Softball Field	Soccer / Lacross Field	Sports Field Lighting	Horseshoe Pits	Bocce Courts	Walk / Jog Path with Sitting Nodes	Dog Park (acres)	
PARKS																															
West I		4	X		X		X	2	1	1		18	2	1			1.5		X											X	
West III		2									1		2	3			0.5		X											X	
Shanaber Park		0.5									1		1	2			0.2		X											X	
West V		4	X		X		X	2	1	1		18	2	1			1.5													X	
Huabpai Park		0.8									1	9	3	2		X	0.3		X											X	
West VI		5				X		2	1	1		9	3	2			0.5		X											X	
Town Center		2			X		X				1	9	2	2			0.2		X											X	
Sonolita Park		0.5										18	2	1			1.5													X	
East I		4	X		X		X	2	1	1		36	3	6				X			1	2								X	
East II		8						4	2	1		18	2	1			1.5		X											X	
East III		4	X		X		X	2	1	1		99	2	2					X							2		X		X	
Indian Hills *		11								1		99	2	2					X											X	
Iron Mountain *		10				X						72	2	2								X	2							X	
Moccasin *		15				X																						X	2		X
ARROYOS																															
Arroyo North		25.8	12								3		2	7			1.5													X	
Arroyo South		24.8	10								2		2	4			1.5													X	
PASEOS																															
Egan Crest Paseo			0.4																											X	
Substation Paseo			1.6																											X	
West III Paseo			2.1																											X	
Huabpai Paseo			0.6																											X	
Town Center Paseo			1.2																											X	
Iron Mountain Paseo			1.7																											X	

*Park to be owned, operated, and maintained by City of Las Vegas



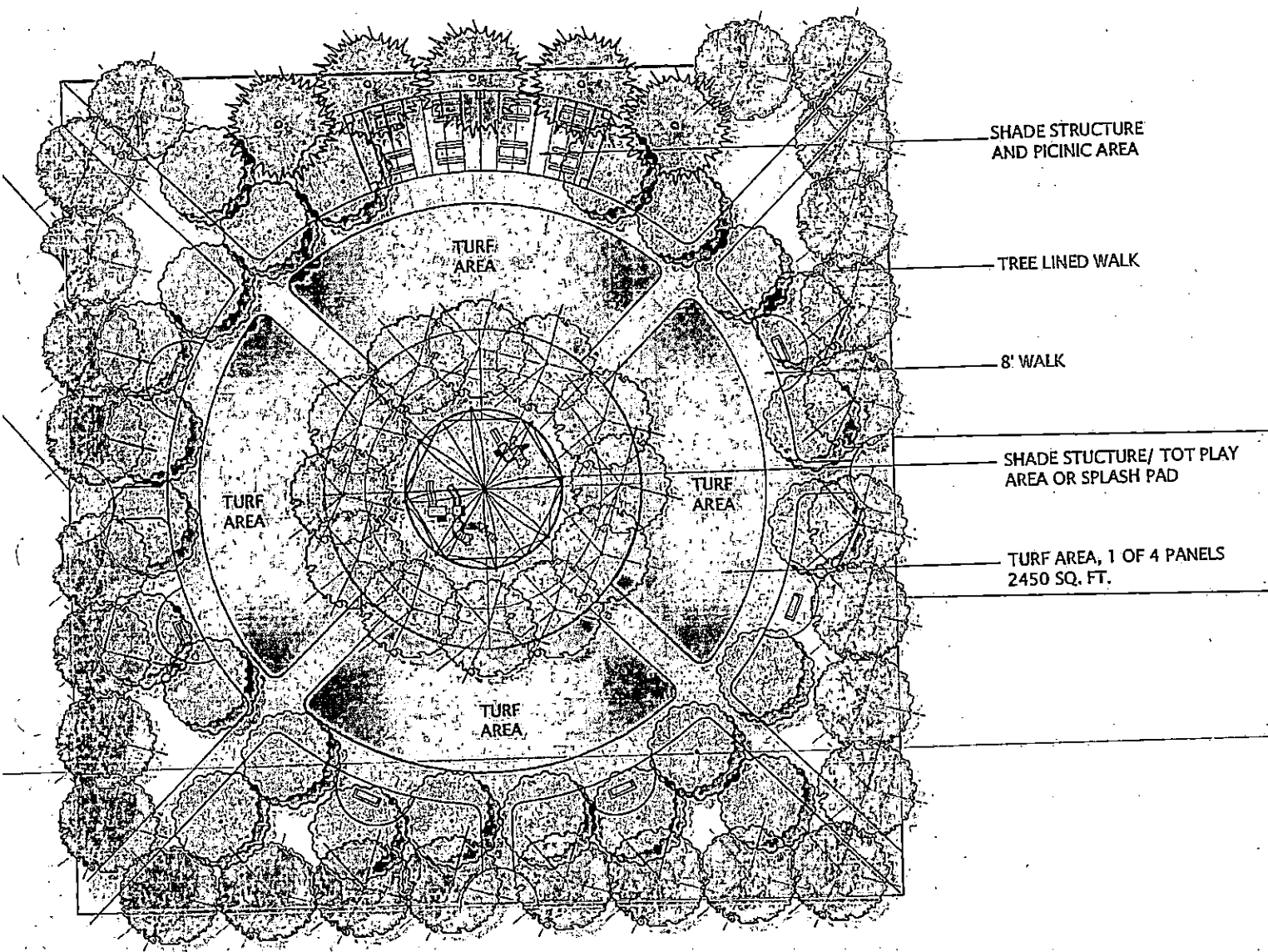
WEST PARK III (WEST) CONCEPTUAL LAYOUT 1.0 ACRES (+/-)

1"=30'



WEST PARK III (EAST) CONCEPTUAL LAYOUT 1.0 ACRES (+/-)

1"=30'



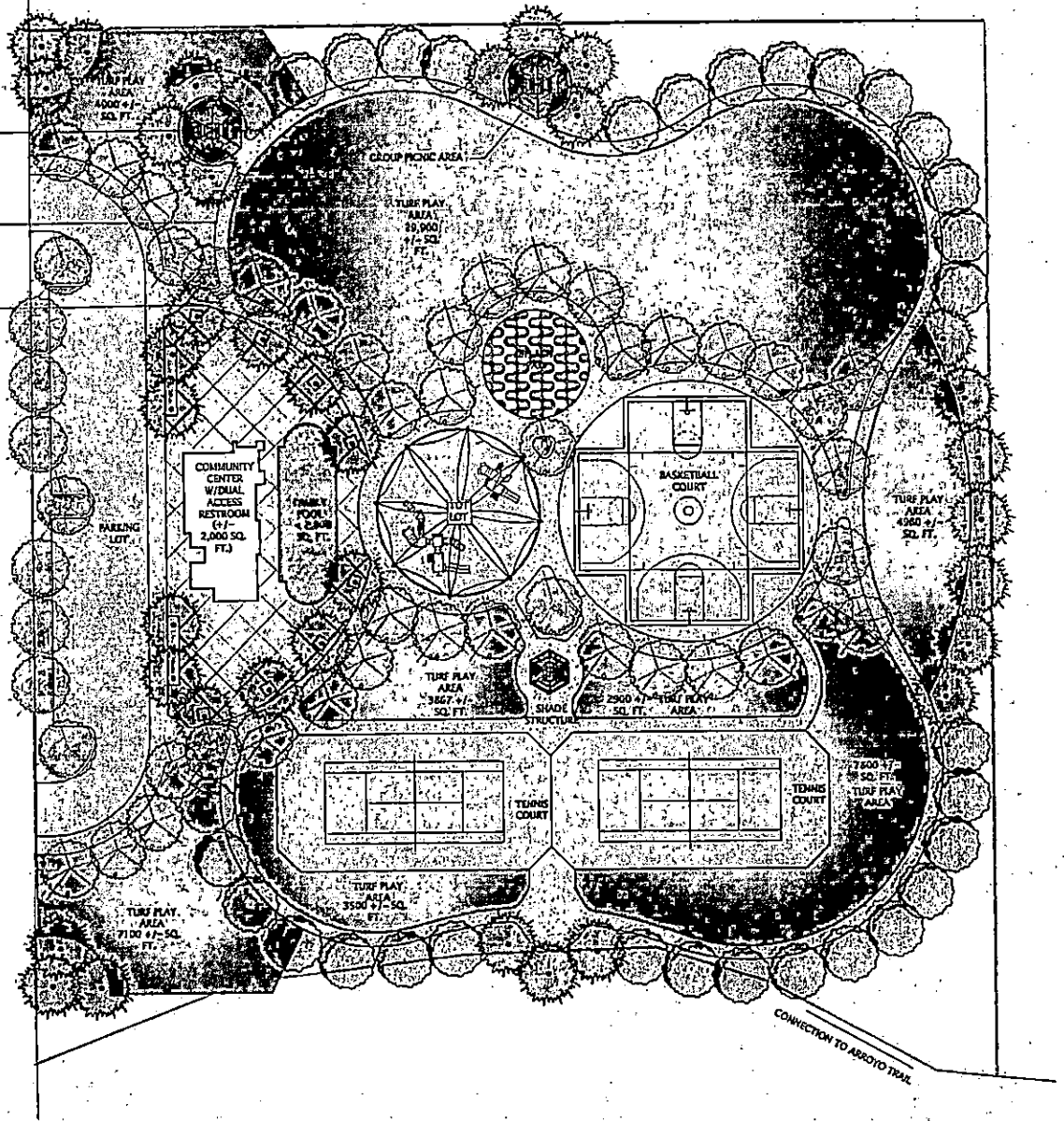
CONCEPTUAL LAYOUT FOR SHAUMBER PARK .5 ACRES (+/-)

NTS

GROUP PICNIC AREA

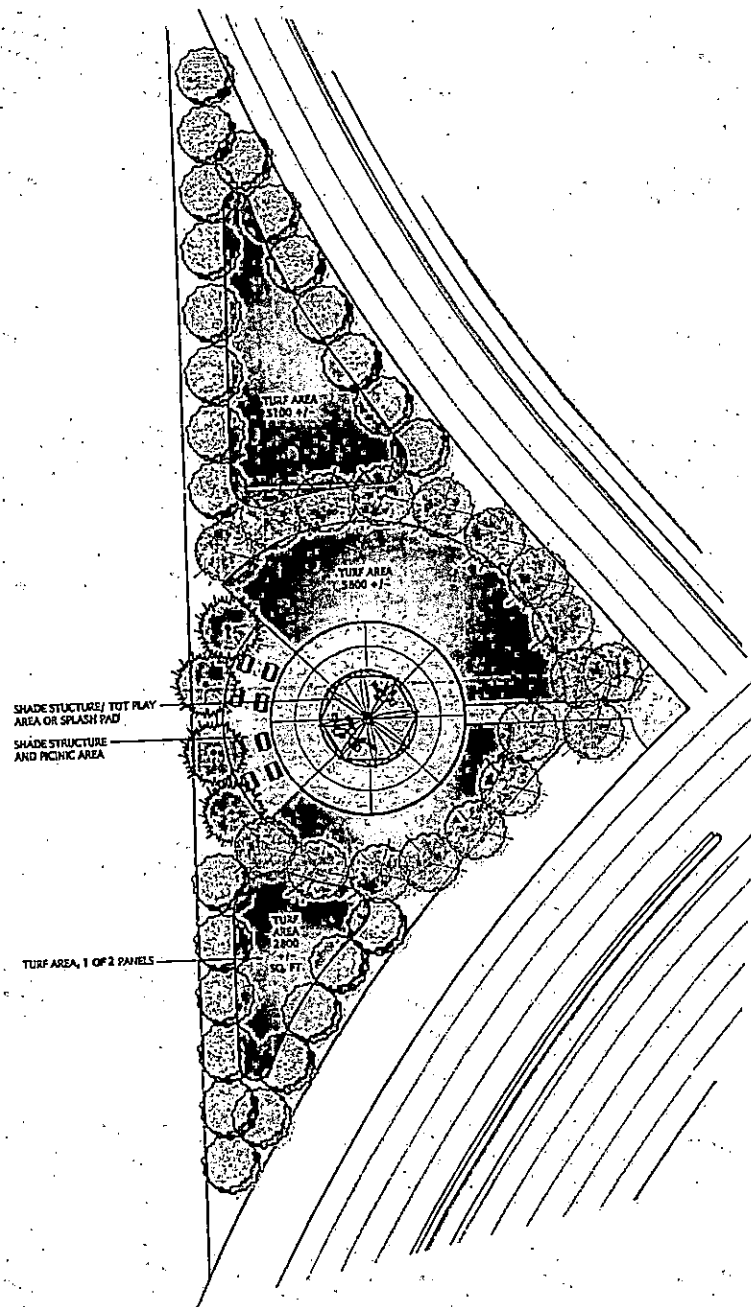
6" WALKING PATH

POOL CODE FENCING AROUND
COMMUNITY CENTER AND FAMILY POOL



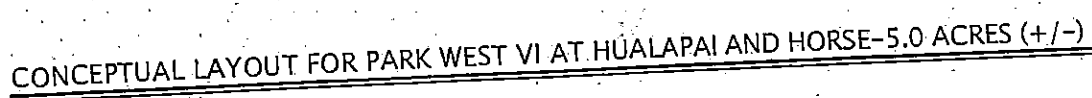
CONCEPTUAL LAYOUT FOR PARK WEST V AT SHAUMBER AND NORTHERN ARROYO -4.0 ACRES (+/-)

1"=30'

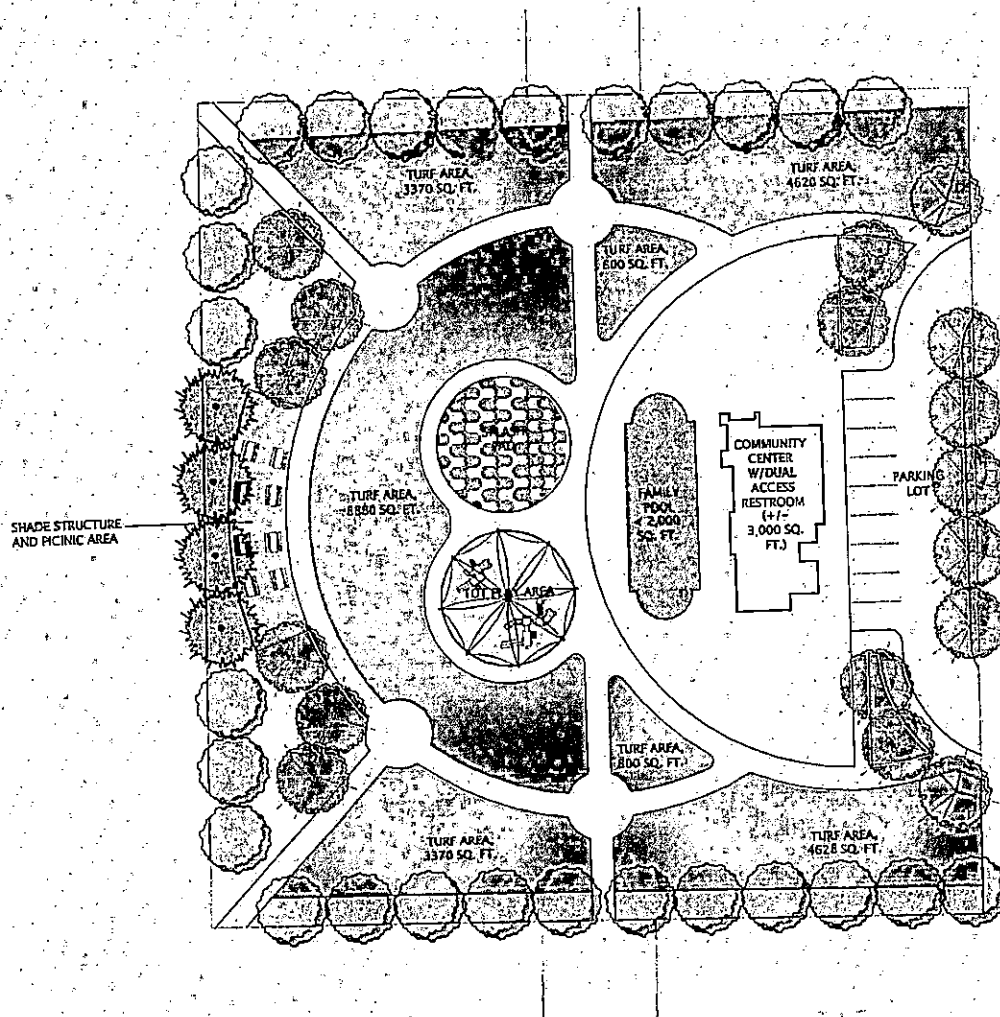


CONCEPTUAL LAYOUT FOR HUALAPAI PARK .8 ACRES (+/-)

NIS

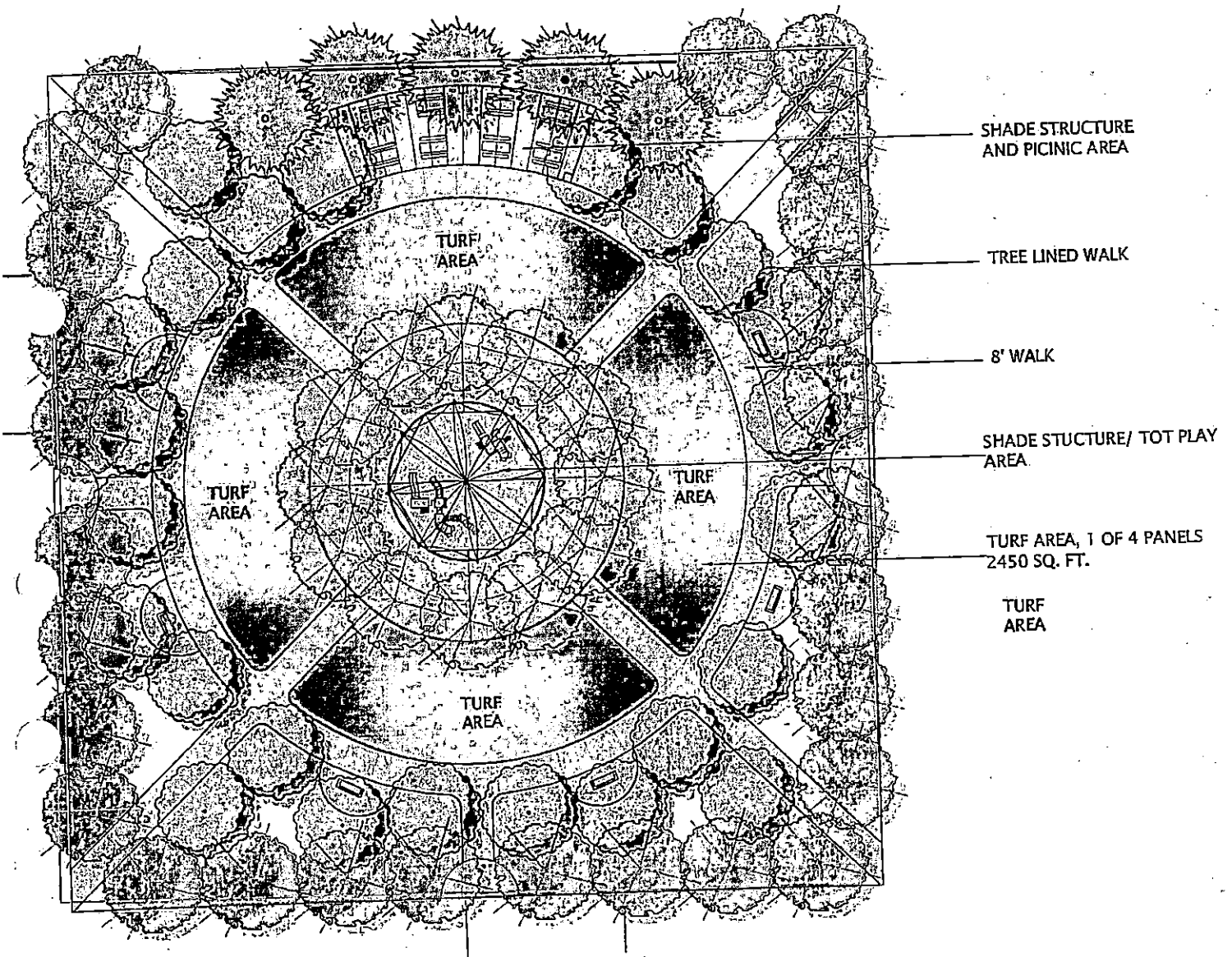


3/5/2007 9:07:29 AM 790 Dell Color (temporary)



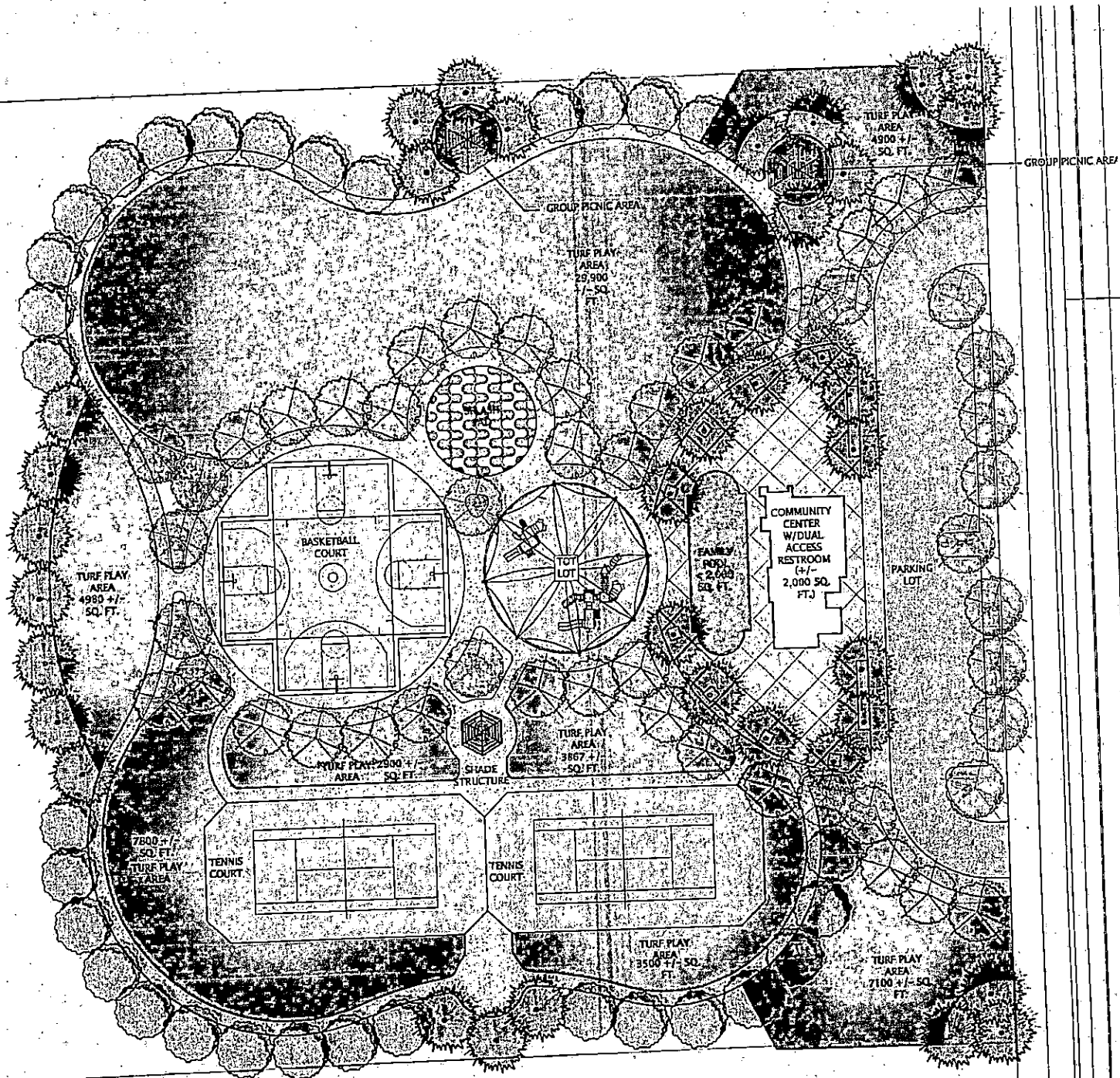
CONCEPTUAL LAYOUT TOWN CENTER 2.0 ACRES (+/-)

NTS



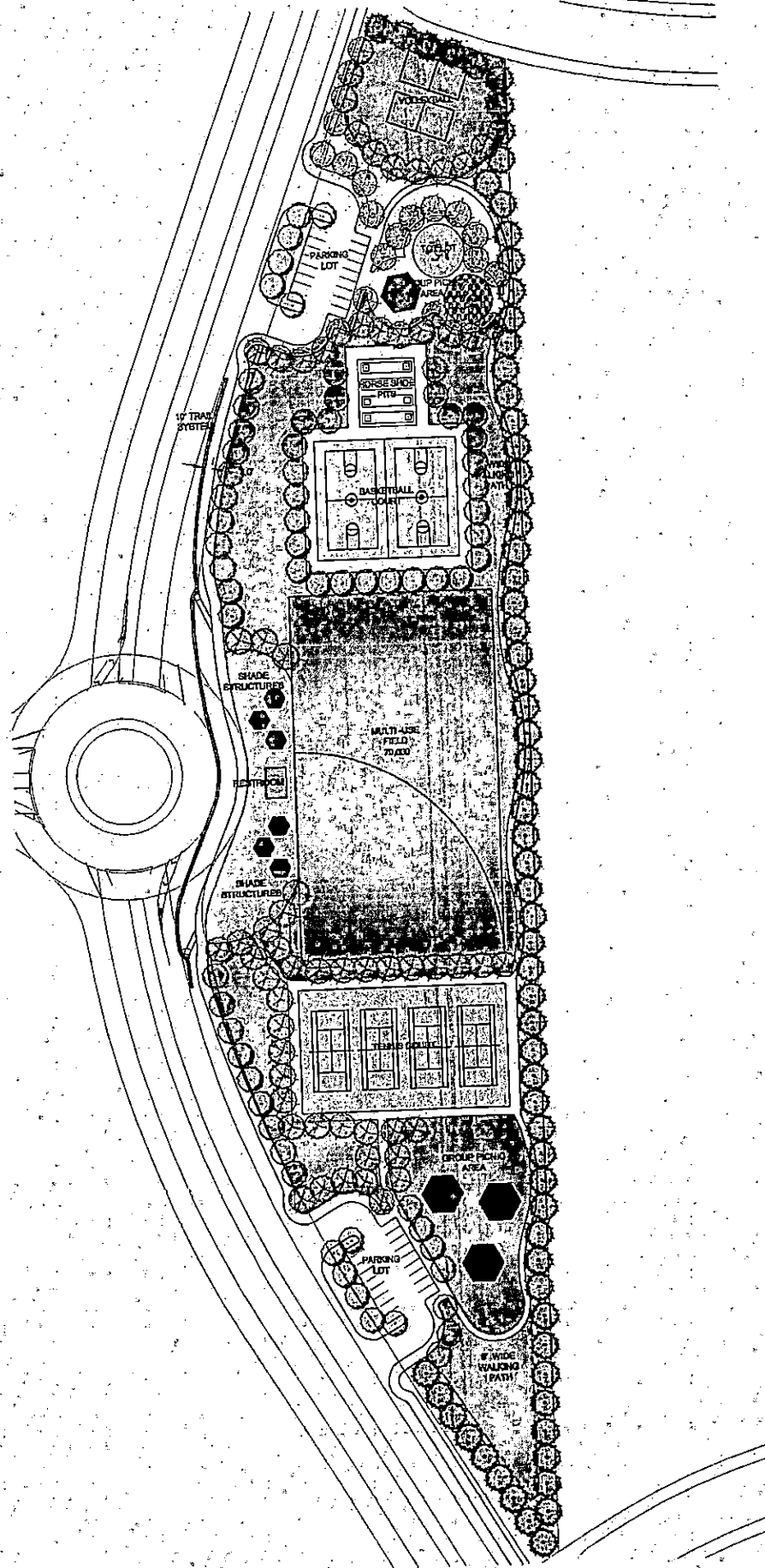
CONCEPTUAL LAYOUT FOR SONATINA PARK .5 ACRES (+/-)

NTS



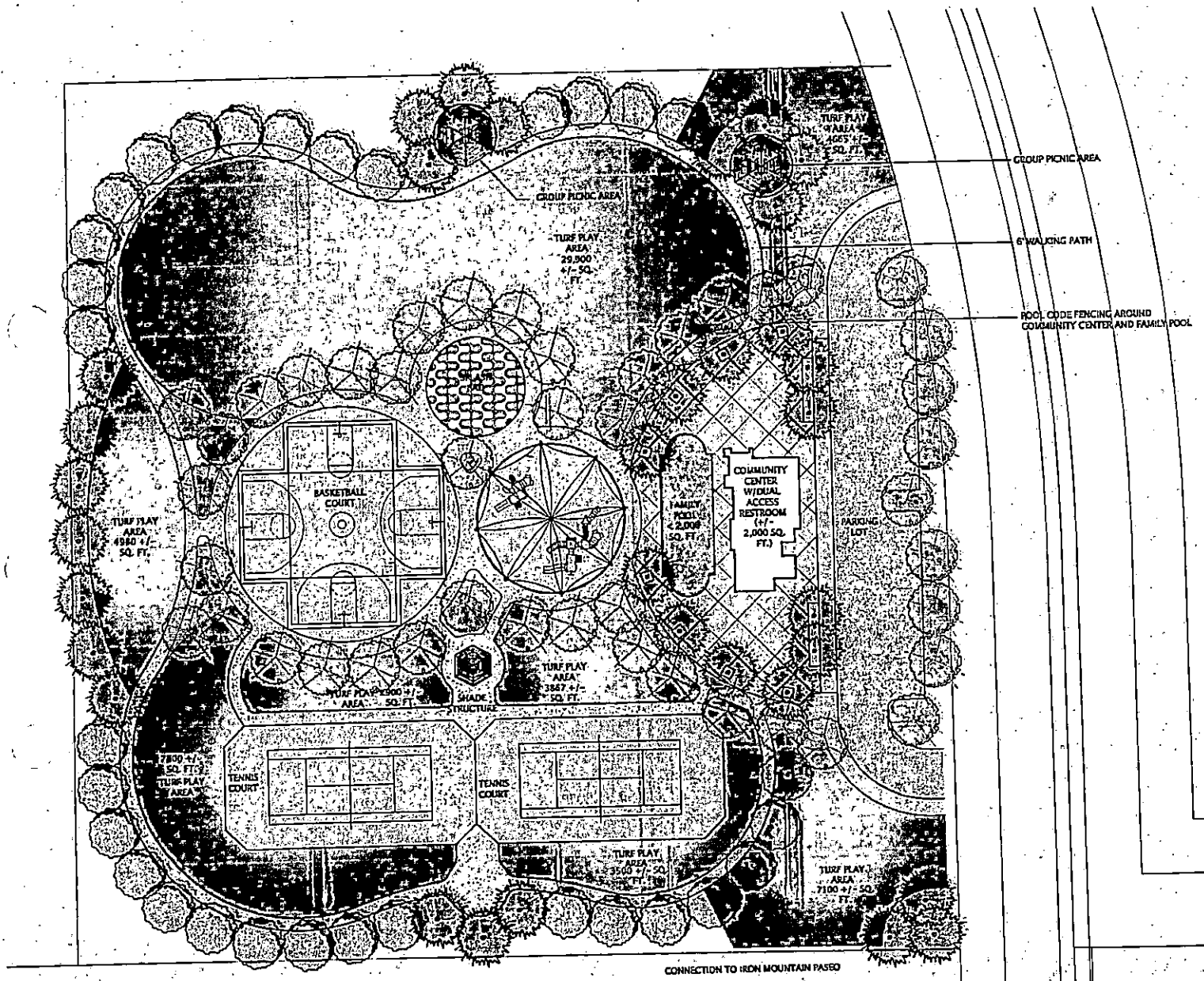
CONCEPTUAL LAYOUT FOR EAST 1 PARK 4.0 ACRES (+/-)

NTS



CONCEPTUAL LAYOUT FOR PARK EAST II AT KYLEGATE AND TEE PEE-8.0 ACRES (+/-)

1"=50'

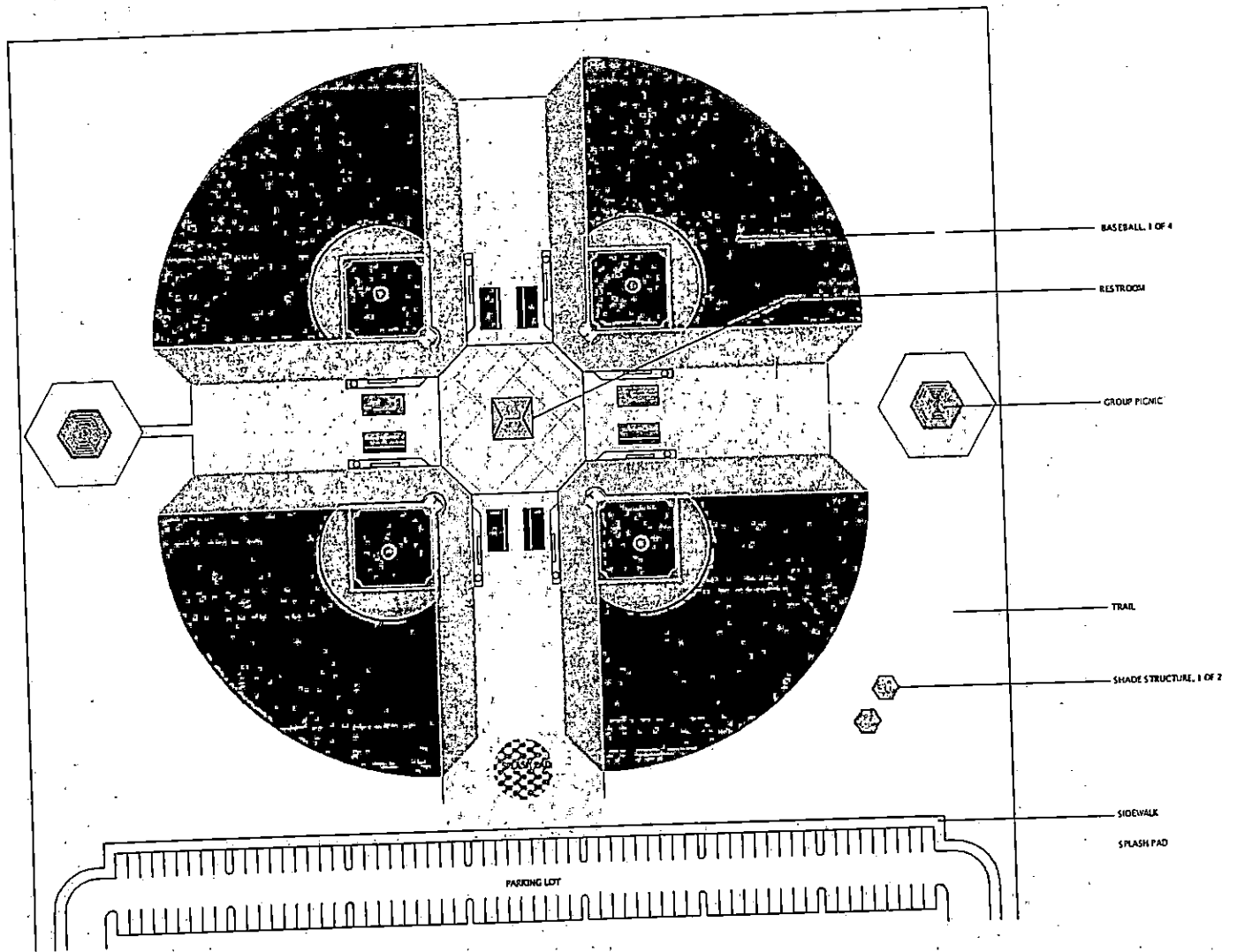


CONCEPTUAL LAYOUT FOR PARK EAST III AT TEE PEE AND IRON MOUNTAIN -4.0 ACRES (+/-)

NTS



7/10/2007 1:40:55 PM \\fnn001\790 Dell Colo.



CONCEPTUAL FIT ANALYSIS FOR IRON MOUNTAIN PARK -10 ACRES (+/-)

NTS

FUTURE MOUNTAIN EDGE PARKWAY

WALKING PATH AND POLE ACCESS ROAD
MOCCASIN FRONTAGE ROAD

DRAINAGE DITCH

CATV POLE BOX

ORANGE BUSH
EXISTING POWER POLES

CATV POLE BOX

MEP TRAIL

MEP TRAIL

MULTI-USE

CATV POLE BOX

DOG PARK LARGE

DOG PARK MEDIUM

DOG PARK SMALL

CATV POLE BOX

POLES

70,000

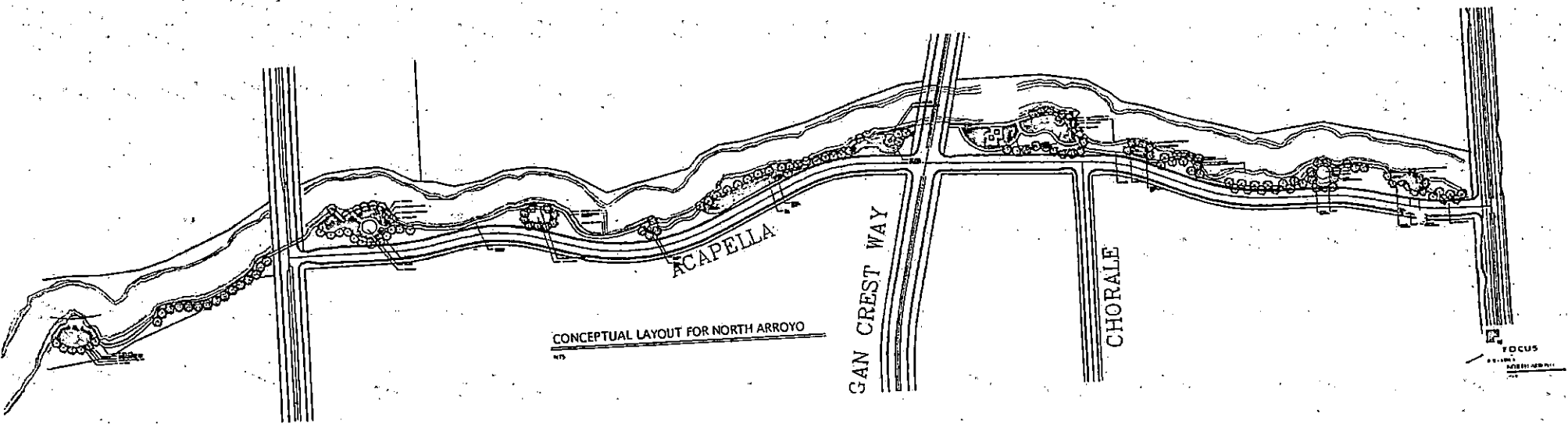
POLE BOX

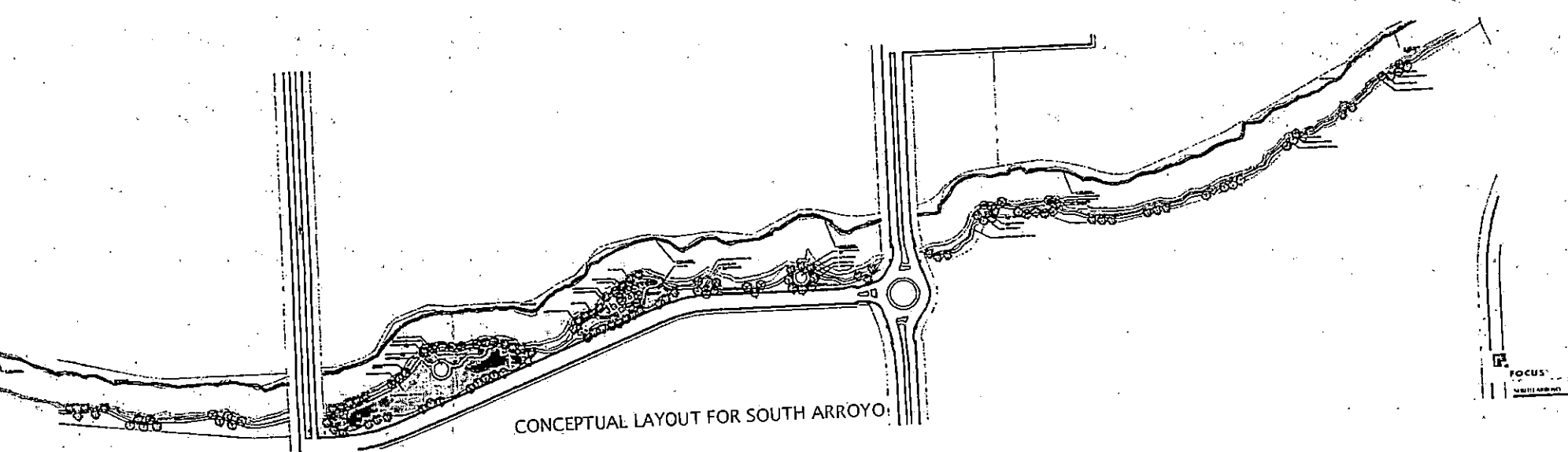
POLE BOX

70,000

CONCEPTUAL FIT ANALYSIS FOR MOCCASIN PARK 15 ACRES (+/-)

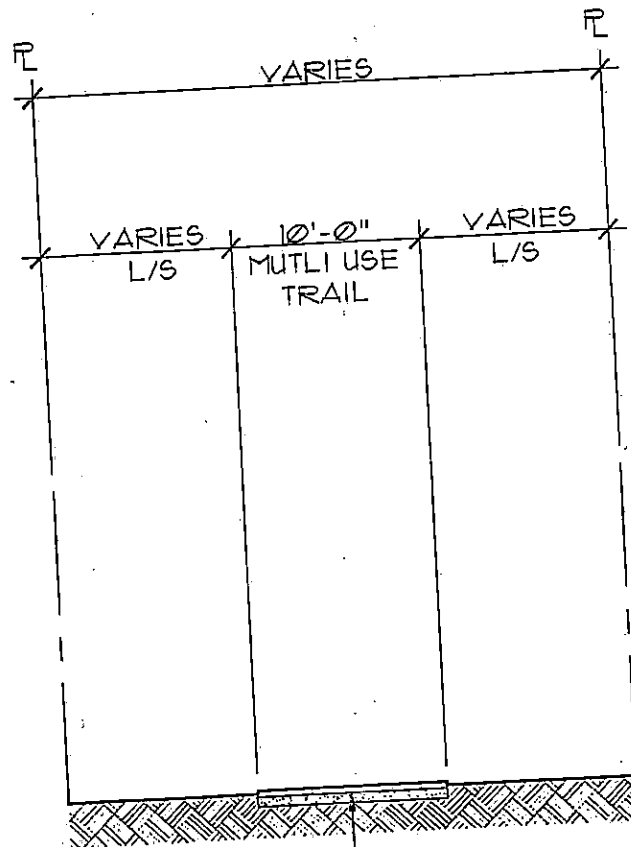
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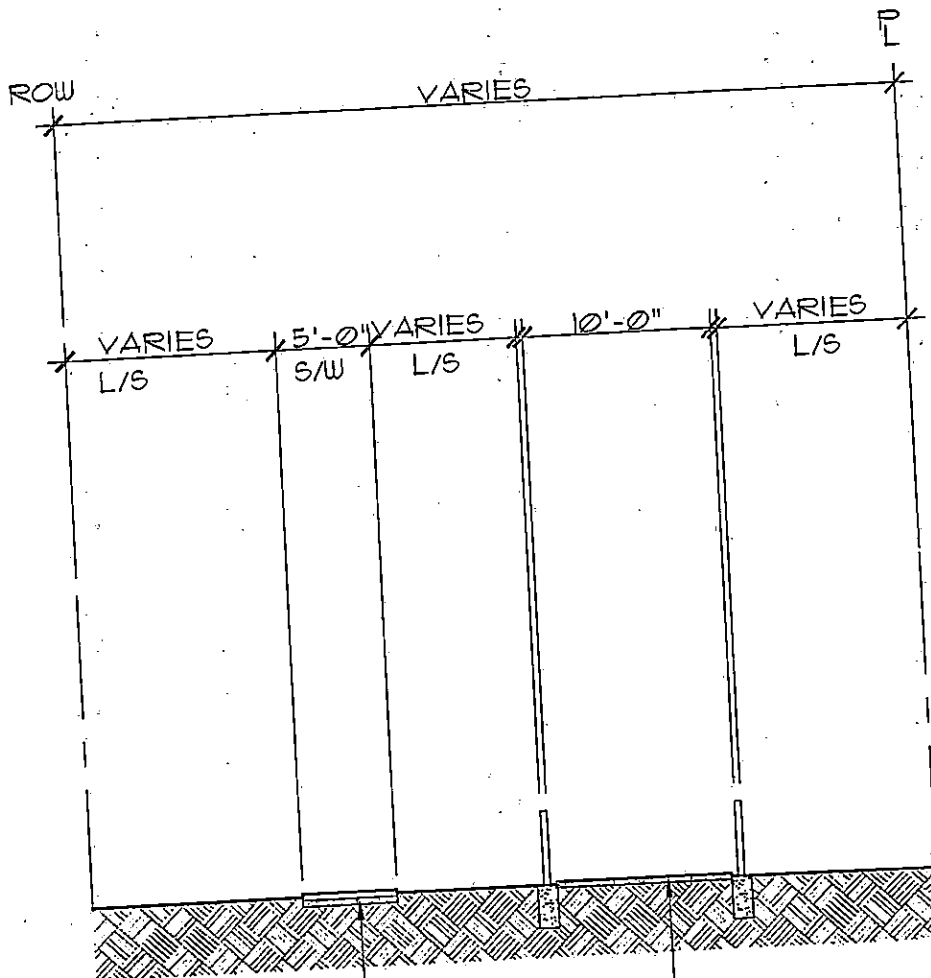
CONCEPTUAL LAYOUT FOR SOUTH ARROYO

MOUNTAIN EDGE PARKWAY TRAIL



AC OVER TYPE II AGG.
BASE OR APPROVED
EQUAL

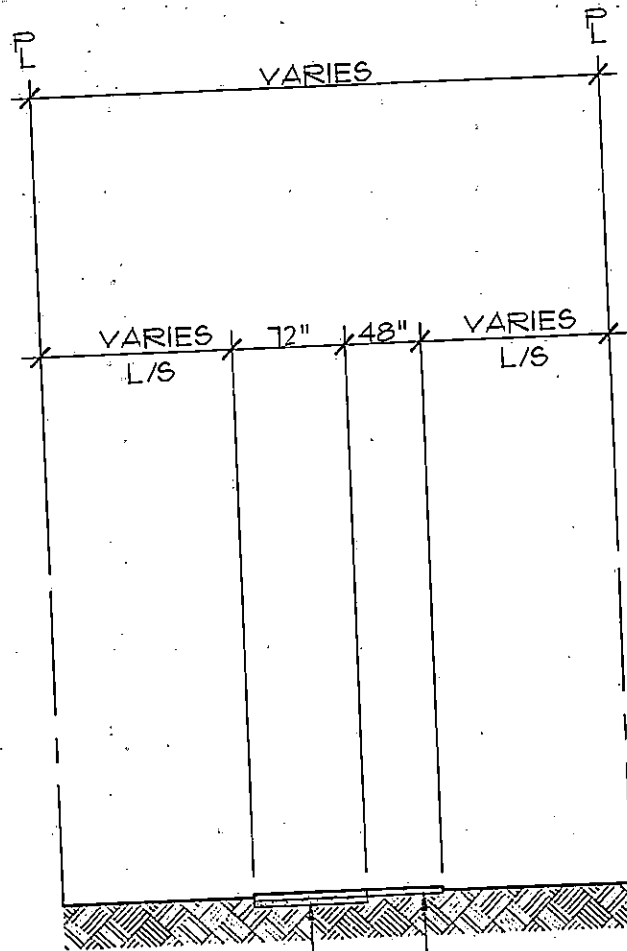
EQUESTRAIN TRAIL



5' SIDEWALK PER
STANDARD DRAWING
#234, 5" TYPE II BASE
UNDER SIDEWALK

EQUESTRIAN TRAIL
AND FENCING PER
CLV
REQUIREMENTS

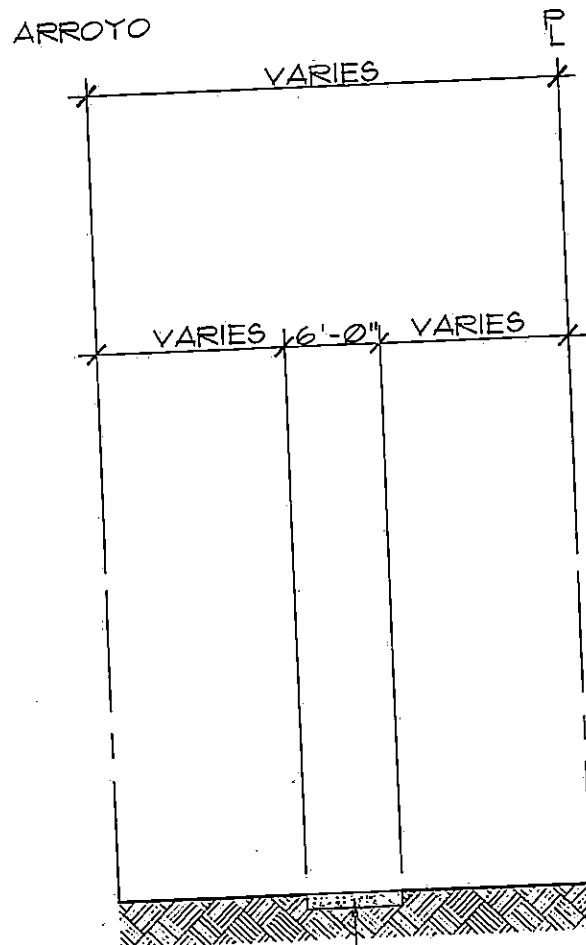
MUTLI -USE TRAIL



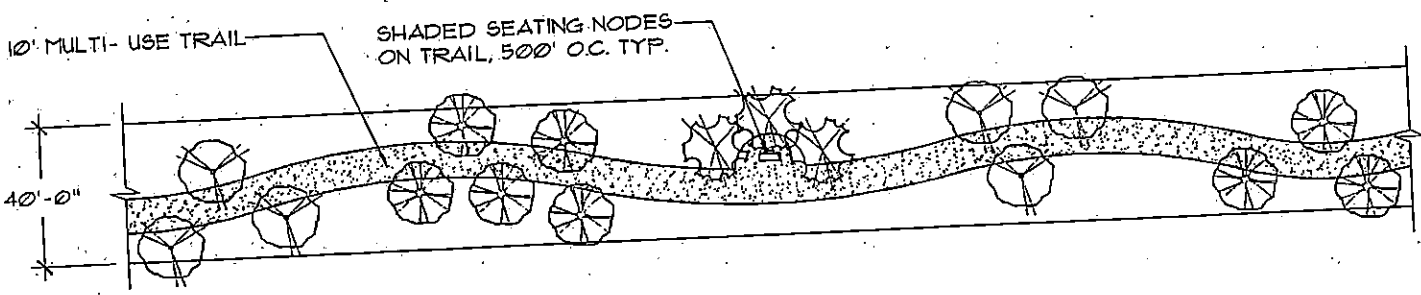
AC OVER TYPE II AGG.
BASE OR APPROVED
EQUAL

4" OF 1/4" MINUS DG
COMPACTED TO 90% OVER
COMPACTED NATIVE SOIL

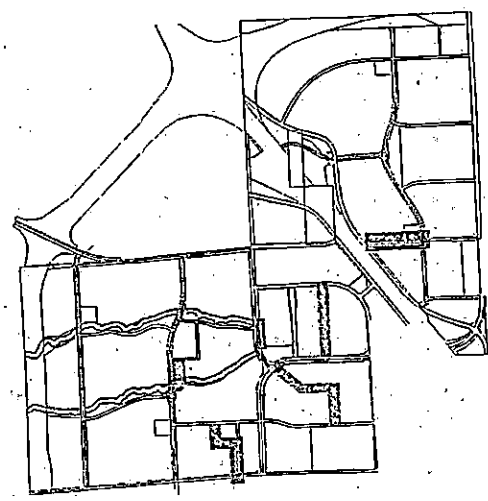
ARROYO TRAIL



4" OF 1/4" MINUS DG
COMPACTED TO 90% OVER
COMPACTED NATIVE SOIL



CONCEPTUAL PASEO



KEY MAP

N.T.S.

**EXHIBIT D
TO KYLE CANYON MASTER PARKS AGREEMENT
PARK AREAS**

[MAP FOLLOWS THIS PAGE]

LEGEND:

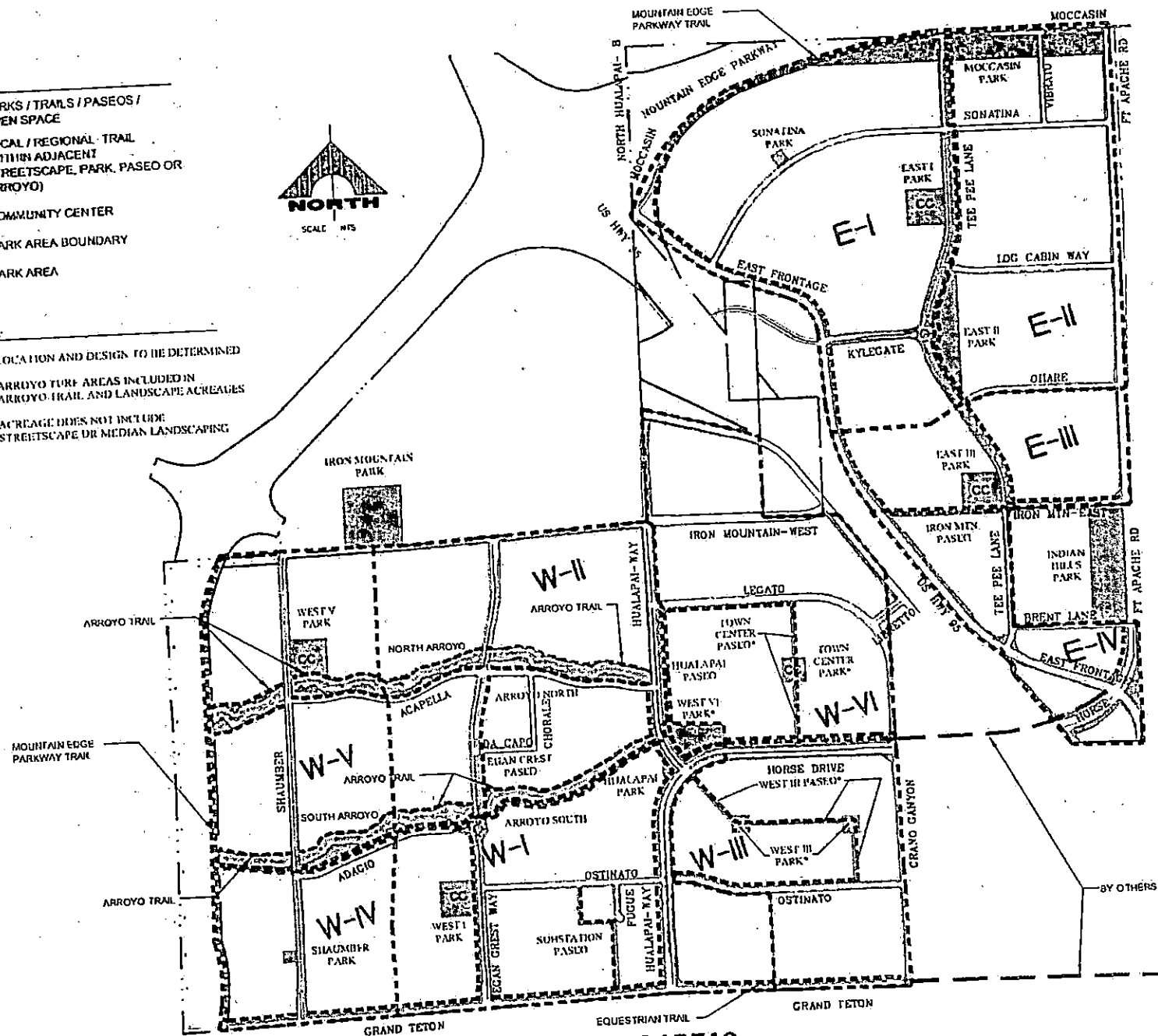
 PARKS / TRAILS / PASEOS / OPEN SPACE
 LOCAL / REGIONAL TRAIL (WITHIN ADJACENT STREETSCAPE, PARK, PASEO OR ARROYO)

CC COMMUNITY CENTER
 PARK AREA BOUNDARY

W-V PARK AREA

NOTES:

- LOCATION AND DESIGN TO BE DETERMINED
- ARROYO TRAIL AREAS INCLUDED IN ARROYO TRAIL AND LANDSCAPE AREAS
- ACREAGE DOES NOT INCLUDE STREETSCAPE OR MEDIAN LANDSCAPING



KYLE CANYON PARK AREAS

EXHIBIT E
TO KYLE CANYON PARKS AGREEMENT
PARKS STANDARDS

PARK STANDARDS

Office of Architectural Services

City of Las Vegas

Department of Public Works

March 8, 2007

(Available on CD)

EXHIBIT F

TO THE KYLE CANYON MASTER PARKS AGREEMENT

MAINTENANCE PLAN

EXHIBIT F

MAINTENANCE PLAN FOR ALL PRIVATELY MAINTAINED PARKS, FACILITIES AND OTHER COMMON AREAS

1. The Plan for Maintenance of Public and Common Areas (the "Plan") must be approved by the City and must contain provisions that outline the proposed standards and level of maintenance and/or frequency of maintenance to be provided with respect to:
 - a) Common area landscaping and sidewalks;
 - b) Parks, trails, paseos, open spaces, and other recreational areas and the related Required Facilities described in the Park Agreement;
 - c) Temporary and/or interim drainage facilities including riprap lined channels and natural arroyos as determined by the approved Master Drainage Study;
 - d) All landscaping and landscaping appurtenances located within City-dedicated public rights-of-way.
2. The Plan will include provisions for maintenance of common area lighting and for walls and fences located within common areas, but excluding any walls or fences located on an individual unit or lot.
3. The Plan will include provisions for periodic inspection, maintenance and repair of the improvements in such a manner and with such frequencies so as to maintain the improvements to prevent deterioration, to avoid unsightliness, and maintain the aesthetic appearance, the function, the safety and look of the improvements as originally intended. Any significant deviation from those standards may be implemented only after consultation with and the approval of the City. The required levels of maintenance and repair shall be defined for the following components, including, without limitation:
 - a) Requirements for maintenance of all the following items in a healthy, safe and aesthetically acceptable condition:
 - Non-Sports Field Turf (All allowable types)
 - Sports Field Turf (All allowable types)
 - Landscape and planting components, trees, shrubs, groundcover, etc. (All allowable types)
 - Color plantings (All allowable types)

b) Requirements for maintenance of all the following items in an operable, healthy, safe and aesthetically acceptable condition:

- Irrigation and all associated components
- Playground equipment
- Exercise or Par-Course equipment
- Picnic Areas, including all appurtenances in the area
- Shade Structures
- Water features, including all splash pads, fountains, drinking fountains
- Skate park areas, including all appurtenances
- Restroom facilities
- Dog park areas, including all appurtenances
- Lighting (All allowable types)
- Sports Courts (All allowable types)
- Walkways, pathways and roadways, with or without hardscape improvements
- Fencing, walls and gates (All allowable types)
- Signage (All allowable types)
- Amenities, including all benches, trash receptacles, trash dumpsters and picnic tables
- All parking lot or other paved areas

4. The Plan will include a provision that the Plan can be amended by the governing board of the Master Home Owners Association ("HOA") but only with the written consent of the City.
5. The Plan will include a provision that, in the event the Master HOA fails to maintain any or all of the improvements in accordance with the provisions of the Plan, the City may exercise its rights under the declaration, including the right of the City to make assessments for costs incurred by the City in maintaining the improvements, which assessments shall constitute liens against the Property and individual lots within subdivisions which may be executed upon and which shall have the same priority as liens for real estate taxes.

EXHIBIT G

TO THE KYLE CANYON MASTER PARKS AGREEMENT

INDIAN HILLS PARK DESIGN

[FORTHCOMING]

EXHIBIT ^E

TO THE KYLE CANYON DEVELOPMENT AGREEMENT
DEVELOPER SPECIAL IMPROVEMENT GUIDELINES

5/1/2006 7:33:48 AM

JoAnn Crolli

City of Las Vegas

Page 2

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

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 I environmental assessment (hazardous waste assessment) on the property to be assessed, property on which the improvements are to be located and on any property dedicated to the City, must be provided by the property owner prior to the bonds being issued by the City. The property owner must also provide the City with an indemnification agreement in a form acceptable by and provided by the City, promising to indemnify the City against any and all liability and/or costs associated with any environmental hazards located on property assessed. With respect to abating environmental hazards that are located on property on which improvements financed with the assessment district are proposed to be located or on any property dedicated to the City, the City and the property owner will reach an accord before the bonds are issued. Where the Phase I 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. subdivision) in sufficient time to proceed with the development to completion as proposed. Proper zoning must have been obtained for the development.

4. Water, Sewer, and Other Utilities. The property owner must provide "will serve" or similar letters from the entities providing water, sewer and other utility (e.g., electricity, gas, telephone) services to the development stating that capacity is then in existence and reserved (otherwise to be made available) for the development in a sufficient quantity for the development to proceed to completion as proposed.

5. Other Permits. The property owner must demonstrate that there are no significant permitting requirements (i.e. permitting requirements which could result in substantial delay or alteration in the project as proposed, e.g., wetlands permits, archeological permits, etc.) applicable to the project or other governmental impediments to development which have not yet been satisfied and which are required to be satisfied for the development to proceed to completion as proposed.

D. Assessment Bonds and Bond Security.

1. Primary Security. The primary security for bonds will be the assessment lien on the land proposed to be assessed. A preliminary title report indicating that the petitioners are the owners of all of the assessed property must accompany the petition. The City may also require title insurance on a case by case basis.

2. Reserve Fund. A reserve fund in an amount equal to the lesser of one year's principle and interest on the bonds or 10% of the proceeds of the bonds must be funded at the time bonds are issued.

3. Appraisal Valuation. The property owner must obtain and provide to the City an appraisal of the property which will be assessed which in the case of the appraised value of the property "as is" (prior to further subdivision and without considering the installation of the improvements) is at least equal to the amount of bonds proposed to be issued, and that the value of the property after the improvements financed with the assessment bonds are installed is at least three (3) times the amount of the bonds proposed to be issued. The appraiser must be acceptable to the City.

4. Additional Security. The property owner must demonstrate to the City that there is not significant financial risk to the City in issuing the bonds. If the City determines that it is not adequately protected by the security that is described in section D.1, 2, and 3 above, the City can require additional security. This additional security can be satisfied in one or a combination of the following ways:

(a) Providing a source of security that is acceptable to the City Council and the property owner. The determination of the acceptability of the security shall be discussed with the property owner on a case by case basis.

(b) Providing an irrevocable letter of credit drawn on an acceptable bank in a form and an amount and with a term acceptable to the City.

(c) Pledging marketable securities in which form the City is permitted to invest City funds pursuant to Chapters 355 and 356 of NRS and which are acceptable to the City (e.g., U.S. Treasury obligations) and in an amount that is acceptable to the City. The City must obtain the sole first priority security interest in the pledged securities, and those securities must be held by the City or a City Agent. Interest paid on the pledged securities, if there is not default in paying the assessment, will be paid to the owner of the securities.

A pro-rata portion of the foregoing additional security will be released with respect to any parcel assessed (1) which has been improved in any manner if the appraised value (as determined by an appraiser acceptable to the City) of the parcel is 5.0 or more times the amount of the unpaid assessment on such parcel or (2) on which a substantial improvement (e.g., a home or commercial building) has been 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 regards to equal payments) commencing within one year of the levy of assessments. The City will allow not more than two years of interest or the maximum permitted under federal tax laws, whichever is less, to be capitalized.
6. Absorption Study. The property owner must provide the City with funds with which to have an expert to prepare an absorption study. The City and property owners shall mutually agree upon the expert who is to prepare this study illustrating the economic feasibility of the project based upon supply and demand trends and estimated conditions in the market area for the proposed product mix. Provided, however, that if the appraiser of the real property for the project conducts his or her own absorption analysis, such absorption study may be accepted in lieu of this requirement.
7. Floating Rate Bonds. The City will consider applications for floating rate assessment bonds only if those bonds and the assessments underlying those bonds automatically convert to a fixed interest rate at or before the time the initial property owner sells property, regardless of whether the sale is wholesale sale to a merchant builder or a developer or a sale to a potential homeowner. Floating rate bonds must be secured by a letter of credit issued by a bank acceptable to the City.
8. No Pledge of General Fund or Taxing Power. The City will not pledge its general fund or taxing power to bonds.
9. Bond Underwriting Commitment. The property owner must demonstrate to the City and its financial advisor that bonds proposed to be issued for the financing are saleable. Prior to the time the City commences work on the assessment district, the property owner must provide the City with a letter from a reputable underwriter or bond buyer, acceptable to the City, which states that the underwriter has completed a due diligence review of the project and the property owner and believes that the bonds are marketable at an interest rate acceptable to the property owner based on then prevailing market conditions and that is willing, subject to reasonable conditions precedent, to contract with the City to underwrite the bonds on a best efforts basis, or that the bond buyer has completed a due diligence review of the project and the property owner and intend to acquire the bonds at an interest rate which the bond buyer and property owner agree is acceptable and that it is willing, to contract with the City to so acquire the bonds.

E. Consultants. The City will permit the property owner to choose the consulting engineers and underwriter provided that the entities chosen are acceptable to the City. The City will select the assessment engineer, project management engineer, its financial consultants, bond counsel and bond trustee. The payment of all fees and expenses of these consultants (selected by the City) shall be the responsibility of the property owner; however, these consultants will be responsible to, and will act as consultants to, the City in connection with the district.

F. Expenses. The property owner will be required to pay out of its own pocket all of costs of the project prior to the time bonds are issued, including the costs of consulting engineers, assessment engineers, project management engineers, underwriters, the City's financial consultants, the City's bonds counsel, the cost of preparing the appraisals, absorption study, environmental review and other matters listed above. These items will be eligible for reimbursement from bond proceeds if the bonds are ultimately issued; however, the property owner must agree to pay these costs even if bonds are not issued. At the time of application, the City will provide an estimate for these expenses in order to enable the developer to more precisely anticipate costs associated with the process.

G. Project Acquisition. The City will acquire completed projects after final inspection by the City, an audit by the City assessment engineer and City staff, and acceptance by the City. Alternatively, the City will expend bond proceeds through a City-established progress payment system on uncompleted projects utilizing a construction payment management system. If this alternative is used, performance and payment bonds from a bonding company acceptable to the city, each in an amount at least equal to 100% of the cost of the project, and otherwise in such form as is approved by the Department of Public Works and the City Attorney must be provided to the City and must each indicate that the City is a beneficiary of those bonds. Additional construction security, as determined appropriate by the Department of Public Works and City Attorney, may be required.

H. Cost Overruns. The property owner must agree to fund all project costs which exceed the amount available from the proceeds of the bonds issued for the project. The City will not commit to issue additional bonds or otherwise provide funding for any such cost overruns.

I. Procedure.

1. Pre-Application Meeting. Initially, the property owner shall schedule a meeting with such representatives of the City as are designated by the City Manager to review the proposed development to discuss whether the development is one which may be eligible for financing under these guidelines.

2. Application. If the property owner decides to proceed after the initial meeting, all owners of record of property in the proposed district must sign a petition for the district and file the petition and an application which contains sufficient information and exhibits to demonstrate that the proposed district will comply with parts A-H of these guidelines. Copies of the petition and application must be filed with the office of the Director of Finance and the office of the Director of Public Works.

3. Council Approval. If after an initial review, the City staff believes the application satisfies parts A-H hereof, an item will be placed on the Council's agenda authorizing negotiations with respect to the proposed project. If this item is approved by the Council, it is anticipated that staff will be authorized to begin negotiating the particulars of the financing with the property owner and other appropriate parties.

4. Security for Costs. Prior to entering negotiations, the property owner must post a letter of credit, surety bonds, cash or other acceptable form of security for payments of the costs described in F above in an amount determined by the Director of Finance. The interest on the security will be paid to the developer. The City shall invest such security according to NRS 355 and 356.

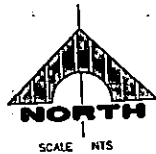
EXHIBIT G

TO THE KYLE CANYON DEVELOPMENT AGREEMENT

RESIDENTIAL LAND USE TABLE

AND

PLANNING AREA MAP



LEGEND

- A** PLANNING AREA
- CC** COMMUNITY CENTER
- PLANNING AREA
- SFD-L** Single Family Detached - Large Lot
Estate Lot
Standard Lot
- SFD-S** Single Family Detached - Small Lot
Compact Lot
- SFD-CC** Single Family Detached - Court and Cluster
Green Court
Paseo Court
Cluster Single Family
- SFA-MF** Attached Single Family and Multi-family
Mansion Home
Townhome
Tuckunder Multi-Family
Embedded Garage Multi-Family

KYLE CANYON RESIDENTIAL LAND USE

PLANNING AREA	TOTAL RESIDENTIAL UNITS*	MAXIMUM PERCENTAGE OF TOTAL RESIDENTIAL UNITS			
		SFD-L	SFD-S	SFD-CC	SFA-MF
A	2000	25	40	40	55
B	2200	25	45	40	50
C	1050	45	20	20	75
D	4500	0	30	30	100
E	1750	0	30	30	100
F	2650	20	55	40	45
G	1850	20	40	50	50

*Up to 10 percent of the Total Residential Units in each Planning Area may be shifted to other Planning Areas.

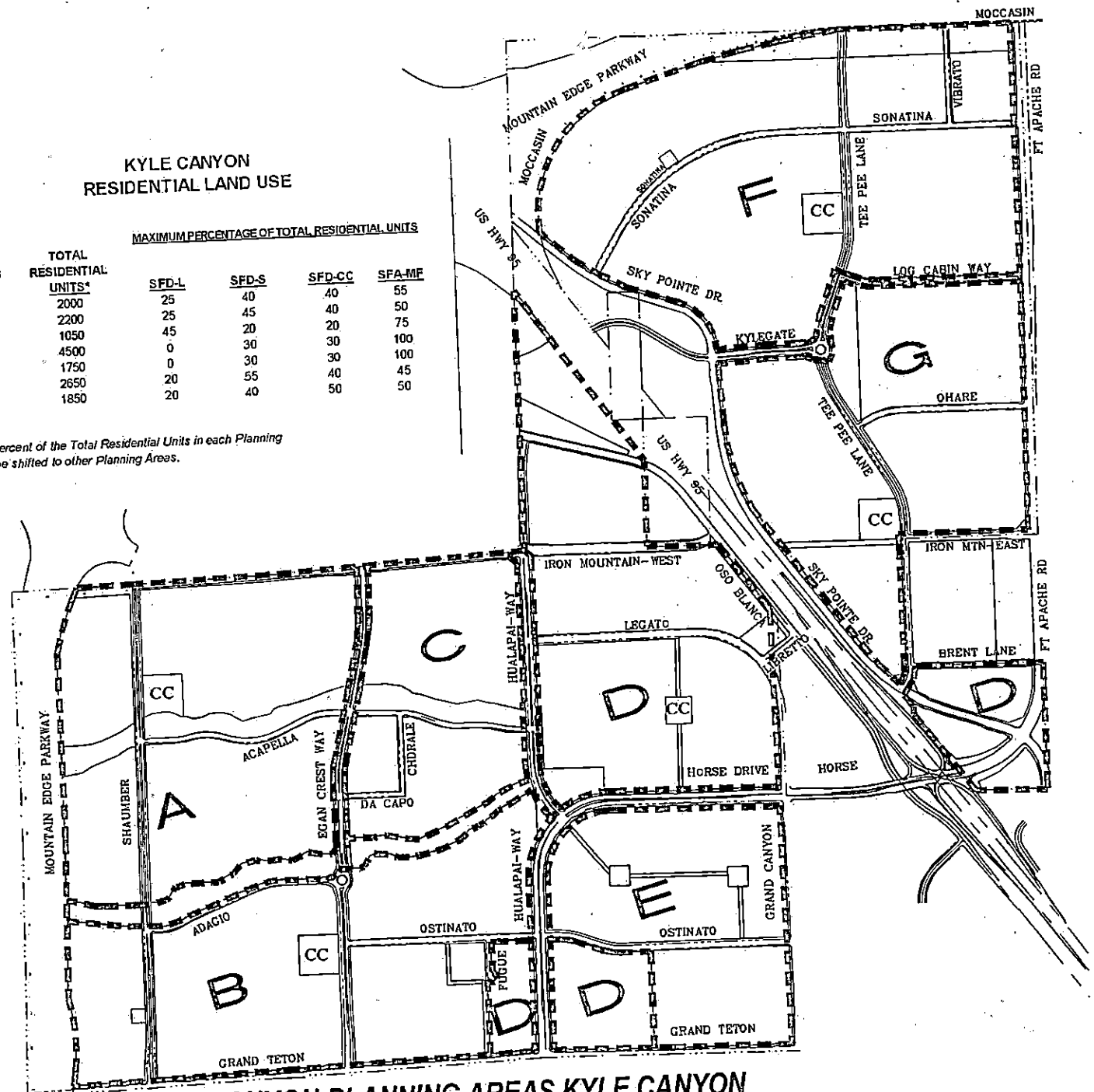


**FIGURE 2-2 KYLE CANYON PLANNING AREAS KYLE CANYON
AND RESIDENTIAL LAND USE**

EXHIBIT G
TO THE KYLE CANYON
DEVELOPMENT AGREEMENT
MASTER STUDIES
[ON DISK]

EXHIBIT H

TO THE KYLE CANYON

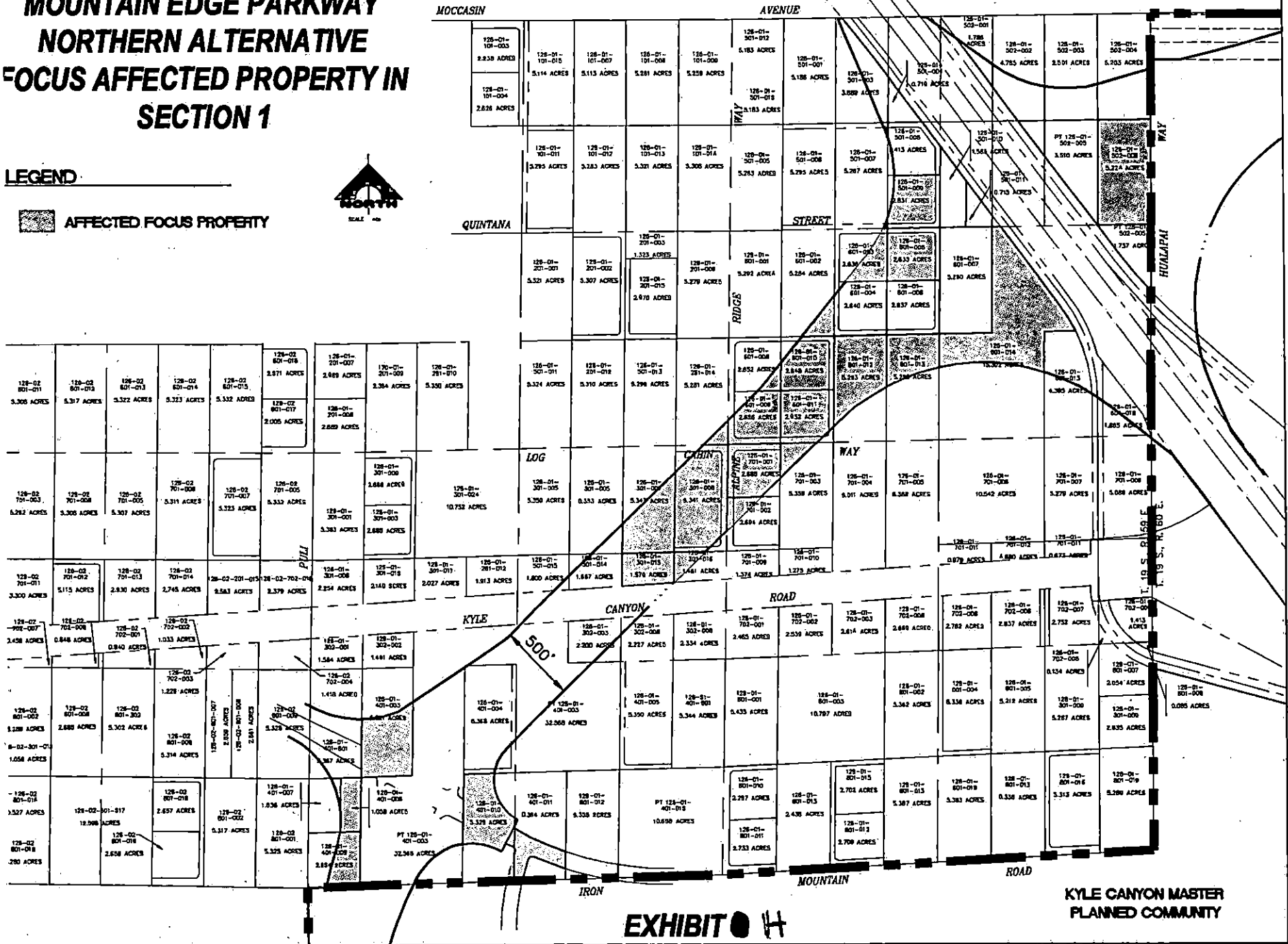
DEVELOPMENT AGREEMENT

SECTION 1 LAND

MOUNTAIN EDGE PARKWAY NORTHERN ALTERNATIVE FOCUS AFFECTED PROPERTY IN SECTION 1

LEGEND

 AFFECTED FOCUS PROPERTY



KYLE CANYON MASTER
PLANNED COMMUNITY

EXHIBIT I
TO THE KYLE CANYON
DEVELOPMENT AGREEMENT
PROVIDENCE LAND

**MOUNTAIN EDGE PARKWAY
NORTHERN ALTERNATIVE
KB HOME AFFECTED PROPERTY**

LEGEND

/// MOUNTAIN EDGE PARKWAY
RIGHT OF WAY AFFECTING
KB HOME PROPERTY

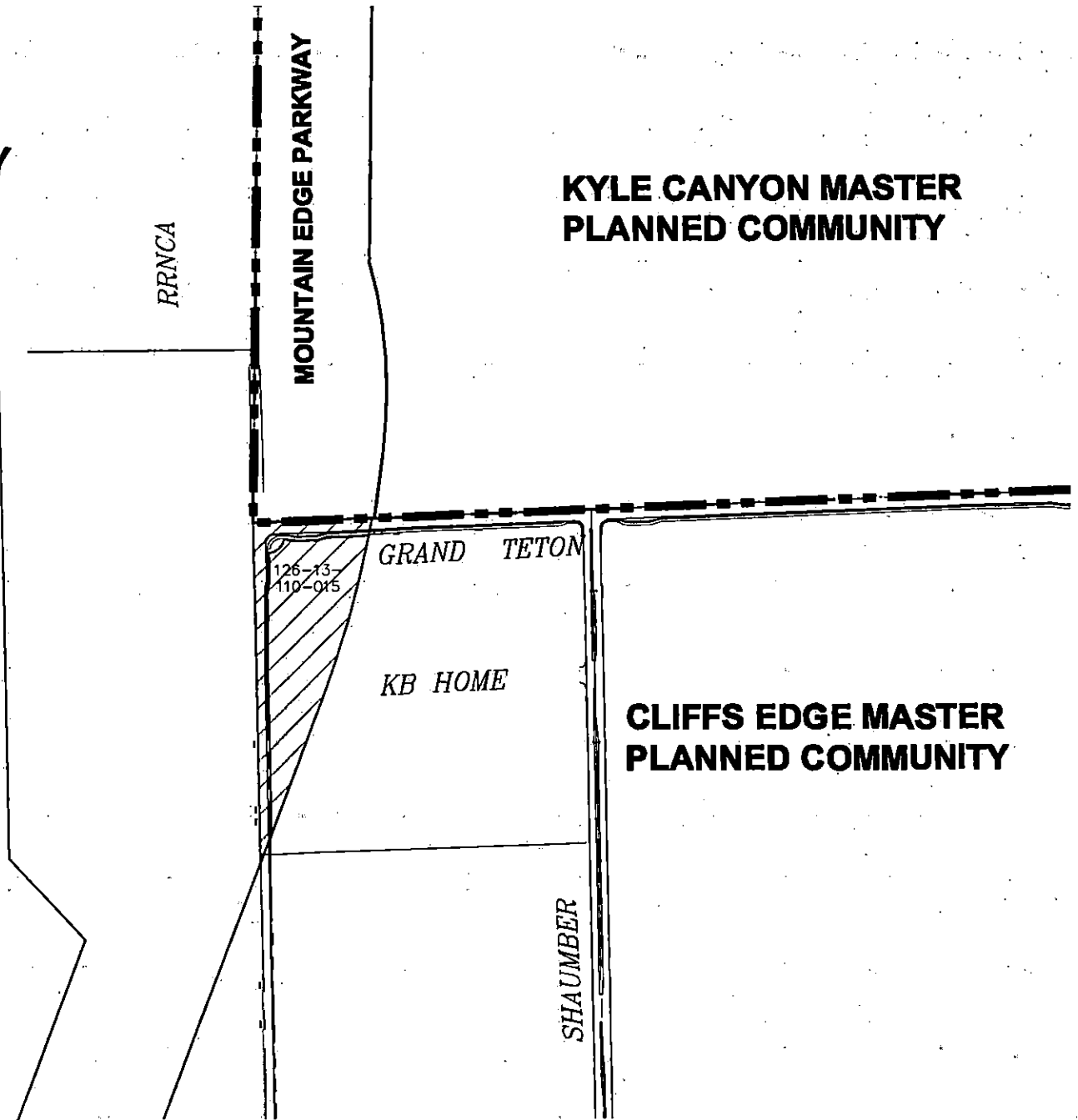


EXHIBIT I

EXHIBIT J

TO THE KYLE CANYON

DEVELOPMENT AGREEMENT

MOUNTAIN EDGE PARKWAY DEDICATION

MOUNTAIN EDGE PARKWAY NORTHERN ALTERNATIVE

LEGEND

-  KYLE
-  BELTWAY DEDICATION
-  NDOT - US 95

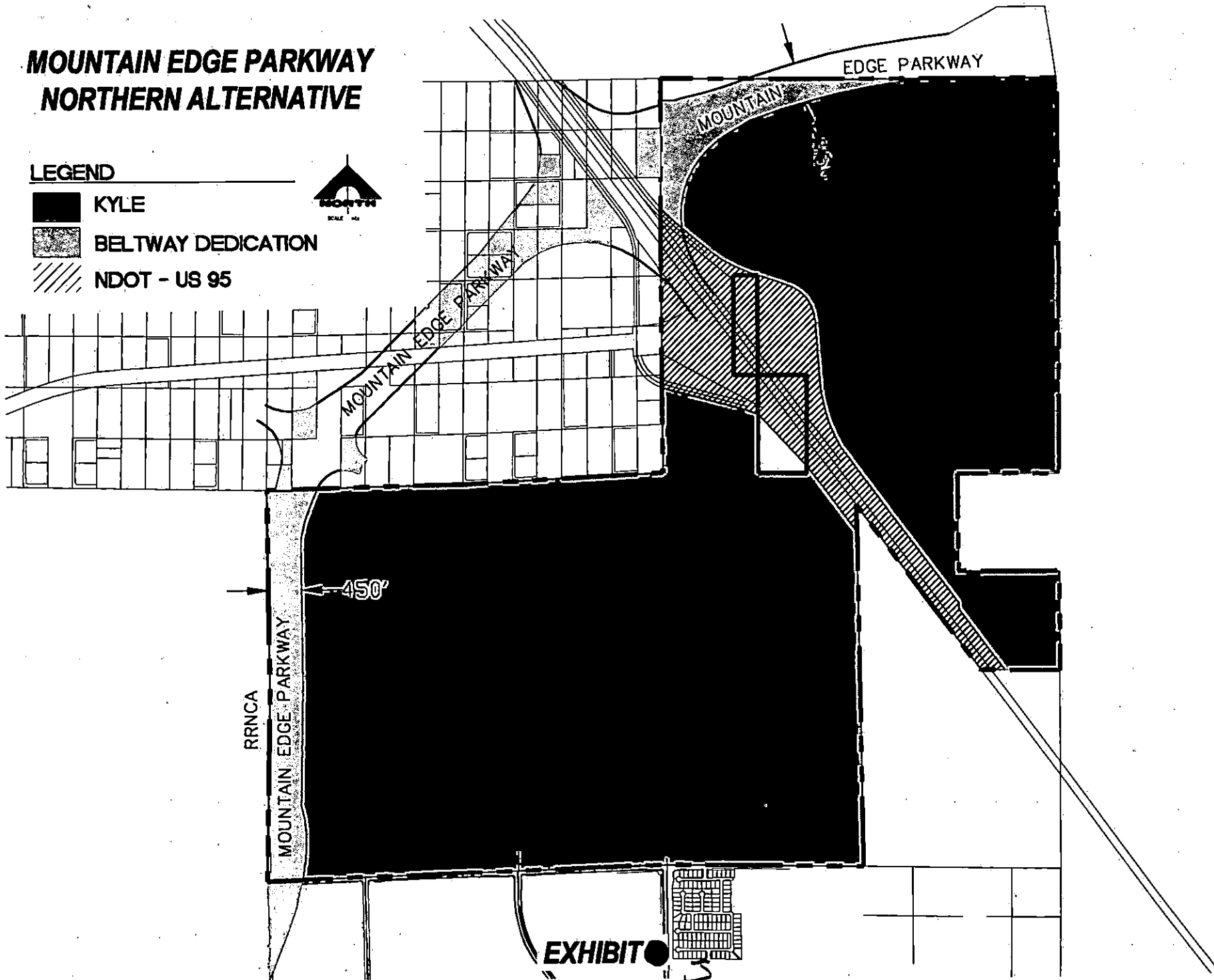


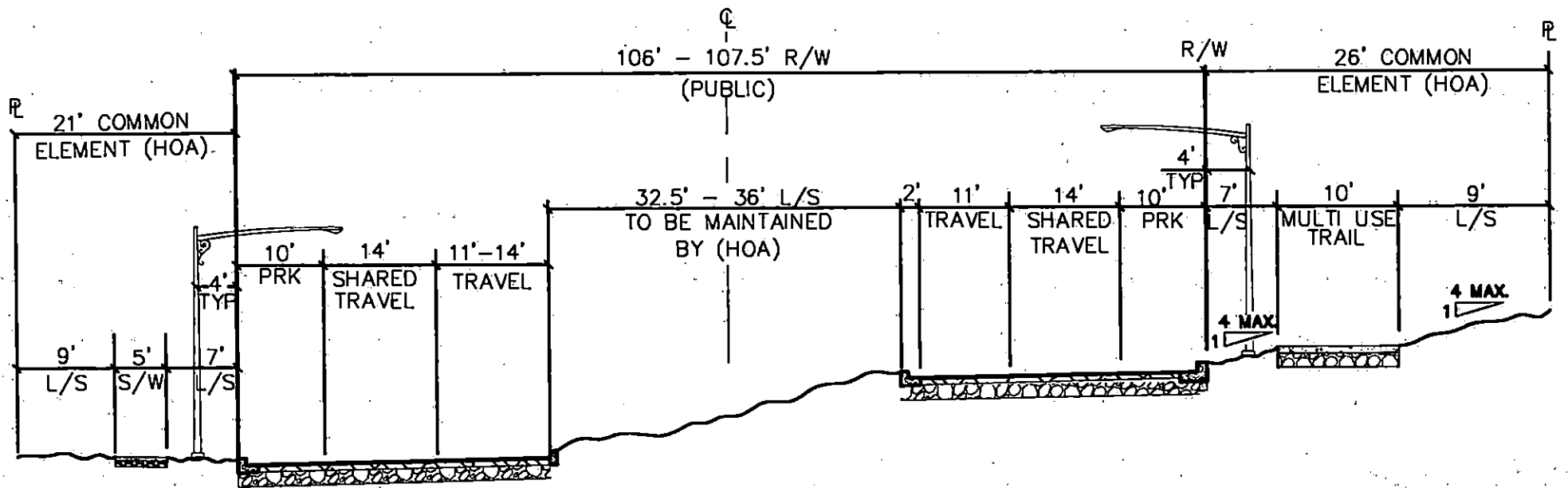
EXHIBIT K

TO THE KYLE CANYON

DEVELOPMENT AGREEMENT

KYLE CANYON INTERCHANGE DESIGN

EXHIBIT L
TO THE KYLE CANYON
DEVELOPMENT AGREEMENT
INITIAL HUALAPAI/HORSE CONNECTOR DESIGN



INITIAL CONSTRUCTION (KYLE)

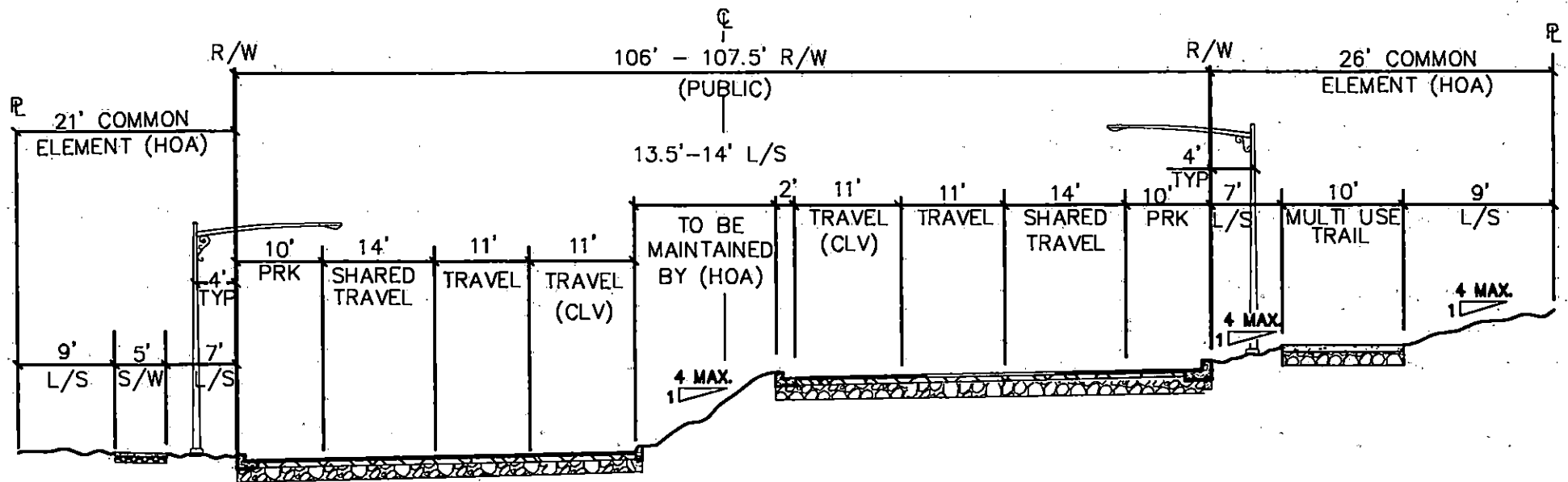
HORSE DRIVE AND HUALAPAI WAY

EXHIBIT M

TO THE KYLE CANYON

DEVELOPMENT AGREEMENT

POTENTIAL FUTURE HUALAPAI/HORSE CONNECTOR DESIGN



ULTIMATE SECTION (WITH CLV 5TH AND 6TH LANES)

HORSE DRIVE AND HUALAPAI WAY

**KYLE CANYON
DEVELOPMENT STANDARDS
AND
DESIGN GUIDELINES**

("DESIGN GUIDELINES")

April 26, 2007

**Revisions to April 6, 2007
KYLE DESIGN GUIDELINES**

(As of April 26, 2007)

Revisions to various sections of the Design Guidelines were required as a result of discussions with the City of Las Vegas during the week of April 9, 2007, and the resolution of outstanding Master Traffic Study issues. In addition, numerous minor revisions have been made to provide references to new text and Figures and provide consistency throughout the Design Guidelines.

A summary of revisions to the April 6, 2007, Design Guidelines (as of April 26, 2007) is listed below, and all pages with the revised text and Figures are attached.

<u>Section</u>	<u>Topic</u>	<u>Revision</u>
1.6	Solar Energy Systems	Added a requirement to provide information and referrals to homebuyers
2.1	Land Use Plan	Added Ft. Apache Buffer Area Added Mixed-Use areas around Kyle Canyon Road / US 95 interchange Added Compact Lot as a permitted use in Urban Mixed-Use areas
3.2	Access and Connectivity	Added Figure 3-1 to conceptually display vehicular and pedestrian connectivity
3.2	Cul-de-Sac Streets	Added limitation on use of cul-de-sacs (less than 50 percent of local streets)
3.4	Edge Conditions	Added Fort Apache Buffer

3.5	Parking	Added new parking requirement for single family and court/cluster residences (2 ½ spaces per lot)
6.0	Village Streets (Fig 6-1)	Revised figure to include updated street section references and reduced length of Moccasin access road and to improve legibility.
6.1	Alleys	Increased minimum alley width from 14' to 16'
6.1	Streets	Updated various street sections to reflect miscellaneous revised dimensions, maximum 4:1 streetscape slope, parking lane requirements, and roll curb restrictions
8	Permitted Uses	Added Sections 8.2 through 8.5 to provide definitions, conditional use standards, special use standards and temporary use standards. All new text is from Title 19, except where shown.

Summary of Revised Engineered Standard Details

<u>Detail</u>	<u>Title</u>	<u>Revision</u>
DG-S-A1	Horse Drive	Revised to include parking restriction within 250' of a signalized intersection and to reflect max 4:1 cross slope in streetscape
DG-S-A2, DG-S-A3, A3A, A3B	Hualapai Way Hualapai Way	Revised to reflect 4:1 max cross slope in streetscape Revised to reflect 4:1 max cross slope in streetscape
DG-S-A3C	Hualapai Way	Revised to reflect over-pave west of centerline

DG-S-B1	Shaumber Road	Revised to reflect 4:1 max cross slope in streetscape
DG-S-B3A, B3B, B3C	Egan Crest	Revised to reflect 4:1 max cross slope in streetscape
DG-S-B4	Tee Pee Lane	Revised to reflect 4:1 max cross slope in streetscape
DG-S-D1	31' Neighborhood Street	Revised to prohibit roll curb where adjacent to rear loaded alley-type product
DG-S-D5	37' Neighborhood Street	New Engineered Standard Detail, Roll Curb prohibited where adjacent to rear loaded alley-type product
DG-S-D2	Loop Street	Revised to restrict use adjacent to areas with direct access to open space (Arroyos & Parks)
DG-S-D3, D4	Motor Courts	Revised to allow L-type curb and gutter. Updated to clarify minimum 34' clear distance in conditions where a public water main is located within the street
DG-S-E1, E2, E3	Alleys	Revised to reflect 16' minimum alley width and to clarify minimum 34' clear distance in conditions where a public water main is located within the alley
DG-S-P2	Iron Mountain	Revised to reflect 100' dedicated right of way with construction of an equivalent 80' street, per CLV conditional master traffic study approval
DG-S-P9	Fort Apache	Revised to reflect 4:1 max cross slope in streetscape
DG-S-MEP A	Access Road	Revised to clarify that road is only for the portion of Moccasin alignment between Fort Apache and Tee Pee Lane

DG-S-MEP B	Access Road	Deleted due to CLV requirement of access road only for the portion of Moccasin alignment between Fort Apache and Tee Pee Lane
Fig 6-1	Village Streets	Updated to reflect revised street section callouts and to improve legibility
DG-17	Fire Hydrant Location	Revised to reflect 4:1 max cross slope in streetscape
DG-18 .2	Driveway Approach	Revised to reflect 4:1 max cross slope in streetscape
DG-19 .1	Driveway Approach	Revised to reflect 4:1 max cross slope in streetscape
DG-19.3	Driveway Approach (Alley)	Updated to agree with traffic study and to reflect 4:1 max streetscape slope
DG-21	Street Bulb-out	Updated to reflect latest street and sidewalk widths

Other

Various Pages	Minor Corrections	Minor revisions to provide references to new text and Figures and provide consistency within the Design Guidelines

9.2 Requirements Requiring Review	330
9.3 Master Developer Review	330
9.4 Submittal Requirements	330
9.5 Design Review and Approval Process	340
9.6 Administration	340
Section 10 – Glossary	342
Section 11 – Exhibits	344
A. Water Smart Home Standards As of July 1, 2006	
B. 2006 International Energy Conservation Code As Adopted by the City of Las Vegas	

open space as a usable and accessible amenity. Reservation of open space will occur throughout Kyle Canyon in the form of:

- The natural arroyos that are a dominant landform and valuable natural feature running through the site as shown on Figure 2-3.
- Public gathering spaces such as the Town Center Park shown on Figure 2-3.
- Passive and active parks throughout the development.
- Extensive streetscapes with drought tolerant plantings.
- An integrated and connected system of pedestrian, bicycle and natural trails running along streets and through natural open spaces as shown on Figure 2-3.

1.6 ENVIRONMENTAL COMPATIBILITY

Kyle Canyon will be responsive to the existing environment and the future needs of the area. Planning major circulation systems and neighborhoods to respect the topography of the site will allow pathways throughout Kyle Canyon to connect neighborhoods to each other, open spaces, the arroyos and Community park areas. These pathways make pedestrian and vehicular traffic compatible with each other, while tying the natural features of the site to everyday life at Kyle Canyon.

The following Principles of Green Building will direct and inform all development within the community. Kyle Canyon will meet or exceed the following:

SITE AND AREA ENHANCEMENT

- Reserve selected natural open space areas for active and passive recreation, visual relief, habitat preservation, nature observation, hiking and biking, and flood control
- Retain the natural arroyos that are an important landform feature of the area

- Develop pedestrian, bicycle, and interpretive trails along the arroyos
- Provide an equestrian trail along the right-of-way of Grand Teton Boulevard
- Provide for outdoor living spaces such as courtyards, porches, balconies and miradors
- Develop night sky preservation standards for street lighting and outdoor lighting for buildings, focusing beams down toward the streets and buildings, and minimizing stray lighting while still providing adequate lighting for pedestrian and vehicular convenience.

ENERGY EFFICIENCY

- Ensure that all residences are energy efficient:
 - Ensure that all home designs are independently verified by a licensed Mechanical/Electrical/Plumbing Engineer to be in compliance with the 2006 International Energy Conservation Code as adopted by the City of Las Vegas.
- Provide as an option to homebuyers, a total fluorescent lighting system with electronic ballasts, and indoor motion activated lighting
- Provide information and referrals to homebuyers on the purchase and installation of solar energy systems, including photo-voltaic roof tiles.
- Select and locate deciduous shade trees in front yards, wherever practical, to optimize shading of southerly and westerly exposures of homes
- Provide lighter colors of roofing as described in Section 7 to reduce solar heat gain
- Builders will offer consumers, as an option, appliances that meet Energy Star eligibility requirements.
- Use external shading devices where feasible to minimize unwanted heat gain such as trellises, roof overhangs, awnings, shade screens, and low-e window coatings
- Properly seal and insulate ducts



SCALE NTS
DATE: 4/24/2007

LEGEND

- NEIGHBORHOOD RESIDENTIAL
- TOWN CENTER MIXED-USE
- URBAN MIXED-USE
- COMMUNITY FACILITIES / SCHOOLS
- PARKS/OPEN SPACE
- PARKS/OPEN SPACE - (LOCATION AND DESIGN TO BE DETERMINED)
- COMMUNITY CENTER
- TRAILS
- 60' WIDE FORT APACHE BUFFER

NOTE: COMMERCIAL USES SUBJECT TO THE LIMITATIONS OF SECTION 8 OF THE DESIGN GUIDELINES.

	ESTATE LOT	STANDARD LOT	COMPACT LOT	GREEN COURT	PARKED COURT	CLUSTER SINGLE FAMILY	MANHATTAN HOME	TOWNHOUSE	TUCKER MULTI-FAMILY	FOOTING MULTI-FAMILY	EMBRIDGED GARAGE MULTI-FAMILY	LIVE/WORK	COMMERCIAL/RESIDENTIAL MIXED-USE	COMMUNITY CENTER	UTILITIES/PUBLIC/CULTURAL INSTITUTIONS	COMMERCIAL USES *
NEIGHBORHOOD RESIDENTIAL	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
URBAN MIXED-USE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
TOWN CENTER MIXED-USE	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X	X
PARKS / OPEN SPACE																
COMMUNITY FACILITIES																

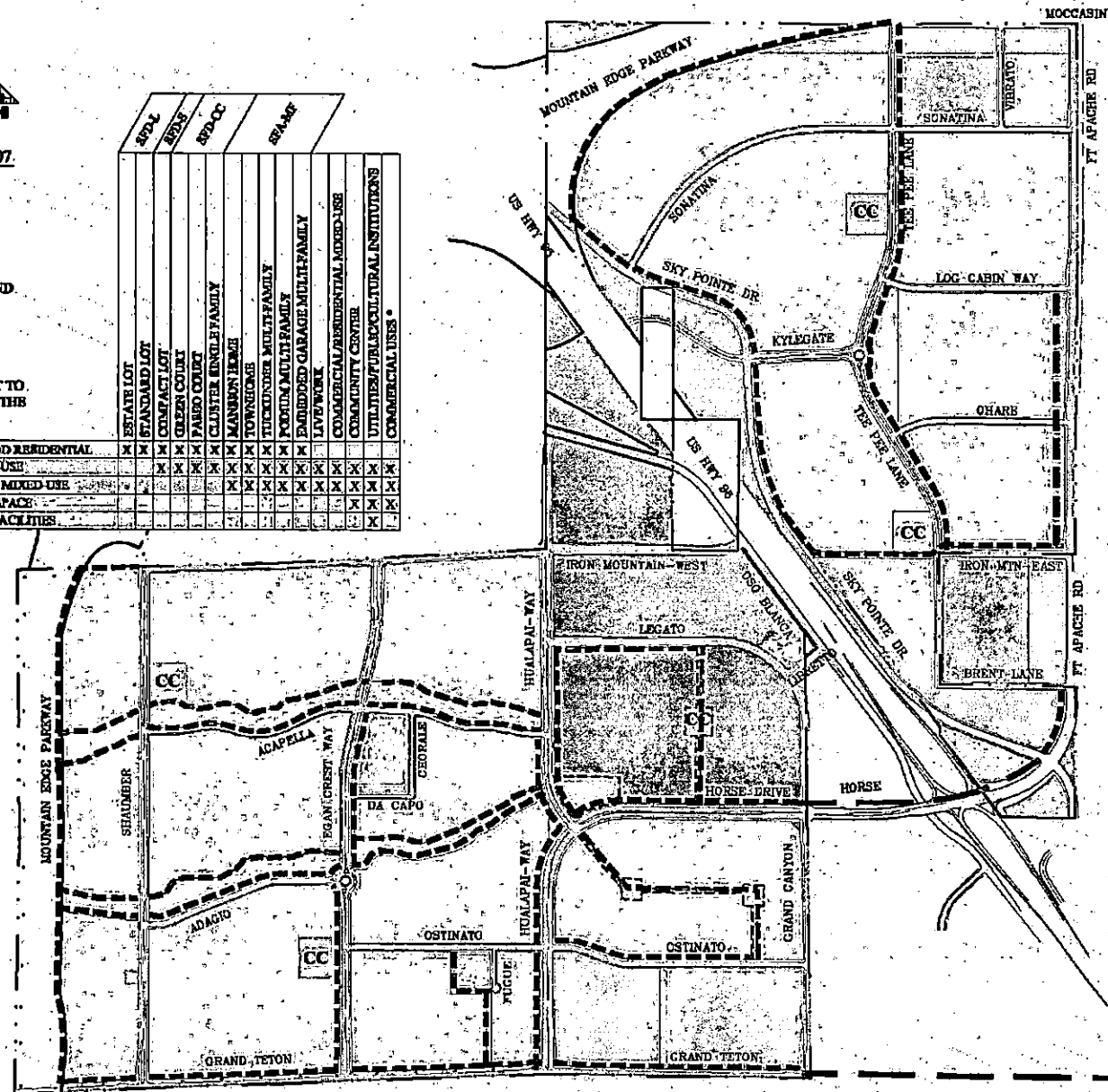


FIGURE 2-1 KYLE CANYON LAND USE PLAN



LEGEND

- A** PLANNING AREA
- CC** COMMUNITY CENTER
- PLANNING AREA
- SFD-L** Single Family Detached - Large Lot
Estate Lot
Standard Lot
- SFD-S** Single Family Detached - Small Lot
Compact Lot
- SFD-CC** Single Family Detached - Court and Cluster
Green Court
Paseo Court
Cluster Single Family
- SFA-MF** Attached Single Family and Multi-family
Mansion Home
Townhome
Tuckunder Multi-Family
Embedded Garage Multi-Family

KYLE CANYON RESIDENTIAL LAND USE

PLANNING AREA	TOTAL RESIDENTIAL UNITS*	MAXIMUM PERCENTAGE OF TOTAL RESIDENTIAL UNITS			
		SFD-L	SFD-S	SFD-CC	SFA-MF
A	2000	25	40	40	55
B	2200	25	45	40	50
C	1050	45	20	20	75
D	4500	0	30	30	100
E	1750	0	30	30	100
F	2650	20	55	40	45
G	1850	20	40	50	50

*Up to 10 percent of the Total Residential Units in each Planning Area may be shifted to other Planning Areas.

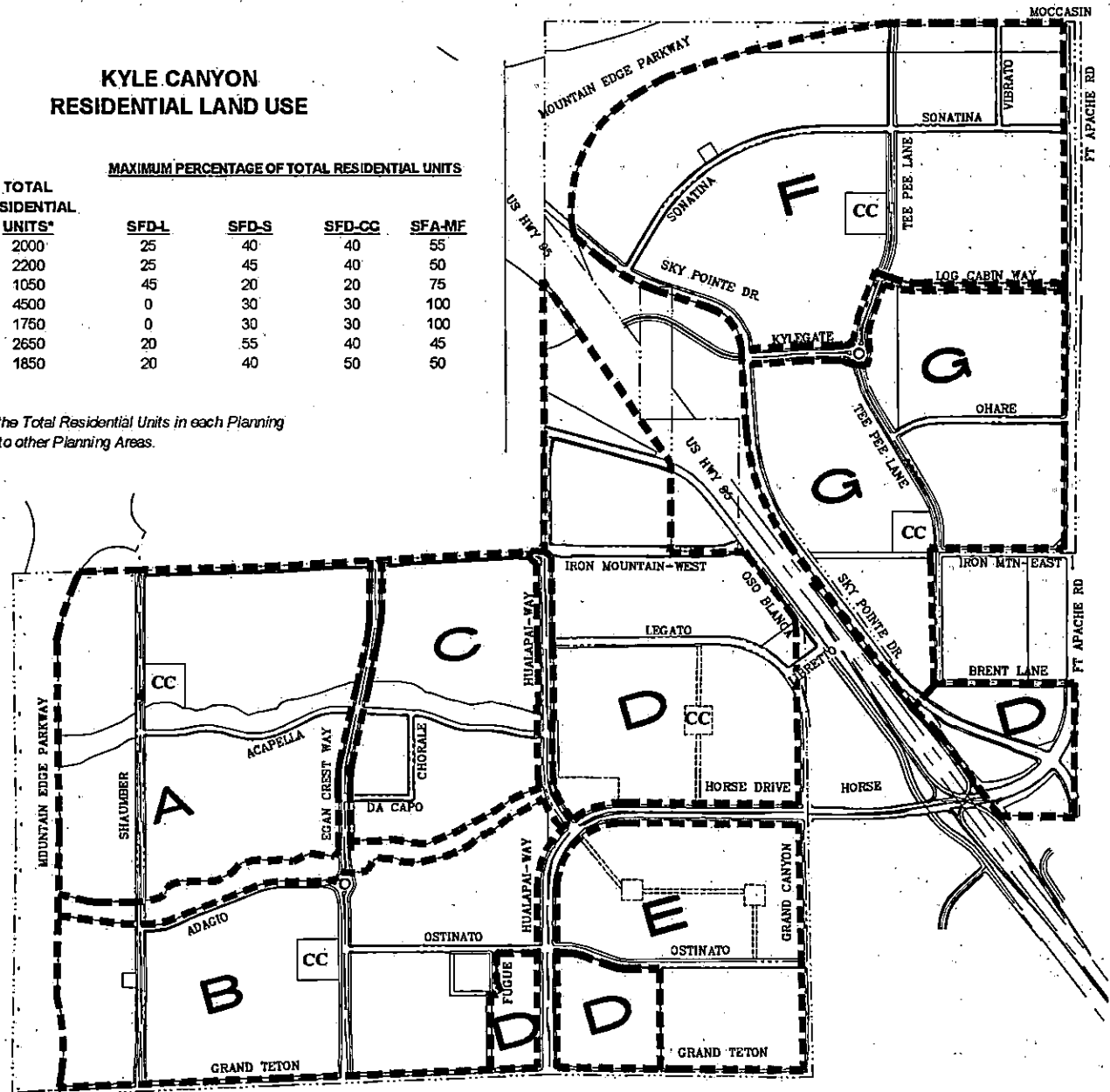


**FIGURE 2-2 KYLE CANYON PLANNING AREAS
AND RESIDENTIAL LAND USE**

Section 3

NEIGHBORHOOD DESIGN GUIDELINES

3.1 OVERALL STRUCTURE AND DESIGN

The goal of the Design Guidelines is to develop a community that has a visual and functional sense of continuity—it is one place with many elements, rather than a grouping of private subdivisions. Community amenities will be accessible to pedestrians and the primary community circulation system will be pedestrian friendly.

The Community's streets and public places must be diverse and human scaled. There should be architectural variety along each street and within each neighborhood. The primary amenities of the site, the arroyos, and community parks, must have homes fronting or siding to them and active walkable streets leading to them.

The following design standards are unified by the simple desire to use appropriate site planning and building design to enhance the community character and pedestrian experience of Kyle Canyon's neighborhoods.

3.2 NEIGHBORHOOD STREET LAYOUT AND CONNECTIVITY

Site planning of neighborhoods and street layout are dependent on one another to create neighborhoods that interact with the street frontage and maximize pedestrian and automobile circulation. The street layout, including pedestrian access, shall complement the Community's overall network of connectors and boulevards. The

vehicular and pedestrian connections throughout the Community are described below and are conceptually displayed on Figure 3-1.

VEHICULAR CONNECTIVITY BETWEEN DEVELOPMENT PARCELS

At least one vehicular connection incorporating pedestrian access is required between adjacent non-gated development parcels; however, additional vehicular connections incorporating pedestrian access between adjacent development parcels is encouraged. Points of connection may be designed in conjunction with required engineering connections such as drainage, water, and sewer. Builders of adjacent development parcels shall coordinate the exact location such connection points. However, where the street pattern of one development parcel has been established to at least a preliminary project plan level of approval, then the adjacent development parcel shall design its street pattern to meet such existing or approved connection.

PEDESTRIAN CONNECTIVITY BETWEEN NEIGHBORHOOD STREETS AND VILLAGE STREETS

Pedestrian access between Neighborhood Streets and Village Streets shall be maximized through the use of open cul-de-sac design, paseo connections, and pedestrian access for gated neighborhoods (refer to Figures 3-2 and 3-3). Pedestrian access in one of the aforementioned conditions shall occur, at a minimum, at the following frequency:

Village Street Frontage	Pedestrian Access
0' – 1000'	No access required
1000' – 1500'	1 point of access required
1500' – 2500'	2 points of access required

LEGEND

- ALL SYMBOL LOCATIONS ARE SCHEMATIC
PRELIMINARY BUILDER POD ACCESS POINTS
- FULL LEFT IN LEFT OUT ACCESS
 - SHARED LEFT IN LEFT OUT ACCESS
 - RR - RIGHT IN RIGHT OUT ACCESS
 - REQUIRED VEHICULAR CONNECTION
 - PEDESTRIAN ACCESS CONNECTION
 - G - GATED PARCELS
 - - - PLANNING AREA BOUNDARY

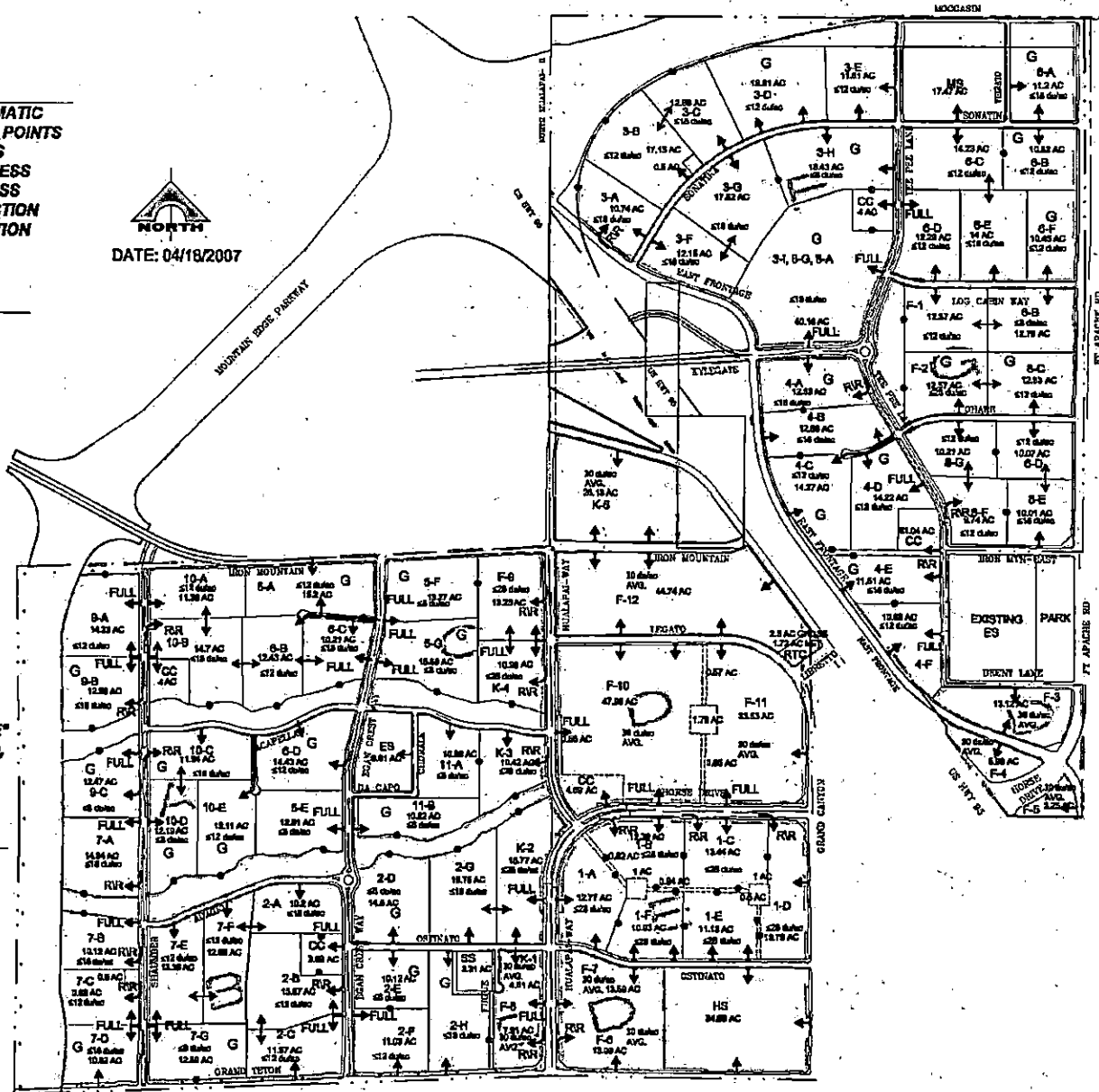


NOTES:

- 1). VEHICULAR AND PEDESTRIAN CONNECTIVITY SHOWN BETWEEN PODS IS APPROXIMATE AND SUBJECT TO GRADING, DRAINAGE, AND UTILITY CONSTRAINTS.
- 2). CONNECTIONS WILL REQUIRE BUILDER COORDINATION DURING DESIGN.
- 3). POD ENTRANCE LOCATIONS AND BOUNDARIES WILL BE FINALIZED PRIOR TO SUBMITTAL OF PARENT FINAL MAP FOR RECORDATION
- 4). SIGNIFICANT CHANGES TO POD ACCESS LOCATIONS AND/OR INCREASE IN DENSITY ON A POD MAY REQUIRE APPROVAL OF CLV TRAFFIC
- 5). EXCEPT IN PLANNING AREA "D" & "E" DENSITIES ARE MAXIMUM ALLOWED, PER POD

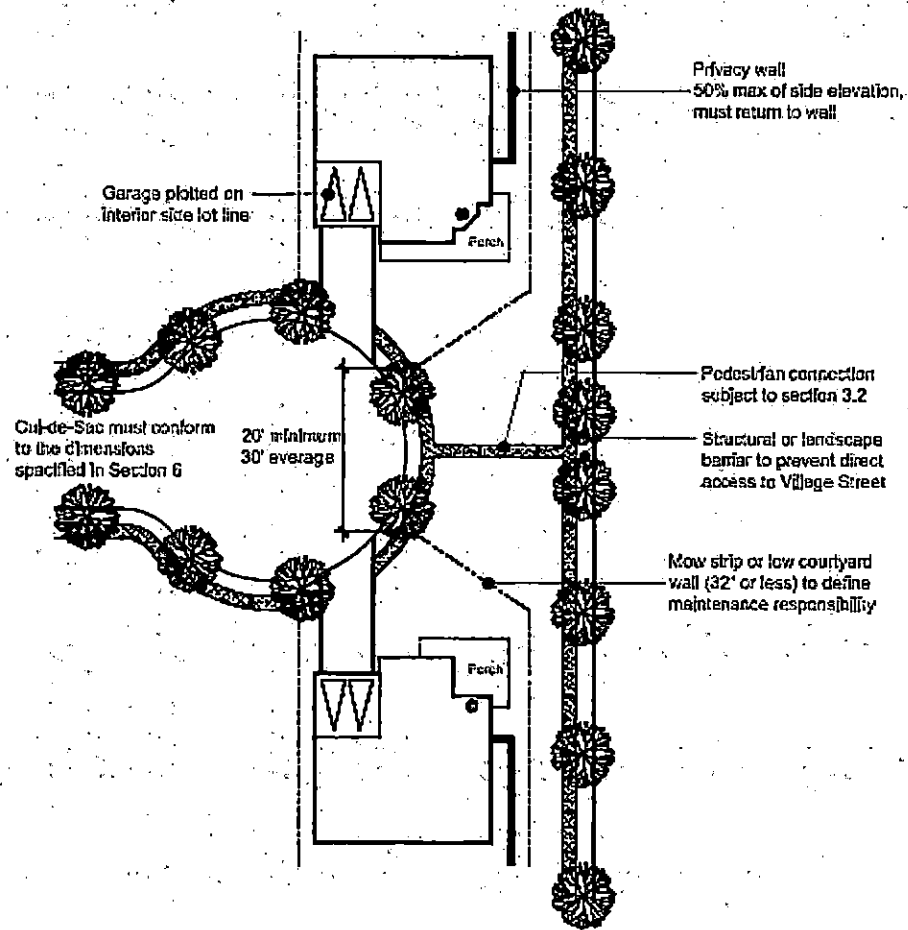
PLANNING AREA	TOTAL RESIDENTIAL UNITS*
A	2,000
B	2,200
C	1,050
D	4,500
E	1,750
F	2,650
G	1,850

* UP TO 10% OF THE TOTAL RESIDENTIAL UNITS IN EACH PLANNING AREA MAY BE SHIFTED TO OTHER PLANNING AREAS. OVERALL UNIT COUNT CAN NOT EXCEED 18,000 UNITS



ACCESS AND CONNECTIVITY FIGURE 3-1

NON-GATED CUL-DE-SAC



GATED CUL-DE-SAC

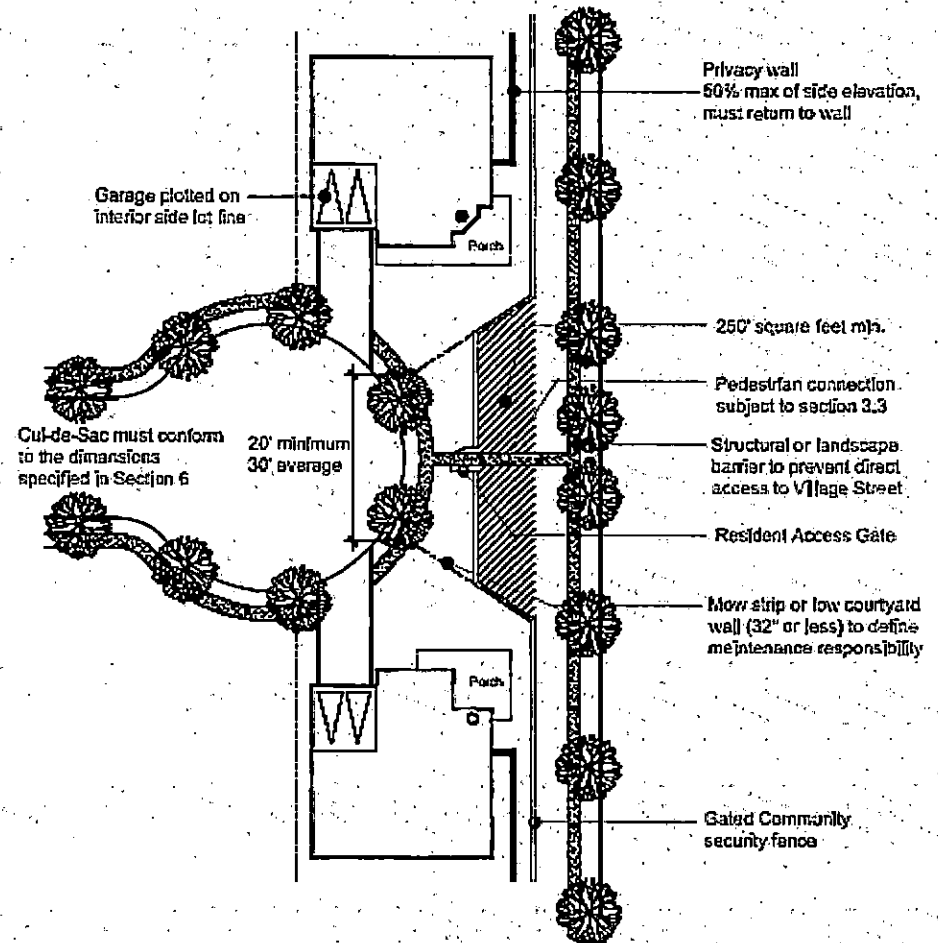
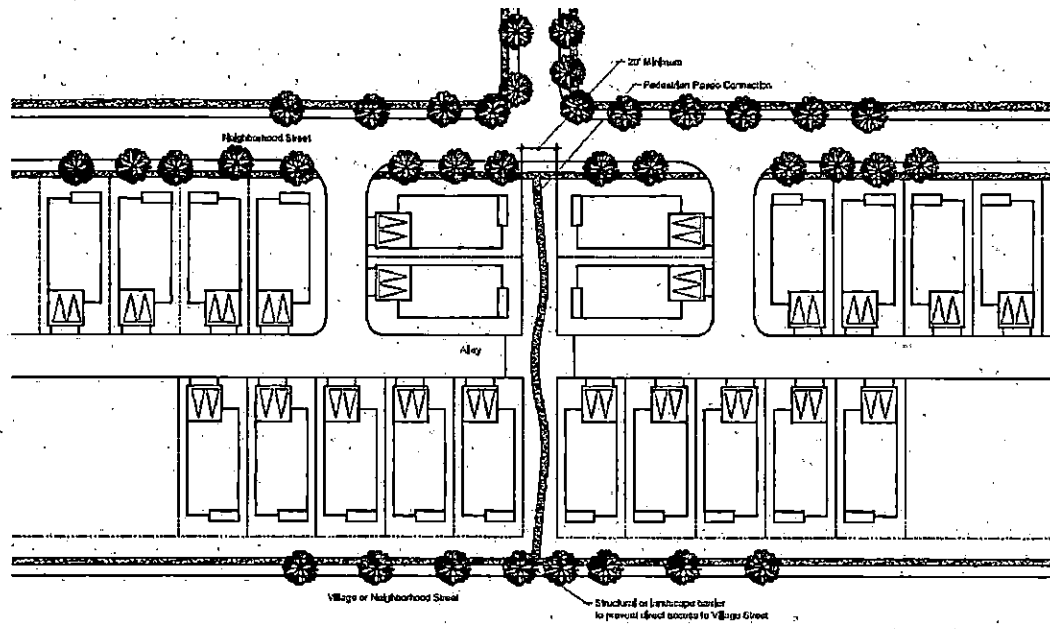
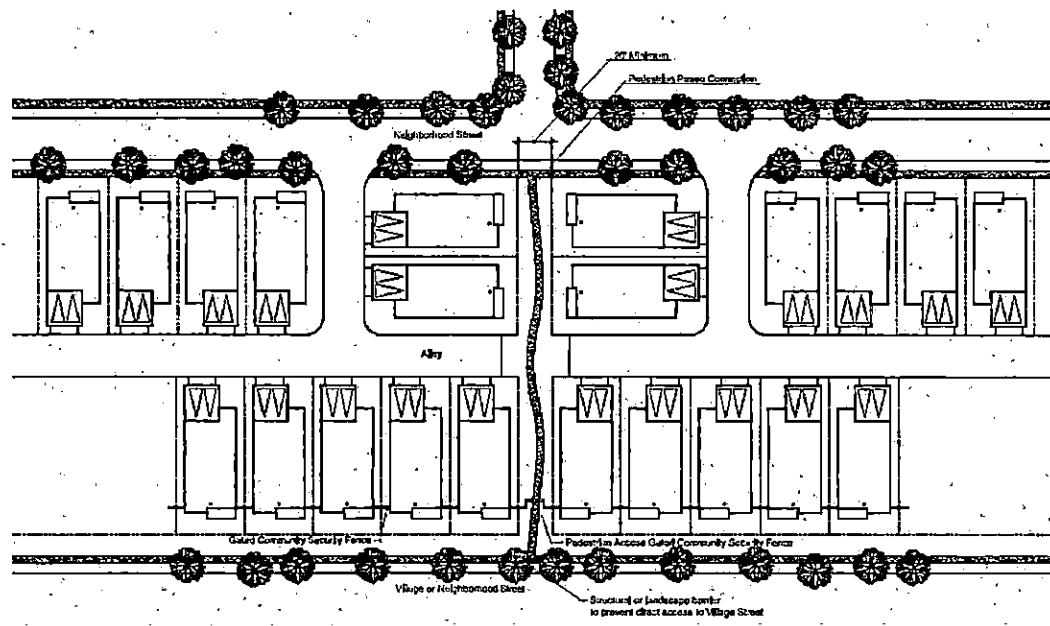


Figure 3-2 CUL-DE-SAC Tree placement and buildings are conceptual and do not necessarily accurately depict actual development. All dimensions and notes are requirements.



Non-Gated Paseo Connection

All streets, alleys, and drive aisles must conform to the dimensions specified in Section 6.



Gated Paseo Connection

All streets, alleys, and drive aisles must conform to the dimensions specified in Section 6.

Figure 3-3 PEDESTRIAN PASEO CONNECTION Buildings and street/alley/drive aisle locations are conceptual and do not necessarily accurately depict actual development. All dimensions and notes are requirements.

Where a gated development parcel is adjacent to a park, paseo, or the above-listed trails and walking paths, resident access shall be provided to such common area.

Vehicular and pedestrian connections may be accomplished in a variety of ways. Figures 3-4 through 3-10 are representative examples that may be used in the design of vehicular and pedestrian connections.

CUL-DE-SAC STREETS

Cul-de-sac streets shall be limited to no more than 50 percent of the streets within a builder parcel, subject to the following provisions:

- At a perimeter edge of a development parcel that abuts a street, open space, or common element, the cul-de-sac must terminate at the development parcel edge with a pedestrian connection to a sidewalk or multi-use trail. (Refer to Figure 3-2) Closed-ended cul-de-sacs with lots that fan around the bulb of the cul-de-sac (Refer to Figure 3-13) are not allowed in this condition.
- When located on the interior of a development parcel (not abutting a development parcel perimeter edge having a street, open space, or common element), 75% of the interior cul-de-sac streets that are longer than 300' in length shall have a pedestrian connection to a street or paseo. (Refer to Figures 3-11 and 3-12)
- When located on the interior of a development parcel (not abutting a development parcel perimeter edge having a street, open space, or common element), cul-de-sacs that are 300' or less in length may have a closed-ended cul-de-sac

design with lots that fan around the bulb of the cul-de-sac. (Refer to Figure 3-13)

- In certain cases, site conditions or constraints such as topography, grading, site shape and easements, may dictate the use of closed-ended cul-de-sacs where otherwise not permitted. Such conditions shall be considered on a case-by-case basis by the Master Developer.

- Where cul-de-sacs terminate at development parcel perimeter edge abutting a street, open space, or common element, such conditions shall feature open fencing with controlled pedestrian access gates. (Refer to Figure 3-2). In certain cases, site conditions or constraints such as topography, grading, site shape and easements, may make the use of open fencing with controlled pedestrian access gates impractical. Such conditions shall be considered on a case-by-case basis by the Master Developer.

At cul-de-sacs and drive isle terminations that abut Village Streets, the view fencing should be pushed back to create a landscaped common area of at least 250 square feet in front of the fence that is available to public access. These areas will be maintained by the Master HOA.

- Though the majority of neighborhoods within Kyle Canyon will be non-gated, up to 25% of the units within the Community (4000 units) may be within Gated Areas.
- Plotting of units with front doors that face the perimeter streets is preferred. In such cases, solid or open fencing shall occur between buildings only. Though within a Gated Area, the units with front doors facing the perimeter streets shall not be counted toward the 25% cap community wide.
- Parking structures for multi-family products (podium and embedded garage) may have individual controlled access gates for the parking structure itself. Any units served by such controlled access parking structures shall not be counted toward the 25% cap community wide, so long as there is open and unimpeded pedestrian access between perimeter streets, open space, or common element and the front door(s) of the building.

3.4 EDGE CONDITIONS

In order to maintain the overall quality and identity of the community, the streetscapes and open space edges along the perimeter of each Development Parcel must be developed with care.

In all cases where homes side onto a street or the side or rear elevation of a home is Adjacent to and Visible from a Public Place, such elevation will be articulated in a manner similar to the front elevation of the home.

In order to balance traffic considerations with the desire for a walkable neighborhood character, the following three types of edge treatment are required in various locations throughout the site (see Figure 3-15).

"Back-on-Allowed" edge treatments are those areas where the back of a home is allowed to face a street on the perimeter of a Development Parcel. In all cases other than the "Back-on-Allowed" perimeters shown on Figure 3-15, homes will not be allowed to back on to a street on the perimeter of a Development Parcel. This means that the perimeter of each Neighborhood Residential Parcel must employ either homes that front or side onto the perimeter streets.

"Minimal Curb Cut" edge treatments apply along select boulevards and arterials that carry the most traffic. The intention is to ensure that these roadways are lined with buildings with doors and windows that face onto the Village Street, creating a walkable environment and to ensure that traffic flows on these roadways are not compromised by residents backing out of driveways. Consequently, driveway curb cuts are minimized in these edge conditions; a maximum of one curb cut per block face or one curb cut per 150 Multi-Family Units, whichever is the greater number of curb cuts, is permitted along these edges. Garages or parking structures may be accessed from the Village Street at one of the permitted curb cuts or from alleys or side streets. These streets may include a full range of Residential Building Types consistent with the Land Use Plan.

"Open Space" edge treatments apply only in designated areas adjacent to the open space of the arroyos. In these locations, the perimeter of the Development Parcel must be treated in one of the following ways:

- A continuous local frontage road along such edges, with homes orienting to the open space.
- Alley loaded homes with front facades facing the open space, or
- A Loop Street System (see Figure 3-16) in which local street segments are required along a portion of the open space frontage. Residences adjacent to the open space boundary are required to have their front doors or an elevation articulated in a manner similar to the front elevation facing the open space. Front doors may be accessed either from the loop street or from a pedestrian walkway connecting loop streets along the open space frontage. Alley access is required for the homes fronting onto the pedestrian walkway; for homes facing the loop street, Alley Loaded, Front Drive or Side Drive Garage treatments are permitted.

"Fort Apache Buffer" edge treatment applies to the area adjacent to the common element along Fort Apache between Log Cabin Way and Iron Mountain Road. All structures within 60' of the common element shall not exceed 35' in height.



LEGEND

- NEIGHBORHOOD RESIDENTIAL
- TOWN CENTER MIXED-USE
- URBAN MIXED-USE
- COMMUNITY FACILITIES / SCHOOLS
- PARKS/OPEN SPACE
- PARKS/OPEN SPACE - (LOCATION AND DESIGN TO BE DETERMINED)
- CC: COMMUNITY CENTER
- 60' WIDE FORT APACHE BUFFER
- BACK-ON CONDITION
- MINIMAL CURB CUT CONDITION
- OPEN SPACE EDGE CONDITION

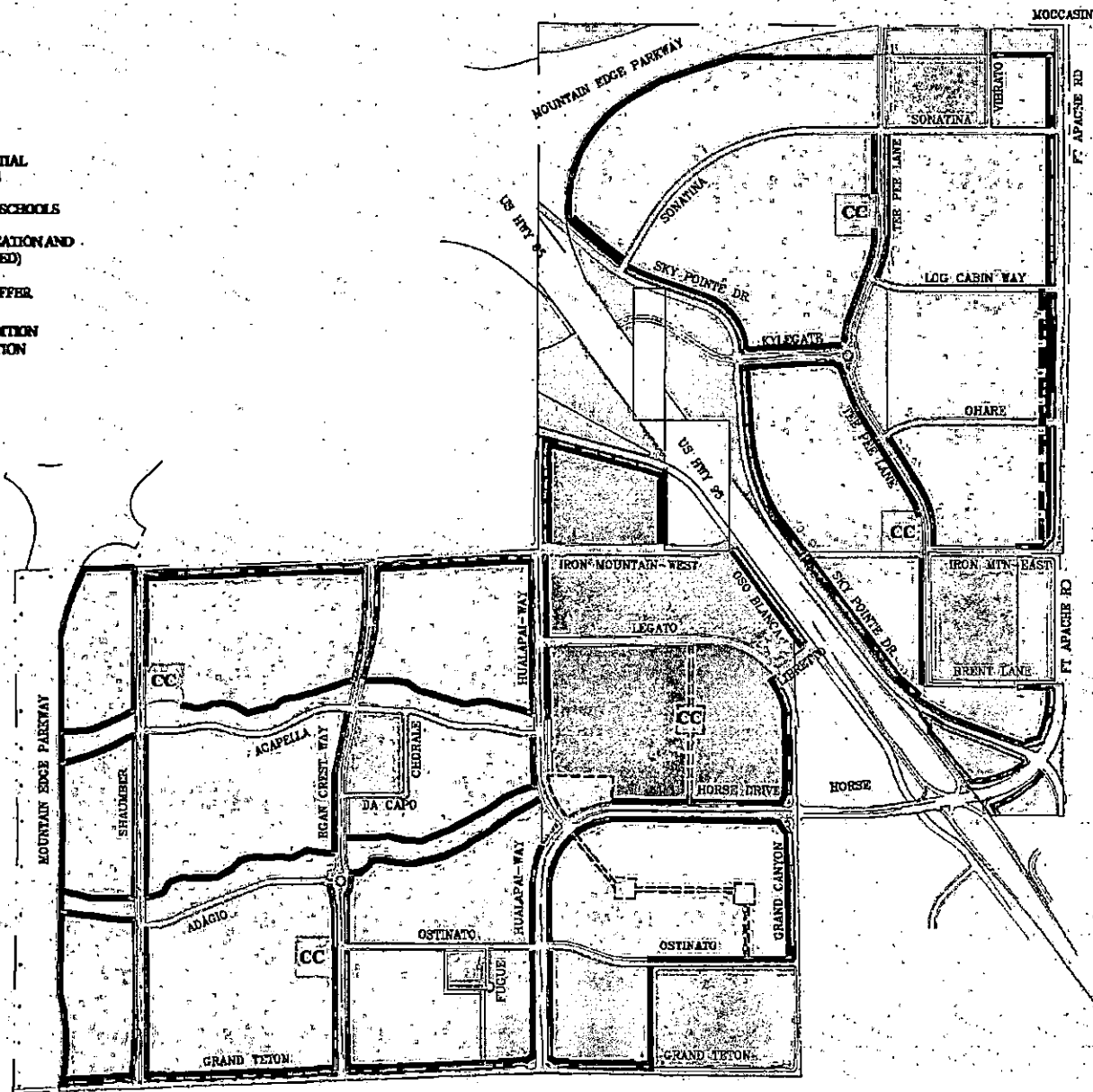


FIGURE 3-15 KYLE CANYON EDGE CONDITION MAP

3.5 RESIDENTIAL BUILDING TYPE STANDARDS

The following section illustrates the character of homes in Kyle Canyon's neighborhoods. Standards for each Residential Building Type include setbacks, building separation, building height, minimum open space, and parking requirements. Single Family and Court and Cluster Residential Building Types shall have a minimum of 2 ½ parking spaces per lot, including garage parking, driveway parking and on-street parking. Tandem garage parking shall be considered as a single parking space. Annotated diagrams illustrate many of the lot layout options. Other possible arrangements will be reviewed by the Master Developer to ensure compliance with the intent of the standards.

Figure 3-19 is a summary of the Residential Building Types allowed on Neighborhood and Village Streets in the Neighborhood Residential, Urban Mixed-Use, and Town Center Mixed-Use Districts. Figure 3-20 summarizes additional information regarding the permitted Residential Building Types.

Single Family Detached Residential Building Types

Estate Lot

Estate Lot homes are detached single family homes on larger than average lots. Estate Lots are sufficiently wide to allow for garages to be accommodated near the front façade of the main building in a variety of configurations. Garages may be accessed from a Front or Side Drive or from an alley, and garages may be attached or detached in either condition. If more than two garage doors are provided, turn-in or split garage treatments or one of the three car garage treatments described below in Section 4.3.2 must be used to reduce their visual impact.

Standard Lot

Standard Lot homes are the mainstay of the traditional family home market, with lots at least 45' feet wide that offer residents the

quintessential neighborhood lifestyle with private space. As with Estate lots, front door entries and outdoor spaces should be visible from the street. Garages may be accessed from rear alleys or from a Front or Side Drive and garages may be attached or detached in either condition.

Compact Lot

Compact Lot homes offer a strong community environment in desirable locations. Double Front Drive Garages are not permitted on Compact Lots unless the lot is at least 44' in width. Single Front Drive Garages with tandem parking and Side Drive Garages are permitted on lots of at least 36' in width. Garages may be accessed from rear alleys or from a Front or Side Drive and garages may be attached or detached in either condition.

Court and Cluster Residential Building Types

Court and Cluster Residential Building Types are relatively new types that have proven to be a popular option, especially for couples, young families and empty nesters that don't have a need for a large home or big yard. Buffered from the street by shared open spaces, Court and Cluster homes create a micro-community within the larger neighborhood for their residents.

Green Court

Green Courts are clusters of up to 16 detached single family homes that face onto three sides of a shared green. The shared greens provide a controlled environment for younger children and a park-like atmosphere in which to play without crossing any streets, as the court-facing homes allow easy supervision by parents or community members. Green Courts also serve as a setting for informal interaction and gatherings. At least one side of the green is adjacent to a street, making front entrances visible from the street and providing on-street guest parking opportunities. Because the homes face a common green space, garages must be accessed from rear alleys or common drives. In order to accommodate partial clusters at the ends of a string of green court clusters, up to 30% of the

5.2.10 CORNER LOTS

Corner lots shall be landscaped as an extension of the front yard zone. Consistent plant species and densities should be used including the extension of artificial turf, where used, to wrap the corner. All exposed walls must be screen planted to break up expanses of the wall.

5.2.11 ALLEY ZONE

For purposes of this section, an "Alley" is any road that meets the cross section definition of an Alley in Section 6 and the "Alley Zone" is the landscapeable common area (excludes garage aprons and areas required for utility boxes and equipment) adjacent to the alley curbs. All areas between a product and Alley shall be planted using a palette consistent with the parcel theme, and using plants shown in the Alley Zone on the Master Plant Palette (Section 5.7.10). Screen planting shall be used whenever possible to hide expanses of walls with hedging and espaliers.

The lot owner or a homeowners' association must maintain landscape areas between walls and edge of pavement. This planting area must be irrigated by the individual lot irrigation system. All landscape in the Alley Zone must be designed and installed on each lot prior to close of escrow.

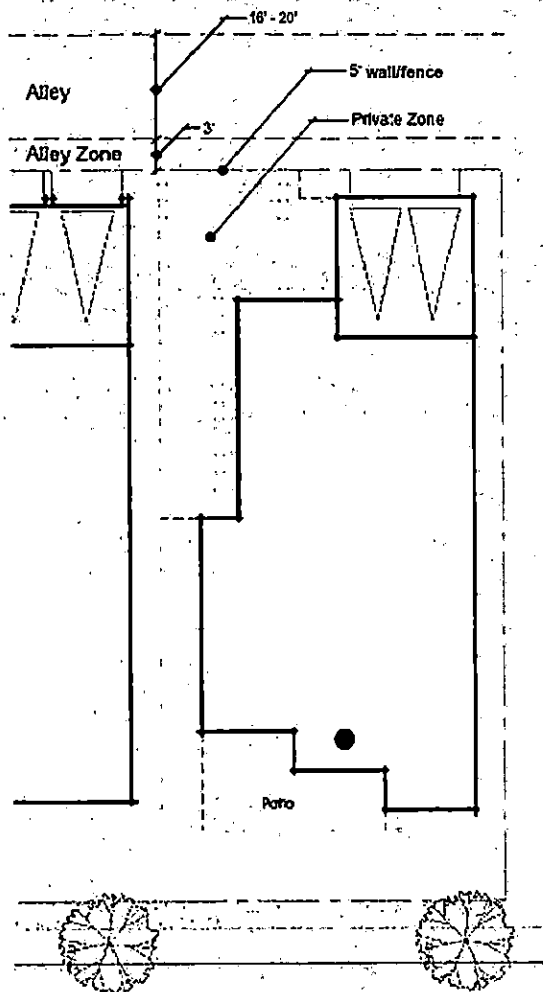
Minimum requirements for the Alley Zone are as follows, subject to the requirements of a builder's geotechnical report and recommendations:

- Shrub Density: 1 plant per 20 square feet. 5-gallon (25%). 1-gallon (75%).
- Lawn: Not allowed
- 8" Maximum height groundcovers in first three feet adjacent to alley curbs
- Full coverage of granite mulch, paver or stamped concrete

5.2.12 PRIVATE ZONE

The Private Zone is a private use area of an individual dwelling enclosed by a 5' minimum wall that is not visible from public areas, and is for the private use and enjoyment of occupant(s). Private zone planting is encouraged, but not required, to follow the approved Master Plant Palette. Areas with view fencing are not included in private zones, and must follow the same criteria for front yards. Any plants in the private zones that will grow to a height of six feet at maturity shall be selected from the Typical Front Yard palette.

Turf areas located in rear yards must be setback from adjacent walls by a minimum of five feet in order to minimize damage to neighbor walls. The aggregate size of the turf area and surface area of swimming pools may not exceed 40% of the rear yard area or 1,000 square feet, whichever is less. Trees must be set back a minimum of three feet from sidewalks, curbs, driveways, fences and walls.



5.2.13 FRONT YARD LANDSCAPING

To ensure similar coverage of plant materials and smooth transitions between streetscapes and adjacent lots, planting densities are based on landscapable areas, not including artificial turf areas. In order to

achieve this effect, the palette of plant species is limited to no less than five and no more than ten.

5.2.14 FRONT YARD- ESTATE LOTS

- 24" Large Tree:
 - 2 per lot
- Shrub Density:
 - 1-5 gallon plant per 40 square feet.
 - 1-1 gallon plant per 40 square feet.
 - 1-1 gallon accent plant per 125 square feet
- Entry Walk:
 - 4'-0" min with 5'-0" max. Minimum 2'-0" off set from house.
- Lawn:
 - Artificial turf only in areas that are 250 s.f. minimum
- Full coverage of granite mulch.
- Maintain access to rear yards at side yards.
- Trees must be set back a minimum of 3 feet from sidewalks, curbs, driveways, fences and walls

5.2.15 FRONT YARD- STANDARD LOTS, COMPACT LOTS, CLUSTER HOMES

- 24" Large Tree:
 - 1 per lot.
- 15 gallon Small Tree:
 - 1 per lot + 1 per lot on corner lots.
- Shrub Density:
 - 1-5 gallon plant per 100 square feet.
 - 1-1 gallon plant per 75 square feet.
 - 1-1 gallon accent plant per 170 square feet.
- Entry Walk:
 - 3'-0" min with 5'-0" max. Minimum 2'-0" off set from house.
- Lawn:
 - Artificial turf only in areas that are 250 s.f. minimum.

Alongside parks and open spaces, Neighborhood Streets will have front doors facing onto them on one side of the street, with a detached sidewalk, landscaping and on-street parking. On the opposite side, pedestrian and bicycle paths will run through the open space. This configuration provides a premium location for homes facing onto the open space and also allows views of the open space for all residents as they travel through the community. (Refer to Figure 6-6).

Alleys shall be provided, in conformance with the standards set forth in the design guidelines. If alleys are provided in residential developments, they shall be in accordance with the alley cross sections provided in this Section. All alleys shall be mapped as a common element and privately maintained, unless they meet the criteria for public alleyways as established by the City of Las Vegas. Generally alleys will have 16' to 20' of drivable surface (including curbs) and 3' landscape buffers adjacent to both curbs. Garages will be set back an additional 4' (minimum) on each side to permit landscaping as required by Section 5.2.11. (Refer to Figure 6-7).

Access Road configuration adjacent to the Mountain Edge Parkway Right of Way, west of Fort Apache will be provided. This access road will provide circulation for the proposed school site.

6.2 TRAFFIC STUDY

A Master Traffic Study has been completed which evaluated the adequacy of the proposed street system and the surrounding streets. This analysis established criteria, for roadway and intersection geometrics, traffic control, and parcel entrances. The Master Traffic Study identified the necessary roadway alignments and cross-sections for the infrastructure streets, including block lengths controls for builder streets within the project. Individual neighborhood street networks, land uses, and final pod densities have not been specifically identified. Updates to the Master Traffic

Study may be required, based on individual site plans and land use information submitted as the development progresses.

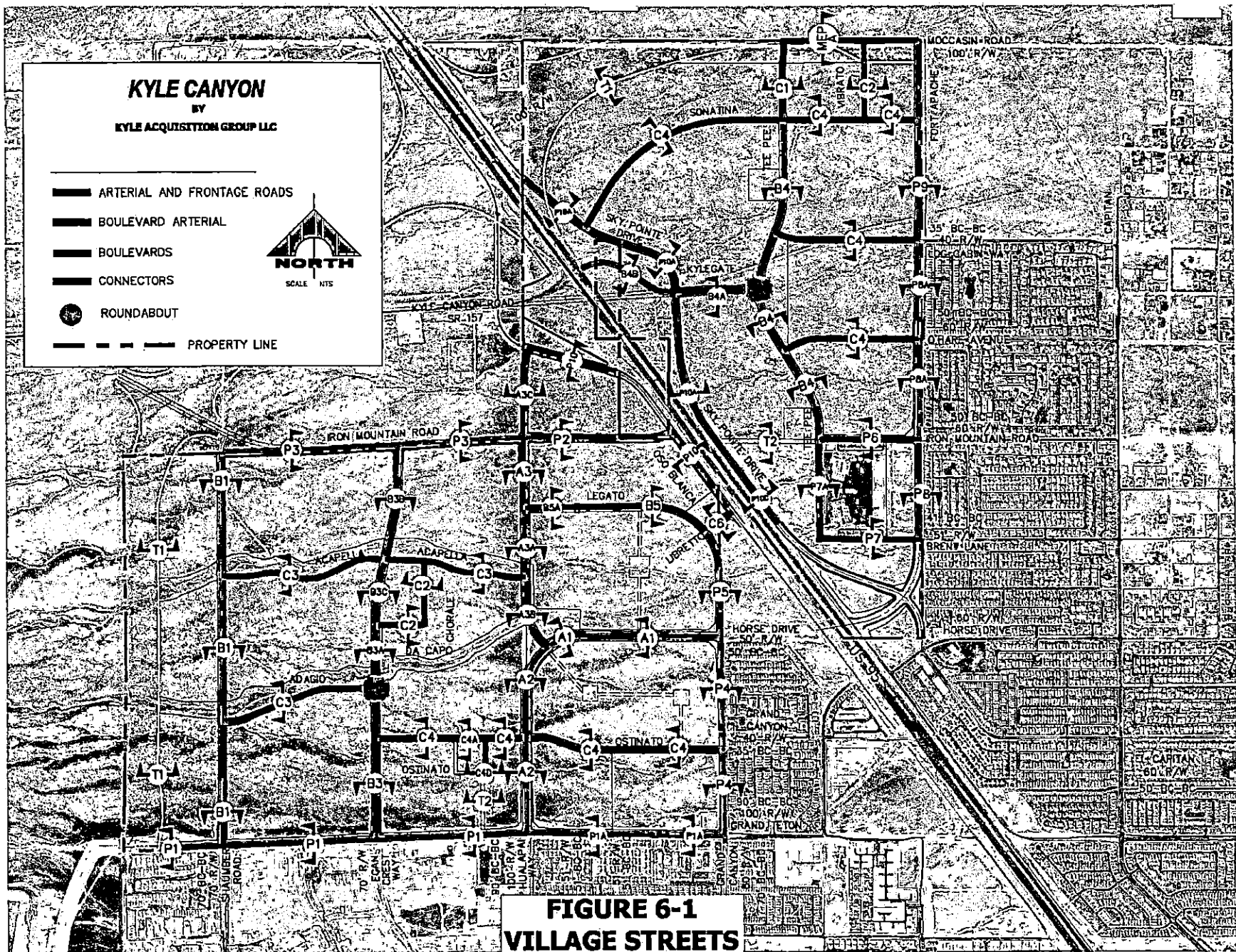
Where pod development is determined to be in conformance with the recommendation and assumptions in the Master Traffic Study no additional site specific traffic study is required. If the builder's density is significantly greater than what was assumed, or access to the Village Streets significantly deviates from the Master Study, then that builder shall be responsible for a site specific traffic study which shall be processed and approved by the City of Las Vegas.

6.3 STREET OFF-SETS

Neighborhood streets shall not have centerline intersection offsets of less than 100' unless approved by the Master Developer.

6.4 DRAINAGE

A Master Drainage Study has been completed which evaluates the required storm drain infrastructure based on a proposed street network and development plan. The Master Drainage Study identifies drainage flows that impact the Community and how those flows should be routed through and around the site in accordance with local design criteria. Technical Drainage Studies will be completed per phase, utilizing the Master Drainage Study as a basis to refine the drainage infrastructure requirements.



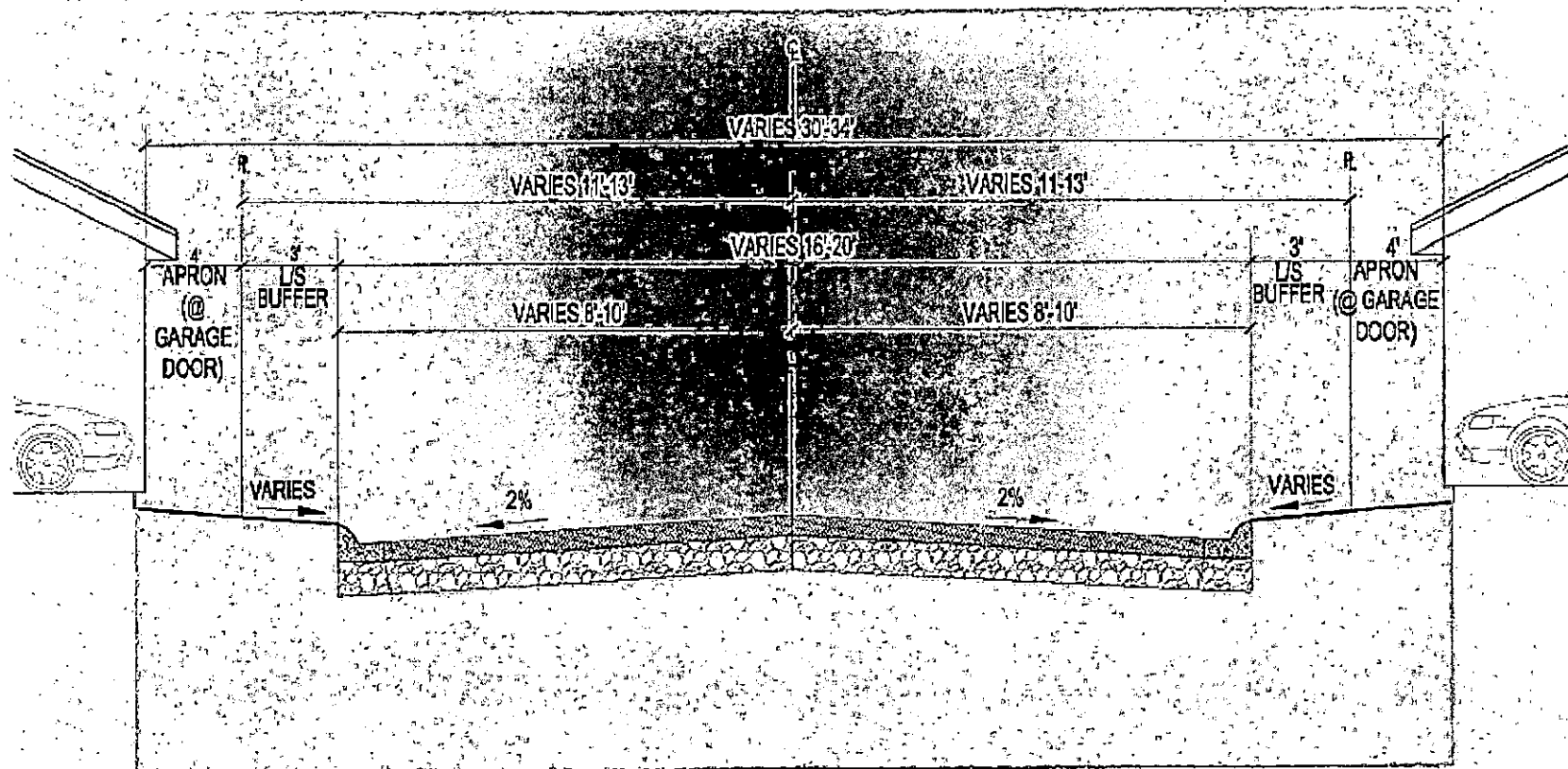
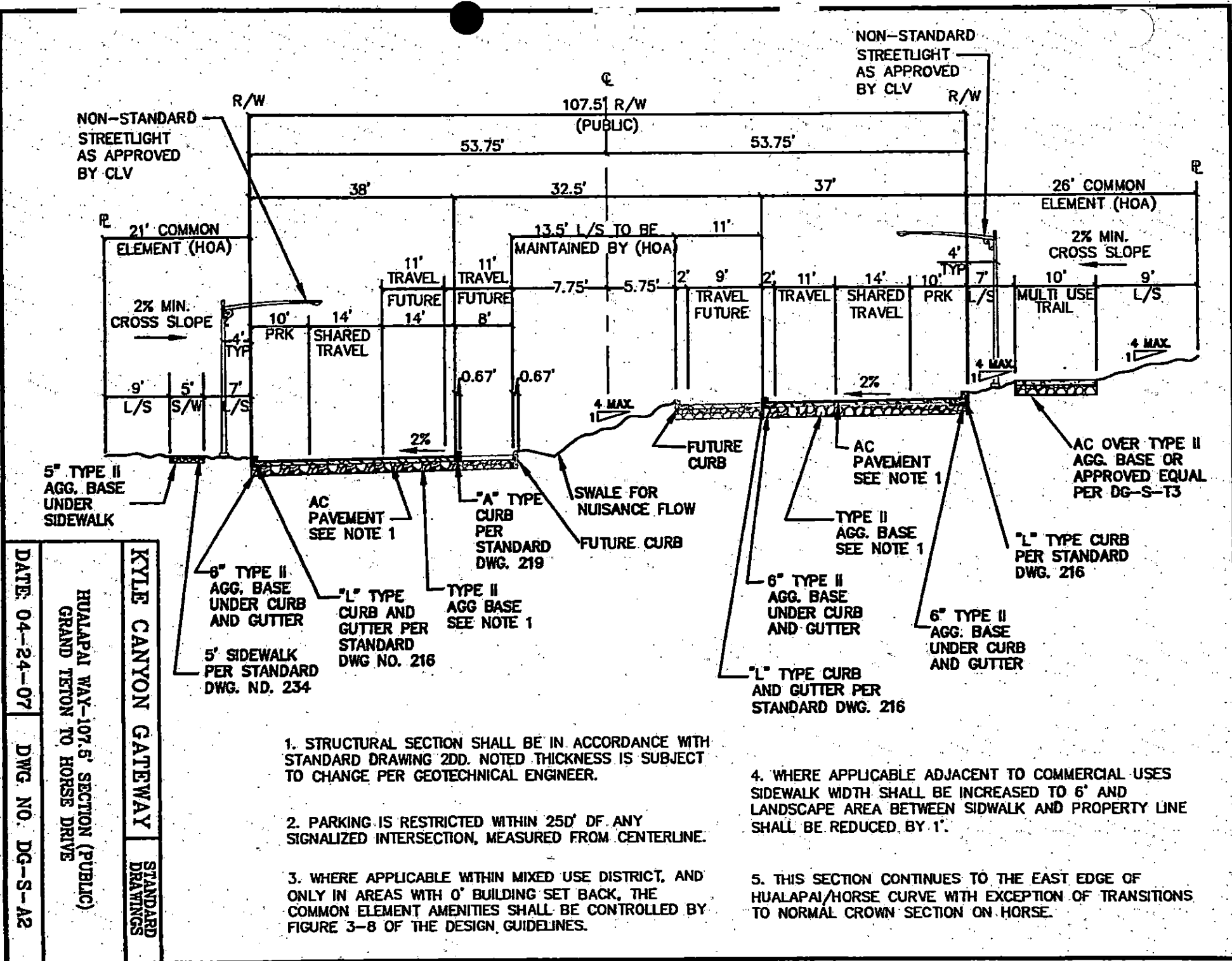


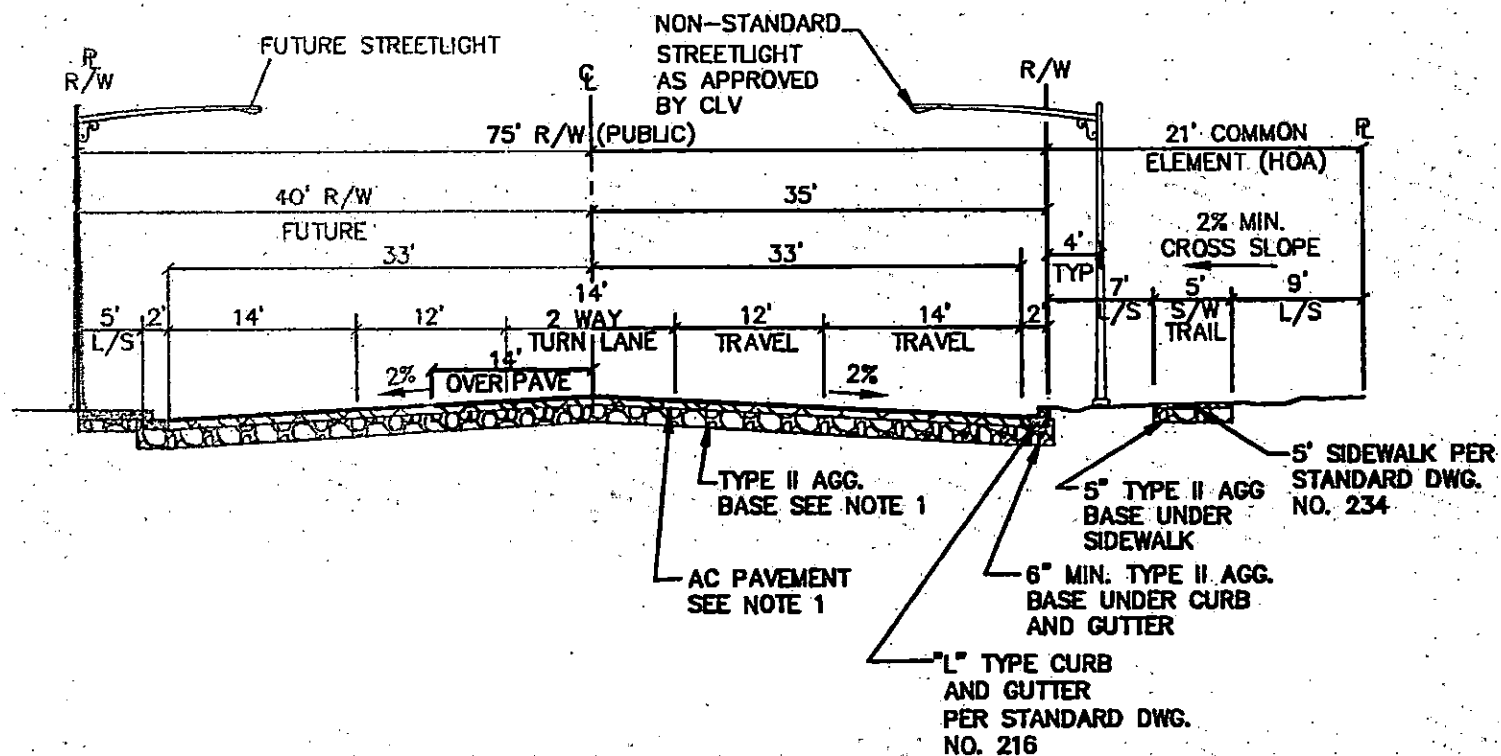
FIGURE 6-7

ALLEYS

Alleys shall be provided, in conformance with the standards set forth in the design guidelines. If alleys are provided in residential developments, they shall be in accordance with the alley cross sections provided in this Section. All alleys shall be mapped as a common element and privately maintained, unless they meet the criteria for public alleyways as established by the City of Las Vegas. Generally alleys will have 16' to 20' of drivable surface (including curbs) and 3' landscape buffers adjacent to both curbs. Garages will be set back an additional 4' (minimum) on each side to permit landscaping as required by Section 5.2.11.







NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.

2. WHERE APPLICABLE ADJACENT TO COMMERCIAL USES SIDEWALK WIDTH SHALL BE INCREASED TO 6' AND LANDSCAPE AREA BETWEEN SIDEWALK AND PROPERTY LINE SHALL BE REDUCED BY 1'.

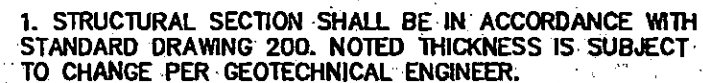
DATE: 04-24-07

DWG. NO. DG-S-A3C

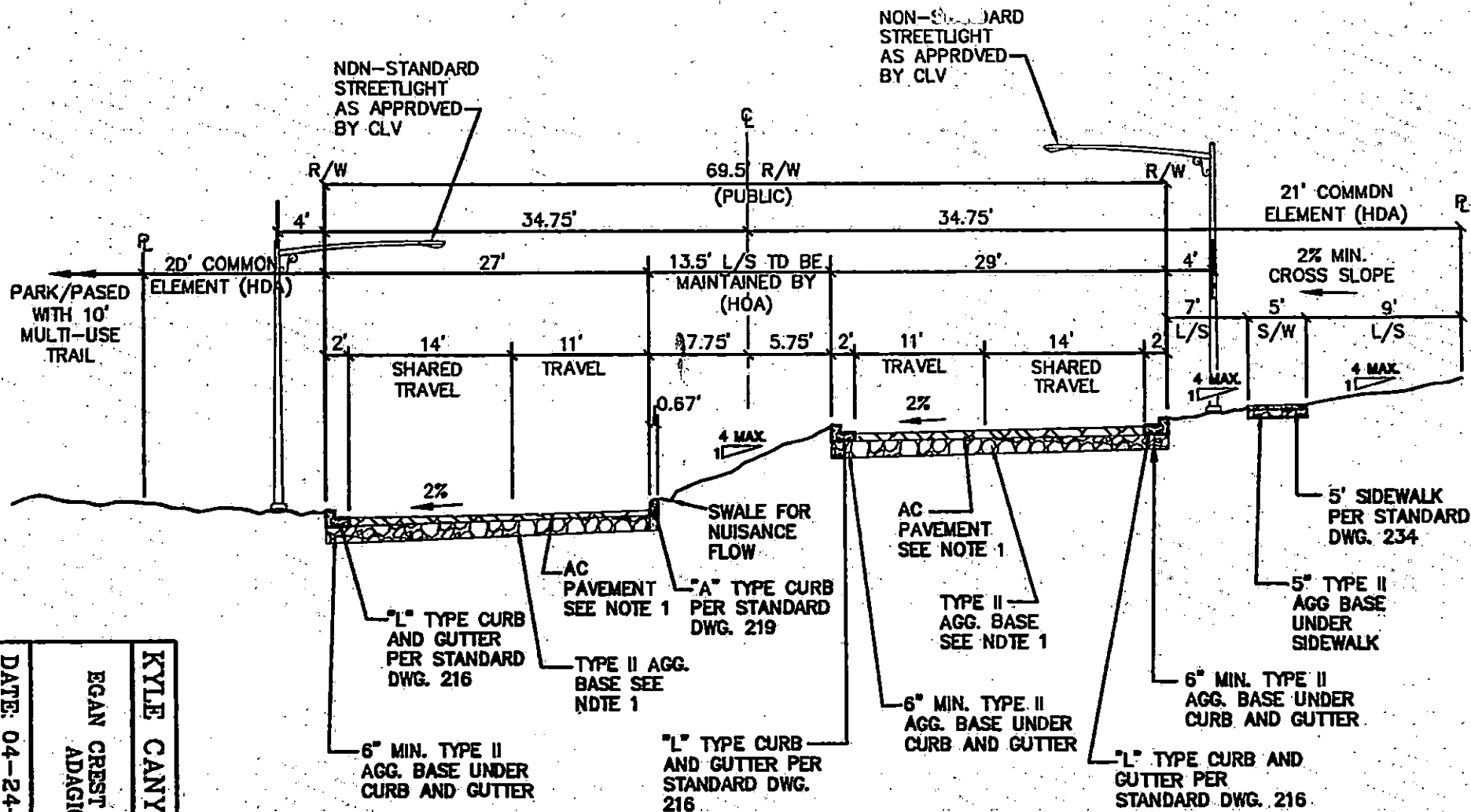
HUALAPAI WAY-75' SECTION (PUBLIC)
IRON MOUNTAIN TO OSO BLANCA

KYLE CANYON GATEWAY

STANDARD
DRAWINGS



SHAUMBER ROAD-62' SECTION
(PUBLIC)



DATE: 04-24-07 DWG NO. DG-S-B3A

KYLE CANYON GATEWAY

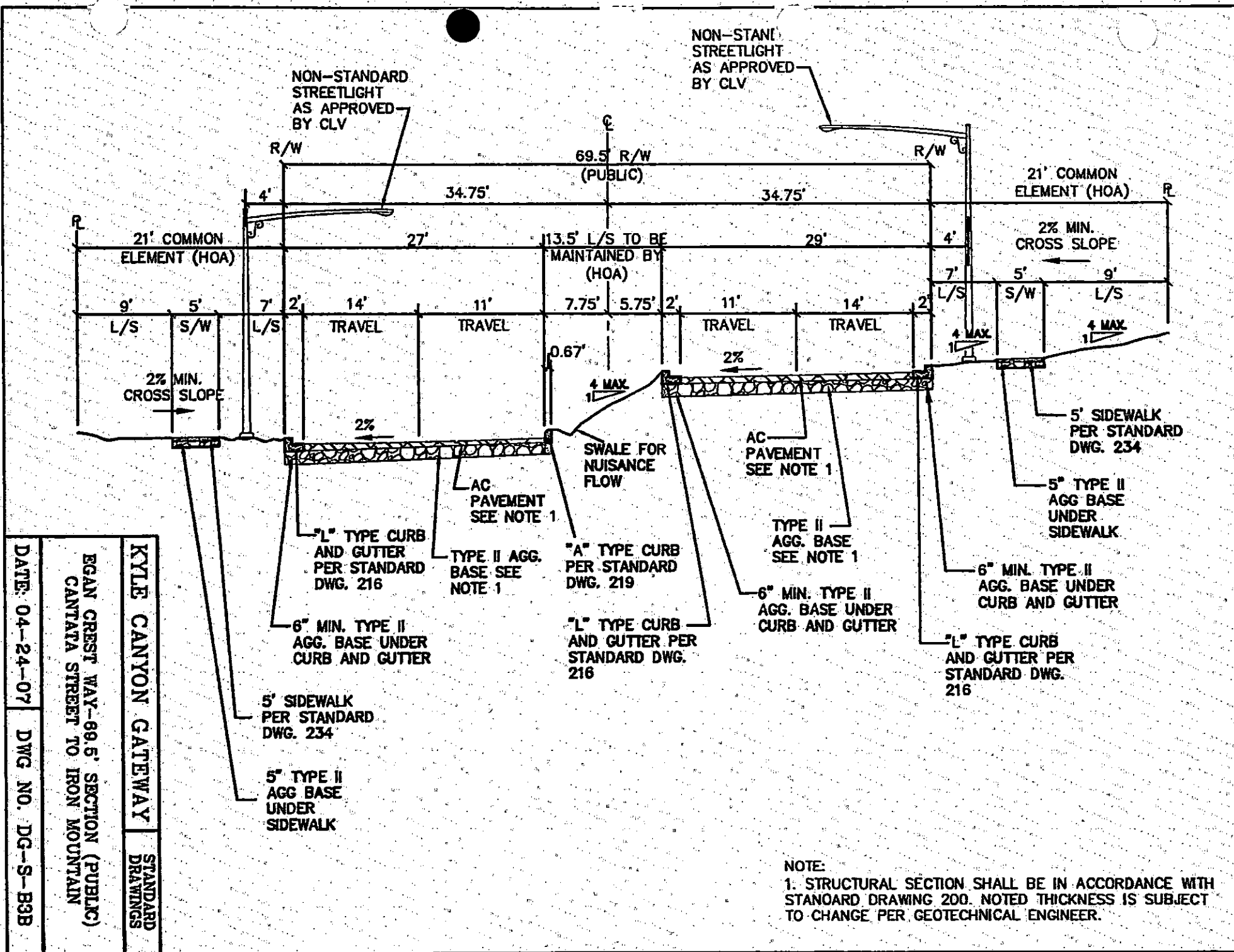
EGAN CREST WAY-69.5' SECTION (PUBLIC)

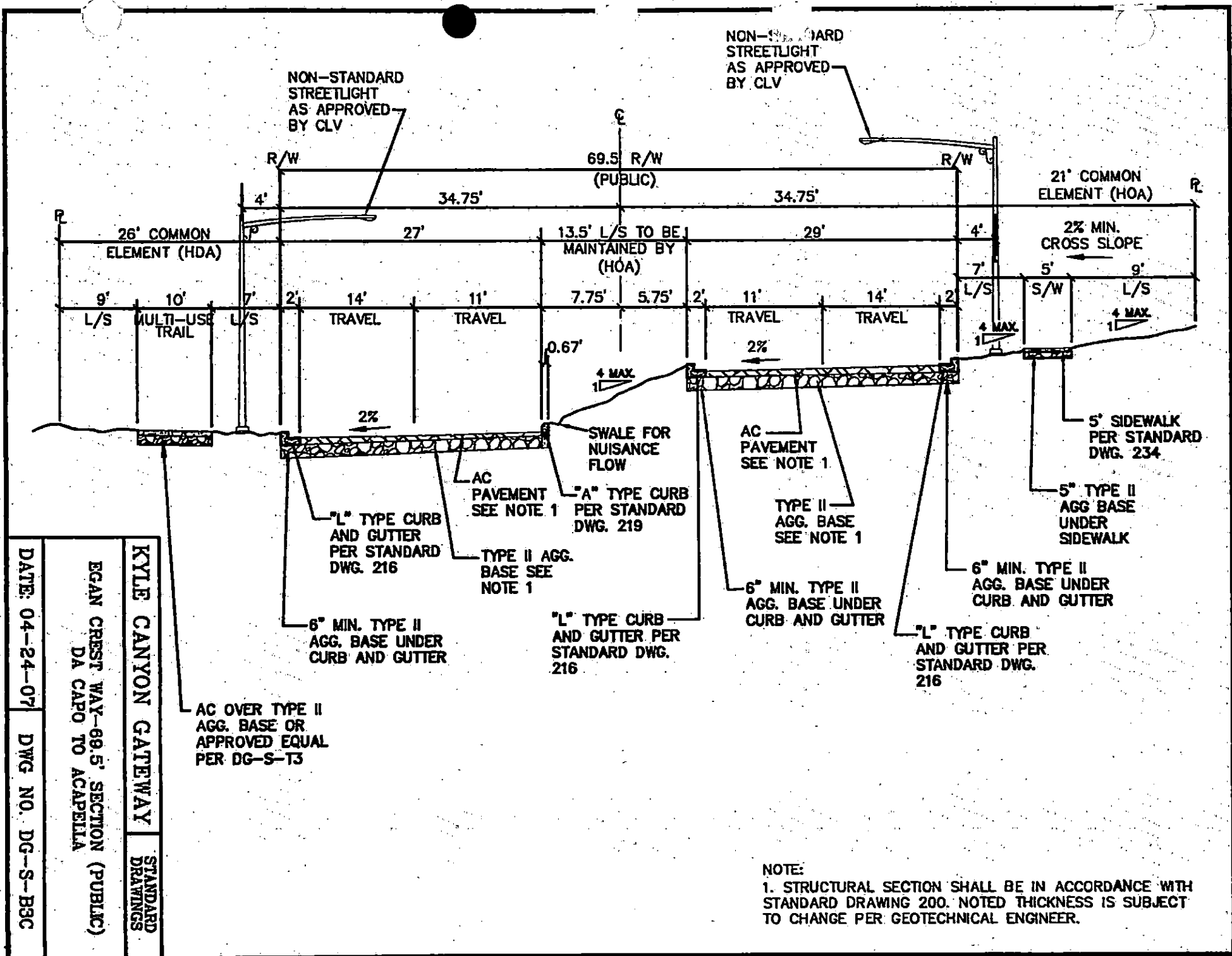
ADAGIO STREET TO DA CAPO

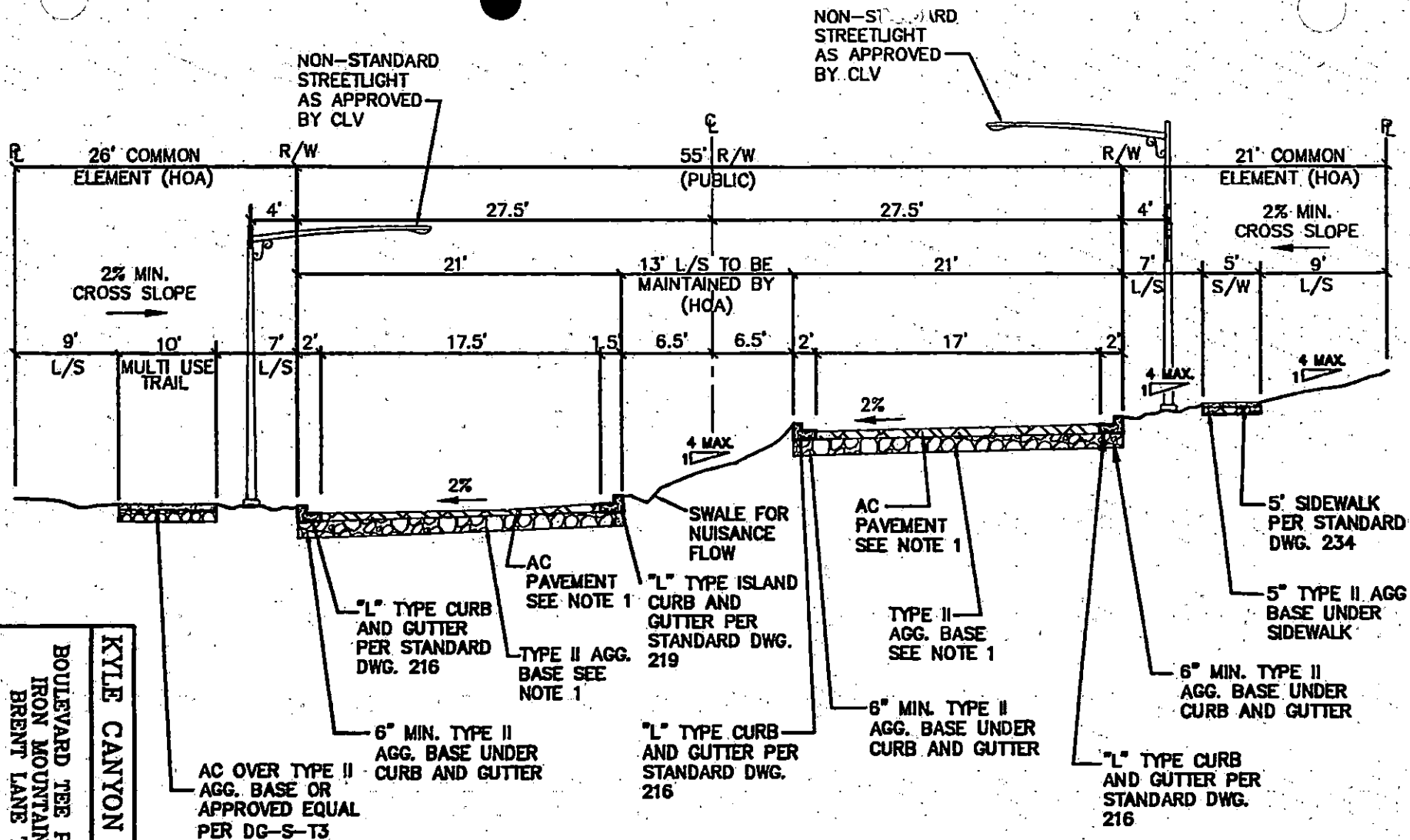
STANDARD DRAWINGS

NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 20D. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.







DATE: 04-24-07

DWG NO. DG-S-B4

KYLE CANYON GATEWAY

STANDARD DRAWINGS

BOULEVARD TEE PEE-65' SECTION (PUBLIC)

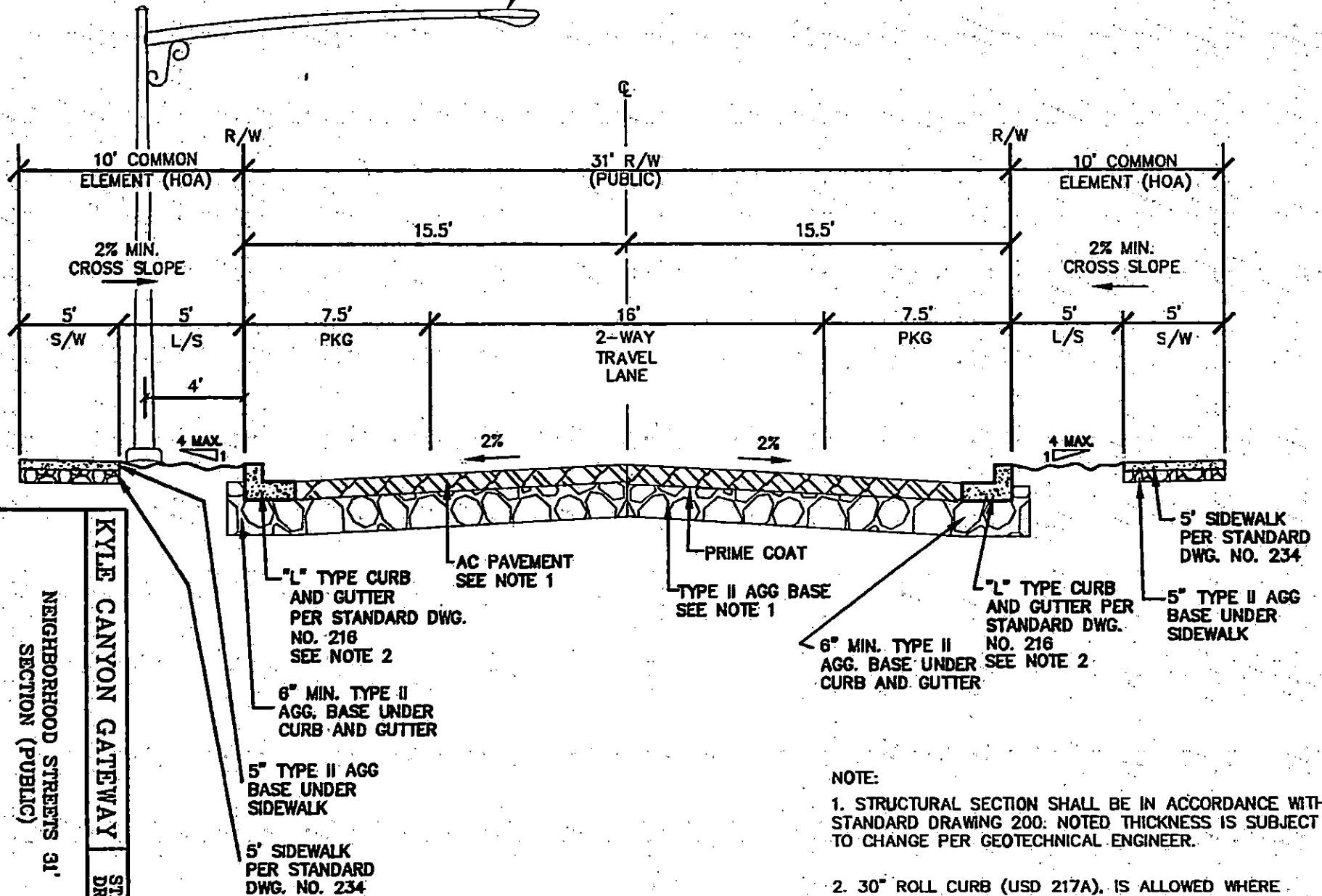
IRON MOUNTAIN TO SONATINA STREET

BRENT LANE TO SKY POINTE DRIVE

NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.

NON-STANDARD
STREETLIGHT AS
APPROVED BY CLV



NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200: NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.

2. 30" ROLL CURB (USD 217A), IS ALLOWED WHERE DRAINAGE CONDITIONS PERMIT. EXCEPT WHERE ABUTTING ALLEY-LOADED RESIDENTIAL LOTS. INCREASED ROADWAY WIDTHS MAY BE ACCOMMODATED BY REDUCING COMMON ELEMENT.

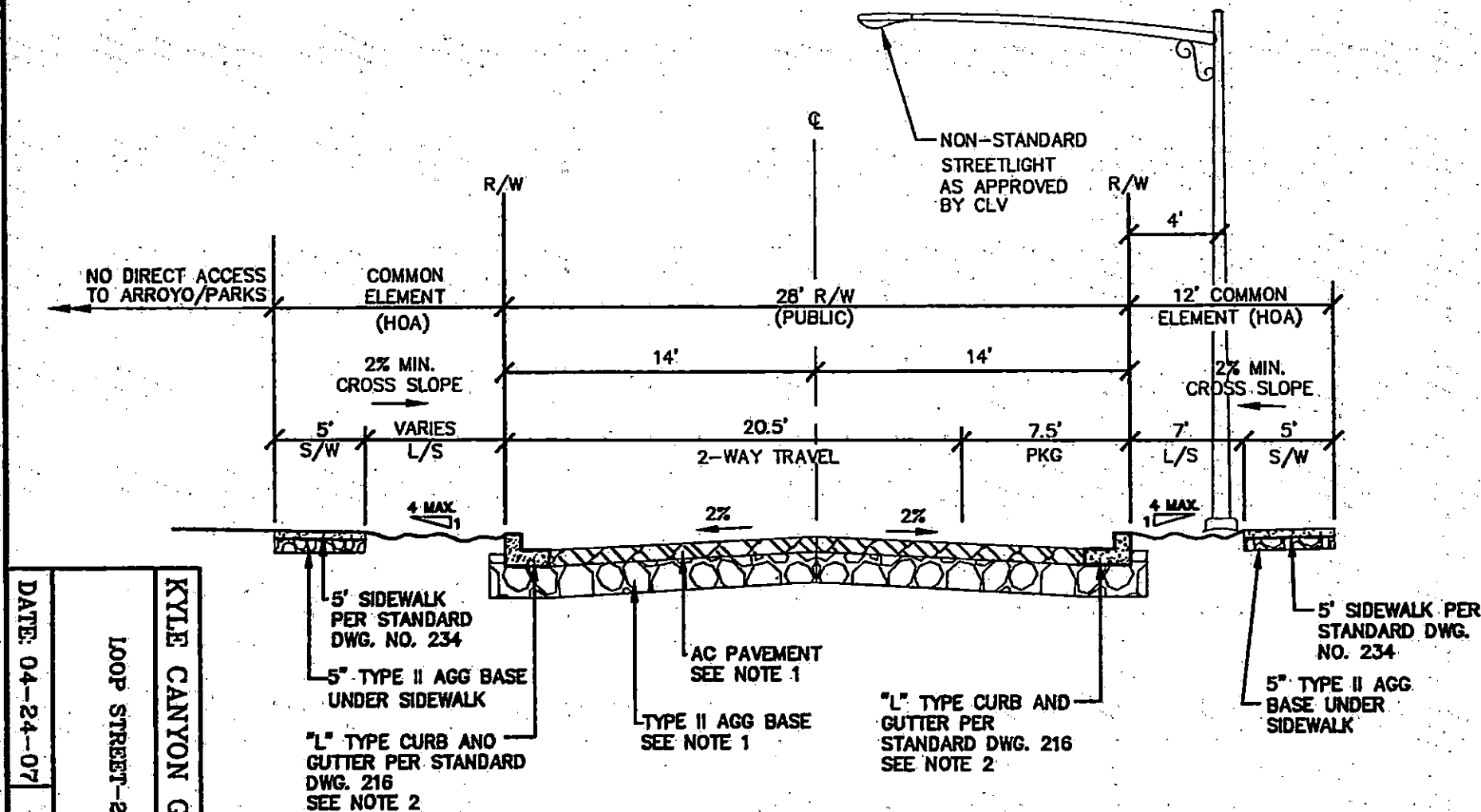
DATE: 04-24-07

DWG NO. DG-S-D1

NEIGHBORHOOD STREETS 31'
SECTION (PUBLIC)

KYLE CANYON GATEWAY

STANDARD
DRAWINGS



NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.

2. 30" ROLL CURB (USD 217A), IS ALLOWED WHERE DRAINAGE CONDITIONS PERMIT. EXCEPT WHERE ABUTTING ALLEY-LOADED RESIDENTIAL LOTS. INCREASED ROADWAY WIDTHS MAY BE ACCOMMODATED BY REDUCING COMMON ELEMENT.

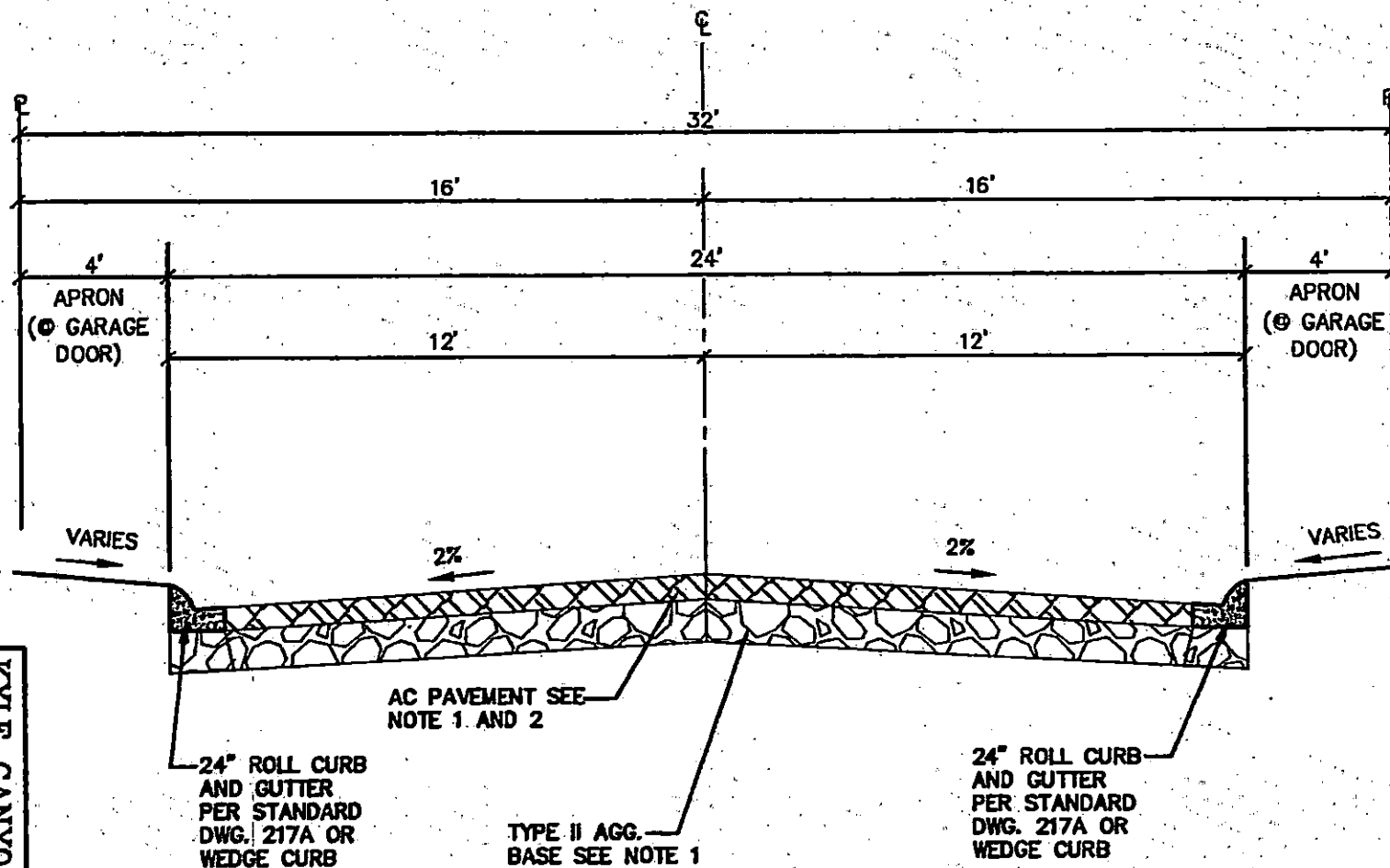
DATE: 04-24-07

DWG NO. DG-S-D2

LOOP STREET-28' SECTION (PUBLIC)

KYLE CANYON GATEWAY

STANDARD DRAWINGS



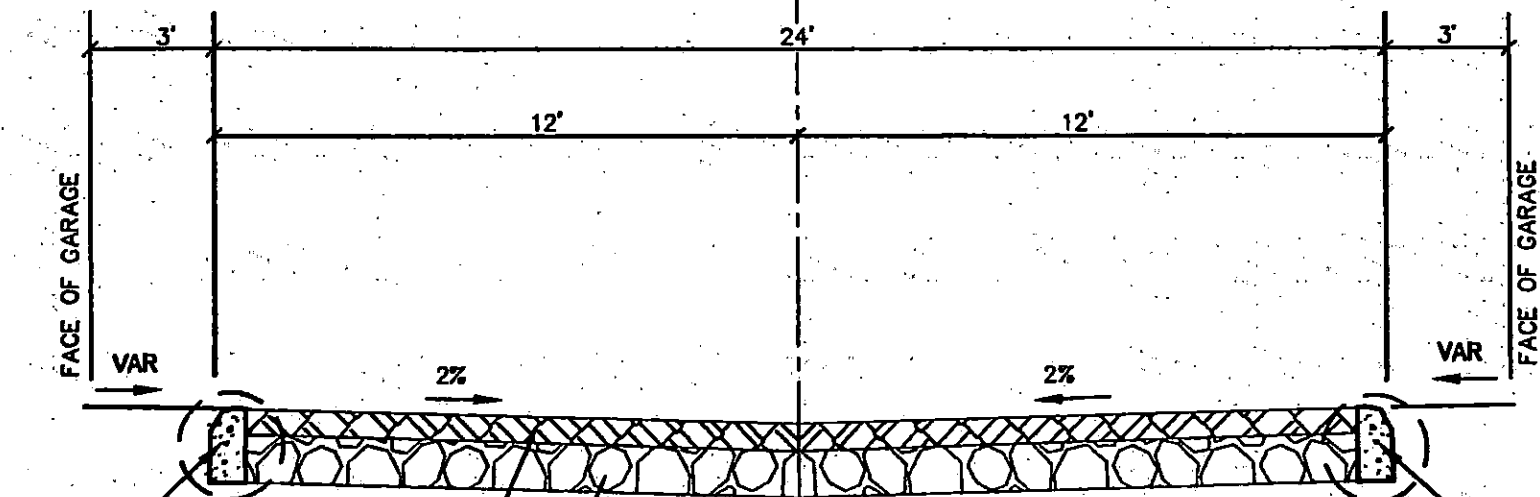
NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 20D. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.

2. ASPHALT MAY BE REPLACED WITH EQUIVALENT CONCRETE BLOCK SECTION

3. "L" CURB AND GUTTER ALLOWED, PER STANDARD DWG. 216.

DATE: 04-24-07	DWG NO. DG-S-D3
KYLE CANYON GATEWAY	
COURT STREET-32' SECTION	
(PRIVATE)	
STANDARD DRAWINGS	



"A" TYPE CURB FLUSH WITH AC PER STANDARD DWG. 219

AC PAVEMENT SEE NOTE 1 AND 2

TYPE II AGG. BASE SEE NOTE 1

"A" TYPE CURB FLUSH WITH AC PER STANDARD DWG. 219

DRIVEWAY OR LANDSCAPE

REVERSE "L" CURB ALTERNATIVE

DRIVEWAY OR LANDSCAPE

REVERSE "L" CURB ALTERNATIVE

NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.
2. ASPHALT MAY BE REPLACED WITH EQUIVALENT CONCRETE BLOCK SECTION
3. 34' MINIMUM CLEAR DISTANCE BETWEEN OPPOSING GARAGE FACES REQUIRED WHERE COURT STREET CONTAINS PUBLIC WATER MAINS.

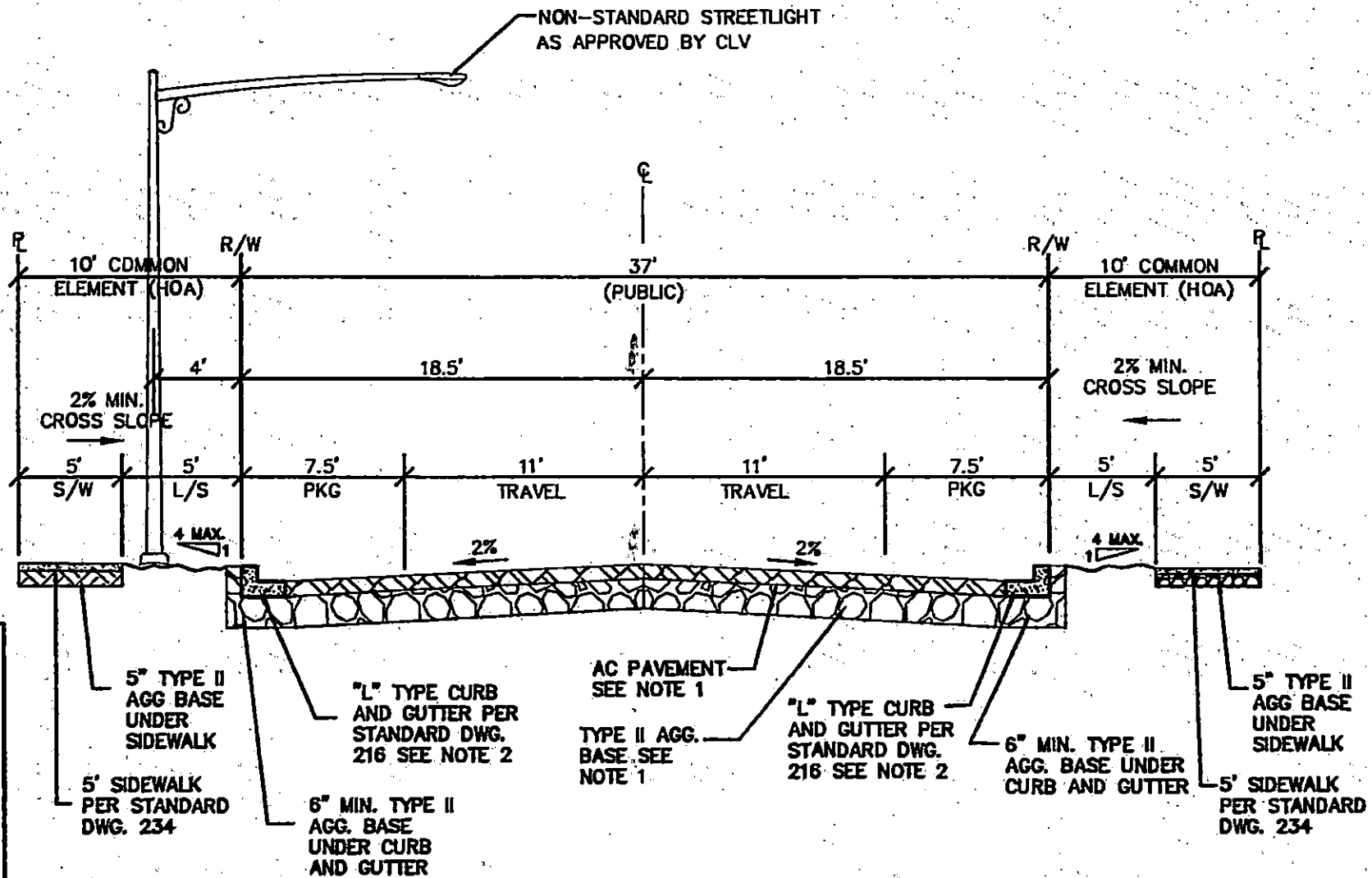
KYLE CANYON GATEWAY

STANDARD DRAWINGS

MOTOR COURT STREET-24' SECTION (PRIVATE)

DATE: 04-24-07

DWG NO. DG-S-D4



NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.

2. 30" ROLL CURB (USD 217A), IS ALLOWED WHERE DRAINAGE CONDITIONS PERMIT. EXCEPT WHERE ABUTTING ALLEY-LOADED RESIDENTIAL LOTS. INCREASED ROADWAY WIDTHS MAY BE ACCOMMODATED BY REDUCING COMMON ELEMENT.

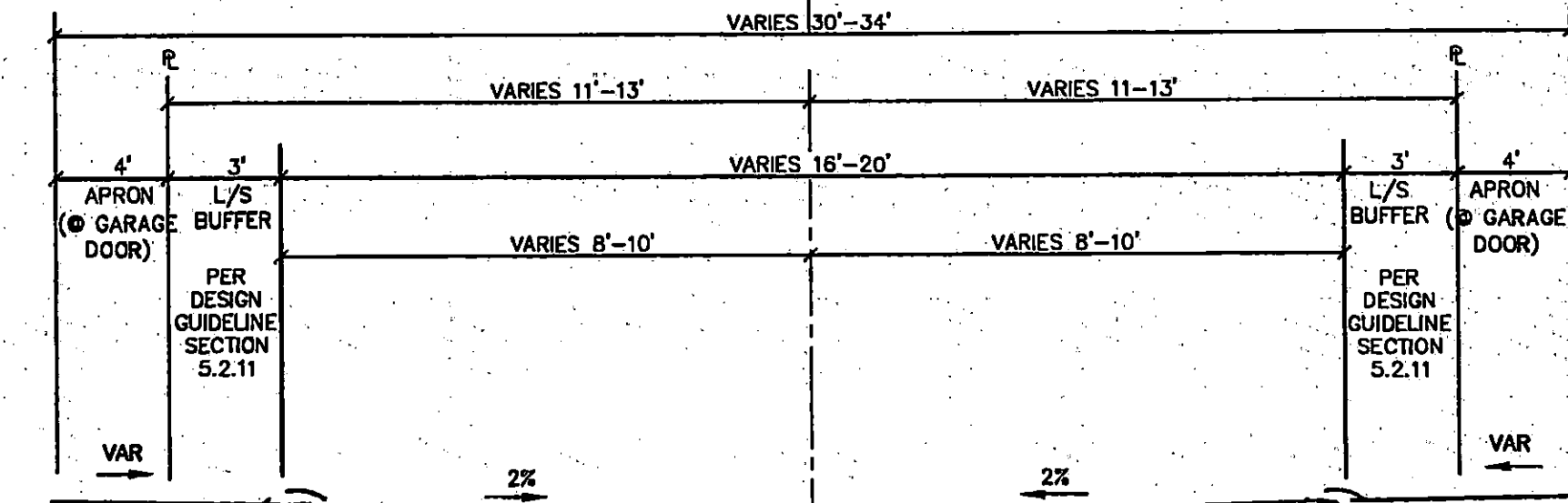
DATE: 04-24-07

DWG. NO. DG-S-D5

NEIGHBORHOOD STREETS
37' SECTION (PUBLIC)

KYLE CANYON GATEWAY

STANDARD
DRAWINGS



"A" TYPE CURB FLUSH WITH AC PER STANDARD DWG. 219

AC PAVEMENT SEE NOTE 1 AND 2

TYPE II AGG. BASE SEE NOTE 1

DRIVEWAY OR LANDSCAPE

REVERSE "L" CURB ALTERNATIVE

"A" TYPE CURB FLUSH WITH AC PER STANDARD DWG. 219

DRIVEWAY OR LANDSCAPE

REVERSE "L" CURB ALTERNATIVE

NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.
2. ASPHALT MAY BE REPLACED WITH EQUIVALENT CONCRETE BLOCK SECTION
3. 34' MINIMUM CLEAR DISTANCE BETWEEN OPPOSING GARAGE FACES REQUIRED WHERE COURT STREET CONTAINS PUBLIC WATER MAINS.

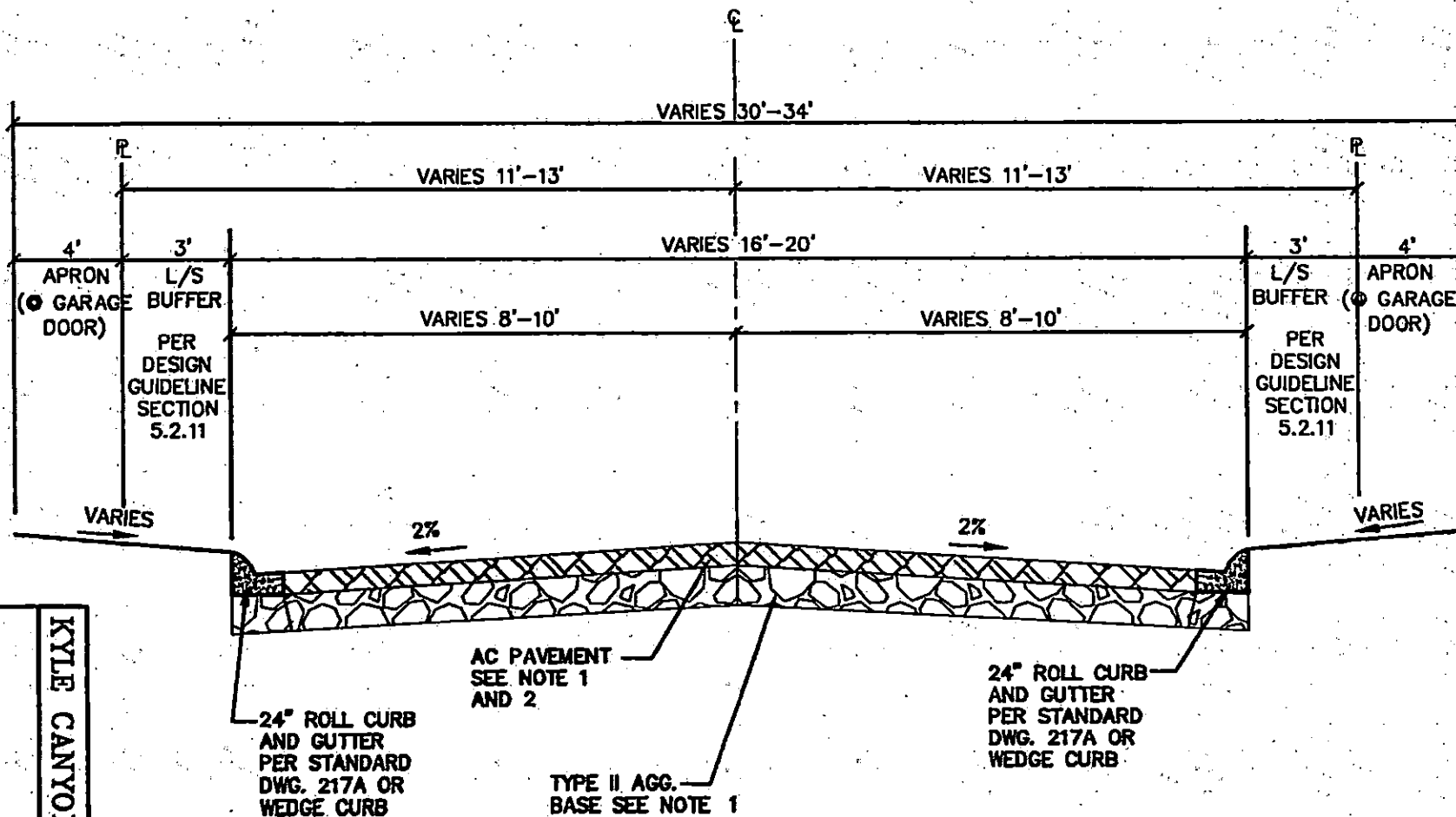
DATE: 04-24-07

DWG NO. DG-S-E1

KYLE CANYON GATEWAY

STANDARD DRAWINGS

ALLEY-1
(PRIVATE)



NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.
2. ASPHALT MAY BE REPLACED WITH EQUIVALENT CONCRETE BLOCK SECTION
3. 34' MINIMUM CLEAR DISTANCE BETWEEN OPPOSING GARAGE FACES REQUIRED WHERE COURT STREET CONTAINS PUBLIC WATER MAINS.

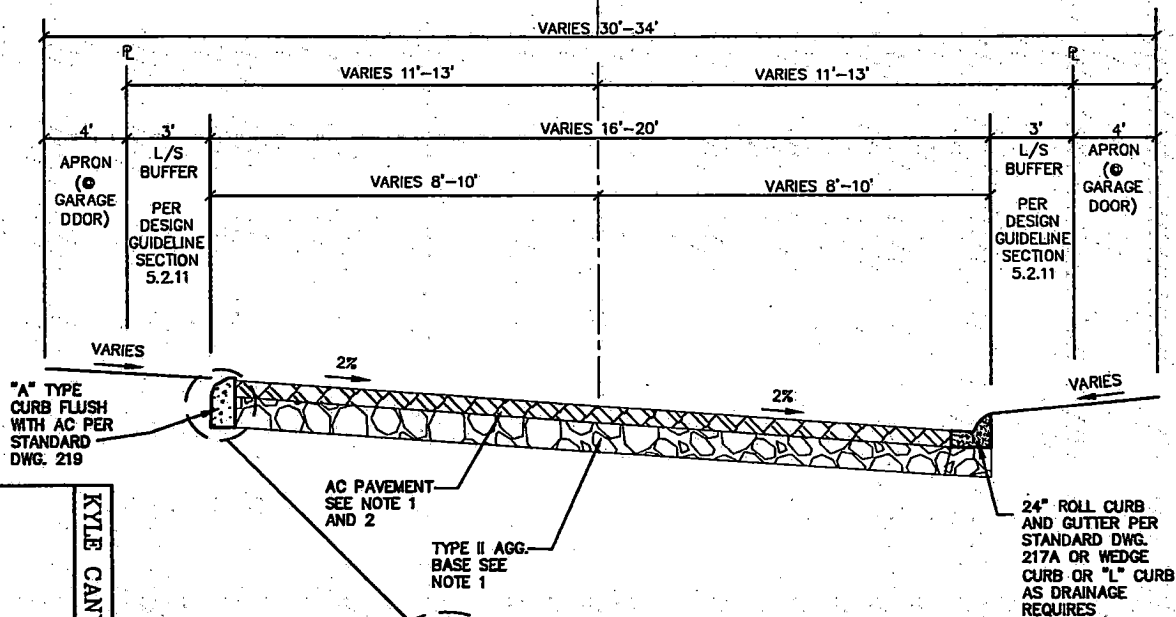
DATE: 04-24-07

DWG NO. DG-S-E2

ALLEY-2
(PRIVATE)

KYLE CANYON GATEWAY

STANDARD
DRAWINGS



DRIVEWAY OR
LANDSCAPE

REVERSE
"L" CURB
ALTERNATIVE

NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.
2. ASPHALT MAY BE REPLACED WITH EQUIVALENT CONCRETE BLOCK SECTION
3. 34' MINIMUM CLEAR DISTANCE BETWEEN OPPOSING GARAGE FACES REQUIRED WHERE COURT STREET CONTAINS PUBLIC WATER MAINS.

DATE: 04-24-07

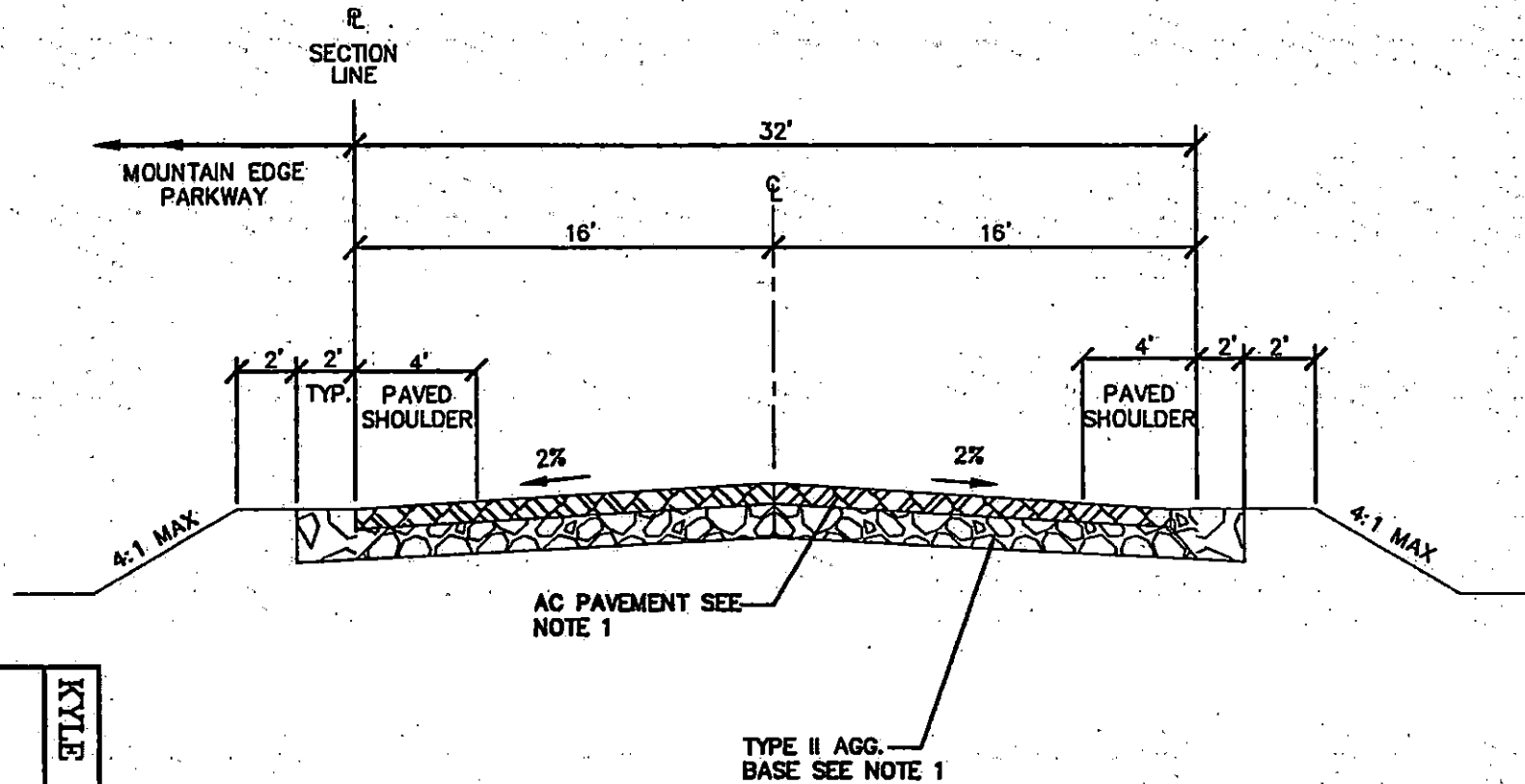
DWG NO. DG-S-E3

KYLE CANYON GATEWAY

STANDARD
DRAWINGS

ALLEY-3
(PRIVATE)

KYLE CANYON GATEWAY



NOTE:

1. STRUCTURAL SECTION SHALL BE IN ACCORDANCE WITH STANDARD DRAWING 200. NOTED THICKNESS IS SUBJECT TO CHANGE PER GEOTECHNICAL ENGINEER.

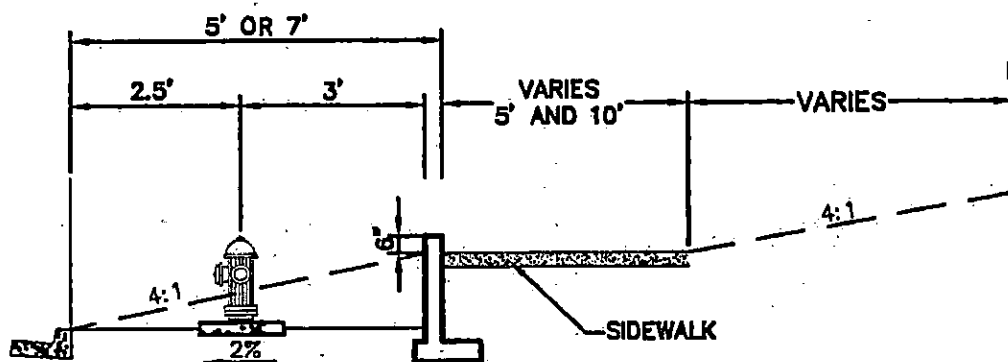
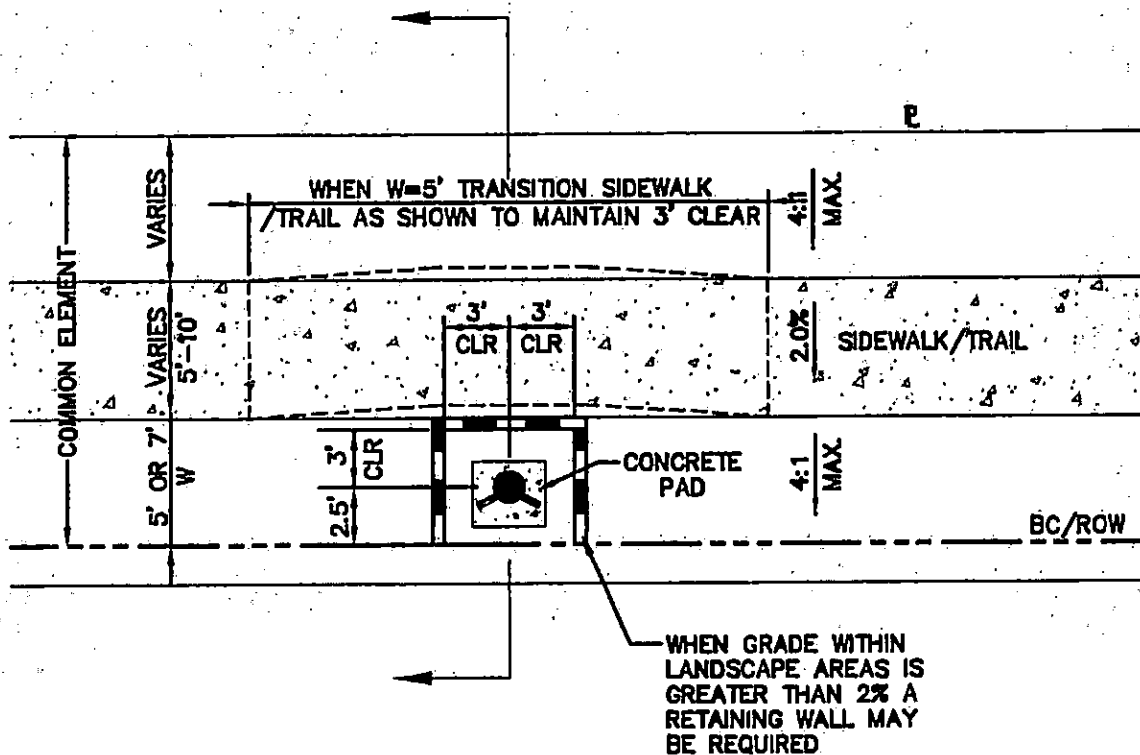
KYLE CANYON GATEWAY | STANDARD DRAWINGS

MOUNTAIN EDGE PARKWAY

DATE: ACCESS ROAD

TEE PEE TO FORT APACHE

04-24-07 DWG NO. DG-S-MEP-A



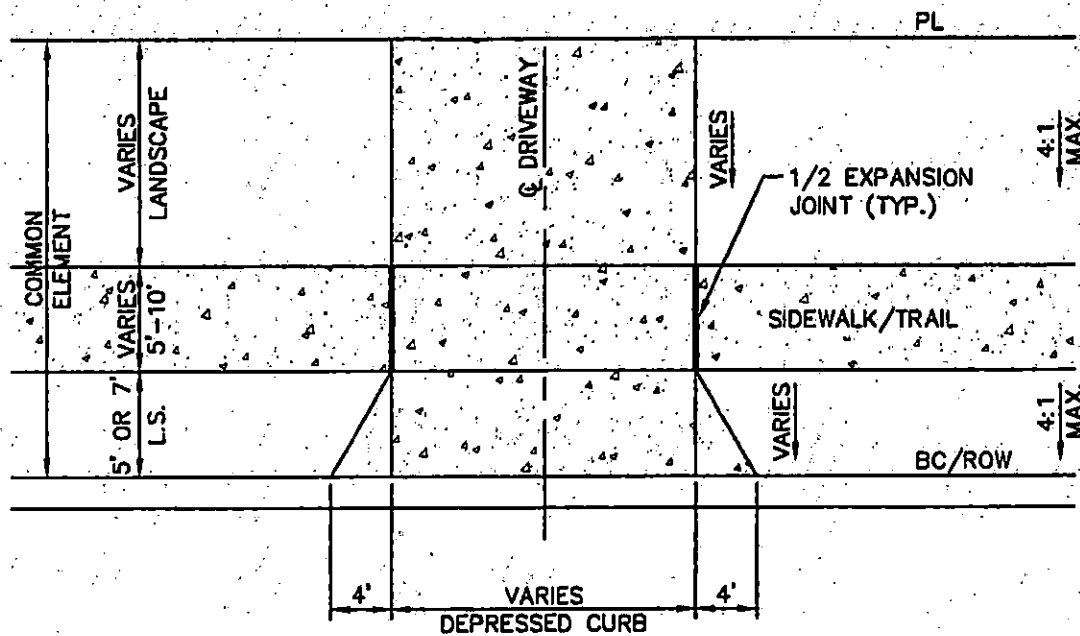
KYLE CANYON GATEWAY

STANDARD
DRAWINGS

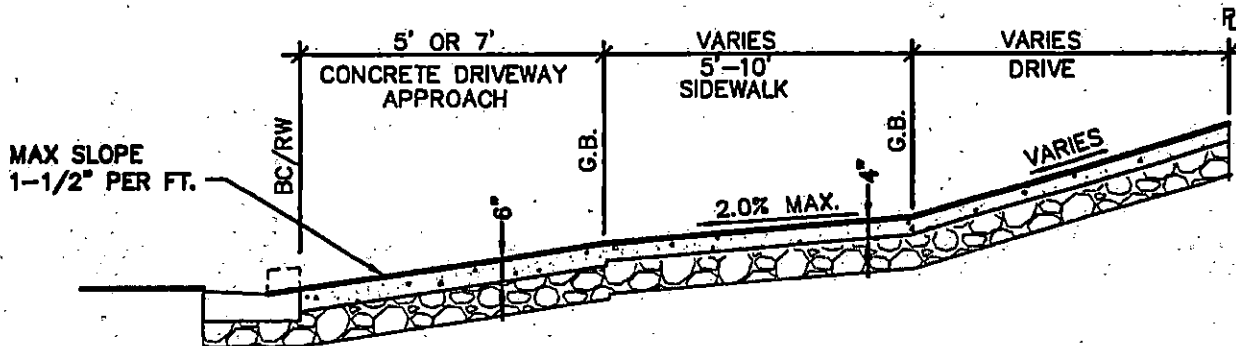
FIRE HYDRANT LOCATION
(ALONG ROADWAY)

DATE: 04-24-07

DWG NO. DG-17



PLAN



SECTION

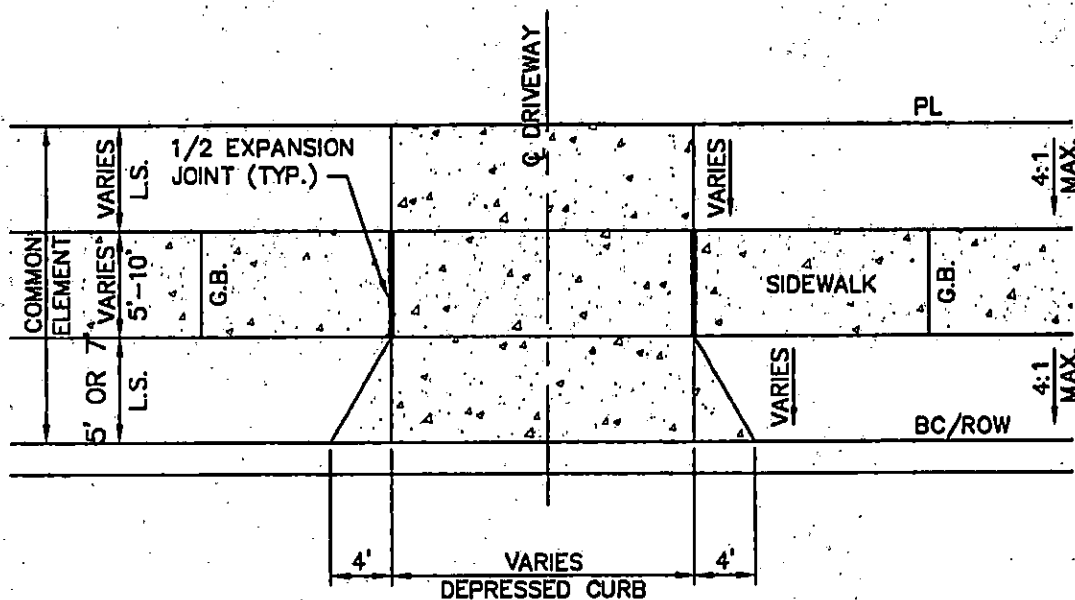
KYLE CANYON GATEWAY

STANDARD
DRAWINGS

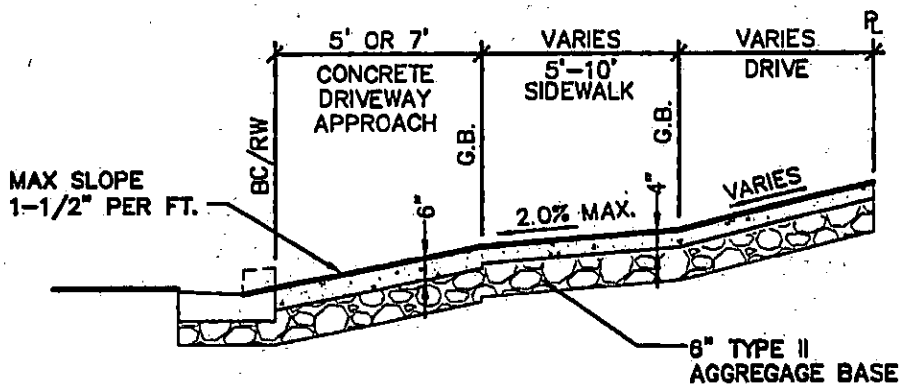
DRIVEWAY APPROACH - RESIDENTIAL
(OPTION "B")
(REFER TO USD #223)

DATE: 04-24-07

DWG NO. DG-18.2



PLAN



SECTION

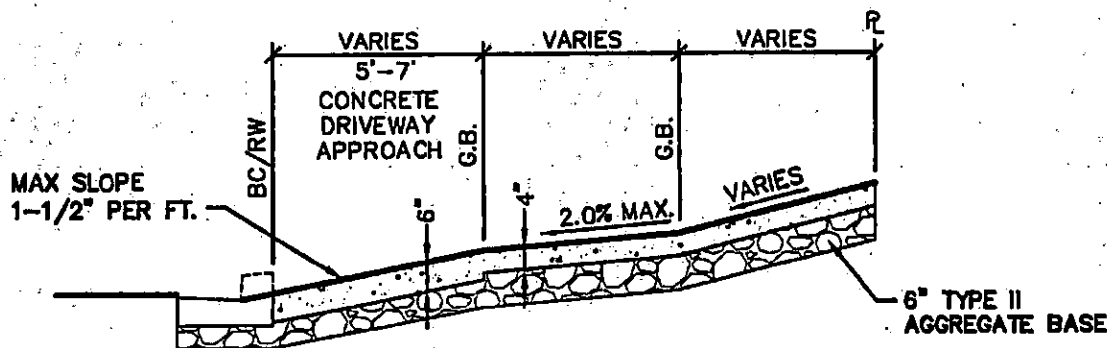
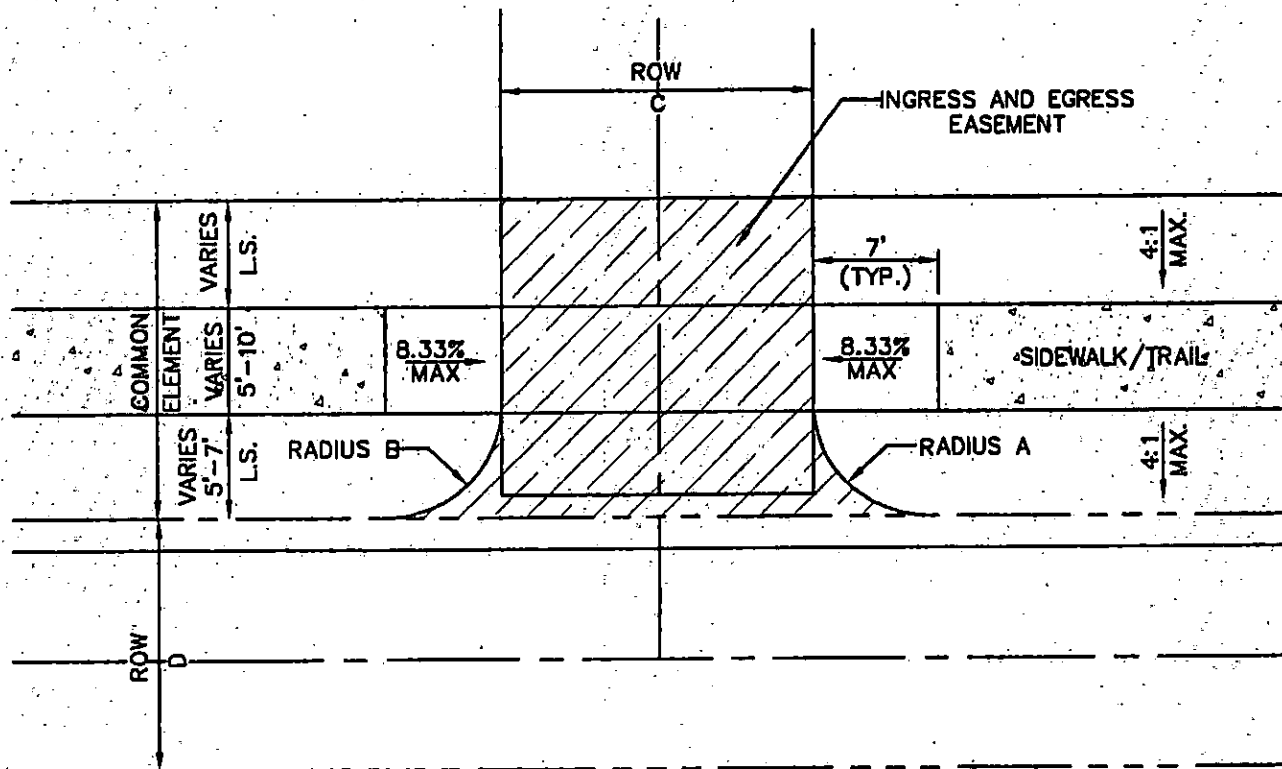
KYLE CANYON GATEWAY

STANDARD
DRAWINGS

DRIVEWAY APPROACH - COMMERCIAL
(OPTION "A")
(REFER TO USD #223)

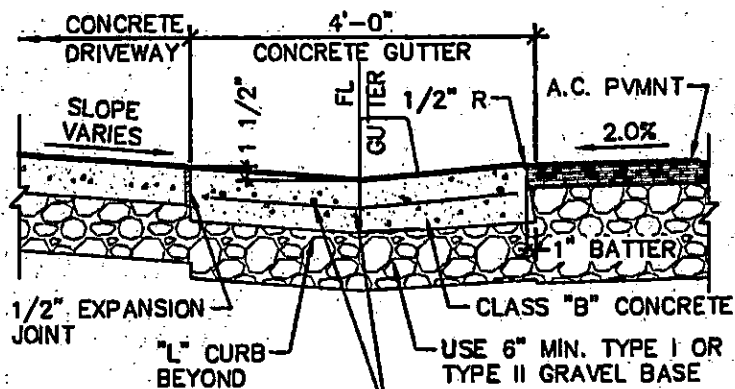
DATE: 04-24-07

DWG NO. DG-19.1



SECTION A

*INDICATES UPSTREAM FLOW
**INDICATES DOWNSTREAM FLOW



ROW		RADIUS	
C	D	*A	**B
20' ALLEY	37' STREET	15'	15'
20' ALLEY	31' STREET	15'	15'
16' ALLEY	37' STREET	15'	15'
16' ALLEY	31' STREET	20'	15'
20' ALLEY	20' ALLEY	15'	15'
16' ALLEY	16' ALLEY	25'	25'

NOTE:
FINAL A.C. PAVEMENT TO BE
FLUSH WITH LIP OF GUTTER
AFTER COMPACTION

#4 @ 12" O.C.
EACH WAY

SECTION B

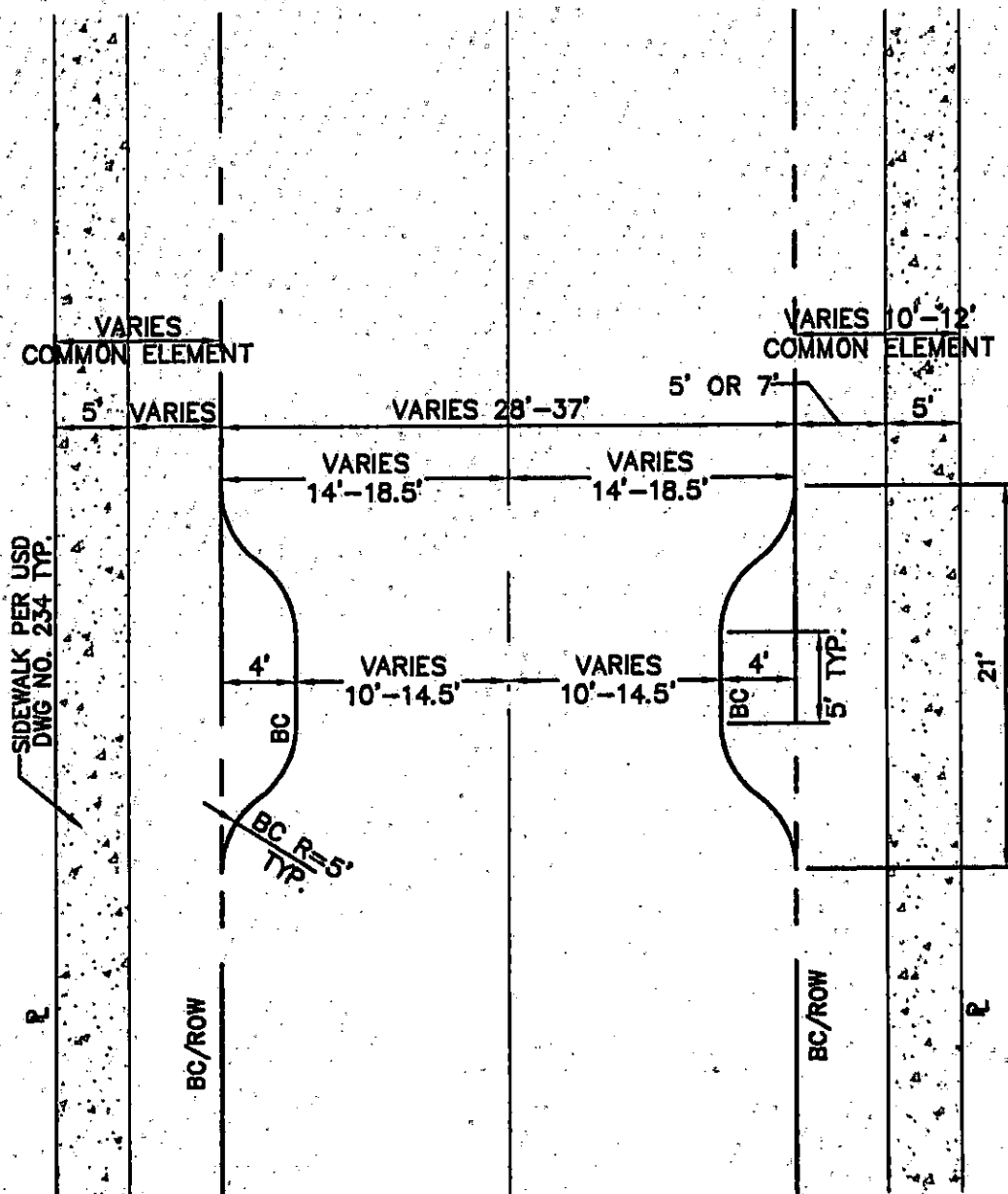
KYLE CANYON GATEWAY

STANDARD
DRAWINGS

DRIVEWAY APPROACH
ALLEY

DATE: 04-24-07

DWG NO. DG-19.3



LOCATION TO BE DETERMINED BY
DESIGN GUIDELINES

KYLE CANYON GATEWAY

STANDARD
DRAWINGS

NEIGHBORHOOD STREET BULB
OUT DETAIL

DATE: 04-24-07

DWG NO. DG-21

TABLE 8-2
LAND USE TABLES

TC= Town Center UMU= Urban Mixed-Use P= Parks NR= Neighborhood Residential

DISTRICT

Permitted Uses	TC	UMU	P	NR
Airport, Heliport or Landing Field				
Amphitheater	P	P	P	
Animal Hospital, Clinic, or Shelter with Outside Pens	P	P		
Animal Hospital, Clinic, or Shelter without Outside Pens	P	P		
Animal Keeping & Husbandry	A	A		
Animal Keeping, Wild or Exotic				
Animal Production				
Antique/Collectible Store	P	P		
Asphalt or Concrete Batch Plant				
Assisted Living Apartments	P	P		P
Astrologer, Hypnotist, or Psychic Art and Science	P	P		

Permitted Uses	TC	UMU	P	NR
Auto Broker	C	C		
Auto Dealer Inventory Storage	S*	S*		
Auto Paint & Body Repair Shop	A	A		
Auto Parts (Accessory Installation)	C	C		
Auto Parts (New & Rebuilt) (Accessory Sales Service)	C	C		
Auto Repair Garage, Major	S*	S*		
Auto Repair Garage, Minor	C	C		
Auto Smog Check	C	C		
Auto Title Loan				
Automobile Rental	C	C		
Automobile Repossession Agency				
Bailbond Service				
Banquet Facility	P	P		
Bed & Breakfast Inn	S*	S*		
Beer/Wine/Cooler Off-Sale Establishment	P	C		
Beer/Wine/Cooler On-and Off- Sale Establishment	P	C		

Permitted Uses	TC	UMU	P	NR
Billiard Parlor or Pool Hall	P	P		
Blood Plasma Donor Center				
Boarding or Rooming House				
Boat & Trailer Dealership (New and Used)	S*	S*		
Building & Landscape Material/Lumber Yard	P	P		
Building Maintenance Service & Sales	P	P		
Bus Charter Service & Service Facility				
Business School	P	P		
Car Wash (Full Service)	P	P		
Car Wash, Self Service	C	C		
Caretaker's Quarters/Domestic or Security Unit	C	C		
Catering Service	P	P		
Cemetery/Mausoleum				
Child Care – Family Home (1-6 Children)	S	S	P	S
Child Care – Group Home (7-12 Children)	S	S	P	S

Permitted Uses	TC	UMU	P	NR
Child Care Center	P	P	P	
Church/House of Worship	P	P		
Cleaners, Commercial	A			
Cleaners, Commercial/Industrial				
Clinic	P	P		
Cold Storage Plant	A	A	A	
College, University, or Seminary	P	P		
Commercial Amusement/Recreation (Indoor)	P	P		
Commercial Amusement/Recreation (Outdoor)	P	P	P	
Community Center, Private (Accessory)	P	P	P	P
Community Recreational Facility, Public	P	P	P	P
Condominium	P	P		P
Construction Material Supply Yard	C	C	C	C
Contractors Plant, Shop & Storage Yard				
Convalescent Care Facility/Nursing Home	P	P		
Convent or Monastery				

Permitted Uses	TC	UMU	P	NR
Copy Center	P	P	P	
Country Club, Private	P	P		
Crematorium				
Crop Production				
Custom & Craft Work				
Daily Labor Service	S	S		
Desktop Publishing	P	P		
Dry Cleaners	P	P	P	
Electric Generating Plant				
Electric Utility Substation	C	C	C	C
Electrical, Watch, Clock, Jewelry & Similar Repair	P	P		
Emergency Ambulance Services, Ground	P	P		
Employment Agency	P	P		
Environmentally Hazardous Materials				
Escort Bureau				
Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse	S	S		

Permitted Uses	TC	UMU	P	NR
Financial Institution, General with Drive-Through	P	P		
Financial Institution, General without Drive-Through	P	P		
Financial Institution, Specified	S*	S*		
Food Processing	S			
Fraternity, Sorority House, or Private Dorm				
Gaming Establishment, Non-restricted	S			
Gaming Establishment, Restricted License	A	A		
Garden Supply/Plant Nursery	P	P		
General Personal Service	P	P	S	
General Retail Store, Other than Listed, 3500 Sq. Ft. or more	P	P	S	
General Retail Store, Other than Listed, Less than 3500 Sq. Ft.	P	P	P	
Golf Driving Range	S	S		
Government Facility	P	P	P	
Group Residential Care Facility	S	S		
Guest House/Casita				P

Permitted Uses	TC	UMU	P	NR
Gun Club, Skeet or Target Range (Indoor)	S	S		
Gun Club, Skeet or Target Range (Outdoor)				
Halfway House				
Health Club	P	P	P	
Heavy Construction Trade Yard				
Heavy Machinery & Equipment (Rental, Sales & Service)				
Helipad	P			
Home Occupation	C	C		C
Horse Corral or Stable (Commercial)				
Horse Corral or Stable (Private)				
Hospice	P	P		
Hospital	P	P		
Hotel Lounge Bar	P	S		
Hotel or Motel	P	S		
Hotel, Residence	P	S		
Individual Residential Care Facility	P	P		P

Permitted Uses	TC	UMU	P	NR
Jewelry Store, Class III	S*	S*		
Jewelry Store, New	P	P		
Keeping of Carrier or Racing Pigeons				
Laboratory, Medical or Dental	P	P		
Landfill				
Laundry, Self Service	P	P	P	
Library, Art Gallery or Museum (Public)	P	P	P	
Light Assembly & Fabrication	S*	S*		
Liquor Establishment (Tavern)	P	C		
Livestock Farming (Bovines/Horses)				
LPG Installation 288 Gallons or Less	C	C		
LPG Installation over 288 Gallons	S	S		
Manufactured Home				
Manufacturing, Heavy				
Manufacturing, Light				
Massage Establishment	S*	S*		

Permitted Uses	TC	UMU	P	NR
Mining, Sand & Gravel Excavation	T	T	T	T
Mini-warehouse	C	C		
Mixed Use	P	P		
Mobile Home				
Mobile Home Park				
Mobile Home/Trailer Sales Lot				
Monorail	S	S		
Mortuary or Funeral Chapel	S	S		
Motor Vehicle Sales (New)	S*	S*		
Motor Vehicle Sales (Used)	S*	S*		
Motorcycle/Motor Scooter Sales	C	C		
Mounted Antenna of 15' or Less (Ultimate Height)	P	P	P	
Mounted Antenna over 15' (Ultimate Height)	S	S	S	
Multi-Family	P	P		P
Museum or Art Gallery (Private)	P	P	P	
Night Club	P	S		

Permitted Uses	TC	UMU	P	NR
Off Premise Advertising Sign	C			
Office, Medical	P	P		
Office, Other Than Listed	P	P		
Open Air Vending/Transient Sales Lot	P	P	P	
Outcall Entertainment Referral Service				
Outside Storage	S	S		
Package Liquor Off-Sale Establishment	P	S		
Parking Lot/Sidewalk Sale	T	T	T	
Parking, Commercial	P	P		
Patio Cover	P	P		P
Pawn Shop	P	S		
Pawn, Auto	S	S		
Pet Boarding	C	C		
Pet Shop	P	P		
Post Office, Local Service	P	P	P	
Post Office, Regional	P	P		

Permitted Uses	TC	UMU	P	NR
Printing & Publishing	S	S		
Prison/Custodial Institution				
Private Club, Lodge or Fraternal Organization	S	S		
Private Streets	P	P	P	P
Psychology Practice	P	P	S	
Public or Private School, Primary	P	P		
Public or Private School, Secondary	P	P		
Public Park or Playground	P	P	P	P
Radio Broadcasting	P	P		
Railroad Yard or Shop				
Recording Studio	P	P		
Recreational Vehicle and Boat Storage	A	A		
Recycling Collection Center	C	C		
Rental Store, w/o Outside Storage	P	P		
Rental Store, w/Outside Storage	S	S		
Rescue Mission or Shelter for the Homeless	S	S		

Permitted Uses	TC	UMU	P	NR
Restaurant with Service Bar	P	P		
Restaurant, 2000 Sq. Ft. or more, w/Drive-Through	P	P		
Restaurant, 2000 Sq. Ft. or more, w/o Drive-Through	P	P		
Restaurant, Less than 2000 Sq. Ft., w/Drive-Through	P	P		
Restaurant, Less than 2000 Sq. Ft., w/o Drive-Through	P	P	P	
Retail Establishment with Accessory Package Liquor Off-Sale	P	P		
Salvage or Reclamation of Products (Indoors)				
Salvage or Reclamation of Products (Outdoors)				
Seasonal Outdoor Sales	T	T	T	
Secondhand Dealer	P	P		
Senior Citizens Apartments	P	P		P
Service Station	P	P		
Sex Offender Counseling Facility				
Sexually-Oriented Business				
Single Room Occupancy Residence				
Slaughter and Processing of Live Poultry				

Permitted Uses	TC	UMU	P	NR
Social Event with Alcoholic Beverage Sales	S	S		
Social Service Provider, except Rescue Mission or Homeless Shelter	P	P	P	
Sports Arena, Stadium or Track	P			
Supper Club	P	C		
Swap Meet	S*	S*		
Tattoo Parlor/Body Piercing Studio	S	S		
Taxicab/Limo Yard				
Teen Dance Center	P	S		
Temporary Contractor's Construction Yard	C	C	C	C
Temporary Outdoor Commercial Event	T	T	T	
Temporary Real Estate Sales Office	C	C	C	C
Tennis Courts	P	P	P	P
Thriftshop	S*	S*		
Thriftshop, Non-profit	S*	S*		
Time Share Development	P	P		
Permitted Uses	TC	UMU	P	NR

Towing & Impound Yard				
Towing Service, No Storage				
Trade School	S	S		
Trailer/RV Camp/Park	S			
Transit Passenger Facility	P	S		
Transitional Living Group Home	S	S		
Truck Rental	S	S		
Trucking Company				
TV Broadcasting & Other Communication Service	P	P		
Urban Lounge				
Utility /Transmission Lines	C	C	C	C
Utility Installation, Other than Listed	C	C	C	C
Valet Parking	P	P		
Warehouse/Distribution Center	S	S		
Wedding Chapel	P	P		
Welding Repair				
Permitted Uses	TC	UMU	P	NR

Wholesale Showroom Facility	S	S		
Wireless Communication Facility, Non-Stealth Design	C	C	C	
Wireless Communication Facility, Stealth Design	C	C	C	

SECTION 8.2

DEFINITIONS

Airport, Heliport or Landing Field. Any area of land designated and set aside for the landing and taking off of any aircraft regulated by the Federal Aviation Administration.

Amphitheater. An oval, circular or semicircular outdoor theater in which the stage or screen area is surrounded by rising tiers of seating or assembling areas, or both.

Animal Hospital, Clinic, or Shelter. A place where animals or pets are given medical or surgical treatment and are cared for during the time of such treatment. The term does not include a kennel operation or facility for the boarding of animals for remuneration unless it is operated in conjunction with the treatment and care of animals or pets.

Animal Keeping and Husbandry. The raising, keeping and breeding of domestic animals, including without limitation dogs, cats, birds and pot-bellied pigs. The use must be ancillary to the principal use, but may be conducted for commercial purposes.

Animal Keeping, Wild or Exotic. The keeping of nondomestic animals, including without limitation wild animals as defined in ~~LVMV~~LVMC 7.04.500.

Animal Production. A facility or area for raising animals (including fish and birds) and the development of animal products, such as meat, fur or eggs on a commercial basis. This use does not include raising animals to sell as pets.

Antique/Collectible Store. Any building used for the sale of any old and authentic object of personal property which was made, fabricated or manufactured sixty or more years earlier and which has a unique appeal and enhanced value mainly because of its age and in addition, may include the sale of any article of personal property which was made, fabricated or manufactured twenty or more years earlier and because of public demand has attained value in a recognized commercial market which is in excess of its original value.

Asphalt or Concrete Batch Plant. A permanent facility or area for the mixing of concrete or asphalt.

Assisted Living Apartment. An apartment or apartment complex which provides personal care services to senior citizens for daily living needs. Such services may include, but are not limited to, preparation and service of meals, housekeeping, laundry, monitoring of rooms, monitoring of medication, or assistance with bathing. The term includes commercial uses that are ancillary to an apartment complex as long as the total amount of floor space dedicated to such uses does not exceed 5% of the total gross floor area of the apartment complex and there is no external signage for, nor external access to, the commercial uses. The term does not include a convalescent care facility, nursing home or special care facility.

Astrologer, Hypnotist, or Psychic Art & Science. Any person who practices, teaches, or professes to practice the business of astrology, hypnotism or the psychic arts and sciences for a fee, gift, donation, or otherwise. Psychic arts and sciences may include palmistry, phrenology, life reading, fortune telling, cartomancy, clairvoyance, clairaudience, crystal gazing, mediumship, prophecy, augury, divination, magic or necromancy. The term does not include a hypnotherapy practice.

Auto Broker. A facility or area used primarily for the wholesaling of used motor vehicles, typically on an intermediary basis between an auction house and a used car dealership. The term does not include a facility or area used for the retail sales of used vehicles.

Auto Dealer Inventory Storage. The parking or storage, other than for purposes of display, of new motor vehicles which constitute inventory of a new motor vehicle sales dealership, where such parking or storage is maintained by the dealership either on the same parcel as the dealership or on a separate parcel.

Auto Paint & Body Repair Shop. A facility for collision services including body, frame or fender straightening or repair and painting of vehicles in an appropriate paint booth.

Auto Parts (New & Rebuilt) (Accessory Sales & Service). A facility for the retail sale and installation of lubricating oils, tires, filters and other new or rebuilt goods for use in motor vehicles. The resurfacing of rotors, pressing of bearings, grinding of brake drums, and similar activities are permitted as incidental uses.

Auto Parts (Accessory Installations). A facility for the retail sale and installation of auto accessories such as stereos, alarms and other type of accessories.

Auto Repair Garage, Major. A facility for the repair or reconditioning of any type of motorized vehicle, other than the types of repair and service authorized to be performed in a minor auto repair garage. The term includes a facility which performs any repairs to vehicles with a gross vehicle weight over 10,000 pounds.

Auto Repair Garage, Minor. A facility for the performance of minor repairs and service on vehicles of 10,000 pounds gross vehicle weight or less; such repairs and service are limited to electronic tune ups, brake repairs (including drum turning), air conditioning repairs, generator and starter repairs, tire repairs, front end alignments, battery recharging, lubrication, selling/installing minor parts and accessories, other similar activities and repairing and installing other minor elements of an automobile such as windshield wipers, hoses, windows, etc., but excluding engine, transmission and differential repair or installation.

Auto Title Loan. A business whose primary function is to lend money on the security of the title to a motor vehicle rather than on the security of the vehicle itself.

Automobile Rental. A facility for the rental of new or used automobiles. Automobiles kept on the lot for rental purposes are not considered to be outside storage.

Automobile Repossession Agency. Any parking area used for the storage of up to two operable vehicles which have been repossessed by or on behalf of a lender, together with

related office operations. The term does not include the storage of more than two vehicles, which shall be treated as if the use were motor vehicles sales.

Banquet Facility. An Establishment which is rented by individuals or groups to accommodate private functions such as banquets, weddings, anniversaries, and other similar celebrations. Such a use may or may not include: 1) kitchen facilities for the preparation or catering of food; 2) the sale of alcoholic beverages for on-premises consumption, only during an event, and 3) outdoor gardens or reception facilities.

Bed & Breakfast Inn. A facility wherein overnight accommodations and a morning meal are provided in a dwelling unit to tourists for compensation.

Beer/Wine/Cooler Off-Sale Establishment. An establishments whose license to sell alcoholic beverages is limited to the sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold, and is operated in connection with a grocery store, drug store, convenience store or specialty merchandise store.

Beer/Wine/Cooler On- and Off-Sale Establishment. An Establishment:

1. Whose license to sell alcoholic beverages is ~~limited to~~ allows:

a. The sale of beer, wine and coolers for consumption only in connection with a meal on the premises where the same is sold; and

b. The sale of beer, wine and coolers to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold; and

2. Is operated in connection with a restaurant, grocery store or convenience store in which forty-five or more people may be served with meals at any one time at tables or stools.

Blood Plasma Donor Center. A building used for the collection of human blood plasma from plasma donors. The term does not include a facility for the provision of medical care or treatment.

Boarding or Rooming House. A building or portion thereof, other than a hotel, with no more than four guest rooms where, for compensation, lodging and meals are provided for no more than four persons who are not members of the immediate family occupying such building.

Boat and Trailer Sales Dealerships (New and Used). The use of any building or lot for the display and sale of new or used boats, jet skis or other marine vessels and trailers.

Building & Landscape Material/Lumber Yard. A facility for the sale of home, lawn and garden supplies and construction materials such as brick, lumber and other similar materials.

Building Maintenance Service & Sales. A facility or area for contracting, but not conducting, services such as building repair and maintenance, the installation of plumbing, electrical, air conditioning and heating equipment, janitorial services, and exterminating services. The retail sale of supplies is permitted as an accessory use.

Bus Charter Service & Service Facility. Any premises for the transient housing, parking, servicing or repair of motor-driven buses.

Business School. A facility or area for instruction and training in secretarial and related office skills, cosmetology, commercial art, computer software, cooking and similar training.

Caretaker's Quarters/Domestic or Security Unit. An independent, self-contained dwelling unit located on the same lot as the principal use or structure and which provides residential accommodations for a property manager or security personnel.

Car Wash (Full-Service). A car wash facility, typically operated in conjunction with a gas station, which customarily employs automatic or semi-automatic methods of cleaning.

Car Wash (Self-Service). A coin operated car wash facility operated by the customer and which does not utilize automobile conveyors or other automatic methods of cleaning.

Catering Service. A service that provides for the preparation, storage, and delivery of food and food utensils for off-premise consumption.

Cemetery/ Mausoleum. Property used for interring of the dead.

Child Care - Group Home (7-12 Children) A residential dwelling used primarily as a residence which also provides day or overnight care for a minimum of seven and a maximum of 12 children for compensation. Such uses are subject to the child care regulations and standards of the Department of Business Activity.

Child Care Center (More than 12 Children) Any commercial facility in which the licensee regularly provides day or overnight care for more than 12 children. Such uses are subject to the child care regulations and standards of the City of Las Vegas Department of Business Activity.

Child Care, Family Home. (1-6 Children) A residential dwelling used primarily as a residence which also provides day or overnight care for a maximum of six children for compensation. Such uses are subject to the child care regulations and standards of the City of Las Vegas Department of Business Activity.

Church, House of Worship. Any building used for religious worship services, religious education and fellowship activities and programs of a religious organization. The term includes the use of the building and premises for other related activities, such as child care facilities, formal educational programs, preschool classes and recreational activities, but only when those activities are ancillary to the religious use and only after those uses have been approved by means of a use review or other procedure under Chapter 19.18. The term does not include any class of child care center, general education classroom or facility, thrift shop, homeless shelter or commercial activity.

Cleaners, Commercial. A facility or area for cleaning items in bulk quantities such as clothes and linens. This definition includes cleaning for hospitals, restaurants, hotels, diaper cleaning services and other similar accounts, as well as rug and dry cleaning plants

where on-premise retail services to individual households are incidental to the operation of the plant.

Cleaners, Commercial / Industrial. A facility or premises which is used for cleaning items in bulk quantities, such as clothing and linens. The term includes diaper cleaning services and cleaning services for hospitals, restaurants, hotels and similar clients, whether or not cleaning services are provided to individual households as an incidental use.

Clinic. A facility which is occupied and used for the purpose of providing dental or medical care, and which regularly provides any of those services to the general public on an emergency basis or without appointment. The term does not include a hospital or a facility which provides for the overnight care or overnight stay of patients.

Cold Storage Plant. A facility for the protective storage of items such as food or furs, in a refrigerated place.

College, University or Seminary. A college or university is an academic institution of higher learning beyond the level of secondary school. A seminary is an institution for the training of candidates for the priesthood, ministry, rabbinate or other religious order.

Commercial Amusement/Recreation (Inside). An enclosed facility or area for sport, entertainment, games of skill, or recreations to the general public for a fee. Examples include, but are not limited to, bowling alleys, roller and ice skating rinks, game courts, swimming pools, walk-in theaters, physical fitness centers, gyms and video game arcades.

Commercial Amusement/Recreation (Outside). An outdoor facility or area for sport, entertainment, games of skill or recreations open to the general public for a fee. The term includes without limitation game courts, water slides, miniature golf courses, drive-in theaters, batting cages, practice/instructional fields, driving ranges and sports events, but does not include an amphitheater.

Community Center, Private (Accessory). A facility associated with a planned residential development or multi-family development which provides for community activities for residents of the development.

Community Recreational Facility, Public. A facility which provides for community activities and is available to the general public.

Condominium. A multi-family dwelling or a commercial building within which the occupied area is owned individually and the structure, land, common open space areas and facilities are owned by all of the owners on a proportional, undivided basis.

Construction Material Supply Yard. A facility for the storage of construction materials for a specific development.

Contractor's Plant, Shop & Storage Yard. A facility for the storage and maintenance of contractor's supplies and operational equipment. Offices are considered an accessory use.

Convalescent Care Facility/Nursing Home. A building or structure designed, used, or intended to be used to house and provide care for persons who have a chronic physical or mental illness or infirmity, but who do not need medical, surgical or other specialized treatment normally provided by a hospital or special care facility. "Convalescent care facility" includes "rest home" and "nursing home," but does not include "assisted living apartment," "hospital" or "special care facility."

Copy Center. A facility for the custom reproduction of written or graphic materials on a custom order basis for individuals or businesses. Typical processes include, but are not limited to, photocopying, small offset printing, blueprint, and facsimile sending and receiving.

Country Club, Private. A facility used for recreational or athletic purposes with limited membership and the use of which is primarily restricted to members and their guests. Accessory uses include retail and restaurant facilities which do not have separate signage or advertising, and a club house.

Crematorium. A facility where corpses are cremated.

Crop Production. An area for raising or harvesting agricultural crops.

Custom & Craft Work. A facility in which finished, personal or household items which are either made to order or which involve considerable handwork are produced. Examples include, but are not limited to textiles, pottery, furniture repair or refinishing, wood working, upholstery, sculpting and other work or wood products on an individualized single item basis. The term does not include cabinet making, cabinet assembly or the use of mechanized assembly line production.

Daily Labor Service. Any building or premises which serves as a staging point or gathering place for persons who are seeking immediate employment in daily labor activities and who accept or are assigned such employment in accordance with whatever employment is available on that particular day. For purposes of this paragraph, "daily labor" means manual labor, including without limitation, construction cleanup, garbage pickup and removal, demolition, convention setup and takedown, landscaping, planting and digging.

Desktop Publishing. An establishment that provides custom set-up of graphics and text for publication in an office setting. The term does not include an establishment that performs off-set printing or related distribution.

Dry Cleaners. A facility which is used to provide, to individual households, cleaning services for items such as clothing and linens. The term includes such facilities whether the plant operation is located on- or off-site.

Electric Generating Plant. A facility that generates electricity from mechanical power produced by solar, gas, coal, hydraulic power sources or nuclear fission franchised by the City.

Electric Utility Substation. A facility for transforming electricity for distribution to individual customers.

Emergency Ambulance Services, Ground. A facility which provides emergency ambulance service and does not include the use of helicopters.

Employment Agency. Any establishment, other than a daily labor service, which provides one or both of the following:

1. Assistance to employers in finding and employing permanent or temporary employees, whether part-time or full-time.
2. Assistance to potential employees in identifying and obtaining permanent or temporary employment, whether part-time or full-time.

Environmentally Hazardous Materials. The location of activities or products which have the potential to be dangerous, extremely obnoxious, or cause substantial environmental impacts on or beyond the boundaries of the property on which the activity or use is conducted. Environmentally Hazardous Materials include, but are not limited to, the following activities:

1. Manufacture, storage and testing of explosives, fireworks or munitions.
2. Refining petroleum and the storage and distribution of natural and liquid gas or other petroleum derivatives in bulk including terminals, tank farms or other similar facilities.
3. Manufacturing, blending, or mixing of pesticides, certain acids and fertilizer.
4. Stockyards, feed pens, livestock sales with pens and/or shipping facilities. Rendering of animal fats, slaughtering or processing of animals, and industrial manufacturing processes using the following raw materials: bones, garbage, offal and dead animals.
5. Refining of raw materials, such as, but not limited to, chemicals, rubber, wood or wood pulp, into other products.
6. ~~The extraction of raw materials, such as sand or gravel mining.~~
76. Forging, casting, melting, refining, extruding, rolling, drawing and/or alloying metals.
87. Jet engine or other engine testing.
98. Refuse disposal services not listed elsewhere in this Title, including but not limited to landfills, incinerators and other locations which receive garbage and refuse generated off-site for storage, treatment or disposal.
10. ~~Asphalt or concrete batch plants.~~
119. Boiler works.

Escort Bureau. A business establishment which, for a fee, commission, hire, or profit, furnishes or arranges for escorts to accompany other persons for social engagements.

Facility to Provide Testing, Treatment, or Counseling for Drug or Alcohol Abuse. A facility that:

1. Operates under or is subject to the provisions of NRS Title 40 and, by means of certified detoxification technicians or otherwise, provides care or treatment related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency; or
2. Provides court-ordered or court-sanctioned testing, analysis, treatment or counseling related to the physical and mental effects of the abuse of alcohol or drugs, or the effects of alcohol or drug dependency.

Financial Institution, General. Any business or organization, including without limitation banks and credit unions, whose primary service is the exchange of currency. The term does not include any business engaged in retail sales or a business whose primary service is to lend money for repayment at a future date.

Financial Institution, Specified. Any business whose primary function is to lend money; to cash checks or other negotiable instruments for a fee, service charge or other consideration; or to provide funds in exchange for the acceptance of a check on a post-dated or deferred-deposit basis. The term includes without limitation a check cashing service, paycheck advance service, and any business primarily providing cash loans, installment loans or cash advances, but does not include a pawn shop.

Food Processing. A facility in which food for human consumption is provided in its final form, such as candy, baked goods and ice cream, and the food is distributed to retailers or wholesalers for resale on or off the premises. The term does not include food or beverage processing which uses any mechanized assembly line production of canned or bottled goods.

Gaming Establishment, Non-restricted. An establishment which is used or intended to be used for the conduct of gaming activities for which a non-restricted gaming license is required pursuant to Title 6 of the Las Vegas Municipal Code. For informational purposes, the term refers to an establishment whose gaming operations consist of sixteen or more slot machines, or any number of slot machines together with any other game, gaming device, race book or sports pool at that establishment.

Gaming Establishment, Restricted. An establishment which is used or intended to be used for gaming activities for which a restricted gaming license is required pursuant to Title 6 of the Las Vegas Municipal Code. For informational purposes, the term refers to an establishment whose gaming operations are limited to not more than fifteen slot machines, incidental to the primary business at the establishment, and no other game or gaming device.

Garden Supply/Plant Nursery. A facility for the growing, display, or sale of plant stock, seeds or other horticulture items. This use may include raising plants outdoors or in greenhouses for sale either as food or for use in landscaping.

General Personal Service. A facility for the sale of personal services. Typical personal services include barber/beauty shop, shoe repair, tailor, instructional arts studio, photography studio, hand-crafted art studio, safe deposit boxes, travel bureau, house

cleaning service, weight reduction center and florist (excluding greenhouses) and permanent makeup establishment.

General Retail Store. A facility for the retail sale of general merchandise to the general public for direct consumption and not for wholesale. Typical general merchandise includes clothing and other apparel, equipment for hobbies or sports, gifts, flowers and household plants, dry goods, groceries and convenience and specialty foods, toys, furniture, books and stationery, hardware, and similar consumer goods. The term does not include any use specifically listed as a conditional use in ~~Chapter 19.04~~ this Section.

Government Facility. A facility, agency or area used for public purposes and owned or operated by an instrumentality or agency of Federal, State, or local government.

Group Residential Care Facility. A dwelling of a residential character which is used or intended to be used to provide housing and care for up to ten elderly persons or persons with a handicap. The term does not include an individual residential care facility, convalescent care facility, nursing home, hospital, special care facility or any facility which:

1. provides surgical, medical, psychiatric or other specialized treatment on a regular basis;
2. provides housing and care to persons who have a chronic illness, disease, injury or other medical condition; or
3. provides housing, care or treatment to persons whose occupancy would constitute a direct threat to the health or safety of other individuals or their property.

Guest House/Casita. A structure which is located on the same residential parcel as a principal dwelling and which, as an ancillary use, provides living quarters for the occupants of the principal dwelling, their temporary guests or domestic employees. ~~The term does not include a structure which is made available on a rental basis.~~

Gun Club, Skeet or Target Range. A facility for the sport of shooting at targets to test accuracy in rifle, pistol or archery practice owned or operated by a corporation, association or individuals.

Halfway House. A facility for the housing, rehabilitation, and training of persons on probation or parole from correctional institutions, or other persons found guilty of criminal offenses.

Heavy Construction Trade Yard. A lot or facility used for the storage of heavy construction equipment, machinery and vehicles.

Heavy Machinery & Equipment (Rental, Sales & Service). A facility for the display, sale and rental of tools, heavy machinery, dump trucks or commercial and heavy equipment such as those used in building construction, farming, restaurants or manufacturing.

Helipad. A facility for the landing and taking off of helicopters, but with no accessory gas sales, maintenance or other services.

Horse Corral or Stable (Commercial). A structure for the keeping of horses, mules or ponies which are boarded for compensation.

Horse Corral or Stable (Private). An accessory structure for the keeping of horses, mules or ponies for the use of occupants of the premises.

Hospice. A home for the terminally ill.

Hospital. An institution, designed within an integrated campus setting for the diagnosis, care, and treatment of human illness, including surgery and primary treatment.

Hotel Lounge Bar. A bar located in a lounge area of a hotel which has a minimum of 150 rooms, unless the City Council determines that public health, safety and welfare are not compromised by a lesser number of rooms, wherein;

1. Alcoholic beverages are served and consumed only at tables and booths located within the lounge bar area of the hotel, within a pool area, or within hotel rooms as an incident to room service;
2. Persons are not permitted to purchase or obtain alcoholic beverages directly from such lounge bar;
3. No other business, trade, profession or entertainment that requires a license under Title 6 of the City of Las Vegas Municipal Code is conducted or performed in the lounge bar area; and
4. The maximum available customer seating in the lounge bar area does not exceed seventy-five seats.

Hotel or Motel, or Hotel Suites.

1. **Motel** - A building or group of buildings whose main function is to provide rooms for temporary lodging; rooms are directly accessible from an outdoor parking area.
2. **Hotel** - A building or group of buildings whose main function is to provide rooms for temporary lodging where entrance to each room is gained from a completely enclosed area. A hotel may also contain restaurants, conference rooms and personal service shops.
3. **Hotel Suites.** A facility offering temporary lodging accommodations to the general public in which rooms or suites may include kitchen facilities and sitting rooms in addition to the sleeping room. The phrase "temporary lodging" refers to a rental period with a normal duration of no more than one week.

Hotel, Residence. A multi-dwelling unit for extended stay lodging consisting of efficiency units or suites with a complete kitchen suitable for long term occupancy; customary hotel services such as linen, maid service, telephone and upkeep of furniture; and optional resident and guest amenities such as meeting rooms, club house and recreation facilities. The term does not include facilities which qualify as other types of dwelling units defined in this title.

Individual Residential Care Facility. A home in which a natural person furnishes food, shelter, assistance and limited supervision, for compensation, to not more than two persons who are aged, infirm, mentally retarded or handicapped, unless the persons receiving those services are related within the third degree of consanguinity or affinity to the person providing those services.

Jewelry Store, Class III Type. A store which buys and sells scrap precious metals for marketing as a commodity in bar form or in other than jewelry form, or which buys and sells precious metal bars and coins that are sold as a commodity rather than for numismatic purposes. This may include operations similar to a new jewelry store.

Jewelry Store, New. A store which primarily sells new merchandise and some used merchandise from estate sales or reconstitutes precious metals into jewelry forms which are sold at retail on the premises.

Keeping of Carrier or Racing Pigeons. The keeping of pigeons that are bred and kept for the purpose of demonstration or racing, are registered with a national pigeon registry or organization, and are identified as to ownership and registration by a stamp or a band.

Laboratory, Medical or Dental. A facility, other than a hospital, that:

1. Conducts general medical or scientific research, investigation, testing, or experimentation; or
2. Upon referral by or request of a medical professional, provides radiological or medical testing, or creates prosthesis or artificial dental work.

The term does not include a facility for the manufacture or sale of other products, except as incidental to the main purpose of the laboratory. The term also does not include a "facility to provide testing, treatment, or counseling for drug or alcohol abuse," as that term is defined in this Section.

Landfill. A lot or premises used for the disposal of garbage, trash, refuse or waste material, but not including sewage, which is officially sanctioned by proper authorities of the jurisdiction in which it is located.

Laundry, Self-Service. A laundry facility that provides coin operated washing and drying machines for customer operation. The term includes a facility that provides additional services such as fluff and fold or dry cleaning, provided that no dry cleaning equipment is located on the premises. The term does not include a laundry room located within a residential development that is provided solely for the use of residents of the development.

Light Assembly & Fabrication. Manufacturing from standard parts of a distinct object differing from the individual components.

Liquor Establishment (Tavern). A facility which sells alcoholic beverages for consumption on the premises where the same are sold and authorizes the sale, to consumers only and not for resale, of alcoholic beverages in original sealed or corked containers, for consumption off the premises where the same are sold.

Livestock Farming (Bovines/Horses). The raising or keeping of bovine animals or horses for recreational, entertainment or training purposes only. The term does not include the breeding or raising of animals for consumption or sale.

Manufactured Home. A structure as defined in NRS 489.113. A manufactured home may or may not qualify for treatment as a single-family detached dwelling pursuant to Las Vegas Municipal Code Section 19.04.060(B).

Manufacturing, Heavy. A facility for the general mass producing of goods, usually for sale to wholesalers or other industrial or manufacturing uses. The term includes any use which employs any of the following or similar types of processes:

1. Milling of grain as retail sales and service.
2. Production of animal food, and the tanning of animal hides.
3. Production of large durable goods such as, but not limited, to motorcycles, cars, manufactured homes or airplanes.
4. Canning or bottling of food or beverages for human consumption using a mechanized assembly line.
5. Manufacturing of paint, oils, pharmaceuticals, cosmetics, solvents and other chemical products, and use of a foundry for metals.
6. Production of items made from stone, clay, metal or concrete.
7. Tire recapping or retreading.
8. Production of items by means of the chemical processing of materials.

Manufacturing, Light. A facility for producing goods without the use of any of the processes described within the definition of "Heavy Manufacturing." The term includes without limitation the following activities:

1. Assembly, finishing, and/or packaging of small items from component parts made at another location. Examples include but are not limited to cabinet making or the assembly of clocks, electrical appliances, or medical equipment.
2. Production of items made from materials derived from plants or animals including, but not limited to, leather, pre-milled wood, rubber, paper, wool or cork, or from textiles or plastics.
3. Electrical component manufacturing.

4. Reproduction, cutting, printing, or binding of written materials, drawings or newspapers on a bulk basis using lithography, offset printing, blue printing and other similar methods.

5. Machine shop where material is processed by machinery, cutting, grinding, or similar processes.

Massage Establishment. A facility which is occupied and used for the purpose of practicing massage therapy as defined in LVMC Las Vegas Municipal Code Chapter 6.52.

Mini-warehouse. A facility with enclosed storage space, divided into separate compartments, ~~no larger than 500 square feet in size,~~ which is provided for use by individuals to store personal items or by businesses to store materials for operation of a business establishment.

Mixed-Use. A vertical or horizontal combination of certain residential and nonresidential uses on a single parcel, or a mix of certain residential and nonresidential uses within an area that is zoned for either residential or nonresidential use.

Mobile Home. A factory-assembled structure equipped with the necessary service connections and made so as to be movable as a unit on its own running gear and designed to be used for a one-family residential use.

Mobile Home Park. An area or tract of land where two or more mobile homes or mobile home lots are rented or held out for rent. The term does not include an area or tract of land where: (a) More than half of the lots are rented overnight or for less than three months for recreational vehicles. (b) Mobile homes are used occasionally for recreational purposes and not as permanent residences.

Monorail. A non-technology specific system used to transport passengers, including any system on a fixed land route installed and operated on an exclusive fixed guideway or rail, and including a monorail as defined in NRS Chapter 705. The term does not include a system to transport passengers between two end points with no intermediate stops, or a monorail that function only as part of a theme park or permanent exhibition under LVMC Las Vegas Municipal Code Chapter 6.81.

Mortuary or Funeral Chapel. A facility in which dead bodies are prepared for burial or cremation; a facility where funeral services are conducted.

Motorcycle/Motor Scooter Sales. A facility or area for the display and sale of motorcycles and motor scooters, whether new or used. The term includes service bays which are incidental and accessory to the sales use. ~~The term is used for the sole purpose of allowing the use by means of Special Use Permit in the C-1 District. For all other purposes, the use described in this definition shall be treated under the appropriate category of motor vehicle sales.~~

Motor Vehicle Sales (New). A facility or area for the display and sale (or leasing) of new automobiles, trucks, motorcycles and motor scooters. The term includes service bays and auto body shops which are incidental and accessory to the sales use.

Motor Vehicle Sales (Used). A facility or area used primarily for the display and sale (or leasing) of used automobiles, motorcycles and motor scooters. The term includes service bays and auto body shops which are incidental and accessory to the sales use.

Mounted Antenna. An antenna, other than a wireless communication facility, that is attached to a structure as permitted under this Code.

Multi-family. A structure used or designed as a residence for three or more families or households living independently of each other.

Museum or Art Gallery. A facility or area for the acquisition, preservation, study, and exhibition of works of artistic, historic or scientific value.

Night Club. An establishment other than a teen dance center, that is operated as a place of entertainment, characterized by any or all of the following as a principal use:

1. Live, recorded, or televised entertainment, including but not limited to performance by magicians, musicians or comedians.
2. Dancing.

Off-Premise Sign. Any sign advertising or announcing any place, product, goods, services, idea or statement whose subject is not available, located at, nor on the lot where the sign is erected or placed.

Office, Medical. A professional office for the administration of professional medical or dental care, including examinations, screenings and minor outpatient surgical procedures. The term does not include a facility that provides housing for individuals, a clinic, or any other facility that is specifically defined in this Section.

Office, Other Than Listed. A building or rooms used for conducting the affairs of a business, profession, service, industry or government other than those which are specifically listed in this Title Section.

Open Air Vending/Transient Sales Lot. An area that is used exclusively for the sale or taking of orders for any merchandise where such merchandise is displayed or sold in the open area; such activities are not part of the operation of an established business; and no permanent physical structures or facilities are used as integral parts of the sales or ordertaking operations. The term includes the display or sale of merchandise in or in connection with a truck, trailer or movable building of any type.

Outcall Entertainment Referral Service. A business which, for a fee, sends or refers an entertainer to an entertainment location (as defined in LVMC 6.57.030) in response to a telephone or other request to entertain a patron at the entertainment location.

Outside Storage. The use of a significant portion of a lot or area for the long term retention (more than 24 hours) of materials and machinery or equipment, regardless of whether the materials, machinery or equipment are to be bought, sold, repaired, stored, incinerated, or discarded. The term does not include new or used motor vehicle sales and rental display, nor does it include accessory and incidental parking of vehicles for residents, guests, customers or employees in connection with a principal use.

Package liquor off-sale establishment. An establishment, other than a retail establishment with package liquor off-sale as an accessory use, whose license to sell alcoholic beverages authorized their sale to consumers only and not for resale, in original sealed or corked containers, for consumption off the premises where the same are sold. The term includes an establishment that provides on-premises wine, cordial and liqueur tasting if the licensee also holds a wine, cordial and liqueur tasting license for that location.

Parking, Commercial. A facility for parking that is operated as a business enterprise by charging the public a fee and is not reserved or required to accommodate occupants, clients, customers or employees of a particular establishment or premises.

Parking Lot/Sidewalk Sale. A promotional sales event that is conducted by a business operation outside the confines of the commercial or manufacturing structure in which the business operation is normally conducted.

Patio Cover. An attached or detached accessory structure which is not enclosed and provides sheltered outdoor space.

Pawn, Auto. A Pawn Shop that lends money on the security of a motor vehicle, which the pawn shop takes possession of as the pledged property.

Pawn Shop. A facility (other than a bank, saving and loan or mortgage banking company) used for the business of lending money on the security of pledged goods or for the business of the purchase of tangible personal property on condition that it may be redeemed or repurchased by the seller for a fixed price within a fixed period of time.

Pet Boarding. A lot, building, premises or structure on which four or more household pets kept regularly and for extended periods of time for the benefit of persons who do not reside on the premises. The term ~~included~~ includes facilities that provide shelter, care, feeding, exercising, grooming or incidental medical care for household pets for remuneration or otherwise on a commercial basis. The term includes a kennel operation.

Printing & Publishing. An establishment other than a Copy Center that provides printing, publishing, duplicating, or collating services using photocopy, blueprint, off-set printing, or related equipment.

Private Club, Lodge or Fraternal Organization.

1. Club. A facility of a private organization for the preparation and service of food and/or drink for members and their guests.

2. Lodge or Fraternal Organization. A facility for a special purpose organization for the sharing of sports, arts, literature, politics or other similar interests; but not primarily for profit or to render a service that is customarily carried on as a business.

Psychology Practice. A professional office in which a licensed professional, including a psychiatrist, psychologist, social worker, marriage and family therapist, or occupational therapist, provides evaluation, testing, treatment or counseling services related to mental conditions or disorders. The term includes a hypnotherapy practice, but does not include

SECTION 8.3

CONDITIONAL USE STANDARDS

AUTO BROKER

1. No more than two vehicles may be displayed or stored on the property.
2. Required on-site parking shall be provided in accordance with the applicable provisions of ~~Section 19.10.010(F)~~ the Design Guidelines.
3. The installation and use of an outside public address system or bell system is prohibited.
4. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.
5. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.
6. The repair or servicing of vehicles is not allowed.
7. No retail sales of vehicles is allowed.
8. ~~The Special Use Permit provisions of Section 19.04.040(B) do not apply to an auto broker use.~~

AUTO PARTS (NEW AND REBUILT) (ACCESSORY SALES AND SERVICE); AUTO PARTS (ACCESSORY INSTALLATION)

1. If an installation service is offered, the service shall be restricted to the installation of minor parts only, including batteries, windshield wipers, hoses, fuses, lights, radios and similar minor elements, but excluding engine, transmission and differential service, repair or installation.
2. All installation work shall be done within a completely enclosed building.
3. Access doors to the installation bays shall ~~not face public rights-of-way and shall be designed~~ to minimize the visual intrusion into adjoining properties and adjacent streets.
4. No dismantling, re-manufacturing or rebuilding shall be permitted.
5. No used or discarded minor automotive parts shall be located or stored in any open area outside of an enclosed building.

AUTO REPAIR GARAGE, MINOR

1. All repair and service work shall be performed within a completely enclosed building.

2. Openings to the service bays shall ~~not face public rights of way and shall be designed to minimize the visual intrusion into adjoining properties and adjacent streets.~~

3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.

4. No outside storage of stock, equipment or residual used equipment shall be located in any open area outside of an enclosed building.

5. All disabled vehicles shall be stored in an area which is screened from view from the surrounding properties and adjoining streets. Vehicles shall not be stored on the property longer than 45 days.

AUTOMOBILE RENTAL

~~1. The minimum site area shall be 25,000 square feet.~~

21. The installation and use of an outside public address or bell system is prohibited.

32. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of an enclosed building.

43. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

54. Service bays for repairs, installations, cleaning or gas dispensing services facing a public street or a residential zoning district shall be screened to a height of at least eight feet.

AUTO SMOG CHECK FACILITY

1. The facility must have a minimum size of ~~400~~ 200 square feet, of which a minimum of ~~200~~ 100 square feet must be an enclosed structure, with the remainder of the facility allowed to be located under services canopies.

2. All equipment must be stored and utilized within the enclosed structure.

3. If conducted as an accessory use to a service station, minor auto repair facility, or major auto repair facility, the Auto Smog Check facility shall be designed to be architecturally compatible with the primary building on the site.

4. If service bay doors are provided, openings to service bay doors shall ~~not face public right of way and shall be designed to minimize the visual intrusion into adjoining properties and adjacent streets.~~

5. When operated as a primary use, no other automobile repair shall be permitted in conjunction with an Auto Smog Check facility.

6. No required parking spaces shall be used or eliminated to provide for the Auto Smog Check

facility.

BEER/WINE/COOLER OFF-SALE ESTABLISHMENT

~~Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:~~

~~*1. Except as otherwise provided in this Chapter~~Section, no beer/wine/cooler off-sale establishment (hereinafter "establishment") shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.

~~*2. Except as otherwise provided in Paragraph (3) below, the distances referred to in Paragraph (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed 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 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 the 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 Paragraph (1).

~~*3. In the case of an establishment proposed to be located on a parcel of at least eighty [blank] 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 establishment will be located, without regard to intervening obstacles; or

b. In the case of a proposed 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 establishment will be located, without regard to intervening obstacles.

~~4. When considering a Special Use Permit application for an establishment 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 part of its recommendation to the City Council, state whether the distance requirement shall be waived and the reasons in support of the decision.~~

~~54. The minimum distance requirements in Paragraph (1) do not apply to:~~

(a) An establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July

1, 1992; or

(b) A proposed establishment having more than fifty-three thousand square feet of retail floor space.

***65.** All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

7. The minimum distance requirements set forth in Paragraph (1), ~~which are otherwise nonwaivable under the provisions of this subdivision, may be waived~~ may be waived by the approval of a special use permit.

a. ~~In accordance with the provisions of Section 19.040.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;~~

b. ~~In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;~~

c. ~~In connection with a proposed establishment having between twenty thousand square feet and fifty thousand square feet of retail floor space, if no more than ten percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or~~

d. ~~In connection with a retail establishment having less than twenty thousand square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least one hundred feet.~~

BEER/WINE/COOLER ON- AND OFF-SALE ESTABLISHMENT

Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:

1. Except as otherwise provided in this ~~Chapter~~ Section, no beer/wine/cooler on- and off-sale establishment (hereinafter "establishment") shall be located within four hundred feet of any church, synagogue, school, child care facility licensed for more than twelve children, or City park.

***2.** Except as otherwise provided in Paragraph (3) below, the distances referred to in Paragraph (1) shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed establishment which is closest to the existing use which the measurement pertains, and the other being the property line of that existing use which is closest to the proposed 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 Paragraph (1):

***3.** In the case of an establishment proposed to be located on a parcel of at least eighty [blank] 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 establishment will be located, without regard to intervening obstacles; or

(b) In the case of a proposed 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 establishment will be located, without regard to intervening obstacles.

~~4. When considering a Special-use Permit application for an establishment 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 part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision.~~

54. The minimum distance requirements in Paragraph (1) do not apply to:

a. An establishment which has a nonrestricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992 or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992; or

b. A proposed establishment having more than ~~fifty~~ thirty thousand square feet of retail floor space.

***65.** All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

76. The minimum distance requirements as set forth in Paragraph (1), ~~which are otherwise nonwaivable under the provisions of this subdivision may be waived~~ may be waived by the approval of a special use permit.

a. ~~In accordance with the provisions of Section 19.04.050(A)(4) for any establishment which is proposed to be located on a parcel within the Downtown Casino Overlay District;~~

b. ~~In accordance with the applicable provisions of the "Town Center Development Standards Manual" for any establishment which is proposed to be located within the T-C (Town Center) Zoning District and which is designated MS-TC (Main Street Mixed Use) in the Town Center Land Use Plan;~~

e. In connection with a proposed establishment having between twenty thousand square feet and fifty thousand square feet of retail floor space, if no more than ten percent of the retail floor space is regularly devoted to the display or merchandising of alcoholic beverages; or d. In connection with a retail establishment having less than twenty thousand square feet of retail floor space, if the area to be used for the sale, display or merchandising of alcoholic beverages and each use to be protected are separated by a highway or a right of way with a width of at least one hundred feet.

CAR WASH (SELF-SERVICE)

1. The hours of operation shall be limited to the period between 7:00 A.M. and 10:00 P.M.
2. Openings to the wash bays shall not face public right-of-way and shall be designed to minimize the visual intrusion into adjoining properties and adjacent streets.
3. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel.
4. No retail sale of vehicles is allowed.
5. No repair or servicing of vehicles is allowed.
6. The use must not be located within 200 feet of a residential property unless the use is separated from the residential property by a street with a minimum right-of-way width of 80 feet.
7. The applicant must demonstrate that the use can be made inoperable and inaccessible to the public after business hours.
8. Vacuum bays are permitted as part of this use if their operation is in compliance with the other base standards for this use.
9. The use must be operated in conjunction with another motor vehicle related use, such as gasoline sales, smog inspection, minor automotive repair, or recreational vehicle and boat storage.
10. An attendant must be on the premises during all times the equipment is operational.

CARETAKER'S QUARTERS/DOMESTIC OR SECURITY UNIT

1. Unit shall not be taller than main structure.
2. A caretaker or domestic unit shall be designed as a separate dwelling containing a bedroom, bathroom, kitchen and other living space, provided the living quarters are attached to and have interior access to the main dwelling.
3. The unit shall only be occupied by a caretaker or domestic employee of the occupant of the main dwelling.

4. No unit shall be used for rental purposes.

CONSTRUCTION MATERIAL SUPPLY YARD

1. Materials must be screened in a manner that minimizes the visual impact on adjoining properties and adjacent streets.
2. The use must be approved by the Master Developer or its designee.

ELECTRIC UTILITY SUBSTATION

1. The use must be designed in a manner that minimizes the visual impact on adjoining properties and adjacent streets.
2. The use must be approved by the Master Developer or its designee.

HOME OCCUPATION PERMIT

Home occupation permits must conform to the standards set forth in, and must be approved pursuant to the procedures in Las Vegas Municipal Code Section 19.18.110.

LIQUOR ESTABLISHMENT (TAVERN)

(1) Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by generally requiring both a minimum separation between liquor establishments (tavern), and a minimum separation between a liquor establishment (tavern) and certain other uses that should be protected from the impacts associated with a liquor establishment (tavern). Therefore, ~~Except~~ as otherwise provided below, no liquor establishment (tavern) may be located within fifteen hundred feet of any other liquor establishment (tavern within the Urban Mixed Use District), church, synagogue, school, child care facility licensed for more than twelve children, or City park.

(2) The distance separation referred to in Paragraph (1) shall be measured with reference to the shortest distance between two property lines, one being the property line of the proposed liquor establishment (tavern) 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 (tavern). The distance shall be measured in a straight line without regard to intervening obstacles.

(3) For the purpose of Paragraph (2), and for that purpose only:

(a) The "property line" of a protected use refers to the property line of a fee interest parcel that has been created by an approved and recorded parcel map or subdivision map, and does not include the property line of a leasehold parcel; and

- (b) The "property line" of a liquor establishment (tavern) refers to:
- (i) The property line of a parcel that has been created by an approved and recorded parcel map or commercial subdivision map; or
 - (ii) The property line of a parcel that is located within an approved and recorded commercial subdivision and that has been created by a record of survey or legal description, if:

- (A) Using the property line of that parcel for the purpose of measuring the

- distance separation referred to in Paragraph (1) would qualify the parcel under the distance separation requirement;

- (B) The proposed liquor establishment (tavern) will have direct access (both ingress and egress) from a street having a minimum right-of-way width of ~~one hundred~~ eighty feet. The required access may be shared with a

- larger development but must be located within the property lines of the parcel on which the proposed liquor establishment (tavern) will be located;

- (C) All parking spaces required by ~~LVMC Chapter 19.10~~ the Design Guidelines for the liquor establishment (tavern) use will be located on the same parcel as the use; and

- (D) The owners of all parcels within the commercial subdivision, including

- the owner of the parcel on which the liquor establishment (tavern) will be located, execute and record an agreement, ~~satisfactory to the City Attorney,~~ that provides for perpetual, reciprocal cross-access, ingress and egress throughout the commercial subdivision.

(4) The distance separation requirement set forth in Paragraph (1) does not apply to an establishment which has a non-restricted gaming license in connection with a hotel having two hundred or more guest rooms on or before July 1, 1992, or in connection with a resort hotel having in excess of two hundred guest rooms after July 1, 1992.

(5) The distance separation requirement set forth in Paragraph (1) may be waived in accordance with the provisions of Subsection 19.04.050(A)(4), but only in connection with a proposed liquor establishment (tavern) that by the approval of a special use permit.

- ~~(a) Will be located on a parcel within the C-V District or the Downtown Casino Overlay District;~~

- ~~(b) Will be located on a parcel or within a building that, pursuant to State law or City ordinance, has been designated as historic property, historic building, or landmark; or~~

- ~~(c) Will be located within a regional mall; or~~

- ~~(d) Will be separated from the existing use by a street or highway with a minimum right-of-way width of one hundred feet.~~

(6) The use shall conform to the provisions of LVMC Chapter 6.50.

LPG (LIQUEFIED PETROLEUM GAS) INSTALLATION OVER 288 GALLONS

1. An LPG installation which includes tanks with an aggregate water capacity of 288 gallons or less is permitted as of right in a zoning district. Such use will be subject to the requirements applicable to the district if the installation complies with the provisions of NRS 590.465 et seq. and these regulations.
- *2. An LPG installation which includes tanks with an aggregate water capacity of more than 288 gallons shall be excluded in any U zoning district or any zoning district with an "R" prefix.
- *3. An LPG installation which includes tanks with an aggregate water capacity of more than 288 gallons is not permitted as of right in any zoning district and is allowed with the approval of a Special Use Permit in the C-1, C-2, C-PB, C-V, C-M and M Zoning districts.
4. The aggregate capacity provisions of this section shall not apply to mobile parks or similar multiple-unit installations whose units are served by individual tanks if:
 - a. The tanks are not interconnected; and
 - b. Each individual tank has a water capacity of less than 125 gallons.
5. Any LPG installation which is made non-conforming by these specific standards is subject to the expansion and discontinuance provisions set forth in Chapter 19.16.

LPG INSTALLATION 288 GALLONS OR LESS

1. The use must be accessory to a main use.
2. The use must be screened to minimize the visual impact on adjoining properties and adjacent streets.

MINI-WAREHOUSE

1. No more than one manager's security residence shall be permitted.
2. All storage shall be within an enclosed building except for the storage of recreational vehicles which shall be ~~completely~~ screened from view from surrounding properties and abutting streets.
3. No business shall be conducted from or within a mini-storage facility.
4. Retail sale of stored items on the premises is prohibited.
5. The commercial repair of motor vehicles, boats, trailers and other like vehicles shall be prohibited.
6. The operation of spray painting equipment, power tools, welding equipment or other similar equipment shall be prohibited.

7. The production, fabrication or assembly of products shall be prohibited.

8. The rental of single unit trucks and small utility trailers shall be permitted as an accessory use to a mini-storage use, provided the business is conducted out of the same office as that of the mini-storage facility. ~~No trucks or trailers shall be displayed in public view and~~ The combined total of all trucks and trailers stored on site shall not exceed a ratio of two trucks or trailers for each 100 storage units. On-site parking shall be provided for each rental vehicle in excess of the number required for the mini-storage complex.

9. Truck and trailer storage shall be screened from the street and adjacent property.

10. When adjacent to a residential use, the exterior wall of the mini-warehouse shall be constructed of decorative block.

MOTORCYCLE/MOTOR SCOOTER SALES

1. All display and sales shall take place in an enclosed building.

2. The minimum gross floor area of the building shall be ~~7,000~~3,000 square feet.

OFF PREMISES ADVERTISING SIGN

No more than three signs oriented towards, and advertising to, traffic on US-95.

PET BOARDING

1. All animals shall be confined within an enclosed area or on a leash at all times.

2. Structures shall be designed to provide reasonable sound barriers and odor protection for adjoining properties.

3. Pens shall be screened from view from adjacent streets and adjoining properties.

4. Any exterior pens that are adjacent to a residential parcel shall be located a minimum of fifty feet from the parcel.

5. All operations and activities shall be in accordance with LVMC Las Vegas Municipal Code Title 7.

RECREATIONAL VEHICLE AND BOAT STORAGE

1. Storage of recreational vehicles and boats is not permitted within required setbacks or buffer areas.

2. Storage areas that are not screened by an intervening building shall be screened completely from view from any public street by a screening device at least eight feet in height. In addition, storage areas shall be screened completely from view from any adjoining property by a screening device at least eight feet in height, except along the property line of any

adjoining property that is zoned C-M or M.

3. The commercial repair of recreational vehicles, boats, trailers and other like vehicles is prohibited.

RECYCLING COLLECTION CENTER

1. A collection center, located in a parking lot, may not occupy required off-street parking spaces.

2. A collection center shall be sited as to not impede traffic flow.

3. The owner of the property and the owner of and operator of the collection center shall:

a. Remove products stored at the collection center at least once a week;

b. Keep the collection center in proper repair and maintain a neat and clean appearance on the exterior of the center; and

c. Keep the building site clean and in a neat appearance and shall dispose of cans and other litter from the building site where the collection center is located.

SUPPER CLUB

~~Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:~~

1. No supper club use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

2. Except as otherwise provided in Paragraph 3 below, the minimum distances referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed supper club 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 supper club. 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 Paragraph 1.

3. In the case of a supper club proposed to be located on a parcel of at least eighty-[blank] 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 supper club will be located, without regard to intervening obstacles; or

b. In the case of a proposed supper club 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 supper club will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for a supper club 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 part of its recommendation to the City Council, state whether the distance requirement should be waived and the reasons in support of the decision. The distance restrictions in Paragraph 1 can be waived by the approval of a special use permit.

*5. In the O District, a supper club is permitted only as an accessory use.

*65. All businesses, which sell alcoholic beverages, shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

TEMPORARY CONTRACTOR'S CONSTRUCTION YARD

The use must be approved by the Master Developer or its designee.

TEMPORARY REAL ESTATE SALES OFFICE

The use must be approved by the Master Developer or its designee.

UTILITY INSTALLATION, OTHER THAN LISTED

The use must be approved by the Master Developer or its designee.

UTILITY LINES & TRANSMISSION

The location of routes for lines which are 15,000 volts or above must first be approved by the Planning Commission. Master Developer or its Designee.

WIRELESS COMMUNICATION FACILITY, STEALTH AND NON-STEALTH DESIGN

All facilities must conform to the Design Guidelines.

SECTION 8.4

SPECIAL USE STANDARDS

AUTO DEALER INVENTORY STORAGE

1. All areas used for the parking or storage of vehicles shall be paved.
2. Stored vehicles shall be effectively screened so as not to be visible from adjoining properties or public rights-of-way.
3. ~~The parcel must be located on a primary or secondary thoroughfare, or on a parcel that is adjacent to and accessed through a parcel located on a primary or secondary thoroughfare.~~
43. Lighting shall be shielded from adjacent properties.
54. The use shall not occupy or interfere with any parking spaces that are required for the dealership use or any other existing or proposed use for which required parking is or will be provided on the site. ~~For commercial or industrial sites 15 acres or greater in size, the use may occupy up to 50 percent of parking area that is provided in excess of required parking for other uses. For purposes of this Paragraph, the amount of required parking shall be calculated in accordance with the current standards set forth in Chapter 19.10.~~

AUTO REPAIR GARAGE, MAJOR

1. All repair and service work shall be performed within a completely enclosed building. All windows and doors shall be completely closed when body and fender work, hammering, sanding or other noise-generating activities are being performed.
2. No used or discarded automotive parts or equipment shall be located or stored in any open area outside of the enclosed building.
3. Openings in service bays shall ~~not face public rights-of-way and shall be designed to~~ minimize the visual intrusion into adjoining properties and adjacent streets.
4. All disabled or wrecked vehicles shall be stored in an area that is screened from view from the surrounding properties and adjoining streets.
5. Outdoor hoists are prohibited.
6. All hazardous materials resulting from the repair, storage, or dismantling of vehicles shall be properly stored and removed from the premises in a timely manner. Storage, use and removal of toxic substances, solid waste pollution and flammable liquids, particularly gasoline, paints, solvents and thinners, shall conform to all applicable federal, state, and local regulations.
7. No vehicle may be parked on the premises for the purposes of offering the vehicle for sale.
8. Outdoor bells and loudspeakers are prohibited.

AUTO-TITLE LOAN

- *1. The use shall comply with all applicable requirements of LVMC Title 6.
- *2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.
3. No temporary signs (as described in LVMC 19.14.090) such as balloons, inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.
4. Window signs shall not:
 - a. Cover more than twenty percent (20%) of the area of all exterior windows;
 - b. Include flashing lights or neon lighting; or
 - c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.
5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.
6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting areas, customer queuing, and transaction space (such as "teller" windows or desks).
7. No auto title loan use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no auto title loan use may be located closer than one thousand feet from any other auto title loan use, auto pawn use or specified financial institution use. For purposes of this paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

BED & BREAKFAST INN

1. The establishment must have a minimum of two and a maximum of five guest bedrooms.
2. Off-street parking shall be provided with a minimum of one parking space per guest bedroom and two parking spaces for the owner or operator. The required off-street parking for guest bedrooms shall be screened by a six foot fence or by dense landscaping.
3. Access to the parcel on which the establishment is located must be by means of a paved street with a right-of-way width of at least fifty ~~forty~~ feet.
4. Cooking facilities for guest rooms are not permitted.

5. The Department of Fire and Rescue must inspect and approve the occupancy of an establishment before it may be used as a bed and breakfast inn.
6. Individual guest occupancy is limited to no more than one month in any three month period.
7. No sale or display of merchandise or other commodities may occur in connection with the establishment.
8. Private functions such as weddings, receptions, luncheons, parties and similar activities are not permitted, except to the extent such activities represent personal activities of the owner/resident.
9. Not more than one on-premise sign shall be permitted. With respect to that sign:
 - a. The copy may contain only the name and address of the establishment.
 - b. The sign may not exceed three square feet in size or four feet in height.
 - c. The sign may be freestanding or may be located on the dwelling itself or on a fence or wall.
 - d. Any sign illumination must be exterior to the sign and must be shielded so as not to produce glare upon an adjacent property or a public right-of-way.
 - e. The design materials and colors of the sign must be compatible with the architectural style of the dwelling.

~~CHILD CARE GROUP HOME (7-12 CHILDREN)~~

- ~~*1. The minimum lot size shall be 6,500 square feet.~~
- ~~2. Access to the facility shall be by means of a right of way with a width of 60 feet or less.~~
- ~~*3. The site shall be designed so that all loading and unloading of passengers occurs on site.~~
- ~~4. The use of outdoor play areas shall be limited to the hours between 6:00 A.M. and 10:00 P.M.~~
- ~~5. All lighting shall be designed so it does not shine directly onto any abutting residential property.~~
- ~~6. In order for this use to be conducted on a parcel developed with multi-family housing, the child care must be provided within a separate structure.~~
- ~~7. The use shall be subject to the child care regulations and standards of the Department of Finance and Business Services.~~

~~DAILY LABOR SERVICE~~

- ~~*1. The use must be located on a primary or secondary thoroughfare.~~

~~2. The use shall not be located within 400 feet of any church, synagogue, school, child-care facility licensed for more than 12 children, City park, or residential zoning district.~~

~~*3. The hours of operation shall be limited to the hours between sunrise and sunset.~~

~~*4. Signage must be posted on the premises indicating that loitering on the premises is not allowed. The signage may not exceed four square feet in size.~~

~~*5. Persons who are seeking employment must wait for employment within a fully enclosed structure or an area screened from public view.~~

BOAT AND TRAILER SALES DEALERSHIPS, NEW AND USED

~~1. The minimum site area shall be 25,000 square feet.~~

~~21. No vehicle, boat or trailer service or repair work shall occur except within a fully enclosed structure.~~

~~3.2 Service bays with individual access from the exterior of the structure shall not directly face or front on a public right-of-way.~~

FINANCIAL INSTITUTION, SPECIFIED

~~*1. The use shall comply with all applicable requirements of LVMC-Las Vegas Municipal Code Title 6.~~

~~*2. The building design and color scheme shall be subject to review by the Department to ensure that it will be harmonious and compatible with the surrounding area.~~

~~3. No temporary signs (as described in LVMC-Las Vegas Municipal Code 19.14.090) such as balloons inflated devices, searchlights, pennants, portable billboards, portable signs, streamers, trucks parked for signage purposes, or other similar devices are permitted, except that banners announcing a "grand opening" or that a business is "coming soon" may be approved administratively for a period not to exceed thirty days.~~

~~4. Window signs shall not:~~

~~a. Cover more than twenty percent (20%) of the area of all exterior windows;~~

~~b. Include flashing lights or neon lighting; or~~

~~c. Include any text other than text that indicates the hours of operation and whether the business is open or closed.~~

~~5. The hours of operation shall not extend beyond the hours of 8:00 a.m. to 11:00 p.m.~~

~~6. The building or portion thereof that is dedicated to the use shall have a minimum size of one thousand five hundred square feet, and shall be designed to have sufficient interior space to provide for adequate customer waiting area, customer queuing, and transaction space (such~~

as "teller" windows or desks).

7. No specified financial institution use may be located closer than two hundred feet from any parcel used or zoned for residential use. In addition, no specified financial institution use may be located closer than one thousand feet from any other specified financial institution use, auto title loan use, or auto pawn use. For purposes of this Paragraph (7), distances shall be measured in a straight line from property line to property line, without regard to intervening obstacles. The term "property line" refers to property lines of fee interest parcels and not leasehold parcels.

HOTEL LOUNGE BAR

Pursuant to its general authority to regulate the sale of alcoholic beverages, the City Council declares that the public health, safety and general welfare of the City are best promoted and protected by requiring that:

1. No hotel lounge bar business use shall be located within 400 feet of any church, synagogue, school, child care facility licensed for more than twelve children or City park.

2. Except as otherwise provided in Paragraph 3 below, the minimum distances referred to in Paragraph 1 shall be determined with reference to the shortest distance between two property lines, one being the property line of the proposed hotel lounge bar 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 hotel lounge bar. 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 Paragraph 1.

3. In the case of a proposed hotel lounge bar located on a parcel of at least eighty acres in size, the minimum distances referred to in Paragraph 1 shall be measured in a straight line from the nearest property line of the existing use to the nearest portion of the structure in which the hotel lounge bar will be located, without regard to intervening obstacles.

4. When considering a Special Use Permit application for a hotel lounge 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 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. The 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 connection with a resort hotel having in excess of 200 guest rooms after July 1, 1992.

*6. All businesses which sell alcoholic beverages shall conform to the provisions of Chapter 6.50 of the Las Vegas Municipal Code.

JEWELRY STORE, CLASS III

*1. The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.

*2. No outdoor display, sales or storage of any merchandise shall be permitted.

*3. ~~No Class III Jewelry Store shall be located on either side of Fremont Street or on Las Vegas Boulevard South, between Charleston Boulevard and Sahara Avenue.~~

LIGHT ASSEMBLY & FABRICATION

1. No outside storage is permitted.

2. ~~All exterior storage of material shall be in sturdy containers or enclosures which screen storage from surrounding properties and abutting streets. Storage containers for flammable materials shall be constructed of nonflammable material. [C-2 only]~~

32. All processing, manufacturing, and storage of materials, equipment and products shall be performed in a completely enclosed building.

43. There shall be no audible or noticeable indication of a manufacturing operation outside the building.

54. There shall be no smoke, dust or foreign matter emitted.

65. The bulk manufactured items and raw materials stored shall not exceed four percent of the cubic content of the building. ~~[C-1 only]~~

7. ~~No more than seven employees shall be engaged in the manufacture, treatment or processing operation. [C-1 only]~~

8. ~~Only the following operations shall be allowed: [C-1 only]~~

~~a. Lens grinding~~

~~b. Jewelry manufacture~~

~~c. Wholesale medallion sales and assembly~~

~~d. Wholesale and retail cooking~~

~~e. Sewing and embroidery shop~~

~~f. Stained glass assembly~~

~~g. Drapery manufacture~~

~~h. Wholesale printing~~

LPG (LIQUEFIED PETROLEUM GAS) INSTALLATION OVER 288 GALLONS

1. An LPG installation which includes tanks with an aggregate water capacity of 288 gallons or less is permitted as of right in a zoning district. Such use will be subject to the requirements applicable to the district if the installation complies with the provisions of NRS 590.465 et seq. and these regulations.
- *2. An LPG installation which includes tanks with an aggregate water capacity of more than 288 gallons shall be excluded in any U zoning district or any zoning district with an "R" prefix.
- *3. An LPG installation which includes tanks with an aggregate water capacity of more than 288 gallons is not permitted as of right in any zoning district and is allowed with the approval of a Special Use Permit in the C-1, C-2, C-PB, C-V, C-M and M Zoning districts.
4. The aggregate capacity provisions of this section shall not apply to mobile parks or similar multiple-unit installations whose units are served by individual tanks if:
 - a. The tanks are not interconnected; and
 - b. Each individual tank has a water capacity of less than 125 gallons.
5. Any LPG installation which is made non-conforming by these specific standards is subject to the expansion and discontinuance provisions set forth in Chapter 19.16.

MESSAGE ESTABLISHMENT

1. The use shall comply with all applicable requirements of LVMC-Las Vegas Municipal Code Title 6.
2. The use must be located on a secondary thoroughfare or larger.
32. The use may not be located within four hundred feet of any church, synagogue, school, city park, child care facility, or any parcel zoned exclusively for residential use.
43. The use may not be located within one thousand feet of any other message establishment.
54. The hours of operation shall be limited to the period between 8:00 a.m. and 9:00 p.m., unless further limited by the City Council on a case-by-case basis. Master Developer.

MONORAIL

1. A Special Use Permit may be approved only in conjunction with the approval of necessary licensing for the monorail and the approval of an agreement to authorize the operation of the monorail system within the City.
2. Conditions may be imposed upon associated passenger terminals, power propulsion systems, parking lots, maintenance facilities and other accessory land and buildings that are referred to

in the application.

~~3. Accessory commercial uses may be permitted in conjunction with the system if they are specified in the application.~~

~~4. Structures shall be designed to be architecturally compatible with existing buildings and structures in the vicinity of the system. Structures associated with the system may be permitted at heights greater than otherwise permitted by this Title if the heights are specified in the application.~~

~~5. Site development standards otherwise applicable, such as yard setbacks, building separation or location requirements, may be reduced or eliminated in connection with the approval of a Special Use Permit.~~

~~6. Ground level equipment, power propulsion systems and maintenance facilities shall be screened from streets and residential development with a decorative block wall not to exceed 10 feet in height; landscaping sufficient to screen the equipment, systems and facilities; or a combination thereof, as required in connection with the approval of a Special Use Permit. If the height of the block wall exceeds 6 feet, a notarized letter of approval must be obtained from the owner of any adjacent property that is developed.~~

~~7. Advertising signs are permitted only in accordance with the applicable requirements of this Title or as permitted in an agreement with the City to authorize the operation of the monorail system.~~

~~8. Approval of a Special Use Permit shall not be deemed to give the monorail system the right to use property of any person without that person's consent or to compel the City to use its power of eminent domain to acquire property for the system.~~

MOTOR VEHICLE SALES (NEW)

1. Motor vehicle sales may include an outdoor used car sales lot when operated by a franchised, new car dealer. The used car sales shall be located directly adjacent to the new car sales and service facility and be operated as an incidental use.

2. The installation and use of an outside public address or bell system is prohibited.

3. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.

4. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

5. All accessory service shall be performed inside an enclosed area.

6. Openings in service bays shall not face public rights-of-way and shall be designed to minimize the visual intrusion into adjoining properties and adjacent streets.

7. Accessory automobile rental is permitted.

~~*8. Any motor vehicle sales use to be located north of Cheyenne Avenue must be within the GCTC land use designation.~~

MOTOR VEHICLE SALES (USED)

~~1. The minimum site area shall be 25,000 square feet.~~

21. The installation and use of an outside public address or bell system is prohibited.

32. No used or discarded automotive parts or equipment shall be located in any open area outside of an enclosed building.

43. All exterior lighting shall be screened or otherwise designed so as not to shine directly onto any adjacent parcel of land.

54. Openings in service bays shall ~~not face public rights-of-way and shall be designed to~~ minimize the visual intrusion into adjoining properties and adjacent streets.

56. Accessory automobile rental is permitted.

SWAP MEET

1. No outdoor display, sales or storage of any merchandise or equipment is permitted, except in connection with temporary activities that have been authorized by means of a Temporary Commercial Permit.

2. No repair, installation or service work is permitted outside of an enclosed building.

3. All signage, including any temporary signage, shall comply with LVMC Las Vegas Municipal Code Chapter 19.14

4. The swap meet operation shall comply with all applicable requirements of LVMC Las Vegas Municipal Code Title 6.

THRIFTSHOP

1. No outdoor display, sales or storage of any merchandise shall be permitted.

2. The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.

THRIFTSHOP, NON-PROFIT

1. No outdoor display, sales or storage of any merchandise shall be permitted.

2. The use shall comply with the applicable requirements of Title 6 of the Las Vegas Municipal Code.

SECTION 8.5

TEMPORARY USE STANDARDS

All temporary uses shall be approved by the Master Developer or its designee prior to an application being filed with the City of Las Vegas. The City will process all applications pursuant to the procedures set forth in Las Vegas Municipal Code 19.18.100.

Section 11

Exhibits

- A. WATER SMART HOME STANDARDS AS OF JULY 1, 2006**
- B. 2006 INTERNATIONAL ENERGY CONSERVATION CODE
AS ADOPTED BY THE CITY OF LAS VEGAS**

EXHIBIT A

WATER SMART HOME STANDARDS AS OF JULY 1, 2006

EXHIBIT B

2006 INTERNATIONAL ENERGY CONSERVATION CODE AS ADOPTED BY THE CITY OF LAS VEGAS

A) The publication entitled "International Energy Conservation Code, 2006 Edition," as published by the International Code Council, and

B) The document entitled "Southern Nevada Amendments to the 2006 International Energy Conservation Code," which adds to, deletes from and amends the "International Energy Conservation Code, 2006 Edition."

(Available on CD)

**Kyle Canyon
Summary of Significant
Development Agreement
Provisions**

1. The total maximum number of residential units is 16,000.
2. Maximum density and maximum percentages of product types are set for individual planning areas throughout the community.
3. Village Streets and other improvements must be phased in a way that they are substantially complete before the subdivisions are completed.
4. The Master Developer is developing approximately 127 acres of parks, paseos, and open space, and approximately 13.5 miles of trails.
5. Community parks, community centers and pools will be constructed concurrent with construction of residences throughout the master plan.
6. Modifications to the Design Guidelines can only be made by the Master Developer.
7. Deviations to the standards set forth in the Design Guidelines can only be made in limited circumstances, and must be approved by the City.
8. The City has committed to concurrent processing of certain applications, and to specified processing time limits.
9. Buildings within the Town Center Mixed Use District are limited to 160 feet in height. Buildings in the Urban-Mixed Use District are limited to 80 feet.
10. The Master Developer will submit for approval a separate set of standards governing the mixed-use districts prior to any construction within those districts, and within 18 months.
11. Traffic, Drainage and Sewer studies have been submitted and approved. Master Developer has substantial improvement obligations pursuant to these approvals.
12. City will maintain the interim detention basins. The Master Developer will reimburse City for its costs.
13. Master Developer is dedicating 72 acres for school sites, and will be installing standard improvements adjacent to those sites.
14. All residential units within the community will contain automatic fire suppression systems.
15. Master Developer will contribute \$1.0 million towards the construction of a fire station at Grand Teton and Hualapai.

Submitted at Planning Commission

Date 4/26/07 Item # 59

16. Master Developer is dedicating 2.5 acres for a bus transit center, and will install standard improvements adjacent to this parcel.
17. Builders will pay \$218/unit towards the construction of a Metro substation.
18. In addition to the requirements of the traffic study, the Master Developer will:
 - a) Contribute \$10 million towards the construction of the Kyle Canyon/US-95 interchange.
 - b) Assist the City in obtaining prioritization of the Hualapai/215 interchange.
 - c) Pay a traffic signal impact fee.
 - d) Dedicate sufficient right-of-way for the Horse-Hualapai connector to allow for 6 travel lanes and 2 parking lanes. Master Developer will construct the initial roadway with 4 travel lanes.
19. Master Developer will dedicate acreage outside the master plan to accommodate the Mountain Edge Parkway prior to recordation of the Parent Final Map.

KYLE CANYON GATEWAY RESOLUTION TO CLV ISSUES

Meeting Location: City Hall 2nd Floor, Training Room 4

Attendees:

Betsy Fretwell – CLV
Jorge Cervantes – CLV
Randy Fultz – CLV
Chris Myers – Toll Brothers
Larry Bross – LandTech

The following is a summary of the issues resolved between the City of Las Vegas (CLV) and the Kyle Canyon Gateway (KCG) representatives April 13, 2007. The issues addressed were from a Landtek memorandum dated April 11, 2007 entitled "Remaining CLV Traffic Requirements and Issues." CLV staff understand that Traffic comments addressed by Traffic in the Master Traffic Study would be incorporated into the Tentative Parent Map to be provided at a future date. Revisions to the Traffic comments would need to be supported through an Addendum to the Master Traffic Study.

Several of the decisions made were based on the availability of KCG Developer funds programmed for the project. A review of the budgeted items is presented below.

ITEM	BUDGETED AMOUNT	CUMMULATIVE CONTRIBUTION TO KYLE CANYON OVERPASS
1) Moccasin Road (1)	\$ 500,000 \$1,000,000 (from school west to Hualapai.	 \$1,000,000
2) Hualapai Interchange Expansion	600,000	\$1,600,000
3) Kyle Bridge Design	\$1,000,000 (2)	\$2,600,000
4) US95 Accel./Decel. Lanes	\$1,200,000	\$3,800,000
5) Sky Point Frontage Road	\$2,400,000	\$6,200,000
6) Fire Station	\$3,000,000	\$9,200,000
7) Iron Mountain –dedicate 100-feet but construct 80-feet between Hualapai and Frontage Road	\$ 200,000	\$9,400,000
8) KCG Contingency	\$ 600,000	\$10,000,000
9) Fire Station Contribution	\$1,000,000	\$11,000,000 (3)

NOTES:

- (1) KCG programmed \$1,500,000 to construct Moccasin from Fort Apache east to Hualapai. It was decided to reduce the construction of Moccasin from Fort Apache to the west end of the School. This was estimated at 1/3 the length, or \$500,000 and an ultimate two-lane roadway section of 32'. The balance of the budget amount, \$1,000,000 would be contributed towards overpass.
- (2) KCG programmed \$1,000,000 towards design. This will go towards construction and the City will perform the design.
- (3) Cumulative contribution by KCG to Kyle Canyon Gateway project would be \$11 million, of which \$10 million would be towards the construction of the Kyle Canyon Overpass and a \$1 million contribution towards the construction of a Fire Station.

Submitted after final agenda

Date 4/26/07 Item #69¹

ISSUES AGREED TO BY KGC AND CLV

1. **Kyle Canyon Interchange** – Following a review of the KCG programmed funds (see Page 1), it was agreed that items (1) through (8) would be used towards a \$10 million construction contribution to the Kyle Canyon Overpass including at grade on/off-ramps. If more funds were needed the City would contribute the balance. The Design for the Overpass would be expeditiously completed by the City of Las Vegas. Building permits will not be withheld at any phase, however, KCG and the City will work as quickly as possible towards the completion of the overpass. (LANGUAGE IN DEVELOPMENT AGREEMENT.)
2. **Fire Station** – In addition to the \$10 million Kyle Canyon Overpass contribution, KCG agreed to a \$1 million contribution towards the construction of Fire Station. KCG will make the payment 18 months after the Development Agreement is executed. (INCLUDE LANGUAGE IN D.A.)
3. **Three Interchanges** –KCG requested language in the Development Agreement that the City was committed towards completing the Horse Interchange as soon as possible, that KCG and CLV would work to complete the Kyle Canyon Interchange as soon as possible, and that KCG would work with the County to prioritize the Hualapai Interchange at I-215 as soon as possible. It was understood that KCG desired early to close the left turn at Kyle Canyon and force traffic south to the Horse Interchange. The Horse Interchange is scheduled to go out to bid early 2008. (LANGUAGE IN D.A.)
4. **Traffic Signal Contribution** –KCG agreed to pay the traffic signal contribution fees, and also agreed to an increased fee as long as the fee was uniformly applied throughout the City. (INCLUDE LANGUAGE IN D.A.)
5. **Fire Fees** – Sprinklers to all residential units will be provided. Inspection fees will be waived for the residential units only (INCLUDE LANGUAGE IN D.A.).
6. **Sprinklers** – all residential structures will be provided with sprinklers. (LANGUAGE IN D.A.) Non residential structures will require sprinklers consistent with the existing Code.
7. **Hualapai/Horse** – It was agreed right of way for six (6) travel lanes plus 2 parking lanes will be provided on Hualapai/Horse. It will be designed for 40 mph and posted at 35 mph. When the road goes to six lanes, it can be posted at 40 mph. KCG will construct the first four (4) lanes and two outside parking lanes together with the left turn lanes and median. The median will need to allow for two future 11-foot travel lanes (5th and 6th lanes) leaving a 14 –foot median. The 5th and 6th lanes will be constructed by the City. (LANGUAGE IN D.A.)
8. **Detention Basin Maintenance** – CLV will provide maintenance of the interim detention basin providing a Maintenance Agreement is worked out with KCG. The Detention Basin Maintenance Agreement will be prepared requiring a \$100,000 Ten (10)-year Maintenance Bond replenished each year after drawdowns are made. (LANGUAGE IN D.A.)
9. **The Special Improvement District (SID)** – the SID can be used for the bond for the Parent Final Map. The SID is effective following City Council approval. Bonds must be posted for offsite perimeter roadway improvements to satisfy Title 18.26.020 if the SID has not been approved by the City Council at the time of Parent Final Map mylar submittal. However, the SID must be approved by the City Council prior to recordation of a Parent Final Map and bonds will be released after SID funding is in place. (INCLUDE LANGUAGE IN D.A.)
10. **Offsite Improvements** – Their was a concern on the City's behalf regarding what needed to happen if the Master Developer fell behind in the construction of the offsite improvements. The policy in the past has been to require the POD Developer with their Tentative Map to construct the offsite improvements. (LANGUAGE NEEDED IN D.A.)
11. **Roll Curb** – it was agreed no roll curb would be used where the residential lots were alley loaded. KCG agreed to work out sections on narrow streets where roll curb will not be permitted. (INCLUDE IN DESIGN STANDARDS.)

12. **Signalized Intersections** – the 300-foot parking restriction at signalized intersections was reduced to 250-feet. (INCLUDE IN DESIGN STANDARDS.)
13. **Master Traffic Study** – no Tentative Map Approval until conditional approval of Master Traffic Study Addendum. (LANGUAGE NEEDED IN D.A.)
14. **Alley Width** – the width of the alleys will be 16 feet plus three (3) feet of overhang area on each side of the alley. (INCLUDE IN DESIGN STANDARDS.)
15. **Residential Parking** – additional parking was discussed. It was decided that 2-1/2 spaces per lot would be provided. This did not assume tandem parking, but 1 car in garage, one in parking space and ½ in street.
16. **Parking Along Arroyos** – parking on loop streets along arroyos will be provided at designated park/open space areas as shown on the Common Elements /Medians Map dated December 18, 2006. (INCLUDE IN D.A.)
17. **Pedestrian and Vehicle Access** – access points will be provided as shown on the Preliminary POD Access Points Map dated February 20, 2007. (INCLUDE IN Design Guidelines)
18. **Mountain Edge Parkway Dedication** – Option 1 – Outright Dedication. Option 2 Letter of Credit. (Language for the MEP Dedication will be worked out by James B. Lewis. Public Works does request language be included to allow for approval of the language by the Finance Director – Mark Vincent. INCLUDE LANGUAGE IN D.A.)
19. **Cul-de-sac Limitation** – CLV was requiring a limitation of no more than 25% of all builder streets end in a cul-de-sac and all cul-de-sacs that abut open space to include pedestrian connects regardless of grade separation. It was agreed pedestrian access will be provided and that the cul-de-sac street occurrences could be increased to 50%, but the block length was determined to be critical and worked out with Planning Department (INCLUDE IN D.A.)
20. **Fiber Optic (additional comments required by City Engineer)** - . Installation of fiber optic on City right-of-way for their personal use is not allowed under Title 13. The plan for the use of fiber optic in City right-of-way must be defined. The Development Agreement would need to allow for free and unlimited public use. If any commercial aspects the following will need to be provided:
 - a. Master Developer will have to provide the City proof from the State Public Utility Commission that they have a Certificate of Public Convenience and Necessity CPC 2873 authorizing them to operate as a competitive provider of telecommunication services. Telecommunication improvements in CLV right-of-way (these are usually the access points, repeaters, or antennas) require the Master Developer to enter into a Pole Use Agreement with the City and associated fees paid (INCLUDE LANGUAGE IN D.A.)
21. **Public Works Offsite Inspection and Testing: (INCLUDE LANGUAGE IN D.A.)**
 - a. **Payment of Inspection Fees Will be Required** - If KCG uses the standard procedure for inspections, which includes calling it in and getting any one of our available inspectors, standard inspection fees apply and there WILL NOT be inspector paid for with the SID, however there may not be a dedicated inspector.
 - b. **Full-Time Salaried Inspector** – The difference between what is collected in inspection fees and the cost of a full time inspector, KCG will need to pay for through the SID or some other means. Third party inspection testing must also be addressed through the SID.
 - c. **Water Improvements** – Inspection fees for water distribution and transmission facilities will not be paid by the Developer to the City.
22. **General Comment** – Focus responsible to ensure that these issues are carried through in the Design Guidelines and that the Design Guidelines conform to the Master TIA.

23. An update to the approved Master Drainage Study shall be submitted for approval by the Flood Control Section that illustrates the proposed phasing of improvements in accordance with the Development Agreement.
24. The Parent Tentative Map shall show all additional right-of-way for turn lanes and bus turnouts required by the Master Traffic Study, and such additional rights-of-way shall be dedicated on the Parent Final Map unless an update to the approved Master Traffic Impact Analysis is submitted to and approved by the Department of Public Works that shows that specific additional rights-of-way are not required. Comply with the recommendations of the approved Master Traffic Study update prior to occupancy of the site. If additional rights of way are not required and Traffic Control devices are or may be proposed within or adjacent to this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted on the Parent Final Map. Phased compliance will be allowed if recommended by the approved 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.
25. The City may require updates to the approved Traffic Impact Analysis if future development is proposed that differs substantially, in the opinion of the City Traffic Engineer, from the assumptions of the approved Master Traffic Impact Analysis. Additional public right-of-way dedications may be required to accommodate such changes.
26. Site specific Drainage Plans and Traffic Access Analysis Reports may be required as each internal site develops as required by the Department of Public Works. The City reserves the right to impose additional site specific conditions with future site development actions.

Mountain Edge Parkway. Currently, the Property is encumbered by an irrevocable BLM Right-of-Way grant in favor of the City for the proposed Northern Beltway (the "Existing ROW"). The Parties have agreed to a realignment of the proposed Northern Beltway (the "Northern ROW") and for the means by which the City shall acquire certain of the necessary rights-of-way for the Northern Beltway both within and outside the boundaries of the Property and for the abandonment by the City of the Existing ROW. Except as required by the Applicable Rules and the Master Studies, City shall not require the dedication of any easement, right-of-way or other interest for the Mountain Edge Parkway.

The agreement of the parties as to the Northern ROW is as follows:

1. Prior to the recordation of the Final Parent Map, certain real property necessary to construct the Northern ROW within Section 1 as depicted graphically, and identified by legal description by Exhibit ____ (the "Section 1 Land"), shall be dedicated to the City pursuant to one of two alternative identified herein at (insert subsection identifiers here).
2. Prior to the recordation of the Kyle Parent Final Map, certain parcels currently within the Providence Master Plan as depicted graphically, and identified by legal description by Exhibit ____ (the "Providence Land"), shall be dedicated to the City. The Providence Land will be dedicated free of any debt encumbrances, and subject only to standard title exceptions acceptable to the City
3. The Parties acknowledge that on the Parent Tentative Map, the Master Developer will identify for dedication to the City all real property necessary to construct the Northern ROW within the boundaries of the Property as depicted graphically, and identified by legal description by Exhibit ____ (the "On-Property Land").
4. Upon dedication of the Section 1 Land and the Providence Land to the City, and the recordation of the Parent Final Map conveying the On-Property Land to the City, the City shall immediately file an action to conclude the vacation of the Existing ROW.
5. In any event, the Existing ROW shall not be vacated until the Section 1 Land, the Providence Land and the On-Property Land are dedicated to the City as set forth herein. In the unforeseen event that the Section 1 Land, the Providence Land and the On-Property Land are ultimately not dedicated to the City for any reason, the parties acknowledge the necessity to amend the Agreement to accomplish an amendment of the Land Use Master Plan and the a complete resubmittal of the Master Studies to properly include the Existing ROW within the Property.

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6. The Master Developer acknowledges, for itself, and on behalf of any Designated Builders, that the City will accept for processing, but will abey consideration of, any Entitlement Requests subsequent to the recordation of the Parent Final Map for parcels that would otherwise lie within the Existing ROW until such time as the Section 1 Land, the Providence Land and the On-Property Land are dedicated to the City.
6. The City shall not bear any escrow fees, title insurance premiums or other costs related to the dedication of the Section 1 Land, the Providence Land or the On-Property Land.

With regard to the dedication of the Section 1 Land, there are two alternatives:

Alternate 1

7. As to the dedication of the Section 1 Land, the land will be dedicated free of any debt encumbrances, and subject only to standard title exceptions acceptable to the City.

Alternate 2

8. Alternatively, the Section 1 Land may be dedicated subject only to standard title exceptions acceptable to the City and to encumbrances for debt existing as of the Effective Date ("Debt Encumbrances"), and such dedication shall be accepted by the City only upon the following terms:
 - a. Along with the dedication, an Irrevocable Letter of Credit in favor of the City and the Debt lien holders will be provided to the City, issued by a commercial bank acceptable to the City (the "LOC");
 - b. The LOC will be in the amount of the Debt Encumbrances, plus related expenses in an amount acceptable to the City. If the debt lien holders acknowledge by agreement that the amount of the LOC will satisfy all amount due and owing for the Section 1 Land, the City shall accept the amount of the LOC offered. The LOC will allow the City or the Debt lien holders to draw upon the LOC to extinguish the Debt Encumbrances, should there be an uncured default under the loan agreements that underlie the Debt Encumbrances, or an uncured default in the terms of this agreement (?);
 - c. An agreement the terms and provisions of which are acceptable to the City, will be provided to the City, which will be executed by the Debt lien holders and the Section 1 land owners, which

acknowledges the dedication and the terms under which the City is accepting the dedication subject to the Debt Encumbrances. The lender agreement will provide that all notices sent by the Debt lien holders to the debtors related to the Section 1 Land will be copied to the City, and that the loan agreements cannot and shall not be amended or modified without the prior, express approval of the City Council. The lender agreement will further provide that, upon receipt of the full payment in an amount equal to the LOC, the Debt Encumbrances will be fully released regardless of whether the amount of the LOC is sufficient to cover all the debt, expenses and/or other obligations of the Section 1 Land owners to the lenders, and it will provide that the Debt lien holders acknowledge and accept that the City may construct public infrastructure improvements upon the Section 1 Land prior to the full satisfaction of the Debt Encumbrances; and

- d. The loans underlying the Debt Encumbrances will be fully paid within five (5) years of the date of the dedication, resulting in a full extinguishment of the Debt Encumbrances.