

**IN THE SUPREME COURT OF THE STATE OF NEVADA**

**Case No. 78792**

CITY OF LAS VEGAS, a political subdivision of the State of Nevada

Petitioner

v.

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Elizabeth A. Brown  
Clerk of Supreme Court

EIGHTH JUDICIAL DISTRICT COURT of the State of Nevada, in and for the County of  
Clark, and the Honorable Timothy C. Williams, District Judge,

Respondents

and

180 LAND CO., LLC, a Nevada limited liability company,

Real Party in Interest

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District Court Case No. A-17-758528-J  
Eighth Judicial District Court of Nevada

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**REAL PARTY IN INTEREST'S APPENDIX  
TO OPPOSITION TO EMERGENCY MOTION UNDER NRAP 27(e)  
FOR STAY PENDING WRIT PETITION**

**VOLUME 6  
OMS 1197 - OMS 1294**

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AFFIRMATION

Pursuant to NRS 239B.030, the undersigned does hereby affirm that Real Party in Interest's Appendix does not contain the social security number of any person.

DATED this 21<sup>st</sup> day of May, 2019

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## CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of the Law Offices of Kermitt L. Waters, and that on the 21<sup>st</sup> day of May, 2019, a copy of the foregoing **REAL PARTY IN INTEREST'S APPENDIX TO OPPOSITION TO EMERGENCY MOTION UNDER NRAP 27(e) FOR STAY PENDING WRIT PETITION VOLUME 6** was electronically filed with the Clerk of Court for the Nevada Supreme Court by using the Nevada Supreme Court's E-Filing system (E-Flex). Participants in the case who are registered with E-Flex as users will be served by E-Flex system and others not registered will be served via U.S. mail as follows:

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**CITY COUNCIL MEETING OF  
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340 **DOUG RANKIN**

341 Mayor, through you, that will be coming as part of our presentation, including the development  
342 history of Peccole Ranch and how it occurred and what happened, because, yeah, they did make  
343 changes, and the same things you've seen prior in other master development plans. Kyle Canyon  
344 has been before you many times, now known as Skye Canyon, changing what they're doing. And  
345 they come back before Council each time to change the plan, and they go through the proper  
346 procedures to do that — general plan amendments, major modifications, rezonings, brand new  
347 tentative maps, new development agreements.

348

349 **COUNCILMAN ANTHONY**

350 Thank you.

351

352 **MAYOR GOODMAN**

353 Councilman Barlow, I heard you. Did you have a question?

354

355 **COUNCILMAN BARLOW**

356 I did, ma'am. I'm not sure which of the City Attorneys are sitting there, Brad or Bryan Scott, but  
357 I'm pretty sure they have the answer to my question.

358

359 **MAYOR GOODMAN**

360 Where are they? Where did he go?

361

362 **COUNCILMAN BARLOW**

363 Does the entitlement run with the land, or do they run with ownership?

364

365 **MAYOR GOODMAN**

366 I'm afraid our attorney isn't here. I don't know where he went. He was here.

367

368 **MAYOR PRO TEM TARKANIAN**

369 We're looking for him.

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370 **MAYOR GOODMAN**

371 Can you hold on one sec, please, Councilman? We'll find out.

372

373 **COUNCILMAN BARLOW**

374 Yes, ma'am.

375

376 **PETER LOWENSTEIN**

377 Madam Mayor, Peter Lowenstein for the record. Land use entitlements run with the land, not  
378 with the property —

379

380 **MAYOR GOODMAN**

381 Say that —

382

383 **PETER LOWENSTEIN**

384 They run with the land, not the property owner.

385

386 **MAYOR GOODMAN**

387 Okay.

388

389 **COUNCILMAN BARLOW**

390 Okay. So if land use entitlements run with the land, then the sale or the transfer of property to  
391 new owner, they should have the same level of opportunity to, in fact, utilize that same  
392 entitlement as the previous owner. Is that correct?

393

394 **PETER LOWENSTEIN**

395 That is correct, Councilman.

396

397 **COUNCILMAN BARLOW**

398 Thank you.

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399 **TODD BICE**

400 If I might, Mayor, I'd like to respond to the Councilman's question and to staff's statements. I  
401 don't dispute the general legal proposition that land use entitlements run with the property, but  
402 these particular entitlements were seven units per acre gross acreage, and the developer then was  
403 allowed to move the units around. This developer did not obtain and this property is not zoned  
404 for seven units per acre. It is zoned R-PD7, which includes open space and various amenities that  
405 the developer obtained at the time and made representations on at the time that they obtained that  
406 R-PD7 zoning.

407 If the developer had obtained R-7 zoning, i.e., no open space, no flexibility, no amenities, i.e.,  
408 just hard zoning of seven units per acre, Mr. Lowenstein's statement, I think, might be accurate.  
409 But this particular property is designated R-PD. And it reminds me, that comment by  
410 Mr. Lowenstein reminds me that I took both his deposition and Mr. Perrigo's deposition in  
411 litigation on these very points, and they acknowledged that one of the things in R-PD that it  
412 specifically exists for is open space.

413 So you can't come in and then say, well, a new buyer has somehow land use entitlements that are  
414 passed down from the prior owner of the property that allows them to thereby eliminate the open  
415 space. When you obtained R-PD7, when you have zoned the property R-PD, you obtain the right  
416 to move the units around, but you also made a number of representations about open space. And  
417 that's how you obtained that zoning. That flows just as much — the R-PD flows just as much as  
418 the number seven flows with the property.

419

420 **CITY ATTORNEY BRAD JERBIC**

421 Your Honor, if I could jump in for a minute. I understand there was a question from Councilman  
422 Barlow. And I think, in large part, I agree with what Mr. Bice has said, but I don't want to just  
423 state as wholesale what was just said. One, whatever the previous owner had transferred to EHB,  
424 whatever that is, whether that's an entitlement, if you want to call it so or not, whatever the  
425 Peccoles had, that's what transferred when the sale occurred.

426 I also would state that those are not entitlements. So we said that on the record before. We've  
427 never said R-PD7 is an entitlement. I've even had Mr. Kaempfer at the microphone say it's not an  
428 entitlement. And the City has never taken the position that R-PD7 gives them the right to 7.49  
429 units per acre. We have said that at the microphone, and we said it out here.

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430 So I don't think there's a lot of debate here. How much mileage you get out of that when it comes  
431 to open space preservation, I'll let Mr. Bice make his argument there. But I just want to make it  
432 clear for the record that whatever the Peccoles had is exactly what transferred to EHB. Whatever  
433 rights they had transferred, they weren't entitlements, and there was no right to 7.49 units per  
434 acre.

435

436 **TODD BICE**

437 Right. And our point about that, Mr. Jerbic, is because they do not have any entitlement, because  
438 they do not have any as such right, and because the only thing that they could have acquired, the  
439 only thing that the law would recognize that they could have acquired is what the seller had to  
440 sell. The seller had designated this as open space, and it obtained that designation under the R-  
441 PD7 zoning. So what was sold, what was sold was open space subject to a drainage easement,  
442 and a buyer knew that they were buying open space subject to a drainage easement.

443

444 **CITY ATTORNEY BRAD JERBIC**

445 I understand, and I don't want to deprive you. I think we both agree. Whatever they had is what  
446 they sold and no more, no less.

447

448 **TODD BICE**

449 And no more. That's right. No more.

450

451 **CITY ATTORNEY BRAD JERBIC**

452 But what I would ask you to do, and I don't want to force you through your argument, take all the  
453 time you need.

454

455 **TODD BICE**

456 Yes.

457

458 **CITY ATTORNEY BRAD JERBIC**

459 But I'm waiting for you to make the connection between why you disagree with staff's  
460 recommendation on a GPA. I mean that's what we're here for today is an appeal. Staff said not

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required for a GPA, and you say it should be required. Staff said no major mod, and you say there should be a major mod. And I think that's what we're waiting for.

**TODD BICE**

Yes. I'll explain that, I guess just briefly, and before I turn it over to others who will address it in more detail, Mr. Jerbic. The connection is, is that staff has taken the position that that amendment is not required because zoning is incompatible with the land use designation under the General Plan and then cite a statute that says that if there is a conflict between the zoning and the General Plan, the zoning trumps.

That has been the sole basis, the sole basis for this assertion that somehow no General Plan Amendment has been required, when in every other circumstance of comparable circumstance, the Planning Department has taken the position — and I'll let Mr. Rankin address this — has taken the position that a General Plan Amendment is required and that a major modification to the developer's plan is also required.

There's been a change in precedent by the City, as far as I can determine, and that change is predicated solely on this assertion that because of the R-PD7 designation, that is somehow being deemed incompatible with the General Plan, which therefore trumps it. R-PD7 is not incompatible with open use. In fact, open use, which is PR-OS under the General Plan, is in fact completely compatible with the R-PD7 designation, because that's why you get R-PD to begin with.

**COUNCILMAN SEROKA**

Mr. Bice, if I could —

**TODD BICE**

If it was seven units per acre —

**COUNCILMAN SEROKA**

If I could, Mr. Jerbic, City Attorney, I think the connection is they're trying to lay a foundation that then they can have better explanation on down the road, at least what's what I understood from Mr. Schreck.

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492 **CITY ATTORNEY BRAD JERBIC**

493 I'm not trying to deprive you of making your record, and to be honest with you, I don't really care  
494 what the outcome is. So having said that, I think there is a factual predicate here, though, that  
495 isn't quite accurate. I don't know — and I'm going to talk to Mr. Lowenstein about this —  
496 because if Mr. Lowenstein agrees with you, then you need to make this record that you're about  
497 to make.

498 But it was my understanding that if you come in with a zone change and the zone change is  
499 incompatible with the General Plan, you are required by our Code to submit a General Plan  
500 Amendment at the same time as the zone change. However, if you have hard zoning, the Code is  
501 silent as to whether or not you have to submit a General Plan Amendment. Do I have that right?  
502

503 **PETER LOWENSTEIN**

504 Through you, Madam Mayor, it's not explicit that it requires a General Plan Amendment other  
505 than for a rezoning application, as you initially stated.  
506

507 **CITY ATTORNEY BRAD JERBIC**

508 I think this is important, because I don't think the argument, Mr. Bice, is that hard zoning trumps  
509 the General Plan. It's that the Code is silent as to whether or not you need a General Plan  
510 Amendment when you have hard zoning. And I think that's the question, because I don't think  
511 anybody on staff is making the argument that you made.  
512

513 **TODD BICE**

514 I think we disagree with your statement, Mr. Jerbic —  
515

516 **MAYOR GOODMAN**

517 Wait, wait, wait, your mic's not on. We can't hear you.  
518

519 **TODD BICE**

520 Oh sorry. I think the thing where we in part, Brad, disagree, or Mr. Jerbic, that we disagree is the  
521 label "hard zoning," because again, this is R-PD. This was not zoned as R-7. This was R-PD7.

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And a lot of that is all conditioned upon the various other — using that designation is contingent upon the other amenities that were being offered at the time by the developer.

**CITY ATTORNEY BRAD JERBIC**

And that's why I'm trying to save you some time, because I think we both agree on that. I'm using the term "hard zoning," but hard zoning means something different in an R-PD7 because it's a planned development. And I agree with you that R-7 is a different kind of hard zoning, but they're both hard zoning. They both come with a set of rules that are fixed in stone, fixed in the Code.

**TODD BICE**

Well, I think that they come fixed in the Code, that is correct. But I don't agree with the statement that those things are the equivalent when someone comes, when a new purchaser comes in and says, well, I want to now take that open space, and I claimed that I have the right to redevelop it because it's been zoned R-PD7 as opposed to being zoned R-7. I think that's fundamentally different.

Moreover, the point I think I would make is, with respect to this R-PD designation and how the City has interpreted it and how the City has applied it in the past, we have multiple statements from your Planning staff, both in this case involving this applicant and a whole host of others that Mr. Rankin will detail for you, specifically pointing out that what this developer was proposing required a General Plan Amendment and required a major modification.

That magically changed, without any explanation to us, other than the assertion that well, because it's now zoned R-PD7, that trumps the General Plan designation of PR-OS, which is open space, as you know, and that therefore, they are no longer required to get a General Plan Amendment. That has been a change on your staff's part, not a change in position by us. It was a complete reversal of staff of its own position, and that's what we are objecting to.

Staff has consistently said until this applicant, consistently said if you're going to make this sort of a modification, it requires a General Plan Amendment, and it also requires a major modification. That has now been altered by the Planning Director. That's what this appeal is about.

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553 Go ahead, Frank.

554

555 **FRANK SCHRECK**

556 Yeah, and I don't mean to be argumentative, Mr. Jerbic, but if I've heard it once, I've heard it a  
557 dozen times from both you and from staff that the golf course is hard zoned R-PD7 residential  
558 and that this developer has the right to build 7.49 units per acre. You've said that countless times  
559 in front of this Council, in front of the Planning Commission, and in front of meetings that we've  
560 had. So to say that that isn't the case now —

561

562 **CITY ATTORNEY BRAD JERBIC**

563 I respectfully disagree with you, Mr. Schreck. I have a very clear recollection of the  
564 representation I've made. This developer has a right to ask for up to 7.49 units per acre, has the  
565 right to ask for, has no right to build 7.49 units per acre. I have never said that. And the staff  
566 would never recommend, in a million years, 7.49 units per acre next to a one-acre lot. So I don't  
567 know where that's coming from, but that is absolutely inaccurate and I want to state that on the  
568 record most empathically.

569

570 **FRANK SCHRECK**

571 Well, I've heard it at least a dozen times from you and staff. And the other aspect of this is if he  
572 has a right to come in and multiply the golf course times 7 or 7.49 acres, then you're multiplying  
573 it twice, because it was already multiplied by 7, in 1990, to come up with the maximum dwelling  
574 units allowed in the district, and Dr. Pindell is going to talk about that.

575 But what you're suggesting is that he can come in now and take our open space and multiply the  
576 golf course, again, times some certain number when it's already been multiplied, and that leads to  
577 the extreme that Mr. Bice showed with the 100 acres, because he can do 10 acres, then sell it to  
578 Developer B, do 10 acres, sell it to Developer C, 10 acres. And that's exactly what the logical  
579 extension of that argument is, that somehow there's an entitlement or a right to build 7.49 acres  
580 on that golf course. And maybe, but you've said that the City wouldn't allow him to do that, but  
581 they didn't say that that isn't what the rule is.

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582 **CITY ATTORNEY BRAD JERBIC**

583 With all due respect, I think we're just here for a simple appeal as to whether or not this Council  
584 disagrees for policy reasons that a GPA should be a required when staff said it shouldn't and this  
585 Council disagrees for policy reasons that a major modification should be required when staff said  
586 it wouldn't. And I'm not saying they should multiply any 7.49 units by two on a golf course or  
587 anything. We're here for a simple appeal of a Staff decision. And I was just trying to keep you all  
588 focused on that, but if you want to make a record on something else, that's your business.

589

590 **FRANK SCHRECK**

591 Mr. Jerbic, have you ever taken a map to any of our homeowners, and especially the Chairman of  
592 our HOA, with all these little houses built in there saying that he has a right to build something  
593 like 2,400 or 2,600 units, and that's a multiplication of 7.49 times the 250 —

594

595 **CITY ATTORNEY BRAD JERBIC**

596 Half the facts are an incomplete truth. I have seen a map, and I have brought it to homeowners,  
597 that show what like for like development of that course would be like if the developer asked for  
598 it. I never said he has a right to. I said this is predictably what's going to happen. What that map  
599 showed is an acre next to an acre, a half-acre next to a half-acre, a tenth of an acre next to a tenth  
600 of an acre. That's what R-PD would allow. But why we're wandering into this right now, this is  
601 just a fact. This is what he can ask for, not what he's entitled to, but what he can ask for.

602

603 **FRANK SCHRECK**

604 That isn't the case. These were all little bitty houses without streets and without any offsets or  
605 setbacks crammed into the 250 acres. There was 1,900 of them. There wasn't one on an acre or  
606 close. There was no resemblance between what was already there. It's you taking this map and  
607 saying this is what he can be able to do, so, in essence, you better get on board and try to get a  
608 resolution with them. That's what occurred at the meeting with Jack Binion and Elaine Roesener,  
609 our HOA President. Okay?

610

611 **CITY ATTORNEY BRAD JERBIC**

612 I'll stand by everything I said to them.

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613 **FRANK SCHRECK**

614 We can bring a copy of that map.

615

616 **TOM PERRIGO**

617 Your Honor? Over here. I'll wave my hand. Mr. Perrigo, over here next to Mr. Cervantes.

618

619 **MAYOR GOODMAN**

620 A lot of voices, and I can determine which is female and which is male.

621

622 **TOM PERRIGO**

623 Just real quick, I just want to clarify something. It's not that the Code is silent on whether a GPA  
624 is required. It is very clear in the Code in all instances it's preferable that the General Plan align  
625 with the zoning. In some cases, though, it's not explicit that it's required, and this is one of those  
626 cases where it's not explicit. And it is also very true that Staff always requests a GPA come  
627 forward with any application when the zoning and General Plan are not consistent. Now,  
628 ultimately, if the applicant wants to put something forward to Council, they have that right to do  
629 so.

630

631 **MICHAEL BUCKLEY**

632 Madam Mayor, I'm going to go out of order here, because I think I can respond to Mr. Jerbic,  
633 and I have some materials for the Clerk that she could pass out. My name is Michael Buckley,  
634 300 South 4th Street, and I want to bring us back, because I think we're talking about the process,  
635 not the project. And really, the more I thought about this, the appeal before you is very simple.  
636 It's really based on two points.

637 Number one, this property, the property subject to these nine applications, has a land use  
638 classification of PR-OS under the City's Master Plan. Land use classifications are used to  
639 regulate the type of land use activities according to density or intensity of use. PR-OS allows  
640 golf courses, parks, trails, detention basins, and other open space. Unless the land use  
641 classification is changed to a residential land use classification, you can't build homes on PR-OS.  
642 That's number one. That's why we think a GPA is required.

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643 Number two, major modification. The property is subject to the Peccole Ranch Master Plan  
644 approved by the City in 1990. It is designated as golf course drainage with no residential density.  
645 Unless the Peccole Master Plan is changed through a major modification, residences cannot be  
646 built.

647 Up until these nine applications, your staff has agreed with these two points. The applicants have  
648 filed a series of four separate applications for this property involving approximately 27 public  
649 hearings. Each set of applications involved a GPA, and two sought a major mod. Those  
650 applications are attached as Exhibit A. And I want to go into the specifics of these points.

651 The City is required by statute to develop a master plan, and the City has done so by the 2020  
652 Master Plan and its 14 separate elements that are part of that Master Plan. The Nevada Supreme  
653 Court stated the following: Why have a plan if the local government units are free to ignore it at  
654 any time? The statutes are clear enough to send the message that in reaching zoning decisions,  
655 local government units should at least substantially comply with the comprehensive plan.

656 Consistent with this requirement, the City has adopted ordinances, which require conformity  
657 with its Master Plan.

658 Now, the Staff Report — and this is what we've been talking about — states on page 3: As no  
659 rezoning was proposed as part of the development proposal, approval of a General Plan  
660 Amendment is not a mandatory requirement. This is not true. The applications include a site  
661 development plan review and three tentative maps.

662 Title 1916.100 governing site development plan reviews states: The purpose of the site  
663 development plan review process is to ensure that each development is consistent with the  
664 general plan, this Title, and other regulations, plans, and policies of the cities. There is a specific  
665 title that says the SDR has to be in conformity with the plan.

666 Title 1916.050 relating to tentative maps is even more clear. No application for a tentative map is  
667 eligible for approval unless it is determined that the proposed subdivision will be in conformance  
668 with all applicable zoning regulations, including all applicable provisions of this Title, including  
669 all applicable conditions that are in effect.

670 Prior Staff Reports. The prior Staff Reports agreed with our position. In its July 12th, 2016 Staff  
671 Report, regarding the development agreement for this property, the staff stated the development  
672 agreement's land use plan will be consistent with the City of Las Vegas General Plan if the  
673 associated General Plan Amendment is approved.

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674 The February 14th, 2017 Staff Report for this property states Title 1916.110 states that: Except  
675 as otherwise authorized by this Title, approval of all map, vacations, rezoning, site development  
676 plan reviews, special use permits, variances, and so forth shall be consistent with the spirit and  
677 intent of the General Plan.

678 Within the area known as the Peccole Ranch Master Plan — and again I'm still quoting from  
679 staff — the 1992 General Plan for the City of Las Vegas designated the proposed golf course P,  
680 parks/recreation/open space. As the proposed land area is no longer intended for open space or  
681 golf course, but instead for residential development, an amendment to the General Plan is  
682 necessary and appropriate.

683 As noted above, under the City's General Plan land use categories, property originally designated  
684 P on the Master Plan, and subsequently PR-OS, are to be used for — that applies to this property  
685 — large public parks — this is a quote from the General Plan — and recreation areas, such as  
686 public and private golf courses, trails, easements, drainage ways and detention basins, and any  
687 other large areas of permanent open land. The developer cannot, simply by not requesting a GPA  
688 or rezoning, avoid the requirement of a GPA.

689 Now, Mr. Jerbic noted that zoning comes with a set of rules, and that's absolutely true. Approval  
690 of a tentative map requires, again, according to Title 19, conformity with quote: All applicable  
691 zoning regulations, including all applicable conditions that are in effect. The applicant, as  
692 mentioned, has cited — I think Mr. Bice went into this — the statute that says that if the factors  
693 to be considered in a tentative map, if an existing zoning ordinance is inconsistent with the  
694 Master Plan, the zoning ordinance takes precedence.

695 However, while the property is zoned R-PD7, the zoning is based on the City Council's approval  
696 of that zoning, in this case, Z-1790. The zoning does not exist in a vacuum as Mr. Jerbic noted. It  
697 includes, as Title 1916.50 recognizes, the City Council conditions of approval that attach to  
698 every rezoning. These include typical conditions, such as approval of plot plans and building  
699 elevations, right-of-way dedications, and street and utility improvements, which are part of Z-  
700 1790, all of which obviously have been enforced over the past 20 years.

701 Z-1790 also includes condition number two, and that states quote: Conformance to the conditions  
702 of approval for the Peccole Ranch Master Development Plan Phase II. And that plan designates  
703 the golf course area as open space drainage without any density.

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Accordingly, under Title 1916.050, the proposed tentative maps are not, quote, eligible for approval, close quote, unless they comply with the conditions of the underlying zoning, one of which requires conformity with the Peccole Ranch Master Plan. The maps do not comply with that Plan since they placed homes on the area designated in that plan as, quote, golf course drainage.

Consistent with the Master Plan, what does that mean? Title 1900.040 requires that all regulatory decisions made pursuant to the title be consistent with the Master Plan. For purposes of this section, quote, consistency with the General Plan, close quote, means not only consistency with the plan's land use and density designations, but also consistency with all policies and programs of the General Plan, including those that promote compatibility of uses and densities and orderly development consistent with available resources.

What are some of these policies? I mentioned them in there. But I think one of the things that's important here is Policy 7.22 from the 2020 Master Plan, which states since arroyos, washes, and watercourses in their natural state represent visual and possibly recreational amenities for adjacent neighborhoods, such areas not be rechanneled or replaced with concrete structures except where required for bank stability or public safety. That is your plan.

The housing element, I think, also is very interesting. I've listed several others. The city housing element notes that R-PD zoning — that's this property — has been eliminated. The elimination of the residential planned development zoning overlay, which was intended to provide flexibility and innovation in residential development with the emphasis on enhanced residential amenities, resulted in large tracks of homogenous housing stock and amenities waived by developers. And the water element also speaks to the arroyos.

Where does the major modification fit in? As the City's Staff Report, again City Staff Report of January 12th, 2016, states quote: The site is part of the Peccole Ranch Master Plan. The appropriate avenue for considering any amendment to the Peccole Ranch Master Plan is through the major modification process as outlined in Title 1910.040. As this request has not been submitted, staff recommends that the General Plan Amendment, rezoning, and site development plan review requests be held in abeyance and has no recommendation on these items at this time. The Staff Report is consistent also with the Master Plan. The Master Plan land use and rural preservation element outlines — both of which identify Peccole Ranch as subject to a special Master Plan — describes how you have to change that Master Plan. It states when a land use

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735 change is requested within a special area plan, which this is, a major modification is required. A  
736 major modification is similar to a General Plan Amendment, but instead of amending a land use  
737 designation within a sector plan, the special land use designation of a parcel within a special area  
738 plan is amended.

739 The major modification is basically the same as a rezoning. That is because the original zoning  
740 ordinance approving Peccole Ranch required, one, conformity with the Peccole Ranch Master  
741 Plan, and, two, allocated no density to this property, to this land, the Master Plan needs to be  
742 amended to permit this residential project.

743 Again, as the January 2016 Staff Report stated, no GPA, SDR, or other application should be  
744 considered in the absence of a major modification application.

745 I just would conclude with the following, and that is, as Mr. Bice mentioned, the ordinances and  
746 statutes are to be interpreted in accordance with their plain meaning.

747 Title 1900.040 requires all regulatory decisions to be consistent with the General Plan.

748 Consistency with the Plan means consistency with all policies and programs of the General Plan.

749 These policies and programs, the 2020 Master Plan and its 15 statutorily required elements were  
750 adopted by this City Council over a period of several years. The City cannot ignore this  
751 requirement of statute and ordinance.

752 In order to consider whether these applications comply with the General Plan, a General Plan  
753 Amendment must be considered since the property subject to these applications is presently  
754 designated as PR-OS, based on the 1992 General Plan designation. Unless the designation is  
755 changed through a General Plan Amendment to a residential category, you can't build homes  
756 there.

757 Perhaps more importantly, the existing zoning is based on the original Z-1790, which requires  
758 compliance with the Peccole Ranch Master Plan. Unless the Plan is modified, again, you can't  
759 build houses.

760 I think the July 12th, 2016 Staff Report said it best. Since adoption of the 1990 Peccole Ranch  
761 Master Plan, the property has been developed with deference to that Plan. In order to address all  
762 previous entitlements on this property, to clarify intended future development relative to existing  
763 development, and because of the acreage proposed for development, staff has required a  
764 modification to the conceptual plan adopted in 1989 and revised in 1990.

765 Thank you, Madam. Thank you, Council.

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766   **NGAI PINDELL**

767   Good afternoon. Ngai Pindell, Boyd School of Law, University of Nevada, Las Vegas. We went  
768   a little bit out of order, but I think my presentation is responsive to some of the questions about  
769   how the R-PD district was implemented here in the property. So I'll talk a little bit more about  
770   that over the next few minutes.

771   So what you see in the Peccole Ranch Master Development Plan Phase II request is, as you see  
772   on the screen, single-family on 401 acres, multi-family on 60 acres, 211 acres of golf course  
773   drainage, 194 acres of commercial/office, 56 acres of resort casino, 60 acres of right of way, and  
774   13 acres of school. Again, reinforcing the flexibility that an R-PD district gives a developer.

775   This is an excerpt from the Master Development Plan submitted by the original developer and  
776   approved by the City Council on April 4th, 1990. Again, you see the single-family on 401 acres.  
777   That gives you the maximum 2,807 units. The multi-family on 60 acres, that provides for, again,  
778   a maximum of 1,440 units. You see the golf course drainage on 211.6 acres has no density and  
779   no units attached to it, right. So no residential on the golf course.

780   I would emphasize also on the earlier slide that we talked about the district as gross acres. So you  
781   see that the total property was 996 acres, which gave you the possibility of developing a total of  
782   4,247 residential units.

783   So here what you see on the Master Development Plan Amendment, there's a request for  
784   approval to amend the Master Development Plan. We'll see a little bit more about that over the  
785   coming slides.

786   Peccole applied for and was granted an R-PD7 District, which consisted of, as we said, 996.4  
787   acres, and these acres, of course, are gross acres.

788   Here's a map that depicts the development. You can see in green the golf course area. You see in  
789   tan the residential use, and the non-golf course property, the multi-family is in red and the  
790   commercial is in pink. You see that there is no residential on the golf course property. It also  
791   notes, and we've referenced before, Z-1790 zoning number, which will come up in some other  
792   documents.

793   So again, we said this earlier, what does the seven mean in the R-PD7 designation? It's used to  
794   calculate the overall density. You see here that 996.4 acres minus some acreage dedicated to  
795   public right of way, 60.4, gives you 930 acres times 7, which gives you 6,510 maximum  
796   allowable dwelling units.

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797 So what you see, the developer, the original developer voluntarily reduced the units by 2,200  
798 with the resulting request for a maximum of 4,247 residential units. The City approved this on  
799 April 4th, 1990, and that number, 4,247, has never changed.

800 Again, this is the Planning Commission's minutes, saying much the same thing, of March 8th,  
801 1990, reflecting the developer's voluntary reduction of 2,200 residential units and the  
802 Commission's recommendation for approval conditioned on a maximum of 4,247 units.

803 So what the City Council approved on April 4th, 1990, when it amended the original 1989  
804 Peccole Ranch Master Development Plan to create Phase II, is on the slide in front of you. We've  
805 established the maximum number of dwelling units for Phase II at 4,247 units. It sets forth the  
806 proposed land uses, which were on an earlier slide, and acreage for Phase II, which is identical to  
807 the land uses requested by Peccole.

808 It makes a determination that the requested density is consistent with the City's General Plan,  
809 identifies the zoning application, which requests the specific zoning categories necessary to  
810 implement the approved land uses, which required zoning, the map showing the golf course  
811 separate from proposed residential parcels, and requires conformance to the conditions of the  
812 approval for the Peccole Ranch Master Development Plan Phase II.

813 And here you see the City Council minutes reflecting approval. Some highlights as to the  
814 maximum of the 4,247 dwelling units. There is a typographical error that's noted at the end,  
815 towards the right, which says that on the left-hand column, there's an R-PD3, R-PD7, and C-1  
816 zoning designation reflected. But as you see in the note on the right, that it should be R-3, R-  
817 PD7, and C-1. Also, in the City Council, that was conditioned upon conformance to the  
818 conditions of approval for the Peccole Ranch Master Development Plan Phase II, so in  
819 conformance with that plan.

820 The City Council minutes set forth the specific uses requested by the developer in the Peccole  
821 Ranch Master Development Plan. So, again, you see the 401 acres of single-family, the 60 acres  
822 of multi-family, and again the 211 acres of golf course drainage. You see it highlighted below  
823 the box that the density, the evidence of staff's finding that the density, 4,247 units, was  
824 consistent with the City's General Plan.

825 And here, the City Council minutes reflecting approval. You see the specific zoning of the  
826 Peccole Ranch Master Development Plan. The zoning applies to the 401 acres of R-PD7, 60

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827 acres of R-3, 212 acres for golf course drainage, and finding that the zoning conforms to the City  
828 General Plan.

829 Then this map shows visually those zoning approvals. You can see the 401 acres of R-PD7, the  
830 60 acres of R-3, the C-1, and then also you see the golf course, Badlands Golf Course with no  
831 residential units on it. So both the textual description of what the zoning was approved and then  
832 here is the map.

833 And then last, the City's final zoning approval letter, dated January 29th, 1991, approved three  
834 specific zoning categories, the R-3, the R-PD7, and the C-1. The existing resolution of intent was  
835 expunged, leaving only the three zoning categories, which all related to a fixed number of acres.

836 The R-PD7 hard zoning only applied to the 401 acres, which acreage did not include the golf  
837 course. And you see that in the map and then in the earlier documents. The approved land use for  
838 the 211.6 acres was for golf course drainage, which was a permitted use under an R-PD District,  
839 and this permitted use approved by the City did not permit any residential development.

840 So in conclusion — you can read the slide, so I'll just emphasize a few points — one is the  
841 Peccole Ranch Master Development Plan Phase II was approved by the City of Las Vegas, in  
842 1990, in conformance to the City's General Plan, and the zoning was conditioned to be in  
843 conformance to the Peccole Ranch Master Development Plan Phase II.

844 There was single-family, multi-family zoning approved with maximum number of units, and also  
845 the 211 acres of open space for the golf course were approved. Since then, there's never been any  
846 residential zoning on the Badlands Golf Course until the City Council approved the 435  
847 condominium units recently, February of 2017, I believe. But other than that, the City zoning  
848 designation for the remainder of the golf course is PR-OS, which does not provide for any  
849 residential development. Thank you.

850

851 **MAYOR GOODMAN**

852 Thank you. Your name again, please?

853

854 **NGAI PINDELL**

855 I'm sorry. Ngai Pindell. It's spelled N-G-A-I.

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856 **COUNCILMAN COFFIN**

857 How do you spell Pindell?

858

859 **NGAI PINDELL**

860 P-I-N-D-E-L-L.

861

862 **COUNCILMAN COFFIN**

863 Thank you.

864

865 **MAYOR GOODMAN**

866 Thank you.

867

868 **COUNCILMAN COFFIN**

869 You are a professor on the faculty?

870

871 **NGAI PINDELL**

872 Sorry?

873

874 **COUNCILMAN COFFIN**

875 Are you a professor on the faculty?

876

877 **NGAI PINDELL**

878 Yes, of the Law School.

879

880 **DOUG RANKIN**

881 And Madam Mayor, that concludes our formal presentation. We do ask to have time to respond

882 to any questions or concerns as they come through. I can answer questions if you have them, but

883 we conclude our presentation at this moment.

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884     **MAYOR GOODMAN**

885     Okay. Does anybody have any questions at this point? No? Okay. Anyone come forward. And  
886     keep in mind, we have a public hearing here too, so we will hear from the public.

887     **COUNCILMAN SEROKA**

888     Madam Mayor, just a question on flow. This is Councilman Seroka.

889

890     **MAYOR GOODMAN**

891     Yes?

892

893     **COUNCILMAN SEROKA**

894     We didn't hear from the City yet.

895

896     **MAYOR GOODMAN**

897     Correct.

898

899     **COUNCILMAN SEROKA**

900     So do we hear — I don't know where we hear from them in the flow.

901

902     **MAYOR GOODMAN**

903     Well, I think the best thing is to hear from both sides of the issue on this now. Then we'll hear  
904     from the public as well, because I'd like to have the public part done as well. Then we'll hear  
905     from the City, and then I think we can hear from Council. Unless there are any questions that are  
906     of concern for clarification that you would want, I think it's most appropriate that you ask as we  
907     go.

908

909     **COUNCILMAN SEROKA**

910     Just a point, maybe Brad can help. We hadn't talked about any of this, but the two parties  
911     involved in this, I thought, were the City and the appellant. So if you want to hear from both  
912     sides, maybe I misunderstand.

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913 City Attorney, just asking, while you were away, about flow. Should we hear from the City next,  
914 or who are the parties involved in the appeal? Is it the applicant and the appellant, or is it the  
915 appellant and the City?  
916

917 **CITY ATTORNEY JERBIC**

918 It's certainly the City and the appellant. And I think that it's a good point of order, and it's up for  
919 the Chair to decide, Your Honor. But typically, what you would hear is from the side that made  
920 the decision and the side that disagrees with the decision. And then if you want to hear from  
921 other parties on top of that, I'm sure that, because of the interest that EHB has in this project,  
922 they'll want to speak as well. But I think it might be appropriate at this time, and it's totally up to  
923 you, to hear from Mr. Lowenstein and the City Planning staff as to what decision they made and  
924 why they made it.  
925

926 **MAYOR GOODMAN**

927 Okay. And I'd like to ask, because that actually addresses one of my concerns, when there was  
928 reference made to the Master Plan, I know the City Council has been working for the past eight,  
929 ten months on a brand new Master Plan. So when reference has been made to a Master Plan, I  
930 would like the answer of which Master Plan from the City, and are we not in the process of  
931 reviewing and putting in new code on a Master Plan?  
932

933 **PETER LOWENSTEIN**

934 Madam Mayor, currently the Las Vegas 2020 Master Plan is in place. It is coming close to  
935 reaching maturity, and the City is revving up to do a new Master Plan. The Downtown Las  
936 Vegas 2045 Master Plan was recently adopted, and we're in the process of implementation on  
937 that.  
938

939 **MAYOR GOODMAN**

940 So, specifically, what are the guidelines? Which plan are we referring to as the finite piece of a  
941 City Master Plan?

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942 **PETER LOWENSTEIN**

943 The Las Vegas 2020 Master Plan is the governing document at this moment.

944

945 **MAYOR GOODMAN**

946 And is that, in fact, complete, because it was my recollection — and I stand to be corrected on  
947 this — at the last meeting on this particular item, we had asked, after we did not pass a  
948 moratorium on continued development, that we had asked for information on parks and  
949 recreation, open space from staff to come back to us so we could look at a totality in the Master  
950 Plan of what we're dealing with, so we had a guideline, a template. Where are we with that? We  
951 never got it back, to my knowledge.

952

953 **PETER LOWENSTEIN**

954 So, with that process, the actions of the Council in September, we brought back in December a  
955 presentation before the City Council on the public engagement portion of that overall  
956 repurposing of open space and golf course, as the Council has directed staff. We are now moving  
957 forward with a text amendment that is going to Planning Commission, in January, to be heard for  
958 a proposed ordinance to come back to Council on the public engagement portion.

959

960 We are also working currently on the next phase of that, which is the development standards  
961 associated with any repurposing of existing open space or golf courses. We will be reconvening  
962 the Policy Advisory Panel that was put together, as well as reaching out to stakeholders to move  
963 through that process to bring back additional policy recommendations to the Council for your  
964 direction.

965

966 **MAYOR GOODMAN**

967 Exactly my point. So I guess I turn to Legal. Mr. Jerbic, if I can pull you back here, please.  
968 Apropos of Mr. Lowenstein's comment about parks and recreation and open spaces that we had  
969 asked, actually, when we did not pass the moratorium on the development, that we had asked —  
970 in fact, it was Mr. Seroka — that the staff would go ahead and develop PR-OS standards, put  
971 them into the Master Plan, which I understand we don't have it yet because it hasn't gone to  
972 Planning. Planning is not going to have it until later this month.

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973 I'm wondering — and again stand corrected in any way — why are we hearing this before  
974 Planning has made a decision on that? It seems we've got the cart before the horse. Why don't we  
975 have that information? And if, in fact, we keep referring to a complete Master Plan, I would love  
976 to have a complete Master Plan to see this all fit in.

977

978 **PETER LOWENSTEIN**

979 Madam Mayor, just for clarification, the proposed ordinance is in relation to the current zoning  
980 ordinance and incorporating an approach to dealing with the repurposing of existing open space  
981 or golf courses. It's not meant to affect the Las Vegas 2020 Master Plan, which is the overall  
982 guiding document for development at the City. To your earlier point, the Las Vegas 2020 Master  
983 Plan is complete. It is in conformance with all the requirements out of NRS 278.

984

985 **MAYOR GOODMAN**

986 But it is not complete with parks, recreation, and open space delineations, which was asked for at  
987 that last meeting on this particular Badlands discussion, which is germane to this particular  
988 property, and I'm sure in Councilwoman Fiore's, the golf course up there and the other golf  
989 courses around town.

990

991 **PETER LOWENSTEIN**

992 We're doing an apples and orange discussion right now. The Las Vegas 2020 Master Plan is  
993 complete. It has a parks element as part of it, and it discusses the City's infrastructure and parks  
994 and needs and underserved areas, etc.

995 What the Planning Department has been directed to explore is ordinance or potential policy  
996 recommendations and possible ordinance on affecting the zoning ordinance, which is Title 19.

997 It's not the Las Vegas 2020 Master Plan for the repurposing of existing open space or golf  
998 courses. Those open space or golf courses can be located within special area plans, master  
999 development plans, or in straight zoning areas.

1000

1001 **MAYOR GOODMAN**

1002 And are they not germane to this particular consideration before us?

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1003 **PETER LOWENSTEIN**

1004 The future ordinance would be germane to the three projects in which the appellant has appealed  
1005 the decision to request a General Plan Amendment versus require a General Plan Amendment  
1006 and a major modification.

1007

1008 **MAYOR GOODMAN**

1009 So by what date will we have that information available to us?

1010

1011 **PETER LOWENSTEIN**

1012 As I said, the first phase is working its way through Planning Commission, which would be  
1013 heard this month, which then would move forward in ordinance form to the City Council for the  
1014 public engagement portion of it. And then staff is working on the development standards, which  
1015 aggressive timeline, with the size of that endeavor, we're looking somewhere to April.

1016

1017 **MAYOR GOODMAN**

1018 Okay. Thank you. Any comments, anything else there? I mean it just seems to me that, you  
1019 know, I know as we're discussing this and hearing from both sides on this issue that it is the legal  
1020 definitions and what the law says and it's nuances and interpretations of the law. And I don't  
1021 know anybody up here that has a law degree and is in a position, other than our own staff legal  
1022 advisors, to tell us definitively where this would sit and how the law specifically and in totality  
1023 and as truth down to the last detail what the law is that we can then rule and make decisions  
1024 based on something since we're not attorneys.

1025 All we can do is ask for information from Planning and about our Master Plan, and it just seems  
1026 to me first we have to hear that this has gone through Planning, comes back to Council for us to  
1027 adopt the Master Plan with parks, recreation, and open space so all of this can move forward.

1028 What happened to Brad?

1029

1030 **UNIDENTIFIED WOMAN**

1031 He's over there.

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1032 **MAYOR GOODMAN**

1033 Okay. Time for Mr. Jerbic. And I'm not really sure and I probably am I out of turn here. To me,  
1034 it sounds like this needs to be abeyed so we have information, because we're not attorneys. This  
1035 is all about legal nuances and interpretation of the law and fact. And how can any one of us  
1036 who's not a lawyer make a legal decision?

1037

1038 **CITY ATTORNEY BRAD JERBIC**

1039 I understand. Maybe I could add some clarification. One, I'm not up here to argue either side of  
1040 this appeal at all.

1041

1042 **MAYOR GOODMAN**

1043 I don't think we are either. We just want to do the right thing.

1044

1045 **CITY ATTORNEY BRAD JERBIC**

1046 I'm just here to try and provide some guidance to the Council. First of all, this is a public hearing,  
1047 and so anybody, including people who are not part of the appeal, can be heard. I will say that  
1048 typically, if this were a courtroom, which it's not, but if it were, you would hear from one side  
1049 and then the other.

1050 In this case, staff made a decision. The appellants disagree with the decision. In this case, the  
1051 appellants went first and explained why they disagree with the decision. We've not had, I think,  
1052 the advantage of hearing from staff as to what decision they've made.

1053 Before we do, I think there's just a couple of things that I might be able to help with that will  
1054 center the discussion. One of the things that I've heard in briefings and just in general is every  
1055 time we use the word "plan," it seems to mean something different. And we're talking about two  
1056 kinds of plans here, because the appeal is two-prong. Mr. Bice, if Mr. Bice is here or Mr. Rankin  
1057 or Mr. Buckley can correct me if I say anything that you feel is inaccurate.

1058 The first prong of the appeal is whether or not a General Plan Amendment should have been  
1059 required of the applicant at the time they submitted their plans for these three projects that go  
1060 before Planning Commission next Tuesday night. The reality of the situation is, even though  
1061 Staff did not require it, they have since submitted that, and they are tracking together. So there is  
1062 a General Plan Amendment submitted by the applicant.

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1063 So, in a weird sort of way, this is almost a hypothetical. Do you want to set some policy guidance  
1064 for staff to require this not just of this applicant but in the future? Because as you've heard, what  
1065 the Code says doesn't necessarily require that it be submitted. It would under almost any other  
1066 circumstance, but, according to staff, they say no, not under this. And to be honest with you, if  
1067 you want to establish that policy today, we're all fine with that. It's just they're trying to follow  
1068 the Code the way they read it. That's part one.

1069 So the way it works — and I've got a map before me right now — this is a special plan called the  
1070 General Plan. And this is just one portion of it. But I wanted to give you an illustration of what  
1071 we're talking about here. You can see the General Plan has general designations. That's why we  
1072 call it a general plan. This particular color green is desert rural up to 2.49 dwelling units per acre.  
1073 Then you go to rural, and you go all the way down to industrial. And you'll see those colors —

1074

1075 **MAYOR GOODMAN**

1076 What year, excuse me, what year is this plan?

1077

1078 **CITY ATTORNEY BRAD JERBIC**

1079 This is the current view of the, this is 1992 adopted Master Plan for the Southwest Sector.

1080

1081 **MAYOR GOODMAN**

1082 In '92?

1083

1084 **CITY ATTORNEY BRAD JERBIC**

1085 In '92. But it doesn't really matter what year it's adopted. It's illustrative. When you see these  
1086 colors, it shows you how much zoning you can have there, what the density is. You see another  
1087 color, it's another density.

1088 Here's the story here. The R-PD7 doesn't line up with the color on the map for this area. Okay?

1089 The color on the map for this area would be public recreation and open space, PR-OS, and R-  
1090 PD7 doesn't line up with it.

1091 So the question, the policy question is: Should you always require a General Plan Amendment  
1092 when you have zoning inconsistent with the General Plan? That's question number one, this

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1093 simple question. If anybody disagrees, jump up and tell me. The simple question is: Should you  
1094 require a General Plan Amendment even when there is zoning already in place?

1095

1096 **DOUG RANKIN**

1097 Well, I will disagree with Mr. Jerbic here. The General Plan is consistent with the zoning. The  
1098 zoning for this area was a Master Development Plan. In that Master Development Plan, there  
1099 was identified 211 acres of open space. That 211 acres of open space is shown on your map in  
1100 green, as it is for The Lakes, Canyon Gate. Painted Desert is master planned the same way. Even  
1101 the Summerlin golf course shows it has different zoning underneath, but it has a Master Plan of  
1102 park, recreation, and open space, because that's consistent with those master development plans.  
1103 The master development plans are part of your General Plan. So that's where I would disagree.

1104

1105 **CITY ATTORNEY BRAD JERBIC**

1106 Well, just for clarification here, if the zoning — does the applicant believe the zoning is  
1107 inconsistent with the General Plan?

1108

1109 **DOUG RANKIN**

1110 No. The zoning is consistent with the General Plan. The zoning is residential planned  
1111 development. This is a planned development. It is consistent. In these areas, the Master  
1112 Development Plan approved by Council, April 4th, 1990, before the zoning showed these areas  
1113 to be park, recreation, and open space drainage. It showed other areas, which are also consistent,  
1114 as either commercial or single-family residential.

1115

1116 **CITY ATTORNEY BRAD JERBIC**

1117 If they are consistent, why would anybody ask for an amendment?

1118

1119 **COUNCILMAN SEROKA**

1120 If I could clarify on that, because I think I'm hearing something.

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1121 **DOUG RANKIN**

1122 Because they want to build residential in the open space. That's why you ask for an amendment  
1123 to the General Plan.

1124

1125 **CITY ATTORNEY BRAD JERBIC**

1126 Staff didn't require an amendment, and you're saying that the General Plan is already consistent  
1127 with the zoning. Why would you challenge staff's not requiring an amendment? Why would you  
1128 say they should require an amendment when you're saying they're consistent? Why would you  
1129 amend something that's consistent?

1130

1131 **DOUG RANKIN**

1132 Well, because the use, because consistency with the General Plan includes use and density. The  
1133 current use is open space, golf course drainage. The applicant has applied to put single-family  
1134 there. Single-family is not consistent with park, recreation, and open space. A golf course is  
1135 consistent. The current use of open space is consistent with the General Plan. The change is what  
1136 we're seeing is not consistent.

1137

1138 **CITY ATTORNEY BRAD JERBIC**

1139 I must confess to an enormous amount of confusion then myself, because it seems to me that if  
1140 the General Plan, as Mr. Rankin has just said, is consistent with whatever that zoning is,  
1141 whatever you want to call it, call it Pinocchio, if these two things are consistent and staff didn't  
1142 require a General Plan Amendment, then why is the applicant asking for a General Plan  
1143 Amendment? It can only be to remove it from PR-OS to something that would allow  
1144 development. If they got it right, if they're consistent, you don't need an amendment. That's  
1145 where I think I'm at.

1146

1147 **DOUG RANKIN**

1148 Well, and that's what they've applied for subsequent to our appeal, after our appeal, saying that  
1149 there's no Master Plan Amendment, a General Plan Amendment. The applicant, under protest per  
1150 their letter, has applied for a General Plan Amendment in order to allow for single-family  
1151 residential to be developed in the golf course, open space drainage area.

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1152 **MAYOR GOODMAN**

1153 Please don't go anywhere. I've got two questions, one from Councilman Seroka, one from  
1154 Councilwoman Fiore. So Councilman Seroka?

1155

1156 **COUNCILMAN SEROKA**

1157 Wow. I think I sort of understand what you're both saying, and I think you're both right. So here's  
1158 what I think I hear you saying. I think Mr. Rankin is saying that, currently, the zoning is in  
1159 alignment with the General Plan. But with the applicant coming forward, it changes, it needs to  
1160 ask for a change in that zoning, because now they're not in alignment. And that's what you're  
1161 saying, I think, City Attorney, is that if it's going to be different, you just ask. That's all it is.  
1162 So what I hear the appellant saying is, hey, if you're going to do this, just come forward and ask.  
1163 It's not that you can't. It's just that it's different. And then you're saying, come forward, here's  
1164 what it is.

1165 That's so far what I'm hearing, just come forward and ask for a change if you want to change it.

1166

1167 **MAYOR GOODMAN**

1168 Okay. And Councilwoman Fiore, please.

1169

1170 **COUNCILWOMAN FIORE**

1171 You know, I hesitated on this question, but as I'm sitting here looking at this and listening to this  
1172 and you're presenting something from 28 years ago and as a brand new Councilwoman that's  
1173 only been on Council almost 6 months now, things change. We're talking 28 years ago. There's  
1174 been ordinances up here that have been changed and repealed. And so it's hard for me to sit here  
1175 and look at this thing and go through all of your piecemealed papers from 1990 and this and that  
1176 and we did this here and we did that here. I mean, Michael Mack did stuff in the district too that  
1177 we look up and we got it. I got it.

1178 But 1990 and 2018 and what I'm hearing, and you know the saddest thing is I just want  
1179 Queensridge to be beautiful again. Right? That's all I want. And I just sat here and told my peers,  
1180 you guys, Frank and Yohan, you have the most brilliant, richest who's who of Las Vegas in here,  
1181 and we can't make Queensridge beautiful. I'm just saying.

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1182 **MAYOR GOODMAN**

1183 Okay. So moving right along here.

1184

1185 **CITY ATTORNEY BRAD JERBIC**

1186 Having said that, the second part, and I might have that equally wrong, and so I'll get corrected,  
1187 but you were shown by the professor from Boyd, and it was in my possession as well, is the 18-  
1188 page Peccole II Master Plan that was created in 1990. I don't think any of us disagree. That was  
1189 the original plan that was adopted by this Council, and it had a number of things in it. That is the  
1190 part two of the appeal. Part one is: Should a General Plan Amendment be required? Was staff  
1191 wrong in not requiring it?

1192 And part two is: Should this plan from 1990 — it's not a master plan, it's a different kind of plan.  
1193 This is the Peccole Ranch Phase II Plan. Should it be modified because what the developer is  
1194 asking for is so inconsistent with it, it requires a major mod? Staff said no. And hopefully, I'll get  
1195 it right, but correct me if I'm wrong, you'll see this is the famous page 18, the last page of that  
1196 Master Plan. And if you'll look at it, it went so detailed as to say here's how many single-family  
1197 homes you can build out there, and they had 2,807 single-family homes.

1198

1199 **MAYOR GOODMAN**

1200 In 1990?

1201

1202 **CITY ATTORNEY BRAD JERBIC**

1203 In 1990 is what they thought. And they had 1,440 multi-family homes, so apartments, condos, is  
1204 what they thought. For a total of 4,247. Now, I believe without getting into what the exact  
1205 number is, clearly there are not 2,807 homes remaining to be built. A number have already been  
1206 built. So there's a number that arguably is left in that balance. If you take the number of homes  
1207 that are built and you minus them out, there's probably 800 or 900 homes that haven't been built.  
1208 But if you add in the entitled homes, that are entitled to be built, that number comes down  
1209 considerably. And it might be 300 or 400 homes that haven't been built according —

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1210 **COUNCILWOMAN FIORE**

1211 But what if you add in, from 1990 to 2018, 28 years of population and growth? What if you add  
1212 that in?

1213

1214 **CITY ATTORNEY BRAD JERBIC**

1215 Again, that's a policy call that you can make. But I'm just saying that if you do just simple math  
1216 on it, the reason staff did not require a major modification, because they believe the 200 and  
1217 some odd homes that are in these three applications are within the balance of units that haven't  
1218 been built, and therefore it doesn't need modification.

1219 I think the counter-argument to that is, ah, there's another line in here. The other line in here is  
1220 golf course drainage, and it has a dash next to it, which could arguably be zero. And so now  
1221 you're taking that zero and upping it, and that is a major modification and should require a major  
1222 mod, and I think that's why there's a disagreement with staff's opinion. If I'm wrong on that, let  
1223 me know.

1224

1225 **DOUG RANKIN**

1226 I don't think you're wrong. I would add one more thing, that the zoning and the Master  
1227 Development Plan approved by Council also showed where they're going to build the homes.  
1228 They were showing on 401 acres those homes, and on 211 acres, there are no homes. So it shows  
1229 specifically where they are. The major modification requires that if you move densities around in  
1230 your master development plan, it requires a major modification of that master development plan.  
1231 And that is our client's request is that this is a change. Previously, before the adoption of major  
1232 modifications in 1997, they made all the changes in Peccole.

1233

1234 **CITY ATTORNEY BRAD JERBIC**

1235 One second, I can get that. Having said that, I know staff's aware of that. I'd like to hear  
1236 Mr. Lowenstein put on the record why, with all of that information, did you not require a major  
1237 modification?

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1238 **PETER LOWENSTEIN**

1239 Well, before I get to that point, the Peccole Ranch Phase II Conceptual Master Development  
1240 Plan had areas called out for commercial, which if you look on that page 18 has a dash as well.  
1241 Subsequently, it has been changed through a general plan and a rezoning, with no major  
1242 modification or reference back to the Peccole Ranch Plan since 1990. And so I beg to differ with  
1243 Mr. Rankin's assertion that major modifications were conducted through the lifespan of this plan.  
1244 As far as our non-requiring of a major modification, it's twofold. One, the Master Plan land use  
1245 element actual clearly states which special area plans require a major modification, in which  
1246 Peccole Ranch is not one of them. And secondly, the unit count that is being proposed is still  
1247 within, based upon our numbers, underneath the 4,247 unit count cap based upon the original  
1248 zoning that entitled the R-PD7.

1249

1250 **MAYOR GOODMAN**

1251 And in fact, are the numbers that Mr. Jerbic mentioned, that are left there, are they like for like  
1252 compatible, or is there a density and they're all going more densely in one area, or are they  
1253 positioned like for like?

1254

1255 **PETER LOWENSTEIN**

1256 Madam Mayor, the original condition of approval limiting the amount of units did not specify  
1257 single-family or multi-family. The non-adherence to the Conceptual Plan over the years had no  
1258 concern for one or the other, just that the overall number of units is not being exceeded.

1259

1260 **COUNCILMAN ANTHONY**

1261 Mayor?

1262

1263 **MAYOR GOODMAN**

1264 Yes, please, Councilman Anthony.

1265

1266 **COUNCILMAN ANTHONY**

1267 Thank you, Mayor. I mean, it sounds like we can go around and around in circles on this all night  
1268 long, and we can hear from both sides and staff and your side and the other side. But I mean, the

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1269 only thing we're talking about tonight is should the developer submit a General Plan Amendment  
1270 and a major modification for three planning projects? That's the only thing we're talking about  
1271 tonight.

1272 And I don't see what the big deal is.

1273

1274 **YOHAN LOWIE**

1275 I would like to ask you —

1276

1277 **COUNCILMAN ANTHONY**

1278 What is the big deal with the developer submitting a General Plan Amendment — I've heard he  
1279 already has, but I haven't seen it — and a major modification so the residents can see what's  
1280 going on, the City Council can see what's going on? I don't understand what the big deal is.

1281 So, as far as I'm concerned, I would like you to submit a General Plan Amendment and a major  
1282 modification so we can all see what's going on with this project. That's where I'm at.

1283

1284 **YOHAN LOWIE**

1285 So please let me explain.

1286

1287 **COUNCILMAN ANTHONY**

1288 I'm not going to be any more complicated than that. So that's what I'm going to support tonight  
1289 unless we want to abey this and discuss it another day. I guess I'm okay with that. But I'm not —  
1290 I don't want to get into the density and the project and all that other stuff. That's not what we're  
1291 doing tonight. That's where I'm at.

1292

1293 **MAYOR GOODMAN**

1294 Okay. All right. And so let's hear from —

1295

1296 **COUNCILMAN ANTHONY**

1297 Unless I hear something different.

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1298 **MAYOR GOODMAN**

1299 Okay. And now we'd like to hear from you, and then we'll go hear from the public as well. So  
1300 please go ahead.

1301

1302 **YOHAN LOWIE**

1303 Your Honor, Yohan Lowie at 215 South Fort Apache Road. I'd like to start with this to tell you  
1304 all that the Supreme Court ruled a week and a half ago a final ruling, on a ruling that the judge  
1305 made, have determined finding of facts of which Four Star, the company that we're in control of  
1306 that we purchased companies, not, we didn't purchase any land, is the successor in interest to the  
1307 Peccole Trust and the successor in interest to Legacy 14, LLC.

1308 So I stand here now, in front of you, like Bill Peccole would have stand here and talk about this  
1309 project. We did not buy any property. We bought the companies. So the order is final, and you  
1310 can read the order. There's a lot of good stuff in there, including that we have land rights. We  
1311 have R-PD7, and we have the right to develop our property. So you should read this order, that a  
1312 lot like to ignore, and get an idea of what it is.

1313 So now I can tell you now, as somebody that has more experience on this property than anybody  
1314 on this opposition here, we are not subject to the Peccole Ranch Master Plan. You hear in here  
1315 all this libel and the lies and all deception and all the ideas about what it is. They're going to  
1316 teach you what R-PD7 is, but we're simply not subject to Peccole Ranch Master Plan. Why?  
1317 Because my companies, the company I purchased, okay, have recorded the Peccole Ranch  
1318 Master Plan South of Charleston on the block that as you call today Peccole Ranch.

1319 Every single house subject to Peccole Ranch Master Plan. In those documents, they tell the  
1320 residents they have a right to withdraw the entire Phase II of this Master Plan from Peccole  
1321 Ranch. And if they don't give the public areas, including the golf course, to the control of the  
1322 HOA of Peccole Ranch Master Plan, then it's not a part of the Master Plan. If they don't pay to  
1323 maintain it, it's not part of the Master Plan.

1324 You heard a lot about 1990 zoning. 1990 zoning, Z-17, is an ordinance that was done at the time  
1325 that — I don't know, it's before your time. But at the time, it was on the resolution of intent. It  
1326 had a five-year time limit. Item number 8 says there is a five-year time limit on this zoning  
1327 application and this Master Plan. This Master Plan that they reads, Conceptual Master Plan says

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1328 in the beginning, it says Conceptual Master Plan that will change within times to allow for  
1329 growth, to allow for what's going to happen in the City. It's says it's a unique location. Okay.  
1330 And other things you didn't hear from this opposition here that interfered with everything we're  
1331 doing, as you know, well know, and delayed us for 27 times now, that the property was rezoned.  
1332 In 2001, in Ordinance 5757, the parcels that we purchased, parcels that have nothing to do with  
1333 the original golf course.  
1334 I can show you the plans. Brad Jerbic used this drawing to show you the golf course as it is. I'm  
1335 putting my finger over the golf course. It looks like an octopi. You see that?  
1336 The golf course that was approved in this Conceptual Master Plan was very different. We called  
1337 it the fish. It's undefined. It's defined into a small piece of property, an 18-hole golf course that  
1338 does not resemble anything that a golf course built today is.  
1339 Here it is. This is the golf course. This is the golf course in the '89 Master Plan, that was  
1340 modified in 1990 to another golf course that is in Phase II, in this Conceptual Phase II.  
1341 You should read this document. It's good reading. The other side just gave you some gizmos they  
1342 found here, but the overall Master Plan will change at any time. And as the successor in interest  
1343 to those rights, we have a right to change anything we want to, but we're not subject to it simply  
1344 because it's expired. On April 4th of 1995, it was thrown out because no action by Peccole was  
1345 ever filed on this. They got into my, the ex-owner of these companies have got into a lawsuit  
1346 with Triple Five, decided to wait it out. In 1995, on April 4th, it expired. In 1996, they filed north  
1347 of Charleston, in what is Queensridge today, a new Master Plan, the new Master Plan called  
1348 Queensridge.  
1349 In their documents, in the CC&R on my properties in Queensridge, on their properties in  
1350 Queensridge on the deed, subject to the Master Plan community of Queensridge, not Peccole  
1351 Ranch. There is no — they have no standing coming in here and telling you: We have protection  
1352 on the Peccole Ranch. You should do something with Peccole Ranch. They have no standing.  
1353 They're not part of Peccole Ranch.  
1354 They took these arguments they brought in front of you today and they bring every single time to  
1355 court. They took it on the 278A, the same garbage argument they brought into this panel and to  
1356 court and got thrown out of court, because it's simply not recorded on the land, like this Peccole  
1357 Ranch Master Plan, not recorded no our land. You cannot subject to us to file any major mod for  
1358 something we're not subject to.

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1359 Otherwise, somebody's going to come in later on and saying that your house somewhere, I don't  
1360 know if you live in Summerlin or not, but maybe Anthem should have been on where your house  
1361 is 50 years ago and you should file a major mod. The neighbors will file. You have to file a  
1362 major mod because that's what it should be. It's not recorded. You're not a part of the Master  
1363 Plan.

1364 They are not part of the Master Plan. They are part of the Master Plan Community of  
1365 Queensridge in which they have a full disclosure.

1366 Judge Allf ruled, in her ruling, that under statute, you cannot bring a claim against this piece of  
1367 property of ours when you live in 116, because 116 allowed the most disclosure of any other  
1368 form of development disclosures to homeowners of what's going to be built next to them. There's  
1369 not one person here who can say that he didn't know what's going to be built.

1370 But you notice how they avoid two key items. In 1995, the Master Plan expired, and in 2001, this  
1371 body have took another ordinance on new pieces of property, pieces of property that were left in  
1372 the company that I purchased, that our companies purchased, into an R-PD7 from you, within  
1373 parentheses, medium-low zoning and planned residential.  
1374 It's with a P, this fish, the little — my maps.

1375

1376 **CHRIS KAEMPFER**

1377 It's here.

1378

1379 **YOHAN LOWIE**

1380 No, the other maps that I had here.

1381

1382 **CHRIS KAEMPFER**

1383 I don't know.

1384

1385 **YOHAN LOWIE**

1386 Okay. They were taken. Okay, they took my maps. Okay.

1387 So what was shown to you here by the opposition is a golf course, by the professor that came in  
1388 here to tell you the way the world looks like, right. He shows you a golf course that had a P on it  
1389 in 1990 in Z-17. That golf course is not the golf course built today. Not resembling it. I can tell

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1390 you that Frank Schreck's house is in that golf course. My house is in the golf course, and 349  
1391 units in Queensridge are in that little fish golf course.

1392 The properties that remained were R-PD7. And those parcels that were created in '96 and in '98  
1393 was rezoned by this City to an R-PD7, in October of 2001, without any conditions. Taking it  
1394 from U, undeveloped, rural undeveloped into R-PD7 with a medium-low density of planned  
1395 residential in parentheses, which means the zoning was redone.

1396 All the arguments you heard here for an hour and 17 minutes, you can throw to the garbage,  
1397 because it has no effect on our properties, zero effect on our properties. And we are in front of a  
1398 judge in a few days, and the claim is the PR-OS, the General Plan, the cloud as we call it, this  
1399 cloud that you put on our property in 2005, unjust without notice to the owner, in 2005 in July  
1400 6th, you pass an ordinance.

1401 Within that ordinance, the legal ordinance would notice that our piece of property is a medium-  
1402 low density. It's in writing. It's here on the plan. In September 1st, somebody went to the City.  
1403 Okay, somebody from staff, September 7th, the ordinance passed. A correction, without a notice  
1404 to the owner and change, the bulletin to change the color of our property from yellow to green  
1405 without a notice to the owner.

1406 It's an illegal order, and it's in front of a judge on the 11th. We asked you and I asked you and  
1407 begged you to remove this before, told you it's illegal. City Attorney has admitted they don't  
1408 know how it happened, but it doesn't matter because you can rely on the law. 278, I'll give you  
1409 the ordinance exactly. 349(3)(e) says the following, and I should read it. Maybe you should read  
1410 it, if you can see better than I can. Please read this. I'd like to read this to the record so you  
1411 understand. The statute is very clear about it, not ambiguous.

1412

1413 **CHRIS KAEMPFER**

1414 Introduce yourself.

1415

1416 **ELIZABETH GHANEM HAM**

1417 Elizabeth Ghanem Ham.

1418

1419 **MAYOR GOODMAN**

1420 Thank you, and tell us exactly for our record what you are reading into the record specifically.

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1421 **ELIZABETH GHANEM HAM**

1422 I'm reading NRS 278.349(3)(e).

1423

1424 **MAYOR GOODMAN**

1425 And the date?

1426

1427 **ELIZABETH GHANEM HAM**

1428 It's a Nevada Revised Statute.

1429

1430 **MAYOR GOODMAN**

1431 Okay. But what was the date of that, do you know?

1432

1433 **ELIZABETH GHANEM HAM**

1434 It's currently in effect.

1435

1436 **MAYOR GOODMAN**

1437 Okay. Okay. Please read it.

1438

1439 **ELIZABETH GHANEM HAM**

1440 I don't know the date it was enacted.

1441

1442 **MAYOR GOODMAN**

1443 Okay. That's fine. We can find it. Okay.

1444

1445 **ELIZABETH GHANEM HAM**

1446 Action on tentative map by governing body; considerations in determining action on tentative

1447 map; final disposition. Three, the governing body, or planning commission if it is authorized to

1448 take final action on a tentative map, shall consider conformity with the zoning ordinances and

1449 master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the

1450 zoning ordinance takes precedence.

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1451 **MAYOR GOODMAN**

1452 That's what he said.

1453

1454 **YOHAN LOWIE**

1455 There is no reason for you to demand us, and you have no right by law to demand us to file for  
1456 GPA change and delay us for months and months and months on end. We're paying \$85,000 a  
1457 month, a month in property taxes. And you're playing like a pinball here what you're going to do  
1458 with our property. I understand there is two puppets here that they are running right now what  
1459 the Council does and a new mayor, sitting behind me here, telling you what to do. But you don't  
1460 have a right to delay us anymore. You can't continue to delay us.

1461 We have zoning. We have hard zoning. All the exercise of master plan and general plan is for  
1462 one reason only — to get the zoning. We have hard zoning on the property. We're asking to  
1463 develop our property. We only want to build. I told you you're never going to see another plan, a  
1464 comprehensive plan because we have to stick to zoning, because if you don't change zoning, we  
1465 don't have to ask you for anything other than an SDR.

1466

1467 **MAYOR GOODMAN**

1468 Now say —

1469

1470 **YOHAN LOWIE**

1471 And to compare what happened in 1990 —

1472

1473 **MAYOR GOODMAN**

1474 Excuse me one second. Is that fact?

1475

1476 **PETER LOWENSTEIN**

1477 Madam Mayor, to exercise the residential plan development —

1478

1479 **MAYOR GOODMAN**

1480 The zoning taking precedent, according to NRS whatever number you just read us. No, just a  
1481 question.

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1482 **PETER LOWENSTEIN**

1483 To the point of how to exercise it, the application type is a site development plan review to  
1484 establish the development standards and then a subsequent tentative map to do the mapping of  
1485 the property.

1486

1487 **YOHAN LOWIE**

1488 Can require, that's what it tells you, that the zoning takes precedent. You asked the first time you  
1489 say nicely: Please file it. You don't have to file it, but file it. Yohan, just file it after that.

1490 Then you came back and saying: Let's make them happy. Let's file the same time. And you  
1491 denied it. You denied it. You denied to remove something, an instrument you installed on my  
1492 property illegally.

1493 Now I'm in court asking the court to remove it. And we had no choice, Your Honor, because  
1494 every delay is hundreds of thousands of a month. That's what our opposition wants and some on  
1495 this Council want. It doesn't matter how many years it's going to take. We're going to own this  
1496 ranch probably till I'm going to be old, if I live a long life, we're going to own it then. Okay. We  
1497 are not going to give up the property, and we're not going to hand over an inch to these people  
1498 that demanded 180 acres and all the water rights.

1499 We're not going to do that. We want to develop our piece of property. We have zoning, hard  
1500 zoning. We have a right to develop this piece of property. We're asking you to understand that  
1501 we are not — you cannot subject us to file documents on something that is not in existence. It's  
1502 not in existence. You can't. If you needed me to go to court and get an order from the court that  
1503 says it's not in existence, it's expired, and you can't take the position it's not, because it reverts  
1504 back to you, the zoning. The zoning went right after '95 to you.

1505 When you rezoned it in 2001, those parcels that left over in Peccole Ranch, by the way, they kept  
1506 on telling you golf course, open space, they can't tell you this with a straight face, because when  
1507 you look at the golf course, it's not the same golf course. And at least 197 acres of that is not  
1508 even around it. It's in the north part, the nine-hole, the entire hundred some-odd acres of nine-  
1509 hole, it's in yellow. It's in the medium-low zoning, the whole thing.

1510 All your action that you took, by the way, we have the action one by one, rezoning piece by  
1511 piece at Peccole Ranch, at I'm sorry, I'm sorry, at the Master Plan Community of Queensridge.  
1512 Okay. The zoning that were requested shows the City documents showing everything around it

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1513 medium low. And the designation, when you have to disclose to all homeowners on public  
1514 meeting, it should note R-PD7 and medium low, and whichever it was, you know, for the casino  
1515 and medium low and medium low around it. So you acknowledge all along.  
1516 You wonder why for 28 years you never followed the Master Plan? Because it simply wasn't in  
1517 existence. You never mention the Master Plan, and you never can go to the Master Plan on any  
1518 development in Queensridge, because the Master Plan of Peccole Ranch, dead, died in '95 on  
1519 April 4th, and with it, the PR-OS, the P designation, as they call it the blob, a shotgun approach.  
1520 Let's just do a shotgun and whatever that golf course is going to end up is going to be PR-OS. It's  
1521 gone.  
1522 There is new zoning in 2001. We have rights to build it. We're asking for you to deny this appeal  
1523 to this application and allow us to move forward with our development. If not, just let a judge  
1524 decide what we get to build.

1525

1526 **MAYOR GOODMAN**

1527 Okay. Thank you.

1528

1529 **ELIZABETH GHANEM HAM**

1530 Your Honor, may —

1531

1532 **CHRIS KAEMPFER**

1533 You want to go next?

1534

1535 **ELIZABETH GHANEM HAM**

1536 Yeah.

1537

1538 **CHRIS KAEMPFER**

1539 All right, go.

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1540 **ELIZABETH GHANEM HAM**

1541 Elizabeth Ghanem Ham again, 1215 South Fort Apache. I represent Four Stars and 180 Land, the  
1542 applicant in this matter, and I just want to place a few things on the record.

1543 First of all, I'm very surprised that we have a full-blown legal evidentiary hearing going on here  
1544 at the City Council meeting. I was unaware that there was going to be a court hearing today, and  
1545 I think it's inappropriate. It's inappropriate for you to allow it and consider it. We're here on an  
1546 appeal, an appeal filed on a submission of an application. We submitted an application.

1547 Your Honor, you said in the hearing held, I believe, in August for the development agreement,  
1548 that it would be business as usual, that there was no moratorium in effect. And it has been  
1549 anything but business as usual. We have been asked to jump through hoops, provide additional  
1550 applications that are not required, that are not required.

1551 Councilman Anthony, you asked the question: What's the big deal? The big deal is we're already  
1552 doing things that are not required by any other applicant. That's what the big deal is. We're being  
1553 treated unfairly. I want to put that on the record.

1554 Again, I want to remind you this is an appeal. An appeal from what? The submission of an  
1555 application? You have now opened the door to allow anybody to appeal the submission of an  
1556 application. It is not an appealable determination. We submit that first.

1557 Additionally, by allowing this hearing and allowing these arguments, legal arguments that are  
1558 unfounded, law that is inapplicable, reading from Staff Reports for other applications that have  
1559 no bearing on this matter before you, you're enabling Mr. Schreck and his group, and you're  
1560 emboldening them and allowing them to believe they have rights they simply don't have.

1561 What is important is the zoning. And for some reason, we are now here discussing the history,  
1562 legislative history, what R-PD7 means, and it's completely unfounded. We have zoning rights.  
1563 They have been given to us. We understand our zoning rights. We have rights to build on this  
1564 property. We are not asking for a zoning change. The tentative map application is not before you.  
1565 We have submitted a GPA. We have submitted a GPA. We did it because we were asked to do it,  
1566 not because it's required. A major modification is simply not required for all the reasons that  
1567 your staff has told you it is not required.

1568 We are asking that you shut down Mr. Schreck and his group and not allow this to continue any  
1569 further. We've been playing these games for two years, two years. It's enough. It's enough. To  
1570 allow them to put on a full-blown evidentiary hearing today is inappropriate. So we object to this

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1571 going forward at all. We ask that you shut it down. I want you to make a motion to shut this  
1572 down. This should not be an appealable determination. They can make these arguments at a  
1573 different time. Thank you.

1574

1575 **CHRIS KAEMPFER**

1576 Your Honor, members of the Council, Chris Kaempfer here on behalf of EHB Companies. Also  
1577 Stephanie Allen. I'm going to be very brief and hopefully concise.

1578 You said it, Your Honor, there's a legal issue here. Now, I firmly believe that we did not hear for  
1579 an hour and 20 minutes because they were trying to persuade you of anything. I think what we  
1580 are trying to do hear is to set up a record so there can be another lawsuit filed, another delay  
1581 occasion, more pain, more misery, more uncertainty.

1582 I live there, okay, and this community means the world to me and I am seeing it get destroyed.

1583 And it's getting destroyed because people who think they are helping are not helping us. The  
1584 only issue before you here is the legal issue. In 40 years of practicing land use law, I never, never  
1585 before this Council, any commission, any board, said: I want you to accept my opinion on a legal  
1586 matter over the opinion of your City Attorney or your Planning Director.

1587 We're not talking about whether a waiver is appropriate for signs or height or landscape or  
1588 whatever it might be, or is the density appropriate, is the intensity too — those are issues that are  
1589 entirely appropriate for your consideration. But when it becomes a legal issue, a legal issue, and  
1590 your City Attorney, who I respect very much and who, by the way, has never said to me or  
1591 anyone else that we're entitled to 7.49. He has said we're up to 7.49, but it better be comparable  
1592 and compatible zoning. That's the only thing, in his opinion, that this City could deal with. So I  
1593 don't know where — Mr. Jerbic, I don't know where that came from, but it didn't come from you.  
1594 My point is, please, if you're not going to rely on your City Planning Director and your City  
1595 Attorney when they tell you what the law is, then please anticipate that this is going to happen  
1596 every time, that I'll bring in a battery of attorneys. I'll come in, we'll make legal arguments, and  
1597 we'll turn this into not one hearing, but two.

1598 And do you see what's happened now? This could have easily been raised at the time the  
1599 tentative maps were before you for consideration. Somebody could have, they could have come  
1600 in and said: Oh, by the way, we don't think you should consider the tentative maps because you  
1601 need to have a General Plan Amendment or a major modification. That's when it could have been

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1602 and should have been done, not by a separate hearing so we have all of this again. Then we have  
1603 the hearing on the tentative maps. All of this is designed for one reason, and that's to delay,  
1604 create records for appeal.

1605 So I am respectfully asking that you follow the advice and opinion of your own City Attorney  
1606 and your own Planning Director, who say that a major mod and a General Plan Amendment is  
1607 not necessary, realizing, of course, that we have filed a General Plan Amendment, and we just  
1608 move on realizing that that's the opinion of the people that you normally and obviously should  
1609 rely upon. Thank you.

1610

1611 **MAYOR GOODMAN**

1612 Thank you. Anything?

1613

1614 **STEPHANIE ALLEN**

1615 No, I'm good. Now, I'll leave it alone.

1616

1617 **COUNCILWOMAN FIORE**

1618 So I just have one question for our staff. Again, because Councilman Seroka and myself are new  
1619 on the Council, but this has been going on for two years, I would like an accounting of the last  
1620 two years on taxpayers dollars on how much money we have literally spent having our chambers  
1621 being a courtroom for the richest men in Las Vegas. I'm sorry to put it like that, but I would like  
1622 to just know how much time, energy, and money we have spent on this thus so far.

1623

1624 **BOB PECCOLE**

1625 Madam Mayor —

1626

1627 **FRANK SCHRECK**

1628 I do want to say for the record.

1629

1630 **MAYOR GOODMAN**

1631 Excuse me. Hold on, Mr. Schreck, if you'll allow Mr. Peccole to speak, and then I want to open  
1632 the public hearing.

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1633 **BOB PECCOLE**

1634 Just short, Madam Mayor. Bob Peccole, attorney. I live in the Queensridge, 4997 Verlaine.  
1635 Mr. Yohan Lowie made a comment about the Supreme Court decision. I am handling the  
1636 Supreme Court decision in the Supreme Court for our side, and I want to clarify what he said. He  
1637 said he's got a ruling in his favor, and that is not correct.  
1638 What happened is a motion to dismiss the complaint was allowed in the lower court. The  
1639 Supreme Court made a ruling on a technicality that that appeal could not remain in the Supreme  
1640 Court. But then what they did rule was our Motion for a 60(b) Hearing was entitled to go  
1641 forward in the appeal and to make that — you're a little bit aware of what that means is their  
1642 attorney, Mr. Jimmerson, during the lower court hearing, introduced two false documents, and  
1643 then he made misrepresentations to the court as to what those documents meant.  
1644 So we filed a 60(b) motion, saying if you grant the idea that we're correct on the false statements,  
1645 it throws out the judgment and the order. So it would go out irrespective of the fact that we didn't  
1646 get to raise the arguments on the Motion to Dismiss. It will go down the tubes.  
1647 And one other thing is there were attorneys' fees awarded, because we were told we had filed a  
1648 frivolous action, and that is going to be heard by the Supreme Court also.

1649

1650 **MAYOR GOODMAN**

1651 Okay. I think where we are — I appreciate your comments. I think we are certainly in a position  
1652 — this is really, totally legal, and it is something none of us are there.

1653

1654 **BOB PECCOLE**

1655 I agree.

1656

1657 **MAYOR GOODMAN**

1658 We're not in a position to accept, deny, validate anything, because weren't not attorneys. We  
1659 weren't there. And so that all has to step back, I believe, right now.

1660

1661 **BOB PECCOLE**

1662 I agree.

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1663   **MAYOR GOODMAN**

1664   What I'd like to do is if there's anybody from the public who would like to make comment, I'd  
1665   like to invite you to do so, then take any comments here from our Council, and move this along  
1666   because I think I have to go back to the fact that we are not attorneys. This seems to be entirely  
1667   the nuances and interpretations of the law, and we certainly aren't in the position.  
1668   But going back to what Councilman Anthony had said, we are here to make a decision on the  
1669   possible action on an appeal of the Director's decision to not require applications for a GPA and  
1670   major mod. And so that's what we're going to get to at this point.  
1671   But I would like to invite the public, if there's anyone who wishes to make comment, because I  
1672   think where we're getting is further into the discussion of legal matters, and we can't. There's just  
1673   — I don't know anybody here that is in a position to be able to authenticate and validate some  
1674   legal argument.  
1675   So, with deference to you and everybody else that's been in front of us for months and months  
1676   and months, and so let's hear from the public if we could, please.

1677

1678   **BOB PECCOLE**

1679   Yeah, I just didn't want the Council being misled.

1680

1681   **MAYOR GOODMAN**

1682   Thank you. Right. No, I think and we know this is ongoing. So at this point, if you would,  
1683   gentlemen, please have a seat. I'm going to ask the public if there's anybody from the public who  
1684   wishes to comment. At that point, then if there's no one from the public, I will close it, and I  
1685   hope — Anyone from the public? I will close the public hearing.

1686

1687   **FRANK SCHRECK**

1688   Madam Mayor?

1689

1690   **COUNCILMAN COFFIN**

1691   They did ask for and we granted the idea that they would have the last word.

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1692     **MAYOR GOODMAN**

1693     Oh, okay. We did agree to that.

1694

1695     **FRANK SCHRECK**

1696     Madam Mayor?

1697

1698     **MAYOR GOODMAN**

1699     Okay. Councilman Coffin says that we agreed to give you a final. So please — all three?

1700     George?

1701

1702     **FRANK SCHRECK**

1703     Between the two of them, but I just wanted to address Councilman Fiore's statement. There's  
1704     only maybe two abeyances out of 20 something abeyances that we requested or agreed to. We  
1705     didn't request those. They were all by the City or they were by the developer, and they were by  
1706     the City generally on behalf of the developer, because usually the plans were changed right up to  
1707     the time of hearings, etc., etc.

1708     So we would be dragged down here, get ready for a hearing, and then it would be abeyed. We  
1709     didn't, we were not responsible for all of those abeyances. We don't like it, just like you wouldn't  
1710     like it if you had been there to sit through all of those. So we are not the responsible parties for  
1711     those.

1712

1713     **COUNCILWOMAN FIORE**

1714     Thank you, Mr. Schreck.

1715

1716     **GEORGE GARCIA**

1717     Mayor, Council, George Garcia, 1055 Whitney Ranch Drive, Suite 210. I just want to make a  
1718     brief response to some of the comments we heard, and then I'll turn it over to Doug to go through  
1719     some of the history to respond in more detail, with precision with what were the things that were  
1720     done in Peccole Ranch and how were they done.

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1721 One of the points that was just made was that perhaps, as we heard from Mr. Lowie, that the  
1722 resolution of intent, that was adopted by the City Council, somehow went away, it then expired  
1723 and disappeared.

1724 A couple points on that. Number one, that, and Doug's got the document, but there was nothing  
1725 in the Code at that time, in the City Code, that spoke about what would cause something to  
1726 expire as far as a resolution of intent. Resolution of intents were not specified in the Code. It was  
1727 purely the City's discretion to determine was the developer making sufficient and adequate  
1728 progress that they would allow the project to continue and go forward?

1729 It's very clear that, first off, we have, as indicated, some 28 years of history, and as far as I know,  
1730 I think it would be reprehensible for them to say that the City Council, all of the City Councils,  
1731 all of the Planning Directors and all the Planning staff for the last 28 years allowed essentially an  
1732 illegal or improper act to occur by saying the resolution expired, but we're going to go forward  
1733 and tell everybody that they can go forward with development, contrary to the fact that they don't  
1734 have zoning. I mean I just think that's on the surface, basically, would be insulting and certainly  
1735 incorrect. So that's number one.

1736 Number two, there was progress being made, and we have examples of that that Doug can  
1737 provide.

1738 One of the other points that was, I think that's made is that, somehow, they're independent of the  
1739 — that the zoning can be somehow independent of the plan. If in fact the argument is the ROI  
1740 expired, then the zoning would have reverted back to the zoning that was on Peccole Ranch  
1741 Phase I and when that was all done.

1742 You don't get R-PD7 unless you have a planned development in a master development plan. If  
1743 those expire, then the zoning he has today, that he claims he has, does not exist. It only exists  
1744 because there was a plan approved by the City Council, and it was basically provided over time  
1745 by the subsequent actions of the master developer. Otherwise, the zoning would not be there.

1746 The plan, just so you understand and I think you do, there's two parts to the plan. There's the  
1747 City's General Plan that you see on the exhibit that Brad had before you before here before.

1748 That's just one piece. Another part of it is — and Brad didn't bring this part up — but there's  
1749 another part of it, which is the Master Development Plan. And that's, if we go to the overhead  
1750 here, the Master Development Plan, which was shown previously, is here on the left-hand side,  
1751 that leads to the zoning as well.

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1752 So that is two layers to the City's General Plan. There's the City's General Land Use Plan, and  
1753 then there's the specific area or sector plan, which is what Peccole Ranch and some of those  
1754 others that we talked about are. They are specific plans. They are more detailed and more  
1755 specific. And at the beginning, they are all conceptual. So when somebody stands in front of you  
1756 and goes, this is conceptual, Summerlin was conceptual when it started. Canyon Gate was  
1757 conceptual. They're all conceptual at the outset.

1758 But you have to generally adhere and substantially adhere that is the consistency that you're  
1759 trying to achieve. And so over time, as you saw, today we still — while the boundaries don't look  
1760 exactly identical to what was there because the drainage studies and everything weren't done. If  
1761 you look at the acreage and set aside — we still have an excess of the 211 acres of open space  
1762 that was originally approved in that plan.

1763 We still have the number of homes that are out there within it. And if you're going to build those  
1764 homes, where would they go is within that 401 acres that was approved. These colors that are  
1765 here, that show the orange areas for residential, it would go there. That's where the excess homes  
1766 that Brad's referring to, if they're excess homes, they would be eligible to go in the residential  
1767 areas. They're not eligible to go into the green area unless, as we've suggested, you have to apply  
1768 for a general plan to the City's first General Land Use Plan as well as a major modification or  
1769 rezoning to amend the Master Development Plan, which is this plus the tables.

1770 So there's a way to get there, and as we said, there's an appropriate way. So we would agree with  
1771 Councilman Anthony that these basically should be both a — both of those items should be  
1772 presented and go forward before they're allowed to proceed with their tentative maps.

1773 Then I'll let Doug explain some of the specific history that supports this.

1774

1775 **DOUG RANKIN**

1776 Before I get into those details, I want to say that I agree with Councilman Anthony that we do  
1777 need a general plan and a major modification. If you'd like, I can go into — I have a few more  
1778 items to go into, specifically addressing, once again, this isn't a special area plan. It's a master  
1779 development plan, a master development plan per —

1780

1781 **MAYOR GOODMAN**

1782 Doug, aren't you already showing us things that we've seen in these past hearings?

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1783 **DOUG RANKIN**

1784 You actually haven't seen this item right here. This is out of your 2020 Master Plan. Once again,  
1785 staff has indicated that, yes, this isn't a special area plan. So it's not on that list of areas that need  
1786 a major modification for a special area plan, because it's not a special area plan. It's a master  
1787 development plan, and master development plan areas and special land use designations might  
1788 have a special land use designation, as it says here, or it might be using the City's General Plan.  
1789 For Peccole Ranch, Painted Desert, The Lakes, they use the City's land use designation. So,  
1790 therefore, that's the Plan.

1791 In regards to the 1992 Plan, when it was adopted, the City of Las Vegas spent a year working on  
1792 their plan, just like you're about to do with your brand new plan. There was a general plan in  
1793 1975. 1985, they adopted a new one, but they give deference to the old plan. 1992, they did the  
1794 same thing. They looked at all the land use designations that were existing and approved in the  
1795 City and adopted a land use plan pursuant to that.

1796 What I have here is the land use zoning map approved for Peccole Ranch in the 1992 Plan. You  
1797 can see they're pretty similar. When the City legally adopted their '92 Plan and again, their 2001  
1798 Plan, legally adopted by state law, required by state law, they did this study. It was done. I have  
1799 — I'm a little out of order. But it was done legally. So it was not an illegal plan. And the current  
1800 plan, which you've seen, reflects that.

1801 Now, Mr. Lowie indicated that changes happen. They did happen. They happened by General  
1802 Plan Amendments and rezonings. From 1990 even up until recently, those changes have been  
1803 done to the Peccole Plan through a General Plan Amendment and a rezoning. The reason they  
1804 weren't doing major mods, major mods didn't exist in your City Code until 1997.

1805 Prior to that, they did them as rezonings. And I have an example of part of the golf course where  
1806 that occurred. And it happened in many parts of the golf course.

1807 And for the record, here's a list of all of them that occurred for each development parcel within  
1808 the Peccole Ranch. And I'll submit that to the record. But I don't want to go through all of them.  
1809 There's quite a few of them.

1810 So the golf course, this is the aerial from 1990. Here is the land use and zoning approved by the  
1811 Peccole Ranch Plan in 1990. This is the corner of Charleston and Hualapai. It was approved for  
1812 commercial, R-3, C-1, and R-PD7 single-family. So it's single-family, multi-family, commercial  
1813 land use with the zoning of C-1, R-3, and R-PD7. That's what the Council approved in 1990.

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1814 I fast forward, this is the 1994 Plan. As you can see, nothing is built yet. We have a little more  
1815 here, because we have some development of Peccole Ranch Phase I. Phase II is still not touched.  
1816 The Peccoles come in and say: Hey, we're going to move some of our stuff around. We're going  
1817 to move our C-1, our SC designation on the '92 Plan to ML and the medium to ML, and we want  
1818 to do single-family here in this Lot 12, as it was called. So they submitted a General Plan  
1819 Amendment, two of them. And they also submitted two rezonings to go to R-PD7, all done by  
1820 Council approval. Once again, this is all about who gets to decide. The Council gets to decide.  
1821 That's how land use works.

1822 Let me get right to the point. Then in 1996, the developer records their final parent map, which  
1823 sets the boundaries of the golf course as you see it today and all the development lots. They  
1824 made multiple changes throughout this. As you can see, this is the aerial from 1996, when they  
1825 came in and requested a tentative map, on 3/14/96, to lay out these streets for Lot 12.

1826 And, by the way, this is what it looks like today. The golf course is already there. The boundaries  
1827 were finally set. How did they get set? They got set by a couple drainage studies. The first one is  
1828 1990. The Master Drainage Study was submitted and approved by the City of Las Vegas. I  
1829 actually brought it with me. It's about this thick. If you'd like, I'll submit to the Clerk. She  
1830 probably doesn't want it.

1831 Then in 1994, they do the golf course drainage study. That golf course drainage study said, hey,  
1832 you know, where you thought you were going to build in part of this, where we thought we could  
1833 build here and maybe down here, things have changed, so we're going to go back to the City and  
1834 say: Things have changed. We've got to move things around. And they did that. They did that  
1835 every time they moved stuff through a rezoning and a General Plan Amendment when they made  
1836 changes. No major mods, they didn't exist until 1997.

1837 Okay. So the question is: Have we ever allowed a major modification of an R-PD? Well, the City  
1838 has. Iron Mountain Ranch — let's see here. I'm a little out of order. Well, Iron Mountain Ranch  
1839 is a development out in Ward 6 area. It was an R-PD2 that had a major mod. And unfortunately,  
1840 I can't find my backup material, but its major modification was to modify the R-PD2 zoning  
1841 district as part of the Master Development Plan of Iron Mountain Ranch to add 4 acres of land  
1842 and to change the size of the lots from 30,000 square feet to 20,000 square feet. And that was  
1843 done.

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1844 Actually, I know where it's at. But nonetheless, it was all done through those processes. So a  
1845 major modification, the City has required that. When you change a planned unit development,  
1846 when you change an RPD, you are required because the land use and the zoning are close  
1847 together. Your own Code states that there is a process for a modification of a master  
1848 development plan. Peccole Ranch is identified as a master development plan within your own  
1849 Master Plan.

1850 So your General Plan says it's a master development plan. It's named a Master Development  
1851 Plan. The process is a major modification to move the land uses around and to allow density  
1852 where before, the Council said, no, that's going to be open space. And they said it's going to be  
1853 open space all the way through it.

1854 So if you have any other questions, I'll conclude at this point that a General Plan Amendment is  
1855 proper because the General Plan is park, recreation, and open space. There is no residential there.  
1856 A major modification is proper, because it's part of a master development plan. And to modify  
1857 that, you have to do it through a rezoning of some type, which a major modification is what the  
1858 City calls them now.

1859 So with that, I'll conclude my presentation.

1860

1861 **MAYOR GOODMAN**

1862 Okay. Thank you. And now I'm going to turn this over to our City staff.

1863

1864 **DOUG RANKIN**

1865 Yes, and I'm going to give everything to the Clerk here that I put on the record.

1866

1867 **MAYOR GOODMAN**

1868 Okay. Thank you. Okay. Mr. Summerfield, Mr. Lowenstein —

1869

1870 **YOHAN LOWIE**

1871 Your Honor, 10 seconds. Ten seconds, please. I just want to make the record clear that nobody  
1872 rebut Ordinance 5353, which rezoned those properties, that we today own, to an R-PD7 without  
1873 any conditions, because it negates all these garbage arguments out of here.

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1874 **DOUG RANKIN**

1875 Well, I do have that ordinance with me, Your Mayor. As a matter of fact, the ordinance indicates  
1876 that all the parcels as part of that rezoning ordinance to ordinance the zoning were done — in  
1877 each case, the conditions of rezoning have been filed and changed, the corresponding zoning  
1878 designations on the official atlas map. It's the last process of a rezoning. They did it in 2001. At  
1879 the time, I believe that staff had fallen behind on doing these, because there's 82 pages of parcels  
1880 that were rezoned at that time through the ordinance. That's the last step. But they clearly state  
1881 that all those items were rezoned pursuant to the conditions of approval by City Council.  
1882 If that's not true, then the zoning is zone, as Mr. Garcia indicated, and you're left with N-U, and  
1883 nothing is there.

1884

1885 **MAYOR GOODMAN**

1886 Thank you. Okay. Mr. Lowenstein, please. Can we hear from our staff?

1887

1888 **PETER LOWENSTEIN**

1889 Sure. Before I go into the presentation about the appeal, just a clarification. Iron Mountain  
1890 actually has established development standards, which prescribe which methodology to use as  
1891 part of it. As part of its adopted R-PD, it has its associated development standards, just to clarify  
1892 that.

1893 Also, on the changes that were presented on the board, you're looking at an R-3 potentially and a  
1894 C-1 commercial, with associated land use designations being changed.

1895 Now, to go to an R-PD, yes, they asked for a General Plan Amendment and a rezoning. But the  
1896 C-1 zoning district and the associated S-C designation, there is no associated density with either  
1897 the zoning district and/or the land use designation. The medium density they changed to  
1898 medium-low, if I recall what he had stated. And then the R-3 changing to an R-PD7 gave them  
1899 the flexibility to have their associated development standards.

1900 The difference is the existing zoning has inherent density within it and is not looking to the  
1901 General Plan for the density requirement. So just putting those points of clarification out there.

1902 And from there, now I will address the appeal. So this appeal stems from the belief of the  
1903 adjacent property owner that a General Plan Amendment and a major modification of the  
1904 Peccole Ranch Phase II Conceptual Plan are required applications to be part of the three

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1905 submitted projects for residential subdivisions within the former Badlands Golf Course area.  
1906 Since the original submittal of the referenced development projects, the applicant of those  
1907 projects has submitted a General Plan Amendment at the request of the Department of Planning.  
1908 I stress the fact that staff requested the General Plan as these applications do not specifically  
1909 require one by the zoning ordinance, as well as the existing zoning has established density limits  
1910 and predates the current General Plan land use designations on the site.

1911 Staff has always and continues to make requests.

1912

1913 **MAYOR GOODMAN**

1914 Wait, excuse me. Would you repeat the last two sentences clearly, please?

1915

1916 **PETER LOWENSTEIN**

1917 Since the original submittal of the referenced development projects, the applicant of those  
1918 projects has submitted a General Plan Amendment at the request of the Department of Planning.  
1919 I stress the fact that the staff requested the General Plan as these application types do not  
1920 specifically require one by the zoning ordinance, as well as the existing zoning has established  
1921 density limits and predates the current General Plan land use designations of the site.

1922 Staff has always and continues to make requests of the developers for consistency within the  
1923 General Plan and the overlying zoning designation. If the Council believes this should be a  
1924 requirement, then staff would ask the Council direct us to revise the Code to specifically require  
1925 General Plan Amendments when zoning districts are not compatible.

1926 The second part of this appeal states that the appellant believes a major modification of Peccole  
1927 Ranch Phase II Conceptual Plan is required for the associated projects to be heard. With the  
1928 exception of staff's request of the applicant out of an abundance of caution and associated  
1929 applications in 2016, there has never been a major modification application process, either by  
1930 specific application type or alternative means, since the inception of the Conceptual Plan in  
1931 1990.

1932 Furthermore, the Las Vegas 2020 Master Plan land use and rural neighborhood preservation  
1933 element specifically notes which special area plans are required to change a plan via major  
1934 modifications, and the Peccole Ranch Phase II Conceptual Plan is not one of them.

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1935 Staff's decision to request a General Plan Amendment and not to require one as well as a major  
1936 modification is consistent with the actions of the Planning Department over the 15 years I've  
1937 served in it as well as the 28 years the Peccole Ranch Phase II Conceptual Plan has been in  
1938 existence.

1939 Staff finds the appeal is specious and that no application for a General Plan Amendment or major  
1940 modification are required to hear the applications as submitted. Thank you.

1941

1942 **MAYOR GOODMAN**

1943 Okay. We are going to move this along now. So Councilman Seroka, since you are the  
1944 Councilman of the ward, we're going to allow you the honor to go ahead and make the motion.

1945

1946 **COUNCILMAN SEROKA**

1947 Wow, what a way to —

1948

1949 **MAYOR GOODMAN**

1950 And excuse me one second, if you would. Is Councilman Barlow on the phone still?

1951

1952 **COUNCILMAN BARLOW**

1953 Yes.

1954

1955 **MAYOR GOODMAN**

1956 On his birthday, okay. Please, Councilman Seroka.

1957

1958 **COUNCILMAN SEROKA**

1959 Well, Mayor, what a way to start 2018. Wow. So what we have are two appeals, essentially. Is  
1960 that about right?

1961

1962 **CITY ATTORNEY BRAD JERBIC**

1963 Right. It's just one appeal, but there are two components to it.

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1964 **COUNCILMAN SEROKA**

1965 Two components.

1966

1967 **CITY ATTORNEY BRAD JERBIC**

1968 A GPA component and the major mod component.

1969

1970 **COUNCILMAN SEROKA**

1971 So, in order to address the actual appeal, which I appreciate you allowing me to make a motion.

1972 Our applicant has graciously submitted a GPA at this time already when asked. Albeit a second

1973 time, he came forward with that. And the appeal is for a General Plan Amendment. I would make

1974 a motion that would support that. Let me make sure I get the wording right by saying I would

1975 move to approve the appeal or support the appeal for the GPA since they already submitted it,

1976 and they graciously did it.

1977

1978 **CITY ATTORNEY BRAD JERBIC**

1979 I think that gets the flavor of that. So you would grant that applicant's appeal from the denial of

1980 the Director to not require a GPA? Have I got that right? I see looks on everybody's face.

1981

1982 **MAYOR GOODMAN**

1983 What I think, what I understand it, he is supporting the denial. He is supporting to deny the

1984 General Plan Amendment. He is supporting the application. So if, in fact, he wants the General

1985 Plan Amendment and modification to go forward, demanded of the applicant, you would vote for

1986 that. Is that correct or not? Voting for his motion for a General Plan Amendment and

1987 modification, a vote for that would deny the applicant the right to go forward. He would have to

1988 then or the company would have to go ahead then with a General Plan Amendment and

1989 modification.

1990

1991 **COUNCILMAN SEROKA**

1992 Let me clarify. I think if we abeyed this, it would do no service to our developer, to our

1993 applicant. So I would like to have the opportunity for us to help out the Planning Department.

1994 When I spoke with them on this issue, let's raise this all the way up. Let's raise the issue up. This

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1995 is a policy decision by City Council, working with our Planning Department, on what we as the  
1996 Council would like for the Planning Director to move forward with, moving away from any of  
1997 the details of any of the discussion out there.

1998 So, when speaking with the Planning Director, he said: Hey, if you want to do this, just give us  
1999 guidance to do this and we'll do it. If not, we won't. The way we interpret the rule is x. Got it.

2000 So, right now, we have an appeal. The applicant has actually in response to this said: Hey, I will  
2001 submit a General Plan Amendment.

2002 What I'm trying to say here is I would like to vote — help me with the wording, because you're  
2003 right, it's an inverse to the inverse to the inverse.

2004 So this is appeal. We're going to split this into two parts. So first, we'll talk about the General  
2005 Plan Amendment, and then we'll talk about the major mod. How's that? So we'll split the vote  
2006 into two parts. Will that work City Attorney? Just to clarify. So we'll split it apart in two parts.  
2007 So we're voting on the appeal, right?

2008 To grant or deny the appeal. By granting the appeal, what we're saying is we would like to see a  
2009 General Plan Amendment, which we already have. Does that sound right?

2010

2011 **PETER LOWENSTEIN**

2012 By granting the appeal, you're stating that the General Plan Amendment would be a required  
2013 application. And as I stated in my presentation, if that's the direction the Council wants to go in,  
2014 that I would like Council to give staff direction to change the zoning ordinance to be explicit to  
2015 that fact.

2016

2017 **COUNCILMAN SEROKA**

2018 Okay. In this case, would that be part of the same motion?

2019

2020 **CITY ATTORNEY BRAD JERBIC**

2021 I think we can. I think what you're can do is you can say my motion is to grant the appeal to  
2022 require a General Plan Amendment and direct staff to bring back an ordinance on a future date,  
2023 because you can't vote on it today, bring back an ordinance on a future date to change the code to  
2024 reflect that.

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2025 **TOM PERRIGO**

2026 Your Honor, if I might, Tom Perrigo all the way over here again. On the second part of that  
2027 motion, I would rather that you direct staff to put together a briefing paper, because there may be  
2028 very good policy reason you do not want to require absolutely a General Plan Amendment with  
2029 any application if the zoning is inconsistent. For example, with a tentative map, there are  
2030 statutory requirements in terms of how fast those have to be processed, and if you get kicked into  
2031 a General Plan Cycle, which is four times a year, every three months, we might not be able to  
2032 make those statutory requirements.

2033 So, I guess the point is rather than making that direction now, I think we should just take a time  
2034 out on that. Your initial part, that's fine. With this application, there are circumstances you think  
2035 that should happen, no issue there. But as a blanket policy across everything, I think we need to  
2036 take a quick time out, let us put together a report for you to consider and decide.

2037

2038 **COUNCILMAN SEROKA**

2039 Sounds good. So as part of the direction of my statement, I would direct staff to come back with  
2040 an information paper on the implications of requiring a General Plan Amendment with every  
2041 application. **But in this specific case, specifically only this to this case, to grant the appeal, I**  
2042 **move to grant the appeal for the General Plan Amendment.** So, by voting for this, we're  
2043 saying we would like a General Plan Amendment with this case, which we already have.

2044

2045 **MAYOR GOODMAN**

2046 And that's your motion?

2047

2048 **COUNCILMAN SEROKA**

2049 That's my motion.

2050

2051 **MAYOR GOODMAN**

2052 And Councilman Barlow, are you there?

2053

2054 **COUNCILMAN BARLOW**

2055 Yes, ma'am. I'm here.

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2056 **MAYOR GOODMAN**

2057 Okay. So there is a motion by Councilman Seroka.

2058

2059 **COUNCILMAN BARLOW**

2060 I cannot [inaudible 02:21:17] to the motion, Mayor.

2061

2062 **MAYOR GOODMAN**

2063 Okay. So that will be a nay. I'm going to ask everybody to vote and see if it carries.

2064

2065 **MAYOR PRO TEM TARKANIAN**

2066 Madam Mayor?

2067

2068 **MAYOR GOODMAN**

2069 Yes.

2070

2071 **MAYOR PRO TEM TARKANIAN**

2072 Could I just ask three questions?

2073

2074 **MAYOR GOODMAN**

2075 Sure.

2076

2077 **MAYOR PRO TEM TARKANIAN**

2078 And this relates to how I'm going to vote. First of all, when did this GPA get finished? When did

2079 you have it? All I've heard is: Where's the GPA? Where's the GPA? Why didn't they do that?

2080 When did you have it?

2081

2082 **PETER LOWENSTEIN**

2083 Madam Mayor Pro Tem, the General Plan has been filed and is scheduled to be heard at the

2084 January Planning Commission meeting during the GPA Section.

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2085 **MAYOR PRO TEM TARKANIAN**

2086 When did you get it finished? Why — I just want to tell you and I've got through this before. I  
2087 cannot vote, I cannot intelligently vote on items such as this, which are so complex, unless we  
2088 have the background material, all of it to us at least a week ahead. Why wouldn't we have had at  
2089 least a week before this meeting? Even if we're not going to vote on it, we should know that it  
2090 has been done and it is available. That's my one question. Okay.

2091 Second, I want to ask is, in the past, you know, I've mentioned Doug Rankin before, and I'll put  
2092 his memory of this stuff against anybody in the City, because I've worked with him over 12  
2093 years. I find him to be very accurate. I find him to be hard working, and I'd sure like to have him  
2094 research papers for me because he does such a good job.

2095 But because of that, he came in yesterday and he said that he had put together some materials. I  
2096 said: Gosh, Doug, this is interesting stuff.

2097 I don't know how many pages, 100 pages, 2 pages, so probably 200 pages front and back, it's  
2098 written. And I'd like to know when did we get this? He said — what did you say, the end  
2099 November you gave it to the City?

2100

2101 **DOUG RANKIN**

2102 Correct. You're referring to our appeal letter with backup material?

2103

2104 **MAYOR PRO TEM TARKANIAN**

2105 Yeah.

2106

2107 **DOUG RANKIN**

2108 Yeah, November 22nd is the date of filing.

2109

2110 **MAYOR PRO TEM TARKANIAN**

2111 When was this given to us? All of this, you got it this morning. I know you got it this morning  
2112 because he did not know, I guess, that you did not have it until I told him we don't have it. That  
2113 was yesterday. When was it given?

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2114 **TOM PERRIGO**

2115 Your Honor. Again, Tom Perrigo over here. So appeals formally come through the City Clerk's  
2116 Office. So just like any appeal, this was processed through the City Clerk's Office and placed on  
2117 the agenda with all the backups and the reports, just like every other appeal that's handled. This  
2118 doesn't come to the Planning Department. It comes to the City Clerk's Office.

2119

2120 **MAYOR PRO TEM TARKANIAN**

2121 All right, we looked in my blue books yesterday to see was it in the backup material? And let me  
2122 tell you, there were five people in the room and not one of us could find it in the backup material.  
2123 I just want to say this bothers me tremendously. He's got a lot of money in this. They have a lot  
2124 of heart and belief in it, and I can't vote intelligently. I am not going to vote tonight because I,  
2125 and I'm doing this —

2126

2127 **MAYOR GOODMAN**

2128 You have to vote.

2129

2130 **MAYOR PRO TEM TARKANIAN**

2131 Hmm?

2132

2133 **MAYOR GOODMAN**

2134 I think you have to vote.

2135

2136 **MAYOR PRO TEM TARKANIAN**

2137 No, I don't, according to our legal authority over there. He says that I can say what I'm saying.

2138

2139 **MAYOR GOODMAN**

2140 No, I didn't say you couldn't say it. I don't think — I have always been told you cannot abstain  
2141 unless you have a conflict of interest or something else. You can't just choose not to vote.

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2142 **CITY ATTORNEY BRAD JERBIC**

2143 We have had situations before where Council members have not felt prepared, because of lack of  
2144 information or last-minute things, and we have advised them that they can abstain on that  
2145 ground.

2146

2147 **MAYOR GOODMAN**

2148 Wow.

2149

2150 **CITY ATTORNEY BRAD JERBIC**

2151 One of the general rules that goes with abstention is you don't get to un abstain. In this particular  
2152 case, this leaves the door open to being able to vote in the future if there's a tie vote or something  
2153 like that if more information comes in.

2154 But, as a general rule, when you abstain, you're out, and that's been the rule. But we've always  
2155 told Council members that if you feel that you have not had enough information to vote, you  
2156 need to state that on the record, state the reason why, and then abstain if you feel like doing that.

2157

2158 **MAYOR PRO TEM TARKANIAN**

2159 Well, and that happened once before because I've been putting this on the public record more  
2160 than once that we do not get this resource material, and I don't know if, the backup material. And  
2161 I don't know if you want to say anything, Ricki, but I know you've been concerned at times too  
2162 that we don't get it in time enough to be able to make an intelligent vote on it, and really then we  
2163 don't control really what happens. The staff controls it more, because they have all of the stuff  
2164 and we don't have it. I just want to mention that because that also came to my mind.

2165

2166 **COUNCILMAN BARLOW**

2167 [inaudible 02:25:41] there's nothing new tonight that I heard any different than the last four or  
2168 five times we've heard the same conversation. So I understand what you're saying. [inaudible  
2169 02:25:54] enough time in order for us to make a clear, conscious decision on items, but tonight is  
2170 not one of those things. I'm totally clear as to the direction of what's happened previously up to  
2171 the present, and I am unable to support it.

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2172 **MAYOR PRO TEM TARKANIAN**

2173 Right. I know that you were ready to vote for it and that you were clear before I was clear, but I  
2174 wasn't clear and I said that before. So I just want to make that comment now. And again, I would  
2175 like to have — and I'll be you everybody up here would like to have at least one week before we  
2176 have these meetings. We used to have it that way when, earlier on before — okay, I would like to  
2177 have it. I can't do anything about that today, but that's my stand.

2178 I think it's sad that we're wasting all of this time and all of this effort. And why didn't just do —  
2179 They did a GPA. I imagine they did it pretty quickly. And all this time we've wasted. That's all.  
2180 Thank you.

2181

2182 **MAYOR GOODMAN**

2183 Councilman Coffin?

2184

2185 **COUNCILMAN COFFIN**

2186 Thank you, Your Honor. I don't need any more paper. I think I have several file cabinets full.  
2187 However, I do need an explanation in case there is a split vote here. I have no idea how it's going  
2188 to turn out. So, Brad, could you summarize real quickly the consequences of a yes and the  
2189 consequences of a no?

2190

2191 **CITY ATTORNEY BRAD JERBIC**

2192 If there's a motion that doesn't pass, for example, the motion right now is to grant the appeal. If  
2193 that doesn't pass, then we'll ask for a motion to deny the appeal. If that doesn't pass because of a  
2194 tie, then you would ask to hold this in abeyance for two weeks and see if the Councilwoman has  
2195 enough information to be able to vote at that time.

2196 Normally, the Mayor is right, we would not let you just abstain because you didn't want to vote.  
2197 There's been a lot of law. In fact, I think you were at the State Legislature when the County did  
2198 that with some casinos on the now 215 Beltway and only three of them showed up to vote  
2199 because four of them didn't want to. And not wanting to, to be blunt, isn't what you paid for. But  
2200 in a situation where not enough information is available, we have said we're not going to make  
2201 you vote when you don't feel that you have enough information to vote.

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2202 **COUNCILMAN COFFIN**

2203 Thank you, Brad. Thank you.

2204

2205 **MAYOR GOODMAN**

2206 Okay. So I think we can call for the posting. You've got everybody's vote with Councilwoman

2207 abstaining. So if you'll just post where the vote lies, please. So what does that mean?

2208

2209 **CITY ATTORNEY BRAD JERBIC**

2210 So I'm going to ask you, even though it may sound futile, I'm going to ask for somebody to make

2211 a motion in the alternative, and I guess the alternative motion would be to deny the appeal and

2212 take that vote.

2213

2214 **MAYOR GOODMAN**

2215 Who will make that motion?

2216

2217 **COUNCILWOMAN FIORE**

2218 I'll make the motion to deny.

2219

2220 **MAYOR GOODMAN**

2221 Well, you go ahead.

2222

2223 **COUNCILWOMAN FIORE**

2224 I'll make the motion to deny.

2225

2226 **MAYOR GOODMAN**

2227 Okay. There's a new motion to deny the appeal. If we can get our little —

2228

2229 **COUNCILMAN BARLOW**

2230 Mayor, if you don't mind real quick, just share with me what — was it a tie, or did it pass?

2231

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2232 **MAYOR GOODMAN**

2233 **It was a tie (The motion failed with GOODMAN, BARLOW and FIORE voting No and**  
2234 **TARKANIAN abstaining).** Councilwoman Fiore, yourself, myself, and then Councilwoman  
2235 abstaining, and then on the other voting to substantiate the request of the appeal was Councilman  
2236 Seroka, Councilman Anthony, and Councilman Coffin.

2237

2238 **COUNCILMAN BARLOW**

2239 Thank you.

2240

2241 **MAYOR GOODMAN**

2242 So now we have a new motion by Councilwoman Fiore to deny this request, a new motion. So it  
2243 may come out the same. We'll see. Are you voting yea on this one?

2244

2245 **COUNCILMAN BARLOW**

2246 I'm voting yea.

2247

2248 **MAYOR GOODMAN**

2249 Okay. And so Councilman Coffin and Councilwoman. Councilman Barlow has voted. You got  
2250 him. Okay. He voted yea. So we're just waiting for Councilman Coffin and Councilwoman. You  
2251 did it.

2252

2253 **MAYOR PRO TEM TARKANIAN**

2254 Is it the same?

2255

2256 **MAYOR GOODMAN**

2257 I don't know. Are you still abstaining?

2258

2259 **MAYOR PRO TEM TARKANIAN**

2260 I'll stay the same. And I just want to mention it's not that I'm saying we don't have enough  
2261 volume of paper. My Lord, we're drowning in paper. What I'm saying is that there were key  
2262 issues that came in material I got yesterday that I felt I should have had a chance to go over more

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2263 thoroughly, and that's why I'm — and this has been a principle with me for some time, as I think  
2264 you know.

2265

2266 **MAYOR GOODMAN**

2267 Okay. Please post. **And that motion passes (The motion carried with ANTHONY and**  
2268 **SEROKS voting No and TARKANIAN abstaining).** So the request for the appeal of the  
2269 Director's decision not to require applications for the General Plan and major mod have been  
2270 denied. Oh, the general — sorry, excuse me, I said major mod. We haven't gone there yet. We've  
2271 only been on the GPA.

2272

2273 **COUNCILMAN SEROKA**

2274 Okay, we have one more then, Mayor.

2275

2276 **MAYOR GOODMAN**

2277 Correct.

2278

2279 **COUNCILMAN BARLOW**

2280 [inaudible 02:30:52].

2281

2282 **MAYOR GOODMAN**

2283 That passed. Councilwoman Fiore, Councilman Coffin, yourself, and myself. But we still have  
2284 the major modification issue, because Council with an SEL permitted the split on the General  
2285 Plan Amendment and major modification. So I'm going to go back to Councilman Seroka, whose  
2286 ward we're in. So go for it.

2287

2288 **COUNCILMAN SEROKA**

2289 So we have an appeal for whether to do a major modification, to require a major modification as  
2290 we go forward. And just for clarification, for justification, I will just move in this direction. We'll  
2291 see how everybody else feels. On the document that is on file with our Council, it has no density  
2292 or entitlements on the current golf course drainage, and all they have to do is come back and  
2293 request to have entitlements on the golf course.

**CITY COUNCIL MEETING OF  
JANUARY 3, 2018  
VERBATIM TRANSCRIPT – ITEM 78**

2294 **So in that case, I would move to support the appeal for the major mod, and that's my**  
2295 **motion.**

2296

2297 **MAYOR GOODMAN**

2298 Okay. There's a motion then to support the appeal for a major modification. That's the second  
2299 half. So how say you on that one, Councilman?

2300

2301 **COUNCILMAN BARLOW**

2302 Question on the motion.

2303

2304 **MAYOR GOODMAN**

2305 Yes.

2306

2307 **COUNCILMAN BARLOW**

2308 Is Brad still there?

2309

2310 **CITY ATTORNEY BRAD JERBIC**

2311 Yes, I am, Councilman.

2312

2313 **COUNCILMAN BARLOW**

2314 Okay. Brad, just point of clarification, question on the motion. [inaudible 02:32:21] how many  
2315 major modifications since 1990 have passed, taken place?

2316

2317 **CITY ATTORNEY BRAD JERBIC**

2318 I believe the record is none.

2319

2320 **COUNCILMAN SEROKA**

2321 If I could clarify on that, just a question on that. I understand, it's my understanding that the  
2322 major modification didn't exist until 1997 as a procedure. Prior to that, it was a rezoning. So my  
2323 understanding is that, prior to that time, there were General Plan Amendments and rezonings  
2324 done, and it wasn't until '97 that the concept or the procedure of a major mod came into play.

**CITY COUNCIL MEETING OF  
JANUARY 3, 2018  
VERBATIM TRANSCRIPT – ITEM 78**

2325 **PETER LOWENSTEIN**

2326 Madam Mayor, for point of clarification, there has been subsequent rezoning and general plans  
2327 after that, which established One Queensridge Place, Tivoli, as well as parts of Boca Park, which  
2328 did not include a major modification.

2329

2330 **COUNCILMAN BARLOW**

2331 Okay. [inaudible 02:33:08]

2332

2333 **MAYOR GOODMAN**

2334 Okay. I'm sorry. Councilman Barlow, I was in a conversation. What did you say?

2335

2336 **COUNCILMAN BARLOW**

2337 I said [inaudible 02:33:15], Brad?

2338

2339 **CITY ATTORNEY BRAD JERBIC**

2340 That's correct.

2341

2342 **COUNCILMAN BARLOW**

2343 Okay. Thank you.

2344

2345 **MAYOR GOODMAN**

2346 And so how are you voting on this?

2347

2348 **COUNCILMAN BARLOW**

2349 I'm not in support of a major modification.

2350

2351 **MAYOR GOODMAN**

2352 Okay. Thank you very much. So has everybody voted? Please. You've got Councilman Barlow.

**CITY COUNCIL MEETING OF  
JANUARY 3, 2018  
VERBATIM TRANSCRIPT – ITEM 78**

2353 **CITY ATTORNEY BRAD JERBIC**

2354 Let me state something for the record just to make sure we're absolutely accurate on this. There

2355 was a request for a major modification that accompanied the development agreement, that was

2356 voted down by Council. So that the modification, major mod was also voted down. I don't mean

2357 to complicate this anymore, but in the effort to be completely transparent about this, staff did

2358 request a major modification for the development agreement, and I believe the main reason for

2359 that was that the number of multi-family units far exceeded the number that were remaining in

2360 the development agreement today. And that was the only record that was made.

2361 So, having said that, there has not ever been a major mod that was granted, but there was one that

2362 was requested by staff with respect to the development agreement.

2363

2364 **COUNCILMAN SEROKA**

2365 If I could add on to that, for a major modification, Title 19 says to follow the procedures for a

2366 rezoning. So it's just another name, in essence, for following rezoning procedures, depending on

2367 what's going on, is my understanding.

2368

2369 **DOUG RANKIN**

2370 Just a point of order, there were modifications within Peccole Ranch, that included Queensridge

2371 Towers, and subsequently Calida recently came forward with a major mod.

2372

2373 **PETER LOWENSTEIN**

2374 Madam Mayor, as a point of order, actually the public hearing is not open at this point.

2375

2376 **YOHAN LOWIE**

2377 That's not true.

2378

2379 **MAYOR GOODMAN**

2380 Okay. So the vote is on —

2381

2382 **CITY ATTORNEY BRAD JERBIC**

2383 [inaudible 02:34:53] major modification [inaudible 02:34:54].

**CITY COUNCIL MEETING OF  
JANUARY 3, 2018  
VERBATIM TRANSCRIPT – ITEM 78**

2384 **MAYOR GOODMAN**

2385 Okay.

2386

2387 **COUNCILWOMAN FIORE**

2388 So I just have a question being new. I mean, how do we take one item and split it into two? Is  
2389 that a norm?

2390

2391 **CITY ATTORNEY BRAD JERBIC**

2392 It is a norm just to avoid confusion, because there are two separate concepts embodied in one  
2393 appeal. And so, because if somebody made a motion to grant both and somebody wanted to vote  
2394 half and half, you wouldn't be able to. By breaking this into two votes, you're able to get  
2395 clarification.

2396

2397 **COUNCILWOMAN FIORE**

2398 Okay. okay.

2399

2400 **MAYOR GOODMAN**

2401 Okay. So please post.

2402

2403 **MAYOR PRO TEM TARKANIAN**

2404 I already said what I was going to vote.

2405

2406 **CITY ATTORNEY BRAD JERBIC**

2407 There's a motion on the floor to grant the appeal requesting an overturn of the Director's decision  
2408 requiring a major modification. **It is a tie (The motion failed with GOODMAN, BARLOW**  
2409 **COFFIN and FIORE voting No and TARKANIAN abstaining).**

2410

2411 **COUNCILWOMAN FIORE**

2412 **So now I'll make a motion to deny.**

**CITY COUNCIL MEETING OF  
JANUARY 3, 2018  
VERBATIM TRANSCRIPT – ITEM 78**

2413 **MAYOR GOODMAN**

2414 The request for a major modification?

2415

2416 **COUNCILWOMAN FIORE**

2417 Yes.

2418

2419 **MAYOR GOODMAN**

2420 Okay. There's another motion now, please, by Councilwoman Fiore to deny the request for a  
2421 major modification that was promoted in the last vote. So can we have our — okay.

2422

2423 **COUNCILMAN BARLOW**

2424 Yes.

2425

2426 **MAYOR GOODMAN**

2427 So you're voting yes on this? Okay. So please vote, everybody. And I gather Councilwoman will  
2428 remain abstained.

2429 Please post. **Motion carries (The motion carried with ANTHONY and SEROKA voting No  
2430 and TARKANIAN abstaining).** Thank you very much.

2431

2432 **DOUG RANKIN**

2433 Thank you for your time and considerations.

2434

2435 **MAYOR GOODMAN**

2436 Thank you. Thank you all of you. We will now move on to Agenda Item 79. Thank you all for  
2437 coming. Appreciate your time.

2438

2439 **COUNCILMAN BARLOW**

2440 Mayor, I am actually getting off of the phone right now so that I can sit down with dinner with  
2441 my family.

2442



# Transmittal

We are sending

Zoning Application

\$200 Fee

8 Bluelines

1 Rendered Exhibit

1 - 8 1/2 x 11 Reduction

1 Color Reduction

1 Letter of Intent

1 Preliminary Development Plan Report

To City of Las Vegas

PLANNING AND ZONING

400 East Stewart

Las Vegas, Nevada 89101

Project

Venetian Foothills

By Jackie L. Guthrie

Date March 27, 1986

Copies

A. Wayne Smith & Associates Planners - Landscape Architects  
2120 South Rural Road Tempe, Arizona 85282 (602) 968-8501

PRINCIPALS • A. WAYNE SMITH • JAMES DALTON

ASSOCIATES • DON COX • WILLIAM FRANCIS • JACKIE L. GUTHRIE

Dear Commissioners:

The enclosed concept master plan and zoning application are submitted on behalf of The Peccole Family and Western Devcor, owners and developers, of the 1,923 acre Venetian Foothills Development.

Conceptual Master Plan approval is requested for the entire property. Zoning approval is requested for Phase One, which includes 585.2 acres south of Charleston Boulevard.

The Master Plan approval requested includes circulation, land use, and overall density. The zoning approvals requested for are: R-PD for residential uses with densities ranging from 2.2 to 22 dwelling units per acre; C-1 for the commercial sites; P-R for the office sites, and C-V for a 5 acre community center parcel. The zoning for a resort, tennis club, casitas, and golf course are also desired under a R-PD designation. The R-PD category is requested, at the direction of the planning staff, as it allows the developer flexibility and the City design control.

Copies of the plans are attached as well as the synopsis of the land uses.

Your review and approval is respectfully requested. Please do not hesitate to contact me if you have any questions or need additional information.

Sincerely,

*Jackie L. Guthrie*

Jackie L. Guthrie, AICP  
Planner

March 26, 1986

City of Las Vegas  
Planning and Zoning Commission  
Attn: Harold Foster, Planning Director  
400 East Stewart  
Las Vegas, Nevada 89101

JLG/cl

Enclosures

LO 00003008

OMS 1269

A. Wayne Smith & Associates Planners • Landscape Architects  
2120 South Rural Road Tempe, Arizona 85282 (602) 968-8501

PRINCIPALS • A. WAYNE SMITH • JAMES DALTON • JOSEPH FERNANDES ASSOCIATES • DON COX • WILLIAM FRANCIS • JACKIE L. GUTHRIE

1994 Zoning Preservation Letter  
from Stan Parry to Bob Genzer

IVED

48 M 94

VC AND  
PIENT

June 21, 1994

Stanley W Parry  
Chartered

Law Offices  
of

K Michael Leavitt  
An Association of Professional Corporations  
601 East Bridger Avenue  
Las Vegas Nevada 89101  
Telephone Number (702) 322-5111  
Fax (702) 322-2822

K Michael Leavitt Chartered  
Jason G Landers Chartered  
David J Rivera Chartered  
Stanley W Parry Chartered

Robert Genzer, Chief Planner  
City of Las Vegas Planning Dept.  
400 East Stewart, 2nd Floor  
Las Vegas, NV. 89101

RE: Peccole Ranch Golf Course (2-17-90)

Dear Bob:

This will confirm our conversation of June 20, 1994, wherein we discussed the approvals necessary for the construction of the Peccole Ranch Golf Course to be located at the current Peccole Ranch.

It is our understanding that, in February of 1990, the City approved a golf course as part of the Peccole Ranch Master Plan.

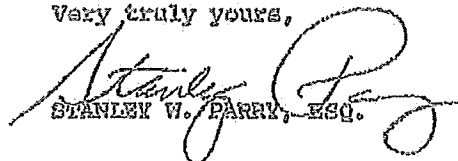
You have informed me that, due to the approval processes of the City with respect to the Peccole Ranch Master Plan, it will not be necessary for the developer of the golf course to obtain a site plan approval. You have indicated that the City will be able to issue a grading permit for the construction of the golf course without site plan approval because the site plan has already been approved as part of the Master Plan.

As to the club house, you have indicated that the developer will need a site plan approval. As to the maintenance facility, this may require a site plan approval depending upon the location of the maintenance facility.

I appreciate the opportunity to discuss this matter with you. As you know, my clients are relying upon this information for the purposes of a public offering and for the purposes of construction of the Peccole Ranch Golf Course. If, for any reason, this information is inaccurate or I have incorrectly

stated the circumstances, please contact me immediately.

Very truly yours,

  
STANLEY W. PARRY, ESQ.

SWP:dd

CC: Alan Stanzler  
Stanton Abrams



Civil Engineering  
 Construction Management  
 Land Surveying  
 Planning  
 ADA Consulting

**PENTACORE**

# 1994 Zoning Preservation Letter from Clyde Spitze to Bob Genzer

0171 0030

September 4, 1996

Mr Robert Genzer  
 City of Las Vegas  
 Planning Division  
 400 E Stewart Avenue  
 Las Vegas, NV 89101


RE Badlands Golf Course, Phase 2

Dear Bob

As you know the Badlands Golf Course in Peccole Ranch is proposing to develop an additional 9 hole course between the existing golf course and Alta Drive. The existing Master Plan zoning of this area is RPD-7, and the golf course would be developed within this zoned parcel. I would like a letter from the City stating that a golf course would be compatible within this zoning. I need the letter for the bank.

Thank you for your consideration in this matter.

Sincerely,

  
 Clyde O Spitze  
 Vice President

RECEIVED  
 SEP 4 4 58 PM '96  
 PLANNING AND  
 DEVELOPMENT

cc: [unclear]

7-146-94  
 2-17-90

6783 West Charleston Boulevard • Las Vegas, Nevada 89102 • (702) 259-0145 • Fax (702) 259-4956

OMS 1272

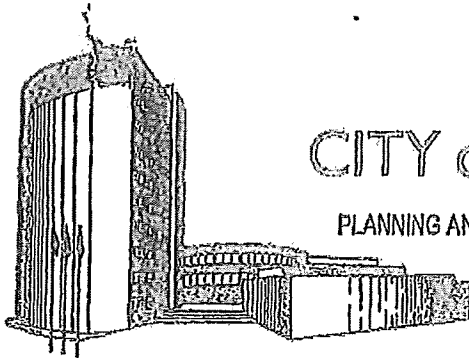
LO 00003011

22

MAYOR  
JAN LAVERTY JONES

COUNCILMEN  
ARNIE ADAMSEN  
MATTHEW Q. CALLISTER  
MICHAEL J. McDONALD  
GARY REESE

CITY MANAGER  
LARRY K. BARTON



# CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

October 8, 1996

Mr. Clyde O. Spitze, Vice President  
Pentacore  
6763 West Charleston Boulevard  
Las Vegas, Nevada 89102

Re: BADLANDS GOLF COURSE, PHASE 2

Dear Mr. Spitze:

City records indicate that an 18 hole golf course with associated facilities was approved as part of the Peccole Ranch Master Plan in 1990. The property was subsequently zoned R-PD7 (Residential Planned Development - 7 Units Per Acre). Any expansion of the golf course within the R-PD7 area would be allowed subject to the approval of a plot plan by the Planning Commission.

If any additional information is needed regarding this property please do not hesitate to contact me.

Very truly yours,

Robert S. Genzer, Planning Supervisor  
Current Planning Division

RSG:erh

1994 Zoning Confirmation Letter  
from Bob Genzer to Clyde Spitze



400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986  
(702) 229-6011 (VOICE) • (702) 386-9103 (TDD)

CLV/603  
0310 013 035

OMS 1273

LO 00003012



**RSPN**

George F. Ogilvie III (NV Bar #3552)  
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Bradford R. Jerbic (NV Bar #1056)  
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Seth T. Floyd (NV Bar #11959)  
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pbyrnes@lasvegasnevada.gov  
sfloyd@lasvegasnevada.gov

*Attorneys for Defendants City of Las Vegas*

**DISTRICT COURT**

**CLARK COUNTY, NEVADA**

180 LAND CO LLC, a Nevada limited-liability company; DOE INDIVIDUALS I through X; DOE CORPORATIONS I through X; and DOE LIMITED-LIABILITY COMPANIES I through X,

Plaintiffs,

v.

CITY OF LAS VEGAS, a political subdivision of the State of Nevada; ROE GOVERNMENT ENTITIES I through X; ROE CORPORATIONS I through X; ROE INDIVIDUALS I through X; ROE LIMITED-LIABILITY COMPANIES I through X; ROE QUASI-GOVERNMENTAL ENTITIES I through X,

Defendants.

CASE NO.: A-17-758528-J

DEPT. NO.: XVI

**CITY OF LAS VEGAS' RESPONSE TO REQUESTS FOR ADMISSION, SET ONE**

JACK B. BINION, an individual; DUNCAN R. and IRENE LEE, individuals and Trustees of the LEE FAMILY TRUST; FRANK A. SCHRECK, an individual; TURNER INVESTMENTS, LTD., a Nevada Limited Liability Company; ROGER P. and CAROLYN G. WAGNER, individuals and Trustees of the WAGNER FAMILY TRUST; BETTY ENGLESTAD AS TRUSTEE OF THE BETTY ENGLESTAD TRUST; PYRAMID LAKE HOLDINGS, LLC.; JASON AND SHEREEN AWAD AS TRUSTEES OF THE AWAD ASSET PROTECTION TRUST; THOMAS LOVE AS TRUSTEE OF THE ZENA TRUST; STEVE AND KAREN THOMAS AS TRUSTEES OF THE STEVE AND KAREN THOMAS TRUST; SUSAN SULLIVAN AS TRUSTEE OF THE KENNETH J. SULLIVAN FAMILY TRUST, AND DR. GREGORY BIGLER AND SALLY BIGLER,

Intervenors.

Pursuant to Rule 36 of the Nevada Rules of Civil Procedures, Defendant City of Las Vegas (“Defendant”), by and through its counsel, the law firm of McDonald Carano LLP, hereby responds to the First Set of Requests for Admissions (“Requests”) propounded by plaintiff 180 Land Co LLC (“Plaintiff”) as follows:

### **GENERAL OBJECTIONS**

Defendant objects to Plaintiff’s Requests to the extent that they attempt to impose burdens greater than those imposed by NRCP 26 and 36, or to the extent they infringe upon the attorney-client privilege or the attorney work product doctrine. Defendant objects to all of the requests for admissions to extent they seek information that is beyond the knowledge of Defendant or its representatives.

Defendant reserves the right to make any and all evidentiary objections to the introduction of any of these answers and/or any information contained therein (including without limitation documents) into evidence at any hearing in this case or otherwise, and reserves the right to raise these objections as a bar to introduction of any of these answers or information contained therein at any hearing or otherwise. Each response is subject to all objections as to competence, relevance,

materiality, propriety, admissibility, and exclusion of any statement herein as if any portion of the requests were asked of, or if any statement contained herein was made by, a witness present and testifying in court, all of which objections and grounds are reserved and may be interposed at the time of any hearing. Plaintiff should not imply or infer the admission of any matter from these responses or any information produced, except as explicitly stated.

These responses are based upon information presently known and ascertained by Defendant. However, discovery has only recently begun and Defendant has not yet completed its investigation of all the circumstances relating to this dispute and has not completed discovery or preparation for hearing of this matter. Defendant reserves the right to amend, add to, delete from, or in any other manner modify these responses after Defendant has completed its discovery and investigation efforts and have ascertained all relevant facts.

**Subject to and without waiving the aforementioned general objections, Defendant responds as follows:**

**RESPONSES TO REQUESTS FOR ADMISSIONS**

**REQUEST FOR ADMISSION NO. 1:**

For each and every document listed below, please admit that it is a true and correct copy of the original and/or that you will not challenge that it is a true and correct copy of the original so as to dispense with any foundationary authentication requirements of the NRS 52.015. Copies of these documents have been furnished previously in the Landowners' Appendix of Exhibits and the supplements thereto.

Exhibit No.	Exhibit Description	Vol. No.	Bates No.
1	Map of 250 Acre Residential Zoned Land Identifying Each Parcel	1	LO 00000001
2	Bill No. Z-2001-1: Ordinance No. 5353 Dated 8.15.2001	1	LO 00000002-00000083
3	12.30.14 Letter City of Las Vegas to Frank Pankratz "Zoning Verification" letter	1	LO 00000084
4	11.16.16 City Council Meeting Transcript Items 101-107	1-2	LO 00000085-00000354

Exhibit No.	Exhibit Description	Vol. No.	Bates No.
5	6.21.17 City Council Meeting Transcript Items 82, 130-134	2	LO 00000355-00000482
6	5.16.18 City Council Meeting Transcript Items 71, 74-83	2-3	LO 00000483-00000556
7	Notice of Entry of Findings of Fact, Conclusions of Law, Final Order and Judgment, Eighth Judicial District Court Case No. A-16-739654-C filed 1.31.17	3	LO 00000557-00000601
8	Intentionally left blank	3	LO 00000602-00000618
9	12.7.16 Letter From Jimmerson to Jerbic	3	LO 00000619-00000627
10	City of Las Vegas' Answering Brief, Eighth Judicial District Court Case No. A-17-752344-J filed 10.23.17	3	LO 00000628-00000658
11	7.12.16 City of Las Vegas Planning Commission Meeting Transcript excerpts Items 4, 6, 29-31, 32-35	3	LO 00000659-00000660
12	Staff Recommendation 10.18.16 Special Planning Commission Meeting	3	LO 00000661-00000679
13	10.18.16 Special Planning Commission Meeting Agenda Items 10-12 Summary Pages	3	LO 00000680-00000685
14	2.15.17 City Council Meeting Transcript Items 100-102	3-4	LO 00000686-00000813
15	LVMC 19.10.040	4	LO 00000814-00000816
16	LVMC 19.10.050	4	LO 00000817-00000818
17	Staff Recommendation 2.15.17 City Council Meeting GPA-62387, ZON-62392, SDR-62393	4	LO 00000819-00000839
18	2.15.17 City Council Agenda Summary Pages Items 100-102	4	LO 00000840-00000846
19	Seroka Campaign Contributions	4	LO 00000847-00000895
20	Crear Campaign Contributions	4	LO 00000896-00000929
21	2.14.17 Planning Commission Transcript Items 21-14 portions with video still	4	LO 00000930-00000931
22	35 Acre Applications: SDR-68481; TMP-68482; WVR-68480	4	LO 00000932-00000949

Exhibit No.	Exhibit Description	Vol. No.	Bates No.
23	Staff Recommendation 6.21.17 City Council Meeting GPA-68385, WVR-68480, SDR-68481, TMP 68482	4	LO 00000950-00000976
24	8.2.17 City Council Meeting Transcript Item 8 (excerpt) and Items 53 and 51	4-5	LO 00000977-00001131
25	MDA Combined Documents	5	LO 00001132-00001179
26	Email between City Planning Section Manager, Peter Lowenstein, and Landowner representative Frank Pankratz dated 2.24.16	5	LO 00001180-00001182
27	Email between City Attorney Brad Jerbic and Landowner's land use attorney Stephanie Allen, dated 5.22.17	5	LO 00001183-00001187
28	16 versions of the MDA dating from January, 2016 to July, 2017	5-7	LO 00001188-00001835
29	The Two Fifty Development Agreement's Executive Summary	8	LO 00001836
30	City requested concessions signed by Landowners representative dated 5.4.17	8	LO 00001837
31	Badlands Development Agreement CLV Comments, dated 11-5-15	8	LO 00001838-00001845
32	Two Fifty Development Agreement (MDA) Comparison – July 12, 2016 and May 22, 2017	8	LO 00001846-00001900
33	The Two Fifty Design Guidelines, development Standards and Uses, comparison of the March 17, 2016 and May, 2017 versions	8	LO 00001901-00001913
34	Seroka Campaign Literature	8	LO 00001914-00001919
35	2017-12-15 Thoughts on: Eglet-Prince Opioid Proposed Law Suit	8	LO 00001920-00001922
36	Tax Assessor's Values for 250 Acre Residential Land	8	LO 00001923-00001938
37	City's Motion to Dismiss Eighth Judicial District Case No. A-18-773268-C, filed 7/2/18	8	LO 00001939-00001963
38	1.11.18 Hearing Transcript, Eighth Judicial District Court Case No. A-17-752344-J	8-9	LO 00001964-00002018
39	City's Motion to Dismiss Eighth Judicial District Case No. A-18-775804-J, filed 8.27.18	9	LO 00002019-00002046

Exhibit No.	Exhibit Description	Vol. No.	Bates No.
40	Staff Recommendation 6.21.17 City Council Meeting DIR-70539	9	LO 00002047-00002072
41	9.6.17 City Council Meeting Agenda Summary Page for Item No. 26	9	LO 00002073-00002074
42	9.4.18 meeting submission for Item No. 4 by Stephanie Allen	9	LO 00002075
43	5.16.18 City Council Meeting Agenda Summary Page for Item No. 66	9	LO 00002076-00002077
44	5.16.18 City Council Meeting Transcript Item No. 66	9	LO 00002078-00002098
45	Bill No. 2018-5 "Proposed First Amendment (5-1-18 Update)"	9	LO 00002099-00002105
46	Bill No. 2018-24	9	LO 00002106-00002118
47	October/November 2017 Applications for the 133 Acre Parcel: GPA-7220; WVR-72004, 72007, 72010; SDR-72005, 72008, 72011; TMP-72006, 72009, 72012	9-10	LO 00002119-00002256
48	Staff Recommendation 5.16.18 City Council Meeting GPA-72220	10	LO 00002257-00002270
49	11.30.17 Justification Letter for GPA-72220	10	LO 00002271-00002273
50	2.21.18 City Council Meeting Transcript Items 122-131	10	LO 00002274-00002307
51	5.16.18 City Council Meeting Agenda Summary Page for Item Nos. 74-83	10	LO 00002308-00002321
52	3.21.18 City Council Meeting Agenda Summary Page for Item No. 47	10	LO 00002322-00002326
53	5.17.18 Letters from City to Applicant Re: Applications Stricken	10	LO 00002327-00002336
54	Coffin Email	10	LO 00002337-00002344
55	8.10.17 Application For Walls, Fences, Or Retaining Walls Single Lot Only	10	LO 00002345-00002352
56	8.24.17 Letter from City of Las Vegas to American Fence Company	10	LO 00002353
57	LVMC 19.16.100	10	LO 00002354-00002358
58	6.28.16 Letter from Mark Colloton to Victor Bolanos, City of Las Vegas public Works Dept.	10	LO 00002359-00002364

Exhibit No.	Exhibit Description	Vol. No.	Bates No.
59	8.24.17 Letter from the City of Las Vegas to Seventy Acres, LLC	10	LO 00002365
60	1990 Peccole Ranch Master Plan	10	LO 00002366-00002387
61	1.3.18 City Council Meeting Transcript Item No. 78	10	LO 00002388-00002470
62	Exhibit F-1 2.22.16 with annotations	10	LO 00002471-00002472
63	Southern Nevada GIS – OpenWeb Info Mapper Parcel Information	10-11	LO 00002473-00002543
64	Southern Nevada GIS – OpenWeb Info Mapper Parcel Information	11	LO 00002544-00002545
65	Email between Frank Schreck and George West 11.2.16	11	LO 00002546-00002551
66	Master Declaration of Covenants, Conditions, Restrictions and Easement For Queensridge	11	LO 00002552-00002704
67	Amended and Restated Master Declaration of Covenants, Conditions, Restrictions and Easement For Queensridge effective 10.1.2000	11	LO 00002705
68	Findings of Fact, Conclusions of Law and Judgment Granting Defendants Fore Stars, LTD., 180 Land Co LLC, Seventy Acres LLC, EHB Companies LLC, Yohan Lowie, Vickie Dehart and Frank Prankratz's NRCP 12(b)(5) Motion to Dismiss Plaintiffs' Amended Complaint, Eighth Judicial District Court Case No. A-16-739654-C Filed 11.30.16	11	LO 00002706-00002730
69	Custom Lots at Queensridge North Purchase Agreement, Earnest Money Receipt and Escrow Instructions	11	LO 00002731-00002739
70	Land Use Hierarchy Exhibit	11	LO 00002740
71	2.14.17 Planning Commission Transcript Agenda Items 21-14	11-12	LO 00002741-00002820
72	Order Granting Plaintiffs' Petition for Judicial Review Eighth Judicial District Court Case No. A-17-752344-J filed 3.5.18	12	LO 00002821-00002834
73	City of Las Vegas' Reply In Support of Its Motion to Dismiss and Opposition To Petitioner's Countermotion to Stay Litigation, Eighth Judicial District Court Case No. A-17-758528-J filed on 12.21.17	12	LO 00002835-00002840

Exhibit No.	Exhibit Description	Vol. No.	Bates No.
74	Notice of Entry of Order Denying Motion to Dismiss and [Granting] Countermotion to Stay Litigation, Eighth Judicial District Court Case No. A-17-758528-J filed on 2.2.18	12	LO 00002841-00002849
75	Complaint in Eighth Judicial District Court Case No. A434337 filed 5.7.01	12	LO 00002850-00002851
76	Email	12	LO 00002852
77	6.13.17 PC Meeting Transcript	12	LO 00002853-00002935
78	1.23.17 onsite Drainage Agmt.	12	LO 00002936-00002947
79	9.11.18 PC – Hardstone Temp Permit Transcript	12	LO 00002948-00002958
80	Estate Lot Concepts	12	LO 00002959-00002963
81	Text Messages	12	LO 00002964-00002976
82	Intentionally left blank	12	Not bates stamped
83	Judge Smith Nov. 2016 Order	13	LO 00002977-00002982
84	Supreme Court Affirmance	13	LO 00002983-00002990
85	City Confirmation of R-PD7	13	LO 00002991-00003020
86	De Facto Case Law	13	LO 00003021-00003023
87	Johnson v. McCarran	13	LO 00003024-00003026
88	Boulder Karen v. Clark County	13	LO 00003027-00003092
89	Supreme Court Order Dismissing Appeal <i>in part</i> and Reinstating Briefing	13	LO 00003093-00003095
90	Bill No. 2018-24	13	LO 00003096-00003108
91	July 17, 2018 Hutchinson Letter in Opposition of Bill 2018-24	13	LO 00003109-00003111
92	October 15, 2018 Allen Letter in Opposition to Bill 2018-24 (Part 1 of 2)	13-14	LO 00003112-00003309
93	October 15, 2018 Allen Letter in Opposition to Bill 2018-24 (Part 2 of 2)	14-15	LO 00003310-00003562
94	Minutes from November 7, 2018 Recommending Committee Re Bill 2018-24	15	LO 00003563-00003564
95	Verbatim Transcript from October 15, 2018 Recommending Committee Re Bill 2018-24	15	LO 00003565-00003593

Exhibit No.	Exhibit Description	Vol. No.	Bates No.
96	Minutes from November 7, 2018 City Council Hearing Re Bill 2018-24	15	LO 00003594-00003595
97	Verbatim Transcript from November 7, 2018 City Council Meeting Adopting Bill 2018-24	15-16	LO 00003596-00003829
98	Supreme Court Order Denying Rehearing	16	LO 00003830-00003832
99	Deposition of Greg Steven Goorjian	16	LO 00003833-00003884
100	2019.01.07 Robert Summerfield Email	16	LO 00003885
101	2019.02.06 Judge Williams' Order Nunc Pro Tunc Regarding Findings of Fact and Conclusion of Law Entered November 21, 2019	16	LO 00003886-00003891
102	2019.02.15 Judge Sturman's Minute Order re Motion to Dismiss	16	LO 00003892
103	2019.01.23 Judge Bixler's Transcript of Proceedings	16	LO 00003893-00003924
104	2019.01.17 Judge Williams' Recorder's Transcript of Plaintiff's Request for Rehearing	16	LO 00003925-00003938
105	Approved Land Uses in Peccole Conceptual Plan	16	LO 00003939
106	2020 Master Plan – Southwest Sector Zoning	16	LO 00003940
107	35 Acre in Relation to Pecocole Plan	16	LO 00003941
108	CLV Hearing Documents on Major Modifications	17	LO 00003942-00004034
109	GPA Code and Application	17	LO 00004035-00004044

**RESPONSE TO REQUEST FOR ADMISSION NO. 1:**

Defendant objects to RFA No. 1 as a compound request. RFA No. 1 asks Defendant to admit that each of the documents listed therein “is a true and correct copy of the original and/or that Defendant will not challenge that it is a true and correct copy so as to dispense with any foundationary [sic] authentication requirements of the NRS 52.015.” Defendant further objects to RFA No. 1 as vague and ambiguous because the request uses “and/or” which renders any response ambiguous. With respect to each of the exhibits listed below, Defendant responds only to the first part of the request. If Plaintiff desires further clarification, Plaintiff may submit additional requests for admission.

Subject to and without waiving the foregoing objections, Defendant responds as follows:

Exhibit No.	Defendant's Response
1	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 1.
2	Deny
3	Admit
4	Admit
5	Admit
6	Admit
7	Admit
8	Deny
9	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 34.
10	Admit
11	Deny
12	Admit
13	Admit
14	Admit
15	Admit
16	Admit
17	Deny
18	Admit
19	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 19.
20	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 20.
21	Deny
22	Deny
23	Admit
24	Admit
25	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 25.
26	Deny
27	Deny

Exhibit No.	Defendant's Response
28	Deny
29	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 29.
30	Deny
31	Deny
32	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 32.
33	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 33.
34	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 34.
35	Admit
36	Deny
37	Admit
38	Admit
39	Admit
40	Admit
41	Admit
42	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 42.
43	Admit
44	Admit
45	Admit
46	Admit
47	Deny
48	Admit
49	Admit
50	Admit
51	Admit
52	Admit
53	Admit
54	Deny
55	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 55.

Exhibit No.	Defendant's Response
56	Admit
57	Admit
58	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 58.
59	Admit
60	Admit
61	Admit
62	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 62.
63	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 63.
64	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 64.
65	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 65.
66	Deny
67	Deny
68	Admit
69	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 69.
70	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 64.
71	Admit
72	Admit
73	Admit
74	Admit
75	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 75.
76	Deny
77	Admit
78	Deny
79	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 79.
80	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 80.
81	Deny
82	Deny
83	Admit

Exhibit No.	Defendant's Response
84	Admit
85	Deny
86	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 86.
87	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 87.
88	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 88.
89	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 89.
90	Admit
91	Admit
92	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 92.
93	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 93.
94	Deny
95	Admit
96	Deny
97	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 97.
98	Admit
99	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 99.
100	Admit
101	Deny
102	Deny
103	Admit
104	Deny
105	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 105.
106	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 106.
107	Defendant lacks sufficient knowledge to admit or deny the authenticity of Exhibit 107.
108	Deny
109	Deny

1 DATED this 15<sup>th</sup> day of May, 2019.

2 McDONALD CARANO LLP

3 By: /s/ Christopher Molina  
4 George F. Ogilvie III, Esq. (NV Bar #3552)  
5 Debbie Leonard (NV Bar #8260)  
6 Amanda C. Yen (NV Bar #9726)  
7 Christopher Molina (NV Bar #14092)  
8 2300 West Sahara Avenue, Suite 1200  
9 Las Vegas, NV 89102

10 LAS VEGAS CITY ATTORNEY'S OFFICE  
11 Bradford R. Jerbic (NV Bar #1056)  
12 Philip R. Byrnes (NV Bar #166)  
13 Seth T. Floyd (NV Bar #11959)  
14 495 S. Main Street, 6th Floor  
15 Las Vegas, NV 89101

16 *Attorneys for City of Las Vegas*

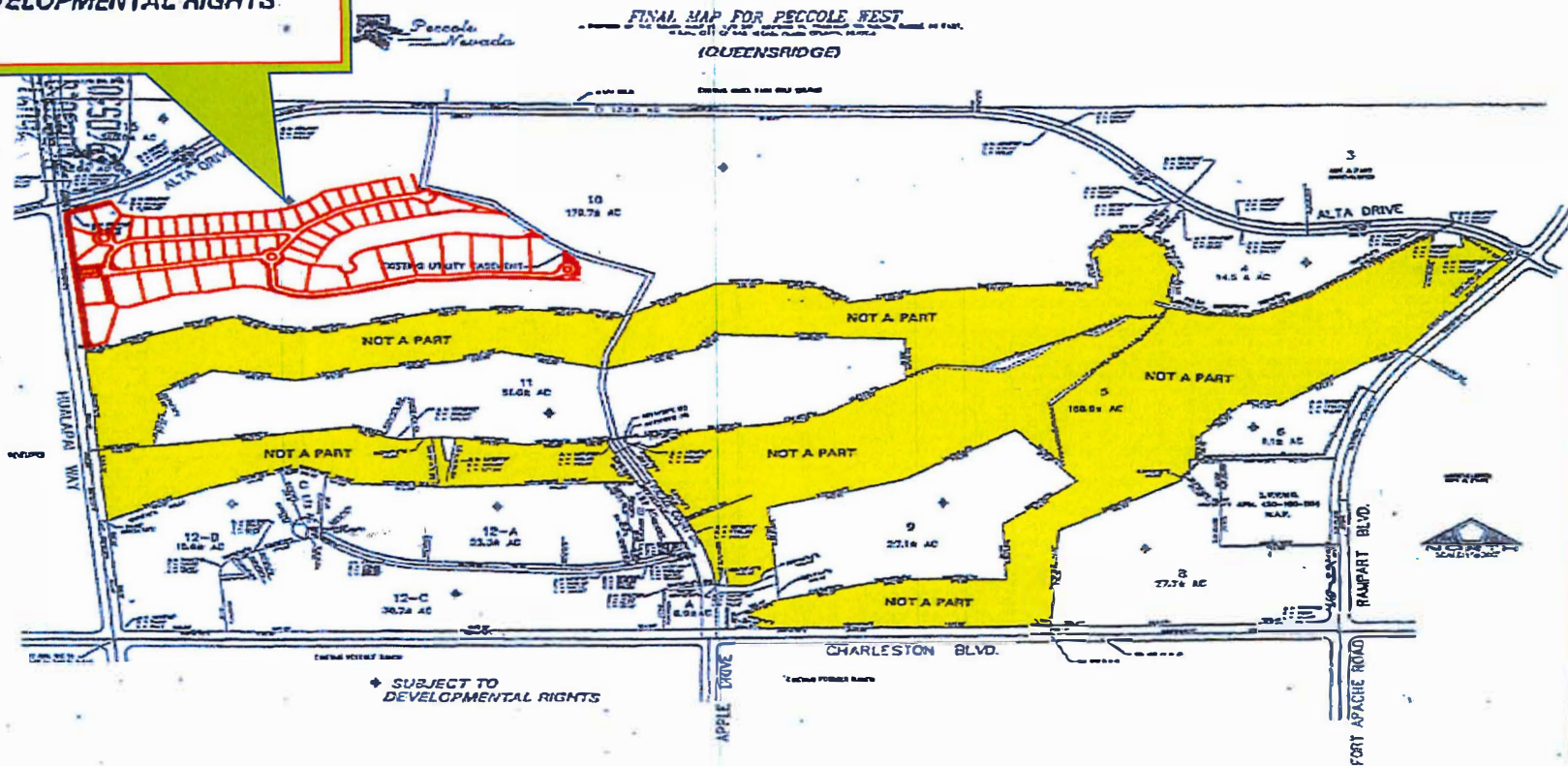
**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 15th day of May, 2019, a true and correct copy of the foregoing **CITY OF LAS VEGAS' RESPONSE TO REQUESTS FOR ADMISSION, SET ONE** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ Karen Surowiec

An employee of McDonald Carano LLP

♦ SUBJECT TO  
DEVELOPMENTAL RIGHTS



RECORDER'S NOTE: Due to the quality, characteristics or condition of this document, it may be unsuitable for microfilming and production. Under NRS 247.120, the Recorder has requested a more suitable copy be presented for recordation.

# The Two Fifty Development Agreement's Executive Summary

**PARTIES:** City of Las Vegas (City) and 180 Land Co LLC (Master Developer)

**PROPERTY:** 250.92 acres, with four (4) Development Areas

## **Density:**

### **Acres**

### **Dwelling Units:**

Luxury Multi-Family

Residential Lots - Minimum 2 acre gross (Estate Lots) in Sections B-G & 1/2 acre gross (Custom Lots) in Section A

Total

Dwelling Units Per Acre

<i>Total</i>	<i>Development Area 1</i>	<i>Development Area 2-3</i>	<i>Development Area 4</i>
Approved Feb. 2017			
250.92	17.49	49.72	183.71
2,119	435	1,684	
65			65
2,184	435	1,684	65
	24.87	7.49	

## **Development Details:**

- Approximately 100 acres of Landscape, Park and Recreation Areas
- Best efforts to continue to water the property until such time as construction activity is commenced in a given area.
- 15,000 sf of ancillary commercial in conjunction with luxury multi-family, no individual space in excess of 4,000 sf
- Option for assisted living units
- Boutique Hotel - 130 rooms with supporting facilities and ancillary amenities
- Development Area 2 to include two mid-rise Towers not to exceed 150' each
- Design Guidelines, Development Standards and Uses (The Two Fifty Design Guidelines) are outlined in the DA which for Development Area 4 will meet or exceed the Design Guidelines for Queensridge HOA; notwithstanding, if a conflict exists between the documents The Two Fifty's Design Guidelines will apply.
- Building Heights to comply with City's Residential Adjacency Standards
- Rampart Blvd. - traffic signal at Development Area 1's entry and right hand turn lane into Development Area 1
- Contribution to additional right hand turn lane on Rampart Blvd. northbound at Summerlin Parkway eastbound
- Widening and extension of Clubhouse Drive
- No blasting
- Import/export of material is not anticipated in mass grading

## **CONTINGENT IMPROVEMENTS:**

### **Enhancements for One Queensridge Place (OQP) contingent upon LVVWD access way expansion:**

- Additional 35 parking spaces along OQP's south property line
- Design and construct a security enhancement to the existing wall at OQP's south property line
- Provide a controlled access to Development Area 1's walkways (which also leads to a potential dog park )
- Reduce approved building in Development Area 1 to 3 stories adjacent to pool area

### **Enhancements for Queensridge contingent upon agreement with Queensridge HOA Re: Development Area 4's access to/from Queensridge gates and roads and LVVWD access way expansion:**

#### **Queensridge south:**

- New right turn entranceway, gate house and gates
- Approximate 4 acre park with vineyard

#### **Queensridge north:**

- New entry gates
- Approximate 1.5 acre park

## 70 ACRES

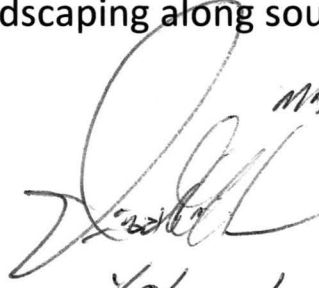
435	Units on on 17.49 acs
<u>1530</u>	Units on 49.72 acs
1965	<b>Total multi-family units</b>

## 183 ACRES

51	Lots on 35 acres
<u>50</u>	Lots on 17 acres and other areas w/similar density
101	Lots on 52 acres
<u>50</u>	Lots on 130 acres +
151	<b>Total single family lots</b>

## OTHER

- Boutique Hotel not to exceed 130 rooms w/facilities and amenities
- 15,000 square feet of ancillary commercial, no individual space to exceed 4,000 square feet
- Access to existing Queensridge gates and roads
- Reduce building to 3 stories for 435 units adjacent to pool area of One Queensridge Place
- Up to 300 assisted living units
- Amenities
  - Park w/vineyard
  - New south gate, gate house and entrance way
  - New north entry gates
  - Controlled access to trails , bike routes, and dog park on 70 acres for One Queensridge Place
  - Security fence, parking (min. 35 spaces), landscaping along south property line of One Queensridge Place
  - Ability for up to 2.5 acre nursery
  - Land for possible equestrian facility

MAY 4<sup>th</sup> 17  
  
Johan Louw

OMS 1292

00001837



VIA CERTIFIED MAIL

August 24, 2017

City of Las Vegas  
Carolyn G. Goodman  
Mayor

Lois Tarkanian  
Mayor Pro Tem

Ricki Y. Barlow  
Stavros S. Anthony  
Bob Coffin

Steven G. Seroka  
Michele Fiore

City Manager  
Scott D. Adams  
City Manager

American Fence Company, Inc.  
Attn: Ms. Laurie Peters  
4230 Losee Rd.  
North Las Vegas, NV 89030

Re: C17-01047

Dear Ms. Peters:

Through the various public hearings and subsequent debates concerning development on the subject site, I have determined, pursuant to Las Vegas Municipal Code (LVMC) 19.16.100(C)(1)(b), that any development on this site has the potential to have significant impact on the surrounding properties and as such may require a Major Review.

After reviewing the permit submitted (C17-01047) for chain link fencing to enclose two water features/ponds on the subject site, I have determined that the proximity to adjacent properties has the potential to have significant impact on the surrounding properties. As such, the Minor Development Review (Building Permit Level Review) is denied and an application for a Major Review will be required pursuant to LVMC 19.16.100(G)(1)(b).

Please coordinate with the Department of Planning for the submittal of a Major Site Review.

Thank you.

Robert Summerfield, AICP  
Acting Director  
Department of Planning

RS:me

cc: 180 Land Co., LLC  
Attn: Vickie Dehart  
1215 S. Fort Apache Rd, Suite 120  
Las Vegas, NV 89117

DEPARTMENT OF PLANNING

1333 N. Rancho Drive | 3rd Floor | Las Vegas, NV 89106 | 702.229.6301 | FAX 702.474.0352 | TTY 7 1 1

OMS 1293

LO 00002353



City Council

Carolyn G. Goodman  
Mayor

Lois Tarkanian  
Mayor Pro Tem

Ricki Y. Barlow

Stavros S. Anthony

Bob Coffin

Steven G. Seroka

Michele Fiore

City Manager

Scott D. Adams  
City Manager

VIA CERTIFIED MAIL

August 24, 2017

Seventy Acres, LLC  
Attn: Ms. Vickie Dehart  
120 S. Fort Apache Rd., Suite 120  
Las Vegas, NV 89117

Re: L17-00198

Dear Ms. Dehart:

Through the various public hearings and subsequent debates concerning development on the subject site I have determined, pursuant to Las Vegas Municipal Code (LVMC) 19.16.100(C)(1)(b), that any development on this site has the potential to have significant impact on the surrounding properties and as such may require a Major Review.

After reviewing the permit submitted (L17-00198) for perimeter wall modifications and controlled access gates on the subject site, I have determined that the proximity to adjacent properties has the potential to have significant impact on the surrounding properties. As such, the Minor Development Review (Building Permit Level Review) is denied and an application for a Major Review will be required pursuant to LVMC 19.16.100(G)(1)(b).

Please coordinate with the Department of Planning for the submittal of a Major Site Review.

Thank you.

Robert Summerfield, AICP  
Acting Director  
Department of Planning

RS:me

COPY

DEPARTMENT OF PLANNING

333 N. Rancho Drive | 3rd Floor | Las Vegas, NV 89106 | 702.229.6301 | FAX 702.474.0352 | TTY 711

OMS 1294

LO 00002365