

IN THE SUPREME COURT OF THE STATE OF NEVADA

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Appellant,

vs.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Respondents.

180 LAND CO., LLC, A NEVADA LIMITED-
LIABILITY COMPANY; AND FORE STARS,
LTD., A NEVADA LIMITED-LIABILITY
COMPANY,

Appellants/Cross-Respondents,

vs.

CITY OF LAS VEGAS, A POLITICAL
SUBDIVISION OF THE STATE OF
NEVADA,

Respondent/Cross-Appellant.

No. 84345

Electronically Filed
Aug 25 2022 01:28 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 84640

**JOINT APPENDIX,
VOLUME NO. 39**

LAW OFFICES OF KERMITT L. WATERS

Kermitt L. Waters, Esq.

Nevada Bar No. 2571

kermitt@kermittwaters.com

James J. Leavitt, Esq.

Nevada Bar No. 6032

jim@kermittwaters.com

Michael A. Schneider, Esq.

Nevada Bar No. 8887

michael@kermittwaters.com

Autumn L. Waters, Esq.

Nevada Bar No. 8917

autumn@kermittwaters.com

704 South Ninth Street

Las Vegas, Nevada 89101

Telephone: (702) 733-8877

*Attorneys for 180 Land Co., LLC and
Fore Stars, Ltd.*

LAS VEGAS CITY ATTORNEY'S OFFICE

Bryan K. Scott, Esq.

Nevada Bar No. 4381

bscott@lasvegasnevada.gov

Philip R. Byrnes, Esq.

pbyrnes@lasvegasnevada.gov

Nevada Bar No. 166

Rebecca Wolfson, Esq.

rwolfson@lasvegasnevada.gov

Nevada Bar No. 14132

495 S. Main Street, 6th Floor

Las Vegas, Nevada 89101

Telephone: (702) 229-6629

Attorneys for City of Las Vegas

CLAGGETT & SYKES LAW FIRM

Micah S. Echols, Esq.

Nevada Bar No. 8437

micah@claggettlaw.com

4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

(702) 655-2346 – Telephone

*Attorneys for 180 Land Co., LLC and
Fore Stars, Ltd.*

McDONALD CARANO LLP

George F. Ogilvie III, Esq.

Nevada Bar No. 3552

gogilvie@mcdonaldcarano.com

Amanda C. Yen, Esq.

ayen@mcdonaldcarano.com

Nevada Bar No. 9726

Christopher Molina, Esq.

cmolina@mcdonaldcarano.com

Nevada Bar No. 14092

2300 W. Sahara Ave., Ste. 1200

Las Vegas, Nevada 89102

Telephone: (702) 873-4100

LEONARD LAW, PC

Debbie Leonard, Esq.

debbie@leonardlawpc.com

Nevada Bar No. 8260

955 S. Virginia Street Ste. 220

Reno, Nevada 89502

Telephone: (775) 964.4656

SHUTE, MIHALY & WEINBERGER, LLP

Andrew W. Schwartz, Esq.

schwartz@smwlaw.com

California Bar No. 87699

(admitted pro hac vice)

Lauren M. Tarpey, Esq.

ltarpey@smwlaw.com

California Bar No. 321775

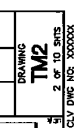
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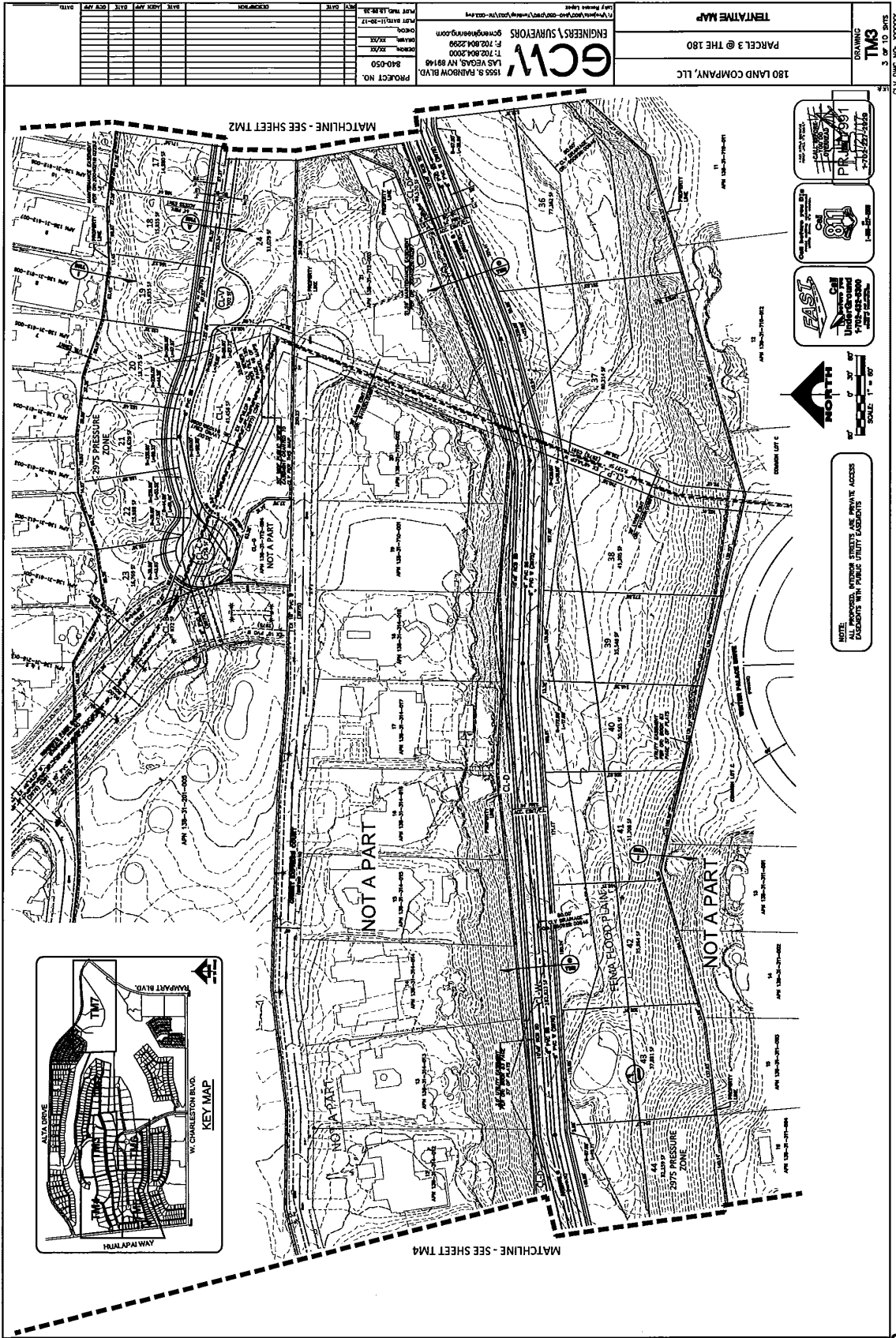
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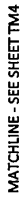
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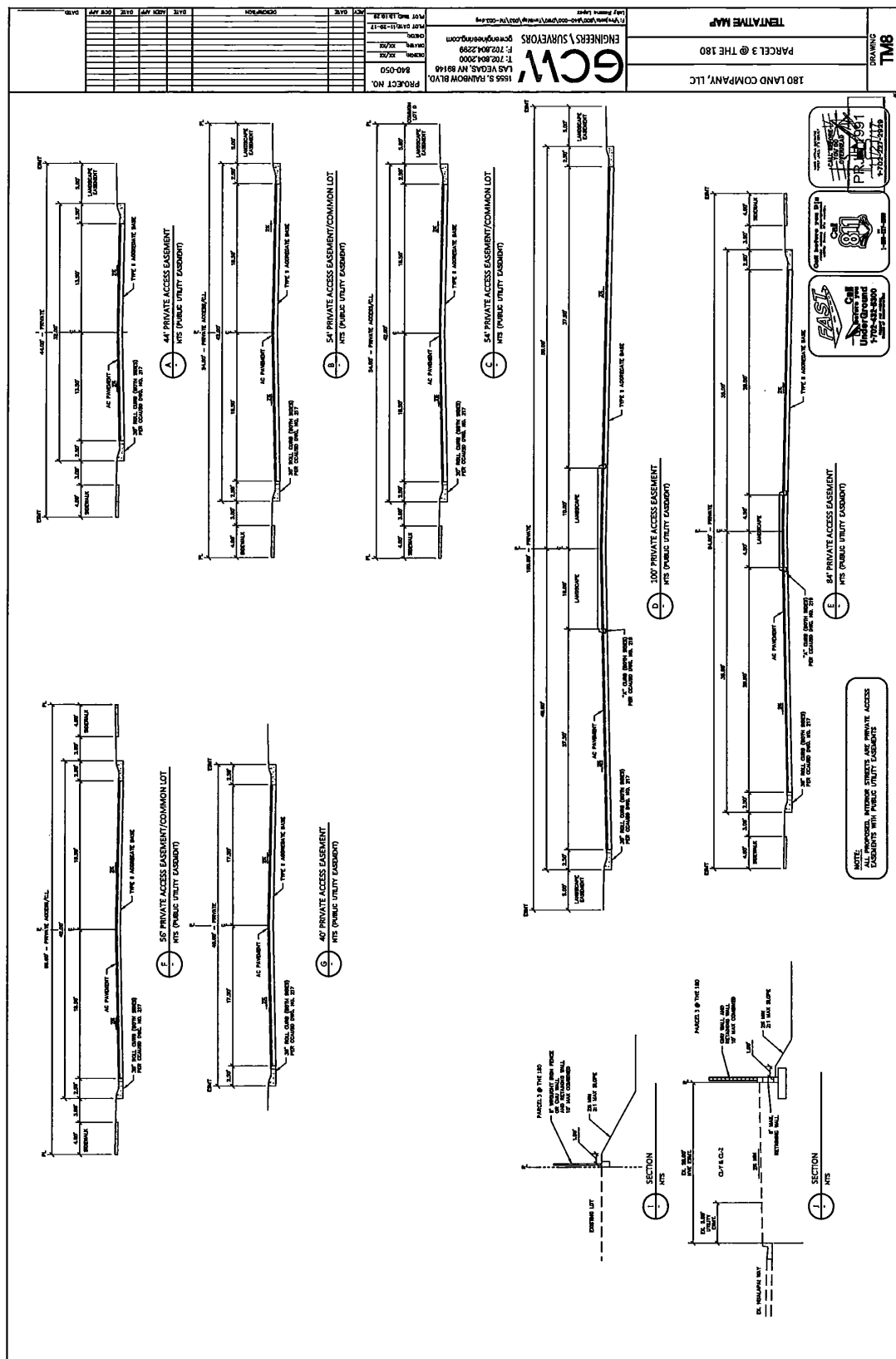
Attorneys for City of Las Vegas



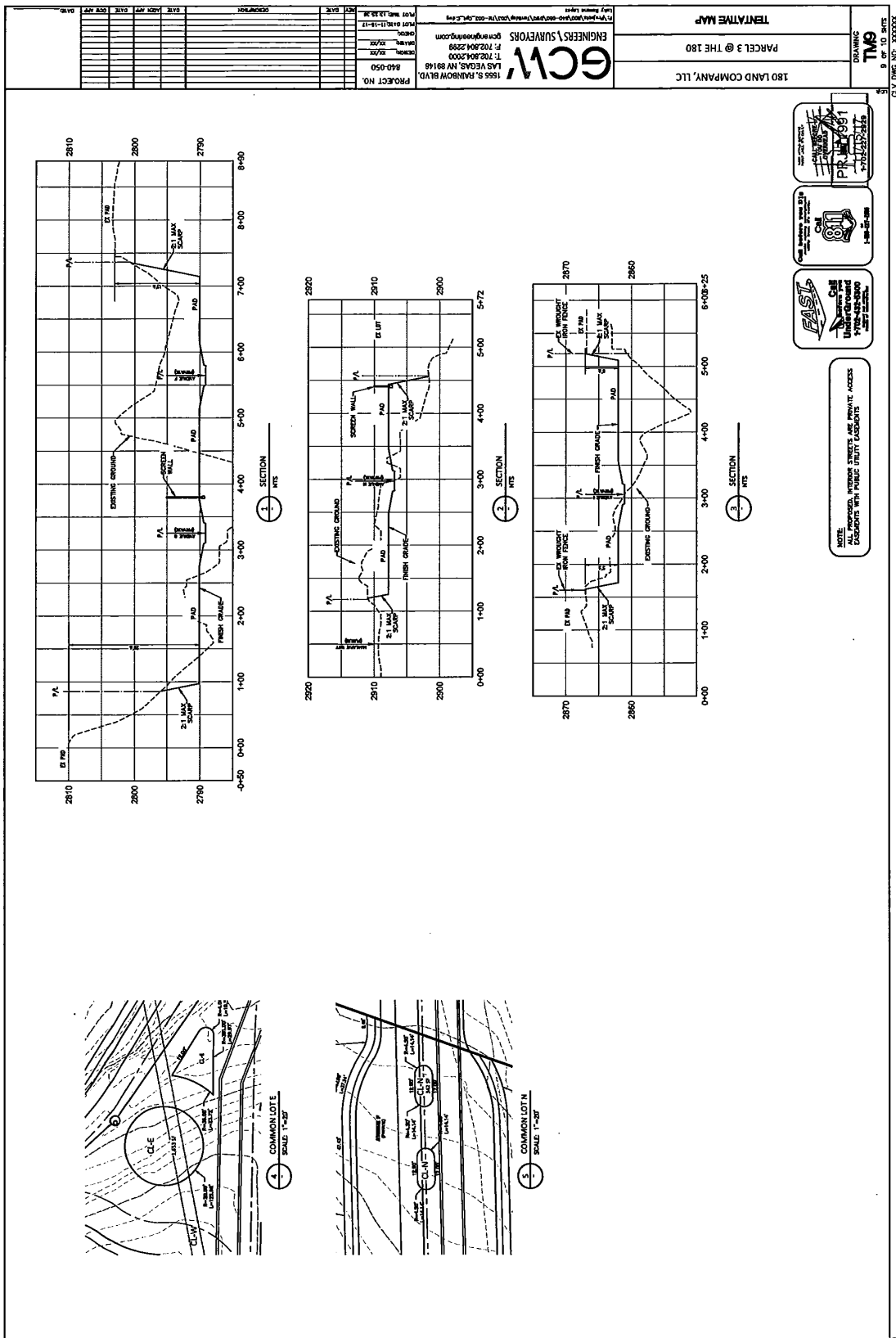


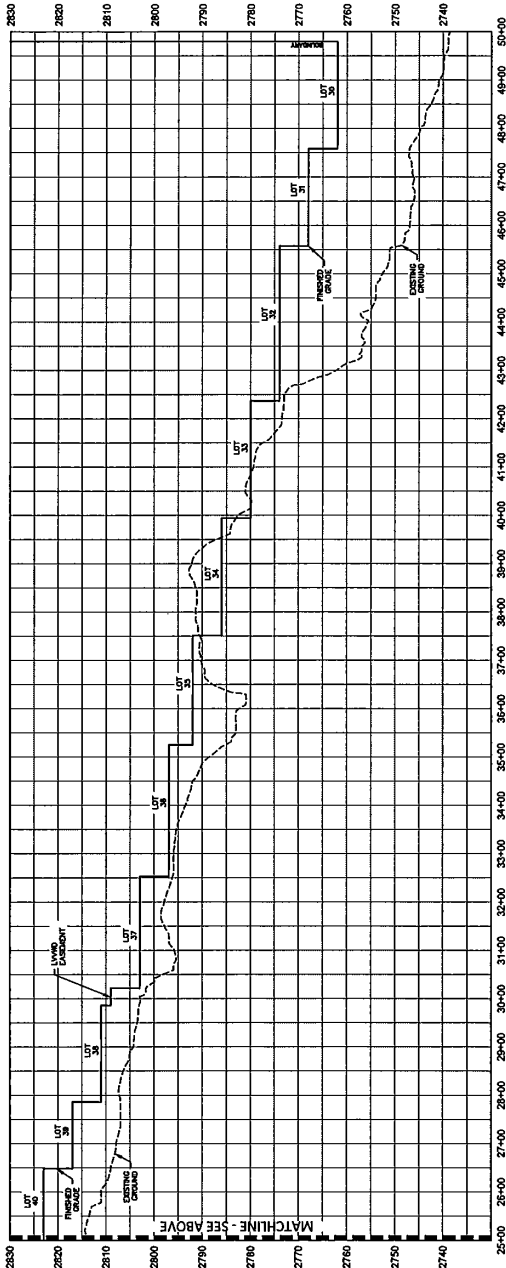
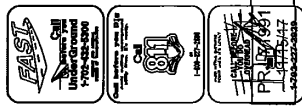
5 OF 10 SHEETS
CLV DWG NO: XXXXXX





WVR-72007, SDR-72008 and TMP-72009 - REVISED





PUBLIC DRAINAGE EASEMENT

ALL AREAS DESIGNATED AS ZONE "A" MAJOR AND/OR AREAS ARE DRAINAGE EASEMENTS TO BE MAINTAINED BY THE UNDERLYING PROPERTY OWNER FOR ALL LOTS AND PAGE 49 OF PARCEL MAP.

KERR, JANE
 HOUSE 024797030 - 0940 101 2400
 CHASSIS DAY MONS 35 1047140000 0000
 THE 1ST DECEMBER
 2017 14:00-15:00 2017 14:00
 2017 14:00-15:00 2017 14:00
 JKT AMBERG 14:00

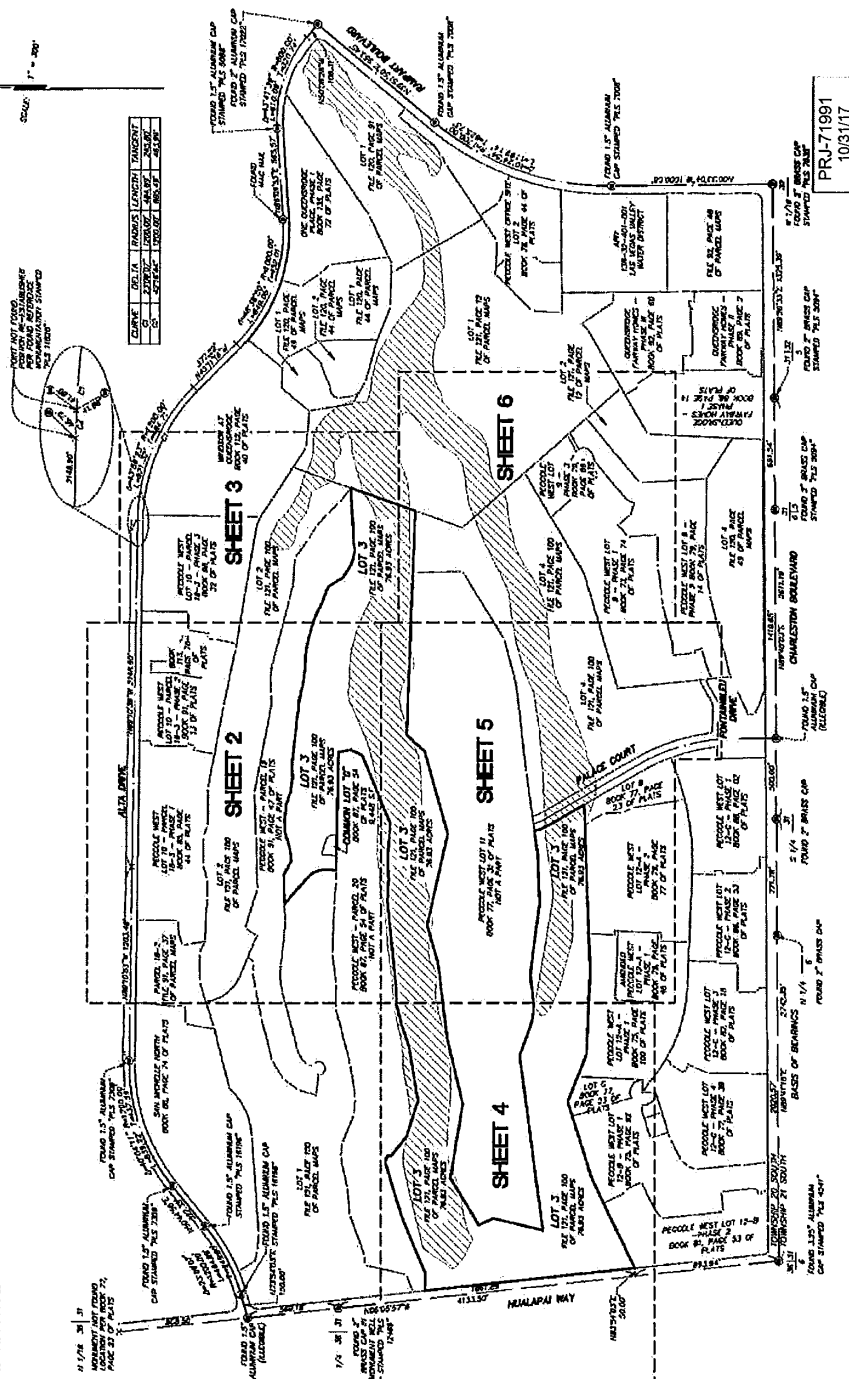
15 X

LEGAL DESCRIPTION

LOT 37 AS SHOWN IN FILE 171, PAGE 100 OF PARTIAL MAPS ON FILE AT THE CLAW COUNTY, NEVADA RECORDS'S OFFICE, LYING WITHIN SECTION 11, TOWNSHIP 20 NORTH, RANGE 60 EAST, MERIDIAN 11 WEST, CLARK COUNTY, NEVADA.

TOGETHER WITH COUSION LOT 36 AS SHOWN IN BOOK 67, PAGE 54 PLATS ON FILE AT THE CLAW COUNTY, NEVADA RECORDS'S OFFICE, LYING WITHIN SECTION 11, TOWNSHIP 20 NORTH, RANGE 60 EAST, MERIDIAN 11 WEST, CLARK COUNTY, NEVADA.

77.14 ACRES



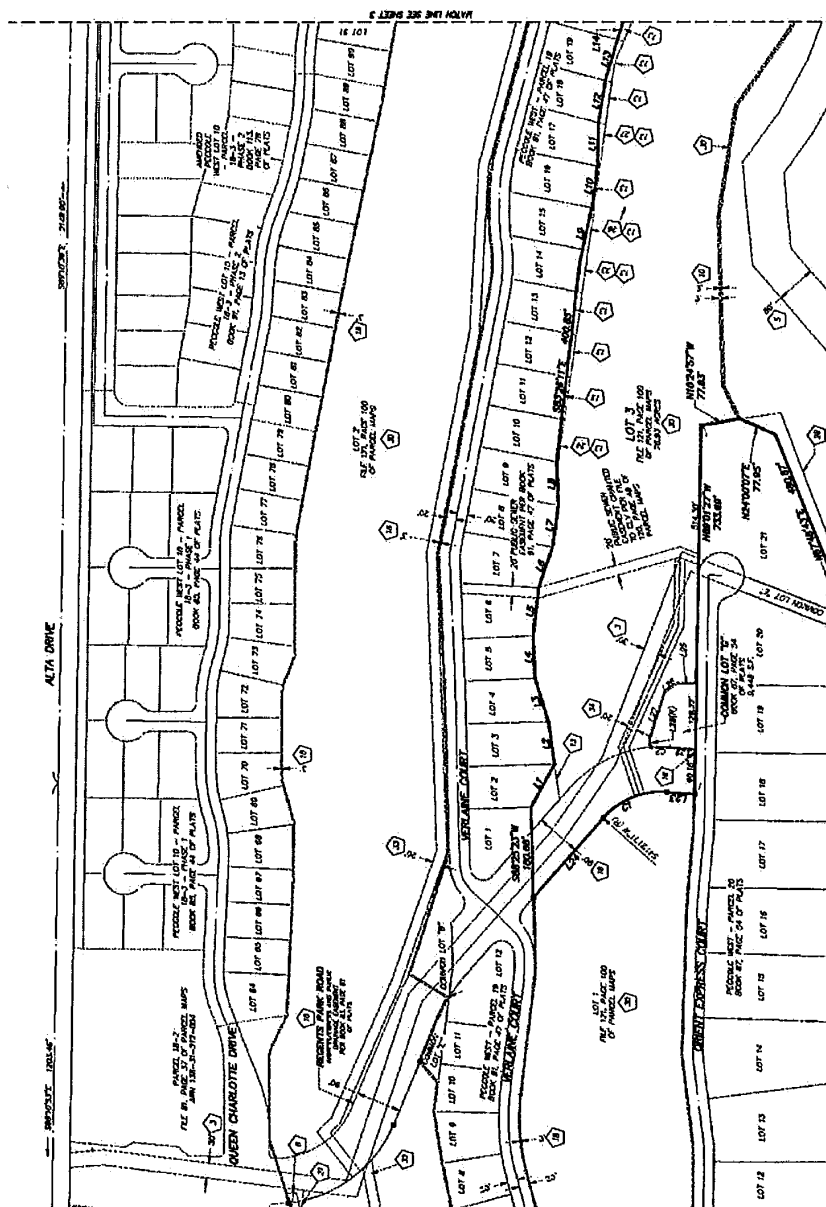
PRJ-71991
10/31/17

WVR-72007, SDR-72008 and TMP-72009

LO 00002203

7121

002933



PRJ-71991
10/31/17

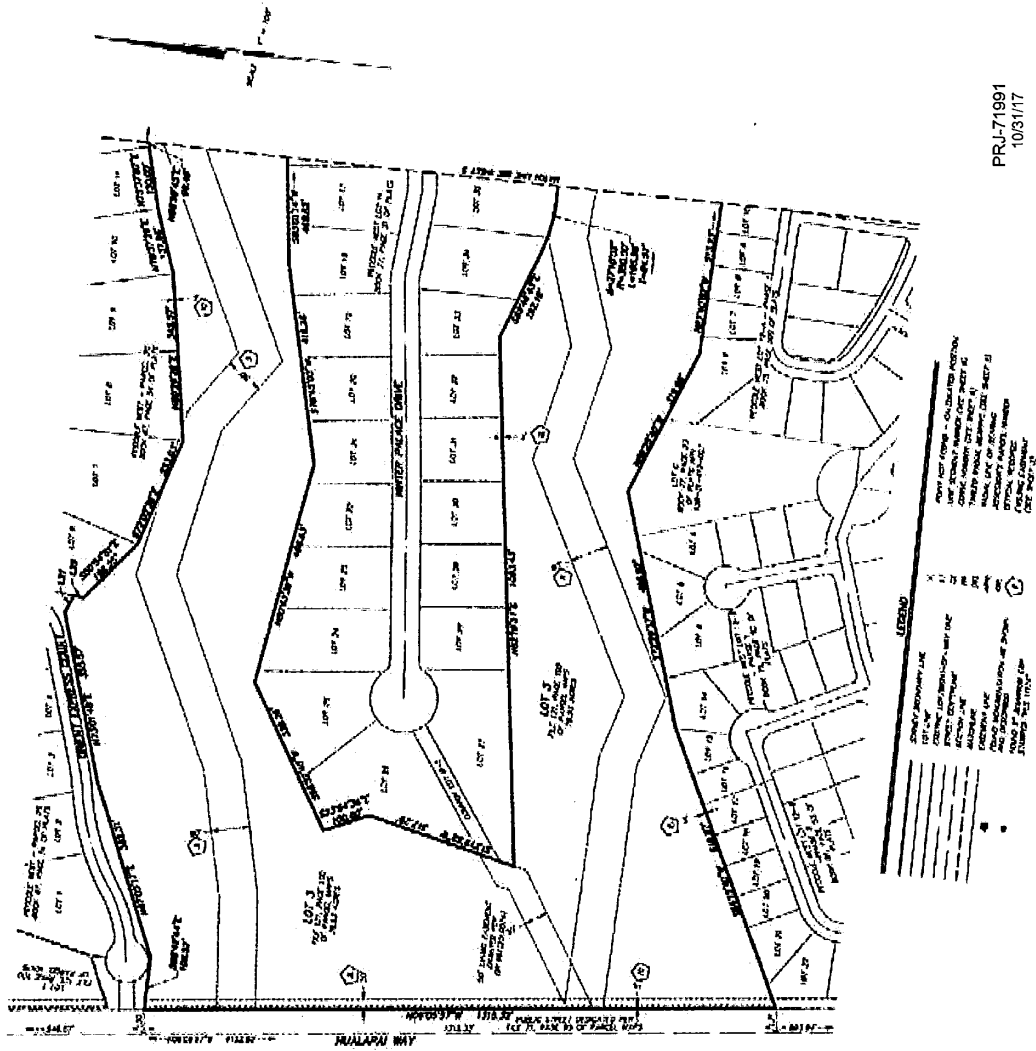
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002934

7122

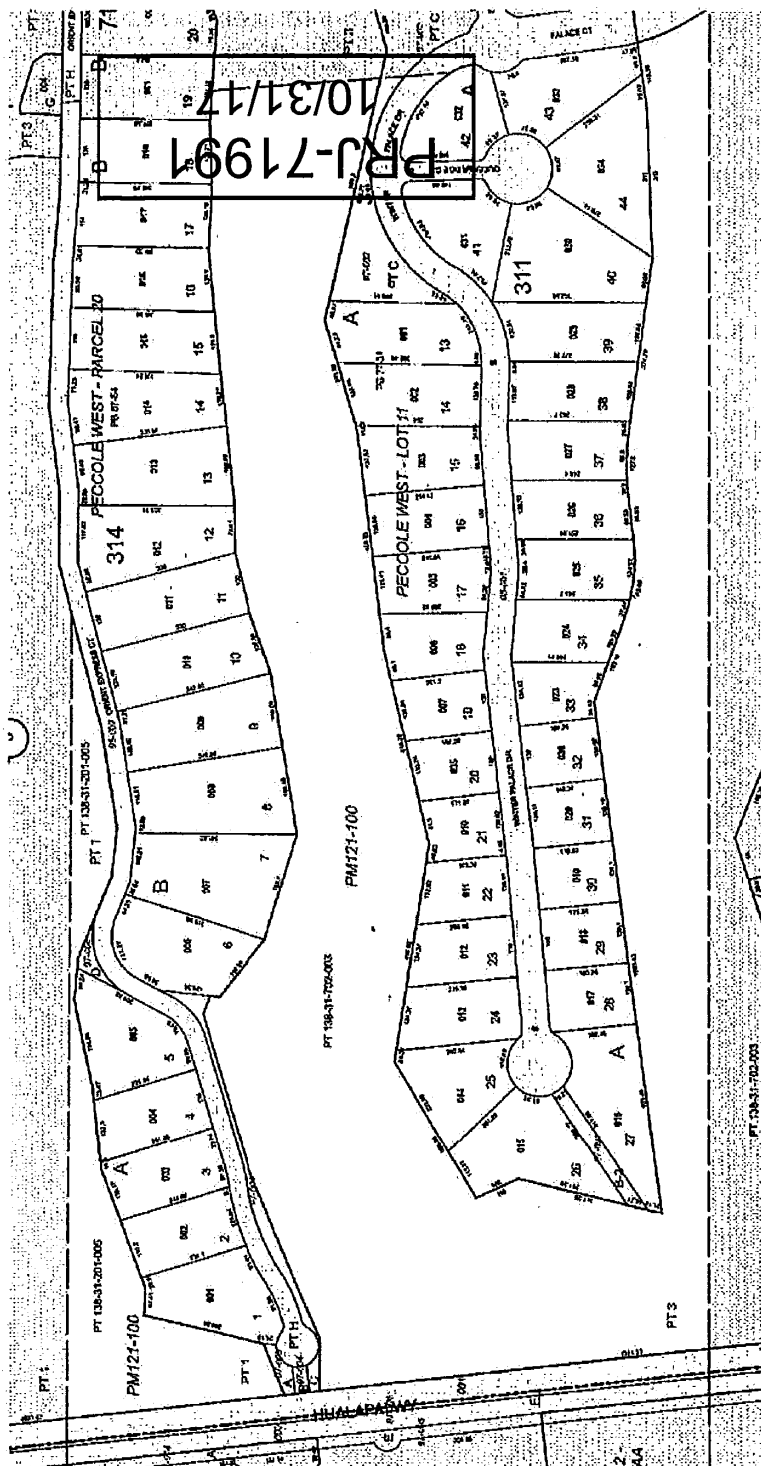
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PRJ-71991
10/31/17

WVR-72007, SDR-72008 and TMP-72009

002936
LO 00002206

[illegible]

002939

LO 00002209

7127

WVR-72007, SDR-72008 and TMP-72009

ASSESSOR'S PARCELS - CLARK CO., NV.
Michèle W. Shafe - Assessor

138-31-7

N 2 SE 4

31

T20S R60E

Parcel Boundary: ☐ CONCOMITANT UNIT

Sub Boundary: ☐ AIR SPACE PCL

Right of Way PCL: ☐ 100% EASEMENT

202 PARCEL SUGGESTED NUMBER

Match / Leader Line: ☐ SUB-SURFACE PCL

Historic Lot Line: ☐ 202 PARCEL RECORDING NUMBER

Section Line: ☐ 5 BLOCK NUMBER

Section Line: ☐ 5 BLOCK NUMBER

Section Line: ☐ 5 BLOCK NUMBER

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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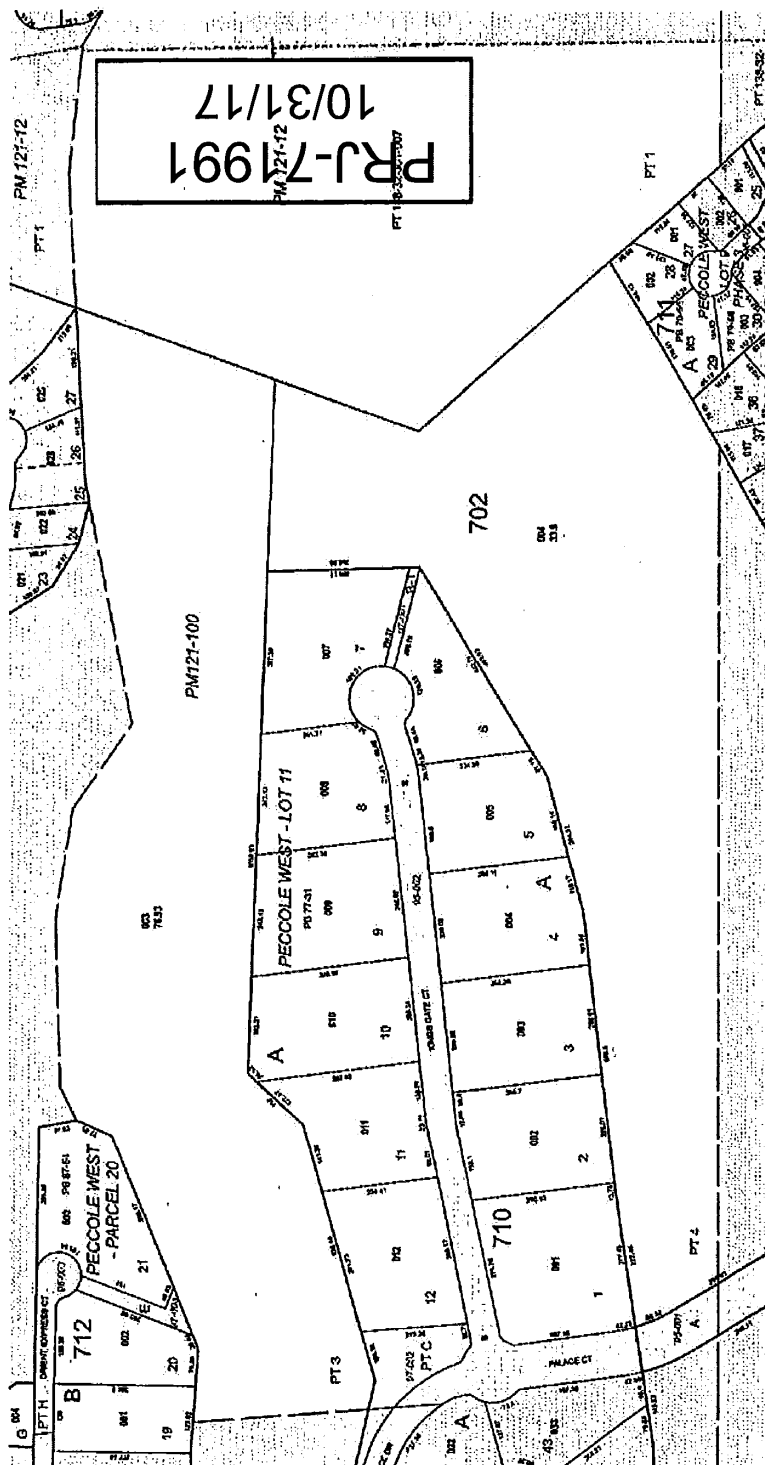
Rev: 2/6/2017

MAP LEGEND

No liability is assumed for the accuracy of the data delineated herein. The Assessor's Office may be delisted from the Real Document Listing in the Assessor's Office.

This map is compiled from official records, including surveys and deeds, recorded for public information. See the Assessor's Office for more detailed information.

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TAX DIST 200

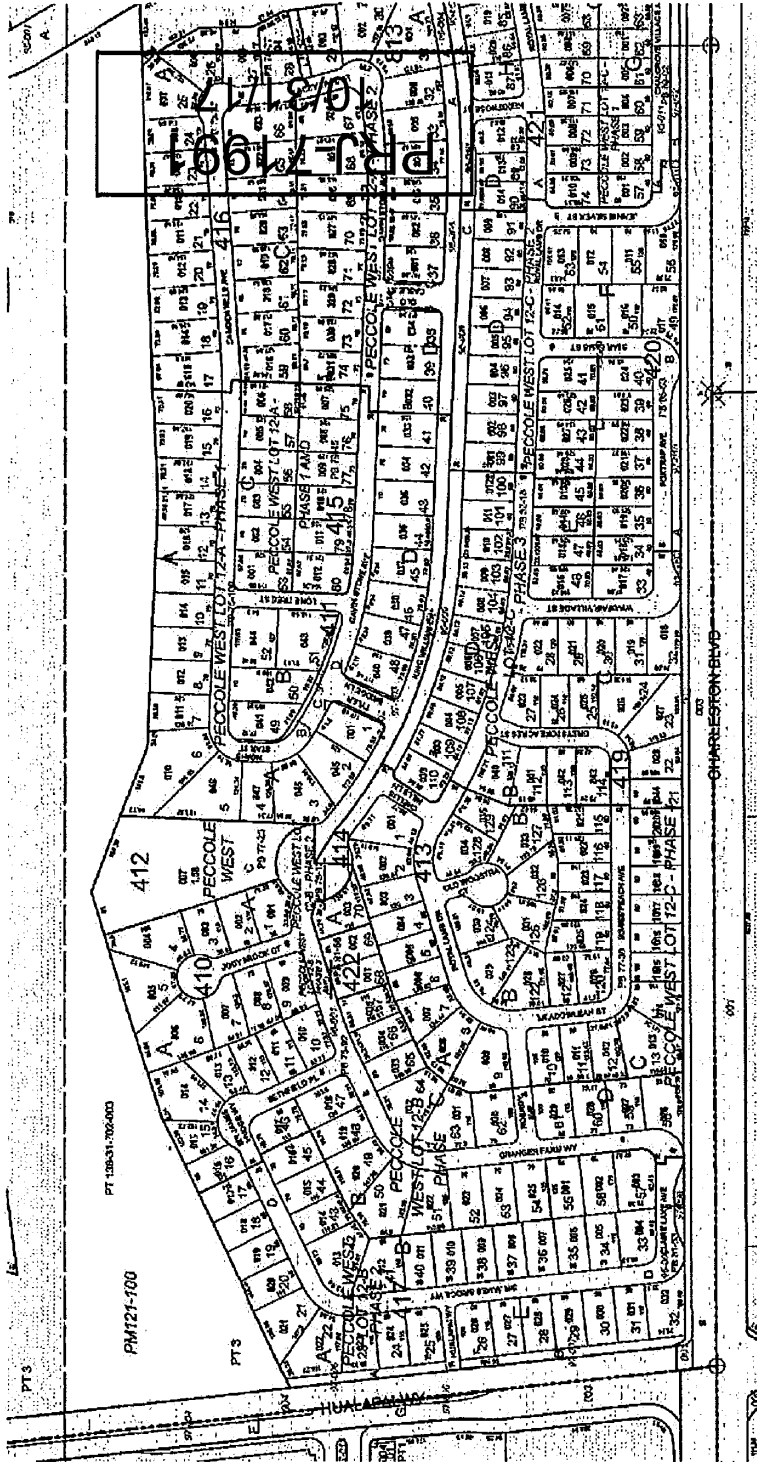
002940

LO 00002210

7128

WVR-72007, SDR-72008 and TMP-72009

NOTES	<p>This map is for assessment use only and does NOT represent a survey. No liability is assumed for the accuracy of the data derived herein. Information on needs and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office. This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.</p>	ASSESSOR'S PARCELS - CLARK CO., NV.		120S R60E		31		S2 SW 4		138-31-4																									
		Michèle W. Shale - Assessor																																	
MAP LEGEND		<table border="1"><tr><td>PARCEL BOUNDARY</td><td>CONDOMINIUM UNIT</td><td>27-125-425-524</td></tr><tr><td>SUB-BOUNDARY</td><td>AIR SPACE POL</td><td>007 PARCEL NUMBER</td></tr><tr><td>PAID BOUNDARY</td><td>RIGHT OF WAY POL</td><td>35 137 138 139</td></tr><tr><td>WATER/LENDER LINE</td><td>SUB-SURFACE POL</td><td>202 PARCEL EMPLOY NUMBER</td></tr><tr><td>HISTORIC LOT LINE</td><td></td><td>65 144 145 146</td></tr><tr><td>HISTORIC SUB-BOUNDARY</td><td></td><td>174 175 176 177</td></tr><tr><td>HISTORIC PAID BOUNDARY</td><td></td><td></td></tr><tr><td>SECTION LINE</td><td></td><td></td></tr></table>										PARCEL BOUNDARY	CONDOMINIUM UNIT	27-125-425-524	SUB-BOUNDARY	AIR SPACE POL	007 PARCEL NUMBER	PAID BOUNDARY	RIGHT OF WAY POL	35 137 138 139	WATER/LENDER LINE	SUB-SURFACE POL	202 PARCEL EMPLOY NUMBER	HISTORIC LOT LINE		65 144 145 146	HISTORIC SUB-BOUNDARY		174 175 176 177	HISTORIC PAID BOUNDARY			SECTION LINE		
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		<table border="1"><tr><td>SCALE: 1" = 200'</td><td>REV: 2/20/2017</td></tr></table>										SCALE: 1" = 200'	REV: 2/20/2017																						
SCALE: 1" = 200'	REV: 2/20/2017																																		



TAX DIST 200

002941

LO 00002211

7129



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SDR
 Project Address (Location) Alta Drive and Hualapai Way
 Project Name Parcel 3@ THE 180 Proposed Use R-PD7
 Assessor's Parcel #(s) 138-31-702-003 Ward # 2
 General Plan: existing _____ proposed _____ Zoning: existing R-PD7 proposed _____
 Commercial Square Footage _____ Floor Area Ratio _____
 Gross Acres 76.93 Lots/Units 120 Density 1.559
 Additional Information _____

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie
 Address 1215 South Fort Apache Road #120 Phone: (702) 940-8930 Fax: (702) 940-8931
 City Las Vegas State Nevada Zip 89117
 E-mail Address yohan@ehbcompanies.com

APPLICANT 180 Land Co. LLC Contact Yohan Lowie
 Address 1215 South Fort Apache Road #120 Phone: (702) 940-8930 Fax: (702) 940-8931
 City Las Vegas State Nevada Zip 89117
 E-mail Address yohan@ehbcompanies.com

REPRESENTATIVE GCW, Inc. Contact Cindie Gee
 Address 1555 South Rainbow Phone: (702) 804-2107 Fax: (702) 804-2289
 City Las Vegas State Nevada Zip 89146
 E-mail Address cgee@gcwengineering.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* See Attached

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Yohan Lowie

Subscribed and sworn before me

This 18th day of October, 20 17

Jennifer Knighton

Notary Public in and for said County and State



JENNIFER KNIGHTON
 Notary Public, State of Nevada
 Appointment No. 14-15063-1
 My Appt. Expires Sep 11, 2018

Revised 03/28/16

FOR DEPARTMENT USE ONLY

Case # **SDR-72008**

Meeting Date:

Total Fee:

Date Received: *

Received By:

The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance 9/31/17

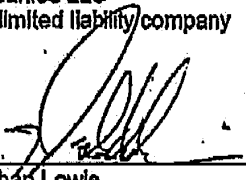
002942

LO 00002212

7130

180 Land Co, LLC
Nevada limited liability company.

By: EHB Companies LLC
A Nevada limited liability company
Its: Manager

By: 
Name: Yohan Lowie
Its: Manager
Date: 10/18/17

SDR-72008

PRJ-71991
10/31/17

002943

LO 00002213

7131



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Tentative Map
Project Address (Location) Alta Drive and Hualapai Way
Project Name Parcel 3 @ THE 180 Proposed Use R-PD7
Assessor's Parcel #(s) 138-31-702-003 Ward # 2
General Plan: existing _____ proposed _____ Zoning: existing R-PD7 proposed _____
Commercial Square Footage _____ Floor Area Ratio _____
Gross Acres 76.93 Lots/Units 120 Density 1.559
Additional Information _____

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie
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City Las Vegas State Nevada Zip 89117
E-mail Address yohan@ehbcompanies.com

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REPRESENTATIVE GCW, Inc. Contact Cindie Gee
Address 1555 South Rainbow Phone: (702) 804-2107 Fax: (702) 804-2289
City Las Vegas State Nevada Zip 89146
E-mail Address cgee@gcwengineering.com

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*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Yohan Lowie

Subscribed and sworn before me

This 18th day of October, 20 17

Jennifer Knighton

Notary Public in and for said County and State



JENNIFER KNIGHTON
Notary Public, State of Nevada
Appointment No. 14-15063-1
My Appt. Expires Sep 11, 2018

Revised 03/28/16

FOR DEPARTMENT USE ONLY

Case # **TMP-72009**

Meeting Date:

Total Fee:

Date Received:*

Received By:

*The application will not be deemed complete until the submitted materials have been received by the Department of Planning for consistency with applicable sections of the Zoning Ordinance 9/31/17

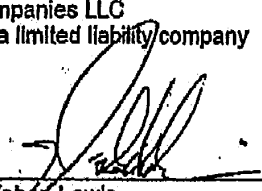
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LO 00002214

7132

180 Land Co. LLC
Nevada limited liability company

By: EHB Companies LLC
A Nevada limited liability company
Its: Manager

By: 
Name: Yohan Lowie
Its: Manager
Date: 10/31/17

TMP-72009

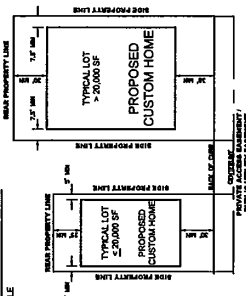
PRJ-71991
10/31/17

002945

LO 00002215

7133

PARCEL 3 AT THE 180
(PROJECT SITE)



TYPICAL BUILDING SETBACKS

RECORD OWNER:
180 LAND CO LLC
21215 S. FORT APACHE ROAD, SUITE #120
LAS VEGAS, NV 89117
PHONE: 702-940-8030
FAX: 702-940-6931

DEVELOPER:
ENB COMPANIES, LLC AS MANAGER FOR
180 LAND CO LLC
121215 S. FORT APACHE ROAD, SUITE #120
LAS VEGAS, NV 89117
PHONE: 702-940-8830
FAX: 702-940-8831

ENGINEER AND SURVEYOR:

GCW, INC.
1555 S. RAINBOW BOULEVARD
LAS VEGAS, NV 89146
PHONE: 702-804-2000
FAX: 702-804-2299

UTILITY SERVICES BY:
LAS VEGAS VALLEY WATER DISTRICT

CITY OF LAS VEGAS SEWER
REPUBLIC SERVICES OF SOUTHERN NEVADA
NEW ENERGY
CENTURYLINK
SOUTHWEST GAS CORPORATION
COX COMMUNICATIONS LAS VEGAS, INC.

[illegible]BUILDING HEIGHTS TABLE (R902):

	LOTS ≤ 20,000 SF	LOTS > 20,000 SF
BUILDING HEIGHTS	40'	50'
MAIN STRUCTURE		
ACCESSORY STRUCTURES	35'	30'
# OF FLOORS - SINGLE AND TWO STORY ON SLAB OR OVER BASEMENT # OF FLOORS - ON LOTS > 30,000 SF, A THIRD STORY IS ALLOWED		

USES

BUILDING ELEVATIONS AND FLOOR PLANS

107C COLLAGE FOOTAGE

- LOT'S ARE CALCULATED BY DIVIDING BY STREET OR DOUBLE LINED STREET.
- LOT'S ARE CALCULATED TO FACE OF PLANNING CURB ON SINGLE LINED STREET.

LOT 3 SQUARE FOOTAGE

INDIVIDUAL COLLECTION OF A REAP

INDIVIDUAL COMMON LOT AREAS					
LOTID	AREA (AC)	LOT ID	AREA (AC)	LOTID	AREA (AC)
C-1	2.0	D-2	0.85	C-9	0.23
C-2	0.8	C-7	0.15	C-3	0.82
C-3	0.53	C-7	0.13	C-4	0.82
C-9	1.77	D-2	0.85	C-5	0.82
C-5	0.94	C-4	0.85	C-7	0.82
C-7	0.8	C-9	0.87	C-6	0.82
C-6	0.87	D-2	0.8	C-7	0.81
		C-9	0.85		
					TOTAL:
					4.27

OPEN SPACE

14 DEPTTY X 157 - 2.36 ACRES LAND REQUIRED FOR SHOP SPACE / INTERNATIONAL AUTO
14 BU / 70.43 ACRES = 1.4 BU/MORE (DEPTTY)
CENTRAL SPACE REQUIRED FOR TITL F. 15.00-0.43 (2-20) CODE 30-0000

BENCH

[illegible]

PAGE 0000

BASIS OF BEARINGS

NORTH 89°40'00" EAST, BEING THE BEARING OF THE SOUTH LINE OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 31, TOWNSHIP 30 NORTH, RANGE 80 EAST, N.M.M., AS

LEGAL DESCRIPTION

803 - LIST 3 AS SHOWN IN FILE 131, PAGE 109 OF PARCEL MAPS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, LYING WITHIN SECTION 25, TOWNSHIP 20 SOUTH,

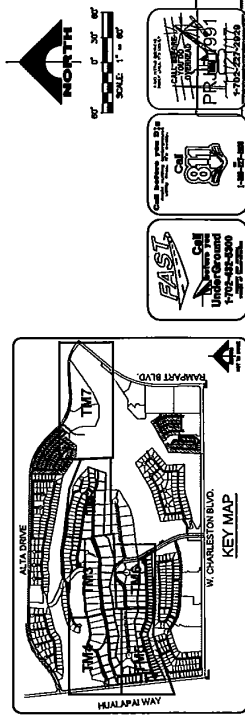
THE CLARK COUNTY, NEVADA RECORDER'S OFFICE, LIES IN THE SOUTH, RANGE 00 EAST, T.04N., CITY OF LAS VEGAS CLAS

TMP-72009 - REVISED

002946

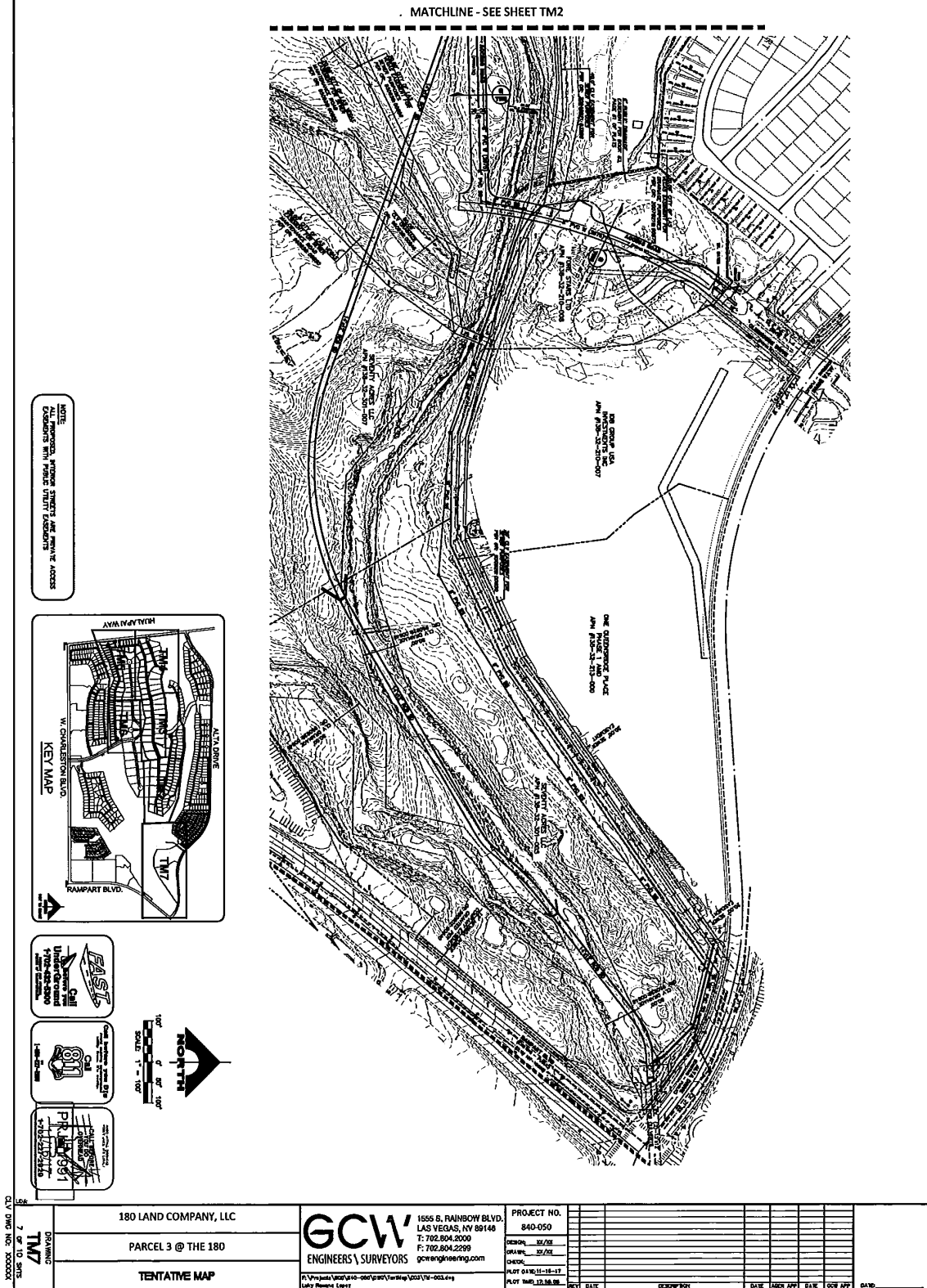
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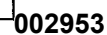
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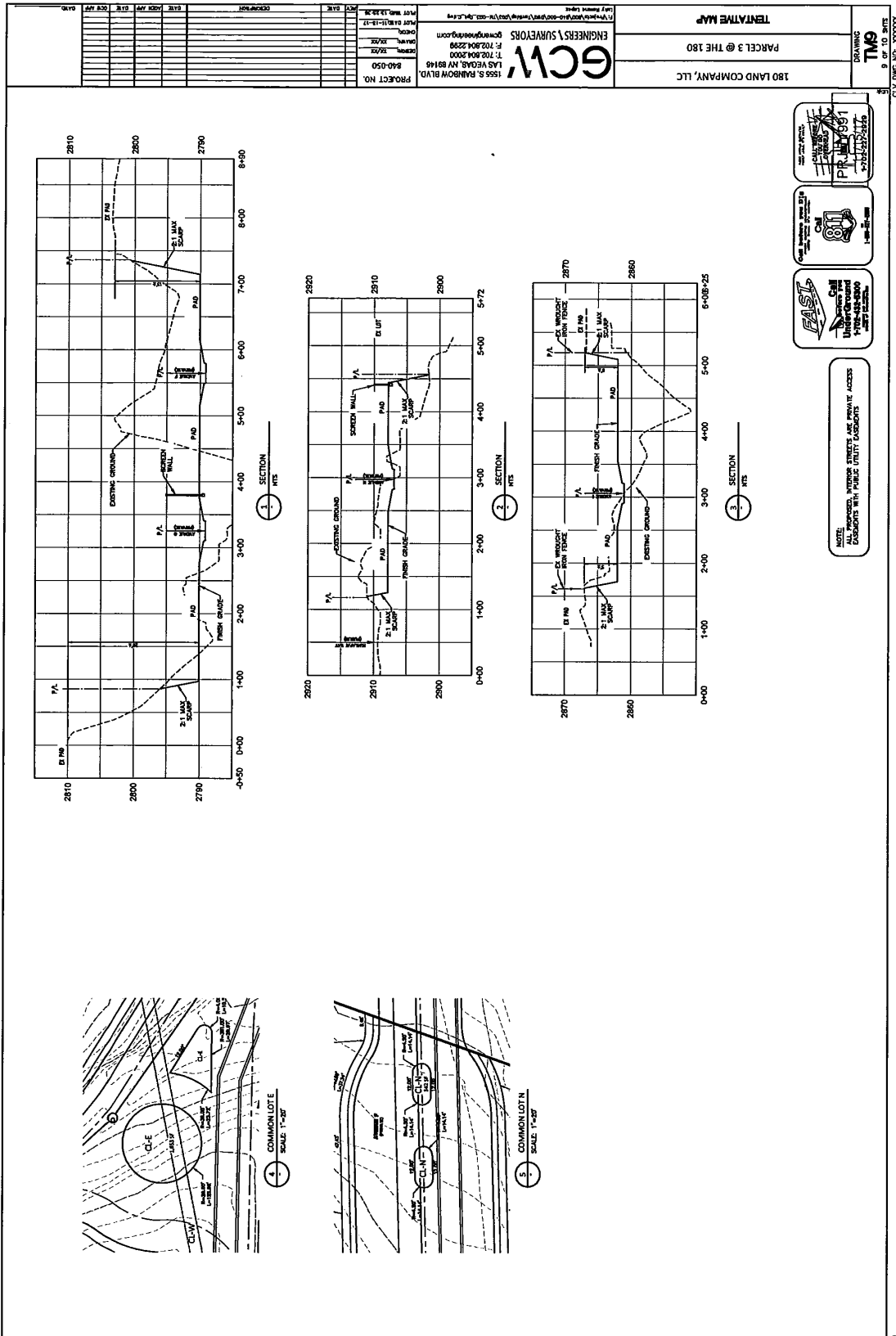
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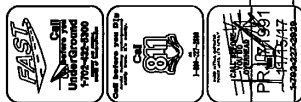
TMP-72009 - REVISED





TMP-72009 - REVISED







DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Waiver-Private Access Easement Width to 44' versus City Standard

Project Address (Location) Alta Dr. and Hualapai Way

Project Name Parcel 4 @ THE 180 Proposed Use R-PD7

Assessor's Parcel #(s) 138-31-702-004 Ward # 2

General Plan: existing _____ proposed _____ Zoning: existing R-PD7 proposed _____

Commercial Square Footage _____ Floor Area Ratio _____

Gross Acres 33.8 Lots/Units 53 Density 1.538

Additional Information _____

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie
Address 1215 S. Ft. Apache Suite 120 Phone: (702) 940-6930 Fax: (702) 940-6931
City Las Vegas State NV Zip 89117
E-mail Address yohan@ehbcompanies.com

APPLICANT 180 Land Co. LLC Contact Yohan Lowie
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City Las Vegas State NV Zip 89117
E-mail Address yohan@ehbcompanies.com

REPRESENTATIVE GCW, Inc Contact Cindie Gee
Address 1555 South Rainbow Phone: (702) 804-2107 Fax: (702) 804-2299
City Las Vegas State NV Zip 89146
E-mail Address cgee@gcwengineering.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* _____

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Yohan Lowie

Subscribed and sworn before me

This 26th day of October, 2017.

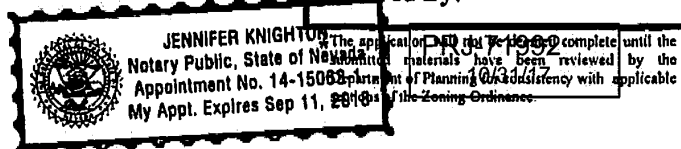
Jennifer Knighton

Notary Public in and for said County and State

Revised 03/28/16

FOR DEPARTMENT USE ONLY

Case # **WVR-72010**
Meeting Date: _____
Total Fee: _____
Date Received: * _____
Received By: _____



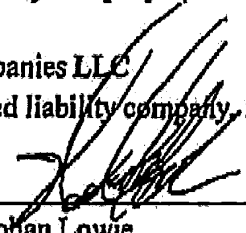
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LO 00002226

7144

180 Land Co LLC,
a Nevada limited liability company

By: BHB Companies LLC
a Nevada limited liability company, its Manager

By: 
Name: Yohan Lowie
Title: Its Manager
Date: 10/31/17

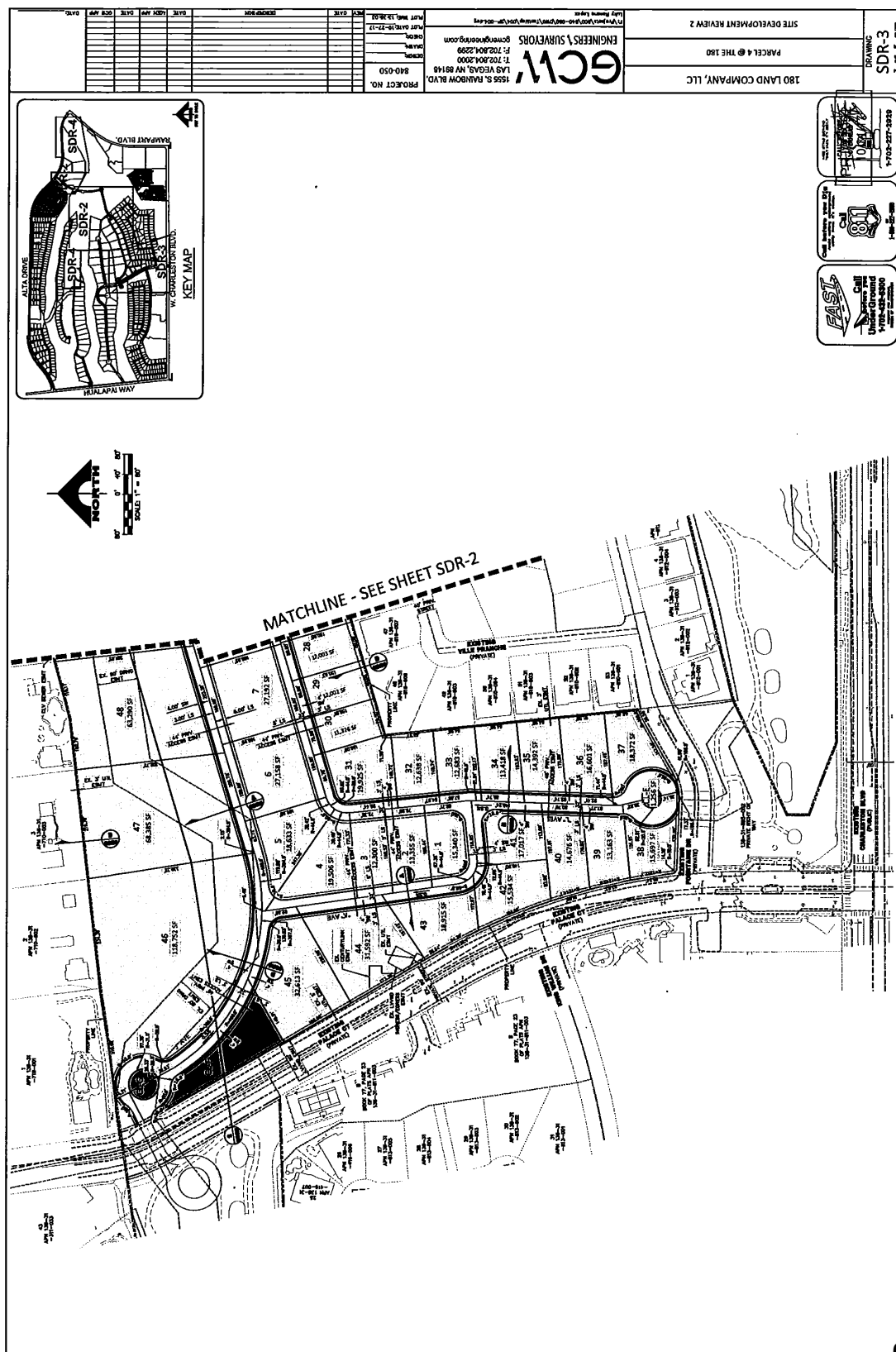
WVR-72010

PRJ-71992
10/31/17

002957

LO 00002227

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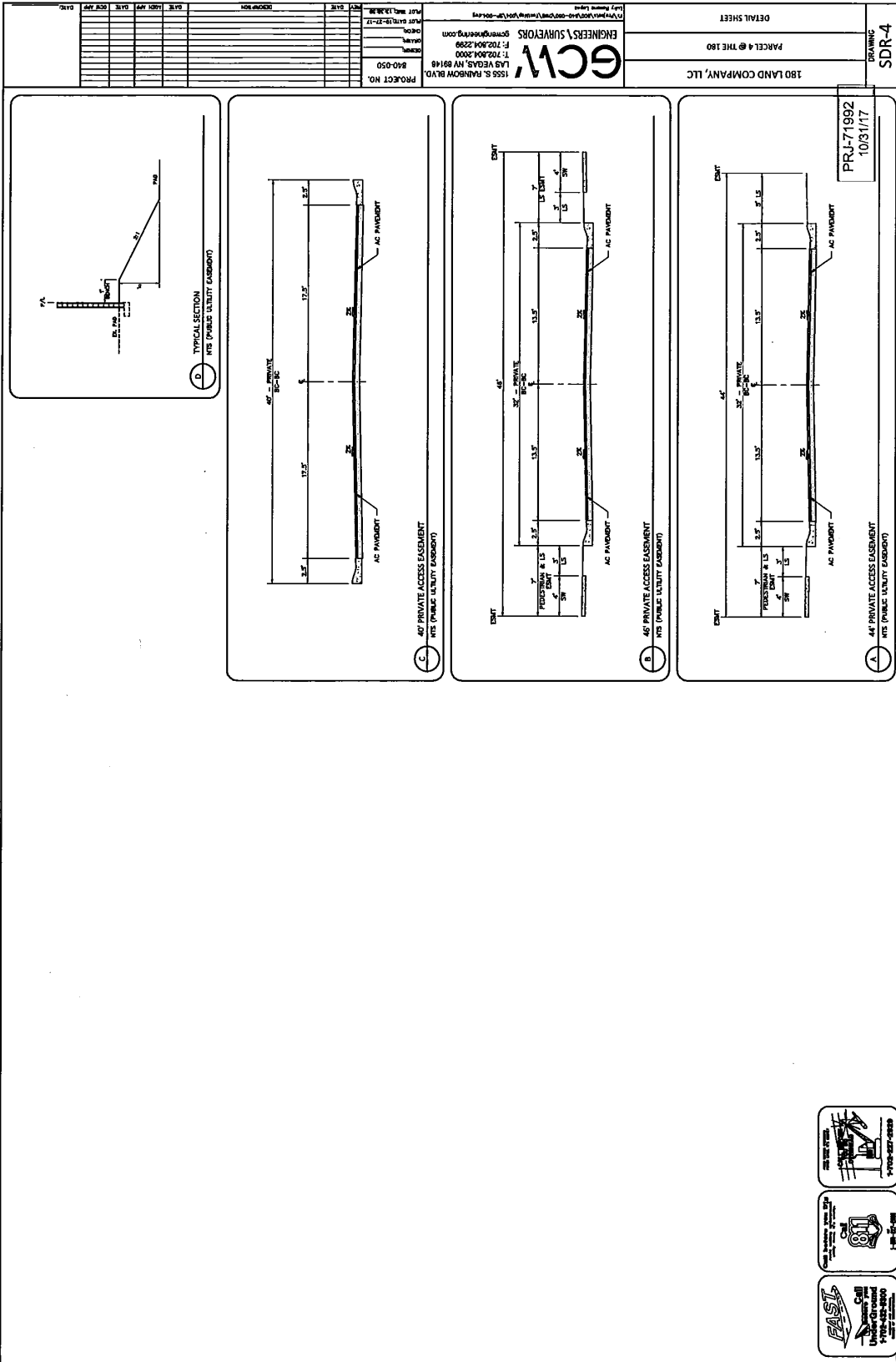
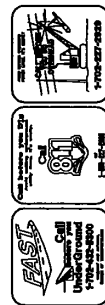


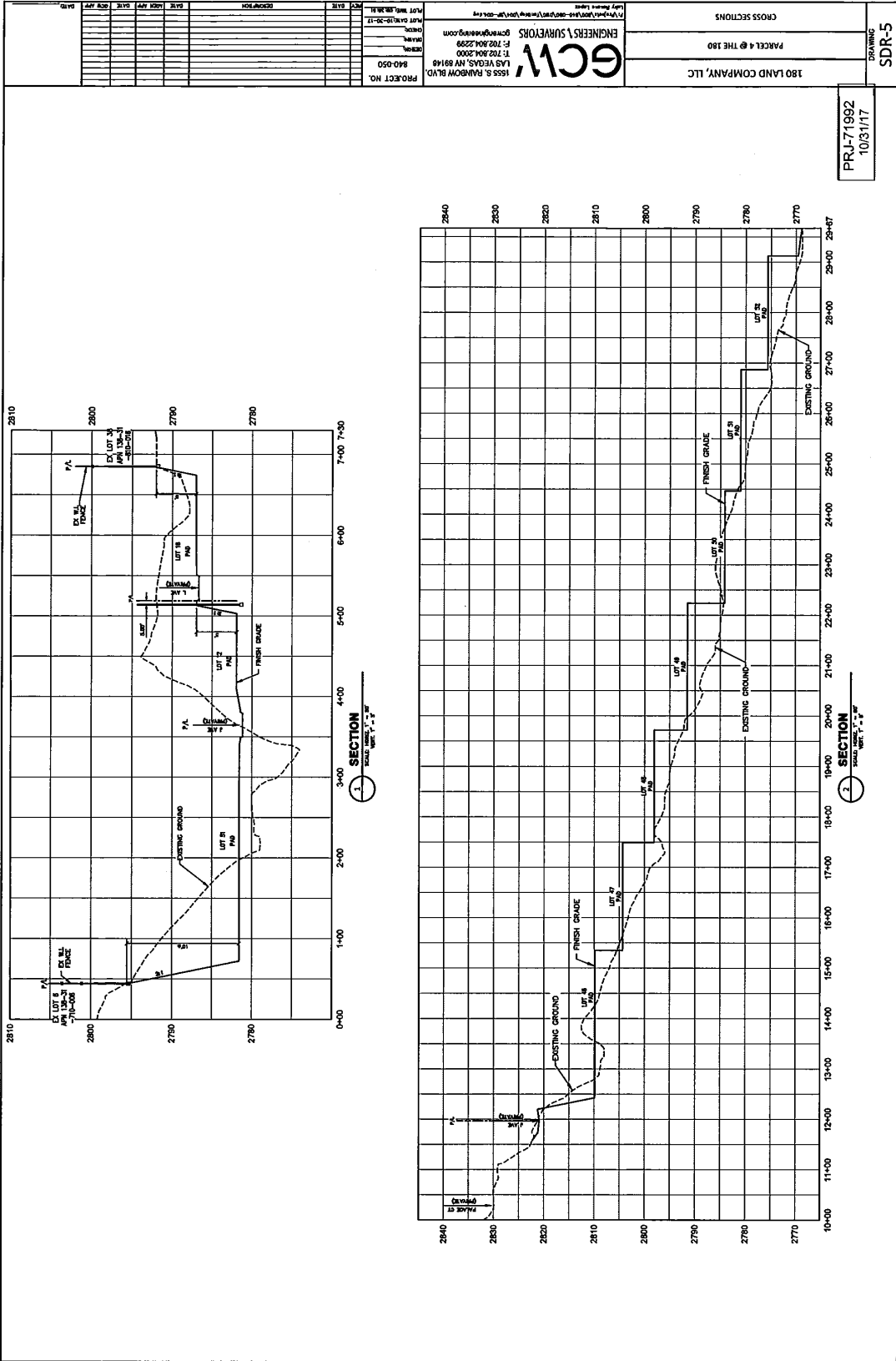
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WVR-72010, SDR-72011 and TMP-72012

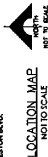
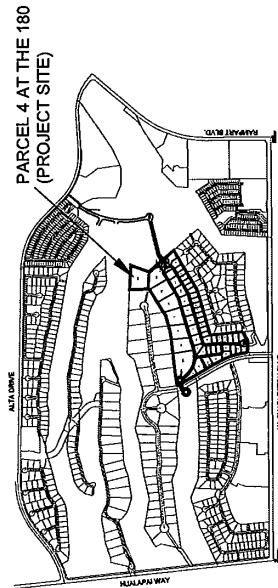
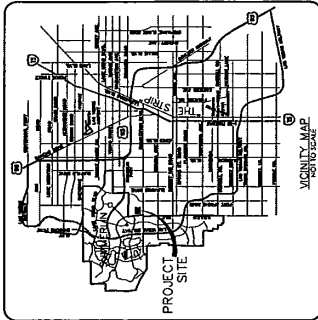
WVR-72010, SDR-72011 and TMP-72012



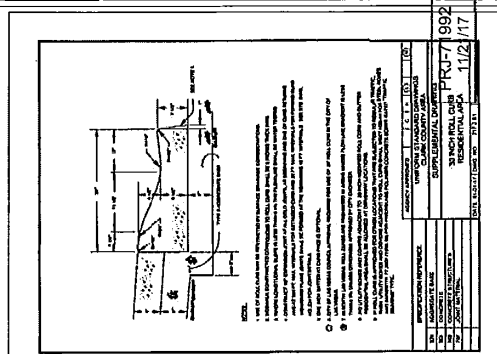
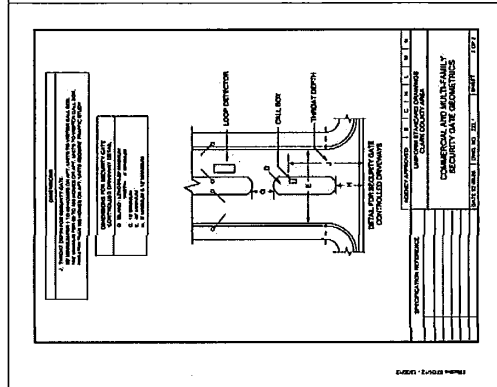
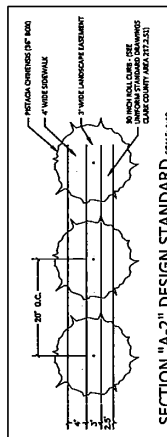
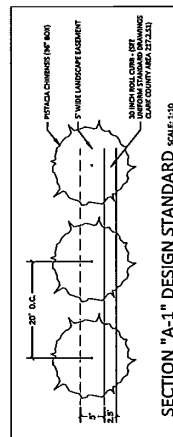


WVR-72010, SDR-72011 and TMP-72012

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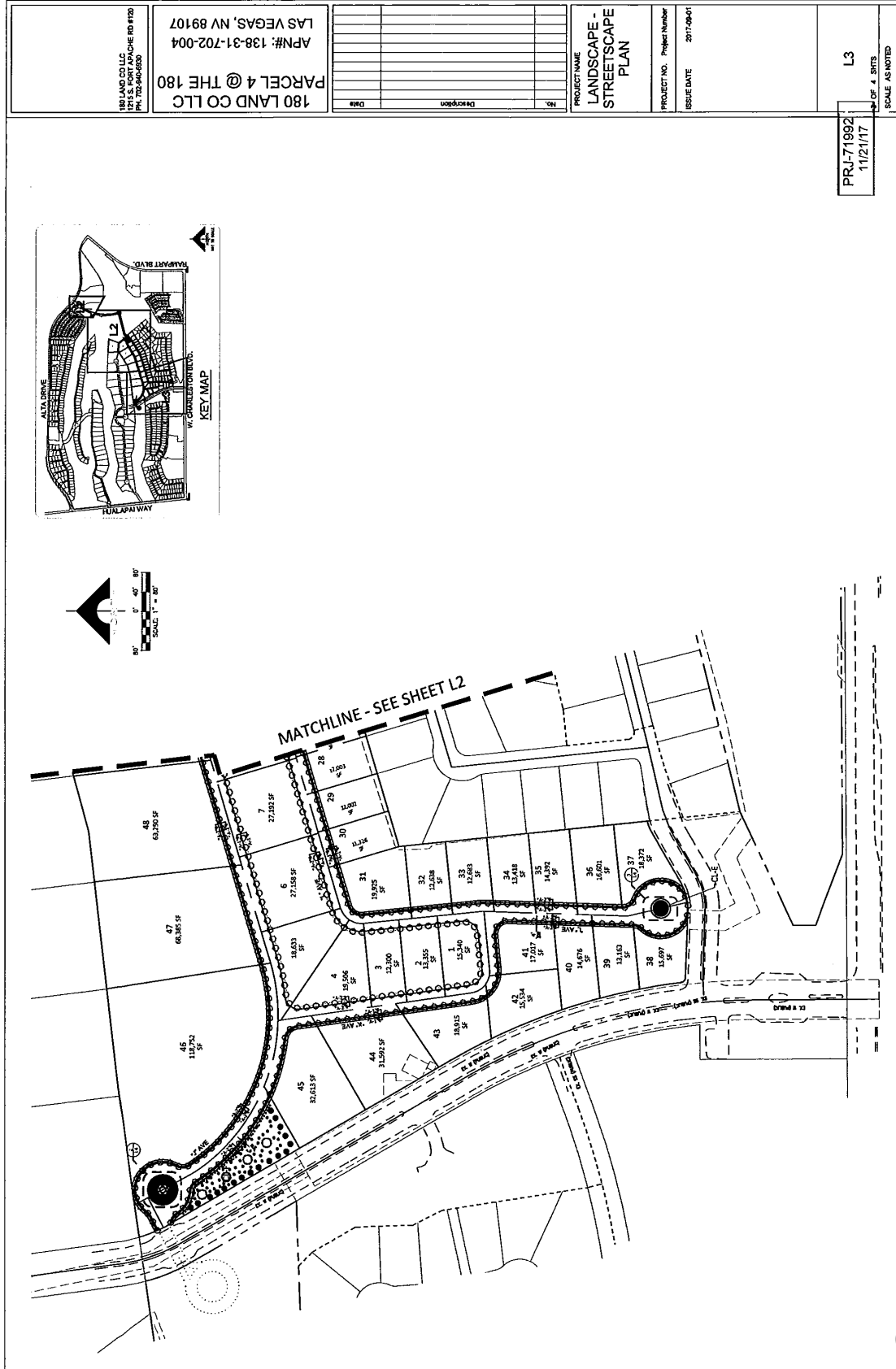
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SYMBO	BOTANICAL NAME	COMMON NAME	SIZE
	PLANTAIN AERIFOLIA	LODION PLAIN	3" BOX
	HEPICAL CHERRIES	CHERRY PETITOSE	3" BOX
	PIEWEAR CHAMBEREDS	CANARY SLAND DATE	3" BOX
	LAGERBERRIES REDCA	CANARY WHITE	3" BOX
	MARSHAL D.S. BLANCHARD	D.S. BLANCHARD	3" BOX
	BOYKOLA MEDICINA	BOYKOLA MEDICINA FOD	18 GALL
	PHYTOSPIRMA TIBERIA	AUSTRIALIA LAUREL	18 GALL
	PHYTOSPIRMA TIBERIA	WESTERN TIBERIA	18 GALL
	PHYTOSPIRMA TIBERIA	WESTERN TIBERIA	8 GALL
	CHERRY FIVE	CHERRY FIVE	3 GALL



002963

WVR-72010, SDR-72011 and TMP-72012 - REVISED



WVR-72010, SDR-72011 and TMP-72012 - REVISED

NOTES

This map is for assessment use only and does NOT represent a survey.
No liability is assumed for the accuracy of the data delineated herein.
Information on roads and other non-assessed parcels may be obtained
from the Road Document Listing in the Assessor's Office.
This map is compiled from official records, including surveys and deeds,
and is not a field sketch. It is not intended to be used as a legal document.
For more detailed legal information, consult the relevant documents.

USE THIS SCALE TO DETERMINE DISTANCE FROM THIS CORNER

MAP LEGEND

PRICES: BOUNDARY ☐ CONDOMINIUM UNIT ☐ DOT ROAD PARCEL NUMBER
 PAVED BOUNDARY ☐ AIRSPACE PCL ☐ DOT PARCEL NUMBER
 ROAD BOUNDARY ☐ RIGHT OF WAY PCL ☐ LOT ACRES
 MATCH LEADER LINE ☐ SUB-SURFACE PCL ☐ 202 PARCEL SURFACED NUMBER
 HISTORIC LOT LINE ☐ HISTORIC LOT LINE ☐ 1924-45 PLAT RECORDING NUMBER
 HISTORIC PAVED BOUNDARY ☐ HISTORIC PAVED BOUNDARY ☐ BLOCK NUMBER
 SECTION LINE ☐ SECTION LINE ☐ D.E. SDR LOT NUMBER

ASSESSOR'S PARCELS - CLARK CO., NV.
 Michele W. Shafe - Assessor

T20S R60E

7 225	125	124
36 137	138	139
15 164	163	162
12 172	171	170

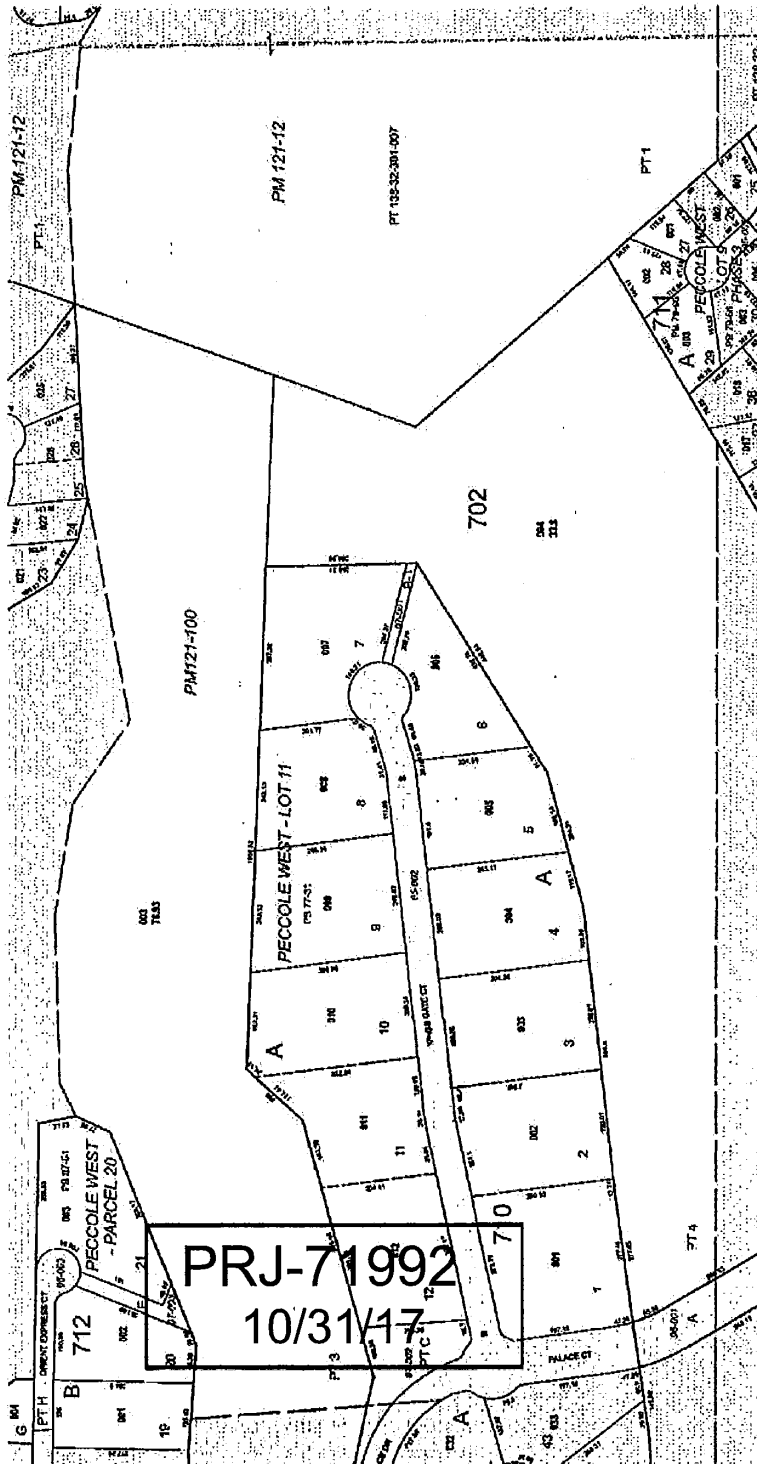
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N 2 SE 4

1	2	3	4	5
6	7	8	9	10
11	12	13	14	15
16	17	18	19	20
21	22	23	24	25
26	27	28	29	30
31	32	33	34	35
36	37	38	39	40
41	42	43	44	45
46	47	48	49	50
51	52	53	54	55
56	57	58	59	60
61	62	63	64	65
66	67	68	69	70
71	72	73	74	75
76	77	78	79	80
81	82	83	84	85
86	87	88	89	90
91	92	93	94	95
96	97	98	99	100

138-31-7

Scale: 1" = 500' Rev: 2/6/2017



TAX DIST 200

WVR-72010, SDR-72011 and TMP-72012

002967

LO-00002937

7155

NOTES

This map is for assessment use only and does NOT represent a survey. No liability is assumed for the accuracy of the data delineated herein. Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.

The map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE TO MEASURE AND REDUCE FROM TRUE DISTANCE.

0 100 200 300

MAP LEGEND

ROAD BOUNDARY	CONDOMINIUM UNIT	007 ROAD PARCEL NUMBER
RAILROAD BOUNDARY	ADJACENT PLOT	100 ADJACENT
ROAD DRAINAGE	RIGHT OF WAY PCL	202 PARCEL SURVEY NUMBER
WATER BOUNDARY	SUBDIVISION PCL	90 30 40 50 60 70 80 90 100
WATER LEADER LINE		5 ROAD NUMBER
HISTORIC SUB BOUNDARY		LOT NUMBER
SECTION LINE		

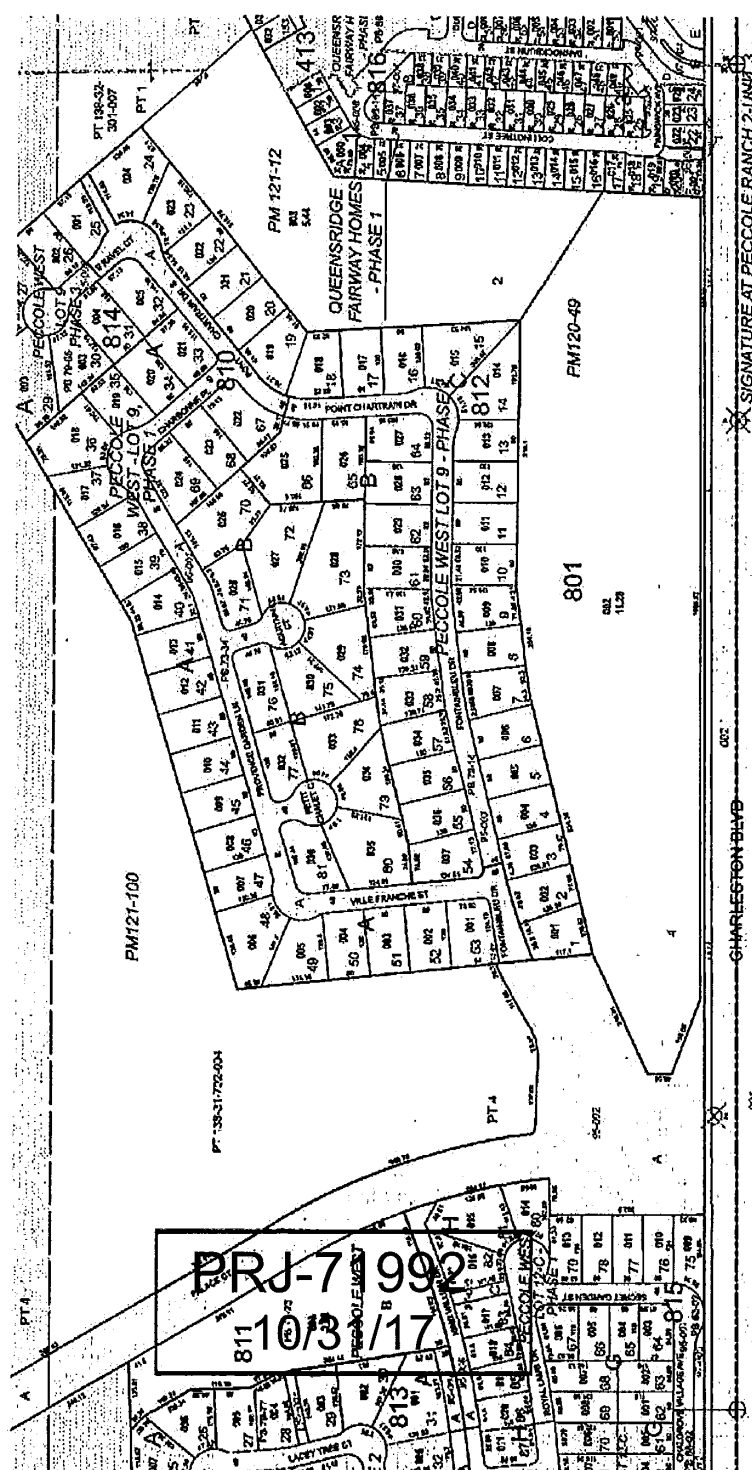
Scale: 1" = 200' Rev: 2/6/2017

ASSESSOR'S PARCELS - CLARK CO., NV.
Michele W. Shale - Assessor

T205 R60E	31	138-31-8
-----------	----	----------

S2 SE 4

1	2	3	4	5	6	7	8	9	10	11	12	13	14	15	16	17	18	19	20	21	22	23	24	25	26	27	28	29	30	31	32	33	34	35	36	37	38	39	40	41	42	43	44	45	46	47	48	49	50	51	52	53	54	55	56	57	58	59	60	61	62	63	64	65	66	67	68	69	70	71	72	73	74	75	76	77	78	79	80	81	82	83	84	85	86	87	88	89	90	91	92	93	94	95	96	97	98	99	100
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WVR-72010, SDR-72011 and TMP-72012

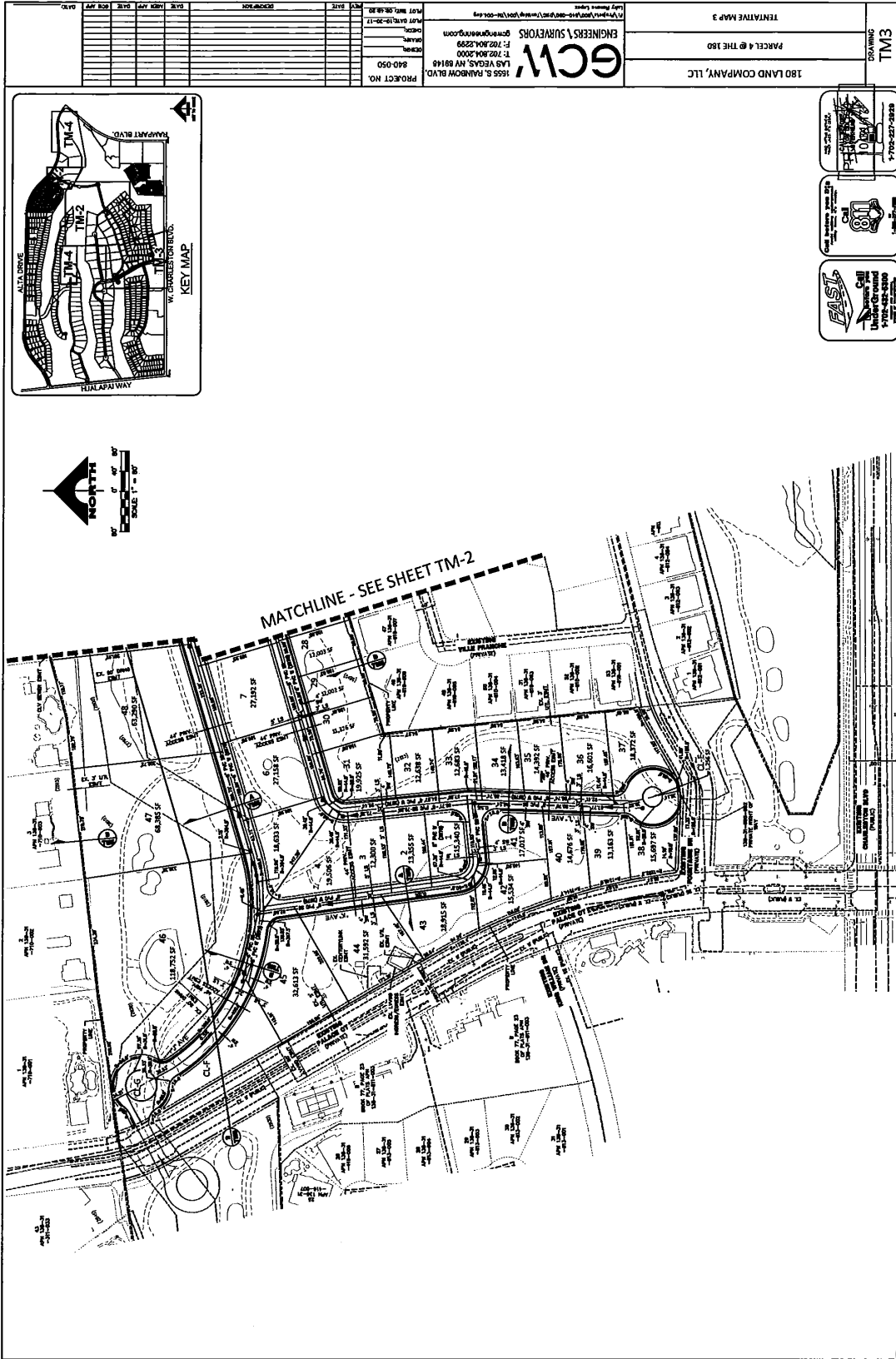
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002970





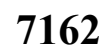
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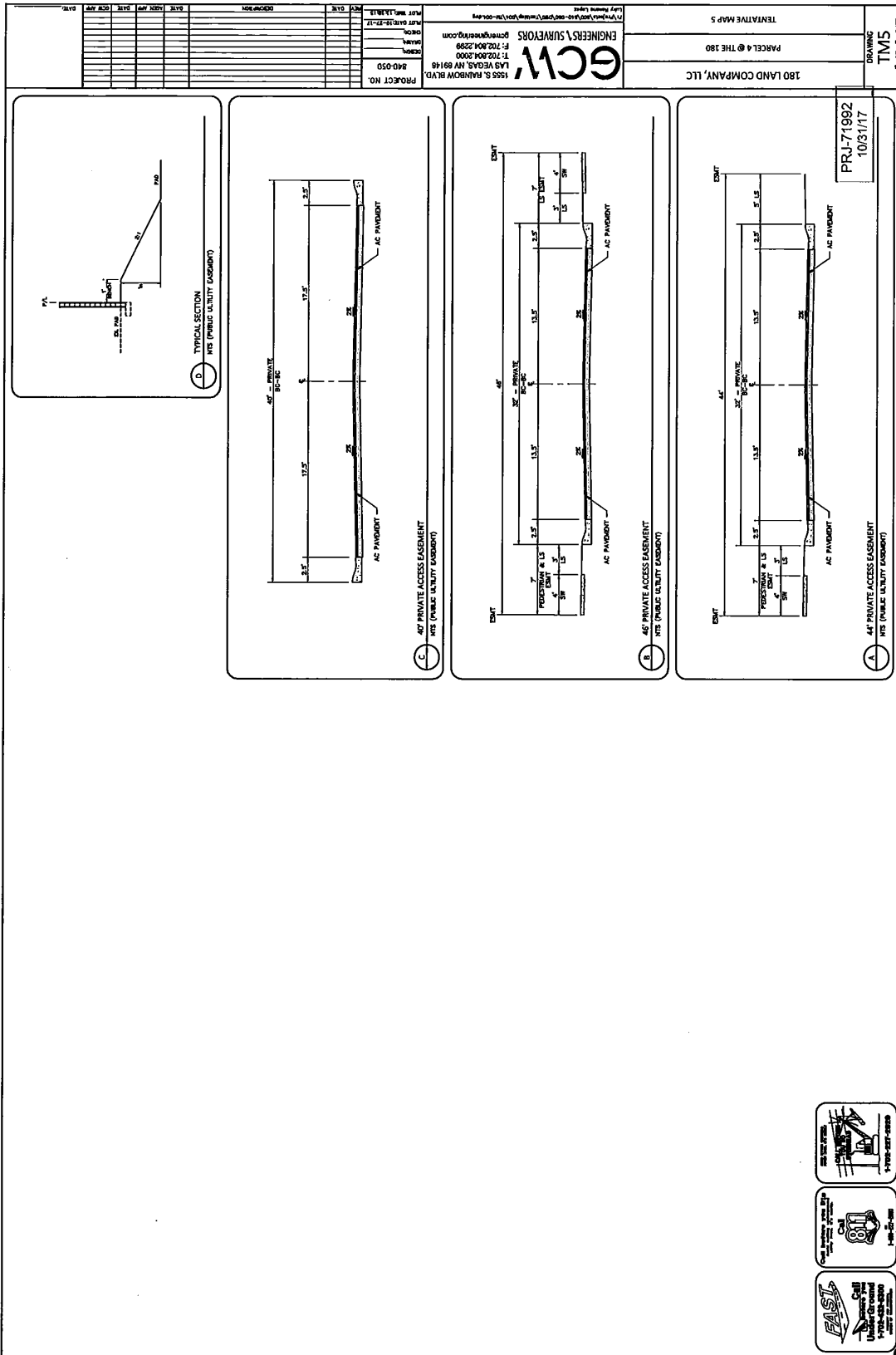
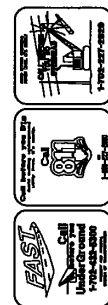
WVR-72010, SDR-72011 and TMP-72012

7161

7162



WVR-72010, SDR-72011 and TMP-72012





DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SDR

Project Address (Location) Alta Drive and Hualapai Way

Project Name Parcel 4 @ THE 180 Proposed Use R-PD7

Assessor's Parcel #(s) 138-31-702-004 Ward # 2

General Plan: existing _____ proposed _____ Zoning: existing R-PD7 proposed _____

Commercial Square Footage _____ Floor Area Ratio _____

Gross Acres 33.8 Lots/Units 52 Density 1.538

Additional Information _____

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie

Address 1215 South Fort Apache Road #120 Phone: (702) 840-8930 Fax: (702) 840-8931

City Las Vegas State Nevada Zip 89117

E-mail Address yohan@ehbcompanies.com

APPLICANT 180 Land Co. LLC Contact Yohan Lowie

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City Las Vegas State Nevada Zip 89117

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REPRESENTATIVE GCW, Inc. Contact Cindie Gee

Address 1555 South Rainbow Phone: (702) 804-2107 Fax: (702) 804-2299

City Las Vegas State Nevada Zip 89146

E-mail Address cgee@gcwengineering.com

I certify that I am the applicant and that the information submitted with this application is true and accurate to the best of my knowledge and belief. I understand that the City is not responsible for inaccuracies in information presented, and that inaccuracies, false information or incomplete application may cause the application to be rejected. I further certify that I am the owner or purchaser (or option holder) of the property involved in this application, or the lessee or agent fully authorized by the owner to make this submission, as indicated by the owner's signature below.

Property Owner Signature* (See Attached)

* An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Yohan Lowie

Subscribed and sworn before me

This 18th day of October, 20 17.

Jennifer Knighton

Notary Public in and for said County and State

Revised 03/28/16



JENNIFER KNIGHTON
Notary Public, State of Nevada
Appointment No. 14-1508
My Appt. Expires Sep 11, 2018

FOR DEPARTMENT USE ONLY

Case # **SDR-72011**

Meeting Date: _____

Total Fee: _____

Date Received: * _____

Received By: _____

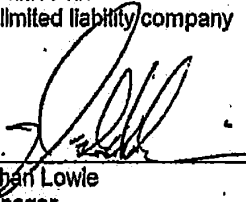
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LO 00002247

7165

180 Land Co. LLC
Nevada limited liability company

By: EHB Companies LLC
A Nevada limited liability company
Its: Manager

By: 
Name: Yohan Lowie
Its: Manager
Date: 10/31/17

SDR-72011

PRJ-71992
10/31/17

002978

LO 00002248

7166



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: Tentative Map
 Project Address (Location) Alta Drive and Hualapai Way
 Project Name Parcel 4 @ THE 180 Proposed Use R-PD7
 Assessor's Parcel #(s) 138-31-702-004 Ward # 2
 General Plan: existing _____ proposed _____ Zoning: existing R-PD7 proposed _____
 Commercial Square Footage _____ Floor Area Ratio _____
 Gross Acres 33.8 Lots/Units 52 Density 1.538
 Additional Information _____

PROPERTY OWNER 180 Land Co. LLC Contact Yohan Lowie
 Address 1215 South Fort Apache Road #120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State Nevada Zip 89117
 E-mail Address yohan@ehbcompanies.com

APPLICANT 180 Land Co. LLC Contact Yohan Lowie
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 E-mail Address yohan@ehbcompanies.com

REPRESENTATIVE GCW, Inc. Contact Cindie Gee
 Address 1555 South Rainbow Phone: (702) 804-2107 Fax: (702) 804-2289
 City Las Vegas State Nevada Zip 89146
 E-mail Address cgee@gcwengineering.com

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Property Owner Signature* See Attached

*An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.

Print Name Yohan Lowie

Subscribed and sworn before me

This 18th day of October, 20 17

Jennifer Knighton

Notary Public in and for said County and State

Revised 03/28/16



FOR DEPARTMENT USE ONLY

Case # **TMP-72012**
 Meeting Date:
 Total Fee:
 Date Received: *
 Received By:

*The application will not be deemed complete until the submitted materials are accepted by the Department of Planning for consideration, with applicable portions of the Zoning Ordinance.

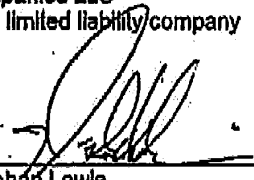
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LO 00002249

7167

180 Land Co. LLC
Nevada limited liability company

By: EHB Companies LLC
A Nevada limited liability company
Its: Manager

By: 
Name: Yohan Lowle
Its: Manager
Date: 10/31/17

TMP-72012

PRJ-71992
10/31/17

002980

LO 00002250

7168

BUILDING SETBACK TABLE (RPD7):

[illegible]

BUILDING HEIGHTS TABLE (RBD7):		
BUILDING HEIGHTS	LOTS ≤ 20,000 SF	LOTS > 20,000 SF
MAIN STRUCTURE	40'	50'
ACCESSORY STRUCTURES	25'	30'

OF FLOORS - SINGLE AND TWO STORY ON PLAT OF OVER 10,000 SQ. FT. OF FLOORS ON LOTS > 20,000 SQ. FT. ARE ALLOWED

USES - SINGLE FAMILY RESIDENCES AND ACCESSORY STRUCTURES

BUILDING ELEVATIONS AND FLOOR PLANS

LOT'S SQUARE FOOTAGE

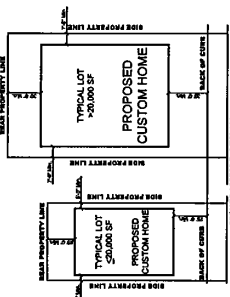
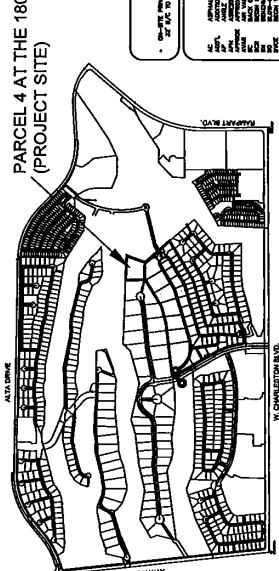
INDIVIDUAL COMMON LOT AREAS				TOTAL
LOT ID	AREA (AC)	LOT ID	AREA (AC)	
Q-1	0.18	Q-7	0.43	0.81
Q-2	0.33	Q-8	0.19	
Q-3	0.33	Q-9	0.09	
Q-4	0.08	Q-1	0.08	
Q-5	0.03	Q-1	0.31	

*OPEN SPACE REQUIRED PER TITLE 19.06.040
(R-PD CODE SECTION)

ENGINEER AND SURVEYOR:
D&W, INC.
555 S. RAINBOW BOULEVARD
LAS VEGAS, NV 89146
PHONE: 702-404-2000
FAX: 702-404-2269

UTILITY SERVICES BY:
LAS VEGAS VALLEY WATER DISTRICT
CITY OF LAS VEGAS SEWER
PUBLIC SERVICES OF SOUTHERN
SARASOTA
ENERGY
NORTHWEST GAS CORPORATION
COMMUNICATIONS LAS VEGAS

**TENTATIVE MAP FOR
PARCEL 4 • THE 180
APN 138-31-702-004
138-32-202-001
138-32-210-008
138-32-301-007**



TYPICAL BUILDING SETBACKS



FAST

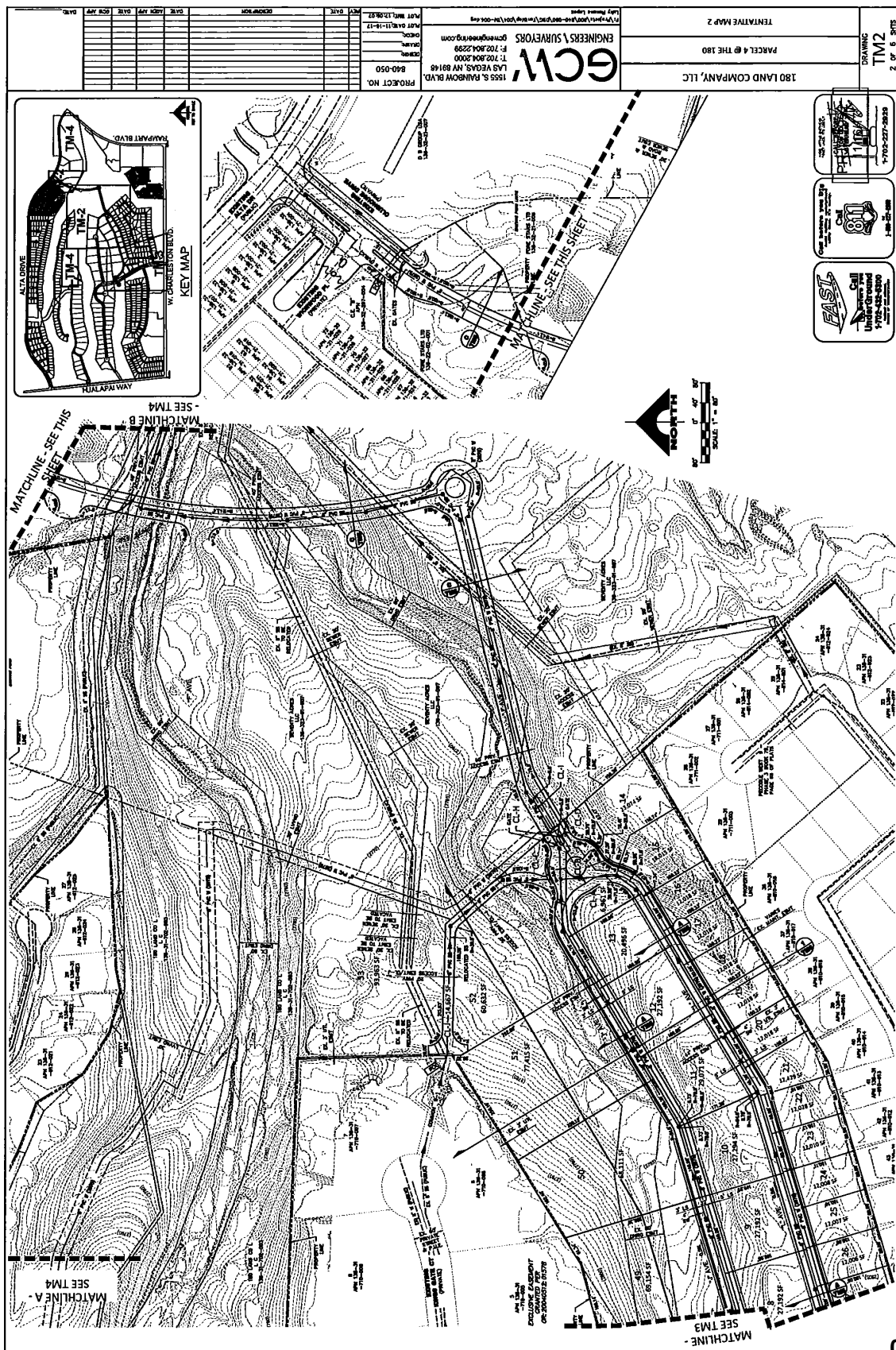
Call
**Getters You
 Under Ground**
 1-702-322-8900
 9-702-322-8900
 24 HOURS A DAY

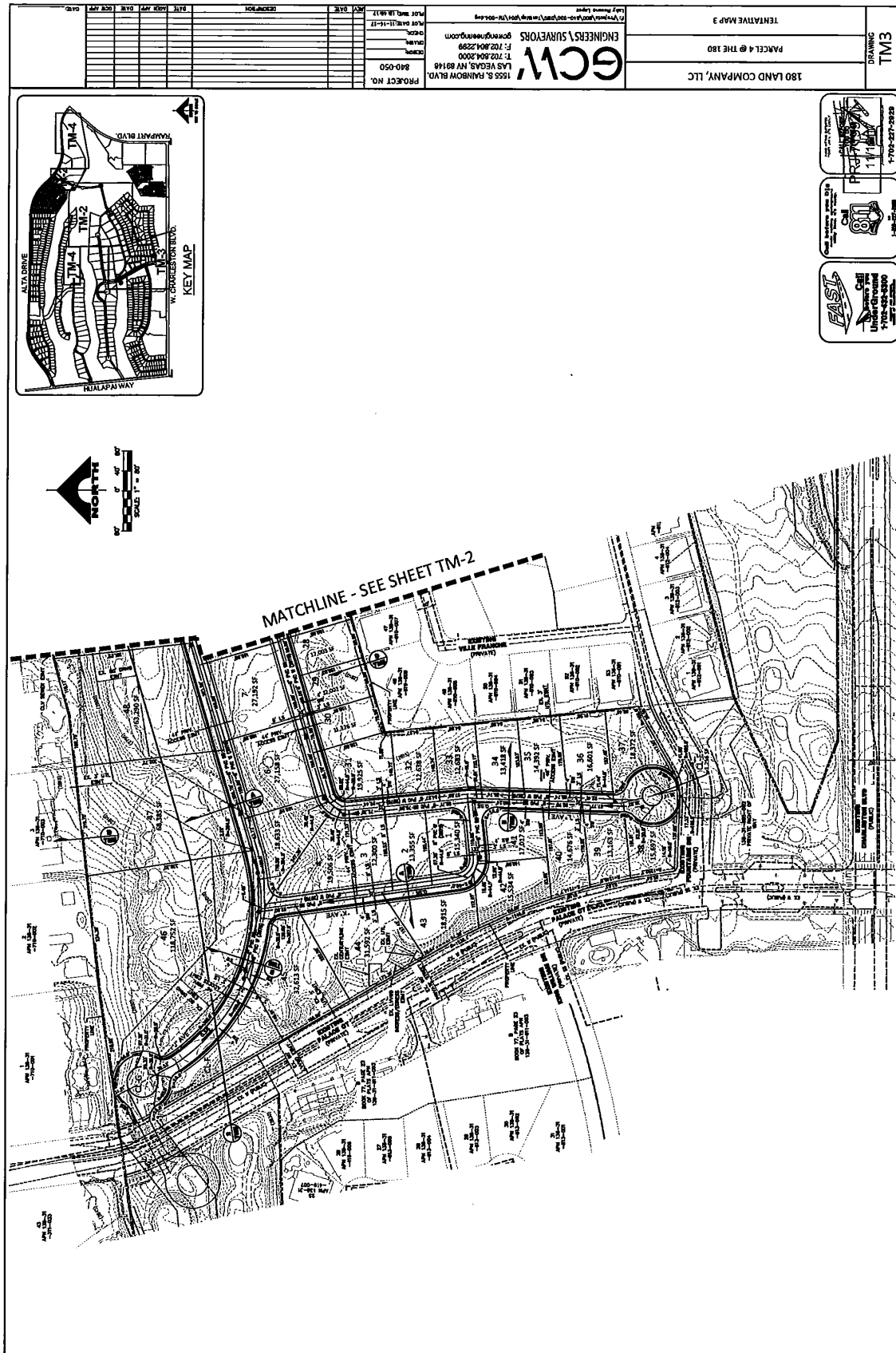
TMP-72012 - REVISED

002981

LO 0000225

[illegible][illegible][illegible]



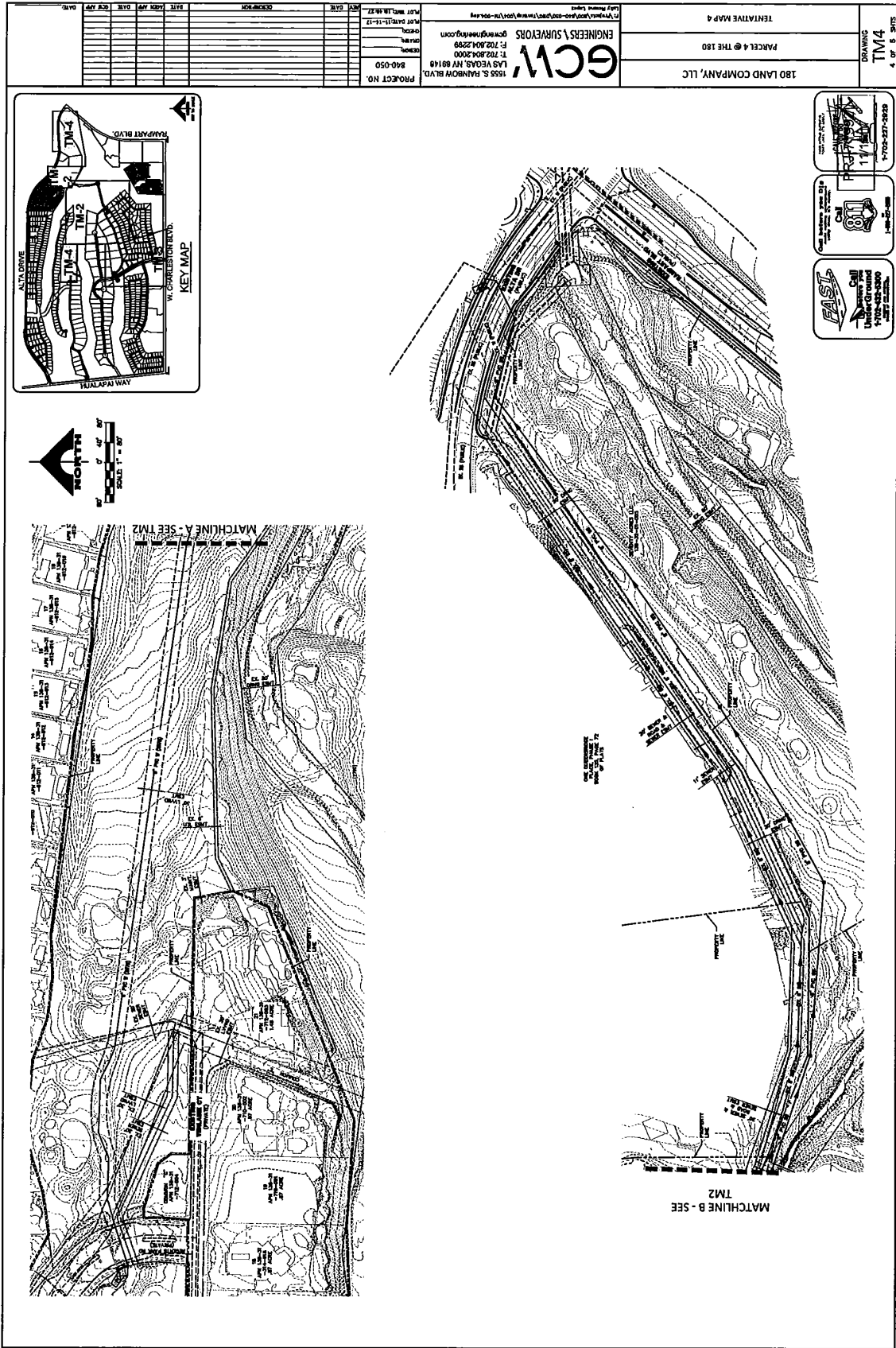


TMP-72012 - REVISED

002983

LO 00002253

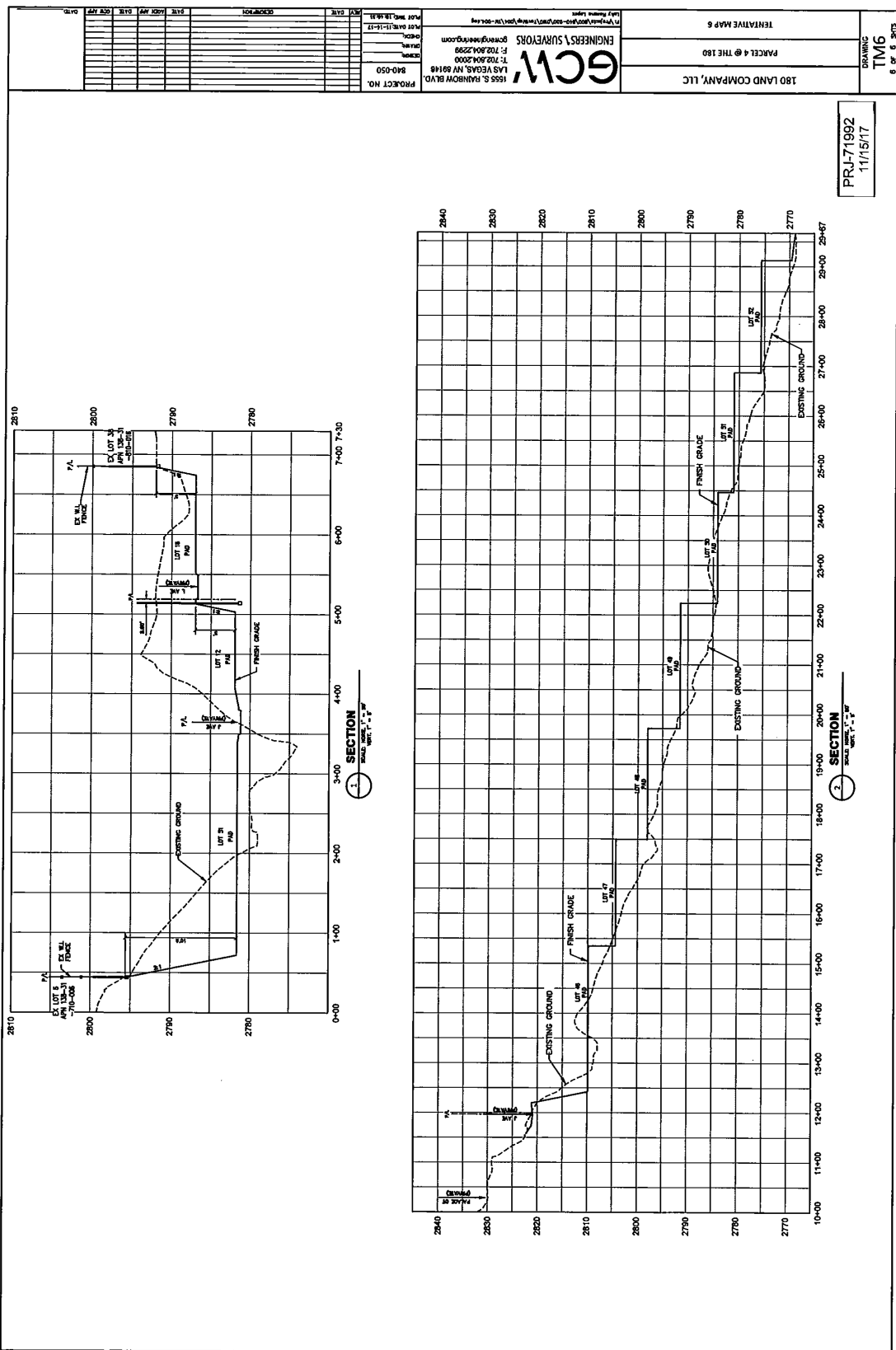
7171



TMP-72012 - REVISED

002984
 LO 00002254
 7172





TMP-72012 - REVISED

002986
LO 00002256

Exhibit 98



Mr. Peter Lowenstein
City of Las Vegas Department of Planning
333 North Rancho Dr.
Las Vegas, NV 89106

Re: 180 Land Co LLC ("Applicant") - Justification Letter for General Plan Amendment [SUBMITTED UNDER PROTEST] to Assessor's Parcel ("APN(s)") 138-31-601-008, 138-31-702-003, 138-31-702-004 (consisting of 132.92 acres collectively "Property") – from PR-OS (Park, Recreation and Open Space) to ML (Medium Low Density Residential) as part of applications under PRJ-71990, PRJ-71991, and PRJ-71992.

Dear Mr. Lowenstein,

We have been advised by Stephanie Allen, Esq. of Kaempfer Crowell, following a conversation she had with City Attorney Brad Jerbic, that the City of Las Vegas will not consider the above referenced applications at the Planning Commission meeting on December 12, 2017 unless a General Plan Amendment is filed. It was explained to Ms. Allen, that the basis for the City requiring the submission of a GPA application is an appeal filed by Frank Schreck on November 22, 2017. [Note – We have reviewed the "appeal". Notwithstanding that Mr. Schreck does not qualify as an "aggrieved" party, it is procedurally barred.]

This position now mandated by the City is blatantly contradictory to the positions previously taken by the City.

The City's imposition of a requirement to file a concurrent GPA application with pending applications is a violation of NRS 278.349(3)(e) which specifically contemplates inconsistent classifications between an existing zoning ordinance and the master plan at the time a governing body is considering final action on a tentative map and provides that in such an event, the zoning ordinance takes precedence. Further, there is no such requirement in Title 19 of the CLV Unified Development Code.

On June 21, 2017, the City's Staff Report for DIR-70539 [PRJ-70542] stated:

- *"Nevada Revised Statutes (NRS) Chapter 278.0349 states that where the zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence. The parties to this agreement acknowledge that the extant approved zoning and land use designations for this site do not match. The City may request a General Plan Amendment at a future date to make the land use and zoning designations consistent."*

On November 13, 2017, Peter Lowenstein, Acting Planning Director stated in an email:

"As discussed on the phone this morning and then again this evening City staff is requesting that a General Plan Amendment be submitted in conjuncture with the already submitted Waivers, Site Development Plan Review and Tentative Map applications. You had voiced concerns over the submittal of the application and so I proposed the following options:

PRJ-72218
11/30/17

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LO 00002271

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1. *File the General Plan Amendment with a cover letter stating that you are filing the application in protest as you believe...(state your arguments to preserve rights) and the items be heard at the January 9, 2018 Planning Commission meeting.*
2. *Move forward with your current applications with the staff report indicating staff's request for the General Plan Amendment and your position to the request.*

Please let me know your thoughts and decision. Thank you.

*Peter Lowenstein
Acting Planning Director"*

On November 14, 2017, Todd D. Davis, Esq., sent an email to City Attorney Brad Jerbic (in response to the November 13, 2017 email from Peter Lowenstein requesting our election on how to proceed), asking:

"In order for us to make an election as requested by Peter's email below, can you please provide a specific statutory or ordinance citation that requires the submission of a GPA by a tentative map applicant under the subject land's existing zoning (either concurrently or subsequently)?"

[No response to this email was received from City Attorney Brad Jerbic.]

On November 21, 2017, Peter Lowenstein, Acting Planning Director, stated in an email to George Garcia:

"Thank you for your inquiries into the Projects PRJ-71990, PRJ-71991 & PRJ-71992. The Department of Planning has requested (not required) a General Plan Amendment to accompany the proposed projects. Pursuant to the Las Vegas Municipal Code the submitted application types should be consistent with the General Plan, however are not required through specific code language."

In response to Peter Lowenstein's request for an election to proceed under his Option #1 or #2, as outlined in his email, the applications were filed under Option #2. Subsequently, and in direct response to the invalid appeal filed by Frank Schreck, the City, after accepting the applications, has rescinded Option #2. As such, a GPA application is hereby being submitted, under protest, as being legally unnecessary for the reasons outlined within this letter.

This newly imposed requirement makes it clear that the intention of the City is improperly delay the applications.

Additionally, as a result of the City's inability to establish that it was properly established in the CLV 2020 Master Plan, on January 26, 2016, James J. Jimmerson, Esq. sent a letter to City Attorney Brad Jerbic objecting to the PR-OS land use designation on the property, and formally requesting that the City correct its records. As such, there is no basis for the City to request that the Applicant submit a GPA as the designation is illegal and inapplicable to the property.

This GPA, submitted under protest, is a request to bring the Land Use designation in conformance with the Property's zoning. For the reasons stated herein, as well as all other applicable protections afforded under Nevada law, the Applicant reserves all rights and remedies with respect to Applicant's objections to the City's mandate that the GPA be filed, and the applicability of the PR-OS designation with respect to the property.

//

PRJ-72218
11/30/17

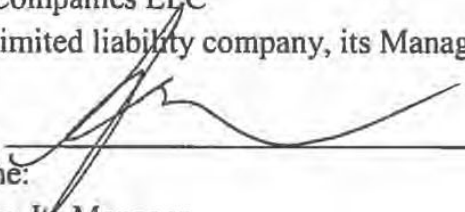
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LO 00002272

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180 Land Co LLC,
a Nevada limited liability company

By: EHB Companies LLC
a Nevada limited liability company, its Manager

By: 
Name: _____
Title: Its Manager
Date: 11/30/17 _____

PRJ-72218
11/30/17

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LO 00002273

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Exhibit 99

*City of Las Vegas***AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: JANUARY 9, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 180 LAND CO, LLC

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
GPA-72220	Staff recommends APPROVAL.	N/A

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED** 31**NOTICES MAILED** 1616**PROTESTS** 14**APPROVALS** 37

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Staff Report Page One
January 9, 2018 - Planning Commission Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

At the city's request, the applicant has submitted an application for a General Plan Amendment to change the land use designation of three large parcels on 132.92 acres currently developed as a portion of a nonoperational golf course on the east side of Hualapai Way, north of Charleston Boulevard. The current designation is PR-OS (Parks/Recreation/Open Space). If approved, the amendment would change the designation to ML (Medium Low Density Residential), which would allow for residential densities of up to 8.49 dwelling units per acre on the subject parcels. The request would align the General Plan designation on these parcels with the existing zoning designation of R-PD7 (Residential Planned Development – 7 Units per Acre).

ISSUES

- A General Plan Amendment for consistency between the General Plan and zoning of the subject properties is not required for redevelopment, as the properties were rezoned prior to the current PR-OS designation.
- The applicant has submitted this General Plan Amendment application under protest.
- The City of Las Vegas, for consistency between the General Plan and the zoning designation of the subject properties, has requested this amendment.
- A Waiver, Site Development Plan Review and Tentative Map for three separate residential developments have been submitted for each parcel in this request. These requests will be heard concurrently with the General Plan Amendment request.

ANALYSIS

This request, if approved, would rectify the incongruity between the existing R-PD7 (Residential Planned Development – 7 Units per Acre) zoning designation of the three subject properties and the existing General Plan designation, which is PR-OS (Parks/Recreation/Open Space). The PR-OS designation has no assigned density associated with it; however, as these parcels were zoned R-PD7 prior to designation of the parcels as PR-OS in the City's General Plan, a General Plan Amendment is not required for redevelopment. Staff has recommended that a General Plan Amendment be submitted for consistency with Title 19, the Las Vegas 2020 Master Plan and prior requests in this area of the city, where new applications had been filed and the existing zoning did not conform to the established General Plan.

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Staff Report Page Two
January 9, 2018 - Planning Commission Meeting

The Las Vegas Municipal Code provides guidance regarding the relationship between the General Plan and zoning districts. Title 19.00.050 states, "The General Plan serves as a guideline and framework for the zoning and regulatory provisions of this Title. With respect to the Land Use Element of the General Plan, there are goals, objectives and provisions for use categories and density ranges, but also for the achievement of other planning objectives such as appropriate mixing and buffering of uses to ensure overall compatibility." Further, Title 19.16.110 states that, "Except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezoning, Site Development Plan Reviews, Special Use Permits, Variances, Waivers, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan." The Land Use & Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan further explains that, "Each Master Plan designation has specific zoning categories that are compatible, and any zoning or rezoning request must be in substantial agreement with the Master Plan as required by Nevada Revised Statutes 278.250 and Title 19.00 of the Las Vegas Municipal Code."

After the approval of zoning designations within the plan area for Phase 2 of the Peccole Ranch Master Development Plan was achieved through Rezoning case Z-0017-90, the 1992 General Plan for the City of Las Vegas subsequently designated the then proposed golf course area P (Parks/Recreation/Open Space) and the various residential areas around the proposed golf course as ML (Medium Low Density Residential). As development uses within Phase 2 of the Peccole Ranch Master Development Plan area deviated from the General Plan, the city requested a General Plan Amendment to achieve consistency with the General Plan. As the subject parcels are no longer intended to remain used for a golf course or open space, but instead for residential development, an amendment to the General Plan is therefore appropriate and consistent with previous requests from the city. The applicant has submitted this request for a General Plan Amendment under protest as being legally unnecessary, given that a General Plan Amendment is not specifically required by code.

The existing Parks/Recreation/Open Space category allows large public parks and recreation areas such as public and private golf courses, trails, easements, drainage ways, detention basins, and any other large areas or permanent open land. No specific density or intensity level is defined by the Land Use & Rural Neighborhoods Preservation Element of the Las Vegas 2020 Master Plan. This category is no longer appropriate for the proposed residential land use on the subject parcels.

The Medium Low Density Residential designation generally permits single-family detached homes, including compact lots and zero lot lines, mobile home parks and two-family dwellings. Local supporting uses such as parks, other recreation facilities, school and churches are allowed in this category. The maximum allowable density is 8.49 dwelling units per acre. Seven of the nine groups of residential subdivisions

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Staff Report Page Three
January 9, 2018 - Planning Commission Meeting

surrounding the subject parcels are currently designated ML. The other two are designated MLA (Medium Low Attached Density Residential) and M (Medium Density Residential), which allow for higher densities than those applicable under this amendment. As the subject parcels are currently zoned R-PD7, further development requires approval of a Site Development Plan Review to ensure consistency and compatibility of uses and proposed development standards with the surrounding uses, development and zoning districts.

Pursuant to Title 19.18.020, this request has the potential to qualify as a Project of Regional Significance for which a DINA (Development Notice and Assessment) was requested and received. Data from this assessment was routed to affected entities; comments were received from the Regional Transportation Commission of Southern Nevada (RTCSN) and the Las Vegas Metro Police Department (LVMPD). Any additional comments will be made available prior to public hearing.

Per the RTCSN: Regarding transit, the attachment contains some inaccuracies: Route 207 now offers bus stops at the intersection of Alta & Rampart (closer to the site than Alta & Durango). Additionally, Route 120 now operates north-south along Rampart in this area, and Route 209 also serves the intersection of Alta & Rampart, providing additional transit options.

Per the LVMPD: The proposed project will be serviced by Northwest Area Command (NWAC), 9850 W. Cheyenne. It is approx. 6 miles from the project. Past reported 30 days, there have been 1706 calls for service in the vicinity. Average response time was 34.4 minutes. With the proposed new 1128 dwelling units, this project has the potential to increase calls for service and response times in the NWAC.

With regard to the General Plan Amendment request to ML (Medium Low Density Residential), the Clark County School District has commented that schools zoned for the property are over capacity. If the subject property is developed residential, accommodations need to be made for school age students.

FINDINGS (GPA-72220)

Section 19.16.030(I) of the Las Vegas Zoning Code requires that the following conditions be met in order to justify a General Plan Amendment:

- 1. The density and intensity of the proposed General Plan Amendment is compatible with the existing adjacent land use designations,**

The density of the proposed General Plan Amendment is compatible with the existing adjacent land use designations, which include ML (Medium Low Density Residential), MLA (Medium Low Attached Density Residential) and PR-OS (Parks/Recreation/Open Space).

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- 2. The zoning designations allowed by the proposed amendment will be compatible with the existing adjacent land uses or zoning districts,**

The ML (Medium Low Density Residential) designation allows for the designation of various standard residential zoning districts including U (Undeveloped), R-E (Residence Estates), R-1 (Single Family Residential), R-2 (Medium-Low Density Residential), R-SL (Residential Small Lot), R-CL (Single Family Compact-Lot) and R-MH (Mobile/Manufactured Home Residential) on the subject parcels. The current version of the Unified Development Code does not allow for rezoning to R-PD (Residential Planned Development). The surrounding existing adjacent residential development is zoned R-PD7, which is within the density range allowed by the proposed amendment.

- 3. There are adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed General Plan Amendment; and**

Additional streets, utilities and open space amenities would be constructed or extended to support the residential uses permitted by the proposed General Plan Amendment to ML (Medium Low Density Residential).

- 4. The proposed amendment conforms to other applicable adopted plans and policies.**

The approval for Phase 2 of the Peccole Ranch Master Development Plan allowed for a maximum of 4,247 dwelling units within the Phase 2 area. As the land in Phase 2 is currently zoned, if the subject parcels are developed to the maximum density allowed under the ML designation, the Phase 2 area would remain under the number of units allowed under the Peccole Ranch Master Development Plan.

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BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/17/80	The Board of City Commissioners approved the Annexation (A-0018-80) of 2,243 acres bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east. The annexation became effective on 12/26/80.
02/15/89	The City Council considered and approved a revised master development plan for the subject site and renamed it Peccole Ranch to include 1,716.30 acres. Phase One of the Plan is generally located south of Charleston Boulevard, west of Fort Apache Road. Phase Two of the Plan is generally located north of Charleston Boulevard, west of Durango Drive, and south of Charleston Boulevard, east of Hualapai Way. The Planning Commission and staff recommended approval. A condition of approval limited the maximum number of dwelling units in Phase One to 3,150. [Peccole Ranch Master Development Plan]
04/04/90	<p>The City Council approved an amendment to the Peccole Ranch Master Development Plan to make changes related to Phase Two of the Plan and to reduce the overall acreage to 1,569.60 acres. Approximately 212 acres of land in Phase Two was planned for a golf course. The Planning Commission and staff recommended approval. [Peccole Ranch Master Development Plan]</p> <p>The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to multiple zoning districts) to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development – 7 Units per Acre) and C-1 (Limited Commercial) on 996.40 acres on the east side of Hualapai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. A condition of approval limited the maximum number of dwelling units for Phase Two of the Peccole Ranch Master Development Plan to 4,247 units. The Planning Commission and staff recommended approval. [Peccole Ranch Phase Two]</p>
12/05/96	A (Parent) Final Map (FM-0008-96) for a 16-lot subdivision (Peccole West) on 570.47 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 77 Page 23 of Plats]. The golf course was located on Lot 5 of this map.

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Staff Report Page Six
January 9, 2018 - Planning Commission Meeting

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
02/05/03	The City Council approved a General Plan Amendment (GPA-1333) to change the land use designation from SC (Service Commercial) to MLA (Medium Low Attached Density Residential) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Rezoning (ZON-1340) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to R-PD10 (Residential Planned Development – 10 Units per Acre) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Variance (VAR-1342) to allow 0.79 acres of open space where 2.72 acres are required on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Site Development Plan Review (SDR-1341) for a proposed 166-lot single family residential development on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
11/16/16	At the applicant's request, the City Council voted to Withdraw Without Prejudice requests for a Major Modification (MOD-63600) of the 1990 Peccole Ranch Master Development Plan; a Development Agreement (DIR-63602) between 180 Land Co., LLC, et al. and the City of Las Vegas; a General Plan Amendment (GPA-63599) from PR-OS (Parks/Recreation/Open Space) to DR (Desert Rural Density Residential) and H (High Density Residential); and a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-E (Residence Estates) and R-4 (High Density Residential) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended denial; staff recommended approval.
01/24/17	A four-lot Parcel Map (PMP-64285) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [File 121 Page 100 of Parcel Maps].

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Staff Report Page Seven
January 9, 2018 - Planning Commission Meeting

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
02/15/17	The City Council approved a request for a General Plan Amendment (GPA-62387) to change the land use designation from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential) [amended to M (Medium Density Residential)] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) [amended to R-3 (Medium Density Residential)] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-62393) for a proposed 720-unit multi-family residential (condominium) development consisting of four, four-story buildings [amended to 435 condominium units] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
06/21/17	The City Council denied a request for a General Plan Amendment (GPA-68385) from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission recommended denial (failing to reach supermajority vote); staff recommended approval.
	The City Council denied a request for a Waiver (WVR-68480) to allow 32-foot private streets with a sidewalk on one side where 47-foot private streets with sidewalks on both sides are required within a proposed gated residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Site Development Plan Review (SDR-68481) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Tentative Map (TMP-68482) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.

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Staff Report Page Eight
January 9, 2018 - Planning Commission Meeting

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
08/02/17	The City Council denied a request for a Development Agreement (DIR-70539) between 180 Land Co, LLC, et al. and the City of Las Vegas on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
12/12/17	The Planning Commission voted (7-0) to hold WVR-72004, SDR-72005 and TMP-72006 in abeyance to the January 9, 2018 Planning Commission meeting.
	The Planning Commission voted (7-0) to hold WVR-72007, SDR-72008 and TMP-72009 in abeyance to the January 9, 2018 Planning Commission meeting.
	The Planning Commission voted (7-0) to hold WVR-72010, SDR-72011 and TMP-72012 in abeyance to the January 9, 2018 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
11/16/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses relevant to this request.	

<i>Pre-Application Meeting</i>	
11/13/17	The Acting Director of Planning and the applicant discussed the City's request for a General Plan Amendment in conjunction with the previous requests for Waivers, Site Development Plan Reviews and Tentative Maps for the three proposed development parcels. This, combined with discussion about a General Plan Amendment at the pre-application meeting for the tentative maps, fulfilled the pre-application meeting requirement for this request.

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Staff Report Page Nine
January 9, 2018 - Planning Commission Meeting

Neighborhood Meeting	
12/20/17	<p>A required neighborhood meeting was held at the Badlands Clubhouse, 9119 Alta Drive, Las Vegas. There were 19 members of the public in attendance, two members of the development team, one Ward 2 Council staff member and one Department of Planning staff member in attendance.</p> <p>The applicant's representative described the General Plan Amendment request, using poster boards of the overall boundary of the amendment request and the three proposed subdivisions as visual aids. The representative emphasized that the city of Las Vegas has requested the amendment for consistency with the planned land use and zoning designation even though it is not required; this is in contrast to Clark County. Although the ML designation allows for a density of up to 8.49 units per acre, the lots proposed would have a much lower density. She explained that R-PD developments require a minimum amount of open space, which has been provided. She stated that adjustments could be made to some of the proposed lots if neighbors found the sizes to be incompatible with the existing adjacent lots. The representative also stated that the development team would welcome a consensus planning effort between the developer and groups of neighborhood citizens.</p> <p>Neighbor questions and concerns included the following:</p> <ul style="list-style-type: none"> • What does the ML designation entail? • What will be done to mitigate the loss of open space presently provided by the golf course? • Would a homeowners' association be set up to maintain common areas? • How will this project affect neighborhood property values? • Some residents did not believe that the proposed lots were of comparable size to the existing adjacent lots. • Would there be access under Palace Court connecting two of the developments? According to the representative, it is not planned at this time.

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Staff Report Page Ten
January 9, 2018 - Planning Commission Meeting

Field Check	
11/02/17	The site contains a golf course surrounded by existing single-family residential dwellings. The golf course was not in operation, and the water retention facilities were fenced off for safety.

Details of Application Request	
Site Area	
Gross Acres	132.92
Net Acres	132.92

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
			R-PD10 (Residential Planned Development – 10 Units per Acre)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
East	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
West	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
	Arroyo/Multi-family Residential (Apartments)	Summerlin [P (Parks/Open Space)/MF2 (Medium Density Multi-Family)]	P-C (Planned Community)

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Staff Report Page Eleven
January 9, 2018 - Planning Commission Meeting

Master Plan Areas	Compliance
Peccole Ranch	Y
Special Purpose and Overlay Districts	Compliance
R-PD (Residential Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notice and Assessment)	N/A
Project of Regional Significance	N/A

Existing Zoning	Permitted Density	Units Allowed
R-PD7 (Residential Planned Density – 7 Units per Acre)	7.49 du/ac	N/A
Existing General Plan	Permitted Density	Units Allowed
PR-OS (Parks/Recreation/Open Space)	N/A	N/A
Proposed General Plan	Permitted Density	Units Allowed
ML (Medium Low Density Residential)	8.49 du/ac	1,128

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Exhibit 100

ITEM #44

SDR-72005 [PRJ-71990] – amended condition #6 (renumbered to #7 with added condition)

7. The standards for this development shall include the following:

Standard	Lots < than 9,000 sf	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Minimum Lot Size	4,500 sf	9,000 sf	20,000 sf
Building Setbacks:			
• Front yard to private street or access easement	20 feet	30 feet	35 feet
• Side yard	5 feet	5 feet	7.5 feet
• Corner side yard	N/A	12.5 feet	15 feet
• Rear yard	15 feet	25 feet	30 feet
• Lot coverage	Dictated by setbacks	Dictated by setbacks	Dictated by setbacks

Standard	Lots < than 9,000 sf	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Accessory structure setbacks:			
• Porte cochere to private street	N/A	15 feet	15 feet
• Side loaded garage to side yard property line	N/A	5 feet	5 feet
• Patio covers and/or 2 nd story decks	N/A	10 feet	10 feet
• Separation from principal dwelling	N/A	6 feet	6 feet
• Side yard	N/A	5 feet	5 feet
• Corner side yard	N/A	5 feet	5 feet
• Rear yard	N/A	5 feet	5 feet
Building Heights:			
• Principal dwelling	40 feet	40 feet	50 feet
• Accessory structures	25 feet	25 feet	30 feet
• Floors	2 stories on slab or over basement	2 stories on slab or over basement	3 stories on slab or over basement on lots greater than 35,000 sf; otherwise 2 stories on slab or over basement

Standard	Lots < than 9,000 sf	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Permitted uses	Single family residence and accessory structures*	Single family residence and accessory structures*	Single family residence and accessory structures*

*Accessory structures may have a trellis or canopy attached to the principal dwelling. Casitas may be attached to the principal dwelling with separate access from the principal dwelling.

Submitted after meeting

Date 7/18/18 Item 44

003002

Exhibit 101

*City of Las Vegas***AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: JANUARY 9, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 180 LAND CO, LLC, ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
WVR-72007	Staff recommends APPROVAL, subject to conditions:	
SDR-72008	Staff recommends APPROVAL, subject to conditions:	WVR-72007
TMP-72009	Staff recommends APPROVAL, subject to conditions:	WVR-72007 SDR-72008

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

37

NOTICES MAILED

1361 - WVR-72007 and SDR-72008

1361 - TMP-72009

PROTESTS

117 - WVR-72007

116 - SDR-72008

116 - TMP-72009

APPROVALS

42 - WVR-72007 and SDR-72008

33 - TMP-72009

SS

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**** CONDITIONS ****

WVR-72007 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-72005) and Tentative Map (TMP-72006) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-72008 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Waiver (WVR-72007) and Tentative Map (TMP-72009) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date stamped 11/15/17, 11/16/17 and 11/21/17, and landscape plan date stamped 11/21/17, except as amended by conditions herein.

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Conditions Page Two

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4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. The standards for this development shall include the following:

Standard	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Minimum Lot Size	9,000 sf	20,000 sf
Building Setbacks:		
• Front yard to private street or access easement	30 feet	35 feet
• Side yard	5 feet	7.5 feet
• Corner side yard	12.5 feet	15 feet
• Rear yard	25 feet	30 feet
• Lot coverage	Dictated by setbacks	Dictated by setbacks

Standard	Lots ≤ 20,000 sf	Lots greater than 20,000 sf
Accessory structure setbacks:		
• Porte cochere to private street	15 feet	15 feet
• Side loaded garage to side yard property line	5 feet	5 feet
• Patio covers and/or 2 nd story decks	10 feet	10 feet
• Separation from principal dwelling	6 feet	6 feet
• Side yard	5 feet	5 feet
• Corner side yard	5 feet	5 feet
• Rear yard	5 feet	5 feet
Building Heights:		
• Principal dwelling	40 feet	50 feet
• Accessory structures	25 feet	30 feet
• Floors	2 stories on slab or over basement	3 stories on lots greater than 35,000 sf; otherwise 2 stories
Permitted uses	Single family residence and accessory structures*	Single family residence and accessory structures*

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Conditions Page Three

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*Accessory structures may have a trellis or canopy attached to the principal dwelling. Casitas may be attached to the principal dwelling with separate access from the principal dwelling.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan submitted for permit shall indicate the number and size of each plant species.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Prior to the issuance of any building permits or prior to or concurrent with the recordation of a Final Map or for this site, a Petition of Vacation shall be recorded to remove all existing Public Sewer Easements and Public Drainage Easements in conflict with the proposed development of this site. No existing easements shall be vacated unless and until appropriate new easements have been granted.
12. Waiver request WVR-72007 shall be approved to allow the non-standard street section as shown.
13. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements (where public sewer lines are proposed), and Public Drainage Easements to be privately maintained by the Homeowner's Association. Regional Drainage Facilities built to public standards may be publicly maintained after being turned over to the City of Las Vegas for maintenance.
14. The 80-foot public drainage easement located between lots 101 and 102 must also be shown as a common lot. The width of this easement / common lot may be reduced if approved in the required Technical Drainage Study.

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Conditions Page Four

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15. Grant by separate document all required public easements (sewer, drainage, fire, etc.) that are outside the boundaries of this site prior to or concurrent with the recordation of a Final Map for this site. The Final Map shall show the Recorder's information for such easements.
16. Lots 56 through 109 shall be served by Individual Sewage Disposal Systems (septic tanks). Per Southern Nevada Health District (SNHD) standards, lot sizes shall meet the requirements of the SNHD.
17. Correct all Americans with Disabilities Act (ADA) deficiencies on the public sidewalks adjacent to this site in accordance with code requirements of Title 13.56.040, if any, to the satisfaction of the City Engineer concurrent with development of this site.
18. Prior to the recordation a Final Map for this site construct all off-property infrastructure (roadway, sewer, drainage, etc.), including a minimum 12-foot wide paved sewer maintenance road over the proposed sewer mains. The access road must meet all Design and Construction Standards for Wastewater Collection Systems (DCSWCS) criteria. The required off-property infrastructure must be constructed or guaranteed by an approved performance security method in accordance with Unified Development Code sections 19.02.130.C and 19.02.130.E.
19. Grant a public sewer easement, surface to be privately maintained, over Common Lots "C" and "O". No trees or landscaping over 3-feet shall be allowed in these common areas.
20. Prior to civil improvement drawing approval or the recordation of a Final Map for this site, an offsite public sewer easement shall be in place across the proposed offsite public sewer alignment from the eastern edge of this development to Alta Drive.
21. Prior to the submittal of construction drawings, the applicant shall meet with the Sanitary Sewer Section of the Department of Public Works to determine an acceptable public sewer design and separation for the public sewer lines proposed in this subdivision. Comply with the recommendations of the Sanitary Sewer Section.
22. The proposed driveway on Hualapai Way shall meet the approval of the City Traffic Engineer prior to the approval of the civil improvement drawings for this site. Unless permission from Summerlin is obtained to modify the existing median in Hualapai Way, the driveway and or median modifications shall be constructed to prevent left-turn movements into or out of this subdivision.

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Conditions Page Five

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23. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements prior to submittal of construction drawings for this site. Private Streets shall meet the approval of the Department of Fire Services. Curbing on one side of the 32-foot private streets shall be constructed of red concrete and shall be in accordance with the adopted Fire Code (Ordinance #66325). The required curb coloring, painting, and signage shall be privately maintained in perpetuity by the Homeowner's Association.
24. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
25. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
26. This site is in a Federal Emergency Management Area (FEMA) designated flood zone. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. Additionally, a Conditional Letter of Map Revision (CLOMR) must be obtained from FEMA prior to the issuance of any construction permits.

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TMP-72009 CONDITIONS

Planning

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
2. Approval of a Waiver (WVR-72007) and Site Development Plan Review (SDR-72008) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.
6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

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Public Works

7. Prior to the issuance of any building permits or prior to or concurrent with the recordation of a Final Map or for this site, a Petition of Vacation shall be recorded to remove all existing Public Sewer Easements and Public Drainage Easements in conflict with the proposed development of this site. No existing easements shall be vacated unless and until appropriate new easements have been granted.
8. Waiver request WVR-72007 shall be approved to allow the non-standard street section as shown.
9. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements (where public sewer lines are proposed), and Public Drainage Easements to be privately maintained by the Homeowner's Association. Regional Drainage Facilities built to public standards may be publicly maintained after being turned over to the City of Las Vegas for maintenance.
10. The 80-foot public drainage easement located between lots 101 and 102 must also be shown as a common lot. The width of this easement/common lot may be reduced if approved in the required Technical Drainage Study.
11. Grant by separate document all required public easements (sewer, drainage, fire, etc.) that are outside the boundaries of this site prior to or concurrent with the recordation of a Final Map for this site. The Final Map shall show the Recorder's information for such easements.
12. Lots 56 through 109 shall be served by Individual Sewage Disposal Systems (septic tanks). Per Southern Nevada Health District (SNHD) standards, lot sizes shall meet the requirements of the SNHD.
13. Correct all Americans with Disabilities Act (ADA) deficiencies on the public sidewalks adjacent to this site in accordance with code requirements of Title 13.56.040, if any, to the satisfaction of the City Engineer concurrent with development of this site.
14. Prior to the recordation a Final Map for this site construct all off-property infrastructure (roadway, sewer, drainage, etc.), including a minimum 12-foot wide paved sewer maintenance road over the proposed sewer mains. The access road must meet all Design and Construction Standards for Wastewater Collection Systems (DCSWCS) criteria. The required off-property infrastructure must be constructed or guaranteed by an approved performance security method in accordance with Unified Development Code sections 19.02.130.C and 19.02.130.E.

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Conditions Page Eight

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15. Grant a public sewer easement, surface to be privately maintained, over Common Lots "C" and "O". No trees or landscaping over 3-feet shall be allowed in these common areas.
16. Prior to civil improvement drawing approval or the recordation of a Final Map for this site, an offsite public sewer easement shall be in place across the proposed offsite public sewer alignment from the eastern edge of this development to Alta Drive.
17. Prior to the submittal of construction drawings, the applicant shall meet with the Sanitary Sewer Section of the Department of Public Works to determine an acceptable public sewer design and separation for the public sewer lines proposed in this subdivision. Comply with the recommendations of the Sanitary Sewer Section.
18. The proposed driveway on Hualapai Way shall meet the approval of the City Traffic Engineer prior to the approval of the civil improvement drawings for this site. Unless permission from Summerlin is obtained to modify the existing median in Hualapai Way, the driveway and or median modifications shall be constructed to prevent left-turn movements into or out of this subdivision.
19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements prior to submittal of construction drawings for this site. Private Streets shall meet the approval of the Department of Fire Services. Curbing on one side of the 32-foot private streets shall be constructed of red concrete and shall be in accordance with the adopted Fire Code (Ordinance #66325). The required curb coloring, painting, and signage shall be privately maintained in perpetuity by the Homeowner's Association.
20. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for

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the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

21. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
22. This site is in a Federal Emergency Management Area (FEMA) designated flood zone. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. Additionally, a Conditional Letter of Map Revision (CLOMR) must be obtained from FEMA prior to the issuance of any construction permits.

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a 106-lot gated single-family residential development on a large lot currently developed as a portion of a larger nonoperational golf course and generally located on the east side of Hualapai Way, approximately 830 feet north of Charleston Boulevard. The development would feature custom homes and contain small open space and park areas.

ISSUES

- Access to the development is provided from Hualapai Way and from Alta Drive via an access easement over the adjacent parcels to the west.
- A Waiver of Title 19.02 is requested to allow various types of private streets or private access easements over the proposed lots that are less than the 47-foot wide public street standard, including 40-foot wide streets with no sidewalks within a proposed gated development. Staff supports this request.
- A Site Development Plan Review for a single-family residential development on this site is required for all planned developments zoned R-PD (Residential Planned Development). The proposal includes developer-proposed standards for development of the site.
- A Tentative Map is requested for a 106-lot single-family residential subdivision on a 76.93-acre parcel.
- Lots 56-91 of the development are proposed to utilize sewer septic tanks, as the public sewer system cannot be extended to these lots without the aid of a lift station.

ANALYSIS

The subject parcel (APN 138-31-702-003) constitutes a 76.93-acre portion of a developed, nonoperational golf course that is located within the Peccole Ranch Master Development Plan. The parcel is zoned R-PD7 (Residential Planned Development – 7 Units per Acre), allowing up to 7.49 dwelling units per acre spread out across the area covering the zoning district. This zoning district was approved April 4, 1990 (Z-0017-90) as part of the second phase of the Peccole Ranch Master Development Plan.

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Staff Report Page Two

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In 2005, this parcel was designated PR-OS (Parks/Recreation/Open Space) by the city's General Plan, a designation that does not provide for residential densities of any size. Title 19.16.010 states that "except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezoning, Site Development Plan Reviews, Special Use Permits, Variances, Waivers, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan." Within the area known as the Peccole Ranch Master Development Plan, the 1992 General Plan for the City of Las Vegas designated the proposed golf course area P (Parks/Recreation/Open Space) and the proposed residential areas around the golf course as ML (Medium Low Density Residential). As other uses within the conceptual Peccole Ranch Master Development Plan were proposed that deviated from the established General Plan and zoning, a General Plan Amendment and Rezoning were required for consistency. As the designated land use of each property should reflect the uses and densities permitted by that parcel's zoning district as noted above, staff requested that the applicant apply for a General Plan Amendment concurrent with the proposal for redevelopment of the site to be congruent with the existing zoning in terms of residential density and land use. Approval of a General Plan Amendment is not a mandatory requirement for such development, as the zoning predated the current designation and a new rezoning is not requested. The applicant had therefore originally opted not to request such an amendment, but has now submitted an application for a General Plan Amendment, which is not part of this request.

The City is currently formulating a policy based on public advisory panel input and staff research concerning repurposing of lands containing open space or golf courses. A particular aim of the policy is to require public education, engagement and input into proposed open space or golf course repurposing projects before they are submitted for review. This application was submitted prior to the anticipated adoption of the policy.

Staff notes that this proposal represents piecemeal redevelopment of a majority of the former golf course property. The City would prefer that a comprehensive plan of development over the entire golf course be devised that would provide assurances in the manner of implementation over time.

The proposed development would have a density of 1.38 dwelling units per acre and an average lot size of 26,333 square feet, with larger lots adjacent to Winter Palace Drive and Kings Gate Court. Lot sizes are comparable to the sizes of the existing adjacent lots. In addition, open space and planned park areas are included as required for all new R-PD developments.

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Open space is provided in the form of small park areas and roadside and entry landscape features totaling 186,001 square feet. Street trees were not counted in the total, as they are located within easements over private residential lots. Approximately 77,410 square feet or 1.78 acres of the development must consist of usable open space, which this proposal meets. These areas are all common lots to be privately maintained as described in the accompanying Covenants, Conditions, Restrictions, Reservations and Easements document.

Title 19.04 requires private streets to be developed to public street standards, which require 47-foot wide streets with sidewalks on both sides of the street, including either three-foot amenity zones with street trees or a five-foot planting zone on the adjacent private properties. This is to allow adequate space for vehicular travel in both directions, as well as a safe environment for pedestrians, bicycles and other modes of transportation. In the existing adjacent residential developments, the private streets are 39 feet wide in Tudor Park, 40 feet along Queen Charlotte Drive and 40 feet along Verlaine Court, of which only 28 feet consists of a paved roadway.

The applicant is proposing private streets or private access easements over the residential lots with a 32-foot roadway including 30-inch roll curbs on both sides, a four-foot sidewalk and three-foot private landscape easement on one side and a five-foot private landscape easement on the other side for a total sectional width of 44 feet. A 44-foot wide street will allow for emergency vehicle access while still permitting parking on one side. Turnouts are provided at regular intervals for emergency vehicles to perform U-turns without having to proceed to the end of the street. This design is comparable to private streets in adjacent gated subdivisions along the golf course and will not have a negative impact on the flow of traffic. Staff therefore recommends approval of the Waiver request with conditions that include a requirement for the applicant to coordinate with the Fire Protection Engineering Section of the Department of Fire Services to discuss the design and layout of all onsite private circulation and access drives to meet current fire codes.

The Site Development Plan Review describes two lot types with different development standards; those that contain less than or equal to 20,000 square feet and those containing greater than 20,000 square feet. Development standards for lots that are 20,000 square feet or less are generally consistent with R-D zoned properties, while those in the category greater than 20,000 square feet are generally consistent with R-E zoned properties. Some exceptions include building height, which is proposed to be 40-50 feet where 35 feet is the requirement in the standard zoning districts, and patio covers, which are treated the same as second story decks unlike their treatment in the Unified Development Code. The additional height is comparable to existing residential dwellings in the R-PD7 zoning district. It is noted that no building height restriction was previously conditioned for the existing residential development surrounding the subject property.

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Staff Report Page Four

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Landscaping consists of drought tolerant street trees including Canary Island Date Palm, London Sycamore, Crape Myrtle and Southern Magnolia and various species of natural groundcover. Artificial turf is planned at the entryways as an alternative to natural grass. If approved, the landscape plan submitted for permit must indicate the number and size of each plant species.

The submitted Tentative Map indicates that the natural slope from west to east across the site is greater than two percent. The regular Title 19 standard along the perimeter is to allow a maximum solid wall height of 12 feet with no more than six feet of retaining per step. The site plans do not indicate walls at the perimeter beyond what is already constructed, but the standards propose maximum six-foot tall stucco walls at all rear yard and exterior side yard property lines. If necessary, the walls could be designed to meet the current Unified Development Code requirements.

The natural grade from north to south across this site is less than two percent. The regular Title 19 standard along the perimeter is to allow a maximum solid wall height of 10 feet with no more than four feet of retaining per step. The site plans do not indicate walls at the perimeter beyond what is already constructed, but the standards propose maximum six-foot tall stucco walls at all rear yard and exterior side yard property lines. If necessary, the walls could be designed to meet the current Unified Development Code requirements.

Per Title 19.04.040, the Connectivity Ratio requirement does not apply for R-PD developments. In addition, per Title 19.04.010, where a proposed development is adjacent to existing improvements, the Director of Public Works has the right to determine the appropriateness of implementing Complete Streets standards, including connectivity. In this case, Public Works has determined that it would be inappropriate to implement the connectivity standards, given the design of the existing residential development and configuration of available land for development.

As this project may have significant impacts to the surrounding properties and resources in the vicinity, per Title 19.16.010(E) a Development Impact Notice and Assessment (DINA) was submitted for comment by various city departments and outside agencies. Comments from the Clark County School District and Las Vegas Valley Water District follow.

The Clark County School District comments that in this area of the city John Bonner Elementary School, Sig Rogich Middle School and Palo Verde High School are over capacity for the 2017-18 school year. John Bonner is 154.58 percent of capacity, Sig Rogich is 110.04 percent of capacity and Palo Verde is 109.35% of program capacity. John Bonner is significantly overcrowded, and a new elementary school is needed in this area to educate elementary school age students. Elementary school aged students generated by the development may need to be bused to an alternate school that can

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accommodate them if there is no new elementary school in the area, which is not a preferred alternative. If other parts of “The 180” are developed, it will exacerbate the overcrowding and busing issues for elementary school age students. [This analysis was based on the combined number of lots in the three proposed subdivisions.]

The Las Vegas Valley Water District (LVVWD) has provided the following comments related to this site:

“These parcels are not currently served by LVVWD, but are within the service area to be served. Existing LVVWD waterlines and facilities will need to be protected in place or relocated if these are not within an easement or public right-of-way. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing and fire flow availability. In addition, the proposed improvements show water service for the subdivision from a single feed or single source. To comply with District standards, a second feed or source will be required to serve the subdivision.”

The proposed custom home development conforms to the density requirements of the R-PD7 zoning district. It proposes lot sizes that are comparable and compatible with the existing adjacent lots. It meets open space and other requirements for R-PD zoned developments. The street network, although utilizing a non-standard design, is designed to accommodate emergency vehicles and would be similar in appearance to many of the gated developments in the vicinity of the golf course. Staff therefore recommends approval of the Waiver, Site Development Plan Review and Tentative Map, subject to conditions.

FINDINGS (WVR-72007)

Staff supports Title 19 requirements for streets within the city, which require private streets to be developed to public street standards. The Unified Development Code requires 47-foot wide private streets that contain sidewalks on both sides. However, none of the existing residential developments with private streets in this area adhere to this standard. The applicant is proposing streets that provide similar amenities and widths to the adjacent private streets, once private easements are granted. This configuration would be more compatible with the surrounding development than the required 47-foot streets. Build-out of the proposed streets will not cause an undue hardship to the surrounding properties and will allow for fire access and limited on-street parking. Therefore, staff recommends approval of the requested waiver, with conditions.

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FINDINGS (SDR-72008)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

The proposed residential lots throughout the subject site are comparable in size to the existing residential lots directly adjacent to the proposed lots. The development standards proposed are compatible with those imposed on the adjacent lots. Several small park and open space amenities are provided for the benefit of residents.

2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

The proposed development is inconsistent with the General Plan for this large parcel, which is designated PR-OS. A General Plan Amendment to a designation appropriate for the proposed density is recommended, but not required by the Las Vegas 2020 Master Plan and the Unified Development Code. The proposed R-PD development is consistent with Title 19 requirements for residential planned developments prior to the adoption of the Unified Development Code. However, streets are not designed to public street standards as required by the Unified Development Code Title 19.04, for which a waiver is necessary.

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

Site access is proposed from the west from Hualapai Way through gates that meet Uniform Standard Drawing specifications. A modified median in Hualapai Way will ensure that no left turns can be made from or to Hualapai Way. Access is also provided from Alta Drive via a 40-foot wide access easement through gates. The proposed street system does not connect to any other existing streets and therefore should not negatively affect traffic within the existing residential areas. Concerning the major streets in the vicinity of the proposed development, this project will add approximately 1,009 trips per day on Alta Drive, Rampart Boulevard and Charleston Boulevard. These streets are all under capacity at this time and are projected to remain so after completion of this project. Based on peak hour use, the proposed development will add into the area roughly 106 additional cars, or about seven every four minutes.

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

Custom homes are proposed on the subject lots, which will be subject to future permit review. Landscape materials are drought tolerant and appropriate for this area.

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

Custom homes are proposed on the subject lots, which will be subject to future permit review against the proposed development standards.

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

Development of this site will be subject to building permit review and inspection, thereby protecting the public health, safety and general welfare.

FINDINGS (TMP-72006)

The submitted Tentative Map is in conformance with all Title 19 and NRS requirements for tentative maps. Therefore, staff recommends approval of the Tentative Map.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/17/80	The Board of City Commissioners approved the Annexation (A-0018-80) of 2,243 acres bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east. The annexation became effective on 12/26/80.
02/15/89	The City Council considered and approved a revised master development plan for the subject site and renamed it Peccole Ranch to include 1,716.30 acres. Phase One of the Plan is generally located south of Charleston Boulevard, west of Fort Apache Road. Phase Two of the Plan is generally located north of Charleston Boulevard, west of Durango Drive, and south of Charleston Boulevard, east of Hualapai Way. The Planning Commission and staff recommended approval. A condition of approval limited the maximum number of dwelling units in Phase One to 3,150. [Peccole Ranch Master Development Plan]

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
04/04/90	The City Council approved an amendment to the Peccole Ranch Master Development Plan to make changes related to Phase Two of the Plan and to reduce the overall acreage to 1,569.60 acres. Approximately 212 acres of land in Phase Two was planned for a golf course. The Planning Commission and staff recommended approval. [Peccole Ranch Master Development Plan]
04/04/90	The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to multiple zoning districts) to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development – 7 Units per Acre) and C-1 (Limited Commercial) on 996.40 acres on the east side of Hualapai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. A condition of approval limited the maximum number of dwelling units for Phase Two of the Peccole Ranch Master Development Plan to 4,247 units. The Planning Commission and staff recommended approval. [Peccole Ranch Phase Two]
04/17/96	A Final Map for a 36-lot single family residential subdivision (Peccole West – Lot 9, Phase 1) on 13.61 acres generally located north of Charleston Boulevard, west of Rampart Boulevard was recorded. [Book 73 Page 34 of Plats]
09/06/96	A Final Map for a 35-lot single family residential subdivision (Peccole West – Lot 12-B – Phase 1) on 10.14 acres generally located north of Charleston Boulevard, east of Hualapai Way was recorded. [Book 75 Page 92 of Plats]
09/09/96	A Final Map for a 40-lot single family residential subdivision (Peccole West – Lot 12-A – Phase 1) on 11.81 acres generally located north of Charleston Boulevard, east of Hualapai Way was recorded. [Book 75 Page 100 of Plats]
12/05/96	A (Parent) Final Map (FM-0008-96) for a 16-lot subdivision (Peccole West) on 570.47 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 77 Page 23 of Plats]. The golf course was located on Lot 5 of this map.
12/12/96	A Final Map for a 44-lot single family residential subdivision (Peccole West – Lot 11) on 51.02 acres generally located south of Alta Drive, east of Hualapai Way was recorded. [Book 77 Page 31 of Plats]
05/19/97	A Final Map (FM-0103-96) for a 40-lot single family residential subdivision (Peccole West – Lot 12-A – Phase 2) on 11.71 acres generally located north of Charleston Boulevard, east of Hualapai Way was recorded. [Book 79 Page 77 of Plats]

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
10/03/97	A Final Map (FM-0098-96) for a 32-lot single family residential subdivision (Peccole West Lot 12-B – Phase 2) on 7.98 acres generally located north of Charleston Boulevard, east of Hualapai Way was recorded [Book 81 Page 53 of Plats].
03/30/98	A Final Map (FM-0190-96) for a four-lot subdivision (Peccole West Lot 10) on 184.01 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [Book 83 Page 61 of Plats].
03/30/98	A Final Map [FM-0008-96(1)] to amend portions of Lots 5 and 10 of the Peccole West Subdivision Map on 368.81 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 83 Page 57 of Plats].
12/17/98	A Final Map (FM-0158-97) for a 21-lot single family residential subdivision (Peccole West – Parcel 20) on 25.03 acres generally located south of Alta Drive, east of Hualapai Way was recorded. [Book 87 Page 54 of Plats]
09/23/99	A Final Map (FM-0157-97) for a 41-lot single family residential subdivision (Peccole West – Parcel 19) on 17.04 acres generally located south of Alta Drive, east of Hualapai Way was recorded. [Book 91 Page 47 of Plats]
02/05/03	The City Council approved a General Plan Amendment (GPA-1333) to change the land use designation from SC (Service Commercial) to MLA (Medium Low Attached Density Residential) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Rezoning (ZON-1340) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to R-PD10 (Residential Planned Development – 10 Units per Acre) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Variance (VAR-1342) to allow 0.79 acres of open space where 2.72 acres are required on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Site Development Plan Review (SDR-1341) for a proposed 166-lot single family residential development on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
06/18/15	A four-lot Parcel Map (PMP-59572) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 49 of Parcel Maps].
11/30/15	A two-lot Parcel Map (PMP-62257) on 70.52 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 91 of Parcel Maps].
03/15/16	A two-lot Parcel Map (PMP-63468) on 53.03 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 121 Page 12 of Parcel Maps].
11/16/16	At the applicant's request, the City Council voted to Withdraw Without Prejudice requests for a Major Modification (MOD-63600) of the 1990 Peccole Ranch Master Development Plan; a Development Agreement (DIR-63602) between 180 Land Co., LLC, et al. and the City of Las Vegas; a General Plan Amendment (GPA-63599) from PR-OS (Parks/Recreation/Open Space) to DR (Desert Rural Density Residential) and H (High Density Residential); and a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-E (Residence Estates) and R-4 (High Density Residential) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended denial; staff recommended approval.
01/24/17	A four-lot Parcel Map (PMP-64285) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [File 121 Page 100 of Parcel Maps].
02/15/17	The City Council approved a request for a General Plan Amendment (GPA-62387) to change the land use designation from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential) [amended to M (Medium Density Residential)] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) [amended to R-3 (Medium Density Residential)] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-62393) for a proposed 720-unit multi-family residential (condominium) development consisting of four, four-story buildings [amended to 435 condominium units] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.

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Related Relevant City Actions by Planning, Fire, Bldg., etc.	
06/21/17	The City Council denied a request for a General Plan Amendment (GPA-68385) from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission recommended denial (failing to reach supermajority vote); staff recommended approval.
	The City Council denied a request for a Waiver (WVR-68480) to allow 32-foot private streets with a sidewalk on one side where 47-foot private streets with sidewalks on both sides are required within a proposed gated residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Site Development Plan Review (SDR-68481) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Tentative Map (TMP-68482) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
08/02/17	The City Council denied a request for a Development Agreement (DIR-70539) between 180 Land Co, LLC, et al. and the City of Las Vegas on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
12/12/17	The Planning Commission voted (7-0) to hold WVR-72007, SDR-72008 and TMP-72009 in abeyance to the January 9, 2018 Planning Commission meeting.

Most Recent Change of Ownership	
11/16/15	A deed was recorded for a change in ownership.

Related Building Permits/Business Licenses	
There are no building permits or business licenses relevant to these requests.	

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Pre-Application Meeting	
09/21/17	A pre-application meeting was held with the applicant to discuss issues with the proposed development and submittal requirements for entitlement. Special emphasis was placed on conformance to Title 19.06.040 (pre-UDC) requirements for Residential Planned Developments.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
11/02/17	The site contains a golf course surrounded by existing single-family residential dwellings. The golf course was not in operation, and the water retention facilities were fenced off for safety.

Details of Application Request	
Site Area	
Gross Acres	76.93 (TMP)
Gross Acres	portion of 126.65 (WVR, SDR)

Surrounding Property	Existing Land Use	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
		GTC (General Tourist Commercial)	PD (Planned Development)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
East	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
West	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)

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Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
West	Nonoperational Golf Course	P (Parks/Open Space)	P-C (Planned Community)
	Medium Density Multi-Family (Apartments)	MF2 (Medium Density Multi-Family)	

Master Plan Areas	Compliance
Peccole Ranch	Y
Special Purpose and Overlay Districts	Compliance
R-PD (Residential Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notice and Assessment)	N/A*
Project of Regional Significance	N/A

*A Development Impact Notice and Assessment is not required by Title 19; however, the applicant submitted one to note any possible impacts to surrounding development and resources.

DEVELOPMENT STANDARDS

Pursuant to Las Vegas Zoning Code Title 19.06.040 prior to Ordinance 6135 (adopted March 16, 2011), the Development Standards within an R-PD District are established by the Site Development Plan. The following development standards are proposed by the applicant:

Standard	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Minimum Lot Size	9,000 sf	20,000 sf
Building Setbacks:		
• Front yard to private street or access easement	30 feet	35 feet
• Side yard	5 feet	7.5 feet

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Standard	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
<ul style="list-style-type: none"> • Corner side yard • Rear yard • Lot coverage 	12.5 feet 25 feet Dictated by setbacks	15 feet 30 feet Dictated by setbacks

Standard	Lots ≤ 20,000 sf	Lots greater than 20,000 sf
Accessory structure setbacks: <ul style="list-style-type: none"> • Porte cochere to private street • Side loaded garage to side yard property line • Patio covers and/or 2nd story decks • Separation from principal dwelling • Side yard • Corner side yard • Rear yard 	15 feet 5 feet 10 feet 6 feet 5 feet 5 feet 5 feet	15 feet 5 feet 10 feet 6 feet 5 feet 5 feet 5 feet
Building Heights: <ul style="list-style-type: none"> • Principal dwelling • Accessory structures • Floors 	40 feet 25 feet 2 stories on slab or over basement	50 feet 30 feet 3 stories on lots greater than 35,000 sf; otherwise 2 stories
Permitted uses	Single family residence and accessory structures*	Single family residence and accessory structures*

*Accessory structures may have a trellis or canopy attached to the principal dwelling. Casitas may be attached to the principal dwelling with separate access from the principal dwelling.

With regard to perimeter landscape standards, all multi-family development or single family developments with five or more lots adjacent to streets classified as major collectors or larger shall meet or exceed the minimum standards, and shall comply with any restrictions established in the Unified Development Code. The proposed lots are adjacent to Hualapai Way, a 100-foot wide Primary Arterial. As such, a six-foot minimum landscape buffer is required at the perimeter along the street. The submitted plans indicate a 20-foot wide buffer along Hualapai Way with trees spaced 20 feet on center or less in conformance with Title 19 standards.

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Open Space – R-PD only							
Total Acreage	Density	Required			Provided		Compliance
		Ratio	Percent	Area	Percent	Area	
76.93 ac	1.4	1.65	2.31%	1.78 ac	5.55%	4.27 ac	Y

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	8	
Intersection – Internal		4
Cul-de-sac Terminus		3
Intersection – External Street or Stub Terminus		1
Intersection – Stub Terminus w/ Temporary Turn Around Easements		0
Non-Vehicular Path - Unrestricted	0	
Total	8	8
	Required	Provided
Connectivity Ratio (Links / Nodes):	N/A	1.00

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	106 units	2 spaces per unit	212				
TOTAL SPACES REQUIRED			212		212		Y
Regular and Handicap Spaces Required			212	0	212	0	Y

Waivers		
Requirement	Request	Staff Recommendation
Private streets behind a gate must meet public street standards unless waived (47' minimum width with L-curbs and sidewalks on both sides of the street)	To allow 40' wide private streets with no sidewalks and 44' wide private streets with a 4' sidewalk on one side and a 5' landscape easement on the other in a gated community	Approval

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Exhibit 102

City of Las Vegas

AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: JANUARY 9, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 180 LAND CO, LLC, ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
WVR-72004	Staff recommends APPROVAL, subject to conditions:	
SDR-72005	Staff recommends APPROVAL, subject to conditions:	WVR-72004
TMP-72006	Staff recommends APPROVAL, subject to conditions:	WVR-72004 SDR-72005

**** NOTIFICATION ****

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

34

NOTICES MAILED

1238 - WVR-72004 and SDR-72005
1238 - TMP-72006

PROTESTS

110 - WVR-72004
109 - SDR-72005
112 - TMP-72006

APPROVALS

34 - WVR-72004 and SDR-72005
33 - TMP-72006

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**** CONDITIONS ****

WVR-72004 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-72005) and Tentative Map (TMP-72006) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-72005 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Waiver (WVR-72004) and Tentative Map (TMP-72006) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date stamped 11/15/17 and 11/16/17, and landscape plan date stamped 11/21/17, except as amended by conditions herein.

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Conditions Page Two**January 9, 2018 - Planning Commission Meeting**

4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. The standards for this development shall include the following:

Standard	Lots < than 9,000 sf	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Minimum Lot Size	4,500 sf	9,000 sf	20,000 sf
Building Setbacks:			
• Front yard to private street or access easement	20 feet	30 feet	35 feet
• Side yard	5 feet	5 feet	7.5 feet
• Corner side yard	N/A	12.5 feet	15 feet
• Rear yard	15 feet	25 feet	30 feet
• Lot coverage	Dictated by setbacks	Dictated by setbacks	Dictated by setbacks

Standard	Lots < than 9,000 sf	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Accessory structure setbacks:			
• Porte cochere to private street	N/A	15 feet	15 feet
• Side loaded garage to side yard property line	N/A	5 feet	5 feet
• Patio covers and/or 2 nd story decks	N/A	10 feet	10 feet
• Separation from principal dwelling	N/A	6 feet	6 feet
• Side yard	N/A	5 feet	5 feet
• Corner side yard	N/A	5 feet	5 feet
• Rear yard	N/A	5 feet	5 feet
Building Heights:			
• Principal dwelling	40 feet	40 feet	50 feet
• Accessory structures	25 feet	25 feet	30 feet
• Floors	2 stories on slab or over basement	2 stories on slab or over basement	3 stories on lots greater than 35,000 sf; otherwise 2 stories

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Conditions Page Three

January 9, 2018 - Planning Commission Meeting

Standard	Lots < than 9,000 sf	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Permitted uses	Single family residence and accessory structures*	Single family residence and accessory structures*	Single family residence and accessory structures*

*Accessory structures may have a trellis or canopy attached to the principal dwelling. Casitas may be attached to the principal dwelling with separate access from the principal dwelling.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan submitted for permit shall indicate the number and size of each plant species.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Prior to or concurrent with recordation of a Final Map for this site, a Petition of Vacation shall be recorded to remove all existing Public Sewer Easements and Public Drainage Easements in conflict with development of this site. No existing easements shall be vacated until appropriate new easements have been granted.
12. Waiver request WVR-72004 shall be approved to allow the non-standard street section as shown.
13. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements (where public sewer lines are proposed), and Public Drainage Easements to be privately maintained by the Homeowner's Association.

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Conditions Page Four

January 9, 2018 - Planning Commission Meeting

14. Extend public sewer in the existing public sewer easement through Common Lot "D" to the western edge of this site.
15. A minimum 12-foot wide paved path in Common Lot "H" shall be constructed to provide access for City of Las Vegas vehicles to the existing and proposed sewer manholes.
16. Grant all required public easements (sewer, drainage, fire, etc.) that are outside the boundaries of this site prior to or concurrent with the recordation of a Final Map for this site.
17. Prior to civil improvement plan approval, an off-site public sewer easement must be in place across the proposed off-site public sewer alignment from the eastern edge of this development to the proposed point of connection shown on sheet TM5.
18. Prior to the recordation a Final Map for this site or the issuance of a permit for this site, construct all off-property infrastructure (roadway, sewer, drainage, etc.), including a minimum 12-foot wide paved sewer maintenance road over the offsite sewer between the eastern edge of this development and the proposed point of connection. The access road must meet all Design and Construction Standards for Wastewater Collection (DCSWCS) criteria. The required off-property infrastructure must be constructed or guaranteed by an approved performance security method in accordance with Unified Development Code sections 19.02.130.C and 19.02.130.E.
19. Prior to the submittal of construction drawings, the applicant shall meet with the Sanitary Sewer Section of the Department of Public Works to determine an acceptable public sewer design and separation for the public sewer lines proposed in this subdivision. Comply with the recommendations of the Sanitary Sewer Section.
20. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements prior to submittal of construction drawings for this site. Private Streets shall meet the approval of the Department of Fire Services. Curbing on one side of the 32-foot private streets shall be constructed of red concrete and shall be in accordance with the adopted Fire Code (Ordinance #66325). The required curb coloring, painting, and signage shall be privately maintained in perpetuity by the Homeowner's Association.
21. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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Conditions Page Five

January 9, 2018 - Planning Commission Meeting

22. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
23. This site is in a Federal Emergency Management Area (FEMA) designated flood zone. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. Additionally, a Conditional Letter of Map Revision (CLOMR) must be obtained from FEMA prior to the issuance of any construction permits.

TMP-72006 CONDITIONS

Planning

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.

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Conditions Page Six

January 9, 2018 - Planning Commission Meeting

2. Approval of a Waiver (WVR-72004) and Site Development Plan Review (SDR-72005) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
5. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.
6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

7. Prior to or concurrent with recordation of a Final Map for this site, a Petition of Vacation shall be recorded to remove all existing Public Sewer Easements and Public Drainage Easements in conflict with development of this site. No existing easements shall be vacated until appropriate new easements have been granted.
8. Waiver request WVR-72004 shall be approved to allow the non-standard street section as shown.

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Conditions Page Seven

January 9, 2018 - Planning Commission Meeting

9. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements (where public sewer lines are proposed), and Public Drainage Easements to be privately maintained by the Homeowner's Association.
10. Extend public sewer in the existing public sewer easement through Common Lot "D" to the western edge of this site.
11. A minimum 12-foot wide paved path in Common Lot "H" shall be constructed to provide access for City of Las Vegas vehicles to the existing and proposed sewer manholes.
12. Grant all required public easements (sewer, drainage, fire, etc.) that are outside the boundaries of this site prior to or concurrent with the recordation of a Final Map for this site.
13. Prior to civil improvement plan approval, an off-site public sewer easement must be in place across the proposed off-site public sewer alignment from the eastern edge of this development to the proposed point of connection shown on sheet TM5.
14. Prior to the recordation a Final Map for this site or the issuance of a permit for this site, construct all off-property infrastructure (roadway, sewer, drainage, etc.), including a minimum 12-foot wide paved sewer maintenance road over the offsite sewer between the eastern edge of this development and the proposed point of connection. The access road must meet all Design and Construction Standards for Wastewater Collection (DCSWCS) criteria. The required off-property infrastructure must be constructed or guaranteed by an approved performance security method in accordance with Unified Development Code sections 19.02.130.C and 19.02.130.E.
15. Prior to the submittal of construction drawings, the applicant shall meet with the Sanitary Sewer Section of the Department of Public Works to determine an acceptable public sewer design and separation for the public sewer lines proposed in this subdivision. Comply with the recommendations of the Sanitary Sewer Section.
16. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements prior to submittal of construction drawings for this site. Private Streets shall meet the approval of the Department of Fire Services. Curbing on one side of the 32-foot private streets shall be constructed of red concrete and shall be in accordance with the adopted Fire Code (Ordinance #66325). The required curb coloring, painting, and signage shall be privately maintained in perpetuity by the Homeowner's Association.

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Conditions Page Eight

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17. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
18. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.
19. This site is in a Federal Emergency Management Area (FEMA) designated flood zone. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. Additionally, a Conditional Letter of Map Revision (CLOMR) must be obtained from FEMA prior to the issuance of any construction permits.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a 75-lot gated single-family residential development on a large lot currently developed as a portion of a larger nonoperational golf course and generally located on the north side of Verlaine Court, east of Regents Park Road. The development would feature custom homes and contain small open space and park areas.

ISSUES

- Access to the development is provided from Alta Drive via an access easement over the adjacent parcels to the west and from the proposed Parcel 4 development.
- A Waiver of Title 19.02 is requested to allow various types of private streets or private access easements over the proposed lots that are less than the 47-foot wide public street standard, including 40-foot wide streets with no sidewalks within a proposed gated development. Staff supports this request.
- A Site Development Plan Review for a single-family residential development on this site is required for all planned developments zoned R-PD (Residential Planned Development). The proposal includes developer-proposed standards for development of the site.
- A Tentative Map is requested for a 75-lot single-family residential subdivision on a 22.19-acre parcel.

ANALYSIS

The subject parcel (APN 138-31-601-008) constitutes a 22.19-acre portion of a developed, nonoperational golf course that is located within the Peccole Ranch Master Development Plan. The parcel is zoned R-PD7 (Residential Planned Development – 7 Units per Acre), allowing up to 7.49 dwelling units per acre spread out across the area covering the zoning district. This zoning district was approved April 4, 1990 (Z-0017-90) as part of the second phase of the Peccole Ranch Master Development Plan.

In 2005, this parcel was designated PR-OS (Parks/Recreation/Open Space) by the city's General Plan, a designation that does not provide for residential densities of any size. Title 19.16.010 states that "except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezoning, Site Development Plan Reviews, Special Use Permits, Variances, Waivers, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan." Within the area known

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as the Peccole Ranch Master Development Plan, the 1992 General Plan for the City of Las Vegas designated the proposed golf course area P (Parks/Recreation/Open Space) and the proposed residential areas around the golf course as ML (Medium Low Density Residential). As other uses within the conceptual Peccole Ranch Master Development Plan were proposed that deviated from the established General Plan and zoning, a General Plan Amendment and Rezoning were required for consistency with the General Plan. As the designated land use of each property should reflect the uses and densities permitted by that parcel's zoning district as noted above, staff requested that the applicant apply for a General Plan Amendment concurrent with the proposal for redevelopment of the site to be congruent with the existing zoning in terms of residential density and land use. Approval of a General Plan Amendment is not a mandatory requirement for such development, as the zoning predated the current designation and a new rezoning is not requested. The applicant had therefore originally opted not to request such an amendment, but has now submitted an application for a General Plan Amendment, which is not part of this request.

The City is currently formulating a policy based on public advisory panel input and staff research concerning repurposing of lands containing open space or golf courses. A particular aim of the policy is to require public education, engagement and input into proposed open space or golf course repurposing projects before they are submitted for review. This application was submitted prior to the anticipated adoption of the policy.

Staff notes that this proposal represents piecemeal redevelopment of a majority of the former golf course property. The City would prefer that a comprehensive plan of development over the entire golf course be devised that would provide assurances in the manner of implementation over time.

The proposed development would have a density of 3.38 dwelling units per acre and an average lot size of 11,316 square feet, with larger lots adjacent to Verlaine Court. Lot sizes are comparable to the sizes of the existing adjacent lots. In addition, open space and planned park areas are included as required for all new R-PD developments.

Open space is provided in the form of four small park areas totaling 54,317 square feet. Approximately 54,000 square feet or 1.24 acres of the development must consist of usable open space, which this proposal meets. These areas are all common lots to be privately maintained as described in the accompanying Covenants, Conditions, Restrictions, Reservations and Easements document.

Title 19.04 requires private streets to be developed to public street standards, which require 47-foot wide streets with sidewalks on both sides of the street, including either three-foot amenity zones with street trees or a five-foot planting zone on the adjacent private properties. This is to allow adequate space for vehicular travel in both directions, as well as a safe environment for pedestrians, bicycles and other modes of

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transportation. In the existing adjacent residential developments, the streets range in size from 39 feet in Tudor Park to 40 feet along Queen Charlotte Drive and Verlaine Court with wide roll curbs. In the case of Verlaine Court, the paved roadway width is 28 feet.

The applicant is proposing private streets or private access easements over the residential lots with a 32-foot roadway including 30-inch roll curbs on both sides, a four-foot sidewalk and three-foot private landscape easement on one side and a five-foot private landscape easement on the other side for a total sectional width of 44 feet. A 44-foot wide street will allow for emergency vehicle access while still permitting parking on one side. This design is comparable to the private streets in the adjacent gated subdivisions along the golf course and will not have a negative impact on the flow of traffic. Staff recommends approval of the Waiver request with conditions that include a requirement for the applicant to coordinate with the Fire Protection Engineering Section of the Department of Fire Services to discuss the design and layout of all onsite private circulation and access drives to meet current fire codes.

The Site Development Plan Review describes three lot types with different development standards; those that contain less than 9,000 square feet, those containing between 9,000 and 20,000 square feet inclusive and those containing greater than 20,000 square feet. Development standards for lots that are 20,000 square feet or less are generally consistent with R-1 and R-D zoned properties, while those in the category greater than 20,000 square feet are generally consistent with R-E zoned properties. Some exceptions include building height, which is proposed to be 40-50 feet where 35 feet is the requirement in the standard zoning districts, and patio covers, which are treated the same as second story decks unlike their treatment in the Unified Development Code. The additional height is comparable to existing residential dwellings in the R-PD7 zoning district. It is noted that no building height restriction was previously conditioned for the existing residential development surrounding the subject property.

Landscaping consists of drought tolerant street trees including London Sycamore, Crape Myrtle and Southern Magnolia and various species of natural groundcover. Artificial turf is planned at the entryways as an alternative to natural grass. If approved, the landscape plan submitted for permit must indicate the number and size of each plant species.

The regular Title 19 standard along the perimeter is to allow a maximum solid wall height of 12 feet with no more than six feet of retaining per step. The site plans do not indicate walls at the perimeter beyond what is already constructed, but the standards propose maximum six-foot tall stucco walls at all rear yard and exterior side yard property lines. If necessary, the walls could be designed to meet the current Unified Development Code requirements.

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The natural grade from north to south across this site is less than two percent. The regular Title 19 standard along the perimeter is to allow a maximum solid wall height of 10 feet with no more than four feet of retaining per step. The site plans do not indicate walls at the perimeter beyond what is already constructed, but the standards propose maximum six-foot tall stucco walls at all rear yard and exterior side yard property lines. If necessary, the walls could be designed to meet the current Unified Development Code requirements.

Per Title 19.04.040, the Connectivity Ratio requirement does not apply for R-PD developments. In addition, per Title 19.04.010, where a proposed development is adjacent to existing improvements, the Director of Public Works has the right to determine the appropriateness of implementing Complete Streets standards, including connectivity. In this case, Public Works has determined that it would be inappropriate to implement the connectivity standards, given the design of the existing residential development and configuration of available land for development.

As this project may have significant impacts to the surrounding properties and resources in the vicinity, per Title 19.16.010(E) a Development Impact Notice and Assessment (DINA) was submitted for comment by various city departments and outside agencies. Comments from the Clark County School District and Las Vegas Valley Water District follow.

The Clark County School District comments that in this area of the city John Bonner Elementary School, Sig Rogich Middle School and Palo Verde High School are over capacity for the 2017-18 school year. John Bonner is 154.58 percent of capacity, Sig Rogich is 110.04 percent of capacity and Palo Verde is 109.35% of program capacity. John Bonner is significantly overcrowded, and a new elementary school is needed in this area to educate elementary school age students. Elementary school aged students generated by the development may need to be bused to an alternate school that can accommodate them if there is no new elementary school in the area, which is not a preferred alternative. If other parts of "The 180" are developed, it will exacerbate the overcrowding and busing issues for elementary school age students. [This analysis was based on the combined number of lots in the three proposed subdivisions.]

The Las Vegas Valley Water District (LVVWD) has provided the following comments related to this site:

"These parcels are not currently served by LVVWD, but are within the service area to be served. Two two-inch irrigation meters currently provide irrigation water only to the golf course on Parcel 138-31-601-008. Existing LVVWD waterlines and facilities will need to be protected in place or relocated if these are not within an easement or public right-of-way. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing and fire flow availability. In addition, the proposed improvements show water

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service for the subdivision from a single feed or single source. To comply with District standards, a second feed or source will be required to serve the subdivision.”

The proposed custom home development conforms to the density requirements of the R-PD7 zoning district. It proposes lot sizes that are comparable and compatible with the existing adjacent lots. It meets open space and other requirements for R-PD zoned developments. The street network, although utilizing a non-standard design, is designed to accommodate emergency vehicles and would be similar in appearance to many of the gated developments in the vicinity of the golf course. Staff therefore recommends approval of the Waiver, Site Development Plan Review and Tentative Map, subject to conditions.

FINDINGS (WVR-72004)

Staff supports Title 19 requirements for streets within the city, which require private streets to be developed to public street standards. The Unified Development Code requires 47-foot wide private streets that contain sidewalks on both sides. However, none of the existing residential developments with private streets in this area adhere to this standard. The applicant is proposing streets that provide similar amenities and widths to the adjacent private streets, once private easements are granted. This configuration would be more compatible with the surrounding development than the required 47-foot streets. Build-out of the proposed streets will not cause an undue hardship to the surrounding properties and will allow for fire access and limited on-street parking. Therefore, staff recommends approval of the requested waiver, with conditions.

FINDINGS (SDR-72005)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

The proposed residential lots throughout the subject site are comparable in size to the existing residential lots directly adjacent to the proposed lots. The development standards proposed are compatible with those imposed on the adjacent lots. Several small park and open space amenities are provided for the benefit of residents.

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

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The proposed development is inconsistent with the General Plan for this large parcel, which is designated PR-OS. A General Plan Amendment to a designation appropriate for the proposed density is recommended, but not required by the Las Vegas 2020 Master Plan and the Unified Development Code. The proposed R-PD development is consistent with Title 19 requirements for residential planned developments prior to the adoption of the Unified Development Code. However, streets are not designed to public street standards as required by the Unified Development Code Title 19.04, for which a waiver is necessary.

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

Site access is proposed from Alta Drive via a 40-foot wide access easement through gates that meet Uniform Standard Drawing specifications. The proposed street system does not connect to any other existing streets and therefore should not negatively affect traffic within the existing residential areas. Concerning the major streets in the vicinity of the proposed development, this project will add approximately 714 trips per day on Alta Drive, Rampart Boulevard and Charleston Boulevard. These streets are all under capacity at this time and are projected to remain so after completion of this project. Based on peak hour use, the proposed development will add into the area roughly 75 additional cars, or about five every four minutes.

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

Custom homes are proposed on the subject lots, which will be subject to future permit review. Landscape materials are drought tolerant and appropriate for this area.

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

Custom homes are proposed on the subject lots, which will be subject to future permit review against the proposed development standards.

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

Development of this site will be subject to building permit review and inspection, thereby protecting the public health, safety and general welfare.

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FINDINGS (TMP-72006)

The submitted Tentative Map is in conformance with all Title 19 and NRS requirements for tentative maps. Therefore, staff recommends approval of the Tentative Map.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/17/80	The Board of City Commissioners approved the Annexation (A-0018-80) of 2,243 acres bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east. The annexation became effective on 12/26/80.
02/15/89	The City Council considered and approved a revised master development plan for the subject site and renamed it Peccole Ranch to include 1,716.30 acres. Phase One of the Plan is generally located south of Charleston Boulevard, west of Fort Apache Road. Phase Two of the Plan is generally located north of Charleston Boulevard, west of Durango Drive, and south of Charleston Boulevard, east of Hualapai Way. The Planning Commission and staff recommended approval. A condition of approval limited the maximum number of dwelling units in Phase One to 3,150. [Peccole Ranch Master Development Plan]
04/04/90	The City Council approved an amendment to the Peccole Ranch Master Development Plan to make changes related to Phase Two of the Plan and to reduce the overall acreage to 1,569.60 acres. Approximately 212 acres of land in Phase Two was planned for a golf course. The Planning Commission and staff recommended approval. [Peccole Ranch Master Development Plan]
	The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to multiple zoning districts) to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development – 7 Units per Acre) and C-1 (Limited Commercial) on 996.40 acres on the east side of Hualapai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. A condition of approval limited the maximum number of dwelling units for Phase Two of the Peccole Ranch Master Development Plan to 4,247 units. The Planning Commission and staff recommended approval. [Peccole Ranch Phase Two]
12/05/96	A (Parent) Final Map (FM-0008-96) for a 16-lot subdivision (Peccole West) on 570.47 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 77 Page 23 of Plats]. The golf course was located on Lot 5 of this map.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
03/30/98	A Final Map (FM-0190-96) for a four-lot subdivision (Peccole West Lot 10) on 184.01 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [Book 83 Page 61 of Plats].
03/30/98	A Final Map [FM-0008-96(1)] to amend portions of Lots 5 and 10 of the Peccole West Subdivision Map on 368.81 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 83 Page 57 of Plats].
07/30/98	A Final Map (FM-0169-97) for a 37-lot single family residential subdivision (Peccole West Lot 10 – Parcel 18-3 Phase 1) on 11.22 acres on the south side of Alta Drive, east of Regents Park Road, was recorded. [Book 85 Page 44 of Plats]
08/31/99	A Final Map (FM-0027-99) for a 33-lot single family residential subdivision (Peccole West Lot 10 – Parcel 18-3 Phase 2) on 9.47 acres on the south side of Alta Drive, east of Regents Park Road, was recorded. [Book 91 Page 13 of Plats]
09/23/99	A Final Map (FM-0157-97) for a 41-lot single family residential subdivision (Peccole West – Parcel 19) on 17.04 acres generally located south of Alta Drive, east of Hualapai Way, was recorded. [Book 91 Page 47 of Plats]
01/25/01	A Final Map (FM-0064-00) for a 36-lot single family residential subdivision (Peccole West Lot 10 – Parcel 18-3 Phase 3) on 10.33 acres on the south side of Alta Drive, east of Regents Park Road, was recorded. [Book 98 Page 32 of Plats]
02/05/03	The City Council approved a General Plan Amendment (GPA-1333) to change the land use designation from SC (Service Commercial) to MLA (Medium Low Attached Density Residential) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Rezoning (ZON-1340) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to R-PD10 (Residential Planned Development – 10 Units per Acre) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Variance (VAR-1342) to allow 0.79 acres of open space where 2.72 acres are required on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
	The City Council approved a Site Development Plan Review (SDR-1341) for a proposed 166-lot single family residential development on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
08/27/03	A Final Map (FMP-2456) for a 166-lot single family residential subdivision (Windsor @ Queensridge) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard, was recorded. [Book 112 Page 40 of Plats]
06/18/15	A four-lot Parcel Map (PMP-59572) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 49 of Parcel Maps].
11/30/15	A two-lot Parcel Map (PMP-62257) on 70.52 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 91 of Parcel Maps].
03/15/16	A two-lot Parcel Map (PMP-63468) on 53.03 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 121 Page 12 of Parcel Maps].
11/16/16	At the applicant's request, the City Council voted to Withdraw Without Prejudice requests for a Major Modification (MOD-63600) of the 1990 Peccole Ranch Master Development Plan; a Development Agreement (DIR-63602) between 180 Land Co., LLC, et al. and the City of Las Vegas; a General Plan Amendment (GPA-63599) from PR-OS (Parks/Recreation/Open Space) to DR (Desert Rural Density Residential) and H (High Density Residential); and a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-E (Residence Estates) and R-4 (High Density Residential) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended denial; staff recommended approval.
01/24/17	A four-lot Parcel Map (PMP-64285) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [File 121 Page 100 of Parcel Maps].
02/15/17	The City Council approved a request for a General Plan Amendment (GPA-62387) to change the land use designation from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential) [amended to M (Medium Density Residential)] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
	The City Council approved a request for a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) [amended to R-3 (Medium Density Residential)] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Site Development Plan Review (SDR-62393) for a proposed 720-unit multi-family residential (condominium) development consisting of four, four-story buildings [amended to 435 condominium units] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
06/21/17	The City Council denied a request for a General Plan Amendment (GPA-68385) from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission recommended denial (failing to reach supermajority vote); staff recommended approval.
	The City Council denied a request for a Waiver (WVR-68480) to allow 32-foot private streets with a sidewalk on one side where 47-foot private streets with sidewalks on both sides are required within a proposed gated residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Site Development Plan Review (SDR-68481) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Tentative Map (TMP-68482) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
08/02/17	The City Council denied a request for a Development Agreement (DIR-70539) between 180 Land Co, LLC, et al. and the City of Las Vegas on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
12/12/17	The Planning Commission voted (7-0) to hold WVR-72004, SDR-72005 and TMP-72006 in abeyance to the January 9, 2018 Planning Commission meeting.

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<i>Most Recent Change of Ownership</i>	
11/16/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>
There are no building permits or business licenses relevant to these requests.

<i>Pre-Application Meeting</i>	
09/21/17	A pre-application meeting was held with the applicant to discuss issues with the proposed development and submittal requirements for entitlement. Special emphasis was placed on conformance to Title 19.06.040 (pre-UDC) requirements for Residential Planned Developments.

<i>Neighborhood Meeting</i>
A neighborhood meeting was not required, nor was one held.

<i>Field Check</i>	
11/02/17	The site contains a golf course surrounded by existing single-family residential dwellings. The golf course was not in operation, and the water retention facilities were fenced off for safety.

<i>Details of Application Request</i>	
<i>Site Area</i>	
Gross Acres	22.19 (TMP)
Gross Acres	portion of 71.91 (WVR, SDR)

<i>Surrounding Property</i>	<i>Existing Land Use</i>	<i>Planned or Special Land Use Designation</i>	<i>Existing Zoning District</i>
Subject Property	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
		GTC (General Tourist Commercial)	PD (Planned Development)

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Surrounding Property	Existing Land Use	Planned or Special Land Use Designation	Existing Zoning District
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
	Single Family, Detached	MLA (Medium Low Attached Density Residential)	R-PD10 (Residential Planned Development – 10 Units per Acre)
	Private Park	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
East	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
West	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)

Master Plan Areas	Compliance
Peccole Ranch	Y
Special Purpose and Overlay Districts	Compliance
R-PD (Residential Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notice and Assessment)	N/A*
Project of Regional Significance	N/A

*A Development Impact Notice and Assessment is not required by Title 19; however, the applicant submitted one to note any possible impacts to surrounding development and resources.

DEVELOPMENT STANDARDS

Pursuant to Las Vegas Zoning Code Title 19.06.040 prior to Ordinance 6135 (adopted March 16, 2011), the Development Standards within an R-PD District are established by the Site Development Plan. The following development standards are proposed by the applicant:

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Standard	Lots < than 9,000 sf	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Minimum Lot Size	4,500 sf	9,000 sf	20,000 sf
Building Setbacks:			
• Front yard to private street or access easement	20 feet	30 feet	35 feet
• Side yard	5 feet	5 feet	7.5 feet
• Corner side yard	N/A	12.5 feet	15 feet
• Rear yard	15 feet	25 feet	30 feet
• Lot coverage	Dictated by setbacks	Dictated by setbacks	Dictated by setbacks

Standard	Lots < than 9,000 sf	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Accessory structure setbacks:			
• Porte cochere to private street	N/A	15 feet	15 feet
• Side loaded garage to side yard property line	N/A	5 feet	5 feet
• Patio covers and/or 2 nd story decks	N/A	10 feet	10 feet
• Separation from principal dwelling	N/A	6 feet	6 feet
• Side yard	N/A	5 feet	5 feet
• Corner side yard	N/A	5 feet	5 feet
• Rear yard	N/A	5 feet	5 feet
Building Heights:			
• Principal dwelling	40 feet	40 feet	50 feet
• Accessory structures	25 feet	25 feet	30 feet
• Floors	2 stories on slab or over basement	2 stories on slab or over basement	3 stories on lots greater than 35,000 sf; otherwise 2 stories
Permitted uses	Single family residence and accessory structures*	Single family residence and accessory structures*	Single family residence and accessory structures*

* Accessory structures may have a trellis or canopy attached to the principal dwelling. Casitas may be attached to the principal dwelling with separate access from the principal dwelling.

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With regard to perimeter landscape standards, all multi-family development or single family developments with five or more lots adjacent to streets classified as major collectors or larger shall meet or exceed the minimum standards, and shall comply with any restrictions established in the Unified Development Code. As the proposed development is not adjacent to a major collector street, no minimum standards are applied for perimeter landscaping.

Open Space – R-PD only							
Total Acreage	Density	Required			Provided		Compliance
		Ratio	Percent	Area	Percent	Area	
22.19 ac	3.4	1.65	5.61%	1.24 ac	5.62%	1.24 ac	Y

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	1	
Intersection – Internal		0
Cul-de-sac Terminus		1
Intersection – External Street or Stub Terminus		0
Intersection – Stub Terminus w/ Temporary Turn Around Easements		0
Non-Vehicular Path - Unrestricted	0	
Total	1	1
	Required	Provided
Connectivity Ratio (Links / Nodes):	N/A	1.00

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	75 units	2 spaces per unit	150				
TOTAL SPACES REQUIRED			150		150		Y
Regular and Handicap Spaces Required			150	0	150		Y

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Waivers		
Requirement	Request	Staff Recommendation
Private streets behind a gate must meet public street standards unless waived (47' minimum width with L-curbs and sidewalks on both sides of the street)	To allow 40' wide private streets with no sidewalks and 44' wide private streets with a 4' sidewalk on one side and a 5' landscape easement on the other in a gated community	Approval

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Exhibit 103

*City of Las Vegas***AGENDA MEMO - PLANNING**

PLANNING COMMISSION MEETING DATE: JANUARY 9, 2018

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: 180 LAND CO, LLC, ET AL

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
WVR-72010	Staff recommends APPROVAL, subject to conditions:	
SDR-72011	Staff recommends APPROVAL, subject to conditions:	WVR-72010
TMP-72012	Staff recommends APPROVAL, subject to conditions:	WVR-72010 SDR-72011

**** NOTIFICATION ******NEIGHBORHOOD ASSOCIATIONS NOTIFIED**

28

NOTICES MAILED1270 - WVR-72010 and SDR-72011
1270 - TMP-72012**PROTESTS**112 - WVR-72010 and
111 - SDR-72011
110 - TMP-72012**APPROVALS**33 - WVR-72010 and SDR-72011
44 - TMP-72012

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**** CONDITIONS ****

WVR-72010 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Site Development Plan Review (SDR-72005) and Tentative Map (TMP-72006) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
4. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
5. All City Code requirements and design standards of all City departments must be satisfied, except as modified herein.

SDR-72011 CONDITIONS

Planning

1. Approval of and conformance to the Conditions of Approval for Waiver (WVR-72010) and Tentative Map (TMP-72011) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan date stamped 11/15/17 and 11/16/17, and landscape plan date stamped 11/21/17, except as amended by conditions herein.

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Conditions Page Two

January 9, 2018 - Planning Commission Meeting

4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. The standards for this development shall include the following:

Standard	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Minimum Lot Size	9,000 sf	20,000 sf
Building Setbacks:		
• Front yard to private street or access easement	30 feet	35 feet
• Side yard	5 feet	7.5 feet
• Corner side yard	12.5 feet	15 feet
• Rear yard	25 feet	30 feet
• Lot coverage	Dictated by setbacks	Dictated by setbacks

Standard	Lots ≤ 20,000 sf	Lots greater than 20,000 sf
Accessory structure setbacks:		
• Porte cochere to private street	15 feet	15 feet
• Side loaded garage to side yard property line	5 feet	5 feet
• Patio covers and/or 2 nd story decks	10 feet	10 feet
• Separation from principal dwelling	6 feet	6 feet
• Side yard	5 feet	5 feet
• Corner side yard	5 feet	5 feet
• Rear yard	5 feet	5 feet
Building Heights:		
• Principal dwelling	40 feet	50 feet
• Accessory structures	25 feet	30 feet
• Floors	2 stories on slab or over basement	3 stories on lots greater than 35,000 sf; otherwise 2 stories
Permitted uses	Single family residence and accessory structures*	Single family residence and accessory structures*

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Conditions Page Three

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*Accessory structures may have a trellis or canopy attached to the principal dwelling. Casitas may be attached to the principal dwelling with separate access from the principal dwelling.

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time as Final Map submittal. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan submitted for permit shall indicate the number and size of each plant species.
8. No turf shall be permitted in the non-recreational common areas, such as medians and amenity zones in this development.
9. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Prior to the issuance of any permits or concurrent with or prior to the recordation of a Final Map for this site, a Petition of Vacation shall be recorded to remove all existing Public Sewer Easements and Public Drainage Easements in conflict with development of this site. No existing easements shall be vacated until appropriate new easements have been granted.
12. Waiver request WVR-72010 shall be approved to allow the non-standard street section as shown.
13. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements (where public sewer lines are proposed), and Public Drainage Easements to be privately maintained by the Homeowner's Association.
14. Common Lot "S" shall be labeled as a Public Sewer easement and shall be paved to prevent future landscaping in the easement.
15. The proposed public sewer easement shown on Lot 53 shall be located in a common lot.

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Conditions Page Four

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16. Grant all required public easements (sewer, drainage, fire, etc.) that are outside the boundaries of this site prior to or concurrent with the recordation of a Final Map for this site.
17. Prior to the recordation a Final Map for this site or the issuance of a permit for this site, construct all off-property infrastructure (roadway, sewer, drainage, etc.), including a minimum 12-foot wide paved sewer maintenance road over the offsite sewer between the eastern edge of this development and the proposed point of connection shown on sheet TM4. The access road must meet all Design and Construction Standards for Wastewater Collection (DCSWCS) criteria. The required off-property infrastructure must be constructed or guaranteed by an approved performance security method in accordance with Unified Development Code sections 19.02.130.C and 19.02.130.E.
18. Prior to the submittal of construction drawings, the applicant shall meet with the Sanitary Sewer Section of the Department of Public Works to determine an acceptable public sewer design and separation for the public sewer lines proposed in this subdivision. Comply with the recommendations of the Sanitary Sewer Section.
19. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements prior to submittal of construction drawings for this site. Private Streets shall meet the approval of the Department of Fire Services. Curbing on one side of the 32-foot private streets shall be constructed of red concrete and shall be in accordance with the adopted Fire Code (Ordinance #66325). The required curb coloring, painting, and signage shall be privately maintained in perpetuity by the Homeowner's Association.
20. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
21. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless

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specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

22. This site is in a Federal Emergency Management Area (FEMA) designated flood zone. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. Additionally, a Conditional Letter of Map Revision (CLOMR) must be obtained from FEMA prior to the issuance of any construction permits.

TMP-72012 CONDITIONS

Planning

1. Approval of the Tentative Map shall be for no more than four (4) years. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within four (4) years of the approval of the Tentative Map, this action is void.
2. Approval of a Waiver (WVR-72010) and Site Development Plan Review (SDR-72011) shall be required, if approved.
3. Street names must be provided in accordance with the City's Street Naming Regulations.
4. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.

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Conditions Page Six

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5. In conjunction with creation, declaration and recordation of the subject common-interest community, and prior to recordation of the Covenants, Codes and Restrictions ("CC&R"), or conveyance of any unit within the community, the Developer is required to record a Declaration of Private Maintenance Requirements ("DPMR") as a covenant on all associated properties, and on behalf of all current and future property owners. The DPMR is to include a listing of all privately owned and/or maintained infrastructure improvements, along with assignment of maintenance responsibility for each to the common interest community or the respective individual property owners, and is to provide a brief description of the required level of maintenance for privately maintained components. The DPMR must be reviewed and approved by the City of Las Vegas Department of Field Operations prior to recordation, and must include a statement that all properties within the community are subject to assessment for all associated costs should private maintenance obligations not be met, and the City of Las Vegas be required to provide for said maintenance. Also, the CC&R are to include a statement of obligation of compliance with the DPMR. Following recordation, the Developer is to submit copies of the recorded DPMR and CC&R documents to the City of Las Vegas Department of Field Operations.
6. All development is subject to the conditions of City Departments and State Subdivision Statutes.

Public Works

7. Prior to the issuance of any permits or concurrent with or prior to the recordation of a Final Map for this site, a Petition of Vacation shall be recorded to remove all existing Public Sewer Easements and Public Drainage Easements in conflict with development of this site. No existing easements shall be vacated until appropriate new easements have been granted.
8. Waiver request WVR-72010 shall be approved to allow the non-standard street section as shown.
9. Private streets must be granted and labeled on the Final Map for this site as Public Utility Easements (P.U.E.), Public Sewer Easements (where public sewer lines are proposed), and Public Drainage Easements to be privately maintained by the Homeowner's Association.
10. Common Lot "S" shall be labeled as a Public Sewer easement and shall be paved to prevent future landscaping in the easement.
11. The proposed public sewer easement shown on Lot 53 shall be located in a common lot.

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Conditions Page Seven

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12. Grant all required public easements (sewer, drainage, fire, etc.) that are outside the boundaries of this site prior to or concurrent with the recordation of a Final Map for this site.
13. Prior to the recordation a Final Map for this site or the issuance of a permit for this site, construct all off-property infrastructure (roadway, sewer, drainage, etc.), including a minimum 12-foot wide paved sewer maintenance road over the offsite sewer between the eastern edge of this development and the proposed point of connection shown on sheet TM4. The access road must meet all Design and Construction Standards for Wastewater Collection (DCSWCS) criteria. The required off-property infrastructure must be constructed or guaranteed by an approved performance security method in accordance with Unified Development Code sections 19.02.130.C and 19.02.130.E.
14. Prior to the submittal of construction drawings, the applicant shall meet with the Sanitary Sewer Section of the Department of Public Works to determine an acceptable public sewer design and separation for the public sewer lines proposed in this subdivision. Comply with the recommendations of the Sanitary Sewer Section.
15. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements prior to submittal of construction drawings for this site. Private Streets shall meet the approval of the Department of Fire Services. Curbing on one side of the 32-foot private streets shall be constructed of red concrete and shall be in accordance with the adopted Fire Code (Ordinance #66325). The required curb coloring, painting, and signage shall be privately maintained in perpetuity by the Homeowner's Association.
16. All private improvements and landscaping installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
17. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless

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specifically noted as not required in the approved Traffic Impact Analysis. If additional rights of way are not required and Traffic Control devices are or may be proposed at this site outside of the public right of way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

18. This site is in a Federal Emergency Management Area (FEMA) designated flood zone. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. Additionally, a Conditional Letter of Map Revision (CLOMR) must be obtained from FEMA prior to the issuance of any construction permits.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing a 53-lot gated single-family residential development on a large lot currently developed as a portion of a larger nonoperational golf course and generally located on the east side of Palace Court, approximately 330 feet north of Charleston Boulevard. The development would feature custom homes and contain small open space and park areas.

ISSUES

- Access to the development is provided from Alta Drive via an access easement over the adjacent parcels to the west and from the proposed Parcel 2 development.
- A Waiver of Title 19.02 is requested to allow various types of private streets or private access easements over the proposed lots that are less than the 47-foot wide public street standard, including 40-foot wide streets with no sidewalks within a proposed gated development. Staff supports this request.
- A Site Development Plan Review for a single-family residential development on this site is required for all planned developments zoned R-PD (Residential Planned Development). The proposal includes developer-proposed standards for development of the site.
- A Tentative Map is requested for a 53-lot single-family residential subdivision on a 33.80-acre parcel.

The subject parcel (Assessor's Parcel Number 138-31-702-004) constitutes a 33.80-acre portion of a developed, nonoperational golf course that is located within the Peccole Ranch Master Development Plan. The parcel is zoned R-PD7 (Residential Planned Development – 7 Units per Acre), which allows up to 7.49 dwelling units per acre spread out across the area covering the zoning district. This zoning district was approved April 4, 1990 (Z-0017-90) as part of the second phase of the Peccole Ranch Master Development Plan.

In 2005, this parcel was designated PR-OS (Parks/Recreation/Open Space) by the city's General Plan, a designation that does not provide for residential densities of any size. Title 19.16.010 states that "except as otherwise authorized by this Title, approval of all Maps, Vacations, Rezoning, Site Development Plan Reviews, Special Use Permits, Variances, Waivers, Exceptions, Deviations and Development Agreements shall be consistent with the spirit and intent of the General Plan." Within the area known

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Conditions Page Two

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as the Peccole Ranch Master Development Plan, the 1992 General Plan for the City of Las Vegas designated the proposed golf course area P (Parks/Recreation/Open Space) and the proposed residential areas around the golf course as ML (Medium Low Density Residential). As other uses within the conceptual Peccole Ranch Master Development Plan were proposed that deviated from the established General Plan and zoning, a General Plan Amendment and Rezoning were required for consistency with the General Plan. As the designated land use of each property should reflect the uses and densities permitted by that parcel's zoning district as noted above, staff requested that the applicant apply for a General Plan Amendment concurrent with the proposal for redevelopment of the site to be congruent with the existing zoning in terms of residential density and land use. Approval of a General Plan Amendment is not a mandatory requirement for such development, as the zoning predated the current designation and a new rezoning is not requested. The applicant had therefore originally opted not to request such an amendment, but has now submitted an application for a General Plan Amendment that is not part of this request.

The City is currently formulating a policy based on public advisory panel input and staff research concerning repurposing of lands containing open space or golf courses. A particular aim of the policy is to require public education, engagement and input into proposed open space or golf course repurposing projects before they are submitted for review. This application was submitted prior to the anticipated adoption of the policy.

Staff notes that this proposal represents piecemeal redevelopment of a majority of the former golf course property. The City would prefer that a comprehensive plan of development over the entire golf course be devised that would provide assurances in the manner of implementation over time.

The proposed development would have a density of 1.57 dwelling units per acre and an average lot size of 26,412 square feet, with larger lots adjacent to Kings Gate Court. Lot sizes are comparable to the sizes of the existing adjacent lots. In addition, open space and planned park areas are included as required for all new R-PD developments.

Open space is provided in the form of small park areas and entry features totaling 43,579 square feet. Approximately 38,900 square feet or 0.89 acres of the development must consist of usable open space, which this proposal meets. These areas are all common lots to be privately maintained as described in the accompanying Covenants, Conditions, Restrictions, Reservations and Easements document.

Title 19.04 requires private streets to be developed to public street standards, which require 47-foot wide streets with sidewalks on both sides of the street, including either three-foot amenity zones with street trees or a five-foot planting zone on the adjacent private properties. This is to allow adequate space for vehicular travel in both

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Staff Report Page Three

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directions, as well as a safe environment for pedestrians, bicycles and other modes of transportation. In the existing adjacent residential developments, the private streets range in size from 40 feet in the Fontainbleu development to 60 feet on Kings Gate Court, of which only 30 feet consists of a paved roadway. The adjacent homes on Provence Garden Lane feature a detached four-foot sidewalk and five-foot landscape strip on the north side of the street.

The applicant is requesting a street section comparable to Fontainbleu, with proposed private streets or private access easements over the residential lots with a 32-foot roadway including 30-inch roll curbs on both sides, a four-foot sidewalk and three-foot private landscape easement on one side and a five-foot private landscape easement on the other side for a total sectional width of 44 feet. A 44-foot wide street will allow for emergency vehicle access while still permitting parking on one side. This design is comparable to the private streets in the adjacent gated subdivisions along the golf course and will not have a negative impact on the flow of traffic. The 40-foot private access easement that would connect this site to Alta Drive would only contain the roadway and roll curbs without a sidewalk or landscaping. As this street is for access only and is not part of the development, staff does not object to not meeting the public street standards. Staff therefore recommends approval of the Waiver request with conditions that include a requirement for the applicant to coordinate with the Fire Protection Engineering Section of the Department of Fire Services to discuss the design and layout of all onsite private circulation and access drives to meet current fire codes.

The Site Development Plan Review describes two lot types with different development standards; those that contain less than or equal to 20,000 square feet and those containing greater than 20,000 square feet. Development standards for lots that are 20,000 square feet or less are generally consistent with R-D zoned properties, while those in the category greater than 20,000 square feet are generally consistent with R-E zoned properties. Some exceptions include building height, which is proposed to be 40-50 feet where 35 feet is the requirement in the standard zoning districts, and patio covers, which are treated the same as second story decks unlike their treatment in the Unified Development Code. The additional height is comparable to existing residential dwellings in the R-PD7 zoning district. It is noted that no building height restriction was previously conditioned for the existing residential development surrounding the subject property.

Landscaping consists of drought tolerant street trees including Canary Island Date Palms, Crape Myrtle and Southern Magnolia and various species of natural groundcover. Artificial turf is planned at the entryways as an alternative to natural grass. If approved, the landscape plan submitted for permit must indicate the number and size of each plant species.

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Staff Report Page Four

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The submitted Tentative Map indicates that the natural slope from west to east across the site is greater than two percent. The regular Title 19 standard along the perimeter is to allow a maximum solid wall height of 12 feet with no more than six feet of retaining per step. The site plans do not indicate walls at the perimeter beyond what is already constructed, but the standards propose maximum six-foot tall stucco walls at all rear yard and exterior side yard property lines. If necessary, the walls could be designed to meet the current Unified Development Code requirements.

The natural grade from north to south across this site is less than two percent. The regular Title 19 standard along the perimeter is to allow a maximum solid wall height of 10 feet with no more than four feet of retaining per step. The site plans do not indicate walls at the perimeter beyond what is already constructed, but the standards propose maximum six-foot tall stucco walls at all rear yard and exterior side yard property lines. If necessary, the walls could be designed to meet the current Unified Development Code requirements.

Per Title 19.04.040, the Connectivity Ratio requirement does not apply for R-PD developments. In addition, per Title 19.04.010, where a proposed development is adjacent to existing improvements, the Director of Public Works has the right to determine the appropriateness of implementing Complete Streets standards, including connectivity. In this case, Public Works has determined that it would be inappropriate to implement the connectivity standards, given the design of the existing residential development and configuration of available land for development.

As this project may have significant impacts to the surrounding properties and resources in the vicinity, per Title 19.16.010(E) a Development Impact Notice and Assessment (DINA) was submitted for comment by various city departments and outside agencies. Comments from the Clark County School District and Las Vegas Valley Water District follow.

The Clark County School District comments that in this area of the city John Bonner Elementary School, Sig Rogich Middle School and Palo Verde High School are over capacity for the 2017-18 school year. John Bonner is 154.58 percent of capacity, Sig Rogich is 110.04 percent of capacity and Palo Verde is 109.35% of program capacity. John Bonner is significantly overcrowded, and a new elementary school is needed in this area to educate elementary school age students. Elementary school aged students generated by the development may need to be bused to an alternate school that can accommodate them if there is no new elementary school in the area, which is not a preferred alternative. If other parts of "The 180" are developed, it will exacerbate the overcrowding and busing issues for elementary school age students. [This analysis was based on the combined number of lots in the three proposed subdivisions.]

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Staff Report Page Five

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The Las Vegas Valley Water District (LVVWD) has provided the following comments related to this site:

“These parcels are not currently served by LVVWD, but are within the service area to be served. Existing LVVWD waterlines and facilities will need to be protected in place or relocated if these are not within an easement or public right-of-way. Civil and plumbing plans will need to be submitted to LVVWD for domestic meter sizing and fire flow availability. In addition, the proposed improvements show water service for the subdivision from a single feed or single source. To comply with District standards, a second feed or source will be required to serve the subdivision.”

The proposed custom home development conforms to the density requirements of the R-PD7 zoning district. It proposes lot sizes that are comparable and compatible with the existing adjacent lots. It meets open space and other requirements for R-PD zoned developments. The street network, although utilizing a non-standard design, is designed to accommodate emergency vehicles and would be similar in appearance to many of the gated developments in the vicinity of the golf course. Staff therefore recommends approval of the Waiver, Site Development Plan Review and Tentative Map, subject to conditions.

FINDINGS (WVR-72010)

Staff supports Title 19 requirements for streets within the city, which require private streets to be developed to public street standards. The Unified Development Code requires 47-foot wide private streets that contain sidewalks on both sides. However, none of the existing residential developments with private streets in this area adhere to this standard. The applicant is proposing streets that provide similar amenities and widths to the adjacent private streets, once private easements are granted. This configuration would be more compatible with the surrounding development than the required 47-foot streets. Build-out of the proposed streets will not cause an undue hardship to the surrounding properties and will allow for fire access and limited on-street parking. Therefore, staff recommends approval of the requested waiver, with conditions.

FINDINGS (SDR-72011)

In order to approve a Site Development Plan Review application, per Title 19.16.100(E) the Planning Commission and/or City Council must affirm the following:

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

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The proposed residential lots throughout the subject site are comparable in size to the existing residential lots directly adjacent to the proposed lots. The development standards proposed are compatible with those imposed on the adjacent lots. Several small park and open space amenities are provided for the benefit of residents.

2. The proposed development is consistent with the General Plan, this Title, and other duly-adopted city plans, policies and standards;

The proposed development is inconsistent with the General Plan for this large parcel, which is designated PR-OS. A General Plan Amendment to a designation appropriate for the proposed density is recommended, but not required by the Las Vegas 2020 Master Plan and the Unified Development Code. The proposed R-PD development is consistent with Title 19 requirements for residential planned developments prior to the adoption of the Unified Development Code. However, streets are not designed to public street standards as required by the Unified Development Code Title 19.04, for which a waiver is necessary.

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

Site access is proposed from Alta Drive via a 40-foot wide access easement through gates that meet Uniform Standard Drawing specifications. The proposed street system does not connect to any other existing streets and therefore should not negatively affect traffic within the existing residential areas. Concerning the major streets in the vicinity of the proposed development, this project will add approximately 505 trips per day on Alta Drive, Rampart Boulevard and Charleston Boulevard. These streets are all under capacity at this time and are projected to remain so after completion of this project. Based on peak hour use, the proposed development will add into the area roughly 53 additional cars, or about one every minute.

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

Custom homes are proposed on the subject lots, which will be subject to future permit review. Landscape materials are drought tolerant and appropriate for this area.

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

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Custom homes are proposed on the subject lots, which will be subject to future permit review against the proposed development standards.

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

Development of this site will be subject to building permit review and inspection, thereby protecting the public health, safety and general welfare.

FINDINGS (TMP-72012)

The submitted Tentative Map is in conformance with all Title 19 and NRS requirements for tentative maps. Therefore, staff recommends approval of the Tentative Map.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
12/17/80	The Board of City Commissioners approved the Annexation (A-0018-80) of 2,243 acres bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east. The annexation became effective on 12/26/80.
02/15/89	The City Council considered and approved a revised master development plan for the subject site and renamed it Peccole Ranch to include 1,716.30 acres. Phase One of the Plan is generally located south of Charleston Boulevard, west of Fort Apache Road. Phase Two of the Plan is generally located north of Charleston Boulevard, west of Durango Drive, and south of Charleston Boulevard, east of Hualapai Way. The Planning Commission and staff recommended approval. A condition of approval limited the maximum number of dwelling units in Phase One to 3,150. [Peccole Ranch Master Development Plan]
04/04/90	The City Council approved an amendment to the Peccole Ranch Master Development Plan to make changes related to Phase Two of the Plan and to reduce the overall acreage to 1,569.60 acres. Approximately 212 acres of land in Phase Two was planned for a golf course. The Planning Commission and staff recommended approval. [Peccole Ranch Master Development Plan]

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
04/04/90	The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to multiple zoning districts) to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development – 7 Units per Acre) and C-1 (Limited Commercial) on 996.40 acres on the east side of Hualapai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. A condition of approval limited the maximum number of dwelling units for Phase Two of the Peccole Ranch Master Development Plan to 4,247 units. The Planning Commission and staff recommended approval. [Peccole Ranch Phase Two]
04/17/96	A Final Map for a 36-lot single family residential subdivision (Peccole West – Lot 9, Phase 1) on 13.61 acres generally located north of Charleston Boulevard, west of Rampart Boulevard was recorded. [Book 73 Page 34 of Plats]
12/05/96	A (Parent) Final Map (FM-0008-96) for a 16-lot subdivision (Peccole West) on 570.47 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 77 Page 23 of Plats]. The golf course was located on Lot 5 of this map.
12/12/96	A Final Map for a 44-lot single family residential subdivision (Peccole West – Lot 11) on 51.02 acres generally located south of Alta Drive, east of Hualapai Way was recorded. [Book 77 Page 31 of Plats]
03/30/98	A Final Map [FM-0008-96(1)] to amend portions of Lots 5 and 10 of the Peccole West Subdivision Map on 368.81 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 83 Page 57 of Plats].
02/05/03	The City Council approved a General Plan Amendment (GPA-1333) to change the land use designation from SC (Service Commercial) to MLA (Medium Low Attached Density Residential) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Rezoning (ZON-1340) from U (Undeveloped) [SC (Service Commercial) General Plan Designation] to R-PD10 (Residential Planned Development – 10 Units per Acre) on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Variance (VAR-1342) to allow 0.79 acres of open space where 2.72 acres are required on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
	The City Council approved a Site Development Plan Review (SDR-1341) for a proposed 166-lot single family residential development on 16.87 acres on the south side of Alta Drive, approximately 2,100 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
06/18/15	A four-lot Parcel Map (PMP-59572) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 49 of Parcel Maps].
11/30/15	A two-lot Parcel Map (PMP-62257) on 70.52 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 91 of Parcel Maps].
03/15/16	A two-lot Parcel Map (PMP-63468) on 53.03 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 121 Page 12 of Parcel Maps].
11/16/16	At the applicant's request, the City Council voted to Withdraw Without Prejudice requests for a Major Modification (MOD-63600) of the 1990 Peccole Ranch Master Development Plan; a Development Agreement (DIR-63602) between 180 Land Co., LLC, et al. and the City of Las Vegas; a General Plan Amendment (GPA-63599) from PR-OS (Parks/Recreation/Open Space) to DR (Desert Rural Density Residential) and H (High Density Residential); and a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-E (Residence Estates) and R-4 (High Density Residential) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission recommended denial; staff recommended approval.
01/24/17	A four-lot Parcel Map (PMP-64285) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [File 121 Page 100 of Parcel Maps].
02/15/17	The City Council approved a request for a General Plan Amendment (GPA-62387) to change the land use designation from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential) [amended to M (Medium Density Residential)] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
	The City Council approved a request for a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) [amended to R-3 (Medium Density Residential)] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.

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<i>Related Relevant City Actions by Planning, Fire, Bldg., etc.</i>	
	The City Council approved a request for a Site Development Plan Review (SDR-62393) for a proposed 720-unit multi-family residential (condominium) development consisting of four, four-story buildings [amended to 435 condominium units] on 17.49 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
06/21/17	The City Council denied a request for a General Plan Amendment (GPA-68385) from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) on 166.99 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission recommended denial (failing to reach supermajority vote); staff recommended approval.
	The City Council denied a request for a Waiver (WVR-68480) to allow 32-foot private streets with a sidewalk on one side where 47-foot private streets with sidewalks on both sides are required within a proposed gated residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Site Development Plan Review (SDR-68481) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
	The City Council denied a request for a Tentative Map (TMP-68482) for a proposed 61-lot single family residential development on 34.07 acres at the southeast corner of Alta Drive and Hualapai Way. The Planning Commission and staff recommended approval.
08/02/17	The City Council denied a request for a Development Agreement (DIR-70539) between 180 Land Co, LLC, et al. and the City of Las Vegas on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard. The Planning Commission and staff recommended approval.
12/12/17	The Planning Commission voted (7-0) to hold WVR-72010, SDR-72011 and TMP-72012 in abeyance to the January 9, 2018 Planning Commission meeting.

<i>Most Recent Change of Ownership</i>	
11/16/15	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
There are no building permits or business licenses relevant to these requests.	

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Pre-Application Meeting	
09/21/17	A pre-application meeting was held with the applicant to discuss issues with the proposed development and submittal requirements for entitlement. Special emphasis was placed on conformance to Title 19.06.040 (pre-UDC) requirements for Residential Planned Developments.

Neighborhood Meeting	
A neighborhood meeting was not required, nor was one held.	

Field Check	
11/02/17	The site contains a golf course surrounded by existing single-family residential dwellings. The golf course was not in operation, and the water retention facilities were fenced off for safety.

Details of Application Request	
Site Area	
Gross Acres	33.80 (TMP)
Gross Acres	portion of 83.52 (WVR, SDR)

Surrounding Property	Existing Land Use	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
		GTC (General Tourist Commercial)	PD (Planned Development)
North	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
South	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)

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Surrounding Property	Existing Land Use	Planned or Special Land Use Designation	Existing Zoning District
East	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
West	Single Family, Detached	ML (Medium Low Density Residential)	R-PD7 (Residential Planned Development – 7 Units per Acre)
	Nonoperational Golf Course	PR-OS (Parks/Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)

Master Plan Areas	Compliance
Peccole Ranch	Y
Special Purpose and Overlay Districts	Compliance
R-PD (Residential Planned Development) District	Y
Other Plans or Special Requirements	Compliance
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notice and Assessment)	N/A*
Project of Regional Significance	N/A

*A Development Impact Notice and Assessment is not required by Title 19; however, the applicant submitted one to note any possible impacts to surrounding development and resources

DEVELOPMENT STANDARDS

Pursuant to Las Vegas Zoning Code Title 19.06.040 prior to Ordinance 6135 (adopted March 16, 2011), the Development Standards within an R-PD District are established by the Site Development Plan. The following development standards are proposed by the applicant:

Standard	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
Minimum Lot Size	9,000 sf	20,000 sf
Building Setbacks:		
• Front yard to private street or access easement	30 feet	35 feet

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Standard	Lots 9,000 sf ≤ 20,000 sf	Lots greater than 20,000 sf
<ul style="list-style-type: none"> • Side yard • Corner side yard • Rear yard • Lot coverage 	5 feet 12.5 feet 25 feet Dictated by setbacks	7.5 feet 15 feet 30 feet Dictated by setbacks

Standard	Lots ≤ 20,000 sf	Lots greater than 20,000 sf
Accessory structure setbacks: <ul style="list-style-type: none"> • Porte cochere to private street • Side loaded garage to side yard property line • Patio covers and/or 2nd story decks • Separation from principal dwelling • Side yard • Corner side yard • Rear yard 	15 feet 5 feet 10 feet 6 feet 5 feet 5 feet 5 feet	15 feet 5 feet 10 feet 6 feet 5 feet 5 feet 5 feet
Building Heights: <ul style="list-style-type: none"> • Principal dwelling • Accessory structures • Floors 	40 feet 25 feet 2 stories on slab or over basement	50 feet 30 feet 3 stories on lots greater than 35,000 sf; otherwise 2 stories
Permitted uses	Single family residence and accessory structures*	Single family residence and accessory structures*

*Accessory structures may have a trellis or canopy attached to the principal dwelling. Casitas may be attached to the principal dwelling with separate access from the principal dwelling.

With regard to perimeter landscape standards, all multi-family development or single family developments with five or more lots adjacent to streets classified as major collectors or larger shall meet or exceed the minimum standards, and shall comply with any restrictions established in the Unified Development Code. As the proposed development is not adjacent to a major collector street, no minimum standards are applied for perimeter landscaping.

SS

Open Space – R-PD only							
Total Acreage	Density	Required			Provided		Compliance
		Ratio	Percent	Area	Percent	Area	
33.80 ac	1.6	1.65	2.64%	0.89 ac	2.69%	1.00 ac	Y

19.04.040 Connectivity		
Transportation Network Element	# Links	# Nodes
Internal Street	7	
Intersection – Internal		5
Cul-de-sac Terminus		2
Intersection – External Street or Stub Terminus		0
Intersection – Stub Terminus w/ Temporary Turn Around Easements		0
Non-Vehicular Path - Unrestricted	0	
Total	7	7
	Required	Provided
Connectivity Ratio (Links / Nodes):	N/A	1.00

Pursuant to Title 19.08 and 19.12, the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required			Provided		Compliance
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
Single Family, Detached	53 units	2 spaces per unit	106				
TOTAL SPACES REQUIRED			106		106		Y
Regular and Handicap Spaces Required			106	0	106	0	Y

Waivers		
Requirement	Request	Staff Recommendation
Private streets behind a gate must meet public street standards unless waived (47' minimum width with L-curbs and sidewalks on both sides of the street)	To allow 40' wide private streets with no sidewalks and 44' wide private streets with a 4' sidewalk on one side and a 5' landscape easement on the other in a gated community	Approval

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Exhibit 104

CITY COUNCIL MEETING OF

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VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

- 1 **ITEM 122 - GPA-72220 - GENERAL PLAN AMENDMENT - PUBLIC HEARING -**
2 **APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a**
3 **General Plan Amendment FROM: PR-OS (PARKS/RECREATION/OPEN SPACE) TO:**
4 **ML (MEDIUM LOW DENSITY RESIDENTIAL) on 132.92 acres on the east side of**
5 **Hualapai Way, approximately 830 feet north of Charleston Boulevard (APNs 138-31-601-**
6 **008; and 138-31-702-003 and 004), Ward 2 (Seroka) [PRJ-72218]. The Planning**
7 **Commission vote resulted in a tie, which is tantamount to a recommendation of DENIAL.**
8 **Staff recommends APPROVAL.**
9
10 **ITEM 123 - WVR-72004 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180**
11 **LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-**
12 **FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE**
13 **STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED**
14 **WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT on a portion of 71.91**
15 **acres on the north side of Verlaine Court, east of Regents Park Road (APN 138-31-601-008;**
16 **138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential Planned**
17 **Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka)**
18 **[PRJ-71990]. The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**
19
20 **ITEM 124 - SDR-72005 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-**
21 **72004 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For**
22 **possible action on a request for a Site Development Plan Review FOR A PROPOSED 75-**
23 **LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 71.91 acres on**
24 **the north side of Verlaine Court, east of Regents Park Road (APNs 138-31-601-008; 138-32-**
25 **202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential Planned Development -**
26 **7 Units per Acre) and PD (Planned Development) Zones, Ward 2 (Seroka) [PRJ-71990].**
27 **The Planning Commission (4-2-1 vote) and Staff recommend APPROVAL.**

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VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

28 **ITEM 125 - ABEYANCE - TMP-72006 - TENTATIVE MAP RELATED TO WVR-72004**
29 **AND SDR-72005 - PARCEL 2 @ THE 180 - PUBLIC HEARING -**
30 **APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a**
31 **Tentative Map FOR A 75-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on**
32 **22.19 acres on the north side of Verlaine Court, east of Regents Park Road (APN 138-31-**
33 **601-008), R-PD7 (Residential Planned Development - 7 Units per Acre) Zone, Ward 2**
34 **(Seroka) [PRJ-71990]. The Planning Commission (4-2-1 vote) and Staff recommend**
35 **APPROVAL.**

36

37 **ITEM 126 - WVR-72007 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180**
38 **LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-**
39 **FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE**
40 **STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED on a**
41 **portion of 126.65 acres on the east side of Hualapai Way, approximately 830 feet north of**
42 **Charleston Boulevard (APN 138-31-702-003; 138-32-202-001; 138-32-210-008; and 138-32-**
43 **301-007), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned**
44 **Development) Zones, Ward 2 (Seroka) [PRJ-71991]. The Planning Commission (4-2-1 vote)**
45 **and Staff recommend APPROVAL.**

46

47 **ITEM 127 - SDR-72008 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-**
48 **72007 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For**
49 **possible action on a request for a Site Development Plan Review FOR A PROPOSED 106-**
50 **LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 126.65 acres**
51 **on the east side of Hualapai Way, approximately 830 feet north of Charleston Boulevard**
52 **(APNs 138-31-702-003; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7**
53 **(Residential Planned Development - 7 Units per Acre) and PD (Planned Development)**
54 **Zones, Ward 2 (Seroka) [PRJ-71991]. The Planning Commission (4-2-1 vote) and Staff**

CITY COUNCIL MEETING OF

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VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

55 **recommend APPROVAL.**

56

57 **ITEM 128 - ABEYANCE - TMP-72009 - TENTATIVE MAP RELATED TO WVR-72007**

58 **AND SDR-72008 - PARCEL 3 @ THE 180 - PUBLIC HEARING -**

59 **APPLICANT/OWNER: 180 LAND CO, LLC - For possible action on a request for a**

60 **Tentative Map FOR A 106-LOT SINGLE FAMILY RESIDENTIAL SUBDIVISION on**

61 **76.93 acres on the east side of Hualapai Way, approximately 830 feet north of Charleston**

62 **Boulevard (APN 138-31-702-003), R-PD7 (Residential Planned Development - 7 Units per**

63 **Acre) Zone, Ward 2 (Seroka) [PRJ-71991]. Staff recommends APPROVAL.**

64

65 **ITEM 129 - WVR-72010 - WAIVER - PUBLIC HEARING - APPLICANT/OWNER: 180**

66 **LAND CO, LLC, ET AL - For possible action on a request for a Waiver TO ALLOW 40-**

67 **FOOT PRIVATE STREETS WITH NO SIDEWALKS WHERE 47-FOOT PRIVATE**

68 **STREETS WITH FIVE-FOOT SIDEWALKS ON BOTH SIDES ARE REQUIRED**

69 **WITHIN A PROPOSED GATED RESIDENTIAL DEVELOPMENT on a portion of 83.52**

70 **acres on the east side of Palace Court, approximately 330 feet north of Charleston**

71 **Boulevard (APN 138-31-702-004; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-**

72 **PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned Development)**

73 **Zones, Ward 2 (Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote) and Staff**

74 **recommend APPROVAL.**

75

76 **ITEM 130 - SDR-72011 - SITE DEVELOPMENT PLAN REVIEW RELATED TO WVR-**

77 **72010 - PUBLIC HEARING - APPLICANT/OWNER: 180 LAND CO, LLC, ET AL - For**

78 **possible action on a request for a Site Development Plan Review FOR A PROPOSED 53-**

79 **LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on a portion of 83.52 acres on**

80 **the east side of Palace Court, approximately 330 feet north of Charleston Boulevard (APNs**

81 **138-31-702-004; 138-32-202-001; 138-32-210-008; and 138-32-301-007), R-PD7 (Residential**

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VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

82 **Planned Development - 7 Units per Acre) and PD (Planned Development) Zones, Ward 2**
83 **(Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote) and Staff recommend**
84 **APPROVAL.**

85

86 **ITEM 131 - TMP-72012 - TENTATIVE MAP RELATED TO WVR-72010 AND SDR-**
87 **72011 - PARCEL 4 @ THE 180 - PUBLIC HEARING - APPLICANT/OWNER: 180**
88 **LAND CO, LLC - For possible action on a request for a Tentative Map FOR A 53-LOT**
89 **SINGLE FAMILY RESIDENTIAL SUBDIVISION on 33.80 acres on the east side of**
90 **Palace Court, approximately 330 feet north of Charleston Boulevard (APN 138-31-702-**
91 **004), R-PD7 (Residential Planned Development - 7 Units per Acre) and PD (Planned**
92 **Development) Zones, Ward 2 (Seroka) [PRJ-71992]. The Planning Commission (4-2-1 vote)**
93 **and Staff recommend APPROVAL.**

94

95 **Appearance List:**

96 CAROLYN G. GOODMAN, Mayor

97 STEVEN G. SEROKA, Councilman

98 BRADFORD JERBIC, City Attorney

99 PETER LOWENSTEIN, Deputy Planning Director

100 LUANN D. HOLMES, City Clerk

101 BOB COFFIN, Councilman (via teleconference)

102 MICHELE FIORE, Councilwoman

103 STAVROS S. ANTHONY, Councilman

104 STEPHANIE ALLEN, Legal Counsel for the Applicant

105 MARK HUTCHISON, Legal Counsel for 180 Land Co, LLC, Seventy Acres LLC and Fore
106 Stars, Ltd.

107 FRANK SCHRECK, Queensridge Resident

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108 **Appearance List (cont'd):**

109 TODD BICE, Legal Counsel for the Queensridge Homeowners

110 LISA MAYO, Concerned Citizen

111

112 (38 minutes, 17 seconds) [02:59:21 - 03:37:38]

113 Typed by: Speechpad.com

114 Proofed by: Debra A. Outland

115

116 **MAYOR GOODMAN**

117 Now, goodness, we are gonna pull forward at your request?

118

119 **COUNCILMAN SEROKA**

120 Yes, Ma'am.

121

122 **MAYOR GOODMAN**

123 Okay. We are pulling forward Agenda Items 122 through 131. And so, shall I start, or shall you
124 start, Mr. Jerbic?

125

126 **CITY ATTORNEY JERBIC**

127 If you could ask the Clerk —

128

129 **MAYOR GOODMAN**

130 Can you turn on your mic? Or it's not hearing you.

131

132 **CITY ATTORNEY JERBIC**

133 I'm sorry. It's on, but it's just away from my mouth.

CITY COUNCIL MEETING OF

FEBRUARY 21, 2018

VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

134 **MAYOR GOODMAN**

135 Thank you.

136

137 **CITY ATTORNEY JERBIC**

138 It was my understanding that the motion to abey included Items 122 through 131. Is that correct?

139

140 **MAYOR GOODMAN**

141 No.

142

143 **CITY ATTORNEY JERBIC**

144 No. They were on the call-off sheet, but they were not part of your motion.

145

146 **MAYOR GOODMAN**

147 And – Right.

148

149 **CITY ATTORNEY JERBIC**

150 Okay.

151

152 **MAYOR GOODMAN**

153 They were not – I did not speak to those. So, at the request of Councilman Seroke, we've asked
154 to pull those forward. And so I – think before I even begin to discuss those, you on legal have
155 some issues to address before I even speak.

156

157 **CITY ATTORNEY JERBIC**

158 Just very quickly, Your Honor. Prior to today's hearing, there have been two letters sent to
159 Councilman Coffin and to Councilman Seroke by the law firm of Hutchison & Steffen. Both

CITY COUNCIL MEETING OF

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VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

160 letters claim, for different reasons, that they each have conflicts that should prevent them from
161 voting.

162

163 With respect to Councilman Coffin, who is on the line, this is the same argument that, to my
164 knowledge, was made earlier when Coffin, Councilman Coffin voted on similar items in the past,
165 and we advised that he did not have a conflict of interest. There's an objective and a subjective
166 portion to the test. One is, is he objectively disqualified under Nevada law? We don't believe so.
167 Of course, if somebody has a feeling of prejudice that would cause them to feel that they couldn't
168 make an impartial judgment, they should always abstain. Councilman Coffin made a record
169 before that he does not feel that he is prejudiced by anything that would cause him to not be
170 objective, and so he was advised that he could vote then. And I'm giving that same advice today.

171

172 With respect to Councilman Seroka, it has been argued that, during the campaign, he made
173 comments and at other meetings he made comments regarding an application, which is not
174 before this body today, a development agreement, that have indicated some mindset that causes
175 him to not be impartial today and therefore denies the Applicant due process of law as he sits in a
176 quasi-judicial capacity.

177

178 Before I begin, I had asked Mr. Lowenstein, prior to today's meeting, Items 121 [sic] through
179 131 involve applications for three separate projects, but they are in 10 items on today's agenda.
180 Can you tell me, Mr. Lowenstein, when those items first came to the City's attention? Not the
181 City Council's attention, but the City of Las Vegas, when those applications were submitted for
182 processing?

183

184 **PETER LOWENSTEIN**

185 Through you, Madame Mayor, the first time the projects were created in our database system
186 was October 26th and then the subsequent child applications later that month, on October 30th.

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VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

187 **CITY ATTORNEY JERBIC**

188 That was October 26th of 2017?

189

190 **PETER LOWENSTEIN**

191 That is correct.

192

193 **CITY ATTORNEY JERBIC**

194 Okay. The, I have opined to Councilman Seroka that these applications came long after the
195 election. Any comments made during the campaign about a development agreement are
196 completely unrelated to the three applications here today. Furthermore, these arguments were not
197 made at the time Councilman Seroka voted on the development agreement, and if they had any
198 relevance at all, which I don't believe they do, they should have been made at that point in time
199 regarding the development agreement. He could not possibly have made comments during the
200 campaign about applications that didn't even exist until months later.

201

202 Therefore, I have opined for that and other reasons that Councilman Seroka does not have a
203 conflict of interest and he can vote on both the abeyance item and any, if it comes back in the
204 future, on the merits of these items. So having made that record, I understand there's going to be
205 a suggestion by Councilman Seroka or you, Your Honor, that these items be continued at this
206 point in time.

207

208 **MAYOR GOODMAN**

209 I should read these all into the record, correct, first?

210

211 **CITY ATTORNEY JERBIC**

212 I think – you can state generally what was stated on the callout sheet, which is –

CITY COUNCIL MEETING OF

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VERBATIM TRANSCRIPT – AGENDA ITEMS 122 THROUGH 131

213 **MAYOR GOODMAN**

214 And that would – Okay.

215

216 **CITY ATTORNEY JERBIC**

217 I think you can state that this involves Items 122 through 131, and then –

218

219 **MAYOR GOODMAN**

220 And just read those numbers?

221

222 **CITY ATTORNEY JERBIC**

223 If you want, I'll read them, or you can read them, if you want.

224

225 **MAYOR GOODMAN**

226 No, I prefer you read them.

227

228 **CITY ATTORNEY JERBIC**

229 Sure. It's Item 122 through 131, which is GPA-72220 –, WVR-72004, SDR-72005, TMP-72006,

230 WVR-72007, SDR-72008, TMP-72009, WVR-72010, SDR-72011, and TMP-72012,

231 Applicant/Owner 180 Land Company, LLC and 180 Land Company, LLC, et al. regarding these

232 multiple parcels. The request is to abey these items until May 16th, 2018 made by the –

233

234 **MAYOR GOODMAN**

235 And could you make a statement as to the fact that we are a body sitting here of four with

236 another Councilperson on the line and that in order for that abeyance to pass, it will need – I'd

237 like you to speak to that.

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238 **CITY ATTORNEY JERBIC**

239 It will need four votes. Under Nevada law, anything that comes before this Council requires a
240 majority of the governing body. The governing body in this case is seven members. A majority is
241 four. No matter how many people are absent or sick, it's going to require four votes on anything.
242 The only exception to that is if an individual receives a written opinion from the Chief Legal
243 Counsel of the City indicating they have an ethical conflict under Nevada law 281A. Then you
244 reduce the governing body by whatever number of written opinions are given.
245 No written opinions have been given in this case. So the governing body remains seven, and
246 anything today requires four votes. So a motion to hold this in abeyance is going to require four
247 votes, and a motion on any one of these applications, 122 through 131, if they were heard today,
248 would also require four votes.

249

250 **MAYOR GOODMAN**

251 And that does include the fact that we have a vacancy with no one serving as Councilperson in
252 Ward 5?

253

254 **CITY ATTORNEY JERBIC**

255 That's correct. Nevada law does not grant you a – pass because somebody is not in office.

256

257 **MAYOR GOODMAN**

258 Okay. Well, with that under consideration and knowing that we will have someone, and I'd like
259 to hear from the City Clerk again what is the timeline for the vote on Ward 5, and then what
260 would be the opportunity for seating that individual once that individual is voted in.

261

262 **LUANN HOLMES**

263 So, election day for Ward 5 will be March 27th. We will canvas the votes the first meeting in
264 April, which is April 4th. We will seat them on April 18th. That's when they'll actually be seated.

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265 And the May 16th date that you're speaking of is approximately 30 days after that new

266 Councilperson seats.

267

268 **MAYOR GOODMAN**

269 Okay. Well, having spoken to legal staff and knowing Councilwoman is not here – Are you still

270 there, Councilman? Are you still there?

271

272 **COUNCILMAN COFFIN**

273 I'm still here. (Inaudible) phone ringing.

274

275 **MAYOR GOODMAN**

276 Okay.

277

278 **COUNCILWOMAN FIORE**

279 I don't think he's got his phone on mute. Tell him to put his phone on mute.

280

281 **MAYOR GOODMAN**

282 Oh yes, you can put your phone on mute. Anyway because of —

283

284 **COUNCILMAN COFFIN**

285 (Inaudible)

286

287 **MAYOR GOODMAN**

288 Thank you.

289

290 **COUNCILMAN COFFIN**

291 (Inaudible)

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292 **MAYOR GOODMAN**

293 Okay, thank you. Because of the vacancy and because Councilwoman isn't here today to
294 participate in this discussion and because of the fact, obviously, Councilman Coffin is abroad
295 and unable to be here as well, to me, it is, it's a really, it's a disservice to this two-and-a-half-year
296 process to go ahead and hold hearings on this and make some decisions.
297 So the recommendation to abey it, giving enough time to the new Councilperson in Ward 5 to be
298 brought up to speed and have opportunity to consult with Staff and Councilmembers as they
299 choose, additionally to have Councilwoman here and Councilman Coffin back in – place with us,
300 I really believe the best thing for us to be doing is to go ahead and abeying this until we can get
301 that together. I have from day one, when we first heard this back, I think it was in October of '16,
302 said that there's going to be no winner in this unless this is mediated and a, an agreement
303 somehow is reached among the parties.

304

305 And as you all well know, there are several lawsuits out there, and my feeling is, even though
306 there's been a district judge determination, that will be appealed and it will end up at the Nevada
307 Supreme Court. There is not a one of us that sits on this Council that's an attorney that can make
308 a determination as to what in the language prevails and takes precedent.

309

310 And therefore, being in that and with the vacancy in 5 and with Councilwoman not here and
311 Councilman Coffin here on the phone, my motion is going to be to abey it for these reasons. And
312 asking too for this, I'm gonna to turn to guidance from our staff as to hearing on this. The vote, is
313 it best to hear from everyone first, or am I at liberty to ask for a motion and –

314

315 **CITY ATTORNEY JERBIC**

316 I believe since you would not be hearing it on the merits if the motion passes, you are not under
317 obligation to have a hearing today on anything since the hearing will be – we'll see how the
318 motion goes. If the motion doesn't pass and you're gonna hear it today, then you'll have a

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319 hearing. And if you, the motion does pass, then there will be a hearing on whatever given date
320 you set the – items to.

321

322 **MAYOR GOODMAN**

323 Okay. Councilman Anthony?

324

325 **COUNCILMAN ANTHONY**

326 What's – the date again, Luann?

327

328 **LUANN HOLMES**

329 May 16th.

330

331 **COUNCILMAN ANTHONY**

332 May 16th. So, I will make a motion to abey Agenda Items 122 through 131 until May 16th.

333

334 **MAYOR GOODMAN**

335 So there is a motion. I'm holding off on you, Councilman Coffin, until all of us have voted. And
336 then once I see everybody there, now I'll ask for your vote?

337

338 **COUNCILMAN COFFIN**

339 I vote aye.

340

341 **STEPHANIE ALLEN**

342 Your Honor, before the vote, do we have an opportunity on – Oh, I guess not.

343

344 **MAYOR GOODMAN**

345 And so, if you would post this. Did I miss – It – was, It's all ayes on the abeyance. (Motion

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346 **carried with Tarkanian excused**) So, at this point, it will be heard on the 16th of May, and can
347 we make it the first item on the agenda, the first item on the afternoon agenda, if that would
348 work? And Mr. Jerbic, do – Is there appropriate to hear from anybody or no?

349

350 **CITY ATTORNEY JERBIC**

351 Since you've already voted the – If anybody wants to make a record, I know that Mr. Hutchinson
352 is here; I'm sure he wants to make a record.

353

354 **MARK HUTCHISON**

355 Thank you.

356

357 **CITY ATTORNEY JERBIC**

358 I – would give him a certain amount of time. I wouldn't give an indefinite amount of time since
359 we're not hearing this on the merits. I assume you just want to make a record on the two letters
360 that you sent regarding disqualification?

361

362 **MARK HUTCHISON**

363 I am.

364

365 **CITY ATTORNEY JERBIC**

366 Okay.

367

368 **MARK HUTCHISON**

369 Yes, Mr. Jerbic and – Madame Mayor, if I may make a record on – that matter, and just for the
370 record, we – vehemently oppose any kind of abeyance and continued delay of this matter.

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371 **MAYOR GOODMAN**

372 Oh, I'm sorry.

373

374 **MARK HUTCHISON**

375 I under –

376

377 **MAYOR GOODMAN**

378 Could you repeat your name for the record? Thank you.

379

380 **MARK HUTCHISON**

381 Sure. This is Mark Hutchison. And Your Honor and members of the – City Council, I am
382 appearing on behalf of my clients in my private capacity as legal counsel for 180 Land, Seventy
383 Acres, and Fore Stars, which are applications that you have just abated and a question was, has
384 surfaced that we raised before this vote occurred in terms of the impartiality, the prejudice, the
385 bias of two members of this body.

386

387 And as a result, we sent out last week two letters, one dated February 15th and one dated
388 February 16th, as you noted, Madame Mayor, and I'd like to have those presented to the Clerk
389 and a matter of record for the purposes of this proceeding.

390

391 And I appreciate the opportunity to make a record. Appreciate the opportunity to be here to
392 respectfully request this action by Councilman Coffin and by Councilman Seroka that they
393 recuse themselves. We had asked before this vote that they recuse themselves. We heard nothing
394 back, and so I'm just simply gonna make a record, and I will not belabor the points, Your Honor,
395 that we have made previously in our letters, but I do think it's important for the City Council to
396 hear this and for this to be a matter of record as we proceed.

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397 Mr. Coffin is a member of this Council who has served admirably. Mr. Seroka is a member of
398 this Council who's served admirably. But on these applications, they should not be permitted to
399 participate.

400

401 Mr. Coffin has repeatedly and publicly demonstrated a personal animus towards the Applicant's
402 principal, Mr. Yohan Lowie, for reasons that are completely unconnected with the merits of the
403 application. Mr. Lowie is of Israeli nationality. He's of the Jewish faith. Mr. Coffin, perhaps, the
404 most egregious examples of why he should not be allowed to participate and continue to be
405 involved in either the deliberations or the votings on the applicants, applications of my clients is
406 that he has publicly stated on multiple occasions that my client, Mr. Lowie, is treating the
407 residents of Queensridge like the Jewish state of Israel allegedly treats "unruly Palestinians."

408

409 That's not the end of the factual bases for the request for recusal, however. And again, I want to
410 be clear on the record, Mr. Jerbic. I'm not seeking recusal based on the ethics in government laws
411 or 28, 281A. That may be part of the analysis. What I'm basing the recusal on is the U.S. and the
412 Nevada Constitution that guarantees a fair tribunal when a body like a city council is sitting on a
413 land use application or a business license application.

414

415 Once this body assumes that position, you are now in a quasi-judicial proceeding. You are no
416 longer strictly in some sort of a policy-making proceeding or a legislative-making decision,
417 proceeding. This body is unlike the Nevada legislature. You sit on, adjudge people's property
418 rights. And when you adjudge people's property rights, the due process clause of the Constitution
419 applies. You have to act in conformity with a quasi-judicial capacity, and that quasi-judicial
420 capacity requires you to be fair and impartial. Fair and impartial.

421

422 And that's the basis of our request for recusal. We don't believe that my client can receive a fair
423 hearing when Councilman Coffin has expressed the sentiments he has towards my client's

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424 nationality and religion. In a early meeting in 2015, in a meeting with my client, he simply told
425 him that he would not, as well, take an interest adversed to a friend of his who lived in
426 Queensridge and would not be going against an interest, his interest.

427

428 In April of 2016, in another meeting with representatives of the property owners and with his
429 friend present at that meeting, he instructed my clients to hand over the 183 acres with certain
430 water rights in perpetuity and that was a fair deal and they should accept it.

431

432 In a January 2017 meeting, when meeting with Mr. Lowie, he once again compared Mr. Lowie's
433 personal actions in pursuing the development of the properties to Netanyahu's settlement of the
434 West Bank. He then doubled down on this in a letter to Todd Polikoff, who's the President of
435 Jewish Nevada, when he protested in a letter to Councilman Coffin and Mr. Lowie accused
436 Mr. Lowie of pursuing the acquisition of the properties in an opportunistic manner. He classified
437 his actions as inconsiderate and again compared Mr. Lowie's business decisions to the highly
438 political and divisive issue of the Jewish settlements in the West Bank.

439

440 In an April 17th, 2000 meeting with Mr. Spiegel, he told him that the only issue that mattered to
441 Councilman Coffin was a statement that was made to Mr. Lowie regarding the unruly
442 Palestinians, and he stated that the issue, until that issue was remedied, he could not be impartial
443 in any application that the property owners would bring forward. He made then good on his
444 comments and denied every application that came before him submitted by my – clients, the
445 property owners.

446

447 Mr. Seroka has, and – in contrary again, Mr. Jerbic, to your – points, it's just not about what
448 happened during the campaign. It's that and more. But once you – move from being in a judicial
449 role to being in an advocate role, you cease to be a fair and impartial arbiter of facts. And

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450 Councilman Seroka has become an advocate in opposition to the applications that are before this
451 City Council.

452

453 Beginning with his campaign handouts, he says that the property owners would be required to
454 participate in a property swap – regardless of the property rights currently held by the property
455 owners. He also – His plan highlighted that he was unwilling to even consider the property
456 owner's rights and development plans.

457

458 In a February 14th, 2017 Las Vegas Planning Commission meeting, while wearing the Steve
459 Seroka for Las Vegas City Council pin, he strongly advocated against my client's property rights
460 and development plans, stating “Over my dead body will I allow a project that will drive
461 property values down 30 percent. Over my dead body will I allow a project that will set a
462 precedent that will ripple across the community, that those property values not affected in
463 Queensridge, but throughout the entire community.”

464

465 He then asked the County – Mr. Seroka then asked the Commissioners to reject the Staff's
466 approval and recommendation to deny the applications. The following day at the City Council
467 meeting, he stated “I'm against this project.”

468

469 After Mr. Seroka's election, at a town hall meeting in November 29th, 2017, the Queensridge
470 Clubhouse, he stated that having the City Staff follow the letter of the law when reviewing
471 development applications is “The stupidest thing in the world in this case.”

472

473 He continued then by encouraging Queensridge homeowners to send in opposition to the
474 Planning Commissions and to the City Council.

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475 At the August 2nd, 2017 City Council hearing for the proposed development agreement for the
476 entire properties, negotiated by City Staff, including the City Attorney, and after delivering what
477 appeared to be pre-scripted remarks, he made a motion to deny the development agreement
478 shortly thereafter.

479

480 At another City Council meeting, September 6th, 2017, he then proposed a six-month
481 moratorium, specifically targeting development of my client's property, further delaying what
482 has already been a long and tortured and delayful process.

483

484 In short, Councilman Seroka has become an outspoken advocate against my client's property
485 rights and have actively squelched timely consideration of my client's application. As I say, why
486 does – all this matter? Because you're a government body. The Constitution applies to you. My
487 client has Constitutional rights and property interests that must be protected. And if you are
488 unfair or if you're biased, the due process clause of the Nevada Constitution and the U.S.
489 Constitution is violated.

490

491 You are – You sit in judicial roles in a quasi-judicial fashion, and the law adjudges you by the
492 principles that we would judge a judge in terms of impartiality. We would never allow a judge to
493 be both an advocate and then sit and be the judge of that case. That's exactly what Councilman
494 Seroka is doing. We would never allow a judge to express anti-religious and anti-nationality
495 comments and then to sit as a judge.

496

497 So the basis of all of these points, Madame Mayor, is that my client cannot receive a fair hearing
498 or have a fair and impartial tribunal as is required under the Constitution, and I respectfully ask,
499 again, that Councilman Seroka and Councilman Coffin no longer participate in these proceedings
500 and no longer vote.

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501 I do have, I do have one – suggestion for you, Your Honor, and that's this. If – it really is so
502 important to this Council that this property not be developed, then just simply concede to inverse
503 condemnation, and then we'll just be arguing about value. You can get rid of all of these
504 applications. You can get rid of all the neighbors. You can get rid of all of the headaches that you
505 have. If it really is your intention not to allow the property owner to develop, just concede to the
506 inverse condemnation –

507

508 **CITY ATTORNEY JERBIC**

509 Mr. Hutchison?

510

511 **MARK HUTCHISON**

512 – because you've got one of two choices.

513

514 **CITY ATTORNEY JERBIC**

515 Mr. Hutchison? You were given time to make your record on disqualification. You are going
516 way afar from the two letters that you filed talking about inverse condemnation. Do you have
517 anything else to say with respect to your attempt to recuse both Councilman Coffin and
518 Councilman Seroka, specifically?

519

520 **MARK HUTCHISON**

521 My – Mr. Jerbic, my follow-up remarks were addressed to that point that you can avoid all of
522 this by simply ceding the inverse condemnation. Those are my remarks. Madame Mayor, thank
523 you for the time. Members of the City Council, thank you for your time, and I ask that you take
524 these matters very seriously. They involve Constitutional rights and my client's property interest.
525 Thank you.

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526 **MAYOR GOODMAN**

527 Mr. Jerbic, the only other item would be anybody who wishes to comment on the abeyance
528 alone?

529

530 **CITY ATTORNEY JERBIC**

531 I – don't know that any comment is necessary, but I have a couple of comments that I would like
532 to put on the record. And, you can make a decision if you want to comment at the end of that.

533

534 This is really between right now Mr. Hutchison's letters and the City Council. I will say that we
535 looked at these matters and take them very seriously. I can say there was a court ruling just
536 recently where the judge took the bench and read the decision before he took any oral argument.
537 This Council reads background information all the time before hearing testimony of the public.
538 Everybody comes to this Council with some feeling one way or the other on just about every
539 item. And, if it were true that you have to be Caesar's wife to sit on a City Council and not have
540 any opinion about anything before you sit down, then nobody's ever voting on any issue ever. So
541 I – don't agree with the characterization of the frame of mind that individuals have to have.

542

543 If an individual were to say I'm against alcohol and therefore I will never vote for any application
544 that approves a liquor store, or I'm against a strip club and because it's against my religious
545 belief, I can never vote for one, or because I'm against any golf course conversion and can never
546 vote for one, I would understand the point. But for an individual during a campaign to talk about
547 a development agreement and these issues weren't even raised when he voted on the
548 development agreement, and today he's got three issues before him that are completely different
549 from the development agreement, which involved over 2,000 multi-family homes, this doesn't.
550 This involves 235 single-family homes, and he hasn't made a single comment, to my knowledge,
551 other than I want to work with the Applicant and the neighbors.

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552 Further, let me state that advocating for neighbors is not the same as advocating against an
553 applicant. I think every good elected official, in my opinion, advocates for their constituents.
554 And if the standard is that by advocating for your constituents, you have somehow placed
555 yourself in an adversary position to any applicant and can never vote, then nobody on this
556 Council is ever voting on any application ever in the planning session of the Council meeting. So
557 I – wanted to put that on record.

558

559 The other thing I will state is that I have been directed by Councilman Seroka many times to
560 reach out to the Applicant and the neighborhood to see if a deal can still be reached. So, with that
561 in mind, we have given the advice that Councilman Seroka does not need to disqualify himself,
562 unless he feels for some subjective reason that he can't be fair, and he's indicated that he can.
563 Second, let me state, and this is probably controversial, but let me state that the comments stated
564 by Councilman Coffin, and he made this record earlier, and I don't know – Councilman Coffin,
565 are you still on the phone?

566

567 **COUNCILMAN COFFIN**

568 Oh, yes. I'm eagerly listening.

569

570 **CITY ATTORNEY JERBIC**

571 Okay. Councilman Coffin has stated earlier, and I'm – paraphrasing here that you can read
572 comments sometimes made by people two separate ways. To – compare somebody to a tough
573 national leader, who negotiates very effectively on behalf of his people and says you don't have
574 to behave that way, can be read one way as admiring somebody and saying you don't need to be
575 that way in this negotiation, or it can be read the way you're choosing to read it, which is there is
576 some anti-Jewish or anti-Israeli prejudice here. I think Councilman Coffin needs to address that
577 directly and has in the past. Councilman, do you care to make a comment on that issue?

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578 **COUNCILMAN COFFIN**

579 Yes, I'm delighted to talk to all of this. First of all, I am following the advice of legal counsel on
580 this – vote, so I will be voting. Perhaps (inaudible) has to take place soon, because there are
581 many false statements in this letter, which I finally received a copy of it yesterday. It was
582 delivered to our offices after the close of business, before a long weekend, and so Tuesday was
583 the first day that I saw an email description of the letters which seems to repeat the same
584 misstatements and falsehoods that were said earlier during the campaign against (inaudible).

585

586 So my point is that first of all, Mayor, I'd like – I'm sorry I can't be there to see the Lieutenant
587 Governor's face, but I (inaudible) – Is he looking at you while he's making these statements or if
588 he is righteously indignant. No answer. Therefore, he must be righteously indignant.

589

590 I have many times been on the campaign trail and seen a person make a statement, for example,
591 Candidate A might say in advance during the campaign they are pro-life. Well, they know what
592 that means, and I know what that means. However, (inaudible) but they make that position clear
593 in order that people might rely on their vote to ensure their policy is continued. So the pro-life
594 people vote for the candidate who is pro-life, perhaps Lieutenant Governor Hutchinson is of that
595 mind, in which case if I like him, I'd vote for him because he's pro-life. Well, he hasn't even
596 heard a case or a bill on pro-life or voted on one. So it could be that these kinds of circumstances
597 can occur in the heat of a campaign.

598

599 Now, regarding my position, my position was that Bibi Netanyahu, the Prime Minister of Israel,
600 who is a buffoon and who is leading his country into an eternal state of war. I am here in Korea
601 with several hundred religious, political leaders who are trying to help get peace in the North
602 Korean Peninsula and the South Korean. They are comprised of members of many faiths.

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603 I discussed this last night with a rabbi from Israel, as well as a couple of friends from Israel, all
604 (inaudible) who said and they almost rolled off their chairs when they heard this argument that
605 somehow those settlements would have anything to do with politics or anti-Semitism, because
606 half of Israel is opposed to the settlements. So that is their statement. They could be wrong. They
607 (inaudible) a few percentage points off, but I just wanted to say that this is an arguable
608 proposition.

609

610 In any event, I grew up with members of many faiths and 66 years I have lived in Las Vegas, and
611 the first time I have been accused of being bigoted would have been last year. He seems to
612 continue to rely upon this, on this half-truth in order to secure my abstention, which would rob
613 me of my vote and rob one-seventh of the citizens of Southern Nevada in the City of Las Vegas
614 of a vote on this issue. I will not do that. I will vote for abeyance.

615

616 **MAYOR GOODMAN**

617 Well, and I believe just in response, the abeyance did carry. So it's on for the 16th of May. Now,
618 Mr. Jerbic, we have some gentlemen in front of us. May they speak to the abeyance and that's it?

619

620 **CITY ATTORNEY JERBIC**

621 It is your call, Your Honor. There's no, nothing that legally prohibits them. It's your – It's only
622 with your permission.

623

624 **MAYOR GOODMAN**

625 All right.

626

627 **FRANK SCHRECK**

628 Your – Honor.

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629 **MAYOR GOODMAN**

630 We will stay on the abeyance.

631

632 **FRANK SCHRECK**

633 No, we – would like to just address –

634

635 **TODD BICE**

636 We need to make –

637

638 **FRANK SCHRECK**

639 – the Lieutenant Governor's statements. Mine's very brief –

640

641 **TODD BICE**

642 We need to make –

643

644 **FRANK SCHRECK**

645 – and his is very brief.

646

647 **TODD BICE**

648 Yeash. We need to make our record on this as well. You allowed them to make a record on this.

649 We believe that it's appropriate that the record be accurate –

650

651 **FRANK SCHRECK**

652 Complete.

653

654 **TODD BICE**

655 – and complete on this –

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656 **MAYOR GOODMAN**

657 Okay.

658

659 **TODD BICE**

660 – as opposed to one-sided.

661

662 **MAYOR GOODMAN**

663 You're together –

664

665 **TODD BICE**

666 Yes.

667

668 **MAYOR GOODMAN**

669 – so can you share the time?

670

671 **FRANK SCHRECK**

672 No. I – Mine is going to be very short on one specific item that's personal.

673

674 **TODD BICE**

675 As is –

676

677 **FRANK SCHRECK**

678 He's going to be more general.

679

680 **TODD BICE**

681 As is mine. With all due respect to my friend, Mr. Hutchison, the legal, the – standard is not as

682 he articulates it. In fact, I almost wish it were, because if it were, the votes of this City Council in

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683 the past on behalf of this developer were blatantly unlawful if Mr. Hutchison were right. With all
684 due respect to Councilman Beers, who's no longer here, he was this Applicant's biggest advocate
685 and everybody knew it. And there have been other advocates for him on this, on the Council. So
686 that is not the legal standard, number one.

687

688 Number two, I do not think it is an accident that this slander against the two Councilmen has
689 escalated now after the district court has ruled that the developer bullied the City into violating
690 the rights of the homeowners, and that is exactly what Judge Crockett has found is that this
691 Applicant bullied the City into changing the rules to accommodate him.

692

693 And, this is exactly – I'm taking this right out of the judge's transcript, out of his statements. Is
694 that one of the problems developed here is that this Applicant represented that he had secured
695 pre-approval from every member on the City Council at the time he bought this property, outside
696 of a public meeting in blatant violation of the open meeting law, if it's true. But Mr. – Lowie, I'll
697 leave it to the others to assess his credibility, but Mr. Lowie's version of what happened is that he
698 secured an unlawful agreement by the City Council to pre-approve his project outside of a public
699 meeting. And that's what Judge Crockett called him on that, because that is exactly what he is –
700 contending.

701

702 So, with all due respect to Mr. Hutchison, the party here who was trying to, by his own, by his
703 words, rig the outcome of a vote was this Applicant. And the judge has set it aside. And he
704 doesn't like that fact, and so now he's resorted to slandering Councilmembers. I think that just
705 speaks volumes about this Applicant and why this problem, why this has escalated in the fashion
706 that it has.

707

708 So, with that in mind, under the actual law, there is no violation of anybody's rights here. The
709 only rights that have been violated were the rights of the homeowners, and the court has so found

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710 that. And, I'll turn it over to Mr. Schreck –

711

712 **MAYOR GOODMAN**

713 Only –

714

715 **TODD BICE**

716 – with one final observation.

717

718 **MAYOR GOODMAN**

719 Only after you state your name, which you forgot.

720

721 **TODD BICE**

722 Madame Mayor, my apologies. Todd Bice, Pisanelli Bice, 700 or 400 South 7th Street. My
723 apologies. So, in paragraph number 12 of his counterclaim, where this Applicant has sued the
724 City, he specifically claims, again, that he had this pre-approval at the time that he purchased the
725 property, which again, if he's telling the truth, he's the one who's admitting to the violations of
726 the law and the violations of my client's rights. I thank you for your time.

727

728 **FRANK SCHRECK**

729 Is this on? Okay. Frank Schreck, 9824 Winter Palace Drive. I just want to briefly touch on the –
730 anti-Semitic statements about Mr. Coffin. All of us know Mr. Coffin, and all of us know he's not
731 an anti-Semite. But it seems that this Applicant, Mr. Lowie, has a propensity, when he loses or
732 gets angry at someone, to call them anti-Semite. He did in a letter in the primary election. He
733 called Councilman Seroka and Christina Roush anti-Semites. He's called Councilman Coffin an
734 anti-Semite.

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735 And one week before I was to be honored by the – Anti-Defamation League, which you know is
736 a Jewish organization, to get their annual Jurisprudence of the Year Award, which goes to an
737 attorney who's exhibited work in terms of civil rights, equal rights for everyone, a week before
738 that, he told the Director of the ADL that he was gonna tell people not to go to the luncheon
739 honoring me because I was an anti-Semite.

740

741 So this is a, this is a – pattern that this Applicant has that if you don't agree with him, he will call
742 you a name. I was called an extortionist. Jack Binion was called an extortionist. There's no limit
743 to what he will call you if he doesn't get his way. And I don't have to tell you when he said that
744 he had gone to each one of your Council, each Councilperson and – got a commitment, that was
745 one of his rants in front of you about a year and a half ago, and that's just how he acts. But he
746 chooses to call people names that don't fit, and it certainly doesn't fit with Councilman Coffin.
747 Thank you.

748

749 **MAYOR GOODMAN**

750 Okay. I think this is closed at this point. And, is this on the abeyance?

751

752 **STEPHANIE ALLEN**

753 Yes, Ma'am, please.

754

755 **MAYOR GOODMAN**

756 Okay. And only the abeyance?

757

758 **STEPHANIE ALLEN**

759 Only the abeyance.

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760 **MAYOR GOODMAN**

761 Okay.

762

763 **STEPHANIE ALLEN**

764 Thank you, Your Honor, Council. Stephanie Allen, 1980 Festival Plaza, here on behalf of the

765 Applicant. I'd like to just speak to the zoning item. I know there's a lot of personalities here and a

766 lot of issues –

767

768 **MAYOR GOODMAN**

769 No.

770

771 **STEPHANIE ALLEN**

772 – that are being discussed that are outside of the zoning, but the zoning applications that are on

773 the agenda –

774

775 **MAYOR GOODMAN**

776 No.

777

778 **STEPHANIE ALLEN**

779 – and the abeyance in particular

780

781 **MAYOR GOODMAN**

782 No.

783

784 **STEPHANIE ALLEN**

785 – are what I want to talk about.

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786 **MAYOR GOODMAN**

787 Only the abeyance –

788

789 **STEPHANIE ALLEN**

790 Only the abeyance.

791

792 **MAYOR GOODMAN**

793 Not the, not the zoning.

794

795 **STEPHANIE ALLEN**

796 Correct. So the – What I'd like to put onto the record is that we're three years into this, and I
797 know you didn't ask and the Council has already voted, but three years into this, where we've
798 been trying to get something approved so we can develop this property, do something with this
799 property. We've had a number of different applications before you.

800

801 We believe this is the final application, probably, where it's a conforming application, no request
802 for a zone change, just an application to develop the property under its existing R-PD7 zoning.
803 Three more months is tantamount to a denial. Every time this gets abeyed, whether it's these
804 applications or the prior applications, it directly harms the property owner, and it directly harms
805 the community.

806

807 So I – know the vote has already taken place, but for purposes of this Council, we would
808 appreciate a vote on these applications and due process and the ability for you all to hear the
809 zoning facts, not the personality discrepancies, just the facts of the zoning case and make a
810 determination as to whether or what he can do with this property so that we can move on for the
811 betterment of him and the overall community, because that's really what your job is as a Council
812 and the leadership of this Council is, is to decide what's best for the community and the

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813 constituents, not the few folks that come up here every single time, but the overall community,
814 and we'd like to do something with this property and we'd like to have a hearing on the
815 application. So –

816

817 **MAYOR GOODMAN**

818 Thank you.

819

820 **STEPHANIE ALLEN**

821 I just wanted to put that on the record.

822

823 **MAYOR GOODMAN**

824 Thank you.

825

826 **STEPHANIE ALLEN**

827 Also, I would like to defend my client's character. I don't think it's fair to say that he comes up
828 here and calls everyone names. He has been called a lot of names that are unfair as well. He's a
829 man of integrity. He does beautiful work. And all that this Council should be doing is looking at
830 this application on its face from a zoning standpoint. So we'd appreciate that opportunity in a
831 couple months. Thanks.

832

833 **MAYOR GOODMAN**

834 Thank you very much. Okay. We are gonna move on now to Agenda Item 88. This issue –

835

836 **LISA MAYO**

837 Mayor –

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838 **MAYOR GOODMAN**

839 – is closed.

840

841 **LISA MAYO**

842 I'm sorry. Lisa Mayo. I was told that only on this Item, 122, could I ask the question regarding
843 the report that was given, per Councilwoman Fiore's request, to find out how much taxpayer
844 money has been spent on this project. And I called yesterday to find out if we could get a report
845 on that, and they said I had to just come up during Item 122 in order to talk to that. So I'd like to
846 see if we could get a report on this item as to how much taxpayer money has been spent by Staff
847 to this. And now we're adding another three months to it. So I think whatever that number is, add
848 another \$300,000 to it and the taxpayers of this community are seeing the number go way up.
849 Can we have a report on that –

850

851 **CITY ATTORNEY JERBIC**

852 Ms. Mayo –

853

854 **LISA MAYO**

855 – please?

856

857 **CITY ATTORNEY JERBIC**

858 Ms. Mayo, I gotta – I've got to cut you off because we are, first of all, not even agendaed for that,
859 and that would be more appropriate under public comment. But I can tell you, Staff will get back
860 to you with whatever information you requested and give you a reason, either give you the
861 answer or reason why they can't give you the answer.

862

863 **LISA MAYO**

864 Okay. But – it really needs to be in public comment. The public needs to know about this. How

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865 do we get it into the public record?

866

867 **CITY ATTORNEY JERBIC**

868 You can wait until public comment at the end of the meeting.

869

870 **LISA MAYO**

871 Okay, I will. Thank you.

872

873 **CITY ATTORNEY JERBIC**

874 You got it.

875

876 **MAYOR GOODMAN**

877 Thank you. Okay.

878 **(END OF DISCUSSION)**

879 /dao