

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 08:16 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 84640

**JOINT APPENDIX,
VOLUME NO. 128, Pt. 7**

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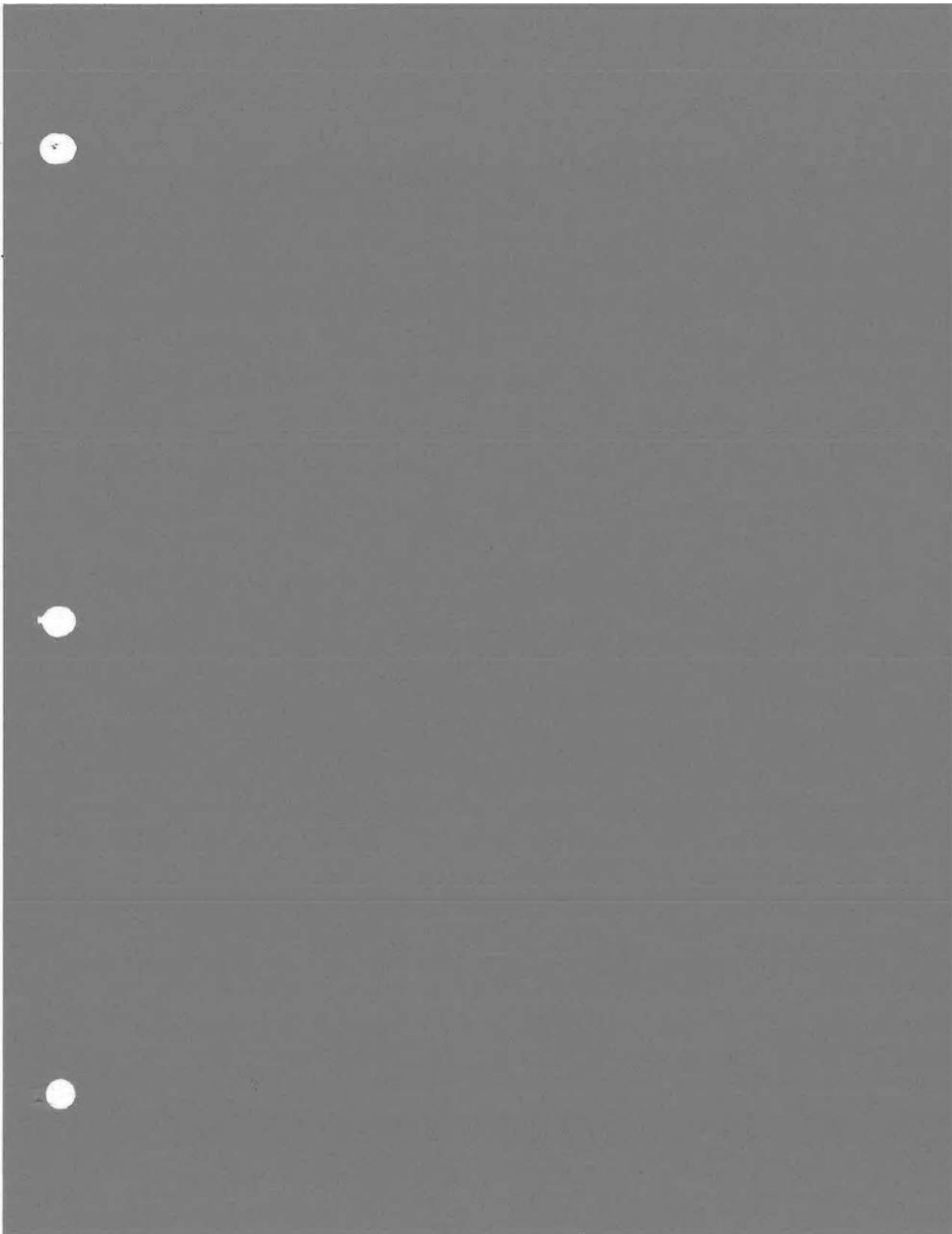
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San Francisco, California 94102

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Attorneys for City of Las Vegas



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MAYOR RON LURIE

COUNCILMEN
BOB NOLEN
STEVE MILLER
ARNIE ADAMSEN
SCOTT HIGGINSON

CITY MANAGER
ASHLEY HALL



CITY of LAS VEGAS

May 1, 1990

William Peccole 1982 Trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE: Z-17-90 - ZONE CHANGE

Gentlemen:

The City Council at a regular meeting held April 4, 1990 APPROVED the request for reclassification of property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. From: N-U (Non-Urban)(under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V), To: R-PD3 (Residential Planned Development), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial), Proposed Use: Single Family Dwellings, Multi-Family Dwellings, Commercial, Office and Resort/Casino, subject to:

1. A maximum of 4,247 dwelling units be allowed for Phase II.
2. Conformance to the conditions of approval for the Peccole Ranch Master Development Plan, Phase II.
3. Approval of plot plans and building elevations by the Planning Commission for each parcel prior to development.
4. At the time development is proposed on each parcel appropriate right-of-way dedication, street improvements, drainage plan/study submittal, drainageway improvements, sanitary sewer collection system extensions and traffic signal system participation shall be provided as required by the Department of Public Works.

CLV:TH

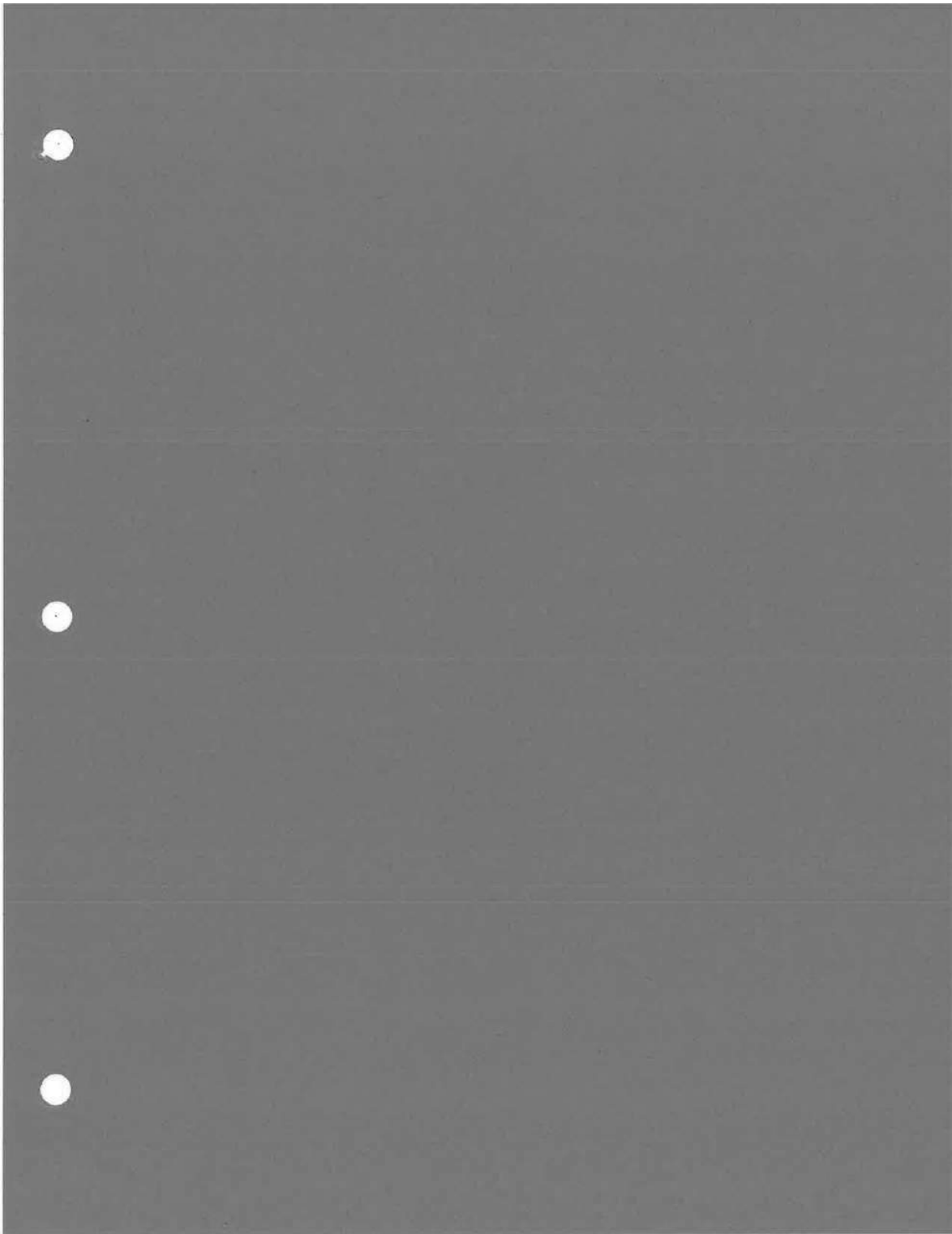
400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101 • (702) 386-6011



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MAYOR
JAN LAVERTY JONES
COUNCILMEN
ARNIE ADAMSEN
MATTHEW Q. CALLISTER
MICHAEL J. McDONALD
GARY REESE
CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

March 19, 1996

Peccole 1982 Trust
2937 Coast Line Court
Las Vegas, Nevada 89117-3525

RE: Z-17-90(9) - PLOT PLAN AND BUILDING ELEVATION REVIEW

Dear Applicant:

Your request for a Plot Plan and Building Elevation Review for 95 proposed single family dwellings on property located on the east side of Hualapai Way, approximately 1,460 feet north of Sahara Avenue, Ward 2, N-U Zone (under Resolution of Intent to R-PD7), was considered by the Planning Commission on March 14, 1996.

The Planning Commission unanimously voted to APPROVE your request, subject to the following:

1. Construct a nominal six foot high block wall around the perimeter of the site. The wall along Hualapai Way shall be decorative and shall be set back 15 feet for landscaping outside the wall as required by the Planning and Development Department.
2. Setbacks for this development shall be 20 feet for the front yard, 15 feet for the rear yard, 5 feet for each side yard and 10 feet for corner side yards.
3. Where new water mains are extended along streets and where hydrants are not needed for protection of structures, fire hydrants shall be spaced a maximum of 1,000 feet apart to prevent transportation hazards as required by the Department of Fire Services.
4. If Hualapai Way has not already been constructed by the Master Developer, construct half-street improvements, including appropriate overpaving, on Hualapai Way adjacent to this site and provide a minimum of two lanes of legal, paved access to this site (temporary "Goecke" paving is acceptable for this), prior to or concurrent with development of this site as required by the Department of Public Works.

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TO: Peccole 1982 Trust
RE: Z-17-90(9)

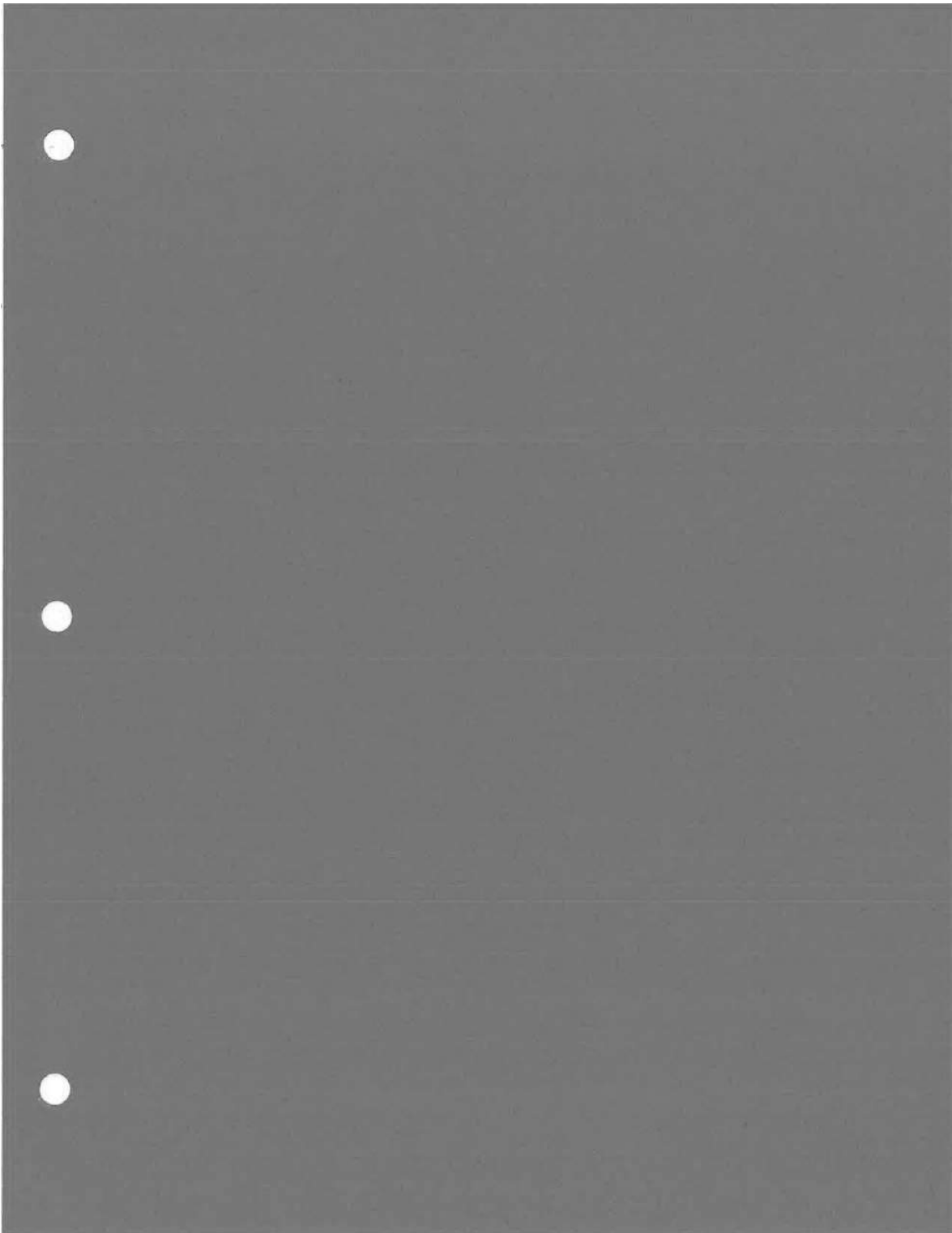
March 19, 1996
Page Two

5. Contribute \$23,166 per the requirements of the Peccole Ranch Signal Participation Proposal prior to the issuance of building or off-site permits or the recordation of a Final Map as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
6. If the drainage channel on the south edge of this site has not been constructed by the Master Developer then the applicant shall construct the full width of that portion of the drainage channel adjacent to this site as required by the Department of Public Works.
7. Redesign the subdivision to eliminate the street accessing the parcel to the north of this site or provide copies of the written agreement with the property owner to the north indicating that the street will continue into the parcel to the north of this site as required by the Department of Public Works.
8. Provide public sewer easements for all public sewers not located within public street rights-of-way prior to the issuance of any off-site permits as required by the Department of Public Works.
9. Site development to comply with all applicable Conditions of Approval for Z-146-94 and all other site-related actions as required by the Department of Public Works.
10. All development shall be in conformance with the plot plan and building elevations.
11. All City Code requirements and design standards of all City departments must be satisfied.
12. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of a building or grading permit, whichever occurs first.
13. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
14. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade.

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MAYOR
JAN LAVERTY JONES

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

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

April 16, 1996

Mr. and Mrs. William Peccole
Peccole 1982 Trust
2937 Coast Line Court
Las Vegas, Nevada 89117-3525

RE: Z-17-90(11) - PLOT PLAN AND BUILDING ELEVATION REVIEW

Dear Mr. and Mrs. Peccole:

Your request for a Plot Plan and Building Elevation Review for 137 proposed single family dwellings on property located on the southeast corner of Homestretch Drive and Hualapai Way, Ward 2, N-U Zone (Non-Urban - under Resolution of Intent to R-PD7), was considered by the Planning Commission on April 11, 1996.

The Planning Commission voted to APPROVE your request, subject to the following:

1. Construct a nominal six foot high block wall around the perimeter of the site. The wall along Homestretch Drive and Hualapai Way shall be decorative and setback 18 feet for landscaping as shown on the submitted plot plan as required by the Planning and Development Department.
2. Setbacks for this subdivision shall be 10 feet for the front yard with 18 feet to the garage door opening (16 feet for knuckle lots), 10 feet for the rear yard, five feet for each side yard and 10 feet for corner side yards.
3. Where new mains are extended along streets and where hydrants are not needed for protection of structures, fire hydrants shall be spaced a maximum of 1,000 feet apart to prevent transportation hazards as required by the Department of Fire Services.
4. If not already done by the Master Developer, dedicate 40 feet of right-of-way adjacent to this site for Homestretch Drive and a 54' right-of-way radius on the southeast corner of Homestretch Drive and Hualapai Way prior to the issuance of any permits as required by the Department of Public Works.



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TO: Mr. and Mrs. William Peccole
RE: Z-17-90(11)

April 16, 1995
Page Two

5. The development to the south of this site (Canyon Vista Subdivision) provided a street connection to Branding Iron Drive contingent upon an agreement by this applicant to continue the connection through this site. If such agreement is reached and agreed to by both parties and the Master Developer, extend Branding Iron Drive to the south edge of this site to provide a continuous street connection to Canyon Vista Subdivision as required by the Department of Public Works. Provide copies of said agreement to the Department of Planning and Development and the Department of Public Works.
6. All public streets must be terminated in a standard cul-de-sac as required by the Department of Public Works.
7. If not previously constructed by the master developer, construct half-street improvements including appropriate overpaving on Hualapai Way and on Homestretch Drive adjacent to this site concurrent with development of this site as required by the Department of Public Works.
8. Contribute \$19,755 per the Peccole Ranch Signal Participation Proposal prior to the issuance of building or off-site permits as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
9. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
10. Site development to comply with all applicable Conditions of Approval for Z-17-90 and all subsequent site-related actions as required by the Department of Public Works.
11. Conformance to the plot plan as amended by the above conditions.
12. Conformance to the building elevations.
13. All City Code requirements and design standards of all City departments must be satisfied.
14. Parking and driveway plans must be approved by the Traffic Engineer.
15. Any damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.
16. All unused driveway cuts must be removed and replaced with "L" curb and new sidewalk meeting current City Standards as required by the Department of Public Works.

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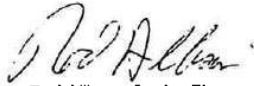
TO: Mr. and Mrs. William Peccole
RE: Z-17-90(11)

April 16, 1996
Page Three

17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of a building or grading permit, whichever occurs first.
18. 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.
19. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.

The action by the Planning Commission is final.

Very truly yours,



Rod Allison, Senior Planner
Current Planning Division

RA:erh

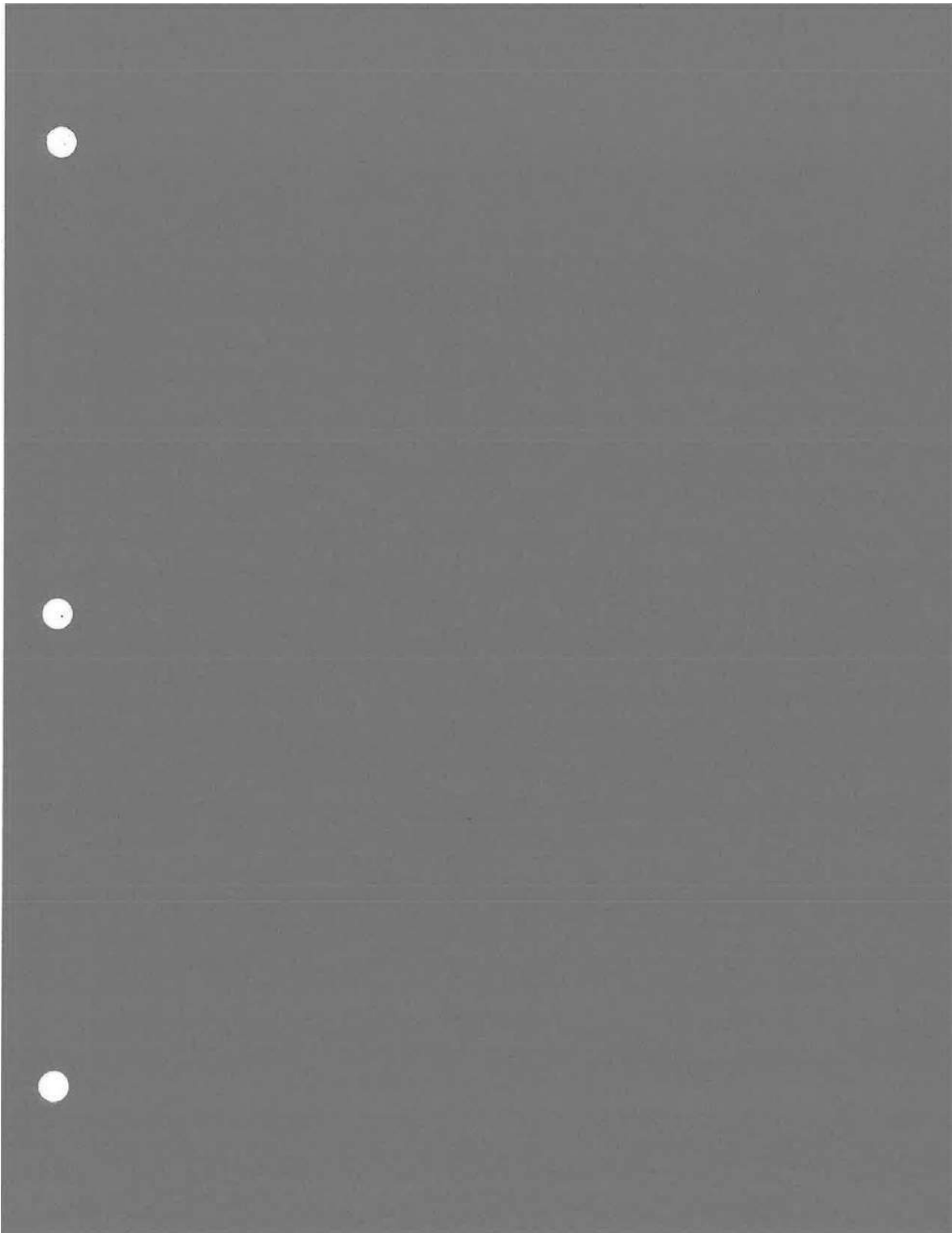
cc: Hunsaker Engineering
3151 West Post
Las Vegas, Nevada 89118

Mr. Bill June
Kaufman & Broad of Nevada
4755 Industrial Road
Las Vegas, Nevada 89102

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MAYOR
JAN LAVERTY JONES
COUNCILMEN
ARNIE ADAMSEN
MATTHEW Q. CALLISTER
MICHAEL J. McDONALD
GARY REESE
CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

April 30, 1996

Peccole 1982 Trust
William and Wanda Peccole Family Limited Partnership
2937 Coast Line Court
Las Vegas, Nevada 89117-3525

RE: Z-17-90(12) - PLOT PLAN AND BUILDING ELEVATION REVIEW

Dear Applicant:

Your request for a Plot Plan and Building Elevation Review for 354 single family dwellings on property located on the northeast corner of Homestretch Drive and Hualapai Way Ward 2 - N-U (Non-Urban) Zone under Resolution of Intent to R-PD7 (Residential Planned Development 7 units per acre), was considered by the Planning Commission on April 25, 1996.

The Planning Commission unanimously voted to APPROVE your request, subject to the following:

The following conditions shall apply to Village 1:

1. Construct a minimum of paving and curb and gutter on all streets internal to this site as required by the Department of Public Works.
2. Access drives shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.
3. The design and layout of all on-site private circulation and access drives shall meet the approval of the Department of Fire Services prior to the issuance of any permits.
4. Driveways shall be a minimum of 18 feet from back of curb to garage door face as required by the Department of Public Works.
5. A Homeowner's Association shall be established to maintain all perimeter walls, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.



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The following conditions shall apply to Village 2:

6. The 39 foot and 41 foot wide public streets are acceptable as proposed, with 5 foot wide public sidewalks on both sides of the street outside of the public right-of-way. Provide public sidewalk easements for all sidewalks not located within public street rights-of-way prior to the issuance of any off-site permits as required by the Department of Public Works. Construct sidewalk on both sides of all public street corridors concurrent with development of this site as required by the Department of Public Works.
7. Driveways shall be a minimum of 18 feet from back of sidewalk to garage door face as required by the Department of Public Works.
8. All 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. Appropriate site visibility easements are required where streets internal to this subdivision intersect Hualapai Way as required by the Department of Public Works.
9. The final design of the both Villages shall be determined at the time of approval of the Tentative Map.
10. All site development shall comply with all applicable conditions of approval for Z-17-90 and all other site-related actions as required by the Department of Public Works.

The following conditions shall apply to the entire site:

11. Provide minimum landscaping along the exterior street frontages and the north side of the site consistent with the established landscaping for the Peccole Ranch development.
12. Minimum setback requirements for Village 1 shall be 18 feet in the front, 5 feet on each side and 10 feet in the rear. Minimum setback requirements for Village 2 shall be 13 feet in the front, five feet on each side and 15 feet in the rear.
13. The emergency access gate shall conform to the Emergency Access Design Standards as required by the Planning and Development Department.
14. If not already provided by the Master Developer, dedicate 40 feet of right-of-way adjacent to this site for Homestretch Drive, and a 54' right-of-way radius on the northeast corner of Homestretch Drive and Hualapai Way, prior to the issuance of any permits as required by the Department of Public Works.

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15. Construct half-street improvements on Homestretch Drive adjacent to this site and if Hualapai Way has not already been constructed by the Master Developer, construct half-street improvements, including appropriate overpaving on Hualapai Way adjacent to this site as required by the Department of Public Works.
16. Contribute \$47,970 per the Peccole Ranch Signal Participation Proposal prior to the issuance of building or off-site permits as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
17. Site development to comply with all applicable conditions of approval for Z-17-90 and all other site-related actions as required by the Department of Public Works.
18. The approval of all Public Works related improvements shown on this Plot Plan and Building Elevation Review is in concept only. Specific design and construction details relating to size, type and/or alignment of public improvements, including but not limited to street, sewer and drainage improvements, shall be resolved prior to approval of the construction plans by the City. All deviations from adopted City Standards must receive approval from the City Engineer or the Planning Commission prior to the approval of related construction plans as required by the Department of Public Works.
19. All development shall be in conformance with the plot plan and building elevations.
20. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
21. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.
22. All City Code requirements and design standards of all City departments must be satisfied.
23. Parking and driveway plans must be approved by the Traffic Engineer.
24. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of a building or grading permit, whichever occurs first.

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TO: Peccole 1982 Trust
RE: Z-17-90(12)

April 30, 1996
Page Four

25. 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.

This action by the Planning Commission is final.

Very truly yours,



David Clapsaddle, Senior Planner
Current Planning Division

DC:rlr

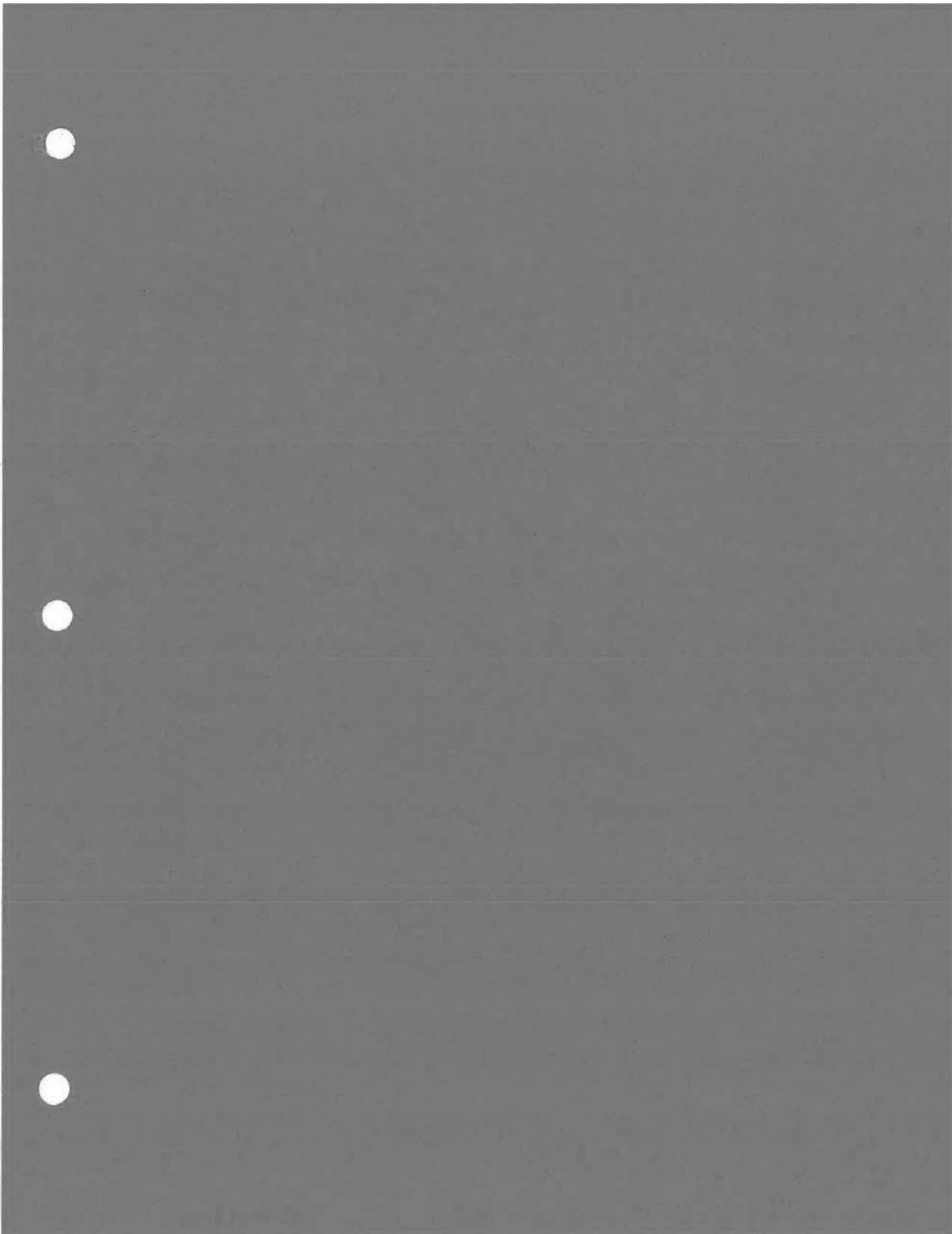
cc: Mr. David Goldstein
Plaster Development Company
801 South Rancho Drive, Suite F-4
Las Vegas, Nevada 89106

Ms. Patsy Mains
Pentacore Engineering
6763 West Charleston Boulevard
Las Vegas, Nevada 89102

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MAYOR
JAN LAVERTY JONES

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

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

July 18 1995

Peccole 1982 Trust
8999 W. Charleston Boulevard
Las Vegas Nevada 89117

RE Z-17-90(5) - PLOT PLAN REVIEW

Gentlemen

Your request for a Plot Plan Review for 81 Single Family Homes on property located north of Charleston Boulevard, east of Apple Drive, N-U Zone (under Resolution of Intent to R-PD7) was considered by the Planning Commission on July 13, 1995

The Planning Commission unanimously voted to APPROVE your request subject to the following

- 1 The architectural plans for each lot shall be reviewed by the Peccole West Architectural Review Committee to ensure that the buildings meet the established development standards set forth for the Peccole West Community. A copy of the approval letter from the committee shall be submitted to the Department of Community Planning and Development at the time an application for building permit is submitted.
- 2 Setbacks for the development shall be 20 feet for the front yard, 15 feet for the rear yard, 5 feet for each side yard and 10 feet for corner side yards.
- 3 Where new water mains are extended along streets and where hydrants are not needed for protection of structures, fire hydrants shall be spaced a maximum of 1,000 feet apart to prevent transportation hazards as required by the Department of Fire Services.
- 4 Provide public street dedication (as required) and construct street improvements (as required) along Apple Drive to this site prior to occupancy of any residential units within this subdivision site as required by the Department of Public Works. Also establish a private access drive corridor (as necessary) and construct a minimum of two lanes of paving along with curb and gutter along the private access corridor prior to occupancy of any residential units within this subdivision site.
- 5 Provide public sewer easements for all public sewers not located within public street rights-of-way prior to the issuance of any sewer construction permits as required by the Department of Public Works.

- Continued -

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TO Peccole 1982 Trust
RE Z-17-190(5)

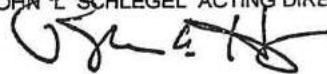
July 18 1995
Page Two

- 6 Contribute \$28 170 00 to partially fund a traffic signal system at the intersection of Apple Drive and Charleston Boulevard prior to the issuance of building or off-site permits in accordance with the Peccole Ranch Master Traffic Impact Analysis' Signal Participation Proposal as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic signal monies for the installation of traffic signals at any other intersection within this general vicinity which is impacted by this development and which has a more immediate need for signalization.
- 7 Meet with the Traffic Engineer for assistance in redesigning the proposed private access corridor intersection with Apple Drive prior to the submittal of any construction plans or the issuance of any permits whichever may occur first. Access drives shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.
- 8 Site development to also comply with all applicable conditions of approval for Z-17-90 and all other related Peccole Ranch actions as required by the Department of Public Works.
- 9 Conformance to the plot plan and building elevations.
- 10 Satisfaction of City Code requirements and design standards of all City departments.
- 11 A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of a building or grading permit, whichever may occur first.
- 12 A fully operational fire protection system including fire apparatus roads, fire hydrants and water supply shall be installed and functioning prior to construction of any combustible structures.

The action by the Planning Commission is final.

Sincerely,

DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT
JOHN T. SCHLEGEL, ACTING DIRECTOR



PHYLLIS HARGROVE, SENIOR PLANNER
CURRENT PLANNING DIVISION

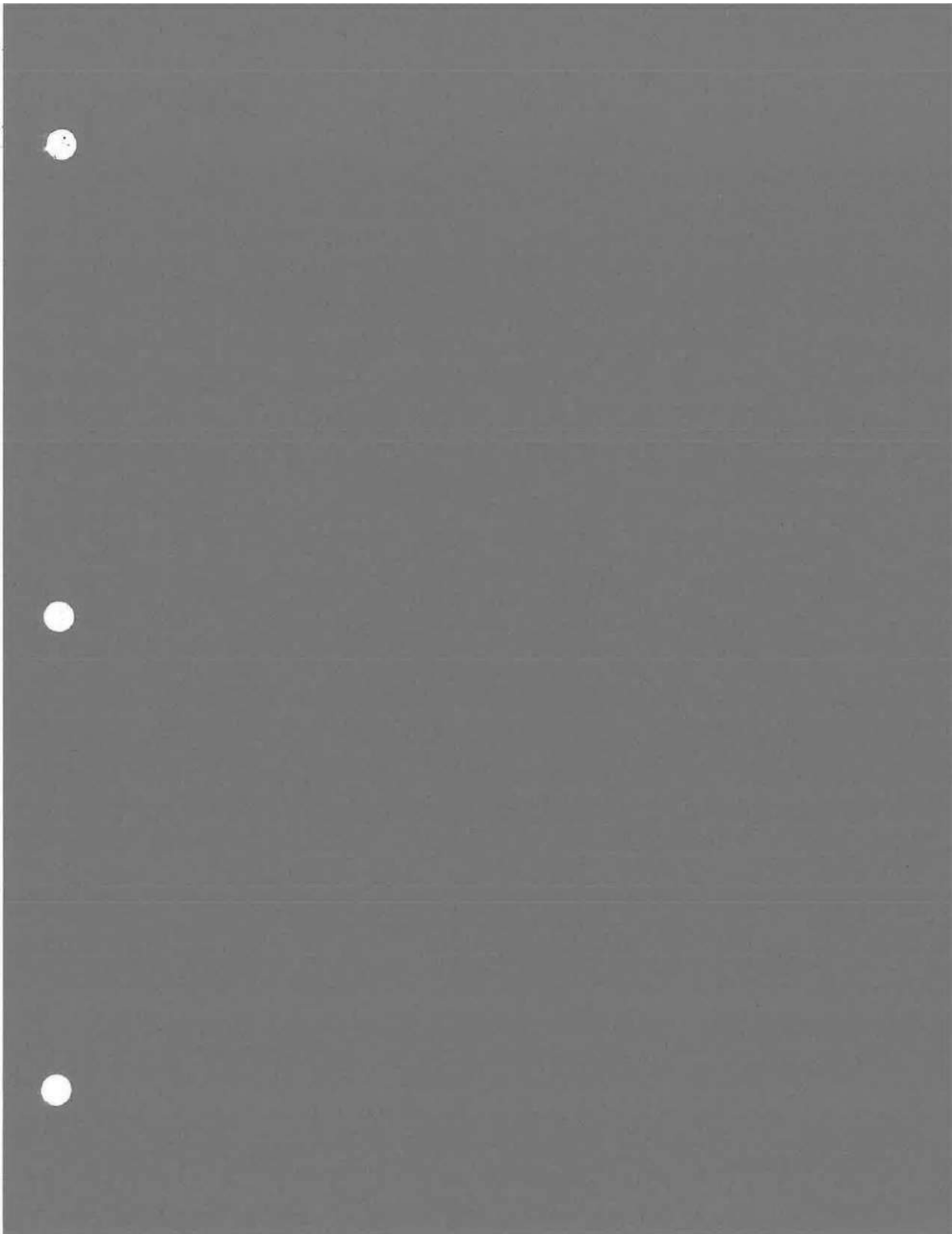
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cc Pentacore Engineering, Inc.
6763 W. Charleston Boulevard
Las Vegas, Nevada 89102

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B-1 Z-17-90(23) - CHRISTOPHER HOMES - Request for a Review of Condition TO REDUCE THE REQUIRED FRONT YARD SETBACKS FOR THE PECCOLE WEST LOT 9 SUBDIVISION on property located north of Charleston Boulevard, east of Palace Court, U (Undeveloped) Zone [ML (Medium-Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD7 (Residential Planned Development 7 Units Per Acre), Ward 2 (Adamsen), APN 138-31-711 001 through 003, 138 31-810-001 through 036, 138 31-812-001 through 037, 138-31-814-001 through 005

NOT A PUBLIC HEARING

C C 3/23/98

APPLICATION REQUEST

The request is for the approval of a Review of Condition to reduce the front yard setbacks for 81 single-family residential lots. The applicant is requesting that front yard setbacks be reestablished for the entire development to permit 14 foot front yard setbacks. The applicant has verbally indicated that the request would be limited to lots developed with side load garages. The site is located within the Pecolle West Community.

BACKGROUND DATA

04/04/90	The City Council approved a rezone for R-PD7 (Residential Planned Development - 7 Units Per Acre) zoning for this site as part of a larger request (Z-17-90)
07/13/95	The Planning Commission approved a Plot Plan and Building Elevation Review for this site [Z-17-90(5)]
06/27/96	The Planning Commission approved a Review of Condition to reduce the required front yard setbacks for the Pecolle West Lot 9 subdivision [Z-17-90(13)]

DETAILS OF APPLICATION REQUEST

The request would provide for development of 81 lots with front yard setbacks of 14 feet. The original approval for this site established a 20 foot front yard setback. In Z-17-90(13), that setback was reduced to the following requirements:

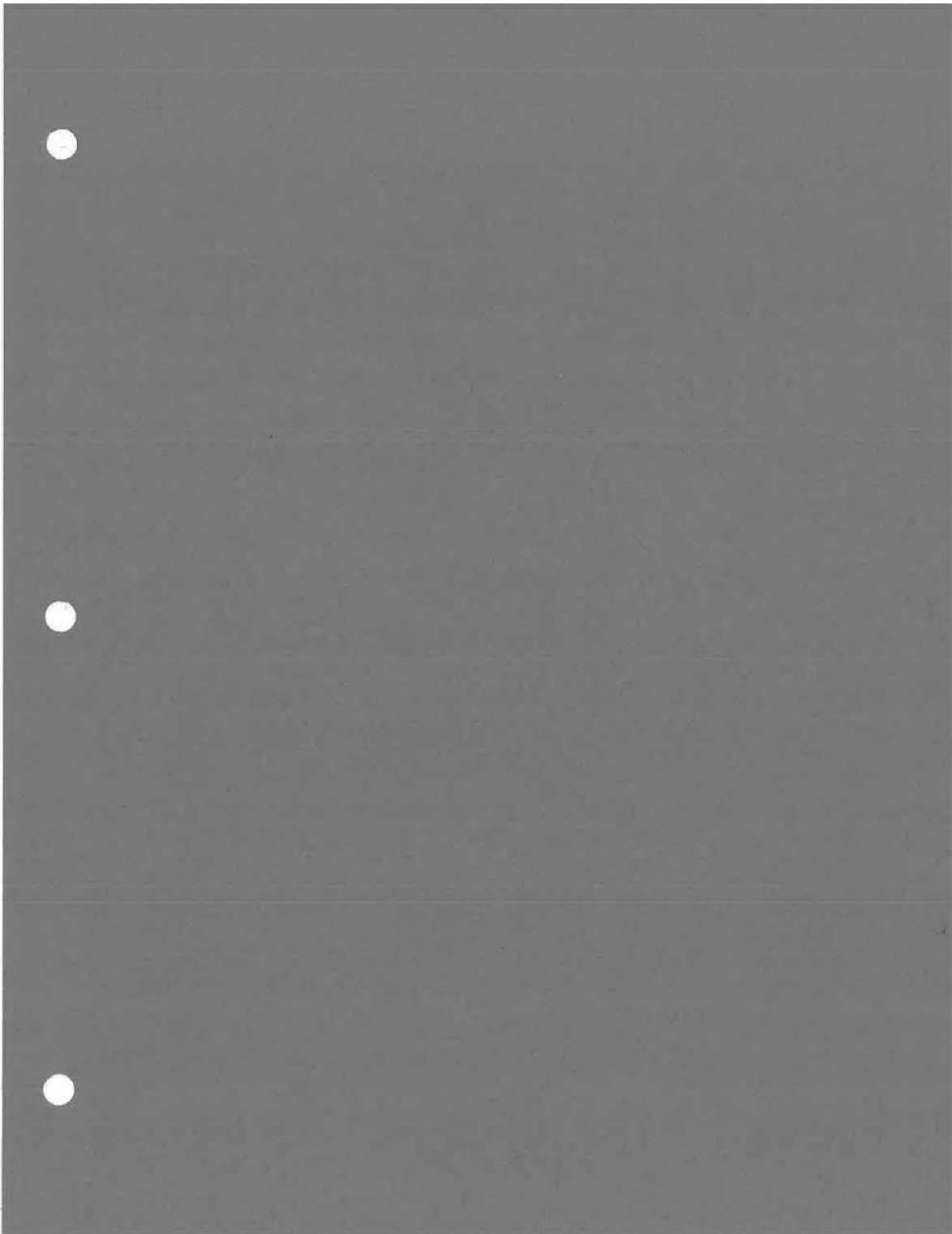
- 14 feet for cul-de-sac lots with side load garages,
- 16 feet for rectangular lots not on cul-de-sac streets with side load garages, and
- 18 feet for all lots with front load garages

Z 17 90(23)

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MAYOR
JAN LAVERTY JONES
COUNCILMEN
ARNIE ADAMSEN
MATTHEW Q. CALLISTER
MICHAEL J. McDONALD
GARY REESE

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

December 19, 1995

Mr. William Peccole
Peccole 1982 Trust

2760 Toga Pines Circle *9999 W Charleston Blvd*
Las Vegas, Nevada ~~89402~~ *89117*

RE Z-17-90(7) - PLOT PLAN REVIEW

Dear Mr. Peccole

Your request for a Plot Plan Review for 44 detached single family dwellings on property located north of Charleston Boulevard, east and west of Palace Court, N-U Zone (under Resolution of Intent to R-PD7), was considered by the Planning Commission on December 14, 1995.

The Planning Commission unanimously voted to APPROVE your request subject to the following:

- 1 The architectural plans for each lot shall be reviewed by the Peccole West Architectural Review Committee to ensure that the buildings meet the established development standards set forth for the Peccole West Community. A copy of the approval letter from the committee shall be submitted to the Planning and Development with each building permit application.
- 2 Setbacks for the development shall be 20 feet in the front yard, 15 feet for the rear yard, 5 feet for each side yard and 10 feet for corner side yards.
- 3 Where new water mains are extended along streets and where hydrants are not needed for protection of structures, fire hydrants shall be spaced a maximum of 1,000 feet apart to prevent transportation hazards as required by the Department of Fire Services.
- 4 Provide public street dedication (as required) and construct street improvements (as required) along Palace Court to this site prior to occupancy of any residential units within this subdivision site as required by the Department of Public Works.
- 5 Provide two lanes of paved, legal access to this site prior to occupancy of any units within this development as required by the Department of Public Works.

400 E STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)

3810-015 606



ROR023031

24463

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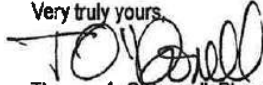
TO Mr William Peccole
RE Z-17-90(7)

December 19, 1995
Page Two

- 6 Provide public sewer easements for all public sewers not located within public street rights-of-way prior to the issuance of any sewer construction permits as required by the Department of Public Works
- 7 Contribute \$53,010.00 to partially fund a traffic signal system at the intersection of Apple Drive and Charleston Boulevard prior to the issuance of building or off-site permits in accordance with the Peccole Ranch Master Traffic Impact Analysis' Signal Participation Proposal as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic signal monies for the installation of traffic signals at any other intersection within this general vicinity which is impacted by this development and which has a more immediate need for signalization.
- 8 Site development to also comply with all applicable Conditions of Approval for Z-17-90 and all other Peccole Ranch actions as required by the Department of Public Works
- 9 Conformance to the plot plan and building elevations
- 10 Satisfaction of City Code requirements and design standards of all City departments
- 11 A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of a building or grading permit whichever may occur first
- 12 A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and functioning prior to construction of any combustible structures

The action by the Planning Commission is final

Very truly yours,



Theresa A. O'Donnell, Planning Manager
Current Planning Division

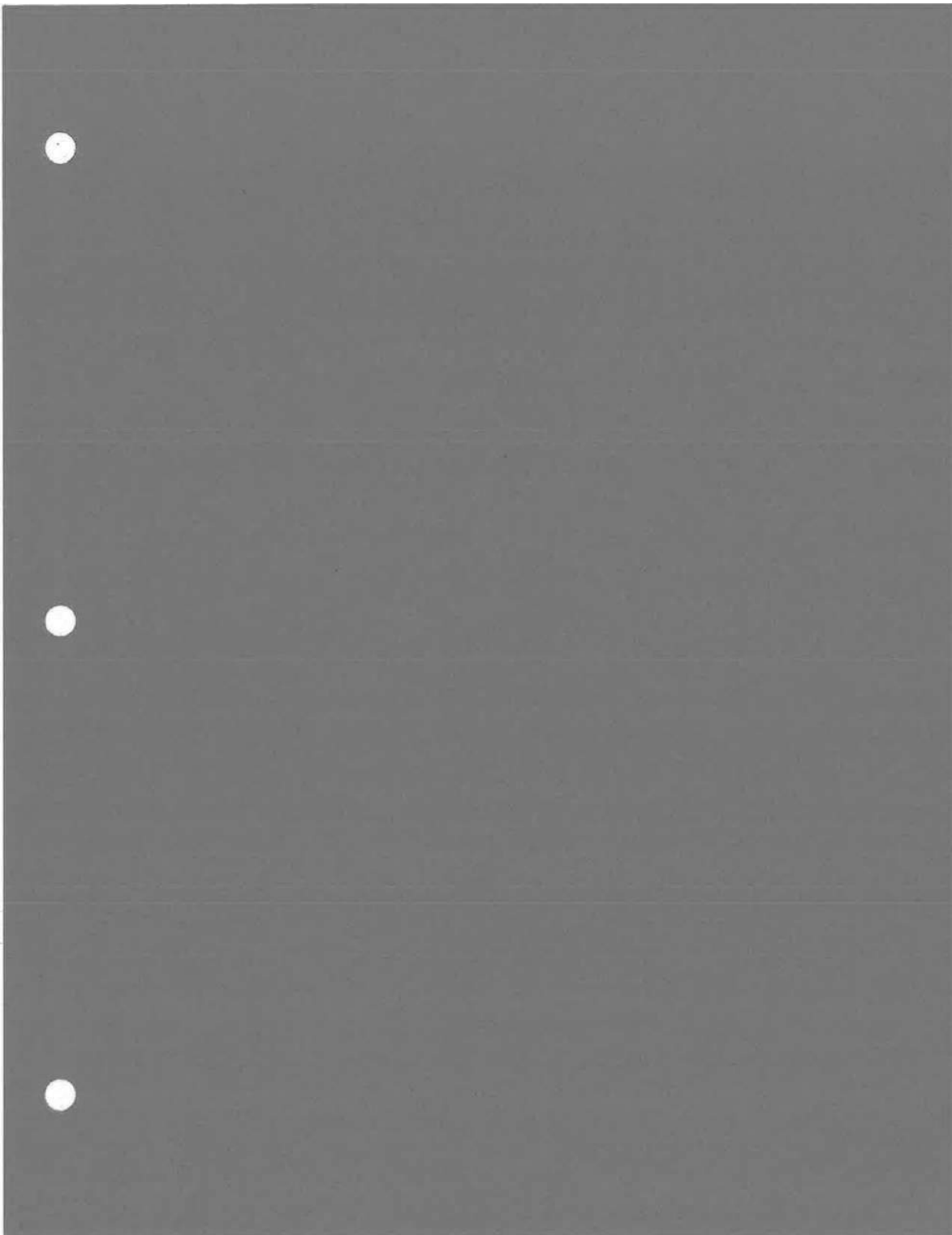
TAO PH:erh 

cc Pentacore Engineering, Inc
6763 West Charleston Boulevard
Las Vegas, Nevada 89102

ROR023032

24464

24441



ROR023033

24465

24442

12/14/95 Planning Commission

B-5 Z-17-90(7) - Peccole 1982 Trust - Request for a Plot Plan Review for 44 detached single family dwellings on property located north of Charleston Boulevard, east and west of Palace Court, Ward 2, N-U Zone (under Resolution of Intent to R-PD7), Parcel Nos 13831-201-001 through 003

NOT A PUBLIC HEARING

P C FINAL ACTION

APPLICATION REQUEST

This request is for a Plot Plan Review of 44 single family custom home sites on a 51 acre parcel within the Peccole West Community north of Charleston Boulevard and west of Rampart Boulevard. The proposed density of this development is 0.86 unit per acre.

BACKGROUND DATA

04/04/90	The City Council approved a rezoning to R-PD7 (Residential Planned Development) for this site as part of a larger request including R-3 (Limited Multiple Residence), and C-1 (Limited Commercial) [Z-17-90]
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06/21/95 The City Council approved a Plot Plan and Building Elevation Review for a Hotel and Casino to the northeast of this site [Z-17-90(3)]

07/13/95 The Planning Commission approved a request for a Plot Plan and Building Elevation Review for a golf clubhouse to the northeast of this site [Z-17-90(4)]

07/13/95 The Planning Commission approved a request for a Plot Plan Review for 81 single family detached dwellings to the southeast of this site [Z-17-90(5)]

DETAILS OF APPLICATION REQUEST

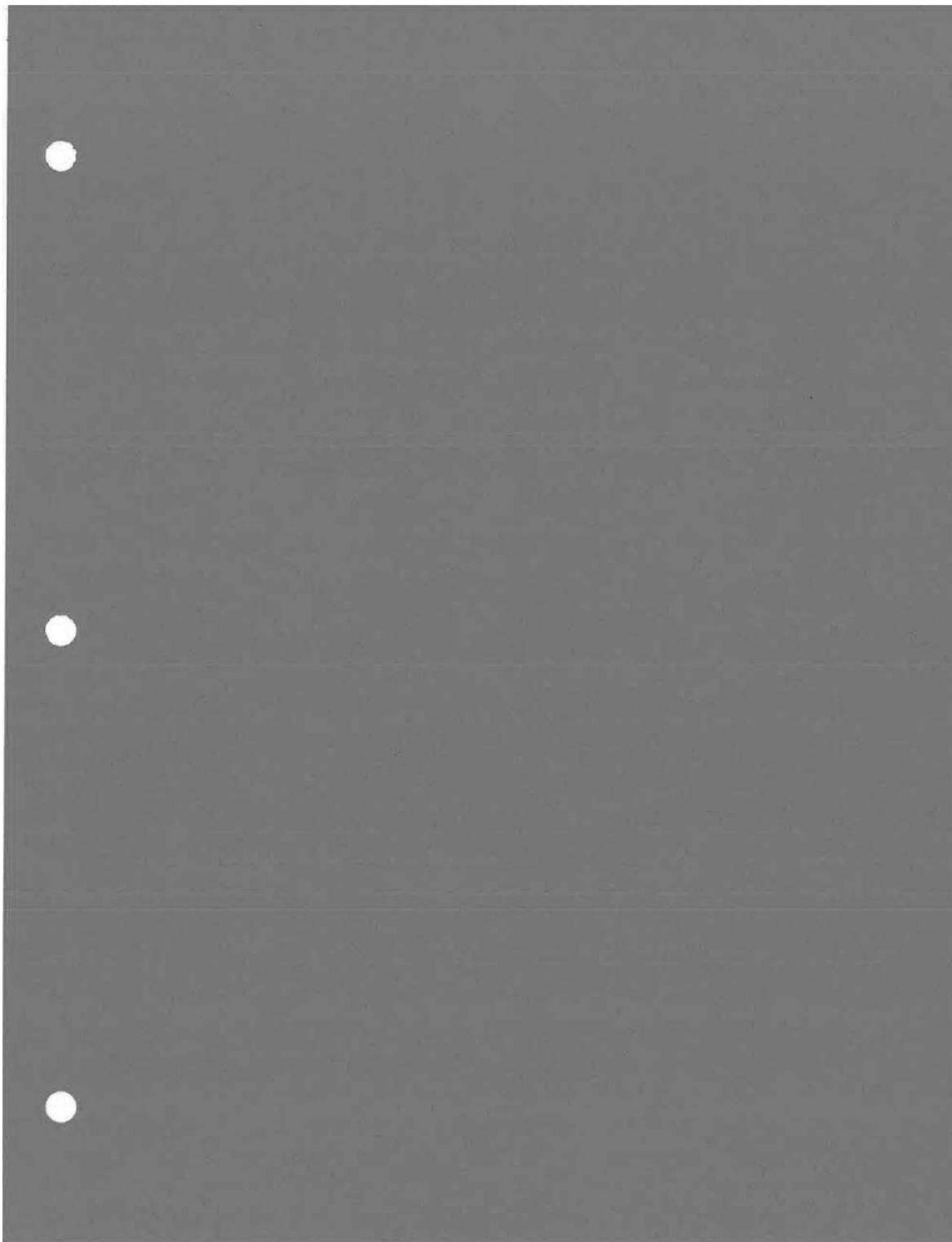
Site Area	51.02 Acres
Number of Lots	44 Custom home sites
Density	0.86 Dwelling units per acre

Access to the site is via one private street connection to Charleston Boulevard. The plot plan indicates that the lots range in size from 1/2 acre to 1 1/2 acres and will be developed as custom home sites to the individual buyers specifications. The proposed setbacks are 20 feet in the front yard, 15 feet in the rear, 5 feet on each side and 10 feet on all corner sides. The subdivision is surrounded by golf course which will serve as the common open space for the development.

ROR023034

24466

24443



ROR023035

24467

24444

MAYOR
JAN LAVERTY JONES

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

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

August 11, 1995

Mr. Larry Miller
Peccole 1982 Trust
9999 W. Charleston Boulevard
Las Vegas, Nevada 89117

RE Z-49-95 - ZONE CHANGE RELATED TO GPA-31-95

Dear Mr. Miller:

The City Council at a regular meeting held August 2, 1995 APPROVED the request for reclassification of property located on the northeast corner of Charleston Boulevard and Hualapai Way, from N-U (Non-Urban - under Resolution of Intent to C-1), to R-PD7 (Residential Planned Development), proposed use Single Family Residential, subject to

- 1 Construct half-street improvements on Hualapai Way adjacent to this site and construct all incomplete half-street improvements (if any) on Charleston Boulevard adjacent to this site prior to occupancy of any residential units within this subdivision site as required by the Department of Public Works. Also, as needed, remove all substandard public street improvements and all unused driveway cuts adjacent to this site and replace with new improvements meeting current City Standards.
- 2 Contribute \$19,800.00 to partially fund a traffic signal system at the intersection of Charleston Boulevard and Hualapai Way prior to the issuance of building or off-site permits or the recordation of a Final Map, whichever may occur first, in accordance with the Peccole Ranch Master Traffic Impact Analysis' Signal Participation Proposal as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site. The City reserves the right to utilize the contributed traffic signal moneys for the installation of traffic signals at any other intersection within this general vicinity which is impacted by this development and which has a more immediate need for signalization.

400 E STEWART AVENUE • LAS VEGAS NEVADA 89101 2986
(702) 229 6011 (VOICE) • (702) 386-9108 (TDD)

2810-015-0996



ROR023036

24468

24445

Mr Larry Miller
Peccole 1982 Trust
August 11, 1995
RE Z-49-95 - ZONE CHANGE
Page 2

- 3 The underlying Resolution of Intent on this property shall be expunged upon approval of this application.
- 4 Site development to also comply with all applicable conditions of approval for all related Peccole Ranch actions as required by the Department of Public Works
- 5 Approval of a detailed Plot Plan and Building Elevations by the Planning Commission prior to development of the site. Additional conditions of approval may be added at that time.
- 6 Resolution of Intent with a twelve month time limit
- 7 Satisfaction of City Code requirements and design standards of all City departments
- 8 A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of a building or grading permit, whichever may occur first.
- 9 A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and functioning prior to construction of any combustible structures.

A Rezoning under a Resolution of Intent expires if it is not exercised prior to the expiration of the Resolution of Intent unless a request for an Extension of Time is duly filed with the Department of Community Planning and Development for consideration and approval by the City Council.

Sincerely,


KATHLEEN M. TIGHE
City Clerk

/cmp

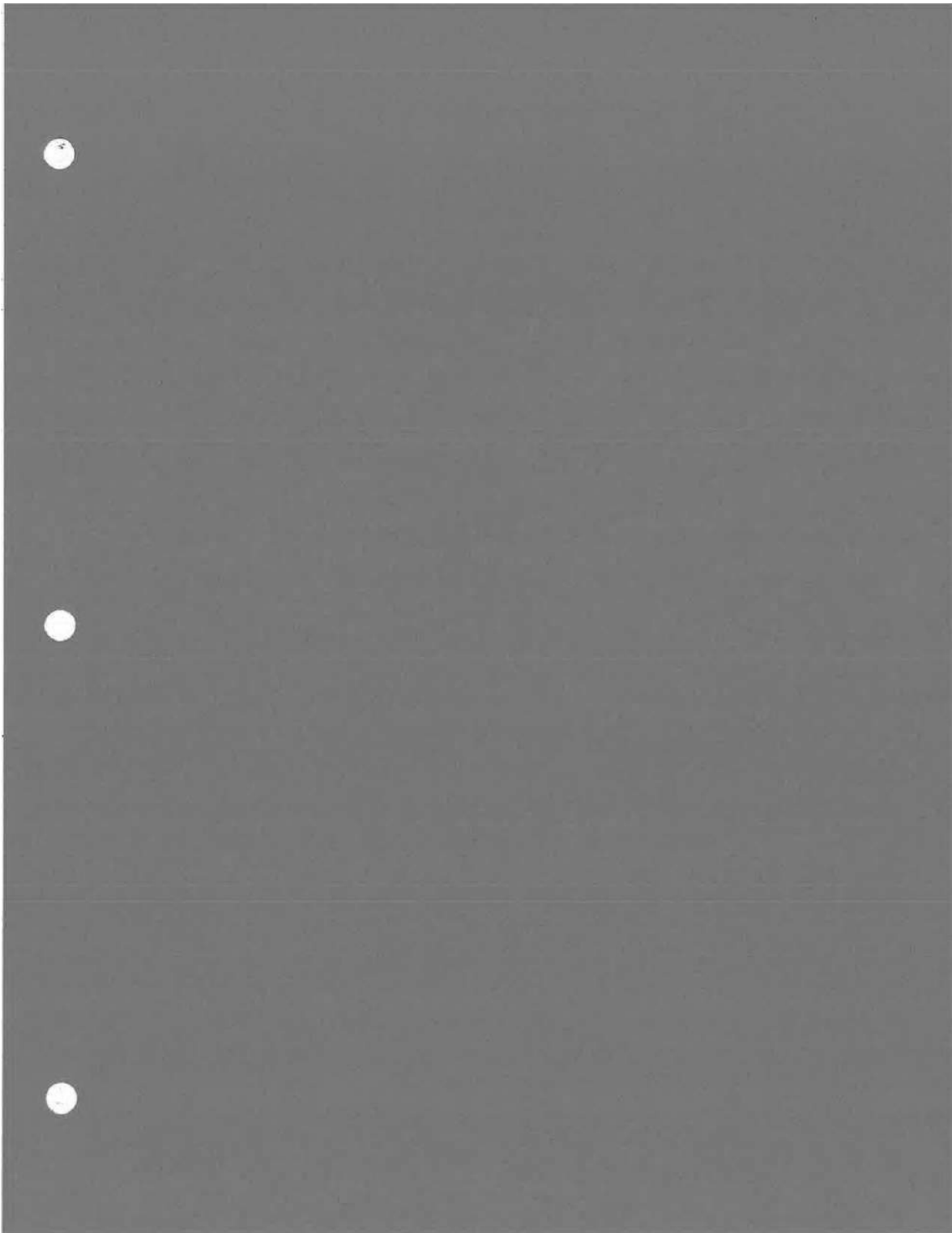
cc Dept of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept of Building & Safety
Land Development Services

Ms Ellen Marciel
Pentacore Engineering
6763 W Charleston Blvd
Las Vegas, Nevada 89102

ROR023037

24469

24446



ROR023038

24470

24447

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR
KEN BRASS

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

January 13, 1995

Mr. Larry Miller, Trustee
Peccole Ranch Trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94

Dear Mr. Miller

The City Council at a regular meeting held January 4, 1995 APPROVED the request for reclassification of property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, from N-U (Non-Urban) (under Resolution of Intent to C-1), R-3 (Limited Multiple Residence) and R-PD7 (Residential Planned Development) R-PD9 (Residential Planned Development), to R-PD7 (Residential Planned Development), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial), proposed use Single Family Dwellings, Apartments and Commercial, subject to

- 1 Approval of a General Plan Amendment to make the proposed zoning consistent with the Plan
- 2 The zone change will lapse if the Traffic Study is not submitted to the Traffic Division within two weeks
- 3 Approval of a plot plan and building elevations for each parcel by the Planning Commission prior to development
- 4 Dedicate 80 feet of right-of-way through this site for Alta Drive along with 54 foot corner radius at its intersection with Hualapai Way and Rampart Boulevard as required by the Department of Public Works. All required Alta Drive right-of-way shall be dedicated prior to or concurrent with the recordation of the first map dividing this rezoning site
- 5 Construct half-street improvements on Hualapai Way adjacent to this site, full-width improvements on Alta Drive internal to this site and construct all incomplete (if any) half-street or full-width improvements, as appropriate, on Charleston Boulevard and Rampart Boulevard adjacent to or internal to this site as required by the Department of Public Works

400 E STEWART AVENUE LAS VEGAS NEVADA 89101 2986
(702) 229 6011 (VOICE) • (702) 386 9108 (TDD)

3810 016 10/93



ROR023039

24471

24448

Mr. Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 2

- 6 Submit a Master Plan amendment to establish the Alta Drive alignment through this site prior to or concurrent with the submittal of any map further dividing this site as required by the Department of Public Works. The location of the Alta Drive/Hualapai Way intersection shall comply with the conditions of approval for MSH-6-94 as required by the Department of Public Works.
- 7 An updated Master Traffic Impact Analysis must be approved by the Department of Public Works prior to any additional development review actions or the issuance of grading, building or off-site permits or the recordation of any map further dividing this property, whichever may occur first. Comply with the recommendations of the approved Master Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Master Traffic Impact Analysis. No recommendation of the approved Master 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.
- 8 A Master Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to issuance of a building or grading permit or the recordation of any map further dividing this property, whichever may occur first.
- 9 The City reserves the right to impose additional conditions of approval on each individual development site as proposals are submitted to the City for review, future conditions may relate to appropriate right-of-way dedications, street improvements, drainage plan/study submittals, drainageway improvements, sanitary sewer improvements and traffic mitigation impacts/improvements as required by the Department of Public Works.
- 10 The underlying Resolution of Intent for these parcels is expunged upon approval of this application.
- 11 Conformance to all applicable Conditions of Approval for Zoning Application Z-17-90.
- 12 Resolution of Intent with a twelve month time limit.
- 13 Satisfaction of City Code requirements and design standards of all City departments.

ROR023040


24472

24449

Mr. Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 3

A Rezoning under a Resolution of Intent expires if it is not exercised prior to the expiration of the Resolution of Intent unless a request for an Extension of Time is duly filed with the Department of Community Planning and Development for consideration and approval by the City Council.

Sincerely,


KATHLEEN M. TIGHE
City Clerk

/cmp

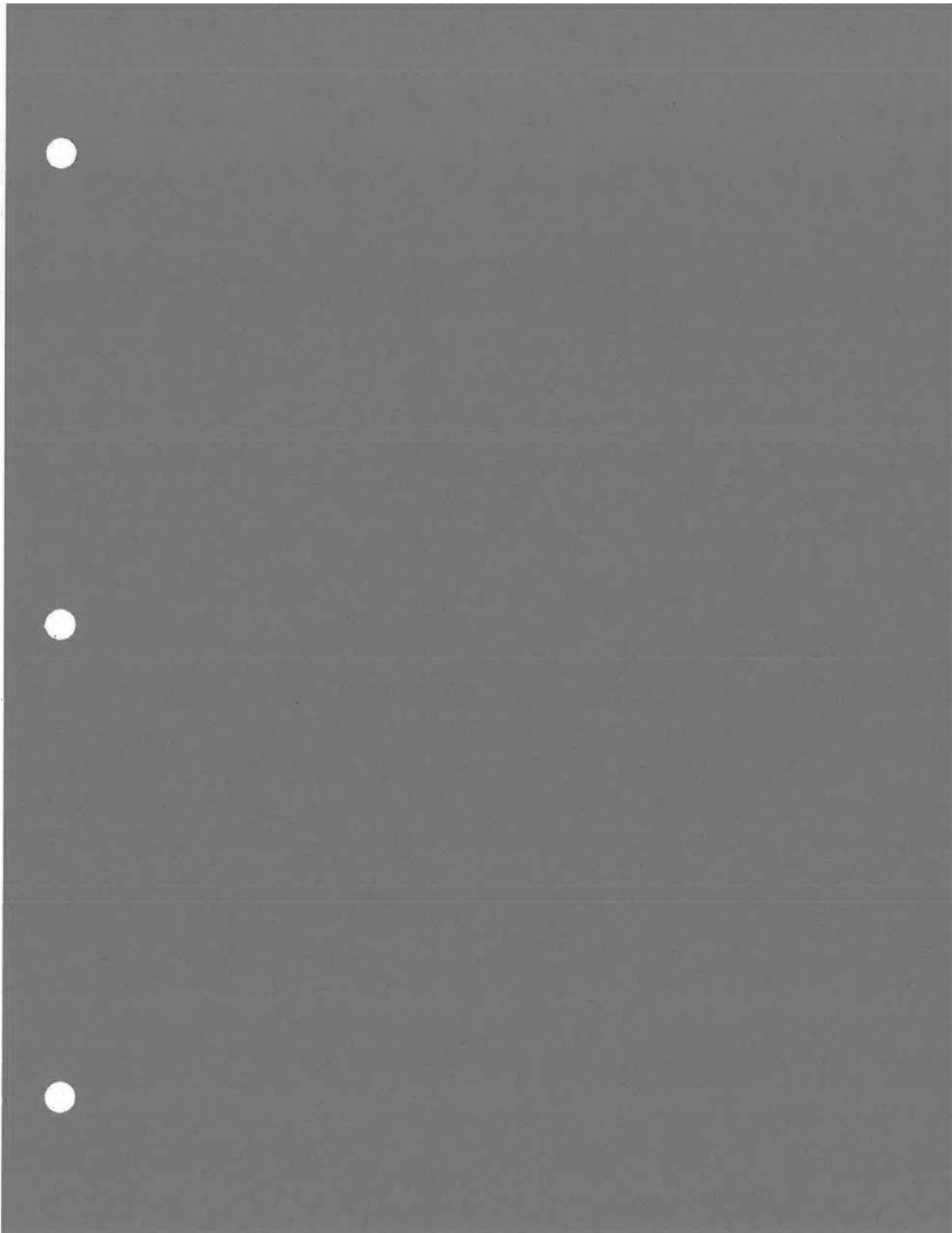
cc Dept of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept of Building & Safety
Land Development Services

Ms Ellen Merciel
Pentacore
6763 W Charleston Boulevard
Las Vegas, Nevada 89102

ROR023041

24473

24450



ROR023042

24474

24451

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF

A NDA DOCUMENTATION

JANUARY 4, 1995

Date: _____

O
The City Council

FROM: JOHN L. SCHLEGEL, ACTING DIRECTOR
DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT

SUBJECT: GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-54-94 - Peccole Ranch Trust

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for six parcels within the Peccole Ranch Planned Residential development. The letter of justification submitted with the application stated that the change in alignment of the golf course was one reason for the request.

BACKGROUND DATA:

4/4/90 The City Council approved R-3 (Limited Multiple Residence) district, R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning for a portion of this site (Z-17-90).

8/18/93 The City Council approved R-PD9 (Residential Planned Development) zoning for a portion of this site (Z-60-93). This application was expired.

12/8/94 The Planning Commission recommended approval of a request for rezoning to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning (Z-146-94). This is the next item on your agenda.

DETAILS OF APPLICATION REQUEST:

Site Area 87.1 Acres

GENERAL PLAN DESIGNATIONS AND DEVELOPMENT OF ADJACENT PROPERTIES:

	ZONING	LAND USE
North	P	Vacant
South	SC, M	Single Family, Vacant
East	SC, M	Vacant
West	No designation	

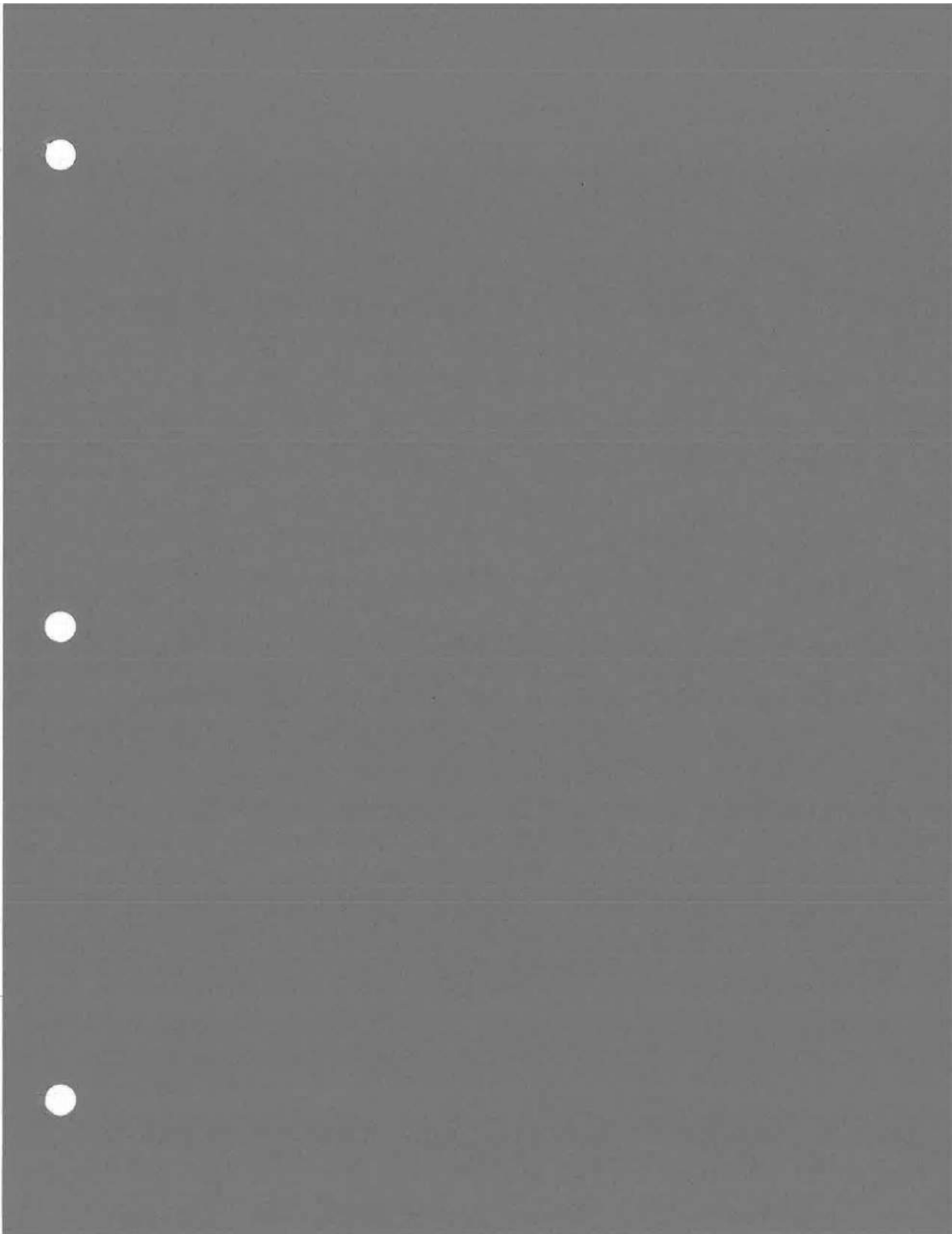
Agenda Item

94

ROR023043

24475

24452



ROR023044

24476

24453

B-7 Z-146-94(1) and Z-49-95(1) - Peccole 1982 Trust - Request for a Plot Plan Review for 263 single family homes on property located on the northeast corner of Charleston Boulevard and Hualapai Way, N-U Zone (under Resolution of Intent to R-PD7), Ward No. 2, Parcel Nos. 13831-201-001 and 002

NOT A PUBLIC HEARING

P C FINAL ACTION

APPLICATION REQUEST

This request is for Plot Plan and Building Elevation Review for 263 single family dwellings on a 78.5 acre parcel. The project density is 3.35 units per acre.

BACKGROUND DATA

1/04/95	The City Council approved a reclassification from N-U (Non-Urban) to R-PD7 (Residential Planned Development) for the easterly portion of the site as part of a larger request (Z-146-94)
8/02/95	The City Council approved a Reclassification from N-U (Non Urban) to R-PD7 (Residential Planned Development) for the westerly 19 acres of the site (Z-49-95)

DETAILS OF APPLICATION REQUEST

Site Area	78.5 Acres
Number of Units	263 Single Family Dwellings
Density	3.35 Units Per Acre

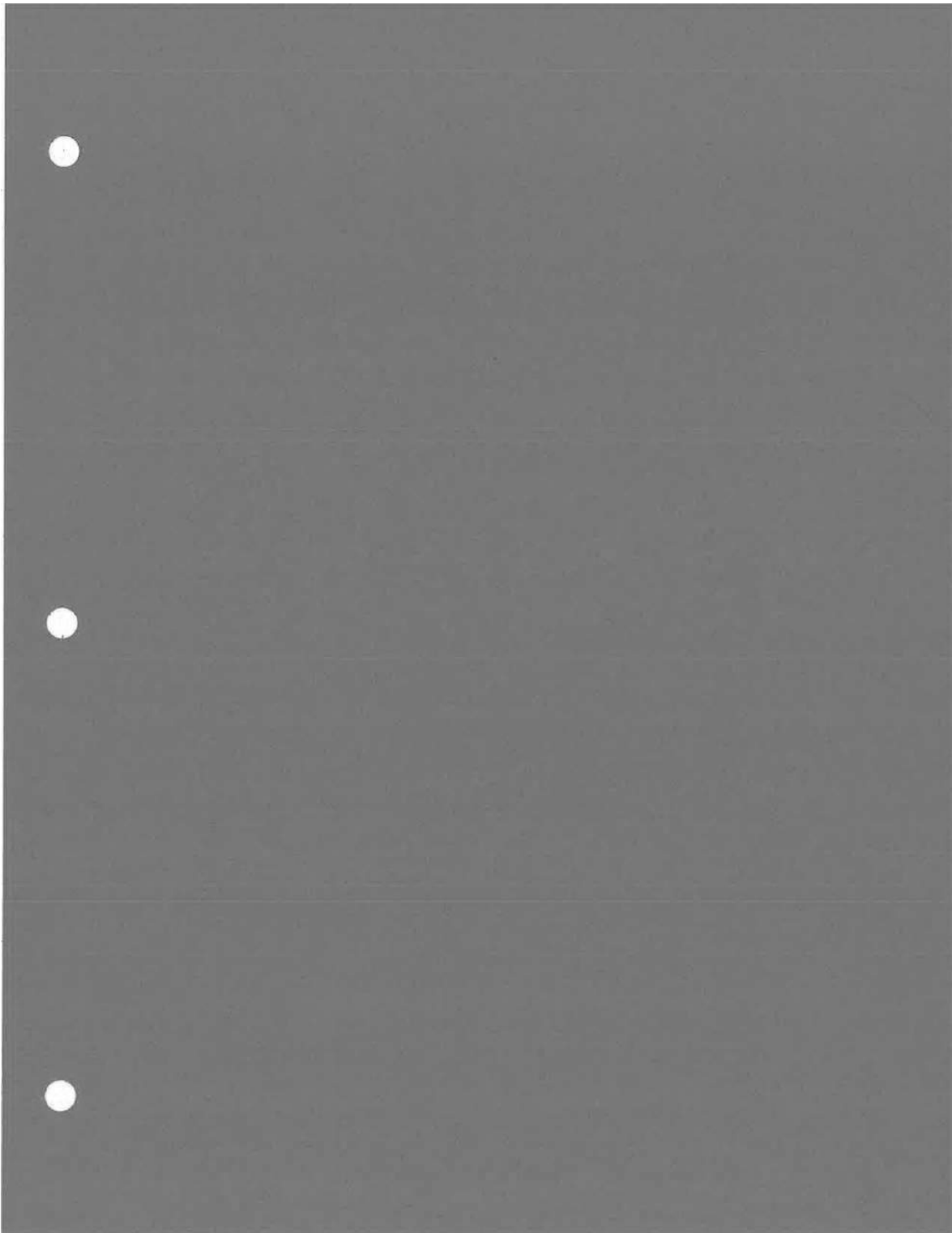
Access to the site is via one street connection along Apple Drive and one along Hualapai Way. Each lot has access to a 40 foot wide private street that loops or ends in a cul-de-sac. The plot plan indicates that these are custom home lots therefore no building elevations are available at this time. The setbacks for the development are indicated as follows: 20 feet for the front yard, 15 feet for the rear yard, 5 feet for each side yard and 10 feet for corner side yards.

- Continued -

ROR023045

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ROR023046

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24455

City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF

NDA DOCUMENTATION

JANUARY 4, 1995

Date: _____

TO: The City Council

FROM: JOHN L. SCHLEGEL, ACTING DIRECTOR
DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT

SUBJECT: ZONE CHANGE RELATED TO GPA-54-94 - PUBLIC HEARING - Z-146-94 - Peccole Ranch Trust

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is to adjust the boundaries of proposed commercial, single family and multi-family sites within the Peccole Ranch Development.

BACKGROUND DATA:

- | | |
|----------|---|
| 4/04/90 | The City Council approved R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning for a portion of this site (Z-17-90). |
| 8/18/93 | The City Council approved R-PD9 (Residential Planned Development) zoning for a portion of this site (Z-60-93). This application has expired. |
| 12/08/94 | The Planning Commission recommended approval of a request to amend the General Plan for this site (GPA-54-94). This is the previous item on your agenda. |

DETAILS OF APPLICATION REQUEST:

Site Area 82 Acres

No plot plans or building elevations were submitted with the application.

ZONING AND DEVELOPMENT OF ADJACENT PROPERTIES:

	ZONING	LAND USE
North	C-V	Vacant
South	C-1,R-3,R-PD7	Single Family
East	C-1	Vacant
West	P-C	Summerlin

Agenda Item

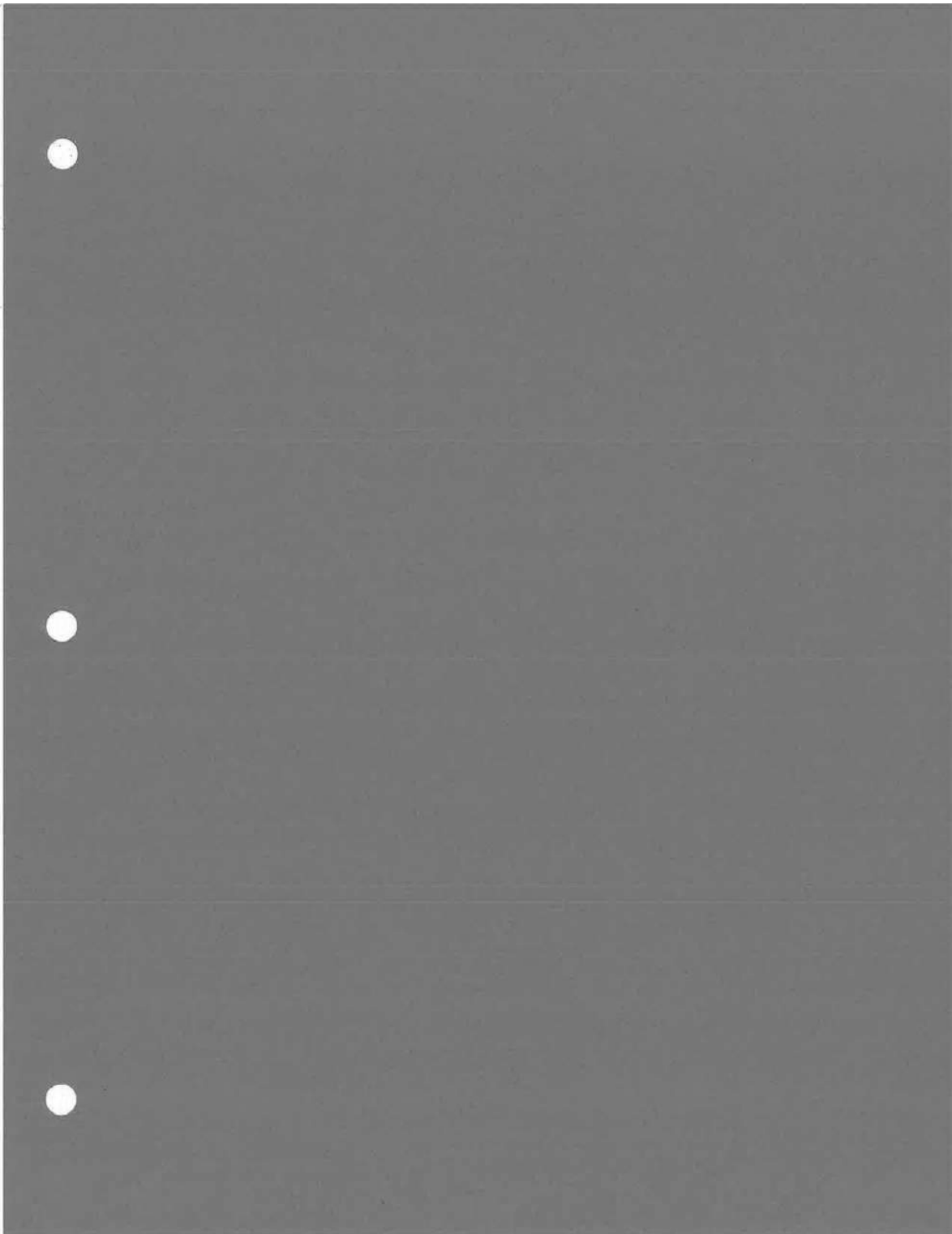
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510-015-5/94

ROR023047

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ROR023048

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24457

MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR.
KEN BRASS

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

January 13, 1995

Mr. Larry Miller, Trustee
Peccole Ranch Trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94

Dear Mr. Miller

The City Council at a regular meeting held January 4, 1995 APPROVED the request for reclassification of property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, from N-U (Non-Urban) (under Resolution of Intent to C-1), R-3 (Limited Multiple Residence) and R-PD7 (Residential Planned Development) R-PD9 (Residential Planned Development), to R-PD7 (Residential Planned Development), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial), proposed use Single Family Dwellings, Apartments and Commercial, subject to

- 1 Approval of a General Plan Amendment to make the proposed zoning consistent with the Plan
- 2 The zone change will lapse if the Traffic Study is not submitted to the Traffic Division within two weeks
- 3 Approval of a plot plan and building elevations for each parcel by the Planning Commission prior to development
- 4 Dedicate 80 feet of right-of-way through this site for Alta Drive along with 54 foot corner radii at its intersection with Hualapai Way and Rampart Boulevard as required by the Department of Public Works. All required Alta Drive right-of-way shall be dedicated prior to or concurrent with the recordation of the first map dividing this rezoning site.
- 5 Construct half-street improvements on Hualapai Way adjacent to this site, full-width improvements on Alta Drive internal to this site and construct all incomplete (if any) half-street or full-width improvements, as appropriate, on Charleston Boulevard and Rampart Boulevard adjacent to or internal to this site as required by the Department of Public Works.



400 E STEWART AVENUE LAS VEGAS NEVADA 89101 2986
(702) 229 6011 (VOICE) • (702) 386 9108 (TDD)

3810 015 10/92

ROR023049

24481

24458

Mr. Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 2

- 6 Submit a Master Plan amendment to establish the Alta Drive alignment through this site prior to or concurrent with the submittal of any map further dividing this site as required by the Department of Public Works. The location of the Alta Drive/Hualapai Way intersection shall comply with the conditions of approval for MSH-6-94 as required by the Department of Public Works.
- 7 An updated Master Traffic Impact Analysis must be approved by the Department of Public Works prior to any additional development review actions or the issuance of grading, building or off-site permits or the recordation of any map further dividing this property, whichever may occur first. Comply with the recommendations of the approved Master Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Master Traffic Impact Analysis. No recommendation of the approved Master 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.
- 8 A Master Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to issuance of a building or grading permit or the recordation of any map further dividing this property, whichever may occur first.
- 9 The City reserves the right to impose additional conditions of approval on each individual development site as proposals are submitted to the City for review, future conditions may relate to appropriate right-of-way dedications, street improvements, drainage plan/study submittals, drainageway improvements, sanitary sewer improvements and traffic mitigation impacts/improvements as required by the Department of Public Works.
- 10 The underlying Resolution of Intent for these parcels is expunged upon approval of this application.
- 11 Conformance to all applicable Conditions of Approval for Zoning Application Z-17-90.
- 12 Resolution of Intent with a twelve month time limit.
- 13 Satisfaction of City Code requirements and design standards of all City departments.

ROR023050


24482

24459

Mr Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 3

A Rezoning under a Resolution of Intent expires if it is not exercised prior to the expiration of the Resolution of Intent unless a request for an Extension of Time is duly filed with the Department of Community Planning and Development for consideration and approval by the City Council

Sincerely,


KATHLEEN M TIGHE
City Clerk

/cmp

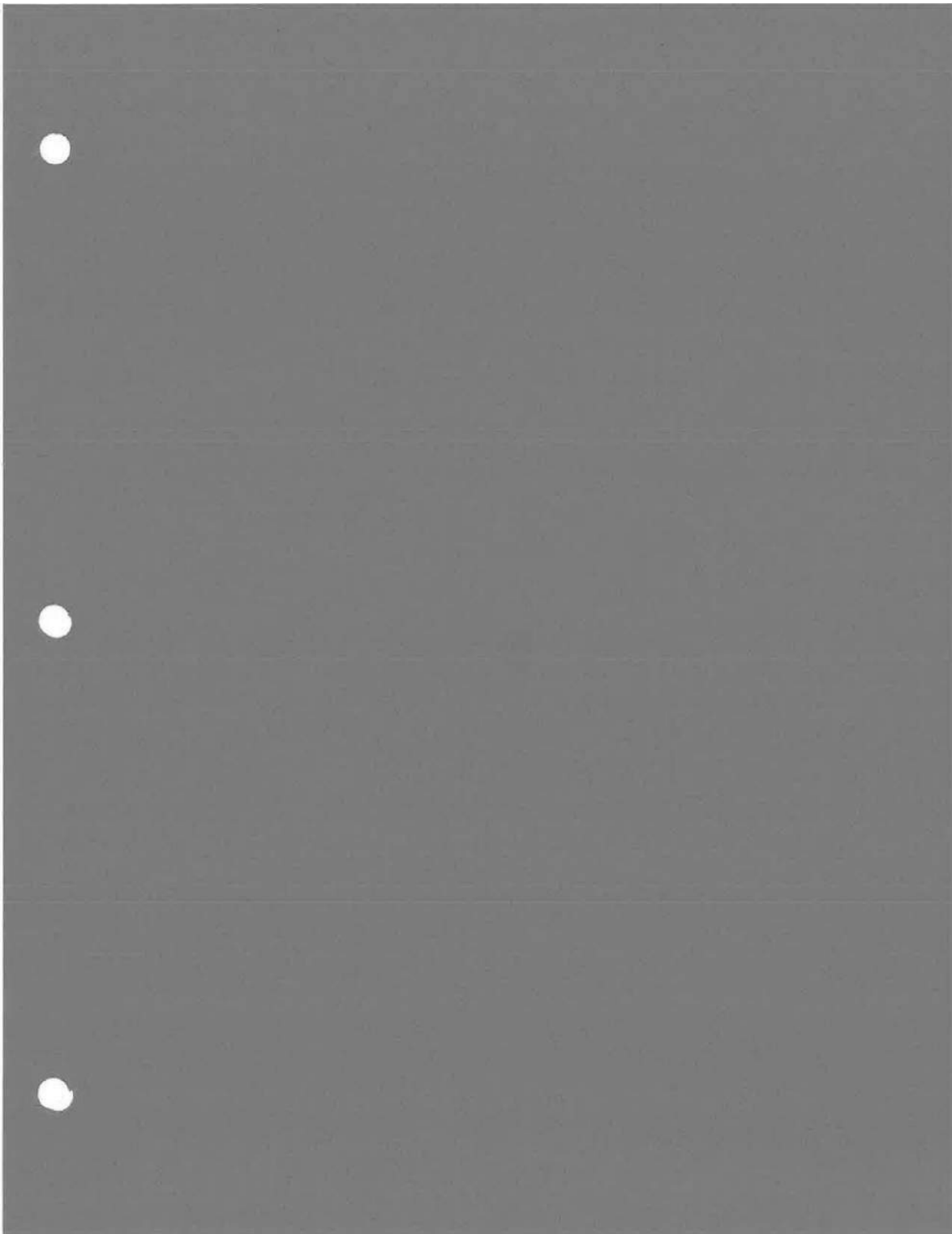
cc Dept of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept of Building & Safety
Land Development Services

Ms Ellen Merciel
Pentacore
6763 W Charleston Boulevard
Las Vegas, Nevada 89102

ROR023051

24483

24460



ROR023052

24484

24461

City of Las Vegas

CITY COUNCIL MINUTES

MEETING OF

AGENDA DOCUMENTATION

JANUARY 4, 1995

Date: _____

TO: The City Council

FROM: JOHN L. SCHLEGEL, ACTING DIRECTOR
DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT

SUBJECT: GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-54-94 - Peccole Ranch Trust

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for six parcels within the Peccole Ranch Planned Residential development. The letter of justification submitted with the application stated that the change in alignment of the golf course was one reason for the request.

BACKGROUND DATA:

4/4/90 The City Council approved R-3 (Limited Multiple Residence) district, R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning for a portion of this site (Z-17-90).

8/18/93 The City Council approved R-PD9 (Residential Planned Development) zoning for a portion of this site (Z-60-93). This application was expired.

12/8/94 The Planning Commission recommended approval of a request for rezoning to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning (Z-146-94). This is the next item on your agenda.

DETAILS OF APPLICATION REQUEST:

Site Area 87.1 Acres

GENERAL PLAN DESIGNATIONS AND DEVELOPMENT OF ADJACENT PROPERTIES:

	ZONING	LAND USE
North	P	Vacant
South	SC, M	Single Family, Vacant
East	SC, M	Vacant
West	No designation	

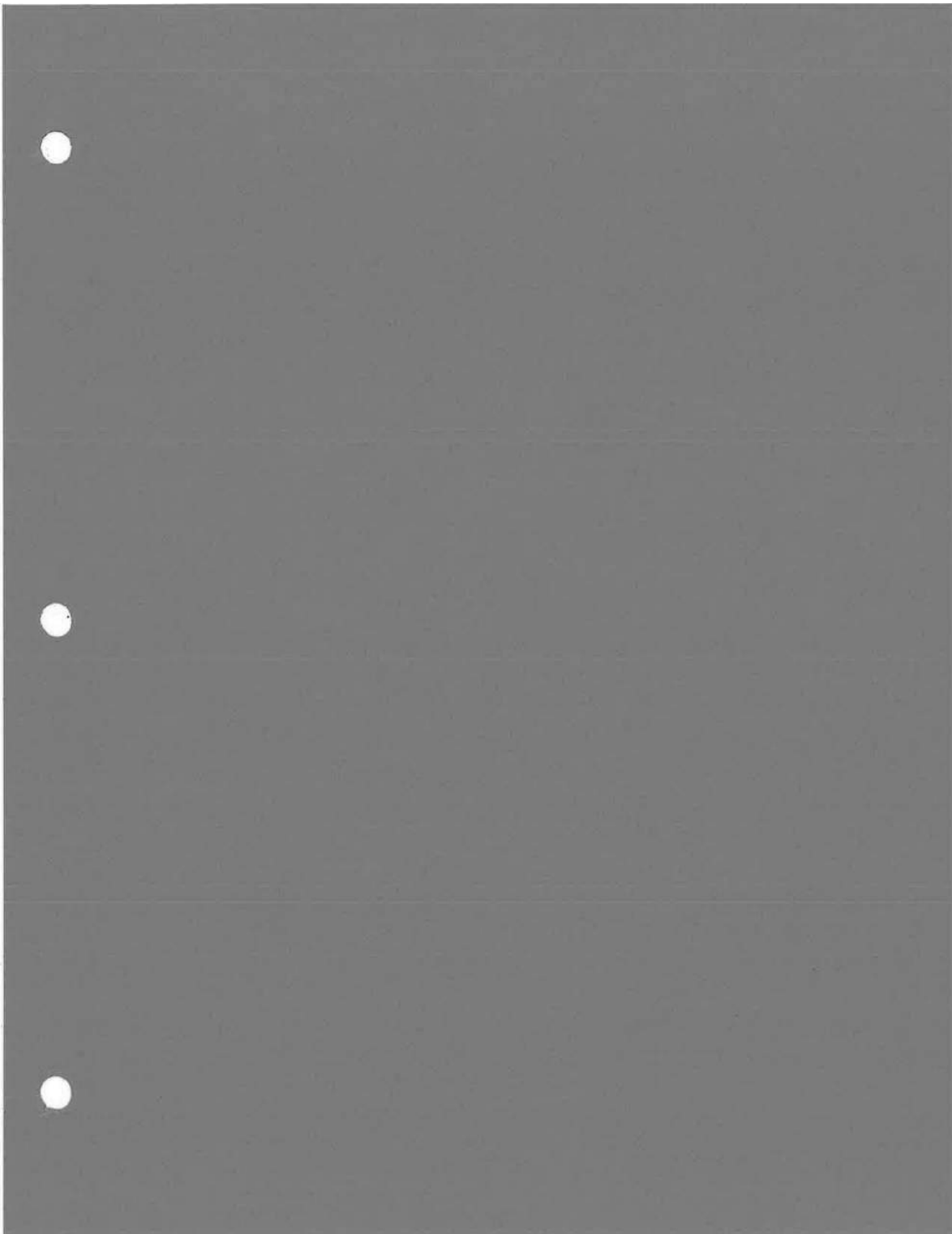
Agenda Item

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ROR023053

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ROR023054

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PLANNING &
DEVELOPMENT



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

TDD 702-386-9100
Voice:
Administration 229-6353
Comp Planning 229-6022
Current Planning 229-6301
Permits & Inspections 229-6251

Mayor
Jan Laverdy Jones

Councilmen
Arnie Adamsen
Michael J. McDonald
Gary Reese
Larry Brown

City Manager
Larry K. Barton



August 18, 1997

Mr. Bruce Bayne
William and Wanda Peccole 1991 Trust
9999 West Charleston Boulevard
Las Vegas, Nevada 89117

RE: Z-17-90(20) - SITE DEVELOPMENT PLAN REVIEW

Dear Mr. Bayne:

Your request for a Site Development Plan Review on property located south of Alta Drive and east of Hualapai Way for a PROPOSED 76 LOT SINGLE FAMILY SUBDIVISION, U (Undeveloped) Zone, [ML (Medium-Low Density Residential) General Plan Designation], under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre), Size: 36.30 Acres, Ward 2 (Adamsen), APN: 138-31-210-001 and 002, was considered by the Planning Commission on August 14, 1997.

The Planning Commission unanimously voted to APPROVE your request, subject to the following:

1. The architectural plans for each lot shall be reviewed by the Peccole West Architectural Review Committee to ensure that the buildings meet the established development standards set forth for the Peccole West Community. A copy of the approval letter from the committee shall be submitted to the Planning and Development with each building permit application.
2. Setbacks for this subdivision shall be 20 feet for the front yard, 15 feet for the rear yard, five feet for each side yard and 10 feet for corner side yards.
3. Site development to comply with all applicable conditions of approval of Z-17-90 and of all subsequent site related actions as required by the Planning and Development Department and the Department of Public Works.
4. Provide two lanes of paved, legal access to this site along a logical route prior to occupancy of any units within this development as required by the Department of Public Works. Additional access routes may be required to service this development if neighborhood traffic circulation patterns warrant such as determined by the Traffic Engineer.

ROR023055

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Mr. Bruce Bayne
August 18, 1997
Z-17-90(20) - Page Two

5. Contribute \$63,065.21 per the approved Peccole Ranch Signal Participation Proposal prior to the issuance of building or off-site permits or the recordation of a Final Map, whichever may occur first as required by the Department of Public Works.
6. A Homeowner's Association shall be established to maintain all perimeter walls, landscaping and common areas created with this development. All landscaping shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
7. Gated access drives, if proposed, shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.
8. An addendum to the previously approved 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 the recordation of a Final Map on this subdivision site, whichever may occur first, as required by the Department of Public Works.
9. Site development to comply with all applicable conditions of approval for Z-17-90 and all other site-related actions as required by the Department of Public Works.
10. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
11. All development shall be in conformance with the plot plan and building elevations.
12. All City Code requirements and design standards of all City departments must be satisfied.
13. Parking and driveway plans must be approved by the Traffic Engineer prior to the issuance of any permits.
14. All damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.
15. Remove all substandard public street improvements and all unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City standards prior to occupancy of this site as required by the Department of Public Works.
16. 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.

ROR023056

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Mr. Bruce Bayne
August 18, 1997
Z-17-90(20) - Page ~~Two~~ Three

17. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.

This action by the Planning Commission is final.

Very truly yours,



Rod Allison, Senior Planner
Current Planning Division

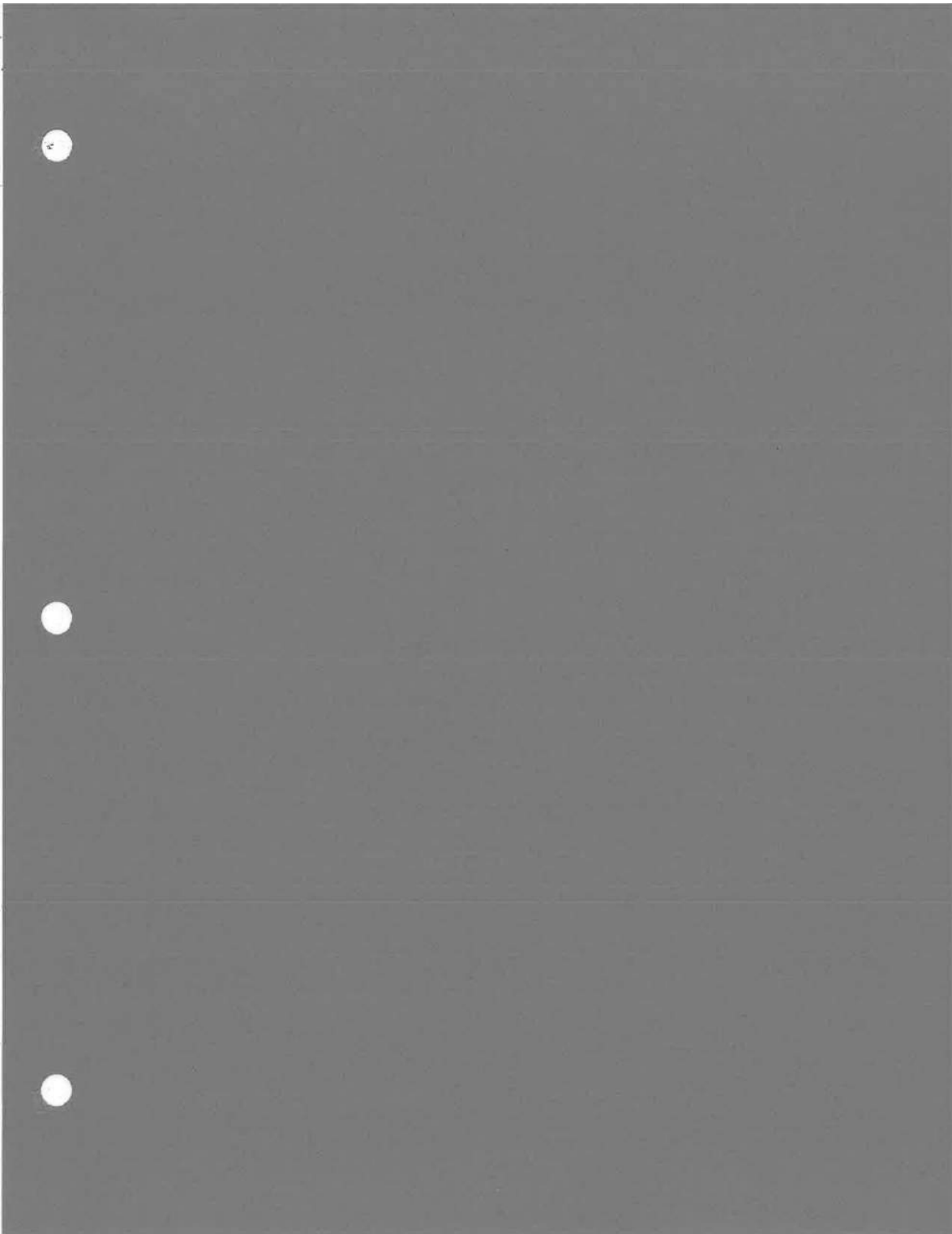
RA:rlr

cc: Ms. Liz Ainsworth
Pentacore Engineering
6763 West Charleston Boulevard
Las Vegas, Nevada 89102

ROR023057

24489

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ROR023058

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24467

- B-2. Z-17-90(20) - WILLIAM PECCOLE AND WANDA PECCOLE 1991 TRUST - Request for a Site Development Plan Review on property located south of Alta Drive and east of Hualapai Way for a PROPOSED 76 LOT SINGLE FAMILY SUBDIVISION, U (Undeveloped) Zone, [ML (Medium-Low Density Residential) General Plan Designation], under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre), Size: 36.30 Acres, Ward 2 (Adamsen), APN: 138-31-210-001 and 002.

NOT A PUBLIC HEARING

P.C.: FINAL ACTION

APPLICATION REQUEST:

This request is for a Site Development Plan Review of a proposed 76 lot single family subdivision within the Peccole West Community on a 36.30 acre parcel located south of Alta Drive and east of Hualapai Way.

BACKGROUND DATA:

4/04/90	The City Council approved R-PD7 (Residential Planned Development, seven units per acre) zoning for this site as part of a larger request (Z-17-90).
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DETAILS OF APPLICATION REQUEST:

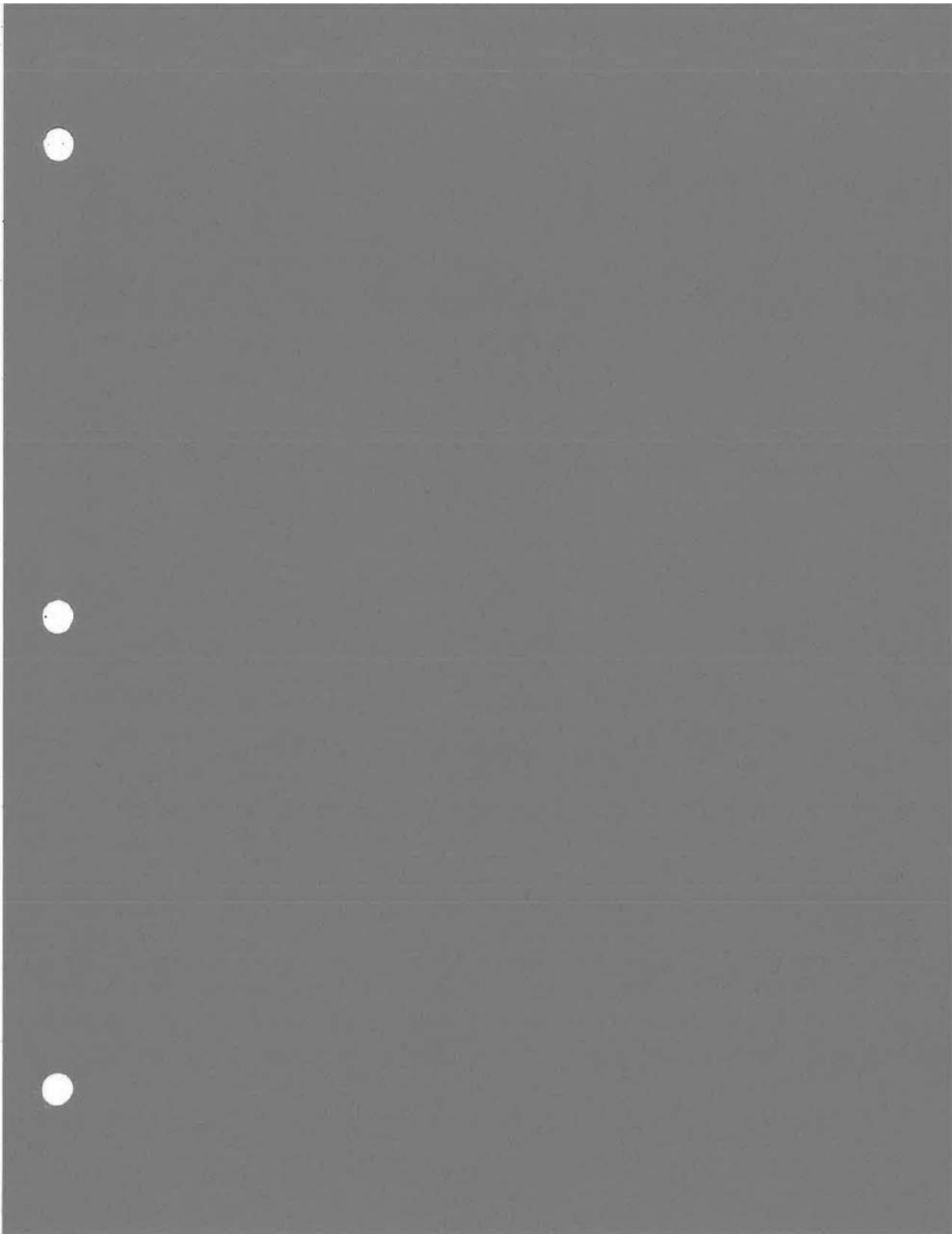
Site Area	36.30 Acres
Number of Lots	76
Density	2.09 Dwelling Units per Acre
Setbacks:	
Front Yard	20 Feet
Rear Yard	15 Feet
Side Yard	5 Feet
Corner Side Yards	10 Feet

Access to the subdivision is provided by street connections to Hualapai Way and Alta Drive. The development will be adjacent to the existing Badlands Golf Course and a proposed nine hole course. The site plan indicates the lots range in size from 9,000 to 33,000 square feet and will be developed as custom home sites to the individual buyers specifications. The proposed setbacks are 20 feet in the front yard, 15 feet in the rear, 5 feet on each side and 10 feet on all corner side yards.

ROR023059

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ROR023060

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MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNE ADAMSEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

March 10, 1998

Mr. Ward Ritter
6120 West Tropicana Avenue, Suite A-16/229
Las Vegas, Nevada 89103

RE: Z-134-97 - REZONING

Dear Mr. Ritter:

The City Council at a regular meeting held February 9, 1998 APPROVED the request for a Rezoning on property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, From: U (Undeveloped) Zone, [M (Medium Density Residential) General Plan Designation], under Resolution of Intent to R-3 (Medium Density Residential) To: R-PD10 (Residential Planned Development - 10 Units Per Acre), PROPOSED USE: 205 LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT, Size: 20.84 Acres, subject to:

1. Approval of a revised site development plan by the Planning and Development Department showing a minimum of 11 percent of the gross land area be designed as usable open space as required by the Zoning Code.
2. The building elevations for the recreation building shall be approved by the Planning and Development Department.
3. The minimum setbacks shall be: Front - 5 feet or less or 18 feet or greater; Side - Zero and 5 feet with a minimum 10 foot separation between buildings; Rear - 10 feet.
4. A Homeowners Association shall be established to maintain the private streets, perimeter walls, landscaping, and common areas. All landscaping shall be situated and maintained so as not to create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.
5. PM-41-97 must record prior to the recordation of a Final Map for this site.

CLV 7009
3810-015-6/87

400 E. STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)



ROR023061

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Mr. Ward Ritter
Z-134-97 - Page Two
March 10, 1998

6. A site-specific update to the previously approved Master 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 the recordation of a Final Map, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways as recommended in the approved drainage plan/study.
7. Contribute \$20,250.00 per the Peccole Ranch Signal Participation Proposal prior to the issuance of building or off-site permits as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
8. An Access Analysis Letter must be submitted to and approved by the Department of Public Works prior to the issuance of grading, building or off-site permits or the approval of a Final Map, whichever may occur first, to determine the adequacy of the single active access drive proposed. Comply with the recommendations of the approved Access Analysis Letter prior to occupancy of this site. No recommendation of the approved Access Analysis Letter, 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.
9. Gated entry drives shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.
10. A revised site plan reflecting the above conditions must be submitted to the Planning and Development Department for approval prior to submittal of a Tentative Map.
11. Resolution of Intent.
12. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
13. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.
14. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).
15. All City Code requirements and design standards of all City departments must be satisfied.
16. All damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.

ROR023062

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Mr. Ward Ritter
Z-134-97 - Page Three
March 10, 1998

17. Remove all substandard public street improvements and all unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City standards prior to occupancy of this site as required by the Department of Public Works.
18. 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.
19. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.
20. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
21. The final layout of the subdivision shall be determined at the time of approval of the Tentative Map.
22. Conformance to the approved building elevations.

Sincerely,


BEVERLY K. BRIDGES
Chief Deputy City Clerk

/ac

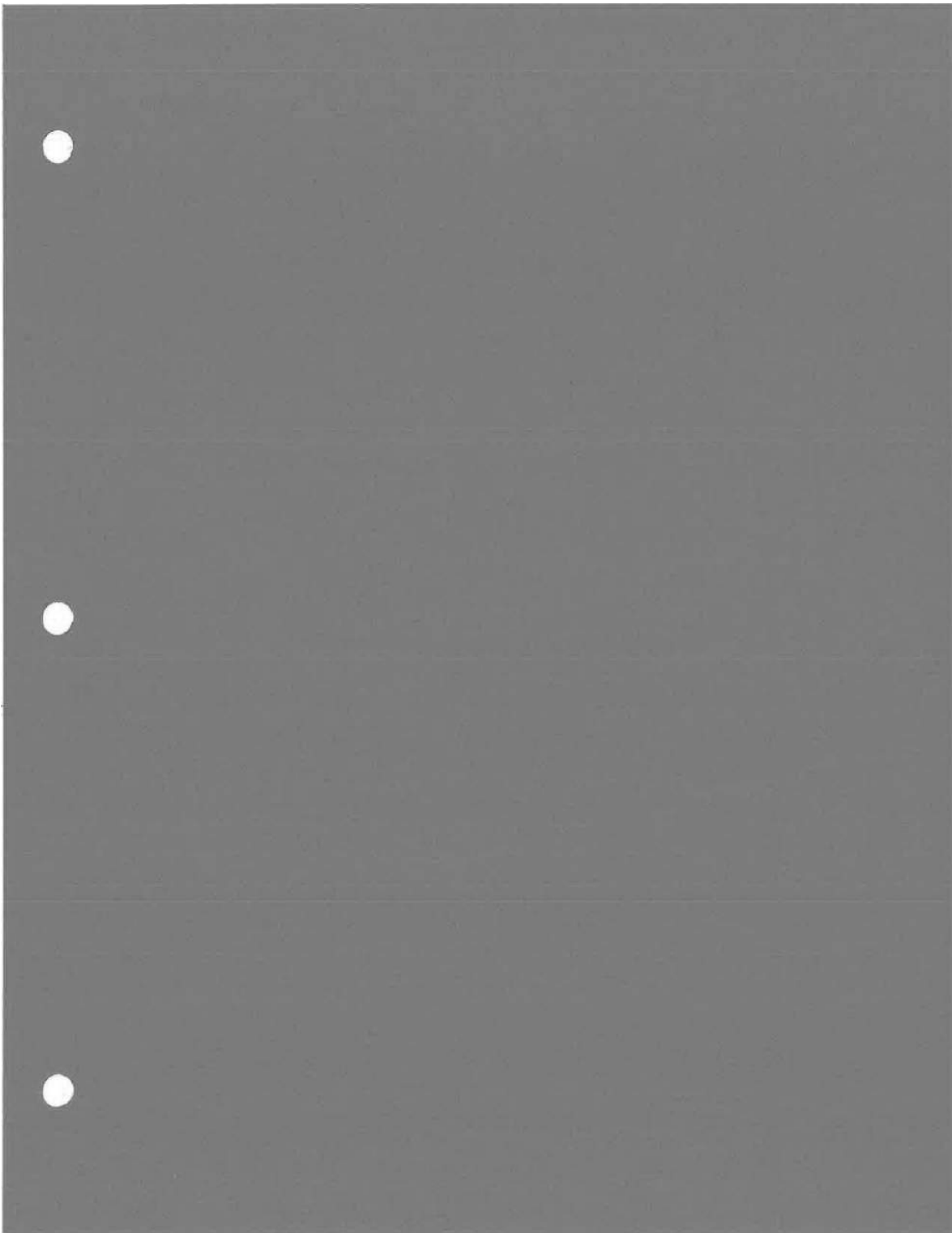
cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services
Land Development Services

Mr. Russ Sillitoe
Civiltec, Inc.
4795 South Sandhill Road, Suite 14
Las Vegas, Nevada 89121

ROR023063

24495

24472



ROR023064

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MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR
KEN BRASS

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

January 13, 1995

Mr. Larry Miller, Trustee
Peccole Ranch trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94

Dear Mr. Miller

The City Council at a regular meeting held January 4, 1995 APPROVED the request for reclassification of property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, from N-U (Non-Urban) (under Resolution of Intent to C-1), R-3 (Limited Multiple Residence) and R-PD7 (Residential Planned Development) R-PD9 (Residential Planned Development), to R-PD7 (Residential Planned Development), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial), proposed use Single Family Dwellings, Apartments and Commercial, subject to

- 1 Approval of a General Plan Amendment to make the proposed zoning consistent with the Plan
- 2 The zone change will lapse if the Traffic Study is not submitted to the Traffic Division within two weeks
- 3 Approval of a plot plan and building elevations for each parcel by the Planning Commission prior to development
- 4 Dedicate 80 feet of right-of-way through this site for Alta Drive along with 54 foot corner radii at its intersection with Hualapai Way and Rampart Boulevard as required by the Department of Public Works. All required Alta Drive right-of-way shall be dedicated prior to or concurrent with the recordation of the first map dividing this rezoning site
- 5 Construct half-street improvements on Hualapai Way adjacent to this site, full-width improvements on Alta Drive internal to this site and construct all incomplete (if any) half-street or full-width improvements, as appropriate, on Charleston Boulevard and Rampart Boulevard adjacent to or internal to this site as required by the Department of Public Works

400 E STEWART AVENUE LAS VEGAS NEVADA 89101 2986
(702) 229 6011 (VOICE) • (702) 386 9108 (TDD)

3810 015 10/93



ROR023065

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24474

Mr Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 2

- 6 Submit a Master Plan amendment to establish the Alta Drive alignment through this site prior to or concurrent with the submittal of any map further dividing this site as required by the Department of Public Works. The location of the Alta Drive/Hualapai Way intersection shall comply with the conditions of approval for MSH-6-94 as required by the Department of Public Works.
- 7 An updated Master Traffic Impact Analysis must be approved by the Department of Public Works prior to any additional development review actions or the issuance of grading, building or off-site permits or the recordation of any map further dividing this property, whichever may occur first. Comply with the recommendations of the approved Master Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Master Traffic Impact Analysis. No recommendation of the approved Master 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.
- 8 A Master Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to issuance of a building or grading permit or the recordation of any map further dividing this property, whichever may occur first.
- 9 The City reserves the right to impose additional conditions of approval on each individual development site as proposals are submitted to the City for review, future conditions may relate to appropriate right-of-way dedications, street improvements, drainage plan/study submittals, drainageway improvements, sanitary sewer improvements and traffic mitigation impacts/improvements as required by the Department of Public Works.
- 10 The underlying Resolution of Intent for these parcels is expunged upon approval of this application.
- 11 Conformance to all applicable Conditions of Approval for Zoning Application Z-17-90.
- 12 Resolution of Intent with a twelve month time limit.
- 13 Satisfaction of City Code requirements and design standards of all City departments.

ROR023066

24498

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Mr. Larry Miller, Trustee
Peccole Ranch trust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 3

A Rezoning under a Resolution of Intent expires if it is not exercised prior to the expiration of the Resolution of Intent unless a request for an Extension of Time is duly filed with the Department of Community Planning and Development for consideration and approval by the City Council

Sincerely,


KATHLEEN M TIGHE
City Clerk

/cmp

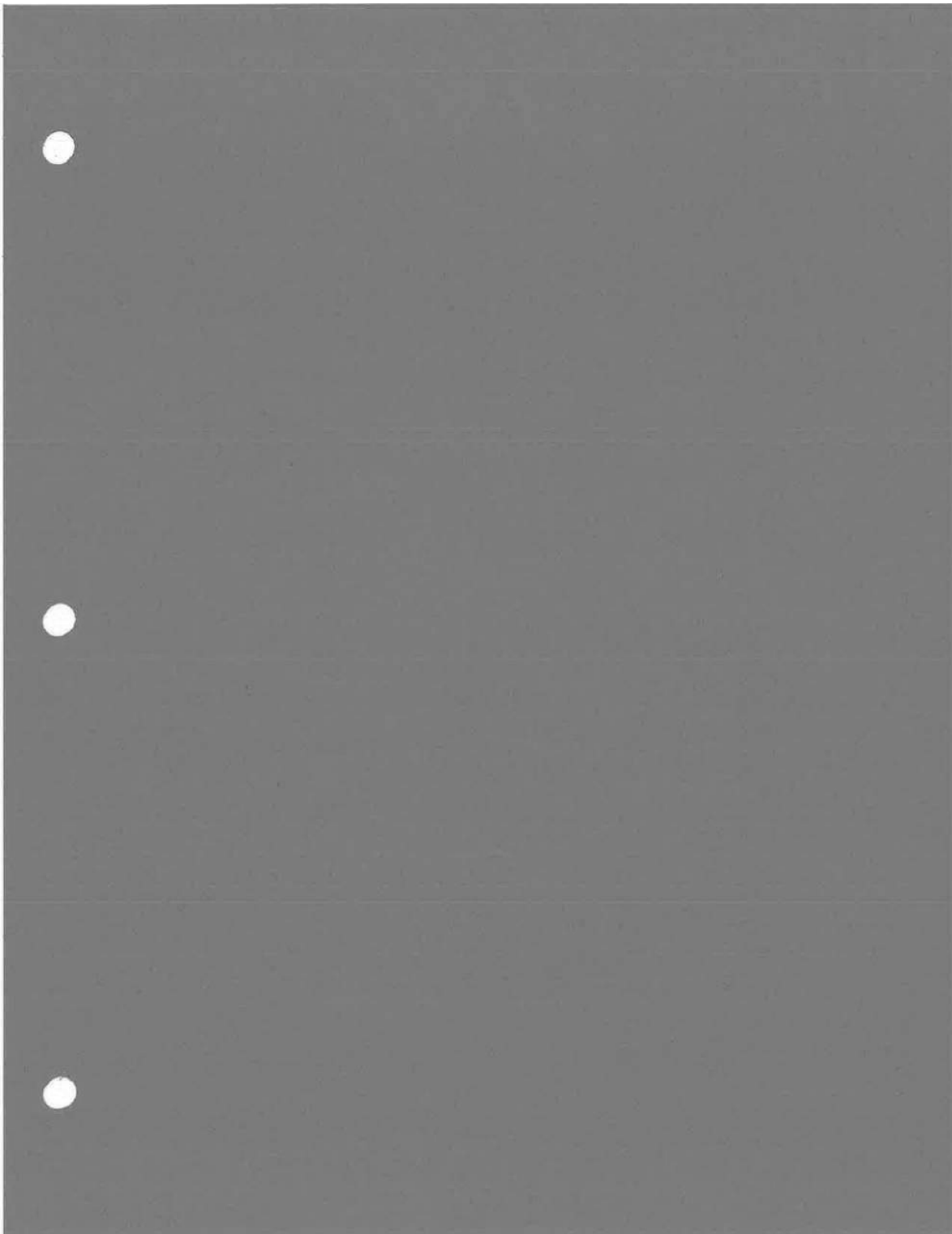
cc Dept of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept of Building & Safety
Land Development Services

Ms Ellen Merciel
Pentacore
6763 W Charleston Boulevard
Las Vegas, Nevada 89102

ROR023067

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24476



ROR023068

24500

24477

City of Las Vegas

CITY COUNCIL MINUTES

MEETING OF

AGENDA DOCUMENTATION

JANUARY 4, 1995

Date:

TO: The City Council

FROM: JOHN L. SCHLEGEL, ACTING DIRECTOR
DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT

SUBJECT: GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-54-94 - Peccole Ranch Trust

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for six parcels within the Peccole Ranch Planned Residential development. The letter of justification submitted with the application stated that the change in alignment of the golf course was one reason for the request.

BACKGROUND DATA:

4/4/90 The City Council approved R-3 (Limited Multiple Residence) district, R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning for a portion of this site (Z-17-90).

8/18/93 The City Council approved R-PD9 (Residential Planned Development) zoning for a portion of this site (Z-60-93). This application was expired.

12/8/94 The Planning Commission recommended approval of a request for rezoning to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning (Z-146-94). This is the next item on your agenda.

DETAILS OF APPLICATION REQUEST:

Site Area 87.1 Acres

GENERAL PLAN DESIGNATIONS AND DEVELOPMENT OF ADJACENT PROPERTIES:

	ZONING	LAND USE
North	P	Vacant
South	SC, M	Single Family, Vacant
East	SC, M	Vacant
West	No designation	

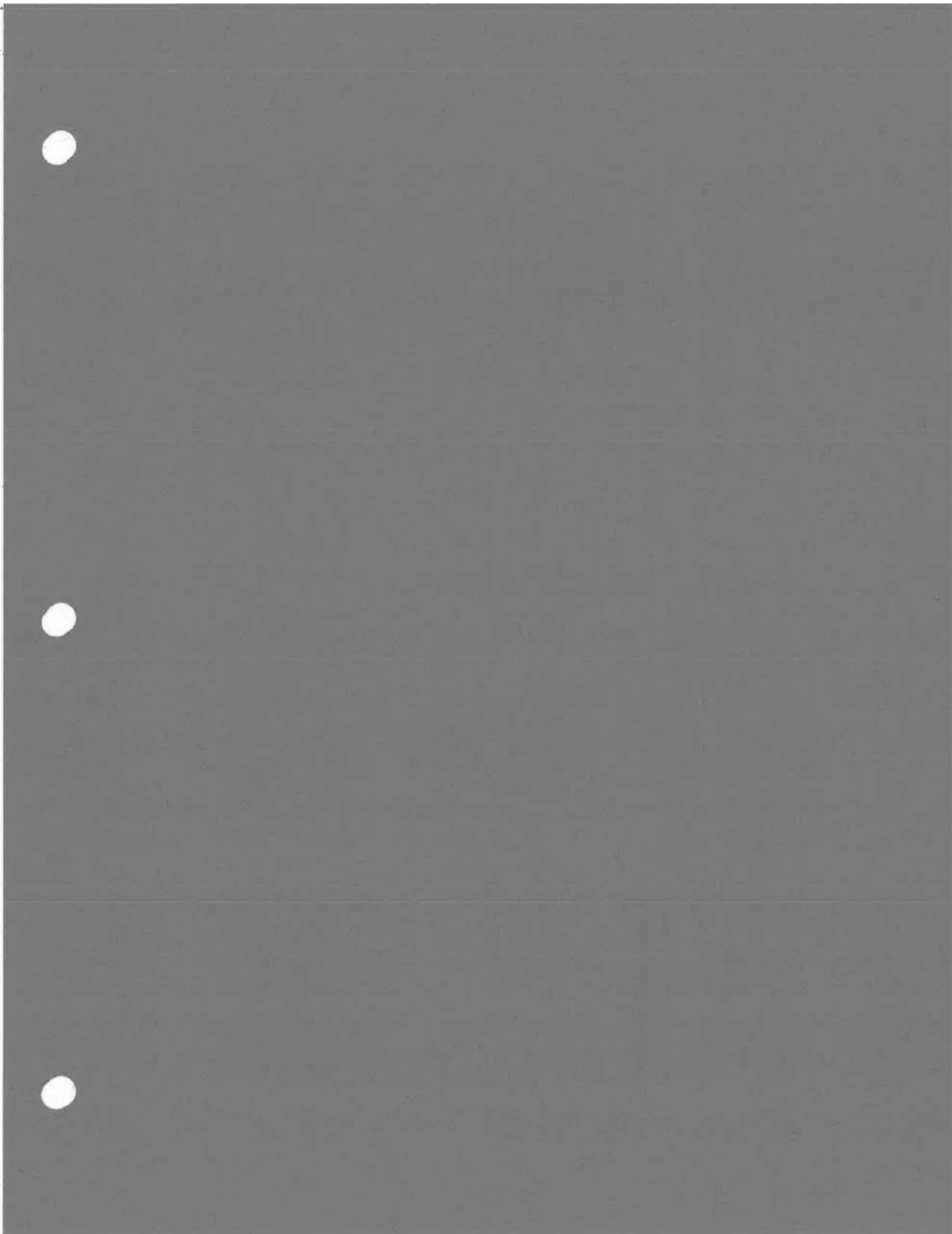
Agenda Item

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ROR023069

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ROR023070

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MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR.
KEN BRASS

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

January 13, 1995

Mr. Larry Miller, Trustee
Peccole Ranch trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94

Dear Mr. Miller

The City Council at a regular meeting held January 4, 1995 APPROVED the request for reclassification of property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, from N-U (Non-Urban) (under Resolution of Intent to C-1), R-3 (Limited Multiple Residence) and R-PD7 (Residential Planned Development) R-PD9 (Residential Planned Development), to R-PD7 (Residential Planned Development), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial), proposed use Single Family Dwellings, Apartments and Commercial, subject to

- 1 Approval of a General Plan Amendment to make the proposed zoning consistent with the Plan
- 2 The zone change will lapse if the Traffic Study is not submitted to the Traffic Division within two weeks
- 3 Approval of a plot plan and building elevations for each parcel by the Planning Commission prior to development
- 4 Dedicate 80 feet of right-of-way through this site for Alta Drive along with 54 foot corner radii at its intersection with Hualapai Way and Rampart Boulevard as required by the Department of Public Works. All required Alta Drive right-of-way shall be dedicated prior to or concurrent with the recordation of the first map dividing this rezoning site
- 5 Construct half-street improvements on Hualapai Way adjacent to this site, full-width improvements on Alta Drive internal to this site and construct all incomplete (if any) half-street or full-width improvements, as appropriate, on Charleston Boulevard and Rampart Boulevard adjacent to or internal to this site as required by the Department of Public Works

400 E STEWART AVENUE LAS VEGAS NEVADA 89101 2986
(702) 229 6011 (VOICE) • (702) 386 9108 (TDD)

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ROR023071

24503

24480

Mr Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 2

- 6 Submit a Master Plan amendment to establish the Alta Drive alignment through this site prior to or concurrent with the submittal of any map further dividing this site as required by the Department of Public Works. The location of the Alta Drive/Hualapai Way intersection shall comply with the conditions of approval for MSH-6-94 as required by the Department of Public Works.
- 7 An updated Master Traffic Impact Analysis must be approved by the Department of Public Works prior to any additional development review actions or the issuance of grading, building or off-site permits or the recordation of any map further dividing this property, whichever may occur first. Comply with the recommendations of the approved Master Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Master Traffic Impact Analysis. No recommendation of the approved Master 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.
- 8 A Master Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to issuance of a building or grading permit or the recordation of any map further dividing this property, whichever may occur first.
- 9 The City reserves the right to impose additional conditions of approval on each individual development site as proposals are submitted to the City for review, future conditions may relate to appropriate right-of-way dedications, street improvements, drainage plan/study submittals, drainageway improvements, sanitary sewer improvements and traffic mitigation impacts/improvements as required by the Department of Public Works.
- 10 The underlying Resolution of Intent for these parcels is expunged upon approval of this application.
- 11 Conformance to all applicable Conditions of Approval for Zoning Application Z-17-90.
- 12 Resolution of Intent with a twelve month time limit.
- 13 Satisfaction of City Code requirements and design standards of all City departments.

ROR023072


24504

24481

Mr. Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 3

A Rezoning under a Resolution of Intent expires if it is not exercised prior to the expiration of the Resolution of Intent unless a request for an Extension of Time is duly filed with the Department of Community Planning and Development for consideration and approval by the City Council

Sincerely,


KATHLEEN M TIGHE
City Clerk

/cmp

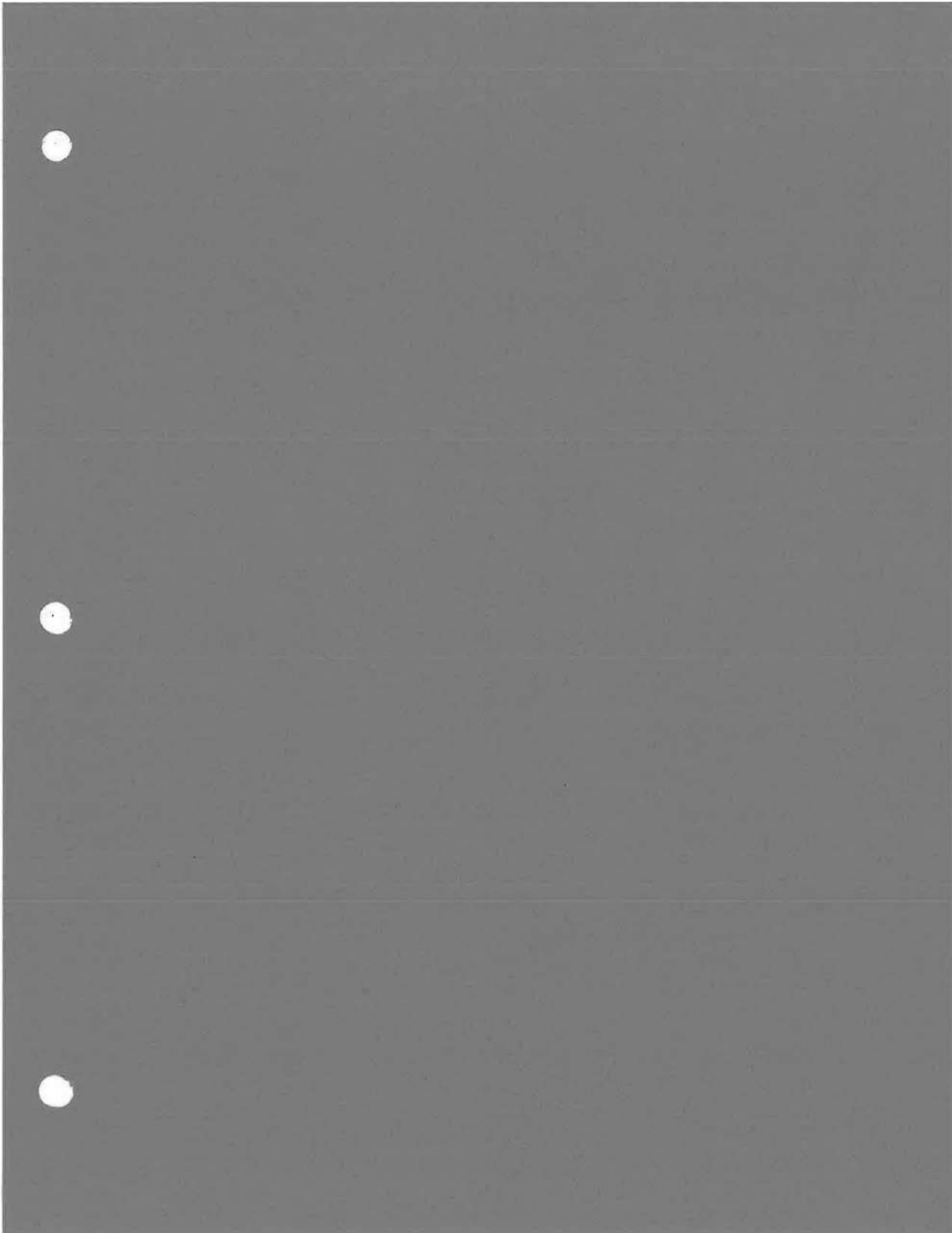
cc Dept of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept of Building & Safety
Land Development Services

Ms Ellen Merciel
Pentacore
6763 W Charleston Boulevard
Las Vegas, Nevada 89102

ROR023073

24505

24482



ROR023074

24506

24483

City of Las Vegas

CITY COUNCIL MINUTES

MEETING OF

AN NDA DOCUMENTATION

JANUARY 4, 1995

Date:

TO: The City Council

FROM: JOHN L. SCHLEGEL, ACTING DIRECTOR
DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT

SUBJECT: GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-54-94 - Peccole Ranch Trust

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for six parcels within the Peccole Ranch Planned Residential development. The letter of justification submitted with the application stated that the change in alignment of the golf course was one reason for the request.

BACKGROUND DATA:

4/4/90 The City Council approved R-3 (Limited Multiple Residence) district, R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning for a portion of this site (Z-17-90).

8/18/93 The City Council approved R-PD9 (Residential Planned Development) zoning for a portion of this site (Z-60-93). This application was expired.

12/8/94 The Planning Commission recommended approval of a request for rezoning to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning (Z-146-94). This is the next item on your agenda.

DETAILS OF APPLICATION REQUEST:

Site Area 87.1 Acres

GENERAL PLAN DESIGNATIONS AND DEVELOPMENT OF ADJACENT PROPERTIES:

	ZONING	LAND USE
North	P	Vacant
South	SC, M	Single Family, Vacant
East	SC, M	Vacant
West	No designation	

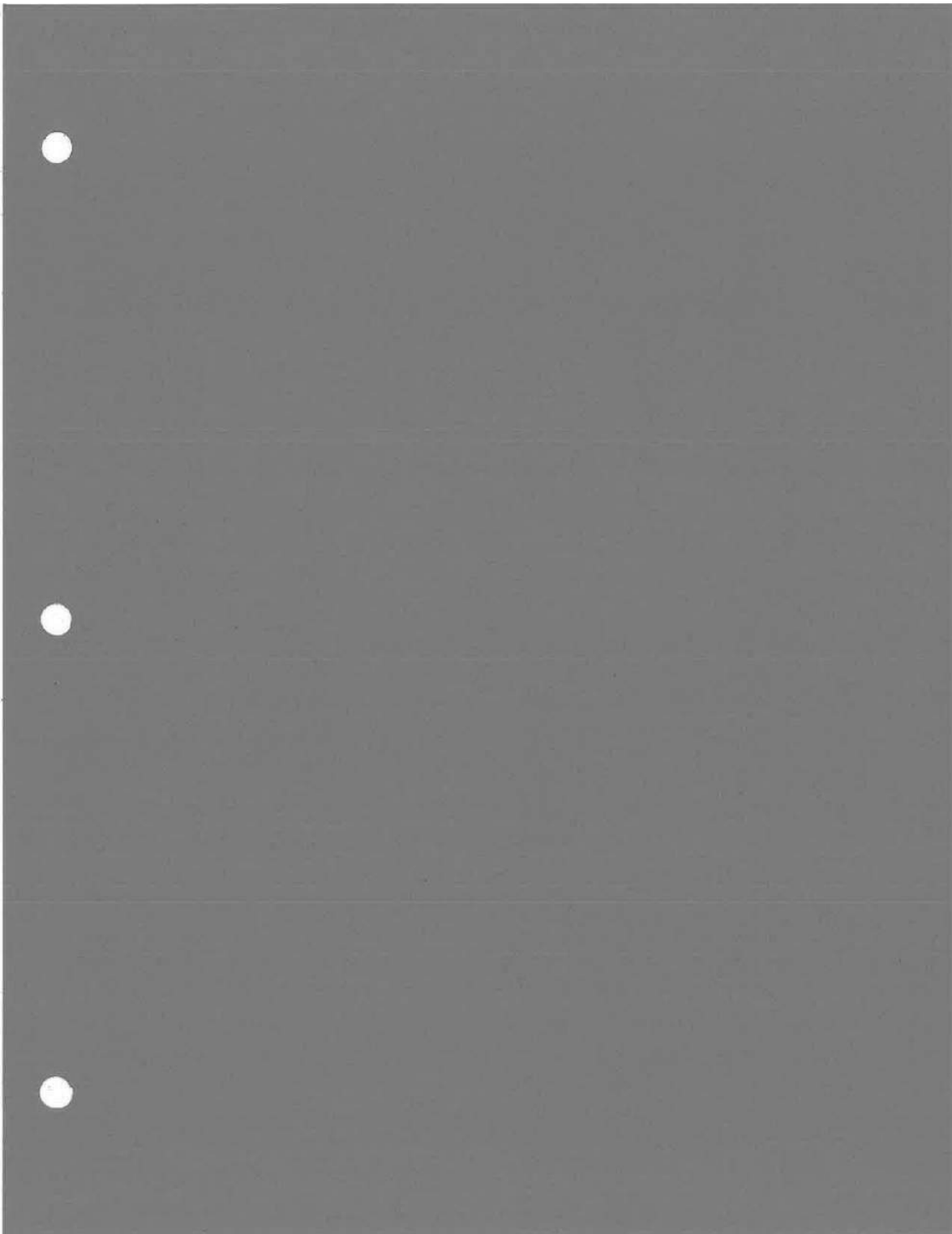
Agenda Item

94

ROR023075

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ROR023076

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MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR.
KEN BRASS

CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

January 13, 1995

Mr. Larry Miller, Trustee
Peccole Ranch Trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94

Dear Mr. Miller

The City Council at a regular meeting held January 4, 1995 APPROVED the request for reclassification of property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, from N-U (Non-Urban) (under Resolution of Intent to C-1), R-3 (Limited Multiple Residence) and R-PD7 (Residential Planned Development) R-PD9 (Residential Planned Development), to R-PD7 (Residential Planned Development), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial), proposed use Single Family Dwellings, Apartments and Commercial, subject to

- 1 Approval of a General Plan Amendment to make the proposed zoning consistent with the Plan
- 2 The zone change will lapse if the Traffic Study is not submitted to the Traffic Division within two weeks
- 3 Approval of a plot plan and building elevations for each parcel by the Planning Commission prior to development
- 4 Dedicate 80 feet of right-of-way through this site for Alta Drive along with 54 foot corner radius at its intersection with Hualapai Way and Rampart Boulevard as required by the Department of Public Works. All required Alta Drive right-of-way shall be dedicated prior to or concurrent with the recordation of the first map dividing this rezoning site
- 5 Construct half-street improvements on Hualapai Way adjacent to this site, full-width improvements on Alta Drive internal to this site and construct all incomplete (if any) half-street or full-width improvements, as appropriate, on Charleston Boulevard and Rampart Boulevard adjacent to or internal to this site as required by the Department of Public Works

400 E STEWART AVENUE LAS VEGAS NEVADA 89101 2986
(702) 229 6011 (VOICE) • (702) 386 9108 (TDD)

3810 015 10/93



ROR023077

24509

24486

Mr Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 2

- 6 Submit a Master Plan amendment to establish the Alta Drive alignment through this site prior to or concurrent with the submittal of any map further dividing this site as required by the Department of Public Works. The location of the Alta Drive/Hualapai Way intersection shall comply with the conditions of approval for MSH-6-94 as required by the Department of Public Works.
- 7 An updated Master Traffic Impact Analysis must be approved by the Department of Public Works prior to any additional development review actions or the issuance of grading, building or off-site permits or the recordation of any map further dividing this property, whichever may occur first. Comply with the recommendations of the approved Master Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Master Traffic Impact Analysis. No recommendation of the approved Master 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.
- 8 A Master Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to issuance of a building or grading permit or the recordation of any map further dividing this property, whichever may occur first.
- 9 The City reserves the right to impose additional conditions of approval on each individual development site as proposals are submitted to the City for review, future conditions may relate to appropriate right-of-way dedications, street improvements, drainage plan/study submittals, drainageway improvements, sanitary sewer improvements and traffic mitigation impacts/improvements as required by the Department of Public Works.
- 10 The underlying Resolution of Intent for these parcels is expunged upon approval of this application.
- 11 Conformance to all applicable Conditions of Approval for Zoning Application Z-17-90.
- 12 Resolution of Intent with a twelve month time limit.
- 13 Satisfaction of City Code requirements and design standards of all City departments.

ROR023078

24510

24487

Mr Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 3

A Rezoning under a Resolution of Intent expires if it is not exercised prior to the expiration of the Resolution of Intent unless a request for an Extension of Time is duly filed with the Department of Community Planning and Development for consideration and approval by the City Council

Sincerely,


KATHLEEN M TIGHE
City Clerk

/cmp

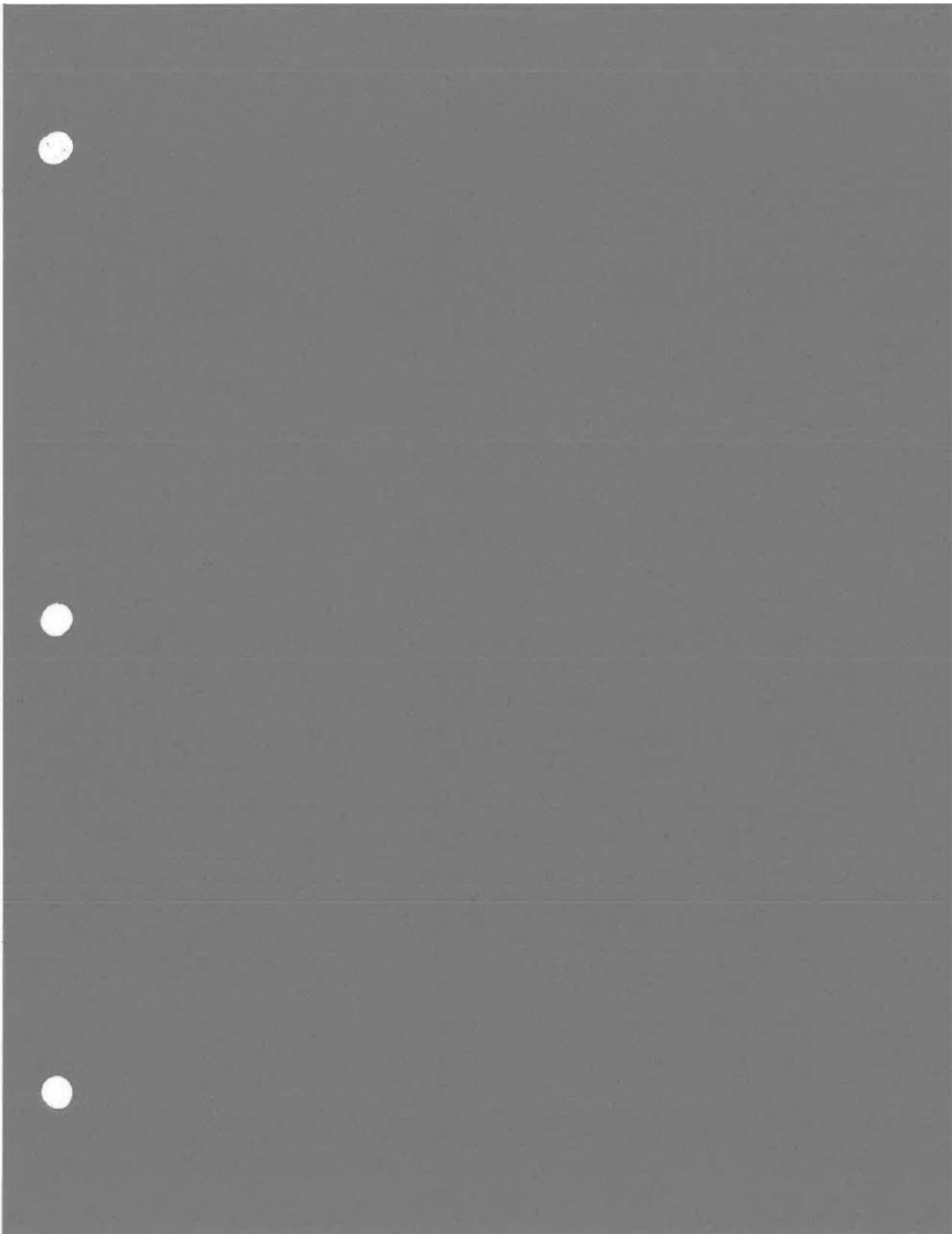
cc Dept of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept of Building & Safety
Land Development Services

Ms Ellen Merciel
Pentacore
6763 W Charleston Boulevard
Las Vegas, Nevada 89102

ROR023079

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City of Las Vegas

CITY COUNCIL MINUTES
MEETING OF
SEPTEMBER 14, 1998

AGENDA DOCUMENTATION

TO THE CITY COUNCIL	FROM THERESA O'DONNELL, DIRECTOR PLANNING AND DEVELOPMENT DEPARTMENT
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SUBJECT REZONING RELATED TO GPA-24-98 - PUBLIC HEARING - Z-43-98 - NEVADA LEGACY 14, LIMITED LIABILITY COMPANY AND PECCOLE NEVADA CORPORATION

PURPOSE/BACKGROUND

APPLICATION REQUEST

This request is for Rezoning from U (Undeveloped) [ML (Medium-Low Density Residential) General Plan Designation] under Resolution of Intent to R-3 (Limited Multiple Residence) to PD (Planned Development) for the purpose of developing a 140 unit timeshare condominium project that includes a tennis club with 15 tennis courts, a health club and spa, and ancillary retail and service related uses. The applicant gave no justification for this request.

BACKGROUND DATA

03/08/90 The City Council approved a zone change from R-E (Residence Estates) to R-PD7 (Residential Planned Development - 7 Units Per Acre) as part of a larger request (Z-17-90)

01/04/95 The City Council approved a Rezoning from R-E (Residence Estates) under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre) to R-3 (Limited Multiple Residence) on the subject property (Z-146-94)

DETAILS OF APPLICATION REQUEST

Site Area	16.87	Acres
Timeshare area	7.14	Acres
Number of Units	140	
Tennis Club Area	8.81	Acres
Number of Indoor/outdoor courts	15	
Spa Area	0.85	Acres

Parking Requirements

Tennis Club Required	239	Spaces
Tennis Club Provided	251	Spaces

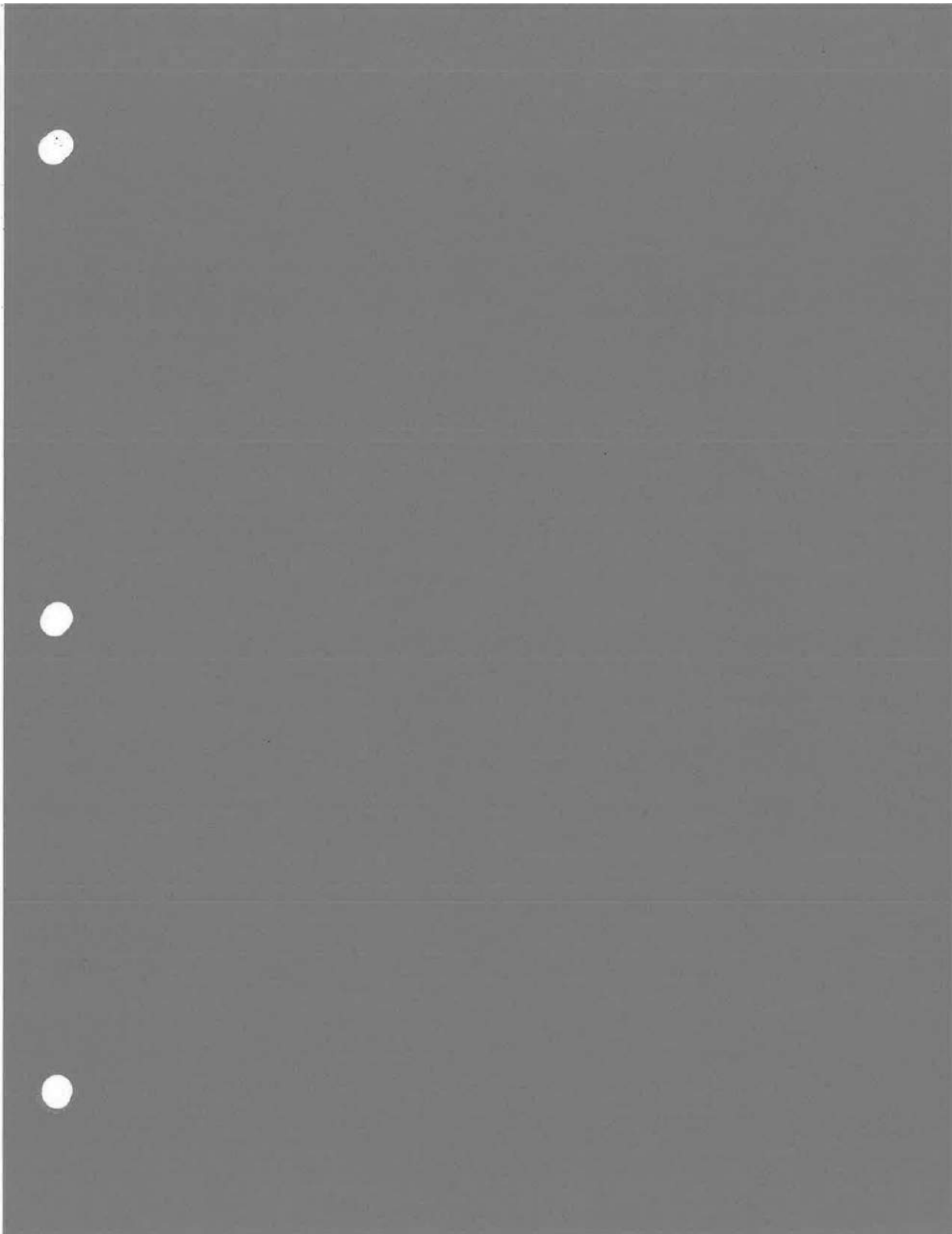
Agenda Item

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City of Las Vegas

CITY COUNCIL MINUTES

MEETING OF

AN NDA DOCUMENTATION

JANUARY 4, 1995

Date:

0

The City Council

FROM: JOHN L. SCHLEGEL, ACTING DIRECTOR
DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT

SUBJECT:

GENERAL PLAN AMENDMENT - PUBLIC HEARING - GPA-54-94 - Peccole Ranch Trust

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This request is for six parcels within the Peccole Ranch Planned Residential development. The letter of justification submitted with the application stated that the change in alignment of the golf course was one reason for the request.

BACKGROUND DATA:

4/4/90 The City Council approved R-3 (Limited Multiple Residence) district, R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning for a portion of this site (Z-17-90).

8/18/93 The City Council approved R-PD9 (Residential Planned Development) zoning for a portion of this site (Z-60-93). This application was expired.

12/8/94 The Planning Commission recommended approval of a request for rezoning to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial) zoning (Z-146-94). This is the next item on your agenda.

DETAILS OF APPLICATION REQUEST:

Site Area 87.1 Acres

GENERAL PLAN DESIGNATIONS AND DEVELOPMENT OF ADJACENT PROPERTIES:

	ZONING	LAND USE
North	P	Vacant
South	SC, M	Single Family, Vacant
East	SC, M	Vacant
West	No designation	

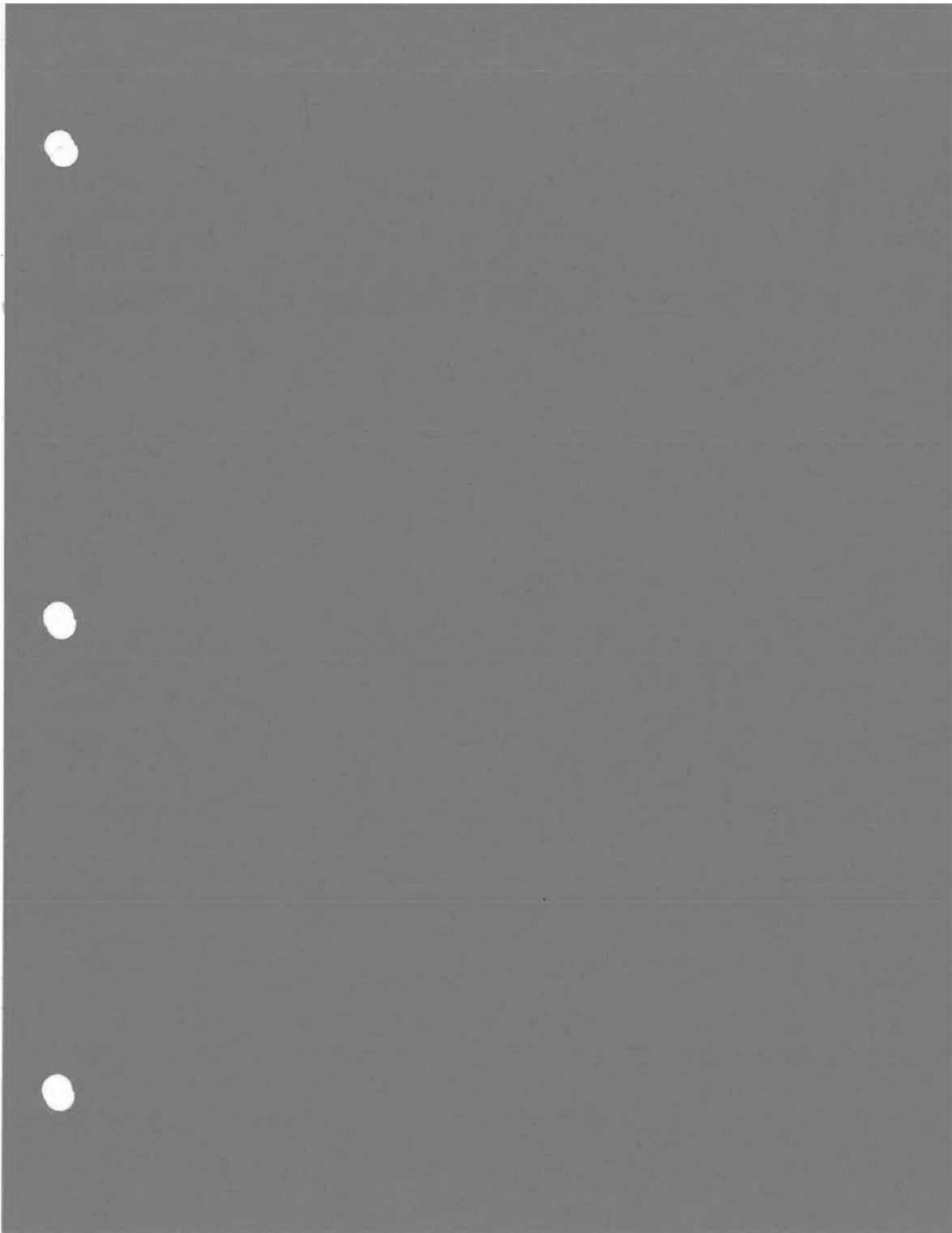
Agenda Item

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ROR023083

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ROR023084

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MAYOR
JAN LAVERTY JONES
COUNCILMEN
ARNIE ADAMSEN
MICHAEL J. McDONALD
GARY REESE
LARRY BROWN
CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

October 17, 1997

Mr. Bruce Bayne
Peccole 1982 Trust
9999 West Charleston Boulevard
Las Vegas, Nevada 89117

RE Z-78-97 - REZONING

Dear Mr. Bayne:

The City Council at a regular meeting held October 13, 1997 APPROVED the request for a Rezoning on property located on the south side of Alta Drive approximately 450 feet west of Rampart Boulevard FOR A PROPOSED THREE, TWELVE-STORY 56 UNIT CONDOMINIUM BUILDINGS WITH ANCILLARY OFFICE AND RETAIL USES FOR THE RESIDENTS from: U (Undeveloped) Zone under Resolution of Intent to R-3 (Medium Density Residential), [M (Medium Density Residential) General Plan Designation], subject to:

1. Conformance with the approved master development plan. Any major amendment to the master development plan shall be advertised and heard as a public hearing item before the Planning Commission and City Council.
2. A detailed landscape plan conforming to the requirements of the Landscape, Wall and Buffer Standards must be submitted to the Planning and Development Department for approval prior to issuance of building permits.
3. Construct half-street improvements on Alta Drive adjacent to this site concurrent with development of this site as required by the Department of Public Works. All existing overpaving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
4. Gated access drives shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.



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(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)

CLV 7009
3610-015-8/97

ROR023085

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Mr. Bruce Bayne
Z-78-97 - Page Two
October 17, 1997

5. Meet with the Traffic Engineering representative in Land Development for assistance in the possible redesign of the proposed driveway access, on-site circulation and parking lot layout prior to the submittal of any construction plans or the issuance of any permits, whichever may occur first. Coordinate the location of the access drives with the proposed casino site to the north of this parcel. Driveways shall be designed, located and constructed in accordance with Standard Drawing #222a as required by the Department of Public Works.
6. Contribute \$15,120.00 per the Peccole Ranch Signal Participation Proposal prior to the issuance of building or off-site permits as required by the Department of Public Works. Install all appurtenant underground facilities, if any, adjacent to this site needed for the future traffic signal system concurrent with development of this site.
7. An addendum to the previously approved 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, whichever may occur first, as required by the Department of Public Works. Provide and improve all drainageways as recommended by the approved Drainage Plan/Study.
8. Site development to comply with all applicable Conditions of Approval for Z-17-90 and all other site-related actions as required by the Department of Public Works.
9. Resolution of Intent.
10. All development shall be in conformance with the plot plan and building elevations.
11. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
12. A landscaping plan must be submitted prior to or at the same time application is made for a building permit or license, or prior to occupancy, whichever occurs first.
13. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single family development).
14. All City Code requirements and design standards of all City departments must be satisfied.
15. Parking and driveway plans must be approved by the Traffic Engineer prior to the issuance of any permits.

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Mr. Bruce Bayne
Z-78-97 - Page Three
October 17, 1997

16. All damage to the existing street improvements resulting from this development must be repaired as required by the Department of Public Works.
17. Remove all substandard public street improvements and all unused driveway cuts adjacent to this site, if any, and replace with new improvements meeting current City standards prior to occupancy of this site as required by the Department of Public Works.
18. 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.
19. Where new water mains are extended along streets and fire hydrants are not needed for protection of structures, hydrants shall be spaced at a maximum distance of 1,000 feet to provide for transportation hazards.
20. Fence heights shall be measured from the side of the fence with the least vertical exposure above the finished grade, unless otherwise stipulated.
21. Provide plans showing accessible exterior routes from public transportation stops, accessible parking, passenger loading zones and public sidewalks to the accessible building entrance(s) with submittal of plans for building permits as required by the Planning and Development Department. Accessible routes shall have running slopes and cross slopes in accordance with the applicable code.

Sincerely,



BARBARA JO RONEMUS
City Clerk

/ac

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services
Land Development Services

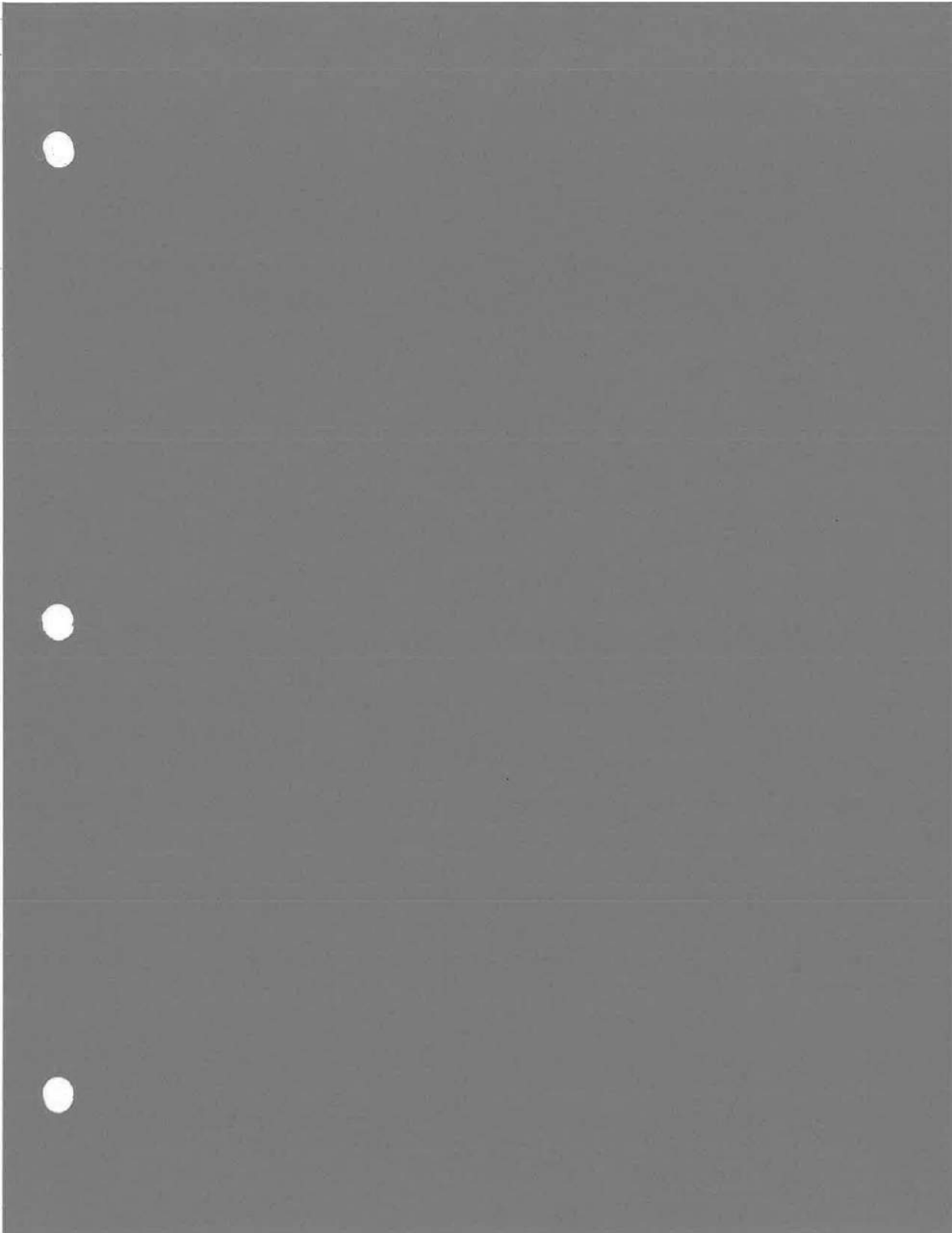
Mr. Gilles Pageau
Taurus Development
2620 Rigatta Drive, Suite #207-A
Las Vegas, Nevada 89128

Ms. Liz Ainsworth
Pentacore Engineering
6763 West Charleston Boulevard
Las Vegas, Nevada 89102

ROR023087

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MAYOR
JAN LAVERTY JONES

COUNCILMEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR
KEN BRASS

CITY MANAGER
LARRY K. BAKTON



CITY of LAS VEGAS

January 13, 1995

Mr. Larry Miller, Trustee
Peccole Ranch rust
2760 Tioja Pines Circle
Las Vegas, Nevada 89117

RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94

Dear Mr. Miller

The City Council at a regular meeting held January 4, 1995 APPROVED the request for reclassification of property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way, from N-U (Non-Urban) (under Resolution of Intent to C-1), R-3 (Limited Multiple Residence) and R-PD7 (Residential Planned Development) R-PD9 (Residential Planned Development), to R-PD7 (Residential Planned Development), R-3 (Limited Multiple Residence) and C-1 (Limited Commercial), proposed use Single Family Dwellings, Apartments and Commercial, subject to

- 1 Approval of a General Plan Amendment to make the proposed zoning consistent with the Plan
- 2 The zone change will lapse if the Traffic Study is not submitted to the Traffic Division within two weeks
- 3 Approval of a plot plan and building elevations for each parcel by the Planning Commission prior to development
- 4 Dedicate 80 feet of right-of-way through this site for Alta Drive along with 54 foot corner radii at its intersection with Hualapai Way and Rampart Boulevard as required by the Department of Public Works. All required Alta Drive right-of-way shall be dedicated prior to or concurrent with the recordation of the first map dividing this rezoning site.
- 5 Construct half-street improvements on Hualapai Way adjacent to this site, full-width improvements on Alta Drive internal to this site and construct all incomplete (if any) half-street or full-width improvements, as appropriate, on Charleston Boulevard and Rampart Boulevard adjacent to or internal to this site as required by the Department of Public Works.

400 E STEWART AVENUE LAS VEGAS NEVADA 89101 2986
(702) 229 6011 (VOICE) • (702) 386 9108 (TDD)

3810 015 10/93



ROR023089

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Mr Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 2

- 6 Submit a Master Plan amendment to establish the Alta Drive alignment through this site prior to or concurrent with the submittal of any map further dividing this site as required by the Department of Public Works. The location of the Alta Drive/Hualapai Way intersection shall comply with the conditions of approval for MSH-6-94 as required by the Department of Public Works.
- 7 An updated Master Traffic Impact Analysis must be approved by the Department of Public Works prior to any additional development review actions or the issuance of grading, building or off-site permits or the recordation of any map further dividing this property, whichever may occur first. Comply with the recommendations of the approved Master Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Master Traffic Impact Analysis. No recommendation of the approved Master 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.
- 8 A Master Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to issuance of a building or grading permit or the recordation of any map further dividing this property, whichever may occur first.
- 9 The City reserves the right to impose additional conditions of approval on each individual development site as proposals are submitted to the City for review, future conditions may relate to appropriate right-of-way dedications, street improvements, drainage plan/study submittals, drainageway improvements, sanitary sewer improvements and traffic mitigation impacts/improvements as required by the Department of Public Works.
- 10 The underlying Resolution of Intent for these parcels is expunged upon approval of this application.
- 11 Conformance to all applicable Conditions of Approval for Zoning Application Z-17-90.
- 12 Resolution of Intent with a twelve month time limit.
- 13 Satisfaction of City Code requirements and design standards of all City departments.

ROR023090

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Mr Larry Miller, Trustee
Peccole Ranch rust
January 13, 1995
RE Z-146-94 - ZONE CHANGE RELATED TO GPA-54-94
Page 3

A Rezoning under a Resolution of Intent expires if it is not exercised prior to the expiration of the Resolution of Intent unless a request for an Extension of Time is duly filed with the Department of Community Planning and Development for consideration and approval by the City Council

Sincerely,


KATHLEEN M TIGHE
City Clerk

/cmp

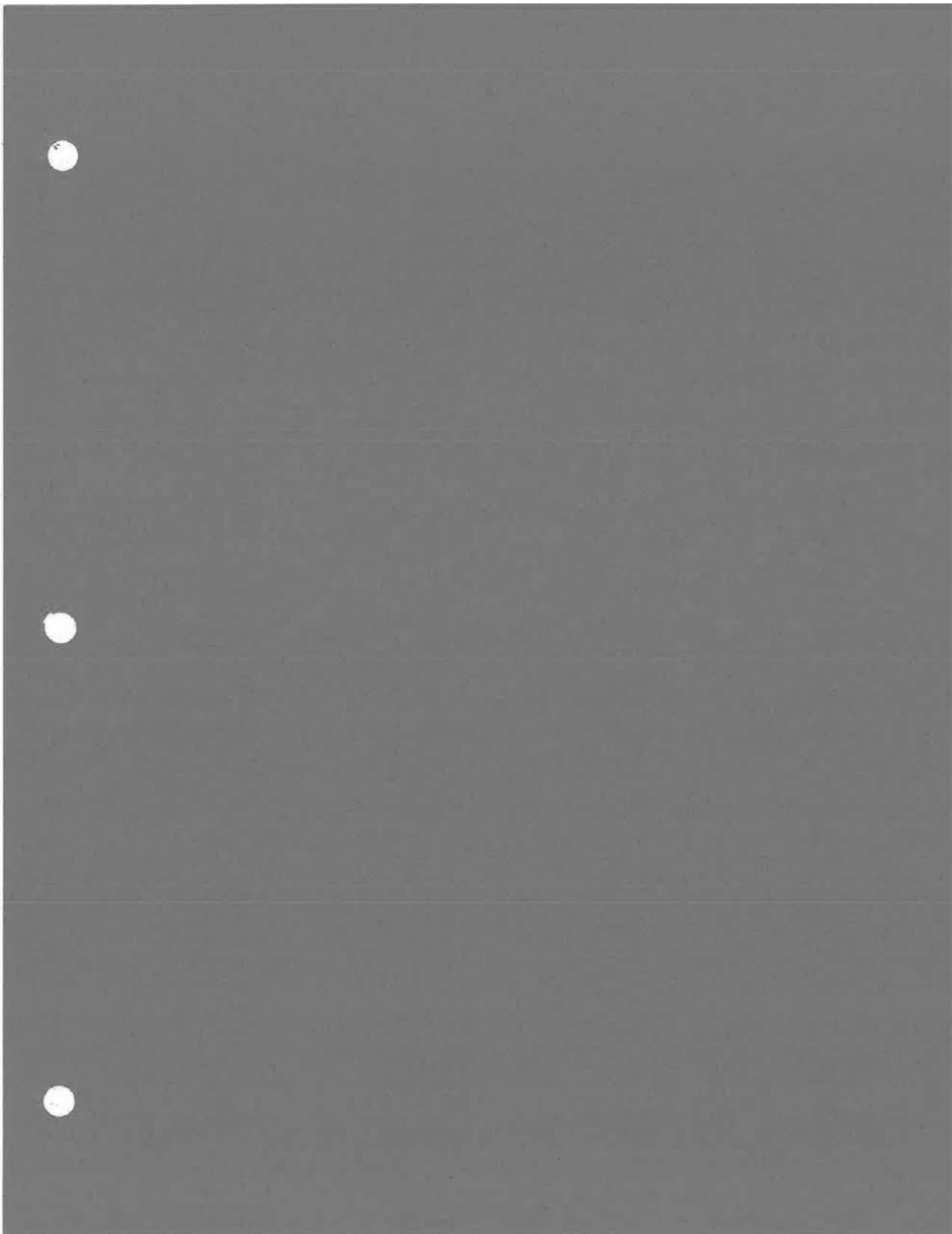
cc Dept of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept of Building & Safety
Land Development Services

Ms Ellen Merciel
Pentacore
6763 W Charleston Boulevard
Las Vegas, Nevada 89102

ROR023091

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ROR023092

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LAS VEGAS CITY COUNCIL

OSCAR B. GOODMAN
MAYOR

GARY REESE
MAYOR PRO TEM

LARRY BROWN
LAWRENCE WEEKLY
MICHAEL MACK
JANET MONCRIEF
STEVE WOLFSON

DOUGLAS A. SELBY
CITY MANAGER

CITY OF LAS VEGAS
400 STEWART AVENUE
LAS VEGAS, NEVADA 89101

VOICE 702.229.6011
TDD 702.386.9108
www.lasvegasnevada.gov
18112-001-0004

July 12, 2004

Mr. Larry Miller
Queensridge Towers, Limited Liability Company
851 South Rampart Boulevard, Suite #220
Las Vegas, Nevada 89145

RE: ZON-4205 - REZONING
CITY COUNCIL MEETING OF JULY 7, 2004
Related to SDR-4206 & VAR-4207

Dear Mr. Miller:

The City Council at a regular meeting held July 7, 2004 APPROVED the request for a Rezoning FROM: R-PD7 (Residential Planned Development - 7 Units per Acre) and U (Undeveloped) [G-TC (General Tourist Commercial) General Plan Designation] TO: PD (Planned Development) on 20.1 acres adjacent to the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard (APN: 138-32-210-001, portion of 138-31-312-002). The Notice of Final Action was filed with the Las Vegas City Clerk on July 8, 2004. This approval is subject to:

Planning and Development

1. This rezoning shall go direct to ordinance.
2. A Variance (VAR-4207) and Site Development Plan Review (SDR-4206) applications approved by the Planning Commission or City Council prior to issuance of any permits, any site grading, and all development activity for the site.
3. Conformance with the approved master development plan, except as modified by conditions herein. Any major amendment to the master development plan shall be advertised and heard as a public hearing item before the Planning Commission and City Council.
4. The western most tower shall be no taller than 14 stories.
5. A detailed landscape plan conforming to the requirements of the Landscape, Wall and Buffer Standards must be submitted to the Planning and Development Department for approval prior to issuance of building permits.

Public Works

6. Construct all incomplete half-street improvements on Alta Drive adjacent to this site concurrent with development of this site. Remove all substandard public street improvements, if any, adjacent to this site and replace with new

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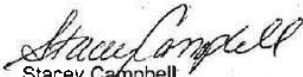
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Mr. Larry Miller
ZON-4205 Page Two
July 12, 2004

improvements meeting current City Standards concurrent with on-site development activities. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development.

7. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights-of-way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on-site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. If additional rights-of-way are not required and Traffic Control devices are or may be proposed at this site outside of the public right-of-way, all necessary easements for the location and/or access of such devices shall be granted prior to the issuance of permits for this site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, or 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.
8. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any grading or building permits, submittal of any construction drawings, or the recordation of a Map subdividing this site, whichever may occur first. Provide and improve all drainageways as recommended in the approved drainage plan/study.

Sincerely,


Stacey Campbell
Deputy City Clerk I for
Barbara Jo Ronemus, City Clerk

cc: Planning and Development Dept.
Development Coordination-DPW
Dept. Of Fire Services

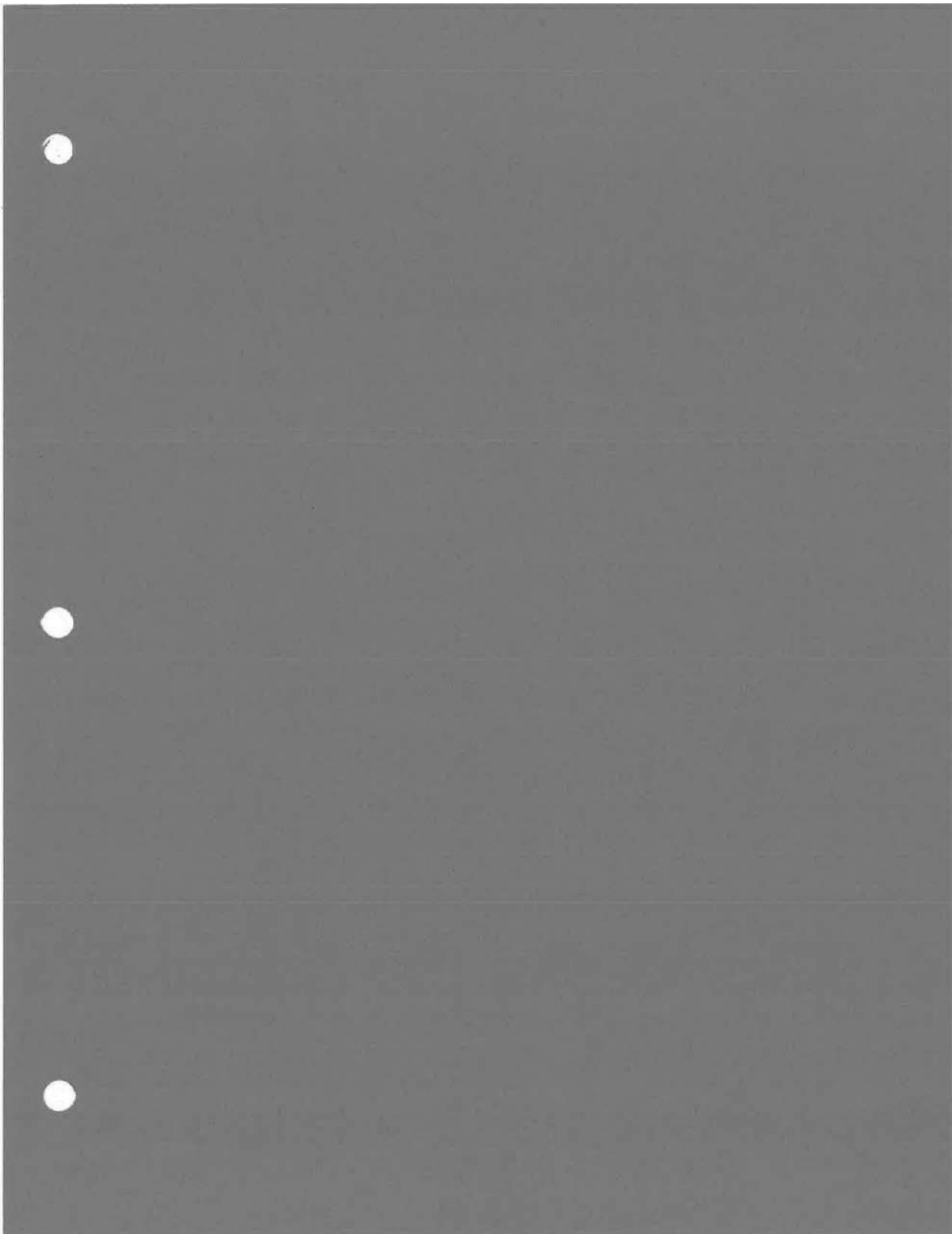
Mr. Greg Borgel
Moreno & Associates
300 South Fourth Street, Suite #1500
Las Vegas, Nevada 89101

Mr. Thomas Schoeman
JMA Architecture Studios
10150 Covington Cross Drive
Las Vegas, Nevada 89144

ROR023094

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ROR023095

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CITY COUNCIL MINUTES
MEETING OF
OCTOBER 13, 1997

AGENDA DOCUMENTATION

TO:
THE CITY COUNCIL

FROM: THERESA O'DONNELL, DIRECTOR
PLANNING AND DEVELOPMENT DEPARTMENT

SUBJECT: REZONING - PUBLIC HEARING - Z-78-97 - WILLIAM AND WANDA PECCOLE TRUST

PURPOSE/BACKGROUND

APPLICATION REQUEST:

This is a request for rezoning from U (Undeveloped) Zone under Resolution of Intent to R-3 (Medium Density Residential) [M (Medium Density Residential) General Plan Designation] to PD (Planned Development) for three, twelve-story 56 unit condominium buildings with ancillary office and retail uses for residents.

BACKGROUND DATA:

04/04/90	The City Council approved a request for C-1 (Limited Commercial) zoning on this site as part of a larger request (Z-17-90).
01/04/95	The City Council approved a request for R-3 (Medium Density Residential) zoning on this site as part of a larger request (Z-146-94).

ZONING AND DEVELOPMENT OF ADJACENT PROPERTIES:

North	ROI-C-1	Vacant (Proposed Hotel/Casino)
South	ROI-R-PD7	Golf Course
East	ROI-R-PD7	Golf Course
West	ROI-R-PD7	Golf Course

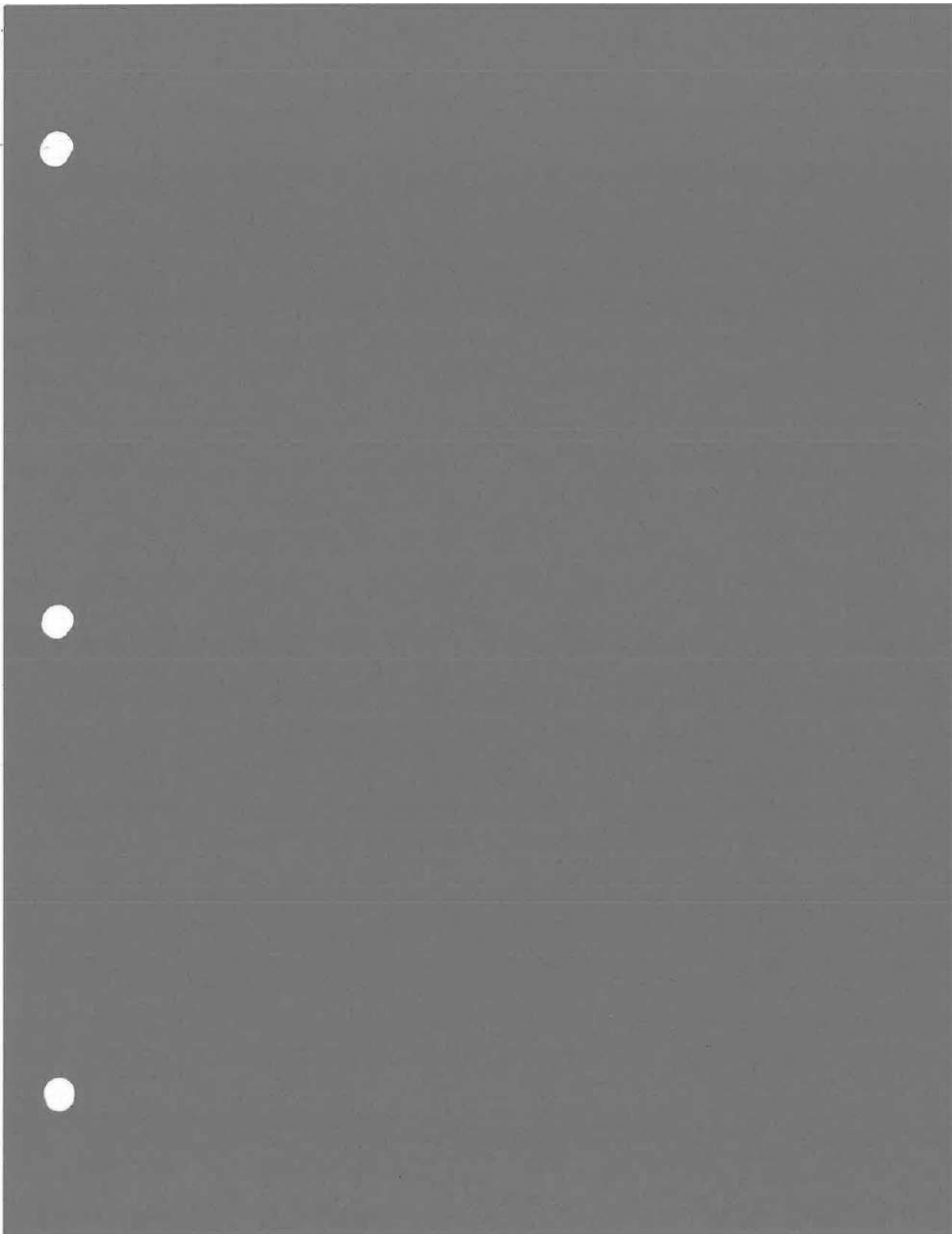
Agenda Item

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ROR023096

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ROR023097

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MAYOR
IAN LAVERTY JONES

COUNCILMEN
BOB NOLEN
ARNIE ADAMSEN
SCOTT HIGGINSON
FRANK HAWKINS JR

CITY MANAGER
WILLIAM J. NOONAN



CITY of LAS VEGAS

May 3, 1993

Mr. William Peccole
The Peccole 1982 Trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE: Z-24-93 - ZONE CHANGE RELATED TO GPA-7-93

Dear Mr. Peccole:

The City Council at a regular meeting held April 21, 1993 APPROVED the request for reclassification of property located north of Charleston Boulevard, between Rampart Boulevard and Durango Drive, from: N-U (Non-Urban)(under Resolution of Intent to C-1), to: R-1 (Single Family Residence) and R-PD16 (Residential Planned Development), proposed use: Apartments/Condominiums, subject to:

1. Approval of a General Plan Amendment to make the proposed R-PD16 portion of the zoning consistent with the Plan.
2. Dedicate 40 feet of right-of-way for Alta Drive where such street is adjacent to this site, 80 feet for Alta Drive where such street is through this site, 50 feet for Rampart Boulevard adjacent to this site (if such has not already been accomplished) and 25 foot radii at the northwest corner of Durango Drive and Alta Drive, the northeast corner of Rampart Boulevard and Alta Drive, and the southeast corner of Rampart Boulevard and Alta Drive as required by the Department of Public Works.
3. Construct sidewalk and all incomplete paving on Durango Drive adjacent to this site, half-street improvements on Rampart Boulevard adjacent to this site (if such are not already completed), and half/full-width improvements, as appropriate, on Alta Drive adjacent to or through this site as required by the Department of Public Works.



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ROR023098

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Mr. William Peccole
The Peccole 1982 Trust
May 3, 1993

RE: Z-24-93 - ZONE CHANGE RELATED TO GPA-7-93
Page 2.

4. Prior to the completion of the Rampart Boulevard Public Improvement Project between the Summerlin Parkway and Charleston Boulevard, dedicate right-of-way for Alta Drive between Rampart Boulevard and Durango Drive as required by the Department of Public Works. When traffic conditions warrant and if requested by the City, construct a minimum of two lanes of temporary paving on Alta Drive between Rampart Boulevard and Durango Drive where no street improvements then exist along this corridor. The width of the Alta Drive corridor improvements shall be increased if recommended by the Traffic Engineer at the time of construction of the temporary paving.
5. Submit an application to amend the Master Plan of Streets and Highways if the proposed development plans do not coincide with the current requirements of such Master Plan as required by the Department of Public Works.
6. Submit an application to vacate all existing public rights-of-way, if any, in conflict with any portion of this development prior to development of those areas where conflicts exist as required by the Department of Public Works.
7. Obtain approval from the City Engineer for a plan detailing all improvements necessary to complete Venetian Strada adjacent to the northern boundary of the single family residential parcel (Parcel "C") prior to the approval of a residential Tentative Map. Dedicate all rights-of-way necessary to coincide with the approved plans and construct all street improvements necessary to complete all portions of Venetian Strada in accordance with the approved construction plans as required by the Department of Public Works.
8. Contribute \$30,000 to partially fund a traffic signal system at the intersection of Alta Drive and Rampart Boulevard prior to the issuance of building or off-site permits or the recordation of a Final Map on the multifamily residential site (Parcel "B"), whichever may occur first, as required by the Department of Public Works.
9. Contribute \$30,000 to partially fund a traffic signal system at the intersection of Alta Drive and Durango Drive prior to the issuance of building or off-site permits or the recordation of a Final Map on the single family residential site (Parcel "C"), whichever may occur first, as required by the Department of Public Works.
10. Approval of plot plans and building elevations for each parcel by the Planning Commission prior to development of each parcel. The review of the R-PD16 parcel shall be at a public hearing.

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Mr. William Peccole
The Peccole 1982 Trust
May 3, 1993
RE: Z-24-93 - ZONE CHANGE RELATED TO GPA-7-93
Page 3.

11. The final design of the subdivisions shall be determined at the time of the approval of the Tentative Maps.
12. The underlying Resolution of Intent on the property is expunged upon approval of this application.
13. Resolution of Intent with a twelve month time limit.
14. Satisfaction of City Code requirements and design standards of all City departments.
15. Approval of the parking and driveway plans by the Traffic Engineer.
16. Repair any damage to the existing street improvements resulting from this development as required by the Department of Public Works.
17. Remove all unused driveway cuts and replace with "L" curb and new sidewalk as required by the Department of Public Works.
18. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of a building or grading permit, whichever may occur first.
19. Provision of fire hydrants and water flow as required by the Department of Fire Services.

A Rezoning under a Resolution of Intent expires if it is not exercised prior to the expiration of the Resolution of Intent unless a request for an Extension of Time is duly filed with the Department of Community Planning and Development for consideration and approval by the City Council.

Sincerely,


KATHLEEN M. TIGHE
City Clerk

/cmp

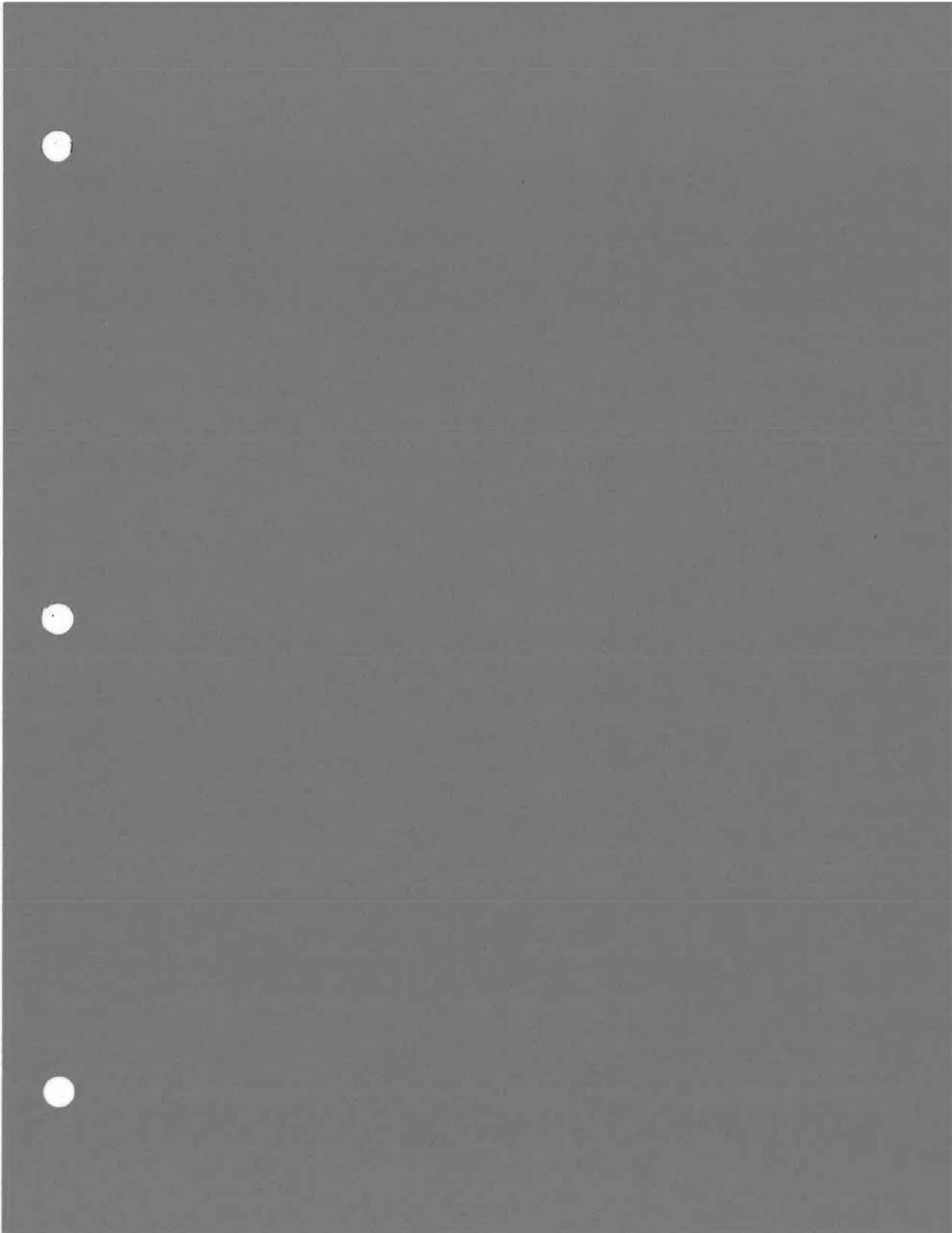
cc: Dept. of Community Planning & Development
Dept. of Public Works
Dept. of Fire Services
Dept. of Building & Safety
Land Development Services

Mr. Clyde Spitze
Pentacore Engineering
6763 W. Charleston Blvd.
Las Vegas, Nevada 89102

ROR023100

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ROR023101

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AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

Page 29

ITEM

PHONE 386-6301

COMMISSION ACTION

24. MASTER DEVELOPMENT PLAN AMENDMENT

Applicant: WILLIAM PECCOLE 1982 TRUST
Application: Request for approval to
amend the Master Development
Plan
Location: East side of Hualpai Way,
west of Durango Drive,
between the south
boundary of Angel Park and
Sahara Avenue
Size: 996.4 Acres

STAFF RECOMMENDATION: APPROVAL, subject
to the following:

1. A maximum of 4,247 dwelling units
be allowed for Phase II.
2. Hualpai Way be extended as a public
street north of Charleston Boulevard
to the north property line as required
by the Department of Public Works.
3. Extend Apple Lane along the north
side of this site and adjacent to
Angel Park, east of Rampart Boulevard
to Durango Drive, as required by
the Department of Public Works.

PROTESTS: 5 Speakers at Meeting

Babero -
APPROVED, subject to staff's
conditions and Condition No. 4
requiring public notice when
there will be an architectural
review on the resort/casino
and commercial center sites,
and Condition No. 5 stating
the applicant is to post signs
on the property indicating
the proposed uses.
Unanimous
(Bugbee and Dixon excused)

MR. WILLIAMS stated this request
is to amend the approved Master
Development Plan that was approved
in 1989. Phase II contains
996.4 acres. It is predominantly
single family dwellings. However,
there will be multifamily,
resort/casino, golf course,
commercial office, school and
rights-of-way. The significant
change is the addition of the
golf course and a larger resort/casino
site and 100 acre shopping
center site. The commercial
site was in the 1981 plan and
taken out in the 1989 plan.
Each parcel will be subject
to a review by the Planning
Commission. The overall density
is 4.3 units per acre. Staff
feels Apple Lane should be
extended over from Rampart
Boulevard to Durango Drive
to give better vehicular access
to the commercial parcel.
Hualpai Way also has to be
extended. The Gaming Enterprise
District indicates this area
could contain one destination
resort/casino, but the applicant
would have to have a major
recreational facility and a
minimum of 200 rooms. Staff
recommended approval, subject
to the conditions.

WILLIAM PECCOLE appeared and
represented the application.
Phase I is 75% complete. This
request is for Phase II.

A. WAYNE SMITH, Land Planner,
1515 East Missouri Avenue,
Phoenix, Arizona, appeared
and represented the applicant.
The main street will be 80
feet wide from Charleston Boulevard
south and then curving to the
northeast.

ROR023102

24534

24511

AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

Page 30

PHONE 386-6301

COMMISSION ACTION

ITEM

24. MASTER DEVELOPMENT PLAN AMENDMENT (CONT'D)

GREGORY BARLOW, 704 Minto Court, appeared in protest. He was concerned about the 100 acres for a shopping center because of its large size bringing too much traffic into the area and the aesthetics of the center. However, he would like to have some shopping in that area. He would like to have a public hearing held when this project comes back for a design review. The various types of zoning should be posted on the property.

KATHERINE SAUER, 8917 Condotti Court, appeared in protest. She objected to the casino because of the traffic it will generate. There are a lot of children in that area and she does not want the children to live near a casino.

PAM EASTBERG, 7913 Fanciful, appeared in protest. She objected to the casino being in a residential area.

ULRICH SMITH, 8813 Brescia Drive, appeared in protest. He objected to the casino.

RAY BINGHAM, 8345 Cove Landing Avenue, appeared in protest. He objected to locating the shopping center next to a park because of all the traffic the center will generate.

WILLIAM PECCOLE appeared in rebuttal. They are working with the City on the interchange at the Summerlin Parkway so that traffic can move north and south. They will participate in a Special Improvement District for their area. Two schools are being constructed in Phase 1. This will be a quality project. He would be agreeable to an architectural review by the City. All their property shows the zoning. The shopping center will be approximately a million square feet containing stores that are not presently in Las Vegas.

To be heard by the City Council on 4/4/90.

(7:37-8:09)

ROR023103

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AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

Page 31

ITEM

PHONE 386-6301

COMMISSION ACTION

25. Z-17-90

Applicant: WILLIAM PECCOLE 1982 TRUST
Application: Zoning Reclassification
From: N-U (under Resolution
of Intent to R-1, R-2,
R-3, R-PD7, R-PD8,
R-MHP, C-1, C-2, P-R
and C-V)
To: R-PD7, R-3 and C-1
Location: East side of Hualpai Way,
west of Durango Drive,
between the south boundary
of Angel Park and Sahara
Avenue
Proposed Use: Single Family Dwellings,
Multi-Family Dwellings,
Commercial, Office and
Resort/Casino
Size: 996.4 Acres

STAFF RECOMMENDATION: APPROVAL, subject
to the following:

1. A maximum of 4,247 dwelling units
be allowed for Phase II.
2. Conformance to the Conditions of
Approval for the Peccole Ranch Master
Development Plan, Phase II.
3. Approval of plot plans and building
elevations by the Planning Commission
for each parcel prior to development.
4. At the time development is proposed
on each parcel appropriate right-of-way
dedication, street improvements,
drainage plan/study submittal, drainageway
improvements, sanitary sewer collection
system extensions and traffic signal
system participation shall be provided
as required by the Department of
Public Works.
5. The existing Resolution of Intent
on this property is expunged upon
approval of this application.
6. Resolution of Intent with a five
year time limit.
7. Standard Conditions 6 - 8 and 11.

PROTESTS: 2 on record with staff
1 speaker at meeting

FAVOR: 1 speaker at meeting

Sabero -
APPROVED, subject to staff's
conditions and additional conditions
requiring the applicant to
post signs on property indicating
the zoning and that a public
hearing be held on the development
plan on the commercial and
casino sites.
Unanimous
(Bugbee and Dixon excused)

MR. WILLIAMS stated this request
is to approve the zoning that
was indicated on the Master
Development Plan. The development
plans will be submitted to
the Planning Commission for
review prior to development.
Staff recommended approval,
subject to the conditions.

WILLIAM PECCOLE appeared and
represented the application.
He concurred with staff's conditions.

GREGORY BARLOW, 704 Minto Court,
appeared in favor if certain
conditions are met. He wants
a review of each parcel before
the Planning Commission with
a notice posted announcing
that a public hearing will
be held. Before any building
is completed Rampart Boulevard
must be finished. He would
like the feeder routes also
improved.

ULRICH SMITH, 8813 Brescia
Drive, appeared in protest.
He objected to the casino.

WILLIAM PECCOLE appeared in
rebuttal. The casino will
be buffered on the north by
the Angel Park Golf Course
and on the south by his golf
course. On the east side will
be commercial and on the west
side a tennis court.

A. WAYNE SMITH, Land Planner,
1515 East Missouri Avenue,
Phoenix, Arizona, appeared
and represented the applicant.
The applicant has reduced the
density by about 2,200 units
to help balance the traffic
flow.

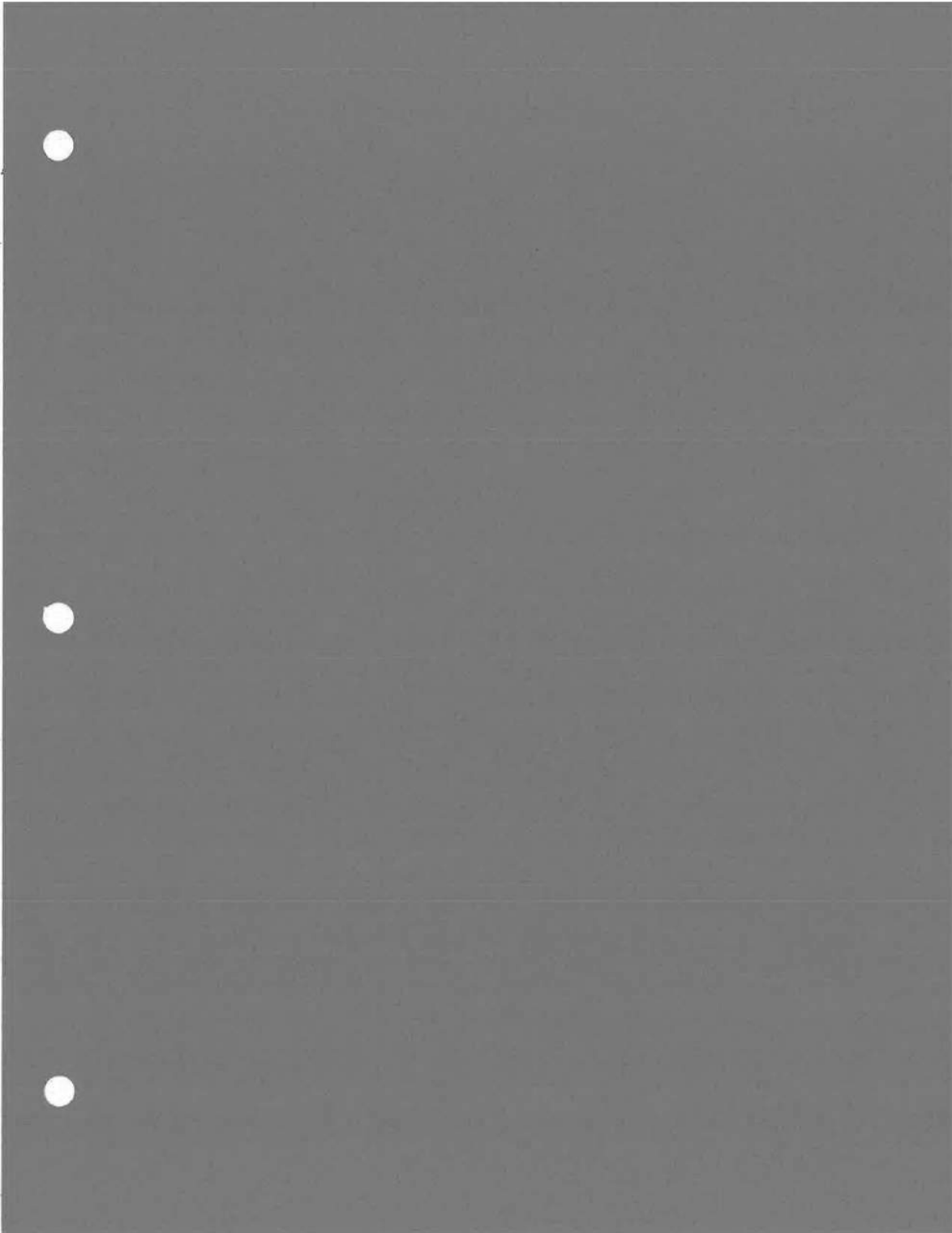
To be heard by the City Council
on 4/4/90.

(8:09-8:23)

ROR023104

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ROR023105

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F. VACATION - PUBLIC HEARING

1. Abeysance Item - VAC-49-88 - Charles C. Englert, Et Al - Petition to vacate the north 30 feet of Elys Avenue from the west right-of-way line of Shadow Lane westerly approximately 288 feet.
2. VAC-50-88 - Ronald Foglia - Petition of Vacation submitted by Ronald Foglia to vacate U.S. Government Patent Reservations generally located west of Jones Boulevard and south of Charleston Boulevard.
3. VAC-51-88 - City of Las Vegas - Request of the City of Las Vegas to vacate Sunrise Avenue (60 feet wide) between the easterly right-of-way line of Pecos Road and the westerly right-of-way line of Pecos Street.

G. VARIANCE - PUBLIC HEARING

1. V-157-88 - Joseph A. and Lucille A. Tarantino - Application of Joseph A. and Lucille A. Tarantino for a Variance to allow an existing patio cover 2.25 feet from the side property line where an eight foot minimum setback is required, on property located at 2105 Santa Clara Drive, in Zoning District R-1.
2. V-159-88 - Michael M. and Barbara L. Madama - Appeal filed by Michael M. and Barbara L. Madama on the action of the Board of Zoning Adjustment in Denying their application for a Variance to allow an existing storage building in the side yard where not permitted; to allow the storage building four feet ten inches (4'10") from another existing storage building where six feet (6') is the minimum separation required; and to allow another existing storage building to the rear and side yard property lines where fifteen feet (15') is the minimum setback required from the side property line and five feet (5') is the minimum setback required from the rear property line, on property located at 1029 Palmhurst Drive, in Zoning District R-1.
3. V-160-88 - First Western Savings Association - Application of First Western Savings Association for a Variance to allow an existing converted garage for living and storage purposes with no interior access to the dwelling, where such interior access is required, on property located at 5809 Westport Circle, in Zoning District R-1.
4. V-162-88 - Fred H. Nielsen, Jr. and Helen K. Nielsen - Application of Fred H. Nielsen, Jr. and Helen K. Nielsen for a Variance to allow a secondhand store on property located at 713 Las Vegas Boulevard South, in Zoning District R-2.

H. MASTER DEVELOPMENT PLAN - RELATED TO ZONE CHANGE Z-139-BB - PUBLIC HEARING

1. Abeysance Item - Peccole Ranch - Request for approval of the Master Development Plan for property located north of Sahara Avenue and south of Angel Park, between Durango Drive and Hualpai Way.

ZONE CHANGE - RELATED TO MASTER DEVELOPMENT PLAN - PUBLIC HEARING

2. Abeysance Item - Z-139-88 - William Peccole, Trustee - Request for reclassification of property located on the west side of Fort Apache Road, between Sahara Avenue and Charleston Boulevard. From: M-U (Non-Urban) (under Resolution of Intent to R-PD4, P-R, C-1 and C-V), To: R-PD7 (Residential Planned Development), R-3 (Limited Multiple Residence), C-1 (Limited Commercial), Proposed Use: Single Family Residential, Multi-Family Residential, Commercial and Mixed Use Commercial Which Consists of Retail/Service Commercial, Office and Multi-Family (Multi-Story) Residential

ZONE CHANGE - PUBLIC HEARING

3. Z-134-88 - Harold and Agnes Hall - Request for reclassification of property located on the west side of Torrey Pines Drive, south of Hammer Lane. From: R-E (Residence Estates), To: R-D (Single Family Residence, Restricted), Proposed Use: Single Family Residential

I. CONSIDERATION AND POSSIBLE ACTION ON OFFERING VARIOUS PARCELS OF FEDERAL LAND FOR SALE IN THE WESTERLY PORTION OF THE CITY

J. SIX MONTH REPORT ON BUILDING AND SUBDIVISION ACTIVITY

K. Set Date on any appeals filed or required Public Hearings from the Planning Commission Meeting.

L. Set Date on any appeals filed or required Public Hearings from the Board of Zoning Adjustment Meeting.

XI ADDENDUM ITEMS

XII CITIZENS PARTICIPATION

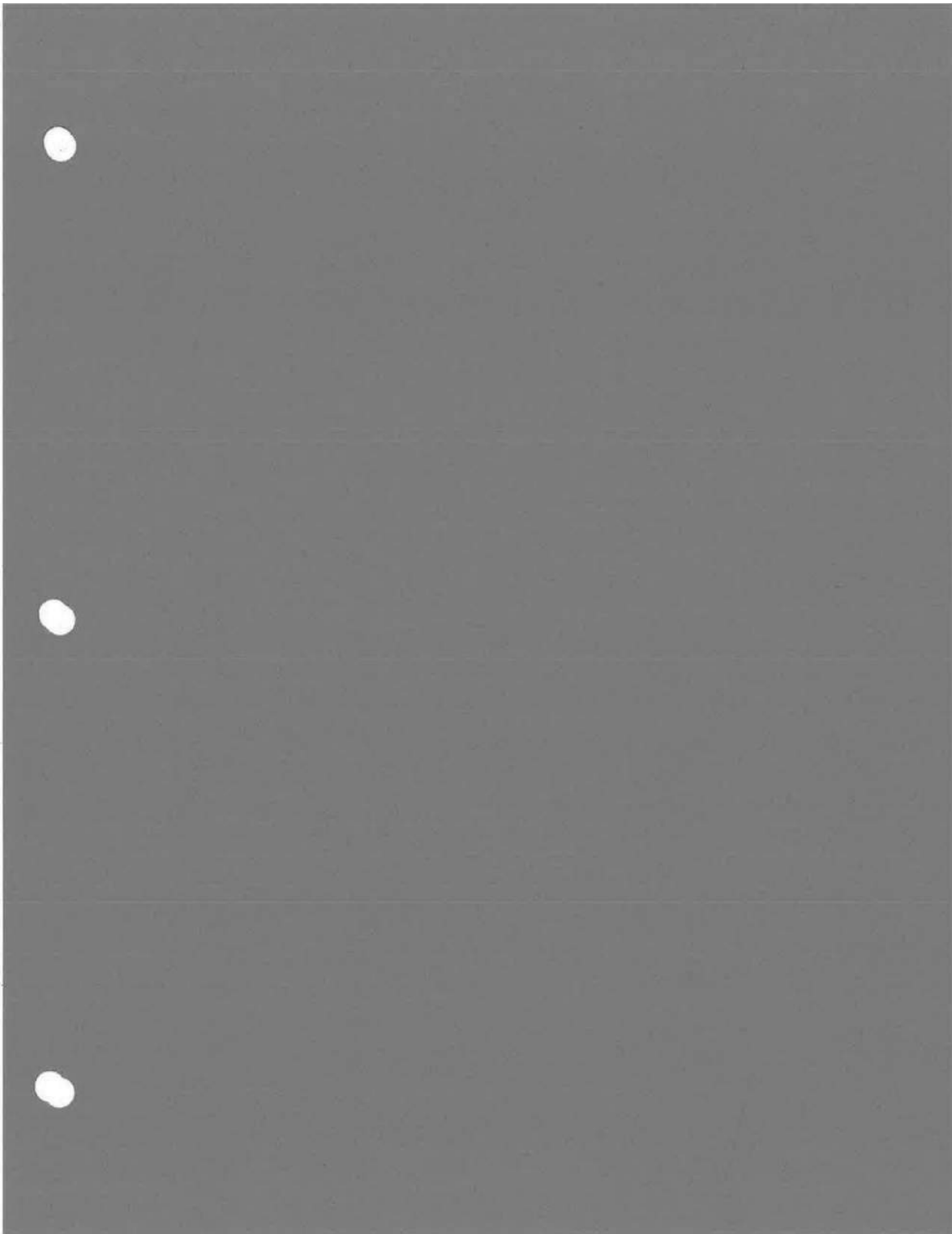
[Items raised under this portion of the Agenda cannot be acted upon by the City Council until the notice provisions of the Open Meeting Law have been complied with. Therefore, action on such items will have to be considered at a later time.]

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CITY COUNCIL MINUTES
MEETING OF
FEB 15 1989

ROR023106

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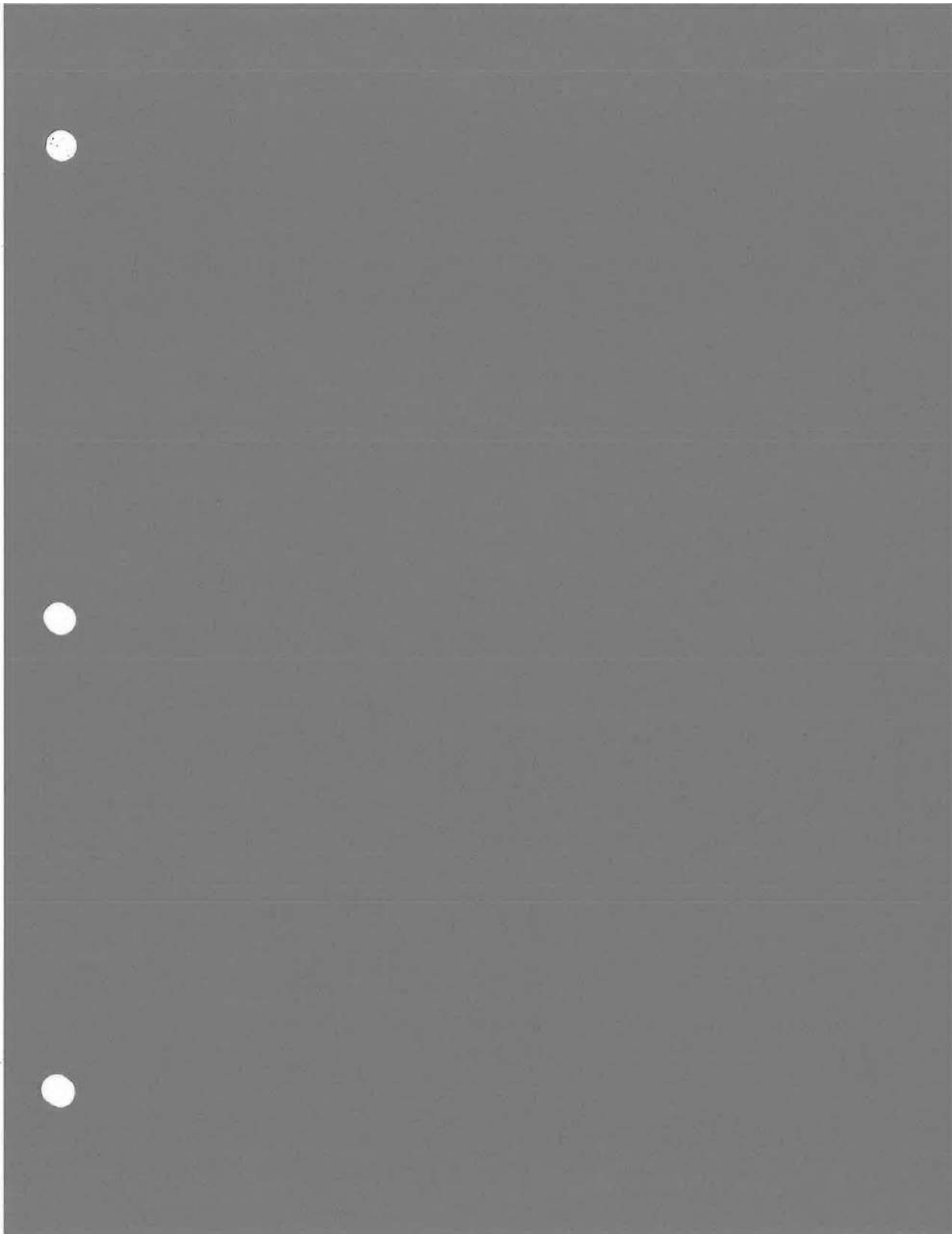
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ROR023109

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PECCOLE RANCH MASTER DEVELOPMENT PLAN PHASE II AS BUILT

LAND USE	ACRES	NET DENSITY	BUILT UNITS	NET UNITS REMAINING*
(as built)				
Single-Family	362.6	5.06 du/ac	1,838	969
Multi-Family	60.0	19.28 du/ac	1,157**	283
Commercial/Office	194.3	-	-	
Resort-Casino	56.0	-	-	
Golf Course Drainage	250	-	-	
Other Open Space	4.92			
Right-of-Way	53.7***	-	-	
Elementary School	-	-	-	
TOTAL	981.52	3.05 du/ac	2,995	1,252

* Net Unit Remaining is a theoretical number which depends on a legal assessment of whether any units remain with a built master development plan (PUD), when the declarant no longer exists. If they are determined to be remaining units still available for development, then those units would belong to the areas designated Single-Family and Multi-Family.

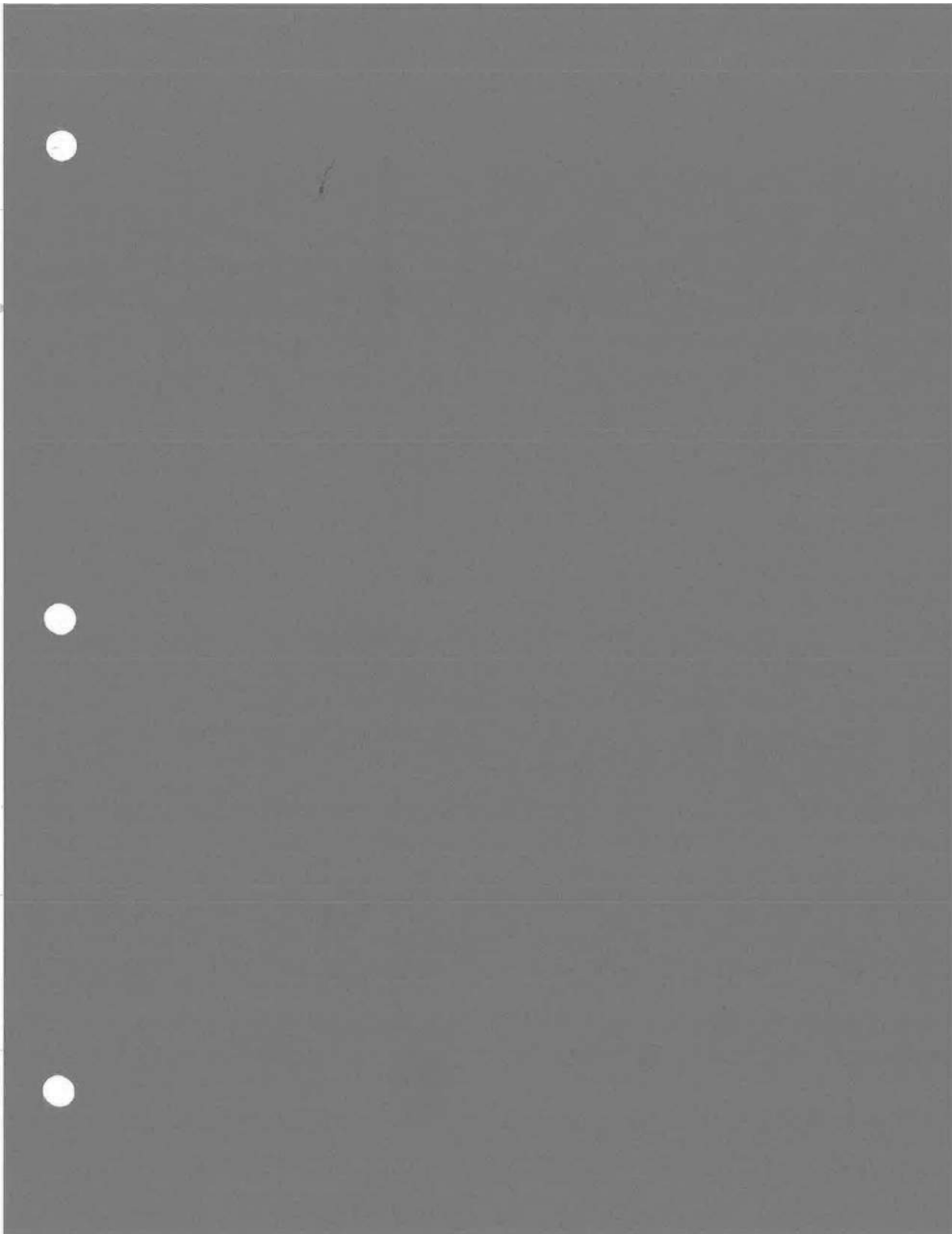
** entitled but not yet built included in total; 166 units at QR Towers, 300 units at Tivoli, and 100 units at Renaissance

*** ROW acres estimated and not included in total acres

ROR023110

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ROR023111

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Pecocolo Ranch Master Development Plan History for Phase Two

Type of Development	Acres	DU/ACRE	NOTE
Single Family	401.0	2,807 net units	As Approved Under Entitlement - Z-017-90
Multi-Family	60.0	1,440 net units	As Approved Under Entitlement - Z-017-90
Golf Course Drainage	211.6		As Approved Under Entitlement - Z-017-90
166Phase Two Total Acres	596.4		

Name of Development	Zoning	Date of approval	Condition of Approval connecting it to the Pecocolo Ranch Master Development Plan (Z-17-96)	Units Constructed	Units entitled/not yet built	Current Density DU/acre
1 Stone Ridge Condominiums	Z-0017-90(10) for 372 Condos	04-04-90	Conformance to Pecocolo Master Plan, Phase II	372		18.6 du/acre
2 Canyon Vista	Z-0017-90(6) for 95 lots	04-04-90	Conformance to Z-0146-94 which says conformance to Pecocolo Master Plan	95		4.4 du/acre
3 Pecocolo Ranch Phase 2	Z-0017-90(11) for 137 lots	04-11-96	Yes	137		6.4 du/acre
4 Pecocolo Ranch by Signature Homes	Z-0017-90(12) for 354 Lots	04-25-96	Yes	354		6.8 du/acre
5 Pecocolo West Lot 9	Z-0017-90(5) for 81 SF lots	03-23-98	Plans shall be reviewed by the Pecocolo Arch. Review Com.	81		2.99 du/acre
6 Pecocolo West Lot 11	Z-17-90(7) for plot plan and elevations 44 lots	12-14-95	Yes	44		1.15 du/acre
7 Pecocolo West Lot 12	Z-146-94 from U to R-PD7		Yes, for Z-146-94	279		3.55 du/acre
	Z-146-94 (1) for 263 units		Refers back to Z-146-94			
	Z-49-95 from C-1 to R-PD7 adding 19 acres of residential		Z-49-95 Site development to comply with Pecocolo Ranch			
8 Pecocolo West 10 Parcel 18	Z-0049-95(1) for 263 Lots	08-10-95	Comply with Z-146-94 and Z-49-95	108		3.53 du/acre
	Z-146-94 from U to R-3	01-04-95	Yes, for Z-146-94			
9 Pecocolo West Lot 19 and Lot 20	Z-17-90(20) for 76 lots	08-14-97	Architectural plans shall be reviewed by the Pecocolo West Arch. Review Com.	60		1.65 du/acre
10 Queensridge Fairway Home	Z-0146-94 from U to R-3;	02-09-98	Yes, for Z-146-94	206		10 du/a
	Z-0134-97 from U and R-3 to R-PD10 for 205 lots		No for Z-0134-97 condition, reduced open space approved (11%) due to being adjacent to golf course, reducing the need for community open space			
11 San Michelle North	Z-146-94 from U to R-3	01-04-95	Yes, for Z-146-94	45		2.61 du/acre

ROR023112

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Name of Development	Zoning	Date of approval	Condition of Approval connecting it to the Pecole Ranch Master Development Plan (Z-17-90)	Units Constructed	Units entitled/not yet built	Current Density DU/acre
12 Winsor at Queensridge	Z-146-94 from U to R-PD7 to R-3		Yes, for Z-146-94 No for ZON-1340 staff report does indicate previous zoning actions	166		9.89 du/acre
	Z-0043-98 from U under ROI to R-PD7 to PD					
	Z-0043-98 (4) for 300-unit time share plus commercial under ROI to PD					
	ZON-1340 From U to R-PD10 Under ROI to PD	02-05-03				
13 Queensridge Tower	SDR-1341 – 166 SF lots for R-PD10 zoning		Yes, for Z-146-94	219	166	19.54 du/acre
	Z-146-94 from N-U to R-3		Yes, for Z-78-97			
	Z-78-97 from U to PD for 3, 12-story 56 unit condos					
	SDR-4206 for 2, 16 story and 2, 18 story towers 385-unit condo					
14 Tivoli	ZON-4205 from R-PD7 to PD	07-07-04	Yes, per condition Conformance with approved master development plan			
	MOD-53701 and SDR-53503 to add 166 – units of condo (not yet constructed)	08-06-14				
	Z-17-90 Pecole Ranch Master Development Plan 12/31/92 District Court Order Directed		12/31/92 District Court Order Directed petitioner (William Pecole) to file an application to downzone C-1 to R-PD-16 for 11 acres north of the Pecole Ranch Regional Mall and to downzone 61 acres of undeveloped acres of C-1 property north of Alta Drive to R-1	Under construction	300	
	Z-0024-93 From N-U under ROI to C-1 to R-PD16	04-21-93				
	SDR-10770 340 condo units					
	SDR-52089 reduced to 300 units	01-14-14				

ROR023113

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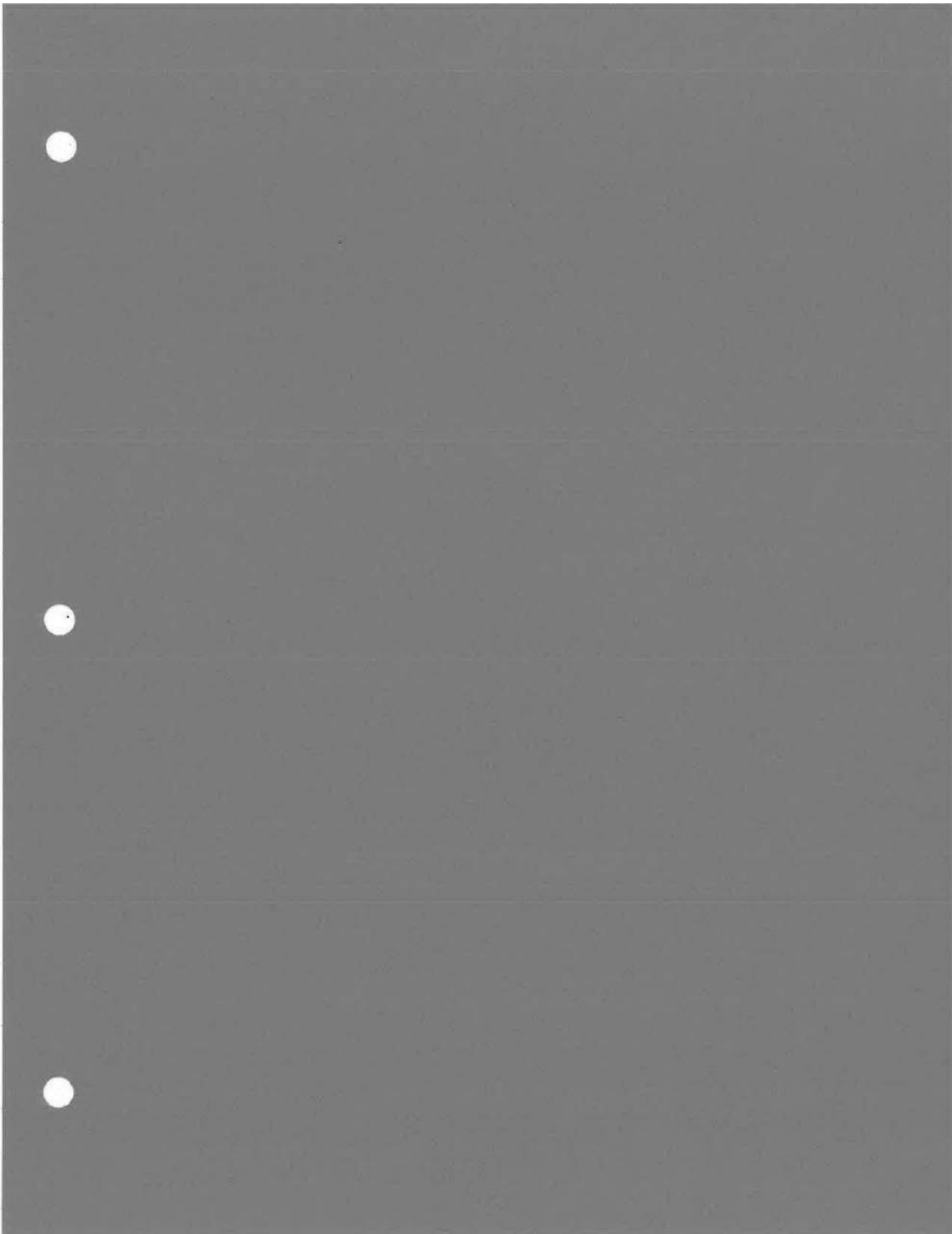
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Name of Development	Zoning	Date of approval	Condition of Approval connecting it to the Pecole Ranch Master Development Plan (Z-17-90)	Units Constructed	Units entitled/not yet built	Current Density DU/acre
15 Renaissance	Z-17-90 Pecole Ranch Master Development Plan		See court case Above		100	
	Z 0024 93 From N-U under R-1 to C-1 ZON-41312 PD to PD SDR-41313 Commercial plus 100 multi-family units	04-21-93 06-15-11	Expunged under laying zoning			
16 Tuscan Hills	Z-17-90 Pecole Ranch Master Development Plan 12/31/92 District Court Order Directed		See court case Above	29		
	Z-0024-93 from N-U to R-1 zoning Z-0035-95 N-U under R-1 to R-1 to R-PD4, waiver granted from open space requirement	04-21-93 06-21-95	Expunged under laying zoning			
17 Angel Park Ranch	Z-0034-81 R-1 approved Z-17-90 Pecole Ranch Master Development Plan		See court case Above	234		
	Z-0024-93 from N-U to R-1 zoning Z-0024-93(1) for 107 SF lots	04-21-93 07-07-93	Expunged under laying zoning			

ROR023114

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ROR023115

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PECCOLE RANCH
LAND USE DATA
PHASE TWO

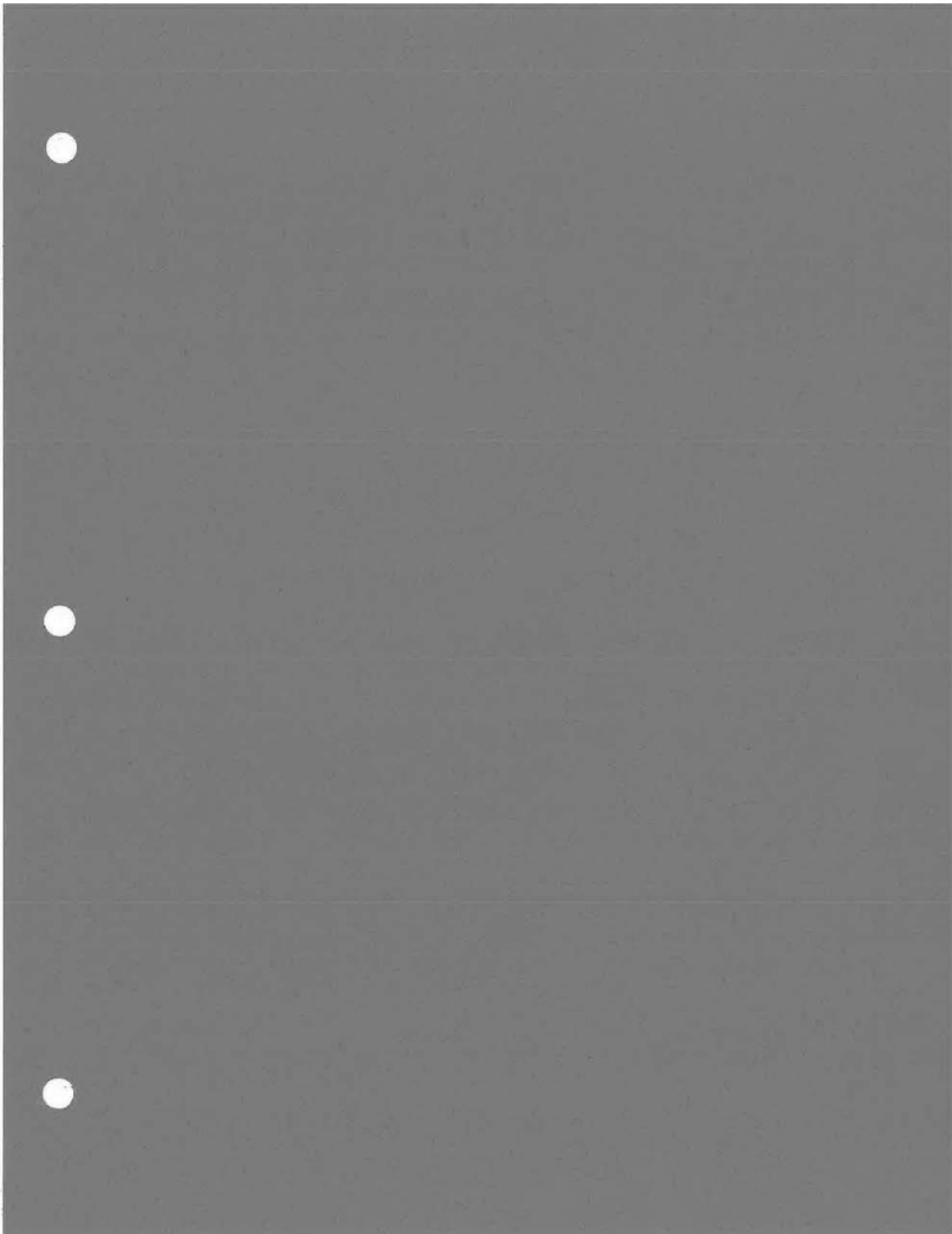
<u>LAND USE</u>	<u>ACRES</u>	<u>NET DENSITY</u>	<u>NET UNITS</u>
Single-Family	401.0	7.0 du/ac	2,807
Multi-Family	60.0	24.0 du/ac	1,440
Commercial/Office	194.3	-	-
Resort-Casino	56.0	-	-
Golf Course Drainage	211.6	-	-
Right-of-Way	60.4	-	-
Elementary School	13.1	-	-
TOTAL	996.4	4.5 du/ac	4,247

Note Overall density based upon all areas except R.O.W

ROR023116

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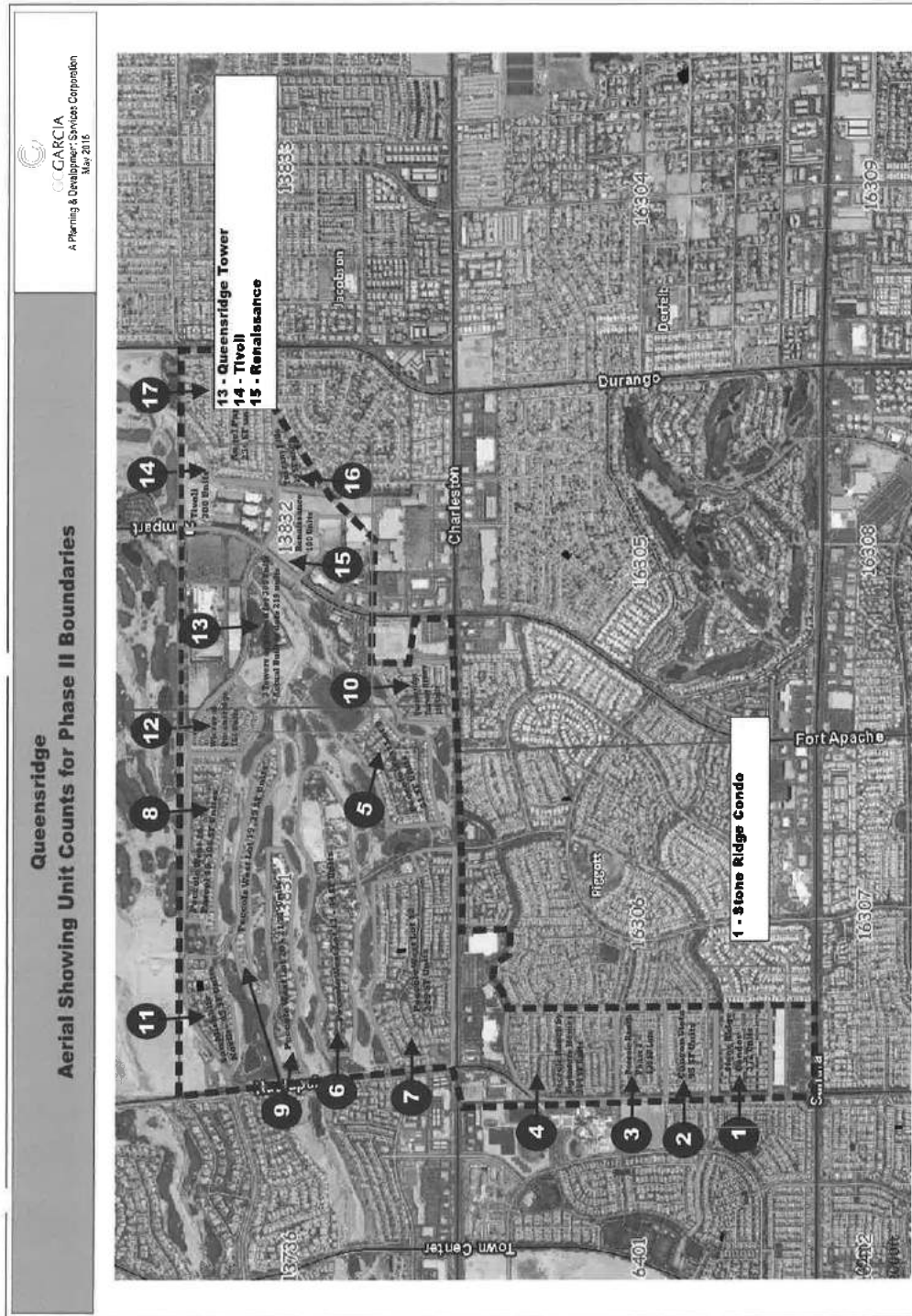
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ROR023117

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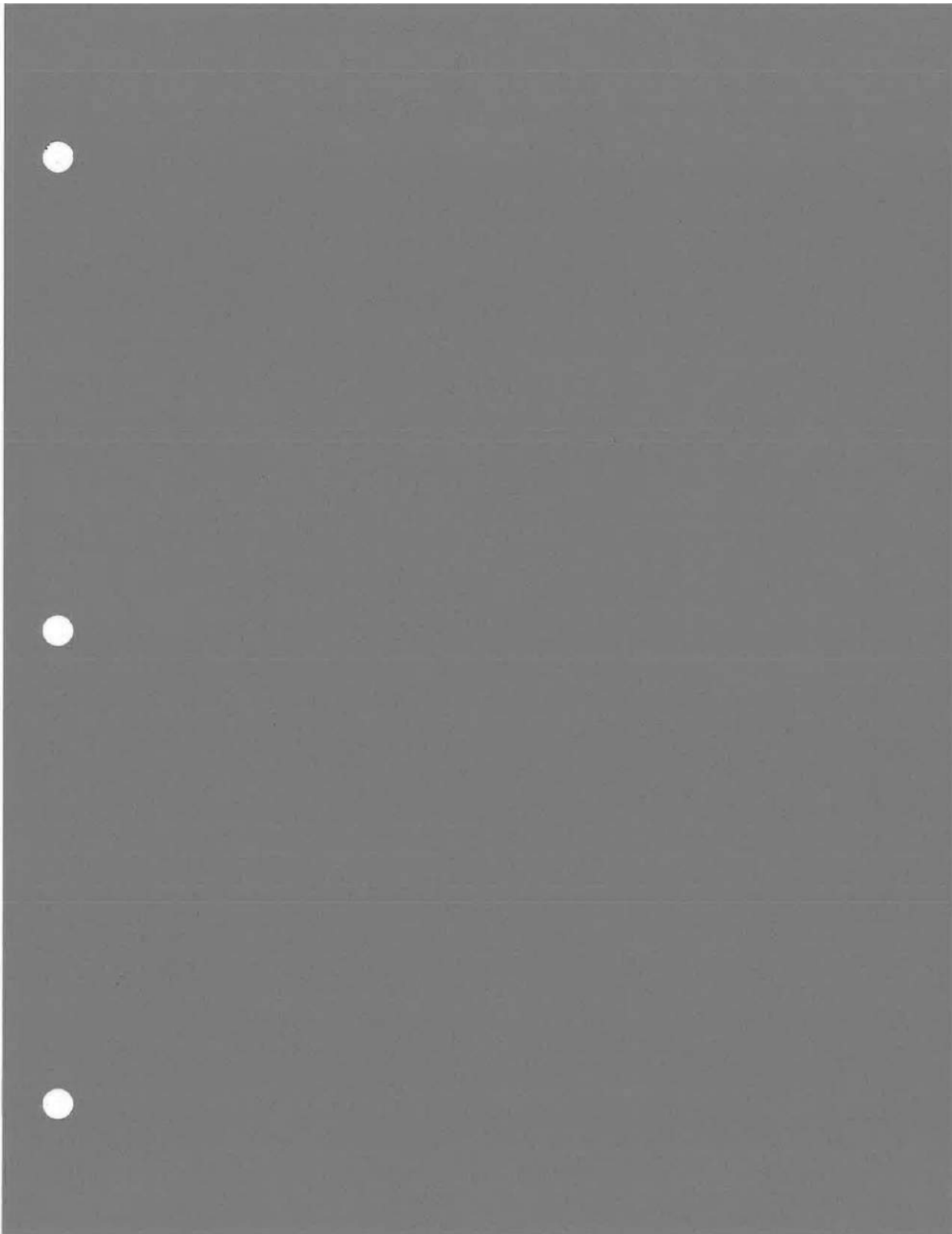
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ROR023118

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ROR023119

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PISANELLI BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101
702.214.2100

DECLARATION OF CLYDE O. SPITZE

I, Clyde O. Spitze, being duly sworn, declares as follows:

1. I have personal knowledge of the facts stated herein and am competent to testify to those facts. I am above the age of 18.

2. In 1972 I was working at the civil engineering firm VTN of Nevada. In that role, William Peccole became one of my clients. From 1972 up through 2005, when I retired, I continued to do work for Mr. Peccole.

3. In the various engineering firms for which I have worked or been affiliated, I was intimately involved in the creation and implementation of the Master Plan for Peccole Ranch, including Peccole Ranch Phase II, working as Mr. Peccole's manager of engineering.

4. I am aware that the entities affiliated with Yohan Lowie are presently attempting to claim that the land use designation of the Badlands Golf Course as being devoted to parks/recreation/open space ("PROS") was somehow a purported mistake, done without the property owners' knowledge or consent. That claim is untrue. I personally managed the civil engineering work for Mr. Peccole concerning Phase II of the Master Plan, which included the Badlands Golf Course. That property was specifically and expressly designated as open space by Mr. Peccole pursuant to the terms of the Master Plan and at no point in time was there ever discussion that the property would be used for residential or other development. To the contrary, it was expressly identified and reserved as open space, in no small part because it constituted the required drainage for the Phase II development.

5. In fact, in 1996 as part of the golf course's expansion to add an additional nine holes, I sought clarification from the City of Las Vegas – at Mr. Peccole's request – to confirm that the approved zoning for the property of RPD-7 was in no way incompatible with the land use designation for the golf course/open space. The reason that we wanted this confirmation from the City was because a prospective buyer's bank was loaning monies for development of residential lots along the golf course frontage. The bank wanted confirmation that the golf course usage was compatible with the approved zoning. After all, the bank did not want the

1

Submitted at Planning Commission

by Clyde Spitze
Date 2/14/17 Item 21-24

ROR023120

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PISANELLO BICE PLLC
400 SOUTH 7TH STREET, SUITE 300
LAS VEGAS, NEVADA 89101
702.214.2100

1 collateral for its loan – the residential lots – to be impacted if the golf course was not properly
2 designated and approved.

3 6. Attached hereto as Exhibit A is a true and correct copy of my September 4, 1996
4 letter to the City of Las Vegas seeking confirmation as the bank required. This letter was written
5 to meet the bank's requirements that no development would be constructed in this open space as
6 it wanted development of a golf course which assured the lenders that their collateral was
7 adequately protected against future development. Based upon my many years of experience and
8 many years of discussions with Mr. Peccole, I do not believe that the bank would have provided
9 funding had it been told that the golf course/open space was not appropriately designated as such
10 under the City's plans. To the contrary, that is precisely why I was instructed by Mr. Peccole to
11 obtain assurances from the City for the client's bank's protection. Attached hereto as Exhibit B is
12 a true and correct copy of the October 8, 1996 letter I received in response from the City
13 confirming that the golf course was part of the Peccole Ranch Master Plan Phase II and that the
14 expansion of the golf course was in conformity with the zoning approvals.

15 7. I can attest that Mr. Peccole was a man of his word and he would have never
16 allowed me or anyone else to make these representations to a bank -- or obtain confirmation from
17 the City upon which to make such a representation -- if the golf course/open space/drainage
18 property was available for residential development as opposed to the expressed uses designated
19 in the Master Plan as well as the City's General Plan. That would have been fundamentally at
20 odds with the purpose of my September 4, 1996 letter and providing the lender the City's
21 confirmation of October 8, 1996.

22 I declare under penalty of perjury under the laws of the State of Nevada that the
23 foregoing is true and correct to the best of my recollection and that I executed this declaration on
24 this 1st day of February 1, 2017.

25
26 
27 CLYDE O. SPITZE
28



PENTACORE

Civil Engineering
Construction
Management
Land Surveying
Planning
ADA Consulting

0171 0030

September 4, 1996

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

RE Badlands Golf Course, Phase 2

Dear Bob

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

Thank you for your consideration in this matter.

Sincerely,


Clyde O. Spitzer
Vice President

RECEIVED
SEP 4 4 50 PM '96
PLANNING AND
DEVELOPMENT

7-146-94
2-17-90

GPA-68385

6763 West Charleston Boulevard • Las Vegas, Nevada 89102 • (702) 258-0118 • Fax (702) 258-4956

PRJ-67184
9/28/16

ROR023122

24554

24531

12
MAYOR
JAN LAVERY JONES
COUNCILMEN
ARNE ADAMSEN
MATTHEW Q. CALLISTER
MICHAEL J. McDONALD
GARY REESE
CITY MANAGER
LARRY K. BARTON



CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

October 8, 1996

Mr. Clyde O. Spitze, Vice President
Pentacore
6768 West Charleston Boulevard
Las Vegas, Nevada 89102

Re: BADLANDS GOLF COURSE, PHASE 2

Dear Mr. Spitze:

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

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

Very truly yours,

Robert S. Genzer, Planning Supervisor
Current Planning Division

RSG:eh

GPA-68385

400 E STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6011 (VOICE) • (702) 386-9108 (TDD)

CLV 7000
3010 015 001



ROR023123

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December 27, 2016

Mr. Tom Perrigo
City of Las Vegas Department of Planning
333 North Rancho Drive
Las Vegas, Nevada 89106

Justification Letter for General Plan Amendment of Parcel No. 138-31-702-002

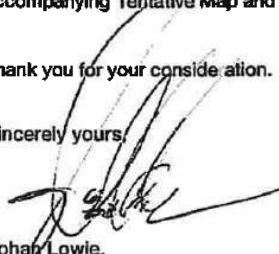
Dear Mr. Perrigo,

Though we understand that this change to the General Plan should be the responsibility of the City of Las Vegas, per your request, we are submitting an application to amend the General Plan designation on Parcel No. 138-31-702-002, as the current designation of Parks Recreation and Open Space (PR-OS) does not reflect the underlying residential zoning of RPD-7 (Residential Planned Development District - 7.49 Units per Acre) or the intended residential development use of the Property. We have also attached a letter from Clyde Spitzke, a representative of the owner of the Property at the time, requesting to maintain the approved RPD-7 zoning while at the same time developing a golf course on the Property. In response, former City of Las Vegas Planning Supervisor Robert S. Genzer, recognized that the approved 18-hole golf course was in fact zoned RPD-7 and would allow the further expansion of nine holes of the golf course on the Property into zoned RPD-7 property.

Therefore, we are requesting that the General Plan designation be changed to the more appropriate L (Low Density Residential) designation, which would be consistent both with the density being proposed by the accompanying Tentative Map and Site Development Review and with the existing RPD-7 zoning.

Thank you for your consideration.

Sincerely yours,


Johan Lowie,
as Manager of EHB Companies LLC,
the Manager of 180 Land Company LLC

GPA-68385

PRJ-67184
12/28/16

p 702-940-6930 f 702-940-6931 1215 S. Fort Apache Drive, Suite 120 Las Vegas, NV 89117 ehbcompanies.com

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Planning & Zoning 101

1

Submitted at Planning Commission
by George Garcia
Date 2/14/17 Item 21-24

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• **QUESTION:** Does zoning “Trump” the LVC 2020 Master Plan (Also referred to as “General Plan”) and its land use designations as argued by the Developer and the City Planning Department (EXHIBIT 1 & 2) or does zoning only implement the allowable densities and corresponding zoning categories provided under the General Plan?

• **ANSWER:** NRS Chapter 278, the City’s General Plan and City Code, the Nevada Supreme Court and the City’s own approvals regarding the Peccole Ranch Master Development Plan – Phase II, confirm the Developer and the City’s Planning Department are 100% wrong and zoning does not “Trump” the City’s General Plan.

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Creation of City's General Plan

- In April, 1990, when the City Council approved the Peccole Ranch Master Development Plan – Phase II (“Peccole-Phase II”), the City had previously adopted a General Plan pursuant to NRS 278.150 which provided for Residential Planned Development Districts. (“RPDs”) (Exhibit 3)
- The City ordinance then in effect, 19.18.030, clearly states the number of dwelling units per GROSS acre in the R-PD District shall be determined by the General land use Plan. (Exhibit 4) This requirement has not changed since that time.
- In 1992, the City adopted a more complete General Plan and that General Plan has evolved into the current C-LY 2020 Master Plan.

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The City's General Plan/Master Plan Is Entitled "The Las Vegas 2020 Master Plan".

- The **General Plan/Master Plan** is the foundation for land use planning by units of local government. The Plan provides a vision for the foreseeable planning horizon – usually 10 to 20 years – and translates it into goals and policies for the physical development of the city or county. All other land use ordinances, policies and practices flow from the general plan. The General Plan/Master Plan covers all of the land within the jurisdiction and any additional land that, in the agency's judgment, bears relation to its planning. (Land Use Elements, Page 19)
- **NRS 278**
 - The State of Nevada pursuant to **NRS 278.150** requires the City to prepare and adopt a comprehensive, long-term general plan for the physical development of the city.
 - pursuant to **NRS 278.160** the General Plan must include the following
 - A land use plan, including an inventory and classification of types of natural land and of existing land cover and uses, and comprehensive plans for the most desirable utilization of land.
 - The land use plan; must, if applicable, address mixed-use development, transit oriented development, master-planned communities and gaming enterprise districts.
 - As previously set forth, the City of Las Vegas adopted its first General Plan prior to the 1990 approval of Peccole – Phase II.

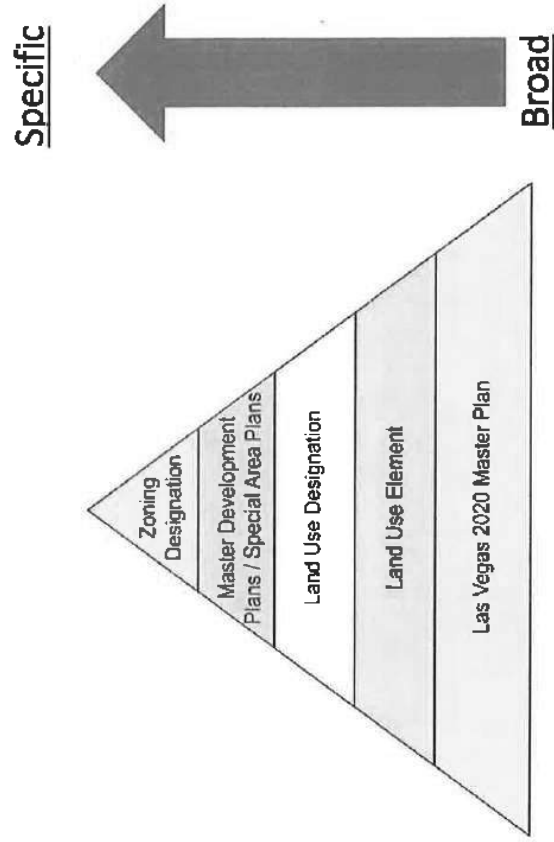
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Land Use Hierarchy CLV 2020 Master Plan

The land use hierarchy of the city of Las Vegas is designed to progress from broad to specific.



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The Following are the various levels established by the Land Use Hierarchy in the CLV 2020 Master Plan

- Land Use Element (Page 7)
- Land Use Designations (Page 8)
- Master Development Plans/Special Area Plans (Pages 9 & 10)
- Zoning designation (Page 11)

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Land Use Element

- Land Use Element of the CLV General Plan - is the central element of the General Plan. It serves as the long-range planning tool used in conjunction with other elements of the Master Plan to guide the city's future growth, revitalization, and preservation efforts.
- Land Use Element is designed to provide updated information regarding existing land use and to be a quick reference for future land use definitions, **allowable densities** and **corresponding zoning** categories.

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- All 27 holes of the Badlands Golf Course have been officially designated PR-OS by the City pursuant to the above Land Use Designations in the General Plan/Master Plan for more than 20 years. PR-OS does not provide for any allowable residential density.
- The only allowable zoning category under PR.OS is CV ("Civic"). R-PD7 is not certified as an allowable zoning category in the PR-OS

Master Development Plan

- Master planned areas are comprehensively planned developments that are Consistent with the General Plan and other applicable plans, policies, standards and regulations.
- Master Development Plan: A specific written plan with accompanying land use maps and text which identify, with respect to any PUD including RPD, PD, and PCD District development, the proposed location and size of development parcels, **land uses** and **zoning designations**; transportation plans and a traffic impact analysis; **open space**, community facilities and amenity plans; and the applicable development regulations and design standards
- Peccole – Phase II is an approved Master Development Plan in conformance with the City's General Plan
 - Exhibit 5: City Council minutes of April 4, 1990 (At the Planning Commission meeting, staff indicated that the density of the Master Plan was within the average density of 7 units per acre **recommended in the General Plan**)
 - Exhibit 6: City's confirmation letter dated January 29, 1991.

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Master Development Plan – Cont.

The Peccole Ranch Master Development Plan Phase II: Conforms to the General Plan

- Conformance to the General Plan Requirements:
 - Provides for an Efficient, orderly and complementarity variety of land uses.
 - Encourages the master planning of large parcels under single ownershipto ensure a desirable living environment...
 - Provides for the continuing development of a diverse system of open space. (Page 17 of the Peccole Ranch master Development Plan Phase II as adopted by City Council April 1990)
 - According to the General Plan, Peccole Ranch is a **Master Development Plan which conforms**, and is similar to others located within the Southwest Sector: Canyon Gate, Desert Shores, The Lakes, Ranch South Shores, Summerlin North, Summerlin West & Sun City.
 - Exhibit 7: Excerpt from 1992 General Plan
 - Exhibit 8: Excerpts from Land Use element
 - Exhibit 9: Southwest Sector Land Use categories map, revised February 18, 2015

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Zoning Designation

The Relationship of Zoning to the City's Master/General Plan is set forth in Title 19 and specifically in 19.00.040

"The adoption of this Title is consistent and compatible with and furthers the goals, policies, objectives and programs of the General Plan.

For purposes of this Section, "consistency with the General Plan" means not only consistency with the Plan's land use and density designations, but also consistency with all policies and programs of the General Plan, including those that promote compatibility of uses and densities, and orderly development consistent with available resources."

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Zoning Implements Densities Established by the General Plan/Master Plan and Zoning must be in Conformance with the General Plan

- State of Nevada: The zoning regulation must be adopted in accordance with the City's Master Plan for land use (NRS 278.250-2).
- See Land Use Element – Page 7.
- Unified Development Code of the City of Las Vegas (Title 19): Any zoning or rezoning request must be in substantial agreement with the Master Plan (General Plan) as required by Nevada Revised Statutes 278.250 and Title 19.00 of the Las Vegas Municipal Code.
- NOVA Horizon v. City Council, Reno 105 Nev. 92,02 (1989)
 - The Nevada Supreme Court held that a Zoning Authority must adopt zoning regulations that are in substantial agreement with the Master Plan (NRS 278.250.2) including any land use guide (NRS 278.010). The court further "...determined that Master Plans are to be accorded substantial compliance under Nevada's Statutory scheme..."
- Approval of Peccole -- Phase II by City Council in April, 1990 required densities to be in conformance to the General Plan (Exhibit 5).

CONCLUSION

It is irrefutable that zoning regulations only implement, not create, the densities provided for in the City's Master Plan and any zoning must be in substantial conformance to the allowable densities established in the City's land use element.

(Footnote: The developer predicates its claim that zoning "Trumps" the General Plan based upon an erroneous belief that there was pre-existing zoning (R-PD7) on the golf course property before the City adopted its General Plan in 1992. (See Exhibit 2) First, the City had a General Plan when Peccole-Phase II was approved in 1990 and the City's approval references conformance to the existing General Plan. Second, and more importantly, the pre-existing zoning resolutions of intent regarding Peccole Phase II were specifically expunged by the City when it approved the three zoning categories – R-PD7, R-3 & C-1, for Peccole-Phase II in April 1990. – (Exhibit 6)

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EXHIBIT 1

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January 9, 2017

General Plan Amendment of Parcel No. 138-31-702-002

Dear Neighbor,

The General Plan Amendment ("GPA") on Parcel No. 138-31-702-002 from PR-OS (Parks, Recreation and Open Space) to L (Low Density Residential) is an administrative corrective action directed by City of Las Vegas Planning Staff to bring the City of Las Vegas 2020 Master Plan into conformance with the already existing R-PD7 zoning (Residential Planned Development District – 7.49 Units per Acre). The current PR-OS designation does not reflect the underlying residential zoning of R-PD7 or the intended residential development use of the Property, as illustrated by the attached 61 Lot Subdivision, an application for which, is currently in process.

Please be aware that City of Las Vegas Planning Staff has recommended approval of the Applicant's February 14, 2017 abeyance request and this abeyance request will be heard at tomorrow night's Planning Commission meeting. As always, if you have any additional questions and/or concerns please feel free to contact Jennifer Knighton at 702-940-6930 or jknighton@ehbcompanies.com to schedule a time to speak or meet.

Sincerely yours,

p 702-940-6930 f 702-940-6931 1215 S. Fort Apache Drive, Suite 120 Las Vegas, NV 89117 ehbcompanies.com

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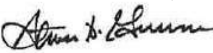
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EXHIBIT 2

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CLERK OF THE COURT

ROPP

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

**DISTRICT COURT
CLARK COUNTY, NEVADA**

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

Plaintiffs,

vs.

FORE STARS, LTD., a Nevada Limited
Liability Company; 180 LAND CO., LLC, a
Nevada Limited Liability Company; SEVENTY
ACRES, LLC, a Nevada Limited Liability
Company; and THE CITY OF LAS VEGAS,

Defendants.

CASE NO. A-15-729053-B

DEPT. NO. XXVII

Courtroom #3A

**DEFENDANTS FORE STARS, LTD., 180
LAND CO., LLC AND SEVENTY ACRES,
LLC'S REPLY in support of
MOTION TO DISMISS FIRST AMENDED
COMPLAINT**

**And
OPPOSITION TO COUNTERMOTION
UNDER NRCP 56(f)**

Come now Defendants Fore Stars, Ltd., 180 Land Co., LLC and Seventy Acres, LLC (at times
collectively "Defendants") and hereby file this Reply in support of their Motion to Dismiss Plaintiffs'
First Amended Complaint, and Opposition to the Countermotion, under NRCP 56(f). This Reply and
Opposition is based on NRCP 12(b)(5), the attached memorandum of points and authorities, the

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1 foreshadowed by Mr. Bice as part of his December, 2015 press interview), premised on the same
2 argument that they had "vested rights" that they could assert pursuant to the Master Declaration and
3 their purchase documents. In the course of four (4) months, there were ninety (90) filings in that case,
4 including a Motion to Dismiss by Defendants. Judge Denton did not have the benefit of the extensive
5 record when ruling on the first Motion to Dismiss in this case. Judge Smith specifically found⁵ that:

- 6 • Queensridge Master Planned Community was **not** a 278A PUD community;
- 7 • NRS 278A did not apply to the Queensridge Master Planned Community;
- 8 • Queensridge was a CIC under NRS 116;
- 9 • NRS 278A does not apply to common interest communities;
- 10 • Defendants' actions in creating parcel maps were proper;
- 11 • Defendants have hard zoning and a right to develop the Land;
- 12 • The Master Declaration, and its' restrictions, do not apply to the Land.

13 **C. Plaintiffs Red Herring Arguments.**

14 Plaintiffs attempt to confuse and/or mislead this Court by pointing to an erroneous and
15 irrelevant PR-OS land use element, which they contend allegedly prevents the Land from being
16 developed as residential. But as the Planning Director and Assistant Planning Director repeatedly
17 confirmed, "One has the right to petition the government—regarding land use entitlements or
18 applications and ultimately the City Council will make their decision." See excerpts of Deposition of
19 Tom Perrigo and Peter Lowenstein, attached as Exhibits "EE" and "FF."

20 Land use is only a planning tool to get to zoning that either identifies how the land is presently
21 being used or provides guidance as to the preference of how it should be used in the future, but that
22 between the two, zoning "trumps" the General Plan and its land use designation. See excerpts of
23 Deposition of Tom Perrigo and Peter Lowenstein, attached as Exhibits "GG" and "HH." Indeed, the
24 *Cassinelli v. Humboldt County* decision, Exhibit "I" to the Motion to Dismiss, confirms at p. 5 that
25 "because the zoning ordinance existed before the...master plan, and the county did not revise its
26 zoning ordinances after the master plan was adopted, NRS 278.250 (2) does not apply," and further
27 concluded that "master plans should not be viewed as a 'legislative straightjacket from which no leave

28 ⁵ See November 30, 2016 Findings of Fact, Conclusions of Law and Order Granting Defendants' Motion to Dismiss,
attached as Exhibit "MM," Findings No. 41-74.

1 can be taken"—local discretion is permissible." Once you have the zoning, the head is effectively
2 removed from the body, unless you seek a change.

3 The City of Las Vegas Land Use & Rural Neighborhoods Preservation Element of the 2020
4 Master Plan, adopted by the City Council on September 2, 2009 and revised on May 8, 2012, provides
5 at page 19 the land use hierarchy demonstrating how the City of Las Vegas uses the Master Plan, Land
6 Use Element, Land Use Designation, and Master Development Plans to get to zoning.¹ See Land Use
7 Hierarchy Table, attached as Exhibit "II." The only time the Master Plan or any of the other "layers"
8 need to be revisited is when one is requesting a change in existing zoning. But Defendants have always
9 had the right, and retain the right, to develop the Land within its existing R-PD7 zoning entitlements:

10 The land use element passed in 1992 to be generally applied in the neighborhood of
11 Defendants' property at no time affected Defendants' ability to develop its property or the precedence
12 of its zoning entitlements. Specifically, Bill No. 92-2, Ordinance No. 3636, dated April 1, 1992, which
13 adopted a Land Use Element for the Southwest Sector, *specifically exempted the Land Use*
14 *Designation from affecting in any regard Defendants' predecessor's ability to develop its property in*
SECTION 3, providing:

15 The adoption of the General Plan referred to in this Ordinance **shall not be deemed to**
16 **modify or invalidate any proceeding, zoning designation, or development approval**
17 **that occurred before the adoption of the Plan** nor shall it be deemed to affect the
18 Zoning Map adopted by and referred to in LVMC 19.02.040." See Bill No. 92-2, Exhibit
"JJ," at Section 3.

19 Further, NRS 278 is explicit that in the event that a Land Use Designation of a City's Master
20 Plan (generally referred to as "General Plan") is inconsistent with the zoning entitlements, the zoning
entitlements and ordinances shall take precedence. NRS 278.349(3)(e), for example, provides:

21 "3. The governing body, or planning commission if it is authorized to take final action
22 on a tentative map, shall consider: (e) Conformity with the zoning ordinances and
23 master plan, except that if any existing zoning ordinance is inconsistent with the master
24 plan, **the zoning ordinance takes precedence;** (Emphasis added)."

25 **D. Plaintiffs Are Not Aggrieved Parties With Standing to Complain About Parcel Maps**
on Adjacent Land, Particularly When The Proper Process Was Followed.

26 Plaintiffs ridiculously allege that Defendants were engaged in "scrial mapping" to allegedly
27 conceal from Plaintiffs and other homeowners their plans and "evade the law." That is patently untrue,
28 as evidenced by Defendants' transparency through multiple meetings held at the Queensridge HOA to

1 the land use?

2 A. The -- not instances. Again, my
3 understanding, and I probably have to defer to the
4 City Attorney's Office with whom I have had
5 conversations regarding this exact question --

6 Q. Don't tell me exactly what they have told
7 you. I'm trying to understand what your position
8 is.

9 A. I'm not going to tell you what they told
10 me.

11 Q. Okay.

12 A. My position is that the zoning is the --
13 what's the proper way to say it? The zoning governs
14 more -- I guess zoning first, land use second.

15 Q. So --

16 A. If the land use and the zoning aren't in
17 conformance, then the zoning would be a higher order
18 entitlement, I guess.

19 Q. So it's your position that zoning
20 supercedes the general plan --

21 A. Yes.

22 Q. -- or the master plan?

23 A. Yes.

24 Q. Is that spelled out anywhere in the City's
25 code?

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EXHIBIT 3

ROR023145

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A. INTRODUCTION

The Short-Range Plan contains the administrative mechanism whereby the city seeks to support and fulfill the concepts contained in the policies and programs enumerated in the Long and Mid-Range plans. The Short-Range Plan presents a procedure by which the city's objectives can be measured and the day-to-day task of analyzing urban development can be charted.

In essence, this portion of the General Plan becomes an implementing tool to achieve the standards established for tomorrow's growth. Because of the active nature of the Short-Range Plan, it is more precise and is formatted differently than the prior plans. Its purpose is to assist in the provision of appropriate and compatible land uses.

In this context, the focus of the General Plan, as presented in the Short-Range Plan, switches away from goals, policies and programs and proposes land use concepts as a systematic method to integrate the objectives of the previous plans. The Short-Range Plan becomes less abstract. It encourages development which will accommodate and improve the diverse lifestyles desired by Las Vegas residents.

B. CONCEPT OF THE SHORT-RANGE PLAN

This section of the General Plan develops a format which is useful, consistent, and will, in fact, promote the vast arrangement of different living environments needed in the City of Las Vegas. The City's approach to addressing this need was to develop planning districts based upon the intensity of urban development expressed in terms of population per square mile. Each square mile and the population density contained within it become a basic planning and measuring unit from which almost all additional calculations are made. This planning unit is referred to as a Residential Planning District. The combination of two or more Residential Planning Districts of a predominant or homogeneous characteristic are classified as a Community Profile. The merger of the Community Profiles produces the geographical area called Las Vegas.

C. RESIDENTIAL PLANNING DISTRICTS (RPD'S)

The policies contained in the Short-Range Plan focus on residential development. To accommodate different living environments and lifestyles, the Short-Range Plan provides three basic types of Residential Planning Districts: Urban, Suburban and Rural. Flexibility and variation in the types and development densities in each RPD are provided by a range of density categories. An RPD is a geographic area that is generally one-mile square and bounded by primary thoroughfares.

Each of the three basic residential planning districts reflects design concepts and distinctive residential lifestyles. A district may include several types of development; however, each type of planning district will retain an overall character and density established by the General Plan. The Community Profiles, when taken together, include all the RPDs in the City and reflect the composite population established for the entire city. The three types of residential planning districts are described as follows:

Not all Residential Planning Districts will be optimum size. Portions of Residential Planning Districts may also contain non-residential development or uses that do not relate directly to the needs of the area. When this occurs, Table 3.2 is to be utilized to determine the reduction factor as well as the designed dwelling units and population for each type of residential planning district.

TABLE 3-2
RPD Population & Dwelling Units — Reduction Factors

Percent of Area ¹	Reduction Factor	Urban RPD		Suburban RPD		Rural RPD	
		Population	Units	Population	Units	Population	Units
10- 19%	.15	16,100	8,300	10,200	3,700	2,500	900
20- 29%	.25	14,200	7,300	9,000	3,300	2,200	800
30- 39%	.35	12,400	6,400	7,800	2,900	1,900	700
40- 49%	.45	10,500	5,400	6,600	2,400	1,600	600
50- 74%	.63	7,000	3,800	4,400	1,600	1,100	400
75-100%	.88	2,300	1,200	1,400	500	400	200

¹Percent of land area in other uses not listed in the RPD residential or non-residential standards as specified in Table 3.1.

NOTE: Population and dwelling units may not correlate due to rounding.

E. MIXTURE OF DENSITY CATEGORIES WITHIN RESIDENTIAL PLANNING DISTRICTS

While each of the aforementioned types of residential planning districts define an overall character of development, a variation in residential densities can be expected to occur within each RPD. Each of the three types of living environments and accompanying lifestyles include a range of residential categories. For example, an Urban Residential Planning District can include both high-density apartments and small lot single family homes. The Rural Residential Planning district is designed to permit a range of housing from conventional single family tract homes, to estate size single family homes on several acres.

The population and density capacities for each of the residential planning districts are summarized in Table 3.3.

TABLE 3-3
Residential Planning Districts Planning Capacities

RPD Type	Population Per Square Mile	Dwelling Units Per Square Mile	People Per Gross Acre
Urban	17,000-18,000	9,800	26.6-29.7
Suburban	11,000-12,000	4,400	17.2-18.8
Rural	2,500- 3,000	1,100	3.9- 4.7

Table 3.4 sets forth guidelines for the mix of residential densities that can be expected in each type of residential planning district. If one of the density categories is exceeded in any particular residential planning district, the difference must be made up from other density categories in order to maintain the same overall character and density pattern within the residential planning district.

TABLE 3-4
RPD Density Ratios
Percent of Residential Land Area by Type of Dwelling Unit Density

Density Category DU's/ Gross Acre	High Over 20	Medium 12-20	Medium Low 6-12	Low 3-6	Rural 0-3
RPD					
Urban	50%	25%	25%	0	0
Suburban	0	10%	60%	30%	0
Rural	0	0	0	15%	85%

F. COMMUNITY PROFILE SYSTEM

Community Profiles are designated areas of the City comprising two or more residential planning districts and having a predominant or homogeneous characteristic, such as the City's "downtown" area or the medical facility area in the vicinity of the Southern Nevada Memorial Hospital. The community profile maps reflect the preferred location and density ranges for the various types of land uses throughout the City. Consequently, there may be more area designated for certain types of land uses and greater densities than would ultimately be allowed for the purpose of providing development options. The amount of land allocated to the land uses and the densities on each profile map are continually balanced by City staff in conjunction with the Residential Planning District System to result in the designed number of residential dwelling units and support uses.

Sixteen Community Profiles, each with a separate land use map and supporting text, comprise the General Plan study area. This system of profile areas can be expanded as circumstances require. These profile maps and texts enable the City to review individual development projects in terms of land use and the policies contained in the General Plan. Thus, land use totals will change over time as development occurs and the desired balance of uses is achieved.

EXHIBIT 4

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19.18.027

PD District, subject to the limitations set forth in Sections 19.55.010 and 19.55.020
(Ord. 3224 § 8, 1986)

19.18.027 Conditional uses. The following additional use is permitted in the R-PD District, subject to the securing of a special use permit in each case as provided in Chapter 19.90:

(A) Residential facility for adult care, provided it meets the criteria set forth in Section 19.10.060.
(Ord. 3251 § 13, 1986)

19.18.030 Density designation. The number of dwelling units permitted per gross acre in the R-PD District shall be determined by the General Land Use Plan. The number of dwelling units per gross acre shall be placed after the zoning symbol "R-PD"; for example, a development for six units per gross acre shall be designated as "R-PD6."
(Ord. 1582 § 3 (part), 1972; prior code § 11-1-11.B(C))

19.18.040 Size. The minimum site area requested in the R-PD District shall be five acres, except the Board of Commissioners may waive the minimum site area.
(Ord. 1582 § 3 (part), 1972; prior code § 11-1-11.B(D))

19.18.050 Presubmission conference — Plans required.

(A) Generally, a presubmission conference shall be required for a planned unit development with the developer, or his authorized representative, and staff of the Planning Department to discuss density requirements and preliminary site planning.

(B) Plans necessary for submission with an application for a planned unit development are as follows:

(1) Five sets of complete development plans showing the proposed uses for the property including dimensions and location of all proposed structures, parking spaces, common areas, private drives, public streets and the exterior boundaries. If the development is to be constructed in phases, each phase shall be delineated on the site plan. Each set of plans shall include floor plans and elevations of buildings;

(2) Drainage information which shall consist of either a contour map or sufficient information indicating the general flow pattern or percentage of slope;

(3) One copy of the conditions, covenants and restrictions (CC&R's).
(Ord. 1582 § 3 (part), 1972; prior code § 11-1-11.B(E))

(Las Vegas 3-87)

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EXHIBIT 5

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G. ZONE CHANGE - PUBLIC HEARING

3. Master Development Plan Amendment related to Z-17-90

This is a request to amend a portion of a previously approved Master Plan for the Peccole Ranch Property, Phase II. Phase II contains 996.4 acres and comprises property located south of Angel Park between Durango Drive and Hualpai Way extending south to Sahara Avenue. There are 4,247 units proposed and the gross density for Phase II is 4.3 dwelling units per acre. A related item, Z-17-90, is Item X.B.4. on this agenda.

Master Development Plans have been approved for this property in 1981, 1986 and 1989. The portion identified as Phase I was approved as part of the 1989 Plan and is currently under development. The significant changes to this plan from the 1989 plan is the addition of a golf course, a larger resort/casino site and the 100 acre commercial center site north of Alta Drive, between Durango Drive and Rampart Boulevard. The proposed multi-family uses have been reduced from 105 acres to 60 acres. A 19.7 acre school site is designated on a site south of Charleston Boulevard. The following table indicates the proposed land uses and acreage for Phase II:

<u>LAND USE</u>	<u>PHASE II ACREAGE</u>	<u>PERCENT OF SITE</u>
Single Family	401	40.30%
Multi-family	60	6.02%
Neighborhood Commercial/Office	194.3	19.50%
Resort/Casino	56.0	5.62%
Golf Course/Drainage	211.6	21.24%
School	13.1	1.31%
Rights-of-Way	60.4	6.07%

At the Planning Commission meeting, staff indicated that the density of this Master Plan was within the average density of 7 units per acre recommended in the General Plan. Staff recommended, however, that Apple Lane should be extended to Durango Drive in conjunction with the shopping center site. The Planning Commission recommended approval of the Plan subject to the resort site and shopping center uses being posted with signs to indicate the proposed uses. The Planning Commission also required that the surrounding property owners be notified when development plans for the resort and commercial center sites are submitted for review.

There were several protestants at the meeting who voiced their objection to the size of the shopping center site and the proposed destination resort site.

Planning Commission Recommendation: APPROVAL

Staff Recommendation: APPROVAL

PROTESTS: 5 (at meeting)

SEE ATTACHED LOCATION MAP


HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

ROR023154

24586

24563

EXHIBIT 6

ROR023155

24587

24564

Exhibit 60

MAYOR RON LURIE
COUNCILMEN
BOB NOLEN
STEVE MILLER
ARNE ADAMSEN
SCOTT HIGGINSON



CITY of LAS VEGAS

CORRECTED LETTER

January 29, 1991

William Peccole 1982 Trust
2760 Tioga Pines Circle
Las Vegas, Nevada 89117

RE: Z-17-90 - ZONE CHANGE

Gentlemen

The City Council at a regular meeting held April 4, 1990 APPROVED the request for reclassification of property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue, from: N-U (Non-Urban)(under Resolution of Intent to R-1, R-2, R-3, R-PD7, R-PD8, R-MHP, P-R, C-1, C-2 and C-V), to: R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development) and C-1 (Limited Commercial). Proposed Use Single Family Dwellings, Multi-Family Dwellings, Commercial, Office and Resort/Casino, subject to:

1. A maximum of 4,247 dwelling units be allowed for Phase II
2. Conformance to the conditions of approval for the Peccole Ranch Master Development Plan, Phase II.
3. Approval of plot plans and building elevations by the Planning Commission for each parcel prior to development.
4. At the time development is proposed on each parcel appropriate right-of-way dedication, street improvements, drainage plan/study submittal, drainageway improvements, sanitary sewer collection system extensions and traffic signal system participation shall be provided as required by the Department of Public Works



400 E STEWART AVENUE • LAS VEGAS, NEVADA 89101 • (702) 386-6011

ROR023156

24588

24565

William Peccola 1982 Trust
January 29, 1991
RE. 2-17-90 - ZONE CHANGE
Page 2.

- 5 Signs shall be posted on the resort/casino and commercial center sites to indicate the proposed uses.
- 6 The surrounding property owners shall be notified when the development plans for the resort/casino and commercial center sites are submitted for review.
7. The existing Resolution of Intent on this property is expunged upon approval of this application.
8. Resolution of Intent with a five year time limit.
- 9 Satisfaction of City Code requirements and design standards of all City departments.
10. Approval of the parking and driveway plans by the Traffic Engineer.
11. Repair of any damage to the existing street improvements resulting from this development as required by the Department of Public Works
12. Provision of fire hydrants and water flow as required by the Department of Fire Services.

Sincerely,


KATHLEEN M TIGHE
City Clerk

KMT.cmp

cc: Dept. of Community Planning & Development
Dept of Public Works
Dept of Fire Services
Dept. of Building & Safety
Land Development Services

1515 Mr. A. Wayne Smith
A. Wayne Smith & Associates
1444 E. Missouri, Suite 100
Phoenix, Arizona 85014

VTN Nevada
2300 Paseo Del Prado, A-100
Las Vegas, Nevada 89102

Sean McGowan
2300 W. Sahara, Box 10
Las Vegas, Nevada 89102

ROR023157

24589

24566

EXHIBIT 7

ROR023158

24590

24567

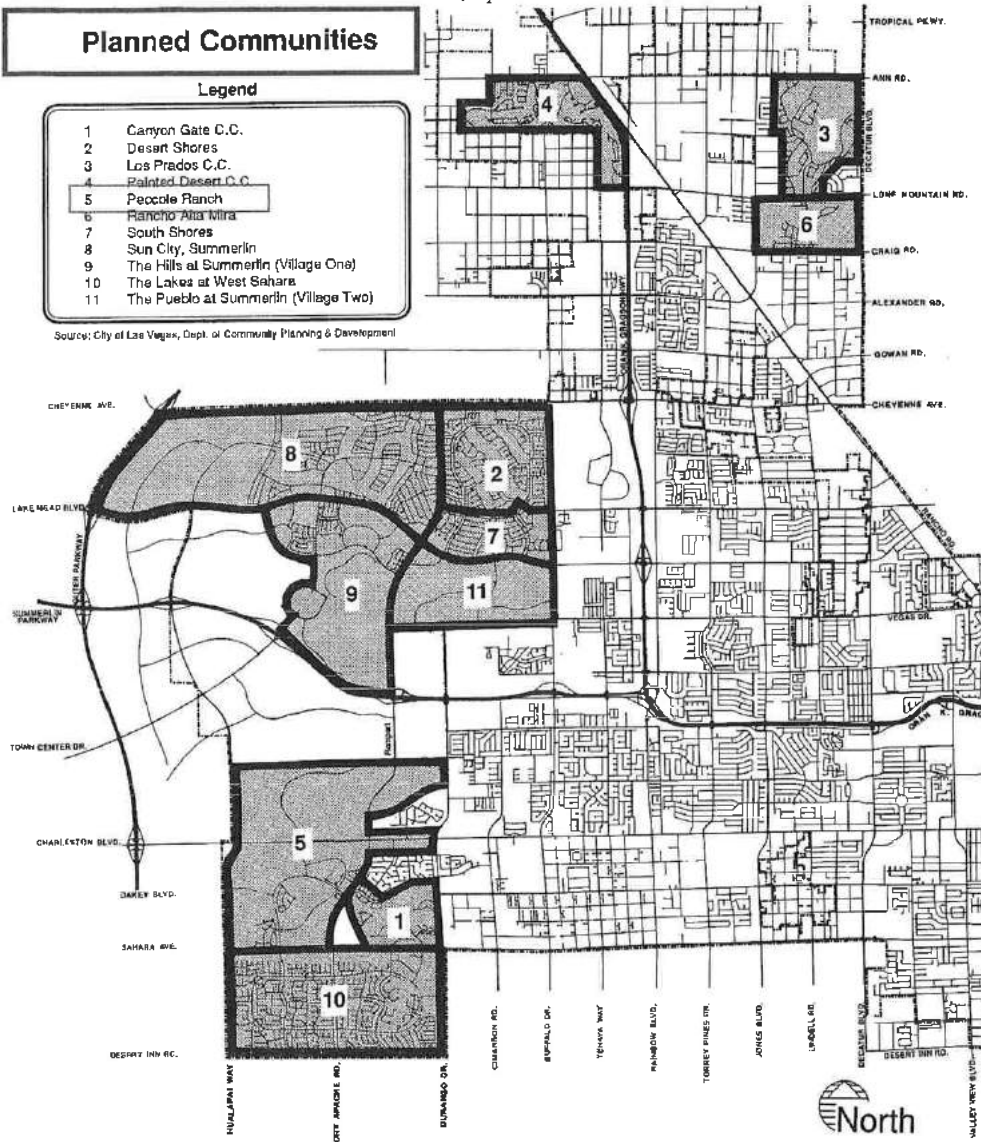
Map 4

Planned Communities

Legend

- 1 Canyon Gate C.C.
- 2 Desert Shores
- 3 Los Prados C.C.
- 4 Painted Desert C.C.
- 5 Peccole Ranch
- 6 Rancho Alta Mira
- 7 South Shores
- 8 Sun City, Summerlin
- 9 The Hills at Summerlin (Village One)
- 10 The Lakes at West Sahara
- 11 The Pueblo at Summerlin (Village Two)

Source: City of Las Vegas, Dept. of Community Planning & Development



Land Use

II-4d

ROR023159

24591

24568

EXHIBIT 8

ROR023160

24592

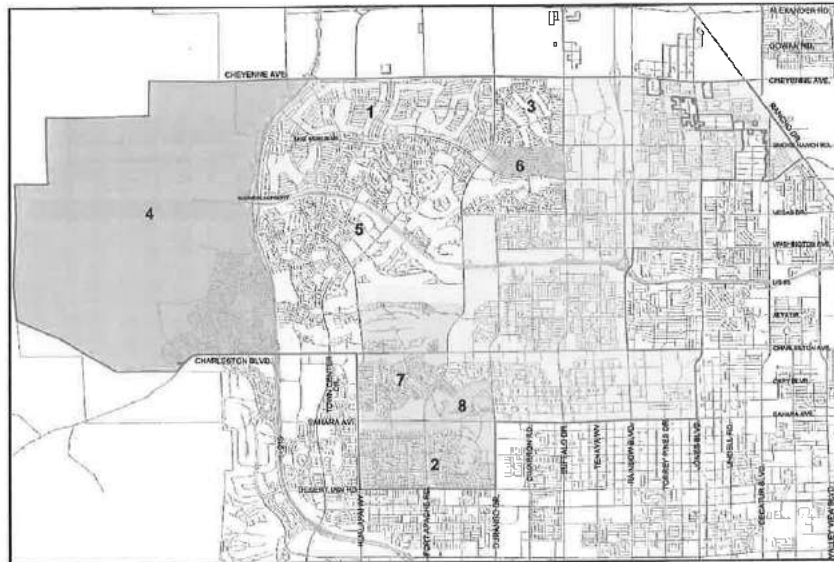
24569

SOUTHWEST SECTOR

The Southwest Sector of the Master Plan is located along Cheyenne Avenue to the north, portions of Rainbow and Jones Boulevard to the east, the Bruce Woodbury Beltway to the west, and the city limit boundaries to the south. Many of the city's more recently developed areas such as Summerlin and the Lakes are located within the Southwest Sector Plan. The following Master Development Plan Areas are located within the Southwest Sector:

Canyon Gate	Desert Shores
The Lakes	Peccole Ranch
South Shores	Summerlin North
Summerlin West	Sun City

**Exhibit 4:
Southwest Sector Map**



Printed: November 16, 2008

- | | | |
|-----------------|-------------------|------------------|
| 1 Sun City | 4 Summerlin West | 7 Peccole Ranch |
| 2 The Lakes | 5 Summerlin North | 8 Canyon Gate |
| 3 Desert Shores | 6 South Shores | Southwest Sector |
| | | Freeway |

Future Land Use



PD-0006-05-2012 RS LU_RNP

page 27

ROR023162

24594

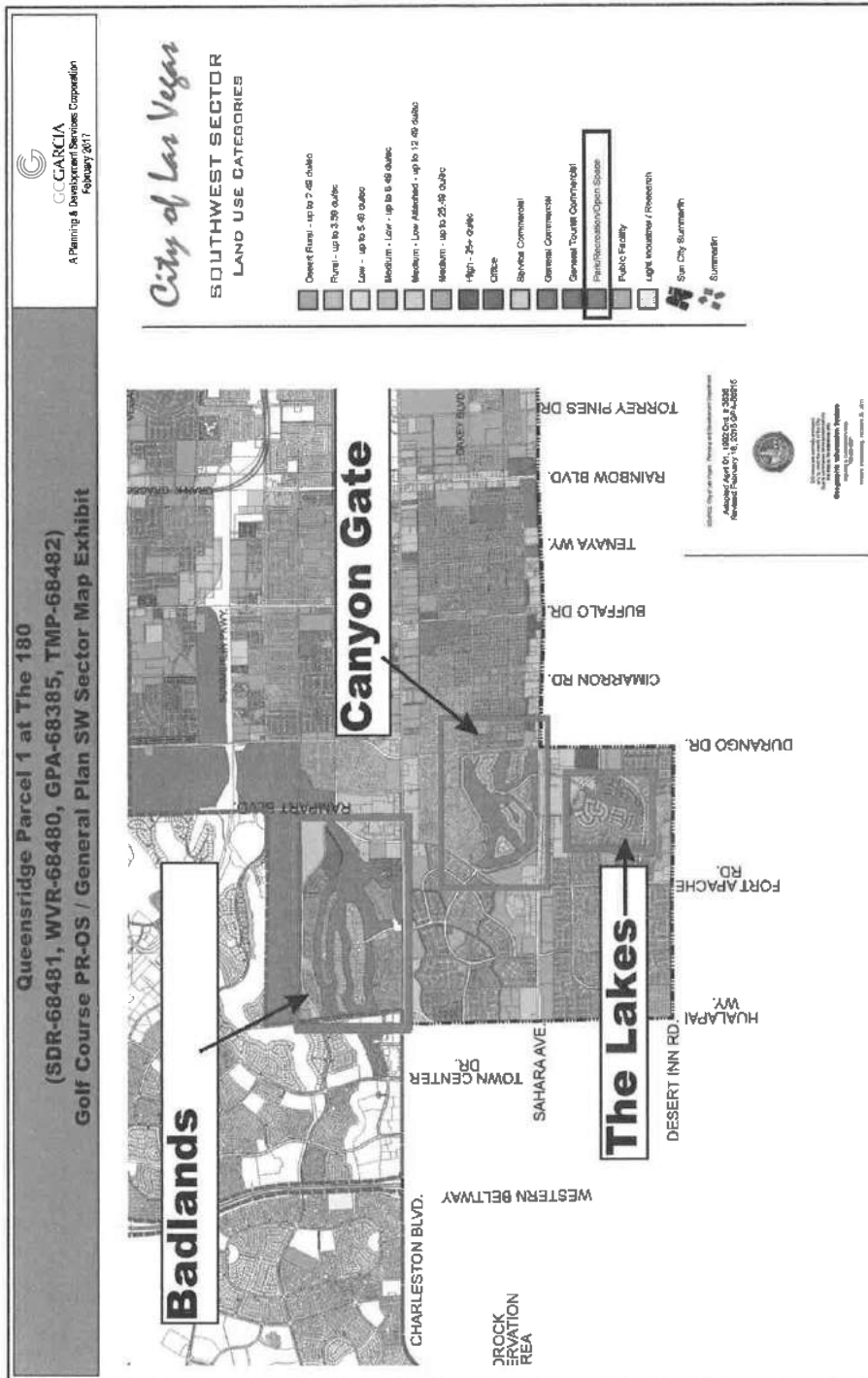
24571

EXHIBIT 9

ROR023163

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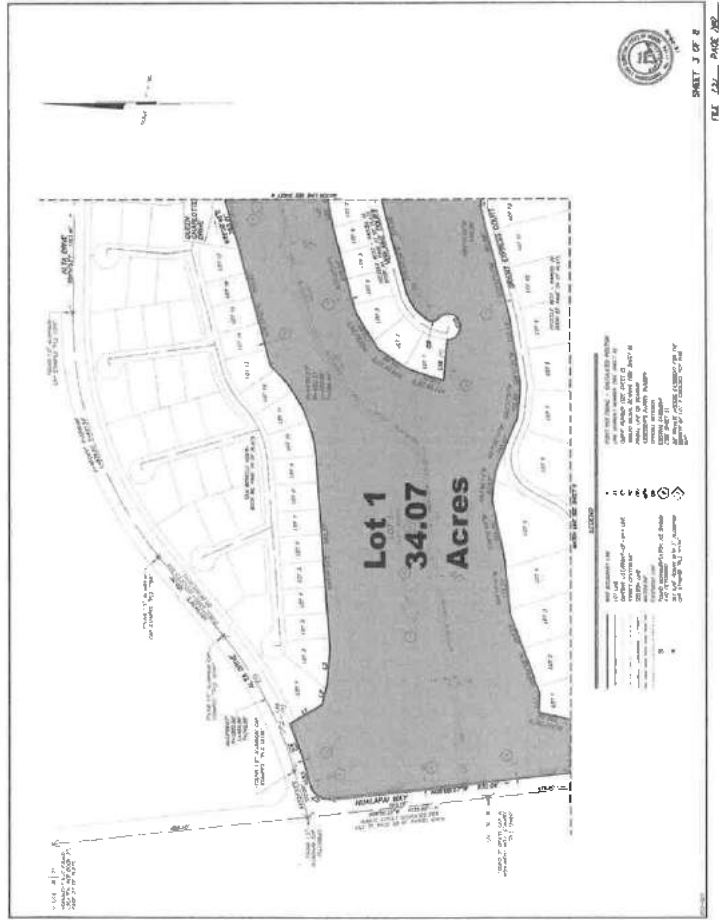
ROR023165

24597

24574

Queensridge Parcel 1 at The 180
(SDR-68481, WVR-68480, GPA-68385, TMP-68482)
Clark County Recorded Parcel Map 64285 & Drainage Exhibit

CC CARCIA
 A Planning & Development Services Corporation
 February 2017



ROR023166

24598

24575

Queensridge Parcel 1 at The 180
(SDR-68481, WVR-68480, GPA-68385, TMP-68482)
Major Modification/Master Plan Exhibit

CC GARCIA
A Planning & Development Services Corporation
February 2017

SOUTHWEST SECTOR

This Southwest Sector of the Master Plan is located along Chrymch Avenue to the north, Wilson to the south, and the 180 to the east. The Southwest Sector is located in the southwest corner of the City of San Jose. The 180 is located to the west of the Southwest Sector. The 180 is located to the west of the Southwest Sector. The 180 is located to the west of the Southwest Sector.

Neighboring Sector:
Chrymch Ave
Wilson
South
180

Master Plan 2020 Land Use Element

The following table shows the 2020 Master Plan Land Use Element for the Southwest Sector. The table shows the 2020 Master Plan Land Use Element for the Southwest Sector. The table shows the 2020 Master Plan Land Use Element for the Southwest Sector.

2020 Plan Strategic Area	Land Use Element
Chrymch Ave	Chrymch Ave
Wilson	Wilson
South	South
180	180

MASTER PLAN DEVELOPMENT AREAS AND SPECIAL LAND USE DESIGNATION

The following table shows the 2020 Master Plan Land Use Element for the Southwest Sector. The table shows the 2020 Master Plan Land Use Element for the Southwest Sector. The table shows the 2020 Master Plan Land Use Element for the Southwest Sector.

2020 Plan Strategic Area	Land Use Element
Chrymch Ave	Chrymch Ave
Wilson	Wilson
South	South
180	180

2020 Plan Strategic Area

Chrymch Ave

Wilson

South

180

MASTER PLAN DEVELOPMENT AREAS AND SPECIAL LAND USE DESIGNATION

The following table shows the 2020 Master Plan Land Use Element for the Southwest Sector. The table shows the 2020 Master Plan Land Use Element for the Southwest Sector. The table shows the 2020 Master Plan Land Use Element for the Southwest Sector.

2020 Plan Strategic Area	Land Use Element
Chrymch Ave	Chrymch Ave
Wilson	Wilson
South	South
180	180

2020 Plan Strategic Area

Chrymch Ave

Wilson

South

180

MASTER PLAN DEVELOPMENT AREAS AND SPECIAL LAND USE DESIGNATION

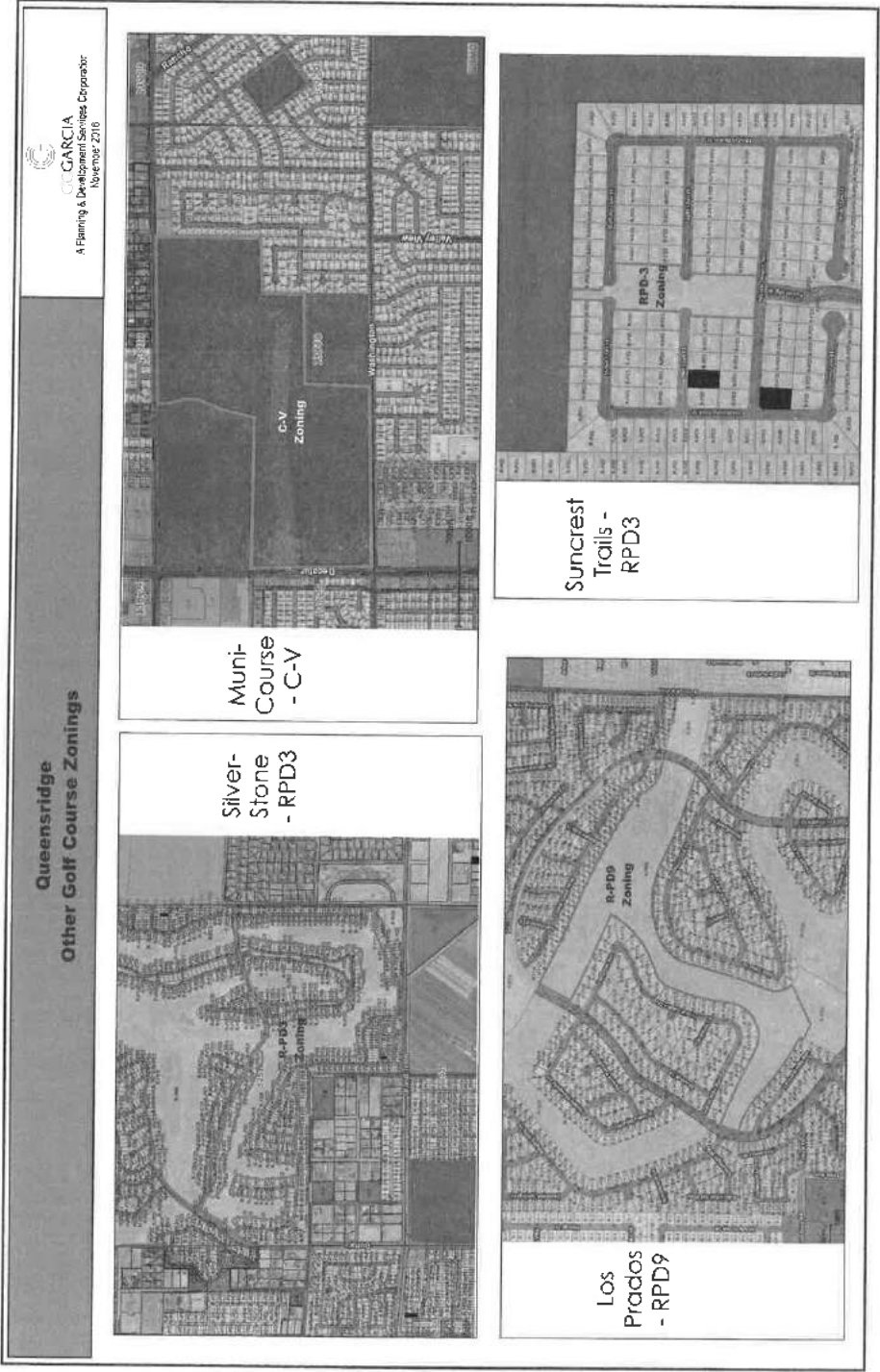
The following table shows the 2020 Master Plan Land Use Element for the Southwest Sector. The table shows the 2020 Master Plan Land Use Element for the Southwest Sector. The table shows the 2020 Master Plan Land Use Element for the Southwest Sector.

2020 Plan Strategic Area	Land Use Element
Chrymch Ave	Chrymch Ave
Wilson	Wilson
South	South
180	180

ROR023167

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ROR023168

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Queensridge Design Guidelines

SECTION 2 SITE PLANNING DESIGN CRITERIA

SECTION 2.2 SITE PLANNING DESIGN CRITERIA

- NOTE: The following criteria are intended to guide the design of the site and its relationship to the surrounding community and environment. They are not intended to be prescriptive and should be interpreted in the context of the specific site and its surroundings.

2.2.1 SITE PLANNING DESIGN CRITERIA

- The site plan should show the location of the building and its relationship to the surrounding community and environment.
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- The site plan should show the location of the building and its relationship to the surrounding community and environment.

2.2.2 SITE PLANNING DESIGN CRITERIA

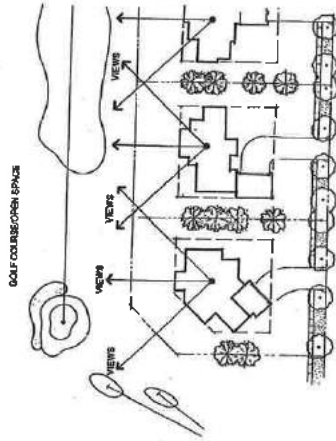
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2.2.3 SITE PLANNING DESIGN CRITERIA

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- The site plan should show the location of the building and its relationship to the surrounding community and environment.

SECTION 7 BUILDING ORIENTATION

DATE: 11/18/16
BY: [Signature]



NOTE: BUILDING ORIENTATION SHOULD BE DETERMINED BY THE BUILDING DESIGNER, TAKING INTO ACCOUNT THE BUILDING'S FUNCTION, FORM, AND CONTEXT. THE BUILDING SHOULD BE ORIENTED TO MAXIMIZE NATURAL LIGHT AND VIEWS OF THE SURROUNDING LANDSCAPE AND COMMUNITY.

SECTION 2.2 SITE PLANNING DESIGN CRITERIA

The following criteria are intended to guide the design of the site and its relationship to the surrounding community and environment. They are not intended to be prescriptive and should be interpreted in the context of the specific site and its surroundings.

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2.2.3 SITE PLANNING DESIGN CRITERIA

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- The site plan should show the location of the building and its relationship to the surrounding community and environment.

A Matter of Consistency and Power (Top Answering Application)

The Pivotal Round Partnership:

Riverside Trust
 2000 West Sahara Avenue
 Box 17, Suite 870
 Las Vegas, Nevada 89102
 (702) 871-2790

A. Wayne Evans & Associates

515 East Missouri Avenue
Suite 100
Phoenix, Arizona 85024
(602) 234-3434

February 6, 1997

The proposed Tropicale Maqui award Master Plan (Dinelli A, page 4) encompasses a village, an agroforest network, a hunting forest, and a forest village center spread in a living traditional base in a volcanic region. A traditional mountainous, commercial/agricultural and industrial center has been proposed in the most northern part of the project area. Special attention has been given to the compatibility of the project with the natural environment, avoiding patterns, economic and ecological. An estimated 250 jobs and a better social and urban space working environment are expected. The project is a positive step towards creating a sustainable and healthy economic zone.

[illegible]

UNIONIZED PECO RANCH MASTER PLAN

The proposed Nevada River Master Plan is an amendment to the Nevada River Master Plan which was approved by the City of Las Vegas on February 15, 1989 (Exhibit 1, page 5). The main difference between the Plan is the reorganization of 1011 acres located at the northern corner of the property to a component land use more properly reflecting an increase near the Summerlin Parkway and its destination.

and could have a negative effect. Areas Near (Table 1, C, page 2)

Additional neighborhood environmental factors were not limited to transportation safety to parks, city access and health insurance level rates. These parks with environmental factors may support location and services required by the standard community. Commercial and office areas comprise a total of 63.4 acres in Phase Two.

[illegible][illegible][illegible]

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Planning Commission Meeting of February 14, 2017

**Submitted at Meeting –
Photographs of Golf Course
– Submitted as Backup for
Items 21-24 by Eva Thomas**

**FILED WITHIN MINUTES
BINDER**

ROR023171

24603

24580

1 Patrick M. Spilotro
2 8177 Bay Colony
3 Las Vegas, Nevada 89131
4

5 **UNITED STATES BANKRUPTCY COURT**
6 **DISTRICT OF NEVADA, LAS VEGAS DIVISION**

7 In re
8 STONERIDGE PARKWAY, LLC,
9 Debtor
10
11
12
13
14
15

CASE NO.: BK-16-11627-BTB

**OBJECTION TO DEBTOR'S SECOND
AMENDED DISCLOSURE STATEMENT
FOR THE AMENDED PLAN OF
REORGANIZATION OF STONERIDGE
PARKWAY LLC [DKT 502]**

AND

**DECLARATION OF PATRICK
SPILOTRO**

16 **DECLARATION OF PATRICK SPILOTRO**

17 I am a Homeowner in Silverstone Ranch, and have resided at 8177 Bay Colony, Las Vegas, Nevada
18 89131, since the Home was built and completed to my specifications in May of 2006. Having been a
19 resident of Silverstone Ranch prior to that, living at 8160 Imperial Lakes, I preselected my lot
20 bordering the Silverstone Golf Course, ordered my custom options, watched them construct my
21 home, and at closing, also paid a \$70,000 Lot Premium for my location on the Golf Course.
22 All the statements provided in this declaration are true and correct to the best of my knowledge, and
23 have been derived from a variety of sources including public record, testimony and court
24 documents, as well as material obtained through various news articles subpoenas and disclosures,
25 including public statements made to News agencies and on other media.

Submitted at Planning Commission

26
Date 2/4/17 Item 5 of 24
by Pat Spilotro
ROR023172

24604

24581

1 **I. Background Facts**

2 **1. Mountain Spa**

3 Mountain Spa Development LP recorded a single development plan on April 15, 1994 and
4 the single largest parcel of the property at the time was over 570 acres when first recorded in
5 July of 1994. Mountain Spa Development LP became Mountain Spa Resort Development
6 (Golf Course and resort), and Mountain Spa Residential Development, who in 1998 had built
7 three initial homes. Also in 1998, the first "Reciprocal Easement Agreement and Covenant to
8 Share Costs" was recorded on September 11, 1994.

9 Meadowbrook was brought in to build the Golf course in 2000, and by Fall of 2001, it had
10 opened with a temporary clubhouse. With only six homes built, Mountain Spa Suspended
11 Sales in 2001. The "Amended and Restated Golf Development Agreement and Amended and
12 Restated Agreement of Lease and Reciprocal Easement and Covenant to Share Costs" was
13 also recorded that year on February 14, 2001.

14 Also at that time, Pulte and Meadowbrook came to agreement with Mountain Spa and the
15 approximately 630 acre development was divided into the Silverstone Ranch Golf Course
16 Community (residential) and Silverstone Golf Course (open space). They also recorded the
17 "Second Amended and Restated Reciprocal Easement Agreement to Share Costs" on June
18 14, 2002. News reported the sale of 325 acres (actually over 357 acres after 2001 merger and
19 re-division), to Pulte for \$75,000,000 (actually \$75,145,214 recorded 6/14/02), and "the
20 other half (actually 272.3 acres recorded 6/14/02) of the 630-acre community will remain
21 under the ownership of Meadowbrook ... that built the 27-hole Silverstone Golf Club..."

22 Meadowbrook also recorded its June 14, 2002 purchase for \$3,800,020 as Meadowbrook
23 Mountain Spa LLC. The Type of property listed on the State of Nevada Declaration of Value
24 was "Other - Golf Course".

25 Pulte paid roughly \$210,000 per acre for the 'Agreed upon residential land', Meadowbrook
26 paid roughly only \$14,000 per acre for the Golf course that contained the Drainage

1 Easement. Meadowbrook received an operating 27 hole Golf Course with a 32,000+ sqft
2 Clubhouse, 2000+ sqft Golf school building and the Maintenance yard with structures. Pulte
3 got dirt, but paid 15 times more per acre than Meadowbrook did.

4 * Parcel #480-310-002, aka #125-10-01-001, recorded Doc #19940701:01100, 572.47 acres
5 (7/1/94). The total footprint of the development was ~630 acres at the time it was re-titled in
6 the 2002 sales.

7 **2. Silverstone Golf Course**

8 As reported, Meadowbrook built, and then bought in total the Silverstone Golf Course for
9 \$3,800,020 on June 14, 2002 as Meadowbrook Mountain Spa LLC. When they filed for
10 Bankruptcy in 2010, the golf course went to SPE MD Holdings LLC as a Deed in Lieu of
11 Foreclosure for \$14,835,000, written down to \$3,138,510.34, on September 3, 2010.

12 PAR72 bought the Silverstone Golf Course from SPE MD on December 3, 2010, for
13 \$3,100,000, and operated the Golf Course until it was sold again on September 1, 2015 for
14 \$3,650,000 to Desert Lifestyles LLC (DL), who then CLOSED the Silverstone Golf Course
15 and turned off the water in an attempt to destroy the Golf Course. On September 23, 2015,
16 Ron Richards' D-Day Capital LLC recorded a Deed of Trust for the Golf Course. Like in the
17 case of Rancho Mirage Country Club (another golf course snatched up by the Principles of
18 D-Day Capital LLC), they closed the Silverstone Golf Course, erected a fence around the
19 golf course clubhouse and attempted to strip the equipment from the site, but was stopped
20 from committing waste by a group of fast acting homeowners who filed for and eventually
21 obtained injunctive relief.

22 The Homeowners and HOA prevailed in Federal Court on November 10, 2015, and a
23 Preliminary Injunction, with an Order to restore the Golf Course, was decided by the
24 Honorable Richard F. Boulware, II. On December 9, 2015, defendants filed appeal of the
25 injunctive relief, and then on December 11, 2015, D-Day assigned the Deed of Trust and the
26 \$5M Note for the Golf Course to the newly created Aevitas LLC. Shortly after, Desert

1 Lifestyles transferred the title of the Golf Course, and all of the deposits and assets of
2 property, to the also newly created, and totally asset-less, Stoneridge Parkway LLC. This
3 was done on or about December 15, 2015, two days prior to the next hearing in Federal
4 Court to examine court ordered restoration plans for the golf course.
5 Counsel for Desert Lifestyles told Judge Boulware's Court (Document 123 of that case), on
6 December 16, 2015,

7 "Defendants, by and through their undersigned counsel of record, hereby provide
8 Notice to the Plaintiffs, the HOA, and this Court that late on December 15, 2015,
9 Defendant Desert Lifestyles sold the property in dispute in this case...

10 In conjunction with the sale of the property, Defendant Western Golf will help
11 facilitate the transition to the new owner, but Western golf will have no management
12 responsibilities for the new owner and will have no ongoing relationship to the
13 property subsequent to the brief transition.

14 Because Defendants retain no interest in the property and have no authority or ability
15 to bind the new owner, Defendants will not be presenting testimony of submitting
16 evidence at the hearing on December 17, 2015. Defendants feel it would be improper
17 to submit evidence on a plan for restoring the golf course, or ask questions about the
18 HOA's plan to restore the golf course, when the Defendants have no interest in the
19 property or ability to bind the new owner"

20 Also on December 16, 2015, Judge Boulware issued a Minute order,

21 "that Defendant Desert Lifestyles, LLC shall produce, under seal for the Court's in
22 camera review, all documents relating to the sale of the golf course property in
23 dispute in this case. This filing shall include, but is not limited to, the purchase and
24 sale agreement and documents evidencing the names of the owners, members,
25 managers, and/or real parties in interest of the purchasing entity, Stoneridge
26 Parkway, L.L.C. This filing shall also include a sworn affidavit from Ronald Richards,

1 attorney and manager for Desert Lifestyles, stating whether any owners, members,
2 managers, or real parties in interest of Stoneridge Parkway, LLC have a preexisting
3 relationship with Desert Lifestyles, LLC, Western Golf Properties, LLC, Ronald
4 Richards, or Michael Schlesinger, and if so, explaining the nature of such
5 relationship."

6 The next day, Judge Boulware issued a Joinder for the 'new owners' on December 17, 2015.
7 Stoneridge Parkway then filed for Chapter 11 Bankruptcy Protection on December 18, 2015.
8 Also of significance are the Filings for Electronic Notification on the new Bankruptcy case.
9 On December 18, 2015, within minutes of each other, Ronald Richards, Matthew Abbasi and
10 Howard Madris all filed requests for electronic notification almost immediately after the
11 Chapter 11 case was filed that same day.

12 **II. The Second Amended and Restated Reciprocal Easement Agreement to Share Costs**

13 The Silverstone Golf Course was built in 2000-2001 by Meadowbrook as part original Mountain
14 Spa development. It opened with a temporary clubhouse in the Summer of 2001 and the clubhouse
15 was added and operational by the Spring of 2002. Shortly thereafter on June 14, 2002,
16 Meadowbrook recorded the title of the 272.3 acre, six parcel golf course property for a price of just
17 \$3.8 million(\$15,000 acre), as an "other - golf course". Also on that day, Pulte recorded the titles of
18 the remainder of the property as residential development property that they paid \$75 million
19 (\$210,000 acre) for. Both parcels were also subject to the development agreement for the planned
20 community, and The Second Amended and Restated Reciprocal Easement Agreement to Share
21 Costs was recorded with mutual agreement as to the rights and duties of the parties.
22 Article 3 of the agreement is titled and contains the, "Use restrictions on the golf course property".
23 The Agreement was very specific about the Intended use of the Golf Course Property, the
24 maintenance of the property, that both parties are bound by, and rely upon the agreement and lastly,
25 that the agreement "shall continue in perpetuity". This specifically includes any Zoning Changes
26

1 which would require consent of the Residential Property Owner, which consent Residential Property
2 Owner may withhold in its sole and absolute discretion.

3 3.1 Golf Course Use. The Golf Course Owner Hereby covenants and agrees that the Golf
4 Course Property shall be operated and maintained solely as a 27-hole (or more),
5 championship golf course ... The Golf Course Owner shall maintain the Golf Course
6 Property in a clean, safe, attractive and reasonably weed-free condition. The Golf Course
7 Owner further acknowledges and agrees that Residential Property Owner has acquired and
8 will develop the Residential Property in reliance upon Golf Course Owner's covenants in
9 this Section 3.1. Subject to sections 13.2 and 13.3 below, the restrictions in section 3.1 shall
10 continue in perpetuity.

11 3.8 Zoning Changes. The Golf Course Owner shall not seek any zoning changes concerning
12 the Golf Course Property without prior written consent of Residential Property Owner,
13 which consent Residential Property Owner may withhold in its sole and absolute discretion.

14 Article 4 "Restrictions on residential property owner" and Article 5 Easements further delineates the
15 rights and obligations of the parties to the agreement. Most notably it states in,

16 5.1.1 Binding Effect of Easements. ... "This Agreement shall remain in full force and effect
17 and shall be unaffected by any change in ownership of the Residential Property or Golf
18 Course Property."

19 5.2.3 Drainage and Retention Easements. ... "notwithstanding anything in section 5.2.1 or
20 5.2.2 hereof to the contrary, Golf Course Owner shall at its sole cost and expense, maintain
21 and repair that certain drainage channel more particularly described on Exhibit F hereto (the
22 "Golf Drainage Channel").

23 Article 13 General Provisions, provides the scope and structure of the Agreement and is very
24 specific as to termination of and amendments to the Agreement,

25 13.2 Term; Method of termination.
26

1 13.2.1 This Agreement shall continue in full force and effect until terminated in
2 accordance with the provisions of Section 13.2.2.

3 13.2.2 This Agreement may be terminated at any time only if such termination is
4 approved by Golf Course Owner, Residential Property Owner (if Residential
5 Property Owner then owns any Unit or any other portion of the Residential Property)
6 and the affirmative vote or written consent, or any combination thereof, of seventy-
7 five percent (75%) of residential Unit Owners.

8 13.3 Amendments

9 13.3.1 This Agreement may be amended only with the written approval or the
10 affirmative vote, or any combination thereof, of (i) the Unit Owners (including,
11 without limitation, Residential Property Owner) owning not less than seventy-five
12 percent (75%) of the Units within the Residential Property which have been annexed
13 pursuant to the terms of the Declaration, (ii) the Residential Owner (for so long as the
14 Residential Owner owns any portion of the Residential Property, and thereafter the
15 Association), and (iii) the Golf Course Owner.

16 Regardless of who, or what entity owns the golf course property, they would have had to voluntarily
17 accepted the terms and conditions of the agreement as a part of the conveyance. The original owners
18 and all subsequent owners, would have had 'actual, constructive and inquiry notice', and cannot
19 therefore then claim to be innocent victims of the quagmire that they not only volunteered for, but
20 created. By accepting the property, the golf course owners in succession have agreed to the terms of
21 the Covenants and Restrictions that 'run with and touch the land'. It prohibits termination or
22 amendment of Agreement, changing the golf course, without first attaining 75% vote of the
23 residential property owners, period. In previous golf course cases in particular, the Courts have
24 consistently recognized this "equitable servitude" created by Express written documents creating
25 restrictive covenants, as well as implied restrictive covenants where no physical documents
26 recorded.

1 Given the facts, even if the debtor was a Good Faith, bona fide purchaser, he would have no claim to
2 be an unfairly encumbered by the restrictive covenant, or that the restrictive covenant was a burden
3 on alienation. Both Desert Lifestyles and Stoneridge Parkway knew, or should have known this
4 prior to purchase. According to 341 hearing testimony throughout this case, Debtor and Debtor's
5 council have acknowledged they knew of the golf course agreement, the 75% requirement, as well
6 as the pending legal action. Debtor then chose to proceed in a transaction where Danny Modab
7 stated he did no due diligence, made no investment, had no experience, and that he relied solely on
8 his attorney and friend of 15 years, Matt Abbasi. Modab testified he had surfed the internet for
9 information, and that was the extent of his due diligence for the \$5 million transaction. Certainly,
10 debtor's Council, Abbasi, was fully aware of all the facts involved, especially as Modab later that
11 Abbasi represented both Modab/Stoneridge and Richards/Desert Lifestyles in the transaction. This
12 is information that was withheld from the Court, in direct defiance of Judge Boulware's December
13 2015 Minute Order, and was not divulged until the 341 Hearing on August 16, 2016.
14 The Golf Course Agreement was created by the parties involved, and made to exist for the benefit of
15 the Homeowners/Association until the Parties to the agreement MUTUALLY agreed to change or
16 terminate it. Section 13 even has provisions in the event of a Bankruptcy and very case we have are
17 involved in today. It even addresses a debtor's use of the powers under ss363 and ss365,

18 Article 13.25.2 The parties hereto have entered into this Agreement with the intent of
19 having this Agreement, and all of the rights and obligations of the parties hereunder,
20 unaltered in any bankruptcy proceeding that may be commenced by or against either party
21 under title 11 of the United States Code (the "Bankruptcy Code") or any other similar laws.
22 Having been fully advised as to the difference between such rights, the parties agree that
23 their respective obligations under this Agreement are in the nature of property interests
24 rather than contractual rights. The parties further agree that the rights and obligations
25 conferred through this Agreement cannot be diminished, impaired, avoided, or otherwise
26 altered in any bankruptcy proceeding under the Bankruptcy Code or any other similar law,

1 including (without limitation) any attempt by either parties hereto, or any other person or
2 entity, to:

3 (i) sell the property addressed in this Agreement free and clear free and clear of this
4 Agreement pursuant to a:

5 (a) motion filed under Bankruptcy Code subsection 363 or any similar law; or

6 (b) plan proposed under Chapter 11 of the Bankruptcy Code or any similar
7 law; or

8 (ii) reject this Agreement under Bankruptcy Code subsection 365 or any similar law.

9 The rights and obligations under this agreement shall run with the land that is subject to this
10 agreement, and any subsequent sale of the real property that is the subject of this Agreement
11 shall be subject to all of the terms and provisions of this Agreement.

12 The Golf Course Owner is clearly obligated under this Agreement, and is barred from using
13 Bankruptcy Protection as a means of circumventing and avoiding the obligations and equitable
14 servitude. Cases such as this with Express Restrictive Covenants are clear cut in their language, but
15 even in the cases where NO express agreement exists, all Courts have found consistently that
16 Equitable Servitude, whether express or implied, exists and cannot simply be ignored. In the case of
17 Silverstone, the Express Written Agreement is paramount. It even addresses exactly what the
18 Debtor's obligations are and the avenues available for relief. In this case, changed circumstances,
19 mismanagement, intentional destruction and even Bankruptcy are accounted for. By accepting
20 conveyance of the property, the Golf Course owner, with proper Notice, is bound by the Agreement
21 they accepted when they purchased the land, it was their choice. They cannot now claim ignorance,
22 having virtually destroyed any value in the asset and seeking settlement to the detriment of the
23 Homeowners, the only innocent victims in this tragedy. The Bankruptcy and other Federal and State
24 Courts have all recognized this, even in cases where the Restrictive Covenant is simply implied, let
25 alone express.
26

1 **III. Restrictive Covenants and the Courts**

2 For over a Decade, the economy and industry changes have had a significant impact on Golf Course
3 ownership. However, the Courts have been able decide consistently that Homeowner's rights are not
4 to be simply ignored or brushed aside by Owners, or subsequent Owners, who claim changed
5 circumstances have allowed them right to ignore the legal obligations they agreed to when
6 purchasing a restricted or impaired property. Such is the case in Silverstone. Fortunately the Courts
7 have provided excellent guidance and consideration in these cases. These five applicable cases
8 encompass situations arising in State and Federal Courts, including several that arose from Federal
9 Bankruptcy Courts.

10 -----
11 1. Ute Park Summer Homes Ass'n v. Maxwell Land Gr. Co. - Supreme Court of New
12 Mexico, 1967.

13 In Ute Park Summer Homes Association v. Maxwell Land Grant Co., 1967, the developer
14 simply promised to build a Golf Course and distributed maps containing an area marked
15 "golf course." The simple existence and use of the map was found to be enough evidence for
16 the Court to find an easement and stated,

17 "[W]here land is sold with reference to a map or plat showing a park or like open
18 area, the purchaser acquires a private right, generally referred to as an easement, that
19 such area shall be used in the manner designated. As stated, this is a private right and
20 it is not dependent on a proper making and recording of a plat for purposes of
21 dedication." 77 N.M. at 734, 427 P.2d at 253.

22 The Map was not recorded, there were no recorded covenants, yet, The New Mexico
23 Supreme Court held that lot owners still had a legal right to use of the area as a golf course,
24 and an implied easement had been created. This right, the court held, came into existence
25 because of maps and representations used by the developer's agents. Silverstone Ranch
26 showed an abundance of smaller maps, a big one in the sales office, many news interviews,

1 advertisements and articles, etc. There are numerous examples of these in the case of the
2 Silverstone Ranch Golf Course Community.

3
4 2. Shalimar Ass'n v. DOC Enterprises, Ltd., 688 P. 2d 682 - Ariz: Court of Appeals, 1984.
5 The Judge in 'Shalimar' actually cites 'Ute Park' in a case where the 'new owners' of golf
6 course sought to simply develop it without regard for the equitable rights of the neighbors.
7 Quoting from the first page of the Decision,

8 "OPINION - FROEB, Judge.

9 This case involves an attempt by the new owners of a golf course to develop the
10 property for other purposes. No specific restriction as to the use of the land was ever
11 placed of record with the county recorder. The surrounding homeowners brought this
12 action to have the court declare and enforce against the new owners an implied
13 restriction limiting the use of the property to a golf course. We hold that a covenant
14 restricting the use of the property is implied from the facts and circumstances and is
15 enforceable against the new owners because they are not bona fide purchasers
16 without notice."

17 Again without a recorded document the courts have found covenants enforceable against the
18 subsequent or 'new' owners, who simply 'should have' known it was a Golf Course, and the
19 implied restrictive covenant would apply.

20
21 3a. Skyline Woods Homeowners Association Inc v. Broekemcicr, Supreme Court of
22 Nebraska 2008.

23 In 2004, in the U.S. Bankruptcy Court in Nebraska. The homeowners in the Skyline Woods
24 development were not included in the Skyline Country Club creditor's matrix, and their
25 claimed restrictive covenants were not specifically raised. On February 9, 2005, the
26 bankruptcy court entered an order approving the sale of the golf course property to Liberty,

1 which is owned and operated by David A. Broekemeier and Robin Broekemeier. In 2005,
2 Skyline Country Club issued a warranty deed to Liberty, conveying the property "free from
3 encumbrance except covenants, easements and restrictions of record." In 2006, the HOA
4 sued, won, and prevented, "any actions that would interfere with or damage the golf course
5 or prevent the property from being used as a golf course.", sounding very similar to the order
6 in the Silverstone Golf Course case.

7 In 2007, the district court granted partial summary judgment in favor of HIOA on the issue of
8 whether restrictive covenants "limiting the use of the property to that of a golf course" ran
9 with the land. The court also concluded that the bankruptcy order did not sell the property
10 free and clear of the restrictive covenants, as the restrictive covenants are third-party
11 property rights belonging to the Homowners.

12 In deciding the case, the Nebraska Supreme Court stated, that in *Wessel v. Hillsdale Estates,*
13 *Inc.*,¹, they were faced with actual express protective covenants by the developer to preserve
14 land for a park for the surrounding homeowners' enjoyment, but the amount of land was in
15 dispute. They concluded that the amount of land used to build the park had to be in
16 accordance with the buyer's expectations, stating,

17 "A restrictive covenant is to be construed in connection with the surrounding
18 circumstances, which the parties are supposed to have had in mind at the time they
19 made it; the location and character of the entire tract of land; the purpose of the
20 restriction; whether it was for the sole benefit of the grantor or for the benefit of the
21 grantee and subsequent purchasers; and whether it was in pursuance of a general
22 building plan for the development of the property."²

23 1. *Wessel v. Hillsdale Estates, Inc.*, 200 Neb. 792, 266 N.W.2d 62 (1978)

24 2. *id.* at 801, 266 N.W.2d at 68 (quoting *Lund v. Orr*, 181 Neb. 361, 148 N.W.2d 309
25 (1967)).
26

1 'Skyline' cites both 'Ute Park' and 'Shalimar', and in analysis of the Bankruptcy sale, the
2 Court found, "that the bankruptcy sale has no effect on implied restrictive covenants and that
3 as such, Liberty and the Broekemeiers are still bound by them." Subsequent owners are
4 bound by the Implied Covenants, and the sale in Bankruptcy had no effect on the Implied
5 Covenants. The Court also noted that,

6 "In *In re Rivera*³, the court concluded that covenants running with the land are
7 property interests that cannot be removed in a discharge because to do so would be
8 taking a property interest away from a third party and giving the debtor a property
9 interest which the debtor never had."

10 3. *In re Rivera*, 256 B.R. 828 (M.D. Fla. 2(00).

11 In conclusion, the Court stated,

12 "we affirm the order of the district court that the implied covenants require that the
13 property is to be used only as a golf course. As to maintenance, the golf course shall
14 be maintained according to standards (1) through (7) of the June 13, 2006, joint
15 stipulation of the parties. Accordingly, we modify the district court's order regarding
16 the required standards of maintenance.",

17 This decision acknowledges not only the covenants, but the right to proper maintenance of
18 the Golf Course!

19 -----
20 3b. On Appeal: *IN RE: SKYLINE WOODS COUNTRY CLUB*, Debtor. Mid-City Bank, et
21 al., Appellants. v. Skyline Woods Homeowners Association, et al., Appellees, United States
22 Court of Appeals, Eighth Circuit, 2011.

23
24 On Appeal, in the Eighth Circuit, the Court wrote:

25 "Before LOKEN, ARNOLD, and BYE, Circuit Judges. Anna M. Bednar, Robert
26 Frederick Craig, Robert F. Craig, P.C., Omaha, NE, for Appellants. Robert J. Bothc,

1 Michael Thomas Eversden, McGrath & North, Omaha, NE, for Appellees. If so
2 authorized, the purchaser of real property from a bankruptcy estate acquires title to
3 the land "free and clear of any interest" identified in 11 U.S.C. § 363(l). After an
4 affiliate of Liberty Building Corporation ("Liberty") purchased the Skyline Woods
5 Golf Course in Douglas County, Nebraska, from the estate of a Chapter 11 debtor,
6 residents of the surrounding planned community sued the purchasers to enforce
7 express and implied restrictive covenants. The Supreme Court of Nebraska held that
8 the bankruptcy sale did not extinguish equitable interests in having the property
9 maintained as a golf course. Skyline Woods Homeowners Ass'n, Inc. v. Broekemier,
10 758 N.W.2d 376, 392-93 (Neb.2008). Liberty and its secured lender, Mid-City Bank,
11 now appeal the bankruptcy court's denial of their motion to reopen the closed
12 bankruptcy proceedings in order to declare the Supreme Court of Nebraska judgment
13 void and to enjoin the residents from enforcing it. We conclude denial of the motion
14 to reopen was not an abuse of discretion because, in a reopened bankruptcy
15 proceeding, the state-court judgment would be entitled to the full faith and credit
16 mandated by 28 U.S.C. § 1738. Accordingly, we affirm."

17 Also of note, in a review of Skyline 2 titled, "Finality of 'Free and Clear' Sale Orders by
18 Bankruptcy Courts" (April 28, 2011), George W. Shuster, Jr., Katelyn R. O'Brien, John D.
19 Sigel wrote,

20 "The Bottom Line - Purchasers rely on a bankruptcy court's "free and clear" order
21 when purchasing property. Many purchasers may anticipate that, if the sale order is
22 later challenged, they can return to the bankruptcy court and resolve the dispute in a
23 favorable forum. Mid-City Bank v. Skyline Woods Homeowners Association
24 illustrates that when purchasers buy free and clear under Section 363 of the
25 Bankruptcy Code, they should consider, among other risks, the risk that a non-
26

1 bankruptcy court will decide issues of whether the sale was "free and clear," and that
2 its decision will be adverse to and binding on the purchasers."

3
4 4. Heatherwood Holdings, LLC v. HGC, Inc. (In re Heatherwood Holdings, LLC), 746 F.3d
5 1206 (11th Cir. 2014) 2014

6 This Birmingham Alabama golf course case involves a situation where losing money
7 eventually and legitimately forced Heatherwood into a chapter 11 bankruptcy. After filing,
8 Heatherwood wanted to sell the golf course property free and clear, asking the court to shed
9 all encumbrances, covenants and restrictions. HGC filed an objection, contending that the
10 property was subject to an implied covenant running with the land restricting its use to being
11 a golf course. The Bankruptcy Court asked several questions of the State Supreme Court,
12 including whether state law would recognize or imply a restrictive covenant with respect to a
13 golf course constructed as part of a residential development. The State Supreme Court
14 responded in the affirmative and the bankruptcy court found the property was subject to the
15 restrictive covenants. The district court affirmed it, and it was appealed to the 11th Circuit.
16 On appeal to the 11th Circuit, the Court agreed with the lower courts, noting the
17 development was used exclusively as a golf course community for over 20 years, and that
18 Homeowners were induced to buy based on the existence of the golf course. Also, that the
19 developer always intended the development to be a golf course community. In answer to
20 whether the purchaser was bound by the restrictive covenant, the 11th Circuit also agreed
21 with the Bankruptcy Court's finding that the buyers had actual, constructive and inquiry
22 notice of the restrictive covenant. In addition, the 11th Circuit agreed with the Bankruptcy
23 Court's rejection of the doctrine of integration. They found that regardless of the scope of the
24 agreement between the seller and buyer, the seller did not represent every homeowner that
25 was relying on the restrictive covenant, so it could not have been destroyed by agreement
26 between the buyer and seller. Lastly, as to the claim of the doctrine of changed

1 circumstances, the 11th Circuit also agreed with the Bankruptcy Court, in that the
2 homeowners' benefit from the continued covenant outweighed the detriment to the debtor.
3 Accordingly 11th Circuit affirmed the lower court judgment.
4 The Georgia Law Review, May 20, 2014, "FORE! Eleventh Circuit Upholds Implied
5 Restrictive Covenant for Subdivision Golf Course", summed the case up well when they
6 wrote:

7 "In affirming an Alabama Bankruptcy Court's finding of an implied restrictive
8 covenant on the golf course that is the centerpiece of a suburban Birmingham
9 subdivision in *In re: Heatherwood Holdings, LLC*, No. 12-16020 (Mar. 27, 2014),
10 the 11th Circuit agreed with the aggrieved subdivision homeowners that the property
11 at issue was subject to an implied restriction to be used only as a golf course, and the
12 foreclosing lender was not entitled to market and sell the property as residential lots.

13 ...

14 Confirming the Alabama Supreme Court's holding that while the facts at issue had
15 not been addressed in Alabama state court previously, they were sufficiently similar
16 to those at issue in a decision from the Arizona Court of Appeals, *Shalimar Ass'n v.*
17 *D.O.C. Enterprises, Ltd.*, 688 P.2d 682 (Ariz. Ct. App. 1984), which similarly
18 involved a community specifically designed around a golf course, and viewed the
19 actions of the original developers and subsequent residential lot purchasers as
20 consistent with the creation of an implied covenant. Citing the bankruptcy court's
21 substantial findings of the original plat maps and site plans noting the presence of a
22 golf course, golf course themed road names, and the numerous individual covenants
23 and easements placed on each residential lot, the Court acknowledged the principle
24 purpose of this subdivision was the creation of a golf community.

25 Most importantly, the Court recognized that based on witness testimony, most, if not
26 all, Heatherwood homeowners had been induced to buy within the subdivision based

1 on the presence of a golf course. Given this finding of the golf course as an integral
2 part of the development, the Court agreed with the Alabama Supreme Court's
3 rationale from *Shulimar* in finding an implied restrictive covenant, and thus viewed
4 First Commercial and Heatherwood Holdings' attempt to argue there was no such
5 restrictive covenant a naked attempt to second-guess the Alabama Supreme Court's
6 answer to a certified question of law."

7
8 5. Riverview Community Group v. Spencer & Livingston, Wa. St. Supreme Court, 2014.

9 In Riverview, the Washington State Supreme Court found that a group of homeowners who
10 bound together specifically for this case did indeed have standing, and that the actions and
11 promises of the Developer did indeed create an equitable servitude. An equitable servitude is
12 a non-possessory interest in land and usually this type of servitude must be created by
13 writing. However, as we can see consistently, when applicable, an implied servitude can be
14 created, so long as the landowners have notice of the agreement. The Supreme Court found
15 that plat limitations, regardless of whether the restriction appears on title, can be enforced
16 under an implied equitable servitude.

17 "Our decision that an equitable servitude may be implied is bolstered by a similar
18 case from Oregon, *Mountain High Homeowners Ass'n v. J.L. Ward Co.*, 228 Or.
19 App. 424, 209 P.3d 347 (2009). Similarly to the case before us, the homeowners in
20 *Mountain High* had bought homes in a development that contained a golf course
21 complex. *Id.* at 427. Also like the case before us, "prospective buyers who asked for
22 assurances that the golf course would remain in place were told that the golf course
23 would continue to be there and that there was no need to worry about it." *Id.* Also
24 like the case before us, the golf course fell on hard financial times and the owner shut
25 down operations. *Id.* at 429. After a full trial, the Oregon trial court imposed an
26 equitable servitude on the golf course property limiting its use to a golf course and

1 entered an injunction requiring the developer "to reconstruct, maintain, and operate
2 the nine-hole golf course for 15 years." *Id.* at 431. The Court of Appeals affirmed. *Id.*
3 at 438. It reasoned that the imposition of an equitable servitude and an enforcing
4 injunction was justified because

5 "[d]efendant represented to buyers that Mountain High was and would
6 continue to be a golf course community. That representation was made both
7 expressly and impliedly. It was reasonably foreseeable that, in deciding
8 whether to purchase land within Mountain High, a prospective buyer would
9 rely on those representations and substantially change position as a result of
10 that reliance. The owners did, in fact, purchase property in Mountain High,
11 substantially changing their positions as a result of defendant's
12 representations. It was reasonable for buyers to rely on the representations of
13 the developer of Mountain High and the owner of the Mountain High golf
14 course in making their decisions to purchase in the community. Under all the
15 circumstances, including the condition of the golf course property as of the
16 date of trial in this case, it would be unjust for defendant to benefit from the
17 successful marketing of Mountain High as a "golf course community" without
18 the imposition of the servitude. Accordingly, we conclude that the trial court
19 did not err in declaring the existence of the equitable servitude. *Id.* at 438-39."

20 We agree."

21 -----
22 In this line of Golf Course specific cases, as with the bulk of the golf course Case Law, the courts
23 have consistently found that Planned Golf Course Communities have a Restrictive Easement, and
24 the Homeowners who bought homes based on a Golf Course being the center piece of the
25 Community have an 'equitable servitude' on which to rely on, and that the Dedicated or Promised
26 Golf Course/Open space would remain as such.

1 From Washington and Oregon, across to Alabama, and from Nebraska down to Arizona and New
2 Mexico, the U.S. Circuit and State Supreme Courts have consistently recognized Easements that
3 restrict the use of the land when it comes to Golf Courses that are an integral part of the community,
4 and that these rights and interests cannot be ignored. Nor can they be modified or discharged by the
5 courts, even in bankruptcy, regardless of the Debtors reliance on subsections 363 and/or 365 of the
6 bankruptcy Code for relief.

7 In the case of Silverstone Ranch, there is more than just an implied easement, but also an Express
8 Written Agreement on top of that established and defined the golf course, specifically assigns
9 residential and golf course Easements on both parties, and the Express Restrictive Covenants on the
10 golf course owners and their successors to maintain the golf course. As the Court has noted
11 previously, the required 75% Homeowner consent to change the golf course cannot be waived. We
12 can also see that such Restrictive Covenants have been upheld by the Courts in post Bankruptcy,
13 'Free and Clear' sales.

14 Even if the Debtor was a bona fide buyer and debtor, and even if the Creditor Acvitas was a bona
15 fide creditor, they both had actual, constructive and inquiry notice of the Covenants, and the
16 pending legal action prior to the Stoneridge possession. Given the close connection between the
17 various parties in this case, it would be virtually impossible for them not have had notice. As such,
18 all the parties involved voluntarily entered into the various transactions that have occurred since
19 Par72 owned the operating golf course on August 31, 2015.

21 **IV Nevada Revised Statutes and Public Policy**

22 **1. NRS 278A - PLANNED DEVELOPMENT**

23 NRS 278a is the section of Nevada law that defines and regulates Planned Unit
24 Developments(PUDs), including Zoning and Enforcement. Especially in cases where
25 unlawful attempts by land speculators to develop designated "open space" arise. In the case
26 of this PUD, Mountain Spa/Silverstone Ranch, land expressly designated as golf course is

1 open space and drainage, sought and obtained through approval by the original developer.
2 Now, over a decade later, and this Planned Development's close out and completion, a new
3 property speculator seeks to inject himself into and fundamentally change the neighborhood.
4 Nevada law expressly precludes changes in an approved PUD for the economic benefit of a
5 private party. The law protects PUDs from such disruption and requires that any land use
6 changes must be for the benefit of the neighborhood as a whole.
7 When Pulte built Silverstone, they sold premium residential lots surrounding the already
8 built golf course, and over for the next decade top date, that land has served as the approved
9 open space, parks and required drainage for the PUD. To simply assume feasibility here
10 would be a mistake as debtor's plan flies in the face of the NRS,

11 **NRS 278a.400 Enforcement by residents,**

12 **1. All provisions of the plan shall run in favor of the residents of the planned**
13 **unit residential development,** but only to the extent expressly provided in the plan
14 and in accordance with the terms of the plan and to that extent such provisions,
15 whether recorded by plat, covenant, easement or otherwise, may be enforced at law
16 or equity by the residents acting individually, jointly or through an organization
17 designated in the plan to act on their behalf.

18 **NRS 278A.410 Modification of plan by city or county,**

19 **2. No modification, removal or release of the provisions of the plan by the city or**
20 **county is permitted except upon a finding by the city or county, following a public**
21 **hearing that it:**

- 22 (a) Is consistent with the efficient development and preservation of the entire
23 planned unit development;
24 (b) Does not adversely affect either the enjoyment of land abutting upon or across
25 a street from the planned unit development or the public interest; and
26 (c) **Is not granted solely to confer a private benefit upon any person.**

21 **2. NRS 361A - TAXES ON AGRICULTURAL REAL PROPERTY AND OPEN**
22 **SPACE**

23 It's the Open Space part of the title that matters, but not as a tax issue. In fact, if you do a
24 search of the entire NRS for the term "golf course", you find 73 hits, with well over half of
25 those in NRS 361a, thirty eight hits. The next highest is NRS 244 with four. #61 a defines
26 open space, golf courses and agricultural property and provides tax breaks based on then

being open spaces. The Legislative Declaration makes Intent of the law and public policy very clear.

NRS 361A.040 "Open-space real property" "Open-space real property" means:

1. Land:
 - (a) Located within an area classified pursuant to NRS 278.250 and subject to regulations designed to promote the conservation of open space and the protection of other natural and scenic resources from unreasonable impairment; and
 - (b) Devoted exclusively to open-space use.
2. The improvements on the land described in subsection 1 that is used primarily to support the open-space use and not primarily to increase the value of surrounding developed property or secure an immediate monetary return.
3. Land that is used as a golf course.

NRS 361A.050 "Open-space use" defined. "Open-space use" means the current employment of land, the preservation of which use would conserve and enhance natural or scenic resources, protect streams and water supplies, **maintain natural features which enhance control of floods** or preserve sites designated as historic by the Office of Historic Preservation of the State Department of Conservation and Natural Resources. **The use of real property and the improvements on that real property as a golf course shall be deemed to be an open-space use of the land.**

NRS 361A.090 Legislative declaration.

2. The Legislature hereby declares that it is in the **best interest of the State to maintain, preserve, conserve and otherwise continue in existence** adequate agricultural and open-space lands and the vegetation thereon to assure continued **public health and the use and enjoyment of natural resources and scenic beauty for the economic and social well-being of the State and its citizens.**

3. **The Legislature hereby further finds and declares that the use of real property and improvements on that real property as a golf course achieves the purpose of conserving and enhancing the natural and scenic resources of this State and promotes the conservation of open space.**

NRS 361A.170 Designations or classifications of property for open-space use; procedures and criteria.

1. Property used as a golf course is hereby designated and classified as open-space real property and must be assessed as an open-space use.

1 It seems clear in considering NRS 278a, it requires that any PUD change is "Is not granted
2 solely to confer a private benefit upon any person", and that according to NRS 361a, Golf
3 Courses are "open spaces", and they are in the "best interest of the State to maintain,
4 preserve, conserve and otherwise continue in existence", it would seem that without
5 community support, No such changes would be allowed. Any proposal such as the one in
6 Debtors Plan, that is NOT a benefit to the community at large and would benefit one non-
7 resident land speculator, would be DOA (dead on arrival) at any Planning Commission or
8 City Council. Without the required re-entitlement, the Plan has no feasibility and the debtor
9 will ultimately fail again. Without assets to even maintain the property, it is hard to believe
10 they have the time or money to proceed down a trial and error path of this kind.
11

12 **V. Objections to Debtor's Disclosure Statement and Plan of Reorganization**

13 1. Debtor has acted in bad faith. Based on the facts that Modab came into the transaction
14 totally blind, without any resources or plan to operate or maintain the property by simply
15 taking over a shell corporation, smacks of irresponsibility, and "New Debtor's Syndrome".
16 A simple search comes up with plenty of examples like the following and the similarities are
17 just more reason why the Courts should understand that Modab and Stoneridge are simply
18 alter egos of Richards and Desert Lifestyles. In the case of Stoneridge, the Debtor was a
19 shell corporation until shortly before its filing, when real property under threat of legal
20 action was transferred to it. The Following example is illustrative,
21

22 "IN THE UNITED STATES BANKRUPTCY COURT
23 FOR THE NORTHERN DISTRICT OF CALIFORNIA
In re NPNGN, INC., No. 1-90-01145
24 Memorandum of Decision

25 The debtor was a shell corporation until shortly before its filing, when real
26 property being foreclosed upon was transferred to it by its principal. The foreclosing
creditor, the FDIC as Receiver for North America Savings and Loan, promptly
brought a motion for relief from the automatic stay, arguing that the petition was

1 filed in bad faith. After taking testimony, the court found that this was a classic "new
2 debtor syndrome" situation and granted relief as prayed. However, the court found
3 that the case had been filed on the bad advice of counsel and his incorrect belief that
4 the filing was proper. Accordingly, the court stayed the relief granted to FDIC briefly
to give the debtor's principal time to consider his options. The debtor then made the
instant motion to dismiss these proceedings."

5 On September 1, 2015, Richard/Desert Lifestyles bought, closed and turned off the water to
6 the golf course in an attempt to destroy it. After losing in Judge Boulware's, Court, they
7 transferred the property to the new shell corporation, Stoneridge Parkway, and by way of
8 financing through yet another, even newer shell corporation, Aevitas. Since the transfer
9 made the very expensive preliminary injunction basically moot, and while under protection
10 of the stay, the debtor has since let the golf course die, and the clubhouse be vandalized. Far
11 from doing anything to protect the asset, the debtor has done more to destroy it instead,
12 almost as if Stoneridge and Western Golf were agents of Ron Richards. This was the original
13 goal of Richards and Desert Lifestyles from the beginning. Now that the course is destroyed,
14 the debtor's infeasible plan is to carve up the corpse and turn it into gold.

15
16 2. Debtor's Plan is not Feasible, and has no chance of success. If Debtor acknowledges that
17 they will never get the 75% Homeowner support required to change the property, the
18 remaining options are non-starters. They would need to compel the Court to strip away the
19 restrictive easements. This will not solve the Debtors dilemma.

20 A. The restrictive covenant will endure, the case law shows that stripping the
21 easement will be short lived until the Homeowners appeal and the equitable servitude
22 is restored by reinstating the express easement, or finding an implied easement..

23 B. Removing the "reciprocal easement" agreement would literally land lock the bulk
24 of the property as the reciprocal means that both parties are involved. Removing the
25 golf course agreement would also remove the easement for the residential access
26 streets only allowing access to the 2.2 acre parcel at Rainbow and Grand Teton and

1 the 19.2 acre parcel # 125-10-110-009 on the west side of the golf course that
2 touches a Public street.

3 C. The Plan is contrary to the NRS 278a requirement that any change "Is not granted
4 solely to confer a private benefit upon any person.", and absolutely contrary to public
5 policy in NRS 361a in that, "The Legislature hereby further finds and declares that
6 the use of real property and improvements on that real property as a golf course
7 achieves the purpose of conserving and enhancing the natural and scenic resources of
8 this State and promotes the conservation of open space."

9 3. The Plan Exhibit D is either not allowed or requires extensive engineering or the taking
10 of HOA community property not in proper easements

11 A. Subdivision 1 is 100% in the drainage easement, and while not unbuildable,
12 cannot be simply designated as buildable land without a drainage study.

13 B. Subdivisions 2 and 3 have no access to drivable streets. The parcel is actually a
14 single piece, and the only golf course parcel with a Drainage Study. Unfortunately
15 for the debtor, it is also landlocked by HOA property, having only Golf Cart and
16 Maintenance access. According to the plan exhibit D, and access to parcel #125-10-
17 110-014 containing subdivisions two and three, ingress and egress crosses Parcel
18 #125-10-197-031, Subdivision common element. Short of seizing HOA property,
19 there is no access to that parcel.

20 C. Subdivisions 4 and 5 suffer from the same problem as 2 and 3, except for this
21 ingress and egress crosses parcel #125-10-597-018, also a Subdivision common
22 element.

23 D. Subdivision 6 has no access as designed. The proposed access is not only a fire
24 access easement, but also uses residential streets as access roads. Even if the Debtor
25 was able to seize and cross parcels #125-10-597-009 and #125-10-512-083.
26

1 E. Subdivisions 2, 3 and 6 Have Homes and roads built over emergency fire access
2 easements.
3 F. Subdivisions 4, 5 and 6 have homes and roads built over water and sewer
4 easements.
5 G. Subdivisions 2, 3, 4, 5 and 6 would not only need to seize and cross HOA
6 property, but all the traffic would be using, and overloading Cupp Drive, a two lane
7 road that already has plenty of Silverstone traffic.
8 4. The Plan unfairly disadvantages the Hoa and Homeowners. Debtor's plan to satisfy the
9 requirements of the Bankruptcy Code by taking 60-67 acres of land to be repurposed and
10 sold creates significant hardship.
11 A. The course is destroyed, the clubhouse is vandalized and the debtor admits it is a
12 liability in its present state. While the Debtor assumes his property will be free and
13 clear, and that the City will magically just agree to re-entitle the property, the reality
14 is different. The first step would be the dismissal of the restrictive easement and the
15 75% homeowner support requirement. Even if the courts cooperate, the city would
16 be hard pressed before allowing the dismantling of a planned Development that has
17 been complete for over a decade.
18 B. The Debtor proposes to donate over 200 acres to the HOA as compensation for its
19 claims, but this is a fraction of the destroyed Golf Course, mostly dominated by a
20 Drainage Easement that is far from compliance and more of a liability than any kind
21 of usable asset. More to the point is that the Valuations are not correct. While Debtor
22 benefits from the provisions of the Plan, they leave the HOA with practically all the
23 liability and expense of the Public Drainage Easement, and a clubhouse that would
24 require the HOA to secure and maintain. Whether the HOA is expected to spend
25 millions to restore some kind of Golf Course or is expected to salvage some kind of
26 REQUIRED open space, the HOA cannot be expected to assume such liability and

1 cost. Basically, even if the Debtor could somehow manage to retain, and sell property
2 for residential building, the left over land would be required to satisfy "open space
3 requirements" and thus not only unbuildable and worthless, but would require
4 significant funding to maintain the property. The Debtor is NOT giving the HOA an
5 asset, but a liability.

6 While Debtor claims to hope to harvest \$300,000 per acre land for development for
7 60+ acres and claim \$18,000,000 in proceeds, the reality for the HOA and
8 Homeowners is that they would be left with worse than useless property that would
9 end up significantly impairing the HOA and costing the Homeowners significantly.
10 This is NOT fair and equal treatment to provide all the benefit for one class and cost
11 an impaired class countless costs going forward.

12 If the Homeowners on the Golf Course have lost a VERY conservative \$20 to \$30
13 thousand per house, and there are 749 homes on the course, that is a loss of between
14 \$15 and \$22.5 Million in losses suffered already. The permanent closing of
15 Silverstone would compound that loss. Now, debtor proposes further losses for the
16 Homeowner, not only in lower home values, but by FORCING a liability on them.
17 C. The Debtor plan will ultimately fail, as will land sales to perspective purchasers
18 once they realize that liability still exists and the land is not free and clear of future
19 legal action that will take years to resolve.

20
21
22 **VI. Conclusions**

23 1. The original sale on September 1, 2015 was a naked and bold attempt to destroy the troubled
24 Silverstone Golf Course. Without any required prior notice, Richards/Schlesinger using Desert
25 Lifestyles, D-Day Capital and Western Golf closed the club. Once halted by the actions of the
26

1 Homeowners and HOA, the property was transferred in another attempt to this time avoid the
2 Judgment in Federal Court by using a change in ownership and these Bankruptcy proceedings.
3 Having failed to check the recorded Documents for ALL six parcels, practically nobody knew of the
4 existence of D-Day and it's relation to Richards at the time of the sale to Stoneridge. It is important
5 to also note practically nobody knew about Aevitas also, let alone Madris, and his connection to the
6 case. This information was also never brought to the attention of Judge Boulware when he issued his
7 minute order one day after the Course was sold, in the middle of his case, and despite his
8 specifically asking for such relevant information in the December 16, 2015 Minute Order.

9
10 The facts surrounding the original transaction, the involvement of the related parties, and the actions
11 they have taken, as well as the circumstances surrounding the subsequent sale to Stoneridge were
12 kept concealed from the Courts. They were also held back as well from the only true victims in this
13 situation, the Homeowners. This is even more obvious when considering that not only was Judge
14 Boulware not informed of the relation of Richards and D-Day, or the involvement of Madris/Aevitas
15 and D-Day, but also when considering a determination of whether it was true arm's length
16 transaction. The Court was never told:

- 17 A. The true relationship between Richards/Schlesinger and D-Day
- 18 B. The involvement of Howard Madris as lawyer for D-day as well as Aevitas.
- 19 C. The 15 year relationship between, Modab and Abbasi, and that Abbasi was also
- 20 connected to Richards. They even had Modab sign a Conflict Waiver.
- 21 D. That Modab had/has NO investment at all in the 'Book Entry' transaction to Stoneridge.
- 22 E. That the lawyer Abbasi, a 15 year friend of Modab, who did ALL the due diligence for his
- 23 client, and was the key individual who arranged, negotiated and helped structure the deal
- 24 was actually ALSO representing Richards and in the transaction. This was not even revealed
- 25 until August of 2016 in 341 testimony by Danny Modab.
- 26

1 Had Judge Boulware known about D-Day and Aevitas and who controlled them, it would have cast
2 doubt that Danny Modab/Stoneridge Parkway was ever a bona fide purchaser. The involvement of
3 Abbasi is also in direct contradiction to what was previously told to the courts, especially in light
4 that Modab did NO due diligence, not even a site visit, and he relied solely on the advice and
5 guidance of Abbasi who was also representing Richards/Desert Lifestyles. Compounding this issue
6 is the fact that according to HOA records, Richards is still involved, having had a conference with
7 HOA lawyer Dan Lev as recently as July of 2016, well after time that he claimed he had no longer
8 had an interest in the property back in December. (Exhibit _)With all of the doubts and talk of New
9 Debtor Syndrome, Sweetheart Deals and whether this was a true arm's length transaction, one must
10 seriously question why this case has gone on for as it has given the circumstances.

11

12 2. The golf course owner, whether it is Danny Modab, Ron Richards, Michael Schlesinger, Desert
13 Lifestyles, Aevitas or the supposed Stoneridge Parkway, they had to have at least Constructive and
14 Inquiry Notice of the Restrictive Covenants that touch and run with the land. In any case, Modab's
15 due diligence/web surfing would have at least revealed the 3 month old legal battles that involved
16 the property. The golf course owner and/or the Debtor KNOWINGLY entered into the transaction
17 and cannot simply disrupt and destroy a planned community while ignoring the obligations they
18 signed onto by purchasing the property. If any fault or blame exists, it lies with the golf course
19 owner. The owner that now asks the Court to penalize the Homeowners and HOA, who through no
20 fault or actions of their own, are the only losers in this case. At the same time, they ask the court to
21 allow a breach of the Home owners right to equitable servitude, while bestowing a benefit on the
22 golf course owner and its successors they are not entitled to.

23

24 3. The legal precedent to successfully strip the Restrictive Covenants from the land and redevelop it
25 without the consent of the Homeowners simply does not exist. Whether written and running with the
26 land, or implied by the facts and actions of the developer, the courts consistently side with the

1 recognition of the Equitable Servitude that touches and runs with the land. The Court has said it
2 lacks the ability to strip the 75% vote requirement, and the case law supports that conclusion.
3 Further to that point, the case law goes much further in recognizing that absent an operating golf
4 course, owners are still obligated to maintain the properties. Judge Boulware's Court recognized this
5 and also came to this conclusion. What the Debtors plan does is ask the courts to harm the residents
6 of the community because they entered into land speculation deal. A decision to strip the restrictive
7 covenant, the only way this plan can proceed, should not, and would not survive scrutiny. All that is
8 being achieved here is the unwarranted destruction of the golf course in a naked attempt to bully the
9 homeowners into relinquishing their rights. It has already cost the community more than the debtor
10 could ever recover under the plan, and the plan only further harms the community while rewarding
11 both the potential bad actors, Modab/Stoneridge and Aevitas.
12 The Court has indicated it is not in the business of restoring golf courses, only to restructure debt.
13 Accordingly, this dispute should be between Stoneridge and Aevitas, not as an adversary situation
14 between the Homeowners/HOA and the golf course owner. In considering the plan, the Court
15 should also recognize the rights of the Homeowner, and that by adopting the plan, would in fact not
16 only be destroying the way of life of the community, but would also be ordering the almost
17 complete restructuring of the aggrieved community on top of that. By forcing this action on any
18 impaired class, the court would in essence be allowing the Debtor to use Bankruptcy Protection law
19 as a weapon against its adversaries in a one-sided land speculation that would otherwise NEVER be
20 allowed.

21

22 4. Even in the event the plan is allowed to proceed, and if it is not stopped on appeal, it would
23 certainly be contrary to the NRS planned community guidelines and current State public policy. The
24 nature of, and the facts involved with this would almost assure that any plan to re-entitle any part of
25 the property would either be DOA, or debated and restricted well into the next decade. Even if the
26 proposal ever saw the light of day, it would once again simply fall back to the Courts once again. In

1 any event, there won't be any progress anytime soon, and any Developer getting involved could
2 expect similar treatment. The easiest way to demonstrate this is that nothing has ever been proposed
3 or even discussed with the Authorities needed to proceed.

4
5 This is no more than a simple case of aggressive land speculation by individuals seeking to make a
6 profit of the misfortune of others. What it has evolved into is a case where a speculator has made a
7 veiled attempt to circumvent the lawful orders of a Federal Judge, while also continuing to attempt
8 force a square peg into a round hole. I ask the Courts to look deeper into the facts and motives of the
9 parties involved, and find that the only innocent victims are the same party being disadvantaged by
10 this plan, the Homeowners. Modab has invested and lost nothing, and Richards FULLY understood
11 what he was doing in this FIFTH of EIGHT known golf course assaults. I would ask the Courts
12 adjust the debt, resolve the issues between the Debtor and the Creditor, dismiss this filing and leave
13 them with the quagmire they have CREATED for themselves. I also ask that the Court NOT
14 FURTHER harm the only innocent parties, the Homeowner and HOA, who have done nothing but
15 lose, and continue pay for a problem NOT of their making, forced upon them for the sake of a land
16 speculator too lazy to find proper, legitimate land to invest in and market.

17 Thank You for your time and consideration. The Court is welcome to any and all
18 information and sources I am privy to, and will be available upon request.

19
20
21
22 DATED this 31st day of January, 2017.

23 _____
24 Patrick M. Spilotro
25 8177 Bay Colony
26 Las Vegas, Nevada 89131

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CERTIFICATE OF SERVICE

I hereby certify that on January 31, 2017, I filed the foregoing document with the Clerk of Bankruptcy Court, which will send notification of such filing to parties in the case. We also hereby certify that we have mailed this document by U. S. Postal Service to the following attorneys who sent us the Notice of Hearing for Approval of Disclosure Statement at the addresses listed below:

Samuel A. Schwartz, Esq.
Bryan A. Lindsey, Esq.
SCHWARTZ FLANSBURG, PLLC
6623 Las Vegas Blvd. South, Suite 300
Las Vegas, Nevada 89119

DATED this 31st day of January, 2017.

Patrick M. Spilotro
8177 Bay Colony
Las Vegas, Nevada 89131



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