

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.

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**AMENDED
JOINT APPENDIX
VOLUME 75, PART 3**

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2.1 Background

Land Use is the central element of the General Plan. The Land Use Plan is an expression of the City's goals for what its future pattern of development should be. It identifies the areas that are to be devoted to various land use types, including residential, commercial, industrial and various public land uses. The Land Use Plan also identifies the densities (for residential land uses) and intensities (for commercial and industrial land uses) which are desired, and the principles and standards which should be applied in implementation of land use decisions.

2.1.1 Relationship to Other Elements

In addition to being an important individual component, the Land Use Element is the keystone that ties together the following elements of the General Plan, as briefly described below:

Community Facilities Element

Land use impact considerations are essential to decisions for the location and physical needs of the following community facilities:

- Parks, Recreation and Cultural Facilities
- Police, Courts and Detention Facilities
- Fire Protection Facilities
- Education Facilities
- Library Facilities

The types of community facilities required vary with the types of land uses in various locations throughout the City. For example in the rural/agricultural Northwest area, the primary interest in parks, recreation and cultural facilities is equestrian trails. These trails will allow permanent access to the large public land (BLM and Floyd Lamb State Park) areas, in lieu of the

altogether too common practice of the past of gradual urbanization surrounding equestrian developments and cutting off such access. A series of parks can be developed as nodes along these trails. In contrast, more urban type park facilities are desired in higher density areas of the City.

Circulation Element

Land use considerations are related directly to the circulation systems (street, road and highway systems; rail systems; and pedestrian/bike/equestrian trail systems) which serve and link the various land parcels of the City. Land use forecasting (planning the distribution of residential and employment areas and activity centers) and travel demand forecasting (forecasting trip generation and distribution, and modal split) are closely inter-related and interdependent, as illustrated below in Figure 1, Relationship of Land Use Planning and Circulation Planning.

Infrastructure Element

The City's infrastructure system needs are directly related to the land uses which they serve. Principal among

these are:

- the sanitary sewer system (sewage treatment and distribution)
- the water supply system (from the Colorado River and groundwater sources)
- the flood control system (detention basins and connecting channels and controls)
- solid waste disposal facilities (land fill and collection/distribution sites)

Other infrastructure elements include public utilities (natural gas and electric systems). A balance must be maintained between infrastructure programming and land use to ensure the adequacy of facilities and service for all segments of the population, and to achieve a more energy-efficient and environmentally acceptable pattern of development.

Public Finance Element

A major share of public funds is expended for infrastructure projects to support land uses. These projects range from acquisition of right-of-way and construction for roads and highways, wastewater treatment facilities, and

acquisition of land and construction for public buildings, facilities, parks and open space.

Economic Development Element

The use and re-use of land is a critical factor in the development and redevelopment of a growing and vigorous economy. A stable and diversified economy requires commercial and industrial employment sites which are accessible to the worker, energy-efficient in location, environmentally suitable for development, cost-effective to serve with infrastructure, and compatible with surrounding areas and neighborhoods.

Housing Element

Residential land use is a major issue in the General Plan. It includes anticipation of the amount and location of a variety of housing types which provide: a choice of housing for households of diverse economic background, accessibility to employment centers and recreation areas, and site development and densities that are energy and water-efficient, cost-effective and visually attractive.

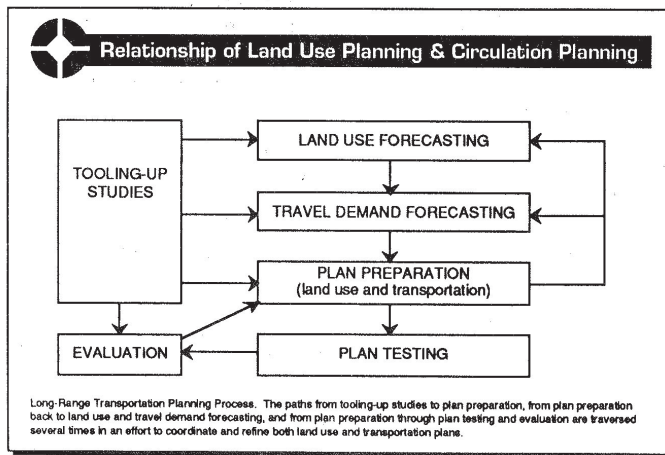
Urban Design Element

Urban design provides physical transitions between land uses of differing types and intensities. This is accomplished by urban design through the use of: building forms and massing, including height and setback requirements; landscape buffering, including plant materials and massing, and land forms (berms); hardscape details, including paving, walls and planters; circulation systems, including vehicular and pedestrian/bike/equestrian systems; and infrastructure systems, including drainage corridors as part of an open space system.

Environmental Quality and Natural Resource Conservation Element

The major environmental planning activities (air quality planning and management, solid-waste management and open-space planning to list the

Figure 1



GPLU Figure 1 Relation Plan/FRZm/6-12-91

most obvious) consider land use as part of the problem, and land use planning and management as part of the solution. Land use decisions on the location and size of automobile-dependent facilities are critical in maintaining acceptable ambient air quality standards. The density and intensity of land use in close proximity to critical natural resources and endangered species is a significant planning issue.

Historic Preservation Element

Historic preservation is now an important part of urban land use planning. More than being just a museum for historic architecture, historic preservation includes the adaptive reuse and rehabilitation of buildings, and the revitalization and redevelopment of older areas.

2.1.2 Existing Land Use Conditions

Accurate assessment of existing land use is an essential step in developing the recommended future land use patterns in a General Plan. A major task accomplished in the General Plan update was documentation of existing land use conditions throughout the City. This included the preparation of Existing Land Use Maps, by sector, as noted on the following maps for the Northwest, Southwest and Southeast sectors of the City. The process involved measuring the number of acres of each (generalized) land use category, including vacant land, as noted on Table 1 on the following page.

Northwest Sector Generalized Existing Land Use (Map 1). This sector has an established rural/agricultural lifestyle in the area north of Cheyenne Avenue and west of Decatur Boulevard. It is concurrently experiencing active and continuing development

pressure, including non-residential uses along the commercially zoned US-95 corridor. This sector has several large planned residential communities, Painted Desert, Los Prados, and Rancho Alta Mira which are shown on Map 4, Planned Communities.

Southwest Sector Generalized Existing Land Use (Map 2). This sector is the area west of Decatur Boulevard and south of Cheyenne Avenue. This sector contains many excellent examples of planned communities, including: The Lakes at West Sahara, Peccole Ranch, Canyon Gate Country Club, Desert Shores, South Shores, and the 23,180 acre (5,267 acres presently annexed) Summerlin satellite new town, with its first residential "village", Sun City Summerlin. These planned communities are also shown on Map 4.

Southeast Sector Generalized Existing Land Use (Map 3). This sector encompasses the more mature area of the City, east of Decatur Boulevard. As it is more fully built out, future growth in this area will include more extensive "infill" development. This sector includes the Downtown Las Vegas area, the world renowned entertainment and gaming center, which also functions as a regional commercial and office activity center, for which a comprehensive Downtown Development Plan has been completed, as discussed in Section 2.5.1.

2.1.3 Relationship of Zoning to Land Use Planning

Zoning is the major implementation tool of the General Plan. It is the process whereby a specific Zoning District classification is assigned to a land parcel by the City Council, following recommendation by the Plan-

ning Commission. Zoning is based on the "police powers" of the community: health, safety and welfare, and in more recent years, the aesthetic* impact of the land use. The use of land as well as the density, intensity, height, bulk, setback and associated parking needs of buildings are regulated by the Zoning District requirements. The relationship of the Zoning District classification to the General Plan Future Land Use classification is shown in the following Table 2. **Based upon Nevada Case Law (Nova Horizon, Inc., v. The City of Reno) the courts have held that the Master Plan is "a standard that commands deference and a presumption of applicability."** The Nevada Supreme Court has held that Master Plans in Nevada must be accorded "substantial compliance," while Nevada statutes require that the zoning authority must adopt zoning regulations that are in substantial agreement with the Master Plan.


2.1.4 Development Intensity Level Land Use Classification

As outlined in Element I, Introduction, a new approach to the categorization of land uses is being implemented which uses Development Intensity Levels (DIL) by traffic generation and impact, rather than the traditional land use designations for all land parcels.

Variations of intensity systems have been successfully applied in other metropolitan areas. They involve analysis of existing city development patterns in terms of density (dwelling units per acre) for residential parcels, and in terms of intensity of floor area ratios or the maximum floor area of building permitted on a lot (FAR/1000 square feet of building) for all non-residential land uses.

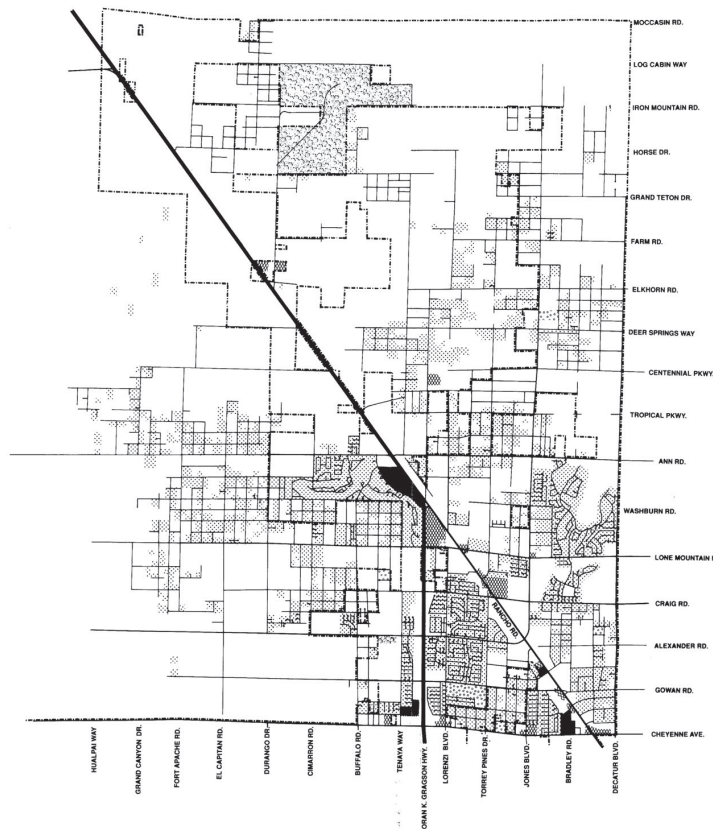
* *Berman vs. Parker*, 348 US 26, 75 Supreme Court 98, Ed. 27 (1954): "The concept of the public welfare is broad and inclusive. The values it represents are spiritual as well as physical, aesthetic as well as monetary. It is within the power of the legislature to determine that the community should be beautiful as well as healthy, spacious as well as clean, and well-balanced as well as carefully patrolled."

Table 1

 City of Las Vegas Existing Land Use By Sector, By Acres								
C.P.*	Residential SFam	MFam	Public Fac	Commercial	Light Industry/ Research	R of W	Vacant	Totals
Northwest Las Vegas								
11	-	-	127	101	0	612	1,030	3,064
12	-	-	233	40	0	4,795	19,159	26,639
15	-	-	72	78	0	563	1,410	2,813
Total	4188	108	432	219	0	5,970	21,599	32,516
	12.88%	0.33%	1.33%	0.67%	0.00%	18.36%	66.43%	100.00%
Southwest Las Vegas								
7	-	-	185	202	0	530	1,100	2,647
8	-	-	57	141	0	561	301	2,808
9	-	-	273	53	57	972	2,546	4,858
10A-D	-	-	94	126	0	667	719	3,337
13	-	-	190	68	0	783	1,861	3,913
16	-	-	127	0	0	768	2,458	3,840
Total	4,469	2,095	926	590	57	4,281	8,985	21,403
	20.88%	9.79%	4.33%	2.76%	0.27%	20.00%	41.98%	100.00%
Southeast Las Vegas								
1	-	-	330	252	54	752	659	3,974
2	-	-	175	309	170	647	80	2,051
3	-	-	67	224	17	470	124	1,743
4	-	-	180	159	213	695	648	3,139
5	-	-	361	310	203	444	227	2,630
6	-	-	73	343	434	761	138	3,253
10E	-	-	0	20	0	134	157	504
Total	3,939	3,525	1,186	1,617	1,091	3,903	2,033	17,294
	22.78%	20.39%	7%	9%	6%	23%	12%	100%
City Totals								
	12,596	5,728	2,544	2,426	1,148	14,154	32,617	71,213
	17.69%	8.04%	3.57%	3.4%	1.61%	19.88%	45.8%	100%
* Community Profile Map #								

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

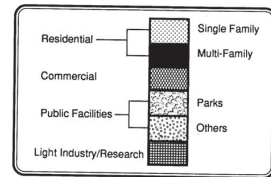
GP.LU Table 1 CLV existing;FR;pm/4-14-92



Map 1

Northwest Sector Generalized Existing Land Use

LEGEND



SOURCE: Dept. of Community Planning & Development

Adopted by the Planning Commission,
December 12, 1991

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Chairman
Sandra Hudgins

Norman R. Standerfer
Secretary
Norman R. Standerfer,
Director, Dept. of Community Planning &
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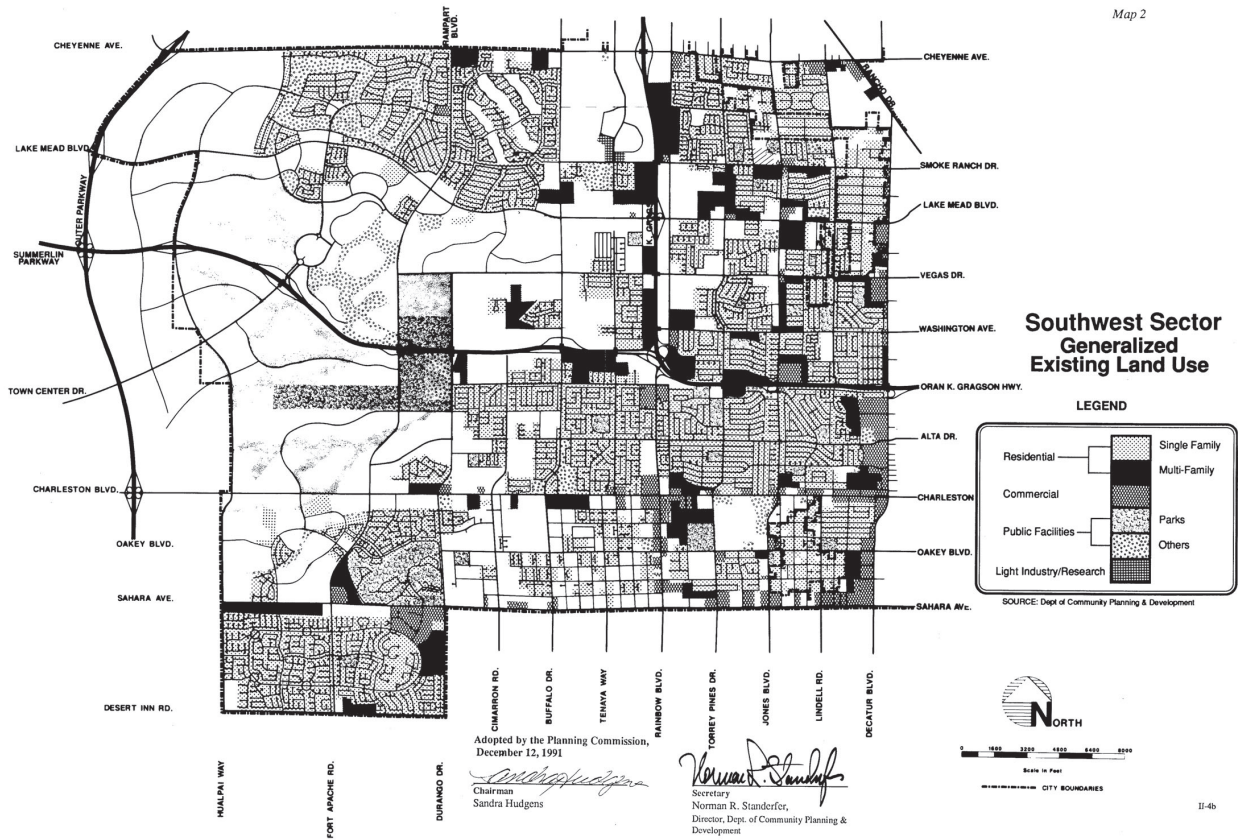


Scale 1/4" = 100'
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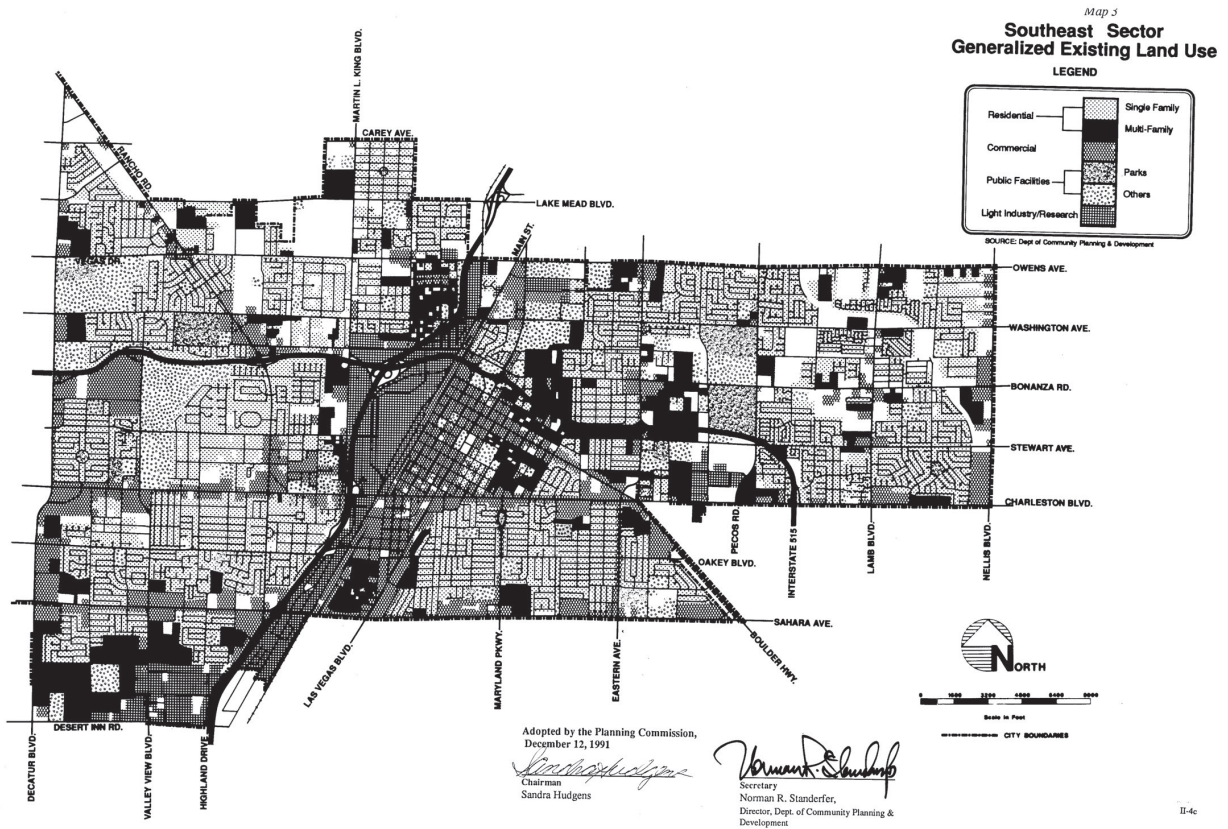
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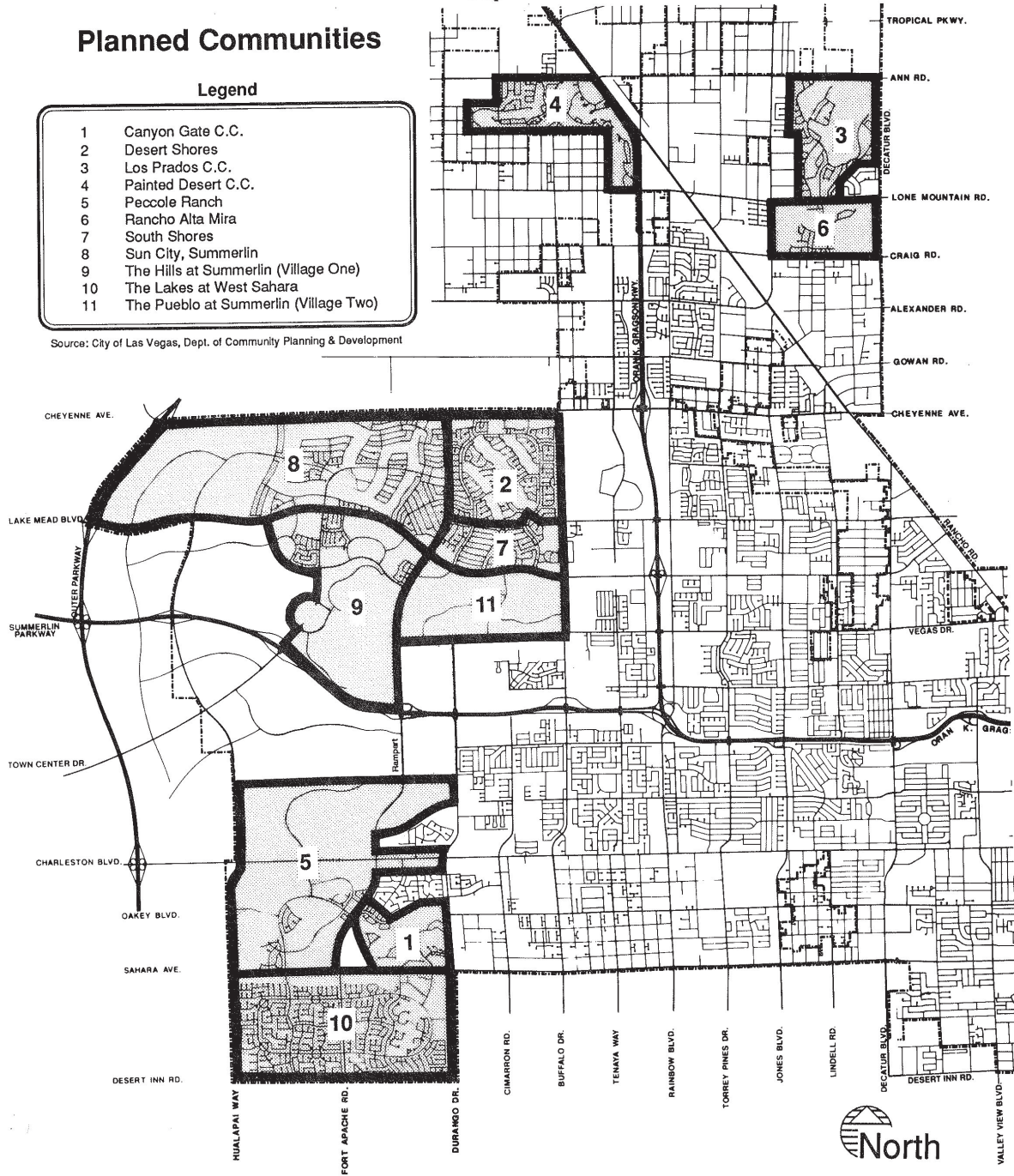
Map 4

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

CLV053010

2828

13072

Table 2

 Land Use Categories Zoning District to General Plan Conversion	
<i>The following table converts the Zoning District Classifications of the City of Las Vegas Zoning Ordinance into the comparable Land Use Designations of the General Plan</i>	
ZONING DISTRICT CLASSIFICATION	COMPARABLE GENERAL PLAN LAND USE DESIGNATION
R-A (1 Du/Acre) (Ranch Acres) R-E (2 Du/Acre) (Residential Estates)	D-R (Desert Rural) ≤ 2.18 SFUE*/net Acre
R-E (2 Du/Acre) (Residential Estates) R-D (3 Du/Acre max.) (Single Family District) R-PD (3.96 Du/Acre) (Res. Planned Development)	R (Rural Density Residential) ≤ 0-3.96 SFUE*/net Acre
R-1 (4-5 Du/Acre) (Single Family) R-D (4 Du/Acre max.) (Single Family District) R-PD (3-6.7 Du/Acre) (Res. Planned Development) R-MH (4-5 Du/Acre) (Mobile Home Residential) R-CL (3-6.7 Du/Acre)	L (Low Density Residential) ≤ 6.70 SFUE*/net Acre
R-CL (Single Family Compact Lot Residential) R-2 (Two Family Residential) R-PD (9 SFUE) (Res. Planned Development) R-MHP (Residential Mobile Home Park)	ML (Medium Low Density Residential) ≤ 9 SFUE/Gross Acre
R-3 (Limited Multiple Residence) R-PD (13.27 SFUE) (Residential Planned Dev.)	M (Medium Density Residential) ≤ 13.27 SFUE/Gross Acre
R-4 (Apartment Residence) R-5 (Downtown Apartment) R-6 (High-rise Apartment) R-PD (16.58 SFUE) (Res. Planned Development)	H (High Density Residential) ≤ 16.58 SFUE/Gross Acre
P-R (Professional Offices & Parking) C-D (Designed Commercial) C-1 (Limited Commercial)	SC (Service Commercial/Office)
C-2 (General Commercial)	GC (General Commercial)
C-2 (General Commercial)	TC (Tourist Commercial)
C-M (Commercial/Industrial) C-PB (Planned Business Park) M (Industrial)	LI/R (Light Industry/Research)
C-V (Civic)	P (Parks/Recreation) S (School) PF (Public Facility)

* Single Family Unit Equivalent

GP.LU Table 2 ns' Conversion; NS; pm/12-30-91

The Residential Land Use Classification Schedules set forth in Table 3 provide the methodology for interpreting and determining the consistency of prospective development proposals to the adopted Land Use Maps with respect to the appropriateness of uses, the range of allowable dwelling unit densities or non-residential intensities. Any proposed use of land which conforms to the following schedules of Single Family Use Equivalents (SFUE)* for dwelling densities or Standard Floor Area Ratios for non-residential uses shall be deemed to be consistent with this Plan as indicated:

- A) **BOLD TYPE** - indicates maximum permitted density or intensity of primary land use.
- B) **Regular Type** - indicates range of secondary permitted land uses and equivalent maximum density or intensity of land uses which are consistent without a formal Plan amendment.
- C) **Blank** - indicates the use is not permitted in the Land Use Classification category. A formal Land Use Plan amendment is required prior to rezoning.

The D.I.L. process is an innovative and flexible concept for the planning of long term future land use impacts. The development of traffic related land use equivalent relationships for purposes of portraying future land use legends on Plan maps provides for a better growth management tool to coordinate land use planning with transportation and infrastructure planning and implementation.

The land use classification system used in this element has been designed to address initial recommendations for transition to a completed Development Intensity Level (DIL) system.

This initial land use classification system introduces the concept of residential housing type traffic impact equivalents. These residential equivalents are referred to as "single family unit equivalents" or "SFUE's."

Future non-residential land use traffic impact equivalent classifications will be developed and recommended for incorporation into this section, based on study and analysis now underway. These non-residential equivalents are referred to as "standard floor area ratio equivalents" or "SFARE's."

2.1.5 General Plan Land Use Classification System

The three broad land use types, residential, commercial and industrial, are

further subdivided into more specific categories, based on densities (residential) and intensities (commercial and industrial). These categories, together with various community facilities such as parks/recreation/open space, schools and other public facilities (which are institutional types of land uses), which are used on the recommended Future Land Use Plan maps, are set forth below:

Desert Rural Density Residential (DR) (≤ 2.18 SFUE/net ac). The Desert Rural Density residential category allows a maximum of two dwelling units per net acre. The predominant residential life-style is single family homes on large lots, many including equestrian facilities. This is a generally rural environment that permits greater privacy and some non-commercial raising of domestic animals. Lot sizes range

Table 3

Residential Land Use Classification Schedule						
DWELLING TYPE	DR	R	L	ML	M	H
SFUE*	2.18	3.96	6.70	9.00	13.27	16.58
Single Family Detached	2.18	3.96	6.70	9.00	9.00	9.00
Low Rise Apartment				13.57	20.00	25.00
Single Family Attached			12.09	16.23	23.93	29.91
High Rise Apartment					37.23	46.52
Mobile Home					7.14	7.14
Hotel per Room					20.67	25.77
Motel per Room					29.78	37.22
Congregate Care/Bed				43.08	43.08	43.06

* Single Family Unit Equivalent

GP.LU Table 3 ns' SFUE;NS;pnv4-12-92

* For previous designation of residential land use categories see Appendix Volume, Chapter II