

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
Sep 30 2022 11:18 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 84640

**AMENDED
JOINT APPENDIX
VOLUME 128, PART 8**

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What are the City rules to create an R-PD?

- A Development Plan:
- Proposed List of Uses, Acreages, Density/Intensity
- Conceptual Location of Activities and Uses
- Number and Types of Dwelling Units & Commercial Floor Area
- Common Areas/Recreation/Open Space & Amenities
- Public Streets & Parking
- Drainage
- Design Guidelines, CC&R's & Often Development Agreements

In Peccole Ranch Phase II what was approved by the City Council in 1990?

- Master Development Plan:
- 4,247 units of single family and multifamily
- 2,807 units of single family on 401 acres
- 1,440 units of multi-family on 60 acres; which exceeds the average gross density allocation of 420 units (7.0 units/acre X 60 acres = 420 units) by 1020 units (1,440 units – 420 units = 1020 units). The additional 1,020 multi-family units were transferred from approximately 145.7 acres of golf course acreage (7 units/ac x 145.7 ac = 1,020 units).
- 211 acres of golf course/drainage
- 194 acres of Commercial/Office
- 56 acres of Resort Casino
- 60 acres of Right of Way
- 13 acres of school
- Approved Master Development Plan Excerpt with Planning & City Council Minutes of March 8, 1990 & April 4, 1990.
 - ❖ See Exhibit C - Land Use Table a Master Development Plan Excerpt;
 - ❖ See Exhibit D-1 & D-2 - Planning Commission Agenda Minutes for Master Development Plan & Zone Change Z-17-1990;
 - ❖ See Exhibit E-1 & E-2 - City Council Agenda Minutes for Master Development Plan & Zone Change Z-17-90;
 - ❖ See Exhibit F - City Action letter for Z-17-90, associated with Zoning Ordinance #5353)

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How was the Number “7” in R-PD7 Used in Peccole Ranch Phase II?

- First the developer determined the gross acreage of Phase II which was 936 acres (996.4 acres minus the 60.4 acres of Public Right of Way). (See Exhibit C, portion of approved Master Development Plan)
- Second, the developer multiplied the 936 acres times “7” to determine the overall gross density allowed in Phase II. That maximum potential gross residential density was 6,552 allowable units.
- At the Planning Commission meeting in March 8, 1990, the developer voluntarily reduced his allowable residential density by almost 2,200 units. (See Planning Commission meeting minutes March 8, 1990, Exhibits D-1 & D-2)
- The developer asked for, and was granted by the City on April 4, 1990, the right to build a maximum of 4,247 residential units. (See and the Minutes of the City Council on April 4, 1990, Exhibit E-1, E-2 & Exhibit F).
- The Number of Approved residential units has not changed since April 4, 1990 City Approval

What was the density of residential approved in all of Peccole Ranch Phase II

- Total of 4,247 units of single family and multi-family on 996.4 acres. This number has not changed since 1990 approval.
- 4.3 dwelling units per acre with Right-of-Way (Gross Density)
 - ❖ $4,247/996.4 = 4.26$ This is to show the effective density if all land is included before specific locations and changes in density by development transfer
- 4.5 dwelling units per acre without Right-of-Way (Net Density)
 - ❖ $4,247/(996.4 - 60 = 936.4) = 4.53$

What is amount & density of single family approved?

- 2,807 units of single family on 401 acres
- This equals 7 dwelling units per acre on the areas requested for single family development $2,807 \div 401 = 7$

ROR022305

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What was the density approved for Multi-Family

- 1,440 units of multi family on 60 acres
- This equals 24 dwelling units per acre on the areas requested for multi-family development $1,440 \div 60 = 24$

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What was the Density approved for the 250 acres of golf course/open space/drainage?

- **NONE:** And this has not changed in more than twenty years
- **See Exhibit C**

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Did the Developer use Residential units generated by the 250 acres of Golf Course/Open Space and Drainage in other developments within Phase II?

- **YES**

- Residential units that could have been used by the original developer on the 250 acres of golf course/open space/drainage were intentionally assigned to the 60 acres of multi-family (1,440 units) which assignment was approved by the City in 1990 as part of the Peccole Master Development Plan.
- Additional residential units generated by the 250 acres of golf course/open space/drainage were assigned to the 21.63 acres of multi-family (516 units) development known as Queensridge One Towers as well as to other residential developments within Phase II that exceeded 7 units per acre.
- Beginning with the City's 1990 approval of the Peccole Master Development Plan Phase II and through the addition of the last nine holes in 1996 to present, there has never been any residential units permitted on the 250 acres of golf course/open space/drainage
- Therefore, no residential units have ever been approved on the 250 acres of golf course/open space/drainage. The 250 acres has been designated by the City in its General Plan as Park/Recreation/Open Space for more than 20 years. However, residential units generated by the application of the R-PD7 formula to the 250 acres (7x250=1750 units) were used by the original developer in multi-family developments within the Master Development Plan and were specifically approved by the City.

What did the Master Developer/Declarant choose to build as approved by the City?

- Built 1,838 Single-Family on 362 acres
- Built and Entitled 1,157 Multi-Family on 60 acres
- 250 Acres of Golf Course Drainage
- 4.92 Acres Park/Open Space
- 194 Acres of Commercial/Office
- 53 Acres of Right of Way
- Zero Acres of School

Has the City confirmed by ordinance the Park/Recreation/Open Space designation under its General Plan for the original 18 holes of the Badlands Golf Course which is a permissible use under R-DP?

- In 1992 by adoption of a new General Plan which covered the original 18 holes. (See Exhibit G)
- In 1996 by adoption of a Final Map (FM-8-96) the 18 holes' parcel was established. The General already reflected Park/Recreation/Open Space designation from the 1992 General Plan (See Exhibit H)

Has the City confirmed by ordinance the Park/Recreation/Open Space designation under its General Plan for the additional 9 holes of the Badlands Golf Course which is a permissible use under R-PD?

- In 1996 by adoption of a Tentative Map (TM-82-96) and Final Map (FM-190-96) the additional nine holes are added to the original 18 holes' parcel (See Exhibit I; Spitz and Genzer Letters; Exhibits J-1, J-2 & J-3)
- In 1999 City adopts an update to the General Plan (GPA-14-99) that reflects all 27 holes as Park/Recreation/Open Space. (See Exhibit K)

What is left to Build?

- On the 401 acres of Single Family - No new lots, some homes on those approved lots not yet constructed
- On the 60 acres of Multi-Family - entitled but not yet built included in total; 166 units at QR Towers, 300 units at Tivoli, and 100 units at Renaissance
- Nothing on the 250 acres of Golf Course/Open Space/Drainage which was required as part of the PD and approved by the City pursuant to the Master Development Plan which was completed more than 15 years ago without any surviving Master Developer or Declarant.

A

ROR022313

23722



**LAS VEGAS
CITY COUNCIL**

**CAROLYN G. GOODMAN
MAYOR**

**STAVROS S. ANTHONY
MAYOR PRO TEM**

**LOIS TARKANIAN
STEVEN D. ROSS
RICKI Y. BARLOW
BOB COFFIN
BOB BEERS**

**ELIZABETH N. FRETWELL
CITY MANAGER**

**CITY OF LAS VEGAS
DEPARTMENT OF PLANNING
DEVELOPMENT SERVICES CENTER
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3RD FLOOR
LAS VEGAS, NEVADA 89106**

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December 30, 2014

Frank Pankratz
ENB Companies
9755 W. Charleston Blvd.
Las Vegas, NV 89117

RE: 138-31-713-002
138-31-712-004
138-31-610-002
138-31-212-002 (ZVL-57350)

Mr. Pankratz,

This letter is in response to a request for zoning verification on properties located within Las Vegas, Nevada with Assessor's Parcel Numbers of 138-31-713-002; 138-31-712-004; 138-31-610-002; and 138-31-212-002. The subject properties are zoned R-PD7 (Residential Planned Development District – 7 Units per Acre).

The R-PD District is intended to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. The density allowed in the R-PD District shall be reflected by a numerical designation for that district. (Example, R-PD4 allows up to four units per gross acre.) A detailed listing of the permissible uses and all applicable requirements for the R-PD Zone are located in Title 19 ("Las Vegas Zoning Code") of the Las Vegas Municipal Code. The Las Vegas Zoning Code may be found on the City of Las Vegas website:

http://www.lasvegasnevada.gov/LawsCodes/zoning_laws.htm

The department is unable to provide you with a statement as to whether or not this property conforms to current City codes. If a use or building is nonconforming, then Title 19.14 grants certain rights to the owner, which are addressed in Sections 19.14.040 and 19.14.050 located in Title 19 ("Unified Development Code") of the Las Vegas Municipal Code. The Unified Development Code may be found on the City of Las Vegas website:

http://www.lasvegasnevada.gov/files/CLV_Unified_Development_Code.pdf

Should you wish to obtain copies of a Certificate of Occupancy or other public records related to the subject property, please contact the Las Vegas Building and Safety Department at (702) 229-6251. Information regarding City code violations on the subject property can be obtained from the Code Enforcement Division of the Building and Safety Department at (702) 229-2330.

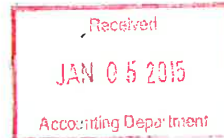
If you have any questions concerning this matter, please contact me at (702) 229-6745.

Sincerely,


Nicole Eddowes

Planner I
Planning & Development Department

Exhibit A



**PRJ-63491
02/25/16**


FM-0073a-04-12

ROR022314

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B

ROR022315

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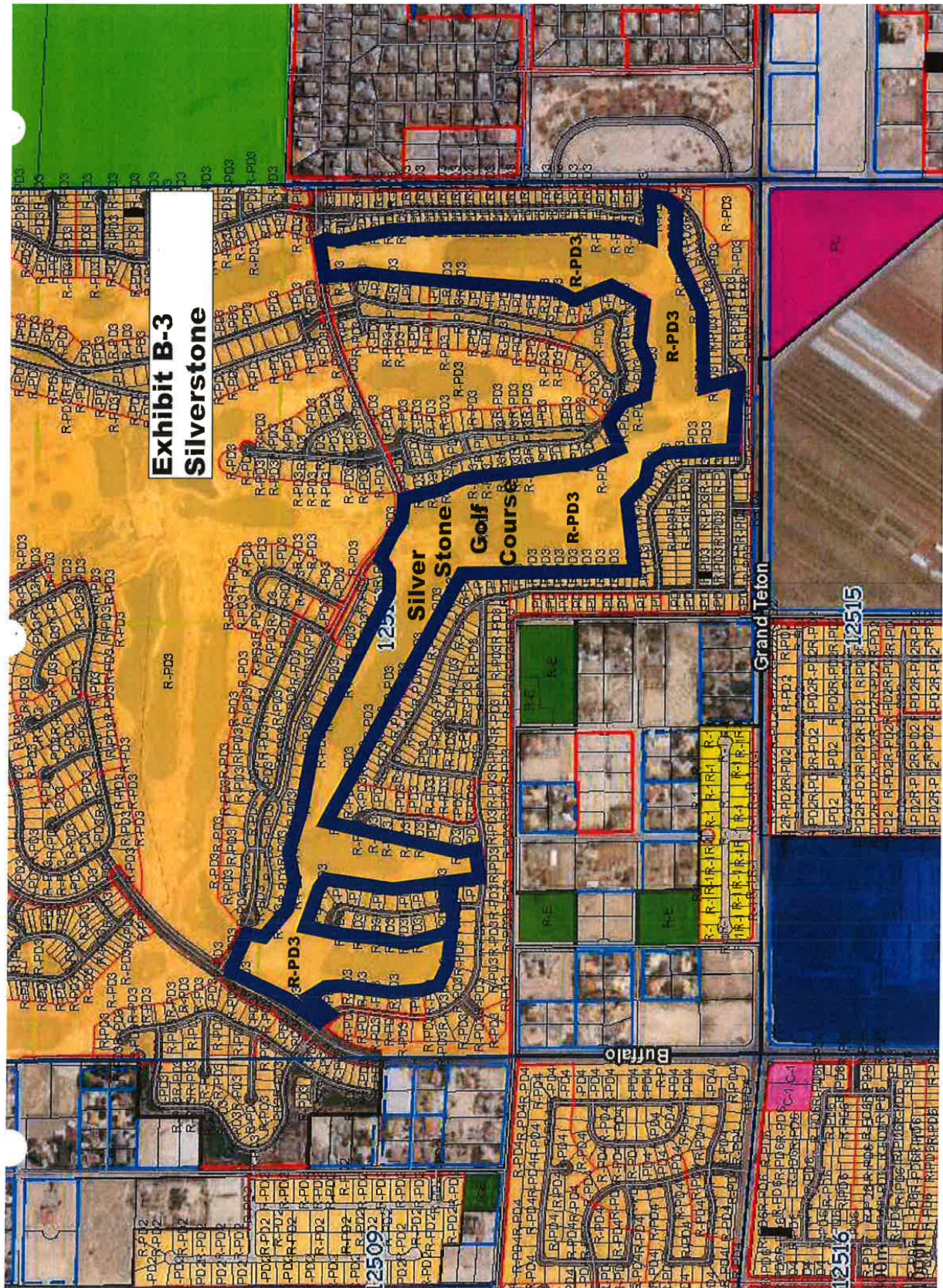
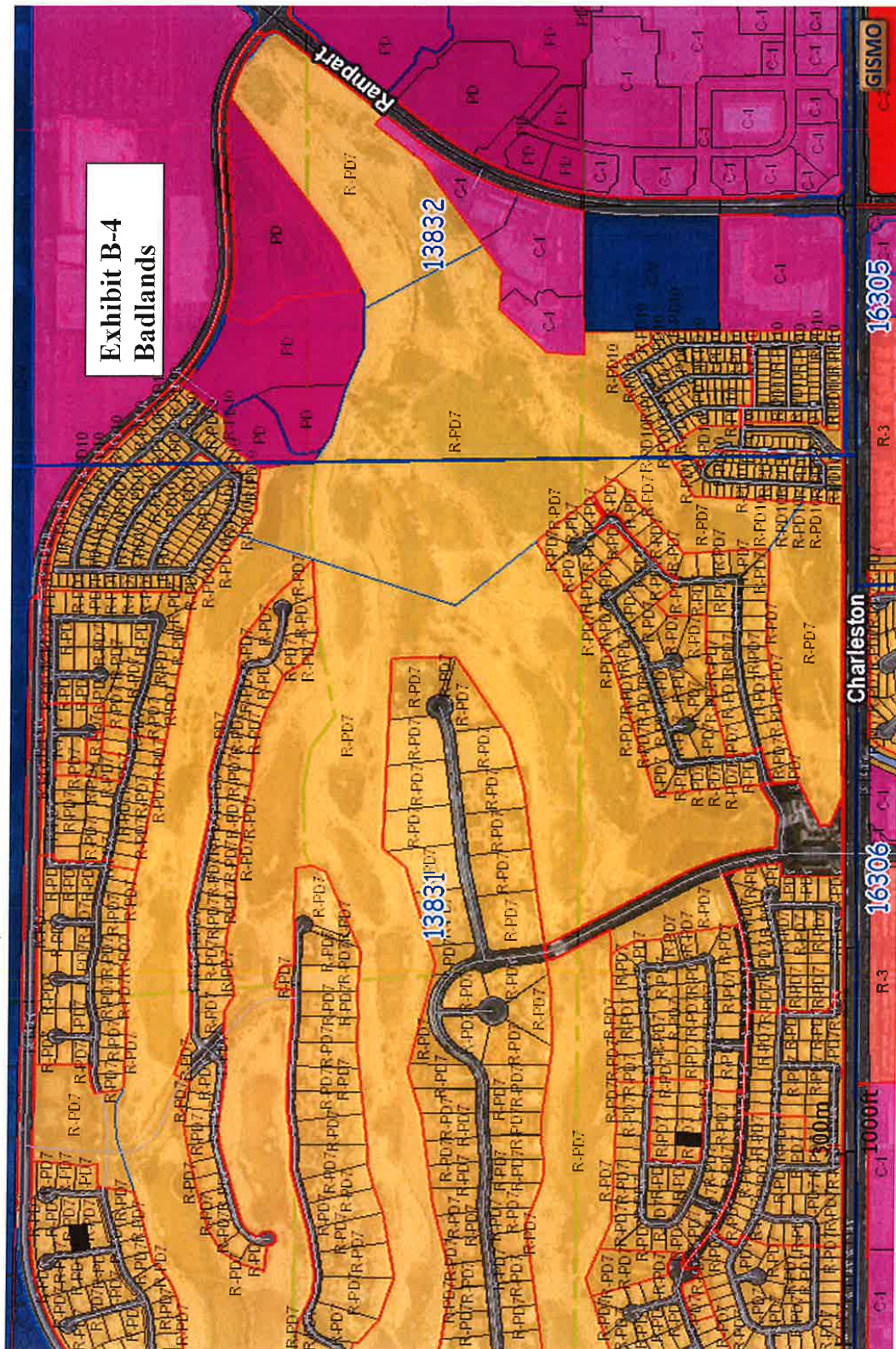


Exhibit B-3 **Silverstone**

ROR022321

ROR022322

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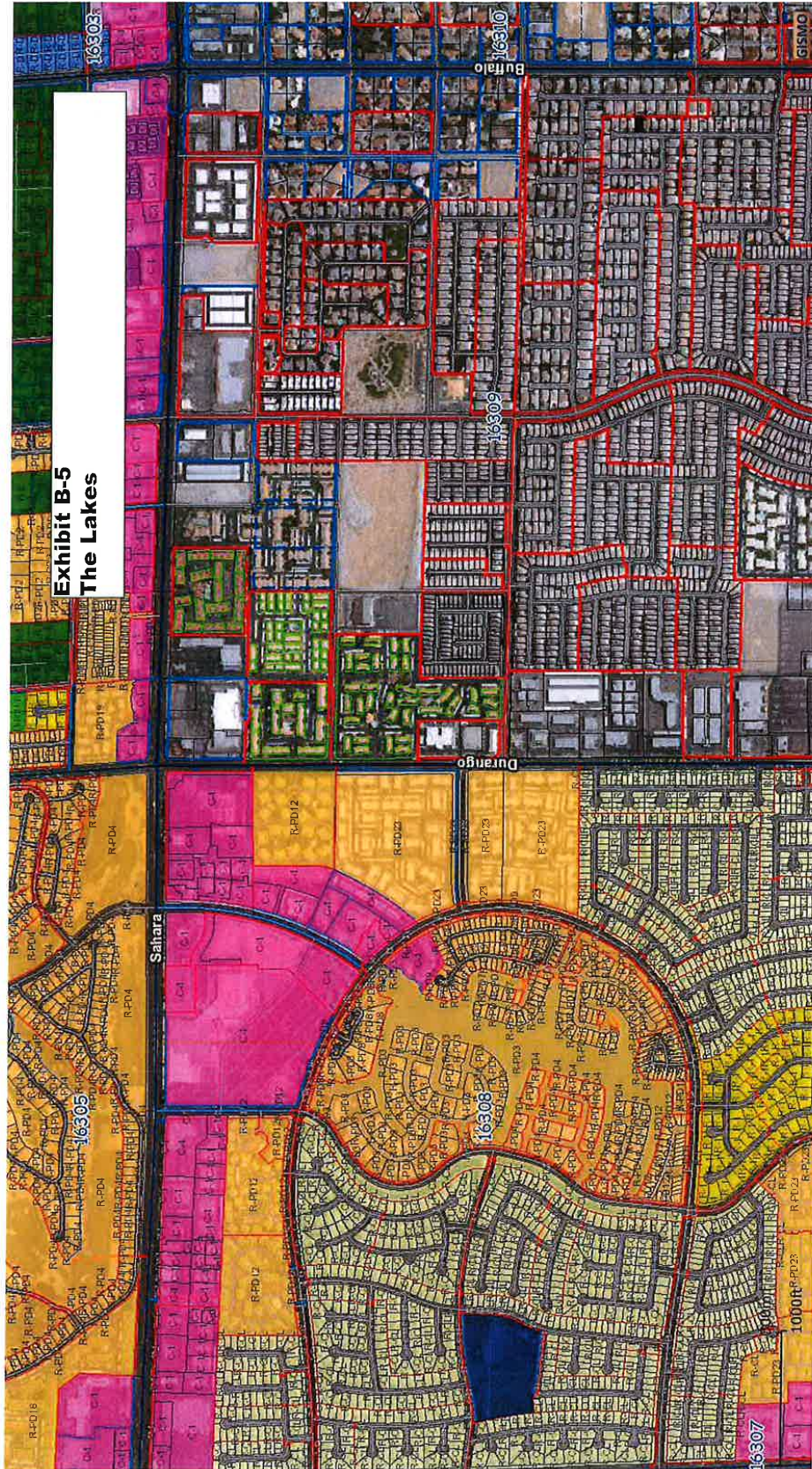


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ROR022324

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ROR022325

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C

ROR022326

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Exhibit C

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

ROR022327

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ROR022328

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ROR022329

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Exhibit D-1

AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6301

ITEM	COMMISSION ACTION
<p>24. <u>MASTER DEVELOPMENT PLAN AMENDMENT</u></p> <p>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</p> <p><u>STAFF RECOMMENDATION:</u> APPROVAL, subject to the following:</p> <ol style="list-style-type: none">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. <p><u>PROTESTS:</u> 5 Speakers at Meeting</p>	<p>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)</p> <p>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.</p> <p>WILLIAM PECCOLE appeared and represented the application. Phase I is 75% complete. This request is for Phase II.</p> <p>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.</p>

ROR022330

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AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

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)

ROR022331

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ROR022332

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AGENDA

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6301

ITEM

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

Babero -
 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)

ROR022333

23742

Exhibit D-2**AGENDA**

ANNOTATED AGENDA AND FINAL MINUTES

City of Las Vegas

March 8, 1990

PLANNING COMMISSION

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COUNCIL CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386 6301

COMMISSION ACTION

ITEM

25. Z-17-90

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To: R-PD7, R-3 and C-1
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Size: 996.4 Acres

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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

Babero - 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
(Buqbee 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)

ROR022334

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E

ROR022335

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ROR022336

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Exhibit E-1

CITY COUNCIL MINUTES

MEETING OF
APRIL 4, 1990**AGENDA***City of Las Vegas*

000648

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 388-6011

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ITEM	ACTION
<p>1433 to 1437</p> <p>X. COMMUNITY PLANNING AND DEVELOPMENT DEPT. (CONTINUED)</p> <p>G. <u>ZONE CHANGE - PUBLIC HEARING</u></p> <p>3. <u>Master Development Plan Amendment related to Z-17-90</u></p> <p>Request for approval to amend the Master Development Plan for property located on the east side of Hualpai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue.</p> <p>Planning Commission unanimously recommended APPROVAL, subject to:</p> <ol style="list-style-type: none">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.4. Signs shall be posted on the resort/casino and commercial center sites to indicate the proposed uses.5. The surrounding property owners shall be notified when the development plans for the resort/casino and commercial center sites are submitted for review. <p>Staff Recommendation: APPROVAL</p> <p>PROTESTS: 5 (at meeting)</p> <p>APPROVED AGENDA ITEM: <i>Larry L. Ruston</i></p>	<p>NOLEN - APPROVED as recommended subject to the conditions. Motion carried with Higginson "abstaining" because his employer had done business with Mr. Peccole.</p> <p>Clerk to Notify and Planning to Proceed.</p> <p>*****</p> <p>ROBERT PECCOLE, 2760 Tioga Pine Circle, appeared. He stipulated to the conditions indicating that the hotel and casino along with the commercial center plans would be approved by the Council.</p> <p>COUNCILMAN ADAMSEN said he previously wrote a letter to both the Peccole and Summerlin people asking them to post signs on the property indicating the hotel and casino sites. He also asked that when people buy property they be given a plot plan and a map which would show the future casino site in relation to their property and they are asked to sign an acknowledgment when they receive this information to resolve any problems of notification.</p> <p>No one appeared in opposition.</p>

ROR022337

23746

X.

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.G.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

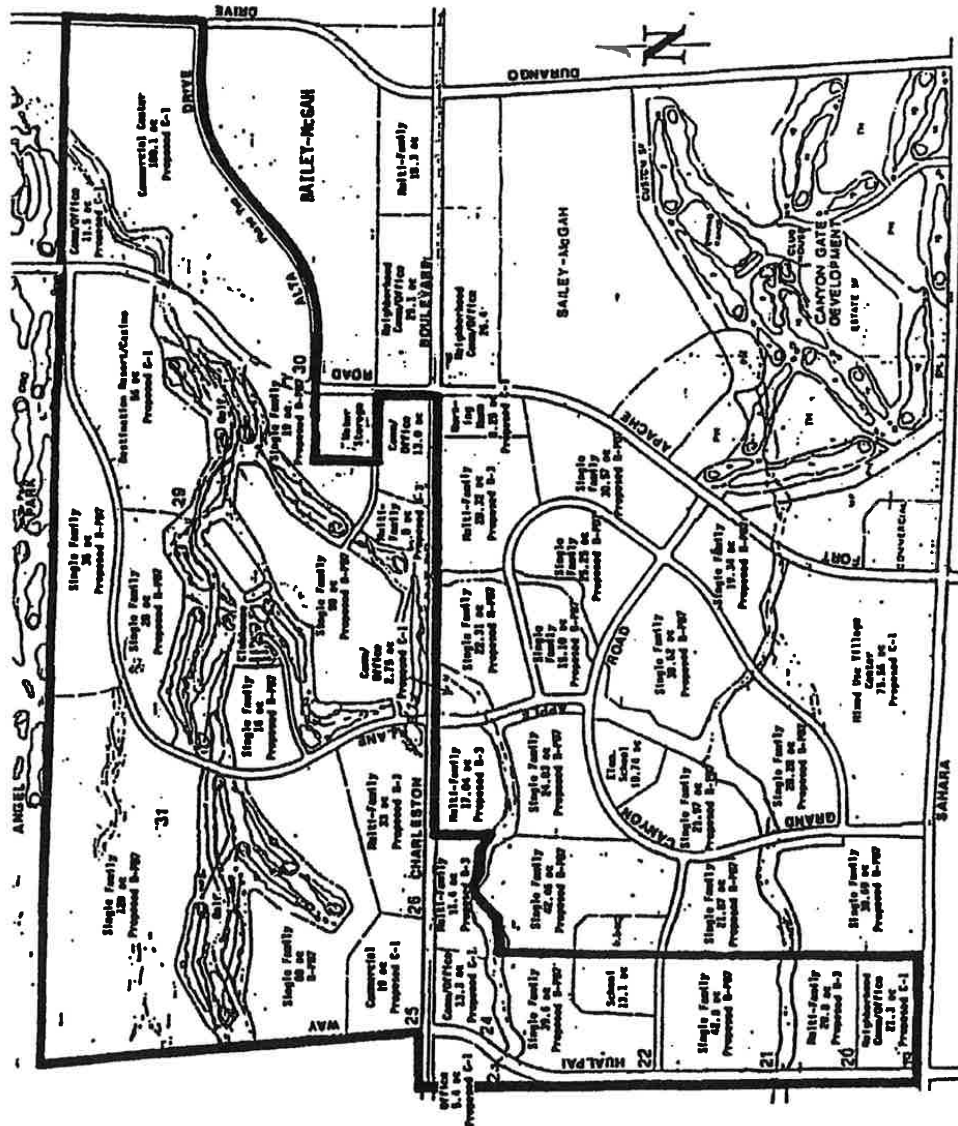

HAROLD P. FOSTER, DIRECTOR
DEPARTMENT OF COMMUNITY PLANNING
AND DEVELOPMENT

ROR022338

23747

000650

LOCATION MAP - ITEM X.6.3. - Master Development Plan Amendment



MASTER DEVELOPMENT PLAN AMENDMENT

ROR022339

23748

ROR022340

23749

Exhibit E-2**AGENDA**

CITY COUNCIL MINUTES

MEETING OF
APRIL 4, 1990*City of Las Vegas*

000651

CITY COUNCIL
COUNCIL CHAMBERS • 400 EAST STEWART AVENUE
PHONE 386-6011

Page 49

ITEM

ACTION

1437
to
1438**X COMMUNITY PLANNING AND DEVELOPMENT DEPT
(CONTINUED)****G ZONE CHANGE - PUBLIC HEARING****4 Z-17-90 - William Peccole 1982
Trust**

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

Planning Commission unanimously recommended APPROVAL, 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

- continued -
APPROVED AGENDA ITEM

NOLEN - APPROVED as recommended subject to the conditions.
Motion carried with Higginson "abstaining" because his employer had done business with Mr. Peccole.

Clerk to Notify and Planning to Proceed.

WILLIAM PECCOLE, 2760 Tioga Pine Circle, was present

COUNCILMAN ADAMSEN said this was in conformance with the General Plan. The multi-family acreage was reduced from 100 to 60 and it will all be located on the major streets.

No one appeared in opposition

There was no discussion

NOTE: The portion of this agenda which indicates this reclassification includes a request for R-PD3 zoning, in addition to R-PD7 and C-1, is a typographical error. The application and all other documentation correctly identifies the request as R-3 (Limited Multiple Residence), R-PD7 and C-1.

ROR022341

23750

F

ROR022342

23751

Exhibit F

MAYOR RON LURIE

COUNCILMEN
BOB NOLEN
STEVE MILLER
ARNIE ADAMSEN
SCOTT HIGGINSON



CITY of LAS VEGAS

C O R R E C T E D L E T T E R

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



ROR022343

23752

William Peccole 1982 Trust
January 29, 1991
RE. Z-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
444 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

ROR022344

23753

G

ROR022345

23754

Exhibit G

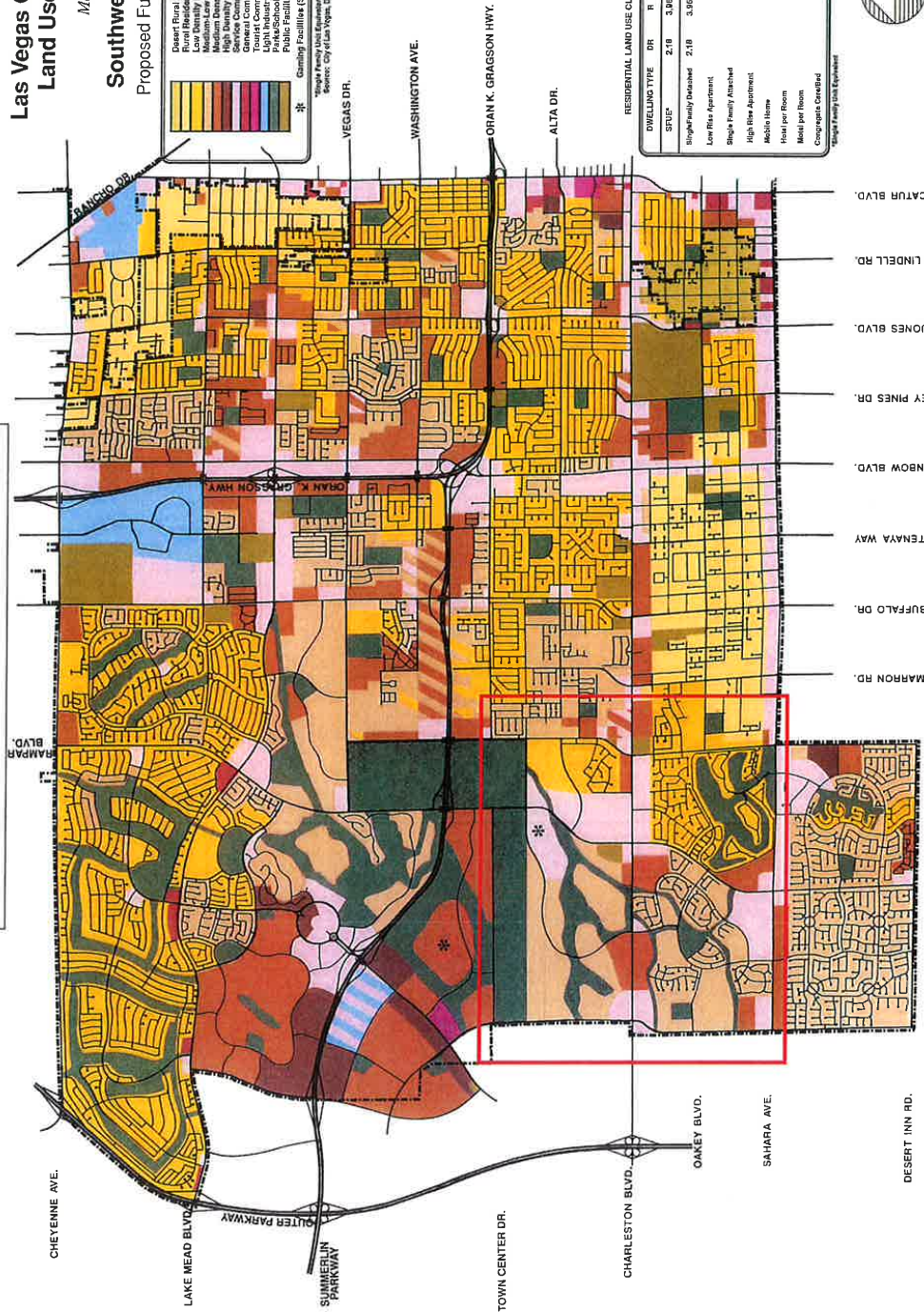
Las Vegas General Plan Land Use Element

Map 6

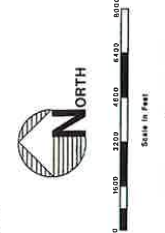
Southwest Sector Proposed Future Land Use



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



DWELLING TYPE	DR	11	L	ML	N	H
Single-Family Detached	2.18	3.96	9.70	9.00	13.27	16.59
Low-Rise Apartment				11.57	23.00	25.00
Single-Family Attached			12.08	16.23	23.83	28.81
High-Rise Apartment					27.23	46.28
Mobile Home					7.14	7.14
Hotel per Room					23.67	25.77
Motel per Room					23.70	27.22
Comprehensive Corridor				42.08	43.09	43.06



Adopted by the Planning Commission,
March 14, 1992
Norman R. Standerfer
Chairman
Sandra Hultgren
Secretary
Norman R. Standerfer,
Director, Dept. of Community Planning & Development

ROR022346

23755

H

ROR022347

23756

PECCOLE WEST

A PORTION OF SECTION 31 AND THE WEST HALF (W 1/2) OF SECTION 32,
TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

961205



CITY SURVEYOR'S CERTIFICATE

I, RAY M. LUND, CITY SURVEYOR OF THE CITY OF LAS VEGAS, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS THE SAME ARE KEPT IN THE OFFICE OF THE CITY SURVEYOR.

PECCOLE WEST

THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, HAS BEEN ADVISED BY THE CITY SURVEYOR THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS THE SAME ARE KEPT IN THE OFFICE OF THE CITY SURVEYOR.

DISTRICT BOARD OF HEALTH CERTIFICATE

THE DISTRICT BOARD OF HEALTH OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, HAS BEEN ADVISED BY THE CITY SURVEYOR THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS THE SAME ARE KEPT IN THE OFFICE OF THE CITY SURVEYOR.

DIVISION OF WATER RESOURCES CERTIFICATE

THE DIVISION OF WATER RESOURCES OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, HAS BEEN ADVISED BY THE CITY SURVEYOR THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS THE SAME ARE KEPT IN THE OFFICE OF THE CITY SURVEYOR.

CERTIFICATE OF PLANNING COMMISSION/DIRECTOR OF PLANNING AND DEVELOPMENT APPROVAL

I, [Signature], DIRECTOR OF PLANNING AND DEVELOPMENT, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS THE SAME ARE KEPT IN THE OFFICE OF THE CITY SURVEYOR.

RECORDS NOTE

ANY SUBSEQUENT CHANGES TO THIS MAP MUST BE MADE IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, RECORDS.

BASES OF RECORDS

THE RECORDS OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, ARE KEPT IN THE OFFICE OF THE CITY SURVEYOR.

RECORDS NOTE

ANY SUBSEQUENT CHANGES TO THIS MAP MUST BE MADE IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, RECORDS.

PECCOLE WEST

Surveying Inc.
Las Vegas, Nevada 89102
(702) 738-1110

SHEET 1 OF 5

SURVEYOR'S CERTIFICATE

I, FREDERICK M. ORSHAN, A PROFESSIONAL LAND SURVEYOR REGISTERED IN THE STATE OF NEVADA, DO HEREBY CERTIFY THAT THE FOLLOWING IS A TRUE AND CORRECT COPY OF THE RECORDS OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, AS THE SAME ARE KEPT IN THE OFFICE OF THE CITY SURVEYOR.



1/26/76

RECORDS NOTE

ANY SUBSEQUENT CHANGES TO THIS MAP MUST BE MADE IN THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, RECORDS.

RECORDS OF THE CITY OF LAS VEGAS, CLARK COUNTY, NEVADA, ARE KEPT IN THE OFFICE OF THE CITY SURVEYOR.

1/26/76

1/26/76

1/26/76

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1/26/76

END SHEET

ROR022348

23757

01142-

A PORTION OF SECTION 31 AND THE WEST HALF (W 1/2) OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

WILLIAM AND MANDA PECOCLE 1971 TRUST, DATED JULY 8, 1971, AND
PECOCLE 1982 TRUST AND
WILLIAM PETER AND MANDA RUTH PECOCLE FAMILY LIMITED PARTNERSHIP AND
WILLIAM PECOCLE AND MANDA PECOCLE 1991 TRUST, DATED DECEMBER 26, 1991, AND
LEANNI P. GOODMAN, 1978 TRUST, DATED JUNE 14, 1978 AND
LISA P. MILLER 1978 TRUST, DATED JUNE 14, 1978 AND
LAURETTA P. BAINE 1978 TRUST, DATED JUNE 14, 1978
DO HERBY CORTNEY THEY ARE THE OWNER OF THE PARCEL OF LAND WHICH IS SHOWN UP
PECOCLE WEST

[illegible]

FURTHERMORE, THE UNDERSIGNED OWNERS HEREBY GRANT AND CONVEY TO THE CITY OF LAS VEGAS AND TO ITS SUCCESSORS AND ASSIGNS A FIVE-FORT MILE EASEMENT ADJACENT TO ALL PROPERTY LINES AND SIZE LOTS OF COMMON AREAS ABOUT PRIVATE DRIVE FOR THE PURPOSES OF PLACING THEREIN FIRE HYDRANTS AND PUBLIC STREET LIGHTS AND AN ADDITIONAL EASEMENT OF TWO FEET IN WIDTH FROM EACH SIDE HIGHWAY AND STREETLIGHT, TO EXTEND BEYOND THE FIVE-FORT EASEMENT IF NECESSARY, TOGETHER WITH THE RIGHT OF ACCESS TO AND EGRESS FROM THOSE EASEMENTS.

DATED THIS 1st DAY OF OCTOBER, 1936.
WILLIAM AND MARGA PECIOLE, 1931 TRUST, DATED JULY 8, 1931:

BY: Wanda Piccolo 11/15/08
DATE

PECCOLE 2002 TRUST:

ST. MARGA L. REC'D. 10/1/48
ST. MARGA L. REC'D. 10/1/48
DATE

WILLIAM FEELE AND MARGA RUTH PECOCLE FAMILY LIMITED PARTNERS

BY: Wanda Piccolo, Paralegal DATE: 10/18

WILLIAM PICCOLE AND MARGA PICCOLE 1993 TRUST, DATED DECEMBER 1993

BY: LARRY WELCH TRUSTEE DATE: 1/1/81

LEANN P. GOOREMAN 1979 TRUST, DATED JUNE 16, 1979:
Leann P. Gooreman 9-592

00: US WOODS, CO-0005-111
 DATE: 01-31-2011

USA P. MILLER 1976 TRUST, DATED JUNE 14, 1976:

BY: Li P. Miller DATE 10/18/82
BY: USA P. MILLER, TUSTULTE

LAURETTA P. BAYNE 1975 TRUST, DATED JUNE 14, 1978;
Lauretta P. Bayne tra 9/5/96

Col. VAUGHN P. GARDNER, JR. DATE

[illegible]

Beverly Riley-Barley
BEVERLY RILEY-BARLEY
SHERIFF PUBLIC IN CHARGE, SAGU COUNTY AND STATE
OF APPOINTMENT EXPIRES 7-27-2000

STATE OF NEWHAM¹ SS
COUNTY OF CLACK²
DOSS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON September 5, 1996 BY
AMBIT MALLER, TRUSTEE OF THE WILLIAM PECOCCE AND WANDA PECOCCE 1991 TRUST, DATED RECORD

Beverly Riley Beasley
EVERLY RILEY BEASLEY
REGISTRY PUBLIC N AND FOR SAV. COUNTY AND STATE
BY APPOINTMENT EXPIRES 7-29-2008

STATE OF NEVADA }
COUNTY OF CLATSOP } ss.
I, the undersigned, a Notary Public in and for the State of Nevada, do hereby certify that the foregoing is a true and correct copy of the original instrument filed for record in my office on September 5, 1996 at 10:00 AM.
WITNESS MY HAND AND SEAL OF OFFICE, this 14th day of September, 1996.
Notary Public in and for the State of Nevada, my commission expires on September 14, 1998.

Sincerely, Billy Beasley
BILLY BEASLEY
NOTARY PUBLIC IN AND FOR S.W. COUNTY AND STATE
MY APPOINTMENT EXPIRES: 7-2-2000

STATE OF NEVADA) ss.
COUNTY OF CLARK)
THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON October 1, 1996 BY
LISA P. MILLER, TRUSTEE OF THE USA P. MILLER TRUST, DATED JUNE 14, 1976.

Beverly Riley - Beasley
BEVERLY RILEY - BEASLEY
CLERK PUBLIC IN AND FOR LAM COUNTY AND STATE
BY APPOINTMENT COMPLET 7-29-2000

STATE OF NEVADA }
COUNTY OF CLACK } SS.
I, _____, do hereby certify that the foregoing instrument was acknowledged before me on September 5, 1996 by
LAURETTA P. BAYNE, TRUSTEES OF THE LAURETTA P. BAYNE TRUST, DATED JUNE 14, 1976.

Beverly Riley Beasley
BEVERLY RILEY-BEASLEY
NOTARY PUBLIC IN AND FOR SMO COUNTY AND STATE
MY APPOINTMENT EXPIRES 7-29-2000

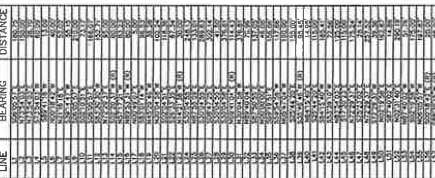
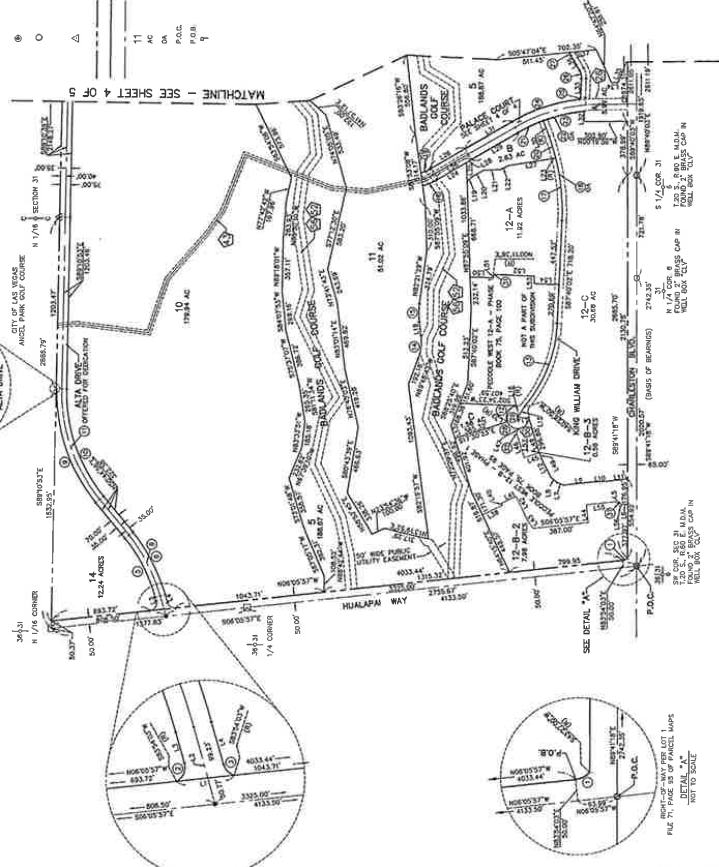
1.B.D./MAY 27
SHEET 2 OF 5
Box 77 Page 23

01142-

A PORTION OF SECTION 31 AND THE WEST (W 1/2) OF SECTION 32,
TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

NOTES

1. ALL NEAR PROPERTY CORNERS ARE REGAR AND ALUMINUM CAP P.I.S. 6541 UNLESS WALL IS BUILT THEN NAIL AND BRASS TAG P.I.S. 4541 SET IN BALL COUPLERS 200 PROPERTY LINE. SET SARGENT IN THE TOP OF CURB ON THE SIDE PROPERTY LINES CHANGED.

[illegible][illegible]

EXPERIMENTAL AND OBSERVATIONS

BOOK	INSTRUMENT	DESCRIPTION
25	000320	00766 LAS VEGAS VALLEY WATER DISTRICT EASTMENT
27	010123	00247 30' WIDE SOUTHWEST GAS CORPORATION EASTMENT
43	940520	00691 30' WIDE LAS VEGAS VALLEY WATER DISTRICT EASTMENT
47	950928	00348 80' WIDE CITY OF LAS VEGAS DRAINAGE EASTMENT
52	950914	01003 DR-31C DRAINAGE IMPROVEMENTS AGREEMENT

FOR AGREEMENT

TRD/CLM

SHEET 3 OF 5

Box 77 Doc 23

A PORTION OF SECTION 31 AND THE WEST (W 1/2) OF SECTION 32,
TOWNSHIP 20 SOUTH, RANGE 60 EAST, M.D.M., CITY OF LAS VEGAS, CLARK COUNTY, NEVADA

LEGEND



DETAIL °C

41	9305009	00717	CITY OF LAS VEGAS BRIDGE EXISTING
48	9305009	00717	CITY OF LAS VEGAS BRIDGE EXISTING
49	9305007	00683	FOR WIDE MEDIAN, WIDE SHOULDER
50	9305007	00683	FOR WIDE MEDIAN, WIDE SHOULDER
52	9300644	01303	ON-SITE DRAINAGE IMPROVEMENTS, AGREEMENT PUBLIC WITH PRIVATE MAINTENANCE PER AGREEMENT
56	9305026	00646	80' WIDE CITY OF LAS VEGAS DRAINAGE EXISTING
57	9305026	00646	80' WIDE CITY OF LAS VEGAS DRAINAGE EXISTING
58	9305028	00602	20' WIDE CITY OF LAS VEGAS SIDER BASEMENT
59	9305028	00602	20' WIDE CITY OF LAS VEGAS SIDER BASEMENT
60	9301023	01172	30' WIDE CITY OF LAS VEGAS ROADWAY DRAINAGE

SHEET 4 OF 5

012223

I

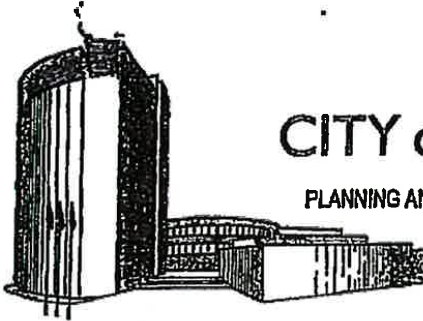
ROR022353

23762

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

CITY MANAGER
LARRY K. BARTON

October 8, 1996



CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

Exhibit I

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

Re: BADLANDS GOLF COURSE, PHASE 2

Dear Mr. Spitze:

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

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

Very truly yours,

Robert S. Genzer, Planning Supervisor
Current Planning Division

RSG:erh

GPA-68385

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

CLV 7000
3810 815 845



ROR022354

23763



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 58 PM '96
PLANNING AND
DEVELOPMENT

cc: Bob

7-146-94
2-17-90

GPA-68385

6763 West Charleston Boulevard • Las Vegas, Nevada 89102 • (702) 258-0115 • Fax (702) 258-4956

PRJ-67184
12/28/16

ROR022355

23764

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

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
28

CLYDE O. SPITZE

EXHIBIT A

ROR022358

23767



PENTACORE

Civil Engineering
Construction
Management
Land Surveying
Planning
ADA Consulting

0171 0030

September 4, 1995

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
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PLANNING AND
DEVELOPMENT

6/2/95

7-146-94
2-17-90

GPA-68385

6753 West Charleston Boulevard • Las Vegas, Nevada 89102 • (702) 255-0116 • Fax (702) 255-0955

PRJ-67184
9/2/95

ROR022359

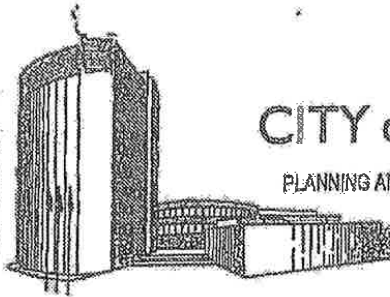
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EXHIBIT B

ROR022360

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74
MAYOR
JAN LAVERTY 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
6763 West Charleston Boulevard
Las Vegas, Nevada 89102

Re: BADLANDS GOLF COURSE, PHASE 2

Dear Mr. Spitze:

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

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

Very truly yours,

Robert S. Genzer, Planning Supervisor
Current Planning Division

RSG:erh

GPA-68385

400 E STEWART AVENUE • LAS VEGAS, NEVADA 89101-2986
(702) 229-6311 (VOICE) • (702) 386-9108 (TDD)

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3010 619 8285



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J

ROR022362

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ROR022363

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Exhibit J-1

11/21/96 PLANNING COMMISSION

- A-1. **TM-82-96 - PECCOLE WEST LOT 10 - PECCOLE 1982 TRUST** - Request for a Tentative Map on property located on the southeast corner of Hualapai Way and Alta Drive, N-U (Non-Urban) Zone under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre), Size: 179.70 Acres, No. of Lots: 5, Ward 2 (Adamsen).

NOT A PUBLIC HEARING

P.C.: FINAL ACTION

APPLICATION REQUEST:

This request is for the approval of a Tentative Subdivision Map which contains 5 lots.

BACKGROUND DATA:

- 04/04/90 The City Council approved R-PD7 (Residential Planned Development - 7 units per acre) zoning for this site as part of a larger request (Z-17-90).
- 01/04/95 The City Council approved R-PD7 (Residential Planned Development - 7 units per acre) zoning for this site as part of a larger request (Z-146-94).

FINDINGS:

These 5 lots are development parcels which will be developed as single family compact lots and a golf course, and conform to the two related zoning cases associated with this development.

STAFF RECOMMENDATION: APPROVAL, subject to the following:

1. Conformance to the Conditions of Approval for Zoning Applications Z-17-90 and Z-146-94.
2. The Peccole West Final Map (FM 8-96) shall record prior to the recordation of the Final Map for this site as required by the Department of Public Works.
3. Provide dedication for Alta Drive in accordance with the conditions of approval stated within the Peccole West Tentative Map (TM-101-95) as required by the Department of Public Works.
4. If such has not already been completed by the Master Developer, construct half-street improvements including appropriate overpaving on Hualapai Way adjacent to this site concurrent with development anywhere on 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 as required by the Department of Public Works.

A-1. TM-82-96 - Page Two

ROR022364

23773

5. Construct full width street improvements along Alta Drive between Rampart Boulevard and Hualapai Way concurrent with the first phase of development anywhere on this site as required by the Department of Public Works. Construction of Alta Drive may be phased with development of individual sites; however, the limits of construction shall be determined by the City Engineer to provide continuous corridors to the individual sites, and as is necessary to handle increases in traffic demand. The City of Las Vegas reserves the right to demand the timely construction of any and all incomplete full-width street improvements on Alta Drive between Hualapai Way and Rampart Boulevard when area traffic concerns may prompt such a request.
6. Contribute \$187,020.00 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. The developer may provide to the City Engineer a cost breakdown based on the individual pod sites created by this map. The golf course sites must provide payment prior to the issuance of any permits for the golf course sites or prior to the recordation of a final map for those sites, whichever may occur first. If the residential pod sites are further divided, payment is expected prior to any recordation of final maps for those individual residential subdivisions. A payment plan shall be provided and payments are expected prior to any maps that allow final development of the individual sites. 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 of Las Vegas reserves the right to utilize the contributed traffic signal monies for the installation of traffic signals at any other intersection within the general facility which is impacted by this development and which has a more immediate need for signalization.
7. Provide public sewer easements for all public sewers not located within existing public street right-of-way prior to the issuance of any permits as required by the Department of Public Works. Improvement Drawings submitted to the City for review shall not be approved for construction until all required public sewer easements necessary to connect this site to the existing public sewer system have been secured.
8. Provide two lanes of paved, legal access to each individual parcel within this site prior to occupancy of any units within this development as required by the Department of Public Works.
9. Site development to comply with all applicable conditions of approval for the overall Peccole West Tentative Map TM-101-95, Z-17-90, Z-146-94 and all other site-related actions as required by the Department of Public Works.
10. The approval of all Public Works related improvements shown on this map 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 prior to the recordation of a Final Map or the approval of the construction plans, whichever may occur first.
11. Standard Condition Nos. 1 - 5.

ROR022365

23774

PLANNING AND DEVELOPMENT DEPARTMENT

November 26, 1996

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

RE: TENTATIVE MAP - PECCOLE WEST LOT 10 - TM-82-96

Dear Mr. Bayne:

Your request for a Tentative Map on property located on the southeast corner of Hualapai Way and Alta Drive, N-U (Non-Urban) Zone under Resolution of Intent to R-PD7 (Residential Planned Development - 7 Units Per Acre), Size: 179.70 Acres, No. of Lots: 5, Ward 2 (Adamsen), was considered by the Planning Commission on November 21, 1996.

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

1. Conformance to the Conditions of Approval for Zoning Applications Z-17-90 and Z-146-94.
2. The Peccole West Final Map (FM 8-96) shall record prior to the recordation of the Final Map for this site as required by the Department of Public Works.
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ROR022366

23775

TO: Mr. Bayne
RE: TM-82-96

November 26, 1996
Page Two

5. Construct full width street improvements along Alta Drive between Rampart Boulevard and Hualapai Way as required by the Department of Public Works. Construction of Alta Drive may be phased with development of individual sites; however, the limits of construction shall be determined by the City Engineer to provide continuous corridors to the individual sites, and as is necessary to handle increases in traffic demand. The City of Las Vegas reserves the right to demand the timely construction of any and all incomplete full-width street improvements on Alta Drive between Hualapai Way and Rampart Boulevard when area traffic concerns may prompt such a request.
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ROR022367

23776

TO: Mr. Bayne
RE: TM-82-96

November 26, 1996
Page Three

11. Approval of the Tentative Map shall be for no more than twelve (12) months. If a Final Map is not recorded on all or a portion of the area embraced by the Tentative Map within twelve (12) months of the approval of the Tentative Map, a new Tentative Map must be filed.
12. Street names must be provided in accord with the City's Street Naming Regulations.
13. All development is subject to the conditions of City departments and State Subdivision Statutes.
14. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the recordation of a Final Map.
15. 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 unless a written appeal is filed with the City Clerk within seven days of the date of this letter or there is a review action filed by the City Council within the same time period.

Very truly yours,

David Clapsaddle, Senior Planner
Current Planning Division

DC:cc

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

ROR022368

23777

ROR022369

23778

MAYOR
JAN LAVERTY JONES

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

CITY MANAGER
LARRY K. BARTON



Exhibit J-2

CITY of LAS VEGAS

PLANNING AND DEVELOPMENT DEPARTMENT

November 26, 1996

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

RE: TENTATIVE MAP - PECCOLE WEST LOT 10 - TM-82-96

Dear Mr. Bayne:

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

CLV 7009
3810-015-6/95

ROR022370

23779

TO: Mr. Bayne
RE: TM-82-96

November 26, 1996
Page Two

5. Construct full width street improvements along Alta Drive between Rampart Boulevard and Hualapai Way as required by the Department of Public Works. Construction of Alta Drive may be phased with development of individual sites; however, the limits of construction shall be determined by the City Engineer to provide continuous corridors to the individual sites, and as is necessary to handle increases in traffic demand. The City of Las Vegas reserves the right to demand the timely construction of any and all incomplete full-width street improvements on Alta Drive between Hualapai Way and Rampart Boulevard when area traffic concerns may prompt such a request.
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ROR022371

23780

TO: Mr. Bayne
RE: TM-82-96

November 26, 1996
Page Three

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This action by the Planning Commission is final unless a written appeal is filed with the City Clerk within seven days of the date of this letter or there is a review action filed by the City Council within the same time period.

Very truly yours,



David Clapsaddle, Senior Planner
Current Planning Division

DC:cc

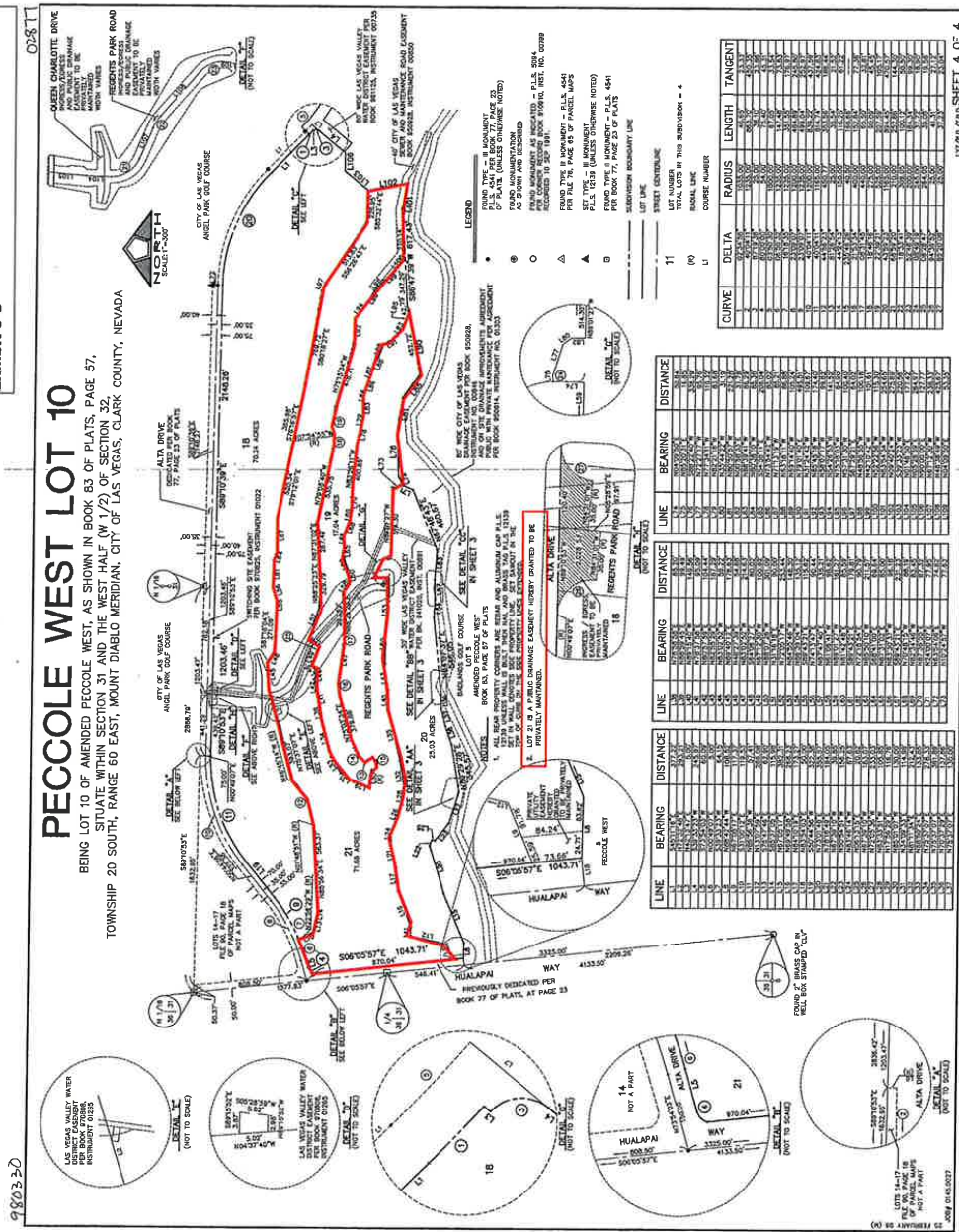
cc: Ms. Liz Ainsworth
Pentacore Engineering, Inc.
6763 West Charleston Boulevard
Las Vegas, Nevada 89102

ROR022372

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BOOK SHEET 4 OF 4
Book 083 Page 000

ROR022374

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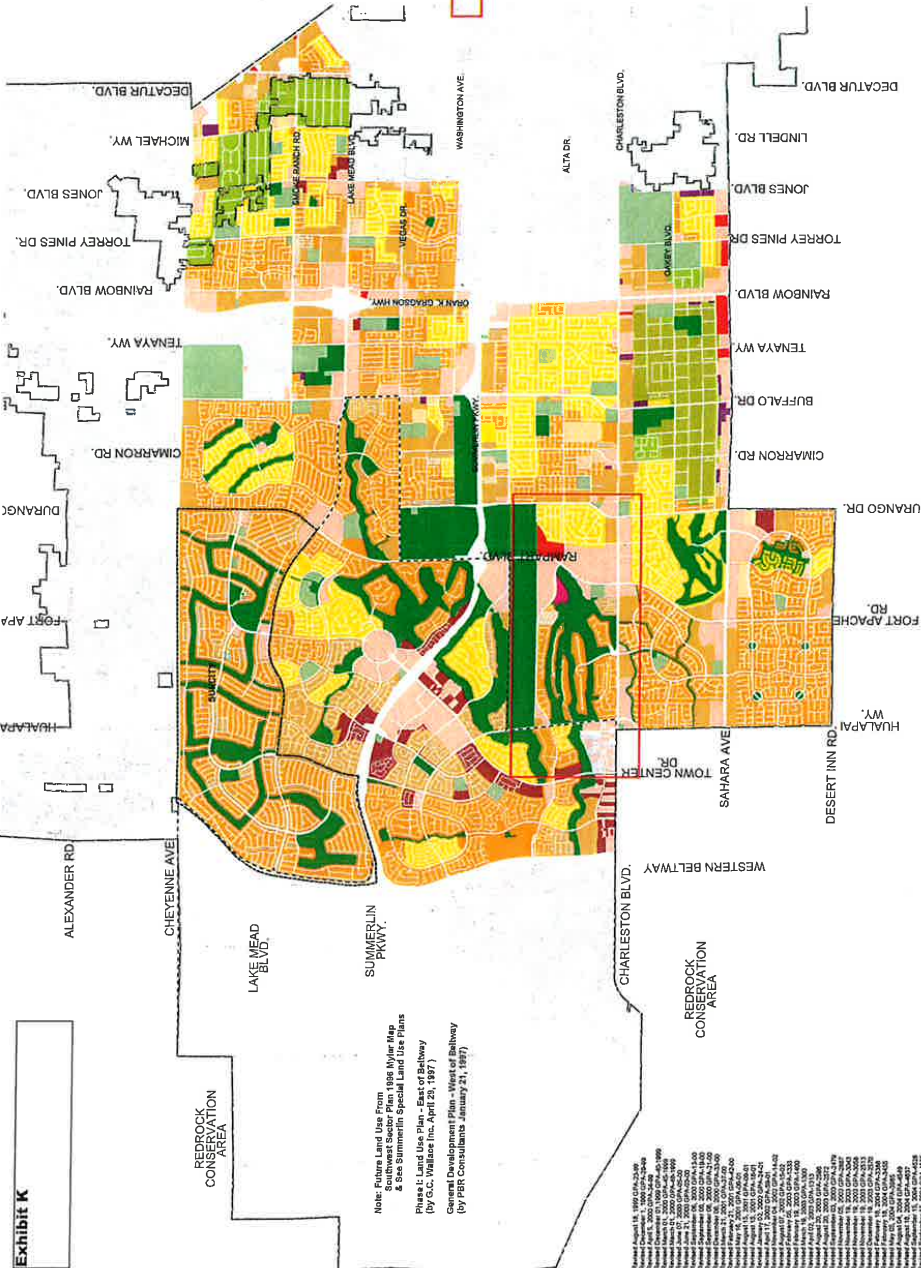
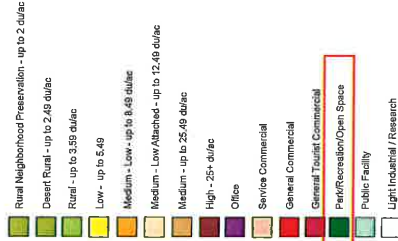
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23784

City of Las Vegas

SOUTHWEST SECTOR

Land Use Categories



Note: Future Land Use From Southwest Sector Plan 1996 Mylar Map & Subsequent Special Land Use Plans
Phase 1: Land Use Plan - East of Highway 93
Phase 2: Land Use Plan - West of Highway 93
Phase 3: Land Use Plan - West of Highway 93
Phase 4: Land Use Plan - West of Highway 93
Phase 5: Land Use Plan - West of Highway 93
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Phase 97: Land Use Plan - West of Highway 93
Phase 98: Land Use Plan - West of Highway 93
Phase 99: Land Use Plan - West of Highway 93
Phase 100: Land Use Plan - West of Highway 93

SOURCE: City of Las Vegas, Planning and Development Department
Adopted August 16, 1999 GFA-14-89
GFA maps are available for public review at the City of Las Vegas Planning and Development Department, 200 N. Las Vegas Blvd., Suite 100, Las Vegas, NV 89101.
Geographic Information System
Planning & Development Dept.
Printed: January 05, 2007

ROR022376

23785

*Planning
Commission
Presentation Binder
For February 14, 2017*

Queensridge Parcel 1 at The 180
(SDR-68481, WVR-68480, GPA-68385,
TMP-68482)

Created by:



GCGARCIA

A Planning & Development Services Corporation

1055 Whitney Ranch Dr., Suite 210, Henderson, NV 89014
Telephone: (702) 435-9909 Facsimile: (702) 435-0457

Date Submitted: February 14, 2017

Submitted at Planning Commission
by *Michael Buckley*
Date *2/14/17* Item *21-24*

ROR022377

23786



Executive Summary/Report in Brief

Based on a review of information presented, the files obtained and reviewed from the City of Las Vegas, reviews of present and past City of Las Vegas Municipal Codes as well as the Nevada Revised Statutes (NRS), legislative history, interviews conducted with other experts and me and my offices years of experience in both the public and private sector practice of planning and development, it is my professional opinion that Peccole Ranch Phase II, (The Plan"), is part of an overall Planned Development a.k.a.: Master Planned Community, Planned Unit Development (PUD), Planned Residential Development, which is approved, recorded and completed thus affording it protection under Nevada Revised Statutes 278A (see appendix Legislative History PUD 08). This protection ensures property owners can reasonable rely on the plan to protect the benefits of the plan and investment into the planned community and that no modification, removal or release to the provisions of PUD may be made by any applicant that would impair such reliance. Additionally, no application to modify the plan can be made or processed without the furthering the mutual interests of the residents and owners in the PUD to preserve the integrity of the approved plan.

The proposed applications by 180 Land Company, LLC for a General Plan Amendment (GPA) to change the land use designation from PR-OS (Parks/Recreation/Open Space) to L (Low Density Residential) and without a modification of the zoning of RPD-7 (Residential Planned Development) will eliminate the open space with incompatible development of the approved, recorded and completed plan for Peccole Ranch Phase II.

Within the Peccole Ranch the Master Development Plan and PUD large swaths of land were contemplated and set aside with maps that created a golf course for the conservation of natural arroyos areas subject to intense flooding which were designated in the Plans as Golf Course/Drainage/Open space and provides the singular major amenity to accomplish the goals of the State under NRS 278 and 361 (see appendix Legislative History PUD 07, 08 & 09) regarding the conservation and preservation of scenic open space which was for the enjoyment, not the use, of the residents and property owners.

Furthermore, the current applications for a General Plan Amendment, Site Plan Review, Waiver and Tentative Map for 61 units on 166 acres is incompatible with the planned and built PUD's existing land uses, zoning and development in the area. It adversely affects the surrounding properties; does not adequately provide for the public safety and does not protect the interest of the public or the residents/property owners of the PUD.



A Planning & Development Services Corporation

1055 Whitney Ranch Dr., Suite 210, Henderson, NV 89014
Telephone: (702) 435-9909 Facsimile: (702) 435-0457 E-Mail: ggarcia@gcgarciainc.com

ROR022378

23787

As such, the applications currently pending before the City all fail to meet the requirements of NRS and in addition fail to meet the requirements, practices and procedures of the City. The current applications are defective and deficient and should not be processed or approved. The process for handling the applications that were accepted by the City is also defective.

In simple terms, this is doing the wrong thing the wrong way! It is fundamentally contrary to the statutes, legislative history and intent, City Codes, policies and procedures to the detriment of those who have a reasonable expectation as to their quality of life, peace, tranquility, enjoyment of scenic open space and property values. It also undermines every similarly situated master planned community and golf course or open space.

In fact, the promise of every PUD/Master Planned Community would be irrevocable broken with the approach suggested by the applicant and City staff. The promise is that the master developer/declarant is given great latitude in distributing density and intensity of land uses and flexibility in design and development standards in exchange for creating a cohesive community with detailed execution of planning and design principles that are not accomplished with standard Euclidian zoning. The master plan communities include open space, amenities, buffers, building appearance and orientation that create higher land values to justify the enhanced innovative planning which then benefits the larger community and guarantees the residents and owners that ultimately as the development is built they can assured it will remain protected by its plans and related documents to sustain its higher land values, quality of life, enjoyment of open space and other amenities and design features .

To break that promise violates the public trust, rules of law, sound planning, and encourages a golf course gold rush to similarly convert other golf course open space to buildable land. This in turn will discourage future master planned community buyers who would no longer believe that their lifestyle choices and investments would be protected. This is the type of bait-and-switch the legislature strived to avoid.

The scope for this report is to look at Queensridge and their approvals from the time the property was purchased to September 2015 to assess and determine what entitlement rights for the 166 acres (a part of the roughly 250) that constitute the golf course/drainage/open space. Then to examine the applications to amend the General Plan for the 166 acres to allow Low Density without a modification of the R-PD zoning district, for compliance with the entitlements and any protections afforded under the Peccole Ranch Master Plan Phase II and RPD-7 zoning district , along with compliance to the City's Plans, ordinances, policies and practices.

The overall area Peccole Ranch planning area to be considered will include Venetian Foothills, the predecessor to Peccole Ranch, and then the Peccole Ranch Master Plan Phases I & II. Phase II is the Subject Area and includes Queensridge, Badlands Golf Course, Queensridge Towers, Suncoast Hotel Casino, Tivoli, Renaissance and more. The entire planning area encompasses most of the land that is roughly bounded by Sahara Avenue on the south, Alta Drive on the north, Rampart on the east and Hualapai Way on the west.

ROR022379

23788

Planning Area Overview & History In Brief (see Appendix General Plan History of Peccole and Zoning History of Peccole)

Annexation

The project area was annexed along with all of the parcels that encompass the entire Peccole Ranch Master Plan on December 26, 1980.

Venetian Foothills: A Planned Community

- On May 18, 1981 the City of Las Vegas approved Venetian Foothills on the area that is now known as Peccole Ranch. The Land use included areas of Low, Medium and High Densities, Mobile Homes, as well as Commercial, Office and Educational areas. A reservoir was also planned in the area.
- On May 7, 1986 the City of Las Vegas City Council approved a Master Development Plan for the Venetian Foothills Planned Community. This Planned Community included Residential Planned Development District (R-PD) zoning ranging from 2.5 dwelling units per acre to 8.0 dwelling units per acre for single family homes on 706.8 acres. Townhomes were approved at 8.0 to 10.0 dwelling units per acre on 63.6 acres. Multifamily was also approved for density of 18.0 to 22.0 dwelling units per acre on a total of 85.3 acres. It should be noted that on that the Master Plan Map noted that the density of 6.4 du/ac was based on the acreage for the land and the densities. When the open space and golf course were added in the dwelling units per acre dropped to 3.7. The approval letter from the Reclassification of Property gave the approval of R-PD4, which would be consistent with the idea of a Planned Unit Development where the entire acreage, including golf course and open space is used in calculating dwelling units per acre. It appears from the maps in the file, that staff compared the 1981 Venetian Foothills Map to what was being proposed in 1986.

Student Population Projects were completed for this Planned Development so that it could be ensured that there were enough educational facilities to accommodate the development.

Other uses approved were Regional Shopping Center approved on 106.1 acres, Commercial on 73.8 acres, Office on 105.3 acres, Employment on 131.0 acres, Special Use on 16.5 acres, Resort on 40.6 acres, Open Space/Golf Course on 399.3 acres, Club House on 11.0 acres, Casitas/Tennis on 9.4 acres, Community Services on 5.3 acres, Schools/Parks on 27.9 acres, Utilities on 26.9 acres and Rights of Way on 114.4 acres.

Peccole Ranch Master Development Plan Phases I & II

- On February 15, 1989 the City of Las Vegas City Council approved a Master Development Plan for all of Peccole Ranch Planned Development. At that same time they approved Phase I of Peccole Ranch, which consisted of R-PD7, R-3, C-1 for single family residential, multifamily residential, commercial and mixed use commercial, which consisted of retail/service commercial, office commercial and multifamily residential (Z-

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139-88). They were allowed a maximum of 3,150 dwelling units. It also included open space/drainage along the washes throughout the development.

Phase one of Peccole Ranch was the area west of Fort Apache Road, south of Charleston, north of Sahara and east of the Grand Canyon alignment.

It should be noted that Z-139-88 has been amended 42 times.

- On April 4, 1990, the Peccole Ranch Master Plan received approval from the City of Las Vegas City Council for a Master Development Plan Amendment for Phase II as well as zoning approvals (Z-17-90). The significant changes to the Master Development Plan, was a larger resort/casino site and a 100 acre commercial center north of Alta Drive, between Durango Drive and Rampart Boulevard. The amount of acreage set aside for multifamily decreased from 105 acres down to 60. The land uses approved were 401 acres of single family, 60 acres of multi-family, 194.3 acres neighborhood commercial/office, 56 acres of resort casino, 211.6 acres of golf course/drainage, 13.1 acres for a school, and 60.4 acres of rights-of-way.

Peccole Ranch Phase 2 also received a Reclassification of Property (Z-17-90) for a maximum 4,247 dwelling units and for RPRD-3 (which was to be R-3 for the multifamily 24 units per acre) and RPD-7 for single family products and C-1. The minutes indicate that the overall gross density for phase 2 is 4.3 dwelling units per acre for the entire 746.1 acres of residential zoning. According to the minutes, the density had been reduced by 2,200 units to help balance the traffic flow.

It should be noted that Z-17-90 has been amended 40 times.

- On January 4, 1995, the City of Las Vegas approved GPA-54-94 and Z-146-97 that amend the Peccole Ranch Master Plan, specifically Phase 2, that changed locations of approved zoning categories but did not change the approved number of dwelling units or the allocation of land uses.
- On August 2, 1995, the City of Las Vegas City Council approved Z-49-95 and GPA-31-95, that changed a 19 acre site from commercial area to residential, which allowed for the development of Lot 12. This approval did not change the maximum number of single family units that could be built.
- On February 9, 1998 the City Council of the City of Las Vegas approved Z-134-97 that changed the zoning from R-3 to RPD-10 for single family homes and granted a waiver to the required open space (that was required with the RPD-10 development) because it was "located within proximity to a golf course, reducing the need for community open space".
- On October 18, 2000, the City Council approved an amendment Z-134-97(1) to allow for an encroachment into the required setback for balconies. 19A.08.040.8.4 of the Las

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Vegas Zoning Code allowed "on any lot which adjoins a golf course, park area, common area or similar open space to have balconies to extend 5 feet into the required setback toward the open space, however that the project ion extends no closer than three feet from the property line. The approval allowed for the balconies to be built 3.5 feet from the rear property line because of the Badlands Golf Course.

Zoning and Land Use

Overview of what a PUD

A Planned Unit Development has been defined as a "mixture of single-family residences, town houses, apartments, some commercial and institutional uses, and occasionally, some industry...Planned unit development controls were developed largely by the private sector to provide the public sector with an effective means of regulating such developments, a concept which did not fit comfortably under traditional zoning district regulations" {Institute for Local Government Land Use and Planning, 2004 edition of the glossary, also see appendix Definitions 01 & 02)

- The concept of a Planned Unit Development is not a new concept. In the United States, we began to see them in the 1950s on the east coast. It first appeared in ordinance in the 1960s. Euclidean zoning needed tools to assist in projects that did not fit neatly in the Euclidean zoning box. There have been a number of tools or approaches to solving this dilemma. Some of the tools that have been used Planned Unit Developments, performance standards, phased development controls, growth management techniques, cluster zoning, flex zoning and transfer development rights. These tools have been used independently and in combination to meet the goals of a project.
- How they work- Instead of doing traditional Euclidean zoning where a parcel of land has one zoning designation divided up into several even parcels, the projects cluster the housing or increase densities in certain areas around a common open space or public space. This gives the developer more flexibility in the locations and product types while maintaining a lower average density across the entire project.

Nevada Revised Statutes (NRS)

- In 1973, the State of Nevada added a section in the Nevada Revised Statues titled Planned Development. The Legislative declaration states that "the provisions of this chapter are necessary to further the public health, safety, morals and general welfare in an era of increasing urbanization and growing demand for housing of all types and design; to provide for necessary commercial and industrial facilities conveniently located to that housing; to encourage a more efficient use of land, public services or private service in lieu thereof...to encourage more efficient use of land...to insure that increased flexibility of substantive regulations over land development authorized in this chapter be

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administered in such a way as to encourage the disposition of proposals for land development without undue delay.

The NRS 278A.065, added in 1981 and later amended in 1989, defines "Planned Unit Development as "an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both. Unless otherwise stated, a "planned unit development" includes the term "planned unit residential development." (see appendix Legislative History PUD 05)

The Peccole Ranch Master Plan was and is a Planned Development, like its predecessor Venetian Foothills, that meets the legislative intent as found in the declarations of NRS278. They are planned developments to protect the welfare of the property owners from potentially flooding. This planning tool allowed the development to move forward and develop at an average density (4.5 dwelling units/acre or du/ac) that was more in keeping with the City's land planning for the area that allowed up to 8 du/ac, while still addressing the drainage issues through the property.

City of Las Vegas Planning and Zoning Regulations

General Plan

- o The City of Las Vegas required the 1990 Peccole Ranch Master Plan to conform to the Las Vegas General Plan's Planning Guidelines. In considering the Peccole Ranch Master Development the following explanation was listed on how the project specifically conformed to the City's General Plan: (see appendix Z-17-90 Peccole Ranch Master Plan Phase II)
 - Provide for an efficient, orderly and complementary variety of land uses.
 - Provide for "activity centers" as a logical concentration of development in each community area of the City to encourage economic, social and physical vitality, and expand the level of services.
 - Encourage the master planning of large parcels under single ownership in the growth areas of the City to ensure a desirable living environment and maximum efficiency and savings in the provision of new public facilities and services.
 - Provide the continuing development of a diverse system of open space.

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- o On April 1, 1992 the City of Las Vegas adopted a new General Plan. In this plan, it acknowledged the Peccole Ranch Master Plan as a "planned development" (see appendix General Plans and Admin of PUDs 03).
- o The 1992 General Plan also provided clarification on land use categories. For areas that had a zoning district classification of R-PD 6.71 to 9 the General Plan Land Use designation is M (Medium Density Residential). It also provided clarification on what Parks/Recreation/Open Space (P) land use category was. It states "This category allows for large public parks and recreation areas such as public and private golf course, trail and easements, drainage ways and detention basins, and any other large acres of permanent open land (see appendix General Plan History of Peccole 10).

Zoning

- o **Planned Residential District (RP-D).** The City of Las Vegas Zoning Regulations at the time of the Peccole Ranch Master Development was approved in 1990, provided for a Residential Planned Development District (R-PD). The requirements are found in Chapter 19.18 of the Zoning Regulations at that time. The purpose of this district was "to allow for a maximum flexibility for imaginative and innovative residential design and land utilization in accordance with the General Plan. It is intended to promote an enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and homogeneity of use patterns."
- o The minimum lot size requirement for the RP-D was 5 acres. The only other zoning classification that allowed for the flexibility to develop a master planned community was the Planned Community (PC) zoning district. The minimum acreage requirement for this designation was 3,000 acres, which was vastly greater the size of the Peccole Ranch Master Planned Development at just under 1,000 acres-. It should be noted that in the City's General Plan dated April 1, 1992, that only the Summerlin master planned community had received the designation of PC while several "planned communities" listed in the Southwest Sector, including Peccole Ranch. This latter group all used the RP-D zoning classification.
- o The Zoning Regulations also provided direction on density designations. It stated "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".

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Phase 2 of Peccole Ranch included 996.4 acres and designated 4,247 single and multi-family residential units with a net density of 4.5 du/ac. The net developable land area used to achieve this average excluded Right-of-Way, 60.4 acres. Had the ROW been included it would have resulted in a gross density calculation.

As observed from the same table of land use data, the density of the designated Single and Multi-Family would equate to 461.0 acres of developable land with 4,247 total dwelling units or a density of 9.2 du/ac. ***By including the Single-Family acreage and the Golf Course Drainage the density equates to 4.58 which is reflective of the Net Density on the chart at 4.5 du/ac*** (see appendix Zoning History of Peccole 20 Land Use Data Table).

In order to stay within the density concepts of the Peccole Ranch Master Development Plan and PUD the Plan had to include the density of other designated non-residential land including the Golf Course Drainage. This in effect allows the developer to transfer the residential development rights from those areas to the buildable residential areas.

In addition, the Land Use Data Table explicitly states that for the non-residential Land Uses of Commercial/Office, Resort-Casino, Golf Course Drainage, and Elementary School that there is not Net Density or Net Units assigned to these areas. This is a clear understanding by the City and master developer that those residential development rights have been moved and that no residential is to go into those areas.

Based on this transfer of residential development rights and averaging of density which the developer offered through the RP-D/PUD zoning technique an average net density was approved by the City in large part due to the extensive open space provided by the Golf Course Drainage area.

The result of this flexible approach also allowed individual areas for Multi-Family to go as high as 24 du/ac for multi-family or nearly 6 times above the average net density of 4.5 all residential in Peccole Ranch Phase Two.

Findings and Conclusions

The master developer proffered the golf course/ drainage/open space to transfer residential development rights to areas that were more suitable for development. This in-turn did the following: reduced development costs; avoided expensive flood mitigation measures; enabled a golf course as a revenue source; established a golf course to attract and supported a Resort Casino; created open space as a scenic amenity for the enjoyment of the resident, owners, and guests;

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allowed land and lot premiums for proximity to the open space amenity and golf course; meet the State's land use and fiscal policies for open space and conservation of natural resources; and obtain lower property taxes on the golf course/drainage/open space.

Any effort to develop in the golf course/drainage open space with Multi-Family development thwarts the State law and fundamental underpinnings of the approved and completed PUD. All residential development rights were removed from the golf course for the benefit of the master developer to create a legacy master planned community that as it was completed inures to benefit of the residents and owners.

To allow such a change to the Plan would result in the applicant and the City taking the value and enjoyment of their land, businesses and homes and transferring the wealth to a single benefitting land owner that bought the land long after the PUD was completed.

An appendix has been attached to these reports with specific information. Some information has been highlighted by the author to provide emphasis on that section of a document, however the importance of the document in its whole is not to be detracted and maybe of signification. For Clarification, within the body of the report one will find references to the appendix. The document is constructed to refer to the appendix then the tab corresponding to that section as found in the table of contents and then the subsection. An example would be (see appendix Legislative History PUD 05), the tab associated with the Legislative History PUD is tab 8 and the subsection is 05 – 1981 Leg Indust Comm 281A. Addition information that is not specifically referenced in the reports can be found on the disks located within the back pocket of the binder provided. These documents the full documents received from the City of Las Vegas, other government agencies, home owners, and research collected by the author.

Attachments:

G.C. Garcia, Inc. Reports:

- Admin Camp Plans, Zon, PUDs
- General Plan Administration 1985 to present day
- Peccole Ranch Master Development Plan Phase II a Completed PUD

Appendix (Tabs) plus attachments/exhibits

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**The City's General Plan -Administration for the Peccole Ranch Master Development
Plan Area from 1985 to Present**

Over the past 30 years, the City of Las Vegas has administered its General Plan Land Use in various methods and procedures. In the 1985 the City adopt an overall General Plan with land use designated in general areas and not specific to any parcel (See appendix General Plan History of Peccole 01). Planning practices refer to this type of plan as a blob map. Underlying the "blob map" of land uses were Short-Range Plans adopted for specific areas of the City, an example of this was the Venetian Foothills Land Use Plan (See appendix General Plan History of Peccole 02). The Short-Range Plans were also non-specific to parcels and also utilized blob mapping to indicate different land uses. As land develops, developers had options of entitling the land through the traditional Euclidian Zoning or by means of Planned Unit Development (PUD). If the developer chose to develop by means of a PUD, then the General Plan was further refined by means of a Master Development Plan (See Appendix General Plan History of Peccole 03). Master Development were also non-parcel specific and establish general areas within the PUD with land uses of residential, commercial, open space, office and other land uses. Master Development Plans received a public hearing at both Planning Commission and City Council and were indicated on the agenda as a Master Development Plan (see Mlsc Files & Entlmnts Minutes, Agendas). Master Development plans would also be accompanied by a zoning case which would provide in detail the specific densities of residential, amount of open space, amount of commercial, design guidelines for development and other details required for a PUD by State Law and City Ordinances. No specific City case numbers were assigned to Master Development Plans; the zoning case did receive a case number by the City for tracking purposes. The developer often combined the land use plan and the zoning requirements in one document, as in the case the Peccole Ranch Master Development Plan Phase II.

In 1992, the City of Las Vegas under a new Director of Planning, adopts a revised and expanded General Plan (See Appendix General Plan History of Peccole 04). The City introduces a concept of Sector mapping to break the City into small planning areas within which goals, objectives and land uses are provided for each sector. This new general plan creates three subsectors of the Master Plan (Southeast, Southwest and Northwest). The Peccole Ranch Master Development Plan is included in the Southwest Sector of the 1992 Las Vegas General Plan. This new General Plan sets the location of land uses for Peccole Ranch Master Development Plan Phase II as they were approved in 1990. At this time, the City also begins a more formalized process for land owners to amend the General Plan for a change in land use. In 1992 we see on Planning Commission agenda's applications to amend the General Plan, an example would be GPA-6-92. This process continues to date with only minor changes.

Below are milestone dates in the General Plan History of Peccole Ranch Master Development Plan Phase II.

1985

January 16, 1985 City adopts per NRS (Nevada Revised Statutes) the updated "Las Vegas General Plan (1985)". Contained in the 1985 General Plan is the Short-Range Plan See appendix General Plan History of Peccole 10, which is *"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"* (reference 1985 CLV General Plan). The Short Range Plan is focused on residential development and includes three

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basic types of Residential Planning Districts: Urban, Suburban and Rural. The Short Range Plan is further broken down into Community Profiles which comprise two or more residential planning districts. The area which later became the Peccole Ranch Master Development Plan is designated in 1985 as Urban Density Residential (See Appendix General Plan History of Peccole 01), Suburban Density Residential and Service/General Commercial. Densities in this Community Profile area were to range from 3-6 units per acre, 6 to 12 units per acre, 12 to 20 units per acre and to over 20 units per acre. The mix of residential densities were expected within in each particular residential planning district per Table 3-4. See appendix General Plan History of Peccole 10. These densities reflect those found in the City of Las Vegas 1985 General Plan.

1986

Circa 1986, the City of Las Vegas produced a map titled "Peccole Property Land Use Plan". (See appendix See Appendix General Plan History of Peccole 02). The "Peccole Property Land Use Plan" includes the area which initial was known as Venetian Foothills and later became the Peccole Ranch Master Development Plan Phase I and II.

The Master Development Plan of the Venetian Foothills Planned Community (See appendix See Appendix General Plan History of Peccole 11) was approved on March 25, 1986.

1989

On February 15, 1989 the City of Las Vegas City Council approved a Conceptual Master Development Plan for all of Peccole Ranch Master Planned Development. (See appendix General Plan History of Peccole 03). This approval replaced the Venetian Foothill Plan. At that same time, the City also approved the applicant's Master Development Plan of Peccole Ranch in a rezoning action (Z-139-89) (See Appendix General Plan History of Peccole 12), which consisted of R-PD7, R-3, C-1 for single family residential, multifamily residential, commercial and mixed use commercial, which consisted of retail/service commercial, office commercial and multifamily residential. It approved a maximum of 3,150 dwelling units. It also included open space drainage along the washes throughout the development.

1990

On April 4, 1990, the City Council approved Phase II of the Peccole Ranch Master Development. The significant changes to the Phase II Master 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 multifamily uses have been reduced from 105 acres to 60 acres. A 19.7 acres' school site is designated on a site south of Charleston Blvd. At that same time, they also approved Phase II of Peccole Ranch planned unit development zoning, which consisted of R-PD7, R-3, C-1 for single family residential, multifamily residential, commercial and mixed use commercial (Z-17-90). They were allowed a maximum of 2,807 single family dwelling units 1,440 multifamily units. It also included 211.6 acres of open space/ drainage/golf course.

Phase I of Peccole Ranch was the area west of Fort Apache Road, much of the property south of Charleston, north of Sahara and east of the Grand Canyon alignment. Phase II covered the remainder of the property which pertains to the property addressed in this Memorandum. Note that Phase II is not exactly the same as the property now known as Queensridge, since it included property south of Charleston as well as property north of Alta and east of Rampart.

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1992

On March 12, 1992 the City of Las Vegas adopts an updated General Plan. (See appendix General Plan History of Peccole 04) This new general plan creates three subsectors of the Master Plan (Southeast, Southwest and Northwest). The Peccole Ranch Master Development Plan is included in the Southwest Sector of the 1992 Las Vegas General Plan. Within the Southwest Sector, the land uses designated for the Peccole Ranch Master Development Plan include Medium Low Density Residential (>9 units per acre), Medium Density Residential (>13.27 units per acre), Service Commercial and Parks / Schools / Recreation / Open Space. Note that the area eventually becomes "The Badlands Golf Course" is designated as Parks/Schools/Recreation/Open Space and Medium Low Density Residential (>9 units per acre). At this place and time, the planned land use is in conformance with the Peccole Ranch Master Development Plan Phase II (Z-17-90). (See General Plans and Admin of PUDs 03).

1993

On April 21, 1993 the City of Las Vegas approves a request to amend the General for portions of the Peccole Ranch Master Development Plan Phase II. This General Plan Amendment (GPA-7-93) (See Appendix General Plan History of Peccole 13) amended the General Plan from SC (Service Commercial) to M (medium Density Residential) on property located on the northeast corner of Rampart Boulevard and Alta Drive. Note this amendment did not include the area that becomes "The Badlands Golf Course".

1995

On January 4, 1995 the City of Las Vegas approves a request to amend the General for portions of the Peccole Ranch Master Development Plan Phase II. This General Plan Amendment (GPA-54-95) (See appendix General Plan History of Peccole 14) amended the General Plan from SC (Service Commercial), ML (Medium-Low Density Residential) and M (medium Density Residential) to SC (Service Commercial), ML (Medium-Low Density Residential) and M (medium Density Residential) on property located on the north side of Charleston Boulevard, between Rampart Boulevard and Hualapai Way. Note this amendment does not include the area that becomes "The Badlands Golf Course" but the submitted plan showing the affected areas contains the golf course and is shown with dashed lines (See appendix General Plan History of Peccole 14). In our research of the history of the Map Plan of the golf course the City of Las Vegas provided two photos from the General Plan Land Use Map showing the General Plan for the Badlands Golf Course asP (Parks/Recreation/OS). These maps are dated October 17, 1995 and April 16, 1996 (See appendix See Appendix General Plan History of Peccole 05 & 06).

1997

On February 5, 1997 the City of Las Vegas approves a request to amend the General for portions of the Peccole Ranch Master Development Plan Phase II. This General Plan Amendment (GPA-53-96) (See appendix General Plan History of Peccole 15) amended the General Plan from ML (Medium-Low Density Residential) to SC (Service Commercial) on property located on the north side of Alta Drive 400 feet east of Hualapai Way. Note this amendment did not include the area that becomes "The Badlands Golf Course".

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1999 to 2007

Circa 2007, the City of Las Vegas updated the Southwest Sector Plan of the City's General Plan to reflect all General Plan Amendments from August 18, 1999 to September 05, 2005 (See Appendix General Plan History of Peccole 07). The map indicates the land use for the Peccole Ranch Master Plan Phase II as Medium -Low Residential, General Tourist Commercial, Park/Recreation/Open Space, Service Commercial, Medium Residential, Public Facility and Medium Low Attached Residential. Note that the Badlands Golf Course is shown as Park/Recreation/Open Space.

Present day

The current Southwest Sector Land Use Plan of the City's General Plan (See Appendix General Plan History of Peccole 08) indicates there have been no changes to the General Plan in the Peccole Ranch Master Plan Phase II. The map indicates the land use for the Peccole Ranch Master Plan Phase II as Medium -Low Residential, General Tourist Commercial, Park/Recreation/Open Space, Service Commercial, Medium Residential, Public Facility and Medium Low Attached Residential. Note that the Badlands Golf Course is shown as Park/Recreation/Open Space.

Peccole Ranch Master Development Plan Phase II a Completed PUD

On April 4, 1990, the Peccole Ranch Master Plan received approval from the City of Las Vegas City Council for a Master Development Plan Amendment for Phase 2 as well as zoning approvals (Z-17-90) ([See Appendix Z-17-90 Peccole Ranch Master Plan Phase II](#)). The land uses approved were 401 acres of single family, 60 acres of multi-family, 194.3-acres neighborhood commercial/office, 56 acres of resort casino, 211.6 acres of golf course/drainage, 13.1 acres for a school, and 60.4 acres of rights-of-way. Peccole Ranch Phase 2 also received a Reclassification of Property (Z-17-90) for a maximum 4,247 dwelling units and for RPRD-3 (which was to be R-3 for the multifamily 24 units per acre) and RPD-7 for single family products and C-1. The minutes indicate that the overall gross density for phase 2 is 4.3 dwelling units per acre for the entire 746.1 acres of residential zoning. Since the original approval, the Master Development Plan and original zoning (Z-17-90) have been amended 40 times. These amendments resulted in the completed development as it stands today which included the entitlements and or completion of 1,838 single family units, 1,157 multi-family units, a resort casino and 254.92 acres of open space/drainage/golf course. The Master Declarant, Nevada Legacy 14, LLC, entitled, developed and sold the land on which the Peccole Ranch Master Development Plan is located upon ([Appendix Project Complete 04](#)).

Based on a review of information presented, the files obtained and reviewed from the City of Las Vegas, reviews of present and past City of Las Vegas Municipal Code and the Nevada Revised Statutes (NRS), interviews conducted with people involved with the project, and me and my offices years of experience in both the public and private sector practice of planning and development, it is my professional opinion that Peccole Ranch Phase 2, is a completed Planned Unit Development as evidenced by the following:

- Recordation of the Parent Final Map (FM-8-96) ([Appendix Project Complete 01](#))
- Recordation of subsequent subdivision maps that are in conformance to the original zoning (Z-17-90) and the Parent Final Map as approved and as approved by condition ([Appendix Mapping History 01 to 31](#))
- The Master Declarant, Nevada Legacy 14, LLC has been dissolved ([Appendix Project Complete 02](#))
- Per the City of Las Vegas all outstanding development bonds have been released ([Appendix Project Complete of Peccole 03](#))

In Conclusion, The Peccole Ranch Master Development Plan is a Planned Unit Development (see pervious report section) and is a completed Planned Unit Development.

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Queensridge Parcel 1 at The 180
(SDR-68481, WVR-68480, GPA-68385, TMP-68482)
PRESENTATION BINDER FOR 02/14/17 PC MTG
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Queensridge Parcel 1 at The 180
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Queensridge Parcel 1 at The 180
(SDR-68481, WVR-68480, GPA-68385, TMP-68482)
PRESENTATION BINDER FOR 02/14/17 PC MTG
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Notes

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DEFINITIONS OF KEY TERMS

PLANNED UNIT DEVELOPMENT

A Planned Unit Development can be defined as a “mixture of single-family residences, town houses, apartments, some commercial and institutional uses, and occasionally, some industry... Planned unit development controls were developed largely by the private sector to provide the public sector with an effective means of regulating such developments, a concept which did not fit comfortably under traditional zoning district regulations”. (International City Managers Association’s The Practice of Local Government Planning, 1979)

“A planned unit development (PUD) is a land development pattern that 1) is planned as an entity, 2) groups dwelling units into clusters or neighborhoods, 3) allows an appreciable amount of land for open space, 4) mixes housing types and land uses, and 5) preserves useful natural resources.” (Urban Land Institute’s Residential Development Handbook, Third Addition, 2004)

Planned Unit Development" means one or more lots, tracts, or parcels of land to be developed as a single entity, the plan for which may propose density or intensity transfers, density or intensity increases, mixing of land uses, or any combination thereof, and which may not correspond in lot size, bulk, or type of dwelling or building, use, density, intensity, lot coverage, parking, required common open space, or other standards to zoning use district requirements that are otherwise applicable to the area in which it is located. (American Planning Association Growing Smart Legislative Guide Book 2016)

NRS 278A.065 “Planned unit development” defined.

1. “Planned unit development” means an area of land controlled by a landowner, which is to be developed as a single entity for one or more planned unit residential developments, one or more public, quasi-public, commercial or industrial areas, or both.
2. Unless otherwise stated, “planned unit development” includes the term “planned unit residential development.”

(Added to NRS by 1981, 130; A 1989, 933)

NRS 278A.070 “Planned unit residential development” defined. “Planned unit residential development” means an area of land controlled by a landowner, which is to be developed as a single entity for a number of dwelling units, the plan for which does not correspond in lot size, bulk or type of dwelling, density, lot coverage and required open space to the regulations established in any one residential district created, from time to time, under the provisions of any zoning ordinance enacted pursuant to law.

(Added to NRS by 1973, 566) — (Substituted in revision for NRS 280A.070)

R-PD (PUD) as it appeared in the Las Vegas Municipal Code 1987

Chapter 19.18 P-PD Residential Planned Development District

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19.18.010 Purpose. The purpose of a planned unit development is to allow a maximum flexibility for imaginative and innovative residential design and land utilization in accordance with the General Plan. It is intended to promote an enhancement of residential amenities by means of an efficient consolidation and utilization of open space, separation of pedestrian and vehicular traffic and a homogeneity of use patterns.

R-PD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT Las Vegas Municipal Code 2016

Section 19.1.050

Intent of R-PD District: The R-PD District has been to provide for flexibility and innovation in residential development, with emphasis on enhanced residential amenities, efficient utilization of open space, the separation of pedestrian and vehicular traffic, and homogeneity of land use patterns. Historically, the R-PD District has represented an exercise of the City Council's general zoning power as set forth in NRS Chapter 278. The density allowed in the R-PD District has been reflected by a numerical designation for that district. (Example: R-PD4 allows up to four units per gross acre.) However, the types of development permitted within the R-PD District can be more consistently achieved using the standard residential districts, which provide a more predictable form of development while remaining sufficiently flexible to accommodate innovative residential development. Therefore, new development under the R-PD District is not favored and will not be available under this Code.

OPEN SPACE

NRS 361A.040 "Open-space real property" defined. "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.
4. Land regarding which the owner has granted and has outstanding a lease of surface water rights appurtenant to the property to a political subdivision of this State for a municipal use, if the land was agricultural real property at the time the lease was granted.
(Added to NRS by 1975, 1756; A 1987, 673; 2005, 2664; 2009, 1229)

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. The use of land to lease surface water rights appurtenant to the property to a political subdivision of this State for a municipal use shall be deemed to be an open-space use of the land, if the land was agricultural real property at the time the lease was granted.
(Added to NRS by 1975, 1756; A 1979, 208; 1987, 432; 1993, 1576; 2001, 940; 2005, 2664; 2009, 1229; 2011, 2975)

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Las Vegas Municipal Code 2016 Chapter 19.18

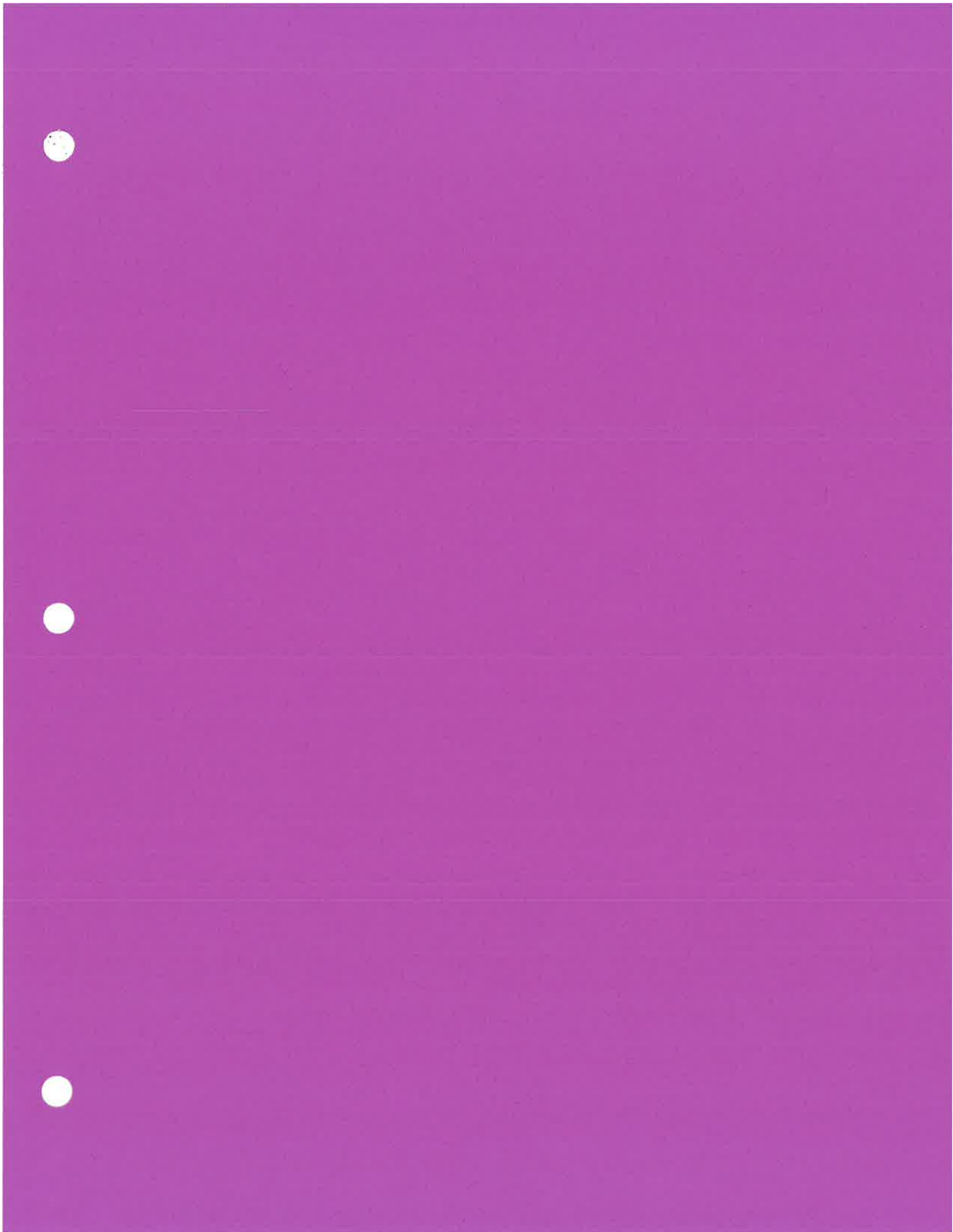
Open Space. Any parcel or area of land or water essentially unimproved and set aside, dedicated, designated, or reserved for public use or enjoyment or for the private use and enjoyment of owners and occupants of land adjoining or neighboring such open space.

Open Space, Common. Land within or related to a development that is designed and intended for the common use or enjoyment of the residents of the development and their guests.

Overlay District" means a district that is superimposed over one or more zoning districts or parts of districts and that imposes specified requirements that are in addition to those otherwise applicable for the underlying zone.^[58]

- An overlay district is a type of district that lies on top of another, like a bedspread over a blanket. The blanket is the underlying zoning district, such as a single-family detached with 10,000-square-foot lots. With an overlay zone, the provisions of underlying zones that are not affected by the provisions of the overlay zone remain the same. Instead, like the bedspread over the blanket, the requirements of the overlay district are placed over portions of the underlying zone or zones. The boundaries of the overlay also do not have to correspond perfectly with the underlying zone; the overlay district may cover only part of a regular zone or may cover part of several underlying zones. (American Planning Association Growing Smart Legislative Guide Book 2016)

"Site Plan" means a scaled drawing that shows the development of lots, tracts, or parcels, whether or not such development constitutes a subdivision or resubdivision of the site. A site plan may include elevations, sections, and other architectural, landscape, and engineering drawings as may be necessary to explain elements of the development subject to review; Growing Smart Legislative Guide Book 2016)



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Defined Planning Terms (Institute for Local Government Land Use and Planning, 2004 edition of the glossary. The terms in this glossary are adapted from previous editions of the Planning Commissioner's Handbook (2000 and 2004), the Planner's Pocket Guide (1992), and the Municipal Revenue Sources Handbook (2001), all published by the League of California Cities. Other sources include the California Planning Guide and the General Plan Guidelines (both published by the Governor's Office of Planning and Research), and the Glossary of Climate Change Terms (published by the U.S. Environmental Protection Agency.) Any errors or omissions are the responsibility of the Institute for Local Government.)

Development Agreement. A legislatively approved contract between a jurisdiction and a person having legal or equitable interest in real property within the jurisdiction that "freezes" certain rules, regulations, and policies applicable to development of a property for a specified period of time, usually in exchange for certain concessions by the owner

Development Rights, Transfer of (TDR). A program that can relocate potential development from areas where proposed land use or environmental impacts are considered undesirable (the "donor" site) to another ("receiver") site chosen on the basis of its ability to accommodate additional units of development beyond that for which it was zoned, with minimal environmental, social, and aesthetic impacts.

General Plan. The general 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 covers all of the land within the jurisdiction and any additional land that, in the agency's judgment, bears relation to its planning.

Highest and Best Use. An appraisal term of art but one also used by the development industry that refers to the potential use of a property which brings the greatest profit to its owners. In theory, the economics of the real estate market establish a maximum value for each parcel of land at any given time.

Planning does not seek to solely maximize the highest potential land price. City planning looks at a broader range of factors or element in the General Plan for the City. The State also prescribes in NRS 278 the minimum elements to be addressed. As a result, property owners are not necessarily entitled to the "highest and best use" use when that use may have negative effects on the use and enjoyment of neighboring properties. (Clarifying statement by author)

Infill Development. Development of vacant or underutilized land (usually individual lots or leftover properties) within areas that are already largely developed.

Overlay Zoning. Additional or stricter standards to existing zoning that can be used to protect particular natural or cultural features or to avoid or mitigate potential hazards.

Parcel Map (lot split). A subdivision map that divides a parcel into four or fewer lots. A city or county can place conditions on the approval of parcel maps.

Planned Unit Development (PUD). Land use zoning which allows the adoption of a set of development standards that are specific to a particular project. PUD zones usually do not contain detailed

development standards. Those are established during the process of considering proposals and adopted by ordinance upon project approval.

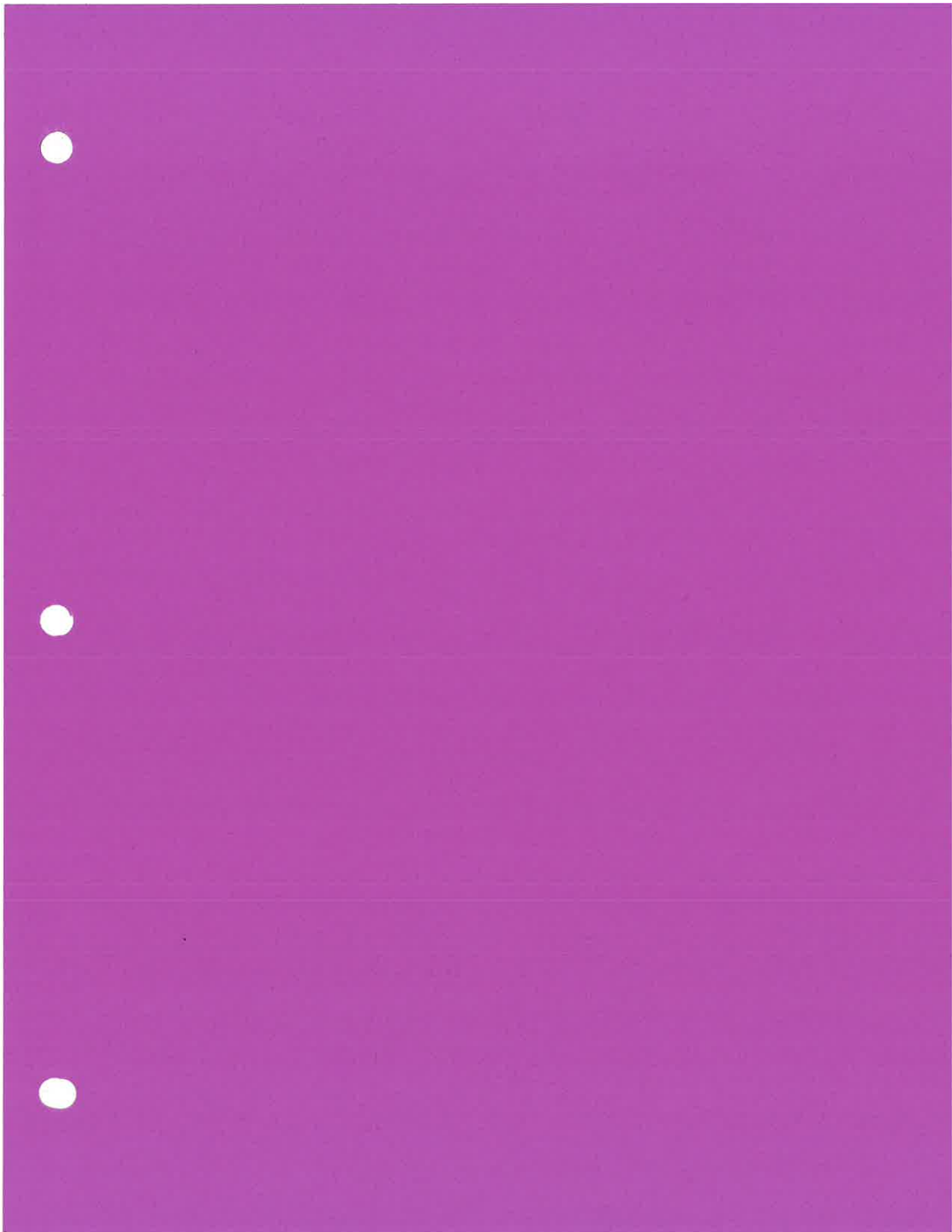
Regulatory Taking. A regulatory taking occurs when a regulation becomes so onerous that it has the practical effect of a physical appropriation of land. An extreme example would be zoning private land as a public park. Such a regulation does two things: 1) it prevents the owner from putting the land to any economic use, and 2) it prevents the owner from exercising one of the most fundamental characteristics of property ownership: the right to exclude others. Thus, the regulation would have a similar effect as if the public agency had condemned the land and built a park.

Site Plan Review. The process whereby local officials, usually the planning commission and staff, review the site plans of a developer to assure that they meet the purposes and standards of the zone, provide for necessary public facilities like streets, parks, and schools, and protect adjacent properties through appropriate siting of structures and landscaping.

Spot Zoning. The awarding of a use classification to an isolated parcel of land that is detrimental or incompatible with the uses of the surrounding area, particularly when such an act favors a particular owner. A special circumstance like historical value, environmental importance, or scenic value could justify special zoning for a small area. Supreme Court of Nevada test of spot zoning is whether the amendment was made with the purpose of furthering a comprehensive zoning scheme or whether it was designed merely to relieve the land of a restriction which was particularly harsh upon that particular land. *McKenzie v. Shelly*, 362 P.2d 268, 77 Nev. 237 (Nev., 1961)

Subdivision Map Act. State law that vests the regulation and control of the design and improvement of subdivisions in local legislative bodies, including the requirement for tentative and final subdivision maps.

Zoning. The division of a city or county by legislative regulations into areas, or zones, that specify allowable uses for real property and size restrictions for buildings within these areas; a program that implements policies of the general plan.



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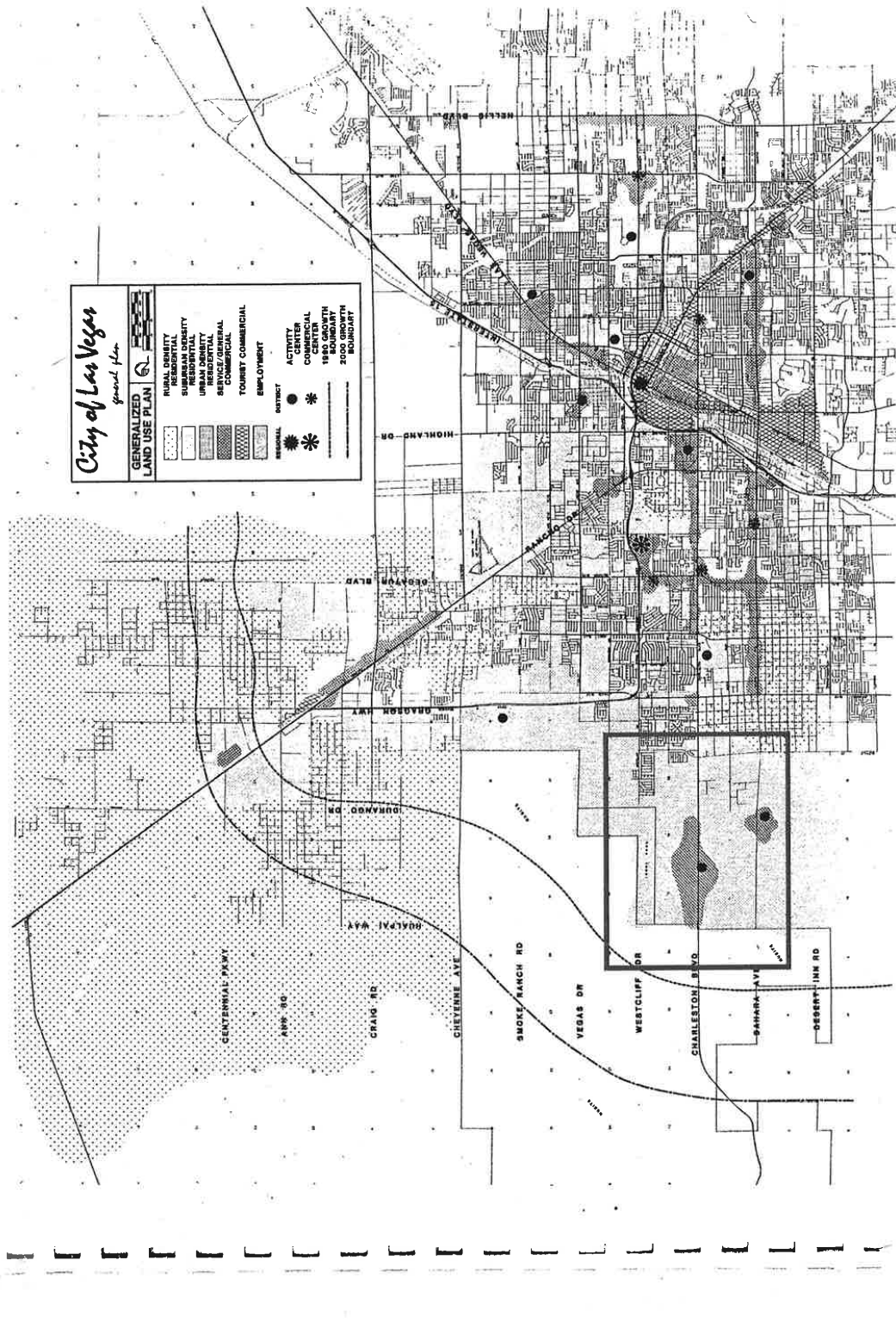
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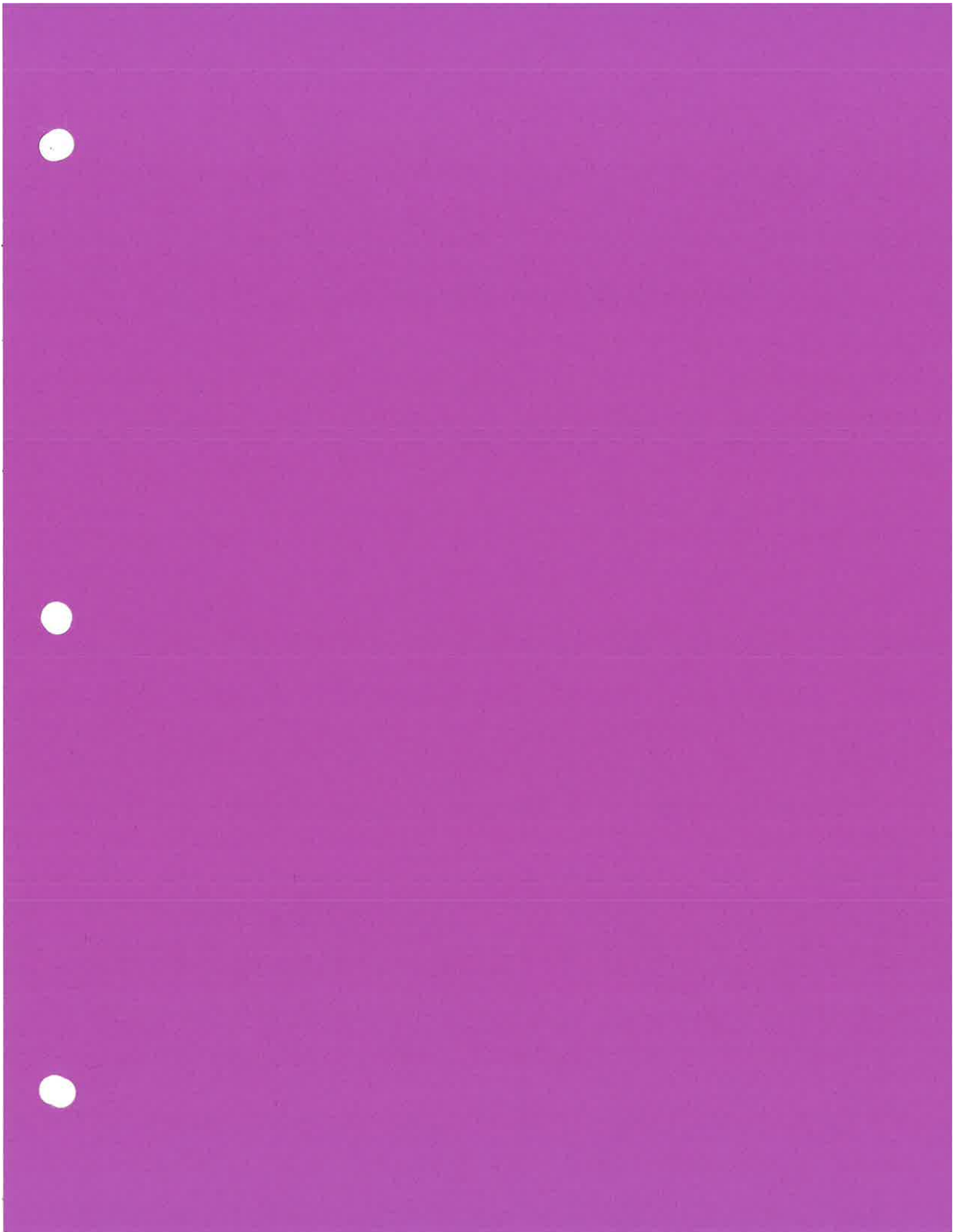
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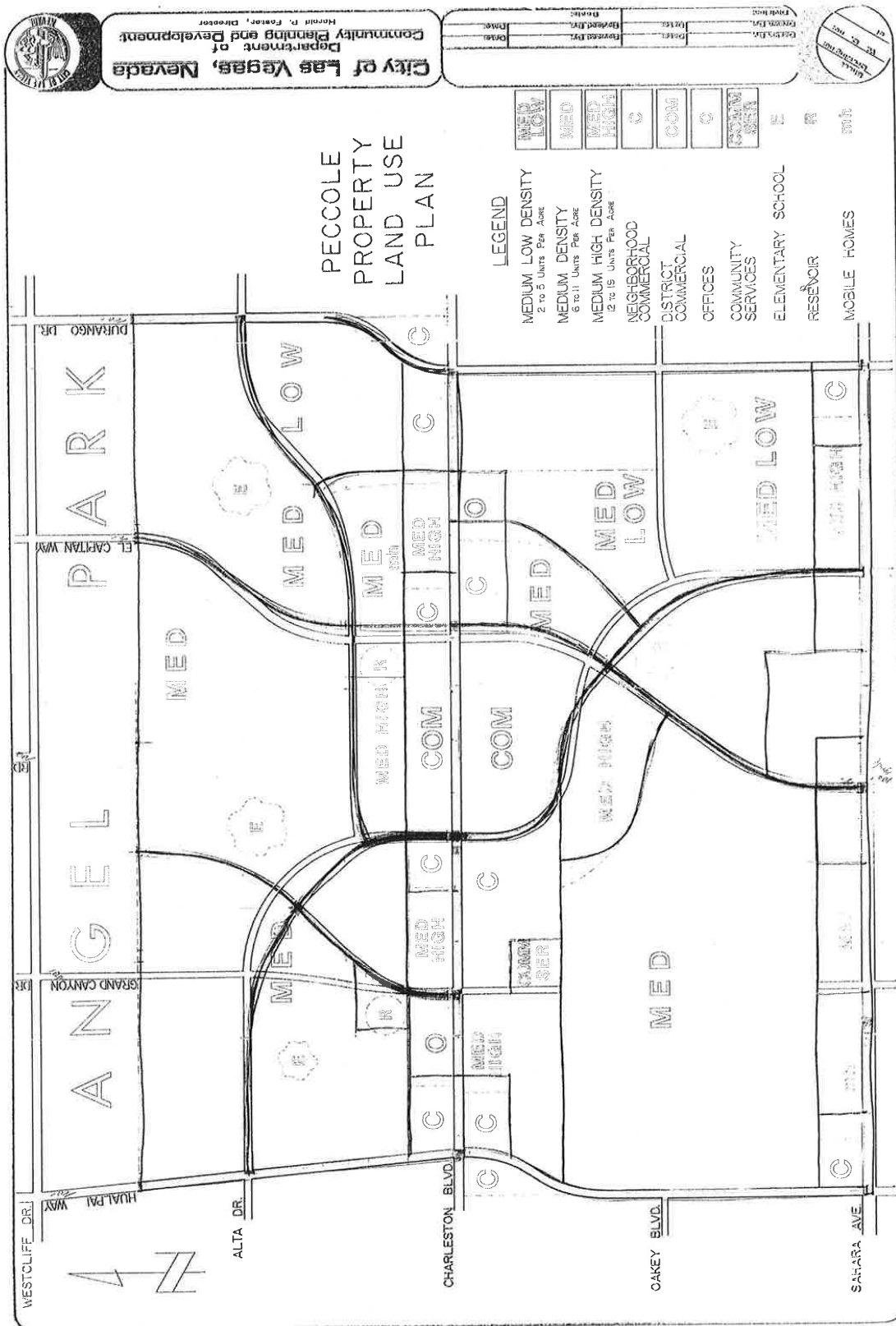
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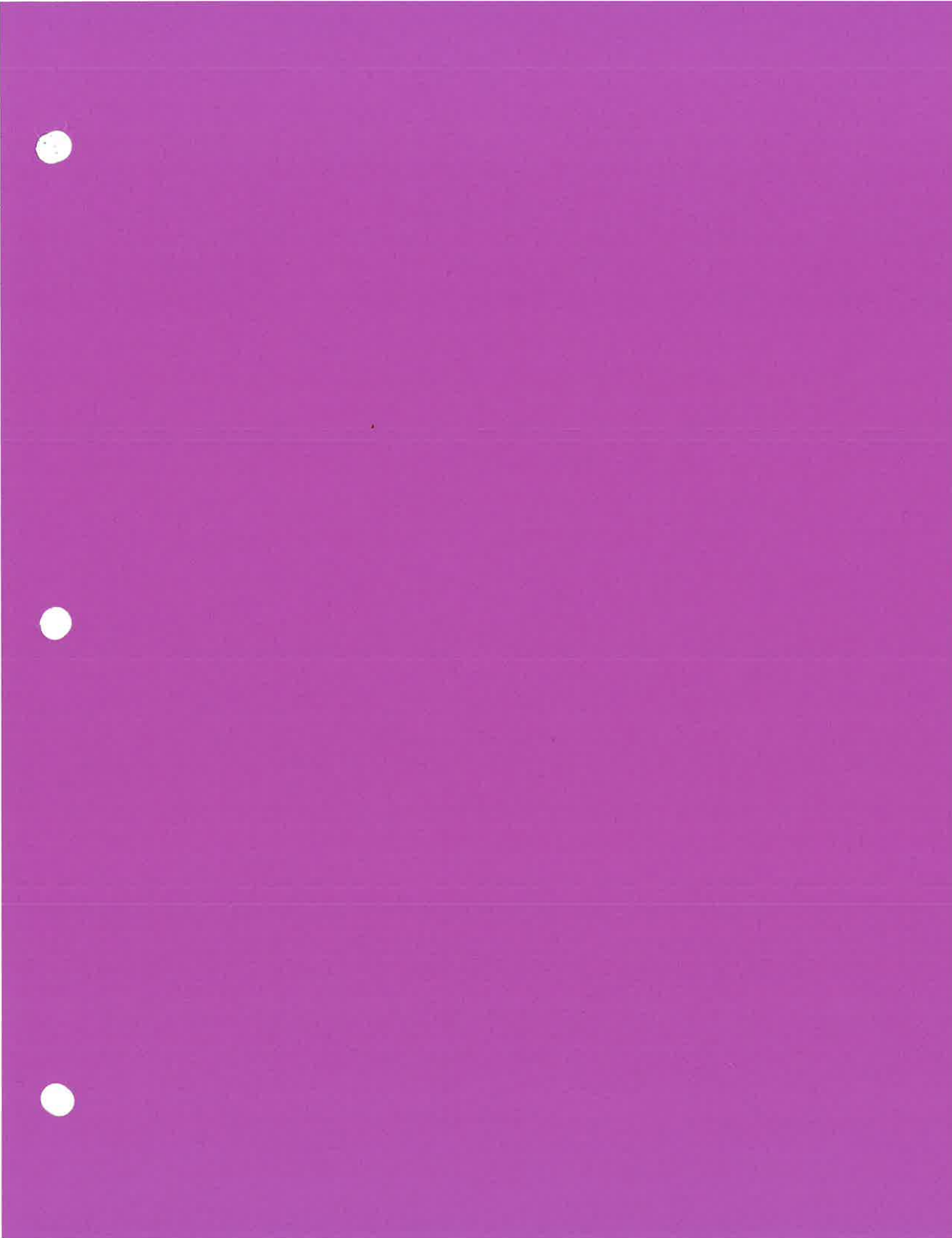
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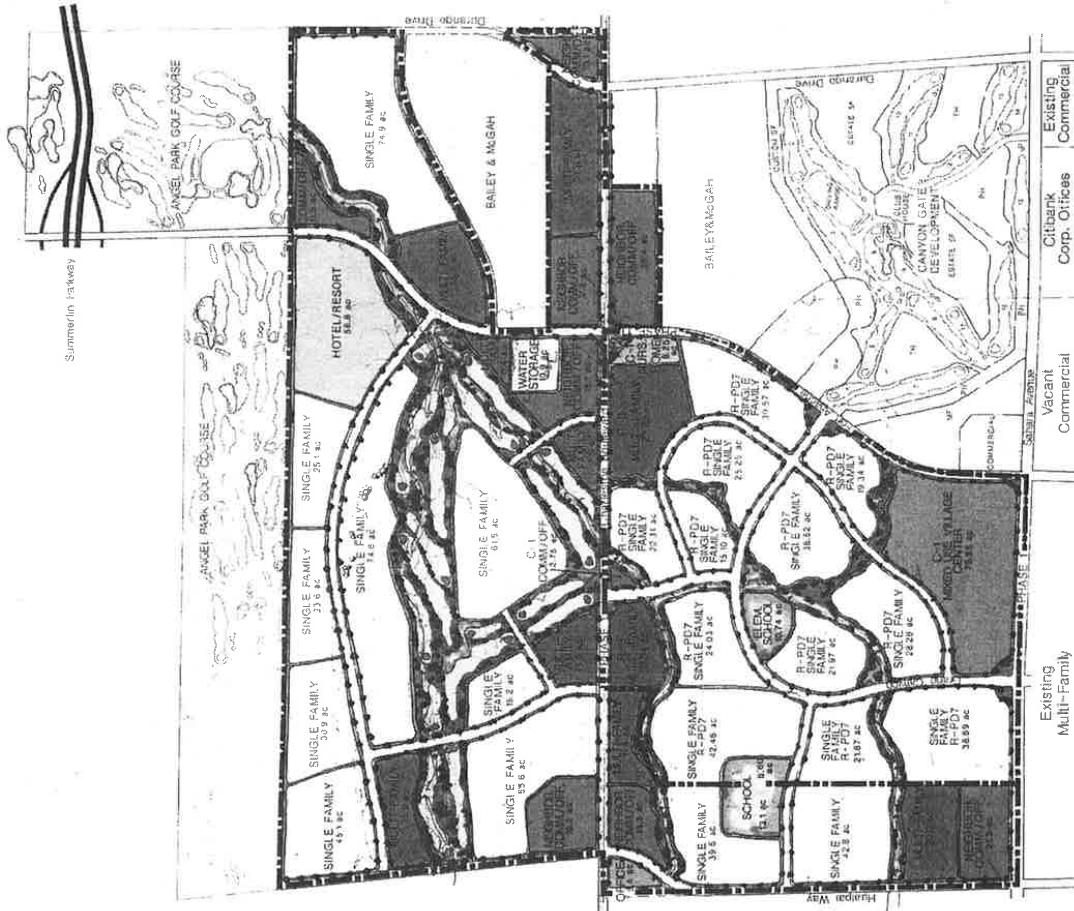


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SITE DATA - PHASE 1

LAND USE	NET ACRES	NET DENSITY D/acre	UNITS
Nursing Home	8.25		
Single Family	328.49	7.0	2289
Multi-Family	45.39	24.9	1086
Mixed Use Village Center			
Commercial Office	40.00		
Multi-Family	35.56	34.0	1209
Commercial Office	2.75		
Diamond Open Space	41.17		
P.O.W.	13.87		
Elementary School	17.34		
PHASE 1 TOTAL	573.19	8.8	4566

SITE DATA - FUTURE PHASES

LAND USE	ACRES
Single Family	487.9
Multi-Family	133.9
Neighborhood Commercial Office	137.7
Office	5.4
Hotel/Resort	56.8
Water Storage	10.9
Off Course Drainage	207.1
P.O.W.	40.5
School	13.1
FUTURE PHASES TOTAL	1143.1
GRAND TOTAL	1716.3

MASTER PLAN Peccole Ranch Partnership

Suite 900, Capital Place
2707-110 Street
Edmonton, Alberta T5K2L9 403-402-7800

Prepared By:
A. Wayne Smith & Associates
1515 East Macleod Suite 100
Phoenix, Arizona 85014 602 234-3474



EXHIBIT B

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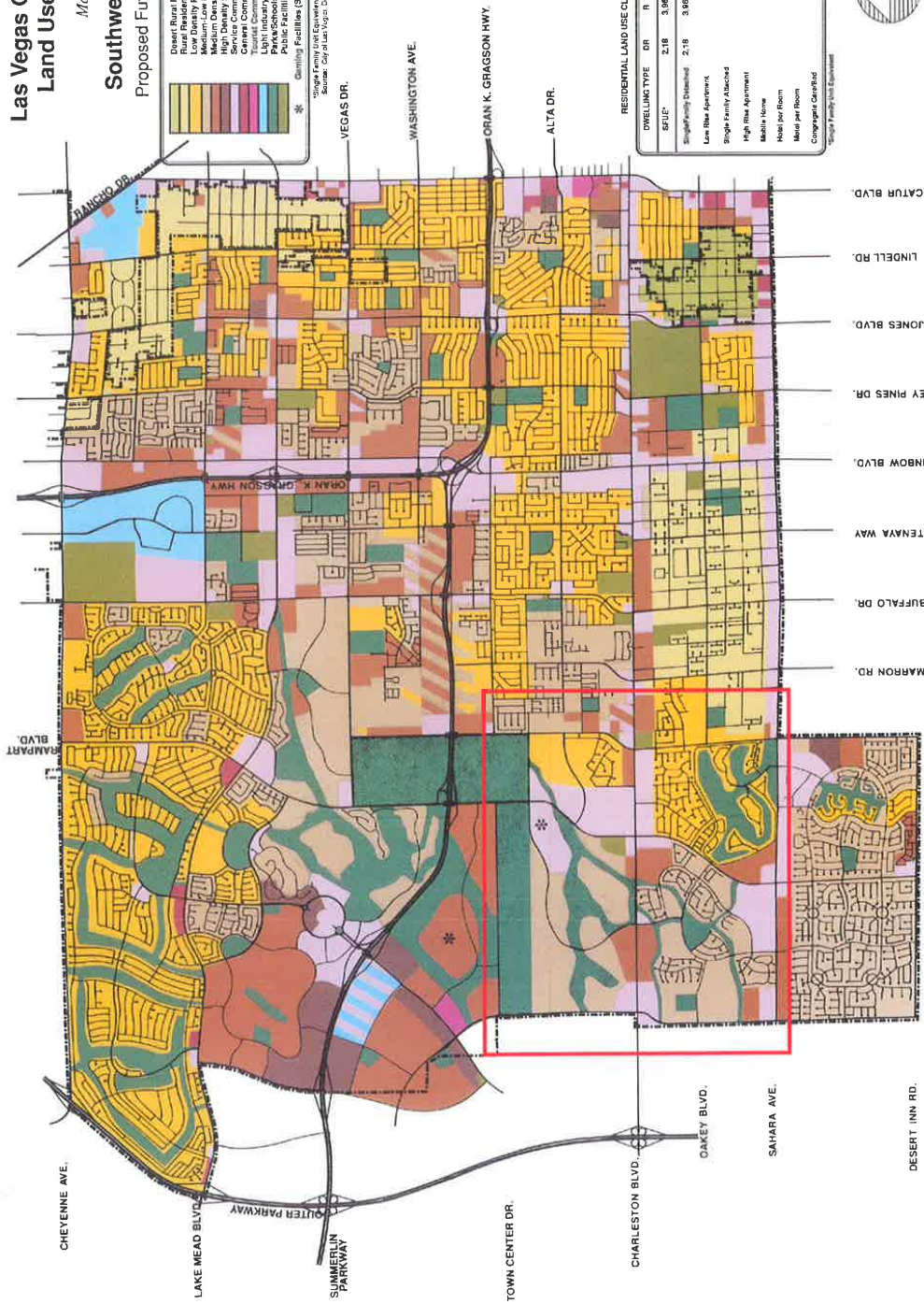
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Las Vegas General Plan Land Use Element

Map 6

Southwest Sector Proposed Future Land Use



RESIDENTIAL LAND USE CLASSIFICATION SCHEDULE

DWELLING TYPE	DR	R	L	ML	M	HI
SP/UC	2.18	3.96	5.70	9.00	13.27	16.58
Single-Family Detached	2.18	3.96	5.70	9.00	13.27	16.58
Low Rise Apartment				13.27	20.00	25.00
Single Family Attached			13.29	16.23	22.83	29.51
High Rise Apartment					31.23	46.33
Mobile Home					1.14	7.14
Hotel per Room					36.67	23.77
Meat per Room					26.78	37.22
Concurrent Certified				43.08		43.08
*Single Family Unit Equivalent						

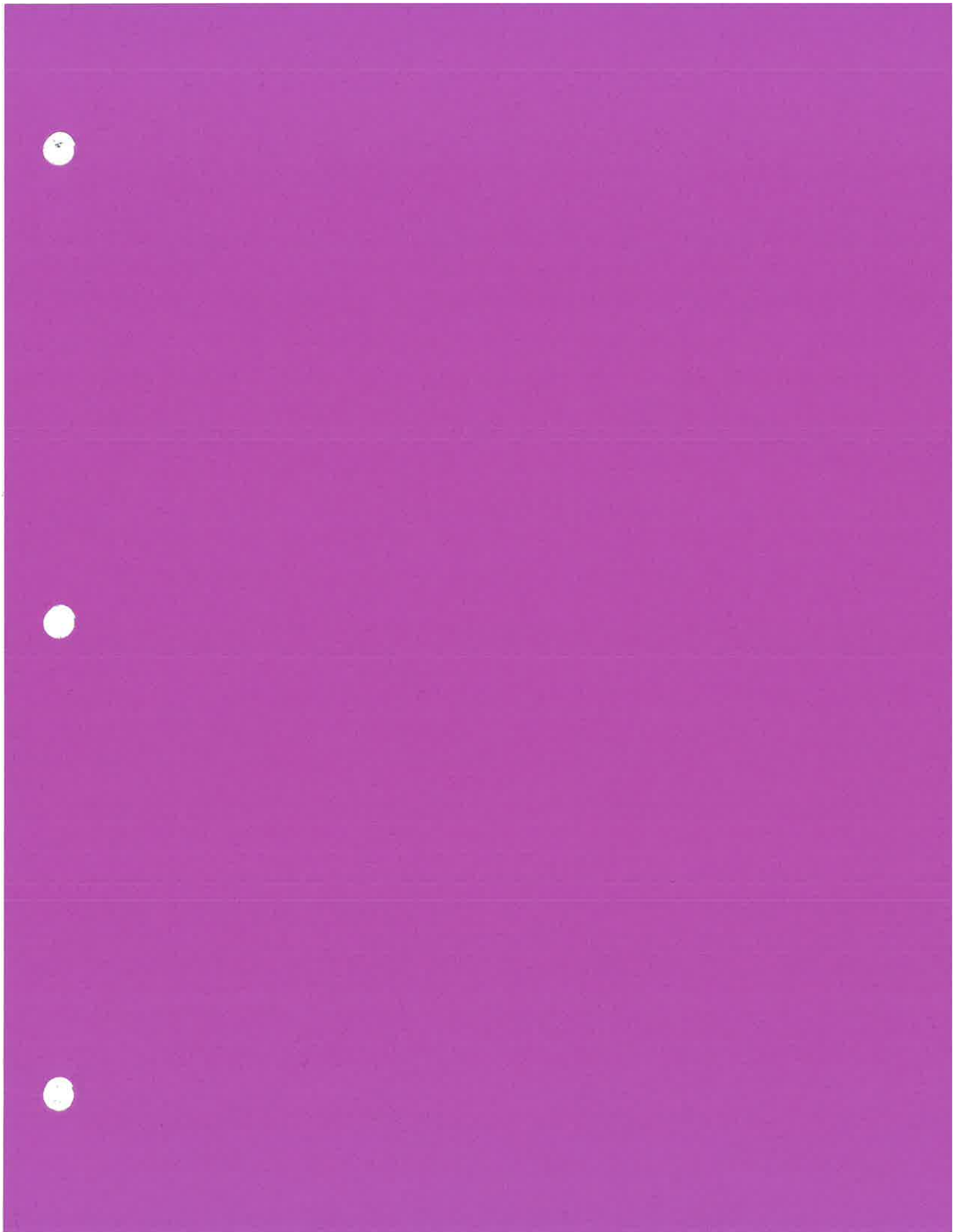


CITY BOUNDARIES

Adopted by the Planning Commission,
 August 12, 1991
Sandra Hodgins
 Chairman
 Norman R. Stenderfer,
 Secretary
 Department of Community Planning &
 Development

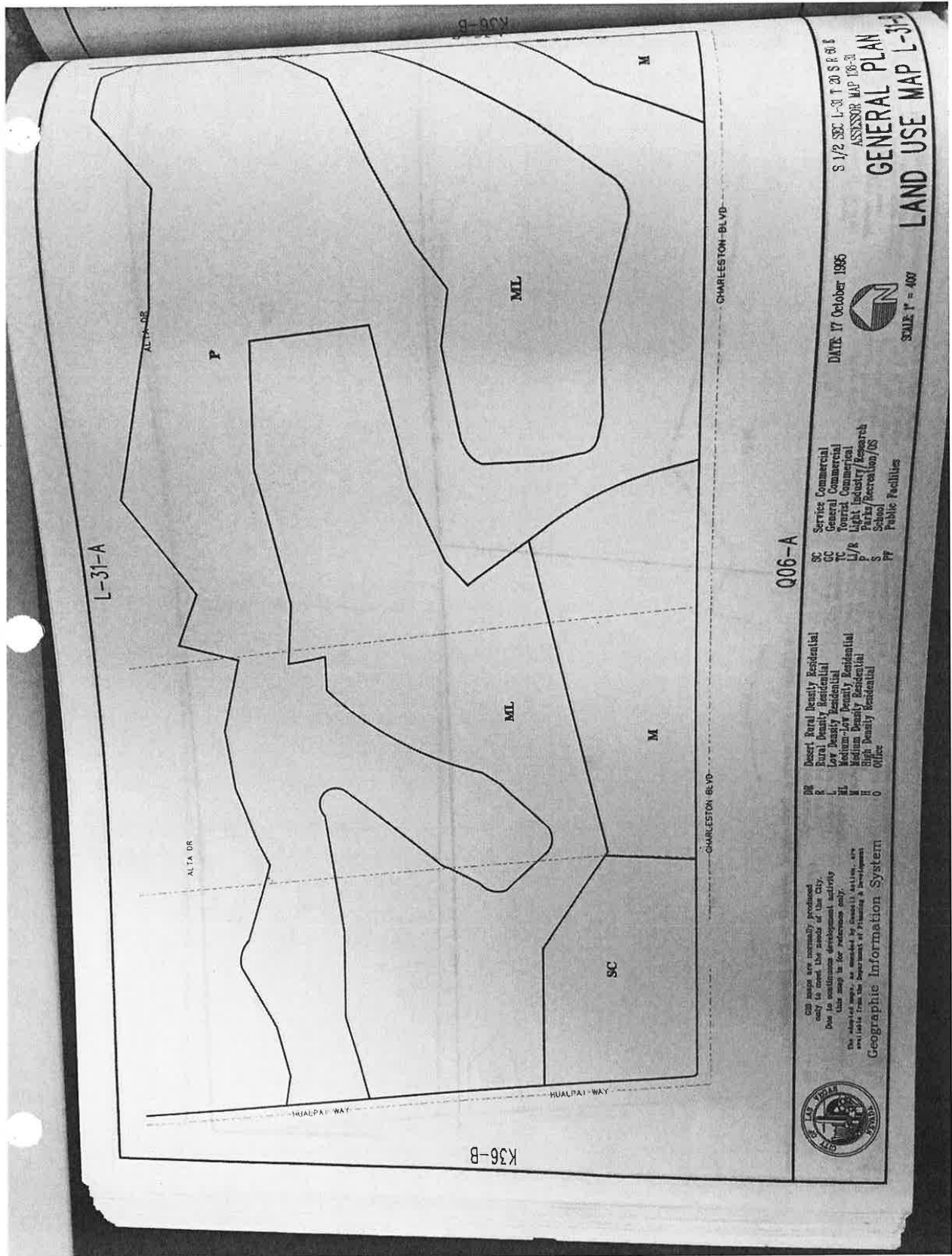
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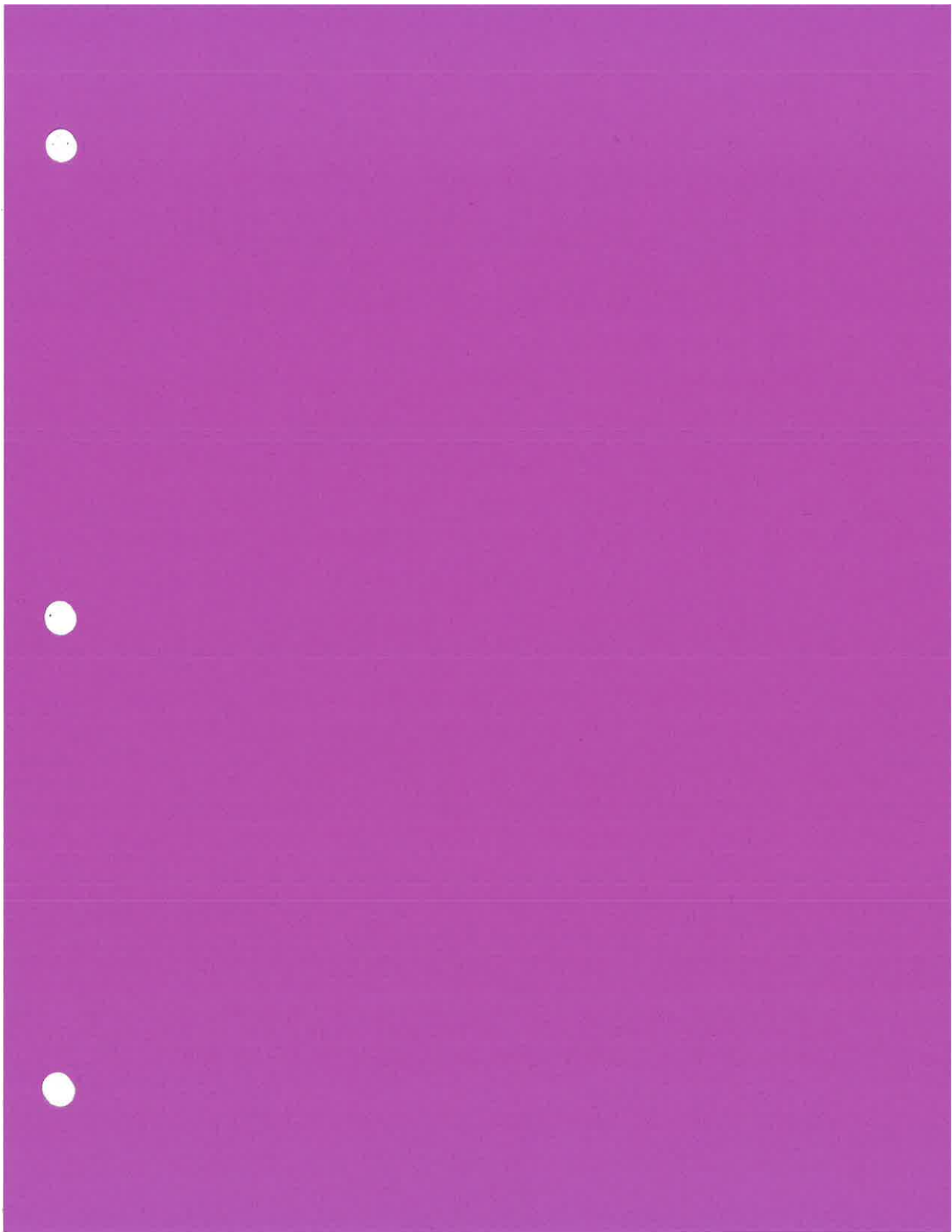
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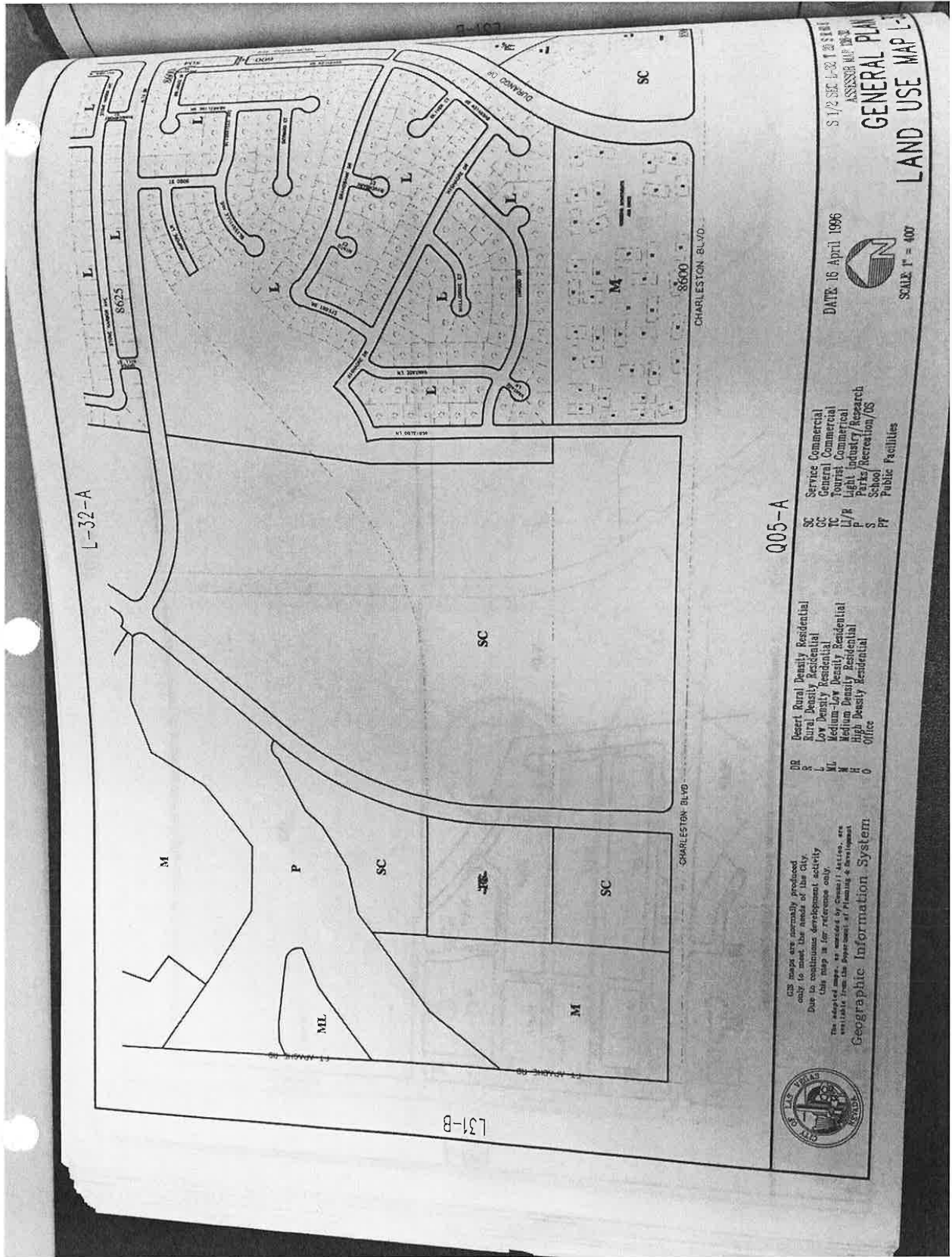
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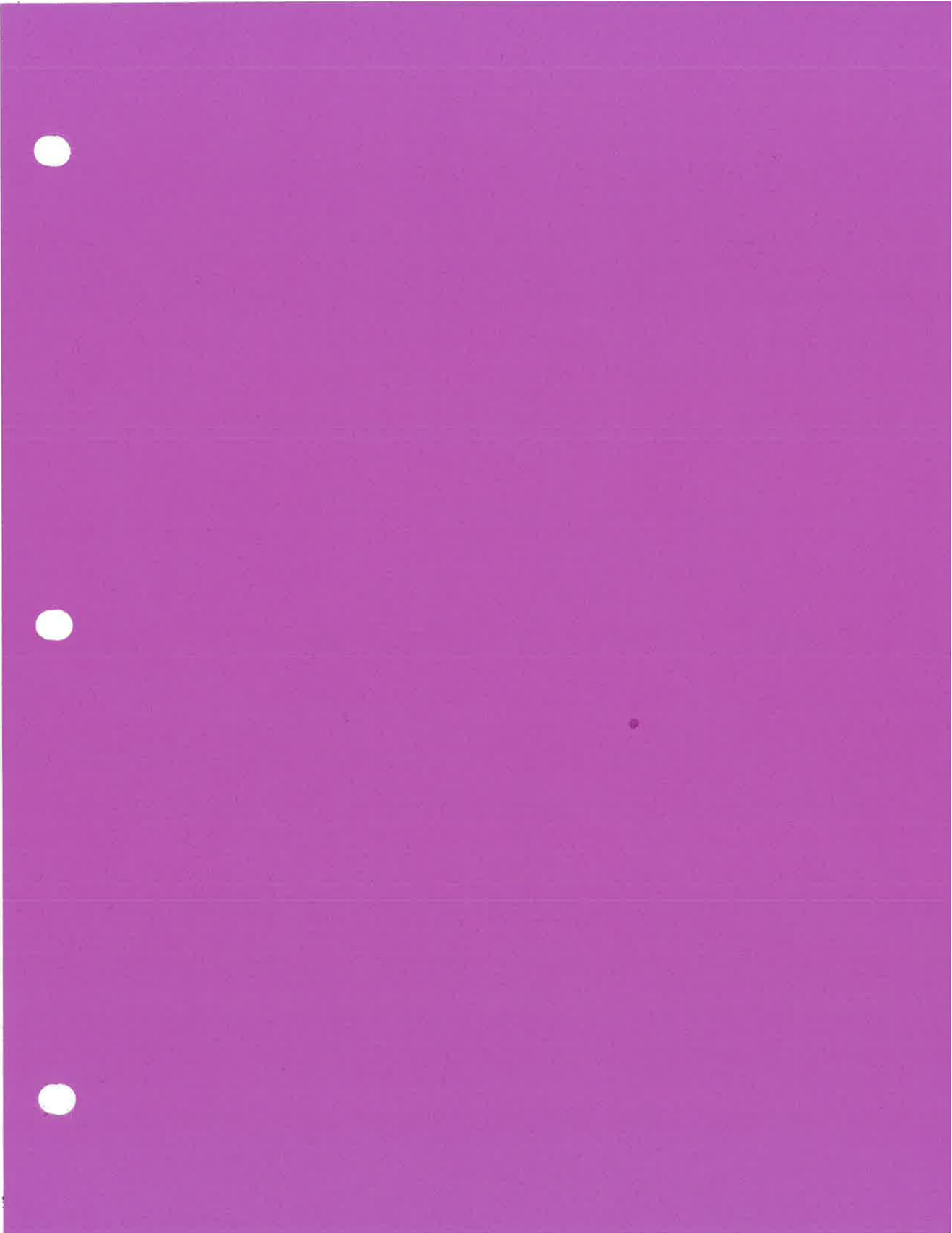
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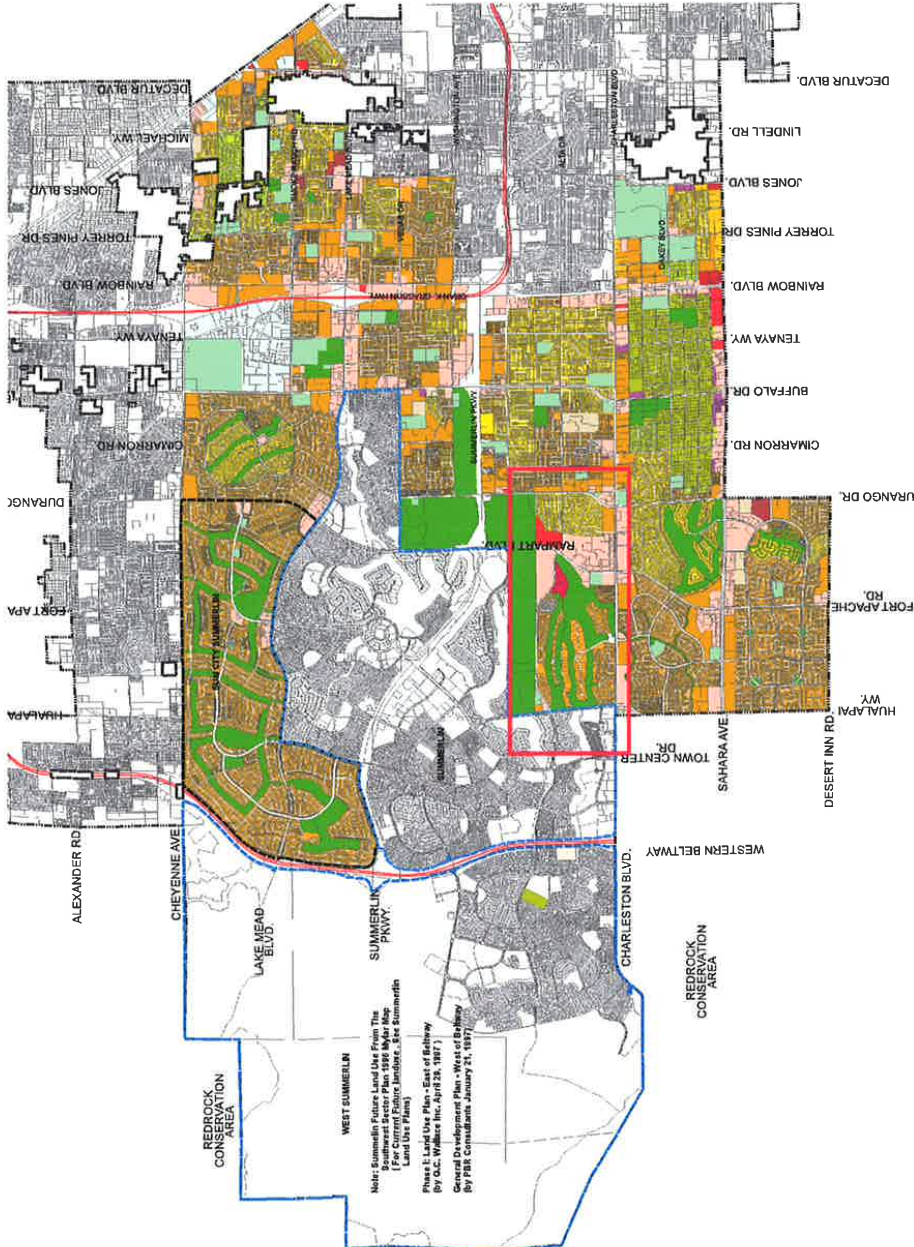


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SOUTHWEST SECTOR
LAND USE CATEGORIES

- Desert Rural - up to 2.48 acres
- Rural - up to 3.58 acres
- Low - up to 6.48 acres
- Medium - Low - up to 8.48 acres
- Medium - Low Attached - up to 12.48 acres
- Medium - up to 25.48 acres
- High - 25+ acres
- Office
- Service Commercial
- General Commercial
- General Tourist Commercial
- Park/Recreation/Open Space
- Public Facility
- Light Industrial / Research
- Sun City Summerlin
- Summerlin



SOURCE: City of Las Vegas, Planning and Development Department
Adopted April 01, 1992 Ord. # 3838
Revised February 15, 2015 GPA-38815



GIS data is provided as a reference only. It is not intended to be used for legal purposes. The map is for reference only. Geographic Information System
City of Las Vegas
February 15, 2015

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