

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 11:20 a.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 84640

**AMENDED
JOINT APPENDIX
VOLUME 128, PART 9**

LAW OFFICES OF KERMITT L. WATERS

Kermitt L. Waters, Esq.

Nevada Bar No. 2571

kermitt@kermittwaters.com

James J. Leavitt, Esq.

Nevada Bar No. 6032

jim@kermittwaters.com

Michael A. Schneider, Esq.

Nevada Bar No. 8887

michael@kermittwaters.com

Autumn L. Waters, Esq.

Nevada Bar No. 8917

autumn@kermittwaters.com

704 South Ninth Street

Las Vegas, Nevada 89101

Telephone: (702) 733-8877

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

LAS VEGAS CITY ATTORNEY'S OFFICE

Bryan K. Scott, Esq.

Nevada Bar No. 4381

bscott@lasvegasnevada.gov

Philip R. Byrnes, Esq.

pbyrnes@lasvegasnevada.gov

Nevada Bar No. 166

Rebecca Wolfson, Esq.

rwolfson@lasvegasnevada.gov

Nevada Bar No. 14132

495 S. Main Street, 6th Floor

Las Vegas, Nevada 89101

Telephone: (702) 229-6629

Attorneys for City of Las Vegas

CLAGGETT & SYKES LAW FIRM

Micah S. Echols, Esq.

Nevada Bar No. 8437

micah@claggettlaw.com

4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

(702) 655-2346 – Telephone

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

McDONALD CARANO LLP

George F. Ogilvie III, Esq.

Nevada Bar No. 3552

gogilvie@mcdonaldcarano.com

Amanda C. Yen, Esq.

ayen@mcdonaldcarano.com

Nevada Bar No. 9726

Christopher Molina, Esq.

cmolina@mcdonaldcarano.com

Nevada Bar No. 14092

2300 W. Sahara Ave., Ste. 1200

Las Vegas, Nevada 89102

Telephone: (702) 873-4100

LEONARD LAW, PC

Debbie Leonard, Esq.

debbie@leonardlawpc.com

Nevada Bar No. 8260

955 S. Virginia Street Ste. 220

Reno, Nevada 89502

Telephone: (775) 964.4656

SHUTE, MIHALY & WEINBERGER, LLP

Andrew W. Schwartz, Esq.

schwartz@smwlaw.com

California Bar No. 87699

(admitted pro hac vice)

Lauren M. Tarpey, Esq.

ltarpey@smwlaw.com

California Bar No. 321775

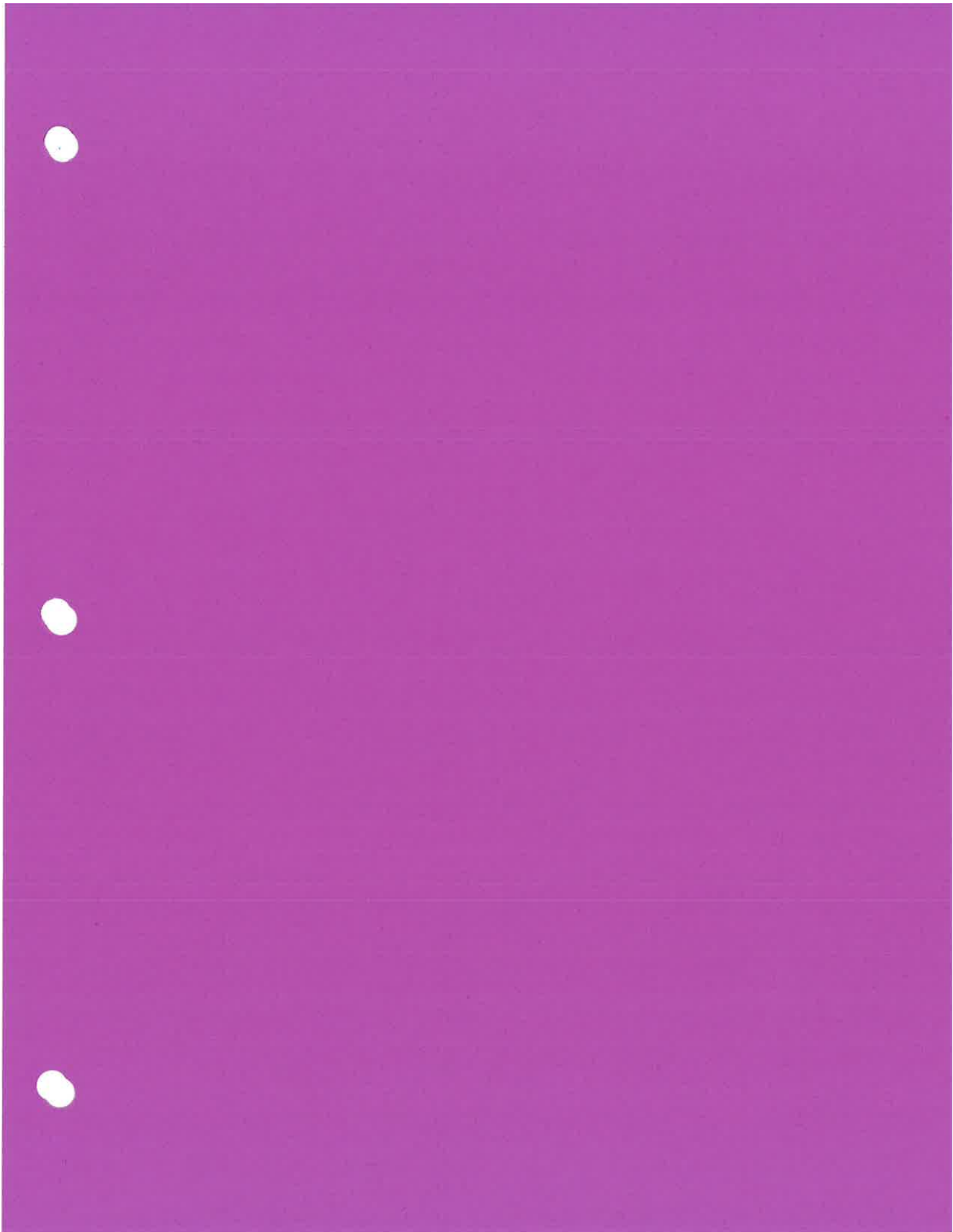
(admitted pro hac vice)

396 Hayes Street

San Francisco, California 94102

Telephone: (415) 552-7272

Attorneys for City of Las Vegas



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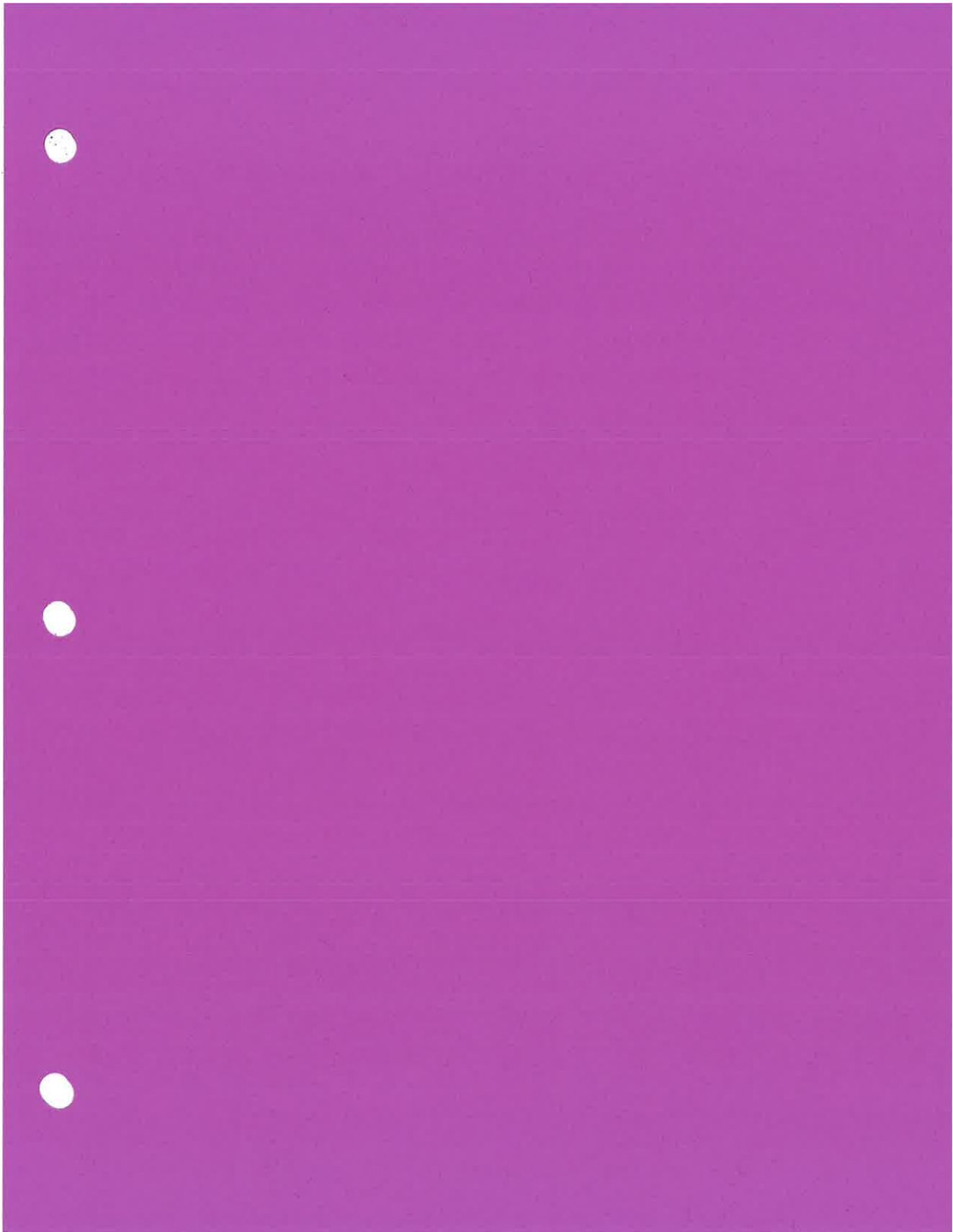
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A. INTRODUCTION

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

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

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

B. CONCEPT OF THE SHORT-RANGE PLAN

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

C. RESIDENTIAL PLANNING DISTRICTS (RPD'S)

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

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

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

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

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

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

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

E. MIXTURE OF DENSITY CATEGORIES WITHIN RESIDENTIAL PLANNING DISTRICTS

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

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

TABLE 3-3
Residential Planning Districts Planning Capacities

RPD Type	Population Per Square Mile	Dwelling Units Per Square Mile	People Per Gross Acre
Urban	17,000-19,000	9,800	26.6-29.7
Suburban	11,000-12,000	4,400	17.2-18.8
Rural	2,500- 3,000	1,100	3.9- 4.7

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

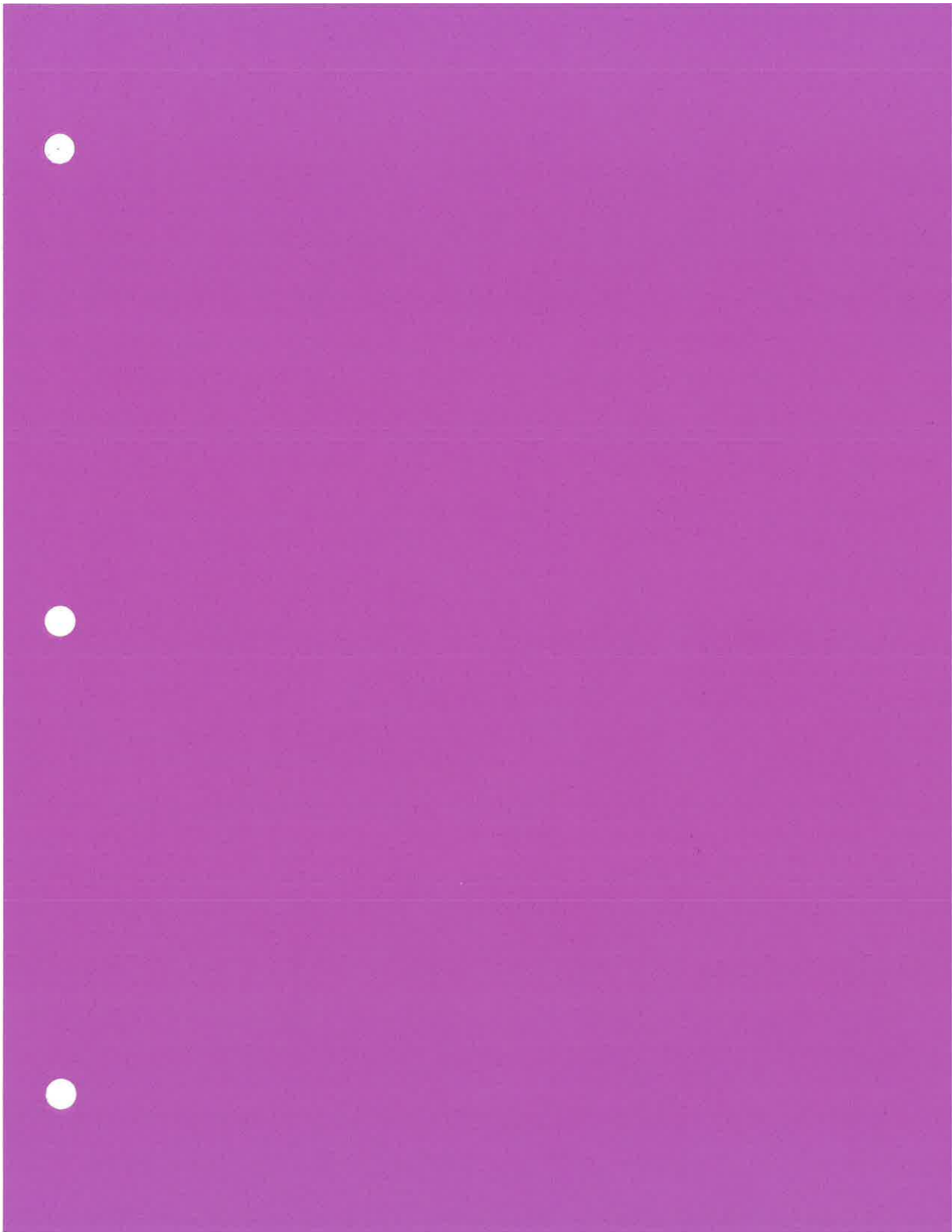
TABLE 3-4
RPD Density Ratios
Percent of Residential Land Area by Type of Dwelling Unit Density

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

F. COMMUNITY PROFILE SYSTEM

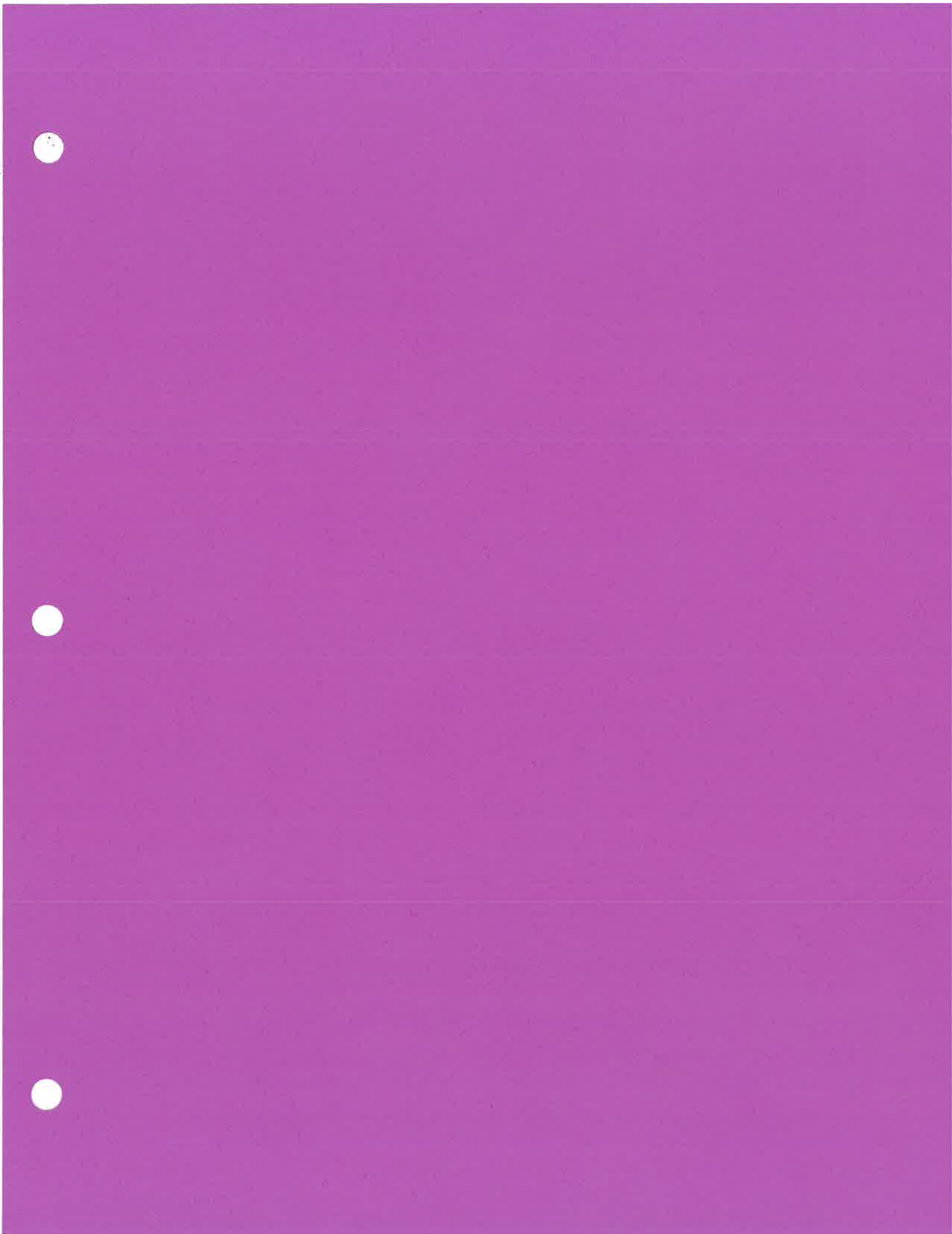
Community Profiles are designated areas of the City comprising two or more residential planning districts and having a predominant or homogeneous characteristic, such as the City's "downtown" area or the medical facility area in the vicinity of the Southern Nevada Memorial Hospital. The community profile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

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



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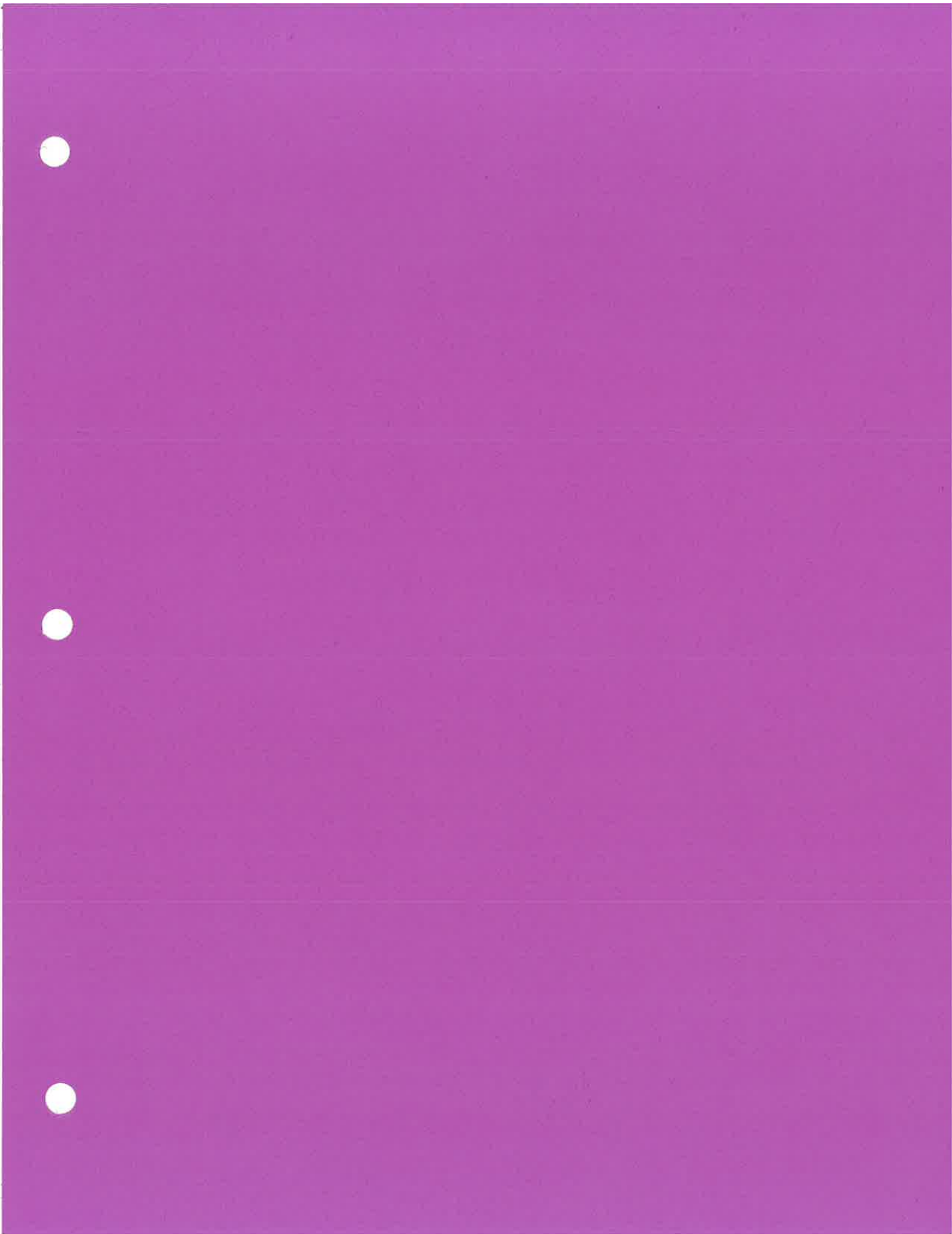
CITY CORP

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CITI CORP

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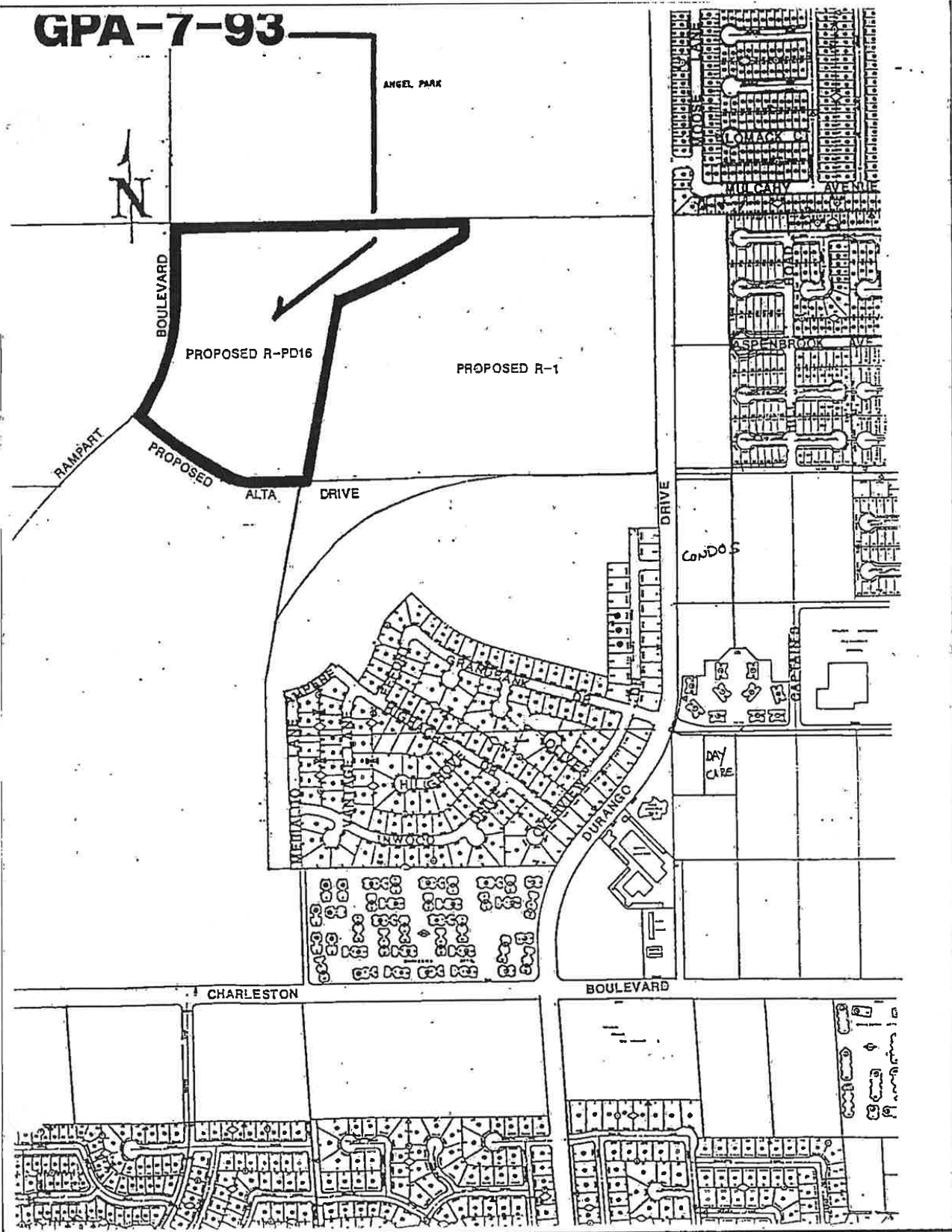
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NOTICE OF PUBLIC HEARING

GENERAL PLAN AMENDMENT

MEETING: PLANNING COMMISSION
DATE: MARCH 25, 1993
TIME: 7:00 P.M.
LOCATION: COUNCIL CHAMBERS, CITY HALL
400 EAST STEWART AVENUE
LAS VEGAS, NEVADA

GPA-7-93

REQUEST BY THE PECCOLE 1982 TRUST TO AMEND A PORTION OF THE SOUTHWEST SECTOR OF 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 (PROPOSED).

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE SOUTH HALF (S½) OF THE NORTHEAST QUARTER (NE¼) OF SECTION 32, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M. D. B. & M.

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this hearing, file written objections thereto or approval thereof with the Department of Community Planning and Development, 400 E. Stewart Ave., Las Vegas, NV 89101



DEPARTMENT OF COMMUNITY
PLANNING AND DEVELOPMENT

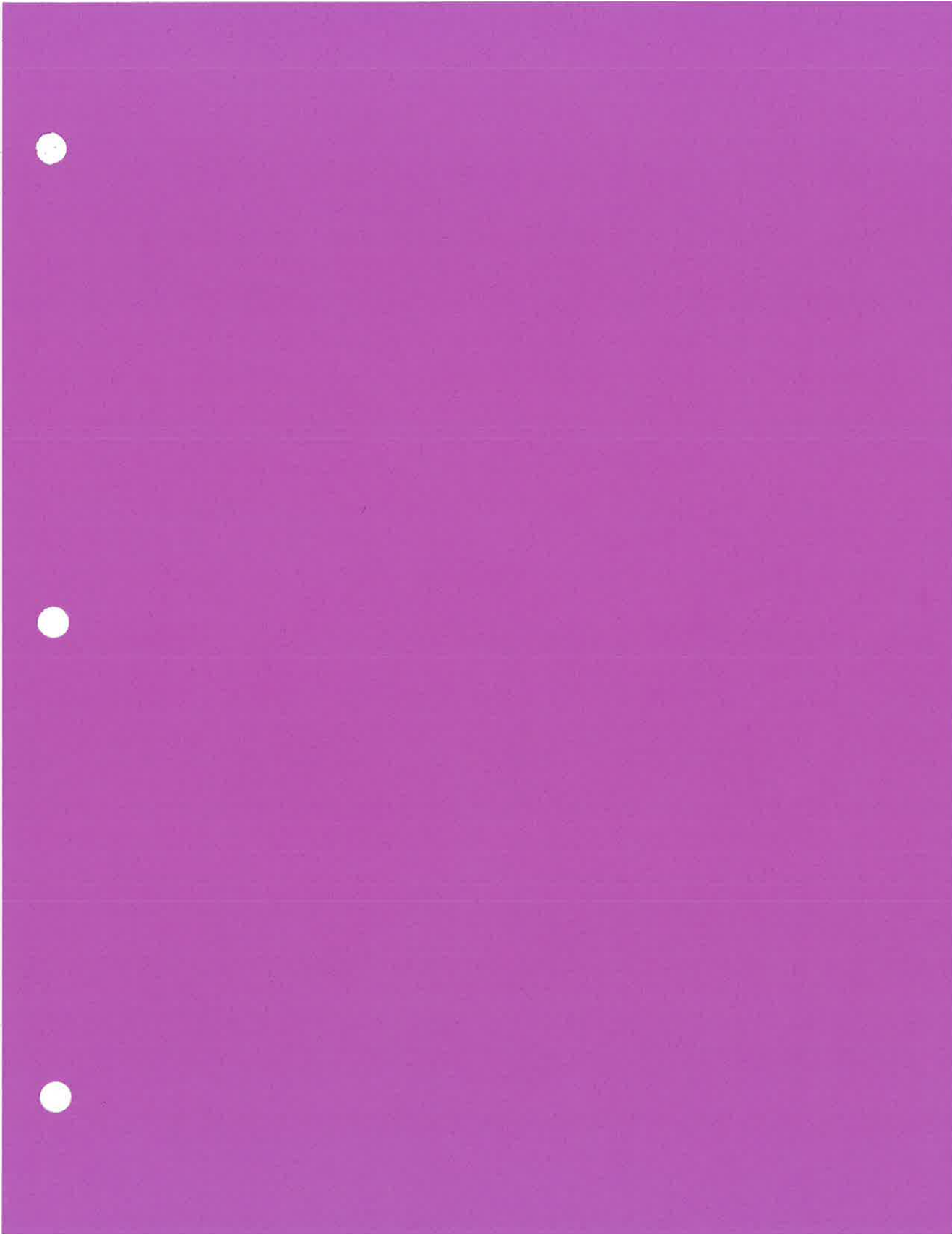
Norman R. Standerfer
NORMAN R. STANDERFER, DIRECTOR

SEE LOCATION MAP ON REVERSE SIDE

PH Notice;pm;forms 2;kb;9-25-92

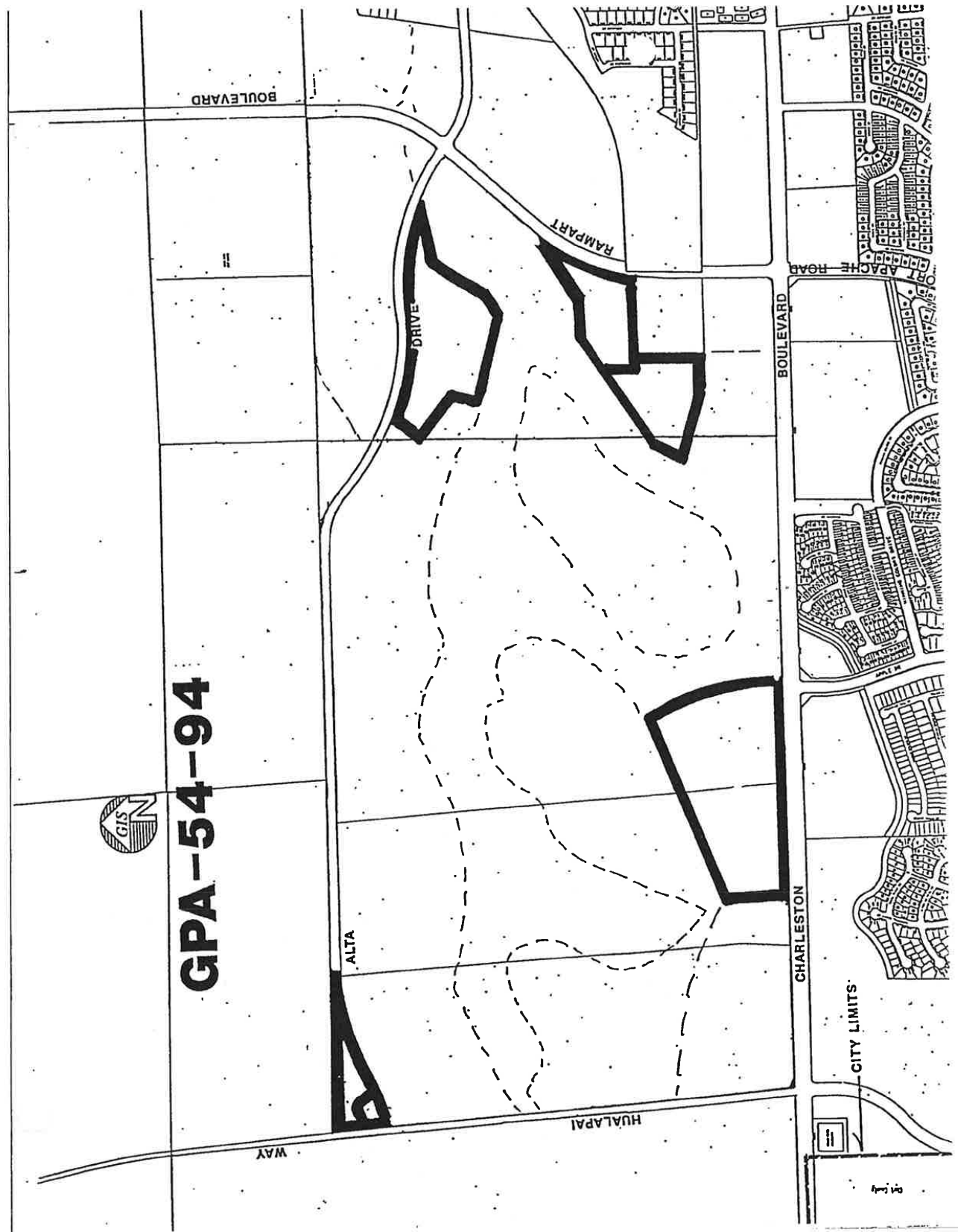
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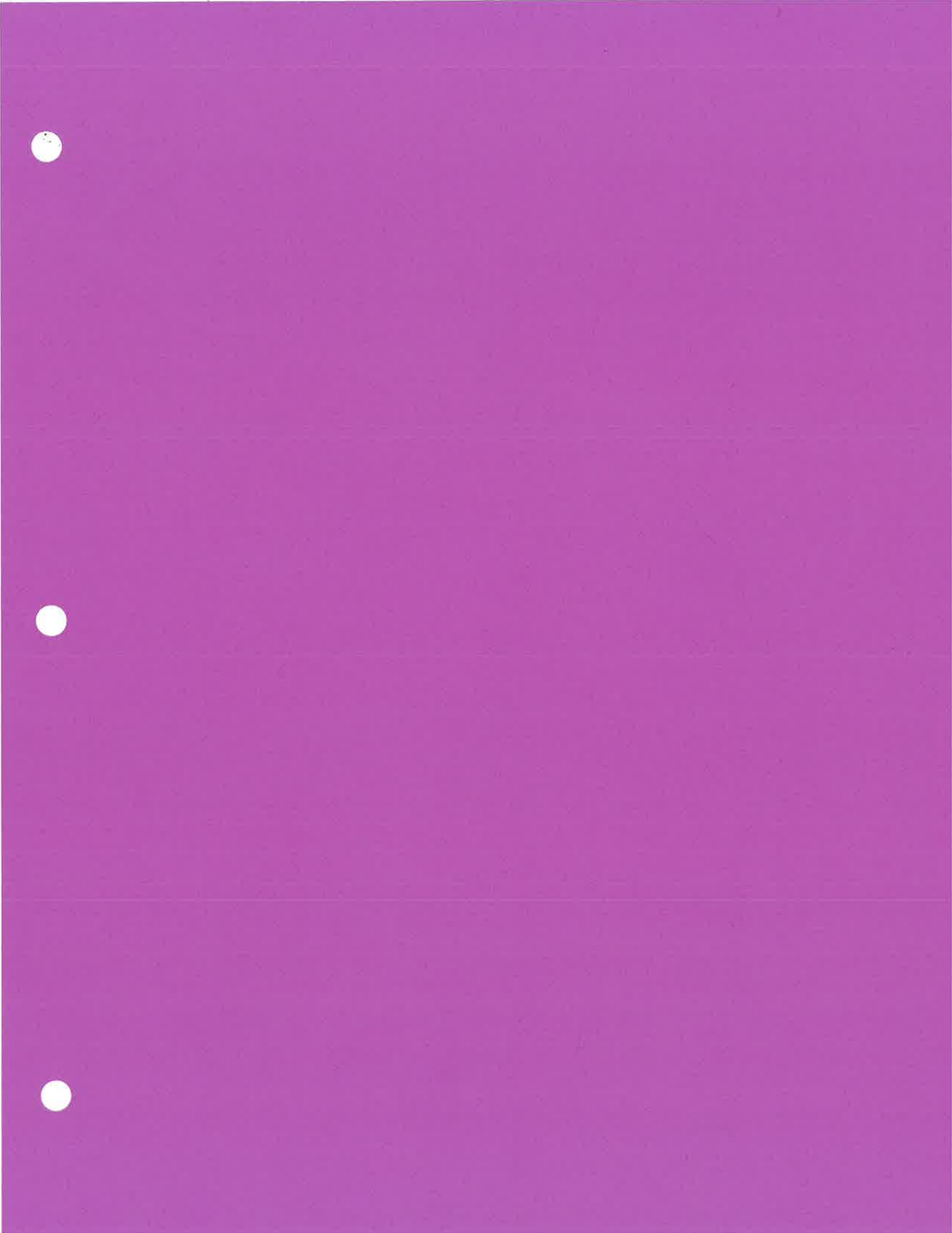
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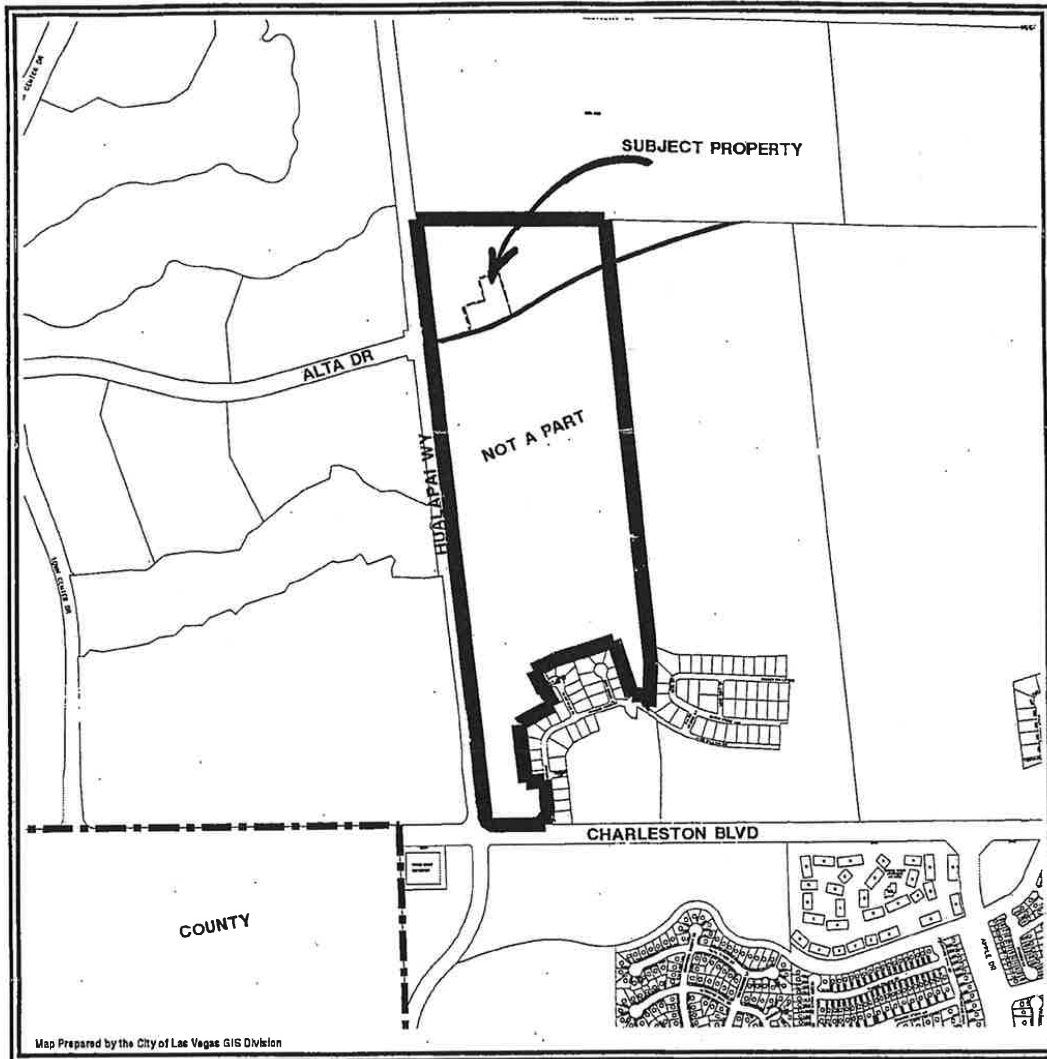
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Case Number: GPA-53-96 **Applicant:** PECCOLE NEVADA



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NOTICE OF PUBLIC HEARING

GENERAL PLAN AMENDMENT

MEETING: PLANNING COMMISSION
DATE: DECEMBER 19, 1996
TIME: 7:00 P.M.
LOCATION: COUNCIL CHAMBERS, CITY HALL
400 STEWART AVENUE
LAS VEGAS, NEVADA

GPA - 53 - 96

GPA-53-96 - PECCOLE NEVADA - REQUEST TO AMEND A PORTION OF THE SOUTHWEST SECTOR OF THE GENERAL PLAN ON PROPERTY LOCATED ON THE NORTH SIDE OF ALTA DRIVE APPROXIMATELY 400 FEET EAST OF HUALAPAI WAY, FROM : ML (MEDIUM-LOW DENSITY RESIDENTIAL) TO: SC (SERVICE COMMERCIAL), WARD 2 (ADAMSEN), APN: 138-31-201-003.

THE ABOVE PROPERTY IS LEGALLY DESCRIBED AS A PORTION OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$) OF THE NORTHWEST QUARTER (NW $\frac{1}{4}$) OF SECTION 31, TOWNSHIP 20 SOUTH, RANGE 60 EAST, M. D. B. & M.

Any and all interested persons may appear before the City Planning Commission either in person or by representative and object to or express approval of this request; or may, prior to this meeting, file a written objection thereto or approval thereof with the Planning and Development Department, 400 Stewart Avenue, Las Vegas, Nevada 89101. Final Action on General Plan Amendments and Rezonings will be determined by the City Council. Other public hearing items may be deemed Final Action by the Planning Commission or forwarded to the City Council. The date of the City Council meeting, if applicable, will be announced at the Planning Commission meeting after the discussion of the item. You may not receive an additional notice for the City Council meeting. For further information, please call 229-6301 (TDD 386-9108).

PLANNING AND DEVELOPMENT DEPARTMENT
CITY OF LAS VEGAS, NEVADA



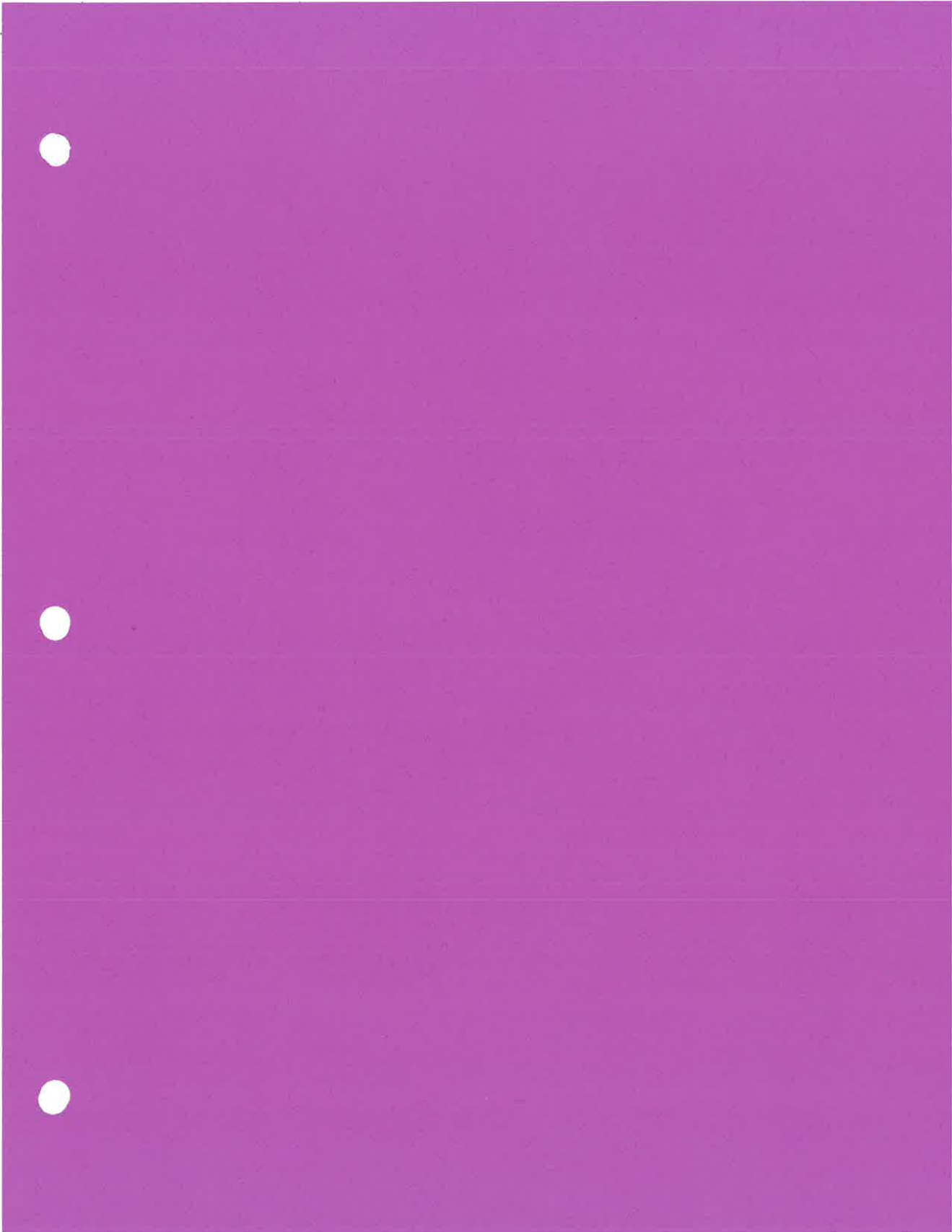
A handwritten signature in cursive script, reading "David Clapsaddle".

DAVID CLAPSADDLE, SENIOR PLANNER
CURRENT PLANNING DIVISION

SEE LOCATION MAP ON REVERSE SIDE

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Notes

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there shall be a side yard of not less than fifteen feet extending to the rear property line on the street side of the lot.

(Ord. 972 § 10(E), 1962: prior code § 11-1-10(E))

19.16.080 Rear yard. There shall be a rear yard of not less than thirty feet in the R-D District; provided, however, a covered patio or carport may extend up to fifteen feet of the rear property lines. A covered patio may be enclosed provided that each exterior wall shall consist of at least fifty percent screen area, screen being of a mesh character allowing a free flow of air, which shall not be covered.

(Ord. 1726 § 1 (part), 1974: Ord. 1696 § 1 (part), 1974: Ord. 972 § 10(F), 1962: prior code § 11-1-10(F))

Chapter 19.18

R-PD RESIDENTIAL PLANNED DEVELOPMENT DISTRICT

Sections:

- 19.18.010 Purpose.
- 19.18.020 Permitted uses.
- 19.18.030 Density designation.
- 19.18.040 Size.
- 19.18.050 Presubmission conference—Plans required.
- 19.18.060 Plans approval, conditions, conformance.
- 19.18.070 Design standards—Designated—Accordance.
- 19.18.080 Common recreation, other facilities.
- 19.18.090 Subdivision procedure conformance.

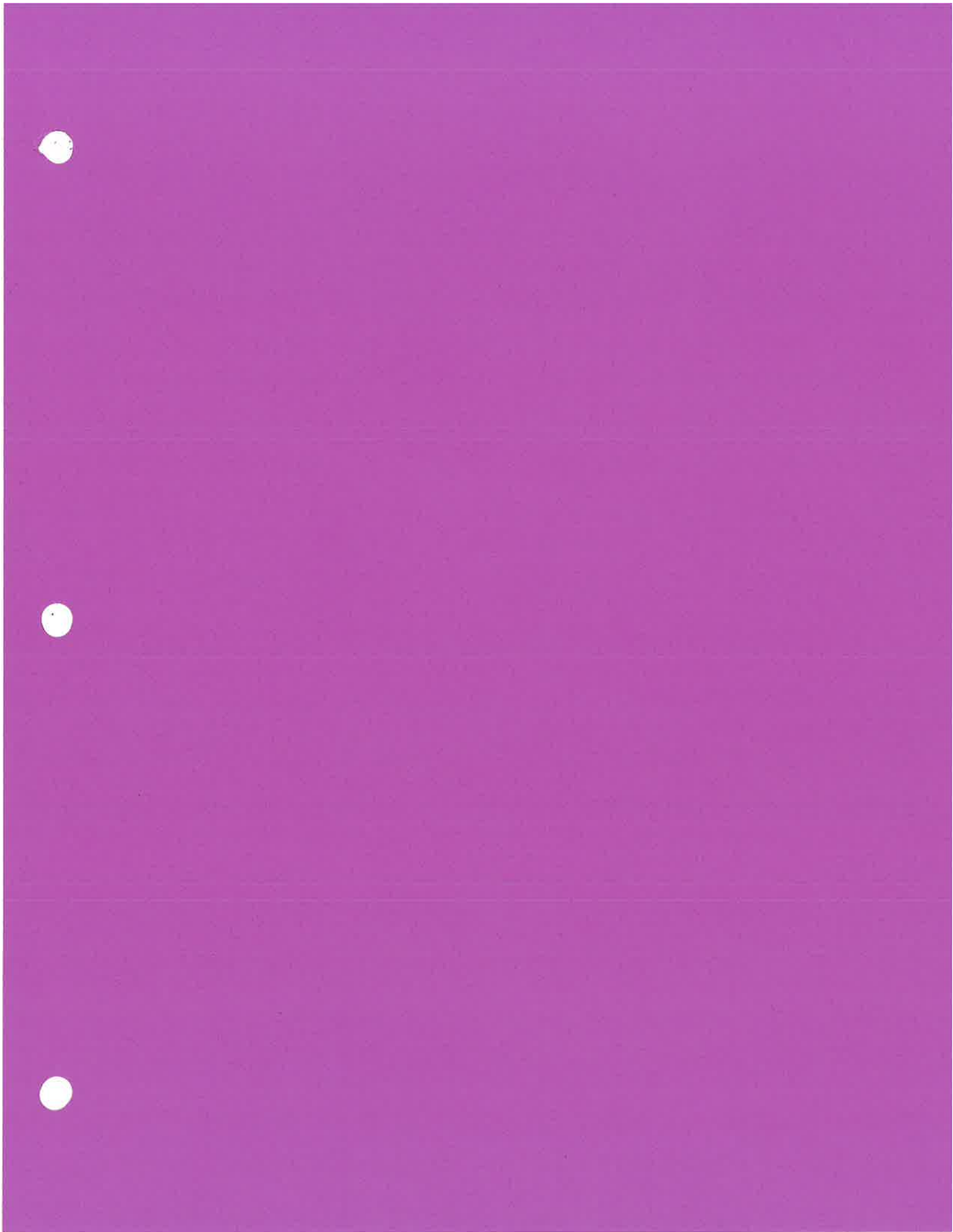
19.18.010 Purpose. The purpose of a planned unit development is to allow a maximum flexibility for imaginative and innovative residential design and land utilization in accordance with the General Plan. It is intended to promote an enhancement of residential amenities by means of an efficient consolidation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

(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(A))

19.18.020 Permitted uses. A development in the R-PD District may consist of attached or detached single-family units, townhouses, cluster units, condominiums, garden apartments, or any combination thereof.

(Ord. 1582 § 3 (part), 1972: prior code § 11-1-11.B(B))

19.18.030 Density designation. The number of dwelling units permitted per gross acre in the R-PD District shall be determined by the General



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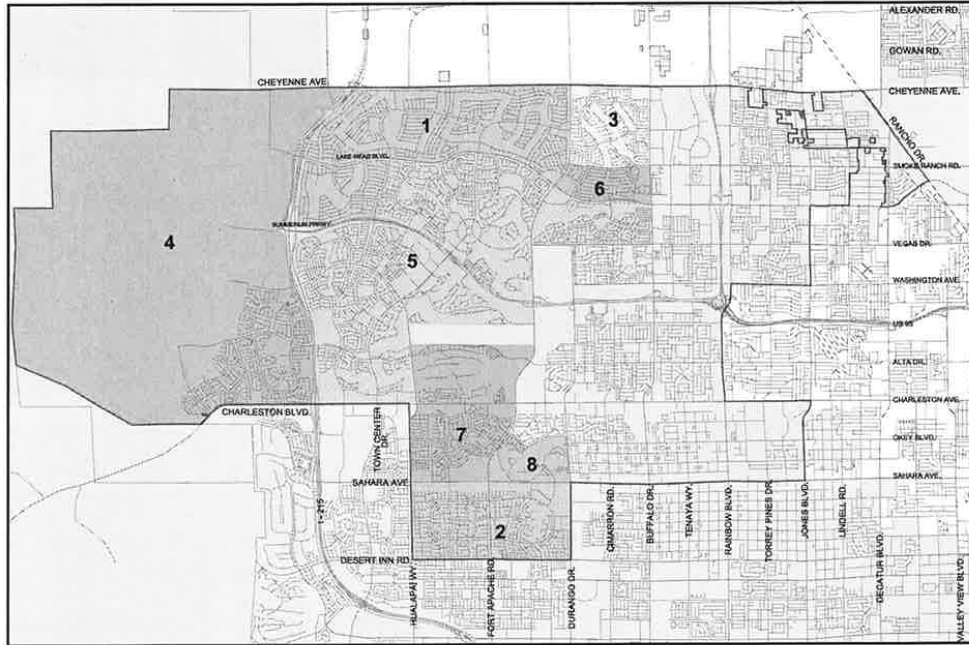
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SOUTHWEST SECTOR

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

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

**Exhibit 4:
Southwest Sector Map**



Printed: November 18, 2008

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

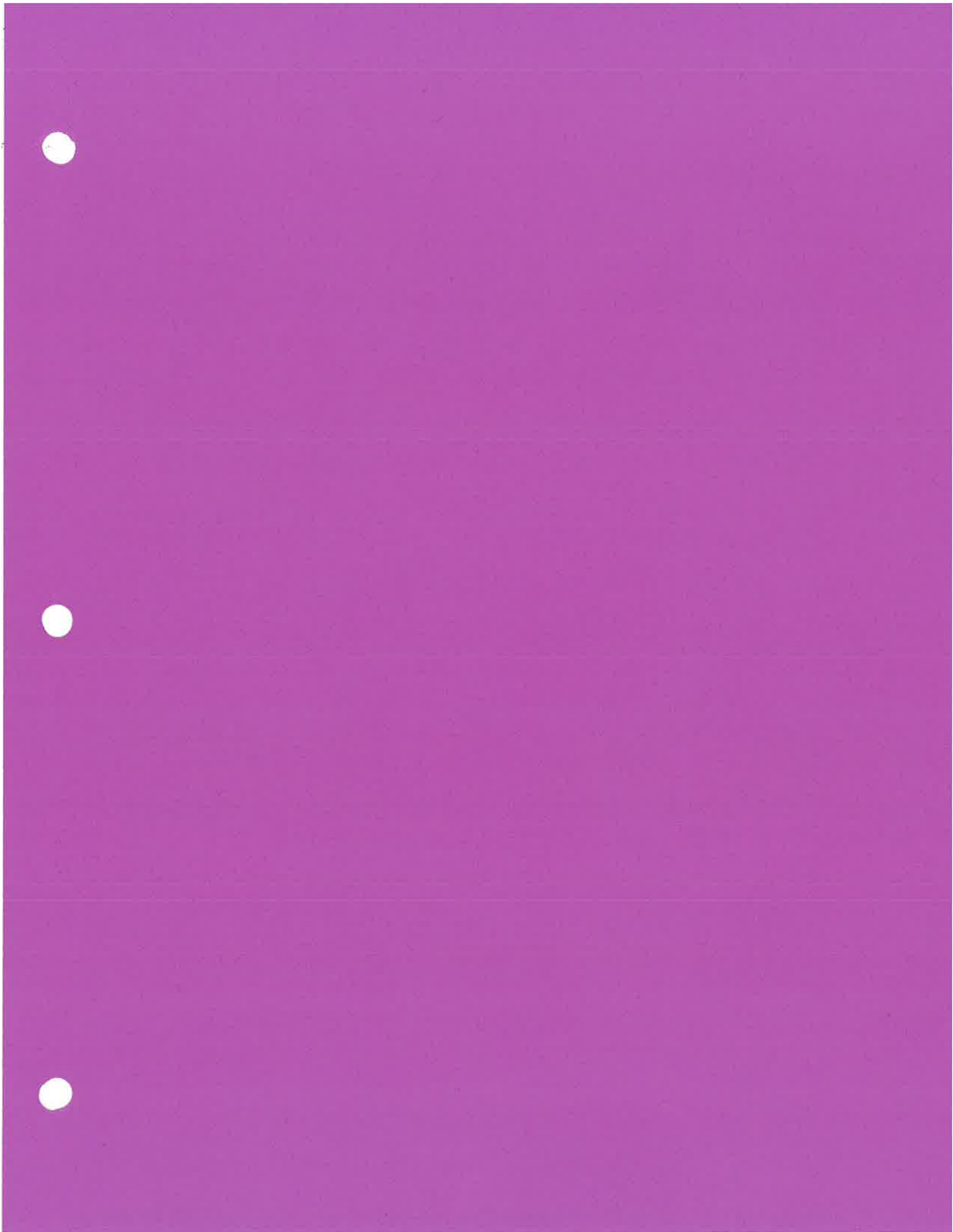
Future Land Use



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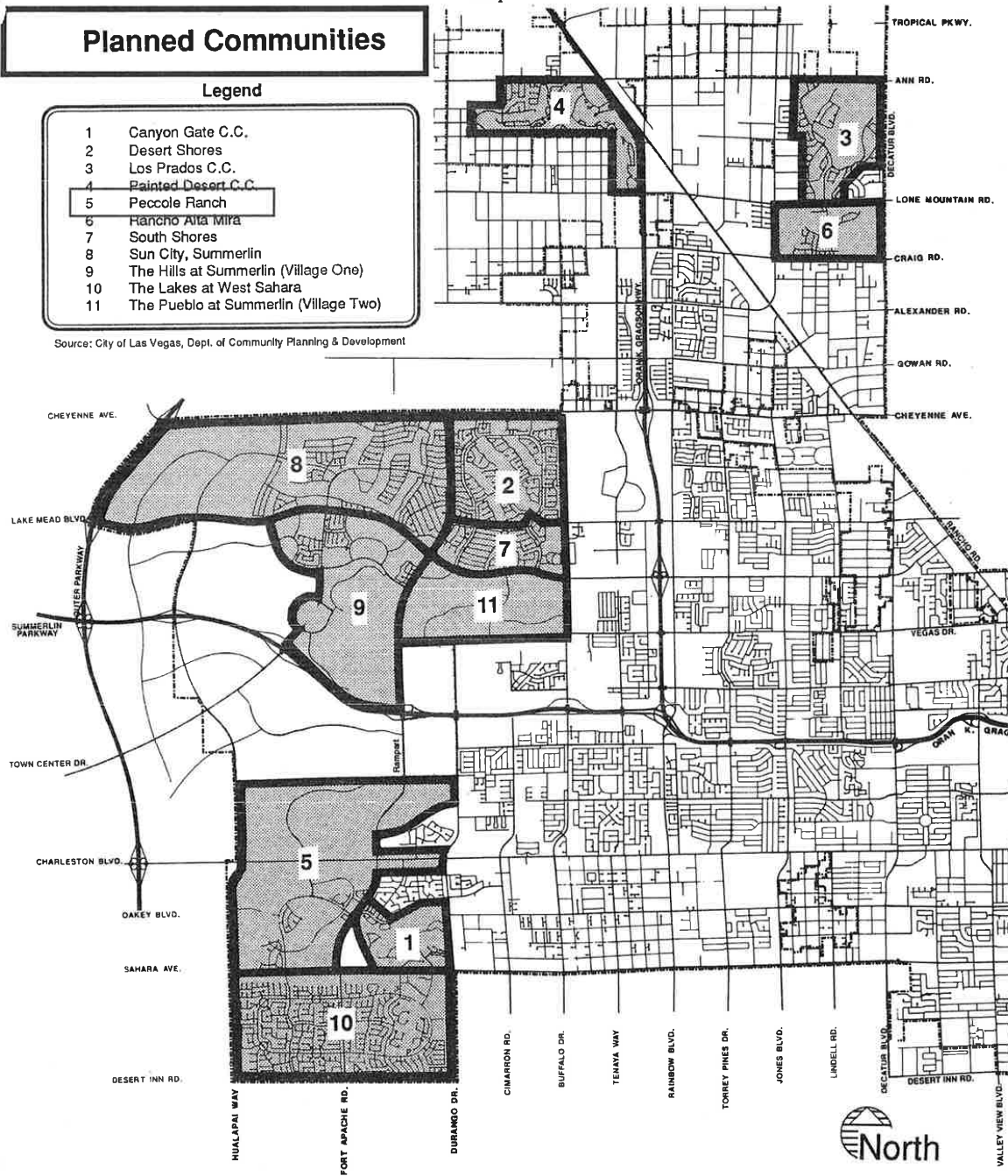
Map 4

Planned Communities

Legend

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

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

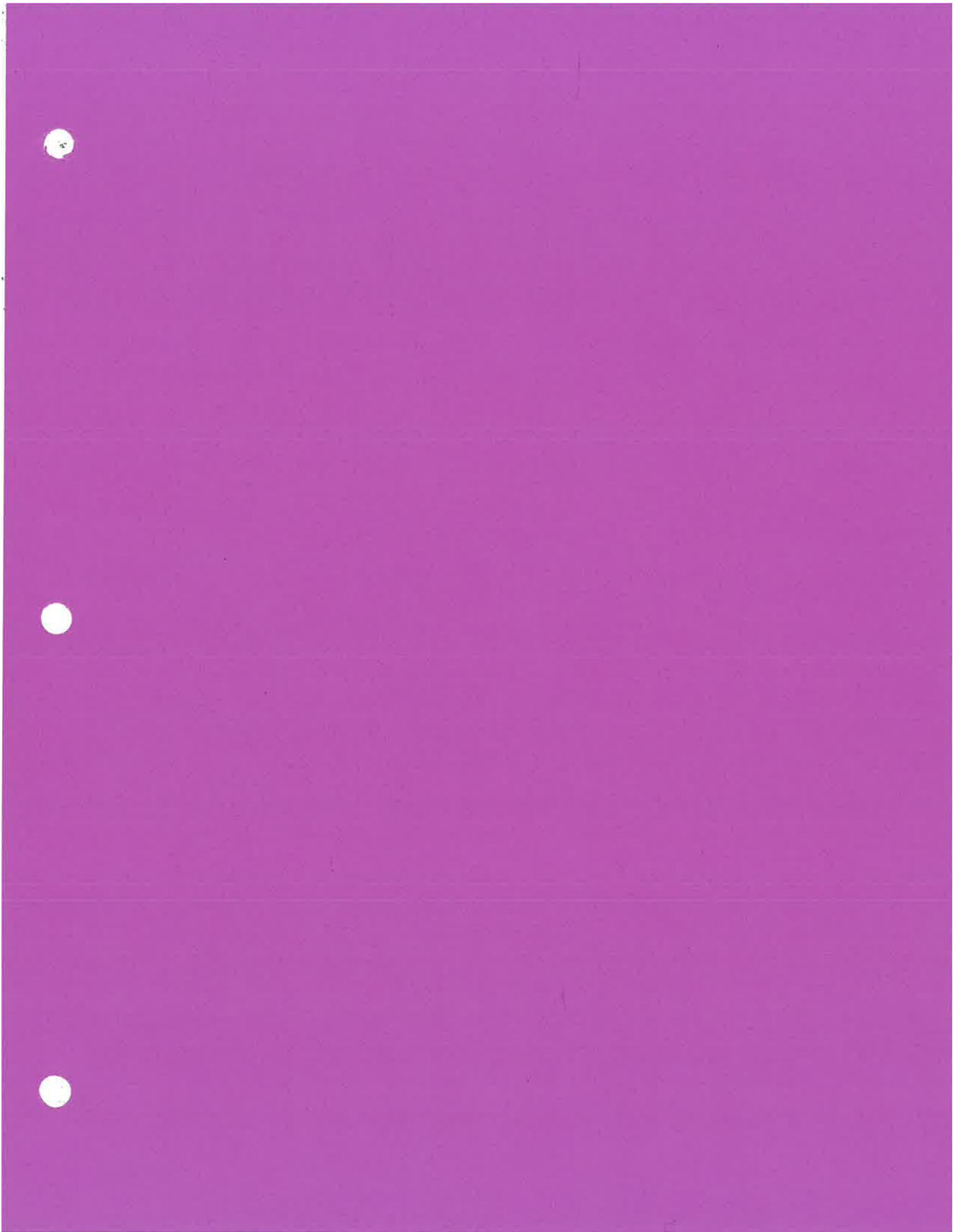


Land Use

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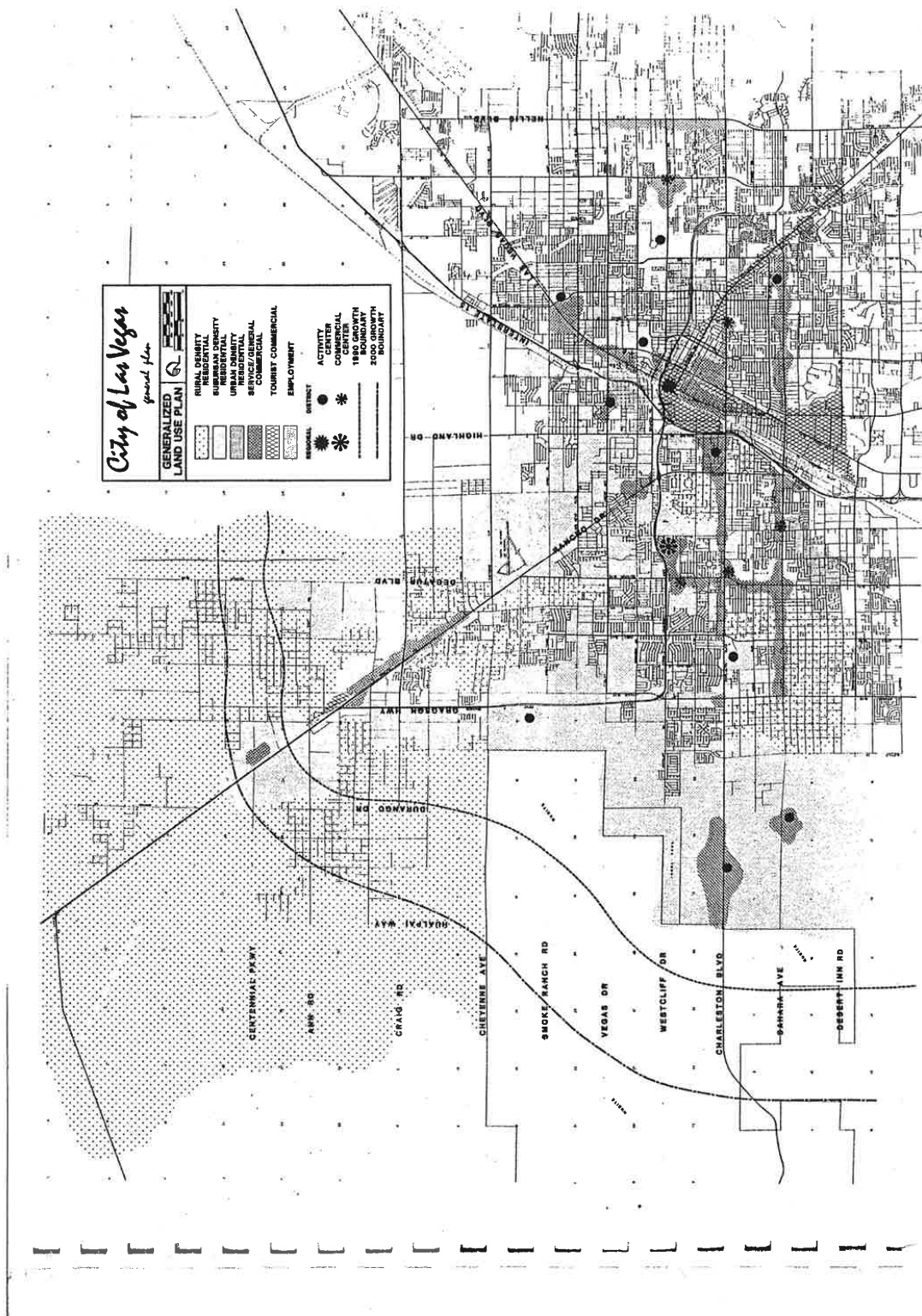
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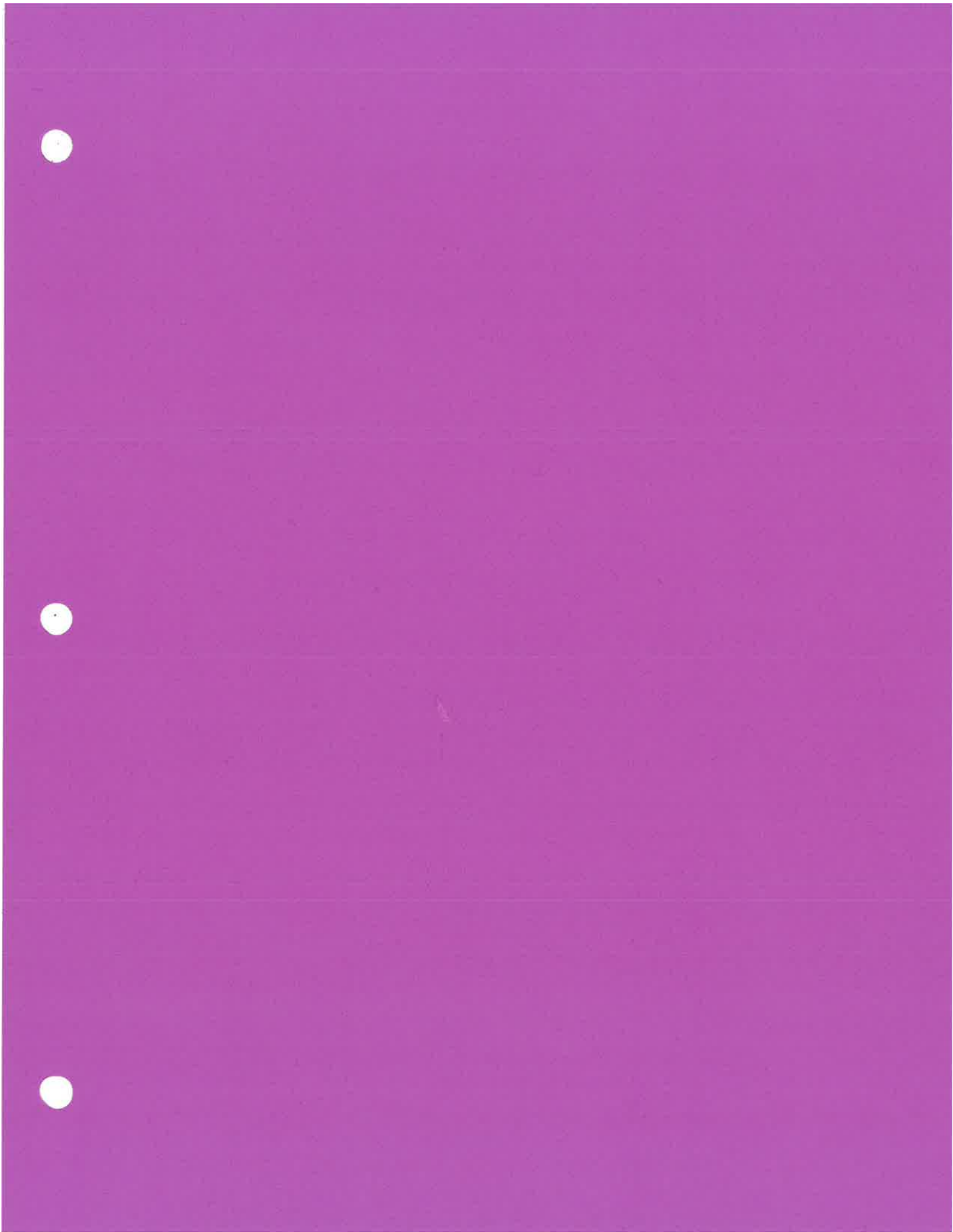
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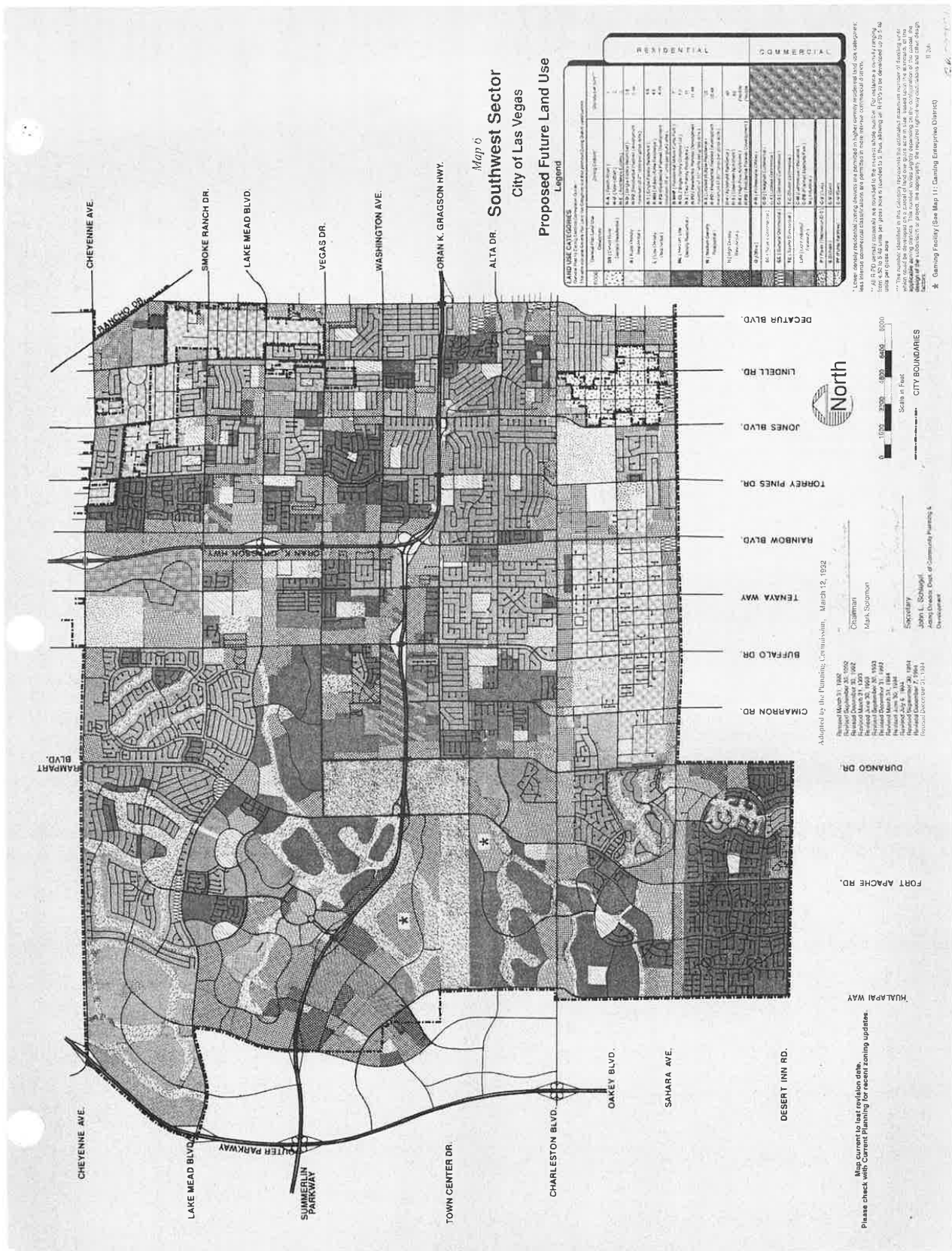
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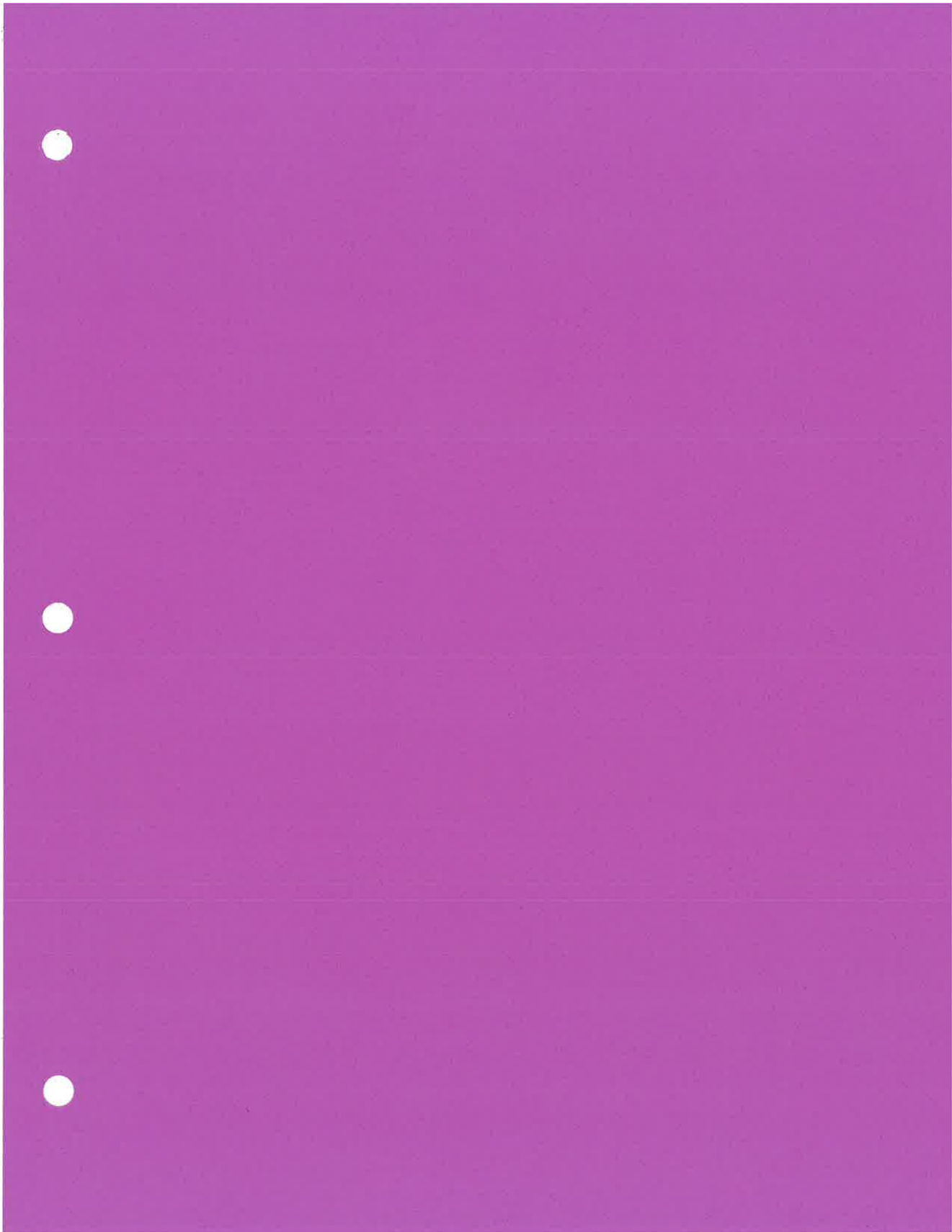
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Las Vegas General Plan Land Use Element

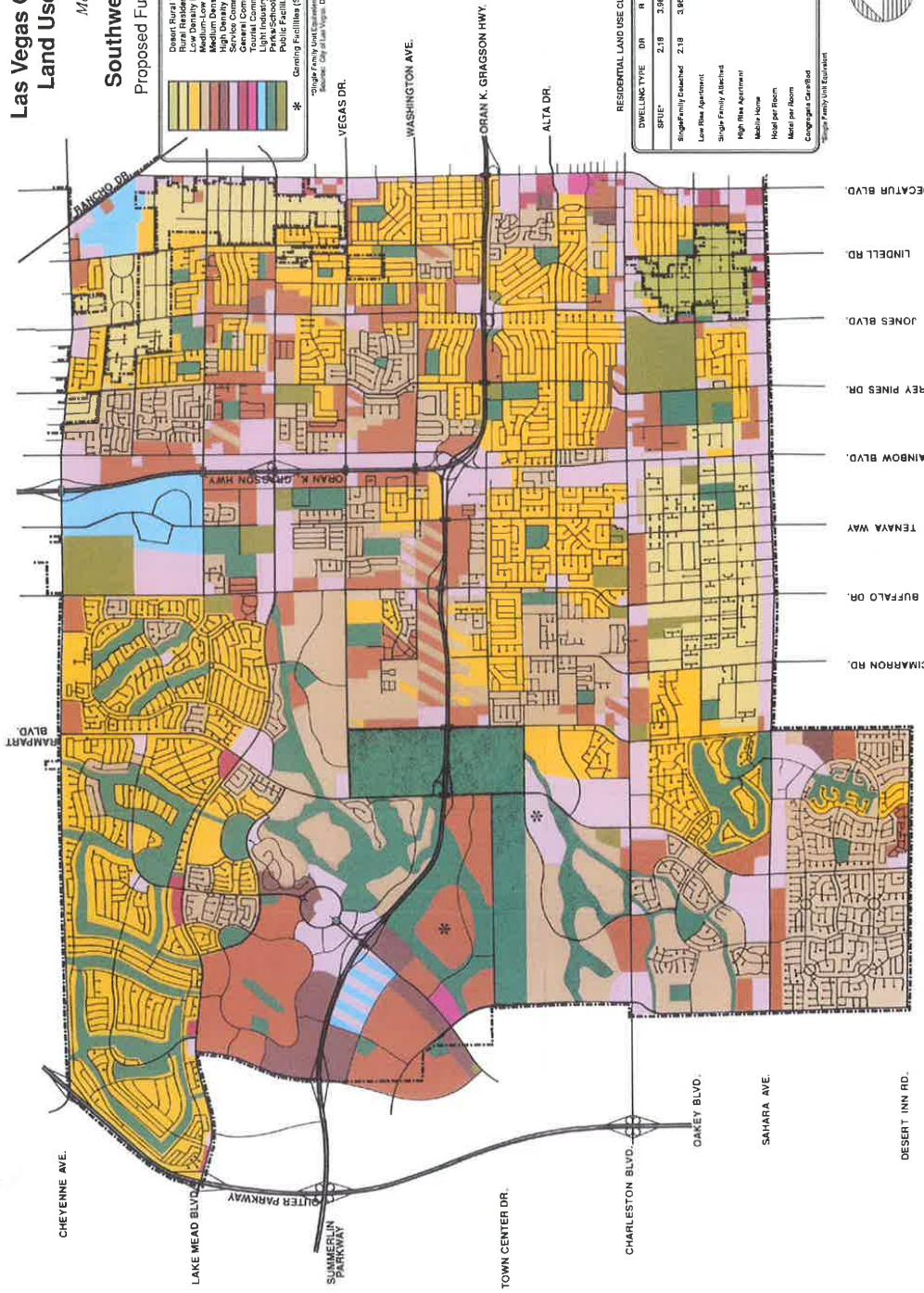
Map 6

Southwest Sector Proposed Future Land Use

Desert Rural Residential (<2.18 SF/acre)
 Medium Density Residential (<6.70 SF/acre)
 Low Density Residential (<2.0 SF/acre)
 High Density Residential (>6.70 SF/acre)
 Service Commercial
 Light Industrial/Research
 Medium Density Recreation/Open Space
 Public Facilities

* Gaming Facilities (See Map 11, Gaming Enterprise District)

* Single Family Unit Equivalent: One Land Use Element 2.5 and 3.0
 Source: City of Las Vegas, Dept. of Community Planning & Development



RESIDENTIAL LAND USE CLASSIFICATION SCHEDULE

DWELLING TYPE	DR	N	L	ML	M	H
SFUE*	2.18	3.96	6.70	9.00	13.27	16.58
Single Family Detached	2.18	3.96	6.70	9.00	13.27	16.58
Low Rise Apartment				13.17	20.00	25.00
Single Family Attached				13.29	18.23	23.93
High Rise Apartment					37.23	46.23
Mobile Home					7.14	7.14
Hotel per Room					26.67	26.67
Motel per Room					26.19	26.19
Congregate Care					43.08	43.08

* Single Family Unit Equivalent

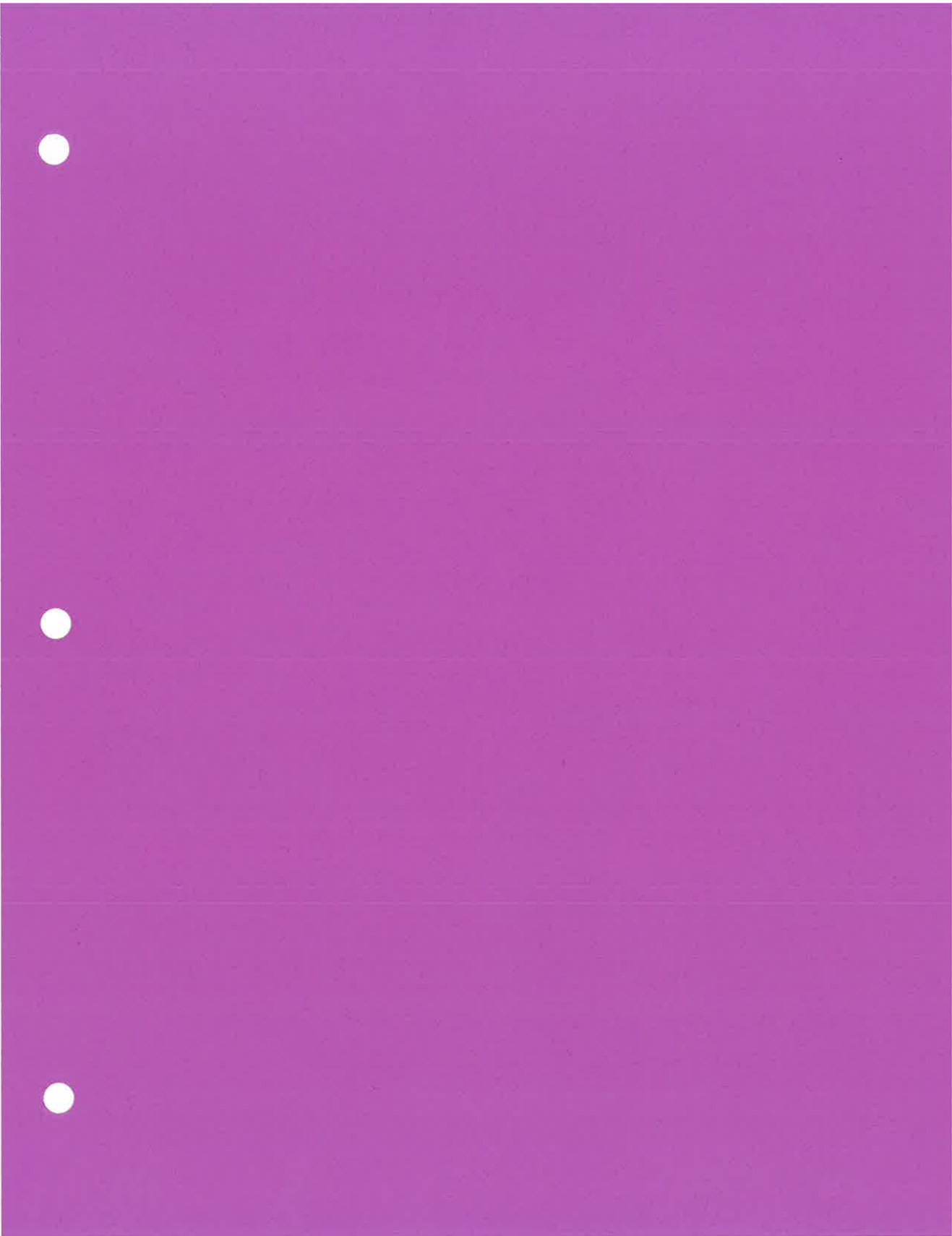


Adopted by the Planning Commission,
 August 12, 1991
Sandra Hodgins
 Chairman
 Norman R. Standert,
 Secretary
 Director, Dept. of Community Planning &
 Development

SHEET 14 OF 14
 CITY BOUNDARIES

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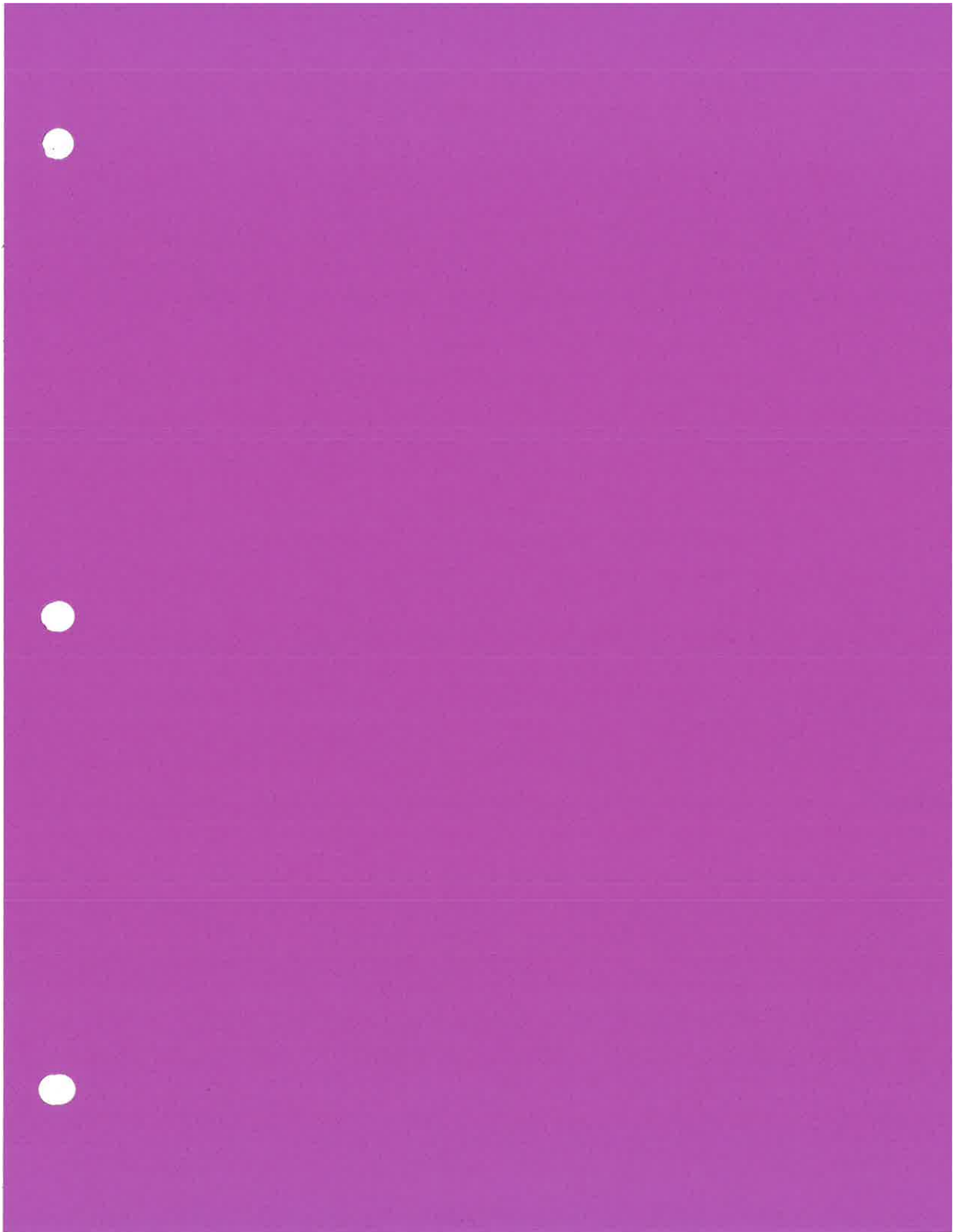
2. Compatibility of the proposed development with adjacent and surrounding development.
3. Minimization of the development's impact upon adjacent roadways and neighborhood traffic, and upon other public facilities and infrastructure.
4. Protection of the public health, safety, and general welfare.

G. Modification of Master Development Plan and Development Standards

The development of property within the Planned Development District may proceed only in strict accordance with the approved Master Development Plan and Development Standards. Any request by or on behalf of the property owner, or any proposal by the City, to modify the approved Master Development Plan or Development Standards shall be filed with the Department of Planning and Development. In accordance with Subsections (1) and (2) of this Section, the Director shall determine if the proposed modification is "minor" or "major," and the request or proposal shall be processed accordingly.

1. **Minor Modification.** A Minor Modification is a modification which is requested or agreed to by the property owner and which is intended to accomplish one or more of the following:
 - a. A change in the location of a use from the location specified in the approved Master Development Plan, but only if the change in location will not have a significant impact on other uses in the area.
 - b. The addition of uses that are comparable in intensity to those permitted in connection with the rezoning approval or the approval of a Master Development Plan for the District.
 - c. A change in parking lot layout, building location or other similar change that conforms with the intent of the previously approved Master Development Plan and Development Standards.
 - d. A change in the species of plant material proposed for the District.
 - e. A decrease in the density or intensity of development from that previously approved for the District.
 - f. Any other change or modification of a similar nature which the Director determines will not have a significant impact on the District or its surroundings. A Minor Modification shall be reviewed and acted upon administratively by the Director. An applicant who is aggrieved by the Director's decision may appeal that decision to the Planning Commission by filing a written appeal with the Department no later than 10 days after the date the applicant receives notice of the administrative decision.
2. **Major Modification.** A Major Modification includes any modification which does not qualify as a Minor Modification. A Major Modification shall be processed in accordance with the procedures and standards applicable to a rezoning application, as set forth in Sections (H) to (M), inclusive, of Subchapter 19.18.040.

H. Site Development Plan Review



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1. An application to rezone property to the PD District may be denied by the City Council, at its complete discretion, if it finds that the proposed development is incompatible or out of harmony with surrounding uses or the pattern of development within the area.
2. No use, type of development or development standard is presumptively permitted within the PD District unless it already has been included in the adopted plan for the District.
3. An application to allow within the PD District a particular use, type of development or development standard which has not already been included in the adopted plan for the District may be denied if it is incompatible or out of harmony with the surrounding uses or the pattern of development within the area.

F. Approval of Master Development Plan and Development Standards

In connection with the approval of a Planned Development District, the City Council shall adopt a Master Development Plan and Development Standards, which will thereafter govern the development of property within the District. In considering the approval of a Master Development Plan and Development Standards for a Planned Development District, the Planning Commission and City Council shall be guided by the following objectives, and may impose such conditions and requirements deemed necessary to meet those objectives:

1. Consistency of the proposed development with the General Plan and other applicable plans, policies, standards and regulations.
2. Compatibility of the proposed development with adjacent and surrounding development.
3. Minimization of the development's impact upon adjacent roadways and neighborhood traffic, and upon other public facilities and infrastructure.
4. Protection of the public health, safety, and general welfare.

G. Modification of Master Development Plan and Development Standards

The development of property within the Planned Development District may proceed only in strict accordance with the approved Master Development Plan and Development Standards. Any request by or on behalf of the property owner, or any proposal by the City, to modify the approved Master Development Plan

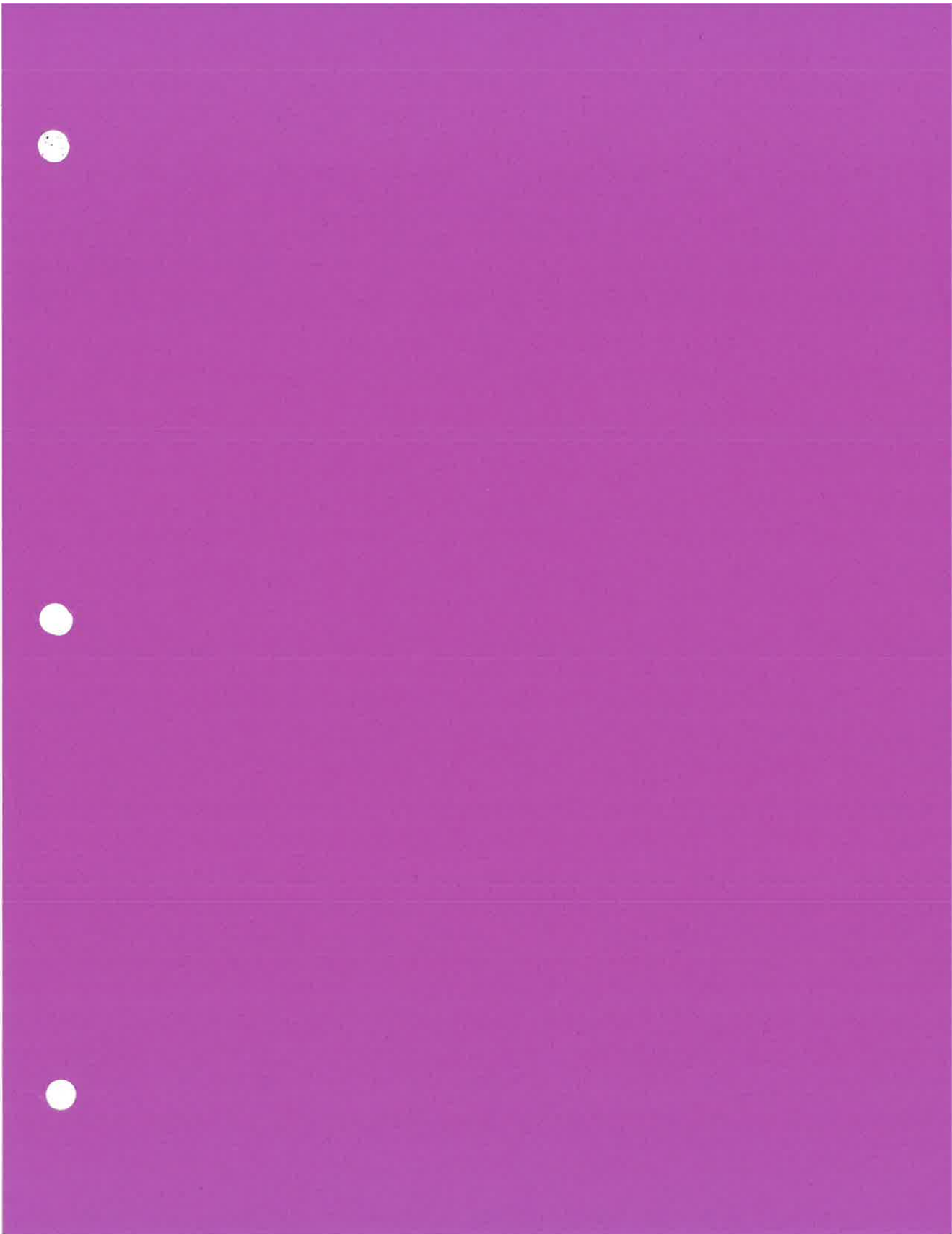
or Development Standards shall be filed with the Department. In accordance with Paragraphs (1) and (2) of this Subsection, the Director shall determine if the proposed modification is "minor" or "major," and the request or proposal shall be processed accordingly.

1. Minor Modification. A Minor Modification is a modification which is requested or agreed to by the property owner and which is intended to accomplish one or more of the following:

- a. A change in the location of a use from the location specified in the approved Master Development Plan, but only if the change in location will not have a significant impact on other uses in the area.
- b. The addition of uses that are comparable in intensity to those permitted in connection with the rezoning approval or the approval of a Master Development Plan for the District.
- c. A change in parking lot layout, building location or other similar change that conforms with the intent of the previously approved Master Development Plan and Development Standards.
- d. A change in the species of plant material proposed for the District.
- e. A decrease in the density or intensity of development from that previously approved for the District.
- f. Any other change or modification of a similar nature which the Director determines will not have a significant impact on the District or its surroundings. A Minor Modification shall be reviewed and acted upon administratively by the Director. An applicant who is aggrieved by the Director's decision may appeal that decision to the Planning Commission by filing a written appeal with the Department no later than 10 days after the date the applicant receives notice of the administrative decision.

2. Major Modification. A Major Modification includes any modification which does not qualify as a Minor Modification. A Major Modification shall be processed in accordance with the procedures and standards applicable to a rezoning application, as set forth in Subsections (I) to (M), inclusive, of LVMC 19.16.090.





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19.16.090

REZONING**A. Purpose**

The purpose of this Section is to set forth the procedures by which the Planning Commission and City Council will periodically review and amend the Official Zoning Map Atlas of the City to ensure that it meets the goals and objectives of the General Plan and related land use policies and plans.

B. Authority

Whenever public necessity, safety and general welfare may require, the City Council may, upon recommendation by the Planning Commission, rezone any parcel or area of land within the City from one zoning district to another when the rezoning will conform to the General Plan and the requirements of Subsection (K) of this Section.

C. General Plan Amendment

If a proposed rezoning will not conform as to use or density, the application may not be approved unless the General Plan is amended first to accommodate the proposed rezoning. The applicant may submit an application to amend the General Plan and an application for rezoning at the same time, and the applications may be heard concurrently.

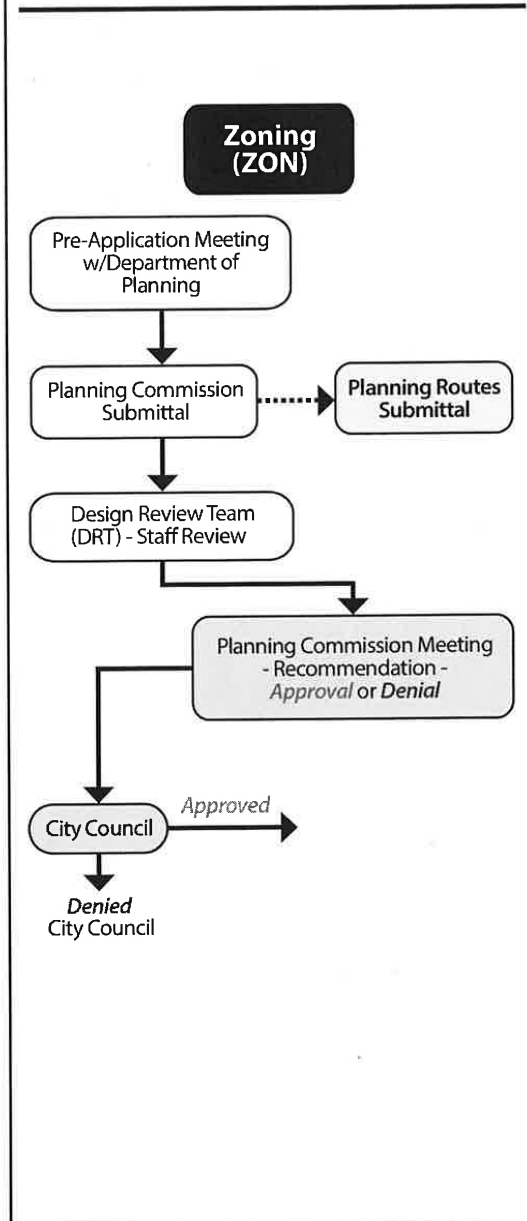
D. Minimum Site Requirements

Property which is proposed to be rezoned to the following zoning districts must meet the minimum criteria denoted below in order to be considered for rezoning:

1. **P-C District.** Minimum site area of three thousand acres.
2. **PD District.** Minimum site area of 40 acres.

E. Application - General

1. **Application Form.** An application to rezone property shall be on a form provided by the Department. The application shall be signed, notarized and acknowledged by the owner of record of each parcel of property. The application shall be filed with the Secretary of the Planning Commission at the office of the Department.
2. **Initiation of Application.** An application for a rezoning may be initiated by the Department, Planning Commission or by the City Council, or by means of an application filed by the owner(s)

Rezoning**Typical****Review Process****19.16.090**



of record of each parcel of property proposed for rezoning.

3. Other Governmental Ownership.

a. Application Requirements. With respect to property which is owned by the State of Nevada or the United States of America, a rezoning application is sufficient if it is signed and acknowledged by a prospective purchaser of that property who has:

- i. Entered into a contract with the governmental entity to obtain ownership of the property;
- ii. Provided to the Department a letter from the governmental entity indicating that it consents to the filing of the application and agrees to be bound by the application; or
- iii. Provided to the Department a letter from the governmental entity indicating that it has no objection to the filing of the application.

b. Effect of Letter of No Objection. In the case of an application that is supported by a letter of no objection under Subparagraph (a)(iii) of this Paragraph (3), the applicant shall acknowledge in writing by means of a form provided by the Department or in a form acceptable to the City Attorney, that:

- i. The processing of the application is done as an accommodation only;
- ii. The application, the results thereof, and any entitlements related thereto are dependent upon the applicant's obtaining an enforceable contractual interest in the property; and
- iii. The applicant assumes the risk of proceeding without any assurance that approval of the application will lead to an ability to implement the approval.

4. Non-Property Owner. A rezoning application is sufficient if it is signed and acknowledged by a lessee, a contract purchaser or an optionee of the property for which the rezoning is sought. However, interest in that property must exist in a written agreement with the owner of record, attached to which is a copy of the rezoning application and

in which the owner of record has authorized the lessee, contract purchaser or optionee to sign the application. The agreement must further stipulate that the owner of record consents to the filing and processing of the application and agrees to be bound by the requested rezoning.

5. Multiple Ownership. In the case of multiple ownership of a parcel, only one of the owners of record shall be required to sign the application. A list of all other owners shall be provided with the application.

6. Contiguous Land. Except with respect to rezoning applications initiated by the Department, Planning Commission or the City Council, all of the land in the application shall be contiguous with at least one common point.

F. Application - Specific Requirements

1. Pre-Application Conference. Before submitting an application to rezone, the owner or authorized representative shall engage in a pre-application conference with the staff of the Department to discuss preliminary land planning, including land use relationships, density, transportation systems, infrastructure facilities and landscaping and open space provisions.

2. PD District. A site development plan or concept plan, as required by LVMC 19.10.040, shall be submitted concurrently with any application for rezoning to a PD District.

3. P-C District. A concept plan and other documentation specified in LVMC 19.10.030(E) shall be submitted concurrently with any application for rezoning to a P-C District.

G. Successive Applications

1. Previously Denied Applications. An application to rezone a parcel in which all or any part was the subject of a previous application for rezoning to the same zoning classification, to a less restrictive classification or for the same use or one of a similar density which has been denied or which has been withdrawn subsequent to the noticing of a public hearing shall not be accepted until the following periods have elapsed between the date of the denial or withdrawal and the date of the meeting for which the proposed application would be scheduled in the ordinary course:





- a. After the first denial or withdrawal - one year.
- b. After the second or a subsequent denial or withdrawal - two years.

2. Previously Withdrawn Applications. An application for a Rezoning concerning all or any part of a previous application for a Special Use Permit or a Variance for the same use, a similar use or a less restrictive use which has been denied or which has been withdrawn subsequent to the noticing of a public hearing shall not be accepted until the time periods described in Paragraph (1), above, have elapsed.

3. Applications Withdrawn Without Prejudice. The time periods described in Paragraphs (1) and (2) above, and that otherwise would become effective because of the withdrawal of an application, shall not become effective if, after consideration of the timing and circumstances of the withdrawal, the Planning Commission or the City Council specifically approves the withdrawal without prejudice.

H. Request for Abeyance

Any applicant who wishes to have an application held in abeyance following the notice and posting of the agenda of the Planning Commission or the City Council shall state good cause for the request. Good cause shall be more than mere inconvenience to the applicant or lack of preparation.

I. Planning Commission Public Hearing and Action

1. Hearing. The Planning Commission shall hold a public hearing when considering any application for rezoning of property.

2. Notice

a. Notice Provided. Notice of the time, place and purpose of the hearing must be given at least 10 days before the hearing by:

- i. Publishing the notice in a newspaper of general circulation within the City;
- ii. Mailing a copy of the notice to:

A) The applicant;

B) Each owner of real property located within a minimum of one thousand feet of the property described in the application;

C) Each tenant of any mobile home park that is located within on thousand feet of the property described in the application;

D) The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);

E) Any advisory board which has been established for the affected area by the City Council; and

F) The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

b. Names Provided. The Department shall provide, at the request of the applicant, the name and address of any person notified pursuant to Subparagraph (a)(ii)(F) above.

c. Additional Notice. The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least 10 days before the date of the hearing.

d. Signs. Notification signs shall be posted in conformance with LVMC 19.16.010 (D).

3. Planning Commission Decision

Following the public hearing or hearings, the Planning Commission shall make its recommendations concerning the application for rezoning. The recommendation may be for approval or denial. In considering whether to recommend approval or denial of an application, the Planning Commission may, when it appears necessary or expedient, consider recommending:

a. The approval of a more restrictive zoning classification than that set forth in the application; or

b. That fewer than all parcels described in the application be rezoned to either the zoning





classification requested in the application or a more restrictive classification, but only if such parcels are distinct legal parcels.

4. Notice of Planning Commission Decision

Following the date of the Planning Commission decision, a report of its findings and decision shall be forwarded to the City Council. The report shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or the denial of the rezoning necessary or appropriate to carry out the provisions and general purposes of this Title. Written notice of the decision shall be provided to the applicant, agent, or both.

J. Burden of Proof

The applicant bears the burden of proof to establish that the approval of the rezoning is warranted.

K. City Council Public Hearing and Action

1. Notice and Hearing. The City Council shall consider the proposed rezoning and the recommendation of the Planning Commission at the next available meeting following the receipt of the recommendation. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in the case of properties whose ownership has changed in the interim.

2. City Council Decision

a. Decision. The City Council may approve or deny an application for a rezoning. In considering whether to approve or deny an application, the City Council may consider:

- i. The rezoning of the property to a more restrictive zoning classification than that set forth in the application; or
- ii. The rezoning of fewer than all parcels described in the application to either the zoning classification requested in the application or a more restrictive classification, but only if such parcels are distinct legal parcels.

b. Change to More Restrictive Zoning. If, at the public hearing, the applicant proposes amending the rezoning application to a more restrictive zoning classification, the City

Council may act on the request or refer the application back to the Planning Commission for consideration.

c. Significant Changes to Application. If the applicant proposes significant changes to the application during the hearing, or if new information is presented that significantly changes the nature and scope of the application, the request should be referred back to the Planning Commission for consideration.

3. Notice of City Council Decision. Following the hearing on a proposed rezoning, the City Council shall reach a decision concerning the proposal. The decision shall include the reasons for the decision. Written notice of the decision shall be provided to the applicant or his agent, or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date that notice of the decision is filed with the City Clerk.

L. Rezoning Determinations—Approval

In order to approve a proposed rezoning, the Planning Commission or City Council must determine that:

1. The proposal conforms to the General Plan.
2. The uses which would be allowed on the subject property by approving the rezoning will be compatible with the surrounding land uses and zoning districts.
3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.
4. Street or highway facilities providing access to the property are or will be adequate in size to meet the requirements of the proposed zoning district.

M. Rezoning Determinations—Denial or Limited Approval

In order to: (1) Deny a proposed rezoning which conforms to the General Plan as to use or is within the range of density allowable under the General Plan; or (2) Over the applicant's objection, approve the application for a lesser density or for a more restrictive zoning classification than requested, the Planning Commission or City Council must determine that the proposed rezoning is inconsistent with other elements of the General Plan or is incompatible with the surrounding development in the area.



**N. Site Development Plan**

The Planning Commission and the City Council may, as a part of an approval motion, reserve the right to review any subsequent Site Development Plan for the site.

O. Authorization to Proceed

Approval of a rezoning application by the City Council constitutes a declaration of intent to amend the Official Zoning Map Atlas of the City to reflect the zoning district approved for the property. Such approval authorizes the applicant to proceed with the process to develop and/or use the property in accordance with the development and design standards and procedures of all City departments and in conformance with all requirements and provisions of the City of Las Vegas Municipal Code.

P. Procedures Governing Rezoning Approvals Granted Before July 1, 2007

1. **Resolution of Intent.** Before the City Council adopts an ordinance to effectuate a rezoning, the Council may adopt a Resolution of Intent to reflect the Council's approval of the rezoning. Such a Resolution of Intent is binding upon the City Council in accordance with its terms and shall have a time limit not to exceed two years.
2. **Finalizing Rezoning by Ordinance.** The final step in the rezoning process, whether or not rezoning approval is by means of a Resolution of Intent, is the adoption of a rezoning ordinance in which the zoning classification of one or more parcels is formalized.
3. **Changes.** No substantial change may be made to a development or to the rezoning approval which authorized that development without the approval of the City Council. This approval requirement applies to the rezoned parcel both before and after the adoption of an ordinance rezoning that parcel.
4. **Termination of Rezoning Approvals Subject to a Resolution of Intent**
 - a. **Approvals Not Subject to Time Limit.** If development does not occur in a timely manner or if conditions in the area change subsequent to the original approval of a rezoning that is not subject to a time limit, the City Council may schedule a hearing to reconsider the Resolution of Intent. At such time, the Council may rescind the Resolution of Intent or may change the conditions of approval. In addition, if such a rezoning approval no longer conforms to the use and density classification of the

General Plan, the City may notify the property owner that the rezoning must be exercised within one year. Thereafter, the approval shall be treated as an approval subject to a time limit in accordance with Subparagraph (b) below.

- b. **Approvals Subject to Time Limit.** Except as otherwise provided in Paragraph (5) below, a rezoning approval which is not exercised within the time limit established for or by the Resolution of Intent shall be void.

- c. **Methods for Exercising Rezoning Approvals.** For purposes of this Paragraph (4), a rezoning approval is exercised as follows:

- i. For applications that require the creation of a residential subdivision, upon the recordation of a final subdivision map;
- ii. For applications that require the construction of one or more new structures, but do not require the creation of a residential subdivision map, upon the issuance of a building permit for the new construction;
- iii. For all other applications, upon the issuance of a certification of occupancy or approval of a final inspection, whichever is applicable.

5. **Extension of Time-General Requirements.** If the approval of a Resolution of Intent is subject to a time limit, the approval expires at the end of that time limit unless the City Council extends the approval period. Extension of an approval period may be granted only if:

- a. Application therefore is made prior to the expiration of the time limit;
- b. The applicant demonstrates good cause; and
- c. The applicant conforms to the additional requirements set forth in Paragraph (6) below.

6. **Extensions of Time-Additional Requirements.** If a time-limited zoning approval that is sought to be extended continues to conform to the use and density classifications of the General Plan, the applicant must demonstrate that the rezoning remains consistent with the surrounding area and the pattern of development in the area. If the rezoning sought to be extended no longer conforms to the use and density classifications of the General Plan, the extension of time, if granted,



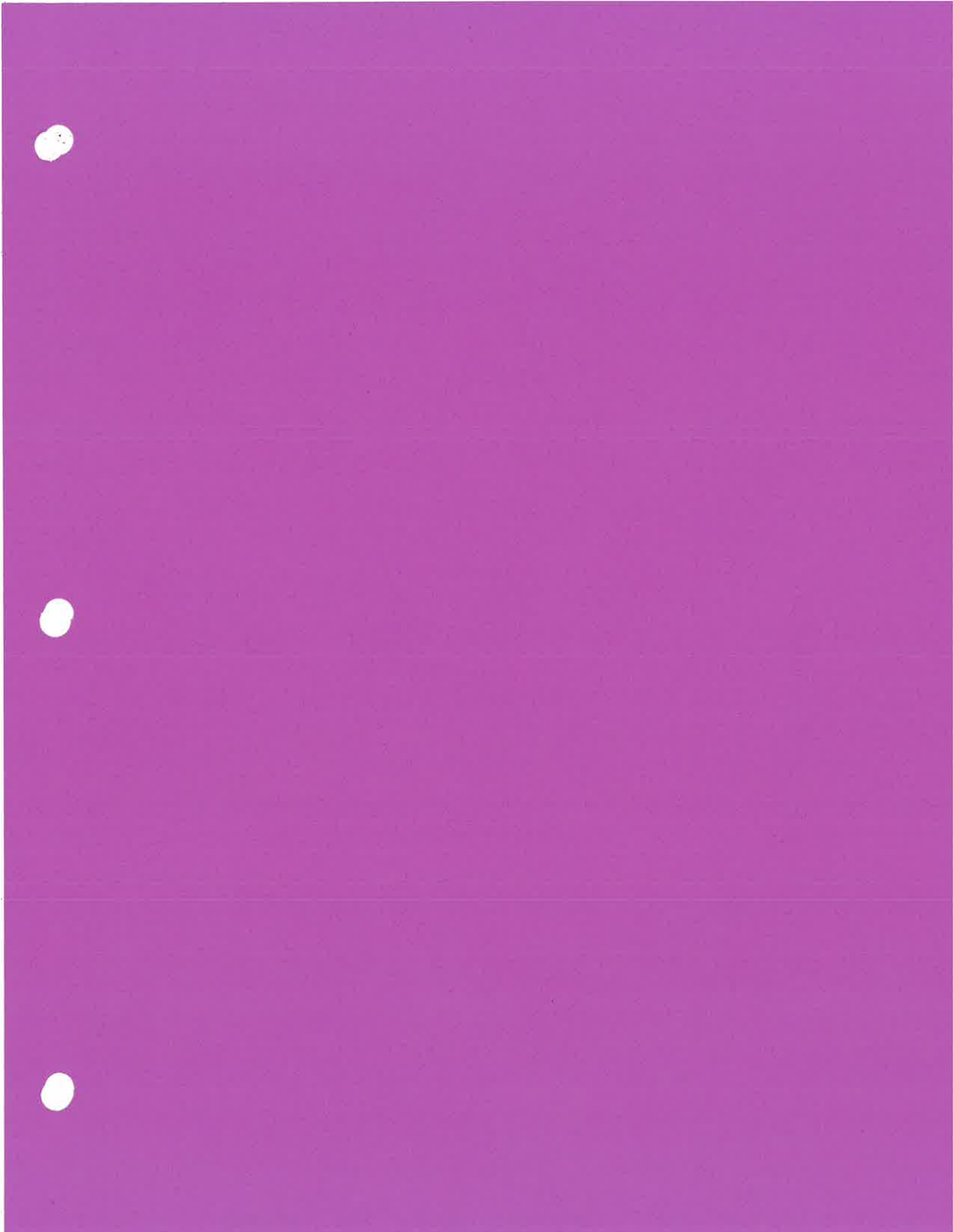


shall be limited to a one-year period. If, within that period, the zoning approval is not exercised by means of the recordation of a final subdivision map or by the commencement of actual construction, the approval terminates.

**Q. Procedures Governing Rezoning Approvals
Granted On or After July 1, 2007**

The approval of a rezoning application shall be formalized by the subsequent adoption of an ordinance in which the rezoning of one or more parcels is reflected. No substantial change may be made to a development or to the rezoning approval which authorized that development without the approval of the City Council.





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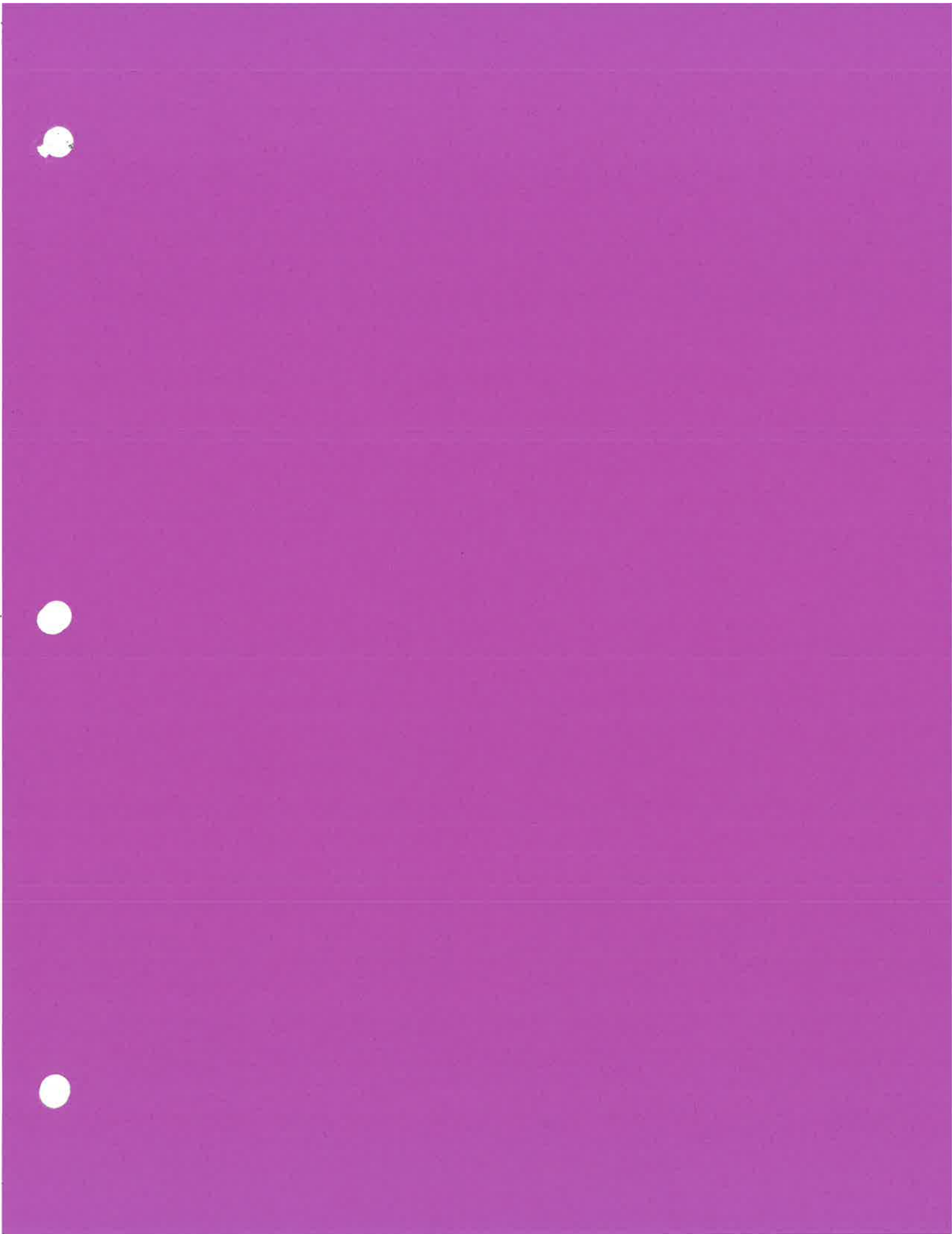
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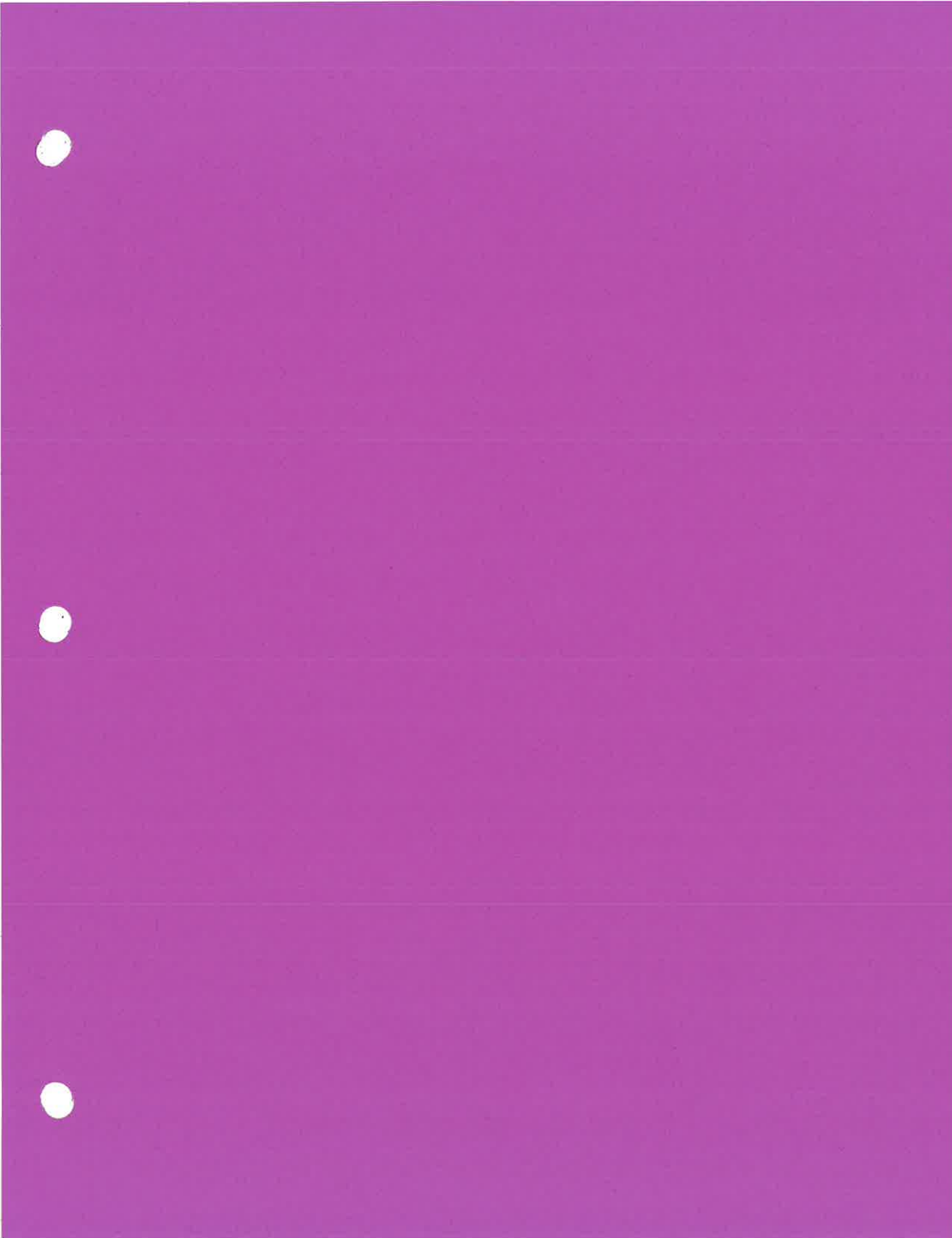
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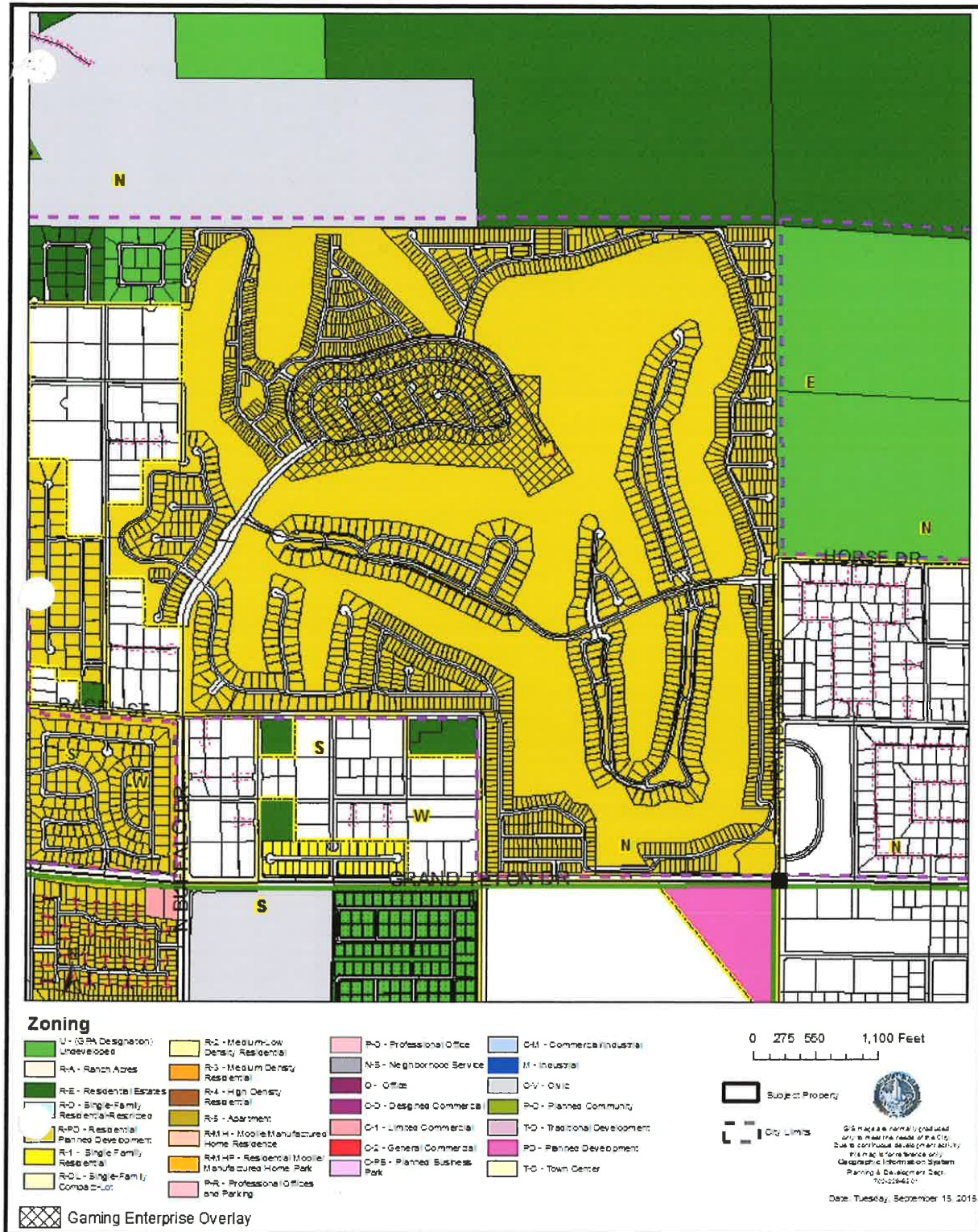
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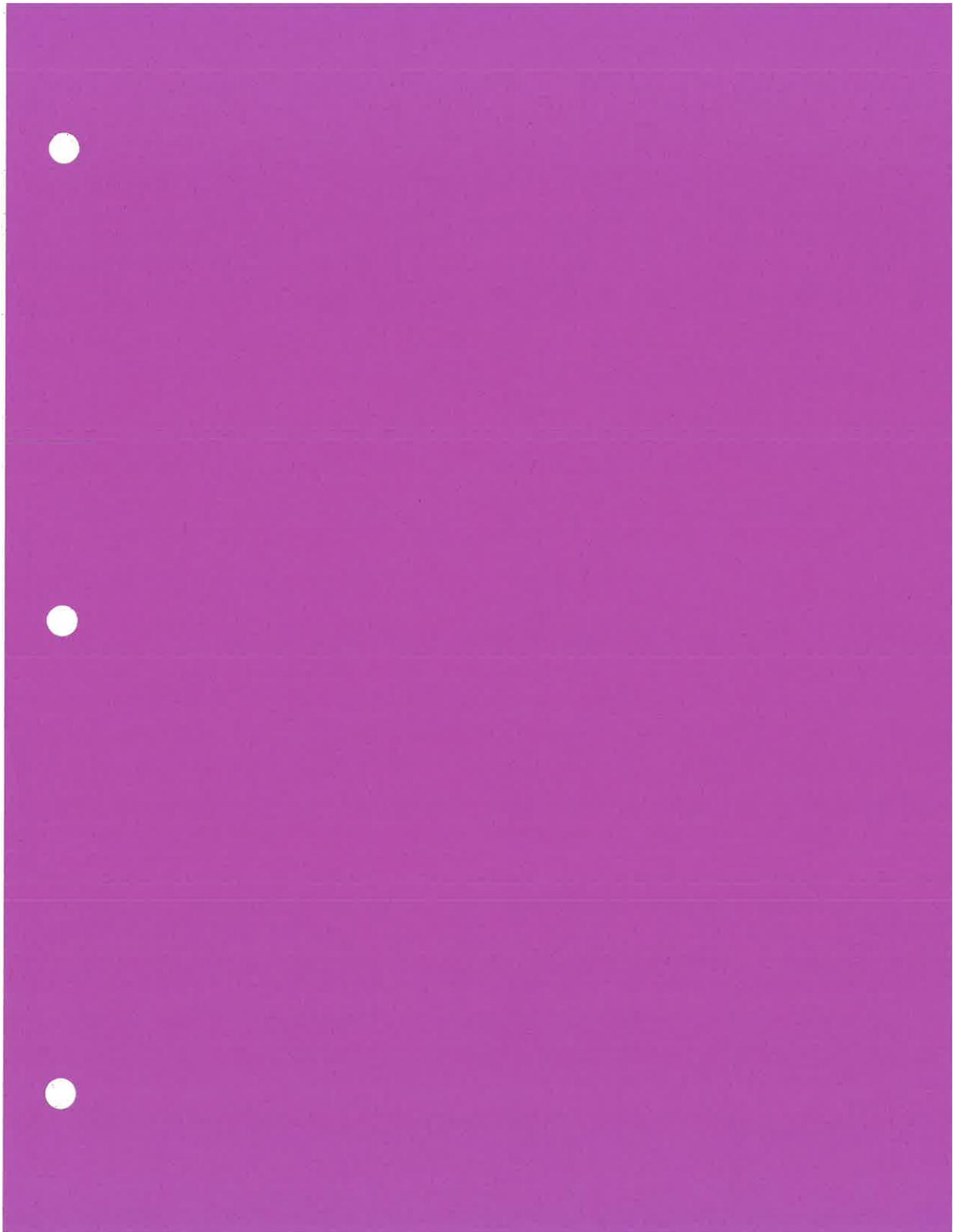
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Silverstone Ranch Gaming Overlay



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The following list depicts the 2020 Master Plan Strategy Areas and their Land Use and Rural Neighborhoods Preservation Element equivalents.

2020 Plan Strategy Area	Land Use & Rural Neighborhoods Preservation Element
Downtown Reurbanization Area	Downtown Area
Neighborhood Revitalization Area	Southeast Sector Plan
Newly Developing Area	Centennial Hills Sector Plan
Recently Developed Area	Southwest Sector Plan

MASTER PLAN DESIGNATION

The Master Plan designation determines its future land use. There are 17 land use designations within the Master Plan that allow for various residential, commercial, industrial, and public facility uses. Within each designation, a specific set of zoning districts are allowed.

MASTER DEVELOPMENT PLAN AREAS AND SPECIAL LAND USE DESIGNATION

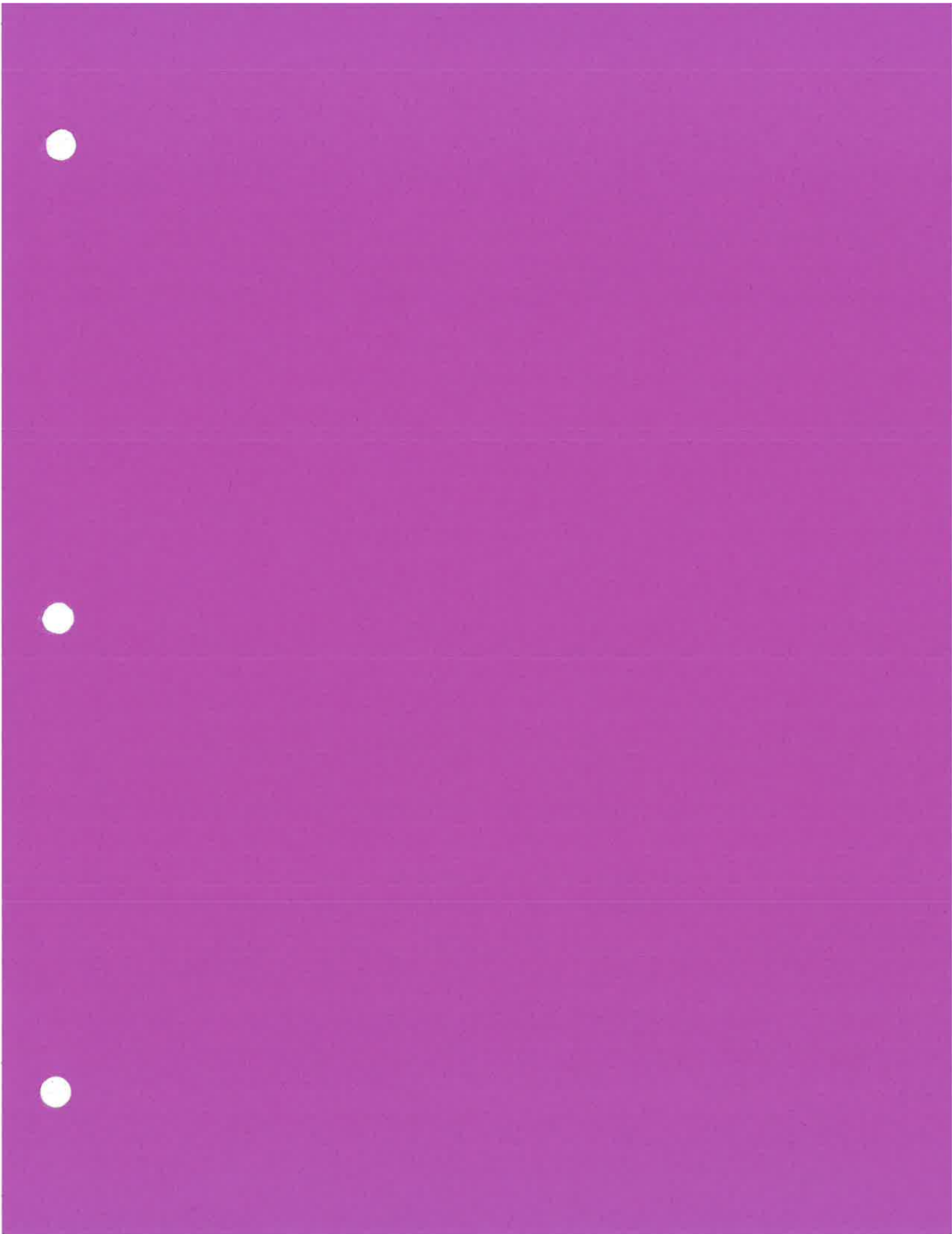
Master planned areas are comprehensively planned developments with a site area of more than eighty acres.¹⁴ Other special area plans are intended for neighborhood and other smaller areas where it is determined that a more detailed planning direction is needed. These areas are located throughout the city and are listed by Sector Plan in the Future Land Use section of this element.

Some plan areas have separate land use designations that are unique to that particular plan. These special land use designations are described within the Description of Master Plan Land Use Designations subsection of the Future Land Use section of this element.

ZONING

Zoning is the major implementation tool of the Master Plan. The use of land as well as the intensity, height, setbacks, and associated parking needs of a development are regulated by zoning district requirements. Each Master Plan designation has specific zoning categories that are compatible, and any zoning or rezoning request must be in substantial agreement with the Master Plan as required by Nevada Revised Statutes 278.250 and Title 19.00 of the Las Vegas Municipal Code. The land use tables within the Future Land Use section of this element depict the allowable zoning districts for each Master Plan designation.

¹⁴ Certain infill developments may receive a waiver from the eighty-acre requirement.



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BADLANDS HOMEOWNERS MEETING

NOVEMBER 1, 2016

6 p.m.

One Queensridge Place

Retreat Room

Page 1

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877-955-3855

ROR022477

23886

1 FEMALE SPEAKER: All right. I'll
2 (indiscernible) meeting, and first of
3 all, we'd like to welcome our guest from
4 the city, Brad Jerbic, City Attorney, to
5 my left and your right, and also Tom
6 Perrigo who is the planning director and
7 the chief sustainability officer from the
8 city.

9 So what we have planned tonight is
10 an education meeting, and thanks to you
11 for accommodating us, and with that, we'd
12 like them to start out with an overview,
13 and then go into some specific lists
14 which we included which are the kinds of
15 things that we have questions about.

16 And then finish up -- and you guys
17 can carry it if you have any questions
18 about the agenda as we go along just ask,
19 but I open up the floor for questions and
20 comments.

21 And then, we'll move into the legal
22 rights, the residents of Queensridge, and
23 then expectations regarding city council
24 meeting, and you should feel free to ask
25 questions about well, what can we do

Page 2

1 before then, what can we do at the
2 meeting, what can we do about this or
3 that.

4 So let's go ahead and start with the
5 first item.

6 MR. JERBIC: Let me pull this out.
7 Thank you very much for having us here
8 tonight. My name is Brad Jerbic, and to
9 my left is Tom Perrigo, the planning
10 director from the City of Las Vegas.

11 Pardon my casual attire tonight; I
12 have a council meeting tomorrow so I
13 promise to wear a suit, but tonight I
14 figured I'd be comfortable with all of
15 you.

16 I've been a city attorney for
17 twenty-four years, and I have, in the
18 past done development agreements, and a
19 couple of years -- about a year ago, I
20 got pulled into this agreement. So I'm
21 going to lead off with the background of
22 how we kind of got where we're at, and
23 then I'm going to planning portion over
24 to Tom to explain to you what's in the
25 current agreement; what's happened at the

Page 3

1 planning commission; what's scheduled for
2 consideration at the council meeting on
3 November 16th; and then we'll take any
4 questions from you.

5 And if you have any questions as I'm
6 speaking, feel free to interrupt me
7 because sometimes people forget to ask
8 them at the end. So I don't mind it when
9 somebody puts their hand up and says I
10 got a question right now.

11 A couple of years ago, we were
12 approached the EHB Development which is
13 owned by Yohan Lowie who purchased the
14 golf course known as Badlands Country
15 Club with the question of what is the
16 zoning for that property.

17 Almost all the property in the City
18 of Las Vegas has got some sort of zoning
19 or open space zoning, and so that lent --
20 that request went to the planning
21 department.

22 The planning department delivered a
23 letter which is a standard letter, I
24 think, of any developer who asks what's
25 the zoning of this property we're about

Page 4

1 to buy. And in researching this
2 property, the first thing that we found
3 was that it's zoned P -- R-PD7.

4 R-PD7 is a type of zoning that
5 doesn't exist anymore. It used to exist,
6 because it stands for residential plan
7 development, and what residential plan
8 development does is it gives you the
9 right to ask for -- to ask for, not to
10 get, to ask for up to 7.49 units per
11 acre. So about seven-and-a-half homes
12 per acre. That's when you have the right
13 to ask for it.

14 Does that mean you get it? No. And
15 even EHB knows that; Mr. Lowie knows that
16 as well. What it gives you the right to
17 do -- assuming there aren't other
18 obstacles that would stop you from
19 developing, it gives you the right to
20 come in and say I would like to do
21 something with this land other than a
22 golf course, assuming there aren't other
23 obstacles, and those other things you do
24 have to be harmonious and compatible with
25 surrounding land uses.

Page 5

2 (Pages 2 - 5)

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<p>1 There is nobody out here who lives 2 on seven-and-a-half units per acre. So 3 if somebody came to us right now and 4 asked the planning director for seven- 5 and-a-half units per acre on this golf 6 course property, staff would recommend 7 denial. I can tell you that with one 8 hundred percent certainty because that 9 would not be harmonious and compatible to 10 the surrounding land uses.</p> <p>11 You have a number of custom homes up 12 here on an acre or more; we have a number 13 of homes on half-acres; we have some on 14 a-third acres; and then all the way down 15 south you would have some probably close 16 to quarter acres.</p> <p>17 So if somebody came in and said I 18 want to develop a half-acre next to a 19 half-acre, or an acre next to an acre, 20 you'd have a little different argument, 21 because one would have a very strong 22 argument that that would be harmonious 23 and compatible. I want to start with 24 that because that helps frame the issue 25 for where we're going with the legal</p> <p style="text-align: right;">Page 6</p>	<p>1 frankly, where we're at with respect to 2 the development of this golf course.</p> <p>3 What happened is Mr. Lowie came in 4 and he asked the city initially for a 5 development right at the base of the 6 Queensridge towers that are 720 7 apartments, and he presented us with 8 diagrams and drawings of them -- and I'll 9 let Mr. Perrigo talk about that when he 10 gets up in a moment -- but essentially, 11 these are short towers that will be built 12 in the ravine where those lakes on the 13 golf course are right now.</p> <p>14 The roof of the entire buildings 15 wouldn't be higher than the first floor 16 of this building so as to not obstruct 17 any views, and there would be above- 18 ground parking garages that are wrapped.</p> <p>19 As staff got into a discussion with 20 Mr. Lowie about what kind of development 21 he wanted to do on the rest of the golf 22 course, it became apparent that it was 23 more than just 720 units. In fact, it 24 was 3,000 units at the base of the 25 towers, and something else on the golf</p> <p style="text-align: right;">Page 8</p>
<p>1 advice on this and what Mr. Yohan -- what 2 Mr. Lowie is entitled to ask for.</p> <p>3 The second thing to look at, even if 4 the golf course had zoning, is there 5 something else that prevents it from 6 being converted from a golf course to 7 something else? That would CC&Rs. That 8 would be other deed restrictions. Those 9 would be things that would over 10 (indiscernible).</p> <p>11 We have looked for a very long time, 12 and we can find no restrictions that 13 require that this stay a golf course.</p> <p>14 Having said that, I have seen some 15 brochures and people who bought custom 16 lots who are (indiscernible) forgiven who 17 bought a block of lots and it talks about 18 this great golf course community.</p> <p>19 I have talked to people who have 20 paid a premium for a golf course view. 21 All of those things I recognize are very, 22 very compelling arguments for why this is 23 a golf course, but they're not legal 24 arguments, and they're not binding on the 25 order (indiscernible). So that is, quite</p> <p style="text-align: right;">Page 7</p>	<p>1 course.</p> <p>2 And from that request, staff began 3 negotiating with Mr. Lowie first 4 commissioning the traffic study, a 5 drainage study, a finer study where we've 6 asked the school district for input which 7 came only recently. And after 8 considering the impacts, and looking at 9 whether or not the roads could sustain 10 it, the sewers could sustain it, the 11 drainage could sustain it, did the 12 planning department make a recommendation 13 and to negotiate a middle ground, or at 14 least an agreement.</p> <p>15 The current agreement that went 16 before the planning commission last month 17 was an agreement that called for the 720 18 apartments which we're going to talk 19 about, and then talk about increasing the 20 density for that 720 apartments, and call 21 for an additional -- an additional 1,600 22 units -- and these are two different 23 projects, so I'll talk about them in a 24 minute -- and then it talked about 75 25 custom home sites on the remainder of the</p> <p style="text-align: right;">Page 9</p>

3 (Pages 6 - 9)

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1 golf course.
2 We don't have a map that really
3 breaks this down, but over here in The
4 Seventy, is the area where the 720
5 apartments would go, and where the
6 remaining 1,600 apartments would go --
7 and the (indiscernible) apartments, and
8 I'll get back to that in a moment --
9 these are going to be rented as
10 apartments for the first six years,
11 they're going to be built to condominium
12 standards -- and I'll talk about that in
13 a moment too -- but that's on this part.
14 The remainder, which as I said
15 before, could be -- he could request
16 development of the remainder for whenever
17 it's harmonious and compatible with the
18 surrounding land use.
19 So let's say this is an acre home,
20 and let's say he were to install roads
21 and sewers and all the kinds of
22 infrastructure necessary to support it,
23 he could come in and say I want to go an
24 acre right across from this. We'd be
25 very hard-pressed to say that that's not

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1 harmonious and compatible.
2 Could he come in, though, and say I
3 want to do seven-and-a-half units next to
4 this, we don't (indiscernible) that is
5 the case and we won't (indiscernible).
6 There's also been some argument that
7 if he doesn't get all of this, there's an
8 inverse condemnation case involved. I do
9 not believe that is legally true. I
10 believe that the fact is if he were to
11 come in and ask for what he's asked for
12 right now and (indiscernible) tonight,
13 it's perfectly permissible to deny this
14 project.
15 However, if he came in with another
16 project that were just what I said
17 before, harmonious and compatible in
18 surrounding land uses and have all the
19 impact studies that would be a different
20 story. And to tell him that he couldn't
21 develop anything out there would be to
22 deprive him of his right to develop his
23 property, which he owns, and that could
24 well result in an inverse condemnation
25 case. So I wanted to break that down so

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1 you know where that line is.
2 So why all this density over here
3 and low-density over here? And it's a
4 judgment call. It truly is a judgment
5 call.
6 The developer, Warren Caviani (ph.),
7 and this is what he wanted, and Tom will
8 go into the type of the development this
9 is and the densities and how it's spread
10 out and what differentiates 120 from the
11 1,660 over here, but I think the goal was
12 if you could put density up here and have
13 it not overly burden the streets, the
14 sewers, the drainage, the schools, the
15 fire services, it would be better to do
16 something over here that preserved as
17 much green space, as much of what used to
18 be golf course, as possible. That was
19 philosophically the tradeoff.
20 Philosophically, more density here, and
21 almost no density here. That's resulted
22 in the development agreement that is
23 before the city council on November 16th.
24 Since that agreement was negotiated,
25 it went before the planning commission

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1 last month. The planning commission is
2 an advisory board that meets once a month
3 to make advisory decisions regarding zone
4 changes, land use, development
5 agreements, and things like that to the
6 Las Vegas City Council.
7 (Indiscernible) -- by the way, it's
8 a seven-member board. The planning
9 commission is seven people appointed by
10 each member of the city council. So
11 there is a representative from this
12 particular ward appointed by Councilman
13 Beers; there's one appointed by
14 Councilman Barlow, and Councilman Coffin,
15 et cetera, et cetera. They had a very
16 lengthy hearing on that Tuesday night,
17 and at the end of the hearing they had
18 seven items that they had to vote on.
19 Three items pertained just to the 720
20 units that I talked about; the other 4
21 items pertained to the rest of the
22 project: the development agreement, the
23 major modification, and two other related
24 items.
25 Let me talk about a development

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4 (Pages 10 - 13)

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1 agreement real quick.
2 Development agreements are something
3 that is allowed under Nevada law to
4 deliberately get around zoning codes,
5 because Nevada law recognized years ago
6 when Summerlin, and people like that came
7 to town that we might have different
8 developments in Southern Nevada that we
9 never had before, and they may not very
10 neatly fit into existing zoning codes.
11 They may have different elevations that
12 they wouldn't accept normally in a
13 residential district. These towers would
14 well be one of them.
15 Would you put a tower in the middle
16 of a residential neighborhood? Probably
17 not thirty years ago, but today it's the
18 new norm.
19 So development agreements allow you
20 to do stuff like this building, allows
21 you to do stuff on whole areas and to
22 look at them all at once.
23 So one of the items was a
24 development agreement that allowed
25 everything I just discussed.

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1 The other thing was a major
2 modification to the original plan that
3 set forth Queensridge. Queensridge was
4 originally called in that plan Peccole
5 Ranch Phase II and it's not just the
6 fenced area you think of as bordered by
7 Hualapai and Rampart and Alta and
8 Charleston, it actually had a finger that
9 went into the Peccole Ranch neighborhood
10 to the south.
11 That original agreement was a very,
12 very interesting agreement. It's an
13 eighteen-page outline of what belongs out
14 here. And the very last page of it, it
15 talks about the maximum number of
16 residential units you could build; the
17 maximum number of multifamily units,
18 apartments or condos that you could
19 build; it talks about open-space golf
20 course; and it talks about a few other
21 things. It talks about densities; what's
22 the most density you could have from that
23 high-density stuff.
24 In that plan, there are roughly --
25 and these are rough numbers I've given

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1 you -- 800 homes that were never
2 developed under that plan, and about 800
3 apartments that were never developed out
4 of that plan.
5 So one way to look at it, and I'm
6 not saying it's the only way, but one way
7 to look at it is that whoever comes in in
8 the future could ask for up to that many
9 more.
10 Because the apartment number that's
11 being asked for in this development
12 agreement far exceeds the 800-or-so
13 remaining in that original plan, we would
14 ask for a major modification. That's
15 what the major modification is.
16 If we're going to do this, we said
17 let's do it right. Let's go back to the
18 original plan. Let's modify it. Did you
19 really want to have 2,400 units instead
20 of 800, or 500, or 300, or whatever
21 arguably remains, let's just say it? And
22 at the same time, if you're not going to
23 build out the remainder 6-, 7-, 800
24 homes, and you're going to do just 75,
25 let's say that. And if the density's

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1 going to be higher, let's say that. So
2 that's the major modification. That was
3 voted down by the planning commission 4-
4 3.
5 The development agreement was voted
6 down by the planning commission 4-3.
7 And the other two items pertaining
8 to the development of the entire site
9 were also voted down 4-3.
10 On the flip side, the three items
11 that pertained to the 720 were given
12 approval by the planning commission. So
13 all -- that whole package goes to the
14 city council on November 16th. The city
15 council can overturn the planning
16 commission on anything. So if the
17 planning commission said yes, the council
18 can say no; the planning commission said
19 no; the council could say yes. That's
20 pretty much for the portion of the
21 presentation that I wanted to give, and
22 lay the legal background for where we
23 are.
24 As you all probably know, there are
25 lawsuits pending right now, so I am just

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5 (Pages 14 - 17)

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1 telling you from the city's point of view
2 what we believe the law is and how we got
3 where we're at right now.
4 I respect the right of anybody to
5 disagrees with all of that, and I'll be
6 glad to take any questions.
7 MALE SPEAKER: Did you all take into
8 consideration the 300 apartments that are
9 going to be filled at Tivoli, the empty
10 land that Yohan owns on the southeast
11 corner and the apartment behind -- behind
12 us --
13 FEMALE SPEAKER: Please take a
14 (indiscernible) --
15 MALE SPEAKER: -- that's being
16 built, did they take all that in
17 consideration when they checked with the
18 fire department, the police department,
19 and all the other facilities; traffic,
20 the theft situation that it's going to
21 create in there? Was that all considered
22 in that design?
23 MR. PERRIGO: Yes. Excellent
24 question, thank you.
25 The -- anytime a project is

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1 evaluated, all existing entitlements,
2 even if it's on vacant land are part of
3 the analysis. So when they did the
4 traffic study, when they did the drainage
5 study, when they looked at all those
6 things, they built into those models all
7 of the entitlements. In other words, if
8 a property adjacent is entitled for 300
9 units, they modeled the traffic as if
10 those 300 units are built. So we want to
11 make sure that everything is captured in
12 that analysis.
13 MALE SPEAKER: How did they figure
14 in the piece of property on the southeast
15 corner that has not been requested that's
16 owned by Mr. Yohan?
17 MR. PERRIGO: If it -- if it has
18 entitlements, then it is factored in. If
19 it doesn't have entitlements, I don't
20 know how we would forecast, or assume
21 what would happen there.
22 What happens if there are no
23 entitlements there when that project
24 comes in, and there are other
25 entitlements in the area, then it would

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1 have to account for existing traffic and
2 future traffic based on property that has
3 entitlements.
4 MR. JERBIC: Let me jump in for one
5 minute on that.
6 That property you're talking about
7 is Renaissance; they lost their
8 entitlements in July, and so we did not
9 factor in Renaissance.
10 You can't take a piece of property
11 and just have these entitlements that
12 last forever and therefore, they
13 constantly affected the projects around
14 you. You either keep your entitlements,
15 you renew them, or you don't. And in the
16 case of Renaissance, they elected not to.
17 And when they elected not to, they came
18 out of the mix.
19 MALE SPEAKER: He can come back and
20 request --
21 MR. JERBIC: That's true, but here's
22 what happens this time around, when he
23 came in the last time, it was just him,
24 and there wasn't this project on the
25 books.

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1 If this project were on the books
2 entitled, now, he would have to see
3 whether or not whatever he builds tips
4 that traffic over the top or things like
5 that. So the burden flips to that of the
6 property.
7 MALE SPEAKER: Would it change when
8 you -- you grant him that entitlement on
9 the golf course, will it change the
10 zoning, and if the zoning, say, is 24-R,
11 can you take later and come back and say
12 hey, we now want to build another 3,000
13 units and it would be up to the board and
14 the commission to decide whether he would
15 be able to do that or not, plus he was
16 talking about going down so the homes
17 were lower than the lowest deck here, so
18 you wouldn't obstruct your vision. With
19 that entitlement, he can come back and
20 say I changed my mind and I'd like to
21 request a ten-story building up there,
22 and you people would almost have to grant
23 it.
24 MR. JERBIC: Well, I disagree.
25 Here's what I will say is going to

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6 (Pages 18 - 21)

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<p>1 happen. Let's talk about the zoning. 2 Part of the development agreement 3 requires that he rezone this property, 4 and part of the development agreement is 5 if you're going to do high-density here, 6 he will get -- he will request high- 7 density zoning for this portion. 8 MALE SPEAKER: Right. 9 MR. JERBIC: In exchange for that, 10 to make sure this will never becomes 11 high-density, he gets -- 12 MALE SPEAKER: I'm not talking about 13 the rest of the golf course. 14 MR. JERBIC: Okay. Because this -- 15 MALE SPEAKER: I'm saying he's 16 building on that 17.3 acres of whatever 17 it is, he can come back afterwards and 18 say hey, you know what, I need to have a 19 ten-story in front of it and we'll block 20 the view. You're guaranteeing that he 21 cannot do that? 22 MR. PERRIGO: We cannot -- 23 MALE SPEAKER: Bait and switch. 24 MALE SPEAKER: Bait and switch, 25 right.</p> <p style="text-align: right;">Page 22</p>	<p>1 to prevent them to say I can't do that; 2 now, we need to go up six stories which 3 is, basically, I think what he's talking 4 about. 5 MALE SPEAKER: Exactly. 6 MR. MACE: 'Cause I don't know that 7 they can build that low out there, and 8 I'm a builder. If they can do that out 9 there and accomplish it, I don't think it 10 has to go back through the city council 11 hearing in order for them to now say I 12 can't do that; I need to go up a little 13 higher but I'm keeping the same density. 14 MR. JERBIC: Well, I'll take the 15 first part of that. 16 There's two things going on here; 17 one is zoning, and (indiscernible) and 18 site development plans and things like 19 that, and those can go back to council. 20 If you design a building and you 21 want to improve it or make it bigger or 22 whatever, you have to go back for a 23 hearing, but this has got something else 24 that goes along with it. The whole 25 project is part of a development</p> <p style="text-align: right;">Page 24</p>
<p>1 MR. PERRIGO -- we cannot guarantee 2 that he can't do that -- 3 MALE SPEAKER: Right. 4 MR. PERRIGO: -- but I can guarantee 5 that you would have to go back to a 6 public hearing, and that would be 7 publicly noticed, and it would be a 8 discretionary decision on the planning 9 commission city council. 10 MALE SPEAKER: That's correct. 11 MR. PERRIGO: He could not just come 12 in and pull building permits and go build 13 that. 14 MALE SPEAKER: I know. 15 MR. PERRIGO: As any property owner 16 can request -- petition their council to 17 do things on their land. 18 MR. MACE: On -- I'm David Mace 19 (ph.) -- we know that when other 20 developments here were built, that they 21 had some real problems with soil 22 bleaching and (indiscernible) blasting. 23 If they find they can't do what they need 24 to do and still keep everything at the 25 level of the (indiscernible) here, what's</p> <p style="text-align: right;">Page 23</p>	<p>1 agreement. That's a thirty-year contract 2 with the developer, and that can only be 3 amended by both parties agreeing to amend 4 it. 5 So again, anything can be changed 6 with a vote; I'm not going to lie to you. 7 Anything can be changed with a vote just 8 about anywhere anytime. That's just 9 reality. 10 MALE SPEAKER: Okay. You also said 11 that (indiscernible) so much time to do 12 it. If they don't do it, it's 13 (indiscernible). 14 MR. JERBIC: Right. 15 MALE SPEAKER: But they've got a 16 pretty long (indiscernible). It's 17 thirty-some years. 18 MR. JERBIC: The developers know -- 19 that is correct. 20 MALE SPEAKER: And there's no -- 21 there's no guidelines. There are no 22 guideline standards to it. So we don't 23 have any idea what's going to happen. 24 But let me -- and if the guideline 25 standards were in the development</p> <p style="text-align: right;">Page 25</p>

7 (Pages 22 - 25)

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1 agreement, we could see what he's going
2 to build, what it looks like, where it's
3 exactly going to go, what the roofs would
4 be, what the landscaping is, and he's got
5 a pretty broad ability to do whatever he
6 wants, and that scares us.
7 MR. PERRIGO: Okay. So let's
8 separate the project into the 180, the
9 residential real estates --
10 FEMALE SPEAKER: (Indiscernible).
11 MR. PERRIGO: -- and --
12 FEMALE SPEAKER: (Indiscernible).
13 MR. PERRIGO: Well, to address this
14 question, I need to separate the
15 projects.
16 MR. JERBIC: This is the 180; this
17 is The Seventy so --
18 MR. PERRIGO: So on The Seventy, he
19 has to come back before council with a
20 site plan in a public hearing to get that
21 approved. And in the site plan you have
22 to have your elevations, your heights,
23 your finished floor elevations; all that
24 stuff. So he can't just go start
25 building in The Seventy.

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1 Now, with the one project that's on
2 this board where they had the three
3 applications, the general plan amendment,
4 the rezone, and the site plan, he does
5 have that which is before council.
6 That's the part that Mr. Jerbic said
7 was -- and I guess we don't have to do
8 that -- Branson (ph.) was approved by
9 planning commission. All that
10 information is there for that portion of
11 the project. For the rest of it, he has
12 to come back. It's a discretionary
13 action by council and get all of that
14 approved; all the design standards, all
15 that.
16 MR. MACE: There are guideline
17 standards -- part of the application with
18 this -
19 MR. PERRIGO: There are, yes. There
20 are.
21 MR. MACE: The nineteen -- nineteen
22 acres?
23 MR. PERRIGO: Yes. Well, yeah, the
24 17 acres, the 720 units, there is a site
25 plan, it's -- the abbreviation on the

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1 agenda is SDR, and in that SDR -- and if
2 you went online you would see all of
3 the -- in fact, I have some of them with
4 me -- all of the elevations, all of the
5 floor plans, all that stuff; the heights,
6 everything --
7 MALE SPEAKER: But it's their --
8 MR. PERRIGO: -- the final
9 landscape.
10 MALE SPEAKER: -- guideline
11 standards are a little different than
12 floor plan site plan elevation, I think.
13 MR. PERRIGO: Well, the
14 architectural stand -- everything --
15 every -- all the information about how
16 that building is going to look and be
17 built is in that site plan we use.
18 MALE SPEAKER: And you can't change
19 without going through another hearing?
20 MR. PERRIGO: It cannot change
21 without going through another hearing.
22 There are minor changes that could happen
23 up to, I believe, it's ten percent.
24 Like, for example, if you had to change
25 out a couple trees and stuff like that,

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1 very minor deviations from that site plan
2 are allowed. But any major change like
3 building height would go back to planning
4 commission and council.
5 MALE SPEAKER: Something all of us
6 have asked numerous times and have never
7 gotten a good clear answer to, how are
8 they going to get in and out of this
9 property?
10 I've spoken to people at the water
11 district that said they're not going
12 through there; they're not going to
13 (indiscernible). They're
14 (indiscernible). Regional transportation
15 says they're not going to give them a
16 light on Rampart, so they have,
17 basically, that two lane coming in next
18 to the clubhouse and looked at -- and I
19 can't imagine a traffic report saying
20 that that would work.
21 The traffic report that I looked at,
22 that you guys have, has a lot of
23 assumptions in it. We're going to have
24 light rail; there's going to be widening
25 of Rampart; but it doesn't address the

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8 (Pages 26 - 29)

<p>1 way things are today because Rampart is 2 well-over ninety percent at capacity now, 3 and now we're talking another 720 units. 4 So how do you guys know how 5 anybody's going to get in and out, 6 because we don't? 7 MR. PERRIGO: As with most projects, 8 you have to have a conditionally approved 9 traffic site which addresses some of 10 these issues. You're right, it doesn't 11 address everything in perfect detail, 12 however, it is a condition of approval 13 that all of the requirements have to be 14 met prior to them pulling any building 15 permits (indiscernible) for the project. 16 Furthermore, if they don't have 17 appropriate access, and they haven't been 18 able to gain that, the -- what they need, 19 they can -- we would not let them move 20 forward with the site plan to build 21 additional units. 22 MALE SPEAKER: Tom, I've been a 23 friend of you guys and the county over 24 forty years here. I've been here fifty- 25 four years. I was never allowed to</p>	<p>1 through it and answer your questions 2 honestly. And from time to time the 3 answer is I don't know. But in this 4 case, I can tell you a couple of things. 5 We had this discussion with Mr. Lowie 6 about this. 7 He understands, and he's willing to 8 take the risk that he has got some things 9 he's got to do, and he doesn't have them 10 right now. He does not have the 11 easement, at least, not in writing that 12 he could show us with the water district 13 to use as this road toward any 14 (indiscernible) that we pull a road all 15 the way around. Whose fault was that? 16 That's his. If he gets it, then he will 17 meet that criteria to develop. If he 18 doesn't get -- 19 MALE SPEAKER: Then why would they 20 approve it before? 21 MALE SPEAKER: I was never allowed 22 to present -- I mean to present an 23 application. I think he should have it 24 in-hand. It was never -- when you get 25 those things to (indiscernible), but I</p>
<p>1 submit an application that didn't let -- 2 make me show the easements that I was 3 going to, and how I was going to get 4 there. And this is so ambiguous; it's 5 very difficult to understand how this is 6 all going to happen. 7 We're jacked up already on Alta. 8 We're jacked up on Rancho -- I mean, on 9 Rampart, and now we're talking 720 units. 10 The traffic report's been created; that 11 doesn't address today's concerns. And I 12 haven't heard anything that they're going 13 to require another traffic report. What 14 I've heard is the traffic report has been 15 presented; it's been accepted, and it 16 doesn't address today's conditions. So 17 I'm curious how it can be -- how you can 18 move forward with it when it doesn't 19 address it, and there's no easements 20 anymore. 21 MR. JERBIC: Let me say a couple of 22 things. One, I should have said this at 23 the very beginning, we're not here to 24 settle this, okay. We're here to explain 25 this. We're just here to walk you</p>	<p>1 also wasn't given thirty-five years to do 2 it. 3 MR. JERBIC: I understand. 4 MALE SPEAKER: Thirty-five years is 5 a long time to -- I've been here forever, 6 and one of the things that I liked up 7 here was it was so (indiscernible) all 8 the time, and we're going to have that 9 for thirty-five years. 10 MALE SPEAKER: A lot of pressure 11 right on the (indiscernible). 12 MR. PERRIGO: So let me try to 13 address that a little bit. 14 At the very -- the basic foundation 15 of this set of applications is a request 16 to change the zoning and the language. 17 Now, typically, with a request to change 18 zoning and land use, none of that stuff 19 is required. You can petition your 20 government, your council, to change your 21 zoning to something more intense or 22 something less intense. I would argue 23 that given that the current zoning's R- 24 PD7, you really don't know if it's more 25 intense or less intense because R-PD7</p>

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9 (Pages 30 - 33)

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1 doesn't mean you get seven units to the
2 acre, correct.
3 So if you think about it just in
4 terms of a request to rezone the
5 property, then you add on the layer, the
6 question of access and traffic and
7 drainage and all the things that, as you
8 know, when you ask to rezone a property,
9 for example, to RE, the lowest zoning
10 district that we have, oftentimes that
11 comes with a tentative map.
12 On that map, you have all that
13 information about access, drainage,
14 traffic, all that stuff, and there are a
15 series of conditions that go with that.
16 You don't have to have that to
17 submit your request to rezone. You don't
18 have to submit that on this property.
19 What we did, though, in order to get
20 some of that stuff spelled out is require
21 a development agreement to stand in place
22 of a tentative map and all the conditions
23 of approval. So that we had the
24 information on drainage and traffic and
25 setbacks and pipes and all that stuff in

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1 advance.
2 Now, on the 17 acres, the 720 units,
3 again, as a request to rezone and change
4 the general plan, the application that
5 typically accompanies that, or a
6 multifamily project is a site plan
7 review.
8 The site plan review, then, has all
9 the conditions that require access and
10 drainage and traffic and all that stuff,
11 right. So all that is there for the 720
12 units, and it will be there if this moves
13 forward for the rest of the request. So
14 they can't move forward with any
15 development until all those conditions
16 for traffic and drainage and elevations
17 and design standards and all that are
18 met.
19 MALE SPEAKER: But Tom, on the
20 seventeen acres, we just said a few
21 minutes ago, on that specific one, that's
22 being approved. You got a site plan.
23 You got a floor plan. You got
24 elevations. We know what's going to be.
25 You can't change within ten percent.

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1 There is no study showing us how
2 they're going to get in and out of there.
3 We don't suffer now. And any application
4 I've done in the past, you guys would
5 never -- I don't know what's so special
6 about this one.
7 You would never let me make an
8 application unless I had that in the
9 (indiscernible), and even had an easement
10 in front of me to present with the
11 application. It's on the application.
12 It has a place for you to do that.
13 So what happens is that this is
14 approved the way it is. This is a lack
15 of information, I think, is the biggest
16 problem that we have, because if it's
17 approved the way it is, we're no longer a
18 participant in it. This is the status,
19 and yeah, I like that, or I like this, so
20 that's good, or this is good, or our
21 district or whoever is going to go
22 through and they pay their fees and they
23 know what they're doing, but this is
24 being approved; forty-some units an acre
25 right out my front window. Forty-some

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1 units an acre. Where -- even in these
2 towers, were only ten -- ten units an
3 acre. We're going to have forty next to
4 us. No way of showing how you're getting
5 in and out that this will meet the
6 criterias of the schools and all of that.
7 So that's the concern.
8 MR. PERRIGO: And I understand and
9 for the -- again, for the 720, the 17
10 acres, it does, in that set of
11 applications, it does show the access --
12 how you get in; how you get out; fire
13 lanes -- fire department require all of
14 that; public works engineers require all
15 that. The fire --
16 MALE SPEAKER: They have no
17 easements.
18 MALE SPEAKER: (Indiscernible)?
19 MALE SPEAKER: They have no
20 easements (indiscernible) this
21 location --
22 MALE SPEAKER: (Indiscernible),
23 John.
24 MALE SPEAKER: I understand but
25 they're taking access directly off of

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10 (Pages 34 - 37)

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1 Rampart into that part of the project.
2 MALE SPEAKER: You say you have 700
3 units without a light going in and out of
4 Rampart.
5 MR. PERRIGO: And that's right
6 there. And I can't talk in too much more
7 detail about the traffic study; I'm not
8 the traffic engineer but --
9 MALE SPEAKER: All I know is that
10 NDOT will not allow another light. The
11 reason they won't is because there's too
12 much traffic to allow another light.
13 (Indiscernible) even turned down.
14 MR. JERBIC: The traffic study
15 (indiscernible) year to year. The
16 traffic study -- and I have read this
17 many times and I urge you read it, it's
18 online -- the traffic study, whether you
19 agree with it or not, (indiscernible)
20 engineers to get (indiscernible). In
21 this case, several things happen.
22 There's a traffic study done about
23 ten years ago that made some assumptions
24 about Rampart and what it would be like
25 today, and we went back and the developer

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1 went and got another traffic study, and I
2 looked at it and I thought, you know,
3 this traffic study shows traffic not as
4 bad today as we thought it would be. How
5 could that possibly be? So we sent it
6 back to a third review.
7 We took that to Tom and he sent it
8 out for review. And they came back and
9 still said this can work and here's how
10 they say it.
11 Now, I'm not saying I'm an engineer
12 and I can explain it, but I am telling
13 you one of the things they want to do is
14 this is a one-way in from Rampart into
15 the 720 and the one way out, so you will
16 not be crossing the median making a left-
17 hand turn out. So no light is required
18 there according to traffic engineering.
19 The road from this unit goes into
20 the 1,600 down here, and while you can't
21 see it, that road that comes in right
22 now, that's Country Club Drive -- or
23 Clubhouse Drive -- that is part of the
24 property that he acquired that goes from
25 the clubhouse to a point.

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1 He's got to continue to provide
2 access to Tudor Place, and then he has to
3 acquire more access to bring it all the
4 way around to Rampart which he hasn't
5 done yet.
6 What the traffic study says is if he
7 does that -- if he does that -- I'm not
8 saying he has to -- I'm saying if he does
9 that, they're recommending moving the
10 apartment light from where it's at right
11 now to that new location.
12 MALE SPEAKER: He's been turned down
13 by every one of those by Tudor, by the
14 (indiscernible), by the water district,
15 by the Nevada Department of
16 Transportation. And so those are -- why
17 don't we let him get those accesses
18 before we (indiscernible) approve a
19 project of this magnitude?
20 MR. PERRIGO: So maybe this would be
21 an opportunity to kind of focus our
22 conversation. About an hour ago, I
23 received a request from the applicant to
24 withdraw their applications. So --
25 MR. JERBIC: Not for this one.

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1 MR. PERRIGO: So -- right. So
2 everything from here, the remainder of
3 The Seventy and The Preserve, all those
4 applications they've requested to
5 withdraw those.
6 MR. JERBIC: (Indiscernible).
7 MR. PERRIGO: So -- okay. So
8 really, this is the only thing at this
9 time that's moving forward.
10 MALE SPEAKER: And that's all I'm
11 talking about.
12 MR. JERBIC: Okay. I just want to
13 make sure -- I didn't know if everybody
14 knew that.
15 MALE SPEAKER: No, I thought you
16 guys were going to say it earlier, but I
17 was going to say (indiscernible).
18 MALE SPEAKER: But don't go back
19 that --
20 MALE SPEAKER: It's not the forty-
21 four units, or forty-two units an acre
22 that (indiscernible). It's the balance
23 of the 3,000 units that could have even
24 made this much larger because it was
25 24 -- 26 -- 3,080 and there's a lot of --

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1 I know that. That's why I'm specific in
2 only talking about 720 units on Rampart,
3 and I'm saying they're going to get
4 entered through this way and that way.
5 Right where they show that driveway, by
6 the way, is about a twenty-five foot
7 drop. That's going to be one great
8 interesting driveway coming in off of
9 Rampart.
10 Now, I'm not an engineer either, but
11 I built enough stuff to know it's not the
12 (indiscernible).
13 So unless they get access from one
14 of those other places they've talked
15 about, and you guys require them to do
16 that, then you're just letting them move
17 forward hoping they can get it.
18 Why does he get to do that and I
19 don't? I bet I had twenty more
20 applications over the years than they
21 ever did. That's my problem; there's not
22 enough definition and I'll let somebody
23 else talk, but that is a question.
24 MALE SPEAKER: Let him answer the
25 question.

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1 MALE SPEAKER: Why do they get the
2 special consideration?
3 MR. PERRIGO: Again, there are, for
4 example, (indiscernible) right now, there
5 are a number of outstanding issues with
6 drainage, with flood control, with
7 roadways that aren't completely defined
8 but as a condition of their approval,
9 they have to come back and show public
10 works that they can make that stuff
11 work --
12 MALE SPEAKER: But Tom, why can't --
13 MR. PERRIGO: -- and if they can't
14 they can't go forward --
15 MALE SPEAKER: Why them and no one
16 else gets to do that? That's my
17 question.
18 MR. PERRIGO: There are a number of
19 applications that are done similarly. I
20 asked public works the exact question
21 because I knew it was a concern, and they
22 said it is not at all unusual the way
23 this one was done.
24 As long as the conditions of
25 approval require them to come back, they

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1 cannot move forward until they meet those
2 requirements.
3 MALE SPEAKER: I have just a series
4 of -- just quick questions.
5 So if I understood you, the seven-
6 and-a-half units per acre is compatible,
7 is that what you're saying?
8 MALE SPEAKER: No, he's not.
9 MALE SPEAKER: It's not compatible,
10 is it?
11 MALE SPEAKER: Just the opposite.
12 Just the opposite; not compatible.
13 MALE SPEAKER: Not compatible but
14 this is approved by planning. Okay.
15 And then it says condo quality, is
16 that on the development agreement that he
17 has a certain level of condo quality per
18 rental unit that he has to build, and
19 who's -- and is that part of the
20 development agreement and who's going to
21 be looking at that making sure that he
22 actually builds to that quality?
23 MR. PERRIGO: Again, the development
24 agreement is one of the items that's
25 being withdrawn.

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1 MALE SPEAKER: Okay.
2 MR. PERRIGO: So that's not going to
3 be considered.
4 MALE SPEAKER: Okay.
5 MR. PERRIGO: But to answer your
6 question, that requirement is when they
7 come in with a site plan for additional
8 units that they would have to then, at
9 that time, establish all of those
10 requirements and the design, and
11 everybody gets to look at that. It's a
12 public hearing. It's like every project
13 that we do.
14 MALE SPEAKER: Okay. With regard to
15 the traffic study, so how much of a
16 traffic jam is acceptable to the traffic
17 engineer? In other words -- like, for
18 example, if you go out at 5 o'clock, or 6
19 o'clock -- I have pictures, by the way,
20 and I can see two-and-a-half miles of
21 traffic right now backed up with nothing
22 developed. Is it an hour, two hour wait,
23 three hour, five hours? How -- what is
24 acceptable -- the acceptable range for
25 the traffic engineer to say well, this is

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12 (Pages 42 - 45)

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<p>1 okay as long as they can have 2 (indiscernible) within the next eight 3 hours. 4 MALE SPEAKER: What does -- 5 MR. JERBIC: Let me say this, I live 6 here too. I live on the south side. I 7 come down Rampart every day. I get lined 8 up at that (indiscernible) south side 9 every day. Sometimes, I can't even get 10 in because visitors are all the way up 11 the street and that way the residents 12 can't get in. I know what you're saying. 13 I know exactly what you're saying. 14 There's a human intuition that makes you 15 go look at how jammed this is already and 16 Tivoli just opened and this just 17 happened, and this just happened, I get 18 it. But I'm telling you that that is not 19 my intuition, and yours and nobody in 20 this room is a traffic engineer, and a 21 traffic -- 22 MALE SPEAKER: (Indiscernible) it's 23 not about intuition; it's about criteria. 24 MR. JERBIC: Well, what -- 25 MALE SPEAKER: I'm not asking you</p> <p style="text-align: right;">Page 46</p>	<p>1 right now it's at sixty percent capacity, 2 or seventy percent capacity. 3 Based on the trips generated out of 4 additional developments, it's going to go 5 up to eight percent or ninety percent and 6 that's basically how they look at it. 7 So I don't know how that 8 translates -- and they do take their 9 traffic accounts by time of day because 10 they really want to look at the a.m. and 11 the p.m. peak time. 12 MALE SPEAKER: Right. 13 MR. PERRIGO: So that's what they 14 evaluate it based on, and I can't tell 15 you what those numbers are, those 16 percentages. 17 MALE SPEAKER: Well -- 18 MR. PERRIGO: It sounds like we 19 should have had public works here as 20 well, so I apologize for that. 21 MALE SPEAKER: I have a little 22 surprise for you, because I talked to the 23 fellow who approved the traffic study and 24 he didn't know either. He, I could ask 25 (indiscernible). I see the traffic study</p> <p style="text-align: right;">Page 48</p>
<p>1 intuition but you're talking 720 here, 2 you're talking 3.8 across the street, 3 you're talking 120 over there, and 4 another 7, that's -- you know, my math 5 isn't that great -- but that's almost 6 1,200 units that have been approved by 7 the planning department and you're saying 8 that that's part of the traffic study. 9 So my only question, with regard to the 10 traffic study is what is the criteria? 11 How long do I have to wait at the corner 12 of Rampart of Alta to make a left turn 13 and how acceptable is that? What is the 14 criteria for accepting -- you know, say 15 that's fine, you can stay there for 16 forty-five minutes, no problem, that's 17 that within the traffic study criteria. 18 MR. PERRIGO: So the very basic 19 level, what they do is they look at the 20 capacity of the roadway, they look at the 21 interchange, they look at the left turns, 22 the right turns, and all that stuff, and 23 they have a calculation and say how many 24 vehicles can this accommodate, and then 25 they do the traffic counts, and they say</p> <p style="text-align: right;">Page 47</p>	<p>1 as a submission, what is the percentage? 2 He says well, in 2006 it was at ninety- 3 seven but it's less. And I said what is 4 it now? He says well, gosh, I don't 5 know, but he's the one who checkmarked 6 the traffic study. That's really 7 seriously problematic in my mind. 8 MALE SPEAKER: I'm just curious, 9 today has the commission and the board 10 considered the residents of this 11 community in the approval of what he's 12 asking for, or they just don't give a 13 crap about the public that puts the 14 commissioners in their seats, and puts 15 the planning board appointed by these 16 commissioners, are we not considered in 17 this? Are we just a low-life people that 18 are not entitled to having anything to 19 say? 20 FEMALE SPEAKER: And in another way, 21 let me just put it -- whether the legal 22 rights of a homeowner, this can't be the 23 first time you've had a project where 24 you've thought about more things hanging 25 fire than you are able to answer here.</p> <p style="text-align: right;">Page 49</p>

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1 So what --
2 MR. PERRIGO: I was ready to answer
3 that till you said legal rights. I'll
4 hand it back to Brad.
5 MALE SPEAKER: He don't have a
6 microphone
7 MR. JERBIC: Again, let me go back
8 and say a couple things.
9 I'm not here, and neither is Tom, to
10 pretend we're engineers and get into the
11 nuts and bolts of the traffic study and
12 defend it. We're not here to sell the
13 project. We're not here to tell you to
14 like it. We're not here to tell you not
15 to show up or protest if you feel bad
16 about it. We're not here to tell you any
17 of those things. And if your intuition
18 tells you you don't like the project,
19 typically show at meetings and tell the
20 council they don't like the project, and
21 that's a perfectly respectable position.
22 MALE SPEAKER: We've done that.
23 MR. JERBIC: But the only thing
24 we're here to say --
25 MALE SPEAKER: You don't --

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1 MR. JERBIC: -- the only thing we
2 are here to say is public -- planning did
3 jump through the hoops in the case of the
4 traffic report three times.
5 Now, I'm not saying believe in it.
6 I'm not saying accept it. I'm just
7 saying don't discount these guys, and
8 don't think they didn't jump through the
9 hoops that they needed to jump through
10 in order to (indiscernible) -- just a
11 second.
12 MALE SPEAKER: I know.
13 MR. PERRIGO: And let me just --
14 'cause one of the questions was earlier
15 on was the process.
16 So when something like this, of this
17 magnitude, comes into the development
18 services center, we schedule meetings to
19 go over all the details that we're
20 talking about tonight. In those
21 meetings, there's usually a standing
22 meeting once a week for two hours. We
23 have four people from public works. We
24 have three people from fire. We have
25 three people from landings and zoning.

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1 We have people from parks.
2 So in that room every single week,
3 we got about a dozen or more -- we have
4 people from the city attorney's office --
5 we have a dozen or more people, staff
6 members, looking at all the various
7 aspects of this proposal and working
8 through some of the issues with the
9 developer.
10 So please don't think that there's
11 one person sitting there in some sort of
12 closed room trying to figure all this
13 out.
14 So there's -- and the staff members
15 that were involved in this, to a person,
16 have done at least three or four of these
17 types of projects, and have been with the
18 city for fifteen or twenty years.
19 So I mean, it's very unlikely
20 that -- and I kind of heard it in the
21 room that something funny is going on, or
22 something bad. That would be very
23 unlikely for a dozen or more people
24 sitting across four different city
25 departments to collude on projects.

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1 So I just want you to understand a
2 little bit that process. It went on for
3 probably nine months, and it involves --
4 well, more than a dozen people.
5 FEMALE SPEAKER: Can I -- can I ask
6 a couple questions?
7 I -- just for background -- I'm an
8 attorney. I've had -- I don't practice
9 in Nevada, so I can't claim to know
10 Nevada law, but I've had your job
11 representing cities in connection with
12 development agreements, and I've also
13 represented developers, and my question
14 here, just to understand just the basis,
15 and just going back to the basic ideas of
16 what's the whole purpose of having a
17 master plan in the State of Nevada, and
18 what are the parameters for amending
19 that, or what kind of findings have to be
20 made to change that, because this is --
21 you know, this is far beyond what, you
22 know, they call it a major -- a major
23 amendment --
24 MR. PERRIGO: Major mod.
25 FEMALE SPEAKER: -- or whatever they

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1 call it -- modification.
2 And the second thing is is that if
3 they withdraw and withdrawn all of their
4 applications with respect to the
5 remaining part of the property, that
6 means there's no development agreement
7 that's in place, correct, because I spent
8 time reading the development agreement.
9 So there's nothing that the city retains
10 at all with respect to this other than
11 reviewing of the site plan.
12 So if that's the case, and they're
13 looking at that and it's high-density
14 they chose what they're going to change
15 that to in terms of their zoning, what's
16 to stop them from saying we want 10
17 stories of 300 square foot studio
18 apartments? You know, what does that
19 have to do with high-end condominium
20 quality luxury units and how are you
21 going to control that?
22 MR. JERBIC: I think that's a good
23 question. We can certainly answer that.
24 You can almost depend -- it's the
25 (indiscernible) developer, and they were

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1 looking for a major mod in a development
2 unit. That's exactly what somebody
3 probably would do. They would come in
4 and they would say over here next to the
5 tower you build more high density and you
6 have Tudor and you have a other things
7 that are a high density and so we'll have
8 high density over here, and they would
9 know that they'd have little chance of
10 getting it, you know, (indiscernible) on
11 the golf course, and he would do it by
12 zoning. He would do it project by
13 project, site plan by site plan. That's
14 how it would roll out if you didn't have
15 a development agreement.
16 FEMALE SPEAKER: So what you're
17 saying is is that now there will be no
18 development agreement with respect to
19 this property right here. They're going
20 to yay or nay it on the terms of what
21 they submitted to this (indiscernible).
22 MR. JERBIC: Right, if they have
23 (indiscernible) all about prejudice on
24 the 16th, if the council agrees with
25 that, then there will be no development

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1 agreement and it'll go back to the way it
2 was done before under that original
3 Queensridge -- under the Peccole Ranch II
4 development agreement -- or I should say
5 master plan -- Peccole Ranch master plan.
6 MALE SPEAKER: Can you just
7 clarify -- because I'm a little
8 confused -- you just kind of said that
9 portions of the project have been
10 withdrawn. So I'd like to know exactly
11 what is going to be heard on the 16th,
12 okay, because -- I mean, you kind of
13 threw a curve at us when you said this
14 has all been withdrawn. I'm not sure --
15 MR. PERRIGO: It just happened too.
16 MALE SPEAKER: So maybe you can
17 clarify that to everyone so we know
18 exactly on the 16th what's going to be
19 heard.
20 MR. PERRIGO: Excellent question.
21 So maybe I can back up a little bit.
22 The initial request was for just the
23 720 units on 17 acres; came in about a
24 year ago. As I think Brad went over,
25 over time we started to understand -- had

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1 a vision for the entire project. That's
2 when we said wait a minute, time out. We
3 would like you to come back with a
4 modification to the original conceptual
5 plan with a GPA rezone for the entire
6 project and the development agreement
7 that covers the entire project.
8 So what's being withdrawn, or what
9 they requested to be withdrawn, is the
10 major modification, because once we were
11 doing the entire thing, we felt that it
12 was such a dramatic change and such an
13 intense increase, that before council
14 could consider the GPA which is the
15 general plan amendment, a rezoning, and a
16 development agreement, they had to decide
17 that yes, we're okay with this change to
18 that plan.
19 So we then come in with a major
20 modification, a general plan amendment to
21 change the land use over the whole
22 project, a rezoning to change the entire
23 project, and a development agreement that
24 covered the entire project.
25 Those are the applications, those

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1 four applications they requested to
2 withdraw.
3 So what remains is the original
4 request that they made on just that
5 piece -- the 17 acres, 720 units.
6 Now, that, the reason we don't
7 request a modification and development
8 agreement and so on, is because now
9 they're requesting to do something almost
10 exactly like everything in this area
11 (indiscernible) entitled. It's come in
12 for a general plan amendment, a rezone,
13 and either a (indiscernible) residential,
14 or a site plan for commercial or
15 multifamily.
16 So because it's just a much smaller
17 piece, and it's not unlike everything
18 else that was done out here, we feel like
19 those applications can stand on their
20 own, and that's what's being considered.
21 As of right now, I guess it could pull
22 back the lever --
23 FEMALE SPEAKER: So --
24 MR. PERRIGO: -- but as of right
25 now, this is -- that project is what's

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1 being considered.
2 FEMALE SPEAKER: So what you're
3 saying is that project, as it is,
4 conforms to all of the parameters of the
5 master plan as it's in place today.
6 That's what you're saying?
7 MR. PERRIGO: No, I'm not saying
8 that at all, because they're coming in
9 for this project with a general plan
10 amendment, a request to change the
11 general plan, a request to change the
12 zoning, and a request to approve a site
13 plan that lays out what that project
14 would look like.
15 FEMALE SPEAKER: So there's still
16 not a major modification to the plan,
17 that's what you're saying. That's not
18 what their requesting with respect to
19 that parcel.
20 MR. JERBIC: Correct.
21 MR. PERRIGO: So there's the city
22 general plan, the master plan, covers the
23 whole city, and that has --
24 FEMALE SPEAKER: I'm thinking of
25 that Peccole Ranch matter.

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1 MR. PERRIGO: Correct. Right.
2 Okay. So to separate the two, right, the
3 Peccole Ranch plan is not being modified
4 for this project.
5 MALE SPEAKER: In six times the
6 seven units (indiscernible), so by just
7 getting zoning for twenty-four units an
8 acre --
9 MR. PERRIGO: Um-hum.
10 MALE SPEAKER: -- it's just a zone
11 change. So that in itself allows that
12 (indiscernible)?
13 MR. JERBIC: Maybe I need to get a
14 (indiscernible) a little bit, because
15 this isn't by accident.
16 The Peccole Ranch Phase II plan was
17 a very, very, very general plan. I have
18 read every bit of it.
19 If you look at that original plan
20 and look what's out here today, it's
21 different. It's different because it
22 said in very general terms here's what
23 your density will be for your high-
24 density, and here's what your total unit
25 count will be, and here's what your

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1 density will be maximum for your -- or
2 your single family, and here's what your
3 total unit cap will be, and it said golf
4 course -- (indiscernible) golf course
5 (indiscernible) was in the original plan.
6 So they did not look at this plan back
7 then as a development agreement would be
8 looked at today under (indiscernible)
9 statutes.
10 We looked at it under our local
11 zoning law -- this preceded me, whoever
12 made those decisions this is the way they
13 did master planning back then.
14 They did a very general plan, and
15 then they came up with zoning and
16 somebody say you know something, Tudor
17 Park; we're going to put that over here
18 because we think that that fits well over
19 here; and over here, we're going to put
20 some low-density because we thing custom
21 estates look pretty good over there; and
22 down here, we're going to hire -- we're
23 going to do a deal with a developer and
24 have him do these homes. That's all --
25 they did it piecemeal. They came in

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1 zoning chart by zoning chart by zoning
2 chart. That's how these towers were
3 built.
4 They came in after this. The master
5 plan didn't anticipate these towers.
6 It's all been done by zoning from day
7 one. There's nothing weird about this if
8 you go back in time to 1990. So let's
9 fast-forward.
10 MALE SPEAKER: Just briefly.
11 MR. JERBIC: I'll finish.
12 There are -- there are over 800
13 units of undeveloped by family in that
14 original Peccole Ranch Phase II master
15 plan. He is under that unit count with
16 720 units. That doesn't suggest a major
17 modification at all. He is allowed 25.49
18 units per acre under that Peccole Ranch
19 Phase II master plan; he's between 40 and
20 50. So he's higher-density, but lower
21 number, and staff decided -- and I agree
22 with them -- that doesn't suggest a major
23 modification to the plan.
24 If the whole -- the rest of it does
25 if you add this altogether and you go

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1 from -- instead of 720 units to 2,400
2 units you blow past the unit counts, you
3 blow past the density, and that requires a
4 major mod and that was the decision made,
5 very simple.
6 MALE SPEAKER: We can't --
7 MR. PERRIGO: That's how it
8 happened.
9 MALE SPEAKER: -- (indiscernible) to
10 only do ten units an acre. And at ten
11 units an acre, you guys worked on an
12 agreement for this project and it was
13 one-third the size of that, and a-quarter
14 of the density. Do you recall when you
15 guys did the agreement for this
16 particular project? You said, you know,
17 because of density (indiscernible) we
18 only got 200 units here, and 10 units
19 there. That's 40 units an acre, and 700
20 units, and there's no -- there's no
21 special agreement being made for that.
22 I understand when you were doing it
23 for the other because it was big job, and
24 it was a big deal, this is still -- this
25 is three times the size of this lot, and

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1 you guys (indiscernible).
2 I honestly believe the right thing
3 here is to be able to postpone this until
4 some of this (indiscernible). I don't
5 know what the big hurry is other than
6 they bought the land.
7 MALE SPEAKER: And I have just one
8 further question on the portion, the
9 seventeen acres. With a withdrawal of
10 the other application, the hearing on the
11 16th is just for, for all intents and
12 purposes, the density approval?
13 MR. JERBIC: Right.
14 MALE SPEAKER: Going --
15 MR. JERBIC: On the 16th, if the
16 council approves anything on the 16th,
17 the most they can approve -- the most
18 they can approve is a 720-unit
19 multifamily development as was described,
20 and that will be built to condo standards
21 that will be rented for the first 6
22 years, and they will not have to come
23 back to the council after that
24 (indiscernible), am I correct?
25 MALE SPEAKER: But as far as the

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1 development standards, they were just
2 talking the (indiscernible) part of this
3 meeting about the elevation; not the look
4 of it, but the height of the units.
5 Okay. If the development standards are
6 out, then what's to stop the developer
7 from building up buildings to six levels
8 instead of three levels?
9 MR. PERRIGO: The development
10 standards are very much in on that 17-
11 acre, 720-unit project. Those are all
12 very detailed in the site plan.
13 Again, if you go online and you look
14 at the agenda, it's the SDR, and if you
15 go into supporting documentation -- I
16 apologize, it's a little difficult to get
17 to -- but if you go to the supporting
18 documentation, it has very detailed
19 information on roads, access,
20 landscaping, elevation, architectural
21 standards, floor plans, height; it's all
22 there. And to change any of that, it
23 would have to go back to planning
24 commission, city council.
25 MALE SPEAKER: So the development

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<p>1 standards that they've come to meetings</p> <p>2 with showing the elevations and height</p> <p>3 and (indiscernible) elevation on the</p> <p>4 outside of the units, will remain in</p> <p>5 place with the seventeen acres?</p> <p>6 MR. PERRIGO: They are absolutely</p> <p>7 part of that application, just like every</p> <p>8 single multifamily, or every single</p> <p>9 commercial project we do. It's laid out</p> <p>10 in code. It's spelled out very clearly</p> <p>11 what has to be included in that site</p> <p>12 plan, and they have met all those</p> <p>13 requirements as to what's included. And</p> <p>14 depending on what council does, if it is</p> <p>15 approved, if they wanted to change it,</p> <p>16 again, there are certain provisions that</p> <p>17 allow minor changes if you have to move</p> <p>18 the road a foot or move the tree a little</p> <p>19 bit or things like that, but any change</p> <p>20 in height or any of that stuff would have</p> <p>21 to go back to council.</p> <p>22 FEMALE SPEAKER: Is that --</p> <p>23 MALE SPEAKER: Question quickly, 4-3</p> <p>24 vote passed in the planning commission</p> <p>25 for this, right?</p> <p style="text-align: right;">Page 66</p>	<p>1 favor.</p> <p>2 MALE SPEAKER: Thank you.</p> <p>3 MALE SPEAKER: What's his name?</p> <p>4 MR. PERRIGO: Commissioner</p> <p>5 Trowbridge, Glen Trowbridge.</p> <p>6 FEMALE SPEAKER: When you said that</p> <p>7 the rest of their application was</p> <p>8 withdrawn, there was a part of the</p> <p>9 application that asked for some property</p> <p>10 to be released from the master plan, is</p> <p>11 that still going to occur? And is that</p> <p>12 the property of the -- you know where</p> <p>13 that Halloween city is, is that still</p> <p>14 happening to be released.</p> <p>15 MR. PERRIGO: That was part of the</p> <p>16 major mas, that's no longer part of any</p> <p>17 of this. If his council -- well, they</p> <p>18 requested withdraw. Yeah, that's been</p> <p>19 withdrawn.</p> <p>20 FEMALE SPEAKER: So that's still a</p> <p>21 part of the master plan, that parcel.</p> <p>22 MALE SPEAKER: Yes.</p> <p>23 And you were saying -- sorry, to</p> <p>24 talk too much.</p> <p>25 But you were saying that the</p> <p style="text-align: right;">Page 68</p>
<p>1 MR. PERRIGO: I believe it was a 5-2</p> <p>2 vote.</p> <p>3 MALE SPEAKER: Or 5-2. How did our</p> <p>4 councilman and his designated planning</p> <p>5 commission vote? Were they opening</p> <p>6 nonsecret ballots, were they made public?</p> <p>7 MR. PERRIGO: Oh, absolutely. It's</p> <p>8 a part of the pub -- it's in a public</p> <p>9 hearing. It's on -- you can even go now</p> <p>10 and watch the hearing if you like. I</p> <p>11 believe the five in favor -- I should be</p> <p>12 careful because I don't know if remem --</p> <p>13 yeah, I do remember. I think it was</p> <p>14 Commissioner Crear and Commissioner Quinn</p> <p>15 who voted against on this particular</p> <p>16 project, only the seventeen acres. And</p> <p>17 it was Commissioners Trowbridge,</p> <p>18 Schlottman, Moody, Flangas -- who am I</p> <p>19 missing?</p> <p>20 MALE SPEAKER: The seats are not</p> <p>21 territorial, so we don't -- originally</p> <p>22 you said a representative for this</p> <p>23 district likes the planning commission</p> <p>24 person. How did Doug's persons vote?</p> <p>25 MR. PERRIGO: That person voted in</p> <p style="text-align: right;">Page 67</p>	<p>1 seventeen acres in terms of -- since it's</p> <p>2 a stand-alone project, let's assume the</p> <p>3 developer does nothing else ever on this</p> <p>4 property with the seventeen acres. As it</p> <p>5 stands right now you're saying there's a</p> <p>6 right-in, right-out only for the</p> <p>7 property.</p> <p>8 MR. PERRIGO: That's correct.</p> <p>9 MALE SPEAKER: So, in other words,</p> <p>10 people going out of the property are</p> <p>11 forced to, if they want to go to</p> <p>12 Summerlin Parkway, they've got to go down</p> <p>13 to Charleston and make the u-turn?</p> <p>14 MR. PERRIGO: I don't believe they</p> <p>15 have to go as far as Charleston, but,</p> <p>16 yes, they would have to make a u-turn to</p> <p>17 get --</p> <p>18 MALE SPEAKER: So they have to use</p> <p>19 the existing rights-of-way to make those</p> <p>20 u-turns. Same thing if people want to</p> <p>21 enter the property, they have to -- if</p> <p>22 they're coming from the south, and they</p> <p>23 want to enter the property, they have to</p> <p>24 go down to Alta and make a u-turn there,</p> <p>25 correct?</p> <p style="text-align: right;">Page 69</p>

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<p>1 MR. PERRIGO: That's correct.</p> <p>2 MALE SPEAKER: And that's for 720</p> <p>3 units, and probably 1,500 people, and</p> <p>4 maybe 1,000 cars.</p> <p>5 Now, how can that ever be justified?</p> <p>6 I mean, it's going to be a total</p> <p>7 nightmare with these people making u-</p> <p>8 turns, unless they want to go all the way</p> <p>9 around. You know Charleston to Hualapai,</p> <p>10 down Alta and around. I can't see people</p> <p>11 doing that, so how can that be pragmatic?</p> <p>12 MR. PERRIGO: And, I apologize, I</p> <p>13 just simply can't answer that, because I</p> <p>14 don't know the numbers that came out of</p> <p>15 the traffic study that the traffic</p> <p>16 engineer evaluated to see how many</p> <p>17 people -- again, what is a trip</p> <p>18 generation on that project, when do they</p> <p>19 come and go? All of that is in the</p> <p>20 model, and I don't know this, I</p> <p>21 apologize.</p> <p>22 MALE SPEAKER: At the city council</p> <p>23 meeting on the 16th, will they be</p> <p>24 approving the zoning change to R-4 at</p> <p>25 that time, that's part of what we're</p> <p style="text-align: right;">Page 70</p>	<p>1 down in your office, and I was told it's</p> <p>2 unlimited height and unlimited density.</p> <p>3 You know the planner that I talked to.</p> <p>4 MR. PERRIGO: On R-4.</p> <p>5 MALE SPEAKER: On R-4.</p> <p>6 MR. PERRIGO: The accompanying</p> <p>7 general plan amendment that establishes</p> <p>8 the land use has restrictions.</p> <p>9 MALE SPEAKER: Okay, good point. So</p> <p>10 if the developer comes back and says</p> <p>11 well, (indiscernible), I don't want to do</p> <p>12 the 720, I got my R-4 in my pocket now.</p> <p>13 A year later comes back and says I'm</p> <p>14 going to go through the process again,</p> <p>15 and you got to work with me, because I've</p> <p>16 got an R-4 zoning here. Aren't you just</p> <p>17 setting yourself up for the next loss?</p> <p>18 MR. JERBIC: Here's why I would</p> <p>19 disagree. As I told you before, two</p> <p>20 things require a major log for this whole</p> <p>21 thing. Exceeding the density and way</p> <p>22 exceeding the unit count.</p> <p>23 If he comes in with more than 720,</p> <p>24 because he's already eaten up almost all</p> <p>25 the unit count, it would be coming to us</p> <p style="text-align: right;">Page 72</p>
<p>1 looking at today for the seventeen acres?</p> <p>2 MR. PERRIGO: That's a question I</p> <p>3 would never even being to try to predict</p> <p>4 what the council will do when they vote.</p> <p>5 MALE SPEAKER: But that's what</p> <p>6 they're voting on?</p> <p>7 MR. PERRIGO: That's what they're</p> <p>8 voting on, that's exactly what they're --</p> <p>9 MALE SPEAKER: Why should that even</p> <p>10 be on the docket. I agree with Dave back</p> <p>11 here, how could you be getting the cart</p> <p>12 this far ahead of the horse, giving all</p> <p>13 these approvals, consider even changing</p> <p>14 the zoning to R-4, which is unlimited</p> <p>15 density, and unlimited height? That just</p> <p>16 opens a can of worms, because if it</p> <p>17 doesn't work now we have seventeen acres</p> <p>18 with R-4 directly in front of us.</p> <p>19 When -- I mean, it's beyond comprehension</p> <p>20 that that would even be up for</p> <p>21 consideration. For all the reasons that</p> <p>22 Dave's mentioned, I mean --</p> <p>23 MR. PERRIGO: The heights are</p> <p>24 limited by the accompanying general plan.</p> <p>25 MALE SPEAKER: Not -- I called today</p> <p style="text-align: right;">Page 71</p>	<p>1 piecemeal and saying boy, I'm going to</p> <p>2 get that density and later on I'm going</p> <p>3 to get those units. That's not going to</p> <p>4 happen. He comes back in later on and</p> <p>5 says I want those units; he's going to</p> <p>6 require a major model on top of that.</p> <p>7 MALE SPEAKER: Well, but let's say</p> <p>8 he says, you know, I really don't want to</p> <p>9 be in this hole. Two stories are below</p> <p>10 grade, I want to elevate the building so</p> <p>11 I have better views of the strip, enhance</p> <p>12 my value of my property, with that R-4 he</p> <p>13 can go up, he can go vertical.</p> <p>14 MR. PERRIGO: I disagree.</p> <p>15 MALE SPEAKER: He could block all</p> <p>16 the --</p> <p>17 MR. JERBIC: I don't think he a</p> <p>18 right to it, because --</p> <p>19 MALE SPEAKER: Well, that's what</p> <p>20 the -- what I was told from your office</p> <p>21 said.</p> <p>22 MR. JERBIC: Not my office.</p> <p>23 MALE SPEAKER: Well, okay, the</p> <p>24 planning -- okay.</p> <p>25 MR. JERBIC: I will tell you this,</p> <p style="text-align: right;">Page 73</p>

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1 these applications are interlinked. And
2 one (indiscernible). So if you get
3 approval for zoning you also look at the
4 general plan amendment, you also look to
5 the site plan development, they're all
6 interlinked.

7 So to answer the big question, can
8 anybody come in anytime and change
9 anything? Sure. The question is does he
10 have an automatic leg up to get anything
11 anytime he wants because he's got the R-
12 4, and that's opened the barn door here,
13 and the cow's out. That I disagree with,
14 I think we have complete control over
15 that. And I think legally if he wanted
16 to sue us and say oh, boy, you know I
17 wanted to go up just to the podium of
18 Queensridge 1, but now I want to go up
19 half the way and block the views and
20 everything, I think the city says no to
21 that, I think we're in fine legal
22 position. I don't think he has a right
23 to do that.

24 MALE SPEAKER: You just set yourself
25 up for the next lawsuit, I think.

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1 MR. JERBIC: I respect your
2 position.

3 MALE SPEAKER: I have a question.
4 When you were talking earlier you
5 mentioned that there were three stories
6 per section, and part -- I thought I
7 heard you say the parking was above the
8 three stories?

9 MR. JERBIC: No, I said that
10 briefly, but let me let Tom jump in here.
11 There is above-ground parking in this
12 wrap, but I'll let Tom give you the
13 detail.

14 MR. PERRIGO: Yes, this particular
15 project is a wrap. So what that means is
16 as you can see from this illustration is
17 that the parking is in the middle of the
18 project, and the building surrounds the
19 parking, so it hides it from any view.
20 So, basically, what you get is along the
21 sidewalks and along the street there, you
22 get landscaping and then building. So
23 it's -- there's not like there's a sea of
24 parking like some of the apartment
25 complexes you see out here. The parking

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1 is contained inside of the building.

2 MALE SPEAKER: It's not any higher
3 than the units themselves?

4 MR. PERRIGO: No, no, the parking is
5 not going to rise any higher than the
6 units, they couldn't do that; they're
7 restricted by the site plan.

8 MALE SPEAKER: One last part of
9 that. You know when things go for sale
10 here, there's a minimum price that people
11 can get for what size unit they want.
12 And so you're kind of held into that,
13 that helps protect the property values
14 here.

15 But when you're looking at
16 apartments and condos, whatever you want
17 to call them to start out with, and with
18 the same kind of people and ambition,
19 it's somebody that wants to go out and
20 tear up a golf course, where million-
21 dollar homes, and tens of millions of
22 dollars of homes are in (indiscernible),
23 just do it.

24 I mean the thing that worries me is
25 that if you -- to Terry's point, that if

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1 somebody decides that they're going to
2 have to build another 720 just to make up
3 for the fact they can't go any higher,
4 pretty soon the values of these aren't
5 going to be rented out, I mean you can go
6 down the Section 8 stuff for these, I
7 mean there's no limit to how different,
8 and a variety of people, will be moving
9 in and out of these places. Has anybody
10 thought about that.

11 MALE SPEAKER: Believe me that is
12 thoughts of discussion.

13 MR. JERBIC: It came as a great
14 shock to me when I went to work for the
15 city twenty-four years ago, that you
16 can't take into consideration certain
17 things when it comes to housing. I used
18 to remember -- I grew up in this town, I
19 went to kindergartens and high school
20 here, and I've seen great neighborhoods
21 completely change because of things that
22 were built next door that were
23 incompatible, we all have. And I thought
24 to myself, why don't they deny that,
25 you're living, and that person who by

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1 nature of their income and lifestyle when
2 they were destined to bring down this
3 neighborhood, they wanted to change the
4 (indiscernible) car on the street, and
5 they're going to do this, that and the
6 other thing. I get it. The fact is
7 federal law absolutely prohibits
8 (indiscernible) or any planner to take it
9 into consideration a person's income or
10 ethnic background or anything else,
11 that's just the law.
12 So what you do instead is this. You
13 don't ignore the fact that this is not in
14 front of anything. This is in front of
15 Queensridge 1, we know that. This is in
16 front of probably one of the highest
17 quality developments in Las Vegas. So
18 what the planning department does, is
19 they don't look at apartment versus condo
20 versus whatever, they look at design
21 standards, they look at compatibility,
22 they look at quality of construction,
23 they look at the kinds of things that
24 make the development harmonious and
25 compatible what's surrounding it. And

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1 that's as far as they could legally go.
2 For them to say you know you're going to
3 bring in somebody making -- paying 1,500
4 dollars a month for an apartment, or
5 1,200 bucks a month for an apartment, and
6 guess what that's going to bring.
7 They're going to be out in our
8 neighborhoods, you know robbing our
9 houses, breaking into our cars. By the
10 way, somebody stole a purse and threw it
11 in my backyard fence, so I know what's
12 going on with the crime out here.
13 But the fact of the matter is we're
14 not allowed to look at those things, they
15 look at things from a purely planning
16 point of view. Does it make sense from
17 all the impacts, and those of you who
18 argued against the traffic, that's a
19 perfectly fair argument, it's one you
20 should take if you feel compelled to the
21 council meeting and talk about it. It's
22 one you should get the answer from the
23 traffic engineer from. It's one that --
24 you know, I'm not trying to play hide the
25 ball here with you. What I'm trying to

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1 say is we are selling this thing as I
2 said. What I am saying is that we went
3 through all the hoops, the developer has
4 gone through all the hoops that he has
5 been asked to go through. And now it's
6 at a stage where it's time for your
7 elected officials to vote for it. And
8 that's what's --
9 FEMALE SPEAKER: Point of clarity,
10 before we get off the parking. That is
11 not a wrap-around rendering that is two
12 parking lots.
13 MR. JERBIC: It doesn't show --
14 this -- you're talking about these?
15 FEMALE SPEAKER: Yes.
16 MR. JERBIC: This is a building, and
17 this is a building.
18 MALE SPEAKER: What's on the roof?
19 MR. JERBIC: want to know what's on
20 the roof, Tom, probably more cars. I
21 have no idea. I'm not trying to be
22 flippant, I just --
23 MALE SPEAKER: I guess the final
24 question -- and I would thank you both
25 for taking the time to be here, it's well

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1 appreciated.
2 MR. JERBIC: Well, thank you for
3 having us here, thank everyone for --
4 MALE SPEAKER: I just wanted to
5 follow up on a point you said before.
6 The development plan and the zoning
7 change to be interlinked. And
8 interlinked does not mean joined at the
9 hip. So when the city council votes, do
10 they vote it as a package, they will
11 approve the zoning with this specific
12 development plan? So it's one vote, they
13 can't vote separately.
14 MR. JERBIC: They'll vote on the
15 zoning, and they'll vote on the site
16 plan, and they'll vote on --
17 MR. PERRIGO: So let me be perfectly
18 clear, and I need to address that
19 question as well. As I said earlier, any
20 property owner can petition the
21 government to change the land use and
22 zoning on their property. Typically what
23 the council likes to see, and planning
24 commission, is some indication of what
25 you intend to do with that property.

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1 It's not required, but it makes it a lot
2 easier for them to understand how will
3 the zoning affect the existing
4 development in the area.
5 So in this case, you're right, they
6 could come in and ask just for the
7 rezone, and council could vote on that.
8 They could ask just for the general plan
9 amendment, council could act on that.
10 Now, we would -- the department would
11 probably not, we wouldn't recommend
12 approval on a zoning without the general
13 plan amendment, because we like the two
14 to be consistent. But they don't have to
15 bring in the site plan in this case.
16 They do have the site plan, and if it's
17 approved as a package that site plan,
18 again, sets all those standards and
19 requirements.
20 Council is typically -- and, again,
21 I don't want to predict what they will or
22 won't do, but they are typically
23 reluctant to approve a change in zoning
24 without either a tentative map, that
25 shows a lot configuration, or a site plan

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1 that shows how the building will lay out,
2 how the landscaping is going to be, and
3 all that other stuff, what the building's
4 going to look like. So, you're right,
5 they don't have to approve them together,
6 but in this case, they are all a package
7 together, and once approved that site
8 plan rules. And if they want to change
9 it, they have to come back to planning
10 commission city council.
11 And one other quick correction. I
12 think I said the land use restricts in R-
13 4 zoning district, the height is
14 restricted to fifty-five feet. The land
15 use allows greater than twenty-five units
16 for whatever height. But the height in
17 the zoning restricts how many units you
18 can do.
19 FEMALE SPEAKER: So what you're
20 saying then is that they could do -- I
21 mean right now they're saying 740, but
22 they could do -- well, we need to
23 reconfigure because we can't rent three-
24 bedroom units, so we want to do 150 more
25 studio apartments.

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1 MR. PERRIGO: Currently, what this
2 site --
3 FEMALE SPEAKER: I mean I saw the
4 change in your original development
5 agreement from one plan to the next on
6 their -- you know, when they were looking
7 for amendments, so they've already gone
8 through that process.
9 MR. PERRIGO: This particular site
10 plan calls for forty-five studios, 400
11 hundred one-bedroom, 240 two-bedroom, and
12 thirty-two three-bedroom. So it's hard
13 to imagine taking some of those other
14 units and making them even smaller.
15 But, anyway, again, any of those
16 kind of changes it goes back to the
17 public hearing process.
18 Now, as far as --
19 MALE SPEAKER: You mentioned the
20 federal law, any affordable -- coming
21 from California without one-third of
22 these units being affordable housing, it
23 wouldn't even have gone to first base.
24 But here in Nevada, does that make any
25 difference? I'm not trying to be elitist

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1 either, I'm just saying --
2 MR. PERRIGO: No, it's an excellent
3 question.
4 MALE SPEAKER: What if somebody sits
5 down and says okay, well, you guys you're
6 approved, 750 a third -- they got to be
7 affordable housing. Any issues here in
8 this area, I just don't?
9 MR. PERRIGO: No, that's a great
10 question. And what Brad was referring to
11 is the Federal Fair Housing Act.
12 In California it's very standard to
13 have some sort of an inclusionary zoning-
14 type ordinance, that when you come in and
15 request to develop anything anywhere, a
16 certain percentage of those have to be
17 affordable to people at some level of the
18 median income for that area, or quite a
19 bit less.
20 We don't have that type of zoning
21 here. It was considered prior to the
22 crash, because prices were getting so
23 expensive, it was pricing people out of
24 the market. Then the crash hit and
25 housing became pretty affordable for most

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<p>1 everybody. But, no, we do not have that</p> <p>2 type of zoning regulation in the city,</p> <p>3 and I don't think anywhere in -- well,</p> <p>4 Southern Nevada anyway.</p> <p>5 MALE SPEAKER: Thank you.</p> <p>6 FEMALE SPEAKER: So how much -- how</p> <p>7 much approval do they need to get -- on</p> <p>8 this particular parcel, with respect to</p> <p>9 FEMA and the floodplain releases and</p> <p>10 things like that there, because obviously</p> <p>11 that hasn't been obtained yet?</p> <p>12 MR. JERBIC: I can answer that</p> <p>13 because I've studied this map a lot,</p> <p>14 that's not in a FEMA floodplain. There</p> <p>15 are other portions over here that are in</p> <p>16 the FEMA floodplain. But they're --</p> <p>17 that's not to say there aren't</p> <p>18 enormous -- it's not to say there are</p> <p>19 enormous challenges for flood control.</p> <p>20 And, as you know, the water runs from</p> <p>21 Hualapai to Rampart and it gets down to</p> <p>22 this portion, which kind of falls into</p> <p>23 the bottom, and then goes through the</p> <p>24 pipe under the street. He will have to,</p> <p>25 to the satisfaction of all the people</p> <p style="text-align: right;">Page 86</p>	<p>1 to do those things until you go to</p> <p>2 council and you show them what you're</p> <p>3 going to do, and you have a detailed plan</p> <p>4 like they do with the site plan, and then</p> <p>5 council makes a decision. What they</p> <p>6 would need if they wanted to go higher</p> <p>7 than fifty-five feet, they would need a</p> <p>8 variance, they'd need all this other</p> <p>9 stuff, and they'd have to come before</p> <p>10 council requesting all these deviations</p> <p>11 from the zoning code in order to get</p> <p>12 that.</p> <p>13 Again, every time you request things</p> <p>14 like that it makes it more difficult</p> <p>15 for -- to get that stuff.</p> <p>16 So they absolutely would have to</p> <p>17 come back to council to make any of those</p> <p>18 kind of changes.</p> <p>19 FEMALE SPEAKER: I'm guessing you'll</p> <p>20 see another reverse eminent domain</p> <p>21 argument on their part again, if they</p> <p>22 should come back after figuring out that</p> <p>23 they can't do what they want to do, you</p> <p>24 know, that's --</p> <p>25 MR. PERRIGO: Well, I'll let Brad</p> <p style="text-align: right;">Page 88</p>
<p>1 that do flood control, meet those</p> <p>2 requirements of mitigating the flood</p> <p>3 problem. And so that's his</p> <p>4 responsibility.</p> <p>5 FEMALE SPEAKER: So what if he comes</p> <p>6 back after he looks at that a little bit</p> <p>7 more and says, geez, you know, I can't</p> <p>8 use this whole space for all of these</p> <p>9 units, and I have this high density</p> <p>10 zoning that I already have approved. And</p> <p>11 for me to benefit and get my economic</p> <p>12 interests, you know, in terms of</p> <p>13 developing this property, I have to build</p> <p>14 a high-rise.</p> <p>15 MR. PERRIGO: You know it's exactly</p> <p>16 like the R-PD7. And like Brad I thought</p> <p>17 presented very well, just because you</p> <p>18 have R-PD7, which allows up to 7.49 units</p> <p>19 per acre, doesn't mean you get to build</p> <p>20 7.49 units per acre, until you prove out</p> <p>21 that it fits with the adjacent</p> <p>22 development in the community.</p> <p>23 Same thing here. Just because you</p> <p>24 have zoning it allows you to do certain</p> <p>25 things, but it doesn't -- you don't get</p> <p style="text-align: right;">Page 87</p>	<p>1 speak --</p> <p>2 FEMALE SPEAKER: -- neither here or</p> <p>3 there.</p> <p>4 MR. PERRIGO: -- to that.</p> <p>5 MR. JERBIC: I have a foot line that</p> <p>6 I always use. For sixty bucks anybody</p> <p>7 can go down to the courthouse and file a</p> <p>8 lawsuit. It doesn't mean it's liable,</p> <p>9 doesn't mean it's threatening. With all</p> <p>10 due respect, people that are in the</p> <p>11 litigation with the city right now,</p> <p>12 the -- we just have different positions,</p> <p>13 I get it. But I am saying I don't fear</p> <p>14 that kind of a --</p> <p>15 MALE SPEAKER: Let's say the project</p> <p>16 720 was built, it's completed. Five</p> <p>17 years down the road, can they come back</p> <p>18 and say well, you know, remember that</p> <p>19 other stuff we were talking about, can we</p> <p>20 develop it now, would they be open to it?</p> <p>21 MR. JERBIC: Absolutely.</p> <p>22 MALE SPEAKER: So we're really</p> <p>23 kicking the can down the road.</p> <p>24 MR. JERBIC: Let me add a fine point</p> <p>25 on the answer to your question. Can he</p> <p style="text-align: right;">Page 89</p>

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1 come in a refile all the applications
2 he's withdrawing right now? Absolutely,
3 he's a property owner. If you own a
4 property, you can do it too. Anybody in
5 this room if you own a property can do
6 it. It doesn't mean he's going to get
7 it. It doesn't mean the council's going
8 to vote for it. But can he come back a
9 year from now, or six months from now, or
10 five years from now and request it? Of
11 course he can, this is America. If you
12 own property you have a right to ask to
13 do those things.
14 MALE SPEAKER: Have they ever taken
15 into consideration -- I understand that
16 they're going to put a rock-crushing
17 machine in there for thirty-five years,
18 and the dust would be enormous. I don't
19 know if ever seen a rock-crushing
20 machine, the dirt it makes. And then it
21 impacts the homeowners as well as the
22 high-rises. Don't they ever take any of
23 these things into consideration?
24 MR. JERBIC: First of all,
25 construction occurs next to existing

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1 construction everywhere in this town.
2 Whether you live in Queensridge, or you
3 live in Henderson, or you live in North
4 Las Vegas. There's always something
5 there first as somebody comes in, so
6 that's a given, okay.
7 MALE SPEAKER: Thirty-five years,
8 though.
9 MR. JERBIC: Second -- well, no,
10 it's not thirty years, it's not thirty
11 years. First of all, we're not talking
12 about a development agreement anymore.
13 He's withdrawn that, okay. So we're not
14 talking about thirty-year development
15 agreement, that's number one.
16 Number two, even if it were in
17 place, there's a schedule in the
18 development agreement for how long he can
19 be in any one area developing.
20 FEMALE SPEAKER: It wasn't in this
21 development agreement.
22 MR. JERBIC: Well on these portions
23 out here, this was divided up from
24 Section A through G, and he had to get in
25 in six months to nine months, in and out,

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1 on any one section he developed, that was
2 in that development agreement.
3 FEMALE SPEAKER: I just read it this
4 afternoon, and I can see it. So if
5 showed me it's not applicable any longer
6 by itself, so it's moot.
7 MR. JERBIC: It's not applicable
8 anyway.
9 So let me go to this. This is not a
10 project where he gets thirty-five years
11 to build up (indiscernible). He has an
12 entitlement for a limited period of time,
13 I can't tell you the time limit. But he
14 wants to use no imported soil, and he
15 doesn't want to export any soil. He
16 wants to use existing soil to create the
17 elevations he needs for the project. And
18 he's studied and believes he can.
19 So is there going to be machines out
20 there that do that, yes. Are they going
21 to blast, no. Absolutely no blasting.
22 MALE SPEAKER: Excuse me, sir, you
23 just said there's no development
24 agreement, so how can you see he cannot
25 do this. In the development agreement

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1 yes, he was restricted, but there is no
2 development agreement. So how can you
3 guarantee that there will be no
4 (indiscernible) soil.
5 MR. JERBIC: I think my main
6 point --
7 MALE SPEAKER: You don't mind that
8 I --
9 MR. JERBIC: I understand. I
10 understand.
11 Let me say a couple of things,
12 because I've been asked to wrap, still
13 have more questions.
14 I'm going to do a couple of things,
15 because I know you're going to go home
16 tonight and you're going to go I wish I
17 would have asked this question, or
18 tomorrow morning, or the next day. I'm
19 going to give you -- your president, my
20 cell phone number, I'll give it to you
21 right now. It's 702-807-3917. I'll
22 leave that with your president before I
23 leave, you can call me anytime. That's
24 number one.
25 Number two, I urge you to read the

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<p>1 backup documentation that's been posted 2 on the city's website. If there are any 3 open questions at the end of that, you 4 have every right to come say you missed 5 something, here look at this. And I will 6 see it, we'll be glad to answer your 7 question. 8 Third, and here's the big one, and 9 it's one of the last items on your agenda 10 for tonight. It said legal rights and 11 (indiscernible), and they wanted me to do 12 address it. 13 I told your presidents of one -- a 14 couple of rules that I have to live by. 15 What I signed on to become the city 16 attorney one of my limitations is I can 17 only represent the City of Las Vegas. 18 I'm not allowed to have private clients, 19 I'm not allowed to give private advice, I 20 can't even do a will for my mother, 21 that's just one of the rules I live by. 22 But one of the things I do get to 23 ask are what do your -- what can you do 24 if you don't like something. I think 25 it's a pretty generic question. So don't</p> <p style="text-align: right;">Page 94</p>	<p>1 conducted publicly, and we invite the 2 public to come all the time, and there is 3 an opportunity for people to participate 4 in public meetings. 5 What we typically ask is if you have 6 an HOA and you have a spokesman that 7 represents all of you, we would give you 8 more time to speak on behalf of group. 9 But that doesn't mean the group can't get 10 up too and take one or two minutes and 11 add to the record. But the council 12 absolutely respects opposition. And I 13 have seen councils change their mind 14 based on opposition. I've seen councils 15 postpone votes based on opposition. And 16 I've seen councils disappoint people 17 terribly sometimes, because they listen 18 to the opposition and they support the 19 project anyway. It's the way our 20 democracy work, we have a representative 21 democracy. I don't need to let you in on 22 this, you know this. 23 But all I'm saying is the 16th is a 24 critical date, it will be the final vote 25 on this from where we stand right now,</p> <p style="text-align: right;">Page 96</p>
<p>1 take it as legal advice, just take it as 2 my experience. 3 I have seen people come in and look 4 at projects and want to give input as to 5 changes that they see. I have seen 6 people come in and absolutely oppose 7 them, they don't want any changes at all, 8 none would ever be accepted. People that 9 fall into the opposition categories, do 10 things like petitions sometimes. I've 11 only got two that have been signed by 12 homeowners that live in Queensridge 13 South, and they're going to file with the 14 planning commission and council. You 15 always -- somebody asked was this behind 16 closed doors, or where do these meetings 17 occur? We have an open meeting hall here 18 in Nevada. No meeting can occur in 19 private behind closed doors. It's a 20 crime, you can be removed from public -- 21 that's just mandatory removal from public 22 office if you participate in a closed 23 door hearing. And it's also a 24 misdemeanor so you find that you can do 25 jail time. So all of our meetings are</p> <p style="text-align: right;">Page 95</p>	<p>1 right now with the request for 2 withdrawal. It will only be the 720, and 3 nothing more than the 720. And, again, 4 you may have a lot of questions about 5 that, that's why I gave you my phone 6 number and you can get a hold of Tom or I 7 anytime. 8 MR. PERRIGO: And just real quick on 9 this particular site plan, the 10 conditional approval gives it a two-year 11 time limit. So if it's not exercised in 12 two years by pulling building permits or 13 whatever, the site plan goes away. And 14 they would have to come back and refile 15 if they wanted to do something different, 16 or the same thing, or whatever. 17 My phone number -- my cell number is 18 702-302-1607. My office number is 702- 19 229-2127. I get a lot of calls and 20 texts, I'm happy to receive any call at 21 any time, just give me time to get back 22 to you, or I'll have one of my new 23 planners on this particular project get 24 back to you, and they can answer all of 25 your questions.</p> <p style="text-align: right;">Page 97</p>

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1 MALE SPEAKER: I have a question
2 here. Can you tell me -- and continues
3 like this, does a developer have a right
4 now to access or the building of the
5 development, 720? Is there something
6 legal, or does he still need an easement
7 in order to access the building?

8 MR. JERBIC: He will have to
9 dedicate this -- he owns this property
10 right to (indiscernible). He will have
11 to dedicate this portion as ingress and
12 egress as part of his final project. He
13 wouldn't get to build the project if he's
14 guarantee access to it, we don't allow
15 that.

16 MALE SPEAKER: And that's legal?

17 MR. JERBIC: Yes.

18 MALE SPEAKER: Okay. That's one
19 point.

20 The second question is is that one
21 of our residents had mentioned
22 (indiscernible) to a staff member that
23 was in charge of signing off on the
24 traffic site, and the individual couldn't
25 answer any questions on the traffic site.

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1 Who's responsible for that department?

2 MR. PERRIGO: For public works.

3 MALE SPEAKER: For public works.

4 MR. PERRIGO: Is a guy named Dave
5 Bowers and he answers to -- his former
6 boss is now like a super chief for the
7 city that has public works under him as
8 well, but either one of them. Dave is
9 the chief of the division.

10 MALE SPEAKER: I'm just curious,
11 what are your thoughts on the individuals
12 that one of our home owners spoke to,
13 couldn't answer the question about the
14 traffic study, had no knowledge or
15 anything to pass on. It's a bit
16 confusing.

17 MR. JERBIC: I have to say this, I
18 really don't have a good answer for you.
19 I can speculate, one, not everybody in
20 public works is familiar with this
21 traffic study. There's a person assigned
22 to this project, a couple of people, they
23 worked this project, they're familiar
24 with this traffic study. If you call
25 somebody else in public works who hasn't

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1 read it, they're not going to know the
2 answer. So that's one possible answer,
3 I don't know. I really don't know. Who
4 are the public works --

5 MALE SPEAKER: Matt said that he had
6 to the individual who was in that
7 (indiscernible). He left. He said he
8 had spoken to the individual that signed
9 off on the traffic study. But then
10 didn't have any information. I'm just
11 curious.

12 And then third thing, this is my --
13 this is my last question. I'm very
14 confused by this also. One of the things
15 that you say is that the 720 units is
16 conforming, it's conforming to what, a
17 circus on Las Vegas Boulevard, a project
18 in Phoenix, it's not conforming to
19 anything that we have here. It's
20 approximately three to four times the
21 density. This is very confusing how
22 that's conforming. It's apartments. Are
23 there apartments anywhere near in Peccole
24 Ranch.

25 MR. PERRIGO: Excellent question.

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1 So when the planners look at this -- and,
2 by the way, the process in planning is
3 when these projects come in it's assigned
4 a senior planner is assigned a case, and
5 they go through a process with -- there
6 are six people on the zoning team. And
7 they go through a process where they all
8 evaluate the projects, they review the
9 recommendations, they talk it out, and
10 then it moves forward from there.

11 So what they look at are things like
12 adjacent to two 200-foot right of ways.
13 Adjacent to intense commercial -- tourist
14 commercial up which allows a lot more
15 density and intensity of use than multi-
16 family -- and existing multi-family
17 towers, obviously why we're here right
18 now. So that's -- when they say it's
19 conforming it's not really conforming,
20 because it's more than -- it's
21 compatible. It fits with the existing
22 conditions. If this were two-units to
23 the acre or residential, and this were a
24 lower density residential, you'd never
25 see a recommendation for approval coming

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<p>1 out of the planning department. It's</p> <p>2 just that adjacent to two major streets</p> <p>3 intense commercial, tourist commercial,</p> <p>4 the recommendation of the planners is</p> <p>5 that this does fit in this spot.</p> <p>6 MALE SPEAKER: And the planning</p> <p>7 commission, the statement that was made</p> <p>8 was two issues.</p> <p>9 One is is that it should be</p> <p>10 confirming. Didn't say compatible, they</p> <p>11 said conforming. You just said it wasn't</p> <p>12 conforming, that it was compatible,</p> <p>13 there's a difference. I'm confused.</p> <p>14 MR. PERRIGO: Sorry, let me clarify.</p> <p>15 Conforming to the general plan. That is</p> <p>16 a condition of the rezone that it would</p> <p>17 have to conform to the general plan which</p> <p>18 is part of the application. So the</p> <p>19 general plan amendment is first on the</p> <p>20 agenda, if that's approved then this</p> <p>21 would be conforming to the general plan.</p> <p>22 MALE SPEAKER: Thank you.</p> <p>23 My last question has to do with two</p> <p>24 conditions that exist.</p> <p>25 One condition is that it should be</p> <p style="text-align: right;">Page 102</p>	<p>1 we have adequate apparatus and facilities</p> <p>2 nearby to serve this development. And</p> <p>3 they said yes. So it's about that, you</p> <p>4 know, emergency management, emergency</p> <p>5 safety stuff.</p> <p>6 When public works looks at it they</p> <p>7 say can they safely convey the water, can</p> <p>8 they safely develop the sewer, can they</p> <p>9 safely get traffic in and out of the</p> <p>10 place. So they look at things like that.</p> <p>11 So it's a little bit narrow. One</p> <p>12 thing we don't look at is the effect on</p> <p>13 surrounding property values. If you can</p> <p>14 imagine staff making recommendation based</p> <p>15 on what they think might happen in the</p> <p>16 future to surrounding property values,</p> <p>17 now we probably are open to all kinds of</p> <p>18 challenges, and I'll let Brad speak to</p> <p>19 that.</p> <p>20 So that's not typically something</p> <p>21 that staff looks out. Per Nevada Revised</p> <p>22 Statutes, and the zoning ordinance, those</p> <p>23 aren't things that are taken into</p> <p>24 consideration. Again, though, that's</p> <p>25 where the public hearing process comes</p> <p style="text-align: right;">Page 104</p>
<p>1 conforming, that I'm still a little bit</p> <p>2 hazy on, but I'll listen back on the tape</p> <p>3 reader.</p> <p>4 And the second thing is is that it</p> <p>5 shouldn't have -- cause any harm to</p> <p>6 existing surrounding properties.</p> <p>7 Well, we've already seen that the</p> <p>8 properties here at Queensridge are far</p> <p>9 below lesser condominium (indiscernible)</p> <p>10 in Las Vegas. Part of that can be</p> <p>11 rationale, it can be related directly to</p> <p>12 this project.</p> <p>13 And so -- I mean, both of those</p> <p>14 conditions we have, as home owners, a</p> <p>15 very difficult time understanding, how</p> <p>16 staff could sign off on this, because it</p> <p>17 doesn't seem to be compatible.</p> <p>18 And then, also, it seems to be</p> <p>19 hurting existing home owners because our</p> <p>20 values are reflective.</p> <p>21 MR. PERRIGO: When we consider</p> <p>22 things like health, welfare and so on,</p> <p>23 public safety, it's really fairly narrow</p> <p>24 for staff. Fire looks can we get in</p> <p>25 there and serve them in emergencies, do</p> <p style="text-align: right;">Page 103</p>	<p>1 in. Some of the things on the list here;</p> <p>2 property values, security, views, those</p> <p>3 aren't things that are part of the zoning</p> <p>4 code, and Nevada Revised Statute. That's</p> <p>5 what staff bases its recommendation on,</p> <p>6 does it conform based on the existing</p> <p>7 code, the existing requirements for</p> <p>8 traffic and drainage and everything else.</p> <p>9 The things that you're talking about, a</p> <p>10 lot of the questions that you have, those</p> <p>11 are part of the public hearing process.</p> <p>12 That's when the neighbor input comes to</p> <p>13 planning commission city council, they</p> <p>14 take all that into consideration.</p> <p>15 And so ours is a very baseline</p> <p>16 technical review of the project, based on</p> <p>17 the codes and the ordinances, and the</p> <p>18 laws. It's really not about some of the</p> <p>19 questions that you have. That's not</p> <p>20 staff's role, that's the role of the</p> <p>21 planning commission city council.</p> <p>22 MALE SPEAKER: Looking at it in a</p> <p>23 slightly different way, can you think of</p> <p>24 any urban or suburban property of</p> <p>25 seventeen acres that has forty-one units</p> <p style="text-align: right;">Page 105</p>

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1 to the acre? Isn't this just total --
2 totally precedent-setting? Is there any
3 other property?
4 MR. PERRIGO: Off the top of my
5 head --
6 MALE SPEAKER: Sir, any other R-4
7 within four miles of here? And we're
8 proposing to zone this R-4 right in front
9 of us. And I don't think you have any
10 within four miles of here.
11 MR. PERRIGO: I don't believe there
12 are.
13 MALE SPEAKER: Yeah.
14 So I can't figure out why here in
15 basically a fully-developed community
16 that you're coming back and slamming in
17 the R-4 and the forty-one units for the
18 acre. It makes no sense when you look at
19 the Las Vegas community.
20 MR. PERRIGO: Again, it's a little
21 bit difficult. Our evaluation is fairly
22 narrow like I said. Does this project,
23 does the intensity of use -- again, and
24 there's not much more I can say, so I
25 apologize for repeating myself, but does

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1 this intensity of use make sense next to
2 two major arterials carrying a lot of
3 traffic, next to very intense commercial,
4 intense towards commercial, that's what
5 it's saying.
6 And so that's really what the
7 planners base their recommendation on in
8 decision-making.
9 The density, when you think about it
10 compared to lower density, the higher
11 density you get and the smaller the unit,
12 the less the impact for traffic and
13 schools and so on. They don't generate
14 nearly the amount of (indiscernible) or
15 students, as larger units, or as single-
16 family detached units.
17 So the question then for planners
18 is, does the intensity of use
19 (indiscernible) once around there? Do
20 the impacts, can they be mitigated based
21 on the existing infrastructure? And does
22 the design fit with what's there?
23 If it doesn't -- if the project
24 doesn't generate the kind of impacts
25 based on the number of units, or the

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1 density, that stresses the
2 infrastructure, and its design fits with
3 what's in the area, then those are some
4 of the tests and the kind of the thought
5 process that the planners go through when
6 they look at these kind of projects.
7 MALE SPEAKER: Yeah. And my logic
8 goes back, is this the only spot then in
9 suburban Las Vegas that fits that type
10 criteria that you're talking about?
11 Where was he the forty-one units the acre
12 and it has not occurred anyplace else in
13 Las Vegas? How did we be -- why are we
14 so fortunate to have that little bubble
15 right in front of us?
16 MR. PERRIGO: Right. Well, there
17 could be other areas where it would make
18 sense, I don't know, we haven't done the
19 study to look at that. We haven't had
20 any -- anybody propose that. But I can
21 tell you if this were designed like a
22 standard apartment complex, and think
23 about how they get to density by going to
24 fifty-five feet and putting the parking
25 in the center of the building, so that

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1 the street view creates a nice walkable
2 sort of area, with nice architecture and
3 so on. If this were like a standard
4 suburban apartment complex at this
5 density surrounded by parking, that would
6 be very impactful, and that would not
7 gain a recommendation or approval from
8 the planners.
9 MALE SPEAKER: It's still forty-one
10 units an acre, and a lot of traffic with
11 no access in or out without a right, and
12 a right turn?
13 MR. PERRIGO: Well, again, the
14 traffic engineers think it works based on
15 the trips that are being generated. It
16 generates probably roughly the same
17 number of trips -- I don't know, I don't
18 want to speculate because I don't know
19 those numbers.
20 MALE SPEAKER: I was at the planning
21 commission meeting. At the planning
22 commission meeting, someone, a
23 representative for the Clark County
24 School District, spoke. And that
25 representative said that they had not had

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<p>1 recent contact with the developer of any 2 kind in relationship to this development. 3 It was also stated that this development 4 would create approximately 350 additional 5 students to go into a school that is 6 already over capacity by 146 or 160 7 percent. 8 My question to you is it normal 9 protocol for staff to sign off on a 10 project, where the school district and 11 the cooperation between the developer and 12 the school district and an agreement 13 that's in place prior to that taking 14 place, and just letting it go through as 15 such? 16 MR. PERRIGO: Excellent question. 17 So with every project like this we reach 18 out to the school district and we request 19 the applicant to meet with the school 20 district. 21 For example, one of the recent ones 22 we did Skye Canyon, they have an 23 agreement between the applicant and the 24 school district to make sure school 25 provided. Obviously, the city isn't the</p> <p style="text-align: right;">Page 110</p>	<p>1 But what we looked at based on the 2 generation of 350 students, the original 3 concept plan said there would be 2,900 4 students coming out of this area, Peccole 5 1 and 2. So there was a school plan for 6 that. The school district gave back one 7 of those schools because they said they 8 didn't need it. So we thought okay, 9 well, they've managed that okay, so they 10 must be fine. We looked at how many 11 students -- if their student yield 12 numbers are accurate, how many students 13 would be generated given the current 14 development. The answer was 2,200, and 15 originally called for 2,900. 16 Then we looked at the census data 17 2014, American Community Survey, and it 18 shows there are 1,700 school age children 19 in Peccole 1 and 2 combined, well below 20 the 2,900. 21 So at that point we kind of look at 22 it and say what do we do if the school 23 district doesn't want to participate, and 24 looks like they're managing their 25 resources to accommodate these students,</p> <p style="text-align: right;">Page 112</p>
<p>1 school district, but we do make sure that 2 their needs are met. 3 Same thing with this one, we sent 4 them -- we said we are not going to move 5 this forward until you have an agreement 6 with the school district. They met with 7 the school district, or attempted to over 8 a few weeks, and finally they showed us a 9 letter from one of their attorneys, an 10 email, that said we are not going to talk 11 to you, and we are not going to give you 12 any input. 13 At that point, we can't tie 14 somebody -- a property owner's hands 15 because the school district refuses to 16 meet with them. And this came from other 17 attorneys. So what do we do. 18 So staff looks at it, and we try to 19 get a better understanding, even though 20 again we sort of stay out of that, 21 because the school district has all kinds 22 of ways of managing their resources, and 23 their student population, through zoning 24 and how they use their facilities and all 25 that stuff.</p> <p style="text-align: right;">Page 111</p>	<p>1 and so we move it forward. They came a 2 day before the hearing and said, you 3 know, we'd like to talk, and that's what 4 they put on the record. And the 5 applicant said we've love to talk to you, 6 and so they're working on it. 7 MALE SPEAKER: Could I rephrase the 8 question. 9 In recent history can you give us an 10 example of any development project where 11 it wasn't a requirement, where you did 12 not have an advance, the agreement, 13 between the developer and the school 14 district, of a project of this magnitude? 15 Any particular, any other project other 16 than this? 17 MR. PERRIGO: No, because -- 18 MALE SPEAKER: Did you say huh? 19 MR. PERRIGO: Well, let me explain 20 please. Because there are no -- projects 21 that we require that sort of cooperation, 22 and for them to meet with the school 23 district are usually easily five, six, 24 seven, eight times the size of this one. 25 This is relatively small for that, but</p> <p style="text-align: right;">Page 113</p>

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1 because it's in an existing area we want
2 to make sure that they talk to them.
3 Skye Canyon, which is a 1,700-acre
4 mass plat community, we required them to
5 have a memorandum of understanding with
6 the school district. They didn't come to
7 a final resolution. In fact, the school
8 district there again, the trustee for
9 that area, said we don't need as many
10 schools as you're telling me in each
11 city, so take one out. So we took one
12 out of the plan. But they are
13 conditioned that a certain number of
14 building permits, that they have to have
15 that agreement in place before they can
16 move forward. So they have a tentative
17 agreement, but they're working together
18 to get that resolved.
19 So, yes, they're, again, just like
20 with some of the traffic stuff, the
21 drainage stuff, the schools, it's not
22 unusual at all to move things forward
23 with a trigger that says you cannot move
24 forward beyond this point until you
25 satisfy all these requirements. That's

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1 very standard.
2 MALE SPEAKER: Is that the case that
3 they need to have this agreement in place
4 before it can be -- it can be signed off?
5 MR. PERRIGO: Not for this project,
6 because the school -- all we had from the
7 school district is we are not going to
8 participate at all. And I don't have the
9 exact wording, but it was very clear.
10 You saw -- Brad saw the email, very clear
11 that they said we're not going to give
12 you any input, and we're not going to
13 weigh in one bit. So I don't --
14 MALE SPEAKER: I guess what the
15 question is, and I'm trying to understand
16 this, if you have a school district
17 that's 145 to 160 percent over capacity,
18 that would be a logical -- they don't
19 want to put any input in because it's
20 going to require a new school, or
21 readjusting, or realigning all our
22 students. But I'll get off that, because
23 it did appear that there's nothing that
24 you have that is a history.
25 I want to ask Brad one last

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1 question.
2 Brad, if you can just answer this
3 last question I have.
4 Can you please address 278A and why
5 you think it is not applicable --
6 MR. JERBIC: Sure.
7 MALE SPEAKER: -- to this particular
8 project, because that's important for us
9 to know?
10 MR. JERBIC: Just so everybody
11 knows, Nevada Revised Statutes provides
12 two sections of law, 278, 278A, very
13 similar, and that's where the authority,
14 one could argue, comes from to do a
15 development agreement. A development
16 agreement, as I said before, is a type of
17 agreement you make with the developer for
18 long-term development that's special,
19 that's different and doesn't necessarily
20 fit the zoning codes, and probably
21 deliberately doesn't fit the zoning
22 codes.
23 One could argue Summerlin is a good
24 example of a development type
25 improvement. Now, prior to NRS-278A and

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1 B and adopted in 1973, the City of Las
2 Vegas started doing our own plan
3 development. And we did it with our
4 zoning code. That's where we came up
5 with these zoning categories that
6 resulted in R-PD7 and R-PD this or R-PD
7 that. So we were doing plan development
8 a year before the State of Nevada even
9 thought of plan development.
10 And they said in their law that you
11 could do it if you follow the law, the
12 state law, you have these requirements.
13 But we never followed the state
14 requirements. We always believed the
15 state did not usurp our local authority,
16 and so we do not believe we were
17 preempted, and continued to do it our
18 way. And we have from the beginning of
19 time.
20 So the plan -- the master plan that
21 we talk about, the Peccole phase 2 master
22 plan is not a 278A agreement, it never
23 was, never has been, not a word of that
24 language was in it. We never followed
25 it. And so the argument today that's

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<p>1 come in -- and, again, I'm not sitting 2 here trying to argue my case 3 (indiscernible), you asked a question so 4 I'm trying to answer it. Is that if we 5 didn't do 278A agreement, why do we have 6 to follow 278A to modify our 278A 7 agreement. Well, a judge will decide 8 that. You've heard my argument that we 9 followed our local code, and we always 10 had authority to do it, and we've done it 11 to that way from the beginning of time, 12 and we'll continue to do it.</p> <p>13 MALE SPEAKER: And, Brad, just some 14 clarification, because this is very 15 confusing subject --</p> <p>16 MR. JERBIC: Yeah, it is, it's very 17 dense.</p> <p>18 MALE SPEAKER: The question I have, 19 and I just want to reinforce this. What 20 you're saying is is that city code usurps 21 overtakes the Nevada state statute.</p> <p>22 MR. JERBIC: Maybe we could put 23 it --</p> <p>24 MALE SPEAKER: That's what you just 25 said.</p> <p style="text-align: right;">Page 118</p>	<p>1 powers are health, safety, welfare of the 2 community. And police powers are where 3 we get our zoning powers from. So they 4 coexist with state law. So unless state 5 law enters into the zoning area and says 6 very specifically, and this overrules all 7 your charter authority and everything 8 else, because you have that from the -- 9 we've had that since 1911. If they don't 10 take it away, we haven't been usurped. 11 And, therefore, our powers continue to 12 coexist. And we can pick either one we 13 want.</p> <p>14 In fact, at this development 15 agreement were considered we'd be the 16 very first -- the very first 278A 17 agreement that we did, because the new 18 development agreement that we were 19 talking about for this project would have 20 been a 278A. But what preceded it was 21 not, never was.</p> <p>22 Like I said this is hard to believe, 23 but all of us -- see this line right 24 here, all of this Suncoast Casino was 25 Queensridge and Peccole Ranch phase 2,</p> <p style="text-align: right;">Page 120</p>
<p>1 MR. JERBIC: No, I said just the 2 opposite. Nevada statute did not usurp 3 our city authority, there's a difference.</p> <p>4 Typically, if there's a law and it's 5 state law only, generally there's a 6 theory called our preemption. Not a 7 theory, it's a document preemption. So 8 in Nevada law, DUI; driving under the 9 influence, is illegal under Nevada law. 10 Can the City of Las Vegas pass our own 11 DUI law to lesser the penalties or change 12 it completely, or make it legal? No. 13 We've been preempted by Nevada law. So 14 you have that area of law.</p> <p>15 Then you have another thing, you got 16 a city charter. City charter is adopted 17 by the state legislatures. So the 18 charter that creates the city, much like 19 the constitution of the United States, 20 creates an executive branch, a 21 legislative branch, a this, a this, a 22 this, and it's created by the state 23 legislature, the same people who create 24 278A. And in our city charter they give 25 us police powers. And those police</p> <p style="text-align: right;">Page 119</p>	<p>1 all of this was in it. This just all 2 happened by zoning, they just did this 3 piecemeal over time. That's been 4 consistent -- I know it's hard to believe 5 it, that's how we got where we're at 6 today.</p> <p>7 MALE SPEAKER: Can I ask just in 8 terms of master plans in general in the 9 city of Las Vegas (indiscernible) it 10 seems -- just apart from this project, 11 but in general, that when people buy into 12 a community that has a master plan, you 13 kind of look at it as a commitment from 14 the city that the neighborhood's not 15 going to change significantly. And 16 then -- we've lived in placers in 17 Henderson and Summerlin and all that, and 18 seem to be honoring those master plans.</p> <p>19 But what you're telling us now is 20 the City of Las Vegas, you know, doesn't 21 feel any compulsion to have a master plan 22 that they can stick with and they can use 23 some in piecemeal. That's the impression 24 I'm getting.</p> <p>25 MR. JERBIC: Let me go back, if I</p> <p style="text-align: right;">Page 121</p>

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1 misspoke, let me try and clarify it. The
2 master plan that was set forth didn't
3 have a lot of structure. Okay, the
4 original master plan didn't have a lot of
5 structure. It allowed for a lot of
6 rearranging, moving this here, moving
7 this here, having houses here. In fact,
8 it had so much, you know, looseness in
9 it, people added nine-hole golf course,
10 people added a hotel casino, that came
11 after. People added less density, they
12 could have built this far more dense, but
13 they did it far less density.

14 They -- so they do this as the
15 market seemed to want it. And that
16 seemed to be where the city was at the
17 time. Does that mean that we locked into
18 this will never change? We didn't sell
19 you your home, they didn't sell me my
20 home, right. You know, what's the -- the
21 city was there to look at does this unit
22 make some sense, sure. Let's key it up
23 to the city council and see if they want
24 to approve it or not. So they this
25 piece-by-piece. But the city didn't sell

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1 anybody a home, or a condo, or anything,
2 but they definitely approved these
3 individual projects. Does that mean
4 there's an obligation to keep that in
5 perpetuity, and never change it? Good
6 philosophical question. I'm not elected,
7 so I don't make those decisions.

8 But does it mean you have a right as
9 a property owner to ask for a change?
10 Sure.

11 MALE SPEAKER: Because when most of
12 us bought our units here. You know, the
13 developer's agents were talking about a
14 master plan to give open space, et
15 cetera. Now, we knew like the Tower's on
16 the other side, we knew that those were
17 arranged for. You know you can argue you
18 like them, you don't like them, but
19 everybody knew there was that
20 possibility. (Indiscernible) you're
21 being told there's a master plan that
22 creates open space involved in that, you
23 know, I think you need to rely on it. So
24 it seems to me that we're getting mixed
25 messages about what that really means.

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1 MR. JERBIC: Well, I've read the
2 brochures that many people relied on when
3 they bought their custom lots. I mean, I
4 know a lot of people on Orient Express,
5 and they have presented me with design
6 standards that they had to build by.
7 They presented me with brochures from the
8 property owners at the time, saying this
9 beautiful golf course community, it's all
10 about the golf course, all about the golf
11 course. Legally, there wasn't a single
12 thing that tied it to remaining the golf
13 course.

14 Sometimes my job is kind of tough,
15 and I don't always enjoy having to give
16 advice that people don't like hearing.
17 But there is absolutely nothing that
18 binds this owner of this property to
19 maintaining this golf course. And I'll
20 say that bluntly, and not saying it for
21 any other reasons, it's just a fact.

22 They can turn off the water today,
23 and we couldn't do a thing about it.

24 MALE SPEAKER: Well, how can you
25 make a binding without a change? You say

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1 they can later on, how can it be binding
2 for future.

3 MR. JERBIC: The way it could have
4 been -- and this is all poor speculation,
5 there could be CC&Rs. For example, the
6 home owners don't take any responsibility
7 for this golf course. So if makes money,
8 and they don't make money. And if it
9 loses money, they don't pay money. It's
10 privately owned, privately operated,
11 privately zoned. So if there had been a
12 deal early on where that was run by the
13 HOA or something, maybe that would
14 settle the problem. You know, there were
15 a lot of things if you go back twenty-
16 five years ago and say if you would have
17 known twenty-five years later somebody
18 could come out and do this, what would
19 you have done to stop it. Well, we could
20 sit here all night and debate that
21 question.

22 MALE SPEAKER: Yeah, but that hasn't
23 nothing to do it. The city and the
24 planning commission is changing the
25 zoning, I mean, you know they can change

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<p>1 the zoning that's convenient for the 2 buyer.</p> <p>3 MR. JERBIC: The only person that 4 can change the zoning is the city 5 council. As of now planning commissions 6 is just a recommendation, city council 7 hasn't voted. Okay.</p> <p>8 FEMALE SPEAKER: Brad --</p> <p>9 MR. JERBIC: Um-hum.</p> <p>10 FEMALE SPEAKER: -- okay, if and 11 when they do this project it will alter 12 the golf course. There's links down 13 there.</p> <p>14 MR. JERBIC: Yes.</p> <p>15 FEMALE SPEAKER: So do they have a 16 plan to show us how they are going to 17 alter the golf course, because that is 18 going to be affected. They're not going 19 to be able to play --</p> <p>20 MR. JERBIC: That's a very good 21 question. If were talking about the 22 original plan and the whole development 23 agreement, we've had a lot of 24 conversations about we know you're not 25 going to do this project all at once,</p> <p style="text-align: right;">Page 126</p>	<p>1 FEMALE SPEAKER: So that will be 2 I've never really played on a thirteen- 3 hole golf course.</p> <p>4 MR. JERBIC: No. But there's just 5 twenty-seven holes out here now, there's 6 plenty -- there's plenty of room to 7 reduce holes and still have eighteen 8 holes.</p> <p>9 FEMALE SPEAKER: So if they do admit 10 nine holes, then they should have to show 11 us what we'll be in lieu of those nine 12 holes, besides --</p> <p>13 MR. JERBIC: It's a great question, 14 and I encourage you to ask it. And the 15 reason it we just got the withdrawal 16 letter today. And so one of the things 17 that happens as a result of the 18 withdrawal letter --</p> <p>19 FEMALE SPEAKER: Let me tell you, 20 they are quick and sneaky, and we can't 21 keep up. I mean, we're (indiscernible) 22 and we're tired, and we're a bunch of old 23 people here, and we --</p> <p>24 MR. JERBIC: I don't know what to 25 say to a category --</p> <p style="text-align: right;">Page 128</p>
<p>1 what can people expect to see on the golf 2 course between now and the time you get 3 around to developing it. And we've heard 4 lots of discussion. One of the answers 5 was if I didn't have to fight a lawsuit, 6 I would be glad to pay for the water. 7 That didn't seem to be very productive. 8 Then another answer that we heard was 9 that they might grub and clear it. And 10 then the final answer became, we'll keep 11 it green as long as we can afford to keep 12 it green.</p> <p>13 FEMALE SPEAKER: But they won't have 14 these holes to put in.</p> <p>15 MR. JERBIC: These holes will go, 16 absolutely. These holes will go, when 17 the golf course gets reconfigured without 18 these holes, or restructured.</p> <p>19 FEMALE SPEAKER: Well, reconfigured, 20 then we're talking about more 21 construction, more bulldozers, more dirt, 22 more pests, so --</p> <p>23 MR. JERBIC: Or it could be so 24 simple --it could be as simple as naming 25 hole number 11 number 13, I don't know.</p> <p style="text-align: right;">Page 127</p>	<p>1 FEMALE SPEAKER: -- we'll all die 2 and we'll spill our ashes out there on 3 the golf course, just to -- I have one 4 more question.</p> <p>5 MR. JERBIC: Go ahead.</p> <p>6 MALE SPEAKER: I have more 7 questions.</p> <p>8 FEMALE SPEAKER: Sir, can I finish 9 please?</p> <p>10 MALE SPEAKER: Go ahead.</p> <p>11 FEMALE SPEAKER: Thank you. I'm 12 ignorant, so I'm going to ask the 13 question, someone probably knows if this 14 is true. Is the current developer, Mr. 15 Lowie I believe is his name, is he also 16 the present owner of this empty lot 17 across the street?</p> <p>18 MR. JERBIC: Well, EHB is the owner 19 of the lot is my understanding.</p> <p>20 FEMALE SPEAKER: Is he the same -- 21 is it the same person, the same developer 22 that owns that lot across the street when 23 they have circuses and carnivals?</p> <p>24 MR. JERBIC: Okay, I heard a no and 25 I heard a yes. I thought EHB did own</p> <p style="text-align: right;">Page 129</p>

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1 that, and I thought Yohan Lowie's one of
2 the owners of EHB.
3 FEMALE SPEAKER: I don't know, I'm
4 asking you.
5 MR. JERBIC: No, I am correct.
6 FEMALE SPEAKER: Okay. So I have
7 this question for you. That has been an
8 undeveloped lot, which has hosted
9 hundreds of carnivals, circuses,
10 Christmas tree lots. It looks like a
11 junk yard over there. We've got
12 trailers, and carny people, and noise.
13 We've had circus canons going off.
14 It's -- how long are they going to be
15 able to keep up that? Why not go and
16 develop that piece of land that's already
17 zoned for a commercial use.
18 (Indiscernible) they've got nice, they've
19 got the eyesore that it is, and leave us
20 alone. Why can't they go across the
21 street?
22 MR. JERBIC: One, I don't know the
23 answer. I do know this, and I said it
24 earlier, that was entitled for
25 development until July, he let the

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1 entitlements expire.
2 FEMALE SPEAKER: It doesn't make
3 sense, why come over here and disrupt all
4 of this when they could develop some nice
5 apartments over there, and pretty much,
6 you know, it would still impact this, but
7 it wouldn't be right in front of us, it
8 would be, you know, across the way, and
9 there's really no one impacted over
10 there, because it's really commercial.
11 MR. JERBIC: Like I said --
12 FEMALE SPEAKER: I think we're
13 getting into a whole other area and set
14 of questions. Let's take one more
15 question and then we'll wrap it up for
16 tonight.
17 MALE SPEAKER: Going back we're
18 all -- most (indiscernible) agreement
19 with (indiscernible) property on seven
20 acres to seven units an acre, and I
21 understand that the city's getting away
22 with it.
23 MR. JERBIC: Did we --
24 MALE SPEAKER: Get away with
25 agreement the zoning on that.

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1 MR. JERBIC: No, nothing's been
2 changed.
3 MALE SPEAKER: I understand they get
4 away with that.
5 MR. JERBIC: NO, it's -- no, no,
6 no -- the zoning out here, everything --
7 none of the zoning was okayed in the last
8 few years.
9 MALE SPEAKER: They don't call for a
10 (indiscernible).
11 MR. JERBIC: That's correct.
12 MR. PERRIGO: R-PD as a zoning
13 district no longer exists, that's
14 correct. But you don't lose your rights
15 to that if that's what your property is
16 zoned. You can still exercise that
17 following those rules, or ask to change
18 it.
19 MALE SPEAKER: But from
20 (indiscernible) we never got construction
21 notice from the city you're doing away
22 with it?
23 MR. JERBIC: The code was changed
24 years ago. And believe it or not,
25 everybody was notified, it's published in

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1 the papers, and --
2 MALE SPEAKER: Oh.
3 MR. JERBIC: -- there are all legal
4 notices given, but that happened years
5 ago, many, many years ago. It was not in
6 connection with this.
7 FEMALE SPEAKER: Tom, Brad, we thank
8 you very much.
9 MR. PERRIGO: Thank you.
10 FEMALE SPEAKER: We kept you too
11 long already.
12 MR. JERBIC: Thank you. Thank you
13 very much. Thank you all for having us
14 tonight. Again, I'm serious, you've got
15 my cell phone number, give a call if you
16 have any questions. Thank you.
17 MALE SPEAKER: Thank you both.
18 (End of meeting)
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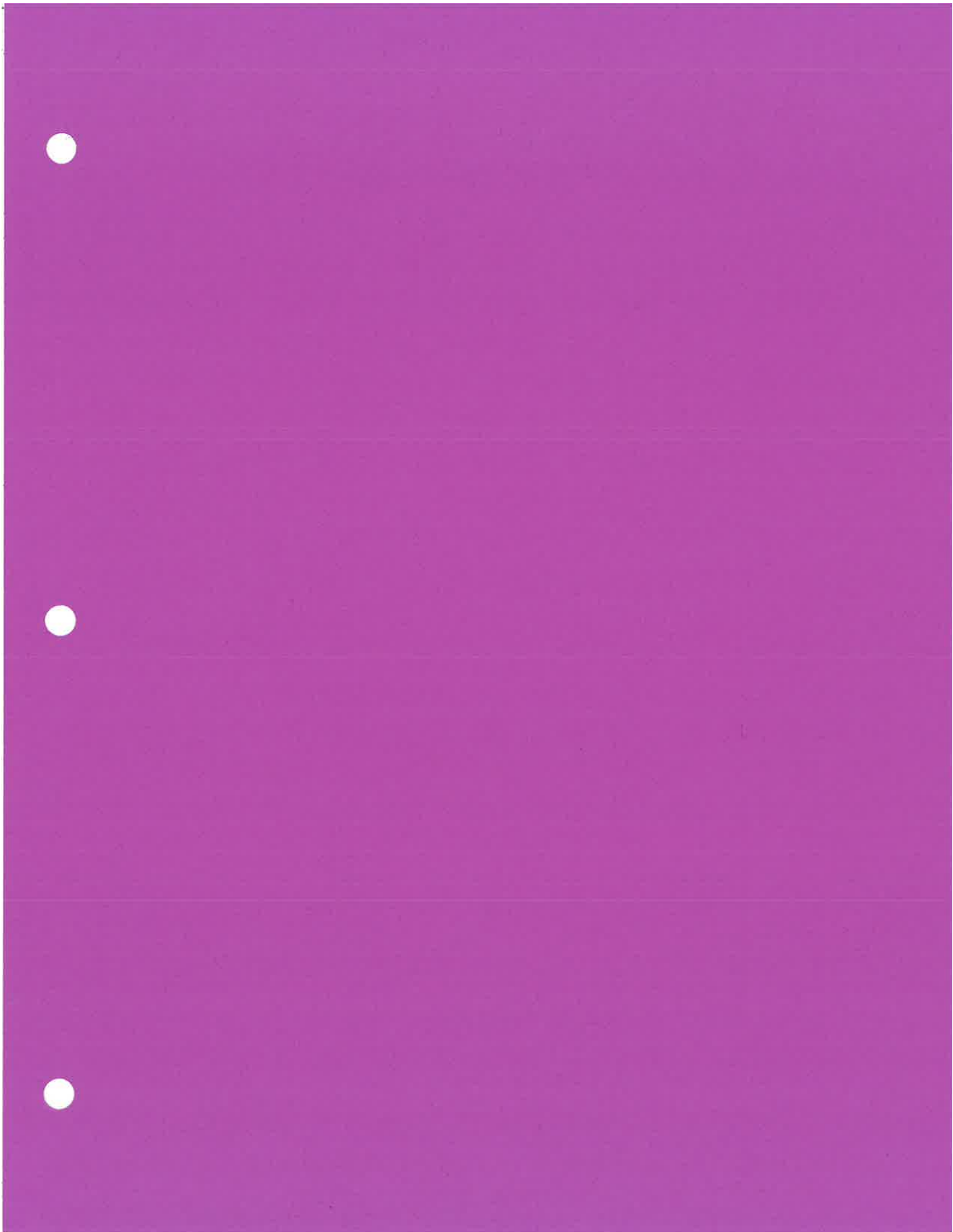
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City of Las Vegas

AGENDA MEMO - PLANNING

CITY COUNCIL MEETING DATE: AUGUST 6, 2014

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: QUEENSRIDGE TOWERS, LLC

THIS ITEM WAS HELD IN ABEYANCE TO THE AUGUST 6, 2014 CITY COUNCIL MEETING AT THE REQUEST OF THE APPLICANT.

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

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
MOD-53701	Staff recommends APPROVAL, subject to conditions:	
VAR-53502	Staff recommends APPROVAL, subject to conditions:	MOD-53502
SDR-53503	Staff recommends APPROVAL, subject to conditions:	MOD-53502 VAR-53502

**** CONDITIONS ****

MOD-53701 CONDITIONS

Planning

1. The applicant shall supply Department of Planning staff with a final copy of the amended Queensridge Towers Development Standards as approved.

VAR-53502 CONDITIONS

Planning

1. Approval of a Major Modification (MOD-53701) to the Queensridge Towers Development Standards and approval of and conformance to the conditions of approval for Site Development Plan Review (SDR-53503) shall be required, if approved.
2. Conformance to the approved conditions for Rezoning (ZON-4205).

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Conditions Page Two

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

SDR-53503 CONDITIONS

Planning

1. Approval of a Major Modification (MOD-53701) of the Queensridge Towers Development Standards and approval of and conformance to the conditions of approval for Variance (VAR-53502) shall be required, if approved.
2. Conformance to the approved conditions for Site Development Plan Review (SDR-4206), except as amended herein.
3. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
4. All development shall be in conformance with the site plan date stamped 05/29/14, the landscape plan, date stamped 03/27/14 and building elevations, date stamped 05/29/14, except as amended by conditions herein.
5. The site plan shall be revised prior to submittal of an application for a building permit to demonstrate conformance to Title 19.08.110 handicapped parking design standards.
6. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.

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7. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
8. The applicant shall coordinate with the City Surveyor and other city staff to determine the most appropriate mapping action necessary for this site. The mapping action shall be completed and recorded prior to the issuance of any building permits.
9. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time application is made for a building permit. A permanent underground sprinkler system is required, and shall be permanently maintained in a satisfactory manner; the landscape plan shall include irrigation specifications. Installed landscaping shall not impede visibility of any traffic control device. The technical landscape plan shall include the following changes from the conceptual landscape plan:
 - a. Provide four additional minimum 24-inch box shade trees at the ends of parking rows.
 - b. Replace palm trees at the end of parking rows with minimum 24-inch box shade trees.
 - c. Provide six landscape islands within the parking field. Each island shall contain at least one 24-inch box shade tree and four, five-gallon shrubs per tree.
10. A Comprehensive Construction Staging Plan shall be submitted to the Department of Planning for review and approval prior to the issuance of any building permits. The Construction Staging Plan shall include the following information: Design and location of construction trailer(s); design and location of construction fencing; all proposed temporary construction signage; location of materials staging area; and the location and design of parking for all construction workers.
11. Prior to or at the time of submittal for any building permit, the applicant shall provide written verification by the FAA and/or the Clark County Department of Aviation of the following:
 - a. The applicant shall file a valid FAA Form 7460-1, "Notice of Proposed Construction or Alteration" with the FAA, in accordance with 14 CFR Part 77, or submit to the Clark County Director of Aviation a "Property Owner's Shielding Determination Statement" and request written concurrence from the Clark County Department of Aviation;
 - b. No Building Permit or other construction permit shall be issued for any structure greater than 35 feet above the surface of land that, based upon the FAA's 7460 airspace determination (the outcome of filing the FAA Form 7460-1) would (a) constitute a hazard to air navigation, (b) would result in an increase to minimum flight altitudes during any phase of flight (unless approved by the Department of Aviation), or (c) would otherwise be determined to pose a significant adverse impact on airport or aircraft operations.

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- c. Applicant is advised that FAA's airspace determinations are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments.
 - d. Applicant is advised that the FAA's airspace determinations include expiration dates and that the separate airspace determinations will be needed for construction cranes or other temporary equipment.
12. Prospective buyers shall be informed that views may be obscured by future adjacent development and this information shall be included in project CC&Rs.
13. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

14. Provide paved drivable access to all manholes located in Public Sewer Easements per Recorded Document 20051018:02961 and 950928:00850. No trees or landscaping over three feet tall are allowed within said public sewer easements.
15. Prior to the submittal of construction drawings, coordinate with the Sanitary Sewer Planning Section of the Department of Public Works to determine an acceptable connection point to public sewer. The existing eight-inch public sewer on the south edge of the property has limited capacity.
16. Prior to the issuance of any building permits, provide proof a recorded Joint Access Agreement between this site and the site to the east where a shared driveway is proposed.
17. Meet with the Fire Protection Engineering Section of the Department of Fire Services to discuss fire requirements for this Site Plan Prior to submittal of construction drawings for this site.
18. An update to the previously approved Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or the submittal of any construction drawings, whichever may occur first. Comply with the recommendations of the approved update to the Traffic Impact Analysis prior to occupancy of the site. Phased compliance will be allowed if recommended by the approved Traffic Impact Analysis. No recommendation of the approved Traffic Impact Analysis, nor compliance therewith, shall be deemed to modify or eliminate any condition of approval imposed by the Planning Commission or the City Council on the development of this site.

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19. An update to the previously approved Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to submittal of any construction drawings or the issuance of any building or grading permits, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage study update.
20. Site Development to comply with all applicable conditions of approval for SDR-4206, TMP-5879 and all other applicable site-related actions.

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Staff Report Page One
August 6, 2014 – City Council Meeting

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is requesting to complete the buildout of a residential condominium and office development near the southwest corner of Alta Drive and Rampart Boulevard. Phase 1 is complete and includes two 18-story towers containing 219 units. Originally, Phase 2 was to include 166 units within one 16-story and one 14-story tower, and a single-story, 17,400 square-foot office building. Instead, this amendment proposes the construction of one 22-story tower with 166 units and an adjustment to the location of the proposed office building. The western edge of the tower has been stepped down and angled to mitigate the visual impact to adjacent residential properties. The approved Queensridge Towers Development Standards must be amended to allow for the additional height of the proposed buildings, changes in parking requirements and reduction of the required building setback for the residential tower. The changes proposed by this amendment would reduce the intensity of the development and its impacts to neighboring residential properties; therefore, staff is recommending approval with conditions.

ISSUES

- The applicant is requesting to revise the Queensridge Towers Development Standards approved 07/07/04. Per Title 19.10.040(G), this must be done through a major modification. Although a building was removed as part of this proposal, the replacement building will be taller and have the same number of units as the original plan. Parking requirements will decrease.
- A Variance is required to allow a 582-foot building setback where residential adjacency standards require an 810-foot setback from the property line of protected properties to the west of the overall site. Staff supports the request, as the proposal is less intense than the previous approval and the building would be stepped and angled to minimize visual impacts to adjacent single-family residences.
- A Master Sign Plan for the overall project is required per Condition #7 of SDR-4206. To date, a Master Sign Plan has not been submitted, nor have the Queensridge Towers Development Standards been updated to reflect this requirement. The applicant is proposing to amend the development standards to indicate that all onsite signage shall be as approved through a future master sign plan.
- The Queensridge Towers Development Standards require conformance to Title 19 landscape requirements. The landscape plan must be revised to include several parking lot trees and islands to meet these standards.

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Staff Report Page Two
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BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
10/13/97	The City Council approved a request for Rezoning (Z-0078-97) from U (Undeveloped) [M (Medium Density Residential) General Plan designation] under Resolution of Intent to R-3 (Medium Density Residential) to PD (Planned Development) on 14.52 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard for the purposes of development of three 12-story condominium towers with ancillary office and retail uses. The Planning Commission and staff recommended approval.
07/07/04	The City Council approved a Rezoning (ZON-4205) from R-PD7 (Residential Planned Development – 7 Units per Acre) and U (Undeveloped) [GTC (General Tourist Commercial) General Plan designation] under Resolution of Intent to PD (Planned Development) to PD (Planned Development) on 20.10 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. A new Master Development Plan and Development Standards for this site were approved as part of this request. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Variance (VAR-4207) to allow a building setback of 239 feet where residential adjacency standards require a minimum of 570 feet in conjunction with a proposed residential condominium complex on 20.1 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
	The City Council approved a Site Development Plan Review (SDR-4206) for a 385-unit condominium complex consisting of two 18-story towers, one 16-story tower and one 14-story tower with ancillary uses, clubhouse and a 17,400 square-foot, single-story office building on 20.1 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. The Planning Commission recommended approval; staff recommended denial.
02/10/05	The Planning Commission approved a Tentative Map (TMP-5879) for a 219-unit condominium and clubhouse subdivision on 14.52 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. Staff recommended approval.
08/11/05	Department of Planning staff approved a Minor Amendment of the approved Site Development Plan Review (SDR-4206) to shift the location of all buildings on the site, to realign Clubhouse Drive and the parking configuration, to move the condo club to the podium between Towers 1 and 2, and to add seven non-rental casitas and three rental casitas.
09/15/05	A Boundary Line Adjustment (BLA-5979) to transfer 5.14 acres of land area from the Badlands Golf Course to the subject site was recorded.

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Staff Report Page Three

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<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
02/09/07	A Final Map (FMP-10087) for a 219-unit residential condominium subdivision on 14.52 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard, was recorded.
08/17/07	An amended Final Map (FMP-22220) for a 219-unit residential condominium subdivision on 8.95 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard, was recorded.
05/13/14	The Planning Commission voted to abey MOD-53701, VAR-53502 and SDR-53503 to the June 10, 2014 Planning Commission meeting at the applicant's request.
06/10/14	The Planning Commission unanimously voted to recommend approval of Major Modification (MOD-53701) of the Queensridge Towers Development Standards dated May 20, 2004 to amend development standards regarding land use, building setbacks and stepbacks, building height and parking; a request for a Variance (VAR-53502) to allow a 582-foot building setback where residential adjacency standards require an 810-foot setback for a proposed 22-story residential tower; and a request for a Major Amendment of an approved Site Development Plan Review (SDR-53503) for a proposed 22-story, 310-foot tall, 166-unit multi-family building and a single-story, 33-foot tall, 17,400 square-foot office building.

<i>Most Recent Change of Ownership</i>	
01/16/04	A deed was recorded for a change in ownership.

<i>Related Building Permits/Business Licenses</i>	
10/15/95	A building permit (#95388719) was issued for a 16,262 square-foot club house at 9119 Alta Drive. A final inspection was completed 10/25/96.
09/12/05	A building permit (#05006313) was issued for two 18-story residential condominium tower shells (including parking garage) at 9101 and 9103 Alta Drive. A final inspection was completed 11/13/08.
02/06/06	A building permit (#06000882) was issued for a tenant improvement buildout of the east condominium tower at 9101 Alta Drive. A final inspection was completed 11/13/08.
	A building permit (#06000883) was issued for a tenant improvement buildout of the west condominium tower at 9103 Alta Drive. A final inspection was completed 11/13/08.

<i>Pre-Application Meeting</i>	
11/05/13	Submittal requirements for a residential adjacency Variance and a Site Development Plan Review for Phase 2 of the project were discussed. Development standards for the overall site are addressed in the Master Development Plan and Design Standards document. There was concern that the office building would require a lot of its own separate from the residential condominium units and common areas, and staff suggested contacting the City Surveyor to address any issues.

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Staff Report Page Four
August 6, 2014 – City Council Meeting

Neighborhood Meeting

A neighborhood meeting is not required, nor was one held.

Field Check

04/03/14

The eastern portion of the site contains two completed 18-story multi-family towers along Alta Drive. The Badlands Golf Course club house is also completed and situated in the southwest corner of the site. The remainder of the site is mostly undeveloped with portions of pavement laid for striped temporary parking.

Details of Application Request**Site Area**

Net Acres
MOD-53701 20.10

Net Acres
VAR-53502 7.87 (of a 10.53-acre parcel)
SDR-53503

Surrounding Property	Existing Land Use Per Title 19.12	Planned or Special Land Use Designation	Existing Zoning District
Subject Property	Multi-Family Residential (Temporary Parking Lot)	GTC (General Tourist Commercial)	PD (Planned Development)
North	Hotel/Casino	SC (Service Commercial)	C-1 (Limited Commercial)
South	Commercial Recreation/Amusement (Outdoor)	PR-OS (Parks Recreation/Open Space)	R-PD7 (Residential Planned Development – 7 Units per Acre)
East	Multi-Family Residential (Condominiums)	GTC (General Tourist Commercial)	PD (Planned Development)
West	Multi-Family Residential (ancillary Clubhouse)	GTC (General Tourist Commercial)	PD (Planned Development)

Master Plan Areas

Queensridge Towers Master Development Plan

Compliance

Y

Special Purpose and Overlay Districts

PD (Planned Development) District

Compliance

Y

SS

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<i>Other Plans or Special Requirements</i>	<i>Compliance</i>
Trails	N/A
Las Vegas Redevelopment Plan Area	N/A
Project of Significant Impact (Development Impact Notification Assessment)	N/A
Project of Regional Significance	N/A

DEVELOPMENT STANDARDS

Pursuant to the approved Site Development Plan Review (SDR-4206) and the Queensridge Towers Development Standards (as proposed to be amended), the following standards apply:

<i>Standard/Plan Item</i>	<i>Approved SDR-4206</i>	<i>Proposed</i>	<i>Change</i>
Number of Residential Units	385	385	none
Number of Casita Units	15	20	33%
Number of Residential Condominium Towers	4	3	-25%
Office Gross Floor Area	17,400 SF	17,400 SF	none
Min. Setbacks			
• Front	20 Feet	20 Feet	none
• Side (interior)	0 Feet	10 Feet	N/A
• Side (exterior)	35 Feet	15 Feet	-14%
• Rear	36 Feet	36 Feet	none
Max. Building Height - Towers	18 stories/202 feet (14 stories for westernmost tower)	22 stories/266 feet (14-story tower eliminated)	+32%
Max. Building Height – Office Building	1 story/28 feet	1 story/25 feet, plus finial for 33-foot overall height	+18%
Access	direct from Alta Dr., indirect via Clubhouse Drive (driveway)	direct from Alta Dr. (existing), office only via Clubhouse Drive	requires update to TIA
Parking Required (overall)	978 spaces	946 spaces	-3%
Parking Provided (overall)	1,048 spaces	1,394 spaces	+33%

Pursuant to Title 19.08.040, the following standards apply:

<i>Residential Adjacency Standards</i>	<i>Required/Allowed</i>	<i>Provided</i>	<i>Change</i>	<i>Compliance</i>
3:1 proximity slope	810 Feet	582 Feet	-31%	N
Adjacent development matching setback	8 Feet	582 Feet	143%	Y

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Pursuant to Title 19.08.040, the following standards apply:

Residential Adjacency Standards	Required/Allowed	Provided	Change	Compliance
Trash enclosures	50 feet from R-PD lots to the west	N/A (interior to the building)	N/A	N/A

Street Name	Functional Classification of Street(s)	Governing Document	Actual Street Width (Feet)	Compliance with Street Section
Alta Drive	Major Collector	Master Plan of Streets and Highways Map	80	Y

Pursuant to the Queensridge Towers Development Standards (as proposed to be amended), the following parking standards apply:

Parking Requirement							
Use	Gross Floor Area or Number of Units	Required		Provided		Compliance	
		Parking Ratio	Parking		Parking		
			Regular	Handi-capped	Regular	Handi-capped	
2 BR units	130	1.75 spaces per unit	228				
3+ BR units	255	2.00 spaces per unit	510				
Guest spaces	385	1 space per 6 units	65				
Commercial Recreation/Amusement, Outdoor (existing clubhouse)	14,600 SF	1 space per 200 SF	73				
Office, Other Than Listed	17,400 SF	1 space per 250 SF	70				
TOTAL SPACES REQUIRED			946		1,394		Y
Regular and Handicap Spaces Required			941	5	1,376	18	Y

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Phase 1 and Phase 2 Parking Comparison (does not include existing clubhouse)

Phase 1 Condominiums						
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Required</i>		<i>Provided</i>		
		<i>Parking Ratio</i>	<i>Parking</i>		<i>Parking</i>	
			Regular	Handi-capped	Regular	Handi-capped
2 BR units	88	1.75 spaces per unit	154			
3+ BR units	131	2.00 spaces per unit	262			
Guest spaces	219	1 space per 6 units	37			
TOTAL	219	N/A	453		661	

Phase 2 Condominiums and Office						
<i>Use</i>	<i>Gross Floor Area or Number of Units</i>	<i>Parking Ratio</i>	<i>Required</i>		<i>Provided</i>	
			<i>Parking</i>		<i>Parking</i>	
			Regular	Handi-capped	Regular	Handi-capped
2 BR units	42	1.75 spaces per unit	74			
3+ BR units	124	2.00 spaces per unit	248			
Guest spaces	166	1 space per 6 units	28			
Office, Other Than Listed	17,400 SF	1 space per 250 SF	70			
TOTAL SPACES REQUIRED			420		602	

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ANALYSIS

Although the same number of residential units is proposed, by removing the approved 14-story westernmost tower and replacing it and the approved 16-story tower with a taller 22-story tower further east of the original locations, the project becomes less intense than previously approved. The residential adjacency Variance decreased from 58 percent of the 3:1 slope requirement to 28 percent. The proposed building would be angled in such a way that the western edge would be almost 600 feet away from residential properties and is stepped along the west side to be 40 feet lower than at the tallest point.

As a planned development, Title 19 required the developer of the One Queensridge Place project to submit a master development plan and a set of development standards for City Council approval. To this end, the Queensridge Towers Development Standards were approved 07/07/04. The following amendments are now proposed to the standards, noting that a private clubhouse for residents was not constructed:

- *3.3 Permitted uses:* Removed “Condominium Club House” from the list of uses, as this club house will not be constructed, leaving only the existing Badlands Golf Course clubhouse.
- *4.2 Building setback exceptions:* The worst case residential adjacency scenario is now 67 feet above the 3:1 proximity slope as opposed to 78 feet, which is less intense; the proposed 22-story tower meets the 1:1 slope ratio along collector streets, which is no longer a Title 19 requirement.
- *4.4 Parking:* The parking analysis was corrected to reflect more three bedroom units and fewer two bedroom units within both phases. The condominium clubhouse parking requirement was deleted, as it will not be constructed as originally planned. The office building parking ratio had been 1 per 300 square feet for total of 66 spaces; it is now proposed to be 1 per 250 square feet for a total of 70 spaces. The overall parking requirement decreased as a result of the unit type changes and removal of the clubhouse; meanwhile, the amount of parking provided overall would increase about 33 percent from 1,048 to 1,376 spaces, 1,263 of which are provided for the condominiums and office only.
- *4.5 Signage:* A requirement for a Master Sign Plan, which has not yet been approved, was added to comply with Condition #7 of SDR-4206.

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5.3 Building Height: The standards were adjusted to account for the overall height of the proposed 22-story tower, which amounts to an increase of 32% over the previous maximum. The office building overall height was increased from 28 feet to 33 feet; however, the height of the building as defined by Title 19 (average height between the base and peak of the sloped roof) is approximately 25 feet, which does not represent a true height increase from the previous standard.

The site plan indicates an orderly design. The buildings are situated at the edges, allowing parking areas to be tucked into the interior along with ample open spaces. The handicapped parking spaces shown on the plan are not in conformance with City of Las Vegas dimensional requirements; a condition of approval addresses this deficiency.

Access to the site would remain from Alta Drive; however, only the proposed office building would have indirect access from Alta Drive through Clubhouse Drive, a private driveway. A fence between the office and condominium tower is proposed that would effectively block the original connection between the two. As a result of this change, an update to the existing traffic impact analysis will be required as a condition of approval.

The Phase 2 portion of the site will be well landscaped and designed to be compatible with Phase 1 improvements. The Alta Drive perimeter, as well as the southern edge adjacent to the golf course, will feature a variety of deciduous species such as Southern Live Oak, Ash, Bay Laurel and others in a ratio of 60 percent 24-inch box, 20 percent 36-inch box and 20 percent 48-inch box or larger. Due to the configuration of the surface parking lot, four trees are missing from ends of rows while six landscape islands and trees are omitted within the parking field. Although the number of trees provided at the edge of the parking lots is more than adequate to provide shading and cooling, the required trees must be provided on a revised landscape plan, as the Queensridge Towers Development Standards require that site landscaping meet Title 19 landscape requirements. Making these changes would not have a significant impact on parking resources nor the location of buildings or access aisles.

The first two buildings of the project have been completed and mapped as a condominium subdivision. Additional mapping will now be required to either remap the entire site to add the proposed units or to create a separate map for the Phase 2 condominium units and common areas only. A condition of approval will require the applicant to meet with the City Surveyor to determine a mutually agreeable option.

Comments received from the Clark County Department of Aviation included the following:

“Federal Aviation Regulations (Title 14, Part 77) require that the Federal Aviation Administration (FAA) be notified before the construction or alteration of any building or structure greater than 200 feet in height (§ 77.13(a)(1)) or that will exceed a slope of 100:1 for a distance of 20,000 feet from the nearest point of any airport runway greater than 3,200 feet in length (§ 77.13 (a)(2)(i)). Such notification allows the FAA to determine what impact, if any, the proposed development will have upon navigable airspace, and allows the FAA to determine whether the development requires obstruction marking or lighting.”

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The proposed development is greater than 200 feet in height. Therefore, as required by 14 CFR Part 77, the FAA must be notified of the proposed construction or alteration. A condition of approval has been added to address this issue.

Comments were received from the Clark County School District regarding the impact of Phase 2 development on the capacity of existing public schools in the area. Using CCSD's formulas, 41 students could potentially be added to area schools. The nearest elementary and middle schools (Bonner and Rogich) are well over capacity for 2013-14 with no new schools planned for the area.

FINDINGS (VAR-53502)

In accordance with the provisions of Title 19.16.140(B), Planning Commission and City Council, in considering the merits of a Variance request, shall not grant a Variance in order to:

1. Permit a use in a zoning district in which the use is not allowed;
2. Vary any minimum spacing requirement between uses;
3. Relieve a hardship which is solely personal, self-created or financial in nature."

Additionally, Title 19.16.140(L) states:

"Where by reason of exceptional narrowness, shallowness, or shape of a specific piece of property at the time of enactment of the regulation, or by reason of exceptional topographic conditions or other extraordinary and exceptional situation or condition of the piece of property, the strict application of any zoning regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property, a variance from that strict application may be granted so as to relieve the difficulties or hardship, if the relief may be granted without substantial detriment to the public good, without substantial impairment of affected natural resources and without substantially impairing the intent and purpose of any ordinance or resolution."

The new configuration of buildings in Phase 2 results in the elimination of one of the towers and a greater separation of the new building from existing single family residences to the west. The proposed tower, though taller than previously approved, is stepped down on the west façade and is angled to minimize impacts to the single family properties. Overall, the project is less intense than previously approved, and to impose strict adherence to Title 19 would ignore the facts supporting this. Therefore, a variance is warranted per Title 19.16 and staff recommends approval.

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FINDINGS (SDR-53503)

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

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

Phase 2 condominium and office development is proposed to connect to and fit seamlessly with the completed first phase so that it appears to be a single development. Consideration was taken to minimize impacts to adjacent residential properties.

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

Staff supports the required variance to allow a portion of the proposed condominium tower to exceed the 3:1 residential adjacency proximity slope. Parking lot landscaping is deficient on the inner parking areas; this will be addressed as a condition of approval.

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

External access remains unchanged; however, the connection between the office and condominium parking areas would be severed, which will require an update to the existing traffic impact analysis.

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

The proposed residential tower and office will use the same high quality materials included in Phase 1. Landscape materials range from a wide palette of species and are suited for the desert climate. Palm trees at the ends of parking rows will be required to be replaced by shade trees as required by Title 19.

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

The proposed tower's architectural theme will match that of the existing residential condominiums, with stucco exteriors, stone veneers, metal railings and metal roofs. The height, roofline and bulk of the building are varied for visual interest.

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

Development will be subject to permitting and inspection, thereby safeguarding the public health, safety and general welfare.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED 23

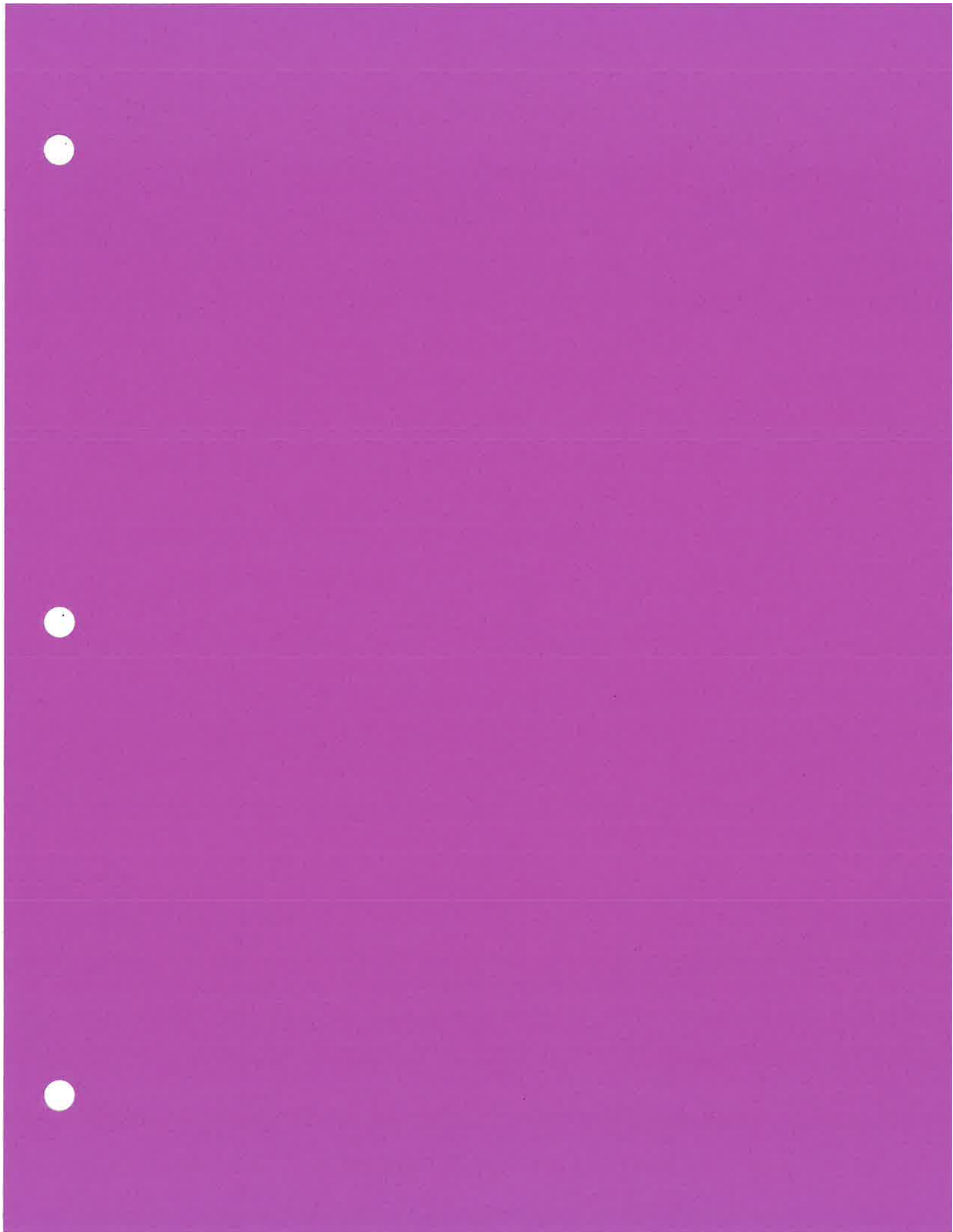
NOTICES MAILED 383 (By City Clerk)

APPROVALS 12 [MOD-53701]
5 [VAR-53502 & SDR-53503]

PROTESTS 81 [MOD-53701]
50 [VAR-53502 & SDR-53503]

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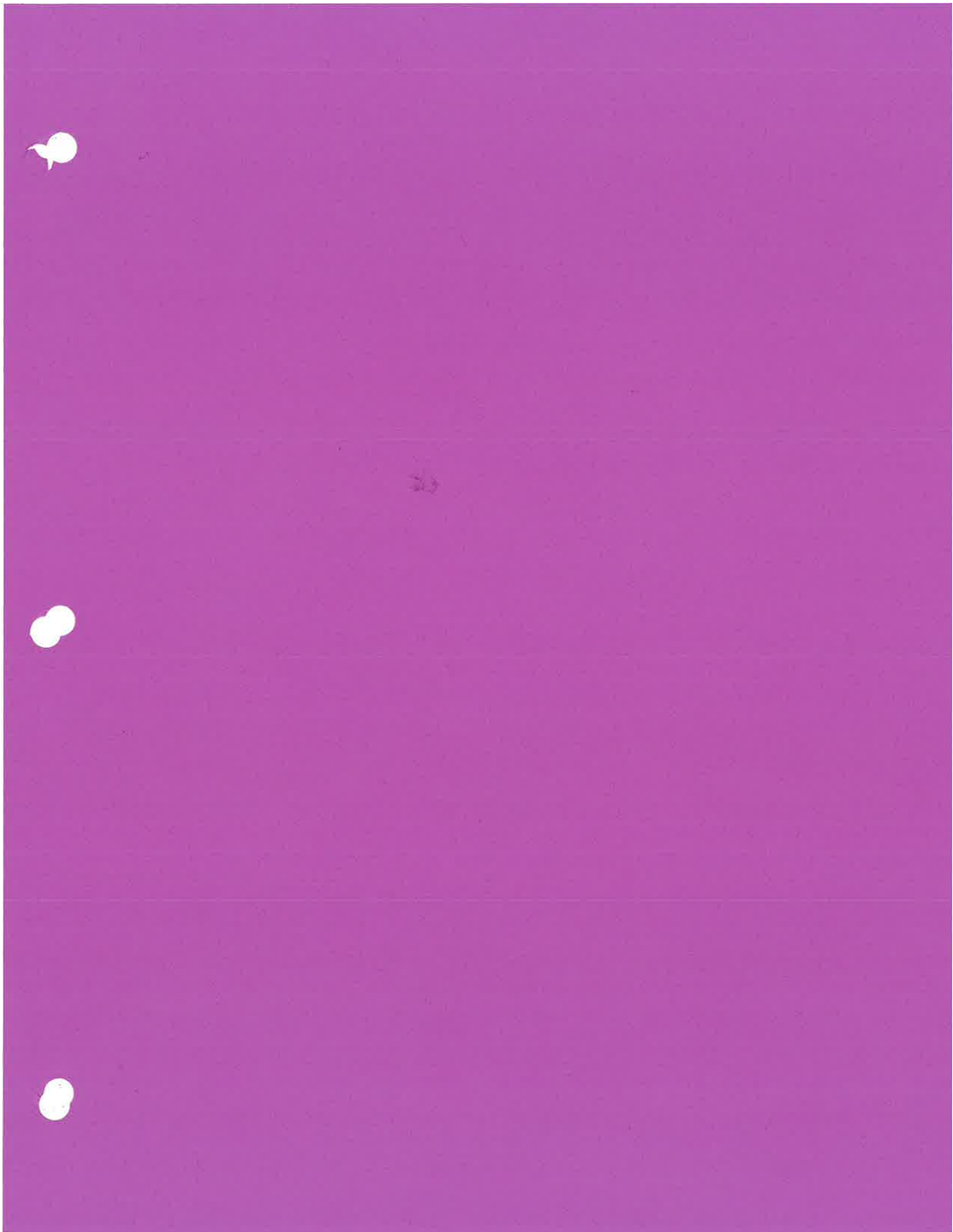
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Place holder for Tower ZON-4205 and SDR-4206

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Notes

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SUBDIVISION PLANNING AND ZONING

Bulletin No. 106



**LEGISLATIVE COMMISSION
LEGISLATIVE COUNSEL BUREAU**

STATE OF NEVADA

December 1972

Carson City, Nevada

ROR022560

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FINAL REPORT OF THE SUBCOMMITTEE
FOR STUDY OF
SUBDIVISION PLANNING AND ZONING

Bulletin No. 106



LEGISLATIVE COMMISSION
LEGISLATIVE COUNSEL BUREAU

STATE OF NEVADA

December 1972

Carson City, Nevada

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FINAL REPORT OF THE SUBCOMMITTEE
FOR STUDY OF
SUBDIVISION PLANNING AND ZONING

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IV. Suggested Legislation Exhibit A, B, C, D, E, F, G, H, I, J, K, L	

* * * * *

LEGISLATIVE COMMISSION

B. Mahlon Brown	Keith Ashworth
Carl F. Dodge	Joseph E. Dini, Jr.
James I. Gibson	Virgil M. Getto
Warren L. Monroe	Zelvin D. Lowman
Archie Pozzi, Jr.	Donald R. Mello
C. Clifton Young	Roy L. Torvinen

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Senate Concurrent Resolution No. 31—Senator Young

FILE NUMBER...110...

SENATE CONCURRENT RESOLUTION—Directing the legislative commission to study subdivision laws and related topics.

WHEREAS, Subdivisions are today the subject of growing concern in this state and in the United States; and

WHEREAS, An increasing proportion of Nevadans live in subdivisions; and

WHEREAS, The aesthetic and functional aspects of present subdivisions and subdivision construction are sometimes substandard; and

WHEREAS, Some subdivisions have been created with inadequate consideration for the environmental effects, the adequacy of water and the substantial burden placed on taxpayers for increased services; and

WHEREAS, Promotional schemes initiated by Nevadans as well as non-residents often lure the unwary to financial loss in overvalued and over-rated subdivision properties; and

WHEREAS, The need for public recreational lands often conflicts with burgeoning vacation homesite subdivisions; now, therefore, be it

Resolved by the Senate of the State of Nevada, the Assembly concurring, That the legislative commission is directed to make a thorough study of the present subdivision laws of the State of Nevada and their effectiveness in relation to subdivision promotional schemes, the protection of the environment and the maintenance of an equitable tax structure in the local area in which subdivisions are located and report the results of such study to the 57th session of the legislature.

19  71

REPORT OF THE LEGISLATIVE COMMISSION

TO THE MEMBERS OF THE 57TH SESSION OF THE NEVADA LEGISLATURE:

This report is submitted in compliance with Senate Concurrent Resolution No. 31 of the 56th Session, which directed the legislative commission to make a thorough study of the present subdivision laws of the State of Nevada and their effectiveness in relation to subdivision promotional schemes, the protection of the environment and the maintenance of an equitable tax structure in the local area in which subdivisions are located. Results were directed to be submitted to the 57th session of the legislature. The legislative commission appointed for this purpose a subcommittee consisting of Senator C. Clifton Young, chairman, Senator C. Coe Swobe and Assemblymen Norman Ty Hilbrecht, Thomas M. Kean, Howard F. McKissick, Jr., Arthur Olsen and James E. Smalley.

The subcommittee was assisted in its study by contributions made and suggestions provided by representatives of business and industries affected by the far-reaching nature of the study, by public officials and by members of the public generally. The subcommittee acknowledges the special contribution made by Mr. John W. Sparbel, Acting Chief, Planning Division, Nevada State Planning Board. The report was approved by the legislative commission on December 12, 1972.

The subcommittee's report is attached for your consideration.

Respectfully submitted,

Legislative Commission
State of Nevada

December 12, 1972

REPORT OF THE LEGISLATIVE COMMISSION'S SUBCOMMITTEE
FOR STUDY OF SUBDIVISION LAWS

INTRODUCTION

The 56th session of the Nevada legislature directed the legislative commission to make a thorough study of the present subdivision laws of the State of Nevada and their effectiveness in relation to subdivision promotional schemes, the protection of the environment and maintenance of an equitable tax structure in the local area in which subdivisions are located. The results of this study were directed to be submitted to the 57th session of the Nevada legislature.

This is the report of the subcommittee submitted in keeping with the direction and authority contained in Senate Concurrent Resolution No. 31, 56th session of the Nevada legislature (1971).

The approach made to this study rested on an awareness of the great diversity of the subject matter and the need to assemble detailed information from all corners of the state. A concentrated effort was made to provide a forum for the input of information which would be needed in order for the subcommittee to conduct intelligent deliberations and make appropriate recommendations.

To develop the study, the subcommittee set up a series of public hearings around the state. The first meeting was held in Reno on November 30, 1971. Subsequent meetings were held in Las Vegas in February and Elko in March 1972. Following these meetings, two workshop sessions were held in Carson City and one in Las Vegas. Out of these public hearings and workshop sessions came the outline for the subcommittee's study.

ORGANIZATION OF STUDY

From the amount of interest shown in the various aspects of this study, the subcommittee determined that certain phases of the study were more deserving of early attention than

others. Among the major points under study, then, the following were given first priority:

1. Flood plain and natural hazard zoning.
2. Recordation of land sales contracts.
3. Land use--policy statements and specific guidelines.
4. The role of the planning commission--findings and hearing officer.
5. An official map act.
6. Park dedication or in-lieu payments.
7. Planned unit developments.
8. Definition of subdivision.
9. Regional plans.
10. Changes in chapter 119 of NRS relating to land sales.
11. Changes in chapter 278 of NRS relating to planning and zoning.

ASPO REPORT

The Nevada State Planning Board, in 1971, entered into a contract with the American Society of Planning Officials to produce a study of Nevada's planning, zoning and subdivision laws. The report of this study entitled "New Directions in Nevada's Planning, Zoning, Subdivision and Related Statutes" was released in May 1972. The subcommittee's overall grasp of the problem areas was greatly enhanced by the report.

In the approach to the review of Nevada's laws, the ASPO report presented its recommendations in two parts, part 1, having to do with local guidance of land development, and part 2, having to do with guidance of land use above the local level.

Under the local guidance of land development emphasis, the recommendations were clustered under the following headings:

1. Enabling legislation for local planning and development--delay recommended.
2. Subdivisions--urgent need for immediate revision of the statutory definition of subdivision.
3. Dedication of park and school sites--explicit authorization needed in both areas.
4. Reservation of land or an official map act.

Under the guidance of land use above the local level emphasis, the recommendations were arranged under the following headings:

1. State construction standards.
 - (a) Mobile homes.
 - (b) Factory-built housing.
 - (c) Conventional structures.
 - (d) Coordination, that is, a coordinated effort among state agencies responsible for adopting and enforcing the standards for the respective categories of housing.
2. State land use standards.
 - (a) Subdivision definition.
 - (b) Additional powers for subdivisions.
 - (c) Official map.
 - (d) Mobile home parks.
3. State administrative organization for planning. On this point the report disavows any in-depth study; it simply makes a general statement.
4. State planning agency's responsibilities and powers.
 - (a) A-95 clearinghouse.
 - (b) State environmental impact statements.
 - (c) Land use controls in critical areas.
 - (d) State plan.

The subcommittee utilized the material appearing in the appendices of the ASPO report in a number of ways, not the least of which was the guidance suggested in the preparation of amendments to chapter 278 of NRS.

The subcommittee, recognizing its time limitations and its inability to conduct the necessary background study of certain problem areas, pointed out in the ASPO report, made an effort to focus its study and resulting recommendations in areas which were, by consensus, amenable to an immediate solution.

LAND USE - CRITICAL AREAS

One of the most pressing problems deals with the generally recognized need of controlling the sprawl produced by unchecked development in areas of concern to both localities and the state, the so-called areas of critical concern. The subcommittee, in an effort to produce a solution for this ever-mounting aggravation, has adapted the Florida Land and Water

Management Act of 1972 to Nevada's needs. This recommended solution has been prepared in a bill draft, which is attached as Exhibit A. The plan calls for mutual cooperation between local governments and the state agency. No definite allocation of land in the category of areas of critical concern can come about until notice, hearing and processing, in keeping with the commonly understood doctrine of due process, has been fully satisfied.

PLANNING COMMISSIONS

Much attention was given to the role of the planning commission in the administration of the zoning laws. Concern was expressed over the apparent overload of cases being considered by many of the planning commissions attributable, in great part, to the fact that the valuable time of the individuals on these commissions is being taken up with the minutiae of the individual applications coming before them. A solution is offered by the subcommittee in the form of legislation which would provide a hearing officer who would conduct the hearings required by law and would submit a report to the commission based upon written findings of fact. This solution is offered as Exhibit B attached to this report. The legislation was modeled on the hearing officer concept set up in the State of Maryland.

OFFICIAL MAP ACT

In another approach to the solution of the problem engendered by uncontrolled development, the subcommittee studied a variety of suggested map acts. The subcommittee selected the Utah legislation as an appropriate model for the State of Nevada. This proposed legislation, which is attached as Exhibit C, in effect sets up certain areas concerning which there is a designated public interest, such as for roads, rights-of-way, parks or other public use. This designation plotted on a map is known as the official map. The designation is for a limited duration and, in fact, may be removed. Upon the application of a developer to develop certain lands in a particular area designated for public use, the public body is then required to follow through with its plans to use the indicated area in the manner designated or allow the designated area to be freed of the restriction.

PARK DEDICATION

A considerable amount of interest was evidenced in the requirement of park dedication by a subdivider. Legislation to this end was introduced in the 56th session and this legislation was considered by the subcommittee for recommended reintroduction at the 57th session. The subcommittee recognized that legislation of this kind had been challenged in a number of jurisdictions. Acting on the recommendation of the ASPO report, however, it proceeded to make a definite recommendation that legislation requiring park dedication, or payment in lieu thereof, be drawn and presented along with the other pieces of legislation accompanying this report. This appears as Exhibit D. The subcommittee's concern over the constitutionality of any such proposed legislation was allayed by the advice that its recommendation should correspond in all important particulars to California's Quimby Act, which survived constitutional attack.

FLOOD PLAIN AND SEISMIC HAZARDS

The subcommittee felt that Nevada's law was not sufficiently responsive to certain hazards which affect land development in a rather spectacular way. In order to correct this deficiency, it recommends the enactment of a flood plain zoning act and the amendment of the provision in the law respecting master plans to accommodate the overall master plan to seismic hazard planning. These proposed laws are attached as Exhibits E and F.

DEFINITION OF SUBDIVISION

Perhaps the keystone to any serious overhaul of the present subdivision laws is the recognition that the present definition of subdivision is awkward, unresponsive and capable of being evaded by overly ambitious developers. A number of approaches to curing this problem were considered. The subcommittee finally determined upon an adapted version of the definition appearing in an article authored by Professor Robert H. Freilich, appearing in Volume 36 of the Missouri Law Review, Winter, 1971. This definition was accompanied by definitions of major and minor subdivisions, the major subdivision being the working unit for most actual development,

the minor subdivision being the recognition of certain family lot splits and other divisions of land not approaching any real commercial use of land. The subcommittee decided that any division of land or any division of interest in land resulting in the creation of two or more units or interests would be regarded as a subdivision. Any division of land resulting in no more than three new units, however, would not be required to undergo the procedural apparatus created for the control of subdivisions generally. A recommended legislative proposal in this regard is attached as Exhibit G.

OMNIBUS BILL - CHAPTER 278 OF NRS

The variety of suggestions offered by civil engineers and title officers, particularly, in regard to the mechanics of chapter 278 of NRS, have been incorporated in a proposed bill, which is attached as Exhibit H.

LAND SALES

A considerable amount of testimony was considered by the subcommittee in the field of land sales. The subcommittee determined that certain abuses were developing as a result of certain shortcomings in the present laws regulating land sales. Mr. R. E. Hansen, Administrator of the Division of Real Estate, State Department of Commerce, gave the subcommittee invaluable assistance in the analysis of the various administrative problems which are developing under the present law.

One particular area of concern was singled out. This relates to the recognition of the fact that certain practices are developing which are principally adverse to the public interest in land sales and which are evidenced by unrecorded land sales contracts. To correct this problem, the subcommittee recommends the enactment of a land sales recording act. This proposed act is attached as Exhibit I.

Other changes recommended in the land sales act, chapter 119 of NRS, are incorporated in a separate proposed bill, which is attached as Exhibit J.

REGIONAL PLANNING AREAS

The subcommittee, out of a desire to assure a statewide