

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 12:18 p.m.
Elizabeth A. Brown
Clerk of Supreme Court

No. 84640

**AMENDED
JOINT APPENDIX
VOLUME 128, PART 25**

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CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3039 sworn in, the date is the 19th of July, the following, next scheduled Council meeting is the 21st,
3040 correct?

3041

3042 **BRAD JERBIC**

3043 The 2nd of August.

3044

3045 **MAYOR GOODMAN**

3046 I mean 2nd of August. Sorry. What if? This may be an open-ended question that you can't even
3047 possibly answer. But with everything working as best as it can for two new Council members to
3048 be brought up to speed on a development agreement, what is reasonable to assume, and can we
3049 hold a special meeting so we don't have to wait that long, because every day we wait, Mr. Lowie
3050 is having financial pursuit, to put it that way? What is reasonable, and when can we have a
3051 special session?

3052

3053 **BRAD JERBIC**

3054 That's a good question. I can't read anybody's mind. I know Mr. Seroka is here today, and we
3055 have not had an opportunity to meet yet. I met Ms. Fiore very briefly, just to shake hands a
3056 couple of days ago. And so I haven't had the opportunity to ask them that question – how long
3057 will it take you to really get up to speed?

3058 I can say that I am prepared now to get everything to whoever is going to be sitting here on the
3059 19th of July as soon as it's drafted. And, but the real problem is I am not able to have an
3060 attorney/client conversation with either of the new members of Council until they are technically
3061 sworn in.

3062

3063 **MAYOR GOODMAN**

3064 I was just going to say they're not sworn in.

CITY COUNCIL MEETING

JUNE 21, 2017

COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3065 **BRAD JERBIC**

3066 So I can talk with them. I can provide them with the documents. I can answer questions. But if it
3067 gets into an attorney/client conversation about litigation or something, I won't be able to do that
3068 until the swearing in occurs.

3069 So I'm more than happy to finish this deal. I'm more than happy to accelerate it and get it to the
3070 new members as soon as possible so they can ask all the questions that they need to. But I don't
3071 know if that right number is two weeks, or four weeks, or one day. I don't know.

3072

3073 **MAYOR GOODMAN**

3074 Councilwoman?

3075

3076 **COUNCILWOMAN TARKANIAN**

3077 Mr. Jerbic, we have in the past sworn in new members at a special meeting, not at the Council
3078 meeting, not the regular Council meeting. We didn't even do it in Council chambers. In fact, I
3079 think I was one of them. We did it in a smaller room someplace in the City. So I think you could
3080 call a special meeting. I mean you might want to check that out. But I know that I was, when I
3081 was, well maybe it was – I don't know. I could be wrong.

3082

3083 **BRAD JERBIC**

3084 You may be different. I need to look at this.

3085

3086 **COUNCILWOMAN TARKANIAN**

3087 I'm very tired. It's been over 12 hours now.

3088

3089 **BRAD JERBIC**

3090 You won in a recall election, and I think the recall election was a little bit different. But I'll look
3091 into it and find out if that's a possibility. Then, of course, we'd want to consult with the new
3092 members of Council to see if that's what they would want to do. I don't know.

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3093 I do know that right now, if it went on its ordinary trajectory, the swearing in would be July 19th,
3094 and the next meeting after that would be August 2nd.

3095 And so I can tell you I personally believe I will know very quickly, in less than a week, I hope,
3096 whether or not these issues will be resolved or not. And if they are resolved, that written
3097 agreement will be distributed to everybody, including the new members of Council, so that they
3098 can look at it and meet with neighbors and see what the support is, if it's there or not.

3099

3100 **CHRIS KAEMPFER**

3101 Well, Your Honor, if I might chime in here just for a minute. I will not deny the efforts that Brad
3102 has put into this. I mean, it's incredible. And he's not helped us. I mean, if he was here to help us,
3103 we wouldn't have taken it from 3,000 units down to 2,100 units. Thanks, Brad, very much for
3104 knocking 900 units off the project. All right. We wouldn't have two-acre lots everywhere. All of
3105 those things are driven by him and agreed to by us.

3106 But as hard as he worked and as good a man as he is, I'm telling you right now and you – if I'm
3107 wrong, you can say Chris, you're wrong – I don't care what agreement we reach. I don't care.

3108 There will be the same people who come up here and tell you that the Development Agreement
3109 is defective, that it doesn't have this. I've never seen any kind of development agreement that is
3110 this sloppily done. You can't even approve it because this.

3111 We don't want to go through that. We don't want any of that anymore. We're tired. All of us are
3112 tired. All right. Those of us who live in this community are tired.

3113 And what I was hoping the Development Agreement could do was put to rest the uncertainty that
3114 has made living there unbearable for a lot of people, especially like I said, when you're selling
3115 your home and they say, what's happening with the golf course, and you go, I don't know. It may
3116 be developed. It may not be.

3117 There is a mentality on the other side, not the neighbors necessarily, but there's a mentality that
3118 they still want to see, if they can, no development. I was told early on by someone I respect very
3119 much that he would rather see it a desert than a single home built.

CITY COUNCIL MEETING

JUNE 21, 2017

COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3120 Now, that position may have changed, but that's what I'm dealing with. That's what all of us are
3121 dealing with. And I am just so much, I am so afraid that if we don't approve something tonight,
3122 that we'll get nothing. And that's what I think is gonna happen.
3123 I think what's gonna happen on August 2nd, and maybe rightfully so, our new people are going
3124 to look at you and they're going to say: Mayor, Council people, we've only been here two weeks.
3125 We need to hold it another 30 days. And I'm not blaming them. I would probably, you know,
3126 think about saying the same thing. So now another \$80,000 goes out. We're dying. And maybe
3127 that's what they want. Maybe they want this guy to die, so what, you know, I don't know. But I'm
3128 just telling you that's what I've been told to say.
3129 I believe it for Mr. Lowie, and I'm very concerned about the fact if we were to say those three
3130 issues, Tudor, keep it green, Ravel Court, we resolve those three issues, that's not, I mean, I just
3131 don't believe that's going to be it. I think there is going to have the same people come up and say:
3132 Don't you realize the Master Plan and the General Plan and the zoning and all. Forget what these
3133 people think. We're experts. You guys here, you're just the guys that work for the City of Las
3134 Vegas.
3135 To me, I've never seen a situation where you say I disregard completely what these gentlemen,
3136 who are as smart as you'll ever find, as thorough as you'll ever find, and would believe somebody
3137 else who says they're wrong. So whatever you do, God love you and bless you and keep you, but
3138 I'm just saying I can't guarantee what happens with a hold.
3139 I think you ought to approve it, and I think you ought to say I trust you'll work those other issues
3140 out, and that will provide those people, most of us who live on that golf course, with two-acre
3141 lots guaranteed under a development agreement. Thank you.

3142

3143 **YOHAN LOWIE**

3144 Mr. Jerbic, I just want to say, add one more thing. Condition number four is unacceptable. The
3145 golf course is dead. As of today, we cannot, no longer support irrigating and maintaining green
3146 on the golf course. So if you want to continue negotiation, item number four cannot be a part of
3147 this, a part of the negotiation.

CITY COUNCIL MEETING

JUNE 21, 2017

COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3148 Mayor, as I told you, you know, elections have consequences and so does continual denial of our
3149 application, and the ability of us financing this piece of property has consequences. And we
3150 cannot irrigate no longer.

3151

3152 **MAYOR GOODMAN**

3153 All I can tell you is I said what I said very clearly, and I've said it to Mr. Jerbic. Every time he's
3154 gone in to try again with something, and last week he came to me and I said, How are we? And
3155 he said we are so close to this.

3156 And I said it at the time that we voted on the corner of Rampart and Alta. I said it clearly. I
3157 cannot vote for any other project until we've got this resolved. And I believe this man; I've
3158 known him for 35 or 40 years. That puts you older than probably you are. But the reality is he
3159 delivers. He tells the truth to me. I'm not saying you have ever, but we don't have that length of
3160 the relationship. And because he's an attorney and because he's worked with you and your team
3161 and with the residents, and because I made a commitment that I didn't want it piecemeal – I'm
3162 not denying that anything that you touch you haven't – everything that I've seen, contrary to
3163 comments that aren't true, everything I know you will deliver the finest. You will deliver it.
3164 I want to abey this. I want you to hang in to August 2nd. You can do that.

3165

3166 **YOHAN LOWIE**

3167 No, I can't and I will not. And I just want to tell you something. I want to ask you a question.
3168 Under which legal theory are you forcing me to bring three different companies under one
3169 agreement and to give you one holistic project? I've tried it for two years. It doesn't work.

3170

3171 **MAYOR GOODMAN**

3172 No, no, no. I know –

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3173 **YOHAN LOWIE**

3174 You don't have – under which, on what are you relying? Which law are you relying to, to force
3175 me to do it?

3176

3177 **MAYOR GOODMAN**

3178 No, no, no. I'm not. All I'm relying on the fact is I know the numbers have to pencil out for you.

3179 So when you reduce an area, in order to make it work for you as the developer, you've got to put

3180 more people in another area. It needs to be compatible with people that are homeowners, with the

3181 feeling of beauty – you can do it. You can do it.

3182

3183 **YOHAN LOWIE**

3184 The 61 lot is compatible. The 61 lot you just denied is compatible.

3185

3186 **MAYOR GOODMAN**

3187 I'm not saying it isn't.

3188

3189 **YOHAN LOWIE**

3190 And every application from now on –

3191

3192 **MAYOR GOODMAN**

3193 I'm not saying it isn't.

3194

3195 **YOHAN LOWIE**

3196 Let me finish. Any other application we're going to bring from now on will be compatible. We

3197 are only going to bring R-PD7. You don't have to worry about development agreement. There is

3198 no development agreement, because we're going to bifurcate this property. I can no longer trust

3199 this Council to ever give us to develop the property.

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3200 **MAYOR GOODMAN**

3201 Okay. Oh, wait a minute.

3202

3203 **YOHAN LOWIE**

3204 Wait a minute. To ever allow us to develop the property.

3205

3206 **MAYOR GOODMAN**

3207 No, no, no.

3208

3209 **YOHAN LOWIE**

3210 It's a continuous denial.

3211

3212 **MAYOR GOODMAN**

3213 If you want to divide the property, then we have something.

3214

3215 **YOHAN LOWIE**

3216 What do you have?

3217

3218 **MAYOR GOODMAN**

3219 Well, you just said you could bifurcate the property. You're not going to develop –

3220

3221 **YOHAN LOWIE**

3222 Bifurcate it and sell it off in pieces. But do you think that the next applicant is going to come in

3223 and is going to come in here –

3224

3225 **MAYOR GOODMAN**

3226 No –

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3227 **YOHAN LOWIE**

3228 – and you're going to tell him about development agreement and the dream?

3229

3230 **MAYOR GOODMAN**

3231 We're saying we are so close to this.

3232

3233 **YOHAN LOWIE**

3234 Your Honor, we're not so close to it. Now you got further, further than any, because I cannot no

3235 longer hold the property. That's all. You made a decision, and I just want you to know that item

3236 number four cannot be negotiated, because we don't have the funding to do it.

3237

3238 **MAYOR GOODMAN**

3239 Okay. All right. So where are we on this, Mr. Jerbic? What do we vote on this? I don't want to go

3240 into more public comment. I was hoping that we could just go ahead, abey everything, because

3241 we want to get the new Council person seated, have you and Tom Perrigo bring everybody up to

3242 speed, and then move this on the 2nd of August or earlier. But I did look at my calendar, and

3243 literally from the 19th to the 2nd, it is the proper two weeks.

3244

3245 **BRAD JERBIC**

3246 Let me say my recommendation is still for abeyance. I will say that a lot of things Mr. Kaempfer

3247 said are correct. I think that I really do believe and it's true that there are going to be people that

3248 are going to oppose this. No matter what it is, no matter how many people like it, there's going to

3249 be a group that will never like it, and that's a given.

3250 There's also this fear that issues will continue to open up, and there will be more and more

3251 demands. And that's where I have to use my skills to say enough is enough. And that's why I said

3252 tonight, speak now or forever hold your peace.

3253 I think that they have these issues. If somebody comes to me now with an issue they should have

3254 come to me with months ago, I'm going to ignore them, because that's just not fair either. You

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3255 can't continue to whittle away at this agreement by throwing new things at it all the time. There's
3256 been two years for people to make their comments. I think that we are that close.
3257 I know Yohan disagrees with me, but I do believe that – and if at the end of the day, and I'll make
3258 you this promise, Yohan, if at the end of the day, we're down to that one issue and that is the
3259 greening of the golf course and there's no agreement on that, I'll present it to the Council for their
3260 decision.

3261

3262 **MAYOR GOODMAN**

3263 So is my comment –

3264

3265 **BRAD JERBIC**

3266 I will not stop it from going to this Council, because we can't get an agreement on the greening
3267 of the golf course. I'll let them make the decision.

3268

3269 **MAYOR GOODMAN**

3270 Okay.

3271

3272 **BRAD JERBIC**

3273 And if the Council says greening is so important to us, we don't like it, they'll vote you down.

3274 And if they say the greening is something that, in the scheme of the entire agreement, isn't a hill
3275 to die for, then they'll vote you up. But that's how I plan to handle those issues that we can't
3276 negotiate through.

3277

3278 **COUNCILMAN COFFIN**

3279 Your Honor?

CITY COUNCIL MEETING

JUNE 21, 2017

COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3280 **BRAD JERBIC**

3281 I don't plan to use that as an excuse in the future to stop this Council from looking at an
3282 agreement. You've got my word on that.

3283

3284 **COUNCILMAN COFFIN**

3285 Your Honor?

3286

3287 **MAYOR GOODMAN**

3288 Please.

3289

3290 **COUNCILMAN COFFIN**

3291 I'm afraid we've put our Council in a bad position using him as a negotiator. I think the fact is
3292 that he's done all he can, and I think that he should now be our counsel, and that if any
3293 negotiating happens, it should be between the members of the Council and the interested parties.
3294 He's at a point now where I don't want him to be compromised. Not only is he tired, but he also
3295 feels, you know, I'm sure he feels that it's futile.

3296 But I remarked, I earlier remarked that I will still continue to work. And, you know, I may be
3297 heard to be just flapping my gums, but I'm still where I was in December that there could be
3298 something easy on the eyes, something very nice for these people and that land out there. So now
3299 that's my position. I'm still open minded, but I must continue –

3300

3301 **MAYOR GOODMAN**

3302 Okay. What I'd like to do is move a question, with your permission down there, I am going to
3303 move to abey Agenda Item 130 to August 2nd, and then we're going to read into – **I'm going to**
3304 **make that motion to abey this Item 130 to August 2nd.** So that's my motion. Please vote.

3305 Where is Mr. Beers?

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3306 **JAMES JIMMERSON**

3307 May we be heard? May the applicant be heard on this motion?

3308

3309 **MAYOR GOODMAN**

3310 Mr. Beers. There's a motion to abey to August 2nd on Agenda Item 130.

3311

3312 **JAMES JIMMERSON**

3313 Can we not be heard on that? Can both sides be heard on that matter, just for three minutes?

3314

3315 **MAYOR GOODMAN**

3316 No, no. No. No. No.

3317

3318 **JAMES JIMMERSON**

3319 We've not been heard on this matter at all.

3320

3321 **YOHAN LOWIE**

3322 Your Honor, we're objecting to the abeyance under the law. Under 278A 0233, we're objecting to

3323 it. 278, I'm sorry, 0233. We're objecting to it. We're asking you, we're asking for a vote.

3324

3325 **MAYOR GOODMAN**

3326 Okay. So you've made your record, and that's what's the most important thing. Could we please

3327 post the vote on the abeyance?

3328

3329 **JAMES JIMMERSON**

3330 With our statement of law and rights in our final decision.

CITY COUNCIL MEETING

JUNE 21, 2017

COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3331 **MAYOR GOODMAN**

3332 Okay. And so that motion carries (**Motion carried with Ross and Beers voting No**). We are
3333 abeyed.

3334

3335

ITEM 82

3336 **MAYOR GOODMAN**

3337 I'm going to go to Agenda Item 82, Bill number 2017-27, for possible action, adopts that certain
3338 development agreement entitled "Development Agreement For The Two Fifty", entered into
3339 between the City and 180 Land Co, LLC, et al., pertaining to property generally located at the
3340 southwest corner of Alta and Rampart. Sponsored by: Councilman Bob Beers.

3341 I am going to make the motion. Oh, do we have to read that in? Yes, we'll read that in, please.

3342

3343 **BRAD JERBIC**

3344 Your Honor, bill number 2017-27, an ordinance to adopt that certain development agreement,
3345 entitled "Development Agreement For The Two Fifty", entered into between the City and 180
3346 Land Co, LLC, et al., and to provide for other related matters.

3347

3348 **MAYOR GOODMAN**

3349 **I'm going to move this be abeyed to August 2nd, with the new Council seated, please.** That's
3350 my motion. Please vote, and please post. And that motion carries (**Motion carried with Ross**
3351 **voting No**).

3352 So, at this point –

3353

3354 **CHRIS KAEMPFER**

3355 Your Honor?

3356

3357 **MAYOR GOODMAN**

3358 – I'm gonna ask you, Mr. Jerbic –

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3359 **BRAD JERBIC**

3360 Yes.

3361

3362 **MAYOR GOODMAN**

3363 – as you speak with the developer team that you continue to do your best, depending upon where
3364 they come with this, and that you will meet, if, in fact, everything can move forward with the
3365 new seated Council, Ms. Fiore and Mr. Siroka, and make appointments for them to get up to
3366 speed with all these items so that they are ready to move forward on August 2nd, pending how
3367 you work forward and where needed with Mr. Perrigo joining in.

3368

3369 **CHRIS KAEMPFER**

3370 Your Honor –

3371

3372 **BRAD JERBIC**

3373 Thank you. We will.

3374

3375 **MAYOR GOODMAN**

3376 Please. Could you speak –

3377

3378 **CHRIS KAEMPFER**

3379 May I say a couple of words –

3380

3381 **MAYOR GOODMAN**

3382 It's up to Councilman –

3383

3384 **CHRIS KAEMPFER**

3385 – to the Councilman?

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3386 **MAYOR GOODMAN**

3387 – my Council over here. Is that alright, more?

3388

3389 **BRAD JERBIC**

3390 Oh, yes.

3391

3392 **CHRIS KAEMPFER**

3393 I just want to say a couple of words to the departing Councilmen, if I might.

3394

3395 **MAYOR GOODMAN**

3396 Yes, but please get closer ‘cause you’re so far up.

3397

3398 **CHRIS KAEMPFER**

3399 Okay. I just wanted to say, Councilman Ross, Councilman Beers, thank you very much for all of

3400 the years of working together. The hard work, the compromise, whatever, you are both class

3401 gentlemen, and I know wherever, whatever you do, whatever you decide is better than this,

3402 you’re gonna have a great time.

3403 And I just want to say seriously, thank you for all of your hard work and for being such good

3404 people. And although it’s not really cool any more to say it, I want to say God bless you and

3405 keep you well. Okay. Thank you.

3406

3407 **COUNCILMAN ROSS**

3408 With your permission, Mayor? Thank you, Mr. Kaempfer.

3409

3410 **MAYOR GOODMAN**

3411 Yes. Please, wait Mr. Kaempfer, he’s responding.

CITY COUNCIL MEETING
JUNE 21, 2017
COMBINED VERBATIM TRANSCRIPT – AGENDA ITEMS 82, 130-134

3412 **COUNCILMAN ROSS**

3413 Thank you, Mr. Kaempfer.

3414

3415 **STEPHANIE ALLEN**

3416 I just wanted to echo that. We'll miss you, and we appreciate all of your hard work and time and

3417 dedication. So thank you so much for everything you've done for the City of Las Vegas to make

3418 it so great.

3419

3420 **COUNCILMAN ROSS**

3421 Thank you.

3422

3423 **STEPHANIE ALLEN**

3424 We appreciate it.

3425

3426 **MAYOR GOODMAN**

3427 Thank you.

3428

3429 **COUNCILMAN ROSS**

3430 Thank you.

3431

3432 **MAYOR GOODMAN**

3433 And I can assure you the Council feels the same way. We're very proud of these gentlemen and

3434 everything that they have done as public servants, both with the legislature and City Council.

3435 Mayor Pro Tem Ross, for his 12 years here and devotion to the citizens and people and

3436 development, just kudos.

3437 **(END OF DISCUSSION)**

3438 /ac

*City of Las Vegas***AGENDA MEMO - PLANNING****PLANNING COMMISSION MEETING DATE: JANUARY 12, 2016****DEPARTMENT: PLANNING****ITEM DESCRIPTION: APPLICANT/OWNER: SEVENTY ACRES, LLC****** STAFF RECOMMENDATION(S) ****

| CASE NUMBER | RECOMMENDATION | REQUIRED FOR APPROVAL |
|------------------------|--|----------------------------------|
| GPA-62387 | Staff recommends NO RECOMMENDATION. | |
| ZON-62392 | Staff recommends NO RECOMMENDATION. | GPA-62387 |
| SDR-62393 | Staff recommends NO RECOMMENDATION, subject to conditions: | GPA-62387 ZON-62392 |

**** CONDITIONS ******SDR-62393 CONDITIONS****Planning**

1. Approval of a General Plan Amendment (GPA-62387) and Rezoning (ZON-62392) shall be required, if approved.
2. This approval shall be void two years from the date of final approval, unless exercised pursuant to the provisions of LVMC Title 19.16. An Extension of Time may be filed for consideration by the City of Las Vegas.
3. All development shall be in conformance with the site plan and landscape plan, date stamped 12/21/15 and building elevations and floor plans, date stamped 11/30/15, except as amended by conditions herein.
4. All necessary building permits shall be obtained and final inspections shall be completed in compliance with Title 19 and all codes as required by the Department of Building and Safety.
5. These Conditions of Approval shall be affixed to the cover sheet of any plan set submitted for building permit.
6. The minimum distance between buildings shall be at least 30 feet.

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Conditions Page Two

January 12, 2016 - Planning Commission Meeting

7. A technical landscape plan, signed and sealed by a Registered Architect, Landscape Architect, Residential Designer or Civil Engineer, must be submitted prior to or at the same time 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 at least three additional 36-inch box shade trees (*Pinus pinea*) within the provided landscape buffer area along the south perimeter of the site, for a total of 29 trees.
 - B. Provide at least four, five-gallon shrubs per required tree in perimeter landscape buffers.
8. A fully operational fire protection system, including fire apparatus roads, fire hydrants and water supply, shall be installed and shall be functioning prior to construction of any combustible structures.
9. Prior to the submittal of a building permit application, the applicant shall meet with Department of Planning staff to develop a comprehensive address plan for the subject site. A copy of the approved address plan shall be submitted with any future building permit applications related to the site.
10. All City Code requirements and design standards of all City Departments must be satisfied, except as modified herein.

Public Works

11. Correct all Americans with Disabilities Act (ADA) deficiencies on the sidewalk ramps accessing this site on Alta Drive and Rampart Boulevard in accordance with code requirements of Title 13.56.040 to the satisfaction of the City Engineer concurrent with development of this site. All existing paving damaged or removed by this development shall be restored at its original location and to its original width concurrent with development of this site.
12. Unless otherwise allowed by the City Engineer, construct sidewalk on at least one side of all access drives connecting this site to the adjacent public streets concurrent with development of this site. The connecting sidewalk shall extend from the sidewalk on the public street to the first intersection of the on-site roadway network and shall be terminated on-site with a handicap ramp.
13. Landscape and maintain all unimproved rights-of-way on Alta Drive and Rampart Boulevard adjacent to this site. All landscaping and private improvements installed with this project shall be situated and maintained so as to not create sight visibility obstructions for vehicular traffic at all development access drives and abutting street intersections.

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Conditions Page Three

January 12, 2016 - Planning Commission Meeting

14. Submit an Encroachment Agreement for landscaping and private improvements in the Alta Drive and Rampart Boulevard public rights of way prior to this issuance of permits for these improvements. The applicant must carry an insurance policy for the term of the Encroachment Agreement and add the City of Las Vegas as an additionally insured entity on this insurance policy. If requested by the City, the applicant shall remove property encroaching in the public right-of-way at the applicant's expense pursuant to the terms of the City's Encroachment Agreement. The installation and maintenance of all private improvements in the public right of way shall be the responsibility of the applicant and any successors in interest to the property and assigns pursuant to the terms of the Encroachment Agreement. Coordinate all requirements for the Encroachment Agreement with the Land Development Section of the Department of Building and Safety (702-229-4836).
15. A Traffic Impact Analysis must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits, submittal of any construction drawings or the recordation of a Map subdividing this site, whichever may occur first. Comply with the recommendations of the approved Traffic Impact Analysis prior to occupancy of the site. The Traffic Impact Analysis shall also include a section addressing Standard Drawings #234.1 #234.2 and #234.3 to determine additional right-of-way requirements for bus turnouts adjacent to this site, if any; dedicate all areas recommended by the approved Traffic Impact Analysis. All additional rights of way required by Standard Drawing #201.1 for exclusive right turn lanes and dual left turn lanes shall be dedicated prior to or concurrent with the commencement of on site development activities unless specifically noted as not required in the approved Traffic Impact Analysis. 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.
16. Prior to issuance of grading permits, replace the existing \$75,000 flood maintenance bond with a \$250,000 flood maintenance bond for the existing public drainage channel that is privately maintained for the Badlands Golf Course area.
17. A Drainage Plan and Technical Drainage Study must be submitted to and approved by the Department of Public Works prior to the issuance of any building or grading permits or submittal of any construction drawings, whichever may occur first. Provide and improve all drainageways recommended in the approved drainage plan/study. The developer of this site shall be responsible to construct such neighborhood or local drainage facility improvements as are recommended by the City of Las Vegas Neighborhood Drainage Studies and approved Drainage Plan/Study concurrent with development of this site. We note that this site is within a Federal Emergency Management Agency (FEMA) designated flood zone and that no permits of any kind will be issued until after the Conditional Letter of Map Revision (CLOMR) is approved by FEMA.

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**** STAFF REPORT ******PROJECT DESCRIPTION**

The site, which is located at the corner of two major thoroughfares, contains the northeastern portion of an existing 27-hole golf course. The applicant is proposing to redevelop a 17.49-acre portion of the golf course into a multi-family condominium community containing four, four-story buildings. The current land use designation of PR-OS (Parks/Recreation/Open Space) does not allow for multi-family residential uses; therefore, the applicant is also requesting a General Plan Amendment. Accompanying the General Plan Amendment is a request to rezone the property to increase the allowable residential density, as it is currently zoned for a maximum of 7.49 dwelling units per acre.

A maximum of 720 residential units are proposed, composed of a mix of studio, one, two and three-bedroom units. The buildings are configured so that the residential units are wrapped around multilevel parking structures that will not be visible from public rights-of-way. Access to the site is provided from Rampart Boulevard, with emergency access to Alta Drive. The site features a 5,000 square-foot common recreation building and outdoor pool area, along with secondary open recreation areas located near Buildings 2 and 3. The property slopes down from the north and east, so that the proposed buildings would have little impact on views. The architectural design of the buildings is comparable to and compatible with the Parisian style of the adjacent Queensridge Towers condominium development.

The site is part of the Peccole Ranch Master Plan. The appropriate avenue for considering any amendment to the Peccole Ranch Master Plan is through the Major Modification process as outlined in Title 19.10.040. As this request has not been submitted, staff recommends that the General Plan Amendment, Rezoning and Site Development Plan Review requests be held in abeyance has no recommendation on these items at this time.

ISSUES

- The proposed development requires a Major Modification of the Peccole Ranch Master Plan, specifically the Phase Two area as established by Z-0017-90. As such, staff is recommending that these items be held in abeyance.
- A General Plan Amendment is proposed from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential) on the site, which allows for residential densities of greater than or equal to 25.5 dwelling units per acre.
- A Rezoning is proposed from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) on the site, which allows for multi-family dwellings without density limitations. However, density will be limited by the 55-foot height limitation and other development standards imposed by this zoning district.

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ROR025532

Staff Report Page Two

January 12, 2016 - Planning Commission Meeting

- The site is at a significantly lower grade than the existing adjacent One Queensridge Place condominium development to the north. The lower elevation of the proposed buildings will lessen the impact to that development and would meet the 3:1 proximity slope from existing single-family residences to the west.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|---|
| 12/17/80 | The Board of City Commissioners approved the Annexation (A-0018-80) of 2,243 acres bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east. The annexation became effective on 12/26/80. |
| 05/20/81 | The Board of City Commissioners approved a Rezoning (Z-0034-81) from N-U (Non-Urban) to R-1 (Single Family Residence), R-2 (Two Family Residence), R-3 (Limited Multiple Residence), R-MHP (Residential Mobile Home Park), R-PD7 (Residential Planned Development), R-PD8 (Residential Planned Development), P-R (Professional Offices and Parking), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) generally located north of Sahara Avenue, south of Westcliff Drive and extending two miles west of Durango Drive. The Planning Commission and staff recommended approval. This application included a “generalized land use plan.” |
| 05/07/86 | The City Council approved the Master Development Plan for Venetian Foothills on 1,923 acres generally located north of Sahara Avenue between Durango Drive and Hualapai Way. The Planning Commission and staff recommended approval. This plan included two 18-hole golf courses and a 106-acre regional shopping center. [Venetian Foothills Master Development Plan] |
| | The City Council approved a Rezoning (Z-0030-86) to reclassify property from N-U (Non-Urban) (under Resolution of Intent) to R-PD4 (Residential Planned Development), P-R (Professional Offices and Parking), C-1 (Limited Commercial), and C-V (Civic) on 585.00 acres generally located north of Sahara Avenue between Durango Drive and Hualapai Way. The Planning Commission and staff recommended approval. [Venetian Foothills Phase One] |
| 02/15/89 | The City Council considered and approved a revised master development plan for the subject site and renamed it Peccole Ranch to encumber 1,716.30 acres. Phase I of the Plan is generally located south of Charleston Boulevard, west of Fort Apache Road. Phase II of the Plan is generally located north of Charleston Boulevard, west of Durango Drive, and south of Charleston Boulevard, east of Hualapai Way. The Planning Commission and staff recommended approval. A condition of approval limited the maximum number of dwelling units in Phase One to 3,150. The Phase One portion of the plan on 448.80 acres was subsequently rezoned (Z-0139-88). [Peccole Ranch Master Development Plan] |

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Staff Report Page Three

January 12, 2016 - Planning Commission Meeting

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|---|
| 04/04/90 | The City Council approved an amendment to the Peccole Ranch Master Development Plan to make changes related to Phase Two of the Plan and to reduce the overall acreage to 1,569.60 acres. Approximately 212 acres of land in Phase Two was planned for a golf course. The Planning Commission and staff recommended approval. [Peccole Ranch Master Development Plan] |
| | The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to multiple zoning districts) to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development – 7 Units per Acre) and C-1 (Limited Commercial) on 996.40 acres on the east side of Hualapai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. A condition of approval limited the maximum number of dwelling units for Phase Two of the Peccole Ranch Master Development Plan to 4,247 units. The Planning Commission and staff recommended approval. [Peccole Ranch Phase Two] |
| 12/05/96 | A (Parent) Final Map (FM-0008-96) for a 16-lot subdivision (Peccole West) on 570.47 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 77 Page 23 of Plats]. The golf course was located on Lot 5 of this map. |
| 03/30/98 | A Final Map [FM-0190-96] for a four-lot subdivision (Peccole West Lot 10) on 184.01 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [Book 83 Page 61 of Plats]. |
| 03/30/98 | A Final Map [FM-0008-96(1)] to amend portions of Lots 5 and 10 of the Peccole West Subdivision Map on 368.81 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 83 Page 57 of Plats]. |
| 07/07/04 | The City Council approved a Rezoning (ZON-4205) from R-PD7 (Residential Planned Development – 7 Units per Acre) and U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to PD (Planned Development) on 20.10 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. The request included the Queensridge Towers Master Development Plan and Design Standards. The Planning Commission and staff recommended approval. |
| 07/07/04 | The City Council approved a Variance (VAR-4207) to allow a side yard setback of 239 feet where residential adjacency standards require 570 feet on 20.10 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. |
| | The City Council approved a Site Development Plan Review (SDR-4206) for a 385-unit condominium complex, consisting of two 16-story and two 18-story towers with ancillary uses, clubhouse, and a 17,400 square foot, single-story office building on 20.10 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. |

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Staff Report Page Four

January 12, 2016 - Planning Commission Meeting

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|---|
| 01/12/06 | The Planning Commission accepted the applicant's request to Withdraw Without Prejudice its application for a General Plan Amendment (GPA-9069) from PR-OS (Parks/Recreation/Open Space) to MLA (Medium Low Attached Density Residential) on 6.10 acres at the southwest corner of Alta Drive and Rampart Boulevard. |
| | The Planning Commission accepted the applicant's request to Withdraw Without Prejudice its application for a Rezoning (ZON-9006) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-PD7 (Residential Planned Development – 7 Units per Acre) on 5.40 acres at the southwest corner of Alta Drive and Rampart Boulevard. |
| | The Planning Commission accepted the applicant's request to Withdraw Without Prejudice its application for a Site Development Plan Review (SDR-8632) for a proposed 24-unit townhome development on 6.10 acres at the southwest corner of Alta Drive and Rampart Boulevard. |
| 08/06/14 | The City Council approved a 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 on 20.10 acres on the south side of Alta Drive, approximately 410 feet west of Rampart Boulevard. |
| | The City Council approved 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 on a 7.87-acre portion of a 10.53-acre parcel at 9119 Alta Drive. |
| | The City Council approved a Major Amendment (SDR-53503) of an approved Site Development Plan Review (SDR-4206) 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 on a 7.87-acre portion of a 10.53-acre parcel at 9119 Alta Drive. |
| 06/18/15 | A four-lot Parcel Map (PMP-59572) on 250.92 acres at the southwest corner of Rampart Boulevard and Alta Drive was recorded [Book 120 Page 49 of Parcel Maps]. |
| 11/30/15 | A two-lot Parcel Map (PMP-62257) on 70.52 acres at the southwest corner of Rampart Boulevard and Alta Drive was recorded [Book 120 Page 91 of Parcel Maps]. |

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

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

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Staff Report Page Five

January 12, 2016 - Planning Commission Meeting

| <i>Pre-Application Meeting</i> | |
|---|--|
| Multiple meetings were held with the applicant to discuss the proposed development and its impacts, and the timelines and requirements for application submittal. | |

| <i>Neighborhood Meeting</i> | |
|------------------------------------|--|
| 12/15/15 | A neighborhood meeting was held at the Badlands Club House, 9119 Alta Drive, Las Vegas at 6:00 p.m. There were approximately 170 members of the public, six members of the development team, one Department of Planning staff member and one City Councilperson in attendance. |
| | A set of display boards were set up for area neighbors to learn about the project. The boards contained the current views of the neighborhood and the proposed plans for redevelopment of the golf course. The developer gave a brief introduction and described the project, inviting neighbors to visit each display station. Members of the development team stood next to the displays to answer any questions. |
| | Questions and concerns from the neighbors and answers by the Development Team included the following: <ul style="list-style-type: none"> • Will rezoning this parcel cause the other golf course parcels to also be rezoned? No, this is just for the 17 acres. • Will these be apartments or condominiums? These would be mapped condominiums that will be rented out for at least six years. • Much higher density than the surrounding area • Traffic on already congested perimeter streets • Devaluing neighboring property • Taking property out of master plan and rezoning for higher density is not legal • Possibility of developer not being able to finance the project and then selling to another developer, who could develop to an even higher density • Master plan designates this property as R-PD7. How could it now be rezoned for unlimited density? |
| | An informal vote to gauge support was taken by one neighbor. Nearly all in attendance were opposed to the proposal. |

| <i>Field Check</i> | |
|---------------------------|--|
| 12/03/15 | The site contains an existing golf course in operating condition. The land slopes downward from Rampart Boulevard and Alta Drive and has ample landscaping around the perimeter. |

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Staff Report Page Six

January 12, 2016 - Planning Commission Meeting

| <i>Details of Application Request</i> | |
|---------------------------------------|-------|
| <i>Site Area</i> | |
| Net Acres | 17.49 |

| <i>Surrounding Property</i> | <i>Existing Land Use Per Title 19.12</i> | <i>Planned or Special Land Use Designation</i> | <i>Existing Zoning District</i> |
|-----------------------------|---|--|--|
| Subject Property | Commercial Recreation/Amusement (Outdoor) – Golf Course | PR-OS (Parks/Recreation/Open Space) | R-PD7 (Residential Planned Development – 7 Units per Acre) |
| North | Multi-Family Residential (Condominiums) / Club House | GTC (General Tourist Commercial) | PD (Planned Development) |
| | Hotel/Casino | SC (Service Commercial) | C-1 (Limited Commercial) |
| South | Office, Other Than Listed | SC (Service Commercial) | C-1 (Limited Commercial) |
| East | Shopping Center | SC (Service Commercial) | PD (Planned Development) |
| West | Commercial Recreation/Amusement (Outdoor) – Golf Course | PR-OS (Parks/Recreation/Open Space) | R-PD7 (Residential Planned Development – 7 Units per Acre) |

| <i>Master Plan Areas</i> | <i>Compliance</i> |
|--|-------------------|
| Peccole Ranch | N |
| <i>Special Purpose and Overlay Districts</i> | <i>Compliance</i> |
| No Applicable Special Purpose or Overlay Districts | N/A |
| <i>Other Plans or Special Requirements</i> | <i>Compliance</i> |
| Trails (Rampart Pedestrian Path) | Y |
| Las Vegas Redevelopment Plan Area | N/A |
| Project of Significant Impact (Development Impact Notification Assessment) | N/A |
| Project of Regional Significance | N/A |

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Staff Report Page Seven

January 12, 2016 - Planning Commission Meeting

DEVELOPMENT STANDARDS

Pursuant to Title 19.06, the following standards apply:

| Standard | Required/Allowed | Provided | Compliance |
|---------------------------------|---------------------------------------|---------------------------------------|-------------------|
| Min. Lot Size | 7,000 SF | 761,864 SF | Y |
| Min. Lot Width | N/A | 405 Feet | N/A |
| Min. Setbacks | | | |
| • Front | 10 Feet | 15 Feet | Y |
| • Side | 5 Feet | 33 Feet | Y |
| • Corner | 5 Feet | 15 Feet | Y |
| • Rear | 20 Feet | 35 Feet | Y |
| Min. Distance Between Buildings | Unlimited | 38 Feet | Y |
| Max. Building Height | 55 Feet | 4 stories/47 Feet | Y |
| Max. Density | Limited by height | 41.2 du/ac | N/A |
| Trash Enclosure | Screened, Gated, w/ a Roof or Trellis | Screened, Gated, w/ a Roof or Trellis | Y |
| Mech. Equipment | Screened | Screened | Y |

| Existing Zoning | Permitted Density | Units Allowed |
|--|-----------------------------|----------------------|
| R-PD7 (Residential Planned Development – 7 Units per Acre) | 7 du/ac | 131 |
| Proposed Zoning | Permitted Density | Units Allowed |
| R-4 (High Density Residential) | Unlimited, except by height | Unlimited |

| General Plan | Permitted Density | Units Allowed |
|------------------------------------|--------------------------|----------------------|
| PR-OS (Park/Recreation/Open Space) | N/A | N/A |
| Proposed General Plan | Permitted Density | Units Allowed |
| H (High Density Residential) | Unlimited | Unlimited |

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ROR025538

Staff Report Page Eight

January 12, 2016 - Planning Commission Meeting

Pursuant to Title 19.06 and 19.08, the following standards apply:

(NOTE: NORTH refers to the buffer abutting Alta Drive; EAST refers to the buffer abutting Rampart Drive)

| Landscaping and Open Space Standards | | | | |
|---|---|------------------|-----------------------------|-------------------|
| Standards | Required | | Provided | Compliance |
| | Ratio | Trees | | |
| Buffer Trees: | | | | |
| • North | 1 Tree / 20 Linear Feet | 16 Trees | 19 Trees | Y |
| • South | 1 Tree / 20 Linear Feet | 29 Trees | 26 Trees | N |
| • East | 1 Tree / 20 Linear Feet | 65 Trees | 71 Trees | Y |
| • West | 1 Tree / 20 Linear Feet | 61 Trees | 76 Trees | Y |
| TOTAL PERIMETER TREES | | 171 Trees | 192 Trees | Y |
| Parking Area Trees | 1 Tree / 6 Uncovered Spaces, plus 1 tree at the end of each row of spaces | 10 Trees | 41 Trees | Y |
| LANDSCAPE BUFFER WIDTHS | | | | |
| Min. Zone Width | | | | |
| • North | 10 Feet | | 15 Feet | Y |
| • South | 6 Feet | | 6 Feet | Y |
| • East | 10 Feet | | 15 Feet | Y |
| • West | 6 Feet | | 6 Feet | Y |
| Wall Height | 6 to 8 Feet Adjacent to Residential | | Existing wall along west PL | Y |

| Street Name | Functional Classification of Street(s) | Governing Document | Actual Street Width (Feet) | Compliance with Street Section |
|--------------------|---|---|-----------------------------------|---------------------------------------|
| Rampart Boulevard | Primary Arterial | Master Plan of Streets and Highways Map | 100 | Y |
| Alta Drive | Major Collector | Master Plan of Streets and Highways Map | 84 | Y |

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ROR025539

Staff Report Page Nine

January 12, 2016 - Planning Commission Meeting

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

| Parking Requirement | | | | | | | |
|--|-------------------------------------|----------------------|---------|--------------|----------|--------------|------------|
| Use | Gross Floor Area or Number of Units | Required | | | Provided | | Compliance |
| | | Parking Ratio | Parking | | Parking | | |
| | | | Regular | Handi-capped | Regular | Handi-capped | |
| Multi-Family Residential (Studio/1 BR) | 424 | 1.25 spaces per unit | 530 | | | | |
| Multi-Family Residential (2 BR) | 262 | 1.75 spaces per unit | 459 | | | | |
| Multi-Family Residential (3BR) | 34 | 2 spaces per unit | 68 | | | | |
| Guest Spaces | 720 | 1 space per 6 units | 120 | | | | |
| TOTAL SPACES REQUIRED | | | 1177 | | 1323 | | Y |
| Regular and Handicap Spaces Required | | | 1153 | 24 | 1296 | 27 | Y |

ANALYSIS

The site is located within Phase II of the Peccole Ranch Master Plan area. Alta Drive and Rampart Boulevard form the perimeter by which the property can be accessed by vehicle. Rampart Boulevard is also designated as a Pedestrian Path in accordance with the Las Vegas 2020 Master Plan. The trail path was implemented by construction of the existing sidewalk along the west side of Rampart Boulevard.

Since the original approval of the reclassification of property (Z-0017-90) that created the Peccole Ranch Master Plan Phase Two area, there has been numerous land use entitlements processed within the Master Plan area. Entitlements have ranged from Site Development Plan Reviews to establish Residential Planned Development (R-PD) zoning district development standards, to the amending of the City of Las Vegas 2020 Master Plan and City of Las Vegas Zoning Atlas. Past land use entitlement practices have varied in respect to proposed developments within the Peccole Ranch Master Plan Phase Two area, specifically in regards to the means in which a developer has been able to propose development with or without an associated modification of the Peccole Ranch Master Plan. It is the determination of the Department of Planning that any proposed development not in conformance with the approved Peccole Ranch Master Plan would be required to pursue a Major Modification of the Plan prior to or concurrently with any new entitlements.

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ROR025540

Staff Report Page Ten**January 12, 2016 - Planning Commission Meeting**

The development is generally in conformance to Title 19 requirements for the R-4 (High Density Residential) zoning district and with general development standards for residential uses. If the proposed General Plan Amendment and Rezoning are approved, all setback, height and density requirements would be met by the proposal. Although the site does not qualify for residential adjacency standards, the low grade of the site relative to the adjacent lands ensures that the height of the buildings will not block views or create constant shadows throughout the daytime hours.

Ample landscaping is provided along the entire perimeter of the site, with 36-inch box Italian Stone Pine and Swan Hill Olive trees specified. These species are considered “bulletproof” by the Southern Nevada Regional Planning Coalition Regional Plant List are appropriate for this area. Several pine trees were omitted from the south buffer area near the termination of the emergency vehicle access. According to staff analysis, three additional trees are needed to meet the minimum planting requirement along the south perimeter. As a condition of approval, the additional trees will be required to be added to the technical landscape plan reviewed for building permit.

The building elevations indicate four-story buildings in the Parisian style that is similar to the existing One Queensridge Place condominiums adjacent to the west of this site. The ground levels contain a stone veneer, with successive floors utilizing plaster exteriors. Colors vary within an earth tone palette. Portions of each building are inset to provide façade relief and variation. Rooflines are varied between flat roofs and mansards with dormer windows. Individual units feature balconies and floor to ceiling windows. The number of studio, one, two and three-bedroom units varies on each building level. Units range in size from approximately 2,700 square feet to 6,200 square feet.

The Clark County School District projects that approximately 182 primary and secondary school students would be introduced into the area by the proposed development on this site. Of the three schools serving the area (Bonner Elementary School, Rogich Middle School and Palo Verde High School), the District notes that each school was over capacity for the 2015-2016 school year, with Bonner Elementary the most critical at 151 percent of capacity.

FINDINGS (GPA-62387)

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

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

The proposed General Plan Amendment would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

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

The zoning districts allowed by the proposed General Plan Amendment would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

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

Alta Drive and Rampart Boulevard are designated on the Master Plan of Streets and Highways map as Major Collector and Primary Arterial roadways, respectively. Both roadways are adequate to address the anticipated traffic counts that this amendment would allow on the site.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

The proposed General Plan Amendment would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

FINDINGS (ZON-62392)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

1. **The proposal conforms to the General Plan.**

The proposed reclassification of property to an R-4 (High Density Residential) zoning district would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

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.**

The proposed uses allowed within an R-4 (High Density Residential) zoning district would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

3. **Growth and development factors in the community indicate the need for or appropriateness of the rezoning.**

SS

ROR025542

Staff Report Page Twelve

January 12, 2016 - Planning Commission Meeting

The repurposing of a portion of an established master planned development would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

- 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.**

Alta Drive and Rampart Boulevard are designated on the Master Plan of Streets and Highways map as a Major Collector and Primary Arterial roadways, respectively. Both roadways are adequate in size to address the anticipated requirements of the proposed R-4 zoning district.

FINDINGS (SDR-62393)

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

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

The proposed development would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

- 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;**

The proposed development would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

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

Primary access to and from the site would be from Rampart Boulevard. This project will add approximately 4,788 trips per day on Alta Drive and Rampart Boulevard. Alta Drive is currently at about 39 percent of capacity and Rampart is at about 88 percent of capacity. After this project, Alta Drive is expected to be at about 53 percent of capacity and Rampart to be at about 97 percent of capacity. Based on Peak Hour use, this development will add into the area roughly 446 additional cars, or about fifteen every two minutes. Further analysis is needed pending the results of the required traffic impact analysis to determine what additional traffic controls, if any, need to be implemented.

| |
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| SS |
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ROR025543

Staff Report Page Thirteen

January 12, 2016 - Planning Commission Meeting

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

Building materials are similar to those used for nearby existing multi-family residential and commercial developments and are appropriate for this area. Landscape materials meet drought-resistant criteria and provide adequate screening from adjacent uses.

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;

Building elevations are compatible with the Parisian architectural style employed on the One Queensridge Place buildings to the west of this site. The buildings will be situated at a lower grade than the surrounding area, thereby preserving the existing views from the adjacent residential areas.

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

The proposed development would result in the modification of the Peccole Ranch Master Plan. Without the approval of a Major Modification to said plan no finding can be reached at this time.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

27

NOTICES MAILED

243

APPROVALS

1

PROTESTS

1

| |
|----|
| SS |
|----|

ROR025544

25877



DEPARTMENT OF PLANNING

STATEMENT OF FINANCIAL INTEREST

Case Number: **GPA-62387** APN: 138-32-301-004

Name of Property Owner: Seventy Acres LLC

Name of Applicant: Seventy Acres LLC

Name of Representative: GCW Engineering, Inc./Cindie Gee

To the best of your knowledge, does the Mayor or any member of the City Council or Planning Commission have any financial interest in this or any other property with the property owner, applicant, the property owner or applicant's general or limited partners, or an officer of their corporation or limited liability company?

☐ Yes

☒ No

If yes, please indicate the member of the City Council or Planning Commission who is involved and list the name(s) of the person or persons with whom the City Official holds an interest. Also list the Assessor's Parcel Number if the property in which the interest is held is different from the case parcel.

City Official: _____

Partner(s): _____

APN: _____

Signature of Property Owner: V. DeHart

Print Name: V. DeHart

Subscribed and sworn before me

This 23 day of November, 2015
Leeann Stewart-Schencke
Notary Public in and for said County and State





DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: GENERAL PLAN AMENDMENT (GPA)
 Project Address (Location) S. Rampart/W. Charleston/Hualapai/Alta
 Project Name ORCHESTRA VILLAGE Proposed Use _____
 Assessor's Parcel #(s) Portion of 138-32-301-004 Ward # 2
 General Plan: existing PROS proposed H Zoning: existing R-PD7 proposed R-4
 Commercial Square Footage _____ Floor Area Ratio _____
 Gross Acres 17.49 Lots/Units 1 Density _____
 Additional Information _____

PROPERTY OWNER Seventy Acres LLC Contact Frank Pankratz
 Address 1215 South Fort Apache Road, Suite 120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State Nevada Zip 89117
 E-mail Address Frank@ehbcompanies.com

APPLICANT Seventy Acres LLC Contact Frank Pankratz
 Address 1215 South Fort Apache Road, Suite 120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State Nevada Zip 89117
 E-mail Address Frank@ehbcompanies.com

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

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

Property Owner Signature* [Signature]

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

Print Name Nickie DeHart

Subscribed and sworn before me

This 23 day of November, 20 15.

[Signature]

Notary Public in and for said County and State



LEEANN STEWART-SCHENCK
 Notary Public, State of Nevada
 Appointment No. 07-4284-1
 My Appt. Expires Jul 26, 2019

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case # **GPA-62387**

Meeting Date:

Total Fee:

Date Received:*

Received By:

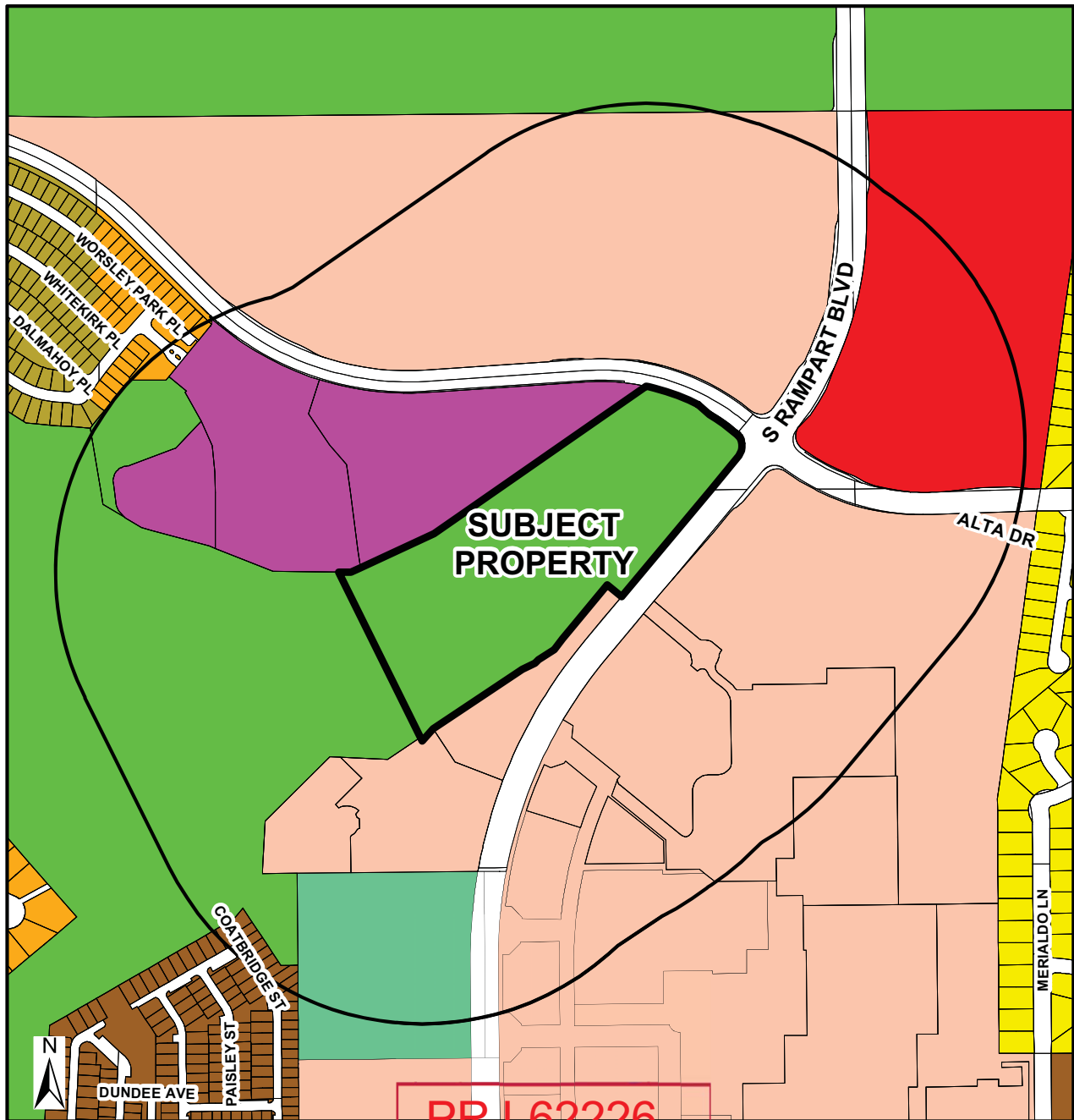
*The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning for consistency with applicable sections of the Zoning Ordinance.

Report/Application Packet/Application Form.pdf

ROR025546

25879

GPA-62387



General Plan Amendment

| | | | |
|---------------------------------------|-----------------------------|-------------------------------------|--|
| RNP - Rural Neighborhood Preservation | MLA - Medium - Low Attached | GTC - Tourist Commercial | PF-CC Public Facility Clark County |
| RE - Rural Estates | M - Medium | LVMD - Las Vegas Medical District | TC - Town Center |
| DR - Desert Rural | H - High | LI/R - Light Industrial / Research | RC - Resource Conservation |
| R - Rural | O - Office | PCD - Planned Community Development | C - Downtown - Commercial |
| L - Low | SC - Service Commercial | PR-OS - Park/Recreation/Open Space | MXU - Downtown - Mixed Use |
| ML - Medium - Low | GC - General Commercial | PF - Public Facility | TND - Traditional Neighborhood Development |

PRJ-62226

12/10/15

FROM PR-OS TO H
GPA-62387

Subject Property

1000ft Buffer

City Limits



GIS maps are normally produced only to meet the needs of the City. Due to continuous development activity this map is for reference only.
Geographic Information System
Planning & Development Dept.
702-229-6301

Date: Thursday, December 10, 2015

ROR025547

25880

Seventy Acres LLC
1215 S. Fort Apache Rd., Suite # 120
Las Vegas, NV 89117

RECEIVED
DEC 24 2015
City of Las Vegas
Dept. of Planning

December 24, 2015

Mr. Tom Perrigo, Planning Director
Mr. Peter Lowenstein, Planning Section Manager
City of Las Vegas
Department of Planning
333 North Rancho Drive
Las Vegas, NV 89106

Re: Alta/Rampart Abeyance Letter for PRJ-62226
(GPA-62387, ZON-62392 and SDR-62393)

Dear Mr. Perrigo and Mr. Lowenstein,

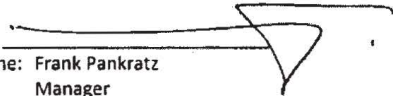
We hereby submit a request for an abeyance of the above-referenced agenda items to the March 8, 2016 Planning Commission Meeting.

This request is being made to provide additional time in furtherance of a working dialogue with the adjacent neighbors.

Thank you in advance for the City's consideration. We look forward to working with the City and our neighbors in bringing this project to the community.

Seventy Acres LLC

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

By: 
Name: Frank Pankratz
Its: Manager

GPA-62387, ZON-62392 and SDR-62393

1 | Page

ROR025569

25881



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: CHANGE ZONE
 Project Address (Location) S. Rampart/W. Charleston/Hualapai/Alta
 Project Name ORCHESTRA VILLAGE Proposed Use _____
 Assessor's Parcel #(s) Portion of 138-32-301-004 Ward # 2
 General Plan: existing PROS proposed H Zoning: existing R-PD7 proposed R-4
 Commercial Square Footage _____ Floor Area Ratio _____
 Gross Acres 17.49 Lots/Units 1 Density _____
 Additional Information _____

PROPERTY OWNER Seventy Acres LLC Contact Frank Pankratz
 Address 1215 South Fort Apache Road, Suite 120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State Nevada Zip 89117
 E-mail Address Frank@ehbcompanies.com

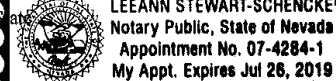
APPLICANT Seventy Acres LLC Contact Frank Pankratz
 Address 1215 South Fort Apache Road, Suite 120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State Nevada Zip 89117
 E-mail Address Frank@ehbcompanies.com

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

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

Property Owner Signature* Vickie DeHart
 *An authorized agent may sign in lieu of the property owner for Final Maps, Tentative Maps, and Parcel Maps.
 Print Name Vickie DeHart

Subscribed and sworn before me
 This 23 day of November, 20 15
Jillann Stewart-Schencke

Notary Public in and for said County and State

 Leeann Stewart-Schencke
 Notary Public, State of Nevada
 Appointment No. 07-4284-1
 My Appt. Expires Jul 26, 2019

Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case # **ZON-62392**
 Meeting Date: _____
 Total Fee: _____
 Date Received: * _____
 Received By: _____

The application will not be deemed complete until the submitted materials have been reviewed by the Department of Planning and approved with applicable sections of the Zoning Ordinance.
 REJ-62392
 11/30/15
 depot\Application Packet\Application Form.pdf

ROR025602

25882



DEPARTMENT OF PLANNING

APPLICATION / PETITION FORM

Application/Petition For: SITE DEVELOPMENT REVIEW (SDR)
 Project Address (Location) S. Rampart/W. Charleston/Hualapai/Alta
 Project Name ORCHESTRA VILLAGE Proposed Use _____
 Assessor's Parcel #(s) Portion of 138-32-301-004 Ward # 2
 General Plan: existing PROS proposed H Zoning: existing R-PD7 proposed R-4
 Commercial Square Footage _____ Floor Area Ratio _____
 Gross Acres 17.49 Lots/Units 1 Density _____
 Additional Information _____

PROPERTY OWNER Seventy Acres LLC Contact Frank Pankratz
 Address 1215 South Fort Apache Road, Suite 120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State Nevada Zip 89117
 E-mail Address Frank@ehbcompanies.com

APPLICANT Seventy Acres LLC Contact Frank Pankratz
 Address 1215 South Fort Apache Road, Suite 120 Phone: (702) 940-6930 Fax: (702) 940-6931
 City Las Vegas State Nevada Zip 89117
 E-mail Address Frank@ehbcompanies.com

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

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

Property Owner Signature* Vickie DeHart

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

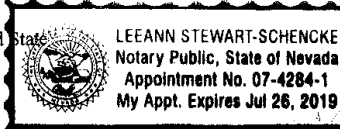
Print Name Vickie DeHart

Subscribed and sworn before me

This 23 day of November, 2015.

LeeAnn Stewart-Schencke

Notary Public in and for said County and State



Revised 10/27/08

FOR DEPARTMENT USE ONLY

Case # **SDR-62393**

Meeting Date:

Total Fee:

Date Received:*

Received By:

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

File: depot\Application Packet\Application Form.pdf

ROR025607

25883

Seventy Acres LLC
1215 S. Fort Apache Rd., Suite #120
Las Vegas, NV 89117

February 19, 2016

Mr. Tom Perrigo, Planning Director
Mr. Peter Lowenstein, Planning Section Manager
City of Las Vegas
Department of Planning
333 North Rancho Drive
Las Vegas, NV 89106

Re: Alta/Rampart Abeyance Letter for PRJ-62226
(GPA-62387, ZON-62392 and SDR-62393)

Dear Mr. Perrigo and Mr. Lowenstein,

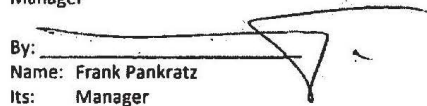
We hereby submit a request for an abeyance of the above-referenced agenda items to the April 12, 2016 Planning Commission Meeting. (We had previously requested an abeyance to the March 8, 2016 Planning Commission Meeting from the scheduled January 12, 2016 meeting.)

This request is being made to coincide these items with the date that the Peccole Ranch Master Plan Major Modification, together with the GPA and Re-Zoning on the 250.92 acres currently operated as golf course will appear on the Planning Commission Meeting Agenda.

Thank you in advance for the City's consideration. We look forward to working with the City and our neighbors in bringing this and related projects to the community.

Seventy Acres LLC

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

By: 
Name: Frank Pankratz
Its: Manager

RECEIVED

GPA-62387, ZON-62392 and SDR-62393 FEB 22 2016

City of Las Vegas **18-20**
Department of Planning

ROR025613

25884



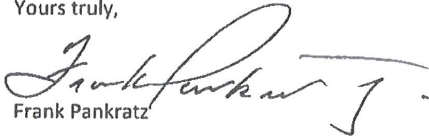
March 29, 2016

Mr. Tom Perrigo
Planning Director
City of Las Vegas
Re: GPA-62387/ZON-62392/SDR-62393

Dear Mr. Perrigo:

Pursuant to our discussions over the last two weeks, please accept this as request to abey GPA-62387/ZON-62392/SDR-62393 from the 4/12/16 Planning Commission meeting until the 5/10/16 meeting. Inasmuch as this is the third abeyance request, we recognize that specific justification is required for this request. We believe that abeyance is necessary because the subject applications are inherently related to MOD-63600 /GPA-63599/ZON-63601/DIR-63602, which have separately been requested to be abeyed to the 5/10/16 meeting. Furthermore this abeyance provides the time for additional discussions with neighbors thru April and early May. Accordingly, abeyance of the subject applications affords the best opportunity to have an informed hearing on all related issues at the Planning Commission on 5/10/16.

Yours truly,



Frank Pankratz

As Manager of EHB Companies LLC,
the Manager of 180 Land Co. LLC,
Seventy Acres LLC and Fore Stars Ltd.

1215 South Fort Apache Road, Suite 120
Las Vegas, NV 89117
702.940.6930 / 702.940.6931 Fax

RECEIVED

MAR 29 2016

City of Las Vegas
Department of Planning

AGENDA ITEMS 22-24
04/12/16 PC MEETING

ROR025716

25885

Staff Report Page Ten

April 12, 2016 - Planning Commission Meeting

land use entitlement practices have varied in respect to proposed developments within the Peccole Ranch Master Plan Phase II area, specifically in regards to the means in which developers have been able to propose development with or without an associated modification of the Peccole Ranch Master Plan. It is the determination of the Department of Planning that any proposed development not in conformance with the approved Peccole Ranch Master Plan would be required to pursue a Major Modification of the Plan prior to or concurrently with any new entitlements. Such an application (MOD-63600) was filed with the City of Las Vegas on 02/25/16 along with a Development Agreement (DIR-63602) for redevelopment of the golf course parcels.

An additional set of applications were submitted concurrently with the Major Modification that apply to the whole of the 250.92-acre golf course property. These include a General Plan Amendment (GPA-62599) and Rezoning (GPA-63601) that include the same amendments to the land use designations and zoning categories as requested through the current requests. That is, the General Plan Amendment and Rezoning proposed on the 17.49 acres would be subsumed in the proposal on the 250.92 acres. Therefore, if final action is taken to approve GPA-62599 and GPA-63601, GPA-62387 and ZON-62392 would no longer be needed.

The proposed development is generally in conformance to Title 19 requirements for the R-4 (High Density Residential) zoning district and with general development standards for residential uses. If the proposed General Plan Amendment and Rezoning are approved, all setback, height and density requirements would be met by the proposal. Although the residential adjacency standards do not apply to development on this site, the lower grade of the site relative to adjacent lands ensures that the height of the buildings will not block views or create constant shadows throughout the daytime hours.

Ample landscaping is provided along the entire perimeter of the site, with 36-inch box Italian Stone Pine and Swan Hill Olive trees specified. These species are considered “bulletproof” by the Southern Nevada Regional Planning Coalition Regional Plant List and are appropriate for this area. Several pine trees were omitted from the south buffer area near the termination of the emergency vehicle access. According to staff analysis, three additional trees are needed to meet the minimum planting requirement along the south perimeter. As a condition of approval, the additional trees will be required to be added to the technical landscape plan reviewed for building permit.

The building elevations indicate four-story buildings in the Parisian style that is similar to the existing One Queensridge Place condominiums adjacent to the west of this site. The ground levels contain a stone veneer, with successive floors utilizing plaster exteriors. Colors vary within an earth tone palette. Portions of each building are inset to provide façade relief and variation. Rooflines are varied between flat roofs and mansards with dormer windows. Individual units feature balconies and floor to ceiling windows. The number of studio, one, two and three-bedroom units varies on each building level. Units range in size from approximately 600 square feet to 1,250 square feet.

SS

ROR025729

Nora Lares

From: Chrystal L. Jacobs
Sent: Tuesday, January 12, 2016 6:45 AM
To: Nora Lares
Subject: FW: Internet Submission - badland golf

RECEIVED

JAN 12 2016

City of Las Vegas
Dept. of Planning

-----Original Message-----

From: yasmina@cox.net [<mailto:yasmina@cox.net>]
Sent: Tuesday, January 12, 2016 12:09 AM
To: Planning Internet Email
Subject: Internet Submission - badland golf

Citizen Name: Marwan Takieddine, M.D.

Email: yasmina@cox.net

IP Address: 68.227.23.98

Comments: Dear Mr. Perrigo:

I have been living in Queensridge on the Golf Course since 1997.

Are there any regulations or guidelines for zoning? Who protects the interests of individual citizens who were lured initially to buy in a community for living in serene surroundings? We were led to believe that we are living in an area zoned for a golf course. Or may be individual citizen's interests and rights do not matter any more. I was under the impression that Planning and Zoning regulations are implemented and enforced to protect the beautiful communities of the Las Vegas valley to ensure that Las Vegas stays a better place to live and work. Imagine if all the current golf courses are converted to high rises and condensed living apartments. Please, do not take part in converting Las Vegas to slums!

Date: 1/12/2016 12:09:15 AM

Submitted after final agenda

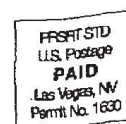
Date 1/12/16 Item 39-41

39-41 P

ROR025768

25887

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106



**Return Service Requested
Official Notice of Public Hearing**



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning at the address listed above, fax this side of this card to (702) 464-7499 or make your comments at www.lasvegasnevada.gov. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]

Planning Commission Meeting of 1/12/2016

RECEIVED

JAN 4 2015

City of Las Vegas
Dept. of Planning

13832213216 Case: GPA-62387
ENGELSTAD BETTY TRUST
ENGELSTAD BETTY TRS
9103 ALTA DR #1702
LAS VEGAS NV 89145-8562

115 LR0GNPI 89145



39-41P

ROR025769

25888

January 4, 2015

Gentlemen,

I strongly oppose the proposed development as shown on the attached notice.

First of all, I believe it is totally wrong to change the use from a golf course to residential housing. People surrounding the golf bought into their developments with the belief that they had golf course views and lived in a golf course planned community. But an even bigger issue is the large increase in density. Going from 7 units per acre to 41 plus units per acre is totally insane.

I also believe the lawsuit, as shown in the attached article from the Review Journal, has complete merit and a number of issues are presented in the article. Until this lawsuit is settled in the proper legal channels, the City of Las Vegas should NOT be involved in any hearing related to the subject property.

Thank you for your consideration of our comments.

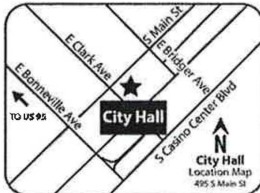


Terry and Cheryl Holden
9101 Alta Dr. #1602
Las Vegas, NV 89145

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

PSNFT STD
U.S. Postage
PAID
Las Vegas, NV
Permit No. 1630

**Return Service Requested
Official Notice of Public Hearing**



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning at the address listed above, fax this side of this card to (702) 464-7499 or make your comments at www.lasvegasnevada.gov. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]

Planning Commission Meeting of 1/12/2016

115 LRGNPI 89145

See Attached

RECEIVED

JAN 6 2016

City of Las Vegas
Dept. of Planning

Case: GPA-62387

13832213170
T L H TRUST
C L H TRUST
9101 ALTA DR #1602
LAS VEGAS NV 89145

Submitted after final agenda

Date 1/6/16 Item 39-41

39-41 P
Pg. 1 of 2

ROR025770

25889

o that includes rich and famous files su condo plans



golfers at Badlands Golf Course, 9119 Alta Drive, on Thursday, Sept. 10, 2015. EHB Companies, which developed high-end retail center Tivoli Village, confirmed it had bought the cash-strapped west Valley course from Par 4 Golf Management Inc. JEFF SCHEID/LAS VEGAS REVIEW- Follow him @JLSCHIED



By Carri Geer Thevenot
Las Vegas Review-Journal

A group of Queensridge homeowners with some well-known names has filed a lawsuit over plans to build thousands of condominiums and apartments with the neighboring Badlands Golf Club now sits.

The group, which includes businessman Jack Binion and gaming lawyer Fi Schreck, filed the complaint Tuesday in District Court in Clark County against Las Vegas and several companies associated with the golf course.

According to the lawsuit, the defendants "have openly sought to circumvent requirements of state law as well as the city code" to deprive interested parties of notice and an opportunity to be heard.

"This conduct is just part of an overarching campaign to interfere with the rights of the homeowners — adjoining property owners in the master-planned development commonly known as Queensridge," the document alleges.

Related links

Vegas golf course purchases worry neighbors
Badlands Golf Club sold; housing development possible

Las Vegas City Attorney Brad Jerbic could not be reached for comment Thursday.

EHB Cos., which developed high-end retail center Tivoli Village, confirmed in September that it had purchased the Badlands Golf Course in the west Las Vegas Valley. The course is managed by Par 4 Golf Management Inc., the company that closed the controversial sale of Silverstone Golf Club around that time.

Yohan Lowie, CEO of EHB, wants to put up 3,000 multifamily housing units along Rampart Boulevard, near Badlands' eastern edge.

Named as defendants in the Queensridge homeowners' lawsuit are three limited liability companies that are "ultimately owned and controlled" by Lowie through EHB: Fore Stars Ltd., 180 Land Co. and Seventy Acres.

Lowie could not be reached Thursday. Todd Davis, general counsel of EHB, said through a spokesman that they do not comment on pending litigation.

According to the lawsuit, the William Pecocole family developed Queensridge, and the master plan "specifically defined the Badlands 18-hole golf course as flood drainage in addition to satisfying the required open space necessitated by the city for master-planned development."

"The William Pecocole family knew that residential development would not be feasible in the flood zone, but as a golf course could be used to enhance the value of the surrounding residential lots."

A nine-hole golf course was added in the flood zone in 1996.

Around March, according to the lawsuit, the then-principals of Fore Stars sold their ownership interest in Badlands to Lowie and his affiliates.

"Upon information and belief, the purpose of this acquisition was to acquire the golf course property for the purpose of converting it to residential development, including high density uses," the document states.

The lawsuit claims Lowie and his companies "have sought to camouflage their plans so as to circumvent the legal rights of abutting homeowners."

Part of their scheme involved having the Las Vegas Planning Department propose an amendment to the city's master plan, according to the lawsuit. The proposal, which sought to eliminate the density cap on master-planned communities throughout the city, was placed on the Sept. 8 Planning Commission agenda.

"The involvement of Lowie's companies and agents for them was intended to be kept secret and never disclosed as part of that proposed amendment," the lawsuit alleges.

In late August, according to the complaint, Fore Stars filed an application with the city seeking to alter the golf course's designation from park recreation open space to planned community development.

"The defendants' scheme unraveled at the September 8, 2015 Planning Commission hearing when members of the Queensridge Homeowners Association became aware of Fore Stars' activities and staff's complicity in it," the lawsuit alleges.

The proposed amendment was not approved, and Fore Stars withdrew its August application.

"But, as the plaintiffs would learn, that was not the first or the last time that the city would cooperate with these developers to circumvent public disclosure requirements," the lawsuit alleges.

On June 18, according to the document, Fore Stars recorded a parcel map with only the certification of Thomas Perrigo, the city's planning director, and without the public notification and process mandated by state law or the city's code.

After the parcel map's unlawful recording, the lawsuit alleges, Fore Stars used the property division outlined in the map to transfer property interests to 180 Land Co. and from 180 Land Co. to Seventy Acres.

On Nov. 30, according to the lawsuit, Seventy Acres filed an application with the city Planning Department for a project named Orchestra Village. Its first phase consists of 17.5 acres on the corner of Alta Drive and Rampart and will include up to 720 condominiums that will be rented as apartments for at least six years.

Attorney Todd Bloce, who represents the plaintiffs, said the city "seems to be looking for pathways to get around the homeowners," and he hopes the litigation will uncover its reasons for doing so.

"This is the first lawsuit to bring an end to that process," he said. "I don't know whether it will be the last one."

Binion, one of the plaintiffs, is the son of the late casino magnate Benny Binion. Plaintiffs also include Robert and Nancy Pecocole.

Silverstone Ranch homeowners also have been involved in litigation over plans for the golf course in their community, near Floyd Lamb Park at Tule Springs in the northwest valley.

Homeowners filed a lawsuit after the course's new owner, Desert Lifestyles, shut down the golf club and turned off the water in early September. On Wednesday, the company notified the plaintiffs that it had sold the golf course the previous day to Stoneridge Parkway LLC.

Contact reporter Carri Geer Thevenot at cgeer@reviewjournal.com or 702-384-8710. Find her on Twitter: @CarriGeer

NLV police seek help to ID...

Las Vegas Muslims have...

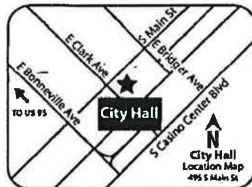
Pg. 2 of 2

ROR025771

25890

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

**Return Service Requested
Official Notice of Public Hearing**



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning at the address listed above, fax this side of this card to (702) 464-7499 or make your comments at www.lasvegasnevada.gov. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]

Planning Commission Meeting of 1/12/2016

115 LRQNP I 89145

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RECEIVED

JAN 6 2016

City of Las Vegas
Dept. of Planning

13832213196

Case: GPA-62387

THOMAS STEVEN & KAREN TRUST
THOMAS STEVEN C & KAREN P TRS
9820 WINTER PALACE DR
LAS VEGAS NV 89145-8638



Submitted after final agenda..

Date 1/6/16 Item 39 A1 39-41 P

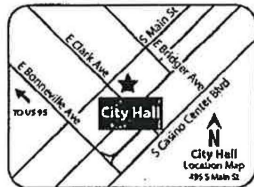
ROR025772

25891

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106



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☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

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GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]

Planning Commission Meeting of 1/12/2016

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City of Las Vegas
Dept. of Planning

Case: GPA-62387

13832213122
SANDOZ JAMES P JR
9103 ALTA DR #205
LAS VEGAS NV 89145

115 LRDGNPI 89145



39-41P

ROR025773

25892

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

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☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]

Planning Commission Meeting of 1/12/2016

115 LRDGHI 89145

This project is a clear loss
of open space for the
community. Please do
not approve.

Thank you,

PSRST STD
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RECEIVED

JAN 6 2016

City of Las Vegas
Dept. of Planning

13832213084

Case: GPA-62387

KOVACS PETER & MARILEE S LIV TR
KOVACS PETER & MARILEE S TRS
9101 ALTA DR #1105
LAS VEGAS NV 89145



39-41 P

ROR025774

25893

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JAN 6 2016

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

City of Las Vegas
Dept. of Planning

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Official Notice of Public Hearing



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☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]

Planning Commission Meeting of 1/12/2016

115 LRDGPI 89135



Owners In Quantity
Town Anticipate A
golf course not new
development, change of
zoning is unacceptable

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PAID
Las Vegas, NV
Permit No. 1630

13832213038
J D B NEVADA TRUST
%J & R BLAU
2813 RED ARROW DR
LAS VEGAS NV 89135

Case: GPA-62387

3941P

ROR025775

25894

Jan. 6. 2016 10:50AM One Queensridge Place HOA Planning Comm. No. 1474 P. 1/1

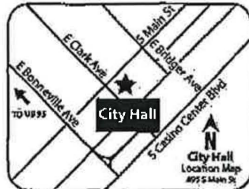
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JAN 6 2016

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

City of Las Vegas
Dept. of Planning

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Official Notice of Public Hearing



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☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.
GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]
Planning Commission Meeting of 1/12/2016

115 LRDGHP1 89145

can assure themselves that the
process has been followed (which is
subject of the ongoing lawsuit),
do not understand how the Commission
can make any ruling. They have a responsibility
legally & morally to insure the process has
not been circumvented.

2. When a ruling is made I do not
see how a sixfold increase in density
is beneficial other than to the developer
who will have an increased density to

be available to his retail holdings!

3. Development, if allowed, should be within
the boundaries of current zoning.

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13832213078
SADOFF LAURENCE R & PATRICIA L
9101 ALTA DR #1004
LAS VEGAS NV 89145

Case: GPA-62387

39-41 P

ROR025776

25895

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

CITY DID NOT GIVE NOTICE TO SURROUNDING
HOMEOWNERS AND DID NOT DISCLOSE
THAT LOWE WAS THE PERSON REQUESTING
AMENDMENT TO MASTER PLAN. THE CITY
WAS COMPLICIT IN THIS



Return Service Requested
Official Notice of Public Hearing



WRONGFUL ACTION. THE CITY'S
LACK OF TRANSPARENCY AND FAILURE
TO PROMOTE FULL DISCLOSURE IS
OUTRAGEOUS. THIS DEVELOPER HAS
PROVEN THAT HE CAN MANIPULATE AND
CONTROL THE PLANNING DEPT.

If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning at the address listed above, fax this side of this card to (702) 464-7499 or make your comments at www.lasvegasnevada.gov. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]
Planning Commission Meeting of 1/12/2016

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JAN 7 2016

City of Las Vegas
Dept. of Planning

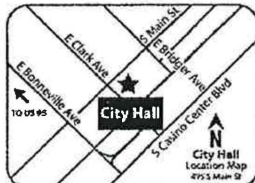
115 LRGDNP 89145

Case: GPA-62387
13832213100
SHAW STEVEN L & JAN M FAMILY TR
SHAW STEVEN L & JAN M CO-TRS
9101 W ALTA DR #1406
LAS VEGAS NV 89145-8542

39-41P

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

Return Service Requested
Official Notice of Public Hearing



DEVELOPER SAYS HE WILL
BUILD A SPORTS STADIUM
COMPLEX ON THIS PROPERTY
IF YOU DON'T APPROVE THIS
HIGH DENSITY PROPOSAL. IS
THAT TRUE?



If you wish to file your protest or support on this request, check the appropriate box below and return this card in an envelope with postage to the Department of Planning at the address listed above, fax this side of this card to (702) 464-7499 or make your comments at www.lasvegasnevada.gov. If you would like to contact your Council Representative, please call (702) 229-6405.

☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]
Planning Commission Meeting of 1/12/2016

JAN 7 2016

City of Las Vegas
Dept. of Planning

858-735-4856

Case: GPA-62387
13832213004
SHAW STEVEN L & JAN M FAMILY TR
SHAW STEVEN L & JAN M TRS
9101 ALTA DR #1406
LAS VEGAS NV 89145

Submitted after final agency

Date 1/7/16 Item 39.4

39-41P

115 LRGDNP 89145

ROR025777

25896

City of Las Vegas
Department of Planning
Development Services Center
333 North Rancho Drive, 3rd Floor
Las Vegas, Nevada 89106

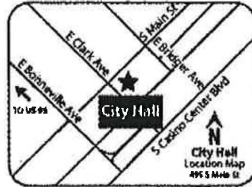
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City of Las Vegas
Dept. of Planning

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Official Notice of Public Hearing**



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☐ I SUPPORT
this Request

☒ I OPPOSE
this Request

Please use available blank space on card for your comments.

GPA-62387 & ZON-62392 & SDR-62393 [PRJ-62226]

Planning Commission Meeting of 1/12/2016

Oppose GPA-62387, Changing open
space to high density housing violates the
trust of Las Vegas residents, who buy
expecting the city to maintain its
commitments to the voters.

13832213061 Case: GPA-62387
HORWITZ DAVID L & G REV LIV TR
HORWITZ DAVID L & GLORIA TRS
9101 ALTA DR #702
LAS VEGAS NV 89145

115 LRQGNPI 89145



Submitted after final agency

Date 1/11/16 Item 39-41 P

ROR025778

25897



March 29, 2016

Mr. Tom Perrigo
Planning Director
City of Las Vegas
Re: GPA-62387/ZON-62392/SDR-62393

Dear Mr. Perrigo:

Pursuant to our discussions over the last two weeks, please accept this as request to abey GPA-62387/ZON-62392/SDR-62393 from the 4/12/16 Planning Commission meeting until the 5/10/16 meeting. Inasmuch as this is the third abeyance request, we recognize that specific justification is required for this request. We believe that abeyance is necessary because the subject applications are inherently related to MOD-63600 /GPA-63599/ZON-63601/DIR-63602, which have separately been requested to be abeyed to the 5/10/16 meeting. Furthermore this abeyance provides the time for additional discussions with neighbors thru April and early May. Accordingly, abeyance of the subject applications affords the best opportunity to have an informed hearing on all related issues at the Planning Commission on 5/10/16.

Yours truly,


Frank Pankratz

As Manager of EHB Companies LLC,
the Manager of 180 Land Co. LLC,
Seventy Acres LLC and Fore Stars Ltd.

1215 South Fort Apache Road, Suite 120
Las Vegas, NV 89117
702.940.6930 / 702.940.6931 Fax

Submitted after final agenda

Date 04/12/2016 22-24

RECEIVED

MAR 29 2016

City of Las Vegas
Department of Planning

AGENDA ITEMS 22-24

04/12/16 PC MEETING

ROR025795

25898

Scott D Widney

AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: APRIL 12, 2016

DEPARTMENT: PLANNING

DIRECTOR: TOM PERRIGO

☐ Consent ☒ Discussion

SUBJECT:

MOD-63600 - MAJOR MODIFICATION - PUBLIC HEARING - APPLICANT: 180 LAND CO, LLC - OWNER: SEVENTY ACRES, LLC, ET AL - For possible action on a request for a Major Modification of the 1990 Peccole Ranch Master Plan TO AMEND THE NUMBER OF ALLOWABLE UNITS, TO CHANGE THE LAND USE DESIGNATION OF PARCELS COMPRISING THE CURRENT BADLANDS GOLF COURSE, TO PROVIDE STANDARDS FOR REDEVELOPMENT OF SUCH PARCELS AND TO REFLECT THE AS-BUILT CONDITION OF THE REMAINING PROPERTIES on 1,569.60 acres generally located east of Hualapai Way, between Alta Drive and Sahara Avenue (APNs Multiple), Ward 2 (Beers) [PRJ-63491]. Staff has NO RECOMMENDATION.

C.C.: 5/18/2016

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

50

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

12

City Council Meeting

0

RECOMMENDATION:

Staff has NO RECOMMENDATION

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Abeyance Request Submitted by - EHB Companies - MOD-63600, GPA-63599, ZON-63601 and DIR-63602 [PRJ-63491]
3. Staff Report- MOD-63600, GPA-63599 and ZON-63601 [PRJ-63491]
4. Supporting Documentation- MOD-63600, DIR-63602, GPA-63599 and ZON-63601 [PRJ-63491]
5. Photo(s) - MOD-63600, DIR-63602, GPA-63599 and ZON-63601 [PRJ-63491]
6. Justification Letter
7. Peccole Ranch Master Plan
8. Protest/Support Postcards - MOD-63600 and DIR-63602 [PRJ-63491]
9. Submitted after Final Agenda - Abeyance Request and Telephone Protest/Support Log for MOD-63600, GPA-63599, ZON-63601 and DIR-63602 [PRJ-63491], Protest Email for MOD-63600 and GPA-63599 [PRJ-63491] and Protest/Support Postcards for MOD-63600 and DIR-63602 [PRJ-63491]

Motion made by TRINITY HAVEN SCHLOTTMAN to Hold in abeyance Items 17 and 18, 22-24, 52-55, 72-74 and 80 to 5/10/2016 and Withdraw without prejudice Items 26 and 27

ROR025813

25899



Agenda Item No.: **52.**

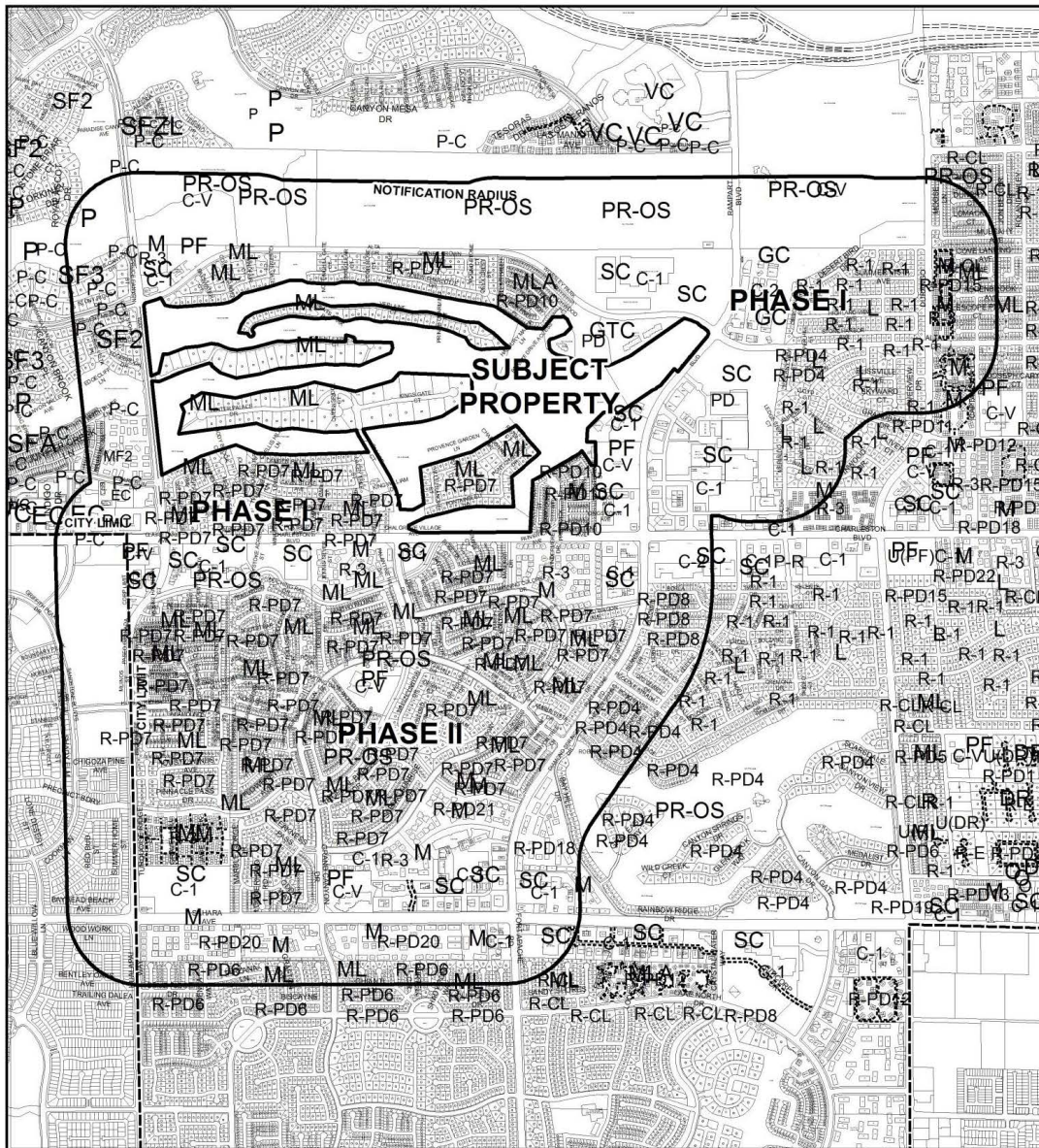
PLANNING COMMISSION MEETING OF: APRIL 12, 2016

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

CEDRIC CREAR, GLENN TROWBRIDGE, VICKI QUINN, TODD L. MOODY, TRINITY
HAVEN SCHLOTTMAN, GUS FLANGAS, SAM CHERRY; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

ROR025814

25900



CASE: MOD-63600 (PRJ-63491)

RADIUS: 1000 FEET FROM PHASE I AND II

GENERAL PLAN OF SUBJECT PROPERTY: PR-OS (PARKS/RECREATION/OPEN SPACE)

**PROPOSED GENERAL PLAN OF SUBJECT PROPERTY: DR (DESERT RURAL DENSITY RESIDENTIAL)
AND H (HIGH DENSITY RESIDENTIAL)**

ROR025815

25901



March 25, 2016

Mr. Tom Perrigo
Planning Director
City of Las Vegas
333 N. Rancho Dr.
Las Vegas, NV 89106

RE: Abeyance request for MOD-63600, GPA-63599, ZON-63601 and DIR-63602

Dear Mr. Perrigo,

Pursuant to our discussions over the past two weeks this is an Abeyance request for referenced from the April 12th to the May 10th Planning Commission Meeting. This request is for the purpose of providing more time for continued communications with our neighbors. In this regard, we have two publicly noticed meetings already scheduled with the neighborhood, one on March 28 2016 and the other on April 4, 2016, with individually scheduled meetings with neighbors being offered through the month of April. It is in everyone's best interest that all neighbors are given ample opportunity to understand the project in its entirety before any public hearings are held before either the Planning Commission or the City Council. Thank you in advance.

Yours truly,

Frank Pankratz
As Manager of EHB Companies LLC,
the Manager of 180 Land Co. LLC,
Seventy Acres LLC and Fore Stars Ltd.

1215 South Fort Apache Road, Suite 120
Las Vegas, NV 89117
702.940.6930 / 702.940.6931 Fax

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MAR 29 2016

City of Las Vegas

AGENDA ITEMS 52-55
04/12/16 PC MEETING

ROR025817

25903

City of Las Vegas

AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: APRIL 12, 2016

DEPARTMENT: PLANNING

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

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

| <i>CASE NUMBER</i> | <i>RECOMMENDATION</i> | <i>REQUIRED FOR APPROVAL</i> |
|------------------------|-------------------------------------|----------------------------------|
| MOD-63600 | Staff recommends NO RECOMMENDATION. | |
| GPA-63599 | Staff recommends NO RECOMMENDATION. | MOD-63600 |
| ZON-63601 | Staff recommends NO RECOMMENDATION. | MOD-63600 GPA-63599 |

SS

ROR025818

25904

**** STAFF REPORT ****

PROJECT DESCRIPTION

The applicant is proposing to redevelop the 250.92 acres (referred to in the applicant's documents as "the Property") that make up the Badlands Golf Course at the southwest corner of Alta Drive and Rampart Boulevard. This area is subject to the Peccole Ranch Master Plan (hereafter, "the Plan"), which was adopted in 1989 and amended in 1990. Since that time, numerous developmental changes have occurred in the Plan area without a corresponding update to the Plan. With an aim to rectify the inconsistencies of the Plan and to add residential units to the Property, the applicant is requesting a Major Modification to the Peccole Ranch Master Plan to memorialize the as-built condition of the existing properties on the overall 1,569-acre site and to change the land use designation in the Plan from Golf Course/Open Space/Drainage to Single-Family Residential and Multi-Family Residential.

Specifically, the number of allowable residential units is proposed to increase. An associated development agreement proposes standards for development of the golf course property in two categories: R-E (Residence Estates) for single-family residential uses and R-4 (High Density Residential) for multi-family uses. In addition, the Plan would be updated through a Major Modification to provide additional drainage infrastructure, which would remove some existing properties from federal flood plain designation. No new commercial is proposed within the Plan area.

ISSUES

- The Badlands golf course was enlarged from the 1990 Peccole Ranch Master Plan (184 acres to 250 acres) without modification of the Plan and built in a different location than was shown on the 1990 plan.
- If approved, the prior General Plan Amendment (GPA-62387) and Rezoning (ZON-62392) requests would be subsumed into this General Plan Amendment and Rezoning proposal.
- A Major Modification of the Peccole Ranch Master Plan is requested.
- A General Plan Amendment is requested to change the General Plan land use designation of the Property from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential) on the east 67.22 acres of the Property and to DR (Desert Rural Density Residential) on the remaining 183.70 acres of the Property.
- A Rezoning is requested to change the zoning designation of the Property from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) on the east 67.22 acres of the Property and to R-E (Residence Estates) on the remaining 183.70 acres of the Property.

SS

ROR025819

Staff Report Page Two

April 12, 2016 - Planning Commission Meeting

- A related development agreement is to contain a unique set of development standards for the development of property in the proposed R-4 and R-E Districts. The analysis and report for the development agreement will be under a separate Director's Business Item (DIR-63602).
- The proposed amendment would allow for up to 3,020 multi-family residential units to be built on the east 67.22 acres of the Property.
- The proposed amendment would allow for up to 60 single family residential estates to be constructed on the west 183.70 acres of the Property.
- No new commercial is proposed.

BACKGROUND INFORMATION

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|--|
| 12/17/80 | The Board of City Commissioners approved the Annexation (A-0018-80) of 2,243 acres bounded by Sahara Avenue on the south, Hualapai Way on the west, Ducharme Avenue on the north and Durango Drive on the east. The annexation became effective on 12/26/80. |
| 05/20/81 | The Board of City Commissioners approved a Rezoning (Z-0034-81) from N-U (Non-Urban) to R-1 (Single Family Residence), R-2 (Two Family Residence), R-3 (Limited Multiple Residence), R-MHP (Residential Mobile Home Park), R-PD7 (Residential Planned Development), R-PD8 (Residential Planned Development), P-R (Professional Offices and Parking), C-1 (Limited Commercial), C-2 (General Commercial) and C-V (Civic) generally located north of Sahara Avenue, south of Westcliff Drive and extending two miles west of Durango Drive. The Planning Commission and staff recommended approval. This application included a "generalized land use plan." |
| 05/07/86 | The City Council approved the Master Development Plan for Venetian Foothills on 1,923 acres generally located north of Sahara Avenue between Durango Drive and Hualapai Way. The Planning Commission and staff recommended approval. This plan included two 18-hole golf courses and a 106-acre regional shopping center. [Venetian Foothills Master Development Plan] |
| | The City Council approved a Rezoning (Z-0030-86) to reclassify property from N-U (Non-Urban) (under Resolution of Intent) to R-PD4 (Residential Planned Development), P-R (Professional Offices and Parking), C-1 (Limited Commercial), and C-V (Civic) on 585.00 acres generally located north of Sahara Avenue between Durango Drive and Hualapai Way. The Planning Commission and staff recommended approval. [Venetian Foothills Phase One] |

SS

ROR025820

Staff Report Page Tree

April 12, 2016 - Planning Commission Meeting

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|--|
| 02/15/89 | The City Council considered and approved a revised master development plan for the subject site and renamed it Peccole Ranch to encumber 1,716.30 acres. Phase One of the Plan is generally located south of Charleston Boulevard, west of Fort Apache Road. Phase Two of the Plan is generally located north of Charleston Boulevard, west of Durango Drive, and south of Charleston Boulevard, east of Hualapai Way. The Planning Commission and staff recommended approval. A condition of approval limited the maximum number of dwelling units in Phase One to 3,150. The Phase One portion of the plan on 448.80 acres was subsequently rezoned (Z-0139-88). [Peccole Ranch Master Development Plan] |
| 04/04/90 | The City Council approved an amendment to the Peccole Ranch Master Development Plan to make changes related to Phase Two of the Plan and to reduce the overall acreage to 1,569.60 acres. Approximately 212 acres of land in Phase Two was planned for a golf course. The Planning Commission and staff recommended approval. [Peccole Ranch Master Development Plan] |
| | The City Council approved a Rezoning (Z-0017-90) from N-U (Non-Urban) (under Resolution of Intent to multiple zoning districts) to R-3 (Limited Multiple Residence), R-PD7 (Residential Planned Development – 7 Units per Acre) and C-1 (Limited Commercial) on 996.40 acres on the east side of Hualapai Way, west of Durango Drive, between the south boundary of Angel Park and Sahara Avenue. A condition of approval limited the maximum number of dwelling units for Phase Two of the Peccole Ranch Master Development Plan to 4,247 units. The Planning Commission and staff recommended approval. [Peccole Ranch Phase Two] |
| 12/05/96 | A (Parent) Final Map (FM-0008-96) for a 16-lot subdivision (Peccole West) on 570.47 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 77 Page 23 of Plats]. The golf course was located on Lot 5 of this map. |
| 03/30/98 | A Final Map [FM-0190-96] for a four-lot subdivision (Peccole West Lot 10) on 184.01 acres at the southeast corner of Alta Drive and Hualapai Way was recorded [Book 83 Page 61 of Plats]. |
| 03/30/98 | A Final Map [FM-0008-96(1)] to amend portions of Lots 5 and 10 of the Peccole West Subdivision Map on 368.81 acres at the northeast corner of Charleston Boulevard and Hualapai Way was recorded [Book 83 Page 57 of Plats]. |
| 07/07/04 | The City Council approved a Rezoning (ZON-4205) from R-PD7 (Residential Planned Development – 7 Units per Acre) and U (Undeveloped) [M (Medium Density Residential) General Plan Designation] to PD (Planned Development) on 20.10 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. The request included the Queensridge Towers Master Development Plan and Design Standards. The Planning Commission and staff recommended approval. |

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ROR025821

Staff Report Page Four

April 12, 2016 - Planning Commission Meeting

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|--|---|
| 07/07/04 | The City Council approved a Variance (VAR-4207) to allow a side yard setback of 239 feet where residential adjacency standards require 570 feet on 20.10 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. |
| 07/07/04 | The City Council approved a Site Development Plan Review (SDR-4206) for a 385-unit condominium complex, consisting of two 16-story and two 18-story towers with ancillary uses, clubhouse, and a 17,400 square foot, single-story office building on 20.10 acres on the south side of Alta Drive, approximately 450 feet west of Rampart Boulevard. |
| 01/12/06 | The Planning Commission accepted the applicant's request to Withdraw Without Prejudice its application for a General Plan Amendment (GPA-9069) from PR-OS (Parks/Recreation/Open Space) to MLA (Medium Low Attached Density Residential) on 6.10 acres at the southwest corner of Alta Drive and Rampart Boulevard. |
| 01/12/06 | The Planning Commission accepted the applicant's request to Withdraw Without Prejudice its application for a Rezoning (ZON-9006) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-PD7 (Residential Planned Development – 7 Units per Acre) on 5.40 acres at the southwest corner of Alta Drive and Rampart Boulevard. |
| 01/12/06 | The Planning Commission accepted the applicant's request to Withdraw Without Prejudice its application for a Site Development Plan Review (SDR-8632) for a proposed 24-unit townhome development on 6.10 acres at the southwest corner of Alta Drive and Rampart Boulevard. |
| 08/06/14 | The City Council approved a 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 on 20.10 acres on the south side of Alta Drive, approximately 410 feet west of Rampart Boulevard. |
| 08/06/14 | The City Council approved 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 on a 7.87-acre portion of a 10.53-acre parcel at 9119 Alta Drive. |
| 08/06/14 | The City Council approved a Major Amendment (SDR-53503) of an approved Site Development Plan Review (SDR-4206) 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 on a 7.87-acre portion of a 10.53-acre parcel at 9119 Alta Drive. |
| 06/18/15 | A four-lot Parcel Map (PMP-59572) on 250.92 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 49 of Parcel Maps]. |

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ROR025822

Staff Report Page Five

April 12, 2016 - Planning Commission Meeting

| <i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i> | |
|---|--|
| 11/30/15 | A two-lot Parcel Map (PMP-62257) on 70.52 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 120 Page 91 of Parcel Maps]. |
| 01/12/16 | The City Council voted to abey requests for a General Plan Amendment (GPA-62387) from PR-OS (Parks/Recreation/Open Space) to H (High Density Residential), a Rezoning (ZON-62392) from R-PD7 (Residential Planned Development – 7 Units per Acre) to R-4 (High Density Residential) and a Site Development Plan Review (SDR-62393) for a proposed 720-unit multi-family residential development to the 03/08/16 Planning Commission meeting at the request of the applicant. |
| 03/08/16 | The City Council voted to abey GPA-62387, ZON-62392 and SDR-62393 to the 04/12/16 Planning Commission meeting at the request of the applicant. |
| 03/15/16 | A two-lot Parcel Map (PMP-63468) on 53.03 acres at the southwest corner of Alta Drive and Rampart Boulevard was recorded [Book 121 Page 12 of Parcel Maps]. |

| <i>Most Recent Change of Ownership</i> | |
|---|--|
| 04/14/05 | A deed was recorded for a change in ownership on APN 138-32-202-001. |
| 11/16/15 | A deed was recorded for a change in ownership on APN 138-31-702-002; 138-31-801-002 and 003; 138-32-301-005 and 007. |

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

| <i>Pre-Application Meeting</i> | |
|---|--|
| Multiple meetings were held with the applicant to discuss the proposed development and its impacts, and the timelines and requirements for application submittal. | |

| <i>Neighborhood Meeting</i> | |
|------------------------------------|--|
| 03/28/16 | A neighborhood meeting was held at the Suncoast Hotel and Casino, 9090 Alta Drive, Las Vegas. There were 11 members of the development team, 183 members of the public, one Department of Planning staff member and one City Councilperson in attendance. After attendees signed in, they were offered a welcome letter and a hard copy of the video presentation. The developer's representative prefaced the presentation of the development proposal by explaining that the golf course will eventually be removed due to |

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ROR025823

Staff Report Page Six

April 12, 2016 - Planning Commission Meeting

| <i>Neighborhood Meeting</i> | |
|------------------------------------|---|
| | <p>high maintenance costs and that changing the zoning is a way to preserve the low density of the neighborhood but also to increase demand for housing and commercial services in the area. The representative answered residents' questions for 40 minutes, and then invited those in attendance to visit any of four stations where large informational boards were set up and additional questions could be asked of the development team. Comment cards addressed to the Department of Planning were placed on tables for attendees to pick up.</p> <p>Concerns included the following:</p> <ul style="list-style-type: none"> • Residents purchased homes with the understanding that the golf course would remain. • Excavation: Grading cuts and fills would use existing earthwork material, and therefore there would not be trucks moving dirt in and out of the development. • The development agreement calls for 24-hour construction, which raised concerns over noise. A provision would be added that no noise would be generated during regular nighttime hours. • Adding over 3,000 units would strain water resources and raise fire and flood insurance premiums. <p>Those in attendance were overwhelmingly opposed to the project, including amending the city's General Plan and rezoning of the golf course.</p> |
| 04/04/16 | A second neighborhood meeting was held with nearby residents at the Badlands Golf Club House, 9119 Alta Drive, Las Vegas. |

| <i>Field Check</i> | |
|---------------------------|--|
| 03/03/16 | The overall site includes a mix of various uses, including single family residential of varying density, multi-family residential, schools, parks and other civic uses, neighborhood commercial and a 27-hole public golf course. A majority of the single family residential areas situated around the golf course are gated. |

| <i>Details of Application Request</i> | |
|--|---------|
| <i>Site Area</i> | |
| Net Acres (MOD) | 1569.60 |
| Net Acres (GPA/ZON/DIR) | 250.92 |

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ROR025824

Staff Report Page Seven

April 12, 2016 - Planning Commission Meeting

| <i>Surrounding Property</i> | <i>Existing Land Use Per Title 19.12</i> | <i>Planned or Special Land Use Designation</i> | <i>Existing Zoning District</i> |
|-----------------------------|---|--|--|
| Subject Property | Commercial Recreation/Amusement (Outdoor) – Golf Course | PR-OS (Parks/Recreation/Open Space) | R-PD7 (Residential Planned Development – 7 Units per Acre) |
| North | Multi-Family Residential (Condominiums) / Club House | GTC (General Tourist Commercial) | PD (Planned Development) |
| | Hotel/Casino | SC (Service Commercial) | C-1 (Limited Commercial) |
| | Office, Medical or Dental | | |
| | Single Family, Detached | ML (Medium Low Density Residential) | R-PD7 (Residential Planned Development – 7 Units per Acre) |
| | | MLA (Medium Low Attached Density Residential) | R-PD10 (Residential Planned Development – 10 Units per Acre) |
| South | Office, Other Than Listed | SC (Service Commercial) | C-1 (Limited Commercial) |
| | Single Family, Detached | ML (Medium Low Density Residential) | R-PD7 (Residential Planned Development – 7 Units per Acre) |
| | Single Family, Attached | M (Medium Density Residential) | R-PD10 (Residential Planned Development – 10 Units per Acre) |
| | Multi-Family Residential | | R-3 (Medium Density Residential) |
| East | Shopping Center | SC (Service Commercial) | PD (Planned Development) |
| | Office, Other Than Listed | | C-1 (Limited Commercial) |
| | Mixed Use | GC (General Commercial) | C-2 (General Commercial) |
| | Utility Installation | PF (Public Facilities) | C-V (Civic) |
| | Single Family, Attached | M (Medium Density Residential) | R-PD10 (Residential Planned Development – 10 Units per Acre) |

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ROR025825

Staff Report Page Eight

April 12, 2016 - Planning Commission Meeting

| <i>Surrounding Property</i> | <i>Existing Land Use Per Title 19.12</i> | <i>Planned or Special Land Use Designation</i> | <i>Existing Zoning District</i> |
|-----------------------------|--|---|---------------------------------|
| West | Single Family, Detached | SF2 (Single Family Detached – 6 Units per Acre) | P-C (Planned Community) |
| | Golf Course | P (Parks/Open Space) | |
| | Multi-Family Residential | MF2 (Medium Density Multi-family – 21 Units per Acre) | |

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

DEVELOPMENT STANDARDS

Pursuant to the related Development Agreement (DIR-63602) for redevelopment of the 250.92-acre golf course (“the Property”), the following standards would apply if approved:

Proposed R-4 lots:

| <i>Standard</i> | <i>Title 19 Standards</i> | <i>Proposed</i> |
|---|---|---|
| Min. Lot Size | 7,000 SF | 7,000 SF |
| Min. Lot Width | N/A | N/A |
| Dwelling Units per Acre | Limited by height and underlying General Plan designation | 45 du/ac (Development Area 1) 60 du/ac (Development Area 2) 36 du/ac (Development Area 3) |
| Min. Setbacks <ul style="list-style-type: none"> • Front • Side • Corner • Rear | 10 Feet 5 Feet 5 Feet 20 Feet | All buildings shall be set back at least 60 feet from any existing residence |

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ROR025826

Staff Report Page Nine

April 12, 2016 - Planning Commission Meeting

| <i>Standard</i> | <i>Title 19 Standards</i> | <i>Proposed</i> |
|---|---|--|
| Min. Distance Between Buildings | Unlimited | N/A, except as restricted by conditions of approval of SDR |
| Max. Lot Coverage | N/A | N/A |
| Max. Building Height— <ul style="list-style-type: none"> Up to 4 stories 5-6 stories Towers (7+ stories) | 55 Feet | 55 Feet 75 Feet 250 Feet |
| Max. Accessory Structure Height | 2 Stories/55 Feet or the height of the principal dwelling unit, whichever is less | Height of the principal dwelling unit |
| Trash Enclosure | Screened, Gated, w/ a Roof or Trellis | Screened, Gated, w/ a Roof or Trellis |
| Mech. Equipment | Screened | Screened |

Proposed R-E lots:

| <i>Standard</i> | <i>Title 19 Standards</i> | <i>Proposed</i> |
|---|---|--|
| Min. Lot Size | 20,000 SF | 43,560 SF |
| Min. Lot Width | 100 Feet | N/A |
| Max. Dwelling Units per Acre | 2.18 du/ac | 0.33 du/ac |
| Dwelling Units per Lot | 1 | 1 |
| Min. Setbacks <ul style="list-style-type: none"> Front Side Corner Rear | 50 Feet 10 Feet 15 Feet 35 Feet | All buildings shall be set back at least 60 feet from any existing residence |
| Max. Lot Coverage | N/A | N/A |
| Max. Building Height | 2 Stories/35 Feet | 3 Stories over Basement/50 Feet |
| Max. Accessory Structure Height | 2 Stories/35 Feet, whichever is less | Lesser of 3 Stories/50 Feet |
| Patio Covers | 15-foot setback to side, rear and corner side PL from posts | 5-foot setback from all property lines |

| <i>Existing Zoning</i> | <i>Permitted Density</i> | <i>Units Allowed</i> |
|--|--------------------------|----------------------|
| R-PD7 (Residential Planned Development – 7 Units per Acre) | 7.49 du/ac | 1,879 |

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ROR025827

Staff Report Page Ten

April 12, 2016 - Planning Commission Meeting

| <i>Proposed Zoning</i> | <i>Permitted Density (proposed)</i> | <i>Units Allowed</i> |
|--|-------------------------------------|----------------------|
| R-4 (High Density Residential)* | Unlimited, except by height | Limited by height |
| R-E (Residence Estates)* | 1 du/ac | 183 |
| <i>Existing General Plan</i> | <i>Permitted Density</i> | <i>Units Allowed</i> |
| PR-OS (Parks/Recreation/Open Space) | N/A | None |
| <i>Proposed General Plan</i> | <i>Permitted Density</i> | <i>Units Allowed</i> |
| H (High Density Residential) | Unlimited | Unlimited |
| DR (Desert Rural Density Residential) | 2.49 du/ac | 457 |

*The R-4 and R-E Districts are as proposed by the Major Modification.

| <i>Street Name</i> | <i>Functional Classification of Street(s)</i> | <i>Governing Document</i> | <i>Actual Street Width (Feet)</i> | <i>Compliance with Street Section</i> |
|--------------------|---|---|-----------------------------------|---------------------------------------|
| Rampart Boulevard | Primary Arterial | Master Plan of Streets and Highways Map | 100 | Y |
| Alta Drive | Major Collector | Master Plan of Streets and Highways Map | 84 | Y |

ANALYSIS

Since the original approval of the reclassification of property (Z-0017-90) that created the Peccole Ranch Master Plan Phase Two area, there have been numerous land use entitlements processed within the overall Master Plan area. Entitlements have ranged from Site Development Plan Reviews to establish Residential Planned Development (R-PD) zoning district development standards to the amending of the City of Las Vegas 2020 Master Plan and City of Las Vegas Zoning Atlas. Past land use entitlement practices have varied in respect to proposed developments within the Peccole Ranch Master Plan Phase Two area, specifically in regards to the means by which previous developers have been able to propose development with or without an associated modification of the Peccole Ranch Master Plan. Since adoption of the 1990 Peccole Ranch Master Plan the property was developed with deference to the Plan.

FINDINGS (MOD-63600)

Additional time is needed to review and evaluate the Major Modification and associated Development Agreement (DIR-63602). Therefore, no finding can be reached at this time.

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ROR025828

FINDINGS (GPA-63599)

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

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

The proposed General Plan Amendment is dependent upon actions taken on the associated Major Modification to the Peccole Ranch Master Plan and Development Agreement. As additional time is needed for review of these submitted documents, no findings can be reached at this time.

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

The proposed General Plan Amendment is dependent upon actions taken on the associated Major Modification to the Peccole Ranch Master Plan and Development Agreement. As additional time is needed for review of these submitted documents, no findings can be reached at this time.

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

The proposed General Plan Amendment is dependent upon actions taken on the associated Major Modification to the Peccole Ranch Master Plan and Development Agreement. As additional time is needed for review of these submitted documents, no findings can be reached at this time.

4. **The proposed amendment conforms to other applicable adopted plans and policies that include approved neighborhood plans.**

The proposed General Plan Amendment is dependent upon actions taken on the associated Major Modification to the Peccole Ranch Master Plan and Development Agreement. As additional time is needed for review of these submitted documents, no findings can be reached at this time.

FINDINGS (ZON-63601)

In order to approve a Rezoning application, pursuant to Title 19.16.090(L), the Planning Commission or City Council must affirm the following:

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ROR025829

Staff Report Page Twelve

April 12, 2016 - Planning Commission Meeting

1. The proposal conforms to the General Plan.

The proposed Rezoning is dependent upon actions taken on the associated Major Modification to the Peccole Ranch Master Plan and Development Agreement. As additional time is needed for review of these submitted documents, no findings can be reached at this time.

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.

The proposed Rezoning is dependent upon actions taken on the associated Major Modification to the Peccole Ranch Master Plan and Development Agreement. As additional time is needed for review of these submitted documents, no findings can be reached at this time.

3. Growth and development factors in the community indicate the need for or appropriateness of the rezoning.

The proposed Rezoning is dependent upon actions taken on the associated Major Modification to the Peccole Ranch Master Plan and Development Agreement. As additional time is needed for review of these submitted documents, no findings can be reached at this time.

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.

The proposed Rezoning is dependent upon actions taken on the associated Major Modification to the Peccole Ranch Master Plan and Development Agreement. As additional time is needed for review of these submitted documents, no findings can be reached at this time.

NEIGHBORHOOD ASSOCIATIONS NOTIFIED

44

NOTICES MAILED

6903 - MOD-63600 and DIR-63602
1495 - GPA-63599 and ZON-63601

APPROVALS

3 - MOD-63600 and DIR-63602
1 - GPA-63599 and ZON-63601

PROTESTS

23 - MOD-63600 and DIR-63602
18 - GPA-63599 and ZON-63601

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ROR025830