

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

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**AMENDED
JOINT APPENDIX
VOLUME 12, PART 1 OF 5
(Nos. 2169-2232)**

LAW OFFICES OF KERMITT L. WATERS

Kermitt L. Waters, Esq.
Nevada Bar No. 2571
kermitt@kermittwaters.com
James J. Leavitt, Esq.
Nevada Bar No. 6032
jim@kermittwaters.com
Michael A. Schneider, Esq.
Nevada Bar No. 8887
michael@kermittwaters.com
Autumn L. Waters, Esq.
Nevada Bar No. 8917
autumn@kermittwaters.com
704 South Ninth Street
Las Vegas, Nevada 89101
Telephone: (702) 733-8877

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

LAS VEGAS CITY ATTORNEY'S OFFICE

Bryan K. Scott, Esq.
Nevada Bar No. 4381
bscott@lasvegasnevada.gov
Philip R. Byrnes, Esq.
pbyrnes@lasvegasnevada.gov
Nevada Bar No. 166
Rebecca Wolfson, Esq.
rwolfson@lasvegasnevada.gov
Nevada Bar No. 14132
495 S. Main Street, 6th Floor
Las Vegas, Nevada 89101
Telephone: (702) 229-6629

Attorneys for City of Las Vegas

CLAGGETT & SYKES LAW FIRM

Micah S. Echols, Esq.

Nevada Bar No. 8437

micah@claggettlaw.com

4101 Meadows Lane, Suite 100

Las Vegas, Nevada 89107

(702) 655-2346 – Telephone

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

McDONALD CARANO LLP

George F. Ogilvie III, Esq.

Nevada Bar No. 3552

gogilvie@mcdonaldcarano.com

Amanda C. Yen, Esq.

ayen@mcdonaldcarano.com

Nevada Bar No. 9726

Christopher Molina, Esq.

cmolina@mcdonaldcarano.com

Nevada Bar No. 14092

2300 W. Sahara Ave., Ste. 1200

Las Vegas, Nevada 89102

Telephone: (702) 873-4100

LEONARD LAW, PC

Debbie Leonard, Esq.

debbie@leonardlawpc.com

Nevada Bar No. 8260

955 S. Virginia Street Ste. 220

Reno, Nevada 89502

Telephone: (775) 964.4656

SHUTE, MIHALY & WEINBERGER, LLP

Andrew W. Schwartz, Esq.

schwartz@smwlaw.com

California Bar No. 87699

(admitted pro hac vice)

Lauren M. Tarpey, Esq.

ltarpey@smwlaw.com

California Bar No. 321775

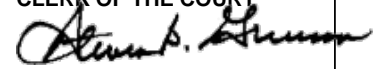
(admitted pro hac vice)

396 Hayes Street

San Francisco, California 94102

Telephone: (415) 552-7272

Attorneys for City of Las Vegas



APEN

Bryan K. Scott (NV Bar No. 4381)
Philip R. Byrnes (NV Bar No. 166)
Seth T. Floyd (NV Bar No. 11959)
LAS VEGAS CITY ATTORNEY'S OFFICE
495 South Main Street, 6th Floor
Las Vegas, Nevada 89101
Telephone: (702) 229-6629
Facsimile: (702) 386-1749
bscott@lasvegasnevada.gov
pbyrnes@lasvegasnevada.gov
sfloyd@lasvegasnevada.gov

(Additional Counsel Identified on Signature
Page)

Attorneys for Defendant City of Las Vegas

DISTRICT COURT

CLARK COUNTY, NEVADA

180 LAND CO LLC, a Nevada limited liability company,
FORE STARS, LTD, a Nevada limited liability company
and SEVENTY ACRES, LLC, a Nevada limited liability
company, DOE INDIVIDUALS I-X, DOE
CORPORATIONS I-X, and DOE LIMITED LIABILITY
COMPANIES I-X,

Plaintiffs,

v.

CITY OF LAS VEGAS, a political subdivision of the State
of Nevada; ROE GOVERNMENT ENTITIES I-X; ROE
CORPORATIONS I-X; ROE INDIVIDUALS I-X; ROE
LIMITED-LIABILITY COMPANIES I-X; ROE QUASI-
GOVERNMENTAL ENTITIES I-X,

Defendants.

Case No. A-17-758528-J

DEPT. NO.: XVI

**APPENDIX OF EXHIBITS
TO CITY'S OPPOSITION TO
"MOTION TO DETERMINE
PROPERTY INTEREST"**

VOLUME 1

Defendant CITY OF LAS VEGAS ("City") hereby submits its Appendix of Exhibits to
Opposition to "Motion to Determine Property Interest."

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Appendix to City's Opposition to "Motion to Determine Property Interest"
Case No. A-17-758528-J

Case Number: A-17-758528-J

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Exhibit	Exhibit Description	Vol.	Bates No.
A	Judge Williams' Findings of Fact and Conclusions of Law, Case No. A-17-758528-J (Nov. 21, 2018)	1	00001-00025
B	City records regarding Ordinance No. 2136 (Annexing 2,246 acres to the City of Las Vegas)	1	00026-00036
C	City records regarding Peccole Land Use Plan and Z-34-81 rezoning application	1	00037-00055
D	City records regarding Venetian Foothills Master Plan and Z-30-86 rezoning application	1	00056-00075
E	2015 Aerial Identifying Phase I and Phase II boundaries	1	00076
F	City records regarding Peccole Ranch Master Plan and Z-139-88 Phase I rezoning application	1	00077-00121
G	Ordinance No. 3472 and related records	1	00122-00145
H	City records regarding Amendment to Peccole Ranch Master Plan and Z-17-90 phase II rezoning application	1	00146-00202
I	Excerpts of 1992 City of Las Vegas General Plan	2	00203-00256
J	1996 aerial identifying Phase I and Phase II boundaries	2	00257
K	City records related to Badlands Golf Course expansion	2	00258-00263
L	1998 aerial identifying Phase I and Phase II boundaries	2	00264
M	Excerpt of land use case files for GPA-24-98 and GPA-6199	2	00265-00267
N	Excerpts of Las Vegas 2020 Master Plan	2	00268-00283
O	Excerpts of 2005 Land Use Element	2	00284-00297
P	Excerpts of 2009 Land Use Element	2	00298-00307
Q	Excerpts of 2012 Land Use Element	2	00308-00323
R	Excerpts of 2018 Land Use Element	2	00324-00338
S	Ordinance No. 1582	2	00339-00345
T	Excerpt of the 1997 City of Las Vegas Zoning Code	2	00346-00347
U	Ordinance No. 5353	2	00348-00373
V	Excerpts of City of Las Vegas Unified Development Code adopted March 16, 2011	2	00374-00376
W	Deeds transferring ownership of the Badlands Golf Course	2	00377-00389
X	2015 aerial identifying Phase I and Phase II boundaries, retail development, hotel/casino, and Developer projects	2	00390

Exhibit	Exhibit Description	Vol.	Bates No.
Y	Third Revised Justification Letter regarding the Major Modification to the 1990 Conceptual Peccole Ranch Master Plan	2	00391-00394
Z	Parcel maps recorded by the Developer subdividing the Badlands Golf Course	2	00395-00423
AA	2019 aerial identifying Phase I and Phase II boundaries, and current assessor parcel numbers for the Badlands property	2	00424
BB	Second Amendment and First Supplement to Complaint for Severed Alternative Verified Claims in Inverse Condemnation; Case No. A-17-758528-J (May 15,19)	3	00425-00462
CC	General Plan Amendment (GPA-62387), Rezoning (ZON-62392) and Site Development Plan Review (SDR-62393) applications	3	00463-00483
DD	Transcript of February 15, 2017 City Council meeting	3	00484-00497
EE	Judge Crockett's March 5, 2018 order granting Queensridge homeowners' petition for judicial review, Case No. A-17-752344-J	3	00498-00511
FF	<i>Seventy Acre, LLC v. Jack Binion, et al.</i> , Nev. Sup. Ct. Case No. 75481 (Nev. 2020) (unpublished table decision)	3	00512-00518
GG	Letter from City of Las Vegas Office of the City Attorney to Chris Kaempfer, Re: Entitlements on 17 Acres (March 26, 2020)	3	00519
HH	2019 aerial identifying Phase I and Phase II boundaries, and areas subject to inverse condemnation litigation	3	00520
II	Miscellaneous Southwest Sector Land Use Maps	3	00521-00524
JJ	General Plan Amendment (GPA-68385), Site Development Plan Review (SDR-68481), Tentative Map (TMP-68482), and Waiver (68480) applications	3	00525-00552
KK	Development Agreement (DIR-70539) application	3	00553-00638
LL	June 21, 2017 City Council meeting minutes and transcript excerpt regarding GPA-68385, SDR-68481, TMP-68482, and 68480.	3	00639-00646
MM	Docket for Case No. A-17-758528-J	4	00647-00735
NN	The City of Las Vegas' Petition for Removal of Civil Action, Docket No. 1 in United States District Court for the District of Nevada Case No. 2:19-cv-01467 (8/22/19)	4	00736-00742

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Exhibit	Exhibit Description	Vol.	Bates No.
OO	Order, Docket No. 30 in United States District Court for the District of Nevada Case No. 2:19-cv-01467-KJD-DJA, Order (2/12/20)	4	00743-00751
PP	Excerpt of the 1983 Edition of the Las Vegas Municipal Code	4	00752-00761
QQ	Ordinance No. 2185	4	00762-00766
RR	Staff Report for June 21, 2017 City Council Meeting – GPA-68385, WVR-68480, SDR-68481, and TMS-68482	4	00767-00793
SS	Notice of Entry of Order Nunc Pro Tunc Regarding Findings of Fact and Conclusion of Law Entered November 21, 2019; Case No. A-17-758528-J (2/6/19)	4	00794-00799
TT	Notice of Entry of Findings of Fact and Conclusions of Law, Case No. A-17-758528-J (5/8/19)	4	00800-00815
UU	Order Granting the Landowners’ Countermotion to Amend/Supplement the Pleadings; Denying the City’s Motion for Judgment on the Pleadings on Developer’s Inverse Condemnation Claims, and Denying the Landowners’ Countermotion for Judicial Determination of Liability on the Landowners’ Inverse Condemnation Claims; Case No. A-17-758528-J (5/15/19)	4	00816-00839

1 DATED this 18th day of August, 2020.

2 By: /s/ Philip R. Byrnes

3 LAS VEGAS CITY ATTORNEY'S OFFICE
4 Bryan K. Scott (NV Bar No. 4381)
5 Philip R. Byrnes (NV Bar No. 166)
6 Seth T. Floyd (NV Bar No. 11959)
7 495 South Main Street, 6th Floor
8 Las Vegas, Nevada 89101

9 SHUTE, MIHALY & WEINBERGER, LLP
10 Andrew W. Schwartz (*pro hac vice*)
11 Lauren M. Tarpey (*pro hac vice*)
12 396 Hayes Street
13 San Francisco, California 94102

14 McDONALD CARANO LLP
15 George F. Ogilvie III (NV Bar No. 3552)
16 Amanda C. Yen (NV Bar No. 9726)
17 Christopher Molina (NV Bar No. 14092)
18 2300 W. Sahara Avenue, Suite 1200
19 Las Vegas, Nevada 89102
20 Telephone: (702) 873-4100
21 Facsimile: (702) 873-9966
22 gogilvie@mcdonaldcarano.com
23 ayen@mcdonaldcarano.com
24 cmolina@mcdonaldcarano.com

25 *Attorneys for Defendant City of Las Vegas*

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 18th day of August, 2020, a true and correct copy of the foregoing **APPENDIX TO CITY'S OPPOSITION TO "MOTION TO DETERMINE PROPERTY INTEREST" – VOLUME 1** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ Jelena Jovanovic
An employee of McDonald Carano LLP

EXHIBIT A

EXHIBIT A

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28

FFCO
George F. Ogilvie III (NV Bar #3552)
Debbie Leonard (NV Bar #8260)
Amanda C. Yen (NV Bar #9726)
Christopher Molina (NV Bar #14092)
McDONALD CARANO LLP
2300 W. Sahara Ave, Suite 1200
Las Vegas, NV 89102
Telephone: 702.873.4100
Facsimile: 702.873.9966
gogilvie@mcdonaldcarano.com
dleonard@mcdonaldcarano.com
ayen@mcdonaldcarano.com
cmolina@mcdonaldcarano.com

Bradford R. Jerbic (NV Bar #1056)
Philip R. Byrnes (NV Bar #166)
Seth T. Floyd (NV Bar #11959)
LAS VEGAS CITY ATTORNEY'S OFFICE
495 S. Main Street, 6th Floor
Las Vegas, NV 89101
Telephone: 702.229.6629
Facsimile: 702.386.1749
bjerbic@lasvegasnevada.gov
pbyrnes@lasvegasnevada.gov
sfloyd@lasvegasnevada.gov

Attorneys for Defendants City of Las Vegas

**DISTRICT COURT
CLARK COUNTY, NEVADA**

180 LAND CO LLC, a Nevada limited-liability
company; DOE INDIVIDUALS I through X;
DOE CORPORATIONS I through X; and
DOE LIMITED-LIABILITY COMPANIES I
through X,

Plaintiffs,

v.

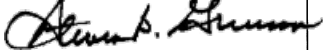
CITY OF LAS VEGAS, a political
subdivision of the State of Nevada; ROE
GOVERNMENT ENTITIES I through X;
ROE CORPORATIONS I through X; ROE
INDIVIDUALS I through X; ROE LIMITED-
LIABILITY COMPANIES I through X; ROE
QUASI-GOVERNMENTAL ENTITIES I
through X,

Defendants.

CASE NO.: A-17-758528-J
DEPT. NO.: XVI

**FINDINGS OF FACT AND
CONCLUSIONS OF LAW ON
PETITION FOR JUDICIAL REVIEW**

OCT 30 2018



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

Intervenors.

Petitioner 180 Land Company, LLC filed a petition for judicial review (“Petition”) of the Las Vegas City Council’s June 21, 2017 decision to deny four land use applications (“Applications”) filed by Petitioner to develop a 34.07-acre portion of the Badlands Golf Course (“the 35-Acre Property”). The Court granted a motion to intervene filed by surrounding homeowners (“Intervenors”) whose real property is adjacent to and affected by the proposed development of the 35-Acre Property. The Court having reviewed the briefs submitted in support of and in opposition to the Petition, having conducted a hearing on the Petition on June 29, 2018, having considered the written and oral arguments presented, and being fully informed in the premises, makes the following findings of facts and conclusions of law:

I. FINDINGS OF FACT

A. The Badlands Golf Course and Peccole Ranch Master Development Plan

1. The 35-Acre Property is a portion of 250.92 acres of land commonly referred to as the Badlands Golf Course (“the Badlands Property”). (ROR 22140-201; 25819).

...

2. The Badlands Property is located between Alta Drive (to the north), Charleston Boulevard (to the south), Rampart Boulevard (to the east), and Hualapai Way (to the west), and is spread out within existing residential development, primarily the Queensridge Common Interest Community. (ROR 18831; 24093).

3. The Badlands Property is part of what was originally the Venetian Foothills Master Development Plan on 1,923 acres of land, which was approved by the Las Vegas City Council (the "Council") on May 7, 1986. (ROR 25820).

4. The plan included two 18-hole golf courses, one of which would later become known as "Badlands." (ROR 2635-36; 2646).

5. Both golf courses were designed to be in a major flood zone and were designated as flood drainage and open space. (ROR 2595-2604; 2635-36; 4587).

6. The Council required these designations when approving the plan to address flooding, and to provide open space in the master planned area. (*Id.*).

7. The City's General Plan identifies the Badlands Property as Parks, Recreation and Open Space ("PR-OS"). (ROR 25546).

8. The City holds a drainage easement within the Badlands Property. (ROR 4597; 5171; 5785).

9. The original master plan applicant, William Peccole/Western Devcor, Inc., conveyed its interest to an entity called Peccole Ranch Partnership. (ROR 2622; 20046-47; 25968).

10. On February 15, 1989, the Council approved a revised master development plan for 1,716.30 acres, known as "the Peccole Ranch Master Development Plan" ("the Master Development Plan"). (ROR 25821).

11. On April 4, 1990, the Council approved an amendment to the Master Development Plan to make changes related to Phase Two, and to reduce the overall acreage to 1,569.60 acres. (*Id.*).

12. Approximately 212 acres of land in Phase Two was set aside for a golf course, with the overall Peccole Ranch Master Plan having 253.07 net acres for golf course, open space and

1 drainage. (ROR 2666; 25821).

2 13. Like its predecessor, the Master Development Plan identified the golf course area
3 as being for flood drainage and golf course purposes, which satisfied the City's open space
4 requirement. (ROR 2658-2660).

5 14. Phase Two of the Master Plan was completed such that the golf course is now
6 surrounded by residential development. (ROR 32-33).

7 15. The 35-Acre Property that is the subject of the Applications at issue here lies within
8 the Phase Two area of the Master Plan. (ROR 10).

9 16. Through a number of successive conveyances, Peccole Ranch Partnership's
10 interest in the Badlands Property, amounting to 250.92 acres, was transferred to an entity called
11 Fore Stars, Ltd., an affiliate of Petitioner. (ROR 24073-75; 25968).

12 17. On June 18, 2015, Fore Stars transferred 178.27 acres to Petitioner and 70.52 acres
13 to Seventy Acres, LLC, another affiliate, and retained the remaining 2.13 acres. (*Id.*).

14 18. The three affiliated entities – Petitioner (i.e., 180 Land Co., LLC), Seventy Acres
15 LLC and Fore Stars, Ltd. (collectively, “the Developer”) – are all managed by EHB Companies,
16 LLC, which, in turn, is managed by Paul Dehart, Vicki Dehart, Yohan Lowie and Frank Pankratz.
17 (ROR 1070; 1147; 1154; 3607-3611; 4027; 5256-57; 5726-29). The Court takes judicial notice of
18 the complaint filed by 180 Land Co., LLC, Fore Stars, Ltd., Seventy Acres, LLC, and Yohan
19 Lowie in the United States District Court, Case No. 2:18-cv-00547-JCM-CWH (“the Federal
20 Complaint”), which alleges these facts.

21 19. Mr. Lowie and various attorneys represented the Developer with regard to its
22 development applications before the Council. (ROR 24466-24593).

23 **B. The Developer's Prior Applications to Develop the Badlands Property**

24 20. On November 15, 2015, the Developer filed applications for a General Plan
25 Amendment, Re-zoning and Site Development Plan Review to change the classification of 17.49
26 acres within the 250.92-acre Badlands Property from Parks Recreation/Open Space to High
27 Density (“the 17-Acres Applications”). (ROR 25546; ROR 25602; ROR 25607).

28 21. The 17-Acre Property is located in the northeast corner of the Badlands Property,

1 distant from and not adjacent to existing residential development. (ROR 33).

2 22. In reviewing the 17-Acres Applications, the City's planning staff recognized that
3 the 17-Acre Property was part of the Master Development Plan and stated that any amendment of
4 the Master Development Plan must occur through a major modification pursuant to Title
5 19.10.040 of the City's Unified Development Code. (ROR 25532).

6 23. Members of the public opposed the 17-Acre Applications on numerous grounds.
7 (ROR 25768-78).

8 24. On February 25, 2016, the Developer submitted an application for a major
9 modification to the Master Development Plan (the "Major Modification Application") and a
10 proposed development agreement (which it named the "2016 Peccole Ranch Master Plan") for the
11 entire 250.92-acre Badlands Property ("the proposed 2016 Development Agreement"). (ROR
12 25729; 25831-34).

13 25. In support of the Major Modification Application, the Developer asserted that the
14 proposed 2016 Development Agreement was in conformance with the Las Vegas General Plan
15 Planning Guidelines to "[e]ncourage the master planning of large parcels under single ownership
16 in the growth areas of the City to ensure a desirable living environment and maximum efficiency
17 and savings in the provision of new public facilities and services." (ROR 25986).

18 26. The Developer also asserted that it would "guarantee that the development of the
19 golf course property would be accomplished in a way that ensures that Queensridge will retain the
20 uniqueness that makes living in Queensridge so special." (ROR 25966).

21 27. Thereafter, the Developer sought abeyances from the Planning Commission on the
22 17-Acres Applications to engage in dialogue with the surrounding neighbors, and to allow the
23 hearings on the Major Modification Application and the 17-Acre Applications to proceed
24 simultaneously. (ROR 25569; 25613; 25716; 25795; 26014; 26195; 26667; 27989).

25 28. The Council heard considerable opposition to the Major Modification Application
26 and the proposed 2016 Development Agreement regarding, among other things, traffic,
27 conservation, quality of life and schools. (ROR 25988-26010; 26017-45; 26072-89; 26091-107).

28 ...

1 29. At a March 28, 2016 neighborhood meeting, 183 members of the public attended
2 who were “overwhelmingly opposed” to the proposed development. (ROR 25823-24).

3 30. The City received approximately 586 written protests regarding the proposed 2016
4 Development Agreement plus multiple e-mails to individual Council members in opposition.
5 (ROR 31053; ROR 989-1069).

6 31. In approximately April 2016, City Attorney Brad Jerbic became involved in the
7 negotiation of the proposed 2016 Development Agreement to facilitate discussions between the
8 Developer and the nearby residents. Over the course of the next year, Mr. Jerbic and Planning
9 Director Tom Perrigo met with the Developer’s representatives and various members of the
10 public, including representatives of the Queensridge HOA and individual homeowners, in an
11 effort to reach consensus regarding a comprehensive development plan for the Badlands Property.
12 (ROR 27990).

13 32. The Mayor continued to inquire about the status of the negotiations, and Council
14 members expressed their desire that the parties negotiate a comprehensive master plan that meets
15 the City’s requirements for orderly and compatible development. (ROR 17335).

16 33. Prior to the Council voting on the Major Modification Application, the Developer
17 requested to withdraw it without prejudice. (ROR 1; 5; 6262).

18 34. Several members of the public opposed the “without prejudice” request, arguing
19 that the withdrawal should be with prejudice to ensure that the Developer would create a
20 development plan for the entire Badlands Property with input from neighbors. (ROR 1077-79,
21 1083).

22 35. In response, the Mayor received assurances from the Developer’s lawyer that the
23 Developer would engage in good-faith negotiations with neighboring homeowners. (ROR 1115).

24 36. The Developer also represented that it did not seek to develop the Badlands
25 Property in a piecemeal fashion: “[I]t’s not our desire to just build 17.49 acres of property that we
26 wanted to build the rest of it, and that’s why we agreed to the withdrawal without prejudice to
27 meet [with neighboring property owners] to try to do everything we can.” (ROR 1325). Based on
28 these assurances, the Council approved the Developer’s request to withdraw the Major

1 Modification Application and proposed 2016 Development Agreement without prejudice. (ROR
2 2; 1129-1135).

3 37. The Mayor reiterated that the Council sought a comprehensive plan for the entire
4 Badlands Property to ensure that any development would be compatible with surrounding
5 properties and provide adequate flood control. (ROR 17321-22).

6 38. The Developer's counsel acknowledged the necessity for a master development
7 plan for the entire Badlands Property. (ROR 17335).

8 39. City Planning Staff recommended approval of the 17-Acres Applications with
9 several conditions, including the approval of both (1) the Major Modification Application and (2)
10 the proposed 2016 Development Agreement. (ROR 27625-26, 27629).

11 40. On October 18, 2016, the City's Planning Commission recommended granting the
12 17-Acres Applications but denying the Major Modification Application. (ROR 1; 31691-92).

13 41. The Council heard the 17-Acres Applications at its November 16, 2016 meeting.
14 (ROR 1075-76).

15 42. The Council members expressed that a comprehensive plan for the entire Badlands
16 Property was necessary to avoid piecemeal development and ensure compatible land densities and
17 uses. (ROR 1310-14).

18 43. Nevertheless, the Council and the Planning Director recognized the 17-Acre
19 Property as distinct from the rest of the Badlands Property due to its configuration, lot size,
20 isolation and distance from existing development. (ROR 1311-12).

21 44. To allow time for negotiations between the Developer and the project opponents
22 on a comprehensive development agreement, the Council held the 17-Acres Applications in
23 abeyance until February 15, 2017. (ROR 1342; 6465-6470, 11231).

24 45. On February 15, 2017, the Council again considered the 17-Acres Applications.
25 (ROR 17235).

26 46. The Developer stated that it had reduced the requested number of units from 720
27 to 435 to match the compatibility of adjacent Queensridge Towers. (ROR 17237-38).

28 ...

1 47. Based on the reduction and compatibility effort made by the Developer, the
2 Council approved the 17-Acres Applications with certain modifications and conditions. (ROR
3 11233; 17352-57).

4 48. Certain nearby homeowners petitioned for judicial review of the Council's
5 approval of the 17-Acres Applications. *See Jack B. Binion, et al v. The City of Las Vegas, et al.*,
6 A-17-752344-J.

7 49. On March 5, 2018, the Honorable James Crockett granted the homeowners'
8 petition for judicial review, concluding that a major modification of the Master Development Plan
9 to change the open space designation of the Badlands Golf Course was legally required before the
10 Council could approve the 17-Acres Applications ("the Crockett Order"). The Court takes judicial
11 notice of the Crockett Order.

12 **C. The 35-Acres Applications at Issue in this Petition for Judicial Review**

13 50. The instant case seeks judicial review of the Council's denial of the Applications
14 filed by Petitioner to develop the 35-Acre Property.

15 51. The Applications consisted of: an application for a General Plan Amendment for
16 166.99 acres to change the existing City's General Plan designation from Parks Recreation/Open
17 Space to Low Density Residential (ROR 32657); a Waiver on the size of the private streets (ROR
18 34009); a Site Development Review for 61 lots (ROR 34050); and a Tentative Map Plan
19 application for the 35-Acre Property. (ROR 34059).

20 52. The development proposed in the Applications was inconsistent with the proposed
21 2016 Development Agreement that was being negotiated. (ROR 1217-1221; 17250-52; 32657;
22 34050; 34059).

23 53. The Council members expressed concern that the Developer was not being
24 forthcoming and was stringing along neighboring homeowners who were attempting to negotiate
25 a comprehensive development plan that the Council could approve. (ROR 1305; 1319).

26 54. The Applications came up for consideration during the February 14, 2017 Planning
27 Commission meeting. (ROR 33924).

28 ...

1 55. Numerous members of the public expressed opposition, specifically identifying the
2 following areas of concern: (1) existing land use designations did not allow the proposed
3 development; (2) the proposed development was inconsistent with the Master Development Plan
4 and the City's General Plan; (3) the Planning Commission's decision would set a precedent that
5 would enable development of open space and turn the expectations of neighboring homeowners
6 upside down; (4) the Applications required a major modification of the Master Development Plan;
7 (5) neighboring residents have a right to enjoyment of their property according to state statutes;
8 (6) the proposed development would negatively affect property values and the characteristics of
9 the neighborhood; and (7) the development would result in over-crowded schools. (ROR 33934-
10 69).

11 56. Project opponents also expressed uncertainty and anxiety regarding the
12 Developer's lack of a comprehensive development plan for the entire Badlands Property. (*Id.*).

13 57. The Planning Commission did not approve Petitioner's application for the General
14 Plan Amendment, which required a super-majority vote, but did approve the Waiver, Site
15 Development Review and the Tentative Map applications, subject to conditions as stated by City
16 Staff and during the meeting. (ROR 33998-99; 34003).

17 58. After several abeyances (requested once by City Planning Staff and twice by
18 Petitioner), the four Applications for the 35-Acre Property came before the Council on June 21,
19 2017. (ROR 17360; 18825-27; 20304-05; 24466).

20 59. The objections that had been presented in advance of and at the Planning
21 Commission meeting were included in the Council's meeting materials. (ROR 22294-24196).

22 60. As had occurred throughout the two-year history of the Developer's various
23 applications, the Council heard extensive public opposition, which included research, factual
24 arguments, legal arguments and expert opinions. (ROR 22205-78; 22294-24196). The objections
25 included, among others, the following:

26 a. The Council was allowing the Developer to submit competing applications
27 for piecemeal development, which the City had never previously allowed for any
28 other developer. (ROR 24205).

b. The Applications did not follow the process required by planning principles. (Report submitted by Ngai Pindell, Boyd School of Law professor of property law, ROR 24222-23).

c. The General Plan Amendment application exceeds the allowable unit cap. (ROR 24225-229).

d. The Developer failed to conduct a development impact notice and assessment. (ROR 24231-36).

e. The Applications are not consistent with the Master Development Plan or the City's General Plan. (ROR 24231-36).

f. The design guidelines for Queensridge, which were approved by the City and recorded in 1996, reference the golf course, and residents purchased property and built homes in reliance on that document. (ROR 24237-38).

g. The Applications were a strategic effort by the Developer to gain leverage in the comprehensive development agreement negotiations that were ongoing. (Queensridge HOA attorney Shauna Hughes, ROR 24242-44).

h. Security would be a problem. (ROR 24246-47).

i. Approval of the Applications in the absence of a comprehensive plan for Badlands Property would be irresponsible. (ROR 24254-55).

j. The proposed General Plan Amendment would approve approximately 911 homes with no flood control or any other necessary requirements. (ROR 24262).

61. After considering the public's opposition, the Mayor inquired as to the status of negotiations related to a comprehensive development agreement for the entire Badlands Property. The City Attorney responded that no agreement had been reached. (ROR 24208-09).

62. The Developer and its counsel represented that only if the Council approved the four Applications would it then be willing to negotiate a comprehensive development agreement and plan for the entire Badlands Property. (ROR 24215, 24217, 24278-80).

63. The Council voted to deny the Applications. (ROR 24397).

64. On June 28, 2017, the City issued its final notices, which indicated that the

Council's denial of the Applications was "due to significant public opposition to the proposed development, concerns over the impact of the proposed development on surrounding residents, and concerns on piecemeal development of the Master Development Plan area rather than a cohesive plan for the entire area." (ROR 35183-86).

65. The Petitioner filed this petition for judicial review to challenge the Council's denial of the Applications.

66. Petitioner has not presented any evidence to the Court that it has a pending application for a major modification for the 35-Acre Property at issue in this Petition for Judicial Review.

II. CONCLUSIONS OF LAW

A. Standard of Review

1. In a petition for judicial review under NRS 278.3195, the district court reviews the record below to determine whether the decision was supported by substantial evidence. *City of Reno v. Citizens for Cold Springs*, 126 Nev. 263, 271, 236 P.3d 10, 15-16 (2010) (citing *Kay v. Nunez*, 122 Nev. 1100, 1105, 146 P.3d 801, 805 (2006)).

2. "Substantial evidence is that which a reasonable mind could accept as sufficient to support a conclusion." *Id.*

3. The scope of the Court's review is limited to the record made before the administrative tribunal. *Bd. of Cty. Comm'rs of Clark Cty. v. C.A.G., Inc.*, 98 Nev. 497, 500, 654 P.2d 531, 533 (1982).

4. The Court may "not substitute its judgment for that of a municipal entity if substantial evidence supports the entity's action." *Id.*

5. "[I]t is not the business of courts to decide zoning issues... Because of the [governing body's] particular expertise in zoning, courts must defer to and not interfere with the [governing body's] discretion if this discretion is not abused." *Nevada Contractors v. Washoe Cty.*, 106 Nev. 310, 314, 792 P.2d 31, 33 (1990).

6. The decision of the City Council to grant or deny applications for a general plan amendment, rezoning, and site development plan review is a discretionary act. *See Enterprise*

1 *Citizens Action Committee v. Clark County Bd. of Comm'rs*, 112 Nev. 649, 653, 918 P.2d 305,
2 308 (1996); *Stratosphere Gaming Corp. v. City of Las Vegas*, 120 Nev. 523, 528, 96 P.3d 756,
3 760 (2004).

4 7. "If a discretionary act is supported by substantial evidence, there is no abuse of
5 discretion." *Cty. of Clark v. Doumani*, 114 Nev. 46, 53, 952 P.2d 13, 17 (1998), *superseded by*
6 *statute on other grounds*.

7 8. Zoning actions are presumed valid. *Nova Horizon, Inc. v. City Council of the City*
8 *of Reno*, 105 Nev. 92, 94, 769 P.2d 721, 722 (1989).

9 9. A "presumption of propriety" attaches to governmental action on land use
10 decisions. *City Council of City of Reno v. Irvine*, 102 Nev. 277, 280, 721 P.2d 371, 373 (1986). A
11 disappointed applicant bears a "heavy burden" to overcome this presumption. *Id.*

12 10. On a petition for judicial review, the Court may not step into the shoes of the
13 Council, reweigh the evidence, consider evidence not presented to the Council or make its own
14 judgment calls as to how a land use application should have been decided. *See Bd. of Cty. Comm'rs*
15 *of Clark Cty. v. C.A.G., Inc.*, 98 Nev. 497, 500, 654 P.2d 531, 533 (1982).

16 **B. Substantial Evidence Supported the City Council's Decision**

17 11. The record before the Court amply shows that the Council's June 21, 2017 decision
18 to deny the Applications for the 35-Acre Property ("the Decision") was supported by substantial
19 evidence.

20 12. "Substantial evidence can come in many forms" and "need not be voluminous."
21 *Comstock Residents Ass'n v. Lyon County Bd. of Comm'rs*, 385 P.3d 607 (Nev. 2016)
22 (unpublished disposition), *citing McKenzie v. Shelly*, 77 Nev. 237, 240, 362 P.2d. 268, 269 (1961);
23 *City of Reno v. Estate of Wells*, 110 Nev. 1218, 1222, 885 P.2d 545, 548 (1994).

24 13. Public opposition to a proposed project is an adequate basis to deny a land use
25 application. *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760; *C.A.G.*, 98 Nev. at 501, 654
26 P.2d at 533.

27 14. "[A] local government may weigh public opinion in making a land-use decision."
28 *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760; *accord Eldorado Hills, LLC v. Clark*

County Bd. of Commissioners, 386 P.3d 999, 2016 WL 7439360, *2 (Nev. Dec. 22, 2016) (unpublished disposition).

15. “[L]ay objections [that are] substantial and specific” meet the substantial evidence standard. *Clark Cty. Liquor & Gaming Licensing Bd. v. Simon & Tucker, Inc.*, 106 Nev. 96, 98, 787 P.2d 782, 783 (1990) (distinguishing *City Council, Reno v. Travelers Hotel, Ltd.*, 100 Nev. 436, 683 P.2d 960 (1984)); *Stratosphere Gaming*, 120 Nev. at 529-30, 96 P.3d at 761.

16. “Section 19.18.050(E)(5) [of the Las Vegas Municipal Code] provides that the site development plan review process is intended to ensure that the proposed development is ‘harmonious and compatible with development in the area’ and that it is not ‘unsightly, undesirable, or obnoxious in appearance.’ The language of this ordinance clearly invites public opinion.” *Stratosphere Gaming*, 120 Nev. at 528–29, 96 P.3d at 760.

17. The considerable public opposition to the Applications that was in the record before the Council meets the substantial evidence standard. That record included written and stated objections, research, legal arguments and expert opinions regarding the project’s incompatibility with existing uses and with the vision for the area specified in the City’s General Plan and the Peccole Ranch Master Development Plan. (ROR 2658-2666, 22294-24196, 24492-24504, 25821). The opponents argued that a development must be consistent with the General Plan, and what the Developer proposed was inconsistent with the Parks, Recreation and Open Space designation for the Badlands Golf Course in the City’s General Plan. (ROR 24492-24504, 32820-21; 32842-55; 33935-36). If the applications were granted, they argued, it would set a precedent that would enable development of open space in other areas, thereby defeating the financial and other expectations of people who purchased homes in proximity to open space. (ROR 24492-24504, 33936). Because of the open space designation in the Peccole Ranch Master Development Plan, the opponents contended, the Applications required a major modification, which had not been approved. (ROR 24494-95; 33938). The opponents also expressed concerns regarding compatibility with the neighborhood, school overcrowding and lack of a development plan for the entire Badlands Property. (ROR 24492-24504, 24526, 33934-69).

18. The record before the Council constitutes substantial evidence to support the

1 Decision. *See Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760.

2 19. The Court rejects the evidence that the Developer contends conflicts with the
3 Council's Decision because the Court may not substitute its judgment for that of the Council.
4 "[J]ust because there was conflicting evidence does not compel interference with the Board's
5 decision so long as the decision was supported by substantial evidence." *Liquor & Gaming*
6 *Licensing Bd.*, 106 Nev. at 98, 787 P.2d at 783. The Court's job is to evaluate whether substantial
7 evidence supports the Council's decision, not whether there is substantial evidence to support a
8 contrary decision. *Nevada Power Co. v. Pub. Utilities Comm'n of Nevada*, 122 Nev. 821, 836
9 n.36, 138 P.3d 486, 497 (2006). This is because the administrative body alone, not a reviewing
10 court, is entitled to weigh the evidence for and against a project. *Liquor & Gaming Licensing Bd.*,
11 106 Nev. at 99, 787 P.2d at 784.

12 **C. The Council's Decision Was Within the Bounds of the Council's Discretion**
13 **Over Land Use Matters**

14 20. "For the purpose of promoting health, safety, morals, or the general welfare of the
15 community, the governing bodies of cities and counties are authorized and empowered to regulate
16 and restrict the improvement of land and to control the location and soundness of structures." NRS
17 278.020(1).

18 21. The City's discretion is broad:

19 A city board acts arbitrarily and capriciously when it denies a [land use application]
20 without any reason for doing so.... [The essence of the abuse of discretion, of the
21 arbitrariness or capriciousness of governmental action in denying a[n] ... application,
is most often found in an apparent absence of any grounds or reason for the decision.
We did it just because we did it. *Irvine*, 102 Nev. at 279-80, 721 P.2d at 372-73
(quotations omitted).

22 22. The Council's Decision was free from any arbitrary or capricious decision making
23 because it provided multiple reasons for denial of the Applications, all of which are well supported
24 in the record.

25 23. The Council properly exercised its discretion to conclude that the development
26 proposed in the Applications was not compatible with surrounding areas and failed to set forth an
27 orderly development plan to alter the open space designation found in both the City's General
28 Plan and the Peccole Ranch Master Development Plan.

1 24. The concept of “compatibility” is inherently discretionary, and the Council was
2 well within its discretion to decide that the development presented in the Applications was not
3 compatible with neighboring properties, including the open space designation on the remainder of
4 the Badlands Golf Course. *See Stratosphere*, 120 Nev. at 529, 96 P.3d at 761.

5 25. Residential zoning alone does not determine compatibility. The City’s General
6 Plan, the Peccole Ranch Master Development Plan, density, design and other factors do as well.
7 The property adjacent to the 35-Acre Property remains used for open space and drainage, as
8 contemplated by the City’s planning documents, so the Developer’s comparison to adjacent
9 residential development is an incomplete “compatibility” assessment.

10 26. The City’s Unified Development Code seeks to, among other things, promote
11 “orderly growth and development” in order to “maintain ... the character and stability of present
12 and future land use and development.” Title 19.00.030(G). One stated purpose is:

13 To coordinate and ensure the execution of the City’s General Plan through effective
14 implementation of development review requirements, adequate facility and services
15 review and other goals, policies or programs contained in the General Plan. Title
16 19.00.030(I).

17 27. The City’s Unified Development Code broadly lays out the various matters the
18 Council should consider when exercising its discretion. Those considerations, which include
19 broad goals as well as specific factors for each type of land use application, circumscribe the limits
20 of the Council’s discretion. UDC 19.00.030, 19.16.030, 19.16.100, 19.16.130.

21 28. The Council was within the bounds of its discretion to request a development
22 agreement for the Badlands Property before allowing a General Plan Amendment to change a
23 portion of the property from Parks, Recreation and Open Space to residential uses. *See* Title
24 19.00.030(I). A comprehensive plan already exists for the Badlands Property; it is found in the
25 city’s General Plan, which designates the property as Parks, Recreation and Open Space. The
26 Developer sought to change that designation. Under these circumstances, it was reasonable for the
27 Council to expect assurances that the Developer would create an orderly and comprehensive plan
28 for the entire open space property moving forward.

...

29. The Court rejects the Developer’s argument that a comprehensive development plan was somehow inappropriate because the parcels that make up the Badlands Property have different owners. (PPA 17:12-18:13, 23:9-14). In presenting the Developer’s arguments in favor of these Applications and other land use applications relating to the development of the Badlands Property, Yohan Lowie has leveraged the fact that the three owner entities of the Badlands Property are affiliates managed by one entity – EHB Companies, LLC – which in turn is managed by Mr. Lowie and just three others. (ROR 1325; 4027; 5256-57; 17336; 24544; 25968). The Developer promoted the EHB brand and other projects it has built in Las Vegas to advance the Applications. (ROR 3607-3611; 5726-29; 5870-76; 17336; 24549-50). Additionally, by proposing the 2016 Development Agreement for the entire Badlands Property, the Developer acknowledged that the affiliated entities are one and the same. (ROR 25729).

30. The cases cited by the Developer did not involve properties owned by closely affiliated entities and are therefore inapplicable. (PPA 35:3-37:7, *citing Tinseltown Cinema, LLC v. City of Olive Branch*, 158 So.3d 367, 371 (Miss. App. Ct. 2015); *Hwy. Oil, Inc. v. City of Lenexa*, 547 P.2d 330, 331 (Kan. 1976)). They also did not involve areas that are within a master development plan area.

31. There is no evidence in the record to support the Developer’s contention that it is somehow being singled out for “special treatment” because the Council sought orderly planned development within a Master Development Plan area (PPA 37:11-23).

32. Planning staff’s recommendation is immaterial to whether substantial evidence supported the Council’s decision because a governing body has discretion to make land use decisions separate and apart from what staff may recommend. *See Redrock Valley Ranch, LLC v. Washoe Cty.*, 127 Nev. 451, 455, 254 P.3d 641, 644 (2011) (affirming County Commission’s denial of special use permit even where planning staff recommended it be granted); *Stratosphere Gaming*, 120 Nev. at 529, 96 P.3d at 760 (affirming City Council’s denial of site development plan application even where planning staff recommended approval). The Court notes that the Planning Commission denied the Developer’s General Plan Amendment application.

...

33. The statements of individual council members are not indicative of any arbitrary or capricious decision making. The action that the Court is tasked with reviewing is the decision of the governing body, not statements made by individual council members leading up to that decision. *See* NRS 278.3195(4); *Nevada Contractors*, 106 Nev. at 313, 792 P.2d at 33; *see also Comm’n on Ethics of the State of Nevada v. Hansen*, 134 Nev. Adv. Op. 40, 419 P.3d 140, 142 (2018) (discussing when action by board is required); *City of Corpus Christi v. Bayfront Assocs., Ltd.*, 814 S.W.2d 98, 105 (Tex. Ct. App. 1991) (“A city can act by and through its governing body; statements of individual council members are not binding on the city.”). “The test is not what was said before or after, but what was done at the time of the voting.” *Lopez v. Imperial Cty. Sheriff’s Office*, 80 Cal. Rptr. 3d 557, 560 (Cal. Ct. App. 2008). The Council’s action to deny the Applications occurred with its vote, not with the prior statements made by individual council members. NRS 241.03555(1). The Court finds nothing improper in the statements by individual Council members and rejects the Developer’s contention that the statements of individual Council members require the Court to overturn the Council’s Decision.

D. The City’s Denial of the Applications Was Fully Compliant With the Law

34. The Court rejects the Developer’s argument that the RPD-7 zoning designation on the Badlands Property somehow required the Council to approve its Applications.

35. A zoning designation does not give the developer a vested right to have its development applications approved. “In order for rights in a proposed development project to vest, zoning or use approvals *must not be subject to further governmental discretionary action affecting project commencement*, and the developer must prove considerable reliance on the approvals granted.” *Am. W. Dev., Inc. v. City of Henderson*, 111 Nev. 804, 807, 898 P.2d 110, 112 (1995) (emphasis added); *see also Stratosphere Gaming*, 120 Nev. at 527–28, 96 P.3d at 759–60 (holding that because City’s site development review process under Title 19.18.050 involved discretionary action by Council, the project proponent had no vested right to construct).

36. “[C]ompatible zoning does not, *ipso facto*, divest a municipal government of the right to deny certain uses based upon considerations of public interest.” *Tighe v. Von Goerken*, 108 Nev. 440, 443, 833 P.2d 1135, 1137 (1992); *see also Nevada Contractors*, 106 Nev. at 311,

1 792 P.2d at 31-32 (affirming county commission's denial of a special use permit even though
2 property was zoned for the use).

3 37. The four Applications submitted to the Council for a general plan amendment,
4 tentative map, site development review and waiver were all subject to the Council's discretionary
5 decision making, no matter the zoning designation. *See Am. W. Dev.*, 111 Nev. at 807, 898 P.2d
6 at 112; *Doumani*, 114 Nev. at 53, 952 P.2d at 17; *Bd. of Cty. Comm'rs of Clark Cty. v. CMC of*
7 *Nevada, Inc.*, 99 Nev. 739, 747, 670 P.2d 102, 107 (1983).

8 38. The Court rejects the Developer's attempt to distinguish the *Stratosphere* case,
9 which concluded that the very same decision-making process at issue here was squarely within
10 the Council's discretion, no matter that the property was zoned for the proposed use. *Id.* at 527;
11 96 P.3d at 759.

12 39. Statements from planning staff or the City Attorney that the Badlands Property has
13 an RPD-7 zoning designation do not alter this conclusion. *See id.*

14 40. The Developer purchased its interest in the Badlands Golf Course knowing that the
15 City's General Plan showed the property as designated for Parks Recreation and Open Space (PR-
16 OS) and that the Peccole Ranch Master Development Plan identified the property as being for
17 open space and drainage, as sought and obtained by the Developer's predecessor. (ROR 24073-
18 75; 25968).

19 41. The General Plan sets forth the City's policy to maintain the golf course property
20 for parks, open space and recreation. *See Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723.

21 42. The City has an obligation to plan for these types of things, and when engaging in
22 its General Plan process, chose to maintain the historical use for this area that dates back to the
23 1989 Peccole Ranch Master Development Plan presented by the Developer's predecessor. (ROR
24 24492-24504).

25 43. The golf course was part of a comprehensive development scheme, and the entire
26 Peccole Ranch master planned area was built out around the golf course. (ROR 2595-2604; 2635-
27 36; 4587; 25820).

28 ...

1 44. It is up to the Council – through its discretionary decision making – to decide
2 whether a change in the area or conditions justify the development sought by the Developer and
3 how any such development might look. *See Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723.

4 45. The Clark County Assessor’s assessment determinations regarding the Badlands
5 Property did not usurp the Council’s exclusive authority over land use decisions. The information
6 cited by the Developer in support of this argument is not part of the record on review and therefore
7 must be disregarded.¹ *See C.A.G.*, 98 Nev. at 500, 654 P.2d at 533. The Council alone and not the
8 County Assessor, has the sole discretion to amend the open space designation for the Badlands
9 Property. *See* NRS 278.020(1); *Doumani*, 114 Nev. at 53, 952 P.2d at 17.

10 46. The Applications included requests for a General Plan Amendment and Waiver. In
11 that the Developer asked for exceptions to the rules, its assertion that approval was somehow
12 mandated simply because there is RPD-7 zoning on the property is plainly wrong. It was well
13 within the Council’s discretion to determine that the Developer did not meet the criteria for a
14 General Plan Amendment or Waiver found in the Unified Development Code and to reject the
15 Site Development Plan and Tentative Map application, accordingly, no matter the zoning
16 designation. UDC 19.00.030, 19.16.030, 19.16.050, 19.16.100, 19.16.130.

17 47. The City’s General Plan provides the benchmarks to ensure orderly development.
18 A city’s master plan is the “standard that commands deference and presumption of applicability.”
19 *Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723; *see also City of Reno v. Citizens for Cold Springs*,
20 126 Nev. 263, 266, 236 P.3d 10, 12 (2010) (“Master plans contain long-term comprehensive
21 guides for the orderly development and growth for an area.”). Substantial compliance with the
22 master plan is required. *Nova*, 105 Nev. at 96-97, 769 P.2d at 723-24.

23 48. By submitting a General Plan Amendment application, the Developer
24 acknowledged that one was needed to reconcile the differences between the General Plan
25

26
27 ¹ The documents attached as Exhibits 2-5 to Petitioner’s points and authorities are not part
28 of the Record on Review and are not considered by the Court. *See C.A.G.*, 98 Nev. at 500, 654
P.2d at 533. The documents attached as Exhibit 1, however, were inadvertently omitted from the
Record on Review but were subsequently added by the City. *See Errata to Transmittal of Record
on Review* filed June 20, 2018; ROR 35183-86.

1 designation and the zoning. (ROR 32657). Even if the Developer now contends it only submitted
2 the General Plan Amendment application at the insistence of the City, once the Developer
3 submitted the application, nothing required the Council to approve it. Denial of the GPA
4 application was wholly within the Council's discretion. *See Nevada Contractors*, 106 Nev. at 314,
5 792 P.2d at 33.

6 49. The Court rejects the Developer's contention that NRS 278.349(3)(e) abolishes the
7 Council's discretion to deny land use applications.

8 50. First, NRS 278.349(3) merely provides that the governing body "shall consider" a
9 list of factors when deciding whether to approve a tentative map. Subsection (e) upon which the
10 Developer relies, however, is only one factor.

11 51. In addition, NRS 278.349(3)(e) relates only to tentative map applications, and the
12 Applications at issue here also sought a waiver of the City's development standards, a General
13 Plan Amendment to change the PR-OS designation and a Site Development Plan review. A
14 tentative map is a mechanism by which a landowner may divide a parcel of land into five or more
15 parcels for transfer or development; approval of a map alone does not grant development rights.
16 NRS 278.019; NRS 278.320.

17 52. Finally, NRS 278.349(e) does not confer any vested rights.

18 53. "[M]unicipal entities must adopt zoning regulations that are in substantial
19 agreement with the master plan." *See Am. W. Dev.*, 111 Nev. at 807, 898 P.2d at 112, *quoting*
20 *Nova Horizon*, 105 Nev. at 96, 769 P.2d at 723; NRS 278.250(2).

21 54. The City's Unified Development Code states as follows:

22 Compliance with General Plan

23 Except as otherwise authorized by this Title, approval of all Maps, Vacations,
24 Rezonings, *Site Development Plan Reviews*, Special Use Permits, Variances,
Waivers, Exceptions, Deviations and Development Agreements shall be consistent
with the spirit and intent of the General Plan. UDC 19.16.010(A).

25 It is the intent of the City Council that all regulatory decisions made pursuant to
26 this Title be consistent with the General Plan. For purposes of this Section,
27 "consistency with the General Plan" means not only consistency with the Plan's
28 land use and density designations, but also consistency with all policies and
programs of the General Plan, including those that promote compatibility of uses
and densities, and orderly development consistent with available resources. UDC
19.00.040.

55. Consistent with this law, the City properly required that the Developer obtain approval of a General Plan Amendment in order to proceed with any development.

E. The Doctrine of Issue Preclusion Bars Petitioner from Relitigating Issues Decided by Judge Crockett

56. The Court further concludes that the doctrine of issue preclusion requires denial of the Petition for Judicial Review.

57. Issue preclusion applies when the following elements are satisfied: (1) the issue decided in the prior litigation must be identical to the issue presented in the current action; (2) the initial ruling must have been on the merits and have become final; (3) the party against whom the judgment is asserted must have been a party or in privity with a party to the prior litigation; and (4) the issue was actually and necessarily litigated. *Five Star Capital Corp. v. Ruby*, 124 Nev. 1048, 1055, 194 P.3d 709, 713 (2008).

58. Having taken judicial notice of Judge Crockett's Order, the Court concludes that the issue raised by Intervenor, which once again challenges the Developer's attempts to develop the Badlands Property without a major modification of the Master Plan, is identical to the issue Judge Crockett decided in *Jack B. Binion, et al v. The City of Las Vegas, et al*, A-17-752344-J. The impact the Crockett Order, which the City did not appeal, requires both Seventy Acres and Petitioner to seek a major modification of the Master Plan before developing the Badlands Property. The Court rejects Petitioner's argument that the issue here is not the same because it involves a different set of applications from those before Judge Crockett; that is a distinction without a difference. "Issue preclusion cannot be avoided by attempting to raise a new legal or factual argument that involves the same ultimate issue previously decided in the prior case." *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. Adv. Op. 28, 321 P.3d 912, 916–17 (2014).

59. Judge Crockett's decision in *Jack B. Binion, et al v. The City of Las Vegas, et al*, A-17-752344-J was on the merits and has become final for purposes of issue preclusion. A judgment is final for purposes of issue preclusion if it is "sufficiently firm" and "procedurally

definite” in resolving an issue. *See Kirsch v. Traber*, 134 Nev., Adv. Op. 22, 414 P.3d 818, 822–23 (Nev. 2018) (citing Restatement (Second) of Judgments § 13 & cmt. g). “Factors indicating finality include (a) that the parties were fully heard, (b) that the court supported its decision with a reasoned opinion, and (c) that the decision was subject to appeal.” *Id.* at 822-823 (citations and punctuation omitted). Petitioner’s appeal of the Crockett Order confirms that it was a final decision on the merits.

60. The Court reviewed recent Nevada case law and the expanded concept of privity, which is to be broadly construed beyond its literal and historic meaning to encompass relationships where there is “substantial identity between parties, that is, when there is sufficient commonality of interest.” *Mendenhall v. Tassinari*, 133 Nev. Adv. Op. 78, 403 P.3d 364, 369 (2017) (quoting *Tahoe–Sierra Pres. Council, Inc. v. Tahoe Reg’l Planning Agency*, 322 F.3d 1064, 1081–82 (9th Cir. 2003) (internal quotation marks omitted). Applying the expanded concept of privity, the Court considered the history of the land-use applications pertaining to the Badlands Property and having taken judicial notice of the Federal Complaint, the Court concludes there is a substantial identity of interest between Seventy Acres and Petitioner, which satisfies the privity requirement. Petitioner’s argument that it is not in privity with Seventy Acres is contradicted by the Federal Complaint, which reveals that Seventy Acres and Petitioner are under common ownership and control and acquired their respective interests in the Badlands Property through an affiliate, Fore Stars, Ltd.

61. The issue of whether a major modification is required for development of the Badlands Property was actually and necessarily litigated. “When an issue is properly raised and is submitted for determination, the issue is actually litigated.” *Alcantara ex rel. Alcantara v. Wal-Mart Stores, Inc.*, 130 Nev. at 262, 321 P.3d at 918 (internal punctuation and quotations omitted) (citing *Frei v. Goodsell*, 129 Nev. 403, 407, 305 P.3d 70, 72 (2013)). “Whether an issue was necessarily litigated turns on ‘whether the common issue was necessary to the judgment in the earlier suit.’” *Id.* (citing *Tarkanian v. State Indus. Ins. Sys.*, 110 Nev. 581, 599, 879 P.2d 1180, 1191 (1994)). Since Judge Crockett’s decision was entirely dependent on this issue, the issue was necessarily litigated.

1 62. Given the substantial identity of interest among Seventy Acres, LLC and
2 Petitioner, it would be improper to permit Petitioner to circumvent the Crockett Order with respect
3 to the issues that were fully adjudicated.

4 63. Where Petitioner has no vested rights to have its development applications
5 approved, and the Council properly exercised its discretion to deny the applications, there can be
6 no taking as a matter of law such that Petitioner's alternative claims for inverse condemnation
7 must be dismissed. *See Landgraf v. USI Film Prod.*, 511 U.S. 244, 266 (1994) ("The Fifth
8 Amendment's Takings Clause prevents the Legislature (and other government actors) from
9 depriving private persons of vested property rights except for a 'public use' and upon payment of
10 'just compensation.'"); *Application of Filippini*, 66 Nev. 17, 22, 202 P.2d 535, 537 (1949).

11 64. Further, Petitioner's alternative claims for inverse condemnation must be
12 dismissed for lack of ripeness. *See Herbst Gaming, Inc. v. Heller*, 141 P.3d 1224, 1230-31, 122
13 Nev. 877, 887 (2006).

14 65. "Nevada has a long history of requiring an actual justiciable controversy as a
15 predicate to judicial relief." *Resnick v. Nev. Gaming Comm'n*, 104 Nev. 60, 65-66, 752 P.2d 229,
16 233 (1988), *quoting Doe v. Bryan*, 102 Nev. 523, 525, 728 P.2d 443, 444 (1986).

17 66. Here, Petitioner failed to apply for a major modification, a prerequisite to any
18 development of the Badlands Property. *See Crockett Order*. Having failed to comply with this
19 necessary prerequisite, Petitioner's alternative claims for inverse condemnation are not ripe and
20 must be dismissed.

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ORDER

Accordingly, IT IS HEREBY ORDERED, ADJUDGED and DECREED that the Petition for Judicial Review is DENIED.


IT IS FURTHER ORDERED, ADJUDGED and DECREED that Petitioner's alternative claims in inverse condemnation are hereby DISMISSED.

DATED: 11/18, 2018.


TIMOTHY C. WILLIAMS
District Court Judge

Submitted By:

McDONALD CARANO LLP

By:  /s/ George F. Ogilvie III, Esq. (NV Bar #3552)
Debbie Leonard (NV Bar #8260)
Amanda C. Yen (NV Bar #9726)
2300 West Sahara Avenue, Suite 1200
Las Vegas, NV 89102

LAS VEGAS CITY ATTORNEY'S OFFICE
Bradford R. Jerbic (NV Bar #1056)
Philip R. Byrnes (NV Bar #166)
Seth T. Floyd (NV Bar #11959)
495 S. Main Street, 6th Floor
Las Vegas, NV 89101

Attorneys for City of Las Vegas

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CERTIFICATE OF SERVICE

I HEREBY CERTIFY that I am an employee of McDonald Carano LLP, and that on the 21st day of November, 2018, a true and correct copy of the foregoing **FINDINGS OF FACT AND CONCLUSIONS OF LAW ON PETITION FOR JUDICIAL REVIEW** was electronically served with the Clerk of the Court via the Clark County District Court Electronic Filing Program which will provide copies to all counsel of record registered to receive such electronic notification.

/s/ Jelena Jovanovic

An employee of McDonald Carano LLP

EXHIBIT B

EXHIBIT B

RECEIVED

Nov 21 2 35 PM '80

Maureen Parco
CITY CLERK

November 12, 1980

William Briare, Mayor
Las Vegas City Commission

Mayor Briare;

It is our desire to annex our 2200 acres into the City of Las Vegas. And with the cooperation of the City of Las Vegas we would like to go forward with the master plan of the entire parcel of land.

It is our intention to proceed with the development of this land over a period of fifteen to twenty years. We presently have developers interested in building single-family houses, residential planned units, and mobile homes.

We will proceed with apartments and commercial developments when needed.

We hope to make this one of the finest master planned developments ever undertaken in the City of Las Vegas. We are proud to be part of the growth of the City of Las Vegas.

Thankyou for your cooperation.

Sincerely,

William Parco

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PLANNING AND
DEVELOPMENT

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MAYOR BILL BRIARE

COMMISSIONERS
RON LURIE
PAUL J. CHRISTENSEN
ROY WOOFER
AL LEVY

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
RUSSELL DORN



CITY of LAS VEGAS

December 26, 1980

Mr. William P. Peccole, et al
1348 Cashman Drive
Las Vegas, Nevada 89102

Re: A-18-80(A)

Dear Mr. Peccole:

Please be advised that your petition to annex a parcel of land containing approximately 2,246 acres of land, generally bounded by Sahara Avenue on the south, Hualpai Way on the west, Ducharme Avenue on the north and Durango Drive on the east, has been annexed to the City effective December 26, 1980.

The Annexation Ordinance #2136 is attached for your reference.

Sincerely,
COMMUNITY PLANNING AND DEVELOPMENT
HAROLD P. FOSTER, DIRECTOR

Howard A. Null, Chief
Planning Division

HAN:bj1
attachment



MAYOR PRO-TEM LURIE: Item No. C is Bill No. 80-85, Annexation No. A-18-80(A). The Committee met and is recommending that this ordinance be adopted.

CITY ATTORNEY OGILVIE: Bill No. 80-85, Ordinance number blank, an ordinance extending the corporate limits of the City of Las Vegas, Nevada, to include within, annex to and make a part of said City certain specifically described territory adjoining and contiguous to the corporate limits of said City; declaring said territory and the inhabitants thereof to be annexed to said City and subject to all debts, laws, ordinances and regulations in force in said City; ordering a map or plat of said described territory to be recorded in the office of the County Recorder of the County of Clark, State of Nevada; amending the Major Street Plan Map adopted by Ordinance 1537 on October 6, 1971, insofar as it relates to Sahara Avenue, Oakey Boulevard, Charleston Boulevard, Alta Drive, Haulpai Way, Grand Canyon Drive, Fort Apache Road, El Capitan Way and Durango Drive; and to provide for other matters properly relating thereto, and to repeal all ordinances and parts of ordinances in conflict herewith.

MAYOR PRO-TEM LURIE: Mr. Peccole, good morning.

WILLIAM PECCOLE: I'm William Peccole, 1348 Cashman Drive, Las Vegas, Nevada. We're here to ask Your Honorable Board to annex our land in the West Charleston area to the great City of Las Vegas. We'd like to continue playing a part in the growth and prosperity of Las Vegas by annexing to the City of Las Vegas and developing our properties in conformance with your regulations and ordinances and laws. We are very proud of Las Vegas and we'd like to continue to be a part in that development of Las Vegas.

MAYOR PRO-TEM LURIE: Thank you.

WILLIAM PECCOLE: If you have any questions, I'll be glad to answer them.

MAYOR PRO-TEM LURIE: I think maybe we'll have some comments, but let us take a vote on the --

COMMISSIONER LEVY: Pardon?

MAYOR PRO-TEM LURIE: Take a vote. Do we have a motion, Commissioner Christensen?

COMMISSIONER CHRISTENSEN: I'll move we adopt the ordinance by all means.

MAYOR PRO-TEM LURIE: Okay. You heard the motion. Cast your votes on the motion. Post. The motion's approved. (VOTE: Unanimous with exception that Mayor Briare was excused.)

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MAYOR PRO-TEM LURIE:

Now, we can say that we're proud to have you in and part of the plan to develop the western part of the City of Las Vegas, and we'll do everything we can to cooperate and make the necessary services available. It's quite an honor to have that size of property be annexed into the City of Las Vegas. I believe it's the largest annexation ever to take place in the history of the City. We're proud that you have chosen to become part of the City. Do the Commissioners have any other questions? Commissioner Christensen.

COMMISSIONER CHRISTENSEN:

Yes, I've got a comment. I really appreciate this, because I appreciate the support that Mr. Peccole has shown for this community for the many years that I've known him. He's always been a strong leader for the City of Las Vegas, a believer in the growth of the City of Las Vegas and a believer in the potential of the City and I think that we've got a joint effort here for development that's going to be great for this community -- absolutely great -- and I appreciate it very much.

WILLIAM PECCOLE:

Thank you, Commissioner.

COMMISSIONER LEVY:

We're looking forward to working with you, Bill, and we'll be seeing you down here, I'm sure, as you progress in your future development. It's super.

COMMISSIONER WOOFER:

All I can say too is knowing Bill's background, I know we'll have a lot of nice baseball and softball parks. (Laughter by the Board)

COMMISSIONER LEVY:

I get the feeling that Peccole was here before Cahlen, or it was pretty close.

WILLIAM PECCOLE:

Commissioner Woofter, I know you're an old baseball fan and you follow baseball very closely as I do. I've already told your Planning Department that we are going to contribute in the baseball development of your Angel Park area. We're going to contribute financing for the development of the four baseball fields, and I know how badly needed they are in the community, and the sooner we can get with it, the better off the baseball players and the fans will be and will like it. So we'll do everything we can to cooperate, and I want to thank this Board for annexing us and for allowing me to be a continuing part of the growth of our City. We have a beautiful City here and you people do a fine job to keep it that way. So anything I can do to contribute, I'd be very happy to. Thank you again.

MAYOR PRO-TEM LURIE:

Thank you. I just want the Commission to know that my area just grew by 2500 acres. I appreciate the support.

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COMMISSIONER CHRISTENSEN: Just so long as you don't count it on population.

MAYOR PRO-TEM LURIE: Population one. We're going to get it developed because we need that recreation out there also.

WILLIAM PECCOLE: Alright. Thank you.

MAYOR PRO-TEM LURIE: Thank you again, Bill.

(END OF DISCUSSION ON THIS ITEM.)

Bill No. 80-85.

ORDINANCE NO. 2136

AN ORDINANCE EXTENDING THE CORPORATE LIMITS OF THE CITY OF LAS VEGAS, NEVADA, TO INCLUDE WITHIN, ANNEX TO AND MAKE A PART OF SAID CITY CERTAIN SPECIFICALLY DESCRIBED TERRITORY ADJOINING AND CONTIGUOUS TO THE CORPORATE LIMITS OF SAID CITY; DECLARING SAID TERRITORY AND THE INHABITANTS THEREOF TO BE ANNEXED TO SAID CITY AND SUBJECT TO ALL DEBTS, LAWS, ORDINANCES AND REGULATIONS IN FORCE IN SAID CITY; ORDERING A MAP OR PLAT OF SAID DESCRIBED TERRITORY TO BE RECORDED IN THE OFFICE OF THE COUNTY RECORDER OF THE COUNTY OF CLARK, STATE OF NEVADA; AMENDING THE MAJOR STREET PLAN MAP ADOPTED BY ORDINANCE NO. 1537 ON OCTOBER 6, 1971 INsofar AS IT RELATES TO SAHARA AVENUE, OAKLEY BOULEVARD, CHARLESTON BOULEVARD, ALTA DRIVE, HUALPAI WAY, GRAND CANYON DRIVE, FORT APACHE ROAD, EL CAPITAN WAY, AND DURANGO DRIVE; AND TO PROVIDE FOR OTHER MATTERS PROPERLY RELATING THERETO; AND TO REPEAL ALL ORDINANCES AND PARTS OF ORDINANCES IN CONFLICT HEREWITH. (Annexation A-18-80(A))

Sponsored by
COMMISSIONER RON LURIE

Summary: Annexes property described generally as bounded by Sahara Avenue on the south, Hualpai Way on the west, Ducharme Avenue on the north and Durango Drive on the east.

THE BOARD OF CITY COMMISSIONERS OF THE CITY OF LAS VEGAS, NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1: The corporate limits of the City of Las Vegas, Nevada, are hereby extended to include, annex to, and make a part of the City of Las Vegas, Nevada, the following described real property, to-wit:

All of Section 5, except the North 2265.00 feet of the East 1320.00 feet and Section 6, T. 21 S., R. 60 E., and the South Half (S 1/2) of the North Half (N 1/2) and the South Half (S 1/2) of Section 31, T. 20 S., R. 60 E., and the South Half (S 1/2) of the North Half (N 1/2) and the South Half (S 1/2) of Section 32, T. 20 S., R. 60 E., M.D.M., in Clark County, Nevada, further described as follows:

Beginning at the Southeast corner of said Section 32; thence N. 00°12'00" W., along the East line of said Section 32, 2652.51 feet; thence N. 00°18'42" W., along the said East line, 1336.70 feet to the Northeast corner of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of said Section 32; thence S. 89°46'07" W., along the North line of the said South Half (S 1/2) of the Northeast Quarter (NE 1/4), 2677.87 feet; thence S. 89°31'58" W., along the North line of the South Half (S 1/2) of the Northwest Quarter (NW 1/4) of said Section 32, a distance of 2673.05 feet; thence N. 89°10'39" W., along the North line of the South Half (S 1/2) of the Northeast Quarter (NE 1/4) of said Section 31 a distance of 2846.00 feet;

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1 thence N. 89°10'53" W., along the North line of
2 the South Half (S 1/2) of the Northwest Quarter
3 (NW 1/4) of said Section 31, a distance of 2886.78
4 feet to the Northwest corner of the said South
5 Half (S 1/2) of the Northwest Quarter (NW 1/4)
6 of Section 31; thence S. 06°05'57" E., along the
7 West line of said Section 31 a distance of 4133.48
8 feet to the Southwest corner of said Section 31,
9 also being a point on the North line of said
10 Section 6; thence S. 89°41'47" W. along the afore-
11 mentioned North line, 529.69 feet to the Northwest
12 corner of said Section 6; thence S. 01°21'03" E.,
13 along the West line of said Section 6, a distance
14 of 2644.97 feet; thence S. 01°20'45" E., along
15 the said West line, 2653.54 feet to the Southwest
16 corner of said Section 6; thence N. 89°46'34" E.,
17 along the South line of said Section 6 a distance
18 of 2585.18 feet; thence N. 89°47'47" E., along
19 said South line, 2669.22 feet; thence S. 87°54'38" E.,
20 along the South line of said Section 5 a distance of
21 2883.81 feet; thence N. 89°50'13" E., along said
22 South line, 2642.54 feet to the Southeast corner of
23 said Section 5; thence N. 04°13'34" W. along the
24 East line of said Section 5 a distance of 2707.30
25 feet; thence N. 04°14'20" W., along said East line,
26 482.62 feet; thence S. 89°40'03" W., 1323.07 feet;
27 thence N. 04°14'20" W., 2270.27 feet to a point on
28 the North line of the said Section 5; thence
29 N. 89°40'03" E. along the said North line and the
30 South line of the said Section 32 a distance of
31 2012.64 feet to the point of beginning.

17 This parcel contains 2243.383 acres, more or less

18 SECTION 2: That said Board of Commissioners has
19 determined and does hereby determine, that said described terri-
20 tory meets the requirements provided by law for annexation to the
21 City of Las Vegas for the following reasons:

- 22 A. The area to be annexed was contiguous to the
23 City's boundaries at the time the annexation
24 proceedings were instituted;
25 B. More than one-eighth (1/8) of the aggregate
26 external boundaries of the area are contiguous to
27 the City of Las Vegas;
28 C. The territory proposed to be annexed is not
29 included within the boundaries of another incor-
30 porated city;
31 D. The City of Las Vegas is eligible to annex the
32 area described in this report since the landowners

A-18-80 (A)

1 have signed a petition requesting annexation to the
2 City, said petition constituting one hundred percent
3 (100%) of the owners of record of individual lots
4 or parcels of land within the annexation area, and
5 have submitted a letter of intent to develop the
6 land.

7 SECTION 3: The City of Las Vegas will provide police
8 protection through the Las Vegas Metropolitan Police Department,
9 fire protection, street maintenance, and library services
10 immediately upon annexation. Garbage collection by the company
11 franchised by the City will also be provided immediately. The
12 City sanitary sewer system will serve the proposed annexation
13 area. Any connection to or extension of this sewer line to
14 serve the annexation area shall be at the expense of the land-
15 owners. Other services, such as participation in the City's
16 recreational programs, special educational classes and programs,
17 public works planning, building inspections, and other City Hall
18 services will also be available immediately. Utilities such as
19 gas, electricity, telephone, and water are provided by private
20 utility companies and other services to the area will not be
21 affected by annexation. Street paving, curbs and gutters,
22 sidewalks and street lights which are not in place at the time of
23 annexation will be installed in the presently developed areas
24 upon the request of the property owners and at their expense
25 by means of special assessment districts. Such improvements
26 will be extended into the undeveloped areas as development takes
27 place and the need therefor arises, and will be located according
28 to the needs of the area at that time. Such installations will
29 also be made at the expense of the property owners, either by
30 means of special assessment districts or as prerequisites to the
31 approval of subdivision plats or the issuance of building
32 permits, re-zonings, zone variances or special use permits.

A-18-80 (A)

1 SECTION 4: The annexation of said described territory
2 shall become effective on the 26th day of December, 1980, and on
3 such date the City of Las Vegas will have the funds appropriated
4 in sufficient amount to finance the extension into said described
5 territory of police protection, fire protection, street mainte-
6 nance, street sweeping, and street lighting maintenance.

7 SECTION 5: Said described territory, together with the
8 inhabitants and property thereof, shall, from and after the 26th
9 day of December, 1980, be subject to all debts, laws, ordinances
10 and regulations in force in the City of Las Vegas and shall be
11 entitled to the same privileges and benefits as other parts of
12 said City, and shall be subject to municipal taxes levied by the
13 City of Las Vegas, Nevada.

14 SECTION 6: The City Engineer of the City of Las Vegas,
15 Nevada, is hereby instructed to cause to be prepared an accurate
16 map or plat of said described territory and to record the same,
17 together with a certified copy of this ordinance in the office
18 of the County Recorder of Clark County, Nevada, which said
19 recording shall be done prior to the 26th day of December, 1980.

20 SECTION 7: The Major Street Plan of the City of Las
21 Vegas, adopted by Ordinance No. 1537 on October 6, 1971, is
22 hereby amended as follows:

23 Alta Drive, 80' Secondary Street: Commencing at
24 the East Quarter Corner of Section 32, Township
25 20 South, Range 60 East, M.D.B.&M.; thence west
26 along the center section line to the West Quarter
27 Corner of Section 31, Township 20 South, Range 60
28 East, M.D.B.&M.

29 Charleston Boulevard, 100' Primary Street: Com-
30 mencing at the Southeast Corner of Section 32,
31 Township 20 South, Range 60 East, M.D.B.&M.; thence
32 west along the south section line to the Southwest
Corner of Section 31, Township 20 South, Range 60
East, M.D.B.&M., said corner also being a point
in the north section line of Section 6, Township
21 South, Range 60 East, M.D.B.&M.; thence continuing
west along the north section line of said Section 6,
to the Northwest Corner thereof.

A-18-80(A)

1 Oakey Boulevard, 80' Secondary Street: Commencing
2 at the East Quarter Corner of Section 5, Township
3 21 South, Range 60 East, M.D.B.&M.; thence west
4 along the center section line to the West Quarter
5 Corner of Section 6, Township 21 South, Range 60
6 East, M.D.B.&M.

7 Sahara Avenue, 150' Primary Street: Commencing
8 at the Southeast Corner of Section 5, Township 21
9 South, Range 60 East, M.D.B.&M.; thence west along
10 the south section line to the Southwest Corner of
11 Section 6, Township 21 South, Range 60 East, M.D.B.&M.

12 Hualpai Way, 100' Primary Street: Commencing at
13 the Southwest Corner of Section 6, Township 21
14 South, Range 60 East, M.D.B.&M.; thence north along
15 the west section line to the Northwest Corner of
16 said Section 6.

17 Hualpai Way, 100' Primary Street: Commencing at
18 the Southwest Corner of Section 31, Township 20
19 South, Range 60 East, M.D.B.&M.; thence north along
20 the west section line to a point 1,377 feet south
21 of the Northwest Corner of said Section 31.

22 Grand Canyon Drive, 80' Secondary Street: Commencing
23 at the South Quarter Corner of Section 6, Township
24 21 South, Range 60 East, M.D.B.&M.; thence north
25 along the center section line to the North Quarter
26 Corner of said Section 6.

27 Grand Canyon Drive, 80' Secondary Street: Commencing
28 at the South Quarter Corner of Section 31, Township
29 20 South, Range 60 East, M.D.B.&M.; thence north
30 along the center section line to a point 1,355 feet
31 south of the North Quarter Corner of said Section 31.

32 Fort Apache Road, 100' Primary Street: Commencing
33 at the Southeast Corner of Section 6, Township 21
34 South, Range 60 East, M.D.B.&M.; thence north along
35 the east section line to the Northeast Corner of
36 said Section 6.

37 Fort Apache Road, 100' Primary Street: Commencing
38 at the Southeast Corner of Section 31, Township 20
39 South, Range 60 East, M.D.B.&M.; thence north along
40 the east section line to a point 1,332 feet south
41 of the Northeast Corner of said Section 31.

42 El Capitan Way, 80' Secondary Street: Commencing
43 at the South Quarter Corner of Section 5, Township
44 21 South, Range 60 East, M.D.B.&M.; thence north
45 along the center section line to the North Quarter
46 Corner of said Section 5.

47 El Capitan Way, 80' Secondary Street: Commencing
48 at the South Quarter Corner of Section 32, Township
49 20 South, Range 60 East, M.D.B.&M.; thence north
50 along the center section line to a point 1,340 feet
51 south of the North Quarter Corner of said Section 32.

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A-18-80(A)

1 Durango Drive, 100' Primary Street: Commencing
2 at the Southeast Corner of Section 5, Township
3 21 South, Range 60 East, M.D.B.&M.; thence north
4 along the east section line of said Section 5 to
5 a point 2,270 feet south of the Northeast Corner
6 of said Section 5.

7 Durango Drive, 100' Primary Street: Commencing
8 at the Southeast Corner of Section 32, Township
9 20 South, Range 60 East, M.D.B.&M.; thence north
10 along the east section line of said Section 32 to
11 a point 1,336 feet south of the Northeast Corner
12 thereof.

13 SECTION 8: If any section, subsection, subdivision,
14 paragraph, sentence, clause or phrase in this Chapter or any part
15 thereof, is for any reason held to be unconstitutional, or invalid
16 or ineffective by any court of competent jurisdiction, such
17 decision shall not affect the validity or effectiveness of the
18 remaining portions of this Chapter or any part thereof. The
19 Board of Commissioners of the City of Las Vegas hereby declares
20 that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of
22 the fact that any one or more sections, subsections, subdivisions,
23 paragraphs, sentences, clauses or phrases be declared unconstitu-
24 tional, invalid or ineffective.

25 SECTION 9: All ordinances or parts of ordinances,
26 sections, subsections, phrases, sentences, clauses or paragraphs
27 contained in the Municipal Code of the City of Las Vegas, Nevada,
28 1960 Edition, in conflict herewith are hereby repealed.

29 PASSED, ADOPTED and APPROVED this 17th day of
30 December, 1980.

31 APPROVED:

32 By

Ron Lurie

RON LURIE, MAYOR PRO-TEM

ATTEST:

31 *Carol Ann Hawley*
32 Carol Ann Hawley, City Clerk

A-18-80 (A)

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EXHIBIT C

EXHIBIT C

12. Z-66-64(29)

PLOT PLAN REVIEW

APPROVED

Request of ATLAS STEEL BUILDING, INC. for a Plot Plan Review on property located at 3000 Contract Avenue, C-1 Zone (under Resolution of Intent to M).

MR. FOSTER said there are two lots involved. One lot has already been approved for industrial use, and this lot is being requested to expand an automobile repair shop. Staff recommends approval, subject to a maximum of a 32 foot wide driveway and provision of landscaping as required by the Department of Community Planning and Development.

HERMAN GINDRY appeared for the application.

MR. JONES made a Motion for APPROVAL of Z-66-64(29), subject to the following conditions:

1. A maximum of 32 foot wide driveways.
2. Provision of landscaping as required by the Department of Community Planning and Development.
3. Conformance to the plot plan.
4. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
5. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
6. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
7. Satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Acting Chairman Swessel, Mr. Miller, Mr. Jones,
Mr. Kennedy, Mr. Canul
"NOES" None

Motion for APPROVAL carried unanimously.

ACTING CHAIRMAN SWESEL announced no further action would be taken on this item.

13. GENERAL PLAN
AMENDMENT

APPROVED

Consideration of an Amendment to the Land Use Map in the southwest portion of the City.

MR. FOSTER said Items 13 and 14 are somewhat related. These items are due to the large Peccole annexation that took place at the end of 1980. In fact, the annexation was so large that it was not included in the Land Use Map, so staff wants to amend the Land Use Map and General Plan to extend the suburban development west to include the new annexation area.

MR. JONES made a Motion for APPROVAL of the Amendment to the General Plan.

13. GENERAL PLAN
AMENDMENT
(CONTINUED)

Voting was as follows:

"AYES" Acting Chairman Swessel, Mr. Miller, Mr. Jones,
Mr. Kennedy, Mr. Canul
"NOES" None

Motion for APPROVAL carried unanimously.

14. GENERALIZED
LAND USE PLAN
APPROVED

Consideration of adopting a Generalized Land Use Plan for
Sections 31 and 32, Township 20 South, Range 60 East,
M.D.B. & M., and Sections 5 and 6, Township 21 South, Range
60 East, M.D.B. & M.

MR. FOSTER said this involves the south portion of Angel
Park, as well as an area to the south. Staff has worked
this plan out with the developer. There will be residential,
commercial, community services such as a fire department,
library, schools, golf course, mobile home park, senior
citizens area, etc. Staff would recommend adoption of this
plan. It is the intent of the developer to come in immediately
for a rezoning application on part of the R-1 area. As soon
as the Master Plan Amendment is approved, they would like to
zone the land in accordance with this plan so anyone buying
homes would know what the plan is for the area.

G. C. WALLACE, 1100 East Sahara Avenue, appeared to represent
Mr. Peccole, et al. There has been a lot of time spent on
this plan by various people. There are still details that
have to be worked out, such as drainage.

WILLIAM PECCOLE appeared saying they want to zone the entire
property in accordance with this plan. The property will take
several years to completely develop and the need will determine
how fast this moves along. The overall theme of the area will
be Italian and called "The Venetian Foothills."

MR. MILLER made a Motion for ADOPTION of the Generalized Land
Use Plan.

Voting was as follows:

"AYES" Acting Chairman Swessel, Mr. Miller, Mr. Jones,
Mr. Kennedy, Mr. Canul
"NOES" None

Motion for ADOPTION carried unanimously.

SUPPLEMENTAL AGENDA:

(Item No. 1, Z-23-79, was heard after Item 12, Z-66-64(29).)

1. Z-23-79
EXTENSION
OF TIME
APPROVED

Request of LOUDERMILK INVESTMENTS for an Extension of Time
on property generally located on the northeast corner of
Smoke Ranch Road and Jones Boulevard, R-1 Zone (under
Resolution of Intent to C-1).

MR. FOSTER said this is the second request for an Extension

AGENDA*City of Las Vegas*

April 15, 1981

Page 31

BOARD OF CITY COMMISSIONERS

COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM	Commission Action	Department Action
IX. 2:00 P.M. - PUBLIC HEARINGS		
A. VAC-5-81 - Petition of Vacation submitted by NORBERTO M. GUASPARI, ET AL, to vacate a portion of Irene Avenue, a 60' wide right-of-way, commencing at the west right-of-way line of Marco Street and extending westerly approximately 122' to the west line of Sunland Village Subdivision.	Item A. Lurie - APPROVED as recommended by Planning Commission. Unanimous	City Clerk to notify and Plannin to proceed. No onespoke in opposition. Applicant did not appear.
B. GENERAL PLAN AMENDMENT - Consideration of an Amendment to the Land Use Map in the southwest portion of the City.	Item B. Christensen - ADOPTED as recommended by Planning Commission. Unanimous with Levy abstaining.	Staff to proceed G. C. Wallace, 1100 East Sahara Avenue and Oran Gragson appeared to represent Wm. Peccole on Items B and C.No protest.
C. GENERALIZED LAND USE PLAN - Consideration of adopting a Generalized Land Use Plan for Sections 31 and 32, Township 20 South, Range 60 East, M.D.B. & M. and Sections 5 and 6, Township 21 South, Range 60 East, M.D.B. & M.	Item C. Lurie - ADOPTED as recommended by Planning Commission with all parcels to be identified before people move into the area. Unanimous with Levy abstaining.	Staff to proceed
D. VAC-4-81 - Petition of Vacation submitted by LAWRENCE TOURVILLE, ET AL, to vacate a portion of an alley located east of Fairfield Avenue and south of Philadelphia Street.	Item D. Christensen - DENIED as recommended by Planning Commission. Unanimous with Lurie voting "no."	City Clerk to notify. Lawrence Tourville 135 W.Philadelphia appeared for the application. No one appeared in favor or oppositio
APPROVED AGENDA ITEM <i>Ashley Hall</i>		

CLV304998

00039

City of Las Vegas

AGENDA DOCUMENTATION

Date: April 15, 1981

TO: The Board of City Commissioners

FROM: DON J. SAYLOR, AICP
DEPUTY CITY MANAGERSUBJECT: PUBLIC HEARING AGENDA ITEMS
APRIL 15, 1981 CITY COMMISSION AGENDAPURPOSE/BACKGROUND

- Item A - Vacation - VAC-5-81 - Norberto M. Guaspari, Et Al (see backup material)
- Item B - General Plan Amendment (see backup material)
- Item C - Generalized Land Use Plan (see backup material)
- Item D - Vacation - VAC-4-81 - Lawrence Tourville, Et Al (see backup material)
- Item E - Use Permit - U-13-81 - Decatur Properties, Ltd. (see backup material)

FISCAL IMPACT No Funding RequiredRECOMMENDATIONS See Attached
Harold P. Foster, DirectorDISPOSITIONApproved ☐
Disapproved ☐
Held ☐

Status Due: _____

79-9-16

Agenda Item

IX.

CLV304999

00040

2217

CITY COMMISSION MINUTES - APRIL 15, 1981

0179

To: The Board of City Commissioners
RE: Public Hearing Agenda Items
April 15, 1981 City Commission Agenda

B. GENERAL PLAN AMENDMENT

This amendment is being initiated as a result of the Peccole annexation on the southeast portion of the City. The City's generalized land use plan needs to be extended to the west to include this property, Angel Park and other parcels of land which have been annexed to the City since the General Plan was adopted in 1975. The amendment proposes the expansion of the suburban residential land use in this area with rural use bordering it to the west. This is the required public hearing for the amendment to the General Plan.

PLANNING COMMISSION RECOMMENDATION: APPROVAL - In accordance with the expansion pattern of the City to the west.

STAFF RECOMMENDATION: APPROVAL

PROTESTS: 0

C. GENERALIZED LAND USE PLAN

This item involves adoption of a generalized land use plan for the Peccole property and the south portion of Angel Park that is in the City. It is felt there is a need for this plan since Mr. Peccole intends to start development on this property as soon as possible and wishes to have it rezoned from N-U to various residential densities and for commercial use in the immediate future. A separate generalized land use plan would provide a guide for the zone change that will be requested on the entire parcel as soon as the General Plan is amended. A plan has been developed with Mr. Peccole and his land planners which is for the area to be developed predominately residential at various densities ranging from 4 units per acre to approximately 24 (24 units per acre are the maximum units allowed in the R-3 zone), which is in accordance with the recommendations of the City's General Plan. Three sites are proposed for mobile home parks at densities of approximately 8 units per acre. Mr. Peccole has agreed to donate a 10-acre site to the City for such community services as a Branch library, metropolitan police substation, fire station, etc. Most of the proposed commercial is along Charleston and there is a 78 acre site proposed for a district commercial shopping center. The major streets have been designed to handle the drainage in the area. (See attached land use plan)

PLANNING COMMISSION RECOMMENDATION: APPROVAL

STAFF RECOMMENDATION: APPROVAL

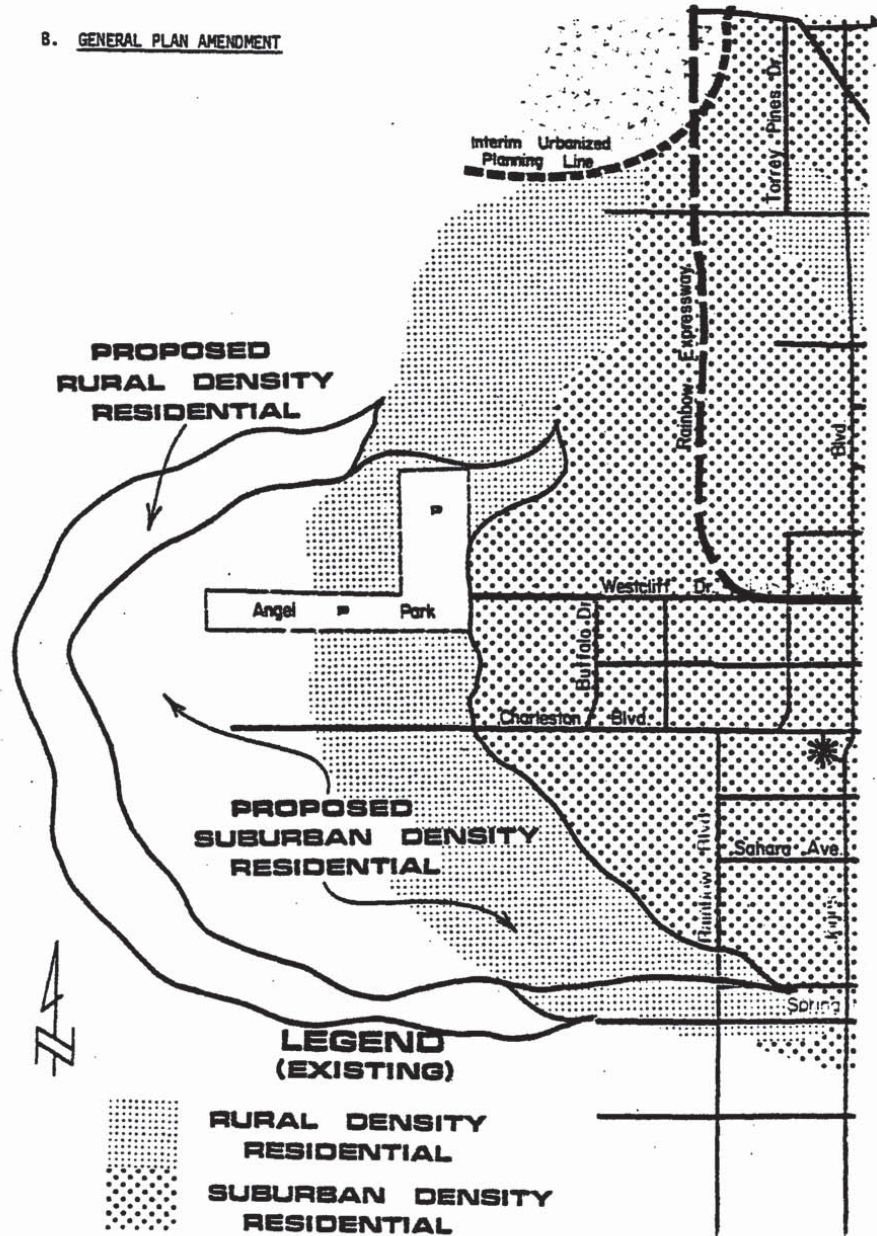
PROTESTS: 0

Item IX,

CLV305000
00041

0180

B. GENERAL PLAN AMENDMENT



CLV305001

00042

1810

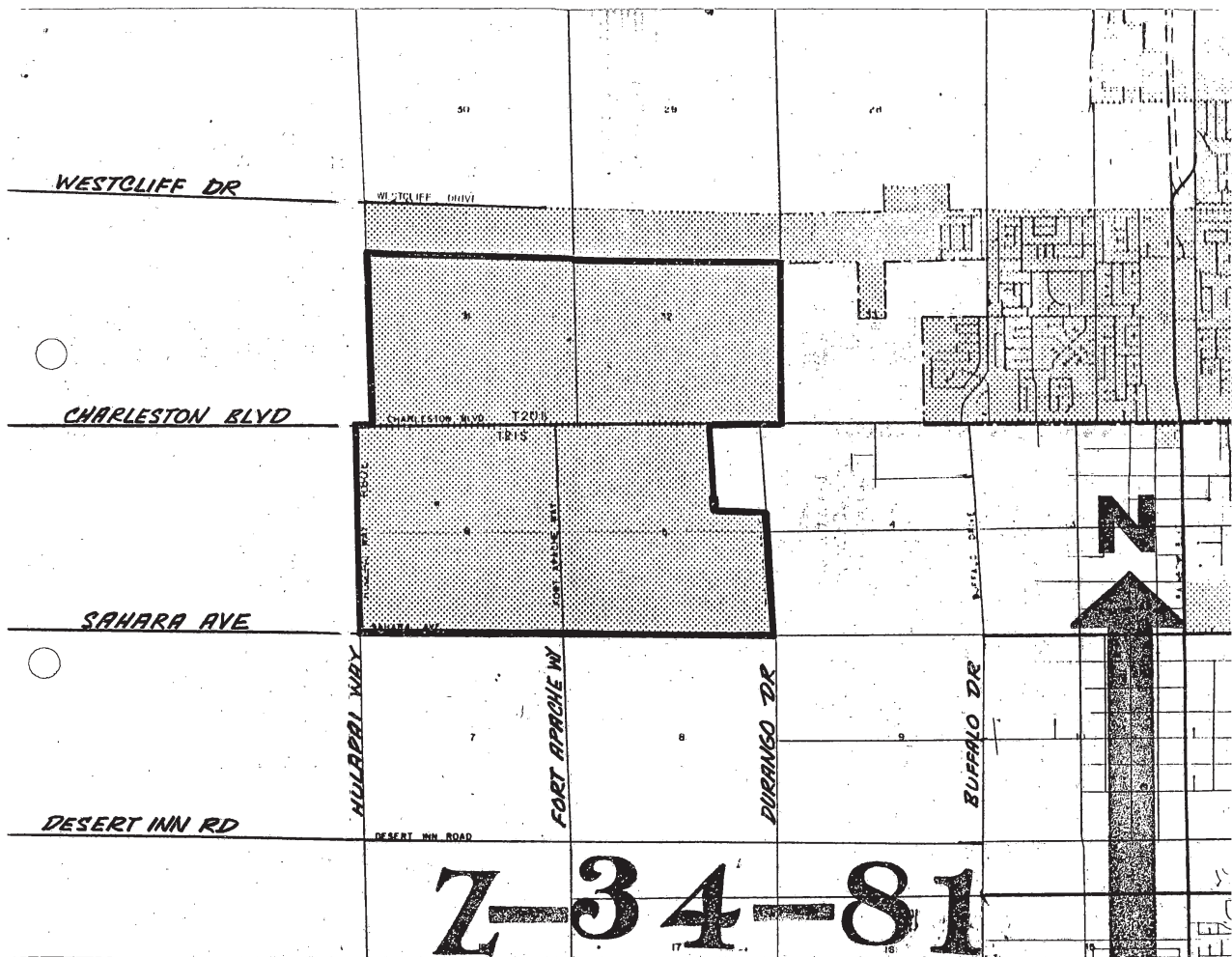
PECCOLE PROPERTY LAND USE PLAN

LEGEND

- MED LOW DENSITY (1 to 2 Units Per Acre)
- MED HIGH DENSITY (3 to 4 Units Per Acre)
- COMMERCIAL (C)
- OFFICES (O)
- COMMUNITY SERVICES (S)
- ELEMENTARY SCHOOL (E)
- RESIDENT (R)
- MOBILE HOMES (mh)

Map Labels:

- Westgate Dr.
- Angel Park
- Alton Dr.
- Charleston Blvd.
- Sunset Blvd.
- MED
- MED LOW
- MED HIGH
- COM
- R
- mh
- E



CLV305004
00044

2221

12. Z-33-81

(CONTINUED)

3. Install sidewalks and driveways on Charleston Boulevard and full half-street improvements on Sacramento Drive.
4. Install fire hydrants and provide water flow as required by the Department of Fire Services.
5. Construct a 6 foot block wall on the north and west property lines.
6. Shift buildings to the west to provide parking on the east side of the building as required by the Department of Community Planning and Development.
7. Provide three entrances on Charleston Boulevard.
8. Conformance to the plot plan amended to reflect the above conditions.
9. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
10. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
11. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets.
12. Satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Coleman, Mr. Miller, Mr. Swessel, Mr. Jones,
Mr. Guthrie, Mr. Kennedy, Mr. Canul
"NOES" None

Motion for APPROVAL carried unanimously.

CHAIRMAN COLEMAN announced this item would be heard by the Board of City Commissioners on June 3, 1981 at 2:00 P.M.

13. Z-34-81

APPROVED

Application of WILLIAM PECCOLE, ET AL, for reclassification of property generally located north of Sahara Avenue, south of Westcliff Drive and extending west of Durango Drive two miles, 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). The above property is legally described as a portion of Section 5 and all of Section 6, Township 21 South, Range 60 East, M.D.B. & M. and portions of Sections 31 and 32, Township 20 South, Range 60 East, M.D.B. & M.

MR. FOSTER said this parcel was annexed into the City the latter part of 1980 and Staff has adopted a Generalized Land Use Plan for the site, which is about 2200 acres. This is one zoning application to obtain zoning on the entire parcel, so anyone buying property in the area would know how the entire parcel will be zoned and the applicants

13. Z-34-81

(CONTINUED)

will not have to come in and apply for the various types of zonings on a parcel-by-parcel basis. He explained the proposed layout to the Commission. The development plans will be subject to Planning Commission approval as each parcel comes up for consideration, but it will take between ten and twenty years for the entire site to be developed. There should be signs indicating where the various types of zoning will be and also in the sales offices. Street names have to be worked out with staff and subject to an amendment to the Major Street Plan. Staff would also require conformance to the Flood Hazard Reduction Ordinance. Staff does not have any protests on record and recommends approval.

CHAIRMAN COLEMAN declared the public hearing open and asked to hear from the applicant.

G. C. WALLACE and GEORGE CHARCHALLIS, Wallace Engineering, appeared to represent William Peccole. They have met with the City staff, the utility companies, and builders interested in developing on this property.

GEORGE CHARCHALLIS, Wallace Engineering, urban planner, appeared saying they feel this will accommodate a wide range of lifestyles. He explained various aspects of the plan. This will be a fine quality project and with the proper use of CC&R's and other development standards provide adequate architectural and site planning criteria. Finally, it will give an opportunity to develop a degree of homogeneity not possible in piecemeal planning. The developer will develop a theme for the entire parcel. They feel this project is in concert with the master plan, is good zoning, and in the best interests of the public.

BARBARA STEM, 2010 Stem Drive, appeared in protest. They have an expensive ranch-estate home near this project and purposely built their home there because of the spaciousness of the area.

CONNIE DOWNEY, 2001 South Cimarron Road, appeared in protest. She feels one section should be zoned at a time.

JAMES FARES, 509 North San Vicente Boulevard, West Hollywood, California, appeared in favor. He and his family think this plan is a great idea.

JOHN BIRCHER, 8100 Eginton Avenue, appeared in protest. He objects to the mobile home parks; however, he is in favor of the residential housing.

LARRY MILLER, 1717 Rambla Court, appeared in favor on behalf of the property owners. The zoning is at its maximum density, but there is a possibility it will be lowered as the project is being built. This will be called "Venetian Foothills."

G. C. WALLACE appeared in rebuttal. As Las Vegas grows, housing has to be provided for the additional population. They feel this is proper to master plan the zoning so people will know what to expect before they move into the area.

CHAIRMAN COLEMAN asked if anyone else wished to be heard; there being no one, she declared the public hearing closed.

MR. SWESSEL made a Motion for APPROVAL of Z-34-81, subject to the following conditions:

1. Resolution of Intent with no time limit.
2. Approval of the plans, elevations and the covenants, conditions and restrictions of all R-PD developments by the Planning Commission and City Commission.

13. Z-34-81

(CONTINUED)

3. Approval of the development plan for all other zones by the Planning Commission.
4. Posting the zoning of the entire development in sales offices and installing signs showing the zoning on the respective sites.
5. Street names in accordance with requirements of the Department of Community Planning and Development.
6. Amendment to the Major Street Plan.
7. Conformance to the Flood Hazard Reduction Ordinance and Master Drainage Plan.
8. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler systems shall be cause for revocation of a business license.
9. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
10. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets (excluding single-family development).
11. Satisfaction of City Code requirements and design standards of all City departments.

Voting was as follows:

"AYES" Chairman Coleman, Mr. Miller, Mr. Swessel, Mr. Guthrie,
Mr. Kennedy, Mr. Canul
"NOES" Mr. Jones

Motion for APPROVAL carried by a 6/1 vote.

CHAIRMAN COLEMAN announced this item would be heard by the Board of City Commissioners on May 20, 1981 at 2:00 P.M.

14. Z-35-81

APPROVED

Application of CHISM HOMES, INC. for reclassification of property generally located at the southwest corner of Lorenzi Boulevard and Alexander Road, from N-U (Non-Urban) to R-PD6 (Residential Planned Development), and C-1 (Limited Commercial). The above property is legally described as a portion of the East Half (E 1/2) of the Northeast Quarter (NE 1/4) of Section 10, Township 20 South, Range 60 East, M.D.M.

Proposed Use: Medium Low Density Residential and Commercial

MR. FOSTER said this property was annexed into the City recently. This is laid out like a single-family development with commercial at one corner of the parcel. There isn't any commercial in the immediate area. Staff recommends approval with conformance to the elevations; dedication of 10 feet of right-of-way for Alexander Road and radius corner of Alexander Road and Lorenzi Boulevard and dedicate variable width portion of right-of-way along Alexander Road to provide a smooth transition from the Rainbow Expressway as it goes east; conformance to the Master Drainage Plan; installing half-street

AGENDA*City of Las Vegas*

0252

May 20, 1981

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BOARD OF CITY COMMISSIONERS
COMMISSION CHAMBERS • 400 EAST STEWART AVENUE

PHONE 386-6011

ITEM

Commission Action

Department Action

X. COMMUNITY PLANNING AND DEVELOPMENT DEPARTMENT
(CONTINUED)

T. ZONE CHANGE - Z-34-81 - WILLIAM PECCOLE, ET AL

Reclassification of property generally located north of Sahara Avenue, south of Westcliff Drive and extending west of Durango Drive two miles.

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 & Parking)

C-1 (Limited Commercial),

C-2 (General Commercial) and

C-V (Civic)

Proposed Use: Residential & Commercial

Planning Commission recommended APPROVAL (6-1 vote), subject to the following conditions:

1. Resolution of Intent with no time limit.
2. Approval of the plans, elevations and the covenants, conditions and restrictions of all R-PD developments by the Planning Commission and City Commission.
3. Approval of the development plan for all other zones by the Planning Commission.
4. Posting the zoning of the entire development in sales offices and installing signs showing the zoning on the respective sites
5. Street names in accordance with requirements of the Department of Community Planning and Development.
6. Amendment to the Major Street Plan.
7. Conformance to Flood Hazard Reduction Ordinance and Master Drainage Plan.

APPROVED AGENDA ITEM

Staff Recommendation: APPROVAL

PROTESTS: 8

Christensen -
APPROVED as recommended by Planning Commission.
Unanimous
(Levy and Lurie excused)

Clerk to notify and Planning to proceed.

G. C. Wallace and George Charchallis, G. C. Wallace Engineering, 1100 E. Sahara Ave. appeared for the application.

William Peccole appeared for the application.

No one spoke in opposition.

CLV305011

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2225

0253

To: The Board of City Commissioners
 Re: Community Planning and Development Agenda Item
 May 20, 1981 City Commission Agenda

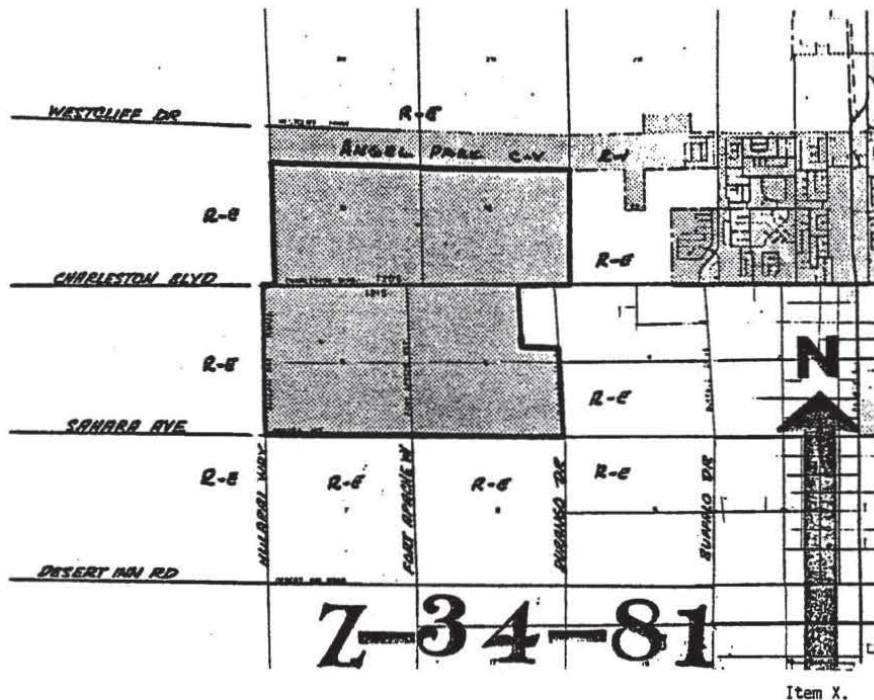
T. ZONE CHANGE - Z-34-81 - WILLIAM PECCOLE, ET AL

The applicant is proposing to rezone his entire property which had a generalized land use plan adopted on it several meetings ago. This zoning application conforms to the adopted land use plan. Angel Park exists to the north and the Husite property exists to the west and south. There is vacant R-E zoning existing in the County to the east and the Sprout development is to the northeast in the City. The proposed realignment of several major streets by the developer will necessitate an amendment to the Major Street Plan. It was recognized that the site plans and elevations on all of the portions of the property to be zoned for planned development will be subject to Planning Commission and City Commission approval. Approval of all other development plans such as in the commercial, professional offices, and mobile home park zones would require Planning Commission approval. The developer was in agreement to posting the zoning of the entire development in the sales offices and installing signs on the property showing the approved zoning for the commercial, professional offices, etc. Several sites for C-2 zoning are being requested along Charleston Boulevard for a possible new car agency, car washes and service station sites.

PLANNING COMMISSION RECOMMENDATION: APPROVAL - In accordance with the land use plan for this area.

STAFF RECOMMENDATION: APPROVAL - In accordance with the land use plan adopted for this site.

PROTESTS: 8



CLV305012

00049

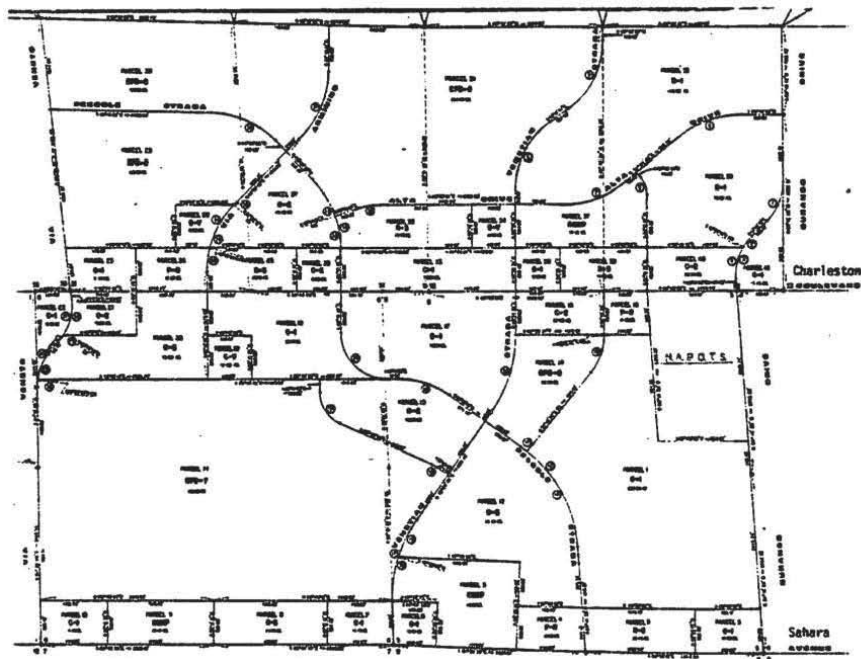
2226

T. ZONE CHANGE - Z-34-81 - WILLIAM PECCOLE, ET AL

0254

**ZONING MAP
OF
VENETIAN FOOTHILLS**

SECTIONS 5 AND 6, T. 21 S., R. 60 E., AND THE S 1/2 OF THE N 1/2 AND THE S 1/2 OF SECTION 31,
T. 20 S., R. 60 E., AND THE S 1/2 OF THE N 1/2 AND THE S 1/2 OF SECTION 32, T. 20 S., R. 60 E., N.E.M.,
CLARK COUNTY, NEVADA.



Item X.

CLV305013
00050

2227

CITY COMMISSION MINUTES - MAY 20, 1981

EXCERPT - CITY COMMISSION MEETING MINUTES - MAY 20, 1981

X-T - ZONE CHANGES - Z-34-81 - WILLIAM PECCOLE, ET AL

Page 1

MAYOR BRIARE: The next item is Zone Change Z-34-81 for William Peccole.

G. C. WALLACE: G. C. Wallace, Consulting Engineer, 1100 East Sahara Avenue. With me is Mr. George Charchallis. We're here representing the applicant. As you well know the history of this project, it's a large project. A considerable amount of time has gone into the planning, a lot of work and coordination with your planning staff, etc. It would be very time consuming, I'm sure, to go in and discuss all of the elements that have gone into this plan. In the interest of time, we're certainly here and can answer any questions that maybe you might have. It has met the approval -- I know you have revised your generalized land use plan to accommodate a project of this type. It's had the recommendation of your staff, the Planning Commission. We can go on or rest.

MAYOR BRIARE: Did you wish to make any comment, George?

GEORGE CHARCHALLIS: I'd just simply like to indicate that I'm a member of the firm of G. C. Wallace, Consulting Engineers.

MAYOR BRIARE: I thought I saw Mayor Gragson here. Did he --

GEORGE CHARCHALLIS: He had to leave.

MAYOR BRIARE: That's too bad because I was hoping he'd be around to see how things are done now. As both Commissioner Christensen and Commissioner Levy indicated, that whatever you citizens work out amongst yourselves, we're happy to accommodate you. So let's find out if we're happy to accommodate you here. What's the pleasure of the Commission?

COMMISSIONER CHRISTENSEN: I move we approve the zoning request with the conditions that are listed here.

MAYOR BRIARE: Is there anyone in the audience that's here today to speak on this matter in opposition or in favor, other than the applicants in favor? (No response.) I wanted to make that comment because there were some protests, but they chose not to be present.

COMMISSIONER CHRISTENSEN: I think it's a rare opportunity, Mayor, that we have to approve a complete package of zoning that's all put together so that we don't have to piecemeal it and it gives us great planning and gives also the developers great planning so that they can determine what it's going to be and I think it's good for the citizens that will be moving out there because they can look at this and see what it is and it's right on the labels.

CLV305014

00051

2228

MAYOR BRIARE:

Bill, you weren't here at the meeting when we talked about what an advantage it is to own a parcel of land this size where you can come in and master plan it in a manner that some areas, and it doesn't seem to be Las Vegas area, in some areas where you can design a beautiful project and you go ahead and you approve it once, except maybe for a minor variation as time progresses -- I'm sure you might have some. And I often refer to the projects like the Irvine Ranch down in Newport, California where people -- they know going in. They know exactly the way it's zoned and if they like it the way it's zoned, they do business. If they don't like the way it's zoned, the Irvine Ranch people just say, "Well, would you just please step aside and we'll let the next applicant come in." Well, I'm trusting that you're going to do the same thing. You've gone to a lot of effort to design a large parcel of land and I would hope that in the years to come that we'll be able to see it built in the manner in which it's designed right here. I don't see any Wanda Streets though.

WILLIAM PECCOLE:

Well --

MAYOR BRIARE:

That comes later.

WILLIAM PECCOLE:

They come yet. There are a lot of other streets to be named and we will probably get around to her.

MAYOR BRIARE:

Laurie and Lesa and LeAnn.

WILLIAM PECCOLE:

I'd like to say that having been a part of the Las Vegas growth, I'm very fortunate that the Good Lord has seen it possible that I was able to acquire this parcel of land and having been a City Commissioner at one time, it gives me greater pleasure than most people would have to become a part of the City of Las Vegas rather than go into the County or elsewhere. We still love our County. We love our State, but having served on this Board, my preference would be to be part of the City of Las Vegas. We hope that we can go forward and develop a project here that will become well known, well appreciated and be developed in a manner that would make you people proud and the people of Las Vegas proud of it. We are endeavoring to work it out so that we can meet all of the high quality requirements. We want to see the streets developed properly. We want to participate in the proper zoning and drainage of the area -- streets that will go into your drainage plan -- and we'd like to see the City developed in time -- a fire department out there, maybe a Metro Station, Library, and we're going to donate ten acres of land for that purpose to you people. We certainly want to do a good job, and we're open to suggestions at any time, and once again, I'd like to thank you for your cooperation.

CLV305015

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2229

MAYOR BRIARE: Did you make a motion, Commissioner?

COMMISSIONER CHRISTENSEN: I sure did. My motion was to approve.

MAYOR BRIARE: Any comments on the motion? (No response.) Cast your votes. Post. The motion's approved.

WILLIAM PECCOLE: Thank you.

(VOTE ON MOTION TO APPROVE, SUBJECT TO CONDITIONS AS
APPROVED BY PLANNING COMMISSION:

YES: Commissioners Christensen, Woofter and Mayor Briare

NO: None

EXCUSED: Commissioners Lurie and Levy)

CLV305016
00053

2230

MAYOR BILL BRIARE

COMMISSIONERS
RON LURIE
PAUL J. CHRISTENSEN
ROY WOOFER
AL LEVY

CITY ATTORNEY
GEORGE F. OGILVIE

CITY MANAGER
RUSSELL DORN



CITY of LAS VEGAS

ROI#1028

May 26, 1981

Mr. William Peccole
1238 Cashman Drive
Las Vegas, Nevada 89102

Re: Z-34-81
RECLASSIFICATION OF PROPERTY

Dear Mr. Peccole:

The Board of City Commissioners at a regular meeting held May 20, 1981, APPROVED your request for reclassification of property generally located north of Sahara Avenue, south of Westcliff Drive and extending west of Durango Drive two miles, from N-U to R-1, R-2, R-3, R-MHP, R-PD7, R-PD8, P-R, C-1, C-2, C-V, subject to the following conditions:

1. Resolution of Intent with no time limit.
2. Approval of the plans, elevations and the covenants, conditions and restrictions of all R-PD developments by the Planning Commission and City Commission.
3. Approval of the development plan for all other zones by the Planning Commission.
4. Posting the zoning of the entire development in sales offices and installing signs showing the zoning of the respective sites.
5. Street names in accordance with requirements of the Department of Community Planning & Development



CLV-6218

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

CLV033783

00054

2231

Mr. Willia, Peccole
Z-34-81
page 2

6. Amendment to the Major Street Plan.
7. Conformance to the Flood Hazard Reduction Ordinance and Master Drainage Plan.
8. Landscaping and a permanent underground sprinkler system shall be provided as required by the Planning Commission and shall be permanently maintained in a satisfactory manner. Failure to properly maintain required landscaping and underground sprinkler system shall be cause for revocation of a business license.
9. Submittal of a landscaping plan prior to or at the same time application is made for a building permit, license, or prior to occupancy.
10. All mechanical equipment, air conditioners and trash areas shall be screened from view from the abutting streets. (Excluding single family development)
11. Satisfaction of City Code requirements and design standards of all City departments.

Sincerely,



CAROL ANN HAWLEY
CITY CLERK

CAH:mpk

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

CLV033784
00055

2232