

CLARK COUNTY BOARD OF COMMISSIONERS

ZONING / SUBDIVISIONS / LAND USE

AGENDA ITEM

Petitioner: Nancy A. Amundsen, Director, Department of Comprehensive Planning

Recommendation: ORD-21-900335: Conduct a public hearing on an ordinance to consider adoption of a Development Agreement with PN II Inc, Gameday LLC, and Mountain West Associates LLC for the Highlands Ranch residential subdivisions on 268.3 acres generally located south of Pyle Avenue, north of Cactus Avenue, east of Jones Boulevard, and west of Decatur Boulevard within Enterprise. JJ/sr (For possible action)

FISCAL IMPACT:

None by this action.

BACKGROUND:

The Board of County Commissioners (Board) approved 4 American West land use applications for single family residential subdivisions totaling 632 lots in an area where American West previously created or received approval to develop over 1,000 single family residential lots. As such, conditions of approval for ZC-19-0788, ZC-19-0792, ZC-19-0743, and ZC-19-0891 required the applicant/developer to enter into a Development Agreement to mitigate the impacts of the project identified by the Board. Subsequent to the approval of the applications, Pulte acquired American West. Additionally, 3 other American West and/or Pulte applications in the immediate area were approved for 439 single family residential lots and are being developed by Pulte. Conditions of approval for WS-21-0025, WS-18-0387, and WS-19-0442 required the applicant/developer to enter into a Development Agreement to provide fair-share contribution toward public infrastructure. Since all 7 applications are in the general area and are under common ownership, all 7 developments are included within the Development Agreement (Agreement).

Mitigation incorporated into the Agreement includes, but is not limited to, measures aimed at addressing trails, parks, and public safety. Documents are available for review in the Department of Comprehensive Planning, Current Planning division.

In accordance with the provisions of Section 278.0203 of the Nevada Revised Statutes (NRS), the Development Agreement must be approved by ordinance. Furthermore, in accordance with Title 30, the Board of County Commissioners may approve the Development Agreement if:

- (1) Final action has been taken approving the land use application for the proposed development project;
- (2) The issues identified in the regional infrastructure and services evaluative reports, or as otherwise identified, relating to this project have been adequately addressed;
- (3) The Agreement is a necessary and appropriate mechanism to implement the development of the project;
- (4) The Agreement is consistent with the objectives, policies, general land uses and programs specified in the master plan;
- (5) The Agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning district in which the property is located and all other provisions of Title 30;
- (6) The Agreement is not detrimental to public health, safety and general welfare; and
- (7) The Agreement is consistent with the provisions of NRS Chapter 278.

Staff recommends the Board accept the findings and conduct a public hearing on the ordinance.

Cleared For Agenda
07/21/21

BILL NO. 7-7-21-2

SUMMARY - An ordinance to adopt the Development Agreement with PN II Inc, Gameday LLC, and Mountain West Associates LLC for the Highlands Ranch residential subdivisions on 268.3 acres generally located south of Pyle Avenue, north of Cactus Avenue, east of Jones Boulevard, and west of Decatur Boulevard within Enterprise.

ORDINANCE NO. _____
(of Clark County, Nevada)

AN ORDINANCE TO ADOPT THE DEVELOPMENT AGREEMENT WITH PN II INC, GAMEDAY LLC, AND MOUNTAIN WEST ASSOCIATES LLC FOR THE HIGHLANDS RANCH RESIDENTIAL SUBDIVISIONS ON 268.3 ACRES GENERALLY LOCATED SOUTH OF PYLE AVENUE, NORTH OF CACTUS AVENUE, EAST OF JONES BOULEVARD, AND WEST OF DECATUR BOULEVARD WITHIN ENTERPRISE, AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO.

THE BOARD OF COUNTY COMMISSIONERS OF THE COUNTY OF CLARK, STATE OF NEVADA, DOES HEREBY ORDAIN AS FOLLOWS:

SECTION 1. In accordance with the provisions of Section 278.0203 of the Nevada Revised Statutes and Chapter 30.20 of the Clark County Code, the Development Agreement with PN II Inc, Gameday LLC, and Mountain West Associates LLC for the Highlands Ranch residential subdivisions on 268.3 acres generally located south of Pyle Avenue, north of Cactus Avenue, east of Jones Boulevard, and west of Decatur Boulevard within Enterprise, is hereby adopted.

SECTION 2. If any section of this ordinance or portion thereof is for any reason held invalid or unconstitutional by any court of competent jurisdiction, such holding shall not invalidate the remaining parts of this ordinance.

SECTION 3. All ordinances, parts of ordinances, chapters, sections, subsections, clauses, phrases or sentences contained in the Clark County Code in conflict herewith are hereby repealed.

SECTION 4. This ordinance shall take effect and be in force from and after its passage and the publication thereof by title only, together with names of the County Commissioners voting for or against its passage, in a newspaper published in and having a general circulation in Clark County, Nevada, at least once a week for a period of two (2) weeks and shall be effective on and from the fifteenth day after passage.

PROPOSED on the _____ day of _____, 2021

INTRODUCED by: _____

PASSED on the _____ day of _____, 2021

VOTE:

AYES: _____

NAYS: _____

ABSTAINING:

ABSENT:

BOARD OF COUNTY COMMISSIONERS
CLARK COUNTY, NEVADA

By: _____
MARILYN K. KIRKPATRICK, Chair

ATTEST:

Lynn Marie Goya, County Clerk

This ordinance shall be in force and effect from and after the _____ day
of _____ 2021.

APNs: 176-25-301-010 through -014; 176-25-301-020; 176-25-301-025; 176-25-301-026; 176-25-310-180; 176-25-310-181; 176-25-401-001; 176-25-401-003 through -006; 176-25-401-010; 176-25-401-011; 176-25-401-015 through -018; 176-25-401-022; 176-25-401-028 through -030; 176-25-701-004; 176-25-701-006 through -012; 176-25-701-018 through -022; and 176-25-710-001 through 176-25-710-094

Please Return to:

Sami Real
Comprehensive Planning Department
1st Floor, Clark County Government Center
500 Grand Central Parkway
Las Vegas, Nevada 89155

DEVELOPMENT AGREEMENT
BETWEEN
THE COUNTY OF CLARK, NEVADA
AND
PN II, INC.,
GAMEDAY, LLC,
AND
MOUNTAIN WEST ASSOCIATES, L.L.C.
FOR THE
HIGHLANDS RANCH

ORD-21-900335

May 26, 2021

HIGHLANDS RANCH PROJECT
DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (the "Agreement") is made and entered into this 26th day of May, 2021, by and between the County of Clark, State of Nevada (hereinafter referred to as the "County") and PN II, Inc., a Nevada Corporation, Gameday, LLC, a Nevada limited liability company, and Mountain West Associates, L.L.C., a Nevada limited liability company (hereinafter referred to as the "Owner" or "Owners" of the Subject Property described on **Exhibit "A"** attached hereto and incorporated herein by reference). The County and the Owners are sometimes referred to herein, individually, as a "Party" and, collectively, as the "Parties".

SECTION 1
DEFINITIONS

1.01 Definitions. For all purposes of this Agreement, except as otherwise expressly provided or unless the context otherwise requires, the following terms shall have the following meanings:

- (a) **"Acquisition Cost"** means costs including but not limited to attorney fees, court costs, witness fees, expert fees, acquisition and purchase amounts, closing costs and title insurance.
- (b) **"ADA"** means Americans with Disabilities Act, 42 U.S.C. § 12131, et. seq.
- (c) **"Agreement"** has the meaning assigned to it in the first paragraph hereof and includes all exhibits attached hereto or incorporated by reference herein and all written amendments, which are subsequently approved by the Parties hereto.
- (d) **"Applicable Rules"** means the specific codes, ordinances, rules, regulations and official policies of the County as adopted and in force at the time of permit issuance or map recordation and as amended and modified from time to time, regarding planning, zoning, subdivisions, timing and phasing of development, permitted uses of the Subject Property, density, design, and improvement standards and specifications applicable to the Project including the portions of Title 30 of the Code, which are attached as **Exhibit "B"**, subject to the following:
 - (1) The zoning or land use established by the Land Use Approvals will not be amended or modified during the term of this Agreement without the Owner's prior written approval; and
 - (2) The Chapters of Title 30 of the Code set forth in **Exhibit "B"** shall be locked in for the term of this Agreement to the extent those chapters do not involve fees, monetary payments, submittal requirements, review procedures prescribed by ordinance and uniformly applied throughout the County, or any provision of Title 30 adopted by the County Commission relating to or referencing standards or specifications which have also been endorsed or adopted by the Southern Nevada Regional Planning Coalition, Regional Transportation Commission, the Southern Nevada Water Authority or CCRFCD and which are uniformly applied throughout the County. The Owner agrees to be subject to all such fees and monetary

payments prescribed by ordinance as adopted or amended from time to time throughout the duration of this Agreement.

- (e) **“CCRFCD”** means the Clark County Regional Flood Control District.
- (f) **“Code”** means the Clark County Code, including all rules, regulations, standards, criteria, manuals and other references as amended and modified from time to time subject to Section 1.01(d)(2).
- (g) **“County”** means the County of Clark, State of Nevada together with its successors and assigns.
- (h) **“County Commission”** means the Board of County Commissioners of the County of Clark, State of Nevada.
- (i) **“County Master Plan”** means the comprehensive plan adopted by the Planning Commission of Clark County and County Commission in 1983 and all amendments thereto including, but not limited to, all adopted land use and development guides and elements that are applicable to the Subject Property.
- (j) **“Designated Builder”** means a merchant homebuilder or other owner of real property within the Subject Property that is constructing any development subject to the residential construction tax if designated by Owner to County in writing.
- (k) **“Development Agreement Ordinance”** means Chapters 30.16 and 30.20 of the Code and any other Chapters of the Code that are relevant to this Agreement.
- (l) **“Effective Date”** means the date on which the Ordinance approving this Agreement becomes effective.
- (m) **“Force Majeure”** means war, acts of terrorism, insurrection, strikes, walkouts, riots, floods, earthquakes, fires, casualties, epidemic/pandemic, or acts of God.
- (n) **“Improvements”** means private or public facilities that may include, but are not limited to, roadway, trails, fire hydrants, sidewalks, curbs, gutters, pavement, gravel, aggregate base, streetlights, street name signs, traffic signals and signs, pavement markings, other applicable traffic control devices, survey monuments, flood control and drainage facilities which are required by the County in direct connection with and as part of the development and use of the Project.
- (o) **“Land Use Approvals”** means land use applications approved by the County, including approvals or waivers subsequent to this Agreement, and all applicable conditions for the Project, including without limitation those approvals and conditions of ZC-19-0788, ZC-19-0792, ZC-19-0743, ZC-19-0891, WS-21-0025, WS-18-0387, and WS-19-0442; the Agenda Sheets and Notice of Final Actions are attached hereto as **Exhibit “C”** and incorporated herein by this reference.
- (p) **“NDOT”** means Nevada Department of Transportation.
- (q) **“NRS”** means the Nevada Revised Statutes, as amended.

- (r) **"Occupancy Permit"** means a final occupancy permit or certificate of occupancy issued by the County.
- (s) **"Owner"** and **"Owners"** means PN II, Inc., Gameday, LLC, a Nevada limited liability company, and Mountain West Associates, L.L.C. and their respective successors and assigns, collectively, as the Owners of the land constituting the Subject Property.
- (t) **"Project"** means the Highlands Ranch Project to be constructed on the Subject Property and the proposed development of the Subject Property as described in the Land Use Approvals and this Agreement. The Owner shall have the right to change the name of the Project in its sole discretion.
- (u) **"Subject Property"** means that certain real property, which the Owner owns or has the right to acquire, generally located east of Jones Boulevard, west of Decatur Boulevard, north of Cactus Avenue and south of Pyle Avenue in Clark County, Nevada, more particularly described in **Exhibit "A"**.
- (v) **"Term"** means the term of this Agreement together with any extension agreed upon pursuant to Section 7.02 hereof.
- (w) **"Traffic Impact Analysis"** means a transportation study prepared by Owner for the Project submitted to and approved by the County that includes any and all addendums acceptable to the County and all comments by the County, NDOT, if applicable, and other public entities.
- (x) **"Trail" or "Trails"** means trails in locations designated on **Exhibit "D"** that are open and available for general public use on a non-discriminatory basis.
- (y) **"Trails Plan"** means a plan or plans approved pursuant to approval of an Administrative Design Review with the Department of Comprehensive Planning illustrating the location and design of Trails to be constructed by Owner.

SECTION 2 RECITAL OF PREMISES, PURPOSE AND INTENT

2.01 Recitals. This Agreement is predicated upon the following facts and findings:

- (a) **Statutory Authorization.** The County is authorized, pursuant to NRS §§ 278.0201 through 278.0207, inclusive, to enter into binding development agreements with persons having a legal or equitable interest in real property and, pursuant to NRS Chapter 278, to establish long range plans for the development of such property.
- (b) **Ownership Interest.** The Owner represents that it has fee title ownership or has the right to acquire fee title to the Subject Property.
- (c) **County Authorization, Hearing and Ordinance.** All preliminary processing with regard to the Project has been duly completed in conformance with all applicable laws, rules and regulations. The County Commission, having given notice as required by law, held a

public hearing on the Owner's application seeking approval of the form of this Agreement and the execution hereof by the County. After the public hearing, the County Commission found that this Agreement is consistent with the County's plans, policies and regulations, including the County Master Plan, that this Agreement meets the requirements of Title 30 of the Code, and execution hereof by and on behalf of the County is in the public interest and is lawful in all respects. During the same meeting at which the public hearing was held, the County Commission adopted the Ordinance approving this Agreement and authorizing the execution hereof by duly constituted officers of the County. Said ordinance was scheduled to be effective two weeks after adoption. The County agrees to record a certified copy of the ordinance as required by NRS § 278.0207.

- (d) **County Intent.** The County desires to enter into this Agreement in conformity with the requirements of NRS and as otherwise permitted by law to better provide for public services, public uses and urban infrastructure, to promote the health, safety and general welfare of the County and its inhabitants, to minimize uncertainty in planning for and securing orderly development of the Project and surrounding areas, to ensure attainment of the maximum efficient utilization of resources within the County at the least economic cost to its citizens and otherwise achieve the goals and purposes of the Code and County Master Plan. In exchange for these and other benefits to the County, the Owner will receive the assurance that it may develop the Project during the Term in accordance with the Applicable Rules, subject to the terms and conditions herein contained.
- (e) **Owner Intent.** In accordance with the legislative intent evidenced by NRS chapter 278 authorizing development agreements and the intent of the County in adopting an ordinance allowing development agreements, the Owner wishes to obtain reasonable assurances that they may develop the Project in accordance with the conditions established in this Agreement. The Owner acknowledges that there are insufficient public services, which includes facilities and infrastructure, existing or planned at this time and in order to develop the Subject Property. The Owner is willing to enter into this Agreement in order to provide certain public services, facilities and infrastructure necessitated by the development of the Project. The Owner further acknowledges that this Agreement was made a part of the County record at the time of its approval by the County Commission and that the Owner agrees without protest to the requirements, limitations, or conditions imposed by this Agreement and the Land Use Approvals. The Owner's decision to commence the Project is based on the expectation of proceeding with the Project to completion.
- (f) **Acknowledgment of Uncertainties.** The Parties acknowledge that circumstances beyond the control of either Party could defeat their mutual intent that the Project be developed in the manner contemplated by this Agreement. Among such circumstances are the unavailability of water or other limited natural resources, regulation of air and water quality, and similar conditions. The Owner recognizes that water shortages could affect the County's ability to perform its obligations hereunder. It is not the intent of the Parties nor shall this Section be construed as excusing the County of any obligation hereunder or depriving the Owner of any right under this Agreement which can be performed.
- (g) **Provision of Water and Sewer Service.** The Owner clearly understands and agrees that, amongst other requirements, water commitment and sanitary sewer system development approval must be obtained from the proper governmental entities. Fees and services for such commitments and systems are established by said governmental entities and must be paid and complied with by the Owner in accordance with said governmental entities'

requirements as amended from time to time. This Agreement does not in any way guarantee or provide a right for the provision of water and sewer services nor are any fees and services for water or sewer service established and/or waived here.

- 2.02 Incorporation of Recitals.** The foregoing recitals shall be deemed true and correct in all respects with respect to this Agreement and shall serve as the basis for the interpretation of this Agreement.
- 2.03 Mandatory and Optional Provisions.** Pursuant to NRS § 278.0201, this Agreement must describe the land which is the subject of this Agreement and specify the duration of this Agreement, what events will constitute breach of this Agreement, and periods during which any breach may be cured. Additionally, pursuant to NRS § 278.0201, this Agreement may contain provisions specifying or relating to the permitted uses of the land, the density or intensity of its use, the maximum height and size of the proposed buildings and any provisions for the dedication of any portion of the land for public use or for the payment of fees in lieu thereof, and other matters as specified in NRS § 278.0201. Subject to the conditions and requirements of the Applicable Rules and the Land Use Approvals, the County agrees that the Project may be developed and constructed pursuant to the parameters set forth in the Land Use Approvals and this Agreement.

SECTION 3 DEVELOPMENT OF THE PROJECT

- 3.01 Time for Construction and Completion of the Project; Project Phasing.** Subject to the conditions of the Land Use Approvals and terms of this Agreement, the Owner shall have complete discretion as to the time of commencement, construction, phasing, and completion of any and all development of the Project. Nothing herein shall be construed to require the Owner to develop the Project.
- 3.02 Reliance on Land Use Approvals and Applicable Rules.** To the maximum extent permissible under applicable law, the County hereby confirms and agrees Owner has the right to develop, construct, and complete the Project in accordance with the uses and densities set forth in the parameters of the Land Use Approvals subject to the terms and conditions of this Agreement, the conditions of the Land Use Approvals, and the Applicable Rules and subject to Owner's infrastructure and monetary obligations described in this Agreement, without interference by the County, except as provided herein. In the event Owner seeks to obtain additional zoning or land use approvals to increase the density or intensity of the Project on the Subject Property or abutting to the Subject Property, then the County at its option, may require additional land use approvals and/or an amendment to this Agreement to address the impacts, if any, caused by the increase in density or intensity.
- 3.03 Air Quality Conformity.** The Owner acknowledges the County has adopted an air quality plan and the Owner agrees to comply with all applicable provisions thereof, including any state and federal rules and regulations.
- 3.04 Dust Mitigation.** The Owner will comply with all dust mitigation requirements and the Owner will notify the all contractors of the Project and any Trails of the applicable rules of the County Department of Environment and Sustainability with respect to dust mitigation and will require compliance therewith.

- 3.05 Water Conservation.** The Owner agrees to provide for water conservation in the Project and within Trails. The Owner agrees to design any open space using the best available commercially reasonable water conserving techniques, including but not limited to, proper soil preparation and water conserving irrigation systems and equipment. Notwithstanding any other provision in this Agreement, the Owner agrees to comply with the Code as amended from time to time with respect to landscaping adjacent to public streets, or water conservation measures.
- 3.06 Temporary Storm Water Construction Permit.** If applicable, the Owner agrees to comply with and require its contractors of the Project and any Trails to comply with the requirements for a temporary Storm Water Construction Permit issued from the Nevada Division of Environmental Protection.
- 3.07 Update and Amendments.** In the event an Amendment is required pursuant to Section 3.02 of this Agreement in connection with Owner's request to obtain additional zoning or land use approvals to increase the density or intensity of the Project on the Subject Property or abutting to the Subject Property, the Amendment shall be completed and executed by all Parties prior to the issuance of any building permits for the additional development that triggers the need for the Amendment. Additionally, if an Amendment is required, the County may require the Owner to provide updated studies, including but not limited to updating the following: Traffic Impact Analysis, drainage study, master fire protection plan, trails plan, and other studies that were required for submittal in the original consideration of the Project.
- (a) Previously Adopted Development Agreements.** The Clark County Commissioners adopted two previous Development Agreements on portions of the Subject Property as follows: 1) ORD-19-900607 (Instrument # 20200107-0000533 and 20200107-00005334) on November 20, 2019 for WS-19-0442 and 2) ORD-18-900453 (Instrument # 20181129-0000081 and 20181129-0000082) for WS-18-0387. In accordance with Section 7.04 of those Development Agreements, Parties agree this Agreement supercedes and effectively cancels the two previous Development Agreements.
- 3.08 Property Dedications.** All property required to be dedicated pursuant either to this Agreement, the Code, Land Use Approvals, Traffic Impact Analysis, a drainage study, the master fire protection plan or other studies, and any update thereto, if required by the County for the Project shall be conveyed to Clark County in fee simple absolute in a form acceptable to the County at no cost and expense to the County and shall be free of all liens, restrictions, encumbrances, covenants, unless specifically agreed to in writing by the County in a separate document. In instances where easements are specifically requested by the County, the easement must be acceptable to the County at no cost and expense to the County and shall be free of all liens, restrictions, encumbrances, covenants, and or conditions unless specifically agreed to in writing by the County in a separate document. In the case of a fee dedication or easement, the County in its sole discretion shall determine whether or not a lien, restriction, encumbrance, covenant, and or condition are acceptable. For either a fee dedication or an easement, the Owner shall be responsible to pay for all surveys, title reports, document preparation, title insurance, and transfer fees. The Owner shall only be required to dedicate property as required by this Agreement, Land Use Approvals, Applicable Rules, Traffic Impact Analysis, drainage study, master fire protection plan and other studies and updates required by the County for the Project or as otherwise agreed to between Parties. Dedications required for NDOT shall conform to the same standards as set forth above except that title will be held by the State of Nevada.

SECTION 4 PUBLIC FACILITIES

4.01 Trail Facilities

- (a) **Location and Design.** Owner shall design and construct Trails in locations as illustrated in Exhibit “D” at its sole cost and expense. The Trails shall be designed and constructed in conformance with the County’s Development Standards for Off-Street Trails, NV Energy Standards for Private and Public Development Within and Adjacent to NV Energy Transmission Rights-of-way, and any other applicable guiding rules and regulations. The Trails shall include, but not be limited to, the following:

1. Minimum trail easement width of twenty-five feet (25’).
2. A twelve foot (12’) paved width with two lanes of travel. Three foot (3’) clear zones shall be provided from the edge of the trail.
3. A minimum three feet (3’) from the edge of the trail:
 - a. Natural vegetation shall be planted. If trails are developed as “park facilities” pursuant to Section 4.02, then alternative landscaping will be considered by County.
 - b. Amenities and trail enhancements shall be provided and consist of a minimum of shade structures, lighting, benches, trash receptacles, and dog waste bag dispensers.
4. Barriers shall be installed to prevent motorized access by the public, provided that such barriers will be located and designed so as not to interfere with any access required by NV Energy or any other utility provider.

Owner and the County shall work together in good faith to agree upon Trails amenities and a Trails design prior to the final Administrative Design Review for the Trails Plans pursuant to Section 4.01(b).

- (b) **Trails Plan.** Prior to the issuance of any construction permits for the Trails, Owner shall submit for and receive approval of an Administrative Design Review for a Trails Plan with the Department of Comprehensive Planning. The Trails Plan shall include the trail location, existing and proposed trail improvements, and any trail signage, amenities and enhancements.
1. **Ownership/Interest.** Owner agrees those Trails shown on the Trails Plan will include only those Trails Owner has ownership control, easements, or other documented authorization(s) to construct.
 2. **Approval/Concurrence of Trails Plan.** Owner agrees to submit with the application for an Administrative Design Review evidence that the Trails shown on the Trails Plan have received approval from the Department of Real Property Management, NV Energy, and the Department of Public Works with concurrence from the Regional Flood Control District, if applicable.

3. **Timing of Trails Plan.** Owner must submit an Administrative Design Review for the Trails Plan no later than 6 months following the effective date of this Agreement. The Trails Plan shall include, at a minimum, all Trails on parcels under the control or ownership of the Owner.
- (c) **Timing of Construction.** Owner shall commence construction of the Trails within twelve (12) months from the Effective Date and substantially complete construction of all Trails shown in **Exhibit "D"** within thirty-six (36) months from the Effective Date. Owner shall obtain all necessary permits and permissions to complete construction of the Trails. Owner's responsibilities include obtaining all necessary permits and approvals from County, NV Energy, United States Bureau of Land Management, and any other governmental entity having jurisdiction and/or ownership interest in the trail alignment and construction.
- (d) **Trail Access.** All Trails constructed pursuant to the Trails Plan for which tax credits have been granted shall be available for use by the general public on a non-discriminatory basis.
 1. **Privately Owned Land.** Such requirement shall be stated in a Public Access Easement Agreement, in a form reasonably acceptable to the County, and recorded against the land on which the Trails are located. The Public Access Agreement will be binding and run with the land.
 2. **Land Controlled by a Public Agency or Utility.** Owner shall own a fee interest in all land on which the Trail improvements are constructed and shall obtain any required easements or other agreement from any public agency or utility owning easements in such land, in a form reasonably acceptable to the County. The easement or agreement will be binding and run with the land.
- (e) **Maintenance, Ownership and Control.** Owner agrees to maintain all Trails, including any landscaping and amenities, in accordance with County standards as its sole cost and expense. Owner may elect to convey any trails, and/or the maintenance obligations of any trails, to a Homeowner's Association established pursuant to NRS Chapter 116. Any transfer of maintenance obligations shall first be evidenced to the County in writing by said Homeowner's Association fully accepting Owner's maintenance obligations.
 1. **County Maintenance and/or Control.** At the County's discretion and approval, Owner may request to convey any Trails, and/or the maintenance obligations of any Trails, as shown on any approved Trails Plan, at no cost to County provided:
 - a. Owner gives County at least eighteen (18) months written notice of its intent to convey the Trails to the County. Owner acknowledges that it cannot provide said written notice to the County until the Trails are constructed;
 - b. Trails must be fully constructed and acceptable to the County;
 - c. Trail alignment must be included on the County adopted Trails Map.

4.02 Residential Construction Tax. Chapter 19.05 of the Code imposes a “Residential Construction Tax” (RCT) upon the privilege of constructing residential dwelling units in accordance with NRS Chapter 278. Provided that Owner complies with this Agreement and constructs the Trails and related Improvements in accordance with the Trails Plan, Owner shall not be required to design or construct the Trails and related Improvements consistent with the County requirements for “park facilities” pursuant to Code Chapter 19.05, and Owner or Designated Builder shall pay to the County a Residential Construction Tax at the rate calculated for each dwelling unit in Clark County Code 19.05.030 prior to the issuance a building permit for each residential unit. Notwithstanding the foregoing, in the event that Owner elects to design and construct the Trails and related Improvements consistent with County requirements for “park facilities” pursuant to Code Chapter 19.05, as determined by County during the final Administrative Design Review for the Trails Plans, County agrees Owner and any Designated Builder shall be entitled to a credit against the Residential Construction Tax for the Project provided that Owner satisfies the following requirements:

- (a) Owner shall have received approval of an Administrative Design Review for the Trails Plan.
- (b) Within 30 days from approval of the Administrative Design Review of the Trails Plan, the Owner shall provide for review and approval by the County an itemized estimate of the construction costs for the Trails as shown on the approved Trails Plan for County approval. The itemized estimate shall not include any trail improvements which have been completed prior to the effective date of this Agreement, the value of the land on which the Trails will be constructed, nor any improvement outside those costs directly and solely related to the construction of the Trails.
- (c) Trails must be in conformance with NRS 278.4983.
- (d) At such time the County approves the Trails Plan and the itemized estimate of the construction costs for the Trails, Owner agrees to provide financial security for 100% of the approved estimated construction cost, plus ten percent (10%) for contingencies, pursuant to Chapter 19.05. The form of financial security is subject to approval by County. After said financial security is received by the County, Owner shall thereafter be entitled the Residential Construction Tax Credits (“tax credit”). The amount of the tax credit shall be 75% of the estimated construction cost. Once the Trails on the Trails Plan are constructed and prior to final inspection by the County, Owner agrees to:
 - 1. Provide to the County copies of all construction invoices, bills, and payment checks. County agrees the final tax credit will be adjusted to reflect the actual cost of the Trail.
 - 2. Make all Trails available for use by the general public in accordance with Section 4.01(d).
- (e) Tax credits shall not be available for any residential unit for which a building permit has been issued.

At such time the tax credit balance becomes insufficient to cover the cost of any calculated Residential Construction Tax for any residential unit within the Project, Owner or Designated Builder shall pay to County a residential construction tax at the rate calculated for each dwelling unit in Code Section 19.05.030 prior to the issuance a building permit for each residential unit.

4.03 Southwest Public Facilities Needs Assessment Area. In addition to Sections 4.01 and 4.02 above, Owner or Designated Builder of the Project shall pay the fees set forth in the Public Facilities Chart below, except as modified by this Section, prior to the issuance of any building permit for a single family dwelling, multiple family dwelling, retail, or office use. In addition:

- (a) The fees set forth in the Public Facilities Chart below may be increased or decreased from time to time during the term of this Agreement if the modified fees are uniformly applied to all development and construction within the Public Facilities Needs Assessment area. The County and Owner agree that any fee modifications shall be applied only for building permits not yet issued. Owner, Designated Builder, and the County will not be entitled to any payment or reimbursements for fees paid for building permits issued prior to any such fee modification.
- (b) County and Owner agree in exchange for the construction and maintenance of the Trials specified in Section 4.01 above, any fee modifications applied to the Project will not include fees for infrastructure related to Parks.

<i>PUBLIC FACILITIES CHART</i> Southwest Las Vegas Valley			
Type of Development	Infrastructure Category		Total Contribution Per Unit
	Parks	Public Safety	
Single Family Dwelling Unit (per dwelling unit)	\$0.00	\$400.81	\$400.81
Multi Family Dwelling Unit (per dwelling unit)	\$0.00	\$383.24	\$383.24

SECTION 5 REVIEW AND DEFAULT

5.01 Frequency of Reviews. As required by NRS § 278.0205 and the Development Agreement Ordinance, at least once every twenty-four (24) month period during the Term, the Owner shall provide and the County shall review in good faith, a report submitted by Owner documenting the extent of Owner's and the County's material compliance with the terms of this Agreement during the preceding twenty-four (24) months. If at the time of review an issue not previously identified in writing is required to be addressed, the review, at the request of either Party, shall be continued to afford sufficient time for response. The County and Owner shall be permitted an opportunity to be heard before the County Commission regarding their performance under this Agreement in the manner set forth in this Agreement.

5.02 Procedures in the Event of Noncompliance. In the event of any noncompliance with any provision of this Agreement, the Party alleging such noncompliance shall deliver to the other in writing a courtesy notice stating the reason for noncompliance and any action necessary to correct the noncompliance. Courtesy notices shall be delivered by registered mail to the address provided

in Section 7.07 of this Agreement. If after thirty (30) days of the date the courtesy notice is sent the noncompliance is not corrected to the satisfaction of the complaining Party, the Party alleging noncompliance shall deliver in writing a notice of default by registered mail to the address provided in Section 7.07 of this Agreement. The timing of the notice of default shall be measured from the date of the registered mailing of such notice. The notice of default shall include the Section of this Agreement alleged to be violated, the nature of the alleged default and, where appropriate, the manner and period of time in which it may be satisfactorily corrected. During the period of time the notice of default letter is pending, the Party alleged to be in default shall not be considered in default for the purposes of termination or institution of legal proceedings. If the default is corrected, then no default shall exist and the noticing Party shall take no further action. If the default is not corrected after thirty (30) days or such greater time specified in any notice of default, the following procedures shall apply:

(a) **County Procedures.**

1. **Hearing Scheduled.** If the default is not corrected within the time specified above, the matter shall be scheduled and noticed as required by law for consideration and review by the County Commission on the next available County Commission zoning agenda. The letter shall notify the Owner of the action taken and shall give the Owner at least seven (7) business days' notice to correct the default before the matter is scheduled for a hearing. The County shall notify the Owner of the hearing by sending notice of the hearing date at least seven (7) business days before the hearing date by registered mail. The letter notifying the Owner of the hearing shall contain the intended hearing date.
2. **Review by County Commission.** Following consideration of the evidence present before the County Commission and a finding that a default has occurred by the Owner and the default remains uncorrected, the County Commission may authorize the suspension of any or all permits and inspections within the Project or may amend or terminate this agreement. Termination shall not in any manner rescind, modify, or terminate any Occupancy Permit issued on or before the date of the termination. The Owner shall have twenty-five (25) days after the date notice of the County Commission's decision is filed with the County Clerk, Commission Division, to institute legal action pursuant to Sections 5.04 hereof to determine whether the County Commission abused its discretion in determining whether a default existed and remained uncorrected.

(b) **Owner Procedures.**

1. **Request for Review by County Commission.** After proper notice and the expiration of the above-referenced periods for correcting the alleged default, the Owner may issue a letter requesting a hearing before the County Commission for review of the alleged default. Upon receipt of the letter, County shall schedule an item to consider the alleged default on the next available County Commission zoning agenda.
2. **Decision by County Commission.** Following consideration of the evidence presented before the County Commission and a finding that a default has occurred by the County and remains uncorrected, the County Commission shall direct County staff to correct the default. Owner shall have twenty-five (25) days after

the date that a notice of the County Commission's decision is filed with the County Clerk's Commission Division to institute legal action pursuant to Section 5.04 hereof to determine whether the County Commission abused its discretion in determining whether a default existed and remained uncorrected.

- (c) **Waiver.** Failure or delay in giving any notice provided for herein shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any Party in asserting any of its rights or remedies in respect to any default shall not operate as a waiver of any default or of any such rights or remedies, or deprive such Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any of its rights or remedies.
- (d) **Notices.** All notices provided for herein shall be sent to the addresses provided in Section 7.07 of this Agreement.

5.03 Unavoidable Delay or Default, Extension of Time for Performance. Neither Party hereunder shall be deemed to be in default, and performance shall be excused, where delays or defaults are caused by any Force Majeure event, restrictions imposed or mandated by governmental entities, failure of governmental agencies (other than the County) to perform acts or deeds necessary for the performance of this Agreement, enactment of conflicting state or federal laws or regulations, new or supplementary environmental regulations, litigation, or similar matters beyond the control of the Parties. If written notice of any such delay is given to the County within thirty (30) days after the commencement thereof, an automatic extension of time, unless otherwise objected to by the County within ten (10) days of such written notice, shall be granted coextensive with the period of the enforced delay, or longer as may be required by circumstances or as may be subsequently agreed to between the County and the Owner.

5.04 Institution of Legal Action. The County and Owner agree the County would have not entered into this Agreement if it were liable for, or could be liable for damages under or with respect to this Agreement. Accordingly, Owner may pursue any remedy at law or equity available for breach, except that the County shall not be liable to Owner or to any other person or entity for any monetary damages whatsoever. Any judicial review of the County Commission's decision or any legal action taken pursuant to this Agreement will be heard by a Court under the standard of review appropriate for the review of zoning actions. Judicial review of the decision of the County Commission shall be limited to the evidence presented to the County Commission at the public hearing described in this Section. If a Party desires to present new or additional evidence to the Court, it may petition the Court to remand the matter to the County Commission to consider the additional or new evidence. Jurisdiction for judicial review or any judicial action under this Agreement shall rest exclusively with the Eighth Judicial District Court, State of Nevada.

5.05 Applicable Laws. This Agreement shall be construed and enforced in accordance with the law of the State of Nevada.

SECTION 6 CONFLICTING LAWS

6.01 Conflicting State or Federal Laws. In the event that any conflicting state or federal laws or regulations enacted after the Effective Date prevent or preclude compliance with one or more provisions of this Agreement or require changes in plans, maps or permits approved by the County,

this Agreement shall remain in full force and effect as to those provisions not affected and the conflicting laws or regulations shall not be applied retroactively.

(a) **Notice and Copies.** Either Party, upon learning of any such matter, will provide the other Party with written notice thereof and provide a copy of any such law or regulation or an account of any such action or inaction together with a statement of how any such matter conflicts with the provisions of this Agreement.

(b) **Modification Conferences.** The Parties shall, within thirty (30) days of the notice referred to in the preceding subsection, meet and confer in good faith and attempt to modify this Agreement to bring it into compliance with any such federal or state law or regulation, or accommodate any such action or inaction.

6.02 County Commission Hearings. In the event the County believes that an amendment to this Agreement is necessary pursuant to this Section 6 due to the effect or enactment of any federal or state law or regulation, the proposed amendment shall be scheduled for hearing before the County Commission. The County Commission shall determine the exact nature of the amendment or suspension necessitated by such federal or state law or regulation or action or inaction. The Owner shall have the right to offer oral and written testimony at the hearing. Any suspension or modification ordered by the County Commission pursuant to such hearing is subject to judicial review as set forth in Section 5.04. The Parties agree that any matter submitted for judicial review shall be subject to expedited review in accordance with Local Rule 2.15 of the Eighth Judicial District Court of the State of Nevada.

SECTION 7 GENERAL PROVISIONS

7.01 Enforcement and Binding Effect. This Agreement is enforceable by either Party in accordance with its terms notwithstanding any change in any of the Applicable Rules. Nothing in this Agreement shall prevent the County from increasing "cost based fees" which are deemed to be administrative fees for issuance of Land Use Approvals, building permits, plan checks, or inspections which are based upon actual costs to the County and which are uniformly applied to all development and construction subject to the County's jurisdiction.

7.02 Duration of Agreement. The Term of this Agreement shall commence upon the Effective Date and shall expire ten (10) years from the Effective Date or the last certificate of occupancy issued for the Project, whichever comes first. Notwithstanding the termination of this Agreement, the indemnity and defend and hold harmless provision set forth in Section 7.05 shall survive the term of this Agreement.

7.03 Assignment.

(a) **Transfer Not to Relieve the Owner of its Obligations.** Except as expressly provided herein, a sale or transfer of all or any portion of the Subject Property shall not relieve the Owner of its obligations under this Agreement.

(b) **Transfer to an Affiliate of the Owner.** In the event of a sale or transfer of all of the Owner's interest in the Subject Property to any one or more limited liability companies, partnerships, corporations or other entities which the Owner controls or in which the Owner

has a controlling interest or which controls the Owner, the rights of the Owner under this Agreement may be transferred or assigned, provided such entity assumes in writing all obligations of the Owner hereunder. The Owner or its affiliate shall provide copies of all sale, transfer, conveyance, and assignment documents to the County as part of its notice of such assignment. Such assignment shall relieve the Owner from its obligations under this Agreement.

- (c) **Third Party Assignment.** In the event of a sale or transfer of all of the Owner's interest in the Subject Property to any entity not affiliated with the Owner as provided in subparagraph (b) above, the rights and obligations of the Owner under this Agreement may be transferred or assigned to such third Party, provided such third Party assumes in writing all obligations of the Owner. The Owner or such third Party shall provide copies of all sale, transfer, conveyance, and assignment documents to the County as part of its notice of such assignment. The County's consent, which shall not be unreasonably withheld or delayed, to such assignment shall relieve the Owner from its obligations under this Agreement.
- (d) **Notice of Sale.** In the event of a sale, transfer or conveyance of all or any portion of the Owner's interest in the Subject Property, the Owner shall provide the County with written notice of such sale, transfer or conveyance. Notwithstanding the foregoing, no assignee or transferee shall be entitled to the benefits of this Agreement, including but not limited to the issuance of a building permit or Occupancy Certificate, if the obligations agreed to herein by the Owner have not been completed within the time periods and in the manner set forth herein.
- (e) **Financing Transactions.** The Owner has full discretion and authority to transfer, assign or encumber the Subject Property or portions thereof in connection with financing transactions, without limitation on the size or nature of any such transaction, the amount of land or other real property involved or the use of the proceeds therefrom, and may enter into such transaction at any time and from time to time without permission of or notice to the County.

7.04 Amendment or Cancellation of Agreement. Except as otherwise permitted by NRS §278.0205 and Section 5 of this Agreement, this Agreement may be amended from time to time or canceled only upon the mutual written agreement of the Parties hereto; *provided, however*, that to the extent this Agreement expires pursuant to Section 7.02 above, terminates, or the Owner abandons or materially redesigns the Project, and a new or amended development agreement is required for a new or redesigned project, the Owner shall be entitled to a credit, equal in gross amount to the amount of such payments already paid, against the amount the Owner is required to pay to mitigate the impact of its development under the new or amended development agreement.

- (a) Parties agree Owner is not entitled to a credit, equal in gross amount to the amount of any payments already paid pursuant to ORD-19-900607 and ORD-18-900453, against the amount the Owner is required to pay to mitigate the impact of its development under this Agreement.

7.05 Indemnification. Except as expressly provided in this Agreement, the Owner (which, for the avoidance of doubt, includes the respective successors and assigns of Owner, including any homeowners association that owns the Subject Property or any portion thereof) shall indemnify, defend and hold harmless the County, its officers, agents, employees, and representatives from any

claim, action, liability, loss, damage, cost, suit, judgment or expense, including fees and expenses for attorneys, investigators, and expert witnesses incurred by the County, arising from this Agreement, including but not limited to the following:

- (a) the development, construction, operation, or maintenance of the Project and Trails;
- (b) any personal injury, death or property damage;
- (c) any damages arising from any alleged inverse condemnation, construction delays or claims, interruptions or loss of business, or fines;
- (d) a challenge to the validity, legality, enforceability, performance or nonperformance of the terms of this Agreement;
- (e) any act, conduct or omission of the Owner, its successors, assigns, officers, employees, agents and volunteers, contractors and subcontractors; or
- (f) any action, approval, denial or decision of the County relating to this Agreement or the Project.

The Owner shall indemnify, defend and hold harmless the County, as set forth in this Section 7.05, even if the allegations, claims or causes of action are groundless, false or fraudulent. This Section 7.05 survives termination and/or completion of this Agreement.

Whether or not the Owner accepts the County's tender of defense under this Section 7.05, the County may elect at any time to hire its own attorneys to defend the County, its officers, agents, employees and representatives against any of the above claims. If the County exercises this election and thereafter pays any reasonable amount to compromise or settle a claim, the Owner remains subject to all indemnification obligations as set forth above in this Section 7.05 including, but not limited to, paying all fees and expenses for attorneys, investigators, and expert witnesses incurred by the County. Additionally, if the County or its officer, agent, employee, or representative is legally liable to the Party with whom any settlement is made and the amount paid is reasonable, the Owner is liable for reimbursement of the County for any amounts paid in discharge of the claim. The Owner agrees to pay, within thirty (30) days of receipt of billing(s) from the County and copies of invoices, statements or other evidence of the actual costs incurred by the County, all fees and expenses incurred by the County in defense of such claims in addition to those items listed above.

Notwithstanding the foregoing, Owner shall not be liable for, and shall not indemnify the County, its officers, agents, employees, and representatives from, any claim, action, liability, loss, damage, cost, suit, judgment or expense, including fees and expenses for attorneys, investigators, and expert witnesses incurred by the County, caused by the negligent or malicious acts of the County, its officers, agents, employees or representatives.

7.06 Binding Effect of Agreement. Subject to Section 7.03 hereof, the burdens of this Agreement bind, and the benefits of this Agreement inure to, the Parties' respective successors in interest and the Owner of the Subject Property.

7.07 Notices. All notices, demands and correspondence required or provided for under this Agreement shall be in writing and delivered in person or sent by overnight courier or mailed by certified mail postage prepaid, return receipt requested. Notices shall be addressed as follows:

To County: COUNTY OF CLARK
Department of Comprehensive Planning
Clark County Government Center
500 South Grand Central Parkway, 1st Floor
P.O. Box 551741
Las Vegas, NV 89155-1741
Attn: Director

With a copy to: COUNTY OF CLARK
OFFICE OF THE DISTRICT ATTORNEY-CIVIL DIVISION
Clark County Government Center
500 South Grand Central Parkway, 5th Floor
P.O. Box 552215
Las Vegas, Nevada 89155-2215

To the Owner: PN II, INC.
GAMEDAY, LLC
MOUNTAIN WEST ASSOCIATES, L.L.C.
c/o Pulte Group
7255 S. Tenaya Way, Suite #200
Las Vegas, Nevada 89113
Attn: Kendra Saffle, Manager of Planning & Entitlements

With copies to: Kaempfer Crowell
1980 Festival Plaza Drive, Suite 650
Las Vegas, NV 89135-2958
Attn: Tony Celeste

Either Party may change its address by giving notice in writing to the other, and thereafter notices, demands and other correspondence shall be addressed and transmitted to the new address. Notices given in the manner described shall be deemed delivered and received on the day of personal delivery or the delivery date by overnight courier or mail is first attempted.

- 7.08 Entire Agreement.** This Agreement and any specific references to other agreements mentioned herein and all conditions imposed in the Land Use Approvals constitute the entire understanding and agreement of the Parties with respect to the subject matter hereof.
- 7.09 Waivers.** All waivers of the provisions of this Agreement must be in writing and signed by the appropriate officers of the County or the Owner, as the case may be. Failure or delay in giving any notice provided for herein shall not constitute a waiver of any default. Except as otherwise expressly provided in this Agreement, any failure or delay by any Party in asserting any of its rights or remedies in respect to any default shall not operate as a waiver of any default or of any such rights or remedies, or deprive such Party of its right to institute and maintain any actions or proceedings which it may deem necessary to protect, assert, or enforce any of its rights or remedies.
- 7.10 Recording Agreements.** Promptly after the Effective Date, an executed original of this Agreement shall be recorded with the Clark County Recorder. All amendments hereto must be in writing and signed by the appropriate officers of the County and the Owner in a form suitable for recordation with the Clark County Recorder. Upon the completion of performance of this Agreement or its

earlier cancellation or termination, a statement evidencing such cancellation or termination signed by appropriate officers of the County and the Owner shall be recorded with the Clark County Recorder.

- 7.11 **Release.** Each unit within the Subject Property shall be automatically released from the encumbrance of this Agreement without the necessity of executing or recording any instrument of release upon the issuance of an Occupancy Permit for the building in which the unit is located.
- 7.12 **Headings, Exhibits, Cross References.** The headings and captions used in this Agreement are for convenience and ease of reference only and shall not be used to construe, interpret, expand or limit the terms of this Agreement. All exhibits attached to this Agreement and the recitals at the front of this Agreement are incorporated herein by the references thereto contained herein. Any term used in an exhibit hereto shall have the same meaning as in this Agreement unless otherwise defined in such exhibit. All references in this Agreement to Sections and exhibits shall be to Sections and exhibits of or to this Agreement, unless otherwise specified. Unless otherwise expressly set forth herein, all references to "days" in this Agreement shall mean calendar days.
- 7.13 **Severability of Terms.** If any term or other provision of this Agreement is held to be invalid, illegal or incapable of being enforced by any rule of law or public policy, all other conditions and provisions of this Agreement shall nevertheless remain in full force and effect, provided that the invalidity, illegality or unenforceability of such term does not materially impair the Parties' ability to consummate the transactions contemplated hereby. If any term or other provision is invalid, illegal or incapable of being enforced, the Parties hereto shall, if possible, amend this Agreement so as to carry into effect the original intention of the Parties.
- 7.14 **Voluntary Agreement.** The Owner acknowledges and agrees that it voluntarily, willingly and without protest and duress freely enters into this Agreement and accepts the terms and conditions herein.
- 7.15 **Joint and Several.** If there are more than one Owner, they agree that they shall be jointly and severally liable to the County. If one Owner determines that it is not responsible for the alleged actions or inactions, then it must seek contribution and/or remedy against the other Owner and may not seek contribution or any other remedy from the County.
- 7.16 **Third-Party Beneficiary.** No person or entity other than those expressly named herein shall have any rights, interest or claims hereunder or be entitled to any benefits under or on account of this Agreement as a third-Party beneficiary or otherwise.

IN WITNESS WHEREOF, this Agreement has been executed by the Parties on the day and year first above written to be effective on the Effective Date of the ordinance approving this Agreement.

[signatures appear on following page]

THE COUNTY:

**BOARD OF COUNTY COMMISSIONERS,
COUNTY OF CLARK, STATE OF NEVADA**

ATTEST:

Marilyn Kirkpatrick, Chair
Chairman

Lynn Marie Goya
County Clerk

My Commission expires: _____

(Signature(s) continued on next page)

THE OWNER:

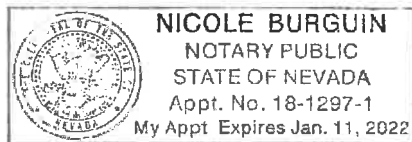
PN II, INC., a Nevada corporation

By: 
Name: Brenin Anderson
Title: Director of Land

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

This instrument was acknowledged before me on the 18th day of May, 2021, by Brenin Anderson, the Director of Land of PN II, Inc., a Nevada corporation.


NOTARY PUBLIC NICOLE BURGUIN



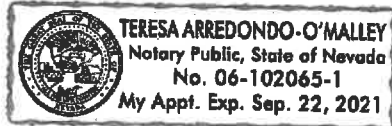
GAMEDAY, LLC,
a Nevada limited liability company

By: Investment Manager, Inc., its Manager

By: Robert M. Evans
Name: Robert M. Evans
Title: Secretary

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

This instrument was acknowledged before me on the 26th day of May, 2021,
by Robert M. Evans, the Secretary of Investment Manager, Inc., a Nevada corporation, the Manager
of Gameday, LLC, a Nevada limited liability company.



Teresa Arredondo-O'Malley
NOTARY PUBLIC

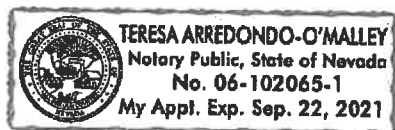
MOUNTAIN WEST ASSOCIATES, L.L.C.,
a Nevada limited liability company

By: Investment Manager, Inc., its Manager

By: Robert M. Evans
Name: Robert M. Evans
Title: Secretary

STATE OF NEVADA)
) ss:
COUNTY OF CLARK)

This instrument was acknowledged before me on the 20th day of May, 2021,
by Robert M. Evans, the Secretary of Investment Manager, Inc., a Nevada corporation, the Manager
of Mountain West Associates, L.L.C., a Nevada limited liability company.



Teresa Arredondo-O'Malley
NOTARY PUBLIC

LIST OF ATTACHED EXHIBITS

- A SUBJECT PROPERTY**
- B APPLICABLE CHAPTERS OF TITLE 30**
- C AGENDA SHEET AND NOTICE OF FINAL ACTION**
- D TRAILS**

EXHIBIT "A"

SUBJECT PROPERTY

WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

HIGHLANDS RANCH UNIT 4

A PORTION OF THE NORTH HALF (N1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOTS 1 THROUGH 91, INCLUSIVE, AND COMMON LOTS A, B AND C OF THAT CERTAIN FINAL MAP ENTITLED "HIGHLANDS RANCH UNIT 4" ON FILE IN BOOK 163, PAGE 60 OF PLATS, OFFICIAL RECORDS, CLARK COUNTY, NEVADA.

CONTAINING 14.13 ACRES, MORE OR LESS.

AFFECTING APN'S: 176-25-710-001, 002, 003, 004, 005, 006, 007, 008, 009, 010, 011, 012, 013, 014, 015, 016, 017, 018, 019, 020, 021, 022, 023, 024, 025, 026, 027, 028, 029, 030, 031, 032, 033, 034, 035, 036, 037, 038, 039, 040, 041, 042, 043, 044, 045, 046, 047, 048, 049, 050, 051, 052, 053, 054, 055, 056, 057, 058, 059, 060, 061, 062, 063, 064, 065, 066, 067, 068, 069, 070, 071, 072, 073, 074, 075, 076, 077, 078, 079, 080, 081, 082, 083, 084, 085, 086, 087, 088, 089, 090, 091, 092, 093 AND 094

TEX J. BROOKS, PLS
NEVADA LICENSE NO. 13747



WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

HIGHLANDS RANCH UNIT 7

A PORTION OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 25;

THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 89°49'55" WEST, 879.26 FEET;

THENCE LEAVING SAID SOUTH LINE, NORTH 00°10'05" WEST, 30.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 43°55'48" EAST, 307.04 FEET;

THENCE NORTH 00°45'40" WEST, 33.73 FEET;

THENCE NORTH 44°09'42" EAST, 540.67 FEET;

THENCE NORTH 89°42'45" EAST, 30.13 FEET;

THENCE NORTH 43°56'13" EAST, 307.93 FEET;

THENCE SOUTH 00°43'36" EAST, 836.91 FEET;

THENCE SOUTH 89°16'24" WEST, 5.00 FEET;

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS NORTH 89°16'24" EAST, CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 25.00 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90°33'31", AN ARC LENGTH OF 39.51 FEET;

THENCE SOUTH 89°49'55" WEST, 813.72 FEET TO THE POINT OF BEGINNING.

CONTAINING 8.64 ACRES, MORE OR LESS.

AFFECTING APN'S: 176-25-301-012, 013, 014, 020, 026 AND 176-25-310-181

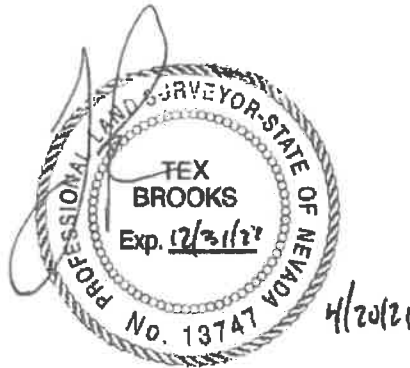
HIGHLANDS RANCH UNIT 7 IS ALSO DESCRIBED AS PARCEL 3 OF MSM-20-600088

HIGHLANDS RANCH UNIT 7

BASIS OF BEARINGS

SOUTH 00°43'36" EAST, BEING THE BEARING OF THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 153, PAGE 53 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA.

TEX J. BROOKS, PLS
NEVADA LICENSE NO. 13747



WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

HIGHLANDS RANCH UNIT 26

A PORTION OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTH HALF (N1/2) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

EXCEPTING THEREFROM THOSE PORTIONS OF "EDMOND STREET" AND "FRIAS AVENUE" AS DEDICATED TO CLARK COUNTY BY THAT CERTAIN GRANT, BARGAIN, SALE AND DEDICATION DEED, RECORDED APRIL 23, 2007 IN BOOK 20070423, AS INSTRUMENT NO. 04257, OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

FURTHER EXCEPTING THEREFROM THAT PORTION OF "EDMOND STREET" A PUBLIC STREET DEDICATED TO CLARK COUNTY BY THAT CERTAIN DEDICATION IN FEE, RECORDED JANUARY 24, 2020 IN BOOK 20200124, AS INSTRUMENT NO. 02372, OFFICIAL RECORDS, CLARK COUNTY, NEVADA.

CONTAINING 38.80 ACRES, MORE OR LESS.

HIGHLANDS RANCH UNIT 26

AFFECTING APN'S: 176-25-701-006, 010, 011, 012, 018, 019 AND 022

**TEX J. BROOKS, PLS
NEVADA LICENSE NO. 13747**



WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

HIGHLANDS RANCH UNIT 27

A PORTION OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 25;

THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 89°57'40" EAST, 663.42 FEET;

THENCE LEAVING SAID SOUTH LINE, NORTH 00°42'39" WEST, 45.00 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°57'40" WEST, 208.15 FEET;

THENCE NORTH 44°11'11" EAST, 1,330.01 FEET;

THENCE NORTH 42°01'57" EAST, 6.49 FEET;

THENCE NORTH 89°52'24" EAST, 16.51 FEET;

THENCE NORTH 43°55'48" EAST, 424.33 FEET;

THENCE NORTH 89°49'55" EAST, 274.71 FEET;

THENCE SOUTH 00°46'05" EAST, 305.17 FEET;

THENCE SOUTH 89°52'24" WEST, 331.43 FEET;

THENCE SOUTH 00°46'53" EAST, 959.78 FEET;

THENCE SOUTH 89°59'53" WEST, 331.22 FEET;

THENCE NORTH 89°57'40" WEST, 663.35 FEET TO THE POINT OF BEGINNING.

CONTAINING 19.05 ACRES, MORE OR LESS.

AFFECTING APN'S: 176-25-401-006, 011, 015, 016, 017, 018, 022, 030 AND 176-25-499-001

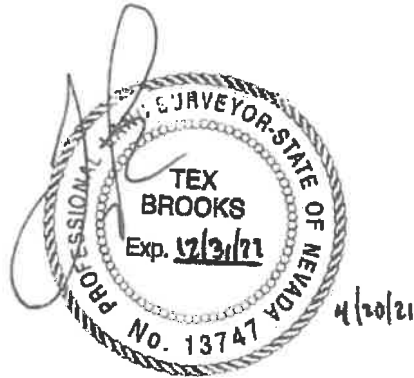
HIGHLANDS RANCH UNIT 27 IS ALSO DESCRIBED AS PARCEL 3 OF MSM-20-600089

HIGHLANDS RANCH UNIT 27

BASIS OF BEARINGS

SOUTH 00°43'36" EAST, BEING THE BEARING OF THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 153, PAGE 53 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA.

TEX J. BROOKS, PLS
NEVADA LICENSE NO. 13747



WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

HIGHLANDS RANCH UNIT 28

A PORTION OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 25;

THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 89°57'40" EAST, 331.71 FEET;

THENCE LEAVING SAID SOUTH LINE NORTH 00°40'08" WEST, 176.29 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING NORTH 00°40'08" WEST, 490.95 FEET;

THENCE SOUTH 89°55'01" WEST, 286.21 FEET;

THENCE NORTH 00°37'37" WEST, 611.40 FEET;

THENCE NORTH 89°22'23" EAST, 5.00 FEET;

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS SOUTH 89°22'23" WEST, CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 25.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°25'17", AN ARC LENGTH OF 39.45 FEET;

THENCE NORTH 89°47'40" EAST, 1,247.77 FEET;

THENCE NORTH 89°49'55" EAST, 109.80 FEET;

THENCE SOUTH 43°55'46" WEST, 424.13 FEET;

THENCE NORTH 89°51'21" EAST, 7.53 FEET;

THENCE SOUTH 44°08'25" WEST, 1,151.78 FEET TO THE POINT OF BEGINNING.

CONTAINING 18.51 ACRES, MORE OR LESS.

AFFECTING APN'S: 176-25-401-001, 003, 004, 005, 010, 015, 022, 028, 029, 030 AND 176-25-499-008

HIGHLANDS RANCH UNIT 28 IS ALSO DESCRIBED AS PARCEL 1 OF MSM-20-600089

Page 1 of 2

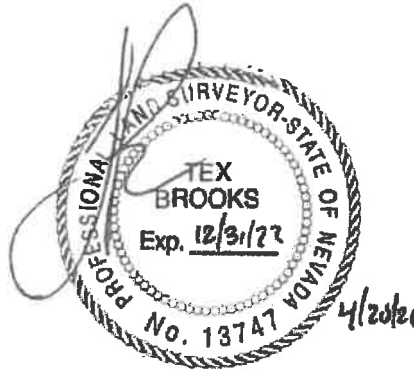
P:\PUL\21089\LEGALS\TRAIL SYSTEM DAI\HR 28.docx
5740 S. Arville Street, Suite 206, Las Vegas, Nevada 89118, Ph: 702.212.3967 Fx: 702.212.3963

HIGHLANDS RANCH UNIT 28

BASIS OF BEARINGS

SOUTH 00°43'36" EAST, BEING THE BEARING OF THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 153, PAGE 53 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA.

TEX J. BROOKS, PLS
NEVADA LICENSE NO. 13747



WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

HIGHLANDS RANCH UNIT 29

A PORTION OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTH HALF (N1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 25;

THENCE ALONG THE SOUTH LINE THEREOF, NORTH 89°47'40" EAST, 50.00 FEET;

THENCE NORTH 00°37'37" WEST, 54.82 FEET TO THE POINT OF BEGINNING;

THENCE SOUTH 89°22'23" WEST, 5.00 FEET;

THENCE NORTH 00°37'37" WEST, 33.50 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 25.00 FEET, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 10°12'28", AN ARC LENGTH OF 4.45 FEET;

THENCE NORTH 09°34'51" EAST, 51.96 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 25.00 FEET, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 10°12'28", AN ARC LENGTH OF 4.45 FEET;

THENCE NORTH 00°37'37" WEST, 80.00 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 25.00 FEET, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 17°06'52", AN ARC LENGTH OF 7.47 FEET;

THENCE NORTH 17°44'29" WEST, 26.46 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 25.00 FEET, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 17°06'52", AN ARC LENGTH OF 7.47 FEET;

THENCE NORTH 00°37'37" WEST, 343.16 FEET;

THENCE NORTH 89°22'23" EAST, 5.00 FEET;

HIGHLANDS RANCH UNIT 29

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS SOUTH 89°22'23" WEST, CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 25.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 90°19'18", AN ARC LENGTH OF 39.41 FEET;

THENCE NORTH 89°41'41" EAST, 1245.83 FEET;

THENCE NORTH 89°42'45" EAST, 584.26 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 15.71 FEET;

THENCE NORTH 00°17'15" WEST, 20.00 FEET;

THENCE NORTH 89°42'45" EAST, 216.45 FEET;

THENCE SOUTH 44°08'37" WEST, 209.04 FEET;

THENCE NORTH 00°45'40" WEST, 13.95 FEET;

THENCE SOUTH 43°55'46" WEST, 703.00 FEET;

THENCE SOUTH 89°49'55" WEST, 168.59 FEET;

THENCE SOUTH 89°47'40" WEST, 1,247.96 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 25.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 89°34'43", AN ARC LENGTH OF 39.09 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 89°22'23" WEST AND THE POINT OF BEGINNING.

CONTAINING 24.49 ACRES, MORE OR LESS.

AFFECTING APN'S: 176-25-301-010, 011, 012, 025 AND 026

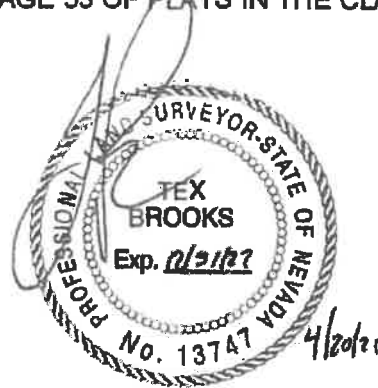
HIGHLANDS RANCH UNIT 29 IS ALSO DESCRIBED AS PARCEL 1 OF MSM-20-600088

HIGHLANDS RANCH UNIT 29

BASIS OF BEARINGS

SOUTH 00°43'36" EAST, BEING THE BEARING OF THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 153, PAGE 53 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA.

TEX J. BROOKS, PLS
NEVADA LICENSE NO. 13747



WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

HIGHLANDS RANCH UNIT 30

A PORTION OF THE SOUTH HALF (S1/2) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE EAST HALF (E1/2) OF THE SOUTHEAST QUARTER (SE1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE NORTH HALF (N1/2) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

TOGETHER WITH THE SOUTHEAST QUARTER (SE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SAID SECTION 25;

EXCEPTING THEREFROM THOSE PORTIONS OF "LINDELL ROAD", "FRIAS AVENUE" AND "EDMOND STREET" PUBLIC STREETS DEDICATED TO CLARK COUNTY BY THAT CERTAIN DEDICATION IN FEE, RECORDED JANUARY 24, 2020 IN BOOK 20200124, AS INSTRUMENT NO. 02372, OFFICIAL RECORDS, CLARK COUNTY, NEVADA.

CONTAINING 18.17 ACRES, MORE OR LESS.

HIGHLANDS RANCH UNIT 30

AFFECTING APN'S: 176-25-701-004, 007, 008, 009, 020 AND 021

TEX J. BROOKS, PLS
NEVADA LICENSE NO. 13747

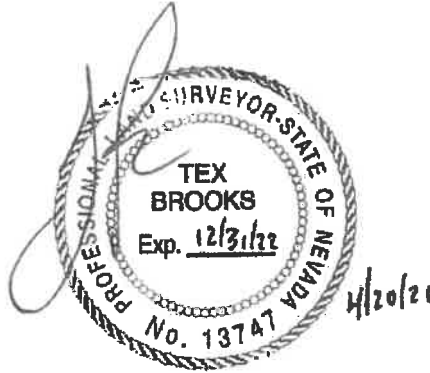


EXHIBIT “B”

APPLICABLE CHAPTERS OF TITLE 30

30.08 DEFINITIONS

30.24 PLANNED UNIT DEVELOPMENT

30.36 ZONING DISTRICTS AND MAPS

30.40 ZONING BASE DISTRICTS

30.44 USES

30.48 ZONING OVERLAY DISTRICTS

30.56 SITE DEVELOPMENT STANDARDS

30.60 PARKING AND LOADING REGULATIONS

30.64 SITE LANDSCAPING AND SCREENING STANDARDS

30.66 LANDSCAPE MAINTENANCE

30.72 SIGNS

30.76 NONCONFORMITIES

* Refer to definition 1.01(d) of the Agreement for exceptions to the locked in Chapters of Title 30.

EXHIBIT "C"

AGENDA SHEET AND NOTICE OF FINAL ACTION

HIGHLANDS RANCH 27

ZC-19-0788



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

NOTICE OF FINAL ACTION

December 12, 2019

CHELSEA JENSEN
WESTWOOD PROFESSIONAL SERVICE
5740 S. ARVILLE STREET, SUITE 216
LAS VEGAS, NV 89118

REFERENCE: ZC-19-0788

On the date indicated above, a Notice of Final Action was filed with the Clark County Clerk, Commission Division, pursuant to NRS 278.0235 and NRS 278.3195, which starts the commencement of the twenty-five (25) day limitation period specified therein.

The above referenced application was presented before the Clark County Board of County Commissioners at their regular meeting of December 04, 2019 and was **APPROVED** subject to the conditions listed below. You will be required to comply with all conditions prior to the issuance of a building permit or a business license, whichever occurs first.

Time limits to commence, complete or review this approval, apply only to this specific application. A property may have several approved applications on it with each having its own expiration date. It is the applicant's responsibility to keep the application current.

CONDITIONS:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Builder to provide a minimum of three, 2 story options within the development;
- Enter into a development agreement prior to any permits or subdivision mapping to mitigate impacts of project including, but not limited to, issues identified by the technical studies and issues identified by the Board of County Commissioners.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 45 feet to the back of curb for Cactus Avenue and 60 feet for Frias Avenue;
- Applicant shall apply for a vacation of the Frias Avenue cul-de-sac bulb at the same time land use applications for that portion of the project are submitted;

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair LAWRENCE WEEKLY, Vice Chair
LARRY BROWN JAMES B. GIBSON JUSTIN C. JONES MICHAEL NAFT TUCK SEGERBLOM
YOLANDA T. KING, County Manager



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

- Applicant shall be responsible for reconstruction of all of the off-site improvements at the Frias Avenue cul-de-sac bulb when the portion of Frias Avenue east of the bulb is connected to the portion west of the bulb.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, or a vacation to the back of curb, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0577-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN JAMES B. GIBSON JUSTIN C. JONES MICHAEL NAFT TUCK SEGERBLOM
YOLANDA T. KING, County Manager

12/04/19 BCC AGENDA SHEET

SINGLE FAMILY DEVELOPMENT
(TITLE 30)

UPDATE
CACTUS AVE/JONES BLVD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ZC-19-0788-CFTLANDS, LLC:

HOLDOVER ZONE CHANGE to reclassify a 5.2 acre portion of the development from R-E (Rural Estates Residential) Zone to R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: **1)** increase building height; **2)** increase wall height; and **3)** reduce street intersection off-set.

DESIGN REVIEW for a single family residential development on a 28.1 acre portion of a 50.2 acre site.

Generally located on the north side of Cactus Avenue, 330 feet east of Jones Boulevard within Enterprise (description on file). JJ/rk/jd (For possible action)

RELATED INFORMATION:

APN:

176-25-301-022; 176-25-401-005; 176-25-401-006; 176-25-401-010; 176-25-401-011; 176-25-401-015 through 176-25-401-018; 176-25-401-022

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase principal structure height to 38 feet where a maximum of 35 feet is permitted per Table 30.40-2 (an 8.6% increase).
2. Increase wall height to a maximum of 6 feet 8 inches where a maximum of 6 feet is permitted per Section 30.64.020 (an 11% increase).
3. Reduce street intersection off-set to 101 feet where a minimum of 125 feet is required per Section 30.52.052 (a 2% reduction).

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 5.2 (zone change acreage)/28.1 (developed acreage)/50.2 (overall acreage)
- Number of Lots: 174 residential lots/7 common lots
- Density (du/ac): 6.2 (developed acreage)
- Minimum/Maximum Lot Size: 3,300/10,529
- Project Type: Single family residential development

- Number of Stories: 2 and 3
- Building Height (feet): Up to 38
- Square Feet: 1,839/2,995

Site Plan

The plan depicts a single family residential development consisting of 174 residential lots and 7 common area lots on a total of 50.2 acres. The site is a mix of R-E, R-2, and RUD zoned parcels. The scope of this request is to develop a 28.1 acre portion of the site for a density of 6.2 dwelling units per acre. Three of the properties associated with this development consist of remnant portions of the parcel (Lot A) that are not being reclassified to an R-2 zone and will be developed at future phases. Access to the project is from Cactus Avenue to the south, and Frias Avenue to the north. Access within the proposed development is provided by 42 foot wide private streets with a 4 foot wide sidewalk located on 1 side of the street. There is an existing overhead power transmission line corridor with a 100 foot wide easement located along the western boundary of the proposed development.

Waivers of Development Standards

The perimeter wall and the internal walls between the individual lots are 6 feet 8 inches high, requiring the waiver of development standards. The other waivers of development standards associated with this site are for increased building height for the 3 story models and a reduction in street intersection off-set which occurs at 1 location along Cactus Avenue.

Landscaping

A 15 foot wide landscape area which includes a detached sidewalk is shown along Cactus Avenue. Internal to the development are additional street landscape buffers along corner side lots consisting of common lots and/or landscape easements.

Elevations

Plans were submitted for 7 different home models with 3 separate elevations for each home model. Of these different home models, 2 of the plans are for 2 story homes and 5 are for 3 story homes. All of the homes will have pitched roofs with concrete tile roofing material. The 2 story homes will have a maximum height of 26 feet and the 3 story homes are shown at 38 feet. The exterior of the homes will have a stucco finish painted in earth tone colors. Architectural enhancements include brick, stone veneer, various window fenestrations, pop-outs, and recesses to break-up the vertical and horizontal surfaces of the residences.

Floor Plans

The plans consist of 7 floor models that include 2 car garages and range in size from 1,839 square feet to 2,995 square feet.

Applicant's Justification

The applicant indicates the proposed community has been designed to complement the surrounding Highlands Ranch subdivisions. American West Development feels that the proposed project will blend nicely with the single family subdivisions to the north, south, and west of this site. The additional wall height requested provides additional privacy and safety for the future homeowners. The increase in building height is also a typical request that American

West Development has made which has been approved for its other subdivisions within Clark County. The applicant indicates that the reduction in street off-set will not have a negative impact on traffic and safety since there is ample room for queuing.

Prior Land Use Requests

Application Number	Request	Action	Date
WC-19-400127 (ZC-1624-06)	Waived conditions on a zone change for right-of-way dedication on 25 acres including portions of this site	Approved by BCC	November 2019
ZC-1624-06	Reclassified 25 acres including portions of this site to R-2 zoning for future development	Approved by BCC	January 2007
UC-0497-01	Overhead power transmission line corridor that passes through a portion of this site	Approved by PC	June 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Medium (3 to 14 du/ac) & Residential Suburban (up to 8 du/ac)	R-E & RUD	Undeveloped
South	Major Development Project (Southern Highlands) Residential Suburban (up to 8 du/ac)	R-2	Single family residences
East	Residential Suburban (up to 8 du/ac)	R-2	Single family residences
West	Residential Suburban (up to 8 du/ac) & Residential Medium (3 to 14 du/ac) & Commercial Neighborhood	R-E, R-2 & RUD	Undeveloped

This site and the surrounding area are located within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-19-0791	A vacation of easements and rights-of-way on 28.1 acres (south of the Frias Avenue alignment) is a companion item on this agenda.
TM-19-500212	A tentative map on 28.1 acres for a single family residential development is a companion item on this agenda.
ZC-19-0792	A request to reclassify a portion of a 14.3 acre site (north of the Frias Avenue alignment) to an R-2 zone for a single family residential development is a related item on this agenda.
TM-19-500213	A tentative map on 14.3 acres (north of the Frias Avenue alignment) for a single family residential development is a related item on this agenda.
VS-19-0793	A vacation of easements and rights-of-way on 14.3 acres (north of the Frias Avenue alignment) is a related item on this agenda.

Related Applications

Application Number	Request
WC-19-400134 (ZC-2178-04)	A waiver of conditions of a zone change on a portion of 14.3 acres (north of the Frias Avenue alignment) for right-of-way dedication is a related item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Zone Change

This zone change request is conforming to the Enterprise Land Use Plan which designates this site as Residential Suburban for densities up to 8 dwelling units per acre. The proposed project will have a density of 6.2 dwelling units per acre. The single family residential development is compatible and consistent with the planned and existing uses in the immediate area. The request complies with Housing Policy 2 of the Comprehensive Master Plan to promote a mix of housing types that meet the diverse needs of the community. Therefore, staff can support this portion of the request since the zoning will be consistent and similar to developments in the area.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

The increase in building height request is less than a 10% deviation from the standard height and similar requests have been approved for other American West Developments within Clark County. However, for this particular development, a majority of the models do exceed the 35 foot height limitation. The existing residential development to the south and other existing developments in the area mainly consist of 2 story residences; therefore, staff finds that the builder should provide more model options since the buyer will only have 2 choices of the 2 story models and 5 choices of the 3 story models.

Waiver of Development Standards #2

Staff can support the waiver to increase the wall height. The wall will not adversely impact the surrounding properties since the walls will provide additional privacy for future residents and similar requests have been approved for other residential developments. Therefore, staff does not object to this request.

Design Review

The proposed use and layout of the property are consistent and compatible with existing and planned land uses on the abutting properties. Other than the lack of 2 story model options, the architectural design of the residential elevations, with varied architectural elements, and floor plans comply with Policy 4.7 of the land use plan which encourages, in part, exterior building walls to be articulated facades and provide for visual interest; therefore, staff supports the design review. Staff also finds a development agreement is necessary to mitigate the impacts of the project due to successive additions which now meet the threshold of a high impact project.

Public Works - Development Review

Waiver of Development Standards #3

Staff cannot support the reduction in the street intersection off-set because it is a self-imposed hardship that can be eliminated with a redesign of the site.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of the zone change, waivers of development standards #1 and #2, and the design review; denial of waiver of development standards #3.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Builder to provide a minimum of three, 2 story options within the development;
- Enter into a development agreement prior to any permits or subdivision mapping to mitigate impacts of project including, but not limited to, issues identified by the technical studies and issues identified by the Board of County Commissioners.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 45 feet to the back of curb for Cactus Avenue and 60 feet for Frias Avenue;
- Applicant shall apply for a vacation of the Frias Avenue cul-de-sac bulb at the same time land use applications for that portion of the project are submitted;
- Applicant shall be responsible for reconstruction of all of the off-site improvements at the Frias Avenue cul-de-sac bulb when the portion of Frias Avenue east of the bulb is connected to the portion west of the bulb.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, or a vacation to the back of curb, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0577-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (developer to provide pedestrian access to adjacent trail system if one is developed in the power corridor).

APPROVALS: 8 cards

PROTESTS: 4 cards

COUNTY COMMISSION ACTION: November 20, 2019 – HELD – To 12/04/19 – per the applicant.

APPLICANT: AMERICAN WEST DEVELOPMENT, INC

CONTACT: CHELSEA JENSEN, WESTWOOD PROFESSIONAL SERVICE, 5740 S. ARVILLE ST, SUITE 216, LAS VEGAS, NV 89118

ZC-19-0788

Subject Parcel(s)
 17625401010
 17625401006
 17625401015
 See complete list on file

Subject Section(s)
 SEC25 T22S R60E

Map Created on 10/4/2019

San Jose City Seal

Scale: 0 125 250 500 Feet

Map Information:
 This information is for display purposes only.
 No liability is assumed as to the accuracy of the data delineated hereon.

Residential Districts

Single Family		Multiple Family		Other
Rural	R-U	R-1	R-3	Airport Environs
R-A	R-1a	R-4		Subject Site(s)
R-E	R-T	R-5		Power Lines (69kv & larger)
R-D	R-2			Railroads
	RUD			ROI / ZC

Non-Residential Districts

Commercial	Special	Manufacturing
CRT	H-1	M-D
C-P	H-2	M-1
C-1	O-S	M-2
C-2	P-F	
C-3	R-V-P	
	U-V	

Overlay Zones

P-C	ML2	RNP

AGENDA SHEET AND NOTICE OF FINAL ACTION

HIGHLANDS RANCH 7

ZC-19-0792



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

NOTICE OF FINAL ACTION

December 12, 2019

SLATER HANIFAN GROUP
5740 S. ARVILLE STREET, SUITE 216
LAS VEGAS, NV 89118

REFERENCE: ZC-19-0792

On the date indicated above, a Notice of Final Action was filed with the Clark County Clerk, Commission Division, pursuant to NRS 278.0235 and NRS 278.3195, which starts the commencement of the twenty-five (25) day limitation period specified therein.

The above referenced application was presented before the Clark County Board of County Commissioners at their regular meeting of December 04, 2019 and was **APPROVED** subject to the conditions listed below. You will be required to comply with all conditions prior to the issuance of a building permit or a business license, whichever occurs first.

Time limits to commence, complete or review this approval, apply only to this specific application. A property may have several approved applications on it with each having its own expiration date. It is the applicant's responsibility to keep the application current.

CONDITIONS:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Builder to provide a minimum of three, 2 story options within the development;
- Enter into a development agreement prior to any permits or subdivision mapping to mitigate impacts of project including, but not limited to, issues identified by the technical studies and issues identified by the Board of County Commissioners;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Frias Avenue and the associated spandrel;
- Applicant shall ensure that the vacation of the Frias Avenue cul-de-sac bulb is recorded with the final map;

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair LAWRENCE WEEKLY, Vice Chair
LARRY BROWN JAMES B. GIBSON JUSTIN C. JONES MICHAEL NAFT TUCK SEGERBLOM
YOLANDA T. KING, County Manager



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

- Applicant shall be responsible for the reconstruction of Frias Avenue as a 60 foot wide through street by removing all asphalt, curb, gutter, and sidewalk from the existing cul-de-sac and reconstructing the improvements in the correct location.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0578-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN JAMES B GIBSON JUSTIN C. JONES MICHAEL NAFT TUCK SEGERBLOM
YOLANDA T. KING, County Manager

12/04/19 BCC AGENDA SHEET

SINGLE FAMILY DEVELOPMENT
(TITLE 30)

UPDATE
FRIAS AVE/LINDELL RD

PUBLIC HEARING
APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
ZC-19-0792-CFT LANDS, LLC:

HOLDOVER ZONE CHANGE to reclassify a 2.9 acre portion of the development from R-E (Rural Estates Residential) Zone to R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) increase wall height; and 3) reduce street intersection off-set.

DESIGN REVIEW for a single family residential development on a 14.3 acre portion of a 34.0 acre site.

Generally located on the north side of Frias Avenue and the west side of Lindell Road within Enterprise (description on file). JJ/rk/ja (For possible action)

RELATED INFORMATION:

APN:

176-25-301-012 through 176-25-301-014; 176-25-301-020; 176-25-301-022; 176-25-310-181

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase principal structure height to 38 feet where a maximum of 35 feet is permitted per Table 30.40-2 (an 8.6% increase).
2. Increase wall height to a maximum of 6 feet 8 inches where a maximum of 6 feet is permitted per Section 30.64.020 (an 11% increase).
3. Reduce street intersection off-set to 101 feet where a minimum of 125 feet is required per Section 30.52.052 (a 2% reduction).

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 2.9 (zone change acreage)/14.3 (developed acreage)/34 (overall acreage)
- Number of Lots: 74 residential lots/4 common lots
- Density (du/ac): 5.2 (developed acreage)
- Minimum/Maximum Lot Size (square feet): 3,330/8,407
- Project Type: Single family residential development

- Number of Stories: 2 and 3
- Building Height(feet): Up to 38
- Square Feet: 1,839/2,995

Site Plan

The plan depicts a single family residential development consisting of 74 residential lots and 4 common area lots on a total of 34 acres. The site is a mix of R-E and R-2 zoned parcels. The scope of this request is to develop a 14.3 acre portion of the site for a density of 5.2 dwelling units per acre. Two of the properties associated with this development consist of remnant portions of the parcel (Lot A and Lot B) that are not being reclassified to an R-2 zone and will be developed at future phases. Access to the project is from Frias Avenue to the south, and Dreaming Tree Street to the north. Dreaming Tree Street is a public road within American West (Highlands Ranch Unit 23) subdivision that has recently been built. Access within the proposed development is provided by 42 foot wide private streets with a 4 foot wide sidewalk located on 1 side of the street. There is an existing overhead power transmission line corridor with a 100 foot wide easement located along the northwestern boundary of the proposed development.

Waivers of Development Standards

The perimeter wall and the internal walls between the individual lots are 6 feet 8 inches high, requiring the waiver of development standards. The other waivers of development standards associated with this site are for increased building height for the 3 story models and a reduction in street intersection off-set which occurs at one location along Frias Avenue.

Landscaping

A 15 foot wide landscape area which includes a detached sidewalk is shown along Lindell Road. Internal to the development are additional street landscape buffers along corner side lots consisting of common lots and/or landscape easements.

Elevations

Plans were submitted for 7 different home models with 3 separate elevations for each home model. Of these different home models, 2 of the plans are for 2 story homes and 5 are for 3 story homes. All of the homes will have pitched roofs with concrete tile roofing material. The 2 story homes will have a maximum height of 26 feet and the 3 story homes are shown at 38 feet. The exterior of the homes will have a stucco finish painted in earth tone colors. Architectural enhancements include brick, stone veneer, various window fenestrations, pop-outs, and recesses to break-up the vertical and horizontal surfaces of the residences.

Floor Plans

The plans consist of 7 floor models that include 2 car garages and range in size from 1,839 square feet to 2,995 square feet.

Applicant's Justification

The applicant indicates the proposed community has been designed to complement the surrounding Highlands Ranch subdivisions. American West Development feels that the proposed project will blend nicely with the single family subdivisions to the north, south, and west of this site. The additional wall height requested provides additional privacy and safety for

the future homeowners. The increase in building height is also a typical request that American West Development has made which has been approved for its other subdivisions within Clark County. The applicant indicates that the reduction in street off-set will not have a negative impact on traffic and safety.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-0608-06	Reclassified 12.8 acres to R-2 zoning including portions of this site for an 80 lot single family subdivision	Approved by BCC	June 2006
ZC-2178-04	Reclassified 37.4 acres to R-2 zoning including portions of this site for a 257 lot single family subdivision	Approved by BCC	January 2004
UC-0497-01	Overhead power transmission line corridor that passes through a portion of this site	Approved by PC	June 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North & South	Residential Suburban (up to 8 du/ac)	R-2	Single family residences
East	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped
West	Residential Suburban (up to 8 du/ac)	R-E & R-2	Undeveloped

This site and the surrounding area are located within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
TM-19-500213	A tentative map on 14.3 acres for a single family residential development is a companion item on this agenda.
VS-19-0793	A vacation of easements and rights-of-way on 14.3 acres is a companion item on this agenda.
WC-19-400134 (ZC-2178-04)	A waiver of conditions of a zone change on 14.3 acres for right-of-way dedication is a companion item on this agenda.
ZC-19-0788	A request to reclassify a 28.1 acre portion of the site (south of the Frias Avenue alignment) to an R-2 zone for a single family residential development is a related item on this agenda.
TM-19-500212	A tentative map on 28.1 acres (south of the Frias Avenue alignment) for a single family residential development is a related item on this agenda.
VS-19-0791	A vacation of easements and rights-of-way on 28.1 acres (south of the Frias Avenue alignment) is a related item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Zone Change

This zone change request is conforming to the Enterprise Land Use Plan which designates this site as Residential Suburban for densities up to 8 dwelling units per acre. The proposed project will have a density of 5.2 dwelling units per acre. The single family residential development is compatible and consistent with the planned and existing uses in the immediate area. The request complies with Housing Policy 2 of the Comprehensive Master Plan to promote a mix of housing types that meet the diverse needs of the community. Therefore, staff can support this portion of the request since the zoning will be consistent and similar to developments in the area.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

The increase in building height request is less than a 10% deviation from the standard height and similar requests have been approved for other American West Developments within Clark County. However, for this particular development, a majority of the models do exceed the 35 foot height limitation. The existing residential development to the south and other existing developments in the area mainly consist of 2 story residences; therefore, staff finds that the builder should provide more model options since the buyer will only have 2 choices of the 2 story models and 5 choices of the 3 story models.

Waiver of Development Standards #2

Staff can support the waiver to increase the wall height. The wall will not adversely impact the surrounding properties since the walls will provide additional privacy for future residents and similar requests have been approved for other residential developments. Therefore, staff does not object to this request.

Design Review

The proposed use and layout of the property are consistent and compatible with existing and planned land uses on the abutting properties. Other than the lack of 2 story model options, the architectural design of the residential elevations, with varied architectural elements, and floor plans comply with Policy 4.7 of the land use plan which encourages, in part, exterior building walls to be articulated facades and provide for visual interest; therefore, staff supports the design review. Staff also finds a development agreement is necessary to mitigate the impacts of the project due to successive additions which now meet the threshold of a high impact project.

Public Works - Development Review**Waiver of Development Standards #3**

Staff finds that the reduced intersection off-set is a self-imposed hardship that can be resolved with a redesign of the site.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of the zone change, waivers of development standards #1 and #2, and the design review; denial of waiver of development standards #3.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Builder to provide a minimum of three, 2 story options within the development;
- Enter into a development agreement prior to any permits or subdivision mapping to mitigate impacts of project including, but not limited to, issues identified by the technical studies and issues identified by the Board of County Commissioners;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 feet for Frias Avenue and the associated spandrel;
- Applicant shall ensure that the vacation of the Frias Avenue cul-de-sac bulb is recorded with the final map;

- Applicant shall be responsible for the reconstruction of Frias Avenue as a 60 foot wide through street by removing all asphalt, curb, gutter, and sidewalk from the existing cul-de-sac and reconstructing the improvements in the correct location.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0578-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (Developer to provide pedestrian access to adjacent trail system if one is developed in the power corridor).

APPROVALS: 9 cards

PROTESTS: 3 cards

COUNTY COMMISSION ACTION: November 20, 2019 – HELD – To 12/04/19 – per the applicant.

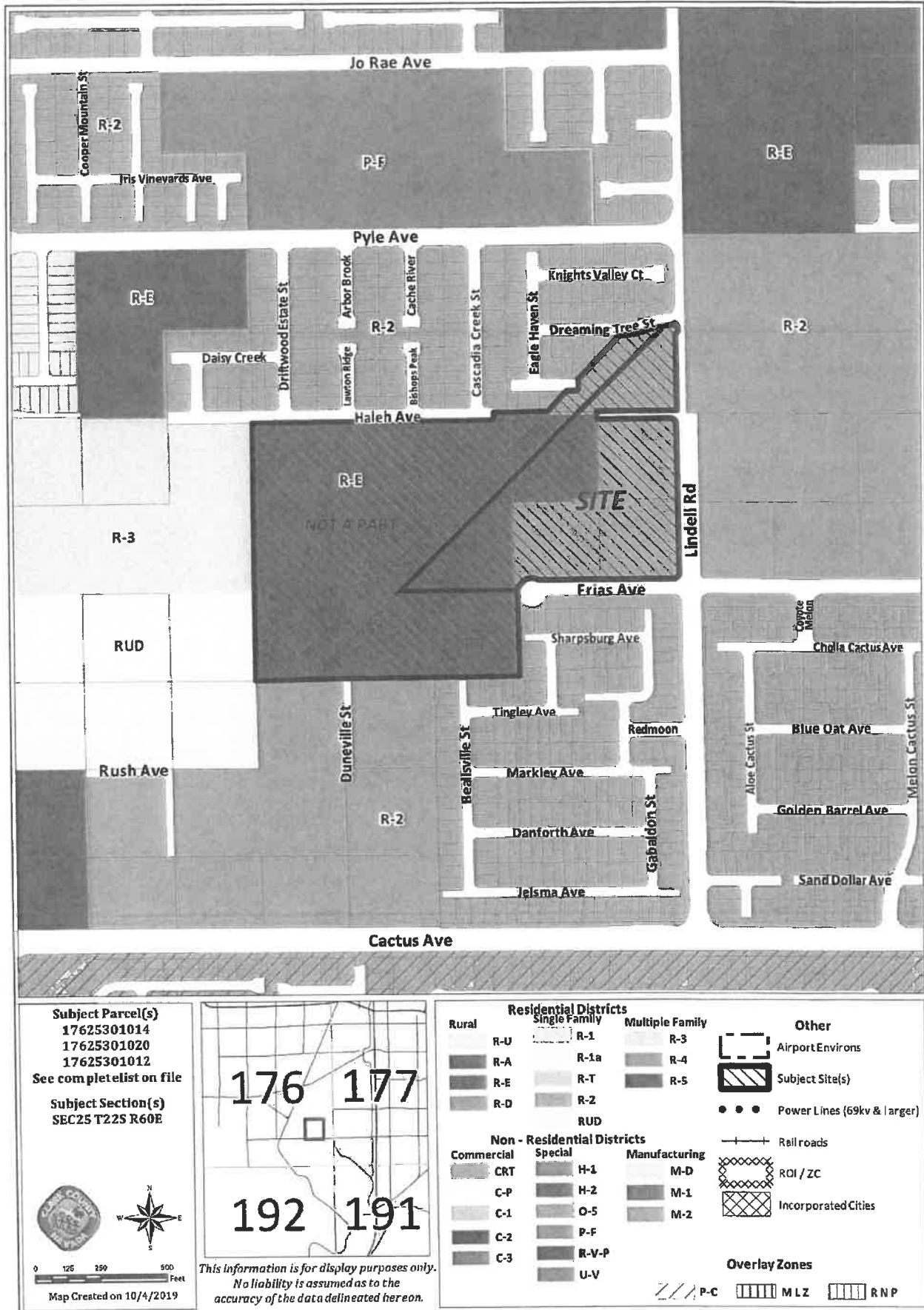
APPLICANT: AMERICAN WEST DEVELOPMENT, INC

CONTACT: SLATER HANIFAN GROUP, 5740 S. ARVILLE ST, STE 216, LAS VEGAS, NV 89118

Commission Agenda Map

Clark County Department of Comprehensive Planning, Clark County, Nevada

ZC-19-0792



AGENDA SHEET AND NOTICE OF FINAL ACTION

HIGHLANDS RANCH 28

ZC-19-0743



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

NOTICE OF FINAL ACTION

November 15, 2019

SLATER HANIFAN GROUP
5740 S. ARVILLE STREET, SUITE 216
LAS VEGAS, NV 89118

REFERENCE: ZC-19-0743

On the date indicated above, a Notice of Final Action was filed with the Clark County Clerk, Commission Division, pursuant to NRS 278.0235 and NRS 278.3195, which starts the commencement of the twenty-five (25) day limitation period specified therein.

The above referenced application was presented before the Clark County Board of County Commissioners at their regular meeting of November 06, 2019 and was **APPROVED** subject to the conditions listed below. You will be required to comply with all conditions prior to the issuance of a building permit or a business license, whichever occurs first.

Time limits to commence, complete or review this approval, apply only to this specific application. A property may have several approved applications on it with each having its own expiration date. It is the applicant's responsibility to keep the application current.

CONDITIONS:

Current Planning

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a negotiated development agreement prior to any permits or subdivision mapping in order to provide fair-share contributions toward public infrastructure impacted by this overall development;
- This project combined with the previously approved developments in Highlands Ranch (and adjacent) will be considered a High Impact Project and all successive submittals must follow those guidelines;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair LAWRENCE WEEKLY, Vice Chair
LARRY BROWN JAMES B GIBSON JUSTIN C JONES MICHAEL NAFT TUCK SEGERBLOM
YOLANDA T KING, County Manager



Department of Comprehensive Planning

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(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

- Right-of-way dedication to include 45 feet to 50 feet to the back of curb for Cactus Avenue, 60 feet for Frias Avenue, additional right-of-way for Haleh Avenue to accommodate R or roll curbs with attached sidewalks so the minimum drivable street width is no less than 36 feet, and associated spandrels;
- Applicant shall apply for a vacation of the Frias Avenue cul-de-sac bulb at the same time land use applications for that portion of the project are submitted;
- Applicant shall be responsible for reconstruction of all of the off-site improvements at the Frias Avenue cul-de-sac bulb when the portion of Frias Avenue east of the bulb is connected to the portion west of the bulb.
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, or a vacation to the back of curb, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised that there is an active septic permit on APN 176-25-401-010; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management; and to submit documentation to SNHD showing that the system has been properly removed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0532-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN • JAMES B. GIBSON • JUSTIN C. JONES • MICHAEL NAFT • TUCK SEGERBLOM
YOLANDA T. KING, County Manager

11/06/19 BCC AGENDA SHEET

RESIDENTIAL DEVELOPMENT
(TITLE 30)

FRIAS AVE/JONES BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-19-0743-HLI, LLC:

ZONE CHANGE to reclassify 23.0 acres from R-E (Rural Estates Residential) Zone, R-2 (Medium Density Residential) Zone, and RUD (Residential Urban Density) Zone to R-2 (Medium Density Residential) Zone.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) increase wall height; and 3) reduce street intersection off-set.

DESIGN REVIEW for a single family residential development on 59.1 acres in an R-E (Rural Estates Residential) Zone, R-2 (Medium Density Residential) Zone, and R-3 (Multiple Family Residential) Zone.

Generally located on the east side of Jones Boulevard and the north and south sides of Frias Avenue (alignment) within Enterprise (description on file). JJ/al/ja (For possible action)

RELATED INFORMATION:

APN:

176-25-301-016; 176-25-301-022; 176-25-401-001; 176-25-401-003 through 176-25-401-005; 176-25-401-010; 176-25-401-015; 176-25-401-022

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase principal structure height to 38 feet where a maximum of 35 feet is permitted per Table 30.40-2 (an 8.6% increase).
2. Increase wall height to a maximum of 7 feet where a maximum of 6 feet is permitted per Section 30.64.020 (a 16.7% increase).
3. Reduce street intersection off-set to 123 feet where a minimum of 125 feet is required per Section 30.52.052 (a 1.6% reduction).

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL HIGH (FROM 8 DU/AC TO 18 DU/AC)

ENTERPRISE - RESIDENTIAL MEDIUM (FROM 3 DU/AC TO 14 DU/AC)

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 23 zone change/59.1 site

- Number of Lots: 162 residential/18 common
- Density (du/ac): 2.7 site/7.1 for R-2 portion of site
- Minimum/Maximum Lot Size (square feet): 3,428/10,425
- Project Type: Single family residential development
- Number of Stories: 2 & 3
- Building Height(feet): Up to 38
- Square Feet: 1,798 to 3,072

Site Plan

The plan depicts a single family residential development consisting of 162 residential lots and 18 common lots on a total of 59.1 acres with a density of 2.7 dwelling units per acre. The site is currently a mix of R-E, R-2, and R-3 zoned districts. The zone change portion of this request is to reclassify 23 acres into an R-2 zoning district and the proposed 162 residential lots will all be located within these 23 acres. The plans depict a large common lot (Common Lot A) located along the northern, eastern, and southern portions of the site that has an area of approximately 36.8 acres. This common lot consists of the portions of the site that are not being reclassified to an R-2 zone per this request and will be developed at a future date. Access to the development is provided from Cactus Avenue to the south and Frias Avenue to the north. Access within the proposed development is provided by 42 foot wide private streets with a 4 foot wide sidewalk located on 1 side of the street. There is an existing overhead power transmission line corridor with a 100 foot wide easement located along the eastern boundary of the proposed development. The plans depict a private street and additional common lots within this easement.

Landscaping

The plan depicts 15 foot wide landscape areas consisting of trees, shrubs, and groundcover adjacent to Cactus Avenue and Jones Boulevard with detached sidewalks. Along the side street of corner lots adjacent to Frias Avenue the plan depicts minimum 10 foot wide landscape area consisting of trees, shrubs, and groundcover with attached sidewalks. Within the proposed development the plans depict 6 foot wide landscape areas along the side street of corner lots consisting of trees, shrubs, and groundcover.

Elevations

Plans were submitted for 5 different home models with 3 separate elevations for each home model. Of these different home models, 3 of the plans are for 2 story homes and 2 are for 3 story homes. All of the homes will have pitched roofs with concrete tile roofing material. The 2 story homes will have a maximum height of 26 feet and the 3 story homes 38 feet. The exterior of the homes will have a stucco finish painted in earth tone colors. Architectural enhancements include brick, stone veneer, various window fenestrations, pop-outs, and recesses to break-up the vertical and horizontal surfaces of the homes.

Floor Plans

The plans indicate that the proposed home models will be between 1,798 square feet to 3,072 square feet in area. Each home has a 2 car garage and options for 3 to 5 bedrooms.

Applicant's Justification

The applicant indicates that the proposed development is in conformance with the land use plan. Portions of the site have been approved for higher density residential development; therefore, the proposed development will have less impact on the community than developments that would be allowed by the current R-3 and RUD zoning in place for portions of the site. Requests to increase building heights and wall heights have been approved for other projects by this developer within the County.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1624-06	Reclassified 25 acres including portions of this site to R-2 zoning for future development	Approved by BCC	January 2007
ZC-0362-04	Reclassified 30 acres including portions of this site to RUD zoning for future residential development	Approved by BCC	May 2004
ZC-1517-03	Reclassified 90 acres including portions of this site to R-2 zoning for future residential development	Approved by BCC	October 2003
UC-0497-01	Overhead power transmission line corridor that passes through a portion of this site	Approved by PC	June 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential High (8 to 18 du/ac) & Residential Suburban (up to 8 du/ac)	R-3 & R-2	Single family residences & undeveloped
South	Major Development Project (Mountain's Edge) Residential Suburban (up to 8 du/ac)	R-2	Single family residences & undeveloped
East	Residential Suburban (up to 8 du/ac)	R-E & R-2	Single family residences & undeveloped
West	Residential Suburban (up to 8 du/ac) Public Facilities & Commercial Neighborhood	R-E & R-2	Single family residences & undeveloped

This site and the surrounding area are located within the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-19-0744	A vacation of easements and rights-of-way is a companion item on this agenda.
WC-19-400127 (ZC-1624-06)	A waiver of conditions for right-of-way dedication is a companion item on this agenda.
TM-19-500194	A tentative map for a single family residential development is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Current Planning**Zone Change

This request conforms to the Enterprise Land Use Plan. The proposed development complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. The majority of the existing residential developments in the surrounding area consist of single family homes in R-2 zoned districts. Therefore, the project complies with Urban Specific Policy 4 to preserve existing residential neighborhoods by encouraging vacant lots within this area to develop at similar densities as the existing area. Therefore, staff supports the zone change.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

Staff can support the waiver to increase the building height. A majority of the models do not exceed 35 feet; however, some of the models have 3 stories and the roof is at a height of 38 feet. The request is less than a 10% deviation from the standard height and similar requests have been approved for other residential developments within Enterprise.

Waiver of Development Standards #2

Similar requests to increase wall height have been approved for existing developments in this area. The proposed increase in wall height is minimal and will not have an adverse impact on the abutting properties. Therefore, staff does not object to this request.

Design Review

The proposed use of the property is consistent and compatible with existing and planned land uses on the abutting properties. The architectural design of the residences is consistent with existing single family homes in the area; therefore, staff supports the design review.

Public Works- Development ReviewWaiver of Development Standards #3

Staff finds the request to reduce the street intersection off-set to be very minor; therefore, the minimum standard can be met with a minor redesign.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of the zone change, waivers of development standards #1 & #2, and the design review; denial of waiver of development standards #3.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that the waivers of development standards and design review must commence within 4 years of approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 45 feet to 50 feet to the back of curb for Cactus Avenue, 60 feet for Frias Avenue, additional right-of-way for Haleh Avenue to accommodate R or roll curbs with attached sidewalks so the minimum drivable street width is no less than 36 feet, and associated spandrels;
- Applicant shall apply for a vacation of the Frias Avenue cul-de-sac bulb at the same time land use applications for that portion of the project are submitted;
- Applicant shall be responsible for reconstruction of all of the off-site improvements at the Frias Avenue cul-de-sac bulb when the portion of Frias Avenue east of the bulb is connected to the portion west of the bulb.

- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb, or a vacation to the back of curb, and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Southern Nevada Health District (SNHD) - Septic

- Applicant is advised that there is an active septic permit on APN 176-25-401-010; to connect to municipal sewer and remove the septic system in accordance with Section 17 of the SNHD Regulations Governing Individual Sewage Disposal Systems and Liquid Waste Management; and to submit documentation to SNHD showing that the system has been properly removed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been initiated for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0532-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval.

APPROVALS:

PROTESTS:

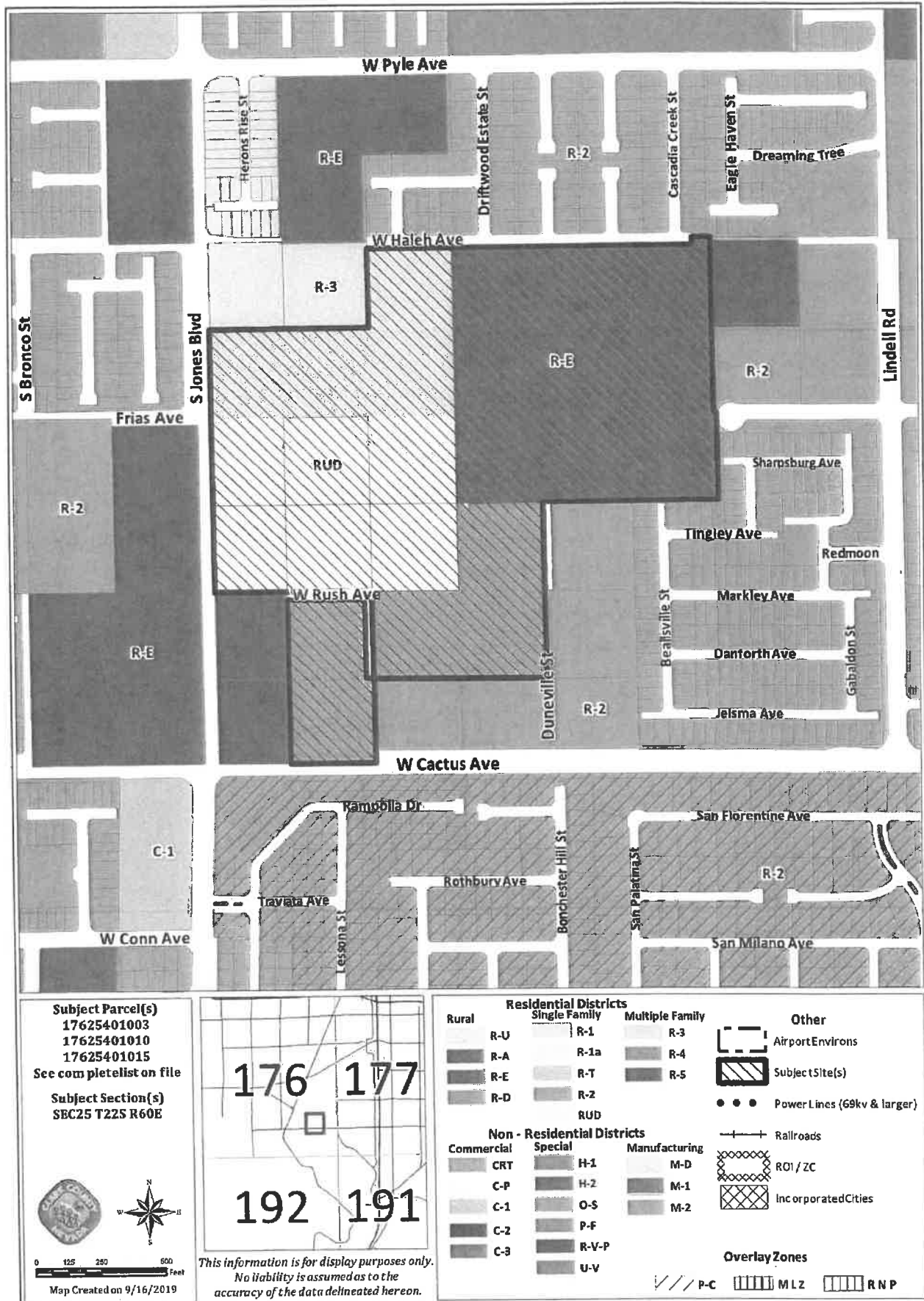
APPLICANT: AMERICAN WEST DEVELOPMENT, INC.

CONTACT: SLATER HANIFAN GROUP, 5740 S. ARVILLE ST, STE 216, LAS VEGAS, NV 89118

Commission Agenda Map

Clark County Department of Comprehensive Planning, Clark County, Nevada

ZC-19-0743



AGENDA SHEET AND NOTICE OF FINAL ACTION

HIGHLANDS RANCH 29

ZC-19-0891



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

NOTICE OF FINAL ACTION

January 16, 2020

WESTWOOD PROFESSIONAL SERVICES
5740 S. ARVILLE STREET, SUITE 216
LAS VEGAS, NV 89118

REFERENCE: ZC-19-0891

On the date indicated above, a Notice of Final Action was filed with the Clark County Clerk, Commission Division, pursuant to NRS 278.0235 and NRS 278.3195, which starts the commencement of the twenty-five (25) day limitation period specified therein.

The above referenced application was presented before the Clark County Board of County Commissioners at their regular meeting of January 08, 2020 and was **APPROVED** subject to the conditions listed below. You will be required to comply with all conditions prior to the issuance of a building permit or a business license, whichever occurs first.

Time limits to commence, complete or review this approval, apply only to this specific application. A property may have several approved applications on it with each having its own expiration date. It is the applicant's responsibility to keep the application current.

CONDITIONS:

Current Planning

- Homes allowed up to 38 feet;
- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a negotiated development agreement prior to any permits or subdivision mapping in order to provide fair-share contributions toward public infrastructure impacted by this development;
- This project combined with the previously approved developments in Highland Ranch (and adjacent) will be considered a High Impact Project and all successive submittals must follow those guidelines;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that use permit, waivers of development standards and design review must commence within 4 years of the approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN • JAMES B. GIBSON • JUSTIN C. JONES • MICHAEL NAFT • TUCK SEGERBLOM
YOLANDA T. KING, County Manager



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director



- Right-of-way dedication to include 30 to 60 feet for Frias Avenue, 30 feet for Haleh Avenue, and the associated spandrels;
- If required by the Regional Transportation Commission, construct a standard bus turnout on the east side of Jones Boulevard, north of and as close as practical to Frias Avenue and include a 5 foot by 25 foot bus shelter pad easement behind the sidewalk;
- Applicant shall ensure that the vacation of the Frias Avenue cul-de-sac bulb is recorded with the final map;
- Applicant shall be responsible for the reconstruction of Frias Avenue as a 60 foot wide through street by removing all asphalt, curb, gutter, and sidewalk from the existing cul-de-sac and reconstructing the improvements in the correct location.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to show on-site fire lane, turning radius, and turnarounds.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0586-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN • JAMES B. GIBSON • JUSTIN C. JONES • MICHAEL NAFT • TICK SEGERBLOM
YOLANDA T. KING, County Manager

RESIDENTIAL DEVELOPMENT
(TITLE 30)

FRIAS AVE/JONES BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

ZC-19-0891-CFTLANDS, LLC:

ZONE CHANGE to reclassify 45.7 acres from R-E (Rural Estates Residential) Zone, R-2 (Medium Density Residential) Zone, and R-3 (Multiple Family Residential) Zone to R-2 (Medium Density Residential) Zone.

USE PERMIT for a high impact project.

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; 2) increase wall height; and 3) reduce street intersection off-set.

DESIGN REVIEW for a single family residential development on 29.8 acres in a R-2 (Medium Density Residential) Zone.

Generally located on the east side of Jones Boulevard and the north and south sides of Frias Avenue (alignment) within Enterprise (description on file). JJ/jt/jd (For possible action)

RELATED INFORMATION:

APN:

176-25-301-010 through 176-25-301-012; 176-25-301-016; 176-25-301-022

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase principal structure height to 37 feet where a maximum of 35 feet is permitted per Table 30.40-2 (a 5.7% increase).
2. Increase wall height to 7 feet where a maximum of 6 feet is permitted per Section 30.64.020 (a 16.7% increase).
3. Reduce street intersection off-set to 124 feet where a minimum of 125 feet is required per Section 30.52.052 (a 0.8% reduction).

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL HIGH (FROM 8 DU/AC TO 18 DU/AC)

ENTERPRISE - RESIDENTIAL MEDIUM (FROM 3 DU/AC TO 14 DU/AC)

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 29.8 developed/45.7 entire site
- Number of Lots/Units: 222 residential/14 common/2 large lots for future development

- Density (du/ac): 4.8 site/7.5 for developing portion
- Minimum/Maximum Lot Size (square feet): 3,566/9,373 (gross/net)
- Project Type: Single family residential development
- Number of Stories: 2 & 3
- Building Height (feet): Up to 37
- Square Feet: 1,798 to 3,072

Background

Title 30 defines High Impact Projects in part as projects with 500 or more dwelling units or development reaching that threshold by successive additions to the overall development. This development is the fourth residential single family development by this applicant in the area bounded by Cactus Avenue to the south, Jones Boulevard to the west, Haleh Avenue to the north, and Lindell Road to the east. (Previously approved single family developments included a 74 unit subdivision (TM-19-500213), a 162 unit subdivision (TM-19-500194), and a 174 unit subdivision (TM-19-500212) for a total of 410 units). The current application is for a 222 unit single family residential development, which increases the total number of units to 632 units. As a result, this application and all future applications for additional residential units in this area will be considered High Impact Projects.

Applications that qualify as a High Impact Project are required to enter into a negotiated development agreement with Clark County to ensure that fair share contributions are provided toward public infrastructure impacted by this development.

Site Plan

The site plan depicts a 222 lot single family residential subdivision with 14 common lots and 2 large lots reserved for future development. The large lots are 85,226 square feet and 533,023 square feet, and the lots are located on the south and east sides of the site. Portions of the large lots to the south were previously approved for another single family subdivision (ZC-19-0743).

Frias Avenue will be developed as a 60 foot wide public street on the south side of the site, and five, 42 foot wide private streets connecting to Frias Avenue will provide internal access to the subdivision. The 42 foot wide private streets will include 4 foot wide sidewalks on 1 side of the street, and 2 of the streets will terminate in cul-de-sacs located within 2 overlapping 100 foot wide power line easements on the east side of the site. The power line easements run in a northeast/southwest direction. The reduced street intersection off-set to 124 feet is requested from Jones Boulevard and the proposed private street named Dallington Street.

Twenty-three residential lots located on the northeast side of the project will take access from Haleh Avenue, which runs east/west along the north side of the project. Five residential lots located on the south side of the project will take access from Frias Avenue. The remainder of the residential lots will access internal private streets.

Landscaping

Perimeter landscaping includes a 10 foot wide landscape strip along Frias Avenue (except no street landscaping is provided in front of the 5 lots that access Frias Avenue) with an attached sidewalk, a 15 foot wide landscape strip along Jones Boulevard with a detached sidewalk, and a

10 foot wide landscape strip along Haleh Avenue (except no street landscaping is provided in front of the 23 lots that access Haleh Avenue) with an attached sidewalk. Internal landscaping includes 6 foot wide landscape strips along portions of the internal private streets.

Elevations

The plans depict 5 different home models with 3 separate elevations for each home model. Of these different home models, 3 of the plans are for 2 story homes and the remaining plans are for 3 story homes. All of the homes will have pitched roofs with concrete tile roofing material. The 2 story homes will have a maximum height of 26 feet, and the 3 story homes will have a maximum height of 37 feet. The exterior of the homes will have a stucco finish painted in earth tone colors. Architectural enhancements include brick, stone veneer, various window fenestrations, pop-outs, and recesses to break-up the vertical and horizontal surfaces of the homes.

Floor Plans

The plans indicate that the proposed home models will be between 1,798 square feet to 3,072 square feet in area. Each home has a 2 car garage and options for 3 to 5 bedrooms.

Applicant's Justification

The applicant indicates that the proposed development is in conformance with the land use plan. Portions of the site have been approved for higher density residential development; therefore, the proposed development will have less impact on the community than developments that would be allowed by the current R-3 zoning portions of the site. In addition, requests to increase building heights, increase wall height, and reduce intersection off-set have been approved for other projects by this developer in this area.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-19-0743	Reclassified southern portions of the site to an R-2 zoning for a single family residential development, northern portions of the project were designated as future development, which are incorporated into this subject application	Approved by BCC	November 2019
TM-19-500194	162 single family residential lots	Approved by BCC	November 2019
VS-19-0744	Vacated and abandoned easements and rights-of-way	Approved by BCC	November 2019
ZC-0362-04	Reclassified the western portion of this site to R-3 zoning and the southern portion of the site to RUD	Approved by BCC	May 2004
UC-0497-01	Overhead power transmission line corridor that passes through a portion of this site	Approved by PC	June 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential High (from 8 du/ac to 18 du/ac) & Residential Suburban (up to 8 du/ac)	R-E, R-2, & R-3	Single family residential subdivisions & undeveloped
South	Residential Medium (3 du/ac to 14 du/ac) & Residential Suburban (up to 8 du/ac)	R-2	Approved 162 lot single family residential subdivision, existing single family residential subdivision, & undeveloped
East	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped & single family residential subdivision
West	Residential Suburban (up to 8 du/ac)	R-2	Single family residential subdivision

The subject site and surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
TM-19-500238	A tentative map for a 222 lot single family residential subdivision is a companion item on this agenda.
VS-19-0889	A vacation and abandonment of easements and rights-of-way is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Current Planning**Zone Change

This request conforms to the Enterprise Land Use Plan. The proposed development complies with Goal 7 of the Comprehensive Master Plan to provide housing alternatives to meet a range of lifestyle choices, ages, and affordability levels. The majority of the existing residential developments in the surrounding area consist of single family homes in R-2 zoned districts. Therefore, the project complies with Urban Specific Policy 4 to preserve existing residential neighborhoods by encouraging vacant lots within this area to develop at similar densities as the existing area. Therefore, staff supports the zone change.

Use Permit

A use permit is a discretionary land use application that is considered on a case by case basis in consideration of Title 30 and the Comprehensive Master Plan. One of several criteria the applicant must establish is that the use is appropriate at the proposed location and demonstrate the use shall not result in a substantial or undue adverse effect on adjacent properties.

Since, this project creates a development that exceeds 500 units through successive additions to the development, the applicant is required to enter into a negotiated development agreement with Clark County to ensure that fair share contributions are provided toward public infrastructure impacted by this development. As a result, staff can support the request for a High Impact Project since the negotiated development agreement will help off-set some of the infrastructure and public service costs generated by this development.

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

Staff can support the waiver to increase the building height. A majority of the models do not exceed 35 feet; however, some of the models have 3 stories and the roof is at a height of 37 feet. The request is less than a 10 percent deviation from the standard height, and similar requests have been approved for other residential developments within Enterprise.

Waiver of Development Standards #2

Similar requests to increase wall height have been approved for existing developments in this area. The proposed increase in wall height is minimal and will not have an adverse impact on the abutting properties. Therefore, staff does not object to this request.

Design Review

The proposed use of the property is consistent and compatible with existing and planned land uses on the abutting properties. In addition, the architectural design of the residences is consistent with existing single family homes in the area. Therefore, staff supports the design review.

Public Works - Development Review

Waiver of Development Standards #3

The reduced street intersection off-set is a self-imposed hardship that can be addressed with a site redesign.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of the zone change, use permit, waivers of development standards #1 and #2, and the design review; denial of waiver of development standards #3.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

If approved:

- No Resolution of Intent and staff to prepare an ordinance to adopt the zoning;
- Enter into a negotiated development agreement prior to any permits or subdivision mapping in order to provide fair-share contributions toward public infrastructure impacted by this development;
- This project combined with the previously approved developments in Highland Ranch (and adjacent) will be considered a High Impact Project and all successive submittals must follow those guidelines;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that use permit, waivers of development standards and design review must commence within 4 years of the approval date or they will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 30 to 60 feet for Frias Avenue, 30 feet for Haleh Avenue, and the associated spandrels;
- If required by the Regional Transportation Commission, construct a standard bus turnout on the east side of Jones Boulevard, north of and as close as practical to Frias Avenue and include a 5 foot by 25 foot bus shelter pad easement behind the sidewalk;
- Applicant shall ensure that the vacation of the Frias Avenue cul-de-sac bulb is recorded with the final map;
- Applicant shall be responsible for the reconstruction of Frias Avenue as a 60 foot wide through street by removing all asphalt, curb, gutter, and sidewalk from the existing cul-de-sac and reconstructing the improvements in the correct location.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Building Department - Fire Prevention

- Provide a Fire Apparatus Access Road in accordance with Section 503 of the International Fire Code and Clark County Code Title 13, 13.04.090 Fire Service Features.
- Applicant is advised to show on-site fire lane, turning radius, and turnarounds.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0586-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (allow for a height to 38 feet).

APPROVALS:

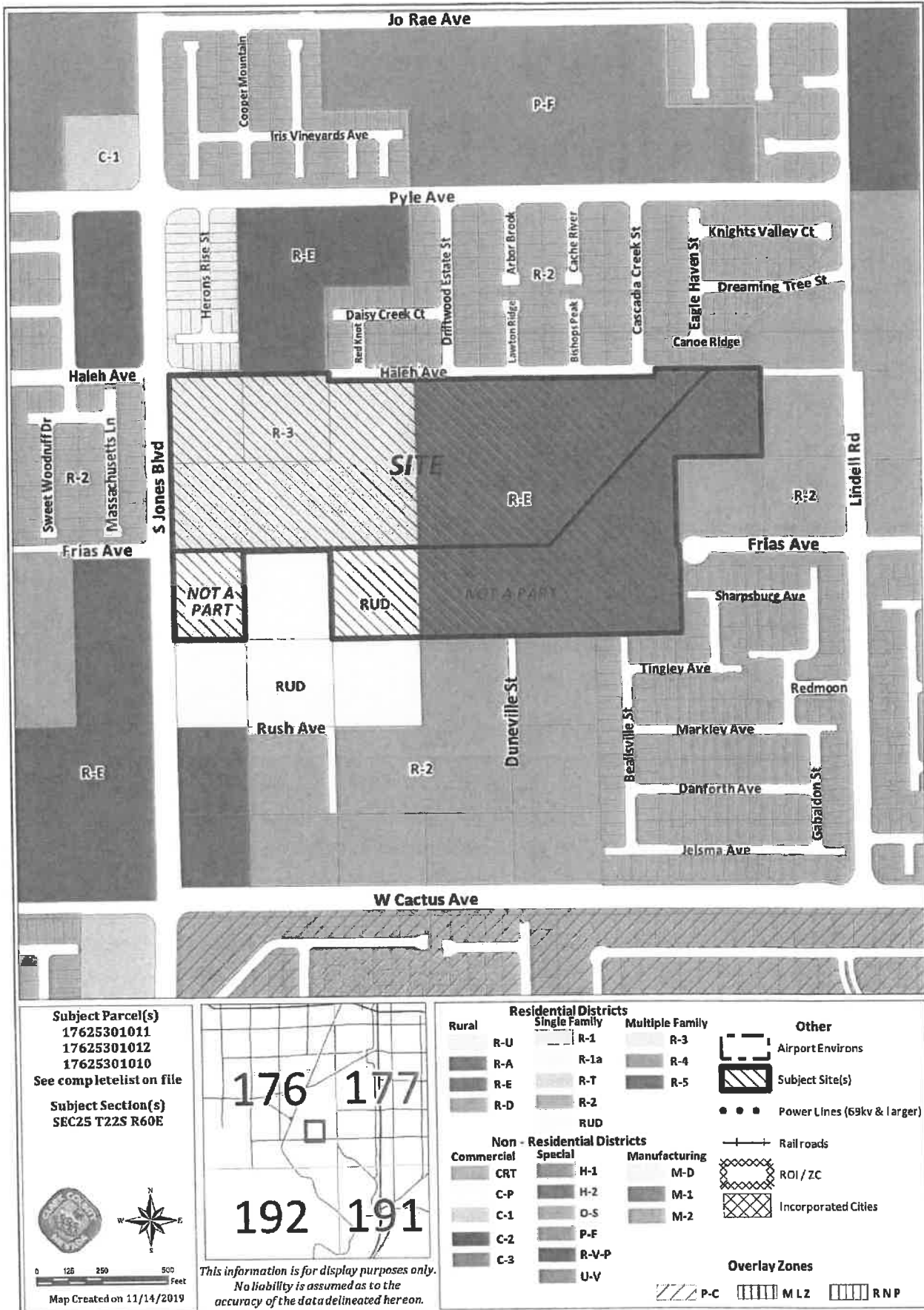
PROTESTS:

APPLICANT: AMERICAN WEST DEVELOPMENT, INC.

CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5740 S. ARVILLE ST, SUITE 216, LAS VEGAS, NV 89118

ZC-19-0891

Clark County Department of Comprehensive Planning, Clark County, Nevada



AGENDA SHEET AND NOTICE OF FINAL ACTION

HIGHLANDS RANCH 30

WS-21-0025



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

NOTICE OF FINAL ACTION

March 29, 2021

WESTWOOD PROFESSIONAL SERVICES
5725 W. BADURA AVE, STE 100
LAS VEGAS, NV 89118

REFERENCE: WS-21-0025

On the date indicated above, a Notice of Final Action was filed with the Clark County Clerk, Commission Division, pursuant to NRS 278.0235 and NRS 278.3195, which starts the commencement of the twenty-five (25) day limitation period specified therein.

The above referenced application was presented before the Clark County Board of County Commissioners at their regular meeting of March 17, 2021 and was **APPROVED** subject to the conditions listed below. You will be required to comply with all conditions prior to the issuance of a building permit or a business license, whichever occurs first.

Time limits to commence, complete or review this approval, apply only to this specific application. A property may have several approved applications on it with each having its own expiration date. **It is the applicant's responsibility to keep the application current.**

CONDITIONS OF APPROVAL -

Current Planning

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements.

BOARD OF COUNTY COMMISSIONERS
MARILYN KIRKPATRICK, Chair • JAMES B. GIBSON, Vice Chair
MICHAEL NAFT • JUSTIN C. JONES • TUCK SEGERBLOM • ROSS MILLER • WILLIAM MCCURDY II
YOLANDA T. KING, County Manager



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

BOARD OF COUNTY COMMISSIONERS

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YOLANDA T. KING, County Manager

03/17/21 BCC AGENDA SHEET

SINGLE FAMILY DEVELOPMENT
(TITLE 30)

LINDELL RD/FRIAS AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-21-0025-GAMEDAY LLC:

WAIVER OF DEVELOPMENT STANDARDS for wall height.

DESIGN REVIEWS for the following: **1)** single family residential development; and **2)** finished grade on 20.1 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the east side of Lindell Road and the north side of Frias Avenue within Enterprise. JJ/nr/jd (For possible action)

RELATED INFORMATION:

APN:

176-25-701-004; 176-25-701-007 through 176-25-701-009; 176-25-701-020; and 176-25-701-021

WAIVER OF DEVELOPMENT STANDARDS:

Increase wall height to 6 feet 8 inches where 6 feet is permitted per Section 30.64.020 (a 13.3% increase).

DESIGN REVIEWS:

1. A proposed single family residential development.
2. Increase finished grade for a single family residential development to 145.2 inches where a maximum of 18 inches is the standard per Section 30.32.040 (a 706.7% increase).

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 20.1
- Number of Lots/Units: 96
- Density (du/ac): 4.8
- Minimum/Maximum Lot Size (square feet): 5,433/12,257
- Project Type: Single family development
- Number of Stories: 1 to 3

- Building Height (feet): 17 (1 story), 27 feet 10 inches (2 story), 34 feet 7 inches (3 story)
- Square Feet: 2,180 to 4,820
- Parking Required/Provided: 192/192

Site Plans

The plans depict a single family residential subdivision consisting of 96 single family residential lots and 3 common lots. The lot sizes range in size from 5,433 square feet to 12,257(gross)/7,095 (net) with a density of 4.8 dwelling units per gross acre. The plans show the 3 common lots as landscape areas along Edmond Street, Frias Avenue, Lindell Road, and the gated entrance to the subdivision. A 50 foot wide Nevada Power easement is on the eastern property boundary. Access within the subdivision is provided by eight, 42 foot wide private streets. The streets include a 4 foot wide sidewalk on 1 side of the street. The increase in finished grade is located throughout the site, primarily along the north and the east, with additional portions on the western side of the site. Existing washes will be filled in order to provide proper drainage.

Landscaping

A 15 foot wide landscape area which includes a detached sidewalk is shown along Lindell Road. A 10 foot wide landscape area will be provided along with an attached sidewalk along Frias Avenue and a 17 foot wide landscape area will be provided along Edmond Street with attached sidewalk. Internal landscaping for the development includes 6 foot wide landscape areas with the attached sidewalks along the north and south of the subdivision blocks, and a 10 foot wide landscape area along the eastern boundary of the project site adjacent to a private street. Both sides of the entrance to the subdivision will have landscape strips, the north side will have a 17 foot wide landscape area with an attached sidewalk, and the south side will have a 17 foot wide landscape area without a sidewalk.

Elevations

The development will provide 4 different home models ranging from 1 story, 2 story, and 3 story models. The plans submitted by the applicant depict 4 different models with each type having potential elevation variations. The building materials consist of concrete tile roofs, and stucco finished walls on all sides of the models.

Floor Plans

The homes will range in size from 2,180 square feet to 4,820 square feet. The homes will have 2 to 3 car garages, various configurations, and room options.

Signage

Signage is not a part of this request.

Applicant's Justification

The applicant indicates that the proposed single family development will be developed in accordance with Title 30. The increase in wall height is proposed for increased privacy for residents.

Prior Land Use Requests

Application Number	Request	Action	Date
WS-1753-05	Increased wall heights in conjunction with a single family residential development - expired	Approved by PC	March 2006
TM-0314-05	237 single family residences - expired	Approved by PC	July 2005
ORD-0607-05	Standard Development Agreement - expired	Adopted by BCC	June 2005
VS-0206-05	Vacation of patent easements	Approved by PC	March 2005
WS-0207-05	Modification of street standards - expired	Approved by PC	April 2005
ZC-1517-03 (WC-0037-05)	Waived the condition for 30 feet to 60 feet right-of-way dedication of Haleh Avenue (northwest of proposed subdivision)	Approved by BCC	March 2005
ZC-2178-04	Reclassified 37.4 acres from R-E to R-2 zoning with reduced street widths	Approved by BCC	February 2005
UC-0497-01	Overhead power transmission line corridor that passes through a portion of this site	Approved by PC	June 2001

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped single family residential
South	Residential Suburban (up to 8 du/ac)	R-2	Single family residential
East & West	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-21-0026	Vacation of easements and rights-of-way is a companion item on this agenda.
WC-21-400008 (ZC-2178-04)	Waiver of conditions for street dedication and detached sidewalks is a companion item on this agenda.
TM-21-500005	Tentative map for a single family residential development is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Current Planning**Waiver of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Staff can support the waiver to increase the screen wall height to 6 feet 8 inches. Staff finds that the increase will not adversely impact the surrounding properties since the walls will provide additional privacy for future residents. Similar requests have been approved for single family developments in the area; therefore, staff can support the request.

Design Reviews

The proposed R-2 zoned lots are larger than the minimum lot size required by Code for R-2 zoning. The design of the subdivision layout is consistent and compatible with approved and planned land uses in the area and staff finds the project conforms to Urban Specific Policy 10 of the Comprehensive Master Plan that encourages site designs to be compatible with adjacent land uses and off-site circulation patterns. Staff finds that the design of the elevations of the proposed residences with the variety in height, roof pitch, and pop-outs/enclosures complies with Urban Specific Policy 43 by providing a variety of elevations with articulated building facades. The varying roof slopes and architectural features for the residential models will create an aesthetically pleasing design with the development; therefore, staff can support this request.

Public Works - Development ReviewDesign Review #2

This design review represents the maximum grade difference along the boundary of this application. This information is based on preliminary data to set the worst case scenario. Staff will continue to evaluate the site through the technical studies required for this application. Approval of this application will not prevent staff from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approval.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval. Approval of this application is contingent on approval of WC-21-400008 (ZC-2178-04).

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:**Current Planning**

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that the County is currently rewriting Title 30 and future land use applications, including applications for extensions of time, will be reviewed for conformance with the regulations in place at the time of application; a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Drainage study must demonstrate that the proposed grade elevation differences outside that allowed by Section 30.32.040(a)(9) are needed to mitigate drainage through the site;
- Traffic study and compliance;
- Full off-site improvements.
- Applicant is advised that the installation of detached sidewalks will require the vacation of excess right-of-way and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control or execute a License and Maintenance Agreement for non-standard improvements in the right-of-way and that approval of this application will not prevent Public Works from requiring an alternate design to meet Clark County Code, Title 30, or previous land use approvals.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Building Department - Fire Prevention

- No comment.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC:

APPROVALS:

PROTESTS:

APPLICANT: GAMEDAY LLC

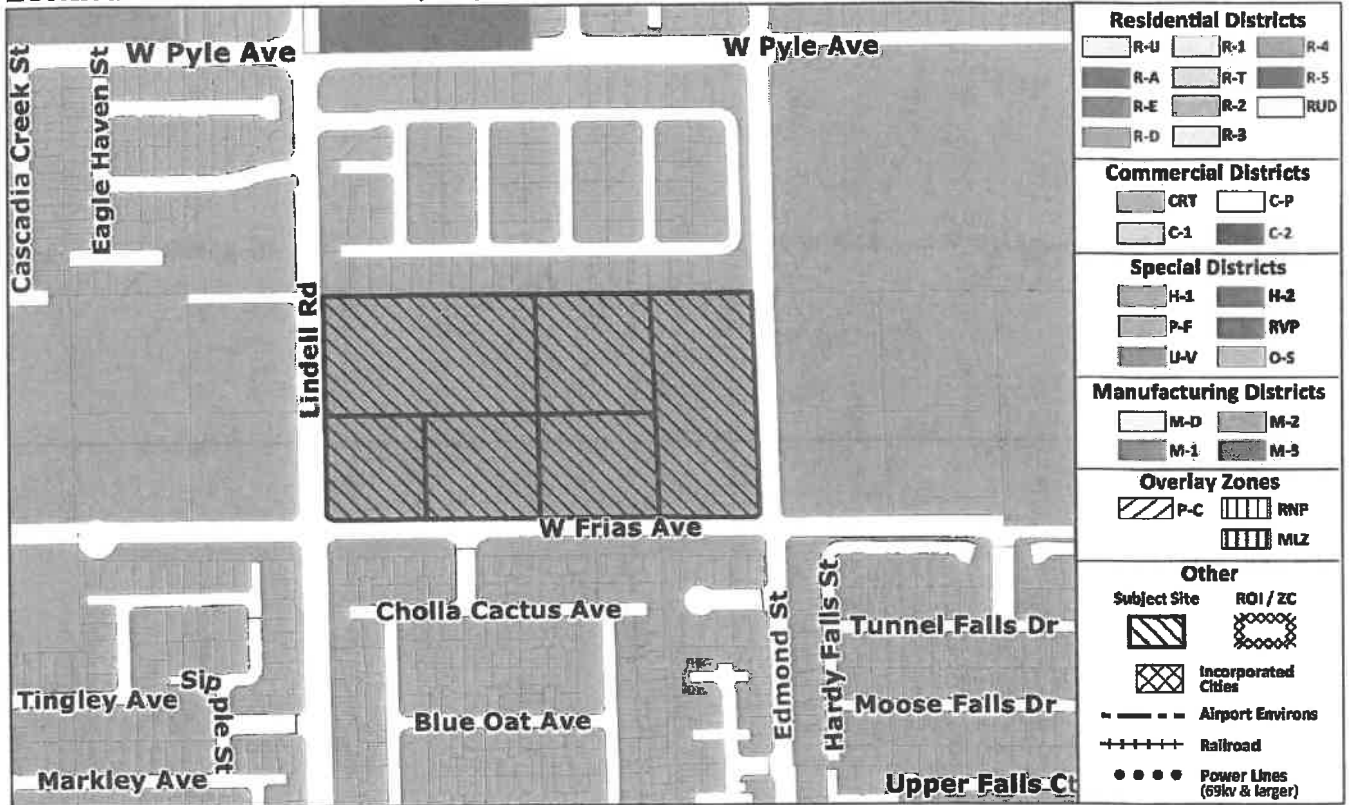
CONTACT: WESTWOOD PROFESSIONAL SERVICES, 5725 W. BADURA AVE, STE 100, LAS VEGAS, NV 89118

Commission Agenda Map

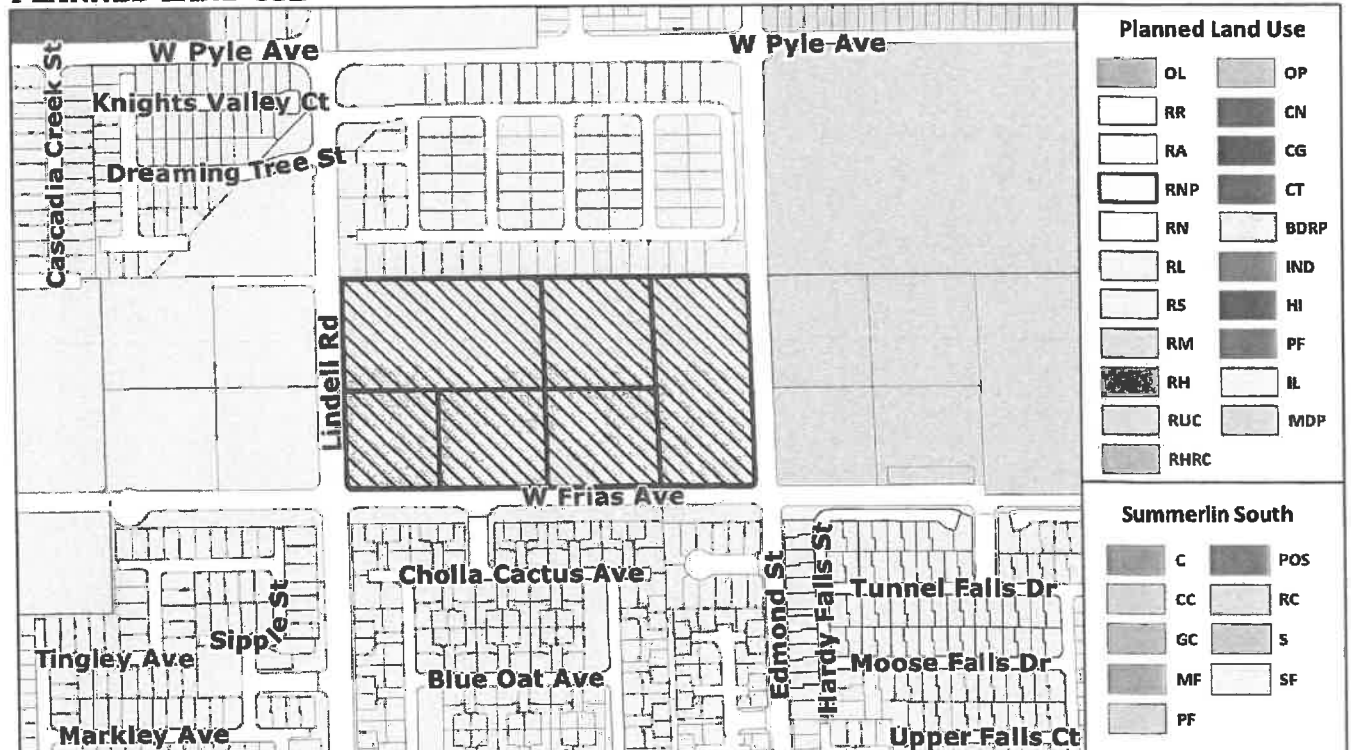
WS-21-0025

ZONING

Clark County Department of Comprehensive Planning, Clark County, Nevada



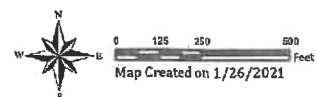
PLANNED LAND USE



This information is for display purposes only. No liability is assumed as to the accuracy of the data delineated hereon.

Subject Parcel(s)
17625701007
17625701008
17625701004

See complete list on file



AGENDA SHEET AND NOTICE OF FINAL ACTION

HIGHLANDS RANCH 4

WS-18-0387



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

NOTICE OF FINAL ACTION

July 26, 2018

SHANNON COOPER
SLATER HANIFAN GROUP
5740 S. ARVILLE STREET #216
LAS VEGAS, NV 89118

REFERENCE: WS-18-0387

On the date indicated above, a Notice of Final Action was filed with the Clark County Clerk, Commission Division, pursuant to NRS 278.0235 and NRS 278.3195, which starts the commencement of the twenty-five (25) day limitation period specified therein.

The above referenced application was presented before the Clark County Board of County Commissioners at their regular meeting of July 18, 2018 and was **APPROVED** subject to the conditions listed below. You will be required to comply with all conditions prior to the issuance of a building permit or a business license, whichever occurs first.

Time limits to commence, complete or review this approval, apply only to this specific application. A property may have several approved applications on it with each having its own expiration date. It is the applicant's responsibility to keep the application current.

CONDITIONS:

Current Planning

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Pyle Avenue, 35 feet to the back of curb for Lindell Road, 30 feet for Edmond Street, and associated spandrels.

BOARD OF COUNTY COMMISSIONERS

STEVE SISOLAK, Chairman • CHRIS GIUNCHIGLIANI, Vice Chair
SUSAN BRAGER • LARRY BROWN • JAMES B. GIBSON • MARILYN KIRKPATRICK • LAWRENCE WEEKLY
YOLANDA T. KING, County Manager



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741

(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

- Applicant is advised that the gated entry does not comply with Uniform Standard Drawing 222.1 and must be redesigned; and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

BOARD OF COUNTY COMMISSIONERS

STEVE SISOLAK, Chairman • CHRIS GIUNCHIGLIANI, Vice Chair
SUSAN BRAGER • LARRY BROWN • JAMES B. GIBSON • MARILYN KIRKPATRICK • LAWRENCE WEEKLY
YOLANDA T. KING, County Manager

07/18/18 BCC AGENDA SHEET

SINGLE FAMILY RESIDENTIAL
(TITLE 30)

LINDELL RD/PYLE AVE

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST
WS-18-0387-MOUNTAIN WEST ASSOCIATES, LLC:

HOLDOVER WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increased wall height; 2) increased building height; 3) reduced roof pitch; 4) increased width of architectural enclosures; and 5) reduced street intersection off-set.

DESIGN REVIEW for a proposed single family residential development on 20.0 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the east side of Lindell Road (alignment) and the south side of Pyle Avenue (alignment) within Enterprise. SB/pb/ja (For possible action)

RELATED INFORMATION:

APN:
176-25-701-016

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase the height of a block wall to 6 feet 8 inches where a maximum height of 6 feet is permitted per Section 30.64.020 (an 11.2% increase).
2. Increase the height of the principle buildings (residence) to 38 feet where 35 feet is permitted per Table 30.40-2 (an 8.6% increase).
3. Allow a roof pitch 2.5:12 where 3:12 is required per Table 30.52-2A.
4. Allow architectural enclosures up to a total length of 18 feet where 12 feet is permitted per Section 30.56.040.
5. Reduce street intersection off-set to 90 feet where a minimum of 125 feet is required (a 28% reduction).

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL SUBURBAN (UP TO 8 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 20
- Number of Lots/Units: 91
- Density (du/ac): 4.6
- Minimum/Maximum Gross Lot Size: 5,500 square feet/40,198 square feet

- Minimum/Maximum Net Lot Size: 5,475 square feet/11,238 square feet
- Project Type: Single family residential
- Number of Stories: 2 & 3
- Building Height: Up to 38 feet
- Square Feet: 3,103 to 4,934

History

R-2 zoning was approved on this site and the surrounding area by action of ZC-1517-03 subject to several conditions. The original request was a conforming zone change with no plans submitted, and included 90 acres located on the west side of Decatur Boulevard between Silverado Ranch Boulevard and Frias Avenue. This request is to approve the design of a single family residential development on a 20 acre portion at the southeast corner of Lindell Road and Pyle Avenue. The 3 companion items on this agenda include waivers of conditions for the original zone change, a vacation of easements and portions of rights-of-way, and a tentative map on this site.

Site Plans

The plans depict a proposed single family residential development that is gated with access only from Lindell Road and consisting of 91 lots on 20 acres for a density of 4.6 dwelling units per acre. All lots will have direct access from a 38 foot wide private street with no sidewalks. The lots range in area between 5,475 square feet and 11,238 square feet (net). There is an existing overhead power line that runs through the northwestern portion of the site and impacts 2 of the lots. The street accessing Lindell Road needs a reduction in street intersection off-set to 90 feet.

Landscaping

A 15 foot wide landscape area with a detached sidewalk is located along Lindell Road and Pyle Avenue and a 10 foot wide landscape area adjacent to an attached sidewalk is located along Edmond Street. Additional landscaping is provided at the gated entrance to the community and along the interior private streets. The landscape materials include trees, shrubs, and groundcover in conformance to Code requirements. The screen walls will be up to 6 feet 8 inches in height.

Elevations

The plans depict 5 models including four, 2 story homes and one, 3 story home. The buildings will range between 26 feet and 38 feet in height. All of the homes will have pitched roofs with concrete tile roofing material. The roof pitch will vary including 2.5:12. Architectural enclosures will be up to 18 feet long. The exterior walls of the homes will have a stucco finish painted in earth tone colors. Architectural enhancements will include stone veneer, pop-outs, recesses, and window fenestrations.

Floor Plans

The homes will be between 3,103 square feet to 4,934 square feet in area with a 3 car garage and options for 3 or more bedrooms. The 3 story model will have an optional roof deck.

Applicant's Justification

The applicant indicates the proposed community has been designed to complement the surrounding Highland Ranch subdivisions and will be compatible with the development in the

area. The additional wall height will provide privacy for the residents, the increased height of the building will allow 9 foot ceilings in the 3 story models, the alternative roof pitch will allow modern elevations to offer additional architectural options, the increased width of the architectural enclosures applies to only 1 model, and the reduced street off-set allows minimal off-set from Pyle Avenue.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1517-03 (WC-0037-05)	Waived conditions of a zone change requiring right-of-way dedication of 30 to 60 feet for Haleh Avenue	Approved by BCC	March 2005
ZC-1517-03	Reclassified 90 acres including the subject site from R-E to R-2 zone	Approved by BCC	October 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Suburban (up to 8 du/ac)	R-E & R-2	Undeveloped & developing single family residential
South	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped
East	Residential Medium (3 du/ac to 14 du/ac)	R-2	Undeveloped
West	Residential Suburban (up to 8 du/ac)	R-2	Developing single family residential

The subject site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
WC-18-400134 (ZC-1517-03)	A waiver of conditions for right-of-way dedication and queuing analysis on this site is a companion item on this agenda.
VS-18-0388	A vacation of right-of-way and easements on this site is a companion item on this agenda.
TM-18-500083	A tentative map consisting of 91 residential lots and common elements for a single family residential development is a companion item on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis

Current Planning

Waivers of Development Standards

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a

substantially adverse manner. The intent and purpose of a waiver of development standards is to modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

Staff can support the waiver to increase the screen wall height to 6 feet 8 inches. Staff finds that the wall will not adversely impact the surrounding properties since the walls will provide additional privacy for future residents. Similar requests have been approved for a portion of this site and other residential developments.

Waiver of Development Standards #2

The request for increased building height is for a single model only (the 3 story model), while the other models meet Code requirements. Staff finds the increase is minimal and will not adversely impact the surrounding properties. Similar requests have been approved for other residential developments.

Waiver of Development Standards #3

The intent of the minimum roof pitch requirement is to ensure the proper redirection of storm water and to provide a consistent design standard for single family homes. The request to reduce the roof pitch is for a single model, while the remaining 4 models have varying roof pitches. The request to reduce the roof pitch is minimal, and will not have an adverse or negative impact on the surrounding land uses or residential properties. Therefore, staff can support this request.

Waiver of Development Standards #4

Staff can support the waiver for increased length of architectural enclosures. The request does not apply to all models and will be limited to the interior of the site; therefore, staff finds the architectural enclosures will not adversely impact the surrounding properties.

Design Review

The proposed R-2 zoned lots are larger than the minimum lot size required by Code for R-2 zoning. The design of the subdivision layout is consistent and compatible with approved and planned land uses in the area and staff finds the project conforms to Urban Specific Policy 10 of the Comprehensive Master Plan that encourages site designs to be compatible with adjacent land uses and off-site circulation patterns. Staff finds that the design of the elevations of the proposed residences with the variety in height, roof pitch, and pop-outs/enclosures complies with Urban Specific Policy 43 by providing a variety of elevations with articulated building facades. The varying roof slopes and architectural features for the residential models will create an aesthetically pleasing design with the development. Therefore, staff can support this request.

Public Works - Development Review

Waiver of Development Standards #5

Staff finds the requested waiver for the reduced distance between the intersections of Lindell Road and Dreaming Tree Street and Lindell Road and Purple Moon Avenue to be a self-imposed hardship. The applicant's intent is to use the area within the power easement for the gated entry to allow for more developable lots, but in doing so the required separation between the intersections does not meet the minimum standards. Since the site is vacant land staff finds that

a redesign is possible to allow the intersections to line up. Therefore, staff cannot support this request.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval of waivers of development standards #1, #2, #3, #4, and the design review; and denial of waiver of development standards #5.

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

If approved:

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area;
- Certificate of Occupancy and/or business license shall not be issued without final zoning inspection.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 2 years of approval date or it will expire.

Public Works - Development Review

- Drainage study and compliance;
- Traffic study and compliance;
- Full off-site improvements;
- Right-of-way dedication to include 35 feet to the back of curb for Pyle Avenue, 35 feet to the back of curb for Lindell Road, 30 feet for Edmond Street, and associated spandrels.
- Applicant is advised that the gated entry does not comply with Uniform Standard Drawing 222.1 and must be redesigned; and that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- No comment.

TAB/CAC: Enterprise - approval of waivers of development standards #1 through #4; and denial of waiver of development standards #5 and the design review (provide a minimum 4 foot wide sidewalk on one side of the private streets within the development).

APPROVALS:

PROTEST:

COUNTY COMMISSION ACTION: July 3, 2018 – HELD – To 07/18/18 – per the applicant.

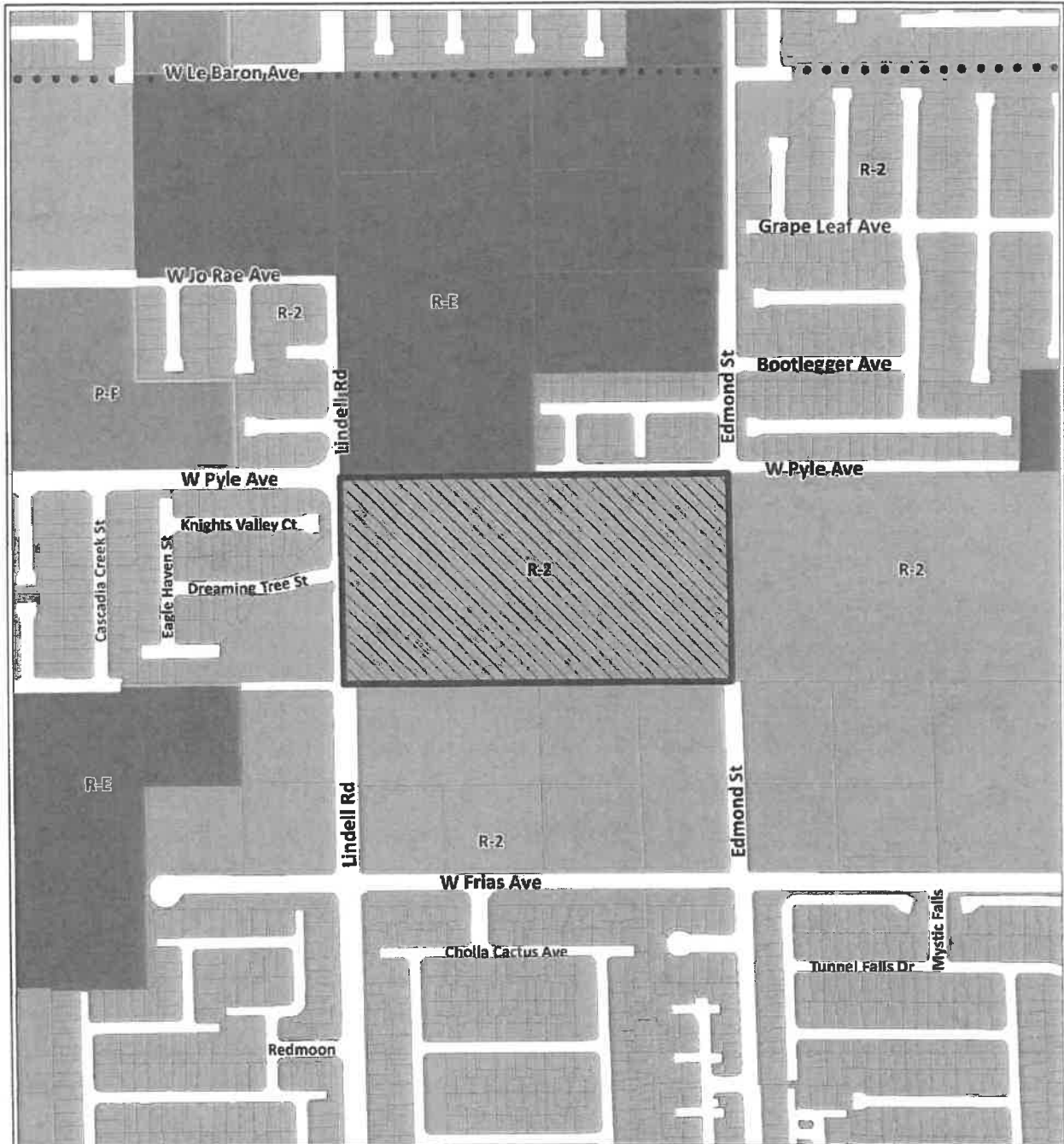
APPLICANT: AMERICAN WEST DEVELOPMENT, INC.

CONTACT: SHANNON COOPER, SLATER HANIFAN GROUP, 5740 S. ARVILLE STREET #216, LAS VEGAS, NV 89118

Commission Agenda Map

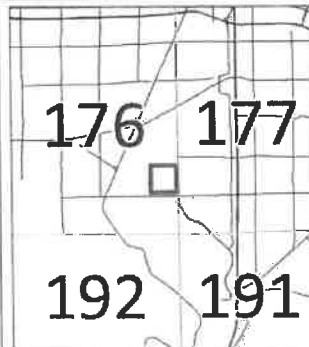
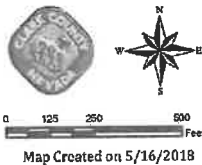
WS-18-0387

Clark County Department of Comprehensive Planning, Clark County, Nevada

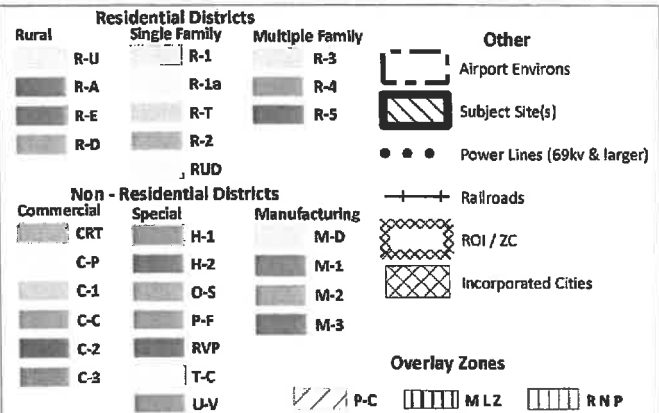


Subject Parcel(s)
17625701016

Subject Section(s)
SEC25 T22S R60E



This information is for display purposes only.
No liability is assumed as to the
accuracy of the data delineated hereon.



AGENDA SHEET AND NOTICE OF FINAL ACTION

HIGHLANDS RANCH 26A AND 26B

WS-19-0442



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director

NOTICE OF FINAL ACTION

July 25, 2019

CHELSEA JENSEN
SLATER HANIFIN GROUP
5740 S. ARVILLE STREET, SUITE 216
LAS VEGAS, NV 89118

REFERENCE: WS-19-0442

On the date indicated above, a Notice of Final Action was filed with the Clark County Clerk, Commission Division, pursuant to NRS 278.0235 and NRS 278.3195, which starts the commencement of the twenty-five (25) day limitation period specified therein.

The above referenced application was presented before the Clark County Board of County Commissioners at their regular meeting of July 17, 2019 and was **APPROVED** subject to the conditions listed below. You will be required to comply with all conditions prior to the issuance of a building permit or a business license, whichever occurs first.

Time limits to commence, complete or review this approval, apply only to this specific application. A property may have several approved applications on it with each having its own expiration date. It is the applicant's responsibility to keep the application current.

CONDITIONS:

Current Planning

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Applicant to work with Public Works – Design Division for improvements on Decatur Boulevard;
- If required by the Regional Transportation Commission (RTC) dedicate and construct right-of-way for a bus turnout including passenger loading/shelter areas in accordance with RTC standards;
- Right-of-way dedication to include 55 feet to back of curb for Decatur Boulevard, 35 feet to back of curb for Pyle Avenue, 30 feet to back of sidewalk for Edmond Street and associated spandrel(s).

BOARD OF COUNTY COMMISSIONERS

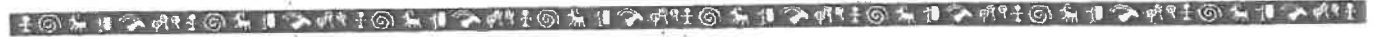
MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN • JAMES B. GIBSON • JUSTIN C. JONES • MICHAEL NAFT • TUCK SEGERBLOM
YOLANDA T. KING, County Manager



Department of Comprehensive Planning

500 S Grand Central Pkwy • Box 551741 • Las Vegas NV 89155-1741
(702) 455-4314 • Fax (702) 455-3271

Nancy A. Amundsen, Director



- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0285-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

BOARD OF COUNTY COMMISSIONERS

MARILYN KIRKPATRICK, Chair • LAWRENCE WEEKLY, Vice Chair
LARRY BROWN • JAMES B. GIBSON • JUSTIN C. JONES • MICHAEL NAFT • TICK SEGERBLOM
YOLANDA T. KING, County Manager

07/17/19 BCC AGENDA SHEET

RESIDENTIAL DEVELOPMENT
(TITLE 30)

PYLE AVE/DECATUR BLVD

PUBLIC HEARING

APP. NUMBER/OWNER/DESCRIPTION OF REQUEST

WS-19-0442-MOUNTAIN WEST ASSOCIATES, LLC:

WAIVERS OF DEVELOPMENT STANDARDS for the following: 1) increase building height; and 2) increase wall height.

DESIGN REVIEW for a single family residential development on 39.3 acres in an R-2 (Medium Density Residential) Zone.

Generally located on the south side of Pyle Avenue and the west side of Decatur Boulevard within Enterprise. JJ/al/ma (For possible action)

RELATED INFORMATION:

APN:

176-25-701-006; 176-25-701-010 through 176-25-701-012; 176-25-701-018; 176-25-701-019; 176-25-701-022

WAIVERS OF DEVELOPMENT STANDARDS:

1. Increase building height to 38 feet where a maximum of 35 feet is permitted per Table 30.40-2 (an 8.6% increase).
2. Increase wall height to 7 feet where a maximum of 6 feet is permitted per Section 30.64.020 (a 16.7% increase).

LAND USE PLAN:

ENTERPRISE - RESIDENTIAL MEDIUM (FROM 3 DU/AC TO 14 DU/AC)

BACKGROUND:

Project Description

General Summary

- Site Address: N/A
- Site Acreage: 39.3
- Number of Lots/Units: 252
- Density (du/ac): 6.4
- Minimum/Maximum Lot Size (square feet): 3,384/8,202
- Project Type: Single family residential development
- Number of Stories: 2 and 3
- Building Height (feet): Up to 38
- Square Feet: 1,798 to 3,990

Site Plans

The plans depict a single family residential development consisting of 252 lots on 39.3 acres with a density of 6.4 dwelling units per acre. Access to the development is provided by 2 entrances, with 1 from Decatur Boulevard and the other from Frias Avenue. Access to the lots within the subdivision will be provided by 42 foot wide private streets, primarily parallel to Decatur Boulevard with a 4 foot wide sidewalk on 1 side of the streets.

Landscaping

All landscape areas will consist of a combination of trees, shrubs, and groundcover. The plans depict 10 foot wide landscape areas with attached sidewalks adjacent to Edmond Street and Frias Avenue. A minimum 15 foot wide landscape area with a detached sidewalk is depicted along Pyle Avenue and a minimum 20 foot wide landscape area with a meandering sidewalk is located along Decatur Boulevard. Minimum 10 foot wide landscape areas are located along the entrances to the development and 6 foot wide landscape areas are depicted along the side streets of the corner lots and along the rear yards of lots that back-up to private streets primarily parallel to Decatur Boulevard within the development.

Elevations

Plans were submitted for a total of 9 home models with 3 different building elevations for each model. The plans depict a total of six, 2 story models and three, 3 story models. The 2 story homes will be a maximum of 28 feet in height; and the 3 story homes will be a maximum of 38 feet in height. The exterior of the homes will consist of a combination of stucco painted in earth tone colors, stone veneer, and other architectural enhancements on all sides of the homes.

Floor Plans

Plans were submitted for a total of 9 home models that range between 1,798 square feet and 3,990 square feet. The home models have options for 3 to 5 bedrooms and each home will have a 2 car garage.

Applicant's Justification

The applicant indicates that the proposed development has been designed to complement the surrounding single family residential developments and will blend in with the abutting communities. The waivers to increase building heights and wall heights have been approved for other projects in the community and will not have a negative effect on the abutting developments.

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-1041-05	Reclassified 60.2 acres, which included a portion of this site, to an R-2 zone for future residential development	Approved by BCC	August 2005
ZC-1517-03 (WC-0037-05)	Waived conditions for right-of-way dedication for Haleh Avenue	Approved by BCC	March 2005

Prior Land Use Requests

Application Number	Request	Action	Date
ZC-2178-04	Reclassified 37.4 acres, which included a portion of this site, to an R-2 zone for a single family residential development	Approved by BCC	February 2005
ZC-1517-03	Reclassified 90 acres, which included a portion of this site, to an R-2 zone for future residential development	Approved by BCC	October 2003

Surrounding Land Use

	Planned Land Use Category	Zoning District	Existing Land Use
North	Residential Medium (from 3 du/ac to 14 du/ac) & Office Professional	R-E & R-2	Single family residences & undeveloped parcels
South	Residential Suburban (up to 8 du/ac)	R-2	Single family residences
East	Residential High (from 8 du/ac to 18 du/ac) & Commercial General	R-E & C-2	Fast food restaurant & mini-warehouse facility
West	Residential Suburban (up to 8 du/ac)	R-2	Undeveloped parcels

This site and the surrounding area are located in the Public Facilities Needs Assessment (PFNA) area.

Related Applications

Application Number	Request
VS-19-0443	A vacation and abandonment of easements is a companion item on this agenda.
WC-19-400078 (ZC-1517-03)	A waiver of conditions for a right-of-way dedication is a companion item on this agenda.
WC-19-400079 (ZC-2178-04)	A waiver of conditions for a right-of-way dedication is a companion item on this agenda.
WC-19-400080 (ZC-1041-05)	A waiver of conditions for a right-of-way dedication is a companion item on this agenda.
TM-19-500115	A tentative map for a single family residential development is a companion on this agenda.

STANDARDS FOR APPROVAL:

The applicant shall demonstrate that the proposed request meets the goals and purposes of Title 30.

Analysis**Current Planning****Waivers of Development Standards**

According to Title 30, the applicant shall have the burden of proof to establish that the proposed request is appropriate for its existing location by showing that the uses of the area adjacent to the property included in the waiver of development standards request will not be affected in a substantially adverse manner. The intent and purpose of a waiver of development standards is to

modify a development standard where the provision of an alternative standard, or other factors which mitigate the impact of the relaxed standard, may justify an alternative.

Waiver of Development Standards #1

A majority of the models do not exceed 35 feet; however, some of the models have 3 stories and the roof is at a height of 38 feet. The request is less than a 10% deviation from the standard height and similar requests have been approved for other residential developments within Enterprise, which includes a development located at the southwest corner of Pyle Avenue and Lindell Road, approximately 1,330 feet to the west of this site. Therefore, staff can support the waiver to increase the building height.

Waiver of Development Standards #2

Similar requests to increase wall heights have been approved for this developer for other projects within Enterprise. Waivers to increase wall height have been approved for the abutting residential developments to the north and south and for other developments farther to the west. The proposed wall will be consistent and compatible with other walls that have been constructed for residential developments in the area. Therefore, staff has no objection to this request.

Design Review

The design of the proposed homes are consistent and compatible with the other single family residential developments in the area. The layout and design of the subdivision are similar to other single family residential developments in the area. This site was reclassified to an R-2 zone by action of 3 different zone change applications (ZC-1547-13, ZC-2178-04, and ZC-1041-05). Each of these zone change applications were approved with conditions for right-of-way dedications that would cross through the site, and these conditions must be waived to allow the approval of the proposed subdivision layout. The applicant has submitted requests for waivers of conditions (WC-19-400078 (ZC-1517-03), WC-19-400079 (ZC-2178-04), and WC-19-400080 (ZC-1041-05) that are companion items on this agenda to waive the right-of-way dedication requirements for the site, and staff is recommending approval of these applications.

Department of Aviation

The property lies just outside the AE-60 (60-65 DNL) noise contour for the McCarran International Airport and is subject to continuing aircraft noise and over-flights. Future demand for air travel and airport operations is expected to increase significantly. Clark County intends to continue to upgrade the McCarran International Airport facilities to meet future air traffic demand.

Staff Recommendation

Approval. The approval of the design review is contingent upon the approvals of WC-19-400078 (ZC-1517-03), WC-19-400079 (ZC-2178-04), and WC-19-400080 (ZC-1041-05).

If this request is approved, the Board and/or Commission finds that the application is consistent with the standards and purpose enumerated in the Comprehensive Master Plan, Title 30, and/or the Nevada Revised Statutes.

PRELIMINARY STAFF CONDITIONS:

Current Planning

- Enter into a standard development agreement prior to any permits or subdivision mapping in order to provide fair-share contribution toward public infrastructure necessary to provide service because of the lack of necessary public services in the area.
- Applicant is advised that a substantial change in circumstances or regulations may warrant denial or added conditions to an extension of time; the extension of time may be denied if the project has not commenced or there has been no substantial work towards completion within the time specified; and that this application must commence within 4 years of approval date or it will expire.

Public Works - Development Review

- Right-of-way dedication to include 55 feet to back of curb for Decatur Boulevard, 35 feet to back of curb for Pyle Avenue, 30 feet to back of sidewalk for Edmond Street and associated spandrel(s);
- Applicant is advised that the installation of detached sidewalks will require dedication to back of curb and granting necessary easements for utilities, pedestrian access, streetlights, and traffic control.

Department of Aviation

- Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged; that the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998; and that funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed.

Building Department - Fire Prevention

- No comment.

Clark County Water Reclamation District (CCWRD)

- Applicant is advised that a Point of Connection (POC) request has been completed for this project; to email sewerlocation@cleanwaterteam.com and reference POC Tracking #0285-2019 to obtain your POC exhibit; and that flow contributions exceeding CCWRD estimates may require another POC analysis.

TAB/CAC: Enterprise - approval (provide pedestrian access to Pyle Avenue).

APPROVALS:

PROTESTS:

APPLICANT: GAMEDAY, LLC

CONTACT: CHELSEA JENSEN, SLATER HANIFIN GROUP, 5740 S. ARVILLE STREET, SUITE 216, LAS VEGAS, NV 89118

Commission Agenda Map

WS-19-0442

Clark County Department of Comprehensive Planning, Clark County, Nevada

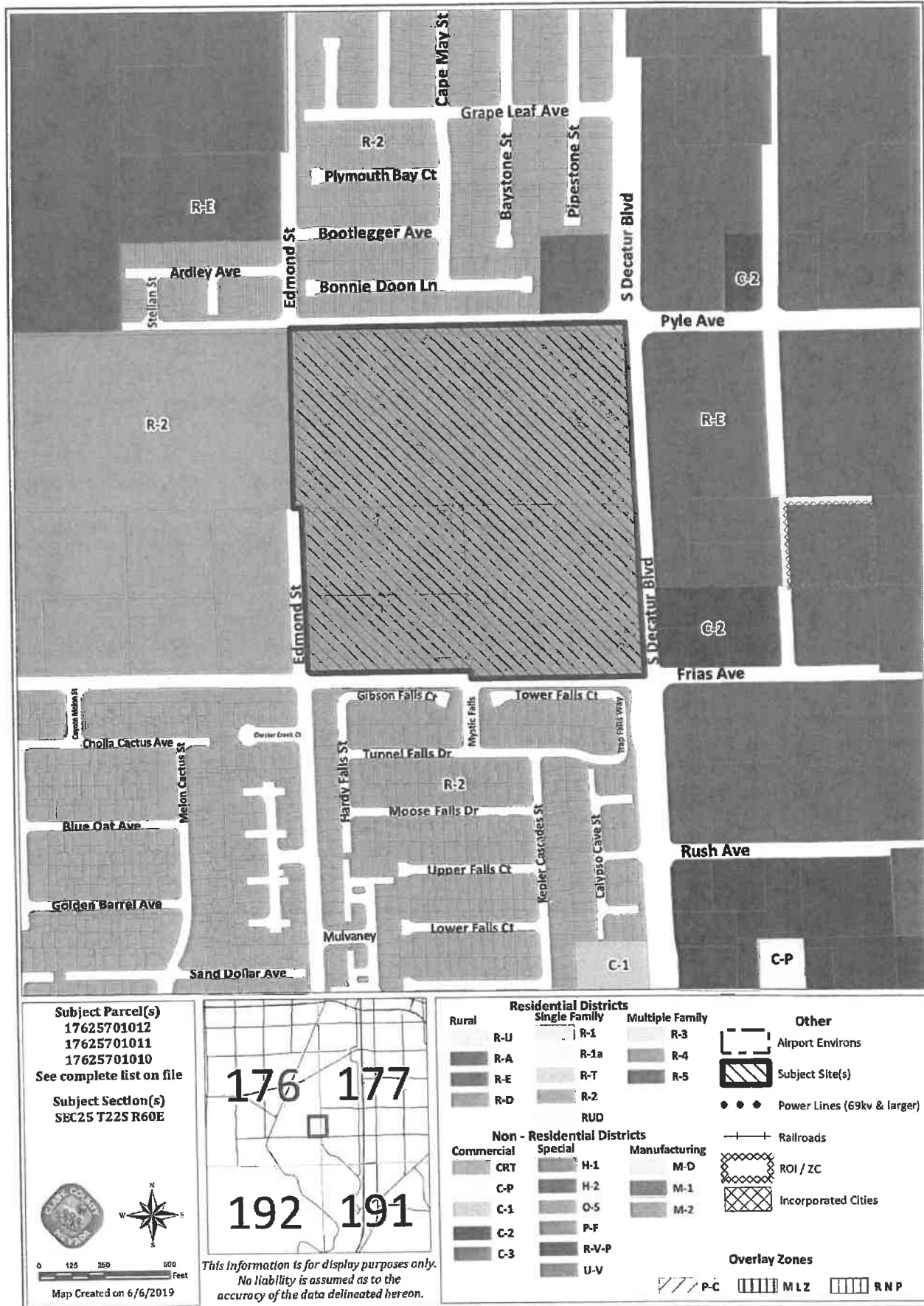
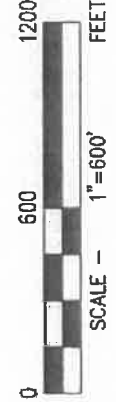
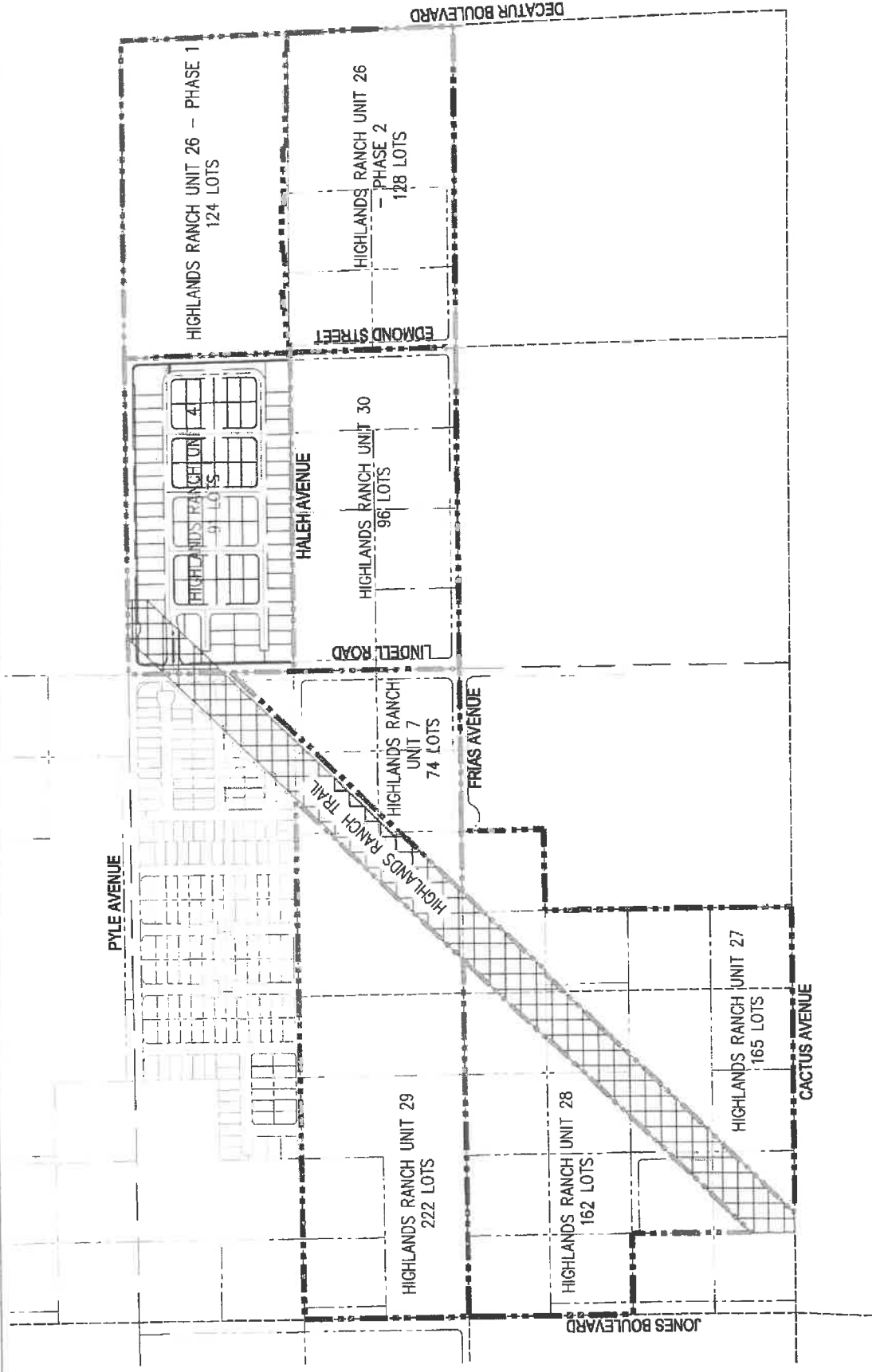


EXHIBIT "D"

TRAILS

HIGHLANDS RANCH TRAIL EXHIBIT CLARK COUNTY, NV



DATE: 6/2/2021
SCALE: 1" = 600'
PROJECT #: PUL1910-001

5725 W. Badure Ave. STE: 100
Las Vegas, NV 89118

Phone (702) 284-5300
westwoodps.com

Westwood
Westwood Professional Services, Inc.

WALLACE MORRIS KLINE SURVEYING, LLC
Land Survey Consulting

HIGHLANDS RANCH TRAIL SYSTEM

A PORTION OF THE SOUTHWEST QUARTER (SW1/4) OF THE SOUTHWEST QUARTER (SW1/4) AND THE EAST HALF (E1/2) OF THE SOUTHWEST QUARTER (SW1/4) AND THE NORTHWEST QUARTER (NW1/4) OF THE SOUTHEAST QUARTER (SE1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 25;

THENCE ALONG THE SOUTH LINE THEREOF, SOUTH 89°57'40" EAST, 331.71 FEET;

THENCE LEAVING SAID SOUTH LINE NORTH 00°40'08" WEST, 45.00 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING, NORTH 00°40'08" WEST, 131.29 FEET;

THENCE NORTH 44°08'25" EAST, 1,151.78 FEET;

THENCE SOUTH 89°51'21" WEST, 7.53 FEET;

THENCE NORTH 43°55'46" EAST, 1,210.88 FEET;

THENCE SOUTH 00°45'40" EAST, 13.95 FEET;

THENCE NORTH 44°08'37" EAST, 209.04 FEET;

THENCE SOUTH 89°42'45" WEST, 14.73 FEET;

THENCE NORTH 43°56'13" EAST, 109.13 FEET;

THENCE NORTH 89°35'36" EAST, 35.04 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 10.00 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC LENGTH OF 15.71 FEET;

THENCE NORTH 00°24'24" WEST, 27.00 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 10.00 FEET, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 41°03'56", AN ARC LENGTH OF 7.17 FEET TO A POINT TO WHICH A RADIAL LINE BEARS NORTH 48°31'40" EAST;

HIGHLANDS RANCH TRAIL SYSTEM

THENCE NORTH 43°56'13" EAST, 584.68 FEET;

THENCE SOUTH 00°43'36" EAST, 32.87 FEET;

THENCE NORTH 44°08'25" EAST, 229.46 FEET;

THENCE NORTH 89°36'58" EAST, 222.18 FEET;

THENCE SOUTH 44°10'28" WEST, 544.08 FEET;

THENCE SOUTH 00°43'36" EAST, 27.57 FEET;

THENCE SOUTH 43°56'13" WEST, 357.72 FEET;

THENCE SOUTH 89°42'45" WEST, 30.13 FEET;

THENCE SOUTH 44°09'42" WEST, 540.67 FEET;

THENCE SOUTH 00°45'40" EAST, 33.73 FEET;

THENCE SOUTH 43°55'48" WEST, 814.92 FEET;

THENCE SOUTH 89°52'24" WEST, 16.51 FEET;

THENCE SOUTH 42°01'57" WEST, 6.49 FEET;

THENCE SOUTH 44°11'11" WEST, 1,330.01 FEET;

THENCE NORTH 89°57'40" WEST, 123.52 FEET TO THE **POINT OF BEGINNING**.

CONTAINING 15.40 ACRES, MORE OR LESS.

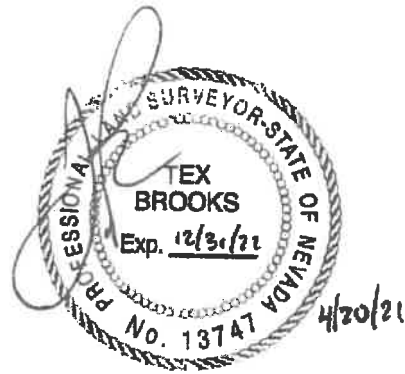
AFFECTING APN'S: 176-25-301-012, 020, 026, 176-25-310-180, 181, 176-25-401-005, 006, 010, 015, 016, 022, 030, 176-25-710-001, 068, 093 AND 094

HIGHLANDS RANCH TRAIL SYSTEM

BASIS OF BEARINGS

SOUTH 00°43'36" EAST, BEING THE BEARING OF THE EAST LINE OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 25, TOWNSHIP 22 SOUTH, RANGE 60 EAST, M.D.M., CLARK COUNTY, NEVADA, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 153, PAGE 53 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA.

TEX J. BROOKS, PLS
NEVADA LICENSE NO. 13747



ORD - 21-900355

ASSESSOR'S PARCELS - CLARK COUNTY, NV.
Briana Johnson - Assessor

176-25-7

N 2 SE 4

25

T22S R60E

164 163 162 16
175 176 177 17
183 182 191 19

Scale: 1" = 200'

Rev: 12/28/2020

MAP LEGEND

PARCEL BOUNDARY
SUB BOUNDARY
PMLD BOUNDARY
ROAD EASEMENT
MATCH / LEADER LINE
HISTORIC SUB BOUNDARY
SECTION LINE

CONDOMINIUM UNIT
AIR SPACE PCL
RIGHT OF WAY PCL
SUB SURFACE PCL

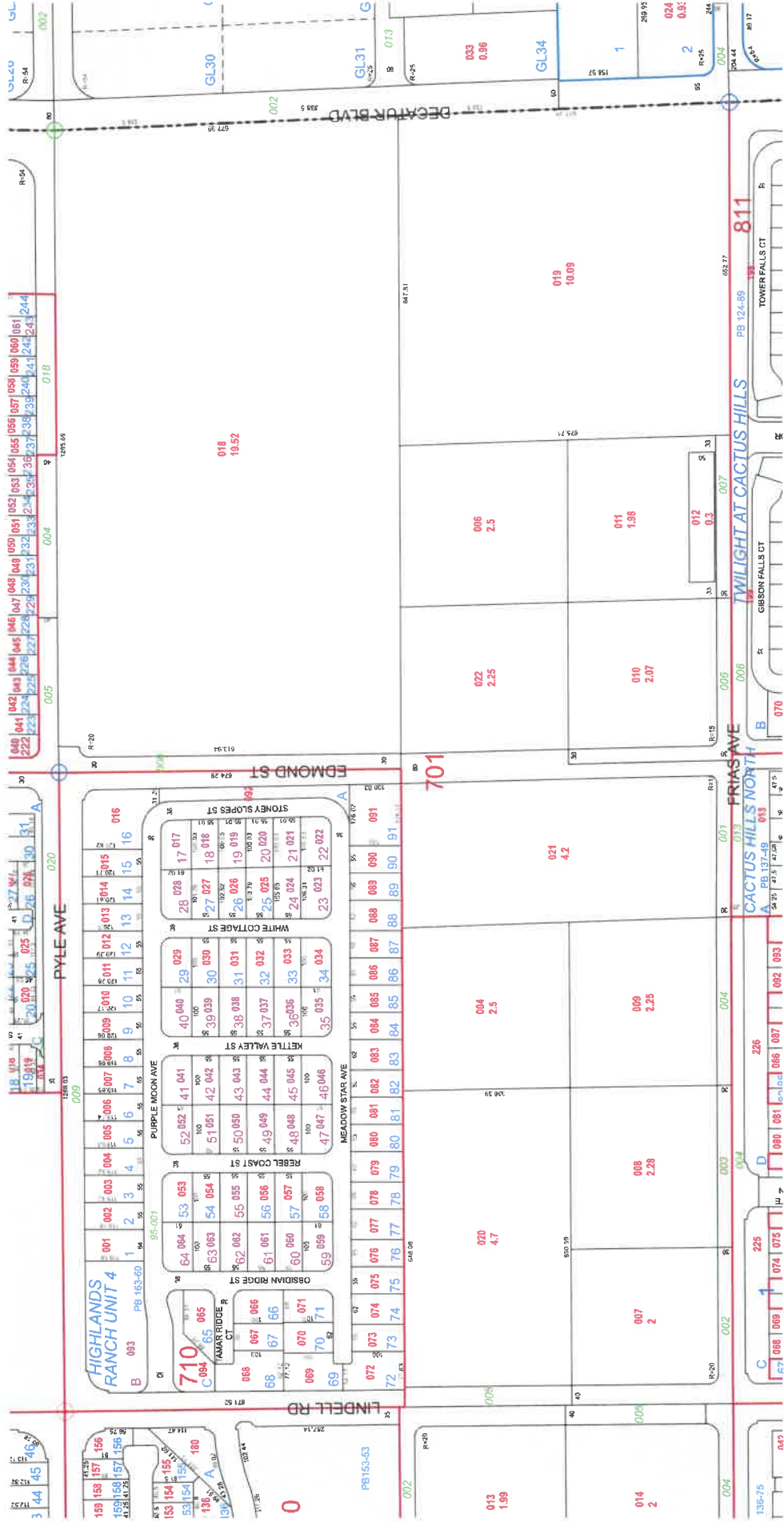
001 PARCEL NUMBER
1.00 ACREAGE
202 PARCEL SUB/SEC NUMBER
PB 24-45 PLAT RECORDING NUMBER
5 LOT NUMBER
6.5 GOV. LOT NUMBER

NOTES

This map is for assessment use only and does NOT represent a survey.
No liability is assumed for the accuracy of the data delineated herein.
Information on roads and other non-assessed parcels may be obtained from the Road Document Listing in the Assessor's Office.
This map is compiled from official records, including surveys and deeds, but only contains the information required for assessment. See the recorded documents for more detailed legal information.

USE THIS SCALE FEET WHEN MAP REDUCED FROM 1:1X17 ORIGINAL

0 100 200 400 600 800



This map is for assessment use only and does NOT represent a survey.
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 from the Road Document Listing in the Assessor's Office.
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 but only contains the information required for assessment. See the
 recorded documents for more detailed legal information.

USE THIS SCALE: 1" = 200'
 0 100 200 300 400 500 600 800

MAP LEGEND
 PARCEL BOUNDARY
 SUB BOUNDARY
 PMD BOUNDARY
 ROAD EASEMENT
 MATCH / LEADER LINE
 HISTORIC LOT LINE
 HISTORIC SUB BOUNDARY
 SECTION LINE

NOTES
 1. PARCEL BOUNDARY
 2. SUB BOUNDARY
 3. PMD BOUNDARY
 4. ROAD EASEMENT
 5. MATCH / LEADER LINE
 6. HISTORIC LOT LINE
 7. HISTORIC SUB BOUNDARY
 8. SECTION LINE

176-25-3

25
 1 2 3 4 5 6 7 8 9 10 11 12 13 14 15 16 17 18 19 20 21 22 23 24 25 26 27 28 29 30 31 32 33 34 35 36 37 38 39 40 41 42 43 44 45 46 47 48 49 50 51 52 53 54 55 56 57 58 59 60 61 62 63 64 65 66 67 68 69 70 71 72 73 74 75 76 77 78 79 80 81 82 83 84 85 86 87 88 89 90 91 92 93 94 95 96 97 98 99 100

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25
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176-25-3
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