CLARK COUNTY PLANNING COMMISSION
AGENDA ITEM (AG-0848-17)

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<th>ISSUE:</th>
<th>Indian Springs Apartment Homes Development Agreement 24-month Review</th>
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<td>PETITIONER:</td>
<td>Nancy Amundsen, Director, Department of Comprehensive Planning</td>
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<td>RECOMMENDATION:</td>
<td>That the Board of County Commissioners receive a report on the 24-month review of the Indian Springs Apartment Homes Development Agreement. (For possible action)</td>
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FISCAL IMPACT:

None by this action.

BACKGROUND:

In accordance with the Indian Springs Apartment Homes Development Agreement ("Agreement") adopted on July 22, 2015 and Nevada Revised Statutes Section 278.0205, Indian Springs Investments, LLC has submitted a 24-month report summarizing the status of the development of the land and specifying those sections of the Agreement which are still ongoing or have been complied with and completed.

The 24-month report is attached for review and the sections of the Agreement which have been completed include, but are not limited to the following:

Section 2.01 (c) County Authorization, Hearing, and Ordinance
Owner has submitted and received approval for an Extension of Time application (ET-0134-16) for the original nonconforming zone change (NZC-0387-08). ET-0134-16 was approved subject to until October 7, 2019 to commence. MSM-0010-15, Merger & Resubdivision Map, has also been approved and recorded combining the previous parcels into a single 16.44 acre parcel and a vacation and abandonment of various rights-of-way, VS-0097-15, has been approved and the Order of Vacation recorded.

No vertical construction has commenced on the project. Therefore, compliance with many sections of the Agreement are still ongoing and the requirements of Section 4 (Public Facilities) of the Agreement remain outstanding. The applicant indicates that development of the project was impeded due to a request from NV Energy to construct a new substation, switch yard and additional power poles (UC-0734-15) near the project. NV Energy withdrew their application in February 2017. The owners have worked with staff to address issues caused by this delay.

Respectfully Submitted,

[Signature]
Nancy A. Amundsen
Director, Department of Comprehensive Planning

NA\pb
Indian Springs Investments, LLC Development Agreement
24-Month Report Detailed Review

July 10, 2017
Pursuant to a request from the Planning Department Staff

Indian Springs Investments, LLC ("Owner") concludes that, to the best of its knowledge, information, and belief, it is generally in compliance with all material obligations, and the terms contained within those sections of the Development Agreement, dated July 22, 2015, (the "Development Agreement") that are not specifically listed or addressed herein are being met and are in effect.

General comments, clarifications and recommendations for future action are as follows (changes and/or additions since the last update are printed in **BOLD**):

Section 1 DEFINITIONS

1.01 Definitions
   (d) Applicable Rules, (1) Subsequent approvals to NZC-0387-08 are as follows and incorporated by this reference:

   a) ET-0134-16 Extension of time granted for NZC-0387-08; CONDITIONS by Current Planning included “Until October 7, 2019 to commence”.

   b) MSM-0010-15 Merger & Resubdivision Map approved & Parcel Map recorded reflecting same (PM 120-0070 - combining previous Assessor’s Parcel Number(s): 059-08-701-001 & 059-08-701-002 combined into a single 16.44 net acre parcel (APN: 059-08-701-059), now with a single situs address of 875 W. Boulder Lane, Indian Springs, NV 89018.

   c) VS-0097-15 Vacation & Abandonment of various Rights Of Way approved: for Jet Street between Boulder Lane & Gretta Lane, a portion of Gretta Lane between Jet & Helen streets and for a portion of ROW being Fisher Lane between Helen & Jet streets (Inst# 20150806-0002575).

Section 2 RECITAL OF PREMISES, PURPOSE & INTENT

2.01 Recitals
   (c) ET-0134-16 Extension of time approved for NZC-0387-08, CONDITIONS by Current Planning included “Until October 7, 2019 to commence”;
   MSM-0010-15 Merger & Resubdivision Map approved. Subsequent Parcel Map recorded reflecting same (PM 120-0070 - combining previous Assessor’s Parcel Number(s): 059-08-701-001 & 059-08-701-002 combined into a single 16.44 net acre parcel (APN: 059-08-701-059), now with a single situs address of 875 W. Boulder Lane, Indian Springs, NV 89018;
   VS-0097-15 Vacation & Abandonment of various Rights Of Way approved: for Jet Street between Boulder Lane & Gretta Lane, a portion of Gretta Lane between Jet & Helen streets and for a portion of ROW being Fisher Lane between Helen & Jet streets (Inst# 20150806-0002575).
Section 3 DEVELOPMENT OF THE PROJECT

3.01 Time for Construction and Completion of the Project; Project Phasing
ET-0134-16 Extension of time granted for NZC-0387-08; CONDITIONS by Current Planning included “Until October 7, 2019 to commence”. No vertical construction has been initiated nor commenced on the Project, thus no initiation of the construction Phasing Plan or its corresponding conditions is relevant or applicable at this time.

3.02 Reliance on Land Use Approvals and Applicable Rules
Owner has not sought additional zoning or land use approvals to increase the number of units on the Subject Property.

3.07 Update and Amendments
This Development Agreement has not been updated or amended.

3.08 Property Dedications
The required Pedestrian Easement has not been created nor dedicated, as no vertical construction has been applied for, initiated nor commenced on the Project; however, a Merger & Resubdivision Map was approved (MSM-0010-15 & subsequent Parcel Map recorded reflecting same (PM 120-0070) - combining previous Assessor’s Parcel Number(s): 059-08-701-001 & 059-08-701-002 into a single 16.44 net acre parcel (APN: 059-08-701-059), now with a single situs address of 875 W. Boulder Lane, Indian Springs, NV 89018; and, the required Vacation & Abandonment of various Rights Of Way was approved: VS-0097-15 (for Jet Street between Boulder Lane & Greta Lane, a portion of Greta Lane between Jet & Helen streets and for a portion of ROW being Fisher Lane between Helen & Jet streets (Inst# 20150806-0002575).

3.09 Expansion of Project
No attempt by Owner to include the property located adjacent to the Subject Property (Expansion Property) has been sought nor initiated.

Section 4 PUBLIC FACILITIES

4.01 Firefighter Protective Clothing and Fire Fighting Equipment
Phases 1, 2 or 3 have not commenced - no issuance of a vertical structural building permit has been issued, therefore Owner is not required nor has Owner provided clothing, equipment or floor resealing at this time.

4.02 Parks and Recreation
Phases 1, 2 or 3 have not commenced - no submittal of plans for, nor has a vertical structural building permit been issued, therefore Owner is not required nor has Owner provided at this time (a) shade structures for the existing Indian Springs Park at this time, nor (b) a new non-programmable park (Park).

4.03 School District/Public Works
Phases 1, 2 or 3 have not commenced - no vertical structural building permit has been issued for any phase, therefore Owner is not required nor has Owner provided at this time:
(a) (1) a Pedestrian Trail, (2) a gate to said Pedestrian Trail from the Community, (3) Rural Sidewalks or (4) Crosswalks & pedestrian signage;
(b) Public Works (1) & (2) - Vacation & Abandonment of various Rights Of Way have been submitted to the County and approved: VS-0097-15 (for Jet Street between Boulder Lane & Greta Lane, a portion of Greta Lane between Jet & Helen streets and for a portion of ROW being Fisher Lane between Helen & Jet streets (Inst# 20150806-0002575); (3) No permanent easement has been granted to the County as Pedestrian Trail has not been completed and is not required at this time; (4) & (5) No road improvements nor crosswalks or pedestrian signage have been initiated nor completed, as same are not required at this time; (6) Owner
stipulates that Owner shall submit and in good faith seek approval of applications for waivers of development standards so that rural road and lighting standards may be installed (waive curb, gutter, sidewalks and street lights), as required by the Agreement, prior to the expiration of ET-0134-16 and/or any renewals thereof and prior to initiation or commencement of vertical construction on the Project - whichever is first in time.

Section 5 REVIEW & DEFAULT

5.01 Frequency of Reviews
This is the first report. Owner is in compliance with all terms of the Development Agreement.

Section 6 CONFLICTING LAWS

To the best of Owner's knowledge, there has been no conflicting state or federal rules or regulations enacted after the Effective Date of the Development Agreement. Owner has complied with all obligations thereto.

Section 7 GENERAL PROVISIONS

7.07 Notices

All notices demands and correspondence to the Owner shall be sent to each and every one of the following:

Indian Springs Investments, LLC
Attn: Mason B. Harvey, Managing Member
7475 W Sahara Ave., Ste 100
Las Vegas, NV 89117
O: 702-315-3172
mbhooffice@earthlink.net

Indian Springs Investments, LLC
Attn: Tony Tegano, Managing Member
7475 W Sahara Ave., Ste 100
Las Vegas, NV 89117
O: 702-315-3172
ttangony@earthlink.net

Indian Springs Investments, LLC
Attn: Stephen P. Schneider, Managing Member
12 Quail Run Rd
Henderson, NV 89014
O: 702-340-1008
steve@ownyourvegas.com