

CLARK COUNTY BOARD OF COMMISSIONERS

ZONING / SUBDIVISIONS / LAND USE

AGENDA ITEM (AG-0383-12)

ISSUE:	Compliance with Section 6.02 (c) of the Second Amendment to the Development Agreement with Southern Highlands Development Corporation.
PETITIONER:	Nancy Lipski, Director, Department of Comprehensive Planning
RECOMMENDATION:	That the Board review and discuss Section 6.02 (c) of the Second Amendment to the Development Agreement with the Southern Highlands Development Corporation and direct staff accordingly.

FISCAL IMPACT:

None by this action.

BACKGROUND:

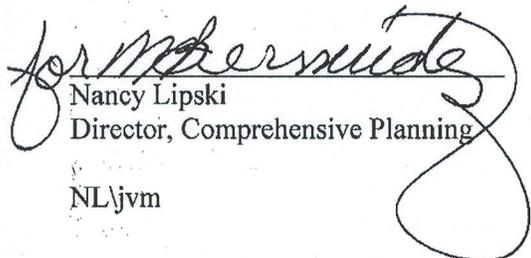
Section 6.02 (c) of the Second Amendment to the Development Agreement with the Southern Highlands Development Corporation states as follows:

Owner agrees to secure in the name of Clark County Parks and Recreation (CCPR) an R&PP lease for twenty (20) or more acres of land on a portion of BLM land indentified as assessors parcel number (APN) 176-36-801-014, 177-31-401-002, and 191-06-101-003 for a Sports Park. The R&PP lease will be secured in a manner described in Section 6.04(d) of this Agreement. The Owner will design, construct and deliver to the County, the Sports Park no later than January 15, 2008 and no residential building permits shall be issued within the Planned Community after this date until the Sports Park is completed and accepted by the County. Should the proposed BLM site not be suitable for development or unavailable Owner will designate another site, suitable to Clark County that will meet the completion date. The Owner will be required to meet County Park Design/Specification Standards for the Sports Park. All designs and cost estimates must receive County approval prior to commencing construction of the parks. Construction drawings shall be submitted to the County for the County at 50%, 75%, 90%, and 100% of design completion for review and approval. The "programmable acres" of the Sports Park shall include: One (1) lighted ball field 4-plex and two (2) practice fields for a total of six (6) little league fields four (4)- six (6) lighted multi-use athletic fields; two (2) lighted playground/picnic areas; two (2) concession/restroom facilities; shaded spectator seating areas for ball fields and multi-use facilities; general landscape; required parking; and ADA accessible walking trails throughout the park all of which are available to residents of the Planned Community and general public. The County will program/schedule and maintain the Sports Park recreational fields/amenities. The County will credit Residential Construction Tax (RCT) to Owner for up to twenty-five (25) "programmable acres" of the Sports Park pursuant to Section 6.03.

To date the park has not been completed and the issuance of residential building permits have been suspended.

Staff recommends that the Board review and discuss Section 6.02 (c) of the Second Amendment to the Development Agreement with the Southern Highlands Development Corporation and direct staff accordingly.

Respectfully Submitted,


 Nancy Lipski
 Director, Comprehensive Planning
 NL/jvm

- (ii) Park Maintenance – Owner agrees to maintain all neighborhood parks, trails, and paseos except Park P5 and Park P8. The County shall maintain Park P5 upon dedication to the County and Park P8 upon acceptance by the County. Owner may elect to transfer maintenance obligations to a Common Interest Community established pursuant to NRS Chapter 116.
- (iii) Park Names – Owner shall submit for County approval of all park and facility names within the Planned Community and such request shall not unreasonably be denied.

6.02(c) Sports Park. Owner agrees to secure in the name of Clark County Parks and Recreation (CCPR) an R&PP lease for twenty (20) or more acres of land on a portion of BLM land identified as assessor parcel number's (APN) 176-36-801-014, 177-31-401-002, and 191-06-101-003 for a Sports Park. The R&PP lease will be secured in the manner described in Section 6.04(d) of this Agreement. The Owner will design, construct and deliver to the County, the Sports Park no later than January 15, 2008 and no residential building permits shall be issued within the Planned Community after this date until the Sports Park is completed and accepted by the County. Should the proposed BLM site not be suitable for development or unavailable Owner will designate another site, suitable to Clark County that will meet the completion date. The Owner will be required to meet County Park Design/Specification Standards for the Sports Park. All designs and cost estimates must receive County approval prior to commencing construction of the parks. Construction drawings shall be submitted to the County for the County at 50%, 75%, 90%, and 100% of design completion for review and approval. The "programmable acres" of the Sports Park shall include: one (1) lighted ball field 4-plex and two (2) practice fields for a total of six (6) little league ball fields four (4)- six (6) lighted multi-use athletic fields; two (2) lighted playgrounds/picnic areas; two (2) concession/restroom facilities; shaded spectator seating areas for ball fields and multi-use facilities; general landscape; required parking; and ADA accessible walking trails throughout the park all of which are available to residents of the Planned Community and the general public. The County will program/schedule and maintain the Sports Park recreational fields/amenities. The County will credit Residential Construction Tax (RCT) to Owner for up to twenty-five (25) "programmable acres" of the Sports Park pursuant to Section 6.03.

6.03 Residential Construction Tax Credit. Chapter 19.05 of the Code imposes a fee upon the privilege of constructing residential units (hereinafter "Residential Construction Tax"). Owner and any Designated Builder shall be entitled to a credit against the Residential Construction Tax for any Qualified Park constructed after the date of this amendment, as follows:

- (i) The park acreage developed shall not be greater than (25) twenty-five acres in size, and shall include all or some of the following amenities: turf areas, trees, irrigation, playground apparatus, athletic fields, play areas, picnic areas, horseshoe pits, jogging and exercise paths, disc golf, water play features and other recreational equipment designated to serve residences with the Planned Community.
- (ii) All facilities for which tax credits have been granted shall be available for use by the general public on a non-discriminatory basis. In the case of privately owned land, such requirement shall be stated in a land use restriction reasonably acceptable to the County, and recorded against the land on which such facilities are located.

CLARK COUNTY BOARD OF COMMISSIONERS

ZONING / SUBDIVISIONS / LAND USE

AGENDA ITEM (AG-0021-17)

ISSUE:	An Extension of Time for the Southern Highlands Sport Park
PETITIONER:	Nancy A. Amundsen, Director, Department of Comprehensive Planning
RECOMMENDATION:	That the Board of County Commissioners consider whether an extension of time should be granted for the design, permitting and construction of the Sport Park within the Southern Highlands Master Planned Community, and direct staff accordingly. (For possible action)

FISCAL IMPACT: None by this action.

BACKGROUND:

The Board of County Commissioners (Board) and Southern Highlands Development Corporation, et al. (Owner), entered into the **Third Amendment to the Development Agreement** on September 15, 2015. This document was recorded (effective date) on October 22, 2015 as instrument #20151022-0002276 in the office of the Clark County Recorder.

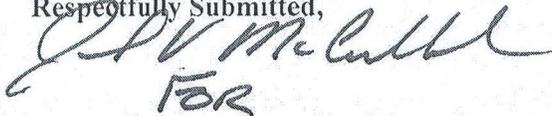
Section 6.01 (c) Sports Park states in part the following:

The Owner shall design and obtain all permits for the Sports Park at its sole cost and expense no later than 12 months after the effective date of the Third Amendment to this Development Agreement. Owner shall complete construction of the Sports Park at its sole cost and expense no later than **24 months after the effective date** of the Third Amendment to the Development Agreement. If owner has not fully completed the design, permitting, or construction within the timeframes required above, upon Owner's request, Owner shall be granted one 3 month administrative extension of time without cause. A request for an administrative extension of time shall be made in writing to the Director of the Clark County Department of Comprehensive Planning or designee. Thereafter, if owner requires additional time, Owner must apply for, and obtain approval of, additional time from the Board of County Commissioners.

On December 6, 2016, Owner requested a 3 month administrative extension of time, which was granted until January 22, 2017. In a separate letter also dated December 6, 2016, Owner formally requested staff to schedule an agenda item before the Board to **request additional time beyond the administrative extension of time**. Owner **anticipates permitting will occur by July 31, 2017** and construction will be complete by August 2018.

Staff recommends that the Board consider whether the Owner should be granted additional time for the Southern Highlands Sport Park and direct staff accordingly.

Respectfully Submitted,



FOR

Nancy A. Amundsen
Director, Comprehensive Planning

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