

ORDINANCE NO. 3664
(ZCA-2006660018-A23 – MacDonald Highlands Planning Area 18)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2870, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTIONS 26 AND 27, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, ON 342 ACRES GENERALLY LOCATED IN THE MACDONALD HIGHLANDS MASTER PLAN, NORTHEAST OF CITYVIEW RIDGE DRIVE AND MAJESTIC RIM DRIVE, IN THE MACDONALD RANCH PLANNING AREA FROM PS-MP-H (PUBLIC/SEMIPUBLIC) ON 121.9 ACRES AND RS-4-MP-H (LOW-DENSITY RESIDENTIAL) ON 220.1 ACRES TO PS-MP-H (PUBLIC/SEMIPUBLIC) ON 81.2 ACRES AND RS-4-MP-H (LOW-DENSITY RESIDENTIAL) ON 260.8 ACRES, ALL WITH MASTER PLAN AND HILLSIDE OVERLAYS.

WHEREAS, the City Council of the City of Henderson, Nevada, on February 4, 2020, committed to the rezoning of certain real property totaling 342 acres, more or less, located in a portion of Sections 26 and 27, Township 22 South, Range 63 East, generally located in the MacDonald Highlands master plan, northeast of Cityview Ridge Drive and Majestic Rim Drive, from PS-MP-H (Public/Semipublic) on 121.9 acres and RS-4-MP-H (Low-Density Residential) on 220.1 acres to PS-MP-H (Public/Semipublic) on 81.2 acres and RS-4-MP-H (Low-Density Residential) on 260.8 acres, all with Master Plan and Hillside Overlays; and

WHEREAS, MacDonald Properties has made application for a zone change; and

WHEREAS, the City Council finds that all of the following criteria have been met:

- A. The proposed hillside plan preserves the integrity of and locates development with the least impact upon sensitive peaks and ridges.
- B. Minimizes grading and site disturbance.
- C. Locates development compatibly with the natural terrain.
- D. Provides adequate drainage, protects downstream properties, and minimizes erosion.
- E. Provides development standards in excess or equal to those required by this ordinance.
- F. The proposal is consistent with the Comprehensive Plan.
- G. The planned development addresses a unique situation, confers a substantial benefit to the City, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.

- H. The planned development complies with the applicable standards of Section 19.4.4, Master Plan Development Overlay.
- I. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- J. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.
- K. The same development could not be accomplished through the use of other techniques, such as re-zonings, variances or administrative adjustments.
- L. Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impacts identified by the Director of Community Development and Services. Impacts relating to any of those criteria would be insignificant since the amount of PS zoning would only decrease by less than one percent of the overall subdivision acreage.
- M. Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use. The proposed amount of overall site and hillside disturbance would decrease with this amendment, compared to the current approval, thus preserving more of the natural hillside.
- N. The preservation of open space beyond what would be required under the requested zoning and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to the protection of open space. The total requested area to be rezoned amounts to less than one percent of the overall subdivision acreage.
- O. Compliance with the closure plan required by Section 19.7.8.L. This does not apply since this proposal is not for the closure of a golf course.

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Ordinance No. 2870 of the City of Henderson, Nevada, entitled "Zoning Map adopted" is hereby amended as follows:

The Zoning Map, adopted by reference as an integral part of the title that outlines and defines the various zoning districts that are described in detail and that indicate which land uses are permitted and which are prohibited, shall be amended to reclassify certain real property within the City limits of the City of Henderson, Nevada, as more particularly described below and as depicted in Exhibit A attached hereto, consisting of one page:

SITUATE IN SECTION 26 AND SECTION 27, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

LOT AA OF THE 6TH AMENDED FINAL MAP OF MACDONALD HIGHLANDS PLANNING AREAS 20 & 18, PHASE 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 155, PAGE 23 OF PLATS, IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER, CLARK COUNTY, NEVADA.

EXCEPTING THERE FROM THAT PORTION OF MACDONALD HIGHLANDS PLANNING AREA 18, PHASE ONE, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 156, PAGE 20 OF PLATS, IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER, CLARK COUNTY, NEVADA.

Containing 342 acres, more or less, from PS-MP-H (Public/Semipublic) on 121.9 acres and RS-4-MP-H (Low-Density Residential) on 220.1 acres to PS-MP-H (Public/Semipublic) on 81.2 acres and RS-4-MP-H (Low-Density Residential) on 260.8 acres, all with Master Plan and Hillside Overlays.

SECTION 2. That the above-described amendment to the zoning map is subject to the following conditions and waivers:

PUBLIC WORKS CONDITIONS

1. Applicant shall submit a drainage study for Public Works' approval.
2. Applicant shall submit a traffic analysis to address traffic concerns and to determine the proportionate share of this development's local participation in the cost of traffic signals and/or intersection improvements and dedicate any necessary right-of-way.
3. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.
4. Mapping shall be required concurrent with approval of Civil Improvement Plan revisions, if lot lines are changing.
5. Applicant must apply for and receive approval to vacate unnecessary rights-of-way and/or easements per Public Works' requirements and provide proof of vacation prior to issuance of a certificate of occupancy.
6. FHA Type B drainage shall be allowed only where lots drain directly to public drainage facilities, public parks, or golf courses.
7. Streets shall be privately owned and maintained.
8. Applicant shall show the limits of the flood zone and submit a letter of map revision to FEMA prior to the Shear and Tie inspection.

9. Applicant shall revise Civil Improvement Plans per Public Works' requirements.
10. Applicant shall update the master traffic study.
11. The acceptance or approval of this item does not authorize or entitle the applicant to construct the project referred to in such application or to receive further development approvals, grading permits or building permits.

UTILITY SERVICES CONDITIONS

12. Applicant shall submit a utility plan and a utility analysis for Utilities' approval.
13. Applicant shall comply with the requirements of the master utility plan established for the project location.
14. Applicant shall provide an approved update to the utility master plan prior to submitting civil improvement drawings. (A12)
15. Applicant shall finalize the access and maintenance agreement covering public utilities traversing Dragon Ridge Golf Course.
16. Applicant shall participate in the MacDonald Ranch 2370 Refunding Agreement. (A-14)
17. Applicant may be required to provide a water and/or sewer system capacity analysis covering the overall water and/or sewer system providing service to the project, prior to submitting civil improvement plans to the City. Preparation of said capacity analysis shall be coordinated with the Department of Utility Services. (A-14)
18. Applicant may be responsible for performing water and/or sewer system upgrades in accordance with the results of the system capacity analysis or, at a minimum, applicant shall be responsible for participating in a proportionate share of the costs to complete these system upgrades. (A-14)
19. Applicant shall provide an approved update to the utility master plan prior to submitting civil improvement drawings for Planning Area 18. (A-14)

BUILDING AND FIRE SAFETY CONDITIONS

Applicant shall submit plans for review and approval prior to installing any gate, speed humps (speed bumps not permitted), and any other fire apparatus access roadway obstructions.

20. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.

21. Applicant shall submit utility plans containing fire hydrant locations. Fire Department approval is based upon the review of the civil improvement drawings, not planning documents. Fire hydrants shall be installed and operational prior to starting construction or moving combustibles on site.
22. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
23. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
24. Applicant shall provide a minimum turning radius of 52 feet outside and 28 feet inside for all portions of the fire apparatus access road (fire lane). This radius shall be shown graphically, and the dimensions noted on the drawings.
25. Applicant shall install an approved sprinkler system in all buildings/homes as per the Hillside Ordinance.
26. Applicant shall provide an approved Fire & Life Safety Report prior to submitting for building permits. This report shall address fire access issues for the proposed school site. (A14)

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

27. Parcel 20 shall be permitted a maximum of 236 dwelling units.
28. Planning Area 1 shall be permitted a maximum of 67 units; Planning Area 18 shall be permitted a maximum 200 units; and Planning Area 18A shall be permitted a maximum of 144 dwelling units. (Amended A20 & A23)
29. Applicant shall comply with the current design standards for the development of all the RM-8-H zoned parcels to be consistent with the Hillside Ordinance and the adopted MacDonald Highlands Master Plan Design Guidelines.
30. All private open space, landscaped areas within public rights-of-way, landscaping along public rights-of-way, and landscaping within drainage channels (arroyos) shall be installed by the developer and maintained by a property owners association, unless otherwise approved by City Council. Water conservation shall be a primary design element in the planning, design and construction of landscaped projects.
31. For PA-18A, applicant shall pay for the City's seismograph monitoring company to independently monitor each blast. (A18)
32. The maximum number of units for the master plan is 1,062. (A22)

33. Applicant shall provide a blasting schedule to the MacDonald Highlands Homeowners Association and to any resident that requests it, before any blasting takes place. (A18)
34. The applicant must submit, for Community Development approval, a restoration exhibit for Planning Area 7 Phase 2 prior to approval of a final map. The exhibit must specify the timeline, for all areas to be restored in association with development, what restoration methods will be used, such as revegetation by planting or seeding, placement of boulders, and/or varnishing. (A16)
35. Permitted uses, prohibited uses, restricted uses, limited uses (uses) and property development standards shall be as approved by this application. In the case of a conflict between the approved uses as referenced in the Master Plan and the Development Code in effect at the time of master plan approval, and property development standards and City ordinances, unless specifically approved as a waiver, the most restrictive shall prevail.
36. Each subdivision approved shall be credited with common usable open space from the development of the two proposed private park sites and trails to be provided by the master development. Each subdivision approved as a planned unit development shall attempt to provide the minimum amount of common usable open space within the physical boundaries of, or immediately adjacent to, the subdivision. Private open space improvements shall be determined through the approved development standards and design guidelines for the entire Master Plan Overlay District.
37. Total master plan site disturbance is limited to 725.6 acres. (A19)
38. For PA-18A, the maximum total blast time, as dictated by the delay time of the initiation system, shall not exceed 1.5 seconds. (A18)
39. The applicant shall work with staff to determine unit counts and that the percent of land disturbance is in accordance with the Hillside Ordinance, not only for the overall master plan but on a planning area by planning area basis. If transfer of units and disturbance is proposed, applicant shall provide information on the sending and receiving planning areas to demonstrate that the site disturbance and unit counts balance for the overall master plan. Prior to any additional master plan amendments or subdividing any planning area, the applicant shall submit a Hillside Development Plan, which is subject to review and approval per Section 19.5.9.D.25 of the Development Code.

40. For PA-18A, applicant shall provide pre-blast and post-blast surveys following the procedure in the Blasting Ordinance for the first row of homes within 750 feet or less from the nearest blast hole. (A18)
41. Applicant shall provide a 24-hour phone line for any resident of this community to have direct contact with the developer regarding any issues, concerns or complaints regarding blasting and/or construction associated with this development. (A18)

WAIVERS

- a. Reduce front yard setback to 14 feet for side loaded garages and living areas of the house for Planning Areas 11 and 17.
- b. Allow maximum building height of 59 feet for Parcel 18A.
- c. Allow maximum cul de sac length of 2,530 feet for Parcel 18A.
- d. Allow gated streets for Parcel 18A.
- e. Allow Buildings 23 and 24 to be constructed within the sensitive ridgeline.
- f. Allow two kitchens within a dwelling unit. (A12)
- g. Allow a maximum combined casita (guesthouse) area, with multiple structures allowed, of up to 25 percent of the gross living area of the primary residence. (A12)
- h. Allow a maximum cut height of 63 feet, a maximum fill height of 66 feet, and no maximum cut/fill length for Planning Areas 18 and 20. (A12)
- i. Allow fully vertical cut slopes with no additional stabilization in areas approved by a geotechnical report; allow 2 to 1 fills in areas approved by a geotechnical report. (A12)
- j. Allow natural undisturbed areas to include areas of disturbance with revegetation and varnishing. (A12)
- k. Allow rockery walls a maximum height of 18 feet, with horizontal offsets to be determined by the geotechnical and structural engineers. (A12)
- l. Allow a reduced curve radius of 50 feet within a modified knuckle. (A12)
- m. Allow 12 percent maximum grade for all roadways within 50 feet of a house. (A12)
- n. Allow streetlights to be placed only at intersections. (A12)
- o. Allow a minimum of 125 feet between intersections, measured centerline to centerline. (A12)
- p. Allow 26 dwelling lots/dwelling units to be constructed within the sensitive ridgeline setback.

- q. The maximum height of the cuts and fills shall not exceed 56 feet on the cut height and 48 feet on the fill height as shown on the grading plan. The maximum Cut/Fill length shall not exceed 950 feet. (A13)
- r. The minimum centerline radius for roadways shall be 140 feet without super elevation. (A13)
- s. Allow a maximum fill height (depth) of 85 feet for the school site.
- t. Allow a private street section of 29 feet back of curbs without the 6.5-foot aprons for Planning Areas 18 and 20, and a public street section of 37 feet back of curbs without the 4-foot aprons to access the school site.
- u. Increase the maximum fill height to 85 feet for Planning Area 7 Phase 2. (A16)
- v. Allow fully vertical cut slopes without stabilization in areas as approved by a geotechnical report; allow 2 to 1 fill slopes in areas approved by a geotechnical report for Planning Area 7 Phase 2. (A16)
- w. Allow areas with revegetation to be counted as natural areas for Planning Area 7 Phase 2. (A16)
- x. Allow streetlights to be located only at intersections for Planning Area 7 Phase 2. (A16)
- y. Allow 125 feet between intersections measured centerline to centerline for Planning Area 7 Phase 2. (A16)
- z. Decrease the required street connectivity index to 1.2 for PA7 Phase 2C.
- aa. Increase maximum cut and fill height to 61 feet and cut and fill length to 1,200 feet for PA7 Phase 2C. (Amended A19)
- bb. Increase the maximum height for masonry retaining walls to 8 feet for PA7 Phase 2C.
- cc. Reduce the minimum street centerline radius to 65 feet for PA7 Phase 2C. (A19)
- dd. Reduce the required street width to 29 feet for PA7 Phase 2C. (A19)

SECTION 3. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 4. All ordinances, or parts of ordinances, sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.

SECTION 5. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on February 21, 2020, in the Las Vegas Review-Journal, at which time it will become effective.

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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in blue italics and underlined.

PASSED, ADOPTED, AND APPROVED THIS 18TH DAY OF FEBRUARY, 2020.

Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on February 4, 2020, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on February 18, 2020, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held February 18, 2020, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor
Councilmembers:
John F. Marz
Michelle Romero
Dan K. Shaw
Dan H. Stewart

Those voting nay: None
Those abstaining: None
Those absent: None

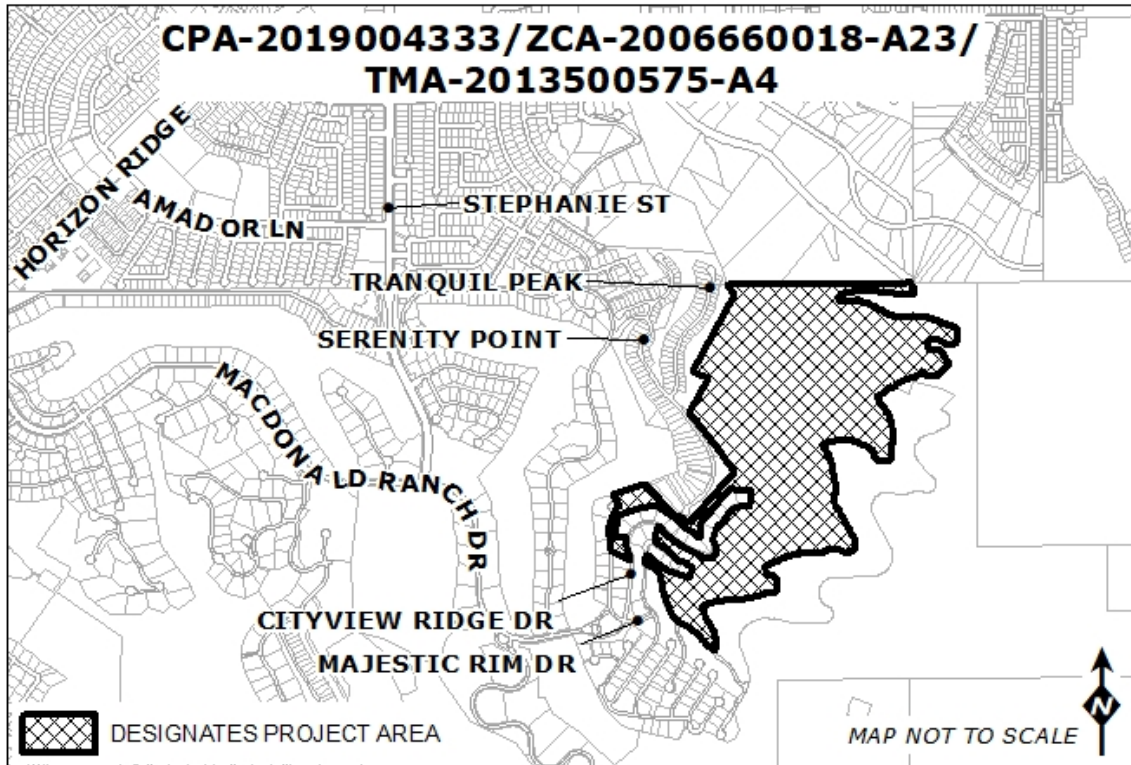
Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

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EXHIBIT A
ZCA-2006660018-A23
MacDonald Highlands PA 18



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