

ORDINANCE NO. 3872
(ZCO-2003670031-A5 - Rocky Ridge)

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 SECTION 31, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, ON 9.3 ACRES LOCATED ON THE SOUTHEAST CORNER OF SANDY RIDGE AVENUE AND ROCKY RIDGE DRIVE IN THE MACDONALD RANCH PLANNING AREA FROM RS-4-MP (LOW-DENSITY RESIDENTIAL WITH MASTER PLAN OVERLAY) AND RS-4-MP-H (LOW-DENSITY RESIDENTIAL WITH MASTER PLAN AND HILLSIDE OVERLAYS) TO RS-8-MP-H (LOW-DENSITY RESIDENTIAL WITH MASTER PLAN AND HILLSIDE OVERLAYS).

WHEREAS, the City Council of the City of Henderson, Nevada, on May 3, 2022, committed to the rezoning of certain real property totaling 9.3 acres, more or less, located in a portion of Section 31, Township 22 South, Range 61 East, located on the southeast corner of Sandy Ridge Avenue and Rocky Ridge Drive from RS-4-MP (Low-Density Residential with Master Plan Overlay) and RS-4-MP-H (Low-Density Residential with Master Plan and Hillside Overlays) to RS-8-MP-H (Low-Density Residential with Master Plan and Hillside Overlays); and

WHEREAS, Christopher Homes has made application for a zone change; and

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

FINDINGS OF FACT

- A. The proposed hillside plan preserves the integrity of and locates development with the least impact upon sensitive peaks and ridges, or any other significant topographical feature designated on the existing conditions report per Section 19.4.8.D.2(b).
- B. Minimizes grading and site disturbance.
- C. Locates development compatibly with the natural terrain.
- D. Provides for adequate drainage, protects downstream properties, and minimizes erosion.
- E. Provides for development standards in excess of equal to those required by this ordinance.
- F. The proposal is consistent with the Comprehensive Plan.

- G. The proposed 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 of 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 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 variances or administrative adjustments.
- L. The applicant has shown, by clear and convincing evidence, that the waiver(s) requested will not compromise the objective of the City in safeguarding the interests of the citizens of the City.
- M. The waiver(s) will not be materially detrimental to the public health, safety, or general welfare, or injurious to the property or improvements in the vicinity and land use and zoning districts in which the property is located.
- N. Granting the waiver(s) does/will not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use or zoning district in which the property is located.
- O. Achieves the intent of the subject standard to the same or better degree than the subject standard.
- P. Advances the goals and policies of the Comprehensive Plan and this Code to the same or better degree than the subject standard.
- Q. Provides compensating benefits pursuant to this section.
- R. Imposes no greater impacts on adjacent properties than would occur through compliance with the specific requirements of this ordinance.

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:

BEING LOT 14-2 AS SHOWN BY PARCEL MAP FILED IN FILE 86, PAGE 59 OF PARCEL MAPS, IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA, LYING WITHIN SECTION 31, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA.

TOGETHER WITH LOTS 14-4-1, 14-4-2, 14-4-3, AND 14-4-4 AS SHOWN BY PARCEL MAP FILED IN FILE 92, PAGE 12 OF PARCEL MAPS, IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA, LYING WITHIN SECTION 31, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA.

ALSO TOGETHER WITH LOTS 14-3-1 AND 14-3-2 AS SHOWN BY PARCEL MAP FILED IN FILE 92, PAGE 58 OF PARCEL MAPS, IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA, LYING WITHIN SECTION 31, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA.

CONTAINING 9.31 ACRES, MORE OR LESS.

BASIS OF BEARINGS SOUTH 43°31 '38" EAST, BEING THE BEARING OF A PORTION OF THE CENTER LINE OF "SANDY RIDGE AVENUE" AS SHOWN BY MAP THEREOF IN FILE 86, PAGE 59 OF PARCEL MAPS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA.

Containing 9.3 acres, more or less, from RS-4-MP (Low-Density Residential with Master Plan Overlay) and RS-4-MP-H (Low-Density Residential with Master Plan and Hillside Overlays) to RS-8-MP-H (Low-Density Residential 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:

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.

PUBLIC WORKS CONDITIONS

1. Applicant shall submit a drainage study for Public Works' approval.
2. Applicant shall obtain all necessary SNWA approvals.
3. 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 all necessary right-of-way.
4. Applicant shall construct full offsites per Public Works' requirements and dedicate all necessary right-of-way.
5. Applicant shall dedicate right-of-way access across common element adjacent to Green Valley Parkway.
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. 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. The City must first execute a written release of applicant's processing waiver and a water service commitment before applicant shall have any claim of entitlement to construct the project or to receive any grading or building permit.

PARKS AND RECREATION CONDITIONS

9. Applicant shall provide all new offsite improvements adjacent to the park site and restore all disturbed park improvements.

UTILITY SERVICE CONDITIONS

10. Applicant is to submit a utility plan and utility analysis for Utilities approval.
11. Applicant shall comply with the requirements of the master utility plan established for the project location.
12. Applicant shall grant a municipal utility easement per Utility and Public Works' requirements.

BUILDING AND FIRE SAFETY CONDITIONS

The authority for enforcing the International Fire Code is NRS 477.030 and Ordinance Number 3510 as adopted by the City of Henderson. Building and Fire Safety approval is based upon review of the civil improvement or building drawings, not planning documents.

13. 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.
14. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
15. 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.
16. Applicant shall install an approved sprinkler system in all buildings/homes as mitigation for the lack of secondary/dual access.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

17. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
18. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as a condition of approval but required by Title 19 of the Henderson Municipal Code, compliance with all plans and exhibits presented and amended as part of the final approval, and compliance with all additional items required to fulfill conditions of approval.
19. All walls visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. The use of colored, common gray or painted CMU block shall not be permitted.
20. The Rocky Ridge development shall be permitted a maximum of 26 units. (A5)
21. The applicant shall provide a blasting schedule to the La Cima Homeowners Association, and other nearby homeowners upon request. (A5)

WAIVERS

- a. Allow 12-foot rockery walls offset every 6 feet with a total height of 36 feet.
- b. Allow private, gated streets.
- c. Increase the maximum vertical cut height to 45 feet for Rocky Ridge only. (A5)

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 Friday, May 27, 2022, in the Las Vegas Review-Journal, at which time it will become effective.

//

//

//

//

//

//

//

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 24TH DAY OF MAY, 2022.

Debra March, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on May 3, 2022, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on May 24, 2022, 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 May 24, 2022, 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

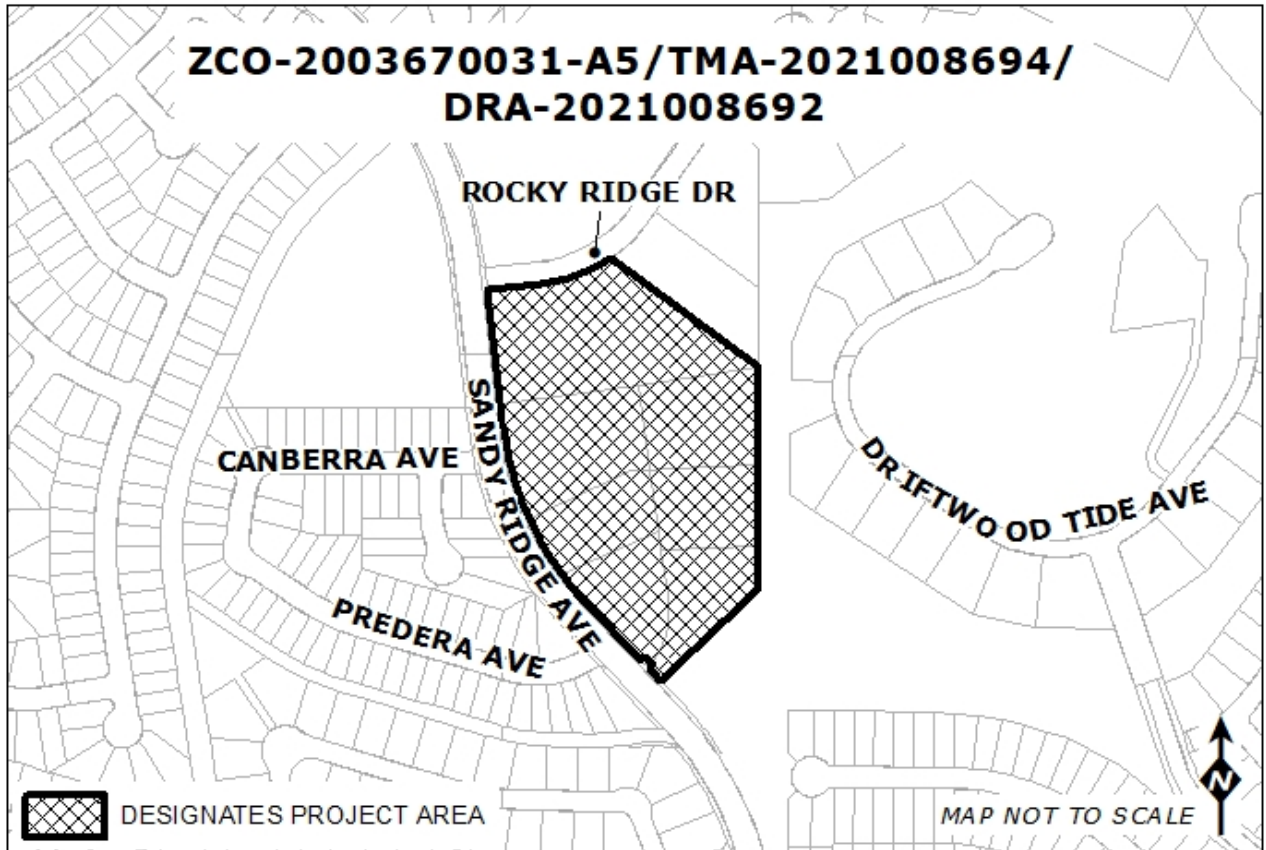
Debra March, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

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.

EXHIBIT A
ZCO-2003670031-A5 - Rocky Ridge



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.