

ORDINANCE NO. 4020
(ZCA-2006660051-A3 – Monument @ Calico 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 33, TOWNSHIP 22 SOUTH, RANGE 63 EAST, M.D. & M., CLARK COUNTY, NEVADA, ON 5.1 ACRES LOCATED AT 1469 EAST LAKE MEAD PARKWAY, IN THE CALICO RIDGE PLANNING AREA, TO AMEND A ZONE CHANGE/PLANNED UNIT DEVELOPMENT TO REQUEST REMOVAL OF A CONDITION OF APPROVAL (CONDITION 38) TO ALLOW THE HOURS OF OPERATION FOR THE DRIVE-THROUGH IN BUILDING C TO BE 24 HOURS/DAY.

WHEREAS, the City Council of the City of Henderson, Nevada, on April 2, 2024, committed to the rezoning of certain real property totaling 5.1 acres, more or less, located in a portion of Section 33, Township 22 South, Range 63 East, located at 1469 East Lake Mead Parkway to request a condition of approval be removed to allow the hours of operation for the drive-through facility in Building C to be 24 hours/day; and

WHEREAS, Calico Ridge Partners, LLC 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 proposal is consistent with the Comprehensive Plan.
- B. 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 common 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.
- C. The planned development complies with the applicable standards of HMC Section 19.8.5, Master Plan Development Overlay District.
- D. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- E. 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.
- F. The same development could not be accomplished through the use of other techniques, such as variances or administrative adjustments.

- G. The PUD 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 common 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.
- I. The planned development complies with the applicable standards of HMC Section 19.8.6, Planned Unit Development Overlay District.
- 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 variances or administrative adjustments.
- K. The plan is consistent with the statement of objectives of a PUD.
- L. If the plan departs from zoning and subdivision regulations, otherwise applicable to the property, including but not limited to density, bulk, and use, these departures are deemed to be in the public interest.
- M. The ratio of residential and nonresidential use in the PUD is satisfactory, if applicable.
- N. The purpose, location and amount of the common open space in the PUD are acceptable, the proposals for maintenance and conservation of the common open space are reliable, and the amount and purpose of the common open space as related to the proposed density and type of residential development are adequate.
- O. The physical design of the plan makes adequate provision for public services, provides adequate control over vehicular traffic, and furthers the amenities of light and air, recreation and visual enjoyment.
- P. The relationship of the proposed PUD to the neighborhood in which it is proposed to be established is beneficial or not adverse.
- Q. In the case of a plan which proposes development over a period of years, the terms and conditions intended to protect the interests of the public, residents and owners of the PUD in the integrity of the plan are sufficient.

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:

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*.

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 (1) page:

LYING WITHIN THE SOUTHWEST QUARTER (SW ¼) OF SECTION 33, TOWNSHIP 22 SOUTH, RANGE 63 EAST, B.D.M. CITY OF HENDERSON, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

LOT ONE (1) OF MONUMENT AT CALICO RIDGE (A COMMERCIAL SUBDIVISION), AS SHOWN BY MAP THEREOF ON FILE IN BOOK 141 OF PLATS, PAGE 38, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA.

Containing 5.1 acres, more or less, to amend a zone change/planned unit development to remove a condition of approval to allow the hours of operation for the drive-through facility in Building C to be 24 hours/day.

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

PUBLIC WORKS CONDITIONS

1. 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.
2. Applicant shall submit a drainage study for Public Works' approval. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2 and dedicate any necessary right
3. -of-way.
4. Applicant shall obtain all necessary NDOT and SNWA approvals.
5. 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.
6. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.

7. 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.
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.

PARKS AND RECREATION CONDITIONS

9. Applicant shall provide a trail corridor with a 12-foot asphalt trail along Lake Mead Parkway. Landscape lighting and irrigation shall be in accordance with the City of Henderson Park Landscape and Irrigation Standards. All landscape is to be constructed in the first phase of development construction.
10. Applicant shall conform to the Lake Mead Trail and Beautification Plan. Applicant to submit trail and landscape improvement plans to the Parks and Recreation Department and obtain all approvals prior to civil plan approval.

UTILITY SERVICES CONDITIONS

11. Applicant shall submit a utility plan and a utility analysis for Utilities' approval.
12. Applicant shall comply with the requirements of the master utility plan established for the project location.
13. Applicant shall grant a municipal utility easement per Utility and Public Works' requirements.
14. Applicant shall resolve all mapping concerns per Utility Department requirements.
15. All onsite utilities shall remain privately owned and maintained.
16. All water and sewer services shall comply with HMC 13.04.070 and 13.08.050 regarding public-public or private-private service 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.

17. Applicant shall obtain a Building Department permit for change of occupancy prior to engaging in a hazardous activity or assembly use. (A1)
18. Applicant shall install a fire alarm system if the occupant load is 300 or more for the assembly use. (A2)
19. 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 secondary access as approved by Public Works and the Fire Department.
24. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
25. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
26. 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.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

27. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
28. 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.

29. All walls, fences, and gates visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. Unless specifically shown on the approved plans, the use of chain link fence or colored, common gray or painted CMU block shall not be permitted.
30. All parking spaces required by Section 19.12.3 of the Development Code must be free, unfettered, and permanently available to all users. They must also be maintained for public parking purposes only. This applies to both covered and uncovered parking spaces (required spaces may be covered so long as they are not reserved). Only parking spaces provided in excess of the number required by the Code may be reserved - covered or uncovered - for specific users. (A2)
31. Prior to approval of a building permit, the applicant shall ensure that all lighting (existing and proposed) within 50 feet of any residentially zoned property must be shielded, as determined by staff. (A2)
32. Wine Lounge and Liquor Store uses are required to comply with distance separation standards to protected uses. (A2)
33. The following uses are allowed in the CN zoning portion of the development and shall be subject to the same standards as the CC zoning district, unless otherwise conditioned: (A2)
 - a. Employment and Training Center (nonprofit)
 - b. Animal Boarding
 - c. Restaurant with Bar (No distance separation requirements)
 - d. Wine Lounge (Must comply with distance separation requirements)
 - e. Liquor Store (Must comply with distance separation requirements)
 - f. Massage Establishment (Must comply with separation standards)
 - g. Temporary Religious Assembly
 - h. Temporary Trade Fair
34. The hours of operations for the uses within Building A are limited to between 6:00 a.m. and 10:00 p.m. (A2)
Prior to approval of a building permit, the applicant must construct a 6
35. -foot-tall (minimum) decorative block wall around the perimeter of the courtyard at the west end of Building A, as determined by staff. The purpose of the wall is to screen the courtyard area from the adjacent residential development. (A2)
36. Any uses that include Live Entertainment shall comply with the standards for Live Entertainment uses in Section 19.9.6.A.2, Live Entertainment. (A2)
37. Automotive related uses are not permitted.

38. One tavern is approved for the master plan to be located in Building E, and is subject to the following:
 - a. All gaming devices shall be mounted in a bar top.
 - b. Tavern shall have a minimum of 90 indoor dining seats separate from the bar area. Dining seats shall be from tables or booths.
 - c. Minors shall be allowed in the indoor dining area. Construction of full walls/barriers between the bar area and the dining area is prohibited. This establishment shall be a smoke-free environment.
 - d. Full food service shall be provided with the same menu every hour the establishment is open.
39. One drive-through use is permitted within Building C. The drive-through must contain an automated volume control system and the hours of operation of the drive-through and speaker box may be up to 24 hours. The 24-hour drive through is approved for the Power Soul Cafe. Upon change to the tenant, this condition must be reviewed by City Council for approval.

EXISTING APPROVED WAIVERS

- a. Allow minimum setback of 20 feet 5 inches where 1:1 building height to building setback ratio is required adjacent to residential for Building B.
- b. Reduce the landscape buffer from 15 feet to 10 feet on northern portion within Keokuck Street right of way (to be vacated in the future).
- c. Reduce the required setback for a dumpster, south of Building "B", from 50 feet to 15 feet adjacent to residential zoning district.
- d. Reduce the minimum size of a master plan from 50 acres to 5.1 acres. (A2)
- e. Waive the minimum distance separation from a Religious Facility to a Restaurant and a Restaurant with Bar. (A2)
- f. Waive the 2000-foot tavern-to-tavern separation for one tavern. (A2)

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 April 19, 2024, in the Las Vegas Review-Journal, at which time it will become effective.

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PASSED, ADOPTED, AND APPROVED THIS 16th DAY OF APRIL, 2024.

Michelle Romero, 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 April 2, 2024, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on April 16, 2024, 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 April 16, 2024, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Michelle Romero, Mayor
Councilmembers:
Carrie Cox
Jim Seebock
Dan H. Stewart
Dan K. Shaw

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

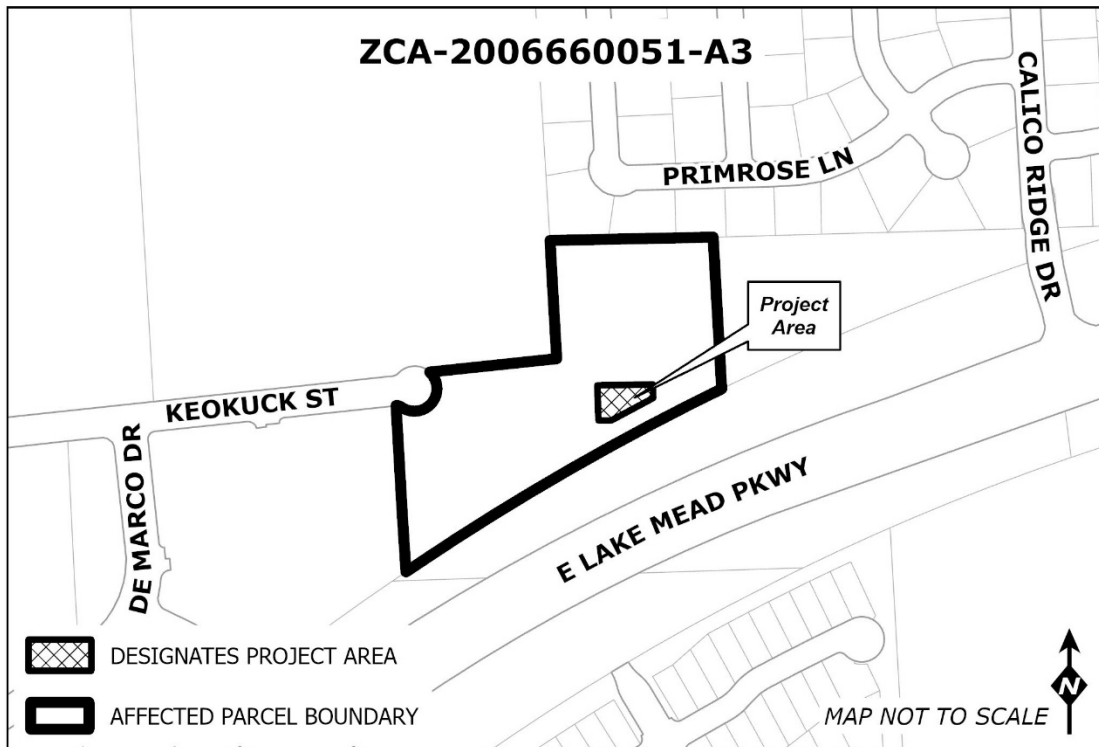
Michelle Romero, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

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EXHIBIT A
ZCA-200666051-A3 – Monument @ Calico Ridge



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