

RESOLUTION NO. 3971

(Extension of Time – ZCA-08-660008-E1 – Horizon View Assisted Living Facility)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, FOR AN EXTENSION OF TIME TO REZONE CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED ON THE SOUTHWEST CORNER OF CARNEGIE STREET AND KENNETH AVENUE ON 4.6 ACRES FROM CO (COMMERCIAL OFFICE) TO PS-PUD (PUBLIC/SEMIPUBLIC WITH PLANNED UNIT DEVELOPMENT OVERLAY) AND REPEAL RESOLUTION NO. 3794.

WHEREAS, Ron McMenemy made application to have 4.6 acres of certain land in the City of Henderson, Clark County, Nevada, rezoned from CO (Commercial Office) to PS-PUD (Public/Semipublic with Planned Unit Development Overlay); and

WHEREAS, Resolution No. 3794, intent to rezone, was approved on November 4, 2008; and

WHEREAS, CIB Marine BancShares, Inc. has now made application for an extension of time of the intent to rezone; and

WHEREAS, all notices have been given pursuant to law and a public hearing was held thereon; and

WHEREAS, the matter of rezoning was forwarded to the City Council by the Henderson Planning Commission with a recommendation for approval; and

WHEREAS, the City Council finds that upon the performance of the conditions set forth below, the rezoning is in the best interests of the community at large and in keeping with the policy set forth in the Zoning Ordinance of the City of Henderson; and

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Henderson, Nevada, will rezone the land as depicted in Exhibit A attached hereto, consisting of one page, and as more particularly described as follows:

THAT PORTION OF LOT 1 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 98, PAGE 04 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN THE WEST HALF (W ½) OF SECTION 30, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA DESCRIBED AS FOLLOWS:

POINT OF BEGINNING AT THE NORTHWEST CORNER OF SAID LOT 1;

THENCE ALONG THE NORTH LINE THEREOF, SOUTH 89°25'58" EAST, 613.97 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF CARNEGIE STREET (VARYING WIDTH);

THENCE ALONG SAID RIGHT-OF-WAY, SOUTH 00°18'52" EAST, 39.88 FEET;

THENCE SOUTH 00°57'31" WEST 191.71 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 88°43'37" AN ARC LENGTH OF 23.23 FEET TO A POINT OF WHICH A RADIAL LINES BEARS SOUTH 00°18'52" EAST;

THENCE SOUTH 00°18'52" EAST, 21.00 FEET;

THENCE SOUTH 89°41'08" WEST 0.74 FEET;

THENCE SOUTH 00°18'52" EAST 21.00 FEET;

THENCE FROM A TANGENT THAT BEARS NORTH 89°41'08" EAST, CURVING TO THE RIGHT ALONG THE ARC OF A 15.00 FOOT RADIUS CURVE, CONVAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 90°00'00" AN ARC LENGTH OF 23.56 FEET;

THENCE SOUTH 00°18'52" EAST, 11.62 FEET;

THENCE CURVING TO THE RIGHT ALONG THE ARC OF A 195.00 RADIUS CURVE, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 05°24'58" AN ARC LENGTH 18.43 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 84°53'54" EAST;

THENCE DEPARTING SAID RIGHT-OF-WAY NORTH 89°25'58" WEST 608.10 FEET TO A POINT ON THE EAST LINE OF PARCEL 4 AS SHOWN BY MAP THEREOF ON FILE IN FILE 14, PAGE 96 OF PARCEL MAPS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG SAID EAST LINE AND THE NORTHWESTERLY PROLONGATION THEREOF, NORTH 00°18'48" WEST 333.32 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM ALL THAT REAL PROPERTY CONVEYED BY DEED RECORDED SEPTEMBER 2, 2004 IN BOOK 20040902 AS DOCUMENT NO. 03490;

containing 4.6 acres, more or less, from CO (Commercial Office) to PS-PUD (Public/Semipublic with Planned Unit Development Overlay), upon compliance with the following conditions:

PUBLIC WORKS DEPARTMENT 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.
3. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2 and dedicate any necessary right-of-way.
4. 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.
5. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

6. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
7. Applicant shall comply with the requirements of the master utility plan established for the project area.
8. Applicant shall grant a municipal utility easement per the Department of Utility Services' requirements.
9. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
10. Applicant shall abandon existing unused onsite sewer infrastructure in accordance with the Department of Utility Services' requirements.
11. Applicant shall be required to comply with the Department of Utility Services' sewer pretreatment requirements including the removal of solid waste products prior to discharging into the City's sewer system.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the International Fire Code is NRS 477.030 and Ordinance Numbers 2649 and 2738 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

12. 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.
13. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.

14. 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.
15. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
16. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
17. 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.
18. If adequate fire access cannot be achieved to reach all portions of the building exterior within 150 feet of fire lanes, then a written plan for mitigation shall be submitted and approved prior to submitting for building permits.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

19. The applicant shall submit to the Community Development Department an electronic copy of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers in the latest AutoCAD release prior to issuance of building permits.
20. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
21. 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.
22. Prior to issuance of a building permit, applicant shall obtain approval of a materials and debris containment plan from the Building Official. Upon issuance of the building permit, the developer shall use and maintain throughout construction of the project a materials and debris enclosure in accordance with the approved plan.
23. 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.

24. Applicant shall submit landscaping and irrigation construction documents for Community Development staff review and approval prior to the issuance of a building permit. Landscape and irrigation construction documents shall include all required common area, parking lot, and perimeter landscaping.
25. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or property owner(s) association.
26. This resolution of intent shall expire on November 4, 2012. (E1)
27. Prior to issuance of a building permit for buildings, the applicant shall submit to Community Development and Neighborhood Services a copy of the Owner's Association's (i.e., Property Owner's Association or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and resident agent (if applicable).
28. All parking spaces required by Section 19.10.1 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.
29. Applicant is required to bond for all perimeter landscaping and common open space landscaping and amenities. The amount of bond will be based on the City of Henderson bond and fee form.
30. All grading and construction/staging activity must remain completely on-site, or will require the approval of any and all affected adjacent property owner(s).

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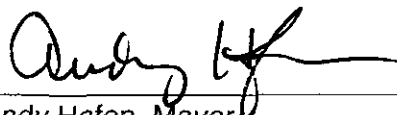
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PASSED, ADOPTED, AND APPROVED THIS 4th DAY OF JANUARY 2011, BY THE FOLLOWING ROLL-CALL VOTE OF COUNCIL.


Those voting aye: Andy Hafen, Mayor
 Councilmembers:
 Kathleen Boutin
 Steven D. Kirk
 Debra March
 Gerri Schroder

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



Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, CMC, City Clerk

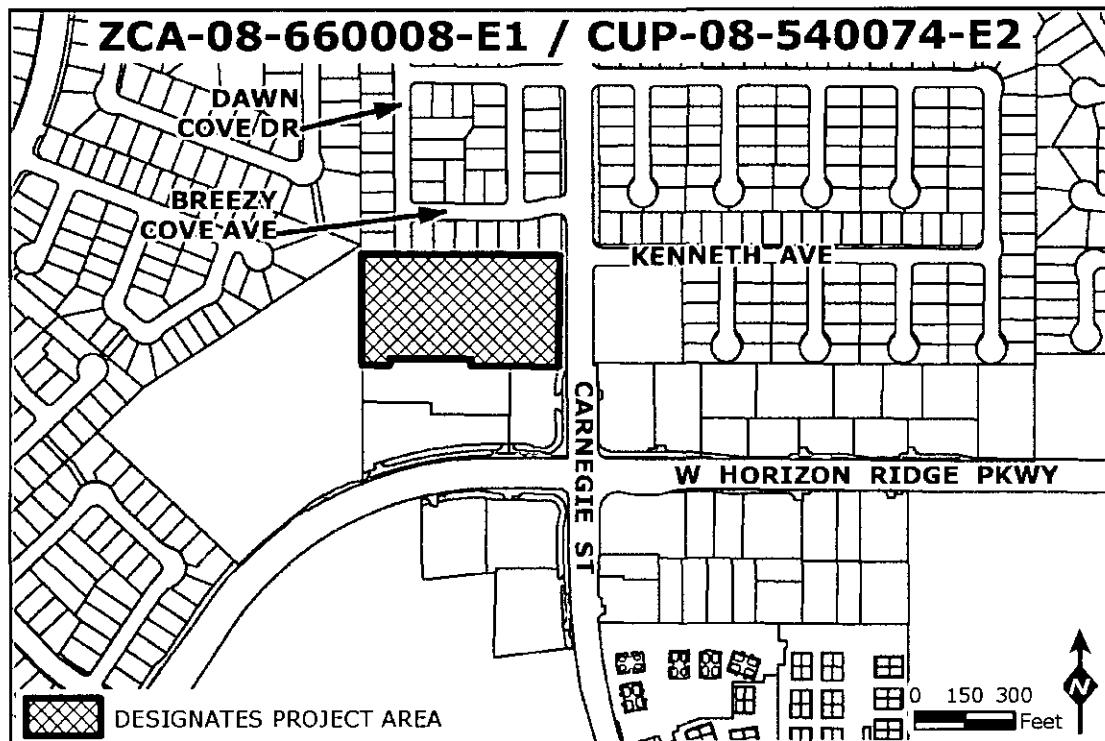


EXHIBIT A
ZCA-08-660008-E1 – HORIZON VIEW ASSISTED LIVING FACILITY