

**ORDINANCE NO. 2929  
(ZCA-11-500171 – Pearl Creek)**

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2869, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 28, TOWNSHIP 22 SOUTH, RANGE 63 EAST, M.D.B. & M., CLARK COUNTY, NEVADA, LOCATED 360 FEET SOUTH OF THE INTERSECTION OF BOULDER HIGHWAY AND MAGIC WAY FROM IP (INDUSTRIAL PARK) AND CH (COMMERCIAL HIGHWAY) TO RM-10 (MEDIUM-DENSITY RESIDENTIAL), AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on August 2, 2011, committed to the rezoning of certain real property totaling 84.2 acres, more or less, located in a portion of Section 28, Township 22 South, Range 63 East, 360 feet south of the intersection of Boulder Highway and Magic Way from IP (Industrial Park) and CH (Commercial Highway) to RM-10 (Medium-Density Residential); and

WHEREAS, RES-NV APC, LLC 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 amendment corrects an error or meets the challenge of some changing condition, trend or fact.
- b) The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of Section 19.1.5.
- c) The proposed amendment will protect the health, safety, morals or general welfare of the public.
- d) The City and other service providers will be able to provide sufficient public safety, transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development.
- e) The proposed rezoning will not have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
- f) The proposed amendment will not have significant adverse impacts on other property in the vicinity of the subject tract.
- g) The subject property is suitable for the proposed zoning classification, and there is a need for the proposed use at the proposed location.

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

**SECTION 1.** Ordinance No. 2869 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:

That portion of the Southeast Quarter (SE 1/4) of Section 28, Township 22 South, Range 63 East, M.D.M., City of Henderson, Clark County, Nevada, described as follows:

Parcel 3-1-1 as shown by map thereof in File 97 of Parcel Maps, page 9, in the Office of the County Recorder, Clark County, Nevada.

Excepting therefrom said land as conveyed to the City of Henderson by deed recorded May 1, 2003, in Book 20030501 as Document No. 01819 of Official Records.

containing 84.6 acres, more or less, from IP (Industrial Park) and CH (Commercial Highway) to RM-10 (Medium-Density Residential)

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

**PUBLIC WORKS DEPARTMENT CONDITION**

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.

**DEPARTMENT OF UTILITY SERVICES CONDITIONS**

2. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
3. Applicant shall comply with the requirements of the master utility plan established for the project area.
4. Applicant shall participate in the P8A Refunding Agreement (SR-10)

COMMUNITY DEVELOPMENT DEPARTMENT CONDITION

5. 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.
6. The maximum number of dwelling units is 500.

PARKS AND RECREATION DEPARTMENT CONDITIONS

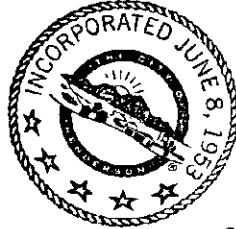
7. Applicant shall conform to the Boulder Highway Trail & Beautification Design Guidelines. Applicant shall submit plans and shall pay all fees and bond for improvements as part of the Civil Improvement Plan process.
8. Applicant shall donate developed open space parkland or the equivalent contribution at 5.50 acres per 1,000 population. (Du x 2.77 / 1000 x 5.25 = acres of land required.)
9. Recreation trail to connect UPRR to Boulder Highway.

SECTION 3. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.


SECTION 4. All ordinances, or parts of ordinances, sections, subsection, 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.

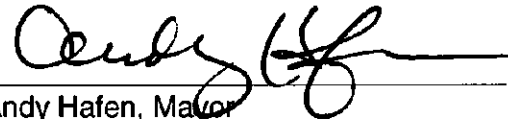
SECTION 5. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on August 19, 2011, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 16<sup>th</sup> DAY OF AUGUST, 2011.



ATTEST:

  
Sabrina Mercadante, CMC, City Clerk

  
Andy Hafen, Mayor

The above and foregoing Ordinance was first proposed and read in title to the City Council on August 2, 2011, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

"COUNCIL AS A WHOLE"


Thereafter on August 16, 2011, 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 August 16, 2011, the Ordinance was read in title and adopted by the following roll call vote:

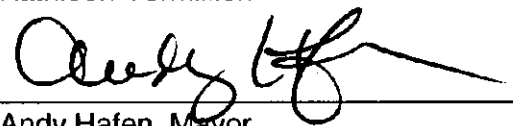
Those voting aye: Mayor Andy Hafen  
Councilmembers:  
Sam Bateman  
Debra March  
Gerri Schroder

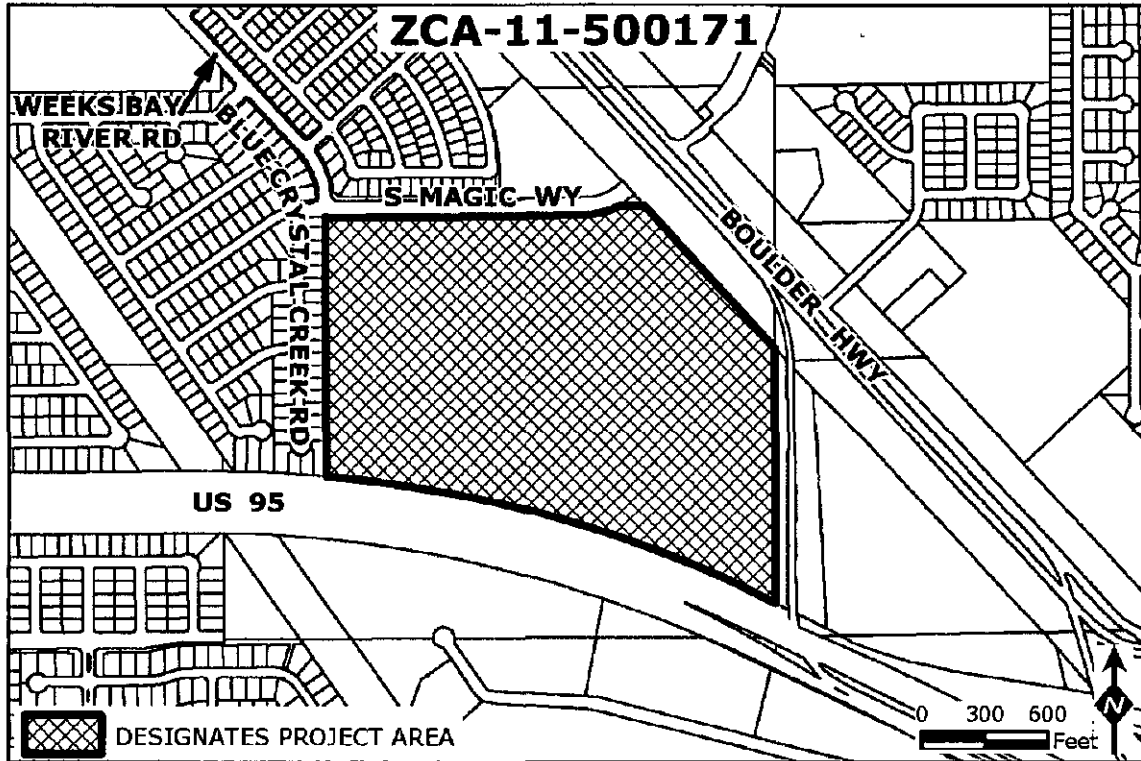
Those voting nay: None  
Those abstaining: None  
Those absent: Kathleen Vermillion



ATTEST:

  
Sabrina Mercadante, CMC, City Clerk

  
Andy Hafen, Mayor



**EXHIBIT A**  
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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in **[bold brackets]**, and language proposed to be added is underscored.