

RESOLUTION NO. 4014
(Extension of Time – ZCA-07-660018-E2 - Roseco)

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 34, TOWNSHIP 22 SOUTH, RANGE 61 EAST, AND SECTION 3, TOWNSHIP 23 SOUTH, RANGE 61 EAST, M.D. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED AT THE SOUTHEAST AND SOUTHWEST CORNERS OF ST. ROSE PARKWAY AND AMIGO STREET, IN THE WESTGATE PLANNING AREA ON 135.6 ACRES FROM RE (CLARK COUNTY ZONING) ON 25.0 ACRES, DH (DEVELOPMENT HOLDING) ON 30.8 ACRES, IG-AE (GENERAL INDUSTRIAL WITH AIRPORT ENVIRONS OVERLAY) ON 10.6 ACRES, AND IP-AE (INDUSTRIAL PARK WITH AIRPORT ENVIRONS OVERLAY) ON 1.4 ACRES TO CC-AE-PUD (COMMUNITY COMMERCIAL WITH AIRPORT ENVIRONS AND PLANNED UNIT DEVELOPMENT OVERLAYS) ON 67.8 ACRES AND REPEAL RESOLUTION NO. 3922.

WHEREAS, JA Kennedy Real Estate Company made application to have 135.6 acres of certain land in the City of Henderson, Clark County, Nevada, rezoned from RE (Clark County zoning) on 25.0 acres, DH (Development Holding) on 30.8 acres, IG-AE (General Industrial with Airport Environs Overlay) on 10.6 acres, and IP-AE (Industrial Park with Airport Environs Overlay) on 1.4 acres to CC-AE-PUD (Community Commercial with Airport Environs and Planned Unit Development Overlays) on 67.8 acres; and

WHEREAS, Resolution No. 3922, intent to rezone, was approved on March 2, 2010; and

WHEREAS, JA Kennedy Real Estate Company 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:

BEING A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 34, TOWNSHIP 22 SOUTH, RANGE 61 EAST AND THE NORTHEAST HALF OF SECTION 3, TOWNSHIP 23 SOUTH, RANGE 61 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF SAID SECTION 34;

THENCE NORTH 88°47'00" WEST, ALONG THE SOUTH LINE OF SAID SECTION 34, A DISTANCE OF 325.25 FEET;

THENCE SOUTH 48°18'30" WEST, DEPARTING SAID SOUTH LINE, A DISTANCE OF 1,062.12 FEET;

THENCE NORTH 41°42'20" WEST, A DISTANCE OF 987.49 FEET TO A POINT ON THE SOUTH LINE OF SAID SECTION 34;

THENCE NORTH 88°47'00" WEST, ALONG SAID SOUTH LINE, A DISTANCE OF 608.63 FEET TO A POINT ON THE EASTERLY RIGHT-OF-WAY LINE OF SAINT ROSE PARKWAY AS SHOWN IN FILE 79, PAGE 97 OF SURVEYS ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE;

THENCE DEPARTING SAID SOUTH LINE, ALONG SAID EASTERLY RIGHT-OF-WAY, NORTH 48°32'22" EAST, A DISTANCE OF 2,613.01 FEET;

THENCE SOUTH 41°27'38" EAST, DEPARTING SAID EASTERLY RIGHT-OF-WAY, A DISTANCE OF 167.36 FEET;

THENCE SOUTH 89°00'05" EAST, A DISTANCE OF 305.09 FEET TO A POINT ON THE EAST LINE OF SAID SECTION 34;

THENCE SOUTH 00°20'11" EAST, ALONG SAID EAST LINE, A DISTANCE OF 1,649.99 FEET TO THE POINT OF BEGINNING.

containing 135.6 acres, more or less, from RE (Clark County zoning) on 25.0 acres, DH (Development Holding) on 30.8 acres, IG-AE (General Industrial with Airport Environs Overlay) on 10.6 acres, and IP-AE (Industrial Park with Airport Environs Overlay) on 1.4 acres to CC-AE-PUD (Community Commercial with Airport Environs and Planned Unit Development Overlays) on 67.8 acres, 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 obtain all necessary NDOT/Clark County 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 shall revert and/or merge acreage of existing parcels per Public Works' approval and provide proof of completed mapping prior to issuance of a certificate of occupancy.
8. Applicant shall comply with Standard Drawing No. 201.1, which refers to major intersections and dedicate any necessary right-of-way.
9. Applicant shall apply for and receive approval of a revocable permit for development within the public right-of-way (landscaping adjacent to Sunridge Heights).
10. Applicant shall dedicate the nominal width of the right-of-way for Sunridge Heights Drive within 180 days of City Council approval of the referenced application.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

11. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
12. Applicant shall comply with the requirements of the master utility plan established for the project area.
13. Applicant shall be required to construct a full-frontage water main extension along Sunridge Heights.
14. Applicant shall participate in the Anthem Water and the St. Rose Sewer Refunding Agreements. (Added E1)
15. All onsite utilities shall remain privately owned and maintained.
16. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
17. Applicant shall dedicate a 25-foot-wide municipal utility easement across St. Rose Parkway property frontage in accordance with the Department of Utility Services' requirements.
18. Applicant shall provide all-weather 24/7 drivable access to public sewer manholes in accordance with the Department of Utility Services' requirements with a minimum 50-foot inside turning radius. (Added E1)

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.

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 DEPARTMENT CONDITIONS

27. 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.
28. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
29. 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.
30. 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.

31. 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.
32. 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.
33. 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.
34. This approval does not endorse signage shown with this application. Signage shall be reviewed and approved separately.
35. This resolution of intent shall expire on October 2, 2013, unless an extension of time is granted by City Council.
36. All parking spaces required by Section 19.7.4 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.
37. 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).
38. Design guidelines are approved with this application in lieu of specific building architecture. Design reviews and conditional use permits for specific uses, if applicable, will be required for all buildings (architecture for several buildings may be approved through one design review application).
39. The applicant shall record a deed restriction against the property in favor of the City for the following "Should NDOT" (Nevada Department of Transportation) improvements within the right-of-way ever result in a landscape buffer that is less than 20 feet in width, the applicant or any future property owner(s) shall accommodate the relocation of the displaced landscaping into an onsite 20-foot-wide landscape buffer at no cost to the City. The applicant shall obtain the necessary administrative approvals in accordance with all City codes."
40. The applicant shall record a deed restriction against the property stating that outdoor storage of goods is prohibited for all tenants within this development. The term "outdoor storage" shall not apply to daytime or/or seasonal sales or display.

PARKS AND RECREATION DEPARTMENT CONDITIONS

- 41. Applicant shall provide a trail corridor with a 12-foot asphalt trail along St. Rose Parkway. Trail corridor width, landscape, lighting, and irrigation shall be in accordance with the City of Henderson Park Standards. All landscape is to be constructed in the first phase of development construction.
- 42. Applicant shall provide a minimum of two (2) eight-foot-wide pedestrian access points from the St. Rose trail to the project interior.
- 43. Applicant shall conform to the St. Rose Parkway Trail and Landscape Improvement Plan. Applicant to submit trail and landscape improvement plans to the Parks and Recreation Department and obtain all approvals prior to civil plan approval.

WAIVERS

- a. Waive the requirement of trees along the portion of the western property line that is shared with Levi Strauss and the portion of the eastern property line that is shared with the Henderson Executive Airport.
- b. Reduce the landscape buffer along St. Rose Parkway from 20 feet from the property line to 0 feet.
- c. Reduce the number of parking lot landscape fingers and diamonds to what is depicted on the site plan and landscape plan.

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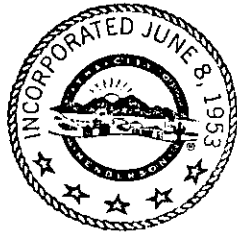
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PASSED, ADOPTED, AND APPROVED THIS 6th DAY OF DECEMBER 2011, BY THE FOLLOWING ROLL-CALL VOTE OF COUNCIL:

Those voting aye: Kathleen Vermillion, Mayor Pro Tem
Councilmembers:
Gerri Schroder
Debra March
Sam Bateman

Those voting nay: None
Those abstaining: None
Those absent: Andy Hafen, Mayor




Kathleen Vermillion, Mayor Pro Tem

ATTEST:


Sabrina Mercadante, CMC, City Clerk

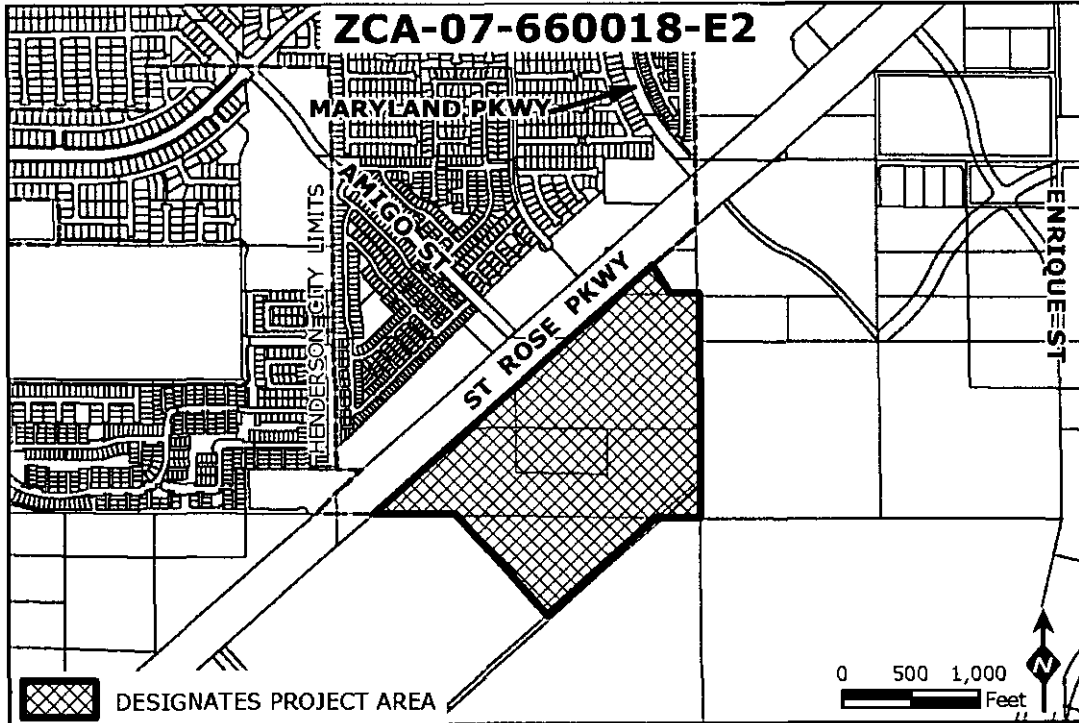


EXHIBIT A
ZCA-07-660018-E2 – ROSECO