

RESOLUTION NO. 4039
(ZCO-02-670053 – Parcel “I” at Lake Las Vegas North Shore Phase II/III)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, EXPRESSING THE INTENT TO REZONE CERTAIN PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 15, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D B & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED NORTH OF THE INTERSECTION OF LAKE LAS VEGAS PARKWAY AND MONTELAGO BOULEVARD ON 37.3 ACRES IN THE LAKE LAS VEGAS PLANNING AREA, FROM DH-G (DEVELOPMENT HOLDING WITH GAMING OVERLAY) TO CT-G-MP-PUD-H (TOURIST COMMERCIAL WITH GAMING, MASTER PLAN, PLANNED UNIT DEVELOPMENT, AND HILLSIDE OVERLAYS) AND RM-8-G-MP-H (MEDIUM-DENSITY RESIDENTIAL WITH GAMING, MASTER PLAN, AND HILLSIDE OVERLAYS)

WHEREAS, IOTA Twenty One, LLC - Galileo has made application to have 37.3 acres of certain land in the City of Henderson, Clark County, Nevada, rezoned DH-G (Development Holding with Gaming Overlay) to CT-G-MP-PUD-H (Tourist Commercial with Gaming, Master Plan, Planned Unit Development, and Hillside Overlays) and RM-8-G-MP-H (Medium-Density Residential with Gaming, Master Plan, and Hillside Overlays); 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 certain conditions, the rezoning of the Land 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 more particularly described as follows.

Those portions of Section 15, Township 21 South, Range 63 East, M.D.M., City of Henderson, Clark County, Nevada, more particularly described as follows:

Lot J-2A of Lake Las Vegas North Shore Parent Final Map as shown by map thereof on file in Book 139, Page 19 of Plats, in the Office of the Recorder, Clark County, Nevada.

Together with

Lots I-1 and I-2 of Lake Las Vegas North Shore Parent Final Map a Merger and Resubdivision as shown by map thereof on file in Book 125, Page 61 of Plats, in the Office of the Recorder, Clark County, Nevada,

containing 37.3 acres, more or less, from DH-G (Development Holding with Gaming Overlay) to CT-G-MP-PUD-H (Tourist Commercial with Gaming, Master Plan, Planned Unit Development, and Hillside Overlays) and RM-8-G-MP-H (Medium-Density Residential with Gaming, Master Plan, and Hillside Overlays), 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. 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.
4. Applicant shall construct full offsites per Public Works' requirements
5. 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.
6. FHA Type B drainage shall be allowed only where lots drain directly to public drainage facilities, public parks, or golf courses. (Added A-4)
7. Streets shall be privately owned and maintained. (Added A-4)
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.
9. Applicant shall conform with requirements of the Hillside Development Code.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

10. Applicant shall submit a utility plan and a utility analysis for Utilities' approval. (Added A-4)
11. Applicant shall comply with the requirements of the master utility plan established for the project location. (Added A-4)
12. Civil improvement plans shall comply with the requirements of the Uniform Design and Construction Standards for Water Distribution Systems and the Design and Construction Standards for Wastewater Collections Systems.
13. Applicant shall prepare water and sewer system design in accordance with the Department of Utility Services' requirements. Approval of this application does not infer Department of Utility Services' approval for the water and sewer system layout as reflected on the application.
14. Final approvals will not be provided without an accepted Final Raw Water Master Plan for the Lake Las Vegas project.

15. Applicant shall coordinate the progression of this project, with the design and construction of the water and sewer (offsite) infrastructure providing service to this project, as identified in the accepted water and sewer master plan. Unless otherwise approved by the Director of Utility Services, applicant understands and agrees that civil improvement plans will not be approved until such time the design of the aforementioned offsite infrastructure is completed and approved by the City.

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.

16. 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.
17. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
18. 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.
19. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
20. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
21. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
22. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
23. Applicant shall install an approved sprinkler system in all buildings/homes as per the Hillside Ordinance.
24. Applicant shall provide a mitigation plan for the lack of access.
25. Applicant shall provide a fire and life safety report for review and approval prior to submitting for building permits.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

26. This resolution of intent shall expire on January 28, 2014, unless all conditions are met or extended. (E3)

27. All private open space, landscaped areas within public rights-of-way, landscaping along public rights-of-way, and landscaping within drainage channels (arroyos) shall be installed by the developer and maintained by a property owners association, unless otherwise approved by City Council. Water conservation shall be a primary design element in the planning, design, and construction of landscaped projects
28. Developer shall submit a revised master development plan report, after City Council approval, listing all conditions of approval and waivers.
29. Permitted uses, prohibited uses, restricted uses, limited uses, and property development standards shall be as approved by this application. In the case of a conflict between the approved uses and property development standards and City ordinances, unless specifically approved as a waiver, the most restrictive shall prevail.
30. All land use areas by parcel are approximate; exact acreage and legal descriptions will be prepared and submitted at the final map stage. The developer shall submit either a "parent tentative map" for approval and submit a "parent final map" for the entire site or a parcel map for specific parcels covered by tentative maps prior to approval of specific final maps for individual subdivisions. The purpose of this condition is to determine the exact legal description of each parcel to convert from resolution of intent to ordinance zoning and to allow the developer to sell individual parcels.
31. Developer shall install and dedicate all public parks and trails utilized as credit against public park requirements in accordance with Parks and Recreation Department standards. Specific improvements and timing for installation shall be determined as part of a park agreement. This condition is not a waiver of the Park Construction Tax, which shall require separate approval by the City of Henderson.
32. Each subdivision containing lots less than 6,000 square feet shall provide code required common usable open space within the physical boundaries of, or immediately adjacent to, the subdivision. Private open space improvements shall be as approved by the City
33. Approval shall be for a maximum of 3,500 dwelling units.
34. All commercial sites shall be subject to approval of a planned unit development
35. Applicant shall submit a revised land use application with Lake Las Vegas to be consistent with zoning designations. Amendment shall be done on a semi-annual basis or when staff determines the amendment is necessary.

WAIVERS

- a. Development standards for RS-zoned parcels shall be per those of the RS-6-PUD, and parcels zoned RM-8 shall be per the ELO provisions of 19 5.6. (Overall)

- b. Provide 1.5 parking spaces per unit for multifamily and attached single-family for developments with lower parking demands. (Overall)
- c. Use of decorative pavers in streets, decorative street lights and design standards for hillside streets in areas not subject to the Hillside Ordinance. (Overall)
- d. Minimum lot width shall be 40 feet. (Hillside)
- e. To provide a 4-foot walk on one side of a local street when the minimum lot sizes are 8,000 square feet, and no sidewalks when the lots are greater than 8,000 square feet. (Hillside)
- f. Transplanted and container plant materials may be substituted for seeding to revegetate disturbed areas. (Hillside)
- g. For hillside areas, 42-foot radius for cul-de sacs measured to face of curb, and a 30-foot radius for cul-de-sacs measure to face of curb in Parcel F. (Hillside)
- h. To allow one driveway up to 600 feet in length to serve a maximum of 6 lots. (Hillside)
- i. Twenty-four-foot-wide (no parking), 28-foot-wide (parking one side) pavement, detached 4-foot sidewalks on one side of street where lot sizes are less than 8,000 square feet. (Non Hillside)
- j. (With median) Two 20-foot one-way travel lanes with a 6- to 14-foot center median within a minimum 62-foot right-of-way with no on-street parking. Five-foot detached sidewalk on one side if no trail provided. No sidewalks if trail provided. Curbs will be provided as required by drainage studies. (No Median) 24-foot (if trails are provided) to 28-foot (if no trails provided) pavement within a minimum 34-foot right-of-way with no on-street parking. Roadway section widened at intersections to accommodate turning movements where required. Five-foot detached sidewalks on one side if no trails provided. No sidewalks if trails provided. Road sections for individual parcel entries may be widened to accommodate gatehouses, entry walls signage and enhanced landscaping. (Overall) Except the following roadway shall be provided for access to Parcels B, E, F and J: Two 25-foot one-way travel lanes in a private gated street measured from face-of-curb to face-of-curb, a 5-foot minimum center median, with no on-street parking and a five-foot attached sidewalk on one side of the street if no trail is provided in an adjacent common element. The sidewalk may be detached if no median is provided. Road sections for individual parcel entries may be widened to accommodate gatehouses, entry walls, signage and enhanced landscaping.
- k. Minimum rear-yard setback of 10 feet for RS-zoned lots adjacent to a golf course, and 15 feet all other perimeter setbacks. (Overall)
- l. Allow 0.5 FAR for RS-6 and RM-8. (Overall)
- m. Allow maximum non-residential building height of 90 feet for bell tower (Parcel I). (Added A3)
- n. To allow for a modified street standard consisting of a 24-foot-wide private drive aisle, no on-street parking and no sidewalks within Parcel I (Added A3)

- o. To reduce the perimeter building setback from a minimum of equal to the building height (60 feet) to a minimum of 42 feet within Parcel I.
(Added A3)

Failure to perform any of those conditions within the time frame allotted in the condition or, if no time frame is allotted, within 2 years of the date of City Council approval of this resolution of intent shall void and nullify this resolution of intent for the proposed zone change

PASSED, ADOPTED, AND APPROVED THIS 1st DAY OF MAY, 2012, BY THE FOLLOWING ROLL-CALL VOTE OF COUNCIL.

Those voting aye:	Andy Hafen, Mayor Councilmembers. Sam Bateman Debra March John F. Marz Gerri Schroder
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Those voting nay	None
Those abstaining.	None
Those absent:	None



Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, CMC, City Clerk

EXHIBIT A

ZCO-02-670053-E3 – PARCEL "I" AT LAKE LAS VEGAS NORTH SHORE PHASE II/III

