

ORDINANCE NO 2978  
(ZCA-12-500186 – Multifamily at Horizon Ridge & Cielo Abierto)

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 22, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.B. & M., CLARK COUNTY, NEVADA, LOCATED ON THE NORTHEAST CORNER OF HORIZON RIDGE PARKWAY AND CIELO ABIERTO, IN THE MCCULLOUGH HILLS PLANNING AREA FROM CM-PUD (MIXED COMMERCIAL WITH PLANNED UNIT DEVELOPMENT OVERLAY) TO RM-16 (MEDIUM-DENSITY RESIDENTIAL), AND OTHER MATTERS RELATING THERETO

WHEREAS, the City Council of the City of Henderson, Nevada, on October 2, 2012, committed to the rezoning of certain real property totaling 8.1 acres, more or less, located in a portion of Section 22, Township 22 South, Range 62 East, located on the northeast corner of Horizon Ridge Parkway and Cielo Abierto from CM-PUD (Mixed Commercial with Planned Unit Development Overlay) to RM-16 (Medium-Density Residential); and

WHEREAS, Horizon Ridge 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:

BEING A PORTION OF THE NORTHWEST QUARTER (NW 1/4) OF SECTION 22, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M , CITY OF HENDERSON, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE INTERSECTION OF HORIZON RIDGE PARKWAY AND CIELO ABIERTO AS SHOWN ON THE FINAL MAP JUBILEE HEIGHTS UNIT 1, RECORDED IN BOOK 106 PAGE 68 OF PLATS, OFFICIAL RECORDS, CLARK COUNTY, NEVADA

THENCE ALONG THE CENTERLINE OF CIELO ABIERTO WAY, NORTH 00°38'23" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF HORIZON RIDGE PARKWAY AND THE POINT OF BEGINNING,

THENCE CONTINUING NORTH 00°38'23" WEST, A DISTANCE OF 610.51 FEET,

THENCE NORTH 89°21'37" EAST, A DISTANCE OF 22.50 FEET;

THENCE NORTH 00°38'23" WEST, A DISTANCE OF 55 72 FEET,

THENCE NORTH 89°21'37" EAST, A DISTANCE OF 44 50 FEET;

THENCE NORTH 55° 47'22" EAST, A DISTANCE OF 120 23 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 61 00 FEET, CONCAVE NORTHEASTERLY, A RADIAL LINE BEARS NORTH 55°47'22" EAST TO THE RADIUS POINT;

THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 81.69 FEET THROUGH A CENTRAL ANGLE OF 76°43'46" TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 100.00 FEET, CONCAVE SOUTHEASTERLY, A RADIAL LINE BEARS SOUTH 20°56'30" EAST TO THE RADIUS POINT;

THENCE EASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 8.24 FEET THROUGH A CENTRAL ANGLE OF 04°43'13";

THENCE SOUTH 00°38'23" EAST, A DISTANCE OF 202.83 FEET;

THENCE NORTH 89°21'37" EAST, A DISTANCE OF 111.42 FEET TO A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 81.00 FEET, CONCAVE NORTHEASTERLY, A RADIAL LINE BEARS NORTH 67°19'30" EAST TO THE RADIUS POINT;

THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 96.17 FEET THROUGH A CENTRAL ANGLE OF 68°01'32";

THENCE NORTH 89°17'58" EAST, A DISTANCE OF 162.14 FEET TO A POINT ON THE WESTERLY BOUNDARY OF SAID JUBILEE HEIGHTS UNIT 1;

THENCE ALONG SAID WESTERLY BOUNDARY THE FOLLOWING FIVE COURSES, 1) TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE AND WEST BOUNDARY, AN ARC DISTANCE OF 18.15 FEET THROUGH A CENTRAL ANGLE OF 69°19'21" 2) TO THE BEGINNING OF A REVERSE CURVE TO THE LEFT HAVING A RADIUS OF 59.00 FEET, CONCAVE NORTHEASTERLY, SAID CURVE BEING ON THE WEST BOUNDARY OF JUBILEE UNIT 1;

THENCE SOUTHEASTERLY ALONG SAID CURVE AND WEST BOUNDARY, AN ARC DISTANCE OF 21.95 FEET THROUGH A CENTRAL ANGLE OF 21°18'51"; 3) TO THE BEGINNING OF A REVERSE CURVE TO THE RIGHT HAVING A RADIUS OF 15.00 FEET, CONCAVE SOUTHWESTERLY;

THENCE SOUTHEASTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 10.99 FEET THROUGH A CENTRAL ANGLE OF 41°59'30"; 4);

THENCE SOUTH 00°42'02" EAST, A DISTANCE OF 395.49 FEET 5) TO THE BEGINNING OF A TANGENT CURVE TO THE RIGHT HAVING A RADIUS OF 25.00 FEET, CONCAVE NORTHWESTERLY;

THENCE SOUTHWESTERLY ALONG SAID CURVE, AN ARC DISTANCE OF 39.27 FEET THROUGH A CENTRAL ANGLE OF 90°00'00" TO A POINT ON THE NORTH RIGHT-OF-WAY OF HORIZON RIDGE PARKWAY;

THENCE SOUTH 89°17'58" WEST, A DISTANCE OF 603.45 FEET TO THE POINT OF BEGINNING.

containing 8.1 acres, more or less, from CM-PUD (Mixed Commercial with Planned Unit Development Overlay) to RM-16 (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 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 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.
3. Applicant shall dedicate right-of-way per Public Works' requirements within 90 days of approval.

#### DEPARTMENT OF UTILITY SERVICES CONDITIONS

4. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
5. Applicant shall comply with the requirements of the master utility plan established for the project area.
6. Applicant shall grant a municipal utility easement per the Department of Utility Services' requirements.
7. All onsite utilities shall remain privately owned and maintained.

#### 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

8. 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
9. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval

10. 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 in accordance with the 2009 International Fire Code Section 1412 as amended.
11. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
12. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
13. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways
14. Applicant shall provide a dual water source as approved by Public Works and the Fire Department
15. 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 CONDITION

16. 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.

#### PARKS AND RECREATION DEPARTMENT CONDITION

17. In lieu of the normal condition requiring parkland donation at 5 acres per 1,000 population, the applicant shall donate an amount equal to the fair market value to the improvements in the park north of Paseo Verde. The Director of Parks and Recreation shall approve the final agreement. The final agreement of the funding will be provided to the Parks and Recreation Department prior to the civil improvement plan approval.

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 October 19, 2012, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 16<sup>th</sup> DAY OF OCTOBER, 2012



  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on October 2, 2012, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on October 16, 2012, 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 October 16, 2012, the Ordinance was read in title and adopted by the following roll call vote

Those voting aye:     Andy Hafen, Mayor  
                                 Councilmembers:  
                                 Sam Bateman  
                                 Debra March  
                                 John F. Marz  
                                 Gerri Schroder

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

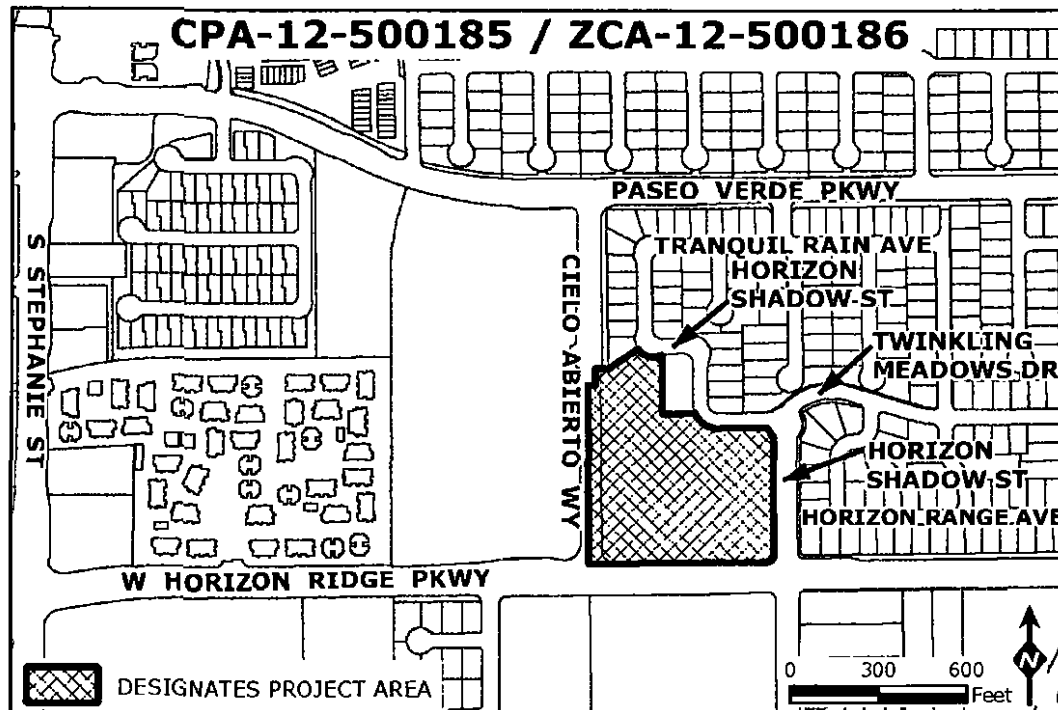


  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

EXHIBIT A  
ZONE CHANGE - ZCA-12-500186  
MULTIFAMILY AT HORIZON RIDGE & CIELO ABIERTO



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