

RESOLUTION NO. 4070
(Extension of Time - ZCA-06-660026-E3
Della Montagna–The Falls at Lake Las Vegas Parcel G-1 & G-2)

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 27, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED SOUTHEAST OF LAKE LAS VEGAS PARKWAY AND GRAND MEDITERRA BOULEVARD, IN THE LAKE LAS VEGAS PLANNING AREA ON 79.7 ACRES FROM DH-H (DEVELOPMENT HOLDING WITH HILLSIDE OVERLAY) TO RS-6-H-MP-PUD (LOW-DENSITY RESIDENTIAL WITH HILLSIDE, MASTER PLAN, AND PLANNED UNIT DEVELOPMENT OVERLAYS) AND REPEAL RESOLUTION NO. 3973

WHEREAS, Capstone Advisors made application to have 79.7 acres of certain land in the City of Henderson, Clark County, Nevada, generally located southeast of Lake Las Vegas Parkway and Grand Mediterra Boulevard rezoned from DH-H (Development Holding with Hillside Overlay) to RS-6-H-MP-PUD (Low-Density Residential with Hillside, Master Plan, and Planned Unit Development Overlays); and

WHEREAS, Resolution No. 3973, intent to rezone, was approved on February 15, 2011; and

WHEREAS, Textron Financial has now made application for a third 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:

A portion of the North one-half of Section 27, Township 21 South, Range 63 East, M D.M., City of Henderson, Clark County, Nevada, described as follows.

Parcel G1 & G2 as shown on the Parent Final Map of The Falls as recorded in Book 121, Page 50 of Plats, Official Records, Clark County Nevada.

containing 79.7 acres, more or less, from DH-H (Development Holding with Hillside Overlay) to RS-6-H-MP-PUD (Low-Density Residential with Hillside, Master Plan, and Planned Unit Development Overlays), upon compliance with the following conditions and waiver:

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 and dedicate any necessary right-of-way.
4. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.
5. Streets shall be privately owned and maintained. Any pavement replaced by the City during any road repairs due to utility maintenance shall be standard paving only. The replacement of any non-standard street or sidewalk materials such as, but not limited to, pavers and stamped concrete, will be the responsibility of those responsible for the private streets. (Amended E2)
6. Applicant shall renew Civil Improvement Plans per Public Works' requirements. (E2)

DEPARTMENT OF UTILITY SERVICES CONDITIONS

7. Applicant shall submit a utility plan and a utility analysis for Utilities' approval
8. Applicant shall comply with the requirements of the master utility plan established for the project location.
9. 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.

10. 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.
11. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
12. 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.
13. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
14. Applicant shall install an approved sprinkler system in all buildings/homes as per the Hillside Ordinance.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

15. 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.
16. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
17. 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.
18. 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.
19. 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.

20. 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.
21. 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.
22. Applicant shall comply with the mass grading plan approved for ZCA-06-660020 (The Falls).
23. This resolution of intent shall expire on December 5, 2014, unless an extension of time is granted by City Council. (E3)
24. Prior to issuance of a building permit for homes, the applicant shall submit to Community Development and Neighborhood Services a copy of the Owner's Association's (i.e., Homeowners' Association or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and resident agent (if applicable).

WAIVER

- a. Reduce the minimum cul-de-sac radius to 37 feet measured face-of-curb to face-of-curb.

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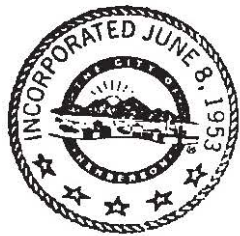
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PASSED, ADOPTED, AND APPROVED THIS 5th DAY OF FEBRUARY, 2013, BY THE FOLLOWING ROLL-CALL VOTE OF COUNCIL.

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

Those voting nay: None
Those abstaining: None
Those absent: Debra March





Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
ZCA-06-660026-E3
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