

RESOLUTION NO. 4086
(ZCA-06-660034-E3 – Ravello Landing)

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 28, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED ALONG EAST GALLERIA DRIVE, WEST OF LAKE LAS VEGAS PARKWAY AND NORTH OF THE CALICO RIDGE SUBDIVISION ON 31 ACRES FROM R-U (RURAL OPEN LAND - CLARK COUNTY) TO CM-H-PUD (MIXED-USE COMMERCIAL WITH HILLSIDE AND PLANNED UNIT DEVELOPMENT OVERLAYS) AND REPEAL RESOLUTION NO. 3987.

WHEREAS, Ravello Landing LLC made application to have 31 acres of certain land in the City of Henderson, Clark County, Nevada, rezoned R-U (Rural Open Land - Clark County) to CM-H-PUD (Mixed-Use Commercial with Hillside and Planned Unit Development Overlays); and

WHEREAS, Resolution No. 3987, intent to rezone, was approved on June 14, 2011; and

WHEREAS, Ishwinder S. Brara 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 NORTHEAST QUARTER (NE $\frac{1}{4}$) OF THE SOUTHWEST QUARTER (SW $\frac{1}{4}$), OF SECTION 28, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE WEST QUARTER CORNER OF SAID SECTION 28;

THENCE NORTH 89°06'03" EAST ALONG THE NORTH LINE OF SAID SOUTHWEST QUARTER (SW $\frac{1}{4}$) SECTION A DISTANCE OF 1316.04 FEET TO THE POINT OF BEGINNING;

THENCE NORTH 89°06'03" EAST ALONG SAID SECTION LINE A
DISTANCE OF 987.03 FEET;

THENCE SOUTH 02°15'24" WEST A DISTANCE OF 1354.06 FEET;

THENCE SOUTH 88°59'43" WEST A DISTANCE OF 988.93 FEET;

THENCE NORTH 02°19'56" EAST A DISTANCE OF 1355.98 FEET TO THE
POINT OF BEGINNING.

containing 31 acres, more or less, R-U (Rural Open Land - Clark County) to
CM-H-PUD (Mixed-Use Commercial with Hillside and Planned Unit
Development 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.
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. 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. Applicant shall dedicate right-of-way per Public Works' requirements within 90 days of approval.
7. Applicant must apply for and receive approval to vacate unnecessary rights-of-way and/or easements per Public Works' requirements and provide proof of vacation prior to issuance of a certificate of occupancy.
8. Applicant shall comply with all conditions of the Hillside Development Code.
9. If applicant receives City Council approval, the offsite improvements on Galleria Drive must be completed within nine months of entitlement approval.
10. Applicant shall construct a 2-lane, 32-foot-wide access road pursuant to Public Works specifications; the limits of which shall be determined by the traffic impact analysis.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

11. Applicant shall comply with the requirements of the master utility plan established for the project area.
12. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
13. Applicant shall establish separate water and sewer service for each use classification in accordance with the Department of Utility Services' requirements.
14. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
15. Applicant shall have an accepted water and sewer master plan prior to submittal of civil improvement plans.

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. Applicant shall install an approved sprinkler system in all buildings/homes as per the Hillside Ordinance.
23. Applicant shall obtain an approved fire and life safety report prior to submitting for building permits.
24. Architectural features and landscaping shall not encroach into or obstruct fire apparatus access roads. Landscaping between the apparatus access roads and structures shall be selected and maintained so as to not impede Fire Department aerial ladders or aerial operations.

25. Fire Department approval is based on the design drawings, site plans, and other documents as submitted as part of this application. Any subsequent revisions shall be approved by the Fire Department.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

26. 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.
27. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
28. 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.
29. 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.
30. 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.
31. 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.
32. 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.
33. This resolution of intent shall expire April 17, 2015, unless all conditions have been met or an extension of time has been approved.
(E-3)
34. Prior to issuance of a building permit for buildings, the applicant shall submit to Community Development and Neighborhood Services a copy of the Owner's Association's (i.e., Property Owner's Association, Homeowner's Association, and/or Landscape Maintenance Association) articles of incorporation to include association name, officers, addresses, and resident agent (if applicable).

35. All parking spaces required by Section 19.10.1 of the Development Code must be free, unfettered, and permanently available to all users. They must also be permanently marked and 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.
36. A design review approved by Planning Commission prior to issuance of a building permit for each individual building. (E-3)
37. A phasing plan must be approved as part of the first design review application.
38. A grading permit may not be issued until the first design review and phasing plan are approved.
39. All development shall be in substantial compliance with all exhibits, documents, design guidelines, colors enhancements, architecture, and fenestrations submitted as part of this application.
40. Approval letter from the Ravello Architectural Design Review Committee will be required to be submitted as part of any design review application.
41. The first phase of the development shall include a mix of residential and commercial.
42. Ensure that residents have free access to fitness, pool, and spa amenities in regards to the Hotel and Spa and the Town Center.
43. Applicant, prior to or concurrently with any application for a grading permit, to obtain City Council approval of a development agreement, which will determine applicant's proportionate share of infrastructure in the subject area.
44. This will be the last extension of time that will be supported unless the applicant can demonstrate substantial progress to diligently pursue construction of the project. (E-3)

PARKS AND RECREATION DEPARTMENT CONDITIONS

45. Applicant shall provide a trail corridor with a 10-foot asphalt trail and 5-foot equestrian trail along East Galleria Drive. The trail corridor width, landscape, lighting and irrigation per City of Henderson Parks Standards. All landscape is to be constructed in the first phase of development construction.
46. Applicant shall donate developed open space parkland or the equivalent contribution at 5.25 acres per 1,000 population. (Du x 2.77 / 1000 x 5.25 = acres of land required.)
47. City-maintained parks must be 10 acres minimum with the exception of parks that adjoin schools, which may be 5-acre parks where the school is 10 acres or larger. Parks smaller than the minimum must be privately maintained or approved by the Parks and Recreation Department.

48. Applicant to complete park agreement prior to Civil Improvement Plan approvals.
49. The final location and method of the pedestrian trail access linking the south side of Galleria Drive to the north side of Galleria Drive shall be determined as part of the Parks Agreement.

WAIVERS

- a. Allow building heights to exceed the 35-foot height limit.
- b. Allow the maximum height of a vertical cut and fill to exceed 35 feet (max 66') and the maximum length of a vertical cut and fill to exceed 150 feet.
- c. Not require a perimeter landscape buffer.
- d. Allow a minimum building setback from the east property line of 65 feet for Building G and 41 feet for Building H.
- e. Allow modified private internal street sections per exhibits.
- f. Allow rockery retaining walls to have a height of 14 feet (12 feet exposed) and a 12-foot offset between walls.
- g. Allow 170 feet from intersection to intersection between align 'C' and align 'D'.
- h. Allow a 10-foot pedestrian and a 5-foot equestrian trail in lieu of a 5-foot sidewalk within the Galleria right-of-way.
- i. Not require a 6-foot-tall wall adjacent to the east property line.

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PASSED, ADOPTED, AND APPROVED THIS 2nd DAY OF JULY, 2013, BY THE
FOLLOWING ROLL-CALL VOTE OF COUNCIL.

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

Those voting nay: None
Those abstaining: None
Those absent: John F. Marz

Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
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