

RESOLUTION NO. 4205  
(ZCA-13-500283-A5 – Lake Las Vegas Northshore Phase I  
(Reflection Bay Golf Course Lots))

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 22, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED 1100 FEET NORTH TO THE INTERSECTION OF AVENIDA SORRENTO AND MONTELAGO BOULEVARD, SOUTH OF STRADA PRINCIPALE ON 10.8 ACRES, IN THE LAKE LAS VEGAS PLANNING AREA, FROM PS-G-MP (PUBLIC/SEMI-PUBLIC WITH GAMING AND MASTER PLAN OVERLAYS) TO RS-6-G-MP (LOW-DENSITY RESIDENTIAL WITH GAMING AND MASTER PLAN OVERLAYS) ON 0.3 ACRES TO MAKE MINOR ADJUSTMENTS TO THE BOUNDARIES, REQUEST WAIVERS, AND REZONE FROM RM-10-G-MP (MEDIUM-DENSITY RESIDENTIAL WITH GAMING AND MASTER PLAN OVERLAYS) TO RS-6-G-MP (LOW-DENSITY RESIDENTIAL WITH GAMING AND MASTER PLAN OVERLAYS) ON 10.5 ACRES AND REPEAL RESOLUTION NO. 4163.

- WHEREAS, LLV Golf Acquisitions made application to have PS-G-MP (Public/Semipublic) [appx. 9.1 acres is currently zoned RS-6-G-MP by resolution of intent] to RS-6-G-MP (Low-Density Residential) on 10.1 acres, and from PS-G-MP [currently zoned CT-G-MP by Resolution of Intent] to RM-16-G-MP (Medium-Density Residential with Gaming Enterprise and Master Plan Overlays) on 1.4 acres, all with Gaming Enterprise and Master Plan Overlays, to make minor adjustments to the boundary lines of a recently approved zone change for the Green Grass Project and to correct the approved zoning for future multifamily residential; and
- WHEREAS, Resolution No. 4163, intent to rezone, was approved on December 2, 2014; and
- WHEREAS, Raintree Investments / LLV Golf Acquisitions LLC, has now made application to amend the zoning from PS-G-MP (Public/Semipublic with Gaming and Master Plan Overlays) to RS-6-G-MP (Low-Density Residential with Gaming and Master Plan Overlays) on 0.3 acres to make minor adjustments to the boundaries, request waivers, and rezone from RM-10-G-MP (Medium-Density Residential with Gaming and Master Plan Overlays) to RS-6-G-MP (Low-Density Residential with Gaming and Master Plan Overlays) on 10.5 acres; 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 all of the following criteria have been met:

- a. The proposal is consistent with the Comprehensive Plan.
- b. The planned development addresses a unique situation, confers a substantial benefit to the city, or incorporates creative site design such that it achieves the purposes of this Code and represents an improvement in quality over what could have been accomplished through strict application of the otherwise applicable district or development standards. Such improvements in quality may include, but are not limited to: improvements in open space provision and access; environmental protection; tree/vegetation preservation; efficient provision of streets, roads, and other utilities and services; or increased choice of living and housing environments.
- c. The planned development complies with the applicable standards of Section 19.4.4, Master Plan Development Overlay, or Section 19.4.5, Planned Unit Development Overlay.
- d. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- e. Sufficient public safety, transportation, and utility facilities and services are available to serve the subject property, while maintaining sufficient levels of service to existing development.
- f. The same development could not be accomplished through the use of other techniques, such as rezonings, variances or administrative adjustments; 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 "LOT A-1" OF "PRIMA AT LAKE LAS VEGAS – PHASE 3" AS SHOWN BY MAP THEREOF IN BOOK 132, PAGE 15 OF PLATS, OFFICIAL RECORDS, CLARK COUNTY, NEVADA, SITUATED WITHIN THE NORTH HALF (N1/2) OF SECTION 22, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA AND DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF LOT 17 OF SAID "PRIMA AT LAKE LAS VEGAS – PHASE 3";

THENCE NORTH 71°40'39" EAST, 40.84 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 80.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 107°54'34", AN ARC LENGTH OF 150.67 FEET;

THENCE SOUTH 00°24'48" EAST, 439.52 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 80.00 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 77°41'06", AN ARC LENGTH OF 108.47 FEET;

THENCE SOUTH 77°16'19" WEST, 83.41 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 175.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 48°15'02", AN ARC LENGTH OF 147.37 FEET;

THENCE SOUTH 29°01'16" WEST, 383.14 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 80.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 107°10'23", AN ARC LENGTH OF 149.64 FEET;

THENCE NORTH 43°48'21" WEST, 502.63 FEET;

THENCE NORTH 61°12'26" WEST, 238.05 FEET;

THENCE NORTH 28°47'34" EAST, 55.97 FEET;

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS SOUTH 61°36'43" WEST, CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 17.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 28°39'55", AN ARC LENGTH OF 8.51 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH 32°56'48" WEST;

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS NORTH 42°27'57" WEST, CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 27.85 FEET, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 87°26'31", AN ARC LENGTH OF 42.50 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 50°05'32" WEST;

THENCE CONTINUING TO CURVE TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 78.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 15°36'13", AN ARC LENGTH OF 21.24 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 34°29'19" WEST;

THENCE CONTINUING TO CURVE TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 70.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF  $40^{\circ}52'46''$ , AN ARC LENGTH OF 49.94 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH  $06^{\circ}23'27''$  EAST;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 21.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF  $86^{\circ}19'26''$ , AN ARC LENGTH OF 31.64 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH  $79^{\circ}55'59''$  WEST;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 30.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF  $56^{\circ}35'45''$ , AN ARC LENGTH OF 29.63 FEET;

THENCE SOUTH  $66^{\circ}39'46''$  EAST, 15.88 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 22.99 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF  $86^{\circ}27'24''$ , AN ARC LENGTH OF 34.69 FEET;

THENCE NORTH  $26^{\circ}52'50''$  EAST, 18.32 FEET;

THENCE SOUTH  $63^{\circ}07'10''$  EAST, 10.00 FEET;

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS NORTH  $63^{\circ}07'10''$  WEST, CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 30.45 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF  $163^{\circ}45'02''$ , AN ARC LENGTH OF 87.03 FEET TO A POINT TO WHICH A RADIAL LINE BEARS SOUTH  $46^{\circ}52'12''$  EAST;

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS SOUTH  $40^{\circ}29'54''$  WEST, CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 40.50 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF  $79^{\circ}40'13''$ , AN ARC LENGTH OF 56.32 FEET;

THENCE NORTH  $50^{\circ}49'41''$  EAST, 19.04 FEET;

THENCE NORTH  $25^{\circ}07'06''$  EAST, 32.69 FEET;

THENCE NORTH  $59^{\circ}55'21''$  EAST, 49.02 FEET;

THENCE NORTH  $13^{\circ}21'06''$  EAST, 11.81 FEET;

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS SOUTH 09°53'33" EAST, CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 44.24 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 79°30'01", AN ARC LENGTH OF 61.38 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS NORTH 89°23'34" WEST;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 100.00 FEET, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 17°04'12", AN ARC LENGTH OF 29.79 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 72°19'22" EAST;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 68.40 FEET, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 52°13'52", AN ARC LENGTH OF 62.35 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 55°26'46" WEST;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 38.00 FEET, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 35°32'51", AN ARC LENGTH OF 23.58 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 89°00'23" EAST;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 25.29 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 133°02'53", AN ARC LENGTH OF 58.73 FEET;

THENCE NORTH 76°38'54" WEST, 27.69 FEET;

THENCE NORTH 75°16'40" EAST, 109.01 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 38.00 FEET, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 32°02'08", AN ARC LENGTH OF 21.25 FEET A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 17°18'48" WEST;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 202.50 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 17°43'58", AN ARC LENGTH OF 62.67 FEET TO A POINT OF COMPOUND CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 00°25'10" EAST;

THENCE CONTINUING TO CURVE TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 125.00 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 52°20'52", AN ARC LENGTH OF 114.21 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 52°46'02" EAST;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 4.50 FEET, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF  $92^{\circ}15'58''$ , AN ARC LENGTH OF 7.25 FEET

THENCE SOUTH  $50^{\circ}30'04''$  EAST, 22.03 FEET;

THENCE NORTH  $43^{\circ}28'48''$  EAST, 11.22 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 154.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF  $40^{\circ}22'24''$ , AN ARC LENGTH OF 108.52 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH  $06^{\circ}08'48''$  EAST;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 531.50 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF  $06^{\circ}18'50''$ , AN ARC LENGTH OF 58.57 FEET;

THENCE NORTH  $11^{\circ}52'03''$  WEST, 20.00 FEET;

THENCE FROM A POINT TO WHICH A RADIAL LINE BEARS SOUTH  $12^{\circ}29'01''$  EAST, CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 511.50 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF  $13^{\circ}47'36''$ , AN ARC LENGTH OF 123.14 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS NORTH  $26^{\circ}16'37''$  WEST;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 17.50 FEET, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF  $80^{\circ}22'48''$ , AN ARC LENGTH OF 24.55 FEET TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH  $54^{\circ}06'10''$  WEST;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 49.50 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF  $214^{\circ}55'00''$ , AN ARC LENGTH OF 185.67 FEET;

THENCE NORTH  $16^{\circ}51'57''$  EAST, 55.16 FEET;

THENCE NORTH  $07^{\circ}12'33''$  WEST, 15.69 FEET;

THENCE NORTH  $18^{\circ}03'37''$  WEST, 66.99 FEET TO THE POINT OF BEGINNING.

**BASIS OF BEARINGS**

SOUTH 01°24'49" WEST, BEING THE BEARING OF THE EAST LINE OF LOT 2-1 AS SHOWN BY MAP THEREOF ON FILE IN FILE 117, PAGE 19 OF PARCEL MAPS, IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA;

containing 10.8 acres, more or less, from PS-G-MP (Public/Semipublic with Gaming and Master Plan Overlays) to RS-6-G-MP (Low-Density Residential with Gaming and Master Plan Overlays) on 0.3 acres to make minor adjustments to the boundaries, request waivers, and rezone from RM-10-G-MP (Medium-Density Residential with Gaming and Master Plan Overlays) to RS-6-G-MP (Low-Density Residential with Gaming and Master Plan Overlays) on 10.5 acres, upon compliance with the following conditions and waivers:

**PUBLIC WORKS 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, nor does it infer approval for final lot configuration, geometry, or roadway layout.
2. Applicant shall submit a drainage study (update) for Public Works' approval.
3. Upon submission of subdivision maps, applicant's parcel shall be apportioned pursuant to the T-12 Engineer's Report. (A1, added by City Council)

**PARKS AND RECREATION CONDITION**

4. Finalize and execute the first amendment to the Lake Las Vegas Park Agreement prior to release of any subdivision final map for recordation or upon an alternate timeline as approved by the Director Public Works, Parks and Recreation. (Added A5)

**UTILITY SERVICES CONDITIONS**

5. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
6. Applicant shall comply with the requirements of the master utility plan established for the project area.
7. Applicant shall grant a municipal utility easement per the Department of Utility Services' requirements. (Added A5)
8. Applicant shall resolve any mapping concerns per the Department of Utility Services' requirements. (A1, amended by City Council)

9. Vacation shall not occur until such time as the existing utility is abandoned and the new line is in place and accepted, with all appropriate easements granted and/or rights-of-way being dedicated. (Added A5)
10. 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 Collection Systems. (Added A5)
11. 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. (Added A5)
12. Applicant may be required to provide a water and/or sewer system capacity analysis covering the overall water and/or sewer system providing service to the project, prior to submitting civil improvement plans to the City. Preparation of said capacity analysis shall be coordinated with the Department of Utility Services.
13. Applicant may be responsible for performing water and/or sewer system upgrades in accordance with the results of the system capacity analysis or, at a minimum, applicant shall be responsible for participating in a proportionate share of the costs to complete these system upgrades.
14. Applicant must update the water and sewer master plans, if as a consequence of applicant's project (ZCA-13-500283) the City determines that the plans need to be updated.
15. Applicant will cooperate with the City and LLVMA to develop a raw water master plan for applicant's long range strategy that addresses lake water quality and raw water use within the project.
16. Within 90 days of the close of escrow of applicant's acquisition of the Reflection Bay Golf Course, applicant will execute any counterparts, assumptions, and/or assignments in a form approved by the City (the "Transfer Documents"), necessary to succeed Carmel Land and Cattle Co., L.P., as a party and successor in interest to (i) the June 2012 Reflection Bay Golf Course Water Service Agreement, (ii) the April 6, 2010 Agreement for Raw Water Distribution within Lake Las Vegas, and (iii) the April 26, 2010 Lake Water Lines Agreement, as amended (collectively, the "Water Agreements"), and concurrently deliver to City an Opinion of Counsel, prepared by Nevada legal counsel and for the benefit of the City, opining on (i) the validity and enforceability of the Transfer Documents, and (ii) the binding obligations of applicant with respect to the Water Agreements. (Fullfilled, A5)



17. Within 60 days of the close of escrow of applicant's acquisition of the Reflection Bay Golf Course, applicant will execute an amendment to the 2012 Reflection Bay Golf Course Water Service Agreement, in a form approved by the City, adding a draw provision requiring applicant to apply a minimum annual amount of 450 acre feet of lake water to the golf course, commencing on January 1, 2014 and calculated annually thereafter for the duration of the five-year period identified in Condition 35. The agreement required under Condition 35 will secure applicant's performance of this annual draw provision, and the City will perform the calculation annually, to determine the amount not drawn, and the corresponding payment required, at the City's then-effective raw water rate set forth in HMC Title 14. In the event that the minimum annual amount is not used, City will invoice applicant for the unused portion of the annual amount, which will be paid by applicant within thirty days. Amounts of lake water drawn in excess of the 450 acre feet annual requirement are not considered or carried over for the purposes of this calculation, for any given year. The amendment will also provide for the applicant to make future conforming modifications to the Water Agreements to the extent set forth in Section 3 of the June 26, 2012 Settlement Agreement. (Fulfilled, A5)
18. Applicant will need to relocate an 8-inch public sewer which runs across the top of the proposed project from Strada Principale to Luce Del Sole. (Added A5)

#### BUILDING AND FIRE SAFETY 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. Building and Fire Safety 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 in accordance with the 2009 International Fire Code Section 1412 as amended.
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.
27. Applicant shall install an approved sprinkler system in all buildings / homes as required by Code.

#### COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

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. Maximum build out for NorthShore Phase 1 shall be 1,054 dwelling units, which shall include a maximum of 80 units related to amendment A1.
30. All private open space, landscaped areas within public rights-of-way, landscaping along public rights-of-way, landscaping within drainage channels (arroyos) and overhead power line corridors shall be installed by the developer and maintained by a property owners' association (POA) unless otherwise approved by City Council.
31. In the case of conflicts between the Lake Las Vegas NorthShore Development Standards and City codes, the most restrictive standard shall prevail, unless specifically approved as a waiver.
32. This resolution of intent shall carry a two-year time limit from November 3, 2015. Staff will initiate ordinance zoning when Conditions 3, 16, 17, 33, and 35 are fulfilled. Should applicant request an extension of time prior to the expiration of the two-year limit for this resolution of intent; any such extension of time shall be limited to a one-year extension. (Amended A5)
33. The applicant must submit an application for a conditional use permit for Planning Commission review and approval for the Reflection Bay Golf Course. (A1) (Fulfilled, A5)
34. If this resolution of intent expires, the Low Density Residential (LDR) land use approved through CPA-13-500281 will be converted back to PS through a staff-initiated comprehensive plan amendment. (A1)

35. Within 60 days of the close of escrow of applicant's acquisition of The Reflection Bay Golf Course, applicant shall execute an agreement between Lake Las Recovery Acquisition LLC (LLVRA) and the City which will secure the obligations of applicant imposed by the annual water draw requirements of applicant and/or LLVMA further described in Condition 17 for a period of five years from the close of escrow of the applicant's purchase of the Reflection Bay golf course from Carmel Land and Cattle Co., L.P. The agreement shall initially provide security in the amount of \$1.1M in the form of either (i) a first priority deed of trust on property owned by LLVRA or another entity acceptable to City; (ii) a letter of credit; or (iii) a bond or other surety acceptable to City. Such security shall be effective for five years from close of escrow of applicant's acquisition of the Reflection Bay Golf Course, and City shall reduce the amount of the security by 20 percent each year for five years provided that the above obligations have been fulfilled each year. (A1)
36. Notwithstanding anything included herein, if applicant does not acquire the Reflection Bay golf course property from Carmel Land and Cattle Co., L.P. within one year of the date of Council approval of amendment A1, this resolution of intent shall automatically expire and the Low-Density Residential (LDR) land use approved through CPA-13-500281 will be converted back to PS through a staff-initiated Comprehensive Plan Amendment regardless of whether any or all of the other conditions have been fulfilled. (A1)
37. If the applicant of Amendment A1 (The Green Grass Project) fails to satisfy Condition No. 32, staff will initiate ordinance zoning to RS-6-MP on the properties involved specifically with Amendments A2 and A3.

#### WAIVERS

- a. Use of Lake Las Vegas Hillside regulations in total, in lieu of the Hillside Ordinance.
- b. Fifteen-foot front-yard setback for the garages in the RS-6 district, providing the garage element is single-story with a side entry.
- c. Cornices, eaves, mechanical equipment, and ornamental features to be 3-foot projections into required side yard.
- d. In those lots which have the sidewalk behind and adjacent to the curb, and a common element (landscape lot) between the sidewalk and the building lot, the front setback shall be measured from the back edge of the sidewalk, not the front property line of the building lot.
- e. Use of specific, unique site signage and light standards designed for Lake Las Vegas.
- f. Five-foot rear-yard setback for patio covers if two-thirds of the rear-yard is open and no solid wall adjacent to open space.
- g. Typical Interior Residential Streets: (Reference Section F-F, Typical Road Cross-Sections Exhibit; Parkways and Roads Exhibit).

- h. Neighborhood Collectors with Median Islands: (Reference Section E-E, Typical Road Cross-Sections Exhibit; Parkways and Roads Exhibit).
- i. Typical Neighborhood Collectors without Median Islands: (Reference Section F-F, Typical Road Cross-Sections Exhibit; Parkways and Roads Exhibit).
- j. Lake Las Vegas Parkway/Lake Mead Drive to Project Boundary: (Reference Section D-D, Typical Road Cross-Sections Exhibit; Parkways and Road Exhibit). With respect to Lake Las Vegas Parkway, from Lake Mead Drive to the most southerly project boundary, the developer is proposing a 400-foot right-of-way with two paved lanes in each direction as a split divided highway. A waiver is requested to provide a ribbon curb in lieu of the standard Type 8 curb adjacent to the edge of the pavement. The request for this deviation is justified in that this is a rural destination resort entrance collector road, and our attempt will be to provide an enhanced desert landscape environment with a rural setting. The ribbon curb is to provide an edge of pavement support while giving a less formal and more rural look on the "off-project" Lake Las Vegas Parkway entrance street.
- k. Sidewalks: (Reference Typical Road Cross-Sections Exhibit). Sidewalks will not be constructed on both sides of the roadway [Lake Las Vegas Parkway] and will not be attached to the curb and gutter, per standard City of Henderson requirements. In certain cases, as in Section G-G per the attached "Typical Road Cross-Sections Exhibit," there will be no sidewalk. In lieu of, and in request of our waiver, a 10-foot-wide meandering bicycle/pedestrian path will be constructed in a landscaped parkway designated as a lettered lot on the north side of Lake Las Vegas Parkway. A 5-foot detached pathway will be constructed within a 12-foot-wide parkway in the residential areas. The above-stated sidewalks and meandering walkways are not in conformance with the present City of Henderson standards. These parkways are noted on the Typical Cross-Sections Exhibit (following as lettered lots, which are the responsibility of the Property Owners' Association to maintain the landscaping. Any landscaped areas within the Parkways behind the curb and gutter will also be landscaped and maintained by the Property Owners' Association.
- l. Grades in Excess of 10 Percent. Fire Department access (ingress/egress) includes all streets and fire lanes. Driveways are included within the provisions of the Uniform Fire Code, Article 10, Division 2, when any portion of the building is more than 150 feet from the street or fire lane. The maximum driveway grade for Fire Department access shall not exceed 18 percent. The maximum driveway grade, other than Fire Department access, shall be 20 percent. All driveway grades shall generally follow natural contours. Non-exclusive easements in favor of the City of Henderson will be granted by the SouthShore Property Owners' Association.

- m. Cul-de-Sac Lengths. Cul-de-sac lengths within the NorthShore range from 400 feet to 2,300 feet in length, which exceed the standard permitted residential cul-de-sac. The primary reason for this is that the steeper terrain restricts normal residential development, design, and in many cases, it is impossible to loop or connect the cul-de-sacs through the golf course to SouthShore parkway. Where practical, the developer will attempt to provide secondary access within the NorthShore.
- n. Drainage and Minimum Lot Elevations. While adhering to Clark County Department of Public Works standards, Chapter 2, Drainage and Flood Control, Section 1, "General Requirements," and the City of Henderson's Building Code requirements, stating that all finished floor elevations shall be a minimum of 18 (eighteen) inches above the top of curb of the street for which the residence is fronting, there will be certain instances where corner lots have side street elevations higher than the corner lot finish floor elevations. A waiver of this requirement will be required on some of the corner lots within the residential development. Drainage calculations will be completed to ensure that the adjacent side streets have adequate capacity to protect the corner lot elevations.
- o. Block Wall Deviations (Reference Perimeter Wall Design Exhibit and 3.0 Community Design Guidelines Exhibit, from the Design Guidelines). Lake Las Vegas is proposing to use several types of perimeter and landscape garden walls throughout the NorthShore communities. Section 3.0, Design Guidelines (from the Design Guidelines), indicates the typical walls to be used; however, in accordance with the standard conditions of approval, Lake Las Vegas is submitting herein a section and profile elevation of a typical perimeter subdivision block wall.
- p. Grading:
  - 1. Title 19, Section 18.32.030 B.1.b states that the driveway grade shall not exceed 1-foot vertical to 8 feet horizontal (i.e. 12.5 percent). Deviation requested: Refer to Section I-G for maximum driveway grades as per the "hillside regulations.
  - 2. Title 19, Section 18.32.030 B.1.b requires the slope of any rear-yard (rear setback) not to exceed 1-foot of vertical change for 12 feet of horizontal (measured from the house outward). Deviation requested: Lake Las Vegas desires to maintain the flexibility to construct the residential buildings near the top of the slope, or even to encroach onto the slope with building construction. The building plans may be split-level or walk-out basement levels, which take advantage of the scenic overlook. The building and landscape plans will be subject to review and approval of the architectural "Design Review Board" (DRB) for the Property Owners' Association. Information regarding steep slopes and building setbacks will be disclosed to the potential buyers.

- q. Street and Right-of-Way Widths: 37-foot right-of-way width, 33 feet back-of-curb to back-of-curb with an 8-foot-wide parking lane and a 4-foot wide sidewalk on one side only.
- r. Street and Right-of-Way Widths: an enhanced Private Right-of-Way Entry Drive and or Terminus Stub Street with widths varying from 29 feet minimum to 47-foot maximum inclusive of 25-foot paved travel lanes measured back of curb to back of curb with an additional 13-foot-wide visitor ingress lane and a 5-foot-wide raised median. A 4-foot sidewalk is provided on one side.
- s. Allow 37-foot right-of-way width for interior local streets. 33 feet back-of-curb to back-of-curb with an 8-foot wide parking lane and a 4-foot wide sidewalk on one side only. (Added A5)
- t. Allow an enhanced Private Right-of-Way Entry Drive and or Terminus Stub Street with widths varying from 29 feet minimum to 47 feet maximum inclusive of 25-foot paved travel lanes measured back of curb to back of curb with an additional 13-foot-wide visitor ingress lane and a 5-foot-wide raised median. A 4-foot sidewalk is provided on one side. No on-street parking is allowed or requested. A 5-foot-wide minimum common element lot is provided along the Reflection Bay Drive Entry portion of the development. (Added A5)

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.

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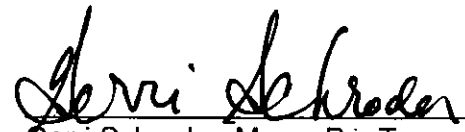
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PASSED, ADOPTED, AND APPROVED THIS 3<sup>RD</sup> DAY OF NOVEMBER, 2015, BY THE FOLLOWING ROLL-CALL VOTE OF COUNCIL.

Those voting aye:      Gerri Schroder, Mayor Pro Tem  
                                 Councilmembers:  
                                 Sam Bateman  
                                 John F. Marz

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



  
Gerri Schroder, Mayor Pro Tem

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

EXHIBIT A

ZCA-13-500283-A5 – Lake Las Vegas Northshore Phase I  
(Reflection Bay Golf Course Lots)

