

RESOLUTION NO. 3745

(Extension of Time – ZCO-05-670024-E1 – Uptown Oldtown)

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 22 SOUTH, RANGE 63 EAST, M.D.B. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED SOUTH OF THE INTERSECTION OF HORIZON DRIVE AND BOULDER HIGHWAY, IN THE HIGHLAND HILLS PLANNING AREA, FROM CH (HIGHWAY COMMERCIAL) AND IP (INDUSTRIAL PARK) TO CM-PUD (MIXED-USE COMMERCIAL WITH PLANNED UNIT DEVELOPMENT OVERLAY) ON 7 ACRES AND REPEAL RESOLUTION NO. 3492.

WHEREAS, Diversified Land Holdings made application to have 7.0 acres of certain land in the City of Henderson, Clark County, Nevada, rezoned from CH (Highway Commercial) and IP (Industrial Park) to CM-PUD (Mixed-Use Commercial with Planned Unit Development Overlay); and

WHEREAS, Resolution No. 3492, intent to rezone, was approved on April 18, 2006; and

WHEREAS, Jalsom Trust & Michaels Marlene Co-Trs, Etal., have 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.

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:

That portion of the Northeast Quarter (NE 4) of the Northwest Quarter (NW 4) of Section 28, Township 22 South, Range 63 East, M.D.B. & M., described as follows:

Lot One-One (1-1) of Parcel Map in File 59, page 12, Official Records of the Recorder's Office, Clark County, Nevada.

containing 7.0 acres, more or less, from CH (Highway Commercial) and IP (Industrial Park) to CM-PUD (Mixed-Use Commercial with Planned Unit Development Overlay), 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. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2.
4. Applicant shall obtain all necessary NDOT approvals.
5. 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.
6. Applicant shall construct full offsites per Public Works' requirements and dedicate all necessary right-of-way.
7. 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.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

8. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
9. Applicant shall comply with the requirements of the master utility plan established for the project area.
10. Applicant shall grant a municipal utility easement per the Department of Utility Services' requirements.
11. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
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 shall establish separate water and sewer service for each use classification in accordance with the Department of Utility Services' requirements.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the Uniform Fire Code is NRS 477.030 and Ordinance Number 1962 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

15. 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.
16. Applicant shall submit fire apparatus access road (24' fire lane) plans for Fire Department review and approval.
17. 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.
18. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
19. Applicant shall provide secondary access as approved by Public Works and the Fire Department. The secondary access shall be at least 24' wide.
20. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
21. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
22. 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 CONDITIONS

23. Applicant shall submit to the Community Development Department a floppy disk or CD containing an Auto CAD Release 14 drawing of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers prior to issuance of building permits.
24. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping, or decorative wall.