

January 16, 2020

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**The City of Henderson**  
**Community Development**  
240 Water Street  
Henderson, Nevada 89009-5050

**Re: Black Mountain Justification Narrative**

- **Comprehensive Plan Amendment - Public and Semipublic (PS) to Planned Community (PC) - CPA-2019003920**
- **Zone Change - Public and Semipublic (PS) to Planned Community (PC) – ZCA-2019003925**
- **Parent Tentative Maps – TMA-2019003929**

**APN #: 179-20-301-001, 179-20-210-005, 179-20-210-001, 179-19-611-001, 179-19-512-002, 179-19-512-001, 179-19-611-003, 179-20-210-006**

On behalf of the Client, Black Mountain Golf Club, LLC, we respectfully submit this justification letter in support of a Comprehensive Plan Amendment, Zone Change, and Parent Tentative Maps for the subject development located in the City of Henderson, specifically the now retired Black Mountain Golf Course, north of Horizon Drive, south of the Union Pacific Railroad Henderson Spur, and between Mona Lane and Blackridge Road.

The Black Mountain golf course opened in 1958 with nine holes. The course was expanded to 18 holes in 1963 when the original owner purchased 131 acres of property from the United States Bureau of Land Management (BLM). In 2002 the course further expanded to include 27 holes. In 2013, Black Mountain decided to shut down the Desert Course and return to an 18-hole facility. In March of 2017 Black Mountain Golf Course went into bankruptcy, at which point Randy Schams (Black Mountain LLC) was engaged to purchase the entire Black Mountain golf facility (final release of the BLM Patent and Sale of BLM Property per Bankruptcy Case #17-11540-btb). On November 25<sup>th</sup>, 2018 the Black Mountain Golf Course officially closed. Subsequent neighborhood meetings were held in February of 2019 to discuss a Closure Plan for the course and in May of 2019 the Closure Plan was approved by the City of Henderson City Council. Since that time, significant planning and neighborhood coordination has occurred resulting in these applications (Comprehensive Plan Amendment, Rezoning, and Parent Tentative Maps).

This development includes eight (8) parcels (as shown on the Clark County Assessors GIS site), which combined are approximately two-hundred and four (204.00) gross acres. Black Mountain is envisioned as an infill development within the City of Henderson, converting a former golf course into a vibrant and sustainable neighborhood that provides a variety of housing types, within a walkable, bikeable, green, and dynamically planned environment. The subject property is planned to include approximately 1,800 units (8.82 dwelling units per acre). The northern portion of the proposed Black Mountain development is surrounded by existing homes built along the existing golf course fairways, known as the "Founders Course". The proposed development would replace these fairways with single-family detached residential homes with compatible lot sizes and density to the existing residences. The southern portion of the Black Mountain development, known as the "BLM Property", will include a variety of single-family products (including attached and detached products), with varying densities, open spaces and amenities.

### **Project Information**

- *Project Name:* Black Mountain (a name change may be requested at a future date)
- *Property Size:* 204.00 Gross Acres
- *Building Size:* Proposed lot sizes are forthcoming. Development Standards will accompany the rezoning application.
- *Percent of Lot Covered by Building Footprint:* Proposed lot coverage standards are forthcoming. Development Standards will accompany the rezoning application.
- *Setbacks:* Proposed setbacks are forthcoming. Development Standards will accompany the rezoning application.
- *Number of Parking Spaces:* Any applicable parking shall meet City Standards.
- *Vicinity Map:* The site is located north of Horizon Drive, south of the Union Pacific Railroad Henderson Spur, and between Mona Lane and Blackridge Road (see attached Vicinity Map).
- *Street Access to Site:* The Northern "Founders Course" will be accessed off of Greenway Road and from Fairway Road at the northwest corner of the site. The South "BLM Property" will be accessed from Greenway Drive and Horizon Drive (see attached Proposed Site Plan).
- *Comprehensive Plan Designation of Adjacent Parcels:* The site is surrounded by Low Density Residential (LDR) land use and Public and Semi-Public (PS) land uses. Directly north of the site, across the Union Pacific Railroad line are Medium Density Residential (MDR) and High Density Residential (HDR) land uses (see attached Existing and Proposed Comprehensive Plan Map).
- *Zoning Designation of Adjacent Parcels:* The site is surrounded by Low Density Residential 6 (RS-6), Low Density Residential 2 (RS-2), and Public and Semi-Public zoning categories. Directly north of the site, across the Union Pacific Railroad line are Low Density Residential 6 (RS-6), Medium Density Residential 10 (RM-10), Medium Density Residential 16 (RM-16), and High Density Residential 36 (RH-36) zoning categories (see attached Existing and Proposed Zoning Map).
- *Existing Comprehensive Plan Land Use:* Public and Semi-Public (PS) (see attached Existing and Proposed Comprehensive Plan Map)
- *Proposed Comprehensive Land Use:* Planned Community (PC) (see attached Existing and Proposed Comprehensive Plan Map)
- *Existing Zoning:* Public and Semi-Public (PS) (see attached Existing and Proposed Zoning Map)
- *Proposed Zoning:* Planned Community (PC) (see attached Existing and Proposed Zoning Map)
- No portion of project will be age-restricted.

### **Comprehensive Plan Amendment (CPA-2019003920)**

A Comprehensive Plan Amendment is proposed for the subject parcels as it is currently designated as a golf course use within the Public and Semipublic (PS) land use category. This application proposes to change all of the land area to the Planned Community (PC) land use designation.

According to the Comprehensive Plan, "Henderson Strong", the Planned Communities land use designation is: "typically found on large tracts of vacant land, the purpose of this category is to ensure comprehensive planning of the area to create efficient and stable developments offering a combination of planned uses. This designation gives maximum flexibility to the City Council and the developer in implementing a development agreement that is in the best interests of the community and provides all the necessary facilities and amenities for the subsequent development of the land". The Comprehensive Plan further defines Planned Communities as areas that should develop with ideas and projects that are modern and innovative, following the best planning practices available.

Black Mountain is proposed to include a mix of residential densities and product types to create an innovative and sustainable community focused on providing a logical extension to adjacent neighborhoods while also

creating a unique development opportunity for new residential housing types, all contained within a pedestrian and bicycle-oriented neighborhood.

The City of Henderson Comprehensive Plan further identifies Downtown Henderson as a "Priority Area" within the City, with a housing goal to: "Encourage more and higher quality housing in and near Downtown, with a focus on multifamily and attached single family housing types". While for rent multifamily housing is not a part of this application, the proposed development does include a variety of single-family for sale products and sizes to meet the needs of a variety of potential home buyers.

To that end, the proposed Black Mountain development aspires to create a development unlike any other within the City of Henderson, but further, the project objectives are to:

- Provide for a mix of land uses that integrate a variety of housing options with open space, and naturalized environments, in an overall design that advances "smart growth" principles;
- Provide a development plan that is focused on connectivity including a bike and pedestrian network of trails and dedicated bike routes;
- Provide opportunities for physical improvement to public infrastructure such as public roadways, sidewalks, intersections, and bike and pedestrian trails;
- Provide for diverse housing types in support of the City's goal for providing an inclusive multi-generational approach to residential development;
- Provide a sufficient number of new housing units to assist the City in satisfying its housing goals;
- Provide for increased residential densities on a site within the City with accessible infrastructure;
- Use open space and naturalized environments as the organizing element of the overall neighborhood development plan; and,
- Provide for the adaptive reuse and redevelopment of a former golf course located within the City limits.

**19.6.4.A.10 Comprehensive Plan Amendment Approval Criteria**

(a) Comprehensive Plan Amendments may be approved by the City Council only following a determination that the proposed amendment is consistent with the overall purpose and intent of the Comprehensive Plan and that any one of the following criteria has been met:

- (1) There was an error in the original Comprehensive Plan adoption;
- (2) The City Council failed to take into account then-existing facts, projections, or trends that were reasonably foreseeable to exist in the future;
- (3) Events, trends, or facts after adoption of the Comprehensive Plan have changed the City Council's original findings made upon plan adoption; and/or;
- (4) Events, trends, or facts after adoption of the Comprehensive Plan have changed the character or condition of an area so as to make the proposed amendment necessary.

*Response: The Council approved closure of the Black Mountain Golf course precipitated planning efforts to reuse the defunct land for high-quality residential development. The course is currently depicted as Public and Semipublic (PS) on the Comprehensive Plan. A change to Planned Community (PC) will allow for residential development to occur.*

(b) In addition to the above-listed criteria, any proposed amendment is subject to the following additional review standards:

- (1) That the amendment is not in conflict with any portion of the goals and policies of the plan.

*Response: The proposed development is not in conflict with current goals or policies. The development will help to further the goals of the Comprehensive Plan by (see Henderson Comprehensive Plan Chapter 5):*

- *Encouraging more and higher quality housing in and near Downtown, with a focus on single family detached and attached housing types;*
- *Addressing real and perceived safety issues on including vacant properties (abandoned golf course), and pedestrian safety (new roads and trails); and,*
- *Increasing and improving parks and green space throughout Downtown.*

- (2) That the amendment constitutes a substantial benefit to the City and is not solely for the good or benefit of a particular landowner or owners at a particular point in time.

*Response: The proposed amendment constitutes a benefit to the City and is not solely for the good or benefit of the landowner. The proposed amendment will further the intent and goals of the City's Comprehensive Plan by improving/revitalizing a blighted property (defunct golf course) within the heart of the City of Henderson.*

- (3) The extent to which the proposed amendment and other amendments in the general area are compatible with the land use goals of the plan and that they avoid creation of isolated uses that will cause incompatible community form and a burden on public services and facilities.

*Response: The proposed amendment is compatible with the land use goals of the Comprehensive Plan and will avoid creation of isolated uses. The existing Comprehensive Plan depicts a transition in uses with lower density residential toward the west and higher density residential uses to the east and south. The proposed residential uses will create a compatible buffer between lower intensity uses and higher intensity uses.*

- (4) That the development pattern contained in the existing plan does not provide adequate and appropriate optional sites for the use or change being proposed in the amendment.

*Response: The Council approved closure of the Black Mountain Golf course precipitated planning efforts to reuse the defunct land for high-quality residential development. The course is currently depicted as Public and Semipublic (PS) on the Comprehensive Plan. A change to Planned Community (PC) will allow for residential development to occur.*

- (5) That the impact of the amendment, when considered cumulatively with other applications and development in the general area, will not adversely impact the City or a portion of the City by:

- i. Significantly altering acceptable existing land use patterns;
- ii. Having significant adverse impacts on public services and facilities that are needed to support the current land use and which cannot be mitigated to the maximum extent feasible;
- iii. Adversely impacting environmentally sensitive areas or resources; or,

- iv. Adversely impacting existing uses because of increased traffic on existing systems.

*Response: The proposed amendment will not significantly alter acceptable existing land use patterns, public services, environmentally sensitive areas or resources, or existing uses. The proposed development is an extension of the existing residential development patterns.*

- (6) That site conditions, including but not limited to topography, utility corridors/easements, drainage patterns, noise, odors, or environmental contamination, would make development under the current plan designation inappropriate.

*Response: Site conditions do not make development under the current plan inappropriate, however under the current Comprehensive Plan, residential development could not occur. The proposal will, alternatively, further the City's goals by encouraging more and higher quality housing in and near Downtown, with a focus on single family detached and attached housing types – consistent with surrounding developments.*

- (c) In addition to the above-listed criteria, recommendations and decisions on any proposed comprehensive plan amendment that would result in any land use designation permitting multifamily residential development shall be based on consideration of all of the following, which must be addressed in the proposed amendment:

*Response: For-rent multi-family housing is not a part of this application.*

#### **Zone Change (ZCA-2019003925)**

A rezoning request to Black Mountain Planned Community (PC) is proposed for the parcels as it is currently zoned for a golf course use within the Public and Semipublic (PS) zoning category. The Planned Community (PC) zoning district is an allowed zone within the Planned Community (PC) land use designation (see above for requested Comprehensive Plan Amendment). Development standards for the PC zoning district are included within the companion Development Standards document, establishing single-family development standards, architectural design principles, architectural design standards, circulation network, streetscapes, parks, recreation and open space, and landscape design standards.

The requested rezone will allow for the development of Black Mountain Golf Course to form a cohesive and contiguous development with the adjacent residential community. The zoning will be wholly consistent with the surrounding allowed residential zones (Low-Density Single-Family Residential 6 (RS-6)).

To address the City of Henderson Development Code with respect to justification of a rezoning request, the following items have been considered:

- The requested zone change will require a Comprehensive Plan Amendment, but the intent is consistent with the Comprehensive Plan, the surrounding land uses, and the stated purposes of Section 19.6.4;
- As previously stated, the zone change is needed to develop a former golf course as a single-family residential community. The Black Mountain Planned Community also provides for above code quality development that will benefit the surrounding community and the City as a whole;
- This rezone will comply with the standards of Section 19.4 and the Black Mountain Development Standards;

- This proposal mitigates adverse impacts to the maximum practical extent. The addition of the Black Mountain Development Standards provides the City with a regulatory document to manage the implementation of the Master Plan; and,
- There are sufficient public safety, transportation and utility facilities and services available to serve the subject property while maintaining sufficient levels of service for existing developments.

**Chapter 19.6.4.C.7 Map Amendment Approval Criteria**

To address the City of Henderson Development Code with respect to justification of these zone changes, the following items should be considered:

- (a) Recommendation and decisions on zoning map amendments shall be based on consideration of all the following criteria:

- (1) Whether the proposed amendment corrects an error or meets the challenge of some changing condition, trend, or fact.

*Response: The Council approved closure of the Black Mountain Golf course precipitated planning efforts to reuse the defunct land for high-quality residential development. The site is currently zoned for a golf course use within the Public and Semipublic (PS) zoning category. The requested rezone will allow for the development of Black Mountain Golf Course to form a cohesive and contiguous development with the adjacent residential community.*

- (2) Whether the proposed amendment is consistent with the Comprehensive Plan and the stated purposes of Section 19.1.4, Purpose and Intent.

*Response: A companion Comprehensive Plan Amendment is requested as a part of this development. The proposed request is consistent with the Comprehensive Plan's stated goals and policies, specifically by furthering the City's goal to encourage more and higher quality housing in and near Downtown, with a focus on single family detached and attached housing types.*

- (3) Whether the proposed amendment will protect the health, safety, morals, or general welfare of the public.

*Response: The proposed project will protect the health, safety and general welfare of the public by providing infrastructure, which will benefit the residents of the area with improved streets, landscaping, homes and recreation areas, which currently do not exist.*

- (4) Whether 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.

*Response: This project will cause no adverse effects on service providers.*

- (5) Whether the proposed rezoning will have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.

*Response: The project's improvements will not have any adverse impacts on the natural environment. The improvements will mitigate any impacts to the public, with the construction of stormwater management facilities, roadway, landscaping and trail systems.*

- (6) Whether the proposed amendment will have significant adverse impacts on other property in the vicinity of the subject property.

*Response: The proposed amendment will not have an adverse impact on other properties in the vicinity of the subject site. The development will provide diverse housing options, compatible home sizes and generous landscape buffers to help mitigate the impact of new construction.*

- (7) The suitability of the subject property for the existing zoning classification and proposed zoning classification.

*Response: The requested rezone will allow for the development of Black Mountain Golf Course to form a cohesive and contiguous development with the adjacent residential community. The zoning will be wholly consistent with the surrounding allowed residential zones (Low-Density Single-Family Residential 6 (RS-6)).*

- (8) The need for the proposed use at the proposed location.

*Response: The existing site a defunct golf course that is gated on all sides with chain link. A high-quality single-family residential community, in compliance with the Council approved Closure Plan, is needed to restore the community and revitalize the area.*

- (b) In addition to the above-listed criteria, any proposed amendment that would reduce the density or intensity of uses on property (i.e., result in a "down-zoning") is subject to additional approval criteria in accordance with NRS 278.260. These criteria apply if at least 20 percent of the property owners to whom notices were sent indicate opposition to the proposed amendment. These criteria require the governing body to: (1) Consider separately the merits of each aspect of the proposed amendment to which any property owner(s) expressed opposition. (2) Make a written finding that the public interest and necessity will be promoted by the approval of the proposed amendment.

*Response: Not applicable. This application does not down-zone the property.*

- (c) In addition to the criteria listed in subsection (a) above, any proposed zoning amendment that would result in the redevelopment or change in use of a golf course, park, open space or PS-zoned land, is subject to the following additional approval criteria which must be addressed in the proposed amendment. These criteria require the governing body to consider:

- (1) Mitigation of impacts of the proposed land uses on schools, traffic, parks, emergency services, utility infrastructure, and any other potential impacts identified by the Director of Community Development and Services; and

*Response: See "Project of Significant Impact" section of this justification document for mitigation impacts to public facilities. Additionally, a Development Agreement will be included with this development.*

- (2) Provision of a compensating benefit for the loss of the larger, contiguous open space to the surrounding neighborhood as a result of the redevelopment or change in use; and

*Response: The proposed development compensates for the loss of open space by providing high-quality homes, open space, public park and trail facilities, landscaped buffers, and community amenities to a property in the core of downtown Henderson. Businesses in the area will benefit from the addition of customers and the City will benefit from an increased tax base.*

- (3) The preservation of open space beyond what would be required under the requested zoning and in furtherance of the goals and objectives of the City's Comprehensive Plan with regard to the protection of open space; and

*Response: Black Mountain's park, recreation, and open space areas include a diversity of amenities for the community to enjoy. Within the community a private 2.77 acre park will link to major paseos located around the master plan perimeter to create a series of interconnected trails extend through the open areas for pedestrians and bicyclists to enjoy (see Chapter 4: Circulation). The paseos will include areas suitable for landscaping, with landscaping featuring small drought-tolerant landscaping. Street furniture including seating areas, way-finding signage, and lighting will create an inviting and safe environment.*

*In addition to the internal amenities planned for the development, several public recreational areas will be included as a part of this development. The highlight of these public facilities is the significant addition to the Black Mountain Recreational Facility and the improvements to the Railroad Trail on the north side of the development, south of the train tracks. The Black Mountain Recreation addition will include twelve (12) new pickleball courts with forty-eight (48) additional parking spaces, a restroom building, event ramada, storage facility, tree bosque with tables, bleachers, fencing with sound dampening mats, perimeter fencing, and vibrant landscaping. The Railroad Trail will be built to City standards and will preliminarily include a paved trail with landscaping, lighting, seating, and trash facilities.*

*Per City of Henderson parks requirements of 5.5 acres per 1,000 residents, the proposed Black Mountain development misses this requirement by 3.72 acres. As described within Section 5.2 "Existing Park Facilities" within the Development Standards document, the Black Mountain development is located in a rich park environment. Over one hundred (100) acres of existing public park lands already exist within one mile of the project site. In total, the twenty (20) acres of planned internal and external parks and open space far exceed City requirements.*

- (4) Compliance with the closure plan required by Section 19.7.8.L.

*Response: Black Mountain has been designed to comply with the Council approved Closure Plan.*

- (d) In addition to the criteria listed in Subsection (a) above, recommendations and decisions on any proposed zoning amendment to any district permitting multifamily residential development shall be based on consideration of all of the following, which must be addressed in the proposed amendment:

*Response: For-rent multi-family housing is not a part of this application.*

#### **Chapter 19.3.18 PC: Planned Community**

In order to effectuate the proposed Black Mountain Planned Community, a development agreement shall be developed that:

- (a) Ensures adequate provision of public facilities and services;
- (b) Provides for a creative arrangement of land uses with respect to each other to the entire planned community and to all adjacent land;
- (c) Provides for a variety of housing types to achieve a balanced community for families of a wide variety of ages, sizes, and levels of income;



- (d) Provides for a planned and integrated transportation system for pedestrian and vehicular traffic, which includes provisions for transportation and roadways, bicycle and/or equestrian paths, pedestrian walkways, and other similar transportation facilities;
- (e) Provide sensitive site planning and design with enhanced landscaping and other site amenities; and
- (f) Provides high-quality structures in terms of community design standards, materials, and layout.

*Response: A Development Agreement will be included with this development.*

### **Project of Significant Impact**

This project proposes up to 1,800 dwelling units. This justification narrative will therefore briefly address the following items, full expert reports will be submitted with the forthcoming CPA, rezoning, and parent tentative map submittals:

Vehicle Trips (see Traffic Study): It is anticipated that the project shall generate a total of 18,168 daily trips. Of the 18,168 daily trips it is anticipated that 1,277 trips shall occur during the AM peak hour and 1,639 trips during the PM peak hour.

To offset traffic impacts that are anticipated with the completion of the project, the following is recommended within the Traffic Study:

- For the City of Henderson to require all mandatory signage and striping to be shown on the project's civil engineering drawings and that they conform to the City of Henderson and MUTCD standards.
- For the Developer to install a two-lane roundabout at the intersection of Driveway 3 / Middleton Drive at Greenway Road.
- For the Developer install underground improvements to accommodate a potential future traffic signal at the intersection of Driveway 1 / Sierra Lane at Horizon Drive.
- For the Developer to install a left turn storage bay on the south leg of Driveway 5 at Greenway Road. The left turn storage bay is be maximized in storage length.
- For the City of Henderson to install a roundabout at the intersection of Van Wagenen Street and Greenway Road.
- For the developer to maximize the left turn storage bay on the west leg of Horizon Drive at Pacific Avenue.
- For the developer to maximize the left turn storage bay on the west leg of Horizon Drive at Greenway Road. This would eliminate the left turn movement on the east leg of Horizon Drive at the driveway for O'Callaghan Park.
- For the developer to install an exclusive right turn lane on the east leg of Horizon Drive at Driveway 1 / Sierra Lane.

Estimated Additional Pupils (see Development Agreement): Additional school pupils will be generated from the development of this property. This project acknowledges the need for a Development Agreement with the City of Henderson. As a part of this agreement, an appropriate school contribution shall be negotiated.

Wastewater (see Wastewater Plan): Preliminary analysis shows minimum design criteria can be met for the onsite properties. Based on the topography of the area and existing sewer infrastructure, four main points of connection are identified.

- POC #1 is at the eastern boundary of the site in Mona Lane.
- POC #2A is at the intersection of Greenway Road and Fairway Road.
- POC #2B is at the northern boundary of the site, near Pebble Place Court.

- POC #3 is at the northwestern corner of the site, on Blackridge Road.

All future facilities will be designed to meet City of Henderson requirements and will be in accordance with the Design and Construction Standards for Wastewater Collection Systems (DCSWCS), 4th Edition, 2019.

Water (see Water Report): Based on the conceptual water network analyzed, the future development will have adequate residual pressure to meet the anticipated domestic and fire demands. The water system pressures meet the design parameters established in UDACS.

Stormwater (see Stormwater Report): Future development of the site shall be in conformance with the Drainage Design Manual. Onsite runoff generated by the site will follow the natural drainage patterns to the north and west, as well as the developed condition assumed by neighboring developments and the Master Plan Update. Based on a preliminary hydrologic analysis, development of the former golf course property will increase the design storm peak flow above the existing condition. However, there is adequate capacity in the existing downstream facilities to convey the peak flows. Reasonable Use of Drainage criteria from the Hydrologic Criteria and Drainage Design Manual will be met.

Parks and Open Space (see companion Development Standards document): Project representatives will work with staff to establish appropriate amounts of required parks and open space for the development.

Development Agreement (see Development Agreement): This project acknowledges the need for a Development Agreement with the City of Henderson. As a part of this agreement, all public infrastructure development or contributions shall be negotiated to help offset and mitigate the addition of new homes and residents to the community.

**Parent Tentative Maps (TM-2019003929)**

Parent Tentative Maps are included as a part of this application to create three (3) parent parcels within the Black Mountain property to facilitate the development. Subsequent tentative maps may further subdivide the land as shown on the Conceptual Land Plan. These parcels may ultimately be developed with the maximum amount of allowed dwelling units as indicated on the Conceptual Land Plan. Overall, the Black Mountain development is designed to include up to 1,800 dwelling units, with a majority of the density planned adjacent to the Union Pacific Railroad Line and along Horizon Drive adjacent to the existing school and Black Mountain Recreation Center.

Overall, this application is consistent with the goals of the City in that it is a high-quality residential development, that sets a high standard for future development.

Sincerely,



Andrew D. Baron, ASLA, LEED AP  
Principal