

ORDINANCE NO. 2965  
(ZCO-04-670012-A4 – Ladera Villas)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2869, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 16, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED SOUTH OF WIGWAM PARKWAY AND EAST OF ARROYO GRANDE BOULEVARD TO AMEND A ZONE CHANGE WITH OVERLAY DELETING CONDITION OF APPROVAL NO. 26 OF THE THIRD AMENDED ZONE CHANGE, AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on May 1, 2012, committed to the rezoning of certain real property totaling 43 acres, more or less, located in a portion of Section 16, Township 22 South, Range 62 East, generally located south of Wigwam Parkway and east of Arroyo Grande Boulevard to amend a zone change with overlay deleting Condition of Approval No. 26 of the third amended zone change; and

WHEREAS, City of Henderson has made application for a zone change; 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

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Ordinance No 2869 of the City of Henderson, Nevada, entitled "Zoning Map adopted" is hereby amended as follows.

The Zoning Map, adopted by reference as an integral part of the title that outlines and defines the various zoning districts that are described in detail and that indicate which land uses are permitted and which are prohibited, shall be amended to reclassify certain real property within the City limits of the City of Henderson, Nevada, as more particularly described below and as depicted in Exhibit A attached hereto, consisting of one page:

All of Ladera Villas located in the Southeast Quarter (SE 1/4) of Section 16, Township 22 South, Range 62 East, M.D.M., City of Henderson, Clark County, Nevada, described as follows:

Ladera Villas Condominiums "Flats" Unit 1 as shown by map thereof on file in Book 128 of Plats, Page 19 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Ladera Villas Unit 1 as shown by map thereof on file in Book 128 of Plats, Page 20 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Ladera Villas Condominiums "Lofts" Unit 1 as shown by map thereof on file in Book 128 of Plats, Page 21 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Ladera Villas Condominiums "Lofts" Unit 2 as shown by map thereof on file in Book 132 of Plats, Page 1 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Ladera Villas Condominiums "Flats" Unit 2 as shown by map thereof on file in Book 132 of Plats, Page 35 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Ladera Villas Unit 2 as shown by map thereof on file in Book 132 of Plats, Page 36 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Amended Final Map of Ladera Villas Unit 1 as shown by map thereof on file in Book 142 of Plats, Page 57 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Second Amended Final Map of Ladera Villas Unit 1 as shown by map thereof on file in Book 142 of Plats, Page 96 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Amended Final Map of Ladera Villas Condominiums "Lofts" Unit 1 as shown by map thereof on file in Book 143 of Plats, Page 23 in the Office of the Country Recorder of Clark County, Nevada.

Together with:

Amended Final Map of Ladera Villas Condominiums "Flats" Unit 2 as shown by map thereof on file in Book 143 of Plats, Page 36 in the Office of the Country Recorder of Clark County, Nevada;

containing 43 acres, more or less, to amend a zone change with overlay deleting Condition of Approval No. 26 of the third amended zone change.

SECTION 2. That the above-described amendment to the zoning map is subject to the following conditions and waivers.

#### 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.

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored

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 all necessary right-of-way.
4. Applicant shall construct full offsites per Public Works' requirements and dedicate all necessary right-of-way.
5. Streets shall be privately owned and maintained.

#### DEPARTMENT OF UTILITY SERVICES CONDITIONS

6. Applicant may be required to submit a utility plan and utility analysis for Department of Utility Services' approval.
7. Applicant shall comply with the requirements of the master utility plan established for the project area.
8. Applicant shall participate in the Southwest Henderson Refunding Agreement for sewer and water.
9. Applicant shall not receive final approval on civil plans or be allowed to record a final map until such time the 20-inch diameter water main in Wigwam Parkway is completely constructed, including the construction of the pressure reducing valve station at Arroyo Grande Boulevard.

#### 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 provide secondary access as approved by Public Works and the Fire Department.

15. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
16. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
17. 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

18. 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.
19. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
20. 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.
21. 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.
22. 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.
23. 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.
24. 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.
25. Applicant shall comply with all conditions of approval for all amendments of ZCO-02-670056.

26. The applicant shall pay off the LID T-13 or provide for a third party administrator in a manner satisfactory to the Redevelopment Agency. Said payment shall be made prior to recordation of a final map.
27. Applicant shall provide more mature landscaping, minimum of 48-inch box trees, and meandering sidewalks between buildings (5 and 8, 8 and 9).
28. Applicant shall relocate ground-mounted mechanical units to the outside of the 15-foot building setback as depicted on site plan submitted at the April 6, 2010, City Council meeting.
29. Applicant shall provide additional parking as depicted on the site plan and aerial submitted at the April 6, 2010 City Council meeting.

#### PARKS AND RECREATION DEPARTMENT CONDITION

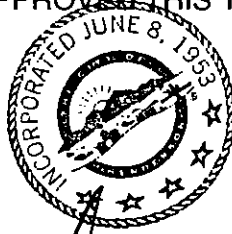
30. Applicant shall provide a 10-foot multi-use path with appropriate landscaping along Wigwam Parkway. Applicant to maintain all landscaping adjacent to trail corridor, and applicant to obtain Parks Department written approval prior to civil plans approval.

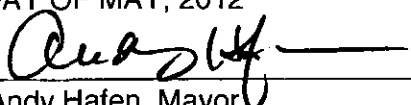
#### WAIVERS

- a. Minimum lot size of 2,193 square feet (Duplex/Detached Single-Family).
- b. Allow a 44.5-foot street with 5-foot sidewalk on one side and a 27-foot driveway subject to decorative pavement on the 27-foot drive.
- c. Minimum building separation varying from 22 to 40 feet (Townhouses), 20 to 44 feet (Condominiums), and 15 feet between Buildings 5, 8, 9 (Condominiums). (A3)
- d. Reduce the parking requirement to 346 spaces for duplex/detached single-family units, 362 spaces for condominium units and 382 spaces for townhouse units. (A3)
- e. Zero foot attached side setback (Duplex/Detached Single-Family).
- f. Allow a 5-foot sidewalk on one side of the street around the duplex/detached single-family portion of the project.
- g. Reduce the front setback from 20 to 5 feet from the front property line and reduce the side setback for lots, 25, 26, 27, 30, 48, 53, 54, 59, 65, 66, 71, 72, 83, 88, 89, 99, 100, 109, 114, 115, 116, 125, and 126 from 5 feet to 0 feet (A1).
- h. Reduce the front setback along Wigwam Parkway from 28 feet to 20 feet for condominium buildings 14 and 15. (A2)

- SECTION 3. If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.
- SECTION 4. All ordinances, or parts of ordinances, sections, subsection, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Henderson, Nevada, in conflict herewith are repealed and replaced as appropriate.
- SECTION 5. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and following approval shall be published by title (or in full if the Council by majority vote so orders) together with the names of the Councilmen voting for or against passage for at least one (1) publication before the Ordinance shall become effective. This Ordinance is scheduled for publication on May 18, 2012, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 15<sup>th</sup> DAY OF MAY, 2012



  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on May 1, 2012, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

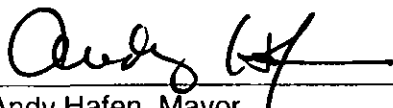
"COUNCIL AS A WHOLE"

Thereafter on May 15, 2012, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held May 15, 2012, the Ordinance was read in title and adopted by the following roll call vote:

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

Those voting nay: None  
Those abstaining: None  
Those absent: None

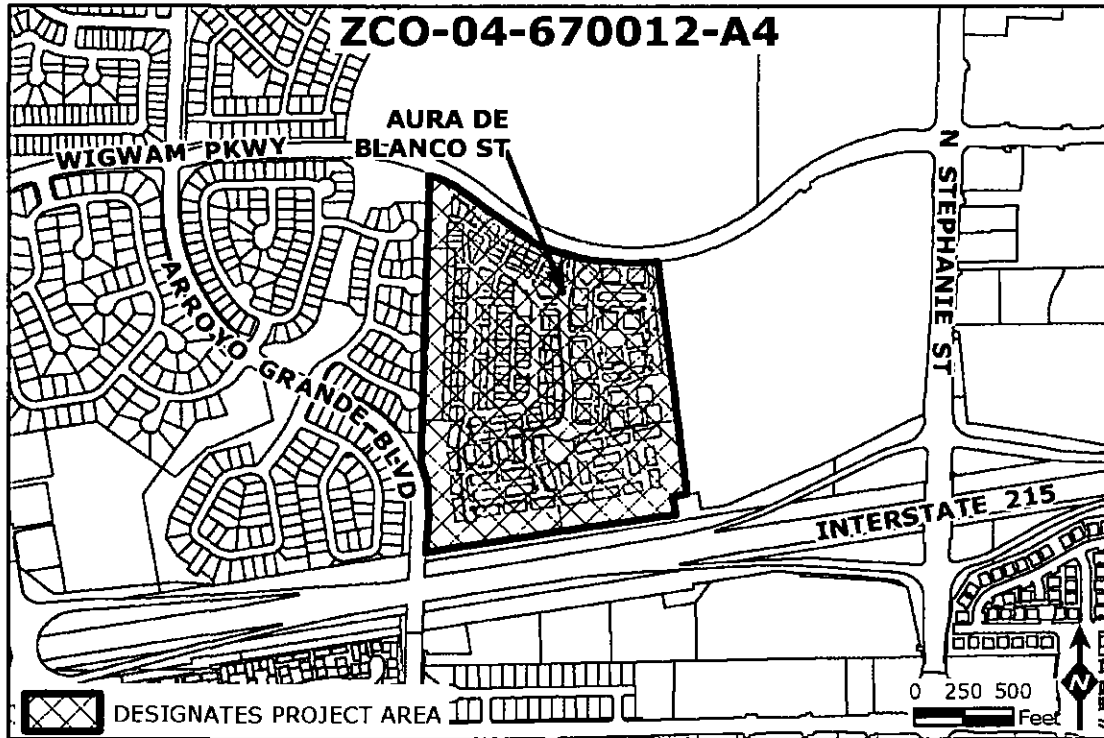


  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, CMC, City Clerk





**EXHIBIT A**  
**ZCO-01-670012-A4 – LADERA VILLAS**

Editor's Note Pursuant to City Charter Section 2 090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored