

RESOLUTION NO. 4280

(Extension of Time – ZCO-05-670049-E4 – Picerne at UPPR)

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 34, TOWNSHIP 22 SOUTH, RANGE 63 EAST, M.D. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED ON THE EAST SIDE OF NEVADA STATE DRIVE APPROXIMATELY 950 FEET SOUTH OF THE INTERSECTION OF CONESTOGA WAY AND NEVADA STATE DRIVE AND NORTH OF THE UNION PACIFIC RAILROAD, ON 23.3 ACRES FROM IP (INDUSTRIAL PARK) TO CM-PUD (MIXED-USE COMMERCIAL WITH PLANNED UNIT DEVELOPMENT OVERLAY) AND REPEAL RESOLUTION NO. 4105.

- WHEREAS, Picerne Development Corporation made application to have 23.3 acres of certain land in the City of Henderson, Clark County, Nevada, rezoned IP (Industrial Park) to CM-PUD (Mixed-Use Commercial with Planned Unit Development Overlay); and
- WHEREAS, Resolution No. 4105, intent to rezone, was approved on November 5, 2013; and
- WHEREAS, Picerne Development Corporation 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 all of the following criteria have been met:
- A. The proposal is consistent with the Comprehensive Plan.
  - B. The planned unit development is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards, based upon the purposes set out in Section 19.1.4.
  - C. The planned unit development complies with standards of Section 19.5.4.
  - 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 re-zonings, variances or administrative adjustments.

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:

PARCEL 2 AS SHOWN BY MAP THEREOF IN FILE 101 OF PARCEL MAPS, PAGE 98, IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA, TOGETHER WITH PORTIONS OF NEVADA STATE DRIVE AND THE UNION PACIFIC RAILROAD RIGHT-OF-WAY, LYING WITHIN SECTION 34, TOWNSHIP 22 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE CENTERLINE INTERSECTION OF CONESTOGA WAY (60.00 FEET WIDE) AND NEVADA STATE DRIVE (60.00 FEET WIDE), AS SHOWN ON SAID PARCEL MAP;

THENCE SOUTH 22°02'56" WEST ALONG SAID CENTERLINE OF NEVADA STATE DRIVE, A DISTANCE OF 975.66 FEET TO THE WESTERLY PROLONGATION OF THE NORTHERLY LINE OF SAID PARCEL 2, SAME BEING THE POINT OF BEGINNING;

THENCE DEPARTING SAID CENTERLINE SOUTH 67°59'17" EAST ALONG SAID NORTHERLY LINE, A DISTANCE OF 1,159.01 FEET TO THE NORTHEAST CORNER OF SAID PARCEL 2;

THENCE DEPARTING SAID NORTHERLY LINE SOUTH 34°03'43" WEST ALONG THE EASTERLY LINE OF SAID PARCEL 2, A DISTANCE OF 1,154.21 FEET TO THE NORTHERLY RIGHT-OF-WAY LINE OF THE UNION PACIFIC RAILROAD (200.00 FEET WIDE);

THENCE DEPARTING SAID RIGHT-OF-WAY LINE, SOUTH 39°41'45" WEST, A DISTANCE OF 100.00 FEET TO THE CENTERLINE OF SAID UNION PACIFIC RAILROAD RIGHT-OF-WAY, SAME BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 3,816.31 FEET, A RADIAL LINE TO SAID BEGINNING BEARS SOUTH 39°41'45" WEST;

THENCE NORTHWESTERLY 92.29 FEET ALONG SAID CURVE AND SAID CENTERLINE, THROUGH A CENTRAL ANGLE OF 01°23'08";

THENCE CONTINUING ALONG SAID CENTERLINE, NORTH 48°55'48" WEST, A DISTANCE OF 847.12 FEET TO SAID CENTERLINE OF NEVADA STATE DRIVE;

THENCE DEPARTING SAID CENTERLINE OF THE UNION PACIFIC RAILROAD, NORTH 22°02'56" EAST ALONG SAID CENTERLINE OF NEVADA STATE DRIVE, A DISTANCE OF 918.35 FEET TO THE POINT OF BEGINNING;

containing 23.3 acres, more or less, IP (Industrial Park) to CM-PUD (Mixed-Use Commercial with Planned Unit Development Overlay), upon compliance with the following conditions:

#### PUBLIC WORKS CONDITIONS

1. Applicant shall submit a drainage study for Public Works' approval.
2. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2 and dedicate any necessary right-of-way.
3. Applicant shall obtain all necessary UPRR approvals and City of Henderson approvals (for trail).
4. 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.
5. Applicant shall construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.
6. Developer shall notify all potential homeowners of proposed mass transit facility in the railroad right-of-way.
7. 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.

#### PARKS AND RECREATION CONDITIONS

8. Applicant shall provide a trail corridor with a 10-foot concrete trail along Nevada State Drive. Landscape shall be owner-maintained, installed per the Development Code, and lighting shall be per AASHTO Standards.
9. Applicant shall provide additional public pedestrian access to the trail at UPRR.
10. Applicant shall provide a trail corridor with a 12-foot asphalt trail along the UPRR. Trail corridor width, landscape, lighting and irrigation to be per City of Henderson Park Standards. All landscape is to be constructed in the first phase of development construction. Applicant shall pay all fees and bond for improvements as part of the Civil

Improvement Plan Process. Applicant shall meet with Parks and Recreation Department to discuss cash in lieu for UPPR trail.

#### UTILITY SERVICES CONDITIONS

11. Applicant shall submit a utility plan and a utility analysis for Utilities' approval.
12. Applicant shall comply with the requirements of the master utility plan established for the project location.
13. Applicant shall participate in the future refunding agreement for Pumping Station P-8A and Reservoir R-10A (2370 and 2500 pressure zones).
14. All onsite utilities shall remain privately owned and maintained.
15. Applicant shall establish separate water and sewer service for each use classification in accordance with the Department of Utility Services' requirements.
16. Applicant may be required to provide water and/or sewer system upgrades in support of water and sewer service for this project. Said upgrades shall be determined based on the findings of the utility analysis prepared for the project.

#### BUILDING AND FIRE SAFETY CONDITIONS

The authority for enforcing the International Fire Code is NRS 477.030 and Ordinance Number 3048 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.

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

24. 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.
25. Applicant shall install an approved sprinkler system in all buildings / dwelling units as required by Code.

#### COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

26. The applicant shall submit to the Community Development and Services 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. Prior to subdividing any portion of this site, applicant shall obtain approval of a design review for specific buildings and use permits, if required, for uses on the portion being subdivided.
34. This resolution of intent shall expire on January 3, 2019, unless all the conditions of approval have been fulfilled. (E4)

35. Prior to issuance of a building permit for buildings, the applicant shall submit to Community Development and Neighborhood Services recorded copies of the Conditions, Covenants, and Restrictions (CC&R's), and the Property Owners Association declaration. The Property Owners declaration shall include: the name of the association, officers, addresses, and the property management company (if applicable).
36. 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.
37. The inhabited apartment dwellings shall be a minimum of 101.5 feet from the property line adjacent to the bakery.
38. No landscaping (no vegetation) behind the garage/storage buildings adjacent to the bakery.
39. No occupancy of the residential units prior to completion of the garage/storage units.
40. Prior to expiration, per Condition 34, the applicant shall submit new Zone Change and Design Review applications to bring the subject site and design into compliance with current Code requirements. (E4)
41. Garage/storage buildings will be 8-foot 2-inches from the property line adjacent to the bakery.
42. Applicant agrees to deed restrict the property acknowledging and agreeing to continued industrial use of the bakery property and will waive any objection to the noise, odor, or traffic generated on the bakery property. There will also be a similar provision included in the individual apartment leases.
43. Storage garages shall only be utilized by residents of the multifamily and live/work units located on project site.
44. There will be five 25-foot breaks between the garage/storage buildings. There will be an 8-foot wall that connects the garage/storage buildings at their rear wall.
45. The applicant and/or owner will maintain security lighting behind the garage/storage buildings.
46. Applicant shall revise site plan and landscape to reflect minimum 15-foot landscape buffer adjacent to the existing residential district.
47. In the 25-foot breaks between the garage/storage buildings, there will be no trees and will be limited to ground cover.
48. Elevations of garage/storage buildings will be no less than 34-foot 4-inches above the grade at the loading dock of the bakery. This condition applies only to the garage/storage buildings directly across from the bakery building itself.

49. The apartments shall not be converted to condominiums for a minimum of 10 years from date of City Council approval or as long as the Bakery use is operational, whichever is greater.

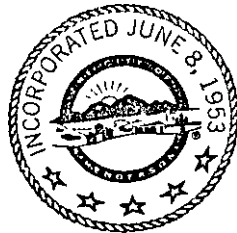
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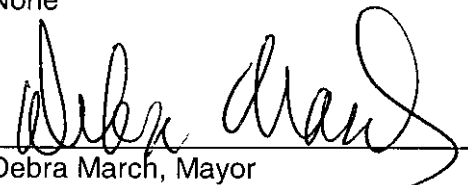
- a. Reduce the landscape buffer to zero feet along the east property line, where a minimum of 5 feet is required.

PASSED, ADOPTED, AND APPROVED THIS 6<sup>TH</sup> DAY OF FEBRUARY, 2018, BY THE FOLLOWING ROLL-CALL VOTE OF COUNCIL.

Those voting aye: Debra March, Mayor  
Councilmembers:  
John F. Marz  
Gerri Schroder  
Dan K. Shaw  
Dan H. Stewart

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



  
Debra March, Mayor

ATTEST:

  
Sabrina Mercadante, MMC, City Clerk

EXHIBIT A  
ZCO-05-670049-E4 – Picerne at UPRR

