

ORDINANCE NO. 3718
(ZCA-2018000276-A7 – Inspirada Town Center)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2870, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTIONS 14, 15, AND 23, TOWNSHIP 23, RANGE 61 EAST, M.D.B. & M., CLARK COUNTY, NEVADA, TO AMEND-A ZONE CHANGE/MASTER PLAN (INSPIRADA TOWN CENTER MASTER PLAN) TO REZONE FROM PC-MP (PLANNED COMMUNITY WITH MASTER PLAN OVERLAY) TO RM-10-MP (MEDIUM-DENSITY RESIDENTIAL WITH MASTER PLAN OVERLAY) ON 50.2 ACRES, AND TO RH-36-MP (HIGH-DENSITY RESIDENTIAL WITH MASTER PLAN OVERLAY) ON 11.7 ACRES, GENERALLY LOCATED ON THE EAST AND WEST SIDES OF VIA CENTRO, APPROXIMATELY 2,400 FEET NORTH FROM ITS INTERSECTION WITH VIA INSPIRADA; REZONE FROM PC-MP (PLANNED COMMUNITY WITH MASTER PLAN OVERLAY) TO RM-16-MP (MEDIUM-DENSITY RESIDENTIAL WITH MASTER PLAN OVERLAY) ON 6.0 ACRES, GENERALLY LOCATED AT THE NORTHEAST CORNER OF VIA INSPIRADA AND VIA DA VINCI; AND REZONE FROM PC-MP (PLANNED COMMUNITY WITH MASTER PLAN OVERLAY) TO RM-10-MP (MEDIUM-DENSITY RESIDENTIAL WITH MASTER PLAN OVERLAY) ON 7.3 ACRES, AND TO RM-16-MP (MEDIUM-DENSITY RESIDENTIAL WITH MASTER PLAN OVERLAY) ON 8.1 ACRES, GENERALLY LOCATED AT THE NORTHWEST AND NORTHEAST CORNERS OF VIA MONET AND VIA ALTAMIRA, IN THE WEST HENDERSON PLANNING AREA.

WHEREAS, the City Council of the City of Henderson, Nevada, on July 7, 2020, committed to the rezoning of certain real property located in a portion of Sections 14, 15, 23, Township 23, Range 61 EAST, rezone from PC-MP (Planned Community with Master Plan Overlay) to RM-10-MP (Medium-Density Residential with Master Plan Overlay) on 50.2 acres and to RH-36-MP (High-Density Residential with Master Plan Overlay) on 11.7 acres, generally located on the east and west sides of Via Centro, approximately 2,400 feet north from its intersection with Via Inspirada; rezone from PC-MP (Planned Community with Master Plan Overlay) to RM-16-MP (Medium-Density Residential with Master Plan Overlay) on 6.0 acres, generally located at the northeast corner of Via Inspirada and Via Da Vinci; and rezone from PC-MP (Planned Community with Master Plan Overlay) to RM-10-MP (Medium-Density Residential with Master Plan Overlay) on 7.3 acres and to RM-16-MP (Medium-Density Residential with Master Plan Overlay) on 8.1 acres, generally located at the northwest and northeast corners of Via Monet and Via Altamira; and

WHEREAS, Essex Real Estate Partners, LLC, has made application for a zone change; and

WHEREAS, the City Council finds that all of the following criteria have been met:

- a. The proposed master plan corrects an error or meets the challenge of some changing condition, trend, or fact.
- b. The proposed master plan is consistent with the Comprehensive Plan and the stated purposes of Section 19.6.4.D.
- c. The proposed master plan will protect the health, safety, morals, or general welfare of the public.
- d. 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.
- e. The proposed master plan will not have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
- f. The proposed master plan will not have a significant adverse impact on other property in the vicinity.
- g. The subject property is suitable for the proposed master plan.
- h. The need exists for the proposed master plan at the proposed location.
- i. The proposal is consistent with the Comprehensive Plan.
- j. 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 common 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.
- k. The planned development complies with the applicable standards of Section 19.4.4, Master Plan Development Overlay.
- l. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- m. 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.
- n. The same development could not be accomplished through the use of other techniques, such as rezonings, variances, or administrative adjustments.

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

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in **[brackets]**, and language proposed to be added is in blue italics and underlined.

SECTION 1. Ordinance No. 2870 of the City of Henderson, Nevada, entitled "Zoning Map update" 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:

SITUATED WITHIN SECTIONS 14, 15, 23, TOWNSHIP 23, RANGE 61 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, DESCRIBED AS FOLLOWS:

LOTS ONE (1), EIGHT (8), TWENTY-ONE (21), TWENTY-TWO (22) AND TWENTY-EIGHT (28) OF THE AMENDED PARENT FINAL MAP OF SOUTH EDGE, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 137, PAGE 100 OF PLATS, IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA;

To rezone from PC-MP (Planned Community with Master Plan Overlay) to RM-10-MP (Medium-Density Residential with Master Plan Overlay) on 50.2 acres and to RH-36-MP (High-Density Residential with Master Plan Overlay) on 11.7 acres, generally located on the east and west sides of Via Centro, approximately 2,400 feet north from its intersection with Via Inspirada; rezone from PC-MP (Planned Community with Master Plan Overlay) to RM-16-MP (Medium-Density Residential with Master Plan Overlay) on 6.0 acres, generally located at the northeast corner of Via Inspirada and Via Da Vinci; and rezone from PC-MP (Planned Community with Master Plan Overlay) to RM-10-MP (Medium-Density Residential with Master Plan Overlay) on 7.3 acres and to RM-16-MP (Medium-Density Residential with Master Plan Overlay) on 8.1 acres, generally located at the northwest and northeast corners of Via Monet and Via Altamira.

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

PUBLIC WORKS CONDITION

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.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

2. Approval of this application requires the applicant to comply with all Inspirada Town Center Design Guidelines and 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.
3. The applicant is required to submit a standard development agreement application pursuant to Section 19.6.10 of the City of Henderson Development Code. The standard development agreement is required to be approved by ordinance and executed prior to issuance of building permits. The development agreement does not require Planning Commission review. (A3)
4. If there is a conflict between the Inspirada Town Center Design Guidelines and the Henderson Development Code, the Inspirada Town Center Design Guidelines shall prevail.

WAIVER

- a. Waive the minimum zoning district size required in Section 19.2 and 19.3 of the Henderson Development Code. (Existing)

SECTION 3. If any section, subsection, sentence, clause, phrase, provision or portion of this Ordinance, or the application thereof to any person or circumstances, is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions or provisions of this Ordinance or their applicability to distinguishable situations or circumstances.

SECTION 4. All ordinances, or parts of ordinances, sections, subsections, 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 Las Vegas Review-Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on September 18, 2020, in the Las Vegas Review-Journal, at which time it will become effective.

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PASSED, ADOPTED, AND APPROVED THIS 15TH DAY OF SEPTEMBER, 2020.

John F. Marz, Mayor Pro Tem

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on September 1, 2020, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on September 15, 2020, 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 September 15, 2020, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

John F. Marz, Mayor Pro Tem
Councilmembers:
Michelle Romero
Dan K. Shaw
Dan H. Stewart

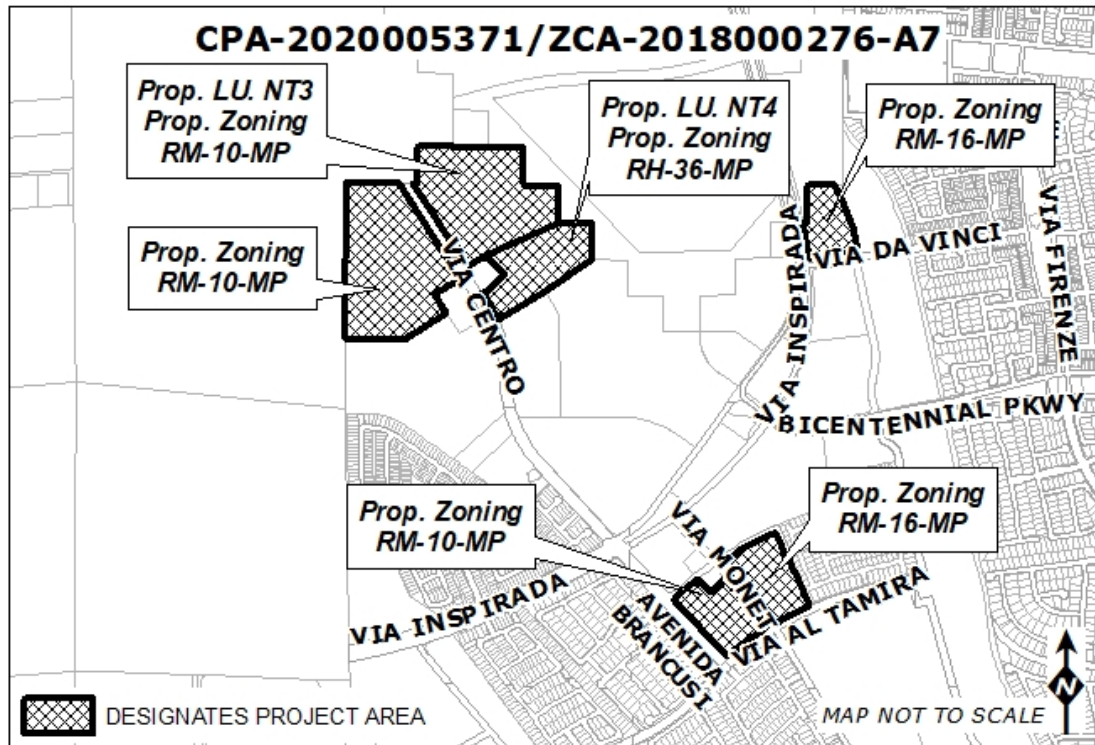
Those voting nay: None
Those abstaining: None
Those absent: Debra March,
Mayor

John F. Marz, Mayor Pro Tem

ATTEST:

Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
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