

ORDINANCE NO. 4016
(ZCA-2018000276-A17 – Inspirada Town Center - Centurion Mixed Use)

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 SECTION 22 AND SECTION 23 , TOWNSHIP 23 SOUTH, RANGE 61 EAST, M.D. & M., CLARK COUNTY, NEVADA, ON 24 ACRES GENERALLY LOCATED AT THE NORTHEAST CORNER OF VIA CENTRO AND VIA INSPIRADA, IN THE WEST HENDERSON PLANNING AREA, TO DELETE A CONDITION THAT STATES "THE ONE TAVERN AT THE 24-ACRE CENTURION SITE MUST BE LOCATED WITHIN A VERTICAL MIXED-USE BUILDING ONLY, AS IDENTIFIED WITH THE SITE PLAN, AND MAY NOT BE LOCATED WITHIN A STAND-ALONE PAD BUILDING."

WHEREAS, the City Council of the City of Henderson, Nevada, on March 5, 2024, committed to the rezoning of certain real property totaling 24 acres, more or less, located in a portion of Section 22 and Section 23, Township 23 South, Range 61 East, generally located at the northeast corner of Via Centro and Via Inspirada, to delete a condition that states "the one tavern at the 24-acre Centurion site must be located within a vertical mixed-use building only, as identified with the site plan, and may not be located within a stand-alone pad building;" and

WHEREAS, Sansone Companies has made application for a zone change; and

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

FINDINGS OF FACT – MASTER PLAN

- 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 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.
- C. The planned development complies with the applicable standards of HMC Section 19.8.5, Master Plan Development Overlay District.
- 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 variances or administrative adjustments.

FINDINGS OF FACT – GAMING OVERLAY

- A. The roads, water, sanitation, utilities, and related services to the location are adequate.
- B. The proposed establishment will not unduly impact public services, consumption of natural resources, and the quality of life enjoyed by residents of the surrounding neighborhoods.
- C. The proposed establishment will enhance, expand, and stabilize employment and the local economy.
- D. The proposed establishment will be located in an area planned or zoned for that purpose consistent with NRS Sections 278.010 to 278.630, inclusive.
- E. The proposed establishment will not be detrimental to the health, safety, or general welfare of the community or be incompatible with the surrounding area.

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

SECTION 1. Ordinance No. 2870 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:

SITUATED IN THE NORTH HALF (N 1/2) OF SECTION 22 AND SECTION 23, TOWNSHIP 23 SOUTH, RANGE 61 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY NEVADA, DESCRIBED AS FOLLOWS:

LOT 10 OF THE AMENDED PARENT FINAL MAP OF SOUTH EDGE, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 137 OF PLATS, PAGE 100, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK, COUNTY, NEVADA.

Containing 24 acres, more or less, to delete a condition that states "the one tavern at the 24-acre Centurion site must be located within a vertical mixed-use building only, as identified with the site plan, and may not be located within a stand-alone pad building."

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

PUBLIC WORKS 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, nor does it infer approval for final lot configuration, geometry, or roadway layout.
2. Senate Road between Via Centro and Parkway A shall be designed with a 12-foot center median, (2) 11-foot through lanes and a 5.5-foot bike lane in each direction. (A15)

PARKS AND RECREATION CONDITION

3. Applicant shall maintain 12-foot concrete trails along a portion of Via Inspirada and Senate Road abutting the Resort Hotel property site. (A15)

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

4. 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.
5. The applicant is required to submit a standard development agreement application pursuant to Section 19.27 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. (A6, Updated A13)
6. A conditional use permit is not required for a tavern at the Centurion site as one tavern is permitted by right. (A8)

7. One tavern on the 24-acre Centurion site must be designed to comply with 19.5.5.S.2(b)(2)ii.5 with regard to prohibiting what is commonly referred to as a “fishbowl” enclosure of the bar area (i.e. a “fish bowl” is prohibited). (A8)
8. The development standards in the applicant’s submitted MP shall be deemed to be incorporated within the action of the Council in its approval of the map amendment, except as modified in the specific terms of the approval. All future development within the boundaries of the MP overlay district shall comply with the terms of the approved MP. (A13)
9. Applicant is required to file FAA form 7460-1, “Notice of Proposed Construction or alteration” with the FAA. (A11, A14, A15)
10. Applicant is advised that issuing a stand-alone noise disclosure statement to the purchaser or renter of each residential unit in the proposed development and to forward the completed and recorded noise disclosure statements to the Department of Aviation's Noise Office is strongly encouraged. Additionally, the Federal Aviation Administration will no longer approve remedial noise mitigation measures for incompatible development impacted by aircraft operations which was constructed after October 1, 1998, and funds will not be available in the future should the residents wish to have their buildings purchased or soundproofed. (A11)
11. The requirements of the general zoning district(s) in which the property is located shall remain applicable within the overlay district except as modified within the approved MP and as may be further modified by the Council in its approval. (A13)
12. 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, unless otherwise provided in the negotiated Development Agreement.
13. Per the master plan Development Standards and Design Guidelines, the one tavern on the 24-acre Centurion site must meet the following: (A8)
 - a. Contain a minimum of 100 dining area seats, separate from the bar area. The dining seats shall be at standard tables and booths. Seats at a “countertop” around the perimeter of the dining area shall not count towards the required seating requirement. (Amended A17)
 - b. Provide restaurant/full food service at all times the tavern is open.
 - c. Be designed to meet all Code/state requirements for allowing minors.
 - d. There must not be a barrier between the dining area and the bar area, including barriers created by windows or other forms of visual transparency, to avoid creating two distinct spaces.

14. No structure greater than 35 feet in height shall be permitted to be erected or altered that would constitute a hazard to air navigation, or would result in an increase to minimum flight altitudes during any phase of flight, or would otherwise be determined to pose a significant adverse impact on airport or aircraft operations. (A11, A14, A15)
15. Applicant is advised that FAA's airspace determinations (the outcome of filing the FAA Form 7460-1) are dependent on petitions by any interested party and the height that will not present a hazard as determined by the FAA may change based on these comments. Applicant is advised that the FAA's airspace determinations include expiration dates and that separate airspace determinations will be needed for construction cranes or other temporary equipment. (A14 and A15)
16. The request to add the use classification of "Age Restricted Community," is for the subject parcel and the Mera Inspirada project only, within the area defined as the Inspirada Town Center Master Plan. Additionally, no assisted living or ongoing nursing services are permitted within this community. (A6)
17. No building permits should be issued until applicant provides evidence that a "Determination of No Hazard to Air Navigation" has been issued by the FAA. (A11, A14, A15)
18. Work with Community Development and Services Department and Public Works Department/Traffic Division on the final Senate Road configuration so that Senate Road is designed with (2) 11-ft travel lanes and a 5 ½-ft bike lane in each direction with a 12-foot median where adjacent to the Resort Hotel property site. (A15)
19. The applicant is required to submit a negotiated development agreement application pursuant to Section 19.27.3 of the City of Henderson Development Code. This negotiated development agreement is for the Resort Hotel property. The negotiated development agreement is required to be approved by ordinance and executed prior to issuance of building permits. (A14)
20. This Age Restricted Community on APN 191-14-411-007 (Mera Inspirada) is subject to the standards for Senior Apartments in the Development Code. (A6)
21. Final approval of the location and design of each tavern on the 24-acre Centurion site requires Community Development approval of a Design Review application. (A8)

WAIVER

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

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 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 March 22, 2024, in the Las Vegas Review-Journal, at which time it will become effective.

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PASSED, ADOPTED, AND APPROVED THIS 19th DAY OF MARCH, 2024.

Michelle Romero, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on March 5, 2024, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on March 19, 2024, 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 March 19, 2024, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Michelle Romero, Mayor
Councilmembers:
Carrie Cox
Jim Seebock
Dan H. Stewart
Dan K. Shaw

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

Michelle Romero, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

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EXHIBIT A
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