

ORDINANCE NO. 2891
(ZCA-06-660006-A1 – Traverse Point Mixed-Use Development / Multifamily)

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 15, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, LOCATED SOUTHWEST OF THE INTERSECTION OF GIBSON ROAD AND WIGWAM PARKWAY, NORTH OF THE I-215, IN THE GIBSON SPRINGS PLANNING AREA, FROM CO-MP (COMMERCIAL OFFICE WITH MASTER PLAN OVERLAY) AND CC-MP (COMMUNITY COMMERCIAL WITH MASTER PLAN OVERLAY) TO RH-24-MP-PUD (HIGH-DENSITY RESIDENTIAL WITH MASTER PLAN AND PLANNED UNIT DEVELOPMENT OVERLAY), AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on December 7, 2010, committed to the rezoning of certain real property totaling 16.8 acres, more or less, located in a portion of Section 15, Township 22 South, Range 62 East, located southwest of the intersection of Gibson Road and Wigwam Parkway, north of the I-215, from CO-MP (Commercial Office with Master Plan Overlay) and CC-MP (Community Commercial with Master Plan Overlay) to RH-24-MP-PUD (High-Density Residential with Master Plan and Planned Unit Development Overlay); and

WHEREAS, Landwell Company LP 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:

A PORTION OF THE "GIBSON BUSINESS CENTER/BLAK MOUNTAIN BUSINESS PARK PHASE 2 P.U.D.", "LOT 3-1" AS SHOWN BY MAP THEREOF ON FILE IN BOOK 126, PAGE 33 OF PLATS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 15, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID "LOT 3-1";

THENCE ALONG THE WEST BOUNDARY OF SAID LOT AND THE PROLONGATION THEREOF COINCIDENT WITH THE CENTERLINE OF TRAVERSE CENTER STREET, NORTH 00°00'00" EAST, 798.36 FEET;

THENCE ALONG SAID CENTERLINE THE FOLLOWING TWO (2) COURSES:

- 1) FROM THE BEGINNING OF A CURVE, CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 150.00 FEET, CONCAVE EASTERLY, THROUGH A CENTRAL ANGLE OF 25°40'26", AN ARC LENGTH OF 67.21 FEET;
- 2) THENCE NORTH 25°40'26" EAST, 51.56 FEET TO THE CENTERLING INTERSECTION OF SAID STREET AND WIGWAM PARKWAY;

THENCE ALONG THE CENTERLINE OF SAID WIGWAM PARKWAY THE FOLLOWING TWO (2) COURSES:

- 1) FROM THE BEGINNING OF A NON-TANGENT CURVE OF WHICH THE RADIUS POINT BEARS NORTH 25°40'26" EAST, CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 1,000.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 26°26'39", AN ARC LENGTH OF 461.54 FEET;
- 2) THENCE NORTH 89°13'47" EAST, 324.63 FEET;

THENCE DEPARTING SAID CENTERLINE, SOUTH 00°46'13" EAST, 40.00 FEET TO THE SOUTH RIGHT-OF-WAY OF SAID WIGWAM PARKWAY;

THENCE DEPARTING SAID RIGHT-OF-WAY, CONTINUING ALONG SAID LINE, SOUTH 00°46'13" EAST, 166.81 FEET;

THENCE SOUTH 26°57'43" EAST, 222.56 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 76.00 FEET, CONCAVE NORTHEASTERLY, THROUGH A CENTRAL ANGLE OF 28°26'38", AN ARC LENGTH OF 37.73 FEET;

THENCE SOUTH 55°24'21" EAST, 46.07 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 166.01 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 39°15'21", AN ARC LENGTH OF 113.74 FEET;

THENCE NORTH 85°20'23" EAST, 431.35 FEET TO THE SOUTH BOUNDARY OF SAID "LOT 3-1";

THENCE ALONG SAID SOUTH BOUNDARY THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH 61°34'32" WEST, 351.28 FEET;
- 2) THENCE SOUTH 80°47'18" WEST, 1,219.12 FEET TO THE POINT OF BEGINNING.

containing 16.8 acres, more or less, from CO-MP (Commercial Office with Master Plan Overlay) and CC-MP (Community Commercial with Master Plan Overlay) to RH-24-MP-PUD (High-Density Residential with Master Plan and Planned Unit Development Overlay).

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

PUBLIC WORKS DEPARTMENT 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.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

2. 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.
3. Applicant shall comply with all conditions of approval for DRA-10-550021 for the RH-24-MP-PUD multifamily portion. (A1)
4. This approval does not endorse signage shown with this application. Signage shall be reviewed and approved separately.
5. The resolution of intent for the CM-MP-PUD portion of the site shall expire on April 4, 2011, unless extended per Title 19.2.4.
6. Applicant shall provide a construction staging plan as part of the civil improvement/grading plans for approval prior to issuance of a grading and/or blasting permit. All staging shall be contained within project property boundaries. Any construction-related activities proposed outside of the project boundaries will require approval of the affected property owner.
7. Applicant shall record restrictive covenant notifying future residents of potential light-rail corridor to be located within the UPRR right-of-way.
8. Applicant shall obtain Planning Commission approval of a design review.

PARKS AND RECREATION DEPARTMENT CONDITIONS

9. Applicant shall provide a trail corridor with a 10-foot concrete trail along Gibson Road and Wigwam Parkway. Landscape shall be owner-maintained, installed per the Development Code, and lighting shall be per AASHTO Standards.
10. Applicant shall meet with Parks and Recreation to discuss changes to park requirements.

WAIVER

- a. Allow a maximum building height of 66 feet 4 inches where 60 feet is the maximum height permitted in the CM District. (Remaining CM Portion)

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 January 7, 2011, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 4th DAY OF JANUARY, 2011.



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 December 7, 2010, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

"COUNCIL AS A WHOLE"

Thereafter on January 4, 2011, 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 January 4, 2011, the Ordinance was read in title and adopted by the following roll call vote:


Those voting aye: Mayor Andy Hafen
Councilmembers:
Kathleen Boutin
Steven D. Kirk
Debra March
Gerri Schroder

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



Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, CMC, City Clerk

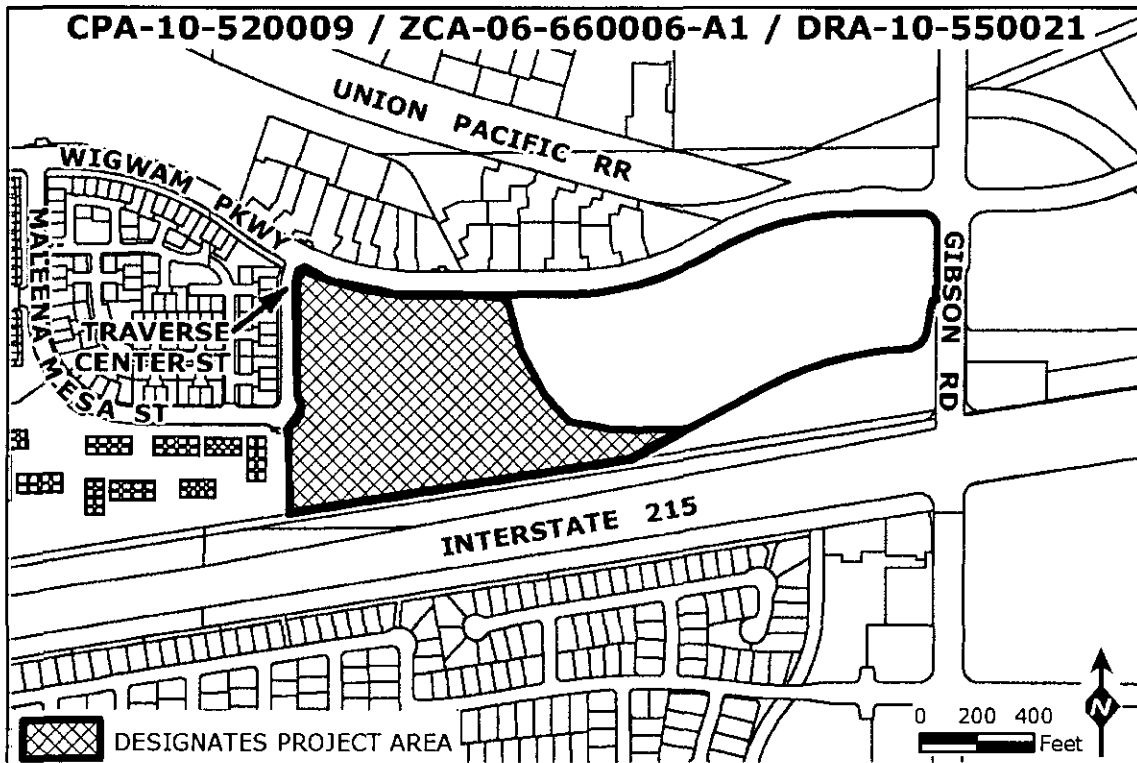


EXHIBIT A

ZCA-06-660006-A1

Traverse Point Mixed-Use Development / Multifamily

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.