

ORDINANCE NO. 2931
(ZCA-03-660022-A2 – Bella Fiore at Lake Las Vegas)

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 27, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D. & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED SOUTHWEST OF THE INTERSECTION OF LAKE LAS VEGAS PARKWAY AND GRAND MEDITERRA BOULEVARD FROM RS-6-MP (LOW-DENSITY RESIDENTIAL WITH MASTER PLAN OVERLAY) TO PS-MP (PUBLIC/SEMIPUBLIC WITH MASTER PLAN OVERLAY) ON .12 ACRES AND FROM PS-MP (PUBLIC/SEMIPUBLIC WITH MASTER PLAN OVERLAY) TO RS-6-MP (LOW-DENSITY RESIDENTIAL WITH MASTER PLAN OVERLAY) ON .26 ACRES, AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on September 6, 2011, committed to the rezoning of certain real property totaling .38 acres, more or less, located in a portion of Section 27, Township 21 South, Range 63 East, generally located southwest of the intersection of Lake Las Vegas Parkway and Grand Mediterra Boulevard from RS-6-MP (Low-Density Residential with Master Plan Overlay) to PS-MP (Public/Semipublic with Master Plan Overlay) on .12 acres and from PS-MP (Public/Semipublic with Master Plan Overlay) to RS-6-MP (Low-Density Residential with Master Plan Overlay) on .26 acres; and

WHEREAS, Harmony Fiore, 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 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 C.E. "B" AS SHOWN BY MAP THEREOF ON FILE IN BOOK 126, PAGE 100 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN THE SECTION 27, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE NORTHEAST CORNER OF SAID C.E. LOT "B";

THENCE ALONG THE EASTERLY LINE OF SAID C.E. LOT "B", FROM THE BEGINNING OF A NON-TANGENT CURVE OF WHICH THE RADIUS POINT BEARS SOUTH 53°55'02" WEST, CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 429.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 05°22'40", AN ARC LENGTH OF 40.27 FEET;

THENCE SOUTH 01°54'06" WEST, 52.15 FEET;

THENCE FROM THE BEGINNING OF A NON-TANGENT CURVE OF WHICH THE RADIUS POINT BEARS SOUTH 68°01'46" WEST, CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 377.50 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 03°49'54", AN ARC LENGTH OF 25.24 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE CONTINUING CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 151.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 17°38'39", AN ARC LENGTH OF 46.50 FEET TO A POINT OF COMPOUND CURVATURE;

THENCE CONTINUING CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 78.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 46°41'30", AN ARC LENGTH OF 63.56 FEET;

THENCE NORTH 89°51'44" EAST, 72.93 FEET TO THE POINT OF BEGINNING.

CONTAINING 2,021 SQUARE FEET OR 0.05 ACRES, MORE OR LESS.

A PORTION OF PARCEL 4 AS SHOWN BY MAP THEREOF ON FILE IN FILE 107, PAGE 52 OF PARCEL MAPS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, LYING WITHIN SECTION 27, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF C.E. "B" AS SHOWN BY MAP THEREOF ON FILE IN BOOK 126, PAGE 100 OF PLATS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG THE EASTERLY LINE OF SAID C.E. "B", NORTH 01°54'06" EAST, 5.11 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID LINE, NORTH 01°54'06" EAST, 175.19 FEET;

THENCE FROM THE BEGINNING OF A NON-TANGENT CURVE OF WHICH THE RADIUS POINT BEARS SOUTH 68°01'46" WEST, CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 377.50 FEET, CONCAVE WESTERLY, THROUGH A CENTRAL ANGLE OF 19°53'17", AN ARC LENGTH OF 131.04 FEET;

THENCE SOUTH 34°43'37" WEST, 57.89 FEET TO THE POINT OF BEGINNING.

CONTAINING 3,243 SQUARE FEET OR 0.07 ACRES, MORE OR LESS.

A PORTION OF C.E. LOT AA AS SHOWN BY MAP THEREOF ON FILE IN BOOK 117, PAGE 83 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA, LYING WITHIN SECTION 27, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF LOT 5 AS SHOWN BY MAP THEREOF ON FILE IN BOOK 126, PAGE 100 OF PLATS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG THE SOUTHERLY LINE OF THE LAST DESCRIBED SUBDIVISION PLAT, SOUTH 69°00'48" EAST, 20.85 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 500.00 FEET, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 08°58'38", AN ARC LENGTH OF 78.34 FEET

THENCE CONTINUING CURVING TO THE LEFT ALONG THE ARC OF THE LAST DESCRIBED CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 06°57'24", AN ARC LENGTH OF 60.71 FEET

THENCE CONTINUING CURVING TO THE LEFT ALONG THE ARC OF THE LAST DESCRIBED CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 08°01'45", AN ARC LENGTH OF 70.07 FEET

THENCE CONTINUING CURVING TO THE LEFT ALONG THE ARC OF THE LAST DESCRIBED CURVE, CONCAVE NORTHERLY, THROUGH A CENTRAL ANGLE OF 02°17'44", AN ARC LENGTH OF 20.03 FEET TO A POINT OF REVERSE CURVATURE;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 115.00 FEET, CONCAVE SOUTHERLY, THROUGH A CENTRAL ANGLE OF 26°43'04", AN ARC LENGTH OF 53.63 FEET;

THENCE FROM THE BEGINNING OF A NON-TANGENT CURVE OF WHICH THE RADIUS POINT BEARS SOUTH 82°37'06" WEST, CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 17.00 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 77°27'11", AN ARC LENGTH OF 22.98 FEET;

THENCE NORTH 67°27'24" WEST, 6.95 FEET;

THENCE NORTH 88°39'44" WEST, 33.79 FEET;

THENCE SOUTH 86°13'09" WEST, 21.38 FEET;

THENCE CONTINUING ALONG SAID LINE, SOUTH 86°13'09" WEST, 22.88 FEET;

THENCE SOUTH 74°42'05" WEST, 8.10 FEET;

THENCE NORTH 86°41'22" WEST, 39.43 FEET;

THENCE SOUTH 89°15'05" WEST, 36.54 FEET;

THENCE NORTH 78°11'48" WEST, 23.97 FEET;

THENCE CONTINUING ALONG SAID LINE, NORTH 78°11'48" WEST, 10.48 FEET;

THENCE NORTH 69°43'15" WEST, 60.78 FEET;

THENCE NORTH 34°34'51" WEST, 21.87 FEET;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 130.00 FEET, CONCAVE SOUTHWESTERLY, THROUGH A CENTRAL ANGLE OF 10°14'05", AN ARC LENGTH OF 23.22 FEET TO THE POINT OF BEGINNING.

CONTAINING 7,051 SQUARE FEET OR 0.16 ACRES, MORE OR LESS.

A PORTION OF C.E. LOT AA AS SHOWN BY MAP THEREOF ON FILE IN BOOK 117, PAGE 83 OF PLATS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA, LYING WITHIN SECTION 27, TOWNSHIP 21 SOUTH, RANGE 63 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE MOST EASTERLY CORNER OF C.E. "A" AS SHOWN BY MAP THEREOF ON FILE IN BOOK 126, PAGE 100 OF PLATS IN THE COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA;

THENCE ALONG THE EASTERLY LINE OF SAID C.E. "A", SOUTH 01°54'06" WEST, 22.50 FEET TO THE POINT OF BEGINNING;

containing .38 acres, more or less, from RS-6-MP (Low-Density Residential with Master Plan Overlay) to PS-MP (Public/Semipublic with Master Plan Overlay) on .12 acres and from PS-MP (Public/Semipublic with Master Plan Overlay) to RS-6-MP (Low-Density Residential with Master Plan Overlay) on .26 acres.

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

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

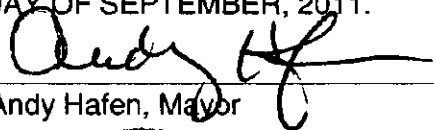
1. Prior to approval and recordation of a final map, the applicant shall apply for a Comprehensive Plan Amendment to correct land use discrepancies within the Bella Fiore subdivision.
2. Approval of this application requires the applicant to comply with all Code requirements not specifically listed as 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.

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.

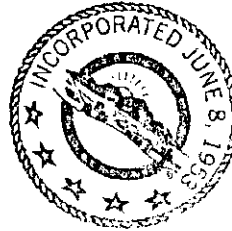
SECTION 5. A copy of this Ordinance shall be filed with the office of the City Clerk, and notice of such filing shall be published once by title in the Review Journal, a newspaper having general circulation in the City of Henderson, at least ten (10) days prior to the adoption of said Ordinance, and 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 September 23, 2011, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 20th DAY OF SEPTEMBER, 2011.


Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, CMC, City Clerk



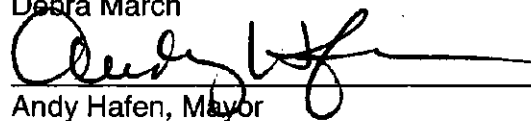
The above and foregoing Ordinance was first proposed and read in title to the City Council on September 6, 2011, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

"COUNCIL AS A WHOLE"


Thereafter on September 20, 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 September 20, 2011, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Mayor Andy Hafen
Councilmembers:
Gerri Schroder
Kathleen Vermillion
Sam Bateman

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


Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, CMC, City Clerk



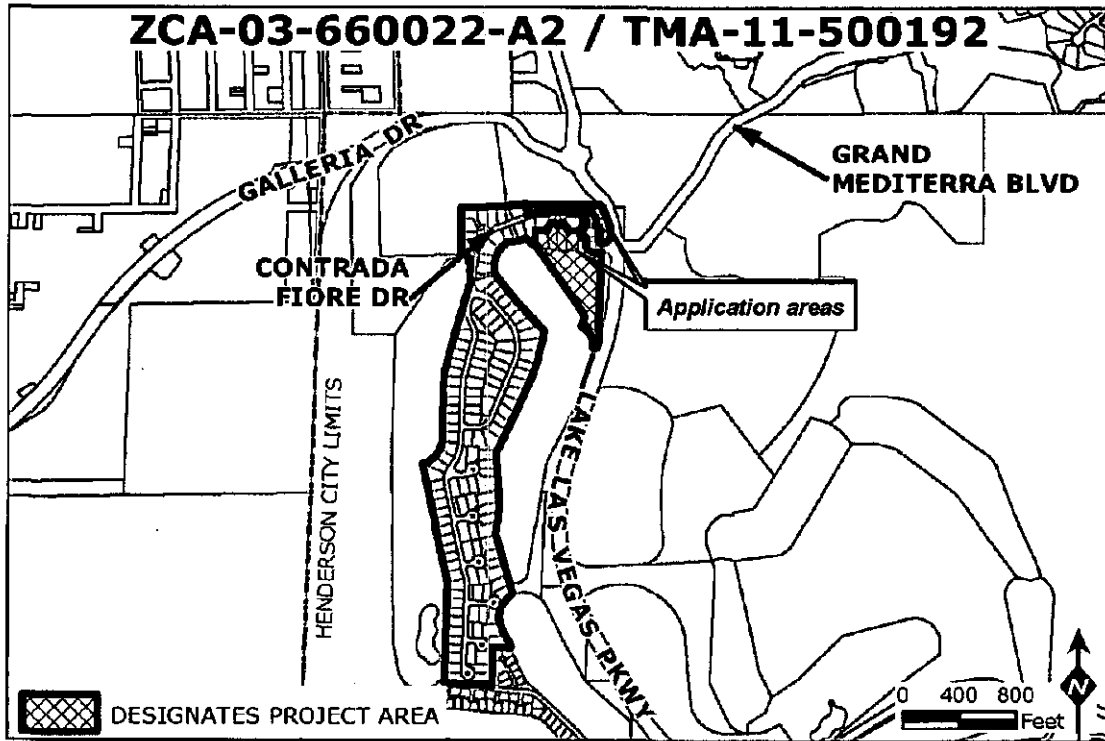


EXHIBIT A
ZCA-03-660022-A2 – BELLA FIORE AT LAKE LAS VEGAS

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.