

ORDINANCE NO. 2967
(ZCO-04-670040-A2 – Stephanie Beltway Plaza – Old School
Brewing Company)

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 16, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, LOCATED AT THE SOUTHWEST CORNER OF I-215 AND STEPHANIE STREET TO MAKE MINOR MODIFICATIONS TO THE ARCHITECTURE ON AN EXISTING BUILDING AT 19 SOUTH STEPHANIE STREET, SUITE 100, AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on June 5, 2012, committed to the rezoning of certain real property totaling 10.3 acres, more or less, located in a portion of Section 16, Township 22 South, Range 62 East, located at the southwest corner of I-125 and Stephanie Street to make minor modifications to an existing building at 19 South Stephanie Street, Suite 100; and

WHEREAS, Old School Brewing Company 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 South Half (S ½) of the Southeast Quarter (SE ¼) of Section 16, Township 22 South, Range 62 East, M.D.M., City of Henderson, Clark County, Nevada, described as follows:

Lot 1 as shown by map thereof on file in File 108 of Parcel Maps, page 13, in the Office of the County Recorder, Clark County, Nevada.

containing 10.3 acres, more or less, to amended the architecture on an existing building located at 19 South Stephanie Street, Suite 100.

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

PUBLIC WORKS DEPARTMENT 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.
2. Applicant shall submit a drainage study for Public Works' approval.
3. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2.
4. Applicant shall obtain all necessary NDOT approvals.
5. 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 all necessary right-of-way.
6. Applicant shall dedicate right-of-way per Public Works' requirements within 90 days of approval.

DEPARTMENT OF UTILITY SERVICES CONDITIONS

7. Applicant shall submit a utility plan and a utility analysis for Utilities' approval.
8. Applicant shall comply with the requirements of the master utility plan established for the project location.
9. Applicant shall construct a full-frontage water main extension along Paseo Verde Parkway.
10. Applicant shall participate in the Southwest Henderson Refunding Agreement for sewer & water.
11. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
12. Civil improvement plans shall comply with the requirements of the Uniform Design and Construction Standards for Water Distribution Systems and the Design and Construction Standards for Wastewater Collection Systems.
13. Applicant shall provide vehicular access to existing sewer main located on the south side of I-215.

FIRE DEPARTMENT CONDITIONS

The authority for enforcing the International Fire Code is NRS 477.030 and Ordinance Numbers 2649 and 2738 as adopted by the City of Henderson. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

14. 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. The grain silos shall not obstruct the existing fire apparatus access roadways.
15. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval. The grain silos shall not obstruct the existing fire apparatus access roadways.
16. 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.
17. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.

18. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
19. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
20. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
21. 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.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

22. The applicant shall submit to the Community Development 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.
23. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
24. 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.
25. 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.
26. 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.
27. 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.

28. 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.*
29. Architecture is approved for the gym, retail 1 and 2, and in-line 1-5. Architecture for pads A and B shall require approval of a design review and use permits, if required.
30. Applicant shall comply with all conditions of approval for ZCA-11-500122-A1 (Z-2-00) and related amendments thereto. (A1)
31. This approval does not endorse signage shown with this application. Signage shall be reviewed and approved separately.
32. Applicant shall amend the site plan approvals if code required parking is not approved on the property to the south within 12 months.
33. Raised walkways shall be provided from the parcel to the south to the subject parcel at a number deemed acceptable by the City.
34. All parking spaces required by Section 19.7.4 (and relevant subsections of 19.5) of the Development Code must be free, unfettered, and permanently available to all users. They must also be 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. (A1)

PARKS AND RECREATION DEPARTMENT CONDITION

35. Applicant shall provide a 30-foot trail corridor with a 12-foot asphalt trail and lighting with appropriate landscaping along I-215. Applicant shall maintain all landscaping adjacent to the trail corridor, and applicant shall obtain Parks Department written approval prior to civil plans approval.

WAIVERS

- a. Allow a 10-foot landscape buffer along I-215 where 25 feet is required.
- b. Reduce the number of required parking spaces from 523 to 438.

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 June 22, 2012, in the Review Journal.

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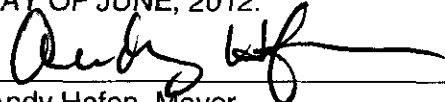
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PASSED, ADOPTED, AND APPROVED THIS 19th DAY OF JUNE, 2012.




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 June 5, 2012, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

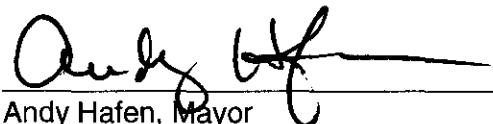
“COUNCIL AS A WHOLE”

Thereafter on June 19, 2012, 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 June 19, 2012, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Mayor Andy Hafen
Councilmembers:
Sam Bateman
Debra March
John F. Marz
Gerri Schroder

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




Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, CMC, City Clerk

EXHIBIT A
ZCO-04-670040-A2
Stephanie Beltway Plaza - Old School Brewing Company

