

ORDINANCE NO. 3037
(ZCA-06-660071-A1 - The Residences 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 LAKE LAS VEGAS PARKWAY AND EAST GALLERIA DRIVE, IN THE LAKE LAS VEGAS PLANNING AREA, ON 14.4 ACRES, FROM DH (DEVELOPMENT HOLDING) TO RM-16-MP (MEDIUM-DENSITY WITH MASTER PLAN OVERLAY), AND MATTERS PROPERLY RELATED THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on June 11, 2013, committed to the rezoning of certain real property totaling 14.4 acres, more or less, located in a portion of Section 27, Township 21 South, Range 63 East, generally located southwest of Lake Las Vegas Parkway and East Galleria Drive, in the Lake Las Vegas Planning Area, from DH (Development Holding) to RM-16-MP (Medium-Density with Master Plan Overlay); and

WHEREAS, IOTA Emerald, 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:

Lot A-1-A of Amended Final Map Lake Las Vegas – The Falls Parent Final Map a Merger and Resubdivision, as filed in Book 127, page 97 of Plats, Clark County, Nevada, situated within Section 27, Township 21 South, Range 63 East, M.D.M., City of Henderson, Clark County, Nevada.

containing 14.4 acres, more or less, from DH (Development Holding) to RM-16-MP (Medium-Density with Master Plan Overlay).

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

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 dedicate additional Galleria Drive right-of-way per Public Works' requirements.

COMMUNITY DEVELOPMENT DEPARTMENT CONDITIONS

3. 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.
4. Applicant shall comply with all conditions of approval for ZCA-06-660020 (The Falls Master Plan) and any amendments thereto.

ZCA-06-660071-A1 - The Residences at Lake Las Vegas

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 July 5, 2013, in the Review Journal.

//

//

//

//

//

//

//

//

//

//

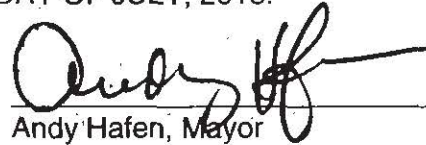
//

//

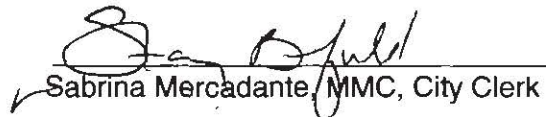
//

PASSED, ADOPTED, AND APPROVED THIS 2nd DAY OF JULY, 2013.




Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on June 11, 2013, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

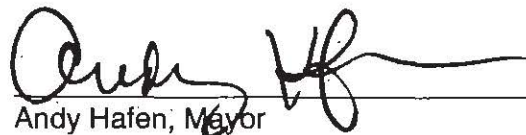
"COUNCIL AS A WHOLE"

Thereafter on July 2, 2013, 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 July 2, 2013, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Andy Hafen, Mayor
Councilmembers:
Sam Bateman
Debra March
Gerri Schröder

Those voting nay: None
Those abstaining: None
Those absent: John F. Marz



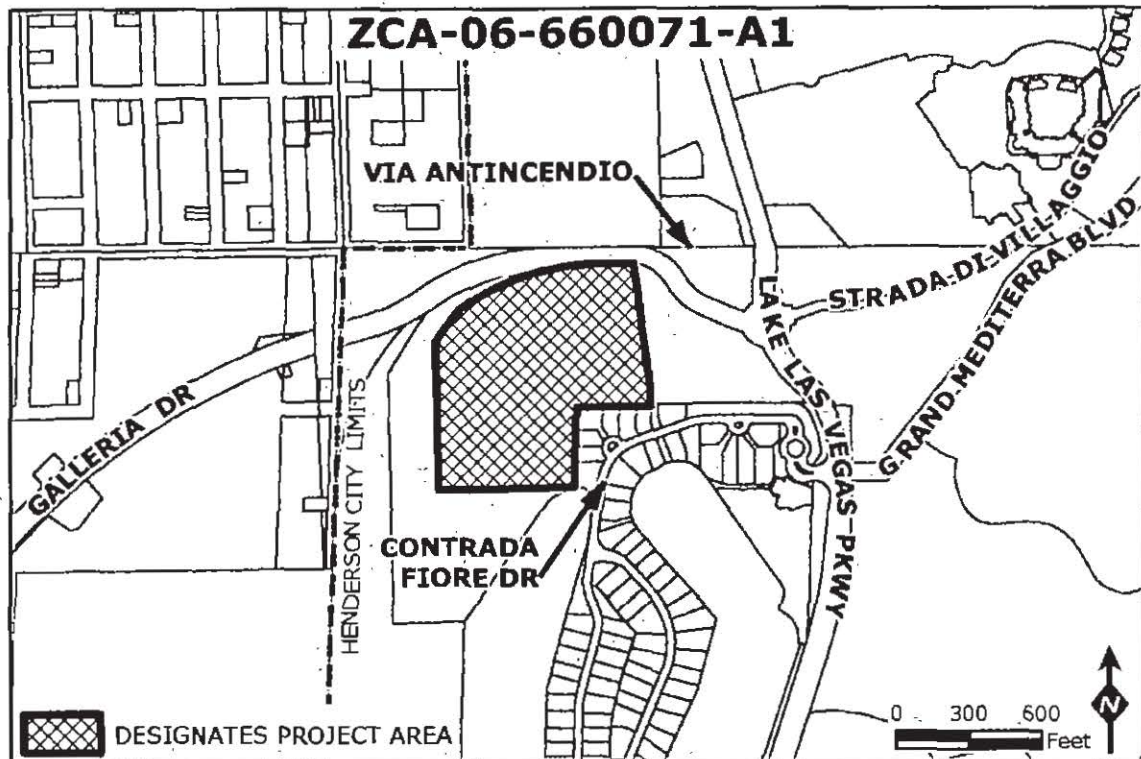

Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

EXHIBIT A

ZCA-06-660071-A1 – The Residence 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.