

ORDINANCE NO. 3261
(ZCA-08-660018-A2 – Stone Lake Commercial)

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 NORTHWEST CORNER OF STEPHANIE STREET AND WIGWAM PARKWAY, IN THE CORNERSTONE REDEVELOPMENT AND GIBSON SPRINGS PLANNING AREAS, FROM CN-RD COMMERCIAL NEIGHBORHOOD WITH REDEVELOPMENT OVERLAY TO CC-RD (COMMUNITY COMMERCIAL WITH REDEVELOPMENT OVERLAY), AND MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on April 14, 2015, committed to the rezoning of certain real property totaling 3.2 acres, more or less, located in a portion of Section 16, Township 22 South, Range 62 East, located at the northwest corner of Stephanie Street and Wigwam Parkway from CN-RD (Commercial Neighborhood with Redevelopment Overlay) to CC-RD (Community Commercial with Redevelopment Overlay); and

WHEREAS, Pure Partners Real Estate & Investments has made application for a zone change; and

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

- a. The proposed amendment corrects an error or meets the challenge of some changing condition, trend or fact.
- b. The proposed amendment is consistent with the Comprehensive Plan and the stated purposes of Section 19.1.4.
- c. The proposed amendment will protect the health, safety, morals or general welfare of the public.
- d. The proposed amendment will not have significant adverse impacts on other property in the vicinity of the subject tract.
- e. The City and other service providers will be able to provide sufficient public safety, transportation and utility facilities and services to the subject property, while maintaining sufficient levels of service to existing development.
- f. The proposed rezoning will not have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
- g. The subject property is suitable for the proposed zoning classification, and there is a need for the proposed use at the proposed location.

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 LOT "C-4" AS SHOWN ON FILE IN THE CLARK COUNTY RECORDER'S OFFICE IN BOOK 110, PAGE 34 OF PLATS, SITUATE IN THE EAST HALF (E 1/2) OF SECTION 16, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE NORTHEAST QUARTER (NE 1/4) OF SAID SECTION 16 SAME BEING THE CENTERLINE INTERSECTION OF NORTH STEPHANIE STREET AND WIGWAM PARKWAY;

THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE 1/4) AND SAID CENTERLINE OF WIGWAM PARKWAY, SOUTH 88°51'28" WEST, 110.04 FEET;

THENCE DEPARTING SAID SOUTHERLY LINE AND SAID CENTERLINE, NORTH 01°08'32" WEST, 44.98 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF WIGWAM PARKWAY, BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1125.00 FEET, A RADIAL LINE TO THE BEGINNING OF SAID CURVE BEARS NORTH 00°45'43" WEST, SAID POINT BEING THE POINT OF BEGINNING,

THENCE ALONG THE SAID NORTHERLY RIGHT-OF-WAY LINE THE FOLLOWING NINE (9) COURSES:

- 1) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 24.35 FEET THROUGH A CENTRAL ANGLE OF 01°14'25" TO THE BEGINNING OF A REVERSE CURVE, CONCAVE NORTHEASTERLY, HAVING A RADIUS OF 20.00 FEET, A RADIAL LINE TO THE BEGINNING OF SAID CURVE BEARS SOUTH 02°00'08" EAST;
- 2) THENCE NORTHWESTERLY ALONG THE ARC OF SAID CURVE, 2.72 FEET THROUGH A CENTRAL ANGLE OF 07°47'58";

- 3) THENCE NORTH $84^{\circ}12'10''$ WEST, 56.95 FEET TO THE BEGINNING OF A CURVE, CONCAVE SOUTHERLY, HAVING A RADIUS OF 30.00 FEET;
- 4) THENCE WESTERLY ALONG THE ARC OF SAID CURVE, 5.80 FEET THROUGH A CENTRAL ANGLE OF $11^{\circ}04'43''$ TO THE BEGINNING OF A COMPOUND CURVE SOUTHEASTERLY, HAVING A RADIUS OF 1135.00 FEET, A RADIAL LINE TO THE BEGINNING OF SAID CURVE BEARS, NORTH $05^{\circ}16'53''$ WEST;
- 5) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 75.11 FEET THROUGH A CENTRAL ANGLE OF $03^{\circ}47'30''$ TO THE BEGINNING OF A COMPOUND CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 30.00 FEET, A RADIAL LINE TO THE BEGINNING OF SAID CURVE BEARS NORTH $09^{\circ}04'23''$ WEST;
- 6) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 7.94 FEET THROUGH A CENTRAL ANGLE OF $15^{\circ}10'09''$;
- 7) THENCE SOUTH $65^{\circ}45'28''$ WEST, 35.27 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 20.00 FEET;
- 8) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 4.47 FEET THROUGH A CENTRAL ANGLE OF $12^{\circ}48'38''$ TO THE BEGINNING OF A REVERSE CURVE, CONCAVE SOUTHEASTERLY, HAVING A RADIUS OF 1125.00 FEET, A RADIAL BEARING TO THE BEGINNING OF SAID CURVE BEARS NORTH $11^{\circ}25'54''$ WEST;
- 9) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 0.67 FEET THROUGH A CENTRAL ANGLE OF $00^{\circ}02'02''$;

THENCE DEPARTING SAID NORTHERLY RIGHT-OF-WAY LINE, NORTH $01^{\circ}25'15''$ EAST, 562.44 FEET;

THENCE SOUTH $88^{\circ}34'45''$ EAST, 260.00 FEET TO A POINT ON THE WESTERLY RIGHT-OF-WAY LINE OF N. STEPHANIE STREET;

THENCE ALONG SAID WESTERLY RIGHT-OF-WAY LINE THE FOLLOWING TWO (2) COURSES:

- 1) SOUTH $01^{\circ}25'15''$ WEST, 480.96 FEET TO THE BEGINNING OF A CURVE, CONCAVE NORTHWESTERLY, HAVING A RADIUS OF 54.00 FEET;

- 2) THENCE SOUTHWESTERLY ALONG THE ARC OF SAID CURVE, 82.77 FEET THROUGH A CENTRAL ANGLE OF 87°49'02" TO THE POINT OF BEGINNING;

containing 3.2 acres, more or less, from CN-RD (Commercial Neighborhood with Redevelopment Overlay) to CC-RD (Community Commercial with Redevelopment Overlay).

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

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.
2. 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 any necessary right-of-way.
3. Applicant shall comply with Standard Drawing No. 201.1, which refers to major intersections and dedicate any necessary right-of-way.

PARKS AND RECREATION CONDITIONS

4. Applicant of parcels that abut the UPRR right-of-way shall be conditioned during the tentative map process to participate in the development of the trail corridor along the UPRR. Landscape shall be in accordance with the City of Henderson Park Landscape and Irrigation Standards. All landscape is to be constructed in the first phase of development construction. (A1)
5. Applicant of parcels along Stephanie Street shall provide a trail corridor with a 10-foot concrete trail along Stephanie Street. Landscape and irrigation shall be owner-maintained, installed per the Development Code, and lighting shall be per AASHTO Standards. Applicant shall obtain a public access agreement. Lights will need to be moved to back-of-sidewalk; this would apply towards trail lighting requirements. (A1)
6. Applicant of parcels abutting or having access to the UPRR shall provide additional pedestrian access to the trail at the UPRR and Cornerstone Park. Applicants shall coordinate additional pedestrian access to local facilities with Public Works, Parks and Recreation Department. (A1)

UTILITY SERVICES CONDITIONS

7. Applicant shall submit a utility plan and utility analysis for Department of Utility Services' approval.
8. Applicant shall comply with the requirements of the master utility plan established for the project area.
9. Applicant shall establish separate water and sewer service for each use classification in accordance with the Department of Utility Services' requirements.
10. Applicant shall ensure all efforts will be made to minimize the amount of public infrastructure on site.
11. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
12. Applicant shall verify cell tower does not interfere with the line-of-sight transmission of the City's HEN-NET System.
13. Applicant may be required to provide a water and/or sewer system capacity analysis covering the overall water and/or sewer system providing service to the project, prior to submitting civil improvement plans to the City. Preparation of said capacity analysis shall be coordinated with the Department of Utility Services.
14. Applicant may be responsible for performing water and/or sewer system upgrades in accordance with the results of the system capacity analysis or, at a minimum, applicant shall be responsible for participating in a proportionate share of the costs to complete these system upgrades.
15. Applicant shall grant a 24-hour a day, 7-day a week access and maintenance corridor to the City, which provides a vehicular access driveway to the City's existing reuse pumping station (i.e. "GVIPS"). Said corridor shall be established in accordance with the Department of Utility Services' requirements. An "Access and Maintenance Agreement" between the property owner's association and City of Henderson will also be required that addresses such access and maintenance stipulations.
16. Applicant shall maintain uninterrupted water service to the City's existing reuse pumping station (i.e. "GVIPS"). Applicant may be required to relocate the existing public water line traversing the property if the proposed site layout does not meet access, separation and/or separation requirements, in accordance with the Department of Utility Services' requirement. Prior to such relocation, all required easements shall be dedicated to the City.
17. Applicant may be required to update the City's existing water and/or sewer system in order to accommodate service to the project. Said upgrades shall be made in accordance with the utility analysis prepared for the project.

BUILDING AND FIRE SAFETY 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. Building and Fire Safety approval is based upon review of the civil improvement or building drawings, not planning documents.

18. 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.
19. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
20. 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, according to approved phasing plan.
21. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
22. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
23. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
24. Applicant shall provide directories at approved locations. The design shall be submitted for review and be approved prior to installation.
25. 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.
26. Applicant shall obtain an approved Life Safety Report prior to submitting for building permits. It shall include mitigation for lack of adequate fire access.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

27. 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.

28. Applicant shall request to be approved as a Permitted Successor with the Redevelopment Agency which, if approved, would include a deposit which the Agency would use to pay for the costs associated with the Series B LID credits over the life of the LID bond. This must be completed prior to release of any Final Maps for recordation. (A1)
29. Applicant shall provide multiple pedestrian connections to Cornerstone Park from both the multifamily and single-family development. Also, pedestrian connections to the future UPRR trail shall be provided. The specific location and design of the pedestrian connections shall be approved with the tentative map and design review applications. (A1)
30. Public drivable access from Stephanie Street to the east side of Cornerstone Park and paved access to the pump house on the park site must be provided by the developer. The construction timeline and street design will be reviewed during the tentative map process. (A1)
31. Applicant shall record a noise disclosure statement (close proximity to a railroad and potential noise impacts) on each residential property and issue a stand-alone noise disclosure statement to the purchaser of each unit in the proposed RS-8 development. (A1)

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 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 May 8, 2015, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 5TH DAY OF MAY, 2015.





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 April 14, 2014, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

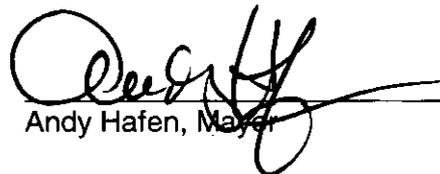
“COUNCIL AS A WHOLE”

Thereafter on May 5, 2015, 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 May 5, 2015, 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
 John F. Marz
 Gerri Schroder

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





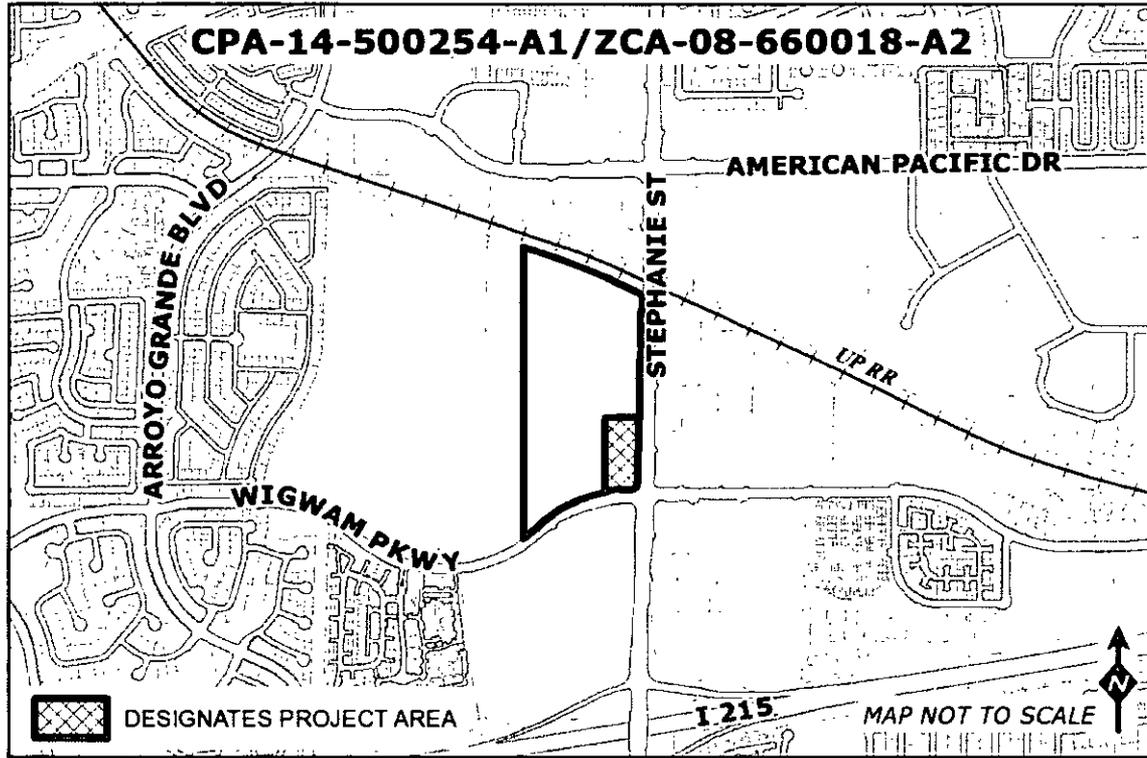
Andy Hafen, Mayor

ATTEST:



Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
ZCA-08-660018-A2 – Stone Lake Commercial



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.