

ORDINANCE NO. 3288
(ZCA-15-500249 – Green Valley Town Center Master Plan Overlay)

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 32, TOWNSHIP 21 SOUTH, RANGE 62 EAST, M.D.B. & M., CLARK COUNTY, NEVADA GENERALLY LOCATED AT 4500 E. SUNSET ROAD, IN THE GREEN VALLEY NORTH PLANNING AREA, FROM CC-AE (COMMUNITY COMMERCIAL WITH AIRPORT ENVIRONS OVERLAY) TO CC-AE-MP (COMMUNITY COMMERCIAL WITH AIRPORT ENVIRONS AND MASTER PLAN OVERLAYS) ON 38.8 ACRES, FROM CC-AE-G (COMMUNITY COMMERCIAL WITH AIRPORT ENVIRONS AND GAMING OVERLAYS) TO CC-AE-G-MP (COMMUNITY COMMERCIAL WITH AIRPORT ENVIRONS, GAMING AND MASTER PLAN OVERLAYS) ON 11.2 ACRES, AND FROM RH-36-AE (HIGH-DENSITY RESIDENTIAL WITH AIRPORT ENVIRONS OVERLAY) TO RH-36-AE-MP (HIGH-DENSITY RESIDENTIAL WITH AIRPORT ENVIRONS AND MASTER PLAN OVERLAYS), AND MATTERS PROPERLY RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on September 1, 2015, committed to the rezoning of certain real property totaling 54.4 acres, more or less, located in a portion of Section 32, Township 21 South, Range 62 East generally located at 4500 E. Sunset Road, from CC-AE (Community Commercial with Airport Environs Overlay) to CC-AE-MP (Community Commercial with Airport Environs and Master Plan Overlays) on 38.8 acres, from CC-AE-G (Community Commercial with Airport Environs and Gaming Overlays) to CC-AE-G-MP (Community Commercial with Airport Environs, Gaming and Master Plan Overlays) on 11.2 acres, and from RH-36-AE (High-Density Residential with Airport Environs Overlay) to RH-36-AE-MP (High-Density Residential with Airport Environs and Master Plan Overlays); and

WHEREAS, American Nevada 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.

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:

ASSESSOR PARCEL NUMBER 161-32-401-001:
LOT 3 AS SHOWN BY PARCEL MAP RECORDED DECEMBER 10, 1986 IN FILE 51 OF PARCEL MAPS, PAGE 23 AS AMENDED BY CERTIFICATE OF AMENDED RECORDED SEPTEMBER 3, 1987 IN BOOK 19870903 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000526 AND CERTIFICATE OF AMENDMENT RECORDED AUGUST 8, 1991 IN BOOK 19910808 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000478 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

TOGETHER WITH THAT PORTION OF THE SOUTH HALF OF KELLY AVENUE LYING ADJACENT TO AND LYING BETWEEN THE NORTHERLY EXTENSION OF THE EAST AND WEST LINES OF SAID LAND AS CONVEYED BY THAT DEED RECORDED NOVEMBER 17, 1987 IN BOOK 19871117 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000855 IN THE CLARK COUNTY, RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-410-004:

THAT PORTION OF LOT 1 OF BLOCK 1 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER NORTH, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 50 OF PLATS, BOOK 78 IN THE CLARK COUNTY RECORDER'S OFFICE, DESCRIBED AS BEING A PORTION OF LOT 2 AS SHOWN ON FILE 51 OF PARCEL MAPS, PAGE 23 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY IN THE DESCRIPTION OF PARCEL ELEVEN BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-410-007:

THAT PORTION OF LOT 1 OF BLOCK 1 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER NORTH, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 50 OF PLATS, BOOK 78 IN THE CLARK COUNTY RECORDER'S OFFICE, DESCRIBED BY THAT CERTAIN "QUITCLAIM DEED" TO SSI LAND, LLC, A NEVADA LIMITED LIABILITY COMPANY RECORDED DECEMBER 13, 2002 IN BOOK 20021213 OF OFFICIAL RECORDS AS INSTRUMENT NO. 00013261 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-411-002:

THAT PORTION OF LOT 1 AS DESCRIBED AS PARCEL TWO BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-411-006:

THAT PORTION OF LOT 1 AS DESCRIBED AS PARCEL ONE BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-411-009:

THAT PORTION OF LOT 1 OF BLOCK 2 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER EAST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 37 OF PLATS, BOOK 84 IN THE CLARK COUNTY RECORDER'S OFFICE, DESCRIBED AS PARCEL FIVE BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-411-010:

THAT PORTION OF LOT 1 OF BLOCK 2 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER EAST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 37 OF PLATS, BOOK 84 IN THE CLARK COUNTY RECORDER'S OFFICE, DESCRIBED AS PARCEL SEVEN BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-411-011:

THAT PORTION OF LOT 1 OF BLOCK 2 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER EAST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 37 OF PLATS, BOOK 84 IN THE CLARK COUNTY RECORDER'S OFFICE, DESCRIBED AS PARCEL FOUR BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-411-012:

THAT PORTION OF LOT 1 OF BLOCK 2 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER EAST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 37 OF PLATS, BOOK 84 IN THE CLARK COUNTY RECORDER'S OFFICE, DESCRIBED AS PARCEL SIX BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-411-013:

THAT PORTION OF LOT 1 OF BLOCK 2 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER EAST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 37 OF PLATS, BOOK 84 IN THE CLARK COUNTY RECORDER'S OFFICE, DESCRIBED AS PARCEL NINE BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-411-014:

THAT PORTION OF LOT 1 OF BLOCK 2 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER EAST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 37 OF PLATS, BOOK 84 IN THE CLARK COUNTY RECORDER'S OFFICE, DESCRIBED AS PARCEL EIGHT BY THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO GREEN VALLEY COMMERCIAL LIMITED PARTNERSHIP RECORDED FEBRUARY 14, 1995 IN BOOK 19950214 OF OFFICIAL RECORDS AS INSTRUMENT NO. 0000051 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-412-002:

LOT TWO (2) OF BLOCK 1 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER WEST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 42 OF PLATS, PAGE 12 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-412-003:

LOT THREE (3) OF BLOCK 1 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER WEST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 42 OF PLATS, PAGE 12 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

ASSESSOR PARCEL NUMBER 161-32-412-009:
THAT PORTION OF LOT ONE (1) OF BLOCK 1 AS SHOWN BY FINAL MAP OF "COMMUNITY CENTER WEST, A COMMERCIAL SUBDIVISION" THEREOF ON FILE IN BOOK 42 OF PLATS, PAGE 12 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA AS DESCRIBED IN THAT CERTAIN "GRANT, BARGAIN, SALE DEED" TO TOWN CENTER 3, LLC, A NEVADA LIMITED LIABILITY COMPANY RECORDED NOVEMBER 1, 2000 IN BOOK 20001101 OF OFFICIAL RECORDS AS INSTRUMENT NO. 001010 IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA.

Containing 54.4 acres, more or less, from CC-AE (Community Commercial with Airport Environs Overlay) to CC-AE-MP (Community Commercial with Airport Environs and Master Plan Overlays) on 38.8 acres, from CC-AE-G (Community Commercial with Airport Environs and Gaming Overlays) to CC-AE-G-MP (Community Commercial with Airport Environs, Gaming and Master Plan Overlays) on 11.2 acres, and from RH-36-AE (High-Density Residential with Airport Environs Overlay) to RH-36-AE-MP (High-Density Residential with Airport Environs and Master Plan Overlays).

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

PUBLIC WORKS 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, nor does it infer approval for final lot configuration, geometry, or roadway layout.

COMMUNITY DEVELOPMENT PLANNING SERVICES 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. School, public or private, is permitted by right in the CC zoning district on APN 161-32-401-001.

WAIVER

- a. Waive all separation requirements from existing and future category I and II liquor uses to protected uses.

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 September 18, 2015, in the Review Journal.

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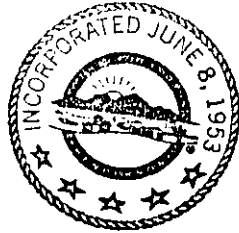
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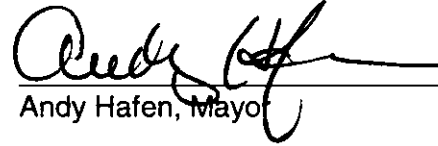
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PASSED, ADOPTED, AND APPROVED THIS 15TH DAY OF SEPTEMBER, 2015.




Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

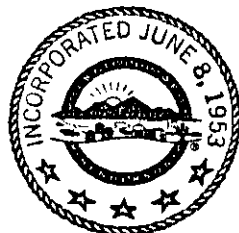
The above and foregoing Ordinance was first proposed and read in title to the City Council on September 1, 2015, which was a Regular Meeting, and referred to a Committee of the following Councilmen:


"COUNCIL AS A WHOLE"

Thereafter on September 15, 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 September 15, 2015, the Ordinance was read in title and adopted by the following roll call vote:

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

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

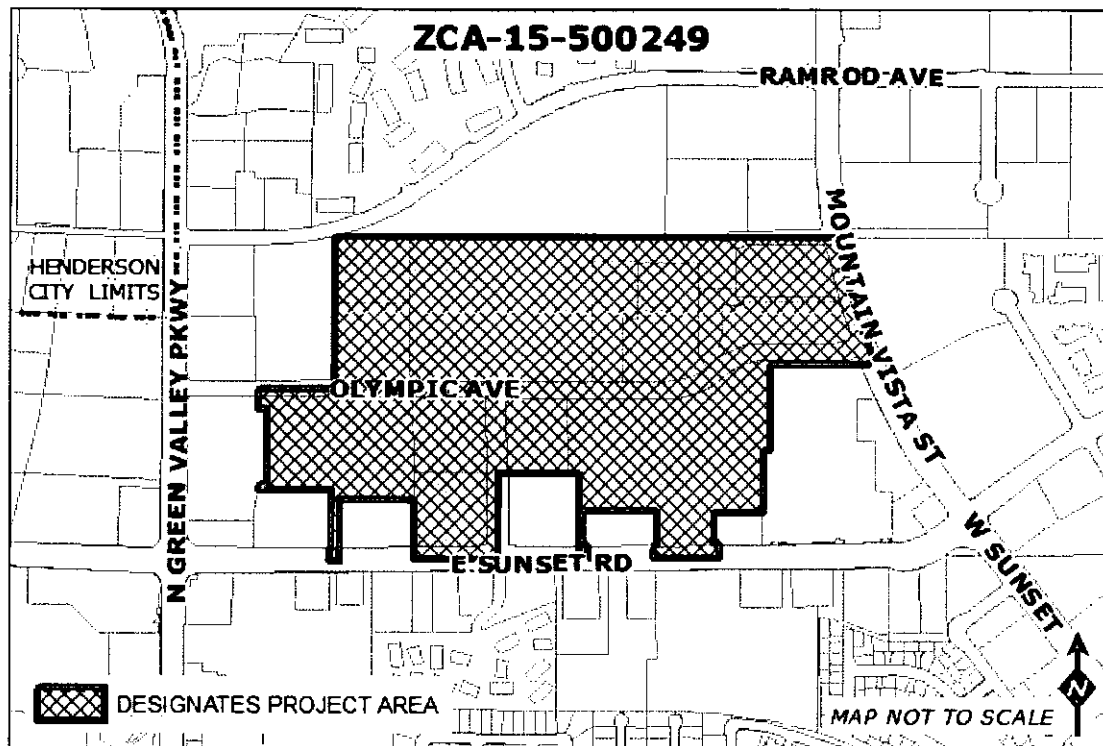



Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
ZCA-15-500249 – GREEN VALLEY TOWN CENTER MASTER PLAN OVERLAY



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.