

ORDINANCE NO. 3555
(ZCA-2018000068-A2 – Parkridge Plaza)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2870, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 21, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, ON 2.6 ACRES LOCATED AT 1550 WEST HORIZON RIDGE PARKWAY, IN THE GREEN VALLEY RANCH PLANNING AREA, TO AMEND A PREVIOUSLY APPROVED PLANNED UNIT DEVELOPMENT TO DELETE CONDITIONS OF APPROVAL (PUD/TM-80-99 CONDITIONS 26, 27, 28 & 30), WHICH LIMITS THE RETAIL TO OFFICE RATIO; PROHIBITS VARIOUS USES (SOME OF WHICH INCLUDE PACKAGED LIQUOR; BREW PUBS; DAYCARE; CONVENIENCE MARKET; ANIMAL SALES; HOLIDAY SALES; MAINTENANCE AND REPAIR, AND SECONDHAND GOODS); LIMITS THE NUMBER AND SIZE OF EATING AND DRINKING ESTABLISHMENTS WITH "TAKE-OUT" SERVICE; AND PROHIBITS 24-HOUR USES.

WHEREAS, the City Council of the City of Henderson, Nevada, on December 18, 2018, committed to the rezoning of certain real property totaling 2.6 acres, more or less, located in a portion of Section 21, Township 22 South, Range 62 East, located at 1550 West Horizon Ridge Parkway to amend a previously approved Planned Unit Development to delete conditions of approval (PUD/TM-80-99 conditions 26, 27, 28 & 30), which limits the retail to office ratio; prohibits various uses (some of which include packaged liquor; brew pubs; daycare; convenience market; animal sales; holiday sales; maintenance and repair, and secondhand goods); limits the number and size of Eating and Drinking Establishments with "take-out" service; and prohibits 24-hour uses; and

WHEREAS, James Nuccitelli 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 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.
- e. The proposed rezoning will not have significant adverse impacts on the natural environment, including air, water, noise, stormwater management, wildlife, and vegetation.
- f. The proposed amendment will not have significant adverse impacts on other property in the vicinity of the subject tract.
- g. The subject property is suitable for the proposed zoning classification.

- h. There is a need for the proposed use at this proposed location.
- i. The proposal is consistent with the Comprehensive Plan.
- j. The PUD 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 common 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.
- k. The planned development complies with the applicable standards of Section 19.4.5, Planned Unit Development Overlay.
- l. The proposal mitigates any potential significant adverse impacts to the maximum practical extent.
- m. 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.
- n. The same development could not be accomplished through the use of other techniques, such as rezonings, variances, or administrative adjustments.
- o. In what respects the plan is or is not consistent with the statement of objectives of a PUD.
- p. The extent to which the plan departs from zoning and subdivision regulations, otherwise applicable to the property, including but not limited to density, bulk, and use, and the reasons why these departures are or are not deemed to be in the public interest.
- q. The ratio of residential and nonresidential use in the PUD.
- r. The purpose, location and amount of the common open space in the PUD, the reliability of the proposals for maintenance and conservation of the common open space, and the adequacy or inadequacy of the amount and purpose of the common open space as related to the proposed density and type of residential development.
- s. The physical design of the plan and the manner in which the design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, and further the amenities of light and air, recreation and visual enjoyment.
- t. The relationship, beneficial or adverse, of the proposed PUD to the neighborhood in which it is proposed to be established.
- u. The case of a plan which proposes development over a period of years, the sufficiency of the terms and conditions intended to protect

- the interests of the public, residents and owners of the PUD in the integrity of the plan.
- v. The proposed amendment is consistent with the efficient development and preservation of the entire planned unit development.
 - w. The proposed amendment does not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest.
 - x. The proposed amendment is not granted solely to confer a private benefit upon any person.

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Ordinance No. 2870 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:

THAT PORTION OF THE NORTHWEST QUARTER (NW ¼) OF THE
SOUTHEAST QUARTER (SE ¼) OF SECTION 21, TOWNSHIP 22 SOUTH,
RANGE 62 EAST, M.D. & M., MORE PARTICULARLY DESCRIBED AS
FOLLOWS:

PARCEL FOUR (4) AS SHOWN BY MAP THEREOF IN FILE 26 OF PARCEL
MAPS, PAGE 71, IN THE OFFICE OF THE COUNTY RECORDER OF
CLARK COUNTY, NEVADA.

TOGETHER WITH THOSE PORTIONS OF HORIZON DRIVE AS VACATED
BY THAT CERTAIN ORDER OF VACATION RECORDED DECEMBER 10,
1998, IN BOOK 981210 AS DOCUMENT NO. 00864, OF OFFICIAL
RECORDS, CLARK COUNTY, NEVADA.

Containing 2.6 acres, more or less, to amend a previously approved Planned Unit Development to delete conditions of approval (PUD/TM-80-99 conditions 26, 27, 28 & 30), which limits the retail to office ratio; prohibits various uses (some of which include packaged liquor; brew pubs; daycare; convenience market; animal sales; holiday sales; maintenance and repair, and secondhand goods); limits the number and size of Eating and Drinking Establishments with "take-out" service; and prohibits 24-hour uses.

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

BUILDING AND FIRE SAFETY CONDITIONS

The authority for enforcing the International Fire Code is NRS 477.030 and Ordinance Number 3048 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.

1. Applicant shall obtain a Building Department change of occupancy permit for assembly use prior to engaging in a hazardous activity or use.
Applicant shall provide a fire alarm system for the assembly occupancy. A fire barrier is required between the assembly occupancy and adjoining tenant spaces in order to limit the boundary of the required fire alarm system to the assembly occupancy.

COMMUNITY DEVELOPMENT PLANNING SERVICES 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 Z-63-99 and PUD/TM-80-99. (original approval)
5. The building height shall be limited to a 20-foot-high parapet with 27-foot-high roof peaks. (original approval)

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 Las Vegas 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 December 21, 2018, in the Las Vegas Review-Journal.

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Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is red and enclosed in [brackets], and language proposed to be added is in blue italics and underlined.

PASSED, ADOPTED, AND APPROVED THIS 18TH DAY OF DECEMBER, 2018.

Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on December 4, 2018, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on December 18, 2018, 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 December 18, 2018, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor
Councilmembers:
John F. Marz
Gerri Schroder
Dan K. Shaw
Dan H. Stewart

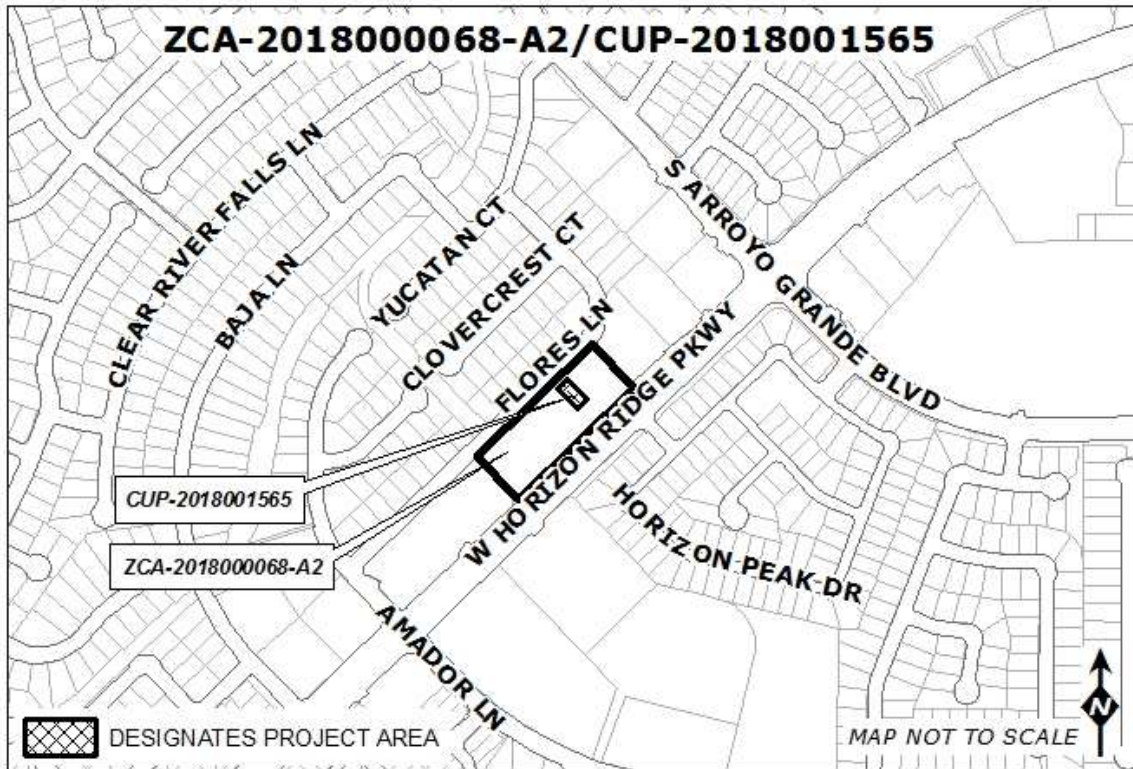
Those voting nay: None
Those abstaining: None
Those absent: None

Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
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