

ORDINANCE NO. 3363
(ZCA-15-500336-A2 – Boulder Highway and Galleria Development (Gateway))

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 35, TOWNSHIP 21 SOUTH, RANGE 62 EAST, M.D.B. & M., CLARK COUNTY, NEVADA, LOCATED AT THE SOUTHWEST CORNER OF BOULDER HIGHWAY AND GIBSON ROAD, IN THE EASTSIDE REDEVELOPMENT AND MIDWAY PLANNING AREA, AMENDING A ZONE CHANGE/PLANNED UNIT DEVELOPMENT TO REVISE THE GATEWAY DEVELOPMENT STANDARDS TO REDUCE LANDSCAPING REQUIREMENTS, REQUEST A WAIVER TO REDUCE THE SIDEWALK WIDTH ALONG BOULDER HIGHWAY, AND A REQUEST TO AMEND A CONDITION OF APPROVAL TO REDUCE THE TRAIL CORRIDOR WIDTH ALONG BOULDER HIGHWAY AND GALLERIA ON 29.5 ACRES.

WHEREAS, the City Council of the City of Henderson, Nevada, on September 6, 2016, committed to the rezoning of certain real property totaling 29.5 acres, more or less, located in a portion of Section 35, Township 21 South, Range 62 East, located at the southwest corner of Boulder Highway and Gibson Road, amending a zone change/planned unit development to revise the Gateway Development Standards to reduce landscaping requirements, request a waiver to reduce the sidewalk width along Boulder Highway, and a request to amend a condition of approval to reduce the trail corridor width along Boulder Highway and Galleria; and

WHEREAS, Insight Investment Partners 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, 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. 2870 of the City of Henderson, Nevada, entitled "Zoning Map update" 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:

BEING A PORTION OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW1/4) OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW 1/4), AS SHOWN BY MAP THEREOF IN FILE 198, PAGE 77 OF SURVEYS IN THE CLARK COUNTY RECORDER'S OFFICE, NEVADA;

THENCE ALONG THE SOUTH LINE OF SAID NORTHEAST QUARTER (NE1/4) OF THE SOUTHWEST QUARTER (SW 1/4) NORTH 89°43'10" EAST, 213.93 FEET TO THE SOUTHEASTERLY RIGHT-OF-WAY OF GIBSON ROAD BEING THE POINT OF BEGINNING;

THENCE ALONG SAID SOUTHEASTERLY RIGHT-OF-WAY OF GIBSON ROAD NORTH 48°40'47" EAST, 193.79 FEET;

THENCE CURVING TO THE RIGHT ALONG AN ARC HAVING A RADIUS OF 95.00 FEET, CONCAVE SOUTHEASTERLY, THROUGH A CENTRAL ANGLE OF 27°00'49", AN ARC LENGTH OF 44.79 FEET;

TO A POINT OF REVERSE CURVATURE TO WHICH A RADIAL LINE BEARS SOUTH 14°18'24" EAST;

THENCE CURVING TO THE LEFT ALONG AN ARC HAVING A RADIUS OF 105.00 FEET, CONCAVE NORTHWESTERLY, THROUGH A CENTRAL ANGLE OF 26°06'39", AN ARC LENGTH OF 47.85 FEET;

THENCE NORTH 49°34'57" EAST, 139.45 FEET TO THE SOUTHWESTERLY RIGHT-OF-WAY OF BOULDER HIGHWAY;

THENCE DEPARTING SOUTHEASTERLY RIGHT-OF-WAY OF GIBSON ROAD NORTH SOUTH 42°43'36" EAST, 351.32 FEET ALONG SAID SOUTHWESTERLY RIGHT-OF-WAY OF BOULDER HIGHWAY TO THE NORTHEAST CORNER OF PARCEL 7 OF RECORD OF SURVEY FILE 198 OF SURVEYS PAGE 77;

THENCE DEPARTING SAID RIGHT-OF-WAY OF BOULDER HIGHWAY ALONG THE NORTH LINE OF SAID PARCEL 7 OF RECORD OF SURVEY FILE 198 OF SURVEYS PAGE 77; SOUTH 89°43'10" WEST, 571.47 FEET TO THE POINT OF BEGINNING.

Containing 74,979 square feet or 1.72 acres, more or less.

ALONG WITH:

BEING A PORTION OF LOT 1 OF "BOULDER-GALLERIA, A COMMERCIAL SUBDIVISION", AS SHOWN ON MAP THEREOF ON FILE IN BOOK 145, PAGE 81 OF PLATS, CLARK COUNTY OFFICIAL RECORDS, LYING IN A PORTION OF THE SOUTH HALF (S1/2) OF SECTION 35, TOWNSHIP 21 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SOUTH HALF, THENCE NORTH 00°11'29" WEST, ALONG THE WEST LINE OF SAID SOUTH HALF (S1/2), 1321.80 FEET TO THE NORTH LINE OF THE SOUTH HALF (S1/2) OF SAID SOUTH HALF (S1/2);

THENCE DEPARTING SAID WESTERLY LINE, ALONG SAID NORTHERLY LINE, NORTH 89°43'10" EAST, 1441.77 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF GIBSON ROAD (WIDTH VARIES) AND THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID NORTHERLY LINE, NORTH 89°43'10" EAST, 565.27 FEET TO THE SOUTHWESTERLY RIGHT OF WAY LINE OF BOULDER HIGHWAY (300.00 FEET FROM CENTERLINE);

THENCE DEPARTING SAID NORTHERLY LINE, SOUTH 42°43'36" EAST, ALONG SAID SOUTHWESTERLY LINE, 1378.90 FEET TO THE NORTHEAST CORNER OF THAT CERTAIN PARCEL DESCRIBED IN GRANT, BARGAIN, SALE DEED RECORDED AS INSTRUMENT NUMBER 201309180002560, CLARK COUNTY OFFICIAL RECORDS;

THENCE DEPARTING SAID SOUTHWESTERLY LINE, SOUTH 47°16'24" WEST, ALONG THE NORTHERLY LINE OF SAID PARCEL, 25.29 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY LINE SOUTH 89°40'56" WEST, 187.34 FEET TO THE NORTHWEST CORNER OF SAID PARCEL;

THENCE SOUTH 00°19'04" EAST, ALONG THE WESTERLY LINE OF SAID PARCEL, 214.70 FEET TO THE NORTHERLY RIGHT OF WAY LINE OF GALLERIA DRIVE (WIDTH VARIES);

THENCE SOUTH 89°40'56" WEST, ALONG SAID NORTHERLY RIGHT OF WAY LINE, 304.57 FEET;

THENCE CONTINUING ALONG SAID NORTHERLY RIGHT OF WAY LINE, SOUTH 89°11'42" WEST, 185.89 FEET TO THE BEGINNING OF A 107.00 FOOT RADIUS CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 17°35'05" AND ARC DISTANCE OF 32.84 FEET TO THE BEGINNING OF A 107.00 FOOT RADIUS REVERSE CURVE, A RADIAL LINE THROUGH SAID POINT BEARS SOUTH 16°46'47" WEST;

THENCE ALONG THE ARC OF SAID REVERSE CURVE, THROUGH A CENTRAL ANGLE OF 17°35'05" AN ARC DISTANCE OF 32.84 FEET;

THENCE SOUTH 89°11'42" WEST, 150.04 FEET TO THE BEGINNING OF A 20.00 FOOT RADIUS CURVE TO THE RIGHT;

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 90°00'00", AN ARC DISTANCE OF 31.42 FEET;

THENCE DEPARTING SAID NORTHERLY RIGHT OF WAY LINE, NORTH 00°36'10" WEST, 255.26 FEET;

THENCE NORTH 42°43'48" WEST, 590.20 FEET;

THENCE SOUTH 89°11'48" WEST, 833.40 FEET TO THE SOUTHEASTERLY RIGHT OF WAY LINE OF SAID GIBSON ROAD;

THENCE ALONG SAID SOUTHEASTERLY RIGHT OF WAY LINE, NORTH 51°02'20" EAST, 702.92 FEET TO THE BEGINNING OF A 3091.16 FOOT RADIUS CURVE TO THE LEFT;

THENCE ALONG THE ARC OF SAID CURVE, THROUGH A CENTRAL ANGLE OF 2°54'17", AN ARC DISTANCE OF 156.71 FEET TO THE POINT OF BEGINNING;

THIS PARCEL CONTAINS 27.78 ACRES, MORE OR LESS.

Containing 29.5 acres, more or less, amending a zone change/planned unit development to revise the Gateway Development Standards to reduce landscaping requirements, request a waiver to reduce the sidewalk width along Boulder Highway, and a request to amend a condition of approval to reduce the trail corridor width along Boulder Highway and Galleria.

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

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, nor does it infer approval for final lot configuration, geometry, or roadway layout.
Commercial driveways shall be dedicated and constructed per Clark County Area Standard Drawings No 225 & the 226 series (S1, S2 or S3). (Added A1)
3. Applicant shall submit a traffic impact 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. Applicant shall comply with conditions of the traffic study.
4. Applicant shall obtain and provide all necessary permissions/approvals from NDOT and NV Energy. (Added A1)
5. Applicant shall construct full offsites per Public Works, Parks and Recreation's requirements and dedicate any necessary right-of-way. (Added A1)
6. Applicant must apply and receive approval to vacate unnecessary rights-of-way and/or easements per Public Works, Parks and Recreation's requirements and provide proof of vacation prior to approval of Civil Improvement Plans. (Added A1)
7. Landscaping in excess of 24-inches in height shall not be located within the sight visibility restriction zones per Clark County Area Standard Drawing No. 201.2 and H.M.C. 19.7.4.J.4(c). (Added A1)
8. Applicant shall provide copies of cross-access agreements, permission to grade and/or construct on adjacent properties, and/or maintenance agreements.
9. Applicant shall submit new Civil Improvement Plans per Public Works, Parks and Recreation's requirements.

PARKS AND RECREATION CONDITION

10. Applicant shall provide a trail corridor with a 12-foot asphalt trail along Boulder Highway and Galleria Drive with a reduction to a 7-foot width at the right-turn lane on Galleria. The trail corridor width, landscape, lighting and irrigation shall otherwise be per the Standardized Design Guidelines for the City of Henderson Public Works, Parks and Recreation Department. The trail, landscape, lighting and irrigation shall be owner maintained. Unless otherwise shown on an approved Phasing Plan, all trail improvements are to be constructed in the first phase of development. Applicant shall pay fees and bond for improvements as part of the Civil Improvement Plan process. (Revised A2)

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.

11. 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. (Added A1)
12. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval. (Added A1)
13. 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 in accordance with the 2012 International Fire Code Section 3312 as amended. (Added A1)
14. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase. (Added A1)
15. Applicant shall provide secondary access as approved by Public Works and the Fire Department. (Added A1)
16. Applicant shall provide a dual water source as approved by Public Works and the Fire Department. (Added A1)
17. 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. (Added A1)
18. Applicant shall obtain a Fire Department permit for each gate across fire access prior to engaging in a hazardous activity or use. (Added A1)

19. Applicant shall propose an acceptable mitigation for each building with exterior walls not located within 150 feet of fire lane prior to civil approvals. (Added A1)

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

20. 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.
21. All buildings/uses on the site must be reviewed and approved through separate design review applications. (A1)
Final street cross sections will be reviewed and approved through future design review applications. (A1)
23. Final design of the linear park and trail corridor along Boulder Highway will be reviewed and approved through future design review applications. (A1)
24. All proposed development within this PUD must comply with the approved Gateway Development Standards. (A1)
25. Only trees not specifically required by Sec. 19.7.5 of the Development Code may be 15-gallon size. Any parking lot or perimeter landscape buffer tree used to satisfy a Code requirement must still be a minimum size of 24-inch box. (A2)

WAIVERS

- a. Increase the build-to zone width from 0 feet to 110 feet along both Gibson Road Galleria Drive for the skilled nursing facility and senior apartments. (A1)
- b. Decrease the minimum Floor Area Ratio to 0.25. (A1)
- c. Reduce the sidewalk width along Boulder Highway from 16 feet to 6 feet when not in front of a building. (A2)

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 23, 2016, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 20TH DAY OF SEPTEMBER, 2016.

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 6, 2016, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on September 20, 2016, 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 20, 2016, 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
Gerri Schroder

Those voting nay: None
Those abstaining: None
Those absent: Debra March

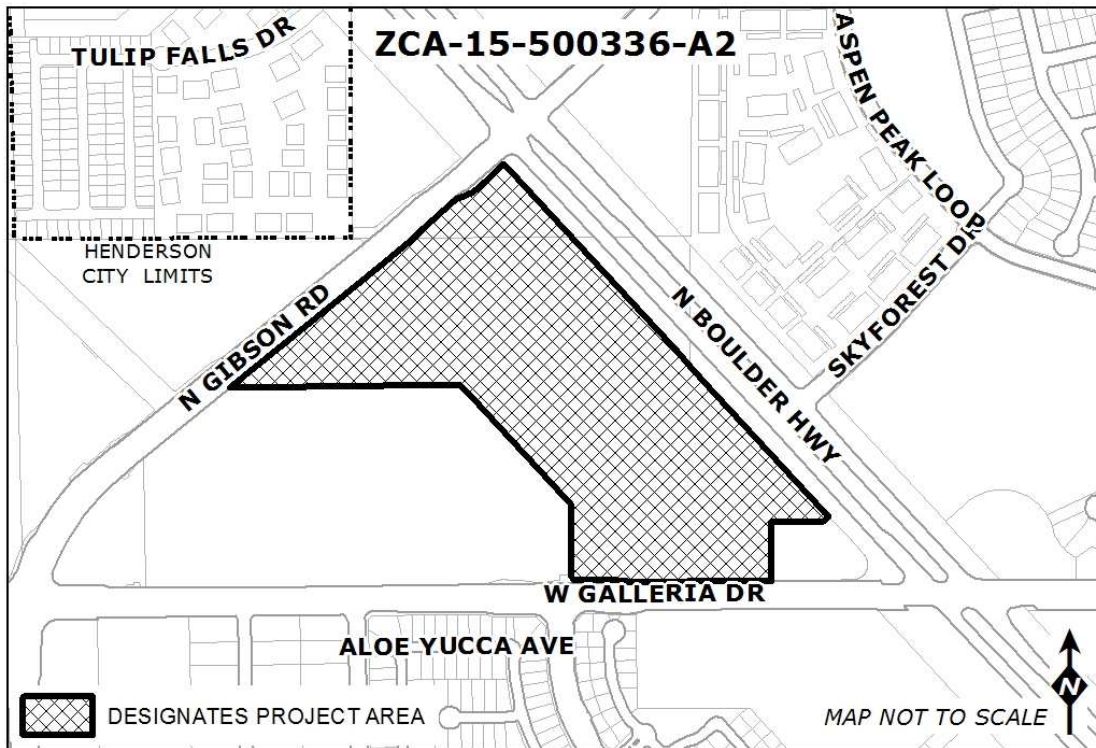
Andy Hafen, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

EXHIBIT A

ZCA-15-500336-A2 – Boulder Highway and Galleria Development (Gateway)



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.