

ORDINANCE NO. 3361
(ZCA-16-500326-A1 – Residence Inn – St. Rose and Seven Hills)

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 22 SOUTH, RANGE 61 EAST, M.D. & M., CLARK COUNTY, NEVADA, LOCATED AT 3225 ST. ROSE PARKWAY, IN THE WESTGATE PLANNING AREA, AMENDING A ZONE CHANGE/MASTER PLAN TO ALLOW A RESIDENTIAL HOTEL AS A PERMITTED USE IN THE HORIZON WEST MASTER PLAN.

WHEREAS, the City Council of the City of Henderson, Nevada, on September 6, 2016, committed to the rezoning of certain real property totaling 2.1 acres, more or less, located in a portion of Section 35, Township 22 South, Range 61 East, located at 3225 St. Rose Parkway, in the Westgate Planning Area, amending a zone change/master plan to allow a residential hotel as a permitted use in the Horizon West Master Plan; and

WHEREAS, Ten Saints Hotel II 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 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:

A PORTION OF LOT 1 AS SHOWN IN THAT CERTAIN FINAL MAP ENTITLED "ST. ROSE / 7 HILLS COMMERCIAL" A COMMERCIAL SUB-DIVISION RECORDED IN BOOK 126, OF PLATS PAGE 52 ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA AND SITUATE WITHIN THE NORTHEAST QUARTER (NE 1/4) OF SECTION 35, TOWNSHIP 22 SOUTH, RANGE 61 EAST, M.D.M., CITY OF HENDERSON, COUNTY OF CLARK, STATE OF NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF SAID LOT ONE (1), SAID POINT BEING ON THE WEST LINE OF THE NORTHWEST QUARTER (NW 1/4) OF THE NORTHEAST QUARTER (NE 1/4) OF SECTION 35;

THENCE ALONG THE WEST LINE THEREOF, NORTH 00°31'15" WEST, 32.32 FEET;

THENCE DEPARTING SAID WEST LINE, NORTH 89°2'45" EAST, 25.59 FEET;

THENCE NORTH 65°20'52" EAST, 111.59 FEET;

THENCE NORTH 17°29'22" WEST, 10.12 FEET;

THENCE NORTH 48°18'15" EAST, 90.00 FEET;

THENCE NORTH 41°41'45" WEST, 30.99 FEET;

THENCE NORTH 48°18'15" EAST, 29.96 FEET TO THE BEGINNING OF A CURVE CONCAVE TO THE NORTHWEST HAVING A CENTRAL ANGLE OF 42°05'00" AND A RADIUS OF 40.00 FEET;

THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE AN ARC LENGTH OF 29.38 FEET TO THE BEGINNING OF A REVERSE CURVE CONCAVE TO THE SOUTHEAST HAVING A CENTRAL ANGLE OF 48°02'56" AND A RADIUS OF 40.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS, NORTH 83°46'45" WEST;

THENCE IN A NORTHEASTERLY DIRECTION ALONG SAID CURVE AN ARC LENGTH OF 33.54 FEET TO THE BEGINNING OF A NON-TANGENT CURVE CONCAVE TO THE NORTHEAST HAVING A CENTRAL ANGLE OF 24°52'47" AND A RADIUS OF 40.00 FEET AND TO WHICH POINT A RADIAL LINE BEARS, SOUTH 25°32'05" WEST;

THENCE IN A SOUTHEASTERLY DIRECTION ALONG SAID CURVE AN ARC LENGTH OF 17.37 FEET;

THENCE SOUTH 89°20'43" EAST, 223.04 FEET;

THENCE SOUTH 26°33'38" EAST, 59.75 FEET;

THENCE SOUTH 00°32'37" EAST, 146.02 FEET;

THENCE SOUTH 89°20'47" EAST, 89.85 FEET;

THENCE SOUTH 00°39'13" WEST, 44.55 FEET TO THE SOUTH LINE OF LOT 1 AS SHOWN IN THAT CERTAIN FINAL MAP ENTITLED "ST. ROSE / 7 HILLS COMMERCIAL" A COMMERCIAL SUBDIVISION RECORDED IN BOOK 126, OF PLATS PAGE 52 ON FILE IN THE OFFICE OF THE COUNTY RECORDER, CLARK COUNTY, NEVADA;

THENCE ALONG THE SOUTH LINE THEREOF, NORTH 89°23'38" WEST, 579.48 FEET TO THE POINT OF BEGINNING.

Containing 2.1 acres, more or less, amending a zone change/master plan to allow a residential hotel as a permitted use in the Horizon West Master Plan.

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

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.

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.

2. 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.
3. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
4. 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.
5. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
6. Applicant shall provide secondary access as approved by Public Works and the Fire Department.
7. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
8. 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.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

9. Approval of this application to permit a residential hotel at 3225 St. Rose Parkway within the Horizon West Master Plan 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.
10. The following standards must be met by the proposed residential hotel at 3225 St. Rose Parkway (Pad 6):
 1. All rooms must be served by internal access.
 2. Entrances, common areas, and corridors must be under video surveillance; with video recordings maintained for a minimum of 30 days.
 3. Housekeeping services shall be provided every 48 hours at a minimum.
 4. A fully equipped fitness facility must be provided.

5. A restaurant will be required at the hotel. A breakfast room where hot and cold pre-prepared items are served at a complimentary basis would suffice as a restaurant at this site.

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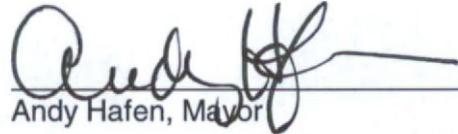
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PASSED, ADOPTED, AND APPROVED THIS 20TH DAY OF SEPTEMBER, 2016.




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

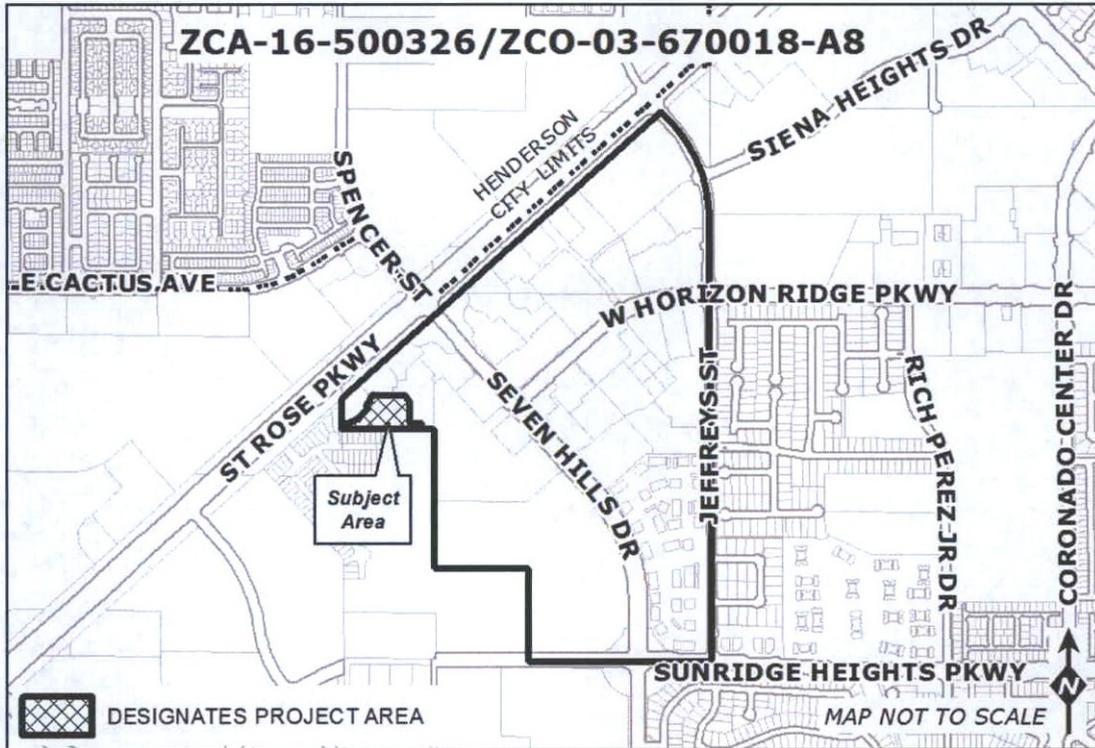



Andy Hafen, Mayor

ATTEST:


Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
ZCA-16-500326-A1 – RESIDENCE INN – ST. ROSE AND SEVEN HILLS



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.