

ORDINANCE NO. 3362  
(ZCO-03-670018-A8 – 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/PLANNED UNIT DEVELOPMENT TO REVISE THE SITE PLAN AND ARCHITECTURE FOR A RESIDENTIAL HOTEL.

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/planned unit development to revise the site plan and architecture for a residential hotel; 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 proposal is consistent with the Comprehensive Plan.
- b. The planned unit development is necessary to address a unique situation or represents a substantial benefit to the City, compared to what could have been accomplished through strict application of otherwise applicable zoning district standards, based upon the purposes set out in Section 19.1.4.
- c. The planned unit development complies with standards of Section 19.5.4.
- 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 re-zonings, variances or administrative adjustments.

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/planned unit development to revise the site plan and architecture for a residential hotel.

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 drainage study for Public Works' approval and grant any necessary easements.
3. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2.
4. Applicant shall obtain all necessary NDOT approvals.

5. 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.
6. Applicant shall construct full offsites per Public Works' requirements and dedicate all necessary right-of-way.

#### UTILITY SERVICES CONDITIONS

7. Applicant shall submit a utility plan and a utility analysis for Utilities' approval.
8. Applicant shall comply with the requirements of the master utility plan established for the project location.
9. All onsite utilities shall remain privately owned and maintained.
10. All water and sewer services shall comply with HMC Title 14 regarding public-public or private-private service requirements.
11. Applicant shall grant a 25-foot-wide municipal utility easement adjacent to St. Rose Parkway in accordance with the Department of Utility Services requirements.

#### 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.

12. 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.
13. Applicant shall submit fire apparatus access road (24' fire lane) plans for Fire Department review and approval. NOTE: no parking is permitted in the fire lane width.
14. 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.
15. Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
16. Applicant shall provide secondary access as approved by Public Works and the Fire Department.

17. Applicant shall provide a dual water source as approved by Public Works and the Fire Department.
18. 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

19. The applicant shall submit to the Community Development and Services Department an electronic copy of the site plan with building footprints, driveways, parking, fire hydrants, Fire Department connections, and unit numbers in the latest AutoCAD release prior to issuance of building permits.
20. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
21. 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.
22. All walls visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. The use of colored, common gray or painted CMU block shall not be permitted.
23. Applicant shall submit landscaping and irrigation construction documents for Community Development staff review and approval prior to the issuance of a building permit. Landscape and irrigation construction documents shall include all required common area, parking lot, and perimeter landscaping.
24. Unless approved by a phasing plan, all landscaping shall be installed with the first phase of development. All landscaping shall be maintained by the applicant or property owner(s) association.
25. This approval does not endorse signage shown with this application. Signage shall be reviewed and approved separately.
26. Any existing landscape easement areas which are disturbed or destroyed during the construction shall be replaced/restored to their original condition and specifications when installed by the Master Developer. Landscaping shall be restored/replaced at the applicant's expense. All landscape easement improvements shall be coordinated with the Seven Hills Homeowners Association.

- 27. All roof-mounted mechanical equipment shall be screened by a parapet of equal or greater height, or applicant shall submit for approval of the Community Development and Services Department an alternate screening method as allowed by Section 19.7.5.H.2(a) of the Development Code.
- 28. Per Section 19.5.5.JJ of the Development Code the length of stay for any hotel guest must not exceed seven (7) days. (A5)
- 29. No building permits shall be issued prior to Parks and Recreation approval of the St. Rose Parkway beautification and trail plans. (A5)
- 30. Applicant shall comply with all conditions of approval for ZCA-16-500326-A1. (A8)

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 20<sup>TH</sup> DAY OF SEPTEMBER, 2016.



  
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Andy Hafen, Mayor

ATTEST:

  
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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

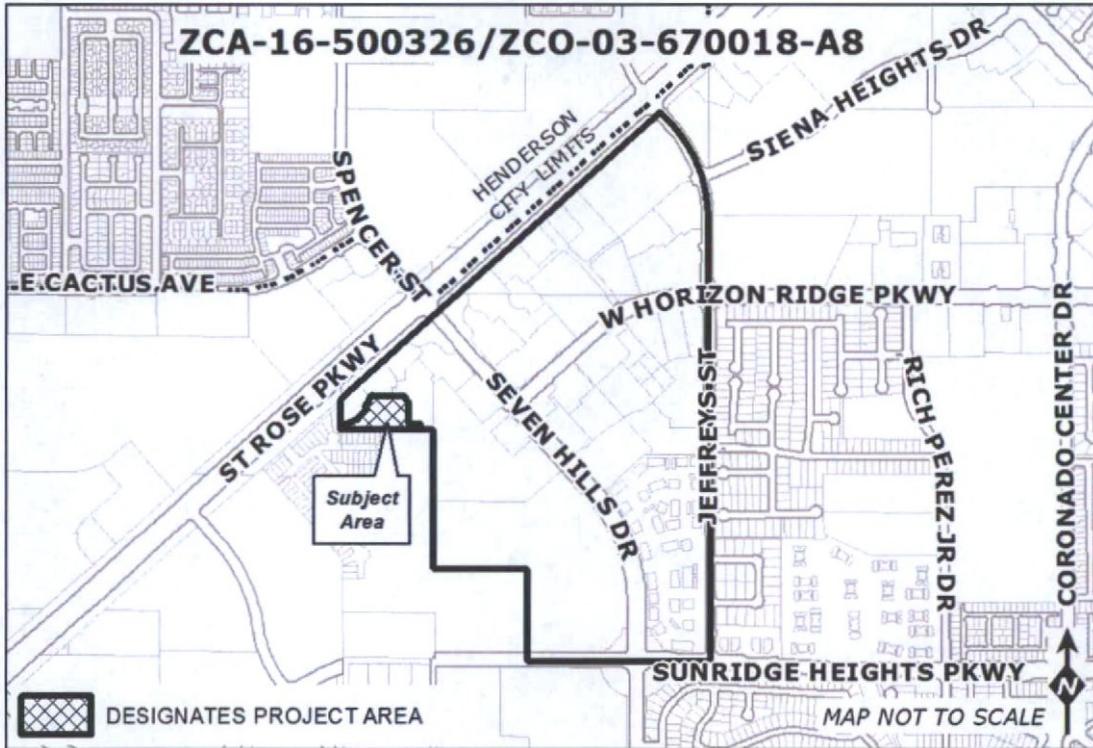


  
\_\_\_\_\_  
Andy Hafen, Mayor

ATTEST:

  
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Sabrina Mercadante, MMC, City Clerk

EXHIBIT A  
ZCO-03-670018-A8 – 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.