

ORDINANCE NO. 3365

(ZCA-16-500341-A1 – Eastgate Commercial Center / Mannheim Nevada Auto Auction)

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 3, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, LOCATED AT 1050 WEST WARM SPRINGS ROAD, IN THE GIBSON SPRINGS PLANNING AREA, TO REVISE THE DESIGN AND DEVELOPMENT GUIDELINES FOR THE EASTGATE MASTER PLAN TO ALLOW VEHICLE/EQUIPMENT AUCTION AS A PERMITTED USE ON A 7.2-ACRE PORTION OF EASTGATE TRACT 2.

WHEREAS, the City Council of the City of Henderson, Nevada, on October 4, 2016, committed to the rezoning of certain real property totaling 7.2 acres, more or less, located in a portion of Section 3, Township 22 South, Range 62 East, to revise the Design and Development Guidelines for the Eastgate master plan to allow Vehicle/Equipment Auction as a permitted use on a 7.2-acre portion of Eastgate Tract 2; and

WHEREAS, Mannheim Nevada 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. 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:

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF CLARK, STATE OF NEVADA, BOUNDED AND DESCRIBED AS FOLLOWS:

A PORTION OF LOT TWO (2) OF HENDERSON COMMERCE CENTER, AS SHOWN BY MAP THEREOF ON FILE IN BOOK 60 OF PLATS, PAGE 67, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, BEING FURTHER DESCRIBED AS: A PORTION OF LOT 38-3 AS SHOWN ON A MAP IN FILE 88, PAGE 14 OF SURVEYS IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, AND ALSO BEING A PORTION OF THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 3, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, AND BEING DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER (SE 1/4) OF SAID SECTION 3, SAID CORNER ALSO BEING THE CENTERLINE INTERSECTION OF WARM SPRINGS ROAD (100 FEET WIDE) AND MARKS STREET (100 FEET WIDE);

THENCE NORTH 88°53'26" EAST ALONG THE SOUTH LINE OF SAID SOUTHEAST QUARTER (SE 1/4), SAID LINE ALSO BEING TEE CENTERLINE OF SAID WARM SPRINGS ROAD, A DISTANCE OF 1657.46 FEET;

THENCE NORTH 01°06'34" WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF SAID WARM SPRINGS ROAD, SAID POINT ALSO BEING THE SOUTHWEST CORNER OF PARCEL 2-3A AS SHOWN ON A MAP IN FILE 84, PAGE 27 OF SURVEYS, IN THE CLARK COUNTY RECORDER'S OFFICE, CLARK COUNTY, NEVADA, AND THE POINT OF BEGINNING:

THENCE SOUTH 88°51'26" WEST ALONG SAID NORTHERLY LINE, A DISTANCE OF 300.00 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25.00 FEET;

THENCE NORTHWESTERLY A DISTANCE OF 39.27 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 90°00'00";

THENCE NORTH 01°06'34" WEST, A DISTANCE OF 698.37 FEET TO THE BEGINNING OF A TANGENT CURVE CONCAVE SOUTHEASTERLY AND HAVING A RADIUS OF 20.00 FEET;

THENCE NORTHEASTERLY, A DISTANCE OF 15.50 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 44°24'55" TO A POINT OF REVERSE CURVATURE CONCAVE WESTERLY AND HAVING A RADIUS OF 50.00 FEET, RADIUS BEARS AT SAID POINT (NORTH 46°41'39" WEST);

THENCE NORTHERLY, A DISTANCE OF 85.12 FEET ALONG THE ARC OF SAID CURVE THROUGH A CENTRAL ANGLE OF 97°32'43" TO A POINT OF NON-TANGENCY, RADIUS BEARS AT SAID POINT (SOUTH 35°45'37" WEST);

THENCE NORTH 01°06'34" WEST, A DISTANCE OF 132.16 FEET TO A POINT ON THE SOUTHERLY LINE OF LOT 3B-1 AS SHOWN ON SAID MAP IN FILE 88, PAGE 14 OF SURVEYS;

THENCE NORTH 79°03'35" EAST ALONG SAID SOUTHERLY LINE, A DISTANCE OF 329.84 FEET TO THE NORTHWEST CORNER OF SAID PARCEL 2-3A;

THENCE SOUTH 01°06'34" EAST ALONG THE WEST LINE OF SAID PARCEL, A DISTANCE OF 1000.84 FEET TO THE POINT OF BEGINNING.

Containing 7.2 acres, to revise the Design and Development Guidelines for the Eastgate master plan to allow Vehicle/Equipment Auction as a permitted use on a 7.2-acre portion of Eastgate Tract 2.

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 CONDITION

The authority for enforcing the Uniform Fire Code is N.R.S. 477.030 and Ordinance Number 1692, 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. All existing fire lanes shall be kept clear and unobstructed during sales events.

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. Auctions are limited to once a week from 8 a.m. to 5 p.m.
5. The trailer will only be permitted on site on the day of an auction.
6. Activity on non-auction days is limited to writing vehicle reports, loading and moving vehicles around the site, and general site upkeep. This work shall be conducted between the hours of 8 a.m. and 6 p.m.
7. Applicant shall comply with all conditions of approval for Z-19-97.
8. Automobile auctions are permitted only on the portion of the Eastgate Commercial Center Tract 2, as shown on the exhibits provided in the backup documentation.

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 October 21, 2016, in the 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 OCTOBER, 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 October 4, 2016, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on October 18, 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 October 18, 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



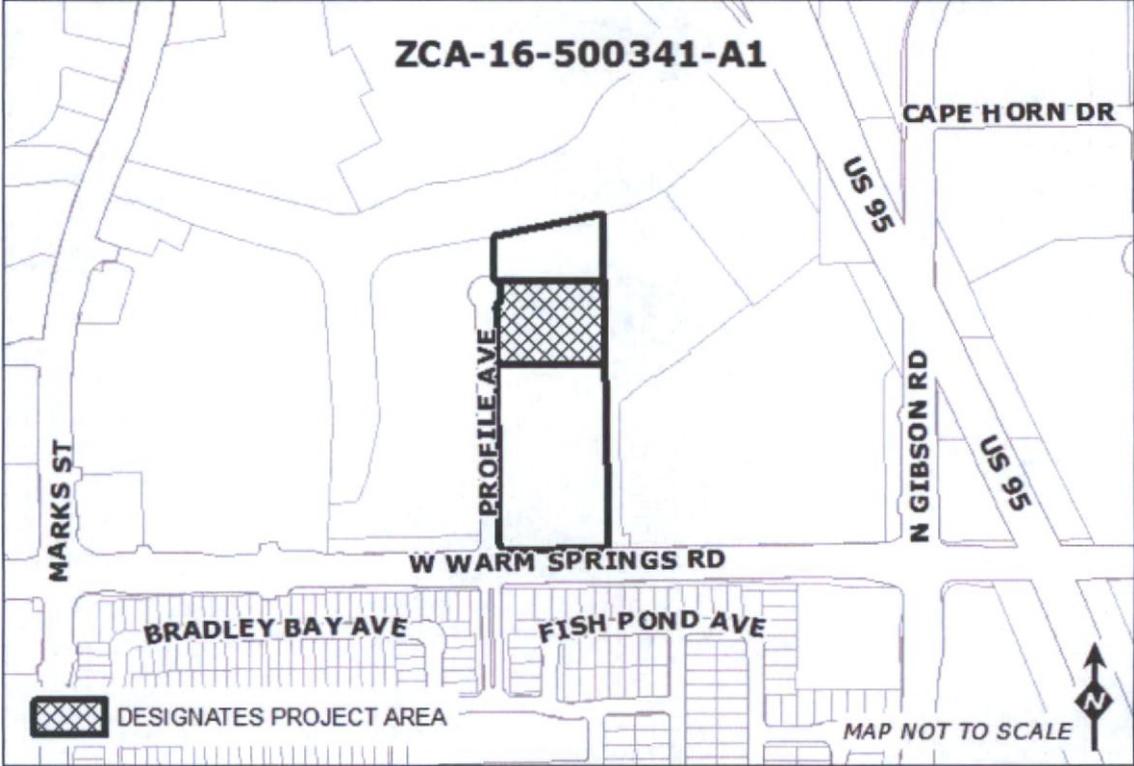

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EXHIBIT A
ZCA-16-500341-A1
Mannheim Nevada Auto Auction



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