

ORDINANCE NO. 3711
(ZCA-2020004980 – LogistiCenter at Volunteer)

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 10, TOWNSHIP 23 SOUTH, RANGE 61 EAST, M.D.B. & M., CLARK COUNTY, NEVADA, LOCATED AT THE SOUTHEAST CORNER OF VOLUNTEER BOULEVARD AND VIA CENTRO, IN THE WEST HENDERSON PLANNING AREA, TO APPLY CITY OF HENDERSON IP (INDUSTRIAL PARK) ZONING DESIGNATION TO 52.6 ACRES OF PROPERTY WITH NO ESTABLISHED ZONING.

WHEREAS, the City Council of the City of Henderson, Nevada, on July 7, 2020, committed to the rezoning of certain real property totaling 52.6 acres, more or less, located in a portion of Section 10, Township 23 South, Range 61 East, located at the southeast corner of Volunteer Boulevard and Via Centro, to apply City of Henderson IP (Industrial Park) zoning designation to property with no established zoning; and

WHEREAS, Dermody Properties 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.

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:

THAT PORTION OF THE EAST ONE HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) AND THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SECTION 10, TOWNSHIP 23 SOUTH, RANGE 61 EAST, MOUNT DIABLO MERIDIAN, CITY OF HENDERSON, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTH ONE-QUARTER CORNER BETWEEN SECTIONS 10 AND 15 OF SAID TOWNSHIP, MARKED BY A 3-INCH CITY OF HENDERSON BRASS CAP IN WELL MONUMENT STAMPED "PLS 12141" AND MARKED FOR CORNER;

THENCE, NORTH 88°45'01" WEST ALONG THE SECTION LINE BETWEEN SAID SECTIONS, 652.67 FEET;

THENCE, DEPARTING SAID SECTION LINE, NORTH 00°31'31" WEST ALONG THE WEST LINE OF THE EAST ONE HALF (E 1/2) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 10, A DISTANCE OF 324.34 FEET;

THENCE, CONTINUING NORTH 00°31'31" WEST ALONG SAID WEST LINE, 324.34 FEET;

THENCE, CONTINUING NORTH 00°31'31" WEST ALONG SAID WEST LINE, 324.34 FEET;

THENCE, CONTINUING NORTH 00°31'31" WEST ALONG SAID WEST LINE, 324.34 FEET TO THE NORTHWEST CORNER OF THE NORTH ONE HALF (N 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF SAID SECTION 10;

THENCE, DEPARTING SAID WEST LINE, SOUTH 88°06'48" EAST ALONG THE NORTH LINE OF SAID NORTH ONE HALF (N 1/2), A DISTANCE OF 653.90 FEET TO THE NORTHEAST CORNER OF SAID NORTH ONE HALF (N 1/2), SAME BEING THE CENTER SOUTH ONE-SIXTEENTH (1/16) SECTION CORNER OF SAID SECTION MARKED BY A 3 1/2-INCH BUREAU OF LAND MANAGEMENT BRASS CAP DATED 1957 AND MARKED FOR CORNER;

THENCE, DEPARTING SAID NORTH LINE, NORTH 00°29'34" WEST ALONG THE SOUTH-NORTH CENTER SECTION LINE OF SAID SECTION 10, A DISTANCE OF 254.74 FEET TO THE SOUTH RIGHT-OF-WAY OF VOLUNTEER BOULEVARD (136 FEET WIDE) PER INSTRUMENT NUMBER 20141118-001149 ON FILE IN THE OFFICE OF THE CLARK COUNTY, NEVADA RECORDER;

THENCE, DEPARTING SAID SOUTH-NORTH CENTER SECTION LINE, SOUTH 87°57'24" EAST ALONG SAID SOUTH RIGHT-OF-WAY, A DISTANCE OF 659.21 FEET TO THE EAST LINE OF THE SOUTH ONE HALF (S 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE NORTHWEST ONE-QUARTER (NW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 10;

THENCE, DEPARTING SAID SOUTH RIGHT-OF-WAY, SOUTH 00°13'41" EAST ALONG THE EAST LINE OF SAID SOUTH ONE HALF (S 1/2), A DISTANCE OF 252.82 FEET TO THE SOUTHEAST CORNER OF SAID SOUTH ONE HALF (S 1/2), SAME BEING THE NORTHWEST CORNER OF THE NORTH ONE HALF (N 1/2) OF THE NORTHEAST (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 10;

THENCE, DEPARTING SAID EAST LINE, SOUTH 88°07'12" EAST ALONG THE NORTH LINE OF SAID NORTH ONE HALF (N 1/2), A DISTANCE OF 657.96 FEET TO THE SOUTHEAST ONE-SIXTEENTH SECTION CORNER OF SAID SECTION 10 MARKED BY A 2-INCH ALUMINUM CAP STAMPED "HORIZON SURVEY" AND MARKED FOR CORNER;

THENCE, DEPARTING SAID NORTH LINE, SOUTH 00°02'13" WEST ALONG THE EAST ONE-SIXTEENTH SECTION LINE OF SAID SECTION 10, A DISTANCE OF 318.97 FEET;

THENCE, CONTINUING ALONG SAID EAST ONE-SIXTEENTH SECTION LINE, SOUTH 00°02'13" WEST, 318.97 FEET TO THE SOUTHEAST CORNER OF THE SOUTH ONE HALF (S 1/2) OF THE NORTHEAST ONE-QUARTER (NE 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 10, SAME BEING THE INTERSECTION OF MULLEN AVENUE (30-FOOT-WIDE HALF STREET WIDTH) AND PARADISE ROAD (30 FOOT WIDE HALF STREET WIDTH) PER BOOK 1478, DOCUMENT NUMBER 1437151 IN SAID RECORDER'S OFFICE;

THENCE, DEPARTING SAID EAST ONE-SIXTEENTH SECTION LINE, NORTH 88°25'17" WEST ALONG THE SOUTH LINE OF SAID SOUTH ONE HALF (S 1/2) COINCIDENT WITH THE CONTROL LINE OF SAID MULLEN AVENUE, 654.93 FEET TO THE SOUTHWEST CORNER OF SAID SOUTH ONE HALF, SAME BEING THE INTERSECTION OF SAID MULLEN AVENUE CONTROL LINE AND THE CONTROL LINE FOR RADCLIFF STREET (30-FOOT-WIDE HALF STREET) PER FILE 72 OF PARCEL MAPS, PAGE 84 IN THE OFFICE OF SAID COUNTY RECORDER;

THENCE, DEPARTING SAID SOUTH LINE AND SAID CONTROL LINE, SOUTH 00°13'27" EAST ALONG SAID CONTROL LINE OF SAID RADCLIFF STREET 320.74 FEET TO THE SOUTHEAST CORNER OF THE NORTH ONE HALF (N 1/2) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHWEST ONE-QUARTER (SW 1/4) OF THE SOUTHEAST ONE-QUARTER (SE 1/4) OF SAID SECTION 10;

THENCE, DEPARTING SAID CONTROL LINE, NORTH 88°34'23" WEST ALONG THE SOUTH LINE OF SAID NORTH ONE HALF (N 1/2), SAME BEING THE NORTH LINE OF THAT CERTAIN RIGHT-OF-WAY DEDICATION FOR RADCLIFF STREET RECORDED IN BOOK 0569, DOCUMENT NUMBER 0528575, A DISTANCE OF 30.01 FEET TO THE WEST RIGHT-OF-WAY OF SAID RADCLIFF STREET, SAME BEING THE NORTHEAST CORNER OF FILE 7 OF PARCEL MAPS, PAGE 56 ON FILE IN THE OFFICE OF SAID COUNTY RECORDER;

THENCE, DEPARTING SAID SOUTH AND NORTH LINES, SOUTH 00°13'27" EAST, ALONG THE WEST RIGHT-OF-WAY OF SAID RADCLIFF STREET, COINCIDENT WITH THE EAST LINE OF SAID PARCEL MAP, 245.14 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 25 FEET;

THENCE, SOUTHWESTERLY 39.92 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 91°29'55" TO THE SOUTH LINE OF SAID PARCEL MAP AND THE NORTH RIGHT-OF-WAY OF EAST LARSON LANE (100 FEET WIDE) PER BOOK 0197, DOCUMENT NUMBER 0157296 IN THE OFFICE OF SAID COUNTY RECORDER;

THENCE, DEPARTING SAID CURVE, NORTH 88°43'32" WEST ALONG SAID NORTH RIGHT-OF-WAY AND SAID SOUTH LINE OF SAID PARCEL MAP, 532.21 FEET TO THE BEGINNING OF A CURVE CONCAVE NORTHEASTERLY AND HAVING A RADIUS OF 25 FEET;

THENCE, NORTHWESTERLY 38.50 FEET ALONG SAID CURVE THROUGH A CENTRAL ANGLE OF 88°14'35" TO THE WEST LINE OF SAID PARCEL MAP AND THE EAST RIGHT-OF-WAY OF POLLOCK DRIVE (40-FOOT-WIDE HALF STREET) PER BOOK 1569, DOCUMENT 0528575, IN THE OFFICE OF SAID COUNTY RECORDER;

THENCE, DEPARTING SAID CURVE NORTH 00°28'57" WEST ALONG SAID EAST RIGHT-OF-WAY AND THE WEST LINE OF SAID PARCEL MAP, 248.14 FEET TO THE NORTHWEST CORNER OF SAID PARCEL MAP;

THENCE, DEPARTING SAID WEST LINE AND EAST RIGHT-OF-WAY, NORTH 88°34'23" WEST ALONG THE NORTH LINE OF SAID RIGHT-OF-WAY GRANT DOCUMENT, 40.02 FEET TO SAID SOUTH-NORTH CENTER SECTION LINE OF SAID SECTION 10, SAME BEING THE CONTROL LINE FOR SAID POLLOCK DRIVE;

THENCE, DEPARTING SAID NORTH LINE, SOUTH 00°28'57" EAST ALONG SAID CONTROL LINE AND THE WEST LINE OF SAID RIGHT-OF-WAY GRANT, 322.52 FEET TO THE POINT OF BEGINNING.

Containing 52.6 acres, more or less, to apply City of Henderson IP (Industrial Park) zoning designation to property with no established zoning.

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

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.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

2. 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.
3. The applicant is required to submit a standard development agreement application pursuant to Section 19.6.10 of the City of Henderson Development Code. The standard development agreement is required to be approved by ordinance and executed prior to issuance of building permits. The development agreement does not require Planning Commission review.

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 (Initial Publication). Following adoption by the City Council, this Ordinance shall be published by title together with the names of the Councilmembers voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on July 24, 2020, in the Las Vegas Review-Journal, at which time it will become effective.

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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 21ST DAY OF JULY, 2020.

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 July 7, 2020, which was a Special Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on July 21, 2020, 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 July 21, 2020, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:

Debra March, Mayor
Councilmembers:
John F. Marz
Michelle Romero
Dan K. Shaw
Dan H. Stewart

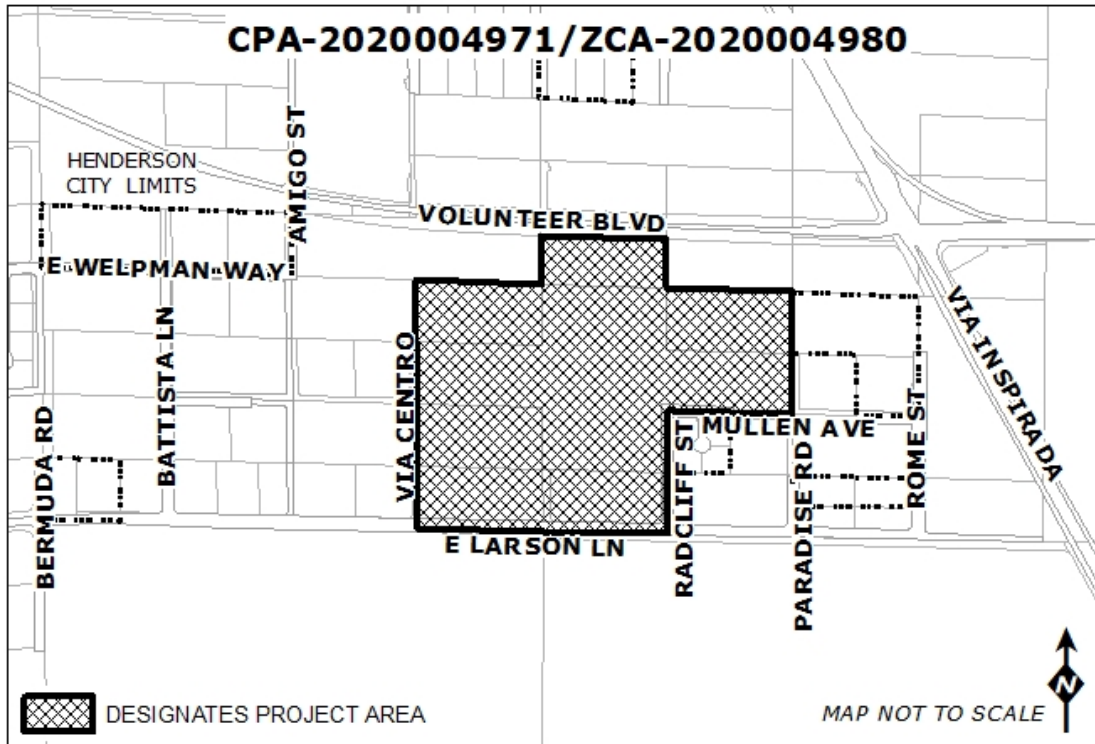
Those voting nay: None
Those abstaining: None
Those absent: None

Debra March, Mayor

ATTEST:

Sabrina Mercadante, MMC, City Clerk

EXHIBIT A
ZCA-2020004980 – LogistiCenter at Volunteer



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