

ORDINANCE NO. 2972  
(ZCA-10-660007-A4 – Black Mountain Community Church and Academy)

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF HENDERSON, NEVADA, AMENDING ORDINANCE NO. 2869, THE ZONING MAP, TO RECLASSIFY CERTAIN REAL PROPERTY WITHIN THE CITY LIMITS OF THE CITY, DESCRIBED AS A PORTION OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D. & M., CLARK COUNTY, NEVADA, LOCATED AT 980 AMERICAN PACIFIC AVENUE, SUITES 104 AND 105, AMENDING A ZONE CHANGE WITH OVERLAY TO REVISE THE MASTER PLAN FOR BLACK MOUNTAIN BUSINESS PARK TO ALLOW A SCHOOL AS A PERMITTED USE IN THE IG-MP ZONING DISTRICT, AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on July 3, 2012, committed to the rezoning of certain real property totaling 3.5 acres, more or less, located in a portion of Section 11, Township 22 South, Range 62 East, located at 980 American Pacific Avenue, Suites 104 and 105, amending a zone change with overlay to revise the master plan for Black Mountain Business Park to allow a school as a permitted use in the IG-MP zoning district and

WHEREAS, Black Mountain Community Church 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; and

NOW, THEREFORE, the City Council of the City of Henderson, Nevada, does ordain:

SECTION 1. Ordinance No. 2869 of the City of Henderson, Nevada, entitled "Zoning Map adopted" 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 COMMERCIAL PARCEL 6-6 AS SHOWN IN FILE 79, PAGE 87 OF SURVEYS BEING A PORTION OF LOT 6 AS SHOWN IN THAT CERTAIN FINAL MAP ENTITLED "THE AMENDED PLAT OF A PORTION OF GIBSON / WARM SPRINGS PHASE TWO" AS SHOWN IN BOOK 67, PAGE 65 OF PLATS ON FILE AT THE CLARK COUNTY, NEVADA RECORDER'S OFFICE AND SITUATE IN THE SOUTHWEST QUARTER (SW1/4) OF SECTION 11, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA, DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 11, BEING AT THE CENTERLINE INTERSECTION OF GIBSON ROAD AND AMERICAN PACIFIC DRIVE;

THENCE ALONG THE SOUTH LINE OF THE SOUTHWEST QUARTER (SW1/4) OF SAID SECTION 11 AND THE CENTERLINE OF SAID AMERICAN PACIFIC DRIVE, NORTH 88°38'56" EAST, 300.00 FEET;

THENCE DEPARTING SAID SOUTH SECTION LINE, NORTH 01°21'04" WEST, 40.00 FEET TO A POINT ON THE NORTH RIGHT OF WAY OF SAID AMERICAN PACIFIC DRIVE AND BEING THE POINT OF BEGINNING;

THENCE DEPARTING SAID RIGHT OF WAY AND CONTINUING NORTH 01°21'04" WEST, 248.00 FEET;

THENCE NORTH 88°38'56" EAST, 590.10 FEET TO THE EASTERLY LINE OF SAID COMERCIAL PARCEL 6-6;

THENCE ALONG THE EASTERLY LINE THEREOF, SOUTH 14°54'06" EAST, 246.10 FEET TO THE NORTH RIGHT OF WAY OF SAID AMERICAN PACIFIC DRIVE AND BEING THE BEGINNING OF A NON-TANGENT CURVE, CONCAVE NORTHWESTERLY AND HAVING A RADIUS OF 1960.00 FEET, FROM WHICH THE RADIUS BEARS NORTH 06°46'03" WEST;

THENCE WESTERLY ALONG SAID CURVE TO THE RIGHT, THROUGH A CENTRAL ANGLE OF 05°24'59", AN ARC LENGTH OF 185.29 FEET TO A POINT OF TANGENCY;

THENCE CONTINUING ALONG SAID NORTH RIGHT OF WAY, SOUTH 88°38'56" WEST, 462.75 FEET TO THE POINT OF BEGINNING.

containing 3.5 acres, more or less, amending a zone change with overlay to revise the master plan for Black Mountain Business Park to allow a school as a permitted use in the IG-MP zoning district

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

#### PUBLIC WORKS DEPARTMENT 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 construct full offsites per Public Works' requirements and dedicate any necessary right-of-way.

#### COMMUNITY DEVELOPMENT DEPARTMENT 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. (A4)
4. All walls, fences, and gates visible from streets, parking lots, and common areas shall be constructed of decorative materials and installed by the applicant. Unless specifically shown on the approved plans, the use of chain link fence or colored, common gray or painted CMU block shall not be permitted. (A4)

Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.

5. All parking spaces required by Section 19.7.4 (and relevant subsections of 19.5) of the Development Code must be free, unfettered, and permanently available to all users. They must also be maintained for public parking purposes only. This applies to both covered and uncovered parking spaces (required spaces may be covered so long as they are not reserved). Only parking spaces provided in excess of the number required by the Code may be reserved - covered or uncovered - for specific users. (A4)
6. Applicant shall comply with all conditions and waivers of approval for Z-30-94 and any amendments thereafter. (A4)

**WAIVER**

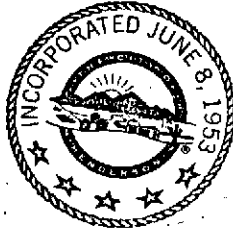
- a. Allow a private school as a conditional use in an IG district (APN 178-11-411-026) (A4)

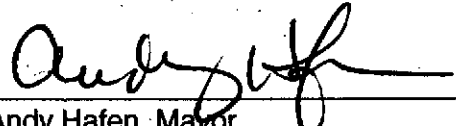
**SECTION 3.** If any section, subsection, paragraph, clause or provision of this Ordinance shall for any reason be held invalid or unenforceable, the invalidity or unenforceability of such section or subsection, paragraph, clause or provision shall not affect any of the remaining provisions of this Ordinance.

**SECTION 4.** All ordinances, or parts of ordinances, sections, subsection, 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 July 20, 2012, in the Review Journal.

PASSED, ADOPTED, AND APPROVED THIS 17<sup>th</sup> DAY OF JULY, 2012.



  
Andy Hafen, Mayor

ATTEST:

  
Sabrina Mercadante, CMC, City Clerk

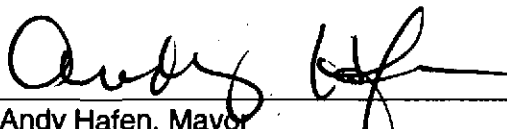
The above and foregoing Ordinance was first proposed and read in title to the City Council on July 3, 2012, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

"COUNCIL AS A WHOLE"

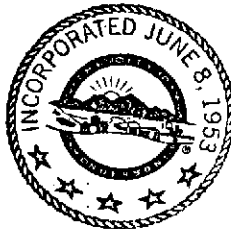
Thereafter on July 17, 2012, said Committee reported favorably on the Ordinance and forwarded it to the Regular Meeting with a do-pass recommendation. At the Regular Meeting of the Henderson City Council held July 17, 2012, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye: Mayor Andy Hafen  
Councilmembers:  
Sam Bateman  
Debra March  
Gerri Schroder

Those voting nay: None  
Those abstaining: None  
Those absent: John F. Marz

  
Andy Hafen, Mayor

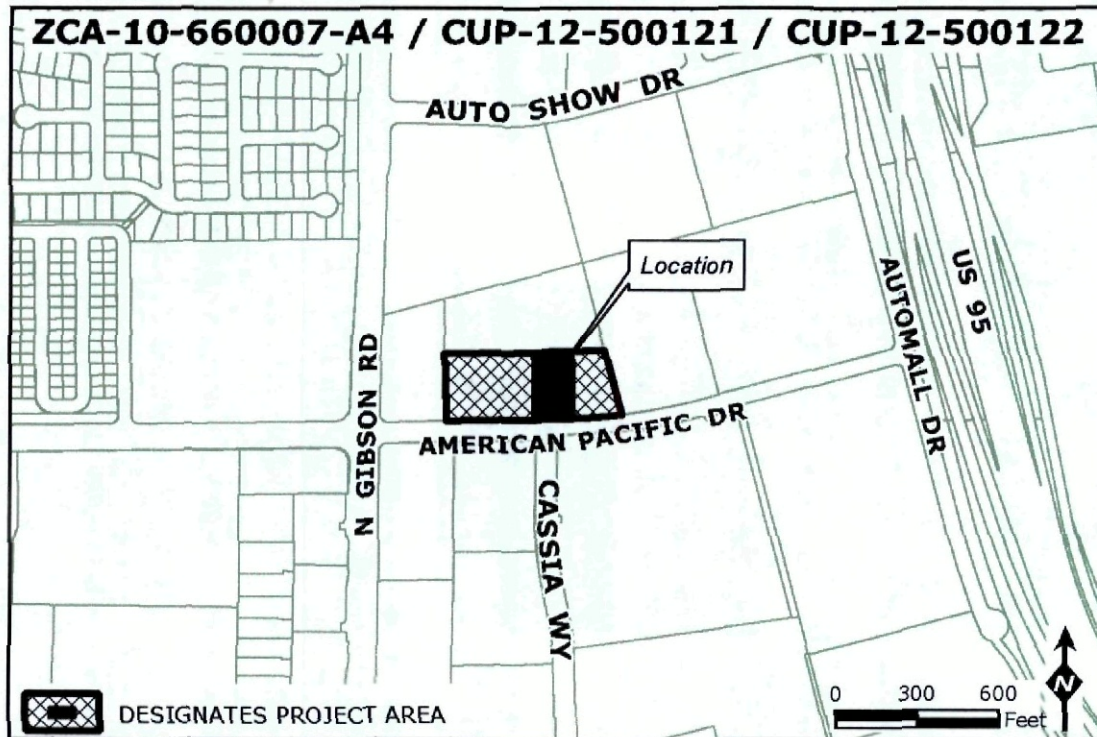
ATTEST:



  
Sabrina Mercadante, CMC, City Clerk

**EXHIBIT A**

ZCA-10-660007-A4 – Black Mountain Community Church and Academy



Editor's Note: Pursuant to City Charter Section 2.090(3), language to be omitted is enclosed in [bold brackets], and language proposed to be added is underscored.