

ORDINANCE NO. 3918
(ZCA-2022010923 – Atlas Industrial Park)

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 11, TOWNSHIP 23 SOUTH, RANGE 63 EAST, M.D. & M., CLARK COUNTY, NEVADA, ON 10.3 ACRES LOCATED WEST OF INTERSTATE 11 AND RAILROAD PASS CASINO ROAD (12455 S. US HIGHWAY 95), FROM CC (COMMUNITY COMMERCIAL) TO IP (INDUSTRIAL PARK).

WHEREAS, the City Council of the City of Henderson, Nevada, on November 1, 2022, committed to the rezoning of certain real property totaling 10.3 acres, more or less, located in a portion of Section 11, Township 23 South, Range 63 East, located west of Interstate 11 and Railroad Pass Casino Road (12455 S. US Highway 95) from CC (Community Commercial) to IP (Industrial Park); and

WHEREAS, Atlas Industrial Park, 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 HMC Section 19.1.5, Purpose and Intent.
- 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 zone change will 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 property.
- G. The suitability of the subject property for the existing zoning classification and proposed zoning classification.

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 (1) page:

PARCEL I:

A PORTION OF LAND DIVISION 76-85, RECORDED IN BOOK 860106, DOCUMENT NO. 00728, EXCEPTING THAT CERTAIN RIGHT-OF-WAY CONVEYED TO THE NEVADA DEPARTMENT OF TRANSPORTATION, PER DEED RECORDED AS INSTRUMENT NO. 20120801002407, OFFICIAL RECORDS, CLARK COUNTY, NEVADA RECORDS, SITUATED IN THE NORTHEAST QUARTER (NE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SECTION 11, TOWNSHIP 23 SOUTH, RANGE 63 EAST, MDM, CLARK COUNTY, NEVADA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID LAND DIVISION 76-85;

THENCE ALONG THE WEST LINE OF SAID LAND DIVISION, NORTH 00°37'33" EAST, 796.44 FEET TO THE POINT OF BEGINNING;

THENCE CONTINUING ALONG SAID WEST LINE, NORTH 00°37'33" EAST, 536.42 FEET TO THE NORTHWEST CORNER OF SAID LAND DIVISION;

THENCE ALONG THE NORTH LINE OF SAID LAND DIVISION AND NORTHWEST QUARTER (NW ¼) OF SECTION 11, NORTH 89°31'47" EAST 829.01 FEET TO A POINT ON THE WESTERLY BOUNDARY OF THAT CERTAIN RIGHT-OF-WAY CONVEYED TO THE NEVADA DEPARTMENT OF TRANSPORTATION, BEING THE BEGINNING OF 571.00 FOOT RADIUS NON-TANGENT CURVE, CONCAVE WESTERLY, TO WHICH BEGINNING IN RADIAL BEARS NORTH 83°48'42" EAST;

THENCE ALONG THE RIGHT-OF-WAY THE FOLLOWING FIVE (5) COURSES:

- 1) SOUTHERLY ALONG THE CURVE TO THE RIGHT, AN ARC LENGTH OF 55.15 FEET THROUGH A CENTRAL ANGLE OF 05°32'01"

- 2) SOUTH 00°39'17" EAST, 210.00 FEET;
- 3) SOUTH 69°48'31" WEST, 32.89 FEET;
- 4) SOUTH 06°25'22" EAST, 99.50 FEET;
- 5) SOUTH 55°07'02" EAST, 6.43 FEET;

THENCE DEPARTING SAID RIGHT-OF-WAY, SOUTH 34°49'58" WEST, 59.71 FEET TO THE BEGINNING OF A 40.00 FOOT RADIUS CURVE CONCAVE NORTHWESTERLY;

THENCE SOUTHWESTERLY ALONG SAID CURVE TO THE RIGHT, AN ARC LENGTH OF 37.30 FEET THROUGH CENTRAL ANGLE OF 53°25'39";

THENCE SOUTH 88°15'37" WEST, 56.06 FEET TO THE BEGINNING OF A 60.00 FOOT RADIUS CURVE, CONCAVE SOUTHEASTERLY;

THENCE WESTERLY ALONG SAID CURVE TO THE LEFT, AN ARC LENGTH OF 55.60 FEET THROUGH A CENTRAL ANGLE OF 53°05'43";

THENCE SOUTH 35°09'54" WEST, 63.82 FEET;

THENCE SOUTH 88°15'37" WEST 620.61 FEET TO THE BEGINNING.

NOTE : THE ABOVE METES AND BOUNDS LEGAL APPEARED IN THAT CERTAIN DECLARATION OF COVENANTS, COMMONS AND RESTRICTIONS AND RECIPROCAL EASEMENT AGREEMENT RECORDED MARCH 08, 2022 IN BOOK 20220308 AS INSTRUMENT NO. 02305, CLARK COUNTY, NEVADA.

PARCEL II:

A NON-EXCLUSIVE RIGHT OF WAY FOR INGRESS TO BE USED JOINTLY WITH OTHERS, OVER, UNDER, ALONG AND ACROSS THE FOLLOWING DESCRIBED PARCELS:

(A) THAT CERTAIN RIGHT OF WAY FROM THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF RECLAMATION, AS GRANTOR, TO ROADRUNNER DEVELOPMENT COMPANY, A PARTNERSHIP, AS GRANTEE, RECORDED JULY 30, 1992 IN BOOK 920730 AS DOCUMENT NO. 00758, OFFICIAL RECORDS, CLARK COUNTY, NEVADA;

(B) THAT CERTAIN RIGHT OF WAY N-48197, AS AMENDED, FROM THE UNITED STATES DEPARTMENT OF INTERIOR, BUREAU OF LAND MANAGEMENT, AS GRANTOR, TO ROADRUNNER DEVELOPMENT COMPANY, AS HOLDER; (C) ALSO, A NON- EXCLUSIVE RIGHT OF WAY OVER AND ACROSS THE FOLLOWING:
THE EAST FORTY FEET (40') OF THE NORTHEAST QUARTER (NE ¼) OF THE SOUTHEAST QUARTER (SE ¼) OF THE NORTHWEST QUARTER (NW ¼) OF SAID SECTION 11.

Containing 10.3 acres, more or less, from CC (Community Commercial) to IP (Industrial Park).

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. Public Works Department approval is based upon review of the civil improvement plans and associated studies, not planning documents.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITION

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. Subsequent changes or revisions to any of these plans and/or exhibits are subject to an amendment to this application for approval.

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 Council members voting for or against passage (Final Publication). This Ordinance is scheduled for Final Publication on Friday, November 18, 2022, in the Las Vegas Review-Journal, at which time it will become effective.

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PASSED, ADOPTED, AND APPROVED THIS 15th DAY OF NOVEMBER, 2022.

Debra March, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

The above and foregoing Ordinance was first proposed and read in title to the City Council on November 1, 2022, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on November 15, 2022, 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 November 15, 2022, 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 H. Stewart

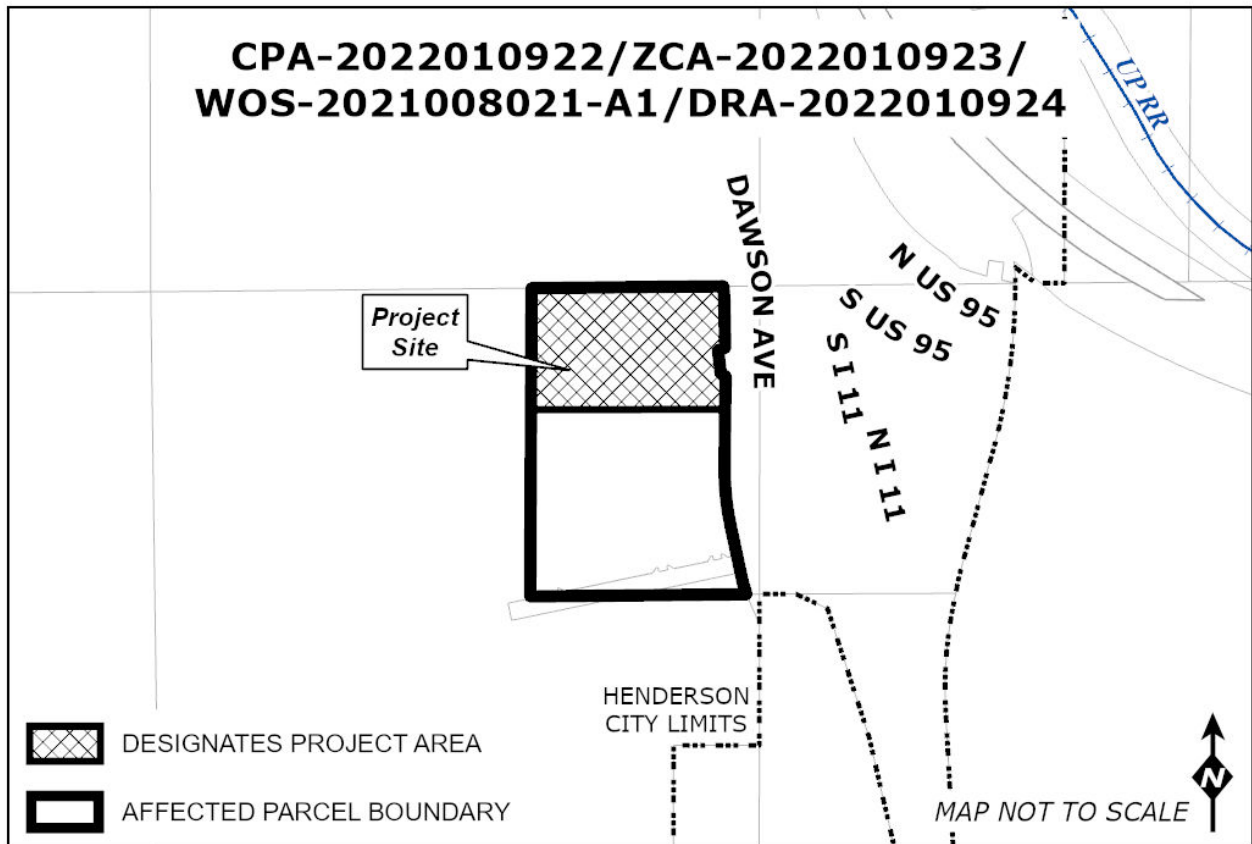
Those voting nay: None
Those abstaining: None
Those absent: Dan K. Shaw

Debra March, Mayor

ATTEST:

Jose Luis Valdez, CMC, City Clerk

EXHIBIT A
ZCA-2022010923 – Atlas Industrial Park



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*.