

ORDINANCE NO. 2964  
(ZCO-01-004561-A6 – Gibson Center)

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 15, TOWNSHIP 22 SOUTH, RANGE 62 EAST, M.D.B & M., CLARK COUNTY, NEVADA, GENERALLY LOCATED AT THE NORTHWEST CORNER OF MARY CREST ROAD AND GIBSON ROAD, IN THE GIBSON SPRINGS PLANNING AREA TO ALLOW ADDITIONAL COMMERCIAL USES WITHIN THE IG-MP (GENERAL INDUSTRIAL WITH MASTER PLAN OVERLAY) DISTRICT FOR GIBSON CENTER, A 12.2-ACRE PORTION OF A 211-ACRE MASTER PLAN, AND OTHER MATTERS RELATING THERETO.

WHEREAS, the City Council of the City of Henderson, Nevada, on April 3, 2012, committed to the rezoning of certain real property totaling 12.2 acres, more or less, located in a portion of Section 15, Township 22 South, Range 62 East, generally located at the northwest corner of Mary Crest Road and Gibson Road to allow additional commercial uses within the IG-MP (General Industrial with Master Plan Overlay) District for Gibson Center, a 12.2-acre portion of a 211-acre master plan; and

WHEREAS, Vantichelt North, LLC and Vantichelt South, LLC have made application to amend the zone change for Gibson Center to allow additional commercial uses within the IG-MP District; 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 Lot 1 of Gibson Business Park III, a commercial subdivision, Book 56, page 36 of Plats, located in the Northeast Quarter (NE  $\frac{1}{4}$ ) of Section 15, Township 22 South, Range 62 East, M.D M., City of Henderson, Clark County, Nevada, more particularly described as follows:

COMMENCING at the northeast corner of Section 15, said point being the intersection of Gibson Road and American Pacific Drive;

THENCE along the northerly line of said section, said line also being the centerline of said American Pacific Drive, South 89°26'15" West 463.90 feet,

THENCE departing said line, South 00°33'45" East 50.00 feet to a point on the southerly right-of-way of said American Pacific Drive, said point being the POINT OF BEGINNING;

THENCE along said right-of-way, North 89°26'15" East 347.44 to a point of curvature;

THENCE departing said right-of-way line, southeasterly, along the arc of a curve to the right, concave southwesterly, having a radius of 54.00 feet, through a central angle of 91°20'10", an arc distance of 86.08 feet to a point on the westerly right-of-way of Gibson Road;

THENCE along said right-of-way the following three courses: South 00°46'25" West 375.00 feet;

THENCE South 00°45'14" East 375.13 feet;

THENCE South 00°46'25" West 472.00 feet to a point of curvature;

THENCE departing said right-of-way line, southwesterly, along the arc of a curve to the right, concave northwesterly, having a radius of 25.00 feet, through a central angle of 90°00'00", an arc distance of 39.27 feet to a point on the northerly right-of-way line of Mary Crest Road;

THENCE along said right-of-way line, North 89°13'35" West 378.61 feet;

THENCE departing said right-of-way line, North 00°46'25" East 1,292.99 feet to the POINT OF BEGINNING.

containing 12.2 acres, more or less, to allow additional commercial uses within the IG-MP (General Industrial with Master Plan Overlay) District for Gibson Center (a 12.2-acre portion of a 211-acre master plan)

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. Driveways shall be constructed per Clark County Area Standard Drawing Nos. 226.1 and 226.2 and dedicate any necessary right-of-way
3. 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 all necessary right-of-way.
4. Applicant shall construct full offsites per Public Works' requirements and dedicate all necessary right-of-way.
5. Applicant shall comply with Standard Drawing No. 201.1, which refers to major intersections and dedicate any necessary right-of-way.
6. Applicant shall comply with all conditions of ZCO-01-004561-A3.

#### DEPARTMENT OF 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 Applicant shall participate in the Southwest Henderson Refunding Agreement for sewer & water.
10. Applicant shall grant a municipal utility easement per Department of Utility Services' requirements.

#### FIRE DEPARTMENT 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. Fire Department approval is based upon review of the civil improvement or building drawings, not planning documents.

11. 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.
12. Applicant shall submit fire apparatus access road (fire lane) plans for Fire Department review and approval.
- 13 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
- 14 Projects constructed in phases shall submit a phasing plan describing the fire apparatus access roads and fire hydrant locations relevant to each phase.
15. Applicant shall provide secondary access as approved by Public Works and the Fire Department
16. Applicant shall provide approved primary and secondary roads from the proposed project to existing paved roadways.
17. 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 DEPARTMENT CONDITIONS

18. All aboveground public and private owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
- 19 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.

20. Prior to issuance of a building permit, applicant shall obtain approval of a materials and debris containment plan from the Building Official. Upon issuance of the building permit, the developer shall use and maintain throughout construction of the project a materials and debris enclosure in accordance with the approval plan.
21. 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.
22. 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.
23. 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.
24. Architecture and site layout approved with A-1 amendment applies only to 1.53 acre parcel located at the southwest corner of American Pacific and Gibson and to 4.4 acre parcel located west of the internal driveway. Architecture and site layout for remaining parcels adjacent to Gibson shall require amendment of this planned unit development.
25. Applicant shall comply with all conditions of approval for ZCO-01-004561 and subsequent related approvals.
26. All parking spaces required by Section 19.10.1 of the Development Code must be free, unfettered, and permanently available to all users. They must also be permanently marked and 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.
27. ZCO-01-004561 A5 and A6 approves the following:
  - 1) Animal Services/Pet Grooming - Subject to Sec. 19.5 5.D.2 Standards (CC zoning) and other requirements. (Amended A6)
  - 2) Financial Institutions (A5)
    - a. General (without drive-through)
    - b. Check Cashing and/or deferred deposit (one location only) - subject to approval of a Conditional Use Permit and to distance separation requirements.
  - 3) Food and Beverage (A5)
    - a. General
    - b. Liquor Store - subject to approval of a Conditional Use Permit, and to VTD distance separation requirements.

- 4) Home and Business Service (A5)
- 5) Personal Services (A5)
  - a. General
- 6) Travel Services (A5)
- 7) Vehicle/Equipment Sales & Service. (Amended A6)
  - a. Vehicle Equipment Rentals - Subject to approval of a Conditional Use Permit and Standards.
  - b. Vehicle Sales - Subject to approval of a Conditional Use Permit and Standards.
  - c. Equipment Sales - Subject to approval of a Conditional Use Permit and Standards.
- 8) Catering Service - Subject to Sec 19.5.5 K requirements. (A6)
- 9) Offices (Mixed Medical) - Subject to Sec. 19.5.5.Z.2 Standards (CC zoning) and other requirements. Applicant must demonstrate subject parcel has adequate parking for use. (A6)
- 10) Retail Sales & Service: (A6)
  - a Pharmacy (no drive-through) - Permitted, subject to Sec. 19.5.5 FF 4 requirements.
  - b. Printing Services - Permitted, subject to Sec. 19.5 5.FF 6 requirements
  - c Rental Services - Subject to Sec. 19.5.5.FF 7 Standards (CC zoning) and other requirements.
28. The applicant shall submit to the Community Development 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.
29. Applicant shall verify Code required parking is provided when an approved commercial use is proposed to occupy within Gibson Center. A parking study/analysis may be required.
30. The applicant shall provide an updated use table to include all existing and approved uses within 30 days of final approval. (A6)

#### PARKS AND RECREATION DEPARTMENT CONDITION

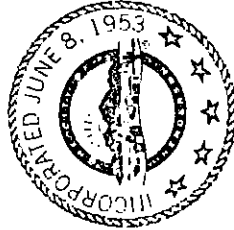
31. Applicant shall provide a trail corridor with a 10-foot concrete trail along Gibson Road. Landscape shall be owner-maintained, installed per the Development Code, and lighting shall be per AASHTO Standards.

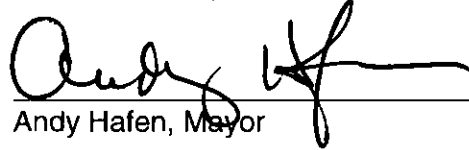
#### WAIVERS

- a. Allow primary office and retail sales regardless of size of building or number of tenants. (A1)
- b. Allow eating and drinking establishments including one drive-through restaurant and one tavern. (A3)



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



  
Andy Hafén, Mayor

ATTEST:

  
Sabrina Mercadante, CMC, City Clerk

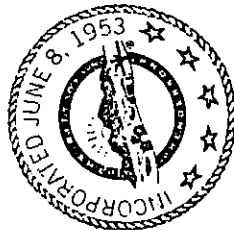
The above and foregoing Ordinance was first proposed and read in title to the City Council on April 3, 2012, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

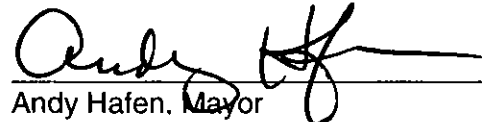
“COUNCIL AS A WHOLE”

Thereafter on April 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 April 17, 2012, the Ordinance was read in title and adopted by the following roll call vote:

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

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



  
Andy Hafén, Mayor

ATTEST:


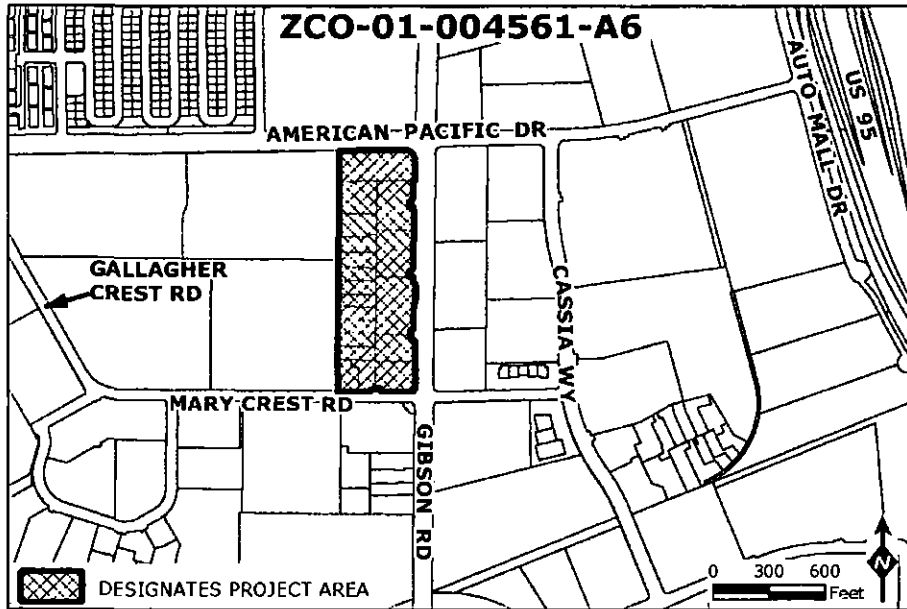
  
Sabrina Mercadante, CMC, City Clerk

EXHIBIT A  
ZCO-01-004561-A6 – Gibson Center



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