

ORDINANCE NO. 3416
(ZCA-17-880172-A5 – Ultra Express Car Wash)

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 36, TOWNSHIP 22 SOUTH, RANGE 61 EAST, M.D. & M., CLARK COUNTY, NEVADA, LOCATED AT THE NORTHWEST CORNER OF EASTERN AVENUE AND PECOS RIDGE PARKWAY, IN THE WESTGATE PLANNING AREA, TO RECONFIGURE THE SITE LAYOUT ON A 1-ACRE PORTION OF A 7.4-ACRE PLANNED UNIT DEVELOPMENT.

WHEREAS, the City Council of the City of Henderson, Nevada, on June 6, 2017, committed to the rezoning of certain real property totaling 1.0 acres, more or less, located in a portion of Section 36, Township 22 South, Range 61 East, located at the northwest corner of Eastern Avenue and Pecos Ridge Parkway to reconfigure the site layout on a 1-acre portion of a 7.4-acre planned unit development; and

WHEREAS, Comhar Holdings Eastern 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 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.
- g. The amendment is consistent with the efficient development and preservation of the entire PUD.

- h. The amendment does not adversely affect either the enjoyment of land abutting upon or across a street from the PUD or the public interest.
- i. The amendment is not granted solely to confer a private benefit upon any person; and

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:

A TRACT OF LAND BEING A PORTION OF LOT I OF THAT CERTAIN FINAL MAP ENTITLED "NWC EASTERN & PECOS RIDGE, A COMMERCIAL SUBDIVISION", RECORDED DECEMBER 11, 2008 IN BOOK 141, PAGE 32 OF PLATS, OFFICIAL RECORDS, CLARK COUNTY, NEVADA, SITUATED IN THE SOUTHEAST QUARTER (SE 1/4) OF SECTION 36, TOWNSHIP 22 SOUTH, RANGE 61 EAST, M.D.M., CITY OF HENDERSON, CLARK COUNTY, NEVADA.

COMMENCING AT THE NORTHEAST CORNER OF SAID LOT I;

THENCE ALONG THE NORTH LINE THEREOF, NORTH 89°53'14" WEST, 269.21 FEET;

THENCE LEAVING SAID NORTH LINE, SOUTH 00°00'31" EAST, 132.73 FEET TO THE POINT OF BEGINNING OF THE HEREIN DESCRIBED TRACT;

THENCE NORTH 89°59'29" EAST, 248.44 FEET;

THENCE SOUTH 89°40'25" EAST, 9.94 FEET;

THENCE SOUTH 00°19'35" WEST, 23.00 FEET TO THE BEGINNING OF A 10.00-FOOT RADIUS NON-TANGENT CURVE, CONCAVE TO THE SOUTHWEST, TO WHICH A RADIAL LINE BEARS NORTH 00°01'03" WEST;

THENCE SOUTHEASTERLY ALONG SAID 10.00-FOOT RADIUS NON-TANGENT CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 90°20'38" (THE LONG CHORD OF WHICH BEARS SOUTH 44°50'44" EAST, 14.18 FEET) FOR AN ARC LENGTH OF 15.77 FEET;

THENCE SOUTH 00°19'35" WEST, 83.51 FEET TO THE BEGINNING OF A 54.00-FOOT RADIUS CURVE, CONCAVE TO THE NORTHWEST;

THENCE SOUTHWESTERLY ALONG SAID 54.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°57'49" (THE LONG CHORD OF WHICH BEARS SOUTH 45°18'29" WEST, 76.34 FEET) FOR AN ARC LENGTH OF 84.79 FEET;

THENCE NORTH 89°42'36" WEST, 16.78 FEET TO THE BEGINNING OF A 70.00-FOOT RADIUS CURVE, CONCAVE TO THE NORTH;

THENCE WESTERLY ALONG SAID 70.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 21°02'22" (THE LONG CHORD OF WHICH BEARS NORTH 79°11'25" WEST, 25.56 FEET) FOR AN ARC LENGTH OF 25.70 FEET TO THE BEGINNING OF AN 80.00-FOOT RADIUS REVERSE CURVE, CONCAVE TO THE SOUTH, TO WHICH A RADIAL LINE BEARS NORTH 21°19'46" EAST;

THENCE WESTERLY ALONG SAID 80.00-FOOT RADIUS CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 21°02'22" (THE LONG CHORD OF WHICH BEARS NORTH 79°11 '25" WEST, 29.21 FEET) FOR AN ARC LENGTH OF 29.38 FEET;

THENCE NORTH 89°42'36" WEST, 100.00 TO THE BEGINNING OF A 20.00-FOOT RADIUS CURVE, CONCAVE TO THE NORTHEAST;

THENCE NORTHWESTERLY ALONG SAID 20.00-FOOT RADIUS CURVE TO THE RIGHT THROUGH A CENTRAL ANGLE OF 89°01'33" (THE LONG CHORD OF WHICH BEARS NORTH 45°11'49" WEST, 28.04 FEET) FOR AN ARC LENGTH OF 31.08 FEET;

THENCE NORTH 89°42'36" WEST, 23.00 FEET;

THENCE NORTH 00°00'31" WEST, 139.53 FEET TO THE POINT OF BEGINNING.

(BEING FURTHER DESCRIBED AS LOT 1-2 AS SHOWN ON THAT CERTAIN RECORD OF SURVEY IN FILE 194 OF SURVEYS, PAGE 97, IN THE OFFICE OF THE COUNTY RECORDER OF CLARK COUNTY, NEVADA, AND RECORDED MARCH 24, 2015 IN BOOK 20150324 AS DOCUMENT NO. 00407, OFFICIAL RECORDS.)

Containing 1.0 acre, more or less, to reconfigure the site layout.

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

PUBLIC WORKS 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, nor does it infer approval for final lot configuration, geometry, or roadway layout.
Applicant shall submit new Civil Improvement Plans per Public Works, Parks and Recreation's requirements (PW/ND).
3. Applicant shall revise Civil Improvement Plans per Public Works, Parks and Recreation's requirements.
4. Applicant shall provide copies of cross-access agreements, permission to grade and/or construct on adjacent properties, and/or maintenance agreements.
5. Applicant shall submit a traffic impact 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. Applicant shall comply with conditions of the traffic study.

COMMUNITY DEVELOPMENT PLANNING SERVICES CONDITIONS

6. The applicant shall submit to the Community Development and Services 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.
7. All aboveground public and private-owned utility equipment shall be screened by a cabinet, landscaping or decorative wall.
8. 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.
9. 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 approved plan.
 10. 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.
 11. 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.
 12. 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.
 13. Applicant shall comply with all conditions of approval for ZCA-07-660032.
 14. This approval does not endorse signage shown with this application. Signage shall be reviewed and approved separately.
 15. Applicant shall provide the Community Development and Services Department with a construction staging plan as part of the civil improvement/grading plans for approval prior to issuance of a grading and/or blasting permit. All staging shall be contained within project property boundaries. Any construction-related activities proposed outside of the project boundaries will require approval of the affected property owner.
 16. Unless these conditions of approval expressly state otherwise, future uses, buildings, and revisions to the site plan may be processed and approved administratively through separate design review application(s). (A5)
 17. If the day care operator or ownership changes and the new user desires to allow drop offs/picks ups for the day care, an amendment to the zone change shall be required to review the location and circulation of the drop off/pick up area.

WAIVERS

- a. An onsite area for day care drop-offs and pick-ups is not required for the day care building. (A1)

- b. Allow minimum CC zoning district size of 7.4 acres (gross). (A2)
- c. Reduce the required number of off-street loading spaces to zero. (A5)
- d. Reduce the number of required parking lot landscape diamonds to zero. (A5)

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 June 23, 2017, in the Review Journal.

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PASSED, ADOPTED, AND APPROVED THIS 20TH DAY OF JUNE, 2017.

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 June 6, 2017, which was a Regular Meeting, and referred to a Committee of the following Councilmen:

“COUNCIL AS A WHOLE”

Thereafter on June 20, 2017, 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 June 20, 2017, the Ordinance was read in title and adopted by the following roll call vote:

Those voting aye:	Debra March, Mayor
	Councilmembers:
	John F. Marz
	Gerri Schroder
	Dan 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
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