



City of Las Vegas

Agenda Item No.: 105.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
CITY COUNCIL MEETING OF NOVEMBER 19, 2008**

DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER

Consent Discussion

SUBJECT:
MSH-2942 - MASTER PLAN OF STREETS AND HIGHWAYS - PUBLIC HEARING -
APPLICANT/OWNER: CITY OF LAS VEGAS - Request to amend the Master Plan of Streets
and Highways TO WIDEN LAS VEGAS BOULEVARD BETWEEN 4TH STREET AND
SAHARA AVENUE FROM A 100-FOOT RIGHT-OF-WAY TO A 120-FOOT RIGHT-OF-
WAY, Ward 3 (See the Planning Commission (5-0-2 vote) and staff recommend
APPROVAL

PROTESTS RECEIVED BEFORE:

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.
City Council Meeting

Planning Commission Mtg.
City Council Meeting

RECOMMENDATION:

The Planning Commission (5-0-2 vote) and staff recommend APPROVAL, subject to conditions.

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Conditions and Staff Report
3. Supporting Documentation
4. Justification Letter
5. Support Postcards
6. Submitted after Final Agenda - Protest/Support Postcards
7. Submitted after Meeting - Protest/Support Postcards
8. Backup Referenced from the 10-23-2008 Planning Commission Meeting Item 48

Motion made by GARY REESE to Hold in abeyance to 1/21/2009

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
RICKI Y. BARLOW, LOIS TARKANIAN, LARRY BROWN, OSCAR B. GOODMAN,
GARY REESE, STEVE WOLFSON, STEVEN D. ROSS; (Against-None); (Abstain-None);
(Did Not Vote-None); (Excused-None)

Minutes:
MAYOR GOODMAN declared the Public Hearing open.

CHERI EDELMAN, Acting City Engineer and Deputy Director of Public Works, introduced consultant ROGER PATTON, Sr. Vice President of Louis Berger, who has been involved with the project.

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MAYOR GOODMAN emphasized that this item does not approve any particular project, nor is it an item to decide whether or not the City will be asking landowners to sell their property or any intent to condemn property.

MR. PATTON stated that the amendment would allow for the widening of Las Vegas Boulevard between Sahara Avenue and 4th Street. The additional right-of-way is needed in order to be consistent with the Regional Transportation Commission's (RTC) plans for dedicated transit lanes for the proposed bus rapid transit route on Las Vegas Boulevard between the Downtown and South Strip terminal. The County has approved a 200-foot wide corridor for Las Vegas Boulevard, south of Sahara Avenue, allowing an eight-lane roadway. Public meetings were held by the RTC in the County and in the City, and those who attended support the project.

MR. PATTON indicated for COUNCILMAN BARLOW should someone propose a redevelopment project, the amendment would allow the City to obtain an additional lane in conjunction with that development. COUNCILMAN BROWN expressed concern about mandating the dedication of additional rights-of-way. MR. PATTON clarified that this amendment only encompasses the area from Sahara Avenue to 4th Street; anything north of 4th Street and Las Vegas Boulevard would not be affected.

MS. EDELMAN stressed that this is only a proposed plan for the future and no funding has been set aside. To reply to COUNCILMAN BROWN as to whether this is legally binding, MR. PATTON stated new developments have to be measured 100 feet from the centerline instead of 50 feet for setback. COUNCILMAN BROWN questioned how this might affect efforts for the couplets. MS. EDELMAN expressed that other measures can be taken to mitigate traffic. This is only a plan in order to accept the proposed lanes in the County, south of Sahara Avenue to the end of Strip. MR. PATTON added that many of the new developments along the Strip already have been setback further in order to provide a wider road.

MAYOR GOODMAN pointed out that master plans usually do not come up on a title search, unless a developer does its due diligence. MARGO WHEELER, Director of Planning and Development, added that the right-of-way will not be shown, but it could be found within the GIS system, along with information contained within the Downtown North Overlay District.

COUNCILMAN REESE felt strongly that new buyers of properties with 100 feet of frontage along Las Vegas Boulevard should be made aware at the time of purchase that an extra 10 feet of right-of-way must be dedicated. DEPUTY CITY ATTORNEY JIM LEWIS stated that this will be a part of the adopted Master Plan of Streets and Highways (MSH). Engineers coming forward with a new development will see the new right-of-way requirement.

ATTORNEY CHRIS KAEMPFER, Kummer Kaempfer Bonner Renshaw and Ferrario, appeared with TERRY MURPHY, representing the Stratosphere. ATTORNEY KAEMPFER stated that in order for this information to be picked up during a title search, it would have to be recorded. As an attorney well versed in planning law, he knows what to research. He showed an aerial map of the area around the Stratosphere and stated the new owner looks forward to making this

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area of Las Vegas Boulevard wider, with the understanding that a 10 feet right-of-way dedication was not required. The only time the dedication will be required is if the owner redevelops the site and if buildings have to be relocated as a result of that redevelopment.

DEPUTY CITY ATTORNEY LEWIS agreed, noting that there are certain entitlement applications where the City might normally ask for dedication requirements regarding the adopted MSH. A large-scale redevelopment project would trigger additional dedication requirements. Raising a garage, interior work or adding a liquor use would not trigger the dedication. ATTORNEY KAENPFER agreed, as long as the dedication requirement would not force the Stratosphere owner to remove a building.

COUNCILMAN WOLFSON verified with staff that if the City decides to expand the road but the Stratosphere is not ready to remove a building, the Stratosphere cannot be forced to dedicate the right-of-way.

COUNCILMAN REESE recalled a situation where staff asked for a dedication on Charleston Boulevard between Main Street and Maryland Parkway. An application came in on a vacant parcel and the property owner also owned the adjacent parcel. He wanted to expand where the other building was set and he was willing to move it out, but staff would not let him. The applicant lost his funding and a huge project was lost in this Arts District. BART ANDERSON, Public Works, replied that the difference was that it was not simply a master plan widening, but it affected existing right-of-way. The MSH required the relocating of the building northward to encroach into the street behind the property. The City would have arranged to vacate portions of that street to accommodate in expansion, but Charleston Boulevard could not be vacated.

CHRIS STEVENS, Brownstein Hyatt Farber Schreck, representing St. Louis Square, 1901 South Las Vegas Boulevard, echoed what was discussed regarding the trigger for dedication of right-of-way, but asked for more specificity as to the definition of a major project. In the event his client would want to sell to a future purchaser, his concern is that there is no specific plan or timeframe. He asked that the vote be delayed to give him time to meet with staff to address his concerns as he does not understand the full ramifications.

DEPUTY CITY ATTORNEY LEWIS read the language with regard to the general rules of MSH. He stated he would be happy to meet with those who still have concerns. MAYOR GOODMAN stated he still has concerns prefer a more definite resolution.

STEVEN FINK, Real Estate Consulting Services, representing Sahara Investments, stated that when Allure was built, the developer required to dedicate additional footage for a deceleration lane. He is in favor of the Master Plan, but felt that it is important for the City to plan for the long-term and allow flexibility.

MS. EDELMAN added that in the County, the full street improvements have not been done but it has used one extra right-of-way for deceleration lanes. Staff is trying to plan for the future because large lots are starting to get consolidated. The Mayor acknowledged staffs efforts, but

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felt that people need more definitive rules when purchasing property.

MAYOR GOODMAN declared the Public Hearing closed.

