



City of Las Vegas

Agenda Item No.: 23.

**AGENDA SUMMARY PAGE - PLANNING
PLANNING COMMISSION MEETING OF: NOVEMBER 13, 2018**

**DEPARTMENT: PLANNING
DIRECTOR: ROBERT SUMMERFIELD**

☐ Consent ☒ Discussion

SUBJECT: CON-7354 - REZONING - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Possible action on a request for a Rezoning FROM: C-1 (LIMITED COMMERCIAL), M (INDUSTRIAL), PD (PLANNED DEVELOPMENT), R-5 (APARTMENT SUBDIVISION), R-PD-9 (RESIDENTIAL PLANNED DEVELOPMENT - 19 UNITS PER ACRE) TO: T-4 (CORRIDOR), T5-C (T5 CORRIDOR), T5-MS (T5 MAIN STREET), T5-M (T5 MAKER), T5-NS (T5 NEIGHBORHOOD), T6-UG (T6 URBAN GENERAL) AND T6-UG-L (T6 URBAN GENERAL LIMITED) on approximately 307.00 acres in the Las Vegas Medical District generally located south of U.S. Highway 95, west of Interstate 15, north of Charleston Boulevard, and east of Rancho Drive (APNs Multiple), Wards 1 and 5 (Tarkanian and Crear) [PRJ-74798]. Staff recommends APPROVAL.

C.C.: 12/19/2018

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

4

City Council Meeting

0

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

2

City Council Meeting

0

RECOMMENDATION:

Staff recommends APPROVAL

BACKUP DOCUMENTATION:

1. Location and Aerial Maps
2. Staff Report
3. Supporting Documentation
4. Exhibit A
5. Justification Letter
6. Submitted after Final Agenda - Protest/Support Postcards and Protest Documentation Not Vetted - Comment Form (1)

Motion made by LOUIS DE SALVIO to Hold in abeyance to 12/11/2018

Passed For: 6; Against: 1; Abstain: 0; Did Not Vote: 0; Excused: 0

CHRISTINA ROUSH, DONNA TOUSSAINT, SAM CHERRY, VICKI QUINN, LOUIS DE SALVIO, BRENDA J. WILLIAMS; (Against-TRINITY HAVEN SCHLOTTMAN); (Abstain-None); (Did Not Vote-None); (Excused-None)

NOTE: COMMISSIONER ROUSH disclosed she owns property in the Medical District but would not know if this item affects the value of that property until the Commission is further

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briefed and could not, therefore, make a determination whether it was appropriate to vote if the item was not held.

Minutes:

CHAIR CHERRY declared the Public Hearing open.

MICHAEL HOWE, Planning Section Manager, summarized this is the final step of a three-step process to introduce the form-based code for the Medical District pilot plan area. From this stage, the proposed rezoning will move forward to the City Council on December 19, 2018, and if approved, the form-based code will be in place.

JUSTIN MICHAELS suggested holding this item because the City is taking property on the north and south side of Charleston Boulevard which is directly impacted by the City moving forward with the form-based code. Rather than potentially harm or inflate peoples property values during the taking, which is occurring from Rancho Drive to Interstate 15, he thought it would be prudent for the City to wait until that process is over.

COMMISSIONER SCHLOTTMAN understood MR. MICHAELS argument, but pointed out the City Council voted to approve this area and that was not what is being considered at this meeting. He stated this is simply a clean-up item related to zoning, and he would be supporting it.

MR. HOWE clarified for COMMISSIONER DE SALVIO this request would move the zoning from a portion of Title 19 to the new form-based code chapter, Title 19.09. The Commissioner asked the reason why the City would not wait as suggested and also who the City was taking property from and why they were doing so. MR. HOWE indicated he was not aware of that.

CHAIR CHERRY asked to hear from LUCIEN PAET, Engineering Project Manager. MR. PAET stated the Regional Project Coordination Committee (RPCC) website (<http://gis.rtcnv.com/rpcc/>) shows all of the public projects going on in the area. He referenced one called the Charleston Boulevard Complete Street Martin Luther King Boulevard to Rancho Drive Project. He did not have all of the details, but stated it is a complete street beautification project of the Charleston Boulevard corridor. He explained typically once a project is declared but more right-of-way is needed, the City is authorized to acquire that property either through a mutual buyer/seller agreement or through condemnation in order to complete the project.

COMMISSIONER DE SALVIO compared this to when the residents were bought out to widen U.S. Highway 95 and wondered how any decision made at this meeting would affect those property owners mentioned by MR. MICHAELS. MR. PAET stated any decision would affect it in that the City is taking property, but he did not think the zoning changed the design of Charleston Boulevard assuming the project moves forward with the path that it is on. COMMISSIONER DE SALVIO asked how long the City has known it would be taking property. MR. PAET noted the website indicates the design started in April 2016, but he did not know where in the process the acquisition of property takes place.

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MR. PAET confirmed for CHAIR CHERRY the RPCC website was public and included information regarding regional projects throughout the valley. CHAIR CHERRY asked if Charleston Boulevard was owned by the Nevada Department of Transportation (NDOT) or the City of Las Vegas. MR. PAET indicated it is currently owned and maintained by NDOT, and he was told it will remain as such.

COMMISSIONER DE SALVIO thought maybe they were putting the cart before the horse and stated he would like more information. ASSISTANT CITY ATTORNEY BRYAN SCOTT reminded the Commission they can only abey something for 30 days. COMMISSIONER DE SALVIO asked the item to be abeyed until December 11th, which is within the 30 days. MR. PAET did not think any land/property decisions would be made within 30 days and offered to put COMMISSIONER DE SALVIO in contact with the project manager over the design project in order to obtain more information. COMMISSIONER DE SALVIO was fine with that and reiterated he was concerned with the property being taken.

MR. SCOTT did not know if the form-based code had anything to do with the taking of property and asked MR. HOWE to clarify. MR. HOWE stated it did not. COMMISSIONER ROUSH commented she sat through all of the MR. HOWES presentations, including those presented in the neighborhoods, and she thought the form-based code did have an impact on the taking. Referencing her career in real estate, she stated property values change when the zoning is changed. She did not think this body understood what it was voting on, and she recommended the Commission get briefed on all of the different aspects. Her understanding of the form-based code is that a project is based on whether or not it fits and that there are no longer any use codes. The result of that is it does not matter what goes onto the property as long as it looks like what the City wants it to look like. Because the form-based code would be governing the north side of Charleston Boulevard, it would be very predictable, but the south side could be negatively impacted because it is governed by Title 19 with no certainty surrounding what is happening with those parcels. She thought this request was premature and wondered why staff was not making a presentation as to what the different transects mean.

MR. HOWE explained for CHAIR CHERRY the Las Vegas Medical District language under Item 23 referred to the pilot area. He also confirmed for the Chair the south side of Charleston Boulevard was still considered the Medical District and that there were specific use tables in the form-based code per zoning district. CHAIR CHERRY felt the south side of Charleston Boulevard should be included in the pilot program to provide better flow visually. MR. HOWE further explained how Symphony Park relates to the Medical District, the Medical District Facilities Plan and the Downtown Master Plan.

COMMISSIONER SCHLOTTMAN agreed that the south side of Charleston Boulevard should be included but that is not what was before the Commission to be voted on. He indicated he would support this request because it helps move the Medical District forward.

CHAIR CHERRY asked if Title 19 is less restrictive than what is happening on the north side of Charleston Boulevard. MR. HOWE stated not necessarily; in his opinion, one of the key hurdles

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is that the Medical District that currently exists is seriously out of date, and with Project Neon, a lot of the land zoned high density residential has been lost. The plan that is currently in place will not bring the projects the City wants to see for the Medical District. For the surrounding areas that are part of the expansion associated with the new Downtown Master Plan, staff has a strategy for helping assist and build a larger Medical District.

MR. HOWE explained there is an opportunity to come back and revisit the possibility of including the western and southern portions. CHAIR CHERRY wondered why those areas would not automatically be included if the pilot program works. MR. HOWE explained at this point, it is because there are more projects lined up that can be easily focused on in the core Medical District area. Once these core developments get started, then staff can come back and demonstrate that the plan is working.

CHAIR CHERRY stated he was in a meeting where it sounded as if the south side would be included as well and then all of a sudden it was not. He got the sense that the people who have come out to speak on this issue might not fully understand. He asked if there has been more outreach to the residents on the south side of Charleston Boulevard to explain more of the form-based code or if staff has heard more from them. MR. HOWE stated he has not heard anything more since the land was removed from the pilot plan area.

COMMISSIONER ROUSH made a motion to abey this item for 30 days so the Commission could be properly briefed in order to make an educated decision. Based on her disclosure, ASSISTANT CITY ATTORNEY BRYAN SCOTT advised someone else should make the motion.

CHAIR CHERRY declared the Public Hearing closed.