

6. For possible action: Matters pertaining to a proposed Master Plan Amendment and Zoning Map Amendment for approximately 3.00 acres located at 1500 Buchanan Boulevard:

- A. Public hearing on a proposed Master Plan Amendment and Zoning Map Amendment.

- B. Resolution No. 7843, a resolution of the City Council of Boulder City, Nevada, to amend the Master Plan Future Land Use Map for approximately 3.00 acres located at 1500 Buchanan Boulevard to change the land use designation from LDR, Low Density Residential, to PUB, Public/Quasi-Public (MPA-24-056)

- C. Consideration of Bill No. 2061, an ordinance of the City of Boulder City, Nevada, to amend the Zoning Map for approximately 3.00 acres located at 1500 Buchanan Boulevard to change the zoning district from R-3, Multiple Family Residential to GM, Government Municipal (AM-24-378)



BOULDER CITY
CITY COUNCIL

MAYOR
JOE HARDY

COUNCIL MEMBERS:
COKIE BOOTH
MATT FOX
SHERRI JORGENSEN
STEVE WALTON



MEETING LOCATION:
CITY COUNCIL CHAMBER
401 CALIFORNIA AVENUE
BOULDER CITY, NV 89005

MAILING ADDRESS:
401 CALIFORNIA AVENUE
BOULDER CITY, NV 89005

WEBPAGE:
WWW.BCNV.ORG



ACTING CITY MANAGER:
MICHAEL MAYS, AICP

CITY ATTORNEY:
BRITTANY LEE WALKER, ESQ

CITY CLERK:
TAMI MCKAY, MMC, CPO

COMMUNITY DEVELOPMENT DIRECTOR:
MICHAEL MAYS, AICP

PUBLIC WORKS DIRECTOR:
GARY POINDEXTER

UTILITIES DIRECTOR:
JOSEPH STUBITZ, PE

POLICE CHIEF:
TIM SHEA

ACTING FIRE CHIEF:
GREG CHESSER, CFO

FINANCE DIRECTOR:
CYNTHIA SNEED, CPA, CGFM

PARKS & RECREATION DIRECTOR:
JULIE CALLOWAY, CPRP

City Council Meeting

August 27, 2024

Item No. 6

Staff Report

TO: Michael Mays, Acting City Manager

FROM: Nakeisha Lyon, City Planner

DATE: August 27, 2024

SUBJECT:

For possible action: Matters pertaining to a proposed Master Plan Amendment and Zoning Map Amendment for approximately 3.00 acres located at 1500 Buchanan Boulevard:

A. Public hearing on a proposed Master Plan Amendment and Zoning Map Amendment.

B. Resolution No. 7843, a resolution of the City Council of Boulder City, Nevada, amending the Master Plan Future Land Use Map to change the land use designation for approximately 3.00 acres located at 1500 Buchanan Boulevard from LDR, Low Density Residential, to PUB, Public/Quasi-Public (MPA-24-056)

C. Consideration of Bill No. 2061, an ordinance of the City of Boulder City, Nevada, to amend the Zoning Map to change the zoning for approximately 3.00 acres located at 1500 Buchanan Boulevard from R-3, Multiple Family Residential to GM, Government Municipal (AM-24-378)

Business Impact Statement:

As per NRS 237.060.2(c), the requirements for a business impact statement do not apply to master plan and zoning matters (NRS Chapter 278).

Action Requested:

That the City Council conduct the required public hearing and consider adoption of the following, for the subject property as described above:

- **For Master Plan Future Land Use Map Amendment**

- Resolution (Attachment 1)
- Exhibit Map (Attachment 2)
- **For Zoning Map Amendment**
 - Bill (Attachment 4)
 - Exhibit Map (Attachment 5)

Overview:

- The property owner has requested the review and adoption of the amendments for the appropriate future land use and zoning for the existing educational facility located on the subject property.
- On June 12, 2024, the Planning Commission recommended approval.

Background Information:

Applicant(s): Dr. Kumud Acharya, University Board of Regents of the Nevada System of Higher Education, and Peter Ross, Desert Research Institute (DRI)

Property Owner(s): The University Board of Regents of the Nevada System of Higher Education

Assessor's Parcel No(s): 186-17-501-001

Overlay Districts: The subject properties are not within any overlay districts.

Master Plan Future Land Use Map Designation	Current:	LDR, Low Density Residential
	Proposed:	PUB, Public/Quasi-Public
Zoning Map Districts	Current:	R-3, Multiple Family Residential
	Proposed:	GM, Government Municipal

Description of Request: The DRI has submitted these applications requesting to amend the master plan and zoning designations to correct the non-conformity of these designations with the historic and existing use of the subject property. The property occupied by DRI was transferred to the Board of Regents of the Nevada System of Higher Education (formerly known as the University of Nevada System) by the City of Boulder City in 1978 to be used as a governmental facility which conducts scientific research for educational purposes in accordance with their deed restrictions. The DRI constructed their facility and research laboratory on the site and has used, and continues to use the property to conduct basic and applied research in hydrology, energy, atmospheric physics, plant science and related fields of study.

There is an approximately 0.65 acre parcel located adjacent to the subject property along its western boundary in which City staff is recommending to be sold to the Board of Regents of the Nevada System of Higher Education for underground research done by the DRI. This parcel is also under consideration for a Master Plan Future Land Use Map Amendment from LDR, Low Density Residential, to PUB, Public/Quasi-Public, and a

Zoning Map Amendment from R1-10, Single Family Residential to GM, Government Municipal, concurrent with these applications.

With the processing of this land ownership transfer, the applicant and City Staff find it appropriate to change the master plan and zoning designations to ensure conformance with the goals and objectives of the 2003 Boulder City Master Plan and Title 11, Boulder City Zoning Ordinance.

Master Plan Amendment:

As government and education uses are not consistent with the intent, land use policies and criteria of the current future land use designation applicable to the subject property, the DRI is requesting to change this designation to address this non-conformity and support the existing use of the property as an educational and research facility.

Chapter 278 of the Nevada Revised Statutes (NRS) provides the applicable standards and procedures for amendments to a master plan. Per NRS 278.210.2, a neighborhood meeting is required to be held by the applicant prior to a public hearing to amend the master plan. The intent of the neighborhood meeting is to provide an explanation of the proposed amendment to the public. The City is the applicant for the adjacent property also under consideration for a Master Plan Future Land Use Map Amendment from LDR, Low Density Residential, to PUB, Public/Quasi-Public concurrent with this application. Due to this concurrence, Staff has deemed it appropriate to conduct the neighborhood meeting on behalf of the applicant. To meet the requirements of State law, the neighborhood meeting was held on June 12, 2024 prior to the public hearing on the Master Plan Amendment and Zoning Map Amendment. No public comments were provided on this item during the neighborhood meeting.

Planning Commission adoption: Per NRS 278.210.3, the Planning Commission and City Council must adopt the amendment to the Master Plan. On June 12, 2024, the Planning Commission adopted and recommended approval of the Master Plan Amendment to the City Council, with the 7 members present voting unanimously in favor. In accordance with NRS 278.220.2, the Planning Commission found that the amendment to the master plan conserves and promote public health, safety and general welfare. Once the Planning Commission adopts the Master Plan Amendment, the City Council cannot adopt any further changes unless it first resubmits the changes to the Planning Commission for a report per NRS 278.220.4.

Master Plan Amendment Findings: In accordance with NRS 278.220.2, the City Council must find the amendment to the master plan to conserve and promote public health, safety and general welfare.

Zoning Map Amendment

As the uses of “general governmental functions” and “schools” are not permitted in the current zoning designation applicable to the subject property, the DRI is requesting to

change this designation to support the existing use of the property as an educational and research facility.

Chapter 33 of the Boulder City Zoning Ordinance, Title 11 Requirements provides the applicable standards and procedures for zoning map and text amendments.

Per 11-33-5, if the Planning Commission decides to recommend an amendment to the zoning map, this must be made by resolution (Attachment 3).

The recommended amendment must be submitted to the City Council accompanied by a report of finding, summary of hearings, and recommendations of this Commission as denoted in 11-33-6.

As denoted in 11-33-9, in order to amend this Title, the following findings must be made by the City Council:

A. That the proposed amendment is in general conformance with the adopted Comprehensive Plan for the City.

As a component of this application, a Master Plan Future Land Use Map Amendment has been submitted as denoted above and required to address general conformance with the adopted Comprehensive Plan.

B. That the proposed amendment promotes the health, safety, morals or the general welfare of the City.

In determining the above stated, the deliberating body shall, but is not limited to, considering the following factors:

Present land use: The subject property is currently occupied by the DRI and functions as an educational and research facility.

Present zoning in adjacent areas: The subject property is surrounded by and located within city limits. The adjacent areas to the west and east are zoned R1-10, Single-Family Residential. The adjacent property to the west is owned by the City and will be transferred to the DRI. This property is under consideration for a Zoning Map Amendment from R1-10, Single Family Residential to GM, Government Municipal. The adjacent property to the east is public right of way for Buchanan Boulevard and the Boulder City Municipal Golf Course. The adjacent areas to the north and south are ME, Mobile Home Park, and R1-7, Single-Family Residential.

Impact on utilities: No impacts are anticipated.

Noise: No impacts are anticipated.

Drainage: Please see the required drainage report from the City Engineer (Attachment 5).

Character of existing neighborhoods: No impact on the existing neighborhood character as the use is not changing. The proposed zoning is consistent with the surrounding area.

Planning Commission Action: On June 12, 2024, the Planning Commission recommended approval of the request, with the 7 members present voting unanimously in favor. Please see minutes (Attachment 7).

Public Notice Requirements

- Notice was mailed to all property owners within 750' of the subject property, with a minimum of 30 owners to be notified on May 30, 2024. This is applicable to the zoning map amendment, and the neighborhood meeting for the master plan amendment.
- Notice was posted on the subject property on May 30, 2024. This is applicable to the zoning map amendment.
- Notice was published in the Las Vegas Review Journal (LVRJ) on June 1, 2024 for the Planning Commission meeting, and August 15, 2024 for the City Council meeting. This is applicable to both amendments.
- Signs and notices referenced dates for both public hearings unless otherwise stated (Planning Commission and City Council).

Financial:

No fiscal impact on the City.

Boulder City Strategic Plan Goal:

Goal C, Manage Growth and Development

Department Recommendation: The Community Development Department staff respectfully requests that the City Council **conduct the required public hearing and consider adoption of Resolution No. 7843 and Bill No. 2061** regarding the proposed Master Plan and Zoning Map Amendments, based on the findings as noted within the resolution and bill.

Attachment:

For Master Plan Future Land Use Map Amendment

1. Resolution
2. Exhibit Map
3. Clerk Attest Form

For Zoning Map Amendment

4. Resolution
5. Bill
6. Exhibit Map
7. Drainage report

For Both

8. Planning Commission minutes excerpt, 06.12.2024

RESOLUTION NO. 7843

RESOLUTION OF THE CITY COUNCIL OF BOULDER CITY, NEVADA, AMENDING THE MASTER PLAN FUTURE LAND USE MAP TO CHANGE THE LAND USE DESIGNATION FOR APPROXIMATELY 3.00 ACRES LOCATED AT 1500 BUCHANAN BOULEVARD FROM LDR, LOW DENSITY RESIDENTIAL, TO PUB, PUBLIC/QUASI-PUBLIC (MPA-24-056)

WHEREAS, on December 9, 2003 the City Council of Boulder City adopted Resolution No. 4234 adopting the 2003 Master Plan for the community pursuant to NRS 278.220; and

WHEREAS, the Desert Research Institute on behalf of the Board of Regents of the Nevada System of Higher Education has initiated an application to amend the Master Plan Future Land Use Map for approximately 3.00 acres located at 1500 Buchanan Boulevard to change the land use designation from LDR, Low Density Residential, to PUB, Public/Quasi-Public; and

WHEREAS, on June 12, 2024, the City on behalf of the Desert Research Institute, conducted the required neighborhood meeting on the proposed amendment as per NRS 278.210.2; and

WHEREAS, on June 12, 2024, the Boulder City Planning Commission conducted the required public hearing in accordance with the provisions of NRS 278.210 and approved Resolution No. 1257, by the statutorily required two-thirds majority of the Commission, adopting and recommending adoption of the proposed amendment; and an attested copy of this amendment has been certified to the City Council; and

WHEREAS, the recommendation by the Planning Commission includes the report relative to NRS 278.220.4 and Attorney General Opinion 79-14, consisting of the information contained in the staff report and attachments to that report, and the Planning Commission minutes.

NOW, THEREFORE, BE IT RESOLVED that the Boulder City Council, having conducted the public hearing required by NRS 278.220.3, does hereby adopt the same following amendment to the Master Plan Future Land Use Map, based on the finding that the amendment will conserve and promote the public health, safety and general welfare:

1. That the land use designation for approximately 3.00 acres located at 1500 Buchanan Boulevard should be changed from LDR, Low Density Residential, to PUB, Public/Quasi-Public per attached **Master Plan Future Land Use Exhibit Map File MPA-24-056**. For map consistency, land use designations extend to centerlines of abutting rights-of-way as applicable.

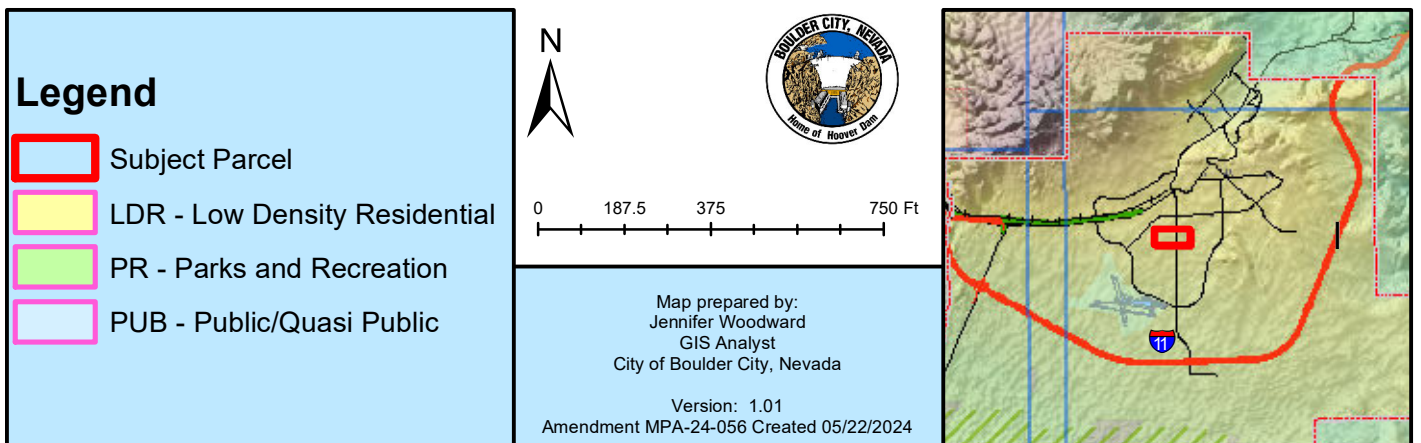
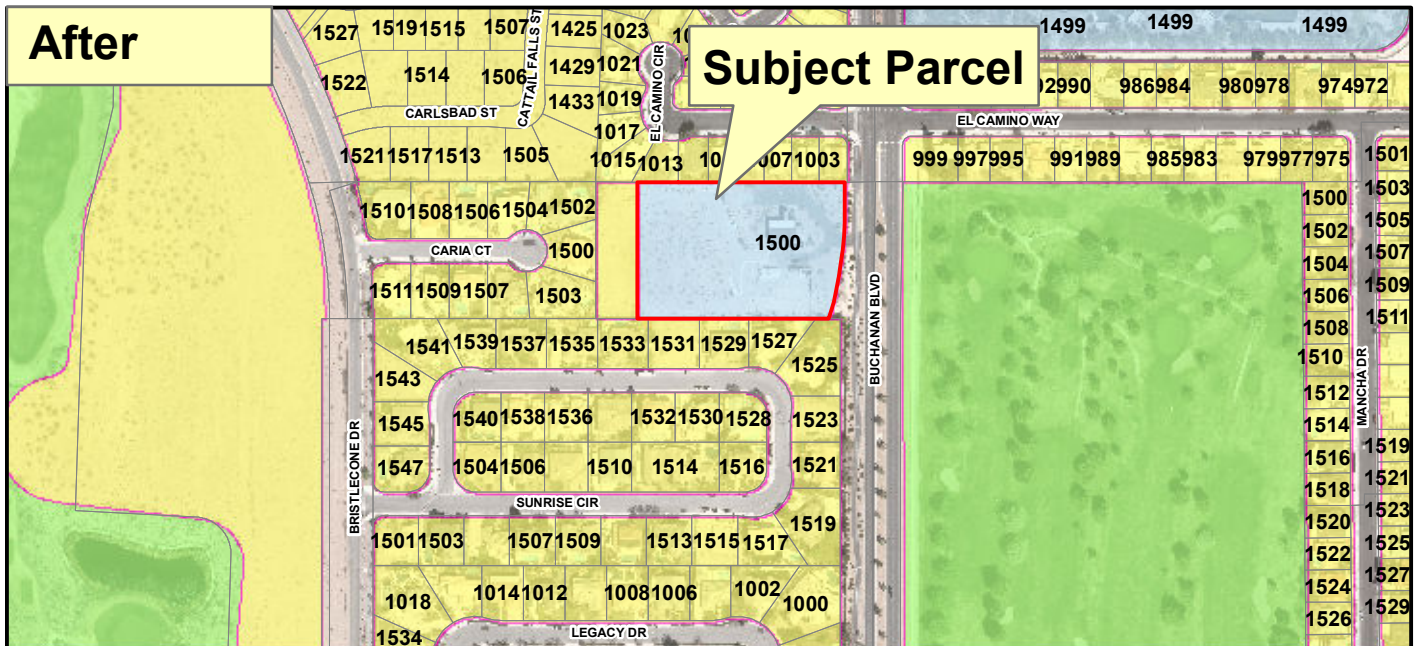
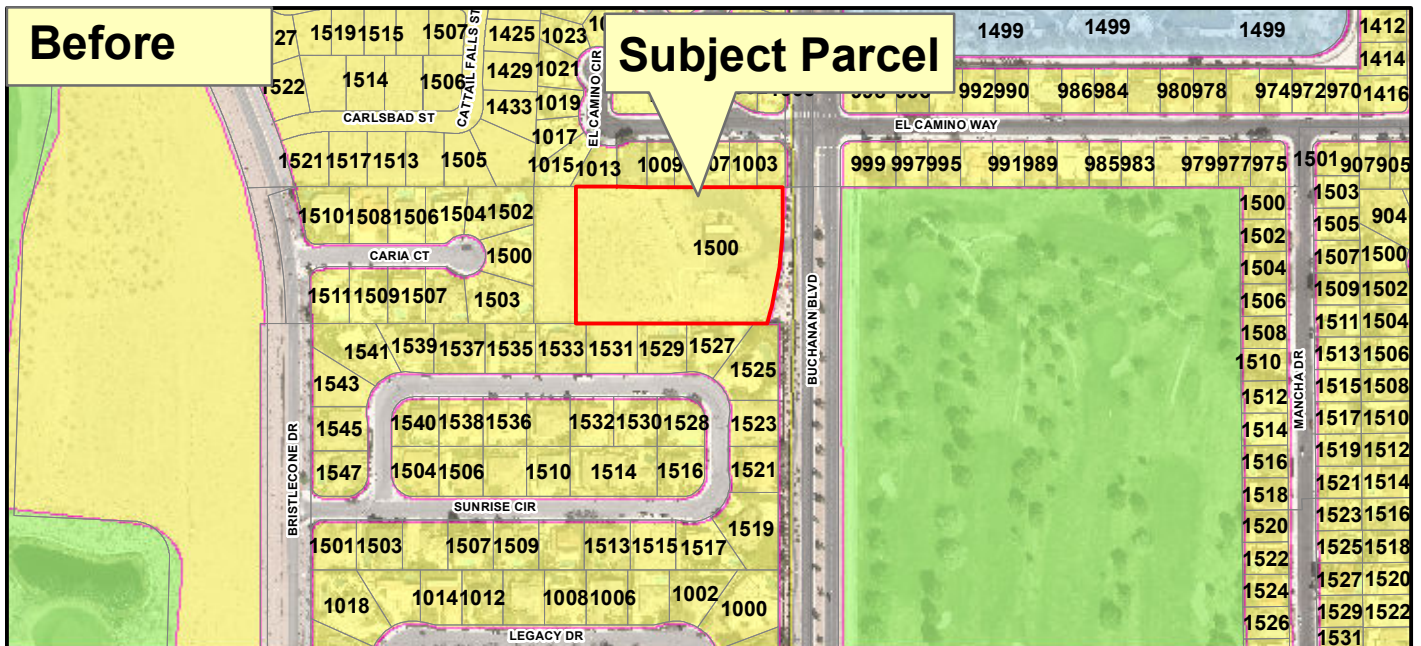
DATED and **APPROVED** this 27th day of August, 2024.

Joe Hardy, Mayor

ATTEST: Tami McKay, City Clerk

Master Plan Future Land Use Exhibit Map

MPA-24-056





ATTESTED COPY OF MASTER PLAN AMENDMENT MPA-24-056

NRS 278.210.7: An attested copy of any part, amendment, extension of or addition to the master plan adopted by the planning commission of any city, county or region in accordance with NRS 278.170 must be certified to the governing body of the city, county or region. The governing body of the city, county or region may authorize such certification by electronic means.

I attest and certify that the following Master Plan Amendment (MPA-24-056) was discussed, adopted and recommended for approval by the Boulder City Planning Commission by adoption of PC Resolution No. 1257 - Adoption & Recommendation after a public hearing at its meeting on June 12, 2024:

"NOW, THEREFORE, BE IT RESOLVED that the Boulder City Planning Commission does hereby forward this report and adopt and recommend the following amendment to the Master Plan Future Land Use Map, by the statutorily required two-thirds majority of the Commission, based on the finding that it will conserve and promote the public health, safety and general welfare:

1. That the land use designation for approximately 3.00 acres located at 1500 Buchanan Boulevard should be changed from LDR, Low Density Residential, to PUB, Public/Quasi-Public per attached **Master Plan Future Land Use Exhibit Map File MPA-24-056**. For map consistency, land use designations extend to centerlines of abutting rights-of-way as applicable.
2. Relative to NRS 278.220.4 and Attorney General Opinion 79-14, this report includes the information contained in the staff report and attachments to that report, and shall include the Planning Commission minutes.

BE IT FURTHER RESOLVED that the appropriate officers of the City are hereby authorized and directed to certify an attested copy of the amendment to the City Council in accordance with NRS 278.210.6."

ATTEST:



Tami McKay, City Clerk
(SEAL)

ORDINANCE NO. ----

AN ORDINANCE OF THE CITY OF BOULDER CITY, NEVADA, TO AMEND THE ZONING MAP TO CHANGE THE ZONING FOR APPROXIMATELY 3.00 ACRES LOCATED AT 1500 BUCHANAN BOULEVARD FROM R-3, MULTIPLE FAMILY RESIDENTIAL TO GM, GOVERNMENT MUNICIPAL (AM-24-378)

The City Council of Boulder City do ordain:

Section 1. That Boulder City, Nevada ("City") does by this Ordinance hereby amend the Zoning Map to change the zoning designation of 1500 Buchanan Boulevard from R-3, Multiple Family Residential to GM, Government Municipal as shown on the attached map in Exhibit A. The subject property consists of Assessor Parcel No. 186-17-501-001. Zoning designations shall extend to centerlines of abutting rights-of-way as applicable.

Section 2. FINDING. That the City Council finds that the proposed amendment is in general conformance with the adopted Master Plan and promotes the health, safety, morals or general welfare of the City.

Section 3. VALIDITY. Each section and each provision or requirement of any section of this ordinance shall be considered separable and the invalidity of any portion shall not affect the validity or enforceability of any other portion.

Section 4. PUBLICATION. The City Clerk shall cause this Ordinance to be published in summary on XXXXX, the ____ day of _____ 2024, in the *Las Vegas Review-Journal*, a daily newspaper, published in Las Vegas, Nevada.

Section 5. EFFECTIVE. This Ordinance shall become effective, after its approval and publication, on the ____ day of _____ 2024.

APPROVED:

ATTEST:

Joe Hardy, Mayor

Tami McKay, City Clerk

The foregoing Ordinance was first proposed and read by title to the City Council on the 13th day of August, 2024, which was a regular meeting; thereafter, on the 27th day of August, 2024, a public hearing and regular meeting were held and the proposed Ordinance was adopted by the following vote:

VOTING AYE: _____

VOTING NAY: _____

ABSENT: _____

APPROVED:

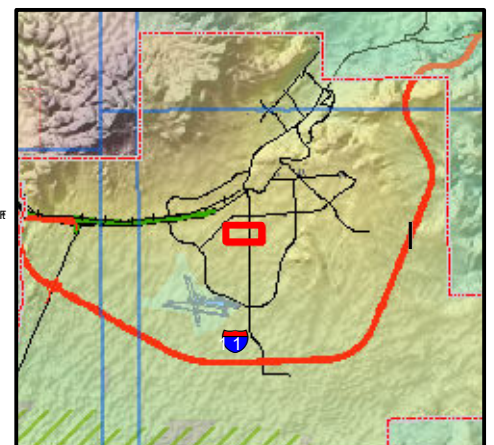
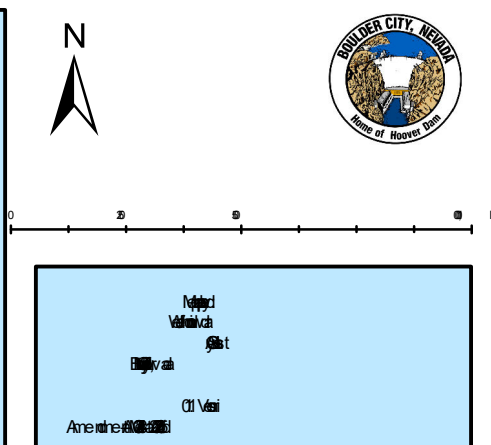
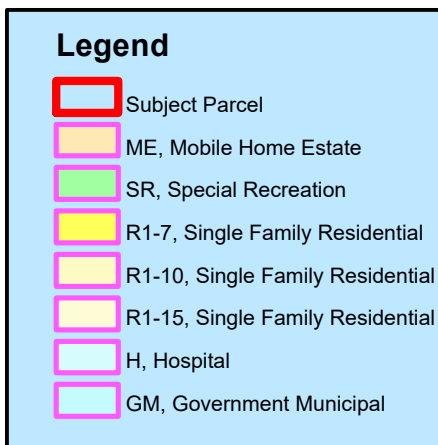
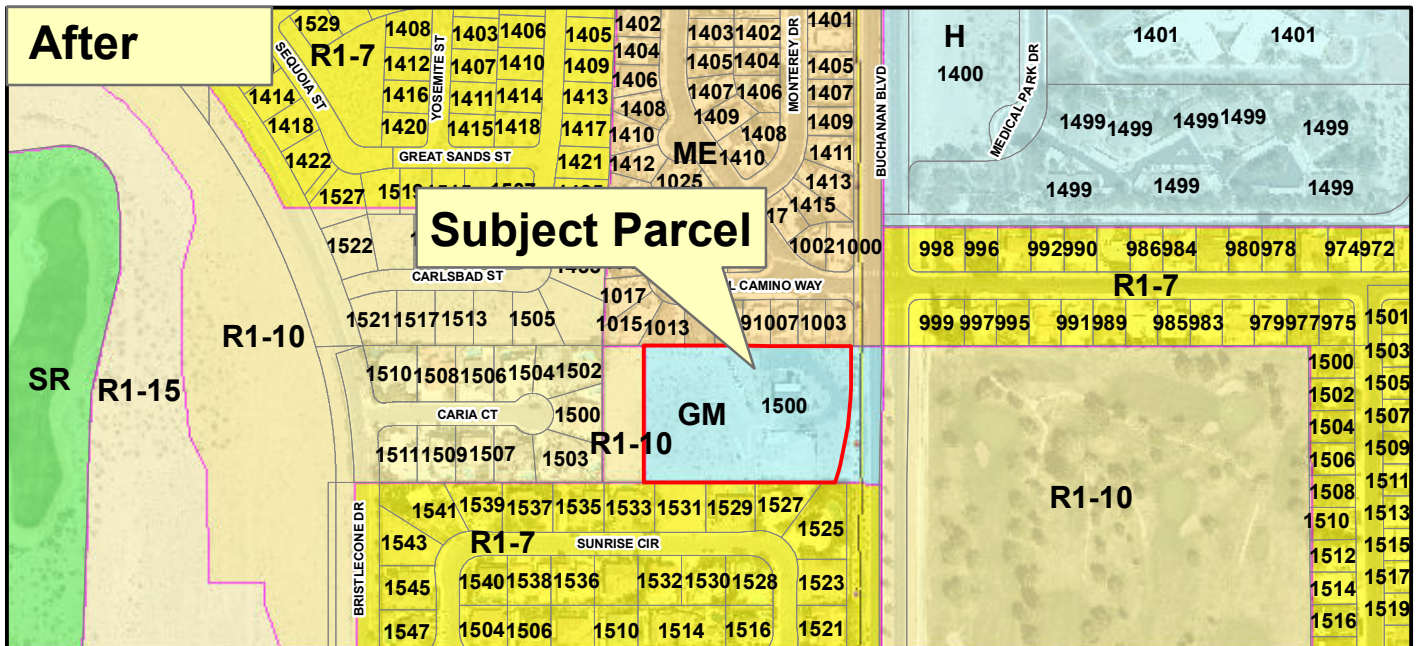
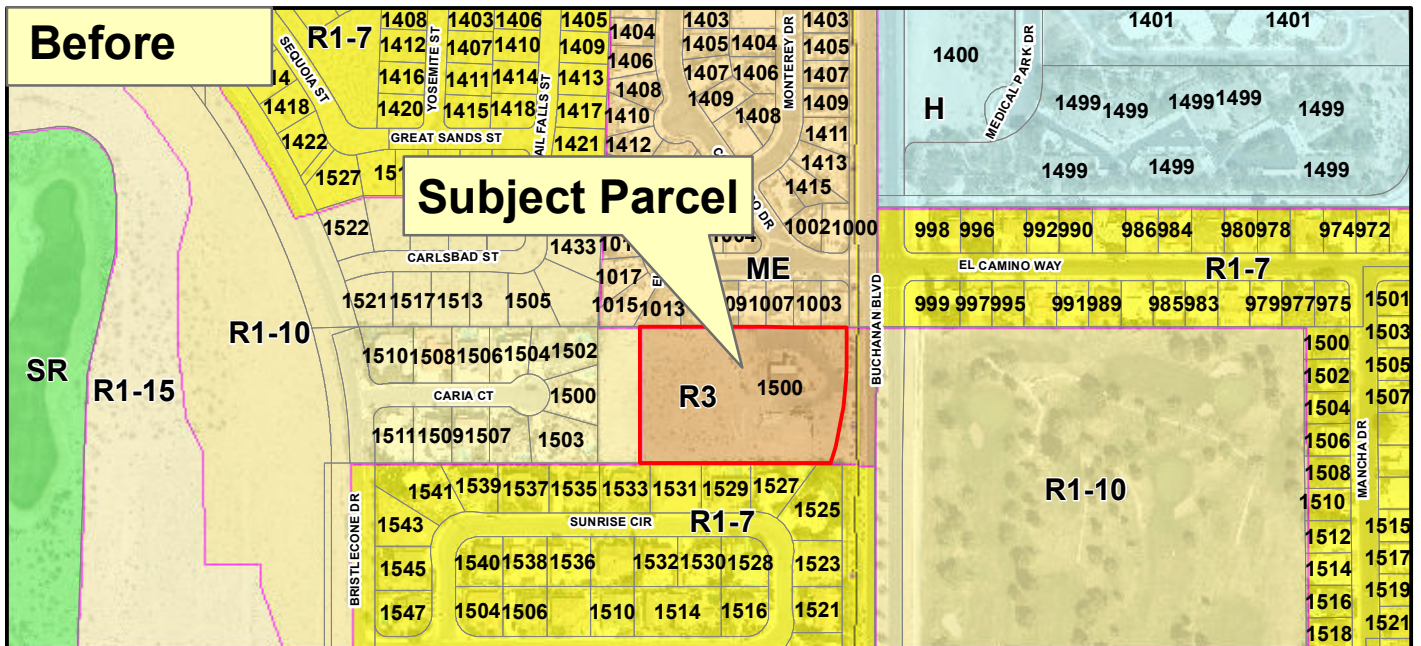
ATTEST:

Joe Hardy, Mayor

Tami McKay, City Clerk

Rezoning Exhibit Map

AM-24-378



Rezoning
Case No. AM-24-378
Desert Research Institute
May 28, 2024

Drainage

The following report is based on the site area and limited information received on May 15, 2024.

- Desert Research Institute
 - APNs 186-175-01-001

DRAINAGE

The FEMA FIRM Panel for this site, Map No. 32003C2980 E lists the site as Zone X. Zone X is the designation for land determined to be outside the 100-year flood plain. There are Regional Flood Control facilities, located in Buchanan Boulevard, identified in the 2022 Boulder City Flood Control Master Plan Update. These existing storm drains are owned and maintained by the City of Boulder City. The development of the property must not adversely affect the operation or maintenance of these facilities, including the City's access for maintenance. The design engineer will be responsible for designing this development's onsite drainage in accordance with Clark County Regional Flood Control District and City of Boulder City standards to tie into the surrounding drainage and insure that the development does not cause adverse impacts by increasing erosion or creating flooding problems downstream or to other adjacent properties.



PLANNING COMMISSION REGULAR MEETING
MINUTES – **DRAFT EXCERPT**

COUNCIL CHAMBER, 401 CALIFORNIA AVENUE,
BOULDER CITY NV 89005

JUNE 12, 2024 - 5:00 PM

CALL TO ORDER

CONFIRMATION OF POSTING AND ROLL CALL

Members present: Member Ernest Biacsi, Member Beth Bonnar, Member Matt Di Teresa, Member Lorene Krumm, Member Tony Scott (5)

Absent: Chairman Fritz McDonald, Member Steve Rudd (2)

Also present: Community Development Director Michael Mays, City Planner Nakeisha Lyon, City Clerk Assistant Bridgette Rodriguez

Member Biacsi participated via teleconference.

3. For possible action: Matters pertaining to a proposed Master Plan Amendment and Zoning Map Amendment for approximately 3.00 acres located at 1500 Buchanan Boulevard:
 - A. Neighborhood meeting to explain a proposed Master Plan Amendment as per NRS 278.210.2, and a summary of a proposed rezoning
 - B. **Public hearing** on a proposed Master Plan Amendment and Zoning Map Amendment
 - C. MPA-24-056 – Resolution No. 1257: Adoption and recommendation to the City Council on a proposed amendment to the Master Plan Future Land Use Map to change the land use designation from LDR, Low Density Residential, to PUB, Public/Quasi-Public
 - D. AM-24-378 - Resolution No. 1258: A recommendation to the City Council

on a proposed amendment to the Zoning Map to change the zoning district from R-3, Multiple Family Residential to GM, Government Municipal

A staff report was submitted by City Planner Nakeisha Lyon and included in the June 12, 2024 Planning Commission agenda packet.

City Planner Lyon provided a brief overview of the staff report. She noted staff received one in favor vote and one opposed vote that were provided as a handout at the dias.

Vice-Chairman Krumm noted this was the time and place scheduled to conduct a public hearing and asked for public input.

No comments were offered in person or by phone and the hearing was declared closed.

Motion: Approve Resolution No. 1257

Moved by: Member Beth Bonnar **Seconded by:** Member Lorene Krumm

Vote:

Aye: Member Ernest Biacsi, Member Beth Bonnar, Member Matt Di Teresa, Member Lorene Krumm, Member Tony Scott (5)

Nay: (0)

Abstain: (0)

Absent: Chairman Fritz McDonald, Member Steve Rudd (2)

Motion Passed

Motion: Approve Resolution No. 1258

Moved by: Member Matt Di Teresa **Seconded by:** Member Beth Bonnar

Vote:

Aye: Member Ernest Biacsi, Member Beth Bonnar, Member Matt Di Teresa, Member Lorene Krumm, Member Tony Scott (5)

Nay: (0)

Abstain: (0)

Absent: Chairman Fritz McDonald, Member Steve Rudd (2)

Motion Passed