



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-36325 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL.

1. Title 19.18.030 General Plan Amendment is hereby amended as follows:

(F) Planning Commission Public Hearing and Action.

(1) Hearing. Subject to the provisions of Section 19.18.030(C)(7), upon receipt of a complete General Plan Amendment application or an Amendment proposed by the Planning Commission or City Council, the Planning Commission shall hold a public hearing.

(2) Notice.

(a) Notice Provided. Notice of the time, place and purpose of the hearing must be given at least ten days before the hearing by:

(i) Publishing the notice in a newspaper of general circulation within the City;

(ii) Mailing a copy of the notice to:

A. The applicant;

B. Each owner of real property located within a minimum of one thousand feet of the property described in the application;

C. Each tenant of any mobile home park that is located within one thousand feet of the property described in the application;

D. The owner of each of the thirty separately-owned parcels nearest to the property described in the application to the extent this notice does not duplicate the notice otherwise required by this Paragraph (2);

E. Any advisory board which has been established for the affected area by the City Council; and

F. The president or head of any registered local neighborhood organization whose organization boundaries are located within a minimum of one mile of the property described in the application.

(b) Names Provided. The Department of Planning and Development shall provide, at the request of the applicant, the name, address and phone number of any person notified pursuant to Subparagraph (F) above.

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- (c) Additional Notice. The Department may give additional notice of the hearing by expanding the area of notification or using other means of notification or both. The Department shall endeavor to provide any additional notice at least ten days before the date of the hearing.
 - (d) Signs. Notification signs shall be posted in conformance with Section 19.18.010(D).
 - (3) Planning Commission Decision.
 - (a) A decision to recommend approval of a General Plan Amendment shall be by resolution of the Planning Commission with the affirmative votes of not less than two-thirds of the total membership of the Commission. The Planning Commission may approve, ~~approve with conditions,~~ or deny an application for a General Plan Amendment.
 - (b) In making a decision to approve the proposed General Plan Amendment, the Planning Commission shall consider the facts presented at the public hearing and shall make the determinations contained in Subsection (I) of this Section. The Planning Commission may consider recommending the amendment of ~~only a portion of the land described in the application or amend all or a portion of the application~~ to a more restrictive land use category.
 - (c) Following the hearing, the Planning Commission shall make its decision to either recommend approval or denial of the application.
 - (4) Notice of Planning Commission Decision. Following the date of its decision, the Planning Commission shall transmit a report of its recommendation to the City Council. The report shall recite, among other things, the facts and reasons which, in the opinion of the Commission, make the approval or denial of the Amendment necessary to carry out the provisions and general purposes of this Title. A copy of the report shall be mailed to the applicant, agent, or both, at the address(es) shown on the application filed with the Secretary of the Planning Commission. A copy of the report shall also be filed with the City Clerk, acting as agent for the City Council.
- (G) Burden of Proof. The applicant bears the burden of proof to establish that the approval of a General Plan Amendment is warranted.
- (H) City Council Public Hearing and Action.
- (1) Notice and Hearing. Subject to the provisions of Section 19.18.030(C)(7), the City Council shall consider a proposed General Plan Amendment and the recommendation of the Planning Commission thereon at the next available meeting following the receipt of the recommendation. The City Clerk shall mail written notice of the Council hearing, at least ten days before the hearing, to the property owners who were notified by mail of the Planning Commission hearing, or to the current owners of record in the case of properties whose ownership has changed in the interim.

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- (2) City Council Action.
 - (a) Decision. The City Council may approve, ~~approve with conditions,~~ or deny a proposed General Plan Amendment. In making a decision to approve the proposed General Plan Amendment, the City Council shall consider the recommendation of the Planning Commission and the facts presented at the public hearing. The City Council may consider the amendment of ~~only a portion of the land described in the application or may amend all or a portion of the application~~ property to a more restrictive land use category.
 - (b) Change to More Restrictive Category. If at the Council hearing, the applicant proposes amending the application to a more restrictive land use category, the City Council has the option to refer the application back to the Planning Commission for consideration.
 - (c) Significant Changes. If the applicant proposes significant changes to the application during the hearing or if new information is presented that significantly changes the nature and scope of the application, the request should be referred back to the Planning Commission for consideration.
- (3) Notice of City Council Decision. Following the hearing on a proposed General Plan Amendment, the City Council shall reach a decision concerning the proposal. The decision shall include reasons for the decision ~~and, if the decision is to approve the Amendment, any modifications, conditions or limitations that the Council may impose.~~ Written notice of the decision shall be provided to the applicant, agent or both. A copy of the notice shall also be filed with the City Clerk, and the date of the notice shall be deemed to be the date that notice of the decision is filed with the City Clerk.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

This is a request to amend Title 19.18.030 to revise language regarding General Plan Amendment actions taken by the Planning Commission and City Council.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc.</i>	
06/20/07	The City Council adopted Ordinance #5909 to amend Title 19.18.040 to delete all references to Resolutions of Intent for rezoning applications and to amend rezoning procedures accordingly. Planning Commission and staff recommended approval (TXT-19240).

ANALYSIS

On 06/20/07, the City Council amended Title 19.18.030 to delete all reference to Resolutions of Intent for rezoning applications. As noted in the Text Amendment (TXT-19240), a Resolution of Intent may have been effective as a means to place conditions of approval on applications before the applicant came in for a building permit. However, it was determined pursuant to Title 19.18.050 Site Development Plan Review that the Site Development Plan Review requirements may remedy that situation as they ensure the City a review and an opportunity to condition applications prior to permitting. Therefore, to bring Title 19.18.030 (F) and (H) consistent with this prior amendment, this text amendment proposes to delete references to conditions of approval.

In addition, this amendment proposes to delete references in Title 19.18.030 (F) and (H) to portion of property when Planning Commission and City Council consider an approval or denial of a rezoning application. Staffs concern is that by approving a portion of property could potentially create a split or inconsistency with the adjacent General Plan land use classification. This proposal would eliminate that potential issue.

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FINDINGS

The proposed text amendment will achieve the following:

- Amend Title 19.18.030 (F) and (H) to revise provisions related to the land use of a parcel of land by the Planning Commission and City Council.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.18.030 (F) Planning Commission Public Hearing and Action	• Planning Commission may approve a land use application with conditions and for a portion of a property.	• Remove approval with conditions • Remove a portion of
Title 19.18.030 (H) City Council Public Hearing and Action	• City Council may approve a land use application with conditions for a portion of a property.	• Remove approval with conditions • Remove a portion of

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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