



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: NOVEMBER 19, 2009

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: TXT-36326 - APPLICANT/OWNER: CITY OF LAS VEGAS

** CONDITIONS **

STAFF RECOMMENDATION: APPROVAL

1. Title 19.18.050(H) is hereby amended as follows:

H. **Amendment to an Approved Site Development Plan.** After a Site Development Plan has been approved, any request to amend the approved Plan shall be submitted to the Department of Planning and Development. Upon receipt of an amendment request, the Director shall determine if the amendment is a minor or major change request constitutes a minor amendment or a major amendment. The Director has no authority to approve any alteration in the basic relationship of the proposed development to adjacent property; material change in the uses or types of uses permitted; material increase in the maximum density, floor area, or height; material decrease in the amount of off-street parking, unless the amount of parking remains sufficient and conforms to the requirements of this Title; or material change in the characteristics of the elevational drawings or Site Development Plan as approved.

1. ~~Minor Amendment. Minor relocation or reorientation of buildings, lot lines and/or easements, relocation of internal access and circulation; relocation or rearrangement of parking areas, reduction of established square footage and/or density limitations by ten percent or less, and increase of landscape or building setbacks are considered minor amendments and may be approved administratively. However, the Director has no authority to approve any:~~
 - ~~(a) Alteration in the basic relationship of the proposed development to adjacent property;~~
 - ~~(b) Material change in the uses or types of uses permitted;~~
 - ~~(c) Material increase in the maximum density, floor area, or height;~~
 - ~~(d) Material decrease in the amount of off-street parking, unless the amount of parking remains sufficient and conforms to the requirements of this Title;~~
 - ~~(e) Reduction in the minimum yards or setbacks by more than ten percent; or~~
 - ~~(f) Material change in the characteristics of the elevational drawings or Site Development Plan as approved.~~

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1. **Minor Amendment.** A minor amendment includes a:
 - a. Minor relocation or reorientation of buildings;
 - b. Minor adjustment in lot lines and/or easements;
 - c. Minor rearrangement of internal access and circulation;
 - d. Relocation or rearrangement of parking areas;
 - e. Change in the approved square footage, height or density that does not represent a change of more than ten percent; and
 - f. Change in landscaping or building setbacks that does not represent a change of more than ten percent, provided the change does not reduce the setback below the minimum requirements.
 2. **Major Amendment.** Any amendment which does not qualify as a Minor Amendment shall be deemed to be considered a Major Amendment and shall be processed in the same manner as a new Site Development Plan application.
2. Title 19.18.060(M) is hereby amended as follows:
- M. **Amendments to an Approved Special Use Permit.** A Special Use Permit is limited to the uses and structures which are shown on the approved site development plan and are consistent with any conditions of approval. Any request to amend or modify an approved Special Use Permit shall be submitted to the Department of Planning and Development. Upon receipt of such a request, the Director shall determine if the request constitutes a minor amendment or a major amendment. Minor amendments may be approved administratively. A major amendment requires approval by the City Council, after a recommendation by the Planning Commission. Minor and major amendments are categorized as follows:
1. **Minor Amendments.** A minor amendment includes a:
 - a. Relocation or reorientation of buildings which does not alter the basic relationship to adjacent property;
 - b. Minor adjustment in lot lines and/or easements;
 - c. Minor rearrangement of internal access and circulation;
 - d. Relocation or rearrangement of parking areas;
 - e. Change in the approved square footage, height or density that does not represent ~~an increase~~ a change of more than ten percent; and
 - f. Change in landscaping or building setbacks that does not represent a ~~significant decrease~~ change of more than ten percent provided the change does not reduce the setback below the minimum requirements.
 2. **Major Amendment.** A major amendment includes any change which does not qualify as a minor amendment.

**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend the provisions for amending an approved Site Development Plan or Special Use Permit to allow non-material changes to be approved administratively.

ANALYSIS

Current site development plan review amendment procedures are similar to special use permit amendment procedures; however, there are some inconsistencies and ambiguity. Under the current procedures it is unclear how any change in building height should be handled. While the procedures state some things that the Director is not allowed to approve such as allowing alterations in the basic relationship of the proposed development to adjacent property or material changes in the characteristics of the elevational drawings or Site Development Plan as approved, it remains uncertain in some cases what changes would constitute a minor amendment.

The proposed amendment rearranges the organization of the existing language for the amendment of an approved site development plan so that those things that the Director is not authorized to approve are enumerated in the sections explanatory text while those items that constitute a minor amendment are listed out. This is similar to how the section that deals with amendments to an approved special use permit is arranged.

To provide further clarity to what constitutes a minor amendment, the language in both the Site Development Plan and Special Use Permit amendment sections, Title 19.18.040 (H) and Title 19.18.050 (M) respectively, was modified to quantify how much of a change to the approved square footage, density, height, and landscaping and building setbacks would qualify for a minor amendment review and administrative approval. Both sections had some indication of a qualifying or disqualifying change; however, the stated requirements are not consistent and indicated only a unidirectional change, i.e. an increase of ten percent but nothing about a reduction. The amendment as proposed would allow a minor amendment for changes in the approved square footage, height, density, or landscaping or building setbacks provided said change is less than a ten percent increase or decrease. As a minor amendment, these changes would be reviewed by staff and, if consistent with the original approval and prevailing codes, and the plans could be approved administratively.

The proposed amendment allows minor changes to be handled in a more timely fashion while ensuring that any material or significant changes to the project are treated as major amendments and processed and reviewed with the same level of review as a new Site Development Plan or Special Use Permit.

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FINDINGS

The proposed text amendment will accomplish the following:

- Continue to allow an administrative review for non-material changes, including minor adjustments to lot lines, easements, and internal access and circulation.
- Clarifies and allows an administrative review for changes of up to ten percent (plus or minus) for such things as square footage, density, height, building setbacks and landscaping.

The following table summarizes all proposed changes:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.18.050 (H) Site Development Plans: Amendment to an Approved Site Development Plan	• Language is ambiguous related to minor amendment reviews for minor reductions or additions in the intensity of approved projects	• Allows changes to approved plans of up to ten percent for the square footage, height, density, or landscaping or building setbacks to be administratively reviewed and approved if appropriate
Title 19.18.060 (M) Special Use Permit: Amendments to an Approved Special Use Permit	• Language is ambiguous related to minor amendment reviews for minor reductions or additions in the intensity of approved projects	• Allows changes to approved plans of up to ten percent for the square footage, height, density, or landscaping or building setbacks to be administratively reviewed and approved if appropriate

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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