



*City of Las Vegas*

Agenda Item No.: 30.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT  
PLANNING COMMISSION MEETING OF: MARCH 25, 2010**

DEPARTMENT: PLANNING & DEVELOPMENT  
DIRECTOR: M. MARGO WHEELER

Consent  Discussion

**SUBJECT:**  
EXT-3740 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.00 and 19.18 to modify procedures and application requirements for land use applications, All Wards

**THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM**

**PROTESTS RECEIVED BEFORE:**

**APPROVALS RECEIVED BEFORE:**

Planning Commission Mtg.

Planning Commission Mtg.

City Council Meeting

City Council Meeting

**RECOMMENDATION:**

Staff recommends APPROVAL.

**BACKUP DOCUMENTATION:**

1. Conditions and Staff Report
2. Backup Reference from the September 13, 2007 Planning Commission Meeting Item #55
3. Submitted after Final Agenda - Protest Telephone Log

Motion made by KEEN ELLSWORTH to Approve subject to conditions

Passed For: 7; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0  
GLENN TROWBRIDGE, VICKI QUINN, BYRON GOYNES, RICHARD TRUESDELL,  
KEEN ELLSWORTH, STEVEN EVANS, GUS FLANGAS; (Against-None); (Abstain-None);  
(Did Not Vote-None); (Excused-None)

**Minutes:**

MARGO WHEELER, Director of Planning and Development, explained that this item is in response to the Development Review Program presented by DEPUTY CITY MANAGER JIM NICHOLS. Some of the changes are clarifications and some are of substance. This matter has also been reviewed by the Form Based Code group, who has provided comments. She referred to Page three of the proposed ordinance, under the Minor Review of Site Development Plans. F1(a) refers to Alterations of Existing Buildings. The issue specifically refers to allowing Special Use Permits (SUP) to be Final Action at Planning Commission, as are Site Development Plan Reviews (SDR) and most Variances. This is the case in other local jurisdictions. It allows SUPs to be heard by the City Council or can be appealed by the City Council if the Council believes there is a need to see those projects. Also, the Planning Commission may send the items forward to the City Council.

## PLANNING COMMISSION MEETING OF: MARCH 25, 2010

The other issues allow for greater flexibility to modify projects, both new and existing projects. The Development Review Process specifically refers that is in the best interest of the City to actively assist property owners to build uncompleted projects, as well as to allow those projects that have been stalled due to problems to be brought forward.

MS. WHEELER gave an example where an applicant proposes a three-story building but changes to a two-story building. Based on the current code, this requires a brand new public hearing. Minor SDRs for building additions meeting all code and all previous approvals of up to 5,000 square feet or up to four units, not part of additional applications, are to be handled as minor SDRs, which can be approved at staff level. They can also require a public hearing if staff believes there is a concern or is related to a previous public hearing concern that may have come up in the past. The proposed code change also would require a pre-application meeting for SDRs, which are currently not required. It allows reductions in the size of the approved SDRs to be minor and allows increases of up to 10% density, floor area or height to be minor amendments. This has to meet all minimum code requirements with no waivers or variances.

Additionally, it allows for SUPs to be changed as minor amendments, if it is a reduction or expansion of a use of 10% of the area. Currently, it requires a new application if an SUP use is to change location on the same parcel.

Variance are all allowed to be Final Action at Planning Commission, except for those that are for parking or existing structures. Currently, it would come before the Planning Commission as a casita or guest house building without permits. The amendment would require the applicant to obtain a variance and then they go forward to the City Council.

A Required Review section would be added to the code.

The administrative deviation procedure that already exists has a requirement for neighboring owners' signature; however, staff has no ability to check if these signatures are accurate. Therefore, that section of the code should be eliminated.

SUPs are final action in all other jurisdictions. The existing procedures by which actions by the Planning Commission are reported out to the Council would be changed. As soon as an application comes in and staff has reviewed it, the Council office gets the description of those applications prior to mailings so that if a constituent calls with regards to an item, the Council is already aware of it. As soon as the Planning Commission action is taken, they will have the results of the meeting in their offices in the morning so they have every opportunity to bring the matter forward. Staff recommended approval.

MS. WHEELER clarified for TODD FARLOW, Las Vegas resident, that the Text Amendment will be forwarded to the City Attorney's office, who will work on it and then will be scheduled to be heard.

## PLANNING COMMISSION MEETING OF: MARCH 25, 2010

JUNE INGRAM, Charleston Neighborhood Preservation, felt that the Planning Commission should have voted NO on Item 29, and asked that it deny Item 30. The City Council should have the final vote on all items.

CHAIR TRUESDELL responded that the purpose of this entire process is to try to make the City a development-friendly community and to create economic development. The core of the City has been forgotten. That economic development is to keep the tax base, continue to provide services to residents in a positive way rather than going to a different jurisdiction. The Form Based Code is designed for such and nothing will prevent the City Council from having the final vote.

If items meet the code requirements, they do not need to go before the City Council; it is an extra step, extra expense, and it does not provide any greater notice to the neighbors. This is not to prevent neighborhood or community involvement but rather to streamline the process and make it better for everyone.

COMMISSIONER EVANS WORTH verified with MS. WHEELER that uses that require an SUP would require a public hearing before the Planning Commission. MS. WHEELER explained that a minor review would be the alterations of existing buildings that affect the external dimensions of the building or structure meeting all code requirements, as well as meet all previous conditions of approval. Another example would be a lot where it was previously developed but it is now vacant and an applicant wishes to build a 4,500 square foot office building meeting all code requirements. Rather than come through a full public hearing, the small building would be able to be reviewed at staff level.

COMMISSIONER TROWBRIDGE complimented City staff and DEPUTY CITY MANAGER NICHOLS for the great job and successful review of the City's development process. This update of Title 19 will make the City more responsive to the needs of the proponents but at the same time not compromise the City's standards.

COMMISSIONER EVANS asked who can appeal these matters further. MS. WHEELER replied that a public hearing matter can be appealed by the applicant, a person within the notification area and the City Council. If a matter is approved administratively, the appeal is by the City Council.

COMMISSIONER EVANS appreciated the efforts to streamline the process and thanked staff for the hard work.

See Item 15 for related backup and Item 31 for related discussion.

CHAIR TRUESDELL declared the Public Hearing closed.