



City of Las Vegas

Agenda Item No.: 50.

**AGENDA SUMMARY PAGE PLANNING & DEVELOPMENT
PLANNING COMMISSION MEETING OF: APRIL 22, 2010**

**DEPARTMENT: PLANNING & DEVELOPMENT
DIRECTOR: M. MARGO WHEELER**

☐ Consent ☒ Discussion

SUBJECT: EXT-3757 - TEXT AMENDMENT - PUBLIC HEARING - APPLICANT/OWNER: CITY OF LAS VEGAS - Discussion and possible action to amend Title 19.18 to add requirements for the reconsideration of land use applications by the City Council, All Wards. Staff recommends APPROVAL.

THIS ITEM WILL BE FORWARDED TO CITY COUNCIL IN ORDINANCE FORM

PROTESTS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

APPROVALS RECEIVED BEFORE:

Planning Commission Mtg.

City Council Meeting

RECOMMENDATION:

Staff recommends APPROVAL.

BACKUP DOCUMENTATION:

1. Proposed Amendment and Staff Report
2. Submitted after Final Agenda Staff Report Supplement
3. Submitted after Meeting PowerPoint Presentation by Staff

Motion made by GLENN TROWBRIDGE to Approve

Passed For: 5; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 2

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

Minutes:

CHAIR TRUESDELL declared the Public Hearing open.

MARGO WHEELER, Director of Planning and Development, summarized the essence of this text amendment by showing a concise PowerPoint presentation, a copy of which is included in the minutes. She added that it will provide applicants with a consistent standard.

TODD FARLOW, Las Vegas resident, opined that it would be easier to impose a six-month review. MS. WHEELER indicated that the issue is that the Council might want to reconsider a matter after action has been taken. COMMISSIONER ELLSWORTH confirmed with MS. WHEELER that only the Council can request to rehear an application.

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CHAIR TRUESDELL verified with staff that an appeal process is in place, adding that this change might cause an issue for an applicant who has been approved and has started the development process as applicants feel fairly comfortable in proceeding after the allowable ten-day appeal period.

DEPUTY CITY ATTORNEY JAMES LEWIS explained that the proposed amendment is not to be used as a means for appeal, rather in the case where a Council person on the prevailing side wants to rehear a matter. Certainly the outcome could change after rehearing it, but the City Attorney's Office would take each case independently and determine whether or not there could be a claim for damages from an applicant if a decision were to be wrongly reversed. MS. WHEELER indicated that since 2000, there has been an average of five reconsiderations each year, with an average time lapse of over 90 days between the decision and reconsideration.

DEPUTY CITY ATTORNEY LEWIS opined that it is better for the public to understand that there is a time period for rescission and reconsideration on matters before the City Council. But certainly this recommending body could recommend a ten-day period instead.

COMMISSIONER TOWBRIDGE wondered if the 44-day period might be limiting the Council further.

CHAIR TRUESDELL declared the Public Hearing closed.

