



AGENDA MEMO

PLANNING COMMISSION MEETING DATE: APRIL 22, 2010

DEPARTMENT: PLANNING AND DEVELOPMENT

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

**** STAFF RECOMMENDATION(S) ****

<i>CASE NUMBER</i>	<i>RECOMMENDATION</i>	<i>REQUIRED FOR APPROVAL</i>
TXT-37573	Staff recommends APPROVAL.	N/A



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**** PROPOSED AMENDMENT(S) ****

1. Title 19.18.010, “Applications and Procedures: General,” is hereby amended by adding thereto a new Subsection (I), reading as follows:

- (I) Reconsideration. With regard to any application under this chapter whereby final action is decided by the City Council, any member of the City Council who voted in favor of the motion which carried may request that the item be reconsidered within 14 days of the decision, in which case the decision shall not become final. The request for reconsideration shall thereafter be scheduled for a hearing before the City Council on the second City Council agenda after the request was made.

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**** STAFF REPORT ****

APPLICATION REQUEST

This is a request to amend Title 19.18.010, “Applications and Procedures: General,” to add a subsection that clarifies the powers of the City Council regarding reconsideration of land use decisions that have already been decided by the City Council.

BACKGROUND INFORMATION

Although the City Council has the ability to rescind an action it has previously taken and then take subsequent action on that item at a separate hearing, currently there are no requirements in Title 19 establishing the time period in which a City Council member may ask for reconsideration and the time limit as to when an item so requested may be reconsidered. Occasionally there is a need for the City Council to invalidate an action that has already carried. Reasons for doing so may include, but are not limited to, the correction of errors in the conditions of approval, the addition or deletion of certain conditions of approval, or the desire to reverse an action after revisions have been made to the plan. Once an action is taken by the City Council on a land use application subject to the requirements of Title 19.18, it becomes final action. The proposed text amendment would clarify the time period after a particular motion carries that a City Council member may request reconsideration of the item and also specify how far into the future the item can be reconsidered.

ANALYSIS

Currently, an action taken by the City Council regarding land use applications governed by Title 19.18 may be reconsidered at any time after the decision was made and by any member of the City Council. The proposed amendment would clarify that an action may be rescinded by any member of the City Council who voted in favor of the motion which carried within 14 days of the original decision. After such a request has been made, the item is not considered final and would be reconsidered at a hearing before the City Council on the second City Council agenda after the request was made. Recent requests to reconsider items have ranged from one to 15 City Council agendas after the request was made. Since 2000, there have been an average of 5.2 reconsiderations per year, with the average time elapsed between the decision and reconsideration of over 98 days. Clark County employs a similar procedure than the one proposed here, with the exception that the request to reconsider must be received by the Zoning Administrator within five working days of the decision.

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The following table summarizes the current and proposed process for reconsideration of land use decisions:

Current Process	Proposed
Any member of the City Council may request that an item be reconsidered at any time after final approval.	Members who voted for the motion that carried may only request reconsideration within 14 calendar days (10 working days) of the decision.
The item(s) to be reconsidered may be placed on an arbitrarily chosen agenda following a request for reconsideration.	The item(s) to be reconsidered must be placed on the second City Council agenda after the request for reconsideration was made.

FINDINGS

The proposed text amendment will accomplish the following:

- Establish a time limit for requesting reconsideration of a motion carried by the City Council.
- Reduce the amount of time elapsed between the original City Council decision and reconsideration of the item(s).

The following tables summarize the proposed amendment:

Code Requirements	Existing Regulations	Proposed Regulations
Title 19.18.010 General	No requirements or limitations on the reconsideration of land use decisions by the City Council.	Amend Title 19.18.010 to add a Subsection (I) describing these requirements.

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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