



AGENDA MEMO - PLANNING

PLANNING COMMISSION MEETING DATE: MAY 14, 2013

DEPARTMENT: PLANNING

ITEM DESCRIPTION: APPLICANT/OWNER: CITY OF LAS VEGAS

** STAFF RECOMMENDATION(S) **

CASE NUMBER	RECOMMENDATION	REQUIRED FOR APPROVAL
TXT-48737	Staff recommends APPROVAL.	n/a

** PROPOSED AMENDMENTS **

1.LVMC 19.16.050, Tentative Map, is hereby amended by deleting therefrom Subsection (Q) as follows:

Q.Appeals

~~Any person aggrieved by the final action of the Planning Commission with respect to a tentative map may appeal that action, in writing, to the City Council within seven days after receiving written notice of the decision. All appeals shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The City Council shall hear the appeal within thirty days after the appeal is filed.~~

2.LVMC 19.16.050, Tentative Map, is hereby amended by adding thereto a new Subsection (Q) to read as follows:

Q.Alternative Tentative Map Presentation Procedure

As an alternative to the timing of the presentation of the tentative map provided for under Subsection (C) of this Section, the following procedures shall be available when approval of a rezoning or site development plan review, or both is required for a proposed subdivision to be in compliance with all applicable zoning regulations, including all applicable provisions of this Title; the zoning classification of the site; and all zoning, master plan or site plan approvals for the site, including all applicable conditions that are in effect:

1. In cases where approval of a rezoning or a site development plan review by the City Council is necessary before a tentative map can be approved:

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- a. The tentative map may proceed to the City Council for final action, in which case the application for a tentative map may be submitted concurrent with any necessary applications for a rezoning and or site development plan review for recommendation by the Planning Commission.
2. In cases where a rezoning is unnecessary and the Planning Commission is authorized to take final action on a site development plan review, the application for a tentative map may be submitted concurrent with any necessary site development plan review application.
3. The final action authority must act on any necessary rezoning or site development plan review prior to taking action on a tentative map. A tentative map shall not be approved unless it complies with all applicable zoning regulations as provided for in this Section.
4. In order to use the alternative procedures outlined in this Subsection, the subdivider, or representative, should indicate the intention to use the provisions of this Subsection at the time of the pre-application conference provided for under Subsection (E) and expressly indicate the request to use the alternative tentative map presentation procedure when submitting the application for a tentative map.
 - a. A request by the subdivider to use the alternative procedures outlined in this Subsection and the Director's accepting of the application as complete shall be deemed as mutual consent to extend the time limits as provided for under NRS 278.350.
5. Except for those provisions of this Section which apply to the timing of the presentation of the tentative map all other requirements and procedures of the Section shall apply.

3.LVMC 19.16.050, Tentative Map, is hereby amended by adding thereto a new Subsection (R) to read as follows:

R.Appeals

Any person aggrieved by the final action of the Planning Commission with respect to a tentative map may appeal that action, in writing, to the City Council within seven days after receiving written notice of the decision. All appeals shall be filed with the Director and be accompanied by a nonrefundable fee as set forth in the fee schedule. The City Council shall hear the appeal within thirty days after the appeal is filed.

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**** STAFF REPORT ****

PROJECT DESCRIPTION

Discussion and possible action to amend LVMC 19.16.050 related to Tentative Maps by revising the timing of the presentation of the map to the Planning Commission and to provide for other related matters.

BACKGROUND INFORMATION

<i>Related Relevant City Actions by P&D, Fire, Bldg., etc</i>	
09/19/07	The City Council adopted Bill 2007-51 as Ordinance 5934 to update various provisions of the City's subdivision and zoning regulations relative to map approvals, sight visibility restrictions, and landscaping installations and maintenance. Planning Commission and staff recommended approval of the amendment (TXT-18023).

ANALYSIS

Prior to the adoption of Ordinance 5934, the Director of the department had discretion concerning the presentation of a Tentative Map to the Planning Commission when a rezoning action or site development plan review was required prior to the approval of the map. The September 2007 amendment made it a requirement that the Director hold the presentation of the map before the Planning Commission until at least two weeks after the City Council's final approval of the rezoning or site development plan review. The current procedure allows for sufficient time for action to be taken on any necessary rezoning or site development plan review prior to presenting the tentative map in an effort to ensure compliance with NRS Chapter 278 regarding the time to act that a jurisdiction has once a tentative map has been accepted for review. It also provides sufficient time for a subdivider to make any necessary changes to a proposed tentative map based on the final dispensation of the rezoning request and or any conditions that may have been placed on the site development plan review by the final action authority. This limits the need for submitting a revised map as provided for in LVMC 19.16.050 (N). The need to submit a revised map could potentially add time and expense the subdivider.

The proposed amendment will allow for an alternative procedure that would allow a tentative map to be submitted and presented concurrently with any necessary rezoning or site development plan review provided that the final action authority take action on those applications prior to acting on the tentative map. Under the proposed alternative procedure the tentative map may not

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be approved unless it is in compliance with all applicable zoning regulations, including all applicable provisions of Title 19; the zoning classification of the site; and all zoning, master plan or site plan approvals for the site, including all applicable conditions that are in effect. Because the proposed alternative procedure could exceed the time allowed under NRS Chapter 278 for action on a tentative map, a provision has been made that clarifies that a request to use the alternative procedure and the Director's acceptance of the application constitutes mutual consent to increase the time allowed as provided for under NRS 278.350.

A subdivider electing to follow the alternative procedure proposed does run the risk that due to the applications (rezoning and or site development plan review and tentative map) running concurrently, that the approval of a tentative map contingent upon significant revisions or amendments, will require a submission to the Director of the revised tentative map incorporating such revisions or amendments before the submission of an application for final map. This may result in delays or added expense for the subdivider that could have been avoided under the standard presentation procedure. However, the proposed alternative procedure provides more options and flexibility that could just as easily save a well prepared subdivider time and money.

FINDINGS

The proposed text amendment will accomplish the following:

- Provide an alternative procedure for presentation of a tentative map that would allow a tentative map to run concurrent with any necessary rezoning or site development plan review.

NOTICES MAILED

NEWSPAPER ONLY

APPROVALS

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PROTESTS

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