

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART
CITY MANAGER'S CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.ci.las-vegas.nv.us>
MONDAY, DECEMBER 13, 1999
4:00 P.M.

CALL TO ORDER:

ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

THE RECOMMENDING COMMITTEE WILL RECEIVE PUBLIC INPUT ON EACH ITEM OF LEGISLATION BEING CONSIDERED. THE RECOMMENDING COMMITTEE MAY, THEREAFTER, CONTINUE THE HEARING TO A FUTURE DATE OR FORMULATE A RECOMMENDATION TO THE CITY COUNCIL FOR PASSAGE, REJECTION OR AMENDMENT OF THE PROPOSED BILL.

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 12/15/1999 CITY COUNCIL MEETING.

1. **Bill No. 99-70** – Limits the use of glass and metal beverage containers at certain special events. Proposed by:
Mark Vincent, Director of Finance and Business Services
Committee: Councilmen McDonald and Brown

THE FOLLOWING BILL MAY BE ELIGIBLE FOR ADOPTION AT THE 1/5/2000 CITY COUNCIL MEETING.

2. **Bill No. 99-69** – Provides minor adjustments and clarifications to the City's zoning regulations. Sponsored by:
Councilman Larry Brown
Committee: Councilmen McDonald and Brown

CITIZENS PARTICIPATION:

ITEMS RAISED UNDER THIS PORTION OF THE AGENDA CANNOT BE DELIBERATED OR ACTED UPON UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN MET IF YOU WISH TO SPEAK ON A MATTER NOT LISTED ON THE AGENDA, PLEASE CLEARLY STATE YOUR NAME AND ADDRESS. IN CONSIDERATION OF OTHERS, AVOID REPETITION, AND LIMIT YOUR COMMENTS TO NO MORE THAN THREE (3) MINUTES. TO ENSURE ALL PERSONS EQUAL OPPORTUNITY TO SPEAK, EACH SUBJECT MATTER WILL BE LIMITED TO TEN (10) MINUTES.

ALL INTERESTED PERSONS ARE INVITED TO ATTEND A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8 00. to 5.00 P M.

Facilities are provided throughout City Hall for the convenience of disabled persons. Reasonable efforts will be made to assist and accommodate physically handicapped persons. If you need an accommodation to attend and participate in this meeting, please call the City Clerk's office at 229-6311 and advise of your need at least 48 hours in advance of the meeting.

THIS MEETING HAS BEEN PROPERLY NOTICED AND POSTED AT THE FOLLOWING LOCATIONS.

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza
Clark County Government Center, 500 S. Grand Central Parkway
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

12 ✓
8m

AFFIDAVIT OF MAILING

(Mailing required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) ss

COUNTY OF CLARK)

Eva Cotton, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the 7th day of **December, 1999**, a copy of NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **A Recommending Committee Meeting** to be held on the 13th day of **December, 1999** was deposited in the United States Mail, Postage prepaid, First Class Mail, to each person and/or organization whose name appears on the list maintained in the Office of the City Clerk.



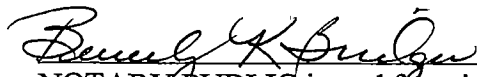
SIGNATURE

City Clerk

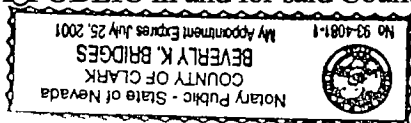
DEPARTMENT

Subscribed and sworn to before me this

7th day of December, 1999



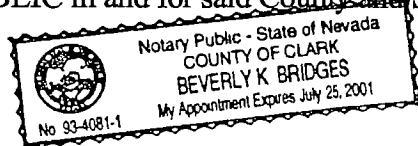
NOTARY PUBLIC in and for said County and State



STATE OF NEVADA)
) ss
COUNTY OF CLARK)

1. On the City Clerk's Bulletin Board at the Downtown Transportation Center;
2. In the Senior Citizens Center, 450 E. Bonanza Road;
3. Clark County Government Center, 500 S. Grand Central Parkway; (Faxed)
4. On the Public Bulletin Board at the Plaza Level of City Hall, 400 E. Stewart Avenue (near the entrance to the Court Clerk's Office); and
5. On the Special Bulletin Board at the Plaza Level of City Hall, 400 E. Stewart Avenue (in the walkway area between Metro and Municipal Court).

Barbara K. Berger
NOTARY PUBLIC in and for said County and State



RECOMMENDING COMMITTEE MEETING MINUTES
CITY HALL, 400 EAST STEWART AVENUE
8TH FLOOR CONFERENCE ROOM
MONDAY, DECEMBER 13, 1999
4 00 P.M.

ATTENDANCE: Councilman Larry Brown

EXCUSED: Councilman Michael J. McDonald

ALSO PRESENT: Steve Houchens, Deputy City Manager
Val Steed, Chief Deputy of Governmental Affairs
Tim Chow, Director, Planning and Development

CALL TO ORDER: Councilman Brown called the meeting to order at 4:19 p.m.

ANNOUNCEMENT MADE: Meeting noticed and posted at the following locations:

Downtown Transportation Center, City Clerk's Board
Senior Citizens Center, 450 E. Bonanza
Clark County Government Center, 500 S. Grand Central Parkway
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

1. **Bill No. 99-70 - LIMITS THE USE OF GLASS AND METAL BEVERAGE CONTAINERS AT CERTAIN SPECIAL EVENTS.** Proposed by Mark Vincent, Director of Finance and Business Services

Committee Councilmen Michael McDonald and Larry Brown

Jim DiFiore, Manager, Business Services, explained that the subject Bill mirrors a similar bill in Clark County. It is intended to prohibit patrons from entering certain special events with glass or metal containers within the City during certain times of the year, most importantly New Year's Eve and July 4th when there are anticipated crowds of more than 1,000 people. He recommended an amendment to the subject bill that would exempt activities within the Pedestrian Mall of the Downtown area on New Year's Eve and July 4th.

Mark Paris, Fremont Street Experience, Limited Liability Company, 425 Fremont Street, agreed with the proposed Bill and the recommended amendment. It would potentially eliminate July 4th events sponsored at the Fremont Street Experience, because the only way to control an event is to gate it. Traditionally, the July 4th event at the Fremont Street Experience is very small, primarily for the hotel guests, and does not warrant gating. If the Fremont Street Experience cannot comply, then it will simply cancel the event. His major concern was that the ordinance not comply for other events during the year, because there are other events held regularly that attract very large crowds.

on Reedy Committee with - [4th Nov. 13 Dec. '99 - (8th Feb. 1st Brown)]

A/Item (2) ^{30 May 1999} (Bill 99-69)

(1)

• TOM MCGOWAN, 720 S. CASINO CENTER BLVD. -- Nothing in the bill specifically provides for an 'Arts Community Sector'. -- In my case, -- an 'Arts Community' would require multiple safeguards and conditions in ADDRESS of its unique context AS MASSIVE RISK-INTENSIVE, PUBLIC SUBSIDY-DEPENDENT AND ATTRACTIVE TO ^{NON-PERMANENT} RESIDENT BUSINESS OWNERS AND PATRONS PREPREDOMINANTLY of 'LIBERAL' ^{INHERES} THAN 'CONSERVATIVE' ATTRIBUTION.

But the Mayor's proposed 'Fourth St. Arts Corridor' would be sited in the 'wrong' location, and would create HAZARDS to public safety AS A 'ONE (1) WAY' ARTERIAL EXTENDING from the Colorado and South Fifth 'GATEWAY', North to the 'FSB' and BEYOND, with only TWO (2) TRAFFIC SIGNALS (at CHARLESTON and BONNEVILLE), -- HENCE it NOT CONDUCTIVE TO 'DRIVE-BY' 'BROWSING', 'CURB-SIDE PARKING AND SHOPPING' and 'PEDESTRIAN BROWSING AND SHOPPING ON EITHER OR BOTH SIDES OF FOURTH STREET', -- HENCE, WHILE it would SERVE POTENTIALLY INVOCATIVE of an INCREASE in VEHICULAR/PEDESTRIAN ACCIDENTS, -- it WOULD SERVE AND ENSURED BENEFICIAL PURPOSE to EITHER the CITY'S 'Arts Community' AND/OR to the CITY-AT-LARGE.

CONVERSELY, THE preferred 'BEST AND ENSURED EFFECTIVE SITE' for an 'Arts Community Sector' and 'Arts Corridor' would BE ALONG CASINO CENTER BOULEVARD, FROM CHARLESTON TO BONNEVILLE and BOUNDARIED BY FIRST STREET and FOURTH STREET.

Thank you. / ~

PG

#2

CP
P/C • TM. 720. --

(1). • The major's expressed intent to site a Hotel and Casino property as the Alternative Anchor Tenant for 'Neopolis' is inadvisable on multiple grounds.

• An ensured effective Alternative Proposal is available that is both non-conflictive with and involutive of substantially increased patronage and economic benefit to the DCBD-sited Hotels and Casinos and non-gaming business activities, as well as in service to the Genuine Best Public Interest.

(2). The withdrawal of the 'Opus Corp', the 'Troutman Group', the 'Sun-Plaza' and other downtown-pertinent development projects are attributable in part to the absence of coherently master-planned comprehensively integrated development in the spirit of Genuine Community, within the DCBD and on the vacant UPRR property.

(3). The proposals to that effect were recommended to the City Council and the CRDA ten (10) years ago, and repeatedly since then, ... but were not addressed and implemented.

(4). The least expensive and best-ensured public-beneficial usage site for the Metropolitan Admin Complex would be on the 10⁵-acres of county-owned public land in the southeast quadrant of the UPRR property.

• The 'best-preferred site' for a Performing Arts Center would be in the southwest quadrant of the UPRR property.

• The sole means of attainment of a public-acceptable and public funding supported 'Sports and Performing Arts Center', as well as a Film and Television Industry and the full range of facilities, services and amenities comprising a master-planned, genuine community.

of interest is set forth in the proposal recommended to the City Council, the Redevelopment Agency, the City Centre Development Corp., and the 'Sports Arena and Performing Arts Center Committee', but which has not been addressed and implemented.

(c) In conclusion, it is time for elected and appointed public officials to exhibit responsible leadership initiative requisite to put an end to the litany of costly and embarrassing 'lost' and/or failed projects and development opportunities, and to confidently move 'forward' with master planned community development that will take this city into the third millennium, in the spirit of genuine community, and secure in the realization that ensured effective community development is not a series of limited incremental projects, but is a dynamically evolving, omni-participant process, -- ongoing in continuum (!) --

Thank you, /~

(RS)

As far as the New Year's Eve celebration, it has been gated ever since the Fremont Street Experience started holding events and paper cups have always been handed out upon entering the gates.

Councilman Brown asked if the subject Bill would also apply to patrons coming directly out of the hotels along the Fremont Street Experience. Mr. Paris indicated that it would apply on July 4th, if there are more than 1,000 people. In order to try and comply with the ordinance, the Fremont Street Experience would probably not publicize that event. Councilman Brown further asked if the hotels would be precluded from selling beer in metal or glass containers. Mr. Paris answered in the affirmative, reiterating that it basically precludes the Fremont Street Experience from having any event on the Fourth of July. The hotels and the Fremont Street Experience provide plastic or paper containers on New Year's Eve, which is very expensive. If the Fremont Street Experience decides to hold a significant event on the Fourth of July, then it would simply treat it as any other major event in order to comply with the ordinance.

Sergeant Vincent Cannito, Las Vegas Metropolitan Police Department (Metro), stated that the County has the same ordinance. Metro would like the ordinance implemented within the City of Las Vegas for safety reasons. The rule applies specifically to establishments within the perimeter of the Pedestrian Mall during the publicized hours for a particular special event. The ordinance would require that the code be posted, and it would be up to the hotels and local law enforcement agencies to enforce the code.

Tom McGowan, 720 South Casino Center Boulevard, stated that certain events would benefit by being addressed on a case-by-case basis. He felt that planning was being done too far in advance and some of Mr. Paris' and Metro's concerns may be subject to modification. Regarding the Bill that proposed the extension of the curfew for particular events, he felt that the boundaries included residential neighborhoods with residents of all ages, which may cause a problem for youth that are normally law-abiding citizens. He recommended Metro obtain the full cooperation of the parents within those boundaries.

Al Gallego, citizen of Las Vegas, felt that a special event should not be categorized as events with 1,000 spectators, because the sponsor might have problems counting. The language should be changed to "a gated affair."

Mr. Steed recommended the following amendments to Bill No. 99-70: 1) add Section 10.76.020 and divide it into Subsections A and B. Subsection B would include language to allow for the exemption of the Pedestrian Mall on New Year's Eve and July 4th; and 2) add Section 4 to address the rights-of-way within certain boundaries. Thus, exempting the Pedestrian Mall for special events because of the number of spectators rather than the date on which the special event may fall.

There was no further discussion.

Councilman Brown stated Bill No. 99-70 would be forwarded to the Full Council with a "Do Pass" recommendation with a First Amendment.

(4:20 - 4:31)

1-12

- 2. Bill No. 99-69 - PROVIDES MINOR ADJUSTMENTS AND CLARIFICATIONS TO THE CITY'S ZONING REGULATIONS. Sponsored by: Councilman Larry Brown**
Committee: Councilmen Michael McDonald and Larry Brown

Mr. Steed explained that the subject Bill was recommended for approval by the Planning Commission last year. Some provisions were added that dealt with the expiration and termination of Use Permits and Variances. In the meantime, Planning staff had an opportunity to revisit some of the issues and has decided to recommend some changes. He advised that those changes would be presented in concept and be brought back to the Recommending Committee in written form for consideration.

Tim Chow, Director, Planning and Development Department, suggested some alternatives to the following categories for the Committee's consideration.

Massage Establishment: Add a new category to simplify things for applicants. Instead of allowing massage establishments by conditional use in the PR, NS, and CD districts, staff would like to propose that they be allowed as accessory uses in the PR, NS and O districts, because it seems more practical in office and medical facilities as opposed to a conditional use. This might encourage more legitimate massage establishments.

Temporary Real Estate Sale Offices: Staff proposes that they be allowed by conditional use instead of by temporary commercial permit to facilitate their approval. One possible change is that parking regulations require five parking stalls for customers, which would include the ADA provisions.

Laundry Drop Off/Pickup: The use would be deleted and replaced with Dry Cleaners and Cleaners, Commercial/Industrial in order to have two categories so that the use can be permitted either as a right or a conditional use. The intent is to distinguish between the heavy duty cleaners and the more convenience dry cleaning establishments.

Animal Keeping and Husbandry and Animal Keeping - Wild or Exotic. Proposed new categories to facilitate both uses either by conditional or by Special Use Permit.

Mounted Antenna: The current provisions in the utilities communication area allow mounted antenna of 15 feet or less. It does not refer to any antenna in excess of 15 feet. Therefore staff would propose two new categories - 1) 15 feet or less and 2) 15 feet or higher, through condition or a Special Use Permit in order to make that distinction.

He recommended changes to also allow mounted antenna over 15 feet in all of the residential zoning districts through a Special Use Permit in order to provide more

flexibility to the City Council. He also suggested that the same provision of a Special Use Permit apply within the U district for mounted antenna of less than 15 feet.

Office and Professional: Staff proposes that the two new categories of Medical Office and Clinic be added in order to separate the two uses. Staff feels the two uses are special enough to be distinguished. The two uses would be allowed as permitted uses in certain districts.

Councilman Brown stated that by definition a clinic seems to be less intense. Mr. Chow indicated that it is a more intense use because it includes 24-hour emergency care, so it has more impact on the surrounding areas. Therefore, it should not be a permitted as a right, nor should it be allowed in as many districts. Mr. Steed explained that the definition of a clinic includes those persons who show up without an appointment, making it more intense. Medical offices normally schedule appointments.

Finally, Mr. Chow suggested some procedural changes: 1) to allow the Planning and Development Director the discretion to accept or reject at the pre-application stage proposals for the R-PD district to ensure that they comply with the intent of the zoning classification. The intent of staff is to continue to allow an appeal process to the Board of Zoning Adjustment to ensure fairness. Staff would have no problem with amending the language slightly to say "the intent of zoning classifications" as opposed to "the spirit and intent of zoning classifications." Terry Barber, Deputy Director, Southern Nevada Home Builders Association, felt satisfied so long as applicants have an appeal recourse. Regarding Section 5, she indicated that site concept development plans should be required to conform to the Code and not be subjective, as implied by the language of "spirit and intent." Because while the current staff may have one philosophy, that philosophy might change over time as staff changes.

Jerry Helton, Development Consultant, Southern Nevada Home Builders Planning Committee, had no objection to providing a concept development plan in the R-PD district, but the City Council should retain discretion to ensure that the concept plan complies with the spirit and intent of the zoning classifications. Even though an application may not comply with every zoning category perfectly, Council might decide that it is the best land use for the area. The property owner should have the right to put forward the best application possible and be heard by the City Council and not administratively. Councilman Brown asked if there is a current problem in that area. Mr. Chow did not believe so, but he felt that Ms. Barber and Mr. Helton brought up a good point. He offered to work with them on possible language that might address their concerns. Mr. Helton concurred with that proposal. Mr. Steed explained that allowing the director discretion is necessary because applicants sometimes insist on filing applications for Council's review on uses where there is no flexibility.

Mr. Chow further proposed that Special Use Permits be allowed to run for one year and to allow the City Council to grant an extension, if necessary, during the one-year period. That proposal would eliminate the provision for reinstatement during the one-year extension-of-time period for all new projects granted after January 1, 2000. Past projects

Recommending Committee Meeting

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would continue to enjoy the reinstatement opportunity. Also, he proposed that the term *exercise* be clarified to define the commencement and termination of that period. The beginning of a period should commence the date approval is granted. He suggested the following clauses to help define the termination of the exercise period. 1) Issuance of an appropriate business license for a Special Use Permit, or 2) approved final inspection in the case of signs, or 3) the issuance of a certificate of occupancy in all other cases. Staff continues to support the proposal for the cessation of a Special Use Permit within six months, if an establishment goes out of business.

Councilman Brown asked if approved Special Use Permits carry permanently with the property. Mr. Chow answered that they carry for a one-year period. Mr. Steed further responded that since Title 19-A did not include some of those termination provisions, Title 19 was used as a backup. The intent now is to add termination provisions in Title 19-A to phase out Title 19 as the backup.

Councilman Brown asked if the Special Use Permit would cease if an Extension of Time is not filed and approved. Mr. Steed explained that it ceases within a year if it is not used, unless application is made for a reinstatement within six months. The same will apply for a Variance under Title 19-A. Mr. Chow noted that staff would be willing to allow a longer period than one year, perhaps two years, but without a reinstatement provision for the initial exercise. Mr. Steed interjected that two years would make sense if construction of a building has not started. If the building is already in place and interior renovation is all that is necessary, then one year would suffice. Both clauses can be included to make the distinction.

Mr. Steed recommended the proposals be drafted and brought back to the 12/27/99 Recommending Committee meeting. The Bill would probably be eligible for adoption at the 1/5/2000 Council meeting.

Councilman Brown asked what kind of outreach would be necessary. Mr. Steed advised that a Proposed First Amendment could be drafted within a week and made available to the home builders for review.

Tom McGowan, 720 South Casino Center Boulevard, questioned what would happen in the instance of a sale of property with a non-expired Special Use Permit. Would the new owner have to reapply for a Special Use Permit, and what would be the time limit? Mr. Chow indicated that the Special Use Permit would run with the land, unless otherwise specified. Mr. Steed added that the Special Use Permit is in effect until it expires. Mr. McGowan advised that a proprietor may use a Special Use Permit as a selling point. Mr. Chow stated that for that reason the termination period needs to be clarified.

Mr. Chow proposed that the aforementioned terms for Special Use Permits also be applied to Variances.

Mr. McGowan submitted his written comments, a copy of which is made a part of the minutes. He noted that Bill No. 99-69 does not provide for an arts community in any

zoning classification. Such a community would require multiple safeguards and conditions because of its uniqueness. He felt that Fourth Street is the wrong location for an arts corridor, as proposed by the Mayor. It would create hazards to public safety because it is a one-way street, making it non-conducive for drivers wishing to browse. In his opinion, the best location for an art corridor would be along Casino Center Boulevard, from Charleston to Bonneville, bound by First Street and Fourth Street.

There was no further discussion.

Councilman Brown stated Bill No. 99-69 would be held in ABEYANCE to the 12/27/99 Recommending Committee meeting, with staff to draft a proposed First Amendment.

(4:31 - 5:05)

1-360

CITIZENS PARTICIPATION:

Tom McGowan, 720 South Casino Center Boulevard, congratulated the Recommending Committee and staff for its foresight. He advised against the Mayor's intent to place a hotel/casino as the anchor tenant in the Neonopolis, and indicated that an alternative proposal that would better serve the public could be made available by him upon request. The withdrawal of pertinent projects in the downtown area by key developers is mainly due to the lack of coherent master-planned development in that area. In his opinion, the best site for the Metro Administrative Complex would be on the 10 acres of County-owned land in the southwest quadrant of the Union Pacific Railroad property. That would also be the best site for a Performing Arts Center. A proposal was submitted to the City Council, the Redevelopment Agency, and the City Centre Development Corporation on the necessary components to fund and attract a sports arena, a performing arts center, a film and television studio, as well as other services and amenities that comprise a master-planned community. In conclusion, it is time that public officials take responsible leadership and realize that successful development is an ongoing process that is always evolving and not a series of incremental projects. His written comments are made a part of these minutes.

(5:05 - 5:10)

1-1540

ADJOURNMENT:

The meeting adjourned at 5:10 p.m.

/gpb