

City of Las Vegas

**SPECIAL JOINT CITY COUNCIL AND PLANNING COMMISSION MEETING
LAS VEGAS LIBRARY MULTIPURPOSE ROOM
833 LAS VEGAS BLVD.**

**CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
MONDAY, DECEMBER 8, 2003
12:00 P.M.**

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- PLEDGE OF ALLEGIANCE
- 1. Discussion regarding Planning Commission and City Council roles in the development process
- 2. Report and possible action on changes to agenda, policies and procedures to reduce the length of Planning Commission and City Council meetings
- 3. Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections
- 4. Report and possible action pertaining to policies regarding open space and park definitions, purpose and waivers and/or variances thereto
- 5. Report and possible action on the purpose and intent of Traffic Impact Analysis and Drainage Studies

CITIZENS PARTICIPATION: Items raised under this portion of the Special City Council and Planning Commission 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 step up to the podium and 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

DUPLICATE AUDIO TAPES MAY BE AVAILABLE AT A COST OF \$3.00 PER TAPE THROUGH THE CITY CLERK'S OFFICE.

NOTE: CELLULAR PHONES ARE TO BE TURNED OFF DURING THE MEETING.

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

City Hall Plaza, Special Outside Posting Bulletin Board
Court Clerk's Office Bulletin Board, City Hall Plaza
Las Vegas Library, 833 Las Vegas Boulevard North
Senior Citizens Center, 450 E. Bonanza
Clark County Government Center, 500 S. Grand Central Parkway

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 2nd day of December, 2003, a copy of NOTICE, the attached of which is a true and correct copy of the Public Hearing – re: **Special Joint City Council and Planning Commission Meeting** to be held on the 8th day of December, 2003, 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.



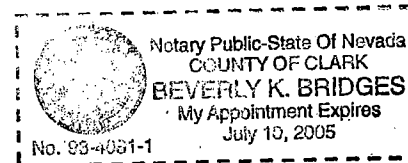
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

8th day of December, 2003


NOTARY PUBLIC in and for said County and State



AFFIDAVIT OF POSTING

(Posting required under the provisions of NRS Chapter 241)

STATE OF NEVADA)

) SS

COUNTY OF CLARK)

Eva Cotton and Jo Ann Williams, employees of the City of Las Vegas, Nevada being first duly

sworn, depose and say that on the 2nd day of **December, 2003**, at the hour of **4:00 P.M.** there were

posted copies of a NOTICE, the attached of which is a true and correct copy of a **Special Joint City**

Council and Planning Commission Meeting to be held on the 8th day of **December, 2003** at

12:00 P.M., Las Vegas, Nevada; to be posted on Public Bulletin Boards at the following locations:

1. City Hall Plaza, Special Outside Posting Bulletin Board, 400 Stewart Avenue
(in the walkway area between Metro and Municipal Court).

2. Court Clerk's Office Bulletin Board, City Hall Plaza, 400 Stewart Avenue (near the entrance to the Court Clerk's Office);

3 Senior Citizens Center, 450 E. Bonanza Road

4. Clark County Government Center, 500 S. Grand Central Parkway

5. Las Vegas Library, 833 Las Vegas Blvd.

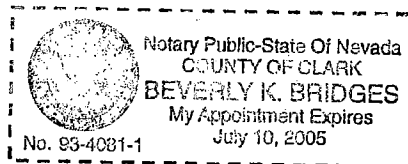
SIGNATURE

City Clerk
DEPARTMENT

Subscribed and sworn to before me this

8th day of December, 2003

Bernard K. Snelgrove
NOTARY PUBLIC in and for said County and State



City of Las Vegas

JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA **SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:** **DECEMBER 8, 2003**

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- PLEDGE OF ALLEGIANCE

MINUTES:

PRESENT: MAYOR GOODMAN (excused after 2:09 P.M.) and COUNCIL MEMBERS REESE, BROWN, L.B. McDONALD, WEEKLY (excused after 2:24 P.M.), MACK, and MONCRIEF (excused after 2:23 P.M.)

PRESENT: PLANNING COMMISSION CHAIRMAN TRUESDELL, VICE CHAIRMAN NIGRO, MEMBERS GOYNES, EVANS, McSWAIN, and DAVENPORT

Also Present: CITY MANAGER DOUG SELBY, DEPUTY CITY MANAGER STEVE HOUCHEMS, DEPUTY CITY MANAGER BETSY FRETWELL (excused after 2:24 P.M.), CITY ATTORNEY BRAD JERBIC, and CITY CLERK BARBARA JO RONEMUS

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

City Hall Plaza, Posting Board
Court Clerk's Bulletin Board, City Hall
Las Vegas Library, 833 Las Vegas Boulevard North
Senior Citizens Center, 450 E. Bonanza Road
Clark County Government Center, 500 S. Grand Central Parkway

(12:01 – 12:03)

1-1

MAYOR GOODMAN led the audience in the Pledge.

(12:03)

1-40

JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA
SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:
DECEMBER 8, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Discussion regarding Planning Commission and City Council roles in the development process

Fiscal Impact

☒

No Impact

☐

Budget Funds Available

☐

Augmentation Required

Amount:

Dept./Division:

Funding Source:

PURPOSE/BACKGROUND:

RECOMMENDATION:

No recommendation

BACKUP DOCUMENTATION:

None

Submitted at meeting - PowerPoint presentation regarding Planning Commission and City Council Differences and Similarities

MOTION:

None required

MINUTES:

ROBERT GENZER, Director of Planning and Development Department, thanked all the members of the Council and Planning Commission for participating in this meeting to provide staff with input and direction. The issues being brought forward are a result of questions that have been raised by both the Planning Commission, mostly through its newer members, and from the Council itself.

MR. GENZER reviewed the PowerPoint presentation submitted regarding the differences between City Council and Planning Commission. The City Council is an elected body that serves at the pleasure of the constituency and members represent both the constituency of a specific Ward as well as overall for the entire City. The Planning Commission is an appointed body that serves at the pleasure of the City Council and members represent their own opinions and experience. The Council holds greater discretion to address issues by way of adopting or amending land use laws. The Planning Commission must make its determinations based upon the laws adopted by the Council. The Planning Commission is mostly advisory to the City

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 1 – Discussion regarding Planning Commission and City Council roles in the
development process

MINUTES - Continued:

Council, although there are limited matters where the action may be final. The Council has final action authority and any appeal would have to be by way of a lawsuit.

The Planning Commission is there to validate or invalidate staff's recommendation. Those recommendations are based upon the Municipal Code and what are believed to be appropriate planning principals. The Planning Commission makes determinations as to the recommendation after hearing arguments for and against a project. The Council then reviews the staff recommendation through the staff report as well as the Planning Commission recommendation before making a final decision. At the Planning Commission level, political issues and economics may not be considered in regard to land use decisions. The City Council may consider land use issues, political matters and economic arguments when making a land use determination.

The two Boards are similar in the need to know City codes, rules under which the meetings are conducted and the Chair controls each meeting. It is important that decisions be reasonable, rational and consistent rather than arbitrary or capricious. Counsel is present at both meetings to provide advice as necessary. Comments and votes taken are on the public record. That is especially important during a contentious process that could end in court. Both bodies are respectful to colleagues, staff and the public.

MAYOR GOODMAN expressed the City Council's deep gratitude for the service of the Planning Commission, acting as the front line for the constituents. Members contribute a lot of time, a careful thought process, respectful treatment of the public and provide significant recommendations. Because the bodies serve different functions, the recommendations of the Planning Commission and/or staff are not always followed, but that does not lessen the gratitude. The tremendous service helps provide the best possible quality of life for the citizens.

There was no further discussion.

COUNCILMAN BROWN requested the recall of Item 1 to allow the Planning Commission members to discuss their individual beliefs as to their role and responsibilities. He then requested the Councilmembers individually state their interpretation of the Commissioners' roles and responsibilities. The purpose of putting everyone on the spot is because the greater everyone's understanding of the other's perspective, the better the working relationship.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 1 – Discussion regarding Planning Commission and City Council roles in the
development process

MINUTES - Continued:

MAYOR GOODMAN requested that each member, beginning with CHAIRMAN TRUESDELL explain their understanding of their role. He outlined his own expectation is that the Planning Commission lends an expertise beyond the sphere of knowledge of the Council, to rely on them to filter out non-relevant issues, to rule from a technical stance and to leave the Council to rule from a political stance. He views the Commission and staff working very closely together, making valuable recommendations, but the ultimate decision rests with the Council. In order to make those decisions, he reads the backup and will even view the video of the long meetings when necessary. He then excused himself in order to attend the Las Vegas Centennial Executive Committee.

COUNCILMAN BROWN advised that his service on the Planning Commission immediately followed his attendance as a neighborhood advocate. COMMISSIONER BLACK, ROBERT GENZER, Director of Planning and Development Department, and JOHN McNELLIS, then with Planning and Development Department, taught him about the development process. The enlightening experience taught him that the Planning Commission sets the public record and the table for the final decision, most usually by the City Council. Decisions can be and inherently are political. The most difficult part is to get through the controversy and the hype and concentrate on creating that invaluable public record.

CHAIRMAN TRUESDELL concurred that the Planning Commission creates the record, elicits public input, defines staff perspective and puts a community face on technical issues. Doing so allows the City Council to make better final decisions. In doing a good job, Planning meetings run longer and Council meetings are shorter. Many times the Planning Commission hearing is a citizen's only involvement in speaking about their neighborhood. The City does the best job out of all the local entities in allowing the public's voice in a public venue.

COUNCILMAN REESE outlined his experience and the honor of serving on the Board of Zoning Adjustment and the Planning Commission. He researched items on the agenda, including contacting neighbors, to evaluate the huge planning process and its impact on the community. Most of the time the recommendations of the Planning Commission were followed and made a difference. As a Councilmember, he continues to appreciate the input of the Planning Commission and staff. For example, he learned the proper criteria for reviewing General Plan Amendments. Unfortunately, the City has gotten away from requiring applicants to justify such amendments.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 1 – Discussion regarding Planning Commission and City Council roles in the
development process

MINUTES - Continued:

COUNCILWOMAN McDONALD pointed to her appointment of LAURA McSWAIN on the Planning Commission as the prototype of a Planning Commissioner. COMMISSIONER McSWAIN is always thorough, prepared, fair and balanced with no spin. The Planning Commission members should be impartial and render objective decisions based on their own opinion. Sometimes the Council must chart a different course as the duly elected representatives for a specific Ward.

COMMISSIONER NIGRO expressed his pleasure in serving on the Planning Commission for a year and a half. The Planning Commission gathers input and makes recommendations for use by the City Council on a particular item. It is the first opportunity for the public to express their opinion. Shortening the meetings would be a wonderful thing, but it is more important for the recommendations to be relevant. He concurred with COUNCILMAN BROWN that these joint meetings are very beneficial. Sometimes the code has yet to catch up with the policy being set by the Council. Being aware of that allows him to make recommendations that close that gap.

COUNCILWOMAN MONCRIEF stressed that each Planning Commissioner brings a different viewpoint and knowledge. She admires their decisions and utilizes their input when making her decisions. Whenever there is a deviation, it is in order to stand by the constituents. She offered an apology for any mistreatment by the constituents of her Ward.

COMMISSIONER GOYNES echoed the belief that the discussion at Planning Commission frequently resolves issues before the Council meeting. Planning Commissioners are listeners who also educate the community about the planning process. Being able to effect a change at the Planning Commission stage, which is ratified by the City Council, goes a long way toward credibility for both boards and refutes the belief that the outcome is a predetermined guarantee. It is the role of a Commissioner to be a visionary, listener and a resource for the district.

COUNCILMAN WEEKLY again thanked the Planning Commission for their efforts in representing their expertise for the entire City. He frequently watches the Planning Commission meetings in order to hear public input prior to the Council meeting. This meeting was beneficial and he would like to see them continue in the future. He would also like to see the Commissioners take more active roles outside their individual Wards, particularly in the older areas of town. Many times developers do not take the same care in the older areas compared to their projects in newer areas. He then excused himself to attend the Las Vegas Centennial Executive Committee.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 1 – Discussion regarding Planning Commission and City Council roles in the
development process

MINUTES - Continued:

COMMISSIONER McSWAIN thanked COUNCILWOMAN McDONALD for her kind words and ongoing support. It has been an honor to serve Las Vegas through this board. This board should not be political and encourages dialogue. The City Council does have to serve a more political role. She cited a sign application as an example of how her opinion stands without worrying about being the last line or final answer.

COUNCILMAN MACK agreed that serving on the Board of Zoning Adjustment and Planning Commission gives a Council member insight as to the commitment of those serving on those boards. The time commitment saves time at the Council level. Having his Planning Commissioner involved in post Planning Commission meeting briefings provides input before going into the Council meeting. That has been a great asset and every tool that can be used in the process benefits everyone.

COMMISSIONER EVANS stated he had very little to add. The Planning Commission acts as a dress rehearsal for City Council. Many times the Planning Commission requests developers and neighbors to work together, resulting in a better project coming before City Council. He thanked MAYOR PRO TEM REESE for giving him the opportunity to serve on the Planning Commission. It has given him a voice to hopefully make the community better. All those that serve have a passion for making the community better for our children in the future.

COMMISSIONER DAVENPORT concurred that the Planning Commission brings expertise and experience, but thanked staff for their assistance in guiding him on what they are supposed to be doing.

COUNCILMAN BROWN thanked MR. GENZER and all the staff members that make the system work behind the scenes.

(12:03 – 12:10/2:05 – 2:31)

1-53/2-1252

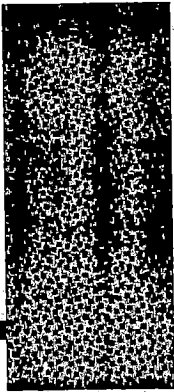
Planning Commission and City Council Differences

PLANNING COMMISSION

- Appointed – serve at pleasure of City Council.
- Individual representing their own opinions and experience in service of the entire city.
- Must use existing land use laws in making decisions.
- Mostly advisory to City Council; seldom final action.
- Validate or invalidate staff's recommendation.
- Economics may not be considered in land use decisions.

CITY COUNCIL

- Elected - serve at pleasure of constituency.
- Representative of constituents; special interest in a Ward.
- Considers existing laws in making decisions; may make new laws.
- Always final action.
- Views staff and Planning Commission recommendations.
- Political issues and land use laws are considered.



Planning Commission and City Council Similarities

- Must be knowledgeable of City's codes.
- Meetings conducted pursuant to same rules.
- Chair controls the meeting.
- Decisions must be reasonable, rational and consistent, neither arbitrary nor capricious.
- Comments and votes taken make a public record.
- Respectful to colleagues, staff and public.

City Of Las Vegas Planning & Development

Changes to Planning Commission Agenda and Procedures





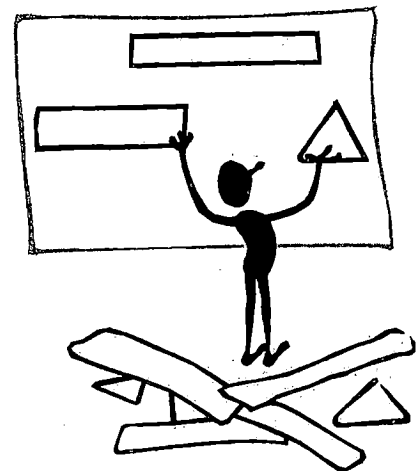
Goals of Today's Discussion

- Streamline policies and procedures to reduce the length of Planning Commission and City Council meetings.
 - Re-organize the Agenda so the meetings are more efficient.
 - Provide a public hearing for citizen input.
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Reorganization of the Planning Commission Agenda

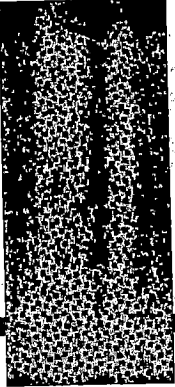
Currently, we divide the meeting into:

- Housekeeping
- Consent
- Public
- Non-public
- Director's business categories



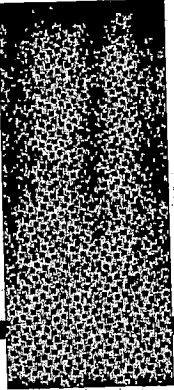
We can borrow some ideas from the Clark County Planning Commission meeting to streamline the process. Here's an outline of how an agenda could be organized.

- Abeyance/Withdrawn Items
- Consent Items
- One Motion/One Vote
- Public Hearing Items
- Citizen Participation

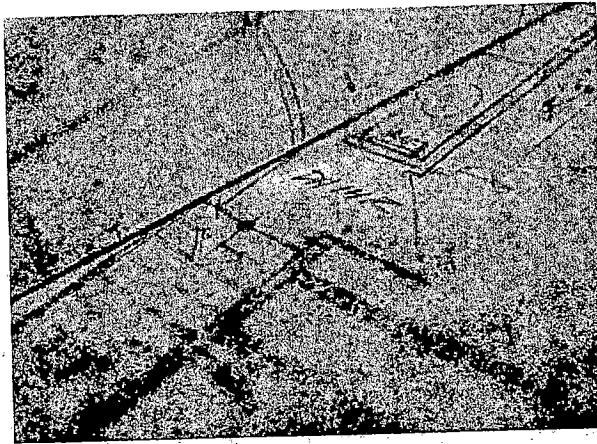


Abeyance/Withdrawn Items

- Here is an example of how the Chairman could introduce these items: The following items may be considered in one hearing with one motion. They have requested that their applications be either held in abeyance or withdrawn without prejudice. Any person representing an application who does not agree that the item should be held or withdrawn should now request the item be moved to be heard separately.
 - The distributed sample agenda does not have any specific cases listed for this portion of the agenda. The applications requesting abeyance would be placed here. Any additional requests received after the final agenda is done could be covered during Briefing, with applications being moved during the housekeeping discussion.
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Consent Items



Extensions of Time, Tentative Maps and Annexations will remain as currently handled on the agenda.

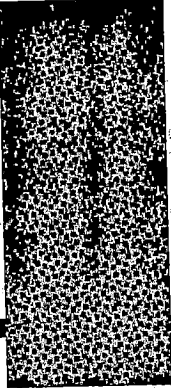
One Motion/One Vote

The following types of applications could be opened all at the same time:

- Non-public hearing site plan reviews
- Vacations
- Routine required reviews
- Master sign plans
- Applications with staff recommendation approval, no protest and applicant, in writing has consented to all conditions.
- Applications with no waivers.



Any applicant, member of the Planning Commission or citizen could request any item be moved to the regular agenda.



Public Hearing Items

These would continue to include all General Plan Amendments, Rezoning and related items, and any other item with – staff denial, applicant or neighbor concerns, special notification, alcohol distance waiver, etc.

ADVANTAGE

These important items could receive the attention they deserve if other routine items were moved quickly, with the Commission, applicants, neighbors and staff less fatigued from having these issues wait to the end of the meeting.

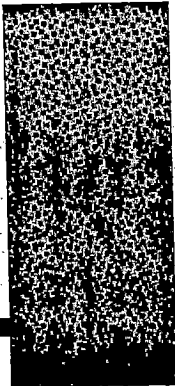




Sample Agenda

Sample agenda distributed to all attendees.





Other Ways to Save Time Include

- Reduce time spent introducing related cases.
 - Reduce and enforce the time limit.
 - Call for spokespersons and new concerns of speakers.
 - Possible code changes:
 - Make some Special Use Permits final action at Planning Commission.
 - Reduce the number of Special Use Permits.
 - Amend design standards to reduce the number of waivers.
 - Reduce the number of Site Plans going to Planning Commission.
-

JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA
SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:
DECEMBER 8, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Report and possible action on changes to agenda, policies and procedures to reduce the length of Planning Commission and City Council meetings

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

To examine policies and procedures needed to reduce the length of Planning Commission and City Council meetings.

RECOMMENDATION:

No recommendation

BACKUP DOCUMENTATION:

1. PowerPoint presentation
2. Sample Planning Commission Agenda

MOTION:

REESE – Motion to allow the Mayor to place citizens participation at the beginning of the AM and PM Sessions of the City Council and the Chairman to do the same for the Planning Commission, that the Planning Commission and staff continue to work to identify and incorporate recommendations and that the Planning Commission and/or staff report to the Council any such recommendations that are successful for possible implementation at the Council meetings - UNANIMOUS

MINUTES:

DAVE CLAPSADDLE, Planning and Development Department, introduced some ideas on how to make the Council and Planning Commission meetings faster, more efficient and still provide a forum for applicants and citizens to speak. He reviewed a PowerPoint presentation outlining the issues addressed at Commission meetings. The agenda and procedures can be set to streamline the process. Routine items, even though not consent items, could be heard and acted upon with one vote. Likewise, public hearing items could also be bundled for more efficient handling. The third slide outlined formalizing the briefing process of announcing abeyance/withdrawal items. Similarly, all vacations could be bundled together. Applications of a similar nature that carry a staff recommendation for approval and written commitment of the applicant to the conditions

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 2 – Report and possible action on changes to agenda, policies and procedures to
reduce the length of Planning Commission and City Council meetings

MINUTES - Continued:

proposed could be heard in a grouping. Public comment would still be taken and any item where
there was a serious issue could be separated for an individual public hearing.

MR. CLAPSADDLE stressed that this bundling would not include any rezonings or general plan
amendments. Any public hearing item would not be considered routine and would be handled as
they are today. He referenced the sample Planning Commission agenda as it would appear if
these suggestions were adopted. There may be other time saving efforts. For example, the
manner in which related items are introduced could be handled in a more efficient manner. The
time limit for speaking could be reduced and enforced. Establishing longer speaking times for
spokespersons and shorter speaking time for those following the spokespersons.

There are potential code changes that could be investigated. Perhaps special use permits could
be changed to final action at the Planning Commission. Reducing the number of special use
permits by different handling of routine items, such as hot dog vendors. Staff is researching
commercial design standards and to provide for administrative approval of minor waivers to the
standard to reduce the load on Council and the Planning Commission. These streamlining
suggestions might provide greater time to focus on the tougher applications. The length of the
meetings do not serve anyone as both the members and the audience are tired by the time they
reach the more controversial applications.

COUNCILMAN REESE discussed with MR. CLAPSADDLE his feeling that every special use
permit in his Ward should come before him. DEPUTY CITY ATTORNEY BRYAN SCOTT
clarified that even after a final determination by the Planning Commission, the Council has the
ability to call the item forward before the City Council. MAYOR GOODMAN requested an
explanation for why Planning Commission meetings take longer than the afternoon Council
meetings. MR. GENZER explained that the Planning Commission is the first opportunity to
voice objections. Part of the role of the Planning Commission is to ensure that the item before
the Council has been condensed. Also, attendance is greater in the evening versus the City
Council afternoon meeting. MAYOR GOODMAN directed staff to do a comparison with North
Las Vegas, who has exceedingly short meetings, and brief him on their findings.

COUNCILWOMAN McDONALD pointed out that many times a considerable amount of work
is done between meetings, resolving issues.

COMMISSIONER GOYNES outlined the process in North Las Vegas where speakers must
submit their request in advance. However, there has been a lot of discussion regarding that
process. This Planning Commission does try to provide the public with as much time as
necessary to speak. That is time consuming, but a good policy. COMMISSIONER NIGRO

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER 8, 2003

Planning and Development Department

Item 2 – Report and possible action on changes to agenda, policies and procedures to reduce the length of Planning Commission and City Council meetings

MINUTES - Continued:

indicated his experience with the County and North Las Vegas and the similarities between those meetings and MR. CLAPSADDLE'S suggestions. Frequently they can complete a significant portion of the agenda very quickly using that one action/one vote process on routine items.

COMMISSIONER McSWAIN commented that she supported the bundling concept and her finding of the County meetings as intimidating. There is also the problem with repeated abeyance requests and a need to monitor and evaluate these situations. COMMISSIONER EVANS urged exploration of time limitations being imposed on the applicants. The written information submitted should be part of the record. It would be beneficial for both the applicant and citizens to be briefer and more to the point, subject to legal propriety.

MAYOR GOODMAN responded that the limitations have been discussed and discretion rests with the Chair. DEPUTY CITY ATTORNEY SCOTT agreed that even applicants should be cut off when they begin to be redundant or repetitious. MAYOR GOODMAN stated that he had never heard a complaint that people have not been allowed to speak. Most comply with the time limits imposed. There is a bundling of abeyance type requests at the Council meetings. His sympathy rests with the Planning Commission and the people attending their meetings. The Council meetings are not overly burdensome.

MR. GENZER noted that staff makes a full presentation of every item at the Planning Commission. At Council, the presentation is handled through a briefing process involving ward-specific information and contentious applications. MAYOR GOODMAN suggested a similar briefing process. MR. GENZER stated that staff can only brief the Chairman at this time. To brief the entire Planning Commission, it would have to be posted as an open meeting. If that is the direction given, staff will investigate the possibility.

COUNCILMAN MACK commented that he enjoyed the staff presentation as a Planning Commissioner. There are significant applications and the presentation would be helpful.

COUNCILMAN BROWN confirmed with DEPUTY CITY ATTORNEY SCOTT that conditions of approval do not require acknowledgement by the applicant and whether written acknowledgement could be worked into the process. DEPUTY CITY ATTORNEY SCOTT addressed the Nevada Revised Statute text regarding an applicant's inability to challenge conditions once agreed to on the record. The effect of prior approval may or may not have the same in terms of a challenge.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
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Item 2 – Report and possible action on changes to agenda, policies and procedures to
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MINUTES - Continued:

DEPUTY CITY ATTORNEY SCOTT explained the legal problems with one action/one vote. It would be essential that each item would still be read into the record, items would have to be identified as final actions or going onto Council and identifying those items pulled off for public discussion. That would inform the public as well as the Council in the event they wished to pull a final item forward before Council. The City Clerk also had concerns regarding record keeping under that process. CITY CLERK BARBARA JO (RONI) RONEMUS expressed the concerns with precision minute taking. A full and complete record is created and available if and when the City Attorney needs it for court. Bundling may address streamlining, but adversely impact the clarity of detail. MAYOR GOODMAN countered that litigation would necessitate a transcript. CITY CLERK RONEMUS replied that there are very few verbatim transcripts from Planning Commission and those done are requested by legal counsel. Minutes are done for both meetings. DEPUTY CITY ATTORNEY SCOTT explained that transcripts can be obtained by anyone, so long as the requestor pays for the transcript. He would not oppose shortening the meeting so long as the same effect remains.

MAYOR GOODMAN verified that both meetings are videotaped and the legal implication. DEPUTY CITY ATTORNEY SCOTT responded that the standard is a written record so that the judge would not have to sit through the entire videotape. Excerpts of the transcript is usually also incorporated into the legal brief to demonstrate the Council's substantial evidence for the decision made. CITY CLERK RONEMUS advised that Nevada law does not require a video record of a meeting. It does require an audio record, such as is being created today. Those audiotapes are available to the public during their statutory one-year retention period. After the Clerk's three-year retention period, the tapes may be destroyed. The permanent record is the minutes.

CITY CLERK RONEMUS stated that the City must be cautious and the Open Meeting Law requires agendas to fully inform the public. Advertising information on the agenda as to bundling, final action, going onto Council and other streamlining efforts are acceptable so long as the public is informed and has an opportunity to be heard. However, public input could be restricted if such efforts caused confusion. DEPUTY CITY ATTORNEY SCOTT replied that the confusion should be prevented by reading each item even when bundled together.

COUNCILMAN MACK pointed out that during his tenure as a Planning Commissioner board members were appointed as Ward representatives. Now each Commissioner has input on every item. Perhaps there would be a way to cut down on that input. COMMISSIONER McSWAIN expressed her appreciation for the range of expertise on the Planning Commission that helps her while considering an application.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 2 – Report and possible action on changes to agenda, policies and procedures to
reduce the length of Planning Commission and City Council meetings

MINUTES - Continued:

COMMISSIONER NIGRO questioned the vehicle that allows bundling of consent items without individual readings that does not apply to bundling public hearing items. DEPUTY CITY ATTORNEY SCOTT answered that many of the same steps would be taken that are taken with the consent items. The consent items are not individually read because they are not public hearing items and are open for public comment only at the discretion of the chair. CHAIRMAN TRUESDELL suggested that bundling of some non-public hearing or public hearing housekeeping issues could be a good meeting shortening technique. The County town board meetings do not function well, but provides constituents an early opportunity to speak and clarify the application at a non-developer driven meeting. This first meeting for the City where the full staff presentation is made occurs at the Planning Commission in order to prevent lengthy Council meetings. Many times the Planning Commission meeting is the only time the speakers attend. Planning Commissioners reducing their commentary but still allowing the public input will create a more concise record for the Council.

COUNCILMAN WEEKLY countered that he does not brief with his appointment to the Planning Commission, relying on the individual's expertise but knowing that the final responsibility rests with him as the elected official. Comments by other Commissioners have been very helpful. He has been particularly appreciative of some of CHAIRMAN TRUESDELL'S comments regarding projects in his Ward.

MAYOR GOODMAN advised that the Reno City Council holds citizens participation at the beginning of the morning and beginning of the afternoon session. He requested input on that idea. COUNCILMAN REESE responded that doing so would enable speakers to be heard by more than just the Council. Many times it would be beneficial to have a greater audience for the comments made. MAYOR GOODMAN suggested trying the alternative.

AL GALLEG0, citizen of Las Vegas, suggested a few changes as to agenda notification. He summarized a situation where he picked up an agenda that did not match the final agenda. On the final agenda, an application that he was interested in had been deleted. He checked the posting sites, experienced difficulty in locating the documents on the posting sites. The plaza posting board should be relocated to the second floor off the parking garage access. The Clerk has a lot of work to do, but steps should be taken to make things clearer for the public. He had a concern with agendas being removed too quickly or never posted since they cannot be found. DEPUTY CITY ATTORNEY SCOTT explained that the agenda had a numbering error that had no effect.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 2 – Report and possible action on changes to agenda, policies and procedures to
reduce the length of Planning Commission and City Council meetings

MINUTES - Continued:

MR. GENZER requested concurrence from the Planning Commission that staff work with the City Attorney and City Clerk's offices to make the discussed changes, perhaps for a trial period of two or three meetings. COUNCILMAN REESE added that the comparison to other entities is difficult without knowing all the parameters. The existing process allows the Chairman to run the meeting as appropriate. It has been his experience during his service on both the Council and Planning Commission that the citizens attending the meetings get their civic opportunity. Although he extended his sympathy to the Planning Commission and staff for the length of the meetings, they are necessary.

There was no further discussion.

(12:10 – 12:56)

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COMMISSIONERS

RICHARD W. TRUESDELL, CHAIRMAN

STEPHEN QUINN, VICE CHAIRMAN

CRAIG GALATI

STEVEN EVANS

BYRON GOYNES

LAURA McSWAIN

TODD NIGRO

ALL ITEMS ON THIS AGENDA ARE SCHEDULED FOR ACTION UNLESS SPECIFICALLY NOTED OTHERWISE

COMMISSIONERS BRIEFING: 5:15 P.M. City of Las Vegas Council Chambers 400 Stewart Avenue Las Vegas, Nevada

It is the intent of the Planning Commission to be briefed by staff and that all items on the agenda shall be available for open discussion during the briefing session. The Planning Commission may ask applicants and other interested parties for information or presentations. Applicants may not participate in the discussion unless at the specific request of the Commission. All interested parties are invited to attend.

CALL TO ORDER:

6:00 P.M. City of Las Vegas Council Chambers 400 Stewart Avenue Las Vegas, Nevada

ROLL CALL:

ANNOUNCEMENT:

Satisfaction of Open Meeting Law Requirements

NOTICE:

This meeting has been properly noticed and posted at the following locations:

Clark County Government Center, 500 South Grand Central Parkway
Senior Citizen Center, 450 East Bonanza Road
Clark County Courthouse, 200 East Carson Avenue
Court Clerk's Office Bulletin Board, City Hall Plaza
City Hall Plaza, Special Outside Posting Bulletin Board

MINUTES:

Approval of the minutes of the July 24, 2003 Planning Commission Meeting

ACTIONS:

ALL ACTIONS ON TENTATIVE SUBDIVISION MAPS ARE FINAL UNLESS AN APPEAL IS FILED BY THE APPLICANT OR AN AGGRIEVED PERSON, OR A REVIEW IS REQUESTED BY A MEMBER OF THE CITY COUNCIL WITHIN SEVEN DAYS OF THE DATE NOTICE IS SENT TO THE APPLICANT. UNLESS OTHERWISE INDICATED DURING THE MEETING, ALL OTHER ACTIONS BY THE PLANNING COMMISSION ARE RECOMMENDATIONS TO THE CITY COUNCIL, IN WHICH CASE ALL FINAL DECISIONS, CONDITIONS, STIPULATIONS OR LIMITATIONS ARE MADE BY THE CITY COUNCIL.

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ANY ITEM LISTED IN THIS AGENDA MAY BE TAKEN OUT OF ORDER IF SO REQUESTED BY THE APPLICANT, STAFF, OR A MEMBER OF THE PLANNING COMMISSION. THE PLANNING COMMISSION MAY IMPOSE TIME LIMITATIONS, AS NECESSARY, ON THOSE PERSONS WISHING TO BE HEARD ON ANY AGENDA ITEM.

PLANNING COMMISSION MEETING RULES OF CONDUCT:

1. Staff will present each item to the Commission in order as shown on the agenda, along with a recommendation and suggested conditions of approval, if appropriate.
2. The applicant is asked to be at the public microphone during the staff presentation. When the staff presentation is complete, the applicant should state his name and address, and indicate whether or not he accepts staff's conditions of approval.
3. If areas of concern are known in advance, or if the applicant does not accept staff's conditions, the applicant or his representative is invited to make a brief presentation of his item with emphasis on any items of concern.
4. Persons other than the applicant who support the request are invited to make brief statements after the applicant. If more than one supporter is present, comments should not be repetitive. A representative is welcome to speak and indicate that he speaks for others in the audience who share his view.
5. Objectors to the item will be heard after the applicant and any other supporters. All who wish to speak will be heard, but in the interest of time it is suggested that representatives be selected who can summarize the views of any groups of interested parties. *A spokesperson is permitted to speak for five minutes. All others are limited to two minutes and should discuss only new issues.*
6. After all objectors' input has been received; the applicant will be invited to respond to any new issues raised.
7. Following the applicant's response, the public hearing will be closed; Commissioners will discuss the item amongst them, ask any questions they feel are appropriate, and proceed to a motion and decision on the matter.
8. Letters, petitions, photographs and other submissions to the Commission will be retained for the record. Large maps, models and other materials may be displayed to the Commission from the microphone area, but need not be handed in for the record unless requested by the Commission.

As a courtesy, we would also ask those not speaking to be seated and not interrupt the speaker or the Commission. We appreciate your courtesy and hope you will help us make your visit with the Commission a good and fair experience.

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ABEYANCE WITHDRAWN ITEMS

THE FOLLOWING ITEMS HAVE BEEN REQUESTED TO BE EITHER HELD IN ABEYANCE TO A FUTURE MEETING OR WITHDRAWN WITHOUT PREJUDICE. THEY MAY BE CONSIDERED IN ONE MOTION. ANY PERSON REPRESENTING ONE OF THE FOLLOWING ITEMS WHO DOES NOT AGREE THAT THE ITEM SHOULD BE HELD OR WITHDRAWN SHOULD REQUEST THE ITEM BE HEARD SEPARATELY.

A listing of the items for which staff has received a letter would be listed below. Those items requesting abeyance after the final agenda is completed would be discussed at briefing and added during housekeeping items.

CONSENT AGENDA

CONSENT ITEMS ARE CONSIDERED ROUTINE BY THE PLANNING COMMISSION AND MAY BE ENACTED BY ONE MOTION. HOWEVER, ANY ITEM MAY BE DISCUSSED IF A COMMISSION MEMBER OR APPLICANT SO CHOOSES.

TMP-2678 - APPLICANT: WHITEHORSE EAST - SOUTHWEST HOMES, LIMITED - OWNER: WHITEHORSE ESTATES, LIMITED LIABILITY COMPANY, ET AL - Request for a Tentative Map FOR AN 11-LOT SINGLE-FAMILY RESIDENTIAL SUBDIVISION on 4.93 acres adjacent to the southeast corner of Farm Road and Maverick Street (APN: 125-14-702-001 and 008), R-E (Residence Estates) under Resolution of Intent to R-PD2 (Residential Planned Development - 2 Units Per Acre), Ward 6 (Mack).

TMP-2789 - APPLICANT: DORRELL SQUARE - D.R. HORTON - Request for a Tentative Map FOR A 110-LOT SINGLE-FAMILY ATTACHED CLUSTER SUBDIVISION on 17.0 acres adjacent to the northwest corner of North Decatur Boulevard and Deer Springs Way (APN: 125-24-603-011 and 125-24-604-010), R-E (Residential Estates) Zone under Resolution of Intent to R-PD6 (Residential Planned Development - 6 Units Per Acre), Ward 6 (Mack).

EOT-2742 - APPLICANT: ALBERTSONS, INC. - Request for an Extension of Time of an approved Special Use Permit [U-0039-00(1)] WHICH ALLOWED THE SALE OF PACKAGED LIQUOR IN CONJUNCTION WITH A PROPOSED 15,120 SQUARE FOOT DRUG STORE at the northwest corner of Grand Teton Drive and Durango Drive (APN: 125-08-806-005), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 6 (Mack).

EOT-2756 - APPLICANT: DESERT INN COMMERCIAL, LIMITED LIABILITY COMPANY - Request for an Extension of Time of an approved Rezoning [Z-0094-84(4)] FROM: U (Undeveloped) [M (Medium Density Residential) General Plan Designation] TO: C-1 (Limited Commercial) on 5.62 acres between U.S. 95 and Rock Springs Drive, approximately 630 feet south of Lake Mead Boulevard (APN: 138-22-702-002), Ward 4 (Brown).

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EOT-2778 - APPLICANT: CANTWELL ANDERSON, INC. - OWNER: LAS VEGAS B.P.O. ELKS LODGE #1468 - Request for an Extension of Time of an approved Variance (V-0042-02) WHICH ALLOWED 159 PARKING SPACES WHERE 306 PARKING SPACES ARE THE MINIMUM REQUIRED FOR A PROPOSED SINGLE ROOM OCCUPANCY RESIDENCE at 525 East Bonanza Road (APN: 139-27-805-003), C-2 (General Commercial) Zone, Ward 5 (Weekly).

EOT-2779 - APPLICANT: CANTWELL ANDERSON, INC. - OWNER: LAS VEGAS, NEVADA B.P.O. ELKS LODGE #1468 - Request for an Extension of Time of an approved Special Use Permit (U-0077-02) FOR A SINGLE ROOM OCCUPANCY RESIDENCE on 1.58 acres at 525 East Bonanza Road (APN: 139-27-805-003), C-2 (General Commercial) Zone, Ward 5 (Weekly).

ONE MOTION/ONE VOTE

THE FOLLOWING ARE ITEMS THAT MAY BE CONSIDERED IN ONE MOTION/ONE VOTE. THEY ARE CONSIDERED ROUTINE PUBLIC HEARING ITEMS THAT HAVE NO PROTESTS, WAIVERS FROM THE CODE OR CONDITION CHANGES BY THE APPLICANT OR STAFF. ALL PUBLIC HEARINGS WILL BE OPENED AT ONE TIME. ANY PERSON REPRESENTING AN APPLICATION OR A MEMBER OF THE PLANNING COMMISSION NOT IN AGREEMENT WITH THE CONDITIONS AND ALL STANDARD CONDITIONS FOR THE APPLICATION RECOMMENDED BY STAFF SHOULD REQUEST TO HAVE THE ITEM REMOVED FROM THIS PART OF THE AGENDA

ROR-2785 - APPLICANT: RANCHO OASIS, LIMITED PARTNERSHIP - Required Three Year Review of an approved Variance [V-0023-95(1)] WHICH ALLOWED TWO 14 X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARDS) SIGNS WHERE SUCH USE IS NOT ALLOWED at 2951 North Rancho Drive, (APN: 138-13-601-019) C-2 (General Commercial) Zone, Ward 5 (Weekly).

ROR-2790 - APPLICANT: CLEAR CHANNEL OUTDOOR - OWNER: MINI-MASTERS, INC. - Required One Year Review of an approved Special Use Permit [U-0298-94(2)] WHICH ALLOWED A 14 FOOT X 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 6900 West Craig Road (APN: 138-03-602-015), C-1 (Limited Commercial) Zone, Ward 6 (Mack).

ROR-2792 - APPLICANT: SENSATION SPA OF NEVADA - OWNER: HOWARD JOHNSON - Required One Year Review on an approved Special Use Permit (U-0052-02) WHICH ALLOWED AN OPEN AIR VENDING/ TRANSIENT SALES LOT at 3200 North Rancho Drive (APN: 138-12-810-045), C-2 (General Commercial) Zone, Ward 6 (Mack).

ROR-2814 - APPLICANT: FLETCHER JONES - Required Two Year Review on an approved Special Use Permit WHICH ALLOWED A 40 FOOT HIGH, 12 FOOT 6 INCH X 17 FOOT 6 INCH OFF-PREMISE ADVERTISING (BILLBOARD) SIGN on the southeast corner of the intersection of Rancho Drive and Ann Road (APN: 125-34-501-003), C-2 (General Commercial) Zone, Ward 6 (Mack).

VAC-2680 - APPLICANT: PERMA-BILT HOMES - Request for a petition to Vacate portions of the Shadow Peak Street cul-de-sac generally located 1,000 feet north of West Gowan Road, Ward 4 (Brown).

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VAC-2738 - APPLICANT: AVANTE HOMES - Request for a Petition to Vacate a portion of North Campbell Road extending 158 feet southerly from the Log Cabin Way Alignment, Ward 6 (Mack).

VAC-2743 - APPLICANT: STANPARK HOMES - Petition to Vacate U.S. Government Patent Easements generally located north of Gilcrease Avenue, south of Grand Teton Drive, east of Grand Canyon Drive, and west of Tee Pee Lane, Ward 6 (Mack).

VAC-2749 - APPLICANT: L M LAS VEGAS, LIMITED LIABILITY COMPANY - Petition to Vacate a portion of Fern Meadow Street and Parkmoor Avenue intersection and a twenty-foot wide public sewer and drainage easement generally located at the intersection of Parkmoor Avenue and Fern Meadow Street, Ward 6 (Mack).

VAC-2752 - APPLICANT: PECCOLE NEVADA CORPORATION - Petition to Vacate a twenty-foot wide public drainage easement generally located on the northeast corner of North Hualapai Way and West Sahara Avenue, Ward 2 (McDonald).

SUP-2740 - APPLICANT: PROSPER SAMUEL MINTZ - Request for a Special Use Permit FOR MOTORCYCLE/MOTOR SCOOTER SALES on 0.45 acres at 6040 West Sahara Avenue (APN: 163-01-401-009), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

(I would have this removed from SUP and make it Conditional)

SUP-2745 - APPLICANT: RAUL ARTEAGA, D.V.M. LIMITED - Request for a Special Use Permit FOR AN ANIMAL HOSPITAL, CLINIC, OR SHELTER WITHOUT OUTSIDE PENS at 4301 West Sahara Avenue (APN: 162-07-501-002), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

This would not be on the agenda with recommended changes; it would be conditional and the site plan handled administratively.

SDR-2744 - APPLICANT: RAUL ARTEAGA, D.V.M. LIMITED - Request for a Site Development Plan Review FOR A 900 SQUARE FOOT ADDITION TO AN EXISTING BUILDING (SAHARA ANIMAL HOSPITAL) at 4301 West Sahara Avenue (APN: 162-07-501-002), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

MSP-2763 - APPLICANT: FIRST AMERICAN EQUITIES - OWNER: RONALD J. RICHARDSON - Request for a Master Sign Plan FOR AN APPROVED RETAIL BUILDING (AUTOZONE) adjacent to the west side of Lamb Boulevard, approximately 570 feet south of Washington Avenue (APN: 140-30-701-014), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

MSP-2764 - APPLICANT: FIRST AMERICAN EQUITIES - OWNER: RONALD J. RICHARDSON - Request for a Master Sign Plan FOR AN APPROVED RETAIL BUILDING (FAMILY DOLLAR) adjacent to the west side of Lamb Boulevard, approximately 500 feet south of Washington Avenue (APN: 140-30-701-013), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

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MSP-2804 - APPLICANT: RAJESH PATEL - OWNER: SUERTE CORPORATION - Request for a Master Sign Plan FOR AN EXISTING MOTEL DEVELOPMENT at 700 East Fremont Street (APN: 139-34-612-006), C-2 (General Commercial) Zone, Ward 5 (Weekly).

SDR-2784 - APPLICANT: PAUL KELLOGG - OWNER: AQUARIUS, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 12,103 SQUARE FOOT OFFICE BUILDING on a portion of 2.18 acres adjacent to the southwest corner of Charleston Boulevard and Fourth Street (APN: 162-03-115-001), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

This is final action

SUP-2768 - APPLICANT: HEE SEUNG JUNG - OWNER: VILLAGE SQUARE LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A RESTAURANT SERVICE BAR at 9410 West Sahara Avenue, Suite #150 (APN: 163-06-816-035), C-1 (Limited Commercial) Zone, Ward 2 (McDonald).

Would go on to City Council since it is alcohol related.

SUP-2794 - APPLICANT: BOCA PARK MARKETPLACE, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A PROPOSED SUPPER CLUB (GRAND MARLIN) at 8800 West Charleston Boulevard, Suite #8. (APN: 138-32-412-028), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 2 (McDonald).

Would go on to City Council since it is alcohol related.

PUBLIC HEARING ITEMS:

VAR-2782 - APPLICANT: ERNEST A. BECKER, IV AND KATHLEEN C. BECKER FAMILY TRUST - Request for a Variance TO ALLOW A 39-FOOT REAR SETBACK WHERE RESIDENTIAL ADJACENCY STANDARDS REQUIRE A 57-FOOT REAR SETBACK for a Convenience Store (with fuel pumps) on 1.76 acres adjacent to the southeast corner of the North El Capitan Way alignment, proposed North Durango Drive, and West Centennial Parkway (APN: 125-29-501-001), T-C (Town Center) Zone [SC-TC (Service Commercial - Town Center) land use designation], Ward 6 (Mack).

ABEYANCE - RENOTIFICATION - SUP-2541 - APPLICANT: ERNEST A. BECKER, IV AND KATHLEEN C. BECKER FAMILY TRUST - Request for a Special Use Permit FOR ALCOHOLIC BEVERAGE SALES/LIQUOR STORE IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE (WITH FUEL PUMPS) adjacent to the southeast corner of the North El Capitan Way alignment, proposed North Durango Drive, and West Centennial Parkway (APN: 125-29-501-001), T-C (Town Center) Zone, Ward 6 (Mack).

ABEYANCE - RENOTIFICATION - SUP-2543 - APPLICANT: ERNEST A. BECKER, IV AND KATHLEEN C. BECKER FAMILY TRUST - Request for a Special Use Permit FOR AN AUTOMATIC CAR WASH IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE

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(WITH FUEL PUMPS) adjacent to the southeast corner of the North El Capitan Way alignment, proposed North Durango Drive, and West Centennial Parkway (APN: 125-29-501-001), T-C (Town Center) Zone, Ward 6 (Mack).

ABEYANCE - RENOTIFICATION - SUP-2544 - APPLICANT: ERNEST A. BECKER, IV AND KATHLEEN C. BECKER FAMILY TRUST - Request for a Special Use Permit FOR GAMING (RESTRICTED) AND A WAIVER OF THE 330-FOOT DISTANCE SEPARATION FROM SINGLE FAMILY DETACHED DWELLINGS IN CONJUNCTION WITH A PROPOSED CONVENIENCE STORE (WITH FUEL PUMPS) adjacent to the southeast corner of the North El Capitan Way alignment, proposed North Durango Drive, and West Centennial Parkway (APN: 125-29-501-001), T-C (Town Center) Zone, Ward 6 (Mack).

ABEYANCE - RENOTIFICATION - SUP-2545 - APPLICANT: ERNEST A. BECKER, IV AND KATHLEEN C. BECKER FAMILY TRUST - Request for a Special Use Permit FOR A CONVENIENCE STORE (WITH FUEL PUMPS) AND A WAIVER OF THE 330-FOOT DISTANCE SEPARATION FROM SINGLE FAMILY DETACHED DWELLINGS on 1.76 acres adjacent to the southeast corner of the North El Capitan Way alignment, proposed North Durango Drive, and West Centennial Parkway (APN: 125-29-501-001), T-C (Town Center) Zone, Ward 6 (Mack).

ABEYANCE - RENOTIFICATION - SDR-2540 - APPLICANT: ERNEST A. BECKER, IV AND KATHLEEN C. BECKER FAMILY TRUST - Request for a Site Development Plan Review FOR A PROPOSED CONVENIENCE STORE (WITH FUEL PUMPS) AND CAR WASH; A WAIVER OF THE REQUIREMENT FOR THE BUILDING TO BE LOCATED DIRECTLY ADJACENT TO THE FRONT LANDSCAPE PLANTER AND TO ALLOW A REDUCTION IN THE AMOUNT OF PERIMETER LANDSCAPING on 1.76 acres adjacent to the southeast corner of the North El Capitan Way alignment, proposed North Durango Drive, and West Centennial Parkway (APN: 125-29-501-001), T-C (Town Center) Zone, Ward 6 (Mack).

ABEYANCE - GPA-2516 - APPLICANT: CITY OF LAS VEGAS - Request to amend portions of the Centennial Hills Sector Plan Map FROM: GC (General Commercial), SC (Service Commercial) and DR (Desert Rural) TO: GC (General Commercial), O (Office), SC (Service Commercial), PF (Public Facility), and DR (Desert Rural) on property located on, or in close proximity to, both sides of Rancho Drive from Cheyenne Avenue to Gowan Road (APN: 138-12-301-002, 003, 004, 013, 014, 016, 138-12-315-006, 008, 009, 010, 138-12-710-002, 003, 041, 042, 043, 047, 048, 049, 050, 052, 053, 059, 138-12-810-011, 019, 039, and 040), Ward 6 (Mack).

ABEYANCE - ZON-2526 - APPLICANT: CITY OF LAS VEGAS - Request for a Rezoning FROM: C-2 (General Commercial) and R-E (Residence Estates) TO: C-2 (General Commercial), C-1 (Limited Commercial), N-S (Neighborhood Services), O (Office), C-V (Civic), and R-E (Residence Estates) on property located on, or in close proximity to, both sides of Rancho Drive from Cheyenne Avenue to Gowan Road, (APN: 138-12-710-001, 002, 003, 004, 041, 042, 043, 044, 047, 048, 049, 050, 053, 059, 138-12-810-010, 011, 016, 039, and 040) Ward 6 (Mack).

ABEYANCE - SDR-2580 - APPLICANT: SF INVESTMENTS - OWNER: MAS TRADING COMPANY - Request for a Site Development Plan Review FOR A PROPOSED 46-LOT SINGLE FAMILY DEVELOPMENT AND TO ALLOW 4.6 DWELLING UNITS PER ACRE WITHIN A 10.0

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ACRE RURAL PRESERVATION NEIGHBORHOOD BUFFER WHERE 3.0 DWELLING UNITS PER ACRE IS PERMITTED adjacent to the north and south sides of Peak Drive, approximately 630 feet east of Torrey Pines Drive (APN: 138-14-601-029, 138-14-601-030, 138-14-602-021, 138-14-701-001 and 002), R-E (Residence Estates) Zone [PROPOSED: R-PD5 (Residential Planned Development - 5 Units Per Acre)], Ward 5 (Weekly).

ABEYANCE - VAR-2588 - APPLICANT: GREEN HARRINGTON & HOWELL, LIMITED LIABILITY COMPANY - OWNER: SHERRY SOBEL HARRIS - Request for a Variance TO ALLOW 39 PARKING SPACES WHERE 57 PARKING SPACES ARE REQUIRED FOR A PROPOSED 9,955 SQUARE FOOT FAMILY DOLLAR RETAIL STORE adjacent to the west side of Martin L. King Boulevard, approximately 400 feet south of Washington Avenue (APN: 139-28-304-002), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Weekly).

ABEYANCE - SDR-2587 - APPLICANT: GREEN HARRINGTON & HOWELL, LIMITED LIABILITY COMPANY - OWNER: SHERRY SOBEL HARRIS - Request for a Site Development Plan Review FOR A PROPOSED 9,955 SQUARE FOOT FAMILY DOLLAR RETAIL STORE AND A REDUCTION IN THE AMOUNT OF PERIMETER AND PARKING LOT LANDSCAPING on 0.99 acres adjacent to the west side of Martin L. King Boulevard, approximately 400 feet south of Washington Avenue (APN: 139-28-304-002), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 5 (Weekly).

ABEYANCE - SDR-2585 - APPLICANT: GREEN HARRINGTON & HOWELL, LIMITED LIABILITY COMPANY - OWNER: WELLS FARGO BANK - Request for a Site Development Plan Review FOR A PROPOSED 9,968 SQUARE FOOT RETAIL BUILDING (FAMILY DOLLAR); AND A REDUCTION IN THE AMOUNT OF PERIMETER AND PARKING LOT LANDSCAPING on 1.09 acres adjacent to the north side of Charleston Boulevard, approximately 300 feet west of Mohawk Street (APN: 138-36-408-010), R-1 (Single Family Residential) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 1 (Moncrief).

ZON-2771 - APPLICANT: RL HOMES, LIMITED LIABILITY COMPANY - OWNER: TRAN NHU THI - Request for a Rezoning FROM: U (Undeveloped) [PCD (Planned Community Development) General Plan Designation] TO: PD (Planned Development) on 5.49 acres adjacent to the north side of Alexander Road, approximately 335 feet west of Vegas Vista Trail (APN: 137-01-801-007), Ward 4 (Brown).

MOD-2813 - APPLICANT: RL HOMES, LIMITED LIABILITY COMPANY - OWNER: TRAN NHU THI - Request for a Major Modification to the Lone Mountain Master Plan TO CHANGE THE LAND USE DESIGNATION FROM: PCD (Planned Community Development) TO: MEDIUM-LOW DENSITY on 5.49 acres adjacent to the north side of Alexander Road, approximately 335 feet west of Vegas Vista Trail (APN: 137-01-801-007), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Brown).

VAR-2773 - APPLICANT: RL HOMES, LIMITED LIABILITY COMPANY - OWNER: TRAN NHU THI - Request for a Variance TO ALLOW 7,421 SQUARE FEET OF OPEN SPACE WHERE 11,220 SQUARE FEET IS REQUIRED adjacent to the north side of Alexander Road, approximately 335

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feet west of Vegas Vista Trail (APN: 137-01-801-007), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Brown).

SDR-2772 - APPLICANT: RL HOMES, LIMITED LIABILITY COMPANY - OWNER: TRAN NHU THI - Request for a Site Development Plan Review FOR A PROPOSED 34-LOT SINGLE FAMILY RESIDENTIAL DEVELOPMENT on 5.49 acres adjacent to the north side of Alexander Road, approximately 335 feet west of Vegas Vista Trail (APN: 137-01-801-007), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [PROPOSED: PD (Planned Development)], Ward 4 (Brown).

ZON-2735 - APPLICANT: BRONCO/CORBETT, LIMITED LIABILITY COMPANY - Request for a Rezoning FROM: U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] TO: R-PD3 (Residential Planned Development - 3 Units Per Acre) on 4.56 acres adjacent to the southwest and southeast corners of Corbett Street and Bronco Street (APN: 125-26-707-001 and 125-26-706-003), Ward 6 (Mack).

SDR-2736 - APPLICANT: BRONCO/CORBETT, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A PROPOSED 13-LOT SINGLE-FAMILY RESIDENTIAL DEVELOPMENT on 4.56 acres adjacent to the southwest and southeast corners of Corbett Street and Bronco Street (APN: 125-26-707-001 and 125-26-706-003), U (Undeveloped) Zone [R (Rural Density Residential) General Plan Designation] [PROPOSED: R-PD3 (Residential Planned Development - 3 Units Per Acre)], Ward 6 (Mack).

The above two items may be moved to one motion one vote since there are no waivers requested and if we know the applicant has no objection to the conditions.

VAR-2676 - APPLICANT: GREG SHAY AND DAVID MICHAEL CHAMBERS - Request for a Variance TO ALLOW A SIX-FOOT HIGH WALL IN THE FRONT YARD AREA WHERE FOUR FEET TOTAL WITH THE TOP TWO VERTICAL FEET 50 PERCENT OPEN IS THE MAXIMUM HEIGHT PERMITTED at 9312 Verlaine Court (APN: 138-31-612-026), R-PD7 (Residential Planned Development - 7 Units Per Acre) Zone, Ward 2 (McDonald).

VAR-2765 - APPLICANT: TRINITY UNITED METHODIST CHURCH - Request for a Variance TO ALLOW A TWENTY-ONE FOOT TALL, EIGHTY SQUARE FOOT FREESTANDING SIGN WITH AN ELECTRONIC MESSAGE UNIT WHERE A TWELVE FOOT TALL, FORTY-EIGHT SQUARE FOOT FREESTANDING SIGN IS PERMITTED AND WHERE ELECTRONIC MESSAGE BOARDS ARE PROHIBITED at 6151 West Charleston Boulevard (PAN: 163-01-101-001), C-V (Civic) Zone, Ward 1 (Muncie).

VAR-2770 - APPLICANT: DOME, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 30 PARKING SPACES WHERE 44 PARKING SPACES ARE REQUIRED FOR AN EXISTING RETAIL BUILDING WITH A PROPOSED MINOR AUTO REPAIR GARAGE at 5220 and 5230 West Charleston Boulevard (APN: 138-36-803-013), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

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SUP-2769 - APPLICANT: DOME, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A MINOR AUTOMOTIVE REPAIR GARAGE at 5230 West Charleston Boulevard (APN: 138-36-803-013), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

VAR-2781 - APPLICANT: DOUGLAS A & KATSUMI SCHLAGETER - Request for a Variance TO ALLOW A 13-FOOT FRONT YARD SETBACK WHERE 20 FEET IS THE MINIMUM REQUIRED FOR A PROPOSED ROOM ADDITION on 0.17 acres at 512 Essex West Drive (APN: 139-31-310-117), R-1 (Single-Family Residential) Zone, Ward 1 (Moncrief).

VAR-2795 - APPLICANT: FRANK A SPOSATO - OWNER: W M LAND DEVELOPMENT - Request for a Variance TO ALLOW A 26 FOOT REAR YARD SETBACK WHERE 30 FEET IS THE MINIMUM SETBACK REQUIRED FOR A PROPOSED BALCONY ADDITIONS TO A SINGLE FAMILY DWELLING at 1500 Marbella Ridge Court (APN: 163-03-213-003), R-PD2 (Residential Planned Development - 2 Units Per Acre) Zone, Ward 1 (Moncrief).

SUP-2733 - APPLICANT: ARTISAN HOTEL & SPA, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A TAVERN AND A WAIVER OF THE MINIMUM SEPARATION DISTANCE REQUIREMENT BETWEEN TAVERNS at 1501 West Sahara Avenue (APN: 162-09-110-002, 001, 003 and 162-09-110-042), M (Industrial) Zone, Ward 1 (Moncrief).

SUP-2775 - APPLICANT: HIGHLAND STREET GROUP, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A TAVERN AND A WAIVER OF THE MINIMUM SEPARATION DISTANCE REQUIREMENT BETWEEN TAVERNS at 2580 Highland Drive (APN: 162-09-110-035), M (Industrial) Zone, Ward 1 (Moncrief).

SDR-2774 - APPLICANT: HIGHLAND STREET GROUP, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A TWO-STORY 4,500 SQUARE FOOT SEXUALLY ORIENTED BUSINESS AND A WAIVER OF THE PERIMETER AND PARKING LOT LANDSCAPE STANDARDS on 0.62 acres at 2580 Highland Drive (APN: 162-09-110-021 and 035), M (Industrial) Zone, Ward 1 (Moncrief).

SUP-2777 - APPLICANT: 36 ACRE, LIMITED LIABILITY COMPANY - OWNER: DURANGO 215, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR A TAVERN adjacent to the south side of Deer Springs Way, approximately two hundred feet east of El Capitan Way (a portion of APN: 125-20-710-002), T-C (Town Center) Zone [UC-TC (Urban Core - Town Center) General Plan Designation], Ward 6 (Mack).

SDR-2776 - APPLICANT: 36 ACRE, LIMITED LIABILITY COMPANY - OWNER: DURANGO 215, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review and a Waiver of the Town Center Build-To-Line Development Standard FOR A PROPOSED 5,000 SQUARE FOOT RESTAURANT/TAVERN on 0.77 acres adjacent to the south side of Deer Springs Way, approximately two hundred feet east of Durango Drive (a portion of APN: 125-20-710-002), T-C (Town Center) Zone [UC-TC (Urban Core - Town Center) General Plan Designation], Ward 6 (Mack).

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SUP-2734 - APPLICANT: LINDA J HANEY - OWNER: GREAT AMERICAN PLAZA, LIMITED LIABILITY COMPANY - Request for a Special Use Permit FOR SECONDHAND SALES (Clothing) at 8320 West Sahara Avenue, Suite #160 (APN: 163-04-416-001), U (Undeveloped) Zone [SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

SUP-2758 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: COG III, LIMITED - Request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT BY 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 1110 South Rainbow Boulevard (APN: 163-02-101-002), C-1 (Limited Commercial) Zone, Ward 1 (Moncrief).

SUP-2759 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: WILLIAM P MIGUEL, ET AL - Request for a Special Use Permit FOR A PROPOSED 40-FOOT TALL, 14-FOOT X 48-FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 789 North Nellis Boulevard (APN: 140-29-802-004), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

SUP-2760 - APPLICANT: REAGAN NATIONAL ADVERTISING - OWNER: WILLIAM P MIGUEL, ET AL - Request for a Special Use Permit FOR A 40 FOOT TALL, 14 FOOT BY 48 FOOT OFF-PREMISE ADVERTISING (BILLBOARD) SIGN at 745 North Nellis Boulevard (APN: 140-29-802-005), C-1 (Limited Commercial) Zone, Ward 3 (Reese).

SUP-2787 - APPLICANT: WEST COAST FINANCIAL GROUP, LIMITED LIABILITY COMPANY - OWNER: PINE DEVELOPMENT, INC. - Request for a Special Use Permit FOR A FINANCIAL INSTITUTION, SPECIFIED (PAY DAY LOAN SERVICE) at 604 North Rainbow Boulevard (APN: 138-26-301-004), C-1 (Limited Commercial) Zone, Ward 2 (McDonald).

SDR-2675 - APPLICANT: CIMARRON-HAMRICK, LIMITED LIABILITY COMPANY - OWNER: CIMARRON-FRONTAGE, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR A 30,376 SQUARE FOOT OFFICE BUILDING AND A REDUCTION IN THE PARKING LOT LANDSCAPING IN CONJUNCTION WITH A COMMERCIAL DEVELOPMENT adjacent to the southwest corner of Cimarron Road and Deer Springs Way (a portion of APN: 125-21-710-003), T-C (Town Center) Zone, Ward 6 (Mack).

SDR-2766 - APPLICANT: ROOHANI RUSTAM & SHAHNAZ TRUST - Request for a Site Development Plan Review FOR A PROPOSED 12,992 SQUARE FOOT RETAIL BUILDING, WAIVER FOR A REDUCTION IN PERIMETER AND PARKING LOT LANDSCAPING, AND A WAIVER OF THE COMMERCIAL DESIGN STANDARDS on 0.92 acres adjacent to North Lamb Boulevard approximately 140 feet north of East Bonanza Road (APN: 140-30-803-009), R-E (Residence Estates) Zone under Resolution of Intent to C-1 (Limited Commercial), Ward 3 (Reese).

SDR-2783 - APPLICANT: LAS CAL CORPORATION - OWNER: REK INVESTMENTS, LIMITED LIABILITY COMPANY - Request for a Site Development Plan Review FOR TWO RESTAURANT PAD SITES WITH DRIVE-THROUGHS AND WAIVERS OF THE PERIMETER AND PARKING LOT LANDSCAPE STANDARDS on 1.25 acres adjacent to the east side of Durango Drive, approximately 650 feet north of Cheyenne Avenue (APN: 138-09-401-018), U (Undeveloped) Zone

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[SC (Service Commercial) General Plan Designation] under Resolution of Intent to C-1 (Limited Commercial), Ward 4 (Brown).

ROC-2788 - APPLICANT: PERMA-BILT HOMES - OWNER: LM LAS VEGAS, LIMITED LIABILITY COMPANY - Request for a Review of Condition No. 5 of an approved Site Development Plan Review (SDR-1336) TO MODIFY THE SETBACK REQUIREMENTS to include a 14-foot front yard setback FOR SIDE-LOADED GARAGES IN AN APPROVED RESIDENTIAL DEVELOPMENT on 20.16 acres adjacent to the southeast corner of Grand Canyon Drive and Elkhorn Road (APN: 125-19-501-001, 002, 003, 004 and 005), U (Undeveloped) Zone [R (Rural Density Residential) and L (Low Density Residential) General Plan Designation] under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units Per Acre), Ward 6 (Mack).

CITIZENS PARTICIPATION:

THE PLANNING COMMISSION CANNOT ACT UPON ITEMS RAISED UNDER THIS PORTION OF THE AGENDA UNTIL THE NOTICE PROVISIONS OF THE OPEN MEETING LAW HAVE BEEN COMPLIED WITH. THEREFORE, ACTION ON SUCH ITEMS WILL HAVE TO BE CONSIDERED AT A LATER TIME.

draft

JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA
SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:
DECEMBER 8, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

History of meetings held pertaining to the development approval process

RECOMMENDATION:

Six recommendations proposed by staff

BACKUP DOCUMENTATION:

1. Agenda Memo
 2. The City Manager's Information Report, CMIR-009.01
 3. The Planning Department memo "Conditions of Approval" dated July 21, 2003
 - missing - 4. Material presented at the October 15th meeting with the development community
 5. Chapter 19.12.030A.4, "Landscape Required", from the Zoning Code
 6. Estimated improvement costs of a 20' wide trail from the Trails Element of the Master Plan
- Submitted at meeting - hard copy of PowerPoint Presentation

MOTION:

REESE - Motion to implement the proposed modifications to the development process as recommended and incorporate staff investigating a development district or other performance bonds - UNANIMOUS

MINUTES:

DOUG RANKIN, Council Liaison, explained that there was an Ad Hoc Committee over the summer consisting of various City staff and the Homebuilders Association of Southern Nevada and its members. The concern was that the site plan and building review approved by Council and Planning Commission was not necessarily what was built. Walls become double walls or change in character and planned landscaping is not installed. This may occur because engineering of the site occurs at the final map stage. Things change as the plan moves from two-dimensional to three-dimensional. MR. RANKIN introduced DAVE BRATCHER.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 3 - Report and possible action on the proposed modifications to the development
approval process to ensure compliance with conditions of approval through bonding and
site inspections

MINUTES - Continued:

MR. BRATCHER reviewed a PowerPoint presentation on the conditions of approval, performance bonds, installation and maintenance of landscaping for two years, identified issues, existing development process, proposed solutions, modifications to civil plans, process modifications and review of the hidden costs of conditions. Meisenheimer Avenue is a prime example of a drainage study modifying the plan, resulting in a no-man's land without landscaping. Staff recommended changes caused by required studies be the subject of a review of condition, although it adds time to the project. Staff believes that a few changes would allow for the existing developer environment while providing fair and equitable treatment.

A post approval conference would ensure a staff review that all conditions are complied with after the engineering studies. Any not met would come back before the Council as a review of condition. That could result in a two-month delay before the project got back on track.

COUNCILMAN MACK stressed the frustration resulting from a lack of compliance to conditions imposed. Using the bond process as a model for this separate process would be a good mechanism to keep control in the hands of the Council.

COUNCILMAN BROWN discussed with MR. BRATCHER the zero cost and impact on resources and time of the post approval option. Staff attempts to use this proposed process now and this would formalize what has been informal to date. Many conditions do not clarify the stage at which it is required or, such as landscaping, does not require a permit at all. The suggestion addresses issues raised back in 2001. No additional staff would be required to do the necessary inspections. COUNCILMAN BROWN questioned the response from the development community. MR. BRATCHER replied that they oppose extending the process for any project. The last slide addressed the hidden costs and impact caused by the engineering process. The developers' own engineers agree away those developers that their portion of the process needs to be addressed earlier. Homebuilders recognize that the City intends to make formalized changes to create a clear record.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
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Planning and Development Department

Item 3 - Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections

MINUTES - Continued:

COUNCILWOMAN McDONALD asked about the mechanism for inspections to insure compliance even two or three years after construction. MR. BRATCHER pointed to bonding and imposing a requirement for a landscape plan separate from the civil plan as one step. In addition, there are trained Code Enforcement officers who can respond where trees or landscaping is removed. Violations must be corrected or the property owner may seek a review of condition. MAYOR GOODMAN noted that staff relies on citizen policing. DEPUTY CITY ATTORNEY TOM GREEN and MR. BRATCHER informed MAYOR GOODMAN that the performance bond is generally one percent of the construction costs and stays in place for two years. The City can require that the bond be renewed.

COMMISSIONER EVANS protested that the only mechanism for insuring that a developer maintains landscaping is the citizenry. The inability to insure compliance is a serious concern of his. MR. BRATCHER confirmed that there is no staff of inspectors to follow up, but Neighborhood Services does have a staff of 12 Code Enforcement Officers who do a great job of inspection. They not only investigate landscaping violations, but violation of conditions involving balloons, banners and other restrictions. The civil process does take time to obtain resolution. COMMISSIONER EVANS added that homeowner associations and master planned communities self-police. It is the older areas of town where the problem is the greatest. MR. BRATCHER added that code changes in 1997 included standards and conditions to be imposed because of the problems found in older areas.

CHAIRMAN TRUESDELL noted that the Planning Commission approves applications subject to the plans presented. The long-term maintenance is something to be sensitive to, but situations like the no-man's land is a separate issue. There should be a vehicle for staff to either work with the developer or to bring it back for a review of condition. MR. BRATCHER indicated that he infrequently requests Public Works place a hold on a bond. The gap sometimes occurs because the land changes hands or because of the use of subcontractors who are unaware of the conditions. The inspection process would allow staff to trigger reestablishing that information over the six to eighteen months of construction.

COMMISSIONER NIGRO pointed out the limited engineering done at the time of the site development plan review and asked the criteria for evaluating a substantive change. The height and manner of construction of a block wall can dramatically impact the appearance of a project. He suggested that a baseline be designed for a block wall or landscape planter. MR. BRATCHER rejoined that a block wall plan, with associated cross sections, is part of the site review process. During review of the civil plans, there would be a comparison with that block wall and landscaping plan.

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Item 3 - Report and possible action on the proposed modifications to the development approval process to ensure compliance with conditions of approval through bonding and site inspections

MINUTES - Continued:

STEVEN QUINN, citizen of Las Vegas, clarified that the bond is typically one percent for one year versus a construction bond that would stretch the entire period estimated for construction. There would be an annual premium for the multiple year construction bond.

COUNCILMAN MACK supported the concept of a performance bond and requiring the bond be transferred to a homeowners association for the maintenance of landscaping.

MR. BRATCHER reiterated that the proposed changes would include block wall elevations prior to the civil process, require permanent landscaping and irrigation plans during the process for comparison prior to construction and determine acceptable treatment of median areas. Some areas have upgraded medians and others cannot be upgraded due to drainage issues. Staff would like to see something more decorative than concrete, perhaps cobblestone.

AL GALLEG0, citizen of Las Vegas, requested the members drive up Washington to see an example where nice landscaping was installed at the end of construction, but has not been maintained. He cited a location at Las Vegas Boulevard and Lake Mead where upscale, mature landscaping has been installed. North Las Vegas is doing well with their projects.

SUSAN SANDERS, Molasky Group, supported greater staff authority on engineering items such as vacations. If it could be arranged under Nevada Revised Statutes, perhaps they could be handled administratively as they are in other states. Permits are not issued for any project that does not meet substantial conformance and developers are then required to seek a review of condition. It would be unfair to lengthen the process for those developers who make sure they are in substantial conformance. All bonds are one percent or less for a year and stay in place until they are exonerated by the City. There is no automatic void. It would not be fair to move that to a homeowners association and not all developers build a planned community with such an association. She would suggest a maintenance district as an alternative.

MARGO WHEELER, Deputy Director of Planning and Development Department, concluded that much of the time spent on this issue has involved new development in the West and Northwest. The bonding for public improvements has been a particular issue in older areas, such as downtown and developed areas, as well. Developers downtown are required to build all of their own sidewalk, streetscape, underground utilities and make alley improvements, even if they have only 25 feet of frontage. That requires a great deal of infrastructure money for a project

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MINUTES - Continued:

and raises long-term maintenance issues. Staff does not have a conclusion, but is seeking direction to research a solution on allowing developers of developed areas to pay into a fund for their portion of a block's improvement. The improvements are then done as one rather than in segments when the entire block develops at a later date.

COUNCILMAN REESE expressed his appreciation for the discussion held. The City needs more employees to make sure developers comply with the conditions they agree to. Unfortunately, they sometimes agree to the conditions because they know that no one will check it later. COUNCILMAN REESE moved to follow staff's recommendations. COUNCILMAN MACK requested that the motion incorporate staff investigating a development district or other performance bonds.

There was no further discussion.

(12:56 - 1:29)

1-1999

City of Las Vegas

AGENDA MEMO

CITY COUNCIL MEETING DATE: DECEMBER 8, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

ITEM DESCRIPTION: PROPOSED MODIFICATIONS TO THE DEVELOPMENT
APPROVAL PROCESS

PURPOSE/BACKGROUND

February 20, 2001--City Manager Information Report (CMIR-009.01) initiated new interdepartmental measures to help ensure that development conditions are not overlooked. Planning Department staff reviewed this document and its internal procedures after the department received various complaints about the perimeter walls and the type of landscaping installed after residential projects had been approved and built.

Several meetings have taken place at the staff level to discuss current procedures and proposed process improvements. Staff prepared a list of the proposed process improvements to present to the development community for discussion.

October 15, 2003--Staff from the Planning Department, Public Works, and Council Liaisons Leni Skaar and Doug Rankin met with various members of the development community to identify existing issues related to the enforcement of approved conditions. Staff suggested various process improvements to the developers for their consideration. The developers and staff scheduled a follow-up meeting to receive additional feedback from the developers.

November 17, 2003--Staff met with members of the development community to hear their concerns with the staff recommendations. The developers were supportive of the staff recommendations so long as the proposed process improvements would not delay the existing approval process. The staff and developers agreed to present this material at the joint Planning Commission/City Council meeting.

RECOMMENDATION:

1. Collect a performance bond for all required landscaping improvements in accordance with the existing code, Title 19.12.030.A.4.
2. Require the submittal of architectural drawings for all proposed block walls and landscaping prior to the approval of civil improvement plans.
3. Require site inspections of all required landscaping for all new residential or commercial development.
4. Add a standard condition to all site related approvals stating the applicant shall be required to meet with the Planning and Public Works Department staff if the approved site plan is significantly altered by the required drainage, traffic, or other studies.
5. Utilize the existing civil improvement approval process as the focal point to resolve issues related to conditions of approval for each site.

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Proposed Modifications to the Development Approval Process

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December 8, 2003 Joint Planning Commission/City Council meeting

6. Consider reversing the current process to require the submittal of all engineering studies prior to the approval of a site plan. Traffic, drainage, and grading studies would be reviewed by staff prior to the review of the site plan by the Planning Commission and City Council.

DEPARTMENT: City Manager's Office

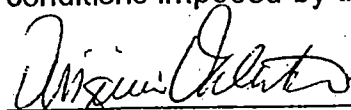
NAME: Douglas A. Selby, Deputy City Manager

SUBJECT: Enforcement of Conditions

We have initiated new interdepartmental measures to help ensure that development conditions are not overlooked. These new measures include the following:

- Planning will forward the approved conditions to the departments of Building and Safety and Public Works for inclusion as attachments to plan sets that are going into the field. This will give our field inspectors the opportunity to catch deviations from the conditions during construction rather than after the fact. The past practice was leaving the condition compliance inspection until the end of the job when Planning would make a field visit. Now we will have monitoring both during construction and at the end of the job.
- Planning will provide a better definition of the off-site standards applicable to a particular development so that the Public Works inspectors are working from the correct set of standards for streetlights, sidewalks, etc. There are cases where the standards vary as in the case of Town Center and the inspectors sometimes were not aware of what standards were to be applied.
- All conditions of development are now being made available on the Intranet through our interactive mapping tools so that any City employee with intranet access can check the conditions and alert the appropriate City department if they observe or receive a complaint of a deviation. This information is also accessible to the public on the Internet but it is slow due to the large amount of data being sent.
- Compliance after construction remains largely a complaint driven process unless violations are discovered by staff during business license audits or other types of periodic contacts.

There will still remain areas where interpretation of conditions might lead to some debate as to whether or not the developer has complied. We will continue to handle these on a case-by-case basis. There will also be instances where the developer wants a condition changed or eliminated. We are requiring those items to return to Council since staff has not been given the discretion to waive conditions imposed by the Council.



Virginia Valentine
City Manager

Memorandum

City of Las Vegas Planning & Development

To: Margo Wheeler
From: David Bratcher
Date: July 21, 2003
Re: Conditions of Approval

Margo, here is the research I have completed per your request:

1. **CMIR No. 009.01—Enforcement of Conditions.** On February 20, 2001, Douglas A. Selby issued a CMIR that outlined new interdepartmental measures that were to be initiated to help ensure that development conditions were not overlooked. A subsequent meeting was held on March 26, 2001 with several DSC staff members to discuss the new measures. In addition, Douglas A. Selby sent an e-mail to Councilman Michael Mack on February 13, 2001 outlining the proposed measures.
2. **Performance Bonds.** Title 19.12.030.A.4 requires a developer or owner of land to provide a performance bond or equivalent security prior to the issuance of a building permit. The Planning Department does not have a bonding mechanism or process at this time. The Planning Department and the Department of Public Works must investigate the feasibility of combining our efforts with regard to improvement bonds and site inspections for approved residential and commercial developments. The City would benefit if both departments could utilize the existing Public Works bonding mechanism rather than creating a new process for the Planning Department.
3. **Site Inspections.** The Planning Department currently inspects commercial projects for compliance to approved conditions one day per week. The Planning Department does not inspect residential subdivisions for compliance to approved conditions. All too often site related problems are brought to the attention of the Planning Department after construction has been completed. This issue was identified in CMIR No. 009.01 and continues to this day.
4. **Civil Improvement Plans Review.** The Planning Department has experienced an influx of "express" civil plans review requests since the inception of the program offered by the Department of Public Works. The Department of Public Works charges developers additional fees for the expedited service. I cannot locate any information that identifies how the Planning Department became involved in this express process. To my knowledge an agreement or expectation was made with the previous Planning Supervisor.

5. Examples of Existing Problems

- a. Charleston Boulevard median landscaping at Boca Park—Median maintenance.
- b. Buffalo Drive, Sky Pointe Drive, and John Herbert Boulevard—Median landscaping.
- c. Carson Avenue at Third Street, Regional Justice Center—Electrical equipment

6. Proposed Solutions.

- a. Require the posting of a performance bond for all landscaping and amenities.
- b. Attach the landscaping bond to the bond required Public Works for off-sites.
- c. Offer a Planning Express Service for plans review to fund an inspector position.
- d. Require a pre-planting inspection and a post-planting inspection for all projects.
- e. Utilize or create an inspection system to facilitate the required inspections.
- f. Create a standard condition of approval that requires a "post approval" conference if a site plan is significantly altered by the required drainage, traffic, or other studies. The post approval conference would bring all the agencies together to discuss the impacts of the approved studies on the site and try to reach an administrative compromise as opposed to requiring the developer to apply for a review of condition.
- g. Determine acceptable median treatments to ensure the aesthetic goals of the Planning Department and the engineering goals of the Department of Public Works are not compromised.
- h. Utilize the civil plan review process as the focal point for both departments and the developer to resolve issues related to conditions of approval.
- i. Require additional information, such as block wall elevations, on the civil improvement plans to establish the minimum construction standards for approved projects.

CHAPTER 19.12 LANDSCAPE WALL AND BUFFER REQUIREMENTS

19.12.010 APPLICABILITY

This chapter applies to all multi-family, office, retail, commercial, institutional, and industrial developments. In addition, it applies to all single family developments with five or more lots adjacent to streets classified as collectors or larger. However, it does not apply to any special purpose zoning district which contains special landscape standards or to properties in the Downtown Overlay District.

19.12.020 INTENT OF DEVELOPMENT STANDARDS

The intent of establishing minimum standards for landscaping, walls and buffering is:

- A. To ensure that new development will contribute to the overall attractiveness of the City;
- B. To increase design compatibility between residential and abutting commercial and industrial land uses;
- C. To reinforce a sense of community and preserve the integrity of neighborhoods;
- D. To conserve water and reduce erosion;
- E. To reduce unsightly views;
- F. To reduce heat and glare generated by development; and
- G. To aid in filtering dust and particulate matter from the air.

19.12.030 GENERAL

A. Landscape Required

1. All required Site Development Plans shall meet or exceed the minimum standards, and shall comply with any restrictions, established in this chapter. In addition, the City's policy document entitled "Landscape, Wall and Buffer Standards" is a resource for acceptable standards and design solutions. To the extent that such document establishes minimum requirements and standards and is formally adopted by the City Council, a Site Development Plan must comply with that document.
2. Landscape and irrigation plans may be combined on the same drawing with required Site Development Plans.
3. All landscape and irrigation plans shall be prepared and stamped by a registered Architect, Landscape Architect, Residential Designer or Civil Engineer.
4. The owner, developer and occupant of the property are jointly and severally responsible for maintaining or assuring the ongoing maintenance of installed landscaping so that the landscaping continues to thrive. Prior to the issuance of a building permit, the owner, developer or contractor shall post a performance bond or equivalent security to assure the performance of the maintenance obligation for a minimum of two years.

FUNDING

Introduction

The Finance and Business Services Department and its Treasury Division administer the funding sources required for any trails establishment and operations by the City. Trail revenue sources previously had been included with park revenue sources. Since the City has only three major trail segments that are used, minimal funding for maintenance has been budgeted. Therefore, no budget trends for trails can accurately be extrapolated. Additional trail funding will need to be programmed from existing revenue sources and from potential new sources. Existing revenue sources primarily include bonds and the general fund. Alternative funding sources are discussed later.

Analysis of Off Road Construction Costs

The Architectural Services Section of the City Engineer Division has estimated the cost for the construction of trails meeting the trail standards in this Trails Element. These costs are shown in Table #4 and expressed in costs per 100 linear feet for multi-use trails. These cost figures are used to determine the overall development costs for a complete trails system. These figures do not include such items as trail signs for information and traffic control, bike racks, electrical service, drinking fountains, telephone service, and hitch rails that may be needed on a case-by-case basis, depending upon the type of trail. Trail heads with vehicle and trailer parking, signage, information centers, sponsor material, maps, benches, shade, and hitching rails/posts are additional expenses that may be incorporated in parks that interconnect with the trail system.

There are approximately 55 miles of planned trails illustrated on Map #2, Map #6, and Map #9. Without accounting for land acquisition or inflation, the approximate construction costs of these trails, if the City were to construct them, would be \$26.8 million for multi-use trails. Most of these development costs would be borne by developers as a condition of development approval. [The numbers in this paragraph will change, pending a final determination of the exact trail routes.]

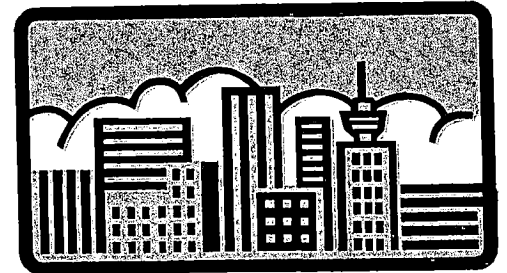
TABLE 4. TRAIL COSTS

ITEM	COST/UNIT	MULTI-USE
		COST/UNIT COST/100 FT. (20 FT. WIDTH)
Site Grubbing (8 in. depth)	\$8.00/cu. yd.	\$395.06
Landsxaping Soil (4 in. depth)	\$12.00/cu. yd.	\$148.15
Grading (landscaped area)	\$0.07/sq. ft.	\$70.00
24 in. Box Trees	\$300.00	\$1,500.00
15 gal. Shrubs	\$85.00	\$850.00
5 gal. Shrubs	\$30.00	\$300.00
Irrigation Emitters	\$12.00	\$1,080.00
Pre-emergent Herbicide	\$0.03/sq. ft.	\$30.00
Decomposed Granite	\$0.45/sq.ft.	\$450.00
Stabilized Decomposed Granite	\$0.60/sq. ft.	\$600.00
Chat	\$0.125/sq. ft.	NA
Portland Cement Concrete	\$3.50/sq. ft.	\$3,500.00
Trash receptacle	\$500.00	\$125.00
Bench	\$800.00	\$200.00
Lighting, Pole & Fixture*	\$2,500.00	\$1,650.00
Fence, PVC	\$5.00/ft.	NA
Subtotal		\$10,898.21
Mobilization	Subtotal x 4%	\$435.93
Bonds and Insurance	Subtotal x 4%	\$435.93
Contractors' Overhead & Profit	Subtotal x 10%	\$1,089.82
Contingency	Subtotal x 10%	\$1,089.82
Total		\$13,949.71

* This cost would be reduced in those instances where backside luminaries are mounted on existing street lightpoles.

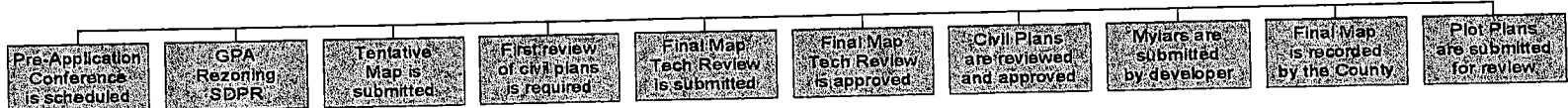
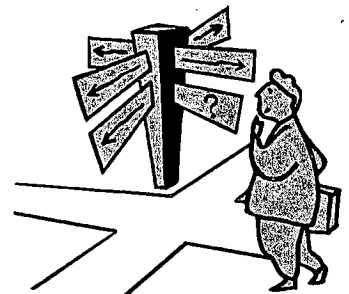


Conditions of Approval, Identified Issues



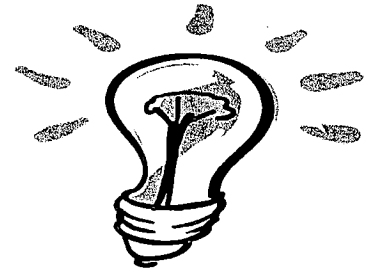
- The site plan is approved by the City Council before the site engineering is requested, provided, or reviewed by staff.
- Required engineering studies are being required as a condition to be met at a later date after residential density has been approved.
- Proposed developments are not accounting for existing perimeter conditions or potential site requirements in terms of traffic, grading, or drainage.
- Performance bonds for landscaping are not being collected per Title 19.12.030.A.4 to ensure conditions are met by developer.
- Permits are not issued, and inspections are not performed for the residential perimeter landscaping which has been required as a condition of approval.

Conditions of Approval, Existing Development Process



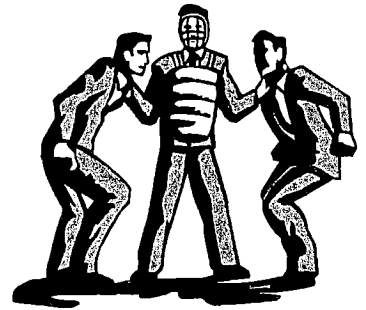
1. The developer meets with staff to discuss the site plan.
2. The developer presents site plan to PC/CC for approval.
3. The developer submits Tentative Map for approval.
4. Civil Plans are reviewed by staff; SDPR has been approved.
5. Engineering changes may require a Review of Condition.
6. Civil Plans are approved or ROC is submitted.
7. Final Map is recorded and lots are created.
8. Individual plot plans are submitted for permit.
9. Complaints are received after construction is completed.

Conditions of Approval, Proposed Solutions



- Option #1 -- Require the site engineering be submitted prior to the approval of the site plan; this is too costly for most developers to overcome.
- Option #2 -- Require a “post-approval” conference between the developer and city staff as a condition of approval if the site plan is modified by required engineering studies; zero cost.
- Utilize the Civil Plan review process as the focal point for the “post-approval” conference. Require full documentation and justification for the proposed variations to the site plan.
- Staff determines if the proposed variations to approved site plan require a Review of Condition or if they can be approved administratively.

Conditions of Approval, Modifications to Civil Plans



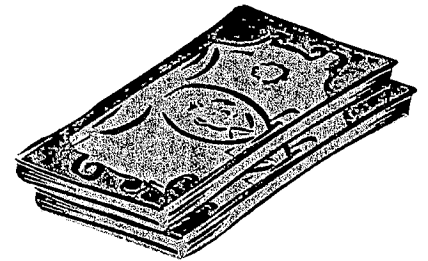
- Require perimeter block wall elevations to be indicated on the civil plans. The perimeter block wall elevations would be used to review and approve block wall permits when the development occurs.
- Require the perimeter landscaping plans and irrigation plans to be included as part of the civil plans. The performance bond would be prepared and collected prior to the approval of the civil plans.
- Determine acceptable median treatments, drainage channel improvements, and other site related improvements to meet the conditions of approval.

Conditions of Approval, Process Modifications



- Require the “post-approval” conference as a condition of the SDPR. The condition would be implemented if the engineering dictates modification to the approved site plan.
- Require the performance bond for perimeter landscaping before the civil plans are approved for the project.
- Require a “pre-planting” site inspection before any landscaping is installed on the site. This inspection will ensure the contractor is aware of the conditions of approval.
- Require a “post-planting” site inspection before the performance bond is released. This inspection will ensure the site complies with the conditions of approval.

Recent Example, Review of Conditions-Hidden Costs



- Initial cost of land was \$500,000 per acre.
- The engineering costs amounted to \$75,000 (30 sheets).
- The builder was unwilling to meet conditions of the SDPR.
- Staff recommended revising the plans to meet the conditions.
- The builder decided to submit a ROC application.
- The ROC application added two months to project.
- Builder paid \$50,000 per month to carry the interest on the loan.
- The builder paid \$100,000 to carry the loan for two months when he could have paid the engineering costs of \$75,000 before the SDPR was approved and saved \$25,000.

JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA
SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:
DECEMBER 8, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Report and possible action pertaining to policies regarding open space and park definitions, purpose and waivers and/or variances thereto

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

1. To clarify issues pertaining to dedication of open space and contribution to public parks.
2. Discuss policy options.

RECOMMENDATION:

No recommendation

BACKUP DOCUMENTATION:

Outline of topics

Submitted at meeting – PowerPoint presentation Open Space Challenges

MOTION:

REESE – Motion directing staff to research a different way to calculate open space, including but not limited to tying the amount of open space to density and lot size; research creating minimum lot size and open space dimensions in R-PD developments; create or revise standards providing for public open space, a higher fee in lieu of open space, target monies for specific park or community areas and creation of a public open space fund as recommended - UNANIMOUS

MINUTES:

DAVID CLAPSADDLE, Planning and Development Department, and JOHN McNELLIS, Deputy Director of Public Works, outlined the three goals for the discussion. There has been confusion between open spaces versus parks. There is a question whether the standards being used are still valid. Lastly, staff will make a presentation on possible solutions. MR. CLAPSADDLE reviewed the Power Point presentation identifying definitions, calculations for open space and the importance of open space for livability. Open space in R-PD developments, given their increased density, is critical and cannot include left-over land which is not actually

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 4 - Report and possible action pertaining to policies regarding open space and
park definitions, purpose and waivers and/or variances thereto

MINUTES - Continued:

usable. He pointed to open space by way of setbacks in older communities. On the other hand,
open space does not require turf, especially in these drought-tolerant times.

MR. CLAPSADDLE included a summary in the presentation of two examples of open space
variances recently granted by the Council at Rio Vista/Azure and Lone
Mountain/Gowan/Gilmore. These variances were granted based on the developer providing for
contribution to a nearby City park or construction of programmable park space. The project at
Rome/Riley/Deer Springs/Montecito Parkway demonstrates the flexibility that can be used to
meet the open space requirement. The cluster project at Washington/Robin incorporated open
space in the entry feature and provides a trail all the way around the project. Lynbrook utilized
the same entry feature approach along with radial streets to avoid a grid development.

The City may want to consider an amenity zone similar to that in Town Center, between the
street and the lots. There could be a minimum dimension to the open space size that would
partially alleviate the problem. MR. CLAPSADDLE referenced the Spring Mountain Ranch
project as a newer cluster-style development with very high density. If the final product is not
what was envisioned at the time of approval, the process needs to be adjusted to avoid the same
result in the future. His final example was the Lone Mountain project where the developer
installed a pool, paseos, walkways throughout the development to reach the pool and an excellent
use of grading to avoid the canyon-effect.

Open space variances do equal a land cost. The City requires \$4 per square foot for the open
space not provided under such variances. Public Works will address whether or not that amount
is sufficient. There are additional social costs as to the livability of the project in the future. The
payment in lieu of open space is not justification for the variance.

MR. CLAPSADDLE concluded with comments that open space is still necessary, despite the 32
open space variances granted since October 2002. Since every request not tabled was granted,
the code may need to be modified for a different manner of calculation. Perhaps a fund could be
created to build open space instead of parks and the fee should be increased. Lastly, monies
could be specifically targeted.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 4 - Report and possible action pertaining to policies regarding open space and
park definitions, purpose and waivers and/or variances thereto

MINUTES - Continued:

MAYOR GOODMAN agreed that open space is imperative to quality of life, although the drought situation demands a practical equation as well as a change in the type of open space. He then asked how the 1.65% calculation was determined. MR. CLAPSADDLE replied that staff researched other jurisdictions around the country as well as locally. At one time open space was based on square footage of land and density was not a factor. The formula was implemented when R-CL products were the norm. With an increase in the average lot size within new development proposals, that is the process used to get to the figure.

COMMISSIONER GOYNES summarized his pet peeve with developers maximizing units at the cost of open space. Open space is for quality of life and entry features are not truly useful. Projects nearby or adjacent to parks or schools try to use that space in exchange for open space. MAYOR GOODMAN pointed out that the financial contribution is a separate issue from providing open space.

COUNCILMAN BROWN noted that the 1997 code change referenced by MR. BRATCHER was a result of the R-CL projects submitted and the corridor effect of the block walls. The code change has been very productive. However, the City is seeing many more master planned communities and turf being discouraged. With the reduction of turf, the demand on public facilities will be greater and greater. Having 32 variances granted does send a signal that the system needs to be fixed. As for the infill projects, flexibility is critical. Residential development is now taking place even on section line intersections. He cited Alexander and Durango as an example of where residential development was possible given City flexibility. Likewise, infill projects adjacent to Bunker and Garhime Parks were allowed to contribute to those parks rather than provide open space. The development community has responded each time the City has asked them to change the way they do business. Before making such a change, all those involved need to recognize the need for flexibility rather than a blanket policy. The current fee may need to be increased to create equity, but the developers will ultimately buy in.

COUNCILMAN MACK opined that many of the open space variances occur in the Northwest because the pocket parks are under utilized due to the large backyards associated with low-density projects. He would support targeted funds for a specific area. As to open space in higher density projects, the Council has held firm and he would support continuing in that direction. Equity is critical and the City might want to consider making a connection with density.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 4 - Report and possible action pertaining to policies regarding open space and
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MINUTES - Continued:

COMMISSIONER NIGRO expressed his appreciation for the comments by the Council members. His concern would be that a fee alternative would encourage open space variances. The original fee alternative was because there was existing open space requiring improvement where the residents lived. The alternative does not enhance livability. However, he would support creativity over strict formulas. COUNCILMAN BROWN agreed that the variance process exists to address extenuating circumstances. His example was a project that did not need a 9-acre internal park where the project was across the street from a 30-acre City park. The 5-acre reduction and amenity constructed at the park was a commonsense compromise that benefited the entire region.

COUNCILMAN WEEKLY requested that any motion include an increase in the open space requirement in higher density projects. The Washington/Robin project previously used as an example is a mess today and would not have been approved given today's knowledge. The City needs to make sure that there is more open space to provide for the children brought into the neighborhood.

COMMISSIONER McSWAIN indicated that it had appeared that the developers were taking advantage of the variance process. She would suggest viewing aesthetic use of open space differently than livable open space. They serve two different purposes. Aesthetic space enhances the feel of the community. She also recommended that open space be based on lot size versus amount of land.

MAYOR GOODMAN discussed with DOUG RANKIN, Council Liaison, that the one-percent art ordinance would apply to capital projects. Fees that were dedicated to another component would not be included in calculating that percentage.

COMMISSIONER EVANS concurred with COUNCILMAN WEEKLY'S comments. The sense of community was the intent of the open space. While proximity of a school or park might mitigate that need, the design innovation used by some of the sophisticated developers would also create a sense of community. The drought and turf reduction issues force the City to be even more aware of seeking pedestrian-friendly developments. He did indicate that he supported the City realizing a financial benefit for granting a variance by way of a fee in lieu of the alternative.

There was no further discussion.

(1:29 - 2:05)

2-23

REPORT AND POSSIBLE ACTION ON OPEN SPACE AND PARKS

I. PURPOSE OF DISCUSSION

A. *Identify Differences between Open Space and Parks*

1. Clarify and eliminate confusion between these two issues.

B. *Are open space standards still valid given today's environment?*

1. Since September of 2002, there have been 32 open space variances. Is open space valid - if so, are we taking the right approach, if not, are there alternatives?

II. INTENT OF OPEN SPACE

A. Definition

1. Common open space is within a development that is designed and intended for common use and enjoyment or residents of the development. It is not necessarily intended to provide park space.

B. Residential Planned Developments (RPD)

1. In return for flexibility and innovation in design, these developments are to provide centrally located open space readily availability to residents. It is not to only provide parks, but have livable communities in denser projects.
2. Due to drought and "cluster" style designs, people are losing front and rear yards; residents need space and common back yard areas.
3. It is calculated as: $\text{Density} \times 1.65 = \text{Percentage of Gross Land Required for Open Space}$. Example: A 20-acre parcel at 7.0 units per acre would have to allocate 2.31 acres, or 100,623 square feet of open space.

III. INTENT OF PARK CONTRIBUTIONS

- A. Park Contribution Requirement is separate from contribution for not providing open space.

IV. IMPACTS OF NOT PROVIDING OPEN SPACE

A. Display and discuss open space variance examples.

1. VAR-3076 - TANEY ENGINEERING ON BEHALF OF AZURE RIO VISTA, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 7,081 SQUARE FEET OF OPEN SPACE WHERE 21,554 SQUARE FEET IS REQUIRED on 9.46 acres adjacent to the northwest corner of Azure Drive and Rio Vista Street (APN: 125-27-503-013 and 014), R-E (Residence Estates) Zone under Resolution of Intent to R-PD3 (Residential Planned Development - 3 Units Per Acre), Ward 6 (Mack). The Planning Commission (6-0 vote) and staff recommend DENIAL. See attached site plan.
2. VARIANCE RELATED TO GPA-3077, MOD-3074 AND ZON-2667 - PUBLIC HEARING - VAR-3081 - ASTORIA HOMES ON BEHALF OF ASTORIA LONE MOUNTAIN 30, LIMITED LIABILITY COMPANY - Request for a Variance TO ALLOW 76,865 SQUARE FEET OF OPEN SPACE WHERE 100,624 SQUARE FEET IS REQUIRED FOR A PROPOSED 284 LOT SINGLE FAMILY DETACHED CLUSTER DEVELOPMENT on 30.85 acres approximately 1,045 feet east of Cliff Shadows Parkway, between Gilmore Avenue and Gowan Road (APN: 137-12-201-004, 010 and 014 and a portion of 137-12-201-011), U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] [Proposed: PD (Planned Development)] and U (Undeveloped) Zone [PCD (Planned Community Development) General Plan Designation] under Resolution of Intent to PD (Planned Development), Ward 4 (Brown). Staff recommends DENIAL. The Planning Commission (3-2-1 vote) recommends APPROVAL. See attached site plan.

B. If open space obligations are transferred to public, on-going financial costs are incurred, including:

1. Discussion of Land Costs
2. Discussion of Opportunity Costs
3. Discussion of Maintenance Costs
4. Discussion of Construction Costs

C. Discussion of social costs of not providing livable communities.

ALTERNATIVES

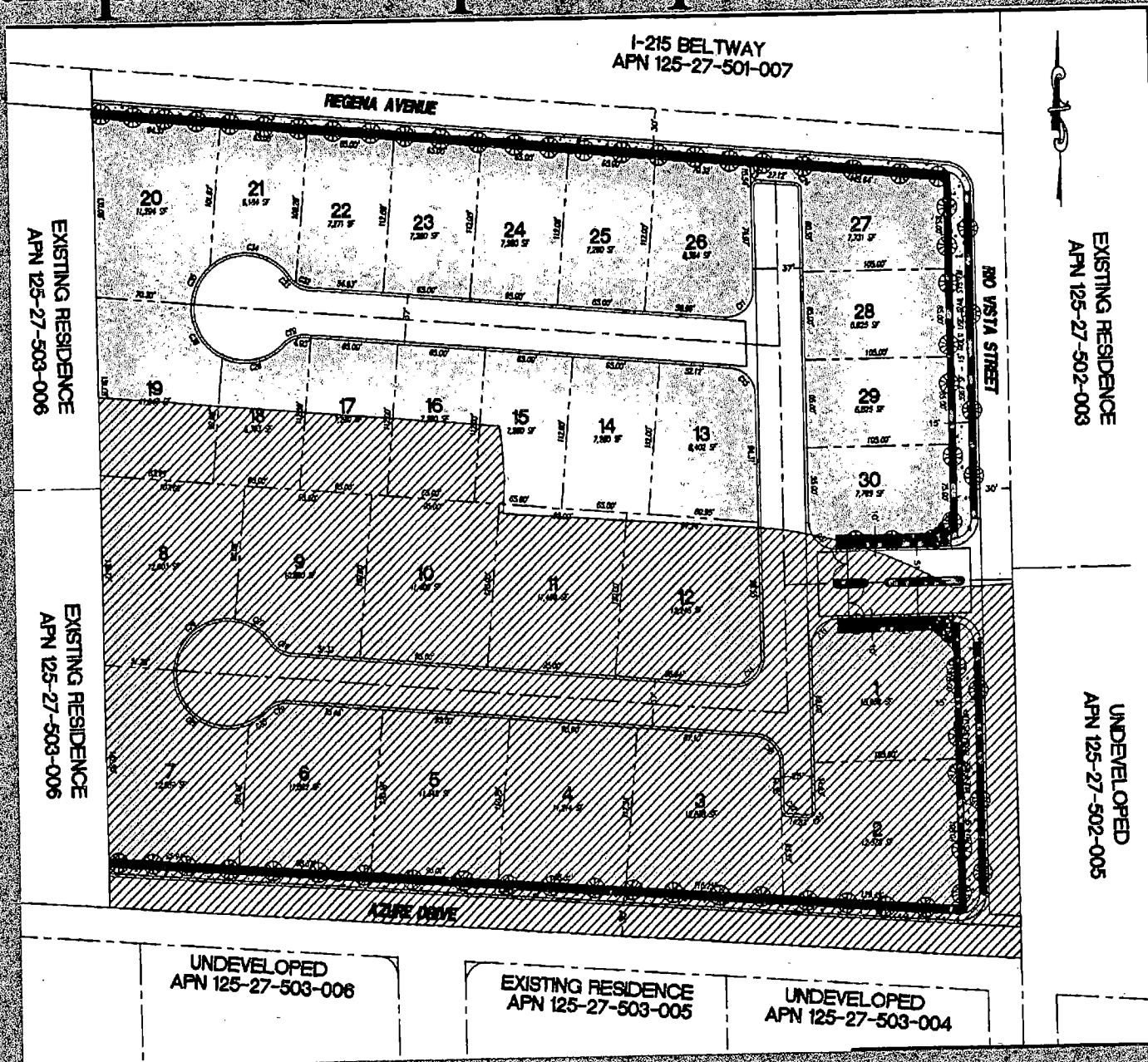
If open space is needed and valuable, should we calculate in a different way to prevent or reduce the number of open space variances?

- Text amendment to set definition of dimension; access requirements for open space to be counted.

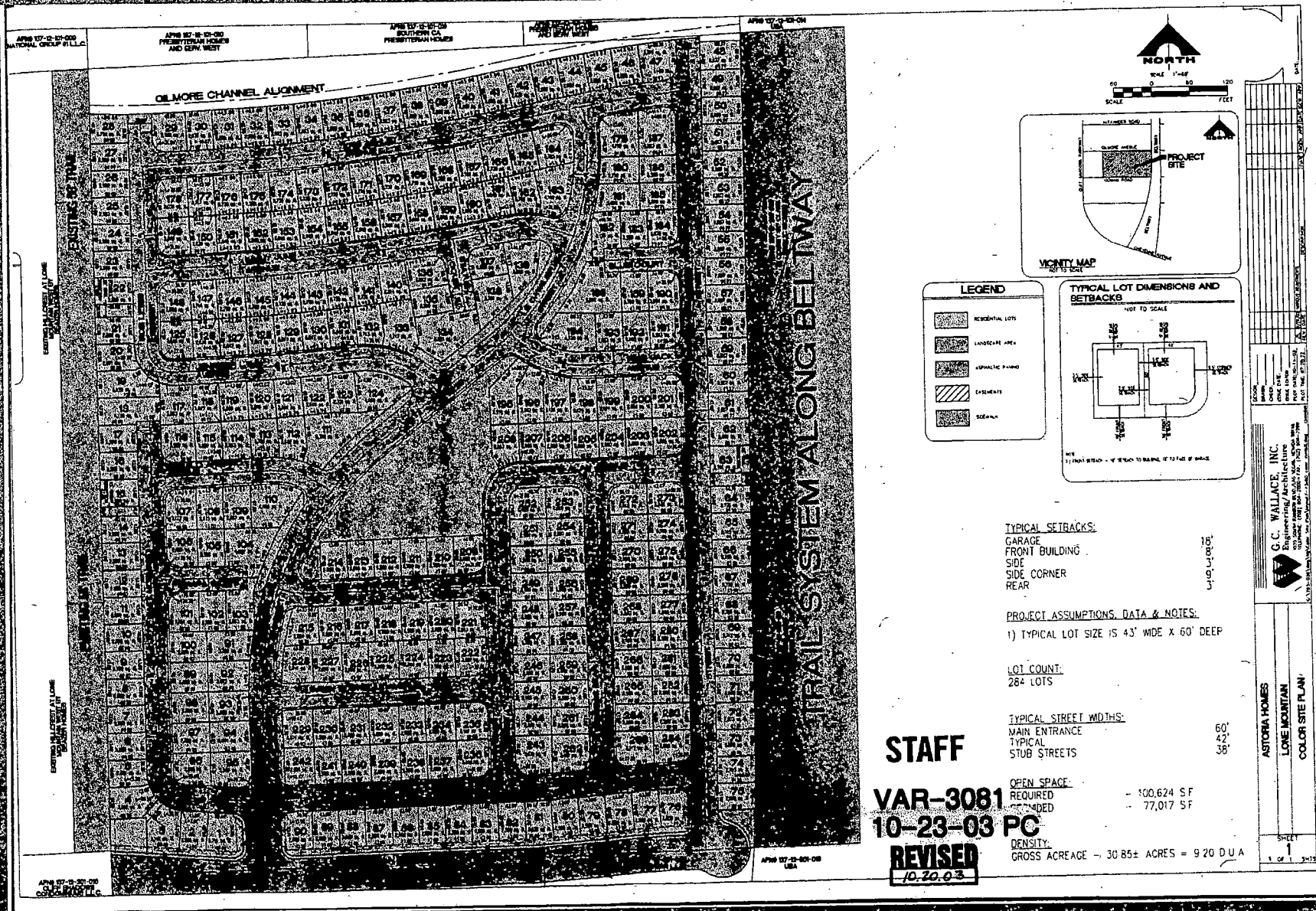
Should Developer have to do something else in exchange for open space, if so, what?

- Build Public Open Space.
- Pay a Fee for construction of parks.
- Can monies be put toward a specific park?

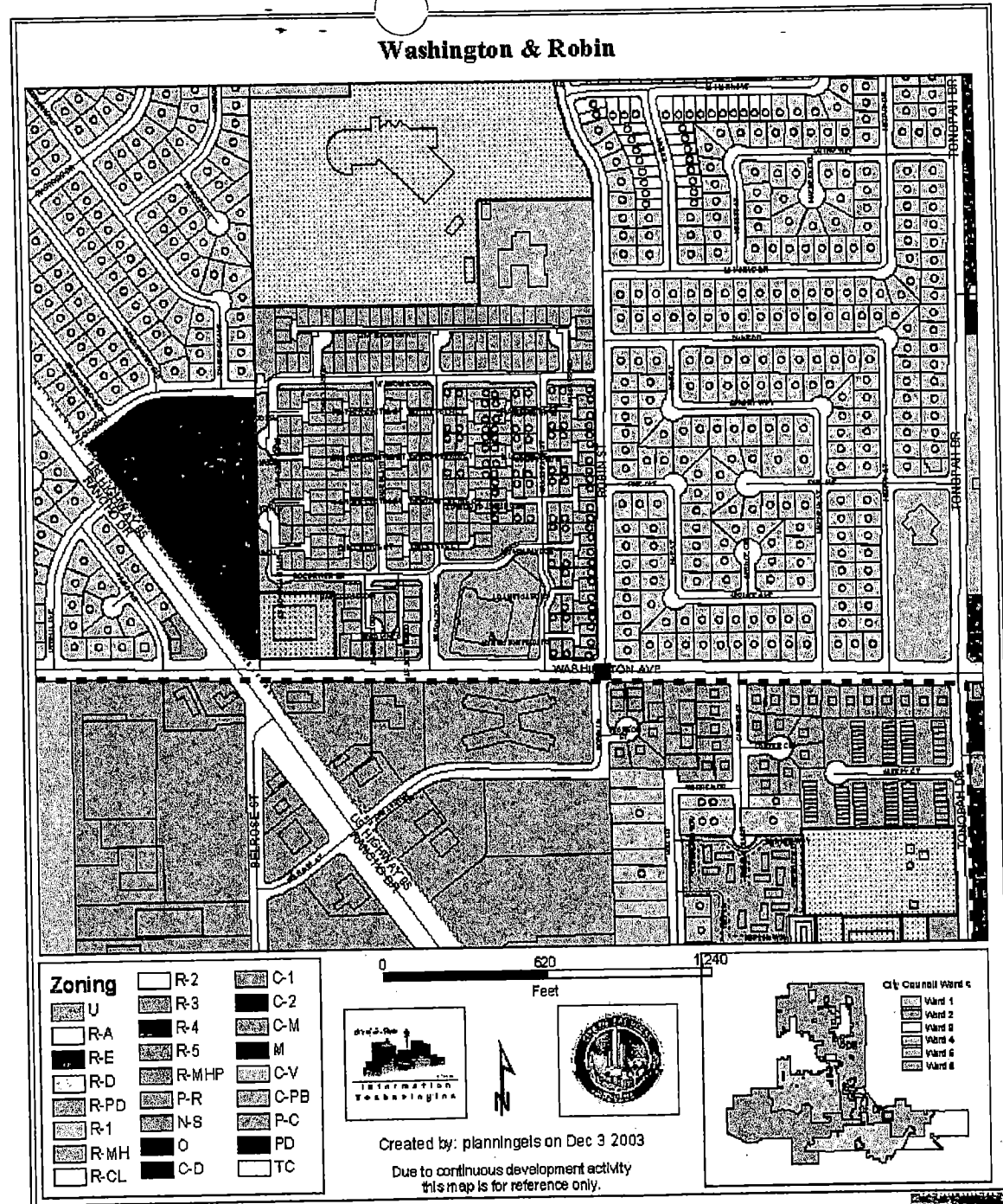
Examples of Open Space Variances



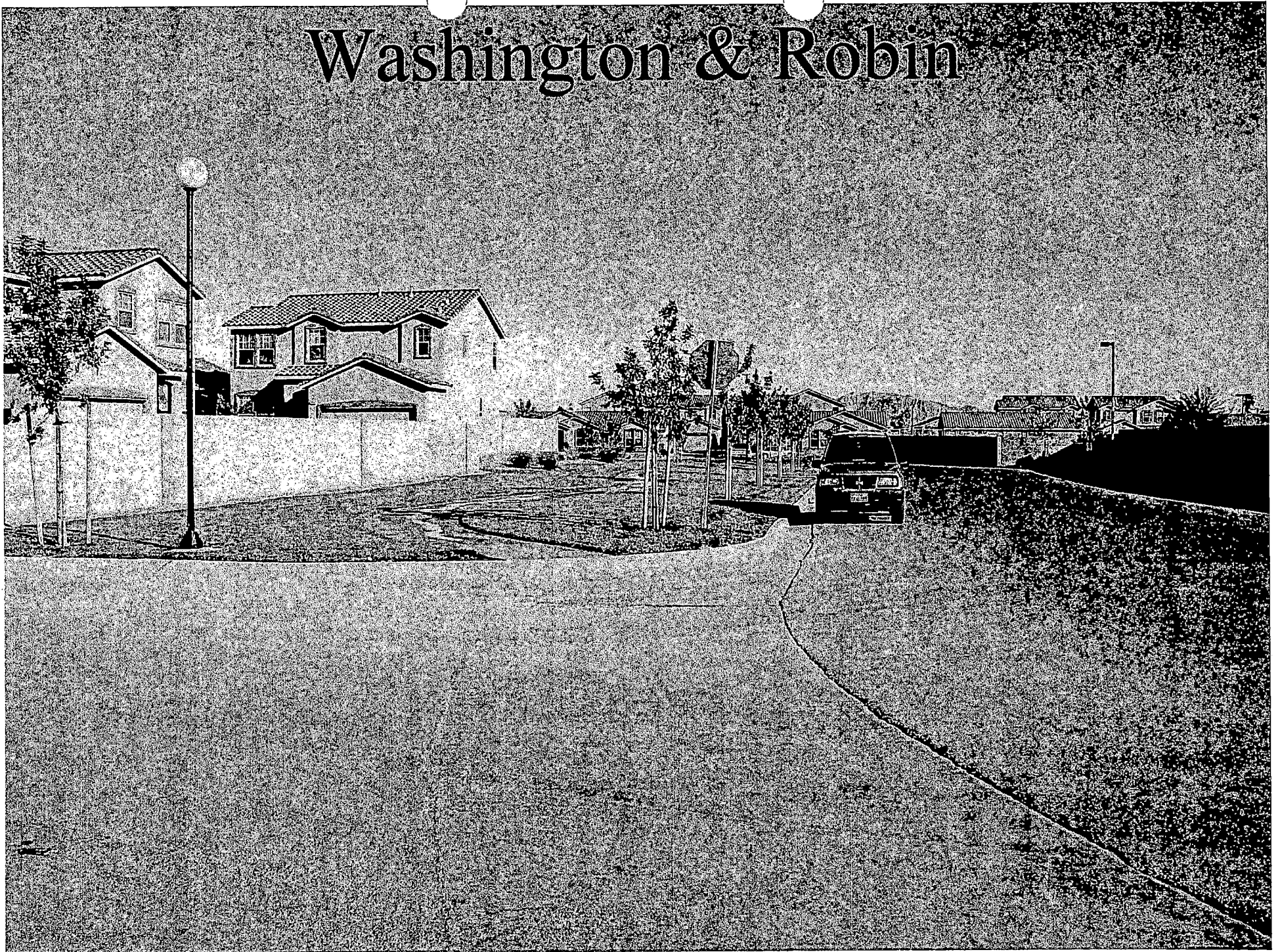
Open Space Variance Example 2



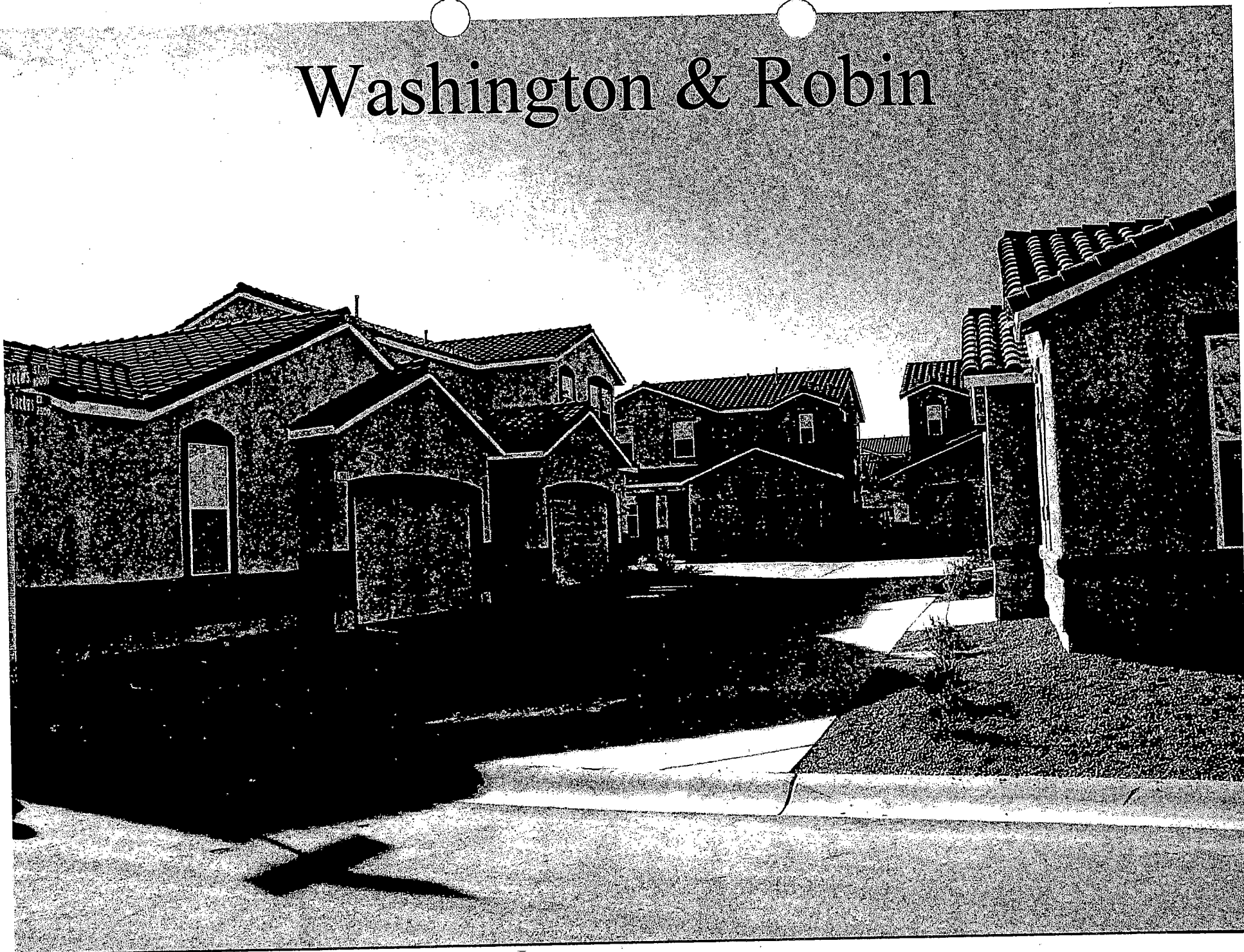
Washington & Robin Map



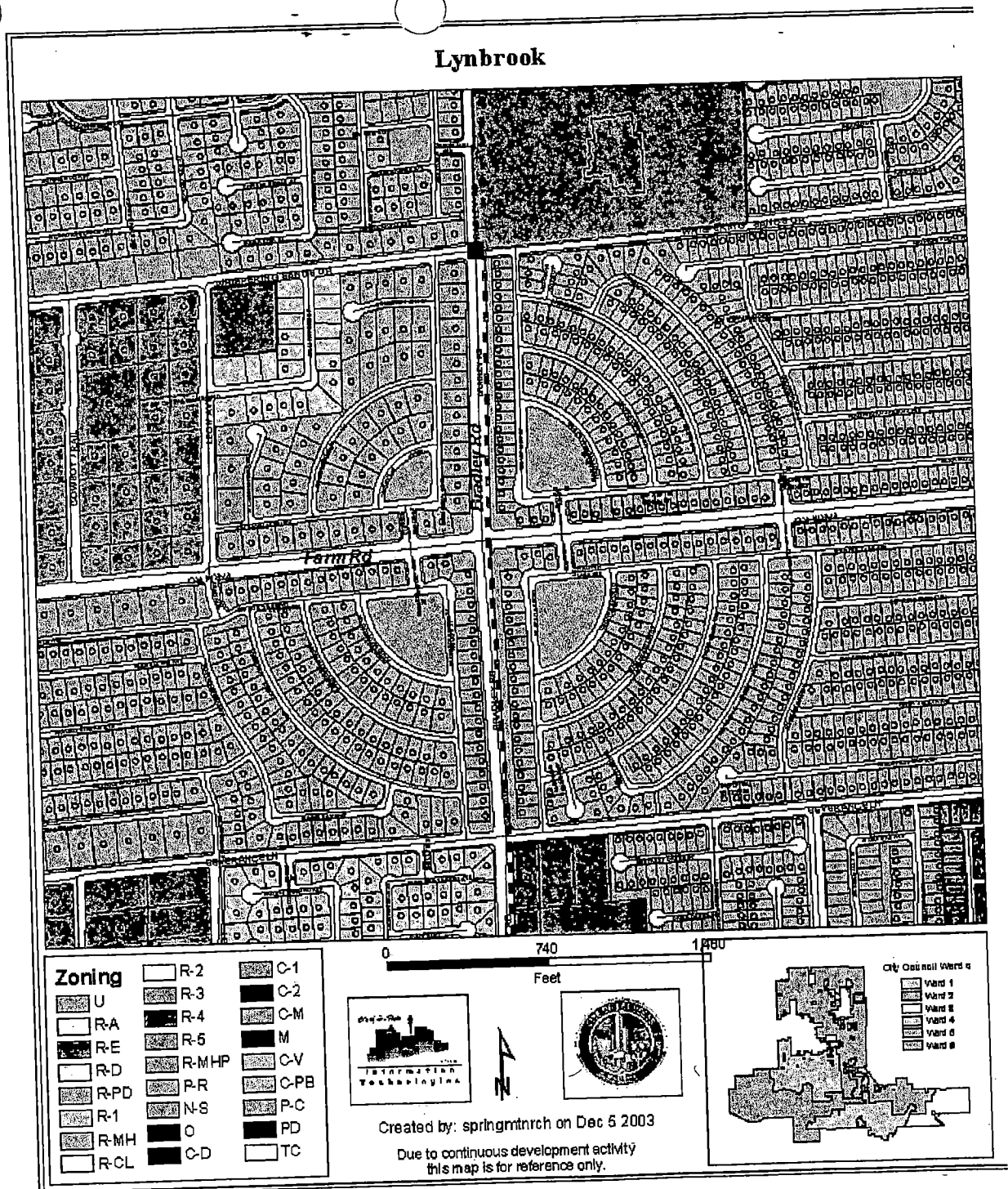
Washington & Robin



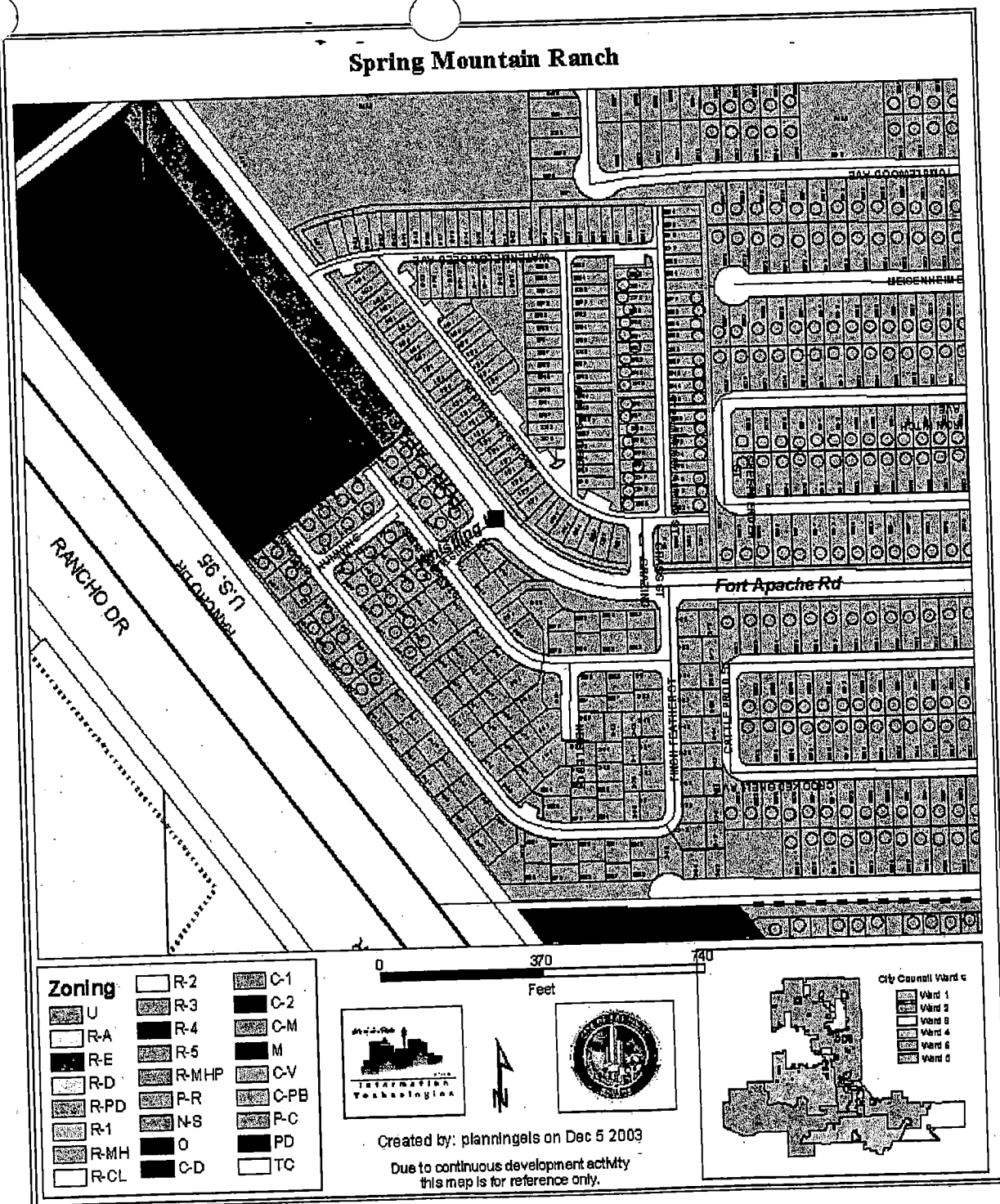
Washington & Robin



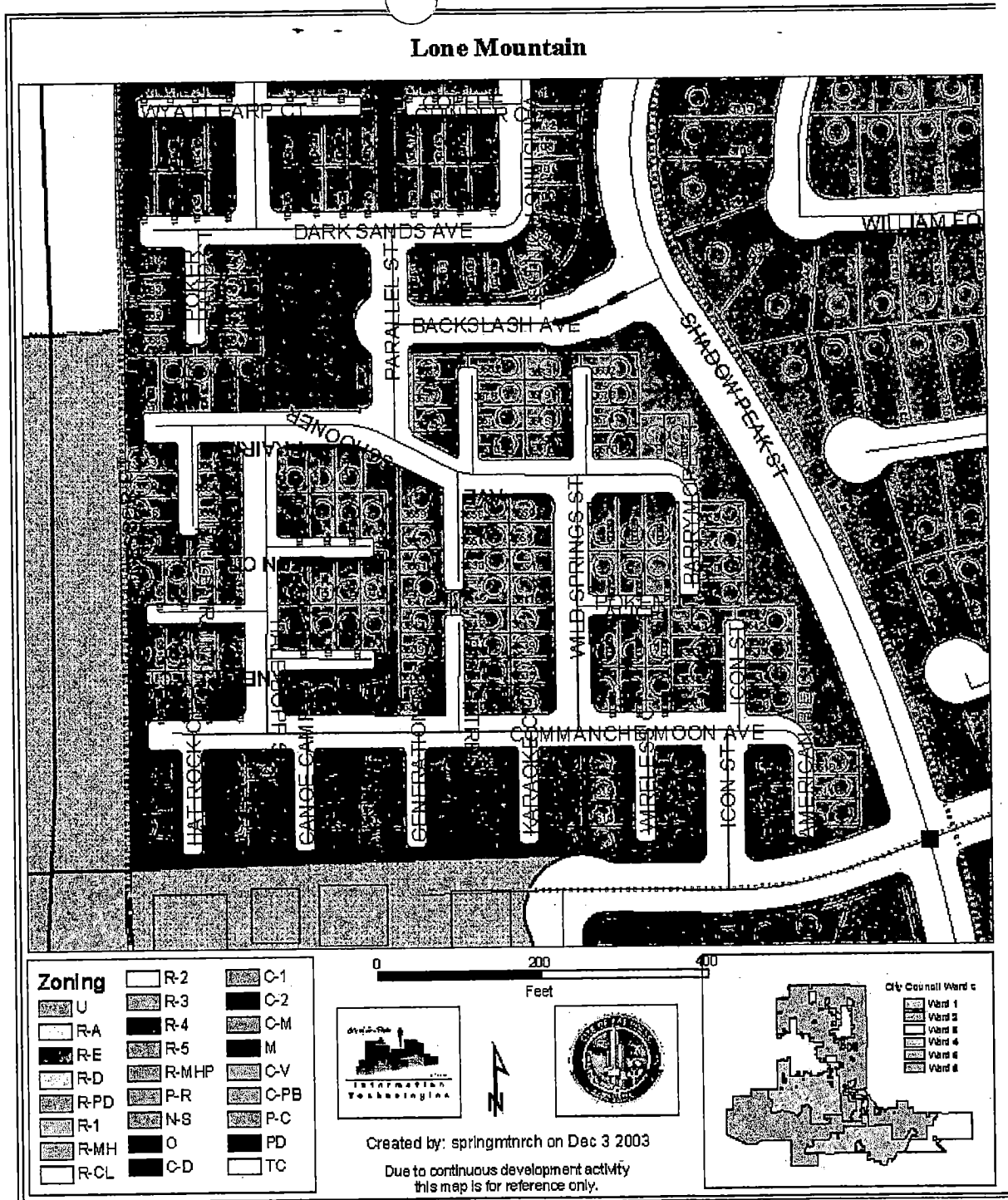
Lynbrook Map



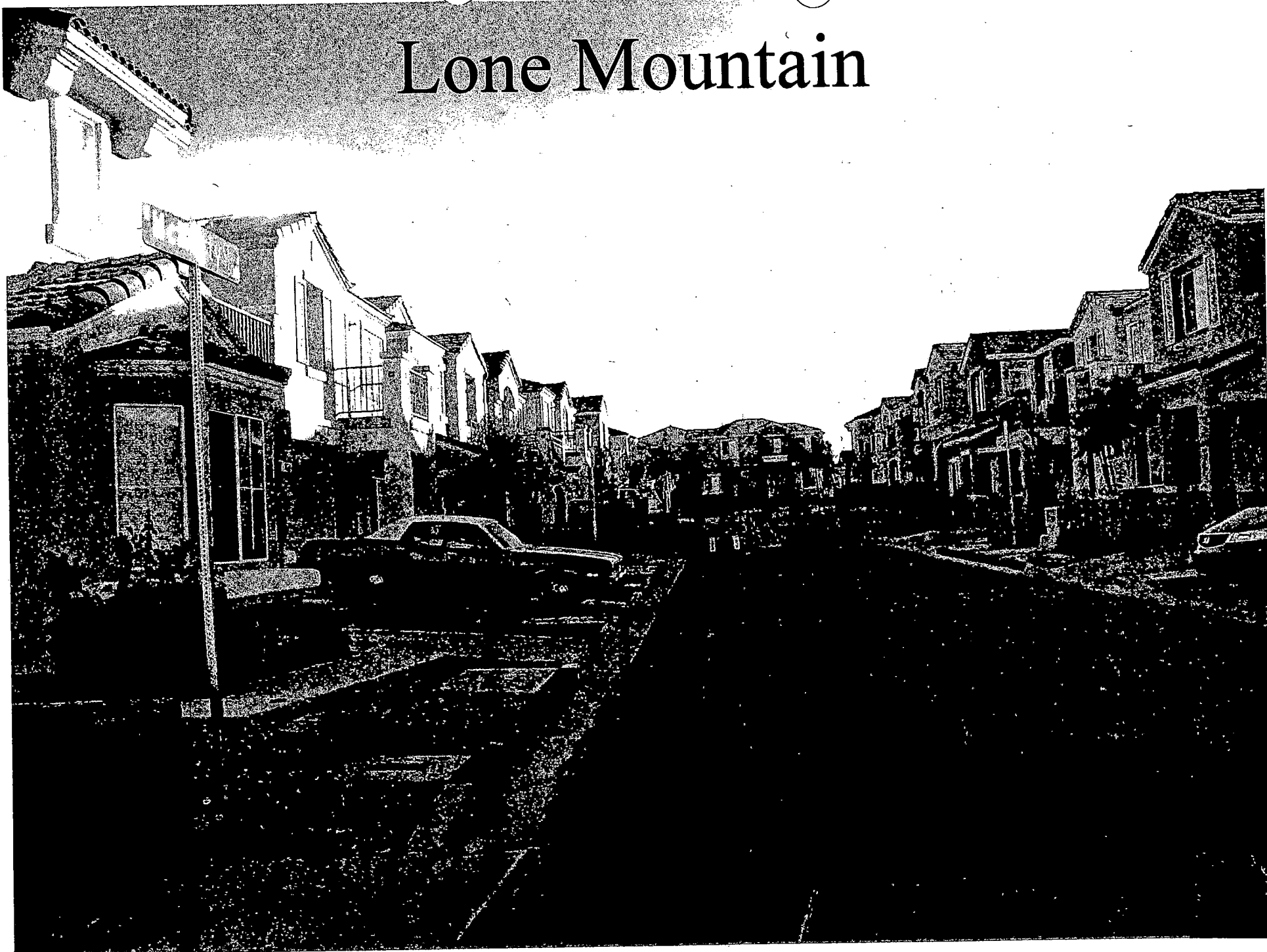
Spring Mountain Ranch Map

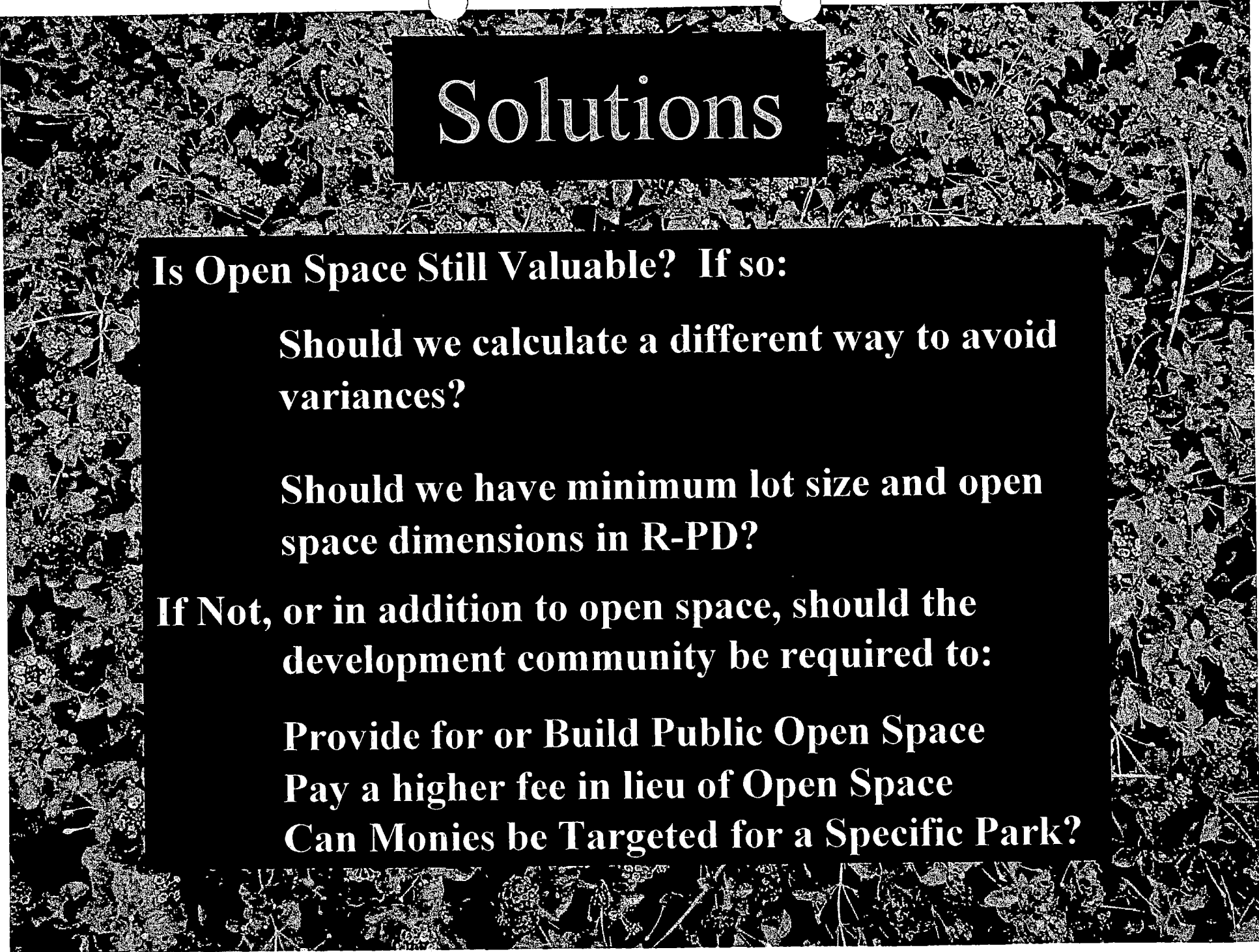


Lone Mountain Map



Lone Mountain





Solutions

Is Open Space Still Valuable? If so:

Should we calculate a different way to avoid variances?

Should we have minimum lot size and open space dimensions in R-PD?

If Not, or in addition to open space, should the development community be required to:

Provide for or Build Public Open Space

Pay a higher fee in lieu of Open Space

Can Monies be Targeted for a Specific Park?

JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA
SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF:
DECEMBER 8, 2003

DEPARTMENT: PLANNING & DEVELOPMENT

DIRECTOR: ROBERT S. GENZER

☐

CONSENT

☒

DISCUSSION

SUBJECT:

Report and possible action on the purpose and intent of Traffic Impact Analysis and Drainage Studies

Fiscal Impact

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

To provide the Planning Commission and City Council with information on the content and purpose of Traffic Impact Analysis and Drainage Studies

RECOMMENDATION:

No recommendation

BACKUP DOCUMENTATION:

None

MOTION:

A motion was not made.

MINUTES:

RICHARD GOECKE, Director of Public Works, acknowledged that BART ANDERSON represents his Department well at Planning Commission and City Council. The need for a traffic study and recommendations of flood control studies is generated elsewhere within the Department. He introduced JORGE CERVANTES, Assistant Traffic Engineer, to present on traffic studies and CHARLES KAJKOWSKI, Deputy Director of Public Works and City Engineer, to present on flood control studies.

MR. CERVANTES quickly described the purpose of the traffic impact study to identify the traffic load contribution anticipated from a particular development on surrounding roadways. That determines the need for any improvements necessary to provide an acceptable level of service, what those improvements are and who will be responsible for making them. Small developments may result in small studies and large developments may result in complex, regional studies. The studies are quantitative and follow standard engineering practices. They are not intended to be qualitative or address quality of life issues, which are evaluated by Planning and Development Department staff. They are reviewed by Public Works on a technical

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 5 - Report and possible action on the purpose and intent of Traffic Impact Analysis
and Drainage Studies

MINUTES - Continued:

basis only. Special attention is given to traffic generated by commercial development on
residential areas.

The study parameters are established during a meeting between Traffic Engineering and the
developer. Issues usually include existing roadway conditions, lane signage, existing traffic,
number of vehicle trips generated by the development, distribution of the trips on the proposed
driveways and surrounding roads, capacity analysis prior to development generated traffic and
capacity analysis post development generated traffic. The conclusion of the report covers
necessary improvements and mitigation efforts. These efforts may include relocation of access,
additions or modifications to existing surrounding roadways, construction of temporary
roadways, dedicated turn lanes, median installation or modifications and even additional traffic
devices as warranted. Disputed recommendations result in additional analysis. Staff applies the
final technical document to the civil plans to improve surrounding roadways.

COMMISSIONER McSWAIN commented that details are critical and traffic absolutely impacts
quality of life within the community. She appreciates and relies on the information provided by
staff in that regard.

MR. KAJKOWSKI briefly outlined the federal regulations and the City's participation in the
National Flood Insurance Program, both of which mandate drainage studies. The program does
result in lower insurance premiums for Las Vegas homeowners. The Valley is mapped by the
Federal Emergency Management Association (FEMA) and regulated as a flood hazard area. In
1986 or 1987, as part of the creation of the Regional Flood Control District, all developments
two areas or larger were required to submit a drainage study as part of the development approval
process.

These drainage studies become a two-step process with large projects. The initial, conceptual
drainage study is performed on the entire site and then as individual subdivisions come into
being, a more detailed drainage study is done for the specific subdivision. The more detailed
study identifies the actual drainage route through the subdivision. The purpose of the studies is
to meet minimum drainage design criteria and analyze the impact of the development on itself
and the existing water shed, upstream and downstream flow. Lastly, staff investigates the impact
on implementation of the regional and neighborhood plans.

SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF DECEMBER
8, 2003

Planning and Development Department

Item 5 - Report and possible action on the purpose and intent of Traffic Impact Analysis
and Drainage Studies

MINUTES - Continued:

COMMISSIONER McSWAIN discussed with MR. KAJKOWSKI the cause of the recent flooding in the Northwest, the repercussions thereof and possible solutions. The Flood Control District has spent approximately \$800,000,000 to \$1,000,000,000 on flood control in the last 15 years for the entire Clark County area. There are many more projects identified in the master plan that still need to be built. Needed systems have yet to be constructed in the particular area most recently impacted. The solution is a matter of setting priorities and obtaining funds to construct the facilities. COMMISSIONER McSWAIN asked if property owners are advised of the potential risk. MR. KAJKOWSKI replied that the storm in question was larger than what has been designed for. This is a new community with little historical data on rainfall, intensity and duration. Very conservative projections would have resulted in very large, costly facilities. Not so conservative criteria could result in facilities too small to do the job. The criteria issue was carefully considered, but the recent rainstorm exceeded the criteria and some of the systems were not able to handle the volume.

MAYOR PRO TEM REESE verified with ROBERT GENZER, Director of Planning and Development Department, that this item was informational and staff was not seeking a motion.

There was no further discussion.

(2:31 - 2:44)

2-2290

City of Las Vegas

JOINT CITY COUNCIL AND PLANNING COMMISSION AGENDA SPECIAL CITY COUNCIL AND PLANNING COMMISSION MEETING OF: DECEMBER 8, 2003

CITIZENS PARTICIPATION:

Items raised under this portion of the Special City Council and Planning Commission 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 step up to the podium and 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.

MINUTES:

AL GALLEG0, citizen of Las Vegas, stated that there were good and bad points in putting citizens participation at the beginning of a meeting. However, the residents of Las Vegas are concerned with the number of abstentions by the members of both the City Council and Planning Commission. Part of the solution would be if the officials filled out a financial disclosure once a month just to let the citizens know why they are abstaining.

(2:44 - 2:46)

2-2920

MAYOR PRO TEM REESE thanked everyone for participating and stressed that the success of the meeting would indicate that it would be a good idea to hold this type of joint meeting more often.

(2:44 - 2:46)

2-2992

**MEETING ADJOURNED AT 2:46 P.M. BY BOTH MAYOR PRO TEM REESE and
CHAIRMAN TRUESDELL**