

City of Las Vegas

RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S CONFERENCE ROOM, EIGHTH FLOOR
CITY OF LAS VEGAS INTERNET ADDRESS: <http://www.lasvegasnevada.gov>
TUESDAY, NOVEMBER 16, 2004
4:00 P.M.

RECOMMENDING COMMITTEE - COUNCILWOMAN MONCRIEF AND COUNCILMAN WOLFSON

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

ANY MEMBER OF THE CITY COUNCIL MAY SUBSTITUTE FOR A MEMBER OF THE RECOMMENDING COMMITTEE AT ANY TIME.

- CALL TO ORDER
- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW
- 1. Bill No. 2004-71 - Expands the boundaries of the Live/Work Overlay District to include the Las Vegas Medical District, and allows medical office uses within the Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development
- 2. Bill No. 2004-72 - Revises the standards for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: A tape recording of all the proceedings will be kept on file in the Office of the City Clerk until final disposition is made. Copies of the above Bills may be obtained through the Office of the City Clerk, Monday through Friday, 8:00 A.M. to 5:00 P.M.

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

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

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge
Court Clerk's Office Bulletin Board, City Hall Plaza
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S. Grand Central Parkway
Grant Sawyer Building, 555 E. Washington Avenue

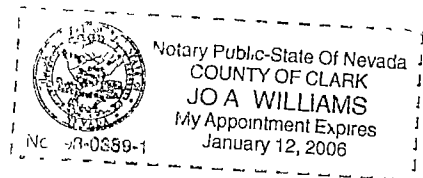
(Mailing required under the provisions of NRS Chapter 241)

Sharisse Yarborough, an employee of the City of Las Vegas, Nevada being first duly sworn, deposes and says that on the **8th** day of **November**, 2004, a copy of a NOTICE, the attached of which is a true and correct copy of the Public Hearing - re: **Recommending Committee Meeting**, to be held on the **16th** day of **November, 2004**, 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.

City Clerk
DEPARTMENT

9th day of NOVEMBER, 2004

NOTARY PUBLIC in and for said County and State



RECOMMENDING COMMITTEE AGENDA **RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 16, 2004**

- CALL TO ORDER

MINUTES:

PRESENT: COUNCILWOMAN MONCRIEF and COUNCILMAN WOLFSON

Also Present: DEPUTY CITY MANAGER STEVE HOUCHENS, CHIEF DEPUTY CITY ATTORNEY VAL STEED, and DEPUTY CITY CLERK GABRIELA S. PORTILLO-BRENNER

- ANNOUNCEMENT RE: COMPLIANCE WITH OPEN MEETING LAW

MINUTES:

ANNOUNCEMENT MADE - meeting noticed and posted at the following locations:

City Clerk's Bulletin Board, City Hall Plaza, 2nd Floor Skybridge

Court Clerk's Office Bulletin Board, City Hall Plaza

Las Vegas Library, 833 Las Vegas Boulevard North

Clark County Government Center, 500 S. Grand Central Parkway

Grant Sawyer Building, 555 E. Washington Avenue

(4:00 - 4:01)

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 16, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-71 - Expands the boundaries of the Live/Work Overlay District to include the Las Vegas Medical District, and allows medical office uses within the Overlay District. Proposed by: Robert S. Genzer, Director of Planning and Development

Fiscal Impact:

☒	No Impact	Amount:
☐	Budget Funds Available	Dept./Division:
☐	Augmentation Required	Funding Source:

PURPOSE/BACKGROUND:

Earlier this year the City Council adopted an ordinance to establish the Live/Work Overlay District. It is now proposed to expand the boundaries of the Overlay District to include the Las Vegas Medical District, and to allow medical office uses within the Overlay District. This bill will accomplish the change.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-71

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-71e forwarded as a First Amendment to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, introduced FLINN FLAGG of the Current Planning Division to explain what this bill would achieve. MR. FLAGG explained that the Live/Work Overlay District was adopted about nine months ago, and it mainly includes the Downtown Centennial Plan area. Staff proposes to extend the Live/Work Overlay District to include the Medical District, which is located west of the interstate. This bill coincides with recent proposed changes to the Medical District to expand proposed mixed-uses and to also allow live/work uses. There are no major changes to the existing language of the Live/Work District section, with the exception of the addition of medical uses. He noted that the change would allow a chiropractor to have his/her office and residence in the same space.

CHIEF DEPUTY CITY ATTORNEY STEED suggested an amendment to the title and the summary to read: "An ordinance to expand the boundaries of the Live/Work Overlay District to extend to and include the Las Vegas Medical District, and allows medical office uses within the Overlay District. The verbiage "extend to" will connect the two districts

No one appeared in opposition.

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 16, 2004

MINUTES - Continued:

COUNCILWOMAN MONCRIEF declared the Public Hearing closed

(4:01 - 4:03)

1-7

BILL NO. 2004-71

ORDINANCE NO. _____

AN ORDINANCE TO EXPAND THE BOUNDARIES OF THE LIVE/WORK OVERLAY DISTRICT TO INCLUDE THE LAS VEGAS MEDICAL DISTRICT, TO ALLOW MEDICAL OFFICE USES WITHIN THE OVERLAY DISTRICT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Proposed by: Robert S. Genzer, Director of
Planning and Development

Summary: Expands the boundaries of the Live/Work Overlay District to include the Las Vegas Medical District, and allows medical office uses within the Overlay District.

THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN
AS FOLLOWS:

SECTION 1: Title 19, Chapter 6, Section 130, Subsection (D), of the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is hereby amended to read as follows:

(D) Approval Criteria. All Live/Work units within the Live/Work Overlay District must meet the following criteria in order to be approved:

(1) Zoning. Live/Work units may be located in the C-1, C-2, C-M, [and] M and PD Zoning Districts only.

(2) Permissible Nonresidential Uses. Because of the residential component, only the following nonresidential uses are permitted:

(a) Office uses, [(excluding medical offices).]

(b) Desktop publishing.

(c) Arts activities, including painting, sculpture, printmaking, ceramics, photography, film, video, graphic design, jewelry, and textiles, but excluding any activity that involves welding or open flame work. The sale of artwork is permitted as an ancillary use.

(3) Nonresidential Use Criteria. Nonresidential activities must generally conform to the intent of the Live/Work Overlay District as described in Subsection (B) of this Section.

(4) Residential Use Criteria. The residential component of a Live/Work unit must contain sleeping space, cooking facilities, and complete sanitary facilities. No more than fifty percent of the total floor area of a Live/Work unit shall be designed or used for residential purposes. The residential occupancy of a Live/Work unit must include at least one person who is employed or carries out an

1 occupation in the unit.

2 (5) Emergency Access and Parking. Live/Work units shall be clearly identified by signage
3 in order to facilitate access for emergency services. The amount of required onsite parking shall be
4 calculated in accordance with Chapter 19.10, based upon the gross square footage of the unit and the
5 nonresidential use or uses occurring therein.

6 (6) Signage. Permissible signage shall be in accordance with the requirements and
7 limitations of Chapter 19.14 and those that pertain to any other overlay district in which the property
8 is located.

9 SECTION 2: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.130
10 is deemed to be a subchapter rather than a section.

11 SECTION 3: The map that is attached to this Ordinance is hereby adopted and
12 incorporated into LVMC 19.06.130(C). The attached map replaces and supersedes the map that was
13 adopted as part of LVMC 19.06.130(C) by Ordinance No. 5671. The attached map shall be included
14 in the appropriate place in any codification of this Ordinance.

15 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
16 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
17 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
18 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
19 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
20 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
21 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
22 invalid or ineffective.

23 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,

24 ...

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26 ...

27 ...

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1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this ____ day of _____, 2004.

4 APPROVED:

6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9
10 BARBARA JO RONECUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steel 10-20-04
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2004, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2004, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

11

12 APPROVED:

13

14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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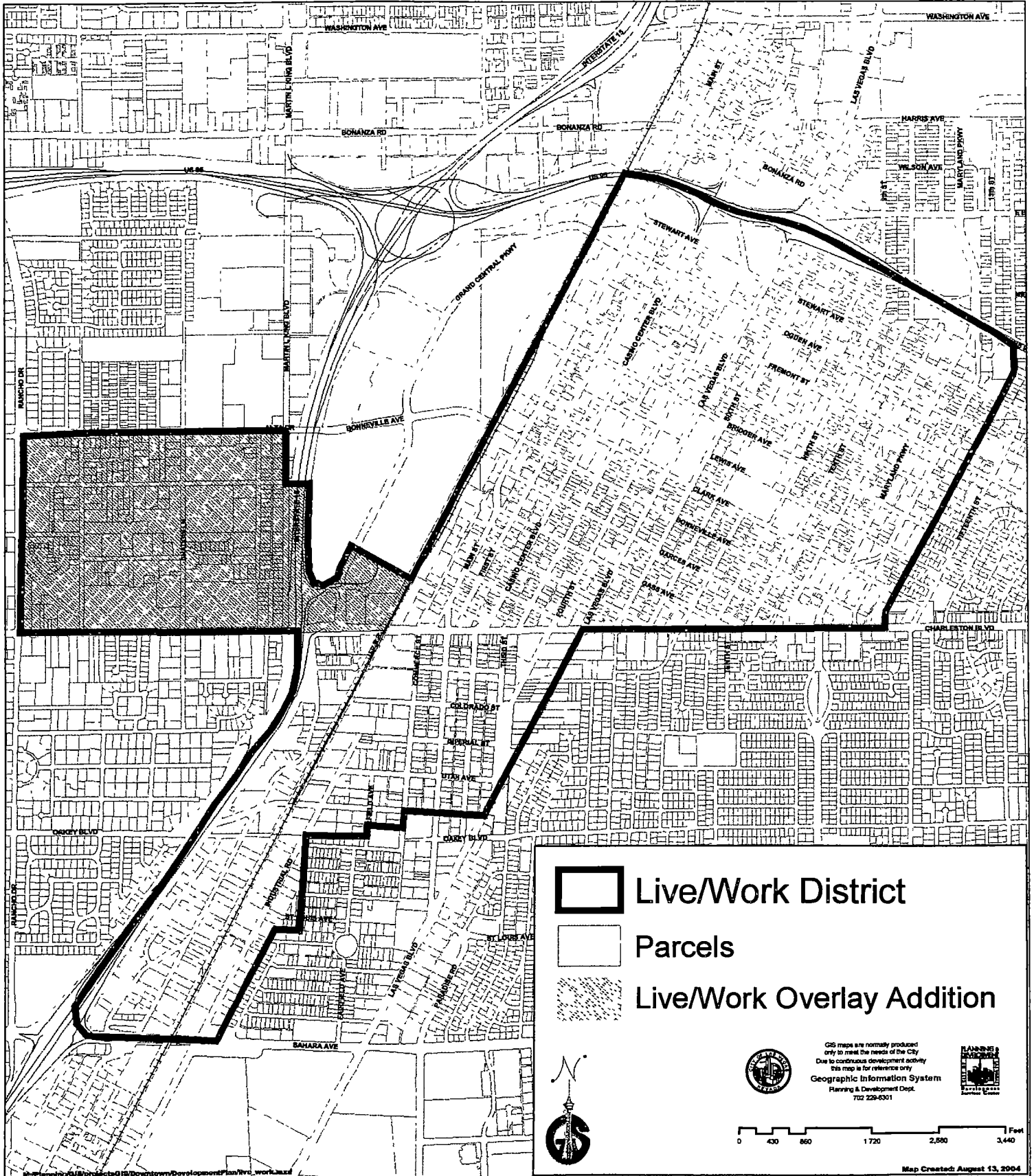
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City of Las Vegas
LIVE/WORK OVERLAY DISTRICT



AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 16, 2004

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

☐ **CONSENT** ☒ **DISCUSSION**

SUBJECT:

NEW BILL:

Bill No. 2004-72 - Revises the standards for converting public streets into private streets in existing subdivisions. Sponsored by: Councilwoman Janet Moncrief

Fiscal Impact:

☒

No Impact

Amount:

☐

Budget Funds Available

Dept./Division:

☐

Augmentation Required

Funding Source:

PURPOSE/BACKGROUND:

Several months ago the City Council adopted an ordinance to revise the standards and procedures for converting public streets into private streets in existing subdivisions. One of the requirements was for private streets to be located on property that is separately owned by a property owners' association. It has since been proposed, as an alternative to the current ownership requirement, to allow such private streets to be located on property that is subject to perpetual access easements running in favor of the owners of lots within the subdivision. This bill will accomplish the change.

RECOMMENDATION:

This bill should be submitted to a Recommending Committee for review, hearing and recommendation to the City Council for final action.

BACKUP DOCUMENTATION:

Bill No. 2004-72

MOTION:

COUNCILMAN WOLFSON recommended Bill 2004-72 be forwarded to the Full Council with a "Do Pass" recommendation. COUNCILWOMAN MONCRIEF concurred.

MINUTES:

COUNCILWOMAN MONCRIEF declared the Public Hearing open.

ROBERT GENZER, Director, Planning and Development, indicated that approximately six months ago the Council passed an ordinance amendment that relaxed some of the standards pertaining to the conversion of public streets to private streets. Since that time, staff has been working with a representative of the Scotch 80s neighborhood in an attempt to simplify the process for making such a transition. Staff has agreed, in principle, to the subject bill, which would allow for public streets within existing subdivisions that qualify to be vacated, as opposed to having to be created as a separate parcel, and would allow for the placement of an access easement. This accomplishes the residents' desires, while providing access to the City and other service providers. In the case of a new subdivision, the residents would still be required to put the street into a common lot. He recommended approval.

No one appeared in opposition.

COUNCILWOMAN MONCRIEF declared the Public Hearing closed.

(4:03 - 4:05)

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 16, 2004

MINUTES - Continued:
1-82

1 **BILL NO. 2004-72**

2 **ORDINANCE NO. 45**

3 **AN ORDINANCE TO REVISE THE STANDARDS FOR CONVERTING PUBLIC STREETS INTO**
4 **PRIVATE STREETS IN EXISTING SUBDIVISIONS, AND TO PROVIDE FOR OTHER**
5 **RELATED MATTERS.**

6 Proposed by: Councilwoman Janet Moncrief

Summary: Revises the standards for converting
public streets into private streets in existing
subdivisions.

7 **THE CITY COUNCIL OF THE CITY OF LAS VEGAS DOES HEREBY ORDAIN**
8 **AS FOLLOWS:**

9 **SECTION 1: Title 19, Chapter 4, Section 40, Subsection (C), is hereby amended by**
10 **amending the subdivision entitled "Private Streets" to read as follows:**

11 **PRIVATE STREETS [ALL RESIDENTIAL DISTRICTS]**

12 (1) **Eligibility as Conditional Use.** Private streets are permitted pursuant to the following
13 provisions only if:

14 (a) The streets are public streets within an existing subdivision that are proposed to be
15 converted to private streets; and

16 (b) All the lots within the subdivision conform to the minimum lot size requirements of
17 Title 19.

18 (2) **Design and Construction Standards.** Unless otherwise approved by the City Council or
19 otherwise provided by means of a specific regulation governing private streets, every private street
20 shall conform to the same standards that govern the design and construction of public streets.

21 (3) **Access Restrictions.** The entrances to all private streets must be marked with a sign stating
22 that it is a private street. Guard houses, access control gates and cross arms may be constructed. All
23 restricted access entrances shall be manned twenty four hours every day or provide an alternative
24 means of ensuring access to the subdivision by the City and other emergency and utility service
25 providers with appropriate identification. If the association fails to maintain reliable access as
26 required to provide City services, the City may enter the subdivision and remove any gate or device
27 which is a barrier to access at the sole expense of the association. The association documents shall
28 contain provisions in conformity with this paragraph which may not be amended without the written

1 consent of the City.

2 (4) Access Restricted Entrance Design Standards. Any private street which has access control
3 gates or cross arms must be of a break-away design. A turn-around space must be located in front of
4 any restricted access entrance to allow vehicles denied access to safely exit onto public streets. Any
5 guardhouse, or other entry feature designed as a drive-through, must have a minimum clearance of
6 fourteen feet in height above the road surface.

7 (5) Streets Excluded. Streets shown on the Master Plan of Streets and Highways shall not be used,
8 maintained, or constructed as private streets. Also, the Department may deny the creation of any other
9 private street if it is determined that the private street would have any of the following effects:

- 10 (a) Negatively affect traffic circulation on public streets;
- 11 (b) Impair access to property either on-site or off site to the subdivision;
- 12 (c) Impair access to or from public facilities including schools, parks and libraries; or
- 13 (d) Delay the response time of emergency vehicles.

14 (6) Property Owners' Associations Required. Subdivisions developed with private streets must
15 have a mandatory property owners' association which includes all property served by private streets.
16 The association shall own and be responsible for the maintenance of private streets and appurtenances.
17 The association documents must establish a reserve fund for the maintenance of streets and other
18 improvements. Such documents are subject to review and approval by the City to ensure that adequate
19 provision for maintenance has been made.

20 (7) Private Street [Lot.] Requirements. Private streets [shall be constructed] must be located on
21 property that is separately owned by a property owners' association[.] or is subject to perpetual access
22 easements running in favor of the owners of lots within the subdivision. Private streets must include
23 provision for appropriate easements to be granted to the City and to other utility providers allowing
24 necessary use and access for utilities and the maintenance thereof. The [easement shall] easements
25 must also provide the City and protective service providers with the same right of access they would
26 have if the streets were public streets.

27 (8) Waiver of Services. The subdivision final map, property deeds and property owners
28 association documents shall note that certain City services shall not be provided on private streets.

1 Among the services which will not be provided are: routine police patrols, enforcement of traffic and
2 parking ordinances, preparation of accident reports and other services which may not be reasonably
3 or properly available within a particular development. All private regulatory signs shall conform to
4 State of Nevada regulations.

5 (9) Special Use Permit. In cases where a Special Use Permit is required to allow private streets
6 that do not conform to the provisions of Paragraphs (1) through (5) above, the provisions of
7 Paragraphs (1) through (8) above are minimum standards that shall presumptively apply to a Special
8 Use Permit for this use. The prohibitions and requirements in Paragraphs (5) through (8) are not
9 waivable in connection with a Special Use Permit approval.

10 SECTION 2: In Section 1 of this Ordinance, the brackets that follow the title of the
11 subdivision being added are not intended to indicate deleted matter, but instead are used as the means
12 of indicating the applicable districts. Brackets appearing elsewhere in Section 1 do indicate deleted
13 matter.

14 SECTION 3: For purposes of Section 2.100(3) of the City Charter, LVMC 19.04.040
15 is deemed to be a subchapter rather than a section.

16 SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
17 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
18 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
19 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
20 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
21 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
22 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
23 invalid or ineffective.

24 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,

25 ...

26 ...

27 ...

28 ...

1 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
2 1983 Edition, in conflict herewith are hereby repealed.

3 PASSED, ADOPTED and APPROVED this _____ day of _____, 2004.

4 APPROVED:

6 By _____
7 OSCAR B. GOODMAN, Mayor

8 ATTEST:

9 _____
10 BARBARA JO RONEMUS, City Clerk

11 APPROVED AS TO FORM:

12 Val Steed 10-20-04
13 Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2004, and referred to the following committee composed of
3 _____ and _____ for recommendation;
4 thereafter the said committee reported favorably on said ordinance on the ____ day of
5 _____, 2004, which was a _____ meeting of said Council; that at said
6 _____ meeting, the proposed ordinance was read by title to the City Council
7 as first introduced and adopted by the following vote:

8 VOTING "AYE": _____

9 VOTING "NAY": _____

10 ABSENT: _____

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APPROVED:

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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17 BARBARA JO RONEMUS, City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: NOVEMBER 16, 2004

CITIZENS PARTICIPATION: PUBLIC COMMENT DURING THIS PORTION OF THE AGENDA MUST BE LIMITED TO MATTERS WITHIN THE JURISDICTION OF THE COMMITTEE. NO SUBJECT MAY BE ACTED UPON BY THE COMMITTEE UNLESS THAT SUBJECT IS ON THE AGENDA AND IS SCHEDULED FOR ACTION. IF YOU WISH TO BE HEARD, COME TO THE PODIUM AND GIVE YOUR NAME FOR THE RECORD. THE AMOUNT OF DISCUSSION ON ANY SINGLE SUBJECT, AS WELL AS THE AMOUNT OF TIME ANY SINGLE SPEAKER IS ALLOWED, MAY BE LIMITED

MINUTES:

None.

(4:05)

1-147

THE MEETING ADJOURNED AT 4:05 P.M.

Respectfully submitted:

A handwritten signature in cursive script, reading "Gabriela S. Portillo-Brenner", written over a horizontal line.

GABRIELA S. PORTILLO-BRENNER, DEPUTY CITY CLERK

November 22, 2004