

City of Las Vegas

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RECOMMENDING COMMITTEE MEETING
CITY HALL, 400 STEWART AVENUE
CITY MANAGER'S EIGHTH FLOOR CONFERENCE ROOM
CITY OF LAS VEGAS INTERNET ADDRESS: www.lasvegasnevada.gov
OCTOBER 20, 2009
9:00 A.M.

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

DUPLICATE AUDIO CDS MAY BE AVAILABLE AT A COST OF \$5 00 EACH THROUGH THE CITY CLERK'S OFFICE

1 CALL TO ORDER

2 ANNOUNCEMENT RE COMPLIANCE WITH OPEN MEETING LAW

3 Bill No Z-2009-2 – Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land Proposed by M Margo Wheeler, Director of Planning and Development

4 Bill No 2009-41 – Revises the hillside development standards and guidelines to reflect their applicability to nonresidential development (TXT-34891) Sponsored by Councilman Stavros S Anthony

5 Bill No 2009-42 – Amends the Downtown Centennial Plan to allow certain alcohol-related uses within the Parkway Center District by means of special use permit (TXT-34880) Sponsored by Mayor Oscar B Goodman

6 Bill No 2009-43 – Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales (TXT-34717) Sponsored by Councilman Steven D Ross

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

8 ADJOURNMENT

ALL INTERESTED PERSONS ARE INVITED TO ATTEND: 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
Bulletin Board, City Hall Plaza, (next door to Metro Records)
Las Vegas Library, 833 Las Vegas Boulevard North
Clark County Government Center, 500 S Grand Central Parkway
Grant Sawyer Building, 555 E Washington Avenue

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
CALL TO ORDER

Minutes:
COUNCILMAN BARLOW called the meeting to order at 9.00 a.m.

PRESENT: COUNCILMEN BARLOW and ANTHONY

Also Present: DEPUTY CITY MANAGER ~~JIM NICHOLS~~, CHIEF DEPUTY CITY
ATTORNEY VAL STEED and DEPUTY CITY CLERK ~~ANGELA CROLLI~~



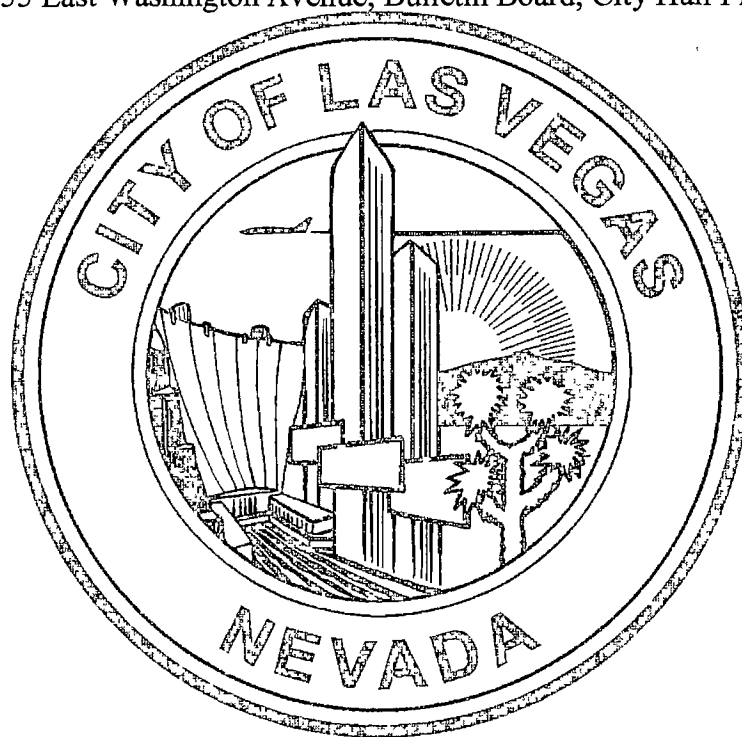
AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:
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; Clark County Government Center, 500 South Grand Central Parkway; Las Vegas Library, 833 Las Vegas Boulevard North; Grant Sawyer Building, 555 East Washington Avenue; Bulletin Board, City Hall Plaza (next to Metro Records)



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

DEPARTMENT: CITY ATTORNEY
DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. Z-2009-2 - Amends the City's Official Zoning Map Atlas by changing the zoning designations of certain parcels of land. Proposed by M. Margo Wheeler, Director of Planning and Development

Fiscal Impact

No Impact Augmentation Required
Budget Funds Available

Amount:
Funding Source:
Dept./Division:

PURPOSE/BACKGROUND:

This bill will amend the zoning map to change the zoning designations of approximately 20 parcels along Jones Boulevard. The rezoning of these parcels has already been approved by the City Council. This bill merely formalizes the rezoning by ordinance.

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. Z-2009-2

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that this Bill would hard zone properties that have been developed or are appropriate for hard zoning. This involves 20 parcels on Jones Boulevard that were rezoned from R-1 to P-R over a period of time. Staff recommended approval.

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

COUNCILMAN BARLOW verified with FLINN FAGG, Planning and Development, that the majority of these parcels are located between Alta Drive on the south and US 95 on the north, in Ward 1.

COUNCILMAN BARLOW declared the Public Hearing closed.



1 **BILL NO. Z-2009-2**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE OFFICIAL ZONING MAP ATLAS OF THE CITY OF LAS
4 VEGAS BY CHANGING THE ZONING DESIGNATIONS OF CERTAIN PARCELS OF LAND,
AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Proposed by: M. Margo Wheeler,
6 Director of Planning and Development

Summary: Amends the City's Official Zoning
Map Atlas by changing the zoning designations
of certain parcels of land.

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

9 SECTION 1: The Official Zoning Map Atlas of the City of Las Vegas, as adopted in
10 Title 19, Chapter 2, Section 10, of the Municipal Code of the City of Las Vegas, Nevada, 1983
11 Edition, is hereby amended by changing the zoning designations for the parcels of land listed in the
12 attached document. The parcels of land have been approved for rezoning by vote of the City Council
13 or by means of a resolution of intent to rezone pursuant to applicable zoning regulations. In each case
14 the conditions of rezoning have been fulfilled, and changing the corresponding zoning designations
15 on the Official Zoning Map Atlas is now indicated. On the attached document, the parcels are listed
16 by Assessor's Parcel Number. The attached document shows, for each parcel, the zoning designation
17 currently shown on the Official Zoning Map Atlas (indicated as "Current Zoning") and the new zoning
18 designation to be shown for the parcel (indicated as "New Zoning").

19 SECTION 2: The Planning and Development Department is authorized and directed
20 to make such changes to the Official Zoning Map Atlas as are necessary to reflect the amendments
21 described in Section 1 of this Ordinance. In accordance with LVMC 19.02.010, the Official Zoning
22 Map Atlas is stored and maintained in the offices of the Planning and Development Department.

23 SECTION 3: Of the parcels referred to in Section 1 of this Ordinance whose rezoning
24 was approved by means of a resolution of intent to rezone, few if any of those resolutions have been
25 reduced to writing—as was the practice previously. All actions and proceedings by the City concerning
26 the rezoning of those parcels are hereby ratified, approved and confirmed as if the resolutions of intent
27 had been reduced to writing, and the City Council deems that no additional action in that regard is
28 necessary.

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

SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases, sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, in conflict herewith are hereby repealed.

PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

APPROVED:

By _____
OSCAR B. GOODMAN, Mayor

ATTEST:

BEVERLY K. BRIDGES, CMC
City Clerk

APPROVED AS TO FORM:

Val Steed 9-23-09
Date

1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2009, 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 _____, 2009, 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: _____

12 APPROVED:

13
14 By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:
16
17 _____
BEVERLY K. BRIDGES, CMC
City Clerk

PARCEL	CURRENT ZONING	NEW ZONING
13835515002	R-1	P-R
13835515001	R-1	P-R
13836112002	R-1	P-R
13836112005	R-1	P-R
13836112007	R-1	P-R
13836210002	R-1	P-R
13836210003	R-1	P-R
13836210007	R-1	P-R
13836210010	R-1	P-R
13836210011	R-1	P-R
13836210012	R-1	P-R
13836210013	R-1	P-R
13836210014	R-1	P-R
13836210015	R-1	P-R
13836210017	R-1	P-R
13836210019	R-1	P-R
13836310007	R-1	P-R
13836316007	R-1	P-R
13836401001	R-1	P-R
13836401003	R-1	P-R

AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-41 – Revises the hillside development standards and guidelines to reflect their applicability to nonresidential development. (TXT-34891) Sponsored by: Councilman Stavros S Anthony

Fiscal Impact

No Impact

Augmentation Required

Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

Approximately two years ago the City Council adopted development standards and guidelines for hillside areas, defined as areas with a slope of 15% or greater. The standards and guidelines address issues of preservation, design, conservation and protection that are unique to hillside areas. The standards and guidelines were adopted primarily with residential development in mind. This bill will clarify that they are applicable to nonresidential development as well.

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. 2009-41

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

FLINN FAGG, Planning and Development, explained that corrections are being made to the Hillside Ordinance, replacing the term "dwellings" with "principle building" or "development inside". When the Hillside Ordinance was originally drafted, all of the affected areas had a General Plan designation of residential. However, with the recent application involving a church within a hillside area, it became necessary to change those references.

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

COUNCILMAN BARLOW asked if the corrections came about because of the International Church of Las Vegas located on Cheyenne Avenue. MR. FAGG responded that that application pointed out to staff the weakness of the ordinance, but the change will apply to all development in hillside areas. COUNCILMAN ANTHONY affirmed that this ordinance would protect those mountains by ensuring that development does not happen on top of the hills.

COUNCILMAN BARLOW declared the Public Hearing closed.



1 **BILL NO. 2009-41**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO REVISE THE HILLSIDE DEVELOPMENT STANDARDS AND
4 GUIDELINES TO REFLECT THEIR APPLICABILITY TO NONRESIDENTIAL DEVELOPMENT,
AND TO PROVIDE FOR OTHER RELATED MATTERS.

5 Sponsored by: Councilman Stavros S. Anthony Summary: Revises the hillside development
6 standards and guidelines to reflect their
applicability to nonresidential development.

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

9 SECTION 1: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (2), of the
10 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

11 (2) Site Design. (See Figures 1 and 2)

12 (a) Structures shall be sited in a manner that will fit into the hillside's contour and relate
13 to the form of the terrain. This may be done through a variety of methods, such as varying setbacks
14 and structure heights; the use of innovative building techniques (e.g., earth shelter or earth berm
15 construction); and retaining walls.

16 (b) Site design should take into account the need to do the following, while maintaining
17 the natural character of a hillside area:

18 (i) Preserve vistas of natural hillside areas and ridgelines from "key vantage
19 points";

20 (ii) Preserve views from existing development; and

21 (iii) Allow new [dwellings] development access to views similar to those enjoyed
22 from existing [dwellings.] development.

23 (c) Site design should allow for different lot shapes and sizes, as well as split development
24 pads, with the prime determinant being the natural terrain.

25 SECTION 2: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (4), of the
26 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

27 (4) Architecture/Building Design. [Dwellings built] Development within hillside areas shall
28 conform to the following:

1 (a) Reflective building materials (i.e., mirror finishes or metal roofs) are not permitted
2 unless treated to eliminate glare.

3 (b) Limited slab-on-grade, with staggered floor elevations, shall be utilized to avoid
4 massive building forms, excessive cuts and fill, and surfaces which contrast with the surrounding
5 terrain.

6 (c) All external mechanical equipment shall be screened, and required vents shall be
7 architecturally compatible with the structure.

8 (d) Building architecture should have predominant horizontal features. Vertical features
9 should be minimized and generally used to accentuate entryways, garages, main doors and any type
10 of vertical embellishment.

11 (e) No portion of a structure shall exceed a height of two stories or thirty-five feet, and a
12 minimum of twenty feet of the structure must be lower than the elevation of the primary ridgeline.
13 (See Figure 5)

14 (f) [Dwellings shall use wall] Wall articulation (e.g., insets, pop-outs, etc.) and roof
15 orientation shall be used as a means to prevent a massive look.

16 (g) Rooflines and elements shall reflect the naturally occurring ridgeline silhouettes and
17 topographical variation in order to blend with the hillside. (See Figure 6)

18 (h) Building materials and colors shall be compatible with the natural setting. Whenever
19 possible, exterior colors shall be limited to earthtones that are found in nearby natural vegetation or
20 soil, that come from natural sources (e.g., rock, stone, wood), or that resemble a natural appearance.

21 SECTION 3: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (5), of the
22 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

23 (5) Clustered Development. Clustered development is encouraged as a means of preserving the
24 natural appearance of the hillside and maximizing the amount of open space. Under this concept,
25 [dwelling units are grouped in] development is grouped on the more level portions of the site, while
26 steeper areas are preserved in a natural state. Clustering can enhance the environmental sensitivity
27 of a development project, and facilitate the permanent protection of key features of the natural
28 environment, such as biological habitats, open space areas, scenic areas, ridgelines, and steep slopes.

1 (See Figure 7) Also, it is often more feasible to provide the needed infrastructure for a cluster
2 development, since clustering results in shorter roads and water, sewer, and utility lines. Clustering
3 does not allow an increase in the overall density of an area beyond that which is otherwise permitted
4 by the General Plan.

5 (a) Clustered [dwelling units shall be placed] development shall occur in a staggered or
6 stepped manner so [their] that the visual impact is lessened.

7 (b) Clustered subdivisions shall be sited so they do not have a dominant presence within
8 the hillside.

9 (c) The location of clustered units shall be restricted to the flatter portions of a site, unless
10 another location better minimizes impacts as relates to public safety, visual impact or environmental
11 issues.

12 (d) Clustered development must preserve open space in its undeveloped form. Appropriate
13 documents must be recorded to ensure the preservation of the open space areas in perpetuity. Open
14 space areas shall be identified on the final subdivision map or parcel map as common lots.

15 SECTION 4: Title 19, Chapter 6, Section 170, Subsection (C), Paragraph (6), of the
16 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

17 (6) Walls and Fences.

18 (a) The height of walls shall be in accordance with Section 19.12.075.

19 (b) Walls shall conform to the topography of the site. (See Figure 8)

20 (c) Walls shall either incorporate the use of native materials or be earthtone colors to
21 match the native soils and rocks. Walls and fences (other than retaining walls) should be made of
22 natural materials (e.g., stone, wood, split rail) whenever possible and, at a minimum, shall be a color
23 that blends with the surrounding environment. Where retaining walls front on or are visible from
24 public streets or public vantage points, they shall be constructed of (or faced with) materials that are
25 appropriate in color and texture to help visually blend the wall into the terrain. (See Figure 9)

26 (d) The use of retaining walls and retaining structures is encouraged when it significantly
27 reduces site grading.

28 (e) Large retaining walls in a uniform plane should be avoided. Retaining walls should

1 be broken up into elements and terraces, with landscaping used to screen them from view. (See Figure
2 10)

3 (f) Retaining structures shall be located so that they do not become a dominating visual
4 feature.

5 (g) Tall retaining structures that are absolutely necessary should be located behind [the
6 dwelling] development so as to be screened from view.

7 (h) Whenever possible, the location of walls and fences (other than retaining walls) should
8 be limited to areas within fifty feet of [dwellings] primary buildings and accessory structures in order
9 to limit their impact on hillside viewsheds.

10 (i) Solid walls and fences shall be prohibited within fifty vertical feet of a ridgeline in
11 order to prevent impacts on wildlife corridors and maintain the natural area surrounding the ridgeline.

12 (j) Fences that have pointed vertical elements shall not be permitted.

13 SECTION 5: Title 19, Chapter 6, Section 170, Subsection (D), Paragraph (4), of the
14 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

15 (4) Other elements that should be considered in a successful design and, where indicated, reflected
16 in submittal documents are the following:

17 (a) Preservation of distinctive natural features, the general existing topographical forms,
18 significant trees, landscaping, natural water courses and wildlife corridors, with data and aerial maps
19 to be provided showing the location, type and nature of existing major vegetation, including
20 significant clusters or contiguous areas of dense growth and existing vegetation to be preserved;

21 (b) Preservation of prominent skyline ridges, which must be shown by providing a graph
22 or other visual analysis indicating rooftop in relation to ridgeline; (See Figure 14)

23 (c) The location of roads and structures below the skyline ridge, with a visual analysis to
24 be provided indicating circulation related to existing contours;

25 (d) The location and construction of roadways, with drawings and explanations to be
26 provided showing how roadways will be constructed in a manner compatible with the natural terrain
27 and with scarring eliminated;

28 (e) Incorporation of hiking, biking, walking and equestrian trails, where appropriate;

- 1 (f) Variation in lot size, building placements, setbacks, and orientation;
- 2 (g) Variable changes in elevation and siting of buildings to ensure views and avoid
3 monotony;
- 4 (h) Preservation of steep hillsides by clustering buildings or use of other innovative
5 approaches;
- 6 (i) Sensitivity to the project's appearance from lower or adjacent development;
- 7 (j) Placement of equipment and other unsightly forms below ridgelines and in bermed and
8 landscaped areas.
- 9 (k) [Dwelling] Development design, with documentation to be provided indicating that
10 significant effort has been made towards incorporating energy-conservation and water saving
11 techniques;
- 12 (l) Maintenance of natural drainage/water runoff characteristics where possible;
- 13 (m) The use of exterior lighting for buildings that is:
 - 14 (i) Of a "cut-off" type designed to ensure that excess light does not spill over; and
 - 15 (ii) Of the lowest intensity feasible so as to be adequate for the purposes intended but not
16 likely to attract undue attention.

17 SECTION 6: Title 19, Chapter 6, Section 170, Subsection (D), Paragraph (6), of the
18 Municipal Code of the City of Las Vegas, Nevada, 1983 Edition, is amended to read as follows:

19 (6) A [final] grading plan must first be approved by the Director of Planning and Development
20 before Site Development Plan Review is considered by the Planning Commission. The Director's
21 review shall coincide with staff review of the Site Development Plan and drainage study.

22 SECTION 7: For purposes of Section 2.100(3) of the City Charter, LVMC 19.06.170
23 is deemed to be a subchapter rather than a section.

24 SECTION 8: If any section, subsection, subdivision, paragraph, sentence, clause or
25 phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or
26 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
27 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
28 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,

1 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
2 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
3 invalid or ineffective.

4 SECTION 9: All ordinances or parts of ordinances or sections, subsections, phrases,
5 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
6 1983 Edition, in conflict herewith are hereby repealed.

7 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

8 APPROVED:

9
10 By _____
11 OSCAR B. GOODMAN, Mayor

12 ATTEST:
13 _____
14 BEVERLY K. BRIDGES, CMC
15 City Clerk

16 APPROVED AS TO FORM:
17 Valsted 9-23-09
18 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 _____ day of _____, 2009, 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 _____, 2009, 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 _____
15 OSCAR B. GOODMAN, Mayor

16 ATTEST:
17 _____
18 BEVERLY K. BRIDGES, CMC
19 City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-42 – Amends the Downtown Centennial Plan to allow certain alcohol-related uses within the Parkway Center District by means of special use permit. (TXT-34880) Sponsored by: Mayor Oscar B. Goodman

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Downtown Centennial Plan includes development standards for the various districts located within the Plan area. The standards for the Parkway Center District currently do not allow alcohol-related uses. This bill will allow a number of the typical alcohol-related uses within that district by means of special use permit. Doing so will encourage development within that district and is consistent with the standards for the nearby Symphony Park District.

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. 2009-42

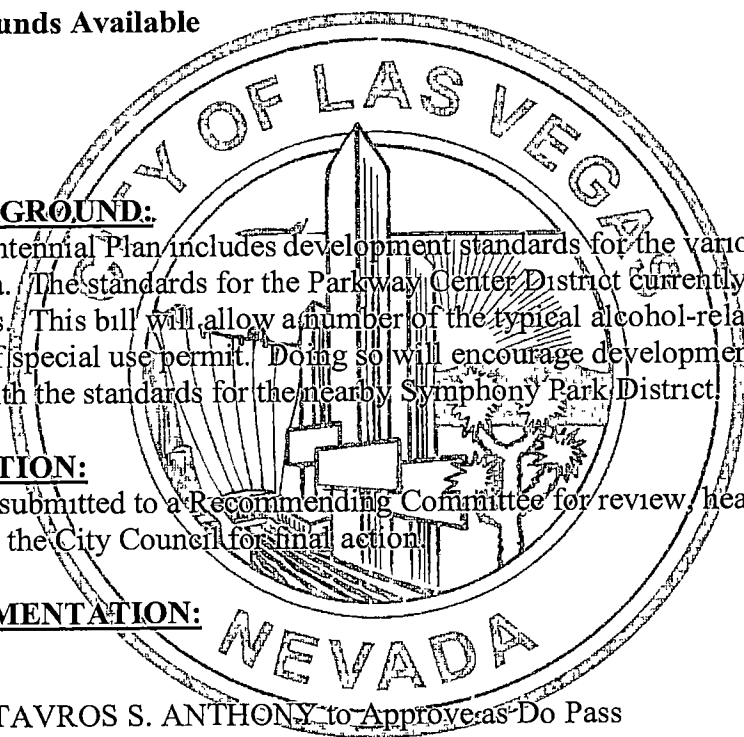
Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0
STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

FLINN FAGG, Planning and Development, explained that the parkway standards have a list of permitted uses that have never allowed alcohol uses within the Parkway Center District. The proposal is to add a standard list of alcohol related uses with a caveat requiring that alcohol related uses be located in a hotel or as part of a larger mixed use development and through the Special Use Permit process.



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MR. FAGG verified for COUNCILMAN BARLOW that any alcohol use would have to be within a development, such as the World Market Center or the outlet mall, where ever there is a commercial development of 250 feet or greater. The intent is to avoid having a stand-alone liquor use, such as a liquor store. A convenience store would have to be part of a larger commercial development.

COUNCILMAN BARLOW declared the Public Hearing closed.



1 **BILL NO. 2009-42**

2 **ORDINANCE NO. _____**

3 AN ORDINANCE TO AMEND THE DOWNTOWN CENTENNIAL PLAN TO ALLOW CERTAIN
4 ALCOHOL-RELATED USES WITHIN THE PARKWAY CENTER DISTRICT BY MEANS OF
5 SPECIAL USE PERMIT, AND TO PROVIDE FOR OTHER RELATED MATTERS.

6 Sponsored by: Mayor Oscar B. Goodman

7 Summary: Amends the Downtown Centennial
8 Plan to allow certain alcohol-related uses within
9 the Parkway Center District by means of special
10 use permit.

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

13 SECTION 1: The Downtown Centennial Plan, as adopted by Ordinance No. 6051,
14 is hereby amended as set forth in Section 2 of this Ordinance.

15 SECTION 2: Section VII(E)(2)(e) is amended by adding to the list of uses permitted
16 under the category of "Retail and Personal Services" the following uses:

- 17 • Beer/Wine/Cooler Off-Sale Establishment (Special Use Permit required)*
- 18 • Beer/Wine/Cooler On- and Off-Sale Establishment (Special Use Permit required)*
- 19 • Beer/Wine/Cooler On-Sale Establishment (Special Use Permit required)*
- 20 • Liquor Establishment (Tavern) (Special Use Permit required)*
- 21 • Package Liquor Off-Sale Establishment (Special Use Permit required)*
- 22 • Restaurant with Service Bar (Special Use Permit required)*
- 23 • Retail Establishment with Accessory Package Liquor Off-Sale (Special Use Permit required)*
- 24 • Supper Club (Special Use Permit required)*

25 *In addition to complying with all criteria listed in Title 19, the use shall be permitted only in
26 conjunction with (1) a hotel, or (2) a commercial or mixed-use development with a minimum gross
27 floor area of 250,000 square feet.

28 SECTION 3: The Planning and Development Department is authorized and directed
to incorporate into the Downtown Centennial Plan the amendment contained in this Ordinance.

SECTION 4: If any section, subsection, subdivision, paragraph, sentence, clause or
phrase in this ordinance or any part thereof is for any reason held to be unconstitutional or invalid or

1 ineffective by any court of competent jurisdiction, such decision shall not affect the validity or
2 effectiveness of the remaining portions of this ordinance or any part thereof. The City Council of the
3 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
4 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
5 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
6 invalid or ineffective.

7 SECTION 5: All ordinances or parts of ordinances or sections, subsections, phrases,
8 sentences, clauses or paragraphs contained in the Municipal Code of the City of Las Vegas, Nevada,
9 1983 Edition, in conflict herewith are hereby repealed.

10 PASSED, ADOPTED and APPROVED this _____ day of _____, 2009.

11 APPROVED:
12
13 By _____
14 OSCAR B. GOODMAN, Mayor

15 ATTEST:
16 _____
17 BEVERLY K. BRIDGES, CMC
18 City Clerk

19 APPROVED AS TO FORM:
20 Val Steed 9-23-09
21 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the

2 day of _____, 2009, 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 _____, 2009, 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 APPROVED:

12 By _____

13 OSCAR B. GOODMAN, Mayor

14 ATTEST:

15 BEVERLY K. BRIDGES, CMC

16 City Clerk

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AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

DEPARTMENT: CITY ATTORNEY

DIRECTOR: BRADFORD R. JERBIC

Consent Discussion

SUBJECT:

Bill No. 2009-43 – Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales. (TXT-34717) Sponsored by: Councilman Steven D. Ross

Fiscal Impact

No Impact Augmentation Required
 Budget Funds Available

Amount:

Funding Source:

Dept./Division:

PURPOSE/BACKGROUND:

The Town Center Development Standards currently allow the sale of used motor vehicles, but only in conjunction with new vehicle sales. In order to respond to the closing of vehicle dealerships that has occurred during the economic downturn, it has been proposed to allow the sale of used motor vehicles in Town Center as a "stand-alone" use, but on a temporary basis only. Approval by the City Council would be required and the use would be subject to conditions designed to ensure compatibility with surrounding uses.

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. 2009-43

Motion made by STAVROS S. ANTHONY to Approve as Do Pass

Passed For: 2; Against: 0; Abstain: 0; Did Not Vote: 0; Excused: 0

STAVROS S. ANTHONY, RICKI Y. BARLOW; (Against-None); (Abstain-None); (Did Not Vote-None); (Excused-None)

Minutes:

COUNCILMAN BARLOW declared the Public Hearing open.

CHIEF DEPUTY CITY ATTORNEY VAL STEED stated that due to the downturn in the economy, some of the dealerships had to close; therefore, a request was made to allow the sale of used motor vehicles in Town Center at an already developed auto dealership. He indicated that

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

COUNCILMAN ROSS, the sponsor of this Bill, requested that this be allowed temporarily and under the operators guidelines of a new car dealership. Initially, the use was established as a Special Use Permit but because it would be allowed temporarily, there were concerns both from the City Attorney's Office and the Planning Department about establishing the code temporarily and then having to amend the Code. Essentially, the rules found in Title 19 or the Town Center Development Standards would be temporarily overridden allowing application to be made for the temporary use, which would be the sale of used motor vehicles without having to be within a new car dealership. Application can only be made while this ordinance is in effect and, if approved, it would only be allowed until November 30, 2010. It was the Councilman's desire to give it a year's trial.

COUNCILMAN BARLOW pointed out that many of the car dealerships fought to be located in this area and were adamant about not allowing used car sales. This Bill would allow used car sales. CHIEF DEPUTY CITY ATTORNEY STEED responded that COUNCILMAN ROSS' representation was that he does not want stand-alone car sales in Town Center because it is inappropriate. Owners of existing car dealerships want a chance to sell used cars temporarily.

COUNCILMAN ANTHONY verified that someone requesting to sell used cars would only be able to do it for a year, unless the ordinance is amended. He was concerned about allowing this use only for a year.

CHIEF DEPUTY CITY ATTORNEY STEED stated that this would be similar to the Special Use Permit process where the application would go before the Planning Commission and then City Council, with the entire process taking two or three months. This pertains to those dealerships that already have the structure and able to sell used cars temporarily.

CHIEF DEPUTY CITY ATTORNEY STEED indicated that MARGO WHEELER, Director of Planning and Development, was concerned about allowing it through a Special Use Permit; therefore, the Bill is worded to require the same process.

SHEILA LAMBERT, Ward 6 Council Liaison, explained that United Dodge and People's GMC asked COUNCILMAN ROSS for the opportunity to sell used cars, as both lost their franchises during the reorganization of Chrysler and Dodge. They are trying to keep people employed and hoping for the opportunity to apply for new franchises. They initially asked for six months but COUNCILMAN ROSS agreed to a year.

COUNCILMAN ANTHONY confirmed that dealership owners understand that after November 30, 2010 they will no longer be able to sell used cars. MS. LAMBERT added that ATTORNEY JEFFREY BENDAVID, Moran Law Firm, and MIKE BELLAN, People's GMC, both agree to the preliminary condition of no used car sales on Sundays, and would follow the same rules and restrictions imposed on the new car sales dealerships. She noted that JIM MARSH was able to obtain a new franchise and would not be selling used cars.

COUNCILMAN BARLOW declared the Public Hearing closed.

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BILL NO. 2009-43

ORDINANCE NO. _____

AN ORDINANCE TO TEMPORARILY ALLOW THE SALE OF USED MOTOR VEHICLES IN TOWN CENTER WITHOUT THE REQUIREMENT THAT THE USE BE INCIDENTAL TO NEW VEHICLE SALES, AND TO PROVIDE FOR OTHER RELATED MATTERS.

Sponsored by: Councilman Steven D. Ross

Summary: Temporarily allows the sale of used motor vehicles in Town Center without the requirement that the use be incidental to new vehicle sales.

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

SECTION 1: Notwithstanding any contrary provision of LVMC Title 19 or the Town Center Development Standards Manual adopted thereunder, the sale of used motor vehicles, where not incidental to new car sales, may be allowed on a temporary basis in the TC-GC District within Town Center, but only in accordance with Sections 2 to 5, inclusive, of this Ordinance.

SECTION 2: An application to allow the sale of used motor vehicles on a temporary basis pursuant to this Ordinance shall not be deemed to be a Temporary Commercial Permit application or a Special Use Permit application. However, except as otherwise provided in Sections 3 to 5, inclusive, of this Ordinance, an application made pursuant to this Ordinance shall be filed and processed in accordance with LVMC 19.18.060 in the same manner as a Special Use Permit application.

SECTION 3: An application made pursuant to this Ordinance may be approved upon a determination that the temporary sale of used motor vehicles:

- (A) Is likely to be conducted in a manner compatible with surrounding uses; and
- (B) Will not have a materially greater impact on the surrounding area than the sale of new motor vehicles (including any incidental used vehicle sales), as permitted by the Town Center Development Standards Manual.

SECTION 4: The minimum requirements for approval of an application pursuant to this Ordinance, which are not waivable, are as follows:

- (A) The minimum site area shall be 25,000 square feet.

1 (B) The installation and use of an outside public address or bell system is
2 prohibited.

3 (C) No used or discarded automotive parts or equipment shall be located in any
4 open area outside of an enclosed building.

5 (D) All exterior lighting shall be screened or otherwise designed so as not to shine
6 directly onto any adjacent parcel of land.

7 (E) Openings in service bays shall not face public rights-of-way and shall be
8 designed to minimize the visual intrusion into adjoining properties.

9 (F) Accessory automobile rental is permitted.

10 (G) Parking of vehicles in landscaped areas is prohibited.

11 (H) Additional conditions may be imposed, including limitations regarding the days
12 and hours of operation and the establishment of an expiration date for the special use permit approval.

13 SECTION 5: Unless otherwise extended or modified by ordinance, this Ordinance
14 shall expire by limitation on November 30, 2010, and any approval granted under this Ordinance shall
15 expire on that same date.

16 SECTION 6: 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

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1 City of Las Vegas hereby declares that it would have passed each section, subsection, subdivision,
2 paragraph, sentence, clause or phrase thereof irrespective of the fact that any one or more sections,
3 subsections, subdivisions, paragraphs, sentences, clauses or phrases be declared unconstitutional,
4 invalid or ineffective.

5 PASSED, ADOPTED and APPROVED this ____ day of _____, 2009.

6 APPROVED:

7
8 By _____
9 OSCAR B. GOODMAN, Mayor

10 ATTEST:

11 _____
12 BEVERLY K. BRIDGES, CMC
13 City Clerk

14 APPROVED AS TO FORM:
15 _____
16 *Val Steed* 9-23-09
17 _____
18 Date

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1 The above and foregoing ordinance was first proposed and read by title to the City Council on the
2 ____ day of _____, 2009, 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 _____, 2009, 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

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APPROVED:

13

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By _____
OSCAR B. GOODMAN, Mayor

15 ATTEST:

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BEVERLY K. BRIDGES, CMC
City Clerk

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AGENDA SUMMARY PAGE
RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

DEPARTMENT: CITY CLERK
DIRECTOR: BEVERLY K. BRIDGES

SUBJECT:

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



AGENDA SUMMARY PAGE

RECOMMENDING COMMITTEE MEETING OF: OCTOBER 20, 2009

DEPARTMENT: CITY CLERK

DIRECTOR: BEVERLY K. BRIDGES

Consent Discussion

SUBJECT:

ADJOURNMENT

Minutes:

The meeting was adjourned at 9:19 a.m.

Respectfully submitted,

Angela Colli

Angela Colli, Deputy City Clerk II
October 20, 2009

