

## MINUTES

### CITY OF NORTH LAS VEGAS

#### SPECIAL PLANNING COMMISSION STUDY SESSION

**CALL TO ORDER:** Wednesday, May 31, 2006 at 6:00 P.M.  
Aliante Library Meeting Room  
2400 Deer Springs Way, North Las Vegas, NV

**ROLL CALL:** Chairman Jay Aston - Present  
Vice-Chairman Jo Cato - Present  
Commissioner Dean Leavitt - Present  
Commissioner Harry Shull - Present  
Commissioner Steve Brown - Present  
Commissioner Dilip Trivedi - Present  
Commissioner Angelo Carvalho - Present

**STAFF PRESENT:** Misty Haehn, Principal Planner  
Ned Thomas, Urban Designer  
Nick Vaskov, Deputy City Attorney

**VERIFICATION:** Jo Ann Lawrence, Recording Secretary

#### BUSINESS:

1. REVIEW AND DISCUSSION REGARDING THE DRAFT MIXED USE DEVELOPMENT ORDINANCE.

Chairman Jay Aston explained the Mixed Use Ordinance was being discussed.

Ned Thomas, Urban Designer explained there were three parts to the new ordinance, the Design Guidelines, Mixed Use Design Guidelines, and Procedures for Mixed Use. He explained there was a pre-submittal conference that would be required for mixed use developments before an application was submitted, so the details could be worked out. One of the issues that could be raised, was there were no waivers provided for in the Design Guidelines, which was by design, as with the flexibility of the ordinance and the pre-submittal conference, any issues requiring a waiver could be dealt with and taken care of before submittal of the application. With the mixed use ordinance, there would be adaptability compatibility, and walkability. In the design guidelines, the form and quality of development was being looked at rather than the use. The ordinance would be tied to the

Comprehensive Plan. Chairman Aston asked which Board would consider the Final Development Plan. Mr. Thomas responded the Final Development Plan would be heard by the Planning Commission and their decision would be final.

Mr. Thomas explained in mixed use development, they were looking for both horizontal and vertical mixed use. In many cases there would be a mixture of both types of uses on the same site. The mixed use ordinance was developed using many sources, one being the Clark County Mixed Use Ordinance, which had a map showing where mixed uses could be; but, the City did not want to use that method, but used the Comprehensive Plan and a mixed use could generally go in wherever a density of medium or higher was allowed. In commercial areas, the residential component would be introduced. There were seven other locational criteria to use. They were looking at areas for in-fill, redevelopment, the master planned communities, along the North 5<sup>th</sup> corridor and along Las Vegas Boulevard where there was existing transit and areas where there were a lot of different sub-divisions and wanted to create a neighborhood where a mixed use development would be applicable and along the Cheyenne Technology Corridor. When the Comprehensive Plan was adopted, they would take that section out of the Code and apply the new designations, which are Mixed Use Residential, Mixed Use Commercial, and Mixed Use Employment and then the Comprehensive Plan would begin to govern what the emphasis of the mixed use would be in certain areas and the zoning ordinance would govern how large and intense it would be. Eventually, there would be nine different kinds of mixed use, a small, medium and large residential mixed use, a small, medium and large commercial mixed use, or a small, medium and large employment mixed use. The smaller subdistrict is a Neighborhood Center approximately one to ten acres; the Community Center would be ten to forty acres; and the Regional Center, like the Binion Mall, which would be mixed use and were large designations of more than forty acres with hotels and restaurants. Some of the different elements in a mixed use was having walkability in certain areas and clustering the different uses together so that, if you were driving your car, you could park and walk to the different uses. Chairman Aston asked if the specifics would be in the Design Guidelines. Mr. Thomas responded they were and the Design Guidelines apply across the board to all areas. They tried not to be too prescriptive on the Design Guidelines. Chairman Aston stated on the Community Mixed Use, it said Community Centers must be accessible from major transportation corridors and mass transit routes and asked what a mass transit route was. Mr. Thomas stated that applied to North 5<sup>th</sup> Street and Las Vegas Boulevard. Chairman Aston stated the reason he asked was because master planned communities were approved at several locations for mixed use centers and they were not close to a mass transit corridor and asked if it was limiting them to neighborhood center mixed use. Mr. Thomas stated a major transportation corridor was a beltway or parkway or a major road. Chairman Aston asked how an applicant would know how many stories a building could be. Mr. Thomas stated that was where they jumped from flexibility into compatibility and were looking at compatibility of surrounding uses and according to the design guidelines, if it was next to an existing residential area and there was a 20 foot buffer between existing residential area and mixed use. Chairman Aston asked if the Design

guidelines explained the allowable height allowed for buildings. Mr. Thomas explained only as much as they refer to them being compatible with surrounding uses. Chairman Aston was concerned there could be too much flexibility. Mr. Thomas responded he would take a look at that.

Mr. Thomas stated with the building set-backs there was flexibility but in the pedestrian priority areas they were not flexible as they wanted a certain form, so when walking down the street, there was something interesting along the walkway. In the pedestrian priority area, they did not want a big building in the back and only had a view of the parking lot.

Mr. Thomas explained the Permitted Land Use Table, which showed the uses allowed in the different zones.

**Jennifer Lazovich of Kummer, Kaempfer, Bonner, Renshaw & Ferrario, 3800 Howard Hughes Parkway, 7<sup>th</sup> Floor, Las Vegas, NV 89109** asked if a use was not in the Code, such as a nursery, if it was not allowed at all in a particular area. Mr. Thomas responded that was the problem with trying to be too general. If it was not listed, it would be open for interpretation. A nursery, for instance, would probably fall under retail sales. Mr. Thomas explained because of the Comprehensive Plan, there would be a mixed use employment category, which would include some of the industrial uses. Most of them were not permitted in the small neighborhood mixed use but they were permitted in the regional mixed use. It depended on the size of the lot and what type of mixed use was being developed. The Economic Development Department asked that some industrial uses be included.

An unidentified person stated uses that were not listed fell under retail, which was true, but asked what use could be used that had some hazardous chemicals. He thought a vehicle should be included for those types of uses. Mr. Thomas stated in the pre-submittal conference, one of the items that was required was a list of the possible special uses that might be used and the use would be determined at that time. Mr. Thomas stated he would check to see how those situations were handled in other jurisdictions.

Commissioner Dilip Trivedi stated currently a convenience store and gas station were allowed in C-2, Neighborhood Commercial and asked why it was not allowed in a mixed use. Mr. Thomas responded mixed use was a little different and the neighborhood center was the most intensive pedestrian oriented type of mixed use, so any of the auto oriented uses were not be allowed.

Mr. Thomas stated for neighborhood centers, there were small enough areas that they could designate the whole area as a pedestrian priority area and that brought on a whole set of more strict standards to make it pedestrian oriented, so fuel sales would not work. Fuel sales were allowed in C-2 but it could not be a mixed use.

Chairman Aston stated in the neighborhood centers, no one land use could occupy more than 80 percent, so there could be 80 percent residential. Mr. Thomas stated as a general rule that was true. The Comprehensive Plan was currently written as 75% emphasis on one use. The Comprehensive Plan gave a minimum 80 percent but there was no maximum.

Chairman Jay Aston recognized Councilman Robert Eliason and Maryann Ustick, Assistant City Manager.

Mr. Thomas stated the Design Guidelines would be used to evaluate the applications rather than to prescribe what was necessary. The street grid was preferred, but might not be applicable for every site; so, if it was applicable to the site, they wanted to see it there, but if it was not, they wanted to see what was going to be done. Commissioner Steve Brown asked when talking about 80 percent maximum of any type of use, if it meant commercial versus residential. Mr. Thomas responded that was correct, they would like to see an 80/20 split. For every mixed use, they wanted at least one pedestrian priority area. If there was a horizontal mixed use, the pedestrian priority area would be anywhere the residential abutted a commercial area, so there would be connectivity with walking from the residential to the businesses. Mr. Thomas explained there were three different types of open space, the private open space, which was the patios and balconies; common open space, which was everything else, parks and trails; and a neighborhood node, which was part of the common open space but was a specific type of common open space, where it was a gathering place. For every development, there should be at least one of those nodes. At least 50 percent of the open space must be reserved for the exclusive use of the residents. Chairman Aston stated the common open space was 350 square feet per unit and then for 50 units it would be 300 square feet per unit and asked if the common open space was on the ground level. Mr. Thomas responded they did not need to be and they did not have to be outside; they could be a library, a spa, roof top garden, etc. There had been much discussion on the common open space. The numbers go down because as there are more and more units, the open space became enormous and it was not needed and they don't want to make the requirement for open space so high that it was not feasible for a larger development. They were looking at adding another section to the open space, possibly adding a sliding scale, per unit of percentage, where the open space could be reduced as the density went up, so there was some incentive for higher density in some case, but so the open space requirement did not make it hard to develop higher densities.

An unidentified person stated what was counted toward open space was a little bit up in the air. Chairman Aston stated the way he read the table, the balcony was part of the private open space. Mr. Thomas stated the private open space could not account for more than 20 percent of the total open space.

Commissioner Dilip Trivedi asked if the size of the units made a difference in the amount of open space required because a studio apartment was much smaller than a two or three bedroom. Mr. Thomas responded that was a good point and would take a look at that.

An unidentified person stated 50 percent of the open space for the use of residents seemed high. Mr. Thomas responded it might be and would also take a look at that but wanted to preserve some open space for the residents. The unidentified person stated he didn't understand why, if only 20 percent of the development was residential, why 50 percent of open space was required. Chairman Aston asked if there was a lobby on each floor, if the lobby was considered open space. Mr. Thomas responded it was.

An unidentified person asked if it was the intention that the private open space was mandatory and was required and asked if that was something that could be reconsidered.

An unidentified person asked if anything that wasn't covered by buildings or asphalt was some type of open space. Mr. Thomas responded it was not; anything that was a required set-back such as a parking area and drive isles would not be counted toward open space. The unidentified person stated he understood City Council and understood they were going back and forth on what was to be done with the open space. He understood a percent was wanted for open space, but there were required set-backs from major streets and it did not count as open space unless there was an additional 30 percent.

Chairman Aston noticed 50 percent of the open space included health clubs, libraries, multi-purpose rooms, etc. were reserved for the exclusive use of residents and could be counted toward the common open space requirement. Mr. Thomas stated that had been discussed, because if there was a health club and it was commercial, it should not be counted as open space because the use could change. When a health club is referred to in the open space, it is a health club provided for residents only.

Mr. Thomas explained the number of parking spaces for a mixed use project could be reduced by five percent and an additional reduction up to 20 percent could be granted based on the parking study. In order to minimize the parking, there would be a parking cap of 120 percent. There would also be shared parking, where the residents would use the commercial spaces for guest parking.

Mr. Thomas explained there was a section dedicated to on-sale establishments. The developers want some relief from some of the distance requirements currently in place. There will continue to be a site specific use permit required for on-sale establishments. There must be 150,000 square feet of commercial floor area for each tavern. For internal on-sale uses, separation requirements were waived, but there would be distance requirements for schools, churches and child care facilities. There would also be a ratio of two to one for supper clubs and taverns.

Chairman Aston recognized Councilman Shari Buck.

Mr. Thomas explained the Design Guidelines, which include the Site Design and Architectural Design. Compact Development was preferred, the idea of having clustered buildings to promote linked trips and walkability. A traditional street grid was preferred but may not be appropriate for all developments. Where there was adequate circulation and there was enough roads in and out of the development, in order to maintain the grid, they would replace the full street improvements with pedestrian walkways, so the focus was on pedestrians. Liner building were encouraged around the parking lots, as it made a nice pedestrian environment and you would not be walking past an expansive parking lot or a multi-level structure.

Mr. Thomas explained there was a maximum 20 percent open space within buildings or on rooftops, which was open for discussion. There would also be enhanced street corners that create visual interest and pedestrian activity.

Chairman Jay Aston suggested there should be some thought given to the type of lighting that would be allowed, as if there were different developments on each corner, there could be four different styles of lighting. Mr. Thomas stated he would take that into consideration.

Mr. Thomas went over the Architectural Design indicating the design should show on the street frontage with detailed elevations. There should be shading devices incorporated into the design of the buildings. He also indicated big box retail was not conducive to mixed use development because it usually required large parking lots, which was not wanted in a mixed use neighborhood.

Commissioner Dean Leavitt asked if the shaded areas could be considered open space. Mr. Thomas stated they could if they were over a balcony.

An unidentified person asked if there would be waiver provisions in the Design Guidelines. Chairman Aston stated most issues would be resolved in the pre-submittal meeting with Staff before the application was submitted.

An unidentified person stated he was concerned with the surety and guarantee that the public open spaces and public pedestrian grounds were going to be provided shade structures and amenities like the City would like to see them, given that it was a residential developer doing a development, they would typically gear their private open space amenities to those areas and leave the commercial areas short. He asked if there was some surety in the code that forced the developer to provide those things for surety in a commercial development. Mr. Thomas responded the Design Guidelines would be used to evaluate that.

Commissioner Dean Leavitt commended Staff for their work on the Mixed Use Ordinance.

**PUBLIC FORUM:**

There was no public participation.

**ADJOURNMENT:**

The meeting adjourned at 7:27 p.m.

APPROVED: July 12, 2006

/s/ Angelo Carvalho  
Angelo Carvalho, Chairman

/s/ Jo Ann Lawrence  
Jo Ann Lawrence, Recording Secretary