

CITY OF NORTH LAS VEGAS

SPECIAL PLANNING COMMISSION STUDY SESSION MINUTES

CALL TO ORDER: Tuesday, July 11, 2006 at 3:30 P.M.
Aliante Library Meeting Room
2400 Deer Springs Way, North Las Vegas, NV

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

STAFF PRESENT: Jory Stewart, Planning & Zoning Director
Misty Haehn, Principal Planner
Nick Vaskov, Deputy City Attorney
Jo Ann Lawrence, Recording Secretary

VERIFICATION: Jo Ann Lawrence, Recording Secretary

BUSINESS:

1. **THE PLANNING COMMISSION WILL MEET WITH THE CONSULTANT FIRM OF MCBRIDE/DALE/CLARION TO DISCUSS THE UPDATE OF THE NORTH LAS VEGAS COMPREHENSIVE PLAN.**

Ben Herman with Clarion & Associates, 5725 Dragon Way, Suite 22, Cincinnati, OH presented the draft of the Comprehensive Plan Update. He explained there was one additional section that was not in the Draft that he wanted to explain at the end of the discussion. Chapters one through three, with minor exceptions, were material that had been previously reviewed. Chapter Two was the Vision and Pages 7 through 22 had been reviewed previously and remained unchanged. Chapter 4, the land use categories and how they relate to the maps, had been previously reviewed. Chapter 5 included some new materials but began to shape the design direction for the plan. There was a series of materials on master planned communities for mixed use, neighborhood centers, transit oriented development and was largely drawn from some of the earlier work, except for the transit oriented development materials that had been beefed up, based on the work that was done for the North Fifth Corridor and was carried into the Master Plan. The new material was on page 47, which was the criteria suggested to be used to determine density. In all land use categories there was a range, so in a residential area, there was six to thirteen units as the range, there was a lot of time and thought spent on the kinds of criteria

that might be used to determine how to get to the density you were looking for in projects. Generally, this section lines out the kinds of things that were needed to achieve a quality development and they tried to group it into building site design and site amenities for each of the categories. In Chapter 6 they went from the City wide policy and broke it down into the small area policies and there are three broad categories, in which the framework had previously been discussed, Residential Neighborhoods, Activity Centers and Employment Districts. The Residential was broken down into six different sub-areas of the City and they had begun to draft some policies for those. The framework would be for more detailed neighborhood planning that might occur in the future. The Activity Centers were broken into the North 5th Transit Corridor and Craig Ranch area and the Northern Development Area around the potential UNLV site and the VA Campus and Employment Districts were broken into the subareas, Cheyenne Technology Corridor, Industrial Lands along I-15, and Military land. Chapter 7 starts to spell out the things that need to be done to implement the plan and was broken down into the categories of Land use; Housing and Neighborhoods; Parks, Trails, and Open Space; and Transportation and Mobility and these were the things that would need to be undertaken in order to implement policy direction set by the Plan. On Chapters 8 and 9, there was much discussion with the Commission regarding how you go from a planning process where you have the plan as a static document to the plan being a more dynamic process. The plan becomes a process of evaluating each project and evaluating how you are doing an aggregate as opposed to just simply having the plan document without any feedback on how effective the City was being in implementing the objectives. So, that was broken down two ways, Chapter 8 was a way of saying annually that Staff would prepare and Planning Commission and City Council would review, a report card to determine if the City was moving in the direction that was established in the plan. There are two approaches, one were things that could be measured, whether the City was achieving a better housing and jobs balance, if they were getting a better ratio of commercial to residential population, if they were moving closer to achieving the park plan per capita, etc. These were the things that could be measured and the second part of Chapter 8 were the things that were not measurable but the City needed to take a look at whether or not they were moving toward the kinds of things, as a city, that was wanted in terms of the neighborhoods, transportation, etc. Chapter 9 was a series of check lists for specific development types. One of the comments received was that historically the Master Plan had always been seen as one thing, the map, and not really policy. They asked how they would bridge between the development applications and the policy directions in the plan and the policy directions and the objectives for the community. The thought was, that Staff would use sheets as a check list and the Commissioner would use them to determine if the objectives were being achieved in a mixed use development or a PUD. If it was an in-fill project, to see if it was meeting the objectives in terms of compatibility, etc. They need more refinement and have not had the benefit of full Staff in-put, but from a system standpoint, they wanted to come up with a way to do an overall plan evaluation, but also a way with each project review, to have a simple way to see whether a project was meeting the objectives.

Mr. Herman explained once they started getting into the density process, it would take some time to get through it and he wanted to start at the beginning of the document and address the Commission's comments or questions. The comments from the Focus Group and from the Commission would be used to refine the document and it would go out as a first draft for public review.

Mr. Herman stated the only feedback received from the Focus Group regarding Chapter 1 was they felt the plan had moved toward a more neighborhood base and were looking at the City as the sub-areas, but there was no framework in the plan that talked about looking at those areas further. He felt there were varying expectations in the Focus Group and some thought they were leaning toward a neighborhood plan for every area of the City but that was not the intent. The intent was to set up a framework, that if the neighborhood plan was done for the downtown area, Sandstone or another area, to see how it would fold into the Plan.

Commissioner Dean Leavitt stated an excellent job had been done and he was comfortable with the Plan.

Mr. Herman asked if the Commission had comments on Chapter 2 and indicated the Focus Group did not have any comments.

He stated they had received a couple of comments from the Focus Group on Chapter 3. There was a comment regarding the commercial on Page 10, which comes from the Vision 2025, designating some sites in the City for larger regional commercial centers and they felt the way the policy was written was too narrow. They would hope to see more than one and the Focus Group suggested rather than limit it to one type, that it be focused on large retail centers, regional commercial centers, to avoid questions later as to what was appropriate for that type of use.

Commissioner Leavitt stated on Page 20, Policy 7.5-3, the Wastewater Treatment Facility, the purchase of a parcel of land had recently been approved by City Council.

Commissioner Dilip Trivedi asked what was in the plan that would increase the employment base in the City. Mr. Herman responded on Page 17, one of the guiding principles was the diverse economic base and on the bottom of Page 16, there was a section that dealt with diversifying the economic base of the City and was also addressed on page 12 with the balance land use mix and on page 14, it talked about pivotal centers, a principle that addresses in the north Redevelopment Area, the mixed use environment, the research business cluster, particularly around the UNLV and the VA facilities. He explained one of the comments from the Focus Group was questioning if the City was doing enough to proactively seek to increase the employment and commercial. Mr. Herman did not feel this plan was the economic development strategy for the City. There should be a Chapter 8,

where once a year, one of the measures would be if the housing/jobs balance was staying the same, improving or declining and that was one way of checking it, which would take several years to see if there was a trend.

Jory Stewart, Planning & Zoning Director asked how the balance between the housing and jobs mix and mixed use development could be encouraged. Mr. Herman responded it could be encouraged through employment and economic development. It was not addressed, but the question was whether it was enough to move toward that. Director Stewart stated Economic Development was very actively moving the City in that direction but one of the things the Planning Department has seen a lot of success with, was the mixed use ordinance that has enabled a developer to do the mixed use development to blend the work and play environment and the City was very encouraged by the signs that were being seen by that and being embraced by the developing community and there were more developments coming in with that flavor and mixture.

Commissioner Leavitt stated the City was also seeing a continuing interest in industrial development.

Mr. Herman stated Chapter 4 had not changed. The plan map had one or two very minor shifts, probably more in the collection category. The Focus Group commented that in the three mixed use categories, starting on Page 21, if you look on Page 31 under primary uses, the very last sentence, if you recall, the distinction between residential mixed use, commercial, and employment mixed uses, the predominant activity would be the case of mixed use residential. There was a lot of discussion internally and then the comment from the Focus Group, was: "are we really sure we want to specify percentage." This is a policy document and should read: "the predominant use in residential mixed use shall be residential uses." That came up because in drafting the mixed use ordinances, you need to be more specific, whether a mix would be required, if there was a range. There was a lot of discussion regarding the 75%, whether or not it was the right number and whether it should be less or more. Nobody disagrees that it should be the predominant use and there was some discussion on what was predominant and asked what the Commissioners thought and if they were comfortable not having a specific percentage. The bad thing about not having a specific percentage was that it was open to interpretation as to what it meant and asked for guidance from the Commission on how they wanted that to appear in the draft.

Commissioner Steve Brown asked what the different levels of mixed use were. Mr. Herman responded they were: Mixed Use Neighborhood, Mixed use Commercial, and Mixed Use Employment. Mixed Use Employment would be the Cheyenne Corridor, Mixed Residential might be an area to the north where there would be a residential neighborhood with a bordered mixed use pattern.

Commissioner Leavitt stated he understood the concerns of the Focus Group, as often times when you place a quantitative number, you are either stretching to get it or striving to set it aside and by using the term "predominant," he felt it allowed the latitude to make the mixed use process easier to deal with.

Director Stewart asked if there was a need to make it less specific. Mr. Herman stated the down side was if there was an area that was dedicated mixed use employment and someone wanted to do a commercial project and it was a large percentage of the site and was not the type of use wanted in a mixed use residential or mixed use employment area, it would be less black and white but on the other hand, you could ask what makes the 75% correct and he could not say that was correct.

Commissioner Angelo Carvalho stated he did not feel a number could be put on something that was not built yet and it would depend on what was in the area, how many businesses and what types of businesses would be necessary. They did not want to build and then the communities not blend with the business in the area.

Chairman Jay Aston stated there needed to be some flexibility, otherwise Staff had to recommend denial even though the project was a good one. Mr. Herman stated they could state the predominant use in the mixed use residential district shall be residential, generally this shall mean that at least 60 or 75 per cent of the land area be residential. The word "generally" gave some flexibility but the ordinance cannot say that, because they will not know how to interpret it. He felt that could be dealt with at the policy level. Mr. Herman asked how it was worded in the ordinance, if it was a percentage or if it was more flexible.

Director Stewart stated after the plan was used, they could see where it needed to be changed and the changes could be made.

Mr. Herman stated 75% was a tough measure to make in all cases. Commissioner Leavitt stated it could be qualified by saying, "generally," this would mean generally between 60 and 75 per cent.

Chairman Aston stated on the mixed use neighborhood category, they were leaning more toward residential being on the ground floor, but most of the product coming out has mostly commercial on the ground floor and residential above; so, if the 75 per cent residential was held on the ground floor, most of the categories that are mixed use neighborhood, probably, realistically are not going to be used very often because at 75 per cent residential on the ground floor, there might be a store on the corner and the rest would be housing. Mr. Herman agreed and stated they needed to talk about the distinction between horizontal mixed use and vertical mixed use.

Commissioner Leavitt stated when he saw the 75 per cent, his first thought was that it would indicate there was a greater propensity of being a horizontal mixed use than a vertical mixed use.

Chairman Aston stated the density range was based on all residential units, so in mixed use, if there was commercial on one floor and a couple of stacked flats above it, only the residential would be counted, not the commercial. The bottom may be one commercial store if they chose to buy the whole ground floor. The density was whatever condo units were stacked above.

Director Stewart asked if the square footage of the residential units compared to the square footage of commercial, as long as 75 per cent was residential, then it would be a mixed use residential development. Mr. Herman stated the language needed to be made more flexible and the map needed to be checked to be sure it worked out that way.

Chairman Aston stated there was a couple of applications for buildings that were 50 stories high, which obviously the residential percentages would be high, but, the ground level or the first two floors, were probably going to be retail. Director Stewart stated those projects had the intent of being mixed use commercial and asked if they fit that category. Chairman Aston asked if you would be inhibited with the way it was worded, if there was too much residential. If it was mixed use commercial and the way the Plan was worded, he thought you would only be allowed a certain amount of residential, and if there were 50 stories, most of it would be residential, so, the flip side would come into play. Mr. Herman stated he would see what he hears when he talks to people who had developed mixed use, was that they do not really have trouble making the residential work. In the smaller mixed use projects, the market was not there for enormous amounts of commercial in mixed use projects, it's the ground floor on the corners and most of the market was to get more residential above the commercial. Most of the projects are not 50 stories, those would be the exception. In the Cheyenne Corridor, the employment opportunities needed to be preserved. He stated they wanted to make sure they were not precluding the types of things that were wanted and the language needed to be looked at more closely.

Director Stewart stated there were a few mixed use developments that had been through the process and asked that Ned Thomas, Urban Designer and Misty Haehn, Planning Manager take a look at it and make sure that when it was placed in the context of mixed use that had been reviewed so far under the PUD to get to where we are with the mixed use ordinance, that it still works and the policy supports it, because that seems to be working and the industry seems to be able to work with that formula and as long as the Plan was consistent with that, it should be okay.

Mr. Herman stated they had spent a lot of time going back and forth with Ned, as he was preparing the ordinance and they were preparing the Comprehensive Plan; but, he had not asked if the two worked together. He felt they were getting more flexibility on the range,

but wanted to make sure they were covering both the horizontal and vertical format and also that they were not precluding more residential, as there was a fine line in some of the categories. He was not as concerned in the mixed use commercial category; but, when there are employment corridors and there is a fairly limited amount of land, you want to be careful to protect that for employment use.

Commissioner Brown stated they needed to be concerned with the fact that the Plan was designed to help know how they want to development the areas, but it was the ordinance that would be restrictive and they did not want to have conflicts between the two.

Mr. Herman indicated there was more work to be done on Chapter 4 before it was finalized.

Mr. Herman explained Chapter 5 started on Page 35 and had new information. The intent of the Chapter was to bring new concepts to the plan that had not been seen in the City until recently, mixed use development, mixed use neighborhoods, transit oriented development, and pedestrian oriented development. The section included the principles of design, what should be seen as these types of projects come forward.

Chairman Aston asked, on the master planned communities, if that was where the Commission would have some say on how the master planned community was put together, because at this point, it was done through a development agreement, but asked if it still must meet the criteria of the Comprehensive Plan. Misty Haehn, Planning Manager responded over the next couple of years you might see a change in the process of the master planned communities. Chairman Aston stated at this point, the Commission has no say over the development agreement, but asked if the development agreement should comply with the Comprehensive Plan. Director Stewart stated the development agreement was a contract between the City and the developer, but in the future the Comprehensive Plan would be used as a guide for the development agreement.

Commissioner Leavitt stated Ed Lubbers of the Lubbers Law Group was hoping to revamp the process to where the Planning Commission and City Council was involved earlier, before the next land auction, so the Commission could make it known what was wanted and voice their concerns.

Chairman Aston stated the principles and guidelines that were currently in place, could be looked at and the developer could say they would not work in their development and present what they wanted instead. Director Stewart stated that was a possibility with a major development that was going under a development agreement, as it enabled them to deviate from code and policy.

Mr. Herman stated if the Comprehensive Plan was in place and there was an auction, whoever the successful bidder was you would present them with the master planned community policies and give them a check list that would be used in the review process.

They could suggest a different approach, but they must show how their approach would be equal or better than the current standard. The problem at this point was there was no guidance to say what the City was looking for and how the large areas were planned. The developers buy land and sit down with their designers and present their concept and there was nothing that said what the City was looking for. Director Stewart added, in the past, the City would point to another master planned community and indicate they wanted something similar.

Mr. Herman stated the key to how it would work, was the check list and how it was integrated into the review process.

Deputy City Attorney Nick Vaskov reminded the Commission and Staff to keep in mind that the Comprehensive Plan set up general guidelines and policy principles but was not a straight jacket. The straight jacket was the Zoning Code and the Master Plan.

Chairman Aston stated on Page 41, it talked about ground use percentages and asked when getting into the horizontal mixed use, if that would be applicable, because half of it was residential from ground level up and half of it was commercial from ground level up. If someone were to develop a mixed use project that was horizontal, you needed to be careful of ground use percentages versus overall percentages for that project.

Mr. Herman explained it was almost a two measure type of thing, where one number or the other was dependent on which way you went. You probably would see projects that were a combination with higher density vertical stuff at the corners with activity and as you spread further into the project, it may not warrant more density. Chairman Aston stated taking into consideration what Mr. Vaskov said, if the Comprehensive Plan was more flexible when spelling out percentages for what kind of mixed use it was, then that pulls us back to a zoning document. He was hesitant to some global percentages because more flexibility was needed in mixed use, but you did not want a developer coming in and doing all commercial or all residential in certain areas, so some of it would have to be up to the check list of the surrounding areas and the check list was presented to the Commission and/or the Council showing what Staff was recommending and why, based on the criteria. Mr. Herman agreed with Chairman Aston but it was important not to get hung up on the percentages, it was more important to make sure the uses were complimentary and that they fit in with the surrounding area. The primary consideration in mixed use was if you could move around in it and get from use to use without each project being an island.

Mr. Herman stated the first principle on Page 42 was standard planner talk, but they tried to define the uses to help Staff determine if the proposed uses were complimentary. He suggested they add a pointer in Chapter 4 that says to see Mixed Use Design Principles on Page 41.

Mr. Herman stated they would skip the residential density and come back to it for discussion.

Commissioner Leavitt stated they would start with Bus Rapid Transit (BRT). Commissioner Harry Shull asked if there was anything that could be done to influence people to get off the bus and use the rail. Director Stewart stated the transit required Federal match, so the biggest bang for the buck was to use the Federal match dollars in the transportation corridor along North 5th Street to get the BRT. That establishes the ridership, shows proof to the Feds that this was a system worth investing in and then they could start leveraging that to eventually have a light rail if it was warranted. Recently, there was a meeting with Jacob Snow, who was showing a system that was recently established in Burbank, California. They were projecting the ridership to be approximately 8,000 people and now the ridership is over 20,000, and she felt the same thing would happen on North 5th Street, especially with the university looking to get their first building on site by 2010.

Chapter 6 was discussed next. There were parts of Chapter 6 that were familiar, the framework of the residential neighborhoods, the activity centers and employment, but there was more detail in terms of breaking it out into the individual neighborhoods. Mr. Herman did not think there were significant comments from the Focus Group on this section. One of the goals of the City was to improve connectivity in existing neighborhoods and one of the ways to do that was to look at a program to retrofit some connections. There was some sensitivity about some recommendations in the Plan in some of the districts to suggest putting openings in some of the perimeter walls. Chairman Aston stated their concern was, the City was saying a coordinated effort with HOA's and why have that in there, and if you were going into an existing neighborhood to open up a trail system in that neighborhood, you would need to correlate with the HOA. Mr. Herman stated he agreed it needed to be in there, but the intent needed to be clarified. The City was not going to go in and tear down walls, but if neighborhoods want to work with the City to create connections to trails, it may involve some changes to existing structures.

Misty Haehn brought up the fact that the developments surrounding the Aliante Library do not have any walkable access to the library from the neighborhoods.

Mr. Herman stated the next chapter for discussion was Chapter 6. Chairman Aston stated there was discussion from the Focus Group regarding the names of the various districts and having specific neighborhood focus groups whenever the Council or Staff wanted some input from the neighborhood and they could call that focus group together for that district. He stated he did not have a problem with the names that were chosen. He felt the neighborhood focus groups for that district was something they wanted to work toward, but did not need to be in the Comprehensive Plan, because there was one district that was already 95 percent built out. Mr. Herman stated they felt it would take some prioritization and would shake itself out. The downtown area was a focus area and would change. It

was a question of areas of change versus areas that were stable. If they were stable, they would not be a high priority versus an area where there was a lot of pressure for change or there was a lot of need for improvement, you might see more focus than a stable neighborhood unless there was something they might initiate themselves for some reason. He stated they concluded from the discussion with the Focus Group, that the framework could be setup, how did it fit, but not suggest the City would plan every neighborhood. For many of them there was no long list of compelling reasons to go through and do a neighborhood plan.

Mr. Herman stated Chapter 7 was the action plan, which might be a place where you can add something about the neighborhood plan framework, if there were areas that were targeted or identified for more specific neighborhood planning and how that would be done and how it would fit into the overall plan.

Chairman Aston asked if this was the section that a request was brought up if it would be worthwhile to meet with Traffic on the Master Plan of Streets and Highways, to make sure they were incorporating that criteria into this document as well as the trail system. Mr. Herman stated the comment was, what was missing from the plan. If you look at the map, there was nothing on it in terms of future roadway corridors and what the major corridors were that needed to be reserved. They met with Clete Kus of the Traffic Department and he said they had a recommendation to prepare a transportation master plan, but he said, realistically, given what they had on their plate, it would be a couple of years before that was complete but he agreed to work with them to add a conceptual map. Mr. Kus helped identify the major corridors so they would be included in the next draft. It was a valid point that the corridors were missing from the map. Chairman Aston asked about the trail systems. He remembered seeing a map previously. Ms. Kasala stated the trails are shown on the Parks and Recreation Master Plan. They were also making a bicycle lane and there would be a trail on that also. Chairman Aston asked when developers were coming into that road, they would have to contribute to that trail. Mr. Herman stated they could be put on this map or a separate map that would identify them as the major roadway corridor, so that when a master planned community comes in, it would be flagged, so Staff would make sure it got incorporated into the overall plan. It was a place holder until a master transportation plan was completed.

Chairman Aston asked if some areas had been left for public facilities. Director Stewart responded they were advocating having a component outside the purview of this plan, but having a public facilities requirement to ensure that the public services correlate with the Capital Improvement Plan (CIP) and the CIP correlates with the land use, so it was like a three-legged stool and the master planned communities generally provide them. With some of the subdivision level development, there was not a mechanism to assure that the appropriate infrastructure was in place on a cumulative basis to handle that type of density and she felt this would get more of that kind of aggregate oversight of development to assure

that the public facilities expansion was occurring at a reasonable pace with the development, not lagging behind, which is how things are currently done. Mr. Herman stated he did not know if it was on the table or if it was just an idea. Director Stewart responded it was an idea, and had to get funding. At this time, you pay as you go, so the improvements lag behind the development, because improvements usually get put in with the development.

Commissioner Dilip Trivedi asked what the City was doing about attainable housing. Director Stewart responded the City was participating in a number of different venues to address affordability issues and one of the venues was working with the Southern Nevada Regional Planning Coalition to do an analysis of what the housing distribution was throughout the valley and whether each jurisdiction was providing its fair share of medium to low priced housing to accommodate that particular work force. North Las Vegas has shown, in its numbers and statistics, to be pretty high on the provision of affordable housing. North Las Vegas does not have a lot of higher end housing. There should be a balance in every community, you do not want just rental stock in one area because all resources get challenged. You want to be sure there is a good mix and the initial analysis was being done to see how each jurisdiction pans out in terms of that mix.

Chairman Aston stated, without going through State programs, from a development perspective, the only way to provide affordable housing, was to create density and mixed uses is a glamorous way to bring the greater densities. Director Stewart also said mixed income housing could be done. Chairman Aston stated ten to fifteen years ago, North Las Vegas was the affordable housing capital of the valley and was trying to break that mold.

Mr. Herman stated Chapter 8 was how the Plan would be monitored for its effectiveness. The Focus Group had a lot of questions regarding the questions on Page 73. Some of it was the way the questions were phrased. There were also some questions regarding the order. He stated that area needed to be reworked in terms of the order of the questions and maybe reword some of them. If once a year you received feedback, you would know if you were moving in the right direction. There was no comment from the Commission.

Director Stewart stated she could use the performance measurements in her quarterly reports to the City Manager. In the past, they have had very loose performance measures for Advance Planning had been very loose and it was difficult to develop performance measures. If these measures were used, you would get the quarterly statistics as to where they were and at the end of the year, a report could be generated, which would show if something needed to be addressed. It forced them to look at the plan critically at the end of the year to see if it still met the objectives. Mr. Herman stated, aside from knowing they needed to rethink some of the questions, the other thing that was missing was what happens to it and one of the things that was valuable in the process was the two or three times the Planning Commission and Council got together and asked if we were in alignment

with where they were going and if this review were a joint review, we would know if we were going in a circle or moving in the right direction. Mr. Herman stated they would be refining Chapter 8.

Mr. Herman stated Chapter 9 had check lists for Planning Staff to fill out and include with the Staff Report. The check list would show whether a development met Title 17 requirements and whether it met the policy objectives for that type of development.

Chairman Aston stated this type of check list on the master planned communities would help formalize future policies regarding the development plan. Director Stewart stated it was the intent to establish a development check list for other development that were reviewed, whether mixed use or something different. Mr. Herman stated he did not know, master planned communities, planned unit development, mixed use developments and in-fill developments were the four that seemed to warrant them. Chairman Aston asked if there was no development review of residential. Ms. Haehn stated they would be discussing residential densities. Chairman Aston stated he meant the policies of residential development as a whole. If this was a review and check lists were being done, did the residential communities that had been approved and allowed to come in, had they met what was wanted, or had too much residential been allowed to take over the commercial. Mr. Herman stated that was a good point. Residential development has been the predominant development in North Las Vegas and a look should be taken at it in a review process. A comment was made during the process, that there was 60 by 100 square foot lots in PUD's, which has pretty much been the application and it was through that review process that they were coming up with some flexibility in the density part of the process. Maybe one or two years from now, when they were going through a review and discussing what was going on in the residential community, it may cause the City to go in a different direction. He stated he liked the flexibility of the Plan and they were going to have to talk about residential density and residential review or they would not be hitting the majority of the development in North Las Vegas.

Mr. Herman agreed they should take a look at how they could change the check list.

There was a break in proceedings at 5:20 p.m.

The meeting reconvened at 5:40 p.m.

Mr. Herman gave an overview of the residential densities. In Section 5, the Plan refers to Appendix "H" that is to be added. It was thought that this should be pulled together as part of the process, even it was an interim step, somewhere down the road Title 17 would be revised to pull it into the ordinance; but, in the meantime, it could be used as part of the planning process. Like all ideas, they tried to take something that was inherently fairly simple and it became complex. The idea was, each of the land use categories in Chapter 4, had a base density. The R-M District, basically says a minimum density in R-M was six

units per acre and can go up to 13 units per acre. The question was, how do you get from six to 13. That is no different than today, where you have maximums in the categories and then there are requirements in Title 17 that deal with Design Standards, etc. The disconnect is there is really no systematized way to correlate amenities and development quality with density; so, the idea was to try to come up with some system to do that. On Page 78, there were three sets of criteria, that are grouped by: Category 1 is Building and Site Design, which are architectural variety, variety in housing models; Site Amenities, which are landscaping, detached sidewalks or park land, open space, and trails; Category 3 is Mix of Housing Types, which was housing types, particularly focused on mixed income. The basic premise of the system was that in order to get from a base density to a maximum density, you have to do enough things to achieve a higher density.

Commissioner Harry Shull asked if it was possible to get 13 units per acre where 6 was the maximum; because, now it was impossible to do with maximum density in projects because it physically could not be achieved. Director Stewart stated this was intended to make that possible. Mr. Herman asked if the density could not be achieved by the time the amenities were done, or if it was due to the market. Commissioner Shull responded it could be designed, but, due to the open space requirements and setback requirements, it was not possible. Mr. Herman stated if you were looking at the ordinances, you could ask if we had the right standard for landscaping or open space, etc.; but, since this is policy, it is a Plan, through the plan you cannot do away with code requirements. The more typical way of changing the code, would be through the zoning process; so, in the interim, until you go through that whole zoning revision process, which could take a year or more. After discussion with Staff, their conclusion was that Title 17 was the law and that was the framework to be used. There was a lot of fine tuning that needed to be done with how many points you need in order to do certain things. The idea being that we want to try to build a system that was a little bit more transparent and build in more flexibility. If you look at Table "H-1" on Page 77, they would apply in three residential categories, single family low, which is the 4.5 to 6 units per acre category; single family medium, which is six to 13 units per acre; and mixed use neighborhood, which is six to 18 or 25 to 18, or 25 if you were within 1/4 mile of the transit system or BRT stop. There are three categories: Building and Site Design, Site Amenities, and Mix of Housing Types, that in order to get to a higher density, you have to do a certain number of things in each of the categories. The numbers are not iron clad, they were saying that if you had a mixed use neighborhood project and you wanted to get up to ten units per acre, you must do a certain number of things in each of the categories, of your choosing. The challenge is that Title 17 requires most of those things in order to get a project to where you can get through the process. He asked how you would balance flexibility with the current requirements. Planning Staff said a lot of the emphasis had been on getting parks and on having quality architectural design. He asked if we want to step away from some of those things and maybe do something different or if there was a minimum baseline. There are some things, that if a project goes above the minimum densities, that would have to be done and then the flexibility would come in. So, if you were going from six units to 13, some of the criteria would be mandatory and then

there could be some discretion on what would be necessary to get to a higher number, with the focus being on energy conservation, high quality landscaping, etc. There might be six things in a category to choose from and you might pick two of them to fit your program. That part has not been worked through yet. The premise, if you look at any of the charts, was to say that any one of them has a certain point value associated with it. To keep it simple, one point was one unit per acre, so to go from six to seven you had to achieve some combination of things to get one point, which equals one unit per acre overall; so, in order to go from six units to 13 units, you had to come up with a combination of things to get you seven points, which is seven units per acre. The numbers value are probably too high and if you applied them to current projects, you might only get half of what was being seen in projects today to get the same kind of densities. Through the planning process, you cannot waive the standards, Title 17 would need to be changed.

Director Stewart stated, in response to Commissioner Shull's comment, one of the contributing factors to seeing standard 6,000 square foot development and then a leap up to a standard R-2 product, rather than going smaller on a PUD, is the open space issue, which can be a real draw back when you were trying to get someone to take an interest in doing in-fill development. For example, a lot that was vacant and you knew it would be residential but to get it to pencil out, you needed some density. Desert Mesa on Commerce Street and Carey Avenue was a good example. One of the big issues was the density was needed, but an established neighborhood does not want more density, so, once they get into the density the need to provide the open space, so the open space takes away their ability to add more units, which was a dilemma. What if they provided, and it has happened in a couple of areas in the City of Las Vegas, one case was where the developer agreed to build a park on BLM Land, The Bradley Horse Park, and they did not have to provide that open space within the development that they had paid prime money for, and were able to up their density. Another case, a similar thing was done on a much higher density product, 13 units per acre, and they participated in the development of a dog park in the Gowan Detention Basin, which was land owned by the City, but developed by the developer who was seeking a higher density entitlement. With Desert Mesa, it was suggested that possibly the Kyle Ranch Site be developed as a park for the challenged neighborhood in that area, whereby the land that was already owned by the City was developed as a park, and the land at Desert Mesa gets used by the developer for more profit, but not as high density so it would not affect the neighborhood adjacent to it. It was the "out of box" thinking that she wanted to have provisions and policy that would later support the Title 17 revisions that would allow Staff to consider other solutions to the open space problem. Everyone understands the need for the open space and amenities within the neighborhood, because, otherwise, kids were playing in the street; but, also recognize the reality. The goal was not to wipe away a lot of the good things that had been gained in the Title 17 requirements, but to allow flexibility so you got more of them; because, she was seeing with the 6,000 square foot lots and then with the jump up, we are not getting anything in-

between. We are missing a lot of opportunity by having that kind of restrictiveness in Title 17. The objective was to create policies that enrich the ability to be flexible in working with the development community but not compromise the quality of the developments.

Mr. Herman stated the details had not been worked out, but they were looking for the concept and there were a couple of questions. He presented some examples on some of the ways densities could be increased. One example was in an R-L and wanted to go to six units per acre, you might put street trees on all of the interior streets and have a variety of housing models and that might be enough under a point system to get the six units to the acre. He stated they were struggling with the question of, if you want more density you have to give more, but do they give less if they have less density than the minimum.

Chairman Aston stated the Plan needed to be coordinated with Title 17.

Mr. Herman stated there should be a baseline for the density and then it was going to be increased, Title 17 would come into play and the bonus points would be beyond Title 17.

Director Stewart asked if that addressed the dilemma with the 6,000 square foot lot versus going to R-2. Chairman Aston stated you use R-1 or R-2 instead of a PUD because by the time you add the park and all of the amenities, it was more profitable to use R-1.

Mr. Herman stated the reality was, it did not make sense to use 4 units per acre. Commissioner Shull stated on low density you could use 5.5 units per acre and if you go to a PUD, you get a half unit more and it costs more. When you look at the economics, it was cheaper to build a single family home and not have to spend money on amenities, so you do not create the best project for the community and when you are talking about affordability, density was the answer.

Mr. Herman stated they asked the current planners how the Plan would actually do this, and one of the things they brought up was, what were you willing to give up. How do you really incentivize things that are above and beyond. You say, you can do all this wonderful stuff, we want to see energy star, but are you willing to trade off that for some other things, what do you have to give if people are going to go above and beyond Title 17 and one of the thoughts was, maybe there was stuff in Title 17, that over time, you would look at and say, "well maybe some of that is tradable." You cannot do that now, because it is in the ordinance. Maybe some of it is process incentive that we talk about what if you do a project and it meets all Title 17 requirements and it earns enough points above and beyond, that it goes under administrative approval fast track. One of the Staff talked about a city he worked for where in 28 days it goes to a hearing officer, and it only comes to the Commission if it was appealed. The incentive was, that time was money. Director Stewart interjected that would be 28 days versus 45 days. Mr. Herman stated 45 days or longer

if it gets continued. He asked what incentives could be offered and if the incentive was that you would end up exactly where you were today, but you do it this way. It was a little more straight forward but there would be fewer stand-up arguments where Staff was saying the project did not meet Title 17 standards for building design and the applicant's representative stated it did. There would be a more transparent process, but other than that, is that enough.

Chairman Aston stated he was looking at park land and with the single family medium and the mixed use, he thought it was required to meet park land requirements but with the single family low, it was not required, so you could look at points and single family low for somebody who puts in a park and no points because the other two have to put it in to meet Title 17, so those were the details that needed to be looked at when going through the Plan. For example, you were better off to use R-1 and not put in a park. What if someone wants to put in a park, what do they get for it, so they get more density.

Director Stewart stated, as pointed out by Commissioner Shull, a half of a unit does not allow to pencil out the cost of the park. Mr. Herman stated there was a lot of work to do on the numbers.

Chairman Aston stated he felt when you go into a community that requires a park, it was all or nothing. If you need to put in the park, you get hit with a massive acreage of park and you have to have all the amenities and there was no growing into it. You have a small community and you have to have a big park with all the amenities and shade structures. In some of the other entities, there was more flexibility of what was being discussed and the amenities of the park depended on the size.

Director Stewart stated since the amenities were desirable, maybe there could be a kickback on the acreage.

Chairman Aston stated that brought up an interesting point, to get a bang for the buck on putting the park in single family low, the most you could get was one and one half units. So, under the current code, if you put in a park, if the master plan was changed, the zoning would eventually follow, but if it was implemented into the Comprehensive Plan, would we still be operating under the current code.

Mr. Herman stated if you were talking about an all single family neighborhood, forgetting about the amenities, you were saying six units per acre was too low or should you be able to go higher, but how high a number would you be able to achieve.

Commissioner Shull stated the math on 40 acres was: five units to the acre you would get 200 units and if you do a PUD, you get six units per acre, which is 240 units. The value of a single family lot is approximately \$100,000 and a smaller lot may be \$90,000 and the

difference in price is \$160,000. The cost to develop a park would be much more than \$160,000, so it was not feasible.

Mr. Herman stated another topic brought up by Staff was that, in the higher density projects, one of the things not required was an indoor recreation center. If there was a formula driven open space requirement, that was a Title 17 matter.

Chairman Aston asked how you could identify the things in Title 17 that were a hindrance to the Comprehensive Plan moving forward and maybe talk to Council about doing an amendment to Title 17 that allows the Comprehensive Plan to move into position.

Deputy City Attorney Vaskov explained the issues being discussed were problems with the zoning code and what was being required. It was a little dangerous to tie that to the Comprehensive Plan in any way. When talking about making changes to the Comprehensive Plan, what you are doing is looking at the City as a whole and saying this is where we want this broad kind of development, this is where we want residential, commercial, and mixed use, and you are not looking at any specific parcel, so when you make a Comprehensive Plan amendment and make changes, you are making a legislative determination, a very broad statement, "this is what we want to see in our City and this is how we want our City developed." Where as, when you are making Title 17 decisions and zoning decisions, that is when you are making a case specific decision, where you are looking at whether it complies to the current code and whether they have the required open space. It is not the Comprehensive Plan where you do that type of thing. So, when you are doing the zoning, you are making quasi judicial decisions, where you are looking at a specific parcel; but, the Comprehensive Plan is legislative, the big picture, this is the way we want our City to look. He thought it could all be done, but it required changes to Title 17.

Director Stewart asked if he thought they were trying to mix a zoning regulatory approach with a policy document and it was not a good idea. Deputy City Attorney Vaskov stated that was correct.

Mr. Herman stated the only way he had seen these types of things handled was if they knew they would address Title 17, they would come up with a long list of items and it was hard to stick to a targeted brief, was to say they were going to adopt something that was interim, which would be in effect for a period of 12 months. His experience with interim stuff, was you were on safer ground if you had already initiated the regulatory revision and at this point, it is not even on the work program.

Director Stewart stated the Title 17 revision was on the work program. Mr. Herman asked if it was funded and ready to go. Director Stewart responded it was funded as of July 1, 2006.

Director Stewart stated she had been deliberating with the dilemma over the 6,000 square foot lots versus the R-2 and not getting anything in between and the PUD's and the small lots were rarely used and were actually avoided because they were not cost effective, which was not achieving the goal. The goal was to have better development with open space within it and instead, what people are doing is avoiding it entirely.

Mr. Herman stated that was identified at one of the first meetings, when the process was started and it has not been addressed and he thought the reason was that it was addressed at a policy level but you still had the regulations that created the problem in the first place.

Chairman Aston asked if the densities could be done now, so they were set up to match the way the zoning ordinance was currently written, but write it so there could be flexibility as things start to develop. An alternate plan, so if they get amendments to Title 17, or get that in place, then the Comprehensive Plan steps right into the concept.

Deputy City Attorney Vaskov stated he thought there was some flexibility in the current Comprehensive Plan designations, in that they have a minimum and a maximum density, but, rarely can the developers get to the maximum density in the categories because of the Title 17 requirements. In a way, the flexibility is in the Comprehensive Plan, provided the changes are made in Title 17.

Director Stewart asked if the Comprehensive Plan set the stage to solving the problem, because this was the document that would be implemented through the Title 17 revision, which was funded. It was not ideally timed, but her dilemma was that there were two zoning categories for single family residential, low and medium and then mixed neighborhood, which was a different type of zoning. She asked, if someone comes in with an Amendment to the Master Plan (AMP), because they have single family low zoning and they request single family medium, and later follow-up with a zone change, how the density of the zone change would be determined without some guidelines in the master plan.

Ms. Haehn stated that was always the question. If you have 4.5 and 6 and you want 13, you always come in with the highest but then you have to meet Title 17 guidelines, which cannot be met.

Director Stewart explained it could not be met with a PUD or a small lot design but you might come in with an R-3 category to get to 13 units. She did not think they wanted R-3 everywhere that they want single family medium, but, they want it arranged from six units to 13 units per acre.

Chairman Aston asked if there was a way of doing the Comprehensive Plan to match the current Title 17 but be flexible enough to jump in to the future so that it shows where they want to get with the ordinance but it was not there yet.

Ms. Haehn stated a map could be added that shows single family.

Deputy City Attorney Vaskov stated the solution might be to have less comprehensive plan residential categories and make a broader range of densities, so if you had the broadest range of density and you still let Title 17 control the actual buildable density, but then you provide bonuses in Title 17, so that if you come in with your standard development you only get so much, but you can get to the higher end of any specific category by giving those kind of amenities.

Mr. Herman asked if it was possible to fix the portions of Title 17 that addressed this aspect of the newly adopted Comprehensive Plan. You know you have to do all the procedural stuff and re-look at all the districts, but you could spend four months to get this part done and then do the whole work program on the rest.

Director Stewart stated she would like to do it that way, as she thought they could all agree that there are priorities in Title 17 that needed to be addressed right away.

Commission Shull stated there were Council Members who only wanted single family development built, and that was part of the reason Title 17 was the way it was.

Chairman Aston asked if a joint meeting with Council was needed on the issue.

Director Stewart stated the challenge was addressing the higher density in the Design Guidelines and Development Standards, but it could be done and it would broaden the comfort zone.

Mr. Herman stated he liked the idea of a joint workshop but before it was held, there were three steps, to re-work the Comprehensive Plan based on the current Title 17 and to identify, generally what changes needed to be made to Title 17 in order to have the flexibility and then make the first order of business the third thing to fix those. The premise was, you want to say we are going to create more flexibility on how park land and open space requirements were addressed. One way to address it was to fully meet the Title 17 requirements for parks and open space. If that is what you want to do and that fits your program, go for it. The other was to say, what are some other things you can do instead that might be land comsumptive. It could be to go out and do something off-site, a joint park, it could be to build a recreation center that had a smaller footprint that could be used as part of the marketing of the project. So, the part that would take the work, was to figure

out what flexibility means, no do it or don't do it, it means do it or do something else that would be considered to be an equivalent benefit. That could not be figured out quickly, it would involve Parks and Recreation Staff on that subject and it would involve Title 17 amendments.

Director Stewart stated she did not feel that would scare Council because you would not be compromising the quality of a development, you were giving additional options and the Council recognizes that the land basis was a huge problem and they need ways to address the problem.

Mr. Herman stated you may end up adopting a plan with something in it that cannot be used until you amend Title 17.

Chairman Aston stated they still needed to proceed because they need to start some place.

Director Stewart asked if it would create a huge problem to set adoption of the Comprehensive Plan aside until the amendments to Title 17 were initiated and then bring it back and make an amendment to the Master Plan and an amendment to Title 17.

Commissioner Shull asked if there was a time constraint. Director Stewart responded she promised the Council there would be an update to the Comprehensive Plan.

Ms. Haehn stated this needed to get done so they could move on to amending Title 17.

Director Stewart stated her only worry was how to determine the density when a developer came in for a zone change and you give them an Amendment to the Master Plan and they have single family low with 4.5 units to 6 units per acre.

Commissioner Brown stated they liked the details, they like the Plan and the whole idea of it; the problem was the Master Plan needs to be more broad stroke and less detailed. The details are needed to find out what was needed for the broad strokes. So, to incorporate it, you need to find out what you have and then back up and say, "okay, what can be done in the master plan that will make this work." Present it to Council letting them know Title 17 needed to look like the Comprehensive Plan.

Mr. Herman stated part of the package should be that before you do the two years worth of Title 17 amendments, the zoning needed to match the Comprehensive Plan.

Commissioner Leavitt stated if they would allow them to move forward, they could actually provide the information that has been provided, with the stipulation that at such time Title 17 was changed, the new guidelines would become effective immediately. Then, there is no lag time to go back and rework it.

Mr. Herman stated they have learned that you have to look at the Comprehensive Plan and Title 17 at the same time, because when you start looking at Title 17, then you have to start looking in the districts. He was not sure he could get it ready. He thought it could be done in a couple of months.

Chairman Aston suggested the next order of business should be to focus on the densities of the zoning ordinance and then when it was adopted, the Comprehensive Plan would be ready to go.

Mr. Herman stated the Comprehensive Plan would be adopted and Appendix "H" would have a note: "To be completed upon revision to Title 17."

Director Stewart liked Mr. Herman's suggestion.

Mr. Herman stated there was a path, and you had permission from Council to start the zoning process and as long as you can sell the idea that you deal with Title 17 amendments first, it would involve the City Attorney and other departments and in a reasonable period time.

Chairman Aston asked Deputy City Attorney Vaskov what he saw as the best direction to proceed with the Appendix "H" concept. Deputy City Attorney Vaskov responded at this point, he was not sure. He still had some questions on how you could make it work as part of the Comprehensive Plan amendment process.

Mr. Herman stated the idea was to tie amenities and quality to density and these are the kinds of things they were looking for and it points to Title 17 and says it would be done as part of the formal entitlement process rather than saying it was the Comprehensive Plan that determined it. The only vulnerability that had not been addressed was that you would be adopting the Comprehensive Plan but do not have the tools to fully implement it. In the meantime, for a three to six month period, you would have to continue to operate under the rule currently in place.

Director Stewart stated with this exercise you get the buy in during the process of the Comprehensive Plan Update from the Council, so the direction was already established for the implementation.

Mr. Herman stated it was doable and many of the things in the Plan were already being done. North 5th Street was already underway, the mixed use ordinance was going to Council and any time pieces are being put in place before you are finished, it was a good sign. There are only a couple of things to do and there are some identifiable fixes and they have some direction.

Mr. Herman stated he had the direction to take the Comprehensive Plan to the next step and would take the feedback from this meeting and comments from the Focus Group Meeting and revise the Comprehensive Plan so that it could go out to the public as a draft.

Ms. Haehn stated she would check with the City Clerk's Office to see when the joint meeting could be held. She was hoping to have all changes made by the end of July to give the Focus Group the opportunity to bring in comments until the end of July.

Mr. Herman stated after the changes were made, there would be a meeting with the Focus Group and a joint meeting with City Council and the Commission and then a final document would go to the Commission for approval.

PUBLIC FORUM

There was no public participation.

ADJOURNMENT

The meeting adjourned at 6:44 p.m.

APPROVED: August 23, 2006

/s/ Steve Brown
Angelo Carvalho, Chairman

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