

**MINUTES  
CITY OF NORTH LAS VEGAS  
SPECIAL PLANNING COMMISSION MEETING**

**CALL TO ORDER:** Wednesday, April 27, 2011 at 6:09 P.M.  
North Las Vegas City Hall, Council Chambers  
2200 Civic Center Drive, North Las Vegas, Nevada

**WELCOME:** Chairman Dilip Trivedi

**ROLL CALL:** Chairman Dilip Trivedi - Present  
Vice-Chairman Steve Brown - Present  
Commissioner Dean Leavitt - Present  
Commissioner Jay Aston - Present  
Commissioner Jo Cato - Present  
Commissioner Laura Perkins - Absent  
Commissioner Joseph DePhillips - Present

**STAFF PRESENT:** Frank Fiori, Community Development Director  
Marc Jordan, Planning Manager  
Robert Eastman, Principal Planner  
Sandra Morgan, Deputy City Attorney  
Carolyn White, Police Department  
Jo Ann Lawrence, Recording Secretary

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

**BUSINESS:**

- 1. ZOA-08-11 (42945) CNLV TITLE 17 ZONING CODE (PUBLIC HEARING). AN APPLICATION AMENDMENT INITIATED BY THE CITY OF NORTH LAS VEGAS TO ADOPT A NEW TITLE 17 (ZONING ORDINANCE), WHICH WILL COMPREHENSIVELY AMEND REGULATIONS PERTAINING TO ALL LAND USE WITHIN THE CITY OF NORTH LAS VEGAS; AND PROVIDING FOR OTHER MATTERS PROPERLY RELATED THERETO. (CONTINUED MARCH 30, 2011)**

Community Development Director Frank Fiori explained the last major update of the Zoning Ordinance was in 1988 when it was written and there had been numerous changes and amendments over the years. The current re-write of the zoning ordinance has taken approximately four years due to the extent of the changes and reorganization and working with the stakeholders it had taken longer than anticipated. He explained it was not perfect

but it was a good document and well advanced in terms of being user friendly and more clear on requirements and expectations of the City. Staff has tried to enter many things in regards to development, design guidelines, sustainability, alternative energy such as solar and wind and the ability for residents to take advantage of it, things that were not on the forefront years ago. Director Fiori thanked the Commission and the Focus Group for their input into the document, and also National Association of Industrial and Office Properties (NAIOP), Southern Nevada Home Builders Association (SNHBA), and Nellis Air Force Base.

Chairman Trivedi inquired if there was someone from The National Guard in attendance.

Director Fiori responded there was not, but Staff had been working extensively with The National Guard because they were currently doing a joint land use study with them. They were familiar with what the City was doing and the future land use plan.

Director Fiori also thanked Clarion for their work and guidance on the Title 17 re-write and also the Guiding Principles and it was believed the ordinance being presented also followed those principles and Staff tried to keep them in the forefront of the process. The principles that were developed through talking to stakeholders, citizen groups, Planning Commission members, and City Council in regards to the type of ordinance they would like to see for the City and the type of development they wanted to see and issues that had surfaced over the years, that they would like to see changed or corrected were all taken into consideration. Director Fiori pointed out there were a lot a recommended changes indicated and Robert Eastman, Principal Planner and Marc Jordan, Planning Manager would explain the proposed changes. He also explained agreement and consensus had been reached on most items where concerns were raised, but there were still a few outstanding issues, but for the most part, Staff had made changes that they were in favor of and would recommend that the Commission include in the draft being sent to City Council.

Robert Eastman, Principal Planner explained with the main document distributed to the Commission, there was also a memo attached dated April 27, 2011 and also there were four handouts presented at this meeting. The first few pages of the memo described the difference between the book sent out in March, 2011 and the current book distributed in April, 2011. There were portions of the Code agreed to during the Focus Group Meeting, which were amendments to the Ordinance and also there were a number of items that were housekeeping items, (either directed by Council or ordinances that had already been adopted but were not incorporated into the new document). The third section of the memo talked a little about some items that would be discussed and the last section was a small set of changes that were agreed upon and needed to be incorporated into the Code that, for some reason, had not yet been inserted into the Code. There was one addition to the list, which was an item requested by Clark County Aviation, but was a clarification of the ordinance dealing with the Air Environs Overlay District, specifically there was a large portion of text that talked about heights of structures that needed to comply with FAA

Regulations and notice had to be given to the FAA for construction and different things and that applied to the entire City rather than just areas under the air environs, so that portion needed to be its own subsection rather than part of the Air Environs District because it was not part of the District, it would affect all development in the City.

The other changes requested, some of them were in the memo as items there had not been agreement on, but some of them had been changed since the memo was written, one of which was dealing with the sustainability issue and there was a handout given and previously with sustainability, it was a requirement and had a menu of options that developers should meet and since then, Staff had been meeting with the stakeholders and felt it would be more appropriate to make sustainability encouraged or recommended so builders could still use the menu to try to create more sustainable development but was not required. Other changes that were made dealing with some of the memos handed out, one of which amended some of the procedure section of the proposed procedures for the new Code. It was common procedures for every application and previously Staff had a requirement that after an application was submitted to the department, the department meets with the other departments in the City and creates a preliminary report that is then given to the applicant and the applicant then has a number of days to respond in writing to the report and then submit written comments back to the City and then have a meeting with Staff before going forward to the Planning Commission meeting and upon review, while this would be a wonderful idea, ultimately, when it came down to it and Staff was trying to figure out how to fit all the requirements in for the additional meetings and reports, it was found to be difficult to keep the same time line and so instead, it has been streamlined so that developers could still submit and be heard in a timely manner instead of ultimately extending the window before an application could be submitted and heard by another couple weeks, so there have been a couple of small changes to the procedure section. Another change that was really more driven from some of the existing permits for signage that were adopted, specifically the electronic message center sign that was approved on Craig Road and Commerce Street. There have been substantial changes to have requirements for electronic signs and additional definitions have been added to split out electronic message center versus digital graphic signs and there was some differentiation which would allow them within the City as long as they met certain conditions, rather than currently, for the most part, waivers would have to be granted from the existing Code.

Marc Jordan, Planning Manager explained some of the changes to the Sign Code being proposed, was that currently a changeable copy sign was all that was allowed, so it was broken into three areas, the changeable copy signs, which was the manually changeable copy signs, the electronic message centers, which was similar to what you would see at Walgreens stores, and the graphic display signs, which were LED signs like at the Grove Shopping Center. Staff used that sign in drafting the ordinance and most of the Ordinance was similar to the one adopted by Henderson, so the wheel was not being reinvented for the Valley. This was opening up the sign ordinance for different types of signs starting to be seen by the industry. There have been discussions about temporary event signs and

how many could be on a piece of property and how long they could be there, so that was broken out and there were not many changes, and also to add “coming soon” signs, which were for businesses getting ready to open. There were other minor changes which were housekeeping items. The sign code was amended in 2002 and it was believed there were some things left in that made the existing sign Code confusing, so those items were clarified, but basically the sign criteria opened it up for different types of signs.

Mr. Eastman explained what was left in the memo that had not been discussed was eight items that were listed in page order, which were still items that had not yet been agreed upon between Staff and members of the Focus Group or their stakeholder groups. There may be one or two others that come out during the course of the evening that had not been included, but, based upon conversations today, there may be some others. It was felt these eight are the ones, that for the most part, would cover most disagreements with the Code being presented. They were predominantly from either SNHBA or NAIOP and dealt with some of the requirements, whether it be the size of light poles, where parking for recreational vehicles could be located, etc. Mr. Eastman asked the Commission if they wanted to go through the items point by point or have other discussion first.

Commissioner Jay Aston commented if Mr. Eastman was already aware of some of the points in the memo with issues, then those issues should be discussed.

Chairman Dilip Trivedi agreed that discussion should take place and then open the Public Hearing.

Mr. Eastman explained the first item in the memo dealt with accessory uses and there was a push by some citizen members to allow pigs as a pet on lots smaller than five acres and currently, the regulations required any pig to be located on five acres and the maximum number of pigs allowed on a single lot was three. The Code in Title 17 directly mirrored what currently existed in Title 6. There were numerous solutions, the portion of Title 17 referring to pigs could be deleted and people could be referred to Title 6, which did not change the law. The Code could be left as it was written or it could be re-written to allow something different and then send a request to Council that it be mirrored in Title 6.

The second item was to allow parking of a motor home on the side lot. Currently, in the proposed code it was allowed on the exterior side or corner side, on the same side as the garage or in the back, but it clearly shows it could not be on either side yard. Southern Nevada Home Builders requested that RV parking be allowed on either side of the lot and in the rear yard.

The third item was from National Association of Industrial and Office Parks (NAIOP) and was regarding parking. There was a maximum parking of 125% in the proposed code. For example, in a shopping center, the required parking was 400 spaces, then the maximum parking that could be built was 500 spaces, which was 25% more. NAIOP would like that section removed, as they felt it was overly restrictive and would hamper their ability to

attract certain large box developers that may need more parking, and had requested more parking than what the parking standards allowed.

The fourth item was a request from NAIOP dealing with when a traffic impact analysis was required during the review process, the way the Code was written, as proposed, was that a traffic impact analysis would be required for most developments prior to, or with the application. Currently, it was a condition of approval and then it was submitted after the entitlements were received and they work with the Public Works Traffic Department. With the current proposal, they would be required to submit with their application, so Public Works Traffic would have seen it and started working on it prior to it coming before the Commission. The thought on why it was required earlier, was for any time there was traffic impacts that would affect the development of the parcel or affect the land use and how a center was developed. The thought was, that the Commission should see that ahead of time rather than after the project was approved and the shopping center did not look like the site plan that was shown, which would happen because the design was changed due to the results of the traffic impact analysis, drainage studies, and civil improvement plans.

The fifth item dealt with the Design Standard requirement that if you were using a drainage easement, it should be used as pedestrian access to a trail or sidewalk, which was very similar to what was in the current Code. The difference was that, under the proposed Code, we were requiring that those landscaped pathways now be lit. The SNHBA have requested that the lighting requirement be removed. Also, the SNHBA have requested that the requirement for a landscaped parkway (a 3 ½ foot sidewalk and a 5 foot landscape strip on one side of the street on the interior of any subdivision) count as part of the required open space for a development. Currently, because it was only 8 ½ feet wide, it would not count toward the open space. Currently, the requirement was that any space would have to be a minimum of 20 feet wide to count toward open space. SNHBA was requesting that, since we were asking for the landscape parkway to be included, that it should also count as open space, since it would function as a recreation space and would allow pedestrian access in the development.

NAIOP requested that, dealing with light poles in the parking lots in commercial developments, currently, the requirements were that lighting poles be no taller than 20 feet and it was proposed, with the Code, for the 20 feet to still remain in the commercial districts and a 30 foot pole to be allowed in the industrial districts. NAIOP requested that 30 foot poles be allowed in both the industrial and commercial districts.

The last item dealt with the Design Incentive System. Ultimately, there would be a series of changes that would need to be folded into the Code if the amendment was desired by the Commission. The SNHBA was requesting a means to allow eight units to the acre, by right, in the R-2 zoning classification. Eight units to the acre was single family. Currently, a developer who wanted to develop eight units to the acre would need to use the Residential Design Incentive System (RDIS) and would need to provide 600 square feet of open space per unit. SNHBA was requesting numerous changes to both the R-1, to

allow the minimum lot size in the R-1 to go down to 4,500 square feet and the R-2 to be a sliding scale that still was at 2,700 for the smallest, but that 2,700 to 3,500 would be using the RDIS, but at the 3,500 square foot mark, we would get rid of the RDIS and the open space requirement; so, a developer could build up to eight units per acre with a 3,500 square foot lot and not provide any open space. With the current Code, they were required to put in open space and the other options would be using the PUD standards, but that allowed only 4,500 square lots and so SNHBA was requesting changes which are reflected in Attachment "A". The changes proposed by SNHBA was not being supported by Staff, but did work with them.

Mr. Eastman explained a number of the requirements such as light poles, parking maximums, and lighting in the pedestrian linkages were still waivable items; so, even if they remained in the Code, any applicant could request a waiver.

Chairman Dilip Trivedi opened the Public Hearing. The following participants came forward:

- **Janet Love on behalf of Southern Nevada Home Builders Association, 5655 Badura Avenue, Las Vegas, NV 89118** explained there was a vast amount of vacant property in North Las Vegas, making it prime for future development; however there were many foreclosures and short sales, which were creating depressed housing prices and builders felt one way to compete with the foreclosures and short sales was to offer a smaller home at a similar price to the existing inventory. She also explained the changes they were requesting and why they were being requested.
- **Deborah MacNeill, Director of Public Partnerships for Nellis Air Force Base, Creech Air Force Base, and the Nevada Test and Training Range (NTTR) and Captain Amanda Ferrell** appeared on behalf of Colonel Garland, who was the Installation Commander of Nellis, Creech and the NTTR, explaining the importance of the Airport Environs Overlay District section of the proposed Code. She stated they had been working with the City over the past couple of years and there had been significant strides made in ensuring compatibility with Nellis. The purpose of the section was to promote the safety of both the public and the mission, primarily dealt with noise and accident potential from aircraft accidents or other missions done at Nellis. It mirrored what was already adopted by Clark County and what was in the Air Force Guidance and DOD Directives. Ms. MacNeill requested the portion of the Code that states "as changes, land uses that are not listed in the Code, are added, that the Planning Director will consult with his Staff to do that" and requested the consultation include talking with the affected airport, which would be Nellis or McCarran, or North Las Vegas Airport. It did not mean the director did not still have the discretion, but meant if the current employees were no longer at the affected employers and did not have the same relationship, it would be formally codified in the Code.

- **Brian Gardner, 8829 Greensboro Lane, Las Vegas, NV 89134** appeared on behalf of NAIOP and also as a citizen of the County and addressed the issue of sustainability. They had been adamant about the sustainability section and the title, as it was written in a way that was incomprehensible. It was now worked out where it was acceptable. It was a four page document that did two things, it allowed the City to express what they consider a good sustainable concept in the menu but did not require it, which is what they were objecting to. The amended sustainability section (Attachment "B") was agreeable to NAIOP and they had no negative comments about it. The second issue was one that was recently discussed among the NAIOP members, as well as with some City employees. There was a possible alternative to the sustainability section, either by setting the section aside for the alternative, which amounted to a County-wide sustainability review, among the four jurisdictions in the County and including the current ICC sustainability code that has just come under publication. It was a code by the ICC, which in their view, would eventually affect every jurisdictions' ideas about what they consider a sustainable code. From their side of the table, in the private sector, as developers and owners, it would be advantageous to them to look at a sustainability development code that was County wide, the same for all four jurisdictions. He asked the Commission to consider the alternative of having a County wide sustainability code, which NAIOP would be willing to facilitate in some way.
- **Dirk Ravenholt, Attorney for R.C. Farms, 2013 Alta Drive, Las Vegas, NV** inquired if there was any agricultural zoning within the new zoning Code.

Mr. Eastman responded there was not specific zoning, it was under the Open Land Use.

Mr. Ravenholt explained R.C. Farms anticipated recycling from the hotels and the farm did not anticipate closing in the near future and 30 to 40 years from now, and suggested the City might consider that area be included in the code.

- **Suzette LaGrange, Colliers International, 3960 Howard Hughes Parkway #150, Las Vegas, NV 89169** appeared on behalf of NAIOP indicating she was a member of the Board of Directors and Co-Chair of Government Affairs. She thanked Staff for their time and explained NAIOP's goal was to foster and promote responsible quality development in Southern Nevada. They had some of the most notable developers such as Harsch Investment Properties, Territory Inc., Pro Logis, DP Partners, Thomas and Mack Development Company and American Nevada Developments, as their members. In addition, they were the umbrella organization and also represent architects, engineers, brokers, and general contractors. Most of the proposed Title 17 has been amended to their satisfaction, except for a few items. It was important to NAIOP to provide a code that was responsible, reasonable and easy to navigate, which also made it more conducive for developers and businesses to open for business and for NAIOP to attract businesses to Southern Nevada. North Las Vegas was unique in that they had access to many

of the elected officials, Planning Commission and Staff. She recommended that it may be a good idea to have some open community workshops on the Code. While their organization has been involved in reviewing Title 17.24, specifically the Development Standards, they have not reviewed the complete document and it might be worthwhile to do some other workshops to open it up to more public comment.

- **Mike Shohet, 5785 Centennial Center Drive, Las Vegas, NV 89149** appeared on behalf of Territory Inc., a retailer developer. He was concerned with the 125% maximum on parking allowances and wanted to see the section on parking maximums removed, 124.24.040.f. The code allowed very similar minimum parking requirements to what was there before, but has added 125% of the maximum requirement. For example, the code allowed for 2.5 spaces per 1,000 square feet for big box retail, which includes shopping centers over 100,000 square feet. The new maximum allowed for 125% of that as a maximum, which equates to 3.125 spaces per 1,000 square feet, which did not work for retail. They often find themselves, as a developer, required by their anchor tenants to build a minimum of four spaces per 1,000 square feet, so for them it hampers their ability to attract those type of tenants. It should also be market driven. Mr. Shohet pointed out they did not want to provide more parking than needed as more parking meant less building space and lower floor area ratio and a less efficient use of property. They feel they would do the best job they could without having some arbitrary maximum thrown on them. The parking maximum should be market driven and not codified. The maximum on parking did not provide much flexibility. In today's economy there is a constant turn around of tenants and uses and if they build a shopping center or an industrial project or office project based on a certain minimum criteria for parking, and that tenant left and they had to back-fill with a more parking intense use, but were restricted based on a maximum number of spaces and may not be able to bring a tenant in to fill the space. The next issue was with parking lot lights. The Code was amended to allow 30 foot poles in industrial areas but there was still a requirement for 20 foot poles in a commercial area. He clarified their intent. They did not necessarily want 30 foot poles in all commercial areas, but were specifically interested in the C-2 zoning, as in a C-2 zoning, 30 foot poles were very reasonable and North Las Vegas was the only jurisdiction in the valley that required 20 foot poles. One of the problems was, in order to get even light coverage over a site with 20 foot poles, you had to put more poles, which was not aesthetically appealing and in a C-2 zoning most of the buildings were 30 to 35 feet in height, so having a 30 foot pole was compatible with the architecture. He requested that 124.24.080.A.3.a and the exception for 30 foot poles be extended to C-2 Commercial Zoning, not just industrial. The third issue was changes to parking lot landscaping, now requiring 5 by 5 diamonds every three parking stalls. He requested that it be amended to every five parking stalls. It was felt three parking stalls was excessive, both from a cost to a project perspective, but also from an aesthetic perspective. By the time light poles were installed, if they were at 20 feet, there would be many of them and

adding landscape diamonds every 20 feet, parking lots would become very cluttered. From a retail perspective, their tenants were extremely sensitive to the view of their storefronts and signage, to the point that, in some of the shopping centers, tenants had removed trees or brought in their own landscapers to prune them.

- **Joy Diaz, 6538 Green Sparrow Lane, North Las Vegas, NV** indicated she lived in North Las Vegas and was one of the founding members of the Focus Group. She encouraged the Commission to set a precedent. She understood the Commission had the ability to grant waivers, so she encouraged them to keep the standard high and grant waivers as necessary. She was concerned with amending the Code for one group and encouraged the Commission to set the standard high and not amend the Code.
- **Scott Sauer, (no address stated)** understood some of the code was very restrictive, as the City was asking for a high standard and, if needed, the applicant could request a waiver. He was not aware of some of the discussion on the eight items in Section C. He looked at them briefly and suggested the provision to allow pigs not be amended; was not sure on the RV parking; he felt the 125% maximum parking should not be amended, as a waiver could be requested and granted; the Traffic Impact Analysis section should not be amended; lighting in pedestrian linkages should be required for public safety; the landscaped parkway should not count as required open space and should not be amended; was okay with amending the height of the parking lot light poles as 30 feet was a fairly standard height for the valley; was in favor of larger lots being preserved in the R-1 districts; and was not in favor of referencing a code you did not control and felt making the existing sustainability better and making it optional was the answer for now.
- **Mandi Thorn with Harsch Investment Properties, 3111 South Valley View Boulevard #K101, Las Vegas, NV 89102** indicated she was a member of NAIOP and a homeowner in the City of North Las Vegas. She recommended that 17.24.050 be amended as follows:
  - B1. The last sentence amended - "A Traffic Impact Analysis shall be required as a conditions with any land use application that meets one or more of the following:"
  - below that, Section C.2 amended by deleting the wording "any application for re-zoning" and leave the wording "any major site plan review".
  - Section B.C.3 - any case where the previous Traffic Impact Analysis for the property is more than three years old.
  - Section C.2 amended to read - if required, the Traffic Impact Analysis should be *"approved prior to the submittal of the building and civil improvements plans for review"*

She pointed out it was important to the developers to have quality development, which was achievable because the cost of the property was relatively less expensive than other jurisdictions and it was felt if the Code was approved as written, it would hinder development.

Commissioner Jay Aston thanked Staff for all of their work on the writing of the new Code and understood it was a challenge to juggle between the wants and needs of everyone who brought applications to the City of North Las Vegas and try to progress at the same time. He asked Staff if after public comments and regarding the eight outstanding items, for a brief statement of their recommendation on each item, because if Staff was in agreement with some of the requested changes, they would not need to be discussed as much or if he should ask questions on each of the eight items.

Chairman Trivedi suggested Commissioner Aston just give his comments.

Commissioner Aston commented on Ms. Love's comments regarding the RDIS and agreed with Mr. Sauer that it should be kept in mind that the request would not be under the R-1 lots and typically, right now under the R-2, you could do detached but currently an attached product was a duplex, which was an entry level zoning. If the zoning ordinance for R-2 was to allow a little bit smaller detached product, it was still restricted to the current zoning of the property and/or the Master Plan. The Master Plan and zoning would have to be changed in order to produce a 4500 square foot lot development, so there was a buffer. There was currently some control with the work being done in the past decade and he did not feel the change would be going backward. The handout allowed a different type of product on an existing R-2 zoning for a detached product rather than an attached product, which he agreed with in the current market. There was a handout on noise attenuation, which Nellis Air Force Base had requested an amendment. He asked if Staff had an issue with the wording.

Community Development Director Frank Fiori stated the discretion to make that decision was vested in the Director at the current time and Nellis was notified of all of the ordinance changes and all development proposals. The concern Nellis had was that, in accordance with the regulation, was that it allowed the Director to make a decision if a use was not listed specifically in a table and Staff had tried to narrow the table down. Every industrial use did not need to be listed, as there was a general flavor and sense of what industrial uses were and what would be permitted in a specific zone and if it was something that was not permitted, it was listed in the table and was broken down as much as necessary. The provision allowed the Director to determine if a use would be allowed. Nellis was concerned that the current Director or a future director may allow a use that was not compatible and would like to have input. Director Fiori did not feel it was necessary to consult with an outside agency whether or not they felt the decision was correct.

Commissioner Aston agreed with Staff's recommendation regarding sustainability. The question regarding R.C. Farms was handled by the fact that it was open land. Commissioner Aston asked for feedback from Staff on Title 6 with the pigs. He was

agreeable to leaving it with Title 6 and not amending Title 17. Clarification was requested regarding SNHBA's request that recreational vehicles be allowed to park on the opposite side of the house from where the garage was located.

Mr. Eastman clarified that Mr. Sauer's memory of the parking for an RV was more accurate and the Code, as written, would allow RV parking in the corner sides and in the rear, so no side yards at all if it was an interior side property. The ordinance was proposing RV parking only on corner sides or rear yards.

Commissioner Aston asked if that was dependant on the zoning, because if there was a half acre lot, typically the CC & R's and HOA's would control RV parking in a community, but he understood it was necessary to cover it within the zoning ordinance. He did not see the need for RV parking on the sides or in the back yards of most of the developments, unless the lots were oversized.

Commissioner Aston requested feedback from Staff on the 125% parking.

Director Fiori explained the 125% parking was in the Code to reach a balance regarding parking. It touched on many aspects of community development, one in particular was sustainability and the amount of green space that was lost, the amount of heat generated from those types of surfaces, especially if landscaping were reduced in those areas, the impact was doubled and the City ended up with developments with parking that was full only approximately two days per year. It was not felt that requesting additional parking at the front end of a development served a purpose. If an applicant could make a case and provide valid reasons why they should have more than 125% of the required parking, then it would be good grounds for granting a waiver. Most of the time, what was heard in zoning ordinances, was that the City required too much parking and this was a case where the parking was being reduced and put a cap on how much additional parking was allowed and it also related to site drainage, water quality and many other issues as well as aesthetics. If a need for more parking was shown, a waiver could be granted.

Commissioner Aston requested Staff comment on the suggested traffic impact analysis submitted.

Mr. Eastman responded Staff did not receive a copy.

Commissioner Aston stated he would come back to that item.

Director Fiori explained the traffic impact analysis issue had been discussed among Staff earlier and it was agreed that, in terms of a re-zoning, if there was no project attached to it, there was no need for a traffic impact analysis because, if there was a re-zoning for ten acres of commercial and it would have a C-Store, the impact would be much different than

if something more dense were to go in, which would not be known until development occurred. The reason the provision was added, was that in other areas of the country, generally the developer did the work to prove their case, that their development worked and what was needed up front so that when Staff and Planning Commission were reviewing a development, they knew what the impacts would be. The standard in North Las Vegas was different, what happened here was that developments were approved and then when the design was completed, the developer submitted a traffic analysis, drainage and all other things required for civils and then the project was re-worked to make it work based on the studies. He explained this was the first attempt at Staff recommending that the process be changed so more information was received up front, so Planning Commission could make more informed decisions regarding the impact. It was understood that there was cost involved to provide the information up front, but it also provided additional information so informed decisions could be made.

Commissioner Aston asked Commissioner Dean Leavitt for input regarding the lighting and drainage easements which served as pedestrian linkage as far as Crime Prevention Through Environmental Design (CPTED) was concerned and if the drainage easement was serving as a pedestrian access, then there would be a credit for it in the RDIS and he felt if the drainage served as a pedestrian link, then there should also be lighting.

Commissioner Leavitt agreed with Mr. Sauer that the lighting in a pedestrian area was a non-negotiable item and the lighting should stay in place.

Commissioner Aston stated his opinion on the landscaped parkway being considered open space was biased and he agreed the light poles could be limited to the C-2 district and requested comment from Staff.

Director Fiori responded he had looked at development that had occurred in the past ten to twelve years in the City, since the adoption of the Design Guidelines. This was a requirement that came about in 1999 or 2000 when the first Design Guidelines were adopted by the City. He understood fully the difference between having 20, 30, or 40 light poles, as you go up, you can get brighter lights that cover more area and were also visible from a longer distance. Even though you could set them in such a way that the spill over at a residential property line or an adjacent property would not be any more than 0.5 foot candles, but the light that was 30 to 40 feet up in the air could be seen from a much greater distance and you were seeing the glare. It was more for aesthetics. An example would be on Craig Road at Simmons. If you look to the south, there was a Walmart Center to the left and a Target Center to the right. Walmart has tall poles and Target has 20 foot poles and the Target Center was much neater, cleaner and more compact looking.

Commissioner Aston asked for Staff comments regarding the proposed changes to the traffic analysis and was agreeable to the four parking lot diamonds suggested by Staff.

Mr. Eastman commented on the Traffic impact analysis, explaining prior to this meeting and after initially requested and again within the past couple weeks when NAIOP

requested the changes for the traffic impact analysis, he had spoken with the City's Traffic Engineer, Ish Garza and Eric Hawkins, who represent Traffic for Public Works at Planning Commission meetings, and they went over the traffic impact analysis section and felt it was appropriate and wanted it to remain as written. The changes to the re-zoning was something agreed upon earlier with NAIOP and was on the list of things that needed to be changed and would be done. What was being added to the Code was a condition that was routinely added by the Public Works Department. The Traffic Department and the consultant agreed it would be best for the study to be done earlier so you could see the development and the impacts prior to. Mr. Eastman commented on NAIOP's comments on Parking Lot Landscaping. He stated the intent was that a wall or landscaping or some combination to help block car headlights was the intent. He agreed on a parking lot diamond every four spaces, but additionally, with that change an island every fifteen spaces was removed.

Commissioner Dean Leavitt appreciated Staff's efforts in trying to meet all demands and needs. He did not want the lights removed along the pedestrian pathways and was not sure on the 125% parking maximum and appreciated the fact that waivers were available and were negotiable. Clearly there were certain types of development that would arbitrarily want the 125% or 150% parking maximum and in some cases maybe higher, but they could be addressed through the normal process. What the City had provided for sustainability was acceptable and he was interested in the possibility of a valley wide sustainability program. He was in support of the 30 foot light poles, as through developing and technology there were things that would come into play quickly such as LED lighting, different diffusers that could be put into the 30 foot light along the perimeter line that would shadow the light into the property so there would not be spillage. The biggest concern was getting the Code approved and moved forward and he pointed out the document was fluid and was not set in stone and could be amended as necessary and was in support of approving the Code.

Commissioner Jo Cato thanked everyone who worked on the proposed Code and agreed with Commissioner Leavitt that this was a working document, which could be amended in the future. She was in support of NAIOP's suggestion to allow 30 foot light poles and the parking lot landscaping to allow a parking lot diamond every four spaces.

Commissioner Joseph DePhillips stated if the Traffic Analysis was done after the fact, problems would be created and agreed with Staff, that the analysis should be done at the beginning of a project and was in agreement with the 125% maximum parking.

Vice-Chairman Steve Brown asked Staff if the Code was being approved as a whole or if it was being done by sections.

Director Fiori explained Staff wanted to know, based on the comments heard, what changes the Commission would like to accept and have added to the document, as after tonight, whatever changes were voted on, would be made and submitted to City Council

for consideration on June 15. He recommended the Commission vote on each item on the list.

Vice-Chairman Brown was confused on the pigs as pets and why it was being considered as a land use issue.

Mr. Eastman explained it was a slightly different issue, which was the application on the pig which came before the Commission, was a potbellied pig and they were covered as a pet in the Animal Control in Title 6, but they were required to get a use permit and with that use permit, they had to show that the pig would maintain a certain size, the lot and setbacks would be a certain size. The current request was for a standard pig, which was thought of as livestock and the request was to allow them as other livestock, which was one for every 7500 square feet of lot area.

Vice-Chairman Brown wanted clarification of Staff's stand on the issue.

Mr. Eastman explained he spoke to animal control staff and while he had not received their memo, they were not in support of the request and would prefer that it remain both in Title 17 and Title 6; however, if it was removed from Title 17, it was still in Title 6, so would be enforced with one pig allowed on a five acre lot and a maximum of three on any single lot.

Vice-Chairman Brown clarified a horse or cow was allowed on a 7500 square foot lot.

Mr. Eastman responded that was correct if the property was located in Ranch Estates.

Vice-Chairman Brown indicated he was in support of deleting pigs from the land use in order to simplify the Code. He asked the reason RV parking was not allowed on side yards and inquired as to the reason.

Director Fiori responded the biggest issue and concern was due to the narrow width of the lots and the width of the driveways, because the requirement was a minimum 20 foot wide driveway. When parking was added on the side of the garage in order to get to that, you would have to increase the driveway width, which would take up the front yard landscaping which was required, so you could end up with 30 to 40 feet of concrete in the front yard of a home.

Chairman Dilip Trivedi inquired why it could not be made size dependent.

Director Fiori responded that could be done and thought that was what Commissioner Aston was referring to for the ranch estates areas, which could be looked at later. In R-1 zoning there would be relatively narrow lots and you would use most of the front yard with parking and driveway.

Chairman Trivedi asked if there should be discussion on the eight items in Group "C" of the Memorandum.

Deputy City Attorney Sandra Morgan explained the document they had before them, she had not heard comments on Chapter 12.040, Common procedures and requirements, Chapter 24.140, did hear comments about sustainability, but, if the Commission were to accept the document the way it was, it could move to approve Title 17 as presented with the changes for the three exhibits and then, after discussing each of the eight topics in Section "C", if a motion to approve was made, you need to include the three documents presented during the sustainability, common procedures and signs. She explained there were three different issued that had been discussed, the document in front of them, and the three packets handed out during the briefing, one for signs, one for sustainability, and the other was for common procedures and requirements; so, if the Commission were going to adopt the revised Title 17, make sure to adopt them with the changes proposed in the documents distributed. If you wanted to take each of the eight issues in Section "C" separately they could be voted on separately or as one.

Mr. Eastman explained the Commission would also need to accept the changes that were discussed in the memo, especially on the last page, which were items that were not in the Code that needed to be added in.

Chairman Trivedi explained the last revision was in 1988 and this revision had been in process for four years and the Focus Group had been involved during that time. Change was hard to embrace and the City had to move forward as there would not be 100 percent consensus on every item. He thought it would be a good idea if all entities in the valley had a common code. Connectivity was not mentioned and he asked if a higher number in connectivity made the life of the residents better how connectivity helped.

Director Fiori explained the higher the number of connectivity would indicate there were more connection points from the interior of the subdivision to the outside and in comparing open subdivisions in other parts of the country or traditional town designs where you did not have all of the block walls and the streets are more on a grid system and there were ways of moving about much easier. Connectivity was something that occurred in those types of developments in a much easier manner versus with the wall types of subdivisions in North Las Vegas, with walls between properties and the perimeter walls enclosing subdivisions. The point of connectivity was to put some brakes in those walls so people could get out and would be able to walk, bicycle and move about easier without having to get in their car and drive; so, if you had a connectivity of 1.5 or higher, you had more connection points than you do at 1.3. We have retained connectivity in the Zoning Ordinance. The analysis which was done, the connectivity index was dropped to 1.3 and the analysis shows that most of the subdivisions being received currently would meet that standard; but, it does establish a starting point and over time it could be raised. As a planner and community developer, it allows the residents to move about more freely to have to travel shorter distances to get to places where they want to go and hopefully to not depend so much on the automobile.

Chairman Trivedi asked what was being connected as there were no destinations, as it was a single use zone, so connectivity did not make sense.

Director Fiori explained the intent was to not only provide connectivity through the walls but connectivity within the walls and to get away from as many cul-de-sac subdivisions where you had to walk to the end of the street and walk back and in terms of feeling safe, it was whether it was a two-way, three-way or four-way intersection, the safety depended on the amount of traffic that was going through. In a standard subdivision, where there was an intersection, with sidewalks on at least one side, there were generally no safety issues. If you did not have the connectivity within the subdivision, then you were either walking and driving in and going to cul-de-sacs which do not have a way out, so it encouraged connectivity, both internally as well as externally.

Chairman Trivedi agreed that cul-de-sacs and gated communities were not a good idea, but had a hard time understanding connectivity in a single use zone. He was also concerned with parking on the interior, whether in residential or commercial zones, people were encouraged to hide parking in the back, but that extends driveways and brings automobiles on both sides and on the street, but if you pulled the parking as close to the street as possible and shield it, you could have more open space for pedestrians and children to play. He did not like clay tile roofs which absorb heat and there were no structurally insulated panels or insulated concrete forms in the materials section and, most of the time, metal panels on the roof were opposed unless they were accent bands.

Chairman Trivedi called for a motion.

Commissioner Aston asked if due to the complexity of the motion, if he could propose two parts.

**ACTION:** APPROVE ZOA-08-11 WITH THE FOLLOWING EXCEPTIONS:

INCLUDE THE HANDOUTS FROM STAFF, (SECTIONS ON SIGNS, SUSTAINABILITY, COMMON PROCEDURES AND REQUIREMENTS) AND PORTIONS OF THE MEMORANDUM DATED APRIL 27, 2011, THE FIRST GROUP A WITH 26 ITEMS, GROUP B WITH 8 ITEMS, AND GROUP D WITH 6 ITEMS (GROUP C TO BE REVISITED).

**MOTION:** Commissioner Aston

**SECOND:** Commissioner Leavitt

**AYES:** Chairman Trivedi, Vice-Chairman Brown, Commissioners Leavitt, Aston, Cato, and DePhillips

**NAYS:** None

**ABSTAIN:** None

ACTION: APPROVE GROUP C IN THE MEMORANDUM DATED APRIL 27, 2011 AS FOLLOWS:

PAGE 193 NOT AMENDED, APPROVED AS ORIGINALLY PROPOSED  
PAGE 244 AMEND TO ALLOW RV'S TO BE STORED IN SIDE LOTS ON LOTS 10,000 SQUARE FEET OR GREATER  
PAGE 256 NOT AMENDED, APPROVED AS ORIGINALLY PROPOSED  
PAGE 271 NOT AMENDED, APPROVED AS ORIGINALLY PROPOSED  
PAGE 279 NOT AMENDED, APPROVED AS ORIGINALLY PROPOSED  
PAGE 288 AMEND TO ALLOW THE LANDSCAPE PARKWAYS TO BE USED TO MEET OPEN SPACE REQUIREMENTS  
PAGE 314 AMEND TO ALLOW 30' LIGHT POLES IN C-2 ZONING OR GREATER  
PAGE 323 - AMENDED PER THE REVISED SITE DIMENSIONAL  
328 STANDARDS AS SHOWN IN HANDOUT

MOTION: Commissioner Aston  
SECOND: Commissioner Leavitt  
AYES: Chairman Trivedi, Vice-Chairman Brown, Commissioners Aston, Cato, and DePhillips  
NAYS: Commissioner Leavitt  
ABSTAIN: None

### **AIR ENVIRONS**

ACTION: APPROVED ADDING A SEPARATE SECTION IN TITLE 17 FOR AIR ENVIRONS

MOTION: Vice-Chairman Brown  
SECOND: Commissioner Aston  
AYES: Chairman Trivedi, Vice-Chairman Brown, Commissioners Leavitt, Aston, Cato, and DePhillips  
NAYS: None  
ABSTAIN: None

### **PUBLIC FORUM**

There was no public participation.

**ADJOURNMENT**

The meeting adjourned at 8:44 p.m.

APPROVED: July 13, 2011

/s/ Dilip Trivedi  
Dilip Trivedi, Chairman

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