

CLARK COUNTY COMMUNITY PLAN WORKING GROUP



PUEBLO ROOM
CLARK COUNTY GOVERNMENT CENTER
500 S. GRAND CENTRAL PARKWAY
THURSDAY, November 22, 2015 – 6:05 P.M.

MINUTES

Attendees:

Vivian Kilarski, Planning Commission
Keith Spencer, CBRE
David Diffley, Lewis Operating Group
Michael Dias, Sunrise TAB
Danielle Walliser Sunrise TAB
Chuck Martin, Winchester TAB
Dave Chestnut, Enterprise TAB
Cheryl Wilson, Enterprise TAB
John Getter, Spring Valley TAB
Angie Heath Younce, Spring Valley TAB
Tony Celeste, Kaempfer Crowell
Chris Dingell

Staff

Mario Bermudez, Planning Manager
Paul Doerr, Senior Planner
Kevin Smedley, Principal Planner
Garrett TerBerg, Principal Planner
Michael Popp, Senior Management Analyst

- 1. Call to Order.** Mr. Popp called the meeting to order at 6:05 p.m. and opened the meeting with welcoming everyone to the meeting.
- 2. Public Comment.** No public comment.
- 3. Motion to Approve Agenda.** Motion by Ms. Kilarski, and second by Ms. Younce.
- 4. Approval of the November 5, 2015 Minutes.** Mr. Dias noted that word “NRC” should be “NCZ”. The motion to approve by Mr. Spencer, and second by Ms. Kilarski
- 5. Community Land Use Categories.** Mr. Smedley commented that there were a couple of things staff needed to clarify and needed to make a change on, first under the Rural Low Residential staff needed to make clear that on the edge you can have RE or you can have RE (RNP-1), and second on edge treatment under the category Low Residential Office the potential zoning the group came up with from previous discussions on edge treatment, staff realized that the use permit discussion probably doesn’t belong in there and can be stricken and just leave the potential zoning districts. Mr. Dias commented that this is a new category you introduced in here and it appears that you (staff) has tried to use this as category and took the wording out of Rural Low Residential that you had for buffering before and he still has the same problem and for him it still appears from this wording that existing RNP that goes up to the arterial would be subject to this transition where he has a real problem with that because he has a mile to a mile and a half where there is RNP that goes up to existing arterials and for it to be all subject to buffering is not good planning for Sunrise Manor. Mr. Smedley commented that within that category where it is near the arterial so Mr. Smedley can think of one place in particular that this would be applied and that be on Rainbow in Enterprise where we have an RNP that goes within 330’/660’ which is kind of a no-man’s land right now so that would be applied there but in Sunrise Manor you go up to Rural Low Residential that would go to the edge so that wouldn’t be applied. Mr. Bermudez commented that this is a category so that as the workgroup goes through the update process and it’s

believed it's applicable to that area then put it on the map and if you don't believe its applicable then it doesn't go on there so it's not an automatic. Staff also commented that the initial discussion that they want to receive feedback is on the two issues that needed clarification and changes. Mr. Chestnut noted he agrees with staff (striking use permit language) because one of his questions tonight was going to be and particularly when we get into Residential Medium and the arterial stuff there is when you say by use permit; in C-1 I can get a special permit to put a tavern in Mr. Chestnut doesn't feel that's the groups intent. Mr. Chestnut continued that on the name Rural Low Residential doesn't roll off his tongue. Mr. Chestnut commented that there are a couple of things still missing this document after cleaning up such as one, Rural Low Residential Mr. Chestnut personally feels it should be titled Rural Residential Low, same wording different order and to Mr. Chestnut when he sees Rural Low Residential does that mean its below grade, noting that it's his old editor coming into play. Mr. Chestnut continued that one of the things missing and it was in the previous document was the planned unit development are not appropriate within the RNP-1 and Mr. Chestnut feels that statement ought to be in there. Ms. Wilson commented she was unable to find exactly in the minutes but she believe that Mr. Dias the same concern at the last meeting and it was referred to that this would be for any upcoming RNPs and not for existing RNPs, this arterial buffering. Mr. Smedley agreed and noted that is exactly how this is being applied and it would be only applied in areas where an RNP goes near to an arterial but we have essentially created a strip that is in question of what to do with and that is where this would apply and that would be up to each town board. Ms. Wilson asked staff if that would apply to the RNPs that already have the overlay on it, or are you saying that this would apply in the future or if there's some miracle and there is a new RNP this would apply to that. Mr. Smedley commented that if the Rural Low Residential goes to the edge right now then that something we wouldn't look at, noting that in Sunrise Manor we have RNPs that go to the edge and we wouldn't consider that because we already have developed to the edge. Mr. Smedley commented but in Enterprise using Rainbow, Windmill and other places as an example where we have an RNP that goes near the edge and where we have a dead strip that is designated office professional or whatever else, then through the update process we could apply that mixed category to be applied there, we are not looking at changing the boundaries of what are now the RNPs. Mr. Dias commented than he would suggest that there be a totally different language to this because your saying that this would be appropriate where you have existing residential and a buffer space in between the development zone to which you would like to apply this to but that could be any residential and it doesn't have to be an RNP and Mr. Dias suggest the Rural Low Residential should be taken out and maybe leave just as maybe Residential so you're not specifically pointing this at it and then saying if there's a Rural Low Residential that has the RNP to the arterial this would not apply. Mr. Smedley commented that we have had this discussion previously and referred the group back to Low and Medium Residential categories we left in the edge treatment in paragraphs and maybe the suggestion needs to be those will come out because they are slightly higher intensities allowed within those edge treatments where under the low you can do R2 and C1, and under the Medium you can do C1 and C2 uses so staff felt that they didn't believe the group wanted to go that intensity adjacent to the Rural Residential and Low Residential so as a first blush staff felt that they should leave it in there but in actuality all of those categories staff could just strike that language out of those categories because we do see subdivisions built up to an arterial.

Mr. Chestnut commented that the arterial edge we were trying was there to fix a particular problem from planning which occurred before and Mr. Chestnut doesn't know of any areas within Enterprise where it would apply to anything other than the RNP-1 overlay. Mr. Kilarski remembers having this discussion last meeting and felt she was shut down on it because she remember discussing it and feeling it wasn't necessary. Mr. Smedley noted that the language was always in there in all the residential categories. Mr. Chestnut suggests that in the Residential Low and Medium the last paragraph and arterial edge be scrapped. Mr. Smedley asked what do the home developers think of the suggestion noting that if you had a block of land that is planned for residential and you basically said we really don't want to do that or is it something you go ahead with idea of all the land we can get, we would rather give that up to some commercial use. Mr. Diffley commented that it goes back to something Mr. Dingell said earlier that it kind of depends on where the market is at the time and having the flexibility seems like it would be appropriate both from a market and from a planning standpoint and Mr.

Diffley is guessing where this came about initially is planning and market flexibility and it makes sense to him to have that in these edge conditions. Mr. Chestnut commented that the argument that occurred over Walgreens or CVS that went in, that if you keep it Residential Low/Residential Medium your setting up a number of arguments with residents because C-2 is pretty wide open. Mr. Spencer commented that if we are talking about some place that is along a double arterial and is vacant he wouldn't want a custom home along that corner, it's like having a freight train going through your backyard and that is where it is case by case and as TAB members you would know something that is appropriate, you get a gut feel for it such as is this addressing the traffic patterns, is this going to serve this RNP neighborhood or are we just going to hold it in limbo where it's unlikely to be developed and from the same perspective of if you have residential established right along the arterial, I could tell you from a commercial specialist standpoint its highly unlikely that a client is going to go let me try to buy all these homes and convert that, they are going to go to the least path of resistance and find vacant land. Ms. Wilson commented that as an observation that in a lot of the master planned communities there are arterials and arterials, you look at Hualapai and Sahara, or look up in the Summerlin area those master planned communities and there are residential neighborhoods right up there so Ms. Wilson feels to set it aside if people speculating that they are going to be able to sell it commercial because that's where the money is your almost limiting that from home builder from purchasing right up to the corner and having their off-sites and having their sidewalks and their walls and having a nice community and most people don't want to have their backyard back up to the CVS pharmacy or Smiths so she sees both sides of it.

Mr. Dingell agreed with Ms. Wilson comments when you have a big developer in a master planned community but to him what this solves is a lot of is what Mr. Diffley said is that there are a lot of parcels next to the arterials by the RNPs that are 2.5 acres or 1.4 acres or 5 acres that are unattractive for homebuilders and people who come in and really no one is going to build a custom house, he recalls one project in Lone Mt. area that was years ago that was right against Hualapai and 2-15 and there was an argument that should remain residential but no one is ever going to build a house next to an onramp on a freeway, but if you have the ability to do this edge treatment then someone could come in on a case by case basis and do that, to do an office building to do a low level commercial and another thing it is case by case and its discretionary which would say you have to put the double row of trees, the intense buffer, you have to do things maybe there is a grade differential that makes it so CVS or whatever is going in would be lower makes sense to have it there. Mr. Getter mentioned that in thinking about it he agrees where Ms. Wilson is coming from the he feels one of the problems that has been created for us, we have tended to work away from, but it's still lying in waiting is this assumption that if it's on a section line or a section on section line road/intersection that it has to be commercial and Mr. Getter feels we ought to have as much flexibility as we can to go back and forth and there are some development in Spring Valley right now up where the residential goes right up to the section line road and section and half section and section and section. Ms. Wilson commented that she just wasn't referring to just RNP she was talking to residential low and residential medium and that's why she was referring to master planned communities. Mr. Smedley summarized that the discussion is on two different thoughts, so originally the group was talking about the mixed category which is Residential Low/Office, and then the discussion came up what about applying that to all the residential categories. Mr. Dias commented that he threw that out specifically to get it away from the RNPs to other things and to clarify the edge treatment of existing RNPs. Mr. Smedley commented so then when that was brought up then we jumped up to discuss these (categories) and staff pointed out we left this discussion in what is now Residential Suburban and Residential Medium on the current land use plan. Mr. Smedley continued so the Residential Low and Medium Residential, so staff left that in there but at the same time staff realizes that probably there is not a good example of where staff feels that if there was an intersection and arterial staff cannot think of where we would plan it residential, staff would apply it for commercial through the planning process and by and large we have those intersections already planned as such. Mr. Smedley continued that he doesn't know if this would even apply so staff can see the argument both ways and what staff is looking more at is away from the intersection of section lines, noting that if we were to have Residential Low or Residential Medium, a block of land that was there, we are not providing a buffer between, or rather it's not about buffer an existing lot it's about a regular subdivision or any subdivision; the

question is do we allow that flexibility on edge or does that create a situation where it creates a lot of debate, and in Mr. Smedley's gave the example if he were a homebuilder and bought a block of land he would build homes but he stated he not a homebuilder and gave another example that if he were a commercial developer and bought a lot he would build commercial in other words going into the business knowing what he is going to buy and that is why he asked the question from the homebuilders perspective of seeing an instance where they would be at a section line with 40 or 80 acres and then change their mind not to develop as residential or would they rather give it up for some commercial use.

Mr. Smedley continued does staff plan for commercial use or do we leave it flexible that's what he sees is the point of discussion. Mr. Smedley noted that the upside of removing the suggested language in Residential provides certainty and the downside is that if the property owner came in and wanted to do a certain portion different that property owner would have to go through the non-conforming zone change and plan amendment process. Mr. Dias noted just as a point of clarification, before during the process of master plan aren't these property owners on the corners and that section coming in and expressing their wishes and then that's when it's appropriate to look at putting different plans on it and Mr. Dias thinks from a planners standpoint or from a town boards standpoint to take a piece of vacant land and say its commercial to Mr. Dias is arrogant that's because we are not giving that property owner the option of what he wants to do with his property. Mr. Doerr commented that a lot of the edge treatment was comments that staff took from town board members that they had a problem with on no-man's land on a lot of the arterials and the flexibility isn't a bad thing and staff is not trying to make it a bad thing. Mr. Chestnut commented that he knows from Enterprise that their comments have been specific with borders on RNPs and he believes we don't have that problem in other places and as a matter of fact in other places what we've got one master plan that all but 5 acres of commercial have been wiped out in favor of Residential right up to whatever street they've got arterial, local or whatever and there's been so much discussion how do we take this planning that we did years ago and said we had to protect the RNPs with 330' of office professional or something and it didn't work, so how do we get that land back into play. Mr. Doerr asked clarification that is it safe to say you're against the flexibility next to and RNP and for it in other areas. Mr. Chestnut commented that he is for it next the RNP because we need to get the flexibility but Mr. Chestnut doesn't think it's necessary in Residential Low and Residential Medium. Staff summarized and noted the discussion began with Mr. Chestnut suggesting that the second paragraph be stricken in the Residential Low and Medium and that the language be kept in the Low Residential/Office in place. Mr. Dias asked for a point of clarification asking if those are struck are you proposing to use some other verbiage of this Low Residential/Office in there to make up for that or are you saying this should just go away.

Mr. Smedley commented that it would go away as an option within that category if during the planning process we got input from the property owner that we would like commercial on there or we really would like to build residential to the edge of the arterial then that would be reflected in the land use amendment. The workgroup took a vote on the motion to and it was 6-4 to keep the language and not be stricken. Staff also summarized on striking the use permit language Low Residential/Office as suggested by the workgroup and staff. The workgroup took a vote on the motion to strike the use permit language and it was supported 7-5. Mr. Chestnut made two suggestions one, referring to the Low/Residential Office, why not call the it Arterial Edge for the category name and second, add a sentence that planned unit developments (PUD) are not appropriate because you can have PUD in R-D and R-1. Mr. Diffley commented that the name change could be a little confusing because you have the same term on the arterial edge in the other category so you may start confusing what arterial edge you are referring to. Mr. Martin asked how you define the word "near" in the language.

Mr. Smedley commented that it does not go up to the arterial, because the concern was in our last meeting that that the group needed to make sure we weren't discussing RNPs that are Rural Low Residential where its already established, we are talking about the areas where there are currently a no-man's land where it's not developed to the edge the examples are Windmill and Rainbow and so we pulled this paragraph out of that and made it a separate category with doing that we realized we needed to keep the commercial at C-P and not go up into the C-1 or C-2 and keep it at R-D and R-1 and not go above R-1, the current practice of the Board is 10,000

sqft lots facing the larger lots, the half-acre and larger, but we also want to make it clear that this wasn't a category we would see applied broadly, so we mentioned arterial and we mentioned adjacent to Rural Low Residential category. Mr. Spencer mentioned that the only other thought would be the example on Desert Inn where there are estate homes built there and if we are eliminating the word near in that case it would be actually on the arterial and we would like to see some sort of method to allow because why live in an area where homes have been established there are just being let go until somebody comes in and does a CRT on that property, we would like to at least see where that fits into the big plan.

Mr. Smedley commented that if you look at the current plan those areas are planned office professional so the existing use is there and they can just go to the CRT zoning, so it's not planned as residential it's planned as office. Mr. Spencer noted that his point is that in fact an arterial where there is an estate home established then in some point in the future with traffic- the whole change came when the overpass was established and then suddenly nobody wanted to live in those homes any longer, so if we can plan the future with what kind of category allows that. Mr. Smedley commented that we have Office Professional and CRT to allow that. Mr. Spencer asked if that also is established for the RNP area. Mr. Smedley commented that it also applies to an RNP area on an arterial. Mr. Getter said he concurred with Mr. Chestnut on the arterial edge just clarifies and is easily understood not just by us but by the public also. The workgroup took a vote on the motion made by Mr. Chestnut recommendation to change the category name to Arterial Edge and in a 10 to 1 vote it was supported. The workgroup continued with the second suggestion to add language as suggested by Mr. Chestnut that planned unit developments (PUD) are not appropriate was discussed and suggested that the language be placed in the Rural Low Residential, Low Residential/Office and Arterial Edge category. Mr. Diffley said he was not familiar enough how it works and asked if basically it would get rid of any PUD in an RE zoning district if we did that. Mr. Chestnut commented no and that if you put it in the Rural Low Residential and say PUD are not appropriate within the RNP-1 that would still leave RE available. Mr. Diffley said that part he followed he thought Mr. Chestnut was suggesting that you would say PUDs are not appropriate at all in Rural Low Residential and if that was the case it would apply to R-U, R-A, RE and RNP-1. Mr. Chestnut commented no, that within the Low Residential and Medium Residential it is appropriate, but in the arterial edge PUD is not appropriate. Ms. Kilarski asked Mr. Chestnut if he had it in other categories. Mr. Chestnut commented yes that the first one is in Rural Low Residential. Staff intervened and typed up draft language for the group, "Rural Neighborhood Preservation RNP-1 overlay is often found within these areas where PUDs are not appropriate". The workgroup took a straw vote to see which way the group was leaning and supported Mr. Chestnut's suggestion in the above mentioned language supported the change 8 to 3 on Rural Low Residential. Mr. Dingell commented and asked if the language currently exists in Title 30 code that does not allow PUD in an RNP-1 overlay and if so why then is there a need to add it in the category description other than to reinforce it. Staff confirmed that PUDs are in the code and this language just reinforces it in Rural Low Residential and you cannot max 2 units to the acre. Mr. Chestnut commented that he had a couple of other suggestions on the categories, starting by Light Manufacturing, Manufacturing and Employment Center is that a sentence of resident uses are not appropriate. Prior to addressing Mr. Chestnut's comments Mr. Bermudez clarified that "Rural Neighborhood Preservation RNP-1 overlay is often found within these areas where PUDs are not appropriate" language might also go into the Arterial Edge category for discussion. The group agreed to move to that for discussion. Prior to that discussion, Mr. Dias asked a question about the Arterial Edge category and asked if the group was going to put in specific words saying that if existing RNP goes to the arterial edge buffering would not be appropriate. Mr. Smedley commented that it wouldn't be applied and that is what we are trying to say in that sentence. Mr. Dias commented that was ambiguous and that the language says if it's near the arterial and feels it should be specific in that if it goes to the arterials then this doesn't apply. Mr. Smedley noted that they will clarify that in the description.

Staff summarized and the workgroup circled back to the PUD discussion in the Arterial Edge. Mr. Martin asked if staff could clarify and give an overview of what that would mean. Mr. Smedley gave an overview of PUDs noting that it comes with a slight density bonus if you do extra things such as a pocket park or design standards,

and as staff could be something that staff feels developers would want along an arterial edge and yet they would still have to comply with the 10,000 sqft lot requirement. Mr. Martin asked if that would create a higher density. Mr. Chestnut commented that it would not create a higher density. Mr. Smedley commented that if you had a PUD then you a higher density nearer the arterial facing the Rural Low Residential without it, it would be the normal R-D and R-1. The workgroup took a straw vote on accepting the language that PUD's are not appropriate in Low Residential/Office (Arterial Edge) and supported the motion 8-4. The workgroup went back to Mr. Dias discussion on RNP language near an arterial or up to an arterial. Mr. Dias offered language on the last sentence as follows: "If an arterial goes through the middle of an RLR area or if the RNP goes to the existing arterial the use of this category is not allowed".

Mr. Bermudez offered the following language, "It also only applies where Rural Low Residential use is near an arterial on the exterior perimeter of an RLR, if an arterial goes through the middle of an RLR area or if the RNP goes to the edge of an arterial the use of this category is not allowed". Mr. Chestnut felt the language reads that it is not allowed anywhere and that it has to be made a separate sentence because the way that reads is you can't use it at all. Staff reworked the language to read: "It also only applies where Rural Low Residential Use is near an arterial on the exterior perimeter of an RLR area; if an arterial goes through the middle of an RLR area the use of this category is not allowed. If the RLR goes to the edge of an arterial the use of this category is not allowed. Staff summarized the new language and asked the group if there were any further question or comments. Mr. Dias asked a point of clarification by using the RLR, so your saying that it's not just the RNP that goes to the arterial, it's R-U, R-A, or R-E goes to the arterial it would not be allowed is what you're saying. Mr. Smedley commented that where that land use designation applies like along in Sunrise it would apply Charleston where you could not apply this edge treatment. Mr. Dingell asked if he was reading this correctly because it basically removes the edge treatment from the RLR area. Mr. Smedley commented that it doesn't and it would only remove it if you read the first part of that, "It also only applies where Rural Low Residential Use is near an arterial on the exterior perimeter of an RLR area, if an arterial goes through the middle of an RLR area, so for example in Enterprise we have Durango, we don't want this treatment applied along there, so if the arterial goes through the middle of RLR area the use of this category is not allowed or if the RLR goes to the edge of the arterial the use of this category is not allowed. Mr. Smedley continued so we have places where we have a current RNP that goes to the edge of an arterial we're saying leave it the same density don't do other things there. Staff asked Mr. Dias if this language was acceptable to vote it up or down to which he agreed the way it is worded. Mr. Diffley asked if RLR mutes RE in RNP and that he still reads it if the RLR which could be RE if it goes to the edge of the arterial, Mr. Diffley is still interpreting that it would get rid of the edge altogether. Mr. Smedley commented that Mr. Diffley might be confusing the zoning with the land use designation so were not talking about zoning we are talking about the land use designation so we currently have an RNP that goes along an arterial we are saying this tool would not be able to applied there we would leave it as is but we have a number of place where we don't have the RNP going to the edge of an arterial and we have office professional or some other use that we are trying to address through this whole thing is what where trying to address that this category would apply in those instances. Mr. Smedley commented that when this is taken to the DA he is pretty sure he will say, why didn't you say it this way or that so it is clearer and so the wording may end up changing but that's the intent and that's how we would portray it to him. Mr. Celeste commented that the way he still reads it that you got rid of the arterial edge or the RLR.

Mr. Martin commented that would it go back to the original intent of this section. Mr. Celeste asked if staff was envisioning this section Arterial Edge being places adjacent to an RNP, this would now be your new arterial edge because it's not an RLR it wouldn't have not impact on those. Mr. Spencer asked to clarify that it appeared that this was a mechanism perhaps give new life to an area that was in transition, stating that was his gut take on it with new traffic patterns, heavier traffic patterns along arterials, existing estate homes that are being abandoned, Mr. Spencer was thinking that this was the mechanism to do that. Mr. Smedley comment that this was for the last ten years, the first time the County really addressed the edges of the RNP office professional was broadly applied and that's kind of stuck so we actually have thousands of acres of office

professional that never developed so essentially we created areas around the valley that you can do something on that but you really can't because they won't support those services and so this was, the whole edge treatment, was to address those areas. Mr. Smedley continued that where we actually have in Winchester/Paradise, northern part of Spring Valley where we have homes that face an arterial and that area is transitioning those areas are already planned office professional where they can transition to the CRT zoning. Mr. Spencer noted that he is looking at it from additional options RV and R1 because there isn't enough demand for all of that office where we are saying this doesn't apply seems to gut the whole purpose of this whole category.

Mr. Smedley noted that if the County were going through the land use plans and if Winchester/Paradise Town boards felt like this might be a good option where we have that office professional or have some homes that are deep enough that we could do that then that could be possibly applied, however Mr. Smedley can't think of an example where we have a current RNP that abuts those homes in Winchester/Paradise, there are some example that in northern Spring Valley where that exists where we have an RNP and homes facing Desert Inn and if through the update process this could be applied through that if the TAB and property owners felt like that or it could be to say no we have already established this pattern of building the conversion to office professional and that it's really not deep and let's say 180' deep not 330' or 660' deep so we don't want to apply that there. The workgroup after a long discussion took a straw poll on whether to support the new language as proposed by Mr. Dias. The group voted 6-5 in favor but Ms. Kilarski commented that she needed clarification before she cast her vote. Mr. Martin also noted that he was also confused and that the higher density of areas such as Winchester/Paradise is not a very good example and offered that Durango headed south from Windmill would be a better example. Mr. Celeste commented to Mr. Kilarski that as he understands it if you're on Durango with an existing RNP overlay right up to Durango right now. Ms. Kilarski asked if it was the same as Charleston in Sunrise because she is more familiar with that area and visualizes that. Mr. Celeste noted it's the same and used Charleston in Sunrise as an example and noted the arterial edge is not going to be eligible for any of those uses in the Arterial Edge category cannot apply for. Mr. Smedley commented that we would not apply that category in the update. Mr. Celeste also noted that Sunrise might not be a good example noting that a previous planning commissioner wanted to create a 330' buffer and in that case that office on Charleston would ideally be replaced by the arterial edge as master planned so you can still do your office and have the two additional RD or R1 residential on top of it. Ms. Kilarski noted that there would be not flexibility if somebody wants to build something other than an office. Mr. Smedley commented that if there's residential where it is currently office 330' around that edge and if this were applied they could do R-D, R-1, CRT and C-P it would allow that flexibility. Staff asked Mr. Dias and others to comment on what Mr. Celeste commented on. Mr. Dias commented that what Mr. Celeste said was correct, and his concern was Charleston and Bonanza and Owens and Washington and all of the rest. Ms. Kilarski noted as a Planning Commissioner those were not only the area she was concerned with. Mr. Dias noted that if you have got an existing no-man's land that was planned at that point by the developer and you've got that buffering around the outside Mr. Dias could see that applying to that arterial edge because it would give that flexibility of so many years of not being developed as office professional then some other flexibility seems reasonable. Ms. Kilarski commented that it's also what she is concerned about to make sure we have that flexibility and cast her vote in favor or the new language bringing the vote to 7-5.

The workgroup circled back to the suggestion Mr. Chestnut offered starting by Light Manufacturing, Manufacturing and Employment Center that a sentence be added to each category signifying that resident uses are not appropriate in these categories. Mr. Dingell suggested that the words "as a primary use" be added to the sentence because you could have night watchmen, storage or security with temporary residential. Mr. Getter asked why not add this sentence to Public Facilities category as well. Mr. Smedley noted that they could be does not foresee any government agency developing residential or apartment in our parks. Mr. Getter noted that we do have instances where a little chunk of land is right in the middle of public facilities. Mr. Smedley noted that the County couldn't preclude them from developing and isn't aware of any residential development by a

public agency. Mr. Getter noted he understand and we talk about what we think should be done and that we have that happening right now in what's supposed to be the Southwest Park. Staff commented that those are private parcels not on public land. Mr. Dingell commented that it was a mistake to put public facility on them because they told someone they would have to be public facility when they were privately held. Staff clarified in the zoning code that residential is not a permitted use and that Public Facilities is very different then the three categories suggested for additional language, and as a primary use residential is not permitted so all three of those statements do reinforce what the code says now. Mr. Getter noted that in his case they have 370 acres and 2.5 acres in the middle of it. Mr. Smedley commented that the County does not plan private land for public facilities. Mr. Chestnut offered that based upon our discussion of public facilities, we were talking about public facilities being applied to specific plots of land as the need arose it would not be a general, so if we already have got a park planned there that would be a public facility so Mr. Chestnut is not sure the residential component is appropriate as were looking at it. Mr. Getter indicated he did not understand what Mr. Chestnut said.

Mr. Chestnut noted that the park that is there, what the County obtained for a park would be labeled as a public facility, outside of that would be some other land use and we would not be painting public facility on a map unless there was a specific government use for it in the future. Mr. Getter noted that it strikes him that residential as a primary use also would fit a fire house and they are considered public facility. Mr. Chestnut commented that in those cases those 2.5 acres for a fire house would be considered public facility and around it is residential. The workgroup took a straw poll and voted unanimously on the new language as mentioned above from Mr. Chestnut for the light manufacturing, manufacturing and employment. The workgroup took a straw poll with regards to Public Facilities to add the same language as was added to light manufacturing, manufacturing and employment. The workgroup supported adding in language in a 9-2 vote. Mr. Chestnut brought up one more item for consideration in the Resort, Community & Regional Activity Center categories is to add a sentence "detached single family residential uses are not appropriate as a primary use", Mr. Chestnuts thought is that these are all thought to be high density, go up vertically and there has been a few cases where we've got individual residential in the middle of this and it's not good. Ms. Walliser commented hold on we have high roller mansions in the middle of these and that there is a couple of these. Ms. Walliser knows by watching TV that there is one big casino that has high roller mansion built either on the edge and is specifically built for their high rollers. Mr. Martin commented that there are the Villas at the MGM, but in reality no one is going to build a single family house in these Resort areas and it's completely a non-functional use of the land and everything. Mr. Celeste commented that he doesn't think the Villas at the MGM are classified as homes. Mr. Chestnut commented what he is thinking about is we've got a large amount of land from essentially Cactus south between LV Blvd. and I-15 that's undeveloped and no real plans out there and its currently zoned H-1 but on the other side of the street we have had H-1 come in to an R-1 housing development so how much do we want to get it mixed up. Mr. Martin commented with something like that wouldn't you have to get a waiver of standards or something like that. Mr. Chestnut commented that they went through a non-conforming zone change and got it. The workgroup took a straw poll and voted 7-5 to support the new language. Mr. Celeste noted that the only reason why he voted no it that he agrees that no developer is going to build single family housing on Las Vegas Blvd. say north of Russell Road make sense but as you get further south is still an area undefined. Mr. Chestnut commented then staff should re-plan it and make the change and go through the process and re-plan it, but when you've got these on the map let's not change it up for what it is without going through the re-planning process. Mr. Dias asked for a clarification/question regarding the low residential it includes R-D, R-T and R-1 zonings and Mr. Dias believes R-T allows up to 8 units per acre but it's supposed to be in a category that only allows a maximum of 5 units per acre so how do we square that. Mr. Bermudez commented that R-T allows a maximum of 5 units per acre with manufactured homes subdivision, if it's a mobile home park it's up to 8 units per acre, so the way it's worded works, it says low residential maximum of 5 units per acre so that means if you're doing R-T it has to be a subdivision, if you want to do a mobile home park you have to have medium residential because your now going up to 8 units per acre. Mr. Dias commented that believes that's splitting hairs at that point and going to be a huge problem. Mr. Bermudez commented that he doesn't believe its splitting hairs; it's quite clear in the code and very clear how it's applied. Ms. Wilson

commented that a lot of the commissioners are now asking for the 4,000 sqft lots for the R-2 stuff, on some of these, like with the medium residential, how exactly would you do the math to get the 4,000 sqft lot when you're up to 10 units per acre.

Mr. Bermudez commented that the zoning code says that with R-2 you can have 3,200/3,400 (not sure) is the minimum, some commissioners, not all of them, are saying a minimum of 4,000 that's going to lower their density and they are not going to be able to go to the 5 units per acre, they are going to be at 4 units to the acre and Mr. Bermudez is not sure exactly what the math works out to be, but it's going to lower it. Ms. Wilson asked if this will be something that will be changed in like Title 30 and this loops back to my public comment from our last meeting when would we expect the changes for Title 30 to take place that's going to accompany all of this. Mr. Bermudez commented, question number one to the 4,000 sqft, staff has not received direction from the Board to change the code and we will not pursue it until we get that specific direction unless we get it and as far as other changes to the code that will come next sometime year. Ms. Wilson asked if that would take place in January. Mr. Bermudez commented no it would not happen that soon and this would have to be in place prior to before the first set of plans before these are implemented, so we have Sunrise Manor, Winchester/Paradise, and Laughlin that are on hold, those would be the first three to go through these categories, so prior to the adoption of the first one of those three, Title 30 would have to be changed, whatever those change would be. Mr. Dias asked a question regarding again the number of units because Medium Residential your saying up to 10 units per acre and the R-T and the R-2 are only supposed to be up to 8 units to the acre, how did we get up to 10? Mr. Bermudez commented that R-2 with PUD allows up to 10. Mr. Dias noted that it says here staff looked at the R-2 zoning which has a maximum of 8 units per acre in the minutes. Mr. Smedley commented, right so that not an R-2 PUD, so we actually looked at all the zone changes and Mr. Smedley noted that in all of his looking he did not find request for a PUD, so it's a rare item because code allows up 10. Mr. Chestnut commented in the Medium Residential a maximum of 10 dwelling units with PUD? Mr. Doerr commented that it's the same argument that we had in Low Residential with the R-T, we should just change it to 8 because code allows 10. Mr. Chestnut commented with an R-2 its 8 and with an R-2 PUD its 10. Mr. Bermudez commented that it's basically the same language what we have today and how the categories and zoning densities fit with one another. Mr. Dingell commented that the way Pesinki used to have it, he used to have the asterisk and had it below because someone is going to call up and say what is Residential Medium allow and someone is going to say 10 and then there just going to hang up the phone and believe they have 10 units to the acre. The workgroup agreed and supported unanimously to change language from 10 units to the acre to 8 units to the acre to avoid confusion.

6. Land Use Goals. Mr. TerBerg walked the workgroup through the drafted document and noted that the workgroup requested that staff change the order to get them more in line with the land uses and noting that the wording has not changed. Ms. Kilarski commented that she thought Goal 4 would fit better then Goal 2 in the section. Staff noted that 1-4 goals are General goals. The workgroup supported the revised document as presented.

7. Public Comment. Mr. Dingell asked if this was the last meeting. Mr. Bermudez commented he would answer that question last. Mr. Chestnut commented when the changes get made from the stuff tonight please send it out to us because we have put it on our agenda item as a TAB and he would like the rest of his TAB members to have what is current and when they get the red-line through the staff and legal they would like to see it too as soon as possible. Mr. Bermudez commented that would just address these comments and questions now and that he was going to address that maybe what he says will address the general questions, or respond to some comments. Mr. Bermudez commented that the County's DA Rob Warhola and Nancy will review it but will take their redline comments and get them to you so you can see exactly what the changes are, we will give that to you as soon as we can so that will give you about a month to put it on your TAB agendas for everyone to review. Mr. Bermudez commented that they will actually give it to the secretaries so the secretaries can give it out to the TAB members, from there probably about a month after that, after TAB have looked at it we will go to the Planning Commission and of course the Planning Commissioner will have it in plenty of time, Planning

Commissioners will have probably more time than the TAB's. Ms. Kilarski asked if it will include TAB comments. Mr. Bermudez commented that it will have their comments and then a month after that staff will go to the Board for their review and see what happens. Ms. Wilson commented with that being said the comments coming out of the town boards and the planning commission are they going to be reviewed and changed or everything from this point on, what we're looking at now is going to end up at the BCC. Mr. Bermudez commented that what he anticipates is that with the town board comments; we are not going to make any changes that go to the Planning Commission because we are going to have 7 town boards and they can all conflict but all of those comments will be forwarded to Planning Commission so they can sift through it and make the determination and all of the town board comment and planning commission comments, they will be forwarded up to the Board and what the Board will see is what comes out of the Planning Commission, again they will see all of the comments. Ms. Wilson asked prior to the meeting or is this all going to be dumped on their lap at a BCC meeting, so they are going to have plenty of time to review this. Mr. Bermudez commented that yes they would have plenty of time to review it at least a month minimum because we will give it to them and stuff like this that they have to digest we don't give it to them two days prior to the meeting, we normally give them three to four weeks prior to the meeting to look at it. Mr. Wilson commented and again Title 30 revisions will be done prior if they choose to vote on this will be changed prior this going into effect. Mr. Bermudez commented that staff will look at which changes will be necessary and yes. Ms. Kilarski asked if it is fair to say that the Board probably won't see this until May. Mr. Bermudez did not think it would be that far out possibly around March or April. Ms. Kilarski noted that she thought realistically May and with management review and the holidays to realistically plan a date.

Mr. Dias commented "I would like to pass out to everyone a head to head comparison of the current categories versus the proposed categories so that everyone can see just on two pages what's existing and what your proposing and what you call wrapped together into the newer categories and I think originally when this committee was put together you told us that our goals were to reduce the non-conforming zone changes, to reduce the number categories, and to reduce single use categories. And I think on all three issues this committee failed because in actuality to reduce the number of zone changes, the fact is in 2014 there were only 13 non-conforming zone changes in the County, and in 2015 there has only been 16 non-conforming zone changes so far, so for one to one and half approximately non-conforming zone changes per month over the past two years to me in a valley this size is inconsequential, it's a non-issue really, so that why I don't think we've done that. And this reduce the number of categories, originally or currently we have 18 categories and your proposing 15 so what you've done is tremendously reduced the number of residential categories and increased the number of commercial categories so it's virtually a wash your only reducing it by three which really doesn't make a whole lot of sense and again for the committee to spend a whole lot of time on this and to reduce a single use categories to begin with from what I have seen in my studies here that the current categories there very few single use categories and in the proposed its virtually the same so we failed on that. And I still have a huge problem in what's going on, and I think if you're trying, on the second page you've got three new commercial categories and if you wanted to try to add those in to give you more flexibility and if you were honest and out front and just said that to begin with I think we could accept that a lot more than this whole rigmarole that we've been put through and giving us directions when it's not really necessary and once again I think this committee is being used and I'm walking out of this committee with the same feeling as I did from the first half and I don't know about the rest of the people but that's my personal view on this and I think it stinks".

8. Adjournment. The meeting was adjourned at 8:10 p.m. Motion made by Mr. Dingell and second by Mr. Celeste.

Respectfully submitted,

Michael Popp, Senior Management Analyst

Date