

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
JULY 12, 2023**

Chairwoman Jenni McCullar called the meeting to order at 05:00 AM at Fernley City Hall, 595 Silver Lace Blvd., Fernley, NV 89408.

1. INTRODUCTORY ITEMS

1.1. Roll Call

Present: Chairwoman Jenni McCullar, Vice Chair Angela Lewis, Commissioner Jan Hodges, Commissioner Humayoon Lodhi, Commissioner Barry Williams Sr., Commissioner Shellie Severa (Zoom), Commissioner Cody Wagner, Senior Planner Shay League, Assistant Planner Lisa Warner, Planning Director Michele Rambo, City Attorney Aaron Mouritsen, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, Public Works Director Barry Williams, Deputy City Manager Lydia Altick

1.2. Public Forum

None at this time.

1.3. (For Possible Action) Approval of Agenda

Motion: MOVE TO APPROVE AGENDA **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi

1.4. (Possible Action) Approval of Minutes

Motion: MOVE TO APPROVE MINUTES FROM THE JUNE 14, 2023 MEETING. **Action:** Approved. **Moved by:** Vice-Chair Angela Lewis, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Vice-Chair Lewis, Commissioner Hodges, Commissioner Severa, Commissioner Williams, Commissioner Wagner, Chairwoman McCullar, Commissioner Lodhi.

2. PUBLIC HEARINGS

2.1. (For Possible Action) Request for continuation of public hearing for T1V23001 regarding the vacation of a right-of-way on Serenity Circle within Skyridge Estates II.

Senior Planner Shay League presented that Denson Surveying submitted this application on behalf of Genica Skyridge Estates LLC. They are asking to abandon an easement that does not follow the road as it was constructed. Following that, they will work with the Engineering Department to re-dedicate a correct easement to the City of Fernley. The Planning Staff is still awaiting review by our contract surveyor and requires more time to bring this forward to the Planning Commission. Staff anticipates this item will be ready for the August 9, 2023 meeting.

No public comment

Motion: MOVE TO CONTINUE THE PUBLIC HEARING FOR T1V23001 UNTIL THE AUGUST 9,

2023 PLANNING COMMISSION MEETING. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Jan Hodges. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

2.2. (For Possible Action) Request for continuation of public hearings for MPA23001, ZMA23001, and CUP23005 related to the development of a personal storage facility and future neighborhood commercial on APN: 021-301-35, which is generally located south of Farm District Road, west of Desert Lakes Drive, and east of Donna Way.

Senior Planner Shay Leaguer reported that Christy Corporation submitted a master-plan amendment, zoning map amendment, and conditional use permit on behalf of Nev Dev to allow construction of a self-storage facility at the rear of this parcel. They intend to reserve the front of the parcel for future neighborhood-style commercial development to serve the nearby Desert Lakes housing subdivision. The Planning Staff is awaiting approval of suggested conditions for the conditional use permit. Staff anticipates this item will be ready for the August 9, 2023, Planning Commission meeting.

No Public comment

Motion: MOVE TO CONTINUE THE PUBLIC HEARINGS FOR MPA23001, ZMA23001, AND CUP23005 UNTIL THE AUGUST 9, 2023 PLANNING COMMISSION MEETING. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Barry Williams. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Lodhi, Chairwoman McCullar, Commissioner Williams, Vice-Chair Lewis, Commissioner Hodges, Commissioner Wagner, Commissioner Severa.

2.3. (For Possible Action) CUP22001-EOT, Extension of Time for a Conditional Use Permit Consideration and possible action on an extension of time request (CUP22001-EOT) from Phelps Engineering Services to grant a one-year extension on a Conditional Use Permit for a 276-unit multi-family residential apartment complex development on a site ±9.52-acres located within the SMU (Suburban Mixed Use) zoning district. The project site is located at approximately 600 West Main Street (APN: 021-071-03).

Assistant Planner Lisa Warner presented that the conditional use permit (CUP22001) application was approved by the Planning Commission on May 1, 2022, to allow a 9.52-acre portion of the 28.42-acre parcel to be developed into a 276-unit multi-family residential apartment complex. The application requested a one-year extension for the Conditional Use Permit (CUP220001) on May 8, 2023. The applicant is currently pursuing the permitted use and has submitted the Hydrologic Conditional Letter of Map Revision to both FEMA and the City of Fernley with the intent of submitting a grading permit application and the civil improvement plan application within the next 30-60 days. The applicant is requesting that the Planning Commission grant a one-year extension for this project. The extension would provide the applicant with some additional time to ensure that the project details, as well as the project's Conditions of Approval can be adequately addressed. Should an extension be granted, the project approval expiration date will be extended to May 11, 2024, and no additional extensions shall be granted.

Commissioner Wagner asked for clarification that the extension is only for the 267-multi-family project. Also asked for clarification on the traffic conditions. City Attorney Aaron Mouritsen stated that if the commission chooses he can do some research and can come back with an answer pertaining to the traffic conditions.

No Public input

Motion: MOVE TO CONTINUE THIS ITEM TO NEXT MEETING TO GIVE LEGAL A CHANCE TO REVIEW THIS AND GIVE THE DEVELOPER A CHANCE TO ANSWER QUESTIONS. **Action:** , **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Williams, Commissioner Hodges, Commissioner Severa, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

2.4. Consideration and possible action on Major Deviation 23001 submitted by D.R. Horton to allow the reduction of the lot sizes of APNs 022-471-01, 022-471-02, and 022-471-03.

Planning Director Michele Rambo presented that the applicant is requesting a Major Deviation to reduce three lots in the Ponderosa subdivision from the minimum required lot size within the SF20 zoning district. Instead of the required 20,000 square feet, the lots would range from 13,875 square feet to 14,444 square feet. This reduced lot size would be created to accommodate the stormwater retention pond and associated infrastructure that the applicant will be reconstructing. The stormwater retention pond was constructed when the subdivision was initially developed in 2006. However, this retention pond is located across the backyards of the three subject parcels. No easements or maintenance responsibility was provided for the retention pond, leaving it the responsibility of the individual homeowners. Since it was built, no maintenance has occurred and the pond has deteriorated. The reconstruction of the stormwater retention pond that results from the reduction in lot size will also have positive impacts to the neighborhood as a whole, including the parcels to the west which are outside of the Ponderosa subdivision. The new retention pond will be much larger in capacity and will be consistently maintained, resulting in a much better handling of stormwater to include less risk of flooding. Reducing the size of three lots may potentially benefit hundreds of residents, in allowing all of the homeowners to enjoy the safer use of their property.

Public Comment:

David Bernstein, Fernley resident, expressed concern about his access to the irrigation gate.

Derek Kirkland gave a presentation on the three parcels and the clean-up on the retention pond. This is to put the retention pond into its own parcel and establish easements for access. They have met with the City of Fernley and TCID and there were no comments regarding impact on any existing easements.

Vice-Chair Lewis questioned how the resident who gave public comment (David Bernstein) was going to access his irrigation.

Evan Nifir stated that the access easement that Mr. Bernstein is referring to must be on his land. There are no TDIC easements on these three parcels.

Senior Planner League confirmed that TCID did not have public comment. It is her understanding that there are no existing easements recorded on this property.

Motion: MOVE TO APPROVE THE MAJOR DEVIATION 23001 BASED ON THE FINDINGS AND FACTS AS SET FORTH IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Vice-Chair Angela Lewis. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Commissioner Hodges, Commissioner Severa, Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

2.5. (For Possible Action) Tentative Subdivision Map application (TSM23001) from Wood Rodgers on behalf of Clements Ranching LLC to create 241 single-family detached lots on a site ±72.54 acres in size and generally located north of Farm District Road at the intersection of Clearwater Parkway

(APN: 021-341-18).

Senior Planner Shay League presented that the applicant is requesting 241 single-family lots which vary in size from 6,000 - 42,855 square feet. The larger lots are located at the perimeters of the project to provide buffering for neighboring properties from denser development. The developer had previously applied for a master plan amendment, zoning map amendment, and development agreement. City Council unanimously approved all three (MPA2203 / ZMA22008 / DA22003) on December 21, 2022. As a result, the master planned land use for this tentative subdivision map is Single Family Residential (SFR) and the zone is Residential - Single Family, 6,000 square foot minimum lot size (SF6). DA 22003 limits home sizes and lot types adjacent to neighboring parcels. This was negotiated between the developer and the City of Fernley to address adjacency issues that arise when a single-family neighborhood is constructed on formerly rural land. Analysis of approval criteria TM1 through TM11 was reviewed and staff recommended the approval of the tentative subdivision map. Staff will negotiate the park issue before it is brought to council.

No public input

Derek Kirkland, Wood Rodgers, representing the Clements family gave a presentation reviewing the conditions. In regards to condition 14, the Park, the city staff had originally written the condition was that the maintenance association shall be responsible for maintaining the park and playing field. The original proposal was for a 2 acre park and they are looking at building a 3 acre park. The plan is to use the RTC funding that was collected in development to build that park. When talking about the playing fields, there are many factors that come into play. One is the Maintenance Association has no authority to lease that field to anybody. They don't have the capabilities to manage sporting events on the field, which the city does. If the city is managing those fields, they are collecting fees that help with the maintenance, so the maintenance association would have no way of recouping those costs for the entire city using this area. They have offered that if the city staff is short on resources for park maintenance crews, we can have the landscape maintenance association take over maintenance of the whole thing, but have some sort of agreement in place that says the city will own and operate the field and will pay back a portion of the cost to maintain it, because the city is collecting fees and the park used by the entire city and not just Clements Ranch.

Commissioner Wagner asked if there was any plan to work with NDOT on Farm District Road regarding a pedestrian crossing to get to Autumn Winds. He understands that there will be ongoing issues with maintenance of the playing field. He believes the city should consider investing more in that field in the beginning and possibly doing some artificial turf where the long-term maintenance costs are decreased in the relationship between the City and HOA maintenance. He would also like to see a connection between this neighborhood and Silverland school without having to get on Farm District Road or US 50. Derek Kirkland stated that there is a condition that requires them to work with NDOT to put in a crossing with flashing beacons.

Commissioner Hodges stated concern about the flood plane. Derek Kirkland stated that there is a retention basin on the top. They are looking to add another retention below the flat field.

Chairwoman McCullar expressed traffic concerns on Farm District Road. Derek Kirkland stated that the project is being phased North to South making the connection to US 50 on day one so they don't end up with a traffic issue on Farm District Road.

Commissioner Lodhi asked about light at Red Rock Road and US 50. Derek Kirkland stated that NDOT stated that it does not warrant a light.

Motion: MOVE TO RECOMMEND CITY COUNCIL APPROVE THE TENTATIVE SUBDIVISION

MAP FOR CLEMENTS RANCH ASSOCIATED WITH TSM23001 BASED ON APPROVAL CRITERIA TM1 THROUGH TM11 AND THE FACTS SUPPORTING THOSE CRITERIA SET FORTH IN THE STAFF REPORT. IN ADDITION, PRIOR TO CITY COUNCIL CONSIDERATION THE PARK ISSUE SHALL BE RESOLVED TO THE SATISFACTION OF THE ADMINISTRATOR, CITY ENGINEER, PUBLIC WORKS DIRECTOR, CITY ATTORNEY AND FINANCE DIRECTOR, AND CONDITIONS 10 AND 20 SHALL BE OPENED FOR AMENDMENT TO THE CITY'S SATISFACTION.

Action: Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 6, No 1. **Yes:** Commissioner Williams, Commissioner Hodges, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, **No:** Commissioner Severa.

3. CHAIR AND COMMISSION ITEMS

None at this time.

4. PLANNING DIRECTOR ITEMS

Planning Director Michele Rambo announced that Barry Williams had been promoted to Public Works Director. She also stated that an RFP was posted on Monday for the North Fernley area plan. The closing date is the end of July. The next meeting will have a couple of items: a new amendment to the plan development code, and a discussion on tiny homes. There is a new section in NRS that requires that each jurisdiction to have an ordinance dealing with tiny homes in place by January 1, 2024.

Senior Planner Shay League announced that the city staff is negotiating with NDOT to get light at the Pilot intersection. A letter was received from NDOT and they are open to discussing a light there but they cannot confirm that they will require it because they need more data to suggest that.

5. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time.

6. PUBLIC FORUM

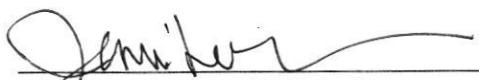
None at this time.

7. ADJOURNMENT

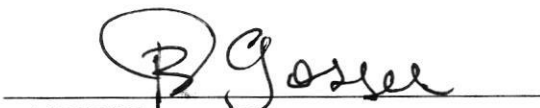
There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 6:42 PM.

Approved by the Fernley Planning Commission on August 9, 2023 by a vote of:

AYES 4 NAYS: 0 ABSTENTIONS: 0 ABSENT: 3



Chairwoman Jenni McCullar


ATTEST: