

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
OCTOBER 11, 2023**

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

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Chairwoman Jenni McCullar, Vice-Chair Angela Lewis, Commissioner Humayoon Lodhi, Commissioner Barry Williams, Sr., Commissioner Cody Wagner, City Attorney Aaron Mouritsen, City Manager Benjamin Marchant, Deputy City Manager Lydia Altick, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, Planning Director Michele Rambo, Senior Planner Shay League, City Engineer Derek Starkey **Absent:** Commissioner Shellie Severa.

1.3. Public Forum

Mayor Neal E. McIntyre stated that the city is in the process of interviewing three candidates for the open position on the Planning Commission. The final applicants should be going before the Council next week.

1.4. (For Possible Action) Approval of Agenda

Motion: MOVE TO APPROVE TONIGHTS AGENDA. **Action:** Approved. **Moved by:** Commissioner Wagner, **Seconded by:** Vice-Chair Lewis. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

1.5. (Possible Action) Approval of Minutes

Motion: MOVE TO APPROVE THE MINUTES OF SEPTEMBER 13, 2023. **Action:** Approved. **Moved by:** Commissioner Wagner, **Seconded by:** Commissioner Williams. **Vote:** Passed, **Summary:** Yes. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

2. STAFF REPORTS

2.1. (For Possible Action) Discussion and possible action regarding City of Fernley Planning Commission Bylaws, last revised January 13, 2016.

Senior Planner League presented that the current governing document for this body is "City of Fernley Planning Commission By-laws, Adopted 11/14/2001, Revised 01/16/2016". After difficulty with the officer election process at the beginning of the year, staff determined the bylaws need to be updated. During the bylaw review process, Council requested staff clarify the issue of residency on boards that report to Council. With the Mayor's support, the new draft of bylaws incorporates Nevada Revised Statutes (NRS) 268.120, which allows up to two members of the Planning Commission to be non-residents. As recommended by the City Attorney's office, the staff has also included the definition of "resident" found in NRS 281.050 (which pertains to election law) for the purpose of Planning Commission appointments. Other concerns that arose during the bylaw review process are the onboarding process for

new Commissioners and the current status of Planning Commissioner as an uncompensated entirely volunteer role. Planning Staff is working on an item to put before City Council to gain approval for a stipend in recognition of the value this body contributes to the City of Fernley. If approved, such compensation would begin at the beginning of fiscal year 2024/2025, which begins July 1, 2024.

Commissioner Cody Wagner thanked the staff for bringing this forward.

Chairwoman McCullar stated that she appreciates the inclusion of the stipend.

Motion: I MOVE TO ADOPT RESOLUTION #23-014 TO AMEND THE PLANNING COMMISSION BYLAWS AND ADOPT THE RULES OF PROCEDURE AS PRESENTED BY STAFF; I FURTHER MOVE TO REQUEST CITY COUNCIL ADOPT THIS ITEM AS A JOINT RESOLUTION. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

3. GENERAL BUSINESS

3.1. Presentation from Devin Moore of Kimley Horn regarding City of Fernley Transportation Master Plan, adopted by City Council July 1, 2020.

Devin Moore gave an update on the City of Fernley Transportation Master Plan, adopted by City Council on July 1, 2020. The City of Fernley Transportation Master Plan (TMP) has been prepared to reflect the City's growth, changing trends in transportation and the surrounding area, and the corresponding existing and future transportation needs in Fernley. The city's transportation network includes both existing and future roadways, parking, transit, bicycle, and pedestrian facilities. This TMP reviews and analyzes the existing and future conditions of the city's multimodal transportation network and recommends enhancements to the transportation system. The TMP recommends that the City of Fernley and surrounding jurisdictions continue to collect and store transportation-related data to support strategic decision-making. Continued data collection will inform the development of a City travel demand model (TDM). As part of this TMP, and in anticipation of a TDM for the City, a simple travel demand/transportation network model was created for Fernley. This model allows the City to track development impacts on the transportation system and to project future transportation needs.

Commissioner Cody Wagner thanked Mr. Moore for the review. When considering adopting Farm District Road, it seems that it would have some negative financial implications for the City.

3.2. Training

Planning Director Michele Rambo presented "Land Use Policy Could Help Solve the American West's Water Crisis" by Patrick Sisson. Planners explore innovative solutions to the water crisis.

4. PUBLIC HEARINGS

4.1. (For Possible Action) Consideration and possible action to recommend that the City Council adopt Bill #335, an Ordinance to repeal and replace Section 32.06.140 (Planned Development) of the City of Fernley Development Code.

Planning Director Michele Rambo stated that the Planned Development section of the City Code was last amended in 2020. Since that amendment, the interest in Planned Developments throughout the City of

Fernley has grown. The current Planned Development section is aimed at residential developments and does not include information on application requirements or an approval process. The proposed amendment has been written to not only include the missing processing information, but also to make it more applicable to non-residential development.

There was no public input.

Motion: I MOVE TO RECOMMEND THAT THE CITY COUNCIL APPROVE BILL #335 AMENDING SECTION 32.06.140 (PLANNED DEVELOPMENT) TO THE CITY OF FERNLEY DEVELOPMENT CODE AS PRESENTED BASED ON THE FINDINGS OUTLINE IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 5. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

4.2. (For Possible Action) Discussion and possible action on an annexation application (ANX23001) submitted by Summit Engineering on behalf of Lansing Companies regarding a request to annex a ±155.60-acre parcel generally located west of Duffy Drive, east of Truck Inn Way, and northwest of Nevada Pacific Parkway at Interstate 80 (APN: 021-581-07) into the City of Fernley.

Senior Planner League presented this item. This parcel is contiguous to the existing City boundaries. After annexation, the developer hopes to receive further approvals to rezone this property to Industrial and pursue construction of a project with the working name "Nevada Pacific Industrial Center". If the City of Fernley converts Lyon County's RR5 zone to GR20 through the annexation process, the property will conform with our master-planned land use of General Rural. The staff prefers, and our code supports, preventing development on this parcel (if annexed) until the area plan process determines whether a new master planned land use will be more appropriate for this parcel than the current one. Given the parcel's location along the I-80 corridor, it's likely our area plan process will determine that a more intensive use (such as Commercial or Industrial) is appropriate; however, staff would like to ensure that we conduct our due diligence before approving any sort of development in the North Fernley Future Development area.

There was no public input.

Motion: I MOVE TO ADOPT THE FINDINGS RELATED TO CONSIDERATIONS OF APPROVAL AX1 THROUGH AX4 AS PRESENTED IN THE STAFF REPORT AND RECOMMEND COUNCIL ADOPT A RESOLUTION TO ANNEX APN: 021-581-07 INTO CITY OF FERNLEY, CONVERT THE ZONING OF SAID PARCEL FROM RR5 TO GR20, AND PROHIBIT DEVELOPMENT ON THIS PARCEL UNTIL THE NORTH FERNLEY AREA PLAN IS COMPLETE. **Action:** Approved. **Moved by:** Commissioner Humayoon Lodhi, **Seconded by:** Commissioner Cody Wagner. **Vote:** Passed, **Summary:** YES 5. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi.

4.3. (For possible action) Discussion and possible action on a Conditional Use Permit application (CUP23006) submitted by City of Fernley in relation to the planned Community Response and Resource Center (known as the CRRC) to allow a building height maximum greater than 30 feet and to permit "Public Event Space" as a conditional use in the Public Facility (PF) zone at approximately 675 and 695 East Main Street (APNs: 021-103-18 and 021-103-57).

Senior Planner Shay League stated that this is associated with the first phase of the CRRC. The CRRC itself does not need a conditional use permit; however, the center does need a permit to have a building 40' high (as currently designed). The property also requires a conditional use permit in order for the grounds to be used as a public event space. The impact staff identified regarding building height is the possibility of reduced privacy for the surrounding single-family neighborhood. This item did not need to be conditioned, because TSK Architects directly addressed this issue through their design process. On the eastern and western facades of the building, the windows located on the taller portion of the structure are at the very top of a one-story area. These windows are meant to allow natural light to enter the facility without providing a view that looks out at the neighborhood from above. The staff is satisfied that the windows as designed will not reduce the privacy of the surrounding residential neighbors. To ensure that deviation from the one-story elevation provided does not occur without Planning Commission input and a public hearing, staff conditioned buildings greater than 30 feet tall to be single-story only. Should the City of Fernley decide in the future to build a two-story or three-story building taller than the 30' allowed in this zone, they would need to apply for a conditional use permit amendment. To be clear, only a single story is intended. However, staff included an extra protection because our citizens are often concerned about maintaining privacy when situated next to taller buildings. The primary impact staff identified regarding the requested use of a public event space is noise. To address the noise issue, staff has conditioned this project to cease all noise generating activity (such as use of public address systems) by 10 PM and end all events by 11 PM. Staff also expects neighbors to be concerned regarding parking and traffic. This item has been conditioned to make improvements to Lois Lane. The project design team has also opted to include many more parking spaces than our code requires.

Commissioner Cody Wagner disclosed that he has been involved with this project for the better part of six years, he will be abstaining from the vote but it has his full support.

Public Input:

James W Roberts, Fernley City resident, stated that is a great idea and planned very well.

Motion: I MOVE TO APPROVE THE CONDITIONAL USE PERMIT ASSOCIATED WITH CUP23006, SUBJECT TO CONDITIONS OF APPROVAL 1 THROUGH 21 AS PRESENTED BY STAFF. I FURTHER MOVE TO ADOPT FINDINGS CU1 THROUGH CU6, AND THE FACTS SUPPORTING THESE FINDINGS, AS SET FORTH IN THE STAFF REPORT. **Action:** Approved. **Moved by:** Vice-Chair Angela Lewis, **Seconded by:** Commissioner Barry Williams. Vote: Passed, **Summary:** Yes 4, Abstained 1. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Lodhi, **Abstain:** Commissioner Wagner.

Chairwoman Jenni McCullar called for a break 6:18 pm - 6:23 pm.

4.4. (Possible Action) Consideration and possible action to recommend that the City Council conditionally adopt Bill #338, an Ordinance adopting the Victory Logistics District Planned Development (PD23001), including a Change of Zone from Industrial and General Commercial to Planned Development and a development standards handbook. The Planned Development consists of approximately 2,174 acres generally located south of Interstate 80 and east of Nevada Pacific Parkway (APNs 021-201-01 and -16; 021-211-02, -03, -04, and -06; 021-242-11 and -17; 021-251-25; 021-261-43 and -44).

Planning Director Michele Rambo reported that the property owner, Mark IV Capital, has built several industrial buildings within Fernley near Interstate 80 and Nevada Pacific Parkway. Mark IV Capital has acquired a large part of that area and would like to develop an industrial park. The proposed Planned Development is the first of many steps to make that happen. As part of the proposed Planned Development, a handbook has been developed to standardize development within the industrial park. The ultimate approval of the Planned Development will include both a change in zoning from Industrial and General Commercial to Planned Development and the approval of the associated handbook. Additional approvals will be sought in the coming months for a Development Agreement and a Tentative Subdivision Map. The first phase of Victory Logistics District Planned Development consists of approximately 2,174 acres generally located south of Interstate 80 and east of Nevada Pacific Parkway. The District will consist of mainly industrial uses, but a small amount of commercial is anticipated to be scattered throughout, especially around the Interstate 80/Nevada Pacific Parkway interchange. The existing railroad spur in the southern portion of the development is anticipated to be expanded and used by future buildings. The nature and size of the Victory Logistics District Planned Development creates several challenges with providing public services and utilities as well as accounting for the significant increase in traffic. For instance, Fire Department response times are too long with current systems in place. Therefore, the Fire Department has required that a fire station be built by Mark IV Capital prior to issuing any certificates of occupancy within the Planned Development boundaries. In addition, the sewage treatment plant does not currently have the capacity to handle the amount of waste that a project of this size would generate. A solution to this problem is currently being negotiated as part of the Development Agreement between Mark IV Capital and the City of Fernley. Finally, the existing roads are not adequate to handle the significant increase in traffic, especially truck traffic, that would be generated. The submitted traffic study identifies several needed improvements, including an extension of Nevada Pacific Parkway south to US 50A, to mitigate this issue and take the pressure off of some of the other surrounding streets. The developer is currently working with NDOT and the Union Pacific Railroad to get their approval for the extension, which will be required to be constructed when the number of trips reaches a certain threshold.

City Engineer Derek Starkey stated that there are many factors. There are a lot of big numbers but there is flexibility because it is a long-term build-out.

Fire Chief Jason Nicholl stated that North Lyon Fire has been working with the developer. The fire district is strained and the new development will require another fire station. The ultimate decision and details of which will either be included in the Development Agreement or in some other document.

Developer MarkIV, reviewed the project location; the existing zoning designations; the request for the approval of a Planned Development Handbook for Victory Logistics, changing the zoning from industrial and general commercial to planned development and a development stands handbook; existing site conditions; data center, manufacturing, transload/switching facilities, and commercial; project rail lead line; proposed land use designations; and project fiscal and economic benefits. He also reviewed the requested changes on the conditions of approval.

Public input:

James Roberts, Fernley resident, railroad poses issues with safety of new development and needs fire department.

Motion: I MOVE TO RECOMMEND THAT THE CITY COUNCIL DENY BILL #338 ON THE FOLLOWING GROUNDS OF PUBLIC SAFETY THAT THERE IS NO FIRE STATION OUT THERE AND WHEN THERE IS AN AGREEMENT ON THAT WE WILL RECONSIDER. **Action:** Approved. **Moved by:** Chairwoman Jenni McCullar, **Seconded by:** Vice-Chair Angela Lewis. **Vote:** Passed, **Summary:** Yes 4, No 1. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Lodhi, **No:** Commissioner Wagner.

5. CHAIR AND COMMISSION ITEMS

Chairwoman Jenni McCullar announced that Commissioner Cody Wagner won the Distinguished Service Award. He started the Fernley Community Foundation in 2017 in an effort to improve Fernley and works with Truckee Meadows Boys and Girls club and build a home for their operations.

Commissioner Cody Wagner stated that the transportation plan with NDOT is good to see, they have been pushing for it since Tim Thompson was with the city.

6. PLANNING DIRECTOR ITEMS

Michele Rambo, Planning Director, gave a brief update on the North Area plan and the Southwest Area plan.

7. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time.

8. PUBLIC FORUM

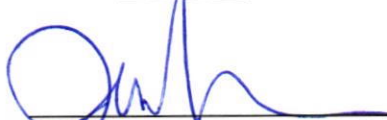
None at this time.

9. ADJOURNMENT

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 7:44 pm.

Approved by the Fernley Planning Commission on November 8, 2023, by a vote of:

AYES 7 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Chairwoman Jenni McCullar


ATTEST:

[illegible]