

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
JANUARY 10, 2024**

Chairwoman Jenni McCullar called the meeting to order at 5:00 PM.

1. INTRODUCTORY ITEMS

1.1. Pledge of Allegiance

1.2. Roll Call

Present: Chairwoman Jenni McCullar, Commissioner VanderHeiden, Commissioner Humayoon Lodhi, Commissioner Barry Williams, Commissioner Cody Wagner (Zoom), City Manager Ben Marchant, Deputy City Manager Lydia Altick, City Attorney Aaron Mouritsen, Planning Director Michele Rambo, Senior Planner Shay League, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris. **Absent:** Vice-Chair Angela Lewis.

1.3. Public Forum

None

1.4. (For Possible Action) Approval of Agenda

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

Vice-Chair Angela Lewis arrived at 5:04 pm.

1.5. (Possible Action) Approval of Minutes

Motion: I MOVE TO APPROVE THE MINUTES OF DECEMBER 13, 2023, MEETING. **Action:** Approved. **Moved by:** Commissioner Barry Williams, **Seconded by:** Commissioner Jake VanderHeiden. **Vote:** Passed, **Summary:** Yes 4, Abstained 2. **Yes:** Commissioner Williams, Chairwoman McCullar, Commissioner Wagner, Commissioner VanderHeiden, **Abstain:** Vice-Chair Angela Lewis, Commissioner Humayoon Lodhi.

Vice-Chair Lewis and Commissioner Lodhi abstained due to being absent from the December 13, 2023, meeting.

2. GENERAL BUSINESS

2.1. (For Possible Action) Discussion and election of City of Fernley Planning Commission Officers for 2024.

Motion: I MOVE CHAIRWOMAN JENNI McCULLAR SERVE AS PLANNING COMMISSIONER CHAIR FOR CALENDAR YEAR 2024. **Action:** Approved. **Moved by:** Vice-Chair Angela Lewis, **Seconded by:** Commissioner Williams. **Vote:** Passed, **Summary:** Yes 6. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden.

Motion: I MOVE VICE-CHAIR ANGELA LEWIS SERVE AS PLANNING COMMISSIONER VICE-CHAIR FOR CALENDAR YEAR 2024. **Action:** Approved. **Moved by:** Chairwoman Jenni McCullar, **Seconded by:** Commissioner Lodhi. **Vote:** Passed, **Summary:** Yes 6. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden.

3. PUBLIC HEARINGS

3.1. (For Possible Action) Consideration, discussion, and possible action to recommend that the City Council approve Bill #342, an Ordinance establishing a Development Agreement (DA22001) between the developer (Mark IV Capital) and the City of Fernley in association with the Victory Logistics District Planned Development relating to improvements of utilities, public services, and other related items.

Michele Rambo presented that since the original public hearing was held by the Planning Commission on November 8, 2023, the property owner, Mark IV Capital, and the City of Fernley have continued negotiations of a Development Agreement to accompany the development of the Victory Logistics District Planned Development. The City of Fernley does not have a revised document for review at this point. In order to prevent wasting additional staff and Planning Commission time, staff is recommending that this item be continued to an unknown future Planning Commission meeting to be determined once a final document is ready for review.

Motion: I MOVE TO CONTINUE DA22001 TO A FUTURE PLANNING COMMISSION MEETING TO BE SCHEDULED ONLY AFTER A FINAL REVISED DEVELOPMENT AGREEMENT IS COMPLETED TO THE SATISFACTION OF BOTH THE CITY OF FERNLEY AND MARK IV CAPITAL. **Action:** Approved. **Moved by:** Commissioner Jake VanderHeiden, **Seconded by:** Commissioner Humayoon Lodhi. **Vote:** Passed, **Summary:** Yes 6. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden.

3.2. (For Possible Action) Discussion and possible action regarding a major deviation application (MJD23003) submitted by Eric Flodman on behalf of Genica Skyridge LLC to request a deviation at least 10 percent but not more than 50 percent from the standard of development for rear yard setbacks on lots 13 through 16 of Skyridge Estates II (APNs: 022-482-01, 022-482-02, 022-482-03, and 022-482-09).

Shay League, Senior Planner presented. For the purposes of this application, the developer has pre-approved stock plans for housing designs that the City of Fernley has already approved as options to build. As part of the stock plan approval process, when a developer applies for a building permit, they will not need to wait for staff to verify that the house itself meets our requirements. Because the approval process at this juncture has more to do with how the home fits on a specific lot than the house itself, the stock plan process significantly speeds up the rate of approval for a building permit. As a secondary benefit, working from a stock plan saves developers the expense of "reinventing the wheel" for every lot. In this case, the City of Fernley has determined that they have provided enough pre-approved building options to prevent the neighborhood from having an unattractively uniform appearance. The developer is free to choose from the homes they have pre-approved as long as they do not put the same home on consecutive lots. The issue the developer is having stems from the fact that they want to build single-story houses on the lots listed, and they do not already have a stock plan for a single-story home that will fit within the footprint of these lots. There is no City of Fernley regulation preventing them from submitting another stock plan for a single-story home that fits within the zoning setback.

Kelly Flodman, representing Genica Nevada, stated that the application started out with about 12 lots needing a deviation, but reduced the request to 4 lots, but after reviewing again there are possibly 5 lots. In reading the City of Fernley's development code, it states the purpose in this section is intended to allow flexibility. It is generally the intent of the city to allow significant reduction or deviations from the minimum standards in exchange for a higher level of a quality development. Genica has applied for the major deviation as a small portion of the backyard. Asking a developer to design, engineer, and process a fourth plan with only 5 lots is unreasonable. We ask the Planning Commission to make a motion to approve the requested deviation.

Public input:

Jim Burcell, Fernley resident, stated that he is in support of the single story and the deviation.

Kara Barney, Fernley resident, stated that she would like the deviation approved, but does not want to see 2-story homes.

Kris Rususon, Fernley resident, stated that he is in support of the deviation, and does not want to see 2-story homes.

Chairwoman Jenni McCullar clarified with Kelly Flodman that the homes will be single-story and the deviation will be anywhere from 7% to 15%, which is 3 feet.

Commissioner Cody Wagner clarified that the request is asking to increase the deviation from 4 home to 5 homes.

Kelly Flodman stated that all the setbacks are going to be greater than 16 feet.

Vice-Chair Angela Lewis disclosed that she is currently employed by Kelly Flodman who runs Cardin Reality and this will not inhibit her ability to vote on this matter.

Motion: I MOVE TO APPROVE THE MAJOR DEVIATION REQUEST ASSOCIATED WITH MJD23003. I ADOPT FINDINGS MJD1 AND MJD2 AS PRESENTED IN THE STAFF REPORT AND ADOPT FINDINGS MJD3 AND MJD4 BECAUSE I HAVE DETERMINED THAT THE DEVIATION IS ACCEPTABLE. **Action:** Approved. **Moved by:** Chairwoman Jenni McCullar. **Seconded by:** Commissioner Barry Williams. **Vote:** Passed. **Summary:** Yes 6. **Yes:** Commissioner Williams, Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner Lodhi, Commissioner VanderHeiden.

4. CHAIR AND COMMISSION ITEMS

None at this time.

5. PLANNING DIRECTOR ITEMS

Michele Rambo, Planning Director, stated that there will be a public open house next week on Tuesday, January 16. A survey for the public was put on the website and Facebook. Interviews were conducted for the Planning Commission candidates, and an appointment will be made at the next City Council meeting.

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time.

7. PUBLIC FORUM

None at this time.

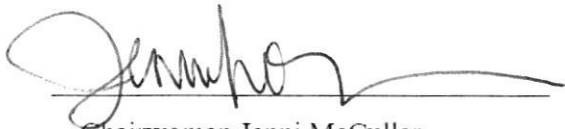
8. ADJOURNMENT

The next Fernley Planning Commission meeting will be February 14, 2024.

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 5:48 pm.

Approved by the Fernley Planning Commission on February 14, 2024, by a vote of:

AYES 6 NAYS: Ø ABSTENTIONS: Ø ABSENT: 1


Chairwoman Jenni McCullar


ATTEST:









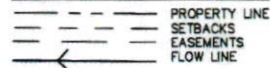


GRADING AND DESIGN NOTES:

1. MIN/MAX SLOPE FROM HOUSE TO SWALE IS 5%/10%.
2. MIN SLOPE OF YARD IS 2% TOWARDS SWALE.
3. BACKYARD SWALE SHALL BE 10' FROM EDGE OF BUILDING OR PORCH.
4. MIN SWALE SLOPE IS 1%.
5. SIDE LOT SWALES SHALL BE 2.5' FROM PROPERTY LINE, UNLESS SHOWN OTHERWISE. (TYP)
6. MIN/MAX DRIVEWAY SLOPE IS 2%/10% (NORTH, EAST) AND 1%/12% MIN (SOUTH, WEST)
7. GARAGE FF EL IS AT FRONT OF GARAGE, MAX GARAGE SLOPE IS 2% BACK OF GARAGE +/-0.4' HIGHER.
8. MIN/MAX WALKWAY SLOPE IS 2%/5% (RUN). CONSULT ADA AND ENGINEER IF TOTAL CHANGE IN ELEVATION OF ANY WALKWAY EXCEEDS 30". MIN/MAX CROSS SLOPE IS 1%/2%.
9. MAX STEP HEIGHT IS 6.75". TYPICAL STEP HEIGHT (BACK OF GARAGE TO MAIN FF) IS 4.0"
10. ADD 4100 TO ALL GRADES. EXISTING GRADES (INCLUDING B/W) ARE PER THE ORIGINAL CIVIL PLANS.

GENERAL NOTES:

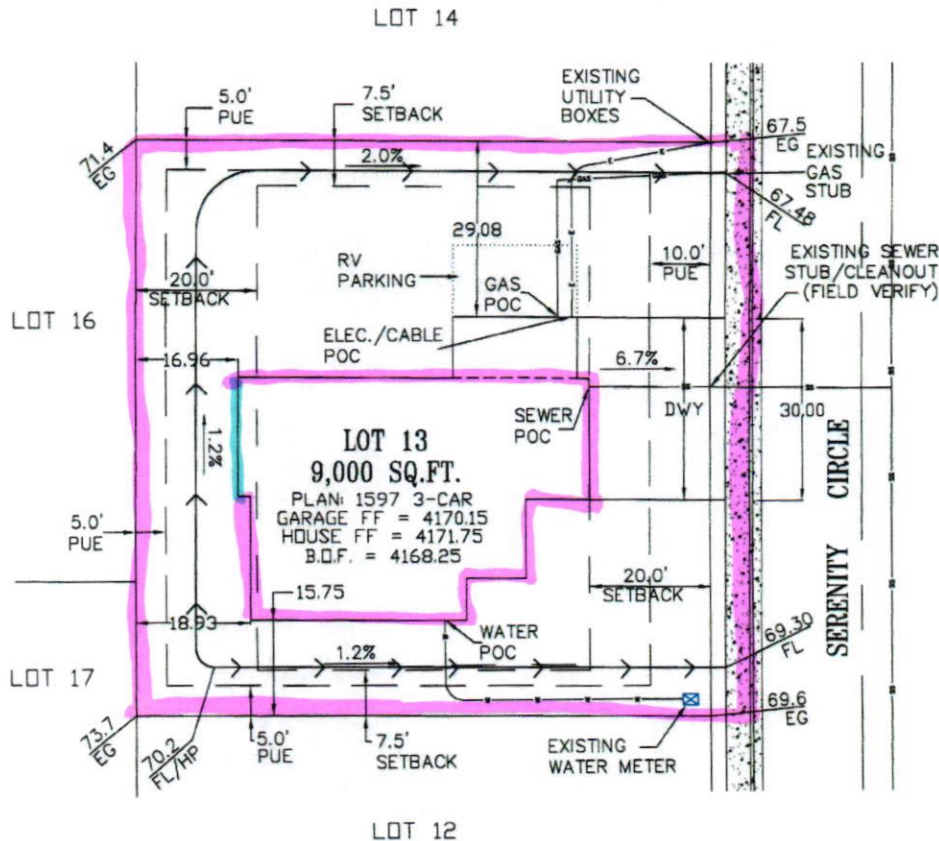
1. ALL SITE UTILITIES SHALL BE FIELD VERIFIED. ALL INFORMATION SHOWN IS BASED ON ORIGINAL DESIGN AND PLANS PREPARED BY UTILITY COMPANIES.
2. CITY OF FERNLEY STANDARD DETAILS 17 (WATER METER) AND 82 (SEWER LATERAL) ARE HEREIN INCORPORATED BY REFERENCE.
3. UTILITY POINT OF CONNECTIONS (POC) ARE APPROXIMATE AND SHALL BE CONFIRMED WITH BUILDING PLANS. UTILITIES SHALL CONFORM TO 5' SIDE/REAR AND 10' FRONT / 12' FRONT (CANAL ONLY) P.U.E.'s.
4. FENCE LOCATIONS ARE APPROXIMATE.
5. FOOTING STEPS, IF REQUIRED, SHALL BE AT 10' INTERVALS.
6. HOMEOWNER OR LANDSCAPE CONTRACTOR IMPROVEMENTS SHALL NOT IMPEDE LOT DRAINAGE AS INDICATED HEREON. ENGINEER/SURVEYOR IS NOT RESPONSIBLE FOR DRAINAGE ALTERATIONS MADE AFTER DRAINAGE VERIFICATION.
7. BASE OF EXTERIOR CONCRETE SLABS 4" MINIMUM BELOW FG.
8. THIS PARCEL IS LOCATED OUTSIDE OF THE 100-YEAR FLOOD ZONE.
9. CONTACT ENGINEER FOR RESOLUTION IF FIELD CONDITIONS MATERIALLY VARY FROM THOSE SHOWN HEREON.

LEGEND**CIVIL PLAN CONFORMANCE STATEMENT:**

THIS PLAN SUBSTANTIALLY CONFORMS TO THE APPROVED GENERAL CIVIL SITE PLAN, AND DOES NOT SIGNIFICANTLY ALTER OR AFFECT THE DRAINAGE PATTERNS OR RELATIVE LOT ELEVATIONS CONSTRUCTED PER THOSE PLAN(S). APPROVED CIVIL PLANS WERE COMPLETED BY ROBISON ENGINEERING AND STAMPED ON 7/9/2021



SCALE: 1" = 20'



APN 022-482-03, 1329 SERENITY CIRCLE, LOT SIZE 9,000 SF



Denson Surveying
a professional corporation
SURVEYING & MAPPING
Yerington, Nevada
(775) 463-3811

FOR: **GENICA LLC**
10001 PARK RUN DRIVE
LAS VEGAS, NV. 89145
(775) 575-9999

DATE: 9/9/23

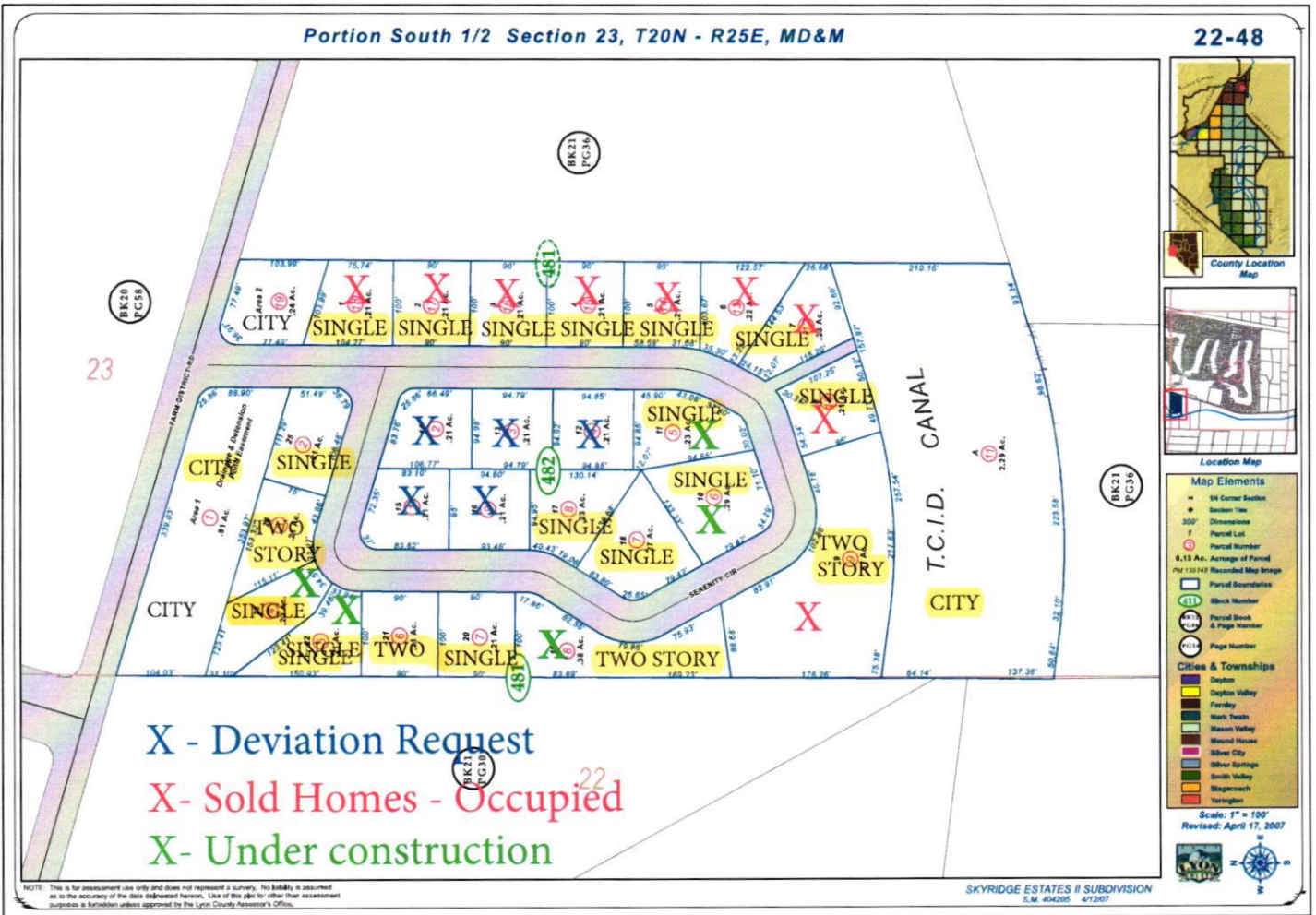
DRAWN BY: RICK CHRISTIAN

JOB NO. 03093-14

CHECKED BY: R.P.C.

Portion South 1/2 Section 23, T20N - R25E, MD&M

22-48



Sec. 32.03.090. - Modifications and appeals.

[SHARE LINK TO SECTION](#)[PRINT SECTION](#)[DOWNLOAD \(DOCX\) OF SECTION](#)[EMAIL SECTION](#)

Purpose. The development review procedures in this section are intended to allow relief and flexibility in the development review process. Generally, it is the intent of the city to allow significant reductions or deviations from the minimum standards of this Code only in exchange for a higher level of quality development and compensating benefits.

- (a) *Summary table.* Table 32.03.090-1, summary of modification options, summarizes the principal tools that are available to provide relief from the strict application of the standards in this Code. The table includes procedures that allow reduction, adjustment, or exemption from certain code standards, and any applicable limitations.

Procedure	Decision Making Body	Description	Limitations
Major Deviation	Planning Commission	Allows major deviations from certain standards, see NRS 278.315.	Special exceptions great quantified, see Section 3
Minor Deviation	Administrator	Allows minor deviations from certain standards, see NRS 278.319.	Special exceptions up to 32.03.090.D.5.
Variances	Planning Commission	Allows deviation from any development standard (except allowable use).	Hardship must be demo

NRS 278.315

In a county whose population is less than 100,000, notice setting forth the time, place and purpose of the hearing must be sent at least 10 days before the hearing to:

- (a) The applicant;
- (b) Each owner of real property, as listed on the county assessor's records, located within 300 feet of the property in question;
- (c) If a mobile home park is located within 300 feet of the property in question, each tenant of that mobile home park;
- (d) Any advisory board which has been established for the affected area by the governing body; **and**
- (e) If a military installation is located within 3,000 feet of the property in question, the commander of that military installation.

- d. The planning commission may impose conditions on a major deviation to safeguard the public health, safety, morals and general welfare and to protect the interests of the persons residing or working in the surrounding areas.

(6) *Findings for approval.* If granting the approval of the major deviation, the planning commission must make findings that the proposed major deviation will be compatible with the existing or permitted uses of adjacent properties and is consistent with the City of Fernley Comprehensive Master Plan. The planning commission must conclude that:

- a. The request is consistent with the stated purposes of title 32, zoning;
- b. Granting the major deviation will not be materially detrimental to the public health, safety or welfare, or injurious to property or improvements in the vicinity;
- c. Granting the major deviation is necessary for the preservation and enjoyment of a property right possessed by other property owners in the same vicinity and land use district and is denied to the property for which the major deviation is sought; and
- d. Granting of the major deviation does not constitute a special privilege inconsistent with the limitations upon other properties in the vicinity and land use district in which the property is located.

(7) *Subsequent applications.* If the planning commission denies a major deviation, unless the denial is specifically stated to be without prejudice, a new application for a substantially similar major deviation may not be submitted for at least six months following the denial.

(8) *Appeals.* See subsection 32.09.090(e), appeals.

(9) *Scope of approval.*

- a. Lapse of major deviation.

- 1. A major deviation automatically lapses and becomes void one year following the date on which the major deviation became effective, unless during this time a building permit is issued, and construction is commenced and diligently pursued toward completion on the site which was subject to the major deviation application.
- 2. The administrator may renew the major deviation for an additional year if an application to renew the major deviation is filed with the administrator before the original expiration date.

(10) *Revocation of major deviation.*

- a. A major deviation may be revoked by the planning commission for any of the following reasons:
 - 1. The recipient or his successor in interest violates any condition of the approval.
 - 2.



FPC 1-10-2024

[illegible]