

**MINUTES OF THE
FERNLEY PLANNING COMMISSION MEETING
NOVEMBER 13, 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, Vice-Chair Angela Lewis (Zoom), Commissioner Cody Wagner, Commissioner Jacob VanderHeiden, Commissioner Robert Flores, Commissioner Tessa Garvin, Commissioner Julianne Holt, City Attorney Aaron Mouritsen, Deputy City Clerk Brenda Gosser, Administrative Specialist I Sandy Harris, Planning Director Michele Rambo, Assistant Planner Lisa Warner, Public Works Director Barry Williams, Engineering Project Manager Alex Lopez Martinez.

Absent: Commissioner Williams.

1.3. Public Forum

None

1.4. (For Possible Action) Approval of Agenda

Motion: I MOVE TO APPROVE TONIGHT'S AGENDA AS PRESENTED. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Jake VanderHeiden. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Commissioner Holt.

1.5. (Possible Action) Approval of Minutes

Motion: I MOVE TO APPROVE THE MINUTES FROM THE LAST PLANNING COMMISSION SESSION. **Action:** Approved. **Moved by:** Commissioner VanderHeiden, **Seconded by:** Commissioner Wagner. **Vote:** Passed, **Summary:** Yes. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Commissioner Holt.

2. STAFF REPORTS

2.1. (For Possible Action) Discussion and possible action regarding a waiver application (WVR24002) request by Battle Born Equity Group, LLC for the waiver of requirements related to curb/gutter/sidewalk, parking, landscaping, and drainage on a 0.5-acre parcel located at 790 E Main Street.

Michele Rambo, Planning Director, took a moment to address some comments and accusations made recently about the planning department and her individually stemming from this and other recent projects. She reminded everybody that Planning's job is to enforce the Master Plan and development code. None of their decisions are based on opinion or preference. Recommendations either way do not indicate that we are for or against a certain group or individual. The process is set up so that very few final decisions rest on our shoulders, but instead rely on review by the Planning Commission and/or City Council. These bodies can, and sometimes do, disagree with us and vote against the recommendation provided in staff reports. The city has a system of checks and balances which does not allow one person or department to make unilateral decisions. If people have questions about why a recommendation was made one way or the other, we encourage them to contact us so they can get a full explanation instead of relying on social media posts that are usually incorrect or skewed to get a certain reaction.

The site and the use have both been abandoned for more than 12 months. There are several ways in which we determine what constitutes abandonment. One of them is a lack of continuation of a business

license. The last business license that was issued for that property expired in September 2015. In that case, the code requires that the use should not be reestablished until the site is brought up to current code requirements. These include landscaping, street improvements, drainage utilities, ADA access, and sometimes building improvements. There's a list of things that we look at for those older buildings that are getting new businesses in them. Our newly adopted waiver process that we're working from was developed specifically to make it easier for small businesses to develop or get a footing into the downtown area. A waiver can be used only for the development standards in the areas of the city identified specifically in the downtown area bordered by the railroad tracks to the north, Cedar Street to the south, Dallas and Miller to the west, and Hardy Lane to the east, and they can ask for a waiver for the curb, gutter, and/or sidewalk, parking for the number of spaces, not for the not necessarily for other incidentals that go in the parking, and landscaping. The boundary that we chose was because the lots inside the area are generally smaller with buildings taking up most of the lot. Requiring improvements, such as additional parking or landscaping would require in some cases that the buildings be torn down, which we're not going to ask anybody to do. Outside the boundary, parcels get larger, and there is more room to add the things that we're looking at, like parking and landscaping. So that's why that boundary was chosen. The applicant is asking to waive all development standards and requirements for street improvements, including curb, gutter, sidewalk, parking and landscaping, which would include the waiver of a trash enclosure. They have the number of parking spaces they need, so it's not an issue of number. They do need to have an ADA parking space per Federal guidelines. Those are what they potentially, if they were within that boundary area, they could ask for. The applicants have asked to waive all the requirements for grading and drainage, which could potentially impact ADA accessibility. If the ADA route from the parking lot to the building does not meet the ADA requirements for slope, there may be an issue. With drainage there's always the possibility of flooding. A finding is a legal determination or conclusion based on the facts and evidence presented and prepared in support of a decision. Section 32.03.090(d)(6) of the Development Code requires that to approve a waiver all the five findings must be met. If any finding cannot be met, the waiver cannot be approved. The findings that have been met are (1) the waiver does not impair the purpose of the zoning district and (2) the waiver does not impact any fire, building or health codes. The findings that are not met (1) There is evidence of circumstances beyond the reasonable control of the property owner such as: unusual size, shape, or topography; circumstances that make complying with the code impractical, or the site is somehow legally nonconforming; (2) the waiver is consistent with the Master Plan; and (3) The waiver is necessary to preserve a substantial property right enjoyed by surrounding properties. The granting of the proposed waiver will not provide any substantial property rights that other surrounding properties have. In fact, granting the waiver will give the applicant an unfair advantage over their neighbors who have already agreed to put in the required street improvements for their projects. In this instance, three of the five findings cannot be met. Under normal circumstances, that fact alone would be enough of a basis to recommend denial. Therefore, Staff must recommend denial of the application. However, the Planning Commission and/or City Council can go against this recommendation if they can reasonably argue that all of the findings can be met as required in the Development Code. The applicant who does not agree with the Planning Commission's decision has the right to appeal it to the City Council. The appeal must be filed with the Planning Department within 11 days of approval, as stated in the code. The recommended motion is to deny the waiver based on the findings. This is not one of those that is cut and dry. There are several different options to consider.

Commissioner Holt asked, in the exemption zone are they automatically granted in that boundary line the exemption, or are they just granted the right to request a waiver.

Director Rambo stated that they would have the ability to apply for the waiver.

Kimberly Barney and Michelle Barney presented. They stated for the record that they have been very adamant about not being on social media themselves. There's a lot that has been going around, but they personally have not done any of that. We support Fernley's Master Plan and Main Street initiatives. It is not our intent to not agree with progress to date. It clearly has not been an abandoned property since we purchased the property in 2016. We went to our first plan review in 2018 and did the scope of work. We did tons of renovations from 2016 to 2020, then Covid hit. We've done hundreds of thousands of dollars of work on the inside, and we did get an extension of that current permit to September 2023. Then, in

July 2024, our intent was to lease the building to All Points Grill. The reason we kicked off this waiver process was not to avoid putting in sidewalks or avoid putting in landscaping. We believe customers here at this place would likely want trees and landscaping. We want a sidewalk on that. We thought it was a faster way to get All Points into the building as we worked with the city to get sidewalks from The Nest to The Nugget.

Commissioner Wagner disclosed that he has known the Barneys for much of his life. He does not have a financial interest in this project whatsoever, he'll still be voting and commenting on it. The options here are to run a business or just sit there and look at the pizza shack building be abandoned for another 5 years. We need to figure out how to work with them.

Commissioner Garvin stated that she is not opposed to agreeing to the waivers but does believe that we can build in some conditions as long as we can have a time frame.

Public Comment:

Tom Howell stated that these gals are trying to do business in Fernley. We need folks like this. We need to improve our town.

Joe Mendoza stated that he also ran into issues being a small business trying to have an establishment on Main Street. Right now, with the waivers not being granted, you're affecting 2 different small businesses in this community and would like the Planning Commission to take that into consideration.

Aaron Wilson, owner of All Points Grill stated that the people that are building new structures and doing land development are held to the standard of new codes, because that's the standard of new buildings. Why is this building being held to the same standard as a brand new build.

Motion: I MOVE TO APPROVE THE WAIVER FOR THE CURB, GUTTER AND SIDEWALK PORTION AS PRESENTED. I ALSO MOVE TO APPROVE THE WAIVER FOR THE STREET IMPROVEMENTS AND ASK THAT AT LEAST ADA ACCESSIBLE PARKING BE TAKEN CARE OF BY THE GROUP AND THAT THE LANDSCAPING PRESENTED IN THEIR PROPOSAL OVER THE NEXT 12 MONTHS IS EXECUTED AS PART OF THIS WAIVER. I MOVE THOSE REASONS BECAUSE FINDING WVR01 EVIDENCE OF CIRCUMSTANCES BEYOND THE REASONABLE CONTROL OF THE PROPERTY OWNER. THE PROPERTY OWNER DOES NOT OWN PROPERTIES SURROUNDING THEM, AND THINGS SUCH AS THE SIDEWALK GOING NOWHERE, DRAINAGE ISSUES COULD BE ISSUES OF NEIGHBORING PROPERTIES AS WELL, AND THAT A COLLABORATIVE PROCESS WITH THAT WHOLE STRETCH IS A BETTER WAY TO APPROACH THIS PROJECT THAN JUST ONE PROPERTY OWNER DOING THOSE IMPROVEMENTS. FINDINGS WV02 AND WV03 HAVE ALREADY BEEN MET. FINDING WVR04 THE WAIVER IS CONSISTENT WITH THE MASTER PLAN. I BELIEVE THAT THE WAIVER WOULD SUPPORT THE NURTURING OF THE UNIQUE CHARACTER OF FERNLEY, RETAIN AND ENHANCE THE AESTHETIC VALUE OF FERNLEY'S NATURAL AND BUILT ENVIRONMENT BY MAKING A USABLE BUILDING RATHER THAN ONE SITTING VACANT, PROMOTE INFILL DEVELOPMENT AND CREATE A GROWTH PLAN THAT ASSURES FLEXIBLE, FEASIBLE, EFFICIENT PROJECTS RATHER THAN MAKING BUSINESS OWNERS JUMP THROUGH TOO MANY HOOPS. FINALLY, FINDING WVR05, THE WAIVER IS NECESSARY TO PRESERVE A SUBSTANTIAL PROPERTY RIGHT ENJOYED BY SURROUNDING PROPERTIES, ALTHOUGH THEY ARE NOT DIRECTLY ADJACENT PROPERTIES. THE PROPERTIES ACROSS THE STREET GOT A SUBSTANTIAL PROPERTY RIGHT GIVEN TO THEM BY NDOT WHEN NDOT INSTALLED CURB GUTTERS AND SIDEWALKS AT NO COST, AND WE ARE ASKING FOR THIS PROPERTY OWNER TO GO ABOVE AND BEYOND WHAT POTENTIAL COMPETITIVE PROPERTY OWNERS ACROSS THE STREET HAD TO DO TO OPEN UP A BUSINESS. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Tessa Garvin. **Vote:** Passed, **Summary:** Yes 6, No 1. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Garvin, Planning Commissioner Holt, **No:** Commissioner Flores.

3. PUBLIC HEARINGS

3.1. (For possible action) Discussion and possible action regarding a Zoning Map Amendment application (ZMA 24004), a request by Jose Castillo Jr on behalf of Golden Years Castle Home of Fernley, LLC to change the zoning designation from SF20 to PF on two parcels totaling approximately 1.741 acres located at the southwest corner of Farm District Road and Westerlund Lane (APNs 021-111-47 and 021-111-48).

Michele Rambo, Planning Director, turned the presentation over to our new planning consultant, Joshua Valdez.

Joshua Valdez presented via Zoom. The Nevada Aging and Disability Services Division (ADSD) provided the applicant, Golden Years Castle Group Home Care (GYCGHC), with a grant to expand their business operation. However, existing zoning limits the density to 2.2 units per acre. As such, an alternative zoning designation would be required to accommodate any expansions. The existing land use designated as "life care or continuing care services" is an allowable use in the PF zone, whereas it is not allowed in the SF20 zone, furthering the need for a zone amendment to allow for the expansion. GYCGHC would like to rezone both parcels from SF20 to public facilities PF. Both parcels total 1.741 acres. Last year, the City Council approved an amendment to the city's master plan, which changed the zoning designation of the area.

Motion: I MOVE TO RECOMMEND CITY COUNCIL APPROVE THE ZONING MAP AMENDMENT SUBJECT TO THE CONDITIONS SUGGESTED IN THE STAFF PRESENTATION **Action:** Approved.

Moved by: Commissioner Tessa Garvin, **Seconded by:** Commissioner Robert Flores. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Planning Commissioner Holt.

3.2. (For possible action) Discussion and possible action regarding a Zoning Map Amendment (ZMA 24001), Major Deviation (MJD 24001), and Tentative Subdivision Map (TSM 24001), a request by KLS Planning & Design on behalf of The 1903 Trust for 1) changing the zoning designation from RR1/2 to SF6; 2) the reduction of side setback requirements from a combined total of 20 feet to a combined total of 10 feet; and 3) the division of approximately 47.52 acres into 158 single-family lots. The project is located at the northeast corner of Farm District Road and Red Rock Road (APN 021-343-20).

Michele Rambo, Planning Director, stated that there were some last-minute issues with some of the conditions that planning had recommended, and the applicant has asked that this be continued until the December 11th meeting.

Public comment:

Darin Farr, city resident who lives on Red Rock Road in Fernley, stated that he was here to speak today from 2 perspectives on the proposed zoning map amendment. First, as a resident in the area who will be severely impacted by this proposed subdivision. Many utilize this as a bypass between Farm District Road and Highway 50. Traffic has continued to steadily increase on our residential roads. The posted speed limit is 25 miles per hour, but many of these people travel well above the posted speed limit. The residents have asked the city for speed deterrent measures to be put in place, only to be denied, because North Lyon County Fire Department opposes such measures as they don't want their emergency vehicles impeded. He also expressed concern regarding children walking to and from the bus stop. I'm not opposed to progress and growth, but that progress must use common sense. My second perspective is that I am a Lyon County School Board trustee. All this new proposed housing that's going into our area is going to add more children to our already at capacity schools. With this particular proposed subdivision, even at a conservative estimate, will add 50 to 60 more children to East Valley Elementary School.

Cameron Farr, city resident, stated that the multiple curves and blind spots on our Red Rock Road make it nearly impossible to be safe. We should add more obstacle stops to stop speeding shortcuts through

our road. I'm unable to ride my bike down that road because of the frequent use of my road as a shortcut and the speed of traffic.

Les Puliti, city resident, stated that he lives on Red Rock Road. He's seen the speeding and had almost been hit by cars when walking or riding his bicycle. It backs up to the farm behind me and putting 3 houses behind my house isn't right. The SF20 or SF10, you want to put in between 5 feet, they need to be more than that. The houses that are coming there should be equal to our lot size. They need to cut down on some of those houses. I don't think they really need that many in there.

Greg Wargo, city resident, stated that we keep bringing in more and more subdivisions and we're getting denser and more populated. We don't have the services for it. Our sheriffs are spread thin, our emergency services are spread thin. We can argue about water all day. Most of us bought out there because we like rural settings. If these things are going to come in, then they should at least match up the property lines and not be putting like 3 to one.

Farrah Alexander, city resident, stated make it equal to what is there. it needs to be the same lot size as us. There's a whole new subdivision that's right down the road that's currently being built that's going to impact us. Just make it so it's equal to what we have currently there.

Mary Bauer, city resident, stated there's going to be a wall between her and the building area. There's going to be a gated emergency entrance right there by the stop sign. According to what she's been told, there's going to be a sidewalk there where they can go around the emergency gate. That's going to be a major walkthrough for people which goes right along my fence and directly straight to the stop sign.

Motion: I MOVE THAT WE CONTINUE THIS ITEM TO THE PLANNING COMMISSION MEETING ON DECEMBER 11, 2024, AND HOPE THE DEVELOPER DOES SOME WORK BETWEEN NOW AND THEN. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Jake VanderHeiden. **Vote:** Passed, **Summary:** Yes 7. **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Planning Commissioner Holt.

3.3. (For Possible Action) Consideration and possible action on TSM20003 EOT Extension of Time, an extension of time request by Hero Land Holdings, LLC for an extension of not more than two (2) years to record a final subdivision map for Wilson Landing, a 37-parcel single-family subdivision generally located north of Scott Drive, south of Crimson Road, west of Ricci Lane, and east of Opal Way (APN: 021-171-24 and 021-171-50) on a site ± 10.92-acres in size.

Lisa Warner, Assistant Planner, stated the purpose of this extension of time is to allow the developer an additional two years to record their final subdivision map. Their original tentative subdivision map was approved by City Council on November 18th, 2020, and this TSM expires on November 18, 2024. NRS 278.3601(c) allows the Planning Commission to grant an extension of not more than two years for the presentation of any final map after the two-year period for presenting a successful final map has expired. If the extension of time request is granted, the applicant must record the final map for Wilson Landing subdivision by November 12, 2026.

Chairwoman Jenni McCullar inquired as to why they are requesting an extension.

Lisa Warner stated there are two primary reasons for the request. There was a change in project leadership and market conditions.

Motion: CONSIDERING THE INFORMATION PROVIDED IN THE APPLICANT'S EXTENSION OF TIME LETTER, I MOVE TO RECOMMEND THE APPROVAL OF THE TENTATIVE SUBDIVISION MAP EXTENSION REQUEST FOR WILSON LANDING ASSOCIATED WITH TSM20003. **Action:** Approved. **Moved by:** Commissioner Cody Wagner, **Seconded by:** Commissioner Julianne Holt. **Vote:** Passed, **Summary:** Yes 7 **Yes:** Chairwoman McCullar, Vice-Chair Lewis, Commissioner Wagner, Commissioner VanderHeiden, Commissioner Flores, Commissioner Garvin, Commissioner Holt.

4. CHAIR AND COMMISSION ITEMS

Commissioner Tessa Garvin just wanted to say how amazing our city clerk and city clerk staff are. She got to participate as a poll worker for the election this time around. She was only working a couple of days, but Kim, Brenda, Sandy, you guys rocked it. She got the privilege of being here on election day just in the afternoon. Even though the line at one point reached the library, everybody that came in when I asked stated they got through pretty quickly. So, my hat's off to you, ladies.

Chairwoman Jenni McCullar stated she also worked that day. She thought that the people who were participating were very respectful. She helped a man vote. He was 80 years old and had never voted before. It was really an amazing environment, and as Commissioner Tessa Garvin said, the city staff did an amazing job. We got a lot of compliments from the people who were voting on how quick it was. They saw the line, but it moved fast, so it was a real pleasure to be involved on that election day.

5. PLANNING DIRECTOR ITEMS

Michele Rambo, Planning Director, reported that we are still recruiting a Senior Planner. We've had quite a few applicants. In the meantime, we have an outside planning group that is helping us out with some of the stuff that's been lagging. Hopefully, we can get caught up in the next few months and get everything out the door. The final draft of the North Area Plan should be ready for staff to review on Monday. If all goes well, we may get the North Area Plan to the Planning Commission to approve at the next meeting. She will give the commission some lead time, so they can read the whole thing.

6. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS

None at this time

7. PUBLIC FORUM

Becki Howlett, city resident, stated that the microphones are working pretty well except for Cody, who is really loud and Tessa is a little quiet.

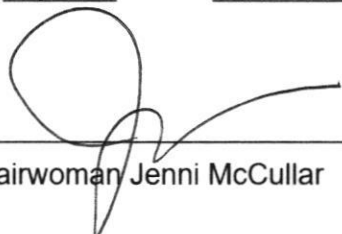
The next meeting will be December 11, 2024, at 5:00 pm.

8. ADJOURNMENT

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 6:34 pm.

Approved by the Fernley Planning Commission on December 11, 2024, by a vote of:

AYES 7 NAYS: 0 ABSTENTIONS: 0 ABSENT: 0


Chairwoman Jenni McCullar


ATTEST:

November 3, 2024

Dear Members of the Fernley Planning Commission and City Council,

We received the Notice of public hearing for the zoning changes: ZMA24001, MJD24001, and TSM24001.

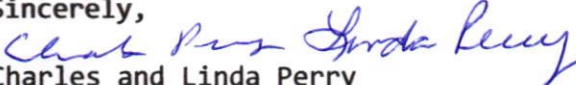
Our first reaction is that this is a revolting development for our neighborhood. We realize that people need housing and that change happens but we ask that you please seriously consider the effect that that many houses in such a small area will have. Farm District Road will no longer be an appropriate name if this amount of growth continues.

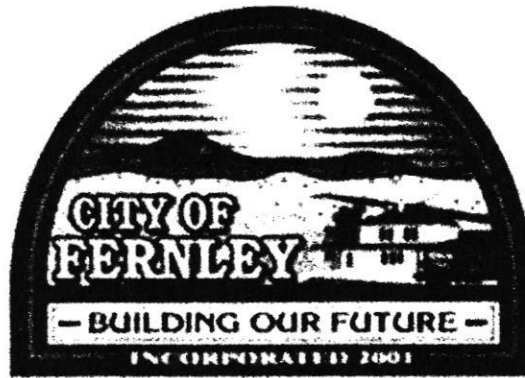
1. Increased traffic. In the past few years the amount of traffic and noise has greatly increased. Cars and trucks regularly speed down the road. Most families own more than one vehicle, so please consider what adding 150 to 300 cars on a daily basis to Farm District and Red Rock Road will do both in terms of traffic, road use and maintenance.

2. Water use. If the average home uses 10,000 gallons of water per month, then this subdivision will be pulling 1,580,000 gallons of water each month, more than 19 million gallons per year. This water will be going through the sewer system instead of going back into the ground in the subdivision. Also, due to the cost of water in Fernley, many people are opting for minimal plants and trees which also limits the amount of water being put back into the ground. If the city of Fernley is serious about water, it would make much more sense to build fewer houses in this area. The water on paper for this subdivision is coming from water rights that are originally agricultural which is dependent on how good the winter is. Once houses are built the expectation is that there will be water regardless of drought cycles.

We have noticed that densely packed subdivisions in other areas lead to more homes owned by investment groups as rental properties and fewer homes owned by individuals. Please leave this end of Farm District Road as a quieter place with larger lots. Thank you.

Sincerely,


Charles and Linda Perry
3140 Farm District Rd



Public Input/Comment Form

Name: DAN GLASS
Address: 915 VONNIE LN, FERNLEY
Phone: 775 835-9255 Email: dan.glass.m34m@statefarm.com
Meeting Date: 11/13/2024

Mark the meeting(s) where your concern should be expressed:

- ☐ City Council Meeting ☒ Fernley Planning Commission ☐ Budget Meeting
☐ Fernley Convention & Tourism Authority ☐ Board of Appeals

Dear Members of the Fernley Planning Commission,

My name is Dan Glass. My family and I reside at 915 Vonnice Lane, which backs up to the property being discussed. I am sorry that I am unable to attend this evening's session in person and appreciate my comments entered in absentee.

Regarding agenda item 3.2, ZMA 24001. I support the currently approved zoning of these parcels at RR1/2. I do not feel that a reduction in lot size to SF6 is in the best interest of the community, nor the best utilization of this space.

Again, thank you for your time and consideration of my input.

Regards,
Dan Glass

Signature: [Handwritten Signature]

(Should you require more room use back of pg.)

Date: 11/13/2024