



Meeting Date: 04/17/2019

**Mission Statement**

To provide our growing dynamic community excellent municipal services to make Fernley a great place to live, work, and play.

Together, we enhance the desirability, safety, friendliness, aesthetics and quality of life in our city.

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**CITY OF FERNLEY CITY COUNCIL STAFF REPORT**

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**REPORT TO:** Mayor & City Council

**REPORT THRU:** Daphne Hooper, City Manager

**REPORT BY:** Melinda Bauer, Assistant Planner

**REVIEWED BY:** Tim Thompson, Planning Director

**REVIEWED BY:** Brent Kolvet, Deputy City Attorney

**REVIEWED BY:** Denise Lewis, City Treasurer

**AGENDA ITEM:** **Public Hearing – TSM 2018-002 & DR 2019-002** - A Tentative Subdivision Map and Design Review request from Sun Quest Investments LLLP, on a site approximately ± 6.42 acres, generally located at the northeastern corner of Hardie Lane and Cottonwood Lane, Fernley, NV. (APN: 021-121-19).

- A. Consideration and possible action on a Tentative Subdivision Map (Hardie Lane Townhomes) request to allow for a 66-lot townhome subdivision.
- B. Consideration and possible action on a Design Review to allow for a 66-lot townhome development in the NR-2 (Multiple Residence) zoning district.

**ACTION REQUESTED:**  Consent  Ordinance  Resolution  Motion  Receive/File

**RECOMMENDATION:**

- A. "I move to approve, Tentative Subdivision Map associated with TSM 2018-002, to allow for a 66-lot townhome subdivision, adopting Findings 1 through 8 and the facts supporting these Findings as set forth in the staff report and subject to the Conditions of Approval 1 through 23 as listed in the staff report."
- B. "I move to approve, Design Review associated with DR 2019-002, to allow for a 66-lot townhome development, adopting Findings 1 through 6 and the facts supporting these Findings as set forth in the staff report and subject to the Conditions of Approval 1 through 24 as listed in the staff report."

**Key Points:**

1. The project site is master planned Mixed Residential and zoned NR-2 (Multiple Residence) the proposed density with this project is in conformance with both the zoning code and the land use designation.
2. The proposed project will have a two-car garage with each unit/lot which will be required to be used for vehicular parking, per the project's CC&R's (CC&R's shall be recorded with the Lyon County Recorders along with the final map).
3. Maintenance of the common areas, amenities and private driveways will be the responsibility of the Hardie Lane Townhomes Homeowners Association.
4. The primary access to the development will be served off Hardie Lane through the project via the extension of Jenny's Lane from the existing subdivision to the east (Sierra Vista 5 AKA Millennia). A gated & locked emergency access is provided on Cottonwood Lane.

**POLICY REFERENCE:**

*Nevada Statutes:* NRS 278.330 through 278.353

*Fernley Municipal Code:* FMC Title 32

*Policies & Procedure Manual:* N/A

*Community Assessment:* N/A

*Fernley Development Code:* Chapter 25 and 31

*Other:*

**ANALYSIS:**

The proposed Hardie Lane Townhome project is comprised of 66 townhome lots and two common area parcels, which will contain landscape and amenity areas, common driveway access and 54 guest parking spaces. Maintenance of the common areas, amenities and private driveways will be the responsibility of the Hardie Lane Townhomes Homeowner's Association. The common area of the project (inclusive of the non-public right-of-way, landscape, amenities, private driveways/aisles and guest parking spaces) will be maintained in perpetuity by the Hardie Lane Townhomes Homeowner's Association, to be established with the construction of the community. A copy of the draft Community Covenants and Restrictions (CC&R's) for the project has been provided with this application. It is important to point out the City is not a party to the Covenants, Conditions & Restrictions (CC&R's).

Recently, the City updated the Multi-Family Dwelling standards included in the development code. The tentative subdivision map request would waive some lot and setback requirements. Specifically, the tentative subdivision map request would allow for reduced lot sizes. The minimum lot size for parcels zoned NR-2 is 8,000 square feet. However, this requirement can be waived through the tentative subdivision map process provided five or more lots are created and the maximum density for the entire project site is not exceeded. Townhome lots will range in size from approximately 1,144 square feet to 1,786 square feet. Additionally, through the tentative subdivision map, the setbacks for the NR-2 zoning district listed in the development code are intended to create a building envelope for the entire project site. Thus, allowing for reduced setbacks including zero-lot lines only if all building code requirements are satisfied.

The proposed subdivision is consistent with the city's master plan and is required to comply with the requirements of the Fernley Municipal Code. The property is currently zoned NR-2 (Multiple Residence) with a land use designation of Mixed Residential.

Legal access for the Hardie Lane Townhomes project will be provided to Hardie Lane, a City of Fernley maintained road per the City of Fernley Street Guide 2012, by extending Jenny's Lane from its current terminus, west of Palomino Drive to Hardie Lane. Jenny's Lane has long been planned to connect through the subject property as a public right-of-way as evidenced by the reservation of a 60-foot wide right-of-way shown on Parcel Map 442838 recorded 05/26/2009. All parcels in this project will have direct access to Jenny's Lane by way of driveways that connect to the road.

A traffic analysis was submitted for the project and demonstrates the existing transportation facilities in the vicinity are adequate to serve the development. Although the city doesn't have a regional road impact fee, the road construction tax (RCT) that the City collects upon submittal of a building permit, is remitted to the County and accounted for in a separate fund. It is available for the City's use upon request. These funds are intended to be used for capacity improvements or other capital improvements for to city roadways.

The subdivision will be served by the municipal water and sewer utilities. Prior to the approval and recordation of a final map, the developer is required to dedicate sufficient water to adequately serve the development. Solid waste disposal is subject to the requirements set forth in the Fernley Municipal Code. In accordance with the city's franchise agreement, Waste Management is the current trash provider for residential uses.

The application was distributed to the public works department, city engineer, and local fire district for comment. The North Lyon County Fire Maintenance District provides fire and EMS services and the Lyon County Sheriff provides law enforcement within the city.

Pursuant to NRS 278.335, the city distributed the application to Nevada Division of Water Resources and Nevada Division of Environmental Protection for review and comment. The application was also distributed to the Lyon County School District.

According to the most recent FEMA Flood Insurance Rate Maps, the property does not appear to be located within a floodplain.

Public notice was given, and a public hearing was scheduled per the requirements of the Fernley Municipal Code and Nevada Revised Statutes.

Based on this analysis and the findings listed below, staff has concluded the project as submitted and conditioned will address identified impacts. Therefore, staff recommends approval of TSM 2018-002 & DR 2019-002, Hardie Lane Townhomes.

**PROJECT SUMMARY:**

Project Name	Hardie Lane Townhomes
Site Location	Corner of Hardie Lane & Cottonwood Drive
APNs	021-121-19
Applicant	Sun Quest Investments LLLP
Owner	Sun Quest Investments LLLP
Proposed Actions	Tentative Subdivision Map, TSM 2018-002 & Design Review DR 2019-002
Land Use Classification	Mixed Residential
Current Zoning	NR-2
Flood Zone Designation	Per FIRM map # 32019C0105E, dated January 16, 2009, it appears that this property is located in Zone X.
Gross Site Area	6.42 acres

<b>Surrounding Properties and Uses:</b>	<b>Current Zoning District</b>	<b>Comprehensive Plan Land Use Classification</b>
<b><u>West</u></b> Developed Single Family Residential & Fernley Swimming Pool	NR-1 & PF	Single Family Residential & Public Facility
<b><u>North</u></b> Developed Single Family Residential	NR-2	Mixed Residential
<b><u>East</u></b> Developed & Under Construction Single Family Residential	E-1	Single Family Residential
<b><u>South</u></b> Developed Public Facility, City Maintenance Yard	E-1	Single Family Residential

**FINDINGS:**

**Tentative Subdivision Map**

TSM 2018-002 Findings		Staff Analysis
<b>1.</b>	The property to be divided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in the Development Code and policies of the Master Plan.	The property is Master Planned Mixed Residential, which identifies an allowed density range between 7 and 14 dwelling units per acre. The property is zoned NR-2 (Multiple Residence) which allows for a density between 10 and 30 dwelling units per acre. The proposed density of 10.28 dwelling units per acre is within the allowed densities identified in both Master Plan and the Zoning Code.
<b>2.</b>	If a planned development is proposed, the tentative subdivision map conforms to the density requirements, lot dimensions standards and other regulations applicable to planned developments.	This is not part of a planned development.
<b>3.</b>	The tentative subdivision map conforms to public facilities and improvement standards contained in the development code and the public works design standards.	Prior to acceptance of any public improvements, the infrastructure shall meet City standards as specifically required per the Public Works Design Manual and Development Code.
<b>4.</b>	If applicable, that a phasing plan has been submitted and is deemed acceptable.	The Hardie Lane Townhomes project is proposed to be developed in four (4) phases, a preliminary phasing map has been submitted. Each phase submitted must be designed to meet the public facilities and improvement standards and be able to operate independently and as part of the overall design.
<b>5.</b>	There are no delinquent taxes or assessments on the land to be subdivided, based on the records of the county treasurer.	The property taxes for fiscal year 2018/2019 have been paid in full.
<b>6.</b>	The project is not located within an identified archeological or cultural study area, as recognized by the City. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report.	Per the Deputy Historic Preservation Officer for the State of Nevada, there are no previous inventories or previously recorded sites in the project area.

7.	If the proposed subdivision map is adjacent to public lands, adequate public access is provided to those lands.	There are no public lands adjacent to this property
8.	The project provides for orderly growth and results in compatible and consistent development with surrounding neighborhoods.	The property is appropriately master planned and zoned for the proposed density. The site is surrounded by existing development with a community pool located across Hardie Lane to the west and residential uses on all other sides of the site, this is considered an in-fill project which provides for orderly growth and results in compatible and consistent development with surrounding neighborhoods.

**Design Review**

<b>DR 2019-002 Findings</b>		<b>Staff Analysis</b>
1.	The proposed development is consistent with the goals and policies embodied in the adopted master plan and the general purpose and intent of the applicable district regulations;	The subject property is Master Planned Mixed Residential, which identifies an allowed density range between 7 and 14 dwelling units per acre. The property is zoned NR-2 (Multiple Residence) which allows for a density between 10 and 30 dwelling units per acre. The proposed density of 10.28 dwelling units per acre is well within the allowed densities identified in both Master Plan and the Zoning Code. The proposed project will provide an additional and more affordable housing opportunity within the City.
2.	The proposed development is compatible with and preserves the character and integrity of adjacent development and neighborhoods and includes improvements or modifications either on-site or within the public rights-of-way to mitigate development related adverse impacts, such as traffic, noise, odors, visual nuisances, or other similar adverse effects to adjacent development an neighborhoods. These improvements or modifications may include but shall not be limited to the placement or orientation of buildings and entryways, parking areas, buffer yards, landscaping, and walls;	The proposed development project has been designed to be compatible with the existing uses that are adjacent to the site. Site design has been used to minimize any potential adverse impacts from noise, visual nuisances, and other concerns.

3.	The proposed development incorporates roadway improvements, traffic control devices or mechanisms, or access restrictions to control traffic flow or divert traffic as needed to reduce or eliminate development impacts on surrounding streets;	The design of the site incorporates roadway improvements that reduce impacts to surrounding streets. The project is providing improved connectivity for the surrounding neighborhoods by creating a roadway that joins two existing streets.
4.	The proposed development incorporates features to minimize adverse effects, including visual impacts, of the proposed development on adjacent properties and re-vegetation as required in chapter 42 of this title;	Site design, building orientation and landscaping have been proposed to minimize any adverse effects upon the surrounding neighborhood.
5.	The proposed development complies with the requirements of this development code and other city ordinances;	The proposed development has been designed to comply with the requirements of this development code and other city ordinances. The project has been conditioned so as to insure that it complies with the requirements of the development code and other city ordinances.
6.	Each parcel shall have a principal structure or use as defined in appendix A and as allowed by the zoning district use tables in chapter 28 of this title. No accessory structure or use as defined in section 28.070.100 shall be allowed without a principal structure or use.	Each parcel has a principal structure or use as defined and allowed in this zoning district.

**FINANCIAL INFORMATION:**

**FISCAL IMPACT:**

1. Is There A Fiscal Impact? NO
2. Is it Currently Budgeted? NA
3. If Budgeted, Which Line Item/Account?

**FISCAL SYNOPSIS:**

Processing of this application is covered by the \$7,500.00 Tentative Map and \$2,000.00 Design Review application fee at the time of submittal.

## **BACKGROUND INFORMATION:**

The property is located in the NR-2 (Multiple Residential) zoning district, generally located on the northeast corner of Hardie Lane & Cottonwood Drive, Fernley, NV. APN(s) 021-121-19. The property is within the City of Fernley's Master Plan Use Designation of Mixed Residential. The project proposes a 66-lot townhome subdivision on a ± 6.42 acres. The site is currently vacant and presents gentle slopes, which are conducive for development. The site is surrounded by existing development and is considered to be an in-fill site.

The proposed project will have a two-car garage and a minimum 5-foot driveway with each unit/lot. It is not the intention, desire or allowance of any resident to park within their driveway, which is why it is only provided at 5 feet in depth. Any additional parking, not contained within a garage, will be accommodated within the common area/guest parking spaces. Parking rules and enforcement will be the responsibility of the HOA, as identified in the CC&R's for the project (CC&R's shall be recorded with the Lyon County Recorders along with the final map).

The project has been designed such that the units/lots all provide front door access onto a pedestrian path which offers connections that loop around the community. There is over ½ mile of pedestrian paths that loop around the community, not inclusive of any public sidewalks in the rights-of-way, nor the pedestrian walkways that lead directly to townhome front doors.

Based on the requirements in the development code, a minimum of two amenities are required to be included within the development. All living units will include a minimum of 25 square feet of private open space (i.e., decks or patios) which is contiguous to the units. The building architecture shall include building style, form, size, color, material and roof lines that are complementary. In order to avoid boxy and monotonous facades that lack a sense of human scale, buildings shall incorporate articulation with no flat wall planes, exceeding 50 feet vertically or horizontally, unless approved by the Administrator. Exterior elevations shall demonstrate a logical use of materials, unified appearance and complementary materials and colors. The materials shall be architecturally related and avoid frequent changes in materials. Expanses of uninterrupted single exterior materials without planar or color changes are not allowed. Change of materials or color shall occur at changes in plane or at a logical break point. Accent colors can be used for shutters, trim, balcony rail, stucco recesses, or cornice bands and shall relate to the architectural character of the building.

These items were heard at the March 13, 2019 Planning Commission, the commissioner's voted unanimously to forward a recommendation of approval to City Council.

## **PRIOR COUNCIL ACTION/REVIEW:**

MPA 09-21 Submitted 12/1/2008; Approved 4/1/2009; Changed Land Use Designation from Residential Medium Density to Multi-Family Residential.

ZMA 09-22 Submitted 12/01/2008; Approved 5/19/2009; Changed zoning from RR-2 to NR-2.

TPM 09-26 Submitted 1/26/2009; Approved 3/11/2009; Subdivided 9.47 acres into 2 parcels.

FPM 09-36 Submitted 3/30/2009; Approved 5/22/2009; Recorded 5/26/2009; Created APN: 021-121-19.



**ATTACHED INFORMATION:**

1. Conditions of Approval – TSM 2018-002
2. Conditions of Approval – DR 2019-002
3. Vicinity Map
4. Civil Plans
5. Phasing Plan
6. Preliminary Site Plan
7. Landscape Plan
8. Architectural Elevations