

Fernley Planning Commission

Meeting Minutes

April 12, 2017

Chairman Jan Hodges called the meeting to order at 5:04 pm at Fernley City Hall, 595 Silver Lace Blvd, Fernley, NV.

1. ROLL CALL

Present: Chairman Jan Hodges, Commissioner Felicity Zoberski, Commissioner Angela Lewis, Commissioner Jenni McCullar. **Not Voting:** Planning Director Tim Thompson, City Attorney Brandi Jensen, Deputy Attorney Brent Kolvet, Administrative Specialist Lillian Cabral. **Absent:** Vice-Chair Sue Gill, Commissioner Paul Unterbrink.

2. PUBLIC INPUT.

There was none.

3. APPROVAL OF THE AGENDA

Motion: MOTION TO APPROVE THE AGENDA AS PRESENTED, **Action:** Approve, **Moved by** Commissioner Felicity Zoberski, **Seconded by** Commissioner Angela Lewis. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Chairman Jan Hodges, Commissioner Angela Lewis, Commissioner Felicity Zoberski, Commission Jenni McCullar. **Absent:** Vice-Chair Sue Gill, Commissioner Paul Unterbrink

4. (Possible Acton) Approval of Minutes from March 8th 2017

Motion: MOVE TO APPROVE THE MINUTES FROM MARCH 8, 2017, **Action:** Approve, **Moved by** Commissioner Angela Lewis, **Seconded by** Commission Jenni McCullar. **Vote:** Motion carried by unanimous roll call vote (**summary:** Yes = 4). **Yes:** Chairman Jan Hodges, Commissioner Angela Lewis, Commissioner Felicity Zoberski, Commission Jenni McCullar. **Absent:** Vice Chairman Sue Gill, Commissioner Paul Unterbrink.

5. PRESENTATION AND DISCUSSION:

5.1. Presentation and Discussion regarding the role and responsibility of the Planning Commission.

Planning Director Thompson presented the roles and responsibilities of the Planning Commission (see attached). He explained the Planning Commission was established in 2001 shortly after the City was incorporated. NRS 238.110 enables the City Council to establish the Planning Commission. He explained the role of the Planning Commission is to recommend to and advise the City Council regarding plans and regulations for future growth, development and beautification. Planning Director Thompson explained the Master Plan stating it is the guiding document for the City. He stated this document needs to be updated.

Planning Director Thompson explained the Planning Commission serves as the final deciding body for tentative parcel maps and variances. They are the recommending body to the City Council for all other entitlements. He stated at some point in the future he would like to delegate more responsibility to the Planning Commission.

Planning Director Thompson explained the process for updating the Master Plan including, implementation of goals, addressing land uses within the City. It also includes looking at the infrastructure needs, demands and services provided within the City. Mr. Thompson reviewed the tools that either support or implement the Master Plan including, the Development Code, Public Works Design Manual, Building Code, Capital Improvement Plan. He explained the Master Plan is a policy document that will be adopted by resolution. He stated the Development Code and references to the Building Code will be adopted by ordinance which is law. He stated the Development Code holds all the development standards. NRS 278 gives the City the authority to enact the zoning ordinances but there are other sections of NRS that also apply.

Planning Director Thompson reviewed the findings for a proposed change to the Master Plan. He explained a few of the questions that are taken into consideration when

reviewing a proposal including, is the zoning comparable to the land use, it is compatible with the existing surrounding land uses, and it is creating an isolated district, etc.

The Anatomy of a Staff Report was reviewed. Planner Thompson stated the findings are the most important part of the staff report which are either met or refuted. Deputy City Attorney Kolvet shared the findings are critical information that supports the decision. The Planning Commission has the responsibility to have the proper information to support the decisions that can be defended. He explained the commissioners need solid reasons to deny an application.

Planning Director Thompson discussed the conditions of approval stating they depend on the type of case. Special Use Permits, Planned Unit Developments and Tentative Subdivision maps are typically conditioned. He explained the recommended motion could be approve as modified, approve as conditioned, denied or a continuance.

Deputy City Attorney Kolvet explained if a finding is made that a project does not meet the criteria it must be based on the record before the body. He stated if it is not on record it will be harder to support in court. He explained the Master Plan is more than just a document. He explained it is the way the City is going to grow and the rules by which development moves forward. By State Law, land use conforms to the Master Plan. He stated anytime a Master Plan change comes before the Planning Commission, commissioners need to look at it to make certain it is what they want for that property or development.

Planning Director Thompson stated he appreciated the time, effort and sacrifice the Commissioners provide to the City. He explained where the Commissioners can access the Development Code and the Master Plan.

Deputy City Attorney Kolvet explained the commissioners may do their own research. He stated they cannot get together ahead of time to pollute what the decision will be. Questions can be asked at the public meeting.

5.2. TA 2017-001 – Discussion and possible direction on a proposed Text Amendment to the City of Fernley Development Code Chapter 41 Signs.

TA 2017-001 – A proposed Text Amendment to the City of Fernley Development Code Chapter 41 Signs by modifying and updating the purpose, scope, authority and applicability of the chapter; modifying and adding definitions; addressing exempted and prohibited signs and prohibited sign locations; modifying the standards, limitation and requirements for all signs; modifying the method for sign calculations; adding sections to specifically address building, monument and freestanding signs including but not limited to illumination standards; size, height and area limitations; regulations for digital signs, fence signs, temporary signs and additional signs during election periods; requirements for sign permits; nonconforming signs; abandoned signs; variances; enforcement and penalties; and providing other matters properly related thereto.

Deputy City Attorney Kolvet disclosed that his wife owns a business in Fernley which has signs but that will not affect his advice to the Commission. Commissioner Felicity Zoberski disclosed that she has a business at 75 East Main Street that has signs in front of her building. She stated her situation is not any different than any other business in town. She did not feel that this item would affect her business.

Commissioner Angela Lewis disclosed that she is a real estate agent and uses signs to advertise her business. She did not feel that this item would affect her business.

Deputy Attorney Kolvet explained there was a Supreme Court decision that changed the way municipalities look at regulating signs. He stated the primary focus is trying to be content neutral. He stated this is some of the reason behind the City addressing this ordinance.

Planning Director Thompson stated signs cannot be regulated based on content. He explained this proposed ordinance focuses on time, place and manner, in which a sign is displayed. He stated the approach to regulating signs will be to consider time periods, and certain uses not content. He explained the document includes criteria and regulations to address election signs and temporary signs. Planning Director Thompson acknowledged the code will be modified as the City moves forward as it is not perfect. He continued to say it provides a good framework.

Planning Director Thompson explained the most important component of a good sign code is the section that addresses the purpose, scope and authority. He stated definitions are extremely important in a sign code. He reviewed signs that are exempt including official signs, holiday signs, handicap signs, flags, etc. He stated all signs must comply with Chapter 50 of the Development Code which is the Building Code section. Mr. Thompson explained how the sign fees will be calculated.

Planning Director Thompson explained different types of signs and what is permissible by the Development Code. Mr. Thompson acknowledged that temporary signs will be a challenge for the City. He stated the proposal is for two different types of temporary signs. The first is a portable sign, an A frame type sign, that can only be displayed during business hours. He explained the second temporary sign will require a permit that would be good for a year. He explained situations when temporary signs would be used.

Planning Director Thompson stated this code proposes that there are no variances allowed. He stated staff tried to limit the amount of discretion the City has. He reminded the Planning Commission the code can always be amended. Any sign deemed to be illegal can be removed by a City official.

Chairman Hodges asked if the Commissioners needed to make a motion on this ordinance. Planning Director Thompson explained he wanted the Planning Commissioners to look it over and provide input. Deputy City Attorney Kolvet explained to the Commissioners that they can submit written comments and ideas to Mr. Thompson.

Jim Nadeu, with Carrara Nevada, represented the Reno/Sparks Association of Realtors, of which Fernley realtors are members stated he appreciated banners being included in the ordinance. He added residential "for sale" signs and "open house" signs are also important for realtors. He asked if these were permitted under this ordinance, if not he would like to see them allowed.

6. CHAIR AND COMMISSION ITEMS:

There was none.

7. PLANNING DIRECTOR ITEMS:

Planning Director Thompson announced that Mr. Desruisseaux has resigned from the Planning Commission.

8. ADDRESS REQUEST(S) FOR FUTURE AGENDA ITEMS.

There was none.

9. PUBLIC INPUT.

There was none.

ADJOURNMENT.

There being no further business to come before it, the Fernley Planning Commission meeting adjourned at 7:05

Approved by the Fernley Planning Commission on May 10, 2017, by a vote of:

AYES: 6

NAYS: 0

ABSTENTIONS: 1

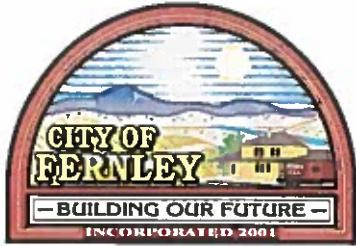
ABSENT: 0



ATTEST: Lillian Cabral



Chairman Hodges



Planning Commission Orientation

April 12, 2017

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City Organization

- Operates as a general law City that incorporated in 2001
 - Council/Manager form of local government
 - Comparable to the relationship between a Company's shareholders, the Board of Directors, the Chief Executive Officer (CEO) and Chief Administrative Officer (CAO).
 - Citizens (our shareholders) elect a City Council (Board of Directors) who have authority to set City policy and regulation.
 - City Manager (CAO) and Mayor (CEO) implement these policies and decisions.

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City Organization

- The Mayor and City Manager supervise all the administrative activities, including:
 - Planning
 - Building
 - Public Works, Utilities & Engineering
 - Water Resources
 - Code Enforcement
 - Geographic Information Systems
 - Grants Administration
 - Economic Development

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City of Fernley Planning Commission

- NRS 268.110 through 0303 enables the City Council to establish a Planning Commission
- Ordinance 2001-0008 establishes City of Fernley Planning Commission
- Rules of Procedure established November 2001
- Most recent revision adopted in 2016.

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By-Laws Summary

- ❑ Article I – The Commission
- ❑ Article II – Membership
- ❑ Article III – Officers and Responsibility
- ❑ Article IV – Meetings
- ❑ Article V – Gifts, Loan and Other Financial Interest
- ❑ Article VI – Site Visitation, Neighborhood Meetings
- ❑ Article VII – Amendments of By-Laws
- ❑ Article VIII – Commissioner Attendance at City Council Meetings

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Planning Commission's Role

- ❑ Recommend to and advise the City Council regarding plans and regulation for future growth, development and beautification – NRS 268.190

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Planning Commission's Role

- ❑ Highly visible body often involved in controversial matters
- ❑ Focuses on City's Master Plan and tools used to implement the land uses and policies

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Planning Commission's Role

- ❑ Advise the City Council on the Master Plan and recommend actions that either help implement or propose to modify the Master Plan or development regulations

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Activities and Review

- ❑ Other items before your review include:
 - ⊗ Development and/or amendments of the Master Plan
 - ⊗ Development of new land development regulations
 - ⊗ Amendments to the Zoning Map or the Development Code
 - ⊗ Special Use Permits
 - ⊗ Subdivision Map approvals

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Master Plan

- ❑ It always come back to the Master Plan
 - ⊗ Developed with great deal of thought and deliberation
 - Future goals for City
 - How to accomplish them

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Master Plan

- ❑ Written goals, policies, expectations and desires of the City to guide future land use decisions and development actions
 - ⊗ City's utility systems and ability to meet future needs
 - ⊗ Costs related to development of City

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Master Plan

- ❑ Analyzes and answers the following:
 - ⊗ City's utility systems and ability to meet future needs as planned?
 - ⊗ Parks system to needs met?
 - ⊗ Where can additional growth be accommodated or is appropriate?
 - ⊗ What costs are related to development of the City?


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Tools for Implementation

- ❑ The following are documents that either support or implement the Master Plan
 - ⊗ Development Code
 - ⊗ Public Works Design Manual
 - ⊗ Building Code
 - ⊗ Capital Improvement Plan


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Applicable Regulations Specific to Planning

- ❑ These documents are Planning Specific and govern land use decisions
 - ⊗ Development Code
 - ⊗ City of Fernley Master Plan
 - Housing/Population
 - Conservation
 - Land Use
 - Transportation (bike/ped plan)
 - Public Services & Facilities (parks & trails)
 - ⊗ Nevada Revised Statutes (NRS)


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Amendments to Master Plan or Zoning

- ❑ DOES THE REQUEST MEET THE FINDINGS?
- ❑ Is the proposed change...
 - ⊗ Consistent with land use policies and development goals, planned land uses and locations as shown in the Master Plan?
 - ⊗ Compatible with established land uses?
 - ⊗ Creating an isolated district unrelated to similar districts and become "spot zoning"?

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Amendments to Master Plan or Zoning

- ❑ Is the proposed change...
 - ⊗ Altering density patterns or increase demand on public facilities (schools, streets, sewers) beyond the City's plans and/or capabilities?
 - ⊗ Adversely influence living conditions in the neighborhood?
 - ⊗ Constituting a grant of special privilege to an individual as contrasted to the general public welfare?

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Anatomy of a Staff Report

- Request
- Recommendation
- Project Summary Table
- History
- Analysis
- Findings
- Conditions of Approval, if any
- Attachments

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Request

- Concurrent applications (i.e. Zoning Map Amendment and Special Use Permit) are incorporated into one comprehensive report
- Decisions made under two separate motions

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Recommendation


- The recommended motion, which contains Staff's recommendation
 - ⊖ Approval
 - Approval, as modified
 - Approval, as conditioned
 - ⊖ Denial
 - ⊖ Or continuance

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"Vital Statistics" Project Summary

Project Name	Deakin Homes of Leavitt
Site Location	606 and 870 Farm District Road
Applicant	David Ayoub Dea Five Homes of Leavitt, LLC
Owner	Same
Proposed Actions	Re-zoning Special Use Permit for a Large Group Care Home
Current Zoning	RR-1 (Rural Residential, 1-acre minimum)
Proposed Zoning	E-2 (General E status Residential, 1/2-acre minimum)
Land Use Classification	Residential Low Density
Flood Zone Designation	Zone X (Outside the Floodplain)
Gross Site Area	1.74 acres (76,862 square feet)
APN 21-111-22	0.78 acres (32,314 square feet)
APN 21-111-23	1.00 acre (43,636 square feet)
Total Building Area	6,100 +/- square feet
Proposed Addition Area	1,100 +/- square feet
Existing Building Area	4,000 square feet
North	Waterford Lane then residential homes
	NR-1 (Rural Residential) 8,000 SF y Leavitt Home County
	Residential High Density




History

- ❑ Provides additional background for the Commission and aids Staff in research

December 9, 1997	Lyon County Planning Commission recommended approval of the Special Use Permit for "a ten resident assisted living home for senior citizens (group care facility)"
January 16, 1998	Lyon County Board of Commissioners approved a Special Use Permit for group care facility
December 11, 2001	Lyon County Planning Commission approved to transfer the Special Use Permit to the City of Ferndale


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Analysis

- ❑ In depth discussion and evaluation of Master Plan and Zoning are included in this portion
 - ⊗ This section leads to the Findings
 - ⊗ Findings are met or refuted


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The "Heart": Findings

- ❑ Most vital part of the staff report!
 - ⊗ Each proposal evaluated on its own merits with an objective tool– FINDINGS
 - ⊗ Decisions are either approved or denied based on criteria established in the Code
 - Not subjective, gut feeling or emotionally based
 - Necessary in creating a record of the decision.

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The "Heart": Findings

Findings	Staff Analysis
The proposed amendment is consistent with the policies and the land use designation of the adopted master plan	The adopted Master plan designates this portion of Cary as Ferndale Planning Area as residential. The densities in the immediate area are multi-family, high and low. The proposed rezoning does not increase the density by creating new lots for additional single family residential development, but will allow the existing legal non-conforming lots to become more consistent with the zoning.
That the anticipated uses allowed by the proposed zoning can be served by adequate public facilities, roads and services required by the development code.	The rezoning does not change the existing use or the anticipated uses that are currently permitted on the parcels. The services are currently adequate and would remain so with a rezoning from RR-1 to E-2.
That any impacts from the proposed zoning on public facilities and services can be properly mitigated.	The rezoning does not increase density, and therefore there are no significant impacts on the public facilities or services than what currently exists.
That the proposed amendment is compatible with the master planned use of the adjacent properties.	All of the abutting and adjacent properties are classified in the Master plan as residential use. To the south and the west it is Low Density, to the north it is High Density, and to the east it is multi-family residential. The E-2 zoning remains compatible with adjacent properties.

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Conditions of Approval

- ❑ Depends on the type of case
 - ⊕ Zoning Map Amendments are not conditioned
 - ⊕ Special Use Permits, Planned Unit Developments and Tentative Subdivision Maps are typically conditioned

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Attachments

- ❑ Typically will include the following:
 - ⊕ Vicinity Map
 - ⊕ Land Use and Zoning Map
 - ⊕ Site Plan
 - ⊕ Public Comment
 - Often the letters are not received in time to be included in packet, but will be discussed in the presentation at the meeting

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Staff Reports

- ❑ Questions, concerns, or clarifications needed on any Staff Report?
- ❑ Do not hesitate to contact Planning Department.

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Public Service

- ❑ The time, effort and sacrifice the Commissioners provide for the City is greatly appreciated by the Citizens and Staff alike!

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