



CITY OF FERNLEY

CITY COUNCIL AGENDA REPORT

Meeting Date: February 3, 2021

REPORT TO:	Mayor & City Council
REPORT THRU:	Daphne Hooper, City Manager
REPORT BY:	Tim Thompson, Planning Director
REVIEWED BY:	Brent Kolvet, Deputy City Attorney
REVIEWED BY:	Denise Lewis, Finance Director

FINANCIAL IMPACT: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO	CURRENTLY BUDGETED: <input type="checkbox"/> YES <input checked="" type="checkbox"/> NO <input type="checkbox"/> N/A	FUND/ACCOUNT:
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ACTION REQUESTED:	<input type="checkbox"/> Consent	<input type="checkbox"/> Motion	<input checked="" type="checkbox"/> Ordinance
	<input type="checkbox"/> Presentation	<input type="checkbox"/> Receive/File	<input type="checkbox"/> Resolution

AGENDA ITEM: Second Reading, Public Hearing on Bill #293 - ZMA20001 (FOR POSSIBLE ACTION)
 Consideration and possible action to adopt Bill #293 as an ordinance for a Zoning Map Amendment request from Relief Springs, LLC Series C for a site consisting of three parcels totaling ±129.94 acres in size generally located south of Main Street, east of Stock Lane, west of Miller Lane, and north of the existing Miller Meadows Subdivision, Fernley, NV.

- To change the zoning on two parcels totaling ±95.30 acres from SF12 (Single-Family Residential, 12,000 sq. ft minimum lot size) to SF6 (Single-Family Residential, 6,000 sq. ft minimum lot size). (APN's 021-041-07 and 021-041-10)
- To change the zoning on a ±34.64-acre parcel from SF12 and C1 to MDR14 (Medium Density Residential, 14 dwelling units per acre). (APN 021-041-08)

AGENDA ITEM BRIEF: The applicant is requesting to change the zoning on two parcels from SF12 (Single-Family Residential, 12,000 sq. ft. minimum lot size) to SF6 (Single-Family Residential, 6,000 sq. ft. minimum lot size) and change the zoning on a third parcel from split zoning (SF12 and C1) to MDR14 (Medium Density Residential, 14 dwelling units per acre).

RECOMMENDED MOTION:
"I move to Adopt Bill #293 as an ordinance for a Zoning Map Amendment to change the zoning on two parcels totaling ±95.30 acres from SF12 to SF6 (APN's 021-041-07 and 021-041-10) and to change the zoning on a ±34.64-acre parcel from SF12 and C1 to MDR14 (APN 021-041-08)."

Business Impact (per NRS Chapter 237):

A Business Impact Statement is Attached.

A Business Impact Statement is Not Required because:

this is not a rule (term excludes vehicles by which legislative powers are exercised under NRS Chapters 271, 278, 278A, or 278B);

See Attached Report for Background/Analysis/Alternatives.

PROJECT SUMMARY

- CASE NUMBER(S):** • ZMA20001
- REQUESTED ACTION(S):** • Zoning Map Amendment
- PROJECT DESCRIPTION:** • A Zoning Map Amendment request to change the zoning on two parcels from SF12 (Single-Family Residential, 12,000 sq. ft. minimum lot size) to SF6 (Single-Family Residential, 6,000 sq. ft. minimum lot size) and change the zoning on a third parcel from split zoning (SF12 and C1) to MDR14 (Medium Density Residential, 14 dwelling units per acre).
- PROPERTY OWNER:** • Relief Springs, LLC Series C
- APPLICANT:** • Property Owner
- LOCATION:** • Generally located south of Main Street, east of Stock Lane, west of Miller Lane, and north of the existing Miller Meadows Subdivision, Fernley, NV
- SITE SIZE:** • ±129.94 acres
- EXISTING ZONING:** • SF12 (Single-Family Residential, 12,000 sq. ft minimum lot size)
• Split Zoning, SF12 and C1
- PROPOSED ZONING** • SF6 (Single-Family Residential, 6,000 sq. ft minimum lot size)
• MDR14 (Medium Density Residential, 14 dwelling units per acre)
- EXISTING LAND USE:** • Single-Family Residential (SFR)
• Mixed Residential (MR)
- WARD INFORMATION:** • Ward 2 – Felicity Zoberski

***A PUBLIC HEARING IS REQUIRED**

POLICY REFERENCE

Nevada Statutes: NRS 278A
Fernley Municipal Code: Title 32
Policies & Procedure Manual: N/A
Community Assessment: N/A
City of Fernley Development Code: Chapter 32.03 & 32.06

BACKGROUND

The subject parcels are located within a proposed commercial and residential area of Fernley previously used for farming activity. This area is the western gateway to downtown Fernley slated for redevelopment. The subject parcels were part of an approved planned development known as Jackson Ranch that allowed for 807 units ranging from 4,700 to 6,800 square foot lots. The Jackson Ranch Planned Development (PD) was approved by the Fernley City Council in November of 2004. A tentative map for the Jackson Ranch PD was approved along with the PD, however, the proposed development approvals expired. Over the past ten years land ownership and market conditions have changed, which have led to a change in development plans for this area. The City of Fernley completed a Master Plan update in August 2018 which anticipated more intense type development (Mixed Residential) along Main Street and the northeast portions of the development with single-family residential acting as buffer between the more intense mixed residential use and the existing residential-rural areas located to the west and south of the project site. The intent was to allow greater density/intensity along Main Street and feather the density and lot sizes along the west and south boundaries of the project site.

This item was originally considered by the City Council on August 19, 2020. A motion to approve the item failed by a vote of 3-2. After additional discussion, the City Council voted to reconsider the item and then, with concurrence from the applicant, voted to continue to item to a future City Council meeting. According to the approved meeting minutes, the motion was *“to reconsider with a continuance with the developers so the timeline does not expire with more discussion and work with staff.”*

ANALYSIS

The subject parcels have a Comprehensive Master Plan (Master Plan) designation of Single Family Residential (SFR) for APNs 021-041-07 & 021-041-10 and Mixed Residential (MR) for APN 021-041-08. Current zoning designations include Single Family – 12,000 square foot min (SF12) (APNs 021-041-07 & - 10) and a Split Zoning of SF12 and C1 (Limited Commercial) (APN 021-041-08).

The Mixed Residential (MR) land use designation is intended to provide a mix of housing options and densities; encourage the integration of a range of housing product types into projects; and are typically located in areas within walking distance to services and amenities. In addition, municipal services are required. The density range for Mixed Residential is 7 – 14 dwelling units per acre. The primary uses within the Mixed Residential category are single-family detached, small-lot single family detached, single family attached, triplexes, townhomes, condos, and manufactured/mobile home parks. Lower density multi-family residential may also be considered. The equivalent zoning district for Mixed Residential is MDR14 (Medium Density Residential, maximum 14 dwelling units per acre).

The split zoning of SF12 & C1 on parcel 021-041-08 is not in conformance with the Master Plan designation of “Mixed Residential.” The density range for single-family residential is 7 – 14 du/ac, the density associated with the SF12 zoning district is approximately 3.6 du/ac and is less than the range identified in the master plan. Also, the Mixed Residential land use designation does not permit commercial uses, thus making the C1 zoning incompatible with the master plan land use. The applicant is proposing to change the zoning for this property to MDR14 (Medium Density Residential – 14 du/ac) which would bring the zoning of the parcel into conformance with the Master Plan.

For parcels 021-041-07 & 021-041-10, the applicant is proposing to change the zoning from SF12 (Single Family – 12,000 square foot minimum) to SF6 (Single Family – 6,000 square foot minimum). Both the existing SF12 zoning district and proposed SF6 zoning district are equivalent zoning classifications within

the Single-Family Residential Master Plan designation. The proposed zoning map amendment would most certainly allow for a greater number of units than would be allowed under the current SF12 zoning district. However, the required development and design standards would be the same under either zoning district.

One of the important community principles that guided the 2018 City of Fernley Comprehensive Master Plan update was to diversify Fernley's housing types and provide more affordable options to serve a broader range of the community. Previous land patterns in Fernley have promoted larger lots, which have led to higher housing costs and inefficient use of infrastructure resulting in higher utility costs. The proposed Zoning Map Amendment will help implement the new Master Plan and increase the overall supply of housing in the region while helping to diversify Fernley's housing products.

The proposed Zoning Map Amendment supports a transition of zoning to coincide with the adopted Master Plan. The proposed MDR14 zoning encourages higher density near Main Street, a main thoroughfare through Fernley with growing commercial facilities and will help support redevelopment efforts along the corridor. The proposed SF6 zoning would provide for a transition between the 14 units per acre and Suburban Mixed-Use/Commercial land use designations along Main Street and the larger (greater than 1 acre) residential-rural lots to the southwest. The proposed SF6 zoning will allow additional units on an infill site which can take advantage of any surplus capacity of existing infrastructure, thus allowing for the more efficient use of public infrastructure. Not only will the additional units help pay for much needed improvements for redevelopment of the western gateway including roadways, sewer, and flood mitigation they will also help sustain the ever-growing long-term maintenance costs of the infrastructure.

In reviewing the proposed zoning map amendment requests, staff understands there may be some concern regarding the transition and buffering between the proposed development and the existing surrounding properties. This concern is not new to Fernley. There are numerous existing examples where smaller, more suburban development were approved adjacent to residential-rural and agricultural uses. These transitions can have a significant impact on the existing properties. Previously, the City did not have any standards related to how this transition and buffering occurred. With the adoption of the revised development code earlier this year (March 4, 2020), there are now adjacency standards which will help to provide further protection for abutting the residential-rural lots by requiring additional buffering for any future single-family development. Specifically, Section 32.09.030 – Adjacency Standards, D2 - Lot Adjacency and Transition Standards - Single-family Residential requires future developments to provide adequate buffering and transitions in lot sizes. Although a project is not proposed at this time, the applicant will be required to satisfy these standards as they move forward with the design of any proposed subdivision project. In fact, the applicant states in their application:

"...the Applicant is conceptually looking at adding two of the allowed transition types between the proposed SF6 and the existing RR1 zoning. These would include a buffer zone of open space that is 20 feet in width that may include landscaping, a pedestrian trail, or other amenities, and will also include larger 12,000 square foot lots adjacent to the RR1 zoning areas."

Any future development of the proposed SF6 zoning areas would require the submittal of a tentative subdivision map. A tentative subdivision map would be reviewed by city staff, the Planning Commission, and City Council for compliance with all applicable regulations. The tentative subdivision map process is the appropriate time to review the adjacency standards and place additional conditions on the proposed project.

Regardless of whether the project site retains the current SF12 zoning, or the zoning is changed to SF6, the same adjacency standards would apply. Therefore, it is reasonable to suggest the transition and buffering would likely be similar.

FINDINGS

Zoning Map Amendment

A. Consistent with the City's Master Plan and otherwise consistent with state and federal law.

MDR14 zoning for the north parcel is an allowed zoning within the MR master plan designation. The current Split Zoning - SF12/C1 of the north parcel is not compatible with the MR master plan designation. The proposed change to MDR14 will bring the property into conformance with the adopted Master Plan. SF6 zoning is an allowed zoning classification within the Single-Family Residential (SFR) land use designation.

One of the important community principles that guided the 2018 City of Fernley Comprehensive Master Plan update was to diversify Fernley's housing types and provide more affordable options to serve a broader range of the community. Previous land patterns in Fernley have promoted larger lots, which have led to higher housing costs and inefficient use of infrastructure resulting in higher utility costs. The proposed Zoning Map Amendment will help implement the new Master Plan and increase the overall supply of housing in the region while helping to diversify Fernley's housing products.

Applicable Master Plan Policies

"HP.1.1 Enhance Fernley's vitality as a community by providing a variety of housing types, density and costs that accommodate the needs, desires and financial abilities of the current and future households."

Growth and new jobs are anticipated in this region and housing demand will require the construction of additional housing units. Historic land patterns in Fernley promoted larger lots, which have led to higher housing costs and inefficient use of infrastructure also leading to higher utility costs. A higher density on parcels close to infrastructure can help increase the overall supply of housing in the region and support new jobs in Fernley. Additional housing will not only provide opportunities for Fernley workers to live in Fernley but will also help stabilize housing prices and support greater housing attainability, more so than the housing type encouraged by the existing SF12 zoning.

"HP.1.2 Encourage housing that supports sustainable development patterns by promoting the efficient use of land, conservation of natural resources, easy access to services and public facilities such as parks, and resource efficient design and construction."

The subject parcels are within an area in close proximity to existing infrastructure and close to Main Street, an area of Fernley proposed for redevelopment. The Zoning Map Amendment request would promote a density compatible with the Master Plan adding additional units to support redevelopment of this gateway to Fernley and Main Street. A key component to sustainability in land use practices is reducing sprawl by using existing land in the most efficient manner possible. Changing the zoning and increasing density on the subject parcels will encourage redevelopment and add housing for the growing population in an area surrounded by existing development and infrastructure.

“LU.1.1 Encourage new development in areas where adequate public services and facilities can be provided efficiently.”

Sewer, Water, and Utilities

Utilities are in close proximity to the subject parcels. It is anticipated a future project would utilize and improve existing infrastructure in this area to serve the development, which will also provide benefits to the surrounding area. The increase in density to SF6 and MDR-14 will help to support community wide benefits such as flood mitigation, upgrading aging utilities, reconstructing roadways, and long-term sustainability of the City’s infrastructure. It is unclear whether capacity exists within the existing infrastructure and what improvements may be necessary to serve the development. These items will be looked at in more detail within the submittal of a Tentative Map application or other entitlement application.

Schools

The closest schools to the subject parcels are Fernley Elementary School and Fernley Intermediate School, both located approximately 1.5 miles east of the site. Fernley High School is located approximately 2.5 miles south. According to the Lyon County School District’s 2016 Facilities Plan, all of the Fernley schools are currently under capacity and are planned to be within adequate utilization through 2025, with the exception of one elementary school. The School District’s 10-year capital program identifies a new elementary school that is planned to be built in the next 4 to 6 years, which would address elementary school capacity. This item will be better addressed upon submittal of a Tentative Map application.

Police & Fire

Police protection is provided by the Lyon County Sheriff’s office. Fire protection is provided by the North Lyon County Fire Protection District. The subject site is located in a developed area near existing development that is already served by these agencies.

Parks/Recreation

The subject property is located approximately ¼ of a mile from the In-Town Park, two miles from Millennium Park to the east and approximately 1.5 miles from greenspace and recreational amenities at the Fernley Elementary and Intermediate schools (e.g. field and running track.) It should be noted the City’s parks master plan calls for a new park to be located within the boundaries of this project site.

“LU.1.2 Encourage new development to be in accordance with the Comprehensive Master Plan land use category.”

The split zoning of parcel 021-041-08 is not in conformance with the Master Plan designation of “Mixed Residential.” The appropriate zoning for this property is either Medium Density Residential – 14 units per acre (MDR14) or Planned Development (PD). This zoning amendment to MDR14 will bring the property into conformity with the Master Plan. The proposed SF6 zoning of the remaining parcels would be in conformance of the SFR Master Plan designation. The proposed Zoning Map Amendment would help support the goals and policies Comprehensive Master Plan.

“LU.1.5 Promote infill development.”

The subject parcels are surrounded by existing residences and commercial development along Main Street as well as existing infrastructure and services. The proposed Zoning Map Amendment would be compatible with the surrounding area and would encourage redevelopment of these underutilized infill parcels.

B. Consistent with the surrounding land uses.

	<i>Surrounding properties and uses:</i>	<i>Current Zoning District:</i>	<i>Comprehensive Plan Land Use Designation:</i>
<i>North:</i>	Commercial, Mobile Home Park, and RV Park	C1, C2; Split Zoning: C2/SF6, I/TC & C1/MF30	SMU, PF & SFR
<i>West:</i>	Residential-rural development and agricultural	RR1	RR
<i>East:</i>	Single-family residential and commercial	C1, MF30, SF6 & RR1	SMU & MR
<i>South:</i>	Residential-rural development and agricultural	RR1 & SF6	RR & SFR

The anticipated uses allowed by the proposed zoning can be served by adequate public facilities, roads and services required by this development code. The subject parcels are located in a developed area served by existing public facilities, roads, and services. A future development project would improve the infrastructure to serve the development providing benefits to the surrounding area.

The subject parcels are infill surrounded by existing development. The Zoning Map Amendment is consistent with the surrounding area and would allow for similar development to the adjacent properties. Fernley Development Code 32.09.030 D2 provides protections for the existing adjacent RR1 zoning relative to setbacks and height.

Promoting denser development in areas with existing infrastructure and services conserves natural and economic resources, discouraging sprawl and inefficient land patterns that require significant public investment to sustain. Encouraging efficient use of land for residential housing on infill parcels such as the subject parcels will reduce the city’s cost for providing services in the future and help support redevelopment efforts along Main Street.

This request will help to ensure an adequate housing supply to meet future population projections identified in the Master Plan. A higher density of lots on parcels close to infrastructure can help increase and diversify the overall supply of housing in the region and contribute to a stabilization of housing prices and support greater housing attainability.

C. Public notice was given, and a public hearing held per the requirements of the Development Code and Nevada Revised Statutes.

Public notice was given, a public hearing was scheduled, and The Planning Commission and City Council meetings function as public hearings for this matter as required in the City's Municipal Code and Nevada Revised Statutes.

Pursuant to Section 3 of the Declaration of Emergency Directive 006 the requirement contained in NRS 241.023(1)(b) that there be a physical location designated for meetings of public bodies where members of the public are permitted to attend and participate has been suspended until further notice. Also suspended in Section 3 of Directive 006, are the requirements contained in NRS 241.020(4)(a) that public notice agendas be posted at physical locations within the State of Nevada. To view the entire Declaration of Emergency Directive 006 please visit.

ATTACHMENTS

1. Vicinity Map
2. Existing & Proposed Zoning Map
3. Bill #293 – Ordinance for Zoning Map Amendment