

STAFF REPORT

Date: November 8, 2017

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **M.1. Staff Report (For Possible Action): Case No. LDC17-00061 (Meridian 120 South Villages 1 & 2) Appeal of the Planning Commission's denial of a tentative map to develop a 78 lot single family residential subdivision. The ±53.6 acre site is located southeast of the intersection of Boomtown Garson Road and Blue Heron Circle in the Large Lot Residential – 1 Acre (LLR1), Single Family Residential – 9,000 Square Feet (SF9), Open Space (OS), Hotel Casino (HC) zones and the Mortensen-Garson Overlay District. The site has a Master Plan Land Use designation of Special Planning Area/Mortensen-Garson Neighborhood Plan. The appeal was brought by Andrew Durling with Wood Rodgers, and possible action by the Council could be to either affirm, modify, or reverse the denial and if denial is reversed the Council may directly approve the tentative map or remand back to the Planning Commission.**

From: Nathan Gilbert, Associate Planner

Summary: This is a public hearing and appeal of the Planning Commission's decision to deny a tentative map to develop a 78 lot single family residential subdivision. The ±53.6 acre site is located southeast of the intersection of Boomtown Garson Road and Blue Heron Circle in the Large Lot Residential – 1 Acre (LLR-1), Single Family Residential – 9,000 Square Feet (SF9), Open Space (OS) zones and the Mortensen-Garson Overlay District. The site has a Master Plan Land Use designation of Special Planning Area/Mortensen-Garson Neighborhood Plan. The case was appealed by Andrew Durling, with Wood Rodgers, on behalf of the applicant and possible action by the Council may be to affirm, modify, reverse or remand the decision.

The Planning Commission Denial:

At the October 4, 2017, Planning Commission public hearing, the applicant's representative presented an overview of the tentative map request and associated special use permit for fills in excess of ten feet and indicated that they agreed with staff's recommendation and conditions in the staff report. Staff concurred with the presentation and identified additional clarifying

language to conditions of approval 12, 15 and 17 provided in a memo to the Planning Commission.

Thirty people indicated that they are opposed to the request. Reasons cited for opposition included concerns related to: water supply; wells; water rights; flooding; drainage; traffic; schools; wildlife interface; and density. Additionally, Michael Pagni addressed concerns related to conflicts with development adjacent to canals on behalf of the Steamboat Ditch Company.

No one else spoke for or against the proposal.

Discussion: The primary areas of discussion by the Planning Commission included the adequacy of water provision, current negotiations with the Truckee Meadows Water Authority (TMWA), flood management, steamboat ditch interface, roadway design, and entitlement history of the Mortensen-Garson Plan.

In response to Commissioner's questions, John Enloe (TMWA) stated that it would take approximately three years to design and construct facilities to serve the Verdi area. Mr. Enloe outlined outstanding concerns related to water quality and fiscal equity of service provision in the area and noted TMWA's preference to provide retail water service in the near term, pending further direction from the board of directors. Mr. Enloe explained that the State Engineer has the ultimate authority to approve groundwater rights for a will serve commitment and stated that his discussions with the State Engineer indicate that there are sustainable water resources in the area sufficient to support limited development. City Engineering staff reiterated that the State Engineer has identified adequate resources to serve the subdivision and that there are appropriate records to support that there are both water rights and resources to serve the project.

The applicant's representative explained the design components proposed to manage the stormwater basin and historical flooding in the area, and the implications of staff conditions of approval on site design and flood mitigation. It was noted that coordination with the Steamboat Ditch Company is integral to the design and improvements would be necessary to manage peak discharge.

There was discussion regarding the traffic footprint and need to maintain a level of service "C" within the Mortensen-Garson plan area. It was noted that the traffic study includes the development projects to the north, that access to adjacent federal lands will be maintained, that Boomtown-Garson Road will be appropriately sized to facilitate planned development in the area, and that further coordination with the Nevada Department of Transportation (NDOT) will be required in determining future road widths, access and design criteria.

Several Commissioners commented that they did not necessarily agree with the assigned density in the area but deferred to the terms of the original settlement agreement and subsequently

adopted zoning and overlay standards. In response to questioning, the applicant's representative identified compatibility aspects including perimeter lot matching and grading, limited access to existing Blue Heron subdivision, and an overall density of 1.7 dwelling units per acre on the site.

Planning Commission Vote:

The Planning Commission made an unsuccessful motion to approve the tentative map: three in favor; one opposed, one recused; and two absent, resulting in a technical denial.

Planning Commission then voted to approve the special use permit: Four in favor; one opposed, one recused; and two absent. The special use permit was approved and no appeal filed; however, implementation is contingent upon approval of the tentative map.

Appeal of Planning Commission's Decision:

The appeal of the Commission's technical denial (failed motion to approve the tentative map) was filed by Andrew Durling, with Wood Rodgers, on behalf of the applicant BT South LLC, on October 16, 2017. The appeal outlines the technical denial and states that the aggrieved person does not concur with Commissioner Hawkin's stated inability to make tentative map finding two regarding the "availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision." The applicant's representative has outlined a position in support of tentative map finding two with the filed appeal. No additional material or information was provided.

Financial Implications: None at this time.

Legal Implications: None at this time.

Findings:

Tentative Map: When issuing a decision on a tentative map, the Planning Commission shall consider the following:

- (1) Environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (2) Availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;

- (3) Availability and accessibility of utilities;
- (4) Availability and accessibility of public services such as schools, police and fire protection transportation, recreation and parks;
- (5) Conformity with the zoning ordinances, master plan, and elements thereof, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (6) General conformity with the governing body's master plan of streets and highways.
- (7) Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- (8) Physical land characteristics such as flood plain, slope, soil; and
- (9) Recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.348.
- (10) Availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and
- (11) Submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by Chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

Recommendation: Staff recommends that the Council review the letter of appeal and Planning Commission action and affirm, modify, or reverse the Planning Commission's decision. If the denial is reversed, the Council may directly approve the tentative map or remand back to the Planning Commission.

Proposed Motion: Below are proposed motions with the findings for affirmation, modification, or reversal of the Planning Commission decision.

Motion to Affirm Planning Commission Decision
(denying the appeal and denying the tentative map)

In regards to appeal of LDC17-00061 (Meridian 120 South Villages 1 & 2), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing for this appeal, I move to AFFIRM the denial of the tentative map by the Planning Commission, based on the inability to make findings _____* stated in the staff report. The City Clerk is instructed to prepare and file an order.

Motion to Modify Planning Commission Decision

(partially upholding the appeal and amending the tentative map)

In regards to appeal of LDC17-00061 (Meridian 120 South Villages 1 & 2), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to MODIFY the decision of the Planning Commission as follows and as modified I move to make all of the required findings* as listed in the staff report and APPROVE the tentative map subject to conditions stated in the Staff Report. The City Clerk is instructed to prepare and file an order.

Modifications to the decision by the Planning Commission are: [List modifications]

Motion to Reverse Planning Commission Decision

(upholding the appeal and approving the tentative map)

In regards to appeal of LDC17-00061 (Meridian 120 South Villages 1 & 2), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to REVERSE the denial of the tentative map by the Planning Commission and to directly APPROVE the tentative map, based on the ability to make findings _____* as listed in the Staff Report. The City Clerk is instructed to prepare and file an order.

Attachments:

- Display Maps (PDF)
- Appeal Letter for LDC17-00061 (Meridian 120 South Village 1 & 2) (PDF)
- Planning Commission Staff Reports (PDF)
- Draft Planning Commission Meeting Minutes from October 4, 2017 (PDF)
- Memo to Planning Commission with recommended changes to conditions of approval (PDF)