CITY OF SPARKS, NV
COMMUNITY
SERVICES
DEPARTMENT

**To:** Mayor and City Council

**From:** Marilie Smith, Administrative Secretary

**Subject:** Report of Planning Commission Action
PCN16042

**Date:** February 9, 2018

**RE:** PCN16042 - Consideration of and possible action, for a site 3.47 acres in size located at 3650 Wedekind Road, Sparks NV, of;

- A request for voluntary annexation into the City of Sparks. Upon annexation the parcel shall convert from a Washoe County zoning designation of E-1 (Estate Residential 15,000 sq. ft.) to City of Sparks SF15 (Residential Single Family) zoning and;
- A request to rezone the site from SF15 (Residential Single Family, 15,000 square feet) to SF6 (Residential Single Family, 6,000 square feet) zoning.

Please see the attached excerpt from the February 1, 2018 Planning Commission meeting transcript.

CHAIRMAN PETERSEN: Yes.

COMMISSIONER VANDERWELL: Commissioner VanderWell. I move to approve Conditional Use Permit CU17-0009, associated with PCN17-0061, adopting findings C1 through C5, and the facts supporting these findings as set forth in the staff report, and subject to the four attached conditions of approval.

CHAIRMAN PETERSEN: We have a motion. Any second?

COMMISSIONER BROCK: Second. Commissioner Brock.

CHAIRMAN PETERSEN: Thank you.

Any discussion?

No discussion. All in favor?

(Commission members said "aye.")

CHAIRMAN PETERSEN: Any opposed?

The motion carries.

We'll move on to public hearing now PCN16042. This is a consideration of a site, 3.47 acres in size, located at 3650 Wedekind Road in Sparks. And it's a request for an annex, annexes -- to join the City of Sparks. Excuse me. And with another, a second hearing motion will be on it for the zoning of this parcel.

Karen, please.

MS. MELBY: Good evening, Planning

Commissioners. Karen Melby, Development Service Manager.

Before you today is a project that consists of two requests. The first one is a voluntary annexation. And the second is a rezoning of the site. And you see here on the vicinity map, it's outlined in red. It includes both these properties. They're approximately three and a half acres in size.

On June 15th of 2017, the Planning Commission approved a City-initiated Comprehensive Plan amendment from Low Density Residential to Intermediate Density Residential for this property. Also during that meeting on June 15th, an annexation petition and rezoning request from single SF15 to SF6 was before you. The Planning Commission recommended that the City Council deny that proposal based on findings of the annexation of the property could require the annexation of Wedekind Drive.

On September 25th, 2017, after being presented with a proposed new primary access from Garfield Drive, as opposed to access on Wedekind, the City Council has remanded that back to the Planning Commission for your review, based on the new information.

Therefore, that's why we are before you tonight with this project.

The voluntary annexation, as I said, consists of the two parcels. You can see here there's a small parcel within the larger parcel.

The other request, as I stated, is from existing SF15. Upon annexation, the property would be, come in as zoned SF15. And the applicant is requesting to bring the zoning to SF6.

Before you today, as I stated, is it the same request as you had reviewed on the 15th, with the change that they are now requesting access off of Garfield, as opposed to Wedekind.

The access is a 65-foot-wide access, and it's all on the east, eastern boundary of the church. So here's the church property. It's along this eastern boundary coming into the property. You might actually do better just seeing it. It's right here, coming into the property.

In reviewing the annexation findings, A1, which pertains to the conformance of NRS 268, the properties are contiguous to the City limits, and the annexation is being requested by the only property owner on this property, which conforms to NRS 268.

A2, which is the conformance with these findings in our Sparks Municipal Code for zoning, A is the location of the property. The properties are on the

south side of Wedekind Road and are contiguous to the City of Sparks limits on two sides. They're consistent down this side and this side.

B is the logical extension of the City limits. City utilities are in proximity to this property, and access will be via a private easement through the First Church of Nazarene of Sparks. And the internal streets, when they do develop this property, are proposed to be privately maintained, which minimizes any cost to the City of Sparks.

C, which is the need for expansion to accommodate the planned regional growth, the property is within the City of Sparks Sphere of Influence in the regional plan. There is an affordable housing shortage. With redevelopment, this could modestly increase the region's supply of single-family housing.

D is the location of existing and planned water and sewer services. The neighboring single-family homes to the east and south -- so these homes here and here -- are within the City limits and are currently served by City water or TMWA water and sanitary sewer. The utilities are close to the proximity of the property. The sanitary sewer cannot be provided to this property until the interceptor at Tyler Way is improved by the City. The developer will have to pay for the extension

from Tyler Way interceptor to their property.

E, the goals met by the proposed annexation. Goal MG6, because the property is adjacent to older part of Sparks, which have 6,000-square-foot lots that are served by City services. Other policies are MG7 and policy CF1.

This application was initially placed on hold when it was originally submitted until the sanitary sewer capacity upgrade was approved by the City Council. That is now in our CIP and is intended to be completed later this year. They will not be able to start construction on this property until the sanitary sewer is available to their property. Upon annexation, the Sparks Fire Station Number 1 will provide fire and emergency response. And they are estimated to be within the six-minute response time.

F, the efficient and cost-effective provisions of City services and capital facilities. I've previously discussed that under E.

G, the fiscal analysis. The applicant provided a fiscal impact analysis and an updated letter addressing the new access off of Garfield Drive. In the fiscal impact analysis update letter, they estimate that the fiscal impacts from this annexation and the future single-family development will be a positive of

approximately $230,600 over a period of 20 years. The assumption is that the easement will be a private easement, and the internal roads will be also private. The estimated 20-year revenue to the Road Fund is about $83,000.

H, Washoe County adopted a Community Management Plan. Staff has talked to Washoe County staff, and they did not have any comments or concerns about this annexation, because it is located within the Sparks Sphere of Influence.

I, the annexation creates any islands. The parcels to the north -- so these parcels up here -- are within Washoe County. And then, also, there is -- this one parcel here is also in Washoe County. It's staff's feeling that this will not be creating an island because this is within the City. And this parcel would be contiguous still, because Wedekind Road is in the county.

Any other factors, which is J. The City cannot provide sanitary sewer, as I stated, until the Tyler interceptor improvements are completed.

Back to findings, in Finding A3, this conforms -- conformance to the Comprehensive Plan within the City's SOI, or Sphere of Influence, plan and the seven-year annexation plan. The City has exerted

planning jurisdiction in this area in the Sphere of Influence plan in 2002. The City's Annexation Program has expired, and we are working on doing a new one.

A4, Finding A4, public notice. Per the Sparks Municipal Code and NRS, public notice was published in the Reno Gazette-Journal on January 19th, 2018, and 130 letters were mailed to property owners within 750 feet of the property.

Now, to review the zoning findings. Zoning Finding Z1, which is the consistent with the Sparks Comprehensive Plan. The goals and policies that are relevant are Goal MG4, Goal MG6 and Goal H1, which encourage infill redevelopment and allows the applicant to redevelop their property with a higher density.

For Policy CF1, once the Tyler Way sewer improvements are completed later this year, the City will be able to provide sanitary sewer.

And the last policy, H2, provides -- allows them to provide a higher density or more affordable housing in this region.

Zoning Z2, surrounding land uses. The subject properties are located in an area of mixed single-family residential. To the north are large lots, single-family, and in the unincorporated Washoe County. Immediate to the east is a large unannexed parcel.

However, farther east are single-family homes on 6,000-square-foot lots. To the south, within the City limits are single-family homes on approximately 6,000-square-foot lots. The redevelopment of these properties is consistent with the single-family homes that are located within the City limits.

The Finding Z3, which is public notice. Notice was sent to property owners, 750 feet, which would total 130 notices. Again, it was published in the Reno Gazette-Journal on January 19th, 2018.

Staff is recommending approval of both the annexation and the rezoning request. And I wanted to remind you that you will have to do the approvals or your motions in two separate motions.

That concludes my presentation. I'm available for questions.

CHAIRMAN PETERSEN: Any questions from Commissioners?

Then, thank you, Karen, very much.

Is the applicant present?

MR. EVANGELATOS: Mr. Chairman and members of the Sparks Planning Commission, for the record, I'm Greg Evangelatos, commercial and city planner, representing the Lius. And, again, I think, Karen's done an excellent job summarizing and kind of going over the key

issues.

We recognized a year ago that there's a challenge relative to the impacts of Wedekind Road. With your action, we kind of rethought our approach. And we approached the Nazarene Church. And over fairly four to five months, we've had a good negotiation with them. I think, it's mutually beneficial. And believe that that eliminates the traffic impacts on Wedekind. Which there was concern of the neighbors at the time of the initial neighborhood meetings, as well as the Planning Commission hearings.

We believe that this is in conformance with your adopted Comprehensive Plan. We believe it's a good infill project. This region is crying for affordable housing. This is an area that needs a shot in the arm in terms of reinvestment. And, I think, this is a good first step.

So we're in agreement with the recommendation of staff. Garrett Gordon is the attorney representing the Lius. He, basically, negotiated the easement. He's here this evening, as are the Lius. And we're available for any questions that you might have on this now or the conclusions on the testimony.

CHAIRMAN PETERSEN: Do Commissioners have any questions?

MR. EVANGELATOS: I might add that some of the issues relating to the actual traffic or the actual infrastructure requirements will be addressed in the tentative map. So tonight you're discussing the annexation and the rezoning. You're looking at the intensity of the property and the applicability of your rules relative to bringing it into the City and giving it a designation. Subsequently, you will be addressing the physical impacts to the community of the infrastructure.

CHAIRMAN PETERSEN: Sir, I think, your Commissioners, you know, most of that. Thank you very much.

I will open the public hearing on this case. And anybody wishing to speak on this item may come forward. Wait a minute.

MS. SMITH: I have four cards.

CHAIRMAN PETERSEN: We have four. I'll call these in order. Walter Wills.

MR. WILLITS: Willits.

CHAIRMAN PETERSEN: Willits. Sorry.

MR. WILLITS: Walter Willits.

CHAIRMAN PETERSEN: And I'm sorry.

MR. WILLITS: Good evening.

CHAIRMAN PETERSEN: Mr. Willits, you have three

minutes, please.

MR. WILLITS: Thank you. Good evening. I'm Walter W. Willits, a property owner here in the City of Sparks. I've been a property owner for approximately 15 years. I'm opposed to the annexation because I don't want to see my property or my neighbors' property decrease in value. Now, if they're going to do something as far as construction is concerned, my suggestion is that it be something that's going to be commensurate with the properties that are there.

And I'm speaking on behalf of my neighbors and myself. That's about it. Any questions, sir?

CHAIRMAN PETERSEN: Thank you very much for your input.

MR. WILLITS: Thank you.

CHAIRMAN PETERSEN: Sara Fausett.

MS. FAUSETT: Thank you. And I'm speaking on behalf of me and my neighbors.

CHAIRMAN PETERSEN: Will you --

MS. FAUSETT: Sorry.

CHAIRMAN PETERSEN: Will you state your name again.

MS. FAUSETT: My name is Sara Fausett. And we live on Wedekind Road.

CHAIRMAN PETERSEN: Thank you.

MS. FAUSETT: Directly across from this proposed project.

The first thing we would like to ask is an extension for postponement of decision for case number PCN16042 on the basis that there are some discrepancies in the fiscal impact analysis numbers.

One, the proposed revenue for the General Fund presented for the June 15th, 2017 meeting was $143,000 over 20 years. However, the new estimate for the same revenue is $230,000. And an $87,000 discrepancy would not intend to actually allow for positive fiscal impact to the City. On page 61 of the Comprehensive Plan, the revenue of this, over $341 after 20 years.

We would like to postpone any action on this case until further and more transparent fiscal clarification can be achieved.

Another discrepancy is that in Finding Z2, page 28 of the request document, the claim that this property is bordered on two sides, east and south, of existing City IDR, Intermediate Density Residential, housing is not true. There is only City of Sparks IDR zoning on the south side. There's a very large approximately one-acre lot directly abutting the entire east side. This property is not incorporated in the City, nor does it have any public utilities.

Therefore, Finding Z2 is not correct of the surrounding land usage. So it follows from above.

One of the following arguments illustrate why this development does not fit into the City of Sparks Comprehensive Plan. Defined description of the Comprehensive Plan for LDR, Low Density Residential, Table 1 of eventual land uses, page 110 of the plan, specifically states that the LDR category contains a number of established neighborhoods. Change is not anticipated or encouraged in these areas. It is only to be assumed that this is because the value and security of this type of property was clearly recognized when the zoning designations were initiated.

Thank you.

CHAIRMAN PETERSEN: Thank you very much.

Beth Ross.

MS. ROSS: I said I didn't want to speak. But I'm opposed to it.

CHAIRMAN PETERSEN: Thank you very much.

How did Norman?

MR. ROSS: Same thing. Thank you.

CHAIRMAN PETERSEN: Same thing. Thank you very much.

Anyone else that would like to address this?

Seeing none, I'll close the comment period and

bring it back to the Commissioners for discussion and a possible motion, please.

COMMISSIONER CAREY: Mr. Chairman?

CHAIRMAN PETERSEN: Commissioner Carey.

COMMISSIONER CAREY: Thank you, Mr. Chairman. This is Commissioner Carey.

Karen, I had some, some questions about the fiscal impact analysis. I believe, in your staff report you mention that there's a -- the new access being provided off Garfield, as opposed to what we had back here in June, off Wedekind. There's a $230,000 positive fiscal impact to the city, in this proposed --

MS. MELBY: That's what's estimated in the updated letter for the fiscal impact analysis.

COMMISSIONER CAREY: And, okay, so that's down from, what was it, $2 million dollars with the previous proposed project?

MS. MELBY: Yeah, I don't know exact numbers, but.

COMMISSIONER CAREY: Over 20 years or something?

MR. ORNELAS: Armando Ornelas, Assistant Community Services Director.

Commissioner Carey, members of the Planning Commission, the difference in this instance is that by

moving the primary access off of Wedekind and onto Garfield, basically, the City does not have to take on, strictly speaking, a responsibility for Wedekind Road or that section of Wedekind Road. And so, basically, it went from a significantly negative fiscal impact to, you know, showing a positive fiscal impact.

Now, as was noted in the staff report regarding the fiscal impact analysis, you know, I think, to some extent, staff has consistently raised concerns over the methodology and in particular some of the assumptions about the revenue side of it. But we feel that the updated fiscal analysis is such that, in this, when you evaluate the case as a whole, that the other findings can be made that there are enough positive factors here that whether it's, you know, a couple hundred thousand over or a couple hundred in the red, if you will, we're in range, if you will, of where the other findings, the other considerations allowed staff to make a recommendation of approval to.

COMMISSIONER CAREY: Thank you. Appreciate, appreciate that.

MR. ORNELAS: I mean it's not an exact science, right. And at the end of the day, fiscal analysis involves a set of assumptions. And, you know, you tweak, modify the assumptions, you get different

results. But on balance, if you will, if you look at all of the factors that were considered in terms of staff's review of the case, of the request, we concluded that we could recommend approval.

COMMISSIONER CAREY: Thank you. Appreciate that.

CHAIRMAN PETERSEN: Okay. Any further questions?

COMMISSIONER FEWINS: Yeah, Mr. Chair, Commissioner Fewins.

Karen, you said that there is a question from the public on Finding Z2 with the surrounding existing land uses. And I thought you did a good job on your staff report. I'm just -- when you look on the City plan, and you find existing land uses like that we're looking on tonight, what are some factors that you usually take into consideration? It's, you know, it is bordered on the west and to the south. And there is that to the east. Can you just elaborate a little bit more how you found Finding Z2?

MS. MELBY: That it's contiguous to the City along this boundary and the west boundary. And you can see in this map. This is the -- oh, that's the zoning. I'm sorry.

Oh, I guess, I don't have the land use maps

anymore, because that was previously reviewed. But you can see where the zoning, and this is the property line here.

I'm not sure exactly what you're asking. I'm sorry.

COMMISSIONER FEWINS: Well, you could find that it does conform to the existing neighborhoods because it is two of the four sides.

MS. MELBY: It's consistent with the neighborhood to the south and then to the farther east, that the sides of what they're proposing, as presented in the fiscal impact analysis, and the zoning that they are requesting, which is single-family 6,000, which means that they would have 6,000-square-foot lots. They are asking for something that's consistent with the neighborhood in the City, within the City limits.

COMMISSIONER FEWINS: Okay. Thank you, Karen.

CHAIRMAN PETERSEN: Any further discussion on this?

All right. Then, motion. I'd like to remind the Commissioners that we're making a motion on the annexation. And, yeah, that first, please.

COMMISSIONER VANDERWELL: Mr. Chair?

CHAIRMAN PETERSEN: Yes.

COMMISSIONER VANDERWELL: Commissioner

VanderWell. I move to forward recommendation of approval to City Council of the voluntary annexation request for PCN16042, based on consideration of findings A1 through A4 and the facts concerning these findings as set forth in the staff report.

CHAIRMAN PETERSEN: I have a motion. Do I have a second?

COMMISSIONER READ: Commissioner Read. Second.

CHAIRMAN PETERSEN: Commissioner Read, thank you.

We have a motion and second. And any discussion?

If not, all in favor?

(Commission members said "aye.")

CHAIRMAN PETERSEN: Any opposed?

The motion carries.

Before we take the motion on the zoning, I will have to open the public hearing again. Anybody wish to speak on this?

MS. FAUSETT: On the zoning?

UNIDENTIFIED MAN: On the zoning?

MS. FAUSETT: Yes.

CHAIRMAN PETERSEN: On the zoning.

MS. FAUSETT: Yes.

UNIDENTIFIED MAN: I'd just like to

reiterate --

MS. FAUSETT: Well, clarify that there's the one-acre lot. On this one-acre lot that's right next to it on the east side, it kind of creates a peninsula of the county, because we're all county. And this, so it kind of is somewhat an island. And they want to come up to here as an access. But directly across here, it is not, they have a whole acre that's directly on the east. So they only have this one border that doesn't -- it's conflicting with the Z2 zoning, basically, is what I'm saying.

CHAIRMAN PETERSEN: Thank you.

Karen, can you enlighten us on that?

MS. MELBY: I think, we just discussed that, but.

CHAIRMAN PETERSEN: I thought we did, yes.

MS. MELBY: Yeah. I think, that was the question that Commissioner Fewins asked.

COMMISSIONER FEWINS: Right.

MR. ORNELAS: You need to probably close the public hearing before you take any questions. Okay.

CHAIRMAN PETERSEN: Right, I was supposed to, but. Anyone else want to speak on this?

COMMISSIONER CAREY: Come on up.

CHAIRMAN PETERSEN: Please state your name and

address please.

MR. LANCE: My name is Peter Lance, and I live at 3575 Wedekind.

And just briefly here, there has been a few major changes to what was proposed the last time we were in this chamber with you. And, you know, I would like to be more familiar with the impact or the differences and how, you know, that changes things.

And so I would, I'd like there to be a postponement on a decision in this case, just in order that we can be more informed about what is. Because it went from egress and from Wedekind, and now it's on Garfield. I mean that's, you know, that's a real different thing. And I'm just not familiar enough now with the situation to feel comfortable about, you know, knowing how I feel about it reasonably, pro or con. But I would appreciate it if we could postpone this decision so we could, the neighbors and what have you could be more ready to, you know, know what, how we feel about it.

And, and my only other question was, the idea that I just -- I'm just not sure, just with what I do, am familiar with, if, you know, the Comprehensive Plan, if it fits in that well with that plan.

That's my request.

CHAIRMAN PETERSEN: Thank you, sir.

Anyone else before I close this public hearing and bring it back to the Commission?

Seeing none, I'll close the public hearing and bring it back to the Commissioners for discussion and a motion.

COMMISSIONER FEWINS: Chairman Petersen, Commissioner Fewins.

I appreciate the work that staff's done on this. I just want to bring it to the public that annexation and zone changes that are requested are very thoroughly looked at by this Commission. And fiscal impacts are something we take very, very serious.

And to answer the gentleman's question before, when it was, the access was off of Wedekind Road, it did very negatively impact the City as far as fiscal analysis over a period of time. And the applicant then went to work and found, hey, let's find a way to make this work.

And when you talk about the Comprehensive Plan, you know, finding 6,000-square-foot homes, it does, it is adjoining to the neighborhoods that I see to the south. And even though that one to the east is not in the City, and it is an acre of land just a little football's throw away to the 6,000-square-foot lots.

So I'm going to vote in favor of this, because I think that the Comprehensive Plan does need infill, and it does call for infill, and that is exactly what this is doing. So I'm going to be voting in favor for it.

CHAIRMAN PETERSEN: Anybody care to make a motion? Go ahead, sir.

COMMISSIONER FEWINS: Chairman Petersen, Commissioner Fewins again. I move to forward a recommendation of approval to the City Council for the rezoning request for PCN16042, based on the consideration of Finding Z1 to Z3, and the facts concerning these findings as set forth in the staff report.

CHAIRMAN PETERSEN: We have a motion. Do we have a second, please?

COMMISSIONER READ: Read seconds.

CHAIRMAN PETERSEN: Thank you.

All in favor?

(Commission members said "aye.")

COMMISSIONER CAREY: One more. Can we have discussion?

CHAIRMAN PETERSEN: Oh, yes.

COMMISSIONER CAREY: Sorry, Mr. Chairman. This is Commissioner Carey, for the record.

Back when this item was put forth in -- for the Comprehensive Plan use amendment, I did feel that IDR was an appropriate, was compatible with the surrounding area. With respect to the proposed rezoning request, I feel that SF6 zoning that is proposed is compatible as well, too.

I didn't support the annexation and the rezoning back in June because we weren't able to make the findings because of the access issue. I feel that now that this, this parcel has been annexed into the City, access is being provided off of another City street, I think that that will help alleviate the other impacts that were brought up in the previous public hearing and in the hearing tonight.

So I'm going to support the motion.

Thank you, Mr. Chairman, for allowing me to make those comments on the record.

CHAIRMAN PETERSEN: Thank you.

If there are no other comments, all in favor?

(Commission members said "aye.")

CHAIRMAN PETERSEN: Any opposed?

The motion carries.

We'll move on to general business items. PCN17-057, consideration of and possible tentative map request for a 344-lot single-family subdivision, Kiley