

KILEY RANCH NORTH PLANNED DEVELOPMENT PHASE 2

Planned Development Findings:

PD1 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for housing of all types and design.

This Planned Development amendment is removing the public/institutional land use and designating the property for mixed residential uses. The specific type of housing is unknown at this time and could be a mix of housing types or assisted living. With this amendment, the total estimated number of housing units within Phase 2 is 288 and is still below the approved total maximum for Kiley Ranch North at 4,463 units.

PD2 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for necessary commercial and industrial facilities conveniently located to the housing.

The mixed use residential will provide housing in the center of the planned development which is convenient to the future commercial, medical campus and business park uses.

PD3 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for the more efficient use of land and public or private services.

The area is served by public services and utilities which make the site ideal for residential uses. Multi-family or assisted living will be located in the center of the planned development and in close proximity to future commercial and business park development.

PD4 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for changes in technology of land development so that resulting economies may be available to those in need of homes.

The proposed multi-family housing potentially provides a different housing type than previously approved in the planned development handbook. The Kiley Ranch North project was approved for a maximum of 4,463 units. This amendment does not diminish the potential for housing in the planned development and actually replaces some of the units lost with the handbook amendment for Phase 4.

PD5 The plan is consistent with the objective of furthering the public health, safety, morals and general welfare by providing for flexibility of substantive regulations over land development so that proposals for land development are disposed of without undue delay.

The applicant is seeking approval of mixed use residential because they desire to develop Phase 2 as residential uses. At this time, the applicant has not determined the specific type of residential development. The MUR designation provides flexibility to address the housing market. The property is no longer owned by the master developer of the Kiley Ranch North Planned Development so it is no longer intended to be used as the welcome center. The handbook establishes standards to minimize entitlement review time for new development.

PD6 The plan does not depart from zoning and subdivision regulations otherwise applicable to the property, and these departures are in the public interest for density.

The amendment to the Development Standards for Kiley Ranch North Phase 2 does not change the potential residential densities. The proposed density is 23.9 dwelling units per acre which is the same density as the High Residential designation approved in the tentative handbook. A portion of the High Residential land use was removed from the Kiley Ranch North with the approval of the amendment to Phase 4 and this Phase 2 amendment has the potential of 288 units.

PD7 The plan does not depart from zoning and subdivision regulations otherwise applicable to the property, and these departures are in the public interest for bulk.

The Planned Development Handbook provides development standards regulating site design, building architecture and landscaping that reduces the impact of bulk. The Public/Institutional land use, if developed would have most likely been single story. The multi-family/assisted living housing most likely will be multi-story buildings. Located to the west are existing multi-story condominiums or apartments.

PD8 The plan does not depart from zoning and subdivision regulations otherwise applicable to the property and these departures are in the public interest for use.

The development standards establish landscape, architecture, setbacks, height,

sign and lighting restrictions within the planned development which meet or exceed the zoning and subdivision regulations.

PD9 The ratio of residential to nonresidential use in the planned development is:

The proposed amendment does not include any nonresidential so Phase 2 would be 100% residential use.

PD10 Common open space in the planned development exists for what purpose, is located where within the project, and comprises how many acres (or what percentage of the development site taken as a whole).

The majority of common open space within Phase 2 is in the landscaped areas. The PI land use designation was included as part of the open space. This amendment does reduce the open space by 12 acres. As noted in the planned development handbook, the 125 acres of open space also includes 55.76 acres of formally landscaped areas within the commercial districts and landscape buffers. The minimum of open space acreage is 166.9 acres. The total anticipated open space provided will be 180.85 acres. The standards within the Planned Development Handbook maintain the streetscape and propose landscape standards that are consistent with code and exceed some standards. Part of the Orr Ditch linear trail touches the northern portion of this property. The Handbook addresses the improvements and installation timing.

PD11 The plan does provide for the maintenance and conservation of the common open space by what method.

The Kiley Ranch North Development Standards Handbook for Phase 2 does address the maintenance and conservation of the common open space through a maintenance organization or City of Sparks.

PD12 Given the plan's proposed density and type of residential development, the amount and/or purpose of the common open space is determined to be adequate.

The planned development handbook requires a percentage for landscaping consistent with Title 20 for commercial projects. The streetscape and the proposed landscape will provide sufficient landscaping to meet the intent of the common space for residential uses.

PD13 The plan does provide for public services. If the plan provides for public services, then these provisions are adequate.

The planned development provides for public services to serve the proposed residential land uses as part of this planned development.

PD14 The plan does provide control over vehicular traffic.

The amendment does not change the pedestrian or vehicular circulation. The property is located at the northeast corner of Sparks Boulevard and David Allen Parkway, which are existing arterials. This handbook proposes no changes to these streets.

PD15 The plan does provide for the furtherance of access to light, air, recreation and visual enjoyment.

The standards in the planned development establish landscape requirements for the areas along the street frontages and within the future residential site. The proposed amendment is to change the property from P/I to MUR. This change could eliminate some potential recreational lands; however future development within the Kiley Ranch North Planned Development will have to maintain the 20 percent open space and provide parks to meet the population needs.

PD16 The relationship of the proposed planned development to the neighborhood in which it is proposed to be established is beneficial.

Kiley Ranch North has been developing as a mix of residential, commercial and business park land uses. There are no changes proposed to the access to the surrounding neighborhood. This amendment does remove a portion of the future potential community facilities and open space for the Kiley Ranch North Planned Development. The proposed changes may; however, advance the completion of the project.

PD17 To the extent the plan proposed development over a number of years, the terms and conditions intended to protect the interests of the public, residents and owners of the planned development in the integrity of the plan are sufficient.

Approvals for development plans of Kiley Ranch North started in 2004. The approved tentative handbook calls for a mix of land uses, providing a housing-job balance. The tentative handbook was approved originally with public/institutional land use in this area. This amendment is changing the

property to allow for a mix of housing types; however the amendment maintains the overall number of residential units under the maximum approval of 4,463.

PD18 The project, as submitted and conditioned, is consistent with the City of Sparks Master Plan.

The Land Use Plan Goals and Policies in the 1991 NSSOI Master Plan update that are also relevant to this proposal include:

GOAL LU1: *To create a growth pattern which assures flexible, feasible and efficient developments and which includes natural and cultural amenities.*

POLICIES

LU1a. *The City will support a preferred growth pattern which applies consistent and uniform standards to areas planned for similar uses.*

ACTION STRATEGIES

Allow only developments which meet the proper land use designation of the City's Master Plan and the Regional Master Plan.

The proposed Kiley Ranch North Phase 2 planned development has development standards that address flexibility and efficient development of the Ranch.

Goal SIP 1: Ensure that the primary scenic views of the planning area from Pyramid Highway and Spanish Springs Road are protected.

Policy: SIP 1a: A minimum 25-foot buffer should be provided between all property lines and pavement along all arterial streets. Fences, walls or structures should be discouraged in these areas. At time of subdivision application review, a landscape/xeriscape plan should be evaluated.

The proposed planned development standards handbook has landscape buffers on all the arterial streets and provides minimum 20% open space.

Goal SIP 22: Support master planned development and master development agreements.

SIP 22a: Require developers to prepare development standards handbooks for all residential, commercial and restricted industrial/business park projects that outline architectural guidelines and performance standards in accordance with the policies in this plan.

The development standards handbook governs the standards for development within the Kiley Ranch North Planned Development Phase 2.

Goal SIP 23: Encourage a mix of land uses and densities to promote a balanced community with residential, commercial, thorough architectural guidelines, signage and development standards, restricted industrial, business and recreational areas.

This request would provide an area of mixed residential uses located near commercial land uses, future medical campus and business park.

PD19 The project is consistent with the surrounding existing land uses.

The surrounding land uses and zoning are summarized in the table below:

Direction	Land Use / Zoning
North	Vacant / A-40 (Agricultural)
South	Vacant and residential / NUD (Kiley Ranch North Planned Development)
East	Vacant / A-40 (Agricultural)
West	Vacant / NUD (Kiley Ranch North Planned Development)

Currently the properties surrounding Village 35 are vacant. The Kiley Ranch Land Use map designates the future land use as residential to the east and south. The proposed housing will be conveniently located near the planned commercial, medical campus and business park uses.

PD20 Public notice was given and a public hearing held per the requirements of the Sparks Municipal Code.

Public notice was given. The Planning Commission and City Council meetings function as the public hearing per the requirements of SMC and NRS.

PD21 Modification of Kiley Ranch North Planned Development Phase 4 furthers the interest for the City and the residents and preserves the integrity of the plan.

When considering rezoning a Planned Development, the City must be able to identify that the “modification” is to “further the mutual interest of the residents and owners of the planned unit development and of the public in the preservation of the integrity of the plan as finally approved,” NRS 278A.380 (2).

The Phase 2 amendment proposes land uses that differ from the tentative handbook. This amendment to Phase 2 proposes to change PI to Mixed Use Residential (MUR) land uses. The revised plan maintains the integrity of the plan by proposing these land use designations in an area where the property is surrounded by arterials. The mixed residential uses will complement and contribute to the mixed-use community character which was a primary goal of the Kiley Ranch North Planned Development. The tentative handbook states that it encourages a live-work community by providing land uses to support a job/housing balance.

Final Handbook

The following is the SMC section on final handbook approval followed by the NRS regulations.

Section 20.18.080 Procedure for final approval

- A. Application for final review by the Sparks Planning Commission and ultimate final approval by the Sparks City Council must be made to the Administrator within the time specified by the minutes granting tentative approval.

- B. A public hearing on an application for final approval of the plan, or any part thereof, is not required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan which has been given tentative approval. The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:
 - 1. Vary the proposed gross residential density or intensity of use;
 - 2. Vary the proposed ratio of residential to nonresidential use;
 - 3. Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
 - 4. Substantially increase the floor area proposed for nonresidential use; or
 - 5. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

A public hearing need not be held to consider modifications in the location and design of streets or facilities for water and for disposal of storm water and sanitary sewage.

- C. All requirements and regulations pertaining to the application for final approval, substantial compliance with tentatively approved plan, alternative

proceedings for final action on plans not in substantial compliance, recourse to courts for failure of city to grant or deny final approval, certification and filing of approved plan upon abandonment or failure to carry out approved plan shall be provided in NRS 278A.530 to 278A.580, inclusive.

Nevada Revised Statutes (NRS) 278A.540 states what constitutes substantial compliance with a tentative approved planned development application.

^ANRS 278A.540 What constitutes substantial compliance with plan tentatively approved.

The plan submitted for final approval is in substantial compliance with the plan previously given tentative approval if any modification by the landowner of the plan as tentatively approved does not:

- A. Vary the proposed gross residential density or intensity of use;
- B. Vary the proposed ratio of residential to nonresidential use;
- C. Involve a reduction of the area set aside for common open space or the substantial relocation of such area;
- D. Substantially increase the floor area proposed for nonresidential use; or
- E. Substantially increase the total ground areas covered by buildings or involve a substantial change in the height of buildings.

A public hearing need not be held to consider modifications in the locations and design of streets or facilities for water and disposal of storm water and sanitary sewer.

NRS 278A Plan not in substantial compliance, Alternative procedures; public hearing final action.

1. If the plan, as submitted for final approval, is not in compliance with the plans as given tentative approval, the city or county shall, within 30 days of the date of filing of the application for final approval, notify the landowner in writing, setting forth the particular ways in which the plan is not in substantial compliance.
2. The landowner may:
 - (a) Treat such notice as a denial of final approval;
 - (b) Refile his plan in a form which is in substantial compliance with the plans as tentatively approved; or
 - (c) File a written request with the city or county that it hold a public hearing on his application for final approval.

If the landowner elects the alternatives set out in paragraph (b) or (c) above, he may refile his plan or file a request for a public hearing, as the case may be, on or before the last day of the time within which he was authorized by the minutes granting tentative approval to file for final approval, or 30 days from the date he receives such notice of such refusal, whichever is later.

3. Any such public hearing shall be held within 30 days after the request for the hearing is made by the landowner, and notice thereof shall be given and hearings shall be conducted in the manner prescribed in NRS 278A.480.
4. Within 20 days after the conclusion of the hearing, the city or county shall, by minute action, either grant final approval to the plan or deny final approval to the plan. The

grant or denial of the final approval of the plan shall, in cases arising under this section, contain the matters required with respect to an application for tentative approval by NRS 278A,500.0

Staff has reviewed the revised Phase 2 final Kiley Ranch North Planned Development Handbook. The final draft handbook:

- does not vary the proposed gross residential density or intensity of the Kiley Ranch North Planned Development Standards Tentative Handbook;
- does vary the proposed ratio of residential to nonresidential use;
- does reduce the common open space area but the plans still exceed the required minimum 20 percent;
- does not increase the floor area proposed for the nonresidential use from the approved tentative handbook;
- could increase the total ground area covered by buildings and could change the height of buildings.

It is staff's opinion that the final draft amendment for the Kiley Ranch North Planned Development Standards Handbook Phase 2 could potentially vary three of the five criteria. Due to the fact that this request is an amendment to a recorded final handbook, staff determined this amendment requires a public hearing process. Based on the standards listed in NRS, staff is of the opinion that the proposed amendment of the Kiley Ranch North Planned Development Handbook complements other existing and planned uses and contributes to creating a mixed-use community and job-housing balance which furthers the mutual interests of the residents of Kiley Ranch North Planned Development.