



**CITY OF SPARKS, NV
COMMUNITY
SERVICES
DEPARTMENT**

To: Mayor and City Council

From: Marilie Smith, Administrative Secretary

Subject: Report of Planning Commission Action
PCN17-0035

Date: February 23, 2018

RE: PCN17-0035 - Review of, and consideration of a recommendation of approval to the City Council, for a Development Agreement for a site approximately 67.4 acres in size located at 500 Highland Ranch Parkway, Sparks NV.

Assistant Community Services Director Armando Ornelas presented this agenda item. Mr. Ornelas shared that the item is a companion item to Public Hearing agenda item number 8. The consideration and decision of the Planning Commission regarding the Development Agreement will directly impact the review and decision of agenda item number 8.

Mr. Ornelas shared that the proposed Development Agreement applies to properties generally located at the southwest corner of Pyramid Highway and Highland Ranch Parkway and consideration of the item directly impacts a request to amend the Comprehensive Plan and a rezone request to be considered during Public Hearing. Mr. Ornelas displayed a vicinity map and identified the boundary of the subject property.

Mr. Ornelas summarized the need for a Development Agreement based on concerns identified at the October 19, 2017 Planning Commission meeting. The Planning Commission continued its consideration of the Comprehensive Plan amendment and request to rezone to provide City staff and the applicant's representative time to formulate an agreement to address "concurrency" issues.

Mr. Ornelas shared that the applicant filed a petition with the City to include the subject property within IFSA #1 and this became the catalyst necessary to formulate a Development Agreement.

The Development Agreement addresses the Comprehensive Plan "concurrency" requirement and is consistent with the Comprehensive Plan. The Development Agreement provides a pathway for the subject property to be brought into IFSA #1 thereby providing conformance to Goal 3.5 (the so-called "concurrency" requirement) of the Truckee Meadows Regional Plan.

Mr. Ornelas reviewed the provisions of the Development Agreement and consistency with the Comprehensive Plan. Mr. Ornelas stated that staff supports a recommendation of approval to be forwarded to the City Council for consideration.

Commissioner Carey asked for clarification regarding Section 3 of the Development Agreement titled Default and Opportunity to Cure. Specifically, Commissioner Carey asked what the process is to resolve an issue when the parties are in a disagreement with any provision within the Agreement. Mr. Ornelas deferred the question to legal counsel. Assistant City Attorney Alyson McCormick stated that if a dispute arose that could not be resolved between the parties, litigation would be possible. Ms. McCormick stated that she did not believe there was much in the Agreement that could be misconstrued and shared that she believed any disagreement could be resolved through further discussion or renegotiation among the parties involved.

Chairman Petersen asked for further discussion or a vote.

Commissioner Carey stated that the concerns he had expressed previously with regard to the concurrency finding had been addressed with the formulation of the Development Agreement. Commissioner Carey stated that the Development Agreement provides a path to obtain the goals necessary to satisfy the Comprehensive Plan and he agrees with staff's recommendation of approval of the Development Agreement.

MOTION: Commissioner VanderWell moved to find the proposed Development Agreement associated with PCN17-0035 consistent with the Sparks Comprehensive Plan and to forward a recommendation of approval of the Development Agreement to the City Council.

SECOND: Commissioner Read.

Chairman Petersen asked for further discussion or a vote. There was no further discussion.

AYES:	Commissioners Petersen, VanderWell, Brock, Carey Fewins and Read.
NAYS:	None.
ABSTAINERS:	None.
ABSENT:	Commissioner Shabazz.

Passed.