

**City Of Sparks  
Planning Commission Item**

**Meeting Date:** August 1, 2013

**Subject:** **Public Hearing, PCN13011**, Consideration and possible approval for a request for final approval of an amendment to the Galleria Station Planned Development Handbook to allow for detached single family residential dwellings within the undeveloped portion (phase 2), including associated lot and setback requirements, design standards, and other matters properly relating thereto on a site 24.8 acres in size located in the NUD (New Urban District – Galleria Station) zoning district generally located northeast of the intersection of Galleria Parkway and Costa Azul Drive, Sparks, NV.

**Petitioner:** **Lewis Investment Company of Nevada, LLC**

**Presenter:** **Tim Thompson**

**Recommendation:** **The Community Services Department recommends forwarding a recommendation for approval of PCN13011, see suggested motions below.**

**Financial Impact:** **N/A**

**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, and 278B.)

**Background / Analysis / Alternatives**

**See Attached Report.**

SUGGESTED MOTIONS

Final Approval

I move to forward a recommendation of approval, to the City Council, of PCN13011 as the final draft is in substantial compliance with the City Council's action on the Tentative Approval of the Galleria Station Planned Development Handbook and the facts supporting these findings as set forth in the staff report.

Respectfully Submitted,



Armando Ornelas  
City Planner

Prepared By:



Tim Thompson, AICP  
Senior Planner

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CASE NUMBER(S):	<ul style="list-style-type: none"><li>• PCN13011</li></ul>
REQUESTED ACTION(S):	<ul style="list-style-type: none"><li>• Final Approval of an amendment to the Galleria Station Planned Development Handbook</li></ul>
PROJECT DESCRIPTION:	<ul style="list-style-type: none"><li>• Final Approval of an amendment to the Galleria Station Planned Development Handbook to allow single family residential within phase 2 of the development</li></ul>
PROPERTY OWNER:	<ul style="list-style-type: none"><li>• Lewis Investment Company of Nevada, LLC</li></ul>
DEVELOPER:	<ul style="list-style-type: none"><li>• Property Owner</li></ul>
APPLICANT:	<ul style="list-style-type: none"><li>• Property Owner</li></ul>
LOCATION:	<ul style="list-style-type: none"><li>• Generally located east of Galleria Parkway at the intersection of Galleria Parkway and Costa Azul Drive, Sparks, NV</li></ul>
SITE SIZE:	<ul style="list-style-type: none"><li>• 24.8± acres</li></ul>
EXISTING ZONING:	<ul style="list-style-type: none"><li>• PD (Planned Development)</li></ul>
EXISTING LAND USE:	<ul style="list-style-type: none"><li>• Attached Single Family Residential – Condominium units</li></ul>
LAND USE PLAN:	<ul style="list-style-type: none"><li>• Mixed Use (MX)</li></ul>
WARD INFORMATION:	<ul style="list-style-type: none"><li>• Ward 5 – Ron Schmitt</li></ul>
APPLICABLE REGULATIONS:	<ul style="list-style-type: none"><li>• NRS 278A – Planned Developments</li><li>• S.M.C. 20.18 (Planned Development Review)</li><li>• Galleria Station Planned Development Handbook</li></ul>

\*A Public Hearing is Required

**BACKGROUND:**

The Galleria Station Planned Development Handbook was originally approved by the City Council on May 16, 2005. The handbook covered 24.98± acres and consists entirely of residential development. The original plan contemplated 54 separate buildings with five condominium units each for a total of 270 units. Phase 1 of the development included 23 buildings. Fourteen of those buildings have been constructed and are occupied. The remaining nine buildings have yet to commence construction. The entire infrastructure for phase 1 has been completed. It's anticipated that phase 1 will eventually be built out as originally planned with a total of 115 condominium units.

Due to economic conditions, development of the project has ceased for a number of years. The owner of the phase 2 property is seeking this amendment to allow for the construction of a product type which they believe is viable given current market conditions.

On July 8, 2013, the City Council granted tentative approval of the handbook amendment request.

**ANALYSIS:**

**Final Approval**

Sparks Municipal Code 20.18 regulates the review process for Planned Developments. Sparks Municipal Code 20.18.080 discusses the review process for the final approval of a planned development as follows:

***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. (Ord. 2129, Add, 02/11/2002)*

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

**NRS 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:

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 locations and design of streets or facilities for water and disposal of storm water and sanitary sewer.

Based on the standards listed in the NRS, staff is of the opinion that the final approval draft of the Galleria Station Planned Development Handbook is in substantial compliance with the tentatively approved plan as approved by the City Council. The final draft handbook:

- does not vary the proposed gross residential density or intensity of the Galleria Station Planned Development Handbook;
- does not vary the proposed ratio of residential to nonresidential use;

- does not reduce the common open space area;
- there is no increase to the floor area proposed for the nonresidential use from the approved tentative handbook;
- there is no increase in the total ground areas covered by buildings nor is there substantial change in the height of buildings.

It is staff's opinion that the final draft of the Galleria Station Planned Development Handbook is in substantial compliance with the approved tentative Handbook.

### **Alternative**

If the Planning Commission is not of the same opinion as staff, then NRS 278A.550 lays out the proceedings if the plan is determined not to be in substantial compliance with the tentatively approved plan.

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

*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.*

*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.*

*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.*

*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.*