

## PCN14015 – FNBN-CMLCON I, LLC

### 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.**

The proposed amendment does not include residential development.

**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 proposed handbook amendment provides for commercial development that is conveniently located in close proximity to residential development. The handbook is written to protect the adjacent residential development by making sure drive-through facilities are along Sparks Boulevard and not directly next to residences.

**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. Development on the site would be infill development and hence provides for efficient use of the land and public services.

**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.**

This amendment does not diminish the potential for housing in the planned development and locates commercial in close proximity to residences.

**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 handbook outlines design criteria for drive-through facilities, ensuring safe design and circulation without going through a special use permit process.

**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 proposed amendment is compatible with the surrounding area and is consistent with the Sparks Master Plan.

**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 existing commercial development is single story development. The proposed amendment does not change the architecture, site design, site circulation or landscaping so there is no proposed change in the impact of bulk.

**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 for the placement of buildings within the planned development.

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

The proposed amendment does not does not change the ratio of residential to non-residential uses. Residential development has and will occur elsewhere in the Kiley Ranch South Planned Development.

**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 development standards require a minimum of 20 percent of the site to be

landscaped. The proposed amendments do not modify this standard.

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

The handbook specifies that the entire site be maintained through a common area agreement that is included in the CC&Rs and covers for the life of the project. There is no proposed change to the maintenance or open space/landscaping.

**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 site does not include residential development.

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

The Kiley Ranch Development Design Handbook Section IV – Commercial and Business Park Development Design Guidelines do not provide for public services though the services are provided by the City of Sparks and various utility providers.

**PD14 The plan does provide control over vehicular traffic.**

The amendment does not change the pedestrian and vehicular circulation. The amendment is for Parcel IIE which is located on Sparks Boulevard, an existing arterial. There are no changes to the roadway system needed as a result of the amendment.

**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 commercial site. The handbook has established standards for site design, site circulation, landscaping, building design and architecture, which collectively furthers access to light, air and visual appeal.

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

The handbook established standards to make the commercial development compatible with the residential neighborhood to the north.

**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.**

The majority of the commercial buildings within Los Altos Crossing (Parcel IIE) were constructed in 2008. The primary goal of the handbook is to create a distinctive, high quality commercial center convenient to residential development.

**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 South amendment has development standards that enhance flexibility and provide for efficient development.

***Goal NSSOI22: Support master planned development and master***

**development agreements.**

**Policy: NSSOI22A: Require developers to prepare development standards handbook for all residential, commercial and restricted industrial/business park projects which outline architectural guidelines and performance standards in accordance with the policies in this plan.**

The development standards handbook governs the development within the Kiley Ranch South Planned Development. This amendment is to allow a new use within a portion of the the handbook.

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

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

<b>Direction</b>	<b>Land Use / Zoning</b>
North	Single family residential/ PD (Kiley Ranch South Planned Development)
South	Single family residential/ PD (Kiley Ranch South Planned Development)
East	Park / PD (Kiley Ranch South Planned Development)
West	Open Space - Drainage / PD (Kiley Ranch South Planned Development)

Los Altos Crossing is located at the intersection of major roads serving Kiley Ranch South, which is an ideal location for the proposed uses. The location also makes it convenient for the nearby residents to frequent the commercial 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 proposed amendment to the Kiley Ranch Development Design Handbook Section IV – Commercial and Business Park Development and Design Guidelines will permit another use on Parcel IIE and allow for drive-through facilities for banks and restaurants restricted to the lots along Sparks Boulevard+. The drive-through facilities will have to comply with the standards in the handbook including stacking distances, site and parking circulation, traffic generation studies and landscaping requirements. The proposed amendments preserve the integrity of the plan and protect the nearby residents.

### **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.

**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:

- 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.

Staff has reviewed the requested changes to the final handbook of the Kiley Ranch South Planned Development Handbook. The final draft handbook:

- does not vary the proposed gross residential density or intensity of the



Kiley Ranch South Planned Development Standards Handbook;

- does not vary the proposed ratio of residential to nonresidential use;
- does not reduce the common open space area;
- does not increase the floor area proposed for the nonresidential use from the approved tentative handbook;
- does not increase the total ground area covered by buildings and substantial change in the height of buildings.

It is staff's opinion that the final draft amendments for the Kiley Ranch South Planned Development Standards Handbook Section IV – Commercial and Business Park do not vary the five criteria. The proposed amendments preserve the integrity of the plan and protect the nearby residents.