

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF SEPTEMBER 28, 2022

FILE NO: SUB-2021-0215

AGENDA ITEM: 6.D

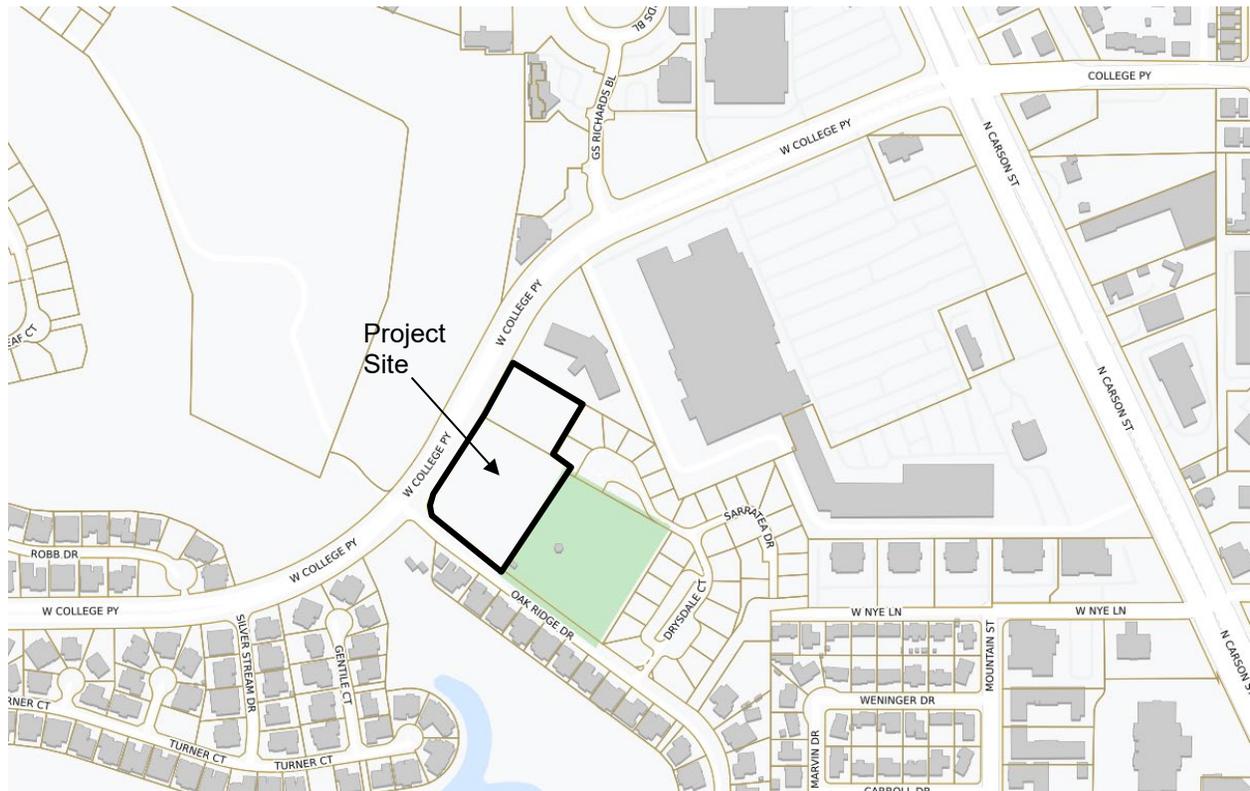
STAFF CONTACT: Heather Ferris, Planning Manager

AGENDA TITLE: For Possible Action: Discussion and possible action regarding a request from Roseview Townhomes, LLC and Carson City (“Applicants”) for a recommendation to the Board of Supervisors (“Board”) concerning an amendment to Tentative Subdivision Map SUB-2021-0215 to eliminate condition 17 which requires the water main to be private; and eliminate condition 24 and modify condition 26 as a variance is no longer required, on property zoned Neighborhood Business Planned Unit Development (“NB-P”), located at 1147 W College Parkway, Assessor’s Parcel Numbers (“APNs”) 007-462-16 and 007-462-17. (Heather Ferris, hferris@carson.org).

Summary: On August 19, 2021, the approved Tentative Subdivision Map SUB-2021-0215 subject to 27 conditions of approval, including condition 17 which requires the water main to be private and the line to be master metered. The Applicants are now seeking to eliminate this condition as it has proven to be undesirable to both the developer and the City. Additionally, staff is seeking to eliminate condition 24 and modify condition 26 as a recent zoning map amendment to the adjacent John Mankins Park makes the variance unnecessary. The Board is authorized to approve amendments to a Tentative Subdivision Map. The Planning Commission makes a recommendation to the Board.

RECOMMENDED MOTIONS: “I move to recommend approval of the amendment to Tentative Subdivision Map SUB-2021-0215 to the Board of Supervisors based on the ability to make the required findings and subject to the conditions of approval included in the staff report.”

VICINITY MAP:



RECOMMENDED CONDITIONS OF APPROVAL: Tentative Map

This base language reflects the conditions of approval for SUB-2021-0215, approved by the Board of Supervisors on August 19, 2021. Proposed deletions appear in bold with a strike through. Proposed additional language appears in bold and underlined.

The following are conditions of approval required per CCMC 18.02.105.5:

1. All final maps shall be in substantial accord with the approved tentative map.
2. Prior to submittal of any final map, the development engineering department shall approve all on-site and off-site improvements. The applicant shall provide construction plans to the development engineering department for all required on-site and off-site improvements, prior to any submittals for approval of a final map. The plan must adhere to the recommendations contained in the project soils and geotechnical report.
3. Lots not planned for immediate development shall be left undisturbed and mass grading and clearing of natural vegetation shall not be allowed. Any and all grading shall comply with city standards. A grading permit from the Nevada Division of Environmental Protection shall be obtained prior to any grading. Noncompliance with this provision shall cause a cease-and-desist order to halt all grading work.
4. All lot areas and lot widths shall meet the zoning requirements approved as part of this tentative map with the submittal of any parcel map or preferably final map.
5. With the submittal of any parcel map or preferably final maps, the applicant shall provide evidence to the planning and community development department from the health and fire departments indicating the agencies' concerns or requirements have been satisfied. Said correspondence shall be included in the submittal package for any final maps and shall include approval by the fire department of all hydrant locations.
6. The following note shall be placed on all final maps stating:

"These parcels are subject to Carson City's growth management ordinance and all property owners shall comply with provisions of said ordinance."
7. Placement of all utilities, including AT&T Cablevision, shall be underground within the subdivision. Any existing overhead facilities shall be relocated prior to the submittal of final maps.
8. The applicant must sign and return the notice of decision for conditions for approval within 10 days of receipt of notification after the board of supervisors meeting. If the notice of decision is not signed and returned within 10 days, then the item will be rescheduled for the next planning commission meeting for further consideration.
9. Hours of construction will be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday and Sunday. If the hours of construction are not adhered to, the Carson City building department will issue a warning for the first violation, and upon a second violation, will have the ability to cause work at the site to cease immediately.
10. The applicant shall adhere to all city standards and requirements for water and sewer systems, grading and drainage, and street improvements.

11. The applicant shall obtain a dust control permit from the Nevada Division of Environmental Protection. The site grading must incorporate proper dust control and erosion control measures.
12. A detailed storm drainage analysis, water system analysis, and sewer system analysis shall be submitted to the development engineering department prior to approval of a final map.
13. Prior to the recordation of the final map for any phase of the project, the improvements associated with the project must either be constructed and approved by Carson City, or the specific performance of said work secured, by providing the city with a proper surety in the amount of 150 percent of the engineer's estimate. In either case, upon acceptance of the improvements by the city, the developer shall provide the city with a proper surety in the amount of 10% of the engineer's estimate to secure the developer's obligation to repair defects in workmanship and materials which appear in the work within 1 year of acceptance by the city.
14. A "will serve" letter from the water and wastewater utilities shall be provided to the Nevada Health Division prior to approval of a final map.
15. The district attorney shall approve any CC&R's prior to recordation of the first final map.

Other Conditions of Approval:

16. The internal street shall be privately owned and maintained.
17. ~~The water main must be private, and the line shall be master metered with appropriate backflow preventers.~~ **Master meters, backflow devices, and public utilities must meet all NDEP and City requirements including utility separation and special construction techniques.**
18. The developer shall install a curb ramp, meeting current ADA standards, at the intersection of College Parkway and Oak Ridge Drive.
19. The developer shall enter into an agreement to pay it's pro-rata share of the cost to improve approximately 1,135 feet of 12 inch sewer main which is currently at capacity in College Parkway between Imperial Way and Granite Way. The pro-rate share for this development is 1.6 percent and is not to exceed \$9,600.
20. As part of the site improvement permit, the applicant must provide a landscape plan demonstrating compliance with the Development Standards in Division 3.
21. Carson City is a nationally recognized Bee City USA. As a result, the applicant shall use approximately 50% pollinator friendly plant material for any required landscaping on the project site. A recommended tree and shrub species list has been provided. Any remaining landscape plant material selection must be consistent with the City's approved tree species list or other tree species, as approved by the City.
22. An exhibit demonstrating compliance with the open space requirements (Carson City Development Standards 1.18.6) shall be included in the application for site improvement permit.

23. The applicant is required to incorporate “best management practices” into their construction documents and specifications to reduce the spread of noxious weeds. The Parks, Recreation & Open Space Department is willing to assist the applicant with this aspect of their project as needed.
- ~~24. The applicant shall provide the Community Development Department with a deed restriction for recordation at the time the final map is submitted for recordation. The document shall state the following:~~
- ~~• Variance (VAR-2021-0232) has been approved placing the homes along the south-eastern boundary of the project site within 20 feet closer to the existing park on APN 007-462-13, than is required by Carson City Development Standards 1.18. There may be inconvenience or discomfort, including but not limited to noise, glare, or physical activity, associated with the proximity to such a use.~~
245. At the time of recordation of the final map, a private Homeowner’s Association (HOA) or similar entity must be formed to provide maintenance for all common areas, including the private road, in perpetuity.
256. The Tentative Subdivision Map is only approved if the applicant obtains approval from the Planning Commission for the following concurrent applications:
- a. LU-2021-0218- A Special Use Permit for a residential use in a non-residential zoning district.
 - ~~b. VAR-2021-0232- A Variance from Division 1.18.4(b) requiring a minimum of a 20-foot setback plus 10 feet for each story above one story if adjacent to a single-family zoning district.~~

LEGAL REQUIREMENTS: CCMC 17.05 (Tentative Maps); CCMC 17.07 (Findings); NRS 278.330

SITE DEVELOPMENT INFORMATION:

SUBJECT SITE AREA: 3.45 acres
EXISTING LAND USE: Vacant

MASTER PLAN DESIGNATION: High Density Residential (“HDR”)

ZONING: Neighborhood Business Planned Unit Development (“NB-P”)

KEY ISSUES: Is the amendment to the Tentative Map consistent with the required findings? Does the proposal meet the Tentative Map requirements and other applicable requirements?

SURROUNDING ZONING AND LAND USE INFORMATION

NORTH: Neighborhood Business Planned Unit Development / Senior Living Facility
SOUTH: Single Family 12,000 Planned Unit Development / Single family residences & golf course
EAST: Single Family 12,000 Planned Unit Development / Single family residences & park
WEST: Single Family 12,000 Planned Unit Development / golf course

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: Zone X shaded
SEISMIC ZONE: Zone I (Greatest Severity)

FAULT: Beyond 500 feet

DISCUSSION:

The project site consists of two parcels totaling 3.45 acres in size and is zoned Neighborhood Business Planned Unit Development. On August 19, 2021, the Board of Supervisors approved Tentative Subdivision Map SUB-2021-0215 to subdivide the subject property into 52 lots for an attached single-family development. The approval was subject to 27 conditions of approval, including condition 17 which requires the water main to be private and the line to be master metered. The requirement for water main to be private and the line to be master metered would have resulted in the development becoming a “consecutive community water system” which is undesirable for both the developer and the city. The applicants are now seeking to modify this condition so that the development will not be subject to a private water main but will require the development to provide master meters, backflow devices, and public utilities consistent with state and city requirements.

The project was also subject to a variance request to allow for a reduced setback adjacent to a residential zoning district. The variance was approved by the Board of Supervisors on appeal on August 19, 2021. Subsequently, the City has amended the zoning map for several park properties, including the property adjacent to this project site. The zoning was amended to Public Neighborhood Planned Unit Development for John Mankins Park, thereby making the variance for the setback from the residential zoning district unnecessary. Since the applicant has come forward with a request to amend the tentative map, staff is taking this opportunity to request additional amendments to remove the now unnecessary requirements related to the variance.

Staff is seeking to eliminate condition 24 and modify condition 26. Condition 24 requires a deed restriction be recorded to notify future property owners within the subject development that their homes were the subject of a variance. Since the variance is no longer necessary and the project meets the required setbacks as it is no longer adjacent to a residential zoning district, staff is recommending the removal of this condition. Condition 26 required approval of the special use permit (“SUP”) for a residential use in a non-residential zoning district and approval of the variance. Because the variance is no longer necessary, staff is recommending Condition 26 be amended to delete item (b).

The Planning Commission conducts a public hearing and advises the Board if the proposed amendment to the condition of approval for the tentative map is consistent with the provisions of the Municipal Code.

PUBLIC COMMENTS: Public notices were mailed to 65 property owners within 600 feet of the subject site on September 15, 2022 pursuant to the provisions of NRS and CCMC for the amended Tentative Subdivision Map application. As of the completion of this staff report no public comments have been received. Any written comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting on September 28, 2022, depending upon their submittal date to the Planning Division of the Carson City Community Development Department.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS: The following comments were received from City departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Development Engineering

With the original tentative map, the Carson City Public Works Department Development Engineering Group (“Development Engineering”) requested a condition of approval to require the onsite water mains to be private. This was based on the City’s understanding of how certain

Nevada Administrative Codes would be handled by the Nevada Department of Environmental Protection and based on the width of the proposed street which makes some maintenance activities more difficult. Unfortunately, this condition created the unforeseen and unintended consequence of requiring the subdivision to become a “consecutive community water system,” which is undesirable for both the City and the developer. The result of changing the condition will be that the City will be required to maintain a water main in a street that is narrower than our standard urban street section. This is not ideal, but there is sufficient width to do any required maintenance, there are other existing subdivisions with similar street widths and public mains, and Development Engineering and the Carson City Public Works Department Water Division feel that this is the only viable solution. Development Engineering will endeavor to ensure that any future subdivisions will be designed appropriately to avoid this issue prior to coming before the planning commission.

Staff recommends the following condition to replace condition 17:

Master meters, backflow devices, and public utilities must meet all NDEP and City requirements including utility separation and special construction techniques.

TENTATIVE MAP FINDINGS: Staff recommends approval of the amendments to the Tentative Subdivision Map based on the findings below and the information contained in the attached reports and documents, pursuant to CCMC 17.05 (Tentative Maps); 17.07 (Findings) and NRS 278.349, subject to the recommended conditions of approval, and further substantiated by the applicant’s written justification. In making findings for approval, the Planning Commission and Board of Supervisors must consider:

- 1. *Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.***

The proposed amendments will not change the ability to make this finding. The development is required to comply with all applicable environmental and health laws concerning water and air pollution and disposal of waste.

- 2. *The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

The proposed amendments will not change the ability to make this finding. Water supplied to the development will meet applicable health standards. The City has sufficient system capacity and water rights to meet the required water allocation for the subdivision.

- 3. *The availability and accessibility of utilities.***

The proposed amendments will not change the ability to make this finding. All utilities are available in the area to serve this development.

- 4. *The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.***

The proposed amendments will not change the ability to make this finding. The project is located adjacent to existing single family and commercial developments which are served by the existing public services including schools, sheriff, transportation facilities, and parks. Staff has consulted with the Carson City School District as part of the 2021 review of the tentative map. The School District indicated they do not have any additional comments beyond the information provided for previous projects and have indicated that the School District will be re-districting which should

help. For previous projects the School District indicated that they remain concerned about capacity and advised that for every 100 new homes it expects about 30 new students. With most of the schools now at capacity, the limited capital funding for new facilities, it is concerned, as it cannot “rezone” its way out of the problem. The school district has advised that it is doing its utmost to prepare for growth, within its means. Development Engineering has reviewed the development for impacts to water, sewer, storm drainage, and roadway systems. The existing water, storm drain, and roadway infrastructure is sufficient to serve the project. The downstream sewer main in College Parkway is at capacity and staff has recommended a condition of approval requiring the developer enter into a pro-rata share agreement for the future upgrading of the downstream sewer. The Carson City Fire Department has also reviewed the development. As proposed, sufficient access is provided. As noted in the Fire Department comments, the project must comply with the currently adopted edition of the International Fire Code and the Northern Nevada Fire Code Amendments as adopted by Carson City.

5. Access to public lands. Any proposed subdivision that is adjacent to public lands shall incorporate public access to those lands or provide an acceptable alternative.

The proposed amendments will not change the ability to make this finding. The proposed subdivision is adjacent to a public park. Residents will be able to access park via existing sidewalks along W. College Parkway and Oak Ridge Drive.

6. Conformity with the zoning ordinance and land use element of the City’s Master Plan.

The proposed amendments will not change the ability to make this finding. The project is consistent with the Master Plan. The project site is designated as High Density Residential which is designed to create opportunities for higher-density neighborhoods in an urban and suburban setting with densities ranging from 8 to 36 units per acre. The proposed density of the project is 15 units per acre. The requested development is consistent with the concept of a Compact and Efficient Pattern of Growth (Guiding Principle 1). Carson City is committed to a compact pattern that makes efficient use of the limited land area and water resources it has available for urban growth, and that fosters the provision of infrastructure and services in a cost effective manner.

Guiding Principal 7 discusses compact, mixed use activity centers, stating “Carson City will encourage the creation of compact, mixed-use activity centers in easily accessible and highly visible locations of the community. The activity centers will promote the efficient use of available commercial lands and concentrate retail services in pedestrian and transit-oriented development nodes that may be easily accessed from and serve surrounding neighborhoods. Activity centers will vary in size and composition depending upon their location, context and level of priority.”

Given the existing surrounding neighborhood context, staff finds this proposal to be consistent with the master plan.

The zoning designation is Neighborhood Business. Residential uses are permitted in this zoning district subject to first obtaining approval of an SUP for residential uses in a commercial zoning district. In 2021, the applicant concurrently applied for an SUP (LU-2021-0218) with the Tentative Subdivision Map and received approval. The 2021 application for the Tentative Subdivision Map is also dependent upon the approval of the concurrent application for a variance from the required 30-foot setback along the southern-most property line (VAR-2021-0232). Subsequent to the 2021 approval, the city amended the zoning for the adjacent property along the project’s southern-most property line making the variance unnecessary. Staff finds, with the proposed amendments, the Tentative Subdivision Maps remains consistent with the Master Plan land use designation, and as conditioned is consistent with the zoning ordinance.

7. General conformity with the City’s Master plan for streets and highways.

The proposed amendments will not change the ability to make this finding. The proposed subdivision is in conformance with the City’s master plan for streets and highways. The project will be required to install a curb ramp meeting current ADA standards.

8. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

The proposed amendments will not change the ability to make this finding. The project will have little or no detrimental effect on vehicular or pedestrian traffic. With the 2021 application, the applicant provided a traffic memo outlining the estimated trips, based on the ITE Trip Generation Manual. The project is anticipated to generate approximately 305 daily trips with an AM peak of 23 trips and a PM peak of 28 trips. This is below the threshold for a full traffic analysis. The project will be required to install a curb ramp, meeting current ADA standards, at the intersection of College Parkway and Oak Ridge Drive.

9. The physical characteristics of the land such as flood plains, earthquake faults, slope and soil.

The proposed amendments will not change the ability to make this finding. The site is relatively flat and located in the FEMA flood zone X (shaded) and therefore does not require special flood damage prevention considerations.

10. The recommendations and comments of those entities reviewing the subdivision request pursuant to NRS 278.330 thru 278.348, inclusive.

The proposed amendment will not change the ability to make this finding. Public Works has indicated sufficient water and sewer capacity to meet the demands of this project, subject to the condition of approval requiring the developer to enter into a pro-rata share agreement for the sewer main.

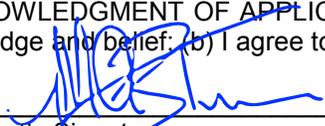
11. The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

The proposed amendments will not change the ability to make this finding. There is sufficient access and sufficient fire flows to serve the project. The Fire Department will review the site improvement permit for compliance with the International Fire Code and northern Nevada fire code amendments as adopted by Carson City.

12. Recreation and trail easements.

The proposed amendments will not change the ability to make this finding. The project is adjacent to John Mankins Park. Access to the park will be provided via sidewalks along the project frontage.

Attachments
Application

Carson City Planning Division 108 E. Proctor Street· Carson City NV 89701 Phone: (775) 887-2180 • E-mail: planning@carson.org			FOR OFFICE USE ONLY: CCMC 17.06 and 17.07 <h2 style="margin: 0;">TENTATIVE SUBDIVISION MAP</h2> FEE*: \$3,500.00 + noticing fee *Due after application is deemed complete by staff <input type="checkbox"/> SUBMITTAL PACKET – 5 Complete Packets (1 Unbound Original and 4 Copies) including: <ul style="list-style-type: none"> <input type="checkbox"/> Application Form including Applicant's Acknowledgment <input type="checkbox"/> Property Owner Affidavit <input type="checkbox"/> Copy of Conceptual Subdivision Map Letter <input type="checkbox"/> Detailed Written Project Description <input type="checkbox"/> Proposed Street Names <input type="checkbox"/> Master Plan Policy Checklist <input type="checkbox"/> Wet Stamped Tentative Map (24" x 36") <input type="checkbox"/> Reduced Tentative Map (11" x 17") <input type="checkbox"/> Conceptual Drainage Study <input type="checkbox"/> Geotechnical Report <input type="checkbox"/> Traffic Study (if applicable) <input type="checkbox"/> Documentation of Taxes Paid to Date <input type="checkbox"/> CD or USB DRIVE with complete application in PDF <input type="checkbox"/> STATE AGENCY SUBMITTAL including: <ul style="list-style-type: none"> <input type="checkbox"/> 2 Wet-stamped copies of Tentative Map (24" x 36") <input type="checkbox"/> Check made out to NDEP for \$400.00 + \$3/lot <input type="checkbox"/> Check made out to Division of Water Resources for \$180.00 + \$1/lot 		
FILE #			Application Reviewed and Received By: <hr style="border: 0.5px solid black;"/> Submittal Deadline: Planning Commission application submittal schedule. Note: Submittals must be of sufficient clarity and detail for all departments to adequately review the request. Additional information may be required.		
APPLICANT		PHONE #			
Roseview Townhomes LLC		775-745-0881			
MAILING ADDRESS, CITY, STATE, ZIP					
3075 College Drive Carson City 89703					
EMAIL					
silveroakmark@me.com					
PROPERTY OWNER		PHONE #			
Same as above					
MAILING ADDRESS, CITY, STATE, ZIP					
EMAIL					
APPLICANT AGENT/REPRESENTATIVE		PHONE #			
Mark Turner		775-745-0881			
MAILING ADDRESS, CITY, STATE, ZIP					
2051 Evergreen Drive Carson City 89703					
EMAIL					
silveroakmark@me.com					
<u>Project's Assessor Parcel Number(s)</u>					
007-462-16,17					
<u>Project's Street Address</u>					
College Parkway/Oakridge Drive Corner					
<u>Nearest Major Cross Street(s)</u>					
<u>Project's Master Plan Designation</u>					
<u>Project's Current Zoning</u>					
NBP					
<u>Project Name</u>					
Roseview Townhomes					
<u>Total Project Area</u>	<u>Number of Lots</u>	<u>Smallest Parcel Size</u>			
Please provide a brief description of your proposed project below. Provide additional pages to describe your request in more detail. Please see attached narrative seeking amendment to Conditions of Approval					
NOTE: If your project is located within the Historic District or airport area, it may need to be scheduled before the Historic Resources Commission or the Airport Authority in addition to being scheduled for review by the Planning Commission. Planning staff can help you make this determination.					
ACKNOWLEDGMENT OF APPLICANT: (a) I certify that the foregoing statements are true and correct to the best of my knowledge and belief; (b) I agree to fulfill all conditions established by the Board of Supervisors.					
 Applicant's Signature		8/25/2022 Date			

PROPERTY OWNER'S AFFIDAVIT

Mark B. Turner

I, Mark B. Turner, being duly deposed, do hereby affirm that I am the record owner of the
(Print Name) 007-462-16,17

subject property located at _____, and that I have knowledge of, and I agree to, the
(Property Address and APN)

filing of this Tentative Subdivision Map application.

[Signature]
Signature

Address

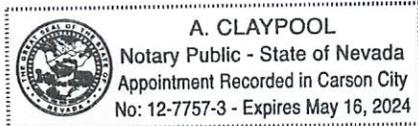
Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA)
COUNTY)

On August 24, 2022, personally appeared before me, a notary public,
Mark B. Turner, personally known (or proved) to me to be the person whose name is
subscribed to the foregoing document and who acknowledged to me that
he/she executed the foregoing document.

[Signature]
Notary Public



ROSEVIEW TOWNHOMES LLC

August 25, 2022

Hope Sullivan, AICP
Community Development Director
Carson City, NV

Dear Hope,

Roseview Townhomes LLC is hereby requesting a change to the conditions of approval contained in the Notice of Decision relating to SUB 2021-0225 and VAR 2021-0232 dated 8/20/2021.

Item #17 stating that the water main must be private.

Although Carson City required a private water main for this project as one of the conditions of approval, it has since been determined during the engineering plan check process for site improvements that Carson City's requirement of a private water main is in conflict with NDEP rules governing such matters. As a result a private water main cannot be used in this instance per NDEP rules due to conflicting interagency policy.

Roseview Townhomes is hereby requesting waive condition 17 so that the project can be served with water in a manner that complies with State regulations.

Sincerely yours,

Mark Turner