

Item # 7C

**City of Carson City
Agenda Report**

Date Submitted: November 25, 2008

Agenda Date Requested: December 4, 2008

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Planning Division

Subject Title: Action to approve a Master Plan Amendment to modify the text of the Land Use Plan, Chapter 8, Eastern Portal/V&T Railroad Gateway Specific Plan (V&T-SPA), to add a policy regarding the future change of land use from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential for property located generally east of the Brunswick power substation and south of Astro Drive. (MPA-08-112)

Staff Summary: The V&T-SPA provides specific policies for land use and future development in the eastern portion of the city along Highway 50 East, east of Deer Run Road. A portion of property is currently designated Industrial near the future V&T terminal site, but the property may be designated for commercial and residential uses upon cleanup of an existing landfill on the site in the future.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval on November 19, 2008 by a vote of 6 Ayes, 0 Nays, and 1 Absent.

Recommended Board Action: I move to approve a Master Plan Amendment to modify the text of the Land Use Plan, Chapter 8, Eastern Portal/V&T Railroad Gateway Specific Plan, to add a policy regarding the future change of land use from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential for property located generally east of the Brunswick power substation and south of Astro Drive.

Explanation for Recommended Board Action: The proposed amendment would bring the Land Use Map into compliance with the original intent for the area as expressed by the subject property owners and through the public participation process. The proposed policy would promote other goals within the V&T SPA, specifically related to encouraging uses that are compatible with the adjacent V&T Railroad and promoting a commercial gateway into Carson City.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.050 (Review); CCMC 18.02.070 (Master Plan)

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Fiscal Impact: N/A

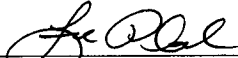

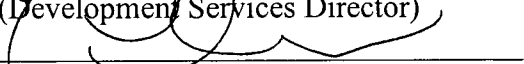
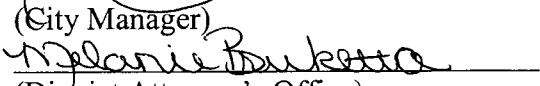
Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Deny
2) Refer back to staff and Planning Commission for further review

Supporting Material: 1) Planning Commission case record
2) Staff report
3) Resolution 2008-PC-6
4) Eastern Portal-V & T Railroad Gateway Specific Plan Area

Prepared By: Janice Brod, Management Assistant I

Reviewed By:  Date: 11/24/08
(Planning Division Director)
 Date: 11/24/08
(Development Services Director)
 Date: 11-24-08
(City Manager)
 Date: 11-24-08
(District Attorney's Office)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____ _____

(Vote Recorded By)

RESOLUTION 2008-PC-6

A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF MPA-08-112, A MASTER PLAN AMENDMENT TO MODIFY THE CARSON CITY MASTER PLAN, CHAPTER 8, SPECIFIC PLAN AREAS, EASTERN PORTAL-V&T RAILROAD SPA, ADDING POLICY 1.5 RELATED TO CHANGING THE LAND USE DESIGNATION OF AN AREA FROM INDUSTRIAL TO MIXED-USE COMMERCIAL AND/OR MIXED-USE RESIDENTIAL TO BE CONSISTENT WITH THE ORIGINAL INTENT OF THE LAND USE MAP

WHEREAS, NRS 278.210 requires that any adoption of a master plan amendment shall be by resolution of the Planning Commission; and

WHEREAS, the Planning Commission has given proper notice of the proposed amendment in accordance with the provisions of NRS and CCMC 18.02.070, and is in conformance with City and State legal requirements; and

WHEREAS, on November 19, 2008, the Planning Commission obtained public testimony and duly considered recommendations and findings for the proposed master plan amendment and approved Master Plan Amendment request MPA-08-112 by an affirmative vote of a two-thirds majority of the Commission, at least five members of the seven-member Commission, pursuant to NRS 278.210, based on three findings of fact; and

WHEREAS, the proposed amendment will add a policy to provide for future land uses that are compatible with the adjacent future V&T Railroad and provide for a commercial gateway into Carson City.

NOW, THEREFORE, the Carson City Planning Commission hereby recommends to the Board of Supervisors approval of the Master Plan Amendment to modify the Carson City Master Plan, Chapter 8, Specific Plan Areas, Eastern Portal-V&T Railroad SPA, adding Policy 1.5 related to changing the land use designation of an area from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential to be consistent with the original intent of the Land Use Map, as shown in the attached V&T SPA, Exhibit A.

ADOPTED this 19th day of November, 2008

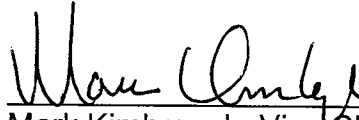
VOTE: AYES: Mark Kimbrough
 Connie Bisbee
 Craig Mullet
 Steve Reynolds
 Bill Vance

George Wendell

NAYS:

ABSENT:

John Peery


Mark Kimbrough, Vice Chairman

ATTEST:

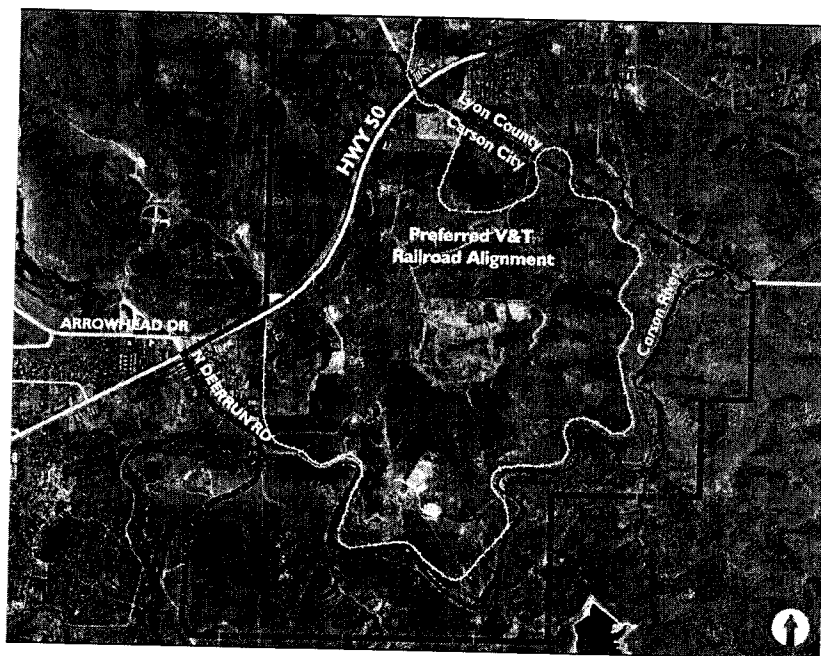

LEE PLEMEL, Planning Director

EASTERN PORTAL—VIRGINIA & TRUCKEE RAILROAD GATEWAY SPECIFIC PLAN AREA (V&T-SPA)

The purpose of the Eastern Portal—Virginia & Truckee Railroad Gateway Specific Plan Area (V&T-SPA) is:

- *To provide for cohesive development within the area.*
- *To create a “gateway” into Carson City.*
- *To protect economic development opportunities along the highway corridor, particularly in conjunction with development of the V&T Railroad.*
- *To protect visual resources associated with the V&T Railroad route and terminal location.*
- *To encourage public/private partnerships to facilitate economic development and public purpose uses.*
- *To encourage public/private cooperation in creating public access, trails and recreational opportunities.*

LOCATION AND APPLICABILITY



The Eastern Portal—Virginia & Truckee Railroad Gateway Specific Plan Area is located along Highway 50 east at the

Lyon County line, as defined on the map above. The policies and guidelines contained herein shall be applicable to all properties contained within the Specific Plan Area boundary.

BACKGROUND

The V&T Railroad is planned for construction from Virginia City, crossing Highway 50 East and entering Carson City at the Lyon County border, past private lands and BLM lands on the south side of Highway 50 East, and continuing along the Carson River corridor to the Deer Run Road vicinity. Plans are presently under way to finalize the right-of-way acquisition for the route into Carson City and to find a location for a train depot.

The V&T Railroad is anticipated to be a tourist attraction and a benefit to the local economy. The visual experience of the train ride will be a key element in the success of the V&T. The Carson River corridor within Carson City is arguably the most dramatic visual experience along the entire V&T route. The vistas overlooking Carson City from the Eastern Portal gateway into Carson City also offers magnificent views of Carson City and the Sierra Nevada mountains beyond.

The route will also interface with private lands near the Lyon County-Carson City border and in the Carson River-Deer Run Road vicinity. The private lands at the Lyon County border are mostly undeveloped, primarily due to the lack of public water and sewer infrastructure to the area at the present time. However, water has recently been made available to serve the area with the construction of a water tank south of Highway 50 East, and plans are being developed by the City for the extension of sewer lines to serve the area. The provision of water and sewer to the area will quickly make it more attractive for development.

Therefore, Carson City finds it important to protect the visual resources—and the V&T riders' experience—along the V&T Railroad corridor. The following policies are recommended to facilitate this protection and to maximize the long-term economic benefits of the V&T Railroad to Carson City and the region.

(V&T-SPA) LAND USE POLICIES**V&T SPA—1.1 Development Quality**

Protect the scenic quality of the V&T experience with consideration given for the views from the train route as well as the terminal location by developing and adopting specific design standards for commercial development and public-use development within the V&T-SPA to protect the scenic quality of the V&T route.

V&T SPA—1.2 Zoning

Rezone the private lands in Carson City along Highway 50 East from General Industrial to a commercial designation consistent with the Master Plan Land Use Map.

V&T SPA—1.3 View Corridors

Identify critical views of the landfill area from V&T route and adjacent commercial areas and mitigate visual impacts by plantings, screening or other methods around the landfill.

V&T SPA—1.4 Compatibility with Adjacent Uses

- Prohibit new uses on public lands within the V&T-SPA that would conflict with the V&T and related commercial-tourism in the vicinity, such as uses that generate excessive noise, dust or odors, excluding the continued operation of the landfill; and
- Consider limiting the use of public lands as part of any proposed disposal of the BLM property into Carson City ownership through a federal lands bill.

V&T SPA—1.5 Drako Way Vicinity Land Use Change

The land use designation of the property in the vicinity of Drako Way, east of the V&T railroad alignment, shall be changed by Carson City from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential upon removal of the old landfill identified on the site or with approved engineering controls in accordance with NDEP standards upon development of the property.

(V&T-SPA) PARKS AND OPEN SPACE POLICIES

V&T SPA—2.1 Trail Facilities

The Parks and Recreation will continue to work with the V&T Commission and V&T consultants in locating appropriate trail facilities along the Carson River corridor consistent with the V&T operation plans and the Unified Pathways Master Plan.

(V&T-SPA) CULTURAL AND ENVIRONMENTAL RESOURCES POLICIES

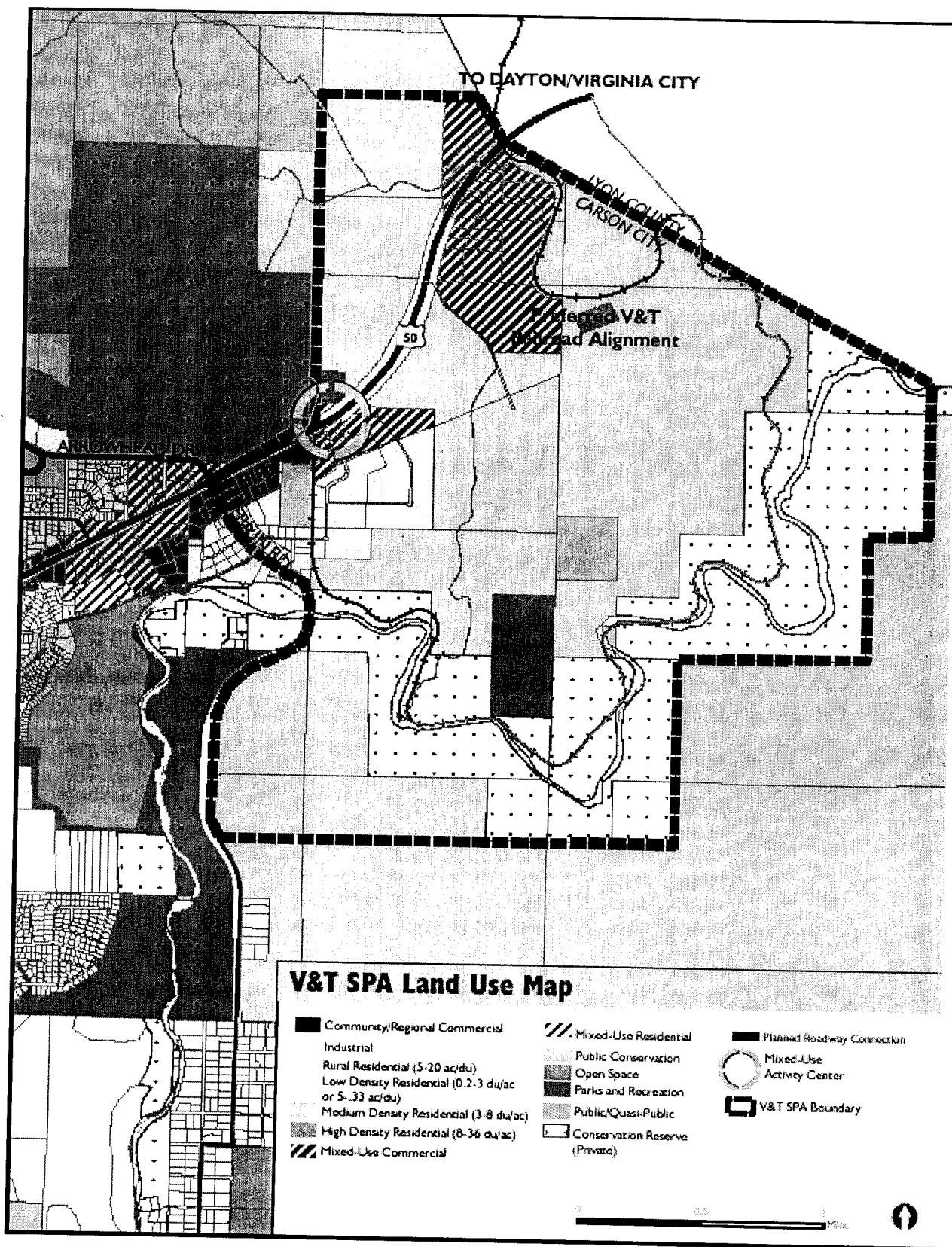
V&T SPA—3.1 Carson River Corridor

Encourage continued cleanup and patrol of the Carson River corridor to protect the scenic resource through partnerships with public and private agencies.

(V&T-SPA) COORDINATION POLICIES

V&T SPA—4.1 Coordination

Encourage continued collaboration with Lyon County and Storey County to minimize land use conflicts along the V&T corridor.



CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: November 19, 2008

AGENDA ITEM NO.: H-6

APPLICANT(s) NAME: N/A
PROPERTY OWNER(s): N/A

FILE NO. MPA-08-112

ASSESSOR PARCEL NO(s): N/A
ADDRESS: N/A

APPLICANT'S REQUEST: Action to make a recommendation to the Board of Supervisors regarding a Master Plan Amendment to modify the text of the Land Use Plan, Chapter 8, Eastern Portal/V&T Railroad Gateway Specific Plan (V&T-SPA), to add a policy regarding the future change of land use from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential for property located generally east of the Brunswick power substation and south of Astro Drive.

COMMISSIONERS PRESENT: PEERY KIMBROUGH BISBEE
 MULLET REYNOLDS VANCE WENDELL

STAFF REPORT PRESENTED BY: Lee Plemel
STAFF RECOMMENDATION: APPROVAL
APPLICANT REPRESENTED BY: N/A

REPORT ATTACHED

No persons spoke in favor or opposition of the proposal.

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Language of V & T SPA- 1.5 delete "may" and add "shall"

MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AND CONDITIONS OF THE STAFF REPORT AS MODIFIED

MOVED: Reynolds **SECOND:** Wendell **PASSED:** 6/AYE 0/NO 1/ABSTAIN 1/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: December 4, 2008

STAFF REPORT FOR PLANNING COMMISSION MEETING OF NOVEMBER 19, 2008

FILE: MPA-08-112

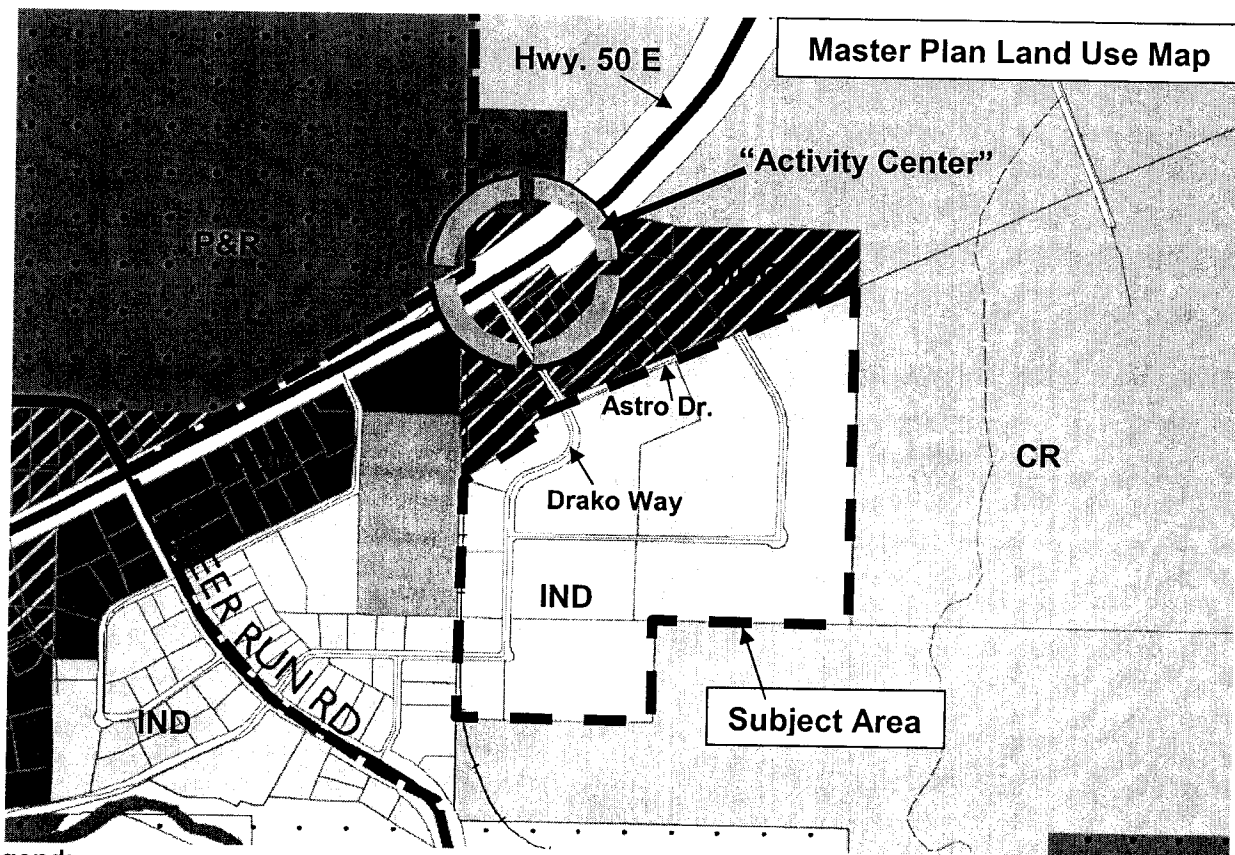
AGENDA ITEM: H-6

STAFF AUTHOR: Lee Plemel, AICP, Director

REQUEST: A Master Plan Amendment to modify the Carson City Master Plan, Chapter 8, Specific Plan Areas, Eastern Portal-V&T Railroad SPA, to add a policy related to changing the land use designation of an area from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential to be consistent with the original intent of the Land Use Map.

APPLICANT: Carson City Planning Division

RECOMMENDED MOTION: "I move to adopt Resolution 2008-PC-6 recommending to the Board Of Supervisors approval of MPA-08-112, a Master Plan Amendment to modify the Master Plan Chapter 8, Easter Portal-V&T Specific Plan Area to add Policy V&T SPA 1.5 to provide for changing the land use designation of an area near Drako Way from Industrial to Mixed-Use Commercial or Mixed-Use Residential upon mitigation of an existing landfill, based on the findings contained in the staff report."



Legend:

COM – Commercial

IND – Industrial

CR – Conservation Reserve (private lands)

MUC – Mixed-Use Commercial

P – Public/Quasi-Public

P&R – Parks and Recreation

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.070 (Master Plan).

BACKGROUND AND DISCUSSION:

This amendment to the V&T SPA is being initiated by the Planning Division to address a mapping issue that came up just prior to the adoption of the Master Plan Land Use Map in April 2006, when it was learned that there is an abandoned private landfill within the subject area. The landfill is in an confined area generally east of Drako Way and south of Astro Drive (refer to map on prior page). It is believed the landfill was used in the 1970's and earlier before being abandoned.

The private landfill has been mapped and identified by the Carson City Environmental Health Division of Public Works. Under Nevada Department of Environmental Protection (NDEP) regulations, it was determined that land uses that involve high human occupancy, such as residential or retail uses, would be prohibited on the affected ground and near vicinity.

The subject area was designated Mixed-Use Commercial on the draft Land Use Maps through most of the Master Plan public participation process. Upon learning of the limitations of NDEP requirements for development of the old landfill site, city staff designated the area as Industrial to avoid any potential liability for allowing higher intensity uses on the site. The final Land Use Map was adopted with the Industrial designation over this area. The subject area is currently zoned General Industrial, which allows a wide range of industrial and commercial uses but prohibits any residential use. In order for a zone change to occur to allow a mix of commercial and residential uses on the site, which the property owners indicated an interest in at the time, the property must have an appropriate Master Plan designation other than Industrial.

In further discussion with NDEP regarding this issue, Carson City Public Works staff has determined that various mitigation measures are possible for the site to allow development other than industrial. Mitigation could include removal of the landfill, but other in-place mitigation alternatives are possible depending upon the desired use of the land and further studies on the potential environment hazards.

It was clearly the intent through most of the Master Plan public process to designate the subject area for a mix of commercial and residential uses that would compliment the adjacent V&T Railroad and serve as a commercial gateway into Carson City.

To address these issues, staff is proposing a new policy within the V&T SPA that would allow for the Land Use Map to be corrected to the desired designation upon mitigation of the landfill issue. The amended V&T SPA document is included with the attached resolution. The proposed new policy is as follows:

V&T SPA—1.5 Drako Way Vicinity Land Use Change

The land use designation of the property in the vicinity of Drako Way, east of the V&T railroad alignment may be changed by Carson City from Industrial to Mixed-Use Commercial and/or Mixed-Use Residential upon removal of the old landfill identified on the site or with approved engineering controls in accordance with NDEP standards upon development of the property.

Note that this is only a Master Plan text amendment; this amendment is not changing the Land Use Map at this time. This amendment merely lays out a policy for the future desired land use on the site. The Land Use Map could only be changed after property application and public notification.

PUBLIC COMMENTS: Public notice of this amendment was posted in accordance with the provisions of NRS and CCMC 18.02.070 (Master Plan Amendments). As of November 12, 2008, no written comments have been received either in support or opposition of this application. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

No city department comments were received.

FINDINGS: Staff recommends the following findings for approval of the Master Plan Amendment pursuant to the Carson City Municipal Code Section 18.02.070, Master Plan.

1. ***The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed amendment would bring the Land Use Map into compliance with the original intent for the area as expressed by the subject property owners and through the public participation process. The proposed policy would promote other goals within the V&T SPA, specifically related to encouraging uses that are compatible with the adjacent V&T Railroad and promoting a commercial gateway into Carson City.

2. ***The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

Rationale: The proposed policy would provide for future land uses compatible with the adjacent V&T Railroad and other surrounding planned uses within the vicinity. Specific locations of residential and commercial uses within the area would be designed with development of the property to provide for appropriate buffers from surrounding industrial uses.

3. ***The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

Rationale: The proposed amendment is consistent with the level of development planned for the subject area. The proposed Mixed-Use designation has been used for planning purposes in determining future infrastructure needs in terms of water, sewer and transportation facilities for the subject area. The proposed policy specifically addresses the conditions of development on the site under which the public health, safety and general welfare will be protected.

Respectfully submitted,

Lee Plemel, AICP, Director
Planning Division