



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** March 18, 2021

Staff Contact: Heather Ferris, Associate Planner

Agenda Title: For Possible Action: Discussion and possible action to adopt, on second reading, Bill No. 104, an ordinance relating to zoning and establishing various provisions to change the zoning from Single Family 1 acre (SF1A) to Single Family 6,000 (SF6) on property located at the northeast corner of Silver Sage Drive and Clearview Drive, APN 009-124-03. (Heather Ferris, hferris@carson.org)

Staff Summary: The Board of Supervisors introduced this ordinance at its meeting of February 18, 2021. The applicant is seeking to rezone a vacant 5.27 acre parcel from SF1A to SF6 consistent with the Master Plan designation of Medium Density Residential. The Board is authorized to approve the zoning map amendment. Tentative Subdivision Map, SUB-2020-0016, was considered concurrently with the introduction of this ordinance, at which time the Board approved the Tentative Subdivision Map.

Agenda Action: Ordinance - Second Reading **Time Requested:** 10 Minutes

Proposed Motion

I move to adopt, on second reading, Bill No. 104, Ordinance No. 2021-_____.

Board's Strategic Goal

Quality of Life

Previous Action

February 18, 2021: The Board of Supervisors introduced the ordinance by a vote of 4-1.

June 18, 2020: The Board of Supervisors considered the Zoning Map Amendment on June 18, 2020; however, the Board declined to take action and continued the matter to allow the applicant to either bring forward an alternative zoning or a lot layout that would address the concerns of the neighborhood.

May 27, 2020: The Planning Commission recommended approval by a vote of 6-1.

Background/Issues & Analysis

The Board of Supervisors is authorized to amend the Zoning Map. Please see the attached May 27, 2020 Planning Commission staff report and packet.

Attachments:

Draft Ordinance

May 27, 2020 staff report to the Planning Commission without attachments

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 18.02.075 (Zoning Map Amendments and Zoning Code Amendments); NRS Chapter 244; Article 2 of the Carson City Charter.

Financial Information

Is there a fiscal impact? No

If yes, account name/number: N/A

Is it currently budgeted? No

Explanation of Fiscal Impact: N/A

Alternatives

Do not adopt the Ordinance and do not amend the zoning map.

Attachments:

[ZA-2020-0005 Ord \(3-18-21\).doc](#)

[ZA-2020-0005 Summers \(5-27-20\).docx](#)

[Fw_Zoning Map Amendment ZA-2020-0005, APN 009 124-03 \(Borda Crossing\) - Scheduled for Second Reading, Board of Supervisors 3_18_2021.pdf](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

NAYS: _____

ABSENT: _____

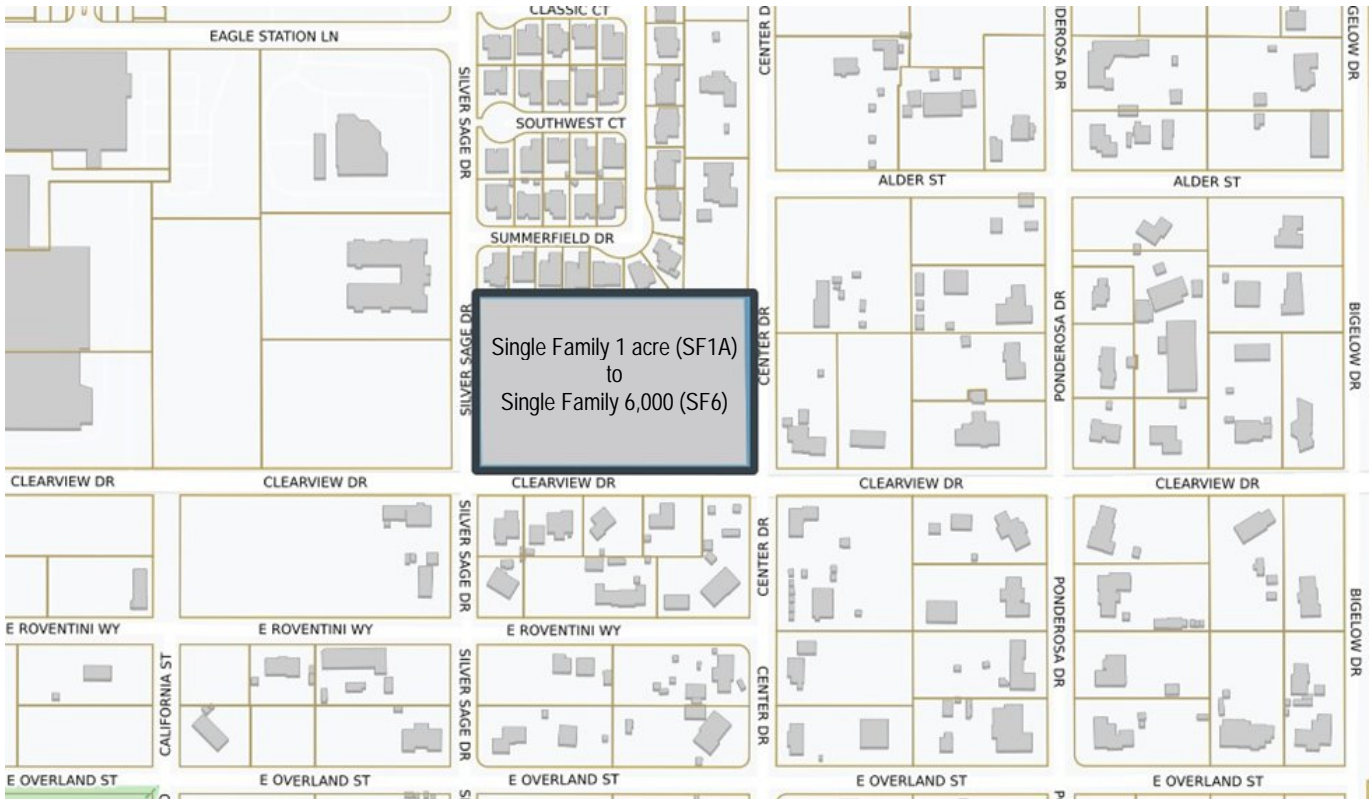
Lori Bagwell, Mayor

ATTEST:

Aubrey Rowlatt, Clerk-Recorder

This ordinance shall be in force and effect from and after the ____ of _____,
2021.

Attachment A



STAFF REPORT FOR PLANNING COMMISSION MEETING OF MAY 27, 2020

FILE: ZA-2020-0005

AGENDA ITEM: E.3

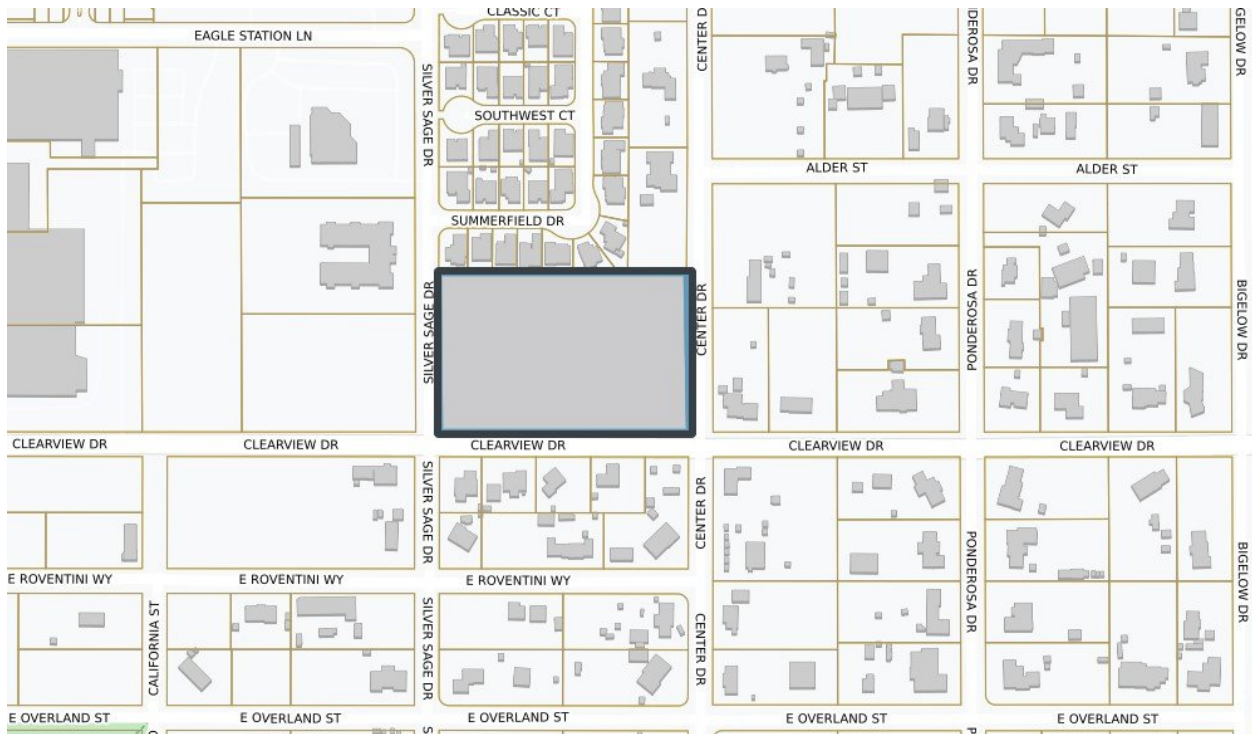
STAFF CONTACT: Heather Ferris, Associate Planner

AGENDA TITLE: ZA-2020-0005 For Possible Action: Discussion and possible action regarding a zoning map amendment to change the zoning from Single-Family One Acre (SF1A) to Single-Family 6,000 (SF6), on property located at the northeast corner of Silver Sage Drive and Clearview Drive, APN 009-124-03. (Heather Ferris, hferris@carson.org)

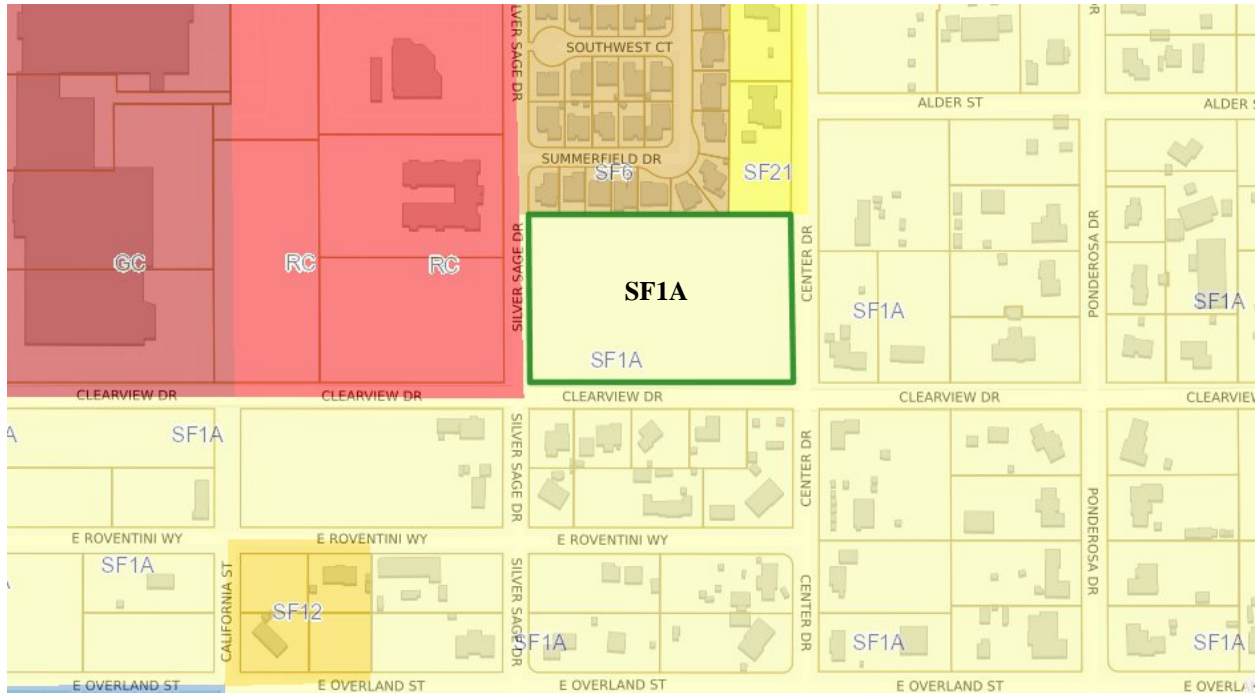
Summary: The applicant is seeking to rezone a vacant 5.266-acre parcel from Single-Family One Acre to Single-Family 6,000 consistent with the existing Master Plan designation of Medium Density Residential. The Board of Supervisors is authorized to amend the zoning map. The Planning Commission makes a recommendation to the Board.

RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of the zoning map amendment ZA-2020-0005 as presented."

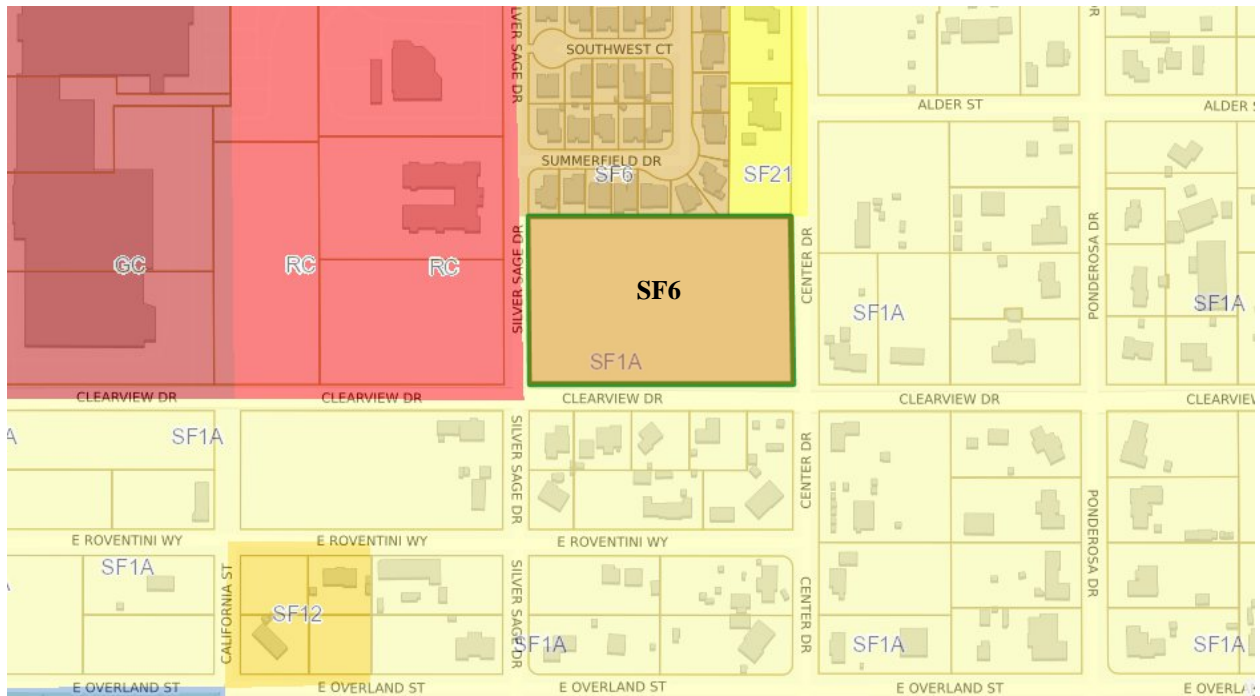
VICINITY MAP:



EXISTING ZONING



PROPOSED ZONING



LEGEND

SF1A: Single Family One Acre
SF6: Single Family 6,000

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 Zoning Map Amendments and Zoning Code Amendments

MASTER PLAN DESIGNATION: Medium Density Residential

EXISTING ZONING: Single Family 1 acre

PROPOSED ZONING: Single Family 6,000

KEY ISSUES: Is the zoning map amendment consistent with the Master Plan? Is the zoning map amendment compatible with existing adjacent uses?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Single Family 6,000 & Single Family 21,000/ Single Family Residences

SOUTH: Single Family 1 acre/ Single Family Residences

EAST: Single Family 1 acre/ Single Family Residences

WEST: Retail Commercial/ Bank & vacant (approved townhome development)

DISCUSSION:

The subject property is located at the northeast corner of Silver Sage Drive and Clearview Drive. The parcel is vacant and approximately 5.26 acres in size.

The Master Plan designation of the subject parcel is Medium Density Residential. The Master Plan is a policy document that outlines the City's vision and goals for the future and provides guidance for making choices regarding the long-range needs of the community. The Zoning Map is a tool to implement the Master Plan. Pursuant to Nevada Revised Statutes (NRS) 278.250 the zoning map designation shall be consistent with the Master Plan designation. The current zoning designation of Single Family 1 acre is not consistent with the underlying Master Plan of Medium Density Residential.

Per the Master Plan, the Medium Density Residential designation provides for single family residential neighborhoods at a density of 3-8 dwelling units per acre. Compatible zoning districts include Single Family 6,000, Mobilehome 6,000, Single Family 12,000, and Mobilehome 12,000. Properties to the north and south are designated as Medium Density Residential with properties to the west and east being designated Mixed-Use Employment and Low Density Residential, respectively. The applicant is proposing to change the zoning of the parcel from Single Family 1 acre to Single Family 6,000 which is consistent with the underlying Master Plan.

PUBLIC COMMENTS: On May 15, 2020, public hearing notices were mailed to 71 property owners within 600 feet of the subject property in accordance with the provisions of NRS and CCMC 18.02.045. At the time of the writing of this report staff has received one written comment (attached) expressing concern with potential future development, lot sizes, and access. Any additional 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:

The following comments were received from City departments.

Engineering Division

The Engineering Division has no preference or objection to the zoning change requested. Information submitted with the application has demonstrated that infrastructure can support the request within standard development practices and is not in conflict with any engineering related master plans.

The Engineering Division has reviewed the request within our areas of purview relative to adopted standards and practices and to the provisions of 18.02.075 Zoning map amendments and zoning code amendments. The following discussion is offered.

CCMC 18.02.075 (5.b.1) – Compliance with Master Plan

The zoning map amendment is not in conflict with the intent of master plan elements for water, sewer, transportation, or storm water. Any project will need to meet Carson City Development Standards.

CCMC 18.02.075 (5.b.2&3) – Compatible Land Use

Development Engineering has no comment on these findings.

CCMC 18.02.075 (5.b.4) – Impact on Public Services, Facilities, Health and Welfare

The capacities of the City sewer, water, storm drain, and transportation systems appear to be sufficient to meet the demand that may potentially be imposed by a project allowed by the proposed zoning. Any new project, however, must complete project impact reports to show that existing facilities can meet demands within the standards set by municipal code. Any project approved in the new zoning area that would cause impacts beyond those allowed by municipal code, would be required by municipal code to mitigate those impacts as part of the design of the new development.

ZONING MAP AMENDMENT FINDINGS: Per the provisions of CCMC Section 18.02.075.5.b, the Planning Commission, in forwarding a recommendation to the Board of Supervisors for approval of a Zoning Map Amendment, shall make the following findings of fact:

- 1. That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan.***

The Master Plan designation of the subject parcel is Medium Density Residential. The Master Plan is a policy document that outlines the City's vision and goals for the future and provides guidance for making choices regarding the long-range needs of the community. The Zoning Map is a tool to implement the Master Plan. Pursuant to Nevada Revised Statutes (NRS) 278.250 the zoning map designation shall be consistent with the Master Plan designation. The current zoning designation of Single Family 1 acre is not consistent with the underlying Master Plan of Medium Density Residential.

Per the Master Plan, the Medium Density Residential designation provides for single family residential neighborhoods at a density of 3-8 dwelling units per acre. Compatible zoning districts include Single Family 6,000, Mobilehome 6,000, Single Family 12,000, and Mobilehome 12,000. Properties to the north and south are designated as Medium Density Residential with properties to the west and east being designated Mixed-Use Employment and Low Density Residential, respectively. The applicant is proposing to change the zoning of the parcel from Single Family 1 acre to Single Family 6,000 which is consistent with the underlying Master Plan.

- 2. That 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.**

The proposed zoning map amendment will not have a detrimental impact on other properties in the vicinity. The proposed SF6 zoning will allow for lot sizes similar to those along the northern boundary of the subject parcel. The proposed zoning is compatible with adjacent land uses. Parcels in this area are a transition between the commercially zoned parcels to the west and the low-density single-family residential parcels to the east. This area of the City is beginning to transition into higher density residential developments. For example, the parcel immediately west of the subject parcel was recently approved for a townhome development.

- 3. That 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.**

The proposed zoning map amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare. The capacities of the City sewer, water, storm drain, and transportation systems are sufficient to meet the demand that may result from a future project. However, any new project will be required complete project impact reports to show that existing facilities can meet demands within the standards set by municipal code. Any new proposed project on the subject parcel that would cause impacts beyond those allowed by municipal code, would be required by municipal code to mitigate those impacts as part of the design of the new development.

Attachments:

Public Comment
Draft Zoning Map Amendment Ordinance
ZA-2020-0005 Application

From: [Larry](#)
To: [Lori Bagwell](#); [Stacey Giomi](#); [Stan Jones](#); [Lisa Schuette](#); [Maurice White](#); [Jason Woodbury](#); [J. Daniel Yu](#); [Nancy Paulson](#)
Cc: [Michael Tanchek](#); [Connie Creech](#)
Subject: Fw: Zoning Map Amendment ZA-2020-0005, APN 009 124-03 (Borda Crossing) - Scheduled for Second Reading, Board of Supervisors 3/18/2021
Date: Tuesday, March 9, 2021 1:00:07 PM

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

It was suggested to me that I include the City Manager on my email so, with this email, I do so. Krista

----- Forwarded Message -----

From: Larry <lllvfr@sbcglobal.net>
To: lbagwell@carson.org <lbagwell@carson.org>; sgiomi@carson.org <sgiomi@carson.org>; sjones@carson.org <sjones@carson.org>; lschuette@carson.org <lschuette@carson.org>; mwhite@carson.org <mwhite@carson.org>; jwoodbury@carson.org <jwoodbury@carson.org>; jdyu@carson.org <jdyu@carson.org>
Cc: Michael Tanchek <mtanchek@yahoo.com>; Connie Creech <connielou@prodigy.net>
Sent: Tuesday, March 9, 2021, 09:45:26 AM PST
Subject: Zoning Map Amendment ZA-2020-0005, APN 009 124-03 (Borda Crossing) - Scheduled for Second Reading, Board of Supervisors 3/18/2021

Dear Board of Supervisors,

Although I am disappointed and dejected, I will continue to fight the good fight. You keep telling me that we are heard but I do not feel that way at all. None of the material facts I keep presenting have been acknowledged or addressed. Since I struggle to keep things brief, I will try an outline this time in hopes of finally being "heard."

1. Material Facts

1. In the current Master Plan, the Schulz Ranch Specific Plan Area sets the precedent that a "variety of lot sizes shall be provided to allow for a gradual transition in density between existing 1-acre lots and the more urban development pattern permitted and to encourage a diversity of housing types." To not afford that "gradual transition" to our Low Density Residential neighborhood is discrimination.
2. This "gradual transition" was clearly contemplated, and most likely mandated, when the South Pointe subdivision was developed with 1-acre lots on the west side of Center Drive.

3. The change from SF1A to SF21 on the west side of Center Drive occurred in an irregular manner and the affected neighbors were not properly noticed.
 4. Other than the Open House that the Borda Crossing owners/developers had, they have never reached out to any of the neighbors on the east side of Center Drive to come to a suitable compromise. The density has not changed from the original Tentative Map application that we objected to.
2. Zoning versus Master Plan
1. In the past, I have been informed by Planning Division staff that, generally, zoning trumps the Master Plan.
 2. Somehow, the Master Plan has now become the "Bible" and the Supervisors appear to be under the impression that it trumps underlying zoning.
 3. The majority of the general public is not aware of Master Plan versus zoning. They know to research zoning when purchasing property but have no idea how the Master Plan ultimately affects them if they even know a Master Plan exists.
 4. The city must do a better job of educating regarding the consequences of these often times opposing concepts. In the interim, the city should err on the side of zoning as the determining factor so as not to continually blindside the general public.
 5. The Master Plan states that it is an "advisory document" consisting of "written policy recommendations" and "should be reviewed annually at a public hearing and revised as needed . . ."
 6. Master Plan Vision Statement: Carson City is a community which recognizes the importance of protecting and enhancing its unique western heritage and distinct character; the scenic and environmental quality of its dramatic natural surroundings; and the quality of life of its residents. It is a city which takes great pride in its role as Nevada's state capital and strives to offer its residents a balanced community with a diverse range of housing . . .
 7. The Board of Supervisors has the power to make amendments to the Master Plan and zoning.
3. NRS 278.250
1. Subsection 2. states that the "zoning regulations must be adopted in accordance with the master plan for land use . . ." I read this to mean regulations not underlying zoning.

2. Furthermore, Subsection 2(m) provides for "the protection of existing neighborhoods . . ."
 3. Subsection 3: The zoning regulations must be adopted with reasonable consideration, among other things, to the character of the area and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the city, county or region.
 4. If necessary, the city should request an opinion from the Attorney General's office as to the true intent of this statute before approving the Zoning Map Amendment application.
4. Zoning Map Amendment Findings
1. *That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan:* The Master Plan and its accompanying map are extremely outdated and did not necessarily take transition areas into account consistently. If there had been consistency, then the block the subject property is on would have been split designated with Low Density Residential on Center Drive and possibly Clearview Drive. Again, precedent for this is set in the Master Plan Schulz Ranch Specific Plan Area and should be applied to our neighborhood. Therefore, we are requesting Master Plan and zoning amendments be initiated by the Board of Supervisors.
 2. *That 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:* Clearly neither the proposed Zoning Map Amendment nor the Borda Crossing Tentative Map provide for land uses compatible with the existing neighborhood. We have given you an abundance of reasons why they will have detrimental impacts to the rural way of life we chose when we purchased property and moved to the Low Density Residential area adjacent. This was the finding that the Board of Supervisors had concerns with when they continued the Zoning Map Amendment at their June 18, 2020 meeting.
 3. *That 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:* We take exception to this as well. There is great impact to our public

health, safety and welfare. Again, there is further encroachment to the rural aspects of our neighborhood which is significantly horse property. Due to the freeway and the Snyder Avenue overpass, there are fewer and fewer safe places to ride. There are a lot of people who come to this area because they board their horses here or even just to walk their dogs. They find it to be a safer place because we have large lots and no sidewalks. These small pockets of higher density developments are a very real threat and detriment, not only to our rural portion of Carson City but also to those on the north and east sides of town, and are not good precedents to set.

5. Easy Solution versus Doing the Right Thing

1. Between the Silver View Townhomes and Borda Crossing from the same owners/developers, 62 new homes will be crammed onto 8 acres resulting in approximately 124 more vehicles several times a day at the extremely busy and already dangerous 4-way stops at Silver Sage Drive/Clearview Drive and Silver Sage Drive/Koontz Lane.
2. The Silver View Townhomes have already been approved and are definitely high density residential. Therefore, the fair and logical development of the subject property would be to make it mirror, as much as possible, what was approved at the time the South Pointe subdivision was developed. This would allow for the proper "gradual transition" between the existing 1-acre lots to the east and the more urban Silver View Townhomes to the west. This would also be much safer.
3. If the proposed Bayonne Drive absolutely must go through to Center Drive with accessibility only for emergency purposes, we request that this provision somehow be incorporated into a recorded document so that the authorized method for blocking the road cannot be removed to make it a through street in the future.

6. Due Process versus COVID-19 Restrictions

1. I asked, through my Ward Supervisor, Lisa Schuette, that Mike Tanchek and I be able to attend the February 18, 2021 Board of Supervisors meeting but the City Manager would not allow that.
2. However, two applicants for the Cultural Commission were interviewed in person when they easily could have been interviewed via video.

3. I further requested, at the beginning of the meeting, that Mike Tanchek and I be able to have the opportunity to speak at the time the agenda item was heard. This was completely ignored.
4. Other Boards, Commissions and Committees are, and have been, allowing public comment for each section/item of their agenda but that is not allowed for the most important Board the city has.
5. I feel that my due process and that of others, if not completely violated, has certainly been significantly impinged on a subject that is very important not only to me but to many people in our neighborhood.

Respectfully submitted,
Krista Leach
4031 (& 4051) Center Drive
4149 Bigelow Drive
775-882-7769