



COMMUNITY DEVELOPMENT
1594 Esmeralda Avenue, Minden, Nevada 89423

Mimi Moss
DIRECTOR

775-782-6201
FAX: 775-782-6297
website: www.douglascountynv.gov

Building Division
Engineering Division
Planning Division
Code Enforcement

MEMORANDUM

DATE: July 10, 2018

TO: Douglas County Planning Commission

FROM: Louis Cariola, Senior Planner

SUBJECT: Land Division Application (LDA 18-008); a Tentative Subdivision Map to create two (2) Commercial lots of 3.05 acres and 1.46 acres in size in the South Commercial Planning Area of the Nevada Northwest Specific Plan for And Away They Go LLC, APNs: 1320-30-601-009, 1320-30-702-024, and a portion of 1320-30-702-029

I. REQUEST

For possible action. Discussion on a tentative commercial subdivision map proposing to create two Commercial lots of 3.05 acres and 1.46 acres in size pursuant to Douglas County Code Section 20.708.020, *Tentative subdivision map procedures*. The subject properties are located east of Hwy 395 and south west of Ironwood Drive within the Minden-Gardnerville Community Plan Area in the South Commercial Planning Area of the Nevada Northwest Specific Plan. The applicant is And Away They Go, LLC (APNs: 1320-60-601-009, 1320-30-702-024, and a portion of 1320-30-702-029); LDA 18-008.

II. RECOMMENDATION

The Planning Commission may recommend *approval*, *approval with additional conditions*, or *denial* of the request to the Board of Commissioners. Staff recommends that the Planning Commission take the following action based on the discussion and findings included in the staff report and subject to the following conditions:

Recommend approval to the Board of Commissioners of Land Division Application (LDA) 18-008 based upon the ability to make the required findings as outlined in this staff report, and subject to the recommended conditions of approval.

A. THE FOLLOWING CONDITIONS MUST BE MET PRIOR TO FINAL MAP SUBMITTAL:

Engineering Division Condition(s)

- A 1. The applicant must submit plans and supporting documents for review and approval. Plans and documentation must be in conformance with the Douglas County Design Criteria and Improvement Standards (DCDCIS) including the following project specific items:
- a. The applicant must submit civil improvement plans in conformance with Division 2 *Improvement Plans*.
 - b. A site improvement permit will not be issued until plans have been approved for all non-county utilities necessary to serve the development.
 - c. The applicant must submit a final technical drainage report and plans meeting the requirements of Division 6 *Storm Drainage* and Appendix D *Storm Drainage Details*. The report shall also address piping the portion of the existing irrigation ditch that crosses “Road A”.
 - d. The plans must show all necessary drainage easements and identify them as public or private as applicable.
 - e. The applicant must submit a final soils (geotechnical) report and plans meeting the requirements of Division 3 *Soils Engineering Report*.
 - f. The applicant shall provide a means of water quality treatment for storm water before it discharges into the irrigation ditch. A manufacturer’s cut sheet of the proposed treatment device shall be provided along with an annual maintenance plan.
 - g. The applicant shall dedicate a minimum of sixty feet (60’) for local roads and 80-feet for collector roads to Douglas County.
 - h. Street spacing throughout the development shall be to the 2001 Douglas County Design Criteria and Improvement Standards per the Settlement Agreement Case 3:06-cv-0053-BES-VPC.
 - i. The applicant shall construct “Road A” as shown on the Tentative Subdivision Map from the intersection at US Highway 395 as an urban collector (per Detail A01) to the roundabout located at the change from commercial to residential development. From the roundabout the applicant shall complete “Road A” to the intersection at Monte Vista Avenue to an urban local road (per Detail A02) standard including minimum 6-foot wide sidewalks.
 - j. The applicant shall construct Monte Vista Avenue from the intersection with “Road A” to Ironwood Drive to an urban local road (per Detail A02) standard including minimum 6-foot wide sidewalks.
 - k. The applicant shall improve the intersection of U.S. Highway 395 and State Route 88 in accordance with the Nevada Department of Transportation and “Nevada Northwest Traffic Analysis” dated December 2017 by Paul Solaegui to include: a four-leg intersection with one left turn lane, two through lanes, and one right turn lane at the north and south U.S. 395 approaches; dual left turn lanes, one through lane, and one right turn lane at the west State Route 88 approach; and one left turn lane, one through lane, and one right turn lane at the east project access approach.
 - l. The applicant shall improve the intersection of Ironwood Drive/Monte Vista/Project Access to include a four-leg intersection with stop sign control and a minimum of one shared left turn-through-right turn lane at the south approach.
 - m. The applicant shall improve Monte Vista Avenue/Project Access intersection as a three-leg intersection with stop sign control and a minimum of one shared left turn-right turn lane at the east approach.
 - n. The roundabout shall be constructed in accordance with Division 3 Streets and Traffic and specifically “Roundabouts: An Informational Guide” by the National Cooperative Highway Research Program (NCHRP) in cooperation with U.S. Department of

Transportation and Federal Highway Authority, along with any subsequent NCHRP reports, such as NCHRP Report 672.

- o. The applicant shall provide and construct connection, with a minimum 30 foot private shared access easement over it, to the Minden Medical Mall parcel (APN 1320-30-613-002) on applicant's property (APN 1320-30-601-009).
 - p. Sidewalks that meander outside the limits of the right of way around the roundabout shall be placed within a public pedestrian access easement
- A 2. The development will be served by a public water system, and the following conditions apply:
- a. The applicant must meet the requirements of the "Water Will Serve" letter or other letter of intent to serve.
 - b. Water lines must meet the requirements of Division 4 *Water Systems* and Appendix B *Water System Details*, or standards of other applicable agencies.
- A 3. The development will be served by a public sewer system, and the following conditions apply:
- a. The applicant must meet the requirements of the "Sewer Will Serve" letter or other letter of intent to serve.
 - b. Sewer lines must meet the requirements of Division 5 *Sewer Systems* and Appendix C *Sewer System Details* or standards of other applicable agencies.
- A 4. The applicant must provide evidence that conditions placed on the project by the Water Conveyance Advisory Committee (WCAC), pursuant to the meeting on July 2, 2018, have been met.
- A 5. The applicant must comply with the requirements of Douglas County Code, Title 20, Chapter 20.50 Floodplain Management and provide the following:
- a. A completed Floodplain Development Review application with associated documents and fee for a Letter of Map Revision submittal to the Federal Emergency Management Agency (FEMA).
- A 6. The applicant must provide a paved pullout for a new cluster mailbox location. If a new cluster mailbox location is not required, then the applicant must be responsible for providing documentation to that effect from the U.S. Postal Service. (See Condition B1.a)
- A 7. On-site and off-site improvements must be constructed or secured. If the applicant proposes to secure for any of the required improvements, the applicant must enter into a security and improvement agreement with Douglas County. The security improvement agreement and the security deposit shall comply with Douglas County Code Sections 20.720.020 and 20.720.030.
- A 8. The applicant must provide documentation that all required improvements, including utilities are installed, constructed or secured.
- A 9. The applicant must provide evidence that the Nevada Department of Transportation (NDOT) has reviewed and approved development within their jurisdiction.

Planning Division Condition(s)

- A 10. The applicant must submit revised site plans for review and approval. The plans must be in conformance with the Douglas County Code (DCC), Title 20, and the Douglas County Design Criteria and Improvement Standards (DCDCIS) including the following project specific items:
- a. The applicant must submit final landscape and irrigation plans stamped by a licensed architect, landscape architect, or civil engineer. Landscape and irrigation plans are to be consistent with both the DCDCIS and Douglas County Code, Chapter 20.694 *Landscape Standards*
- A 11. The applicant must provide evidence that the GIS Department has approved all new street names. Any easement or road (public or private) providing access to two or more parcels must be named and street signs erected per Douglas County Code, Chapter 20.900 *Numbering Structures and Naming Streets*.
- A 12. The applicant must comply with the requirements of Douglas County Code, Title 20, Chapter 20.50 *Floodplain Management* and provide a Floodplain Development Permit.
- A 13. The applicant must record a boundary line adjustment to establish the boundary of the tentative map. Upon recordation of the final map, the existing underlying parcels will be merged and re-subdivided per the approved tentative map.
- A 14. The applicant shall provide verification to Douglas County that portions of the project area outside the boundaries of the Town of Minden have been annexed into the Town.
- A 15. The applicant must provide evidence that recommended conditions of approval placed on the project by the Town of Minden Board, pursuant to the meeting on July 11, 2018, have been met.

B. THE FOLLOWING CONDITIONS MUST BE MET WITH THE SUBMITTAL OF A FINAL MAP:

Engineering Division Condition(s)

- B 1. The Final Map must show the following:
- a. An easement for any new cluster mailbox location. (See Condition A6)
 - b. Identify and delineate special flood hazard areas.
 - c. Drainage easements necessary to mitigate onsite, offsite, and cross-lot drainage impacts. All drainage easements not accepting flow from a public right-of-way must be shown as private.
- B 2. The Final Map must provide notes that read as follows:
- a. A ten (10') foot wide public utility easement along all road frontages, and a five (5') wide public utility easement along the side and rear lot lines.
 - b. Any further division of these parcels may be subject to subdivision improvements as provided under NRS 278.462(3).

- c. The Community Development Certificate must state, “The County rejects the offer of dedication of public roads with the reservation to accept an offer at a later date.”
- d. All runoff from a public right-of-way shall be conveyed to a facility proposed to be maintained by Douglas County or other applicable agency. Access shall be provided to the drainage facility in accordance with The Douglas County Design Criteria and Improvement Standards Division 2.12.15. The drainage facility and access shall be located either within a parcel to be dedicated to Douglas County or a public drainage easement which the County may accept for maintenance in conjunction with acceptance of the right-of-way. Douglas County rejects any offer of dedication of drainage facilities or drainage easements at this time.
- e. Obstructing the flow or altering the course of a drainage channel is prohibited, unless permitted by authorizing agency.

Planning Division Condition(s)

- B 3. The applicant must submit documentation that all property taxes and any agricultural liens of the property have been paid in full for the current fiscal year.
- B 4. The applicant must comply with the Final Map requirements as prescribed by NRS 278 and Douglas County Code, Section 20.708 *Subdivision Maps*.
- B 5. The applicant must submit an affidavit stating that the person proposing to divide the land, or any successor in interest, will make provision for the payment of the tax imposed by chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923.

C. THE FOLLOWING CONDITION IS APPLICABLE THROUGHOUT THE LIFE OF THE PROJECT:

Engineering Division Condition(s)

- C1. The applicant shall submit inspection and maintenance records annually from the date of the notice of completion to the Stormwater Program Manager in the Community Development Department detailing any maintenance work that has been completed.

Planning Division Condition(s)

- C 2. This Tentative Parcel Map approval will expire one year from the date of approval if a final map application that conforms to all the conditions of approval is not recorded prior to the expiration date. Extensions of time may be granted in accordance with Douglas County Code, Section 20.712.030.
- C 3. The applicant shall present to the director a final subdivision map, within four years after the date of tentative map approval. Extensions of time may be granted in accordance with Douglas County Code, Section 20.708.050.

The applicant may submit two copies of the draft final maps to the Engineering Division for a Technical Map Review, prior to final map submittal. This expedites the final map submittal process by

allowing both the Engineering and Planning Divisions to review the final map to the Conditions of Approval, Nevada Revised Statutes 278, and County Code.

III. PROJECT INFORMATION

Owner/Applicant	Michael Pegram And Away They Go LLC 1627 Highway 395 Minden, NV 89423
Representative	Keith Ruben RO Anderson Engineering Inc. 1603 Esmeralda Ave Minden, NV 89423
Site Location	East of Hwy 395, southwest of Ironwood Drive
Master Plan Designation	Commercial and MFR (Multi-Family Residential)
Zoning Designation	TC (Tourist Commercial) and NC (Neighborhood Commercial)
Flood Zone	AE and X Shaded

IV. BACKGROUND & PROJECT DESCRIPTION

The subject parcels are located in the Minden/Gardnerville Community Plan within the Nevada Northwest Specific Plan (NVNWSP). The NVNWSP was approved by the Board of Commissioners on November 1, 2001 and encompasses approximately 116 acres generally located to the north east of the intersection of Hwy 395 and Hwy 88 in Minden. The NVNWSP includes three primary land use areas: the Residential Planning Area, the North Commercial Planning Area, and the South Commercial Planning Area. The subdivision is proposed in the South Commercial Planning Area.

The South Commercial Planning Area includes parcels bordering the north/north east of the Hwy 88 and Hwy 395 intersection. Currently the intersection is a three way junction. The applicant is proposing to construct a fourth travel way extending from the intersection to the east as part of the proposed commercial subdivision. Boundary line adjustments to three (3) parcels will be necessary to accommodate the roadway. See Attachment 1 for details of the existing and proposed parcel configurations. The red lines in Attachment 1 depict the adjusted parcel lines.

Two parcels include frontage on Hwy 395. Ultimately, the roadway extension is planned for connection to Lucerne Street through a separate entitlement process for a residential subdivision, currently under review by County staff. The proposed new parcel areas are 3.05 acres, labeled as "Lot 1" and located to the east of the new road, and 1.46 acres, labeled as "Lot 2" and located to the west of the new road. Lot 2 includes a proposed 50' wide non-exclusive access easement providing ingress and egress to the neighboring parcel to the north (see Attachment 1). A traffic circle is proposed to provide a transition from an urban collector roadway extending from the intersection to the roundabout, and an urban local road heading east from the roundabout. The roadway east will connect to a planned

extension of Monte Vista Avenue across Ironwood Drive. The Monte Vista Avenue extension will also be constructed to urban local road standards and is planned to provide access to the aforementioned residential planned development (reviewed separately).

V. EVALUATION & FINDINGS

Key Issues

Nevada Northwest Specific Plan

On September 18, 2017, the Board adopted Resolution 2017R-067. The resolution changed the Master Plan designation for 24.36 acres of the South Commercial Planning Area from Commercial to Multi-Family Residential, including a portion of the largest subject parcel. During the public hearing proceedings, the applicant presented conceptual plans to the Town of Minden's Board and the County Commissioners. See Attachment 2 for details (2 pages).

As discussed at the Town Board and Board of Commissioners meetings in 2017, following approval of the master plan amendment, the applicant would be required to concurrently apply for a zoning map amendment for zoning consistency with the master plan and a Specific Plan amendment. Additionally, as the parcels develop, the applicant would be required to come forward with applications for design review, Planned Developments, Tentative Subdivision Maps, etc. as may be required to fulfill the concepts presented by the applicant.

In addition to the subject application, applications have been submitted for the following:

- Zoning Map amendments for zoning consistency (with the land use);
- NVNW Specific Plan amendment; and
- Single Family Residential planned development area (within MFR zoning district).

The public hearings for the projects listed above are scheduled for one month later than the subject of this report. The design review for the multi-family development component will be submitted at a future date.

Master Plan and Zoning

Of importance to this application is the fact that the portion of APN 1320-30-702-029 (largest parcel) that is currently designated as MFR in the Master Plan will be changed to Commercial land use and NC zoning. Since the current zoning is NC and TC (Tourist Commercial), both commercial zoning districts, the subdivision of land for the subject of this report is allowed. Per Nevada Revised Statutes (NRS) 278.349.(e), a tentative map shall consider "Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence".

Current parcel statuses are below.

<u>APN</u>	<u>Current Acreage</u>	<u>Zoning</u>	<u>Master Plan</u>
1320-30-6001-009	2.16	NC	Commercial
1320-30-702-024	2.63	NC	Commercial
1320-30-702-029	10.97	NC/TC	MFR

Phasing

Construction of the road is proposed for completion in one phase. It will extend from the intersection to a planned extension of Monte Vista Avenue across Ironwood Drive. This extension of Monte Vista Avenue is the proposed eastern boundary for Phase I of the SFR planned development. Refer to Attachment 1 for details.

Water and Sewer

Currently the parcel is located within the Town of Minden Water Service Area. The applicant has received a recent Will-Serve letter from the Town of Minden dated April 24, 2018. The letter acknowledges that this site was previously approved for water service and confirms the Town's capacity to serve the subject parcels. The letter notes that a portion of the project area requires annexation into the Town of Minden. Portions of all three of the subject parcels will require annexation into the Town of Minden as a condition of approval.

The parcels are located within the Minden-Gardnerville Sanitation District (MGSD) Service Area. A letter dated April 19, 2018 from MGSD states the project site is located within the District boundaries and is eligible for annexation, However, sewer capacity needs to be purchased and improvements installed subject to district review. Therefore, MGSD is requiring civil engineering improvement plans, approval of sewer capacity allocations, and payment of all associated fees and any other conditions deemed necessary by MGSD for sewer service. See Attachment 3 for the will serve letters (3 pages).

Boundary Line Adjustment / Merger and Re-subdivision

Prior to recording the final subdivision map, the Owner will be recording a boundary line adjustment to re-design the underlying parcels in order to establish the boundary of the tentative map. The map included with this application delineates the location of this proposed, adjusted boundary. With the recordation of the final map, the existing underlying parcels will be merged and re-subdivided per the (recommended for conditional approval) tentative map. The recommended approval in this report addresses this procedure in section A, *Planning Division Conditions*.

Traffic

The aforementioned Master Plan amendment to the NVNWSP in 2017 removed intensive land uses that were originally contemplated for the South Commercial Planning Area in the 2001 approval. Specifically, a casino, hotel, and expansive commercial development. An updated traffic study was submitted as part of the concurrent submittals for the NVNWSP, dated December of 2017. One of the amended components in the updated report are the Average Daily Trip (ADT) rates for the South Commercial Planning Area. In 2001, the traffic study's trip generation figures calculated an ADT rate of 18,989. The adjusted ADT in 2017 for the South Commercial Planning Area was calculated at 8,194, a 57% decrease compared to the 2001 Specific Plan.

As part of this review, the updated traffic plan was scoped and reviewed by the Nevada Department of Transportation and the Douglas County Transportation Engineer, Jon Erb, P.E. The recommended conditions in this report incorporate the finding of the updated traffic plan. Section A, *Engineering Conditions*, includes conditions that will be required of the applicant at the time of application for site improvement permits.

Annexation

A portion of the project area requires annexation into the Town of Minden. The recommended conditions of approval require that the applicant submit to the Town of Minden for annexation prior to submittal for a final map.

Findings

The requests have been submitted pursuant to Douglas County Code (DCC) 20.708 *Subdivision Application Procedure and Approval Process*. Staff has evaluated the proposed project and made findings in the affirmative for a Tentative Commercial Subdivision.

Tentative Subdivision Map Findings (20.708.030)

1. *The property to be subdivided is zoned for the intended uses and the density and design of the subdivision conforms to the requirements of the zoning regulations contained in this code;*

Staff response: The subdivision proposes boundary line adjustments to three parcels with NC and TC zoning designations within the NVNWSP. The proposed commercial uses have not been determined, but will be reviewed for compliance with the applicable code sections in the Design Review process.

2. *If planned development is proposed, the tentative subdivision map conforms to the density requirements, lot dimension standards and other regulations applicable to planned developments;*

Staff response: A planned development is not proposed with this Tentative Subdivision Map application.

3. *The tentative subdivision map conforms to public facilities and improvement standards contained in the development code;*

Staff response: All adequate public facilities are provided with this development application. Will serve letters included with the application demonstrate the availability of water, sanitary sewer, and other services. (See Conditions A2, A3, and A8 above).

4. *The tentative subdivision map conforms to the improvement and design standards contained in the development code and adopted design criteria and improvement standards;*

Staff response: All public improvements conform to the improvement and design standards contained in the development code and adopted design criteria and improvement standards. (See Condition A1 above).

5. *If applicable, that a phasing plan has been submitted and is deemed acceptable;*

Staff response: The project is proposed for implementation in one phase. A submittal for a residential planned development to the east of the commercial subdivision is currently under review by the County and the Town of Minden. The new roadway proposed as part of this subdivision will provide access for this project as well as the adjacent proposed planned development. (See Condition A1 above).

6. *The approval contains terms that plan for the possibility of abandonment or termination of the project;*

Staff response: The project will be developed as a single phase.

7. *There are no delinquent taxes or assessments on the land to be subdivided, as certified by the county treasurer;*

Staff response: All taxes are paid current as demonstrated by the receipts from the County Treasurer's office submitted with the application and the project is conditioned to provide proof of payment of taxes prior to recordation of a final map.

8. *The project is not located within an identified archeological or cultural study area, as recognized by the county. If the project is located in a study area, an archeological resource reconnaissance has been performed on the site by a qualified archeologist and any identified resources have been avoided or mitigated to the extent possible per the findings in the report. (Ord. 801, 1998; Ord. 763, 1996; Ord. 390, 1981)*

Staff response: The project is not located in an identified cultural study area.

VIII. CONCLUSION

Based on the ability to make the findings as outlined above staff recommends the Planning Commission recommend to the Board of Commissioners approval of Land Division Application (LDA) 18-008, creating two (2) Commercial lots of 3.05 acres and 1.46 acres in size in the South Commercial Planning Area of the Nevada Northwest Specific Plan.

Attachments:

Attachment 1-Parcel configurations

Attachment 2-Conceptual Plans-Master Plan amendment to South Commercial Area

Attachment 3-Water and sewer will serve letters

Attachment 4-Application materials from And Away They Go, LLC