

STAFF REPORT

Date: April 24, 2024

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Case No. MUP24-00012 (LifeChurch Primary School) – Appeal of the Administrator’s decision to approve a request for a minor conditional use permit to allow for: 1) development of a ±44,351 square foot primary school in the Single-Family Residential 3 units per acre (SF-3) zone; and 2) a primary school adjacent to residentially zoned property. The ±10.2 acre project site is located on the eastern side of Rio Wrangler Parkway ±1,725 feet south of its intersection with Steamboat Parkway. Appeals were filed by Judy Covert, Mary Harger, and the Washoe County School District. The City Council may affirm, modify, or reverse the decision of the Administrator.

From: Jeff Foster, Associate Planner

Department: Development Services - Planning

Summary:

This is a public hearing to consider an appeal of the Administrator’s approval of a Minor Conditional Use Permit (MUP) to allow for the development of a primary school in the single-family residential 3 units per acre (SF-3) zone adjacent to residentially zoned property. The subject ±10.2 acre site is located on the east side of Rio Wrangler Parkway between Yee Haw Way on the north and McCauley Ranch Boulevard on the south (**Exhibit A**). The site currently contains a church (comprised of a child development center and gymnasium buildings), a parking lot, a lawn and playground, and a small structure remaining from the previous commercial dog kennel operation (to be demolished). Key project issues analyzed include: 1) project design/code compliance, 2) compatibility with surrounding uses, and 3) traffic/access.

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

July 16, 2014 - Council approved a Zoning Map Amendment for the subject site (case no. LDC14-00035) from Large-Lot Residential – 2.5 acres (LLR-2.5) to Single-Family Residential – 15,000

square feet (SF-15). The SF-15 designation was changed to SF-3 as part of the zoning code update.

Background:

Three appeals of the Administrator's decision have been filed (**Exhibit B**) and are described below:

- Mary Harger appealed citing concerns regarding excessive noise along Rio Wrangler Parkway generated by additional traffic associated with the LifeChurch Primary School, excessive driver speed in the area creating a safety risk for children, and the ability of residents to exit from the adjoining neighborhood during staggered school release times.
- Judy Covert appealed citing that legal findings for the approval of the MUP cannot be met.
- The Washoe County School District (WCSD) appealed citing inconsistencies with Master Plan policies and legal findings required for approval of the MUP. Specifically, WCSD cited the need for sidewalks along the McCauley Ranch Boulevard frontage in accordance with section 18.04.502 of the Reno Municipal Code (RMC), the need for pedestrian crossings, and concerns regarding traffic and timing of future Regional Transportation Commission (RTC) improvements noted in the traffic study.

Council may approve the appeal and deny the project, approve the appeal and modify the conditions of approval, or deny the appeal and affirm the Administrator's decision to approve the MUP.

Discussion:

A detailed project analysis is provided in the attached Administrative Decision Letter (**Exhibit C**). The discussion is summarized below:

- Specific design considerations regarding site layout, building design, access, and other improvements were reviewed against development standards for the SF-3 zoning district. As presented, the proposed development generally complies with zoning code standards for streets, utilities, and services (RMC Chapter 18.04 Article 5); access, connectivity, and circulation (RMC Chapter 18.04 Article 6); off-street parking and loading (RMC Chapter 18.04 Article 7); landscaping, buffering, screening, and fencing (RMC Chapter 18.04 Article 8); site and building standards for residential districts (RMC Chapter 18.04 Article 9); exterior lighting (RMC Chapter 18.04 Article 13); residential adjacency (RMC Chapter 18.04 Article 14); and the use-specific standards (RMC 18.03.303[b][3]).

The proposed project was reviewed by various City divisions and partner agencies. Comments received were incorporated into the conditions of approval, as necessary (**Exhibit C**). A public

notice was sent out to all property owners within 750 feet of the project and public notice signs were posted on the property. One support letter and over 20 comments in opposition were received and are included in **Exhibit C**. While some concerns addressed zoning and potential blocking of views, the near-universal concerns expressed in these comments are about traffic and traffic-related issues, which are addressed through project design, operational parameters, and conditions of approval.

Financial Implications:

None at this time.

Legal Implications:

Legal review completed for compliance with City procedures and Nevada law.

Recommendation:

Staff recommends Council review the letters of appeal and Administrator action and affirm, modify, or reverse the Administrator's decision.

Proposed Motion:

Below are proposed motions with the findings for affirmation, modification, and reversal of the administrative decision.

Motion to Affirm Administrative Decision

(Denying the appeals and approving the minor conditional use permit)

Regarding the appeals of MUP24-00012 (LifeChurch Primary School), based on Council's review of the administrative decision letter and its analysis, the record on appeals, and information presented at the public hearing for these appeals, and based on my ability to make all of the findings, I move to AFFIRM approval of the minor conditional use permit by the Administrator and DENY the appeals. The City Clerk is instructed to prepare and file an order.

Motion to Modify Administrative Decision

(Affirming the appeals and modifying the conditions of the minor conditional use permit)

Regarding the appeals of MUP24-00012 (LifeChurch Primary School), based on this Council's review of the administrative decision letter and its analysis, the record on appeals, and information presented at the public hearing, I move to AFFIRM the appeals and MODIFY the decision of the Administrator as follows _____. As modified, I can make all of the required findings as listed in the staff report, and I move to APPROVE the minor conditional use permit subject to conditions stated in the administrative decision letter and as modified by Council. The City Clerk is instructed

to prepare and file an order. *Modifications to the conditions of approval outlined in the administrative decision letter are: [List modifications].

Motion to Reverse Administrative Decision

(Affirming the appeals, reversing the administrative decision, and denying the conditional use permit)

Regarding the appeals of MUP24-00012 (LifeChurch Primary School), based on this Council’s review of the staff report, the record on appeals, and information presented at the public hearing, I move to AFFIRM the appeals, REVERSE the approval of the minor conditional use permit by the Administrator, and directly DENY the minor conditional use permit, based on the inability to make all the applicable findings. The City Clerk is instructed to prepare and file an order.

Findings:

General Review Criteria and Considerations: The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

- 1) Consistency with the Reno Master Plan: The proposed development shall be consistent with the Reno Master Plan. The decision-making authority:
 - a. Shall weigh competing plan goals, policies, and strategies; and
 - b. May approve an application that provides a public benefit even if the development is contrary to some of the goals, policies, or strategies in the Reno Master Plan.
- 2) Compliance with Title 18: The proposed development shall comply with all applicable standards in this Title unless the standard is lawfully modified or varied. Compliance with these standards is applied at the level of detail required for the subject submittal.
- 3) Mitigates Traffic Impacts: The project mitigates traffic impacts based on applicable standards of the City of Reno and the RTC.
- 4) Provides Safe Environment: The project provides a safe environment for pedestrians and people on bicycles.
- 5) Rational Phasing Plan: If the application involves phases, each phase of the proposed development contains all of the required streets, utilities, landscaping, open space, and other improvements that are required to serve or otherwise accompany the completed phases of the project, and shall not depend on subsequent phases for those improvements.

Minor Conditional Use Permit: In addition to meeting the criteria in Section 18.08.304(e), *Approval Criteria Applicable to all Applications*, the following findings shall be made prior to granting a minor conditional use permit:

- 1) The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
- 2) The proposed land use and project design is compatible with surrounding development;
- 3) The proposed land use and project design are consistent with applicable development standards;
- 4) Public services and facilities are available to serve the project, or will be provided with development;
- 5) The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of uses permitted in the surrounding area; and
- 6) The granting of the minor conditional use permit will not be materially detrimental to public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
 - a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
 - b. Any hazard to persons and property.

Attachments:

Exhibit A – Case Maps

Exhibit B – Appeals

Exhibit C – Administrative Decision Letter

LifeChurch Legal Notice