



MATER ACADEMY
— of Northern Nevada —

Mater Academy N. NV

**Response to Appeals of
Minor Conditional Use Permit Application
MUP24-00010
North Hills Blvd Reno, NV 89506**

**Reno City Council
July 31, 2024**

Appeals of Minor Conditional Use Permit

5 Appeals Filed:

Washoe County School District

Nevada State Education Association

Washoe Education Association

Ashley Robbins (teacher)

Erika Bowling (teacher)

4 Primary Concerns:

Incompatible Zoning

Traffic and Safety

Lack of Public Hearing

Economic Hardship

Zoning of Subject Site

Split Zoning:

General Commercial (GC) on the western portion;
Single-Family Residential-3 units per acre (SF-3) on the
eastern portion

RMC 18.03.206

Primary Schools:

Allowed in SF-3 with minor conditional use permit

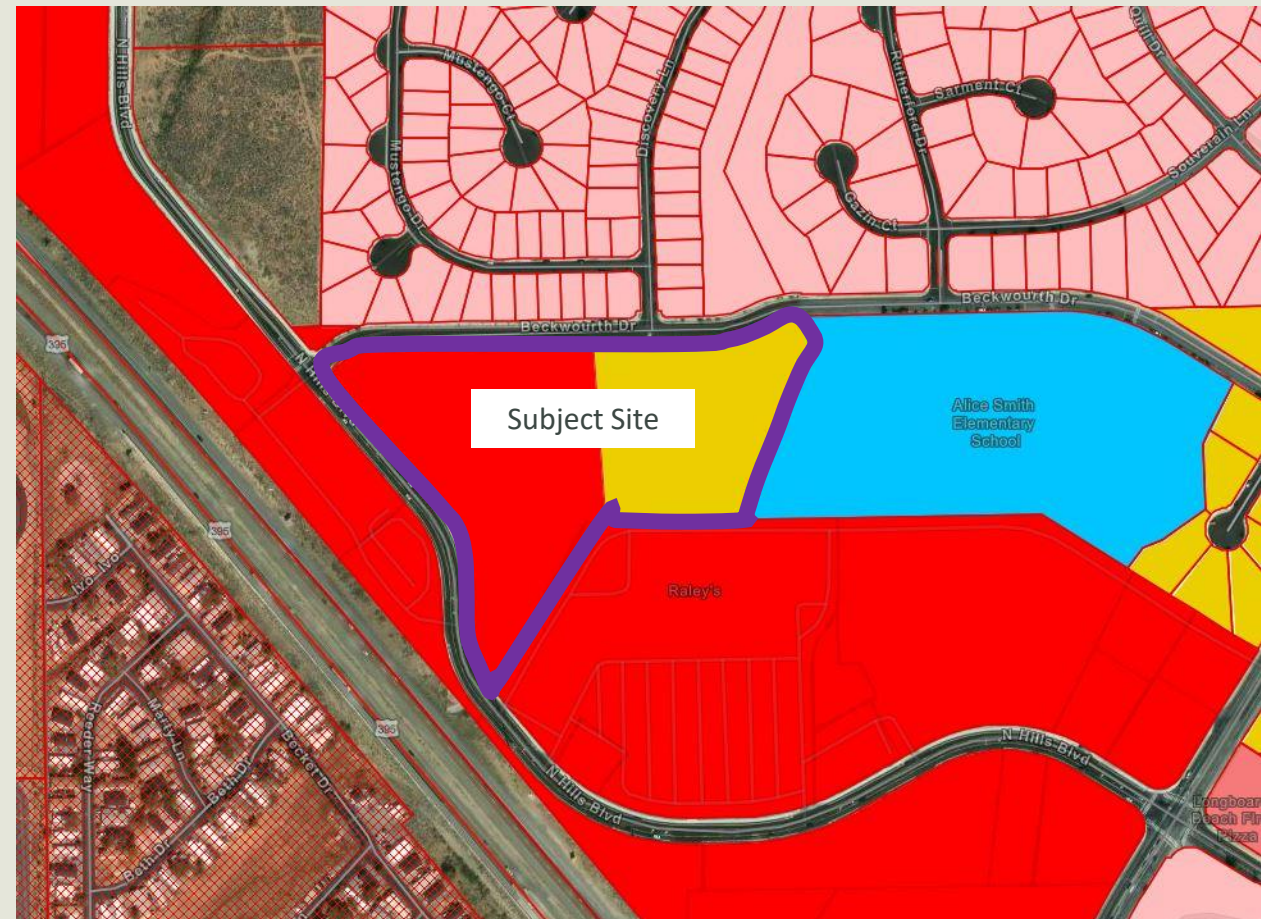
Secondary School:

Allowed in GC with minor conditional use permit

RMC 18.09, Article 3

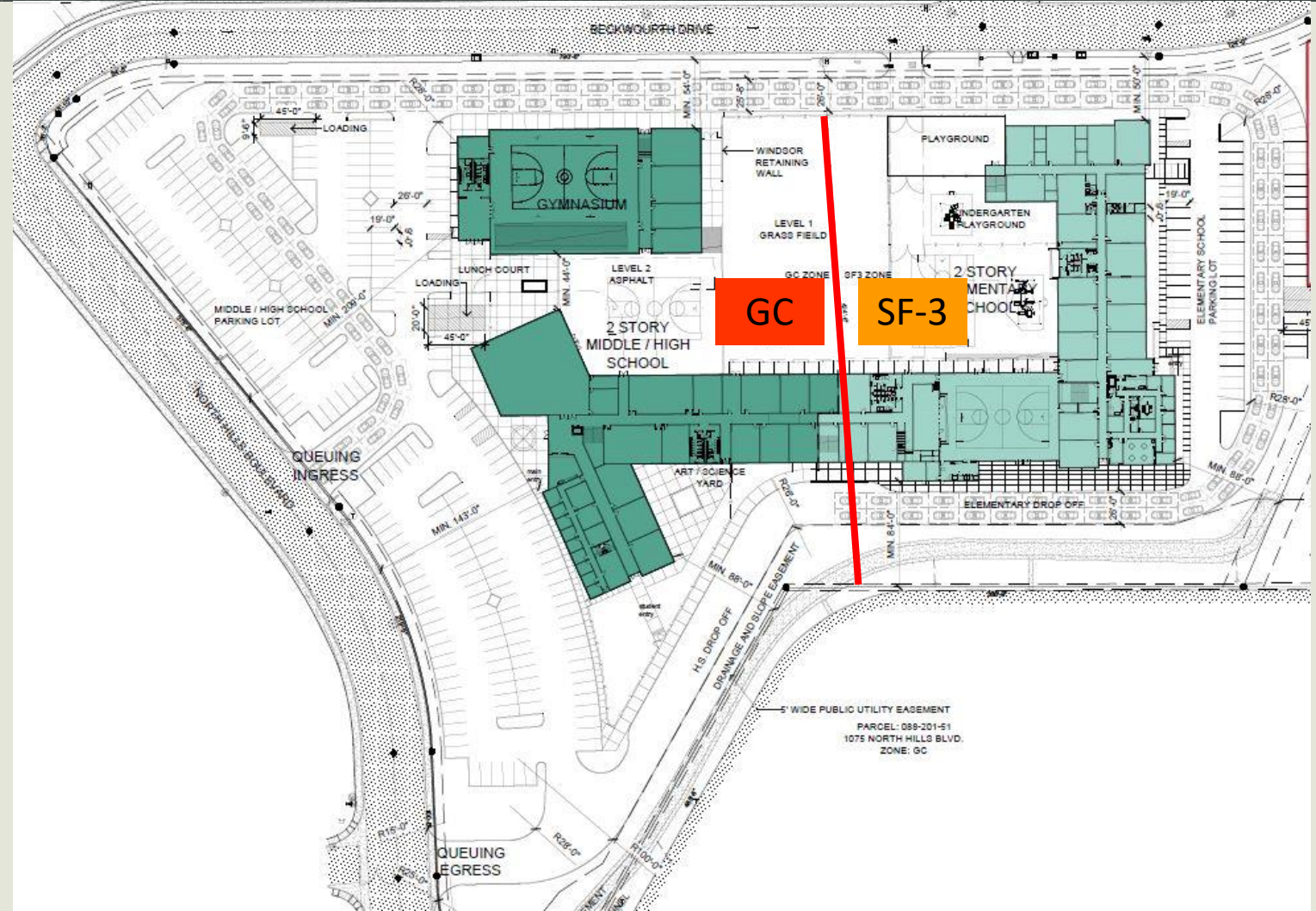
A **primary school** includes “a facility or area for kindergarten and elementary education”

A secondary school includes “a facility or area for secondary education”



Condition No. 5

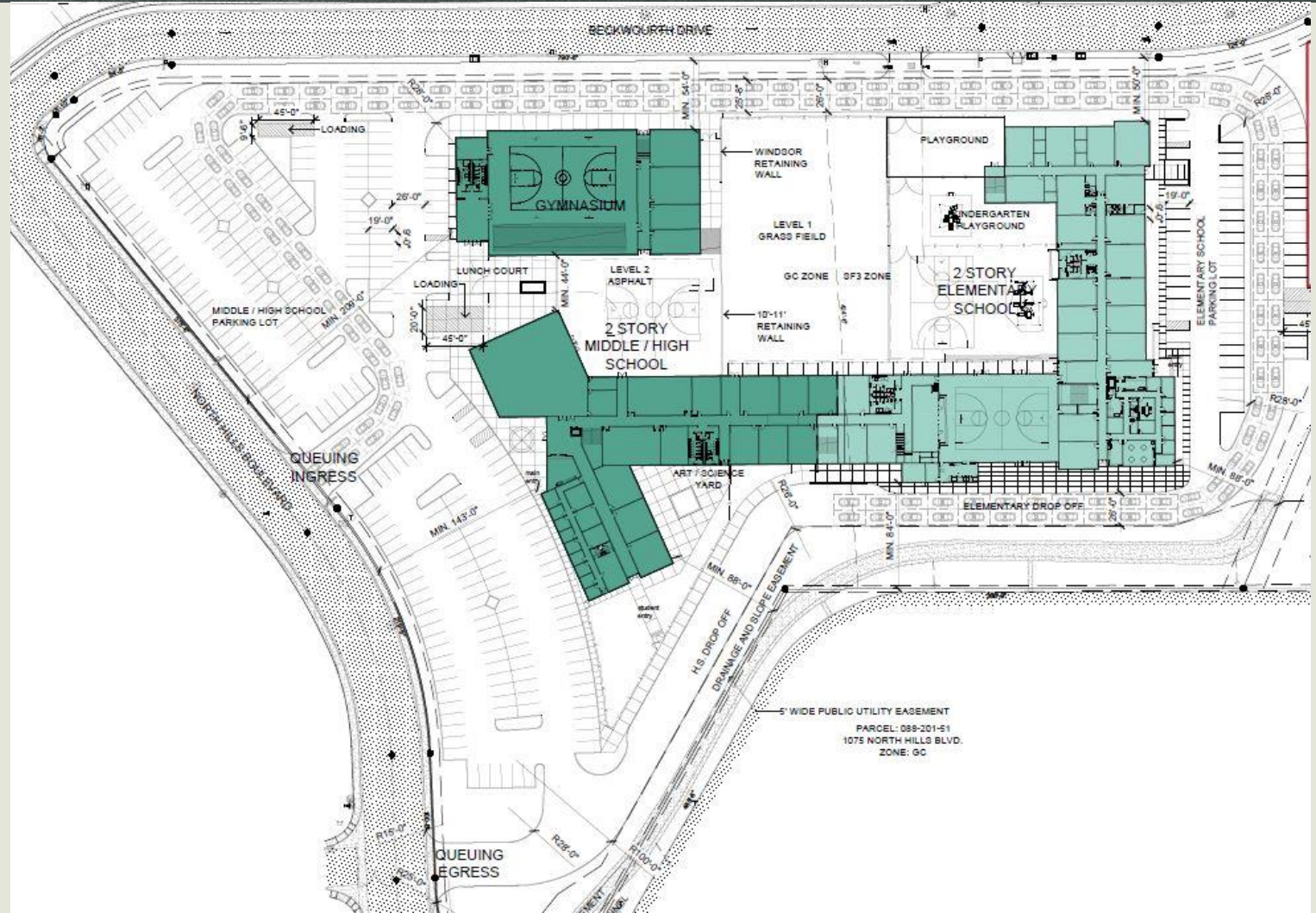
“Prior to the issuance of any building permits, the applicant shall demonstrate that all components of the primary school be located on the SF-3 parcel”



Project Lot Size

Appellants claimed the ±10.62-acre site is insufficient for a school with 1,500 students.

No such requirement or limitation exists under Nevada law or the Reno Municipal Code.



Traffic Study Findings

Lochsa Engineering conducted a Traffic Impact Study for the Project Site. The findings include:

At full buildout of the school, the project is projected to generate:

- 892 AM Peak Hour Trips – 7:00 a.m. to 9:00 a.m.
- 756 PM (afternoon bell) Peak Hour Trips – 2:00 p.m. to 4 p.m.
- 242 PM Peak Hour Trips – 4:00 p.m. to 6:00 p.m.

The AM and PM times are standard for typical traffic studies, and the afternoon bell time is specific for schools.

Proposed Traffic Light at North Hills & Beckwourth Drive

2043 Background and Project Level of Service

(With Addition of Traffic Light at
North Hills & Beckwourth)

INTERSECTION	CONTROL	AM PEAK HOUR		PM BELL		PM	
		DELAY	LOS	DELAY	LOS	DELAY	LOS
North Hills/Beckwourth Drive	SIGNAL	19.8	B	18.4	B	22.9	C
EASTBOUND		47.4	D	51.2	D	43.0	D
WESTBOUND		52.9	D	54.3	D	53.7	D
NORTHBOUND		19.0	B	15.0	B	21.2	C
SOUTHBOUND		12.2	B	9.5	A	12.7	B

Traffic Mitigation Factors

Traffic safety comments from WCSD Safer Routes to Schools were not ignored.

Discussions with City Staff resulted in the following required traffic elements (among others on the next slide):

- School Zone overhead mast arm flashers
- Rectangular Rapid Flashing Beacons (RRFBs) at crosswalks
- Sidewalk additions and overhead lighting; and
- On-site bike storage

Traffic Mitigation Factors

- Primary access from two points along North Hills Boulevard, one for egress and the other for ingress. There is no direct access to/from Beckwourth.
- 148 car on-site circulation loop for pickup/dropoff queueing, taking cars off public roadway.
- Prior to issuance of a certificate of occupancy for Phase I, the Applicant shall demonstrate to the City Engineer that all off-site improvement recommended in the traffic study are installed (Condition No. 22).
- Alice Smith Elementary School operates from 9:30 a.m. to 3:30 p.m. (2:45 p.m. on Wednesdays). Mater Academy start times will be offset by at least 30 minutes (Condition No. 20).
- Mater Academy's proposed elementary, middle, and high school shall have bell times separated by at least 30 minutes (Condition No. 20).
- Student drop-off will begin at least 30 minutes prior to start of class (Condition No. 21).

Lack of Public Hearing

A minor conditional use permit is not subject to any public hearings. *See* RMC 18.08, Article 2, Table 8-1 Summary Table of Review Procedures.

Requirements are limited to **posting on-site notices** and **mailing notice of application** to a minimum of 30 property owners within 750 feet of project.

Here, on-site notices posted for **approximately six months**, and notice of application was mailed to **over 500 property owners**.

Appellants' Standing and Economic Hardship

Administrative decisions of permit applications, including a Minor Conditional Use Permit, may be appealed to the City Council by any aggrieved person under RMC 18.08.307(j)(1)(a)(2).

RMC Chapter 18.09, Article 4, defines an “aggrieved person” as “one whose personal right or right of property is adversely and substantially affected by the action of a discretionary body” (emphasis added).

RMC 18.08.307(j)(1)(b)(2) requires: “The written notice of appeal must briefly specify the grounds of the appeal...”

Economic hardship resulting from competition is not a sufficient ground for appeal

Appeals of Minor Conditional Use Permit

Standard of Review

RMC 18.08.307(j)(1)(d)(1) provides: “The City Council shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.310 to determine whether the Administrator committed an abuse of discretion” (emphasis added).

“A decision that lacks support in the form of substantial evidence is arbitrary or capricious’ and, therefore an abuse of discretion.” *Tighe v. Las Vegas Metro. Police Dep’t*, 110 Nev. 632, 634, 877 P.2d 1032, 1034 (1994). Here, the Administrator based its approval on substantial evidence presented as a part of the application process and therefore did not abuse its discretion.

Appeals of Minor Conditional Use Permit Substantial Evidence

“Substantial evidence is that which a reasonable mind might accept as adequate to support a conclusion.” *City of Las Vegas v. Laughlin*, 111 Nev. 557, 558, 893 P.2d 383, 384 (1995).

“... when private property is denied the uses for which it is zoned, any such denial must be based upon meaningful, reasonably complete factual information.” *Tighe v. Von Goerken*, 108 Nev. 440, 444, 833 P.2d 1135, 1137 (1992).

Applicant's Request

Applicant requests the City Council to deny all appeals in their entirety and affirm the approval of the Minor Conditional Use Permit in Case No. MUP24-00010 with the conditions of approval as issued on June 3, 2024 and Applicant would agree to an additional condition of approval to install a traffic light at North Hills and Beckwourth, if imposed by the City Council.

Questions?

Thank you for your consideration. Questions?

