

MUP24-00010 (Mater Academy Lemmon Valley) Appeal

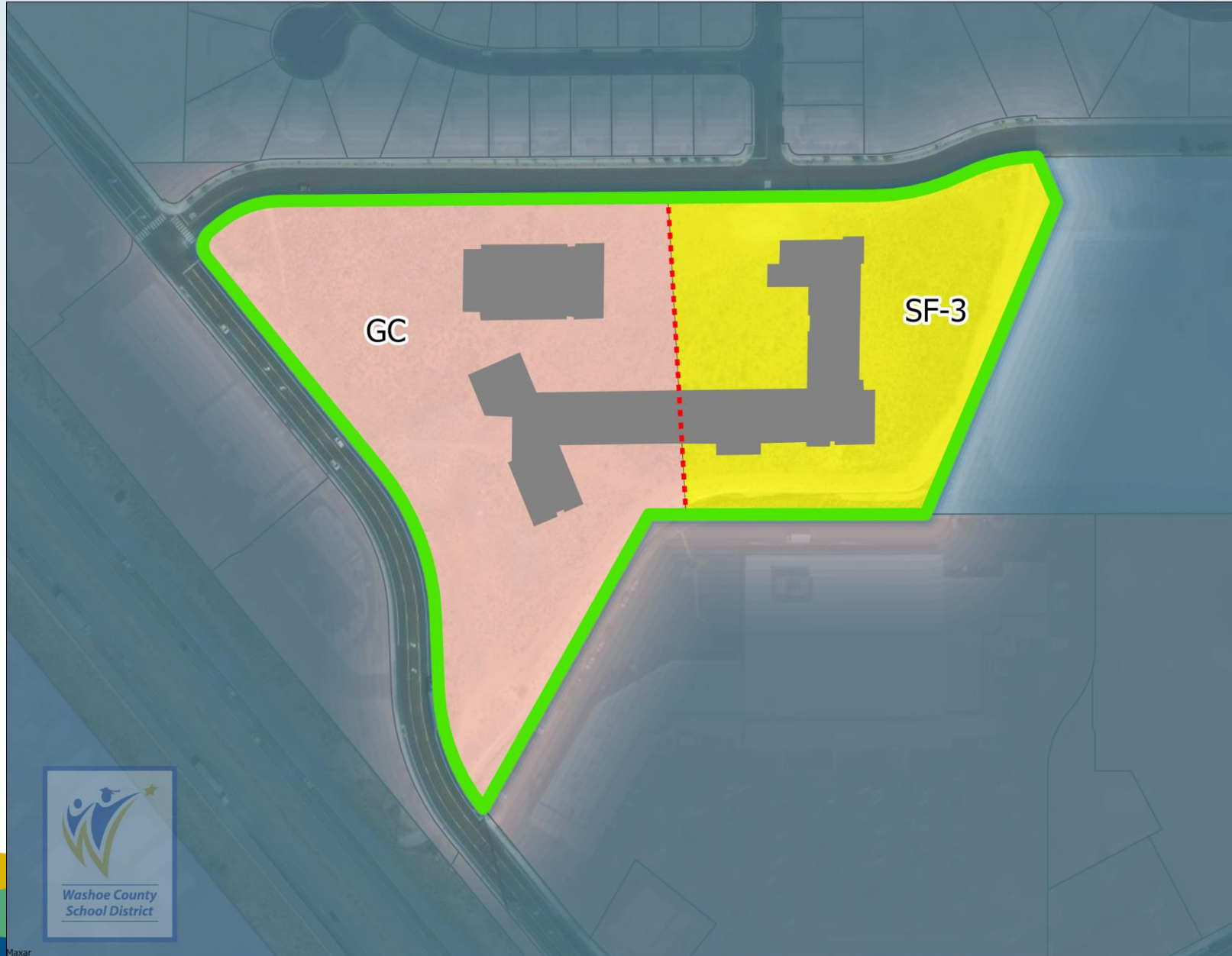
Reno City Council
July 31, 2024



Zoning Issues

- Title 18, or the Zoning Code, is an extremely detailed and complex document.
- Two specific code sections are paramount to this decision.
- Application of these code sections require that the Council reverse the decision.
- There is still a process forward for the Applicant:
 - The Applicant may first apply for a Zoning Map Amendment to a zoning designation that allows for the proposed use;
 - Followed by a subsequent Minor Condition Use Permit.

Current Zoning



Maxar



Code Requirement 1

- RMC Section 18.03.203(b) "Multiple Uses" states that:
"A lot or parcel may include multiple uses...provided that each use is permitted by right, or permitted with site plan approval, major site plan approval, minor conditional use permit, or conditional use permit as shown in Table 3-1, Table of Allowed Uses..."
- Essentially, this section requires that all uses be allowed in some way, but cannot be strictly prohibited.
- The Table of Allowed Uses is the Heart of the zoning code and sets forth what is allowed and where.

RMC Table 3-1, Table of Allowed Uses

Table 3-1 Table of Allowed Uses

P = permitted by right M = minor conditional use permit C = conditional use permit required A = accessory use permitted by right Blank = use prohibited

[P/A]1 = permitted by right except when the use-specific standards require enhanced administrative review

[P/A]2 = permitted by right except when the use-specific standards require public hearing

[P/A]3 = permitted by right except when the use-specific standards require enhanced administrative review or public hearing

[P/M/C/A]4 = permitted or conditionally permitted only in geographic areas explicitly listed within the use-specific standards.

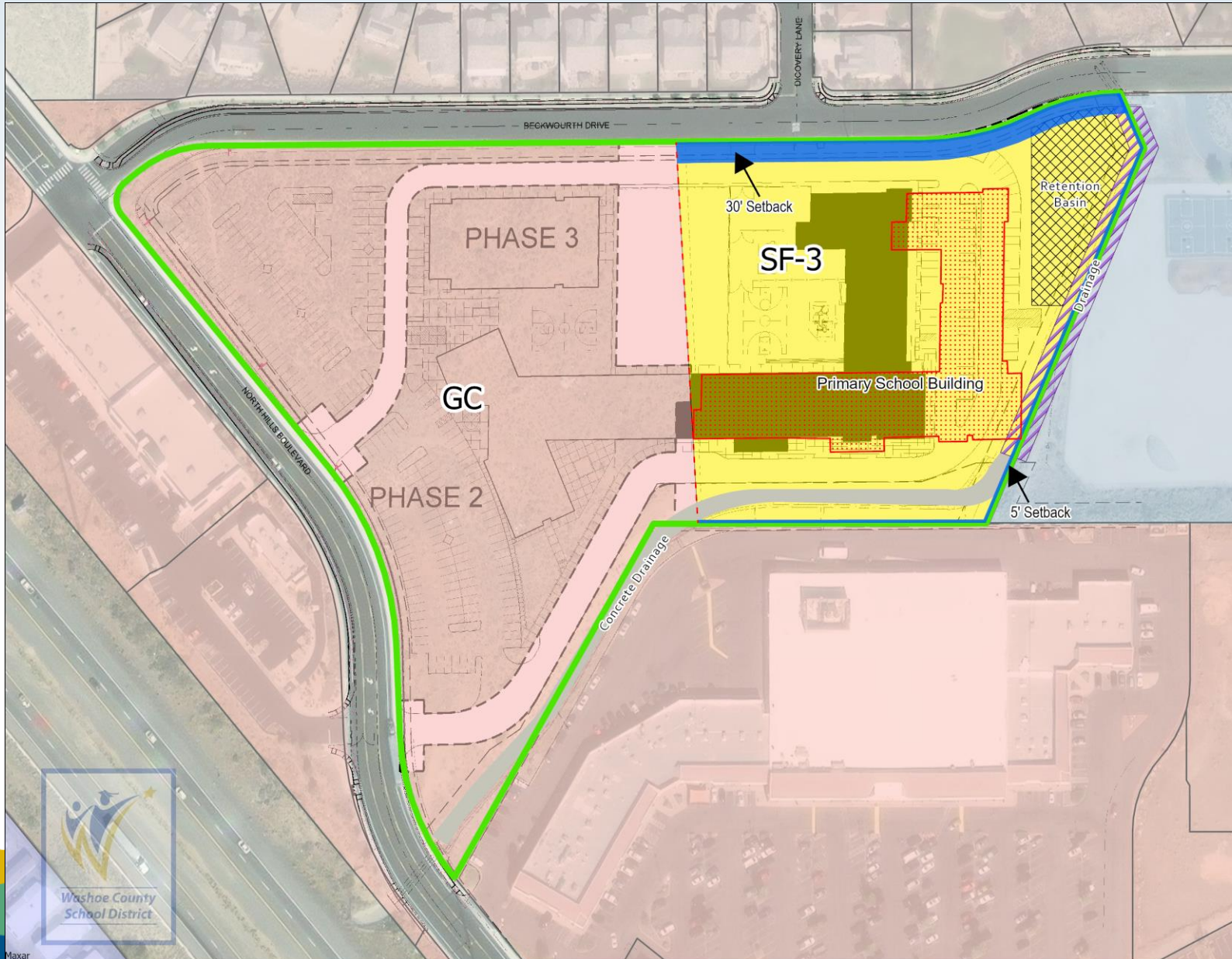
Zone Districts	Residential										Mixed-Use											Employ.				Special		
	LLR2.5	LLR1	LLR.5	SF3	SF5	SF8	SF11	MF14	MF21	MF30	MD-ED	MD-UD	MD-ID	MD-RD	MD-NW	MD-PD	MU	MS	GC	NC	PO	MU-MC	MU-RES	I	IC	ME	MA	PGOS
Educational Facilities																												
Adult Education	M	M	M	M	M	M	M	M	M	M	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Childcare Center	C	C	C	C					P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
College, University, or Seminary											P	P	P	P	P	P	P	P	P			P	P			P		P
School, Primary	M	M	M	M	M	M	M	M	M		P	P	P	P	P	P	P	P				P	P			P		P
School, Secondary	M	M	M	M	M	M	M				P	P	P	P	P	P	P	P	M			P	P			P	P	P

Code Requirement 2

- Even if the use were allowed, there are other code issues, particularly regarding the split-zoning.
- RMC Section 18.02.103(e) "Property with More Than One Zoning Designation" states that:
 - "Parcels with more than one zoning designation (on separate and discrete areas) are permitted. Land use and development shall be in conformance with the applicable zoning district for each portion of the parcel."
- In other words, each separately zoned portion of the property still needs to meet all development standards such as landscaping/screening, parking, access & circulation, building design, etc.

Site Plan Adjustment Example

- Major Site Re-Design, moving primary school to SF3 portion
- Encroaches setback and major drainageway
- Approx. 50 parking spaces eliminated
- Inadequate circulation, pickup/dropoff



Summary of Zoning Findings

- The Applicant's claims about standing and case law regarding substantive evidence are moot since the zoning strictly prohibits the use.
- ALL Findings must be able to be made by staff and this Council.
- Finding 1 states:
 "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."
 This project cannot meet this finding with the current zoning and the conditions proposed will not address this issue.
- Finding 3 states:
 "The proposed land use and project design is consistent with applicable development standards."
 This project cannot meet this finding with the current zoning and the conditions proposed will not address this issue.

Traffic Review Structure

- Traffic projections and analysis is also a very complex topic.
- Analysis and Findings must be grounded in structure.

Level of Service Policy

The Regional Transportation Commission's (RTC) 2050 *Regional Transportation Plan (RTP)* establishes level of service criteria for regional roadway facilities in the City of Reno. The current Level of Service policy is:

"All regional roadway facilities projected to carry less than 27,000 ADT at the latest RTP horizon – LOS D or better."

"All regional roadway facilities projected to carry 27,000 or more ADT at the latest RTP horizon – LOS E or better."

"All intersections shall be designed to provide a level of service consistent with maintaining the policy level of service of the intersecting corridors".

The roadways within the study area are projected to carry less than 27,000 ADT at the latest RTP horizon.

Hence, LOS "D" was used as the threshold criteria for this analysis.

Schedule & Context

Key Assumptions

- Trip Generation decreased by 30% due to bell time staggering
- Phase 1 Impacts – est. Aug. 2025
- Phase 2 Impacts – est. 2030
- All Projects within the RTC's 2050 RTP will be completed

Key Conditions

- Condition 22 – all offsite improvements must be complete before Phase 1

Immediate Impacts

Anticipated Impacts - by 2030:

Table 5: Existing Plus Project Intersection Level of Service

Intersection	Control	AM		PM BELL		PM	
		Delay ¹	LOS	Delay ¹	LOS	Delay ¹	LOS
North Hills/Beckwourth Drive	Side Street Stop						
Eastbound Approach		55.4	F	28.7	D	54.7	F
Westbound Approach		23.1	C	20.3	C	16.1	C
North Hills Boulevard /Golden Valley Road	Signal						
Overall		33.9	C	51.4	D	39.4	D
North Hills Boulevard/ Buck Drive	All Way Stop Controlled						
Eastbound Approach		220.2	F	36.7	E	29.5	D
Westbound Approach		10.4	B	11.7	B	11.1	B
Northbound Approach Beckwourth Drive	Signal	42.3	E	81.2	F	133.0	F

Traffic Study – April 2024 - Lochsa Engineering

Permanent Impacts

Anticipated Impacts – by 2043

Table 7: 2043 Background and Project Intersection Level of Service

Intersection	Control	AM		PM BELL		PM	
		Delay	LOS	Delay	LOS	Delay	LOS
North Hills/ Beckwourth Drive	Side Street Stop						
Eastbound Approach		119.7	F	44.9	E	87.9	F
Westbound Approach		49.4	E	47.6	E	19.2	C
North Hills Boulevard/Golden Valley Road	Signal						
Overall		37.8	D	46.8	D	33.5	C
North Hills Boulevard/Buck Drive	Signal						
Overall		22.6	C	24.5	C	26.5	C
Beckwourth Drive/Golden Valley Road	Signal						
Overall		74.4	E	37.6	D	30.7	C

Traffic Study – April 2024 - Lochsa Engineering

Mitigation

Impact Mitigation

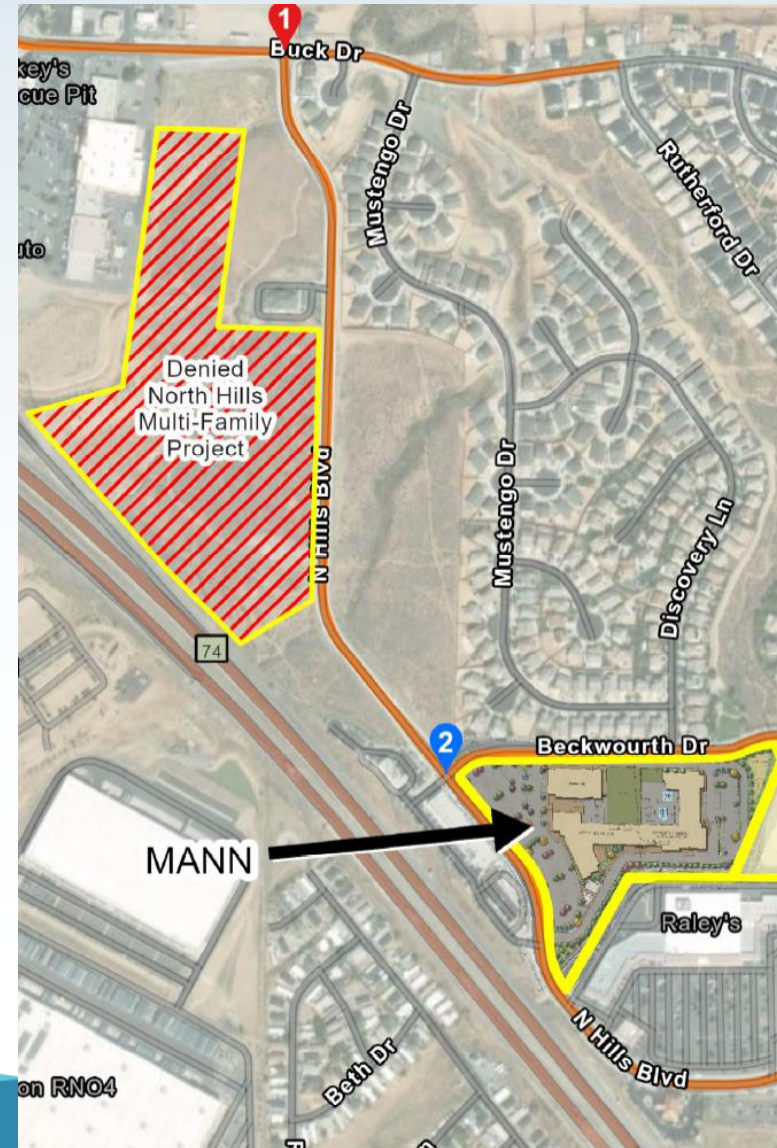
- Traffic signal – considered “not warranted”
- Roundabout – not discussed in Study
- LOS F – Dismissed

“The west to southbound movement on the east leg of Beckwourth Drive at North Hills Boulevard is anticipated to experience excessive delays however when reviewing the data, the volumes that experiencing these delays are minor. Based on these low volumes, this is considered acceptable.”

Traffic Study – April 2024 - Lochsa Engineering

Past Precedent

- North Hills MultiFamily project in 2022
 - ✓ Project was properly zoned
 - ✓ Project proposed 4 times less traffic
 - × Project was Denied by Reno Planning Commission
- Analysis of Findings should be grounded in structure and applied consistently by the City of Reno



Summary of Traffic Findings

- Finding 2 states:
 "The proposed land use and project design is compatible with surrounding development."
 This project demonstrates that it will create undue hardship upon existing residential, business and school traffic patterns.
- Finding 3 states:
 "The proposed land use and project design is consistent with applicable development standards."
 This project demonstrates that it does not meet the policy Level of Service as adopted by the City of Reno.

Conclusions

- Title 18 Findings
 - Use is not allowed on this parcel – Finding 1
 - Project is not consistent with Development Standards – Finding 3
 - Project does not mitigate Traffic Impacts – Findings 2 & 3
- There are Solutions
 - This is not an exercise to find fault or place blame
 - Appeal will allow for these Solutions to provide the product our community deserves