

STAFF REPORT

Date: July 31, 2024

To: Mayor and City Council

Through: Jackie Bryant, Interim City Manager

Subject: Staff Report (For Possible Action): Case No. MUP24-00010 (Mater Academy) – Appeal of the Administrator’s decision to approve a request for a minor conditional use permit to allow for the development of a new primary/secondary (K-12) school campus, adjacent to a residential zoning district. The site consists of a ±10.62 acre parcel located at the southeast corner of the intersection of North Hills Boulevard and Beckwourth Drive. The site has split zoning with the primary school located in the Single-Family Residential - 3 units per acre (SF-3) zoning district and the secondary school located in the General Commercial (GC) zoning district. The site has a Master Plan land use designation of Suburban Mixed-Use (SMU). Appeals were filed by Ashley Robbins, Erika Bowling, Adam Searcy, on behalf of Washoe County School District, Earl Spriggs, on behalf of Washoe Education Association and Christopher Daly, on behalf of the Nevada State Education Association. The City Council may affirm, modify, or reverse the decision of the Administrator.

From: Leah Piccotti, Associate Planner

Department: Development Services - Planning

Summary:

This is a public hearing to consider appeals of the Administrator’s approval of a Minor Conditional Use Permit (MUP) to allow for the development of a primary/secondary (K-12) school campus, adjacent to a residential zoning district. The subject site, located in the North Valleys, is vacant and includes split zoning (SF-3 and General Commercial). Primary and secondary schools are permitted within the subject zoning districts with the approval of an MUP. Five appeals against the Administrator’s decision have been filed. Council may affirm, modify, or reverse the decision of the Administrator.

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

July 24th, 2024 – Reno City Council heard the appeals of MUP24-00010 (Mater Academy), reviewed the administrative decision letter and its analysis, the record on appeal, and information presented at the public hearing for this appeal. The Council moved to affirm approval of the minor conditional use permit by the Administrator and deny the appeals, which resulted in a 3/3 vote (technical denial). The Council then moved to affirm the appeals, reverse the approval of the minor conditional use permit by the Administrator, and directly deny the minor conditional use permit which resulted in a 3/3 vote (technical denial). The item was continued to the next Reno City Council meeting.

Background:

Five appeals against the Administrator's decision have been filed (**Exhibit A**) and are described below:

- Ashley Robbins appealed citing concerns related to traffic, competition between public and private schools, fewer students attending public school, and lack of public participation in the decision-making process.
- Erika Bowling appealed citing concerns related to an economic hardship on existing schools, traffic and safety, and lack of transparency and public input in the decision-making process.
- Adam Searcy, on behalf of Washoe County School District (WCSD), appealed citing concerns related to a lack of transparency in the decision-making process, incorrect administrative interpretations, unresolved traffic issues, concurrency management, overall site design, public safety, etc.
- Earl Spriggs, on behalf of the Washoe Education Association, appealed citing concerns related to traffic and safety, economic hardship on existing schools, inappropriate zoning, and bicycle safety.
- Christopher Daly, on behalf of the Nevada State Education Association, appealed citing concerns related to traffic and safety, economic hardship on existing schools, inappropriate zoning, and bicycle safety.

Discussion:

A detailed project analysis is provided in the attached Administrative Decision Letter (**Exhibit B**) and summarized below:

Specific design considerations regarding site layout, building design, access, and other

improvements were reviewed for compliance with the Reno Municipal Code (RMC) development standards. As proposed, the development complies with or exceeds the 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/commercial districts (RMC Chapter 18.04 Article 9/10); 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] and [4]).

The project was reviewed by various City divisions and partner agencies through the distribution of the Development Review Memo (1,385 contacts). Staff received review comments from the City of Reno Planning, Engineering, Public Works, Code Enforcement, and Fire Departments; WCSD; the Regional Transportation Commission (RTC); and Northern Nevada Public Health (NNPH). Review comments were incorporated into the analysis and, as necessary, the conditions of approval. Public notices were sent to all property owners within 750 feet of the project site (506 notices) and two public notice signs were posted on the property for approximately six months (**Exhibit C**). Staff received five public comments with three in opposition, one neutral, and one in support. Public concerns included the provision of adequate onsite parking, student loading and unloading, highway construction/traffic, and parking in the adjacent neighborhood. Planning staff worked closely with Engineering, Public Works, and RTC to address these concerns through project design, operational parameters, and the 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 the Administrator's 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 Administrator's decision.

Motion to Affirm Administrator's Decision

(Denying the appeals and approving the MUP)

Regarding the appeals of MUP24-00010 (Mater Academy), based on this Council's review of the administrative decision letter and its analysis, the record on appeal, and information presented at the public hearing for this appeal, and based on my ability to make all 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 Administrator's Decision

(Affirming the appeals and modifying the conditions of approval of the MUP)

Regarding the appeals of MUP24-00010 (Mater Academy), based on this Council's review of the administrative decision letter and its analysis, the record on appeal, 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 the required findings as listed in the Administrator's decision letter, and I move to APPROVE the minor conditional use permit subject to conditions stated in the Administrator's decision letter and as modified by City Council. The City Clerk is instructed to prepare and file an order. *Modifications to the conditions of approval outlined in the Administrator's decision letter are: [List modifications]

Motion to Reverse Administrator's Decision

(Affirming the appeals, reversing the Administrator's decision, and denying the MUP)

Regarding the appeals of MUP24-00010 (Mater Academy), based on this Council's review of the administrative decision letter and its analysis, the record on appeal, 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.

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

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- 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 is 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 use 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 – Appeals

Exhibit B – Decision Letter

Exhibit C – Noticing Information