

## STAFF REPORT

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**Date:** January 22, 2025

**To:** Mayor and City Council

**Through:** Jackie Bryant, City Manager

**Subject:** Staff Report (For Possible Action): Case No. LDC25-00003 (2400 West 7th Street): Appeal of the Planning Commission’s decision to deny a request for: 1) a tentative map for a 28-lot single- family detached subdivision; and 2) a major site plan review for cluster development. The ±3.72-acre project site is located directly south of the intersection at West 7th Street and Rhode Island Drive. The site is located in the Single-Family Residential – 8 units per acre (SF-8) zoning district and has a Master Plan land use designation of Single Family (SF). An appeal was filed by the applicant, AMH. City Council may affirm, modify, or reverse the decision of the Planning Commission. [Ward 5]

**From:** Leah Piccotti, Associate Planner

**Department:** Development Services - Planning

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### Summary:

This is a public hearing to consider an appeal of the Planning Commission's denial of a tentative map and a major site plan review for cluster development to allow for a 28-lot single-family detached subdivision with reduced lot sizes. The Planning Commission was unable to make the findings related to consistency with the Reno Master Plan and cluster development finding “a.” Key issues analyzed include: 1) overall site design; 2) compatibility with surrounding uses and development; 3) traffic, access, and circulation; 4) Master Plan policy guidance; 5) public utility infrastructure; 6) drainage; and 7) tree preservation. An appeal of the Planning Commission’s decision has been filed by the applicant (**Exhibit A**), and is generally summarized below:

- AMH appealed noting misrepresentation of the findings by Staff. Specifically, the statements made by staff that the decision was not based on conformance with Reno Municipal Code (RMC), but rather the intent of code.

### Alignment with Strategic Plan:

Economic and Community Development

### Previous Council Action:

There is no recent Council action relevant to this item.

**Background:**

A detailed project analysis is provided in the attached Planning Commission staff report (**Exhibit B**). The Planning Commission discussion is summarized in the following points:

- Overall, the Planning Commission expressed concern that this development did not meet the definition of cluster development: *Moderate density attached or detached development, that is designed to protect sensitive areas to allow for common open space* (RMC 18.09.04, page 9-36).
- Discussion ensued regarding the cluster development findings. Specifically, cluster development finding “a”:  
*The clustering proposal, compared with a more traditional site development plan, better attains the policies and objectives of this article, such as providing more open space, preserving existing trees and vegetation coverage, preserving view corridors, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes* (RMC 18.08.603(e)(3), page 8-45).
- The request was denied by the Planning Commission with five opposed, one in favor, and one absent.

Minutes from the November 21, 2024, Planning Commission public hearing are attached (**Exhibit C**). Six members of the public, who live adjacent to the site, spoke in opposition at the Planning Commission hearing citing concerns related to the definition of cluster development, cluster development findings, compatibility with the existing neighborhood, and traffic.

**Discussion:**

The cluster development section of RMC does not include any quantifiable standards. Per the definition of cluster development, the project does not “protect sensitive areas to allow for common open space.” In this case, Staff analyzed the Master Plan goals, policies, and objectives, as required by RMC 18.01.304 *Relationship to Master Plan*, to determine if the project meets the intent of cluster development. Staff’s presentation focused the Master Plan policies and the intent of those policies as related to cluster development.

**Financial Implications:**

None

**Legal Implications:**

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

**Recommendation:**

Staff recommends Council review the letter of appeal and Planning Commission action and affirm, modify, or reverse the Planning Commission's decision.

**Proposed Motion:**

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

***Motion to Affirm Planning Commission Decision***

(Denying the appeal and denying the tentative map and major site plan review)

Regarding the appeal of LDC25-00003 (2400 West 7th Street) based on Council's review of the staff report, the record on appeal, and information presented at the public hearing for this appeal, and based on my inability to make all of the findings, I move to AFFIRM denial of the tentative map and major site plan review by the Planning Commission and DENY the appeal. The City Clerk is instructed to prepare and file an order.

***Motion to Modify Planning Commission Decision***

(Affirming the appeal, reversing the Planning Commission decision, and modifying the conditions of the tentative map and major site plan review)

Regarding the appeal of LDC25-00003 (2400 West 7th Street), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to AFFIRM the appeal, REVERSE the denial of the tentative map and major site plan review by the Planning Commission, and MODIFY the decision of the Planning Commission as follows \_\_\_\_\*. As modified, I can make all of the required findings listed in the staff report, and I move to APPROVE the tentative map and major site plan review subject to conditions stated in the Planning Commission staff report 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 Planning Commission staff report are: [List modifications]

***Motion to Reverse Planning Commission Decision***

(Affirming the appeal, reversing the Planning Commission decision, and approving the tentative map and major site plan review)

Regarding the appeal of LDC25-00003 (2400 West 7th Street), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to AFFIRM the appeal, REVERSE the denial of the tentative map and major site plan review by the Planning Commission, and directly APPROVE the tentative map and major site plan review, based

on my ability to make all the applicable findings. The City Clerk is instructed to prepare and file an order.

### **Findings:**

**General Review Criteria:** 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 Regional Transportation Commission.
- 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.

**Tentative Map:** Approval of tentative maps shall be subject to the approval criteria in Section 18.08.304(e), Approval Criteria Applicable to All Applications, and criteria set forth in NRS Section 278.349(3), as follows:

- 1) Environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- 2) Availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
- 3) Availability and accessibility of utilities;
- 4) Availability and accessibility of public services such as schools, police and fire protection transportation, recreation and parks;
- 5) Conformity with the zoning ordinances, master plan, and elements thereof, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- 6) General conformity with the governing body's master plan of streets and highways;

- 7) Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- 8) Physical land characteristics such as flood plain, slope, soil;
- 9) Recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 and 278.348;
- 10) Availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands;
- 11) The potential impacts to wildlife and wildlife habitat; and
- 12) Submission by the subdivider of an affidavit stating that the subdivider will make provision for 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, if applicable, by the subdivider or any successor in interest.

**Major Site Plan Review:** 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 major site plan review permit:

- a. The proposed design is compatible with surrounding development;
- b. The proposed design is consistent with applicable development standards;
- c. Public services and facilities are available to serve the project, or will be provided with development;
- d. The characteristics of the project as proposed and as may be conditioned are reasonably compatible with the types of development permitted in the surrounding area; and
- e. The approval will not be materially detrimental to the public health, safety, or welfare.  
The factors to be considered in evaluating this application shall include:
  1. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  2. Any hazard to persons and property.

**Cluster Development:** Minimum lot size may be reduced through clustering of development if, in addition to the general major site plan review findings, the following findings shall be made prior to approving a major site plan review for cluster development:

- a. The clustering proposal, compared with a more traditional site development plan, better attains the policies and objectives of this article, such as providing more open space, preserving existing trees and vegetation coverage, preserving view corridors, and preserving sensitive environmental areas such as stream corridors, slide areas, wetlands, and steep slopes;
- b. The clustering proposal will have no significant adverse impact on adjacent properties or development, or the applicant has agreed to adopt appropriate mitigation measures

- such as edge matching, landscaping, screening, illumination standards, and other design features to buffer and protect adjacent properties from the proposed clustered development; and
- c. The clustering proposal meets all other applicable requirements set forth in this article or in other applicable ordinances or regulations.

**Attachments:**

Exhibit A – Appeals

Exhibit B – Planning Commission Staff Report

Exhibit C – Planning Commission Minutes 11-21-24