



## MINUTES

### Regular Meeting

#### Reno City Planning Commission

**Wednesday, March 06, 2024 • 6:00 PM**

**Reno City Council Chamber, One East First Street, Reno, NV 89501**

Commissioners			
J.D. Drakulich, Chair 326-8861			
Harris Armstrong, Vice Chair	326-8859	Kerry Rohrmeier	326-8864
Manny Becerra	326-8860	Alex Velto	326-8858
Arthur Munoz	326-8862	Silvia Villanueva	326-8863

#### 1 Pledge of Allegiance

Commissioner Villanueva led the Pledge of Allegiance.

#### 2 Roll Call

*Commissioners Munoz and Rohrmeier were absent.*

#### 3 Public Comment (This item is for either public comment on any action item or for any general public comment.)

None

#### 4 Approval of Minutes (For Possible Action)

4.1 Reno City Planning Commission - Regular - February 7, 2024 6:00 PM  
(For Possible Action)

***It was moved by Manny Becerra, seconded by Harris Armstrong, to approve. Motion Pass.***

<b>RESULT:</b>	Approved [5 TO 0]
<b>MOVER:</b>	Manny Becerra, Commissioner
<b>SECONDER:</b>	Harris Armstrong, Vice Chair
<b>AYES:</b>	Drakulich, Armstrong, Becerra, Velto, Villanueva
<b>NAYS:</b>	
<b>ABSENT:</b>	Arthur Munoz, Kerry Rohrmeier
<b>ABSTAIN:</b>	

- 5 **Public Hearings – Any person who has chosen to provide his or her public comment when a Public Hearing is heard will need to so indicate on the Request to Speak form provided to the Secretary. Alternatively, you may provide your comment when Item 3, Public Comment, is heard at the beginning of this meeting.**

- 5.1 **POSTPONED ITEM** - Staff Report (For Possible Action): Case No. **LDC24-00032 (Cold Springs RV Storage)** - A request has been made for a conditional use permit to establish a mini-warehouse and storage facility. The ±7.5 acre site is generally located on the south side of Village Parkway and ±570 feet east of the intersection of Cold Springs Road and Village Parkway. The project site is within the General Commercial (GC) and Unincorporated Transition 40 Acres (UT-40) zoning districts and has a Master Plan land use designation of Suburban Mixed-Use (SMU). **[Ward 4]**

Mike Railey, Development Services Planning Manager, stated the first two Public Hearing items have been pulled from the agenda and will be renoticed for a future meeting.

- 5.2 **PULLED ITEM** - Staff Report (For Possible Action): Case No. **LDC24-00035 (North Virginia and Webb Industrial)** - A request has been made for a conditional use permit to: a) allow the operation between the hours of 11:00 p.m. and 6:00 a.m.; b) allow grading resulting in cuts greater than 10 feet; and c) allow the disturbance of a major drainageway with the development of an industrial warehouse building. The ±9.02 acre site is located on the north side of North Virginia Street, ±860 feet east of its intersection with Stead Boulevard. The site is within the Industrial Commercial (IC) and Mixed-Use Suburban (MS) zones and has a Master Plan land use designation of Industrial (I). **[Ward 4]**
- 5.3 Staff Report (For Possible Action): Case No. **LDC24-00038 (2850 Caballo Setback Deviation)** - A request has been made for a major deviation to reduce the required rear yard setback from 20 feet to 10 feet. The ±0.15 acre site is located on the east side of Caballo Drive, ±369 feet from its intersection with Houston Drive. The site is within the Single-Family Residential – 8 units per acre (SF-8) zoning district and has a Master Plan land use designation of Single-Family Neighborhood (SF). **[Ward 3]**

Lori Phariss, on behalf of the homeowner, gave an overview of the project and request for a major deviation via zoom.

Carter Williams, Development Services Associate Planner, provided staff

analysis and recommended approval.

Disclosures: familiar with the site

Public Comment: None

There were no questions or discussion from commissioners.

***It was moved by Silvia Villanueva, seconded by Harris Armstrong, to approve the major deviation, subject to conditions listed in the staff report. Motion Pass.***

<b>RESULT:</b>	<b>Approved [5 TO 0]</b>
<b>MOVER:</b>	Silvia Villanueva, Commissioner
<b>SECONDER:</b>	Harris Armstrong, Vice Chair
<b>AYES:</b>	Drakulich, Armstrong, Becerra, Velto, Villanueva
<b>NAYS:</b>	
<b>ABSENT:</b>	Arthur Munoz, Kerry Rohrmeier
<b>ABSTAIN:</b>	
<b>RECUSED:</b>	

- 5.4 Staff Report (For Possible Action – Recommendation to City Council):  
Case No. **LDC24-00036 (525 East Plumb Lane Zone Change)** - A request has been made for a zoning map amendment on a ±0.19 acre site from Professional Office (PO) to General Commercial (GC). The single parcel is located north of East Plumb Lane, ±180 feet east of its intersection with Wronde Way (525 East Plumb Lane). The site has a Master Plan land use designation of Suburban Mixed-Use (SMU). **[Ward 3]**

Brook Oswald, Aryte Group representing the applicant, gave an overview of the project and requested zone change.

Carter Williams, Development Services Associate Planner, provided staff analysis and stated that staff was able to make all the required findings.

Disclosures: familiar with the site

Public Comment: None

Questions:

Commissioner Armstrong asked staff for more information about spot zoning that was mentioned in the staff report.

Mr. Williams explained spot zoning and why this does not meet the threshold

for spot zoning. We are looking to see these types of intensification on this corridor and this just happens to be the first one on this block to do it.

Commissioner Armstrong asked for confirmation that the way this is getting around being identified as spot zoning is that it is not arbitrary change and the rationale for it can be supported.

Mr. Williams confirmed that is correct and added that the support needs to come from the Master Plan and how we are implementing zoning generally.

Commissioner Villanueva noted that the staff report does not say this will be used for multi-family housing and she asked the applicant's representative if that is the purpose for the requested change.

Mr. Oswald stated he does not anticipate it would be multi-family at this time. With the existing buildings and uses in the area he thinks it will continue as commercial use. As the properties around this site look to intensify their zoning, it opens up opportunities for potential multi-family or other options in the future.

Commissioner Becerra asked staff if they are anticipating more of these requests to bring the corridor up to conformance or to align with the vision of the Master Plan.

Mr. Williams stated that Professional Office is currently conforming with the Suburban Mixed Use Master Plan so it would be property owner driven at this point. The south side of the corridor is Urban Mixed Use and all of that except for the MF30 portion is non-conforming so we could see or encourage those to come in to bring them into conformance.

Discussion on the motion:

Commissioner Villanueva stated she generally agrees with what was said by the applicant and staff and agrees the area is going in that direction, otherwise it would be considered spot zoning.

***It was moved by Manny Becerra, seconded by Alex Velto, to recommend that the City Council approve the zoning map amendment. Motion Pass.***

<b>RESULT:</b>	Approved [5 TO 0]
<b>MOVER:</b>	Manny Becerra, Commissioner
<b>SECONDER:</b>	Alex Velto, Commissioner
<b>AYES:</b>	Drakulich, Armstrong, Becerra, Velto, Villanueva
<b>NAYS:</b>	

<b>ABSENT:</b>	Arthur Munoz, Kerry Rohrmeier
<b>ABSTAIN:</b>	
<b>RECUSED:</b>	

- 5.5 Staff Report (For Possible Action - Recommendation to City Council)  
Case No. **LDC24-00033 (Plumb Lane Properties)** - A request has been made for a zoning map amendment from Professional Office (PO) and Single-Family Residential 8 units per acre (SF-8) to Mixed-Use Urban (MU). The ±0.88 acre site is comprised of four parcels located on the south side of East Plumb Lane ±685 feet west of its intersection with Kietzke Lane. The site has a Master Plan land use designation of Urban Mixed-Use (UMU). **[Ward 1]**

Garrett Gordon, representing the applicant, gave an overview of the project and the requested zone change.

Jeff Foster, Development Services Associate Planner, provided staff analysis and stated that staff was able to make all the required findings.

Disclosures: communicated with applicant's representative, familiar with the site

Public Comment: None

Questions:

Commissioner Becerra referenced an earlier statement that the applicant's fees for this were returned because the City is encouraging these proposed zone changes and he asked why the City does not initiate the changes to bring parcels into conformance.

Mr. Foster explained that he does not know when but there will likely be a time when the City does come through and look at all non-conforming parcels to bring them into conformance. That would be done through a comprehensive process and not on a parcel by parcel basis.

Mr. Foster explained for Commissioner Villanueva the allowed uses that could potentially come in for development on this site.

Discussion on the motion:

Commissioner Villanueva stated she will vote in favor of the motion but wanted to highlight a couple of things for the record. This is a unique site because it is adjacent to residential and we don't know what will be built here. However, that whole area is changing and it is for the best. If this was located in a

different area of the city, it is not something she would necessarily be in favor of. Given the area and the character of the community, she thinks this is an appropriate change.

***It was moved by Manny Becerra, seconded by Alex Velto, to recommend that City Council approve the zoning map amendment by ordinance. Motion Pass.***

<b>RESULT:</b>	<b>Approved [5 TO 0]</b>
<b>MOVER:</b>	Manny Becerra, Commissioner
<b>SECONDER:</b>	Alex Velto, Commissioner
<b>AYES:</b>	Drakulich, Armstrong, Becerra, Velto, Villanueva
<b>NAYS:</b>	
<b>ABSENT:</b>	Arthur Munoz, Kerry Rohrmeier
<b>ABSTAIN:</b>	
<b>RECUSED:</b>	

- 5.6 Staff Report (For Possible Action - Recommendation to City Council):  
Case No. **LDC24-00031 (Bella Vista Ranch Phase II PUD Amendment)** - A request has been made for an amendment to the Bella Vista Ranch Phase II Planned Unit Development (PUD) handbook to: a) reduce the amount of nonresidential from  $\pm 178,600$  sq. ft. to  $\pm 117,612$  square feet; b) increase the maximum dwelling units from  $\pm 575$  units to  $\pm 609$  units; and c) modify the allowed land uses, design standards, development standards, and street design standards. The  $\pm 77.37$  acre site is located southeast of the eastern terminus of South Meadows Parkway, north of the northern terminus of Rio Wrangler Parkway and east of Steamboat Creek within the Bella Vista Ranch Phase II PUD zoning district. The site is located within Bella Vista Ranch Phase II PUD zoning district and has a Master Plan land use designation of Special Planning Area (SPA). **[Ward 3]**

*(Member Armstrong left the meeting at 6:48 p.m. and returned at 6:50 p.m.)*

Andy Durling, Wood Rodgers representing the applicant, gave an overview of the project and request for an amendment to the PUD.

Leah Piccotti, Development Services Associate Planner, provided staff analysis and stated that staff was able to make all the required findings.

Disclosures: familiar with the site, read and received emails, spoke with applicant's representative, spoke with City Council Member Duerr.

Public Comment:

Tracy Wilson spoke regarding the need for mitigation efforts to help keep horses safe.

Audrey Keller expressed opposition until there is a solution to the issue of access to water for horses.

Kelly Hansen expressed concern regarding safety of wildlife and access to water.

Kelly Hyatt expressed concern regarding fencing off the water.

Tina Brodrick spoke regarding the need for access to water for horses.

Mike Marquardt suggested options to make water available for horses.

Correspondence was received and entered into the record.

Questions:

Commissioner Armstrong asked staff if the lack of water for horses was a factor when this project was denied previously by City Council and if there is a legal requirement to provide water.

Ms. Piccotti stated that the major points of contention when this was denied in 2018 were related to horses and issues with mercury potentially being on the site. There have been significant changes in the area since then, including the Talus Valley project being approved. With regard to temporary fencing, it has to have a phone number posted on it within 48 hours. She deferred to the applicant in terms of whether the horses can be watered.

Garrett Gordon, on behalf of the applicant, showed a map identifying where the wetlands are located and stated that with or without this amendment, the wetlands are federally regulated and horses should be staying out of the wetlands. He also showed a letter from the Department of Agriculture that states it is unlawful to feed feral or stray horses. The letter states that water rights can pose an issue and that an applicant for a water permit to water livestock must be the owner of the livestock. If the Planning Commission conditioned the applicant to water horses, it would be an impossible condition to satisfy because it is illegal. Mr. Gordon explained they have said to the horse groups that if they bring them a legal right themselves to water horses, they will have a conversation about how they can be a good neighbor. The applicant has never been given any evidence that any group has a legal right to water the horses so it hasn't triggered that conversation.

Ms. Piccotti answered questions from Commissioner Velto clarifying what the Planning Commission is being asked to review. She is not aware of any impacts the proposed amendments will have on horses in the area. The amendments to the handbook are just bringing it into conformance with Reno Municipal Code (RMC). It is staff's opinion that the applicant has brought the PUD handbook into conformance with the RMC, which is what we wanted them to do.

Commissioner Velto asked if the Planning Commission is supposed to reassess the entire project or just what is being changed.

Ms. Piccotti stated if the amendments are denied, the applicant can still build what has already been approved. A denial would just preclude the amendments to the handbook.

Commissioner Velto asked the applicant to further explain the Army Corp of Engineer's restrictions on wetlands.

Mr. Gordon explained that the entire development of this area is subject to the Army Corp 404 permit. The area in green shown on the map presented was designated as federally regulated wetlands. Property owners have to comply with all of the provisions provided for wetlands.

Commissioner Velto asked what in the 404 permit applies to horses or large mammals.

Mr. Gordon stated that Chapter 5 of the monitoring plan talks about performance standards, restrictions and conditions. Part of it includes controlling nuisance of large mammals in the area.

Commissioner Velto asked what happens if there is non-compliance with what is required in the 404 permit.

Mr. Gordon stated fines could be issued and he believes there could also be criminal implications if it was intentional.

Commissioner Velto asked if keeping wild horses out of the construction site would be addressed through fencing and how they would make sure the fencing is secure.

Mr. Gordon discussed the history of how feral horse management became part of code. Whether this amendment is approved today or not, the fencing requirements still need to be met. The fencing requirements include contiguous horse fencing with no gaps through which horses may enter



the property, and that fencing shall be maintained by the developer during construction. Mr. Gordon also stated that the fencing issue is not relevant to this amendment.

Commissioner Becerra stated the applicant is put in a weird situation where they are having to defend something that is unfortunately going to be an experience for other applicants in the future and it is possibly an undue burden. He asked staff how we co-exist with horses.

Ms. Piccotti stated when we are looking at the larger picture, there is nothing about feral horses in the Master Plan. It is a matter of the State and the State is who handles the wild horses. We added the feral horse management section to code at the direction of City Council. The applicant is complying with code and whether this amendment gets approved or not, they still have to comply with code. Staff understands that the horses are a unique situation and they are trying to deal with them on a case by case basis but the NRS state what they can and cannot do. The developers coming forward are compliant with NRS and RMC.

Commissioner Becerra asked if the horses will be without access to water at some point with the proposed amendments.

Mr. Gordon stated that if there are horses in the wetlands, they need to be removed and the area needs to be fenced for the construction project. There is a plan for a permanent solution for water for the horses further to the north that will occur in the summer.

Commissioner Becerra discussed the need for a more strategic plan so they are not having to do this every time an applicant comes before them. He also discussed the responsibility of people to take care of wildlife and find a more sustainable solution that is not placed on the applicants.

Mr. Durling explained for Commissioner Villanueva the half street improvements. He answered questions regarding the drainage relocation and water rights. He also stated that testing confirmed the mercury levels are not above regulated levels.

Mike Railey, Development Services Planning Manager, explained for Commissioner Villanueva that the water provider would be the Truckee Meadows Water Authority.

Discussion:

Commissioner Velto stated he likes what the applicant is doing and it is

consistent with the Master Plan and the goals in that area. He is sympathetic to the concerns about wild horses but does not know what the applicant is supposed to do. He discussed the reasons the fencing is required. The Planning Commission should look at what is being changed and not try to rewrite the handbook.

Chair Drakulich agreed with Commissioner Velto's comments.

Commissioner Becerra discussed the need to think about how to make a formal request for City Council and other stakeholders to work with State agencies to make sure there is a strategic plan in place that everyone can follow and coexist with horses and other wildlife.

***It was moved by Manny Becerra, seconded by Alex Velto, to recommend that City Council approve the PUD amendment, subject to the conditions listed in the staff report. Motion Pass.***

<b>RESULT:</b>	Approved [5 TO 0]
<b>MOVER:</b>	Manny Becerra, Commissioner
<b>SECONDER:</b>	Alex Velto, Commissioner
<b>AYES:</b>	Drakulich, Armstrong, Becerra, Velto, Villanueva
<b>NAYS:</b>	
<b>ABSENT:</b>	Arthur Munoz, Kerry Rohrmeier
<b>ABSTAIN:</b>	
<b>RECUSED:</b>	

## **6 Truckee Meadows Regional Planning Liaison Report**

Commissioner Becerra reported on the Regional Planning Agency meeting.

## **7 Staff Announcements**

### **7.1 Report on status of Planning Division projects.**

Mike Railey, Development Services Planning Manager, reported the Planning team is working on clean up items for the RMC that will come before the Planning Commission.

Commissioner Villanueva asked for drafts of the changes to the RMC in advance of the Planning Commission meeting. Mr. Railey will check and get them out as far in advance of the meeting as possible.

### **7.2 Announcement of upcoming training opportunities.**

There will be a formal series of Planning Commission training sessions starting in April. The TMRPA website also has training available.

### **7.3 Report on status of responses to staff direction received at previous**

meetings.

Mr. Railey provided a summary of the memo that went out in response to Commissioner Becerra's request for information on cases reviewed by the Planning Commission in 2023. There were 74 cases reviewed and that is a 15% reduction from the previous year. No tentative maps have come forward for review in 2024. There will be some residential projects coming in the near future.

7.4 Report on actions taken by City Council on previous Planning Commission items.

The Mill Street MPA and ZMA will be heard at City Council on March 13. The Reno Axe project was appealed to City Council and will be heard on March 27.

**8 Commissioner's Suggestions for Future Agenda Items (For Possible Action)**

None

**9 Public Comment (This item is for either public comment on any action item or for any general public comment.)**

None

**10 Adjournment (For Possible Action)**

The meeting was adjourned at 8:16 p.m.