



MINUTES

Regular Meeting

Reno City Planning Commission

Wednesday, April 17, 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 Munoz led the Pledge of Allegiance.

2 Roll Call

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 – March 20, 2024 6:00 PM
(For Possible Action)

It was moved by Arthur Munoz, seconded by Kerry Rohrmeier, to approve. Motion Pass.

RESULT:	Approve [4 TO 0]
MOVER:	Arthur Munoz,
SECONDER:	Kerry Rohrmeier, Commissioner
AYES:	Armstrong, Becerra, Munoz, Rohrmeier
NAYS:	
ABSENT:	J.D. Drakulich
ABSTAIN:	Alex Velto, Silvia Villanueva
RECUSED:	

Commissioners Velto and Villanueva did not attend the March 20 meeting and abstained from voting to approve the minutes.

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 Staff Report (For Possible Action): Case No. **LDC24-00037 (Gentry Conditional Use Permit)** – A request has been made for a conditional use permit to reestablish a discontinued, nonconforming outdoor storage use. The ±1.32 acre site is located on the north side of Gentry Way approximately ±135 feet east of its intersection with South Virginia Street (85 Gentry Way). The site is located in the Mixed-Use Urban (MU) zoning district and has a Master Plan land use designation of Urban Mixed-Use (UMU). **[Ward 1]**

Leah Piccotti, Associate Planner, provided staff analysis. The applicant will not be giving a presentation but is available for questions.

Disclosures: familiar with the site, spoke with interested party

Public Comment: None

Questions:

Commissioner Becerra noticed the Neighborhood Advisory Board (NAB) meetings considering this item were canceled and asked about other avenues for public input to be received.

Ms. Piccotti explained the NAB meetings are not a requirement for this type of application. Per standard noticing procedure, curtesy notices and hearing notices were sent out to all property owners within 750 feet of the subject property, public notices were posted on the site, and the project was noticed in the Reno Gazette Journal.

Commissioner Becerra asked how staff came up with five years for the temporary Conditional Use Permit (CUP).

Ms. Piccotti explained that different time lines were discussed with the applicant and five years is what the applicant said they needed. She also explained that is not a standard timeline and could be different based on different applications.

Commissioner Villanueva asked for an explanation about the non-conforming status and if it fits into land use code.

Ms. Piccotti explained that outdoor storage is allowed in MU Urban zoning but only in specific designated areas. This particular location does not allow outdoor storage so it is considered a non-conforming use. This property has been used commercially for many years and outdoor storage has been present on this property for many years.

Commissioner Villanueva asked what kind of outdoor storage they are anticipating.

Ms. Piccotti explained that approval of this permit would allow any type of outdoor storage. The applicant would like to store snow removal equipment here.

Commissioner Villanueva asked what would happen to the outdoor storage after five years.

Ms. Piccotti stated she would have to defer to the applicant regarding the long-term solution. She explained staff felt that while it may be an appropriate use right now for the area, it may not be appropriate long-term. She discussed conflicting master plan policies related to finding creative ways to help businesses get started and at the same time prioritize infill and redevelopment specifically in this area. As a result of considering those competing policies, staff came up with the potential for a temporary CUP and the applicant requested the five-year time frame.

Commissioner Becerra asked why three years wouldn't be enough time.

Ryan Sims, Axion Engineering, explained the applicant's tenant ended up in this spot after losing a lease on their previous location where they were storing their equipment. Through a friendship with the owner of the market next door, they identified this as a good spot put the equipment. Through the business license process it was identified as a non-conforming use. They are aware this isn't the ideal location to store snow removal equipment and are looking for another site to store the equipment. Five years would allow them time to meet with municipalities and agencies and find a new location.

Mr. Sims explained for Vice Chair Armstrong that he does not know if the tenant will be signing a lease committing to stay for five years if this is approved.

Discussion:

Commissioner Rohrmeier stated this is an interesting case. The long, narrow nature of the parcel makes it hard to do a lot of development. She can support this project because it has a telecommunications facility and has had outdoor storage in the past. She commended staff on the creative approach of a five-year CUP to solve this problem. It is like an incubator for this business and that is a good thing for Reno.

Commissioner Villanueva agreed it is a creative solution but feels five years is too long. She expressed concern regarding outdoor storage at this location and stated she would be open to approving it for three years.

Ms. Piccotti confirmed for Commissioner Munoz that the CUP would not have to be amended if the applicant did away with the outdoor storage before the five years is up.

Commissioner Becerra also agreed it is a creative solution but would prefer to only allow one year because he is hearing there isn't much traction with the efforts to find another location and approving the CUP for five years would be like saying it is okay to move slow. He suggested the applicant work with staff to point them in the right direction of the areas that are designated for outdoor storage.

Ms. Piccotti stated she has been working with Snow Lion for about a year and a half before they applied for the CUP. They have a lot of obstacles in their way that brought them to requesting a CUP. It is under the purview of the Planning Commission to make changes to the conditions of approval but staff has been working with the applicant for a long time to find another option.

Commissioner Becerra asked what obstacles they have encountered in finding a place if there are plenty of districts that accommodate this type of business.

Ms. Piccotti discussed the cost of moving the equipment and a difference in cost between this property and other properties.

Mr. Sims confirmed that the obstacles have been finding a location that is cost effective for the applicant to be able to move their equipment and continue to startup and grow their business.

Commissioner Becerra stated that nothing is stopping people from coming back to us a year from now if needed, but what he likes more about the year time frame is that it really lights the fire to motivate folks to find a solution that is more sustainable long-term.

Commissioner Munoz explained why the issues discussed related to the five-year time frame are not an issue for him and he will support the request as is. The property owner would still have the opportunity to come back and say they want to build something here if a better opportunity arises. If they find a better location, a small business owner is not going to stay at this location any longer than they need to. He also stated that it sounds like they addressed any visibility concerns from each side of the property so that won't be an issue.

Vice Chair Armstrong agreed with the perspective of Commissioners Munoz and Rohrmeier and stated the fact that the owner can sell is a key factor in his decision. Five years is not too long in his opinion and it would take a minimum of five years for that area to develop in the direction the Master Plan has set out for it anyway. Five years sounds like a long time but in terms of development and change, it is not very much time. He supports the request as is.

Commissioner Velto stated that he tends to side with Commissioners Becerra and Villanueva on this. He is stuck on locking this into an option for five years given where the area is going. He is not completely set in either position but is kind of persuaded that the time frame should be reduced.

Commissioner Villanueva explained her concerns regarding people potentially being deterred from developing in this area because they would be neighbors with outdoor storage. She wants to support this but five years is too long.

Commissioner Rohrmeier stated she understands the time, effort and costs that go into an entitlement application for a small business. She does not see a lot of development pressure for another use in this location at this time. Five years in the life of a city is really the blink of an eye. She referenced another non-conforming outdoor storage location that was discussed that does not have paving or landscaping and stated this one has an investment by the applicant with those things and that is an improvement to the location.

Commissioner Becerra asked questions about the time line for this process so far and discussed the need to streamline the process. He proposed changing the CUP to three years.

Commissioner Rohrmeier stated three years is better than one year.

Vice Chair Armstrong stated his personal preference is for five years but three years can work.

Commissioner Munoz stated he prefers five years but would go down to four years. There is no push in this area right now for housing and if that changes,

approving this would not stop that.

Commissioner Villanueva stated we do want a little urgency to increase the desire to move forward. It is our job to consider what is best for the community.

It was moved by Arthur Munoz, seconded by Kerry Rohrmeier, to approve the conditional use permit, subject to the conditions listed in the staff report with the modification of four years for the CUP instead of five. Motion Pass.

RESULT:	Approve [6 TO 0]
MOVER:	Arthur Munoz,
SECONDER:	Kerry Rohrmeier, Commissioner
AYES:	Armstrong, Becerra, Munoz, Rohrmeier, Velto, Villanueva
NAYS:	
ABSENT:	J.D. Drakulich
ABSTAIN:	
RECUSED:	

6 Zoning Code Clean-Up

- 6.1 Staff Report: Case No. **TXT23-00005 (Title 18 Zoning Code Clean-Up)** – Initial review of Reno Municipal Code Title 18 Annexation and Land Development Chapter 18.05 thru 18.09; together with matters which pertain to or are necessarily connected therewith. 1, 2, 3, 4, and 5 Angela Fuss, Assistant Director, gave an overview of the changes proposed to the last four chapters.

RMC 18.07 – Historic Preservation – The process for HRC items was explained. HRC is a recommending body to the City Council. There are pre-application meetings for all projects. Cleaned up the standards.

RMC 18.08 – Administration and Procedures – Our code should be consistent with NRS. There are many types of applications that go to public hearing, there are applications that are only reviewed by staff. We have been allowing the applicant to combine applications and elevate it up to the Planning Commission for review. There are things that are required to be completed on business days and others on calendar days. Clean up to match state law. PUD once approved gets recorded. An SPD does not get recorded. Formalized in zoning code. Conflicting regulations within our zoning code for residential adjacency triggered a CUP within 150 feet or 300 feet in other sections of code. Took two standards and created one consistent standard to require 300 feet from residentially zoned property. AEC is being added as a tool for industrial or employment districts.

RMC 18.09 – Rules of Construction and Definitions – Clarifying language so staff has consistent interpretation. Definitions were put in alphabetical order. Added new definitions for Child Care, Data Center, Retaining Wall, and Condominium. State law requires a use for Free Standing Birthing center so this was added to our code. Motel/Hotel conversions require kitchens. Updated zoning code to match building code conversions.

Ms. Fuss received feedback from the Planning Commission at this time.

Commissioner Velto asked if staff considered looking at the definition of an aggrieved party for purposes of appeal.

Ms. Fuss explained they asked a consultant to help come up with a definition and they did not land on anything that was something they wanted to change. There are a lot of appeals and there has been some question on who is an aggrieved party but they also want to make sure they are not taking anyone out of the ability to appeal, so they opted not to do anything.

Commissioner Velto stated he wishes there was more of a nexus between people who are appealing and people actually affected by a proposal. He understands why it would be difficult to write a definition that didn't exclude somebody who has a legitimate interest in an appeal, but it is something to consider as a lot of projects get held up longer than they need to. He would like to see a more streamlined process in general.

Commissioner Becerra asked for an example to provide more information on this issue.

Ms. Fuss stated a lot of jurisdictions have a boundary. Reno notices everyone within 750 feet and some jurisdictions say to be aggrieved you have to be in that boundary of 750 feet. Reno code allows anyone to say they are an aggrieved party and appeal.

Commissioner Velto stated it is strange that someone not living in the area has the right to stop an applicant. He expressed concern that allowing anybody to appeal anything is hurting our ability as a Planning Commission to get things done because it makes applicants less willing to make concessions when they meet with us if they know it is likely to be appealed. It makes our job as Planning Commissioners less effective and makes things cost more. He would like that to happen less but it is difficult to create a definition that makes sense and provides due process.

Commissioner Becerra expressed support for what Commissioner Velto is suggesting and stated sometimes people who are aggrieved or are impacted

don't have the means to be here at evening meetings to share their concerns. Additional feedback in parallel to Commissioner Velto's suggestion is that we find ways to better meet people that would be affected where they are to make it easier for them to share concerns.

Commissioner Villanueva stated her concern is the potential for more costly litigation when you start saying people don't have a right. That could potentially result in a court trying to determine whether or not they do have rights despite whatever we decide.

Commissioner Rohrmeier stated one of the greater things about the City of Reno is the ability to appeal a project outside the noticing boundary or whatever boundary is determined to be appropriate. There are advocacy groups that speak for larger audiences that may not be able to have a say in the public process.

Ms. Fuss stated when this topic came up two years ago, a question came up regarding whether or not we receive more appeals than other jurisdictions. After researching a two-year window it was determined that we by far have more appeals than most jurisdictions in Northern Nevada. Our fee for appeals is also significantly less than other jurisdictions in Nevada. There is staff time and Council time involved with appeals as well. Ms. Fuss stated she is happy to bring this discussion to Council and provide them with best practices on how other communities define an aggrieved party.

Commissioner Rohrmeier noted that the City of Sparks may have fewer appeals because they have more projects that can be reviewed by staff instead of going to their Planning Commission.

Ms. Fuss confirmed that Reno has more triggers for a public review process than most cities in Nevada.

Someone asked if that can be addressed and Ms. Fuss stated if the Planning Commission would like to see less applications, staff can go back and look at the zoning code.

Vice Chair Armstrong stated he is supportive of finding ways that are practical that can help streamline processes and bring us more in line with other jurisdictions.

Commissioner Becerra stated that at face value it sounds fine to be more in line with other jurisdictions but he would operate better knowing how it is working for the other jurisdictions and the communities they serve.

Ms. Fuss clarified that this code clean-up process is not proposing to have less public review. Generally speaking, Reno by far has more public review processes than other jurisdictions.

Commissioner Becerra stated that over analysis can paralyze us but he would feel more comfortable moving forward in general if there is data to support some of these decisions or why we go down a certain path as opposed to just doing it because other jurisdictions are doing it.

Commissioner Rohrmeier stated it would not be an effective use of staff time to do a deep dive into too many land uses. The number of CUPs for 24-hour use in non-industrial zones would be one that could be looked into a little further to compare with other communities.

Ms. Fuss responded stated that Reno is the only jurisdiction that triggers a CUP for 24-hour use. She also noted that residential adjacency triggering a public review is another one that is unique to Reno.

Commissioner Velto stated he is supportive of anything we can make more streamlined if it makes sense to look into and does not sacrifice public input where it is needed.

Ms. Fuss explained for Commissioner Becerra that staff met with the Historic Resources Commission (HRC) about the proposed changes related to the HRC and they were supportive.

Ms. Fuss answered questions from Commissioner Villanueva regarding Alternative Equivalent Compliance (AEC).

Ms. Fuss clarified for Commissioner Villanueva that review of annexation changes is not being removed from the Planning Commission. The clean-up is correcting an error that currently lists the Planning Commission as a reviewing body for annexations.

Ms. Fuss reviewed several topics that have been discussed by the Planning Commission over the last few weeks to make sure staff has their feedback moving forward.

The first topic is a question about why tattoo parlors are not allowed in more zoning districts, specifically in downtown. If the Planning Commission is still interested in that, staff can go back and look into where tattoo parlors would be allowed and propose changes before it goes to Council for their feedback.

Vice Chair Armstrong stated he brought up that topic and is still in favor of that

approach.

The next topic is regarding public comment about creating a noise ordinance in downtown Reno. Code currently regulates noise adjacent to residential zoning but downtown does not have residential zoning. She asked if this topic is something staff should move forward with.

Commissioner Velto stated he does not know how you can enforce a noise ordinance in downtown given all of the activities and special events in the downtown area. Part of what makes downtown great is there is a lot of activity. He is not a fan of an outright noise ordinance in downtown.

Commissioner Rohrmeier agreed and stated sound is part of the urban fabric and very much a part of the downtown experience.

Commissioner Villanueva asked what the vision is for downtown. If it is to continue to have more housing and Multifamily use, the concerns we hear from the public regarding noise issues need to be addressed.

Commissioner Munoz stated this is a more difficult question than they can begin to answer tonight. People that are buying apartments and condominiums in the downtown area are an older demographic that don't want the loud noise from the events. At the same time, what makes Reno special is that those events bring tens of thousands of people from outside the area and that is what fuels Reno.

Ms. Fuss noted that city-wide they are looking at other approaches to downtown and things that can be done to help with some of the enforcement. That is something they will be discussing with Council and the Reno Police Chief later this month.

Commissioner Rohrmeier suggested that looking into sound mitigating materials in the building code category might be a better fit for this sort of regulation than looking at this in the land use category.

The next topic is landscaping requirements in parking lots. If you have more than 150% of the required parking spaces, the code penalizes you and requires additional landscaping. Staff had proposed deleting that requirement but there was discussion by the Planning Commission regarding whether or not we want to keep it and have more landscaping.

Commissioner Rohrmeier stated she strongly feels keeping the requirement is the right direction. We should not be over-parking. The City of Reno has more urban heat effect than other cities in America and more trees and shrubs are

necessary.

The next topic is schools. Staff is proposing added language letting applicants know that when they come in with a new school or an improvement to a school we will be looking at things related to pedestrian safety. Staff worked with the Washoe County School District (WCSD) on this and they proposed additional language.

Kyle Chisholm, WCSD, confirmed for Commissioner Becerra that they provided language that clears up the ambiguity they were concerned with.

Ms. Fuss followed up on a request from Commissioner Villanueva to provide specific examples of what is in code today related to setbacks and setbacks. Ms. Fuss also reviewed the proposed changes to this topic.

Ms. Fuss explained the difference between minor and major site plan review applications. Minor site plan review applications require staff review only but there is still noticing and opportunity for public input as part of that process.

Commissioner Becerra stated he is in favor of streamlining but not cutting corners on the public input process where possible.

Commissioner Villanueva referenced the proposed change to a minor site plan review and discussed the importance of considering public input in that process.

Commissioner Rohrmeier expressed support for the proposed change to a minor site plan review.

Public Comment: None. Correspondence was received and forwarded to the Planning Commission.

7 Truckee Meadows Regional Planning Liaison Report

Commissioner Becerra reported that the last scheduled meeting was canceled and they will be meeting next week.

8 Staff Announcements

8.1 Report on status of Planning Division projects.

Mike Railey, Planning Manager, reported on a new procedure to have staff present projects before the applicant presentations.

8.2 Announcement of upcoming training opportunities.

Mr. Railey reported that staff is working on bringing forward some training modules based on direction from the Planning Commission.

8.3 Report on status of responses to staff direction received at previous meetings.

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

Mr. Railey reported on Council action taken to approve the White Lake Commerce Center, Plumb Lane Properties, and North Virginia Street zone changes.

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

None

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

None

11 Adjournment (For Possible Action)

The meeting was adjourned at 8:22 p.m.