

RECEIVED

MAR 01 2023

CITY CLERK

Council Hearing Date: April 12, 2023

Council Hearing Time: 6:00 p.m.

**APPEALS OF ACTIONS BY CITY OF RENO PLANNING COMMISSION, CITY OF RENO HEARING EXAMINER, OR BOARD OF APPEALS TO RENO CITY COUNCIL**

(To be filed in Reno City Clerk's Office, 1 East First Street, Second Floor)

**Re:** Case No. LDC23-00035

I. I certify I am, or represent, an aggrieved person who has a right to appeal.<sup>1</sup> The aggrieved person's rights, or his property rights, were adversely and substantially affected by a decision of the Planning Commission, Hearing Examiner, or Board of Appeals (as applicable, "Lower Body") as follows (continue explanation on back or attach pages, if necessary):  
During the February 15, 2023 hearing of the City of Reno Planning Commission, Case No. LDC23-00035 was approved and the owner was allowed to continue with its development of the parcel which adversely and substantially damages my clients property rights as follows: (1) Causes NW corner of my client's property to be landlocked; (2) the development puts in jeopardy my client's water well, which has been used on the property since the 1800's; (3) the development will cause a backup of the floodplain and does not allow for exchange of land where flood plain will be removed by fill; (4) There is a dispute regarding the property lines of the parcel in question and our client asserts it has an easement on the parcel at issue with this case; and (5) large building designed for south side development appears to block view of freeway sign.  
Appellant request the opportunity to be heard and seeks 10 minutes of the Council's time to adequately explain these issues. During the planning commission meeting statements by others were made that were not valid.

II. In accordance with Reno Municipal Code, Chapter 18.06, Article II, §18.06.208, I appeal the decision of the Lower Body.

III. I certify that the above reasons are based upon information presented at the underlying hearing held on the 15th day of February, 2023.

A. If the aggrieved person presents information to the Reno City Council ("Council") not previously presented at the underlying hearing, the Council may remand the matter to the Lower Body for additional hearings regarding the newly presented items.


B. Anyone, including the aggrieved person, may address the Council by written communication. Materials should be submitted to the City Manager's Office five working days prior to the Council hearing date set forth above. If information is untimely presented, Council may continue the hearing to a later date.

IV. I understand that the appeal fee is \$55, and the appeal will not be filed until the fee is paid. The appeal is non-refundable.

V. Signature of Aggrieved Person: \_\_\_\_\_

or

Name of Aggrieved Person: David T & Judith L Harvey Trust

Signature of Representative: Tony M. May, Esq. 

Firm Name/Title: May Brock Law Group

Address: 1850 E Sahara Ave., Ste 206, Las Vegas, Nevada 89104

Telephone: 702-388-0404

E-mail Address: tmay@maybrocklaw.com

Date: February 28, 2023

Receipt No: 2023-00225554

<sup>1</sup> An aggrieved person, which may be business entities and/or the City of Reno, is one whose personal right or right of property is adversely and substantially affected by the action of the Lower Body. Each aggrieved person must make his/her/its own appeal. Each appeal will be considered separately on its own merits.

**PAYMENT DATE**  
03/01/2023  
**COLLECTION STATION**  
7958 - Front Desk 3  
**RECEIVED FROM**  
GREEN ACRES STORAGE  
**DESCRIPTION**  
LDC23-00035 APPEAL

City of Reno  
1 East First Street  
Reno, NV 89501

**PAID**  
**MAR 01 2023**  
**CITY OF RENO**

**BATCH NO.**  
2023-00003362  
**RECEIPT NO.**  
2023-00225554  
**CASHIER**  
Roman, Lorena

PAYMENT CODE	RECEIPT DESCRIPTION	TRANSACTION AMOUNT
6901	Copies/Miscellaneous 00100-0000-5780-1099 Other income \$55.00	\$55.00
	<b>Total Cash</b> \$0.00 <b>Total Check</b> \$0.00 <b>Total Charge</b> \$55.00 <b>Total Wire</b> \$0.00 <b>Total Other</b> \$0.00 <b>Total Remitted</b> \$55.00 <b>Change</b> \$0.00 <b>Total Received</b> \$55.00	
	<b>CITY OF RENO</b> 1 E 1ST STREET, 11TH FL RENO, NV 89501 7753266658  Cashier: Lorena R. Transaction 000220  <b>Total</b> \$55.00 CREDIT CARD SALE \$55.00 VISA 7257  Retain this copy for statement validation  01-Mar-2023 3:28:15P \$55.00   Method: KEYED VISA XXXXXXXXXXXX7257 MANUALLY ENTERED Reference ID: 306000507001 Auth ID: 001376 MID: *****5997 AthNtwkNm: VISA  Payment TJC4BKJHY0B14 Clover Privacy Policy <a href="https://clover.com/privacy">https://clover.com/privacy</a>	
	<b>Total Amount:</b>	<b>\$55.00</b>

Customer Copy

Printed by: Roman, Lorena

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03/01/2023 03:29:36 PM

Jason Garcia-LoBue, MPA, Planning Manager  
Development Services Department  
P. O. Box 1900  
Reno, NV 89505  
(775) 334-4267



FILED THIS DATE  
2/16/2023  
BY: BT  
CITY CLERK

February 16, 2023

Green Acres Storage Partners LLC  
930 Tahoe Blvd  
Incline Village, NV 89451

Subject: LDC23-00035 (Green Acres Storage)  
APN: 043-282-03 (Ward 2)

Dear Applicant:

At the regular meeting of the Planning Commission on February 15, 2023, the Planning Commission, as set forth in the official record, approved your request for: 1) a conditional use permit to establish a 310-unit mini-warehouse facility comprised of seven buildings and RV storage; and 2) an alternative equivalent compliance to vary from site landscape requirements. The  $\pm 1.85$  acre project site is located south of the terminus of Green Acres Drive. The project site is located within the Mixed-Use Suburban (MS) zoning district and has a Master Plan land use designation of Suburban Mixed-Use (SMU).

Your approved request is subject to the following conditions to the satisfaction of Development Services Department staff:

1. The project shall comply with all applicable City codes, plans, reports, materials, etc., as submitted. In the event of a conflict between said plans, reports, materials and City codes, City codes in effect at the time the application is submitted, shall prevail.
2. The owner or developer shall apply for all building permits for the entire project within 18 months of the date of approval of the conditional use permit and alternative equivalent compliance review applications and maintain the validity of that permit, or the conditional use permit and alternative equivalent compliance approvals shall be null and void.
3. Prior to the issuance of any building permit or business license, the applicant shall attach a copy of the final approval letter. The approval letter shall accompany a narrative that describes how the requested permit addresses each of the approved conditions of approval.

4. The applicant, developer, builder, property owner, or business proprietor, as applicable, shall continuously maintain a copy of this approval letter on the project site during the construction and operation of the project/business. The project approval letter shall be posted or made readily available upon demand by City staff.
5. Hours of construction, including grading, shall be limited to between the hours of 7:00 a.m. and 6:00 p.m., Monday through Friday, and between 8:00 a.m. and 6:00 p.m. on Saturday. There shall be no construction on Sundays. This condition shall not apply to dust control or storm water management operations. A note to this effect shall be placed on the title sheet of all building permit plan sets. If the construction hours need to be varied for the pouring of concrete slabs, interior construction hours or other modifications, a plan detailing the construction operations and provisions to minimize impacts on nearby residential areas shall be submitted and approved to the satisfaction of Administrator.
6. Outdoor RV storage shall not be allowed unless a phasing plan is submitted that provides for all screening and landscape requirements installed with the first phase, and for all areas to be used for outdoor RV storage to be paved or otherwise improved pursuant to city code.
7. Prior to the issuance of a building permit or business license, a maintenance manual shall be approved by staff that ensures the continued maintenance of the living landscaping fence. A minimum six foot living landscape fence shall be provided along the eastern property line abutting the freeway right-of-way. Faux or inert landscape materials shall not be used to satisfy this condition. The specific plant species is subject to the approval of staff. Chain-link fence slats shall be installed in a neutral color tone. A trellis structure element every 30 feet, positioned between required trees, shall be affixed to the fence facing the freeway.
8. The minimum ground landscape area on the site shall not be less than 7,926 square feet, not including the area achieved through the living landscape fence. The overall landscaping requirement, including the living landscape fence, shall not be less than 14,712 square feet. A minimum of 54 trees shall be provided on-site.
9. Prior to the issuance of any permit, excluding mass grading, a final landscape plan shall be submitted that provides for evergreen trees at a rate of one tree for every 30 feet of freeway frontage placed within a five-foot landscape strip on the west property line of the project site adjacent to the freeway. The provided trees can be used to satisfy the tree requirements for the site.

10. Prior to the issuance of any permit, excluding mass grading, the applicant shall have plans approved by staff demonstrating enhanced pedestrian amenities, such as artwork, fountains, or seating along the Green Acres Drive frontage.
11. Prior to the issuance of any permit within the FEMA A Flood zone, the applicant shall demonstrate through a flood study, the onsite Base Flood Elevation, and that the affected building finish floors are proposed to be elevated to at least one foot above the Base Flood Elevation in accordance with Reno Municipal Code. A FEMA Letter of Map Revision based on fill (LOMR-F) application shall be approved by the City after grading the site, and submitted to FEMA prior to any Certificate of Occupancy.
12. Prior to the issuance of any permit, the applicant shall provide evidence that an occupancy permit has been received from NDOT for drainage encroachment.
13. Prior to the issuance of a business license, a security plan shall be submitted to the satisfaction of staff. This security plan shall include the installation of security cameras around the site and provide for measures to prohibit access to unauthorized individuals.

The decision of the Planning Commission may be appealed within ten business days by filing an appeal form with the Reno City Clerk together with the appropriate fees. The ten day appeal period starts the day after this notice is filed with the City Clerk. Appeals may be filed by any person who is aggrieved by the decision. The City Clerk's office is on the 2<sup>nd</sup> floor of Reno City Hall located at One East First Street, Reno, NV. The City Clerk shall set the appeal for public hearing before the City Council and mail a notice of the hearing to the appellant and all others who were mailed a notice of the hearing of the Planning Commission. The City Council may affirm, reverse, or modify the decision.

In the absence of an appeal, no building permit may be issued until this letter has been on file with the City Clerk for ten business (10) days.

This approval letter has not been issued in lieu of a building permit. You are responsible for obtaining the appropriate building permits associated with this project and a copy of this letter must be attached to the application.

Sincerely,



Jason Garcia-LoBue, MPA, Planning Manager  
Development Services Department

Green Acres Storage Partners LLC  
RE: LDC23-00035 (Green Acres Storage)  
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xc: David Hagen/Brunner-Hagen Inc.  
8175 S. Virginia #850, PMB 397  
Reno, NV 89511

Mikki Huntsman, City Clerk  
Michael Mischel, P.E., Engineering Manager  
Steve Clement, Washoe County Tax Assessor