

STAFF REPORT

Date: August 23, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): Ordinance Introduction – Bill No. _____ Case No. DVA23-00001 (Market Street Abandonment - Development Agreement) Ordinance to approve a Development Agreement between the City of Reno and Murphs Land Holdings LLC subject to Case No. ABN21-00006 (Market Street Abandonment). The requested development agreement addresses requirements and timing of the proposed abandonment as related to the Regional Transportation Commission - Mill Street Capacity and Safety Project.

From: Brook Oswald, Associate Planner

Department: Development Services - Planning

Summary:

The purpose of this development agreement is to provide an alternative mechanism to outline conditions, timing, and provide assurance to the applicant for the approval of the associated abandonment request for a portion of Market Street (ABN21-00006 Market Street Abandonment). The development agreement outlines coordination with the Regional Transportation Commission (RTC) – Mill Street Capacity and Safety Project construction timeline. Market Street is critical for traffic circulation until the Mill Street improvements are completed and the development agreement provides assurance that the public will not be materially injured by the proposed abandonment as required by Nevada Revised Statute 278.480.

Previous Council Action:

The request is associated with case ABN21-00006 (Market Street Abandonment) to be heard concurrently.

Background:

A request for an abandonment of a ±20,062 square foot portion the Market Street public roadway, located between Kietzke Lane and Redwood Place (ABN21-00006 Market Street Abandonment) was received by the Development Services Department. The requested abandonment location is directly related to the current RTC Mill Street Capacity and Safety

Project and it was determined by the Development Services Department administrator that an associated development agreement was an appropriate procedure to outline timing and requirements of the abandonment request related to these improvements.

The At-Large City Council member, Devon Reese, sponsored the application for the development agreement as required by Reno Municipal Code (RMC). Sponsorship of an application does not bind a council member to support the application during review proceedings.

Discussion:

The City Council may enter into development agreements to regulate the development of land per Nevada Revised Statute (NRS) 278.0201 through 278.0207 and Reno Municipal Code (RMC) 18.08.805. A development agreement may be amended or canceled, in whole or in part, by mutual consent of the parties or their successor in interest in accordance with NRS 278.0205. The Development Services administrator with review and input from other City departments and associated agencies, has the authority to administer and enforce an approved development agreement.

The Reno Transportation Commission is in the initial stages of the Mill Street Capacity and Safety Project. The project will improve traffic operations, safety, ADA accessibility, drainage, and will underground existing overhead utilities. The estimated timeline for the project is:

- Design the winter of 2023
- Right of way determination January through February of 2023
- Appraisal, acquisition and relocation is estimated to take 18 months
- Begin utility relocation and project construction in late 2024

Market Street is critical for current traffic circulation and the proposed abandonment of a portion of the Market Street public roadway cannot occur until the Mill Street improvements are completed. The proposed development agreement provides assurance that certain thresholds are met before an order of abandonment will be recorded. This provides a greater degree of certainty with respect to the phasing, timing, and orderly development of vehicular circulation that coincides with the roadway improvements. The terms are briefly outlined below, legal requirements are fully defined within the development agreement, and analysis is provided in the associated abandonment case.

An order of abandonment may not be recorded with Washoe County until the Development Agreement has been executed by both parties, the final design of the RTC Mill Street Capacity and Safety Project has been approved, and the bid cover sheet has been executed by RTC and the City of Reno. Required improvements include the following:

- Widening of Mill Street
- Right turn lane from Mill Street to I-580
- Four way signalized intersection at Mill Street and Golden Lane
- Realignment of Mill Street access at Redwood Place
- The closure of Louise Street access
- Reservation Road and Matley Lane intersection improvements
- Increased turn radius of the southeast corner of intersection Mill Street and Kietzke Lane

An easement allowing public access and traffic circulation will be reserved in the abandonment order until the RTC Mill Street Capacity and Safety Project is fully constructed. The agreement is valid for four years from the date of adoption of the Development Agreement. If the bid cover sheet has not been executed for the RTC Mill Street Capacity and Safety Project by December 31, 2026, the agreement will automatically terminate.

Findings: The City Council may enter into a development agreement when it can make the following findings:

- a. A development agreement is an appropriate mechanism to implement the project's development due to the project's complexity such as:
 1. Public and/or private infrastructure requirements;
 2. Proposed phasing and/or build-out schedules;
 3. Conditions of approval;
 4. Some other way which would be of benefit and in the best interest of the city;
- b. The development agreement is not in conflict with and supports the objectives, policies, general land uses, and programs specified in the master and regional plans;
- c. The development agreement is compatible with the uses authorized in, and the regulations prescribed for, the zoning district(s) in which the property is proposed to be located and is consistent with the associated approvals;
- d. The development agreement is in conformity with the public convenience and good land use practices;
- e. The development agreement will not be detrimental to the public health, safety, and general welfare;
- f. The development agreement will not adversely affect the orderly development of property and adequate consideration has been given to projected infrastructure capacity demands in the immediate area; and
- g. The development agreement is consistent with the provisions of NRS Chapter 278.
- h. The City Council shall approve an agreement by adoption of an ordinance. The agreement shall take effect upon the effective date of the ordinance.

Financial Implications:

No financial concerns have been identified.

Legal Implications:

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

Recommendation:

Staff recommends Council approve case DVA23-00001 (Market Street Abandonment – Development Agreement) in conjunction with an approval of the associated abandonment request ABN21-00001 (Market Street Abandonment).

Proposed Motion:

I move to refer Bill No _____ for a second reading and adoption.

Attachments:

Ordinance