

STAFF REPORT

Date: September 13, 2023

To: Mayor and City Council

Thru: Doug Thornley, City Manager

Subject: Staff Report (For Possible Action): LDC23-00062 (Viewpoint Apartments Access Road MSPR) Appeal of the Planning Commission's decision to approve a request for a major site plan review to allow for grading resulting in cuts deeper than 20 feet and fills greater than ten feet in height for the development of an access road to a previously approved 432 unit apartment complex (LDC22-00084). The ±97.97 acre site is located in the Multi-Family Residential – 14 units per acre (MF-14) zoning district directly west of the intersection of Summit Ridge Drive and Summit Ridge Court. The site has Master Plan land use designations of Mixed Neighborhood (MX) and Parks, Greenways, and Open Space (PGOS). An appeal was filed by Dave Snelgrove of CFA, Inc. on behalf of their client Montebello II, LP. City Council may affirm, modify, or reverse the decision of the Planning Commission.

From: Leah Brock, Associate Planner

Department: Development Services - Planning

Summary: This is a public hearing to consider an appeal of the Planning Commission's approval of a major site plan review to allow for grading resulting in cuts deeper than 20 feet and fills greater than ten feet in height for the development of an access road to a previously approved 432 unit apartment complex (LDC22-00084). The ±97.97 acre site is located in the Multi-Family Residential – 14 units per acre (MF-14) zoning district directly west of the intersection of Summit Ridge Drive and Summit Ridge Court. An appeal of the Planning Commission's decision have been filed (**Exhibit A**), and are described below:

- The applicant is appealing the inclusion of Condition No. 8 of the Planning Commission's approval. The applicant contends that Condition No. 8 may significantly delay the project because the access road is the first necessary improvement.

Council may approve the appeal and modify the conditions of approval, deny the appeal and deny the project, or deny the appeal and affirm the Planning Commission's decision to approve the major site plan review with Condition No. 8.

Alignment with Strategic Plan:

Economic and Community Development

Previous Council Action:

There is no recent Council action relevant to this item.

Discussion:

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:

- Previous Planning Commission approval for 432 unit apartment complex.
- The approved apartment project is required to provide a secondary fire access easement through the adjacent Home Depot parking lot.
- Staff recommended approval of the major site plan review, which allowed for grading a separate access road. The proposed road does not meet the emergency fire access requirements and Condition No. 8 requires a recorded secondary fire access easement be in place prior to starting any grading activities associated with the project.
- The applicant would like to modify/eliminate Condition No. 8 and instead begin construction activity prior to having a recorded secondary fire access easement in place.

Draft minutes from the July 20, 2023 Planning Commission public hearing are attached (**Exhibit C**). The Planning Commission vote was six in favor and none opposed to allow for grading of the separate access road, but required that Condition No. 8 stay in place, requiring documentation of a recorded fire access easement first.

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 review the letter of appeal and Planning Commission action and affirm 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 approve the major site plan review with Condition No. 8)

Regarding the appeal of LDC23-00062 (Viewpoint Apartments Access Road MSPR), 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 ability to make all of the findings, I move to AFFIRM approval of the 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 and modifying the conditions of the major site plan review)

Regarding the appeal of LDC23-00062 (Viewpoint Apartments Access Road MSPR), 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 and MODIFY the decision of the Planning Commission as follows _____. As modified, I can make all of the required findings as listed in the staff report, and I move to APPROVE the major site plan review subject to conditions stated in the Planning Commission decision letter 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

(Deny the appeal, reversing the Planning Commission decision, and deny the major site plan review)

In regards to the appeals of LDC23-00062 (Viewpoint Apartments Access Road MSPR), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to DENY the appeal, REVERSE the approval of the major site plan review by the Planning Commission, and directly DENY the major site plan review, based on the inability to make all the applicable findings. The City Clerk is instructed to prepare and file an order.

General Review Criteria and Considerations: The decision-making body shall review all development applications for compliance with the applicable general review criteria stated below.

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.

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.

Attachments:

Exhibit A – Appeal

Exhibit B – Planning Commission Staff Report

Exhibit C – Planning Commission Draft Minutes

Legal Noticing

Draft Planning Commission Minutes