

## STAFF REPORT

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**Date:** March 8, 2023

**To:** Mayor and City Council

**Thru:** Doug Thornley, City Manager

**Subject:** Staff Report (For Possible Action): Case No. LDC23-00018 (Aspire at North Hills) Appeal of the Planning Commission's decision to approve a request for a conditional use permit to allow a 192 unit multi-family development. The ±8.64 acre subject site consists of four parcels with ±308.63 feet of frontage on North Hills Boulevard and ±179 feet of frontage on East Golden Valley Road. The subject site is located within the General Commercial (GC) zoning district and has a Master Plan land use designation of Suburban Mixed-Use (SMU). Appeals were filed by Michael D. Burke, and Garrett Gordon on behalf of Selective Real Estate. City Council may affirm, modify, or reverse the decision of the Planning Commission.

**From:** Leah Brock, Associate Planner

**Department:** Development Services - Planning

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**Summary:** This is a public hearing to consider an appeal of the Planning Commission's approval of a conditional use permit to allow a 192 unit multi-family development. The proposed use is allowed by-right in the General Commercial (GC) zoning district. A conditional use permit is required because 100 or more units are proposed. The ±8.64 acre site consists of four parcels with ±308.63 feet of frontage on North Hills Boulevard and ±179 feet of frontage on East Golden Valley Road. Two appeals of the Planning Commission's decision have been filed (**Exhibit A**), and are described below:

- Michael D. Burke appealed citing concerns regarding existing projects currently underway in the area, traffic, access to the site and the adjacent school, school capacity, utilities, and road construction.
- Garrett Gordon, on behalf of the Selective Real Estate, appealed citing preservation of rights to judicial review and lack of standing by appellant (above).

Council may approve the appeal and deny the project, approve the appeal and modify the conditions of approval, or deny the appeal and affirm the Planning Commission's decision to approve the conditional use permit.

**Alignment with Strategic Plan:**

- Economic and Community Development

**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:

- Compatibility of the proposed design with surrounding uses
- Less commercial development than residential development in the area
- Traffic, infrastructure, and future road improvements
- Access and traffic flow with surrounding developments
- Capacity of the schools in the area
- Timing of the proposed development related to future infrastructure improvements

Minutes from the January 18, 2023 Planning Commission public hearing are attached (**Exhibit C**). Public comment related to the proposed development included concerns related to: increased residential development and lack of commercial development in the area, traffic, school capacity, compatibility with the adjacent single-family residential, flooding/drainage, and the timing of the project.

**Planning Commission Vote:** Motion for Approval: five in favor; two opposed.

**Financial Implications:** None at this time.

**Legal Implications:** Legal staff reviewed the request for compliance with City procedures and Nevada law.

**Recommendation:** Staff recommends Council review the letters of appeal and Planning Commission action and affirm, modify, or reverse 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 appeals and approving the conditional use permit)

Regarding the appeal of LDC23-00018 (Aspire at North Hills), 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 conditional

use permit by the Planning Commission and DENY the appeals. 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 conditional use permit)

Regarding the appeal of LDC23-00018 (Aspire at North Hills), 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 conditional use permit 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***

(Affirming the appeal, reversing the Planning Commission decision, and deny the conditional use permit)

In regards to the appeals of LDC23-00018 (Aspire at North Hills), 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, REVERSE the approval of the conditional use permit by the Planning Commission, and directly DENY the conditional use permit, 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 and application that provides a public benefit even if the development is contrary to some of the foals, 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.

***Conditional Use Permit:*** 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 conditional use permit pursuant to RMC 18.08.605(e):

1. The proposed location of the use is in accordance with the objectives of this Title and the purpose of the zoning district in which the site is located;
2. The proposed land use and project design is compatible with surrounding development;
3. The proposed land use and project design is consistent with applicable development standards;
4. Public services and facilities are available to serve the project, or will be provided with development;
5. The characteristics of the use as proposed and as may be conditioned are reasonably compatible with the types of use permitted in the surrounding area; and
6. The granting of the conditional use permit will not be materially detrimental to the public health, safety, or welfare. The factors to be considered in evaluating this application shall include:
  - a. Property damage or nuisance resulting from noise, smoke, odor, dust, vibration, or illumination; and
  - b. Any hazard to persons and property.

**Attachments:**

**Exhibit A – Appeals**

**Exhibit B – Planning Commission Staff Report**

**Exhibit C – Planning Commission Draft Minutes**