

STAFF REPORT

Date: December 11, 2019

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **I.1. Staff Report (For Possible Action): Case No. LDC19-00073 (Stonegate Phase 1A) Appeal of the Planning Commission's decision to approve a tentative map and special use permit (SUP) request and not approve a variance request associated with StoneGate Phase 1A. The request consists of: 1) a tentative map for a 671 unit single family residential subdivision; 2) a SUP for small lot development to allow for a reduction to the minimum lot width and/or lot area within residential pad sites 1F and 1K; and 3) a variance to eliminate landscaped parkways. The ±233 acre site is located to the southwest of the US-395/White Lake Parkway interchange and has a zoning designation of Planned Unit Development - StoneGate. The site has Master Plan land use designations of Single-Family Neighborhood (SF), Multi-Family Neighborhood (MF), Mixed Neighborhood (MX), and Parks, Greenways, and Open Space (PGOS). The appeals were filed by: the applicant, Heinz Ranch Land Company, LLC; Councilmember Jenny Brekhus; and Michael DeMartini. The City Council may affirm, modify, or reverse the decision of the Planning Commission.**

From: Heather Manzo, Associate Planner

Summary: This is a public hearing regarding the appeal of the Planning Commission's decision to approve requests for a tentative map and special use permit (SUP), and not approve a variance request associated with StoneGate Phase 1A. Three appeals of the Planning Commission's decision were filed. The applicant, Heinz Ranch Land Company, LLC filed an appeal of the Planning Commission's action to not approve the variance request. Additional appeals were brought by Councilmember Brekhus and Michael DeMartini on the Planning Commission's decision to approve the tentative map and SUP requests (**Exhibit A**).

The tentative map request consists of a 671 unit single family residential subdivision and the special use permit request is to allow for small lot development for two pad sites totaling 92 units. The applicant submitted a variance request to eliminate landscaped parkways as part of their residential street design in order to incorporate low impact development (LID) design features into the local roadway network. The ±233 acre site is located to the southwest of the

US-395/White Lake Parkway interchange and has a zoning designation of Planned Unit Development - StoneGate. The site has Master Plan land use designations of Single-Family Neighborhood (SF), Multi-Family Neighborhood (MF), Mixed Neighborhood (MX), and Parks, Greenways, and Open Space (PGOS).

Background: StoneGate Phase 1A is located within Phase 1 of the StoneGate Planned Unit Development (PUD) and is subject to the standards contained in the StoneGate PUD Handbook.

In addition to the appeal of the Planning Commission's decision, the following attachments have been included for Council's consideration of the appeal: November 8, 2019 Planning Commission decision letter with approved conditions; DRAFT November 7, 2019 Planning Commission meeting minutes; applicant request and response memo to Planning Commission regarding storm water runoff mitigation as recommended by Condition No. 10; the November 7, 2019 Planning Commission staff report, and public comment received by the Planning Commission (**Exhibits B through F**).

Planning Commission Action: At the November 7, 2019 Planning Commission meeting, the Planning Commission asked questions and had discussion on the findings related to each of the elements of the request. The discussion is included in the draft Planning Commission minutes attached to this report as **Exhibit C**. The Planning Commission took separate votes on each aspect of the request which included the tentative map, SUP, and variance. One Planning Commissioner was absent.

The tentative map was approved: five in favor, one opposed, and one absent. Commissioner Gower noted that he was unable to make tentative map findings: a, related to air quality; finding d, noting timing of fire infrastructure and the ability for the City to staff future infrastructure; finding e, suggesting the request does not support the ReImagine Reno Mater Plan; and finding j, particularly related to fire protection.

The SUP was approved as all commissioners present could make the SUP findings: six in favor, one absent.

A motion to approve the variance failed with a vote of three in favor, three opposed, one absent. The variance was not approved due to a lack of a majority vote of the members present. Commissioners Gower and Johnson both noted that a preferred process to have the local street sections not include the required landscaped parkways would be through a PUD Handbook amendment. Commissioners Gower and Johnson noted their inability to make variance findings a and b.

Appeal of the Planning Commission's decision (Exhibit A): Three appeals of the Planning

Commission's decision have been filed, each of which is briefly described below:

- Heinz Ranch Land Company, LLC, the applicant, has appealed the Planning Commission's decision to not approve the variance request to eliminate landscaped parkways on one side of the street noting that based on the applicant's design, the variance findings can be met.
- Councilmember Brekhus states the basis of her appeal is that the Planning Commission was provided inadequate information and conducted inadequate analysis in their deliberation of tentative map finding d as it relates to police and fire services. The appeal notes concerns related to police and fire staffing levels and emergency response capabilities.
- Michael DeMartini states the request is premature because the project requires importation of water, wastewater disposal and flood protection impacts and mitigation have not been evaluated and are not included in the Regional Water Management Plan as approved by the Western Regional Water Commission, and that water rights have not yet been secured for the development. The appeal filing further notes that a perched high water table will cause impacts on and off site.

Financial Implications: None at this time.

Legal Implications: None

Legal Requirements:

NRS 278.349(3)	Tentative Map
RMC 18.06.405(e)(1)	Special Use Permit
RMC 18.06.408	Variance

Findings:

Tentative Map: When issuing a decision on a tentative map, the planning commission shall consider the following:

- (a) Environmental and health laws and regulations concerning water and air pollution, solid waste disposal, water supply facilities, community or public sewage disposal and, where applicable, individual systems for sewage disposal;

- (b) Availability of water which meets applicable health standards and is sufficient for the reasonably foreseeable needs of the subdivision;
- (c) Availability and accessibility of utilities;
- (d) Availability and accessibility of public services such as schools, police and fire protection transportation, recreation and parks;
- (e) Conformity with the zoning ordinances, master plan, and elements thereof, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;
- (f) General conformity with the governing body's master plan of streets and highways;
- (g) Effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- (h) Physical land characteristics such as flood plain, slope, soil;
- (i) Recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;
- (j) Availability and accessibility of fire protection, including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands; and
- (k) Submission by the subdivider of an affidavit stating that the subdivider will make provision for payment of the tax imposed by Chapter 375 of NRS and for compliance with the disclosure and recording requirements of subsection 5 of NRS 598.0923, if applicable, by the subdivider or any successor in interest.

Special Use Permit: General special use permit findings. Except where specifically noted, all special use permit applications shall require that all of the following general findings be met, as applicable.

- a. The proposed use is compatible with existing surrounding land uses and development.
- b. The project is in substantial conformance with the master plan.

- c. There are or will be adequate services and infrastructure to support the proposed development.
- d. The proposal adequately mitigates traffic impacts of the project and provides a safe pedestrian environment.
- e. The proposed site location and scale, intensity, density, height, layout, setbacks, and architectural and overall design of the development and the uses proposed, contribute to and enhance the character of the area in which it is.
- f. The project does not create adverse environmental impacts such as smoke, noise, glare, dust, vibrations, fumes, pollution or odor which would be detrimental to, or constitute a nuisance to area properties.
- g. Project signage is in character with project architecture and is compatible with or complementary to surrounding uses.
- h. The structure has been designed such that the window placement and height do not adversely affect the privacy of existing residential uses.

Variance:

- (1) In order to approve a variance, the recommending or deciding body shall make the following findings:
 - a. The property is characterized by an extraordinary or exceptional situation or condition, such as exceptional narrowness, shallowness or shape, or it has exceptional topographic conditions at the time of enactment of the regulations;
 - b. The strict application of the regulation would result in peculiar and exceptional practical difficulties to, or exceptional and undue hardships upon, the owner of the property;
 - c. Granting of the variance will not be materially detrimental to the public health, safety, or welfare, or injurious to property or improvements in the vicinity; and
 - d. The proposed variance is consistent with the intent and purpose of this title.

Recommendation: Staff recommends Council review the letters of appeal and Planning

Commission action, and affirm, modify, or reverse the Planning Commission's decision. If the decision is reversed, Council may directly deny the tentative map and SUP or directly approve the variance.

Proposed Motion: Below are proposed motions with the findings for affirmation, modification, or reversal of the Planning Commission decision.

Motion to Affirm Planning Commission Decision

(approving the tentative map & SUP, not approving the variance, and denying the appeals)

In regards to the appeal of LDC19-00073 (StoneGate Phase 1A), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing for this appeal, I move to AFFIRM the decision of the Planning Commission and DENY the appeals, subject to the conditions stated in the approval letter. The City Clerk is instructed to prepare and file an order.

Motion to Modify Planning Commission Decision

(approving the tentative map, SUP and variance with modified conditions by partially upholding the appeal filed by Heinz Ranch Land Company, LLC)

In regards to the appeal of LDC19-00073 (StoneGate Phase 1A), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to MODIFY the decision of the Planning Commission as follows _____* and as modified, I can make all of the required findings as listed in the staff report and I move to APPROVE the tentative map, SUP and variance subject to conditions stated in the Staff Report, as amended. 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 to approve the tentative map and SUP

(denying the tentative map, SUP and variance by upholding the appeal(s) filed by Councilmember Brekhus and/or Michael DeMartini)

In regards to the appeal of LDC19-00073 (StoneGate Phase 1A), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to REVERSE the approval by the Planning Commission and to directly DENY the tentative map and SUP as I cannot make all of the required findings as listed in the staff report**. The City Clerk is instructed to prepare and file an order.

**Please specify findings that cannot be made.

Motion to Reverse Planning Commission decision to not approve the variance

(Upholding the appeal filed by Heinz Ranch Land Company, LLC and approving the variance)

In regards to the appeal of LDC19-00073 (StoneGate Phase 1A), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing, I move to REVERSE the decision of the Planning Commission and to directly APPROVE the variance as I can make all of the required findings as listed in the staff report. The City Clerk is instructed to prepare and file an order.

Attachments:

- Display Maps (PDF)
- Exhibit A - Letters of Appeal (PDF)
- Exhibit B - November 8, 2019 Planning Commission Decision Letter - LDC19-00073 (StoneGate Phase 1A) (PDF)
- Exhibit C - Draft Planning Commission Minutes - November 7, 2019 (PDF)
- Exhibit D - November 7, 2019 Planning Commission Staff Report - LDC19-00073 (StoneGate Phase 1A) (PDF)
- Exhibit E - Applicant Request and Staff Memo to Planning Commission (PDF)
- Exhibit F - Public Comment Received by Planning Commission (PDF)
- Correspondence from McDonald Carano (PDF)
- Correspondence from McDonald Carano 2 (PDF)
- Correspondence from McDonald Carano 3 (PDF)
- Correspondence from Michael DeMartini (PDF)