

**PLANNING COMMISSION
STAFF REPORT**

Date: April 20, 2022

To: Reno City Planning Commission

Subject: **6.8. Staff Report (For Possible Action - Recommendation to City Council):** Case No. LDC21-00038 (Meridian 120 South Condition Amendments) - A request has been made to amend two conditions of approval associated with Meridian 120 South Villages 1-6. The request includes amendments to Condition No. 4 regarding dwelling unit allocation and deletion of Condition No. 31 regarding a temporary emergency access route for the following cases: LDC17-00061 (Villages 1 & 2); LDC18-00087 (Villages 3 & 4); LDC20-00013 (Villages 1 & 2 Cluster Development); and LDC20-00018 (Villages 5 & 6). The overall ±400.67 acre subject site is located south of the terminus of Boomtown Garson Road and south of Interstate 80 (I-80) in the Large Lot Residential – 1 Acre (LLR1); Single Family Residential – 15,000 Square Feet (SF15); Single Family Residential – 9,000 Square Feet (SF9); Single Family Residential – 6,000 Square Feet (SF6); Multi-Family - 14 dwelling units per acre (MF14); Arterial Commercial (AC); Neighborhood Commercial (NC); Public Facility (PF); and Open Space (OS) zones and is within the Mortensen-Garson Overlay District (MGOD). The site has Master Plan Land Use designations of Large Lot Neighborhood (LL); Single Family Neighborhood (SF); Mixed Neighborhood (MX); Suburban Mixed-Use (SMU); Mixed Employment (ME); Public/Quasi-Public (PQP); and Parks, Greenways, and Open Space (PGOS), and is within the Mortensen-Garson Neighborhood Plan.

From: Nathan Gilbert, Senior Planner

Ward #: 5

Case No.: LDC21-00038 (Meridian 120 South Condition Amendments)

Applicant: BT South, LLC.

APN: 038-120-23, 24, 26 & 27; and 038-132-33

Request:

- **Modification of Conditions of Approval:** To amend condition of approval No. 4 regarding dwelling unit allocation and delete Condition No. 31 regarding a temporary emergency access route.

Location: See Case Maps (**Exhibit A**)

Proposed Motion: Based upon compliance with the applicable findings, I move to

recommend that City Council uphold staff recommendations.

Summary: Tentative maps and special use permits for Meridian 120 South Villages 1-6 were reviewed by Council on appeal as one agenda item and approved with conditions on June 10, 2020. Adopted conditions of approval are included as **Exhibit B**. The proposed modifications would amend Condition No. 4 regarding dwelling unit allocation and delete Condition No. 31 regarding a temporary emergency access route. Key issues consist of: 1) project design and safety; and 2) adherence to court directives. These issues are further discussed in the analysis below. Staff recommends a partial modification to Condition No. 4 and supports deletion of condition No. 31.

Background: The original Mortensen-Garson plan was adopted by the City Council in 2001 and ultimately implemented through an approved Settlement Agreement between the City and Washoe County. This agreement resulted in a detailed Development Handbook allowing for up to 3,000 homes and ±300 acres of commercial and industrial development, with standards including hillside development, points of access, ridgeline protection, wildland interface, grading and drainage, tentative locations of future fire stations and schools, etc. While this agreement expired in 2012, the Mortensen-Garson Overlay District (MGOD) was adopted into City code through the MGOD standards and corresponding base zoning. Three planning areas were defined within the MGOD and Meridian 120 South Villages 1 – 6 are located within a portion of MGOD Planning Area 3. The original Meridian 120 South Villages 1-6 approval entitled 621 residential dwelling units and associated special use permits. Excerpts of the City Council and Planning Commission staff reports are included as **Exhibit C**.

Analysis: The applicant is requesting to amend Condition No. 4 regarding dwelling unit allocation and delete Condition No. 31 regarding a temporary emergency access route. Per Reno Municipal Code (RMC), all general tentative map and special use permit findings must be made in order to approve this request. The existing conditions and proposed amendments, as requested by the applicant, are outlined below:

Existing Condition No. 4:

Prior to the recordation of each final map for Villages 3, 4, 5, and 6, the applicant shall provide documentation that either an amendment to the Mortensen-Garson Overlay District (MGOD) standards has been approved to increase the number of units allowed within Planning Area 3 or a mutually agreed upon reallocation of units is in place to accommodate the number of units proposed with the final map. Additionally, prior to the recordation of each final map within Villages 3 & 4, the applicant shall demonstrate that an amendment to the MGOD has been adopted that establishes criteria to evaluate residential development on commercially zoned

properties. **Condition related to LDC18-00087 (Meridian 120 South Villages 3 & 4) and LDC20-00018 (Meridian 120 South Villages 5 & 6)**

Applicant Requested Amendment to Condition No. 4:

“In accordance with RMC 18.04.406(i) (Mortensen-Garson Overlay District), the uses permitted within the Arterial Commercial (AC) zoning designation shall be those identified in the Reno Municipal Code, which currently has no maximum residential density resulting in an unlimited number of residential dwelling units. The applicant, however, shall not have an unlimited number of residential dwelling units within the AC zoning designation located within Villages 3 and 4 of the Meridian tentative maps. The number of residential dwelling units located within the AC zoning designation within Villages 3 and 4 of the Meridian tentative maps shall not exceed 285 residential dwelling units.”

Existing Condition No. 31 (Proposed to be deleted):

~~“Prior to the issuance of any final map, the applicant shall have plans approved to construct a second point of emergency access to Interstate 80. Said secondary emergency access route shall be a minimum of 20 feet in width and shall be constructed with compacted decomposed granite, asphalt, or alternative all season surface material to the satisfaction of staff. The temporary emergency access route shall remain in place until the permanent secondary remote emergency access is constructed in accordance with **Condition No. 8.**”~~

Discussion:

Condition No. 4: Application materials request amendment to this condition in order to 1) clarify that residential uses are allowed within the Arterial Commercial (AC) zone, and 2) designate 285 of the 1,799 residential units allocated within Planning Area 3 to the portion of AC zoning located within Villages 3 and 4 of the Meridian tentative maps. Previous staff analysis noted that with expiration of the Development Agreement, application of the MGOD standards as a standalone document had resulted in confusion. The Development Agreement made reference to a Development Standards Handbook that provided information and tables describing ownership and residential unit breakdown within the MGOD. It was anticipated with the adoption of RMC 18.08.406(i) (MGOD Standards) that development would occur consistent with the unit allocation outlined in the Development Agreement and associated Development Standards Handbook. Based upon the Development Standards Handbook, approximately 1,562 of the overall allowed 1,799 residential units allowed within Planning Area 3 were owned by Santerra, LLC and Quilici. The remaining units were to be developed by the Boomtown properties in which the Meridian 120 South projects are located.

At the time of the Meridian 120 South approvals, the expiration of the previously applicable documents posed challenges when considering how development occurs within the MGOD. On January 8, 2020, Reno City Council initiated a code amendment to clarify certain aspects of the MGOD standards to include clarification as to how residential development is to occur within commercially zoned properties. Condition No. 4 was recommended to require the applicant to demonstrate that the allocation of units and overall number of units within the proposed development is consistent with the MGOD standards, as amended.

Subsequent MGOD Legal Actions: Following adoption of Meridian 120 South Villages 1-6, several lawsuits regarding projects within the MGOD plan area have been filed. Accordingly, staff postponed the MGOD text amendment. On December 23, 2021, District Court Judge Drakulich issued an Order providing instruction (**Exhibit D**). “To the extent the MGOD is determined to be unclear or ambiguous... the Planning Commission and the City Council should refer to the Handbook for background history and intent.” This directive has implications for all projects within the MGOD. Specifically, Section 1.4 of the Development Handbook (2004) states:

"It is envisioned that the MDSH will be the development standards applicable to the properties and be adopted by reference as a part of Reno Municipal Code (Overlay Districts). Reno Municipal Code will apply where matters are not specifically addressed by the MDSH. In the event of a conflict between the MDSH and Reno Municipal Code, the MDSH shall apply. *Updates to the RMC as may occur over the life of the development of the property shall apply only to the extent that they do not conflict with the MDSH or serve to deny the development of the properties as envisioned in the MDSH.*"

Staff Recommendation: Per Condition No. 4 of the original approval, there are two options for development of Villages 3 & 4 to move forward. The first option is a text amendment. The second option is a mutually agreed upon reallocation of units to accommodate the number of units proposed on the final map. The latter approach is consistent with the standards outlined in the Development Handbook. The Development Handbook does not specifically preclude residential development in the AC zoning district, provided that the number of approved residential units in Planning Area 3 does not exceed 1,799. Staff recommends the following amendment to Condition No. 4 to facilitate this process:

~~“Prior to the recordation of each final map for Villages 3, 4, 5, and 6, the applicant shall provide documentation that either an amendment to the Mortensen Garson Overlay District (MGOD) standards has been approved to increase the number of units allowed within Planning Area 3 or a mutually agreed upon reallocation of units is in place to accommodate the number of units proposed with the final map. Additionally, prior to the recordation of each final map within Villages 3 & 4, the applicant shall demonstrate that an amendment to the MGOD has been~~

~~adopted that establishes criteria to evaluate residential development on commercially zoned properties.~~ **Condition related to LDC18-00087 (Meridian 120 South Villages 3 & 4) and LDC20-00018 (Meridian 120 South Villages 5 & 6)**

Condition No. 31:

Application materials request deletion of this condition, which requires a temporary emergency access to Interstate 80 in addition to the secondary emergency access required in Condition No. 8 with the 256th residential unit within Planning Area 3. The application notes that Nevada Department of Transportation staff, after coordination with the Federal Highway Administration, has determined that temporary secondary access to I-80 is infeasible. Additionally, the timing of the adjacent development to the south (Santerra-Quilici Properties) was uncertain when the Meridian 120 South projects were approved. The Santerra-Quilici Properties (LDC21-00017) was approved in 2021, and clearly demonstrates how the overall roadway network will function throughout Planning Area 3 of the MGOD. Permanent secondary access was amended in 2021 through LDC22-0007 (Santerra-Quilici Properties Secondary Access). The Reno Fire Department has reviewed the requested amendment and is satisfied with the permanent secondary access provided in Condition No. 8.

Public and Stakeholder Engagement: The request was reviewed by various City divisions and partner agencies and comments were incorporated into the project analysis. A courtesy notice was sent to surrounding property owners upon initial submittal of the project and one comment in opposition was received (**Exhibit E**). The item is scheduled for review by the Ward 5 Neighborhood Advisory Board following publication of this staff report. Required notice will occur prior to the hearing and any future comments will be forwarded to the Planning Commission.

Recommended Conditions of Approval: All conditions shall be met to the satisfaction of Development Services staff, unless otherwise noted.

1. Condition No. 4 of LDC17-00061 (Meridian 120 South Villages 1 & 2), LDC20-00013 (Meridian 120 South Villages 1 & 2 Cluster Development), LDC18-00087 (Meridian 120 South Villages 3 & 4), and LDC20-00018 (Meridian 120 South Villages 5 & 6) per **Exhibit B**, Meridian 120 South Villages 1-6 Decision Letter, shall be amended as follows:

“Prior to the recordation of each final map for Villages 3, 4, 5, and 6, the applicant shall provide documentation that either an amendment to the Mortensen-Garson Overlay District (MGOD) standards has been approved to increase the number of units allowed within Planning Area 3 or a mutually agreed

upon reallocation of units is in place to accommodate the number of units proposed with the final map. ~~Additionally, prior to the recordation of each final map within Villages 3 & 4, the applicant shall demonstrate that an amendment to the MGOD has been adopted that establishes criteria to evaluate residential development on commercially zoned properties.~~ **Condition related to LDC18-00087 (Meridian 120 South Villages 3 & 4) and LDC20-00018 (Meridian 120 South Villages 5 & 6)**

2. Condition No. 31 of LDC17-00061 (Meridian 120 South Villages 1 & 2), LDC20-00013 (Meridian 120 South Villages 1 & 2 Cluster Development), LDC18-00087 (Meridian 120 South Villages 3 & 4), and LDC20-00018 (Meridian 120 South Villages 5 & 6) per Exhibit B, Meridian 120 South Villages 1-6 Decision Letter, shall be deleted.

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, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal;
- (b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;
- (c) The availability and accessibility of utilities;

- (d) The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;
- (e) Conformity with the zoning ordinances and master plan, 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) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;
- (h) Physical characteristics of the land such as floodplain, slope and soil;
- (i) The recommendations and comments of those entities and persons reviewing the tentative map pursuant to NRS 278.330 to 278.3485, inclusive;
- (j) The 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) The 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, is appropriate to the area in which it is located.
- 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.

Special Use Permit: Special use permits for hillside development: In order to approve a special use permit for hillside development, the decision-making body shall make the general special use permit findings and the following additional findings:

- a. The proposed project mitigates environmental degradation, including slope failure, erosion, sedimentation, and stormwater run-off;
- b. The proposed project utilizes grading practices that are appropriate for hillsides and designed to minimize the visibility of unsightly scarring;
- c. The proposed project provides open space based on hillside constraints;
- d. The proposed project adheres to applicable hillside development design standards and to master plan provisions related to development in sloped areas; and
- e. The proposed project's site layout and design features adequately mitigate potential visual impacts of development near prominent ridgelines and within other visually prominent areas.

Special Use Permit: Special use permits for cut slopes of 20 feet or greater in depth or a fill slope ten feet or greater in height. In addition to the general findings in subsection (1) above, special use permits for cut slopes of 20 feet or greater in depth or a fill slope ten feet or greater in height shall require that one of the following findings be made:

- a. The slopes can be treated in a manner which does not create negative visual impacts.
- b. The grading is necessary to provide safe and adequate access to the development.

Attachments:

- Exhibit A - Case Maps (PDF)
- Exhibit B - Meridian 120 South Villages 1-6 Decision Letter (PDF)
- Exhibit C - Meridian 120 South Villages 1-6 Council and Planning Commission Reports - Excerpts (PDF)
- Exhibit D - Stan Lucas Order (PDF)
- Exhibit E - Public Comment(PDF)