

STAFF REPORT

Date: October 11, 2017

To: Mayor and City Council

Thru: Sabra Newby, City Manager

Subject: **M.2. Staff Report (For Possible Action): Case No. LDC17-00070 (CVS – 1250 West Seventh Street) Appeal of the Planning Commission’s approval of a special use permit to: 1) construct a ±9,516 square foot drug store with a drive-thru pharmacy and a temporary pharmacy trailer within 300 feet of a residentially zoned property; and 2) allow hours of operation between 11:00 p.m. and 6:00 a.m. The ±2.79 acre site is located on the southeast corner of Elgin Avenue and West Seventh Street within the Community Commercial (CC) zone. The site has a Master Plan land use designation of Urban Residential/Commercial. The appeal was brought by Kaempfer Crowell, and possible action by the Council could be to either affirm, modify, or reverse the Planning Commission decision and if the decision is to reverse the Council may directly approve or deny the special use permit or remand back to the Planning Commission.**

From: Jeff Borchardt, Associate Planner

Summary: This is a public hearing and appeal of the Planning Commission’s decision to approve a special use permit to: 1) construct a ±9,516 square foot drug store with a drive-thru pharmacy and a temporary pharmacy trailer within 300 feet of a residentially zoned property; and 2) allow hours of operation between 11:00 p.m. and 6:00 a.m. The ±2.79 acre site is located on the southeast corner of Elgin Avenue and West Seventh Street within the Community Commercial (CC) zone. The site has a Master Plan land use designation of Urban Residential/Commercial. The case was appealed by Kaempfer Crowell on behalf of the applicant to remove Condition No. 15 of the approval. The City Council may affirm, modify, reverse or remand the Planning Commission’s decision.

Discussion:

The Planning Commission Approval: At the September 6, 2017, Planning Commission public hearing, the applicant’s representative reviewed information regarding the special use permit (SUP) request and also highlighted requested modifications to Conditions No. 8, 14, 15, and 16. City staff confirmed the requested modification to Condition No. 8 was sufficient and that they

would be open to modifying Condition No. 14 with some minor changes. However, staff did not agree to the modification of Condition No. 15 regarding the freestanding sign. While there were some questions regarding the 24-hour nature of the proposed building and the use of the temporary pharmacy trailer, the Planning Commission's questions and discussion primarily focused on the proposed signs.

There was discussion on the relationship of the sign finding (SUP finding g) and the proposed SUPs. It was explained that the proposed conditions relating to signs were to ensure compatibility with the surrounding development and the proposed architecture of the building. One of the two SUP's is for non-residential development within 300 feet of residentially zoned property and Condition No. 15 would allow for a smaller freestanding sign, which would be more consistent with the signage that would be allowed in residentially zoned property. Additionally, the proposed business would operate 24 hours a day with the need for an illuminated sign during nighttime hours. A smaller sign would reduce the potential visual impact to nearby residential and would be more consistent with newer signs for surrounding commercial developments. After further discussion it was determined that Condition No. 16 was already covered by code and was not necessary.

No one else spoke for or against the proposal.

Planning Commission Vote:

The Planning Commission voted to approve the special use permit with modifications to Condition No. 8, Condition No. 14, and the removal of Condition No. 16: seven in favor; none opposed, none absent.

Appeal of Planning Commission's Decision:

Kaempfer Crowell submitted an appeal form on behalf of the applicant on September 18, 2017, stating that Condition No. 15 limiting the height and design of the freestanding sign is in conflict with the maximum height and area allowed by right in Reno Municipal Code (RMC) Section 18.16.701 (Permanent On-Premise Sign Regulations by Zoning District). No additional material or information was provided.

Financial Implications: None at this time.

Legal Implications: None at this time.

Findings:

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.

Recommendation: Staff recommends that the Council review the letter of appeal and the Planning Commission action, and affirm, modify, or reverse the Planning Commission's decision. If the decision is reversed, the Council may directly approve or deny the special use permit, or remand back to the Planning Commission.

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

(denying the appeal and approving the special use permit)

In regards to appeal of LDC17-00070 (CVS - 1250 West Seventh Street), 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 make all the required findings as listed in the staff report and AFFIRM the approval of the special use permit by the Planning Commission, subject to the conditions stated in the staff report. The City Clerk is instructed to prepare and file an order.

Motion to Modify Planning Commission Decision

(upholding the appeal and amending the special use permit)

In regards to appeal of LDC17-00070 (CVS - 1250 West Seventh Street), 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 and APPROVE the special use permit subject to conditions stated in the Staff Report with modifications. The City Clerk is instructed to prepare and file an order.

Modifications to the decision by the Planning Commission are: [List modifications]

Motion to Reverse Planning Commission Decision

(denying the special use permit or remanding back to the Planning Commission)

In regards to appeal of LDC17-00070 (CVS - 1250 West Seventh Street), 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 of the special use permit by the Planning Commission and to directly DENY the special use permit, based on the inability to make findings _____* as listed in the Staff Report. The City Clerk is instructed to prepare and file an order.

OR

In regards to appeal of LDC17-00070 (CVS - 1250 West Seventh Street), 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, REMAND the matter back to the Planning Commission and direct the Planning Commission to seek further factual and technical information regarding findings _____* as listed in the Staff Report. I am presently without adequate information to make decision regarding these findings.

Attachments:

- Display Maps (PDF)
- Appeal Letter for LDC17-00070 (CVS -1250 W 7th Street) 10-11-2017 (PDF)
- Planning Commission Approval Letter (PDF)
- Draft Planning Commission Meeting Minutes - September 6, 2017 (PDF)
- Planning Commission Staff Report (PDF)