

## STAFF REPORT

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**Date:** February 12, 2020

**To:** Mayor and City Council

**Thru:** Sabra Newby, City Manager

**Subject:** **I.2. Staff Report (For Possible Action): Case No. LDC20-00002 (Verdi Boat and RV Storage) Appeal of the Planning Commission's decision to deny a request for special use permits to allow: 1) recreational vehicle storage (mini-warehouse) to be constructed in Community Commercial zoning; 2) nonresidential development adjacent to residential zoned property; and 3) extended hours of operation between 11:00 pm and 6:00 am. The ±3.9 acre site is located ±25 feet northeast of the intersection of Interstate 80 - Exit 2 and Orange Post Road. The site is zoned Community Commercial (CC) and has a Master Plan land use designation of Suburban Mixed-Use (SMU). The project is located within the Cooperative Planning Area (CPA) overlay zoning district. The appeal was brought by the applicant, Creation Funding LLC. The City Council may affirm, modify, or reverse the decision of the Planning Commission.**

**From:** Brook Oswald, Associate Planner

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**Summary:** This is a public hearing and appeal of the Planning Commission's decision to deny a special use permit (SUP) with possible Council action to affirm, modify, or reverse the decision.

In the case of LDC20-00002 (Verdi RV and Boat Storage), the Planning Commission denied a request for a special use permit to allow for: 1) recreational vehicle storage (mini-warehouse) to be constructed in Community Commercial zoning; 2) nonresidential development adjacent to residential zoned property; and 3) extended hours of operation between 11:00 pm and 6:00 am.

As identified in the Display Maps, the ±3.9 acre site is located ±25 feet northeast of the intersection of Interstate 80/Exit 2 and Orange Post Road. The site is zoned Community Commercial (CC) and has a Master Plan land use designation of Suburban Mixed-Use (SMU). The project is located within the Cooperative Planning Area (CPA) overlay zoning district.

Attached to this report for Council's consideration are: the Planning Commission staff report and hearing presentations; the Planning Commission decision letter; and the applicant's appeal filing. The draft Planning Commission meeting minutes for the January 15, 2020 public hearing are

attached in **Exhibit A** (digital attachment). The hearing can be viewed on the City of Reno website.

**Background:** At the January 15, 2020 Planning Commission public hearing, the representative presented the project followed by a staff presentation. The Planning Commission considered the information contained in the staff report materials, public input, and materials presented at the public hearing **Exhibit A**. Public comment included statements in opposition and in favor of the project. Subjects of questioning and discussion included: traffic (specifically related to Interstate-80/Exit 2), compatibility and overall impacts on surrounding properties, site access, fire services, and site storm drainage and retention. T

Planning Commission Vote: A motion was made and seconded to continue the case until such time as NDOT representatives could be at the meeting to answer questions. The motion failed with four votes against and two votes in favor of the motion. A second motion was made to approve the special use permit, subject to conditions, including a condition to require that signage meet the Neighborhood Commercial zoning. The motion failed with four votes against and two votes in favor of the motion. Commissioners voting against the motion stated that they were not able to make findings (a), (d), and (e).

Appeal of Planning Commission's Decision: The applicant's appeal request, to the official record of the January 15, 2020 Planning Commission's denial of the special use permit, states that the special use permit findings are substantially met by the applicant's proposal and conditions of approval in the staff report (**Exhibit B**).

The applicant worked with City staff and Nevada Department of Transportation (NDOT), to address traffic and access concerns (**Exhibit A**). The applicant will be required to have approved plans from NDOT, prior to approval of a City of Reno building permit. An email was received from an NDOT representative after the Planning Commission hearing that verifies that surrounding access and turn radiuses are adequate to accommodate recreational vehicle traffic (**Exhibit C**).

The appeal states that the proposed project intensity is compatible with existing uses, noting the proximity to I-80, the Community Commercial zoning, the overall low impacts of the proposed use, and residences that have a residential zoning are over 500 feet from the building site.

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

**Legal Implications:** None.

**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 Council review the letter of appeal and Planning Commission action, and affirm, modify, or reverse the Planning Commission's decision. If the decision is reversed, Council may directly approve the special use permits.

**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 special use permit and the appeal)

In regards to the appeal of LDC20-00002 (Verdi Boat and RV Storage), based on this Council's review of the staff report, the record on appeal, and information presented at the public hearing for this appeal, based on my ability to make all the required findings, I move to AFFIRM the decision of the Planning Commission and DENY the appeal, based on the inability to make findings \_\_\_\_\*. The City Clerk is instructed to prepare and file an order.

\*List the special use permit findings that cannot be made.

### **Motion to Modify Planning Commission Decision**

(Amending the special use permit and partially upholding the appeal)

In regards to the appeal of LDC20-00002 (Verdi Boat and RV Storage), 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 special use permit 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**

(Approving the special use permit and upholding the appeal)

In regards to the appeal of LDC20-00002 (Verdi Boat and RV Storage), 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 denial of the special use permit by the Planning Commission and to directly APPROVE the special use permits, 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 subject to the conditions stated in the Planning Commission Staff Report.

### **Attachments:**

- Display Maps (PDF)
- Exhibit A- Planning Commission Staff Report, Presentations and Draft Minutes (PDF)
- Exhibit B- Appeal of Actions (PDF)
- Exhibit C- NDOT Verification Letter (PDF)