



# WASHOE COUNTY

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## STAFF REPORT

BOARD MEETING DATE: June 28, 2022

**DATE:** May 26, 2022

**TO:** Board of County Commissioners

**FROM:** Chris Bronczyk, Senior Planner, Planning & Building Division,  
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**THROUGH:** Kelly Mullin, AICP, Division Director, Planning & Building Division,  
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**SUBJECT:** Public Hearing: Appeal of the Washoe County Planning Commission's denial of Master Plan Amendment Case Number WMPA22-0003 (Chocolate Drive) and Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive) which sought a Master Plan Amendment to redesignate one parcel totaling 45.51 acres from Suburban Residential (SR) to 40.64 acres of Urban Residential (UR) and 4.87 acres of Open Space (OS); and a Regulatory Zone Amendment to rezone one parcel totaling 45.51 acres from Medium Density Suburban (MDS - 7 du/ac) to 40.64 acres of Medium Density Urban (MDU - 21 du/ac) and 4.87 acres of Open Space (OS).

The property owner is Chocolate Group, LLC. The appellant is Pedcor Investments, LLC. The project is located at 0 Gepford Parkway in Sun Valley. The Assessor's Parcel Number is 502-250-09.

The Board of County Commissioners shall consider the appeal based on the record and any testimony and materials submitted at the public hearing. The Board may affirm or reverse the Planning Commission's decision. Should the Board reverse the Planning Commission's decision, the Board may adopt the proposed amendments.

If adopted, the master plan amendment will take effect after a determination of conformance with the Truckee Meadows Regional Plan by the Truckee Meadows Regional Planning Commission. If approved, the Board must authorize the Chair to sign the resolutions to this effect. (Commission District 3.)

## **SUMMARY**

The appellant, Pedcor Investments, LLC. is seeking to overturn the Washoe County Planning Commission's April 5, 2022 denial of Master Plan Amendment Case Number WMPA22-0003 (Chocolate Drive) and Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive) which sought a Master Plan Amendment to redesignate one parcel totaling 45.51 acres from Suburban Residential (SR) to 40.64 acres of Urban Residential (UR) and 4.87 acres of Open Space (OS); and which sought a Regulatory Zone Amendment to rezone the same parcel totaling 45.51 acres from Medium Density Suburban (MDS) ) (3 units/acre) to 40.64 acres of Medium Density Urban (MDU) (21 units/acre) and 4.87 acres of Open Space (OS). The request would increase the permissible number of units on the parcel from 136 units to 853 units.

Washoe County Strategic Objectives supported by this item: Expand Appropriate Housing Options Across Community and Meet the Need of Our Growing Community.

## **PREVIOUS ACTION**

On April 5, 2022, the Washoe County Planning Commission held a duly-noticed public hearing on Master Plan Amendment (MPA) Case Number WMPA22-0003 (Chocolate Drive) and Regulatory Zone Amendment (RZA) Case Number WRZA22-0003 (Chocolate Drive). Commissioner Peyton moved to approve WMPA22-0003 and WRZA22-0003, which was seconded by Commissioner Chvilicek. The motion failed with a vote of 1 in favor and 6 opposed, with all members present, which resulted in a denial of the MPA/RZA request. The six planning commissioners who voted against the motion indicated that they were unable to make several Master Plan Amendment findings and Regulatory Zone Amendment findings, and two Commissioners stated they also could not make the required Sun Valley Area Plan findings.

## **PUBLIC NOTICE**

Notice for master plan amendments must be given in accordance with NRS 278.220(3) and WCC 110.820.23. Notice was provided in a newspaper of general circulation within Washoe County at least 10 days before this public hearing date. A legal ad was placed with the Reno Gazette Journal on June 17, 2022 for the Board's meeting on June 28, 2022.

174 notices were also sent out to surrounding property owners within 750 feet of the subject parcel. The notices are mailed out to property owners 10 days prior to the public hearing.

## **BACKGROUND**

WCC 110.820.15(d) requires the Planning Commission to make all required findings contained in the area plan for the planning area in which the property that is the subject of the Master Plan amendment is located.

The findings required by the Sun Valley Area Plan are outlined below:

### **Sun Valley Area Plan Policy SUN.13.1**

1. The amendment will further implement and preserve the Vision and Character Statement.
2. The amendment conforms to all applicable policies of the Sun Valley Area Plan and the Washoe County Master Plan.
3. The amendment will not conflict with the public's health, safety or welfare.

Further, at a minimum, the Planning Commission must make at least three of the five findings required by WCC 110.820.15(d) in order to approve a Master Plan Amendment, which are outlined below:

1. Consistency with Master Plan. The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan.
2. Compatible Land Uses. The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions. The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities. There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed Master Plan designation.
5. Desired Pattern of Growth. The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

The Planning Commission must make all of the findings required by WCC 110.821.15(d) in order to approve a Regulatory Zone Amendment, which are outlined below:

1. Consistency with Master Plan: The proposed amendment is in substantial compliance with the policies and action programs of the Master Plan and the Regulatory Zone Map.
2. Compatible Land Uses: The proposed amendment will provide for land uses compatible with (existing or planned) adjacent land uses, and will not adversely impact the public health, safety or welfare.
3. Response to Change Conditions; more desirable use: The proposed amendment responds to changed conditions or further studies that have occurred since the plan was adopted by the Board of County Commissioners, and the requested amendment represents a more desirable utilization of land.
4. Availability of Facilities: There are or are planned to be adequate transportation, recreation, utility, and other facilities to accommodate the uses and densities permitted by the proposed amendment.

5. No Adverse Effects: The proposed amendment will not adversely affect the implementation of the policies and action programs of the Washoe County Master Plan.
6. Desired Pattern of Growth: The proposed amendment will promote the desired pattern for the orderly physical growth of the County and guides development of the County based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.
7. Effect on a Military Installation When a Military Installation is Required to be Noticed: The proposed amendment will not affect the location, purpose and mission of the military installation.

On April 5, 2022, the Planning Commission held a public hearing on the proposed master plan and regulatory zone amendments. Please see the Planning Commission staff report (Attachment C to this report) for planning staff's evaluation of the required findings. The Planning Commission received public comment from 10 individuals at the public hearing, as well as 1 email in opposition to the proposed amendments. See the minutes from the April 5, 2022 Planning Commission meeting (Attachment D); and the Video Recording of the April 5, 2022 Planning Commission's public hearing for WMPA22-0003 and WRZA22-0003 (Attachment E to this report) for the Planning Commission's discussion of various concerns related to this request.

Votes by the Planning Commissioners were as follows:

1. Commissioner Chesney: Voted against; unable to make MPA findings 1 and 3; unable to make RZA findings 1, 2, 4 and 5.
2. Commissioner Chvilicek: Voted against; unable to make MPA/RZA findings 1, 2; unable to make Sun Valley Area Plan finding SUN.13.1(3).
3. Commissioner Donshick: Voted against; unable to make MPA/RZA findings 1 and 2.
4. Commissioner Flick: Voted against; unable to make MPA findings 2 and 4.
5. Commissioner Nelson: Voted against; unable to make MPA/RZA findings 2, 3 and 4; unable to make Sun Valley Area Plan finding SUN.13.1(3).
6. Commissioner Peyton: Voted in favor.
7. Commissioner Phillips: Voted against; unable to make MPA/RZA findings 2 and 4.

### **APPEAL**

The applicant is appealing the Washoe County Planning Commission's April 5, 2022 decision, which denied the requested Master Plan Amendment to redesignate one parcel totaling 45.51 acres from Suburban Residential (SR) to 40.64 acres of Urban Residential (UR) and 4.87 acres of Open Space (OS); and which denied the requested Regulatory

Zone Amendment to rezone one parcel totaling 45.51 acres from Medium Density Suburban (MDS) to 40.64 acres of Medium Density Urban (MDU) and 4.87 acres of Open Space (OS). The minutes of the Planning Commission's public hearing are included as Attachment D to this report and the video recording of the public hearing is included as Attachment E.

The applicant contends that the master plan amendment and regulatory zone amendment requests are in substantial conformance with all findings and policies found within the Master Plan, including the Sun Valley Area Plan. The applicant further contends that the findings which the Planning Commissioners were unable to make were inconsistent, and that the staff report was not thoroughly considered. Additionally, the applicant contends that for the master plan amendment, three or more findings were not identified by four Commissioners, and that no adverse findings were made for the Sun Valley Area Plan by 5 of the 6 Commissioners who voted against the Master Plan Amendment and Regulatory Zone Amendment.

### **FISCAL IMPACT**

No fiscal impact.

### **RECOMMENDATION**

The Board of County Commissioners should review the record and consider the record and any testimony and materials submitted at the public hearing. The Board may take one of the following actions:

1. Deny the appeal and affirm the Planning Commission's decision, which resulted in the denial of Master Plan Amendment Case Number WMPA22-0003 (Chocolate Drive) and Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive); or
2. Grant the appeal and reverse the Planning Commission's decision, and thereby approve Master Plan Amendment Case Number WMPA22-0003 (Chocolate Drive) and Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive).

### **POSSIBLE MOTIONS**

Should the Board agree with the Planning Commission's denial of Master Plan Amendment Case Number WMPA22-0003 (Chocolate Drive) and Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive), staff offers the following motion:

“Move to deny the appeal and affirm the Planning Commission's decision, which resulted in the denial of Master Plan Amendment Case Number WMPA22-0003 (Chocolate Drive) and Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive). The affirmance is based upon the inability to make the findings required by WCC Section 110.820.15(d) and/or the required findings in Sun Valley Area Plan Policy SUN.13.1 and WCC Section 110.821.15(d).”

or

Should the Board disagree with the Planning Commission's denial of Master Plan Amendment Case Number WMPA22-0003 (Chocolate Drive) and Regulatory Zone

Amendment Case Number WRZA22-0003 (Chocolate Drive), staff offers the following motion:

“Move to grant the appeal and reverse the Planning Commission’s decision. I further move to approve Master Plan Amendment Case Number WMPA22-0003 (Chocolate Drive) and, subject to a finding of conformance with the Truckee Meadows Regional Plan by regional planning authorities, adopt Regulatory Zone Amendment Case Number WRZA22-0003 (Chocolate Drive). The approval is based on the Board’s ability to make all the findings required by WCC Section 110.820.15(d), WCC Section 110.821.15(d) as well as the required findings in Sun Valley Area Plan Policy SUN.13.1. I further authorize the Chair to sign the resolutions to this effect.”

All the attachments have been included for the Board’s consideration in accordance with WCC 110.912.20(b)(4)(i) and constitute the Record on Appeal.

Attachments:

- Attachment A: Appeal Application
- Attachment B: Planning Commission Signed Action Order
- Attachment C: Planning Commission Staff Report
- Attachment D: Planning Commission Minutes dated 4/5/2022
- Attachment E: Video Recording of PC Meeting
- Attachment F: PC Presentation for Staff and Applicant
- Attachment G: MPA Resolution
- Attachment H: RZA Resolution
- Attachment I: Public Comment

Cc:

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