

Item # 8A

**City of Carson City
Agenda Report**

Date Submitted: September 9, 2008

Agenda Date Requested: September 18, 2008

Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to introduce, on first reading, Bill No. _____, an ordinance to change the zoning of two parcels located at 501 and 505 West King Street, APNs 003-206-01 and 003-206-02, from Residential Office (RO) to Public Regional (PR). (ZMA-08-082)

Staff Summary: The proposed amendment would change the zoning of these parcels from Residential Office (RO) to Public Regional (PR) to be consistent with the Brewery Arts Center located across the street from this site.

Type of Action Requested

Resolution

Ordinance - First Reading

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval August 27, 2008 by a vote of 5:0:2.

Recommended Board Action: I move to introduce, on First Reading, Bill No. _____, an ordinance to change the zoning on two parcels located at 501 West King Street and 505 West King Street, APNs 003-206-01 and 003-206-02, from Residential Office (RO) to Public Regional (PR), based on the findings contained in the staff report.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to the Carson City Municipal Code, is required to take final action on all zoning map amendments. This is the first of two readings to amend the Title 18 City Zoning Map by ordinance.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.075 (Zoning Map Amendments).

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

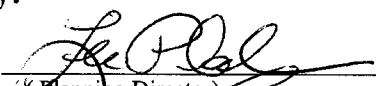
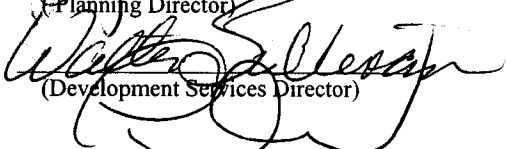
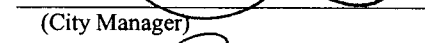
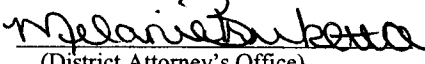
Alternatives: 1) Refer the matter back to Planning Commission for further review.
2) Deny

Supporting Material: 1) Ordinance

- 2) Planning Commission Case Record
- 3) Staff Report

Prepared By: Janice Brod, Management Assistant I

Reviewed By:

 _____ (Planning Director)	Date: <u>9/9/08</u>
 _____ (Development Services Director)	Date: <u>9/9/08</u>
 _____ (City Manager)	Date: <u>9/9/08</u>
 _____ (District Attorney's Office)	Date: <u>9-9-08</u>

Board Action Taken:

Motion: _____

1) _____	Aye/Nay
2) _____	_____

(Vote Recorded By)

ORDINANCE NO. 2008-__

BILL NO.

AN ORDINANCE TO CHANGE THE ZONING OF TWO PARCELS LOCATED AT 501 AND 505 WEST KING STREET, APNs 003-206-01 AND 003-206-02, FROM RESIDENTIAL OFFICE (RO) TO PUBLIC REGIONAL (PR).

Fiscal Effect: None

THE CARSON CITY BOARD OF SUPERVISORS HEREBY ORDAINS:

SECTION I:

An application for a Zoning Map Amendment on Assessor's Parcel Numbers 003-206-01 and 003-206-02, property located at 501 and 505 West King Street, Carson City, Nevada, was duly submitted by the Carson City Planning Division in accordance with Section 18.02.075, et seq. of the Carson City Municipal Code (CCMC). The request will result in the zoning designation of the subject property changing from Residential Office (RO) to Public Regional (PR). After proper noticing pursuant to NRS 278 and CCMC Title 18, on August 27, 2008, the Planning Commission, during a public hearing, reviewed the Planning Division staff report, took public comment and voted 5 ayes, 0 nays to recommend to the Board of Supervisors approval of the Zoning Map Amendment.

SECTION II:

Based on the findings that the Zoning Map Amendment would be in substantial compliance with the goals, policies and action programs of the Master Plan, that the Amendment would will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity, that the Amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare, and that the request satisfied all other requirements for findings of fact enumerated in CCMC Section

18.02.075(5), the Zoning Map of Carson City is amended changing the zoning designation of property identified as 501 and 505 West King Street, APNs 003-206-01 and 003-206-02, from Residential Office (RO) to Public Regional (PR), as shown on "Exhibit A," attached.

PROPOSED this ____ day of _____, 2008.

PROPOSED BY Supervisor _____

PASSED on the ____ day of _____, 2008.

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

MARV TEIXEIRA, Mayor

ATTEST:

ALAN GLOVER, Clerk-Recorder

This ordinance shall be in force and effect from and after the ____ of _____, 2008.

Proposed Zoning Map



Proposed Zoning of Subject Parcels



CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: 8-27-08

AGENDA ITEM NO.: H-3(A)

APPLICANT(s) NAME: John Procaccini
PROPERTY OWNER(s): Brewery Arts Center

FILE NO. ZMA-08-082

ASSESSOR PARCEL NO(s): 003-206-01, 003-206-02
ADDRESS: 501 West King St., 555 West King St.

APPLICANT'S REQUEST: Action regarding a recommendation to the Board of Supervisors on a **Zoning Map Amendment** application to change the zoning from Residential Office (RO) to Public Regional (PR).

COMMISSIONERS PRESENT: KIMBROUGH BISBEE REYNOLDS
 VANCE WENDELL

STAFF REPORT PRESENTED BY: Lee Plemel REPORT ATTACHED
STAFF RECOMMENDATION: APPROVAL
APPLICANT REPRESENTED BY: John Copoulos, Architect

APPLICANT/AGENT WAS
PRESENT AND SPOKE

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT AND AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

No persons spoke in favor or opposition of the proposal.

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Bill Vance: Does Row Abandonment go before Planning Commission? Yes.

MOTION WAS MADE TO RECOMMEND APPROVAL TO THE BOARD OF SUPERVISORS WITH THE FINDINGS AS ENUMERATED ON THE STAFF REPORT

MOVED: Wendell SECOND: Reynolds PASSED: 5/AYE 0/NO 0/ABSTAIN 2/ABSENT

TO BE SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: September 18, 2008

STAFF REPORT FOR PLANNING COMMISSION MEETING OF AUGUST 27, 2008

FILE NO: ZMA-08-082

AGENDA ITEM: H-3(A)

STAFF AUTHOR: Heidi Eskew-Herrmann, AICP, Assistant Planner

REQUEST: A Zoning Map Amendment to change the zoning of the subject parcels from Residential Office (RO) to Public Regional (PR).

APPLICANT: John Procaccini, Executive Director for the Brewery Arts Center

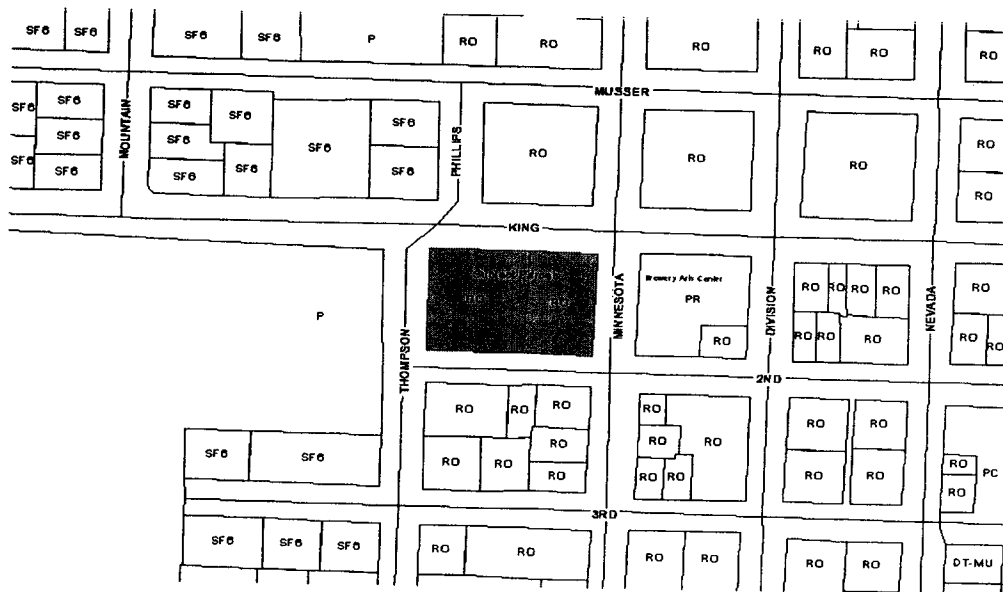
OWNER: Brewery Arts Center

LOCATION: 501 West King St./no address on West King St.

APN: 003-206-01 & -02

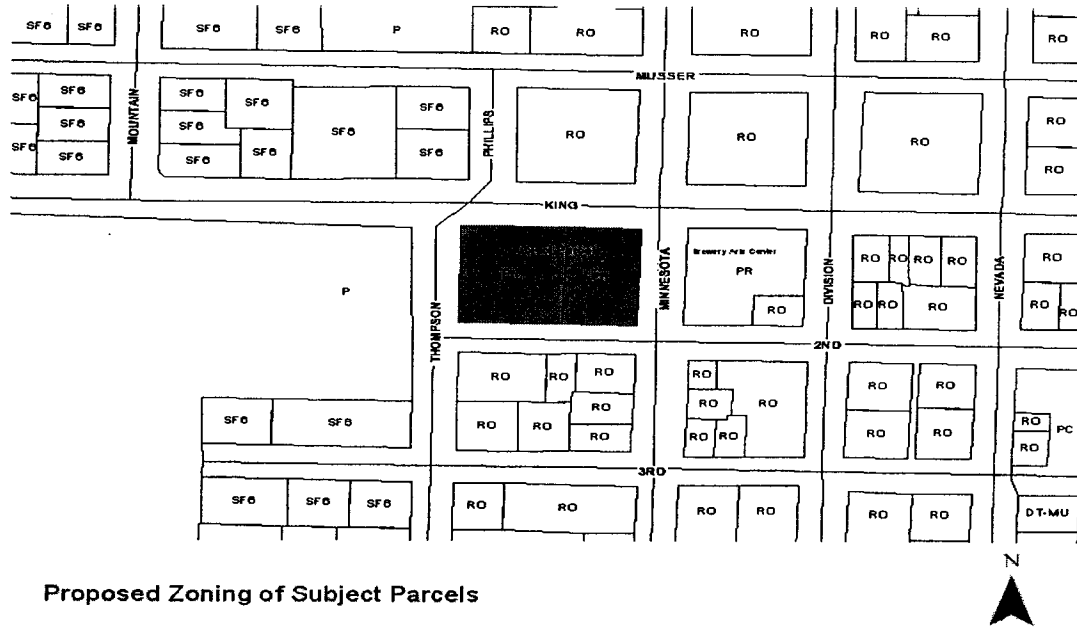
RECOMMENDED MOTION: "I move to recommend to the Board of Supervisors approval of ZMA-08-082, a Zoning Map Amendment to change the zoning of APNs 003-206-01 and -02 from Residential Office to Public Regional, at property located at 501 West King Street, based on the findings contained in the staff report."

EXISTING ZONING MAP



Existing Zoning of Subject Parcels and Surrounding Properties

PROPOSED ZONING MAP



Proposed Zoning of Subject Parcels

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.075 (Zoning Map Amendments)

MASTER PLAN DESIGNATION: Mixed Use Residential (MUR)

CURRENT ZONING: Residential Office (RO)

PROPOSED ZONING: Public Regional (PR)

SURROUNDING LAND USE AND ZONING:

Master Plan / Zoning - Uses

North: Mixed Use Residential/ Residential Office and Single Family 6,000-Office and Residential Uses

West: Public-Quasi Public/ Public - Grace Bordewich Elementary School

South: Mixed Use Residential/ Residential Office- Residential Use

East: Mixed Use Residential/Public Regional-- Brewery Arts Center (uses include offices, café, artisans shop)

KEY ISSUES:

- Will the Zoning Map Amendment be consistent with the Carson City Master Plan?
- Will the Amendment provide for zoning and uses consistent with surrounding zoning and uses?

DISCUSSION:

The applicant submitted this application to satisfy condition of approval number 19 of SUP-07-216, a special use permit for the uses at the Brewery Arts Center site which was approved in April 2008, and states, "The applicant must submit a Zoning Map Amendment to change the zoning at the Performance Hall from Residential Office (RO) to Public Regional (PR) and a Special Use Permit for the uses at the Performance Hall by noon on June 19, 2008." The reason for requiring this condition of approval is to provide consistency between the on-site uses and the zoning designation. The present uses of the property are not permitted in the Residential Office zoning district.

The applicant submitted a Special Use Permit application (SUP-08-083) to be processed concurrently with this Zoning Map Amendment (ZMA). It is important to note that the proposed Special Use Permit application approval is dependent on the approval of the ZMA application.

The subject site is located on two parcels; a 17,000 square foot lot that is used as a parking lot, and a 23,800 square foot parcel that includes the Performance Hall. The parcels are located between south Minnesota Street and Thompson Street, north of West 2nd Street and south of West King Street. According to the Assessor's records, the building was constructed in approximately 1871. The site is located within the Carson City Historic District. The Performance Hall operates in conjunction with the Brewery Arts Center, which is located to the east of the Performance Hall.

The Performance Hall property was acquired by the Brewery Arts Center in 2001 as a performance hall and is currently managed in conjunction with the Brewery Arts Center. It was previously used as a church. It now houses a theater, business offices and a TV studio. Seasonal outdoor events are also held on this site. The uses conducted on the site by the Brewery Arts Center exceed the legal nonconforming use of property for a church. Therefore, a Zoning Map Amendment and Special Use Permit are required to bring existing and proposed uses into zoning conformance. Staff is requiring this property to come into code compliance based on present and future uses of the site.

Adequate water, sewer, road, and storm drainage facilities exist or will be required by the applicant to serve the existing and proposed uses. The use will not generate the need for additional schools, but will supplement cultural programs for the residents of Carson City. The facility will be required to meet all other additional requirements of the Fire and Police Departments. However, it is appropriate at this time to rezone the property in order to allow the proposed uses.

Master Plan Consistency

Rationale: The current Mixed-Use Residential land use designation is consistent with the current ownership of the property by the Brewery Arts Center, as well as the intended future use of the property for public purposes. According to the Carson City Master Plan, secondary uses in this land use zone should include civic uses and public uses.

Master Plan-Zoning Consistency

The Master Plan Land Use Map shows the future anticipated or desired land use condition. The zoning of a parcel, which may presently be different than or inconsistent with the present Master Plan designation for a parcel, provides the specific property development entitlements—i.e. what types of uses are permitted and at what densities. It should be noted that the applicant is requesting a zoning designation that is consistent with the Mixed Use Residential master plan designation.

Staff believes that the proposed zoning is compatible with existing and planned uses on this property and surrounding properties. The adjacent properties to the south have a Master Plan designation of Mixed Use Residential and Public/Quasi-Public. The adjacent property to the north is currently zoned Residential Office (RO) and Single Family 6,000 (SF6) and includes both office and residential uses. The property to the west is zoned Public and is an existing elementary school. The property to the south zoned Residential Office (RO) and consists of residential uses. The property to the east is zoned Public Regional and is occupied by the Brewery Arts Center (uses include offices, café, artisans shop).

PUBLIC COMMENTS: Public notices were mailed to 31 adjacent property owners within 301.5 feet of the subject parcel in accordance with the provisions of NRS and CCMC 18.02.045 on August 8, 2008. As of August 19, 2008, no written comments have been received either in support or opposition of this application. Staff received one call of inquiry about the change of zoning. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

Health and Human Services Department: Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

Fire Department: The applicant must meet all codes and ordinances as applicable.

Parks and Recreation Department: Our department supports the zoning map amendment request from John Procaccini because re-zoning this parcel will then be consistent with the Brewery Arts Center located across the street.

FINDINGS: Staff recommends the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments, and further substantiated in the applicant's written justification.

1. ***The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed amendment meets the intent of the existing Mixed Use Residential (MUR) Master Plan designation for the subject properties as detailed in the staff report discussion, above. Public Regional zoning is an appropriate zoning district for the MUR master plan designation.

The proposed amendment will be in substantial compliance with the following goals and policies of the Carson City Master Plan:

GOAL 5.4 to promote tourism activities and amenities that highlight the City's historic and cultural resources.

5.34c—Arts and Culture

Support artists, arts organizations and related cultural institutions because of their significant contributions to the City's healthy business climate; their role in creating a cultural environment that attracts other living wage employers, as well as tourists, to the region; and the substantial benefits they provide to the City's residents and communities.

The applicant believes that changing the zoning of the Performance Hall and parking lot properties in order to allow additional uses will assist the city in achieving mixed use within the downtown and historic areas of town. The use will compliment the cultural events that take place at the Brewery Arts Center and will add a service to others that live and/or work in the area. All of the proposed events will support heritage tourism activities and cultural institutions throughout the area.

GOAL 5.9—Promote Redevelopment

5.9b—Redevelopment Areas

The City will continue to work with local businesses and property owners to encourage and assist in redevelopment efforts within the boundaries of its existing redevelopment areas. Efforts should be focused on encouraging higher intensity and mixed-use development in Downtown and along major gateway corridors.

These sites are located within a redevelopment area of Carson City. Allowing the existing and proposed uses will assist Carson City with redevelopment efforts and accentuate the mixed uses in this area.

GOAL 2.1 to encourage diversity in citywide land use mix.

2.1a—Range of Land Use Opportunities

Ensure that the Land Use Map provides opportunities for a range of mixed-use, residential, commercial, and employment uses at a variety of scales and intensities.

The existing and proposed uses provide opportunities for a range of mixed uses such as a performing arts venue, a broadcast arts studio, an event site for concerts, recitals and public gatherings as well as art exhibits, art and craft fairs and festivals. These uses also increase employment opportunities within Carson City.

GOAL 10.1—Preserve and Enhance Historic Resources

10.1b—Consistency with Standards and Guidelines

Ensure that the rehabilitation and renovation of historic structures occurs according to the

City's adopted Historic District and Downtown Business District Guidelines. Continue to review rehabilitation and renovation proposals for compliance with adopted guidelines.

Since these sites are located within the Carson City Historic District, the owner must receive review and approval from the Carson City Historic Resources Commission for any exterior changes. This process allows for public input into how the buildings and character of the area may be modified.

2. ***The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.***

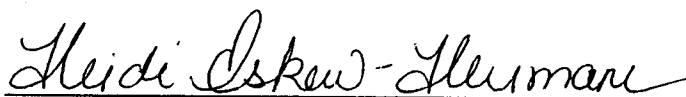
Rationale: The proposed amendment will provide for zoning that is compatible with existing uses on this property and the adjacent Brewery Arts Center property. This zoning map amendment will allow the Brewery Arts Center management to develop the existing and proposed uses on this site to better serve the Carson City region.

3. ***The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.***

Rationale: The proposed amendment is within the urban service area that has existing services. Any applicable city services can be provided to the subject parcel, and the impacts of the proposed amendment changing from the previous church use to a theater use are minimal. Therefore, the proposed amendment would have no adverse impact on the public health, safety or welfare.

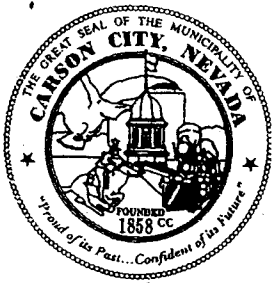
Adequate water, sewer, road, and storm drainage facilities exist to serve the proposed development. The use will not generate the need for additional schools, but will supplement arts and cultural programs provided to Carson City residents. The facility will be required to meet all other additional requirements of the Fire and Police Departments.

Respectfully submitted,
CARSON CITY PLANNING DIVISION



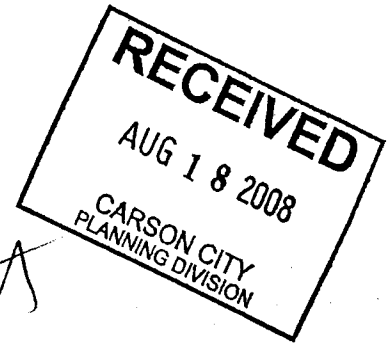
Heidi Eskew-Herrmann, AICP
Assistant Planner

Attachment
Draft Ordinance



CARSON CITY, NEVADA
 CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

MEMORANDUM



TO: Lee Plemel, Planning Director
 Heidi Eskew-Herrmann, Assistant Planner
 Jennifer Pruitt (Hardcopy and Email)

FROM: Roger Moellendorf, Parks & Recreation Director

DATE: August 18, 2008

SUBJECT: Parks & Recreation Department's Comments for the Planning Commission Meeting Agenda for August 27, 2008

SUP-08-078 Morgan Mill Road River Access Area	Our department is both the project proponent and the applicant for this project. This project is identified in the Unified Pathways Master Plan and the Carson River Aquatic Trail as a land and water based trailhead facility. By improving this trailhead facility, the City will be able to provide safe recreational access to the Carson River and provide land based day use/trail amenities for Carson City residents to enjoy. Both the Parks and Recreation Commission and the Carson River Advisory Committee have approved this project. In addition, City staff has made a significant effort to incorporate other City departments' comments received during the major project review process.
SUP-08-079 Add two residential units to an existing apartment complex	Our department takes no exception to this special use permit request. However, Silver Oak Drive (formerly Broadleaf Lane) is identified on the Unified Pathways Master Plan as an on-street bicycle land facility.
SUP-08-080 Expansion of a non- conforming building	No Comments.
ZMA-08-082 Brewery Arts Center zoning map amendment	Our department <u>supports</u> the zoning map amendment request from John Procaccini because re-zoning this parcel will then be consistent with the Brewery Arts Center located across the street.
SUP-08-083 Brewery Arts Center special use permit	Our department takes no exception to this special use permit request <u>provided</u> this request does <u>not</u> conflict with the City's use agreement with the Brewery Arts Center. Please have the applicant contact Scott Fahrenbruch, Director of Operations, to discuss all proposed uses.

From: Teresa Hayes
To: MPR Committee
CC: Dustin Boothe
Date: 8/6/2008 12:36 PM
Subject: Planning Comments due Aug 11.08

SUP 08-080:

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

SUP 08-078:

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

SUP 08-079

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

SUP 08-083

ZMA 08-082

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

ZMA 08-075

SUP 08-076

GM 08-077

Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable codes and ordinances as they apply to this request.

Teresa Hayes

Environmental Health Specialist

Carson City Health and Human Services

900 E. Long St

Carson City, NV 89706

Phone: (775) 887-2190 ext 1024

Fax: (775) 887-2248