

STAFF REPORT FOR PLANNING COMMISSION MEETING OF OCTOBER 27, 2010

FILE NO: SUP-05-187

AGENDA ITEM: H-2

STAFF AUTHOR: Kathe Green, Assistant Planner

REQUEST: Five year review of Special Use Permit to allow permanent placement of three metal storage containers in the Retail Commercial (RC) zoning district.

OWNER/APPLICANT: Conaliz LLC/Jeff Herman (J M Furniture)

LOCATION/APN: 3333 N Carson Street/002-392-05

RECOMMENDED MOTION: "I move to approve SUP-05-187, a Special Use Permit request from Jeff Herman/Conaliz LLC, for a five year review of three metal storage containers permanently placed on property in the Retail Commercial zoning district, located at 3333 N Carson Street, APN 002-392-05, based on findings and subject to conditions of approval contained in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

The following shall be completed prior to commencement of the use:

1. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Planning Commission meeting for further considerations.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on- and off-site improvements shall conform to City standards and requirements.
4. The applicant shall submit a copy of the Notice of Decision and conditions of approval, signed by the applicant and owner, with any building permit application.

The following applies to the life of the placement of the container:

5. Metal storage containers to be used for storage only. No human habitation is allowed. No addition of utilities is allowed without prior review and approval. No storage shall be placed upon or above the container.
6. No hazardous materials will be stored within the containers.
7. The storage containers will be maintained to match the existing building color on site. Graffiti shall be removed in accordance with the City's graffiti ordinance. The containers must be maintained free of rust, peeling paint or other forms of deterioration.
8. Advertising is prohibited on the exterior of the containers.
9. The placement of the containers shall be reviewed in five year increments or at any time the principal property use changes, with a \$50.00 administrative service charge and noticing costs paid by the applicant. The next review will be October 2015. This review may be administrative and handled by City Staff, or if deemed necessary by Staff, may be referred to the Planning Commission for additional review.

LEGAL REQUIREMENTS: CCMC 18.02.080 (Special Use Permits), 18.04.130 Retail Commercial (RC) Permitted Uses, and Development Standards 1.10.9 Personal Storage and Metal Storage Containers.

MASTER PLAN DESIGNATION: Mixed-Use Commercial (MUC)

PRESENT ZONING: Retail Commercial (RC)

KEY ISSUES: Does the application meet the Development Standards regulations for metal storage containers, and does the application continue to meet the required findings for approval of a special use permit? Is the proposed continuation of metal storage containers in this location still compatible with surrounding properties? Have there been any problems with the permanent placement of the storage containers?

SURROUNDING ZONING AND LAND USE INFORMATION

NORTH: Retail Commercial/Office

SOUTH: Retail Commercial/Veterinary Office

EAST: Multi Family Apartment/Apartments

WEST: Retail Commercial/former K-Mart, shopping center and McDonalds

ENVIRONMENTAL INFORMATION

- 1 FLOOD ZONE: XS (areas of minimal flooding)
- 2 EARTHQUAKE FAULT: Beyond 500 ft, Zone I
- 3 SLOPE/DRAINAGE: Flat
- 4 SOILS: 12: Dazell fine sandy loam, deep water table

SITE DEVELOPMENT INFORMATION

- 1 LOT SIZE: 1.82 acres
- 2 EXISTING LAND USE: Furniture store
- 3 STRUCTURE HEIGHT: Three storage containers presently located on site are approximately 8.5 feet in height and are 8 x 40 feet each for a total of 960 square feet.
- 4 PARKING: Adequate on site.
- 5 SETBACKS: None required
- 6 VARIANCES REQUESTED: None

DISCUSSION:

A Special Use Permit is required for the following reason:

- According to CCMC Section Development Standards 1.10.9, a storage container may be located on site for a maximum of five years after approval of a Special Use Permit. A review of the project is required each five years.

The containers were approved by the Planning Commission on October 26, 2005, to remain on the lot in support of J M Furniture store. The site and containers are in compliance with the conditions of approval of the original special use permit. The building is an "L" shape, with the bottom of the "L" on the east. One of the containers was placed on the north portion of the lot, south of the building, while the other two were placed at the rear (east) of the lot, in front of the building. The containers are visible from the front of the property, but the view of them is shielded by the parking areas. The containers were placed and painted to blend with the site. Their appearance is lessened by vehicles parking in front of the business. The containers are in good condition, with no graffiti, advertising signs or noted deterioration. The containers have been painted tan, a neutral color. The containers are well kept and well maintained. The containers do not block any

drive aisle, parking area or landscaping. These containers have been on the lot at least ten years, according to the applicant. The containers had been on the lot at least five years when the original application was submitted for approval in September 2005.

PUBLIC COMMENTS: Public notices were mailed to 30 adjacent property owners within 365 feet of the subject site on October 8, 2010 per the requirements of the Carson City Municipal Code and NRS. No complaints have been registered regarding the placement or location of the containers during the last five years. At the writing of this report no comments have been received either in favor of or in opposition to the proposal. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on October 27, 2010, depending on the date of submittal of the comments to the Planning and Community Development Department.

OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS: The following comments were received by various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Building and Safety: No concerns.

Fire Department: No concerns

Engineering Division: No concerns

Parks and Recreation: No comments received.

Health Department: No comments received

FINDINGS: Staff's recommendation is based upon the findings as required by CCMC Section 18.02.062 (Special Use Permits) enumerated below and substantiated in the public record for the project.

1. Will be consistent with the master plan elements.

Chapter 3: A Balanced Land Use Pattern

1.1.e,f Municipal Code 18.12: Use sustainable building materials and construction techniques to promote water and energy conservation.

The metal storage containers are made out of steel. They are painted tan, a neutral color, which blends in with the business appearance on the site. They do not use any utilities and are a source of energy conservation.

1.4c Protect existing site features, as appropriate, including mature trees or other character-defining features:

The containers utilize and maintain the existing land resources. They do not block any views or vistas. No signage has been or will be placed on the containers. The business on the site is a furniture store. The business has large and bulky items for sale which are

stored in the containers until needed. The location of the units at the rear and side of the property was designed to minimize the appearance of the units from the front of the property and the street. They are well maintained.

5.2a Encourage the development of regional retail centers

5.6a Promote revitalization of the downtown core

The containers are necessary for storage of materials required by J M Furniture for this active business. The nature of a furniture store is to have large bulky materials available for sale and stored when not needed. The containers are kept locked when not in use. The location of the containers has been designed to minimize the appearance from the street, as the view of the containers is blocked by vehicles parking at the front of the lot. The exterior color of the units is tan, a neutral color.

2. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.

The storage containers have been located at this site for five years without difficulty or problems. This permit is to review the previous approval to verify the use continues to be appropriate, as well as to verify the condition of the containers. There has not been any perceived detriment to the surrounding properties or general neighborhood as a result of this placement. The business may create noise, vibrations, fumes, odors, dust and physical activity, but the containers placed on site in support of this use is not detrimental.

3. Will have little or no detrimental effect on vehicular or pedestrian traffic.

The site is located on North Carson Street and is served by an adequate existing street network. Vehicular and pedestrian movement has not been affected by placement of the storage containers.

4. Will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.

The storage containers were placed in this location ten years ago, according to the applicant, and have not had a detrimental effect on the existing public services and facilities. The project is adequately served by the existing police and fire protection, public water, private septic system, public roads, storm drainage and other public improvements. No changes are anticipated.

5. Meets the definition and specific standards set forth elsewhere in this title for such particular use and meets the purpose statement of that district.

The purpose of the Retail Commercial zoning district is to preserve a commercial district limited primarily to offices and retail sales of new merchandise. The furniture store as a business meets the specific standard of this zoning district. Permanent placement of metal storage containers in support of the business is an appropriate accessory use.

6. The use will not be detrimental to the public health, safety, convenience and welfare.

Continuation of the placement of the metal storage containers on site in support of the business will not be detrimental to the public health, safety, convenience or welfare.

7. Will not result in material damage or prejudice to other property in the vicinity.

No material damage or prejudice to other properties in the vicinity is anticipated with the continuation of the metal storage containers as placed in this location. No negative concerns have been noted since the metal storage containers were placed here originally ten years ago. No detrimental concerns are anticipated by continuing the use.

Respectfully submitted,

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Kathe Green, Assistant Planner

Attachments
Application
Department comments

File # (Ex: MPR #07-111)	<i>SUP – 10- 079</i>
Brief Description	<i>Continue use of metal storage container</i>
Project Address or APN	<i>APN #002-392-05</i>
Bldg Div Plans Examiner	<i>Kevin Gattis</i>
Review Date	<i>October 27, 2010</i>
Total Spent on Review	

BUILDING DIVISION COMMENTS: No Comments

**Engineering Division
Planning Commission Report
File Number SUP 05-187 renewal**

TO: Planning Commission

FROM: Rory Hogen, E. I.

DATE: September 24, 2010

MEETING DATE: October 27, 2010

SUBJECT TITLE:

Action to consider a renewal of application for a Special Use Permit from property owner Conaliz LLC at 3333 N. Carson St., apn 02-392-05 to continue the use of a metal storage container on the subject property zoned RC.

RECOMMENDATION:

The Engineering Division has no preference or objection to the special use request

DISCUSSION:

The Engineering Division has reviewed the conditions of approval within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses.

CCMC 18.02.080 (2a) - Adequate Plans

The information submitted by the applicant is adequate for this analysis.

CCMC 18.02.080 (5a) - Master Plan

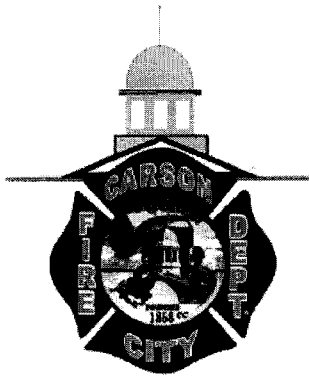
The request is not in conflict with any Engineering Master Plans for streets or storm drainage.

CCMC 18.02.080 (5c) - Traffic/Pedestrians

The proposal will not impact traffic or pedestrian facilities.

CCMC 18.02.080 (5d) - Public Services

The proposal will not impact existing public services.



CARSON CITY FIRE DEPARTMENT

"Service with Pride, Commitment, Compassion"

MEMORANDUM

TO: Community Development

FROM: Duane Lemons, Fire Inspector

DATE: October 18, 2010

SUBJECT: AGENDA ITEMS FOR OCTOBER 27, 2010 PLANNING COMMISSION MEETING.

We reviewed the agenda items for the October 27, 2010 Planning Commission Meeting and have the following comments:

- SUP-10-077 Pat Wiggins, City of Carson City Must meet all codes and ordinances as they relate to this request.
- SUP-10-087 Jeff Herman, Conaliz LLC We have no comments or concern with this request.
- SUP-10-081 Slot World Casino, City of Carson City Must meet all codes and ordinances as they relate to this request.
- GM-10 Carson Southgate LLC, John M Keen/Olive Garden Must meet all codes and ordinances as they relate to this request.

DL/llb

JM FURNITURE

3333 N CARSON ST,
CARSON CITY, NEVADA 89706

September 15, 2010

05-187
= SUP =
RECEIVED
SEP 16 2010
CARSON CITY
PLANNING DIVISION

Carson City Planning Division

2621 Northgate Lane #62

Carson City, Nevada 89706

Re: Sup -05-187 metal storage container 5yr review

APN ~~008-081-06~~ 002-392-05

Att: Kathe Green, Assistant Planner

Dear Ms. Green,

In response to your letter of August 18, the storage containers on my property continue to add to the competitiveness of my business, JM Furniture. Further, no changes, or alterations have been made to them affecting their continued compliance with this special use permit. In response to the review of the relevant conditions from Development Standards Division 1 . 10.9 I would offer the following:

1. The containers are located in the Retail/Commercial zone and were approved by the Planning Commission October 26, 2005.
2. The storage containers are used for storage. There is no human occupation.

No alterations have been made to the containers of any type. There is no storage above, or between, and they are not stacked.

3. There are no hazardous materials stored. They are not detrimental to the public health or safety.

4. They are at building grade, and are located at the rear portion of the property.

They do not occupy any parking spaces, drive-aisles, firelanes, drainage courses, easements, detention basins, or vehicular or pedestrian access ways.

5. They are of corrugated metal similar to the primary building. They are painted in an earth-tone color, and free of graffiti. They are well maintained. They are blocked from view by the primary building and fencing on three sides. They are set back 220' and 270' from the curb and are obscured by delivery vehicles.

6. they are not used for advertising.

7. We have used the 3 (three) metal storage containers in their current locations for the past 10 years and have found them to be a real benefit when it comes to having flexible onsite storage. Furniture requires a lot of space, and they are ideal for large contract orders.

The following are submitted for additional review: The site plan, current pictures, and The Special Use Permit Questionnaire answered in 2005 and still relevant.

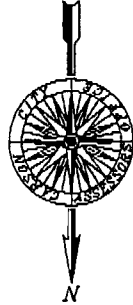
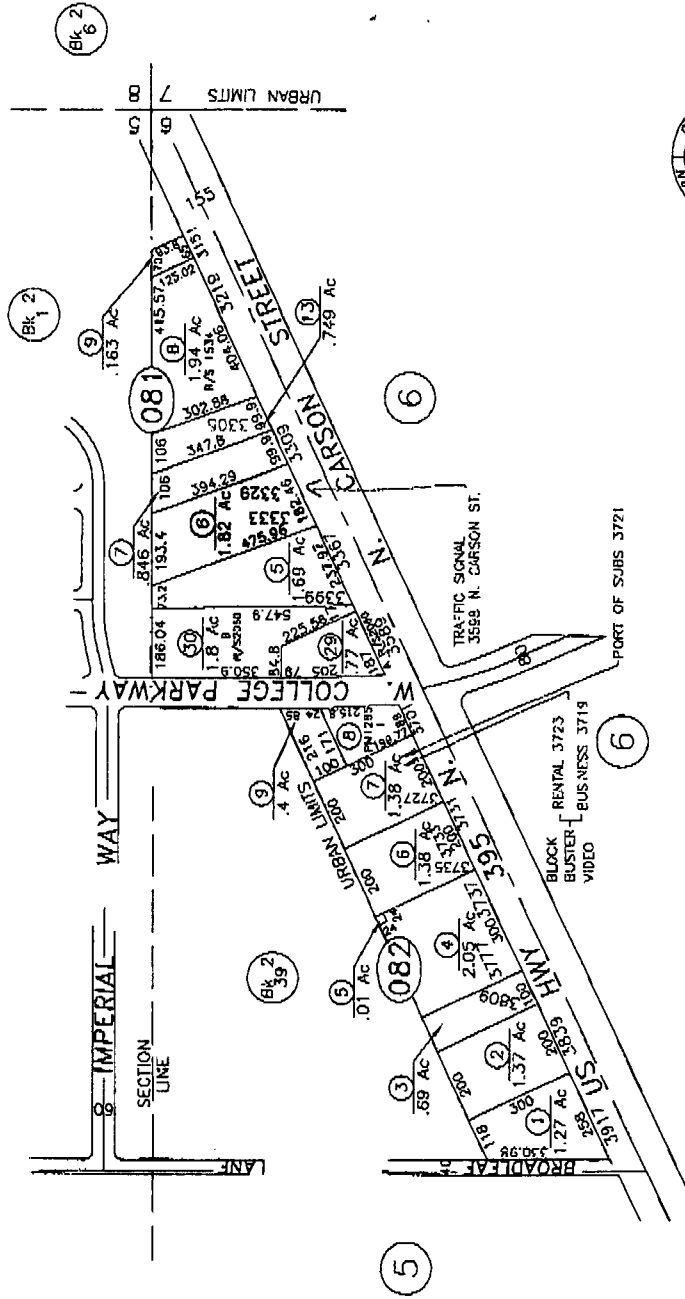
I will plan to attend the October 27, meeting to present my application.

Kindest Regards,

Jeff Herman

President, JM Furniture Inc.

PORTION SE1/4 SECTION 6
T.15 N., R.20 E., M.D.B. & M.



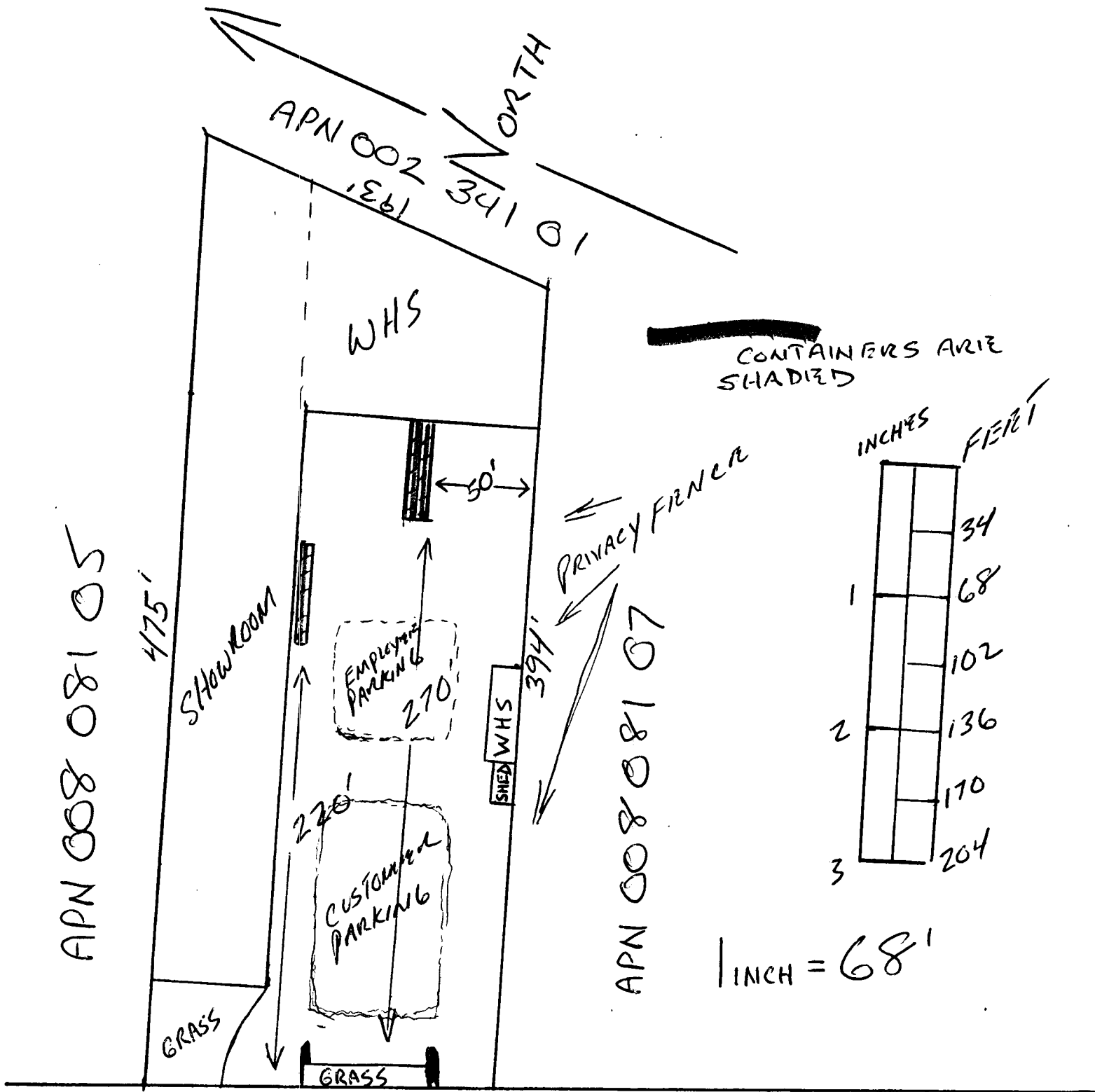
Scale: 1" = 300'
Revised 5/5/99

CARSON CITY, NEVADA
THIS MAP IS PREPARED FOR THE USE OF THE CARSON CITY
ASSESSOR'S OFFICE AND IS NOT INTENDED TO REPRESENT
ONLY THE DEED AS REPRESENTED BY A SURVEYOR. LIABILITY
IS ASSIGNED AS TO THE SUFFICIENCY OR ACCURACY OF
THE DATA DELIVERED HEREIN.

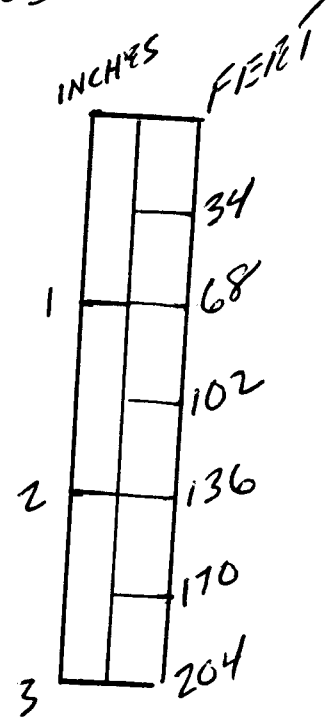
New Elmore 082

JM FURNITURE

APN 008 081 06



CONTAINERS ARE SHADIED



1 INCH = 68'

US 395 NORTH
3333 N. CARSON
182' FRONTAGE

JM FURNITURE
3333 N. CARSON
CARSON CITY, NEVADA 89706

SRP 2005

Question 1. How will the proposed development further and be in keeping with, and not contrary to, the goals of the Master Plan Elements.

Goal 4: Ensuring economic development to maintain a sound local economy.
(Our parallel to Policy 4.2): Our goal as a Business in Carson City is to maintain and grow our market share in home furnishings. By doing so we add to the local economy through generation of sales tax, employment, and the local purchase of goods and services.

One of our strategies for attracting business to Carson City is keeping a large inventory in stock. Our need for warehouse space fluctuates and we have found the use of storage containers to be an economical way of meeting varying space requirements. Visually, the containers resemble the building and fencing and they are located on the back half of the property in non parking spaces. They were purchased and put in use when the now closed K Mart across the street was using similar storage.

Question 2. Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?

A. The property is zoned RC with a veterinary clinic and pet incinerator, a paint store, and soon, a tire store in the vicinity. The containers are painted in an earthtone beige. They blend very well with their surroundings and are located on the back half of the property out of view of adjacent businesses.

B. The storage containers have been on site for more than five years and are virtually inert.

C. The storage containers are not detrimental to the use, peaceful enjoyment or development of surrounding properties. By containing potential clutter they add to the positive appearance of the location.

D. The storage containers have no impact on traffic

E. The storage containers are a durable solution for increased security for stored items.

Question 3. Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity?

- A. The containers do not affect the school district.
- B. There are no drainage issues
- C. There are no water requirements
- D. There are no sewage requirement or needs
- E. No road improvements are needed
- F. Common sense
- G. There is no indoor lighting needed
- H. There is no landscaping needed
- I. There is no parking impact

