

**City of Carson City
Agenda Report**

Date Submitted: September 9, 2014

Agenda Date Requested: September 18, 2014

Time Requested: 45 minutes

To: Mayor and Board of Supervisors

From: Community Development—Planning Division

Subject Title: For Possible Action: To consider an appeal from Jeffrey Fleeman (property owner: The Flicka Group LLC) of the Planning Commission's denial of an appeal of Planning Division staff's decision regarding the discontinuation of a non-conforming mobile home park use on property zoned Multi-family Apartment (MFA), located at 3769 Reeves St., APN 008-308-01. (Lee Plemel)

Summary: Planning Division staff determined that the non-conforming mobile home park use on the subject property has been operationally abandoned or discontinued for a period of 12 consecutive months and, therefore, may not be resumed per Carson City Municipal Code, Section 18.04.030(3), Abandonment of Nonconforming Use. The Planning Commission upheld staff's determination on July 30, 2014. Decisions of the Planning Commission may be appealed to the Board of Supervisors. An appeal of the Planning Commission's denial was filed by the appellant. The Board of Supervisors may uphold, modify or reverse the Planning Commission's decision.

Type of Action Requested:

Resolution

Formal Action/Motion

Ordinance—_____ Reading

Other (No Action)

Does This Action Require a Business Impact Statement: Yes No

Recommended Board Action: I move to deny the appeal and uphold the Planning Commission's denial of an appeal of Planning Division staff's decision regarding the discontinuation of a non-conforming mobile home park use on property zoned Multi-family Apartment, located at 3769 Reeves St., APN 008-308-01.

Planning Commission Action: Denied the appeal and upheld staff's decision on July 30, 2014, by a vote of 6 ayes and 0 nays, 1 absent.

Explanation for Recommended Board Action: See the attached staff memo and staff report to the Planning Commission for a complete explanation.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.04.030 (Nonconforming Uses)

Fiscal Impact: N/A

Explanation of Impact: N/A

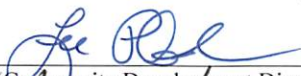


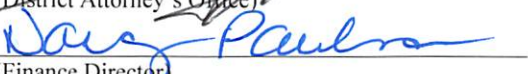
Funding Source: N/A

Alternatives: 1) Approve the appeal and overturn staff's decision, allowing the mobile home park to be reestablished at the subject location.

Supporting Material:

- 1) Staff memo
- 2) Appellant's letter of appeal of Planning Commission's decision
- 3) Staff report to the Planning Commission and supporting materials

Prepared By: Lee Plemel, Community Development Director

Reviewed By:  Date: 9-9-14
(Community Development Director)
 Date: 9/9/14
(City Manager)
 Date: 9/9/14
(District Attorney's Office)
 Date: 9/9/14
(Finance Director)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

_____ (Vote Recorded By)



Community Development Department

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711

MEMORANDUM

Board of Supervisors Meeting of September 18, 2014

TO: Board of Supervisors

FROM: Lee Plemel, AICP, Director

DATE: September 4, 2014

SUBJECT: **MISC-14-046 – Appeal of determination of abandonment of nonconforming use at 3769 Reeves Street (APN 008-308-01)**

Planning Division staff determined that the nonconforming mobile home park use on the subject property has been operationally abandoned or discontinued for a period of 12 consecutive months and, therefore, may not be resumed per Carson City Municipal Code, Section 18.04.030(3), Abandonment of Nonconforming Use. The Carson City District Attorney's office reviewed the evidence provided by the Planning Division and reviewed the arguments submitted by the appellant and the appellant's legal counsel and agrees with the Planning Division's determination. Refer to the staff report to the Planning Commission, dated July 30, 2014, for further explanation and documentation regarding the nonconforming use.

Non-conforming uses of property that have been "operationally abandoned or discontinued" for a period of more than 12 months may not be resumed unless the use complies with all current zoning requirements. A mobile home park is not a permitted use on the subject property. Once the mobile home park was "operationally abandoned or discontinued" for a period of more than 12 months pursuant to CCMC 18.04.030 (Nonconforming Uses), the use may only be resumed on the property upon approval of the appropriate zoning for the property for a mobile home park—i.e. Mobile Home Park, Retail Commercial, or General Commercial zoning—and approval of a Special Use Permit.

The property owner appealed staff's determination and the Planning Commission upheld staff's determination on July 30, 2014. Decisions of the Planning Commission may be appealed to the Board of Supervisors. An appeal of the Planning Commission's denial was filed by the appellant (see attached letter of appeal and supporting documentation from Mahe Law, Ltd., for the property owner, The Flicka Group, LLC).

Staff believes the appellant makes two general arguments in the appeal as to why the mobile home park may be continued or reestablished:

- 1) The mobile home park use was never "abandoned" because the property owner maintained the property while there were no mobile homes on the site and the owner intended to reestablish the mobile home park; and

2) The property owner was not given due process because the City did not inform the owner that the use was deemed to be operationally abandoned or discontinued before the 12-month period of discontinued use had expired.

City staff offers the following response to these arguments in addition to the responses and documentation in the staff report to the Planning Commission dated July 30, 2014.

1) Ongoing property maintenance. There is no argument that the mobile homes were removed from the site and no mobile homes were on the site for a period of at least 12 months. Staff believes this constitutes the “operational abandonment” and “discontinuation” of the mobile home park. Nonetheless, the appellant argues that the property was “maintained” during the period in which there were no mobile homes on the site and that the property owner planned on placing mobile homes back on the site.

Staff would note that all properties, whether in use or vacant, must maintain properties free from excessive weeds and debris per the City’s Nuisance Ordinance. The subject property was cleaned up between January to March of 2013 after the Carson City Code Enforcement Division received a complaint regarding weeds and debris on the property and issued a Notice of Violation to the property owner requiring the owner to clean up the property. The weeds and debris were cleaned up on the property and the case was closed by the Code Enforcement Division in March 2013. This activity on the site was specific to cleaning up the property regardless of the use on the property at the time and, arguably, may not have occurred during this specific time period but for the complaint and Code Enforcement intervention.

The appellant also notes the intent of the property owner to develop the mobile home park. Bids were received for work towards that end but, apparently, no work was actually initiated or completed (other than property cleanup). Nevada Supreme Court rulings regarding nonconforming uses have held that the intent to use a property for a nonconforming use does not substitute for actual use of the property in establishing a legal nonconforming use. Following are quotes from two Nevada Supreme Court rulings (provided from the Carson City District Attorney’s office, emphasis added):

As we have previously held, [the property owner’s] unequivocal intent to use the property in a particular way cannot substitute for actual use at the time a zoning ordinance is enacted, so as to establish a valid nonconforming use. Pederson v. County of Ormsby, 86 Nev. 895, 478 P.2d 152 (1970).

Respondent’s contention that the conditional use permit issued to the Paradise Shopping Center in 1963 runs with the land cannot establish more than compliance with prior zoning regulations. [The property owner] cannot convert intended use into actual use or establish compliance with the remaining requirements for qualification as a nonconforming use. Board of Clark County Comm’rs v. Excite Corp., 98 Nev. 153, 156-157 (Nev. 1982)

2) Notification of nonconforming use status. It is not the City’s legal responsibility to monitor all or any nonconforming properties to notify property owners at the first instance that such a use is deemed to be abandoned or discontinued; it is the property owner’s legal responsibility. Nor would it be practical for the City to attempt such monitoring. Requiring the City to inform a property owner when a nonconforming use has been abandoned would leave the ordinance ineffective in accomplishing its purpose to phase out nonconforming uses on properties and

transition to uses that comply with zoning. Property owners are legally responsible for complying with all applicable zoning ordinances whether they have actual knowledge of those ordinances or not.

Public comments: Since the writing of the Planning Commission staff report, two written public comments have been received by staff, one from an adjacent property owner in opposition of allowing the mobile home park to be reestablished at the site and one in favor of the appeal to reestablish the mobile home park.

Staff recommendation: Based on the discussion provided above and the information and supporting documentation originally included in the staff report to the Planning Commission, staff recommends that the Board of Supervisors uphold the Planning Commission's decision to uphold staff's decision and deny the appeal to allow the mobile home park to be reestablished under the current zoning of the property.

Please refer to the attached staff report to the Planning Commission for more information and specific dates regarding the mobile home park use on the subject property.

If you have any questions regarding this appeal, contact Lee Plemel at 283-7075 or lplemel@carson.org.



Mahe Law, Ltd.

808 West Nye Lane, Suite 204, Carson City, NV 89703

August 8, 2014



VIA HAND DELIVERY

Lee Plemel, AICP
Community Development Director
108 E. Proctor Street
Carson City, NV 89701

Re: Appeal of Carson City Planning Commission's Decision
Matter No. MISC-14-046, Abandonment of Nonconforming Use
Property Location: 3769 Reeves St. (APN 008-308-01)
Appellant's Name: The Flicka Group, LLC/Jeffrey Fleeman
Appellant's Address: c/o Mahe Law, Ltd.
808 W. Nye Lane, Suite 204,
Carson City, NV 89703
Appellant's Phone Number: 775-461-0992

Dear Mr. Plemel:

Please be advised that this office represents The Flicka Group, LLC ("Flicka Group") and Mr. Jeffrey Fleeman, the owner of real property in Carson City located at 3769 Reeves Street, APN 008-308-01 (the "Property"). This letter shall serve as an appeal, pursuant to Carson City Municipal Code ("CCMC") 18.02.060, of the entirety of the decision of the Carson City Planning Commission at its July 30, 2014 meeting on Matter No. MISC-14-046 regarding the Property and the alleged abandonment of the nonconforming use thereon.

In January, 2013, Mr. Jeffrey Fleeman purchased the Property¹, which was previously a bank foreclosure. Mr. Fleeman's intent in purchasing the property was to renovate and develop it from its then dilapidated condition to an improved mobile home park. A copy of an artist's depiction of the project, prepared as part of Mr. Fleeman's development efforts, is enclosed. At the time Mr. Fleeman purchased the property it was advertised as a mobile home park though it was, at that time, temporarily not being operated at the decision of the foreclosing lender. Mr. Fleeman did substantial research into the economic viability of the project and the types of units and landscaping which would be necessary to develop the Property. Shortly after purchasing the Property the main electrical panel, the transformer and all of the underground copper wire were stolen. The Flicka Group's insurance company denied coverage for the theft and an extended dispute between the Flicka Group and the insurance broker began, the resolution of which cost Mr. Fleeman thousands of dollars in legal fees. Obviously, the theft and the dispute regarding insurance for the theft delayed some of Mr. Fleeman's plans. Nonetheless, Mr. Fleeman continued

¹ Mr. Fleeman purchased the Property by purchasing the Flicka Group, the owner of the real property. The Flicka Group's only asset is the Property.

to take action to develop and maintain the Property, obtaining bids for landscaping and maintenance and hiring Cassinelli Landscape & Construction Co. ("Cassinelli") to begin clean-up on the site, to maintain the Property so that there was not excessive garbage or vegetation on the Property and to secure two existing sheds on the Property. Cassinelli was hired to complete work on the Property on more than one occasion. A copy of the Cassinelli estimate and bids are enclosed. Moreover, Mr. Fleeman solicited bids from electrical contractors, negotiated with mobile home dealers and communicated with the Nevada Department of Manufactured Housing to update ownership records and pay fees. A copy of the proposal received from Briggs Electric, Inc., one of the electrical contractors consulted by Mr. Fleeman, is enclosed. Mr. Fleeman has also hired Manhard Consulting to provide engineering work. Copies of the preliminary layouts prepared by Manhard Consulting are enclosed.

The Property is zoned Multi-Family Apartment ("MFA"). Nonetheless, since at least 1962, and prior to the adoption of zoning ordinances for the Property, the Property has been developed as a mobile home park. Accordingly, the Property is considered a legal nonconforming use pursuant to CCMC 18.04.030(1). To his surprise and despite his substantial and ongoing development of the Property, Mr. Fleeman was informed that the legal nonconforming use for the Property had expired. Apparently, though Mr. Fleeman had not received any notice, the Property had been deemed abandoned by the Carson City Planning Department beginning on June 20, 2012 and thus the nonconforming use was determined to expire on June 20, 2013. Five days after the nonconforming use was deemed to be expired, and one year and five days after the Carson City Assessor's Office had apparently determined that there were no units on the Property, the Planning Department gave notice to Mr. Jack Brower of Sperry Van Ness of the expiration. A copy of the June 25, 2014 email from Mr. Plemel to Mr. Brower is enclosed.

Mr. Fleeman had not abandoned the Property but had provided for ongoing maintenance and was in the process of renovating and developing the Property and would have willingly advised the Planning Department of his actions had he been notified that they had deemed the Property abandoned. The lack of notice of such pending expiration, for the entirety of the twelve months that such deadline was pending, certainly denied Mr. Fleeman due process. Moreover, the withdrawal of the legal nonconforming use status constitutes a taking of Mr. Fleeman's property rights since the cost of development of apartments on the Property greatly exceeds any potential profit thus prohibiting Mr. Fleeman from being able to develop the Property in any legal manner.

On May 30, 2014, Mr. Fleeman was advised by the Carson City Planning Department that they had determined the Property's legal nonconforming use status had expired and that, due to the lack of any previous notice, he could now file an appeal to the Planning Commission. A copy of the email from Susan Dorr Pansky to Mr. Fleeman is enclosed. Mr. Fleeman filed his appeal by letter received by the Carson City Planning Division on June 9, 2014. A copy of the Mr. Fleeman's correspondence is enclosed. At the July 30, 2014 Planning Commission meeting, Mr. Fleeman's appeal of the Planning Division decision was heard and the Planning Commission affirmed the Planning Division's decision and held that the Property had been abandoned and the legal nonconforming use had expired.

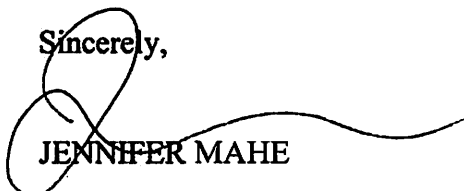
CCMC 18.04.030(3) states that “[a] lawful use of nonconforming land or buildings, which is operationally abandoned or discontinued for a period of 12 consecutive months or more shall not be resumed.” Specifically for the purposes of CCMC Title 18, Zoning, the term “abandoned” has been defined as follows: “means concerning a building or use, not having been developed or maintained for a stated period of time.” CCMC 18.03.010. Thus, pursuant to the Carson City Municipal Code a nonconforming use shall not be resumed if the use has not been developed or maintained for a period of twelve consecutive months.

In this case, Mr. Fleeman has certainly not failed to develop or maintain the use of the Property as a mobile home park. Instead he has been actively engaged in developing and maintaining the mobile home park use of the Property spending many hours and thousands of dollars in pursuit of his proposed renovation of the mobile home park. The Planning Commission takes the position that simply because the mobile home units were removed from the Property the use was abandoned pursuant to CCMC 18.04.030(3) despite the fact that the actual standard for abandonment is not related in any manner to the presence of units on the Property. The code provisions clearly provide that a use is not considered abandoned simply by the removal of a unit instead requiring that both development and maintenance of the use be terminated in order for a use to be abandoned. The concept of development is not as simple as the mere existence, or lack of existence, of a building or unit. Development involves substantial processes such as design and engineering of the project, preparation of maps and plans, review and possible upgrade of site utilities and actual construction, an entire conceptual process which is recognized as development by the Development Standards contained in the Carson City Municipal Code.

Not only did Mr. Fleeman not abandon the Property or its legal nonconforming use but Mr. Fleeman believes that his project and development of the Property will be a substantial benefit to Carson City. Rather than merely maintaining the existing neglected mobile home park, Mr. Fleeman proposes renovating the Property so that it is nicely landscaped and maintained with newer model mobile homes in good condition. Thus, the proposed renovation of the Property will have a beneficial effect on Carson City and the area surrounding the Property.

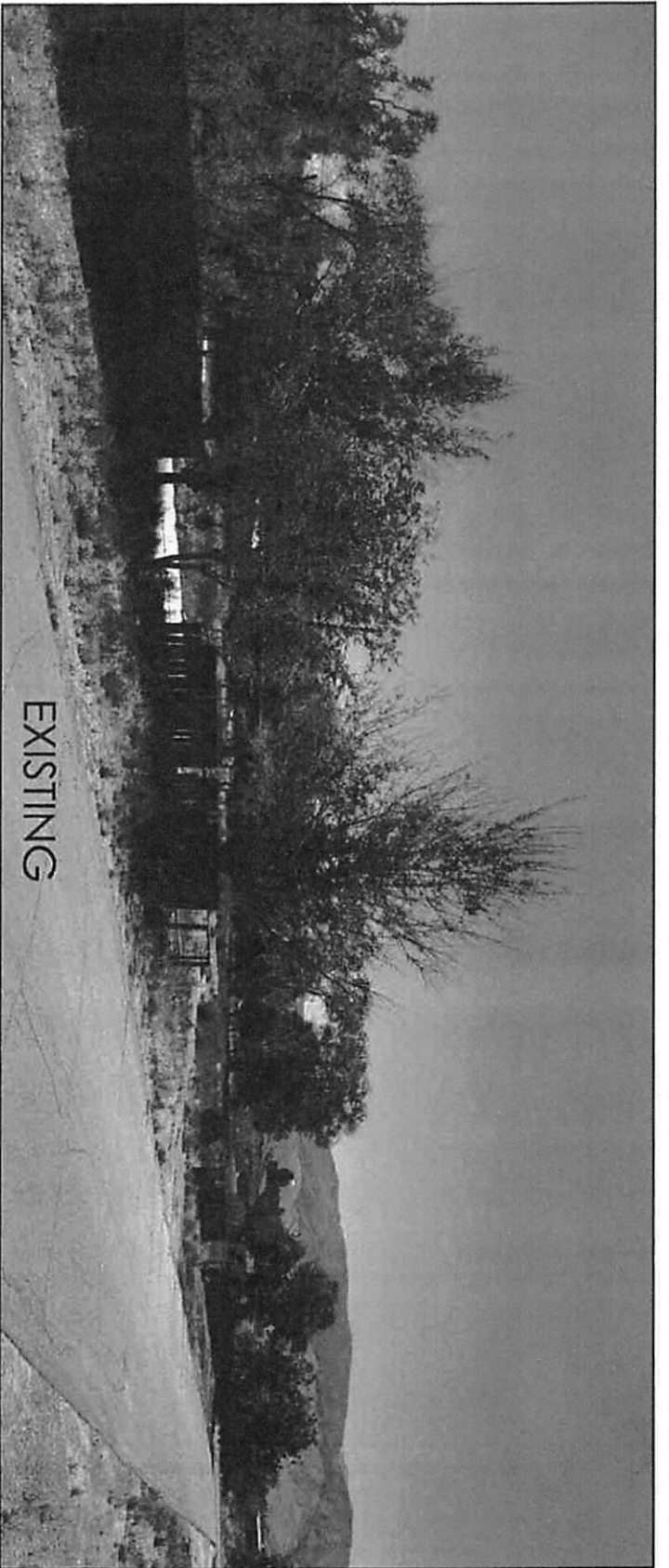
Based upon the applicable provisions of the Carson City Municipal Code, Mr. Fleeman’s ongoing development and maintenance activities and the benefit to the City, Mr. Fleeman respectfully requests that the decision of the Carson City Planning Commission be reversed and the status of the Property as a legal nonconforming use be reinstated.

Sincerely,



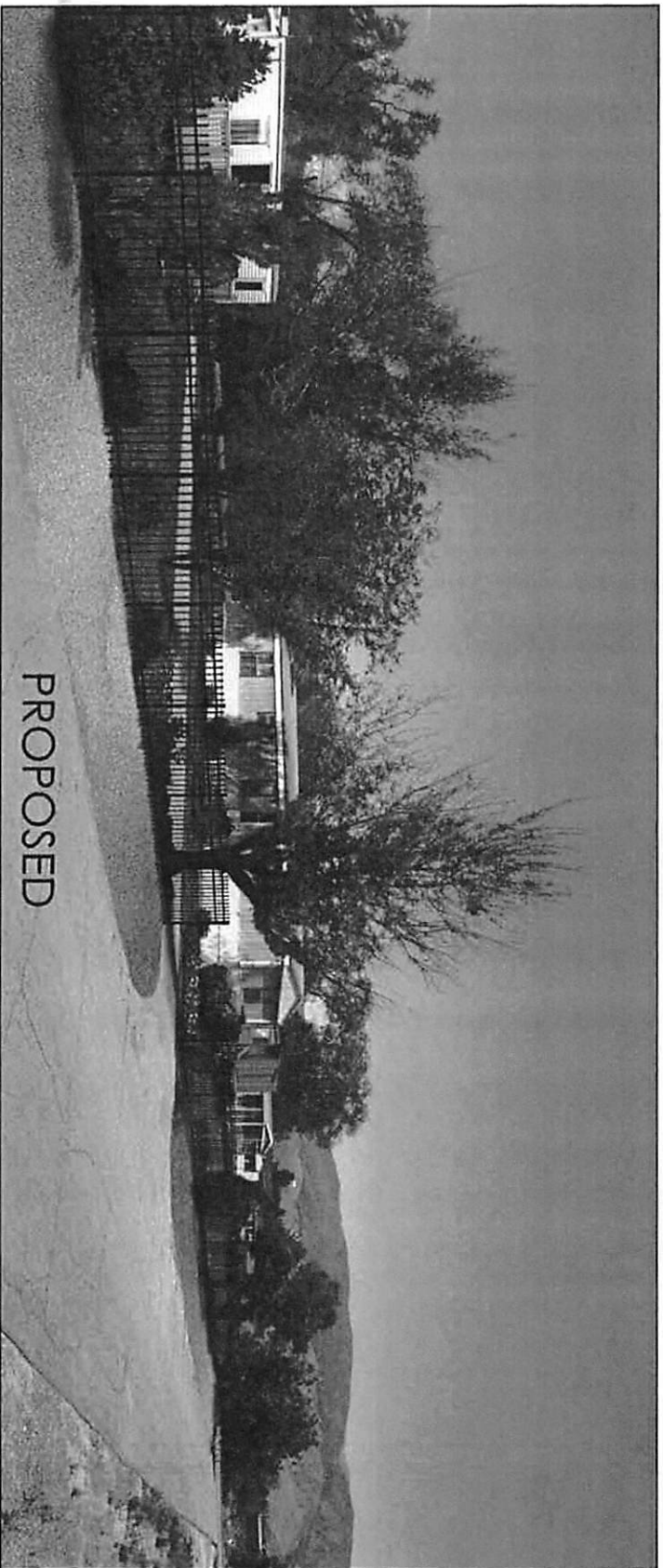
JENNIFER MAHE

Encls.
cc: Client



EXISTING

3769 Reeves Street, Carson City, Nevada



PROPOSED

Cassinelli Landscaping & Construction (Inc.) **Bid Estimate**

P.O. Box 21201
Carson City, NV 89721-1201

Date	Estimate #
1/25/2014	2670

Name / Address
Jeffrey Fleeman RE: 3769 Reeves St. Carson City, NV 89701

www.cassinellilandscaping.com

cassinellilscape@aol.com

775-882-6846

Fax # 775-246-0313

			Project
Description	Qty	Cost	Total
Tractor and Operator/Labor for general clean-up of site including brush-off majority of existing dried weeds on lot, pick up and haul-off 'loose' debris including existing trash, shopping cart(s), tires, blocks; furnish and install ply-wood covers over door/window openings of two (2) existing sheds on site. One-time clean-up based on condition as of 1/25/2014		1,248.00	1,248.00
NEVADA STATE CONTRACTOR LICENSES CLASS A, B-2, & C-10 # 53063, 53075, 53076 \$750,000.00 limit total. QUALITY WORK SINCE 1976.		Total	\$1,248.00

All bids include one year warranty. Bid may be withdrawn if not accepted within 30 days. To accept estimate, please call office at (775)882-6846. Thank you for the opportunity to bid this project!

Signature _____
John Cassinelli, President

Cassinelli Landscaping & Construction (Inc.) **Bid Estimate**

P.O. Box 21201
Carson City, NV 89721-1201

Date	Estimate #
3/4/2014	2688

Name / Address
Jeffrey Fleeman RE: 3769 Reeves St. Carson City, NV 89701

www.cassinellilandscaping.com

cassinellilscape@aol.com

775-882-6846

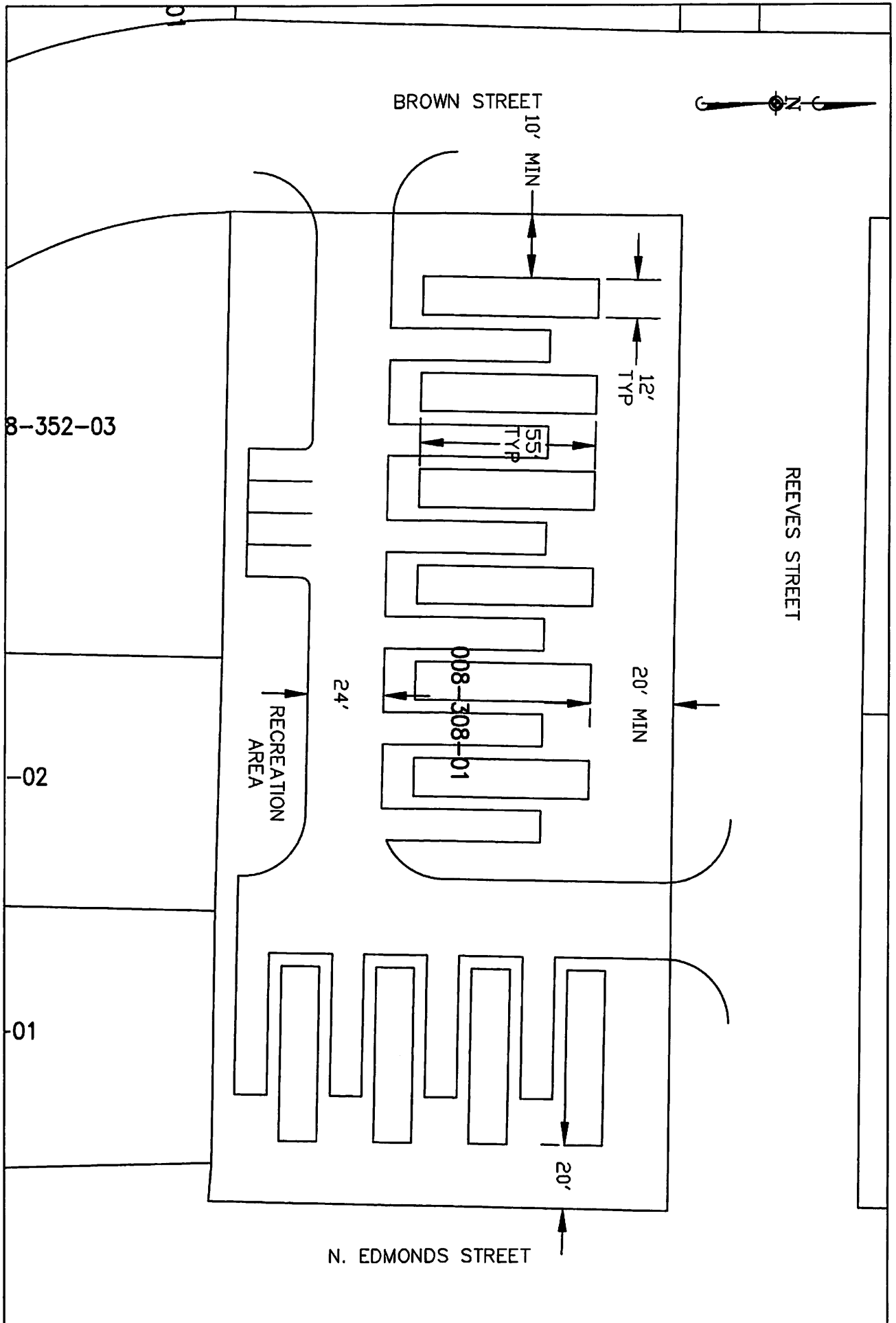
Fax # 775-246-0313

Description	Qty	Cost	Project
			Total
Install four (4) 2 5/8" x 8' galvanized metal fence posts set in concrete, attach to existing wooden fence along East end of property to shore-up existing falling fence sections.		840.00	840.00
One-time application of a pre-emergence herbicide to help prevent seed germination on site. Annual application recommended.		305.00	305.00
NEVADA STATE CONTRACTOR LICENSES CLASS A, B-2, & C-10 # 53063, 53075, 53076 \$750,000.00 limit total. QUALITY WORK SINCE 1976.		Total	\$1,145.00

All bids include one year warranty. Bid may be withdrawn if not accepted within 30 days. To accept estimate, please call office at (775)882-6846. Thank you for the opportunity to bid this project!

Signature _____
John Cassinelli, President





Susan Dorr Pansky

From: Lee Plemel
Sent: Tuesday, May 20, 2014 3:53 PM
To: Susan Dorr Pansky
Subject: FW: 3769 Reeves Street MHP

From: Lee Plemel
Sent: Tuesday, June 25, 2013 5:06 PM
To: 'browerj@svn.com'
Cc: Susan Dorr Pansky; Kathe Green; Kevin Gattis
Subject: 3769 Reeves Street MHP

Jack,

This email is to follow up on our phone conversation, per your request, regarding the status of the mobile home park at 3769 Reeves Street. The property is zoned MFA (Multi-Family Apartment). A mobile home park is a prohibited use in that zoning district, making the prior mobile home park a legal non-conforming use of the property. The Carson City Municipal Code (CCMC) 18.04.030(1) states that a legal non-conforming use may continue. However, CCMC 18.04.030(3) states: "A lawful use of nonconforming land or buildings, which is operationally abandoned or discontinued for a period of 12 consecutive months or more shall not be resumed."

The Carson City Assessor's office states that the last of the mobile home structures were removed before June 20, 2012, when Assessor's staff conducted a site inspection. No personal property taxes were paid for any mobile homes on the site for FY 2012/13, July 2012 through June 2013. This indicates that the mobile home park was operationally abandoned and discontinued before June 20, 2012.

Therefore, the mobile home park may not be resumed at 3769 Reeves Street without meeting current zoning requirements, which would include rezoning of the property to Mobile Home Park pursuant to CCMC 18.04.095 and obtaining approval of a Special Use Permit for the MHP.

If you have any questions regarding the permitted uses within the MFA zoning or questions regarding zoning applications, contact the Planning Division at 887-2180 to speak with a planner.

Regards,

Lee

Lee Plemel, AICP, Planning Director
Carson City Planning Division
108 E. Proctor St., Carson City, NV 89701
775-283-7075
lplemel@carson.org
www.carson.org/planning

From: Susan Dorr Pansky [mailto:SPansky@carson.org]
Sent: Friday, May 30, 2014 12:22 PM
To: Jeffrey Fleeman
Cc: Lee Plemel
Subject: Reeves Street Mobile Home Park

Mr. Fleeman – please see the attached documents related to Carson City staff's determination that the mobile home park on Reeves Street had been abandoned for more than 12 months and could not be continued. Because we did not inform you of your option to appeal the decision to the Planning Commission at that time, this will serve as your notification that you have the right to appeal our decision within 10 days of the receipt of this email, rather than within 10 days of the receipt of the original decision. I have also included instructions for filing an appeal should you choose to move forward with it. If you have additional information that you believe proves the use was not abandoned for more than 12 months, we would be happy to review it to determine whether our decision should be reconsidered before it is formally appealed. If you have any questions, let me know. Thank you.

Susan Dorr Pansky
Planning Manager
Carson City Community Development, Planning Division
108 E. Proctor Street
Carson City, NV 89701
Phone: 775.283.7076
Fax: 775.887.2278
spansky@carson.org
www.carson.org/planning

Jeffrey G. Fleeman

565 Connecticut Street, San Francisco, CA 94107

(415) 762-1010

May 5, 2014

Mr. Lee Plemel, AICP
Community Development Director
108 E. Proctor Street
Carson City, NV 89701



Dear Mr. Plemel and Ms. Pansky,

Thank you very much for allowing me to appeal the Planning Division's decision to rescind the special use permit that was previously in place for the mobile home park located at 3769 Reeves St. in Carson City.

I purchased this property in early January of 2013 as a bank foreclosure. The real estate broker represented the property as a temporarily non-operating business due to the decision of the foreclosing lender to shut it down during the re-possession and sales process. However, I was assured in very strong terms that the park could be brought back to operational status with a minimum of paperwork, and that in fact, the city would be happy to see it cleaned up and working again as an upgraded facility.

Therefore, I focused my investigation of the property on the business aspects...what the costs would be to bring the property into compliance with current standards and, most importantly, the strength of the market demand for such a project. The broker supplied me with lots of material confirming that if I landscaped the park, brought in good quality refurbished units of recent manufacture and installed other amenities such as play structures, etc., that the park could indeed be a viable business and provide much needed affordable housing for the area.

Unfortunately, almost immediately following the close of escrow the property was vandalized; the main electrical panel and transformer as well as all of the underground copper wiring was stolen, at a replacement cost of \$20,000 or more. To compound the problem, although the real estate broker had purchased an insurance policy on my behalf, she ordered a residential (instead of a commercial) policy and consequently the insurer refused to recognize the claim.

Discussions with the insurance broker took place over the next few months and during this period I was understandably reluctant to make any improvements to the property until I could feel confident that it wouldn't be vandalized again.



Briggs Electric, Inc.

5111 Convair Drive Carson City, Nevada 89706 (775) 887-9901 Fax 887-9454 NV C2-41943, B2-57351 CA C10-297836

PROPOSAL

March 8, 2012

Dan McCraw
3769 Reeves st
Carson City, Nv

Re: Mobile Home Park Vandalism Rewire

We respectfully submit the following proposal based upon the job walk and directives from a site visit with Dan McCraw. The proposal below is to provide a new power system to (10) mobile home spots and to the managers apartment. This is in direct replacement for the power distribution that was vandalized, stolen, and damaged. The new system is based upon all new local and national electric code that is required

SERVICE:

- **INSTALL NEW 600 AMP 120/208 3 PHASE MAIN POWER DISTRIBUTION PANEL**
- **INSTALL (12) METER SOCKETS WITH 100 AMP BREAKERS TO FEED EACH SPACE**
- **INSTALL (1) 100A LOAD CENTER FOR THE MANAGERS APARTMENT**

10 MOBILE HOME LOCATIONS:

- **INSTALL (1) NEW 100 AMP PEDISTAL WITH MAIN BREAKER AT EACH ONE OF THE (10) SPACES**
- **RUN NEW DIRECT BURRIED WIREING FROM THE MAIN SERVICE TO EACH NEW PEDISTAL**
- **NEW PEDISTALS WILL BE INSTALLED BACK TO BACK WITH IN SPACES TO SAVE ON WIRE AND TRENCHING**

MANAGER APT:

- **REWIRE MANAGER APARTMENT TO MEET LOCAL AND NATIONAL CODE**
- **REPLACE WIREING THAT WAS CUT AND REMOVED**
- **REPLACE LIGHT FIXTURES ON THE FRONT AND REAR OF THE BUILDING THAT WERE VANDELISED OR STOLEN**

Total Bid to Replace Electrical System\$ 26,650.00

ALTERNATE:

- **ADD (2) 1" PVC CONDUITS TO EACH PEDISTAL LOCATION FOR TV AND PHONE**

Total\$ 1,850.00



Clairification:

BEI Designed the system to meet the allowed calculation for the type of electrical system needed. Not knowing what the existing system actually was, we had to build it to suit the needs of the park.

BEI's price only includes what is listed above, Utility company fees and the cost to get the new power to that location is not included.

- Bonding cost, permit fees, plan check fees, and utility company fees
- Overtime, shift work, accelerated schedule

Briggs Electric has an Unlimited License. This proposal is valid for thirty (30) days.

Please contact me with any questions.

Sincerely,

Kenny McNutt
Service Manager
(775) 887-9901
kennym@briggselectric.com

ACCEPTANCE: _____ Date: _____

STAFF REPORT FOR PLANNING COMMISSION MEETING OF JULY 30, 2014

FILE NO: MISC-14-046

AGENDA ITEM: F-5

STAFF AUTHOR: Lee Plemel, Community Development Director

REQUEST: Action to consider an appeal of the Planning Division's determination that a mobile home park, formerly known as Mountain View Trailer Park, was operationally abandoned or discontinued for a period of more than 12 months and, therefore, the non-conforming use may not continue on the site without complying with current zoning requirements.

APPLICANT/OWNER: Jeffrey Fleeman / The Flicka Group LLC

ADDRESS: 3769 Reeves Street; APN 008-308-01

MASTER PLAN / ZONING: Mixed-Use Residential (Brown Street Specific Plan Area) / Multi-Family Apartment

RECOMMENDED MOTION: "I move to deny an appeal of the Planning Division's determination that the mobile home park located at 3769 Reeves Street, APN 8-308-01, was abandoned and affirm that the mobile home park use of the subject property was operationally abandoned or discontinued for a period of more than 12 months and may not be continued on the site without the appropriate zoning and permits for such use."



LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.060 (Appeals); 18.04.030 (Nonconforming Uses).

KEY ISSUES:

- Was the prior use of the property as a mobile home park operationally abandoned or discontinued for a period of more than 12 months?

DISCUSSION:

Carson City Municipal Code (CCMC) 18.04.030 (Nonconforming Uses), subsection 1 and 3 as applicable to this application, states:

1. *Continuation of Nonconforming Use. A lawful use of land or buildings not in conformance with the regulations herein prescribed, legally existing at the time of the adoption of the Carson City zoning ordinance, this title, or any amendment hereto, may be continued.*

3. *Abandonment of Nonconforming Use. A lawful use of nonconforming land or buildings, which is operationally abandoned or discontinued for a period of 12 consecutive months or more shall not be resumed.*

Per the definitions of CCMC 18.03:

"Abandoned" means concerning a building or use, not having been developed or maintained for a stated period of time.

"Nonconforming use means the legally created use of a building, structure, or land that does not conform to the regulations of the district in which the use exists and a use for which the property owner has proved that alleged violations are legal nonconformities. Failure to prove this means that alleged violations are illegal and subject to prosecution. Proof submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the zoning code then in effect."

The appellant has appealed Planning Division staff's decision that the use of the subject property as a mobile home park was operationally abandoned or discontinued for a period of more than 12 months and, therefore, may not be continued on the site without the appropriate zoning and permits for such use. Following is a timeline of events leading up to this appeal.

- The original construction year for the subject property is listed as 1962 in the Carson City Assessor's database. There is no Special Use Permit on file for the mobile home park that existed on the site, and it is presumed that the mobile home park was established legally prior to City zoning being established for the area. The mobile home park operated as a legal nonconforming use under City zoning ordinances.
- On June 20, 2012, the Carson City Assessor's office reported that the last three of the mobile homes that were on the subject site were no longer located on the property and had been taken to the landfill. As of this date, no mobile homes were on the site.
- On June 25, 2013, Planning Director Lee Plemel responded via email to a realtor associated with the property stating that City records indicate that the mobile homes were removed from the site and that no personal property taxes were paid on any mobile homes on the site for the 2012-13 fiscal year, from July 2012 through June 2013. The

email stated that the mobile park has been operationally abandoned or discontinued for a period of more than 12 months and may not be resumed without meeting current zoning requirements, including rezoning the property appropriately for a mobile home park.

- On October 21, 2013, at the request of the State Division of Manufactured Housing, the Planning Division sent a letter to the Division affirming that the mobile home park use had been operationally abandoned or discontinued for a period of more than 12 months and could not be resumed without meeting current zoning requirements.
- On May 30, 2014, at the advice of the Carson City District Attorney's office, Planning Division staff informed the appellant of his right to appeal the Planning Division's decision regarding the abandonment of the nonconforming use. Although it had been months since the appellant received actual notification of staff's determination on the status of the property, staff gave the appellant 10 days from the date of this notice in which to file an official appeal per the time requirements of the Carson City Municipal Code.
- On June 9, 2014, the Planning Division received the appeal from Mr. Fleeman regarding the nonconforming status of the property.

Per the Carson City Municipal Code (CCMC) 18.02.060 (Appeals), decisions of the Planning Division Director may be appealed to the Planning Commission. The Planning Commission may affirm, reverse, or modify the Director's decision.

The issue for the Planning Commission to determine is whether or not the Planning Division erred in determining that the mobile home park had been "operationally abandoned or discontinued" per the provisions of CCMC 18.04.030 (Nonconforming Uses).

The general purpose of the Nonconforming Uses provision of the CCMC is to allow uses that do not comply with current zoning requirements to continue while bringing properties into conformance with current zoning requirements where those uses are abandoned. The period of inoperation of a legal-nonconforming use on a property is intended to allow a reasonable period of time for a use to be reestablished legally on a site without allowing that nonconforming use indefinitely.

The subject property is zoned Multi-Family Apartment (MFA), which does not allow the development of a mobile home park. Therefore, once the mobile home park is operationally abandoned or discontinued for more than 12 months, any new use on the property must comply with the MFA zoning requirements or the zoning must be changed to accommodate a proposed use. A mobile home park is a prohibited use within the MFA zoning district.

Based on the evidence submitted above and attached to this staff report, staff believes that the use of the property as a mobile home park was "operationally abandoned" and "discontinued" for a period of more than 12 months, as of June 2012 or possibly sooner. Staff can verify that there were no mobile homes on the site on June 20, 2012, and no improvements were done since that time in preparation of the placement of any new mobile homes.

Therefore, staff recommends that the Planning Commission uphold the Planning Division's determination that the legal-nonconforming status of a mobile home park use on the subject site has expired and may not be reinstated unless the property is rezoned appropriately for the use and all applicable zoning approvals are obtained.

This action does not prevent the property owner from submitting an application to rezone the property and applying for a Special Use Permit to develop a new mobile home park on the site. Any application for a rezoning would come to the Planning Commission for a recommendation and to the Board of Supervisors for final decision, and such an application would be considered on its merits. However, it is not the purpose of this item to determine whether or not a mobile home park is an appropriate and compatible use of the property, only to determine whether or not the mobile home park use was operationally abandoned or discontinued for more than 12 months.

The Planning Commission's decision on this appeal may be appealed to the Board of Supervisors within 10 days of the Planning Commission's decision. Any appeal must be submitted to the Planning Division.

PUBLIC COMMENTS:

Public notices were mailed to 36 property owners within 300 feet of the subject property pursuant to the provisions of NRS and CCMC. No comments were received prior to the completion of the staff report packet for the Planning Commissioners. Any comments that are received after this report is complete 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:

No comments have been received from other city departments.

Attachments:

- 1) Letter of appeal and supporting material
- 2) Email from Planning Division indicating the ability to appeal staff's decision
- 3) Letter to State Manufactured Housing with supporting Assessor's data
- 4) Aerial photo of property from 2010
- 5) Aerial photo of property from November 16, 2013
- 6) Current Assessor's property information for the parcel

Jeffrey G. Fleeman

565 Connecticut Street, San Francisco, CA 94107

(415) 762-1010

May 5, 2014

Mr. Lee Plemel, AICP
Community Development Director
108 E. Proctor Street
Carson City, NV 89701



Dear Mr. Plemel and Ms. Pansky,

Thank you very much for allowing me to appeal the Planning Division's decision to rescind the special use permit that was previously in place for the mobile home park located at 3769 Reeves St. in Carson City.

I purchased this property in early January of 2013 as a bank foreclosure. The real estate broker represented the property as a temporarily non-operating business due to the decision of the foreclosing lender to shut it down during the re-possession and sales process. However, I was assured in very strong terms that the park could be brought back to operational status with a minimum of paperwork, and that in fact, the city would be happy to see it cleaned up and working again as an upgraded facility.

Therefore, I focused my investigation of the property on the business aspects...what the costs would be to bring the property into compliance with current standards and, most importantly, the strength of the market demand for such a project. The broker supplied me with lots of material confirming that if I landscaped the park, brought in good quality refurbished units of recent manufacture and installed other amenities such as play structures, etc., that the park could indeed be a viable business and provide much needed affordable housing for the area.

Unfortunately, almost immediately following the close of escrow the property was vandalized; the main electrical panel and transformer as well as all of the underground copper wiring was stolen, at a replacement cost of \$20,000 or more. To compound the problem, although the real estate broker had purchased an insurance policy on my behalf, she ordered a residential (instead of a commercial) policy and consequently the insurer refused to recognize the claim.

Discussions with the insurance broker took place over the next few months and during this period I was understandably reluctant to make any improvements to the property until I could feel confident that it wouldn't be vandalized again.

Meanwhile, I did (several times) have garbage and overgrown vegetation removed from the property in response to requests from the City.

I also received a couple of communications from the Nevada Department of Manufactured Housing during the early months of 2013 requesting that I fill out some forms pertaining to the change of ownership, etc. However it wasn't until I got an email (copy enclosed) from them on August 13, 2013 informing me that I was delinquent on fees that were due at the end of July that I began to suspect that there might be additional problems with property.

I called to inquire why I owed fees on a non-operational facility and they told me that according to their records, the park was still listed as a functioning entity. They said they would review their records and aerial photos as well as check with the City. After a series of conversations over the ensuing several months, they determined that, in fact, the park was not functioning at that time and hadn't been since June of 2012.

This resolved the fee issue but I was still unaware of the zoning problem until I subsequently listed the property for sale with Jack Brower of Sperry Van Ness Realty (I had lost my enthusiasm for the project and just wanted to get my money out and move on). His investigations showed that the conditional use permit for the property had expired due to non-use on June 20, 2013, although I was never notified of the impending permit revocation. Needless to say, this came as a something of a shock.

I then tried to sell the property for a use that would be compatible with the current underlying zoning, i.e., multi-family, but as you can see from the enclosed email from a real estate broker, the achievable rents in the area are so low that the property has little value for this use. In fact, I was told that an investment of that type in this area makes no sense at the moment even if the land were free.

If the Planning Commission would allow me to reinstate the conditional use permit, or if required, to re-zone the property to a category which would allow me to rehabilitate and operate the property as a mobile home park, I am prepared to do so immediately and to comply with any standards that they might impose. I believe that Carson City would be better served by an attractive and well-maintained mobile home park on the site as opposed to a *de facto* community garbage dump and drug marketplace, which is apparently what the property is being used for now.

Respectfully,


Jeffrey Fleeman

Jeffrey Fleeman

From: dan@millardrealty.com
Sent: Friday, November 1, 2013 4:07 PM
To: Jeffrey Fleeman
Subject: Reeves

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff,
The buyers are not going forward on the Reeves purchase. The reason they gave was the rents were too low for the investors.

Dan

Dan McCraw, LUTCF
Millard Realty & Construction
1885 E Long Street
Carson City, NV 89706
Main office (775) 882-5000
Fax (775) 882-1618
Cell (775) 691-6682
Email: dan@millardrealty.com
www.MillardRealty.com

Empire Ranch Golf Course & Mallards Restaurant
(775) 885-2100
Plaza Hotel & Event Center
(775) 883-9500

Jeffrey Fleeman

From: Diane E. OConnor <deoconnor@mhd.state.nv.us>
Sent: Tuesday, August 13, 2013 9:56 AM
To: Jeffrey Fleeman; 'Mountain View MHP Reeves (murphynv@yahoo.com)'
Subject: Delinquent Annual Report and Fees - Mountain View MHP (Reeves)

This email is to notify you that the Division has not received your Annual Report and Fees that were due on July 31st.

According to the US Post Office, the certified package was delivered to you on June 28, 2013.

Please return the properly completed annual report, along with a check for the fees and including the 50% penalty, so that it is received by the Division no later than August 16, 2013, to avoid additional fines.

Please feel free to contact this office if you need assistance.

Diane E. O'Connor

Program Officer II

1535 Old Hot Springs Rd., Suite #60

Carson City, NV 89706

Main: (775) 687-2060

Direct: (775) 687-2063

Fax: (775) 687-5521

www.mhd.state.nv.us

The mission of the Manufactured Housing Division is to protect the interests of the manufactured housing industry and owners or occupants of manufactured homes and commercial structures.

Lee Plemel

From: Susan Dorr Pansky
Sent: Friday, May 30, 2014 12:22 PM
To: 'jeff@hailegroup.com'
Cc: Lee Plemel
Subject: Reeves Street Mobile Home Park
Attachments: Reeves Mobile Homes.pdf; Reeves St MHP 10.21.13.pdf; Major Project Review combined.pdf; MHP.18.04.pdf; MHP.Aerial 2010.pdf; MHP.Div 10.pdf; MHP.Master Plan.pdf; Plemel re Reeves MHP 6.25.13.pdf; Plemel re Reeves MHP 7.26.13.pdf; Zoning Map Amendment combined.pdf; Appeal Filing Procedures NEW ADDRESS.pdf

Mr. Fleeman – please see the attached documents related to Carson City staff's determination that the mobile home park on Reeves Street had been abandoned for more than 12 months and could not be continued. Because we did not inform you of your option to appeal the decision to the Planning Commission at that time, this will serve as your notification that you have the right to appeal our decision within 10 days of the receipt of this email, rather than within 10 days of the receipt of the original decision. I have also included instructions for filing an appeal should you choose to move forward with it. If you have additional information that you believe proves the use was not abandoned for more than 12 months, we would be happy to review it to determine whether our decision should be reconsidered before it is formally appealed. If you have any questions, let me know. Thank you.

Susan Dorr Pansky
Planning Manager
Carson City Community Development, Planning Division
108 E. Proctor Street
Carson City, NV 89701
Phone: 775.283.7076
Fax: 775.887.2278
spansky@carson.org
www.carson.org/planning



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

October 21, 2013

Mr. Jim Lynn, Compliance Investigator
Nevada Manufactured Housing Division
1535 Old Hot Springs Road, #60
Carson City, NV 89706

RE: Reeves Mobile Home Park
3769 Reeves Street, APN 008-308-01

Dear Mr. Lynn:

Per your request, this letter shall serve as a written confirmation of our phone conversation regarding the status of the mobile home park formerly located at 3769 Reeves Street in Carson City, Nevada, APN 008-308-01.

The subject property is located in the Brown Street Specific Plan Area detailed in the adopted Carson City Master Plan and is zoned Multi-Family Apartment (MFA). A mobile home park is a prohibited use in this zoning district, but the prior mobile home park was considered a legal non-conforming use while it was operational. Per Carson City Municipal Code, Section 18.04.030, a legal non-conforming use may continue, however if the non-conforming use is operationally abandoned or discontinued for a period of 12 consecutive months or more, the use may not be resumed.

According to the Carson City Assessor's Office records, a reappraisal site visit was conducted by their staff on June 20, 2012. At that time, the appraiser noted that the last three mobile homes had been moved from the site, then deactivated the personal property accounts as noted on the three attachments.

Because more than 12 consecutive months have passed since the mobile home park was operational, the use may not be resumed on the subject property without meeting current zoning requirements. This includes obtaining approval of both a zone change to Mobile Home Park pursuant to Carson City Municipal Code, Section 18.04.095, and a Special Use Permit for the mobile home park.

If you have any questions, please feel free to contact me at (775) 283-7076 or via email at spansky@carson.org. Thank you.

Sincerely,
Community Development, Planning Division

Susan Dorr Pansky
Planning Manager

cc: Lee Plemel, Community Development Director
Dave Dawley, Assessor

Attachments:
Assessor's Records for Reeves Street Mobile Home Units Nos. 2, 10, and 12

(F6=All Owners)

Ownership Assessed Owner Legal Owner (if Different)
Name..... YSLAVA, DANIEL YSLAVA, DANIEL
Mail Address.. PO BOX 2948 3085 KENTRIDGE DR
Add'l Owners
City, State. CARSON CITY, NV SAN JOSE, CA
Zip..... 89702-2948 Confidential. _ (X) 95133
Business Type. _____ New Business... _ (X)
Account Description & 1st Set of User-defined Fields (Page Fwd/Back)
Account Type..... MOBILE HOMES Group: M Force: Label.. _
Location..... 3769 REEVES MT #12 Card/Aff (C/A) _
Secured/Unsecured... U (S/U) Parcel #.... _____ Tie to O/R Data (X) _
Re-appraisal Group.. 00 Factoring Group..... 00 Deact Date.. 6/20/12
Re-appraisal Year... 0000 Deactivation Code... 21 DESTROYED
Declaration Sent.... _____ Returned... _ _____
Demand Letter Sent.. _ (X) DA's Letter.. _ (X) Processed.. _ _____
Declaration Extension Date..... _____
Local Phone Number MH MOVED TO LANDFILL
Misc Notes _____

- F4=List Types
- F5=Address Change History
- F9=Scan >/< >
- F10=Other Func
- F12=Cancel
- F14=Prop Desc
- F15=Improvements
- F16=Misc Notes
- F17=Factoring History
- F20=Tax Years
- F23=Exemptions

Account # MH 001094
Last Updated 06/20/12 By CMACHADO

PP0100B

(F6=All Owners)

Ownership	Assessed Owner	Legal Owner (if Different)
Name.....	<u>YSLAVA, DANIEL</u>	<u>BLOOM, RORY</u>
Mail Address..	<u>PO BOX 2948</u>	<u>3769 REEVES ST #10</u>
Add'l Owners		
City, State.	<u>CARSON CITY, NV</u>	<u>CARSON CITY, NV</u>
Zip.....	<u>89702-2948</u> Confidential. <input type="checkbox"/> (X)	<u>89701</u>
Business Type. _____		New Business... <input type="checkbox"/> (X)
Account Description & 1st Set of User-defined Fields		(Page Fwd/Back)
Account Type.....	<u>MOBILE HOMES</u>	Group: M Force: Label.. <input type="checkbox"/>
Location.....	<u>3769 REEVES MT #10</u>	Card/Aff (C/A) <input type="checkbox"/>
Secured/Unsecured...	<u>U</u> (S/U) Parcel #.... _____	Tie to O/R Data (X) <input type="checkbox"/>
Re-appraisal Group..	<u>00</u> Factoring Group..... <u>00</u>	Deact Date.. <u>6/20/12</u>
Re-appraisal Year...	<u>0000</u> Deactivation Code... <u>21</u>	<u>DESTROYED</u>
Declaration Sent....	_____	Returned... <input type="checkbox"/>
Demand Letter Sent..	<input type="checkbox"/> (X) DA's Letter.. <input type="checkbox"/> (X)	Processed.. <input type="checkbox"/>
	Declaration Extension Date..... _____	
	Local Phone Number	<u>MOVED TO LANDFILL</u>
	Misc Notes	_____

F4=List Types	F5=Address Change History	F14=Prop Desc	F15=Improvements
F9=Scan >/< ≥	F10=Other Func	F12=Cancel	F20=Tax Years
F16=Misc Notes	F17=Factoring History	F23=Exemptions	

Account # MH 020259
Last Updated 06/20/12 By CMACHADO

PP0100B

(F6=All Owners)

Ownership ----- Assessed Owner ----- Legal Owner (if Different)
Name..... YSLAVA, DANIEL DUNBAR, BETTY
Mail Address.. PO BOX 2948 3769 REEVES ST #2
Add'l Owners _____
City, State. CARSON CITY, NV CARSON CITY, NV
Zip..... 89702-2948 Confidential. _ (X) 89701
Business Type. _____ New Business... _ (X)
Account Description & 1st Set of User-defined Fields (Page Fwd/Back)
Account Type..... MOBILE HOMES Group: M Force: Label.. _
Location..... 3769 REEVES MT #02 12/94 Card/Aff (C/A) _
Secured/Unsecured... U (S/U) Parcel #.... _____ Tie to O/R Data (X) _
Re-appraisal Group.. 00 Factoring Group..... 00 Deact Date.. 6/20/12
Re-appraisal Year... 0000 Deactivation Code... 21 DESTROYED
Declaration Sent.... _____ Returned... _
Demand Letter Sent.. _ (X) DA's Letter.. _ (X) Processed.. _
Declaration Extension Date..... _____
Local Phone Number MOVED TO LANDFILL
Misc Notes _____

F4=List Types F5=Address Change History
F9=Scan >/< ≥ F10=Other Func F12=Cancel F14=Prop Desc F15=Improvements
F16=Misc Notes F17=Factoring History F20=Tax Years F23=Exemptions

Reeves Street MHP 2010



Fri Jul 26 2013 04:09:15 PM



November 16, 2013 Aerial Photo

Print Date: 07/10/2014
Image Date: 11/16/2013
Level: Neighborhood



CARSON CITY

Capital of Nevada

[Assessor Home](#)
[Personal Property](#)
[Sales Data](#)
[Secured Tax Inquiry](#)
[Recorder Search](#)

Parcel Detail for Parcel # 008-308-01

Location	
Property Location 3769 REEVES ST	
Town	Add'l Addresses
Subdivision SCHWARTZ Lot 16 Block 3	
Property Name MOUNTAIN VIEW TRAILER PARK	Legal Description

Ownership	
Assessed Owner Name THE FLICKA GROUP LLC	
Mailing Address 565 CONNECTICUT ST	Ownership History
SAN FRANCISCO, CA 94107-0000	
Document History	
Legal Owner Name THE FLICKA GROUP LLC	
Vesting Doc#, Date 428937 12/06/12	Book/Page /
Map Document #s	

Description		
Total Acres 1.000	Square Feet 0	
Ag Acres .000	W/R Acres .000	
Improvements		
Single-fam Detached 1	Non-dwell Units 1	Bdrm/Bath 11.75
Single-fam Attached 0	MH Hookups 11	Stories 1.0
Multi-fam Units 0	Wells 0	
Mobile Homes 0	Septic Tanks 0	
Total Dwelling Units 1	Bldg Sq Ft 320	
Improvement List	Garage Sq Ft 0	Attch/Detch
Property Costing Estimates	Basement Sq Ft 0	Finished 0

Appraisal Classifications	
Current Land Use Code 350	Code Table
Zoning MFA SPA	
Re-appraisal Group 4	Re-appraisal Year 2011
Orig Constr Year 1962	Weighted Year

Assessed Valuation			
Assessed Values	2014-15	2013-14	2012-13
Land	21,954	21,954	27,443
Improvements	7,734	7,559	7,356
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	29,688	29,513	34,799
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

Taxable Valuation			
Taxable Values	2014-15	2013-14	2012-13
Land	62,726	62,726	78,409
Improvements	22,097	21,597	21,017
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Taxable Value	84,823	84,323	99,426
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

[Back to Search List](#)

late into 1-3

MORTENSON & RAFIE

ATTORNEYS AT LAW
a limited liability partnership

DARIUS F. RAFIE, ESQ.
PETER B. MORTENSON, ESQ.
KILEY N. LUTHER, ESQ.

TEL: (702) 363-4190 FAX: (702) 363-4107

10781 WEST TWAIN AVENUE
LAS VEGAS, NEVADA 89135

July 28, 2014

Jeffrey Fleeman
Managing Member, Flicka Group, LLC
565 Connecticut St.
San Francisco, CA 94107

Re: Carson City Planning Department File No: MISC-14-046

Dear Mr. Fleeman:

This letter is in response to your request that I review the legal issues pertaining to the Planning Division's determination that the mobile home park located at 3769 Reeves Street, Carson City, Nevada was operationally abandoned or discontinued for a period of more than 12 months and therefore your present non-conforming use of the property must cease. It is my opinion that your appeal should be granted because:

1. The property has not been abandoned for a period of 12 months pursuant to the plain meaning of the CMCC 18.04.030.
2. The Planning Division has failed to demonstrate when the 12 month period commenced and/or expired and failed to provide timely notice that the non-conforming use was under review and/or deemed to have been abandoned.
3. The steps the Flicka Group and you have taken clearly constitute maintenance and development of the property.
4. It is in the best interest of the community that the property continue to be developed and provide affordable housing for the residents of the community.

That a mobile home park is not a conforming use under the current zoning designation of Multi-Family (MFA) is not at issue. The real question is whether this previously grandfathered use (which was allowed from the early 1960's until extinguished last year by an administrative ruling from the Carson City Planning Department) was actually abandoned. CCMC 18.04.030 section 3 governs the Abandonment of Nonconforming Uses and states:

A lawful use of nonconforming land or buildings, which is operationally abandoned or discontinued for a period of 12 consecutive months or more, shall not be resumed.

Per the definitions of CCMC 18.03:

“Abandoned” means concerning a building or use, not having been developed or Maintained for a stated period of time.”

Thus, in order for the property’s status as a nonconforming use to be discontinued, the property must be “abandoned” for a period of 12 months. Although, the Planning Department claims that the property has been abandoned for a period of 12 months, it has provided no specification as to when this so called abandonment began to run or when it expired.

The only date the Planning Division seems to indicate is June 20, 2012, the date that the Carson City Assessors office reported that the mobile homes were no longer located on the property. One year and five days after receiving notice from the City Assessors office, the Community Development Director, Lee Plemel, wrote an e-mail to a local realtor stating that the mobile home park had been operationally abandoned or discontinued for a period of more than 12 months. Notably, there was no notice to the owner of record of the property before June 25, 2013.

You purchased the property in January 2013, just six months after the June 20, 2012 date. Obviously, your intention was to renovate the park and provide affordable housing. Unfortunately, the park was vandalized almost immediately after it was purchased: the main electrical panel, transformer, and all underground copper wiring was stolen. Understandably, the vandalism coupled with the complications that arose due to misclassification of insurance coverage caused delay in the project.

While attempting to resolve the insurance and vandalism issues you continued to maintain the property by having garbage and over-grown vegetation removed on a number of separate occasions. Ultimately the insurance coverage issue was resolved and quotes were obtained to remedy the damage. The pendency of this zoning issue has prevented the implementation of the repairs though the property continues to be maintained.

Given these facts it is clear that your property doesn’t fall within the CCMC’s definition of abandonment. Your actions removing garbage, vegetation, and attempting to renovate the mobile home park constitute developing and maintaining the property. Thus, the property was not “abandoned” by the clear meaning of the statute and the property should maintain its status as a pre-existing nonconforming use as a mobile home park.

Furthermore, pursuant to the records there is no evidence that the owner of record was provided with notice of expiration of the nonconforming use designation, either before or after the event. Even the Nevada Department of Manufactured Housing, which tracks the status of mobile home parks in order to collect annual fees, was under the impression that the facility at 3769 Reeves St. was in compliance.

The only evidence that the Division gave any notice to the owner of record of the property was an e-mail sent from the Planning Division on May 30, 2014, informing you of the staff’s determination that the mobile home park had been abandoned for over a year. In that correspondence the Planning Division acknowledged that it had not given any notice of its

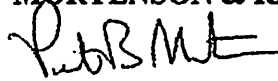
determination and therefore allowed you to make this appeal. This appears to be a clear violation of your due process rights as a property owner in Nevada.

The City should have provided timely notice to the property owner that the legal status of his property was under review and subject to revocation by a certain date, absent specific actions by the owner. Given your after-the-fact notification, it is reasonable that the City should provide a grace period which takes into account the intervening vandalism which caused delay in your renovation and further development of the property.

Should you have any questions, we may be reached at your earliest convenience.

Sincerely,

MORTENSON & RAFIE, LLP

A handwritten signature in black ink, appearing to read "Peter B. Mortenson". The signature is stylized and written in a cursive-like font.

Peter B. Mortenson, Esq.

LUTE LVIU 5-3

Cassinelli Landscaping & Construction (Inc.)
 P.O. Box 21201
 Carson City, NV 89721-1201

Bid Estimate

Date	Estimate #
1/25/2014	2670

Name / Address
Jeffrey Fleeman RE: 3769 Reeves St. Carson City, NV 89701

www.cassinellilandscaping.com
 cassinellilscape@aol.com
 775-882-6846
 Fax # 775-246-0313

Project

Description	Qty	Cost	Total
Tractor and Operator/Labor for general clean-up of site including brush-off majority of existing dried weeds on lot, pick up and haul-off 'loose' debris including existing trash, shopping cart(s), tires, blocks; furnish and install ply-wood covers over door/window openings of two (2) existing sheds on site. One-time clean-up based on condition as of 1/25/2014		1,248.00	1,248.00
NEVADA STATE CONTRACTOR LICENSES CLASS A, B-2, & C-10 # 53063, 53075, 53076 \$750,000.00 limit total. QUALITY WORK SINCE 1976.		Total	\$1,248.00

All bids include one year warranty. Bid may be withdrawn if not accepted within 30 days. To accept estimate, please call office at (775)882-6846. Thank you for the opportunity to bid this project!

Signature _____
 John Cassinelli, President

From: cassinelliscape@aol.com
Sent: Tuesday, March 04, 2014 9:36 AM
To: Jeffrey Fleeman
Subject: Estimate from Cassinelli Landscaping & Construction Inc.
Attachments: Est_2688_from_Cassinelli_Landscaping_Construction_Inc_4800.pdf

Mr Fleeman :

Please review the estimate for the additional items below. Per our discussion, this is to shore up the fallen fence on the East side of the property. The fence along the South side along the apartments is missing several sections, but would probably need full replacement at some point, by a fence contractor. The second item is to apply a pre emergence herbicide to help control weed growth. With no fence on the West and North sides, it may not be worthwhile to repair the fences until the property is developed further. (the fences don't keep anyone out) Feel free to contact me if you have any questions.

We look forward to working with you.

Sincerely,

John Cassinelli, President/CEO

Cassinelli Landscaping & Construction Inc.

Cassinelli Landscaping & Construction (Inc.)
P.O. Box 21201
Carson City, NV 89721-1201

Bid Estimate

Date	Estimate #
3/4/2014	2688

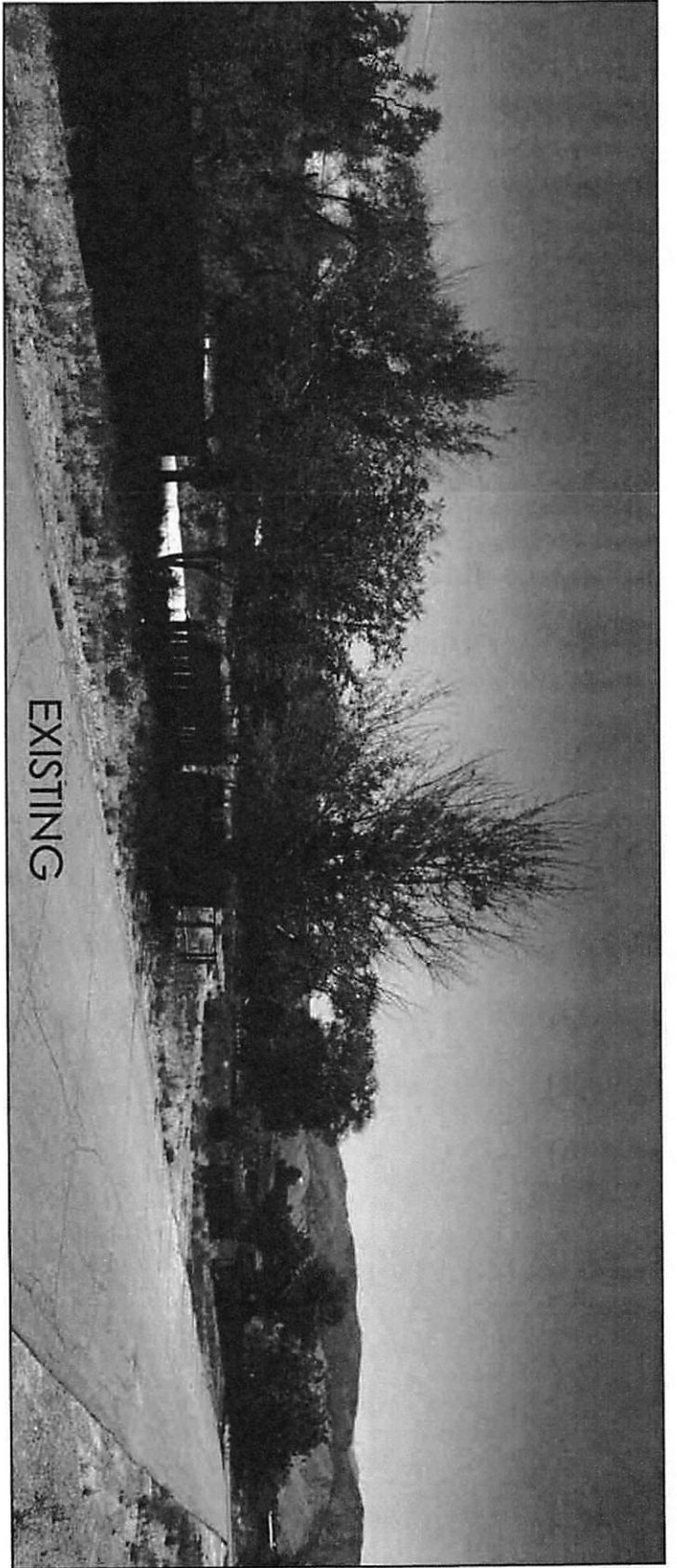
Name / Address
Jeffrey Fleeman RE: 3769 Reeves St. Carson City, NV 89701

www.cassinellilandscaping.com
cassinellilscape@aol.com
775-882-6846
Fax # 775-246-0313

			Project
Description	Qty	Cost	Total
Install four (4) 2 5/8" x 8' galvanized metal fence posts set in concrete, attach to existing wooden fence along East end of property to shore-up existing falling fence sections.		840.00	840.00
One-time application of a pre-emergence herbicide to help prevent seed germination on site. Annual application recommended.		305.00	305.00
NEVADA STATE CONTRACTOR LICENSES CLASS A, B-2, & C-10 # 53063, 53075, 53076 \$750,000.00 limit total. QUALITY WORK SINCE 1976.		Total	\$1,145.00

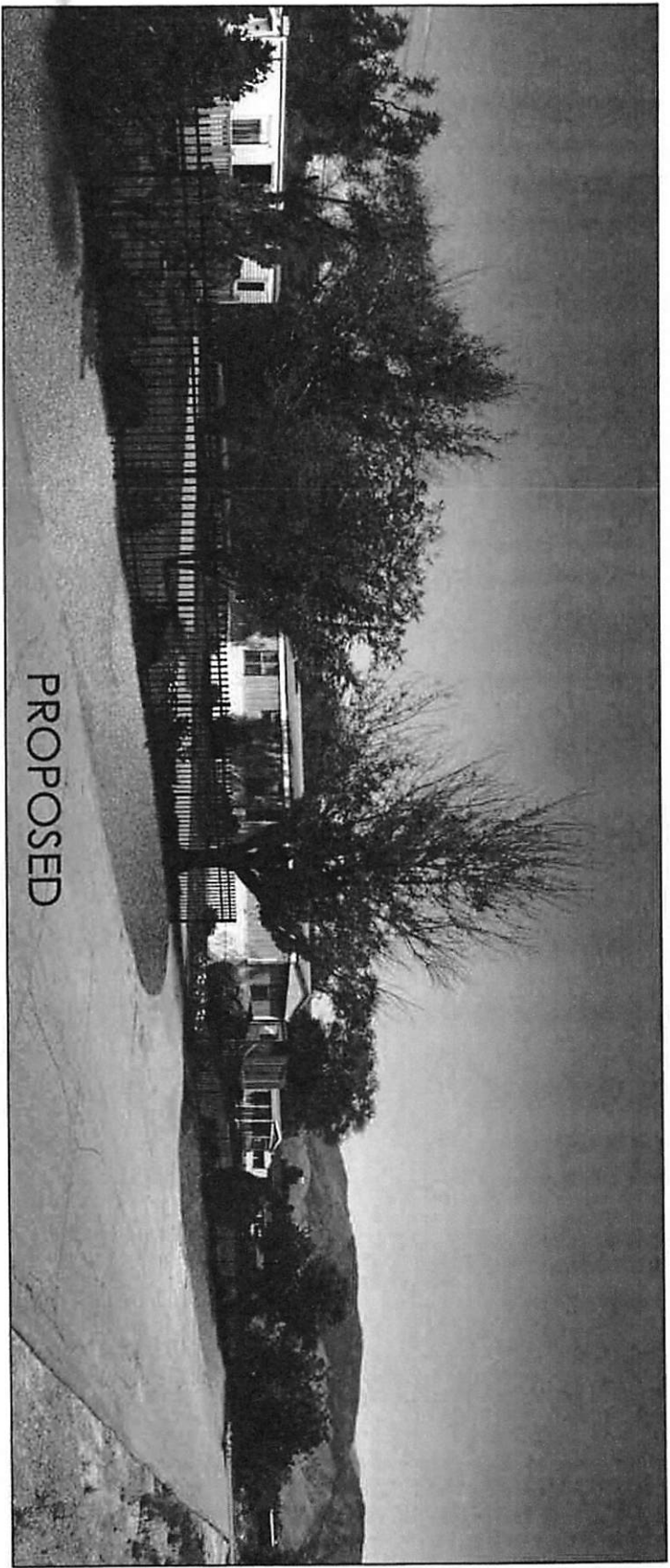
All bids include one year warranty. Bid may be withdrawn if not accepted within 30 days. To accept estimate, please call office at (775)882-6846. Thank you for the opportunity to bid this project!

Signature _____
John Cassinelli, President



EXISTING

3769 Reeves Street, Carson City, Nevada



PROPOSED



BROWN STREET

10' MIN

REEVES STREET

20' MIN

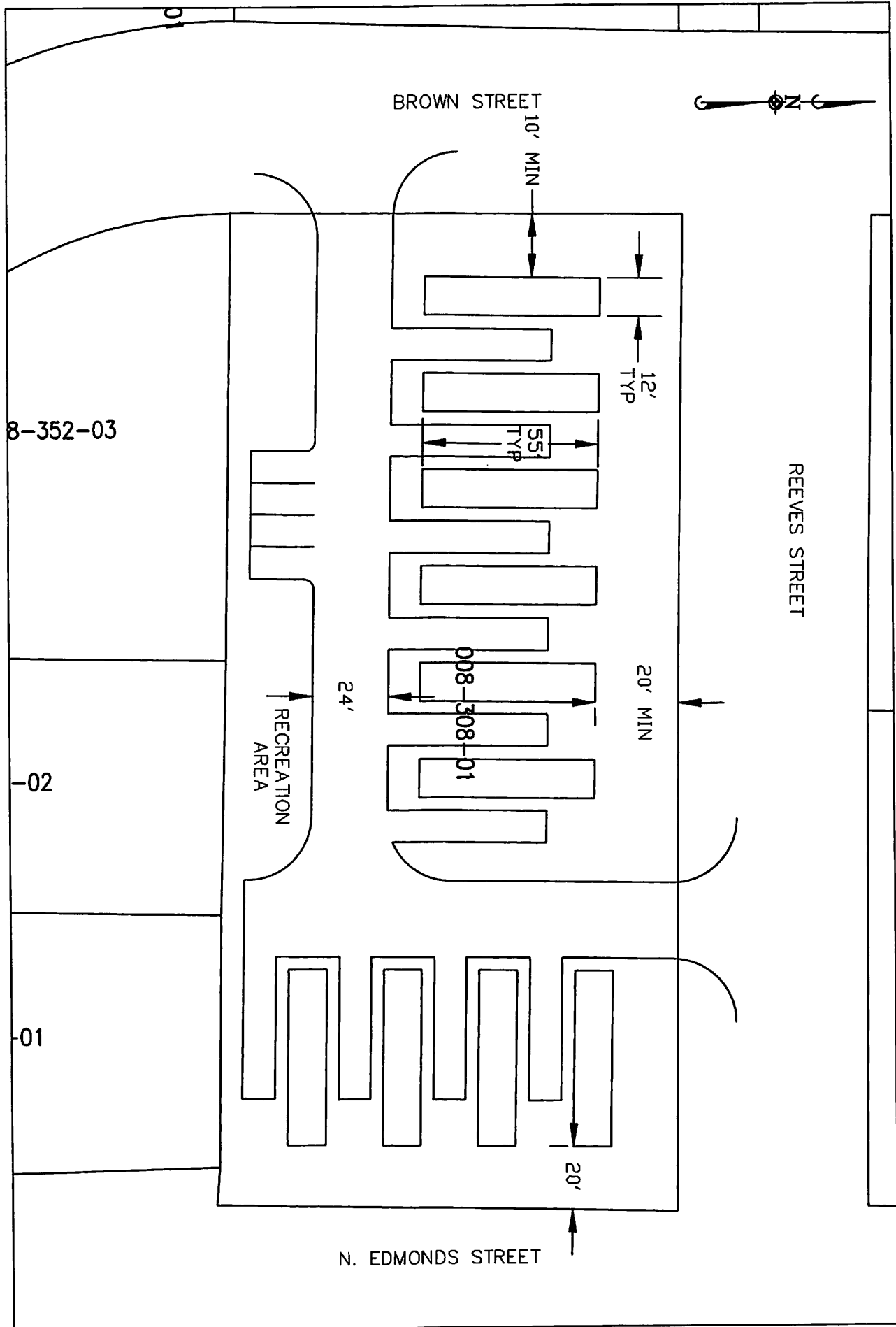
008-109-01

RECREATION

24

55
TYP

N. EDMONDS STREET



8-352-03

-02

-01

Late INTO
F-5

7-23-14

To the Carson City Planning Commission

Dear Sirs:

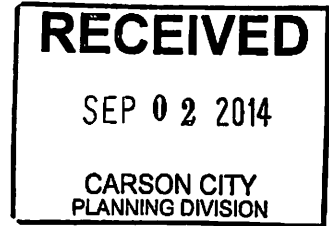
Re your Hearing Schedule for July 30-14
@ 5:00 PM Re your file # MISC 14-046
APN 008-308-01 as the adjoining
property owner @ 1615 and 1512

No Edmunds and Brown St. I am
opposed to this parcel being zoned
for trailers in any shape or form
I have lived with the adjoining
property problems for the last 35 years
lets not regress to the former situation
Ever again please leave it a multi
family zoning!

Thank you
Neil J. Schultz
775-690-1995
1615 Brown St 45



From: karen Ray <private.account@sbcglobal.net>
Sent: Saturday, August 30, 2014 2:50 PM
To: Planning Department
Subject: Re: Zoning Appeal for 3369 Reeves St



We are writing in support of Jeffrey Freeman's appeal to re-instate use of the property as a mobile home park. We own 4 neighboring properties on North Edmonds and considered purchasing this property in the past. The original mobile home park had some quaint features and needed a lot of work, but was a viable business. If the Flicka Group has submitted plans that show they plan to clean up and invest in the property we would welcome the park coming back.

We hope that you will consider the current business environment when making your decision. We have noticed a lot of vacancy signs in Carson rental properties the last 3 years and have observed several properties having a difficult time selling at a fair price this year. Given these market conditions we do not feel adding apartment inventory would be supportive of existing business owners at this time. In addition, forcing the Flicka Group into that market could constrain their ability to get a return from their investment.

Best Regards,

North Edmonds LLC