

# STAFF REPORT FOR PLANNING COMMISSION MEETING OF JULY 28, 2010

FILE NO: SUP-10-041

AGENDA ITEM: H-3

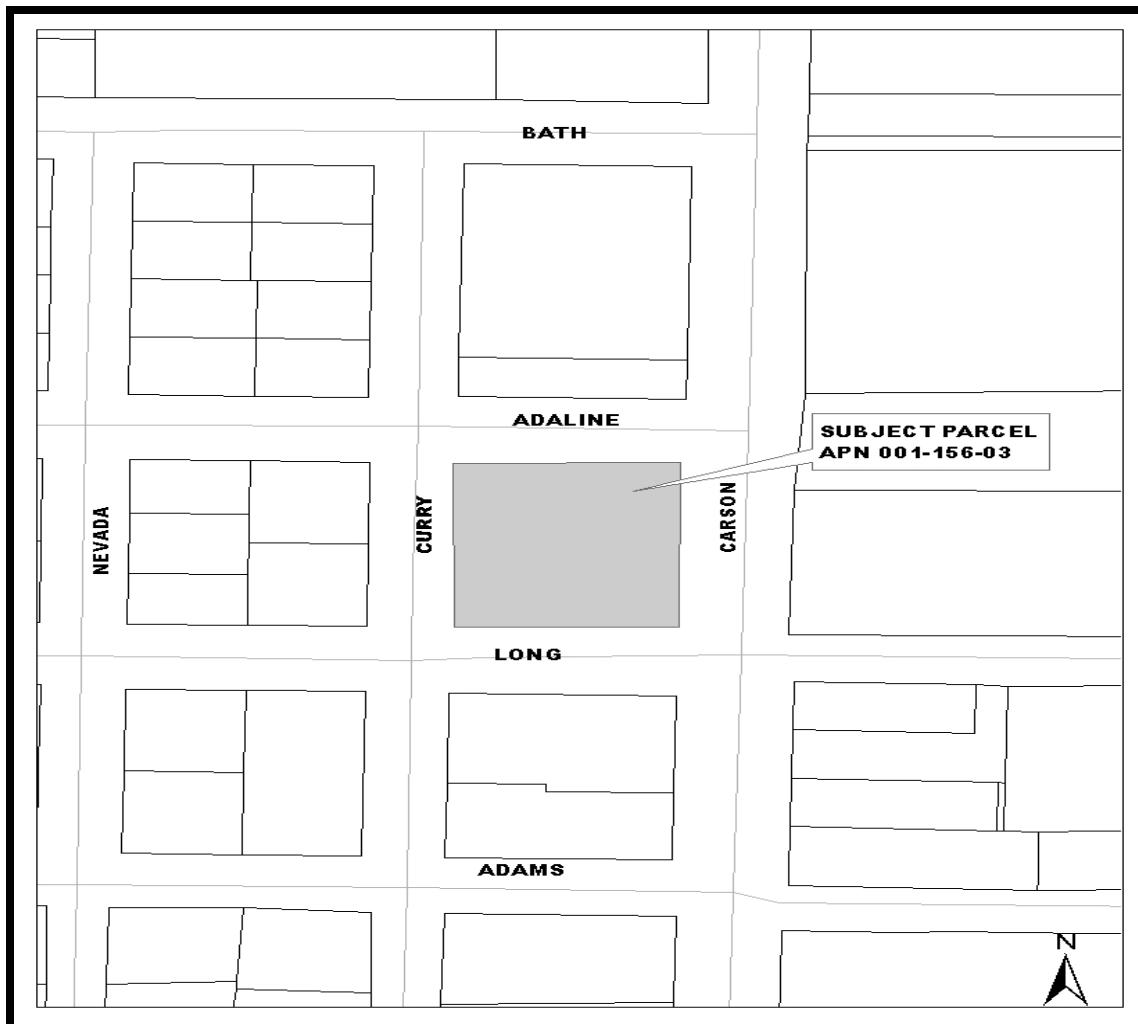
STAFF AUTHOR: Kathe Green, Assistant Planner

REQUEST: Special Use Permit to allow commercial truck and trailer rental in the Retail Commercial (RC) zoning district.

OWNER/APPLICANT: Balwinder Thind

LOCATION/APN: 1600 N Carson St/ 001-156-03

RECOMMENDED MOTION: "Move to approve SUP-10-041, a Special Use Permit request from Balwinder Thind, to allow commercial truck and trailer rental on property in the Retail Commercial zoning district, located at 1600 N Carson Street/APN 001-156-03, based on seven 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 shall be required for the duration of the project:**

5. The maximum number of trucks or trailers allowed to be displayed on the site is limited to a total of six vehicles. If additional rental units are on the site for repairs, or other reasons, other rental units must be removed to maintain a total of no more than six units on the site. The compliance officer will monitor the number of units on the site. A citation for non-compliance may be issued if the number exceeds the allowed six. If the number continues to exceed six, the approval of this application will be reviewed and may be revoked by the Planning Commission.
6. The unpermitted carport presently on the site must be removed or permitted within 30 days after the Planning Commission meeting, by August 27, 2010. No rental of trucks or trailers is allowed until the carport is removed or a valid building permit is issued.

**LEGAL REQUIREMENTS:** CCMC 18.02.080 (Special Use Permits), 18.04.130 Retail Commercial (RC) Conditional Uses

**MASTER PLAN DESIGNATION:** Community Regional/Commercial (CR/C)

**PRESENT ZONING:** Retail Commercial (RC)

**KEY ISSUES:** Will the proposed permanent display and rental of commercial trucks and trailers in keeping with all of the standards of the Carson City Municipal Code? Is this location appropriate for the proposed use?

## **SURROUNDING ZONING AND LAND USE INFORMATION**

NORTH: Retail Commercial/Gas (Western Energix)  
SOUTH: Retail Commercial/Car Wash  
EAST: Retail Commercial/FISH Thrift Store  
WEST: Retail Commercial/Offices (Burial Society and Chiropractor)

## **ENVIRONMENTAL INFORMATION**

- 1 FLOOD ZONE: Zone XS (between 100 year and 500 year flood plain)
- 2 EARTHQUAKE FAULT: More than 500 feet away  
EARTHQUAKE POTENTIAL: Moderate
- 3 SLOPE/DRAINAGE: Flat
- 4 SOILS: 71, Urban Land

## **SITE DEVELOPMENT INFORMATION**

- 1 LOT SIZE: .64 acres (27,985 square feet)
- 2 EXISTING LAND USE: Shell Station, minor auto service
- 3 STRUCTURE HEIGHT: Existing commercial single-story building
- 4 PARKING: Ample on site. Rental trucks and trailers to be placed on site as shown on site plan
- 5 SETBACKS: None required
- 6 VARIANCES REQUESTED: None

## **BACKGROUND:**

A previous tenant was leasing the Shell Station site from the owner. The owner is now applying for the Special Use Permit. The former tenant was renting U-Haul trucks and trailers from the site, in violation of the zoning uses allowed outright in this zoning district and also in violation of the uses shown on the business license for the site. A notice of zoning violation letter was sent to the tenant October 28, 2009, notifying him that the rental of trucks and trailers on this site is in violation and a special use permit is required prior to the operation of this use. In addition, the carport which was built on the site requires a building permit or must be removed. The tenant was told in this letter to remove the trucks and trailers from the site within 30 days of receipt of the letter. The tenant noted that he repaired the U-Haul trucks and trailers on site, but also wanted to rent them.

A second letter was sent to the tenant on December 24, 2009 stating the special use application received by the Planning Division was incomplete. Submission of a completed application was required by January 14, 2010. If not received, and trucks and trailers remained on the site, a citation would be issued.

A third letter was sent to the tenant on January 6, 2010, stating the application still needed additional information to be complete, and gave the tenant until February 18, 2010 to provide the required information. If not received, and trucks and trailers remained on the site, a citation would be issued.

On February 22, 2010 the tenant was informed the application for the special use permit remained incomplete. The tenant was told to return the required information or if not received, and trucks and trailers remained on the site, a citation would be issued.

On March 4, 2010 a Final Notice of Violation Order to Comply was sent to the tenant. This notice stated that the auto/truck care business and truck and trailer rental was continuing on the site, without benefit of a business license or special use permit approval. The letter stated the business license for the site had been revoked for non-payment of the business license fee on February 18, 2010, and an unpaid Health Department Pre Inspection was still outstanding. This letter stated payment of all fees was required, and to discontinue and remove the truck and trailer rental vehicles from the site within seven days of receipt of the letter. It stated citation proceedings would commence on March 12, 2010 if the required fees were not paid and if the rental trucks and trailers were not removed.

The business license fees for the Carson City Shell were paid on March 4, 2010.

On May 21, 2010 a letter was sent to the tenant, at the request of the tenant, stating the application for the special use permit received December 18, 2009 was withdrawn as no action had been taken to complete the application, and that the Planning Division would contact the owner to verify if he would like to continue with the application for this use.

On June 1, 2010 a letter was sent to the owner, Balwinder Thind, stating that the unauthorized truck and trailer rental at the site would not be allowed unless a special use permit for the use were previously approved the Planning Commission. The owner was informed that the deadline to submit the application was June 17, 2010 to have the application heard at the July 28, 2010 meeting. The application was received and is being processed under that time frame. It is noted rental trucks and trailers remain on the site. The applicant has requested to be allowed to have a total of six trucks or trailers on the site. Staff noted 15 units on the site during a site inspection on July 6, 2010.

#### **DISCUSSION:**

A Special Use Permit is required for the following reason:

- According to CCMC Section 18.04.130 Retail Commercial Zoning District, Trailer or Truck Rental is a conditional use which requires approval by special use permit prior to the use.

The subject parcel is located on North Carson Street, and is .64 acres in size. It is primarily flat and has been developed as a service station. It is proposed to allow display and rental of a maximum of six trucks and trailers at this site.

The applicant has provided several pictures of the site. It is a gas station with the additional on-site service of propane sales. The carport shown on the site is to be removed or a building permit issued prior to implementation of the rental of trucks and trailers. The proposed area of storage of rental units is the northwestern corner of the site. A maximum of six rental units are requested to be allowed on the site. During a recent site visit, there

were 15 units marked with the U-Haul name parked on the site. The applicant has requested approval for six. The additional units must be removed from the site. The compliance officer will monitor the number of units on the site. If the number continues to exceed the approved limit, the application will be returned to the Planning Commission, for additional review, including revocation of the approval.

Limiting the number of trucks and trailers to the moderate number requested by the applicant will lessen the impacts and appearance of the use on the neighboring properties. This use is proposed as an accessory to the primary business of auto care and service. The proliferation of unlimited numbers of trucks and trailers on the site would indicate to the motoring public passing the site, as well as the neighboring property owners that the rental service is rather the primary business, which is not the case. These large vehicles can be unsightly when there are so many parked on the site. In addition, the carport which was placed on the site without a building permit must be removed.

**PUBLIC COMMENTS:** Public notices were mailed to 30 adjacent property owners within 300 feet of the subject site on July 9, 2010 per the requirements of the Carson City Municipal Code and NRS. 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 July 28, 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: Construction of a metal truck canopy (carport) presently on site requires a building permit. Compliance with conditions shown on the comment sheet are required. If the carport is removed, this requirement is deleted.

Fire Department:

Engineering Division: No preference or objection to the special use request.

Parks and Recreation:

Health Department: No comments or concerns. The applicant must meet all applicable codes and ordinances as they apply to this request.

**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 5: Economic Vitality**

### **Goal 5.1 Maintain and enhance primary job base**

### **Goal 5.2a Encourage the development of regional retail centers**

### **Goal 5.6a Promote revitalization of the downtown core**

### **Goal 5.8 Promote fiscal and economic health**

The applicant states the proposed project will promote the health of his business by offering additional services at this site to the residents of the city and that commercial rental trucks and trailers at this site will add to the economic health of the community by offering additional needed services to customers. He states there is adequate space on his site to offer this service, as no parking or other required areas on the site are affected by the proposal. No new construction is proposed with the placement of these trucks and trailers on the site. A maximum of six rental units is proposed. These will be limited to the rear of the lot at the northwestern portion of the site as shown on the site plan. The carport shown on the site will be removed or have a valid building permit issued prior to activation of the truck and trailer rentals.

### **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.**

No detriment is assumed as a result of the placement and availability of rental of a maximum of six trucks or trailers at this site. The rental display area will be limited to the rear of the lot, at the northwestern area. No new construction, modification of the site or changes to the existing features of the site or area is proposed, other than the placement of a maximum of six rental units.

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

This portion of North Carson Street is heavily traveled, with vehicular traffic being high. No detriment is foreseen as a result of the rental of a truck or trailer at this site, or as a result of entering or leaving the site while driving or pulling one of the rental units. The applicant will limit the display of these rental units to the northwestern portion of the property.

### **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.**

No changes to the existing public services in the area will be required as a result of the approval of a maximum of six rental units at this location. No additional utilities or public services will be required to maintain the use at this site.

**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 sale of new merchandise and excluding all uses in the General Commercial and Industrial Districts, except for some service uses which are compatible with the zone. All uses within the Retail Commercial district shall be conducted within a building, and aside from display windows, be screened from view. Outdoor display and storage of autos, recreational vehicles or motor homes in conjunction with an existing business with sales of autos, recreational vehicles and mobile homes is allowed in accordance with Division 2 of the Development Standards and provided the vehicles or mobile homes do not encroach into City or State right-of-way without an approved encroachment permit and are screened from adjacent parcels.

The proposed display and rental of commercial trucks and trailers is listed as a conditional use in the Retail Commercial zoning district. The proposed outdoor display of these items is included in the purposed statement above.

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

The proposed use will not be detrimental to the public health, safety, convenience and welfare. The display of the six trucks or trailers available for short term rental will be a benefit to the potential customer who needs to use a large commercial vehicle temporarily. This use will not impair the public health, safety, convenience or welfare.

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

Surrounding properties in the vicinity are also commercial in nature. The storage of rental vehicles on the property pending their being rented to the public will not create any negative effects in the vicinity. The site is presently a gas and service station. Vehicles regularly arrive and leave the site as a part of the primary business offered at this location.

Respectfully submitted,

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

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Kathe Green, Assistant Planner

Attachments  
Application  
Health Department comment  
Building Department comment  
Fire Department comment

<b>File # (Ex: MPR #07-111)</b>	SUP-10-041
<b>Brief Description</b>	Truck Canopy
<b>Project Address or APN</b>	APN #001-156-03
<b>Bldg Div Plans Examiner</b>	Kevin Gattis
<b>Review Date</b>	July 28, 2010
<b>Total Spent on Review</b>	

## BUILDING DIVISION COMMENTS:

### SCOPE OF APPLICATION:

Miscellaneous improvements to the site, which constitute the following:

- Construction of a metal truck canopy

### SUBMITTAL REQUIREMENTS:

In addition to the requirements outlined within the Carson City Building Division handout titled: *Commercial Submittal Requirements*, the following specific concerns shall be addressed.

1. This project requires application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. The plans submitted for review shall comply with the prescriptive requirements found in the Carson City Building Division handout titled *Commercial Submittal Requirements: New Construction & Additions*. This handout may also be found online at: [www.carson-city.nv.us/Index.aspx?page=181](http://www.carson-city.nv.us/Index.aspx?page=181)

### COMMENTS APPLICABLE TO MPR PLAN SUBMITTAL:

#### General

3. Based on the information provided, the following would be applicable to this project:

- 2007 Northern Nevada Amendments\* ('07 NNA)
- 2006 International Building Code ('06 IBC)
- 2006 International Fire Code ('06 IFC)
- 2005 National Electrical Code ('05 NEC)

\*- Carson City has adopted the 2007 Northern Nevada Amendments, which are available online at both the Carson City Building Division website and the Northern Nevada Chapter of the International Code Council (NNICC) at [www.nnicc.org](http://www.nnicc.org).

4. As noted in item #1, above, a Building Permit will be required for the truck canopy. The permit shall be issued to the appropriately Nevada licensed contractor, or the entire project to a Nevada licensed General Contractor. (NRS 624.031 & 624.3011 #2)

**Engineering Division  
Planning Commission Report  
File Number SUP 10-041**

**TO:** Planning Commission  
**FROM:** Jeff Sharp, P.E. – City Engineer  
**DATE:** July 7, 2010                    **MEETING DATE:** July 28, 2010

**SUBJECT TITLE:**

Action to consider an application for a Special Use Permit from Balwinder Thind to allow U-Haul trucks to be leased from and stored on the site. The site is on property zoned Retail Commercial and is located at 1600 N. Carson St., APN 01-156-03.

**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 have little effect on traffic or pedestrian facilities.

**CCMC 18.02.080 (5d) - Public Services**

Existing facilities are not impacted.

## Kathe Green - Planning Commission Application

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**From:** Teresa Hayes  
**To:** MPR Committee  
**Date:** 6/26/2010 8:45 am  
**Subject:** Planning Commission Application

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### Planning commission comments due Wednesday July 28, 2010

SUP 10-041: 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.

AB 10-038: 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, R.E.H.S.  
Environmental Health Specialist II  
Carson City Health and Human Services  
900 E. Long St  
Carson City, NV 89706  
Phone: (775) 887-2190 ext 7227  
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## Special Use Permit Application Questionnaire

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

- A. The proposed project does not growth of outside areas and will use no additional water or create additional waste water.
- B. U-Haul rental area will have a positive impact on redevelopment.
- C. There are no land use conflicts with adjacent properties.
- D. No state or federal lands are adjacent to the proposed area.
- E. The proposed area is adequately served by all city services
- F. Proposed area shall otherwise only be used as an existing parking area for a commercial building. No mixed use development applies.
- G. Proposed area shall otherwise only be used as an existing parking area for a commercial building. No mixed use development applies.
- H. No rezoning is required and there are no adjacent residential properties.
- I. Parking lot is not a geologic hazard area. No development is taking place, only parking of 5 to 6 trucks and, or trailers
- J. Zoning is consistent with land use designation
- K. Parking of vehicles meets the criteria for applicable land use designation
- L. No redevelopment is taking place. Only parking of 5 to 6 vehicles or trailers

### **Equitable Distribution of Recreational Opportunities**

- A. The storage of U-Haul vehicles will not provide opportunities to expand parks and recreation opportunities
- B. The proposal is consistent with the Open Space Master Plan and the Carson River Master Plan.

### **Economic Vitality**

- A. The project will help maintain and enhance the primary job base.
- B. The project will not affect city wide housing or labor and non-labor force populations
- C. The project will not affect development of retail centers
- D. The project will not affect underused retail spaces
- E. The project will not affect heritage tourism activities
- F. The project will not affect revitalization of the downtown core.
- G. The project will not affect additional housing in the downtown area

### **Livable neighborhoods and activity centers**

- H. N/A

- A. N/A
- B. N/A
- C. N/A
- D. N/A
- E. Project is downtown but there is no new construction associated with this project.
- F. No construction is associated with this project.

### **A Connected City**

- A. The U-Haul storage is on existing private property and shall have minimal to no transit impact
- B. No new road ways are associated with this project.
- C. There is no construction or roads associated with this project.

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

- A. North: Royal Inn and Western Energetix, Retail Commercial zoning; East: Fish, Retail Commercial zoning; West: Capitol City and Cremation Burial Society and Chiropractic Office Retail Commercial zoning; South: Carson City Full Service Hand Car Wash, Retail Commercial zoning.
- B. The addition of a U-Haul Rental area will not have a detrimental effect. The addition of 5 to 6 rentable vehicles and trailers will have no impact to surrounding properties regarding noise, dust, odors, vibration, fumes, glare, or physical activity. There will be no construction generated dust. The project will store rental vehicles at the north end of the parking lot of existing Shell Station. This U-Haul vehicle storage requires no construction. There is another U-Haul rental located on William St. ½ mile away. This project will be consistent with vehicle volume in immediate vicinity. Box trucks and moving vans are stored across the street to the west at FISH and large volumes of vehicles use the Car Wash to the south. N. Carson Street is generally has a high traffic flow. In conclusion 5 to 6 rental vehicles and trailers would be consistent with the surrounding area.
- C. The proposed will not be detrimental to surrounding properties because surrounding properties are fully developed. No additional visual or noise obstruction will be incurred beyond parking 5 to 6 vehicles in a parking lot.
- D. Minimal impact to vehicular traffic. No additional walkways or traffic lights will be needed. There will be no change in emergency response time. There won't be any effect on existing traffic.
- E. Benefits to the people of Carson City will be availability of moving vehicles and the opportunity for new employment.

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

- A. This project will not have any affect on the school district or the Sheriff's Office.
- B. This project will not result in the covering of land area with paving or a compacted surface.
- C. There will be no additional water usage.
- D. There will be no additional waste water or sewage.
- E. No additional road improvements will be needed.
- F. Professional construction design was used as a source.
- G. There will be no additional outdoor lighting.
- H. There will be no additional landscaping.
- I. There will be no offset parking.

**ACKNOWLEDGMENT OF APPLICANT**

I certify that the forgoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City code requirements.



Applicant

6-17-10

Date



NORTH SIDE



South Side



East Side



West Side

RECEIVED

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CARSON CITY  
PLANNING DIVISION

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NORTH

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CARSON ST. (US Hwy 395)