

# STAFF REPORT FOR PLANNING COMMISSION MEETING OF AUGUST 25, 2010

FILE NO: SUP-05-132

AGENDA ITEM: H-1

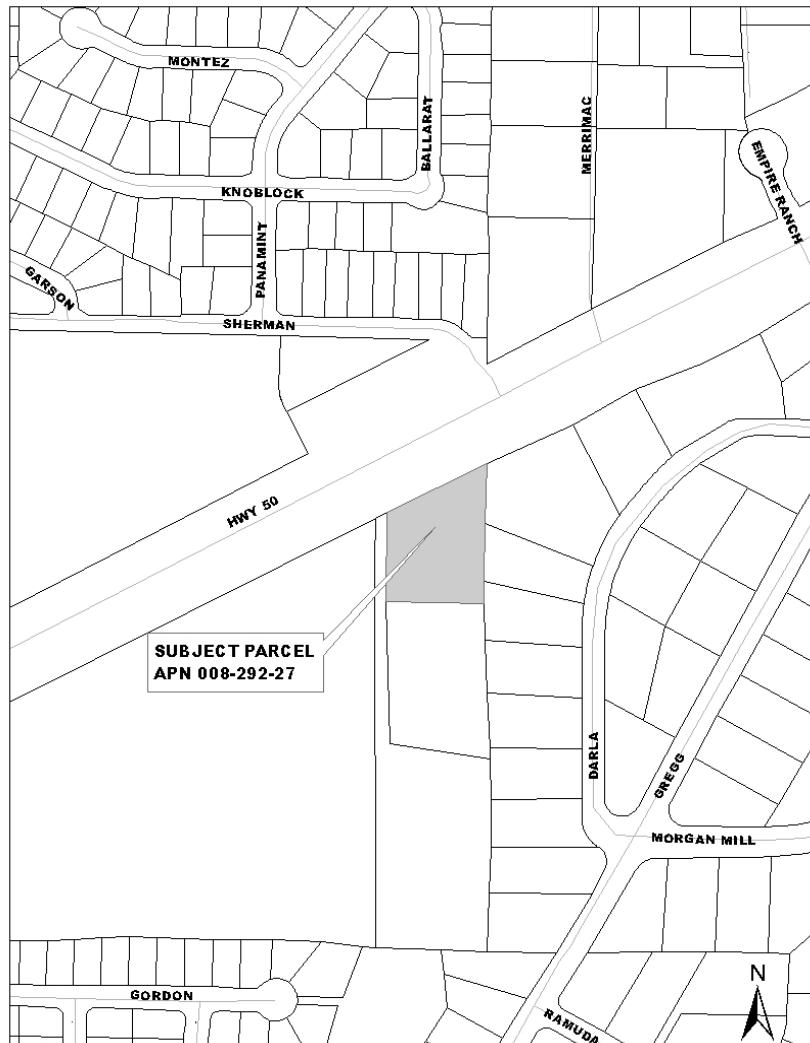
STAFF AUTHOR: Kathe Green, Assistant Planner

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

OWNER/APPLICANT: Richard W Atkins

LOCATION/APN: 4261 Highway 50 East/008-292-27

**RECOMMENDED MOTION: "I move to approve SUP-05-132, a Special Use Permit request from Richard W Atkins/Atkins Carpet, a five year review of four metal storage containers permanently placed on property in the General Commercial zoning district, located at 4261 Highway 50 East, APN 008-292-27, based on findings and subject to conditions of approval contained in the staff report."**



## **RECOMMENDED CONDITIONS OF APPROVAL:**

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

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

### **The following applies to the life of the placement of the containers:**

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

**LEGAL REQUIREMENTS:** CCMC 18.02.080 (Special Use Permits), 18.04.135 General Commercial (GC) Permitted Uses, and Development Standards 1.10.9 Personal Storage and Metal Storage Containers.

**MASTER PLAN DESIGNATION:** Mixed-Use Commercial (MUC)

**PRESENT ZONING:** General Commercial (GC)

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

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

NORTH: General Commercial (GC)/Vacant commercial  
SOUTH: General Commercial (GC)/Multi tenant commercial-industrial  
EAST: General Commercial (GC)/Mobile Home Sales and Single Family 21,000 residential, vacant residential  
WEST: General Commercial (GC)/ Vacant commercial

#### **ENVIRONMENTAL INFORMATION**

- 1 FLOOD ZONE: Zone C (areas of minimal flooding)
- 2 EARTHQUAKE FAULT: Zone II (moderate shaking potential). Nearest fault is over 500 feet to the west.
- 3 SLOPE/DRAINAGE: Flat
- 4 SOILS: Number 12 Dalzell Fine Sandy Loam, deep water table.

#### **SITE DEVELOPMENT INFORMATION**

- 1 LOT SIZE: 1.21 acre (52,544 square feet)
- 2 EXISTING LAND USE: Retail store for carpet and flooring sales
- 3 STRUCTURE HEIGHT: Storage Containers presently located on site are approximately 8.5 feet in height. There are four containers each 8 x 40 feet, for a total of 1280 square feet.
- 4 PARKING: Ample on site. Containers placed to rear of building
- 5 SETBACKS: None required
- 6 VARIANCES REQUESTED: None

#### **DISCUSSION:**

A Special Use Permit is required for the following reason:

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

The four containers were approved by the Planning Commission on August 31, 2005, to be placed at the rear of the building, on a concrete pad. The site and containers are in compliance with the conditions of approval of the original special use permit. The containers are not visible from the front of the building. They are visible from the west side,

as the property to the west has not been developed. The containers are in good condition, with no graffiti, advertising signs or noted deterioration. The containers were placed two beside each other, with the containers placed parallel to the building. The containers have been painted grey, a neutral color, while the building is painted white. The containers are well kept and well maintained. There is adequate parking on the site. The containers do not block any drive aisle, parking area or landscaping.

**PUBLIC COMMENTS:** Public notices were mailed to 30 adjacent property owners within 460 feet of the subject site on August 6, 2010 per the requirements of the Carson City Municipal Code and NRS. No complaints have been registered regarding the placement or location of the containers during the last five years. At the writing of this report no comments have been received either in favor of or in opposition to the proposal. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on August 25, 2010, depending on the date of submittal of the comments to the Planning and Community Development Department.

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

Building and Safety: No concerns.

Fire Department: No comments received.

Engineering Division: No concerns.

Parks and Recreation: No comments received.

Health Department: No comments received.

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

1. Will be consistent with the master plan elements.

### **Chapter 3: A Balanced Land Use Pattern**

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

The metal storage containers are made out of steel. They are painted grey a neutral color, while the building is painted white. They do not use any utilities and are a source of energy conservation.

#### **1.4c Protect existing site features, as appropriate, including mature trees or other**

**character-defining features:**

The containers utilize and maintain the existing land resources. They do not block any views or vistas. No signage has been or will be placed on the containers. Supplies are stored within the container which are used to support the existing business. The applicant states the containers are used for the storage of rolls of carpet, rolls of carpet cushion and laminate underlayment. The location of the units at the rear of the building was designed to minimize the appearance of the units from the front of the property. They are well maintained.

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

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

The containers are necessary for storage of materials required by the carpet dealer for this active business. The containers are used for the storage of large, bulky items such as rolls of carpet, carpet cushion and laminate underlayment. The nature of this business is to have a lot of large, bulky product available for customers. The containers are kept locked when not in use. The location of the containers has been designed to minimize the appearance from off the site, as the view of them is blocked by the building at the front. The exterior color of the units is grey, a neutral color. The building is white.

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

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

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

The site is located on Highway 50 East and is served by an adequate existing street network. Vehicular and pedestrian movement has not been affected by placement of the storage containers.

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

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

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

The purpose of the General Commercial zoning district is to preserve a commercial district limited primarily to retail and wholesale sales of new and used material, repair and service facilities, and offices. The carpet dealer business meets the specific standard of this zoning district. Permanent placement of metal storage containers on the site in support of the business is an appropriate accessory use.

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

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

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

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

Respectfully submitted,

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

  
Káthe Green, Assistant Planner

Attachments  
Application  
Building Department comment  
Engineering Department comment

<b>File # (Ex: MPR #07-111)</b>	<i>SUP-05-132</i>
<b>Brief Description</b>	<i>Storage container</i>
<b>Project Address or APN</b>	<i>APN #008-292-27</i>
<b>Bldg Div Plans Examiner</b>	<i>Kevin Gattis</i>
<b>Review Date</b>	<i>August 25, 2010</i>
<b>Total Spent on Review</b>	

**BUILDING DIVISION COMMENTS: No comments**

RECEIVED

JUL 29 2010

CARSON CITY  
PLANNING DIVISION

**Engineering Division  
Planning Commission Report  
File Number SUP 05-132 renewal**

**TO:** Planning Commission  
**FROM:** Rory Hogen – City Engineer  
**DATE:** July 29, 2010

**MEETING DATE:** August 25, 2010

**SUBJECT TITLE:**

Action to consider a renewal of application for a Special Use Permit from property owner Richard Atkins on behalf of the Atkins House of Carpet at 4261 Hwy. 50 E, APN 08-292-27 to continue the use of four metal storage containers on the subject property zoned GC.

**RECOMMENDATION:**

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

**DISCUSSION:**

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

**CCMC 18.02.080 (2a) - Adequate Plans**

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

**CCMC 18.02.080 (5a) - Master Plan**

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

**CCMC 18.02.080 (5c) - Traffic/Pedestrians**

The proposal will not impact traffic or pedestrian facilities.

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

The proposal will not impact existing public services.

**Atkins House of Carpet, Inc  
4261 Hwy 50 East  
Carson City, NV 89706  
(775) 882-6400  
(775) 882-3897 fax**

June 21, 2010

Carson City Planning Division  
2621 Northgate Lane, Suite 62  
Carson City, Nevada 89706

**RECEIVED**

JUN 21 2010

CARSON CITY  
PLANNING DIVISION

Re: SUP-05-132  
Metal Storage Containers Review  
4261 Highway 50 East  
APN 008-292-27

Dear Carson City Planning Division:

This letter is to continue use of 4 metal storage containers. There has been no changes as to their usage from 2005. The contents are still rolls of carpet, rolls of carpet cushion and laminate underlayment. 2 containers contain cushion only, 1 container contains carpet and cushion. The other container contains laminate underlayment and carpet. These containers are always kept locked securely when the business is closed, and also kept locked during business hours, when not in use.

- a. The containers are for storage only, with no human occupants, no doors, no windows, no electrical, and no plumbing. The containers are not stacked.
- b. The containers do not have any hazardous materials.
- c. The containers are located at the rear of the building, not on any parking spaces, not on landscape areas, not on drive-aisles, not on firelanes, not on drainage courses or easements or not on vehicular or pedestrian access ways.
- d. The containers are a similar color tone to the primary structure. They have no graffiti and no visible form of deterioration.



Richard W. Atkins  
President Atkins House of Carpet, Inc.

**PLEASE SIGN AND RETURN THIS NOTICE OF DECISION  
WITHIN TEN DAYS OF RECEIPT**

This is to acknowledge that I have read and will comply with the Conditions of Approval as approved by the Carson City Planning Commission.

  
OWNER/APPLICANT SIGNATURE

6-21-10  
DATE

RICHARD W. ATKINS  
PLEASE PRINT YOUR NAME HERE

**RETURN TO:**

Planning and Community Development Department  
2621 Northgate Lane, Suite 62, Carson City, NV 89706

- Enclosures:
1. Planning Commission Notice of Decision (2 copies - Please sign and return only one; the second copy is for your records.)
  2. Self-Addressed Stamped Envelope

**RECEIVED**

JUN 21 2010

CARSON CITY  
PLANNING DIVISION



# Carson City Planning Division

2621 Northgate Lane, Suite 62  
Carson City, Nevada 89706  
(775) 887-2180  
[www.carson.org](http://www.carson.org)

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June 17, 2010

Richard Atkins  
Atkins House of Carpet  
25 River Vista Dr  
Dayton, NV 89403

Re: SUP-05-132  
Metal Storage Containers Review  
4261 Highway 50 East  
APN 008-292-27

Dear Mr. Atkins:

I am writing concerning the required review of the metal storage containers located at 4261 Highway 50 East. A copy of the special use permit Notice of Decision is attached. Condition of approval #6 states the containers will be reviewed in five years, in August 2010, to verify the use is still appropriate.

To continue the metal storage containers at this location, please forward a letter reviewing each of the required conditions from Development Standards Division 1.10.9 (also attached). This letter will be reviewed by the Planning Commission at their meeting in August. You may return the letter anytime prior to the required submission date, but no later than noon on July 15, 2010 to be heard at the August 25, 2010 meeting. There is also a fee of \$50.00 and costs for notification of the neighbors. With your letter, provide either 30 business-sized stamped envelopes or an additional check of \$15.60 payable to Carson City Planning, a cost of \$.52 per stamped envelope.

If you have any questions, please call me at (775) 887 2180 x 30071 or by e-mail at [KGGreen@carson.org](mailto:KGGreen@carson.org)

Sincerely,

Kathe Green  
Assistant Planner

### **1.11 Personal Storage and Metal Storage Containers**

Trends indicate that as communities continue to grow, the need for personal storage uses also increases. With the continued development of upscale subdivisions prohibiting on-site storage of vehicles or other items, personal storage facilities are becoming increasingly necessary. Commercial locations may also require additional storage in metal storage containers. The following section sets forth criteria and standards for development of Personal Storage facilities and Metal Storage Containers.

#### Personal Storage:

1. A minimum of 60% of the lot's street frontage(s) shall be developed with retail and/or office space in the Neighborhood Business, Retail Commercial and Tourist Commercial (NB, RC and TC) zoning districts only.
2. A sight-obscuring entrance gate and perimeter 100% site-obscuring fence or wall shall be provided to screen views of individual storage units.
3. The architectural and site design of the retail/office building, storage units, perimeter fencing, lighting, and landscaping is subject to approval by the Director. A metal pre-fabricated exterior office/retail building is prohibited.
4. No business activities other than storage shall be conducted within individual storage units.
5. Outside storage is prohibited except as expressly permitted in Title 18 or the Development Standards. Temporary storage containers are allowed at construction sites for a maximum of 30 days, or as approved by the Director after review of the individual construction schedule.
6. Additionally, storage units adjacent to residential areas shall:
  - a. Not exceed 14 feet in height (one story);
  - b. Have a minimum 20 foot landscape buffer and a solid six foot masonry wall located between the storage units and residential uses;
  - c. Have limited hours of operation 7:00 a.m. to 7:00 p.m. unless otherwise approved by the planning commission;
  - d. Have a monument style sign not exceeding six feet in height.
7. Shared use parking shall not exceed five percent of total parking.
8. Must meet the definition as defined in CCMC 18.03.

#### Metal Storage Containers:

9. Metal Storage Containers, as defined in CCMC 18.03 is a fully enclosed unit, excluding semi-truck trailers, that house storage items and may be utilized in any industrial, public or commercial zoning district, excluding the Neighborhood Business (NB) zoning district, in conjunction with a permitted primary use of the property subject to the following use performance standards:
  - a. Metal storage containers may be utilized on a temporary basis, for a maximum of 90 days, once in any calendar year, subject to the approval of the Director.
  - b. Within any industrial zoning district, the use of metal storage containers on a permanent basis is subject to the approval of the Director.
  - c. Within the commercial or public zoning districts, excluding the Neighborhood Business (NB) zoning district, the use of metal storage containers on a permanent basis beyond 90 days requires approval of a Special Use Permit. No metal storage containers are allowed in the Neighborhood Business (NB) zoning district.
  - d. The use of metal storage containers within the Downtown Commercial (DC) zoning district also requires approval by Special Use Permit and Downtown Design Review approval pursuant to 18.07 and Development Standards Division 6.
  - e. Metal storage containers shall be used for storage purposes only and no human occupation shall occur. No alterations shall be made or allowed to the metal storage container including to but not limited to doors, windows, electrical, plumbing, or connection of multiple containers unless factory built with those improvements. No storage shall be placed upon or above the metal storage container. Storage containers shall not be stacked upon each other.
  - f. No hazardous materials shall be stored in metal storage containers. Metal storage containers shall not be sited in a manner to be detrimental to the public's health and safety.
  - g. Metal storage containers shall be at building grade and located at the side or rear of the primary structure. Metal storage containers shall not occupy any required parking spaces, landscape areas, drive-aisles, firelanes, drainage courses, drainage easements, detention basins, or vehicular or pedestrian access ways. Metal storage containers shall not be permitted on vacant property.
  - h. All metal storage containers shall be painted either to blend with the primary or adjacent structures or painted earth-tone colors to minimize visual impacts. Graffiti shall be removed in accordance with the City's graffiti ordinance. All metal storage containers in

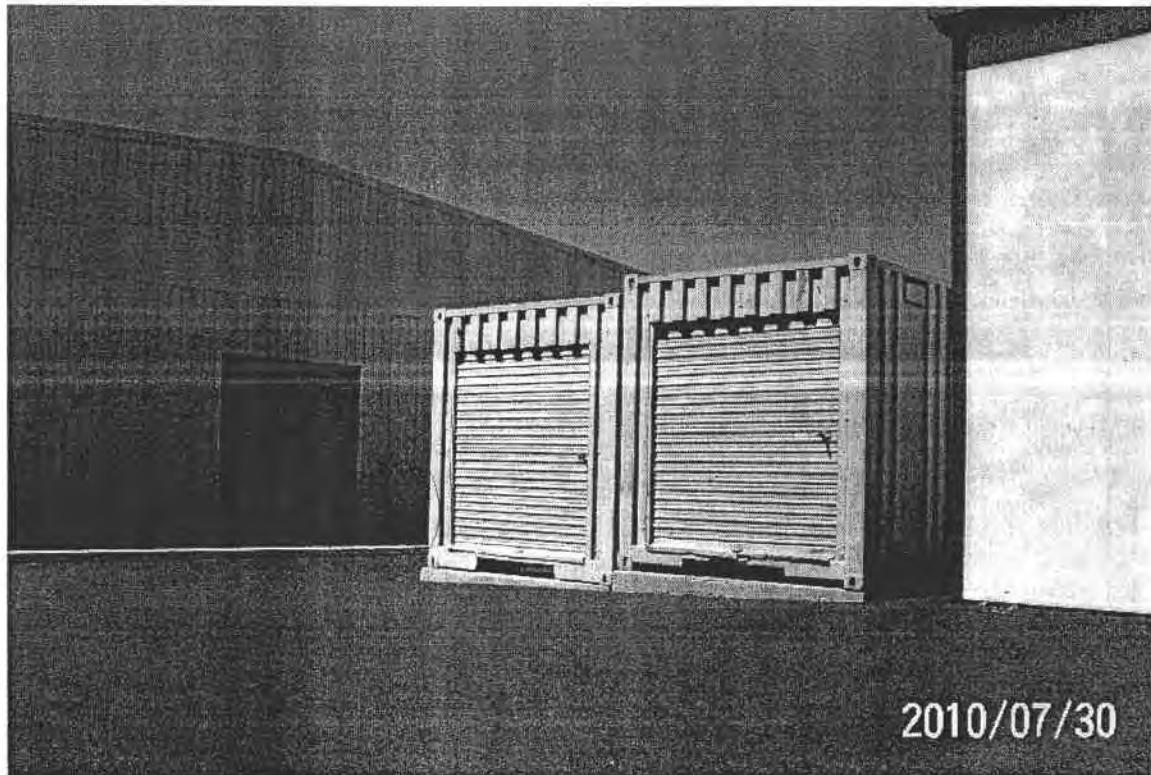
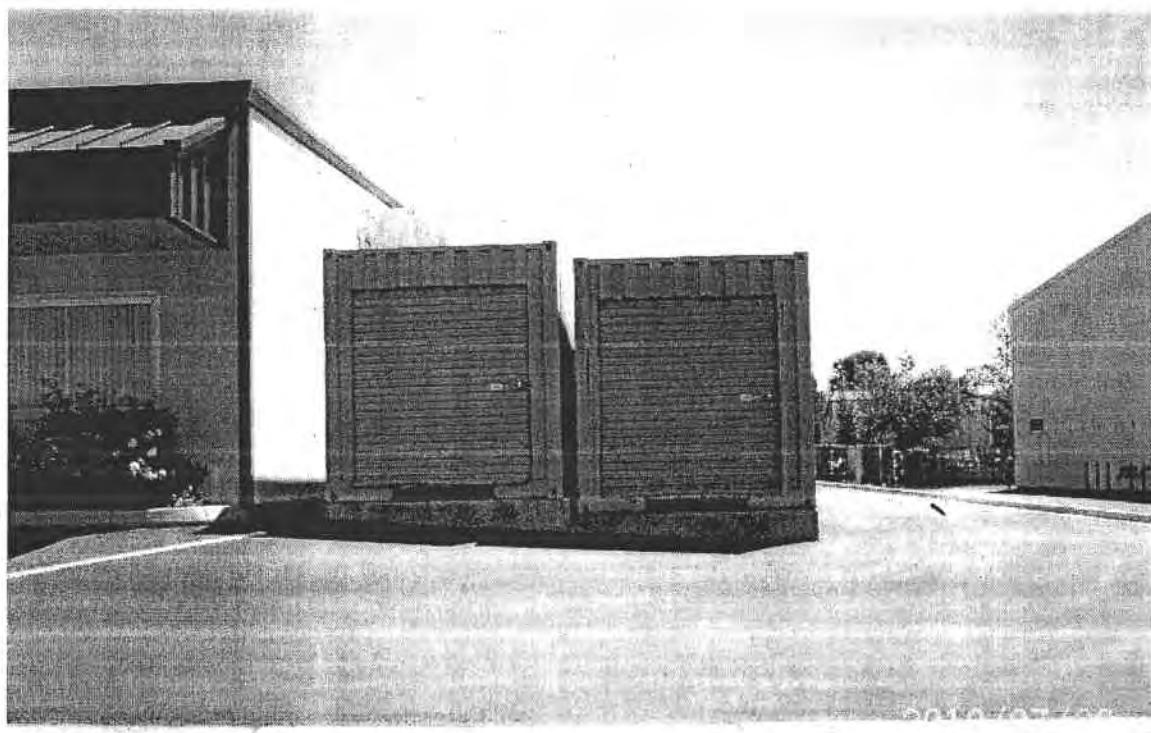
## LAND USE AND SITE DESIGN

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use shall be in a condition free from rust, peeling paint, or other visible forms of deterioration. Metal storage containers shall be screened with chain link fencing with slats, concrete masonry unit (CMU) block walls and/or landscaping as approved by planning staff. Metal storage containers and their screening and landscaping shall be maintained in good repair. Any metal storage containers that are not maintained in good repair or that are dilapidated or dangerous, shall be repaired or removed, following an order to comply from the Director.

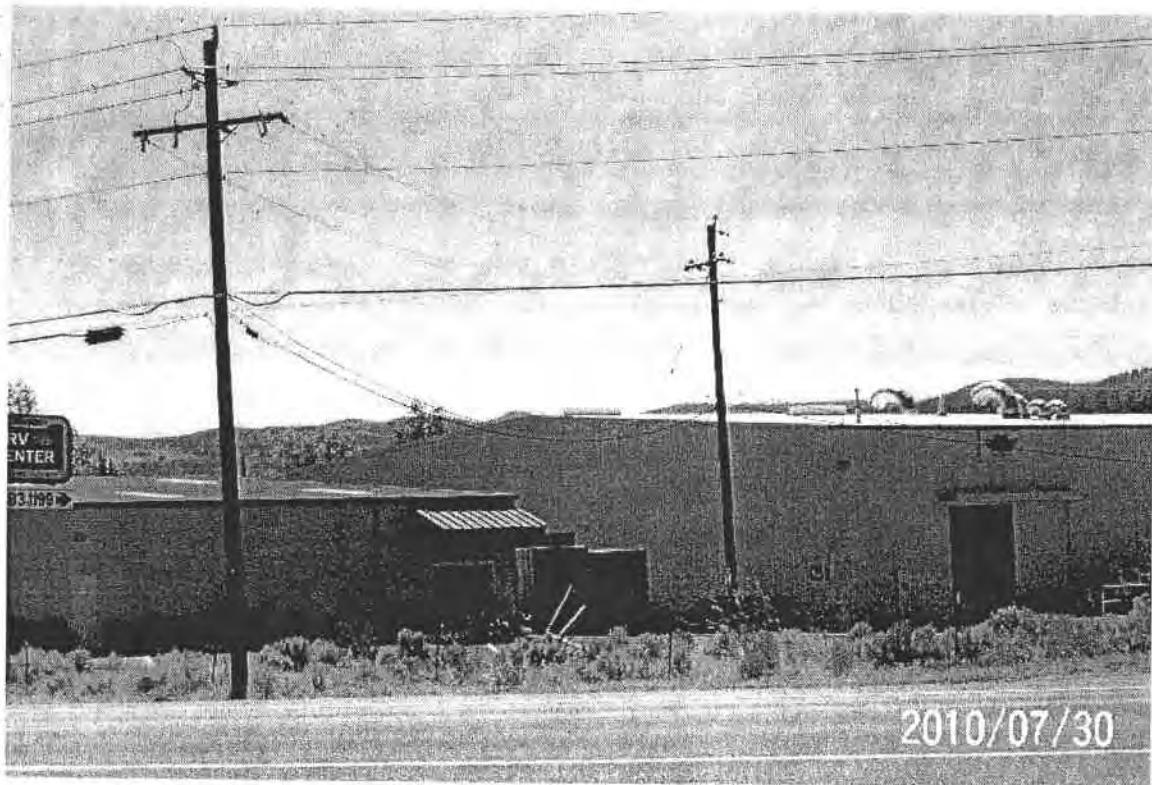
- i. Advertising is prohibited on the exterior of all metal storage containers.
- j. The use of semi-truck trailers as storage containers is prohibited in all zoning districts.
- k. The number of metal storage containers allowed for a business is dependent upon the following list of factors:
  - (1) Overall site placement
  - (2) Screening provisions
  - (3) Square footage of store or building
  - (4) Square footage of parcel
  - (5) Adjacency to residential zoning districts
  - (6) Length of stay of metal storage container
  - (7) Applicants justification/need for extra on-site storage for their business.
- l. A metal storage container Special Use Permit shall be reviewed in five year increments or at any time the principal property use changes, with a \$50 administrative service charge and noticing costs paid by applicant.
- m. Special Use Permit fees for metal storage containers as adopted by resolution of the Board, shall be charged, collected and deposited with the Planning and Community Development Department.







2010/07/30



2010/07/30