

STAFF REPORT FOR PLANNING COMMISSION MEETING OF OCTOBER 27, 2010

FILE NO: SUP-05-164

AGENDA ITEM: H-1

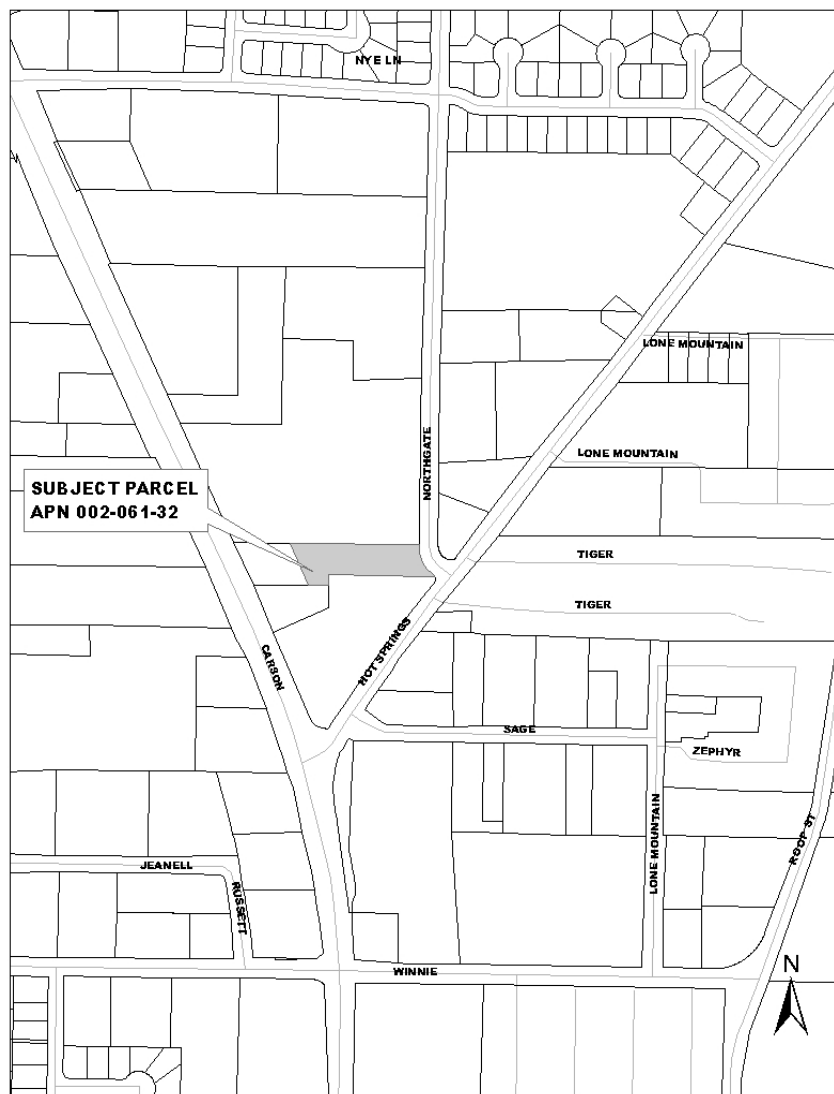
STAFF AUTHOR: Kathe Green, Assistant Planner

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

OWNER/APPLICANT: Victory Christian Center/George D Wendell

LOCATION/APN: 2462 Northgate Lane/002-061-32

RECOMMENDED MOTION: "I move to approve SUP-05-164, a Special Use Permit request from George D Wendell/Victory Christian Center, a five year review of a metal storage container permanently placed on property in the Retail Commercial zoning district, located at 2462 Northgate Lane, APN 002-061-32, based on findings and subject to the conditions of approval contained in the staff report."



RECOMMENDED CONDITIONS OF APPROVAL:

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

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

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

5. Metal storage container to be used for storage only. No human habitation is allowed. No addition of utilities is allowed without prior review and approval. No storage shall be placed upon or above the container.
6. No hazardous materials will be stored within the container.
7. The storage container will be maintained to match the existing building color on site, if applicable. Graffiti shall be removed in accordance with the City's graffiti ordinance. The container must be maintained free of rust, peeling paint or other forms of deterioration.
8. Advertising is prohibited on the exterior of the container.
9. The placement of the container 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 September 2015. This review may be administrative and handled by City Staff, or if deemed necessary by Staff, may be referred to the Planning Commission for additional review.

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

MASTER PLAN DESIGNATION: Community/Regional Commercial (C/RC)

PRESENT ZONING: Retail Commercial (RC)

KEY ISSUES: Does the application meet the Development Standards regulations for a metal storage container, and does the application continue to meet the required findings for approval of a special use permit? Is the proposed continuation of a metal storage

container in this location still compatible with surrounding properties? Have there been any problems with the permanent placement of the storage container?

SURROUNDING ZONING AND LAND USE INFORMATION

NORTH: Retail Commercial/Shopping Center
SOUTH: Retail Commercial/Shopping Center
EAST: General Commercial/Residential Uses
WEST: Retail Commercial/Restaurants

ENVIRONMENTAL INFORMATION

- 1 FLOOD ZONE: B
- 2 EARTHQUAKE FAULT: Beyond 500 ft, Zone I
- 3 SLOPE/DRAINAGE: Flat
- 4 SOILS: 71 Urban Land

SITE DEVELOPMENT INFORMATION

- 1 LOT SIZE: 38,961 square feet
- 2 EXISTING LAND USE: Vacant, except for storage of two vehicles and the metal storage container.
- 3 STRUCTURE HEIGHT: Storage Container presently located on site is approximately 8.5 feet in height and is 8 x 40 feet for a total of 320 square feet.
- 4 PARKING: Two vehicles stored on site.
- 5 SETBACKS: None required
- 6 VARIANCES REQUESTED: None

DISCUSSION:

A Special Use Permit is required for the following reason:

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

The container was approved by the Planning Commission on September 28, 2005, to be placed on the vacant lot. The site and container are in compliance with the conditions of approval of the original special use permit. The container is not visible from the front of the property. It is placed at the rear of the site, at a slight jog in the property line, adjacent to a fence in this location. The adjacent surrounding properties are parking areas. The container is in good condition, with no graffiti, advertising signs or noted deterioration. The container has been painted tan, a neutral color. The lot is still vacant, other than parking of two large vehicles in support of the Victory Christian Center and a portable restroom placed on the site by the Carson City Parks Division, who utilizes the site for after school activities. The container is well kept and well maintained. The container does not block any drive aisle, parking area or landscaping.

PUBLIC COMMENTS: Public notices were mailed to 100 adjacent property owners within 300 feet of the subject site on September 13, 2010 per the requirements of the Carson City Municipal Code and NRS. No complaints have been registered regarding the placement or location of the container 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 September 29, 2010, depending on the date of submittal of the comments to the Planning and Community Development Department.

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

Building and Safety: No concerns.

Fire Department: No concerns.

Engineering Division: No concerns.

Parks and Recreation: No comments received.

Health Department: No concerns.

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 container is made out of steel. It is painted tan, a neutral color, which blends in with the vacant surroundings of the site. It does not use any utilities and is a source of energy conservation.

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

The container utilizes and maintains the existing land resources. It does not block any views or vistas. No signage has been or will be placed on the containers. Supplies stored in the container are used to support the existing business, Victory Christian Center.

The location of the unit at the rear of the vacant property was designed to minimize the appearance of the unit from the front of the property and the street. It is well maintained.

5.2a Encourage the development of regional retail centers

5.6a Promote revitalization of the downtown core

The container is necessary for storage of materials required by the Victory Christian Center for this active business. The container is kept locked when not in use. The location of the container has been designed to minimize the appearance from off the site, as the view of it is blocked by the location and jog of the property line along the south side. The exterior color of the unit is tan a neutral color. There is no building on site.

- 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 container has 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 container. 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 container in support of this use is not detrimental.

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

The site is located on Northgate Lane and is served by an adequate existing street network. Vehicular and pedestrian movement has not been affected by placement of the storage container.

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

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

The purpose of the Retail Commercial zoning district is to preserve a commercial district limited primarily to offices and retail sales of new merchandise. The church as a business meets the specific standard of this zoning district. Permanent placement of a metal storage container on the vacant 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 container 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 container as placed in this location. No negative concerns have been noted since the metal storage container was placed here five years

ago. No detrimental concerns are anticipated by continuing the use.

Respectfully submitted,

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

Kathe Green, Assistant Planner

Attachments

Application

Department Comments

RECEIVED

AUG 24 2010

**Engineering Division
Planning Commission Report
File Number SUP 05-164 renewal**

CARSON CITY
PLANNING DIVISION

TO: Planning Commission

FROM Rory Hogen – City Engineer

DATE: August 23, 2010

MEETING DATE: September 29, 2010

SUBJECT TITLE:

Action to consider a renewal of application for a Special Use Permit from property owner Victory Christian Center at 2462 Northgate Lane, APN 02-061-32 to continue the use of a metal storage container on the subject property zoned RC.

RECOMMENDATION:

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

DISCUSSION:

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

CCMC 18.02.080 (2a) - Adequate Plans

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

CCMC 18.02.080 (5a) - Master Plan

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

CCMC 18.02.080 (5c) - Traffic/Pedestrians

The proposal will not impact traffic or pedestrian facilities.

CCMC 18.02.080 (5d) - Public Services

The proposal will not impact existing public services.

Kathe Green - Planning commission comments (Sept 29, 2010)

RECEIVED

From: Teresa Hayes
To: MPR Committee
Date: 8/24/2010 10:25 am
Subject: Planning commission comments (Sept 29, 2010)

AUG 24 2010

CARSON CITY
PLANNING DIVISION

SUP 05-164

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. *Et. Seq.*

SUP 10-049

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. *Et. Seq.*

*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
Fax: (775) 883-4701
e-mail: thayes@carson.org*

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CARSON CITY FIRE DEPARTMENT

"Service with Pride, Commitment, Compassion"

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AUG 25 2010

CARSON CITY
PLANNING DIVISION

MEMORANDUM

TO: Community Development

FROM: Duane Lemons, Fire Inspector

DATE: August 25, 2010

SUBJECT: AGENDA ITEMS FOR SEPTEMBER 29, 2010 PLANNING COMMISSION MEETING.

We reviewed the agenda items for the September 29, 2010 Planning Commission Meeting and have the following comments:

- SUP-05-164 George Wendell, Victory Christian Ctr We have no concern with this request.
- SUP-10-049 Talebi Family 1998 Trust We have no comments or concern with this request.

DL/llb



VICTORY CHRISTIAN CENTER

George and Marlene Wendell, Pastors

RECEIVED

AUG 03 2010

CARSON CITY
PLANNING DIVISION

August 2, 2010

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

Re: SUP-05-164
Metal Storage Container Review
2462 Northgate Lane
APN 002-061-32

ATT: Kathe Green
Assistant Planner

Dear Ms. Green:

Reference is made to your correspondence, dated July 15, 2010, regarding the above subject matter, as well as a request from Victory Christian Center for the continued use of the metal storage container on the church property.

It is my understanding that the "Conditions of Approval," specifically #7, for SUP-05-164 requires a review in five years (September, 2010) by the Planning Commission to determine if the "accessory use" remains appropriate.

In consideration of the Planning Commission's review of Victory Christian Center's continued use of the 8'x40' metal storage container on the church property, each of the applicable required conditions from Development Standards Division 1.10.9 are addressed herein:

1. The metal storage container is presently located in a Retail Commercial zoning district and in the same location when initially approved by the Planning Commission on September 29, 2005.
2. The metal storage container:
 - (a) Is only used for storage purposes and no human occupation.

300 Hot Springs Road (89706) • P.O. Box 4447 (89702) • Carson City, NV • (775) 885-7722
www.VictoryAtCarson.org

- (b) There have been no alterations to the container, including, but not limited to doors, windows, electrical, plumbing or connection of multiple containers.
- 3. Hazardous materials are not stored in the container.
- 4. The container is at building grade and located at its initially approved location at the rear of a (1) acre unpaved piece of church property and across the street from the main sanctuary.
- 5. The container is painted an earth-tone color to minimize any visual impact and contains no graffiti, rust, advertisement, peeling paint or other forms of deterioration.
- 6. The container is also screened on three sides with chain link fencing with slats in addition to being located approximately 340' to the rear of the church property.

In further consideration of the Planning Commission's Review of SUP-05-164, reference is made to the following attachment (Exhibit A) titled "Special use Permit Application Questionnaire" which was submitted to the Planning Commission in September, 2005. Nothing has changed within the initially submitted material except for the fact that the container was subsequently painted an earth-tone color.

Also enclosed are two checks made payable to the Carson City Planning Division for the required fee of \$50.00 and \$54.08 to cover the expense of statutory notification requirements.

Sincerely,



GEORGE D. WENDELL

Senior Pastor

VICTORY CHRISTIAN CENTER

gdw:mw
Enclosures

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?

Explanation:

Goal 1: Advocate land use patterns which create vitality, diversity and compatibility.

Policy 1.4 In the future, advocate a mixture of land uses where such a mix is compatible.

Victory Christian Center owns approximately two acres of land at the intersection of Northgate Lane and Hot Springs Road, which is used primarily for church services, church ministries and other church-related activities.

The two acres of land are separated by Northgate Lane, wherein one acre is occupied by three structures and the other acre is vacant land used for overflow parking.

It is the intention of Victory Christian Center to apply for a Special Use Permit to allow the use of an **8' x 40' storage container** on the vacant lot.

The vacant lot is located in an area zoned **retail commercial** where it would be compatible with existing land use.

For instance, except for Northgate Lane bordering the eastern portion of the vacant lot, the other three sides of the property are immediately adjacent to parking lots.

In addition, the rear portion of all retail outlets, restaurants or office buildings face the vacant lot where the storage container would be located.

The storage container, which is painted light gray corresponding in color with the existing environmental structures, would be located in the far southeast corner of the property where there are six foot chain link fences on three of the four sides of the container.

In addition, there is one 12' tree on the south side of the container and 12' to 15' trees growing close together, 142' in length, along the west side of the property and concealing the storage container.

The storage container is 8' 9" in height, but is very well concealed by the 6' chain link slated fencing on three of its four sides in addition to the 12' to 15' trees adjacent to one of the 6' sections of fencing.

The representatives of Victory Christian Center believe that the storage container is very essential for the activities of the church at the present time and that the use of the vacant lot for the storage of the container would not only be beneficial to the church but is very compatible with the existing use of surrounding properties.

Policy 1.8 Encourage mixed use developments through the planned unit development review process to the extent possible.

Victory Christian Center intends to build a sanctuary on its property directly north of the intersection at Northgate Lane and Hot Springs Road and establish storage areas and paved parking on the lot that is presently vacant; however, even though that vision is inevitable, the development and timing of that project is dependent on the growth of the church.

During the interim, the church needs to be a good steward of its resources and utilize its property effectively. Therefore, having the use of more storage would be very beneficial to the church and its ministerial programs.

Policy 1.9 Encourage Specific Plan Areas for vacant land areas.

As previously stated, the land where the church wants to place the storage container is completely void of any structures, unpaved and used for vehicle storage of its 24 passenger bus and van.

In the short and intermediate term, the church also intends to use the property for recreational purposes; however, in order to fully use the property to its fullest extent at the present time, the church needs more storage space in which to meet the needs of its ministries.

Goal 2: Promote better community design, appearance and recognition of Carson City as identified in the various design guideline ordinances, Visual Preference Survey, Capital City Focus, and Downtown Master Plan.

Policy 2.1 Promote developments designed to best utilize and maintain the land resources.

As previously stated herein, Victory Christian Center owns two acres of land in Carson City, one acre of which is not being used to its full potential.

Obviously, land in Carson City is very expensive, especially commercial property. Allowing the land to sit vacant for any period of time is foolish.

The church has a long term goal for the vacant lot, which will be a significant part of an extensive building project at some time in the future, depending on the growth of the church.

In the meantime, the church needs to use the property for storage purposes by being allowed to place a storage container on the premises.

The placement of the container is crucial so the church can still use the property for overflow parking, parking of the church bus and van, as well as for recreational purposes.

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

Explanation:

The church does not believe that the placement of a storage container on its vacant land will be detrimental to the general public, surrounding businesses or retail businesses.

The land located in the immediate vicinity of the vacant lot is zoned retail commercial and commercial. The container would fit right in with the general environment, i.e. vehicles in adjacent parking lots.

Even though the container would fit right in with the structures on adjacent properties, i.e. 12' to 15' long solid block walls and the backside of businesses and office building, it will be completely unobtrusive to the surrounding properties because of its location in the far corner of the property which is lined with 6' slated chain link fences and 142' of property lined with trees.

In addition, access to the container will be very seldom because it will only be used for storage of church property.

As a result of accessing the container ***“only on an as needed basis,”*** the most activity on the property will be to pick up or park the church bus or van; for a few recreational activities; or for clearing and cleaning the property of debris. This type of activity is not going to interrupt the peacefulness or serenity of the surrounding environment.

It should be noted that there has been continual access to the vacant lot since it was purchased approximately two years ago; therefore, the placement of a storage container will not have any effect on pedestrian or vehicular traffic adjacent to the property.

In conclusion, the church and its ministries are a resource for the people within the community and any resources that benefit the church and its ministries have a direct benefit to community outreach.

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

- A. The project will not affect the school district, the student population or the Sheriff's Office.
- B. This project will not result in the paving or compaction of surface areas.
- C. Water supplies will not be required.
- D. Sewage resources will not be required.

- E. Road improvements will not be required.
- F. The statements and conclusions provided in this application for a Special Use Permit are so factual, matter of fact, and matter of record that information was obtained by personal observation as well as from the Department of Planning and Development of Carson City.
- G. Outdoor lighting is not required at the present time.
- H. Screening of the storage container, which has been described in detail throughout this application process, will consist of existing 6' chain link fencing, with non-transparent slats, and trees. In addition, screening for the storage container is identified on the site plan.
- I. A parking plan will not be required for this project as it will not be used for any business/retail activity.

SUMMARY:

In conclusion, Victory Christian Center, is submitting an application for a Special Use Permit to the Planning Commission for the purpose of placing a storage container (commercially constructed, steel, painted light gray, on skids and further described as: height 8' 9"; width 8'; length 40') on property owned by the church.

The property is a vacant lot located at the intersection of Northgate Lane and Hot Springs Road.

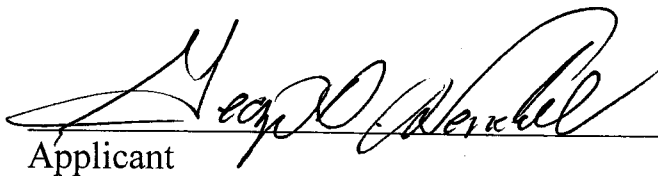
The container will be placed at the Southwest corner of the vacant lot in a very unobtrusive area of the church property and other adjacent properties.

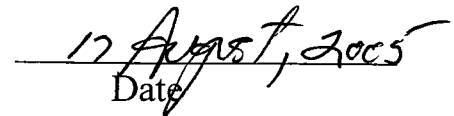
The storage container will only be used for the storage of church property and for no other purpose.

This storage area will benefit the church and its ministries, which in turn benefit the community.

ACKNOWLEDGEMENT OF APPLICANT

I certify that the foregoing 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/Board of Supervisors. 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/ Board of Supervisor'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.

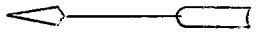

Applicant


Date

George D. Wendell
P. O. Box 4447
Carson City, Nevada 89702
A.P.N. 02-061-32
Intersection of Hot Springs Road & Northgate Lane
Project Title: Storage Container Special Use Permit

NORTH

(front of building)



Office Building

Scale: 1/8" = 10'

35

Parking Spaces

Northgate Lane

15

Mexican Family Restaurant

Parking Spaces

Pizza Hut

Parking Spaces

13

Retail Businesses

front of building

34

7'5" to West fence

6'4" to west fence
8'5'5" to south fence

(12' to 15' trees) Parking Spaces (paved)

6' chain link fence

Victory Christian Center Property
(Cover Flow Parking area)

32

Barbours Area
4' chain link fence

6' chain link fence w/ privacy slats on (H) sides

Parking Spaces (paved)

34

(10' + wall)

23'6" to East fence
9'6" to South fence

Hot Springs Road

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CARSON CITY
PLANNING DIVISION

George D. Wendell
P. O. Box 4447
Carson City, NV 89702
775-885-7722

A.P.N. 02-061-32
Intersection of Hot Springs Rd & Northgate Ln
Project Title: Storage Container Special Use Permit

Victory Christian Center Property

Victory Christian Center Property

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