

# STAFF REPORT FOR PLANNING COMMISSION MEETING OF FEBRUARY 29, 2012

FILE NO: SUP-05-258

AGENDA ITEM: H-1

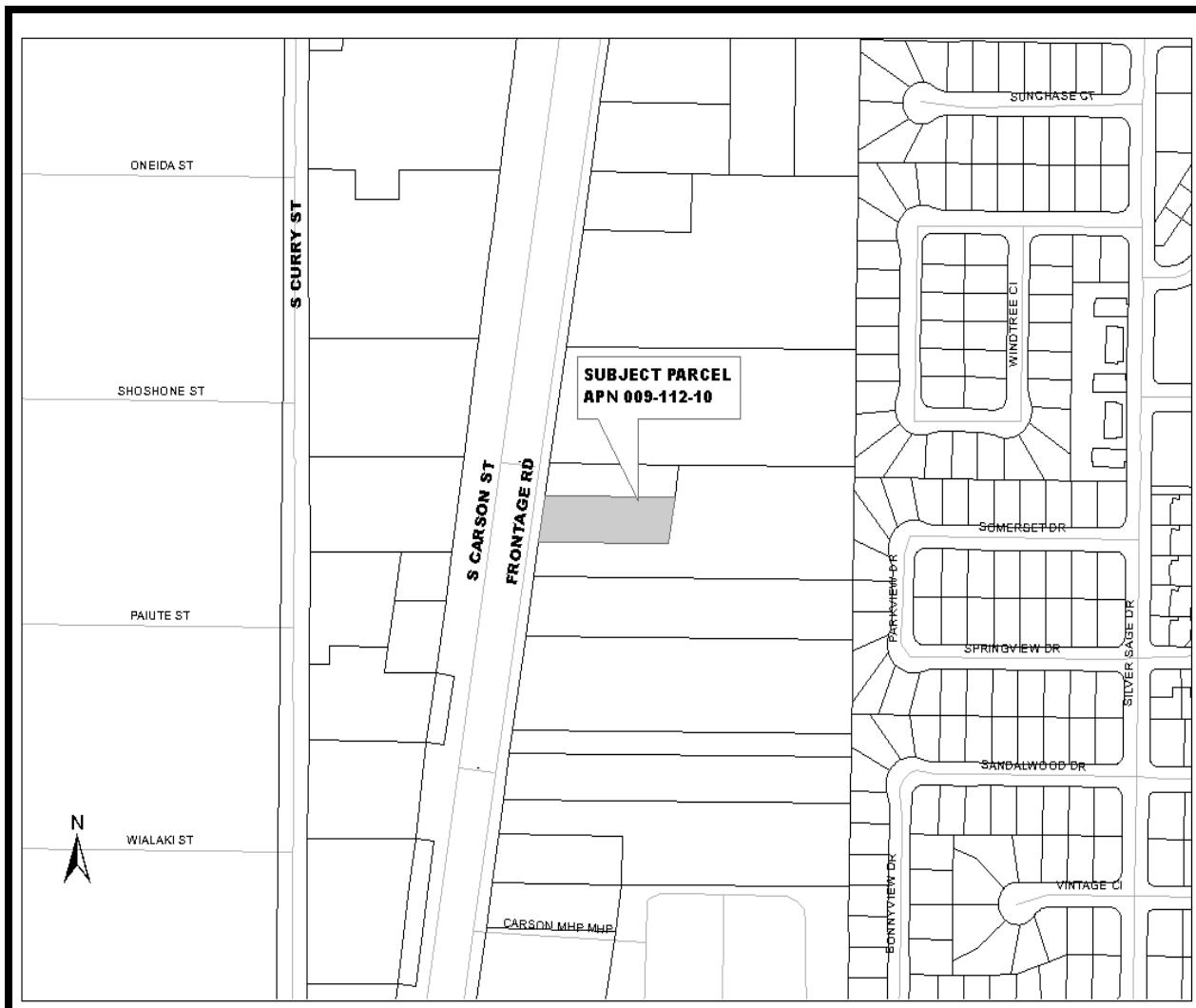
STAFF AUTHOR: Kathe Green, Assistant Planner

**REQUEST:** Five year review of Special Use Permit to allow permanent placement of two box vans or truck boxes, hereafter referred to as "storage containers" to be used for storage in the Retail Commercial (RC) zoning district.

**OWNER/APPLICANT:** Virginia R Erskine

**LOCATION/APN:** 3129 S Carson Street/009-112-10

**RECOMMENDED MOTION:** "I move to approve SUP-05-258, a Special Use Permit request from Virginia R Erskine, for a five year review of two existing storage containers, permanently placed on property in the Retail Commercial zoning district, located at 3129 S Carson Street, APN 009-112-10, 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.

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

4. The two storage containers are 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 containers.
5. No hazardous materials will be stored within the containers.
6. The storage containers will be maintained to match the existing building color on site. Any 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.
7. Advertising is prohibited on the exterior of the containers.
8. 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 January 2017.

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

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

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

**SPECIAL DISTRICT:** South Carson Street Redevelopment District

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

**SURROUNDING ZONING AND LAND USE INFORMATION**

NORTH: Retail Commercial (RC)/Retail Store

SOUTH: Retail Commercial (RC)/ Retail Store, apartments and mobile homes

EAST: Retail Commercial (RC)/ Mobile Homes and vacant

WEST: Retail Commercial (RC)/ Car Wash

**ENVIRONMENTAL INFORMATION**

1 FLOOD ZONE: Zone AH (100 year flood plain, 1-3 foot depth-elevation shown)

2 EARTHQUAKE FAULT: Moderate, Zone II. Fault beyond 500 feet from site

3 SLOPE/DRAINAGE: Property is flat and generally drains to the north/east

4 SOILS: 71: Urban land

**SITE DEVELOPMENT INFORMATION**

1 LOT SIZE: .69 acre

2 EXISTING LAND USE: Retail, Mini Storage, warehouse, residence, rental duplex

3 STRUCTURE HEIGHT: Two truck boxes used as storage containers are presently located on site and are approximately 8.5 feet in height and are 8 x 20 feet each for a total of 320 square feet of outside storage.

4 PARKING: Adequate on site.

5 SETBACKS: No change required

6 VARIANCES REQUESTED: None

7 SPECIAL DISTRICT/AREA: South Carson Street Redevelopment District

**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.

Two truck boxes used as storage containers were placed on the site in approximately 2003, per a letter in the file from the applicant. The applicant removed two sheds from the site and replaced them with the boxes at that time. The truck boxes were originally approved by the Planning Commission on January 25, 2006, with a review date of January 31, 2007. Discussion during the initial meeting noted that the site may qualify for "some type of

grandfathering because this use had been in effect . . . prior to the law being enacted." The approval was to allow the boxes to remain on the lot in support of storage for the residential tenants in the existing duplex on site, after discussion regarding the fact that these boxes were on site prior to a change of the ordinance which prohibited this type of truck boxes being used for storage.

The application was reviewed in January 2007. The condition of approval stated the special use permit would be reviewed in one year, but the condition was modified to state it would be reviewed in January 2010. After review of this condition with the applicant and review of the minutes of the meeting, it was determined that the approval stated the review would actually be after five years, in January 2012. If this application is approved, the next scheduled review would be in January 2017.

The site and containers are in compliance with the conditions of approval of the original special use permit. The containers were placed at the rear of the site and are not visible from the street. The containers appear to be in good condition, with no graffiti, advertising signs or noted deterioration. The placement of the containers at the back of the lot diminishes their appearance from off-site. The containers have been painted white, a neutral color. The containers are well kept and well maintained. The containers do not block any drive aisle, parking area or landscaping.

**PUBLIC COMMENTS:** Public notices were mailed to 30 adjacent property owners within 450 feet of the subject site on February 10, 2012 per the requirements of the Carson City Municipal Code and NRS. No complaints have been registered by the public 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 February 29, 2012, depending on the date of submittal of the comments to the Planning 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

Environmental Health: 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 two containers are made out of aluminum and steel. They are painted white, a neutral color, which blends in with the business appearance on the site. They do not use any utilities and are a source of energy conservation.

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

The containers utilize and maintain the existing land resources. They do not block any views or vistas. No signage has been or will be allowed to be placed on the containers. The containers are utilized by the residential tenants on the site for storage. The location of the units at the rear of the property was designed to minimize the appearance of the units from the front of the property and the street. They are well maintained.

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

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

To provide security, the containers are kept locked when not in use. The location of the containers has been designed to minimize the appearance from the street, as the view of the containers is blocked from the street by the business and house to the west of the containers.

#### **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 more than five years without problems. The initial review by the Planning Commission was in 2006. This permit is to review the situation 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 and residential uses on the site may create noise, vibrations, fumes, odors, dust

and physical activity, but the containers placed on site in support of these uses is not detrimental.

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

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

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

The storage containers were placed in this location approximately nine 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 Retail Commercial zoning district is to preserve a commercial district limited primarily to offices and retail sales 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. There is a retail store at the front of the property, with a residence, duplex and warehouse storage building also on the site, in addition to the two containers. These uses predate the limitations in the code regarding residential uses in Retail Commercial and truck trailer boxes being used as storage units. Permanent placement of the storage containers in support of the tenants on the site was determined by the Planning Commission in 2006 to be appropriate as an accessory use at this location.

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

Continuation of the placement of the truck boxes used as 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 truck boxes used as storage containers as placed in this location. No negative concerns have been noted since the storage containers were placed here originally. No detrimental concerns are anticipated by continuing the use.

Respectfully submitted,

PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT

**Kathe Green**

Kathe Green, Assistant Planner

Attachments  
Application  
Building Department comments  
Engineering Department comments  
Fire Department comments  
Health Department comments  
Environmental Health Department comments

## Kathe Green - Planning Commission comments

---

**From:** Dustin Boothe  
**To:** Kathe Green  
**Date:** 2/7/2012 9:25 am  
**Subject:** Planning Commission comments

---

Kathe:

AB-12-005

Carson City Health and Human Services has no comments, based on the packet submitted.

SUP-05-258

Carson City Health and Human Services has no comments, based on the packet submitted.

Dustin Boothe, MPH, REHS  
Carson City Health and Human Services  
900 E. Long St.  
Carson City, NV 89706  
(775) 887-2190 ext. 7220

Please Note I have a new E-Mail address.

dboothe@carson.org

Confidentiality Notice: This email message, including any attachments, may contain privileged and confidential information for the sole use of the intended recipient(s). If the reader of this message is not the intended recipient, any unauthorized review, dissemination, distribution, or copying of this email message is strictly prohibited. If you have received and/or are viewing this email in error, please notify the sender immediately by reply email and delete this email from your system.

## Kathe Green - Planning Commission Comments

---

**From:** Stacey Giomi  
**To:** Green, Kathe  
**Date:** 1/23/2012 12:52 pm  
**Subject:** Planning Commission Comments

---

**RECEIVED**

JAN 24 2012

CARSON CITY  
PLANNING DIVISION

---

Kathe,

Here are the comments from the Fire Department for the next Planning Commission Meeting.

SUP-05-258 and AB-12-005 No comments or concerns.

Thank you.

**RECEIVED**

JAN 24 2012

CARSON CITY  
PLANNING DIVISION

**Engineering Division  
Planning Commission Report  
File Number SUP 05-258**

**TO:** Planning Commission

**FROM:** Rory Hogen, E.I.

**DATE:** January 24, 2012

**MEETING DATE:** February 29, 2012

**SUBJECT TITLE:**

Action to consider the renewal of Special Use Permit 05-258 to continue to use of two 8' x 20' storage containers on the site at 3129 S. Carson St., apn 09-112-10

**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**

Plans are adequate for this review.

**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**

No pedestrian or traffic issues are expected with this construction as it is well out of any traveled way.

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

No City water, sewer or access services will be needed for this project.

**RECEIVED**

**JAN 23 2012**

January 23, 2012

Major Project Review Committee

**CARSON CITY  
PLANNING DIVISION**

Re: # SUP – 05-258

Dear Kathe,

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for the SUP -05-258@ 3129 S Carson St. project:

1. The ECA has no comments for this submittal.

Please notify Mark Irwin if you have any questions regarding these comments, I can be reached at 775-283-7380.

Sincerely;

Mark Irwin  
Environmental Control Officer 3

c: Kelly Hale, Environmental Control Supervisor  
Ken Arnold, Public Works Environmental Manager

<b>File # (Ex: MPR #07-111)</b>	SUP-05-258
<b>Brief Description</b>	<i>Five year review for metal storage containers</i>
<b>Project Address or APN</b>	009-112-10
<b>Bldg Div Plans Examiner</b>	Kevin Gattis
<b>Review Date</b>	2-29-2012
<b>Total Spent on Review</b>	

**BUILDING DIVISION COMMENTS:** No comments

**RECEIVED**

JAN 20 2012

CARSON CITY  
PLANNING DIVISION

January 16, 2012

SUP - 05-258 RECEIVED

Re : SUP-05-258

JAN 19 2012

Metal Storage Containers Review  
3129 South Carson St  
APN 009-112-102-102-28

CARSON CITY  
PLANNING DIVISION

Enclosed : Submission and five copies  
Site Plan  
Current pictures  
Conditions of approval

Dear Planning Commission

We are requesting approval for the baked enamel containers to remain on the site and continue to be used as storage by the tenants in the duplex. Location of the duplex and storage containers is shown on the site plan. The containers are not visible from the street and are in excellent condition. There are no logos, advertising, or graffiti on the white baked enamel. There are no hazardous materials stored in the containers. The containers do not impede drainage or encroach into any access ways or easements. The containers do not occupy any parking spaces. We have not had any complaints concerning the containers.

Virginia & Gene Erskine  
3129 South Carson St.  
Carson City, NV 89701  
(775) 841-2323

Flower  
STONE

10-Apts  
ALL METAL blds.  
2 STORY

RON Smiley  
PROPERTY

RECEIVED

DEC 08 2005

CARSON CITY  
COMMUNITY DEVELOPMENT

Mobil  
Homes  
&  
Storage  
Area









# CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

RECEIVED

FEB 16 2007

CARSON CITY  
PLANNING DIVISION

**PLANNING COMMISSION**  
January 31, 2007  
**NOTICE OF DECISION**

A one year review of a previously approved Special Use Permit, SUP-05-258, (property owner: Virginia Erskine) to allow permanent placement of two metal storage trailers, on property zoned Retail Commercial (RC), located at 3129 South Carson Street, APN 009-112-10 was required by Condition of Approval #10 for January 2007, pursuant to the requirements of the Carson City Municipal Code.

The Planning Commission conducted a public hearing on January 31, 2007, in conformance with City and State legal requirements, and approved the review of SUP-05-258, based on the findings contained in the staff report and subject to the following modified conditions of approval:

**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 / conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. The applicant shall meet all the conditions of approval and commence the use for which this permit is granted within twelve months of the date of final approval. A single, one-year extension of time may be granted if requested in writing to the Planning Division thirty days prior to the one-year expiration date. Should this permit not be initiated within one year and no extension granted, the permit shall become null and void.
3. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by the conditions of approval herein.
4. All improvements shall conform to City standards and requirements.

★ CLERK ★  
**FILED**

Time 10:27 a

FEB 12 2007

By K. King  
Deputy  
Carson City, Nevada

**The following conditions apply over the life of this Special Use Permit:**

5. The trailers must be maintained in good condition, kept graffiti-free, and painted in the same color as the primary buildings on the site or with an earth-tone color to mimic the terrain/landscaping. Advertising on the trailers is prohibited at all times. The phrase "Eagle Flight" and the eagle logo and any other logos must be removed from the trailers that display them.
6. The metal storage trailers must not be used as residential dwelling units or for any use other than storage. Storage above or outside the trailers is prohibited.
7. No storage of hazardous materials or other materials which might create a hazardous condition.
8. The storage trailers must not impede drainage, nor encroach into any access ways or easements.
9. The storage trailers must not occupy any required parking spaces.
10. ~~This Special Use Permit shall be reviewed in 1 year, at which time the Planning Commission will determine if the accessory use remains appropriate.~~ *This Special Use Permit shall be reviewed in January 2010, at which time the Planning Commission will determine if the accessory use remains appropriate.*

This decision was made on a vote of 7 ayes and 0 nays.



Walter A. Sullivan  
Planning Division Director

WAS/kk

Mailed: 2/12/07 By: RMT

**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.

Virginia R. Erskine  
OWNER/APPLICANT SIGNATURE

February  
DATE

Virginia R. Erskine  
PLEASE PRINT YOUR NAME HERE

**RETURN TO:**  
Planning Division  
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

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 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

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.