

## STAFF REPORT FOR PLANNING COMMISSION MEETING DECEMBER 19, 2012

FILE NO: SUP-10-026

AGENDA ITEM: G-1

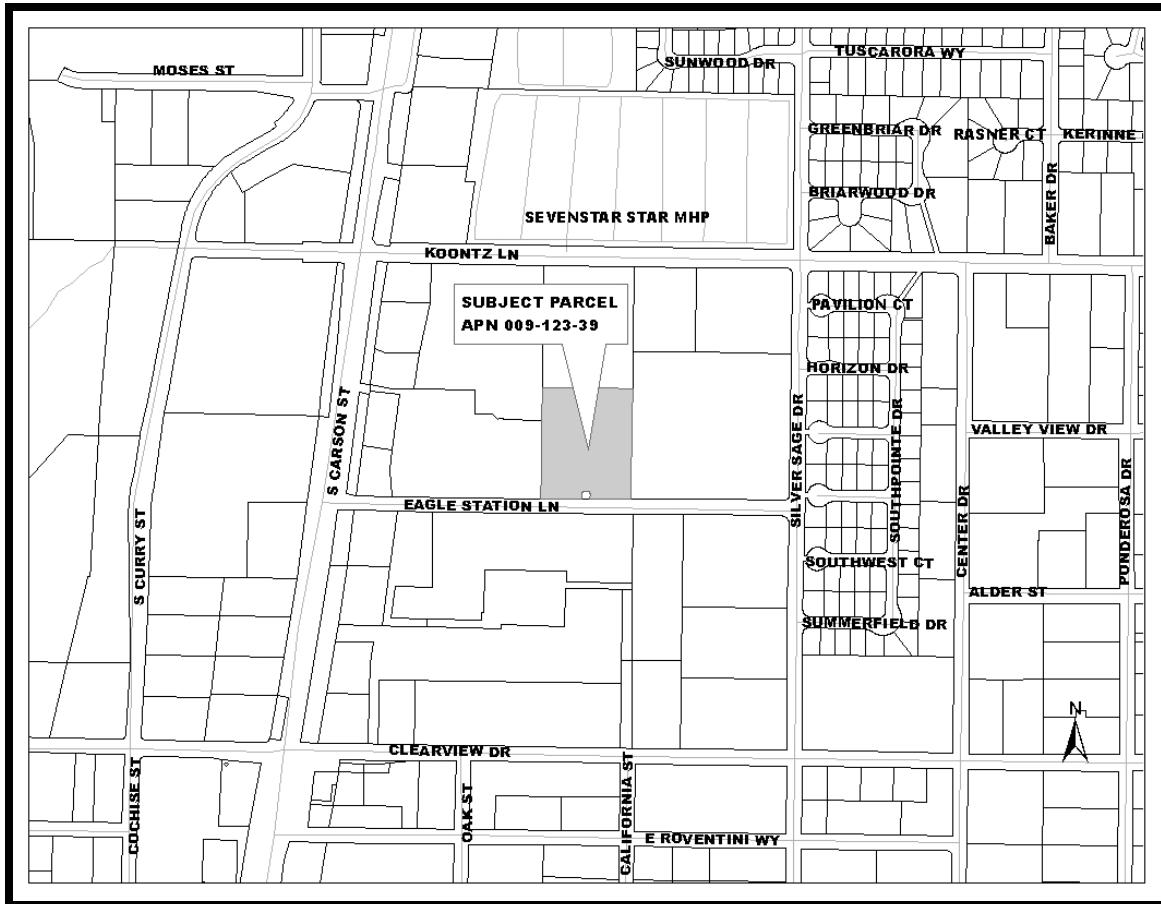
STAFF AUTHOR: Jennifer Pruitt, Principal Planner

**REQUEST:** To consider a three year extension request for SUP-10-026 from the Jackson Family Living Trust (property owner: Jackson Family Living Trust) to construct a 72-unit multi-family apartment project.

**OWNER:** Jackson Family Living Trust 5/25/00 c/o Donald and Bonnie Jackson, Trustees

**LOCATION/APN:** 250 Eagle Station Lane/ 009-123-38 and 009-123-39

**RECOMMENDED MOTION:** "I move to approve an extension from the existing expiration date of Special Use Permit, SUP-10-026 from January 4, 2013 to January 4, 2016, for the construction of a 72-unit multi-family residential project located at 250 Eagle Station Lane, APN's 0009-123-38 and-39."



**MODIFIED 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 consideration.
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 meet all the conditions of approval and commence the use for which this permit is granted by January 04, 2016, ~~within 12 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 30 days prior to the one year expiration date.~~ Obtaining and maintaining a valid building or construction permit for the proposed construction shall constitute project commencement. Should this permit not be initiated by the date noted above within one year and no extension granted, the permit shall become null and void.

**The following shall be submitted with any building permit application:**

5. 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.
6. The building construction requires an 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.
7. All exterior lighting must be reviewed and approved prior to installation.

**The following applies throughout the life of the project:**

8. The maximum number of residential units allowed on the site is 72. Any modification to increase density or significant changes in the proposed project will required an additional review by special use permit.
9. With this Special Use Permit (SUP-10-026) approval, the Planning Division approves the requested Abandonment of Final Plan TPUD-05-191 Eagle Village Planned Unit Development.
10. Lighting fixture details and "cut-sheets" shall be submitted with a Building Permit application in compliance with Development Standards Division 1.3 Lighting. Any lighting fixtures shall be so installed as to project light downward and away from adjoining properties and glare to the sky.

11. The applicant shall submit landscape plans in compliance with the Carson City Development Standards, Division 3 (Landscaping) with building permit plans for review and approval by the Planning Division.
12. Exterior building colors should blend with surrounding development and not cause abrupt changes. Primary building surfaces (excluding trim areas) should be muted or earth-tone in color. Bold colors shall be avoided except when used as accent or trim.

**MASTER PLAN DESIGNATION:** Commercial (C)

**ZONING:** General Commercial-Planned Unit Development (GC-P)

**LAND USE INFORMATION AND SURROUNDING ZONING:**

- North: Evergreen Mountain View Care Center; zoned General Commercial (GC)
- South: JC Penney; zoned General Commercial (GC)
- West: Southwest Gas Company; zoned Retail Commercial (RC)
- East: Commercial; zoned General Commercial (GC)

**ENVIRONMENTAL INFORMATION:**

1. **FLOOD ZONE:** Zone "B" and "AH" areas between the 100 to 500 year flood zone
2. **SOILS:** 71- Urban Land
3. **EARTHQUAKE FAULT:** No earthquake faults in the vicinity
4. **WETLANDS:** No wetlands exist on the site

**SITE DEVELOPMENT INFORMATION:**

- 1 **LOT SIZE:** The subject site contains 3.66 acres (2 parcels).
- 2 **PROPOSED PROJECT SIZE:** The proposed project consists of 72 residential units grouped in six, three story buildings, and totaling 87,348 square feet.
- 3 **LANDSCAPING AREA:** 62,436 square feet or 1.43 acres.
- 4 **SETBACKS:** There are no required General Commercial (GC) setbacks. Height is limited to 45 feet. Provided: front 25 feet, right side 40 feet, left side 40 feet, rear 23 feet, height 38.5 feet overall
- 5 **VARIANCE REQUESTED:** None

## **LEGAL REQUIREMENTS:**

CCMC 18.02.080 (Special Use Permits). Pursuant to the Carson City Municipal Code (CCMC) 18.02.080(8c):

- In the event that circumstances beyond the control of the applicant result in a failure to complete applicable Special Use Permit (SUP) conditions and construct or commence the use prior to the expiration date, the applicant may, in writing, request an extension of the expiration date. The written request for an extension shall be received by the Planning Division 30 days prior to the expiration date and shall state the reason for the extension. The Director may approve a one year extension from the original date of Special Use Permit expiration with the option of Commission review. The Commission may approve additional extensions of time subject to the consideration of the continued appropriateness of the Special Use Permit (SUP) and may be subject to the imposition of additional conditions by the Commission to ensure that the activity permitted by the Special Use Permit does not adversely impact other properties in the area or the public interest.

## **DISCUSSION:**

The Eagle Village Condominium project was initially approved on November 30, 2005, with the approvals of SUP-05-192, TPUD-05-191 and FPUD-08-128 for 36 residential condominiums in six buildings, where residential uses require approval of a Special Use Permit. The project changed owners and with changes in the economic industry resulted in delay of the project. On May 27, 2009, the Planning Commission approved SUP-09-039 to allow the increase in density from the previously approved 36 dwelling units to 48 dwelling units. On June 30, 2010, a SUP request to add 24 additional residential units to the previously approved 48 units for a total of 72 dwelling units on site was approved.

At this time, the property owner has requested to extend the expiration date of the previously approved Special Use Permit (SUP-10-026) from January 4, 2013 to January 4, 2016, to allow additional time for the existing financial markets to stabilize and the subject site to mature.

The property owner has obtained building permits related to the previous approvals and commenced work on site which includes: all utility tie-ins at the street, all on site utilities, rough grading, building pads to bottom of footing, perimeter wall construction, fire lines with hydrants, city sidewalks and curb & gutter work. Unfortunately, the permits associated the site improvements have expired or will expire by January 4, 2013.

In most instances the typical SUP project can be initiated within a two year period of time. Initiation in this case means the submittal of a building permit or commencing the use approved by the SUP. Open ended approvals could fall victim to codes regulations that are not relevant or not in keeping with current code requirements at the time of building permit or commencement of the use.

This is the second project in Carson City to initiate a SUP extension pursuant to the newly adopted CCMC allowing the Planning Commission to review and approve additional extensions of time for Special Use Permits on a case by case basis. Attached is the conceptual design of the multi-family apartment project and the written extension request from the property owner.

The Planning Division staff believes the justification to grant the extension request have been met. Noting that circumstances beyond the control of the applicant have resulted in a failure to complete applicable SUP conditions and construct the use prior to the expiration date. In addition, substantial investment has already been made for on-site improvements for the project. Therefore, it is recommended that the Planning Commission approve the extension request for SUP-10-026 based on the justification provided by the applicant.

**PUBLIC COMMENTS:** Public notices were mailed to 191 adjacent property owners within 563 feet of the subject site. At the writing of this report no additional comments in favor or opposition to this proposal have been received. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on December 19, 2012, depending on the date of submission of the comments to the Planning Division.

**OTHER CITY DEPARTMENT COMMENTS:** The following comments were received from various city departments.

Building & Safety Division:

- No comments.

Engineering Division:

- The Engineering Division has reviewed the extension request and has no preference or objection to the request. All previous Special Use Permit and construction permit requirements still apply.

Fire Department:

- The Fire Department's original comments on this project remain.

Environmental Health Department:

- ECA has no requirements or comments for this project.

Respectfully submitted,  
PUBLIC WORKS, PLANNING DIVISION

*Jennifer Pruitt*

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Jennifer Pruitt, AICP, CNU-A, LEED AP  
Principal Planner

Attachments

- 1) Applicant's extension request
- 2) Conceptual Plans
- 3) Staff comments
- 4) Previous conditions of approval







RECEIVED  
CARSON CITY PLANNED ZONING

12/15/10 12:01 PM  
KARIN J. FETTER  
ARCHITECT  
STATE OF NEVADA

**PROJECT:**  
EAGLE VILLAGE  
APARTMENTS  
250 EAGLE STATION LANE  
CARSON CITY, NEVADA  
89701

**DRAWING:**  
FIRST FLOOR PLANS

SCALE: 3/16"-1'-0"

DATE:

DRAWN BY:

CHECKED BY:

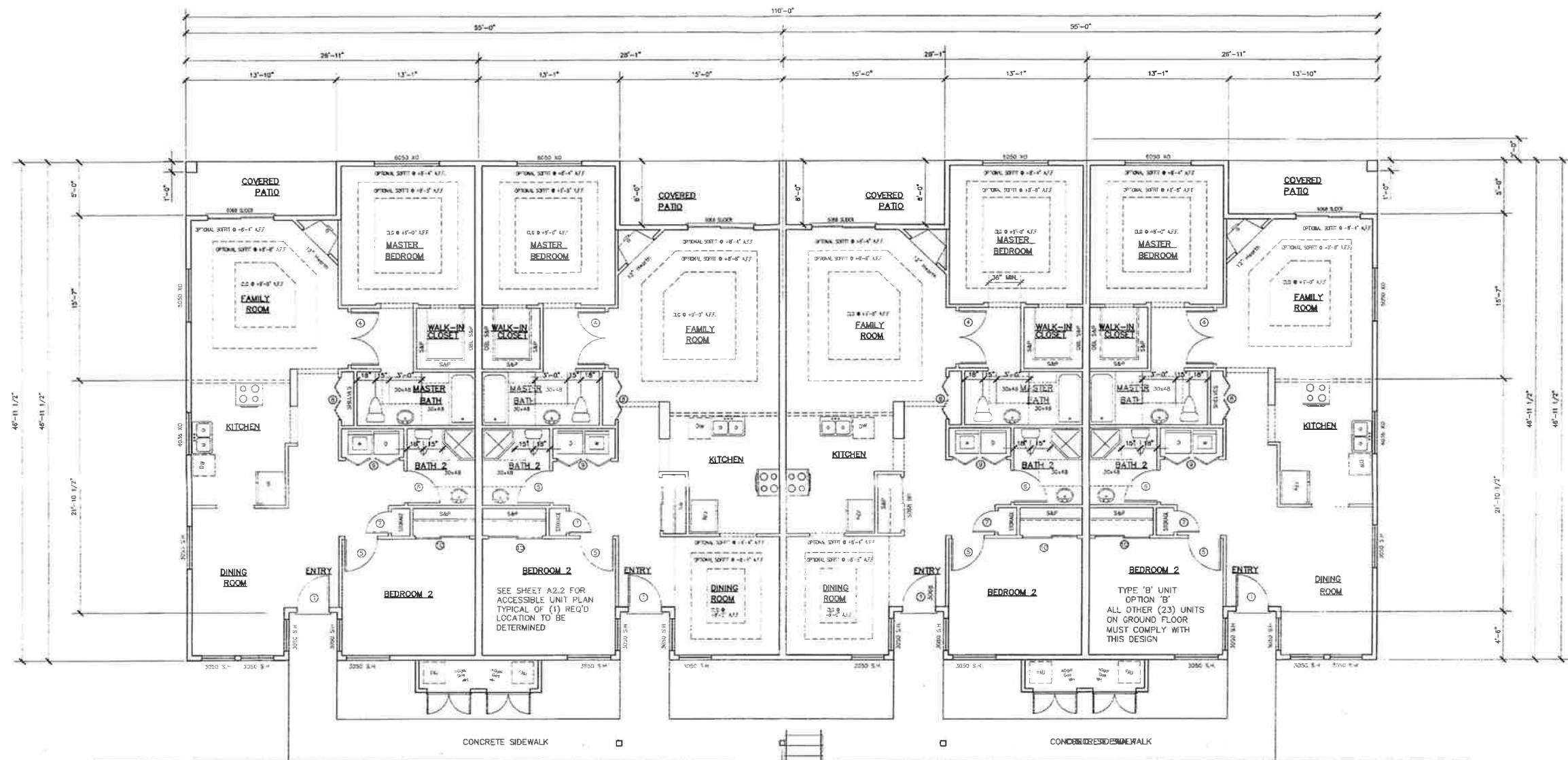
ISSUES:

DATE	TYPE
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**DRAWING:**

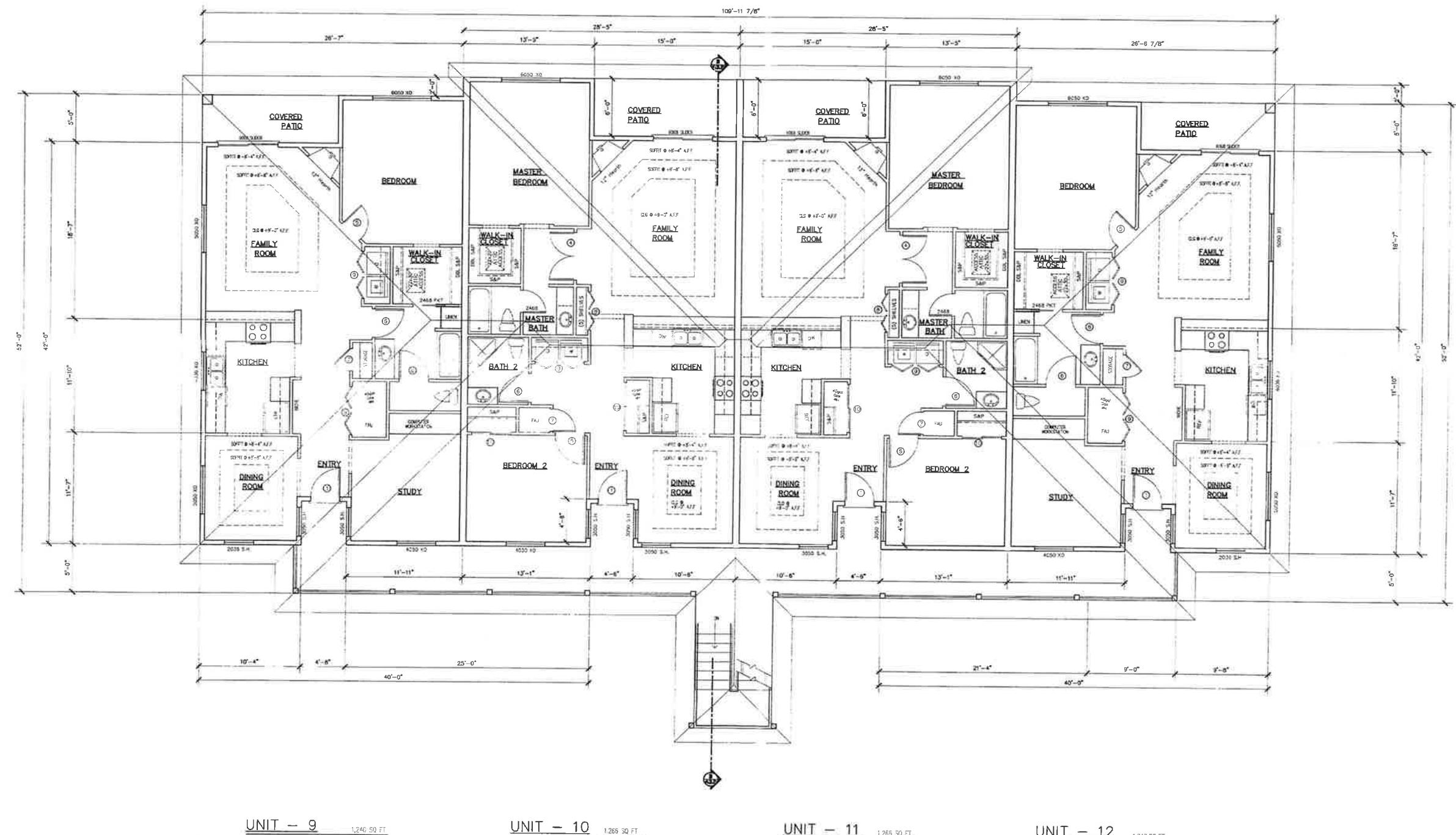
**A2**  
RECEIVED

12/15/2010  
CARSON CITY  
PLANNED ZONING



WALL LEGEND	
=====	REPRESENTS 2x6 WALLS W/ 2x4 STUDS STAGGERED @ 16" O.C. WALL ASSEMBLY TO BE PER GA FILE NO. WP 3380
=====	REPRESENTS 2x5 WALLS @ 16" O.C. WALL ASSEMBLY TO BE PER GA FILE NO. WP 8105 (EXTERIOR) GA FILE NO. WP 3661 (INTERIOR)
=====	REPRESENTS 2x4 WALLS @ 16" O.C. WALL ASSEMBLY TO BE PER GA FILE NO. WP 8105 (EXTERIOR) GA FILE NO. WP 3510 (INTERIOR)
NOTE: SEE SHEET A2.5 FOR WALL ASSEMBLY DETAILS	

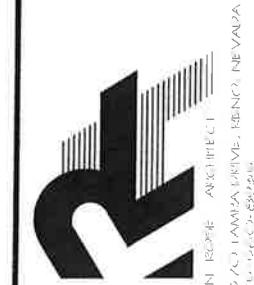




NOTE:  
ALL UNOBSTRUCTED SWITCHES, RECEPTACLES,  
AND ENVIRONMENTAL CONTROLS SHALL BE LOCATED  
BETWEEN 15" AND 48" ABOVE FINISHED FLOORS.  
ALL OBSTRUCTED (COUNTER) SWITCHES, RECEPTACLES,  
AND ENVIRONMENTAL CONTROLS SHALL BE LOCATED  
NO MORE THAN 44" ABOVE FINISHED FLOORS.

WALL LEGEND	
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NOTE: SEE SHEET A2.5 FOR WALL ASSEMBLY DETAILS	

A2.2  
RECEIVED  
4/15/2010  
CARSON CITY  
PLANNING DEPT.



PROJECT:  
EAGLE VILLAGE  
APARTMENTS  
250 EAGLE STATION LANE  
CARSON CITY, NEVADA  
89701

DRAWING:  
THIRD FLOOR PLANS

SCALE: 3/16" = 1'-0"  
DATE: 4/14/2010  
DRAWN BY:  
CHECKED BY:

ISSUES:

DATE	TYPE

DRAWING:



RECEIVED

NOV 14 2012

CARSON CITY  
PLANNING DIVISION

**Engineering Division  
Planning Commission Report  
File Number SUP 10-026 updated**

**TO:** Planning Commission

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

**DATE:** Nov. 14, 2012

**MEETING DATE:** Dec. 19, 2012

**SUBJECT TITLE:**

Action to consider a request for a 3 year extension of the special use permit for the construction of 72 multi family units at 250 Eagle Station Ln., apn 09-123-39. The property is zoned General Commercial Planned Unit Development.

**RECOMMENDATION:**

The Engineering Division has no preference or objection to the special use request. However, all previous special use permit and construction permit requirements still apply. The construction permits will expire in mid January of 2013, and the owner must be reimbursed for all water and sewer connection fees that have been paid to date.

**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**

No new plans have been submitted. This is for an extension of the original permit.

**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 has already been reviewed for affects on traffic and pedestrians. All original requirements still apply.

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

The proposal has been reviewed for affects on public services, and all original requirements still apply.

File # (Ex: MPR #07-111)	SUP- 10- 026
Brief Description	<i>Eagle Village Apartments</i>
Project Address or APN	APN #009-123-39
Bldg Div Plans Examiner	<i>Kevin Gattis</i>
Review Date	<i>November 9, 2012</i>
Total Spent on Review	

**BUILDING DIVISION COMMENTS:** No comments

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 NOV 14 2012  
 CARSON CITY  
 PLANNING DIVISION

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NOV 13 2012

CARSON CITY  
PLANNING DIVISION

November 13, 2012

SUP-10-026

Kathe, I do not recall if I've already commented on this. The Fire Department's original comments on this project remain the same; we have not additional comments or concerns. Thank you.

Stacey Giomi

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NOV 28 2012

November 28, 2012

CARSON CITY  
PLANNING DIVISION

Major Project Review Committee

Re: Sup 10-026

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 – 10-026 @ 250 Eagle Station project:

1. ECA has no requirements or comments for this project.

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  
David Bruketta, Operations Manager, Environmental

Date: 8/4/2011  
From: Kevin Gattis, Chief Building Official  
To: Bart Walker, Gilbane Construction

**EAGLE VILLAGE APARTMENTS**  
Status of Permits – 8/4/11

Permit #08-1236 for the site improvements has been approved for extension until 4/1/12.

The revisions for Permits 09-09 and 09-10 expired in plan check 8/2/11 (per city ordinance). Those revisions were submitted on 8/3/10 and were extended once for 6 months to 8/2/11.

Permits 09-09 and 09-10 have been approved for extension until 1/4/13.

The water and sewer connection fees will be refunded in the event the building portion of the project has not started prior to 4/1/12. New connection fees will be required prior to commencing construction if the fees have been refunded. The new fees will be based on the applicable rate at the time of issuance.



RECEIVED

JUL 28 2010

CARSON CITY  
PLANNING DIVISION

# Carson City Planning Division

2621 Northgate Lane, Suite 62

Carson City, Nevada 89706

(775) 887-2180

Plandiv@ci.carson-city.nv.us

www.carson-city.nv.us

★ CLERK ★

FILED

Time 10:10

JUL 13 2010

By K. King  
Deputy  
Carson City, Nevada

## PLANNING COMMISSION

JUNE 30, 2010

## NOTICE OF DECISION

A request to review a Special Use Permit, SUP-10-026, was received from Ken Rose (property owner: Jackson Family Living Trust) to allow a multi-family apartment on property zoned General Commercial (GC) located at 250 Eagle Station Lane, APN 009-123-39, pursuant to the requirements of the Carson City Municipal Code.

The Planning Commission conducted a public hearing on June 30, 2010, in conformance with City and State legal requirements, and approved SUP-10-026 to allow a multi-family apartment on property zoned General Commercial, based on the findings contained in the staff report and subject to the following 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 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 consideration.
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.
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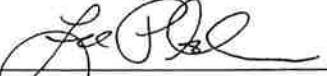
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12. Exterior building colors should blend with surrounding development and not cause abrupt changes. Primary building surfaces (excluding trim areas) should be muted or earth-tone in color. Bold colors shall be avoided except when used as accent or trim.

This decision was made on a vote of 6 ayes, 0 nays and 1 absent.

  
\_\_\_\_\_  
Lee Plemel, AICP  
Planning Division Director

LP:jmb

Mailed by: EMT By: 7/13/10

**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.

Kenneth G. Rose

OWNER/APPLICANT SIGNATURE

7-19-2010

DATE

KENNETH G. ROSE

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 one is for your records.
2. Self-addressed stamped envelope