

STAFF REPORT FOR PLANNING COMMISSION MEETING OF JULY 30, 2014

FILE NO: MISC-14-046

AGENDA ITEM: F-5

STAFF AUTHOR: Lee Plemel, Community Development Director

REQUEST: Action to consider an appeal of the Planning Division's determination that a mobile home park, formerly known as Mountain View Trailer Park, was operationally abandoned or discontinued for a period of more than 12 months and, therefore, the non-conforming use may not continue on the site without complying with current zoning requirements.

APPLICANT/OWNER: Jeffrey Fleeman / The Flicka Group LLC

ADDRESS: 3769 Reeves Street; APN 008-308-01

MASTER PLAN / ZONING: Mixed-Use Residential (Brown Street Specific Plan Area) / Multi-Family Apartment

RECOMMENDED MOTION: "I move to deny an appeal of the Planning Division's determination that the mobile home park located at 3769 Reeves Street, APN 8-308-01, was abandoned and affirm that the mobile home park use of the subject property was operationally abandoned or discontinued for a period of more than 12 months and may not be continued on the site without the appropriate zoning and permits for such use."



LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.060 (Appeals); 18.04.030 (Nonconforming Uses).

KEY ISSUES:

- Was the prior use of the property as a mobile home park operationally abandoned or discontinued for a period of more than 12 months?

DISCUSSION:

Carson City Municipal Code (CCMC) 18.04.030 (Nonconforming Uses), subsection 1 and 3 as applicable to this application, states:

1. *Continuation of Nonconforming Use. A lawful use of land or buildings not in conformance with the regulations herein prescribed, legally existing at the time of the adoption of the Carson City zoning ordinance, this title, or any amendment hereto, may be continued.*
3. *Abandonment of Nonconforming Use. A lawful use of nonconforming land or buildings, which is operationally abandoned or discontinued for a period of 12 consecutive months or more shall not be resumed.*

Per the definitions of CCMC 18.03:

"Abandoned" means concerning a building or use, not having been developed or maintained for a stated period of time.

"Nonconforming use means the legally created use of a building, structure, or land that does not conform to the regulations of the district in which the use exists and a use for which the property owner has proved that alleged violations are legal nonconformities. Failure to prove this means that alleged violations are illegal and subject to prosecution. Proof submitted by the property owner must ascertain the date the nonconformity was established and that it conformed to the zoning code then in effect."

The appellant has appealed Planning Division staff's decision that the use of the subject property as a mobile home park was operationally abandoned or discontinued for a period of more than 12 months and, therefore, may not be continued on the site without the appropriate zoning and permits for such use. Following is a timeline of events leading up to this appeal.

- The original construction year for the subject property is listed as 1962 in the Carson City Assessor's database. There is no Special Use Permit on file for the mobile home park that existed on the site, and it is presumed that the mobile home park was established legally prior to City zoning being established for the area. The mobile home park operated as a legal nonconforming use under City zoning ordinances.
- On June 20, 2012, the Carson City Assessor's office reported that the last three of the mobile homes that were on the subject site were no longer located on the property and had been taken to the landfill. As of this date, no mobile homes were on the site.
- On June 25, 2013, Planning Director Lee Plemel responded via email to a realtor associated with the property stating that City records indicate that the mobile homes were removed from the site and that no personal property taxes were paid on any mobile homes on the site for the 2012-13 fiscal year, from July 2012 through June 2013. The

email stated that the mobile park has been operationally abandoned or discontinued for a period of more than 12 months and may not be resumed without meeting current zoning requirements, including rezoning the property appropriately for a mobile home park.

- On October 21, 2013, at the request of the State Division of Manufactured Housing, the Planning Division sent a letter to the Division affirming that the mobile home park use had been operationally abandoned or discontinued for a period of more than 12 months and could not be resumed without meeting current zoning requirements.
- On May 30, 2014, at the advice of the Carson City District Attorney's office, Planning Division staff informed the appellant of his right to appeal the Planning Division's decision regarding the abandonment of the nonconforming use. Although it had been months since the appellant received actual notification of staff's determination on the status of the property, staff gave the appellant 10 days from the date of this notice in which to file an official appeal per the time requirements of the Carson City Municipal Code.
- On June 9, 2014, the Planning Division received the appeal from Mr. Fleeman regarding the nonconforming status of the property.

Per the Carson City Municipal Code (CCMC) 18.02.060 (Appeals), decisions of the Planning Division Director may be appealed to the Planning Commission. The Planning Commission may affirm, reverse, or modify the Director's decision.

The issue for the Planning Commission to determine is whether or not the Planning Division erred in determining that the mobile home park had been "operationally abandoned or discontinued" per the provisions of CCMC 18.04.030 (Nonconforming Uses).

The general purpose of the Nonconforming Uses provision of the CCMC is to allow uses that do not comply with current zoning requirements to continue while bringing properties into conformance with current zoning requirements where those uses are abandoned. The period of inoperation of a legal-nonconforming use on a property is intended to allow a reasonable period of time for a use to be reestablished legally on a site without allowing that nonconforming use indefinitely.

The subject property is zoned Multi-Family Apartment (MFA), which does not allow the development of a mobile home park. Therefore, once the mobile home park is operationally abandoned or discontinued for more than 12 months, any new use on the property must comply with the MFA zoning requirements or the zoning must be changed to accommodate a proposed use. A mobile home park is a prohibited use within the MFA zoning district.

Based on the evidence submitted above and attached to this staff report, staff believes that the use of the property as a mobile home park was "operationally abandoned" and "discontinued" for a period of more than 12 months, as of June 2012 or possibly sooner. Staff can verify that there were no mobile homes on the site on June 20, 2012, and no improvements were done since that time in preparation of the placement of any new mobile homes.

Therefore, staff recommends that the Planning Commission uphold the Planning Division's determination that the legal-nonconforming status of a mobile home park use on the subject site has expired and may not be reinstated unless the property is rezoned appropriately for the use and all applicable zoning approvals are obtained.

This action does not prevent the property owner from submitting an application to rezone the property and applying for a Special Use Permit to develop a new mobile home park on the site. Any application for a rezoning would come to the Planning Commission for a recommendation and to the Board of Supervisors for final decision, and such an application would be considered on its merits. However, it is not the purpose of this item to determine whether or not a mobile home park is an appropriate and compatible use of the property, only to determine whether or not the mobile home park use was operationally abandoned or discontinued for more than 12 months.

The Planning Commission's decision on this appeal may be appealed to the Board of Supervisors within 10 days of the Planning Commission's decision. Any appeal must be submitted to the Planning Division.

PUBLIC COMMENTS:

Public notices were mailed to 36 property owners within 300 feet of the subject property pursuant to the provisions of NRS and CCMC. No comments were received prior to the completion of the staff report packet for the Planning Commissioners. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

No comments have been received from other city departments.

Attachments:

- 1) Letter of appeal and supporting material
- 2) Email from Planning Division indicating the ability to appeal staff's decision
- 3) Letter to State Manufactured Housing with supporting Assessor's data
- 4) Aerial photo of property from 2010
- 5) Aerial photo of property from November 16, 2013
- 6) Current Assessor's property information for the parcel

Jeffrey G. Fleeman
565 Connecticut Street, San Francisco, CA 94107
(415) 762-1010

May 5, 2014

Mr. Lee Plemel, AICP
 Community Development Director
 108 E. Proctor Street
 Carson City, NV 89701



Dear Mr. Plemel and Ms. Pansky,

Thank you very much for allowing me to appeal the Planning Division's decision to rescind the special use permit that was previously in place for the mobile home park located at 3769 Reeves St. in Carson City.

I purchased this property in early January of 2013 as a bank foreclosure. The real estate broker represented the property as a temporarily non-operating business due to the decision of the foreclosing lender to shut it down during the re-possessions and sales process. However, I was assured in very strong terms that the park could be brought back to operational status with a minimum of paperwork, and that in fact, the city would be happy to see it cleaned up and working again as an upgraded facility.

Therefore, I focused my investigation of the property on the business aspects...what the costs would be to bring the property into compliance with current standards and, most importantly, the strength of the market demand for such a project. The broker supplied me with lots of material confirming that if I landscaped the park, brought in good quality refurbished units of recent manufacture and installed other amenities such as play structures, etc., that the park could indeed be a viable business and provide much needed affordable housing for the area.

Unfortunately, almost immediately following the close of escrow the property was vandalized; the main electrical panel and transformer as well as all of the underground copper wiring was stolen, at a replacement cost of \$20,000 or more. To compound the problem, although the real estate broker had purchased an insurance policy on my behalf, she ordered a residential (instead of a commercial) policy and consequently the insurer refused to recognize the claim.

Discussions with the insurance broker took place over the next few months and during this period I was understandably reluctant to make any improvements to the property until I could feel confident that it wouldn't be vandalized again.

Meanwhile, I did (several times) have garbage and overgrown vegetation removed from the property in response to requests from the City.

I also received a couple of communications from the Nevada Department of Manufactured Housing during the early months of 2013 requesting that I fill out some forms pertaining to the change of ownership, etc. However it wasn't until I got an email (copy enclosed) from them on August 13, 2013 informing me that I was delinquent on fees that were due at the end of July that I began to suspect that there might be additional problems with property.

I called to inquire why I owed fees on a non-operational facility and they told me that according to their records, the park was still listed as a functioning entity. They said they would review their records and aerial photos as well as check with the City. After a series of conversations over the ensuing several months, they determined that, in fact, the park was not functioning at that time and hadn't been since June of 2012.

This resolved the fee issue but I was still unaware of the zoning problem until I subsequently listed the property for sale with Jack Brower of Sperry Van Ness Realty (I had lost my enthusiasm for the project and just wanted to get my money out and move on). His investigations showed that the conditional use permit for the property had expired due to non-use on June 20, 2013, although I was never notified of the impending permit revocation. Needless to say, this came as a something of a shock.

I then tried to sell the property for a use that would be compatible with the current underlying zoning, i.e., multi-family, but as you can see from the enclosed email from a real estate broker, the achievable rents in the area are so low that the property has little value for this use. In fact, I was told that an investment of that type in this area makes no sense at the moment even if the land were free.

If the Planning Commission would allow me to reinstate the conditional use permit, or if required, to re-zone the property to a category which would allow me to rehabilitate and operate the property as a mobile home park, I am prepared to do so immediately and to comply with any standards that they might impose. I believe that Carson City would be better served by an attractive and well-maintained mobile home park on the site as opposed to a *de facto* community garbage dump and drug marketplace, which is apparently what the property is being used for now.

Respectfully,

Jeffrey Fleeman

A handwritten signature in blue ink, appearing to read "Jeff Fleeman".

Jeffrey Fleeman

From: dan@millardrealty.com
Sent: Friday, November 1, 2013 4:07 PM
To: Jeffrey Fleeman
Subject: Reeves

Follow Up Flag: Follow up
Flag Status: Flagged

Jeff,

The buyers are not going forward on the Reeves purchase. The reason they gave was the rents were to low for the investors.

Dan

Dan McCraw, LUTCF

Millard Realty & Construction
1885 E Long Street
Carson City, NV 89706
Main office (775) 882-5000
Fax (775) 882-1618

Cell (775) 691-6682

Email: dan@millardrealty.com
www.MillardRealty.com

Empire Ranch Golf Course & Mallards Restaurant
(775) 885-2100
Plaza Hotel & Event Center
(775) 883-9500

Jeffrey Fleeman

From: Diane E. OConnor <deoconnor@mhd.state.nv.us>
Sent: Tuesday, August 13, 2013 9:56 AM
To: Jeffrey Fleeman; 'Mountain View MHP Reeves (murphynv@yahoo.com)'
Subject: Delinquent Annual Report and Fees - Mountain View MHP (Reeves)

This email is to notify you that the Division has not received your Annual Report and Fees that were due on July 31st.

According to the US Post Office, the certified package was delivered to you on June 28, 2013.

Please return the properly completed annual report, along with a check for the fees and including the 50% penalty, so that it is received by the Division no later than August 16, 2013, to avoid additional fines.

Please feel free to contact this office if you need assistance.

Diane E. O'Connor
Program Officer II
1535 Old Hot Springs Rd., Suite #60
Carson City, NV 89706
Main: (775) 687-2060
Direct: (775) 687-2063
Fax: (775) 687-5521
www.mhd.state.nv.us

The mission of the Manufactured Housing Division is to protect the interests of the manufactured housing industry and owners or occupants of manufactured homes and commercial structures.

Lee Plemel

From: Susan Dorr Pansky
Sent: Friday, May 30, 2014 12:22 PM
To: 'jeff@hailegroup.com'
Cc: Lee Plemel
Subject: Reeves Street Mobile Home Park
Attachments: Reeves Mobile Homes.pdf; Reeves St MHP 10.21.13.pdf; Major Project Review combined.pdf; MHP.18.04.pdf; MHP.Aerial 2010.pdf; MHP.Div 10.pdf; MHP.Master Plan.pdf; Plemel re Reeves MHP 6.25.13.pdf; Plemel re Reeves MHP 7.26.13.pdf; Zoning Map Amendment combined.pdf; Appeal Filing Procedures NEW ADDRESS.pdf

Mr. Fleeman – please see the attached documents related to Carson City staff's determination that the mobile home park on Reeves Street had been abandoned for more than 12 months and could not be continued. Because we did not inform you of your option to appeal the decision to the Planning Commission at that time, this will serve as your notification that you have the right to appeal our decision within 10 days of the receipt of this email, rather than within 10 days of the receipt of the original decision. I have also included instructions for filing an appeal should you choose to move forward with it. If you have additional information that you believe proves the use was not abandoned for more than 12 months, we would be happy to review it to determine whether our decision should be reconsidered before it is formally appealed. If you have any questions, let me know. Thank you.

Susan Dorr Pansky
Planning Manager
Carson City Community Development, Planning Division
108 E. Proctor Street
Carson City, NV 89701
Phone: 775.283.7076
Fax: 775.887.2278
spansky@carson.org
www.carson.org/planning



Carson City Planning Division

108 E. Proctor Street
Carson City, Nevada 89701
(775) 887-2180 – Hearing Impaired: 711
planning@carson.org
www.carson.org/planning

October 21, 2013

Mr. Jim Lynn, Compliance Investigator
Nevada Manufactured Housing Division
1535 Old Hot Springs Road, #60
Carson City, NV 89706

RE: Reeves Mobile Home Park
3769 Reeves Street, APN 008-308-01

Dear Mr. Lynn:

Per your request, this letter shall serve as a written confirmation of our phone conversation regarding the status of the mobile home park formerly located at 3769 Reeves Street in Carson City, Nevada, APN 008-308-01.

The subject property is located in the Brown Street Specific Plan Area detailed in the adopted Carson City Master Plan and is zoned Multi-Family Apartment (MFA). A mobile home park is a prohibited use in this zoning district, but the prior mobile home park was considered a legal non-conforming use while it was operational. Per Carson City Municipal Code, Section 18.04.030, a legal non-conforming use may continue, however if the non-conforming use is operationally abandoned or discontinued for a period of 12 consecutive months or more, the use may not be resumed.

According to the Carson City Assessor's Office records, a reappraisal site visit was conducted by their staff on June 20, 2012. At that time, the appraiser noted that the last three mobile homes had been moved from the site, then deactivated the personal property accounts as noted on the three attachments.

Because more than 12 consecutive months have passed since the mobile home park was operational, the use may not be resumed on the subject property without meeting current zoning requirements. This includes obtaining approval of both a zone change to Mobile Home Park pursuant to Carson City Municipal Code, Section 18.04.095, and a Special Use Permit for the mobile home park.

If you have any questions, please feel free to contact me at (775) 283-7076 or via email at spansky@carson.org. Thank you.

Sincerely,
Community Development, Planning Division

Susan Dorr Pansky
Planning Manager

cc: Lee Plemel, Community Development Director
Dave Dawley, Assessor

Attachments:
Assessor's Records for Reeves Street Mobile Home Units Nos. 2, 10, and 12

Account # MH 000958
Last Updated 06/20/12 By CMACHADO

PP0100B

(F6=All Owners)

Ownership	Assessed Owner	Legal Owner (if Different)
Name.....	<u>YSLAVA, DANIEL</u>	<u>YSLAVA, DANIEL</u>
Mail Address..	<u>PO BOX 2948</u>	<u>3085 KENTRIDGE DR</u>
Add'l Owners		
City, State.	<u>CARSON CITY, NV</u>	<u>SAN JOSE, CA</u>
Zip.....	<u>89702-2948</u> Confidential. <u>(X)</u>	<u>95133</u>
Business Type.		New Business... <u>(X)</u>
Account Description & 1st Set of User-defined Fields		(Page Fwd/Back)
Account Type.....	<u>MOBILE HOMES</u>	Group: <u>M</u> Force: Label.. <u>-</u>
Location.....	<u>3769 REEVES MT #12</u>	Card/Aff (C/A) <u>-</u>
Secured/Unsecured...	<u>U</u> (S/U)	Parcel #.... Tie to O/R Data <u>(X)</u>
Re-appraisal Group..	<u>00</u>	Factoring Group.... <u>00</u> Deact Date.. <u>6/20/12</u>
Re-appraisal Year...	<u>0000</u>	Deactivation Code... <u>21</u> <u>DESTROYED</u>
Declaration Sent....		Returned... <u>-</u>
Demand Letter Sent..	<u>(X)</u>	DA's Letter.. <u>(X)</u> Processed.. <u>-</u>
		Declaration Extension Date.....
		Local Phone Number <u>MH MOVED TO LANDFILL</u>
		Misc Notes

F4=List Types

F5=Address Change History

F9=Scan >/< _

F10=Other Func F12=Cancel

F16=Misc Notes

F17=Factoring History

F14=Prop Desc

F15=Improvements

F20=Tax Years

F23=Exemptions

Account # MH 001094
Last Updated 06/20/12 By CMACHADO

PP0100B

(F6=All Owners)

Ownership Name.....	Assessed Owner <u>YSLAVA, DANIEL</u>	Legal Owner (if Different) <u>BLOOM, RORY</u>
Mail Address..	<u>PO BOX 2948</u>	<u>3769 REEVES ST #10</u>
Add'l Owners		
City, State.	<u>CARSON CITY, NV</u>	<u>CARSON CITY, NV</u>
Zip.....	<u>89702-2948</u> Confidential. <input checked="" type="checkbox"/>	<u>89701</u>
Business Type.		New Business... <input type="checkbox"/> (X)
Account Description & 1st Set of User-defined Fields		(Page Fwd/Back)
Account Type.....	<u>MOBILE HOMES</u>	Group: <u>M</u> Force: Label.. <input type="checkbox"/>
Location.....	<u>3769 REEVES MT #10</u>	Card/Aff (C/A) <input type="checkbox"/>
Secured/Unsecured...	<u>U</u> (S/U)	Parcel #.... <input type="checkbox"/> Tie to O/R Data (X)
Re-appraisal Group..	<u>00</u>	Factoring Group.... <u>00</u> Deact Date.. <u>6/20/12</u>
Re-appraisal Year...	<u>0000</u>	Deactivation Code... <u>21</u> DESTROYED
Declaration Sent....		Returned... <input type="checkbox"/>
Demand Letter Sent..	<input checked="" type="checkbox"/>	DA's Letter.. <input checked="" type="checkbox"/> Processed.. <input type="checkbox"/>
		Declaration Extension Date..... <input type="checkbox"/>
		Local Phone Number <u>MOVED TO LANDFILL</u>
		Misc Notes

F4=List Types

F5=Address Change History

F9=Scan >/<

F10=Other Func F12=Cancel

F16=Misc Notes

F17=Factoring History

F14=Prop Desc

F15=Improvements

F20=Tax Years

F23=Exemptions

Account # MH 020259
Last Updated 06/20/12 By CMACHADO

PP0100B

(F6=All Owners)

Ownership Assessed Owner
Name..... YSLAVA, DANIEL Legal Owner (if Different)
Mail Address.. PO BOX 2948 DUNBAR, BETTY
Add'l Owners
City, State. CARSON CITY, NV 3769 REEVES ST #2
Zip..... 89702-2948 Confidential. (X) 89701
Business Type. New Business... (X)
Account Description & 1st Set of User-defined Fields (Page Fwd/Back)
Account Type..... MOBILE HOMES Group: M Force: Label..
Location..... 3769 REEVES MT #02 12/94 Card/Aff (C/A)
Secured/Unsecured... U (S/U) Parcel #.... Tie to O/R Data (X)
Re-appraisal Group.. 00 Factoring Group.... 00 Deact Date.. 6/20/12
Re-appraisal Year... 0000 Deactivation Code... 21 DESTROYED
Declaration Sent.... Returned...
Demand Letter Sent.. (X) DA's Letter.. (X) Processed..
Declaration Extension Date.....
Local Phone Number MOVED TO LANDFILL
Misc Notes

F4=List Types

F5=Address Change History

F9=Scan >/< _

F10=Other Func F12=Cancel

F16=Misc Notes

F17=Factoring History

F14=Prop Desc

F15=Improvements

F20=Tax Years

F23=Exemptions

Reeves Street MHP 2010

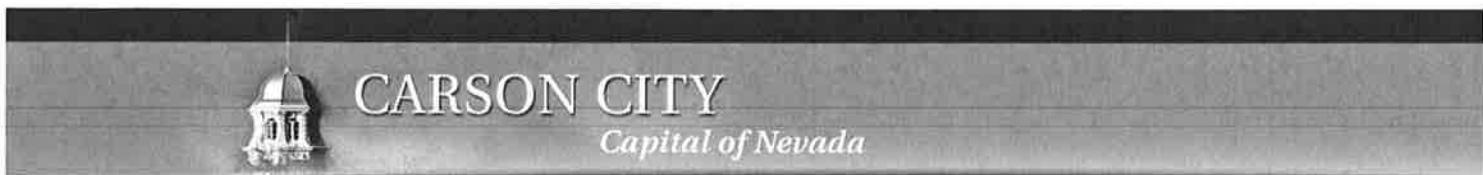


Fri Jul 26 2013 04:09:15 PM.



November 16, 2013 Aerial Photo

Print Date: 07/10/2014
Image Date: 11/16/2013
Level: Neighborhood


[Assessor Home](#) [Personal Property](#) [Sales Data](#) [Secured Tax Inquiry](#) [Recorder Search](#)
Parcel Detail for Parcel # 008-308-01

Location		Ownership	
Property Location 3769 REEVES ST Town Subdivision SCHWARTZ Lot 16 Block 3		Add'l Addresses	
Property Name MOUNTAIN VIEW TRAILER PARK		Legal Description	
Description		Appraisal Classifications	
Total Acres 1.000	Square Feet 0	Current Land Use Code 350	Code Table
Ag Acres .000	W/R Acres .000	Zoning MFA SPA	
<u>Improvements</u>		Re-appraisal Group 4	Re-appraisal Year 2011
Single-fam Detached 1	Non-dwell Units 1	Orig Constr Year 1962	Weighted Year
Single-fam Attached 0	MH Hookups 11		
Multi-fam Units 0	Wells 0		
Mobile Homes 0	Septic Tanks 0		
Total Dwelling Units 1	Bldg Sq Ft 320		
Improvement List	Garage Sq Ft 0	Attach/Detch	
Property Costing Estimates	Basement Sq Ft 0	Finished 0	
Assessed Valuation		Taxable Valuation	
Assessed Values	2014-15	2013-14	2012-13
Land	21,954	21,954	27,443
Improvements	7,734	7,559	7,356
Personal Property	0	0	0
Ag Land	0	0	0
Exemptions	0	0	0
Net Assessed Value	29,688	29,513	34,799
Increased (New) Values			
Land	0	0	0
Improvements	0	0	0
Personal Property	0	0	0

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