

# STAFF REPORT FOR PLANNING COMMISSION MEETING OF DECEMBER 21, 2016

FILE NO: SUP-16-181

AGENDA ITEM: F-2

STAFF AUTHOR: Kathe Green, Assistant Planner

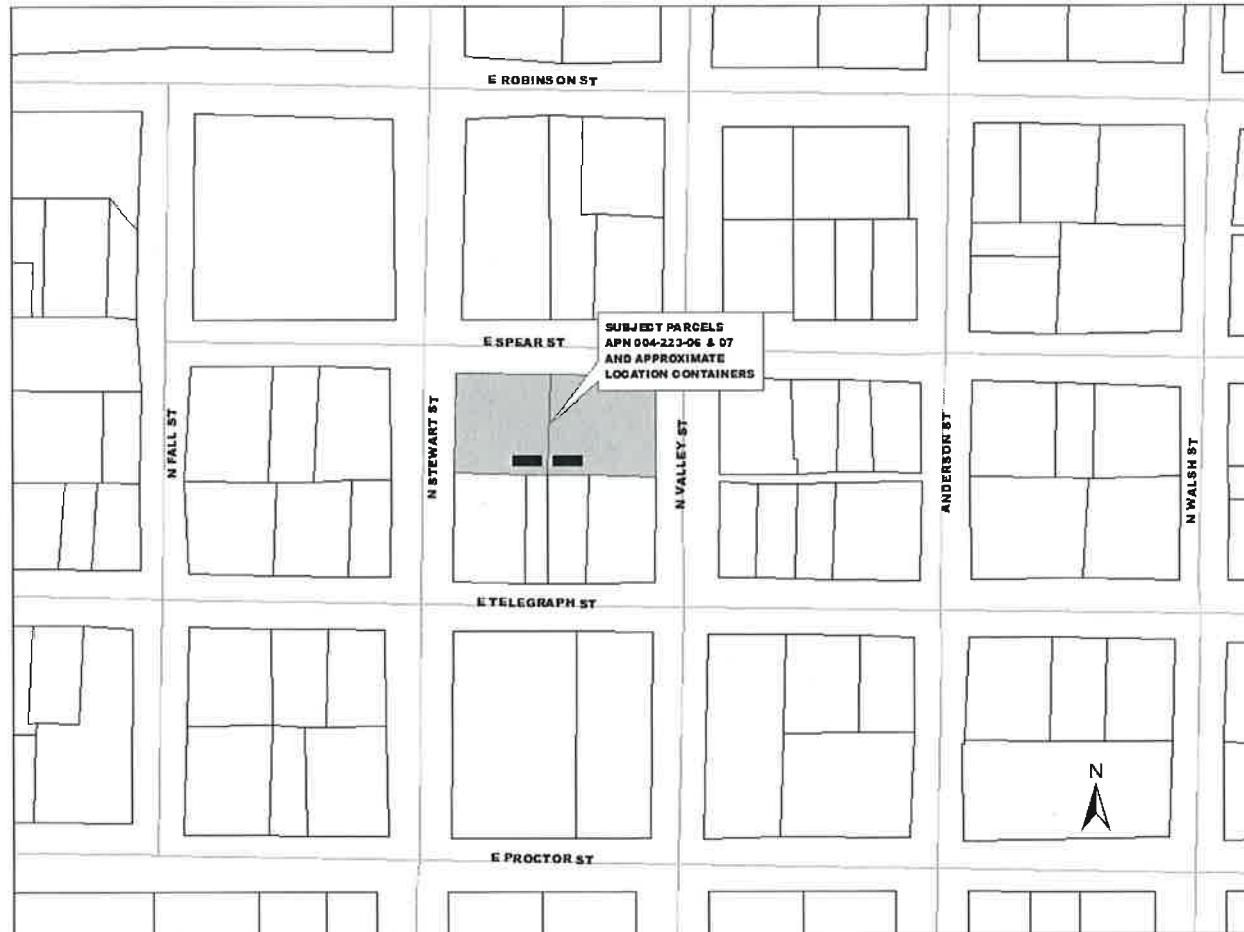
REQUEST: Request for a Special Use Permit to allow placement of two metal storage containers in the Downtown Mixed-Use (DTMU) zoning district.

OWNER: Adams Carson LLC

APPLICANT: Carson Nugget

LOCATIONS/APNS: 405 and 495 East Spear Street/004-223-06 and 004-223-07

**RECOMMENDED MOTION:** I move to approve SUP-181, a Special Use Permit request from Carson Nugget (property owner: Adams Carson LLC), for placement of two metal storage containers in the Downtown Mixed-Use zoning district, located at 405 and 495 East Spear Street, APNs 004-223-06 and 004-223-07, 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 may 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 use for which this permit is approved shall commence within 12 months of the date of final approval. A single, one year extension of time may be 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 (relocation to the new site) and no extension granted, the permit shall become null and void.

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

5. Placement of the containers cannot impede or block any utility lines or meters.
6. Metal storage containers are to be used for storage only. No human habitation is allowed. No alterations shall be made or allowed to the metal storage containers. No doors, windows, electrical, plumbing or connection of multiple containers, unless factory built with those improvements. No addition of utilities is allowed. No storage shall be placed upon or above the containers. Storage containers shall not be stacked upon each other.
7. No hazardous materials are allowed to be stored within the containers.
8. The storage containers will be maintained with neutral exterior paint color. 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.
9. Advertising is prohibited on the exterior of the containers.
10. The placement of the containers shall be reviewed in five year increments or at any time the principal property use changes by the Planning Commission, with a \$50.00 administrative service charge and noticing costs paid by the applicant. The Planning Commission shall consider if the use continues to be appropriate at this site. The next scheduled review date will be December 2021.

**LEGAL REQUIREMENTS:** CCMC 18.02.080 (Special Use Permits), 18.04.125 Downtown Mixed-Use (DTMU) Conditional Uses, and Development Standards 1.10.9 Personal Storage and Metal Storage Containers

**MASTER PLAN DESIGNATION:** Downtown Mixed-Use (DTMU)

**PRESENT ZONING:** Downtown Mixed-Use (DTMU)

**KEY ISSUES:** Does the application meet the Development Standards regulations for metal storage containers, and does the application meet the required findings for approval of a Special Use Permit? Is the proposed placement of metal storage containers in this location compatible with surrounding properties?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

NORTH: Downtown Mixed-Use (DTMU)/motel and apartments

EAST: General Office (GO)/single family residence

SOUTH: Downtown Mixed-Use (DTMU)/apartments, single family residence and office

WEST: Downtown Mixed-Use (DTMU)/parking

**ENVIRONMENTAL INFORMATION:**

1. FLOOD ZONE: Zone X (Areas of minimal flooding)

2. EARTHQUAKE FAULT: Beyond 500 feet, Zone I

3. SLOPE/DRAINAGE: Flat

**SITE DEVELOPMENT INFORMATION:**

1. LOT SIZES: .16 acre and .17 acre

2. EXISTING LAND USE: Parking overflow for the Carson Nugget

3. STRUCTURE HEIGHT: Storage containers approximately 8.5 feet tall

4. PARKING: Existing

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, storage containers may be permanently located on a site after approval of a Special Use Permit. A review for continued placement on the site will be required in five years for verification of continued compliance with requirements of the code and appropriateness of the location.

The containers under review are currently located in the Carson Nugget parking lot at the corner of Robinson and Stewart Streets and are being utilized for storage of materials for the operation of the Carson Nugget casino. The placement of metal storage containers is limited in this zoning district to a term of 90 days once a year on a temporary basis unless approval of a Special Use Permit is granted to allow permanent placement. The applicant is requesting to allow the containers to be permanently relocated to a site one block to the south and east of their current site. The proposed new location is currently a parking area in support of the Carson Nugget. The new location of the containers would be at the rear (south) of both of the parcels, near an existing six foot tall wooden fence. The rest of the asphalted area would continue to be used for customer, employee and recreational vehicle parking of the Carson Nugget. The proposed placement would be less noticeable than the current location, as they would be at the rear of the lot, adjacent to an existing wooden fence. The containers are in good condition, with no graffiti, advertising signs or noted deterioration. The containers have been painted tan, a neutral color. The containers are well kept and well maintained. The containers will not block any drive aisle, parking areas or landscaping.

The subject parcels are located on East Spear Street, south of Robinson Street, east of Stewart Street and west of Valley Street. The containers are proposed to be placed on two adjacent lots, 6,886 and 7,565 square feet in size. These parcels are primarily flat and are adjacent to residential uses on the parcels to the south. The parcels under review are currently used only for parking in support of the Carson Nugget. The applicant has stated that the placement of the metal storage containers adjacent to the fence on the south property line will provide additional privacy to the residences to the south, as vehicle parking on the parcels under review will be moved farther to the north to accommodate the location of the containers. The containers are proposed to be placed with the long sides running east to west. A site map and pictures of the containers are included with this staff report.

The containers are necessary for the continued storage of materials required by the Carson Nugget. The Nugget Casino building itself is more than 79,000 square feet in area. There are many items which need to be stored in a safe and secure location, but do not necessarily need to be stored inside a building. Therefore, the two metal storage containers have been utilized for several months for storage of these products and materials. The containers are kept locked when not in use. The current location of the containers is not appropriate as a permanent location due to their visibility from Stewart Street and Robinson Streets. The proposed new locations are also on an existing parking lot area, but will be less visible from Stewart Street, being located adjacent to a fenced area, and at the rear of the lot rather than where they are now located at a busy intersection. In addition, the view of these containers will be obscured by the continued parking of vehicles in the areas to the north of the containers.

The Carson Nugget owns several parcels of land in the vicinity of their main building on North Carson Street and has adequate parking in the vicinity to continue to provide this service to their customers. The containers are presently located on existing parking spaces. Moving the containers to new parking spaces will not impact adversely the required parking for the casino. The placement of two storage containers on the proposed parcels will require minor modification of parking on the new site. The containers must not impede or block any utility easements or meters.

**PUBLIC COMMENTS:** Public notices were mailed to 31 adjacent property owners within 315 feet of the subject site on December 2, 2016 per the requirements of the Carson City Municipal Code and NRS. As of the writing of this report no comments have been received either in favor of or in opposition to the proposal. One phone call was received regarding the proposed location of the units. 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 21, 2016, depending on the date of submittal of the comments to the Planning Division.

**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 Department:** These containers are only allowed to be used as storage.

**Fire Department:** No concerns

**Engineering Department:** No concerns.

**Environment Control Authority:** No concerns.

**Health Department:** No concerns.

**Parks and Recreation:** 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 Sustainable Construction Techniques

2.1a Priority Infill and Redevelopment Areas

2.1.b Redevelopment Area Boundaries

The metal storage containers are constructed of steel. They are painted tan, a neutral color. The containers are proposed to be placed at the rear of the site, adjacent to an existing six foot tall wooden fence on a parcel presently being used for parking. They do not use any water or utilities and are therefore a source of energy conservation.

The proposed locations of the containers utilize and maintain the existing land resources, while being placed on an existing parking area, where they will be utilized as a shared, and therefore, mixed-use on the site. This is a parking area in support of a downtown business. Moving the containers a block farther away from the casino will provide more desirable parking to patrons nearer to the business. The containers will not block any views or vistas, as they will be only approximately two and one-half feet taller than the existing fence on the site. No advertising signage has been or will be placed on the containers. Supplies stored in the containers are used to support the existing Carson Nugget casino, a business that has various large, bulky items which need to be stored, and can therefore benefit from placement of additional materials in storage at a located outside the building when not needed. The proposed location of the units at the rear of the property is designed to minimize the appearance of the units from the front of the property and the street as well as maintaining the parcels for existing parking.

***2. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity.***

The storage containers are proposed to be located at this site at the rear (south) adjacent to an existing fence. Existing vehicular parking will be moved slightly to the north to accommodate the placement of the containers on the south of the parcels. The containers will not impede traffic or access for continued parking on the site. There is no anticipated detriment to the surrounding properties or general neighborhood as a result of this proposed placement. No noise, vibrations, fumes, odors, dust and physical activity are anticipated as a result of the placement of the storage containers in this location. The placement of the containers is anticipated to provide additional privacy and noise abatement to the parcels to the south as the containers will be located between the on-going vehicular traffic and the residential uses to the south.

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

The proposed location of the containers at the rear (south) of the site in support of the casino business is designed to minimize the appearance of the containers from the adjacent streets. The site is served by an adequate existing street network. Any vehicular and pedestrian

movements on these parcels will be moved slightly to the north to accommodate permanent placement of the storage containers. The site will continue to be used as a vehicle parking area in support of the Carson Nugget.

**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 are not anticipated to have a detrimental effect on the existing public services and facilities. The surrounding parcels are adequately served by the existing police and fire protection, public water, public sewer system, public roads, storm drainage and other public improvements. No public services are anticipated to be needed. No change or detriment is anticipated by allowing the containers to be placed on these parcels.

**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 Downtown Mixed-Use zoning district is to preserve a mixed-use district limited primarily to retail sales of new merchandise, office, residential and tourist related uses. All uses in the Downtown Mixed-Use zoning district shall be conducted within a building except by approval of a Special Use Permit or as otherwise permitted by the Downtown Mixed-Use Development Standards.

This site is an existing parking area in support of the Carson Nugget casino. This business has been in its current location for many years, with supporting parking areas surrounding the site. The continued use of this site as a parking area with the addition of metal storage containers in support of the casino meets the purpose statement of the Downtown Mixed-Use zoning district. The proposed placement of two storage containers on the site in support of the existing business is an appropriate use.

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

Placement of the two storage containers at the site in support of the casino business will not be detrimental to the public health, safety, convenience or welfare. The site will continue to be utilized for overflow parking of the Carson Nugget. Parking on this site will be moved slightly to the north, away from the existing residences on adjacent parcels to the south.

**7. Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.**

No material damage or prejudice to other properties in the vicinity is anticipated by the proposed permanent placement of two metal storage containers on a parking lot area adjacent to residential uses to the south in this location. Continued parking of vehicles will be moved to a point farther away from the existing residences to the south as a result of the placement of these containers, which will improve mitigation of the existing parking situation on the site.

Attachments:

Site Photos  
Building Department comment  
Engineering Department comment  
Fire Department comment  
Health Department comment  
Environmental Control comment  
Parks & Recreation comment  
Application (SUP-16-181)







November 14, 2016

SUP-16-181

Bldg

The containers shall only be used for storage.

Shawn Keating CBO

"There's no use talking about the problem unless you talk about the solution"

Building Official

Carson City Community Development Department

Web page <http://www.carson.org/index.aspx?page=172>

[skeating@carson.org](mailto:skeating@carson.org)

Office 775-887-2310 X 7052

Fax 775-887-2202



Engineering Division  
Planning Commission Report  
File Number SUP 16-181

**TO:** Planning Commision  
**FROM:** Stephen Pottéy – Development Engineering Department  
**DATE:** November 29, 2016      **MEETING DATE:** December 21, 2016

**SUBJECT TITLE:**

Action to consider an application for a Special Use Permit from Carson Nugget to allow placement of two metal storage containers in Downtown Mixed-Use zoning in an existing parking lot at the corners of E Spear St & N Stewart St and E Spear St & N Valley St, apns 004-223-06&07.

**RECOMMENDATION:**

The Engineering Division has no preference or objection to the special use requests. The Engineering Division offers no conditions of approval.

**DISCUSSION:**

The Engineering Division has reviewed the application 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 affect traffic or pedestrian facilities.

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

Existing facilities appear to be adequate for this project.

November 23, 2016

Fire

SUP-16-181:

No concerns.

Dave Ruben  
Fire Marshal  
Carson City Fire Department  
777 S. Stewart Street  
Carson City, NV 89701

Direct 775-283-7153  
Main 775-887-2210  
FAX 775-887-2209

RECEIVED

DEC 06 2016

CARSON CITY  
PLANNING DIVISION

December 6, 2016

SUP-16-181

Health

Health and Human Services

No concerns with application as submitted.

Dustin Boothe

RECEIVED

DEC 07 2016

CARSON CITY  
PLANNING DIVISION

December 7, 2016

Re: # SUP – 16-181

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 – 16-181 metal container storage request from the Carson City Nugget.:

1. ECA has no comments concerning 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

December 5, 2016

SUP-16-181

Parks & Rec

The Parks and Recreation Department has no comments on the above referenced SUP.

Thank you,  
Vern & Patti

Patti Liebespeck  
Office Specialist  
Carson City Parks, Recreation & Open Space  
3303 Butti Way, Bldg 9  
Carson City, NV 89701  
Phn: (775) 887-2262 x 7342  
Fax: (775) 887-2145  
[pliebespeck@carson.org](mailto:pliebespeck@carson.org)  
[www.carson.org](http://www.carson.org)

Carson City Planning Division  
108 E. Proctor Street • Carson City NV 89701  
Phone: (775) 887-2180 • E-mail: planning@carson.org

FOR OFFICE USE ONLY:

CCMC 18.02

NOV 10 2016

CARSON CITY  
PLANNING DIVISION

FILE # SUP - 16 - = SUP - 16 - 181

APPLICANT **Carson Nugget** PHONE # **775-882-1626**

MAILING ADDRESS, CITY, STATE, ZIP  
**507 N Carson St, Carson City NV 89701**

EMAIL ADDRESS  
**info@ccnugget.com**

PROPERTY OWNER **Adams Carson, LLC** PHONE # **208 562-4100**

MAILING ADDRESS, CITY, STATE, ZIP  
**5598 N. Eagle Rd Boise ID 83713**

EMAIL ADDRESS  
**sneighbors@strategic505.com**

APPLICANT AGENT/REPRESENTATIVE **Dean DiLullo** PHONE # **775-882-1626 x777**

MAILING ADDRESS, CITY STATE, ZIP  
**507 N Carson St, Carson City, NV 89701**

EMAIL ADDRESS  
**dean@ccnugget.com**

Project's Assessor Parcel Number(s):

**004-223-06, 07**

Street Address

ZIP Code

**405 E Spear + 445 E Spear St  
Stewart / Robinson 89701**

Project's Master Plan Designation

**Mixed Use Residential**

Project's Current Zoning

**Downtown Mixed - Use**

Nearest Major Cross Street(s)

**Stewart / Robinson**

Briefly describe your proposed project: (Use additional sheets or attachments if necessary). In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal. In accordance with Carson City Municipal Code (CCMC) Section: \_\_\_\_\_, or Development Standards, Division \_\_\_\_\_, Section \_\_\_\_\_, a request to allow

as a conditional use is as follows:

**Relocation of temporary storage units from the corner of Robinson St and Stewart St to the corner of Spear St and Valley St**

**PROPERTY OWNER'S AFFIDAVIT**

I, STEVE Neighbors, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of and I agree to, the filing of this application.

Signature

5598 N. Eagle Rd.

Date

Boise, ID

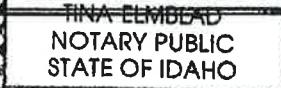
83713

Use additional page(s) if necessary for other names.

STATE OF NEVADA Idaho  
COUNTY Ada

On November 3, 2016, Steve Neighbors, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Notary Public



NOTE: If your project is located within the historic district, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, and/or the Redevelopment Authority Citizens Committee prior to being scheduled for review by the Planning Commission. Planning personnel can help you make the above determination.

## 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?

- A. The proposed location removes the units from a high visibility location and places them in an area where they may be used to improve the livability of the residential structures on the neighboring lot facing Telegraph. This is accomplished by using the storage units to effectively create a barrier that discourages parking near these residential structures.

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

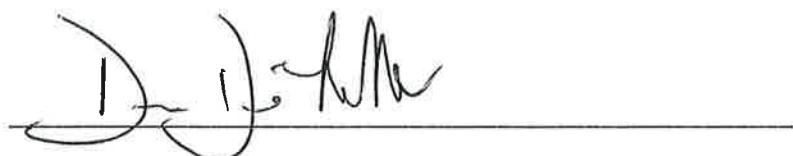
- A. General land uses in the vicinity include:  
North: One motel; zoned Mixed Use Residential. East: Two buildings; zoned Mixed Use Residential. South: Three buildings; zoned in a Mixed Use Residential area. West: One parking lot; zoned Downtown Mixed Use.
- B. This plan is similar to existing development because the units already exist in the general vicinity. The proposed relocation will actually help deter noises and other unwanted activity associated with an open parking lot, creating a better environment for those located immediately south of the proposed location.
- C. The proposed relocation of outdoor storage units will improve the neighborhood in direct contact with the proposed location by effectively creating a barrier to deter parking in close proximity to the residential structures.

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

- A. This project will not affect the school district.
- B. Covering of land with paving or compacted surface is not involved.
- C. No water supplies required.
- D. No impact on sewage.
- E. No road improvements are required.
- F. Carson Nugget engineering staff was consulted regarding the scope and impact of this project. The Carson City's official online materials were consulted to verify APNs, Zoning and Master Plan information.
- G. Outdoor lighting is not associated with the project.
- H. Landscaping not associated with this project.
- I. This project does not require parking and does not create an additional need for parking in the vicinity.

#### ACKNOWLEDGMENT OF APPLICANT

I certify that the forgoing 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. 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 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.

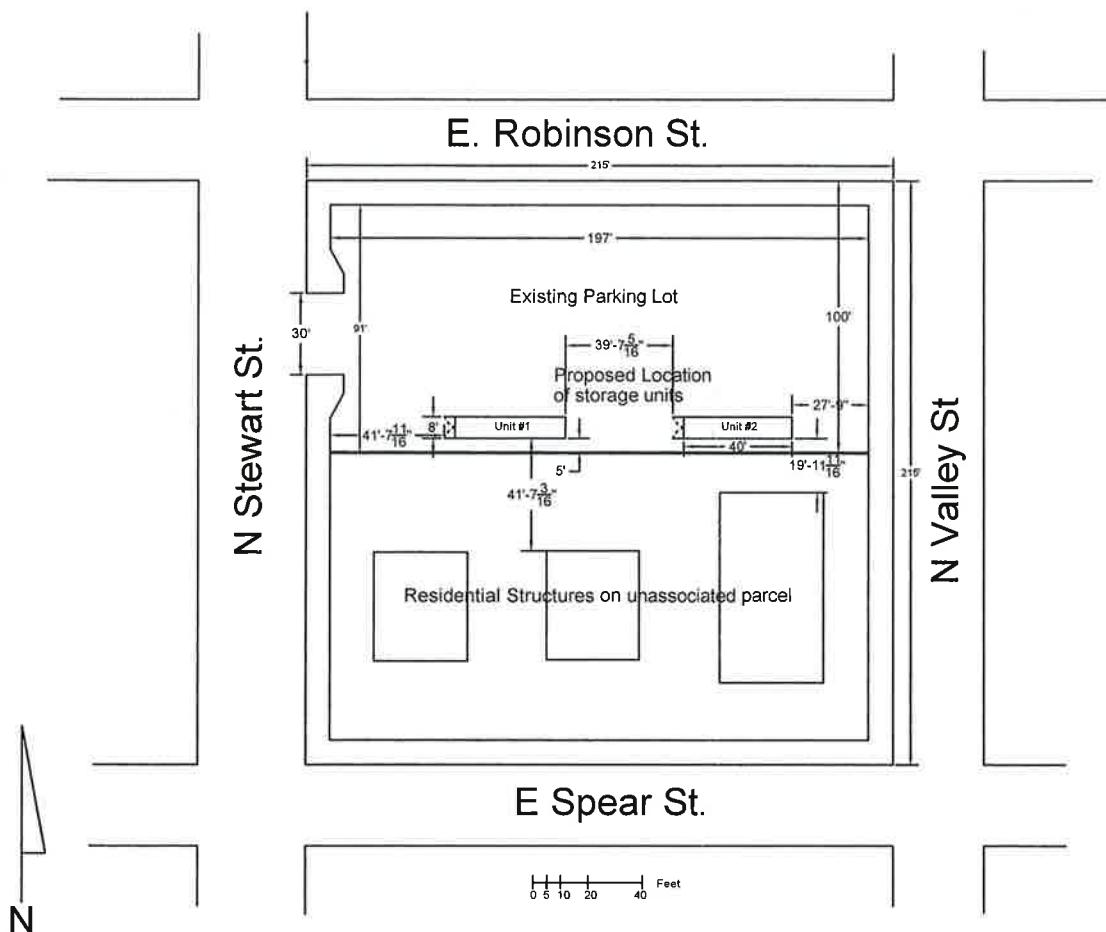


Applicant



Date

Special Use Permit  
Site Plan for outdoor storage



Owner: Adams Carson LLC.  
5598 N Eagle Rd Ste 102  
Boise, ID 83713  
(775)400-2660

Applicant: Carson Nugget  
Dean DiLullo  
507 N Carson St  
Carson City, NV 89701  
(775)882-1626 x777

Request: Placement of outdoor "Connex" storage containers.

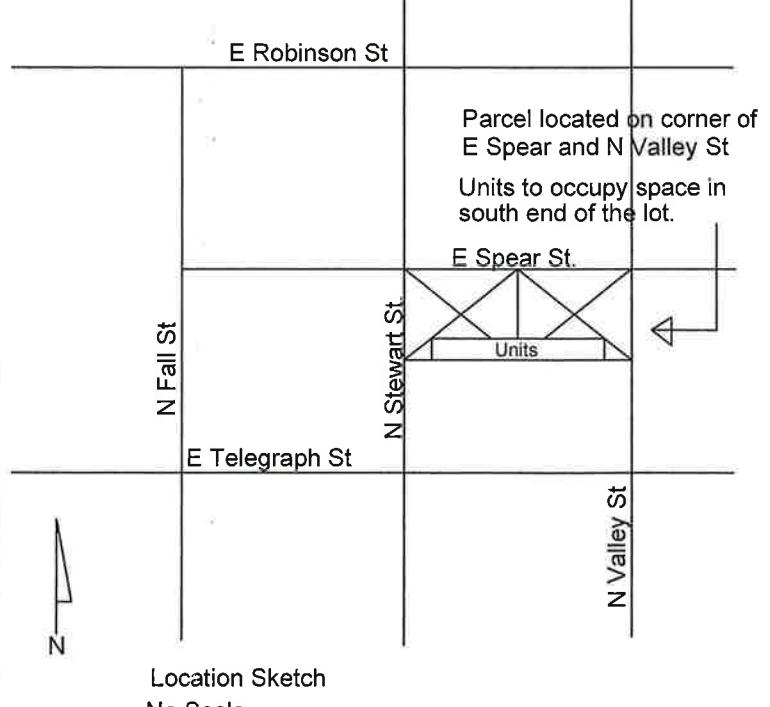
Location: Corner Spear / Valley

Zoning: Downtown Mixed Use DT-MU

Master Plan Designation:  
Mixed Use Residential

APN: 004-223-06 & 004-223-07

Site Plan Prepared by Carson Nugget



Location Sketch  
No Scale

