

STAFF REPORT FOR PLANNING COMMISSION MEETING OF OCTOBER 24, 2018

FILE NO: SUP-18-131

AGENDA ITEM: E-1

STAFF CONTACT: Hope Sullivan, Planning Manager

AGENDA TITLE: For Possible Action: Consideration of a Request for a Special Use Permit for a Residential Use in a Non-Residential zoning district on property zoned Retail Commercial, located at 110 Corbett Street, APN 002-137-08.

STAFF SUMMARY: The applicant is seeking to establish a residential use at the subject property, with an office use on the second floor. Residential uses are conditional uses in the Retail Commercial zoning district. Therefore, the residential use may only establish upon approval of a Special Use Permit.

RECOMMENDED MOTION: **I move to approve SUP-18-131, a Special Use Permit to allow a residential use in the Retail Commercial zoning district, located at 110 Corbett Street, APN 002-137-08, based on findings and subject to conditions of approval contained in the staff report.”**

VICINITY MAP:



RECOMMENDED CONDITIONS OF APPROVAL:

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 (obtain a Building Permit) within one year and no extension granted, the permit shall become null and void.
5. The residential use may not establish until required permits from the Building Department and the Fire Department have been obtained and the work has passed a final inspection.
6. The project must comply with the Carson City fire code and northern Nevada fire code amendments as adopted.
7. Project is a change of use from a B occupancy to a mixed use B/R3. This requires a permit through the Building Division.
8. Project requires fire sprinklers and fire alarm.
9. Project requires a knox box.
10. Only one single family residence is allowed within the building. The residence must comply with the definition of Single Family Dwelling as described in Title 18.03 Definitions at all times, including limitations regarding the number of people living on the site. The building shall not be modified to be a two-family or multi-family dwelling.
11. As the site can only accommodate two on-site parking spaces, uses other than one single residence may not be established on site.
12. The garage must continue to be utilized as a garage and not converted to a residential use.
13. The applicant is required to connect to public water and sewer utilities.
14. No office use is allowed if the residential use is established.

LEGAL REQUIREMENTS: CCMC 18.02.080 (Special Use Permits), 18.04.130 Retail Commercial (RC) Conditional Uses

MASTER PLAN DESIGNATION: Community / Regional Commercial

PRESENT ZONING: Retail Commercial

KEY ISSUES: Does the application meet the required findings for approval of a Special Use Permit? Is the proposed modification of a commercial building to a residential use in an existing building in this location compatible with surrounding properties?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Retail Commercial / Day Care

EAST: Multi-Family Apartment / Apartment Building

SOUTH: Retail Commercial / Single Family Residential

WEST: Retail Commercial / Commercial

ENVIRONMENTAL INFORMATION:

1. FLOOD ZONE: Zone XS (Between 100 year and 500 year flood plain)
2. EARTHQUAKE FAULT: Moderate, Zone II
3. SLOPE/DRAINAGE: Flat

SITE DEVELOPMENT INFORMATION:

LOT SIZE: 6,938 square feet

EXISTING LAND USE: Vacant non-residential building

PARKING: Two spaces

SETBACKS: No change

VARIANCES REQUESTED: None

DISCUSSION:

A Special Use Permit is required for the following reason:

- According to CCMC Title 18.04.130 Retail Commercial, a residential use is a conditional use in this zoning district, requiring prior review and approval of a Special Use Permit.

The subject property was constructed in 1968, and was most recently used as a warehouse. The property includes the primary building with an attached two car garage. The request is to allow the conversion of the existing building into a residence with office on the second floor.

The 100 block of Corbett Street can be described as a mixed use area. The Robertson House, a museum owned by the City, is located on the southwest corner of North Carson Street and Corbett Street. The remaining four lots on the southside of Corbett Street are occupied by a pet groomer, and the back of three single family residences that front on Rice Street.

To the west of the subject property is Ponderosa Stamp, a commercial use, and to the east of the subject property is an apartment building.

Per the provisions of 18.02.080, the Planning Commission has the authority to approve a Special Use Permit upon making each of the seven required findings in the affirmative.

PUBLIC COMMENTS: Public notices were mailed to 30 property owners within 300 feet of the subject property on September 28, 2018. As of the writing of this report, one email has been received expressing concern relative to parking. Any additional comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on October 24, 2018, 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: no comments

Fire Department:

1. Project must comply with the Carson City fire code and northern Nevada fire code amendments as adopted.

2. Project is a change of use from a B occupancy to a mixed use B/R3. This requires a permit through the Building Division.
3. Project would require fire sprinklers and fire alarm.
4. Project would require a Knox box.

Engineering Department: No comments.

Environment Control Authority: No concerns.

Health Department: No concerns.

Parks and Recreation: No comments

FINDINGS: Staff's recommendation is based upon the findings as required by CCMC Section 18.02.080 (Special Use Permits) enumerated below and substantiated in the public record for the project.

1. Will be consistent with the objectives of the Master Plan elements.

Staff finds that the request is consistent with the Master Plan, specifically Guiding Principle 2: Balanced Land Use Mix, associated goal 2.2, and associated policy 2.2a as noted below.

Guiding Principle 2: Balanced Land Use

The City will work to broaden and diversify its mix of land uses in targeted areas as well as citywide. Particular emphasis will be placed on expanding housing, retail, and service options to better serve both existing residents and the City's large non-residential workforce – achieving a better balance as a place to live as well as work.

Goal 2.2 Expand Housing Variety

Policy 2.2a Variety of Housing Types

Encourage a mix of housing models and densities for projects within the urbanized area based upon their size, location, surrounding neighborhood context, and applicable land use policies, as contained in Chapter 3. In general, larger neighborhoods should incorporate the largest variety while a smaller site surrounded by existing housing may be more limited by required transitions, etc.

Of note, the Master Plan Land Use designation for the subject property is Community / Regional Commercial. That designation is described as providing a mix of retail service in a concentrated setting that serves the local community, but may also include larger retail centers with unique stores or characteristics that provide a regional draw.

Typically, staff would find a single family residential use inconsistent with Community / Regional Commercial land use designation. But, given the existing surrounding neighborhood context, staff is finding for Master Plan consistency.

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.

This proposal is to allow a change of occupancy of an existing building from a warehouse to a residential use with office on the second floor. In terms of the proposed residential use, staff finds it will not be detrimental to the enjoyment or economic value of surrounding properties. There are currently three single family residences across the street from the subject property, and an apartment building next door. Staff does not find that the proposed residential use will create noise, vibrations, fumes, odors, dust, glare or physical activity that will be detrimental to surrounding properties.

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

No increase in vehicular or pedestrian traffic is anticipated with the requested residential use.

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 site is not currently served by public water or sewer, but both facilities are available in the street in front of the property. If the Special Use Permit is approved, the applicant will be required to connect to public water and sewer. It is not anticipated that the modification of the use from a warehouse to a residential use will overburden existing public services and facilities.

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 sale of new merchandise. Of note, a warehouse, which was the previous use of this property, is not an allowed use in this zoning district. A residential use is a conditional use in the Retail Commercial zoning district.

The applicant is requesting to utilize the site for both residential and office. The site only has two parking spaces. Tandem parking is not allowed. Per Division 2 of the Development Standards, a single residential unit requires two parking spaces. Therefore, although the applicant has requested the ability for a residential use with office space on the second floor, there is not sufficient parking to accommodate both uses. Therefore, if the Special Use Permit is approved and the applicant establishes a residential use, other uses, including office uses, could not also be established on the property.

The change of use from a warehouse to a residential use will require building permits and fire permits so that the residential use is in compliance with those codes. These permits must be obtained, and finalized prior to occupancy of the building as a residential use.

Supplemental standards for residential uses in non-residential zoning districts are included Section 1.18 of the Development Standards. These standards require a 20 foot setback in the Retail Commercial zoning district if the use is adjacent to a residential zoning district. Property to the east is zoned Multi-Family Apartment and improved with apartments. The existing building on the subject property has a garage on the east side of the property that is nine feet from the property line. The portion of the building that will be utilized for the residence is west of the

garage. All improvements are existing. Staff finds that provided the garage continues to function as a garage, the setback will be met.

The supplemental standards also require that a single family residence have 250 square feet of open space. The subject property has a "backyard" that meets this requirement.

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

The proposed conversion of the building to a residence is not anticipated to be detrimental to the public health, safety, convenience and welfare. The residential use is not anticipated to have adverse impacts on the area, particularly since there are already residential uses in the area.

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

The modification of a building from a warehouse use to a residential use is not anticipated to result in material damage or prejudice to other properties in the vicinity. A number of surrounding properties are also residential in nature, and have been able to co-exist with the non-residential uses in the area without any concerns.

Per 1.18 of the Development Standards, two of the following four supplemental findings must also be made.

1. *The development is not situated on a primary commercial arterial street frontage.*

The subject property is not situated on a primary commercial arterial street frontage.

2. *The development is integrated into a mixed-use development that includes commercial development*

The subject property is in an area of the City that is mixed-use development with various residential and non-residential uses co-located.

3. *The applicant has provided evidence that the site is not a viable location for commercial uses.*

4. *The site is designated Mixed-Use Commercial, Mixed-Use Residential or Mixed-Use Employment on the Master Plan Land Use Map and the project meets all applicable mixed-use criteria and standards.*

Attachments:

Engineering Comments

Building Comments

Fire Department Comments

Email Dated October 13, 2018 from Jan Baldwin

Application: SUP18-131

**Engineering Division
Planning Commission Report
File Number SUP 18-131**

TO: Planning Commission

FROM Guillermo Munoz, E.I.

MEETING DATE: October 24, 2018

SUBJECT TITLE:

Action to consider an application for a Special Use Permit from SUP 18-131 Ed Silsby
Convert to Residence apn 02-137-08

RECOMMENDATION:

The Engineering Division has no preference or objection to the special use request and offers the following condition of approval:

- Project must meet Carson City Development Standards including but not limited to the requirements referenced in the engineering discussion

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. All construction and improvements must meet the requirements of Carson City and State of Nevada Codes and Development Standards. Applicant will be required to improve driveway approach so that it complies with ADA standards, per Development Standards.

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

Reference discussion for concerns related to pedestrian walkways.

Building Department Comments

10/09/2018

SUP-18-131 110 Corbett Street (Ed Silsby) (existing structure - change of use)

- 1) Engineering analysis for (foundation, seismic and wind lateral analysis, floor load, roof)
- 2) Code analysis, construction type, occupancy type,
- 3) Accessibility for office use
- 4) Change of occupancy 3406
- 5) Fire Separation per Table 602 IBC (rated both sides 705.5) R3/B
- 6) Fire Sprinklers may be required for R-3 constructed under the IBC
- 7) Opening protections
- 8) Com Check Calculations, or rated system for building
- 9) Provide complete assembly on plans
- 10) Drawing to be provided by design professional
- 11) Nevada State licensed contractor – must sign for permit
- 12) Plumbing, mechanical, Electrical Plans, floor plan, sections, elevations

Fire Department Comments

09/21/2018

Comments for SUP 18-131:

1. Project must comply with the Carson City fire code and northern Nevada fire code amendments as adopted.
2. Project is a change of use from a B occupancy to a mixed use B/R3. This requires a permit through the Building Division.
3. Project would require fire sprinklers and fire alarm
4. Project would require a Knox box.

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

Hope Sullivan

From: Jan Baldwin <janbrealty@ableweb.net>
Sent: Saturday, October 13, 2018 2:31 PM
To: Hope Sullivan
Subject: FILE NO. SUP-18-131

This message originated outside of Carson City's email system. Use caution if this message contains attachments, links, or requests for information.

Dear Hope, My names is Janet Baldwin and I reside at 116 Rice St. My property backs to Corbett St. where is my carriage house (garage entrance). I have some concerns about the barn being converted into a residence, with office use on the second floor. When I called the city a while ago I was informed that the only permit the owner had applied for was for plumbing repairs. Since the building has no plumbing to my knowledge I was a little concerned. If he wants to convert the barn into a residence I am ok with it as long as the building is brought up to current building codes for a residence. If It is to be used as an Office it must be up to current building codes for commercial use. As of now the owner is working on the inside daily and he has a for sale by owner sign on the property. If used as an office what about handicap and regular parking? As of now we have limited parking on Corbett due to the businesses and the Apartment building there now. I only have access to my garage from the Corbett street and have had problems in the past with cars parking in front of my garage door. If these items are addressed and the owner is made to comply with proper building codes and parking I am ok with his project. If not made to comply I am opposed. I will be unable to attend the October 24th meeting, but would like to be kept informed.

Thank You, Jan Baldwin 882-2006

RECEIVED

SEP 06 2018

CARSON CITY
PLANNING DIVISION

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

FILE # SUP - 18 - 131

APPLICANT ED SILSBY PHONE # 882-9144
MAILING ADDRESS, CITY, STATE, ZIP
110 Corbett St. CC NV. 89706

EMAIL ADDRESS

PROPERTY OWNER (Same) PHONE #

MAILING ADDRESS, CITY, STATE, ZIP

EMAIL ADDRESS

APPLICANT AGENT/REPRESENTATIVE PHONE #

MAILING ADDRESS, CITY STATE, ZIP

EMAIL ADDRESS

Project's Assessor Parcel Number(s):

002-137-08 Street Address 110 Corbett St. CC NV 89706

Project's Master Plan Designation

COM. Res.

Project's Current Zoning

RC

Nearest Major Cross Street(s)

395

Please provide a brief description of your proposed project and/or proposed use below. Provide additional pages to describe your request in more detail.
2nd floor kitchen/dish room. 2nd floor office space.
Com. Res.

PROPERTY OWNER'S AFFIDAVIT

I, ED SILSBY, 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 ED SILSBYAddress 110 Corbett St.Date 9-6-2018

Use additional page(s) if necessary for additional owners.

STATE OF NEVADA
COUNTY

On 9/6, 2018, Ed Silsby, 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 Lena E. Resek

NOTE: If your project is located within the Historic District or Historic Resources Commission before the Historic Resources Commission or the Airport Authority in addition to being scheduled for review by the Planning Commission. Planning staff can help you make this determination.

If there is any additional information that would provide a clearer picture of your proposal that you would like to add for presentation to the Planning Commission, please be sure to include it in your detailed description.

Please type and sign the statement on the following page at the end of your findings response.

ACKNOWLEDGMENT OF APPLICANT

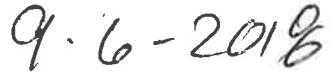
I certify that the forgoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning 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's Signature



Print Name



Date

Findings

1. My idea when I bought this place was to clean this old dirty god for sake turn up & turn it into a show place, that any one would be proud to live in.
- A. On the west side there is a commercial complex. On the east side there is a Apartment building Residential.
- B. My project is not similar to existing development. my property will enhance property values. Why because I will turn Ware house - storage building into a thing of beauty
- C. I will not change a bit, peaceful now & fore ever.
- D. Outdoor lighting over garage door to protect the area.
- E. two beautiful 50 yr. old trees in the front yard: One pine & the other regular
- F. property taxes

3. No detrimental effect
- 4A. No effect.
- B. No effect

- C. There is no water supply up grade
- D. No change
- E. No sewer up grade
- F. No change
- G. None

5 Rural Commercial - Residential

6 No change

7 No change

Master Plan Policy Checklist

Special Use Permits & Major Project Reviews & Administrative Permits

PURPOSE

The purpose of a development checklist is to provide a list of questions that address whether a development proposal is in conformance with the goals and objectives of the 2006 Carson City Master Plan that are related to non-residential and multi-family residential development. This checklist is designed for developers, staff, and decision-makers and is intended to be used as a guide only.

Development Name: Ed Silsby

Reviewed By: _____

Date of Review: _____

DEVELOPMENT CHECKLIST

The following five themes are those themes that appear in the Carson City Master Plan and which reflect the community's vision at a broad policy level. Each theme looks at how a proposed development can help achieve the goals of the Carson City Master Plan. A check mark indicates that the proposed development meets the applicable Master Plan policy. The Policy Number is indicated at the end of each policy statement summary. Refer to the Comprehensive Master Plan for complete policy language.

CHAPTER 3: A BALANCED LAND USE PATTERN



The Carson City Master Plan seeks to establish a balance of land uses within the community by providing employment opportunities, a diverse choice of housing, recreational opportunities, and retail services.

Is or does the proposed development:

- Meet the provisions of the Growth Management Ordinance (1.1d, Municipal Code 18.12)?
- Use sustainable building materials and construction techniques to promote water and energy conservation (1.1e, f)?
- Located in a priority infill development area (1.2a)?
- Provide pathway connections and easements consistent with the adopted Unified Pathways Master Plan and maintain access to adjacent public lands (1.4a)?

- Protect existing site features, as appropriate, including mature trees or other character-defining features (1.4c)?
- At adjacent county boundaries or adjacent to public lands, coordinated with the applicable agency with regards to compatibility, access and amenities (1.5a, b)?
- In identified Mixed-Use areas, promote mixed-use development patterns as appropriate for the surrounding context consistent with the land use descriptions of the applicable Mixed-Use designation, and meet the intent of the Mixed-Use Evaluation Criteria (2.1b, 2.2b, 2.3b, Land Use Districts, Appendix C)?
- Meet adopted standards (e.g. setbacks) for transitions between non-residential and residential zoning districts (2.1d)?
- Protect environmentally sensitive areas through proper setbacks, dedication, or other mechanisms (3.1b)?
- Sited outside the primary floodplain and away from geologic hazard areas or follows the required setbacks or other mitigation measures (3.3d, e)?
- Provide for levels of services (i.e. water, sewer, road improvements, sidewalks, etc.) consistent with the Land Use designation and adequate for the proposed development (Land Use table descriptions)?
- If located within an identified Specific Plan Area (SPA), meet the applicable policies of that SPA (Land Use Map, Chapter 8)?

CHAPTER 4: EQUITABLE DISTRIBUTION OF RECREATIONAL OPPORTUNITIES



The Carson City Master Plan seeks to continue providing a diverse range of park and recreational opportunities to include facilities and programming for all ages and varying interests to serve both existing and future neighborhoods.

Is or does the proposed development:

- Provide park facilities commensurate with the demand created and consistent with the City's adopted standards (4.1b)?
- Consistent with the Open Space Master Plan and Carson River Master Plan (4.3a)?

CHAPTER 5: ECONOMIC VITALITY



The Carson City Master Plan seeks to maintain its strong diversified economic base by promoting principles which focus on retaining and enhancing the strong employment base, include a broader range of retail services in targeted areas, and include the roles of technology, tourism, recreational amenities, and other economic strengths vital to a successful community.

Is or does the proposed development:

- Encourage a citywide housing mix consistent with the labor force and non-labor force populations (5.1j)?
- Encourage the development of regional retail centers (5.2a)?
- Encourage reuse or redevelopment of underused retail spaces (5.2b)?
- Support heritage tourism activities, particularly those associated with historic resources, cultural institutions and the State Capitol (5.4a)?
- Promote revitalization of the Downtown core (5.6a)?
- Incorporate additional housing in and around Downtown, including lofts, condominiums, duplexes, live-work units (5.6c)?

CHAPTER 6: LIVABLE NEIGHBORHOODS AND ACTIVITY CENTERS



The Carson City Master Plan seeks to promote safe, attractive and diverse neighborhoods, compact mixed-use activity centers, and a vibrant, pedestrian-friendly Downtown.

Is or does the proposed development:

- Use durable, long-lasting building materials (6.1a)?
- Promote variety and visual interest through the incorporation of varied building styles and colors, garage orientation and other features (6.1b)?
- Provide variety and visual interest through the incorporation of well-articulated building facades, clearly identified entrances and pedestrian connections, landscaping and other features consistent with the Development Standards (6.1c)?
- Provide appropriate height, density and setback transitions and connectivity to surrounding development to ensure compatibility with surrounding development for infill projects or adjacent to existing rural neighborhoods (6.2a, 9.3b 9.4a)?
- If located in an identified Mixed-Use Activity Center area, contain the appropriate mix, size and density of land uses consistent with the Mixed-Use district policies (7.1a, b)?
- If located Downtown:
 - Integrate an appropriate mix and density of uses (8.1a, e)?
 - Include buildings at the appropriate scale for the applicable Downtown Character Area (8.1b)?
 - Incorporate appropriate public spaces, plazas and other amenities (8.1d)?
- Incorporate a mix of housing models and densities appropriate for the project location and size (9.1a)?

CHAPTER 7: A CONNECTED CITY



The Carson City Master Plan seeks promote a sense of community by linking its many neighborhoods, employment areas, activity centers, parks, recreational

amenities and schools with an extensive system of interconnected roadways, multi-use pathways, bicycle facilities, and sidewalks.

Is or does the proposed development:

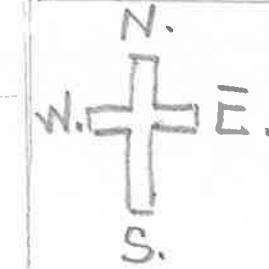
- Promote transit-supportive development patterns (e.g. mixed-use, pedestrian-oriented, higher density) along major travel corridors to facilitate future transit (11.2b)?
- Maintain and enhance roadway connections and networks consistent with the Transportation Master Plan (11.2c)?
- Provide appropriate pathways through the development and to surrounding lands, including parks and public lands, consistent with the Unified Pathways Master Plan (12.1a, c)?

Back yard
Measurements not to scale 53'

18'

PERMIT

SITE PLAN



Property line

002-137-08

ED SILSBY
110 CORBETT ST.

APT. COMPLEX

Apt.
Drive way

24'

2'

9'

55'

70'

WHSE, storage

SIDE WALK

4'

6'

DRIVE way

17'



22'

RECEIVED

SEP 06 2018

CARSON CITY
PLANNING DIVISION

COMMERCIAL BUILDING
ED SILESBY