

## STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF NOVEMBER 28, 2018

FILE NO: SUP-18-150

AGENDA ITEM: E-3

STAFF CONTACT: Hope Sullivan, Planning Manager

**AGENDA TITLE:** For Possible Action: To consider a request for a Special Use Permit for a wall that exceeds the maximum height limit on property zoned Single Family 1 Acre (SF1A), located at 870 East Overland Street, APN 009-182-09. (Hope Sullivan, [hsullivan@carson.org](mailto:hsullivan@carson.org))

**STAFF SUMMARY:** Per the Development Standards 1.13.a, a site obscuring fence may not exceed three feet in height when it is located in the front building setback. The building setbacks in the SF1A zoning district are 30 in the front, 20 on the streetside, 15 on the side, and 30 on the rear. The applicant has constructed a six foot tall wall that encroaches into the required front setback. Per Development Standards 1.13.7, fences within setbacks may be permitted in excess of ordinance requirements by approval of a Special Use Permit.

**RECOMMENDED MOTION:** "I move to approve SUP-18-150, a request for a Special Use Permit for a six foot wall in the front setback on property zoned Single Family 1 Acre, located at 870 East Overland Street, based on the findings and subject to the 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 of 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 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 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 and no extension granted, the permit shall become null and void.
5. The wall is to be consistent with the existing wall in terms of materials, location, design, and height.
6. The block wall must be at least 10 feet from the edge of pavement of Ponderosa Drive and East Overland Street.
7. The block wall must allow surface drainage to leave the property.

**LEGAL REQUIREMENTS:** CCMC 18.02.080 Special Use Permits and Development Standards 1.13

**MASTER PLAN DESIGNATION:** Low Density Residential (LDR)

**PRESENT ZONING:** Single Family 1 Acre (SF1A)

**KEY ISSUES:** Will the proposed wall be compatible with the surrounding neighborhood and be in keeping with the standards of the Carson City Municipal Code?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

NORTH: Single Family 1 Acre (SF1A) / Single Family Residence  
EAST: Single Family 1 Acre (SF1A) / Single Family Residence  
WEST: Single Family 1 Acre (SF1A) / Single Family Residence  
SOUTH: Single Family 1 Acre (SF1A) / Single Family Residence

**ENVIRONMENTAL INFORMATION:**

FLOOD ZONE: X (Areas of Minimal Flooding)  
EARTHQUAKE FAULT: Zone III, Moderate  
SLOPE/DRAINAGE: The site is flat

**SITE DEVELOPMENT INFORMATION:**

LOT SIZE: 1.04 acres

**VARIANCES REQUESTED:** none

**PREVIOUS REVIEW:** none

**DISCUSSION:**

A Special Use Permit for the proposed project is required for the following reasons:

Carson City Development Standards 1.13 limits the height of a sight-obscuring wall within the front setback to three feet. The front setback in the Single Family One Acre zoning district is 30 feet. Fences within the setbacks may be permitted in excess or ordinance requirements by approval of a special use permit.

The applicant has constructed a six foot tall solid block wall along a portion of the front property line on East Overland Street. Note the subject property has 300 linear feet along East Overland Street, and approximately 65 linear feet of wall has been constructed along this frontage. Per the applicant's plans, this is the extent of proposed fencing along East Overland Street.. The wall aligns with a neighbor's open style fencing. The wall is approximately 15 feet from the paved surface of East Overland Street. A photograph of the existing wall is included in the application.

**PUBLIC COMMENTS:** Public notices were mailed to 43 property owners within 600 feet of the subject site on November 9, 2018. As of the writing of this report, no comments in support or opposition of the request 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, depending on the date of submission 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.

**Fire Department:** No comments

**Engineering Division:**

The Engineering Division has no preference or objection to the special use request provided that the following conditions are met:

1. The block wall must be at least 10 feet from the edge of pavement of Ponderosa Drive and East Overland Street.
2. The block wall must allow surface drainage to leave the property.

**ENGINEERING 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. The Engineering Division offers the following discussion:

**C.C.M.C. 18.02.080 (5a) - Master Plan**

The request is not in conflict with any Engineering Master Plans.

**C.C.M.C. 18.02.080 (5b) – Use, Peaceful Enjoyment, Economic Value, Compatibility**

Development Engineering has no comment on this finding.

**C.C.M.C. 18.02.080 (5c) - Traffic/Pedestrians**

The wall will have a negligible effect on traffic if the proposed conditions of approval are met.

**C.C.M.C. 18.02.080 (5d) - Public Services**

The wall will have a negligible effect on storm drain infrastructure if the proposed conditions of approval are met. The wall will have no impact on sewer and water infrastructure.

**C.C.M.C. 18.02.080 (5e) – Title 18 Standards**

Development Engineering has no comment on this finding.

**C.C.M.C. 18.02.080 (5f) – Public health, Safety, Convenience, and Welfare**

The project meets engineering standards for health and safety.

**C.C.M.C. 18.02.080 (5g) – Material Damage or Prejudice to Other Property**

Development Engineering has no comment on this finding.

**C.C.M.C. 18.02.080 (5h) – Adequate Information**

The plans and reports provided were adequate for this analysis.

**Environmental Control:** No concerns

**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***

*The subject property is designated in the City's Master Plan as Low Density Residential. The subject property is improved with a single family residence on a one acre lot, thus consistent with the land use designation. The proposed wall will not modify the land use. Therefore, staff finds the request consistent with the Master Plan.*

**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 proposed wall is 15 feet from the pavement of East Overland Street, and covers slightly more than twenty percent of the property's frontage along that roadway. The wall allows for screening of what is essentially a backyard area. The wall will not be a detriment to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood. Staff finds that the wall, particularly given the separation from the pavement of the road and given the limited length, is compatible with and preserves the character and integrity of adjacent development. The wall will not create noise, vibrations, fumes, odors, dust, glare, or physical activity.*

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

*The Engineering staff requested that the wall be at least ten feet from the pavement surface of the road. The wall is actually approximately 15 feet from the pavement surface of the road, thus allowing for pedestrians to walk along the road, and cars to pull off as may be necessary. The wall will not have a detrimental effect on vehicular or pedestrian traffic. The wall will not*

*compromise the safety of the road, nor will it generate traffic.*

- 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 proposed wall will not impact schools, police, fire protection, water, sanitary sewer, public roads, storm drainage, or any other public improvements.*

- 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 subject property, with the exception of the wall, has been developed consistent with the definition and specific standards of Title 18. The applicant constructed the six foot wall within the required setback. The wall at that height is allowed in the front setback only upon issuance of a Special Use Permit.*

- 6. Will not be detrimental to the public health, safety, convenience and welfare.**

*Given the location of the wall 15 feet from the pavement of the road, staff finds it will not be detrimental to public health, safety, convenience or welfare.*

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

*The proposed wall will not result in material damage to other property in the vicinity. Improvements will be entirely off of the right-of-way, the wall is attractive, and the wall will providing screening to what is a de facto backyard.*

Attachments:

Application (SUP-18-150)

RECEIVED

SEP 28 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

FOR OFFICE USE ONLY:

CCMC 18.02.080

## SPECIAL USE PERMIT

FILE # SUP - 18 - 150

APPLICANT PHONE #  
Steve Mandoki 775-690-8052

MAILING ADDRESS, CITY, STATE, ZIP  
870 E Overland St Carson City NV 89701

EMAIL ADDRESS  
SteveMandoki@yahoo.com

PROPERTY OWNER PHONE #  
Steve Mandoki 775-690-8052

MAILING ADDRESS, CITY, STATE, ZIP  
870 E. Overland St Carson City NV 89701

EMAIL ADDRESS  
SteveMandoki@yahoo.com

APPLICANT AGENT/REPRESENTATIVE PHONE #  
NONE

MAILING ADDRESS, CITY STATE, ZIP

EMAIL ADDRESS

FEE\*: \$2,450.00 MAJOR  
\$2,200.00 MINOR (Residential zoning districts)  
+ noticing fee  
\*Due after application is deemed complete by staff

SUBMITTAL PACKET – 4 Complete Packets (1 Unbound Original and 3 Copies) including:

- Application Form
- Detailed Written Project Description
- Site Plan
- Building Elevation Drawings and Floor Plans
- Special Use Permit Findings
- Master Plan Policy Checklist
- Applicant's Acknowledgment Statement
- Documentation of Taxes Paid-to-Date
- Project Impact Reports (Engineering)

CD or USB DRIVE with complete application in PDF

Application Received and Reviewed By:

Submittal Deadline: See attached Planning Commission application submittal schedule.

Note: Submittals must be of sufficient clarity and detail for all departments to adequately review the request. Additional information may be required.

Project's Assessor Parcel Number(s):

009 182 09

Street Address

870 E. OVERLAND ST

Project's Master Plan Designation

LOW DENSITY RES

Project's Current Zoning

SF 1A

Nearest Major Cross Street(s)

PONDEROSA

Please provide a brief description of your proposed project and/or proposed use below. Provide additional pages to describe your request in more detail.

6' Solid masonry block wall around property

### PROPERTY OWNER'S AFFIDAVIT

I, Steve Mandoki, 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

870 E. Overland  
carson city NV

9-23-18  
Date

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

STATE OF NEVADA  
COUNTY

On 9/28, 2018, Steve Mandoki

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.

Lena E. Reseck  
Notary Public



NOTE: If your project is located within the Historic District or airport area, it may need to be scheduled 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



# 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: MANDOKI RESIDENCE / 870 E. OVERLAND

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)?

- ① property will continue to be low density residential
- ② I believe it has positive impact to the  
the neighborhood bringing property values up
- ③. It will not have a detrimental effect.
- ④. This wall will not overburden other public facilities
- ⑤. permits will be pulled as necessary
- ⑥. this wall will not be detrimental to public health  
or welfare & safety
- ⑦. This wall will not adversely impact neighbors





