

STAFF REPORT FOR PLANNING COMMISSION MEETING OF MAY 25, 2022

FILE: MPA-2022-0234 & ZA-2022-0233

AGENDA ITEM: 6.K & 6.L

STAFF CONTACT: Heather Ferris, Planning Manager

AGENDA TITLE:

MPA-2022-0234 For Possible Action: For Possible Action: Discussion and possible action regarding a recommendation to the Board of Supervisors regarding a master plan amendment to change the master plan designation from Community / Regional Commercial (“C/RC”) to Open Space (“OS”) for a parcel located at 5480 Morgan Mill Road, APN 008-371-31 (Heather Ferris, hferris@carson.org)

Staff Summary: As part of the 2021 Master Plan Annual Report staff inventoried City owned parks and recreational facilities to ensure the zoning and master plan designations are appropriate. The subject property is the site of the Empire Cemetery and is maintained by the City. To create consistency with the land use and ownership, the Master Plan designation should be Open Space. The requested master plan amendment is being made concurrently with a request for a zoning map amendment (ZA-2022-0233). The Planning Commission makes a recommendation to the Board of Supervisors.

ZA-2022-0233 For Possible Action: Discussion and possible action regarding a recommendation to the Board of Supervisors regarding a zoning map amendment to change the zoning designation from General Industrial (“GI”) to Conservation Reserve (“CR”) for a parcel located at 5480 Morgan Mill Road, APN 008-371-31. (Heather Ferris, hferris@carson.org)

Staff Summary: As part of the 2021 Master Plan Annual Report staff inventoried City owned parks and recreational facilities to ensure the zoning and master plan designations are appropriate. The subject property is the site of the Empire Cemetery and is maintained by the City. To create consistency with the proposed master plan designation, the zoning should be Conservation Reserve. The requested zoning map amendment is being made concurrently with a request for a master plan amendment (MPA-2022-234). The Planning Commission makes a recommendation to the Board of Supervisors.

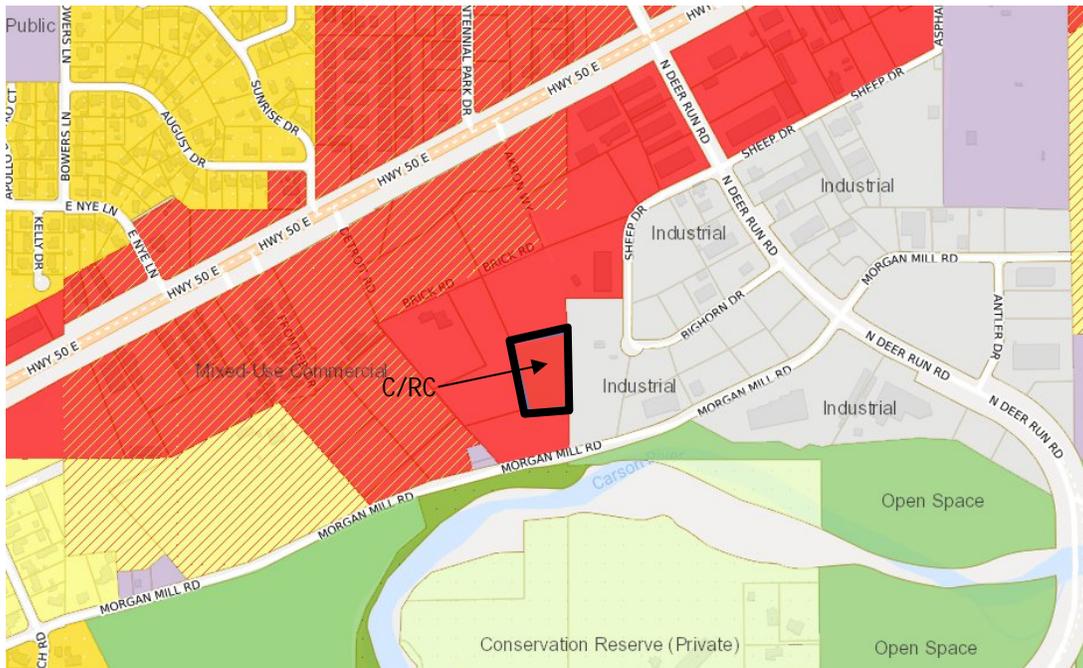
MASTER PLAN AMENDMENT RECOMMENDED MOTION: “I move to adopt resolution number 2022-PC-R-4.”

ZONING MAP AMENDMENT RECOMMENDED MOTION: “I move to recommend to the Board of Supervisors approval of the zoning map amendment ZA-2022-0233 as presented.”

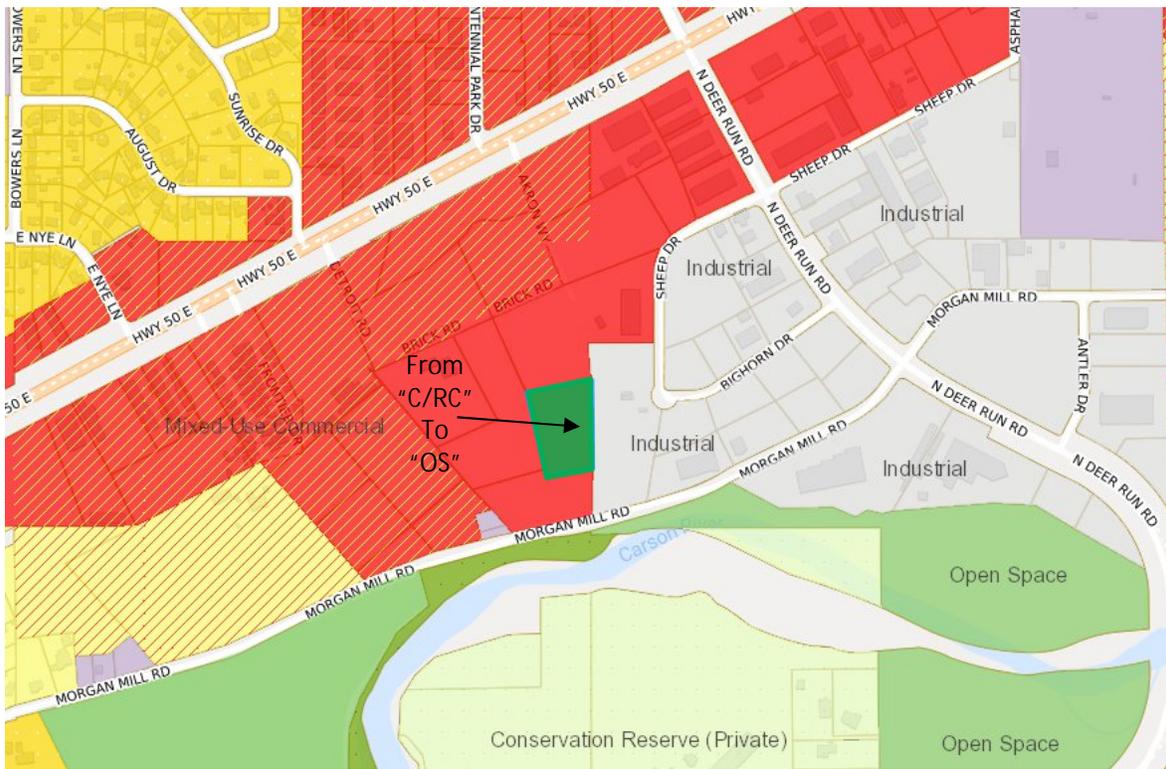
VICINITY MAP:



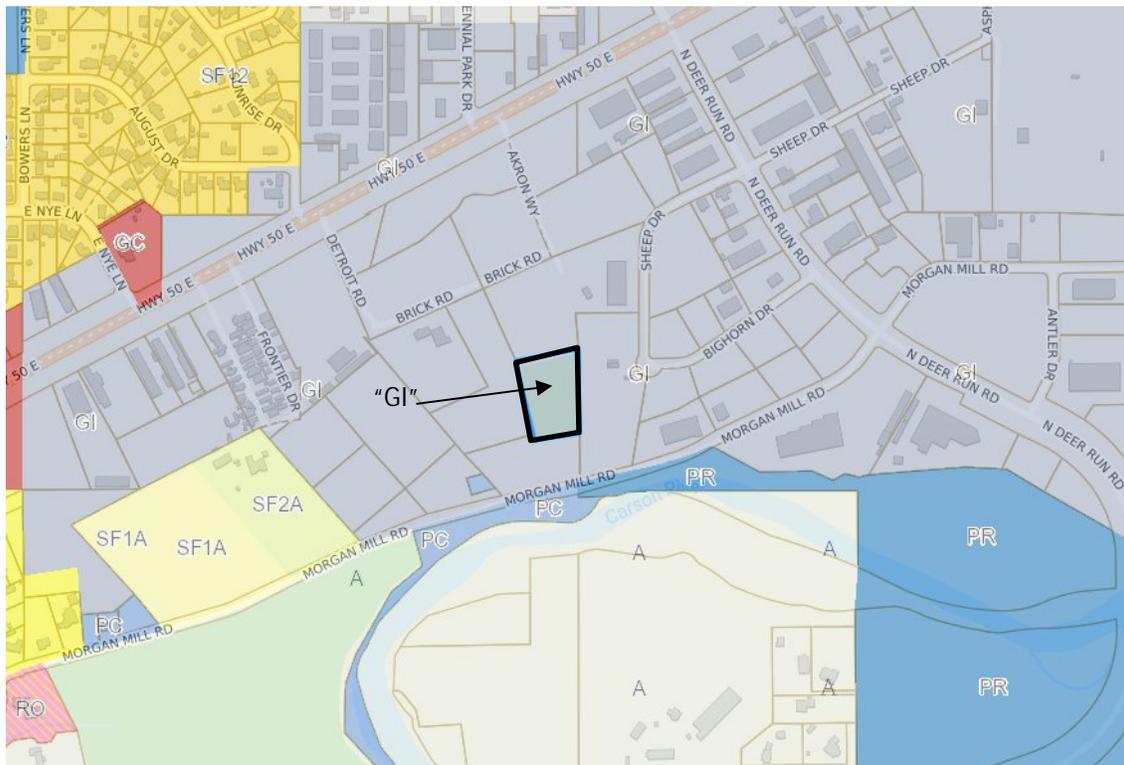
EXISTING MASTER PLAN



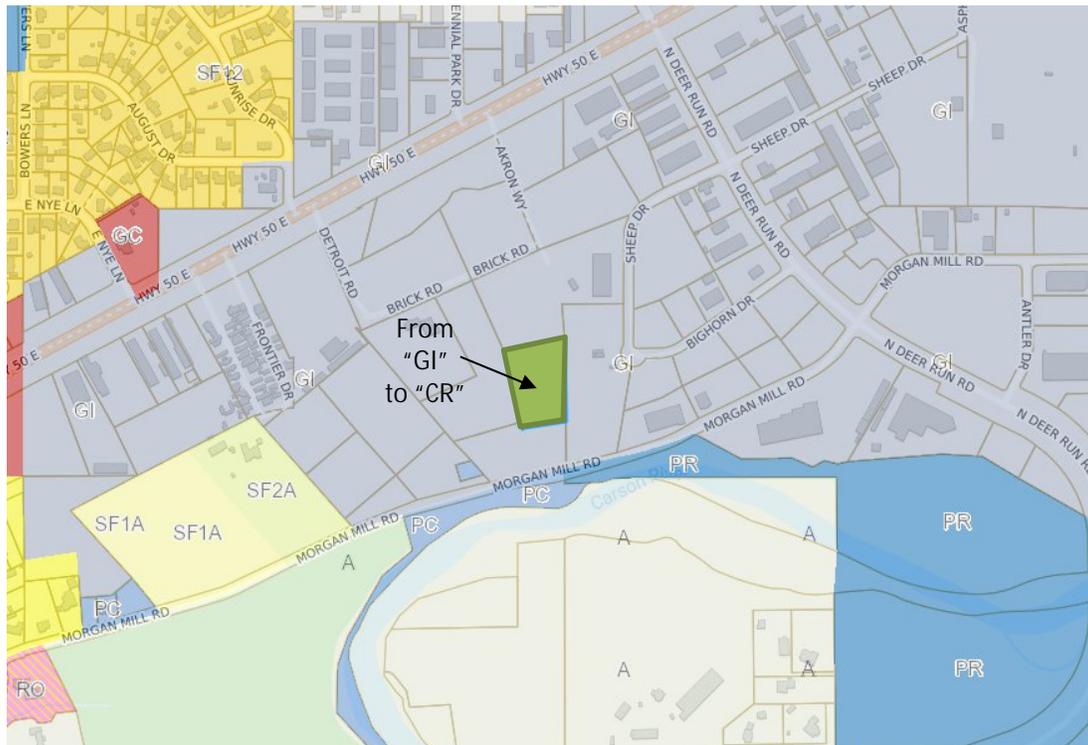
PROPOSED MASTER PLAN



EXISTING ZONING



PROPOSED ZONING



LEGAL REQUIREMENTS: Carson City Municipal Code (“CCMC”) 18.02.050 (Review); 18.02.070 (Master Plan) 18.02.075 (Zoning Map Amendments and Zoning Code Amendments)

EXISTING MASTER PLAN DESIGNATION: Community/ Regional Commercial (“C/RC”)

PROPOSED MASTER PLAN DESIGNATION: Open Space (“OS”)

EXISTING ZONING: General Industrial (“GI”)

PROPOSED ZONING: Conservation Reserve (“CR”)

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: General Industrial / sanitation company

SOUTH: General Industrial / vacant

EAST: General Industrial / concrete plant

WEST: General Industrial / vacant

BACKGROUND AND DISCUSSION:

At its meeting of December 15, 2021, the Planning Commission was provided with an update on the Master Plan implementation activities and reviewed and made a recommendation to the Board of Supervisors on the Master Plan Action Plan and other Master Plan related matters. At its meeting of January 20, 2022, the Board of Supervisors accepted the 2021 Master Plan report from the Planning Commission.

As part of the 2021 Master Plan Annual Report staff inventoried City owned parks and recreational facilities to ensure the zoning and master plan designations are appropriate for their use. The subject property is the site of the Empire Cemetery and is maintained by the City. To create

consistency with the land use and ownership, the Master Plan designation should be Open Space. Likewise, to create consistency with the proposed master plan designation, the zoning should be Conservation Reserve. The Planning Commission makes a recommendation to the Board of Supervisors. The Board of Supervisors may amend the Zoning and Master Plan Maps, following a recommendation from the Planning Commission.

PUBLIC COMMENTS: On May 11, 2022, public hearing notices were mailed to 32 property owners within 1,000 feet of the subject properties in accordance with the provisions of NRS and CCMC 18.02.045. At the time of the writing of this report staff has received on public comment email (attached). Any comments that are received after this report is completed will be provided to the Planning Commission either prior to or at the May 25, 2022 meeting depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

The requests were routed to other departments for review and comment. All indicated they had no comments or concerns with the proposed amendments.

FINDINGS: Staff recommends the following findings for approval of the Master Plan Amendment and Zoning Map Amendment pursuant to the CCMC 18.02.070 and 18.02.075, Zoning Map Amendments and Zoning Code Amendments.

MASTER PLAN AMENDMENT FINDINGS: Per the provisions of CCMC 18.02.070

1. The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.

The proposed amendment is in substantial compliance with the goals, policies, and action programs of the Master Plan. The property is the site of the retired Empire Cemetery. The property has a master plan designation of Community/Regional Commercial ("C/RC"). This designation is not consistent with the use of the land. Since this is a cemetery the master plan designation should be consistent with the use and provide appropriate protections, thus the proposed designation of Open Space.

2. The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

Properties in the area are zoned for General Industrial type uses. The cemetery use is existing. The proposed amendment will make the master plan designation consistent with the land use and provide appropriate protections for the cemetery.

3. The proposed amendment is in response to changed conditions that have occurred since the plan was adopted and the requested amendment represents a more desirable use of land.

The proposed amendment will provide for consistency with the land use of the parcel. This is the site of the retired Empire Cemetery. The proposed amendment will make the master plan designation consistent with the land use and provide appropriate protections for the cemetery.

4. The requested amendment will promote the desired pattern of orderly physical growth and guides development based on the projected population growth with the

least amount of natural resource impairment and the efficient expenditure of funds for public services.

This is the site of the retired Empire Cemetery. The proposed amendment will make the master plan designation consistent with the land use and provide appropriate protections for the cemetery.

ZONING MAP AMENDMENT FINDINGS:

- 1. That the proposed amendment is in substantial compliance with and supports the goals and policies of the master plan.**

Chapter 3 of the Master Plan identifies the land use designations and identifies what zoning districts corresponds to the land use designation. If the Master Plan is amended to designate the parcel as Open Space, the proposed Conservation Reserve zoning district would be a corresponding zoning district that will implement the Master Plan.

- 2. That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.**

Properties in the area are zoned for General Industrial type uses. The cemetery use is existing. The proposed amendment will make the master plan designation consistent with the land use and provide appropriate protections for the cemetery.

- 3. That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.**

The proposed zoning map amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare. The proposed Conservation Reserve zoning will be consistent with the proposed master plan designation of Open Space. Both the master plan amendment and zoning map amendment will result in consistency with the existing land use of the subject parcels.

Attachments:

Resolution 2022-PC-R-4

Draft zoning map amendment ordinance

Public comment

RESOLUTION 2022-PC-R-4

A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF MPA-2022-0234, A MASTER PLAN AMENDMENT TO CHANGE THE LAND USE MAP FROM COMMUNITY / REGIONAL COMMERCIAL (“C/RC”) TO OPEN SPACE (“OS”) FOR A PARCEL LOCATED AT 5480 MORGAN MILL ROAD, APN 008-371-31.

WHEREAS, section 278.210 of the Nevada Revised Statutes (“NRS”) requires that any adoption of a master plan amendment shall be by resolution of the Carson City Planning Commission; and

WHEREAS, the Planning Commission has given proper notice of the proposed amendment in accordance with the provisions of NRS and Carson City Municipal Code (“CCMC”) 18.02.070, and is in conformance with City and State legal requirements; and

WHEREAS, on May 25, 2022, the Planning Commission obtained public testimony and duly considered recommendations and findings for the proposed master plan amendment and recommended approval of master plan amendment MPA-2022-0234 by an affirmative vote of a two-thirds majority of the Commission, at least five members of the seven-member Commission, pursuant to NRS 278.210, based on four findings of fact; and

WHEREAS, the proposed Master Plan land use designations would be consistent with the existing and intended uses of the property;

NOW, THEREFORE, the Carson City Planning Commission hereby recommends to the Board of Supervisors approval of the master plan amendment to change the land use map designation from Community / Regional Commercial (“C/RC”) to Open Space (“OS”) for a parcel located at 5480 Morgan Mill Road, APN 008-371-31.

ADOPTED this 25th day of May, 2022

VOTE: AYES:

NAYS: None

ABSENT: None

Jay Wiggins, Chairman

ATTEST:

Hope Sullivan, AICP, Community Development Director

SUMMARY – Amends the Carson City zoning map.

BILL NO. _____
ORDINANCE NO. 2022-__

AN ORDINANCE RELATING TO ZONING; ESTABLISHING VARIOUS PROVISIONS TO CHANGE THE ZONING FROM GENERAL INDUSTRIAL (“GI”) TO CONSERVATION RESERVE (“CR”) FOR A PARCEL LOCATED AT 5480 MORGAN MILL ROAD, APN 008-371-31.

The Board of Supervisors of Carson City do ordain:

SECTION I:

An application for a zoning map amendment affecting Assessor’s Parcel Number (“APN”) 008-371-31, located at 5480 Morgan Mill Road, Carson City, Nevada, was duly submitted to the Planning Division of the Carson City Community Development Department in accordance with section 18.02.075 of the Carson City Municipal Code (“CCMC”) to revise the existing zoning designation of APN 008-371-31 from General Industrial (“GI”) to Conservation Reserve (“CR”). After proper noticing in accordance with Chapter 278 of the Nevada Revised Statutes and CCMC Title 18, on May 25, 2022, the Planning Commission, during a public hearing, reviewed the staff report of the Planning Division, received public comment and voted __ ayes and __ nay to recommend to the Board of Supervisors approval of the application for the zoning map amendment.

SECTION II:

The zoning map of Carson City is hereby amended to change the zoning of APN 008-371-31 from General Industrial (“GI”) to Conservation Reserve (“CR”), as depicted in Attachment A, based on the findings that the zoning map amendment:

1. Is in substantial compliance with the goals, policies and action programs of the Carson City master plan.
2. Will provide for land uses that are compatible with existing adjacent land uses.
3. Will not have a detrimental impact on other properties within the vicinity.
4. Will not negatively impact existing or planned public services or facilities.
5. Will not adversely impact the health, safety or welfare of the public.
6. Satisfies all other required findings of fact as set forth in CCMC 18.02.075(5).

PROPOSED this _____ day of _____ 2022.

PROPOSED BY Supervisor _____

PASSED on the _____ day of _____ 2022.

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

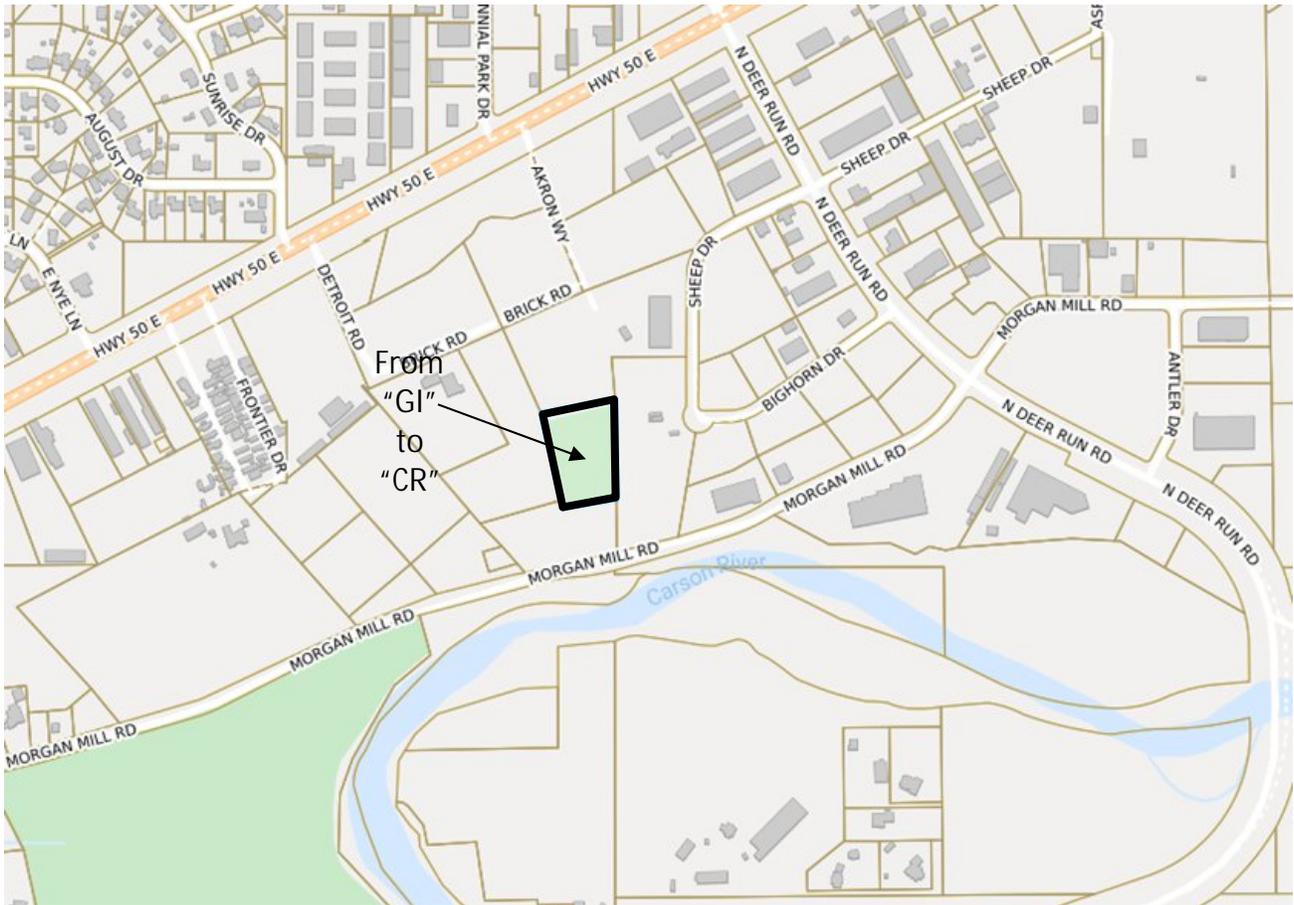
LORI BAGWELL, Mayor

ATTEST:

AUBREY ROWLATT, Clerk-Recorder

This ordinance shall be in force and effect from and after the ____ of _____,
2022.

Attachment A



From: [K Franco Simmons](#)
To: [Planning Department](#)
Cc: [Heather Ferris](#)
Subject: Planning Commission 5/25/2022: MPA-2022-0234 and ZA-2022-0233 Empire Cemetery / Brunswick Cemetery: Master Plan and Zoning map amendments (APN 008-371-31)
Date: Wednesday, May 18, 2022 11:32:26 AM

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

Please accept the following comment for the public record for Public Hearing of May 25, 2022 regarding MPA-2022-0234 and ZA-2022-0233 Empire Cemetery / Brunswick Cemetery: Master Plan and Zoning map amendments (APN 008-371-31).

Planning Commissioners,

RE: MPA-2022-0234

I am in support of the master plan amendment to change the master plan designation from Community / Regional Comercial ("C/RC") to Open Space ("OS").

RE: ZA-2022-0233

I am in support of the zoning map amendment to change the zoning designation from General Industrial ("GI") to Conservation Reserve ("CR").

I believe both the zoning designation and the Master Plan designation should be amended to the most protective designations possible for a cemetery. As I have stated before the Board of Supervisors, I am requesting that both zoning and Master Plan designations of Empire Cemetery be changed to match Lone Mountain Cemetery. I understand there is a complication in that Carson City does not appear to have completed all requirements to gain clear title to the property known as Empire Cemetery from Empire City, Ormsby County, according to a copy provided to me titled "Report on Findings: Empire City Cemetery, also known as Empire Cemetery and Brunswick Cemetery, 5480 Morgan Hill Road, Carson City Nevada, APN: 008-371-31" prepared for Robert Nellis, Real Property Manager, Carson City, dated March 28, 2022. I encourage the City and County of Carson City to complete all requirements for clear title and deed to Empire Cemetery.

Once the City has gained clear title, I would like to request Empire Cemetery to be rezoned and the Master Plan designation amended to match Lone Mountain Cemetery.

Master Plan: Public / Quasi Public

Zoning: Public Regional (PR)

I have at least 10 pr 12 known ancestors buried at Empire Cemetery. My father intends to be buried there, as do I. Please protect the cemetery into perpetuity.

Thank you,
Kathleen Franco Simmons
2108 Utah Street
Carson City, NV 89701