

**Storey County
Planning Department**
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To: Storey County Planning Commission

From: Storey County Planning Department

Meeting Date: April 15, 2021 at 6:00 p.m.

Meeting Location: Storey County Courthouse, 26 S. B Street, Virginia City, Storey County, Nevada, via Zoom

Staff Contact: Kathy Canfield

File: 2021-18

Applicants: Kevin and Ambre Chevalier

Property Owner: Kevin and Ambre Chevalier

Property Location: 790 South A Street, Virginia City, Storey County, Nevada, APN 001-041-12

Request: The applicants request a Special Use Permit to operate an automotive services business in an existing garage structure at 790 South A Street, in the Divide neighborhood of Virginia City, APN 001-041-12.

1. Background & Analysis

- A. Site Location and Characteristics:** The property is located at 790 South A Street in the Divide neighborhood of Virginia City. The property is approximately 0.49 acres in size and contains an existing single family residence and a detached garage. The site is located between A Street and Howard Street and is bordered by a mining pit to the north, BLM land and the Storey County water treatment plant to the west, vacant land and the NDOT yard to the south and the Divide justice court, fitness center, apartments and the Nevada Bell building to the west. There is a fence that follows the property line on the south side of the property. Access to the site is from Howard Street.



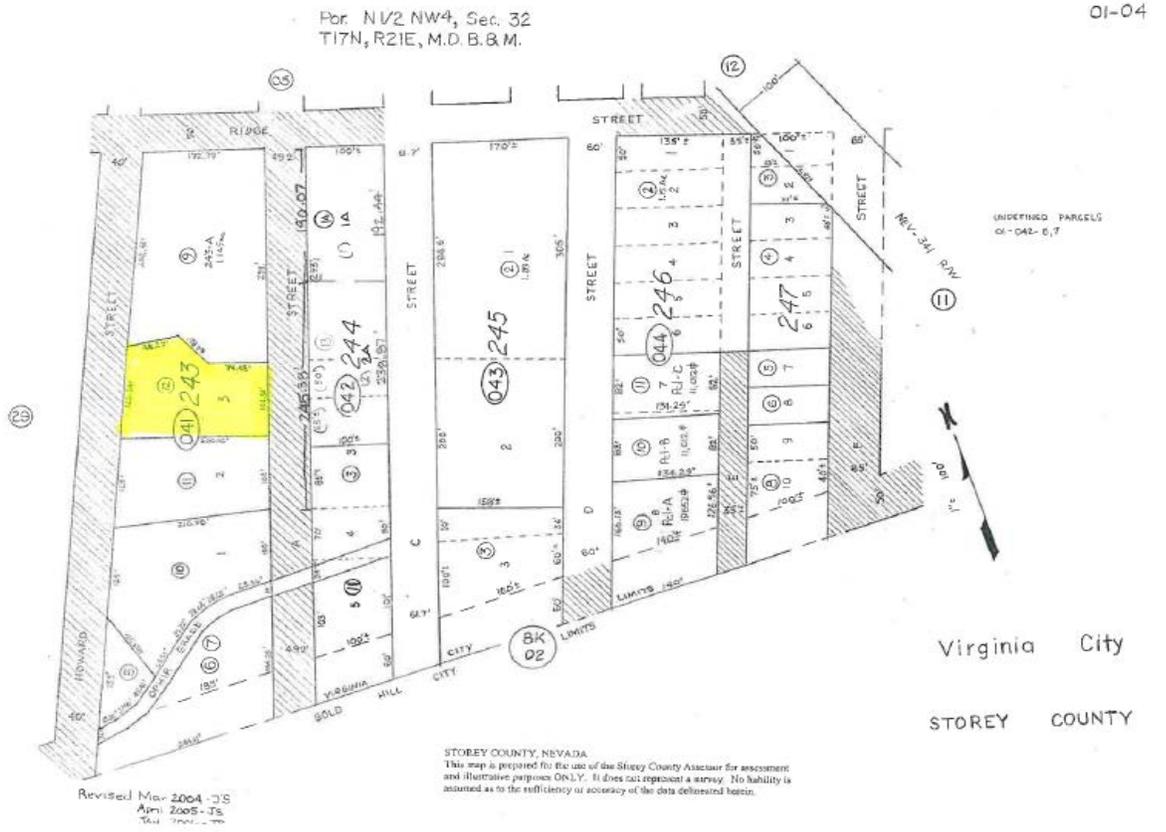
Vicinity Map



Location Map



Site layout



Assessor's Parcel Map



View looking north from Ophir Grade/South Street



View looking northeast from Howard Street



View from Divide Justice Court rear yard

- B. **Proposed Use:** The applicant is proposing to operate an auto service facility for car maintenance and repair, along with auto restoration.

The applicant received a Special Use Permit in 2016 (SUP 2016-008) that allowed for a Home Enterprise that is associated with vehicle restoration. That business will continue and the applicant would like to provide additional vehicle maintenance and repair. The property is zoned CR Commercial Residential and commercial uses, along with residential uses are permissible for the parcel. When the garage was constructed for the home enterprise use, it was built to commercial building code regulations so it is not anticipated any building modifications are required to operate the commercial business.

If approved, the home enterprise SUP would no longer be applicable and the auto service and repair SUP would replace the previous SUP. The applicant is proposing to expand the automotive restoration services he currently provides to maintenance and repair in response to requests he has received from the community. The only other auto repair service in Virginia City recently closed.

Because the previous use was considered a home enterprise, outdoor storage was prohibited to be consistent with the home enterprise requirements of Chapter 17.12 of the Storey County zoning code. With this revised special use permit for a commercial use, outdoor storage can be permitted with the special use permit. Because of the commercial/residential nature of the zoning district, staff suggests that outdoor storage is permissible for this commercial use if the storage is located within a fenced area that screens the storage from public view. Operable and registered vehicles waiting for service are not considered an outdoor storage item.

The surrounding area is a mixture of land uses including the mining pit to the north, the justice court, Divide fitness and Divide apartments to the east and northeast, vacant commercial-residential zoned land to the south and the Storey County water treatment plant, water tanks and Bureau of Land Management land to the west. The property has a fence along the south property line which delineates where vehicle access and parking are allowed on the parcel. The applicant currently lives in the onsite residence.

- C. **Zoning Code:** This property is zoned CR Commercial Residential. “Automotive services including service and fueling stations, repair, sales and rentals” and outdoor storage are listed as uses subject to a special use permit.
- D. **Special Use Permit.** A Special Use Permit is required for auto repair and services land use along with outdoor storage. Section 17.03.150 of the Storey County Code identifies the process for Special Use Permits. The applicant and this report follow the requirements outlined in the Code.

2. **Use Compatibility and Compliance**

- A. **Compatibility with surrounding uses and zones.** The following table documents land uses, zoning classification and master plan designations for the land at and surrounding the proposed project. There are no evident conflicts between the proposed project and

Storey County Title 17 Zoning or the 2016 Master Plan. The proposed use is also consistent with the surrounding zoning and master plan designations.

	Land Use	Master Plan Designation	Zoning
Applicant’s Land	Residential and proposed commercial	Mixed Use Commercial Residential	CR Commercial Residential
Land to the North	Mining pit	Mixed Use Commercial Residential	CR Commercial Residential
Land to the East	Commercial, public service, apartments	Mixed Use Commercial Residential	CR Commercial Residential
Land to the South	vacant	Mixed Use Commercial Residential	CR Commercial Residential
Land to the West	Vacant, public service	Mixed Use Commercial Residential	CR Commercial Residential

B. General use allowances and restrictions. Storey County Code 17.03.150, Special Use Permit, identifies the administration for the Board and Planning Commission for allowing a special use permit. The approval, approval with conditions, or denial of the Special Use Permit must be based on findings of fact that the proposed use is appropriate or inappropriate in the location. The findings listed below are the minimum to be cited in an approval, with rationale for the findings included below each finding.

- (1) **Complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.**

The proposed use is a commercial use consistent with the commercial-residential zoning district. The Master Plan identifies this area as mixed use and the proposed commercial use is consistent with the statements in the Master Plan.

- (2) **The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.**

The proposed use will utilize the existing structure on the site. The parcel contains a single family residence occupied by the applicant and a garage structure that was built to commercial standards. The site already contains a vehicle restoration use that was permitted in 2016. The new use will be considered a commercial use rather than a home enterprise and will expand the services offered at the site to include maintenance and repair, along with restoration activities that currently occur. There are no other vehicle maintenance or repair shops located within the Virginia City area, with the only other previous such shop closing within the past year. Outdoor storage associated with the use will be permissible if the outdoor storage is located within a fenced area screened from public view. Operable and registered vehicles are not considered items subject to outdoor storage.

- (3) **Will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.**

The property is accessed from Ophir Grade/South Street, a paved roadway that leads to the Storey County water treatment plant, and then turns into a dirt road primarily used for recreation. Traffic on this roadway is minimal and the addition of providing auto repair and services is not expected to impact the travel on this roadway. The property boundaries of the parcel are clearly delineated with a fence on the south, a cliff on the east, a mining pit on the north and Howard Street and a mountain slope belonging to BLM on the west. Besides the residence located onsite, the nearest other residential property is the Divide Apartments. The garage where the business will be located is uphill of the apartments and not readily visible. The vehicle restoration use was in existence prior to the Divide Apartments being constructed. Any outdoor storage shall be fenced and screened from public view.

- (4) **The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.**

The proposed use is not expected to require any additional governmental services or impact existing facilities.

- C. Conformance with the 2016 Storey County Master Plan.** The property is located within the Divide Area Specific Plan of the Comstock Area in Virginia City. The master plan identifies this area as mixed use with a combination of commercial, motels, residential and public service uses. The specific plan states “Local demand for non-tourism oriented retail and commercial services may be the predominant drive for growth in this area.” The plan goes on to state “it is important to manage commercial uses in this area so that they remain compatible with the intermixed residential community.” The proposed project itself is a mixed use, with the residence of the applicant being located on the parcel along with the garage which will contain the commercial business. The business is geared towards local residents and is unlikely to be utilized very often by tourists. The property has a fence along the south property line which clearly delineates where the applicant can maneuver on the property without impacting the adjacent parcel of land. Based on the Master Plan statements and the location and surrounding uses, this project is consistent with the Master Plan.

3. Findings of Fact

A. Motion for approval (staff recommendation). The following findings of fact are evident with regard to the requested special use permit when the recommended conditions of approval in Section 4, Recommended Conditions of Approval, are applied.

- (1) This approval is for SUP 2021-18, a request to operate an automotive services business in an existing garage structure at 790 South A Street, in the Divide neighborhood of Virginia City, APN 001-041-12.
- (2) The proposed project complies with the general purpose, goals, objectives, and standards of the county master plan, this title, and any other plan, program, map, or ordinance adopted, or under consideration pursuant to official notice by the county.
- (3) The proposal location, size, height, operations, and other significant features will be compatible with and will not cause substantial negative impact on adjacent land uses, or will perform a function or provide a service that is essential to the surrounding land uses, community, and neighborhood.
- (4) The proposed project will result in no substantial or undue adverse effect on adjacent property, the character of the neighborhood, traffic conditions, parking, public improvements, public sites or right-of-way, or other matters affecting the public health, safety, and general welfare, either as they now exist or as they may in the future be developed as a result of the implementation of the provisions and policies of the county master plan, this title, and any other plans, program, map or ordinance adopted or under consideration pursuant to an official notice, by the county, or other governmental agency having jurisdiction to guide growth and development.
- (5) The proposed use in the proposed area will be adequately served by and will impose no undue burden on any of the improvements, facilities, utilities, or services provided by the county or other governmental agency having jurisdiction in the county.
- (6) The Special Use Permit conforms to the 2016 Storey County Master Plan for the Divide Area Specific Plan of the Comstock Area in Virginia City planning area in which the subject property is located. A discussion supporting this finding is provided in Section 2.C of this staff report and the contents thereof are cited in an approval of this Special Use Permit.
- (7) The conditions under the Special Use Permit do not conflict with the minimum requirements in Storey County Code Sections 17.03.150 - Special Use Permit, 17.12 – General Provisions, and Section 17.30 CR Commercial Residential.

B. Motion for denial. Should a motion be made to deny the Special Use Permit request, the following findings with explanation why should be included in that motion.

- (1) This denial is for SUP 2021-18, a request to operate an automotive services business in an existing garage structure at 790 South A Street, in the Divide neighborhood of Virginia City, APN 001-041-12.
- (2) The conditions under the Special Use Permit conflict with the minimum requirements in Storey County Code Sections 17.03.150 - Special Use Permit, 17.12 – General Provisions, and Section 17.30 CR Commercial Residential.
- (3) The conditions under the Special Use Permit do not adequately mitigate potential adverse impacts on surrounding uses or protect against potential safety hazards for surrounding use.

4. Recommended Conditions of Approval

- A. **Special Use Permit.** Special Use Permit 2021-18 is approved to operate an automotive services business in an existing garage structure at 790 South A Street, in the Divide neighborhood of Virginia City, APN 001-041-12.
- B. **Requirements.** The Permit Holder shall apply for all required permits and licenses, including any applicable building and fire permits, for the project within 24 months from the date of final approval of this SUP, and continuously maintain the validity of those permits/licenses, or this approval shall be null and void. This Special Use Permit shall remain valid as long as the Applicant remains in compliance with the terms of this Special Use Permit and Storey County, State of Nevada, and federal regulations. No activity shall commence prior to the Permit Holder securing rights to the Special Use Permit.
- C. **Compliance.** The use on the subject property must comply with federal, state, and county codes and regulations and the submitted plans as approved. The Permit Holder shall be responsible for maintaining the premises and managing operations in accordance with all conditions and stipulations set forth by this Special Use Permit and all other federal, Nevada State, and Storey County codes and regulations. Failure to comply with the requirements herein shall elicit a written warning to the Permit Holder by Storey County on the first and second offense. A third offense shall warrant Storey County to revoke the Special Use Permit. Storey County shall reserve the right to conduct periodic reviews of the Permit Holder's compliance with all conditions and stipulations of the Special Use Permit.
- D. **Business License.** The proposed commercial use must comply with the provisions of Title 5 business licenses of the county code.
- E. **Property Taxes.** Before obtaining the Special Use Permit from the Planning Department, the Property Owner must provide evidence that all property taxes on the land are paid-to-date.
- F. **Indemnification/Insurance.** The Permit Holder warrants that the use of land will conform to the requirements of Storey County, State of Nevada, and applicable federal regulatory and legal requirements; further, the Permit Holder warrants that continued

and future use of the land shall so conform. The Permit Holder agrees to hold Storey County, its officers, and representatives harmless from the costs associated with any damage or liability, and any/all other claims now existing or which may occur as a result of this Special Use Permit.

- G. Transfer of Rights.** This Special Use Permit shall inure to the record owner of the Subject Property and to the Permit Holder and shall run with the land defined herein. This Special Use Permit, subject to its terms and conditions, may be transferred by the Permit Holder, its successors, heirs or assigns. Any/all transfers of Special Use Permit 2021-18 shall be advised in writing to Storey County Planning Department 30 days prior to assignee taking over operation of facility. The operators of the facility must sign and accept all stipulations and requirements of the Special Use Permit 2021-18. The operators of the facility must within 60 days of this notice contact Storey County in order to schedule a consultation with the Storey County Fire Protection District and/or the Community Development Department and demonstrate the ability to maintain the level of safety and conformance with the requirements of this special use permit.
- H. Fire.** The Property Owner/Permit Holder shall comply with any and all requirements and recommendation by the Storey County Fire Protection District, including requirements for fire suppression and emergency equipment ingress/egress, circulation, and staging. At no time shall said entrances/exits to and /or from the premises be blocked or otherwise made inaccessible to emergency and fire equipment and personnel.
- I. Noise.** All noise generated at the site shall comply with Chapter 8.04 of the Storey County Code.
- J. Outdoor Storage:** Outdoor storage is permissible if the storage is located within a fenced area screened from public view. No storage shall in front of the south garage doors or on the concrete garage door apron that is not enclosed by a fence. Operable and registered vehicles are not considered an outdoor storage item.
- K. Airborne Containments.** All work performed subject to this special use permit will be compliant with all Nevada Department of Environmental Protection (NDEP) air quality standards. Automobile painting activities must be performed in a certified paint spray booth. Fugitive airborne containments must be within NDEP guidelines at all times.
- L. Fencing.** A minimum six foot high solid fence shall be constructed to screen the outdoor storage area. The location of the fencing is depicted in Exhibit B.

5. Public Comment

As of April 6, 2021, staff has not received any comments from the public.

6. Power of the Board & Planning Commission

At the conclusion of the hearing, the Planning Commission must take such action thereon as it deems warranted under the circumstances and announce and record its action by formal resolution, and such resolution must recite the findings of the Planning Commission upon which it bases its decision. The decision of the Planning Commission in the matter of granting the Special Use Permit is advisory only to the Board of County Commissioners and that governing body must consider the report and recommendation and must make such a decision thereon as it deems warranted.

7. Proposed Motions

This section contains two motions from which to choose. The first motion (A) for approval is recommended by staff in accordance with the findings under Section 3.A of this report. The second motion (B) is a motion for denial and that motion should cite one or more of the findings shown in Section 3.B. Other findings of fact determined appropriate by the Planning Commission should be made part of either motion.

A. Recommended motion for approval (staff recommendation)

In accordance with the recommendation by staff, the findings of fact under Section 3.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I (*planning commissioner*), recommend approval of Special Use Permit 2021-18, a request to operate an automotive services business in an existing garage structure at 790 South A Street, in the Divide neighborhood of Virginia City, APN 001-041-12.

B. Alternative motion for denial

Against the recommendation by staff, but in accordance with the findings of fact under Section 3.2 of this report, and other findings deemed appropriate by the Planning Commission, I (*planning commissioner*), recommend denial of Special Use Permit 2021-18, a request to operate an automotive services business in an existing garage structure at 790 South A Street, in the Divide neighborhood of Virginia City, APN 001-041-12.

EXHIBIT A

Detail Description/Justification of Project from existing SUP application in 2008 and current SUP application 2021-18.

See attachments

Exhibit B

