A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, November 28, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson John Peery

Vice Chairperson Mark Kimbrough

Connie Bisbee Craig Mullet Steve Reynolds William Vance George Wendell

STAFF: Walter Sullivan, Planning Division Director

Lee Plemel, Principal Planner Jennifer Pruitt, Senior Planner Sean Foley, Associate Planner Jeff Sharp, Deputy City Engineer

Joel Benton, Senior Deputy District Attorney

Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

- A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (3:33:50) Chairperson Peery called the meeting to order at 3:33 p.m. Roll was called; a quorum was present. Commissioner Reynolds led the pledge of allegiance.
- **B.** COMMISSION ACTION ON APPROVAL OF MINUTES October 24, 2007 (3:34:38) Commissioner Mullet moved to approve the minutes. Commissioner Vance seconded the motion. Motion carried 7-0.
- C. MODIFICATION OF AGENDA (3:35:04) None.
- **D. PUBLIC COMMENTS** (3:35:15) None.
- E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (3:35:48) None.
- **F. DISCLOSURES** (3:36:06) Chairperson Peery advised of having been contacted by Wal-Mart representatives regarding items agendized for this meeting.
- **G. CONSENT AGENDA** (3:36:36) None.

H. PUBLIC HEARING MATTERS:

H-1. VAR-07-160 ACTION TO CONSIDER A VARIANCE APPLICATION FROM MANHARD CONSULTING (PROPERTY OWNER: JOHN C. SERPA, SR.) TO VARY FROM THE REQUIRED 50-FOOT REAR SETBACK ADJACENT TO A RESIDENTIAL ZONING DISTRICT TO A ZERO-FOOT SETBACK, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 1213 FAIRVIEW DRIVE, APN 009-552-03 (3:37:45) - Chairperson Peery introduced this item. Mr. Sullivan oriented the commissioners to the location of the subject property using a displayed aerial photograph, and reviewed the staff report. He advised of having received one response to the public noticing process and provided an overview of the same. He noted staff's recommendation of approval, and provided an overview of the findings contained in the staff report. He advised of having received no complaints from adjacent property owners. He noted the twelve conditions of approval included in the staff report. In response to a question, he referred to the variance application materials, including development plans, for which he provided an overview. Mr. Sharp responded to questions regarding the drainage plan for the property.

(3:44:25) Mark Rotter, of Manhard Consulting, formerly Capital Engineering, representing the property owner, introduced John Serpa, Keith Serpa, and Manhard Project Planner Trent Hart. In response to an earlier question, he advised that a block fire wall would be required for a zero setback. He acknowledged his agreement with the staff report and the conditions of approval. He narrated a SlideShow presentation of the project. In response to a question, he advised that stucco was applied to the block wall. He responded to additional questions regarding the block wall in conjunction with building code requirements.

Chairperson Peery called for public comment and, when none was forthcoming, entertained additional questions or a motion of the commissioners. Commissioner Bisbee moved to approve VAR-07-160, a variance application from Capital Engineering, to vary the setback from 50 feet adjacent to residential to zero feet in order to construct a personal storage facility, on property zoned limited industrial, located at 1213 Fairview Drive, APN 009-552-03, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 7-0.

H-2. VAR-07-164 ACTION TO CONSIDER A VARIANCE APPLICATION FROM KEVIN GATTIS TO VARY FROM THE REQUIRED 15-FOOT SIDE YARD SETBACK TO APPROXIMATELY SEVEN FEET TWO INCHES, AND TO VARY FROM THE REQUIRED 30-FOOT REAR YARD SETBACK TO APPROXIMATELY 18 FEET, ON PROPERTY ZONED SINGLE-FAMILY ONE ACRE (SF1A), LOCATED AT 3150 KINGS CANYON ROAD, APN 007-081-25 (3:53:51) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report. He advised of having received one e-mail in opposition to the application. He circulated, among the commissioners, an assessor's page depicting all parcels north of Kings Canyon Road along Custer Drive. He advised that the seven property owners immediately adjacent to the subject property have indicated support for the application. The property owner in opposition to the application is located at the northeastern terminus of Custer Drive. Mr. Sullivan noted findings in support of the application, and recommended applying the eight conditions of approval. In response to a question, he advised that the

easements depicted are for public utilities and are rarely ever used. Main access to the property is from Custer Drive. Mr. Sullivan narrated pertinent slides.

(4:01:27) Kevin Gattis acknowledged his agreement with the staff report. He advised of the intent to relocate the fence upon approval of the variance application.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. Commissioner Wendell moved to approve VAR-07-164, a variance application from Kevin Gattis, property owners Kevin and Gretchen Gattis, to allow an 18-foot rear-yard setback where 30 feet is the minimum required, and a 7-foot 2-inch side-yard setback where 15 feet is the minimum required, on property zoned single family one acre, SF1A, located at 3150 Kings Canyon Road, APN 007-081-25, based on three findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.

H-3. SUP-07-162 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM TOM GARRETSON (PROPERTY OWNER: PETER TOMAINO) TO ALLOW RESIDENTIAL USE (REMOVE EXISTING DUPLEX AND REPLACE WITH NEW FOUR-PLEX) IN A RETAIL COMMERCIAL (RC) ZONING DISTRICT, LOCATED AT 1204 NORTH ROOP STREET, APN 002-142-17 (4:03:22) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, and narrated pertinent slides. She reviewed the public noticing process, and provided an overview of letters in support of the project. She noted the conditions of approval included in the staff report, and advised that the applicant had met the required findings. In response to a question, she provided additional explanation of the Residential Development Standards in Non-Residential Districts, as outlined in the staff report.

(4:15:42) Tom Garretson acknowledged having reviewed the staff report and his agreement with the same. He discussed the property owner's interest in improving the property. In response to a question, he pointed out the property line and the right-of-way, using a displayed photograph. He advised that the property lines "are really vague and we're going to have to have it surveyed." He responded to additional questions regarding the existing buildings. He acknowledged the constraint of the right-of-way in conjunction with the proposed location of the parking lot and smaller back yard.

Chairperson Peery called for public comment. (4:18:54) Detlef Funke expressed support for demolishing the existing buildings and improving the property, but concern that the four-plex will be "crowded."

Chairperson Peery called for additional public comment and, when none was forthcoming, called for questions, comments, or a motion of the commissioners. Commissioner Vance moved to approve SUP-07-162, a special use permit application from Tom Garretson, owner Peter Tomaino, to allow a multifamily dwelling unit of four units within the retail commercial zoning district, located at 1204 North Roop Street, APN 002-142-17, based on the findings and subject to the conditions of approval contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 7-0.

H-4. ZCA-07-171 ACTION TO CONSIDER A ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.4.7, EXEMPTIONS, MODIFYING THE PROVISIONS FOR OPEN HOUSE SIGNS BY ADDING REGULATIONS TO ALLOW OFF-PREMISE "OPEN HOUSE" SIGNS WITH CERTAIN LIMITATIONS (4:21:23) - Chairperson Peery introduced this item. Mr. Plemel provided background information, reviewed the staff report, and narrated pertinent slides. In response to a question, he reviewed the proposed language of Section 4.4.7(m)(4), and narrated a corresponding photograph. He noted that the proposed language was added following the October Planning Commission meeting. He advised of having received no public comment, but noted the presence of Realtor Stephen Lincoln in the meeting room. He recommended approval of the amendment. In response to a question, he advised that Section 4.4.7(m)(4) "relates to all real property-type signs including 'for sale' signs."

Chairperson Peery opened this item to public comment. (4:27:04) Stephen Lincoln, representing the Sierra Nevada Association of Realtors (the "Association"), expressed appreciation for the cooperative effort between the Association and City staff to develop the ordinance. With regard to a secondary sign on a rearyard fence, he expressed the opinion "that's something that really doesn't have to do ... with the open house issue. ... And it's not fair to somebody that's on a corner that can have one on one street and one on the other street but somebody that backs up to the street couldn't have the same sign because it says that if you are on a corner you can have two signs." He expressed additional concern that the proposed language was added following the October 24th Planning Commission meeting. He referred to Section 4.4.7(m)(5)(d) and expressed agreement with the provisions contained therein, except for allowing a fourth sign "upon prior approval of the Planning Director ..." He expressed the opinion that an assumption could be made "that if somebody's a mile away that they need that fourth sign." He expressed concerns regarding inconveniences associated with obtaining approval of the Planning Director. With regard to Section 4.4.7 (m)(5)(g), he inquired as to who would be responsible for determining "which ones were there first."

In response to a comment, Commissioner Mullet advised that signs on back fences had been discussed at the October 24th commission meeting. Representatives of the Association who were present at that meeting indicated no problem with the proposed language. Commissioner Mullet provided background information on the results of a visual preference survey conducted several years ago. He referred to a displayed photograph as an example of the reason for the provisions contained in Section 4.4.7(m)(4), and discussion followed. In response to a question, Mr. Lincoln expressed the opinion that the banner displayed along Fairview Drive would be considered illegal under the provisions of the subject ordinance.

Chairperson Peery called for additional public comment and, when none was forthcoming, called for additional questions from the commissioners. In response to a question, Mr. Sullivan explained the provisions of subsection (5)(d). Chairperson Peery entertained a motion. Commissioner Wendell moved to recommend to the Board of Supervisors approval of ZCA-07-171, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, Section 4.4.7, Exemptions, modifying the provisions for open house signs by adding provisions to allow off-premise open house signs with certain limitations, based upon the findings for approval contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 7-0.

H-5. MPA-07-166 ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS ON THE ANNUAL MASTER PLAN REPORT, INCLUDING RECOMMENDED ACTIONS FOR THE IMPLEMENTATION OF THE GOALS AND POLICIES OF THE MASTER PLAN AND OTHER MATTERS PROPERLY RELATED THERETO (4:39:04) - Chairperson Peery introduced this item. Mr. Plemel reviewed the staff report, and narrated pertinent slides. Mr. Sullivan commended Mr. Plemel on the Action Plan Matrix included in the agenda materials. He discussed the importance of implementing the master plan. In response to a question, he advised that the commission's recommendation will be forwarded to the Board of Supervisors. Commissioner Mullet noted the completed goals and encouraged Mr. Plemel to designate them more clearly on the Action Plan Matrix. In response to a question, Mr. Plemel advised that those master plan actions seeming to be designated as lower priority are being recommended as higher priorities in 2008. In response to a question regarding resources, Mr. Sullivan anticipates no problem accomplishing the 2008 priorities "as long as the status quo stays the same." In response to a question, Mr. Plemel reviewed the Growth Management Residential Allocation History, a chart for which was included in the agenda materials. Mr. Sullivan provided an overview of Attachment H, Approved Subdivision Vacant Lot Information.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion. Commissioner Wendell expressed appreciation for the Action Plan Matrix, and moved to recommend to the Board of Supervisors the Master Plan Action Plan priorities identified in the 2007 Action Plan provided by staff for consideration in establishing City and staff goals for 2008. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0. Chairperson Peery recessed the meeting at 4:57 p.m. and reconvened at 5:06 p.m.

H-6. MPA-07-163 ACTION TO ADOPT RESOLUTION 2007-PC-11 RECOMMENDING BOARD OF SUPERVISORS APPROVAL OF A MASTER PLAN AMENDMENT APPLICATION FROM THE CARSON CITY PARKS AND RECREATION DEPARTMENT, OPEN SPACE DIVISION (PROPERTY OWNER: CARSON CITY) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION OF APN 010-071-25, APPROXIMATELY 86 ACRES LOCATED EAST OF CARSON RIVER ROAD, A PORTION OF PROPERTY FORMERLY KNOWN AS "BUZZY'S RANCH," FROM "LOW DENSITY RESIDENTIAL" AND "RURAL RESIDENTIAL" TO "OPEN SPACE" (5:06:05) - Chairperson Peery introduced this item. Mr. Plemel congratulated Open Space / Property Manager Juan Guzman on acquisition of the subject property for the Open Space Program. Mr. Plemel reviewed the staff report.

(5:08:14) Mr. Guzman provided a status report on the Jarrard property transaction. Chairperson Peery congratulated Mr. Guzman on acquiring the Andersen property on behalf of the City. In response to a question, Mr. Guzman discussed a proposal for access to the parcel of land between Riverview Park and the Empire Golf Course.

Chairperson Peery called for public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. Commissioner Mullet moved to adopt Resolution 2007-PC-11 recommending to the Board of Supervisors approval of MPA-07-163, a master plan amendment to change the master plan land use designation of APN 010-071-25, approximately 86 acres located east

of Carson River Road, a portion of the property formerly known as Buzzy's Ranch, from low density residential and rural residential to open space, based on the findings contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 7-0.

H-7. SUP-07-161 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM KENT WITT (PROPERTY OWNER: NORTH CARSON CROSSING LLC) TO INCREASE THE TOTAL NUMBER OF PERMITTED, FREESTANDING SIGNS FOR A SHOPPING CENTER, TO INCREASE THE PERMITTED TOTAL FREESTANDING SIGN AREA, AND TO INCREASE THE PERMITTED HEIGHT OF A FREESTANDING SIGN FROM 30 FEET TO 65.5 FEET, TO ALLOW A THIRD FREESTANDING SHOPPING CENTER SIGN WITH 800 SOUARE FEET OF SIGN DISPLAY AREA WITHIN THE NORTH CARSON CROSSING SHOPPING CENTER NEAR THE FUTURE HOME DEPOT STORE ADJACENT TO THE FREEWAY, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED ON MARKET STREET ON THE SOUTH SIDE OF COLLEGE PARKWAY, APN 002-755-16 (5:11:57) - Chairperson Peery introduced this item. Mr. Plemel provided background information, narrated pertinent slides, and reviewed the staff report. He noted staff's recommendation of approval subject to the 20 conditions and the findings outlined in the staff report. He advised of having received no public comments from surrounding property owners regarding the subject sign. He further advised of having discussed the proposed signage with Business Development Manager Joe McCarthy, who expressed understanding for the balance between aesthetic and economic issues and support for quality signage for the subject shopping center.

In response to a question, Mr. Plemel advised there had never been any specific agreement reached with regard to freeway signage. He advised that consolidation of signage, i.e., the trade off between a single, larger sign rather than multiple, smaller signs along the freeway, would be a likely recommendation of the Planning Division. He further advised this would be a likely point of discussion. He noted that sign consolidation is typical in other sign ordinances, but advised Carson City has "nothing in place right now." Commissioner Vance suggested the top of the sign should be even with the top of the sound wall. He expressed the opinion that the commission's action on this item will establish "a little bit of a precedent toward our freeway signage adoption." In response to a further question, Mr. Plemel noted that the Harley-Davidson sign was a single, commercial sign for which visibility was a major factor. He reminded the commissioners that the sign was proposed at 40 feet in height and approved at 30 feet. "That had a lot to do with ... it is still visible at 30 feet." Mr. Plemel reiterated that the Harley-Davidson sign was a single, commercial sign on a smaller parcel. With regard to establishing a precedent in consideration of freeway signage, he suggested considering that the subject shopping center is the largest the City will likely have along the freeway. Signage for a smaller, future commercial development would not be in direct comparison to the subject signage. Mr. Plemel disagreed that the subject signage would establish precedent.

Mr. Sullivan advised that each and every special use permit is reviewed on its own merits. He agreed there had been no conclusion as to freeway signage. He expressed the belief the commission had reached an "understanding as to billboards along the freeway," but not signage. He agreed that the Harley-Davidson sign was for one business. "The biggest difference is this is representing a 50-acre site with numerous

businesses. This is a shopping center. So there are some contrasts there." Mr. Sullivan expressed the belief that staff and the commission need to consider freeway signage a little more comprehensively as there's little guidance in the current sign ordinance.

Mr. Plemel estimated that the subject site has one third a mile of freeway frontage. The proposal is for one sign as opposed to the potential for multiple signs to represent the individual shops. Mr. Plemel reiterated that a consolidated sign would be preferable to multiple signs. He agreed with Mr. Sullivan that staff and the commission should consider freeway signage more comprehensively "before we do get a proliferation of additional signs elsewhere." In response to a comment, Mr. Plemel clarified that his statements were in reference to businesses "across the freeway where you have the opposite situation." He advised that the shopping center could have individual signs. In response to a question, he advised that the subject special use permit is among several associated with the subject property. "They established themselves under those conditions as a shopping center." Mr. Sullivan advised of sign ordinance standards for shopping centers, but noted the sign ordinance is silent in consideration of the freeway.

Vice Chairperson Kimbrough discussed the possibility of putting only the "anchor stores" on the sign. He referred to the Frontier Plaza sign as a "bad example in this City." He requested the applicant to provide explanation as to the necessity for placing "every store in your plaza" on the freeway signage "when they've already got two other signs that were allowed to hopefully get that to the public after they leave the freeway."

(5:38:41) North Carson Crossing LLC Managing Partner Kent Witt introduced himself, for the record, and provided background information on purchase and lease of the subject property. He expressed the preference to consider North Carson Crossing LLC as "a partner with Carson City to a certain extent." He noted the shopping center is the largest in Carson City "for the foreseeable future." He provided background information on the existing and proposed signage, and discussed the importance of keeping sales tax revenue in Carson City. He reviewed details of the proposed signage. He concurred with the staff report, and expressed appreciation to City staff for their assistance. He discussed the importance of tenant signage for the purpose of advertising along the freeway. He advised that the sign panels will only be used for "national and regional tenants." "We chose to have the bottom part of the freeway sign because that's the most important sign and that's the one that's going to do the most good." Mr. Witt discussed the importance of the pylon signage along the freeway to attract national and regional tenants. He circulated, among the commissioners and staff, a conceptual photograph of the signage with national tenants in place. He advised that some of the potential tenants depicted have been contacted; others have yet to be contacted. He stated "it's my job, with your help, to convince those tenants that in three years they're better off to be here at North Carson Crossing than they are in Douglas County." He explained the purpose of the conceptual photograph to convey the importance of the requested number of sign panels. He reiterated that the "4x10 panels are strictly for advertising. They're not by any stretch of the imagination designed to get somebody to see them, read them in time to get off at this interchange." Mr. Witt discussed the changing future of the City as the freeway is completed. "Having a good, clean sign with the right tenants ... does us all good." In response to a question, he advised he had read the staff report and reiterated his agreement with the conditions of approval. He discussed issues associated with the depressed elevation of the site in relation to the freeway and the sound wall.

Commissioner Mullet suggested moving the proposed signage "to the furthest northeast corner of the Home Depot lot." Mr. Witt advised that freeway travelers will be able to see the "biggest draws in the shopping center", Wal-Mart and Home Depot, in time to exit the freeway "but not if we move it to the north." He explained that the proposed location was determined in consideration of the fact that North Carson Crossing LLC does not yet own the NDOT land. He advised that the proposed location is "as far away from the neighbors as possible." He expressed the opinion that the neighbors are not an issue as evidenced by the lack of public comment resulting from the special use permit application public noticing process. Commissioner Mullet suggested that moving the sign forward would provide for reducing the height and still maintaining the proposed number of tenant signs. He explained that as people exit the freeway from College Parkway, travelers would be able to see the smaller tenant signs "as they're sitting at the stop light." "Now it's so far south, they won't see them from that major street." Mr. Witt advised that the pylon signs on the freeway, on College Parkway and Roop Street "practically serve two different purposes." He reiterated the importance of freeway advertising in the form of the tenant panel signs. Commissioner Mullet reiterated the suggestion to move the proposed signage forward. Mr. Witt reiterated that North Carson Crossing does not yet own the subject land. In addition, there are utility issues associated with the NDOT land in conjunction with the possibility of placing signage. Mr. Witt advised of having carefully examined the property with regard to the proposed sign location, the line of sight, and adequate time to exit the freeway in consideration of Wal-Mart and Home Depot.

Mr. Plemel referred to page 8 of the staff report, and explained that the site is relatively flat going toward College Parkway. "The freeway climbs up farther away from grade the farther you go north and, therefore, from the northbound view, as it climbs up, it's just going to have to slide higher up the freeway. So from the ground level where it is, it would have to be higher to have the same visibility from the northbound lanes. ... The closer you get to College Parkway, the freeway is higher from grade. At this location, the freeway is eight feet from grade. At the freeway, it's 20 feet." In response to a comment, Mr. Plemel advised that the sound wall "goes halfway down the on-ramp."

Vice Chairperson Kimbrough advised that the commission is supportive of community business. He inquired as to whether a national retailer would actually decline to lease a property because of not having available freeway signage space. Mark Lipkowitz, of Custom Sign and Crane, advised that "McDonald's can tell you the profitability of a store by the height of its pylon sign. If they don't get that pylon sign, they won't go into an area. These businesses that Kent is going to put on this sign spend billions of dollars in image recognition advertising. It only takes a twelfth of a second, in television commercial advertising, for a human being to recognize an image. ... All of these images will be recognized and they will be processed by the traffic that goes by." Vice Chairperson Kimbrough reiterated that many communities "only have the anchor stores up on the freeways ... and then there's some stores like Best Buy that put it on their face. You can spot that Best Buy ten miles down the road from that specific design that they put into their buildings." Mr. Witt advised the sign will cost approximately \$200,000, which should communicate "how important it is to us." In response to a question, he discussed the effort invested in determining the proposed location for the pylon sign. He acknowledged that Wal-Mart and the Home Depot representatives agreed to locate their stores without knowing the subject sign would be placed. In response to a question, he advised of tenants "that say the Carson City trade area is big enough for one store, not two. Home Depot has one south of town. Wal-Mart has one south of town." There are some

tenants that have expressed a preference to locate in Douglas County "where a lot of the retail is congregating. It's the herd mentality. ... We're in the process of trying to convince a multitude of prospective tenants that this is why you should go here. We do have a sign panel to offer you that's on the freeway and that's going to be very important three years from now when the freeway is finished. ... We think it'll be just as important later on down the line as it will be locating maybe half a mile to a mile off of the freeway to the south on Carson Street in Douglas County. It's a battle that we deal with every day when we're trying to solicit tenants to go in this property." Mr. Witt responded to questions regarding the Wal-Mart and Kohl's shopping center signage on South Virginia Street in Reno. He advised that both properties were planned unit developments with height limits for signage. He further advised that both projects front the east side of South Virginia Street.

Chairperson Peery opened this item to public comment. (6:05:29) John Whaley expressed the opinion that allowing the proposed signage will blight the area. He expressed concern over glare from the signage damaging the adjacent residential areas, safety issues associated with increased car accidents, and environmental issues associated with the adjacent wetlands. He noted that Lowe's doesn't "need that kind of a sign." He expressed the opinion "there's no real proof that this is going to increase the tax revenue in the county which would be the only reason ..."

(6:09:07) Rose Boyer, a resident of the Northridge subdivision, expressed concern over illumination from the sign affecting the adjacent residential area. She expressed the hope that the sign could be relocated further north. She referred to results of a *Nevada Appeal* poll, published earlier in the day, indicating approximately 70% of the participants were opposed to "a 65-foot sign for the shopping center." She read into the record a quote, by Mr. Plemel, from a November 28th *Nevada Appeal* article. She noted that the "freeway was built to bypass the City." She further noted that the increase between the 30-foot standard height and 65 feet is approximately 120%. She expressed concern over the "next variance request." She inquired as to "what will be the standard and for how long." She expressed the opinion that the entire shopping center "has been a ruination of the otherwise calm north end of the City." She advised that her mountain view has been obstructed by the block wall. She inquired as to the effect of the 65-foot sign on the views of the adjacent residents. She expressed opposition to "the illumination of [her] back yard."

(6:11:40) At Chairperson Peery's request, John Whaley stated his name for the record and advised that he lives on Ridgefield Drive. He agreed with Ms. Boyer's comments, and "was glad to hear that 70% of the people think that this is a bad idea."

(6:12:17) Bob Forrester, a resident of the Northridge subdivision, urged the commission to "stick with the sign ordinance that is in place. That standard is there for a reason. It was created in a public process, and ... it serves the public interest." He expressed concern that approval of the application will establish a precedent. He suggested considering what the freeway corridor will look like ten years from now and what the City's skyline will look like. He expressed the opinion that the sound wall was constructed as "a compromise between the noise aesthetic and the visual aesthetic. And now we're talking about pushing that visual aesthetic aside to leap frog with something even taller, six stories." He reiterated encouragement to the commission to "stick with the standard."

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional comments, questions, or a motion of the commissioners. Discussion took place with regard to the proposed height of the sign in consideration of freeway visibility. Commissioner Bisbee inquired as to the reason for the proposed height "if the developer isn't concerned about the lower panels getting seen." Vice Chairperson Kimbrough referred to Mr. Witt's comments indicating the lower tenant panels would serve as advertising. He expressed the opinion that advertising "is like a billboard. ... It's not about the store, it's just not about getting me off the freeway. It's about advertising." He expressed a preference for eliminating the tenant panels. Commissioner Bisbee clarified her comments to indicate a preference to reduce the overall height of the sign and leave the lower tenant panels for advertisement. She suggested the sign should only be as high as to accomplish visibility of the major stores from the freeway. Commissioner Mullet reiterated the suggestion to move the sign forward, and to reduce the height to 45 feet which would still provide for visibility from the freeway of the anchor store signage. He expressed the opinion that "most of these stores are really destination spots." He agreed with providing for the tenant signage, and expressed concern over a real conflict with the adjacent residential area.

Commissioner Reynolds expressed the belief that Mr. Witt had never communicated the tenant signs were unimportant. He expressed the understanding that Mr. Witt had communicated the difficulty associated with exiting the freeway at the College Parkway intersection upon recognizing the logos on the lower tenant signs. Commissioner Reynolds expressed the belief that any sign not visible from the freeway has no value at all. Reducing the overall height so that only the top two tenants are visible may reduce the value of the sign. Commissioner Reynolds expressed the opinion that the commission has been remiss in not addressing freeway signage in a prior meeting. He expressed the further opinion that any decision made will "influence our future." He agreed with comments made at other meetings that freeway signage will be a "different animal" than other commercial signage. Based on his experience, he discussed the value of the sign in that it increases the value of the shopping center and, in turn, the potential for attracting major tenants. He advised that other national tenants in a shopping center are just as much a destination as the major tenants. He reiterated the opinion that the tenant signage is important and not an afterthought. He further reiterated that no precedent with regard to sign height has been established.

Chairperson Peery suggested the best remedy to reducing impacts to the neighbors is one of adjusting the sign height. He expressed the belief that a 40-foot sign would be less obtrusive than a 65-foot sign. He expressed the further belief that adjunctive signage may be of considerable importance to signage on the property itself. He agreed with previous comments that the sign height is an issue "even though special use permits are individually considered on their merits."

In response to a question, Mr. Lipkowitz advised that Mr. Witt had left the meeting due to an airline reservation. Mr. Sullivan inquired as to the possibility of a compromise regarding the sign height. He advised that the next meeting of the commission was scheduled for Wednesday, December 19th. Chairperson Peery provided direction with regard to receiving additional comments from the commissioners. Commissioner Wendell referred to the testimony of the applicant, the applicant's representative, and the citizens, and the findings included in the staff report. In consideration of the importance of economic development within the community, the adjacent residential areas, the overall quality of life of the adjacent residents and the community, he recognized the necessity of visibility and

exposure for the individual businesses within the shopping center and for the property owner to be able to attract businesses to the shopping center. He expressed a preference for the sign to be constructed in the proposed location. He recognized the issues associated with the height of the sign and expressed a preference for the adjacent residents to be supportive of the proposed signage. He expressed appreciation for the recommendation to defer action on this item to the December commission meeting in favor of allowing the applicant to consider the testimony provided by the commissioners and the citizens. **Commissioner Wendell moved to table the matter until the next commission meeting.** Chairperson Peery advised he would allow Mr. Lipkowitz the opportunity for rebuttal. He expressed the opinion that three weeks wouldn't hurt the process. He requested input from Mr. Lipkowitz with regard to considering continuance of the item.

(6:29:35) Mr. Lipkowitz reviewed various sign heights around the community. He advised that the Home Depot "spent a million dollars and then canceled the deal. It took them six months of hard negotiation and a lot of concessions to get them to come back to the table to finish this center and to start what is going on over there." Mr. Lipkowitz suggested "the problem isn't the height of the sign. ... The problem is the sound wall. All we're asking for ... is 40 feet above the sound wall; a smaller sign than the ones that I just commented on." Mr. Lipkowitz advised "there is only one house in that subdivision that will be able to see this sign at the height it is and they'll have to be in their second story window in a bathroom. The rest of them cannot see it. It is not visible." He further advised that Mr. Witt had the entire shopping center surveyed and has expressed a willingness to construct lattice to obstruct the one neighbor's view of the sign. He discussed the importance of providing for the future of Carson City businesses once the freeway is complete. He requested the commission to reconsider, and reiterated the request was for a sign height of "40 feet above the sound wall." He advised of having "sat on the board with Lee where we tried to come up with a standard for the freeway." He noted that the 30-foot Harley Davidson sign was "fine ... because they don't have a sound wall. They have a five-foot K-rail." He advised that "every tenant on that sign" will be seen "from 600 feet away from that center in both directions. If you lower it, you will not." He expressed the belief that Mr. Witt wasn't interested in a compromise, and reiterated the request for the commission to reconsider their direction in consideration of his comments.

Commissioner Mullet reiterated that the lower tenant signs should remain. He expressed agreement with earlier comments that Mr. Witt conveyed the importance of the tenant signs. He expressed further agreement that the tenant signs will constitute advertisement. He expressed the opinion that there will be no difference between the proposed present location of the sign or "1,000 feet further north." He reiterated that moving the sign 1,000 feet to the north will eliminate the sound wall issue. He acknowledged the property is not currently owned by North Carson Crossing, LLC. Mr. Lipkowitz advised there are "a lot of problems to moving it forward." He further advised there is no sound wall adjacent to the freeway along the Lompa Ranch property. "This is the ... largest shopping center in Carson City, as of today, fifty acres, and it's the only commercial property on the freeway that has this issue." Mr. Lipkowitz acknowledged the difficulty associated with the decision. He advised that Mr. Witt "has done Fire Creek Crossing, South Town Crossing, and now North Carson Crossing. All three are very quality shopping centers with large, major tenants and we're having a tough time with Douglas County and getting them attracted to Carson City." He advised that his business, Custom Sign & Crane, is located on the north end of town and that the North Carson Crossing tenants are very important to him.

Commissioner Wendell expressed appreciation for Mr. Lipkowitz's additional testimony. He withdrew his previous motion, and moved to approve SUP-07-161, a special use permit to increase the total number of permitted, free-standing signs for a shopping center, to increase the permitted total free-standing sign area, and to increase the permitted height of a freestanding sign from 30 feet to 65.5 feet to allow a third free-standing shopping center sign with 800 square feet of sign display area within the North Carson Crossing Shopping Center adjacent to the freeway, on property zoned limited industrial, located on Market Street on the south side of College Parkway, APN 002-755-16, subject to the conditions and based on the findings contained in the staff report. Commissioner Reynolds seconded the motion. Motion failed 2-5.

Mr. Sullivan requested the commissioners to make a motion for denial with proper findings. Chairperson Peery entertained a motion. Vice Chairperson Kimbrough requested a recess, and Chairperson Peery recessed the meeting at 6:37 p.m. Chairperson Peery reconvened at 6:46 p.m. and entertained a motion. Vice Chairperson Kimbrough moved to approve SUP-07-161, a special use permit to increase the total number of permitted free-standing signs for a shopping center, to increase the permitted total free-standing sign area, and to increase the permitted height of the free-standing sign from 30 feet to 45 feet to allow a third free-standing shopping center sign with 800 square feet of sign display area within the North Carson Crossing Shopping Center adjacent to the freeway, on property zoned limited industrial, located on Market Street on the south side of College Parkway, APN 002-755-16, subject to the conditions and based on the findings contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 5-2. Mr. Sullivan reviewed the appeal process.

H-8. SUP-03-168 DISCUSSION AND POSSIBLE ACTION AND DIRECTION TO STAFF REGARDING WAL-MART "COMPLIANCE WITH THEIR SPECIAL USE PERMIT" CONDITIONS OF APPROVAL (6:47:56) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report, and distributed to the commissioners information prepared by Wal-Mart Attorney Stephen Mollath. He introduced Code Enforcement Supervisor Kevin McCoy, who was present at the meeting table. Mr. Sullivan acknowledged that the photographs referenced in the e-mails from the adjacent neighbors substantiated the claims stated in the e-mails. In response to a further question, he advised that two property owners have been the primary source of the e-mails. In response to a further question, he advised that Mr. McCoy attended many of the meetings between staff, Wal-Mart representatives, and adjacent neighbors. Mr. Sullivan explained that violations of special use permit conditions of approval are presented to the Planning Commission. In response to a further question, he advised of having spoken with Sheriff's Office Reserve Commander Tom Crawford, from whom he read an e-mail into the record.

Mr. McCoy introduced himself for the record and reviewed his responsibilities as Code Enforcement Supervisor. In response to a question, he advised of having been personally stationed at various times and places in the Wal-Mart parking lot to gain an understanding of the situation. He further advised of having participated in the meetings between Planning Division staff, Wal-Mart representatives, and adjacent neighbors. He acknowledged "there were some violations in the very beginning and then, through the process of the meetings, things did get better, but there were still some other issues that did come about."

In response to a further question, he advised that "things have generally gotten better" based on his personal observations. He advised the latest complaint was received nearly two months ago that "involved a parking lot sweeper. … But compared to where we were and where we're at now, it has greatly reduced …"

Chairperson Peery called for the Wal-Mart representatives. (7:03:04) Attorney Stephen Mollath, representing Wal-Mart, provided background information on his involvement in this matter. He introduced Wal-Mart Northern Nevada District Manager Dacona Smith and Carson City Wal-Mart Store Manager Scott Yoder. He advised that all three gentlemen consider the subject item "very seriously. We want to be good neighbors and we want to comply with and do everything possible with all the conditions of approval and the operation of our store; and not only comply just with the conditions of approval but go an extra step to try to make us good neighbors and help the situation in the neighborhood." Mr. Mollath noted the uniqueness of the Carson City Wal-Mart store in its close proximity to the adjacent residential area. He provided background information on the North Carson Crossing shopping center, and noted the conditions of approval addressing sensitivity to the adjacent residential area. He distributed, to the commissioners and staff, materials pertinent to the subject item which he reviewed. He reviewed photographs circulated among the commissioners in conjunction with a displayed aerial photograph. He acknowledged that Wal-Mart's goal would be zero complaints "as it would be for any business." In response to a question, he expressed the opinion it would be unreasonable to "assume there could be a lot more incidents than what were complained about." He advised there were no complaints during Wal-Mart's first year of operation. He pointed out the location, on a displayed aerial photograph, of delivery operations at Wal-Mart. He advised "the complaints really started arising in connection with development of the Home Depot site." Mr. Mollath advised of having reviewed "no e-mails whatsoever from any third party." Commissioner Vance advised he was "counting incidents" and suggested it would be easy to believe "there could have been ... lots more incidents and a lot more unhappy neighbors. They just don't have the tenacity to be continuously complaining about it because they probably don't feel like it's doing any good." Mr. Mollath referred the commissioners to the delivery policy letters which have been mailed to all Wal-Mart vendors and dispatchers, as well as handed to the delivery truck drivers. He noted this as a proactive approach on the part of Wal-Mart representatives.

(7:20:33) Wal-Mart Store Manager Scott Yoder provided an overview of the situation, from the point at which Wal-Mart representatives became aware of the complaints and began addressing them. He discussed policies implemented to address the complaints, and issues associated with refrigeration units. In response to a question, he advised that individual complaints are addressed as quickly as possible. He reiterated that policies have been implemented in an attempt to prevent complaints.

(7:30:03) In response to a question with regard to addressing individual complaints, Northern Nevada Wal-Mart District Manager Dacona Smith advised that two drivers have been removed from the delivery route. The England Company has been removed from the delivery route. "The distribution center out by Fernley, Nevada has designated drivers for this store." Mr. Smith pointed out that "the complaints were real heavy early. And because we addressed the drivers like we did ..., the complaints have pretty much stopped." Mr. Smith acknowledged the "goal to be a hundred percent. Above all, we want to be a good neighbor." He advised that Wal-Mart "has worked hard to try to be a good neighbor." He further advised that the accuracy rate of deliveries at the Carson City Wal-Mart store is "over 99 percent." He described this as

an excellent rating. "Because the guidelines are so strict at that store and the consequences so severe ..., we're getting excellent execution from the delivery companies." Mr. Smith advised that Wal-Mart representatives address the occasional truck parked in the fire lane. On-duty managers have been directed to immediately "go out and make those drivers move on." With regard to the complaint of neighbors being unable to reach the store manager, Mr. Smith advised of discussions regarding the possibility of providing a direct line. He advised of having personally reviewed the delivery operations, and expressed the belief that "for the most part, it's well within code." He expressed the further belief that any issues can be addressed and resolved.

Vice Chairperson Kimbrough discussed the importance of consequences. He expressed the hope that Wal-Mart representatives would attempt to address trucks parked in fire lanes rather than calling the Sheriff. Mr. Smith acknowledged that Wal-Mart representatives are addressing complaints with vendors as well as drivers. Commissioner Mullet pointed out that trucks parked in fire lanes are not violating the conditions of the special use permit, and agreed that the issue shouldn't become a burden on the Sheriff's Department. Mr. Smith committed to taking "a more aggressive stance with that." He offered to photograph trucks parked in fire lanes and to provide the photographs to the suppliers. Vice Chairperson Kimbrough commended the suggestion to provide the neighbors a direct line to the store manager. Mr. Smith stated, Wal-Mart strives to "add value to communities in which we operate and this is no exception." He advised that Carson City Wal-Mart representatives have "gone to great extremes to try to meet and exceed the neighbors' expectations and we'll continue to do that."

Chairperson Peery expressed the opinion that Wal-Mart representatives have gone the extra mile to ameliorate some of the complaints. He agreed that zero complaints may not be completely attainable, but as long as diligence is demonstrated to work with individual complaints as they are presented, Wal-Mart is being a good neighbor. He noted the number of adjacent property owners which have not complained. Mr. Smith assured the commissioners that Wal-Mart representatives "will do all we can do." He expressed appreciation to Mr. Sullivan and Mr. McCoy for their assistance in resolving the issues. He reiterated that policies and systems have been implemented to address the complaints. He noted, in particular, the cue attendant stationed at the west side of the building. Chairperson Peery thanked Mr. Smith, Mr. Yoder, and Mr. Mollath for their presentations. Mr. Mollath explained his involvement in this matter was at the request of Wal-Mart assistant general counsel.

Chairperson Peery opened this item to public comment. (7:41:28) John Whaley expressed concern over Chairperson Peery's comments in that the public had not yet had an opportunity to testify. Chairperson Peery clarified his comments indicated evidence of remaining problems, but that he was more satisfied than when he had first read through his agenda materials. Mr. Whaley expressed the opinion that Mr. Mollath had not told "the whole truth and nothing but the truth." Mr. Whaley advised that Diane Forsythe took upon herself the responsibility of representing the neighborhood, that his wife had become involved, and that the complaints appearing to have originated from two property owners actually represented the whole neighborhood. In response to a question, Mr. Sullivan read from the staff report as to the purpose of this agenda item. He advised of the intent to "open a dialogue so that the commission is aware of the situation." Mr. Whaley expressed appreciation to Mr. Sullivan and the Wal-Mart representatives in attempting to resolve the issues. He advised of having suffered three heart attacks since Wal-Mart opened, and discussed

the "fight or flight syndrome" associated with loud noises in the middle of the night. He expressed the hope the commission could provide direction with regard to enforcing the special use permit conditions of approval. He provided details of his various interactions with truck drivers, and commended Wal-Mart Store Manager Scott Yoder "on a great job." He agreed "with all three of those speakers when they say, 'It is an unsolvable problem.'" He advised that he would be requesting to have his house sound proofed. "It was the City who allowed this to happen. It is, by their own admission, an unsolvable problem, and yet I should not have to be punished and have this miserable existence because of this unsolvable problem that the City has allowed and that they admit to." Mr. Whaley noted the reference to the "lag times" in the complaints, and inquired as to the point at which anyone would give up. He advised that the refrigeration units "are as loud as a truck idling." He stated, "It's a horrible, horrible existence." He reiterated that two families had "taken the lead" on bringing this matter to the commission. He advised that the wall between the residential and Wal-Mart properties does not protect the residents. He reiterated that the statistical information presented by Mr. Mollath was not "the whole truth and nothing but the truth." He advised "this is not a statistical problem. This is an emotional problem and it has become a health problem." He reiterated he would be seeking sound proofing for his home. He further reiterated the request to provide Mr. Sullivan with sufficient authority to enforce the special use permit conditions of approval.

Mr. Whaley acknowledged having owned his property before development of the North Carson Crossing Shopping Center. He further acknowledged having been aware of the zoning "prior to the fact that it was ... zoned for ... light commercial where there were going to be doctors offices out there, there were going to be some small attorneys offices, those sorts of things. It has since that time, because of ... this group, that zoning changed to now allow this mega-store into the area." Mr. Whaley expressed support for and no opposition to the location of the Wal-Mart store. He advised he "wouldn't personally have voted to put something like that right at the edge of literally one of the most prestigious neighborhoods in Carson City." He described his home and those of his neighbors. He acknowledged having previously known that the property adjacent to his was zoned commercial. He expressed the opinion that this knowledge had nothing to do with the existing problem.

Chairperson Peery advised that the commission is often faced with "the disgruntlement that people find in friction zones." Mr. Whaley advised he still has "a gorgeous view of the mountains ... were it not for the noise." Vice Chairperson Kimbrough suggested that, after three heart attacks, Mr. Whaley should consider moving. He expressed concern over the "health level" reached by Mr. Whaley. He reviewed the purview of the commission over this matter. In response to a comment, Mr. Whaley commented "it's unfair to send [Mr. Sullivan] out there with absolutely no authority to do anything." He advised he couldn't sell his home with a clear conscience. In response to a question, Mr. Whaley advised that Mr. McCoy had visited his home to witness the noise from the refrigeration units. He expressed appreciation for the opportunity to have worked with Mr. McCoy. In response to a comment, he advised that Mr. McCoy could only issue a citation to trucks parked in fire lanes. He further advised that "a truck sitting quietly in a red zone is the least of my problems."

In response to a question, Mr. Whaley advised that Wal-Mart representatives "have been very good." He has lodged complaints at "3:00 in the morning" and Wal-Mart representatives have addressed the complaints immediately. "And yet still, [he is] startled out of his sleep at 3:30 in the morning." In response

to a question referencing Mr. Mollath's chart, Mr. Whaley advised that the complaints indicated were lodged with the Planning Division. He further advised there were "hundreds of complaints that went directly to Wal-Mart." He acknowledged that although "there was a gap in complaints" to the Planning Division, there were incidences being complained of during that time period. He advised "it is equally true that things have gotten much better. And things had gotten so much better that we decided to deal directly with the store manager rather than bring a City official back into it. ... We gave that six weeks or something."

Chairperson Peery called for additional public comment. (8:01:43) Chris Bacon advised of having attended the "original meeting when we talked about all these issues with Walt." He further advised that Mr. Whaley had addressed "most of his points." He emphasized there are more than two property owners complaining. The residents have attempted to "streamline the process." He offered to have all the property owners attend a meeting, if necessary. He requested the commissioners to keep in mind that deliveries begin at 6:00 a.m. He advised that he leaves for work at 6:30 a.m. and doesn't return until 5:30 or 6:00 p.m. "These percentages are actually occurring in one-sixth of the day so I think those figures are a little bit skewed; that's not really addressing exactly what's going on." Mr. Bacon advised that the person cuing the trucks "doesn't work out there during the whole delivery time. He's out there from 6:00 in the morning ... until about 8:00 in the morning. After that, there's nobody controlling this." He advised that the parking lot sweeper was "out there again last Sunday" at 4:30 in the morning. He expressed the belief that the startling noises referenced by Mr. Whaley come from a pallet jack. In response to a question, Mr. Bacon pointed out the location of his residence on a displayed aerial photograph. He further pointed out the route of the delivery trucks from the point at which they are cued, and the central point of delivery operations. He expressed difficulty with describing the function of the sound wall "because of the amount of activity ... is away from the houses that sit above the sound wall."

(8:06:57) Adriane Whaley clarified that "the only reason the red zone issue ever came up was because that was a way for [Ms. Forsythe] and [Ms. Whaley] to explain where the trucks were sitting idling. Neither of us ever really cared one way or the other about them sitting in the red zone. That was for other people to be concerned about." Ms. Whaley advised that the exhaust from idling trucks has been bad enough to actually taste at times. She noted that Mr. Bacon had demonstrated, on the displayed aerial photograph, the central area of activity. She pointed out a neighbor, who was present in the audience, but unable to provide testimony because of "a throat issue." She advised that she and Ms. Forsythe "pretty much backed off during the summer on complaints because we had sort of agreed at our last meeting ... in May ... that we were aware there is no such thing as perfection and that there were going to be times when trucks idled. ... And the only reason we even went back to Walt was because it was beginning to really escalate." Ms. Whaley advised of having sent "a couple notes here and there to Scott" during the summer "when ... it was really beginning to get bad again, but I just really wanted to be through with it; just wanted to be done." She advised that Wal-Mart representatives have "done a lot to make things better." She advised that Mr. Sullivan, Mr. McCoy, and Mr. Yoder have been very helpful. She further advised of having attended a meeting wherein additional landscape was discussed. She expressed no opposition to Wal-Mart. "It's just the noise and those issues, and the refrigeration units which are really as loud as the trucks." She estimated that with the "few ... trees ... planted in the back yard, obliteration should take place in about 2089." In response to a question, she advised "it is unbelievably stressful ... when something slamming and banging

wakes you up at night." She acknowledged that other neighbors have the same complaint. She expressed understanding for the delivery operations at Wal-Mart, "but it just gets really frustrating, the noise and the smell." Chairperson Peery thanked Ms. Whaley for her comments.

(8:13:59) Andrzej Bartoszyn posed the following questions to the Wal-Mart representatives: When will it be quiet every morning? When will it be quiet every holiday morning or evening? When will trees be planted behind his fence "because my view is only big garbage and trucks from my windows."

Chairperson Peery called for additional public comment and, when none was forthcoming, provided the Wal-Mart representatives the opportunity for rebuttal.

(8:15:09) Dacona Smith advised of having been previously unaware that this was "an every day situation." He further advised that the special use permit conditions of approval originally allowed delivery operations to begin at 5:30 a.m. Wal-Mart representatives "voluntarily moved that to 6:00." Mr. Smith advised that delivery trucks have to be received after 6:00 a.m. He further advised that "we're trying to do that as quietly as possible." As noted by Mr. Yoder, pallets are no longer loaded onto the trailers during the night "to try to alleviate the noise." Mr. Smith advised that beginning to receive delivery trucks "much past 6:00" creates "a real issue" in getting shelves stocked. He further advised that the original conditions of approval provided for delivery operations to end by 11:00 p.m. Wal-Mart representatives restricted that to 10:30 p.m. Mr. Smith noted that many of the complaints are lodged between 6:00 a.m. and 10:30 p.m. "which is the time that we're authorized to do business back there. We're doing it as quietly as possible." Mr. Smith committed to doing "all that we can, even above and beyond that, to satisfy the neighbors, but there are limits to which we can go." He expressed a willingness to work within the delivery operation time frames "to make it easier on the neighbors." He reiterated that the "every day thing and the middle of the night" was new information, but expressed a willingness to address the issues. He advised of cameras mounted behind the Wal-Mart building, and that the film he has reviewed indicates very little activity during "off hours, if any." He committed to working with Mr. Sullivan, the neighbors, and Mr. McCoy to "make this situation as livable as possible to the neighbors." He advised of never having indicated the problem was unsolvable. He expressed a willingness to "keep working toward zero incidents" but could make no guarantee of zero incidents. He committed to continuing to address each and every complaint "as best we can."

Commissioner Mullet suggested considering all the issues and reviewing the original parameters by either raising the wall or staging on the east side of the building. He further suggested considering the possibility of covered docks to accommodate refrigerated units so the "noise isn't radiating straight up into those homes." He expressed the opinion that all the avenues should be left open. In response to a comment, Mr. Smith pointed out the cue operator's station so as to restrict the flow of traffic. He advised that the cue operator is on site from 4:45 a.m. to 10:00 a.m. to monitor the flow of traffic behind the building. He noted that sound stacks have been installed on refrigeration and exhaust fans, light reflectors have been installed on some of the parking lot light posts, fencing has been installed around the trash compactor, fences outside the Wal-Mart property have been painted to cover graffiti, and additional landscape has been planted. He reiterated the commitment "to continue to do all that we can do." Chairperson Peery thanked Mr. Smith.

Chairperson Peery called for comments, questions, or a motion of the commissioners. In response to a question, Mr. Sullivan expressed the opinion that staff has done as much as possible to enforce the conditions of approval. He advised that both he and Mr. McCoy have been on site on many occasions. He noted the commitments made by the Wal-Mart representatives. He suggested that the Wal-Mart representatives meet with the adjacent neighbors. He advised of not seeking action on this item at this meeting. He requested the commissioners to consider the testimony of the neighbors and the Wal-Mart representatives, and to provide possible solutions at the December commission meeting.

Mr. Benton acknowledged the issues brought forward by the citizens were moving outside the purview of the commission and the Planning Division. Commissioner Vance suggested attempting to accomplish "a hundred percent" in the next three weeks. Mr. Smith agreed "to give it a shot" and to report back to Mr. Sullivan or to the commission. Commissioner Vance requested to be apprised of all the complaints in that period of time, and Mr. Smith agreed. In response to a question, Chairperson Peery advised that the special use permit allows Wal-Mart operations within the parameters outlined in the conditions of approval.

Commissioner Bisbee suggested reviewing this matter at the December commission meeting in consideration of compliance with the special use permit conditions of approval. She noted the commission's purview over the special use permit only. Chairperson Peery entertained a motion. Commissioner Bisbee moved to request Wal-Mart representatives to report back to the commission on December 19, 2007 to show 100 percent compliance with the special use permit. Commissioner Wendell seconded the motion. Motion carried 7-0.

H-9. MISC-07-165 ACTION TO ELECTA PLANNING COMMISSION CHAIRMAN AND VICE CHAIRMAN FOR THE PERIOD DECEMBER 2007 TO NOVEMBER 2008 (8:30:32) - Chairperson Peery introduced this item. Mr. Sullivan provided an overview and direction. Chairperson Peery entertained a motion. Commissioner Wendell moved to nominate Steve Reynolds as chair and Connie Bisbee as vice chair. Commissioner Bisbee declined. Commissioner Wendell amended his motion to nominate William Vance as vice chair. Motion died for lack of a second. Chairperson Peery entertained a motion. In response to a question, Chairperson Peery indicated no problem with continuing as chair. Commissioner Vance moved to continue with the current chairman. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0. Chairperson Peery entertained a motion for vice chair. Commissioner Bisbee expressed support for the current chair and vice chair, and advised of no objections to continuing with them. She inquired as to the interest of any other commissioner in serving as chair or vice chair. When no comment or discussion was forthcoming, Chairperson Peery entertained a motion. Commissioner Bisbee moved to elect Commissioner Kimbrough as vice chair. Commissioner Vance seconded the motion. Motion carried 7-0.

I. STAFF REPORTS

STAFF REPORTS / COMMENTS - None.

DIRECTOR'S REPORT TO THE PLANNING COMMISSION (8:34:28) - Mr. Sullivan reviewed the November 28, 2007 Director's Report which was included in the agenda materials. (8:39:02) Mr. Sullivan commented on the benefits of the American Planning Association National Conference, and encouraged the commissioners to plan to attend in 2008. He and Ms. Pruitt will be speaking at the conference. He encouraged the commissioners to participate in APA audio conferences which are held in the Planning Division office. He commented on a recent APA audio conference in which some of the commissioners participated.

FUTURE AGENDA ITEMS (8:38:19) - Mr. Sullivan provided an overview of the tentative December commission agenda.

J. ACTION ON ADJOURNMENT (8:42:13) - Commissioner Mullet moved to adjourn the meeting at 8:42 p.m. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0.

The Minutes of the November 28, 2007 Carson City Planning Commission meeting are so approved this 19th day of December, 2007.

JOHN PEERY, Chair