

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 1

A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, March 31, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Richard Wipfli, Vice Chairperson John Peery, and Commissioners Allan Christianson, Mark Kimbrough, Craig Mullet, Roger Sedway, and Roy Semmens

STAFF PRESENT: Community Development Director Walter Sullivan, Principal Planner Lee Plemel, Senior Engineer Rob Fellows, Deputy District Attorney Mary Margaret Madden, Senior Planner Jennifer Pruitt, Recording Secretary Katherine McLaughlin, and Assistant Planner Kathe Green (P.C. 3/31/04 Tape 1-0028)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation as well as any computerized slides that may have been shown. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

A. ROLL CALL, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE - Chairperson Wipfli convened the meeting at 3:30 p.m. Roll call was taken. The entire Commission was present, constituting a quorum. Chairperson Wipfli led the Pledge of Allegiance.

B. APPROVAL OF MINUTES - Special Joint March 2, 2004, Meeting with the Parks and Recreation Commission and the Regular February 25, 2004, Meeting (1-0043) - Commissioner Semmens moved to approve the March 2 and February 25 Minutes. Commissioner Christianson seconded the motion. Motion carried unanimously with Commissioner Peery indicating that he had abstained on the February 25 approval as he was absent.

C. PUBLIC COMMENTS (1-0055) - None.

D. AGENDA MODIFICATIONS (1-0068) - Community Development Director Walter Sullivan requested Item 11 be taken first due to a scheduling conflict. Chairperson Wipfli agreed.

E. DISCLOSURES (1-0083) - None.

F. CONSENT AGENDA (1-0085) - None.

G. PUBLIC HEARINGS

G-11. AB-04-039 - ACTION ON AN APPLICATION FOR A PUBLIC RIGHT-OF-WAY ABANDONMENT FROM CARSON CITY AIRPORT AUTHORITY AND CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT (1-0088) - Community Development Director Walter Sullivan - Airport Authority's legal counselor Steve Tackes was present and concurred with the staff report. The Airport had not been aware of the public road. When it was discovered, the Authority asked that it be abandoned in order to be consistent with its master plan. Public comments were solicited but none were

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 2

given. Commissioner Peery moved to recommend that the Board of Supervisors approve application AB-04-039, a request to abandon a public right-of-way known as Bell Drive located between airport property on the south and Lockheed Way on the north, APNs 008-406-15, based on seven findings and subject to four conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.

G-1. SUP-04-028 - ACTION ON A SPECIAL USE PERMIT FROM JOYCE HARRINGTON (1-0161) (1-1106) - Senior Planner Jennifer Pruitt, Community Development Director Walter Sullivan, Joyce Harrington - Ms. Pruitt did not anticipate any problems with the at curb parking as the proposed use is transient. The Applicant was not present. Public comments were solicited but none were given. Discussion between Ms. Pruitt and the Commission indicated that there are five bedrooms. The manager must live onsite. Ms. Pruitt was not sure which bedroom is to be used by the manager. Mr. Sullivan suggested that the item be continued due to the desire to have on the record the Applicant's concurrence or objection to the Conditions of Approval. Chairperson Wipfli continued the item pending her arrival.

(2-0304) Ms. Harrington agreed with the staff report. Public comments were solicited but none were given. Ms. Harrington indicated that one of the bedrooms downstairs will be used by the manager. The handicapped ramps will impact the final decision on which bedroom is to be for manager. Chairperson Wipfli and Commissioner Kimbrough commended Ms. Harrington on her efforts to save two historical buildings. Commissioner Kimbrough moved to approve SUP 04-028, a Special Use Permit request from Joyce Harrington to allow operation of a Bed and Breakfast within the Historic District on Assessor's Parcel No. 003-236-01, property zoned Residential Office, RO, located at 408 Robinson Street, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.

G-2. SUP-04-029 - ACTION ON A SPECIAL USE PERMIT FROM LUNDAHL AND ASSOCIATES (1-0256) - Senior Planner Jennifer Pruitt, Lundahl and Associates Architect Todd Lankenau and State Public Works Project Manager Craig Defriez - Mr. Lankenau indicated that they had read the staff report and agreed with it. Discussion between the Commission and Mr. Defriez explained the area currently used by staff and the need for additional office space. Mr. Lankenau explained the original purpose of the building and reasons windows had not been allowed. The proposal moves staff into the addition, which will have windows, and allows for some natural lighting. The proposal to "dress up" the mechanical yard and provide a stucco band around a portion of the building was described. The stucco band will not be on the rear of the building. Public comments were solicited but none were given. Commissioner Semmens moved to approve SUP-04-029, a Special Use Permit request from Lundahl and Associates, Architect, applicant, State of Nevada, owner, to allow an 11,000 square foot addition to an existing building on property zoned Public located at 575 East Third Street, APN 004-083-07, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Kimbrough seconded the motion. Motion carried 7-0.

RECESS: A recess was taken at 3:52 p.m. Chairperson Wipfli reconvened the meeting at 3:56 p.m. The entire Commission was present, constituting a quorum.

G-3. SUP-04-036 - ACTION ON A SPECIAL USE PERMIT FROM PHILIP REDDICK/ KENNY ARMER (1-0375) - Senior Planner Jennifer Pruitt, Costco General Manager Kenny Armer, Gene Lepire's Attorney Mike Pavlakis, Community Development Director Walter Sullivan - Ms. Pruitt explained

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 3

for the record that a packet containing an amended motion and amendments to the Conditions of Approval were distributed to the Commission, the Applicant, and the adjacent property owner just prior to the meeting. (A copy was not given to the Clerk.) She also noted for the record that the Applicant has agreed to not illuminate the 384 square feet of wall mounted signage which will be placed on the eastern facade. Mr. Lepire, the adjacent property owner, had objected to having lighted signage on the building due to the adverse impact such lighting could have on his tenants. Discussion indicated the feeling that the only change that had occurred was in the management personnel at Costco.

Mr. Armer indicated that he had read the staff report and concurred with it. He then clarified and illustrated the proposed location for the sign on the southern side of the building facing Highway 395. He explained that the corporate office had requested the original Special Use Permit for the facility. In working at the site it was determined that additional signage was needed to attract business from Highway 395. The retailers located south of the establishment have signage. He felt that the corporate officials had not realized the traffic volume and that the building appeared to be a warehouse to travelers. The commercial buildup to the south had created the need for more signage. Mr. Armer had agreed to an unlighted sign due to the desire to not impact his neighbor. Discussion indicated that staff would have conditioned the use of a lighted sign to business hours which were 10 a.m. to 8:30 p.m. during the week and 10 a.m. to 6 p.m. on the weekends. As nine to ten months of the year, these hours are during the daytime, the benefits/reasons for lighting it were felt to be questionable. Mr. Amer reiterated that he had read the staff report.

Public comments were solicited. Mr. Pavlakis felt that the only change is in management. The new management has decided that it needed a sign on this side of the building. From a business prospective, his clients do not object to an unilluminated sign as proposed. He pointed out that negotiations in 2000 and the original motion had indicated that a sign was not to be on this side of the building. As long as the sign is not objectionable to the adjacent neighbor, they will not oppose it. The parties have been working out their differences. The Lepires have some remaining issues regarding the delivery hours and the noise levels. They will notify Mr. Sullivan if there are any violations in the future. They do not object to the revised nonilluminated sign on the south side of the east side of the building. They purportedly have discussed the need for the signage.

Chairperson Wipfli explained that his original opinion to not allow signage on the south/east side of the building has changed since 2000. There is a need for it today. Additional public comments were solicited. None were given.

Chairperson Wipfli felt that if the Lepires and Costco have worked out the signage, it is their business. He supported the unilluminated signage although he felt that the option for lighting should be left open. Restricting the lighting may be a more stringent condition than that which will be placed on adjacent businesses in the future. The recreational vehicle park is located in a commercial zone. Costco is a retailer and is located in the appropriate zone. Commissioner Semmens pointed out that the wall is 130 feet from the recreational vehicle park and that with low lighting during the hours of operation, it will not interfere with the tenants in the recreational vehicle park. Chairperson Wipfli felt that daytime illumination may provide additional benefits.

Commissioner Christianson moved to approve SUP-04-036, a Special Use Permit request from Philip Reddick and Kenny Amer, applicant, Costco Wholesale, owner, to allow an increase to the previously

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 4

approved signage of 1,396 square feet to add a 384 square foot exterior nonilluminated sign on the eastern facade of the existing Costco structure on Assessor's Parcel Number 009-302-14, property zoned General Commercial located at 700 Old Clear Creek Road based on the seven findings and subject to the conditions of approval contained in the staff report with Condition No. 9 being changed to will not be illuminated and Condition No. 10 being eliminated. Commissioners Peery and Semmens seconded the motion. Motion carried 7-0.

Mr. Sullivan thanked Mr. Amer and Mr. Pavlakis for their efforts to compromise. He also indicated that if there are some bumps, they must be overcome. He offered to setup meetings and try to work through the issues.

G-4. SUP-04-038 - ACTION ON A SPECIAL USE PERMIT FROM RICHARD CAMPAGNI/TOM HITCHCOCK (1-0665) - Community Development Director Walter Sullivan, Applicant's Representative Cliff Sorensen - Discussion between the Commission and Mr. Sullivan described the new signage and the discrepancy discovered with the old signage. Mr. Sorensen displayed a model of a Scion vehicle. He indicated he had read the staff report and agreed with it. Toyota is requiring the sign change. Discussion explained that the sign is shorter than other signs in the vicinity and described the sign's material. Public comments were solicited but none were given. Mr. Sorensen also indicated that they have their own auto row and are happy with it. Commissioner Christianson moved to approve Special Use Permit 04-038, a Special Use Permit request from Richard Campagni, Carson City Toyota, to allow a new 30-foot sign on property zoned General Commercial and to permit an increase in the sign height from 20 to 30 feet for commercial use on APN 009-122-04 based on seven findings and subject to ten conditions of approval contained in the staff report. Commissioners Semmens and Peery seconded the motion. Motion carried 7-0.

G-5. SUP-04-022 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM - MARGARET WOOD (1-0805) - Senior Planner Jennifer Pruitt, Senior Engineer Rob Fellows, Margaret Wood, Pete Sinnott, Principal Planner Lee Plemel - Ms. Pruitt's introduction included an explanation of staff's attempt to determine whether the individual(s) who had sent the email in opposition wished to have a copy of the staff report. Mr. Fellows justified having the access on Lynnett rather than Clear Creek Avenue. Plans at this time do not include widening Clear Creek Avenue until additional development occurs. Ms. Wood had read the staff report and concurred with it. Her prepared statement was read into the record. It thanked staff for its professionalism and assistance. It also indicated that the Church will be an asset to the neighborhood. Public comments were solicited.

Mr. Sinnott indicated that he had not seen the site or building plans. He thanked Chairperson Wipfli for his service to the community. The ingress/egress on Lynnett doubles the effort to get to/from the site. Clear Creek Avenue should be used for an ingress/egress. The traffic will negatively impact his property and could pose a hazard to the driver. Commissioner Christianson explained that the Church would be used three hours per week which will have a minimal impact on the adjacent residents. It was felt that the applicant may wish to stipulate that a child care facility will not be operated at the Church. Mr. Sinnott indicated that he did not have a problem with the size of the building and questioned the lighting. Chairperson Wipfli and Ms. Pruitt explained that the lighting is treated like lighting for the adjacent residences. The Conditions of Approval for outside lighting require it to be pointed downwards and have cutoffs and shields to reduce the spill over. Staff will review the lighting plan to ensure that it meets the Code requirements. Mr. Plemel explained the lighting standards mandating the lights be shielded, no higher than 12 feet, and be directed downwards when

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 5

within 100 feet of a residential lot. Ms. Pruitt explained that the parking lot landscaping, screening and maintenance must comply with Code. The plan has not yet been submitted. Ms. Pruitt also indicated for the record that she and the Applicant had discussed the impacts to the neighborhood and the proposed uses at the site. The Church does not have outside weddings or funerals. All activities will be conducted inside the building. The usage will remain the same as currently allowed. No child care activities will occur there. Mr. Sinnott expressed a desire to withhold his approval until after he has seen the plans. Commissioner Wipfli explained that the Department will review the landscaping and that it must meet the Code. Therefore, Mr. Sinnott should make his comments at this time. Mr. Sinnott indicated that Ms. Pruitt had answered his questions. Mr. Fellows explained that the access point will be in the middle of the parcel along Lynnett.

Ms. Wood explained that they had discussed the access point. Due to the desire to reduce the impact on Clear Creek, which is a busy street, they were using Lynnett for access. Commissioner Christianson apologized for his comment regarding the amount of traffic found on City streets on Sunday mornings and congratulated them on their need to have a larger Church. Ms. Wood indicated that she understood. Additional public comments were solicited but none were given.

Commissioner Semmens moved to approve SUP 04-022, a Special Use Permit request from Margaret Wood, applicant, First Church of Christ, Scientist, owner, to allow a 3,800 square foot church on property zoned Single Family One Acre located at 110 Clear Creek Avenue, APN 009-224-02, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

G-6. SUP-04-021 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY UTILITIES DIVISION (1-1106) - Community Development Director Walter Sullivan, Public Works Operations Manager Tom Hoffert, Acting Parks and Recreation Director Scott Fahrenbruch - Mr. Hoffert explained the neighborhood meeting that was held on February 10 to explain the project. The major concern expressed at it was regarding the property values. Mr. Hoffert described the proposed wellhead location. It may be necessary to move the wellhead and electrical equipment over to keep it out of the 100-year flood plain. He had read the staff report and agreed with it. Discussion with the Commission explained that the well will be 620 feet deep and have a 16-inch casing. It will produce 300 to 500 gallons per minute. The light pole will be kept in the same vicinity and is for security. A large Cottonwood tree was removed for the well. Mr. Fahrenbruch indicated that the neighbors wanted the tree removed for various reasons. It was decayed. Its roots were heaving the asphalt and curbing. Public comments were solicited but none were given. Commissioner Peery moved that the Planning Commission approve SUP-04-021, a Special Use Permit from Tom Hoffert, applicant, Carson City, owner, to allow a new City water well on Assessor's Parcel No. 003-252-14, on property zoned Public Neighborhood located at 910 South Park Drive based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgement to the Commission or Board by the Applicant may be considered as future stipulations or conditions of approval on this application. Commissioner Semmens seconded the motion. Motion carried 7-0.

RECESS: A recess was declared at 4:49 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 4:57 p.m., constituting a quorum.

G-7. SUP-04-031 - ACTION ON A SPECIAL USE PERMIT FROM MATT ROGERS (1-

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 6

1284) - Principal Planner Lee Plemel, Senior Engineer Rob Fellows, Applicant's Representative Rob Lauder, Community Development Director Walter Sullivan, Steven Loye - Condition 16 was revised to require continuation of the existing landscaping from the eastern parcel along the parcel frontage. Commissioner Semmens disclosed for the record that he would abstain as he is a friend of Mr. Kuglers and has worked with him in the past. Discussion between the Commission and Mr. Plemel described the multi-use path and the abutting and proposed landscaping. There is no requirement for curb, gutter, or sidewalk. The landscaping will provide visual enhancement. Mr. Fellows explained the need for a curb between the parked cars and the multi-use path. It is not a requirement. Discussion indicated that the manhole cover and shoulder will not be improved at this time. If the present use/development are expanded, they will be required at that time. Surrounding landscaping was limned. NDOT owns the right-of-way. The pawn shop sign will remain. The billboard will be larger than the pawn shop sign. The billboard will be leased.

Mr. Lauder indicated that he had read the staff report and agreed with the conditions in it. He recognized the comment that requires extension of the landscaping and the amendment to Condition 16. He felt that the current pawn shop sign is 6 to 7 feet by 6 to 7 feet or between 40 and 50 square feet. The billboard will be for lease. It is not for the existing operation. It will have the capacity of being "double winged". The application is for two sides. There had been discussion about a one-sided sign, however, Mr. Lauder did not wish to change the application.

Discussion between Mr. Sullivan and the Commission indicated that billboards are allowed if they are 1,000 feet apart. There is a finite amount of space available in the community for billboards. The billboard ordinance was adopted between 1986-1988. It regulates the finite number of sites for billboards. There are few sites left in the City. The signs are reviewed to determine if they meet the City billboard guidelines. The billboard ordinance has not been revised since it was adopted. Public comments were then solicited.

Mr. Loye explained his representation of and partnership in the ownership of abutting properties. They do not object to conforming uses of the billboard. They wanted confirmed assurances that the billboard will not affect their ability to change and increase the height of the monument sign which is purportedly allowed under the current zoning. Meineke has changed its name to Meineke Car Care Center and is requiring new signage. They want to raise the sign to 20 feet. Mr. Plemel stated his agreement with Mr. Loye's statement that the billboard will not modify their ability to have signage in conformance with the sign standards on their property. Additional public comments were solicited but none were given.

Commissioner Kimbrough voiced his objection to allowing the billboard as it appears that by calling the sign a billboard, a larger sign than that allowed by the City's nice sign ordinance, will be allowed. He also had problems with the visual impact created by a billboard against the view of the Sierras. He realized that the City cannot do anything about the roadway and pathway. He objected to allowing cars to park in the multi-use pathway but felt there is no way to mitigate this ability. Chairperson Wipfli explained his original desire to eliminate all billboards, its clutter, etc. The ordinance was a compromise to finding signs everywhere as is found in Reno and back East. The businesses, staff, and the Chamber had developed the compromise. It allowed billboards and placed a 1,000 foot restriction on their locations. They are not allowed in the Redevelopment District or the Retail Commercial District. They are allowed in the General Commercial and General Industrial zones. He had supported the ordinance due to the compromise. Therefore, he would support the application. Commissioner Sedway read the Development Standard Review Criteria Division 4.8.2 from Page 4 of the staff report. He found it difficult to believe that a 10 by 40 foot sign met this criteria.

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 7

Commissioner Peery explained the normal spirit of a billboard/sign is to advertise the commercial venture which is part of the property and not to rent it to others. He was also concerned about the lack of improvements which appears to be out of the Commission's control. The proposal was not felt to be an improvement for the community. Mr. Sullivan explained for Commissioner Semmens that the location is not part of the Redevelopment District. Commissioner Christianson felt that it would be different if the advertised business was behind the sign. He is aware of the distance requirement for billboard signs. The proposed size of the sign was felt to be overpowering. He was unsure how he would vote. Mr. Sullivan encouraged the Commission to review Divisions 4.8.3 and 4.8.2 in the staff report. They are the billboard standards and findings. If the application meets the standards and the purpose statement, the Commission should approve the application. Both the findings and standards were approved by the Commission and Board of Supervisors. Mr. Lauder concurred with Mr. Sullivan's recommendation. He also felt that if the standards and findings were read by themselves, Commissioner Sedway's comments regarding the billboard size and obstruction of the view could be "determined". He also felt that if they are taken as a whole and as an establishment of the standard, however, the application met the standards.

Commissioner Christianson moved to approve SUP-04-031, a Special Use Permit request from Matt Rogers, property owner: William Kugler, to allow the placement of a billboard on property zoned General Commercial located at 3700 Highway 50 East, APN 008-271-04, based on seven findings and subject to the conditions of approval contained in the staff report. When a second was not made to the motion, Chairperson Wipfli passed the gavel to Vice Chairperson Peery and seconded the motion. Motion was voted and failed on a 2-4-1-0 vote with Commissioner Christianson and Chairperson Wipfli voting Aye, and Commissioner Semmens abstaining. Vice Chairperson Peery returned the gavel to Chairperson Wipfli.

Mr. Sullivan requested a positive motion. **Commissioner Peery moved to deny SUP-04-031, a Special Use Permit from Matt Rogers, property owner: William R. Kugler, to allow the placement of a billboard on property zoned General Commercial located at 3700 Highway 50 East, APN 008-271-04, based on seven findings and subject the conditions of approval.** Commissioner Sedway suggested that the applicant's failure to meet the findings needed to be delineated. He felt that Findings 2 and 3 had not been met. **Commissioner Peery concurred and amended his motion to include Findings 2 and 3. Commissioner Sedway seconded the motion.** Following a request for clarification as to how the Applicant had failed to meet these conditions, **Commissioner Peery indicated that, from his prospective, the proposed use is detrimental to the use, economic value, and development of surrounding properties; and, regarding Finding No. 3, the project will in fact have a detrimental impact to vehicular or pedestrian traffic especially in regard to the aesthetics.** Commissioner Mullet seconded the motion. Commissioner Christianson explained that, in spite of his concerns regarding the impact the billboard will have on the aesthetics, the rules and Codes are in place with the sign ordinance and they have been in effect for a long time. He indicated his intent to vote against the motion. Commissioner Kimbrough indicated that the Special Use Permit process allows an opportunity to speak to some of the rules that may be applied in this situation. When you look at the findings, it gives the Commission an opportunity to say that there can be disagreement on the Commission's part about placing a billboard in that location and at that size with the conditions which have been set today. This is the purpose of the Special Use Permit process. Commissioner Peery added that it is part of the Commission's responsibility to interpret whatever findings there are and make a judgement accordingly. This is what the appeal process is about, particularly if, in fact, the Applicant disagrees with the decision. Otherwise, the Commission could be replaced by a rubber stamp which is not what he believed the Commission is to do. Commissioner Mullet expressed his belief that Finding No. 4

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 8

should be added to the motion as it does not improve or enhance the preservation or appearance of Carson City in any fashion. This finding is under the Development Standards Review Criteria, Item 4. Discussion between Commissioner Peery and Mr. Plemel indicated that Findings 2 and 3 were found on Page 7. **Commissioner Peery again amended his motion to include Commissioner Mullet's recommended Item 4, that the project will negatively impact the City as Commissioner Mullet had stated. Commissioner Sedway concurred with the amendments.** Chairperson Wipfli expressed his belief that the Commission should support the billboard compromise established years ago. He also indicated his respect for the other Commissioners' opinions. **The motion as amended was voted and carried 4-2-1 with Commissioner Christianson and Chairperson Wipfli voting Naye and Commissioner Semmens abstaining.** Mr. Sullivan explained that the appeal process information and application could be obtained at his office and must be submitted within ten days.

G-8. SUP-04-207 - ACTION ON A SPECIAL USE PERMIT FROM BRUCE N. HEYWOOD (1-2056) - Assistant Planner Kathe Green, Bruce Heywood - Discussion between the Commission and Ms. Green explained that a Special Use Permit had been obtained for the spires. The difference between the spires and the steeple is 16-17 feet. The steeple will give the building a more traditional Church appearance. Mr. Heywood indicated that he had read the staff report and agreed with it. Discussion between the Commission and Mr. Heywood explained that it will take four to five days to install the steeple and remove the spires. The installation is spread over a three to four-week period. The process and justification for taking three to four weeks to complete the process was provided. Mr. Heywood complimented staff on its professionalism. Commissioner Mullet questioned whether a 40-foot steeple on a 31-foot building was proportional. Mr. Heywood explained the belief that the three spirals fail to portray the desired imagine, therefore, the Bishop decided they should remove the spires and install a steeple. He did not feel that the heights would be disproportionate. It is more modernistic and enhances the structure. He had already completed the process on three other Church buildings. The locations were provided. Discussion pointed out that the steeple on St. Teresa's Catholic Church is very tall. The photograph includes telephone poles which make it difficult to determine the heights. Mr. Heywood stated the steeple will not be lighted. It will not have a cross or flag on it. A photograph should have been included in the packet. Public comments were solicited but none were given. Chairperson Wipfli complimented Mr. Heywood on the plans. He originally had not recognized the structure was a Church when it was constructed. Commissioner Semmens moved to approve SUP-04-027, a Special Use Permit request from the Corporation of the Presiding Bishop of the Church of Jesus Christ of the Latter Day Saints, Bruce N. Heywood from Fallon, Nevada, FM Group, to allow an increase of height from 32 feet to 71 feet 4 inches for a steeple on an existing Church on property in the Single Family One Acre zoning district located at 411 North Saliman Road, APN 010-041-17, based on seven findings and subject to nine conditions of approval contained in the staff report. Commissioner Kimbrough seconded the motion. Following a request for an amendment, Commissioner Semmens amended his motion to include a four-week period for the removal of the spirals. He indicated that the timeframe for completion of the project was "excellent". Commissioner Kimbrough concurred. Motion was voted and carried 7-0.

Discussion noted the benefits of having the Deputy Sheriff's use the Church's parking lot to catch speeders.

G-9. ZMA-04-030 - ACTION ON A ZONING MAP AMENDMENT FROM PALMER AND LAUDER ENGINEERS (1-2318) - Community Development Director Walter Sullivan, Senior Engineer Rob Fellows, Applicant's Representative Janice Shafer, Steve Pascal, Brad Lencionl, Stu Knapp, Jan Baldwin Rebecca Beisenstein - Discussion between Mr. Sullivan and the Commission indicated that the application

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 9

is for a zone change only and does not subdivide the property. Mr. Sullivan corrected the staff report to indicate that the zone to the west of the site is Mobile Home 6,000 (MH 6). The friction zone is to the south and is between commercial and residential uses. There will be a 50-foot rear yard setback on the two parcels that border the commercial property. A six-foot block wall will be constructed along the setback. Staff received one telephone call and a letter in opposition to the project. Correspondence received on Monday was purportedly in the Commission's packet that was distributed just prior to the meeting. (A copy was not given to the Clerk.) Comments indicated that Ms. Baldwin's letter is quite lengthy and a recess was requested to read it. Mr. Sullivan explained that the zone change could not be considered spot zoning as it is immediately adjacent to the MH 6 zone to the west. The Mercury Way access, the water and sewer issues are items which should be worked out between the neighbors. The Commission's responsibility relates to the zoning. Zone changes do not consider access. If the Applicant subdivides the property, the neighbors will be noticed. The access is a private, civil matter between the neighbors. Zoning cannot be conditioned. Mr. Sullivan indicated that the zone correction was on Page 2 of the staff report. It states the property to the west is Single Family 6,000 and should say MH 6.

RECESS: A recess was declared at 5:55 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 6 p.m., constituting a quorum.

Mr. Fellows used a parcel map and a diagram to explain the 20-foot wide easement known as Mercury Way, which is used to access/egress Ms. Baldwin's property. Her services are also provided from this easement. Clarification indicated that Mercury Way is both an access easement and a utility easement.

Ms. Shafer indicated that the owners were present. They had read the staff report and agree with it. The application before the Commission is for a zone change to MH 6. The surrounding zoning was noted. She limned the impact the zone change will have on utilities, traffic, storm drainage, and the schools. Public comments were solicited.

Mr. Pascal briefly summarized his experience in the development of affordable housing and the market in this area for it. The manufactured homes will range from 1,300 to 2,100 square feet and be in the \$128,000 to \$150,000 range. They will be converted to real estate. He is in the process of acquiring the units now and will refurbish them. They will be sold with a requirement of a five percent down payment and will have payments under \$800 per month. The 6,000 square foot lot will be the minimum lot size. The homes are chosen to fit the lots. This insures the ability to have the necessary parking area. Ms. Shafer indicated that when the subdivision is submitted, the lot sizes, parking, placement, and Code requirements will be provided. Mr. Pascal gave photographs of other projects he had done to the Commission to show the concept. The photographs included the appearance of the homes before being refurbished. (The photographs were given back to him after the vote on the motion was taken.) Ms. Shafer indicated that the lots are typically 60 x 100 feet and may contain as much as 8,000 square feet. Public comments were solicited.

Mr. Knapp explained the location of his mobile home park and felt that any development on the site would be an improvement to what is there now. A brief description of the lot and its uses was provided. He indicated he supported the zone change.

Ms. Baldwin explained that Mercury Way runs from Highway 50 through two parcels to her lots. It provides services to the homes. She has three residences and shop on her property. It is a dirt road. The City requires

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 10

a 50-foot right-of-way from Carmine in order to develop 15 lots on her property. The proposal will block her services. It also creates a planning issue for her. She did not oppose the project although it will cause her problems. Chairperson Wipfli explained the need for the discussion to stay focused on the change of land use from 12,000 square foot lots to 6,000 square foot lots. When the subdivision is proposed her issues will be considered by staff. This process will include her access. The Commission could only address the master plan and whether is it consistent with the area or is it spot zoning. Ms. Baldwin felt that the zone change will make her property spot zoned unless it is also changed. Chairperson Wipfli explained the term "spot zoning". As the property is adjacent to a MH 6 zone, it extends the MH 6 zone. Therefore, it is not spot zoning. Mr. Sullivan explained that the master plan calls for medium residential zoning for the area. It allows four to nine units. The two zoning districts are MH 6 and MH 12. If Ms. Baldwin submits a zone change for MH 6 with her property and the parcel that abuts the MH 6 zone, it could be allowed. If only her parcel is submitted for a zone change to MH 6, it could be considered spot zoning. He reiterated Chairperson Wipfli's explanation that the proposal extends the MH 6 area. If the property owner for the parcel between the Applicant's and Ms. Baldwin's obtains a zone change to MH 6, Ms. Baldwin could then request a zone change to MH 6 which would not be spot zoning. The issue of the road should not be considered at this time. Staff may encourage the neighbors to submit a joint application and change the zoning to MH 6. Ms. Baldwin requested staff's assistance in doing this. Chairperson Wipfli asked her to work with staff. Ms. Baldwin indicated her desire to have her concerns on the record. Additional public comments were solicited.

Ms. Beisenstein explained that she had purchased her property to have a large parcel for the semi-rural atmosphere and to enjoy the privacy and comfort it provides. The discussion appears to indicate that the entire area will become MH 6. Mr. Sullivan explained that the master plan calls for the area to have a density range of four to nine units which is the MH 6 or MH 12 designations. A lot of the property in the area is MH 12. It was zoned MH 12 in 1978 due to the lack of City sewer and water services and drainage concerns. These issues have been addressed over the years. The property owners, the Planning Commission, and the Board of Supervisors can request zone changes if standards are met. The City/staff does not arbitrarily change the zoning. The master plan is a guide for residential development. It has requirements mandated for increasing the density. Ms. Beisenstein reiterated her desire for the area to maintain its larger lots. She felt that the change will affect all of the other MH 12 lots in the area if the application is approved. She did not want to see the precedence set. There are storm drainage issues which still need to be addressed. Her other concerns could not be addressed at the Commission level at this time. Chairperson Wipfli explained that the property owners are the ones who ask for the zone change. It could not be done until the utility services went into the area. They are now asking for the zone change. Zone changes are not always based on economics. The Commission attempts to reduce the friction impacts and provide for growth in an organized fashion. If the neighborhood supports the zone change, it may occur. Zone changes will reduce the number of large lots found in the community. Ms. Beisenstein indicated she opposed spreading the MH 6 zone.

Commissioner Kimbrough expressed his belief that affordable housing enhances the area and does away with rentals. It is rare opportunity which is good for the community. The MH 6 zoning is needed for the project to be profitable. He supported moving affordable housing into the area. Chairperson Wipfli felt that the 6,000 square foot lot is not that small. The historical downtown area has 39 foot wide lots. He has recently worked on some lots which ranged between 35 feet and 43 feet in width. The homes were sold for more than \$200,000. It accommodates two cars in a garage and homes with 1500 to 1800 square feet of living space. He pointed to the Millennium project as another example. It had been done well. Ownership gives an

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 11

individual pride and investment. Commissioner Peery supported their comments. He also pointed out that the City has a finite amount of space to meet growth demands. An innovative way must be found to allow this growth, e.g., residential uses above commercial/retail establishments in the downtown area. Expansion of the MH 6 zone into the MH 12 is logical particularly when one is discussing affordable housing. It also provides an opportunity for ownership and creates pride. It is important that people have the ability to have and own their homes. Additional comments were solicited but none were given. Mr. Sullivan explained that the staff/Commission will be looking at the master plan in a few months. Her comments regarding the desire to maintain the MH 12 zone will be included in the review. Public input is important to the master plan review process. Public participation, including Ms. Beisenstein's, was encouraged. Chairperson Wipfli agreed and pointed out that one acre lots are "wonderful", however, density reduces it. He urged Ms. Beisenstein to work with her neighbors to keep the MH 12 and to work on the master plan review. He also indicated that there will be a vacancy on the Commission soon.

Commissioner Kimbrough moved to recommend to the Board of Supervisors approval of ZMA 04-030, Zoning Map Amendment to change the zoning on APN's 008-161-19 and 008-161-20 from Mobile Home 12000, MH 12, to Mobile Home 6000, MH 6, as shown on the map submitted with the application based on the four findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.

G-10. MISC-04-037 - ACTION ON A REQUEST BY LANDMARK COMMUNITIES TO WITHDRAW THE PLANNED UNIT DEVELOPMENT APPROVAL FOR SALIMAN ESTATES AND RETURN TO THE PREVIOUSLY APPROVED HERITAGE PARK AT QUAIL RUN PLANNED UNIT DEVELOPMENT (1-3239) - Community Development Director Walter Sullivan; Applicant's Representative Dennis Smith; Applicant's Development Manager Gregg Evangelatos; President of the Heritage Park at Quail Run, Mountain Vista Second Phase Association Ralph Buscher - Discussion indicated that the first PUD's final map was recorded. This area continues to stand on its own. It is located at the southern end of the property. The other portion of the property has two PUDs--Heritage Park at Quail Run and Saliman Estates. One PUD needs to be abandoned. The request is to abandon Saliman Estates. The process is considered "bookkeeping". Issues regarding the CC&Rs are between the individual(s) and Landmark Communities. The City is not a party to these issues. If the application is approved, staff will use the Heritage Park at Quail Run Development Agreement. All of the timelines for the project have been complied with. Mr. Sullivan was unsure when the next deadline is. Commissioner Kimbrough expressed concerns about his approving an application he knew little about. Mr. Sullivan then explained that the first PUD was approved in the early 1990s. Its final map was recorded. Heritage Park was then submitted and approved by the Commission. The lots that were sold in the first PUD were to remain as designated on the recorded map. The map for Heritage Park was then recorded. Then Saliman Park was approved on a tentative basis. The Commission's action on the request to return to Heritage Park will provide a complete record and reinstate the Conditions of Approval and the approved Development Agreement. The procedure does not reopen the entire process. The Condition of Approval mandating written notification of the desire to return to Heritage Park was read. Mr. Sullivan then explained the location.

(2-0046) Mr. Smith described the Heritage Park configuration and the reconfigured design for Saliman Park which had a higher density. It was not a good community design for the area. Therefore, they asked that the PUD be returned to the Heritage Park design as it is a better community with bigger lots. A parcel map was used to describe the different PUDs. There will be a separation between the two original PUDs in order to

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 12

alleviate any impact on the age restriction portion. Approximately one-half of the land area has been sold. Commissioner Christianson recalled the concerns expressed when Saliman Estates was approved. He felt that the Heritage Park gated community with its Saliman entrance was a good plan and design, however, it was ahead of its time. He commended the developer for trying to change it and sell it.

Mr. Evangelatos explained that he was present to answer any questions regarding the product. He appreciated the complimentary comments regarding the Millennium project. Public comments were solicited.

Mr. Buscher gave the Commissioners two maps of the area. He explained his knowledge of the original project and belief that the Heritage Park project was a better and more marketable product. It was split and Saliman Estates was proposed. Its streets, drainage, and compliance issues had prevented it from being develop-ed. The concerns regarding the proposal were limned. They included marketing, the original conditions, and the CC&Rs. Landmark is working with the residents on these issues. Landmark wants to lift the age 55 restriction which was in the original development agreement. The proposed separation between the two projects was acceptable particularly if Pintail has a gate at Bobwhite. The residents want to keep their security which the gated entry and wall will provide. They do not want any through traffic. Students from the high school are currently using the roadways as a cut through. Discussion indicated that the Commission could not consider this issue. The age restriction is a CC&R's issue which the Commission could not consider. Mr. Buscher felt that the City was involved as it had required the developer to put the age restriction on the PUD. Mr. Sullivan explained the Fire Department requirement to loop the road around. The Municipal Code authorizes the staff to make minor modifications after the tentative approval of the map has been given. The number of lots cannot be increased. The open space cannot be decreased. Staff can revise the roadway as indicated by Mr. Buscher. If this revision meets both Mr. Buscher's and the Fire Department's approvals, it will be a win-win situation for all the participants. Mr. Smith indicated that they are addressing the issues. Mr. Buscher indicated that he had not seen the final map.

Discussion between the Commission and Mr. Sullivan indicated that the age restriction had been an early selling point. It is a CC&R issue between the residents and Landmark. The City is not involved. The Commission's decision this evening relates to the change in PUD names and the creation of a record reflecting the reversion to the Heritage Park at Quail Run project. Mr. Buscher reiterated his willingness to accept the change in the CC&Rs regarding the age restriction and the traffic pattern if they were accepted by the City. He emphasized the need for the security fencing and the six-foot block wall between the two PUDs. Chairperson Wipfli reiterated that the Commission is only involved with the name change. The CC&R's issue is between the residents and the developer. Mr. Buscher reiterated that Ordinance 2000-8 referenced the CC&Rs. Public comments were solicited but none were given. Chairperson Wipfli and Mr. Sullivan explained that the street issue could not be addressed by the Commission at this time. Mr. Sullivan asked Mr. Buscher to contact him in the morning to discuss it. Chairperson Wipfli indicated that the Commission could not add a condition regarding the roadway to the name change. Additional public comments were solicited but none were given.

Commissioner Perry moved to recommend the Board of Supervisors approve a withdrawal of the Planned Unit Development approval for Saliman Estates and return to the previously approved Heritage Park at Quail Run Planned Unit Development pursuant to the request of the applicant Mr. Jim Bawden; all of the project's conditions of approval and approved development agreement associated with Heritage Park at Quail Run Planned Unit Development are to be utilized and remain in effect for the development of this project unless

CARSON CITY PLANNING COMMISSION
Minutes of the March 31, 2004, Meeting
Page 13

modified by the Board of Supervisors upon recommendation from the Planning Commission. Commissioners Christianson and Mullet seconded the motion. Motion carried 7-0.

OTHER MATTERS (2-0400) - Commissioner Peery complimented Mr. Sullivan and his staff for getting the Commissioners' identification cards. Chairperson Wipfli noted Commissioner Christianson's resignation letter had been received. He indicated that Commissioner Christianson's absence will be a big loss as he has been an asset to the Commission. Commissioner Christiansen will retire at the end of June. Mr. Sullivan apologized and explained the delay in getting the Commissioners' identification cards. The Board of Supervisors will be making a selection(s) to fill either one or two Commission vacancies in July. He expressed an intent to agenzize the Open Meeting Law for discussion at the May meeting. Discussion indicated that the Commission had received a packet of information on the Open Meeting Law three to four months ago. Mr. Sullivan asked the Commissioners to read through it. As the Commissioners are good about adhering to it, he felt that it would be "old news" to them. Chairperson Wipfli pointed out that the Deputy District Attorney has been good about keeping the Commission on track. Mr. Sullivan then announced that Ms. Madden will be on leave for three months and hoped that her baby will be healthy. He thanked her for her guidance and assistance. Chairperson Wipfli asked that Maggie Tracy be contacted and make a presentation on dark skies. Discussion indicated that her presentation could be held in either May or June.

H. ADJOURNMENT (2-0495) - Commissioner Peery moved to adjourn. Commissioner Semmens seconded the motion. Motion carried 7-0. Chairperson Wipfli adjourned the meeting at 7:05 p.m.

The Minutes of the March 31, 2004, Carson City Planning Commission meeting

ARE SO APPROVED ON April 28, 2004.

/s/
Richard Wipfli, Chairperson