

CARSON CITY PLANNING COMMISSION

Minutes of the July 30, 2003, Meeting

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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, July 30, 2003, 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, Deputy District Attorney Mary Margaret Madden, Senior Planner Lee Plemel, Senior Engineer Rob Fellows, Recording Secretary Katherine McLaughlin and Associate Planner Jennifer Pruitt  
(P.C. 7/30/03 Tape 1-0012)

**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. A quorum of the Commission was present although Commissioner Kimbrough had not yet arrived. Chairperson Wipfli lead the Pledge of Allegiance.

**B. APPROVAL OF MINUTES - 6/28/03 Planning Commission Minutes and 5/25/03 and 6/28/03**

**Growth Management Minutes (1-0028)** - Commissioner Semmens moved to approve the Growth Management Commission Minutes of June 25 and Planning Commission Minutes June 25. Commissioner Christianson seconded the motion. Following discussion of meeting dates, Commissioner Semmens amended the motion to be for approval of the Minutes of Growth Management meetings of May 28 and June 25, 2003 and the June 25, 2003 Planning Commission meeting. Commissioner Christianson concurred. Motion carried 6-0. (Commissioner Kimbrough arrived at 3:35 p.m. A quorum was present.)

**C. PUBLIC COMMENTS (1-0085) (1-0525)** - Vaugh Smith explained the history of the establishment

of 1211 Goldfield in 1991 and the commitments made by the buyer, who owned the adjacent apartments, to access the property from his apartments and to install a six-foot cinder block wall on the two sides of the property abutting the single family residences. As the item had not been agenized, discussion could not occur. Chairperson Wipfli directed staff to agenize the item for the next meeting. Mr. Sullivan explained that the original developer/owner is no longer involved with the property. The current developer plans to construct a wood fence. A change of land use could not be conditioned to require the wall. The neighborhood had supported the additional apartments due to the wall and other amenities. Chairperson Wipfli asked staff to look into the matter and report back or agenize the item. Mr. Smith explained the height differences between the lots which caused the single family residences' fences to be three or four feet high on the apartments' side. The developer believes this is adequate for privacy on the single family residences side of the fence. Chairperson Wipfli explained the need to return the item to staff for review. No formal action was taken.

**D. AGENDA MODIFICATIONS (1-0088)** - Chairperson Wipfli noted the time specific agenda items.

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Comments indicated that there may not be a dinner break.

**E. DISCLOSURES (1-0109)** - Commissioner Sedway indicated that he will recuse himself from Item G-8 due to his employment at the Hospital. Discussion indicated that his input on the item would be beneficial. He could remain in the room but could not ask him questions. Commissioner Mullet disclosed that he lives in the neighborhood of Agenda Item G-10, a variance application, but is not adjacent to it. He will not be impacted by the variance. The location of his residence will not impact his ability to participate in the discussion/action. Chairperson Wipfli disclosed that he had been contacted by Peak Engineering about procedures and had referred the individual to the Department.

**F. CONSENT AGENDA (1-0136)**

**F-1. A-03/04-2 - ACTION TO CONTINUE AN ORDINANCE AMENDING CCMC 18.15**

**F-2. U-01/02-32 - ACTION TO APPROVE A REVIEW OF A PREVIOUSLY APPROVED**

**SPECIAL USE PERMIT FROM GEORGE WENDELL** - Skip Canfield requested Item F-2 be pulled for discussion. Commissioner Peery moved to continue Item F-1 as proposed by staff. Commissioner Semmens seconded the motion. Motion carried 7-0.

**F-2. (1-0179)** - Following Community Development Director Walter Sullivan's introduction of the item Skip (Don) Canfield explained his concern with the use of the Consent Agenda to approve items as it infers that the matter is a "slam dunk". It also implies that it is a routine matter and staff has reviewed all of the conditions for compliance. There are no issues with these items. A month-and-a-half ago he purported wrote a letter to the editor regarding noncompliance with Special Use Permit conditions and the business he referenced was agenized for a show cause hearing today. The Commission approves Special Use Permit applications based on conditions that insure the public's safety, health and welfare. Show cause hearings are serious as the permit can be revoked based on noncompliance with those conditions. Public safety, health and welfare are impacted by staff's ethics and consistency which should be handled in an open and transparent process. The referenced childcare facility is failing to abide by the conditions of its special use permit by allowing children to be loaded/unloaded on Northgate Lane directly across from an entrance/exit to a shopping center containing a theater. Condition 8 of the Special Use Permit was read into the record. It indicated a different location for dropoffs/pickups and that the area was to be signed accordingly. Dropoffs/pickups were not to be allowed on either Hot Springs Road or Northgate Lane. Staff had not check the records or the location. The pickup/dropoff location and signage has been moved to Northgate without a public hearing. The daycare facility being considered for a show cause hearing and the facility involved with this agenda item have similar issues, however, were being treated differently. Justification for this difference in treatment was requested. He urged the Commission to address the inconsistencies with staff which had also been pointed out in a petition.

Commissioner Christianson explained that the show cause issues are part of a two-year process which is about to be terminated with this evening's meeting. He did not have any problems with staff's recommendations concerning the facility at Northgate. He also pointed out that surveys can provide any answer you want depending on their wording. He felt that the majority of the individuals who asked questions about the Growth Management Ordinance have little or no knowledge about it. He also expressed his dislike for Mr. Canfield's inferences regarding staff's ethics as there is no good old boy politics. Chairperson Wipfli also felt that there is no connection between Items

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F-2 and G-2. Efforts to make the process work for both had been made so that there is no impact on the surrounding neighborhoods and public safety is maintained. He then asked Mr. Canfield if he had specific complaints regarding Item F-2.

Mr. Canfield reiterated his allegations that the transparency of an open unbiased condition had not been followed. The Special Use Permit should have been amended when the dropoff/pickup point was relocated. His name was on the notice of decision as he had worked for the Department at that time. He had written to staff regarding this issue. City Engineer Larry Werner had indicated that the dropoff/pickup point was satisfactory. As a professional planner this had worried him. He asked that the record indicate his concern specifically if someone is killed at that location and the conditions said no parking at that location. Chairperson Wipfli then directed staff to look into the matter and if Condition 8 needs to be revised to bring it back. He then requested a continuance to the next meeting.

Mr. Sullivan explained the correspondence and notes in the file. At a June 16, 2002, meeting of Rev. Wendell, Street Operations Manager John Flansberg, Building Official Phil Herrington, Engineering and himself they had discussed the location of the dropoff/pickup site. There were also indications of when Mr. Canfield had been in the office. At Rev. Wendell's request, the dropoff/pickup site was analyzed by Engineering and relocated. He felt that the Commission had been informed about the change. If it had not, he apologized for the oversight. He had asked Rev. Wendell to sign the parking and loading zones. As a tenant at the adjacent complex, it is safer and better to have the children loading/unloading from the Northgate area than the parking lot. The children exit the vehicles onto the sidewalk and can access the childcare facility immediately. There is no running around/through the parking lot. He agreed that the item should have been presented to the Commission. Chairperson Wipfli directed that the matter be addressed and brought back. Mr. Sullivan indicated that it will be agenzized for next month's meeting. Commissioner Peery felt that the allegations were without merit.

(1-043) Karl Neathammer indicated that he was not aware of the issue but would say that during his 15 years of interaction with the City staff he had never seen any indication of alleged implications. His personal knowledge of Mr. Sullivan and his staff indicates Mr. Sullivan is honest. He does not "hide the ball". Nor does he do things which are against the public good. He wanted the record to be clear on this matter. Chairperson Wipfli thanked him for his comments.

Rev. George Wendell explained his personal involvement in the community and knowledge of Mr. Sullivan and his staff. He felt that they had always worked for the betterment of the community. Justification for moving the dropoff/pickup location was provided. Staff had attempted to ensure that the needs of the public, clientele, and the employees were met safely. He also disagreed with the comments made about staff by one individual who may have had a problem with them. Staff has done everything possible for the betterment of the community. They are hard workers. He appreciated their help with the Church, book store, and childcare facility. He also thanked the Commission for its time and handling matters as even handedly as possible. He felt that it was unfair to upset the calendar for a disgruntled former employee. He was willing to do whatever was necessary to comply with the requirements and procedures. He reminded the Commission that to do otherwise would be unfair to staff. Problems arise when staff is not supported. Chairperson Wipfli reminded him of the need to have opinions from both sides for balance. Mr. Sullivan indicated that he would meet with Rev. Wendell and bring the application back at the next

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meeting. A copy of the report will be given to Mr. Canfield.

Commissioner Peery moved to continue F-2, U-01/02-32, regarding a Special Use Permit until the following meeting. Commissioner Semmens seconded the motion. Motion carried 5-0.

**G. PUBLIC HEARING**

**G-1. ACTION APPROVING A PLANNING COMMISSION RESOLUTION COMMENDING RON ALLEN ON HIS DEDICATED SERVICE TO CARSON CITY (1-0725)** - Chairperson Wipfli read Resolution No. 2003-PC-5 into the record. Commissioner Peery moved to accept the accommodation as read for Ron Allen for his service on the Planning Commission. Commissioner Semmens seconded the motion. Motion carried 7-0.

**G-2. U-01/02-27 - ACTION ON AN ORDER TO SHOW CAUSE TO REVOKE A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR CARRIE HENSON (1-0780)** - Community Development Director Walter Sullivan - A plan has been submitted and a contractor has been contacted. Ms Henson was unable to attend the meeting due to health problems. She may be in compliance with the Conditions of Approval. He recommended a continuance in order to ensure that the paving is in compliance with City standards. It is the only remaining item. Ms. Henson has moved forward with the other Conditions of Approval since the last meeting. Commissioner Christianson explained that the hearing was an attempt to help a person complete the agenda as required. It had been a two-year process with many discussions which had included Ordinance revisions. He could not understand why people felt that the Commission/staff refuse to work with people. Public comments were solicited but none were given. Commissioner Christianson moved to continue to the next meeting APN 009-093-03, the childcare Special Use Permit for Carrie Henson. Commissioner Peery seconded the motion. Motion carried 7-0. Mr. Sullivan then described the problem encountered with the paving and reasons for assuming that the paving would be completed.

**G-3. V-03/04-2 - ACTION ON A VARIANCE REQUEST FROM MIKE MITCHELL AND JOE CACIOPPO, PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT AND G-4. U-03/04-3 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MIKE MITCHELL AND JOE CACIOPPO, PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT (1-0865)** - Associate Planner Jennifer Pruitt; Community Development Director Walter Sullivan; School District Director of Operations Mike Mitchell; Senior Engineer Rob Fellows; Architect Brent Van Woert of Sheehan, Van Woert, and Biogetti Architects; School District Superintendent Mary Pierczynski and David Ruff - Ms. Pruitt explained for the record that the major project review had determined that 154 parking spaces were required for the proposed square footage and usage. The project will create a minimal impact on the parking in the vicinity. Efforts are being undertaken to develop a cooperative agreement with the Brewery Arts Center to use its parking area. City staff has discussed a right-of-way abandonment on Thompson which would provide additional space for parking.

RECESS: A five minute recess was declared at 4:33 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 4:38 p.m., constituting a quorum.

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Mr. Mitchell introduced Dr. Pierczynski, School Principal Susan Keema, Mr. Van Woert, School District's Citizen Advisory Committee Representative Karl Neathammer, David Ruf, and Construction Manager Bill Miles. He reviewed the history of the project and described it with the use of site plans. The proposal will add 21 parking spaces and 30 staff members. Justification for angling the building was provided. Benefits of the proposal to connect the two buildings were noted. The bond will pay for the project. Traffic flow on Thompson and the bus loading and unloading area were described. Benefits of sharing the Brewery Arts Center and School parking areas were noted. An agreement is being drafted. The neighborhood meeting was described and the neighbors' concerns were listed. Reasons the playground equipment could not be located away from the Iris Street residences were limned. Discussion between Mr. Mitchell and Commissioner Christianson explored the concern with the Mark Twain Elementary School and the mitigation efforts undertaken at that site. Mr. Mitchell felt that the residents' concerns with that school had related to the visual impact and not the noise level. The Bordewich-Bray Elementary School is surrounded with large/tall trees. Their canopies may not provide an adequate visual/noise buffer as had been proposed for Mark Twain. Mr. Mitchell felt that the public would oppose imposition of additional landscaping buffers for schools due to the costs. He then limned the parking requirements, the number of parking spaces presently provided, the number that will be provided by the project, the location of the parking spaces, their designated uses, and the proposal to rely on the joint use agreement with the Brewery Arts Center and on-street parking to provide additional spaces when special events are held at the school. Discussion pointed out that Condition 7 requires "state of the art" bicycle racks. Mr. Mitchell indicated a willingness to provide them. Mr. Fellows explained that the rack supports the frame rather than the front wheel of the bicycle. Reasons for the requirement were limned. Mr. Mitchell explained the desire to have the students ride their bicycles to school and agreed to the condition.

Mr. Van Woert explained that connecting the buildings at an angle makes the building more energy efficient, opens the landscape area, allows a "minor" entrance in the middle of the building, and breaks the long line of the structure. He described the building materials.

Mr. Mitchell indicated that construction should start on August 18 and be completed by the Spring of 2004. They hope to move the children from the Annex at Bray Elementary to the new wing during Spring break. The remodel of Bray will then commence. It is hoped that the entire project can be completed by this time next year. The modulars with the mold have been removed. The uniqueness of the modulars was described. A search of the other buildings has indicated that a similar problems does not exist. The District tests for such contamination on a regular basis and whenever employees raise concerns.

Dr. Pierczynski described the growth in student population that occurred two years ago. Last year the growth was at 8/10s of a percent. Last year Fremont Elementary School opened with 620 students. Last Spring it closed with 643 students. They anticipate more children will be added as the year progresses this year. They estimate the growth for this year as being between one and one-and-a-half percent. She was unsure whether the City's three percent Growth Management program was working for the School District as they have seen three to four percent growth on occasions. Mr. Mitchell felt that the Ordinance does provide the District with the ability to plan based on historical evidence. They work with the Community Development Department and review plans before the Commission considers them. Commissioner Christianson reminded all for the record that the Growth Management Ordinance is based on the number of building permits which will be issued and not on population. Mr. Mitchell indicated that nine buses currently transport students to the site. He felt that there were not a lot of parents dropping

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children off at it which provides a more controlled environment. Commissioner Semmens suggested that the green belt be placed against the back property line and the playground equipment placed against it. Mr. Mitchell agreed to analyze his suggestion. He pointed out the location of the baseball field and indicated that he would discuss the suggestion with RCI. It may address the neighbors' noise concerns. Commissioner Semmens explained his reasons for making the suggestion. Mr. Mitchell also explained that the District had responded to staff's inquiry regarding Agenda Item G-11 and would remain for it.

Public comments were solicited. Mr. Ruf explained his involvement with the project. He was quite pleased with it. He felt that the parking commitment would be satisfactory except during drop-off/pickup periods. The Committee met every two to three weeks to work on the plan. Chairperson Wipfli agreed with Mr. Ruf that there are several streets in the vicinity that could be made one way and used for additional parking. He also felt that there are other options which should be explored as well. Mr. Ruf indicated that they had considered one way traffic on Thompson with diagonal parking. He also indicated that, as the school is close to capacity, additional parking may be required. Chairperson Wipfli felt that such problems can be addressed as there are options/solutions which need to be explored. Additional public comments were solicited but none were given.

Discussion between Commissioner Kimbrough and Mr. Sullivan indicated that the school had been at the site for more than 30 years. The residents are accustomed to the parking needs/problems. Commissioner Sedway complimented the District on its efficient use of bond funds and the plan to keep students in the building without modulars/trailers. The plans were well thought out with participation from the neighbors. Commissioner Sedway moved to approve U-03/04-03, a Special Use Permit request from Mike Mitchell to allow the expansion of an existing elementary school, Bordewich-Bray, on property zoned Public, P, located at 110 Thompson Street, APN 003-133-38, based on seven findings and subject to 13 conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

Commissioner Sedway moved to approve V-03/04-02, a Variance request from Mike Mitchell to allow a 48-parking space variance resulting in 106 parking spaces onsite at an existing elementary school, Bordewich-Bray, on property zoned Public, P, located at 110 Thompson Street, APN 003-133-38, based on seven findings and subject to 13 conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0. Mr. Sullivan thanked the District for having the neighborhood meetings.

**G-5. U-03/04-1 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STEVE REYNOLDS (1-1591)** - Associate Planner Jennifer Pruitt - The applicant was not present. Public comments were solicited but none were given. Commissioner Semmens moved to approve U-03/04-01, a Special Use Permit request from Steve Reynolds, applicant, Warehouse Markets Associates, Limited Partnership, Owner, to allow a 200 square foot shopping center sign 30 feet in height on Assessor's Parcel Number 002-269-01, property zoned General Commercial, GC, located at 2700 Highway 50 East based on seven findings and subject to nine conditions of approval contained in the staff report. Commissioner Peery seconded the motion. Motion carried 7-0.

**G-6. U-03/04-6 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM TUM-A-LUM LUMBER COMPANY, DOING BUSINESS AS COPELAND LUMBER YARDS (1-1680)** - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Redevelopment and Economic

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Development Manager Joe McCarthy, Applicant James Crawford - Mr. Plemel's introduction included public comments and emails that had been received by staff. Discussion noted the recommendation to sunset the use in three years and that the Redevelopment Authority could work with the applicant and terminate the use before that date. The one year review corresponds with the requirements that the conditions be completed within a year. The three-year sunset clause had been recommended as it had been granted originally and had been based on the representation that the use was to be short term. Mr. Sullivan suggested there be annual renewals for two years and that a third renewal be an option. The property owner had been advised that outdoor storage could not continue as the Special Use Permit had expired. They had asked if it would be necessary to renew the permit annually or once every three years. Mr. Plemel felt that the applicant desired the three-year period. Staff felt that, due to the redevelopment effort going on in the vicinity and compatibility of the uses, a limit on the time the use should be allowed and periodic reviews were warranted. Discussion noted the economic development that had been occurring in the vicinity.

Mr. McCarthy stated the need for it to be clear that the Redevelopment Authority Citizens Committee and the citizens of the Economic Development and Strategic Planning Committees want to work with the property owners and not adversely influence their decisions. They are attempting through positive encourage to help business owners learn of better opportunities. They would like to relocate the use to another location and will participate so long as it makes good business sense to do so. Growth is occurring in the vicinity, i.e., Copper Point and Reds Old 395 sites. These successful programs will be used to encourage participation of others. Wylies is in escrow at this time. It is possible that the value of that property had been increased by growth in the vicinity. Now may be the correct time for Tum-A-Lum to consider relocation. Redevelopment had not taken a position as whether the business should remain in the area or move to a new location. Reasons a position had not been taken were limned. Discussion also pointed out that the only comments received from the adjacent property owners were those made in the email from Mr. Tietje.

Mr. Crawford felt that he had been treated fairly. They were happy to be at the location. They had read the staff report. They can provide the screening, however, the eight feet of sidewalk and the landscapes were unnecessary. Mr. Plemel explained staff's reasons for requiring the sidewalk and landscaping were based on the fact that the same requirement is made for other expansions. The landscaping will help with the screening and aesthetics as well as make it more compatible with the surrounding uses. Chairperson Wipfli voiced his concerns about the requirement based on the proposal to allow the use on a temporary basis. Mr. Crawford agreed that something needed to be placed in the devil's acre between the sidewalk and fence otherwise weeds will take it over. Discussion between Chairperson Wipfli and Mr. Crawford suggested that plastic landscape blankets, gravel, and weed control be placed in the devil's acre rather than plants. Commissioner Mullet pointed out that the original Special Use Permit had included the landscape requirements, however, it was never done. He suggested that they be given a year to install the landscaping or make a decision to abandon the site. The Special Use Permit could be revoked at that time for failure to comply with the condition. Discussion pointed out that Meeks Lumber Company on the north end of Carson City has paved its lot. The landscaping will help reduce the dust problem Tum-A-Lum's neighbors have incurred. The Special Use Permit only deals with the expansion area, however, Mr. Plemel indicated that the conditions included requirements for the entire yard. Mr. Crawford agreed that he could live with the conditions as he wanted to be a good neighbor. Commissioner Peery pointed out that it is for a three-year period and that minimal things should be done. The paving request is reasonable for the one parcel. Mr. Crawford explained that the paving

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was not in the conditions. It is very expensive and he did not wish to have to pave if he is going to have to relocate. Mr. Sullivan explained that the paving was requested by his neighbor(s) and suggested that additional watering be done to control the dust. Mr. Crawford agreed to move the fence, screen the site, and put in the sidewalk. Commissioner Christianson felt that this should be adequate at this time and that next year the conditions could be reconsidered. The screening should be along the entire north and west sides of the yard even though this is more than one parcel. Mr. Crawford explained that when they buy material, they purchase in volume and pass the savings on to their customers. He "could live with that requirement but not the paving". Public comments were solicited but none were given.

Discussion between Commissioner Christianson and Mr. Plemel indicated that Condition 11 relating to the landscaping should be removed. The remainder of the conditions and the stipulations covered the sidewalk and screening. The screening is to go to Stewart Street. Commissioner Christianson also indicated that Condition 11 could be considered with the review next year. The screening and sidewalk should be done. Mr. Crawford agreed. Commissioner Christianson indicated that there are now 14 conditions of approval. Commissioner Christianson moved to approve U-03/04-6, a Special Use Permit request from Tum-A-Lum Lumber Company, doing business as Copeland Lumber Yards, to allow expansion of a nonconforming use of outside storage on property zoned Downtown Commercial zoning district located at East Ninth Street, APN 004-055-07, based on seven findings and subject to 14 conditions of approval contained in the staff report with the stipulation that the screening and fencing will go to Stewart Street and that the sidewalk is there. Commissioner Semmens seconded the motion. Discussion indicated that Condition 11 will be reviewed in one year. The applicant had indicated that he will sterilize the devil's acre so that weeds will not grow there. Mr. Crawford then indicated that he would do weed control and make sure that the devil's acre looks good. He acknowledged that he was stipulating to weed control. Mr. Sullivan indicated that the stipulation is that Mr. Crawford will maintain the subject eight foot area keeping it clear of weeds and put down a dust palative. Mr. Crawford agreed. The motion was voted and carried 7-0. (Following the vote Commissioner Peery stepped from the room-5:52 p.m. A quorum was present.)

Discussion ensued concerning the amount of time required to complete the items before Agenda Item G-10 which was ajenized for 6 p.m.

**G-7. U-03/04-5 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STEW'S CORPORATION, INC. (1-2495)** - Senior Planner Lee Plemel, Scott Johnson - Commissioner Peery returned during the reading of the Item heading-6:54 p.m. (The entire Commission was present constituting a quorum.) Mr. Johnson had read and agreed with staff's report and recommendation. He complimented the staff on its work ethics. The proposal will not change the Redevelopment area. It will provide a nicer area to meet the needs of the community while eliminating an unattractive site. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve U-03/04-5, a Special Use Permit request from Stew's Corporation Inc., George Halyak, to allow unlimited gaming, continuation of existing non-conforming signs that extend above the roof and parapet, and outdoor uses/seating, on property zoned Downtown Commercial zoning district located at 302 and 306 North Carson Street, APN 003-229-06 and 07, based on seven findings and subject to nine conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

**G-8. U-03/04-2 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PALMER**

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**AND LAUDER ENGINEERS, INC. (1-2648)** - Senior Planner Lee Plemel, Mark Palmer - Commissioner Sedway left the room - 6:01 p.m. (A quorum was present. Commissioner Sedway had indicated that he would recuse himself during Agenda Item E. Disclosures.) Mr. Palmer explained the team members who had worked on the project. He described the hospital site with the use of a site plan including the proposed location of the CASCI building, the drawings of the CASCI building, the conceptual landscaping plan, and the location of an area where additional Hospital expansion may occur in the next two years. The current facility has 15 beds. The proposed expansion will double this number. Public comments were solicited. None were given. Mr. Palmer indicated that he had read the staff report and concurred with it. Commissioner Peery moved to approve U-03/04-2, a Special Use Permit application from Carson-Tahoe Hospital to allow the construction of a hospital/surgical center including appurtenant uses within the Hospital based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining.

**G-9. M-03/04-1 - ACTION TO DIRECT STAFF TO INCLUDE ADDITIONAL PARCELS IN A REQUEST TO POSSIBLY AMEND THE MASTER PLAN (1-2859)** - Community Development Director Walter Sullivan, Dwight Millard, Evelyn Westsmith - Commissioner Sedway returned at 6:05 p.m. (The entire Commission was present, constituting a quorum.) Discussion noted the advantages to including the additional parcels to the master plan amendment consideration. Public comments were solicited. Mr. Millard requested that five additional parcels to the west be added to the listing. Mr. Sullivan indicated that he did not have the parcel numbers and addresses for them. They could be added and will be advertised along with the other parcels. As no formal action was being taken on the zoning, it was felt that they could be added without violating the Open Meeting Law. Discussion indicated that these parcels may have a Brown Street address and are landlocked. Mr. Millard explained that they are currently zoned General Commercial. If the zoning is changed, it may be possible to access them from Brown Street if the zoning is changed to multi-family. He also suggested that the zone change may allow the area to "be cleaned up". Mr. Sullivan felt that the motion's inclusion of "the five parcels west of Brown Street" was an adequate address for staff to include them in the zone amendment. Public comments were solicited.

Ms. Westsmith indicated that she owns three of the parcels. She felt that the area is blighted and needed to be cleaned up. The proposal may allow this to occur. Examples of the activities found in the vicinity were noted to illustrate the need to clean up the area. She applauded Slot World and Enterprises' efforts to cleanup the neighborhood. She supported the request to have staff consider a zone change for the blighted area. Additional public comments were solicited but none were given.

Commissioner Christianson moved to direct staff to consider within the next month the changing of the zoning for the area bounded by Gordon Street, whatever the street is on the east, and the parcels that are noted on Reeves Street, Edmonds Drive, and Brown Street and the five westerly parcels on Brown Street. Commissioner Semmens seconded the motion. Motion carried 7-0.

**G-10. V-03/04-1 - ACTION ON A VARIANCE REQUEST FROM BRIAN MATHEWS, PEAK ENGINEERS (1-3305)** - Associate Planner Jennifer Pruitt, Community Development Director Walter Sullivan, Senior Engineer Rob Fellows, Brian Matthews - Ms. Pruitt's introduction included reference to a fax from George Weeks to Mr. Sullivan which was distributed to the Commissioners. (The Clerk did not have a copy of this

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document.) She read James Deal's letter into the record. (A copy is in the file.) Sandra Yurnak's telephone conversation was described. All three individuals opposed the variance due to runoff/drainage concerns, the need to retain the eight foot easement, and the desire to maintain the area as it is. Discussion explained the fault line running through the property and the limited ability to construct a house on the property. Staff felt that the area north of the fault line is the ideal site for a single family structure.

Mr. Sullivan explained his telephone conversation with Mr. Weeks regarding the July 25 fax. Mr. Weeks was concerned about City staff, specifically, Associate Planner Pruitt and Senior Engineering Technician Kathryn Streeter. Mr. Sullivan advised him that both are excellent staff members. Mr. Weeks alleged that he had not had an opportunity to review the staff report and application. Ms. Pruitt had invited him to the office on July 14 to review the available material. The staff report had not been completed on that date. Mr. Fellows had been on vacation at the time Mr. Weeks attempted to reach him. Mr. Sullivan, however, had been in the office and has voice mail. A message had not been left for him about this item. During their discussion, Mr. Sullivan offered to fax, mail or deliver a copy of the packet to Mr. Weeks. Mr. Weeks declined the offer as he intended to attend the meeting. Mr. Weeks had requested that his concerns be made a part of the record. They were the severe slope and the drainage problems associated with the property.

Mr. Fellows explained that he had reviewed the final map and was not aware of an eight-foot easement on the property. There is a prohibition against construction of any permanent structure over an easement. His records do not indicate that there is an easement in the vicinity of the proposed building pad. This will be considered when the building permit is requested. Ms. Pruitt indicated for the record that there is a 7-1/2 foot public utility easement on the property. The final map does not include an eight-foot drainage easement. Chairperson Wipfli felt that there is a five-foot front yard setback requirement on the property. Discussion indicated that the proposed location is approximately 15 feet from the road. Mr. Fellows felt that there is a "fair" distance between the right-of-way location and the edge of the road. Chairperson Wipfli noted that people sometimes believe that the property line is at the edge of the curb when in fact it may be 15 feet in. Ms. Pruitt indicated for the record that Mr. Deal's second concern relates to this issue. Chairperson Wipfli disclosed his personal visit to the site.

(2-0085) Commissioner Sedway and Mr. Fellows explained the requirement that the drainage created by development on the property must be retained on the property. Commissioner Christianson and Mr. Fellows discussed the location of the house and the amount that will be within the setback. Commissioner Mullet disclosed that he owns an entrance lot which was excluded from the CC&Rs and is grandfathered as it was developed under a previous subdivision. It is one of the oldest structures in the neighborhood. His residence is outside the area for noticing, therefore, he did not receive a notice. He had assumed that the property line commenced at the edge of the pavement. He had discussed this with Paul Lumos. Mr. Lumos had advised him that the right-of-way is 60 feet. He also felt that the pavement is 28 wide. Therefore, the property line would be 15 to 17 feet from the edge of the pavement. This would be where the setback commences. This adds another five feet to the distance and places the structure quite a ways from the roadway. This gave him relief as a neighbor.

Mr. Mathews indicated that he had read the staff report and agreed with it. He also indicated that they will seek/obtain a 2-1/2 foot utility easement abandonment or move the structure further. The property is located on the north side of Mr. Deal's property and receives runoff from the hillside. They will not change the drainage pattern and

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will retain any drainage created by their development onsite. The driveway will go behind Mr. Deal's property. The steepness of the driveway will be reduced by cutting it across the slope. Public comments were solicited. None were given.

Commissioner Christianson moved to approve V-03/04-1, a request from Brian Matthews/Peak Engineers, property owner Daniel R. Walsh, Jr., to reduce the required front yard setback from 30 feet to five feet on property zoned single Family Two Acre-Planned Unit Development, SF2A-P, located at 4137 Timberline Drive, APN 007-27305, based on three findings and subject to 11 conditions of approval contained in the staff report. Commissioner Kimbrough seconded the motion. Motion carried 7-0.

**G-11. P-03/04-1 - ACTION ON A PLANNED UNIT DEVELOPMENT APPLICATION**

**FROM NW SUNRISE DEVELOPMENT (2-0210)** - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Keith Shaffer, Applicants' Attorney Dave Wasick, Sherry Funk, Anne Gerkin, Mark Ramsey, Linda Eisele, Steve Brockway, Melissa Shaw, Denise Ramsey, Matt Gerkin, John Innes - Mr. Plemel's introduction included a correction to his notes on Item 4C to indicate that there are 20 foot front yard setback requirements and not the indicated 25 foot setbacks. (During his introduction, Commissioner Sedway stepped from the room at 6:50 p.m. and returned at 6:52 p.m. A quorum was present the entire time.) Anne Gerkin's request for a continuance was explained. Yesterday staff received the Applicant's responses to staff's conditions. Mr. Plemel also indicated the need to correct the record to indicate that there are the new property owners as of July 18. They are Mark and Sherry Funk of Northwest Sunrise Development. He reiterated the correction in the front yard setback as being 20 feet.

Mr. Sullivan reviewed the letters of opposition from Thomas and Anne Gerkin and Joseph and Debra Borges and the 37 conditions of approval. Staff's concerns with the proposed location of the guest parking, the amount of guest parking, and the lack of set aside open space were noted. The Applicant had technically provided 30 percent of open space. Staff's recommended open space location and that proposed by the Applicant were described. Justification for staff's recommended open space allocation and location was provided.

Commissioner Christianson felt that the majority of the open space adjacent to the Mexican Ditch was unusable. This area contains a large portion of the designated open space. He questioned its beneficial use. Mr. Sullivan explained that the trail to and along the Mexican Ditch would be dedicated. This assists the Parks Department's attempts to extend the Mexican Ditch trail. He agreed that the hillside will not provide beneficial recreational use except after a snow storm. Commissioner Peery felt that the pieces along the roadways create safety and usability concerns. They are not contiguous and appear to defeat the purpose of open space. He did not care for the layout.

Mr. Shaffer had read the staff report. They agreed with the recommendation of approval with modifications to three conditions. He distributed a packet of information to the Commission and Clerk. (A copy is in the file.) He felt that the steepness of the hillside was deceptive. It is a buildable area. The open space adjacent to the Mexican Ditch is flat. It will provide a passive use. The toe of the slope is the proposed location of a retaining wall. This makes that area buildable. Discussion with the Commission explained the original concept proposed for the property, the area zoned Single Family, and the need for additional fill to make the area buildable. Commissioner Christianson felt that the topographical map did not match his description and that it would require an eight to ten-foot high retaining

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wall the entire length of the parcels. Mr. Shaffer continued his description of the property and the proposed development. The landscaping will be included in the development and maintained by the homeowners' association. Fencing will not extend to the property line in front of the homes. He requested the condition regarding the driveways be amended to allow the driveway to be 20 feet long rather than staff's recommended 22 feet. On-street parking will not be allowed. Guest parking will be provided in designated areas which will be broken up and spread throughout the development as recommended by staff. Some of the open space is provided in the rear yards. The rest is provided by the area along the ditch, the easement for the Moffett trail, and the area between the development and Edmonds which is to be a detention basin. The retaining wall will range in height from eight feet to as much as 14 feet. Stairs will be provided for access from the Mexican Ditch to the development. The "softscape" landscaped open space area concept was shown. The Applicant was willing to work with staff and develop a park for the PUD residents only. It would not be a community park. It may have some picnic tables and a basketball court. He then clarified the three conditions which they wanted revised as being Condition No. 2 regarding the open space, No. 15 regarding the Moffett trail, and No. 35 regarding the distance between the back of the sidewalk and the garage. Justification for not providing a contiguous open space area, such as combining Lots 16 and 19, included the belief that it is a personal preference decision, that the residents will not utilize such a park, and that children playing will impact the saleability of the lots adjacent to the park. He suggested that Condition 2 be amended to read that they will design an open space area that is contiguous and of such a nature that it will provide a park type setting on the west side with the amenities required in Condition No. 4. Mr. Shaffer felt that his plan meets the intent of Condition 2 when the widths and locations are removed. Chairperson Wipfli explained that if Lots 16 and 19 are made open space, it will provide a safer location for the children to play in and is contiguous. He did not feel that the two medians meet the intent of the open space requirement even though they could be considered "legal open space". Rewording Condition 2 did not meet his concerns. The PUD language makes efficient utilization of space for a better project. His conditions provide a narrow road, reduce the setbacks, and grant smaller lots. For the Commission to approve the plan it would be necessary, in his view, to have better utilization of the space and greenery. Silver Oaks, as an example, provided a golf course. The proposed PUD requires variances, eliminates setbacks, and has other problems which enable it to have more units. The proposal to combine Lots 16 and 19 provides an open area. Clarification indicated that there is 15 feet between the houses. Chairperson Wipfli pointed out that the patios are on the back fence. The PUD process was being used to have more units in a smaller area. Mr. Shaffer explained that the original plan had contained the full street widths and 6,000 square foot lots. They had been advised that they needed to do a PUD. Chairperson Wipfli explained that the PUD process provides more latitude with standard width roads and compliance with the parking requirements. It also allows the neighbors to provide input. Its purpose is not to provide space for more units. The homes should be clustered in a fashion which will allow the children a location to play in that is not down the road and over a cliff/hill. Mr. Shaffer felt that the suggestion that they use the PUD process had not helped them plan the project and had created more constraints. It is a small area with 30 percent open space. The lot numbers are the same as originally proposed. Chairperson Wipfli explained that the desire is to address the industrial area and develop a more acceptable use. The property is not zoned for high density uses which he wanted. Mr. Shaffer felt that there is a considerable amount of space available for a small child to play in safely. The homes are not clustered with zero lot lines. It does require some variances. The project is not a single family residential development. It is a duplex development with lots of plus or minus 6,000 square feet. Basketball standards could be placed in the front yard for the children. This provides the open space setting. Flag football could not be played there but there is space for it elsewhere. Maintenance of the front yards will be included in the CC&Rs. Removing Lots 16 and 19 will impact their ability to provide other amenities and difficult for the project

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to pencil.

Mr. Wasick explained his role with the project. The project will pencil out only if their recommended changes are allowed. The Funks' have been involved with other projects and will provide a good one in Carson City. The open space locations are within 125 feet of the homes and comply with the Code. The proposed project is better than industrial uses which are allowed. They had worked with City staff to develop the proposed project. Their recommended conditions comply with the Code. The project makes sense only with those recommendations, otherwise, it is out of the ball park. Chairperson Wipfli responded by indicating that it is not the Commission's responsibility to tell him how to design the project. The actions they take impact the livability of the neighborhood. Lot 4, which is pie shaped and borders multi-family apartments, or Lot 10 would provide the same amount of open space as Lots 16 and 19 but only use one unit. He questioned Mr. Wasick's reasoning that indicates the spots that were provided is open space. In his mind they do not provide a park. The mistakes of the past need to be rectified although the project does not pay for those mistakes. The mistakes could be avoided by doing the project right in the beginning. The medians could be given back to the property owners as they do not add anything beneficial for the children. Although he would not design the project for them, it should provide the best product possible for the City. The artist's renderings were felt to be beautiful. The decision to throw away the project due to a request for a park in the center is up to the Applicants.

Commissioner Sedway questioned whether the applicant had meet with the neighbors and discussed the project. He felt that the neighbors did not like the project. They are aware of the fact that the property is zoned industrial and that an industrial complex could be constructed on the site. Mr. Wasick apologized if it sounded as if they were holding the project over the Commission's head. They are willing to do whatever is necessary to make the project work. It is a good project for the neighborhood, the participants, and the Commission. He agreed that they could not undo the mistakes of the past. The Funks have done other projects which should be viewed in order to determine the type of project they do. They are good projects which everyone wants and likes. The Funks want a good project which will be a win-win for everyone.

Chairperson Wipfli explained that the Commission's February suggestion that the PUD process be used had been an attempt to address the neighborhood compatibility issues. The neighbors input was wanted. He was impressed with the looks, however, there are some hurdles which he had hoped they would address.

Ms. Funk indicated that they had not talked with the neighbors. They are different owners/buyers and have a different project. They had been told by staff that a PUD was needed in order to come back to the Commission. This is a new package and not part of the February proposal. Their background in real estate and development was limned. They attempt to look at all aspects of the situation and not consider just the money angles. They specialize in making roses out of eyesores and making the project fit the neighborhood to everyone's liking. She acknowledged that eyesores are expensive projects to do. They had spent a great deal of time and effort developing a buffer to the single family one acre and industrial lots. They objected to some of the conditions as they will not be beneficial to the neighborhood. The requirement that sidewalks be on both sides of the street is unnecessary on the neighbors' side of the street. She felt that the Single Family One Acre Subdivision does not want the sidewalks on their side of the street. Their landscaping will be "above the crowd" in order to make the entire area look like a park. It will be a quiet area which looks different from its present view. Everyone should be proud of it. This public hearing is

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the only opportunity they have to get their ideas out to the neighbors. Other developments that they have constructed were sited to illustrate the type of project they do. Staff supported the project. The landscaping will be extravagant. The project will be the same caliber as they have done elsewhere. Commissioner Sedway indicated that they should meet with their neighbors first and convince them about the project. Ms. Funk felt that as this was the only opportunity the neighbors had to see the project, they would not support it. She also felt that if the conditions are too restrictive, they will not be able to do the project. Chairperson Wipfli indicated that he understood about their Corbett project as it was an improvement for the area. He explained the Commission's desire to have developers work with their neighbors to provide a good project as allowed under the PUD process. Commissioner Peery reiterated that there are concerns with the project even though it has merits. This includes the open space. The neighbors' support would "sell" the project to the Commission.

Ms. Gerkin had the property owners from the neighborhood stand. She then explained her feeling that ten days had not been an adequate amount of time for her to obtain professional representation. Her comments would be as a lay person for that reason.

Discussion between Mr. Sullivan and the Commission indicated that testimony should be received. The time agenzized for the Sign Ordinance could not be maintained. If the Commission wishes to continue the item, it could do so without the Applicant's concurrence as the next meeting is within the 65-day mandatory period for reaching a decision.

Ms. Gerkin then explained that both she and her attorney had been out of town and were unable to develop a response to staff's report. Commissioner Christianson urged her to meet with the Applicants. He also felt that everyone is aware of the Commission's position regarding the open space. He had been impressed with their projects. There is common ground which the two should meet on and reach a compromise. Ms. Gerkin indicated her surprise that the Applicants had failed to meet with the neighborhood after the last meeting. Ms. Funk indicated a willingness to meet with the neighbors and requested a continuance in order to do so.

Ms. Gerkin then explained the zoning with the use of a parcel map. It indicates that there is some single family zoning in the southeast corner. The entire area is not zoned industrial. She felt that the previous property owner had changed the zoning as it did not pencil out to do industrial development on that site. She then explained the location of the lot her son owns. It had been used as a BMX track by the children. She also felt that Mr. Shaffer, as an engineer, should have been able to read the topographical map and determine that the area is not flat. An eight to ten-foot wall is not possible as suggested. A wall should be painted with non-graffiti paint to prohibit graffiti. She also indicated concerns regarding her fence and voiced an objection to the proposed open space. They allegedly do not have deeded easements for a bicycle path. The ditch is not located as indicated. There are nine dwellings in her neighborhood rather than the three indicated on the map. Commissioner Christianson pointed out that the photographs taken yesterday were a better indication of what is there. Ms. Gerkin then explained her traffic concerns. She also did not feel that sagebrush is ugly. She requested the single family units abutting their development be zoned SF 21,000 rather than SF 6,000. She requested a traffic study on Lepire due to their safety concerns. The study should include Latigo and Pheasant Drives and school traffic. She felt that the estimated traffic volume and number of children who will impact the neighborhood school were too low. (Commissioner Semmens stepped from the room at 8:10 p.m. and returned at 8:12 p.m. A quorum was present the entire time.) Chairperson

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Wipfli thanked her for her constructive criticism. Public comments were requested. Chairperson Wipfli also requested that the speakers not repeat the comments of others.

Mr. Ramsey explained his concerns about the duplexes and traffic. He objected to having a duplex abut his half-acre lot. Traffic problems on Lepire Drive were described. He gave photographs to the Commission. (A copy was not given to the Clerk.) He felt that traffic would use Pheasant Drive to access Edmonds. Lepire is inadequate for the present traffic volume and very narrow. There is a "choke point" at Latigo and Pheasant Drives which should be addressed. A sidewalk on Lepire would not provide safety for the pedestrians. This is the reason he does not park his truck on the street in front of his home. It is necessary to either trespass on private property or walk in the street to reach the proposed hillside park. He indicated that he had not asked the Street Department to put in a stop sign at Latigo and Pheasant. He felt that an access from Mockingbird should be required. He also felt that the property will be developed at some date in time. He could support single family half-acre lots. He also expressed a willingness to move his driveway back four feet to provide an area for a sidewalk. Chairperson Wipfli pointed out that the area is not easy to develop. Mr. Ramsey agreed to work with the Applicants and also expressed his belief that the sagebrush had value.

Ms. Eisele described her background as a property manager and her employment history. As she cannot keep her apartments full, she felt that additional apartment units are not needed. There is a large need for single family homes for first time buyers. Real estate values have increased significantly.

Ms. Gerkin reiterated that fill at the hill was placed there illegally. She urged the Commission to require the Applicant to remove and replace it.

Mr. Brockway supported the comments that had been made. He did not want the density changed or more single family apartments. Lepire Street has a heavy traffic volume now and is a racetrack.

Ms. Shaw felt that the open space that had been provided was commendable, however, it was not usable or integrated. The heavy traffic volume is a concern. There is a need for another access/egress route. The 25-foot wide street needed traffic calming measures. On-street parking should be prohibited and debated by the Commission. Better transitioning between the two uses should be provided.

Ms. Ramsey felt that the road would be a funnel for 75 new families. She desired to have more single family residences. Her lot will now backup to a duplex. She had hoped that she would abut single family residences. She was certain that the area will be developed at some point but urged the developer to "leave them alone". A different street should be found for access/egress. Additional public comments were solicited.

Mr. Gerkin indicated that staff had shown photographs of his lot and fence. He was concerned about how the open space area below the hillside would impact his property. He asked if a fence/retaining wall will be constructed to protect his property. The project will create a worse racetrack in front of his property. He wanted a buffer zone between his property and the proposed location. He was certain that at some time the property will be developed. They will impact the neighborhood and mitigation should be provided to reduce the impact. Additional comments were solicited.

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(2-2365) Mr. Innes indicated his desire to have the record indicate that he was present and supported his neighbors. He felt that they should discuss the project with the developer and that a happy median could be found. Chairperson Wipfli thanked Mr. Mitchell for remaining throughout the discussion.

Mr. Sullivan explained that the School District calculations had produced the estimated impact on the schools. He wished to keep an open mind and to meet with the Applicants to discuss the revised conditions. He supported combining Lots 16 and 19 for the common open space. This would provide a contiguous area that could be used by all. He had suggested several revisions which would have reduced the number of units that would be impacted. The open space should not be the cliff. It is not the staff's nor the Commission's role to make the project pencil for the Applicants. The staff and Commission must support the community values and goals and recommend a project to the Board of Supervisors that can be supported. They are not to maintain the return desired by the Applicants for the project. Chairperson Wipfli hoped that the Applicants understood his comments regarding the open space. He also urged them to talk to their neighbors and negotiate with them.

Commissioner Sedway pointed out that the Applicant and her representatives had repeatedly indicated that the project had to be handled as a PUD. The Commission is not stuck on a PUD. It will consider whatever type of project they wish to submit. Mr. Sullivan understands the Commission's position and may recommend certain items. Mr. Sullivan explained that the last time the Commission had considered the area, it was part of a zone change request. The Commission had indicated a desire to have a PUD. Staff then recommended that a PUD be submitted. PUDs provide flexibility, latitude, zone changes, special use permits, etc., under one application. It allows the compatibility to be explored with the neighbors. This includes the possibility of having large lots at one end and smaller lots at the other. He agreed that a PUD should be submitted. He, however, does not speak for the Commission and would not do so.

Commissioner Christianson felt that the gauntlet had been thrown. The Applicants must be creative and work with the neighbors. He reiterated the request that a continuance be considered.

Commissioner Peery suggested that the three "planter boxes" be removed as they put the children in the street. Mr. Sullivan then explained the deadlines for the next meeting and requested a 60-day continuance. (Commissioner Christianson stepped from the room at 8:36 p.m. A quorum was still present.)

RECESS: A recess was declared at 8:37 p.m. The entire Commission, including Commissioner Christianson, was present when Chairperson Wipfli reconvened the meeting at 8:41 p.m., constituting a quorum.

Mr. Shaffer admitted that they should have met with the neighbors, however, they are concerned about designing by committee and being forced to mitigate issues raised by the neighbors related to mistakes done in other areas. He felt that they had already attempted to mitigate those issues. They were willing to meet with the neighbors but urged the Commission to adopt the motion as recommended by staff with staff's amendment to Condition 2 and the correction to the length of the driveway. The open space vision was reiterated as being landscaped. He reiterated the request that the motion as revised be adopted with the change to Condition 35 reducing the driveway length to 20 feet. Chairperson Wipfli pointed out that the Commission could also continue the item to the next meeting and comply with the Statutes. He would like to continue the item for 60 days as suggested by Mr. Sullivan. He

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understood that this is not the Applicant's desire. Mr. Shaffer indicated that their concerns are the residents' comments and their ability to mitigate them in a positive manner.

Commissioner Semmens expressed his desire to see a new plan with no lots under 6,000 square feet and with Lots 16 and 19 being the open space. Commissioner Kimbrough explained the original vision for a linear park along the Mexican Ditch extending from the Sierras to the Carson River. Segments have already been dedicated for this purpose. Examples of such dedications were noted. The open space is important to him. Commissioner Mullet explained that this is his first meeting. It is a new project with "leftover residue". His industrial concerns relate to the loss of industrial zoned space and the placement of residences against such a zone. There is a viable industry on Lepire now which has been unable to find a suitable location to move to. The deeds should include a note regarding the industrial zone to make people aware of the metal plating/processing plant and its odors and noise. He was also unhappy with the narrow roads and other items in the project, which he did not list. He referenced Silver Oaks to illustrate its nice units. Commissioner Christianson expressed the need for Mr. Shaffer to be both a salesman and an engineer for the project. Mr. Shaffer had heard the concerns with other subdivisions and the reasons for applying those concerns to his project. Commissioner Christianson urged him to work with his neighbors and create something that will make it easier for them at the next meeting.

Discussion between Commissioner Sedway and Mr. Sullivan explained that if the item is denied, the Applicant could appeal to the Board of Supervisors. If the Board supports the Commission's action, the application must wait a year before resubmittal unless there is a substantial change made to it. Commissioner Sedway questioned how the project could be financially viable if Lots 16 and 19 are lost. He could not support the project as it is proposed. He felt that the policy of discussing the impact with the neighbors has successfully mitigated the impact on many occasions. It may appear that this is a "design by committee", however, it is important. He could not support a motion approving the project due to these two issues. Commissioner Peery expressed his desire to have the project brought back after a meeting with the neighbors and reconfiguration of the package.

Mr. Wasick indicated that they had discussed "cutting their losses and not continuing the item". They wished to "get it over with". The alternative is to agree to a 60-day continuance. He felt that the homeowners did not want to talk to them and questioned what would be obtained from such a discussion. Chairperson Wipfli pointed out that it provides an opportunity for them and hoped that they use it wisely. It is not a "design by committee". They will be able to have their input.

Mr. Shaffer then questioned the Commission's standing on a proposal that would allow half of the property to be single family units and half single family duplexes. He felt that the largest concern expressed by the neighbors had been the zoning and the project's design. Chairperson Wipfli responded that if they earnestly talk to the neighbors and still want the duplexes, if they get four votes from the Commission, the project will be approved. This would be a better approach than the one that was submitted.

Mr. Sullivan explained that a compromise should be worked out between the two views with some giving on both sides. He suggested that the adjacent parcels be enlarged. He urged the applicant to look for areas where compromises could be provided. A buffer between the lots and the industrial was also suggested. The staff report had discussed these items.

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Mr. Shaffer then requested a 60-day continuance. Ms. Gerkin indicated that she was amenable to a compromise. The zoning was not the only concern. There are traffic concerns. She felt that a signal at Lepire and Edmonds was warranted. Chairperson Wipfli indicated that they should discuss these issues. Ms. Gerkin indicated that she would be happy with the 60-day continuance.

Commissioner Christianson moved to continue until the September meeting of the Planning Commission Item P-03/04-1, Planned Unit Development. Commissioner Peery seconded the motion. Motion carried 7-0. The Commission thanked the public for its participation. Mr. Shaffer indicated a desire to meet with the homeowners. Commissioner Christianson thanked him for his offer.

**G-12. A-02/03-12 - ACTION ON AN ORDINANCE AMENDING CCMC DEVELOPMENT**

**STANDARDS DIVISION 4 SIGNS (2-3158)** - Community Development Director Sullivan, Senior Planner Lee Plemel, Chamber of Commerce Chief Executive Officer Larry Osborne, Past Chamber of Commerce President Steve Reynolds, Melissa Shaw, Jeff Snead - Messrs. Sullivan and Plemel apologized for the delay in considering this item as it had been scheduled for 7 p.m. Mr. Osborne introduced Sign Review Committee Members Steve Reynolds and Jeff Snead. The intent of the review was explained. The effort had updated the Code and made it easier for the City staff to enforce and businesses to understand. Justification for the review was limned. Mr. Reynolds explained the reasons the Chamber had encouraged City staff to review the sign ordinance. The effort had not been undertaken to allow a flood of new signs. Mr. Osborne explained the purpose of the Chamber's business contact program and the Board of Supervisors support for a sign review committee to consider the issues which the contact program had raised. Mr. Sullivan noted staff's attendance at the committee meetings and described the participants who had been active in the undertaking. Everyone was welcome to attend the meetings. The review had considered how to make the ordinances better, addressed better enforcement procedures, and eliminated some of the problems encountered with inter-pretation of the Code. The attempt was made to make all of the Codes black and white. Discussion with the Commission explained the reasons the sign area was reconsidered and revised. Commissioner Kimbrough explained his concerns with shopping center signage and, specifically, the sign at the Frontier Plaza. The need to find a compromise between the grandfathered signs and large shopping center "billboards" was warranted. He stressed that he understands the need for these signs but the location and business support for the signage are also needed. Mr. Osborne explained that the Frontier Plaza sign had been included in the discussion regarding its size and location as well as Reno's signage. He felt that the problem with the Frontier Plaza sign is due to its location which makes it appear to be much larger than it is. Discussion explained how the sign had been approved, its purpose, and the conflict that arose between the owner and the businesses. The failure to fill the sign with advertisements rests on them and is not under the Commission's purview.

(3-0282) Ms. Shaw noted that the sign ordinances are contentious and difficult issues to address. A large box does not need a large sign to draw attention to itself. If the large box is wanted and attractive, small signs will draw people in. Loud or large signs create visual clutter and do not attract people. Scottsdale, Arizona, was cited to illustrate how this concept works. She supported special events and street activities and wished to see them in Carson City. She had not read the entire ordinance but had read its summary. She reiterated her belief that bigger is not better. There are signs in Carson City which need to be addressed. A good job had been done in the downtown area but the strips on the fringe areas need help. She also felt that, if special use permits were required for signs, there must have been a deficiency in the Code which needed to be addressed. She urged the Commission to reconsider the

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“bigger is better” concept. She encouraged the Commit-tee/Commission to reconsider the visual clutter and lighted, glaring signs. Such signs should be shielded and the colors muted to reduce the impact on drivers. Discussion ensued concerning the John Ascuaga’s Nugget sign on Highway 80 in Sparks. Mr. Sullivan explained that the Carson Nugget’s sign was approved under the special use permit process and that it is well maintained and done in good taste. This older style of signage is being encouraged in an attempt to preserve Nevada gaming and history. Chairperson Wipfli also noted that there are other “old Nevada signature signs” along Highway 80.

Mr. Snead indicated that he is one of the Slot World owners. Its sign had been approved under the Special Use Permit process. YESCO had purportedly conducted a traffic study of such signage. It allegedly indicated that the number of traffic accidents had been reduced as a result of “moving” signage. Reasons for the reduction were limned.

Mr. Plemel asked for direction regarding the need for a special use permit for shopping centers over 50,000 square feet for its signage or if it should be allowed by right. Mr. Reynolds felt that requiring a special use permit for this size of a facility was not a big step. Therefore, the Committee had supported requiring the special use permit. The Committee had also felt that, when considering signs such as for the Frontier Plaza, that limiting the square footage should be reconsidered. The concerns were with the execution and construction of the sign. This could eliminate the square footage concerns. Commissioner Sedway suggested that the sign and building be tied together for large buildings and that one special use permit application be required. Mr. Plemel felt that the same application could address multiple uses as indicated by the Lucky Spur application.

Mr. Reynolds felt that the application process used for his item that was considered earlier in the evening had not been onerous. The process should be fair across the board. Shopping centers in the community currently have two monument signs and were required to submit special use permit applications for them. He felt that there were other items that the shopping center owner needs to be involved with other than a special use permit for a sign.

Commissioner Christianson explained to Mr. Snead that he had not referenced his sign in his discussion. Mr. Snead indicated that he understood that. Commissioner Christianson thanked him for his comments. Commissioner Christianson then moved to approve A-02/03-12, an ordinance amending the Carson City Municipal Code, Development Standards Division 4, Signs, relating to regulation of signs and outdoor advertisement as recommended by the Sign Review Committee and as recommended by the Planning Commission based on the four findings identified in the staff report. Commissioner Semmens seconded the motion. Mr. Plemel modified Section 4.7.4 Paragraphs b-1 and b-2 as indicated by the discussion and represents the sign area. Commissioner Christianson amended his motion to include this revision of Sections 4.7.4b-1 and b-2. Commissioner Semmens concurred. Motion carried 7-0.

**G-13. A-03/04-3 - ACTION ON AN ORDINANCE AMENDING CCMC SECTION 18.09 (3-0538)** - Community Development Director Walter Sullivan - Commissioner Semmens suggested that the new City Planner undertake to bring this portion of the Code into conformity. Discussion explained the reasons the position had been vacant for such a long period. Commissioner Christianson moved to approve an ordinance amendment to Carson City Municipal Code Title 18, Section 18.09, relating to recreational vehicle parks, to amend Section 18.09.030 Definitions, 12 Transient Dwelling Purposes, to increase the number of days for transient dwelling from

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14 to 180, and to amend Section 18.09.040 Major Project Review/Special Use Permit/Final Plan approval, Subsection 2 Special Use Permit, to delete Tourist Commercial properties from the requirement to obtain a special use permit which would be consistent with Section 18.04.140 and to amend Subsection 3b Fees, deleting this section entirely and relisting Subsection c as b and other matters related thereto. Commissioner Mullet seconded the motion. Motion carried 7-0.

**G-14. A-03/04-4 - ACTION ON A RECOMMENDATION FOR A BOARD RESOLUTION TO ESTABLISH FEES FOR RECREATIONAL VEHICLE PARK SITE PLAN REVIEWS (3-0634) -** Community Development Director Walter Sullivan, Senior Planner Lee Plemel - Discussion indicated that the recreational vehicle park owners had not been noticed individually. The resolution and the agenda had been advertised in the newspaper. Mr. Sullivan had contacted a firm that is contemplating a new park and advised them that they should attend the meeting. Mr. Plemel explained his discussion with Mrs. Lepire which had explained the purpose of the resolution. A fee study indicated that the original fees were subsidized by the General Fund in an amount ranging between 50 and 75 percent. If current RV parks are expanded, the fees will apply to them. New applicants will also have to pay the increased fees. Commissioner Semmens moved to recommend approval to the Board of Supervisors of a resolution to establish fees for Recreational Vehicle Park site plan and review in the amount of \$250.00 per recreational vehicle park plus \$5.00 for each recreational vehicle park space exceeding 25 spaces and other matters related thereto. Commissioner Peery seconded the motion. Motion carried 7-0.

**H. ADJOURNMENT (3-0726) -** Commissioner Peery moved to adjourn. Commissioner Christianson seconded the motion. Motion carried 7-0. Chairperson Wipfli adjourned the meeting at 9:55 p.m.

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ARE SO APPROVED ON October 29, 2003.

/s/  
Richard Wipfli, Chairperson