

CARSON CITY PLANNING COMMISSION  
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, April 24, 2002, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

**PRESENT:** Chairperson Allan Christianson, Vice Chairperson Richard Wipfli, and Commissioners Gayle Farley, William Mally, Wayne Pedlar, John Peery and Roger Sedway

**STAFF PRESENT:** Community Development Director Walter Sullivan; Chief Deputy District Attorney Mark Forsberg; Deputy District Attorney Jason Woodbury; Senior Planner Skip Canfield; Senior Engineers Mark Brethauer, John Givlin and Rob Fellows; Recording Secretary Katherine McLaughlin, and Associate Planner Jennifer Pruitt (P. C. 4/24/02 Tape 1-0280)

**NOTE:** Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation. 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 Christianson convened the meeting at 3:30 p.m. Roll call was taken. A quorum of the Commission was present although Commissioner Mally had not yet arrived. Chairperson Christianson lead the Pledge of Allegiance.

**B. COMMISSION ACTION - DISCUSSION AND ACTION TO APPROVE MINUTES (1-0300) -**

Commissioner Pedlar moved to approve the Minutes of the March 22 meeting. Commissioner Peery seconded the motion. Motion carried 6-0.

**C. PUBLIC COMMENTS (1-0310) -** Commissioner Mally arrived at 3:32 p.m. The entire Commission was present, constituting a quorum. (1-0318) Chief Deputy District Attorney Mark Forsberg introduced Deputy District Attorney Jason Woodbury. Mr. Woodbury has been assigned to the Planning Commission. Chairperson Christianson welcomed Mr. Woodbury.

**D. AGENDA MODIFICATIONS (1-0315) -** None.

**E. DISCLOSURES (1-0332) -** Commissioner Sedway disclosed that Mark Palmer of Palmer and Lauder is/has been the Hospital's civil engineer. Commissioner Farley disclosed two discussions she had with Carrie Henson regarding Little Tykes Childcare Center.

**F. CONSENT AGENDA (1-0344)**

**F-1. D-01/02-5 - DISCUSSION AND ACTION TO ACCEPT DEDICATION OF SEWER AND WATER UTILITY EASEMENTS AND A PORTION OF SOUTH CURRY STREET RIGHT-OF-WAY**

**F-2. D-01/02-6 - DISCUSSION AND ACTION TO ACCEPT A DEDICATION OF PUBLIC DRAINAGE EASEMENT -** Commissioner Mally moved that the Consent Agenda as read by the Chairperson be accepted. Commissioner Wipfli seconded the motion. Motion carried 7-0.

**G. PUBLIC HEARING**

**G-1. U-01/02-29 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM TOM HOFFERT, CARSON CITY UTILITIES OPERATION MANAGER (1-0373) -** Associate Planner Jennifer Pruitt, Senior Engineers John Givlin and Mark Brethauer - Public comments were solicited. None were given. Mr. Givlin introduced Mr. Brethauer. Mr. Brethauer used a parcel map to explain the well site in the southeast corner of the parcel. Commissioner Pedlar moved to approve U-01/02-29, a Special Use Permit request from Tom Hoffert, applicant, Carson City, owner, to allow drilling and equipment of a new production well on Assessor's Parcel Number 004-022-02, property zoned Public, located at 849 South Stewart Street, based on seven findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Peery seconded the motion. Motion carried 7-0.

**G-2. U-01/02-25 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MIKE MITCHELL (1-0452) -** Associate Planner Jennifer Pruitt, Community Development Director Walter Sullivan, School District Operations Director Mike Mitchell - Discussion between the Commission and staff explained that the Parks and Recreation Commission had sent the item to the Board of Supervisors for approval of the proposal to place the portables within the park area of the site. There is a joint use agreement between the School District and City concerning the use of the park. The Commission must approve the Special Use Permit before the portables can be placed on the site.

Discussion with Mr. Mitchell indicated that he had not been aware of the Board's consideration of request to use the park area. He apologized for the oversight. The portables will allow the younger children to use the main building. The portables will be used for some of the special programs. The mold problem is with the Bordewich-Brey School portable units. These portables are to be placed at the Empire School. The construction and placement difference between portables and modulars were explained. There will be planters containing low growing plants placed near the portables in the vicinity of the grade change and retaining wall. There are no plans to landscape to mitigate either the noise or visual impact of the school at the property line. The 1995 master plan calls for removal of the modulars/portables when the student population reaches 115 percent of the capacity level. The school will then be placed on multi-track. The school is now at 105 percent of capacity. It is projected that the school will reach the 115 percent capacity level in three to four years. The District is forced to build facilities meeting the current population as the electorate has not supported a bond allowing construction for future growth.

Public testimony was solicited but none given. Commissioner Sedway moved to approve U-01/02-25, a Special Use Permit request from Mike Mitchell/Carson City School District to allow portable classroom buildings at Empire Elementary School, APN 010-436-01 and 008-342-31, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioners Peery and Farley seconded the motion. Motion carried 7-0.

**G-3. U-01/02-28 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICA-**

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**TION FROM CLARK RUSSELL (1-0600)** - Senior Planner Skip Canfield, Applicant's Representatives Ivan Zam, Jackolyn Behan, and Jeff Loflin - Mr. Zam had read the report and thanked Mr. Canfield for his recommendation of approval. Mr. Zam explained the need to change/update the sign to attract tourist and clientele. A colored picture of the sign was displayed and explained. The location and size of the sign were described. The sign should blend with the view and not impact the residents surrounding the facility. The old sign, the Sports Book sign to the north, and the wall signs will be removed. Mr. Loflin indicated that the building will eventually look like the illustrations/design given to the Commission previously. Public comments were solicited but none were given. Commissioner Mally moved to approve U-01/02-28, a Special Use Permit request from Clark Russell, applicant, Ormsby Inc., owner, to allow a freestanding sign thirty feet in height on Assessor's Parcel Number 003-082-02, property zoned Downtown Commercial, located at 800 South Carson Street, based on seven findings and subject to five conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Farley seconded the motion. Motion carried 7-0.

(1-0765) Mr. Zam explained for the record that Best Westerner had made a slight change to the top of the sign. It will be smaller than what is illustrated. He hoped that by having this information on the record there would not be a problem when they apply for a permit.

**G-4. V-01/02-4 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT AND JOHN C. SERPA (1-0775)** - Associate Planner Jennifer Pruitt, Mr. Serpa's representative Mark Rotter, Senior Planner Skip Canfield, Community Development Director Walter Sullivan - Ms. Pruitt's introduction explained that the previous Code had allowed the Community Development Director to waive the 30 foot setback requirement in the Limited Industrial zone. This ability had not been included in the Title 18 revisions adopted in December. Therefore, a variance must be requested until the Code is amended. Due to this error, the City is a co-applicant. David H. Bowers' letter of opposition was read into the record. Ms. Pruitt had contacted Mr. Bowers, the adjacent Limited Industrial property owner. He has a profession office building on his parcel. Ms. Pruitt felt that the other adjacent property owner, whom Mr. Bowers purported to represent, had planned to attend the meeting. His property is located to the west of the subject site. The adverse impact was perceived to be the closeness of the building to his property line. Commissioner Sedway felt that there had not been an error made in the Title 18 revisions and that the Director's ability to waive the requirement should be reconsidered. If staff is consistently waiving the 30 foot setback, the Code should be revised to reflect the actual setback which is being approved. He did not want to approve a variance allowing the waiver of the 30 foot setback for this particular issue.

Mr. Rotter explained that the City is the applicant and his involvement with the Code which had established the 30 foot setback. The 30 foot setback is to be utilized when the limited industrial property abuts residential property. The proposal is to have a fitness center at the site. A rear access is not needed. There will be a five foot separation between the parking lot and the building. There is a five foot easement on Mr. Bowers' property, which is a utility easement. Discussion had explored moving the building five feet and the Code requirements mandating a certain number/size of windows. The requirement to have 30 feet between the building and the parking lot will create an area that could be perceived as wasted space. They had requested a narrow landscaped area between the building and the parking lot. The fitness center's use of the building

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is compatible with the adjacent office building whose parking lot abuts the property line. He also felt that the discussion during development of the new Code had indicated that the ability to have a site with less than 30 feet at the rear of the building would be allowed. As the ordinances have not yet been published, he felt that he should be allowed to use the previous Code. He also pointed out that there are other contradictions in the Code which need to be revised. Commissioner Sedway felt that the wasted space comments are a matter of perception and that there had not been any illustrations showing the elevations. He also asked whether there would be any windows in the building. Mr. Rotter reiterated that the variance was requested by staff. He would have provided whatever information was necessary to support the request if he had been asked. It was felt to be a bookkeeping type of request. A verbal description of the building was provided indicating that it is to be a concrete "pop up" with windows.

Mr. Canfield explained that all of the development standards would be required if the variance is approved. Mr. Sullivan felt that the oversight was a minor error. The 30 foot setback had been waived in areas where the property abuts industrial property. If the property abuts drainage areas, residential areas, electrical easements, etc, it has not been waived. The waiver allows better utilization of the property.

Mr. Rotter expressed his intent to meet all fire code requirements. Mr. Sullivan explained that the Fire Department, Building Department, and Engineering Departments are involved in his review of the plans before the waiver is granted. Public comments were solicited but none were given.

Commissioner Mally moved to approve V-01/02-4, a Variance request from Carson City Planning and Community Development Department/John C. Serpa to vary the rear yard setback, waiving the 30 foot rear yard setback on property zoned Limited Industrial located 829 Fairview Drive, APN 009-083-05, based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pedlar seconded the motion. Motion carried 6-1 with Commissioner Sedway voting Naye.

**G-5. U-98/99-61 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM BOB MCFADDEN (1-1037)** - Associate Planner Jennifer Pruitt - Applicant's Representative and Mom and Pop's Diner owner Doug Kramer had read the report and agreed to it. Public comments were solicited but none were given. Commissioner Farley moved to approve a review of the Special Use Permit U-98/99-61, Doug Kramer, applicant, Bob McFadden, property owner, to allow as a conditional use special events between Carson and Curry Streets from June through September on property zoned Downtown Commercial, located at 302 and 224 South Carson Street, APNs 003-112-05 and 003-113-09, and direct Planning and Community development to review the Special Use Permit every April and return to the Planning Commission if warranted and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 7-0.

**G-6. U-00/01-29 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM JOY COLEMAN (1-1095)** - Senior Planner Skip Canfield, Community Development Director Walter Sullivan, Joy Coleman, Health Director

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Daren Winkelman, Chief Deputy District Attorney Mark Forsberg, Donna Spelts, Scott Carrol - The three stipulations which had been added as a result of the neighbor's concerns were read into the record. Mr. Canfield also explained the proposal to have staff review the Special Use Permits for daycare centers on an annual basis. If there are problems with the operation, the Special Use Permit will be brought back to the Commission. Discussion explained the neighbor's concern regarding the operator's dog. If the dog's shots are current and it is restrained in the proper manner, the Health Department allows dogs at day care centers. Commissioner Farley expressed her concern about the lack of review/oversight provided childcare facilities, e.g., the lack of a gate at one childcare facility. The Department typically reviews them when time allows within one to two years after the original approval. The purpose of this visit is to verify compliance with the conditions of the Special Use Permit. Staff also responds to any complaints. The Health Department periodically inspects all childcare facilities. There have not been any complaints during the year regarding the traffic and parking, therefore, it was assumed that they had complied with those conditions. The neighbor had responded to the Department's meeting notice and was concerned about the operation of the facility outside the parameters of Condition 7, i.e., weekdays between 7 a.m. and 5:30 p.m.

Ms. Coleman had read the staff report and conditions. She displayed purported sign-in sheets which her parents must fill out when dropping off their children. Her parents were present in support or to answer any questions. There is no childcare on the weekends. She also had letters from two parents indicating that they do not drop their children off outside of the hours. The Health Department does two annual checks per year. They had not had a problem with her husband's race car which was in the driveway. The neighbor who had called was purportedly unhappy with her and unfriendly. He purportedly does not own the house and is moving. She asked that if complaints are received from this person that the charges be investigated on both sides of the issue. She felt that she was being harassed by him. The car is gone and the driveway has been cleared. She questioned whether she could place a small cab over camper along the side of the house which is adjacent to the neighbor who complains. It should not impact the parking. Chairperson Christianson indicated that as long as it is not involved with the area that the children use, it should be allowed. Ms. Coleman explained that the children are not allowed to play in front of the house. They play in the backyard. The parents walk their children in and out of her facility.

Mr. Winkelman explained that his Department checks the premises to determine the number of children which will be allowed. It also does two checks per year thereafter. He could verify that the children are there between 7 a.m. and 5:30 p.m. He was not sure whether they were out of compliance. Clarification indicated that the hours of operation had been based on the applicant's request. The Department accepts the hours requested by the applicant. The issue on the hours had been raised due to the neighbor's concerns. Ms. Coleman reiterated that the race car had been removed. Mr. Winkelman then explained that only the area where the children are going to be is used by his Department in establishing his criteria. If the Special Use Permit stipulates a specified area, the Department supports that condition.

Discussion between Mr. Forsberg and Chairperson Christianson pointed out that the condition restricting the childcare area is a Planning Commission item and not the Health Department's. The standards for enforcement are different for each Department. Mr. Winkelman did not have the file with him and could not testify on the hours of operation. Clarification indicated that after hours and on the weekends, race cars could be in the driveway. Mr. Canfield explained the parking and loading/unloading requirements mandated for the daycare facility. The race car had been in the parking area and the children must walk past it. The

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applicant had stipulated the race car was gone which makes this a moot point.

Public comments were solicited. Ms. Spelts explained that she had used Ms. Coleman's facility for one-and-a-half years. She is the first one to drop-off and the last one to pick-up her children. She never sees Ms. Coleman on the weekends. The complaint is nonsense. Chairperson Christianson explained the need to clarify the issues. Additional comments were solicited.

Mr. Carrol explained that he has taken his child to her facility for approximately one-and-a-half years. Her husband races autos. The children are not allowed around the car. The problem is with the person next door. Additional public testimony was solicited but none given.

Ms. Coleman stipulated to the hours, parking and drop off area. Commissioner Peery moved to approve the one year review of U-00/01-29, a previously approved Special Use Permit from Joy Coleman, property owner: Paul J. Coleman, to allow as a conditional use a child care facility for six children on property zoned Single Family 6,000, located at 174 Galena Way, APN 002-532-02, with the attached stipulations, and to direct staff to review this permit administratively in the future only as warranted and allow staff to reserve the right to return this item for Planning Commission review if warranted. Commissioner Mally seconded the motion. Motion carried 7-0.

Mr. Sullivan explained that staff's review of the Special Use Permits will include noticing property owners within 300 feet. The responses will gauge whether to return the item to the Commission or to handle the review internally. City Departmental comments will also be obtained.

**G-7a. Z-01/02-7 - DISCUSSION AND ACTION ON A CHANGE OF LAND USE REQUEST FROM LORNE J. MALKIEWICH (1-1407) - Senior Planner Skip Canfield, Lorne Malkiewich, Judie Fisher, Community Development Director Walter Sullivan -** If the change of land use is not approved, Item G-7b cannot be considered. Commissioner Sedway questioned the finding on Page 4 relating to Master Plan Goal Section 1.7, the intent to mitigate existing land use conflicts and zoning friction areas. Mr. Canfield felt that, as the change to Public zoning would require the special use permit process to be used before development could occur, it provided better control over the project. Commissioner Wipfli felt that the change is a bookkeeping matter as the State owns the property.

Mr. Malkiewich had read the report and agreed with it. Public comments were solicited. Ms. Fisher opposed the request based on the work Redevelopment had done to improve the downtown area. Examples were provided to illustrate the efforts. She acknowledged the need to remove the Capital Apartment buildings which had been on the site. The proposed use would not better the area nor match the improvements the State had made at the old Courthouse and the Legislative Building. She also felt that the Legislature's funding commitment had been to use the area as office space. Mr. Sullivan explained that her comments relate to Item G-7b. Ms. Fisher then indicated her disagreement with changing the zoning to Public as it allows the following item to occur. Additional comments were solicited but none provided.

Commissioner Sedway moved to approve Z-01/02-7, a Change of Land Use request from Lorne J. Malkiewich, applicant representing State of Nevada Legislative Council Bureau, owner, to change the zoning designation from Downtown Commercial to Public, APN 004-062-08 and 004-065-01, located at 207 and 333

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East Fifth Street and 201 East Sixth Street and recommended to the Board of Supervisors to approval of the request based on the ability to make the findings contained in the staff report. Commissioner Pedlar seconded the motion. Motion carried 7-0.

**G-7b. U-01/02-30 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LORNE J. MALKIEWICH (1-1587)** - Senior Planner Skip Canfield, Community Development Director Walter Sullivan, Lorne Malkiewich, Bob Harder, Judie Fisher, Dwight Millard - Mr. Canfield's introduction included reading into the record Maxine Nietz' letter of opposition. (During his comments, Commissioner Farley stepped from the room and returned—4:40 p.m. to 4:45 p.m. A quorum was present the entire time.) Commissioner Mally supported former Commissioner Nietz' comments. Putting a metal building in the district would be detrimental to the area. Comments indicated that it would not appear to be a metal building. Discussion indicated that the building description should be discussed with the applicant. The plans were unclear as to the building elevation and appearance. Granting the request could establish a dangerous precedent for the area. The need for the property owner to have a warehouse could be understood. The application had referenced the State's master plan, however, it had not been submitted with the application. Staff had been advised that the structure was for a temporary use. Justification for Condition 7 was based on the lack of information regarding the elevations. Unless the applicant is willing to stipulate a willingness to work with staff to the satisfaction of all involved, staff would recommend denial of the request. Commissioner Wipfli expressed his desire to have such negotiations/discussions occur in an open meeting so that the public knows what will be allowed. He did not like the building. Mr. Canfield explained that the project would have to be approved by the Downtown Design Review (DDR). Commissioner Wipfli felt that the Commission should hear it before it goes to DDR. Commissioner Pedlar pointed out the City's inability to do anything about the Lucky Spur which he felt was an eyesore. The apartment building had also been an eyesore. The concept is an improvement over the apartments. The steel building can be treated on the outside so that no one would know it is a metal building. Commissioner Mally questioned the reasons staff had accepted the application without all of the necessary information required from other applicants. Mr. Sullivan explained that a full set of plans is not required. Renderings are required and have been included. Staff does not care for the rendering or the architectural style. This is the reason Condition 7 was added. It allows staff to work with the Legislative Counsel Bureau (LCB) to stay within the designs of other uses in the Downtown District. The Department wants to work with DDR Design Examiner Rob Joiner who wants to involve the Redevelopment Authority Citizens Committee (RACC) as it has experts who can help mitigate the outward appearance of the building. Clarification also indicated that a warehouse would not be allowed in the Downtown Commercial District.

Mr. Malkiewich explained the acquisition of the Capital Apartments, the original plan for that area, the State's intent to eventually remove the Sedway Building and the warehouse. A large office building will then be built on the west side of the parcel(s) with parking allowed to the east of the structure. It was too expensive to renovate the apartment buildings. Therefore, they are being removed. At this time there are not enough funds to construct the long range plan. The proposed warehouse will allow LCB to relocate items it currently stores in a leased facility on Highway 50. This will save between \$55,000 and \$60,000 a year that will be used to repay the investment. The site is more convenient for his staff to use. LCB desires to be a good neighbor. When the funds are available, the building will be removed/relocated. They plan to landscape the building and upgrade the exterior which will cost approximately one-quarter of the building. A sample of the proposed stucco finish had been given to the Commission. They will try to make it look like or compliment the Sedway

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building. It may be ten to 15 years before the building is replaced. He proposed to continue to provide double the amount of parking required for his office uses. He agreed to submit the landscaping and architect plans to staff and to comply with the Downtown Design criteria. His contractor, Myles Brothers, was also present to answer questions. He could not make a commitment as to the length of time that the building would be used due to the lack of control over the funding and the Legislative's authorization process. The State has always attempted to better the area and would continue to do so in the future. He was willing to push for the change as long as he is with LCB. Commissioner Wipfli explained that the drawing had not helped Mr. Malkiewich's case. He acknowledged that the State had always attempted to better the area it is in/using. DDR and Mr. Hannafin, a RACC member, would help him build a better plan/facility. Mr. Malkiewich also needed to address the public relations concerns which had been created with the concept. Mr. Malkiewich felt that Condition 7 would require public noticing and presentations which would be used to mitigate the public concerns. Discussion indicated that the next 30 days should be used to do so. Commissioner Peery supported Commissioner Wipfli's suggestion. Commissioner Pedlar felt that the Commission could approve the project and allow the DDR to work on the design. The State is good at maintaining its property and the building will be an improvement to what had been there. Commissioner Farley felt, as a former committee member who had worked with various committees to improve the downtown area, that it was arrogant of Mr. Malkiewich/State to have submitted the information in its incomplete state. Mr. Malkiewich apologized for his misunderstanding of the information required for presentation. He acknowledged that it would be a temporary building but that it should look good and compliment the area. Commissioner Mally felt that the building would be there for some time in view of the current revenue shortage experienced with gaming. He preferred to see an empty lot. Mr. Malkiewich agreed that funding for capital improvements is cycloidal as illustrated by his historical review of the funding provided during his tenure with the LCB. LCB's growth had indicated a need to acquire the property. He was unsure when the building will be replaced. He agreed that it should look as good as possible during its use.

Discussion between Mr. Sullivan and Commissioner Pedlar indicated that Mr. Malkiewich may agree to a continuance. Staff and Mr. Malkiewich will then develop the plan. DDR and RACC will review the plans in an open meeting. Mr. Sullivan hoped to have the plan back to the Commission at its next regular meeting which is May 29. He acknowledged that this would be a tight schedule to meet. The rendering was done in haste. Staff thought it was to be a standard industrial building. LCB's street abandonments and improvements in the downtown area were cited to illustrate the reasons staff was comfortable with working with LCB to improve the building's appearance. Mr. Malkiewich expressed his intent to work with the City and continue to make more improvements for the betterment of the area. Additional examples were cited to illustrate LCB's desire to be a good neighbor. Commissioner Wipfli explained that he had worked with Mr. Malkiewich in the past and would do so in the future. He also felt that the present plans needed "tweaking". Commissioner Sedway thanked the State for removing the apartments. The State has been a good neighbor. He volunteered to work with Mr. Malkiewich to develop a master plan for the area. Mr. Malkiewich was not willing to ask that a sunset clause be added to the Conditions due to the inability to estimate when the State's financial condition would improve so that the building could be replaced. He felt that the building would not be there in 15 years but was uncertain as to when it would be replaced. Also, he could not estimate when the Legislature would agree to fund the replacement. He acknowledged that work has been occurring on the State's master plan as indicated by a raised, enclosed walkway over Fifth Street and a large park.

Public comments were solicited. Mr. Harder, as a property owner across the street from the proposed location,

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objected to having a warehouse in the area for any period of time. There are no other warehouses in the vicinity. His personal experiences in building in the vicinity and his personal knowledge of individuals who were interested in the location prior to the bankruptcy were explained. The material and landscaping will not change the appearance of a warehouse. It will not improve the area nor be an asset to the community.

Ms. Fisher opposed the metal building even though it is to be temporary in nature. It will detract from the City's efforts to attract businesses to the area and increase the tax revenue. She complimented the State on its renovation efforts. The area should be kept for retail offices and businesses. She suggested that the NDOT area be used for storage. The street lights and other improvements made by the State were done for a reason. A warehouse will reduce the ambience which had been established. She questioned how the precedence will be stopped once it is established.

Mr. Millard, as a property owner to the south of the project, felt that it was a bad presentation. The second presentation may encounter problems based on this presentation. A full block of warehousing should not be allowed in the Redevelopment area. It will make it difficult for him to obtain financing for his project south of the site. Landscaping and planning will not change the fact that it is a warehouse. He questioned the location of the current warehouse. They should be a good neighbor. If the proposal is approved, he would return with a request to build a similar facility on his property regardless of the appearance and landscaping. Additional public testimony was solicited but none given.

Commission and staff discussion indicated that the options are to continue, approve or deny the request. Mr. Malkiewich requested a continuance to the next meeting. Commissioner Peery moved to continue U-01/02-30, Special Use Permit for Lorne Malkiewich, representing the Nevada Legislative Council Bureau. Commissioner Mally seconded the motion. Motion carried 7-0.

Commissioner Wipfli asked if the applicant understood the Commission's concerns. He could tolerate something being there but not the warehouse indicated. Mr. Millard's concerns were also noted. Mr. Forsberg felt that adequate discussion had occurred to relay the Commission's concerns. Additional comments should not be allowed at this time.

BREAK: A recess was declared at 5:30 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 5:42 p.m., although Commissioner Mally did not return until 5:45 p.m.

**G-8. U-90/91-18 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM RONALD AND BEVERLY GUTZMAN (1-2592)** - Community Development Director Walter Sullivan, Health Director Daren Winkelman, Chief Deputy District Attorney Mark Forsberg, Ronald Gutzman, Senior Engineer John Givlin, Carrie Henson, Michelle McCall - The Health Department's correspondence indicating the facility is not in compliance with the Code pertains to water, painting, carpeting, fencing, etc. Code requirements mandate listing of the grounds for revocation. A listing is included in the staff report. Based on non-compliance with these Special Use Permit conditions, Mr. Sullivan recommended the Commission proceed with the revocation procedures. A verbatim was distributed to the Commission and Clerk of a telephone message which Mr. Sullivan had received from Mr. Gutzman on Tuesday, 4/23. (A copy is in the file.) Mr. Sullivan also

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referenced a letter from Attorney Julian Smith of Smith and Harmer, representing Carrie Henson. (A copy is in the file.) If the Commission wishes to examine the grounds for revocation, Mr. Sullivan suggested that the Commission ajenize the show cause hearing for the next Commission meeting, May 29. The Commission's other options were to work with the applicant to bring the property into compliance or to determine that there is no reason to have a show cause hearing and close the file. Ms. Henson's special use permit application should be considered separately. Discussion explained that the Gutzmans and Ms. Henson had received a copy of the Commission packet. Staff's report indicates that the Gutzmans had failed to comply with Condition 2 relating to the Health Department's requirements concerning the well, painting, fencing, and carpet.

Mr. Winkelman explained his inspection of the site indicated it is "somewhat in compliance" with the fencing, painting and carpeting although the fixes were temporary in nature. Duct tape eliminates the carpet tripping hazard but will not hold up. The fencing is up and secure but may fall over with the next wind storm. His concern with the well was limned. He felt that a permit should have been obtained for connecting to the City water system or compliance with the State requirements for a small municipal water system regulations. Chairperson Christianson felt that the Commission could not consider whether the fence would continue to stand or not. The paint chipped toddler area was no longer a concern as the area is no longer being used. Blocking access to the area brings that area into compliance. It is an issue which the Department must continue to watch. One of his staff members felt that the paint contained lead which is another issue and concern for his office. If the current daycare facility leaves the building, there are a lot of Code issues which will have to be addressed before another childcare facility is allowed to use the building. His personal experience with the painted siding was described to illustrate one of these issues. The chipped paint issue has been addressed as it was painted over but he did not believe that it will last. The water issues relate to the fact that there is no record of there ever having been a permit issued for the well. This includes a search of the records at the State Water Resources and his Department. Commissioner Mally expressed his feeling that the mitigation measures which had been taken were only temporary repairs. Discussion explained the fence problem had originally dealt with the gate on the south side of the building. As there are numerous children at the facility, the duct tape on the carpet may not last for long. It is a temporary fix. Commissioner Mally expressed his feeling that he had been on the Commission when the Special Use Permit had been approved. He did not recall there being any questions concerning the water. He also felt that the "25 cent temporary fixes" would not do the job. Clarification indicated that it was believed that the building had been painted with lead paint at some time in the past. The children have been removed from that area as a safety factor. The paint has not been tested. The operator is attempting to comply with Health Department regulations. The owner does not appear to want to do it. Mr. Winkelman explained his direction that the water be tested for bacteriological contamination. The results were clean. A full assay needs to be conducted. The owner has talked with City Departments about connecting to the City's waterline, however, an application has not been filed. The building is connected to City sewer. The 1991 application did not indicate that the building is on a well. Mr. Sullivan explained the representation that had been given to his staff was that Mr. Gutzman wanted to connect to City water and not pursue documenting the water rights, obtaining a well permit, etc. He did not believe that the hookup could have been completed by today's meeting but the process could have been started. It could be completed by the date of the show cause hearing. He also felt that the temporary measures should be addressed and the repairs be of a permanent nature. Commissioner Pedlar expressed his desire to see action and not just have talk occurring. Mr. Sullivan explained that when he had talked with Mr. Gutzman during the week of April 9-10, that Mr. Gutzman was going to submit in writing a letter indicating

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what had been done and is now in compliance. Commissioner Sedway felt that it was important that Mr. Gutzman understand and have clear guidelines as to what is expected and the amount of time to complete the repairs. The term temporary should also be spelled out. Mr. Winkelman explained that Mr. Boothe had not included a notation about any mold in his inspection report(s). When he had inspected the facility, he had not noticed any nor did the applicant show it to him. If it was on the outside of the building, it has been painted over.

Mr. Forsberg explained that there are standards to which the building should conform. He was unsure whether there are specified criteria for the carpet and painting. He was unsure if they could be used to determine that the building is out of compliance. It should be clearly stated as to the health standard regarding the paint and a safety risk regarding the torn carpet. They could not state that it is dilapidated and out of compliance. Mr. Winkelman uses the Nevada Administrative Code Section 42.A, which is licensing childcare facilities. The carpet is a tripping hazard. There is nothing in the Code which says it is bad. A toddler could have a problem with it. The water is a given. It must be safe for the individuals to drink. He did not believe that the problems have been adequately fixed. Commissioner Sedway asked that he define what is acceptable including whether duct tape is acceptable. Mr. Winkelman indicated that today was the first date he had inspected the facility. The duct tape is acceptable so long as it is maintained. If it is not maintained, they will be back to square one. He was not satisfied with the paint job in the toddlers' area. The siding is in poor shape. Painting is not the best fix. His biggest concern is the water issue. His quandary with closing the facility is created by the lack of another place to put the children. The options are being weighed carefully and attempts are being made to work with all of the individuals. Bottled water is used for drinking and food preparation. The well water is used for hand washing and the toilet. It must be corrected. Chairperson Christianson felt that the siding issue is more than just painting although he doubted that it had been painted with lead paint. Commissioner Farley indicated that the use of lead paint was discontinued in 1978. Mr. Winkelman felt that the house had been constructed in the 1960s. Commissioner Pedlar explained the industrial requirement called "general duty clause" which requires that a safe environment be provided. He was concerned with the health and welfare of the 30 children and whether the lack of adequate repairs would place the children at risk. Mr. Forsberg felt that the City's "catch all standard" required the place to be kept in a manner that is not detrimental to the health, safety, and welfare of the public. The children are members of the public. This would allow the Commission to determine that it is an unsafe environment based on a substantial amount of evidence in the record and act accordingly. The definition of substantial evidence is "any evidence which a person of reasonable nature could base a decision on". Mr. Winkelman explained that the children's safety is his main concern. Some of the issues can be handled in other ways which will allow the facility to remain open. The toddlers' area is off limits which removes the detriment to the children. Bottled water is not the way to do it. He was attempting to keep a great daycare center open in Carson City while trying to protect the children.

(1-3461) Mr. Gutzman explained his contact with Engineering Technician Connie Muir at the Building Department regarding the permit. He purportedly needed a civil engineer to establish the water usage, develop an improvement plan, and complete an affidavit of intent to abandon the well. His engineer is working on these requirements. He has completed the improvement plan. He contacted the State Water Resources Department and requested the form to abandon the well. It has not yet been received. He needed an original certificate of occupancy or registration of the well. The Carson City Recorder's office does not have the certificate of occupancy nor any information on the well. The Planning Department did not have a certificate of occupancy. He then went to the Environmental Health Department. They sent him to the State

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Environmental Protection Agency. They sent him back to the State Water Resources. No one has any documentation. The engineer is working on this problem. He had purportedly written his name on the permit. His personal knowledge of the property indicated the property was sold by a contractor named Bawden who had Silver Sage Incorporated. He sold the property in 1963 to a person who was the first tenant. He had contacted a plumber who will run the line from the curb to the house. It should be completed on one Saturday. He reminded the Commission that all adults on the property must be parents or a licensed daycare provider. This limits his ability to do any work at the building to between 6 p.m. and 6 a.m. and on weekends. This makes it difficult to do any painting. He had scraped and primed the siding in question. It needs time to cure before it can be painted. The carpet and the fencing were repaired. The fencing had purportedly been inspected by Environmental Health Specialist Dustin Boothe. He claimed that he had been working on the facility on an emergency basis to remove the special use permit from jeopardy. Discussion between the Commission and Mr. Gutzman indicated that he needed additional time to complete the paperwork and connect to the City's water service. He reiterated his problems in attempting to obtain either the Certificate of Occupancy or the well registration. He felt certain that he had tested the well when he had lived in the building. Purportedly, the Fire Department, Building Department, and the Health Department were all aware of the well in 1991. His children had been raised on the water from the well and no one had ever gotten ill from it. Due to the concerns voiced at the last meeting, he had an individual look at the water. This individual had allegedly indicated that the water "was fine". This was not a test as required by the State. The State water test may take more than six weeks to accomplish. Commissioner Farley suggested that he have a title company perform a records search on the well. Mr. Gutzman indicated that he had read the deed but had not found any reference to the well. He then explained that he had a professional painter go to the house to paint it on the 13<sup>th</sup> and that, allegedly, Ms. Henson had caused him to leave and refuse to paint the siding. Allegedly, Mr. Boothe had felt that the siding had not contained mold, therefore, he had primed it. The painting should be completed this weekend. This should solve the chipping problem. If necessary, the siding will be removed in the future. At some time in the future the carpet should be replaced. Chairperson Christianson explained his personal experience in the carpet business and that the carpet could be repaired. Mr. Gutzman referenced his lease which establishes responsibilities for both the tenant and himself as the property owner. The City does not consider these responsibilities. In order to keep the Special Use Permit he must fix the problems. A description of the areas which have been duct taped was provided including a circle area and seams which have been taped for five years. The seams and small holes had been taped at Mr. Boothe's request. It is a temporary fix but other busy childcare facilities have similar problems. The duct tape will remain as long as the children do not remove it. The circle evidently marks something although Mr. Gutzman was not sure of its purpose. Mr. Gutzman reiterated his work on getting connected to the City water system. He was not sure of the date when he had obtained the application or talked to the State. He had repaired the fence on the Friday after the last Planning Commission meeting. He had to return to finish the fence as there was a board missing. Commissioner Farley had visited the property during that time.

(2-0273) Mr. Givlin explained the processes to connect to the City system and that required to prove the water rights. Once an affidavit is provided, the well can be abandoned. It is not possible to have both the well and be connected to the City system. Mr. Gutzman explained his desire to know that the well had been registered. It may cost him \$10,000 to do so. He then reiterated his need to have a civil engineer establish the water use, the improvement plan, and an affidavit of intent to abandon the well. Tom Gallagher had sent him a form to abandon the well and required either the Certificate of Occupancy or the well registration. After these items are completed, he can pay his money and the City will install the meter. The plumber will run the line from the meter to the house. Mr. Givlin explained that this work is not necessary if the well is abandoned. If Mr.

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Gutzman wants to demonstrate that he has a water right or wishes to keep the well, these items must be proven. Mr. Gutzman was encouraged to talk to Mr. Givlin.

Discussion then explained the plumbing problems with the water heater and the line to the well. These leaks have been repaired. Mr. Gutzman also alleged that Ms. Henson had over-watered the lawn and caused a sink hole and water to be under the house. The hole has been filled.

Public comments were solicited. (2-0418) Ms. Henson gave the Commission photographs illustrating the problems. (A copy was given to Community Development at the end of the meeting.) She explained that the patio area which had been used for the toddlers could no longer be used. It is still sinking and the cement she had put in the hole is sliding. She opposed granting a 30-day extension. He had fixed the fence but the next wind storm had taken it back down. Things are only repaired half way and never permanently fixed. This is not acceptable. It is a privilege to have a Special Use Permit. Duct tape is not okay. He alleged that you knew the well was there. They are being strung along. It is unfair to her business and the parents to not tell them how the matter is being resolved. He fails to respond to her attorney. She felt that the siding had algae on it rather than mold as it is green. Although the siding had been scraped and painted, it still crumbles. The paint will not solve the problem. The duct tape will not stay as she vacuums four or five times a day and shampoos the carpet monthly. She alleged that Mr. Gutzman would not return and fix problems permanently. The photographs do not adequately display the conditions. She had purportedly done more to fix the building than Mr. Gutzman. Her experience with children and repair/renovation of houses was described. Mr. Gutzman purportedly will not allow her to get out of her lease nor renew it. She asked the Commission if they knew a location where she could have the childcare facility as she really did not want to relocate to her home.

Ms. McCall was one of Ms. Henson's clients. The house is in terrible shape. The caretakers are wonderful and the parents will support them. The siding should be replaced. It has algae. If there are no water rights for the well, Mr. Turnipseed can cap it. The records should be at Water Resources and recorded at the Recorder's office. The duct tape is an accident waiting to happen as her experience with her children and their shoe laces indicated. Her fencing experience was noted. Her fence remains standing after a high wind. A record of survey for the subdivision should show where the well is. He could then go to the State Engineer's office and abandon the well. Additional public testimony was solicited but none given. Public testimony was closed.

Mr. Sullivan limned the Commission's alternatives—establish a show cause hearing date for revocation or reconsideration of the Special Use Permit or direct staff to work with him to bring the building into compliance with the conditions of the Special Use Permit. The show cause hearing could be held on the next regular meeting date, May 29, or sooner, if desired. Mr. Sullivan recommended that it be on the 29<sup>th</sup> to provide adequate time for staff to meet all of the Code requirements for a show cause hearing.

(2-0645) **Commissioner Pedlar** felt that sufficient evidence had been provided to direct the staff to issue a show cause order and **moved to direct staff to issue Mr. Gutzman a show cause order as to why his Special Use Permit should not be revoked. Commissioner Peery seconded the motion.** Mr. Sullivan read the Code requirements for the show cause revocation process. He felt that his investigation had indicated that either an examination of the Special Use Permit or revocation consideration is warranted. The motion will direct staff to issue and serve the applicant with a show cause order. Items which must be included in the

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order and procedures at the hearing were noted. He asked that the motion be amended. **Commissioner Pedlar amended his motion to add that it is his finding that there are conditions which were indicated in the staff report as being conditions for revocation that do exist. Commissioner Peery concurred.** Mr. Sullivan explained that staff would issue the show cause notice and that the applicant can continue to make repairs, if desired. Mr. Sullivan also asked for another amendment. **Commissioner Pedlar amended his motion to add to the motion that the show cause hearing be conducted on May 29, which is the next regularly scheduled Planning Commission meeting. Commissioner Peery concurred.**

Chairperson Christianson explained his feeling that the show cause hearing should not be issued due to the runaround Mr. Gutzman had been receiving on the well. If the matter is continued to next month and Mr. Gutzman fails to work with Mr. Givlin, a show cause hearing could be ordered at that time. Commissioner Pedlar felt that the well issue was a serious matter particularly in view of the lack of evidence regarding it. The chipping paint issue had been noticed in August and again in February. There is other testimony showing issues which are considered general duty items to maintain the place in good order. Chairperson Christianson questioned how Mr. Gutzman could be taken to task regarding a well on which there have never been any records. Mr. Givlin had indicated that if Mr. Gutzman brings a check, the process could be started. Commissioner Pedlar felt that there are other items besides the well that were included in his conclusion, i.e., the carpet, the fact that it is a childcare facility and consideration of what is acceptable conditions for it should be involved in the process. Discussion between Mr. Sullivan and the staff indicated that there will be approximately 35 days before the next meeting date during which he may be able to complete the repairs. Progress can be indicated at the show cause hearing and the Commission can consider it in the decision making process. Commissioner Sedway felt that the Commission was being placed in a corner. The health and safety of the children are being discussed. The fence falls down. It is a liability issue. It is the same with the carpet and siding. Duct tape is not acceptable. A lawsuit will result from one fall caused by it. The cost of a lawsuit will be more than fixing the carpet. Adequate opportunity has been provided to fix the problems. He felt he was being forced to accept the motion due to the applicant's failure to make it right. He did not want his name connected with something with such litigious opportunities associated with it. Commissioner Farley supported his position. Commissioner Peery felt that Mr. Gutzman had a rather cavalier attitude toward abatement. Commissioner Wipfli was upset with the minimum standards which were being maintained at this daycare facility. This is a Special Use Permit which means that low standards should not be allowed for a facility. The people who work there are special and are doing their jobs. The house is substandard and questioned whether a show cause hearing will raise it. He wanted to have the show cause hearing. **The motion to direct staff to issue a show cause hearing for May 29 as indicated was voted and carried 6-1 with Chairperson Christianson voting Naye.** Mr. Sullivan explained the vote and that Mr. Gutzman can continue to work to bring the facility up to health standards. (Commissioners Farley and Mally stepped from the room-7:10 p.m.. A quorum was still present.)

**G-9. U-01/02-27 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARRIE HENSON (2-0850)** - Community Development Director Walter Sullivan, Associate Planner Jennifer Pruitt, Carrie Henson - Discussion indicated that Mr. Gutzman could appeal the Commission's action at the show cause hearing. Ms. Henson asked for a continuance. (Commissioner Farley returned during her request-7:12 p.m. A quorum was present although Commissioner Mally had not yet returned.) Commissioner Wipfli moved to continue Item G-9, U-1/02-27. Commissioner Peery seconded the motion. Motion carried 6-0-1 with Commissioner Mally absent.

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BREAK: A recess was declared at 7:13 p.m. The entire Commission was present when Chairperson Christianson reconvened the meeting at 7:22 p.m., constituting a quorum.

**G-10. Z-01/02-4 - DISCUSSION AND ACTION ON A CHANGE LAND USE APPLICATION FROM PALMER AND LAUDER ENGINEERS (2-0920)** - Senior Planner Skip Canfield, Applicant's Engineer Mark Palmer, Applicant Randy Harris, Community Development Director Walter Sullivan, Santos Corral, Wayne Messick, Janet Baker, Jim Godec, Larry Auchoberry, Gail Messick-Barber, Dale Ryan, Ed Williams, Lupe Corral, Marena Works, Hal Minshew - Mr. Canfield used the applicant's parcel map to explain the surrounding zoning and uses. Medium density allows four to ten units per acre. Multi-family duplex would allow seven to 14 units per acre. The zone change could not be conditioned upon a project. The Master Plan density for the site is ten units per acre, which is what is proposed. The site contains 1.8 acres.

Mr. Palmer indicated the parcel is located in a friction area and that the request complies with the Master Plan. Previous applications for the property were described. The proposal is for ten units per acre as shown in the Master Plan. Mr. Harris had indicated a desire to place senior apartments on the lot. The location of the apartments was described. It was felt that senior housing would fill a community void and mitigate the concerns which had been expressed by the surrounding property owners regarding the crime rate and traffic. The detention basin and its location were limned. Discussion between Mr. Palmer and the Commission described the surrounding uses and the location of the nearest residence. Mr. Harris described his duplexes and indicated that he did not have a problem renting to only seniors. His senior tenants at his other apartments were asking for this type of unit. Mr. Sullivan reminded the Commission that it could not condition a change of land use. Discussion also indicated that apartments do not have CC&Rs. Mr. Harris then limned the picket fence and the stucco exterior on the buildings.

(2-1200) Public comments were solicited. Mr. S. Santos opposed the continued attempt to increase the density of his area with commercial development. He also wished to keep Fuji Park. His single family one acre zoning should be maintained. Apartment dwellings should not cross Oak Street as the developer had promised four years ago. If this request is approved, a neighbor across the street from the project will seek the same zone change for his property.

Mr. Messick supported the zone change as it is the highest and best use of the land. There is a large demand for it. The location of his property was pointed to on the parcel map.

Ms. Baker opposed the zone change. Her location was pointed to on the parcel map. She had moved to the area to get away from apartments. The landscaping will not mitigate the apartments. Her current apartments could have more and better landscaping. She felt that she was being squeezed off of her property. Mr. Godec explained that the original request had been for 18 units. The proposal is for 18 units. The density is the same. The freeway and its impact on the area had been used to deny the original project. Nothing had changed as the freeway still has not reached the area. Putting that many units in a single family one acre district will create a friction area and problems. Granting the request will bring more changes to the area. There is no guarantee that he will put in senior apartments if it is approved. He asked if the Commission had seen the petition and urged them to count the names on it of individuals who support denying the request. Mr. Auchoberry explained that he had moved to the area 26 years ago to get away from apartments. He opposed the request due to his desire to keep the current environment.

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Ms. Messick-Barber supported the zone change and felt that the time was right for the change.

Mr. Ryan opposed the change due to the traffic impact and problems which it will create for the neighborhood. The uncontrolled streets in the neighborhood are used as thoroughfares and have experienced an increased volume of traffic accidents as a result. Once the zone change is allowed, increased density will be allowed on other sites. He wished to keep and enjoy his rural environment. The encroachment should be denied. Mr. Williamson felt that it is a question of money. The neighbors could not afford an attorney. He had lived in an apartment until he could afford something better. The apartments that are there now looks like a ghetto to him. He had been threatened by individuals who live there and had chased people off of his property. He felt that he did not deserve this type of treatment on his single family one acre lot. It is an isolated quiet area which should be maintained. If the area is to be rezoned, he should be informed so that he can move. He also felt that there would be an increased crime rate as a result of the apartments. He pointed out that there is no guarantee that it will be senior housing. Mr. L. Corral wished to keep his open space. He had received a copy of the Sheriff's list of the calls from the apartments that are there now. Additional apartments will increase the call numbers. Ms. Works felt that the area should be maintained as rural one acre zoning. A transitional phase is not needed. Although growth will continue in the City, the rural one acre area should be retained for those wishing to have that space. Mr. Minshew explained that the Board had rejected his application due to the feeling that the area was not ready for apartments and that the line should be drawn at Oak Street. The applicant had not presented any information indicating that there had been a change in the area to warrant the zone change. Mr. Sullivan explained that the applicant has the burden to prove this and not staff. Additional public comments were solicited but none were given. Public testimony was closed.

Mr. Palmer explained that there is a need for senior apartments. The traffic and crime issues will be mitigated by the senior housing. Although he understood that a zone change could not be conditioned, he stressed that it is the intent to construct senior apartments. There was a list of changes which had occurred within half of a mile radius of the site in the file. There had purportedly been 15 changes during the last 18 months, which he listed. A senior complex would have little traffic impact as they require fewer trips than apartments normally have. He explained for the Commission the changes in the area which had occurred since the original application was submitted four years ago.

Clarification by Mr. Canfield explained the density differences between multi-family duplex and multi-family apartment. The question before the Commission is whether there should be between seven and 14 dwelling units allowed on the site. Mr. Santos reiterated that all of the changes were on the other side of Oak. A map had been included in the Commission's packet illustrating the areas where changes have occurred. Chairperson Christianson agreed that the more significant changes had been on west side of Oak Street. Commissioner Wipfli expressed his opposition to the change based on the residents' concern.

Commissioner Wipfli explained his intent to oppose the application due to the neighbors' comments. The applicant has land on which he could put the senior units if it is a vital need. The residents had moved to the area for one acre zoning. There is pressure to change that zoning. It is hard to resist changing the zoning particularly when the project is described. The area needs to remain rural for the betterment of the community. There are apartments in the area which are in themselves a friction area. As the Board of Supervisors had said, when the freeway goes through, we will know better what we have out there. At this time the residents had moved to a rural area and he intended to support that and vote no on the project. Commissioner Peery indicated that he felt the same and that it was not a nice transition particularly in view of the investment the

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residents had made in their property. He was also unsure whether the project would butt up to their property in a nice fashion. He would not approve the project.

Commissioner Wipfli moved to deny Z-01/02-4, a Change of Land Use request from Mark Palmer, Palmer and Lauder Engineers, applicant, representing Randy and Donna Harris Family Trust, for a change of land use from Single Family One acre to Multi-family Duplex, APN 009-197-01, located at 4720 Snyder Avenue. Commissioner Peery seconded the motion. Mr. Sullivan asked for a recess due to the need to make suitable findings to support the motion.

BREAK: A recess was declared at 8:07 p.m. The entire Commission was present when Chairperson Christianson reconvened the meeting at 8:12 p.m., constituting a quorum.

**Commissioner Wipfli withdrew his motion and moved to disapprove Z-01/02-4, a Change of Land Use request from Mark Palmer of Palmer and Lauder Engineering, representing Randy and Donna Harris Family Trust, to change the zoning from Single Family One Acre to Multi-Family, APN 009-197-01, located at 4720 Snyder Way, based on his findings that Policy 1.4, in the future advocate mixture of land uses such as the mix is incompatible land uses because of the testimony today, he believed this is incompatible use at this time; another one is limit or mitigate existing land uses conflict in zoning friction areas throughout Carson City; he believed this creates more friction areas rather than limiting friction; No. 3, the Change of Land Use and subsequent development of the property will have detrimental impact to the property in the vicinity because of the testimony by adding more apartment units at this time; a Change of Land Use will not been fit the people of Carson City as a whole, these are his findings. Commissioner Peery seconded the motion.** Commissioner Farley indicated that the decision is difficult for her to make as she always supports development. The City needs the tax dollars. In looking at the signatures of individuals who own one acre parcels and love the way they live, they are the little guys and the developers are the big guys. She also knew the individuals who are involved in the process. This makes it harder for her. She took the job to vote the best way she felt and that, as a result, she would have to vote against the request. She also lives on one acre and she loves it. She would hate it if someone built apartments next to her. Commissioner Sedway opposed the development. It is a very nice unit but it is too much, too soon, and the wrong location for now. The map showing the changes put him over the edge to a degree as it shows him that not much had changed around this area. The biggest change that has yet to occur is the freeway which instigated the master plan changes. When it comes everyone with single family will have a different look. We have been here for almost five straight hours and these people have taken the time out of their lives to set here for that length of time because of this. He agreed with the motion that the request creates more of a friction than it eliminates and a lot of people strongly oppose it. This area is not ready for this change. Commissioner Mally noted that the freeway may not reach the area for 20 years. This part of it should be negated. Chairperson Christianson expressed his feeling that the vote would be six to one. It is a good transition from across the street that is multi-family apartments. It will be a good use for senior dwelling. Commissioner Pedlar indicated that he would vote against the motion. Given the location of the property and the fact that there is no single family units directly bordering it, and that the people directly across the street – discussion explained that his view of the map indicates there is one residence catty-cornered which is not directly across Oak Street – it does make for a good transition. There is change coming. He also understands Commissioner Farley's view as it is not an easy decision but like her he had taken the job knowing sometimes he would have to make decisions which are difficult and not easy. It is a logical use for this particular piece given its location. He also appreciated the people taking the time to make their

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statements. He had considered them. They had valid points. The people who are directly across the street who will have the most significant impact support the request. **The motion to deny the Change of Land Use was voted and carried 5-2 with Commissioner Pedlar and Chairperson Christianson voting Naye.** Mr. Sullivan indicated that the item would be considered by the Board of Supervisors on May 16 and explained the reasons it would be considered by the Board. He intended to ask for an evening session. He also indicated that no additional notice would be given to the residents beyond his statement this evening. If the residents/applicant want an evening session, he/she/they should submit a written request to the City Manager or the Mayor. One letter was felt to be sufficient to request this schedule.

**G-11. P-01/02-2 - DISCUSSION AND ACTION ON A TENTATIVE MAP APPLICATION FOR A PLANNED UNIT DEVELOPMENT AND A CHANGE OF LAND USE REQUEST FROM GLEN MARTEL (2-1963)** - Senior Planner Skip Canfield, Community Development Director Walter Sullivan, Applicant's representatives Jim Feser and Glen Martel, Ralph Buscher - The concept is for single family duplexes. The School District, RTC, and Engineering comments were noted. PUDs can be conditioned. The requirements of Conditions 12, 13, 14, 23, 24, 25, and 26 were noted. Mr. Canfield felt that there would be 20 duplex units.

Mr. Sullivan noted for the record that Glen Martel was the past Chairperson for the Parks and Recreation Commission. Chairperson Christianson indicated that he had been to several meeting with Mr. Martel.

Mr. Feser introduced Mr. Martel and Mark Johnson, who had prepared the site design. He thanked City staff, including Senior Engineer Rob Fellows, for their assistance with the project. He then used computer enhanced slides to explain the Millennium at State Street project. Its buyer profiles were limned. It is close to being built-out at this time. It had given the developer new ideas for another project including rear garages which are reached by alleyways, porches looking at the common space play areas, and one story duplexes. Other challenges included extended front yards, finding another location for a similar project, and internal park areas. The concept of Saliman Estates at Fairveiw and Saliman was developed. It will provide connectivity with the linear trail, the ability to use Governor's Field, and access to the Fremont Elementary School. He then described the project including its walking paths and roadways. Forty percent of the project is dedicated to landscaped open space. The detention basins are multi-use park sites. Amenities in the middle park were described. The building designs and locations were limned by use of a map. The buildings range from the mid-800 square feet to the mid-1200 square feet level. One bedroom units will not be included in the plan. Differences between the proposed project and Heritage Park were noted. The average size of the Millennium units ranged from 800 square feet to 1200 square feet. The models were larger.

Mr. Martel and Chairperson Christianson cited examples in other States of rear load units. It was felt that this project will be unique in Carson City. Mr. Martel introduced Ralph Buscher, who represented the residents of Heritage Park. A lot of work had been done to mitigate the impact on them. Not all of the issues have been finalized. Mr. Martel then used a map to explain that the blue units and the one orange duplex unit north of the existing Heritage Park will be single story units. The CC&Rs will contain a restriction on the height of those units. Commissioner Wipfli complimented Mr. Martel on doing his homework with those individuals and the project's quality of life been fits as it allows the residents to look out at the park areas. The creative features of the project were also noted. Mr. Martel explained the revision to the sidewalk plan which reduced its width and placed them closer to the porches which opened the open space for additional uses. He then announced that Summit Security Housing now has a nationally recognized planner working with them on the

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Dayton project. The planner's comments regarding Millennium and staff's flexibility was explained. The plan was presented to the Riverside Chapter of the American Planning Association on Monday as an example of how Carson City does things. Discussion noted the roundabout. Mr. Martel explained that the orange units are duplexes. There are ten duplex buildings which totals 20 units. The four unfinished lots contain the existing models for Heritage Park. They are the reason for a wider buffer on that side. The model row of homes for Saliman Estates will be on the other side of the street.

Mr. Sullivan explained the visual preference survey which had been taken approximately ten years ago. This concept incorporates many of the Neo-Traditional ideas/programs that the survey had supported. Staff supported the applicant's efforts and complimented them and the City team who had worked on the plans including Juan Guzman who envisioned the roundabouts and connectivity programs. The concept will open home ownership to a lot of individuals who may not have qualified without it. He also complimented the Commission on its willingness to accept new and innovative plans.

Public comments were solicited. Mr. Buscher briefly described the time and negotiations which had occurred on the project. The final product was felt to be one that the residents of Heritage Park could support. One of the conditions is that the community as a whole will support the project contingent upon continued negotiations and satisfactory resolution of the remaining problems. He was confident that the vote, when taken, would be favorable. He acknowledged that the language requiring single story units along the dividing line was in place. A deed restriction or condition in the CC&Rs will prevent modifying these units in the future to be two story units. Mr. Martel stipulated to this restriction/condition. Additional public comments were solicited but none were given.

Commissioner Mally moved to approve the Change of Land Use ordinance for Summit Security Housing, LLC/Glen Martel - Landmark Homes and Development as part of P-01/02-2, a Mobile Home 6000-Planned Unit Development, MH6-P, to Multi-Family Apartment-Planned Unit Development, MFA-P, on 19.36 acres west of Saliman Road and north of Heritage Park Subdivision based on the ability to make all of the findings for a Change of Land Use on Assessor's Parcel Numbers listed below in this report. Commissioner Pedlar seconded the motion. Motion carried 7-0.

Commissioner Mally moved to approve P-01/02-2, a Tentative Subdivision Map for a Planned Unit Development for Saliman Estates from Summit Security Housing, LLC/Glen Martel - Landmark Homes and Development, consisting of 194 dwelling units and common open space on 19.36 acres west of Saliman Road and north of Heritage Park including variances to front, side and rear setbacks and recommend to the Board of Supervisors approval of the request based on the ability to make all of the findings for a Planned Unit Development on Assessor's Parcel Numbers listed in Number 1 with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pedlar seconded the motion. Motion carried 7-0.

Mr. Givlin explained that he had distributed to the Commission and Clerk a two-page document containing his Department's recommendations. He had discovered a typographical error under No. 9 which he wished to correct. It should read "These easements" and not "Thess easements".

Chairperson Christianson then passed the gavel to Vice Chairperson Wipfli. (The entire Commission was still

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present, constituting a quorum.)

**H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS) (2-2938)**

**H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATION TO THE BOARD OF SUPERVISORS** - The Board had upheld the Commission's action on the racetrack's Special Use Permit with a 4-0-1 abstention vote. The Changes of Land Uses for the Lompa property and the property at the south end of the City are being processed by the Board.

**H-2. FUTURE COMMISSION ITEMS AND DATES (2-2967)** - At this time next month's agenda looks to be moderate in length although two special use permits may take a substantial amount of time. They will be scheduled for after 5 p.m. Commissioner Christianson requested a dinner break be included in the schedule. Mr. Sullivan agreed to discuss the agenda with him.

**I. ADJOURNMENT (2-2995)** - Commissioner Farley moved to adjourn. Commissioner Mally seconded the motion. Motion carried 7-0. Vice Chairperson Wipfli adjourned the meeting at 9:03 p.m.

The Minutes of the April 24, 2002, Carson City Planning Commission meeting

ARE SO APPROVED ON \_\_\_May\_24\_\_\_\_\_, 2002.

\_\_\_\_\_  
/s/  
Allan Christianson, Chairperson