

CARSON CITY PLANNING COMMISSION
Minutes of the November 28, 2001, Meeting
Page 1

A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, November 28, 2001, 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 William Mally, and Commissioners Gayle Farley, Wayne Pedlar, John Peery, Roger Sedway and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Health Director Darin Winkelman, Deputy District Attorney Neil Rombardo, Senior Planner Lee Plemel, Senior Engineer John Givlin, Public Health Specialist Dustin Boothe, Associate Planner Jennifer Pruitt, and Recording Secretary Katherine McLaughlin (P. C. 11/28/01 Tape 1-0001)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented/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. The entire Commission was present, constituting a quorum. Commissioner Wipfli lead the Pledge of Allegiance.

B. APPROVAL OF MINUTES - 7/25/01 (1-0018) - Commissioner Wipfli moved to approve as read. Commissioner Pedlar seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENTS (1-0022) - None.

D. AGENDA MODIFICATIONS (1-0030) - Community Development Director Walter Sullivan explained Senior Planner Skip Canfield's absence and his intent to introduce Items F-4, 5, 7, and 8 for him. Applicant for Item F-9 had requested a continuance and had paid for its renoticing. Its continuance will be discussed when reached on the agenda. He then asked the audience for a show of hands to determine the number of individuals present for Item F-8. Discussion moved Item F-8 to be the first item to be considered under the Public Hearing Items.

E. DISCLOSURES (1-0065) - Commissioner Wipfli disclosed that he had talked with Don Schulz regarding the packet of information on his item. He felt that Mr. Schulz had more information than the packet had contained and that the discussion had not prejudiced his ability to hear the item.

F. PUBLIC HEARINGS

F-8. A-00/01-4 - DISCUSSION AND ACTION ON REVISIONS TO THE CARSON CITY MUNICIPAL CODE TITLE 18, ZONING (1-0094) - Community Development Director Walter Sullivan, Associate Planner Jennifer Pruitt, Rev. Patrick Propster, Craig Steele, Pete Bachstadt, Senior Planner Lee Plemel, Bert Bracy, Earl Barney, Carl Walter - Ms. Pruitt's introduction included a summary of the telephone calls the office had received regarding the notice for this item. Public comments were solicited.

Rev. Propster questioned the purpose for the rezoning of the Public zone. Adequate communication had not been provided to the public regarding this proposal. The types of uses which would be allowed on the parcel adjacent to his property was questioned. Clarification indicated that Rev. Propster would retain the ability to oppose any use of the parcel. Mr. Sullivan explained that all of the green areas on the map had been zoned Public without regard for the public entity holding title to it. The proposal is an attempt to subdivide the parcels into a more defined

CARSON CITY PLANNING COMMISSION
Minutes of the November 28, 2001, Meeting
Page 2

category of uses. The uses will still require a special use permit which mandates a public hearing before the permit is granted. Notices will be sent to all residents within 300 feet of the property or the closest 35 property owners, whichever is greater. Examples of the uses allowed in the different categories were cited. Mr. Sullivan also explained that the land use map will be considered in 2002. BLM is going to be considering the uses which it will allow on its parcels at the same time. Notices will be sent to the public informing of these meetings. A technical committee may be established to review the concepts. Two or three public members may be on this committee. Rev. Propster explained his concern that the zoning on these parcels would negatively impact his property values. Mr. Sullivan explained the concerns which had been heard from the public about the type of uses allowed on publicly zoned parcels which had motivated the staff to look at the proposed concept. The conditional uses for the neighborhood, community and regional public zones were spelled out in the revision. All of these uses must go through the special use permit process which includes a public hearing and noticing. Discussion explained that Carson City had not had too many land trades. BLM had reviewed its property when the City had updated its land use map. Three different areas were indicated at that time as potential sites which may be traded or sold. The remainder of the BLM properties are either zoned as open space or for governmental uses/recreational public purposes. The amount of property which may be traded/sold may total 160 acres. This review process will be undertaken again next year. Any rezoning of the property or trade/sales proposed will be noticed to any residents within 300 feet. Rev. Propster then indicated for the record that his neighborhood near Prison Hill will be impacted by the freeway which includes an impacted the land values. His concern relates to further encroachment on the land values by changes to the open BLM property abutting his parcel. The BLM area is pristine and beautiful for hiking, horseback riding, etc. He did not wish to see this property impacted by any type of development. Further impacts to his area should not be allowed. He would attempt to do whatever he could to protect his and his neighbors investments. Mr. Sullivan suggested that BLM be invited to participate in the next meeting to address his concerns if the item is continued. The public regional zone allows many uses on the property, however, the topography, etc., will prevent a majority of them. BLM has designated Prison Hill as a recreational area. This will allow hiking, etc. Offices, treatment plants, etc., will not be allowed. Rev. Propster noted that it is easier to stop a change in the beginning than later in the process. Mr. Sullivan read from the list of conditional uses which could be allowed on the site and explained that regional uses will not be allowed on a neighborhood publicly zoned site. Neighborhood uses will be allowed with a special use permit. He then suggested that public testimony be taken and that the item be continued to the December 19th meeting. This will allow staff time to work with the individuals who have concerns with the proposal. BLM will then have an opportunity to explain its urban interface plan. The City had worked with BLM on it. No private property is being rezoned by the proposal. No development plans have been submitted for any of the public zoned areas. The public was invited to come to his office and discuss the concept. Chairperson Christianson reiterated that the uses will require a public hearing and public notification. Mr. Sullivan explained the reasons for requiring the public notification process and special use permits.

(1-0440) Additional public comments were solicited. Commissioner Sedway explained the original intent had been to notify residents adjacent to parcels now zoned public about the type of uses which may be considered on those parcels. The process will require a special use permit before the use is implemented. He also pointed out that the terms "public neighborhood", "public community", and "public regional" had not been defined in the staff report. He questioned the need for the changes in view of the public concern the concept had created. The current designation also requires a special use permit before any uses are implemented. Mr. Sullivan responded by expressing his feeling that the public should know what may or may not be allowed adjacent to their properties. Discussion pointed out that there are no primary permitted uses allowed on publicly zoned parcels. The Board of Supervisors and the Commission had directed staff to develop the concept as a result of the public concerns voiced about the proposal to locate a substation in the northern portion of the community. The definitions for public neighborhood, public community, and public regional are included in Title 18. Discussion explained that the uses had been separated into the three classifications according its intensity. Neighborhood uses may not be found in the community or regional zones. The concept spells out the type of conditional uses which could be located on each publicly zoned site. Mr. Sullivan complimented the public for attending the meeting although he regretted having "riled" the public in the attempt to bring forward the concept. The period between meetings will be used to discuss those items with the residents and ensure that some uses have not been overlooked or added that should not be there. Copies of the listing of conditional uses will be made available.

(1-0535) Mr. Steele felt that additional work was needed. He had previously suggested that the type of uses be defined and that the public zoned parcels be divided into those classifications so that adjacent property owners will know what uses may occur on the property at some future date. The public neighborhood zone appeared to meet this concept. The community zoned area appears to be a more intense use and will attract more than just the neighborhood. The public regional zone, however, needed additional work. He had suggested to Mr. Sullivan that it be worded to indicate that any use would be permitted so long as a special use permit is obtained. Mr. Sullivan had informed him that this is not possible due to the need to provide examples of what the uses could be. These examples had made it unclear as to the intent. His discussion with Mr. Sullivan had also indicated that residential, commercial and industrial uses would not be allowed in the public region-

al zone. He then suggested that additional examples be included within the list such as: open space, stadium, hospital, sewerage treatment plant, etc. These items have a regional interest. He urged the Commission to also give the definition of regional additional thought. Clarification of his comments indicated that he wanted to have only three items listed in that classification which would be prohibited. Chairperson Christianson supported having all of the potential conditional uses listed. Mr. Steele then suggested that another paragraph be included which would explain the intent as being to include everything and not exclude anything except for industrial, residential, and commercial uses. He was concerned about the legality of the proposal as a City Department would not be able to have a use unless it is listed. Discussion between Mr. Steele and Chairperson Christianson indicated a desire to have a newspaper ad describing the conditional uses which would be allowed in each classification. Discussion also explained that a sewerage treatment plant would not be located on Prison Hill without a special use permit. It could, however, be considered for any public regional zoned sites which are deemed feasible for it. Mr. Steele then explained that during his tenure on the Commission a great deal of effort had been spent attempting to address the friction areas between different uses to prevent future problems. The proposal creates friction zones by placing residentially zoned areas against public regional zones. Better disclosure will reduce this problem by creating a clearer picture of the type of uses which maybe put there. Commissioner Pedlar pointed out that the special use permit will allow those residents an opportunity to discuss the proposals with the Commission and Board of Supervisors. The special use permit process ensures public input throughout the process. Mr. Steele felt that the special use permit process comes after the property owner decides what he/she will do with his/her property. Chairperson Christianson pointed out that the individual should not put money into the use before the special use permit is granted. Commissioner Farley also felt that this would be part of the real estate disclosure process. Mr. Steele continued to explain his feeling that the process needed revisions. Commissioner Farley delineated the disclosure process required for real estate deals. Chairperson Christianson supported her comments.

Discussion between Commissioner Mally and Mr. Sullivan explained that Federal and State governmental agencies are required to obtain special use permits unless the use was in effect in the 1970s. The urban interface plan also recognizes the City's use permit requirements. BLM has obtained special use permits in the past.

Mr. Steele then went to the map and pointed out a parcel "straddling" Arrowhead Drive at the west end of the airport that is purportedly owned by BLM. The proposal will zone this parcel as public regional. The parcel had purportedly been zoned as open space by the Board of Supervisors sometime between 1984 and 1986. The airport has mapped the area as "clear space". With these designations this parcel will not be used for a hospital, stadium, etc, which are intense uses and listed under that classification. The parcel will in all probability be used by individuals living within a quarter of a mile. It should be designated as a public neighborhood area. The parcel is between two residential parcels.

Discussion between Mr. Bachstadt and Mr. Sullivan explained the proposal to separate the public zone into three classifications. All of the conditional uses will have the same priority for each classification. Clarification indicated that land trades are not part of the process. The process will not change the requirements for trades/sales. Mr. Bachstadt expressed his concern that the proposal will make it easier for the City to sell City parks. Chairperson Christianson explained that the intent should enhance Mr. Bachstadt's property, which is adjacent to the Arrowhead site discussed by Mr. Steele, by further defining what type of uses could be allowed on the publicly owned parcel with a special use permit. Mr. Sullivan explained the process required to change the Code and allow/eliminate uses. The public zones will not allow commercial development to occur on them. Mr. Bachstadt explained his concern with the development occurring in Douglas County, which is also adjacent to his six acre

CARSON CITY PLANNING COMMISSION
Minutes of the November 28, 2001, Meeting
Page 4

residential parcel. Mr. Sullivan urged him to meet with City staff and discuss his concerns. At that time the parcels which BLM/Forest Service had expressed a desire to sell or trade can be shown. He felt that there are only three or four sites in Carson City which may be traded/sold. Additional public comments were solicited.

(1-0945) Mr. Plemel used the map to show Mr. Bracy the location of his property. Mr. Sullivan explained that the adjacent parcel is zoned public regional and is owned by BLM. Two 40 acre parcels have been designated by BLM for potential sale/trade in that area. He offered to show Mr. Bracy where those parcels are if he comes to his office. He then explained that the proposed concept was an attempt to designate potential uses for the public zones so that the adjacent neighbors will have a better understanding of what uses may be there in the future. Originally there had been a list of 18 to 20 uses. The map is being updated as a result of the changes which had been made to Title 18. Clarification indicated that the next meeting would be held in the Sierra Room at 3:30 p.m. on December 19. Chairperson Christianson also suggested that Mr. Bracy call the office to determine when the item may be heard on that date.

Mr. Barney explained his attendance at master plan meetings for the Community College. He questioned the reasons why the two rectangles owned by the College were not designated as the College. The map allegedly gives the perception that any other public regional use could be allowed on them. Mr. Sullivan explained that the College has significant regional implications. The concept is to have neighborhood, community, and regional public zoned areas. The College attracts students from surrounding counties which warrants the regional designation. Mr. Barney continued to voice his opposition to the designation. He acknowledged that it is a regional college, however, it is more a community than a region and should be designated as such.

(1-1085) Additional public comments were solicited. Mr. Walter explained the zoning in his area of Kings Canyon. He questioned the amount of the PUD which had been dedicated as open area. Mr. Sullivan explained the Code requirement mandates that between 30 and 40 percent of the PUD be designated as open space. Chairperson Christianson felt that this area must be retained as open space. Mr. Sullivan expressed a desire to meet with Mr. Barney regarding the ownership of the open space. The property may be controlled by the homeowners association. The Parks Department would have to go through the special use permit process to change the open space use. Mr. Barney was not aware of there being a homeowners association. The residential area is zoned either SF6,000 or SF12,000 PUD. Once the ownership question is resolved, Mr. Sullivan felt that he would be able to correctly tell Mr. Barney what the zoning designation is or the open space. Mr. Barney felt that the common area is maintained by the City Parks Department. The residents had been told that the common areas will remain. He did not want to see a home constructed in the common area. He had paid a premium to locate adjacent to the open space area. Chairperson Christianson urged him to meet with Mr. Sullivan after the meeting. Additional comments were solicited but none given.

(1-1190) Rev. Propster then clarified his understanding of the proposal as being that the current zoning for the parcels is Public. The concept redefines what the use will be for the future. The current zoning allows the same uses if a special use permit is obtained. The proposed zoning will restrict the uses to match the surrounding uses.

Commissioner Sedway explained that the process will make it easier if a permitted use is allowed for that zone. He then expressed his support for Mr. Steele's request to restrict the uses rather than identifying the permitted uses. Chairperson Christianson clarified that the none of the uses are permitted. They are all conditioned uses. Mr. Sullivan and Chairperson Christianson reiterated the definitions of neighborhood, community and regional to illustrate the differences in the uses. All of the uses will require a special use permit. Mr. Sullivan then requested a continuance of the Public zoning.

Commissioner Wipfli moved to continue the Public portion of the Title 18 to the next available Commission meeting. Commissioner Mally seconded the motion. Motion carried 7-0. Discussion indicated that the matter would be reagendaized for the December 19th meeting. The public was urged to contact staff for additional clarification and to discuss any concerns. The public was also invited to attend the next meeting.

BREAK: A recess was declared at 4:55 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 5 p.m. although Commissioner Farley did not return until 5:02 p.m.

Discussion ensued concerning Item F-9. Staff had felt that it would be discussed between 5 and 5:30 p.m. The applicant had requested a continuance. Mr. Sullivan suggested that the Commission follow the agenda after the remaining F-8 items have been addressed.

Mr. Plemel and Mr. Sullivan then explained the staff report on the industrial zone, which retained the original Code, and the resolution on Planning fees. Fee increases were not being proposed at this time. The new Code indicates that the fees are adopted by Resolution. The fees may be revised next year. Public comments were solicited but none given. **Commissioner Wipfli moved that the existing Industrial Zoning classifications be approved for Title 18 and that the proposed Resolution for Planning and Zoning Fees be approved. Commissioner Peery seconded the motion. Motion carried 7-0.** Chairperson Christianson explained the time it had taken to revise Title 18. He hoped that the remaining portion could be finalized at the next meeting.

F-1. U-98/99-61 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR BOB MCFADDEN (1-1435) - Associate Planner Jennifer Pruitt - The applicant was not present. Public comments were solicited but none given. Commissioner Pedlar moved that the Commission continue until April's Planning Commission meeting the annual review of Special Use Permit U-98/99-61. Commissioner Wipfli seconded the motion. Motion carried 7-0. Clarification indicated that the applicant had concurred with staff's recommendation that the item be continued.

F-2. U-01/02-15 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LARRY TILLER (1-1475) - Associate Planner Jennifer Pruitt, Larry Tiller - Mr. Tiller explained the proposal to install 150 slot machines, a bar, and a snack bar in a portion of the garage. This is the beginning of a phased project which will reopen the Ormsby House. The status of the remodel was described. Mr. Tiller hoped to have the entire structure open sometime next year. The two accesses to the proposed slot area were described. Initially only two floors of the parking garage will be opened for parking. If additional parking is needed, more floors will be opened. Public comments were solicited but none given. Commissioner Mally moved that the Planning Commission approve U-01/02-15, a Special Use Permit request from Larry Tiller, Cubix Ormsby LLC, owner, to allow unlimited gaming on a parcel zoned Downtown Commercial located at 600 South Curry Street, APN 003-093-05, based on seven findings and subject to six conditions of approval contained in the staff report 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.

F-3. U-01/02-16 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM EVA SULPRIZIO (1-1555) - Associate Planner Jennifer Pruitt, Senior Planner Lee Plemel, Applicant's Representative Bruce Robertson, Community Development Director Walter Sullivan - Ms. Pruitt's introduction included a request to add Condition 15, which was read into the record. (A copy is in the file.) Discussion indicated that an avigation easement will also be required. Mr. Robertson indicated that he had read and concurred with the staff report including Condition 15. Both Condition 15 and the avigation easement had been discussed at the Airport Authority meeting. During a telephone conversation with Airport Authority Attorney Steve Tackes and Airport General Manager Yvon Weaver it had been determined that it would not be necessary to file an application with the FAA. Mr. Sullivan explained his conversation with Mr. Tackes and concurred with Mr. Robertson's representation of the telephone discussion. Public comments were solicited but none given. Commissioner Pedlar moved that the Planning Commission approve U-01/02-16, a Special Use Permit request from Eva Sulprizio, Northpoint LLC owner, to allow a child care facility for 48 children on a parcel zoned Limited Industrial located at Goni Road, Hot Springs Road and College Parkway, APN 002-653-03, based on seven findings and subject to 15 conditions of approval contained in the staff report 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 Mally seconded the motion. Motion carried 7-0.

F-4. U-01/02-13 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MARTA G. VALENZUELA (1-16605) - Community Development Director Walter Sullivan, Applicant's Representative Bruce Robertson - Mr. Sullivan described the parking lot improvements which will be required. The lot must be paved but lighting is not required. Lighting standards have been established if it is included. Mr. Robertson had read the report and concurred with it. Public comments were solicited but none given. Commissioner Peery moved to approve U-01/02-13, a Special Use Permit request from Marta G. Valenzuela, Mary E. Cameron, owner, to allow a beauty shop and spa on property zoned General Office located at 710 North Walsh Street, APN 004-242-02, 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 or 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.

F-5. U-01/02-14 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PATRICK J. PROPSTER, REPRESENTING CARSON CITY CHRISTIAN FELLOWSHIP (1-1731) - Community Development Director Walter Sullivan, Rev. Patrick J. Propster, Senior Engineer John Givlin - A fax from Patricia Riggs was read into the record indicating she would not be responsible for any or all problems during the use of her lot for parking. Mr. Sullivan indicated that this is an issue between the Church and Mrs. Riggs. Therefore, it was not added as a condition of approval. Discussion between the Commission and Rev. Propster described the location of the parking lots. Rev. Propster agreed to provide cones to mark the street crossing and pedestrian crossing areas to the lot across the street from the Church. Mr. Givlin suggested that the cones be used to mark the parking area as well as the pedestrian crossing area along the side of the street. The cones will be the standard size--18 to 24 inches in height and red or orange in color. Rev. Propster felt that the lot would be used for "extreme overflow" only. He would make sure that the crossing area on Goni is "manned" for safety reasons. It is the furthestmost parking area. Public comments were solicited but none given. Commissioner Sedway moved to approve U-01/02-14, a Special Use Permit request from Patrick J. Propster, Arlen K. Bean, Shirley Greene, Patricia Riggs, and Ray Sulprizio, owners, to allow off-site parking on APNs 008-681-34, 008-681-36, and 008-682-01, within 300 feet of the primary use of APN 008-681-33 on property zoned General Industrial and Limited Industrial located at 1700 Forrest Way, 1741 Forrest Way and 4909 Goni Road, based on seven findings and subject seven conditions of approval contained in the staff report 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.

F-9. U-01/02-18 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM GLEN MARTEL (1-1910) - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, Glen Martel, Deputy District Attorney Neil Rombardo, Kate Schulz, Dave Dieter, Lisa Young, Vice Chairperson for the Washoe Tribal Council of Nevada and California Wanda Batchelor, Donald Schulz, Juli McKean, Alisa Andrews, Sharlene Liguori, Robbie George, Carter Schleicher - Additional letters were distributed to the Commission and Clerk. (Copies are in the file.) Mr. Martel requested a continuance in order to work with staff on the concerns raised in the staff report and to supply additional information. He asked that the item be rescheduled for the December 19th meeting. Public comments were solicited. Discussion between Chairperson Christianson and Mr. Rombardo indicated that the City's position would not be injured by taking testimony at this time and at the December 19th meeting. Mr. Rombardo asked that the Commission remember the comments which are provided in case that individual is unable to attend the next meeting. Discussion indicated that the Commission wanted to hear comments on the continuance request as well as the application. Public comments were again solicited.

Ms. Schulz indicated that neither her legal council nor her environmental protectionalist are available for the December 19th meeting. They had asked that the hearing be continued to the January meeting. The applicant had requested a 30 day continuance. The 19th is only 20 days and major holidays fall shortly thereafter. Adequate time needs to be given for people to reschedule. She also expressed an interest in speaking again later on the raceway issues.

CARSON CITY PLANNING COMMISSION
Minutes of the November 28, 2001, Meeting
Page 7

Additional comments were solicited on the continuance. Mr. Sullivan indicated that Mr. Dieter's fax had been given to the Commission. It opposed the continuance. Chairperson Christianson indicated that the Commission has a copy. (A copy is in the file.) It indicated that the holidays and short noticing period would impact the opposition's ability to have more of the neighbors attend the meeting. He preferred to hear the application this evening or wait until January to hear the application. Additional comments were solicited.

Ms. Young supported Mr. Dieter's request that the matter be postponed until January. Ms. Batchelor supported the continuance due to the desire to notify their residents at the Stewart Colony. She had also submitted written comments. Additional comments were solicited but none given.

Mr. Martel asked for a continuance to the December 19th meeting although he could understand the concerns and desire for a January meeting. January will impact his ability to meet the conditions. He was willing to continue it to January if it will help with the neighbors. He then stated that he would not have a real objection to a January continuance.

Commissioner Pedlar moved that the Planning Commission continue consideration of Item F-9, U-01/02-18, discussion and action regarding a Special Use Permit from Glen Martel, etc., etc., and that the Commission continue it until the regularly scheduled January 2002 Commission meeting. Mr. Sullivan indicated that this would be January 30, 2002, and that the meeting would be held in the Sierra Room. **Commissioner Wipfli seconded the motion. Motion carried 7-0.**

(1-2170) Additional comments on the project were then solicited. Mr. Dieter noted his telephone conversations with District Attorney Noel Waters and Community Development and indicated that he had submitted written comments regarding the proposal. His major concerns related to the legality of the motorcross and racetrack. Purportedly his paperwork indicated that from September 1977 until May 1979 the racetrack had not been used. Therefore, the grandfather clause was not valid. He asked that Mr. Rombardo investigate this claim. Documentation could substantiate his claim. He voiced his objection to the mufflers which are used at the track. Measurements of the mufflers were described. The decibel limit on the cars had increased dramatically. The same concern also relates to the motorcross. Restriction on the decibel level and enforcement of the restriction needs to be undertaken. He also indicated that the racetrack abuts the lot lines. Providing a buffer would help reduce the decibel reading. Documentation also shows that there had only been eight races a year on the motorcross track. Planning had purportedly given them ten races, if they are legal. He questioned the number of practices which will be allowed for the ten races. Enforcement of the decibel rating from either Carson City or the Sheriff's Office was requested. He knew that the City does not have a noise ordinance. He pointed out that the City's master plan had included numerous objectionable references to the racetrack. He felt that "Carson City had not adopted the master plan". He alleged that the Commission and other individuals had been invited to visit the area during a race. No one had ever taken anyone up on this invitation. Discussion indicated that a written request had been "lost in the paper shuffle". Mr. Dieter then indicated that the request had not been made in writing. Chairperson Christianson expressed his willingness to visit the area if a request is made. Mr. Dieter then stated that he did not want to put the racetrack out of business, however, Mr. Bawden should have been aware when he decided to take it on that it was not a financially wonderful deal. The racetrack operates at the expense of many for the benefit of only a few individuals. The race activities do not end at 11:30 p.m. The Sheriff's Office refuses to enforce any laws regarding it. Sixty to seventy percent of the races continue after 11:30 p.m. Once the races terminate, the noise continues due to the need to remove the race vehicles from the area and partying by individuals who had attended the race. Two years ago there had purportedly been gun shots and fights in the pit area. It is a terrible nuisance and is not the best and highest use of the land. He had moved to the area in 1992. He was aware that the racetrack was there when he purchased his property. The racetrack has expanded over the years as indicated by the extended hours, the addition of motorcross, etc. It is impossible for him to enjoy his domain due to the daily motorcross activities. The races had ended at 10 or 10:30 p.m. when he moved there. Some dust control abatement has occurred but only after visits to City and State offices. He then quoted a news article to illustrate what he felt was the owner's attitude toward the City and the residents.

Additional comments were solicited. Mr. Schulz felt that the only two legal non-conforming uses originally allowed at the racetrack had been auto racing and motor bike racing as illustrated in their advertisements. He also supported Mr. Dieter's comments that there had been no racing activities during the 1977 to 1979 timeframe. Therefore, the grandfather rights had been lost. The change from race cars to stock cars could be considered an extension of uses although he preferred to consider it auto racing regardless of whether it is stock cars or modified cars as are currently raced. Motorcross had not occurred on the site but off-track automobile driving has occurred. Some of those drivers had even driven on his property at that time. Motorcycles had also been driven on his property without a permit or his permission. None of the other items currently occurring on the site are illegal. The situation has since gotten out of hand. The City needs to develop a method of dealing with this situation. Police protection is not provided. Parties and camping are occurring overnight. These activities do not have a special use permit. The only special use permit granted was for a music event. The track closes a public street with a barricade. Efforts to address this issue have been unsuccessful. The neighbors have always cooperated with the former T-Car owners. The owners' attitudes, however, have not been reciprocal. He urged the Commission to read the reports and advertising material as it will show that the uses are not legal and should not be allowed. Chairperson Christianson encouraged him to return on January 30.

Comments indicated that Ms. Batchelor's letter was included in the packet. Chairperson Christianson asked that she not read the letter into the record. The Commission will consider her points. Mr. Sullivan also stipulated that the letter is part of the record. Future staff report(s) will include copies of the letter.

Mr. Andrews explained the location of his residence near the racetrack. He was representing his two young sons. He had discussed the rules and regulations regarding the racetrack when he purchased his home. His goals when he purchased the property were limned. He had suggested to friends that they purchase in the same neighborhood, which they had done. They had felt that the area was a fine neighborhood with upstanding, fine residents. He had visited the property during a race prior to purchase. He had found the noise to be tolerable based on the promises regarding the amount of racing that would be allowed. What he had found since moving there, however, was a lot of irresponsibility, taking advantage, "the real wild west" related to alcohol drinking, sloppy driving, and not taking care of the vehicles coming and going from the racetrack. He invited each Commissioner to visit his home to see the parts he had acquired from the road. This includes bolts, muffler parts, etc. The "overlayment" of the road is unsafe for vehicles towing 16 to 20 trailers/vehicles. It was not designed for this type of traffic. As it is a neighborhood area, people congregate after the events. He had personally called the Sheriff's Offices regarding the congregations as they are drinking alcohol, smoking marijuana, and "inviting" young women. The Sheriff's Office has refused to patrol the area. Growth in the southern portion of Carson City and the northern portion of Douglas County was noted. People need an affordable and reasonable area in which to live. He questioned whether expansion of the racetrack should be allowed due to the need for residential sites. If the track is allowed to expand, the adjacent residents should be allowed to change their zoning to commercial and sell out. If it is to remain residential, then the expansion should be denied. Otherwise, the racetrack will create a negative impact on his property value. He urged the Commissioners to visit the site during off-track season to determine the potential for the area. The commercial value of the residents was limned to illustrate the need to keep residents in the community. The Commission would not be proud of their area on Friday evenings during the racing season.

Ms. McKean explained her residence near the racetrack and tenure there. She pointed out that as the races are not occurring now, watering does not occur. She had been aware of the racetrack when she purchased her property. She felt that she could live with the track as it had originally been. The area is beautiful and they wished to remain. Her efforts to contact Mr. Burton at the track had been unsuccessful. The issue of the dirt from the racetrack parking area has been raised many times. The dust accumulation after a windstorm in her mobile home was described. She felt that the neighbors wanted to work with the racetrack owners and that they do not want it to grow.

Ms. Andrews suggested that, if more commercialization is allowed in the area, the speed limit needs to be reduced. The speed of the vehicles is a danger to her children and the neighborhood. She asked that "children at play" signs and/or additional speed limit signs be installed.

Ms. Schulz explained that her husband's grandfather had homesteaded the 160 acres surrounding the racetrack in 1872. Therefore, the racetrack had not been there first. There were only two legal uses which should be allowed at the track--stock car and motorcycle racing on a track. The track operators have removed the fence separating their properties. Motorcross damage has occurred to the creek and on Indian land. They have removed the Schulz' fence and gate. The Schulz' had hired a company to remove engine blocks, generators, carburetors, fuel pumps, tires, etc. The Schulz' were not encroaching on the track. A public street has been fenced off. They spray sewer water/effluent all over the place. The dirt it covers then blows all over the place including the children's playgrounds, etc. Chairperson Christianson explained the rules and regulations regarding the use of effluent allows it to be used on the golf course. Ms. Schulz felt that the golf courses are covered with grass which is a "known environmental cleaner of many things". When the effluent is sprayed on dirt, there is no cleaner. The dirt then blows all over the neighborhood. They have stolen water from the creek, the Indians, and the prison. After the parking lot dries, the contaminated soil blows everywhere.

Commissioner Farley expressed her apology if her remarks had offended Ms. Schulz earlier. She understood that Mr. and Ms. Schulz owned the property. It had been interesting listening to her husband. Ms. Schulz then explained the area which had been homesteaded by her husband's grandfather. The racetrack had intruded into the Schulz property. She reiterated her request that the Commission watch the language used by the racetrack. Their use of terms such as baseline uses, legal non-conforming uses, legitimate expansion, etc. This has allowed them to do whatever they wish.

Ms. Liguori described her residence location on the hill and that during the last wind storm her gravel had been covered in dirt. She urged the racetrack to water the dirt constantly.

Ms. Young explained her instructions to her family and friends who want to visit her home due to her concerns regarding their safety on the streets during a race. She suggested that the Sheriff's Office may wish to conduct a sobriety test on the individuals going to or coming from the races. She then described her feeling that the track operators are not complying with the hours of operation and the noise problems she has encountered at 11 p.m. The Sheriff's Office has refused to handle these problems when she has called them. She then called the owner's office and left a message. A response was not received to her call. She had understood that the racetrack was there when she purchased her home. The operation had been reasonable at that time. This is no longer the case. She had taken videos of the dust storms they endure.

Mr. George explained his employment history, his experience with dust, and his knowledge of race cars. The summertime efforts to prevent dust were felt to be adequate, however, since then the efforts have been terminated. People who have been to the racetrack often walk through his property to reach their vehicles after the race. They leave beer cans and bottles all over his property. Cars were still leaving the last race at 4:15 a.m.

Mr. Schleicher explained that fugitive dust is governed by NACC 445B.365. The racetrack is not exempt from this regulation after the racing season is over. He then listed the various fines/citations which had been issued to the race track due to fugitive dust and other Statutes since 1999. Even though the application purportedly indicates that there is an approved dust control plan, it evident that it is not being implemented at this time. Chairperson Christianson then closed the public testimony. He urged any other speakers to attend the January 30th meeting as well as those who had testified. He also suggested that the comments be submitted in writing. They will be made part of the record.

Commissioner Wipfli agreed that it is a beautiful area. He hoped that Mr. Martel could develop constructive resolutions to the problems. He agreed that the main parking lot at the track is dust. He suggested that it be transformed into a hard surface. He felt that the neighbors had been aware of its existence and were willing to have it continue to operate under reasonable conditions. He hoped that there is a way to resolve the problems and satisfy both sides before the January meeting. He also thanked the speakers for their testimony. No additional action was taken.

F-6. DISCUSSION ONLY ON THE CARSON CITY DEVELOPMENT STANDARDS

PREVIOUSLY APPROVED BY THE PLANNING COMMISSION (1-3258) - Senior Planner Lee Plemel, Deputy District Attorney Neil Rombardo, Community Development Director Walter Sullivan - Commissioner Farley explained her reasons for bringing this matter back for discussion and her concern regarding commercial buildings and their color. Mr. Plemel noted Standard 1.1.6 indicates that the building should blend with the surrounding neighborhood. He agreed that it could be difficult to require specific colors. Commissioner Farley noted Mr. Rombardo's concerns regarding this word which he had stated when the Commission adopted the Standards. Although she did not want to start the process over, she questioned how to handle it at this point. Mr. Rombardo reminded the Commission of his comments that any ordinance should not contain words such as "we should" or "we feel" as it provides ambiguity. If the Commission desire to control colors, a revision could be made to make it "shall" instead of "should". Mr. Sullivan agreed that "shall" would make it easier to enforce. He preferred to use the Guidelines as developed for a trial period before revising it. The Design Standards are a new concept for the community and the trial was felt to be justified. Commissioner Pedlar also explained that "muted" and "earth tones" are not colors. Personal differences in these colors may create problems in the future. He had been a resident of the community long enough to know that dictating the color of a building to an individual could create problems. He was unsure whether the Commission wished to enter into this political arena. His CC&Rs had included color restrictions. He had accepted that when he purchased his home. Putting it in the City Code is, however, another matter. He was willing to give the Guidelines a trial period. Mr. Rombardo expressed his willingness to agree with Mr. Sullivan as the Standards are guidelines. The term "should" does guide an individual. He referenced a building on Highway 50 to illustrate the point regarding "muted earth tones". Commissioner Sedway expressed his opposition to policing colors. He was willing to have a trial period. He could support the Standard so long as there is an appeal process available for the individuals if they disagree. Commissioner Farley explained the colors on the building which had created her concern. She had only raised the issue so that the Commission and staff would be aware of the concern. No formal action was required or taken.

F-7. DISCUSSION AND ACTION ON POTENTIAL DEVELOPMENT AND APPROVAL OF PLANNING COMMISSION DEPARTMENTAL POLICY REGARDING LONG-TERM/EXTENDED STAYS AT HOTELS/MOTELS (1-3534) - Community Development Director Walter Sullivan - Mr. Sullivan indicated an intent to not discuss the room tax issue as this is a Convention and Visitors Bureau (Bureau) item and not a planning issue. The concern relates to the use of hotels/motels for long-term living areas without meeting the apartment standards. (2-0001) Examples were provided. A revised motion was given to the Commission and Clerk. (A copy is in the file.) Staff recommended that units being rented by individuals staying longer than 180 days comply with the apartment standards. Mr. Sullivan also expressed a desire to avoid the sewer, water, and business license issues which may also be involved. Examples of individuals needing a six month temporary residence were provided. The Commission was asked to establish a policy and Departmental interpretation which would place apartment design standards on extended stay facilities. This would provide a more conducive environment for the residents. Amenities which would be provided were listed. Discussion indicated that an individual could live in a unit for 179 days, check out and immediately check back in. It would be difficult to enforce the check out requirement. Mr. Sullivan explained that the Bureau audits the hotel/motel records and could advise his Department when individuals are found staying for longer periods. This would provide the necessary information to require an investigation and the City could then take appropriate action. The half-time compliance officer would investigate the "complaint". A complaint of this nature has not been filed, however, the Bureau had discussed its concern regarding the amount of hotel/motel rooms available for tourists with Mr. Sullivan. It appears as if 50 to 60 percent of the hotel/motel rooms are currently being used for long term stays. This makes it difficult to market the community to tourists. Commissioner Wipfli supported the concept and urged Mr. Sullivan to obtain enforcement assistance from the District Attorney's office. His personal experience with residents living in such facilities was described. He felt that the decision to allow 180 day periods of stay had been justified, however, it appears as if the City is now being taken advantage of. Additional amenities should be provided to the long term residents. Chairperson Christianson supported his comments. Mr. Sullivan agreed to discuss any enforcement problems with Mr. Rombardo. He then explained that Title 18 included an interpretation clause and placed its decision-making burden on the staff. If the Commission adopts the policy, it will automatically become staff's policy. Commissioner Sedway voiced his opposition to the proposal due to his feeling that the individual had made his/her choice when he/she elected to live at the hotel/motel for a long period of time. The lack of rooms

indicates a need for more hotels/motels. The City should not tell individuals where they must live or the amenities they want. Commissioner Peery felt that the proprietors who would be impacted by the policy should have a voice in the discussion. Commissioner Wipfli moved to adopt a multi-family apartment design criteria as established in Title 18 and the Development Standards in regard to parking, open space and amenities for extended stay facilities of more than 180 days as a Carson City Planning Commission policy. Following a request for an amendment, Commissioner Wipfli continued his motion to include: and as the Planning and Community Development Department's policy and interpretation of Carson City Municipal Code, CCMC Title 18 as it relates to long term/extended stay hotel/motel design standards. Commissioner Farley seconded the motion. Motion was voted by roll call with the following result: Sedway - No; Pedlar - No; Wipfli - Yes; Peery - No; Farley - Yes; Mally - No; and Chairperson Christianson - Yes. Motion failed on a 3-4 vote.

Mr. Sullivan indicated that the matter may be going to the Board as it will be considering the room tax issue. He would report the Commission's action to the Board at that time. Additional discussion between the staff and Commission may occur in the future.

Commissioner Pedlar iterated his concern that adequate noticing had not been provided. He would have liked to have seen the concept before this evening. He was not opposed to the concept. Mr. Sullivan then suggested that the motion be reconsidered and a continuance requested. His discussion with Chamber of Commerce Chief Executive Officer Larry Osborne was described. Mr. Osborne had purportedly not had a concern regarding the concept as it is tied to the 180 day policy. Mr. Osborne had also indicated that the item should have been advertised better. Commissioner Pedlar reiterated his reasons for voting against the motion. Discussion ensued on the procedure to reconsider the original motion. Mr. Sullivan expressed a willingness to continue the matter to a future meeting. Advertising will then be provided. Commissioner Pedlar then moved to reconsider the prior motion. Commissioner Sedway seconded the motion. Motion carried 5-1-0-1 with Commissioner Sedway voting Naye and Commissioner Peery abstaining.

Commissioner Wipfli then moved to continue it. Discussion ensued concerning the action which should be taken regarding the previous motion. Commissioner Wipfli then moved to rescind the original motion and moved to postpone it to the next available meeting. Commissioner Pedlar seconded the motion. The motion carried 6-1 with Commissioner Sedway voting Naye.

F-10. DISCUSSION AND ACTION REGARDING THE ELECTION OF A CHAIRPERSON AND VICE CHAIRPERSON (2-0295) - Commissioner Pedlar moved to nominate Commissioner Christianson as Chairperson. Commissioner Wipfli seconded the motion. Additional nominations were solicited but none made. The motion was voted and carried 6-0-0-1 with Commissioner Christianson abstaining.

Nominations for Vice Chairperson were solicited. Chairperson Christianson passed the gavel to the current Vice Chairperson Mally and moved to nominate Commissioner Wipfli as Vice Chairperson. Commissioner Farley seconded the motion. Additional nominations were solicited but none made. The motion was voted and carried 6-0-0-1 with Commissioner Wipfli abstaining. Vice Chairperson Mally returned the gavel to Chairperson Christianson.

G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

G-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (2-0345) - Community Development Director Walter Sullivan - The final land division map and the Carson City Christian Fellowship's fee waiver request were approved as recommended. The amended Silver Oak Planned Unit Development agreement will be considered on December 6th. Title 18 and the Development Standards, except for the Public zone, will also be considered by the Board on December 6 and the second reading will be on December 20. The roof is to be replaced on the mobile home on Goni Road. An engineer had designed the plans for the roof which meet the required pitch. Staff is reviewing these plans now.

G-2. FUTURE COMMISSION ITEMS (2-0375) - The racetrack will be agendized for the January 30th

CARSON CITY PLANNING COMMISSION
Minutes of the November 28, 2001, Meeting
Page 12

meeting. The next meeting is scheduled for Wednesday, December 19th. There are six or seven items scheduled for that meeting. Chairperson Christianson thanked former Vice Chairperson Mally for his excellent work during the past year.

H. ADJOURNMENT (2-0392) - Chairperson Christianson adjourned the meeting at 7 p.m.

The Minutes of the November 28, 2001, Carson City Planning Commission meeting

2001. ARE SO APPROVED ON December 19, 2001.

/s/

Allan Christianson, Chairperson