

CARSON CITY PLANNING COMMISSION
Minutes of the January 26, 2000, Meeting
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, January 26, 2000, at the Community Center Sierra Room, 851 East Williams Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Allan Christianson and Commissioners Keith Larkin, William Mally, Roger Sedway, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy District Attorney Neil Rombardo, Senior Planner Juan Guzman, Senior Engineer John Givlin and Recording Secretary Katherine McLaughlin (P.C. 1/26/00 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 3:35 p.m. Roll call was taken. A quorum was present although Commissioner Rogers was absent. (NOTE FOR THE RECORD: Due to the resignation of a Commissioner, only six Commissioners were serving at the time of this meeting. Five were in attendance.) Chairperson Christianson lead the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF THE DECEMBER 20, 1999, MINUTES (1-0020) - Discussion noted a correction to the Minutes which had been distributed to the Commission prior to the meeting. It changed the Minutes presented for approval to November 22 rather than December 20. Commissioner Larkin moved to approve the December 20, 1999, minutes with the correction of November 22. Commissioner Mally seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENTS (1-0047) - None.

D. AGENDA MODIFICATIONS (1-0058) - Community Development Director Walter Sullivan noted staff's recommendation to continue Item G-2. The Applicant had previously indicated a desire to speak. No modifications were made to the agenda.

E. DISCLOSURES (1-0066) - None.

F. CONSENT AGENDA (1-0069)

F-1. MPA-99/00-3 - DISCUSSION AND ACTION ON A MASTER PLAN AMENDMENT REQUEST AND CONSIDERATION OF A MASTER PLAN AMENDMENT BY RESOLUTION FROM DWIGHT MILLARD

F-2. Z-99/00-2 - DISCUSSION AND ACTION ON A REZONING REQUEST FROM DWIGHT MILLARD

F-3. U-93/94-68 - DISCUSSION AND ACTION ON A REQUEST TO CLOSE THE FILE OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM SHIRLEY ADSHADE-SPONSLER

F-4. U-94/95-17 - DISCUSSION AND ACTION ON THE CLOSING OUT OF A FILE FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM ERNST - Commissioner Wipfli moved to approve the consent agenda as read. Commissioner Larkin seconded the motion. Motion carried 5-0.

G. PUBLIC HEARINGS (1-0107)

G-1. V-99/00-12 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM ROBERT AND SANDRA COOKE (1-0107) - Community Development Director Sullivan, Applicant Bob Cooke - The applicant indicated he had read the staff report and concurred with the report. He distributed photographs to the

Commission which were given to Senior Planner Guzman after the motion. The building envelope is the only place on the five acre site where the structure could be placed without removing large trees. The proposed location does not require the removal of any trees. His adjacent neighbor had signed a letter of support allowing the five foot variance. Public testimony was solicited but none given. Commissioner Mally moved to approve V-99/00-12, a variance request from Robert and Sandra Cooke to vary from the minimum rear yard setback requirement of 100 feet to the proposed five foot setback on property zoned Single Family Five Acre (SF5A) located at 4680 Old Clear Creek Road, APN 007-042-18, based on five findings and subject to seven conditions of approval 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 Wipfli seconded the motion. Motion carried 5-0. Mr. Sullivan explained the appeal process.

G-2. AB-99/00-2 - DISCUSSION AND ACTION ON A REQUEST FROM WILLIAM D. LANDRY (1-0223) - Senior Planner Juan Guzman, Applicant Bill Landry, Patrice Burke - Commissioner Sedway requested, if the item is continued, that staff include a larger parcel map with surrounding uses in the packet. Mr. Landry supported staff's request for a continuance to next month's regular meeting. Public testimony was solicited. Ms. Burke, an adjacent property owner, also supported the continuance. Additional public testimony was solicited but none given. Discussion indicated that a new staff report would be provided for the next meeting as there could be new or additional information available at that time. Commissioner Wipfli moved to continue Item G-2, AB-99/00-2, to the next meeting. Commissioner Mally seconded the motion. Motion carried 5-0. Mr. Guzman described the appeal process.

G-3. M-99/00-9 - DISCUSSION AND ACTION TO ADOPT A RESOLUTION RECOMMENDING AN AMENDMENT TO THE REDEVELOPMENT PLAN (1-0311) - Principal Planner Rob Joiner - Discussion explained the proposed use. Public testimony was solicited but none given. Discussion indicated that the City may either purchase the property from the Forest Service and sell it or the Forest Service may sell the property to the proposed developer. Commissioner Wipfli moved that the Planning Commission recommend to the Board of Supervisors approval of a resolution recommending an amendment to the Redevelopment Plan Area by adding real property located on the north side of Old Clear Creek Road, APN 9-302-03, to the existing Redevelopment Area pursuant to NRS 279.608. Commissioner Larkin seconded the motion. Motion carried 5-0. Mr. Joiner described the appeal process.

G-4. Z-99/00-4 - DISCUSSION AND ACTION ON A REZONING REQUEST FROM CARSON CITY FOR A CHANGE OF LAND USE FROM PUBLIC (P) TO GENERAL COMMERCIAL (GC) (1-0400) - Community Development Director Sullivan, Senior Planner Joiner, City Manager Berkich, Gene Lepire - Discussion between the Commission and staff explained the Parks and Recreation Commission's recommendation that 100 percent of the proceeds be returned to the Parks and Recreation Commission and the procedure to accomplish this. No formal action had been taken to date on this recommendation. Discussion also indicated that the parking plan is in a preliminary state and has not been finalized. The special use permit will include overflow parking from both Costco onto the park/fairgrounds and vice versa. A more than adequate amount of parking has been proposed by Costco. Mr. Berkich indicated that an all-day negotiation date had been established for Monday. He felt that the purchase agreement could be ready for discussion by the Board of Supervisors at its second meeting in February. It was felt that all of the issues which have been raised to date could be resolved. The traffic study had just been completed. It proposes several improvements including a signal at Old Clear Creek Road and Highway 395. Mr. Berkich felt that the proposed freeway impact on the RV park would be minimal. The "fly-over" will not be constructed for several years. This is the reason for the traffic control requirement at 395. The exclusive negotiation agreement was described. Mr. Joiner indicated that if the negotiations fall through, it would not be necessary to change the land use designation as the master plan designated the area as General Commercial (GC). The surrounding zoning was described and is compatible with the GC designation. Examples were provided of areas in the community which are similarly zoned. Justification for making the zoning change prior to having a firm agreement was debated. Clarification also indicated that if the sale falls through and the property is leased, the zoning could be either public or GC as indicated by examples. Justification for requiring the Hospital to change its zoning was provided. Discussion also indicated that if the sale to Costco falls through, the staff would negotiate with another buyer or analyze the best use for the site. Mr. Berkich indicated that he agreed with the staff recommendation.

Public testimony was solicited. Mr. Lepire explained his concern about the noise and fumes of having tractor and trailer rigs parked between 8 p.m. and 6 a.m. adjacent to his bedroom which will only be separated by a retaining wall. He asked that this parking area be relocated to the north side of the building adjacent to Highway 50. He also requested an opportunity to review the plans and participate in the discussions. His understanding of Costco's unloading policies in Reno was described. Chairperson Christianson described his personal knowledge of freight lines and the mandatory requirement that specific unloading times be scheduled and maintained. Clarification indicated that this issue will be discussed at a future meeting. Mr. Sullivan indicated that Mr. Lepire's concerns will be relayed to the Engineering Division. Mr. Sullivan offered Mr. Lepire an opportunity to review the preliminary plans at his office and to keep him informed of the process. Additional public comments were solicited but none given.

Clarification between the Commission and staff indicated that the Forest Service parcel is already zoned GC, therefore, a change of land use will not be required. Commissioner Wipfli moved to approve Z-99/00-4, a motion to prepare an ordinance for first reading to change the land use designation for APN 9-302-05 from Public into General Commercial and recommend to the Board of Supervisors adoption of said ordinance based on the findings contained in the staff report. Commissioner Sedway seconded the motion. Motion carried 5-0. Mr. Sullivan described the appeal process. Discussion explained the requirement that individuals appealing the process must have participated in it and issues on which the appeal must be based. Mr. Sullivan would consider mitigating circumstances and his decision could be appealed to the Commission. Noticing efforts were also described and felt to provide adequate notice to allow participation by a wide spectrum of the public.

BREAK: A 15 minute recess was declared at 4:40 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 4:55 p.m. (Commissioner Rogers was absent.)

G-5. U-99/00-24 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM EKN ENGINEERING FOR LOWE'S REAL ESTATE WESTERN DIVISION (1-1029) - Community Development Director Walter Sullivan, Senior Planner Guzman, Principal Planner Joiner, Lowe's West Coast Real Estate Division Representatives Jack Mandell and Don Wynn, EKN Engineering of Las Vegas Engineer Ebbie Nakhjavani - Clarification indicated the structure would be smaller than the building currently on the site. Mr. Guzman explained the structural changes recommended by staff to make the building more aesthetically pleasing. Discussion clarified the reasons the "blue band" around the building is considered signage. A monument sign is proposed along Fairview. This sign will be considered as part of the special use permit required for the outdoor display area. Mr. Mandell had read the conditions. The first five were felt to be standard requirements. He looked forward to working with staff on the remaining two conditions. Reasons for wanting to retain the Roop Street access/egress were delineated. The grade concerns with this access are being addressed with staff. There will be three dock doors located at the southeast corner of the building. Deliveries are generally scheduled for daytime hours except for 24-hour stores. The distribution site for the store had not been determined at this point in the process. Lowe's currently uses a Texas site for distribution. A new distribution center is being developed in California. Lowe's had only recently obtained Eagle Hardware. The two Eagle stores in Reno use its Seattle distribution center. Mr. Sullivan corrected the site plan to indicate that there will be an access point from Roop at the northeast corner of the property. Clarification indicated that the plans also indicate that this driveway allows access to the parking area by traversing along the north side of the building. A modification to the plan may require a reduction in the staging area and relocation of the fence due to the grade concerns. Clarification by Mr. Sullivan indicated that a noise element will be considered by the Commission in late February or March. Noise complaints are currently referred to either Community Development or the Sheriff's office. Mr. Mandell indicated that the normal delivery hours are during the daytime. An occasional night delivery may, however, be made. There are no refrigeration trucks delivering to the stores. His sealed docks were described. The trucks do not sit and idle. There should not be any noise or fumes problems. Discussion explained staff's concern about the proposed location of the Roop access and its impact on the access/egress to Governor's Field. This issue will be addressed later in the process. Copies of the building's elevation and drawings were distributed to the Commission and staff. (A copy is in the file.) Commissioner Mally suggested that Lowe's consider developing a distribution center in Carson City.

Mr. Wynn gave a brief history of Lowe's and its acquisition of Eagle Hardware. Eagle Stores in the northwest will be co-signed to indicate Eagle Hardware is a subdivision of Lowe's. The Carson store will be opened as a Lowe's.

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Its signage may be similar to Eagle's, however, its design had not been determined. The store uses a large pad and a softer retail approach. Over fifty percent of its customer base is female. All of the sales merchandise is not required to be maintained on site. For this reason distribution centers are used as merchandise points. This eliminates the need to use the aisles as storage or for stocking purposes. The same low price guarantee for a better product will be maintained. Examples of the merchandise were provided. Lumber is off-loaded into a staging area and brought out on the floor as needed. Outdoor storage is not required. Cardboard and pallets are recycled. The firm is listed as one of the top 100 for whom to work. There will be 180 to 200 employees who will make the firm/store their career. The company's philosophy is to be a good neighbor, to take an active role in the community, and to sponsor local events in the community.

Mr. Mandell then explained that the 25 foot wall was requested to fence the staging area. This would allow off-loading and storage of merchandise outside until it can be moved inside. This occurs as quickly as possible. He committed to working with staff to develop an acceptable plan for this process. He hoped to open this year--in 2000. This date was felt to be reasonable and doable. Preliminary landscaping plans were distributed to the Commission and staff. (A copy is in the file.) Mr. Sullivan indicated that staff felt that it could work with the firm and finalize the plans. If problems arise, staff will return to the Commission. The landscaping and parking requirements had been met in the preliminary plans. Discussion indicated that the parking stalls will be 9'x18'. There will not be any compact stalls. Lowe's could not control the landscaping in the area west of its project. The firm's monument sign will be on Fairview. Discussions are underway with the other businesses regarding signage.

Mr. Nakhjavani complimented staff on the master plan review process and for its cooperation and assistance during the preliminary planning stages of the facility. The project had been developed as closely as possible to the Code requirements. He felt that the staging area concerns would be addressed as they had been in other communities. Different types of materials may be used. Samples had not been obtained in time to be able to meet with staff and resolve the concerns. They were working on this concern and were confident that it will be solved. Lowe's has a maintenance program which is implemented by the corporate office and followed by the site manager. There should not be any maintenance problems. He then explained the sealed loading docks which should mitigate the noise problem. The trucks are not allowed to sit and run over long periods of time. The majority of the trucks arrive and unload during the daytime. All loading/unloading occurs internally within the building. The existing Roop Street driveway had been used in the plans. The traffic engineer will analyze the driveway(s) which staff had voiced a concern. His traffic report will be used to determine any mitigation measures which may be required. A preliminary report indicates that the concerns can be addressed. The preliminary report had been shared with staff.

(1-1807) Mr. Givlin explained the reasons for feeling that detention may not be required of the redevelopment beyond slight modifications to the drainage system. Fire Department concerns with the fence were described. For this reason a commitment had been made to work with staff regarding the screening. The access/egress safety concerns will be discussed and resolved based on the traffic study during the project review process.

Mr. Nakhjavani described the building modifications made as a result of the grade problems. They wish to retain the Roop Street access. Based on the concerns raised during the major project review meeting, it was agreed to include the concerns within the traffic study. If a proposed access is deemed to create a safety hazard, they had agreed to close the access. If the study shows that the traffic concerns can be mitigated, the access will remain. Mr. Mandell indicated that they will continue to work with staff and make whatever presentations are required to meet any of the Commission's concerns. He then stated that they accepted the conditions of approval. Commissioner Mally pointed out that some of the presentations were being made prematurely and suggested that the Commission allow the staff and firm to continue working on the project.

Mr. Joiner explained the signage which would be allowed on Fairview and on Carson Street. He encouraged the applicant to work with NDOT and prune the Russian Olives along Carson Street to make that sign more visible. He felt that the staff could work with the applicant on the final product(s). A sign on Roop Street would require obtaining a special use permit. Mr. Mandell indicated a desire to rebuild/remodel the large sign and work with NDOT on opening the corridor to it. He committed to working with the other stores on this plan.

Public testimony was solicited but none given. Commissioner Mally moved to approve U-99/00-24, a special use

permit by EKN Engineering on behalf of Lowe's Company for the development of a home improvement center approximating 163,000 square feet 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 Wipfli seconded the motion. Motion carried 5-0. Chairperson Christianson welcomed the firm to the area. Mr. Sullivan explained the appeal process.

G-6.M-99/00-6 - DISCUSSION AND ACTION REGARDING THE PLANNING COMMISSION'S CONCURRENCE WITH STAFF'S INTERPRETATION OF CCMC 18.05 (1-2015) - Community Development Director Sullivan, Donald Wagner - Mr. Sullivan's introduction included a typographical correction to 11. c. to place the parenthesis around the word "single" rather than "van". Discussion between the Commission and Mr. Sullivan indicated that dump trucks are not allowed in residential zones including on two acre parcels. Horse trailers are allowed. If a complaint is received on a dump truck being stored in a garage or barn, staff would enforce the Code as it is not allowed. The ordinance prohibiting storage of dump trucks in residential areas is not being modified. The dump truck would be allowed if there is an active grading permit. Dump trucks can be stored on either industrial or commercial property.

Public comments were solicited. Mr. Wagner presented photographs and CC&R's for his area to the Commission and staff. (Copies are in the file.) His neighbor had been parking/storing a large panel truck on the street. He felt that the vehicle depreciated the property values and impacted the aesthetics. Home occupations are in violation of the CC&Rs. Chairperson Christianson indicated that the CC&Rs could not be enforced by the City or Commission. Mr. Sullivan pointed out that his issue had not been agendized. Chairperson Christianson thanked Mr. Wagner for his comments and explained that only the Code revisions could be discussed at this time. Mr. Sullivan delineated the revised definitions of a panel van which would be allowed in residential areas and those not allowed. The photographs illustrated the disallowed type. Mr. Wagner expressed support for the ordinance revisions. Additional public comments were solicited but none given.

Commissioner Sedway disclosed his need to abstain from voting on the matter due to a business relationship with Petersen Plumbing Services, the firm whose truck had been photographed by Mr. Wagner. Discussion explained the revision to the home occupation ordinance which would align it with Title 18. Commissioner Mally moved that the Planning Commission concur with staff's interpretation and direct staff to follow up with the Code amendments for further review by the Commission which would design the Code to indicate that the vehicle is 9500 pounds or less with a maximum length of 20 feet and maximum height of seven feet and does not contain a cab area which physically separates the driver/passenger area. Commissioner Wipfli seconded the motion. The motion was voted and carried 4-0-1-1-1 with Commissioner Sedway abstaining, Commissioner Rogers absent, and one vacancy on the Commission. Mr. Sullivan explained the appeal process. Discussion explained that enforcement is handled by complaint.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - NON-ACTION

H-1. STAFF BRIEFING REGARDING THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (1-2421) - Mr. Sullivan reported on the Board's actions regarding Al Bernhard's map reversion to acreage; the Open Space Master Plan Element; the change of land use for the area east of Roop Street, west of Harbin Street, north of Musser Street and south of Robinson Street; the Heritage Park and Quail Run development agreements; and the resolutions of commendation for former Commissioners Verne Horton and Deborah Uhart. Redevelopment Authority's actions regarding inclusion of the north overflow parking area for Fuji Park and the resolution to amend the Redevelopment Plan to include that area were also explained. Correspondence included a zoning bulletin, an article entitled "Planning Commissioner's Corner: Well, Here I Am, What Do I Do Now"; and his memo revising Bob McFadden's special use permit to expand the hours for evening dances. (Copies are included in the file.)

H-2. FUTURE COMMISSION ITEMS AND DATES (1-2500) - The next meeting is scheduled for February 23. Discussion briefly explained the reasons "Commissioner Comments" had been eliminated on the agenda.

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I. ADJOURNMENT (1-2558) - Commissioner Wipfli moved to adjourn. Commissioner Larkin seconded the motion. Motion carried unanimously. Chairperson Christianson adjourned the meeting at 6:10 p.m.

The Minutes of the January 26, 2000, Carson City Planning Commission meeting

ARE SO APPROVED ON ___February_23___, 2000.

_____/s/_____
Allan Christianson