

CARSON CITY REGIONAL PLANNING COMMISSION
Minutes of the July 30, 1997, Meeting
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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, July 30, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

PRESENT: Chairperson Verne Horton and Commissioners Allan Christianson, William Mally, Archie Pozzi, Deborah Uhart, and Richard Wipfli

STAFF PRESENT: Deputy Utilities Director Jay Ahrens, Deputy District Attorney Mark Forsberg, Senior Planner Juan Guzman, Senior Engineer John Givlin, Senior Planner Tara Hullinger, Zoning Enforcement Officer James Michaels and Recording Secretary Katherine McLaughlin (P.C. 7/30/97 Tape 1-0001.5)

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 Horton convened the meeting at 3 p.m. Roll call was taken. A quorum was present although Commissioner Uhart had not yet arrived and Commissioner Rogers was absent. Chairperson Horton lead the Pledge of Allegiance.

B. APPROVAL OF MINUTES - Planning Commission March 26, 1997, Regular Session and January 15, 1997, Special Session, and Joint Meetings with the Growth Management Commission of February 24 and March 18, 1997, Workshops - Commissioner Mally moved that the Planning Commission approve the Minutes as read by the Chairperson. Commissioner Christianson seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENTS (1-0024.5) - None. (1-0034.5) Senior Planner Guzman introduced Zoning Enforcement Officer James Michaels and noted the importance of his role to the Department. Mr. Michaels briefly described his background. Chairperson Horton welcomed him.

D. MODIFICATIONS TO THE AGENDA (1-0032.5) - None.

E. CONSENT AGENDA (1-0058.5)

E-1. U-96/97-43 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM HELEN DONNER KELLY - Mr. Guzman indicated that the facility was only large enough to accomodate one message therapist at a time. Therefore, staff recommended removal of Condition 6. (Commissioner Uhart arrived during his comments. A quorum was present although Commissioner Rogers was absent.) Public comments were solicited but none given. Commissioner Christianson moved to approve a revision to Condition No. 6 to revise the hours of operation from 8 a.m. to 7 p.m., Monday through Saturday, and that the other portion of Condition No. 6 be deleted, based on the seven findings on the original special use permit and the five other conditions of approval. Commissioner Wipfli seconded the motion. Motion carried 6-0.

F. PUBLIC HEARINGS

F-1. U-93/94-6 - DISCUSSION AND POSSIBLE ACTION ON COMPLIANCE WITH SPECIAL USE PERMIT CONDITIONS OF APPROVAL AND DEVELOPMENT AGREEMENT REQUIREMENTS (1-0116.5) - Senior Planner Guzman, Donna Kuester, Mike Hickey, Greg Smith - Staff had not monitored the site. Discussion noted that Mr. Michaels could enforce the conditions and the general contractor's responsibility for and ability to enforce the hours of operation.

Ms. Kuester explained the hours of operation and desire to restrict the hours of operation for the heavy equipment. The foreman had purportedly indicated that he was aware of the condition restricting the hours of operation, however, had failed to enforce them. Unsuccessful attempts had been made to reach Mr. Hickey. There had allegedly been one meeting with Mr. Hickey which had occurred after a letter had been signed by the neighborhood. During this meeting Mr. Hickey had purportedly agreed to not start construction until 8:30 a.m. on Saturdays. Reasons for restricting the hours of operation were noted. If concrete work requires an earlier start, she urged Mr. Hickey to place notices on the doors in the neighborhood. Ms. Kuester felt that Canyon Creek was not working for Silver Oaks but was working for Hickey Construction as the work is directly in front of the homes.

Mr. Hickey thanked staff for working with him. He gave the Board a flyer which had been distributed to all of his subcontractors approximately one-and-a-half months ago. He indicated that there had been a failure to notify individual workers and delivery vehicles. The flyer is sent to each of the subcontractors each time an order is issued. He did not feel that work began before 6:45 a.m. Reasons the workers wish to start earlier were noted. He did not feel that it was a daily occurrence. The heavy equipment is working on Silver Oaks project. He indicated his roofer may have products delivered earlier than the time restriction allows. He requested the violations be documented to indicate the time and who is working. Commissioner Christianson noted the College construction project which begins before 7 a.m. He suggested that the neighborhood could be receiving a mixture of noises from different sources. He, too, suggested that documented proof be submitted. Commissioner Wipfli urged Mr. Hickey to monitor the project and eliminate the need for a show cause hearing. He felt that the neighbors were being reasonable in requesting only the heavy equipment be monitored. It may be necessary for Mr. Hickey to hire a "\$4 per hour man with a stop sign". Mr. Hickey continued to expound on his position that it does not occur often, that it is only a matter of a few minutes early, and that the complaints should be documented. The street has been blocked and should not be used for access to the construction site. Chairperson Horton urged Mr. Hickey to commit to doing all that he could to enforce the restriction and Ms. Kuester to submit documentation regarding the violations. A show cause hearing would be scheduled if the documentation indicates his firm(s) are violating the restrictions. Commissioner Uhart suggested a sign be posted notifying subcontractors of the hours of operation. Mr. Hickey agreed to do so.

(1-0440.5) Supervisor Greg Smith explained his intent to support Ms. Kuesters comments. He has had several phone calls from four individuals concerning the problem. Mr. Hickey's reputation indicated he constructs quality buildings in a timely manner. He had also talked with Mr. Hickey about the problem which began occurring approximately two months ago. Mr. Hickey had indicated at that time that he was doing all that he could to get his subcontractors to comply. Supervisor Smith expressed his concerns with the comments that "the problem was only once a week" and those requiring Ms. Kuester to document the problems. He could understand the need for documentation but questioned the need for a private citizen to determine who the individual is and for whom he/she works. The individuals who had complained about the noise had indicated their awareness of the quality of buildings which Mr. Hickey was constructing and the buildings' ability to reduce the noise problem created by the shopping center--K-mart. He felt their comments were for the contractor to adhere to the restrictions "all of the time".

Chairperson Horton then noted Mr. Hickey's commitment to adhere to the hours of operation and his (Chairperson Horton's) statement that if the Commission continues to receive substantiated violations--which could be documented by anyone--that the matter be deferred until additional information is received. Commissioner Christianson reiterated his comments that there is a lot of construction occurring in that area and indicated that noise travels. His personal knowledge of diesels, which are being fired up one-quarter of a mile behind K-mart, was indicated. This equipment is working on the golf course. Monitoring should occur. The allegations should be substantiated. The situation should be "cleaned up". As additional construction will be occurring in the vicinity, this problem will continue unless mitigated. No formal action was taken.

F-2. M-97/98-2 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST BY STANLEY S. BROKL (1-0539.5) - Senior Planner Guzman, Stanley Brokl - Mr. Brokl described his 1995 research of the property, which was prior to his purchase. The neighbors had indicated that animals had originally be allowed on

the site. The Code now prohibits his having small animals on the site. He did not wish to openly violate the law even though he had been encouraged to do so. Clarification specified that he wanted to have laying hens and a cock. He may also wish to have a peacock. Commissioner Pozzi explained the original taxing districts for Carson City. At that time Mr. Brokl's property would have been in the rural district. In the 1970s these districts were combined and the tax rate became uniform. Mr. Brokl felt that the prohibition impacted his quality of life and would force people to subdivide the large lots in order to maintain a standard of living. Discussion between the Commission and Mr. Guzman indicated Mr. Brokl's zoning was MH 21,000. CCMC 18.05 restricts animals to one acre or larger lots. Mr. Guzman felt that Mr. Brokl should initiate the Code amendment rather than staff. (1-0750.5) No formal action was taken. Based upon a consensus Chairperson Horton received from the Commission, he requested that Mr. Brokl submit a code amendment application to the Community Development Department for processing through the Planning Commission which will afford a public hearing on the proposal. This will provide the Commission with the ability to determine the public's feeling on the proposal. Mr. Brokl explained his intent had been to avoid having to go through the process if the Commission would not consider the request. Chairperson Horton explained that the Commission could not respond until the hearing is conducted.

F-3. V-97/98-2 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM RINS DEVELOPMENT COMPANY (1-0772.5) - Associate Planner Tara Hullinger, Applicant's Representative Robert Loveberg, Deputy Public Works Director Tim Homann - A parking variance is no longer required. Commissioner Uhart indicated her real estate office may have handled the property. She had not been involved with it and would not gain monetarily from the application. Mr. Loveberg concurred with the staff report with a clarification of Condition 7. City staff had purportedly indicated that there is an additional six feet available for the right-of-way along Roop Street. This would allow his firm to modify the building footprint and create additional parking. Flexibility in the footprint was requested. He agreed to make a every effort possible to retain the mature trees which are within the right-of-way, however, there is one tree along East Park which may be removed for a driveway. It is also possible that the roots will be damaged in construction of the building. The sidewalk location has not been determined. Circumstances beyond his control may impact the trees. Clarification indicated that he may seek an abandonment of the additional right-of-way. Chairperson Horton indicated that the Roop Street information could not be considered at this time. Mr. Loveberg stated that his site plan did not include the trees but indicates the only acceptable site for the driveway. Even if the additional footage is acquired, the driveway will remain in the proposed area.

Public comments were solicited. Mr. Homann explained that Roop Street north of William Street is a high impact/accident area. His original report had indicated that he would oppose an abandonment in that area. Since that time he has determined that an 80 foot right-of-way would be the maximum size necessary. This would be approximately 20 feet off of the curb line on Mr. Loveberg's side of the street. Anything outside of this area could be abandoned. Mr. Loveberg had purportedly indicated that this would be six to eight feet. Additional public comments were solicited but none given.

Chairperson Horton reiterated his comments concerning the additional information on the right-of-way. Commissioner Wipfli suggested the applicant request a continuance. Mr. Loveberg requested the Commission act upon the application as submitted. The request for an abandonment will be considered at a future time. At that time it may be necessary to request a modification to the variance.

(1-1018.5) Commissioner Mally moved to approve V-97/98-2, a variance request from Rins Development Company, Inc., Jack and Jeanette Barton, to vary 15 feet from the minimum side yard setback in a Retail Commercial zoning district located at 1310 North Roop Street, APN 2-141-01, based on seven findings and subject to ten conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Board or Commission may be considered as further stipulations or conditions of approval on this application. Commissioner Uhart seconded the motion. Motion carried 6-0.

F-4. U-97/98-4 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM RAND LEWMAN (1-1032.5) - Associate Planner Hullinger, Applicant Rand Lewman - Mr. Lewman described the need for the site and the facility. He did not believe that the public would be able to see the "whip antenna", which he described. He complimented staff on its professionalism. Public testimony was solicited but none given. Commissioner Christianson moved to approve U-97/98-4, a request from Airtouch Cellular, General Services Administration - property owner, 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 Uhart seconded the motion. Motion carried 6-0.

F-5. A-97/98-1 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ADRIENNE HARDT (1-1134.5) - Senior Planner Guzman, Adrienne Hardt - Ms. Hardt had read the staff report and concurred with it. Public testimony was solicited but none given. Commissioner Wipfli moved to recommend to the Board of Supervisors approval of A-97/98-1 to amend the use in the Downtown Commercial zoning district to include massage therapy as a primary permitted use and other matters related thereto. Commissioner Mally seconded the motion. Motion carried 6-0.

BREAK: A ten minute recess was declared at 4:15 p.m. A quorum of the Commission was present when the meeting was reconvened at 4:25 p.m. although Commissioner Rogers was absent as indicated.

F-6. U-97/98-3 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JAY ALDEAN (1-1190.5) - Senior Planner Guzman, Project Administrator Jay Aldean - Mr. Guzman corrected the staff report to indicate that the proposed facility is only 6,000 square feet. Mr. Guzman expressed the hope that the pedestrian walkways will be included on the plans when considered at the Planned Unit Development phase of the project. Mr. Aldean explained the reasons he had been required to submit the special use permit application for the entire Corporate Yard. Chairperson Horton supported the request to submit the entire master plan at this time. Public testimony was solicited but none given. Commissioner Mally moved to approve U-97/98-3, a special use permit request for the implementation of the Carson City Corporate yard Master Plan in phases, and specifically, to allow the construction of a 6,000 square foot building to be used by the Sheriff's Office for the safekeeping of evidence and, following clarification of the size of the yard, a 24,000 square foot yard for the same purpose, 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 or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 6-0.

F-7. U-97/98-5 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT FROM DEAN WATTS (1-1292.5) - Senior Planner Guzman, Applicant Dean Watts, Patrice Short - Mr. Watts had read the staff report and concurred with it. Ms. Short expressed her concern about the quasi-municipal well and questioned whether the electrical utilities would be impacted by the proximity of the building. She indicated that he had one-quarter of an acre of vested water rights in the well and requested that he not exceed that allotment. Mr. Watts indicated that there would be ten feet between his building and the building for the well. He was also concerned about well, had had experience in California with wells and septic tanks, and would not create an impact on the well. He did not feel that he would wash more than two cars a week. He agreed to Chairperson Horton's question that he was assuring Ms. Short that the conditions would be complied with. Additional public comments were solicited but none given. Commissioner Christianson moved that the Commission approve U-97/98-5, a special use permit to allow the expansion of a storage building by no more than 600 square feet on property zoned Retail Commercial and Single Family One Acre, located at 382 West Patrick Street, APN 9-281-07, 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 Mally seconded the motion. Motion carried 6-0.

F-8. V-97/98-1 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM PAUL STELLWAY (1-1400.5) - Senior Planner Guzman, Paul Stellway, Principal Planner Rob Joiner - Mr.

Guzman indicated that the trees may be lost inspite of the efforts to save them. One tree will be within six feet of the house. The applicant had indicated that he will attempt to "rotate" the house and trim branches as part of the effort to save the tree. Commissioner Mally encouraged the applicant to move the house to the east which is away from the tree. Otherwise, the tree would "interfere" with the foundation and create future problems. Mr. Guzman indicated that the house could not be moved in this direction but a rotation would allow more freedom in its location. He felt that the applicant had dedicated a great deal of effort and time to finding the appropriate location for the house.

Mr. Stellway explained his plan to use the foundation for a garage which will be constructed six months after the house is completed. The 27 inch tree and a group of trees adjacent to it were explained. A sketch of the house was available for the Commission's information. Chairperson Horton indicated it could not be used in the deliberations. Mr. Stellway agreed to remove the existing foundation if a garage is not in place within one year. His need for the garage was described and re-enforced his plan to construct the garage within six months. He then stipulated that he would undertake all reasonable efforts to preserve the tree. As a devoted environmentalist he abhorred destruction of any vegetation or wildlife. Some trimming of the lower branches will be required. He also indicated that the tree needed some additional trimming to "thin out" higher branches which may have been damaged during the severe storm earlier this year. Discussion then explained the proposed site and rotation of the house. Commissioner Mally reiterated his concerns about the tree and its ability to damage the foundation.

Public testimony was solicited but none given. Commissioner Uhart then explained her personal knowledge of the site and her support for the plans. Although she supported the stipulation that the garage be constructed within six months, the winter weather conditions may prohibit construction. She urged the Commission to be reasonable in mandating the timeframe. She also expressed her concern that the effort to save the tree by rotating the house may create a hardship for the property. The rotation could also compromise the view and privacy. She again urged the Commission to be reasonable in its requirements. She then expressed her hope that the garage would not be metal. Chairperson Horton felt that the investment in the house indicates that the garage would not be metal.

(1-1757.5) Commissioner Mally moved to approve V-97/98-1, a variance request from Paul Stellway to vary from the minimum side yard setback on property located at 4664 Old Clear Creek Road, APN 7-042-04, based on five findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant shall be considered as further stipulations or conditions of approval on this application. Commissioner Uhart seconded the motion. Following discussion of Condition No. 6, Commissioner Mally modified the motion to indicate that Condition 6 is to be amended to indicate that the foundation is to be removed or a garage constructed over it within one year from the date the main dwelling is constructed. Commissioner Uhart continued her second. The motion was voted and carried 6-0.

OTHER MATTERS (1-1719.5) - Mr. Joiner noted the power fluctuations which had been occurring. If electrical power is lost, it may be necessary to terminate the meeting as the gas line which services the backup generator had been cut.

F-9. U-93/94-6 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR SILVER OAK DEVELOPMENT (K-MART STORE) (1-1785.5) - Senior Planner Guzman, Consultant Molly Sinnott, K-Mart Store Director Brad Johnson and Facilities Manager Ardel Saliman, Principal Planner Rob Joiner - Mr. Guzman and Ms. Sinnott described the landscaping and K-mart's commitment to improve it. Photographs and a map illustrating the conditions and location of the landscaping were explained. Comments noted that all of the missing landscaping had not been documented due to the lack of space. Reasons for the vegetation's poor condition and the broken irrigation lines were noted. Discussion indicated that the planters were inadequate for trees and, specifically, for the sycamores which had been planted. K-mart had been told about the broken irrigation system in the drainage channel on several occasions.

Mr. Johnson began by apologizing for the condition of the landscaping, which was unacceptable to both himself and K-mart. A new landscape company had been retained. The irrigation problems were repaired during the last

week. His Regional Vice President had guaranteed Mr. Johnson the necessary support to make the improvements. Mr. Johnson pledged to make the necessary improvements. Mr. Saliman thanked the Commission for the copy of the plan and its problems which Ms. Sinnott had given to him during her comments. He indicated that the broken curbs should all be repaired within a week. The broken irrigation system had been corrected. The weeds in the detention basin had been addressed. He pledged to replace all of the missing trees. He felt that by the end of next month there should be major improvements completed at the site. Chairperson Horton pointed out that planting new trees would not solve the underlying problems. He expressed the hope that it would not be necessary to continue the dialogue again next year. Mr. Saliman indicated that it may be necessary to hire a consultant to eliminate the need to replace the trees again next year. He indicated in response to Chairperson Horton's question that if this is necessary, it will be done. A consultant will be hired to evaluate the soil conditions. He was unsure of the reasons the landscape architect had selected the trees in the planters but that the consultant would analyze them. Commissioner Pozzi noted K-mart's previous commitment to retain a local maintenance contractor and the July 30, 1996, notice of decision which noted the difficulty K-mart had encountered retaining a qualified contractor. He suggested that K-mart attempt to determine whether the current firm would be responsible. He, too, did not wish to have a repeat performance next year on this topic. He recommended two months for improvements to occur and a report at the end of that timeframe. Mr. Saliman explained his experience with the current landscape contractor. He felt that this firm was competent and could easily handle the site. It is a California firm. Commissioner Christianson noted that the comments were the same as the Commission had heard previously and recommended the Commission take action to emphasize its serious concerns about the status of the site. This may mandate a show cause hearing in the future. He also did not wish to continue having to reconsider the situation every three to six months. The Commission "had been lenient to a fault". His contact with staff was noted to illustrate his reasons for his frustration. He encouraged Messrs. Johnson and Saliman to advise their superiors that the Commission was beginning to consider other methods of obtaining compliance. Mr. Johnson explained his experience as a store manager and that his landscaping had always been maintained. He, too, had been appalled by the landscaping when he first arrived at the store. The landscaper who was under contract had been given an opportunity to improve the situation, however, it had not occurred and a new contractor was hired. He committed to making improvements and maintaining the landscaping. The Regional Manager visited the site yesterday and did not appreciate the conditions. It does not meet the standards established by Super K. Mr. Johnson is a member of the community and understood the feelings regarding the parking lot. Chairperson Horton supported Commissioners Christianson and Pozzi's comments. He did not wish to consider a show cause hearing at this time. He supported giving the new representatives an opportunity to improve the site. He suggested a reasonable period be given for K-mart to furnish an action plan. If a reasonable action plan is proposed, the Commission could grant a "reasonable" period in which to implement that plan. The Commission's frustration with K-mart's failure to meet expectations when opportunities to do so had been offered was noted. Mr. Saliman felt that the action plan could be completed by next week. Chairperson Horton felt that the Commission would be able to consider the negotiated action plan at its next meeting. The action plan should include the implementation program. The Commission could then direct staff to monitor the implementation program. Commissioner Wipfli recommended that the issue be re-agendized for the next meeting and that it be agendized in such a fashion as to provide the Commission with adequate flexibility so that a show cause hearing could be scheduled. Chairperson Horton agreed. Commissioner Uhart pointed out that the City's arborist had analyzed the site, is well qualified in this field, is knowledgeable about the weather and topography conditions, and had made several recommendations. She felt that K-mart had dedicated a great deal of effort to prove the arborist wrong and had worked in an adversarial arena. She urged K-mart to be reasonable and consider her knowledge, expertise, and recommendations. She also encouraged K-mart to make the necessary soil improvements to correct the situation rather than dedicate money, time, and energy only to have to replace all of it again next year. Mr. Johnson indicated that he would use the arborist's recommendations along with any proposed by another consultant. He questioned which of the plants were not part of the original plan as these items should be corrected.

(1-2587.5) Mr. Joiner reminded the Commission that the same commitments and comments had been heard last year and explained similar comments made by a District Manager during a staff meeting with K-mart representatives. He recommended that these district representatives be requested to attend the next Commission meeting and answer why the commitments were not fulfilled. Reasons for this recommendation were noted. Chairperson Horton emphasized the need for the commitments to be both implemented and ongoing. He also

supported having the district/regional staff representatives present at the next meeting. Commissioner Mally suggested consideration be given to removing the Business License if failure to comply continues.

Public comments were solicited but none given.

Discussion ensued on the criteria which should be included in the motion. Ms. Sinnott indicated that replacement stock would not be jeopardized if a one month delay in planting occurs. September planting is preferred over an August planting. The Sycamore trees had been substituted when the original trees were not available. The original species were explained. Reasons the Sycamores had not done well were noted. Other problems caused by the substitution of the improper shrubbery species were noted. Commissioner Christianson noted that "K-mart had been had when the vegetation was installed". Improvements will require "major dollar commitments". He urged Ms. Sinnott to hold K-mart to a high standard when she considers the replacement plan. The facility was to have been the "show place for the north end of Carson City". The requirements had been based on the lack of landscaping found at other shopping centers. Unless some major improvements are made, the Commission would have to reconsider the entire situation in three to five years. Chairperson Horton encouraged staff to retain the services of a consultant to evaluate the plan.

(1-2825.5) Commissioner Wipfli moved to continue F-9, U-93/94-6, K-Mart Store, to place it on the next regular meeting agenda, and for K-Mart to have a landscape plan or at least a procedure on how they will deal with the landscape problems and for K-mart to work with staff including Arborist Molly Sinnott to develop a plan for next month's meeting. Commissioner Christianson seconded the motion. Commissioner Pozzi expressed his feeling that the weeds also needed to be addressed in addition to the trees and shrubs. He had visited the site at noontime and felt that there were weeds taller than he could reach. Chairperson Horton noted the Representatives' statements indicating that this problem was being addressed at this time. The Commission could consider the overall condition at the next meeting. If the weeds are still a problem at that time, the Commission will address it. The motion to continue the item as conditioned was voted and carried 6-0.

(1-2880.5) Mr. Guzman then explained that construction at southern end of the site is to add a second access/egress to the property as approved in the original plans. Chairperson Horton commended Ms. Sinnott for her assistance and presentation.

F-10. Z-97/98-1 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM APRIL BURCHETT (1-2910.5) - Principal Planner Joiner, Applicant and Owner's Representative April Burchett - Commissioner Wipfli stepped from the room during Chairperson Horton's reading of the agenda item--5:48 p.m.--and returned during Mr. Joiner's introduction--5:50 p.m. (A quorum was present the entire time.) Ms. Burchett introduced Lumos and Associates' staff engineer Randolph Kodiak. The property owner is attempting to sell the property to a "large commercial developer". The proposal will convert the entire parcel into retail commercial zoning. The current zoning was described. Public testimony was solicited but none given. Commissioner Uhart indicated that the project would be considered under the Master Plan Review process and that its location is between Highway 395 and the 395 Bypass. Any friction areas with the property owners to the south and southeast will be mitigated during the process. Commissioner Uhart then moved that the Commission approve Z-97/98-1, a motion to prepare an ordinance for first reading to change the land use designation for APN 8-053-28 and 8-053-29 from Single Family One Acre to Retail Commercial and recommend to the Board of Supervisors adoption of said ordinance based on one finding contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 6-0.

F-11. U-97/98-1 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM BILL D. MILLER (1-3058.5) - Principal Planner Rob Joiner, Applicant Bill Miller - Mr. Miller had read the staff report and concurred with it. Public testimony was solicited but none given. Commissioner Mally moved to approve U-97/98-1, a Special Use Permit from Bill D. Miller, property owner - Michelle Miller, 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 shall be

considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 6-0.

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

H-1. CORRESPONDENCE TO THE COMMISSION (1-3149.5) - No discussion.

H-2. STAFF BRIEFING ON STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS - No discussion--all items had been approved as recommended.

H-3. COMMISSIONER REPORTS (1-3182.5) - None.

H-4. REPORT FROM OPEN SPACE ADVISORY COMMITTEE MEMBER OR STAFF (1-3186.5) - Final interviews for the consultant will occur on August 18.

H-5. STAFF COMMENTS (1-3225.5) - Mr. Joiner explained the Board's action on the two-for-one entitlement program for mobile homes and apartments. Mr. Homann explained the status of the current RTC Streets and Highway Master Plan element, the process proposed to be used to create a new element, and issues which will be considered/included in the new element.

H-6. FUTURE COMMISSION ITEMS (1-3300.5) - Commissioner Christianson questioned Mr. Guzman about the status of a lot used by Arizona Pipeline Company as Mr. Guzman had previously indicated it would be addressed within four months. Mr. Guzman explained his contact with the applicant who had obtained the special use permit for that site. The applicant is going to have to amend the permit. This will allow the Commission to convey its concerns to the applicant. Mr. Homann then explained the status of the landscaping proposed for the Musser and Proctor parking lot. Chairperson Horton explained his problem with enforcing the K-mart requirements when the City has failed to comply with its own requirements. Mr. Homann indicated that he receives similar comments on a bi-weekly basis and was aware of the need. The program is on schedule and will be completed. Chairperson Horton indicated it may be necessary to have a show cause hearing on this matter.

BREAK: A dinner recess was declared at 6:05 p.m. Chairperson Horton reconvened the meeting at 7:30 p.m. Present were Chairperson Horton and Commissioners Christianson, Pozzi, and Wipfli, constituting a quorum. Commissioner Mally arrived at 7:35 p.m. Commissioner Uhart arrived at 7:38 p.m. Staff present were Principal Planner Rob Joiner, Deputy District Attorney Mark Forsberg, and Recording Secretary Katherine McLaughlin

G. PUBLIC HEARINGS

G-1. A-97/98-2 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC SECTION 18.11; AND, G-2. M-97/98-3 - DISCUSSION AND POSSIBLE ACTION ON THE ADOPTION OF A RESOLUTION ESTABLISHING ADDITIONAL DUTIES FOR THE HEARING EXAMINER (2-0001.5) - Principal Planner Joiner, Chamber of Commerce Executive Vice President Larry Osborne and Representative Shelley Aldean, Builders Association Representative Gayle Farley, Deputy District Attorney Forsberg - Mr. Joiner's introduction included reasons for recommending the ordinance be adopted at this time and the processes which will assure uniform and reasonable enforcement of the requirements. Appeal procedures were noted. Guidelines will be developed next month.

Public comments were solicited. These comments supported the need for design guidelines, however, emphasized the feeling that time needed to be taken to develop them prior to adoption of the ordinance. A continuance was requested to allow time for workshops to develop those guidelines. A knee jerk reaction to proposed development should not be approved as it may result in inappropriate restrictions on good projects and numerous requests for amendments. The success of similar workshops was used to illustrate the benefit of this program and the resulting guidelines. Commissioner Wipfli explained his original concerns with a project which Mr. Osborne had used in his comments as an example of staff's reasons for feeling that there was a need for the guidelines. Clarification of Mr. Osborne's comments indicated that the "we" he had been speaking of was "the Chamber of Commerce and its representation". Mr. Osborne then explained the Chamber's objection to the original ordinance as it had included the manufacturers who have been actively working on guideline standards for its district. He opposed the delay which would be created if the undefined guidelines are imposed. Guidelines developed through the workshop process would be supportable and palatable. (2-0380.5) Additional public comments were solicited but none

given.

Discussion between the Commission and Mr. Forsberg indicated the Commission could review/revise any adopted ordinance in the future, if so desired. Commissioner Uhart explained her original intent to develop some type of guidelines and minimal standards. The proposal is a beginning. She felt certain that staff would be reasonable in its enforcement and that the guidelines were minimal. Her commitment to having standards and guidelines for all types of development occurring within the City was noted. Amendments could occur at any time. Commissioner Wipfli explained his concerns about the lack of guidelines and standards. Staff had a considerable amount of experience and a lengthy track record indicating reasonableness. Mr. Joiner explained the enforcement of the downtown design guidelines and its review process. This process is conducted in a timely fashion. The proposed program would not delay the process as a reply would be made within two weeks. Commissioner Pozzi indicated his normal support for Chamber of Commerce positions. The electorates' approval of the open space initiative had indicated to him that the public wants to review developments. He hoped that the Commission was responsible in its evaluation of projects based upon direction from the community. This included control over buildings and growth. The proposal is a method which would allow control of the quality of life within the community. Commissioner Christianson explained his concern about rushing the item through as proposed as it does a disservice to the community as a whole. He felt that the entire issue was being proposed to halt one particular developer, which is not planning but rather using brute force. He urged the Commission to delay action until the Chamber and others can provide the necessary input. Mr. Joiner then indicated that the Commission does not see approximately 80 percent of the projects which are developed within the community. When projects are reviewed, the Commission often does not have the ability to review the design. There is a process which had been working--the downtown design review process. The community had participated in its development. The major project review process would be modified to include the design review procedure. The ordinance will allow staff to require the design review procedure. Outside developers expect to have to go through this process. An illustration supporting this statement was provided. The current program does not provide for consistency between building designs. Changes to national logos can be made to comply with design guidelines as was illustrated further by Mr. Joiner. If guidelines are not mandated, "cookie cutter" buildings are constructed. Community support of incentives had been indicated for several years and, likewise, demanded higher standards. Reasons he felt that the downtown design guidelines had been a comparable program were noted. He urged the Commission to approve the ordinance and allow staff to return next month with the guidelines.

(2-0590.5) Ms. Turner espoused her feeling that a commitment had been made at a July 14 meeting to continue the proposal and that additional meetings would be held. Guidelines are subjective as illustrated by the support/rejection of the new City Hall. Comments relating to sustainability within the community clearly demonstrate the shift in paradigms. The same should be considered when design standards are developed. Adoption of a program precipitously which will later be amended as determined necessary attacks the Commission's credibility and displays the lack of flexibility. The proposal also legislates against the minority at the loss of the majority. Sustainability emphasizes the implementation of processes through participation as opposed to autocratic and exclusionary implementation.

Commissioner Uhart questioned what the develop is that had been continuously referenced. She was not legislating against the minority. She felt that something should be done and that the document would and should be amended as necessary. The proposal is a good beginning. Chairperson Horton indicated that the referenced project could not be discussed or considered. Commissioner Christianson then indicated the project was a steel building which was being opposed. Design standards which could have been used to blend the building into the community had not been included. He reiterated his opposition to rushing into the program due to exerted public pressure. Chairperson Horton then indicated that the general public had not been represented during the discussion. He explained the public comments he had received urging the Commission to do something. The proposal was an opportunity to represent those individuals. He had not been pressured by the Board of Supervisors nor had he been contacted by a Supervisor. He was not concerned about a specific project. He was, however, concerned about the number of individuals who felt the Commission had been negligent about its responsibilities by allowing a continued amount of inappropriate and irresponsible growth. Peer pressure does not protect the community from such development. He was confident that the proposal was workable even though it is not perfect

and would be modified. He did not wish to continue explaining to the public why a developer had not been stopped as would occur in the year it would take to develop the standards. As the document is reasonable and provides for an appeal process, he could support it. Commissioner Christianson responded by questioning where the public was. He had not been contacted by the public along these lines. There had not been a "great outcry". He agreed that something similar needed to be started but it should be done in a fashion which is more acceptable to all.

(2-0745.5) Commissioner Mally moved that the Commission approve the resolution establishing additional duties for the Hearing Examiner concerning commercial design review and directing the development of specific guidelines and standards for commercial district review and, secondly, approving an amendment to Title 18 adding Chapter 18.40, Commercial Design Guidelines. Commissioner Wipfli seconded the motion. Motion carried 5-1-0-1 with Commissioner Christianson voting Naye and Commissioner Roger absent.

I. ADJOURNMENT (1-0755.5) - Commissioners Wipfli and Christianson moved to adjourn. Commissioner Pozzi seconded the motion. Motion carried unanimously. Chairperson Horton adjourned the meeting at 8:15 p.m.

The Minutes of the July 30, 1997, Carson City Regional Planning Commission meeting

1997. ARE SO APPROVED ON__December_3___,

_____/s/_____

Verne Horton, Chairperson