A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, June 26, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

PRESENT: Chairperson Alan Rogers, Vice Chairperson Vern Horton, and

Commissioners Allan Christianson, William Mally, Maxine

Nietz, Archie Pozzi, and Deborah Uhart

STAFF PRESENT: Community Development Director Walter Sullivan, Parks

and Recreation Director Steve Kastens, Public Works Director Jay Aldean, Public Health Officer Daren Winkelman, Deputy District Attorney Mark Forsberg, Senior Planner Juan Guzman, and Recording Secretary Katherine McLaughlin (R.P.C. 6/26/96 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 Rogers convened the meeting at 3:30 p.m. Roll call was taken. A quorum was present although Commissioner Pozzi had not yet arrived. Chairperson Rogers led the Pledge of Allegiance.
- **B.** COMMISSION ACTION APPROVAL OF APRIL 24, 1996, REGULAR MEETING MINUTES AND MAY 22, 1996, SPECIAL MEETING MINUTES Commissioner Nietz moved that the Planning Commission accept the minutes of both the April 24 and May 22 meetings. Commissioner Mally seconded the motion. Motion carried 6-0-0-1.
- C. PUBLIC COMMENTS (1-0018.5) None.
- D. MODIFICATIONS TO THE AGENDA (1-0026.5) None.
- **E. CONSENT AGENDA (1-0032.5)**
- E-1. AB-95/96-10 DISCUSSION AND POSSIBLE ACTION ON A REQUEST FORM PAUL AND ROBERT POLICHIO
- E-2. M-95/96-25 DISCUSSION AND POSSIBLE ACTION ON A REQUEST FORM JOHN AND ALICE KING TRUST
- E-3. U-94/95-43 DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF THE PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM LARS ANDERSON AND ASSOCIATES
- E-4. U-94/95-46 DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ALAN AND CHRISTINE RUSHING
- E-5. U-95/96-1a DISCUSSION AND POSSIBLE ACTION ON A REQUEST FORM DAVID AND ROSALIE DIETER
- E-6. AB-95/96-6 DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM JOHN FRANK AND DOUG FENTON
- E-7. U-94/95-44 DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM MARK AND KIMBERLY SCHMIDT (Commissioner Pozzi arrived during Chairperson Rogers' reading of Item E-5--3:37 p.m. The entire Commission was present constituting a quorum.) None of the Items were pulled for discussion. Commissioner Nietz moved that the Planning Commission approve Consent Agenda Items E-1 through E-7 inclusive. Commissioner Horton seconded the motion. Motion carried 7-0.

#### F. PUBLIC HEARINGS

F-1. U-95/96-45 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JIM LEIBHERR (1-0104.5) - Senior Planner Juan Guzman, Applicant's General Contractor Jim Leibherr, Arthur Palmer, Property Owner Don Reniers - Discussion between the Commission and staff indicated that the Applicant may have the elevations with him. Commissioner Nietz questioned the reasons electricity and water lines were being run to the building. The building is to store automobiles and provide a small office. The only phone call concerning the project had questioned whether the building would landscaped. There had been one letter in opposition.

Mr. Leibherr indicated he had read the staff report and agreed with it. The building will be used to store old automobiles. He detailed the proposed office area. He did not feel that it was adequate for a commercial office as it only has two walls and no windows or doors. It would be for his personal use. The structure's peak is approximately 17 feet high. Mr. Guzman indicated the maximum height allowed for the district is 32 feet.

Mr. Palmer opposed the building. He felt that the CC&R's had originally prohibited such a facility. His personal experience indicates such buildings impact the aesthetics of the area. He felt that the request was an indication of the deterioration which is occurring in his neighborhood. Although he had collected automobiles in the past and he could sympathize with the applicants, he urged the Board to hold the line and prevent his neighborhood from further deterioration. He indicated he had written a letter opposing the application. He responded to Commissioner Christianson's questions concerning the location of his property and the reasons he felt the other adjacent neighbors and the homeowners' association had not opposed the request. Commissioner Christianson explained his objection to having large accessory buildings on small lots and indicated he would support Mr. Palmer's opposition.

Mr. Reniers indicated it would not be a warehouse. It would be nice looking carriage house which conforms with the structure currently under construction. He is adjacent to the "Bliss Building" and its gigantic barn. He planned to do extensive landscaping which would improve and not detract from the neighborhood. Commissioner Pozzi indicated that the barn he had cited had been there for 50 or 60 years. He also indicated he would support Commissioner Christianson.

(1-0413.5) Commissioner Mally moved that the Planning Commission move to approve U-95/96-45, a Special Use Permit request from Jim D. Leibherr on behalf of Don Reniers to allow construction of a detached accessory structure in excess of 50 percent of the square footage of the primary structure on property zoned Single Family Two Acre located at 2032 Ash Canyon Road, APN 8-072-31, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Horton seconded the motion. Motion carried 5-2 with Commissioner Pozzi and Christianson voting Naye.

- F-2. U-95/96-46 DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STEVE KASTENS Community Development Director Walter Sullivan, Parks and Recreation Director Steve Kastens Mr. Kastens explained the Capital Gun Club's responsibility for the maintenance and operation of the facility through an agreement with the City, the Club's hunter education program, the City's agreement with BLM for use of the property, and the Club's funding and expansion plans. Public comments were solicited but none given. Commissioner Nietz moved that the Planning Commission approve U-95/96-46, a Special Use Permit request from Steve Kastens, Carson City, to allow a building addition and new lighting facilities based on seven findings and subject to nine 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 Pozzi seconded the motion. Motion carried 7-0.
- F-3. U-95/96-39 DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MEDICAL HOLDINGS, LTD. (1-0546.5) Senior Planner Sandra Danforth; Community Development Director Walter Sullivan; Public Works Director Jay Aldean; Applicant's Representatives George Szabo, Garth Richards and Julio Sandoval; William Sansom; and Mr. Sullivan Mrs.

Danforth referred Commissioner Nietz' questions concerning the block wall surrounding the generator, its height, and the Soil Conservation concerns to the applicant and Public Works. The ambulance access has been addressed. The light ballards will be placed at a height to eliminate a problem for the adjacent neighbors. The adjacent property owners' concern about the fence height was explained. The parking area had been relocated. The proposed landscaping and fencing should address the neighbors' concerns. Mr. Sullivan explained the flooding problems which occur on the site. Mr. Aldean indicated that there will be storm drain improvements mandated on the property. Mr. Sullivan felt that street improvements may force the runoff into the storm drain.

(1-0645.5) Mr. Szabo had read the report and agreed with it. The fence is wooden and six feet in height. The parking had been relocated 83 feet from the fence to eliminate the potential noise problem. The building would have a few lights on it. The parking area would have low level parking ballards. It will be a one story building. He used the building site plans to explain the ambulance entrance. If the Fire Department needs a "T", one will be constructed. The generator would be located against/into the hill. Discussion indicated that Golf Course Street is a deadend. The front entrance is from Ormsby. Mr. Richards indicated either he or Silver Oak would participate in the signal. Mr. Szabo indicated that the traffic impact generated by the project would be minute in comparison to the other development which would/had occurred surrounding the facility. Mr. Aldean indicated a need for a handicapped ramp at the corner. Mr. Richards indicated this is a staff condition included in the report. Mr. Szabo displayed a schematic of the building and a photograph of the project. The roof would be asphalt and charcoal colored. He then explained the grading plans which would raise the building approximately 3-1/2 feet. There would be approximately 1.79 acres left for development. Clarification indicated the wood fence presently on the site would remain. Mr. Szabo then explained the outdoor recreation areas by using the schematic. outside recreation area is not required by the patients. The one site was 20 by 60 feet in size. He did not feel that the high school proposed for an adjacent area would create a noise impact or problem for the facility. He did not feel that the facility would create an additional noise problem for the neighbors. The facility is an assisted care home. The recreation area must be fenced. Mr. Szabo indicated agreement with all of the conditions which had been proposed.

(1-0860.5) Mr. Sandoval explained the current storm drain facilities and improvements proposed for the southwest corner of the property. He corrected Golf Course Street to be Pinehurst Drive. It would provide an emergency access to the facility. It would not be used on a daily basis. He also explained the sidewalk improvements which had already been constructed as well as the handicapped and sidewalk improvements which will be completed as part of the project. Mr. Aldean agreed that sidewalks would not front the project as sidewalks are currently only proposed for one side of the street. The applicant would be required to install a "landing" with a ramp and the sidewalk along one side of the project only.

(1-0909.5) Public testimony was solicited. Mr. Sansom explained the location of his home adjacent to the parcel and, specifically, his bedroom. He expressed concern about the noise which would be generated from the facility particularly the air conditioner. He encouraged the Commission to require an eight foot fence. He indicated that his neighbor, Mr. Zappen, also felt that an eight foot fence should be required. Additional public testimony was solicited but none given.

Mr. Szabo responded by explaining that the air conditioning units would be in each room under the windows. They are very quiet. There would not be a giant air condenser on the roof. The kitchen and laundry areas' cooling unit would be installed inside the eight foot block wall at the rear of the building adjacent to the "turnaround". The generator would be "tucked into" the hill. The eight foot wall should be adequate for it. If it has a problem, he agreed to do more research on it and install a roof if necessary. It is an emergency generator and would operate only during an emergency or during testing. The parking had been moved away from the fence in an effort to reduce the noise created by it. A portion of the parking area is approximately four feet below Mr. Sansom's property. There would be approximately eighty employees involved which averages approximately 20 people coming and going every eight hours. The ambulance could be a problem, however, the facility has trained staff who handle heart attacks, etc. The normal process has the operators formulate an agreement with the ambulance provider to arrive without a siren. The only truck deliveries would be for food supplies and laundry materials. These deliveries would occur during the daytime and not be from semis like K-mart's. This was the reason the wall/fence heights were not increased on the northern side. He indicated the existing fence is wooden slats with 30 feet of landscaping in front of it. The headlights would not shine onto the adjacent property. Chairperson Rogers

noted that the contouring would make the fence higher than six feet. Mr. Szabo indicated it may be as much as ten feet and slope to seven feet at the far corner. Mr. Szabo stipulated to the eight foot cumulative height of the enclosure.

Chairperson Rogers reiterated the statements relating to the individual air conditioning units and the grading for Mr. Samson. Mr. Samson reiterated his request for a six foot block wall fence if there is a two foot difference in the elevations. Mr. Szabo indicated that the applicant did not have an appetite to install a six foot block wall on top of the "berm". By counting the "contours" on his plot plan, he felt that the berm raised the fence more than adequately and that the block wall would be unnecessary. Commissioner Horton suggested an additional condition, which had been used for the Hospital, which mandates the noise levels at 55 dba on the outside of the adjacent residences, which Mr. Sullivan explained.

(1-1188.5) Commissioner Mally moved that the Planning Commission approve U-95/96-39, a Special Use Permit request to allow an approximate 51,350 square foot nursing home facility as a conditional use in the NB district, on property located on an approximately 205,093 square foot site on the northwest corner of Ormsby Boulevard and West Nye Lane; on portions of APN 7-333-19 and 8-061-36 based on seven findings and subject to 14 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 Pozzi seconded the motion. Following a request for an amendment, Commissioner Mally amended his motion to include Condition 15 to the effect that the noise levels generated by the mechanical devices on this property shall not exceed 55 dba as measured at the exterior of adjoining residences. Commissioner Pozzi continued his second. Following a second amendment request, Commissioner Mally modified Condition 11 to address a technical correction which corrected the plot plan to indicate existing wooden fence is six feet in height rather than the indicated five feet. Commissioner Pozzi continued his second. The motion as amended was voted and carried 7-0.

F-4. U-95/96-47 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PATRICK PRIMMER (1-1236.5) - Mrs. Danforth, Walmart Assistant Manager Pat Primmer, Earl Atchison, Mr. Sullivan - During Chairperson Rogers' reading of the title, Commissioner Pozzi stepped from the room--4:50 p.m. (A quorum was still present.) Mrs. Danforth explained the applicant's amendment to the request due to the need to relocate the plants and swing sets inside the fenced area and desire to use the sidewalk for seasonal displays. If the Commission agreed to these changes, Condition 7 needed to modified to allow the swing sets and Condition 15 would have to be modified to allow display of merchandise higher than the fence. Discussion between staff and the Commission indicated the Kmart tent covers a similar area. The proposal was for an area encompassing 34 parking spaces and was for a temporary basis. The timeframes would have to be established and staff notified. Staff was opposed to the six month request. Kmart also has sidewalk displays. Commissioner Nietz expressed her feeling that the request should be allowed in fairness to Walmart based on the approval given Kmart. Walmart had purportedly agreed to provide a four foot walkway and maintaining the fire lane. (Commissioner Pozzi returned during this discussion--4:55 p.m. A quorum was present as previously indicated.) Commissioner Christianson indicated support for a 120 day timeframe, however, felt that anything longer would be a permanent fixture and suggested Walmart consider an addition to the present building. He was also opposed to a 24-hour a day operation. Mrs. Danforth indicated that the proposal did not include additional lighting. The present fenced display area was approved temporarily until the Special Use Permit was considered. Walmart had given staff a signed letter agreeing to comply with the conditions imposed during this discussion. Chairperson Rogers expressed concern that the sidewalk displays do not meet the four foot width requirement. Mrs. Danforth indicated that Compliance Inspector Scott Ruedy had been working with the applicant and she thought this issue had been addressed.

(1-1414.5) Mr. Primmer had read the staff report and agreed to the conditions. He indicated there is one swing set inside the "corral". Reasons it had been moved to the corral were noted. It is 6-1/2 to 7 feet in height which is "barely" over the top of the fence. He then indicated that he had agreed to 120 day limit. The area is needed primarily for the bulk garden supplies. There is adequate storage area available to handle the merchandise after August 31. The fence will be removed after that date. It will only be used from May 1 through August 31, which is the growing season. The fencing is held in place by cement blocks. Commissioner Christianson suggested a

more permanent arrangement due to aesthetics. Mr. Primmer indicated that the corral area currently on the site was the same size as the request. The location is the same area. Reasons for relocating the plants and the other merchandise which would be placed on the sidewalk were explained. It is part of Mr. Primmer's job to keep the four foot walkway clear and he had been checking it daily. The sidewalk is ten feet in width. The pallets are five foot in width. So the walkway should be approximately five feet. The fenced area would be locked from 11 p.m. to 6 a.m. A staff person is assigned to the corral and assists with loading all material. The material is rung up on a register inside the garden shop. The receipt is displayed to the staff person. One of the parking lot lights is directly over the corral. Additional lights will not be installed. Mr. Sullivan informed Mr. Primmer that any violations would be brought straight to the Commission and not involve a lot of staff time. This may result in a show cause hearing. Chairperson Rogers explained the reasons the Commission had decide to implement this policy.

(1-1595.5) Public testimony was solicited. Mr. Atchison explained that he had been the individual who had filed a complaint with the City against Walmart. He felt that some improvements had been made but the sidewalk is not usable in front of the display areas. He urged the Commission to require removal of all of the displays. The fire lanes are blocked when deliveries are made to the garden area. Vehicles are being loaded in the fire lanes. He felt that Walmart's attitude is one that "they can do whatever they want". The aisles in the store are cluttered and not usable. The corral area would not meet the storage area needed for all of the merchandise. He urged the Commission to clear the sidewalk. He agreed with the policy to bring any violations direct to the Commission and not take up a lot of staff's time. Commissioner Uhart reminded Mr. Atchison that he was not forced to shop there. Additional public comments were solicited but none given.

Discussion ensued between the Commission and staff on the location of the four foot walkway. Chairperson Rogers suggested adding a 19th condition mandating it. Mr. Sullivan indicated that loading/unloading is allowed in red zones, however, fire lanes must be kept open. A yellow zone could be requested. Mr. Primmer nodded in response to Chairperson Rogers' question indicating that Mr. Primmer is now aware of that requirement. Commissioner Nietz noted that Kmart displays items in its tent which are taller than six feet. The policy had been to restrict all items in fenced areas to the height of the fence. She did not wish to break with this policy. The swing set would exceed the six foot fence height restriction. Commissioner Horton suggested Condition 15 be modified to state: Items may not be stacked in excess of six feet. A swing set would be allowed but individual items could not be stacked. Mrs. Danforth indicated that Condition 15 had been included when it was stated that it would be stacked packaged merchandise. Such materials have a tendency to slide and break. She supported Commissioner Horton's recommendation for stacked merchandise. Commissioner Rogers recommended assembled items for display may be located within the corral area but items may not be stacked for storage in excess of six feet. Clarification indicated that the corral would not be tented. Discussion indicated Conditions 7, 13, and 15 should be changed. Commissioner Mally also suggested an amendment to Condition 7 so that it would read: "Swing sets or other child oriented merchandise may be displayed outdoors in the fenced parking lot area."

(1-1842.5) Commissioner Nietz moved that the Planning Commission approve Special Use Permit U-95/96-47, an application for Walmart, Morris Family Corporation, owner, to allow outside storage and display on property located at 4209 South Carson Street, APN 9-125-07, based on seven findings and subject to 18 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 with the following amendments to the existing conditions: Condition 7 shall be eliminated; Condition 15 to be changed to say that the height of the stacked merchandise displayed under this Special Use Permit shall not exceed six feet in height or in any case extend above the fence height, assembled merchandise may exceed six feet; Condition 17 to be amended by adding a new sentence that says: Any broken packages of garden material must be immediately removed from the outdoor display; and the replacement for Condition 7 to be added stating that a minimum of four feet of walking space shall be preserved along the sidewalk in front of the store for pedestrian use. Commissioner Christianson seconded the motion. Motion carried 7-0.

F-5. M-95/96-26 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO REVIEW PREVIOUSLY APPROVED SPECIAL USE PERMITS (1-1875.5) - Compliance Officer Scott Ruedy, Thomas Gibbons, Mr. Sullivan - Public comments were solicited after each number was read.

Discussion indicated that only U-80-21 had been withdrawn and that U-80-41 was held by the same individual(s) but had not been withdrawn. U-81-19 was to have been marked as having been withdrawn. Mr. Gibbons requested U-83-10 be granted a one year extension and explained that he had obtained architectural renderings for the building. Mr. Sullivan agreed to a one year extension but not beyond that period. Comments also indicated that U-82-11 had not been withdrawn by NDOT and had been accidentally left off of the list. It will be agendized for the next Commission meeting. Special Use Permits U-81-02, U-81-25, and U-82-13 have been perfected and action is not required. Commissioner Nietz moved that the Regional Planning Commission close the file based on the request for withdrawal from the current property owners on the following Special Use Permits: U-79-14, U-79-26, U-79-27, U-79-39, U-79-46, U-79-47, U-80-07, U-80-15, U-80-21, U-80-24, U-81-01, U-81-13, U-81-16, U-81-19, U-81-29, U-81-41, and U-83-13 and moved that the Planning Commission scheduled a show cause hearing for Special Use Permits: U-79-11, U-79-15, U-79-34, U-79-42, U-80-12, U-80-31, U-80-36, U-80-41, U-81-04, U-81-12, U-81-34, and U-83-12. Commissioner Horton seconded the motion. Mr. Sullivan indicated that staff would continue to work on the permits and requested direction from the Commission that any withdrawals requested by the property owners not be carried forward. Commissioner Nietz amended the motion to include that if any withdrawal requests are received between now and the actual show cause date, that those items be considered as withdrawn by the applicant. Commissioner Horton continued his second. Motion was voted and carried 7-0.

Commissioner Nietz moved that the Planning Commission grant a final one year extension on U-83-10. Commissioners Horton and Pozzi seconded the motion. Motion carried 7-0.

A-95-96-6 - (NON-ACTION ITEM) DISCUSSION ON A REQUEST FROM CARSON CITY F-6. TO AMEND CCMC SECTION 18.05.051 (1-2185.5) - Mrs. Danforth, Principal Planner Rob Joiner, Earl Atchison, Fran Hull, Tracy Edgar, Edy Rooke - Mrs. Danforth's introduction included comments from Animal Control Director Mike Conklin which suggested pigs and ponies receive the same unit rating as horse and cows and that Page 3, Section 6, be modified to read: "Any person permitted under this section to have livestock as defined in Title 7.....". He also requested that all references to Section 7.13 be modified to read "Title 7". On Page 4 he recommended hazardous and offensive animals be changed to "wild" which conforms with the Animal Ordinance. The Health Department and Animal Control have been enforcing the Code and have agreed to continue enforcement, which staff supports. Reasons two rabbits are allowed on lots under one acre were discussed. Chairperson Rogers indicated the Commission should review the recommendations. Any changes should be given to staff. The Commission would consider the Ordinance at the next meeting. Commissioner Nietz expressed her concern about the equation as it previously allowed six horses, 12 pigs, 30 sheep, or 60 chickens per acre. She recommended using the net area rather than gross area. Commissioner Horton indicated that if the lot is well developed, there could be little space left for animals. Chairperson Rogers suggested that any covered areas intended for animal use should be excluded from the net area. Commissioner Nietz recommended against allowing houses, garages, storage areas, etc., not used for animals from being included in the net space for animals. Mr. Joiner explained staff's recommendation that the net area not be considered and that the Health Department and Animal Control be allowed to work with the group involved on a case-by-case basis. It is a question of animal husbandary and policing. Peer pressure from the neighborhood would also establish the parameters. Mr. Joiner explained that there could be short time periods where a lot may have 30 sheep/60 chickens. The number fluctuates based on the need and plans. Chairperson Rogers expressed concern as this would allow for major agricultural use particularly in areas which are non-agricultural in nature. Mrs. Danforth indicated that this issue could be addressed by increasing the animal unit equivalencies. Mr. Joiner also noted that CC&Rs may further Areas with the agricultural zoning designations wish to have the flexibility to have the animals. Chairperson Rogers reminded the public that public testimony would be taken when the ordinance is considered at the next meeting and urged the speakers to be succinct in their comments.

(1-2405.5) Public testimony was solicited. Mr. Atchison felt that miniature horses, ponies, and burros should not be equivalent to one horse. Miniature horses do not require the same amount of space. He felt they should be compared to sheep and goats. When his children were in 4-H, he had had four horses on his one acre lot. It is a matter of how a person cares for the animals. He had not had a problem. He felt that the proposal could create a problem for a family with children in 4-H. Animal Control should be allowed to police the ordinance and individuals who do not take care of their animals should be cited. He opposed governmental interference. A one

acre urban lot should not be compared to a one acre rural lot. He urged the Commission to retain the current ratio for miniature horses.

Commissioner Nietz felt that the CC&Rs should be considered in the ordinance and designate whether the property is inside/outside urban/suburban areas. Chairperson Rogers felt that this recommendation is included in the Master Plan. Mr. Joiner indicated that the zoning would be same but the level of services would differ and it may be considered discrimination. Chairperson Rogers urged staff to analyze this suggestion. He also expressed his feeling that the proposal was not infringing on property rights as it had been requested by a different group of individuals. Commissioner Uhart voiced her disagreement with his position in view of her personal property. It is close to town and allows horses. The boundary lines had been drafted based on the level of service and not density or neighborhoods. She did not wish to become involved with the policing issues. CC&Rs are placed on property by the developer to provide a certain flavor or aesthetics for the neighborhood. When the neighbors take over, it is determined at their discretion whether to maintain the CC&Rs or modify them. She felt that the CC&Rs could control the use. Buyers seeking one acre lots normally wish to have animals or they acquire property which is restricted by the CC&Rs. Chairperson Rogers felt that not all areas are covered by CC&Rs as neighbors have turned to the Commission to address their problems. He felt that the ordinance would establish the grounds which are acceptable rather than restrict uses. The Commission would then have to deal with the exceptions to the rules rather than all cases.

(1-2655.5) Additional comments were solicited. Ms. Hull felt that it made enforcement very simplistic as the gross area was easy to determine. There are other mitigating issues which economically restrict the number of animals each property would maintain. She encouraged the Commission to keep it simple and work with the proposal. If it is determined it needed to be modified in the future, changes could be made. Chairperson Rogers felt that the proposal would support the property owner with 40 sheep and not the individual who wants a 4,000 square foot house. He felt that the ordinance should be workable for everyone. Ms. Hull responded by explaining that the main concern had been with horses and not the other individual.

(1-2735.5) Additional public comments were solicited. Ms. Edgar indicated she represented both Animal Control and herself as a private citizen. Animal Control evaluates the sanitation concerns when complaints arise. She urged the City to use the Departments as planned. Animal Control and the Health Department can determine whether it is a sanitary environment and deal with it. Property owners should not be restricted just because a few individuals have located in an area they had not investigated thoroughly. Discussion explained that the areas under discussion were zoned one acre or more with the primary use being residential with animals being an accessory use to it. Chairperson Rogers indicated that it was a question of the number of animals which should be acceptable in those areas. Commissioner Christianson felt that it would establish the starting point. Chairperson Rogers reiterated his comments as being the level of acceptability. Commissioner Christianson felt that Section 5 addressed the babies. Discussion also indicated that the recommended modification had changed the units for pigs, llama, alpaca, ponies, miniature horses, and burros.

(1-2836.5) Ms. Hull urged the Commission to maintain the current unit restrictions. The base number should be 7,000 square feet unless there is a problem then 10,000 square feet could be used. This would allow four animal units. Chairperson Rogers indicated that this issue could be addressed next month. Ms. Hull indicated the recommendation had been taken from another area's ordinance and was quantifiable. Clarification indicated lines 16 and 17 should be .50 for ponies, pigs, etc.

(1-2905.5) Additional public comments were solicited. Ms. Rooke felt that the ordinance was an attempt to protect individuals who want to live on an acre but don't want animals. She felt that they should have checked the area better before locating in that neighborhood. The ordinance should remain as it is as there are methods of addressing those individuals who are not taking care of their animals. She felt the proposal was restrictive and redundant. Additional public testimony was solicited but none given. Chairperson Rogers directed staff to work on it and bring the ordinance back to the next meeting. No formal action was taken or required.

F-7. MPE-95/96-3 - (NON-ACTION ITEM) PRESENTATION BY STAFF OF THE DRAFT HISTORIC PROPERTIES MASTER PLAN ELEMENT AND DISCUSSION OF ITS GOALS, POLICIES

AND AND IMPLEMENTATION MEASURES (1-2978.5) - Mr. Joiner, SEA Associates Senior Planning Consultant Karen Melby - During Ms. Melby's introductory comments Commissioner Horton stepped from the room--6:12 p.m.--and returned--6:16 p.m. (A quorum was present the entire time.) Ms. Melby reviewed the purpose of the master plan element, the purpose of the technical advisory committee, the items which are being considered within the element, individuals involved in the process, the need for an inventory of the properties, Washoe Tribe and SHPO's desire to be involved, potential implementation strategies, preservation procedures, potential incentives and funding services. She felt that the element could be completed and ready for consideration/adoption at the July meeting. She solicited Commission comments by July 15. No formal action was taken or required.

BREAK: A dinner recess was declared at 6:20 p.m. Chairperson Rogers reconvened the meeting at 7:15 p.m. All of the Commissioners were present, constituting a quorum. Staff present included Messrs. Sullivan, Forsberg and Joiner, and Ms. McLaughlin.

### G. PUBLIC HEARINGS

- **G-1.** U-95/96-44 DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM KAMIE MCBRIDE (1-3253.5) Mr. Joiner, Mike and Kamie McBride Clarification by Mr. Joiner indicated only one care provider would be required for six children. The McBrides had read the staff report and agreed to it. Discussion indicated they had contacted their neighbors regarding the request. Commissioner Christianson indicated that as they had "done their homework and so long as there are no major complaints from the neighbors" he could support the request. Any expansion of the use would require reconsideration by the Commission. Public comments were solicited but none provided. Mr. Sullivan introduced Public Health Officer Daren Winkelman and noted his role in supervising child care facilities. Comments were again solicited but none provided. Commissioner Nietz moved that the Regional Planning Commission approve U-95/96-44, a Special Use Permit from Kamie R. McBride, property owners Mike and Kamie McBride, to allow the operation of a child care facility on property zoned Single Family 6,000 at 1409 Monte Rosa based on six findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Mally seconded the motion. Motion carried 7-0.
- F-8. DISCUSSION AND POSSIBLE ACTION ADOPTING A RESOLUTION COMMENDING COMMISSIONER MAXINE NIETZ (1-3355.5) Chairperson Rogers explained the purpose of the resolution, read the resolution recognizing her eight years of service into the record, and thanked her for her assistance and guidance during his tenure. Commissioner Nietz thanked the Commission and staff for its help during her tenure. She indicated that she would not disappear but was unsure where she would dedicate her time and energy in the community. She also noted a letter from a private citizen suggesting an area which she may wish to pursue. Mr. Sullivan also thanked her for her assistance and imput over the years. No formal action was taken.
- H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)
- 1. CORRESPONDENCE TO THE COMMISSION (2-0071.5) Discussion noted the Langson's RV park letter requesting information.
- 2. STAFF BRIEFING ON STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (2-0072.5) Title 18, Nora Metcalf's ordinance modification was approved. Snopko's Special Use Permit was upheld. Communications between Mr. Snopko and the Washoe Tribe should be addressed. The review of Kmart's Special Use Permit upheld the Commission's recommendation. Kmart had been asked to explore an option of having a screen/wall on the roof, however, Kmart refused. The Robert Hughes ordinance was introduced on first reading on June 20. Serpa's abandonment request on Deer Run Road was continued due to right-of-way questions for the bike trails and V&T needs. The Bacigalupi/Uhart and the Weninger change of land use requests were introduced on first reading. The rest home ordinance modification for the NB district was introduced on first reading. The DMJM rezoning ordinances for the Public Safety Complex were introduced. Yeager's change of land use was deferred due to the feeling that NDOT may need the property for the Bypass. Contact with NDOT has indicated that it is not interested in this parcel. Vic Vicich's code amendment will be considered on July 3rd. The Chamber of Commerce had facilitated a meeting with the other

airpark industrial users. They are opposed to the change. The temporary outside sales proposal will be considered on another date. Discussion indicated staff could waive the paving requirement under specific conditions. It did not go to the Board for consideration. The funds were refunded. Commissioner Christianson indicated Kynett's sign had been installed and it is higher than the crown of the road. Mr. Sullivan indicated staff would look into this item. The request to having a hearings officer had been reviewed by the District Attorney's office. This individual would consider minor issues. Clark County has suggested several amendments to this Statute. He also noted a Statute which would allow staff to analyze and make rulings on any variances within five to ten percent of the requirement. The District Attorney's office had reviewed this Statute and felt that the process is not allowed. Staff could consider issues related to lot width, depth, etc., if an ordinance is enacted. Support for the proposal was noted. Discussion ensued on the colors used on the storall units at the bottom of Dump Hill. Staff agreed to check the records and determine if a color stipulation had been made during the discussion.

- 3. COMMISSIONER REPORTS (2-0249.5) Commissioner Uhart noted a letter questioning her ability to be impartial when her firm has real estate listings on properties adjacent/near areas which the Commission considers. Her firm has numerous listings. She had discussed the issue with the District Attorney's office. In the future she will check the agenda and indicate if any of the properties are in the proximity and so state for the record. She did not feel that it would be an issue unless she, herself, had listed the property. Commissioner Christianson briefly explained an incident which had occurred in the parking lot during the last meeting and suggested that Mr. Sullivan submit a bill for the damage to the City. Mr. Sullivan indicated that the matter had been taken care of. Chairperson Rogers explained that Mr. Sullivan's car had been "keyed" and that Mr. Sullivan had incurred \$1700 in damages from the incident. He expressed the hope that it had not been related to any of the issues under consideration by the Commission that evening. Commissioner Christianson requested the record reflect his comments indicating that Mr. Sullivan should not have been forced to suffer financial damages as a result of his doing a good job.
  - 4. STAFF COMMENTS (2-0298.5) None.
- **5. FUTURE COMMISSION ITEMS (1-3533.5)** Discussion indicated the Growth Management meetings will be on July 10 and August 7th. A letter had been mailed to individuals who had expressed a desire to participate/expressed an interest. A joint meeting had been scheduled with the Board of Supervisors to discuss/act on the Master Plan on July 18 at 6 p.m. The regular meeting is scheduled for July 31. August 10th is a Commission workshop. Discussion ensued on an eight week course sponsored by the Chamber of Commerce on ethics, how to run meetings, parliamentary rules of order, etc. Mr. Sullivan encouraged the entire Commission to attend and requested notification as to whom could attend within one week. Funding is available for the classes. The regular August meeting will be on the 28th.
- (2-0301.5) Mr. Sullivan indicated there were at least 25 items for consideration at the next meeting. Commissioner Christianson suggested a time limit be placed on the items. Chairperson Rogers indicated that the discussion this evening had fallen within the Commission's parameters. Mr. Sullivan recommended starting the meeting at 3 p.m. Discussion ensued on the need to establish a set time to commence the meetings and not change it. Chairperson Rogers felt that the beginning time should be 3 p.m. Mr. Sullivan explained the reasons all items had not been timed.
- **I. ADJOURNMENT** (**2-0396.5**) Commissioner Pozzi moved to adjourn. Commissioners Mally, Nietz, Horton, Christianson, and Uhart seconded the motion. Motion carried 7-0. Chairperson Rogers adjourned the meeting at 7:55 p.m.

The Minutes of the June 26, 1996, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON	July_31	, 1996
_/s/_ Alan Rogers, Chairperson		