

CARSON CITY REGIONAL PLANNING COMMISSION
Minutes of the January 31, 1996, Meeting
Page 1

A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, January 31, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Alan Rogers, Vice Chairperson Vern Horton, and Commissioners Allan Christianson, William Mally, Maxine Nietz, and Archie Pozzi

STAFF PRESENT: Deputy District Attorney Mark Forsberg, Senior Planners Juan Guzman and Sandra Danforth, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin (P.C. 1/31/96 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. PLEDGE OF ALLEGIANCE, ROLL CALL, AND DETERMINATION OF A QUORUM - Chairperson Rogers convened the meeting at 3:30 p.m. by leading the Pledge of Allegiance. Roll call was taken. A quorum was present although Commissioner Mally had not yet arrived and Commissioner Uhart was absent.

B. COMMISSION ACTION - 1. APPROVAL OF NOVEMBER 13, 1995, SPECIAL MEETING MINUTES AND 2. APPROVAL OF NOVEMBER 29, 1995, MEETING MINUTES (1-0020.5) - Commissioner Horton moved to approve the Minutes for the November 13, 1995, Special Meeting and the Minutes for the Regular November 29, 1995, Meeting as presented. (Commissioner Mally arrived during the motion. A quorum was present as previously indicated.) Commissioners Christianson and Nietz seconded the motion. Motion carried 5-0-1-1 with Commissioner Mally abstaining and Commissioner Uhart absent.

C. PUBLIC COMMENTS - None.

D. AGENDA MODIFICATIONS - None.

E. CONSENT AGENDA (1-0032.5)

E-1. MPA-95/96-5 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM DON LANGSON TO AMEND THE MASTER PLAN LAND USE DESIGNATION

E-2. Z-95/96-5 - DISCUSSION AND POSSIBLE ON A CHANGE OF LAND USE REQUEST FROM DON LANGSON

E-3. U-94/95-15 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM R. P. WEDDELL AND SONS

E-4. U-94/95-48 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM BEATRICE FRUTOS - Commissioner Christianson pulled Item E-4 for discussion. None of the remaining Items were pulled. Commissioner Nietz moved that Items E-1, E-2, and E-3 on the Consent Agenda be approved as presented. Commissioner Horton seconded the motion. Motion carried 6-0.

E-4. Commissioner Christianson requested clarification of the application's status as the property is on the market. Health Director Fralinger's report indicated the facility has not opened and that the applicant does not intend to open. Chairperson Rogers indicated the applicant wished to keep her options open. The request was for a continuation which would give her time to decide whether to proceed. Commissioner Christianson then moved to approve E-4, U-94/95-48 on the Frutos extension. Commissioner Mally seconded the motion. Motion carried 6-0.

F. PUBLIC HEARING

F-1. V-95/96-5 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM WILLIAM AND SACHIKO CLARK (1-0095.5) - Associate Planner Tara Hullinger, William Clark, Senior Planner Sandra Danforth, and Senior Planner Juan Guzman - Commissioner Nietz questioned the backyard slope and indicated her feeling that the storage building could be accommodated on the site without a variance. Staff delineated the reasons approval was recommended. The Assessor's records indicate the home has 1,954 square feet. Commissioner Nietz also questioned the reasons for requiring the fire wall on the property line side of the building. Clarification indicated the fire wall will be located as required by the Code. There are similar structures in the development which are in the setback areas. Photographs were displayed of the building. The shrub had been required as an attempt to mitigate the view from the property on the south, specifically from the patio. Chairperson Rogers felt that this property had a complete view of the applicant's and adequate screening could only be provided if the entire building is screened. Staff clarified that the attempt was being made to mitigate only the view of the accessory structure. Chairperson Rogers suggested the requirement be eliminated. Mr. Clark had read the staff report and agreed with it even on the tree matter. He expressed a desire to work with the neighbor including placing it on the neighbor's property if it would provide a better screen. He would also be talking with him on the requirement that a gutter be located on his side of the building. Clarification indicated that the structure could not be located in the front setback. Mr. Williams indicated a contractor had constructed the structure. It does not meet Code and is within the setbacks. Staff indicated there are several similar structures in the subdivision which do not comply with Code or are in the setback. Ms. Hullinger continued to stress her feeling that the yard's slope provide a unique situation which the others did not have. Public testimony was solicited but none given. Mrs. Danforth explained the original Code would have allowed specific size structures against the fence. Those buildings constructed during this timeframe are allowed to remain. The Code has been changed several times since 1978. The structure under discussion is approximately one year old. Chairperson Rogers explained the feeling that the Code was an attempt to protect neighbors and reduce the impact on the neighborhood. When a complaint occurs, the issue is brought forward and commended Mr. Clark on his willingness to mitigate the neighbors' concerns. Ms. Hullinger reiterated her comments indicate the property had unique circumstances which could justify approval of the request. Commissioner Christianson indicated his concerns about allowing items to slide due to the circumstances as problems could arise everywhere. Commissioner Nietz felt that the entire situation was a self-imposed hardship and that the photographs do not adequately support the slope restrictions on the property. Ms. Hullinger clarified the compliant to indicate that the neighbor's son has a power of attorney to sell the property and is concerned about the impact the building would have on the property's value. The property owner is in a senior care facility. Commissioner Mally moved that the Planning Commission approve V-95/96-5, a variance request from William K. and Sachiko Clark to vary four feet two inches from the minimum side yard setback for a 128 square foot detached accessory structure located in a Single Family 6,000 zoning district at 905 Lexington Avenue, APN 1-223-14, 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 may be considered as further stipulations or conditions of approval on this application. Motion died for lack of a second.

(1-0435.5) Commissioner Nietz moved to deny V-95/96-5 based on the finding that this would be a special consideration for the lot since the lot is rectangular in shape and larger than the minimum size, relatively flat, and the house is placed in a rectilinear fashion on the lot, that it represents a special privilege to the owners of this particular lot and there is no physical or environmental differences between this lot and others in the immediate vicinity. Commissioner Christianson seconded the motion. Motion carried 4-2-0-1 with Commissioner Mally and Chairperson Rogers voting Naye and Commissioner Uhart absent. Mr. Guzman explained the appeal process.

F-2. Z-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON CITY; F-3. Z-95/96-7 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON CITY; AND, F-4. MPA-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON CITY (1-0451.5) - Senior Planner Danforth and Community Development Director Sullivan - Mrs. Danforth explained the request for a continuation. Mr. Sullivan explained the City's property transfer to Stanton Park. Public comments were solicited but none made. Commissioner Nietz moved to continue Items F-2, 3, and 4 to the regular February meeting.

Commissioner Christianson seconded the motion. Motion carried 6-0.

F-5. V-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM D. G. HAND CONSTRUCTION (1-0534.5) - Senior Planner Guzman, Don Hand, and Ted Jones - Discussion between the Commission and Mr. Guzman explained the reasons for requiring additional landscaping, the adequacy of the parking area, and reasons for facade improvements. The applicants had read the staff report and agreed with it. Their comments stressed the reasons for making the improvements. Discussion explained the location. Public comments were solicited but none made. Commissioner Mally moved that the Commission approve V-95/96-6, a variance request from D. G. Hand Construction, property owner: R. E. Dixon, based on five 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 Christianson seconded the motion. Motion carried 6-0.

F-6. U-95/96-18 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM FRANK HOWARD (1-0662.5) - Mr. Guzman, Deputy Public Utilities Director Jay Ahrens, Frank Howard - Mr. Ahrens explained the new land division requirement mandating three acre sites for septic systems. Smaller established parcels are allowed to install septic systems. The State requires a lot size of not less than one-quarter acre for parcels connected to water. The parcel under discussion contains 1.25 acres net which would allow an additional septic system. The City Code follows the State Code of one-quarter acre. The City's sewerline should be available for the parcel in 1997. He requested the applicant stipulate to connecting to the line when it becomes available for the entire parcel within 30 days of its availability. Discussion indicated a fence along the north side of the driveway leading to the structure and questioned whether the structure could at some date become a rental. Clarification indicated this fence is only proposed and had not been constructed. Mr. Guzman indicated the applicant was aware of the City's prohibition against having a second cooking facility on the site. The plan called for a personal storage structure. The requirement mandating sewer connection is Condition No. 2 from the Utility Department and Condition 5 from the Community Development even though the Utility Department had used the term "recommend". Commissioner Mally opposed Commissioner Nietz' comments concerning a proposal to restrict the use of the structure. Mr. Guzman indicated that her concern had been staff's and this is the reason a second cooking facility was prohibited.

(1-0807.5) Mr. Howard had read the report and agreed with it. He stressed his intent to use a portion of the structure as a "guest house" for family and friends. It was not intended nor is it ever to become a rental. Cooking facilities would not be constructed in it. The fence was aligned as proposed to avoid installing a gate. A different configuration or a gate would cost a considerable amount which he felt was unnecessary but he was willing to stipulate to it if necessary. Commissioner Nietz explained the concern regarding the fence which would create two separate parcels with two separate accesses. She also explained her concern that the lack of cooking facilities would not control the use and questioned whether it is to become a rental. (1-0866.5) Mr. Howard responded to Commissioner Nietz' question by stipulating that the living quarters would be used only by family and guests and will not, under any circumstances, ever be used as a rental. He stated he would never use it "that way, you can have my word on that." Chairperson Rogers noted that the stipulation is part of the record and understood the purpose of having the owner go on record indicating he understood the Code and the requirements. Public testimony was solicited but none given.

Commissioner Mally moved that the Planning Commission approve U-95/96-18, a special use permit from Frank Howard, in order to place a building that is larger than fifty percent of the primary residential use, 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 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 6-0. Mr. Sullivan noted the stipulation would be added to the Conditions.

F-7. U-95/96-21 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM K-MART CORPORATION (1-0897.5) - Mr. Guzman, Fire Marshall Steve Mihelic, Store Manager Joe Hopper, Senior Engineer John Givlin - The sales are to occur outside the store, under the

canopy, and not along Highway 395. (During Mr. Guzman's introduction, Commissioner Mally stepped from the room--4:30 p.m.--and returned--4:32 p.m. A quorum was present the entire time.) Mr. Guzman explained the area calculations and indicated that staff is working on a standard similar to that used by the Downtown Design Review for this type of outdoor sales. He requested direction from the Commission concerning whether to create an ordinance using these standards. Mr. Mihelic explained the Fire Code requirements for aisles. Discussion noted the requirement for the business to notify City staff when the 120 day sales activity would occur, which is part of the temporary sales permit ordinance. Mr. Guzman requested direction from the Commission on whether to transfer this section to the special use permit requirements. Discussion also noted the condition mandating another cart corral and K-mart's program of keeping its carts in the store. Mr. Guzman agreed that this could be an unnecessary requirement for K-mart and expressed a willingness to accept direction from the Commission concerning the need for another corral. Reasons for including it in the Conditions as well as requiring the pallets to be at least six feet from the curb were explained. The 120 day permit equals ten days per month which staff felt was a reasonable period.

(1-1125.5) Mr. Hopper indicated he had read the staff report. He could live with all of the conditions in the report but questioned the reasons for requiring sprinklers under the awnings. He felt this would be an unnecessary expense due to the need to winterize and retrofit the area. The area would be used for the display of plant material which he felt was not combustible. A majority of the display would be located on the north side and not under the canopy. A large portion of the 120 days would be used for these sales. Memorial Day, Fourth of July, and Labor Day would use a portion of the 120 day period for sidewalk sales which may include a higher combustible material. This may be for only three or four days at the most. Play equipment, swing sets, and yard toys may be under the awning. The cart corrals are adequate to handle the store's carts. He was willing to relocate the carts currently stored under the awning to another site. The reasons for using this area in the wintertime were explained. During the months of November and December all of the carts are in service. During the other months half of the carts are in storage and not used. Commissioner Nietz explained that normally the shopping carts are located in front of the stores and not inside as K-mart does. Safety and personal reasons for keeping the carts under the awnings were noted by Mr. Hopper.

(1-1226.5) Mr. Mihelic explained the Fire Code requirement for sprinklers, its purpose, and coverage. He agreed that it could be possible to place some items under the canopy which are within the Code and not be required to sprinkle the area. These items would have to be considered individually due to the different combustible ratios for those items. He indicated there is no opposition to non-combustible items under the canopy, however, if any combustible items are located there, the Code would require sprinklers. Chairperson Rogers suggested conditioning the permit to prohibit combustible articles being displayed within the area covered by the special use permit unless automatic fire sprinklers or an automatic fire suppression system is installed which are in compliance with the Fire Department specifications. Mr. Mihelic felt that this is possible although it would become a "regulatory condition" for the Fire Prevention Bureau and may be redundant as it is mandated in the Code. Chairperson Rogers explained his intent was to clearly indicate a condition mandated for the continuance of the special use permit. Mr. Mihelic then indicated that this Condition is appropriate for that purpose. Mr. Hopper indicated at first that he could live with it, however, added that it would depend upon what is called "combustible". Mr. Mihelic indicated that he would meet with Mr. Hopper and work through the details. Mr. Hopper reiterated his intent for the area to contain plant material including bedding plants which are in four inch, mostly dirt containers. Chairperson Rogers indicated that this question would be left to them to determine. Public comments were then solicited but none made. Clarification by Mr. Guzman for Commissioner Nietz indicated car sales in the parking lot would not be allowed. The permit would cover only those sales conducted under the awning. Mr. Givlin indicated Public Works was willing to accept Community Development's condition prohibiting material from be located within six feet of the curb.

(1-1345.5) Commissioner Nietz moved to approve U-95/96-21, a special use permit for Super K-Mart, in order to allow the use of the front sidewalk, not the sidewalk adjacent to 395 but the store's front sidewalk, for the retail sale and display of merchandise, based on seven findings and subject to 13 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; which Commissioner Nietz amended to be for 12 conditions of approval, deleting Condition 9, and add an additional condition saying that the canopy above the outdoor sales area may be required to have fire sprinkler protection if any of the items are

deemed flammable by the Carson City Fire Department are to be placed for sale in that area. Discussion requested an amendment, Commissioner Nietz amended her motion to modify flammable to combustible. Commissioner Horton seconded the motion. Discussion ensued on the numbering of the Conditions. Mr. Guzman requested the Conditions remain at 13, that Number 9 be crossed out so that the record would clearly reflect data which had been deletion, and that Condition 13 be the added requirement. Commissioner Nietz then modified her motion to be subject to 13 conditions of approval, Condition 9 to be deleted, and the 13th condition to be added as we had discussed regarding the sprinklers and the combustible materials. Discussion noted that Condition 6 references the height of the stacks. Commissioner Nietz felt this condition was appropriate as written. Commissioner Horton seconded the motion. Motion carried 6-0.

Discussion between the Commission and Mr. Sullivan indicated the Commission supported staff's recommended Code modification making the 12 or 13 conditions part of the Code. Chairperson Rogers directed staff to proceed with the ordinance draft.

F-8. V-95/96-3 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM MERVIN PAULSEN (1-1445) - Mr. Guzman explained the request and noted that the applicant was not present. Staff recommended against the request. Discussion noted the reasons the patio cover is considered an accessory structure for a mobile home and the location. Chairperson Rogers asked if Mr. Paulsen was present. No one responded. Public comments were solicited but none made. Commissioner Nietz moved to deny V-95/96-3, a variance request from Mervin F. Paulsen to vary from rear yard setback requirements on property zoned Single Family 6,000, located at 1672 Kingsley Lane, APN 10-553-21, based on five findings and two review standards contained in the staff report. Commissioner Christianson seconded the motion. Chairperson Rogers noted that this item had been continued on two previous occasions. He felt there had been adequate time for the applicant to respond. Staff had not received another continuation request from the applicant. The motion to deny was voted and carried 5-1 with Commissioner Mally voting Naye.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1573.5)

H-1. a. DISCUSSION MATTER - MEMO FROM DIRECTOR REGARDING HOME OCCUPATION REQUIREMENTS AND RECENT FEDERAL FIREARMS LEGISLATION - Discussion indicated a commitment to the public to hold this discussion after 7 p.m. Therefore, discussion was held after the dinner break.

H-1. CORRESPONDENCE TO THE COMMISSION (1-1552.5) - Mr. Sullivan explained the status of the request for bids from consultants for other elements to the master plan and staff's intent to take the funding request for this consultant to the Board of Supervisors on February 15. The Carson River Advisory Committee's request for a joint meeting on February 14 on its Master Plan element was discussed. The Commission indicated a desire to include this item on its February 28th meeting at 7 p.m. Training seminars and funding for same were noted. The benefits of these seminars were explained. Discussion also referenced a letter of retraction concerning allegations against Canyon Creek.

H-2. STAFF BRIEFING REGARDING STATUS OF RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (1-1811.5) - Mr. Foerschler's Code amendments had been continued. Mr. DeCarlo's change of land uses were approved by the Board. Cameron Heights' final map will be considered February 1. The Board had also reconsidered the special use permit continuation request for the mobile home on Ruby Lane. The permit had been extended by the Board for another two year period. Code amendments have been made to this section which will require Commission consideration before going to the Board in the future. Reasons the Board had overturned the Commission on Mr. DeCarlo's requests were discussed.

H-3. COMMISSIONER'S REPORTS (1-1875.5) - Commissioner Nietz requested staff contact Ms. Melby and obtain a copy of her commentary on the Master Plan. Chairperson Rogers explained a sign committee which was been formed and requested Commission comments on Title 20. He indicated he would provide periodic status reports to the Commission on this committee's activities. The committee's composition was explained. Chairperson Rogers explained the need for the Commissioners to speak directly into the microphones for the recording system and complaints from the listening audience concerning the amount of paper shuffling which the television microphones have aired. He also requested the Commissioners take turns making their comments so that there is a clear record of all comments. He felt these problems had not been encountered during the session and commended the Commission on its decorum.

H-4. STAFF COMMENTS (1-1955.5) - None.

H-5. FUTURE COMMISSION ITEMS - Mr. Sullivan explained the status of the K-mart's compressor noise abatement program, including his inability to meet with K-mart's acoustical engineer and for a new noise study to be performed. The parking lot sweeping had been monitored and appeared to be in compliance with the restrictions. The Sheriff's Office has completed detailing all of the events in the immediate neighborhood. It was provided to K-mart's security. A meeting will be held in early February with K-mart's security. Hopefully, its security will be able to establish times and incidents/patterns which it could address. He had encouraged K-mart to utilize its employees who were retrieving the shopping carts to watch for any incidents and to report same. He had notified K-mart about two RV's which may have been camping in the parking lot. K-mart had immediately addressed these situations. There had not been a stipulation concerning snow removal, however, staff had not received any complaints. Ms. Kuester's attorney, Mr. Tanchek, had written a letter advising staff that K-mart had sold the property and building and questioned whether the City would continue to press this individual/party concerning the conditions. Mr. Sullivan had called Ms. Kuester and informed her that the City would continue to enforce the conditions. Mr. Hopper was also interested in completing the conditions. Mr. Mommer had expressed an intent to discuss the noise study with the City once it is completed. A noise ordinance may be developed in the near future. The City had not had any recent contact from COSTCO.

BREAK: There being no other matters for consideration until 7 p.m., a dinner recess was declared. When the meeting reconvened at 7 p.m. a quorum was present although Commissioners Christianson and Mally were not present and Commissioner Uhart was absent as previously indicated. Staff members present included: Mr. Sullivan, Mr. Forsberg, Mr. Givlin, Compliance Officer Scott Ruedy, and Ms. McLaughlin.

G. PUBLIC HEARINGS

G-1a. MPA-95/96-4 DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON-TAHOE HOSPITAL

G-1b. MPA-95/96-3 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON-TAHOE HOSPITAL

G-2a. Z-95/96-3 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON-TAHOE HOSPITAL

G-2b. Z-95/96-4 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON-TAHOE HOSPITAL

G-3a. U-95/96-20 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON-TAHOE HOSPITAL

G-3b. U-95/96-19 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON-TAHOE HOSPITAL (1-2093.5) - Mr. Sullivan, Mr. Givlin, Hospital Project Manager Roger Sedway, Mr. Forsberg, and John Copoulos - The Master Plan draft designated these sites as Residential Office. (During Mr. Sullivan's comments, Commissioners Mally and Christianson returned--7:03 p.m. and 7:05 p.m. respectfully. A quorum was present as indicated.) Mr. Sullivan corrected staff's recommendation for the change of land use request Z-95/96-3 and Z-95/96-4 to be to Public and not Office. Discussion expressed a concern that Lot 54 would become landlocked if the request is approved. Reasons the request was not considered spot zoning were discussed including a District Attorney's opinion. The delay in establishing a medical office zone was explained. Discussion ensued on the height restrictions on the residential office district, ownership of parcel 1-141-54, the proposed parking lot lighting plan, potential transient problems which may be created by the parking lot, proposed security plans for the parking lot, the landscaping and fencing plans for the parking lot, the need for a pedestrian cross walk and signage, and various low level/pedestrian lighting options for the parking lot.

(1-2689.5) Mr. Sedway had read the staff report and indicated the Hospital did not have a problem with it. A more detailed plan is proposed and will be submitted. The parking lot including the lighting standards will be similar to the trailhead parking lot. The lighting will be shielded. He was willing to work with staff on its final selection. Security and safety concerns were stressed and will be included in the final lighting design. He suggested that his security officers escort staff/individuals to the parking lot but would have to check with his attorney first due to liability concerns. He requested changing the 6:30 p.m. restriction to 8 p.m. if at all possible. He then requested

an opportunity to work with staff on this issue. He explained the right-of-way/access to APN 1-141-54. The northern portion of APN 1-141-54 would be developed by Mr. Chaney. Its zoning designation would not be changed by the Hospital's application. Other parcels owned by Mr. Chaney and their access routes/easements were discussed. Mr. Forsberg advised that the proposals could not impact the easement in response to Commissioner Christianson's suggestion that it be moved to the other side of the parcel and used as a buffer. Mr. Sedway indicated it may be necessary to gate the easement to restrict access to the parking lot. The fencing had not been selected but it would meet Code requirements. The lighting standard for the parking lot and options were discussed. Mr. Sedway indicated that the lot would be used by employees and agreed to an eight or 12 foot cutoff. Commissioner Nietz then explained her awareness of the lighting in the trailhead parking lot and requested pedestrian/human scale lighting. Mr. Sedway questioned whether the parking lot would have to be closed during certain hours if the light standards are lowered. Commissioner Nietz felt that these were two separate issues and supported its closure. Mr. Sedway iterated his reasons for feeling that the Hospital was being a good neighbor by providing additional parking. If the lighting is lowered and does not spill onto the neighbors' properties, he felt that they should not have to be turned off nor the area closed. Liability and safety reasons were cited to justify leaving the lights on and the lot open. Mr. Givlin expressed a willingness to work with Community Development on the lighting standards. Chairperson Rogers expressed his willingness to extend the hours if the access is controlled and its use restricted to employees. Mr. Sedway expressed a willingness to consider the 6:30 p.m. restriction, however, would have to discuss it with both the Hospital Administrator and the Hospital's legal counsellor. He may require users to notify security if they are leaving after its closure. This would provide an escort to the cars. It may be advantageous, however, to close the lot at a set time. He indicated that if the gates are locked, the cars would have to remain unless security opens the gates. Chairperson Rogers explained his desire for the fencing to be both sight obscuring and security. Mr. Sedway indicated the concept was for the same fencing as is found at the trailhead parking lot but was willing to install whatever fencing may be required. He had not surveyed his parking lot needs for the evening hours. The need for the lot was based on the parking overflow which occurs at 2 p.m. He also indicated he would submit a copy of the Hospital's master plan to staff which would create a Hospital "master block" from Mountain to Division and Fleischmann to Washington. It would support staff's proposed residential office zoning two lots north of Fleischmann. This could be used for "medical offices around the Hospital". Commissioner Nietz urged him to submit the plan as soon as possible. Mr. Sedway indicated that the Hospital had conceptually supported the medical office zoning.

(1-3339.5) Public testimony was solicited. Mr. Copoulos applauded the Commission's efforts to obtain a good design and address neighborhood concerns. He then urged the Commission to require gating and closure at the earliest possible hour rather than accepting any lighting proposal. A reasonable hour was the staff's recommendation of 6:30 p.m. Additional public testimony was requested but none given.

(1-3410.5) Commissioner Nietz moved that the Planning Commission approve a resolution concerning MPA-95/96-3 and MPA-95/96-4, an application from the Noel Family Trust and Carson-Tahoe Hospital requesting a designation of approximately 0.70 acres from Low Density Residential to Public based on four findings as contained in the staff report. Commissioners Christianson and Pozzi seconded the motion. Motion carried 6-0.

Commissioner Nietz moved that the Planning Commission approve Z-95/96-3 and Z-95/96-4, a motion to prepare an ordinance for first reading to change the land use designation from Single Family 6,000 to Office on APN 1-141-54, a portion, and 1-141-64 and recommend to the Board of Supervisors adoption of said ordinance based on four findings contained in the report. Commissioner Pozzi seconded the motion. Following discussion of the zoning designation, Commissioner Nietz corrected her motion to change the new land use designation to Public on those parcels. Commissioner Pozzi continued his second. The motion was voted and carried 6-0.

(1-3454.5) Commissioner Nietz then moved to approve U-95/96-19, a Special Use Permit application from Carson-Tahoe Hospital and U-95/96-20, a Special Use Permit application from the Noel Family Trust, James J. and Mary Lou Noel, to allow a parking lot on property zoned Public located on the north side of Fleischmann Way, west of Division Street and east of Lane Circle, on APN 1-141-54, a portion, and 1-141-64 based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application, amending Condition 6 so that the first line reads: "A detailed parking, lighting, landscaping, and fence plan shall be submitted" and adding a sentence to the end of this Condition to say

that lighting standards shall be of human scale with a maximum height of 12 feet, and adding Condition 9 that a lot line adjustment shall be recorded before construction begins. Following a request for a modification, Commissioner Nietz amended Condition 9 to say a lot line adjustment or parcel map shall be recorded before construction begins. Commissioner Horton seconded the motion. Discussion ensued between Commissioner Nietz and Commissioner Christianson concerning the lighting standard's height restriction. Mr. Givlin felt that the Commission's desires could be accomplished by limiting the height to 12 feet. The motion to approve the Special Use Permits U-95/96-19 and U-95/96-20 as conditioned was voted and carried 6-0. Mr. Sullivan indicated the Board of Supervisors would consider this Item at its February 15th meeting.

H-1. a. DISCUSSION MATTER - MEMO FROM DIRECTOR REGARDING HOME OCCUPATION REQUIREMENTS AND RECENT FEDERAL FIREARMS LEGISLATION - CONTINUED (1-3534.5) - Messrs. Sullivan, John Westley Riggs, Sr., Frank Z. Paluch, Forsberg, and Richard Brengman - Chairperson Rogers emphasized that the Item was agendized for discussion as an internal communication item and not for public participation. He would consider taking comments from a spokesperson and encouraged the audience to select such an individual. (Commissioner Pozzi stepped from the room at 8 p.m. and returned at 8:03 p.m. A quorum was present the entire time.) Mr. Sullivan explained the City's Business License restrictions on Home Occupations and its conflict with the Federal Firearm Regulations. City Code prohibits the selling of any merchandise at a private residence. It allows the individual to meet the clients at another site. Federal law mandates the sales occur at the business license location. He requested direction from the Commission authorizing staff to research home occupations including whether sales are allowed from the residences and the need for a variance or special use permit. His comments emphasized that the City would not become embroiled in the Federal Firearms Regulation issue. He felt that this research could be accomplished in 60 days. Discussion explained the process used for home occupations which uses other sites for the actual sale or the mail order catalog process. The eight home occupation restrictions were reviewed. (2-0098.5) Discussion emphasized that even if a Code amendment is approved, all occupations would have to abide by the same rules. Reasons for the sales restriction were noted. Concerns with the present Home Occupation licensing requirements were noted and supported the need for a Code modification. Other Northern Nevada communities were watching to see how Carson City solves the problem. Commissioner Mally felt that the firearm industry proposal may subject a neighborhood to increased security needs. Due to the dynamics of the ever changing telecommunication and computer fields, a time may be reached where an individual could convert his entire home into a business without anyone being aware of the change. He also pointed out the impact homes sales would have on a residential neighborhood. Commissioner Nietz questioned the allegation that private dwellings could be used for the sales site as the regulations indicated private dwellings did not fit within the meaning of the terms. Mr. Sullivan explained the need to meet with both Federal ATF Representative(s) and the dealers. Mr. Forsberg indicated this was the reason for the request to research the matter. Mr. Sullivan explained Mr. Nordyke's application for a Business License which had brought the matter to staff's attention. Chairperson Rogers expressed his feeling that the Commission should request staff to undertake the research. When this is completed, the item will be agendized for action. If necessary, a special meeting will be held. He encouraged the audience to submit their comments to staff. Comments indicated the audience had felt that public comments would be taken on the matter. Chairperson Rogers again requested a spokesperson be selected.

(2-0273.5) Mr. Riggs, explained his representation of the Board of Directors for the Nevada State Rifle and Pistol Association. He felt that the FTA was attempting to force the Commission to modify local laws and eliminate home occupation gun dealers. He explained his home occupation and Washoe County Business License. His business is located in Washoe Valley. He felt that the Federal law would eventually impact all home occupations. He urged the Commission to modify the City Code to allow home occupants to sell from the residence, however, prohibit advertising which would indicate a business is in the home. Advertisements in the telephone book should be permitted. His knowledge of Mr. Nordyke's home occupation was explained. He encouraged the Commission to "do what it felt was right" and reject the Federal proposal which would eventually eliminate all home occupations. He agreed that the City was being placed in the spot of having to make a decision for the entire State. He agreed to furnish as much information as possible on the subject and help in any way possible. His home occupation and knowledge of his neighbors' occupations were explained to support his position that home occupations could work in a residential area. Chairperson Rogers explained that the entire home occupation code would be analyzed. Commissioner Christianson indicated that the items Mr. Riggs had used to support his home

occupation including restrictions/prohibitions were in the City's current Code. He questioned Mr. Riggs' statements on how the proposal would "put people out of business". Mr. Riggs responded by explaining that if the Code is "hard nosed" and very restrictive, people would be put out of business when discovered. Commissioner Christianson explained that if he changed his job title from Insurance Agent to Insurance Broker, it would be possible to "go around" the law and continue to function. He then questioned how the appointments could be policed? He felt that if the City is not careful there would be so many restrictions placed on the home occupations that it could not function. Chairperson Rogers pointed out that this was not the time for discussion of the fine points of the Code. Staff needed direction to research the laws. All comments would have to be repeated at a future meeting and he encouraged the audience to contact staff with those comments. Commissioner Mally supported Chairperson Rogers' request that the audience meet with staff or give staff any information it had available. Mr. Riggs indicated he would get as much information as possible from the National Rifle Association also. He reiterated he was only representing the State Rifle and Pistol Association.

(2-00445.5) Additional comments were solicited. Mr. Paluch explained that he had acquired a home and was attempting to "make ends meet" with a home occupation. His home occupation was explained and he questioned whether he could have individuals come to his home and pick up the merchandise. Chairperson Rogers explained the current ordinance would not allow the merchandise to be picked up at the residence. Mr. Forsberg expressed his opinion that the item was not agendized for this discussion. The indepth discussion could occur after staff has had an opportunity to research the item. Chairperson Rogers encouraged Mr. Paluch to contact Business License concerning his question. Mr. Sullivan also requested Mr. Paluch contact his office. Commissioner Pozzi encouraged the Commission to support Mr. Forsberg's' comments.

(2-0519.5) Additional comments were again solicited. Mr. Brengman expressed a desire to work with staff and briefly explained his concern about the Federal regulations. Chairperson Rogers reiterated the fact that his concerns were not within the City's purview. Mr. Brengman felt that home sales are legal under the Federal regulations and offered to loan the City his copy of those regs. He encouraged staff to contact the Reno ATF office.

Chairperson Rogers reiterated staff's request to research local ordinances and thanked the audience for its comments and attendance. He encouraged the audience to provide staff with information or comments. No action was taken on this item. Chairperson Rogers directed staff to bring the item back when ready.

I. ADJOURNMENT (2-0559.5) - Commissioner Mally moved to adjourn. Commissioner Pozzi seconded the motion. Motion carried 6-0. Chairperson Rogers adjourned the meeting at 8:35 p.m.

The Minutes of the January 31, 1996, Carson City Planning Commission meeting

ARE SO APPROVED ON ___March_27____, 1996.

_____/s/_____
Alan Rogers, Chairperson