

CARSON CITY REGIONAL PLANNING COMMISSION  
MINUTES OF THE APRIL 24, 1996, MEETING  
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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, April 24, 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, Maxine Nietz, and Archie  
Pozzi

STAFF PRESENT: Deputy Utilities Director Jay Ahrens, Principal Planner  
Rob Joiner, Deputy District Attorney Mark Forsberg,  
Senior Planners Sandra Danforth and Juan Guzman, Senior  
Engineer John Givlin, and Recording Secretary Katherine  
McLaughlin (R.P.C. 4/24/96 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 3:03 p.m. Roll call was taken. A quorum was present although Commissioner Christianson had not yet arrived and Commissioners Mally and Uhart were absent.

**B. COMMISSION ACTION - 1. Approval of January 17, 1996, Special Meeting Minutes; and, 2. Approval of February 28, 1996, Meeting Minutes (1-0014.5) -** Commissioner Nietz moved that the Commission accept the Minutes for the January 17 Special Meeting and for the February 28, 1996, Meeting as presented. Commissioner Horton seconded the motion. Commissioner Pozzi indicated he had been absent from the February 28th meeting and that his vote would be for only the January 17th meeting which he had attended. (Commissioner Christianson arrived during the motion--3:05 p.m. A quorum was present as previously indicated.) Motion carried 5-0.

**C. CITIZEN COMMENTS (1-0036.5) -** Dorothy Rink indicated she wished to speak on Item E-4, the Special Use Permit U-94/95-45. Chairperson Rogers indicated this Item is on the Consent Agenda and requested her remarks be held until that time. Additional comments were solicited but none made.

**D. MODIFICATIONS TO THE AGENDA - (1-0054.5) -** None.

**E. CONSENT AGENDA**

**E-1. U-94/95-24 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM WILLIAM LANDRY**

**E-2. AB-95/96-5 - DISCUSSION AND POSSIBLE ACTION ON AN ABANDONMENT REQUEST FROM ROBERT HALL**

**E-3. U-95/96-30 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ROBERT BLACKWOOD**

**E-4. U-94/95-45 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM FRANK SNOCKO FOR A ONE-YEAR EXTENSION**

**E-5. U-94/95-36 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW FROM SHELLY GALL**

**E-6. U-94/95-38 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW FROM EMILY PFAFFENBERGER**

**E-7. V-95/96-8 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM JERRY CRUITT**

**E-8. V-95/96-10 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM**

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**WILLIAM NIDAY**

**E-9. U-95/96-31 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JAMES VIANO (1-0058.5)** - Chairperson Rogers indicated several items without any new information or routine matters had been added to the Consent Agenda in an effort to expedite the hearing. He asked if there were any items which the Commission, staff or the public wished to have pulled for discussion. Principal Planner Rob Joiner requested Items E-4 and E-7 be pulled for discussion. No other Items were pulled for discussion. Commissioner Horton moved to approve items E-1, E-2, E-3, E-5, E-6, E-8, and E-9 as presented. Commissioner Nietz seconded the motion. Motion carried 5-0.

**E-4. (1-0144.5)** - Mr. Joiner, Frank Snopko, Ramona Malone, Dorothy Rink, Senior Engineer John Givlin, Senior Planner Juan Guzman, Deputy District Attorney Mark Forsberg - Discussion indicated the drainage problem has been partially resolved as a condition requires submittal of an engineered drainage plan before a building permit will be issued. The fuel tank in the proposed Sonoma Street right-of-way will be removed. Mediation is occurring on its leakage problems. Until this is completed the street dedication and construction will not occur.

(1-0209.5) Mr. Snopko explained his request for a one year extension. He did not feel that his establishment will use or impact Curry Street. He was aware of the Washoe Tribal Council's concerns about the impact his establishment would have on their daycare sign. A copy of the letter referenced by Commissioner Nietz was given to Mr. Snopko. He felt that the City and State issues with the drainage and traffic had been resolved. He had not been aware of any other concerns nor been contacted by the Council.

(1-0268.5) Public comments were solicited. Ms. Malone explained the Council's safety concerns created by the casino being so close to the daycare and Head Start programs. She claimed to have been unaware of the meeting one year ago. Mr. Joiner explained the notification procedure and individuals who had been given notices. Ms. Malone explained that the Carson Colony was not receiving the notices as the Stewart Colony had been given the notices. Commissioner Pozzi explained that this project had been approved and considered several different times since 1990. Ms. Malone felt that her Tribal Leaders would be contacting Mr. Snopko soon. She was unaware of the drainage questions and whether they had been resolved. The traffic concerns were only related to the Colony and Curry Street. Chairperson Rogers explained that the compatibility issues should have been resolved during the hearing process prior to this time. He felt that the request for a presentation to the Colony residents could still occur although it is normally addressed prior to this point. Ms. Malone indicated that the Tribal Leaders should meet with Mr. Snopko.

(1-0374.5) Ms. Rink explained that her residence is located down wind from the project. She felt that the Carson Indian Colony had not been informed of the project. She chastised Commissioner Pozzi for his comments regarding the Council's delay in noticing the project. She had been aware of the project since 1990, however, felt that the project had failed to answer the traffic, parking, dust and flooding concerns. The mitigation measures had not included the Head Start program or Youth Center. She then explained her traffic concerns and the impact the project would have on Curry Street. She questioned the dust control measures and voiced her concerns regarding the noise and light pollution which would be created by a 24-hour a day operation, the lack of a drainage plan, and reasons a traffic study had not been conducted on Curry Street. She felt that the project would not provide a sufficient amount of parking for the patrons and that the overflow would use Curry Street. This would impede traffic on a small street. The loading docks in the back of the casino would negatively impact the traffic on Curry Street. She questioned how the flood waters would be transferred across Curry Street. She urged the Commission to consider the impact the project would have overall on the Indian Colony. As a permit would not be approved for a similar project which would be located across from Fremont School, she urged the Commission to deny the request.

(1-0459.5) Additional public comments were solicited but none given. Mr. Givlin explained that a traffic study had not been performed but will be. He expressed the hope that this study would address the traffic at the intersection of Sonoma and Carson as well as Sonoma and Curry. Due to the fuel tank problems, this study will not be accomplished as timely as originally proposed. Construction could not occur until the revised traffic study is completed. Commissioner Pozzi indicated the original approval had included a traffic study. Projections made in

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that study were noted. As Sonoma Street is now a public right-of-way, this volume will increase. The original plan had phased the entire project including Sonoma Street. Mr. Joiner agreed that the first phase would not create as much impact on Curry Street as the latter two phases. Only the portion where construction would occur would be cleared. This would help mitigate any dust. There should be access from Curry Street. He indicated notifications had been submitted to the BIA as well as the Stewart and Carson Indian Colonies on three separate occasions concerning this project. The areas which are cleared will have to be watered to eliminate dust. Chairperson Rogers questioned whether the noise would be more than the normal traffic noises and felt that the casino operational noise should be contained within the building. Mr. Joiner indicated there could be an increase in noise during construction. Mr. Guzman explained the potential increase in traffic noise, however, the City does not have a noise ordinance at this time. He suggested that the Commission consider the appropriate uses for the district and control development of the area in this manner. Chairperson Rogers noted that the project would not change the current Curry Street flooding problem. Mr. Givlin agreed that the project would only address the increase in drainage created by the project. This water would collect the runoff and carry it with the site generated increase to the storm drain channel. State control over the air quality control measures was explained. Parking on Curry Street had not been restricted. Curry Street is presently designated as a collector. Other projects are also impacting the amount of traffic carried on Curry Street. Improvements in the vicinity will improve pedestrian circulation, parking, and require it to be widened. The purpose of a traffic study was described. The reduced parking requirement had been approved and was requested based on the multi-uses proposed for the site. The reduction was thought to be ten percent which is within the ordinance guidelines. Staff felt that the studies could be completed during the one year extension. Commissioner Nietz expressed her reluctance to support the project unless these studies are completed and noted her original opposition to the project. Chairperson Rogers felt that the project had been correctly conditioned. Traffic issues had been created by all of the projects along Curry Street. Sonoma Street may alleviate some of this congestion. Mr. Snopko's project was not the only project impacting Curry Street. He did not feel that holding up this project would resolve this problem. Mr. Joiner pointed out that the approval given to the project in May 1995 had been for phase one only and additional phases would be considered by the Commission at a future date.

(1-0785.5) Commissioner Christianson moved that the Commission approve the continuance of E-4, U-94/95-45, Frank Snopko's construction on the west side of South Carson Street between Koontz Lane and Sonoma Street, APN 9-111-219, 20, and 21. Commissioner Horton seconded the motion. Following a request for an amendment to the motion, Commissioner Christianson amended his motion to approve the extension of E-4. Commissioner Horton continued his second. Motion carried 4-1-0-2 with Commissioner Nietz voting Naye and Commissioners Mally and Uhart absent.

**E-7. (1-0798.5)** - Mr. Joiner, Shirley Hsiao Ping's representative Jerry Cruitt, Brian Smith, and Property Owner Shirley Ko's representative Milton Mittelman - Mr. Cruitt noted the one letter of opposition which had questioned the project's impact on the quiet enjoyment of an adjacent rear yard. The condition mandating a six foot rear yard, solid wood fence would help mitigate this requirement. He was willing to do this. Other adjacent properties have encroached ten feet into the rear yard setbacks. His request was for a five foot encroachment. Reasons for not adding a second floor to the building were noted. Commissioner Nietz questioned whether the two bedrooms would be rented as they had separate entrances. The owner had stated there would be no rental of those units as motel rooms or for any other purpose as it is a single family use. The outside access allows the use of a bedroom in the center of the house and meets Code requirements for "light and air" for the existing bedrooms. Fire safety concerns were cited to explain the reasons for "three doors". This arraignment may provide the family with better access. The rooms will not be rented. Discussion ensued on the setback requirements and the request to vary 15 feet. The Building Code would allow a three foot "overhang" on the roof. The stem wall is the actual setback. Mr. Cruitt indicated that the request should have been for a "five foot variance".

(1-0942.5) Public testimony was solicited. Mr. Smith explained his concerns about a variance which would intrude into the residential neighborhood and its impact on his ability to sell his property at a future date and the quality of life issues. He questioned the amount of encroachment which would be allowed in the future. He felt that the tranquility of the residential neighborhood should be maintained and that the issue was one of a principal even if the prohibition against renting the rooms is included in the approval. The closer the building is to the property line, the more noise is encroaching on the neighbors.

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(1-0995.5) Additional public testimony was solicited but none given.

Mr. Joiner explained the land use designations and reasons for the different setback requirements on the adjacent parcels. Chairperson Rogers noted that the conditions prohibit use of the rooms as rentals. Also, the builder had stipulated that the rooms would not be rented. Discussion noted that the owner had not agreed to this stipulation. The conditions restricted the use as a "motel room" only. Commissioner Christianson felt that it should not be rented as an apartment as well as a motel room. He recommended Condition 8 be modified to restrict the use as a rental at all. Mr. Cruitt explained that Mr. Mittelman is a vested property owner even though the property is not in his name. He felt that Mr. Mittelman could sign an affidavit prohibiting the rental of these units. He indicated that if the entire house is rented at some future date, the condition could be changed. The plans do not at this time call for the rental of these units. Chairperson Rogers supported modifying the conditions to allow the rental of the building as a whole while prohibiting the rental as separate units.

(1-1065.5) Mr. Mittelman indicated he had a fiduciary interest in the property and could represent Shirley Ko. He questioned whether the restriction would remain with the property if it is sold at a future date. The area is zoned office residential and such a restriction may prohibit its use as an office. Mr. Joiner indicated the building could be used as an office if parking and other requirements are met. The conditions of approval are passed on to future property owners. If the new owners chose not to meet the conditions, they would have to request a waiver of the conditions or meet the development standards another way. Mr. Mittelman requested the stipulation be modified to apply to only the current owners. Chairperson Rogers explained that his recommendation had been that the condition be modified to restrict the rental of the units. The neighbors' concern had been the rental of the units as apartments. Mr. Mittelman felt that the neighbor's concern had been with the zoning and not the five foot reduction in setbacks. The neighbor was very concerned about the encroachment onto his privacy. Five feet should not make that much difference. He urged the Commission to grant the variance and modify the condition to restrict the use to just the current owners. He felt it was unfair to restrict the property's value and use based on only one neighbor's objection. Commissioner Nietz explained her opposition to allowing the property to be used as a motel room. She felt that the property could be rented as an entire structure for legal office spaces for a set population or as a single family residence. She was opposed to renting it as an "office condo", to a number of different firms, or as an apartment/motel unit. It could be rented as "one office" or "one residence". Mr. Mittelman then explained that the Frontier Motel had been sold and that there is "no association with it". The residence had originally been purchased to supply office spaces for the motel. The current resident is using it as a residence and is requesting the addition of two bedrooms. The only connection with the Frontier Motel is through a "note". Commissioner Nietz responded by explaining that offices in a residential building in a residential office designated area is allowable. She reiterated her intent for the building to be used as a single family residence or as a single office in its entirety in keeping with the intent of the RO zoning. Mr. Mittelman felt that several individual doctors should be able to use the building. The current need for additional bedrooms was explained. Mr. Joiner explained that the RO district would require a Special Use Permit if the building is to be used as a multi-family residence. Medical offices would increase the parking needs which the lot may not support. Multi-family would require additional parking also. Chairperson Rogers recommended the stipulation be made a condition and part of number eight.

(1-1284.5) Commissioner Horton moved to approve V-95/96-8, a Variance request from Jerry Cruitt, Shirley Hsiao Ping - owner, to vary five feet from the minimum rear yard setback in residential office zoning district, located at 1708 North Curry Street, APN 1-152-06, based on six findings and subject to eight conditions of approval contained in the staff report with Condition 8 amended to read: 8. The additional bedrooms shall not be rented as individual units at any time by the owner; 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 Nietz seconded the motion. Motion was voted and carried 5-0.

## **F. PUBLIC HEARINGS**

**F-1.U-95/96-33 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM SHIRLEY HERDLITZKA (1-1298.5) -** Mr. Guzman, Shirley Herdlitzka, Everett Oliver, William Bielser, Deputy Public Utilities Director Jay Ahrens - Discussion between staff and the

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Commission clarified the parking requirements. The plans do not include an office area. The containers will be stored on the site in an empty state. The Fire Department will review the plot plan to determine if adequate access/egress is provided. Mr. Guzman also explained a concern with the use of these units for storage throughout the City. Staff is working on an ordinance regulating this use. Mr. Guzman indicated that the units could be stacked as much as 12 deep provide adequate circulation is provided. The Fire Department could enforce any circulation conditions necessary for this access. Chairperson Rogers recommended adding such a condition to the approval and prohibiting stacking.

(1-1455.5) Ms. Herdlitzka had read the staff report and "agreed up to a point" with it. She explained the plan to store empty containers on the site. She distributed copies of a brochure on the units to the Commission and staff. (A copy was given to the Clerk.) She agreed to not stack the units. She then explained that the site does not have access to City water. There is a well on the parcel adjacent to the site. Photographs of this site were displayed and later given to the Commission. (She took back these pictures after the motion.) The cost to bring City water to the site was prohibitive. She felt that if City water is provided to the site, it would not be rented as vacant land.

(1-1525.5) Mr. Oliver explained that the residential well had not been permitted when drilled. Purportedly, such permits were not required at that time. As the well is not commercial, even though it is an eight inch well, the property could not be developed for commercial use.

Ms. Herdlitzka then questioned the reasons for requiring a sanitation building as there is no water. Mr. Oliver indicated there would not be individuals on the site longer than it would take to pick up or drop off a unit. Public access should not be required. Ms. Herdlitzka responded to Commission questions on the well site, the ownership and location of several wells surrounding the property. The original use of the containers had been for ocean shipping. This use would not be continued.

(1-1609.5) Mr. Bielser explained the units, their uses, and the proposed use for the site. There would not be an office on the site. It would be a "storage facility". The reasons for the wide access aisles were explained. The containers were all empty and unoccupied. The access would be gated and locked with the drivers having a key to gain access. Ms. Herdlitzka indicated the access would be restricted to the property owner and owner/drivers. She did not wish to have "two legged" visitors on the site. Her problems with and method of stopping the "dirt bikes" were explained. She indicated a desire to landscape, however, without water felt it was futile. Pictures illustrating the need for landscaping along Highway 50 were distributed to the Commission. (Also taken back at the end of the motion.) Mr. Oliver also pointed out that the screened fence would not eliminate the portion which is taller than the fence, e.g., the storage units across the street. The parcel which would be used by Mr. Bielser would have access from Ms. Herdlitzka's adjacent parcel through a gate in the fencing. Access would not be from the Highway.

(1-1715.5) Public testimony was solicited but none given.

Mr. Ahrens indicated the estimate of \$87 per foot to bring City water to the site would be reasonable if it requires boring under the highway. This would not, however, be the price for the entire 400 foot distance. He also felt that, as the well is not permitted, it does not have any water rights. He could not allow the applicant to drill a new well within 400 feet of a water main. Therefore, he felt that the only option available would be to use City water unless they could purchase water rights and develop the well with a waiver from the State Engineer. Discussion indicated the Commission could not vary from the Code standards which were outlined. Mr. Guzman also explained that the applicant could remove the lot line between the two parcels. This would allow the one well to serve the parcel. The lot could be split at some future date by parcelling. Mr. Ahrens indicated that this would expand the current well usage and require the State Engineer's approval. His Department could not sign off on the lot line deletion until the State Engineer's approval is granted. Mr. Guzman agreed that a bond could be required for the landscaping requirements. He also pointed out that the request is a perfect example of the problems encountered when "leap frog" development occurs. Discussion indicated the Commission could approve the request. It would then be up to the applicant to determine how best to comply with the conditions. The landscaping could be addressed with a bond which would be tracked and, if and when it is determined feasible, the landscaping would be installed. Clarification explained the lot line removal procedure to Mr. Oliver. The disadvantages to this proposal were briefly pointed out. Mr. Ahrens cautioned the applicant that he could not be sure that the Utilities

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Director would approve the expanded well use if this occurs with or without the State Engineer's approval. This reluctance to approve is based on the City's ordinances requiring connection to the water system if a property is within 400 feet of the City's line. Mr. Bielser responded that there would not be any development/construction on the parcel. The lot would be used for storage only. The use would be "interim" until development occurs. Mr. Ahrens indicated that he could not estimate the cost to bring the line to the site without additional information. His Department would require the extension so long as the Planning Department requires the use of water for the property. Chairperson Rogers indicated that, if the Commission approves the request with all of the conditions, it would be up to the Applicant to determine the process of meeting those conditions. If the motion supports staff's recommendations, the applicant would have six months in which to comply with all of the conditions. If the conditions are amended by the motion, the applicant could have one year in which to meet all of the conditions before the Commission would consider compliance. Clarification for Mrs. Herdlitzka explained the conditions which would require water, a sanitation building, and landscaping as well as pointing out there are seven other conditions.

(1-2005.5) Commissioner Horton moved to approve U-95/96-33, a Special Use Permit from Shirley Herdlitzka for the purpose of allowing an equipment storage yard for portable storage containers on property zoned General Industrial located at 6433 Highway 50 East, APN 8-521-79, based on seven findings and subject to ten conditions of approval outlined in the staff report with Condition 7 modified to read that the containers will be placed in a single layer basis and shall not be stacked on top of each in a layout that satisfies the requirements of the Carson City Fire Department. Commissioner Nietz seconded the motion. Motion carried 5-0.

**F-2. V-95/96-9 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM ARTHUR BAYER (1-2024.5)** - Senior Planner Sandra Danforth, Art Bayer, Mr. Ahrens - Mr. Ahrens explained that his Department is proposing a code modification which would allow the installation of low nitrate systems in lieu of the three acre minimum for septic systems. The Board of Supervisors will consider this modification in the near future. This would allow a one acre parcel to be served by a well and a low nitrate septic system. Mr. Bayer indicated he had read the staff report and agreed with its findings and conditions of approval. He supported Mrs. Danforth's statements concerning the size of the surrounding parcels which would justify his request for a variance in his lot size. He explained his feeling that the septic issue was not a concern based on his feeling that the area was zoned two acre residential. If the septic requirements are mandated, it would make all of these parcels undevelopable. He felt this was the basis for the request to allow low nitrate systems on parcels under three acres. Mr. Ahrens clarification that the Code is specific only to new parcels and would not impact already split parcels under three acres. Mr. Bayer indicated that he had agreed to install the low nitrate system.

(1-2192.5) Public testimony was solicited but none given. Mr. Bayer explained his personal contact with his neighbors. Purportedly, all of them had agreed to his request for a variance. Additional comments were solicited but none given.

Commissioner Nietz noted her heartburn over the creation of smaller lots and desire to have the new Utilities regulations in effect before approval. She also explained her concern with the creation of three lots when there are already three families living on the five acre parcel. This may be overdevelopment in light of the zoning area. Therefore, she indicated she would vote against the request. Clarification by staff indicated the parcel map process would address the proposal for a low nitrate septic system. If the code modification is not in effect, he may not be able to develop the lot. Chairperson Rogers indicated he had the same concerns as Commissioner Nietz had expressed about having three residences on the parcel. The variance request would allow a fourth residence on the same acreage. Mr. Bayer indicated there is one main residence and a 1200 square foot duplex which is occupied by two single individuals in each side. The Assessor had assessed the parcel as having four residences, which it does not have. He had obtained a rebate of these taxes. He felt that there were only two residences on the the property and not three. Commissioner Pozzi questioned how the Commission could deny the request as 11 parcels in the surrounding area were being developed as less than two acre parcels.

(1-2320.5) Commissioner Christianson moved to approve V-95/96-9, a variance request from Arthur J. Bayer, Jr., to allow a variance to allow three parcels approximately 1.7 acres each in size, based on five findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements

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to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Horton seconded the motion. Motion carried 3-2 with Commissioner Nietz and Chairperson Rogers voting Naye.

**F-3. M-95/96-10 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ARTHUR J. BAYER, JR., TO APPEAL A PARCEL MAP REVIEW COMMITTEE DECISION (1-2338.5)** - Mrs. Danforth and Art Bayer - Mr. Bayer requested this application be withdrawn. Public comments were solicited but none made. Commissioner Nietz moved to accept the applicant's withdrawal. Commissioners Pozzi and Christianson seconded the motion. Motion carried 5-0.

**F-4. Z-95/96-9 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM NORMAN METCALF (1-2358.5)** - Mr. Joiner, applicant's representative John Copoulos, Vaughn Smith - Mr. Joiner cautioned the Commission against approving the request based on the proposed site plan. Discussion between the staff and Commission explained the setback requirements and height restrictions for Single Family 6000 and Residential Office. Mr. Copoulos indicated he had read the staff report and agreed with it. He felt that the height concerns expressed by Commissioner Nietz would be addressed by the site plan which is currently being reviewed by staff. This review had contained "interesting conversations" on shared parking and traffic. These conversations had been favorable to the project as well as Carson City.

(1-2445.5) Public testimony was solicited. Staff explained for Mr. Smith that the zone change could not restrict the project to the site plans which had been submitted. If the zoning is changed, the final project could be totally different from that which is indicated. The majority of the property is zoned Residential Office and only the smaller Residential zone was being changed. Chairperson Rogers invited the public to come forward and review the site plan. Clarification for Mr. Smith indicated the project would be required as a minimum to install a five foot fence, hedge or screening from the adjacent properties. It is normal for such fencing, etc., to be six feet in height. Mr. Copoulos explained the combined one and two story building by using the site plan. The entire building will not be two story due to the restricted parking area. Parking would surround the building on the south, east, and north sides. The second story would contain either 6,000 square foot for medical offices or 16,000 square feet for general office. The applicant agreed to meet with Mr. Smith after the meeting. Mr. Joiner gave Mr. Smith a copy of the site plan. Additional public testimony was solicited but none given.

Mr. Copoulos indicated that the plan had attempted to save as many of the trees on the site as possible, specifically, those abutting Mills Park. The trees in the center of the site will be analyzed to determine whether it is feasible to save them.

(1-2585.5) Commissioner Nietz moved that the Commission approve Z-95/96-9 with a motion to prepare an ordinance for first reading to change the land use designation from Single Family 6,000 and Residential Office to Residential Office only on APN 4-156-06 and recommend the Board of Supervisors adopt said ordinance based on one finding contained in the staff report. Commissioner Pozzi seconded the motion. Motion carried 5-0.

**F-5. U-95/96-32 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM J. P. COPOULOS (1-2598.5)** - Mr. Guzman, John Copoulos - Discussion by staff and the Commission explained the location and indicated the Fire Department had placed conditions on the paint booth. Mr. Copoulos indicated his applicant had read the staff report and questioned the need for a seismic study based on another client's seismic study. Mr. Guzman explained that his review of the USGS map indicates there is a fault. He agreed that this map is not very clear as to the exact location of the fault. He agreed that a fault had not been found on the adjacent northwest parcel. There is, however, a presumed fault in Gary Liebhard's property. Mr. Copoulos indicated he would comply with the requirement, however, had questioned it at the owner's request. Discussion between Commissioner Nietz and Mr. Copoulos indicated the building's design would not require grading on the "higher slope". He had attempted to stay out of the rapidly increasing slope area by ten feet due to the costs involved. Public testimony was solicited but none provided. Commissioner Nietz moved to approve U-95/96-32, a Special Use Permit for Jim Farcello for the purpose of developing an auto body repair facility on property zoned General Commercial based on three review standards, seven findings, and subject to five conditions of approval contained in the staff report and with the understanding that any acknowledgements to the

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Commission or Board by the applicant may be considered as further stipulations or conditions of approval of this application. Commissioner Pozzi seconded the motion. Motion carried 5-0.

**F-6. U-95/96-35 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY (1-2783.5)** - Mr. Joiner and Golf Course Special Coordinator Tom Kunkle - The Airport Authority and the FAA had reviewed the request and were not concerned about it. The sixth condition was included to allow for any conditions/requirements from the Airport Authority. There is none. It could remain as written or be removed. Mr. Kunkle had read the staff report and agreed with it. Public testimony was solicited but none given. Commissioner Christianson moved to approve U-95/96-35, a Special Use Permit request from John Berkich, Carson City, to allow a driving range screen at the Eagle Valley Golf Course-East located at 3999 Centennial Park Drive, APN 8-391-15, 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/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Nietz seconded the motion. Motion carried 5-0.

**F-7. U-95/96-34 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY PARKS (1-2873.5)** - Mr. Guzman and Parks and Recreation Director Steve Kastens - Mr. Kastens had read the staff report and agreed with it. He outlined reasons for centralizing his Department's functions. Public testimony was solicited but none given. Commissioner Pozzi moved to approve U-95/96-34, a Special Use Permit request from Steve Kastens, Carson City, for an approximately 2,500 square foot building addition and an approximate 602 square foot building addition for a warehouse and office uses in a public zoning district located at 3303 Butti Way, APN 10-031-04, based on seven findings and subject to seven conditions of approval contained in the staff report 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 5-0.

**F-8. M-95/96-12 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RICHARD LANGSON TO APPEAL AN ADMINISTRATIVE INTERPRETATION OF CARSON CITY MUNICIPAL CODE TITLE 20 (1-2978.5)** - Mr. Joiner, Mr. Langson's attorney Keith Loomis, Carson Hot Springs General Manager Lisa Allred, and Mr. Forsberg - Mr. Loomis introduced Ms. Allred. He had read the staff report. He indicated a third sign and the salon sign had been removed. This reduced the total signage to less than 400 square foot. He felt that the only outstanding issue was the aesthetics involved with the car part located on the roof of the Hot Springs Building which is part of the sign ordinance standards. He expounded at length on the reasons for feeling that the car body complies with the sign ordinance. Mr. Langson became involved in the daily operation of the building in 1994 although he has owned it since 1984. Photographs of the car body and the building were distributed to the Commission. (These photographs are contained in the Clerk's packet.) Mr. Langson is a well-known auto racer and has placed a lot of racing memorabilia in the building which attracts tourists to the site. The auto body on the roof is part of this memorabilia. A majority of the surrounding area is vacant land. The surrounding signage was described. Mr. Loomis felt that the car was in conformity to the building's colors and character and compared it to the wagon on the roof of the Thurman's Ranch House.

(1-3265.5) Public testimony was solicited but none given.

Mr. Joiner explained the need to revisit the site to determine the amount of remaining signage before he could indicate whether the car body would place the site over the allowed signage limit. Mr. Joiner also explained the issues being analyzed when sign permits are requested including compatibility of materials and color as well as the character of the building and adjacent properties. Pole signs were explained as an example of this review process. Discussion between the Commission and staff indicated that the problem with the car body was the fact that it is a "funny car" body. Commissioner Christianson felt that it was an accurate description of a "funny car". Commissioner Nietz noted that the staff report included the sign ordinance's prohibition against the use of inoperable parked vehicles for sign displays. The second question was whether the sign was for identification of the property or a substitute for advertising. She felt that staff's approach had been to have signs for identification purposes and that advertising should be handled through the advertising media, e.g., radio, television, etc. Based on her interpretation of the Code, she indicated she would support staff's position that the car body was

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advertising.

Mr. Forsberg expressed his feeling that the car body was clearly a sign which had been placed on top of the roof as it is a "display illustration". The Code restricting the use of parked vehicles for advertising was explained. He did not feel that the car body would meet the criteria for this Code restriction. He, too, questioned the purpose behind Thurman's wagon as well as the use of mining carts for landscaping. The aesthetics issue should not be based on the material itself as a majority of the signs are not comprised of the same material as the building. He agreed that the Commission could make a finding that the material was not aesthetically pleasing but cautioned against basing the decision on the sign's material composition. He agreed that in order to use a vehicle for advertising it must be operable, located in a regular parking space and not in the right-of-way, and used primarily for another reason. Mr. Joiner indicated that the vehicle would have to be used in the daily business operation such as a delivery van. Mr. Forsberg indicated that in Mr. Langson's business, an operable vehicle would be used primarily as a sign and not meet the Code requirements. Commissioner Christianson urged staff to begin to look throughout the City for there are a lot of violations to this Code. Mr. Joiner responded by indicating that enforcement is occurring. Commissioner Nietz then indicated that the Commission should be considering the height and square footage issues to evaluate the signage. Mr. Forsberg indicated that aesthetics could be used in the evaluation, however, materials should not be. Chairperson Rogers noted his personal use of the vehicle as a landmark in giving directions. He felt that if the car was cut in half it would clearly be a sign. He did not feel that there would be "much difference" between having the entire body located on the building than having half of the body. There are many theme presentations on many, many of the City's businesses similar to this presentation. As the area had not been developed, he was not "that much concerned" with those aesthetics issues. He agreed that attention could be drawn to the building by the car, however, felt that is not the primary focal point. He felt that if the applicant was willing to keep the signs within the Code and had cleaned up the area, the Commission could allow the car to be part of the sign's square footage. He indicated that the issue of signs as advertising or identification is being discussed by the sign ad hoc committee and a determination has not been made. The ultimate conclusion will be a compromise of the two views. He did not have a problem with the promotion of businesses if it is done "tastefully". In the current case, he felt that the car reflected the theme and supported providing latitude for the applicant. Commissioner Horton supported his comments as the State Railroad Museum parks large rail cars in front of the depot with signage. The historic equipment would provide benefits and attract attention. They are, without a doubt, over the allowed signage. (2-0128.5) Mr. Guzman reminded the Commission of its use of City's character in making its decisions. The City's signage is neither totally redwood nor the extravagance encountered in Reno and Las Vegas. This is the issue under consideration. Mr. Joiner also explained the latitude provided operating theme parks and museums. He felt this was a distinct difference from a bar with memorabilia of a certain nature. He questioned whether a hot air balloon business with similar memorabilia should be allowed to have a hot air balloon in front of its establishment. The Commission's decision would establish the precedence for the future. Chairperson Rogers responded by explaining that he was not concerned with precedence as long as there are reasonable restrictions and conformity to the square footage and other requirements. It was obvious that a hot air balloon would not meet the square footage restriction. Mr. Joiner indicated this is a separate issue. Chairperson Rogers suggested the definitions be reconsidered. The car is affixed to the building and is a sign. (2-0162.5) Ms. Allred indicated it is a racing museum and not a sign.

(2-0171.5) Commissioner Nietz moved to deny M-95/96-12, the administrative appeal of Richard Langson, Carson Hot Springs, and direct the applicant to conform with all requirements of Title 20, Sign Control ordinance, as well as conditions of approval of Special Use Permit U-84-20. Commissioner Pozzi seconded the motion. Discussion indicated that the motion would require the applicant to conform to staff's interpretation of the Code and remove the auto body. The motion was voted and failed on a 2-3 vote with Commissioners Horton and Christianson and Chairperson Rogers voting Naye and Commissioners Mally and Uhart absent.

(2-0188.5) Commissioner Christianson moved to approve M-95/96-12, the administrative appeal of Richard Langson and direct the applicant to conform with. Following discussion, Commissioner Christianson amended the motion to be approve the administrative appeal of Richard Langson. Commissioner Horton seconded the motion. Chairperson Rogers suggested an amendment. Commissioner Christianson again amended his motion to include that the vehicle is part of the signage and must conform to the City's square footage requirements in conformance with the City's sign ordinance and permits. Commissioner Horton seconded the amendment. The motion was voted and carried 3-2-0-2 with Commissioners Nietz and Pozzi voting Naye and Commissioners Mally and Uhart

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absent.

DINNER RECESS - Chairperson Rogers declared a recess at 6:15 p.m. When the meeting reconvened at 7:04 p.m. a quorum was present although Commissioner Pozzi had not yet arrived and Commissioners Mally and Uhart were absent as previously indicated. Staff present included: Principal Planner Joiner, Deputy District Attorney Forsberg, Senior Planners Danforth and Guzman, Senior Engineer Givlin, and Recording Secretary McLaughlin.

**F-9. U-95/96-21A - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM JOE HOPPER (2-0220.5)** - Mr. Guzman, Kmart General Manager Joe Hopper - Clarification indicated it is the First Security Bank of Utah and not Nevada. Discussion between the Commission and Mr. Guzman clarified the proposed sales area for Diagram 3 which should be approximately 400 feet north of the area utilized by McDonalds for parking and the Fire Department's ability to review the business license for these sales activities. The tent sales would not be reviewed by the Fire Department as a separate license would not be required. Mr. Guzman suggested that if the Commission desired, a condition requiring this review could be added to the conditions. Mr. Guzman felt that once the sale is conducted, it would become a routine which would have the same layout and merchandise. He also did not feel that the precedence would be established for the car sales activities as the Nevada Federal Community Credit Unit has already have several. (Commissioner Pozzi arrived at 7:12 p.m. A quorum was present as indicated although Commissioners Mally and Uhart were absent.) Discussion ensued on the three parking area sites proposed for this use and the staff's support of diagram one.

(2-0365.5) Chairperson Rogers thanked Mr. Hopper for allowing the recess. Mr. Hopper indicated he had read the staff report and agreed with it. He explained the preference for diagram one for the sales. The area for the larger sales would be in the least used portion of the parking area. He felt that commuters use that area and/or associates occasionally park in that area. He was willing to consider alternative sites if so desired. He agreed to reconsider the area due to the potential conflict between the McDonald's traffic and pedestrians and the traffic flow. He agreed to provide an aisle divider. Commissioner Nietz questioned him concerning submittal of each new layout design or different design to the Fire Department for review. Mr. Hopper did not feel that it would pose a problem to submit the designs for review for the larger display sales activities. (Commissioner Pozzi stepped from the room at 7:16 and returned at 7:18 p.m. A quorum was present the entire time.) The tent display in the parking area may be more difficult to submit as it is difficult to establish the final layout until just prior to the sale. He was willing to advise the Fire Department of the type of tents, material, etc. Purportedly, these tents are fire retardant or proof. These tents would be placed for one week. It would always be the same tents.

(2-0425.5) Public testimony was solicited but none given.

(2-0431.5) Commissioner Nietz moved to approve U-95/96-21A, a Special Use Permit from Super Kmart in order to allow the use of the parking lot for tent sales and promotional activities 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 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 was voted and carried 5-0.

**F-10. U-93/94-6 AND 6A - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF THE CONDITIONS OF APPROVAL AND OTHER MATTERS RELATED THERETO FOR THE KMART CORPORATION (2-0444.5)** - Mr. Joiner explained Super Kmart's representative Scott Mommer's request for a continuance due to a family emergency. Commissioner Nietz moved to continue U-93/94-6 and 6A to the next regular Planning Commission meeting. Commissioner Horton seconded the motion. Motion carried 5-0.

## G. PUBLIC HEARINGS

**RECESS THE PLANNING COMMISSION AND CONVENE THE GROWTH MANAGEMENT COMMISSION** - Chairperson Rogers recessed the Planning Commission session and immediately convened the hearing as the Growth Management Commission. A quorum of the Growth Management Commission was present although Commissioners Mally and Uhart were absent.

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**G-1. GM-95/96-1 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY AMEND TITLE 18.82 AND RESOLUTION 1995-R-62 (2-0468.5)** - Mrs. Danforth, Silver Oaks Developer Steve Hartman, and Mike Biel - Mrs. Danforth explained the perceived permit allocation problem. Allotments are currently available under the general category, which small builders normally use, and development category, which contains large projects over 31 units. Small builders can pull from either the general category for separate individual lots or from the large projects against the developer's allocations. It is possible that at some future date a large developer may pull all of his allocations, such as when developing clustered projects. This would prevent small builders from constructing homes in his large development. Mr. Hartman's proposal would allow the sale of a percentage of the large project allocations to the small developers. Staff's recommended options were outlined. One would amend the ordinance and establish a third category, which would be called Combination Development Project category. The same number of allotments would be maintained but a specific percentage from the Development category would be set aside for the small builder. The second method would merely amend the Development Project category definition and set aside a percentage of these allocations for the general developer.

(2-0515.5) Mr. Hartman explained Silver Oaks sale of lots to individuals who hire a contractor, small developers who develop them, and the development of lots by his affiliated entity. At some future time when the affiliated entity begins to develop the cluster homes, it may be necessary to abandon the sale of lots for others to develop as their allotments are pulled from his Development category. He felt that the suggested 25 percent would be appropriate based on his sales experience. He indicated he did not have a preference between the two alternatives posed. He then explained a third alternative based on how he felt the present Ordinance could be interpreted which would mitigate the problem, however, without careful tracking it may allow a small developer to go around the allocation limits. He did not feel that the market place would allow for more than a three percent growth rate. His main desire was to not exclude the smaller builders from the process. Clarification indicated that the growth rate could be faster so long as the infrastructure is provided prior to issuance of the permit. Mrs. Danforth felt that the tracking program should be on line by January 1997. She also explained her preference to amend the developer category rather than to establish a third category. Discussion indicated that the change would not be required until January 1997 and that this would provide staff with the necessary time to make the change. Mr. Hartman named the developers with whom he was working and explained his concern when the cluster homes are constructed, which will be by one firm. He did not wish to restrict sales to these small developers when the clusters are constructed.

(1-0724.5) Public testimony was solicited. Mike Bell of Golden Bear Construction explained his concern if the ordinance remains as currently written because it will effectively freeze him out of Silver Oaks. Additional comments were solicited but none made.

Commissioner Nietz then explained her concern related to the Builders Association's strong resistance to any changes to the ordinance. She was also concerned about having a faster buildout than the three percent for any project within the community. Based on these concerns she indicated she would not support the request. Commissioner Horton expressed his feeling that unique projects like Silver Oak have not presented themselves which created the need for an ordinance change. Based on this uniqueness, he indicated a willingness to support the issue. Commissioner Nietz pointed out that this proposal had been agendized for a long time without any indication from the Builders Association. Mrs. Danforth explained her contact with Builders Association President John Anderson and his feeling that this issue should be handled administratively rather than as an ordinance change. Chairperson Rogers felt that this issue would be resolved when an draft ordinance is presented.

Mr. Hartman requested an opportunity to bring back three alternatives. It was not his intent to create a faster buildout. Buildout is a function of the product and its acceptability. He had purportedly meet with the Builders Association and understood its position. Chairperson Rogers expressed his concerns with having the ordinance manipulated administratively. Mr. Hartman explained how he felt the present ordinance could be interpreted which would allow small developers to use only large developers' allocations and construct more units than allowed in his category. He expressed a desire to meet with staff and develop different options for consideration at a future meeting.

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Chairperson Rogers suggested the options include a draft for allocations on a builder basis retaining some elements of the 25 percent which would allow phasing the issuance out over the year. He felt that three options should be drafted and that all should be reviewed by the Builders Association before consideration by the Commission. The Commission indicated support for his recommendation. Discussion between Commissioner Nietz and Mrs. Danforth indicated that one of the options would track the individual builders' withdrawals in their own builder category. Commissioner Nietz urged staff to involve the small builders association, if one exists, as all different developer sizes needed to be considered. Chairperson Rogers directed that the item be agendaized by staff when ready.

**RECESS GROWTH MANAGEMENT COMMISSION AND RECONVENE THE PLANNING COMMISSION (1-0910.5)** - Chairperson Rogers then recessed the Growth Management Commission and immediately reconvened the Planning Commission. A quorum was present although Commissioners Mally and Uhart were absent as previously indicated.

**G-2. M-95/96-13 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM GERALDINE AND DONALD HANA TO APPEAL A PUBLIC WORKS CONDITION (2-0915.5)** - Mr. Givlin, Geraldine Hana, Earl Atchison, Mr. Forsberg, and Steve Hana - Mr. Givlin distributed to the Clerk and Commission a small, colored parcel map illustrating the location of the parcel. He then explained the Code requirements mandating a paved accessway when five or more parcels are served. The applicants had purportedly indicated that if the entire length of the street must be paved, the project would be abandoned due to the financial hardship created by the paving. Mrs. Hana indicated she had read the staff report. She explained the hardship paving the entire length of the street with all the necessary improvements would create. She felt this would make the acre worthless. Mr. Givlin indicated that only the road would have to be paved. Sidewalk, curb, and gutters would not be required.

(2-1035.5) Public testimony was solicited. Earl Atchison expressed his feeling that a previous application from Mr. Wilson had not been required to pave the street. He did not feel that Parker Drive would be extended to Douglas County due to Douglas County's prohibition against development in the wetlands south of the line. There are currently only four houses on the block which would include her home. The two houses on Rabe Way have accesses from Rabe Way and should not be counted on Parker. He felt that this was a unique situation. Additional public comments were solicited but none given.

Commissioner Nietz questioned the precedence which would be established by the request. Mr. Forsberg explained the Title 11 requirement mandating the street paving. He did not feel that this requirement could be waived. He felt that if a variance to the Code is granted, it could be challenged in the future. Variances which are handled on a case by case basis could be considered arbitrary. The Code does not include standards which would grant such variances. The Board of Supervisors had considered a similar request in the past, although he could not recall the particulars. Mr. Givlin then explained that as the two parcels at the intersection of Parker and Rabe Way have frontages to both Parker and Rabe, they are counted on both streets. Although one parcel does not at this time have an access, it is possible to obtain an access to Rabe. The street address is determined when the house is situated. The street address does not impact the accesses for the parcel. Mr. Givlin thought that both corner lots are currently addressed for Parker Drive. Voices from the audience indicated this was not a correct statement. Mr. Givlin indicated that there are currently five existing encroachments on Parker. Based on this count, the requirement had been mandated. Discussion indicated the term "frontage" could be a Public Works standard. Chairperson Rogers suggested that the standard be lots which must use the street for access rather than counting the frontages. Mr. Givlin agreed that this would allow flexibility. The Code would require paving from the existing pavement, which is on Rabe, to the driveway. The Code does not require paving to the end of the parcel. Only paved access is required. Mr. Forsberg reiterated his comments that the Commission does not have the latitude to grant a waiver. This is a Public Works decision and should be appealed to the Board of Supervisors. As it is not a Planning Commission item, he recommended the Commission terminate discussion. He recommended the Applicant appeal the issue direct to the Board of Supervisors. Chairperson Rogers requested the Hanas' appeal to the Board of Supervisors for relief from the condition based on Mr. Forsberg's opinion that the Commission's purview did not include such issues. Mrs. Hanas indicated that this was the problem she was always having with the City--being shuffled from one Department to another. Mr. Hanas explained that he had already

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submitted a written appeal. He felt that staff had indicated an appeal was not necessary and that a variance was all that was required. This was the reason for coming to the Commission. This had been going on for eight months. "The buck has to stop somewhere." Mr. Forsberg offered to facilitate getting the matter before the Board of Supervisors due to the procedural problems. Discussion ensued on the problem and the apparent lack of communication between the Departments. Mr. Givlin explained that the City Manager had been involved in the process and that they were told to seek the variance. This was the reason the item had been agendaized for Commission action. Chairperson Rogers expressed his regret at the delay and noted that even if the Commission makes a decision, it would not help the Applicant as it would not be binding. Mr. Givlin indicated that if this is the correct procedure, he would advise future Applicants in the beginning that they must appeal to the Board and it will be agendaized. The wrong direction had unfortunately been given. Chairperson Rogers apologized for the confusion and expressed the hope that it would establish a clear direction for the future.

**G-3. M-95/96-16 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM DON LANGSON TO APPEAL STAFF'S INTERPRETATION THAT A SPECIAL USE PERMIT APPROVAL IS REQUIRED FOR AN RV PARK, SPECIFICALLY SECTIONS 18.06.277, 18.06.275, AND 18.02.060 (2-1402.5)** - Mr. Forsberg, Mr. Langson's attorney Scott Heaton, Community Development Director Walter Sullivan, and Mrs. Danforth - Mr. Forsberg referenced his opinion memo on the requirements which mandate a Special Use Permit for RV Parks. The Tourist Commercial zone lists an RV Park as a primary permitted use. Under normal circumstances this would not require a Special Use Permit, however, the RV Park Ordinance must be considered. It mandates that if there is a conflict in requirements, the RV Park Ordinance prevails. The RV Park Ordinance requires a Special Use Permit. It was his understanding that none of the RV Parks in the City had been developed without a Special Use Permit. He felt that the requirement had been based on a desire to have additional review and scrutiny due to the potential impact which would be created.

(2-1480.5) Mr. Heaton indicated he had received a copy of Mr. Forsberg's letter. He then distributed a packet of information to the Commission and Clerk. He expounded on his concerns that this Code requirement only came to light on March 4th. Prior to this point staff had maintained that the Special Use Permit was not required for a RV Park in the Tourist Commercial zone as it is primary permitted use. Special Use Permits are not required for any other primary permitted use. They are only required where the use is conditional. He felt it was an absurd construction of the RV Park Ordinance to suggest it supersede the clear provisions of Section 18.06.275 and 18.06.277 which spell out the primary permitted uses in Tourist Commercial zoning and that it is not a conditional use. He read 18.06.277 into the record. His historical review of the property included the July 19, 1995, meeting concerning the desire for a mobile home park on the site. He had been told at that time that if the mobile home park is not successful, Mr. Langson could pursue an RV park. He felt that the ordinance inconsistency had been pointed out at that time, Section 18.24.040(2), which he read into the record. Mr. Sullivan acknowledged to the extent that an RV Park is primary permitted use, this section must be in error and agreed that this section had inadvertently been changed in 1995 to exclude from the Special Use Permit process the RV Park. He then referenced Section 18.09.050 regarding major project reviews for campgrounds. This is the same language as contained in Section 18.24.040 on RV Parks, however, it concludes that campgrounds are a primary permitted use in Tourist Commercial zoning and do not require Special Use Permits. This language should have appeared in Section 18.24.040, which Mr. Sullivan purportedly agreed to on July 19, 1995. He felt that the change in staff's position after the Mobile Home Park denial was important. He then explained a November 8, 1995, meeting with Messrs. Sullivan and Forsberg when they discussed the RV Park and the point that it would not require either the Planning Commission or Board of Supervisors review. He emphasized that he had been told throughout the process that a Special Use Permit would not apply. The morning of the Planning Commission hearing, February 26, 1996, an application was filed for an RV Park. The timing was intentional as they wished to make it crystal clear that, if the Mobile Home Park is denied, the RV Park would be pursued. Lumos and Associates Representative Glen Martel confirmed with staff that morning that a Special Use Permit would not be required. Due to communications problems encountered with staff previously, Mr. Heaton directed Mr. Martel to get it in writing. This resulted in the March 4th letter to Mr. Martel indicating that a Special Use Permit is now required. He requested the Commission analyze the timing of this letter--denial of the Mobile Home Park on February 28, the application filed on February 28, and staff making sure there is a legal roadblock in front of Mr. Langson's ability to develop the property by doing a 180 percent flip-flop position on what had been said for nine months and what they told you on February 28. This is particularly upsetting as this procedure would require following the

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same process as the Mobile Home Park application--compatibility of the land with surrounding property owners. The Airport Authority and the residents located on the west side of the project do not want any development on the property. The Airport Authority wants vacant land as the highest and best use of the property. The people to the west also want this use. Mr. Sullivan's letter of March 4 further indicates that the Special Use Permit process in Section 18.05.061 must be followed. Mr. Forsberg's opinion is based on Section 18.24.040(2) which Mr. Heaton read. Section 18.05.061 has been repealed and is no longer in existence. Mr. Sullivan indicated that this Section should have been amended to reference 18.02.060. Mr. Sullivan then used his "legislative hat" and tells us to forget 18.05.061 and follow the Special Use Permit provisions in 18.02.060. This is improper and as the section has been repealed Mr. Langson should not be obligated to follow it. Mr. Sullivan and Mr. Forsberg do not address this matter although Mr. Sullivan did indicate that it would be brought to the Planning Commission's attention in May and the change would be made. This was consistent with Mr. Sullivan's statements from the beginning. "We did not change 18.24.040 in 1995 when we should have." It was not changed to exempt from the Special Use process RV Parks in Tourist Commercial. Mr. Forsberg's statement tonight that a Special Use Permit has always been required for an RV Park is a bogus piece of information. There has never been an application for an RV Park in Tourist Commercial zoning until Mr. Langson's. The RV Ordinance is a 1993 ordinance. There is not a lot of Tourist Commercial property in Carson City. This is the reason this issue has never risen before this time. Section 18.24.040(2) requires RV Parks to have a Special Use Permit because they are considered as conditional uses in Agricultural zoning districts, Conservation Reserve zoning districts, and Public zoning districts, however, this use has been excluded as a conditional use in all three of these zoning districts. This statute clearly has inadvertently failed to include the changes made by the 1995 ordinance. Staff's position has been that those particular districts don't get to have RV Parks as a conditional use because it is not set forth in the conditional use portion of their statutes. This a flip-flop of the position being taken with his Applicant. The staff is choosing to interpret the statutes to accomplish what they want to accomplish. This is a complete abuse of their powers. They should not selectively interpret the statutes and apply sections which they believe are appropriate to accomplish their stated end. This end is to force the Applicant back in front of the Planning Commission and the Board of Supervisors. Mr. Heaton then stated his intent to make a clear record of the Applicant's attempts to counter what staff is doing. He felt that staff had ulterior purposes here and that the timing of the District Attorney's office and Mr. Sullivan's new position, which is directly after the denial by the Planning Commission of the Mobile Home Park, is too coincidental. He was also concerned that the net result is that Mr. Langson can't proceed with his RV Park. This is what the Airport Authority wants. He felt that staff did not have a problem taking this position and requesting that the Commission uphold the position and force the Applicant into court. At worst, this would buy staff two years and prevent the development of the property. In the interim staff may be able to create changes in the ordinance which staff will attempt to apply to the project sometime in the future assuming that the Applicant prevails in an appeal. Pages 10 and 11 of the packet are his March 6th response to Mr. Sullivan's March 4th letter. This indicates his disgust with staff's change in position after telling the Applicant something for nine months and the placement of another legal roadblock in front of them. If staff does not want the property developed or for it to remain vacant, then the City should condemn the property and buy it. The City should not try to impose bogus legal roadblocks to Mr. Langson's development of it. Pages 3, 4, 5, and 6 is a significant letter from Mr. Sullivan to Mr. Langson dated December 12, 1995, which was the result of Mr. Langson's appearance at the November 29th Planning Commission meeting when he complained that staff's removal of many of the primary permitted uses under Tourist Commercial was improper. Portions of Mr. Sullivan's December 12th letter were read into the record indicating that some permitted uses may have been removed but others were added. The RV Park should be a permitted use as it is transient in nature and similar to campgrounds. Therefore, the Special Use Permit requirement was not to have been applied to the Tourist Commercial district. Staff is bending, molding, shaping, and reinterpreting the Statutes to accomplish an ulterior purpose which is non-development of the property. After his March 6th letter to Mr. Sullivan, there was a major project review on the RV Park. Mr. Sullivan is not in attendance at that meeting, however, other staff members are. The other staff members would not address reasons why the Special Use Permit was required. Staff instructed Mr. Heaton to put his questions on the Special Use Permit requirement in writing to Mr. Sullivan and indicated Mr. Sullivan would respond to them. His letter of March 13, 1996, Pages 12 through 17, delineates his position on staff's position. It is his attempt to interpret the statutes point by point and raise legal concerns regarding staff's positions and had requested Mr. Sullivan respond to the letter in writing. Mr. Sullivan responded on March 18 which purportedly did not address any of his issues in his letter and indicated Mr. Sullivan would get to it at a later date. Pages 19 through 21 are that response, which is dated April 9th, approximately one month later, in which he asserts that he is responding to the issues raised in Mr. Heaton's March 13, 1996, letter. Mr. Heaton felt that these two letters are the crux of the Applicant's position and

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staff's position. Mr. Heaton surmised that the month was necessary to concur with the District Attorney's office and develop a rational basis for staff's position. He felt the letter did not accomplish this end. The Commission could form its own opinion. Mr. Heaton responded to the April 9th letter on April 17 which is Page 22 of the packet in which Mr. Heaton specifically requested that Mr. Sullivan confirm with him before this meeting that both Mr. Heaton's March 13 letter and Mr. Sullivan's April 9th response were contained in the Commission's packet. Yesterday, Mr. Sullivan advised Mr. Heaton's office that those two letters had conveniently and inadvertently been omitted from the packets. Mr. Sullivan assured Mr. Heaton that they would be delivered sometime yesterday. Mr. Heaton was not aware of whether this had occurred. Mr. Heaton then stated that it was not his intent to turn the meeting into a confrontation between attorneys as he felt it was a common sense situation based on the use of the words "primary permitted use and special use". He felt clearly a primary permitted use had never been intended to be or had been utilized where a Special Use Permit is required. He referenced Page 25, Sections 18.03.460 and 470, which define primary uses and permitted uses. This definition indicates the use is the type designed for the property. Therefore, when the RV Park is a primary permitted use, Title 18 indicates the use is permitted, authorized, and specifically for what the property had been designed. Mr. Sullivan's December 12th letter indicates this very interpretation. This is what had been stated from the outset and what had been told to the Commission on February 28. On Page 28, reference is made to Section 18.24.040 as Section 18.05.061 which had been repealed. It is absolute black letter law that when reference is made to a statute which does not exist, staff does not have the power to substitute a new section. He requested Mr. Forsberg address this issue as this is exactly what staff is doing. Even if you assume that Mr. Sullivan has the legislative power to supplant 18.05.061 with the procedures under the Special Use Permit process, which were on Page 30 - Section 18.06.062, the proposed use must be listed as a conditional use. The RV Park is not listed as a conditional use. Therefore, under this Section, the only way a Special Use Permit could be obtained is if it is listed as a conditional use, which is not found in 18.06.277. He requested the Commission advise staff that it is not their job to try and shape, bend, and mold statutory language to accomplish what staff wishes to accomplish. If the ordinance needs to be changed, this is the legislative body's job. If the ordinance incorrectly references certain items, it is the legislative body's job to change it. In the interim the Applicant is entitled to the clear meaning of the statute. Mr. Forsberg's memo alludes to various matters of statutory constructions. He indicated that the RV Park ordinance was adopted in 1993 and Section 18.06.275 and 277, Pages 23 and 24, was adopted in 1995. If Sections 18.06.275 and 277 were amended in 1993, a Special Use Permit could have been required. However, the ordinance amendments in 1995 do not specifically list an RV Park as a conditional use. It is listed as a primary permitted use. Black letter law in statutory construction dictates that the new provision prevails over the older statute. Reasons for this "law" were explained and supported his contention that the legislative body had intended to amend the older provisions. For the record he stated that his position should be clear that what ends up being accomplished here is that the District Attorney's office, which represents the Airport Authority and Community Development, had always agreed with his position up through the February 28, 1996, meeting. Then the District Attorney's office, as clearly indicated in Mr. Sullivan's March 4 letter, advised Mr. Sullivan that, "No, we are going to interpret the statute differently. A Special Use Permit is now required." This benefits the Airport Authority, which the District Attorney's office also represents. Mr. Heaton's March 13th letter, of copy of which went to the District Attorney's office, indicates his belief that to have the District Attorney's office change its opinion is a gross conflict of interest particularly as the Community Development Department must rely on this interpretation to accomplish a result for one of its other clients, the Airport Authority. Mr. Heaton did not care whether that was his purpose or not because the appearance of the conflict exists and he had hoped that staff would have sought an unbiased opinion from either the Attorney General's office or private counsel. Staff did not do this. Mr. Heaton pointed this out as he felt this was part of staff's abuse of power in this particular case which he was requesting the Commission overturn. He then urged the Commission to not only overturn staff's position but to also admonish the staff for what it had done.

(2-2106.5) Commissioner Pozzi indicated that the Commission had received the report from staff, which was identical to the information supplied by Mr. Heaton. He questioned Mr. Heaton's statement which indicated that the Commission should hire a private attorney to advise it on items on which Mr. Heaton disagreed. Mr. Heaton responded that he was not suggesting that but rather that he believed that the District Attorney's office has a conflict of interest in representing the Community Development Department and the Airport Authority. He opposed the position taken by Mr. Sullivan that he is obligated to follow the direction of the District Attorney's office. He was also opposed to any of these legislative bodies, like the Commission, who feel compelled to follow the position of the Deputy District Attorney to the extent that they are in a conflict role. This was what he had stated in his letter. Commissioner Pozzi responded by indicating he is not an attorney, would admit to that, and

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wanted it known publicly. He felt that, if he made a mistake on this Commission, which Mr. Heaton did not like, that he should rely on the District Attorney's office to defend his action. He felt that Mr. Heaton's statements indicated that he would have to hire private counsel. Mr. Heaton indicated that this was not what he had stated. Commissioner Pozzi indicated that that was what had been indicated in the dialogue with him. Mr. Heaton responded that he was not telling anything to the Commission. There is not one piece of correspondence directed to the Commission. The correspondence is directed to Mr. Sullivan. His suggestion is to Mr. Sullivan that he should go and rely on other advice than the Deputy District Attorney in this particular case. He was not telling Mr. Pozzi who to rely on but was suggesting that they should go find other legal advice because of the timing of what occurred. Commissioner Pozzi asked him if he could find a Section in the NRS which would tell him to do this. If he could, then Commissioner Pozzi would do the same thing Mr. Heaton had been telling the Commission--put it in writing. He asked Mr. Heaton if he could find in the NRS that the individuals serving on the Planning Commission must go to outside sources. He reminded Mr. Heaton that the Commission is not being paid a dime for its work. Mr. Heaton felt that Commissioner Pozzi was not listening to what he was saying. Commissioner Pozzi responded that he did not think that Mr. Heaton was listening to what he was saying either.

Commissioner Christianson then asked Mr. Heaton if he had been present when Commissioner Mally had made the comment about it being a permitted use so that that was the end of it. Mr. Heaton indicated that he had been. This was the meeting of February 28. Commissioner Christianson asked if Mr. Heaton remembered his asking within two minutes of that statement from counsel if that was the case and a fact. Counsel had responded no that the Commission would get a chance to look at it later on. Mr. Heaton indicated that he did not recall that statement at all. In fact, what he recalled was Commissioner Christianson's question to Mr. Forsberg as: "Can we consider the fact that they can proceed with an RV Park without coming before the Planning Commission and the Board of Supervisors when we make our decision on voting on the Mobile Home Park." His understanding of what transpired, and he had listened to the tape of that proceeding, was that Mr. Forsberg had told you, "No, you cannot consider the fact that the RV Park does not need a Special Use Permit or that they do not need to come back before the Planning Commission and Supervisors when you make your decision on the Mobile Home Park." At no time did Mr. Forsberg ever tell the Commission that it would have a shot at determining whether or not to approve or disapprove the RV Park. Commissioner Christianson responded that this was not the way he understood it. He requested the tape be reviewed because he felt there was something other than that. He could have misinterpreted what was said. Mr. Forsberg indicated that his recollection of the discussion had been that he had consulted with Mr. Sullivan at that moment and in our discussions he indicated that he believed that the RV Park would be strictly an administrative approval and that is what he had reiterated to the Commission. Staff was promptly corrected within a matter of a few days after that and he did not believe that that is the state of the law. He also indicated he would like to make a few comments also.

(1-2219.5) Public testimony was solicited. None was made and public testimony was closed.

Chairperson Rogers then stated his feeling that during the hearing there had been questions and answers given. He had never had the impression that all of the answers were cast in stone as far as the opinions which were being given if they were clearly stated as an opinion. He felt that once an application is made, once a development goes forward, it is encumbrance upon staff at the time to interpret those ordinances which apply. Whether a mistake has been made or not may then come into question. The Commission was primarily talking about the interpretation. His opinion reflects some of Commissioner Pozzi's statement that as a Planning Commissioner on this Board, he felt reluctant to go against counsel. This is our legal counsel for this Board and, if the Commission upholds the opinions of staff and the counsel which is provided to the Commission, it is their job to defend those positions. He would have a hard time not accepting the advice of the counsel.

(2-2263.5) Community Development Director Sullivan explained that he had not planned to attend the meeting but wished to set the record straight on a couple of points. He had heard Mr. Heaton tonight downgrade the staff. Mr. Heaton had said that this is on the record that staff had conveniently tried to hold up his project. Mr. Sullivan felt that this could not have been further from the truth. Either he or his staff could be asked this question. They were only trying to implement the ordinances as they saw them. The issue before the Commission concerned whether a Special Use Permit is required could be handled by the Commission. He agreed that he had mentioned those things all the way up, as Mr. Heaton had indicated, until the day that the RV Park was turned in. Also, Mr. Martel did not ask for a written response. Mr. Sullivan had taken it upon himself to respond back to him and had called

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him in three working days. Mr. Sullivan agreed that he had made an error and indicated he would admit to that error. He stated for the record that Mr. Heaton said staff had been trying to hold up this project. This could not have been farther from the truth and he would tell it to each one of the Commissioners. Mr. Heaton should back this statement up because Mr. Sullivan had taped the proceedings and would proceed to his legal counsel as soon as he could. Also, concerning Mr. Heaton's statement that staff had conveniently left out papers, Mr. Sullivan asked Sandra Danforth 'What was on my yellow 'stickem' on his letters?' He had been out of town from April 10 through 22nd. He returned on Monday to the office. He asked Mrs. Danforth if she recalled what was on the 'stickem'? Mrs. Danforth responded by asking if he was talking about providing the packages with the full correspondence. Mr. Sullivan stated yes. Mrs. Danforth indicated everything that had to do with the project. Chairperson Rogers indicated that the Commission had acknowledged receipt of all of the information. Mr. Sullivan continued that his point is that Mr. Heaton said staff had conveniently left out his letters. That 'stickem', which the Commission could ask Sandra Danforth, Michelle Amodei, and Office Manager Kathy Lear, said that these two letters are to go with his package. Unfortunately, it did not get in there. Neither did Mr. Sullivan's letters. Mr. Sullivan had told Mr. Heaton that they had not been included but Mr. Heaton still made an issue about it. It makes it sound as if staff is trying to railroad this project. This could not be farther from the truth because Mr. Sullivan wanted everyone's letters to go out in that packet.

(2-2318.5) Mrs. Danforth requested an opportunity to add to the record.

Mr. Sullivan acknowledged that he "was a little hot and should probably not have attended", however, "when Mr. Heaton drags down his Department like this", Mr. Sullivan felt he "should respond right back to him". Mr. Langson had said to Mr. Sullivan on the night of the public meeting after the meeting that all of this stuff is not personal. Mr. Sullivan respected that from him. Mr. Langson wants to develop his land and he should as long as he meets all of the guidelines, whatever they may be. Mr. Sullivan felt that Mr. Heaton had reached a new low. Mr. Sullivan intended to proceed with legal action against his claims and indicated Mr. Heaton had better have backup. There were a lot of things going on of which the Commission was only getting one side. He apologized for having missed a portion of the hearing when he was enroute to the meeting but he wished to make his statements for the record. He wanted to tell the Commission that staff was not trying to hold up this project one bit. He then questioned Mr. Guzman about the number of major project review meetings he normally attends. Mr. Guzman responded that Mr. Sullivan rarely attends these meetings and that he could not remember the last one Mr. Sullivan had attended. It may have been Super K-Mart. Mr. Sullivan encouraged Mr. Heaton to get his facts straight. He apologized for taking the time out of the Commission's deliberations and appreciated having had the time to speak.

Chairperson Rogers indicated that, as Chairperson, if he had thought that information was being withheld, he would certainly have brought it to light. In this particular case, he had even been brought information yesterday to complete the packet. He felt that everyone had been given that same information. From the material he had received to date, he had assumed that the information had been given to the Commission as quickly as it could be gathered. He did not have any complaints except that he was reading late last night trying to catch up on all the information. The Commission had also mentioned that. Regardless of what had been stated at previous meetings, it is his personal opinion that, until an application is brought forward, it is only at that time that staff must take the time to review all of the ordinances and make sure that everything is done properly. In this case, it appeared to him that there had been some changes of opinion made which was based on new activity. He felt that on the day of the last hearing, knowing that an application had been submitted on that date, there had not been enough time to fully review and know what had to be done for that application to go forward. He expressed the hope that his statements might make Mr. Sullivan feel better about his staff. This was basically his response to those issues.

(2-2387.5) Mrs. Danforth explained for Mr. Heaton that normally, when an appeal is submitted to the Department, the backup is submitted by the applicant and not by staff. In this instance Mr. Martel brought in the appeal a day late, however, staff accepted it anyway. It had not had the attachments with it. Staff suggested attaching the two letters which had been placed in the file to be sure that they would be attached. When the packet was run, however, they were forgotten and not removed from the file. It was an error on staff's part but it was something which should have been done by the applicant as is the normal process.

Chairperson Rogers then indicated that he had had a meeting with Mr. Joiner last Tuesday. Mr. Joiner had

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indicated that the appeal and come into the office without all of the information and that it would have to be provided later. He was aware one week ago that the Commission would be getting supplemental packets. He reiterated his position that staff had not intentionally withheld information.

Discussion noted that the public testimony portion had been closed, however, Mr. Heaton indicated that there had been "misstatements" being made concerning the status of the record as of March 13th. He referenced his March 13th letter in which he had requested Mr. Sullivan respond by March 20 so that an appeal could be made with his comments. However, he did not respond until April. Therefore, the applicant could not get the information in a timely fashion. Chairperson Rogers indicated that this is not the issue. Mr. Heaton agreed that the discussion as getting off the topic of the statutes and the requirement for a Special Use Permit. He indicated his effort was to be sure that there is a record for a future court proceeding. Chairperson Rogers indicated that Mr. Heaton is reiterating earlier statements. Unless there is additional questions, he would return the discussion to the Commission and staff.

(2-2445.5) Mr. Forsberg then indicated that the law requires the applicant to carry forward an appeal and that it is not incumbent upon the City to write letters to the person appealing regarding it. The statutes and ordinances are available for anyone to read and consider. The record was available. Whether or not Mr. Sullivan responded to Mr. Heaton's letter at any specific time has nothing to do with his ability to protect his appeal. Mr. Heaton is an advocate for his client's position. Mr. Forsberg's job is different. It is the District Attorney's office and his job to advise all City Departments about lawful issues. It has always been their advice to act in a lawful manner, to obey the ordinances, avoid conflicts, and to remain steadfast in doing so. He strongly objected to many of the characterizations which Mr. Heaton had made about Mr. Forsberg, staff, and the District Attorney's office. Without the motives and intent, there is no evidence of any kind to support Mr. Heaton's statements regarding those matters. As to Mr. Heaton's allegations that there is a conflict of interest where an attorney has clients whose's interests are opposed to one another, Mr. Forsberg had only one client which is the City. It is his obligation to advise each and every Department and branch of the City to behave lawfully and this is what he does. He did not believe there was a conflict either legally or in an appearance of a conflict. He had looked at the ordinances. He believed that the RV ordinance by its own terms states that it prevails over less stringent requirements elsewhere in the Code. He believed this was the most legally defensible position. He did not have any interest, nor does his office, in any policy matters regarding this project or any other project. He simply tells the Commission what he believes the law is. That is the end of it. He is not the final arbiter of that, neither is Mr. Sullivan nor Mr. Heaton. There is an appeal process available after tonight which is to both to the Board of Supervisors and the court. Staff is certainly prepared to defend its position, if the Commission agrees with it, in a detached and unemotional manner at both levels.

Discussion between Commissioner Nietz and Mr. Guzman indicated that all uses in a publicly zoned district required a Special Use Permit. Commissioner Nietz also pointed out that there are other sections of the ordinances which are duplicated in different areas as well as have the appearance of presenting a conflict at first "blush". She agreed with the Chairperson's statements that it is at the time when an application comes forward that the ordinances should be reviewed in detail to determine the requirements. Statements made in the belief that a special permit may not be required are made off the cuff. Staff would not do the research until at the time when an application is actually received and is being reviewed. These statements would not be taken at the same level as when the review process is being conducted. It was her understanding that this particular project has been going through the review process. She did not feel that it was being held back. Additionally, it was her recollection of the previous meeting where the previous project had been denied that the notion of the RV Park was put forward in an matter that indicated that it was being thrown in an almost "threatening way". If you don't like my previous application, here is something else. She did not think that this appeal had been approached any differently than that application. She indicated she would support Chairperson Rogers, the District Attorney, and staff's recommendation. Additional comments were solicited but none made.

(2-2601.5) Commissioner Nietz moved that the Commission deny the appeal on M-95/96-16, an RV Park application, and stated that the Special Use Permit is required for said application. Commissioners Pozzi and Horton seconded the motion. Motion carried 5-0-0-2.

BREAK: An eight minute recess was declared at 9:12 a.m. When the meeting reconvened at 9:20 p.m. a quorum

was present although Commissioners Mally and Uhart were absent as previously indicated.

**G-4. V-95/96-11 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM LES KYNETT (2632.5) - Mr. Joiner, Les Kynett, Jodie Kynett**

- Mr. Joiner's introduction explained the grade difference between the site and the street, the ordinance requirements, the precedence which would be established by granting the request, and various options. Mr. Kynett had read the staff report. He felt that the basis for the denial was merely a difference in opinion. He felt that the property itself created the hardship which required special mitigation. He explained his previous involvement with staff and indicated that all of those dealings had been very, very acceptable, very courteous, and prompt even though staff may not have agreed fully with the applications. Their decisions had always been made with integrity and honesty. He felt that there had been a couple of issues discussed earlier which would indicate otherwise and that it was important for these statements to be known. Mr. Kynett then described his property and the hardship created by Clear Creek Road's lower grade and its lack of commercial traffic and value. The State's sign notifying vehicular traffic that the road is not maintained 5,000 feet ahead also has a detrimental impact on any potential clientele. There are only 16 residential buildings beyond his property. This generates approximately 200 vehicle trips a day. His storage units are approximately 25 feet higher in elevation than Clear Creek Road. By using "at scale" poster boards, he illustrated the impact the sign would have if staff's recommendation is followed. He felt that such a sign would be of little benefit to the business. There is only one other parcel with the same characteristics. He requested putting the 30 foot sign at another location on the property abutting Highway 50. This would allow the traffic on Highway 50 to see the sign. He felt that the sign should be allowed due to the topography. During the master project review Mr. Guzman had requested the applicants be cognizant of the facility and its location in the "gateway to the City". He felt that this request had been honored as indicated by the color scheme and lack of a roof sign indicating storage. The proposed sign would be 30 feet tall and contain a 6x20 foot cabinet, which equals 120 square feet. Its colors would blend with the buildings. Discussion ensued between Commissioner Horton and Mr. Kynett on the height of the sign from the centerline of Highway 50. Mr. Kynett felt that the top of the sign would be at the same level as Highway 50. It would be lit at night. Mr. Kynett indicated that he is allowed a 400 square foot sign for his project, however, this is against his design standard and would still not provide the Highway 50 coverage. Chairperson Rogers offered a compromise which would allow the sign to be located adjacent to Highway 50 but limit the amount of signage and prohibit signage on the building. (2-3055.5) Mr. Kynett agreed to the condition. Mrs. Kynett expressed a willingness to limit the total signage, however, felt that there was a need for a second directional sign. She felt a 4x6 foot sign should be adequate. Mr. Kynett felt this sign would have the address, identify the driveway, and could be at the office door. Mr. Joiner explained the signs which had been discussed in the project review process. These two "directional signs" were exempt from the sign ordinance. Mr. Kynett felt that he would not need more than ten square feet for this purpose. Mr. Kynett explained that the color selection had been based on the desire to avoid conflicts with drivers. Approximately 4x20 feet of the sign would be forest green. The remaining portion would be a reader board with changeable signage and have low intensity, low key illumination. The lighting and colors were explained. The messages on the reader board would relate to the size of units. He felt the units were unique as they could cover a motor home. Commissioner Christianson expressed his safety concerns. Mr. Kynett felt that it would not pose a traffic hazard as it would be located 40 feet from the highway. Commissioner Christianson also felt that granting the request could establish a precedence for the adjacent storage units. Mr. Kynett felt that Mr. Snelling, who owns the adjacent storage facility, would not need the advertising. He had purportedly obtained a permit in 1983 or 84 for a free standing pole sign and did not need to use it. He then suggested a compromise--if the size is increased to 40 feet, it could be moved further from the Highway. Commissioner Christianson indicated he could support this proposal better than the original sign. Mr. Kynett explained the area which he owned and where such a sign could be located. Chairperson Rogers felt that regardless of the location, the sign would be below the Highway and could pose a traffic hazard. Mr. Kynett suggested that the request be continued to allow staff time to analyze/field survey the site. Commissioner Christianson also expressed his feeling that if the sign is located that close to the Highway, it may be "tacky". Mr. Kynett questioned the point at which it would be okay to have the additional signage specifically as his adjacent neighbor has three signs for his RV park. Discussion ensued between the Kynetts, the Commission and staff on the benefit of continuing the request and analyzing the different sign options, the need for findings based on the uniqueness of the facility if the signage is approved, and the code restrictions on height.

Chairperson Rogers stressed that even if the continuance is granted, there is no guarantee that the variance would

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be granted. He also felt that Clear Creek Road could be part of the mitigating factors as well as the topography. Mr. Forsberg noted that the previous sign ordinance issue had not been distinct. Whereas, on this issue the ordinance is quite clear and sets a standard for height based on a specific measurement. He urged staff and the Commission to make a clear distinction in any findings for the variance. Chairperson Rogers expressed a desire to maintain the 30 foot standard, however, to position the sign in an effective area which would not be along Clear Creek Road. Mr. Kynett expressed a desire to maintain the original location and at a 30 foot height. Commissioner Christianson reiterated his original concern with the sign being so close to the Highway. Discussion noted a previous hotel sign height variance which had been approved. Mr. Guzman reminded the Commission that it was weighing the consequences of Mr. Kynett's need to do business and to have visibility from Highway 50 against the vision survey, the gateway standards, and the City's strategic plan. He cautioned the Commission to weigh these issues careful as it would establish a precedence for other businesses along Highway 50. (3-0105.5) Public testimony was solicited but none given. Commissioner Horton expressed his support for the original proposal due to his feeling that Mr. Kynett had taken the least objectionable route. Commissioner Christianson suggested a motion continuing the request as he would like to relocate the sign further away from Highway 50. He felt that the sign adjacent to Highway 50 would be an eyesore. Although he would agree that Mr. Kynett had a right to advertise, the Commission should protect the gateway. Chairperson Rogers expressed his reluctance to vary the 30 foot height. Denial would place a sign at either Clear Creek Road or on the buildings. He felt that the sign's design as presented had been fairly good and was not objectionable. He would encourage the applicant to place the sign as far from Highway 50 as possible. He could support a variance based on a hardship based on the location of Clear Creek Road from the business site. He felt that the variance should be for the sign location. He also requested a condition restricting all other signage to that approved by the variance. Commissioner Christianson noted such a motion would allow Mr. Kynett to locate the sign wherever he selects. This would allow him to place it against Highway 50. Chairperson Rogers noted that the person making the motion could add a restriction on the placement. Commissioner Christianson expressed a willingness to make such a motion, however, was reluctant to cite a specific location without knowing the impact, etc. Mr. Kynett also indicated that the topography would reduce the sign's visibility. It is possible that all of the visibility from the west bonds lanes could be lost if the wrong location is selected. There could be some visibility for the east bound lanes. This was the reason for increasing the height. Mr. Kynett felt that individuals living at the Lake shopped and used Carson City services. Mrs. Kynett felt that the relocation of the sign would defeat the need to be seen. If it is not placed where it will be seen, it would not be effective. Mr. Kynett explained the hazards which could be created by a difficult to see sign. He felt that the proposed sign would be readable and not pose a hazard. (3-0215.5) Mr. Joiner pointed out Mr. Kynett had indicated his agreement to the proposal to continue the request. This would allow him to work with staff and bring back a better proposal which may include a site description. He expressed a desire to meet with Mr. Kynett on the site and work with him on the proposal. Chairperson Rogers outlined the Commission's options as a motion is required. This would make the project subject to whatever conditions are included in the motion unless appealed to the Board of Supervisors. If he asked for the continuance, it could be continued. Mr. Kynett asked for comments from Commissioner Pozzi who indicated that unless a continuance is requested, he was ready for a vote. Mr. Kynett then requested a continuance. Commissioner Pozzi moved to continue Item V-95/96-11 to the next meeting. Commissioner Nietz seconded the motion. Motion carried 5-0.

**G-5. MPE-95/96-2 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON CITY TO ADOPT A MASTER PLAN PARKS AND RECREATION SUB-ELEMENT (3-0240.5)**  
- Mr. Joiner and Parks and Recreation Director Steve Kastens - The Carson City Bicycle Plan is incorporated in the element in addition to comments from Parks and Recreation Commission Chairperson Meierdierck, local businessperson Bob McFadden, and others from the community. The trail schematics were noted and benefits discussed. Commissioner Nietz commended him on the plan. Chairperson Rogers referenced Page 14, Section 4.1.8, concerning signage. He suggested there be standards established for the distance from the trail for the signs as well as for the size. Mr. Kastens referenced Figure 9, which is an eight inch round post, to illustrate the proposed signage. The trails would not be lit at night and would, in all probability, not be used at night. Those which are lit would be from standards setback from the trail so they would not be clipped. Chairperson Rogers urged staff to use the same signage sizing and posts. Mr. Kastens agreed. Chairperson Rogers also encouraged placement of the mile markers on the same post or in the sign. Mr. Kastens felt that this could be a cost factor and indicated the eight inch round posts may be used only at the trailheads. Chairperson Rogers felt that vandalism could be a problem. Mr. Kastens made a note of his concern. Chairperson Rogers commended him on the

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Commission's plan. Mr. Kastens indicated that trail sponsorship is being considered. A Bay Area program was explained to support the potential. Public testimony was solicited but none given. (3-0415.5) Commissioner Horton also congratulated the Commission and staff on its efforts. Commissioner Horton then moved to approve the Resolution of the Carson City Regional Planning Commission recommending approval of the adoption of the Master Plan Sub-element for the Parks and Recreation Plan for the Eagle Valley Trail System. Commissioner Nietz seconded the motion. Motion carried 5-0.

**G-6. M-95/96-32 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO ESTABLISH STANDARDS FOR ARCHITECTURAL AND SITE DESIGN FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS (3-0421.5)** - Mr. Joiner briefly explained the input provided to date on the standards. The consultant should be completed with his review of the historic management master plan element by June. Mr. Joiner then suggested a meeting be held on June 4th at 6 p.m. in the Sierra Room on the multi-family residential development architectural and site design standards. No formal action was taken.

**H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)  
(3-0465.5)**

**5. FUTURE COMMISSION ITEMS** - Chairperson Rogers reminded the Commission of the 6 p.m., Thursday, April 25, meeting in the Sierra Room on the Master Plan Element. (3-0735.5) Discussion ensued on the Commission's proposed training program and the possibility of bringing either an outside speaker to the area or using staff. Chairperson Rogers directed staff to prepare a tentative schedule for a program including dates and times.

**1. CORRESPONDENCE TO THE COMMISSION - MEMO REGARDING HEARING EXAMINERS, ZONING BOARDS OF ADJUSTMENT (3-0480.5)** - Mr. Joiner noted the April 17th letter from Carson-Tahoe Hospital Project Manager Roger Sedway which indicates the parking lot project will not be constructed within the coming year. He requested a two year continuance. Mr. Joiner indicated he would have to confer with Mr. Forsberg to determine if the Code would allow a two year extension or if the request would have to be tabled for one year. He then referenced Mr. Sullivan's April 24 memo on hearing examiners. This issue could be discussed at a future meeting. Chairperson Rogers requested the Commissioners give staff their comments/concerns on such a proposal. Mr. Joiner felt this issue may be discussed during the Master Plan review discussions tomorrow. He then noted a memo to Mr. Sullivan from himself about the newspaper vending machines located at street corners. He had contacted the Gazette-Journal Circulation Manager and advised him of the Public Works Code restrictions on the placement of materials which would impede pedestrian traffic and on the Downtown Design Guidelines. The newspaper standard is not to install a machine where the clearance is under 36 inches. Some of the problems areas have been addressed. He will continue to work with them. Super K's consultant, Scott Mommer's letter of April 23rd requesting a continuance was noted. There was also information in the packet concerning the Langson property, which had been discussed earlier, as well as the Southern Section News. Discussion also noted a letter to Richard Scott from Eagle Highlands which was for informational purposes only.

**2. STAFF BRIEFING ON STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (3-0554.5)** - The Hidden Meadows Unit 2 Subdivision was approved as recommended.

**3. COMMISSIONER REPORTS (3-0560.5)** - Commissioner Nietz requested Mr. Joiner contact the Carson Colony Planner and add the individual to the notification list. Mr. Joiner felt that it was being sent to the correct office but the wrong individual. He agreed to correct the situation. Commissioner Nietz also requested the Item numbers be marked on the top of any new information provided at the meetings. Mr. Joiner agreed to check into the color commitments/conditions for the storage units at the entrance to the City. Discussion ensued on the setting arrangement for the workshop meetings. Mr. Joiner explained that the contacts with other agencies regarding their notification procedures indicates the procedure used by Carson City is normal. Small communities, due to their size, have sent the notices in the utility bills. This would be a major expense for Carson City. Mr. Forsberg reiterated his statement that the City should continue its current policy which is in accordance with the statutes. Reasons for maintaining that policy were noted. Discussion ensued on the recommendation to use the CAT-10 reader board. Chairperson Rogers recommended adding this to the normal media notices. Mr. Forsberg reiterated his statement that the statutes should be followed which require publishing in the newspaper. Mr. Forsberg ultimately agreed that CAT-10 could be added to the media notices if it is done every time which would

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be the same as the newspaper.

**4. STAFF COMMENTS (3-0720.5)** - Mr. Guzman explained Commissioner Mally's absence. Mr. Givlin explained that Public Works Director Jay Aldean would attend the next two meetings.

**I. ADJOURNMENT (3-0801.5)** - There being no other matters for consideration, Commissioner Horton moved to adjourn. Commissioner Nietz seconded the motion. Motion carried 5-0. Chairperson Rogers adjourned the meeting at 10:45 p.m.

The Minutes of the April 24, 1996, Carson City Regional Planning Commission meeting

1996. ARE SO APPROVED ON \_\_\_June\_26\_\_\_\_\_,

\_\_\_\_\_/s/\_\_\_\_\_

Alan Rogers, Chairperson