

CARSON CITY PLANNING COMMISSION

Minutes of the February 28, 2007 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, February 28, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson John Peery
Vice Chairperson Mark Kimbrough
Connie Bisbee
Craig Mullet
Steve Reynolds
Roy Semmens
William Vance

STAFF: Walter Sullivan, Planning Division Director
Lee Plemel, Principal Planner
Jennifer Pruitt, Senior Planner
Jeff Sharp, Deputy City Engineer
Tom Grundy, Engineering Division Civil Design Supervisor
Edward Oueilhe, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (3:30:58) - Chairperson Peery called the meeting to order at 3:30 p.m. Roll was called; a quorum was present. Commissioner Reynolds led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - January 31, 2007 (3:32:05) - Commissioner Semmens moved to approve the minutes. Commissioner Mullet seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENT (3:32:38) - None.

D. STAFF PUBLIC SERVICE ANNOUNCEMENTS (3:33:06) - None.

E. DISCLOSURES (3:33:10) - Commissioner Reynolds advised of having visited with a representative of Lumos & Associates to clarify details regarding item F-7. Chairperson Peery advised of having met with Randall Long, of Lumos & Associates, regarding the same item.

F. PUBLIC HEARING MATTERS

F-1. DISCUSSION REGARDING DISTRICT ATTORNEY OPINION 07-02, INTERPRETATION OF CARSON CITY MUNICIPAL CODE, TITLE 18, CHAPTER 18, SECTION 18.02.025, AND OTHER MATTERS RELATED THERETO (3:34:43) - Chairperson Peery introduced this item. Mr. Oueilhe provided background information, and read into the record the opinion conclusion, copies of which were included in the agenda materials. Chairperson Peery opened this item to discussion and public comment; however, none was forthcoming. He thanked Mr. Oueilhe.

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F-2. SUP-07-005 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM WILLIAM GROW (PROPERTY OWNER: STANKEVICH FAMILY TRUST) TO ALLOW A MODULAR OFFICE TO SERVE AS A PERMANENT OFFICE, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2835 HIGHWAY 50 EAST, APN 008-163-01 (3:36:56) - Chairperson Peery introduced this item. Mr. Sullivan oriented the commissioners to the subject parcel using a displayed parcel map and aerial photograph. He narrated pertinent slides, and reviewed the staff report. He noted that the special use permit adds a permanent business to the commercial zoning district. He advised that staff has received no complaints during the period of time the subject business has been in operation. He further noted the automobile sales industry is vital to Carson City. He advised that the applicant had met the required special use permit findings, and noted staff's recommendation of approval subject to the 14 conditions outlined in the staff report. In response to a question, he advised of a shade structure, constructed without the required permit, which the applicant is working to resolve with the building department. In response to a further question, he advised he would research with the Assessor's Office whether the structure will be taxed as real property. Commissioner Vance expressed concern over approval of the special use permit establishing a precedent for car sales lots in the future. Mr. Sullivan advised there is approximately one request per year for a structure to become designated as permanent under a special use permit in the general commercial zoning district.

(3:43:16) William Grow acknowledged having reviewed the staff report and his agreement with the same. He advised of having "inherited" the shade structure at the time he acquired the property, and that he had subsequently repaired the roof. He acknowledged having complied with building department requirements. In response to a question, he advised of two other structures on the property which have been in place for 50-60 years. One is used for storage and the other has remained locked since he first acquired the property. Mr. Grow expressed the understanding the structures are former residences. He acknowledged the structures are not presently used as residences.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. **Commissioner Bisbee moved to approve SUP-07-002, a special use permit request from William Grow, applicant, Stankevich Family Trust, owner, to allow conversion of a temporary office to a permanent office, on property zoned general commercial, located at 2835 Highway 50 East, APN 008-163-01, based on seven findings and subject to the conditions of approval contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0.**

F-3. SUP-06-219 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM PEAK CONSULTING ENGINEERS LLC (PROPERTY OWNER: CARSON CITY) TO ALLOW CONSTRUCTION OF AN INDOOR YOUTH SPORTS FACILITY LOCATED IN THE NORTHEAST CORNER OF GOVERNOR'S FIELD, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 500 EVALYN DRIVE, APN 004-016-03 (3:46:14) - Chairperson Peery introduced this item. Mr. Sullivan pointed out the proposed location of the facility using a displayed aerial photograph. He reviewed the staff report, and commended the applicant on meeting the required special use permit findings. He noted three letters of support received in response to the public noticing process. He further noted staff's recommendation of approval subject to the 22 conditions outlined in the staff report. He explained the requirement for the special use permit, pursuant to Title 18 and the City's good neighbor policy.

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(3:51:47) Carson City Little League Assistant Commissioner Tim Terry introduced Peak Consulting Design Engineer Birk Jones. The gentlemen acknowledged their agreement with the staff report. Mr. Terry provided background information on the original proposed location for the facility and the proposed relocation. He advised of no objections from the adjacent property owners regarding the proposed new location for the facility. In response to a question, Mr. Jones advised of the recent parking improvement project at the Governor's Field complex. Approximately 12 parking spaces will be eliminated to accommodate the batting cage facility in the proposed location. Mr. Terry advised that parking for large events are accommodated by the Nevada Appeal parking lot. He was unaware of any past event where parking was insufficient to the point of turning anyone away. In response to a question, he advised that as much as possible of the existing landscape will be replanted either within the complex or elsewhere on City property. Vice Chairperson Kimbrough expressed concern that "one bathroom seemed kind of marginal ... for a public facility" and noted there was no drinking fountain indicated. Mr. Terry advised that the subject structure is located within 50 yards of the other restroom facilities at Governor's Field. The batting cages will accommodate only one child at a time. Mr. Terry doesn't anticipate that groups using the meeting facilities will overwhelm the facility. Vice Chairperson Kimbrough suggested considering installation of an additional restroom as well as a drinking fountain.

Chairperson Peery opened this item to public comment. (3:57:26) Supervisor Pete Livermore referred to the letter of endorsement, included in the agenda materials, from the Carson City Parks and Recreation Department and the Youth Sports Association. He requested the commissioners' recommendation of approval. Commissioner Mullet expressed agreement with the suggestion to add a second restroom facility "if it's not costly." Supervisor Livermore discussed the opportunities and benefits represented by the facility.

(4:00:55) Richard Johnson, a Carson City resident, expressed support for the facility.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. **Commissioner Semmens moved to approve SUP-06-219, a special use permit request from Peak Consulting Engineers to allow construction of a 6840-square-foot, indoor youth sports facility, multi-use indoor hitting / pitching facility, located in the northeast portion of Governor's Field, on property zoned public regional, located at 500 Evalyn Drive, APN 004-016-03, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.**

F-4. MPA-07-008 ACTION TO CONSIDER A RESOLUTION TO APPROVE A MASTER PLAN AMENDMENT APPLICATION FROM THE CARSON CITY PARKS AND RECREATION DEPARTMENT, AMENDING THE UNIFIED PATHWAYS MASTER PLAN ELEMENT TO INCORPORATE THE CARSON RIVER AQUATIC TRAIL MASTER PLAN, RELOCATE A PATHWAY IDENTIFIED ON ARROWHEAD DRIVE TO THE SOUTH SIDE OF THE AIRPORT PROPERTY, AND MAKE TECHNICAL CORRECTIONS, INCLUDING MINOR TEXT AND MAP REVISIONS (4:03:32) - Chairperson Peery introduced this item. Mr. Plemel reviewed the staff report, provided an overview of the presentation format, and introduced Resource Concepts, Inc. Hydrologist / Fluvial Geomorphologist Lynn Zonge. Park Planner Vern Krahn reviewed staff's recommended motion, and distributed to the commissioners and staff an additional proposed revision to the language of the Aquatic Trail Master Plan, which he read into the record.

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Ms. Zonge expressed appreciation for the opportunity to have worked with Mr. Krahn, Parks and Recreation Director Roger Moellendorf, and members of the Carson River Recreation Steering Committee. She narrated a SlideShow presentation of the Aquatic Trail Master Plan. She acknowledged that the class 1 section would provide a “longer period to tube.” In response to a question, Mr. Krahn provided background information as to the reason for excluding the Mexican Dam from the plan. He agreed that repairs to the Mexican Dam need to be addressed. He acknowledged the concern that portage around Mexican Dam would have necessitated trespassing on private property. Commissioner Semmens advised that Search and Rescue will perform river rescue services at no charge to the City. In response to a question, Ms. Zonge offered to take the commissioners on a River float trip in May. Mr. Krahn responded to questions regarding possible improvements to the Andersen Dam. Vice Chairperson Kimbrough commended Ms. Zonge on development of the master plan. Chairperson Peery inquired as to funding for cleaning up the River. Mr. Krahn provided background information on the Carson River Recreation Steering Committee, and advised that this group is considering funding opportunities to address clean up efforts at the River. He noted the likelihood that many of the current nefarious activities will be displaced by improvements associated with the Aquatic Trail Master Plan.

Mr. Krahn referred to that portion of the staff report pertinent to relocation of the Arrowhead Drive pathway, and provided background information with regard to the same. In response to a question, he pointed out and described the proposed relocation route. In response to a further question, he advised that the bicycle path will not allow access to the airfield or the hangars. Staff will work with Airport Authority representatives to relocate fences, if necessary. Commissioner Reynolds commended the proposed revision in that the Arrowhead Drive location is not bicycle friendly. Mr. Krahn referred to the proposed technical revisions to the unified pathways master plan element. In response to a question, he advised that the City and the Nevada Commission on Tourism (“NCOT”) each allocated \$12,500 toward development of the Aquatic Trail Master Plan. NCOT considers the aquatic trail as a regional amenity.

Chairperson Peery opened this item to public comment. (4:35:21) Supervisor Livermore provided background information on the City’s funding allocation to the aquatic trail master plan and discussed the opportunities represented by the plan. He expressed appreciation for the opportunity to have worked with the Carson River Recreation Steering Committee, and requested the commissioners’ approval of the plan. In response to a question, he discussed opportunities for Recreation Division programming in conjunction with the aquatic trail master plan.

(4:41:18) Great Basin Sports Owner Pat Fried advised that she serves as a commercial outfitter and guide on the Carson River. She expressed support for the aquatic trail master plan and discussed the community opportunity it represents. She discussed plans to develop a summer program in conjunction with the City’s Recreation Division which will focus on river and conservation education. In response to an earlier question, she advised she has a special use permit through the U.S. Forest Service which is paid “per user day.” She offered to take the commissioners or any interested citizen on a river float trip. She reiterated support for the plan and requested the commissioners’ approval.

(4:44:15) Santos Corral, a 33-year resident of Carson City, expressed support for the project. He expressed concern over illegal dumping, litter, and safety issues at the River.

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Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. Mr. Plemel reminded the commissioners that the master plan amendment would require a recommendation of approval by a two-thirds majority of the commission. He requested the commissioners to reference, in the motion, the two additional policies identified by staff. **Commissioner Reynolds moved to adopt Resolution 2007-PC-1 to recommend to the Board of Supervisors approval of master plan amendment application, MPA-07-008, amending the unified pathways master plan element to incorporate the Carson River Aquatic Trail Master Plan with the recommended policies noted on the handout, numbers 8 and 9; to relocate a pathway identified on Arrowhead Drive to the south side of airport property; and to make technical corrections, including minor text and map revisions, based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.**

F-5. ZCA-07-018 ACTION TO CONSIDER AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS, SECTION 18.02.085, VARIANCES, TO ESTABLISH LIMITATIONS ON VARIANCES AND ALLOWING THE DIRECTOR TO APPROVE MINOR VARIANCES OF LESS THAN TEN PERCENT UNDER CERTAIN CIRCUMSTANCES; AMENDING SECTION 18.02.100, MAJOR PROJECT REVIEW, TO CLARIFY WHEN A MAJOR PROJECT REVIEW IS REQUIRED FOR ADDITIONS OF TEN PERCENT OR MORE TO EXISTING BUILDINGS GREATER THAN 50,000 SQUARE FEET; AMENDING SECTION 18.02.110, ADMINISTRATIVE PERMITS, BY DELETING MINOR VARIANCES FOR SETBACKS AND BUILDING HEIGHT, AS THOSE CASES WHERE AN ADMINISTRATIVE PERMIT IS REQUIRED; AMENDING CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED TO CHANGE THE DEFINITION OF COMMUNITY / REGIONAL OFFICE / COMMERCIAL FROM 50,000 SQUARE FEET TO 150,000 SQUARE FEET OR LARGER; AMENDING CHAPTER 18.05, GENERAL PROVISIONS, DELETING SECTION 18.05.070, COMMUNITY / REGIONAL COMMERCIAL / OFFICE, WHICH INCLUDES REDUNDANT LANGUAGE REGARDING COMMERCIAL OR OFFICE CENTERS IN EXCESS OF 50,000 SQUARE FEET OR LARGER; AND AMENDING CHAPTER 18.12, GROWTH MANAGEMENT, SECTION 18.12.055, OBTAINING A BUILDING PERMIT, TO ALLOW THE RETURN OF GROWTH MANAGEMENT FEES IF A PROJECT IS ABANDONED; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, SECTION 1.9, WIRELESS TELECOMMUNICATION FACILITIES AND EQUIPMENT, SUBSECTION 1.9.2, HEIGHT AND DIMENSIONAL STANDARDS, BY DELETING PROCESS-ORIENTED STANDARDS IN CONFLICT WITH CHAPTER 18.15, COMMUNICATION FACILITIES AND EQUIPMENT, AND OTHER MATTERS PROPERLY RELATED THERETO (4:47:30) - Chairperson Peery introduced this item, and Mr. Plemel reviewed the staff report. Mr. Sullivan thanked Commissioner Mullet for pointing out minor revisions and advised these would be addressed prior to publishing the final version. In response to a question, Mr. Plemel advised that staff time invested in the special use permit process had not been tracked, but that the special use permit process is significantly subsidized by the general fund. In response to a question, Mr. Sullivan advised of other provisions in the code, besides a square footage threshold, which would require commission review. He referred to the example of the Home Depot loading dock in close proximity to the residential zoning district. Ms. Pruitt acknowledged that any development greater than 50,000 square feet is required to be submitted to the major project review process. Commissioner Mullet advised of an earlier concern over the possibility of bypassing the public review process but, after discussing it with Mr. Sullivan, realizing that other aspects of the project would require commission review.

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Mr. Sullivan described the detailed review provided by each of the involved Development Services Department divisions and the Fire Department as part of the major project review process. In response to a question, Mr. Sullivan advised that all requirements of Title 18 would have to be met in order for a developer to not be required to submit a special use permit application. In such a case, staff would have purview over approval of the development. In response to a further question, Mr. Sullivan advised that staff would not have any discretion to bring a project before the commission in such a case. He acknowledged the appeal process associated with administrative hearings. He further acknowledged that none of the proposals represented by the subject agenda item obviate the public's due process.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. Mr. Sullivan advised that, pursuant to the Carson City Municipal Code, appeals of administrative decisions are made to the commission. The commission's decision can be appealed to the Board of Supervisors, which decision can be civilly appealed. Mr. Sullivan recalled an example which prompted staff to develop the streamlined procedures. **Commissioner Mullet moved to recommend to the Board of Supervisors approval of zoning code amendment, ZCA-07-018, making variance changes to the Carson City Municipal Code, Title 18, Zoning, relating to minor variances, commercial uses over 50,000 square feet, the refund of growth management allocation fees, in certain circumstances, and clarifying process requirements for wireless communication facilities, as stated on the agenda, based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.** Chairperson Peery recessed the meeting at 5:11 p.m. and reconvened at 5:23 p.m.

F-6. TPUD-07-010 ACTION TO CONSIDER THE FOLLOWING: TENTATIVE PLANNED UNIT DEVELOPMENT APPLICATION KNOWN AS ROSS PARK PUD FROM RANDALL LONG OF LUMOS & ASSOCIATES (PROPERTY OWNER: ROSS PARK, LLC), TO ALLOW 23 SINGLE-FAMILY, DETACHED UNITS ON 1.24 ACRES WITH ASSOCIATED VARIANCES TO ALLOW A REDUCTION OF THE REQUIRED 20-FOOT PERIPHERY PUD SETBACK, A REDUCTION OF REQUIRED MFA SETBACKS, A REDUCTION OF THE MFA STANDARD LOT AREA FROM 6,000 SQUARE FEET TO 750 SQUARE FEET, A REDUCTION OF THE MFA REQUIRED LOT WIDTH OF 60 FEET TO A LOT WIDTH OF 25 FEET, AND A REDUCTION OF THE MINIMUM PUD SITE AREA FROM FIVE ACRES TO 1.24 ACRES, AND AN ABANDONMENT OF A FIVE-FOOT RIGHT-OF-WAY, APPROXIMATELY 290 FEET IN LENGTH, OF CALIFORNIA STREET AND A FIVE-FOOT RIGHT-OF-WAY, APPROXIMATELY 350 FEET IN LENGTH, OF EAST APPION WAY, AND A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE (SF1A) TO MULTI-FAMILY APARTMENT - PLANNED UNIT DEVELOPMENT (MFA - PUD), ON PROPERTY CURRENTLY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 4749 SNYDER AVENUE, APN 009-193-01 (5:23:17) - Chairperson Peery introduced this item. Ms. Pruitt proposed a presentation format, and reviewed the staff report. Mr. Plemel reviewed the issues pertinent to the comprehensive master plan. He oriented the commissioners to the subject property using a displayed land use map. He noted that the master plan identifies future conditions implemented through zoning or rezoning. He further noted that the area is predominantly zoned single family one acre. Mr. Plemel advised that the master plan designation is not an entitlement. Rezoning occurs at the appropriate time to obtain property entitlements. Mr. Plemel noted an example, which he pointed out, of a recent rezoning in the vicinity approved by this commission and the Board of Supervisors, consistent with the master plan and in anticipation of future rezoning of surrounding properties.

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Mr. Plemel noted that most residential areas in Carson City are consistent with the master plan, and changes are not anticipated. He referred specifically to the area east of Silver Sage Drive, designated as low density residential, and advised there are specific master plan policies for the designation to remain at one-acre residential. He advised of increased interest in property rezoning in the vicinity of the freeway bypass, and suggested this should be a surprise to no one. He reminded the commissioners that, during the extensive Envision Carson City master planning process, staff noticed property owners of proposed changes to master plan designations. There were, therefore, numerous opportunities at public hearings before this commission and the Board of Supervisors for property owners to present requests for zoning redesignations. Mr. Plemel noted an additional policy in the master plan to make infill development easier to accomplish outside the PUD process. This will require code revisions. The subject project, at the proposed density, is required to follow the PUD process under the current code.

Mr. Plemel noted that the proposed development exhibits the characteristics of desired projects in the high density residential land use designation of the master plan. He further noted that specific numerous policies were very well covered by Ms. Pruitt in the staff report. From a long range planning perspective, Mr. Plemel advised that the project is ideally suited in the type of development, the density, location, building mass, circulation and access, and parks, open space, and pathways, as identified for the high density land use category. He expressed the belief the project is consistent with the Carson City Master Plan.

Ms. Pruitt referred to the boundary treatment and revised tentative map sections of the staff report, at pages 15 and 16. With regard to the boundary treatment, she noted the parcel is three sided, including a northern, southern, and eastern boundary. She explained staff's recommendation to increase landscape proposed for the eastern boundary. She advised that architectural features have been addressed "quite nicely" by the applicant. She further advised that an increased setback is not an option, in this case, nor is it feasible with the subject site. With regard to massing, she advised that the appearance from the street will be a two-story structure and two and a half stories from the interior access. She noted there was no condition of approval pertinent to the boundary treatment. She requested the applicant to stipulate a willingness to continue to work with staff to develop a solution regarding the landscape treatment along the eastern boundary to satisfy the sensitivity issue noted on page 15 of the staff report. With regard to the revised tentative map, she noted condition of approval #14 requiring the applicant to include all exterior elements of the proposed structures within the footprint. She advised that both the boundary treatment and the revised tentative map issues had been discussed with the applicant.

Ms. Pruitt noted the comments from various City departments, the School District, and State agencies included as part of the staff report. She further noted the applicants had made the required findings necessary to grant approval, the 54 conditions of approval for the planned unit development, and the 5 conditions of approval for the right-of-way abandonment. She advised of concerns, on the part of the applicant, over three conditions of approval. She read condition of approval 1 into the record and advised it is a standard policy. The applicant has been assured that the condition of approval does not subject the applicant to any further processes than those regularly associated with a tentative map. Ms. Pruitt advised that the applicant had requested clarification of condition of approval 24, which she read into the record. She further advised that Deputy City Engineer Jeff Sharp had provided written clarification regarding the specific improvements required of the applicant. Ms. Pruitt read condition of approval 53 into the record, and advised that the condition is a standard part of the City's development standards. Staff recently began including this particular condition for projects which come before this commission and will be forwarded to the Board of Supervisors. Ms. Pruitt explained the provisions of the condition of approval.

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(5:50:23) Lumos & Associates Engineer Randall Long, representing Ross Park, LLC, advised of having reviewed the staff report. With the clarification provided by Ms. Pruitt of conditions of approval 1, 24, and 53, and a stipulation to work with staff to enhance landscape treatment along the eastern border, Mr. Long concurred with the conditions of approval. He narrated a PowerPoint presentation of the project.

(5:57:46) Jeff Frame, of Frame Architecture, Inc. narrated that portion of the PowerPoint presentation pertinent to proposed design of the structures.

(6:04:10) Mr. Long noted that architecture also brings its own infrastructure and improvements to a community and, in conjunction with the PowerPoint presentation, reviewed the requirements for water and sewer line extensions. He referred to the staff report, and expressed appreciation for the time and effort invested by City staff. He reviewed each of the applications.

In response to a question regarding parking on Appion Way and California Street, Ms. Pruitt advised of conversations with Fire Department representatives regarding their written comments included as part of the staff report. She further advised that the street improvements, as proposed by the applicant, will allow for street parking. She clarified that the Fire Department's written comments are specific to the interior alleyway. In response to a question, Mr. Long advised that the consequences for parking violations will be defined in the CC&Rs. He noted that the City's standards over long-term parking would be enforced at all times. Commissioner Bisbee expressed concern that anticipating only two vehicles per household amounts to "kidding ourselves." She commended the "beautiful project." Mr. Long expressed the belief that the City's current laws are part of the parking solution. The developers are taking an additional step to address violations internally as well. Mr. Sullivan advised that the same concern was expressed by the Board of Supervisors with regard to a project on Curry Street. The same, basic solution was presented to the Board of Supervisors, i.e., that long-term resident parking on City streets would be addressed as a violation of the CC&Rs. Commissioner Bisbee suggested that if the consequences are not "painful," residents may consider a nominal fine as a parking fee. Mr. Long advised of the intention to make the consequence "stiff enough that it's more than a parking fee in addition to the City's current law." He anticipates that potential home buyers will be made to understand the limited available parking and the associated requirements.

In response to a question, Mr. Long advised that homeowners association fees will cover maintenance of open space, the road, long-term existence of the sewer, the exterior of the structures, and the fences around the courtyards. He provided background information on research conducted into other homeowners association fees and subsequent development of the subject fee. In response to a further question, he estimated the average purchase price of each unit to be around \$300,000.

Vice Chairperson Kimbrough expressed concern over the homeowners association enforcing rules on City property. (6:18:13) Attorney Joan Wright, of the Allison, MacKenzie law firm, advised that the CC&Rs will be modified with all the provisions identified by staff. She further advised that the homeowners association will not attempt to enforce City ordinances. There will be a contractual provision to fine violators and require them to pay. Ms. Wright referred to NRS 116, pertinent to planned unit developments, and advised that the homeowners association will have enforcement rights. She reminded the commissioners there are 46 parking spaces on site and 27 on street. In response to a question, Mr. Long pointed out, on a displayed site plan, two main areas for snow storage. He acknowledged that the landscape

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plan is still in the process of being developed. Vice Chairperson Kimbrough suggested a traffic calming device at Appion Way. He commented on the proximity of the development to the Fire Station and to Ross Gold Park.

Commissioner Semmens commended the layout, and expressed concern over emergency services access. Mr. Long advised of having spent a great deal of time with Assistant Fire Chief / Fire Marshal Bruce Van Cleemput. He explained that the units had been “pushed back” to provide for the fire truck turning radius. He pointed out an ungated emergency access and evacuation points on a displayed site plan. Commissioner Semmens expressed concern over the interior units, and suggested deleting one unit to make room for emergency and service vehicle access. Mr. Long pointed out that the access is 24 feet wide; that two vehicles could certainly pass even if one vehicle was parked to one side. Mr. Long acknowledged there is no parking on Snyder Avenue due to the bike lane. In response to a question, he described and pointed out, on the displayed site plan, access to the units along Snyder Avenue, to California Street and to Appion Way. He responded to additional questions regarding parking enforcement provisions in the CC&Rs, required street improvements, and provisions for pets in the CC&Rs.

Chairperson Peery opened this item to public comment. (6:29:26) Joe Carter expressed concern over the finished quality of the project and requested a performance bond. He expressed additional concern over the variances in that they are “pretty significant.”

(6:30:17) Tom Ashley, a resident east of California Street, expressed agreement with Mr. Carter’s concerns. He expressed concern over Appion Way being shortened, suggested that “CC&Rs are made to be broken,” and expressed concern over parking along Appion Way. He suggested reducing the number of units to provide for “more parking inside the structure to accommodate the excess of the parking.” He expressed the opinion that parking will take place on Appion Way since it will be prohibited on Snyder Avenue. He suggested the commissioners consider this issue carefully.

(6:32:33) Santos Corral advised of having lived in Carson City since 1975 “on Appion and California Street.” He expressed support for growth and commended the project. He expressed concern over parking to accommodate 23 dwelling units and guests. He requested that the number of units be reduced, and expressed the opinion that 23 units on one acre “is a lot.”

(6:34:20) Jim Godec, of 4830 Silver Sage Drive, advised he has been a resident and business owner in Carson City for over 20 years. He further advised of having led a petition drive, approximately seven years ago, against a zone change proposed for Snyder Avenue. He advised that 18 townhouses were subsequently constructed on 1.8 acres. He noted the subject zoning change requesting construction of 23 units on 1.3 acres is “considerably higher density.” He expressed understanding for the principles of the comprehensive master plan, and noted the single-family, one acre zoning predominant in the subject area. He expressed concern over a high density development next to single-family, one acre zoning. He agreed with previously expressed concerns over parking. He requested commission consideration to reduce the number of units to a more medium density development.

(6:40:08) Lisa Clark advised she lives directly across the street from the proposed project, and expressed concern over parking. She expressed opposition to 23 units, and a preference for “reigning in developers so we don’t cram so much into our acres.” She suggested fewer variances would be needed if the number of units was reduced, and that parking and street improvements may not be an issue.

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(6:40:24) Tom Ashley reiterated the request to reduce the number of units.

(6:41:49) Francis Ashley commended the Planning Division staff and the project. She suggested extending the proposed zoning revision through to other, adjacent properties.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. Ms. Pruitt requested Mr. Long to clarify the improvements proposed for Appion Way and California Street. She advised that, as part of the project, the applicant will be required to either construct the improvements or to bond pursuant to pertinent provisions of the Carson City Municipal Code.

(6:44:31) Mr. Long clarified that frontage improvements on California Street and Snyder Avenue, adjacent to the subject property, will include 27 feet of pavement, curb, gutter, sidewalk, and landscape. With regard to concerns over parking, he advised that the proposed design meets the City's current code requirements, as identified in the staff report. With regard to density, he expressed the belief that the development "meets the adjacent residents half way at 19 units per acre as opposed to the allowable ... of 36." He expressed the further belief that design of the proposed single-family detached units with side yards, as opposed to an attached multi-family apartment project, evidences sensitivity to transition issues.

Commissioner Semmens inquired as to the possibility of reducing the number of units from 23 to 20, deleting unit number 1 and "making that internal parking and taking units 18 and 19 which are on the inside curve which are outset instead of inset and putting internal parking in there for public safety, visitors, whoever it happens to be." He expressed the opinion that the same goal is accomplished by the development, but parking and other issues of concern would be alleviated. Mr. Long advised that 14 to 16 months had been invested in the subject design to meet the City's current code requirements with regard to parking. The economics of 1400 lineal feet of water, curb, gutter, sidewalk, storm drain improvements, for the benefit of the public will not be substantiated by less than 22 units. Mr. Long reiterated that density reduction is evident in design of the single-family detached units with open space.

Vice Chairperson Kimbrough suggested the City could install two-hour parking signs in an effort to eliminate the possibility of long-term parking. He noted that such an effort "usually takes pressure from the neighborhood rather than the developer." He further suggested that a red zone on California Street and Appion Way would "eliminate the whole front which is probably the most sought after." He encouraged alternative methods for addressing the potential parking problems.

Commissioner Vance recalled that most planned unit developments have some sort of internal guest parking. Ms. Pruitt advised that the code requirements for planned unit developments were changed as of last year. In addition, there are many streets associated with PUDs which are substandard and would not accommodate parking. Such PUDs are, therefore, required to provide on-site guest parking. Ms. Pruitt noted the uniqueness of the subject PUD in that it is bordered on all sides by public streets. She reiterated that parking standards for PUDs were changed last year, and that PUDs are required to provide on-site parking where substandard streets are associated. She acknowledged that Planning Division staff would not have recommended approval of the project if the proposed parking did not meet code requirements. She noted the many aspects of the project design, including oversized garages, 200+ square feet of storage area with the structure adjacent to the garage. This accommodates personal belongings which, in many instances, are stored in garages thereby displacing vehicles. In reference to other PUDs in the community,

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Ms. Pruitt noted some which have been approved with standard one-car garages. Mr. Sullivan recalled the last PUD approved, Mills Landing, wherein streets were narrow and extra parking was, therefore, required. He acknowledged there was no legal authority to require the developer to provide more than two parking spaces per unit. He anticipates that the same parking issue will be of substantial concern to the Board of Supervisors and will be addressed accordingly. He expressed appreciation for the suggestions offered by Vice Chairperson Kimbrough. Commissioner Semmens reiterated the suggestion to delete three units.

Chairperson Peery called for additional comments or questions and, when none were forthcoming, entertained a motion. Commissioner Mullet suggested that the developer work with the City on installing some kind of signage to address the parking concerns. **Commissioner Mullet moved to recommend to the Board of Supervisors approval of tentative planned unit development application, known as Ross Park, from Lumos and Associates, property owner Ross Park LLC, to allow a development known as Ross Park PUD, consisting of 23 single-family detached units on 1.24 acres, with associated variances to allow a reduction of the required 20-foot periphery PUD setback, a reduction of required MFA setback, a reduction of the MFA standard lot area from 6,000 square feet to approximately 750 square feet, a reduction of the MFA required lot width of 60 feet to a lot width of 25 feet, a reduction of the minimum PUD site area from five acres to 1.24 acres, and abandonment of a five-foot right-of-way, approximately 290 feet in length along California Street and a five-foot right-of-way, approximately 350 feet in length along East Appion Way, a zoning map amendment to change the zoning from single-family, one acre, SF1A, to multi-family apartment - planned unit development, MFA-PUD, on property currently zoned single-family, one acre, SF1A, located at 4749 Snyder Avenue, APN 009-193-01, based on 12 findings and subject to the recommended conditions of approval contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 4-3.** Chairperson Peery conducted a roll call vote, as follows: Semmens - nay; Reynolds - aye; Kimbrough - aye; Peery - aye; Mullet - aye; Vance - nay; Bisbee - nay.

F-7. MISC-06-243 ACTION TO CONSIDER AN APPEAL FROM ROB HARDEN, MKT CEO, GOODWILL INDUSTRIES - MANASOTA, INC., OF A STAFF DECISION PROHIBITING SECOND-HAND BUSINESSES IN THE RETAIL COMMERCIAL (RC) ZONING DISTRICT (7:03:06) - Chairperson Peery introduced this item. Mr. Sullivan provided background information on this item, reviewed the staff report and the attachments. He requested direction of the commission, and reviewed the two motions included in the staff report. He noted additional information which had been provided to the commissioners and staff prior to the start of the meeting.

Mr. Sullivan acknowledged that the business license division doesn't consider whether a business is allowed in a certain zoning district; the Planning Division is responsible for this. In response to a question, Mr. Sullivan advised that the business license application indicates a rehabilitation center with sales. He acknowledged that the current business license is in a general commercial zoning district. In response to a further question, he advised that the subject business is similar to retail commercial. He acknowledged that such a business would not be allowed in the retail commercial zoning district.

(7:11:55) Goodwill Industries CEO Rob Harden reviewed information pertinent to the mission and business of Goodwill Industries. He described Goodwill Industries as a vocational training center, and expressed the belief that the business should be allowed in the retail commercial zoning district. He displayed a list of 132 names indicating donors who "donate because ... Goodwill Industries is a vocational training center." He listed items sold by Goodwill Industries, and advised that Carson City is the only community

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that excludes the sale of used goods in the retail commercial zoning district. He stated “there are no opportunities in general commercial today.” He advised of having lost a great opportunity since the last meeting in that the space under consideration was leased to another business. He referred to a letter from the Department of Vocational Rehabilitation supporting the services provided by Goodwill Industries as a vocational training center. He advised that Goodwill Industries “wants to help this community as a vocational training center.”

In response to a question, Mr. Oueilhe expressed the belief that the commission was belaboring an issue which was “more than covered at the last commission meeting” in that the application indicates Goodwill Industries is in the business of selling used goods. Approval of the application would allow a use which is non-compliant with the zoning law. Commissioner Semmens commented that the code prohibits the sale of used goods in the retail commercial zoning district. Commissioner Reynolds lauded the efforts of Goodwill Industries and all charitable organizations. In response to a question, Mr. Harden discussed previously considered locations in the retail commercial, general commercial, and industrial zoning districts. He discussed the benefits of the retail commercial zoning district to Goodwill Industries, particularly access to the PRIDE bus. He advised that Goodwill Industries could hire at least 60 people in Carson City. He noted that the current code language dates to 1978, and stated “this is not the same world.”

Commissioner Mullet commended the work of Goodwill Industries, but expressed difficulty with an earlier statement that there are no other viable locations in the general commercial or industrial zoning districts. Mr. Harden reviewed other locations considered, and discussed their infeasibility. He discussed the benefits of Goodwill Industries to a community and the value of the goods sold.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. In response to a question, Mr. Sullivan advised that the list of businesses in the ordinance are allowed in the general commercial zoning district. In response to a question, Mr. Oueilhe expressed the opinion that taking action to include used goods in the retail commercial zoning district would be “very dangerous territory.” He offered to conduct research and return to the commission. Mr. Sullivan advised that Salvation Army retail and wholesale is listed under the general commercial zoning district. Mr. Oueilhe pointed out that, along with the listing for the Salvation Army is second-hand businesses.

Commissioner Reynolds commented on the outstanding job provided by Goodwill Industries based on everything he had reviewed and heard from Mr. Harden. He noted that the Salvation Army, as well as other organizations, have been told that the retail commercial zoning district is off limits. He suggested it may be time to consider changing the retail commercial zoning district provisions to allow for the sale of second-hand goods. He further noted having heard only one side of this issue, in the form of an impassioned and well-founded plea. No information has yet been presented as to the reason the provisions prohibiting the sale of second-hand goods in the retail commercial zoning district were established. Commissioner Reynolds advised he was not prepared to vote to change the ordinance at this time, and didn’t see how else Goodwill Industries would be allowed into the retail commercial zoning district. Chairperson Peery entertained a motion. **Commissioner Semmens moved to uphold staff’s decision regarding the prohibition of Goodwill Industries in the retail commercial zoning district. Commissioner Reynolds seconded the motion. Motion carried 5-2.** (7:36:12) Mr. Sullivan advised Mr. Harden of his right to appeal the commission’s decision to the Board of Supervisors.

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G. STAFF REPORTS

G-1. COMMISSION REPORTS / COMMENTS - None.

G-2. STAFF REPORTS / COMMENTS

REPORT ON BOARD OF SUPERVISORS' ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (7:35:50) - Mr. Sullivan reviewed the staff report included in the agenda materials.

FUTURE AGENDA ITEMS - None.

H. ACTION ON ADJOURNMENT (7:38:30) - Commissioner Semmens moved to adjourn the meeting at 7:38 p.m. Commissioner Mullet seconded the motion. Motion carried 7-0.

The Minutes of the February 28, 2007 Carson City Planning Commission meeting are so approved this 28th day of March, 2007.

JOHN PEERY, Chair