

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 1

A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, April 25, 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 / Growth Management Coordinator
Jennifer Pruitt, Senior Planner
Larry Werner, City Engineer / Development Services Director
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 A QUORUM, AND PLEDGE OF ALLEGIANCE (3:31:02) - Chairperson Peery called the meeting to order at 3:31 p.m. Roll was called; a quorum was present. Vice Chairperson Kimbrough led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - March 28, 2007 (3:31:54) - Commissioner Reynolds moved to approve the minutes. Commissioner Mullet seconded the motion. Motion carried 6-0-1, Commissioner Semmens abstaining.

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

D. STAFF PUBLIC SERVICE ANNOUNCEMENTS (3:33:00) - Mr. Sullivan announced the 2007 Arbor Day Celebration, scheduled for Friday, April 27th at the Nevada Firefighter's Memorial in Mills Park. He announced an Aquatic Trail raft trip scheduled for May 1st, and requested the commissioners to indicate their intent to participate.

E. DISCLOSURES (3:34:19) - Commissioner Reynolds advised he would recuse himself from participating in discussion and action of item H-3.

F. MODIFICATIONS TO THE AGENDA (3:34:39) - None.

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 2

G. CONSENT AGENDA

G-1. SUP-05-265 ACTION TO APPROVE AN APPLICATION FROM THE STATE OF NEVADA FOR AN EXTENSION OF TIME AND MODIFICATION OF CONDITIONS OF APPROVAL, ON A PREVIOUSLY-APPROVED SPECIAL USE PERMIT, SUP-05-265, FOR A 28-FOOT TALL, 400-SQUARE-FOOT OFF-PREMISES ADVERTISING (BILLBOARD) SIGN (IN ACCORDANCE WITH SIGN CODE LIMITATIONS), ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2400 HIGHWAY 50 EAST, APN 008-161-29 (3:35:22) - Chairperson Peery introduced this item. Mr. Sullivan noted the recommended motion included with the staff report. Chairperson Peery entertained a motion. **Commissioner Bisbee moved approval. Commissioner Vance seconded the motion.** Chairperson Peery called for public comment. (3:36:38) Deputy Attorney General Roger Miles, representing the Nevada Department of Transportation, requested the commission's support of staff's recommended motion. Chairperson Peery called for additional public comment and, when none was forthcoming, a vote on the pending motion. **Motion carried 7-0.**

H. PUBLIC HEARING MATTERS:

H-1. RECESS THE PLANNING COMMISSION, CONVENE THE GROWTH MANAGEMENT COMMISSION, DETERMINATION OF A QUORUM (3:38:52) - Chairperson Peery recessed the Planning Commission and convened the Growth Management Commission. Roll was called; a quorum was present.

H-1a. DISCUSSION ONLY REGARDING CARSON CITY MUNICIPAL CODE SECTION 18.12.015, GROWTH MANAGEMENT, REGARDING DELETION OF 18.12.015(2c-h), AND OTHER MATTERS RELATED THERETO (3:39:34) - Chairperson Peery introduced this item. Mr. Sullivan introduced Mr. Werner, and provided background information on the commission's purview over this item. Mr. Plemel advised of having been assigned to the position of Growth Management Coordinator, and that a growth management item will be agendized for the May commission meeting. He reviewed the staff report.

Commissioner Reynolds expressed confusion over the reason for drainage and traffic not being considered resource-based growth management issues as opposed to level of service / manpower issues. Mr. Plemel explained that "resource-based growth management issues," as referenced in the staff report, refer to sufficient water levels and sewer capacities. Drainage programs and transportation plans are considered fiscal resources. Mr. Plemel agreed that flooding is a natural occurrence; however, allocating funding toward drainage plans is different than "physically not being able to get more water out of the ground." Commissioner Reynolds expressed the belief that the community's water availability is directly related to allocation of funding. Mr. Werner explained that at the time the growth management ordinance was enacted, the City could not obtain permits to acquire water because of state and federal licensing regulations. Since that time, the City has taken measures to control resources based on the issuance of building permits and, therefore, match resources to a time frame for acquiring new resources. The growth management ordinance is based on water availability and the ability to obtain permits. Mr. Werner advised of a lawsuit filed by the Department of Justice against the City for non-compliance at the wastewater plant. The case was settled based on an emergency expansion of the wastewater plant and an agreement to never again allow the wastewater plant to get beyond capacity. This is done by controlling the issuance of building permits. Mr. Werner provided historic information as to how levels of service issues became part

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 3

of the commission's consideration of growth management. He explained that levels of service and manpower are issues over which the Board of Supervisors has purview. He referred to growth management issues in adjacent counties, and advised that Carson City's history of growth management has been "factual based on resource." The subject amendment ensures this will continue. Commissioner Reynolds thanked Mr. Werner for the historic clarification.

In response to a comment, Mr. Werner provided historic information on departmental responses to requests for a 3 to 4 percent growth rate. The levels of service / manpower issues then became a political issue between this commission and the Board of Supervisors. Mr. Werner advised that levels of service / manpower issues should be presented to the Board of Supervisors at the time the commission's growth management recommendation is forwarded or during the City's budget process. Mr. Sullivan provided additional background information on correlating growth management with levels of service and manpower needs. He noted the importance of making these issues part of the City's annual budget process and that, by so doing, departmental issues are "trued up." Vice Chairperson Kimbrough referred to fire services as an example of an element that should be considered a part of growth management "just as much as sewer and water." Mr. Werner discussed the role of the Board of Supervisors to determine priorities with regard to allocation of financial resources. Vice Chairperson Kimbrough expressed the opinion that this commission should be made aware of shortfalls in the areas of public service. In response to a comment, Mr. Werner advised that each department has the opportunity to provide input to every building permit application. Establishing a certain growth rate doesn't solve the problem of levels of service and manpower issues. "... where the growth occurs, how it occurs, what kind of growth it is, all those factors really relate to the service levels that ... department heads have to evaluate ..." during the annual budget process. Mr. Werner reiterated that the Board of Supervisors has purview over levels of service and manpower.

Mr. Plemel advised of concerns, as part of the discussion behind the proposed amendment, with regard to "getting on shaky legal ground ... telling people that they can't get building permits just because we don't think we have enough fire trucks." Provision of water and sewer resources is a valid legal basis, across the country, for growth management. Chairperson Peery noted that the actual growth rate has been about half the approved 3 percent for many years. In response to a question, Mr. Werner advised that the 3 percent growth rate is established at a level which City officials know can be absorbed. Chairperson Peery opened this item to public comment and, when none was forthcoming, closed this item.

RECESS THE GROWTH MANAGEMENT COMMISSION AND RECONVENE THE PLANNING COMMISSION (3:55:35) - Chairperson Peery recessed the Growth Management Commission and reconvened the Planning Commission.

H-2. SUP-07-034 ACTION TO CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT FROM TIMOTHY SABORI (PROPERTY OWNER: SABORI FAMILY LIVING TRUST) TO CONSTRUCT A 40-FOOT BY 60-FOOT ACCESSORY STRUCTURE (GARAGE), ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A) LOCATED AT 161 HEIDI CIRCLE, APN 010-332-13 (3:55:42) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report, and noted staff's recommendation of approval based on the findings and conditions outlined therein.

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 4

(3:58:14) Timothy Sabori acknowledged having reviewed the staff report and his agreement with the same. He advised of similar accessory structures in the area, and reviewed their locations. He offered to paint the accessory structure any color necessary "to get it to blend." He discussed the purpose for the structure to store various vehicles and belongings. He advised that no additional water or sewer will be necessary. He expressed surprise over the objection "with all the structures that are out there like that." He acknowledged that the structure panels are pre-painted with a kynar finish.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional comments, questions, or a motion of the commissioners. **Commissioner Semmens moved to approve SUP-07-034, a special use permit application from Timothy Sabori to allow construction of a 40-foot by 60-foot accessory structure that will be 86.5 percent of the square footage of the primary structure and 5.5 percent of the parcel size, in addition to an existing 400-square-foot shed, on property zoned single family one acre, located at 161 Heidi Circle, APN 010-332-13, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

H-3. SUP-07-041 ACTION TO CONSIDER AN APPLICATION FOR A SPECIAL USE PERMIT FROM MICHAEL AND JEAN WEBB (PROPERTY OWNER: FRANK DiMARTINO TRUST) TO ALLOW TWO ANIMAL CREMATORIUM MACHINES, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2230 SOUTH CARSON STREET, APN 009-052-09 (4:02:39) - Chairperson Peery noted that Commissioner Reynolds had left the meeting room, and introduced this item. Mr. Sullivan reviewed the staff report, and noted staff's recommendation of approval based on the findings and conditions outlined therein. He advised of having contacted the City Health Department, which representatives indicated no City requirements to be imposed on the application. City Health Department representatives advised of State requirements, however. Mr. Sullivan read condition of approval 16 into the record.

(4:05:35) Jean Webb acknowledged having reviewed the staff report and her agreement with the same. With regard to condition of approval 13, she requested the flexibility to expand the hours of operation to 6:00 p.m. and to occasionally operate the crematory on Saturdays. Mr. Sullivan distributed, to the commissioners and staff, an April 25, 2007 e-mail from Planning Technician Heidi Eskew-Herrmann, and reviewed the same. He advised of no problem with amending the hours of operation to indicate Monday through Saturday, 8:00 a.m. to 7:00 p.m. Ms. Webb acknowledged her agreement with the amendment.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments or a motion of the commission. **Commissioner Bisbee moved to approve SUP-07-041, a special use permit application from Michael and Jean Webb, applicant, DiMartino Trust, owner, to allow two animal cremation machines in an existing building, on property zoned general commercial, located at 2230 South Carson Street, APN 009-052-09, based on seven findings and subject to the conditions of approval contained in the staff report, with the correction to the business hours being approved from 8:00 a.m. to 7:00 p.m., Monday through Saturday. Commissioner Semmens seconded the motion. Motion carried 6-0-1.** Commissioner Reynolds returned to the meeting room.

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 5

H-4. VAR-07-013 ACTION TO CONSIDER AN APPLICATION FOR A VARIANCE FROM PROPERTY OWNERS WILLIAM AND PATRICIA PIERCE TO REDUCE THE STANDARD SIDE SETBACK FROM 15 FEET TO 8.5 FEET AND TO REDUCE THE STANDARD REAR SETBACK FROM 30 FEET TO 23 FEET, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 5844 SALK ROAD, APN 008-821-11 (4:08:56) - Chairperson Peery introduced this item. Mr. Sullivan noted a revision to the recommended motion to delete the words “and subject to the conditions of approval.” He reviewed the staff report and, at Chairperson Peery’s request, explained the term “red tagged.” In response to a question, he advised that red tagging is typically brought on by building construction proceeding without an approved building permit. He further advised that staff could not make the findings for approval of the variance application. He noted that the applicant had not proved special circumstances pertinent to the property. He referred to a letter, distributed to the commissioners and staff prior to the start of the meeting, from Bryce and Amy Cranch and reviewed the same. He distributed aerial photographs to the commissioners and staff and reviewed the same. He advised of alternate locations for the proposed structure suggested by staff, and reviewed pertinent slides. He noted staff’s recommendation of denial based on the findings not having been met. He expressed the belief that the hardship cited by the applicant is self-imposed, and that there are other options to meet code requirements with minimal disruption “to what’s already existing on the site.”

In response to a question, Mr. Sullivan advised that staff met with the applicants to review the requirements and to suggest other locations for the structure. He was uncertain as to when the portable building was set in concrete. Staff pointed out other sites on the property which would meet setback requirements. Commissioner Mullet advised that the residence is actually located approximately 50 feet further north than what is indicated on the plot plan submitted by the applicant. In response to a question, Mr. Sullivan was uncertain as to the actual distance between the existing location of the subject structure and the location suggested by staff. He discussed the Cranches concerns over the proposed location of the structure. In response to a further question, Mr. Sullivan advised of approximately eight feet between the end of the leech field and the structure. In response to a question, Mr. Grundy advised of no Engineering Division issues with the proposed location as depicted on the aerial photograph.

(4:24:14) William Pierce acknowledged having reviewed the staff report, and stated he “somewhat” agreed. He explained the reason for proceeding to have the building constructed without a building permit. He described details of the portable building, including design and materials, and advised that it would be professionally constructed. He advised of no issues with regard to relocating the structure. He explained the reason for placing the structure in its existing location, and the construction process thus far. He advised of having reviewed comments included in the agenda materials. He further advised that moving the structure forward will create issues for adjacent neighbors, but expressed a willingness to comply with requirements. He requested the commission’s approval of the variance, but reiterated a willingness to have the structure relocated. He pointed out, on a displayed aerial photograph, the views which will be blocked if he is required to relocate the structure. He expressed the opinion that the present location is the “cleanest.” He responded to questions regarding alternative locations for the structure.

In response to a question, Mr. Sullivan advised that if the contractor had a state license, they should have known of the setback requirements. He suggested that Mr. Pierce meet with the contractor to work out relocation of the structure. In response to a question, Mr. Oueilhe advised of both actual and constructive knowledge of building requirements. The contractor should have been aware of them and, if not, there’s constructive notice of the requirement to obtain a building permit. In response to a further question, Mr.

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 6

Oueilhe advised of the same constructive knowledge to the owner. He noted that the building code is published. Vice Chairperson Kimbrough suggested that the “folks who seem to have the most concern with this are actually able to give you a lot line adjustment.” Mr. Pierce thanked City staff for their assistance. Chairperson Peery commended Mr. Pierce on his willingness to cooperate, and opened this item to public comment.

(4:35:40) Bryce and Amy Cranch introduced themselves for the record. Mr. Cranch referred to the letter they had submitted, and expressed support for the variance. He expressed the opinion that Mr. Pierce had erected the shelter in the location which would have the least affect on his residence. He pointed out his residence on the displayed aerial photograph. Mrs. Cranch provided information on the layout of her residence in relation to the subject structure. She advised that having the structure in a closer proximity to her residence would impact the lives of her family. She discussed concerns over the structure obstructing their view. Mr. Cranch provided background information on the Cranches support of the subject variance request. Mrs. Cranch expressed appreciation for the commission’s consideration. She reiterated that the Cranches “enjoy their outdoor space ... and it will greatly impact us having the animals and the shelter much closer.”

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional questions, comments or a motion of the commission. In response to a question, Mr. Sullivan advised that all the variance findings under Title 18 have to be met. Vice Chairperson Kimbrough noted the City Health Department’s comments that heavy animals should not be kept on top of the leech field. Mr. Oueilhe reminded the commission that the neighbor to the rear of the applicant’s property had presented the same argument as the Cranches. He noted one of the reasons for setbacks is to protect everyone’s interests.

(4:41:52) Mrs. Cranch advised that the neighbor to the south of Mr. Pierce’s property is “not as affected by the wind nearly as much” as her property. She advised that relocating the structure would affect her property “significantly more than the neighbor behind us.”

Chairperson Peery called for additional public comment and, when none was forthcoming, called for any additional questions, comments, or a motion of the commissioners. Commissioner Mullet expressed more concern over the neighbor to the rear due to the close proximity of their property to the structure in its existing location. He noted that said neighbor had signed a letter in support of the variance. Commissioner Vance referred to recently-approved setbacks in the Lakeview area. He expressed the opinion he “could live with it the way it is considering the entire neighborhood.” Chairperson Peery advised of the requirement for findings in support of any motion for approval, and entertained a motion. Commissioner Mullet noted the unfortunate circumstance, and **moved to deny VAR-07-013, a request to reduce the required rear property line setback from 30 to 23 feet, and the side yard setback from 15 to 18.5 feet to allow construction of a horse shelter / tack barn, on property zoned single-family one acre, located at 5844 Salk Road, APN 008-821-11, based on three findings. Commissioner Semmens seconded the motion. Motion carried 6-1.** Commissioner Bisbee expressed the opinion that Mr. Pierce had done his best “to be a good neighbor.” She noted the criteria required for granting the variance, and advised she “could not make it fit.” [Chairperson Peery recessed the meeting at 4:46 p.m. and reconvened at 4:58 p.m.]

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 7

H-5. U-79-25 ACTION TO CONSIDER A REVIEW OF A PREVIOUSLY-APPROVED SPECIAL USE PERMIT (PROPERTY OWNER: T.E. BERTAGNOLLI & ASSOC.), TO ALLOW THE CONTINUED OPERATION OF A CONCRETE BATCH PLANT, ON PROPERTY ZONED CONSERVATION RESERVE (CR), LOCATED AT AND NEAR 7400 BRUNSWICK CANYON ROAD, APN 008-531-44 AND -45 (4:58:40) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, and noted the condition of approval requiring review of the subject special use permit every two years. Ms. Pruitt advised of having conducted a site visit, and reviewed pertinent photographs which were displayed in the meeting room. She noted a recommended revision to condition of approval 5.

(5:01:10) Tim Bertagnolli acknowledged having reviewed the staff report and his agreement with the same. He responded to questions regarding the bridge adjacent to the subject property.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion of the commission. **Commissioner Semmens moved to approve the review of U-79-25, a previously-approved special use permit application to allow an extraction operation and concrete and asphalt batch plant, on property zoned conservation reserve, located on the east side of Deer Run Road at Brunswick Canyon, APNs 008-531-44 and -45, based on compliance with the required conditions of approval, with the change to condition of approval 5. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

H-6. ACTION TO APPROVE AND TO RECOMMEND TO THE CARSON CITY BOARD OF SUPERVISORS A MORATORIUM FROM APPROVING ADULT ENTERTAINMENT FACILITIES. THE LENGTH OF THE MORATORIUM IS 90 DAYS. THE PURPOSE FOR THE MORATORIUM IS TO REVISE CCMC TITLE 18, SPECIFICALLY 18.03.010, DEFINITIONS - ADULT ENTERTAINMENT FACILITIES. THE REVISION TO TITLE 18, SECTION 18.03.010 INVOLVES THE DEFINITION OF ADULT ENTERTAINMENT FACILITIES, AND WILL REWRITE SECTIONS OF SAID DEFINITION (5:04:33) - Chairperson Peery introduced this item, and cautioned the commissioners and staff with regard to its purpose. Mr. Sullivan reviewed the staff report and the pertinent agenda materials. In response to a question, Mr. Oueilhe explained that the subject item represents a proactive approach by the Planning Division to update a 20-year-old ordinance. In response to a question, Mr. Sullivan reviewed the types of facilities considered to be “adult entertainment.” In response to a further question, he explained the purpose for the requested moratorium.

Chairperson Peery opened this item to public comment. (5:11:44) In response to a question, Charles Looman advised he had not reviewed the staff report. He advised of having lived in Carson City for approximately 23 years, and that he moved here because of the “family environment.” He expressed concern over “allowing the camel’s nose in the tent.” He expressed the opinion that the existing ordinance language “works pretty good,” and expressed opposition to opening any portion of the City to additional adult entertainment facilities. Mr. Sullivan requested Mr. Looman’s telephone number, and explained the purpose of this agenda item. Mr. Looman expressed a preference for no adult entertainment facilities.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained a motion. **Commissioner Reynolds moved to adopt Planning Commission Resolution Number 9, and to recommend to the Board of Supervisors a 90-day moratorium from approving adult entertainment facilities in order for staff to revise Carson City Municipal Code Title 18, Zoning, to include**

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 8

performance standards which will promote the public's general health, safety, and welfare; that the moratorium is necessary to permit staff to focus on the effective preparation of applicable sections of the master plan and municipal code, Title 18, Zoning, which implements the master plan's goals; and that the moratorium is necessary because continued development during the proposed moratorium period could possibly result in development that may be in conflict with the plan and zoning text amendment. Commissioner Semmens seconded the motion. Motion carried 7-0.

H-7. MISC-07-042 PRESENTATION AND DISCUSSION ONLY REGARDING THE VACANCY RATE FOR CARSON CITY (5:16:47) - Chairperson Peery introduced this item. Mr. Sullivan requested the commissioners to disregard the recommended motion included in the staff report. He provided background information on this item and reviewed the staff report. He commended Ms. Pruitt, Associate Planner Sean Foley, and Management Assistant Rose Mary Johnson on the effort invested in developing the information for the subject presentation. Vice Chairperson Kimbrough expressed an interest in reviewing the standard mean information. In response to a question, Mr. Sullivan advised that the Dolphin Bay Apartment complex has 132 units. He offered to recalculate the figures to present the standard mean information. He expressed the opinion the percentage will still be above three percent. Vice Chairperson Kimbrough agreed, but suggested the percentage may be a more realistic representation of the vacancy rate. Mr. Sullivan requested to return to the commission with a proposed ordinance amendment to review the vacancy rate on an annual basis, rather than twice annually. In response to a comment, he discussed possibilities for implementing a procedure for requiring the necessary data from property owners now that the Business License process has been moved to the Development Services Department. In response to a question, he provided background information on the 3.25 percent vacancy rate. Chairperson Peery opened this item to public comment and, when none was forthcoming, closed this item.

H-8. ZCA-07-057 DISCUSSION REGARDING A PROPOSED DOWNTOWN MIXED-USE ZONING DISTRICT AND DOWNTOWN MIXED-USE DEVELOPMENT STANDARDS TO ESTABLISH NEW REGULATIONS FOR DEVELOPMENT WITHIN THE DOWNTOWN AREA. THE PROPOSED AREA INCLUDES ALL AREAS OF THE DOWNTOWN CURRENTLY ZONED DOWNTOWN COMMERCIAL (DC), AND OTHER PROPERTIES WITHIN THE AREA CURRENTLY ZONED GENERAL COMMERCIAL (GC), RETAIL COMMERCIAL (RC), AND GENERAL OFFICE (GO), AND IS GENERALLY LOCATED BETWEEN WILLIAM STREET AND TENTH STREET, AND BETWEEN CURRY STREET AND VALLEY STREET, ONE BLOCK EAST OF STEWART STREET, EXCLUDING PUBLIC PROPERTIES WITHIN THAT AREA (5:26:32) - Chairperson Peery introduced this item. Mr. Plemel proposed a presentation format, and introduced Business Development Manager Joe McCarthy and Business Development Deputy Manager Tammy Westergard. Mr. Plemel reviewed the staff report. Mr. McCarthy provided background information on Ms. Westergard's publishing and marketing experience. Mr. McCarthy discussed the "meshing" of short-term economic development strategies and goals with long-term efficient and effective land use and planning. He noted the importance of remembering that planning always precedes development. He narrated a SlideShow presentation of the "Opportunity's Afoot" campaign, and reviewed pertinent agenda materials.

Mr. Plemel narrated a PowerPoint presentation of the draft Downtown Mixed-Use Code. He provided an overview of the agenda materials, reviewed public outreach efforts and comments received thus far. In response to a question, he provided background information on the west side boundary, which designates the current downtown commercial boundary. Further to the west are the residential office district and the

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 9

historic district boundaries. Commissioner Reynolds noted that a lot of the downtown parking “is still being taken up by employees and owners of businesses.” Mr. McCarthy referred the commissioners to the parking strategy included in the agenda materials, and discussed various considerations for addressing customer parking issues. In response to a question, Mr. Plemel advised that sites up to 50,000 square feet could have a single use. He clarified that such a site should include a mixed use, in response to a further question. With regard to combining blocks, Commissioner Reynolds expressed a preference for providing pedestrian and bicycle access “rather than have a wall there.” With regard to signage, he suggested considering regulations around North Lake Tahoe which may be applicable to the method by which downtown colors and lighting are addressed. He suggested that a community regional commercial office greater than 50,000 square feet should be a conditional use “because of the things that might be interesting to review rather than allowed by right when it comes to the ... code changes.” He expressed the opinion that the code represents “a great direction for us to go in downtown.” He expressed agreement that much of the vision is contingent upon how quickly some of the existing traffic can be removed from the downtown. He commended everyone involved in development of the draft code.

Commissioner Mullet suggested a great deal of opportunity for mixed use exists on the west side. [Commissioner Reynolds left the meeting at 6:21 p.m. A quorum was still present.] Mr. Plemel advised of “mixed feelings” with regard to expanding commercial uses into the residential office / historic district. Commissioner Mullet agreed that developments over 50,000 square feet in the community regional district should be a conditional use in order to allow for commission review. With regard to outdoor merchandise and street vendors, he suggested imposing limits relative to sidewalk space. He further suggested that veterinary clinics should remain a conditional use in all zoning districts where they are allowed. He expressed concern over the possibility of abandoning streets “on the border of two blocks,” and suggested revising the language to prohibit this possibility. He commended Business Development staff on the marketing aspect of the presentation.

Vice Chairperson Kimbrough expressed concern over implementing the infrastructure portion of the downtown vision in order to attract development. He expressed understanding for funding issues, but disagreed with piecemealing construction of infrastructure. Mr. Plemel expressed the opinion that downtown Carson City “has the bones to function.” Developers will be responsible for improvements, but “you’re still going to be able to get around even if there are some gaps in the ... sidewalks.” Mr. Plemel agreed that, at some point, the gaps will need to be filled. Mr. McCarthy agreed the Downtown Carson City vision represents a “big project,” but noted that cities are responsible for building roads, sidewalks, etc. He discussed the importance of implementing the vision. He agreed that funding is an issue, and advised that staff will be as proactive as possible. He advised of pilot projects which will demonstrate the potential to implement the vision. He expressed the opinion something very effective needs to be done by the time the freeway hits Fairview Drive. In response to a comment, he stated that development takes time and the effort of a lot of people. He advised that major property owners are beginning to “really buy in to this vision” and recognizing the economic benefit. Vice Chairperson Kimbrough discussed development restrictions implemented in the Lake Tahoe area, and suggested considering the same for downtown improvements. Mr. McCarthy discussed the importance of “measuring the appetite of our particular community and what it’s willing to condone as far as the balance between property rights and the expectations that are laid upon those property owners relative to regulation.” He expressed concern over losing momentum.

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 10

Chairperson Peery opened this item to public comment. When none was forthcoming, Mr. Sullivan provided background information on the redevelopment incentive program and the downtown design review process. He expressed support for by-right development. He suggested including a policy that projects which meet the criteria and are under 50,000 square feet would not be subject to the design review process. He advised that, in the last 15 years, there has never been an appeal of a downtown design review decision. Mr. Plemel advised that the commissioners' comments would be taken into consideration, as well as any additional public comment received. He invited the public to contact the Planning Division for more information. He advised that additional comments and input would be considered until May 16th.

H-9. ZCA-07-039 DISCUSSION AND POSSIBLE ACTION ON AMENDMENTS TO TITLE 18, SPECIFICALLY AN ORDINANCE AMENDING USES IN THE FOLLOWING ZONING DISTRICTS: TITLE 18.04.110 RESIDENTIAL OFFICE; TITLE 18.04.115 GENERAL OFFICE; TITLE 18.04.120 NEIGHBORHOOD BUSINESS; TITLE 18.04.130 RETAIL COMMERCIAL; TITLE 18.04.135 GENERAL COMMERCIAL; TITLE 18.04.145 LIMITED INDUSTRIAL; TITLE 18.04.150 GENERAL INDUSTRIAL; TITLE 18.04.155 AIR INDUSTRIAL PARK; AMENDING AND MAKING CLERICAL AND CONSISTENCY CORRECTIONS AND OTHER MATTERS RELATED THERETO (6:34:32) - Chairperson Peery introduced this item. Mr. Sullivan provided background information, and commended Planning Division staff on the amount of time invested in the proposed amendment. Ms. Pruitt commended Assistant Planner Kathe Green, provided an overview of the review process, and reviewed the staff report. Mr. Sullivan acknowledged the subject item should have been agendaized as a discussion-only item. He advised that since the Carson City Municipal Code is now on the City's website, the Planning Division has received a number of calls inquiring as to redundancy and / or corrections. Chairperson Peery opened the item to comments or questions from the commissioners; however, none were forthcoming. Mr. Sullivan invited the commissioners to contact him or Mr. Plemel with comments or questions.

H-10. MISC-07-029 DISCUSSION ONLY REGARDING THE SUBJECT OF GUEST HOUSES PERFORMANCE STANDARDS TO BE CONTAINED IN TITLE 18 AND IN DEVELOPMENT STANDARDS (6:39:51) - Chairperson Peery introduced this item. Mr. Plemel provided background information, and reviewed the staff report in conjunction with a PowerPoint presentation. Chairperson Peery discussed the importance of avoiding proposals where the size of the property and the proposed additional structure are "almost tantamount to subdividing the property;" ensuring no hardship is placed on surrounding properties; and ensuring similar, permanent construction for guest buildings. He discussed square footage issues having to do with proportionality and avoidance of discrimination. He expressed a preference to "see setbacks take care of the issue" rather than singling out a particular property size.

Commissioner Mullet agreed with Chairperson Peery's comment to not single out a particular lot size. He expressed a preference to match roof lines as well as to impose maximum height restrictions. He expressed a further preference for side-loaded garages for those that are three-car or larger; for architectural design to be similar to the main structure; and for the front entrance to not face the street. He described the entrance and floor plan designs of casitas which have become popular in the areas of Tucson and Phoenix, Arizona and Las Cruces, New Mexico.

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 11

Commissioner Bisbee suggested the regulations imply moving “away from the whole idea of guest building” to rental properties. Mr. Sullivan noted the recent California state law allowing for secondary dwelling units, with a “list of performance standards.” He expressed the hope that the public will provide input on this topic. He commended Mr. Plemel on the format in which the proposed regulations were presented. Mr. Plemel noted the recommendation to restrict guest buildings to use by the main resident, family, or guests; no secondary rental. In addition, a deed restriction would be required to ensure the same provisions for subsequent property owners. In response to a comment, Mr. Plemel advised that staff would not present a proposed ordinance that considers rentals if this is not the direction of the commission. Commissioner Bisbee noted the one parking space per bedroom requirement for the guest house proposal, and that the same is not required for planned unit developments. Mr. Plemel reviewed guest building parking requirements from other jurisdictions, and discussion followed.

Ms. Pruitt discussed the number of calls received by the Planning Division, on a weekly basis, with regard to guest buildings. She advised that dialogue on this topic will be beneficial. Vice Chairperson Kimbrough noted the importance of discussion regarding rental of guest buildings because of the eventuality that family members may no longer need the guest building for one reason or another. He expressed the opinion that building guest quarters should be considered a property right because of the trend for parents to move in with their children, and for children to move back home. He expressed the further opinion that once family situations change, the property owner should have the right to rent out the guest building. He suggested that some of the conditions “wouldn’t make sense” for two to five acre lots. He expressed the opinion that allowing a guest building on a 6,000-square-foot lot “would be a push” without a special use permit. He suggested that two-bedroom guest buildings may be necessary to accommodate caregivers. He suggested there are many details to be worked out, but expressed support for “moving toward ... some idea of what we want.” He thanked staff for all the research conducted and the effort invested in developing the information. He suggested the number of calls received in the Planning Division with regard to guest buildings is indicative of the need to address the issue. Chairperson Peery commented that Vice Chairperson Kimbrough’s example proves the need to consider guest buildings on a “use-by-use” basis. Chairperson Peery opened this item to public comment; however, none was forthcoming.

H-11. ZCA-07-045 DISCUSSION AND POSSIBLE ACTION ON PROPOSED ZONING CODE AMENDMENT MODIFICATIONS TO THE CARSON CITY MUNICIPAL CODE CHAPTER 17.09, PLANNED UNIT DEVELOPMENT, AND CHAPTER 17.10 COMMON OPEN SPACE DEVELOPMENT, MAKING VARIOUS AMENDMENTS TO THE PROVISION FOR LOT SIZE, SETBACKS, OPEN SPACE, AND OTHER PROVISIONS RELATING TO SUCH SUBDIVISIONS; AMENDING SECTION 18.04.195 NON-RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS; MODIFYING FRONT-YARD SETBACK PROVISION FOR RESIDENTIAL OFFICE (RO) AND GENERAL OFFICE (GO) ZONING DISTRICTS; AND AMENDING THE DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, TO MODIFY DEVELOPMENT STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENT IN MULTI-FAMILY APARTMENT ZONING DISTRICTS AND OTHER NON-RESIDENTIAL (COMMERCIAL) ZONING DISTRICTS RELATING TO SETBACKS AND OPEN SPACE (7:08:37) - Chairperson Peery introduced this item. Mr. Plemel provided background information, and an overview of the staff report in conjunction with a PowerPoint presentation. He responded to questions regarding proposed changes to Section 17.09.040(4)(c). Commissioner Mullet reviewed suggested typographical and contextual revisions. Mr. Sullivan reviewed

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2007 Meeting

Page 12

concerns voiced by Commissioner Mullet with regard to landscape strips being allowed to serve as open space. He commended Mr. Plemel on the proposed standards. Commissioner Vance commented that the open space dimensions is one of the best points of the standards.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional discussion or a motion of the commissioners. **Vice Chairperson Kimbrough moved to recommend to the Board of Supervisors approval of ZCA-07-045, a zoning code amendment modifying the Carson City Municipal Code, Chapter 17.09, Planned Unit Development, and Chapter 17.10, Common Open Space Development, making various amendments to the provision for lot sizes, setbacks, open space, and other provisions relating to such subdivisions; amending Section 18.04.195, Non-Residential Districts, Intensity, and Dimensional Standards, modifying front-yard setback provisions for residential office and general office zoning districts; and amending the Development Standards, Division 1, Land Use and Site Design, to modify development standards for multi-family residential development in multi-family apartment zoning districts, and other non-residential, commercial zoning districts relating to setbacks and open space, and other matters properly related thereto. Commissioner Semmens seconded the motion. Motion carried 6-0.**

I. STAFF REPORTS:

I-1. COMMISSIONER REPORTS / COMMENTS (7:24:17) - Commissioner Bisbee expressed appreciation to staff for the materials provided in the agenda packets. She commended staff on the agenda materials provided for item H-8. In response to questions, Mr. Sullivan advised he would check the record with regard to the cell tower proposed for the church property on Mountain Street. He explained that the issue became the lighting at the church building, and that it has been subsequently resolved. In response to a further question, he advised that code enforcement staff will be checking on the status of special use permits. Commissioner Semmens advised that, due to health issues, he intends to not reapply to the commission once his term ends in July. (7:29:28) Mr. Sullivan responded to questions regarding Board of Supervisors review of the Combs Canyon Phase II tentative subdivision map.

I-2. STAFF REPORTS / COMMENTS

DIRECTOR'S REPORT TO THE PLANNING COMMISSION (7:23:44) - Chairperson Peery referred to Mr. Sullivan's report included in the agenda materials.

FUTURE AGENDA ITEMS (7:23:56) - Mr. Sullivan advised he would agendize review of the consent agenda process for the next meeting. (7:28:58) In response to a question, Mr. Sullivan referred to the Director's Report.

J. ACTION ON ADJOURNMENT (7:29:45) - Commissioner Semmens moved to adjourn the meeting at 7:29 p.m. Commissioner Vance seconded the motion. Motion carried 6-0.

The Minutes of the April 25, 2007 Carson City Planning Commission meeting are so approved this 30th day of May, 2007.

JOHN PEERY, Chair