CARSON CITY PLANNING COMMISSION
Minutes of the October 24, 2007 Meeting
Page 1

A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, October 24, 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
William Vance
George Wendell

STAFF: Walter Sullivan, Planning Division Director
Jennifer Pruitt, Senior Planner
Heidi Eskew-Herrmann, Assistant Planner
Kevin Gattis, Chief Building Official
Jeff Sharp, Deputy City Engineer
Joel Benton, 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, PLEDGE OF ALLEGIANCE (3:32:57) - Chairperson Peery called the meeting to order at 3:32 p.m. Roll was called; a quorum was present. Commissioner Wendell led the pledge of allegiance. Commissioner Reynolds arrived at 3:34 p.m. Commissioner Bisbee arrived at 4:42 p.m.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - September 26, 2007 (3:33:47) - Commissioner Vance moved to approve the minutes. Vice Chairperson Kimbrough seconded the motion. Motion carried 4-0-1, Commissioner Mullet abstaining.

C. MODIFICATION OF AGENDA (3:34:22) - Mr. Sullivan advised of the applicant's request to continue item H-1. [Commissioner Reynolds arrived at 3:34 p.m.]

D. PUBLIC COMMENTS (3:34:41) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (3:35:05) - Mr. Sullivan announced an American Planning Association Lincoln Land Institute audio conference scheduled for Wednesday, November 7th at 1:00 p.m. at the Planning Division office.

F. DISCLOSURES (3:35:41) - None.

G. CONSENT AGENDA (3:36:01) - None.

H. PUBLIC HEARING MATTERS:

H-1. VAR-07-121 ACTION TO CONSIDER A VARIANCE APPLICATION FROM LESLIE AND JoANNE KYNETT TO ENCROACH INTO REQUIRED SIDE YARD SETBACKS TO ALLOW EAVES, LANDINGS, AND STAIRS, ON PROPERTY ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED AT 919, 925, AND 935 EAST FIFTH STREET, APN 004-042-24 (3:37:10) - Chairperson Peery introduced this item. Mr. Sullivan read into the record correspondence from JoAnne Kynett, dated October 24, 2007, requesting continuance of this item.

(3:38:36) Dennis Smith, of Western Engineering on behalf of the applicants, requested continuance of the item to a future meeting. In response to a question, he advised of issues to be addressed with staff and disagreed with portions of the staff report. In response to a further question, he advised of having been retained post-construction "to straighten it out." "We wish to have continued meetings" with Building and Engineering Division staff "to resolve these issues."

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained comments, questions, or a motion of the commissioners. **Commissioner Mullet moved to continue item H-1, VAR-07-121. Vice Chairperson Kimbrough seconded the motion,** and expressed concern over the item being continued indefinitely. Mr. Sullivan acknowledged the commission could take action on the application at this meeting. He expressed the opinion that, in the spirit of cooperation, the applicant should be provided the opportunity to resolve the issues. He advised of having informed the property owner that determining the amount of encroachment into the setback will not change staff's recommendation. At Mr. Sullivan's recommendation, **Commissioner Mullet amended his motion to indicate continuance to a future meeting, but no later than the January 2008 commission meeting. Vice Chairperson Kimbrough continued his second. Motion carried 6-0.**

H-2. SUP-07-143 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM KEN ROSE, OF METCALF BUILDERS, (PROPERTY OWNER: V & OUT LLC) TO ALLOW A COMMERCIAL COACH AS AN AUTOMOBILE RETAIL OFFICE, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3449 SOUTH CARSON STREET, APN 009-112-02 (3:42:32) - Chairperson Peery introduced this item. Ms. Eskew-Herrmann reviewed the staff report, and referred to the construction schedule included in the agenda materials. She reviewed the public noticing process and advised of having received no response either in favor of or in opposition to the application.

(3:45:42) Metcalf Builders CEO Tom Metcalf introduced Metcalf Builders Preconstruction Manager Ken Rose and Property Owner Bob Chauvin. Mr. Metcalf provided background information on the subject project, and reviewed details of the design process in conjunction with drawings displayed in the meeting room. He expressed agreement with staff's recommendation to present a progress report in six months, and acknowledged agreement with the staff report. Commissioner Mullet expressed concern with regard to waiting until May for presentation of the progress report. Mr. Metcalf advised of the expectation that the "structure ... should go up in a matter of a couple ... to three weeks." He expressed confidence that construction will be in progress, that the construction schedule will be finished, and documents required by the Planning Division and the commission will be available.

Mr. Sullivan read condition of approval 11 into the record, and noted the importance of a clear understanding between the applicant, the commissioners, and staff. He explained to Mr. Metcalf the intent of the condition of approval that the special use permit is contingent upon the project construction schedule. He suggested that Mr. Metcalf provide Planning Division staff a construction progress report in April in order that the information can be provided to the Planning Commission in May. Mr. Metcalf offered to include the Planning Division on the construction schedule mailing list. "It's an open book process for us." Mr. Sullivan reiterated the importance of a clear understanding of the intent of condition of approval 11. Mr. Metcalf acknowledged the condition of approval is "what's good for everybody."

Chairperson Peery called for public comment and, when none was forthcoming, entertained additional questions, comments, or a motion of the commissioners. In response to a question, Mr. Sullivan reiterated the preference to have the progress report submitted to the Planning Division in April in order that the same can be presented to the commission in May. He expressed appreciation for the offer to include the Planning Division on the construction schedule mailing list. Mr. Metcalf agreed to provide a monthly report to the Planning Division. Chairperson Peery entertained a motion. **Commissioner Wendell moved to approve SUP-07-143, a special use permit request from Ken Rose with MBI, applicant, V & Out, LLC, owner, to allow a temporary modular office to remain as an on-site office for an additional six months while a permanent showroom is constructed, on property zoned retail commercial, located at 3449 South Carson Street, APN 009-112-02, based on seven findings and subject to the conditions of approval contained in the staff report, including that the applicant, through Metcalf Builders, will submit a monthly report to the Planning Division with respect to the construction time line addressed in condition of approval 11. Commissioner Mullet seconded the motion. Motion carried 6-0.**

H-3. SUP-07-127 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM ROBBIE OXOBY, PROJECT MANAGER, PUBLIC WORKS BOARD (PROPERTY OWNER: STATE OF NEVADA) TO ALLOW EXPANSION OF THE NEVADA STATE MUSEUM FOR A NEW ADA ENTRANCE AND CONNECTING WALKWAY / GALLERY BETWEEN THE MINT / CALHOUN BUILDINGS AND NORTH ANNEX (OLD FIB BUILDING), ON PROPERTY ZONED PUBLIC (P), LOCATED AT 600 NORTH CARSON STREET AND 706 NORTH CARSON STREET, APNs 003-283-05 AND -06 (3:58:23) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report. She advised of having received a telephone call from Dwight Millard, an adjacent property owner, in response to the public noticing process. The applicant subsequently contacted Mr. Millard to review the project, and Ms. Pruitt advised that Mr. Millard was satisfied with the explanation. Ms. Pruitt narrated pertinent slides, and advised that the applicant had met required findings. She advised of staff's recommendation of approval and introduced the applicant, Architect Robbie Oxoby.

(4:02:23) Mr. Oxoby acknowledged his agreement with the staff report. He apologized for having allowed the special use permit to expire, and expressed appreciation for the commission's patience. He referred to the extensive presentation of the project made over a year ago, and offered to explain the project in more detail or to simply answer questions.

Chairperson Peery called for public comment and, when none was forthcoming, entertained additional questions, comments, or a motion of the commissioners. **Commissioner Reynolds moved to approve SUP-07-127, a special use permit application from Robert Oxoby to allow development and construction of an approximate 3,000-square-foot ADA entrance and gallery structure that will connect the existing Calhoun Building to the south with the FIB building to the north, including the**

removal of the mine exiting structure and construction of a new underground exit tunnel that will be connected to the proposed entrance structure, on property zoned public / downtown mixed use, located at 600 and 706 North Carson Street, APNs 003-283-05 and 003-283-06, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 6-0.

H-4. ZMA-07-141 ACTION TO CONSIDER A ZONING MAP AMENDMENT FROM ROBBIE OXOBY, PROJECT MANAGER, PUBLIC WORKS BOARD (PROPERTY OWNER: STATE OF NEVADA) TO CHANGE THE ZONING FROM DOWNTOWN MIXED USE (DT-MU) TO PUBLIC (P), ON PROPERTY LOCATED AT 706 NORTH CARSON STREET, APN 003-283-05 (4:04:48) - Chairperson Peery introduced this item, and Ms. Pruitt reviewed the staff report.

(4:06:27) Mr. Oxoby acknowledged having reviewed the staff report and his agreement with the same. He thanked the commission for their patience and "continued assistance in working with the State on these downtown projects."

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. **Vice Chairperson Kimbrough moved to recommend to the Board of Supervisors approval of ZMA-07-141, a zoning map amendment to change the zoning of APN 003-283-05, from downtown mixed use to public, property located at 706 North Carson Street, based on the findings contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 6-0.**

H-5. SUP-07-144 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM STAN AND WENDY KOLBUS (PROPERTY OWNER: JOSEPH SUMMUT TRUST) TO ALLOW PERMANENT OUTDOOR SALES AND DISPLAY OF TRAILERS, TRACTORS, AND OTHER ITEMS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2292 SOUTH CARSON STREET, APN 009-052-07 (4:08:04) - Chairperson Peery introduced this item, and Ms. Pruitt reviewed the staff report. Ms. Pruitt noted the written indications of support which were included in the agenda materials and distributed to the commissioners and staff prior to the start of the meeting. She narrated pertinent slides. She advised that the applicant had met the required findings and noted staff's recommendation of approval.

(4:12:35) Dennis Smith, of Western Engineering representing the applicants, reviewed the project to relocate the existing business, including details of the project phases. He advised that the special use permit will allow the applicants to relocate the tractors to the subject property and refocus on the business. He acknowledged having reviewed the staff report and his agreement with the same. Vice Chairperson Kimbrough expressed support for the project and commended the applicants on relocating their business to the subject property.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. **Commissioner Wendell moved to approve SUP-07-144, a special use permit request from Stan and Wendy Kolbus (owner: Joseph Summut Trust) to allow permanent outside sales and display of items such as tractors, trailers, and additional equipment, in**

the general commercial zoning district, located at 2292 South Carson Street, APN 009-052-07, based on the findings and subject to the conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0. Chairperson Peery commended the applicants on their project.

H-6. SUP-07-142 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM TIM BIXBY, YESCO (PROPERTY OWNER: SILVER BULLET OF NEVADA, LLC) TO INCREASE SIGN AREA AND HEIGHT, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 5650 SOUTH CARSON STREET (BODINE'S CASINO), APN 009-303-08 (4:16:22) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. Mr. Sullivan noted the lowered elevation of the property in comparison to the adjacent highways and surrounding properties. He discussed initial concerns associated with the original sign application, and of having worked with the applicant to bring the proposed signage into compliance with the sign code. He commended the applicant on his cooperation with staff. He explained that some of the signage "that was lost on the building" was transferred to the freestanding sign. He described design details of the freestanding sign and advised that its height is less than 40 feet. He advised that the applicant had met the intent of the sign code, that his findings meet special use permit requirements, and of staff's recommendation of approval pursuant to the conditions listed in the staff report.

(4:21:07) Tom Weatherby, of Young Electric Sign Company, introduced Rick Murdock, representing the property owner. Mr. Weatherby expressed agreement with the staff report. In response to a question, he described YESCO design specifications to accommodate adjustment of LED display brightness between daytime and nighttime hours. Mr. Sullivan discussed past requirements imposed on LED message center brightness, to be brighter during the day and less so at night. He requested Mr. Weatherby to stipulate to "80 percent during the daytime and a range of 35 to 50 percent at night as a 15th condition." Mr. Weatherby so stipulated, and advised "that's the way we build them in the factory." Chairperson Peery provided background information on the commission's concern over LED display brightness.

Mr. Sharp referred to the site plan displayed in the meeting room, specifically the intersection of Old Clear Creek Road and South Carson Street, and inquired as to the exact location of the proposed LED sign. Mr. Weatherby pointed out the adjusted sign location on a displayed drawing. Mr. Sharp advised that any signage proposed to be located within Nevada Department of Transportation right-of-way would require an encroachment permit. Mr. Sharp advised of having discussed with Palmer Engineering Civil Engineer Mike Stephenson the location of a storm water detention pond around which the sign will have to be situated. Mr. Sharp further advised of other utilities, including a water main and a storm water pump station on site, and encouraged coordination with the civil engineer. Mr. Weatherby provided additional information with regard to the location of the proposed signage. Mr. Sharp further advised of an Engineering Division condition of approval requiring evaluation, by the civil engineer, of sight distances associated with the monument signs at the driveway entrances. A letter evidencing adequate sight distances, pursuant to City standards, will be required of the civil engineer. Mr. Weatherby advised that a scale sight triangle will be submitted with the permit application.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion of the commissioners. **Commissioner Vance moved to approve SUP-07-142, a special use permit application from Young Electric Sign Company to allow an increase in sign area and sign height, on property zoned general commercial, located at 5650**

South Carson Street, Bodine's Casino, APN 009-303-08, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 6-0. Mr. Sullivan referred to a displayed photograph depicting the depressed elevation of the site which he had described earlier. Chairperson Peery noted that trees on site could have also interfered with the signage. (5:14:25) Vice Chairperson Kimbrough commended staff on the compromise reached for the proposed signage.

H-7. SUP-07-140 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM RANDY OSTRANDER (PROPERTY OWNER: ELKS LODGE) TO ALLOW THE ADDITION OF A GAME ROOM (APPROXIMATELY 703 SQUARE FEET) TO AN EXISTING, NONCONFORMING BUILDING, ON PROPERTY ZONED RESIDENTIAL OFFICE (RO), LOCATED AT 515 NORTH NEVADA STREET, APN 003-222-01 (4:30:30) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report and narrated pertinent photographs. He advised there was no response to the public noticing process. He noted staff's recommendation of approval subject to the seven conditions included in the staff report. In response to a question, he explained the Redevelopment Authority Citizens Committee's purview over approval of the parking waiver. Chairperson Peery advised that the Elks Club has been allowed to use the parking lot across the street for many years. He noted the lack of available parking on the streets adjacent to the subject property.

(4:34:16) Elks Club Lounge Manager Randy Ostrander acknowledged his agreement with the staff report.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion of the commissioners. **Commissioner Wendell moved to approve SUP-07-140, a special use permit application from Randy Ostrander, to allow the addition of a game room of approximately 703 square feet to an existing, non-confirming use of a building, on property zoned residential office, located at 515 North Nevada Street, APN 003-222-01, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.**

H-8. ZCA-07-159 ACTION TO CONSIDER AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.02, ADMINISTRATIVE PROVISIONS; SECTION 18.02.035, COMMISSION / BOARD APPLICATIONS, MODIFYING THE APPLICATION SUBMITTAL DEADLINE DATE FOR PLANNING COMMISSION APPLICATIONS AND MODIFYING THE TIME LIMITS FOR OBTAINING A COMPLETE APPLICATION FOR PLANNING COMMISSION REVIEW, AND OTHER MATTERS PROPERLY RELATED THERETO (4:36:07) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained questions, comments, or a motion of the commissioners. **Commissioner Mullet moved to recommend to the Board of Supervisors approval of ZCA-07-159, an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.02, Administrative Provisions, Section 18.02.035, Commission / Board Applications, modifying the application submittal deadline date for Planning Commission applications and modifying the time limits for obtaining a complete application for Planning Commission review, based upon the findings for approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 6-0.**

H-9. MISC-07-156 ACTION TO PROVIDE DIRECTION TO STAFF REGARDING A POSSIBLE AMENDMENT TO THE SIGN ORDINANCE TO ALLOW OFF-PREMISE "OPEN HOUSE" SIGNS WITH CERTAIN LIMITATIONS AND REQUIREMENTS (4:41:34) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report, and requested direction from the commission. [Commissioner Bisbee arrived at 4:42 p.m.] In response to a question, Mr. Sullivan explained the 36-inch height recommendation for A-frame signs. He responded to additional questions regarding the proposed provisions of paragraph m(4). In response to a further question, he distributed to the commissioners and staff copies of Development Standards, Division 4(9)(m), and reviewed the intent of the provisions regarding street frontage. He suggested this section may need clarification. He acknowledged that a cul-de-sac bulb would be designated as residential frontage. In response to a question, Commissioner Mullet expressed the opinion that allowing signage on a residential fence which backs up to a collector street represents sign clutter which could also create an issue of safety. In response to a comment, Mr. Sullivan reviewed proposed provisions regarding number of signs. Discussion followed.

Mr. Sullivan acknowledged having reviewed similar ordinances from Douglas County and the Cities of Reno and Sparks. Commissioner Wendell expressed support in consideration of consistency in regulation "by the industry itself." Mr. Sullivan advised of having had excellent cooperation from Board of Realtors representatives Marilyn Koschella and Brad Bonkowski with whom he's worked throughout this year. He further advised he will continue to look to the Board of Realtors for assistance in enforcing the provisions of the ordinance. He discussed the Department of Justice injunction requiring ADA compliance for the City's sidewalk system, and noted the importance of ensuring that walkways remain clear. He expressed confidence in the "real estate industry that they will police this."

Chairperson Peery opened this item to public comment. (4:59:04) Sierra Nevada Association of Realtors (the "Association") President Brad Bonkowski thanked staff for working with the Association on the trial regulations. He advised of having implemented an education program regarding the ordinance provisions. He committed that the Association "will follow up and police ourselves." He expressed a willingness to take responsibility, as an organization, "in order to get the benefit for our clients, homeowners, to be able to have these signs which currently are not allowed." He reiterated his appreciation to staff, and advised of having addressed issues "as they came up" in monthly meetings. In response to a question, Mr. Bonkowski provided background information on the proposed number of open house signs to be allowed. He advised of a preference for more open house signs, but noted that the Association has "tried ... to educate our members that they can work with other realtors that are having open houses on the same days to share signs to help direct traffic." He acknowledged a preference for more signs, but advised it isn't "critical." In response to a question, he advised that the Association "can only police ... realtor licensees." With regard to signage on fences, he suggested that evaluation should be done on a case-by-case basis, i.e., "who owns the fence? Is that common area? Or is it somebody else's property." He expressed the opinion that providing an adequate answer to the question would require research. In response to a comment, he advised that the Association would "comply with whatever the letter of the law is or the letter of the regulation." He agreed that signage on walls or fences which back up to collector streets are, in many cases, unattractive. He suggested, however, that the regulation should apply "to everybody across the board and not just real estate agents." He noted "for sale by owner" signage, as an example. In response to a comment, he expressed the opinion that walls and fences backing up to collector streets would not be defined as frontage.

(5:05:01) Sierra Nevada Association of Realtors CEO Marilyn Koschella expressed appreciation for the commission's review and for staff's development of a "workable ordinance." She acknowledged the accuracy of a previously-stated comment that 80 percent of home sales are due to advertisement by signage. She noted that most of the signs displayed by licensed realtors are professionally made. She expressed a willingness to "work within the ordinance."

Chairperson Peery called for additional public comment and, when none was forthcoming, additional questions, comments, or a motion of the commissioners. In consideration of Commissioner Mullet's concerns, Commissioner Reynolds inquired as to the method by which the ordinance language would be crafted. He discussed an example related to Commissioner Mullet's concerns, and expressed understanding for "some of those signs on back fences." Mr. Benton advised the language could be crafted to specifically address Commissioner Mullet's concerns. For example, if a "property is at an intersection of two roads as opposed to being fronted by two roads." Mr. Benton referred to Ormsby Boulevard, as an example. Commissioner Mullet provided additional clarification of his concerns. Mr. Sharp suggested altogether disallowing signs on fences, and discussion followed.

Commissioner Wendell suggested discussing with the department heads in other jurisdictions any obstacles or problems which could be alleviated in the subject proposed ordinance. **Commissioner Wendell moved to direct staff to draft an ordinance for off-premise open house signs based on the comments and discussion at the Planning Commission meeting. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

I. STAFF REPORTS

I-1. STAFF REPORTS / COMMENTS (5:14:01) Mr. Sullivan advised that the Planning Division has taken over responsibility of presenting liquor license applications to the Board of Supervisors.

DIRECTOR'S REPORT TO THE PLANNING COMMISSION (5:11:53) - Mr. Sullivan reviewed action taken by the Board of Supervisors on recent commission recommendations.

FUTURE AGENDA ITEMS (5:14:55) - None.

J. ACTION ON ADJOURNMENT (5:15:16) - Commissioner Wendell moved to adjourn the meeting at 5:15 p.m. Commissioner Mullet seconded the motion. Motion carried 7-0.

The Minutes of the October 24, 2007 Carson City Planning Commission meeting are so approved this 28th day of November, 2007.

_____
JOHN PEERY, Chair