

# CARSON CITY PLANNING COMMISSION

## Minutes of the December 19, 2007 Meeting

### Page 1

A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, December 19, 2007 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson John Peery  
Vice Chairperson Mark Kimbrough  
Craig Mullet  
Steve Reynolds  
William Vance  
George Wendell

**STAFF:** Walter Sullivan, Planning Division Director  
Lee Plemel, Principal Planner  
Jennifer Pruitt, Senior Planner  
Jeff Sharp, Deputy City Engineer  
Melanie Bruketta, Chief Deputy District Attorney  
Will Geddes, 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** (3:32:00) - Chairperson Peery called the meeting to order at 3:32 p.m. Roll was called; a quorum was present. Commissioner Bisbee was absent. Chairperson Peery wished everyone Merry Christmas. Commissioner Mullet led the pledge of allegiance. (3:33:20) Chairperson Peery introduced Mr. Geddes.

**B. COMMISSION ACTION ON APPROVAL OF MINUTES - November 28, 2007** (3:32:55) - Vice Chairperson Kimbrough moved to approve the minutes. Commissioner Mullet seconded the motion. Motion carried 6-0.

**C. MODIFICATION OF AGENDA** (3:33:32) - None.

**D. PUBLIC COMMENTS** (3:33:45) - None.

**E. STAFF PUBLIC SERVICE ANNOUNCEMENTS** (3:34:19) - None.

**F. DISCLOSURES** (3:34:25) - Commissioner Mullet advised he would abstain from voting on items H-3, H-4, and H-5.

**G. CONSENT AGENDA** (3:34:44) - None.

**CARSON CITY PLANNING COMMISSION**  
**Minutes of the December 19, 2007 Meeting**  
**Page 2**

**H. PUBLIC HEARING MATTERS:**

**H-1. SUP-07-177 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM RESOURCE CONCEPTS, INC. (PROPERTY OWNER: NEVADA RURAL HOUSING), TO ALLOW EXPANSION OF AN EXISTING APARTMENT COMPLEX TO ADD 48 ADDITIONAL UNITS, ON PROPERTY ZONED PUBLIC (P), LOCATED AT 2100 CALIFORNIA STREET, APN 003-303-04 (3:35:54)** - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report and narrated pertinent slides. He noted the findings and the 25 conditions of approval outlined in the staff report. He read condition of approval 15 into the record, and explained that, in light of the proposed minor rehabilitation of the existing units, the automatic fire extinguishing system (the "AFES") would not be required for the existing units. He advised that the AFES will be required for the new units. Mr. Sullivan commended Assistant Planner Heidi Eskew-Herrmann on her work with the applicant and in preparation of the staff report.

In response to a question, Mr. Sharp advised that the applicant had submitted information indicating that traffic from the apartment complex will not coincide with commuter peak hour trips. The applicant was, therefore, not required to provide a traffic study. Mr. Sharp agreed with a suggestion by Vice Chairperson Kimbrough to install signage or apply striping at the intersection of California Avenue and Fairview Drive to alleviate traffic congestion. In response to a comment, Mr. Sharp described a safe route to access Highway 395 from the apartment complex. He agreed with comments that a left turn from Colorado Street to Highway 395 is an unsafe traffic maneuver. He suggested this problem would be most appropriately addressed as part of the comprehensive master plan.

(3:45:07) Caleb Roope, of Pacific Communities, explained the partnership with the Nevada Rural Housing Authority to develop the 48 new units as well as to rehabilitate the existing 100 units. He agreed to the specifics stated by Mr. Sullivan with regard to condition of approval 15. He noted that rehabilitation of the 100 existing units will increase energy efficiency and save the residents on utility costs. He advised that the State of Nevada is supporting the project with an allocation of \$10 million in tax credits. He advised that approximately 90 percent of the parking is used at any given time. He reviewed configuration of existing parking and the proposed reconfiguration. He described the elevator feature proposed for the new units and to be made accessible to some of the existing units. Amenities to be added include a pool, a spa, a computer learning center, and barbecue areas. Mr. Roope expressed appreciation for the opportunity to partner with the Nevada Rural Housing Authority on the project, and provided background information on Pacific Communities. He acknowledged his agreement with the staff report, and commended the staff. In response to a question, he discussed the importance of ensuring availability of on-site parking to all residents. He reiterated there is presently no parking problem nor is any anticipated.

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 commended the project and moved to approve SUP-07-177, a special use permit application from Resource Concepts, Inc., property owner Nevada Rural Housing Authority, to approve 48 new multi-family apartment units and to rehab the existing apartment buildings, landscape, parking, carports, and recreational amenities, in a public zoning district, subject to the conditions and based on the findings contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 6-0.**

## CARSON CITY PLANNING COMMISSION

### Minutes of the December 19, 2007 Meeting

#### Page 3

**H-2. ZMA-07-175 ACTION TO CONSIDER A ZONING MAP AMENDMENT APPLICATION FROM WESTERN ENGINEERING (PROPERTY OWNER: JAMES SCHNEIDER) TO CHANGE THE ZONING FROM SINGLE FAMILY ONE ACRE (SF1A) TO SINGLE FAMILY 21,000 (SF21), ON PROPERTY LOCATED AT 4094 CENTER DRIVE, APN 009-775-27 (3:51:47)** - Chairperson Peery introduced this item. Mr. Plemel oriented the commissioners to the location of the subject parcel, and noted the medium density residential master plan designation in place since adoption of the 1996 comprehensive master plan. He further noted the current single family one acre zoning designation. He narrated pertinent slides, and reviewed the staff report.

In reference to an aerial photograph included in the agenda materials, Chairperson Peery suggested that rezoning would provide no benefit to “the properties in the middle” and that “it’s almost a neutral argument.” Mr. Plemel advised of having received no public comment at the time the staff report was prepared. However, just prior to distributing the agenda materials, the letter from Margaret O’Driscoll was received. Mr. Plemel referred to the letter in opposition to the rezoning, which was included in the agenda materials, and provided an overview of the same. In response to a question, he advised that the parcels to the north of the subject parcel are proposed for rezoning. Commissioner Mullet suggested considering rezoning the parcel to the south to ½ acre “along ... Center Drive for the depth of those lots and then the front part of that larger lot could then go down to the six ... to match the neighborhood to the north of it. ... kind of split that large one up ... so you have some consistency on Center.” Mr. Plemel acknowledged this would be a possible direction. He advised that the parcel to the south is not yet subdivided; however, and would likely be considered as part of a development application.

(4:04:40) Dennis Smith, of Western Engineering representing the applicant, acknowledged agreement with the staff report. He advised of having represented the South Pointe Development application, and discussed design and construction of the development. He provided historic information on the four parcels south of Mayor’s Park. He noted the long and narrow lot configuration of the four parcels, and that the placement of the structures in the middle of the two center parcels precludes subdividing them. He advised that the owner of the subject parcel had placed his residence on the north portion of his property with the intention of someday subdividing the lot. He anticipates that the property to the south will be developed at a higher density. He expressed the opinion that staff’s findings for approval of the application are very good. He expressed the further opinion that the “hodge podge of lot sizes and different rural uses” represented by the properties adjacent to the subject property accommodate the requested ½ acre zoning. He expressed disagreement that the requested rezoning will detract from the neighborhood. He expressed the opinion that the ½ acre zoning is a suitable land use for the area and compatible with the surrounding uses in the neighborhood. He advised that the neighborhood was originally a land grant area. Lot sizes varied and have been further divided over the years. Mr. Smith expressed the belief that the comprehensive master plan accommodates approval of the application. He expressed the opinion that the application represents “a good use of the property and a reasonable request.” He requested the commissioners’ approval.

Mr. Plemel acknowledged the requirement for development of single-family dwelling units on an SF21 zoned parcel. Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional comments or questions of the commissioners. In response to a question, Mr. Plemel advised that property owners to the north of the subject property were provided notice of the hearing. There has been no response from the property owners and staff would only solicit their individual input if directed to do so by the commission. In response to a question, Mr. Sharp advised the parcels are connected to City utilities. In response to a question, Mr. Smith advised of no opposition to continuing the

## CARSON CITY PLANNING COMMISSION

### Minutes of the December 19, 2007 Meeting

#### Page 4

item to provide staff an opportunity to contact the property owners to the north of the subject parcel. He expressed the opinion that direct contact may not be productive “given the development of those two properties” in the middle. Chairperson Peery expressed an interest in receiving input from the neighbors. In response to a question, Mr. Sullivan explained that the applicant submitted the application for his property and Mr. Plemel considered the overall area. He expressed appreciation for the applicant’s concurrence to allow staff to contact the property owners to the north, to consider rezoning the properties to ½ acre, thereby establishing a pattern.

In response to a question, Mr. Smith expressed the belief that there is sufficient time to explore zoning issues. “Time is not of the essence.” Commissioner Wendell suggested that a unanimous decision would make the rezoning much smoother. Mr. Smith advised of having participated in a similar process with other properties. “Most of the time ... the property owners don’t understand ...” Mr. Smith expressed a willingness to send letters to the adjacent property owners requesting their cooperation. He suggested this could be accomplished within thirty days, but expressed skepticism over a favorable response. Commissioner Wendell suggested that spot zoning would be a concern of the commission and of staff. He advised that the commission often receives feedback that property owners have been unaware of certain applications. He suggested providing the information and requesting feedback with regard to the adjacent property owners’ interest in participating.

In response to a comment, Mr. Plemel advised that the Planning Division would send notice to the specific property owners, if directed by the commission, and provide pertinent information. In response to a question, he provided additional clarification on the noticing process. Commissioner Vance suggested that some of the property owners on the east side of Center Street may be encouraged to participate as well. In response to a question, Mr. Plemel advised that this had not been considered. He suggested it may be a little premature to start designating specific zoning for the larger parcels that may not develop for years. Zoning around the parcels may change over time and therefore present a different situation at the time of development. Commissioner Vance expressed concern over continuing the item and thereby “opening a can of worms.” Commissioner Wendell expressed the belief that staff was trying to alleviate the concern over spot zoning. The approach would be to consider the parcels as a transition area. Chairperson Peery agreed that continuing the item would provide the opportunity to consider “a different type of buffer.”

Chairperson Peery called for additional discussion and, when none was forthcoming, entertained a motion. **Commissioner Reynolds moved to continue ZMA-07-175, with the applicant’s concurrence, and to direct staff to include the three parcels to the north of the subject parcel in a request to change the zoning from single family one acre to single family 21,000, depending upon the approval of those property owners, and to have the item reagendaized for the January commission meeting. Commissioner Wendell seconded the motion. Motion carried 6-0.**

**H-3. TSM-07-178 ACTION TO CONSIDER A TENTATIVE SUBDIVISION MAP REVIEW APPLICATION KNOWN AS LAKEVIEW GATED ESTATES, FROM LAKEVIEW GATED ESTATES, LTD. (PROPERTY OWNERS: DANIEL R. AND LORI JENKINS, ET AL.) CONSISTING OF 15 LOTS, ON APPROXIMATELY 60.11 ACRES, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED EAST OF THE TERMINUS OF BUCKSKIN ROAD, APN 007-092-12; H-4. SUP-07-179 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM LAKEVIEW GATED ESTATES, LTD. (PROPERTY OWNERS: DANIEL R. AND LORI JENKINS, ET AL.) TO DEVELOP 15 LOTS IN THE SKYLINE DESIGNATED**

**CARSON CITY PLANNING COMMISSION**

**Minutes of the December 19, 2007 Meeting**

**Page 5**

**AREA AND CONSTRUCT A TEMPORARY TRACT SALES OFFICE, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED EAST OF THE TERMINUS OF BUCKSKIN ROAD, APN 007-092-12; and H-5. VAR-07-180 ACTION TO CONSIDER A VARIANCE APPLICATION FROM LAKEVIEW GATED ESTATES, LTD. (PROPERTY OWNERS: DANIEL R. AND LORI JENKINS, ET AL.) TO VARY FROM THE REQUIRED 360 FOOT LOT DEPTH ON LOTS 7, 8, 9, 10, 11, 12, AND 13, DUE TO TOPOGRAPHICAL ISSUES, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED EAST OF THE TERMINUS OF BUCKSKIN ROAD (4:21:48)** - Commissioner Mullet advised of past business dealings with the applicant, and that he would abstain from discussion and voting to avoid the appearance of any impropriety. He clarified there should be no conflict of interest. Chairperson Peery introduced item H-3. At Ms. Pruitt's request, he combined items H-3, H-4, and H-5, and introduced items H-4 and H-5. Chairperson Peery advised that separate motions would be made for each of the agenda items.

Ms. Pruitt proposed a presentation format. She noted a correction to pages 12 and 15 of the staff report. She oriented the commissioners to the subject property, using a displayed aerial photograph, and reviewed the staff report. She advised that the applicant had withdrawn that portion of the special use permit application pertinent to the temporary sales office. She read, into the record, an e-mail from Ruth C. Williams, stating opposition to the application. Copies of the e-mail were provided to the commissioners and staff prior to the start of the meeting. Ms. Pruitt read into the record Mr. Sullivan's e-mail response to Ms. Williams. She noted that the applicant is proposing to allocate 45.4 percent of the subject site to open space. Chairperson Peery noted that the proposed subdivision represents an increase in population not in population density. Ms. Pruitt advised of having received an e-mail from George Mahe, representing the Eagle Valley Children's Home. She further advised that the applicant would address Mr. Mahe's e-mail. She advised of having included an additional condition of approval as a result of Mr. Mahe's e-mail. She advised of having received telephone calls as well as personal visits to the Planning Division office regarding the subject item.

Ms. Pruitt noted that the project is in general compliance with the City's comprehensive master plan and zoning ordinance. She pointed out findings in the staff report and advised they had been met by the applicant. She noted staff's recommendation of approval of the tentative map, subject to the 55 conditions and the additional condition of approval regarding impacts to Eagle Valley Creek. She further noted staff's recommendation of approval of the variance application, subject to ten conditions, and of the special use permit application, subject to ten conditions. She noted a correction to condition of approval 14 of the tentative subdivision map staff report.

In response to a question, Ms. Pruitt provided background information on condition of approval 44, of the tentative subdivision map staff report, requiring bear-proof trash containers. In response to a question regarding the additional condition of approval prohibiting discharge of pollutants or sediment to Eagle Valley Creek, Mr. Sullivan advised of best management practices to be implemented as part of the construction operation. In response to a further question, Mr. Sharp explained the requirements associated with obtaining an NPDES permit from the State. He proposed leaving the requirement to be addressed by the appropriate State agency.

Mr. Sullivan acknowledged that a modification to the comprehensive master plan was made for the subject parcel and the parcel to the south. Mr. Sharp explained the condition of approval requiring installation of a street light at the intersection of Lakeview and Buckskin Roads. He advised that the City standard, in a

## CARSON CITY PLANNING COMMISSION

### Minutes of the December 19, 2007 Meeting

#### Page 6

rural setting, would be to provide a street light with a 100-watt bulb. He suggested that the light would “at least illuminate the stop sign, the stop bar, and the street name sign.” He expressed the belief that the proposed street light would be unobtrusive and would not detract from dark skies. He suggested installing the same type of decorative lighting as is proposed for the development.

Mr. Sullivan explained the provisions of condition of approval 41, pages 12 and 15 of the staff report, with regard to primary access from Buckskin Road in conjunction with the map on page 11 of the staff report. Vice Chairperson Kimbrough requested clarification with regard to the timing of the requirement. Mr. Sullivan explained that the subject development would be gated with a “less than City width road.” When the adjacent property develops, the property owner and the Lakeview Gated Estates Homeowners Association will have to work together to establish a “full City right-of-way ... to tie into Lakeview because we will require that there be two means of ingress and egress at full City width.” Commissioner Vance commented, “Isn’t it strange, though, that we’re building a road now that’s private that we know is very possible, very probable in the future, to become a public road? ... Potentially, it could be in need of total rebuild when it becomes public.” In response to a comment, Mr. Sullivan advised that requiring this applicant to construct a full City street “all the way through and connect” would have been unreasonable, given the density of development, and unnecessary.

(4:55:25) Brenda Stein, EXD Engineering, acknowledged her agreement with the three staff reports. She narrated pertinent slides. Mr. Sharp acknowledged the recommendation not to include a condition of approval 56 for the tentative subdivision map application. Ms. Stein narrated a SlideShow presentation of the proposed development.

In response to a question, Ms. Stein described public access to the trail and advised that a “man gate” is to be included in the design. The subdivision gates will only be closed at night. In response to a further question, she advised of multi-story, two-story, and split level designs which “match the topography pretty well. ... The bulk of them are one-story.” She commended City staff and expressed her appreciation for the opportunity to have worked with them. At Ms. Pruitt’s request, Park Planner Vern Krahn provided additional information on the trail system. Mr. Krahn read condition of approval 42 into the record, and advised that staff is comfortable with the proposal. In response to a comment, he agreed that the easement needs to be wider than proposed to accommodate a fault line in the area. Vice Chairperson Kimbrough noted the trail from Circle Drive at the end of Buckskin Court all the way to the V&T will be tough because of steep topography. He expressed the hope that the developer has some flexibility between “13 and 14.” Mr. Krahn agreed that the trail will be very steep, and advised that the applicant has expressed a willingness to work with City staff “as we proceed into implementation.” Vice Chairperson Kimbrough expressed the hope that the condition would be that trails simply meet the City’s standard. Mr. Krahn advised of no argument from the Parks and Recreation Department to adding such a condition of approval. Commissioner Vance described the route of a frequently used trail, and inquired as to access. In response to a question, Ms. Stein expressed a willingness to work with Mr. Krahn and Open Space / Property Manager Juan Guzman. Following discussion, Ms. Stein acknowledged that providing access from Buckskin to the emergency access road and “... on down the hill” would be no problem. Ms. Pruitt read into the record a portion of condition of approval 42.

Chairperson Peery provided direction with regard to public comment, and opened this item. (5:21:08) Bruce Kittess, a resident of Lakeview, commended the proposed subdivision development “with the exception of condition of approval 41.” He expressed appreciation for the sensitivity of the developer and

## CARSON CITY PLANNING COMMISSION

### Minutes of the December 19, 2007 Meeting

#### Page 7

his “good planning.” He advised he “would not address the Weise property had it not been included in these conditions of approval.” He expressed concern over Buckskin Road being designated as “a public street even though we don’t have a subdivision before us.” He reviewed possible scenarios for the Weise property which would affect the subject development. He noted that the Weise’s plans are yet unknown. He circulated among the commissioners photographs of the public street, and narrated the same. He advised of many issues associated with the Weise property “that do not apply to the subject property.” He referred to the April 6, 2006 Planning Commission meeting at which the comprehensive master plan was recommended for approval to the Board of Supervisors. He noted that the comprehensive master plan was proposed to be changed within a period of two months. Mr. Jenkins and Mr. Weise both appeared at that meeting and advised of never having been notified of the proposed change. Mr. Kittess advised that 300 homes could be proposed for the Weise property because of the new master plan designation of 1/3 to five acres. He advised that half of the Weise property is “non-buildable.” In response to a comment, he advised that the speculative nature of his comments were pursuant to staff’s condition of approval over a future event. He expressed concern over the commission imposing a condition on a future event that is not presently in evidence. Mr. Kittess expressed the hope that the applicant would “revisit connection with Lakeview Court.” Chairperson Peery explained that the commission couldn’t impose a condition over a speculative event.

(5:28:43) Dinah Jordan, a resident of Lakeview Road, discussed considerable increases in traffic over the past six year period she has lived at her residence. She expressed concern over increased traffic impacts in the area, and requested the commissioners to require a four-way stop sign at the intersection of Lakeview Road and Combs Canyon Road. She expressed concern over pedestrian and bicycle safety, and suggested the four-way stop would be the “first-step in slowing the traffic down.” She offered to donate private funding toward the proposed signage. Ms. Pruitt advised of Mr. Sharp’s offer to look into the matter for Ms. Jordan. Vice Chairperson Kimbrough suggested consideration of traffic calming design elements as the subject route is also a very important bicycle route.

(5:33:04) Kirah Van Sickle, a resident of Lakeview Road, oriented the commissioners to the location of her property. She noted that her lot is “just south of the proposed emergency / secondary outlet.” She expressed no opposition to the development, but serious concerns over the proposed emergency / secondary access. She proposed that despite the increase in slope, consideration of access through Lakeview Court would be “worthy ... versus the cost of developing a whole new road that doesn’t exist at this time.” She expressed concern over the slope of the terrain adjacent to her property at the location of the future right-of-way. She expressed additional concern over the cost of constructing the road in consideration of the slope, the rough terrain, potential retaining walls, drainage issues, and that in grading a road “of this magnitude ... the potential hazard to [her] and [her] neighbor’s property.” She referred to Mr. Kittess’ concern over “feeding out traffic onto Lakeview Road at that spot.” She advised “it is a very bad blind spot.” She further advised of “quite a few accidents especially in the wintertime.” “Feeding out onto Lakeview Court would remedy that because that road feeds out at the bottom of the hill of Lakeview Road.” Ms. Van Sickle expressed concern over maintaining the integrity of the hillside and the rock outcroppings. She expressed serious concerns over the increase in traffic next to her property, the increase in traffic noise, lighting, pedestrians, and hikers. She expressed opposition to having to construct a fence on her property and further changing the view. She inquired as to whether the emergency access road would also serve as construction access.

## CARSON CITY PLANNING COMMISSION

### Minutes of the December 19, 2007 Meeting

#### Page 8

(5:38:39) Fred Welden, a resident of Lakeview Road, pointed out the location of his residence at the end of Buckskin Road, “the primary access for this development and ... future developments.” He advised that drainage flows from Buckskin Road across his property. He advised of training and experience in the field of planning, and that he has talked with City staff and the developer’s engineers. He further advised of having testified at the time the master plan designation was changed. He expressed concern over the same issues of lot size and consistency with environmental constraints for the lot size. He expressed the opinion that the subject development “clearly considers these” issues “very well.” He expressed concern over future development and requested to have density issues and topographic constraints continue to be a consideration. He advised that drainage and runoff will always be a concern. He expressed the understanding that the proposed development will not cause a drainage problem for his property. “It looks like that it addresses it pretty well with the basins and on-site features for drainage toward Carson City.” Mr. Welden requested significant drainage studies for future development. He suggested there may need to be off-site improvements. He expressed concern over ingress and egress, and noted that this concern was expressed at the time the master plan designation was changed. “At any potential build out in this area,” he expressed the opinion there will need to be “two, full-standard accesses for ... ingress and egress.” Mr. Welden advised of having hiked in the area for twenty years, and expressed similar concerns as had already been stated over the emergency access road. He requested deferring a decision until more detailed consideration could be given to impacts on the future of the secondary access as currently proposed. He expressed concern over the street light requirement. He advised that the corner “right where [his] house sits is where the Buckskin light would be.” He expressed a preference to not have the street light. “It would be the only street light in all of Lakeview.” He expressed no opposition if the light is required as part of a “safety issue.” He noted that the lighting proposed for the subject development is rural in nature. He expressed no opposition to excluding street lights from the subject and future development. He requested the commissioners’ consideration to include direction that options and light fixtures be used which would minimize impacts on neighboring properties. He advised of a neighbor who is interested in astronomy, and expressed a preference for no more ambient lighting in the area than is necessary.

(5:48:50) Glen Martel, 2 Lakeview Court, expressed agreement with the other neighbors that the street light is not necessary. He further agreed that traffic is increasing in the area, and advised of meetings with Sheriff’s Department and Regional Transportation representatives to discuss traffic calming measures. He disagreed wholeheartedly with utilizing Lakeview Court as a secondary access. Considering the terrain, even the 15-foot access road will scar the hill. Converting it to a full road at some point in the future will be even more prominent. Mr. Martel advised that cutting the access down to Lakeview Road will increase the drop by an additional 35 feet and shorten the length. “So now you’ve gone from a ten percent road to a 12 to 13 percent range which is going to be unacceptable to the emergency crews.” Mr. Martel agreed with an earlier suggestion to defer a decision in favor of further review and consideration. He suggested requesting additional time to consider the access “and maybe be able to leave it as a secondary access with some other mitigation measures at the entrance.” He suggested the possibility of turn outs, which he described. He expressed the opinion there may be other solutions which would “alleviate everyone’s concern.” He agreed that Lakeview Road “in the winter time is not very pleasant.” He suggested the proposed intersection will be “rather messy and Lakeview Court really doesn’t get any better.” He advised of over 20 accidents which have occurred at the intersection adjacent to his home, half a dozen of which have “ended up in [his] yard.” In response to a question, he recommended an alternative to the existing pebble road. He reiterated the suggested possibility of turnouts along Buckskin up into the development and to the potential future development of the Weise property. “It would channel it to Buckskin but it would be manageable for the fire department.” If the secondary access was still needed, the turnouts could

## CARSON CITY PLANNING COMMISSION

### Minutes of the December 19, 2007 Meeting

#### Page 9

mitigate some of the concern and keep the access into the other road minimal at 15 feet. Mr. Martel recalled a 60-foot right-of-way and, in consideration of the terrain, "getting a 15-foot road in there without some visual scarring is going to be very difficult." A full-width road would require extensive retaining wall work to keep from impacting adjacent properties. Mr. Martel noted "we've worked very hard in Carson to preserve the skyline and our open space." He expressed opposition to driving into Carson and seeing "a Duck Hill." He reiterated the belief there are other alternatives which would mitigate the visual impact, the neighbor's concerns, as well as satisfy the emergency access requirements.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional comments or questions of the commissioners. In response to a question, Ms. Stein advised of an agreement with Mr. Weise to provide an easement. In response to a further question regarding the possibility of changing the Buckskin Road alignment, she advised of the requirement to have Mr. Weise's concurrence. In response to a further question, she pointed out a required easement through the Weise property on the south side. Vice Chairperson Kimbrough expressed the opinion that Lakeview Court makes more sense. He suggested that moving Buckskin Road would "pick up topography to lessen the distance and the elevation ... which would be a huge change in the map." In response to a question, Ms. Stein advised of a fire department requirement for ten percent maximum slope. In response to a further question, she advised that staff has stressed the importance of trails "from the very beginning." She expressed a willingness to continue to work with staff. She acknowledged agreement with a condition of approval indicating that trails meet City standards.

With regard to the secondary access, Commissioner Reynolds inquired as to staff's opinion of the request to further review the associated issues. Mr. Sullivan advised that impacts to Lakeview Court versus the "street that doesn't have a name" will be analyzed. He noted that the applicant presented the subject proposal after discussions with Fire Chief Stacey Giomi. He referred to City code requirements regarding secondary means of ingress and egress. He suggested that the question of continuation would be more appropriately posed to the applicant. He offered to consider the slope and road grade at the request of the applicant. In response to a question, Mr. Sharp advised that the concept of converting the emergency access road into a public street is not something the Engineering Division had yet considered. He expressed concern over the public input. He suggested that feeding the emergency access road onto Lakeview Road may not be good for public access because of sight distance issues. He agreed that the wider the road, the worse the hillside scarring. He advised that Engineering Division staff had considered the proposal "purely from the standpoint of having an all-weather surface which was allowed by the Fire Department." He expressed the belief that the 15-foot wide road would be allowed by the Fire Department as there is already something of a road "cut in there." "To put an all-weather, 15-foot wide surface down didn't seem to be a big stretch ... but to make that into a City standard for a full street ... is a huge stretch." Mr. Sullivan advised of having discussed the situation with City Engineer Larry Werner, who expressed agreement that, if and when a second property develops, there will have to be two means of ingress and egress. Mr. Sullivan reiterated the importance of "putting both property owners on notice ... rather than get in a situation with 150 to 175 lots up there with one means of ingress and egress." He clarified the current applicant was not being asked to provide design at this time.

Commissioner Reynolds suggested that, with the subject project, the map could be "cut ... off at the northern line and it's an understanding that in the future there will be a road that extends past this project, but whether it follows the established ... line portrayed on the map now ... would have to be ... taken care of in the future." Mr. Sullivan acknowledged the accuracy of Commissioner Reynolds' statement. He

**CARSON CITY PLANNING COMMISSION**  
**Minutes of the December 19, 2007 Meeting**  
**Page 10**

noted that the subject development “has it coming in on the street without a name.” Until the last two or three days, the possibility of access from Lakeview Court had not been considered. Mr. Sullivan referred to some public testimony indicating a desire for emergency access to be from Lakeview Court. He reiterated that the applicant would have to indicate a willingness to continue reviewing the situation. Mr. Sullivan acknowledged that the road location is part of the map submitted for commission approval. He described the route of the emergency access road on the northwest portion of the proposed subdivision.

Discussion took place regarding the 15-foot emergency access road, and Mr. Sharp suggested that the applicant consider building “at least that one leg of the on-site street to the City’s rural standard. ... At least that part of the road would be built so there wasn’t this situation where, later on, Mr. Weise comes through with his bulldozers and widens the road when these people are already living there and they already have their improvements in place ...” Mr. Sharp advised his suggestion would only include an additional four to six feet of roadway width in a rural standard to construct that portion on site to City standard. “It could remain a private street inside the gate until such time as Weise develops and the City decides that they want it for a public street. If it were built now to public standards, ... it would make things a lot easier in the future.” Commissioner Wendell agreed with making the access road back to Lakeview meet the standards required for public safety but not make it a public thoroughfare. It would be required for Fire Department access only. He suggested requiring the public street if and when the Weise property is ever developed. He agreed with earlier comments that the project is excellent, and expressed opposition to being “all tied up in this access road that may or may not be within the next year, ten, fifteen, twenty years.” Mr. Sharp explained the Fire Department conditions of approval associated with the subject project and revisions to the conditions of approval in the event of Weise property development. Commissioner Wendell reiterated the suggestion that the Fire Department’s revised requirements should be addressed at the time the Weise property is presented for development. Mr. Sharp agreed, but pointed out the requirement to provide access through the subject project. He noted the proposal to designate the on-site streets as private. He advised that the applicant’s tentative map designates the on-site streets as easements which would be owned by the adjacent property owners. “That is not the situation you want for a future public street.” Mr. Sharp suggested that the applicant be required to create an access tract and build the on-site street to City standards now. “That way, in the future, that private tract can be offered for dedication to the City.” He agreed that the portion north of the subject development doesn’t need to be resolved at this point. “That’s up to Weise and his engineers later and maybe that won’t be the secondary access.” Commissioner Wendell agreed. Chairperson Peery noted the economic interest of residents like Ms. Van Sickle regarding the location of the road. He advised these are speculative issues and “sort of roughed out but by no means settled at this point.” He agreed with Commissioner Wendell to concentrate on the matter at hand.

Mr. Sullivan acknowledged that the emergency access is a requirement of the Fire Department and City code for the development to move forward. In response to a question, he reviewed discussion indicating the possibility of bringing the emergency access “down to Lakeview Court.” With regard to condition of approval 41, he discussed the importance of disclosing that “we’re looking at a development that, at some time in the future, ... the emergency access roadway will not be of adequate width.” Commissioner Wendell suggested that Mr. Sharp’s suggestion addresses the issue very well in that, through the subject development, the street would have to meet the public standards. When it gets to the edge of the development, a rural road would still meet the requirements of public safety. Mr. Sharp acknowledged the accuracy of Commissioner Wendell’s statement. He reiterated that the secondary access, with future developments, could change. He emphasized he was not suggesting that the subject developer needs to

**CARSON CITY PLANNING COMMISSION**  
**Minutes of the December 19, 2007 Meeting**  
**Page 11**

consider design at this point. "They've met their requirements with this proposed 15-foot wide access down to Lakeview Road ... for secondary access for fire. Their development does stand alone in that aspect." Mr. Sharp expressed the belief that the Fire Department will require the emergency access portion to be gated on both ends. "If there is future development, this whole issue will have to be revisited."

Ms. Stein advised that, when the easements were granted by the adjacent property owner, it was agreed that the street would be widened in the future. She further advised of an easement all along the south portion of the subject parcel so that the property owner will have a 30-foot easement on the Lakeview Gated Estates side of the parcel.

Chairperson Peery called for additional questions or comments of the commissioners. Vice Chairperson Kimbrough requested direction with regard to rewording condition of approval 41 in conjunction with the suggestions made by Mr. Sharp and Commissioner Wendell. Vice Chairperson Kimbrough advised of the intent to add language to condition of approval 42 that the trails are required to meet current City standards. With regard to condition of approval 41, Mr. Sullivan acknowledged that the street would not need to be constructed to public street standards until the Weise property is developed. Discussion took place to revise the language of condition of approval 41. Mr. Sharp referred to condition of approval 10 which "addresses the current, proposed emergency egress road such that we could remove any mention to an emergency egress road out of item 41." He suggested revising the language of condition of approval 41, as follows: "With future development of Weise property, the onsite portion of Buckskin Road through Lakeview Gated Estates would be built to public street standards and dedicated to the public." In response to a question, he reiterated that building the on-site portion to City standards now, "that part is done and they don't have to try to address that later and disrupt people's landscaping and their driveways ... Everyone, when they're driving down the road knows what it's going to look like now and forever." Mr. Sharp expressed the opinion that the additional cost would not be significant, and it would create a better situation for the homeowners. Ms. Stein so stipulated. At Mr. Sullivan's request, Chairperson Peery recessed the meeting at 6:24 p.m. Chairperson Peery reconvened the meeting at 6:34 p.m.

Mr. Sharp provided the following language to replace condition of approval 41: "Future development of surrounding properties may require Buckskin Road to be extended northward through the Lakeview Gated Estates property to be used as a fully developed public street for a secondary access road, as required by City code. This will require the portion of Buckskin Road, located on the Lakeview Gated Estates property, to be built to City standards and dedicated to the City as public right-of-way." Chairperson Peery called for the applicant. Mr. Sullivan advised that City staff worked with the developer's engineer regarding whether the emergency road north of the development needs to go out from the "no-name street" or to Lakeview Court. The developer has requested to consider this issue at the same time as the final map and improvement plans are considered. Mr. Sullivan advised staff has no problem with the request.

With regard to condition of approval 42, Mr. Sullivan suggested considering not being so specific as to the location and the width of the path. This would provide for the applicant's engineer to work with Parks and Recreation Department staff to develop the type of trail envisioned for this area. Vice Chairperson Kimbrough reiterated that the trail simply needs to meet the City's standard. In response to a question, Ms. Stein stipulated to the proposed amendments.

**CARSON CITY PLANNING COMMISSION**  
**Minutes of the December 19, 2007 Meeting**  
**Page 12**

Chairperson Peery called for further discussion. In response to a question regarding condition of approval 9, Mr. Sullivan advised “this is not going to be the standard cobra-head design. ... This is going to be a small, residential light that basically lights up the stop sign, the stop lines, the street names, and focuses down pursuant to our dark skies ordinance.” Discussion followed. In response to a question, Mr. Sharp explained the Engineering Division recommendation to install a light at the intersection for safety reasons. He recommended adding to the end of condition of approval 9 that “the applicant work with City staff to select a light fixture for that application that is low impact / low wattage.” Ms. Stein advised that residential mail boxes will be installed near the intersection. She inquired as to the possibility of lighting the mail box area and of having the light serve the dual purpose of lighting the intersection as well. Mr. Sharp agreed that if the mail boxes and the intersection are close to each other, “that would be a good place to locate it. It would be all in the same area.” Ms. Stein agreed to work with staff.

Chairperson Peery entertained additional comments and, when none were forthcoming, a motion for items H-3, H-4, and H-5 in order. **Commissioner Wendell moved to recommend approval to the Board of Supervisors of the Lakeview Gated Estates Tentative Subdivision Map, TSM-07-178, from Lakeview Gated Estates, Ltd., property owner Daniel R. and Lori Jenkins, et al., consisting of 15 residential lots and one open space lot on 60.11 acres, on property zoned single family one acre, SF1A, located in Section 36, Township 16 North, Range 19 East, APN 007-092-12, based on the findings and subject to the recommended conditions of approval contained in the staff report, as amended by the City Engineer’s Office with regard to conditions of approval 9, 41, and 42. Commissioner Reynolds seconded the motion. Motion carried 5-0-1, Commissioner Mullet abstaining.**

Chairperson Peery entertained a motion for item H-4. **Commissioner Reynolds moved to approve SUP-07-179, a special use permit application to allow the development of a 15-lot residential subdivision and one open space lot associated with the Lakeview Gated Estates within the Carson City skyline designated area of Carson City, on property zoned single family one acre, located in Section 36, Township 16 North, Range 19 East, APN 007-092-12, based on seven findings and subject to the conditions of approval in the staff report, in consideration of any conditional changes in item H-3. Commissioner Vance seconded the motion. Motion carried 5-0-1, Commissioner Mullet abstaining.**

Chairperson Peery entertained a motion for item H-5. **Commissioner Vance moved to approve VAR-07-180, a request to allow approximately seven lots, lots 7, 8, 9, 10, 11, 12, and 13, of the proposed 15 residential lots, to have a lot depth greater than 360 feet, on property zoned single family one acre, associated with the Lakeview Gated Estates subdivision request, located at Section 36 15/19, APN 007-092-12, based on seven findings and subject to the conditions of approval contained in the staff report, as amended. Vice Chairperson Kimbrough seconded the motion. Motion carried 5-0-1, Commissioner Mullet abstaining.** Chairperson Peery recessed the meeting at 6:46 p.m. and reconvened at 6:52 p.m.

**H-6. SUP-03-168 DISCUSSION AND POSSIBLE ACTION REGARDING WAL-MART’S COMPLIANCE WITH THEIR SPECIAL USE PERMIT CONDITIONS OF APPROVAL (6:52:18)**- Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report and the pertinent agenda materials. He emphasized there had been no complaints received in the Planning Division over the last three weeks. He didn’t see any need to have additional meetings regarding Wal-Mart’s compliance with their special use permit conditions of approval. He referred to correspondence from Liquid Environmental

**CARSON CITY PLANNING COMMISSION**  
**Minutes of the December 19, 2007 Meeting**  
**Page 13**

Solutions, copies of which were distributed to the commissioners and staff by Attorney Stephen Mollath. Mr. Sullivan expressed appreciation to the neighbors for bringing their issues to the attention of staff and for Wal-Mart's response.

(6:56:00) Attorney Stephen Mollath introduced himself for the record. Chairperson Peery suggested that the correspondence from Liquid Environmental Solutions seems to reinforce Wal-Mart's diligence to enforce the special use permit conditions of approval. Mr. Mollath agreed, and advised that the correspondence "indicates how the system put in place three weeks ago works." He described the method by which an issue had been addressed earlier in the day. He discussed steps taken since the last meeting to further reinforce the conditions of approval, including installation of a chain separating the delivery area except for during designated delivery hours. He noted the presence, in the meeting room, of Carson City Wal-Mart Store Manager Scott Yoder and Wal-Mart Northern Nevada District Manager Dacona Smith. Mr. Mollath committed to continued diligence over enforcing the special use permit conditions of approval.

Chairperson Peery thanked Mr. Mollath, Mr. Smith, and Mr. Yoder for their attention to the issues and the rapid and effective response to the complaints. Vice Chairperson Kimbrough cautioned Mr. Mollath over liabilities associated with the chains, and suggested ensuring they are well-lit. Commissioner Mullet advised Mr. Yoder that AT&T directory assistance provides the north valleys Wal-Mart store phone number rather than the Carson City Wal-Mart store phone number. He suggested that Mr. Yoder contact AT&T directory assistance to make the correction. Chairperson Peery called for additional comments and, when none were forthcoming, thanked Mr. Mollath. Mr. Mollath thanked Mr. Sullivan and City staff.

Chairperson Peery opened this item to public comment and, when none was forthcoming, called for additional comments, discussion, or a motion. Discussion took place with regard to the appropriate action. **Commissioner Reynolds moved to request staff to stop action regarding review of the special use permit at this time. Commissioner Wendell seconded the motion. Motion carried 6-0.**

**H-7. MISC-07-187 DISCUSSION AND ACTION TO CONSIDER A SPECIAL PLANNING COMMISSION MEETING IN JANUARY TO BEGIN PROCEEDINGS TO ENACT A MORATORIUM ON THE ACCEPTANCE AND PROCESSING OF APPLICATIONS FOR ANY FREESTANDING SIGN THAT EXCEEDS THE MAXIMUM PERMITTED SIGN HEIGHT OR SIGN AREA, AND THAT IS DESIGNED TO BE VISIBLE FROM AT LEAST ONE DIRECTION OF THE CARSON CITY FREEWAY, INCLUDING FUTURE FREEWAY PHASES, FOR A PERIOD OF 120 DAYS (7:02:33)** - Chairperson Peery introduced this item. Mr. Plemel provided an overview of the purpose of this item. Mr. Sullivan explained the significance of the proposed 120-day time period. He advised there are no sign applications pending. In response to a question, he explained the reason for requesting a special meeting. Mr. Plemel advised that conducting a special commission meeting in early January will provide the opportunity to present the commission's resolution to the Board of Supervisors at their January 17<sup>th</sup> meeting.

Chairperson Peery opened this item to public comment. (7:10:07) Gary F. Nigro expressed support for staff's request. He advised of the intent to request the Board of Supervisors to suspend a decision on the North Carson Crossing LLC appeal until such time as freeway signage regulations can be established. In response to a question, Chairperson Peery reviewed the purpose of the agenda item.

**CARSON CITY PLANNING COMMISSION**  
**Minutes of the December 19, 2007 Meeting**  
**Page 14**

(7:13:06) Rose Boyer, a resident of Northridge, expressed the hope that staff will consider “the light pollution that’s going to happen in the Northridge subdivision. Be as considerate of us as you were all considerate of the Lakeview residents and their light pollution.”

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional comments, discussion, or a motion of the commissioners. Discussion took place with regard to scheduling a special meeting date and the associated noticing requirements. Commissioner Wendell cautioned the commissioners with regard to intentionally scheduling a special meeting to coincide with the North Carson Crossing LLC appeal to be heard by the Board of Supervisors. He expressed concern over the potential of creating a legal issue for the commissioners. In order to protect the commission, he expressed the belief that the special meeting should be scheduled after the Board of Supervisors meeting. This would alleviate any presumption that the commission is taking inappropriate action.

Following additional discussion with regard to scheduling the special meeting, Chairperson Peery entertained a motion. **Commissioner Mullet moved to request a special meeting for Friday, January 4<sup>th</sup> at 5:30 p.m. to discuss the moratorium for a freeway sign ordinance. Commissioner Reynolds seconded the motion. Motion carried 6-0.**

**I. STAFF REPORTS:**

**I-1. STAFF REPORTS / COMMENTS**

**DIRECTOR’S REPORT TO THE PLANNING COMMISSION (7:22:15)** - Mr. Sullivan reviewed the December 6, 2007 memo included in the agenda materials. He requested the commissioners to review the U.S. Supreme Court ruling summaries on regulatory takings, which were included in the agenda materials.

**FUTURE AGENDA ITEMS (7:23:32)** - Mr. Sullivan advised there would be a full agenda for the January commission meeting.

**J. ACTION ON ADJOURNMENT (7:24:30)** - Commissioner Wendell moved to adjourn the meeting at 7:24 p.m. Vice Chairperson Kimbrough seconded the motion. Motion carried 6-0.

The Minutes of the December 19, 2007 Carson City Planning Commission meeting are so approved this 30<sup>th</sup> day of January, 2008.

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JOHN PEERY, Chair