

CARSON CITY PLANNING COMMISSION

Minutes of the September 24, 2008 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, September 24, 2008 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson John Peery
Connie Bisbee
Craig Mullet
Steve Reynolds

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, 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 A QUORUM, AND PLEDGE OF ALLEGIANCE (3:35:12) - Chairperson Peery called the meeting to order at 3:35 p.m. Roll was called; a quorum was present. Vice Chairperson Kimbrough and Commissioners Vance and Wendell were absent. Chairperson Peery led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - August 27, 2008 (3:36:00) - Commissioner Reynolds moved to approve the minutes. Commissioner Bisbee seconded the motion. Motion carried 2-0-2, Chairperson Peery and Commissioner Mullet abstaining. Mr. Benton acknowledged the minutes would have to be reagendaized for the October meeting.

C. MODIFICATION OF AGENDA (3:36:48) - None.

D. PUBLIC COMMENTS (3:36:55) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (3:37:22) - Mr. Plemel noted the three agendaized items, two for the Planning Commission and one for the Growth Management Commission. At his request, Chairperson Peery combined items H-1(A) and H-1(B)

F. DISCLOSURES (3:38:16) - None.

G. CONSENT AGENDA (3:38:21) - None.

H. PUBLIC HEARING MATTERS:

H-1(A) ZMA-08-075 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON A ZONING MAP AMENDMENT APPLICATION FROM STEELMAN PARTNERS (PROPERTY OWNER: RIDL) TO AMEND THE ZONING OF A PORTION OF TWO PARCELS FROM RETAIL COMMERCIAL (RC) AND MOBILE HOME 12,000 (MH12)

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TO GENERAL COMMERCIAL (GC), ON PROPERTY LOCATED AT 2670 HIGHWAY 50 EAST AND 1710 NORTH LOMPA LANE, APNs 008-161-60 AND -69; and H-1(B) SUP-08-076 ACTION REGARDING A SPECIAL USE PERMIT REQUEST FROM STEELMAN PARTNERS (PROPERTY OWNER: RIDL) TO ALLOW FOR A DEVELOPMENT OVER 150,000 SQUARE FEET IN SIZE, AS A CONDITIONAL USE, IN A GENERAL COMMERCIAL ZONING DISTRICT; TO ALLOW AN INCREASE IN THE PERMITTED FREESTANDING SIGN AREA FROM 300 SQUARE FEET TO APPROXIMATELY 305 SQUARE FEET; TO ALLOW AN INCREASE IN TOTAL PERMITTED SIGN AREA FROM 600 SQUARE FEET TO APPROXIMATELY 891 SQUARE FEET; TO ALLOW AN INCREASE IN PERMITTED FREESTANDING SIGN HEIGHT FROM 20 FEET TO 44 FEET FOR A COMMERCIAL USE; AND TO ALLOW AN INCREASE IN PERMITTED BUILDING HEIGHT FROM 45 FEET TO 118 FEET FOR THE CONSTRUCTION OF A HOTEL / CASINO LOCATED AT 2670 HIGHWAY 50 EAST, 1620 NORTH LOMPA LANE, 1680 NORTH LOMPA LANE, AND 1710 NORTH LOMPA LANE, APNs 008-161-60, -67, -68, AND -69, LOCATED ON THE NORTHEAST CORNER OF THE CARSON CITY FREEWAY AND HIGHWAY 50 EAST (3:39:34) - Chairperson Peery introduced these items. Mr. Plemel provided an overview of the presentation. Ms. Pruitt oriented the commissioners to the subject site using a displayed aerial photograph, and reviewed the staff report pertinent to the zoning map amendment. She read CCMC 18.04.020(6) into the record, and explained the provisions. She read into the record the three findings of fact and their corresponding goals, as outlined in the staff report. She reviewed the public noticing process, and referred to the three letters in opposition to the zoning map amendment which were included in the agenda materials. She noted that the letters of opposition identified specific concerns regarding project impacts. She advised that said impacts have been addressed and would be discussed as part of the special use permit presentation. She further advised that the required findings had been made by the applicant, and noted staff's recommendation of approval of the zoning map amendment.

Ms. Pruitt narrated a PowerPoint presentation of the special use permit application, narrated pertinent photographs, and reviewed the staff report. She narrated elevation drawings of phases 1 and 2 of the proposed development, as well as conceptual drawings, copies of which were provided to the commissioners and staff by the applicant.

Mr. Plemel continued reviewing the staff report pertinent to the special use permit application in conjunction with the PowerPoint presentation and in light of issues raised in the letters of opposition included in the agenda materials. He explained the requirement for the special use permit, and noted that the process provides for imposing conditions to mitigate impacts to the adjacent properties. He noted the conditions of approval providing for shielding light fixtures to prevent glare on adjacent properties. "There are progressive heights depending on the distance from a residential neighborhood that [lighting fixtures] can be placed." With regard to concerns over traffic impacts, Mr. Plemel advised that commercial development was anticipated in the area. The City's transportation master plan element considers growth and the corresponding roadway impacts, and provides for infrastructure to accommodate the same. Mr. Plemel noted that the applicant had provided the results of a traffic study, which indicated that traffic to and from the proposed development would not exceed roadway capacity thresholds. In addition, the proposed development provides for necessary improvements, including turn lanes, to accommodate traffic flow in the area. Mr. Plemel noted the subject location is "the best location to accommodate auto travel because it's right next to the freeway and right next to Highway 50 East which are major corridors." The use of "other, local roads" is therefore less likely. Mr. Plemel noted the concerns expressed over noise

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impacts, specifically from traffic, construction, and trash compaction / cardboard bailer machinery. He pointed out that, as commercially-zoned property, traffic noise would likely be associated with any type of development. He referred to conditions of approval 14, limiting the hours of construction, and 18, prohibiting the operation of “noise-generating machinery” between the hours of 10:00 p.m. and 8:00 a.m. He reiterated that the special use permit process provides for imposing the conditions which otherwise would not be required for a commercial development.

With regard to concerns expressed over signage height and brightness, Mr. Plemel referred to Exhibit A of the staff report, Carson City Casino Signage Requests. He reviewed signage provisions pursuant to the Carson City Municipal Code and the information included at Exhibit A. He reviewed the provisions of conditions of approval 16 and 17, as pertinent to signage. With regard to concerns expressed over building height, he reviewed the pertinent portion of the staff report. He acknowledged the impact of building height to adjacent residential neighborhoods, and referred to Exhibit B of the staff report, entitled Sight-Line Analysis. He pointed out that the hotel tower will be located on the far south side of the property, “more than 400 feet from the nearest residence.” He advised that development on the subject and surrounding commercial property is allowed, by right, up to 45 feet in height. In reference to a displayed slide, he pointed out the location of retail commercial and general commercial zoned properties between the subject property and the adjacent residential neighborhoods. He advised that the by-right permitted building height is 45-feet within 20 feet of the residential property lines. He narrated Exhibit B, the Sight-Line Analysis, which was displayed in the meeting room and included in the agenda materials. He referred to the Mixed-Use Evaluation Criteria portion of the staff report, and advised that the applicant had provided adequate detail. He advised that the subject property, being at the intersection of the freeway and Highway 50 East, had been identified in the City’s comprehensive master plan as a mixed-use activity center.

Mr. Plemel discussed the economic benefits of the project to the community, “in terms of bringing hotel rooms to the area and encouraging and promoting additional quality development along our commercial corridors.” He referred again to the three letters of opposition included in the agenda materials, and advised that no additional comments had been received. He noted staff’s recommendation of approval based on the findings and subject to 46 conditions. He provided an overview of the applicant’s presentation, and advised of an issue regarding the term of the special use permit. He explained that, pursuant to the provisions of the Carson City Municipal Code, the commission had no discretion to extend the special use permit beyond two years. He suggested addressing the issue at a future commission meeting.

In response to a question, Ms. Pruitt advised that the parking garage would provide 700 parking spaces in addition to 76 surface parking spaces. She acknowledged that 776 parking spaces are the total proposed for the project, as part of phase 1. Phase 2 includes the second portion of the hotel and the casino expansion. Commissioner Mullet expressed understanding for the concerns of adjacent neighbors, and concern over vehicles moving in and out of the garage with headlights shining to the east “right out into the neighborhood.” He suggested requiring a screen to shield the adjacent properties from this possibility. He expressed an additional concern over the second phase never being completed due to economic issues, and suggested phasing the parking garage and hotel construction. He expressed support for the north / south facing signage in consideration of the adjacent neighborhood. With regard to the parking garage design, Mr. Plemel anticipated that the wall would be at a height to prevent headlights from shining out. He advised of a condition of approval which requires screening of the parking garage lights.

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Chairperson Peery invited the applicant to the podium. (4:34:25) Jones Vargas Attorney Mike Alonso, representing Golden Gaming, Inc., introduced Golden Gaming Director of Business Development Amy Sances and Steelman Partners Architect Mike Vetrano. Ms. Sances thanked staff for their presentation, and acknowledged agreement with the staff report. She referred to the “one note” regarding the time limit for the special use permit which needs to be addressed. Ms. Sances provided background information on Golden Gaming, Inc. and narrated a SlideShow presentation of the subject project. She pointed out that the parking garage is “flush against the [freeway] to obviate some of those concerns so that you wouldn’t have cars or headlights pulling into residential areas but, in fact, ... we believe it would be screened by the architectural features of the garage.” Ms. Sances advised that the project was designed to minimize noise, light, and traffic impacts to the adjacent neighborhood. She further advised that walking trails had been “tied in to the site to allow for pedestrian cross traffic” at the request of the Parks and Recreation Department. “During operations, a private security force would patrol the site alleviating any safety concerns” of neighboring residents. Ms. Sances expressed the opinion that the quality project provides for allaying many of the adjacent neighbors’ concerns over development impacts. She thanked Planning Division and other City staff for their cooperation and assistance over the last eighteen months. She reiterated agreement with the staff report, with the exception of requesting a longer term on the special use permit in order to conduct the required geotechnical and other studies prior to applying for the building permit. In response to a question, she suggested a two-year initial special use permit period with a two-year extension option.

Commissioner Bisbee suggested including additional handicapped surface parking. In response to a question, she advised that, from personal experience with a disabled family member, “we would be most likely to use those surface, as close to the building; just makes it a lot easier for a wheelchair or walker ...” Ms. Sances thanked Commissioner Bisbee for the suggestion, and advised she would convey it to the design team. Chairperson Peery suggested including additional handicapped spaces in the parking garage as well. In response to a question with regard to phasing the parking garage construction, Mr. Alonso explained the associated difficulty. The “sheer cost of garage space, per space, is so expensive and to do it twice or to try to retrofit something ... is cost prohibitive.” He pointed out that the site is 4.5 acres, and advised “it’s really an issue of cost and site constraint on being able to phase the garage.” Discussion ensued; Mr. Alonso expressed understanding for Commissioner Mullet’s point and offered to convey the concern to the design team. He discussed the importance of sufficient parking to accommodate and serve the guests and customers as part of phase 1.

Chairperson Peery opened this item to public comment. (4:48:30) Gary Schuller advised he has the closest residence to the subject property. He discussed concerns regarding traffic and noise. He expressed the opinion that “traffic will increase tremendously on Lompa and Dori.” He advised that his “fence is 100 feet from their parking lot” and that his parents live next door to his residence. He expressed concern over “24-hour traffic, not just during the day,” in addition to foot traffic. He pointed out his residence and that of his parents next door on a displayed aerial photograph. He expressed additional concern over the construction period. He disagreed that the proposed project will improve his property value, and that the Ormsby House is a comparable project adjacent to a residential neighborhood. He advised of having been aware of the freeway construction at the time he purchased his property. He further advised that the project will obstruct his view of Job’s Peak. In response to a question, he advised of having purchased his property in 2000. He acknowledged that the tire store development was in place at that time. He further acknowledged the probability of a large commercial development on the property. Chairperson Peery noted Mr. Schuller’s property in a friction zone and the need to beware of “what may come.” He further noted

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the rights of property owners to develop property, and advised that precluding those rights on the basis of impinging on someone else's right is not a basis for denying approval of the zoning map amendment or the special use permit. Mr. Schuller clarified he was not opposing construction of the project, but reiterated concerns over trespass on and damage to his property by casino patrons. He reiterated disagreement that the project will improve his property value.

Mr. Plemel expressed appreciation for Mr. Schuller's concerns, and advised his were issues common to residential-adjacent commercial development. He clarified that the staff report discusses improvement to surrounding commercial property values and to the general economy of the City. Not being an appraiser, he was uncertain as to impacts to property values in adjacent residential neighborhoods. Mr. Plemel advised of a list of permitted uses for commercially-zoned property. He reiterated no intent to convey that the proposed development would benefit adjacent residential property values. He acknowledged that any development, regardless of size, would add traffic to surrounding roadways. He advised that Engineering and Transportation Division review indicated there will be no traffic capacities which will exceed existing, acceptable levels of service. Chairperson Peery thanked Mr. Plemel for the clarification.

Chairperson Peery called for additional public comment. (5:02:07) Linda Wilson, a resident of Esther Circle and a Carson City realtor, expressed concerns regarding special use permit condition of approval 18 in that the applicants could be requesting additional signage with the construction of phase 2. She inquired as to how a "Las Vegas-type casino" would fit adjacent to the freeway "in a town that doesn't look like it should hold more than 110,000 population."

Ms. Pruitt explained the purpose for condition of approval 18. If the applicant proposes additional signage, they would be required to appear before the commission again. The surrounding property owners would be notified accordingly. Chairperson Peery advised that condition of approval 18 is "meant as a community protection." (5:04:16) Ms. Wilson explained her previous understanding of the condition of approval.

Chairperson Peery read a portion of condition of approval 17 into the record, and requested staff to consider a specific percentage. Mr. Plemel acknowledged specific nighttime dimness criteria for freeway oriented signage. He offered to consider suggestions and to work with the applicants. Commissioner Reynolds expressed appreciation for Ms. Pruitt's clarification of special use permit condition of approval 18. He suggested including in condition of approval 17 a statement indicating that future constraints or parameters may be imposed for LED signage and that the proposed signage would be subject to those parameters.

Chairperson Peery called for additional public comment and, when none was forthcoming, requested individual commissioner comments. Commissioner Reynolds expressed no issue with "most of" the special use permit provisions. "On a big picture, the height of the building is something that takes a little bit to get around." Commissioner Reynolds noted that "all of the other tall buildings ... have a context of being much closer to C Hill or the Sierras," and therefore do not stand out "like this building will." He further noted that the Lompa Ranch / freeway area is now being considered as the "commercial area that it potentially will become. A building like this ... sets that standard." He suggested this may be the "consideration ... for the whole mixed use development that we've been looking at through the master plan for several years. ... This is the start of the big changes we expect the freeway to make along here." Commissioner Reynolds expressed an additional concern over the request to extend the time for the special use permit. "Given the financial standing" of the nation, he suggested it may be worth considering. He further suggested the City's master plan may change over a four-year period of time. Additionally, "permits that go that long have a

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smothering effect on the economy. ... An approved development sitting out there but not being built has a preventive effect on other casinos” or developments and “gives them an unfair competitive advantage to some degree.” Commissioner Reynolds acknowledged other factors of which he may not be aware, but suggested his concerns should be given careful consideration in light of a special use permit extension.

Mr. Benton referred to Carson City Municipal Code, Section 18.02.080(8), and advised that special use permits cannot be issued in any length of time other than one year with a one-year extension. In response to a question, he reiterated that the CCMC does not authorize the commission to prescribe a different special use permit term. In response to a further question, Mr. Benton explained that the Nevada Revised Statutes authorize the issuance of special use permits. The particular time frame is prescribed by the CCMC. Mr. Benton acknowledged that an amendment to the CCMC would be required to change the prescribed term. Chairperson Peery recessed the meeting at 5:12 p.m. and reconvened at 5:17 p.m.

Commissioner Mullet expressed concern over the proposed building height with “architectural features that make it higher than may be necessary ...” He reiterated concern over the size of the parking structure “should the thing never build out.” He suggested “knock[ing] off the north half of it until the convention center is built,” and requested the City to work with the applicant. He reiterated concern over sufficient screening for parking garage lighting and for headlights shining from the eastern and northern façades into the adjacent residential areas.

Commissioner Bisbee expressed sympathy for Mr. Schuller’s concerns, but noted the commission’s purview to consider an increase to a building height which is already allowed by right. She noted that a 45-foot building height “would still have been a disruption to their view.” She advised of having found the subject project one of the “easiest staff presentations to follow and to understand and to read.” She commended Mr. Plemel and Ms. Pruitt on the quality of the staff report.

Commissioner Mullet suggested “it would have been nice if we had an ordinance that said nothing can be taller than the capitol.” Mr. Plemel advised of a downtown policy, “at one time,” that nothing within 500 feet could be taller than the capitol. “That was the extent of it previously.”

Chairperson Peery expressed appreciation that the current Code prohibits extending a longer term for the special use permit, and the belief that “it is a protection for the City.” He expressed concern over the proposed building height “sitting out in the middle of everything.” “This building is not butted up to anything except the elevation for the freeway in order to ameliorate its height relative to other structures.”

Chairperson Peery entertained a motion for item H-1(A). **Commissioner Reynolds moved to recommend to the Board of Supervisors approval of ZMA-08-075, a zoning map amendment to change the zoning designation of approximately a 625-square-foot portion of APN 008-161-60 from mobile home 12,000 to general commercial, and to change the zoning of approximately a .58-acre portion of APN 008-161-69 from retail commercial to general commercial, on property located at 1710 North Lompa Lane and 2670 Highway 50 East, based on the findings contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 4-0.**

Chairperson Peery entertained a motion for item H-1(B). **Commissioner Bisbee moved to approve SUP-08-076, a special use permit to allow a community regional commercial center exceeding 150,000 square feet, to allow an increase in the permitted free-standing sign area from 300 square feet to**

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approximately 305 square feet, to allow an increase in total permitted sign area from 600 square feet to approximately 891 square feet, to allow an increase in permitted freestanding height from 20 feet to 44 feet, and to allow an increase in the permitted building height from 45 feet to 118 feet, on property located at 2670 Highway 50 East and 1620, 1680, and 1710 North Lompa Lane, APNs 008-161-60, -67, -68, and -69, based on the findings and subject to the conditions of approval contained in the staff report, with an addition to condition of approval 17 that the project would be expected to come into compliance with future adopted LED settings for dimmer nighttime settings, etc. Commissioner Reynolds seconded the motion. Motion carried 4-0.

RECESS THE PLANNING COMMISSION, CONVENE THE GROWTH MANAGEMENT COMMISSION, DETERMINATION OF A QUORUM (5:25:42) - Chairperson Peery recessed the Planning Commission and convened the Growth Management Commission. Roll was called; a quorum was present. Vice Chairperson Kimbrough and Commissioners Vance and Wendell were absent.

H-2. GM-08-077 ACTION REGARDING A REQUEST FOR GROWTH MANAGEMENT REVIEW TO ALLOW FOR WATER USAGE ABOVE 7,500 GALLONS PER DAY, ON PROPERTY LOCATED AT 2670 HIGHWAY 50 EAST, 1620 NORTH LOMPA LANE, 1680 NORTH LOMPA LANE, AND 1710 NORTH LOMPA LANE, APNs 008-161-60, -67, -68, AND -69 (5:26:04) - Mr. Plemel introduced Public Works Department Water Operations Manager Rit Palmer, and reviewed the staff report. Mr. Plemel noted the first three conditions of approval applicable to the actual development and advised they had been incorporated into the special use permit conditions of approval. With regard to condition of approval 3, he explained that the costs for siting, installing, and equipping an additional production well would be covered by connection fees. He noted staff's recommendation of approval subject to the conditions outlined in the staff report.

(5:28:27) Mr. Palmer acknowledged that the connection fees will provide the opportunity to work on constructing a new well site. He advised that a possible location has been identified on Division of State Lands property. He reviewed the recommended conditions of approval, as outlined in the staff report, and advised that construction of the new well will provide for meeting the demands of the proposed development. He acknowledged that the recommended conditions of approval are partially predicated on constructing the new well. Commissioner Mullet suggested considering instant water heaters in order to avoid wasting water. Chairperson Peery thanked Mr. Palmer for his attendance and participation.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional comments or a motion of the commissioners. **Commissioner Reynolds moved to approve GM-08-077, an application from Steelman Partners, representing RIDL Group, to exceed the growth management water usage threshold of 7,500 gallons per day for the Sierra Gold Casino and Hotel, located at 2670 Highway 50 East and North Lompa Lane, for approximately 82,916 gallons per day (92.88 acre-feet per year), subject to the conditions of approval from the Deputy Public Works Director, as contained in the staff memorandum. Commissioner Mullet seconded the motion. Motion carried 4-0.**

ADJOURN THE GROWTH MANAGEMENT COMMISSION AND RECONVENE THE PLANNING COMMISSION (5:34:36) - Chairperson Peery adjourned the Growth Management Commission and reconvened the Planning Commission.

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I. STAFF REPORTS:

I-1. STAFF REPORTS / COMMENTS; DIRECTOR'S REPORT TO THE PLANNING COMMISSION; AND FUTURE AGENDA ITEMS (5:34:49) - Mr. Plemel reviewed the director's report, copies of which were included in the commissioners' agenda materials. Commissioner Mullet suggested agenda discussion and possible action to start the commission meetings later in the afternoon until such time as the agendas start increasing in volume. Commissioner Reynolds noted the "major impact" of the Golden Gaming development on the community. He advised that one reason for his voting in favor of the development was "absolutely no participation from anyone who had anything to complain or be concerned about with that height." He wondered about "folks out there that maybe this, in the future, might be an issue to." He expressed a preference to hear complaints during presentation of the project rather than "three months down the line." For the benefit of the viewing public, he advised that any opposition should be expressed during the commission hearing. Chairperson Peery agreed, and advised of having expected more participation from other casino owners or members of the community.

J. ACTION ON ADJOURNMENT (5:38:03) - Commissioner Mullet moved to adjourn the meeting at 5:38 p.m. Commissioner Reynolds seconded the motion. Motion carried 4-0.

The Minutes of the September 24, 2008 Carson City Planning Commission meeting are so approved this 29th day of October, 2008.

JOHN PEERY, Chair