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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, October 29, 2008 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: 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. These materials are on file in the Clerk-Recorder's Office, and available for review during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (3:30:23) - Chairperson Peery called the meeting to order at 3:30 p.m. Roll was called; a quorum was present. Commissioner Mullet arrived at 4:00 p.m. Vice Chairperson Kimbrough led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - August 27, 2008 and September 24, 2008 (3:31:15) - Commissioner Wendell moved to approve the August 27, 2008 minutes. Commissioner Reynolds seconded the motion. Motion carried 6-0. Commissioner Bisbee moved to approve the minutes of September 24, 2008. Commissioner Reynolds seconded the motion. Motion carried 4-0-2, Vice Chairperson Kimbrough and Commissioner Vance abstaining.

C. MODIFICATION OF AGENDA (3:32:10) - None.

D. PUBLIC COMMENTS (3:32:20) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (3:32:50) - None.

F. DISCLOSURES (3:32:56) - None.

G. CONSENT AGENDA (3:33:02) - None.

H. PUBLIC HEARING MATTERS:

H-1. PRESENTATION WITH THE BUILDERS ASSOCIATION OF WESTERN NEVADA ("BAWN") REGARDING THE REGIONAL SIERRA GREEN BUILDING PROGRAM (3:34:11) - Chairperson Peery introduced this item. Mr. Plemel reviewed the October 23, 2008 memorandum included in the agenda materials. He offered CD copies of the presentation to anyone interested following the

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meeting. He advised that October is National Planning Month; this year's theme is Green Communities. He further advised that the Mayor had signed a Proclamation at the October 16, 2008 Board of Supervisors meeting.

Mr. Plemel introduced Builders Association of Western Nevada Executive Director Rick DeMar, BAWN Governmental Affairs Director Sheena Beaver, and University of Nevada Business Environmental Program Director Kevin Dick. He invited Mr. Dick to present information on the Sierra Green Building Program. (3:36:50) Mr. Dick provided an overview of the presentation materials which had been distributed to the commissioners and staff prior to the start of the meeting, and narrated a PowerPoint presentation. He referred anyone needing additional information to Ms. Beaver or the BAWN website.

In response to a question, Mr. Dick advised of having worked with some of the builders to score homes in the process of construction. None scored to the level of the Sierra Green bronze rating, but some were in range of easily attaining it. Mr. Dick advised of studies done on commercial buildings constructed to the LEAD standard. The cost increase is dependent upon "how high you score. LEAD goes up to a platinum level." Mr. Dick further advised that the cost is typically an additional two to three percent. Renewable energy components represent a large increase. There are other ways, in consideration of the entire house, such as investing more in insulation which can save money by avoiding large HVAC systems. Mr. Dick further advised that the quality built into the Sierra Green program results in savings by avoiding call-backs. Vice Chairperson Kimbrough expressed support for the program, and appreciation for the builders associations advocacy. He inquired as to how the commission could assist in advocating the program among the development community. Mr. Dick explained that since the Sierra Green program is voluntary, encouraging participation and providing incentives, where possible, would be very beneficial.

(3:54:05) Mr. DeMar provided background information on the origins of the Sierra Green Building Program. He noted the differing opinions associated with green construction, and reiterated that the program was created to provide options on a voluntary basis. He further advised that BAWN, which has worked with Carson City for close to forty years "building the community and making it the quality environment it is," recognizes the benefit to the community of such a program. He requested endorsement or recognition of the program by this commission, and advised that a presentation will be made to the Board of Supervisors as well.

Mr. Dick anticipates issues needing resolution, such as requirements which may conflict with the intention behind some of the green building aspects of the program. He noted that green building promotes cluster development to preserve open space, encourages the use of reclaimed water, and maximizes the use of storm water. He suggested that helping to resolve these issues will be important to the program's success.

Chairperson Peery thanked Mr. Dick and Mr. DeMar for their presentations. Mr. Plemel noted the presence of Development Services Director Walter Sullivan and Chief Building Official Kevin Gattis. Mr. Plemel advised that the Development Services Division will continue to work with the Sierra Green Program, particularly on those issues where there may be conflict with strict application of the building code.

Chairperson Peery called for public comment (3:59:17) James Medeiros, of the Solar Store, advised that the average American family wastes 14,000 gallons of water annually "waiting for the water to warm up at the tap." He promoted the installation of hot water recirculation systems, and explained their function. [Commissioner Mullet arrived at 4:00 p.m.] Mr. Medeiros responded to questions regarding point of use water heaters. Chairperson Peery called for additional public comment; however, none was forthcoming.

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H-2. SUP-08-094 ACTION TO CONSIDER A SPECIAL USE PERMIT FOR THE CONTINUED PHASED DEVELOPMENT OF THE CARSON CITY CORPORATE YARD AT 3301 BUTTI WAY, ZONING PUBLIC REGIONAL (PR), INCLUDING THE USE OF A COMMERCIAL COACH AS AN OFFICE, AN ADDITION TO THE VEHICLE MAINTENANCE BUILDING, 20 METAL STORAGE CONTAINERS, THE EXPANSION OF AN ASPHALT STORAGE BUILDING, AND THE EXPANSION OF THE PUBLIC WORKS OFFICE BUILDING, APN 010-031-04 (4:01:22) - Chairperson Peery introduced this item. Mr. Plemel reviewed the staff report in conjunction with displayed slides and with the agenda materials. He reviewed the public noticing process and advised of having received no response. He noted staff's recommendation of approval subject to the thirteen conditions included in the staff report. (4:06:25) Public Works Department Civil Engineer Mark Brethauer advised of having participated in preparation of the application, and commended Mr. Plemel's presentation.

Chairperson Peery opened this item to public comment; however, none was forthcoming. In response to a question, Mr. Plemel advised of no time line associated with the project. The temporary office trailer will remain in place until office space is made available, at which time the office trailer will be stored. Mr. Plemel explained that the temporary office trailer will be in an area totally surrounded by other buildings and not visible. The trailer could be used, in the location, for future expansion, as necessary.

Mr. Brethauer acknowledged agreement with the conditions of approval. Chairperson Peery entertained a motion. **Commissioner Vance moved to approve SUP-08-094, a special use permit request from Carson City to allow continued expansion of the Carson City Corporate Yard, as previously approved under U-97 / 98-03, and add a temporary office, con-ex storage units, an addition to the vehicle maintenance building, and an expansion of the existing asphalt storage building, on property in the public regional zoning district, located at 3505 Butti Way / APN 010-031-04, based on findings and conditions of approval contained in the staff report. Commissioner Wendell seconded the motion. Motion carried 7-0.**

H-3. AB-08-091 ACTION TO CONSIDER AN APPLICATION FOR AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY FROM JOHN PROCACCINI, BREWERY ARTS CENTER, (PROPERTY OWNERS: BREWERY ARTS CENTER / CARSON CITY) TO ABANDON A 66-FOOT WIDE SECTION OF MINNESOTA STREET BETWEEN WEST SECOND STREET AND WEST KING STREET, APNs 003-206-02 AND 003-207-04 (4:10:37) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, emphasizing that the conceptual plan included in the agenda materials was not agendized for action at this meeting. She noted the public noticing process, outlined in the staff report, and advised that no response had been received prior to the writing of the staff report. She reviewed the late information provided to the commissioners and staff prior to the start of the meeting, including a petition and three letters of support. She oriented the commissioners to the subject section of Minnesota Street using a displayed aerial photograph, and narrated additional photographs of the area. She further noted the findings for approval and for denial, as well as the department comments, included in the staff report.

Mr. Sharp commended the project and noted its overwhelming public support. He discussed the issue of timing in that, typically, such a development is presented to the commission via special use permit application, including a plan upon which the public has the opportunity to comment. In addition, Board of Supervisors approval would also be required since the Brewery Arts Center property is owned by the City. Mr. Sharp expressed concerns over the conceptual nature of the plan, and the possibility of establishing a precedent for future development. He noted "this is a fully functioning, fully improved City

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street,” and described its infrastructure. He advised that the route is used to accommodate overland flood water flow. He further advised that the Regional Transportation Commission concluded abandonment of the street would not have a significant impact from a transportation standpoint, “but there will be a negative impact to the public.” He reviewed the results of traffic counts conducted over the past several years and more recently. He noted the importance of the provisions of the pertinent portion of the Carson City Municipal Code only allowing a one-year period between approval of an abandonment application and recording the abandonment. He expressed concern over approving the abandonment subject to the Brewery Arts Center “actually developing a plan and having the plan approved and then actually having the finances to go out and build the improvements.” He advised this was the reason for the recommendation for denial, and referred to the conditions outlined in the staff report. He clarified that the conditions provide for no demolition taking place until such time as a development plan has been approved. He reiterated, “That’s not the policy that we want to set. We would not allow a developer to come in with a concept, go ahead and abandon the right-of-way, day one, and then come along at some other time and actually present the plan and get approval for the plan.”

In response to a question, Mr. Sharp advised of having reviewed the conceptual plan which indicates buildings on the location of the existing street in the location of existing utilities. He further advised that the applicant has not presented any plan regarding the method by which utilities would be relocated. He suggested the design issues had not yet been contemplated. Chairperson Peery expressed the opinion that the abandonment application seems “to be ... putting the cart before the horse.”

(4:27:08) Brewery Arts Center past president and current board member Joan Wright and Architect John Copoulos, representing the Brewery Arts Center, introduced themselves for the record. In response to a question, Mr. Copoulos expressed the belief that the “whole City process is flawed.” He explained that the City is, in effect, requesting the applicants to spend \$30,000 to \$40,000 in engineering fees in order to develop a plan. The Brewery Arts Center’s approach is to find out if the street can be abandoned, i.e., whether there is public support, traffic issues, etc. Mr. Copoulos advised that the Brewery Arts Center Board is “fully ready to ... start some development plans. Now we know what some of the issues are.” He advised of never having heard of a condition of approval or a finding that “we don’t think the applicant’s going to do this, so deny it.” He requested to provide background information on the project and an overview of the conceptual plan included in the agenda materials. He advised of having developed findings which the commission could fully support. He expressed a willingness to develop drawings; to work with the Engineering Division and the Parks and Recreation Department, in consideration of its parks and recreation master plan element, and with the public. He advised that the “cart before the horse is very important to us.” In response to a question, he advised that the one-year time frame is not considered a problem. He noted the requirement to appear before the Historic Resources Commission and again before this commission for a special use permit application. He discussed the Brewery Arts Center café proposal for which a dumpster and floor drain to the sewer is required by the Planning Division and the Health and Human Services Department. “The Brewery building itself, on all four sides, has the property line up against the building. We physically don’t have room to provide a dumpster on the old Brewery building.” Mr. Copoulos noted the requirement for a special use permit “with the Brewery being in a public zone in a City building.” He advised of having “approached the special use permit for not only the café; the City asked us for a parking study ..., a special use permit for the special events that have been taking place on the Brewery site. We put together this whole special use permit, we approached the City with it, we came to you, the Planning Commission, ... We currently have a permit to conduct special events.” Mr. Copoulos noted that the special events involve a temporary stage, temporary toilets, temporary seating. “We feel Carson City deserves better.” As part of the special use permit process, Brewery Arts Center representatives were requested to provide a master plan. “The City pressed us for a master plan. We

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brought an updated plan incorporating some ideas for an urban park, incorporating an outdoor amphitheater that would make the special events center permanent as opposed to temporary.” Mr. Copoulos explained that, in subsequent discussions, Brewery Arts Center representatives decided to move forward with the street abandonment; “at least find out what the appetite of the City is as far as street abandonment.” He advised that the Brewery Arts Center has “experienced enough of the flood situations to know where the water goes in that neighborhood. We needed that input.” He pointed out that the “Brewery Arts is not a developer like the City is used to working with; they’re a non-profit. We’ve got to go out and raise the money for engineering fees and raise the money to do the development plan.” He anticipates, “knowing what the codes and the issues are,” that a development plan can be prepared and submitted within a year’s time. “We’ll have the money in place to at least close the street per what the City requirements are.” He commended Transportation Manager Patrick Pittenger, “who went out of his way to do a detailed assessment of the traffic in that neighborhood and was able to come back to Regional Transportation with a good recommendation about what the traffic is and how things are in that neighborhood.”

Mr. Copoulos advised that the Brewery Arts Center first developed a master plan in July 2002 “showing a multi-block facility that spanned Minnesota Street.” Said master plan was presented to the public, with invitations to “all members of politicians, public, different groups.” The Brewery Arts Center had just purchased the performance hall and was struggling to make payments. Mr. Copoulos expressed the belief that positive feedback regarding the proposed street abandonment will allow the Brewery Arts Center to pursue the project and to move forward. He refuted the findings of the staff report. “Item number 1, staff’s mistaken that we intend to pursue the development plan. We intend to pursue these plans within the time limit prescribed by code.” With regard to item 2, he acknowledged the realization of flood issues and expressed a willingness to work with staff and the provisions of the code to accommodate flood drainage. He expressed the belief there is no reason for the Brewery Arts Center to invest in fund raising, engineering and development costs to proceed with the vision of the master plan without a commitment from the City regarding the proposed right-of-way abandonment. He offered findings related to the street abandonment, and advised that they had been plagiarized from SUP-07-216, prepared by Carson City Planning Division, and accepted by this commission. He read the findings into the record, as follows: (1) This is a priority infill development area; (2) that this helps support tourism activities, especially within an historic resource; (3) the development will have no detrimental effect on traffic as determined by the Transportation Manager and RTC; (4) the development will not overburden existing services; (5) the development will not be detrimental to public health, safety, convenience, and welfare. It will benefit residents of the region with additional cultural resources; (6) the development will not result in material damage or prejudice to other property; there is ample parking, as determined by Planning; there are no concerns from adjacent neighbors; (7) pedestrian safety will be enhanced on the campus of the Brewery Arts Center.

Mr. Copoulos noted that “things are changing at the Brewery Arts Center. The Brewery Arts Center needs to change to adapt and to keep programming going.” Brewery Arts Center representatives are constantly considering improvements. Mr. Copoulos discussed the desire to meet City requirements such as the dumpster referred to earlier in conjunction with the café. He reiterated the requirement cannot currently be met on Brewery Arts Center property due to the proximity of City right-of-way adjacent to the building on all sides. He anticipates that a certificate of occupancy will be issued for the café this week. A waiver has been granted by the Planning Division and the Health and Human Services Department, and Mr. Copoulos advised that acquiring a dumpster which meets code is a top priority.

Ms. Wright distributed to the commissioners and staff typewritten copies of her comments. She agreed with Mr. Sharp over the “timing issue,” but explained that the Brewery Arts Center needs approval of the proposed abandonment prior to beginning fund raising efforts. She reiterated that the Brewery Arts Center

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is not a developer. “You can’t use the developer model with us. We’re a non-profit and we serve a big role in this community.” Ms. Wright noted that the concept volunteers participation as a regional park. She advised that the street right-of-way represents more than one-quarter acre between the two properties. She advised of having reviewed the findings outlined in the staff report, and acknowledged acceptance of the standard findings. She explained that some of the findings were confusing and some were duplicate which would create confusion. She referred to page 2 of 9 of the staff report, and reviewed her written comments in conjunction with the same. Mr. Plemel and Mr. Sharp responded to questions of clarification. Following discussion, Mr. Sharp agreed that condition of approval 13 could be deleted because “we have number 10 which creates the easements for all the utilities.”

Ms. Wright emphasized the benefit of the project to the Brewery Arts Center “to be able to combine these two campuses, to take the 66-foot right-of-way out of the middle.” There is no intention to interrupt “utilities, sewer, drainage. We will accommodate all of those issues. If we did nothing but pull up the concrete and put a park there, it is a huge improvement to the whole atmosphere and to the community.”

Chairperson Peery expressed the opinion that the Brewery Arts Center presentation “showed that there are gaps and holes because of unknowns here and the lack of a presentation for your model of development. Those interfere with the concerns of the City.” He expressed the further opinion that all the commissioners are supportive of the arts and any improvement project at the Brewery Arts Center. He didn’t understand the reluctance to submit a plan which would serve as the “predecessor of the abandonment itself.” In response to a question, Ms. Wright reiterated the concern over being able to raise funds without the commitment to abandon the street. Chairperson Peery suggested “that brings up other concerns of the solvency of the corporation ...” Ms. Wright disagreed that the financial status of the Brewery Arts Center is a prerequisite to approving the requested abandonment. She reiterated the commitment that the street would not be abandoned until such time as a development plan is submitted, and suggested the commission should condition the abandonment accordingly. “In the non-profit fund raising world, ... before we can even have a plan, we have to know we have the street and we have to be able to tell people that the City supports us.” Chairperson Peery expressed understanding and appreciation for the positions stated by the Brewery Arts Center representatives as well as the City representatives.

Chairperson Peery opened this item to public comment. (4:57:33) Craig McEwan, 206 South Minnesota Street, estimated his property is within 100 feet of the Brewery Arts Center. He expressed concern over the view of the Brewery Arts Center from his property. “I don’t know if I’m going to be looking at fencing, block wall, concrete, an open campus that’s walked through or what.” He expressed additional concern over use of the amphitheater in consideration of his physical therapy practice.

(4:59:44) Transportation Manager Patrick Pittenger referred to the October 13, 2008 letter provided by Regional Transportation Commission Chairperson Shelly Aldean which was included in the agenda materials. Mr. Pittenger advised that the Regional Transportation Commission “kept the focus on transportation,” and that Transportation Division staff had found no significant negative impact associated with closing the street. “We talked to everyone from the school bus [operators] to the bike and pedestrian element ...” Mr. Pittenger further advised of the emphasis placed on the Regional Transportation Commission agenda item that the street should not be abandoned without a development plan having been approved. “We would have extreme concerns about both the maintenance and the liability associated with the roadway should it not be in our hands anymore.” Mr. Pittenger reviewed the plan for flood waters flowing east on King Street to “start bleeding it off on each of the five roadways from Thompson all the way over to Curry, spreading the flow and not trying to take it all down one road.” In response to a comment, Mr. Pittenger advised that the “water obviously has to go somewhere, and it’s not to say that you

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can't send it down four streets instead of five streets. ... It would certainly be something that needs to be addressed prior to the closure of the street as part of any development plan."

(5:02:47) Gregg Hayes, a resident of Minnesota Street "a couple blocks south of the Brewery ..." advised of being intimately informed as to traffic flow on Minnesota and Fourth Streets. With regard to the traffic count figures reviewed earlier, he expressed the opinion that the "350 number you heard from Minnesota is probably a better figure, my sense over a lot of years in terms of traffic flow." He advised that another point not made at this meeting, but made at the Regional Transportation Commission meeting, "of the five streets they looked at, north / south streets from Curry over to Thompson, [Minnesota] was the least used of the five." He acknowledged the likelihood of a "slight negative impact," and estimated that he and his wife represent 12 of the 350 daily trips. He expressed a willingness to use an alternate route. With regard to the "cart before the horse" comment, he agreed with Ms. Wright regarding the necessity of the commitment to abandon the street prior to beginning fund raising activities. Dr. Hayes invited the commissioners to visit the Brewery Arts Center properties, and noted that looking "east toward the old brewery, look west toward what was St. Teresa's church, it is mostly asphalt. The street, the parking areas; it is not very user friendly. ... It is very hot in the summer." Dr. Hayes noted that "just the simplest phase one of dealing with ... the drainage issues and the flood control ... and curbs and sidewalks and lawn, walkways, benches ... would look a lot more attractive to those looking north from their house ... than all that asphalt." He assured the commissioners, "They can do it in a year's time frame if you give them the go-ahead to say 'Yes, we're willing to do this.'" Dr. Hayes suggested improvements will be ongoing, and expressed concern over "being really hamstrung the way they are right now. This would be a huge step forward and would get better use out of the structures ... that are there right now." He emphasized that the City would be protected by conditioning the approval on submission of a development plan.

(5:06:58) Brewery Arts Center Board of Directors President Sally Zola agreed with earlier comments that the project is "awesome," and that it is still in its conceptual stages. She reiterated the Brewery Arts Center is not a development company. "We don't get investors and then go and build the project. We come up with the project and then go and ask people to give us money in order to build that project." Ms. Zola advised "there a lot of places in the City ... which have started off with a conceptual plan and worked with that plan to raise the money to make it happen." She referred to the Western Nevada College baseball field as an example. She requested a commitment from the City to close the street "if, in fact, we can bring you back a plan that's approved by the City and all the parties necessary and that we can show that we have the money." On behalf of the Brewery Arts Center Board of Directors, she requested the commission's favorable consideration of the request to abandon the street.

(5:09:27) Scott Anderson, a 20-year resident of the Brewery Arts Center neighborhood, "just ... off of West King Street, and a Brewery Arts Center Board member, advised of having spent a significant amount of volunteer time at the Brewery Arts Center. He advised that the majority of the usage of the subject portion of Minnesota Street is by Brewery Arts Center patrons. He requested the commission's favorable consideration of the proposed street abandonment "so that we can actually go forward with this project."

(5:11:00) Jed Block, a Brewery Arts Center Board member, provided background information on the Carson City Arts Alliance and its purchase of the Brewery Arts Center. He discussed the importance of the street abandonment to the fund raising efforts.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained comments, questions, or a motion of the commissioners. Based on his review of the agenda materials and the testimony received at this meeting, Commissioner Wendell acknowledged the public safety concerns

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associated with use of the Brewery Arts Center properties with Minnesota Street open to vehicular traffic. He expressed the understanding that the proposed project is compliant with the City's comprehensive master plan criteria. He expressed the belief that the Brewery Arts Center's conceptual plan will enhance the community's quality of life. Based on the City's past support of the Brewery Arts Center over the years, Commissioner Wendell expressed the belief that the commission should do everything possible to support the improvement project by approving the proposed street abandonment. He acknowledged Mr. Sharp's concerns, but suggested the conceptual plan represents a "fantastic idea." He agreed with Chairperson Peery's concerns over placing the cart before the horse, but acknowledged the importance of the street abandonment to the Brewery Arts Center's fund raising efforts. He suggested that the commission could serve as the facilitator "to get this project off dead center." He strongly recommended approving the abandonment application subject to the conditions of approval provided by the Planning Division, and in consideration of the written comments provided by Ms. Wright. He suggested working together to get the project initiated. He reiterated the potential hazard of the present situation, that the conceptual plan is compliant with the comprehensive master plan criteria, and expressed support for the subject project adjacent to residential and the downtown redevelopment areas. "This would enhance some of the projects that the Board [of Supervisors] has been addressing for the last several years."

Commissioner Bisbee inquired as to the outcome of approving the abandonment application over the next twelve months. Mr. Sharp advised that the applicant could record the abandonment immediately. "There are no conditions ... that would not allow them to record the abandonment. There are plenty of conditions ... that will protect the City's infrastructure. ... [F]rom a liability standpoint and a maintenance standpoint, this becomes private property. We basically have a public street and public utilities and a private property." In response to a further question, Mr. Sharp advised that the abandonment would have to be recorded within one year. "We don't have specific conditions in here that might address this situation whereby they would have to do other things like get your approval for the use permit prior to recording the abandonment." Mr. Sharp suggested the commission could add conditions requiring the Brewery Arts Center to perhaps seek approval for the special use permit, submit construction plans for approval by Development Services, and post a financial surety to guarantee that the improvements would be completed by a certain date. In response to a further question, Mr. Sharp described the possibility of approving the abandonment, recording the abandonment, and nothing ever happening as "a big risk." He expressed the hope that there will be a public benefit to abandoning the street and developing the Brewery Arts Center improvements. "If those improvements are made, undoubtedly, there will be a public benefit." Mr. Sharp questioned whether the Brewery Arts Center could raise the money and develop the improvements. Commissioner Bisbee expressed concern over the conceptual nature of the plan in consideration of abandoning the street.

Commissioner Vance echoed Commissioner Bisbee's concerns. In response to a question, Ms. Wright stipulated to the abandonment being conditioned upon approval of a special use permit and an approved development plan submitted within one year. In response to a question, Mr. Benton advised he could see nothing in the statute which would prohibit placing a condition on recording the abandonment. Mr. Sharp suggested requiring a bond to ensure the improvements are constructed. In addition, he discussed the possibility of assigning a deadline in order to "realize the public benefit in a timely manner." In response to a question, Mr. Benton advised that the one-year deadline is prescribed by the Carson City Municipal Code. He further advised there is nothing in state law which provides for "plans or financial sureties or things have to be built within a specific time related to an abandonment. That would strictly be a condition the Planning Commission would recommend to the Board of Supervisors." Mr. Benton responded to questions of clarification. Ms. Pruitt advised that recording the abandonment would be the responsibility of Planning Division staff. Discussion followed.

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Commissioner Mullet expressed support for enhancing the property, but suggested it could be done without abandoning the street. He expressed the opinion “we’re just way ahead of ourselves here,” and suggested supporting the project once the funding is available. “But there’s just too many deadlines, too much timing that has to be done doing it this way.”

Commissioner Wendell inquired of Mr. Benton and Mr. Sharp as to conditions which would allow approval of the abandonment and, at the same time, protect the City and the general public. Mr. Benton reiterated there was nothing to prohibit the commission from conditioning approval. He suggested it was unnecessary to approve the abandonment application “such that it goes forward.” He further suggested conditioning approval based on approval of the special use permit or financial assurances. “If you don’t get a special use permit and are prepared to build ..., then the approval expires.” Mr. Benton suggested this would provide the Brewery Arts Center with tentative approval to begin fund raising, and also protects the City in that if the condition isn’t met, the approval expires for failure to meet a condition.

Vice Chairperson Kimbrough referred to the conceptual plan, and expressed concern with regard to the disagreement over the conditions of approval. He expressed difficulty being able to come to an action, “not that I don’t love this project and think it’s perfect for the community.”

Commissioner Wendell suggested tabling the item to allow the applicants sufficient time to meet with Planning Division staff regarding the conditions of approval, adding the conditions suggested by Mr. Benton to protect the City and the general public, and resubmitting the application in 30 to 60 days for further conditions. Mr. Copoulos agreed.

Commissioner Reynolds agreed with tabling the item to get the conditions corrected, especially in consideration of the uneasiness of some of the commissioners. He suggested, however, the matter may not be as complicated as it seems. He noted the possibly hundreds of thousands of dollars spent “conceptualizing exactly what might happen with this block” as part of the City’s comprehensive master planning process. He further noted that there is no approved “development plan for downtown either, but this is smack-dab ... and here we have a semi-private organization that’s pursuing exactly what we’ve spent thousands of dollars on and going through a process in which we’ve had person after person come up here and say, ‘This is the way we have to go about it if we’re going to raise funds.’” Commissioner Reynolds expressed a willingness to give them the benefit of that doubt. He noted that the commission can condition the approval “any way we want to so the street remains, all the access, all the maintenance concerns, everything we need, nothing happens to the street unless the plan is filed.” Commissioner Reynolds suggested that the reasons for denial outlined in the staff report seem like a contradiction. “If the street’s going to stay the way it is until they submit a plan and just approving a conditioned abandonment is going to help them raise money so they can put the plan in here, ... that’s pretty straightforward. I don’t see where ... the City stands to lose a single thing with a simple condition saying, ‘You can’t touch the street until you have the plan approved.’” The special use permit will address any on-site construction, including surface run off, etc. Commissioner Reynolds suggested the only reason to table the item would be to rewrite some of the conditions to achieve more clarity. He reiterated that the matter doesn’t seem that complicated.

In response to a question, Mr. Benton reiterated the suggestion to condition the abandonment on approval of the special use permit, financial surety, approval of a development plan. If those conditions were to fail within whatever time frame the commission believes is appropriate, there would be nothing to record because abandonment wouldn’t succeed. Discussion followed and, in response to a question, Ms. Wright agreed to a 30-day continuance. Chairperson Peery entertained a motion. **Commissioner Wendell moved to continue item H-3, AB-08-091, to the next commission meeting, allowing sufficient time for the**

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applicant to meet with the Engineering Division, the District Attorney's Office, and the Planning Division to address special conditions that will protect the general public as well as the City, in compliance with state law and City ordinance. Commissioner Bisbee seconded the motion. Motion carried 7-0. Chairperson Peery recessed the meeting at 5:48 p.m. and reconvened at 5:55 p.m.

H-4. MISC-08-092 ACTION TO PROVIDE DIRECTION TO STAFF ON PREPARING AN ORDINANCE FOR SMALL, RESIDENTIAL WIND TURBINES (5:56:35) - Chairperson Peery introduced this item. Mr. Plemel reviewed the October 29, 2008 memo included in the agenda materials. He introduced Assistant Planner Heidi Eskew-Herrmann and commended her on the extensive information compiled for this item. In response to a question, Mr. Plemel provided background information on an issue associated with a residential wind turbine in Douglas County. He discussed the importance of balance between resource conservation and residential impacts. In response to a question, Mr. Benton discussed the concept of net metering as governed by the statute. Mr. Plemel acknowledged there is no specific noise level permitted or prohibited by the municipal code.

Chairperson Peery opened this item to public comment. (6:07:51) Leslie Medeiros introduced her husband, Dennis, and advised they are the owners of the Solar Store in Carson City. She related Lieutenant Governor Brian Krolicki's comments that "Nevada is the mother lode of renewable energy." She expressed support for renewable energy, both for new construction and existing structures. She discussed the need to encourage people to use renewable energy, products, and systems. She offered to provide educational resources regarding wind, wind turbines, photovoltaic, and solar hot water systems. She referred to NRS 278.0208, and requested the commissioners' consideration in development of any ordinance. (6:10:34) Dennis Medeiros provided additional clarification of NRS 278.0208, and discussed various wind turbine technologies.

(6:16:53) Tim Howard provided information with regard to wind turbine efficiencies and requirements. He distributed to the commissioners and staff a letter which he requested to be made a part of the record.

Chairperson Peery entertained additional public comment; however, none was forthcoming. Mr. Plemel reiterated there are no current standards related to noise. In response to a question, Mr. Plemel advised that height of the structure will need to be defined. In response to a question, Ms. Eskew-Herrmann advised of having spoken with Mr. Howard two weeks ago. The height of his tower is 33 feet, not including the blades. The maximum height restriction for his zoning district is 32 feet. Therefore, Mr. Howard would need a special use permit. In response to a question, she advised that the special use permit application fee is \$2,200 plus the cost of noticing 31 neighbors.

Mr. Plemel inquired as to the commission's interest in pursuing specific standards. Vice Chairperson Kimbrough noted the opportunity for action, and suggested agendizing a presentation by an expert in the field. Chairperson Peery agreed, and suggested the possibility of scheduling a special meeting. Commissioner Reynolds read from the July 2008 edition of the *Zoning Practice* publication, which was included in the agenda materials, and expressed an interest in "how we mix in wind turbines that have to be 30 feet above surrounding structures or trees" in a community which prides itself on "the general aesthetics of the west side, for instance, or other areas." He discussed the need to consider such things as whether wind turbines should be restricted to a certain size property, and whether or not property improvements would be required. He further suggested considering a method by which to allow installation of wind turbines, with certain restrictions, outside the special use permit process "if we see turbines as part of the future of our energy system." Commissioner Vance suggested considering a safety factor that, should a wind turbine "come down," it would not be allowed to encroach on someone else's

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property. "That's going to keep it out of a lot of residential neighborhoods right there." He expressed an interest in developing standards which "not only allows them, but facilitates them, encourages them, because I think it's time." Commissioner Bisbee suggested researching the Douglas County ordinance to use as a basis. Commissioner Wendell suggested contacting other jurisdictions which have already considered such an ordinance, both in-state and out-of-state, and agreed with the previous suggestion to schedule meetings in order to receive public input and discussion. Chairperson Peery entertained a motion. **Commissioner Wendell moved to direct staff to draft an ordinance for residential wind energy conversion systems ("WECS") based on the comments and discussion at this Planning Commission meeting. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

H-5. ZCA-08-095 ACTION TO CONSIDER AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.02.080, SPECIAL USE PERMIT (CONDITIONAL USES), TO ALLOW THE PLANNING COMMISSION TO EXTEND THE EXPIRATION DATE OF SPECIAL USE PERMIT APPROVALS; AMENDING CHAPTER 18.02.085, VARIANCES, TO ALLOW THE PLANNING COMMISSION TO EXTEND THE EXPIRATION DATE OF VARIANCE APPROVALS; AMENDING CHAPTER 18.05, GENERAL PROVISIONS, SECTION 18.05.055, ACCESSORY STRUCTURES, TO CLARIFY WHEN AN ADMINISTRATIVE PERMIT IS REQUIRED; AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 1, LAND USE SITE AND DESIGN, SECTION 1.17, MULTI-FAMILY APARTMENT DEVELOPMENT STANDARDS, TO MODIFY AND CLARIFY THE REQUIRED OPEN SPACE CRITERIA FOR MULTI-FAMILY APARTMENT UNITS, SPECIFICALLY FOR PROJECTS OF 10 UNITS OR LESS; AMENDING DEVELOPMENT STANDARDS, DIVISION 1.18, RESIDENTIAL DEVELOPMENT STANDARDS IN NON-RESIDENTIAL DISTRICTS, TO MODIFY AND CLARIFY THE REQUIRED OPEN SPACE CRITERIA FOR MULTI-FAMILY APARTMENT UNITS, SPECIFICALLY FOR PROJECTS OF TEN UNITS OR LESS; AMENDING DEVELOPMENT STANDARDS, DIVISION 2, PARKING AND LOADING, SECTION 2.3, GENERAL PARKING REQUIREMENTS, TO ADD AN EXCEPTION TO COMMERCIAL VEHICLE PARKING IN RESIDENTIAL DISTRICTS FOR DELIVERIES AND SIMILAR ACTIVITIES; AND MAKING VARIOUS TECHNICAL CORRECTIONS, AND OTHER MATTERS PROPERLY RELATED THERETO (6:35:12) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, and noted the written comments provided. Vice Chairperson Kimbrough suggested including language which would establish a time frame for delivery trucks to be in a residential area. He expressed concern that the proposed language "gives ... the opportunity to bring the construction truck in and park it there for two weeks ... as long as they're still unloading the lumber everyday to the project ..." Mr. Plemel referred to Section VI, 2.3, General Parking Requirements, paragraph 9e, and noted the word "active." He advised that the word "active" was not included in the Washoe County Code, which was used for sample language.

In response to a question, Ms. Pruitt advised of several changes to Section 18.05.055 of the Code over the past couple years. She further advised there was never a time that up to 75 percent in excess of the primary structure was allowed. She explained that the existing language conflicts with the current Code but, in addition, "in the past, this particular section of our Code was embedded in our definitions." She acknowledged that the proposed language alleviates the conflict, and that the 50 percent threshold has always been the practice.

In response to a question regarding the parking and loading section, Mr. Benton explained that the current requirement prohibits parking commercial trucks in residential zones. He expressed the understanding that no one has been ticketed for parking while making a delivery. In response to a further question, he defined

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parking as “stopping a vehicle and leaving it for an extended period of time for the sole purpose of leaving the vehicle.” Discussion followed.

With regard to the proposed amendment to Chapters 18.02.080 and 18.02.085, Mr. Plemel noted the intent to provide the commission discretion to extend special use permits and variances at the time of initial approval.

Chairperson Peery opened this item to public comment. (6:50:15) Jones Vargas Attorney Michael Alonso, representing Golden Gaming, Inc., expressed appreciation for staff’s having agendized this item. He referred to the testimony provided at the September commission meeting regarding the Sierra Gold Casino. He requested additional clarification of the proposed language that the commission has the discretion to extend special use permits and variances beyond the initial one-year time frame. He noted that designing and engineering a project such as the Sierra Gold Casino could take up to eighteen months.

Commissioner Reynolds suggested that the language provides for application of an extension of time at the time of original application. Mr. Benton expressed a preference to provide the commission discretion to grant a longer period of time at the initial application. Discussion took place with regard to suggested revision. In response to a question, Mr. Plemel advised that staff would have no problem tracking projects.

(6:57:15) In response to a comment, Mr. Alonso advised that other jurisdictions have addressed the concern of “everybody coming in and asking for a longer period.” He suggested establishing a standard and that “for good cause the commission can grant a longer period.”

(6:58:01) Jed Block expressed concern over enforcement of the proposed amendments with regard to accessory structures and parking requirements.

Chairperson Peery called for additional public comment; however, none was forthcoming. In response to a question regarding the proposed amendments to Chapters 18.02.080 and 18.02.085, Mr. Plemel agreed with the suggestion to establish a standard unless, for good cause, the commission grants additional time. In reference to Chapter 18.02.080(8)(c), Commissioner Reynolds suggested amending the proposed language to read, “The commission may approve additional time subject to the consideration of the commission of the appropriateness of the special use permit ...”

Chairperson Peery entertained a motion. **Commissioner Reynolds moved to recommend to the Board of Supervisors approval of ZCA-08-095, a zoning code amendment amending various portions of the Carson City Municipal Code, Title 18, including amendments relating to the provisions for special use permits, variances, accessory structures, multi-family apartment development standards, multi-family apartment development standards in non-residential districts, general parking requirements, and including various technical corrections, as published on the agenda, based on the findings contained in the staff report; and correcting page 3 regarding special use permits, adding to paragraph (a) the terminology, “The commission may approve additional time subject to the consideration of the commission of the appropriateness of the special use permit and may be subject to the imposition of additional conditions by the commission to ensure that the activity permitted by the special use permit does not adversely impact other properties in the area or the public interest.” Commissioner Wendell seconded the motion. At Mr. Plemel’s request, Commissioner Reynolds amended his motion to indicate a similar amendment to the language of Chapter 18.02.085, Variances. Commissioner Wendell continued his second. Motion carried 7-0.**

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H-6. MISC-08-098 ACTION TO CONSIDER A NEW START TIME FOR PLANNING COMMISSION MEETINGS AND TO CONSIDER AMENDING THE PLANNING COMMISSION BYLAWS TO MOVE THE OCTOBER MEETINGS FROM THE LAST WEDNESDAY OF THE MONTH TO THE LAST WEDNESDAY THAT IS NOT DURING THE WEEK OF THE NEVADA DAY HOLIDAY (7:03:56) - Chairperson Peery introduced this item, and Mr. Plemel reviewed the agenda report. Following discussion, Chairperson Peery opened this item to public comment. When none was forthcoming, he entertained a motion. **Commissioner Reynolds moved that, beginning in January 2009, planning commission meetings be scheduled to begin at 5:00 p.m. and continue in that manner until we change it and meetings that would be very long, retain the opportunity to begin the meeting earlier with a thought to putting issues that don't involve the public to the early times. Commissioner Wendell seconded the motion. Motion carried 6-1.**

Commissioner Wendell moved, in keeping consistent with very well known and popular holidays having moved the meeting to the third Wednesday, that we do so for the Nevada Day holiday beginning next year. Commissioner Reynolds seconded the motion. Motion failed 0-7.

I. STAFF REPORTS / COMMENTS; DIRECTOR'S REPORT TO THE PLANNING COMMISSION; AND FUTURE AGENDA ITEMS (7:17:52) - Chairperson Peery read into the record his letter of resignation from the position of chairman. Mr. Plemel reviewed the director's report, which was included in the agenda materials, and provided an overview of the tentative November agenda.

J. ACTION ON ADJOURNMENT (7:20:30) - Commissioner Wendell moved to adjourn the meeting at 7:20 p.m. Commissioner Reynolds seconded the motion. Motion carried 7-0.

The Minutes of the October 29, 2008 Carson City Planning Commission meeting are so approved this 17th day of December, 2008.

JOHN PEERY, Chair