

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 1**

A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, October 26, 2005 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  
Roy Semmens  
William Vance

**STAFF:** Walter Sullivan, Planning and Community Development Director  
Lee Plemel, Principal Planner  
Jennifer Pruitt, Senior Planner  
Sean Foley, Associate Planner  
Tom Grundy, Civil Design Supervisor  
Kevin Gattis, Deputy Building Official  
Melanie Bruketta, Chief Deputy District Attorney  
Michael Suglia, Senior Deputy District Attorney  
Kathleen King, Recording Secretary

**NOTE:** A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

**A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (1-0007)** - Chairperson Peery called the meeting to order at 3:30 p.m. Roll was called; a quorum was present. Commissioner Bisbee was absent. Vice Chairperson Kimbrough arrived at 3:33 p.m. Commissioner Mullet led the pledge of allegiance.

**B. COMMISSION ACTION ON APPROVAL OF MINUTES - September 28, 2005 and April 16, 2001 (1-0021)** - Commissioner Semmens moved to approve the September 28, 2005 minutes. Commissioner Reynolds seconded the motion. Motion carried 5-0. Chairperson Peery noted that none of the present commissioners were serving at the time of the April 16, 2001 meeting, and that no action would be taken.

**C. PUBLIC COMMENT (1-0034)** - None.

**D. MODIFICATIONS TO THE AGENDA (1-0041)** - Mr. Sullivan advised the citizens present that item G-8 would not be addressed prior to 7:00 p.m.

**E. DISCLOSURES (1-0054)** - None.

**F. CONSENT AGENDA (1-0055)** - None.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 2**

**G. PUBLIC HEARING:**

**G-1A. SUP-05-161 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM PEAK CONSULTING ENGINEERS, LLC (PROPERTY OWNERS: NEVADA WEST LAND, LLC AND KRYSZTOF WISINSKI) TO ALLOW A RESIDENTIAL USE IN A GENERAL COMMERCIAL (GC) ZONING DISTRICT AND TO ALLOW A TEMPORARY SALES OFFICE WITH FLAGS AND SIGNS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 4024 AND 4012 LEPIRE DRIVE AND 823 NORTH EDMONDS DRIVE, APNs 010-351-92, -93, AND -04; G-1B. TSM-05-160 ACTION REGARDING A TENTATIVE SUBDIVISION MAP APPLICATION KNOWN AS SUNDANCE RIDGE PHASE II FROM PEAK CONSULTING ENGINEERS, LLC (PROPERTY OWNERS: NEVADA WEST LAND, LLC AND KRYSZTOF WISINSKI) TO DEVELOP 32 DWELLING UNITS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 4024 AND 4012 LEPIRE DRIVE AND 823 NORTH EDMONDS DRIVE, APNs 010-351-92, -93, AND -04; and G-1C. VAR-05-162 ACTION REGARDING A REQUEST FOR VARIANCE APPLICATION FROM PEAK CONSULTING ENGINEERS, LLC (PROPERTY OWNERS: NEVADA WEST LAND, LLC AND KRYSZTOF WISINSKI) TO ALLOW VARIANCES FOR LOT AREA, LOT WIDTH AND SETBACK REQUIREMENTS WITHIN THE PROPOSED SUBDIVISION, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 4024 AND 4012 LEPIRE DRIVE AND 823 NORTH EDMONDS DRIVE, APNs 010-351-92, -93, AND 04 (1-0082) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report and narrated pertinent slides. She noted the letters included in the agenda materials and those provided as late material. She advised of staff's recommended approval, pursuant to the conditions included in the staff report.**

(1-0187) Peak Consulting Engineers Principal Engineer Keith Shaffer acknowledged having reviewed the staff report and his agreement with the findings. He advised of his representation of the property owners/ developers. He provided background information on the proposed development, and on the originally proposed 16-lot duplex development. He noted that the subject submittal was not increased "from 16 to 32 of the same kind of lot. The density did not increase." With regard to setbacks, Mr. Shaffer expressed recognition of a friction issue and the need for a buffer zone. He advised of a 30-foot buffer between the general commercial property and the residential property. He noted that the setback requirement would usually be the responsibility of the general commercial property owner. He pointed out the buffer areas on a displayed parcel map.

Mr. Shaffer noted that the subject area had been zoned industrial and that the opportunity for commercial development had existed for some time. He advised that Nevada West Land graded the property to make it more conducive to development; however, nothing happened. He reiterated that the buffering issues had been addressed, and noted the proposal provides the opportunity for owner-occupied, affordable housing in the area. He reviewed slides, including a parcel map, sample floor plans, proposed elevations, and tentative landscape areas. He clarified that the landscape areas will not be designated as open space. He expressed the opinion that the proposed development will be attractive to working families and still be a very nice place to live.

Mr. Shaffer responded to questions and described the original 16-lot proposal. In response to a further question, he advised that the cell phone tower and its associated access easement will remain. He acknowledged that the cell tower will be situated in "someone's back yard." In response to a further

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 3**

question, he advised there will be a fence around the development. Landscape screening will be planted between the residences and the adjacent rock yard. Mr. Shaffer acknowledged that a commercial or industrial development could have been much less attractive than the proposed residential development. He acknowledged having considered SF6000 lots, but pointed out that the proposed development is adjacent to general commercial and general industrial zones. He reviewed transitions between the SF21000 lots and the proposed development. He reiterated that density had not been increased, and advised that a 6,000 square foot multi-family duplex development could have been proposed without having to apply for any variances. He noted that a multi-family duplex development adjacent to SF6000 zoning is “not unprecedented and is a good transition.” He further noted “good topography transition” in that from the 6,000 square foot lots to the subject area is a 10-12 foot grade difference. He suggested that the potential for owner occupation makes the proposal “nicer” than rental property.

In response to a question, Mark Funk reviewed square footage of the proposed residences. In response to a further question, he advised that the price point will be approximately \$250,000. The price range on the SF6 lots behind the subject area started at \$290,000 to \$320,000. Commissioner Mullet encouraged the developers to consider keeping the prices in the \$200,000 range. Mr. Funk explained cost increases associated with utility hook ups. He acknowledged that driveways are at least 20 feet long. He responded to additional questions regarding the method by which guest parking will be accommodated. He advised that the street will be constructed so as to accommodate guest parking as well.

Commissioner Reynolds referred to the letters received from adjacent property owners, some of which suggested that the proposed development, as shown, could reduce surrounding property values. In response to a question, Mr. Funk advised of having been in the real estate business for approximately twenty years. He discussed design of the proposed development and the buffers incorporated, and advised that the design is “highly comparable” to the adjacent development. He further advised that CC&Rs will maintain neighborhood cohesiveness. He expressed an interest in a successful project into the future, and the opinion that the design of the proposed development will help to maintain adjacent property values.

Mr. Shaffer noted that the development will not have “narrow streets” or “buildings ... right up against the curb.” He advised that each residence will have a minimum 20' to 21' driveway from back of sidewalk to the front of the garage. Many of the units will have two-car garages, and the streets will be designed to accommodate two-side parking. The right-of-way design is according to City standards for parking on both sides of the street. Mr. Shaffer suggested that cost “becomes something to put on the balance.” Design of the project includes “those things ... that will make it nice but will still make it affordable.”

In response to a question regarding traffic flow and circulation, Mr. Shaffer advised of having extensively reviewed the proposal, including retention of local traffic experts who have counted cars. He further advised that the project does not meet the threshold to warrant a major traffic study. Routing and intersections were considered, and the traffic engineers concluded there will be no significant depreciation or level of service to current traffic patterns in the area. In response to a question, Mr. Shaffer advised that signalization had been considered; however, the adjacent intersections don't warrant or allow for it. He expressed the belief that the traffic issues “will level ... out; that people will begin to identify where they can travel at the least risk.”

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 4**

In response to an earlier comment, Ms. Pruitt advised that the proposed development is comprised of approximately 6.5 dwelling units per acre which is not considered high density. With regard to parking, she advised that the Carson City Municipal Code (“CCMC”) is fairly simple. Single family development requires two parking spaces per dwelling unit. Planned unit developments require 2.5 parking spaces per dwelling unit, noting that the .5 would cover guest parking. In response to a question, Ms. Pruitt expressed the understanding that the proposed development constitutes low density housing. Mr. Sullivan agreed. Ms. Pruitt acknowledged that the space inside the garage would constitute one parking space for the one-car garage units. In response to a question, Mr. Sullivan advised that the homeowners association will be responsible for the landscape assessment. Chairperson Peery opened these items to public comment.

(1-0720) Denise Ramsey, 4110 Lepire Drive, stated “nobody in this neighborhood is happy about this development.” She referred to the letters included in the agenda materials and distributed prior to the start of the meeting. She expressed the opinion that 32 homes on 5.38 acres “seems like a whole lot.” She advised that Lepire Drive is very narrow. Part of it is zoned rural residential and has no sidewalks. She expressed the opinion that Lepire Drive is “not built to handle the kind of traffic that’s going to come in and out of 32 homes.” She requested that the number of duplexes be reduced and the deeds restricted to require owner occupation. She expressed the opinion that people purchase duplexes as investment properties. She expressed concern over no guarantee that the development will not turn into another “Village Drive scenario.” She suggested that the CC&Rs could also require owner occupation. She acknowledged something needs to be done with the property, and expressed a preference for single family homes rather than the proposed development. She acknowledged having been aware of the general industrial zoning adjacent to her property when she purchased it. She advised she wouldn’t have opposed industrial or commercial development. She further advised that the residents of Sundance Ridge Phase I were surprised to learn of the proposed Sundance Ridge Phase II. She acknowledged the very important issue of rental versus ownership. She further acknowledged understanding of the goal that each side of the duplex will be individually owned. Mr. Sullivan explained the City’s goal to provide affordable housing. Ms. Ramsey reiterated the opinion that the proposal represents high density development.

(1-0836) Caryn Hunt DeCarlo, a Lepire Drive resident, advised that the presentation at this meeting provided better information on the proposed development than she had previously. She further advised that the comments in the letter she submitted were based on a notice she received in the mail. She stated that many of the area residents did not receive a notice. She expressed concern over crime and gang activity in the area, and traffic and circulation problems. She expressed the belief that the proposed price range will affect adjacent property values, and that “the real scenario ... is this will effectively surround our homes with high density housing.” She expressed respect for the developer’s rights, and reiterated earlier compliments that Sundance Ridge Phase I is “a very nice neighborhood.” She expressed the belief that the duplexes will eventually become rentals. She expressed support for the storage unit idea or for the developers to continue building family homes. She commented that a home represents a primary life investment, which becomes a very important issue. She reiterated that many residents were not notified of this meeting. She advised of the recommendation to work collaboratively on alternative proposals, but expressed concern there had not been sufficient time in which to do so. Commissioner Semmens pointed out that each unit will have a price range of \$200,000 to \$250,000.

(1-0967) Marylee Branson, of 830 Sundance Court, expressed concern over traffic and parking problems. She advised of having counted “20 plus cars” for eight, owner-occupied homes on Sundance Court. She expressed the further concern that two-story duplexes may block views. In response to a comment, she

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 5**

expressed concern over guest parking. In response to a question, she expressed the understanding there is a parking moratorium on Lepire Drive. She pointed out portions of Lepire Drive on which parking is not possible.

(1-1076) Christian Funk, owner of Liberty Homes, thanked the citizens for their compliments on the Sundance Ridge Phase I development. He explained that some of the properties are still in his name, as the developer. He further explained that at the time the Sundance Ridge Phase I residences were built, there was no plan for the subject property. He provided background information on conceptual development of the subject proposal, and discussed the goal to avoid creating a detriment to the residents of Sundance Ridge Phase I. He advised that the developers specifically interview potential homeowners with a view toward owner occupation. He discussed the trust factor inherent in the home construction process, and expressed the hope that the track record for Sundance Ridge Phase I would indicate the intent to do "something better than what's been done in the past." He advised of the intent to stand behind his work into the future, and to continue contributing to the community.

Chairperson Peery pointed out that it is the City's responsibility to notice area residents of Planning Commission meetings. Mr. Funk reviewed the properties which are still in his name. Commissioner Mullet noted that deeds cannot be restricted to require owner occupation. Mr. Funk suggested that economics will most likely dictate owner occupied properties. He advised that appraisers will not consider duplexes as comparables to single family homes. Commissioner Mullet advised that comparables, as part of the appraisal process, are even more refined. Vice Chairperson Kimbrough advised of having been present for the first proposal, and provided background information regarding the same. He commended Mr. Funk on the subject proposal. He suggested that a storage unit development may have generated more traffic than the proposed residential development. He expressed understanding for the concerns raised, but disagreed with concerns over criminal activity in the area. Mr. Funk advised that rear yard landscape has been considered in order to enhance the neighborhood and pride of ownership.

(1-1260) Linda Eisele, of 4125 Lepire Drive, advised of not having received a notice although she's lived at the residence for over two years. She discussed the width of Lepire Drive, and advised there are not two sides available. "Anyone that drives down Lepire drives down the middle of the street." She expressed concerns over high speed traffic and accidents, and opposition to the proposed development. Chairperson Peery advised that Sheriff's deputies seem to be very attentive to the school zone. Ms. Eisele advised that the area is well patrolled because of high crime in the area.

In response to a question, Mr. Grundy advised that the City has no plan to widen Lepire Drive. Curb, gutter and sidewalk will be required on the north side of Lepire, from Cassidy Court to Edmonds Drive, as part of the project. Mr. Grundy acknowledged the possibility of improvement to the roadway as commercial development takes place into the future. Ms. Pruitt advised that 53 individual property owners were noticed of this meeting. Ms. Branson was correct in that a lag time was involved between purchase of her property and data update. In response to a question, Ms. Pruitt advised that data is updated monthly. Depending upon the date of property purchase, noticing may be affected. Mr. Sullivan advised that, as development occurs on Lepire Drive, improvements will be made as a standard process. He provided background information on the Millennium subdivision in light of the City's goals for affordable housing and home ownership. He advised that the homes originally sold in the high \$90s and low \$100s. They have been recently selling for \$150,000 and \$190,000, some in the \$200,000 range. Mr. Sullivan reviewed statistical information from the first draft of the housing plan. He reiterated staff's goals, in working with the

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 6**

developer, were creation of affordable, owner-occupied housing. He acknowledged the proposal will not satisfy all the area residents, and expressed appreciation for the comments. He expressed the hope that more affordable housing projects will continue to be submitted.

Commissioner Reynolds commented that the concerns of the area residents were reasonable and understandable. He noted that density, in and of itself, does not decrease property values; neither does lot size. He expressed the opinion that lots of high density residential property will sell for lots of money in the future in this community. He suggested that older neighborhoods in the community seem to attract a criminal element. He further suggested the unlikelihood that dwelling units purchased for \$225,000 to \$250,000 will be turned into rental investments. He expressed the opinion that the proposed buffer is much better between Edmonds Drive and the commercial zone than would likely be proposed with storage units or other commercial development. He suggested that any type of commercial development, including storage units, would be more likely to reduce property values than the residential development. He commended the developers on a "good model and ... a good job."

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained a motion. Commissioner Mullet echoed Commissioner Reynolds' comments, and **moved to approve SUP-05-161, a special use permit application from Peak Consulting Engineers, LLC (property owners: Nevada West Land LLC and Krzysztof Wisinski) to allow the proposed residential use, temporary flags, and signs on property zoned general commercial (GC) and 4024 and 4012 Lepire Drive, and 823 North Edmonds Drive, APNs 010-351-92, -93, and -04, based on seven findings, and subject to the recommended conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.**

**Commissioner Reynolds moved to recommend to the Board of Supervisors approval of tentative subdivision map, TSM 05-160, an application from Peak Consulting Engineers, LLC (property owners: Nevada West Land LLC and Krzysztof Wisinski) to allow a tentative subdivision map application, known as Sundance Ridge Phase II, resulting in 32 residential lots, on property zoned general commercial, located at 4024 and 4012 Lepire Drive and 823 North Edmonds Drive, APNs 010-351-92, -93, and -04, based on the findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.**

**Commissioner Semmens moved to approve VAR-05-162, a variance application from Peak Consulting Engineers, LLC, (property owners: Nevada West Land LLC and Krzysztof Wisinski) to allow variances for lot area, lot width, and setback requirement within the proposed subdivision on property zoned general commercial, located at 4024 and 4012 Lepire Drive and 823 North Edmonds Drive, APN 010-351-92, -93, and -04, based on the findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.** Chairperson Peery thanked Messrs. Funk and Mr. Shaffer for their presentation. Mr. Sullivan advised that the tentative subdivision map would be presented to the Board of Supervisors on November 17<sup>th</sup>.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 7**

**G-2. VAR-05-180 ACTION REGARDING A REQUEST FOR VARIANCE APPLICATION FROM MARK LOPICCOLO CONSTRUCTION (PROPERTY OWNERS: KILPATRICK JOHNSTON & ADLER LLC) TO VARY FROM THE REQUIRED REAR SETBACK OF 20 FEET TO 5 FEET AND THE REQUIRED SIDE SETBACK OF 10 FEET TO 5 FEET TO EXPAND AN OFFICE BUILDING, ON PROPERTY ZONED RESIDENTIAL OFFICE (RO), LOCATED AT 412 NORTH DIVISION STREET, APN 003-238-03 (1-1560) -** Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report, and noted staff's recommendation of approval based on the findings and conditions included therein. In response to a question, Ms. Pruitt advised this project was reviewed and approved by the Historic Resources Commission at their September 8, 2005 meeting. She advised the Historic Resources Commission was aware of the variance application and the utility relocation requirement. Mr. Sullivan acknowledged that the east elevation depicted in the drawings included in the agenda materials should have been labeled "west." Mr. Sullivan advised that one outbuilding and a porch will be removed during the remodel project.

(1-1645) Mark Lopiccolo acknowledged having reviewed the staff report and his agreement with the same. He and Ernie Adler introduced themselves for the record. Mr. Lopiccolo entertained questions of the commissioners. When none were forthcoming, Chairperson Peery opened this item to public comment. When none was forthcoming, he entertained a motion. **Commissioner Vance moved to approve VAR-05-180, a request to reduce required rear property line setback from 20 feet to five feet, and the interior side property line setback from 10 feet to five feet for construction of an addition to an existing office building, on property zoned residential office, located at 412 North Division Street, APN 003-238-03, based on three findings and subject to conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.**

**G-3. SUP-05-142 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM JAMES E. KRAHULEC FOR RITE AID CARSON CITY STORE (PROPERTY OWNER: REALTY INCOME CORPORATION) TO ALLOW PERMANENT PLACEMENT OF A METAL STORAGE CONTAINER, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 1980 NORTH CARSON STREET, APN 001-091-09 (1-1698) -** Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He noted staff's recommendation of approval based on the findings and conditions included in the staff report. He advised that the storage container has been in place for some time, and that with the submission of a corrected site map, Rite Aid is in conformance with City conditions. He acknowledged the subject property is among several which are in the process of complying with new City regulations regarding storage containers. In response to a question, Mr. Sullivan advised that an earth tone color is a design standard requirement for storage containers. He suggested the requirement could be specifically included as condition #11. Commissioner Mullet suggested that landscape screening should be required for the west side of the storage container. Mr. Sullivan advised of having received only a letter of support in response to the public noticing process; none were received from residents of the property to the west of the Rite-Aid store.

(1-1799) Rite-Aid General Manager Lauren Bock acknowledged having read the staff report and her agreement with the same. She expressed appreciation for the assistance provided by Planning and Community Development Department staff. In response to a question, Ms. Bock expressed a preference for screening the storage container with landscape rather than a block wall.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 8**

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to approve SUP-05-142, a special use permit application from James E. Krahulec of Rite-Aid Pharmacy (property owner: Realty Income Corporation) to allow placement of a permanent storage container, on property zoned retail commercial, located at 1980 North Carson Street, APN 001-091-09, based on seven findings and subject to eleven conditions of approval. Commissioner Vance seconded the motion. Motion carried 6-0.**

**G-4. SUP-05-186 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM KEVIN A. JOHNSON OF THE CARSON RV STORE (PROPERTY OWNER: MATTHEUS FAMILY TRUST 8/25/82) TO ALLOW PERMANENT PLACEMENT OF THREE METAL STORAGE CONTAINERS, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 4550 NORTH CARSON STREET, APN 008-054-08 (1-1852)** - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report, and noted the recommendation to either paint the storage units to match the color of the building or an earth tone color. Mr. Sullivan acknowledged a previous storage container application which included a Fire Department requirement to have space between the containers. In response to a question, he reviewed condition of approval #6. In response to a further question, he referred to condition of approval #10 which prohibits storage above the containers. In response to a further question, he advised he would be proposing language on the number of storage containers to be allowed.

(1-1987) Carson RV Parts Manager Justin Primmer advised of having received a copy of the staff report, and that materials stored on top of the storage units will be removed. He further advised there is space between the two storage units, and that both units will be painted white. He acknowledged agreement with the staff report. In response to a question, he indicated no opposition to painting the storage units the same color as the block wall. Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to approve SUP-05-186, a special use permit application from Kevin A. Johnson to allow the permanent placement of three metal storage containers, on property zoned retail commercial, each eight feet wide by forty feet long located at 4550 North Carson Street, APN 008-054-08, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.**

**G-5. SUP-05-187 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM JEFF HERMAN OF JM FURNITURE STORE (PROPERTY OWNER: HINES, JM & HERMAN, ET AL.) TO ALLOW PERMANENT PLACEMENT OF THREE METAL STORAGE CONTAINERS, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3333 NORTH CARSON STREET, APN 008-081-06 (1-2038)** - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He noted that the color of the storage containers blends with the adjacent structure. The storage containers do not occupy fire lanes, parking, vehicular / pedestrian ways, or any fire exits, and are fairly well maintained. Mr. Sullivan noted, for the record, the seven findings in support of the application, subject to eleven conditions of approval. In response to a question, Mr. Gattis explained the reason for the Fire Department's spacing requirement associated with a previous application.

(1-2117) JM Furniture Co-Owner Jeff Herman acknowledged having reviewed the staff report and his agreement with the same. In response to a question, he explained the purpose for the storage containers and the reason for their placement to avoid impeding customer and freight traffic flows. He reviewed the

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 9**

route used by semi trucks into and out of the parking lot, and expressed the opinion there is no better location for the storage containers. Commissioner Mullet noted one of the goals of the ordinance to minimize the visual impact of storage units while still allowing retailers storage flexibility. He related details of what he had seen during a visit to the site earlier in the day. Mr. Herman discussed the temporary nature of the storage units, and a future goal to increase the size of the building. Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. **Vice Chairperson Kimbrough moved to approve SUP-05-187, a special use permit application from Jeff Herman to allow the placement of three 8-foot by 40-foot, 960 square foot, metal storage containers, on property zoned retail commercial, located at 3333 North Carson Street, APN 008-081-06, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.**

**G-6. ZCA-05-150 ACTION REGARDING A ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE AND DEVELOPMENT STANDARDS (PRINCIPALLY TITLE 18 - ZONING) BY CITY STAFF REGARDING TWO AREAS: GROUP CARE FACILITIES AND ABANDONMENT OF RIGHTS-OF-WAY AND ADMINISTRATIVE EASEMENT ABANDONMENTS; SPECIFICALLY DELETING DEFINITIONS FOR ASSISTED CARE, CLIENT, GROUP CARE FACILITY, HOME FOR THE AGED, REST HOME, CONVALESCENT HOME AND NURSING HOME; MODIFYING THE DEFINITIONS FOR CONGREGATE CARE, HOUSING, DWELLING SINGLE FAMILY, SENIOR CITIZEN HOME AND SINGLE FAMILY DWELLING; DELETING GROUP CARE FACILITY USE AND GROUP CARE FACILITY USE (WHICH IS AN ACCESSORY USE TO THE RESIDENCE) IN ALL ZONING DISTRICTS WHERE IT APPEARS, NAMELY THE FOLLOWING ZONING DISTRICTS: SINGLE FAMILY FIVE ACRE (SF5A), SINGLE FAMILY TWO ACRE (SF2A), SINGLE FAMILY ONE ACRE (SF1A), SINGLE FAMILY 21,000 (SF21), SINGLE FAMILY 6,000 (SF6), MOBILE HOME 6,000 (MH6), MOBILE HOME 12,000 (MH12), MOBILE HOME ONE ACRE (MH1A), MULTI-FAMILY DUPLEX (MFD), MULTI-FAMILY APARTMENT (MFA), RESIDENTIAL OFFICE (RO), GENERAL OFFICE (GO), NEIGHBORHOOD BUSINESS (NB), RETAIL COMMERCIAL (RC), AND GENERAL COMMERCIAL (GC); AND DELETING CORRECTION GROUP HOME USE IN PUBLIC REGIONAL ZONING; DELETING SENIOR CITIZEN HOME / CONGREGATE CARE HOUSING AS A CONDITIONAL USE FROM THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT AND, LASTLY, MODIFYING DEVELOPMENT STANDARDS DIVISION PARKING 2.2.B, INSTITUTIONAL USES, TO REMOVE REFERENCE TO NURSING HOMES, HOMES FOR THE AGED, GROUP CARE HOMES, CONVALESCENT HOSPITALS, ETC.; AND TO ESTABLISH NEW CODE SECTIONS REGARDING THE ABANDONMENT OF RIGHT OF WAY PROCESS, INCLUDING THE APPLICATION PROCESS, FINDINGS, PLANNING COMMISSION ACTION, THE EFFECT OF THE COMMISSION ACTION, TIME LIMITS, FEES AND SERVICE CHARGES, CRITERIA OF THE APPLICATION, RECORDATION FEES, TIME LIMITS FOR RECORDATION, AND RE-APPLICATION; AND THE ADMINISTRATIVE EASEMENT ABANDONMENT PROCESS, INCLUDING APPLICATION PROCESS, TIME LIMITS, FEES AND SERVICE CHARGES, CRITERIA OF THE APPLICATION, RECORDATION FEES, AND TIME LIMIT FOR RECORDATION (1-2285) - Chairperson Peery introduced this item. In response to a question, Mr. Sullivan reviewed staff's recommendation to discuss two sections of this item but to continue action to the November 30<sup>th</sup> meeting. [Chairperson Peery recessed the meeting at 5:40 p.m. and reconvened at 5:48 p.m.]**

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 10**

Chairperson Peery read the text of this item into the record. Mr. Sullivan provided an overview of staff's presentation. Ms. Pruitt reviewed the staff report, and provided an overview of the proposed amendments. She noted the importance of the City's ordinance including language required by the pertinent State statutes. Mr. Sullivan referred to the NRS definition of single-family dwelling, and the sub-paragraphs delineating the various uses allowed. He advised that this language would be included in the City's ordinance as part of the definition of single-family dwelling. He discussed staff's recommendation that the commission delete, from the City's ordinance on residential districts, the uses of congregate care and senior housing. He clarified that these uses will still be allowed under NRS 278.021. In response to a question, he advised that these uses will not be allowed in residential zones according to the City's ordinance. They will be allowed in multi-family and commercial zones.

Mr. Sullivan reviewed revisions to the residential and non-residential density / intensity matrix. He provided background information on development of the right-of-way abandonment process, and reviewed the flow chart included in the agenda materials. He commended Chief Building Official Phil Herrington on his authorship of the process. He reviewed the commission's role in the process, and requested input on the flow chart. Chairperson Peery expressed the opinion that the flow chart was self-explanatory, and requested copies for the commissioners.

In response to a question, Mr. Sullivan explained that the NRS provide for group homes for seniors, persons with physical or mental impairments, half-way houses, etc. The listed uses preempt the local zoning ordinance. Mr. Sullivan acknowledged that the "Lakeview situation" may still exist until the statute is changed by legislation. In response to a question, Ms. Pruitt explained the difference between "dwelling, single family" and "single-family dwelling" and the reasons both definitions are included in the code. Chairperson Peery opened this item to public comment.

(1-2869) Mary Fischer expressed the opinion that the proposed amendments are extremely confusing. She discussed her understanding of single-family dwelling as "a home where you have one family residing," and suggested this may be the expectation of a potential buyer. She suggested changing the definition of single-family dwelling in order to convey a more clear understanding, or providing a "long list" of the various uses allowed in a single-family zoning district. She referred to NRS 449.017, and noted that half-way houses for recovering alcohol and drug abusers are not included. She noted that half-way houses are included under NRS 278.021. She disagreed that these types of uses should be allowed outright in residential neighborhoods. She advised that the City has some jurisdiction over health and safety, and suggested that such things as emergency response time, distances from group care housing to hospitals, and residences in urban forest areas should be considered. She reiterated the suggestion to change the definition of "single family."

In response to a question, Mr. Suglia explained that the legislature has indicated no exclusion to certain uses just because they are in a single family zone. To attempt to impose such conditions would preclude a single-family dwelling. Mr. Suglia suggested that the issue would have to be submitted to the State Legislature, which is considering a "bigger picture" than simply from a single-family dwelling standpoint.

Chairperson Peery called for additional comments and, when none were forthcoming, entertained a motion. **Commissioner Semmens moved to continue this item to the November 30<sup>th</sup> meeting. Commissioner Vance seconded the motion. Motion carried 6-0.** [Chairperson Peery recessed the meeting at 6:18 p.m. and reconvened at 6:27 p.m.]

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 11**

**G-7. VAR-05-195 ACTION REGARDING A REQUEST FOR VARIANCE APPLICATION FROM MARK TURNER (PROPERTY OWNERS: SILVER OAK HOMES, ET AL., AND VARIOUS PROPERTY OWNERS WITHIN SILVER OAK PLANNED UNIT DEVELOPMENT) TO REDUCE THE REQUIRED SETBACKS AND TO ALLOW AN INCREASE IN BUILDING HEIGHTS IN THE DEVELOPMENT, ON PROPERTIES ZONED SINGLE FAMILY 12,000 / PLANNED UNIT DEVELOPMENT (SF12-P), LOCATED AT VARIOUS ADDRESSES WITHIN THE DEVELOPMENT. THE ASSESSOR'S PARCEL NUMBERS ARE: SECTION A: APNs 007-541-02 THROUGH 007-541-22 (SILVER OAK PHASE 18), 007-551-01 (SILVER OAK PHASE 16), AND 007-461-08 (SILVER OAK PHASE 17); SECTION B: APN 007-421-18 (2072 STEPHEN COURT); AND SECTION C: APN 007-473-20 (2043 EMILY COURT) (1-3096)** - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report and pertinent slides. She reviewed information which had been provided to her at the meeting, and circulated photographs among the commissioners. She distributed to the commissioners and staff, and read into the record, a letter from Garth Richards which was also provided at the meeting. She agreed that staff is interested in clarifying the development agreement to alleviate some of the confusion which has resulted in the past. She advised that the process will not be simple and will take a number of months to accomplish.

Ms. Pruitt reviewed photographs of the Sandoval residence under construction. She noted certain portions of the lot with significant setback and topographical changes. With regard to the variance request, she referred to two additional lots using displayed slides. She noted staff's recommended approval of Sections A and B, and denial of Section C.

In response to a question, Ms. Pruitt pointed out phases 16, 17, and 18 on a displayed map. In response to a further question, she referred to page 48 of the staff report, and advised that the development agreement addendum did not change any setback requirements other than those for irregular shaped lots. She acknowledged that the issue to be considered was the "20 foot total and the irregular lot rule." In response to a question, Ms. Pruitt advised that the 1997 agreement was not recorded. In response to a further question, she advised that recording the agreement was the responsibility of Silver Oak representatives. She noted the three documents which were recorded and included the signatures of the District Attorney, a Silver Oak representative, and the Mayor. In response to a further question, she noted staff's opinion that the three other residences could have been approved without being part of the variance application. She clarified, however, that the three residences are part of the variance application and could not be discounted.

(2-0149) Mark Turner, of Silver Oak Homes, thanked Ms. Pruitt for providing a very accurate and thorough presentation. He advised of having reviewed the staff report. He reviewed the phases encompassed in Section A, and advised that Silver Oak agreed to limit the height of the residences abutting the residences along Marvin Drive to 22 feet, pursuant to the original development agreement, to protect the residents and the views. In accordance with staff's recommendation, the residences directly adjacent to phase 5 would be limited in height to 28 feet. Mr. Turner pointed out phase 5 on a displayed parcel map. He noted there are no plans to build "every single house in the neighborhood at 36 feet." He further noted that home styles have changed over the past twelve years, and advised that the original development agreement "doesn't ... perfectly address that in the same manner." He advised that "people are looking for taller plate lines and higher roof pitches in terms of aesthetic appeal. They like higher ceilings so it's almost impossible to sell a house with just an eight-foot plate line anymore. That's not something that anybody wants." He advised of occasional instances of "two-story homes with ten-foot plate lines on the first and second story and the

## CARSON CITY PLANNING COMMISSION

### Minutes of the October 26, 2005 Meeting

#### Page 12

addition of a taller roof pitch which gives a little more appealing exterior to the home that we could end up getting close to 36 feet and we kind of chose that as a number, as a maximum that would take care of our needs in phases 16, 17, and 18 while we undergo the process of revising the development agreement and working with the Planning Department.” In response to a question, Mr. Turner expressed agreement with the staff report as to Sections A and B. He disagreed with the recommendation of denial of Section C, and expressed the opinion that approval would be appropriate based on the fact that other residences in the development have exceeded 28 feet in the past. He expressed the opinion that denying approval would represent “selective enforcement.” He advised that the Emily Court house is aesthetically appealing, and that denial would result in leaving the residence in an incomplete state for an undetermined length of time. He referred to the photograph submitted by Mary Wood, and advised that the Sandoval residence complies with all front, rear, and side yard setbacks. The Sandovals are also allowed to construct a two-story home. Mr. Turner advised that the issue is the roof height, and noted that if it were to be reduced by three to four feet, “there would be no measurable benefit to the surrounding properties.”

In response to a question, Mr. Turner advised that the 1997 agreement guidelines were being used up to September 1, 2005. “The bulk of the homes in Silver Oak were built under those guidelines.” Once Planning staff discovered the 1997 agreement had never been recorded, they recommended using the 1995 and 1993 guidelines. Commissioner Mullet expressed concern that a very large house immediately adjacent to College Parkway would “be a huge change.” He suggested terracing, and Mr. Turner reiterated there are no plans to make every house 36 feet tall. The bulk of the homes being constructed are single story with a 10-12 foot plate line and an 8 and 12 pitch. Mr. Turner reiterated that the “flat, ranch roof look ... is not appealing anymore.” Ms. Pruitt advised that the 1997 amendment to the development agreement was never agendaized to be forwarded to the Board of Supervisors.

(2-0307) Julio Sandoval provided background information on the 1997 amendment. He expressed the opinion that “from ‘97 on, most everyone thought we were operating under that development agreement, and up until September had been.” In response to a question, Mr. Sandoval explained that the overall building height, in the first plans submitted to the City, was “28'8" or 10'”. Planning staff advised of a 28-foot height limitation at that time. Mr. Sandoval advised of approximately 8 feet of fall from the southwest corner of the lot to the northeast corner. The lot is graded such that “we currently step down 17 inches or 18 inches so we knew we could bring the finished grade up easily 10 inches and make it 28 feet.” Mr. Sandoval advised of having received a telephone call from a Building Department representative indicating the overall height appeared to be just over 31 feet. He distributed copies of plans to the commissioners and staff, and provided an overview of the same. He advised that the 28'10" dimension, instead of being shown from the sub-ridge, was referenced to the highest ridge. “When we found that out, that’s when we did submit a letter to architectural review and a corrected deal, and Mark Turner or Garth Richards ... wrote a letter to Ms. Green and said ... ‘we found a discrepancy.’ ... And then they issued what they thought, at the time, was the architectural committee’s approval of the revised plan. Ms. Green then sent her letter stating that although that may be what’s gone on in the past, a recent ruling ... from the District Attorney said that the proper process is ... the public hearing variance process.” Mr. Sandoval expressed confusion “as to ... how we got there because as Garth Richards indicates this was almost a mirror image of a previously approved plan.” Mr. Sandoval advised of having researched said plan, and provided copies of the same to the commissioners and staff. He further advised that the plan was stamped in 1999 by both architectural review and the Building Department. He “felt somewhat at ease that I know there was some precedence in terms of ... this house existing out there.” He advised of plans for terraced landscape in the side and back yards, and pointed out a “big elevation difference.” He discussed the suggestion to construct

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 13**

terracing beds, and advised that “an overall 28 feet from the ridge would be the effect.” He distributed to the commissioners and staff a proposed resolution drawing. He acknowledged the “process was not the cleanest,” and took responsibility. He advised “we got ahead of ourselves. We were waiting on some structural components for the floor system.” He advised that design of the residence includes a partial basement and a recessed garage.

In response to a question, Mr. Sandoval advised that the 28'10" measurement was taken from the second ridge. In response to a question regarding the process, he pointed out the partial basement on the plans and discussed the design. “I started. I apologized to the staff. We shouldn’t have gone as far as we did.” He expressed the opinion there wouldn’t have been any inspections called in at the time anyway. He advised of having documentation on the basement and that he had paid the fines. With regard to the height, he was unsure as to “why [the mid-ridge] got transposed that way.” He advised that his design is virtually the same as the plan approved in 1999 and subsequently constructed. He acknowledged that permits were not in place when the foundation was started, and took “full responsibility.” He advised that the roof issue “was dated early August.” He advised of having refrained from building the east fence because the neighbor to the east is currently building. He noted that final grading on the east side is not yet complete. He reiterated plans to terrace the landscape. In response to a question, he advised that the original plans were for a 6 and 12 roof. Commissioner Vance noted that the highest ridge on the Sandoval residence appeared to be higher than the hip on the Powell residence. He expressed the opinion that approval of the Powell residence plans “does not apply.” Mr. Sandoval advised that the Powell residence plans are “a couple, five inches higher.”

Mr. Gattis noted an inconsistency in the originally submitted plans with regard to the point at which the height is being measured. The original plan reviewed and approved was measured from finished garage slab to the ridge and showed 28'10". It was then changed to 28 feet. Mr. Gattis advised that his initial measurement on site, from the garage slab to the ridge, was approximately 36'2". He noted that the 1997 Uniform Building Code requires a measurement from the dwelling out five feet to establish finished grade. The International Building Code requires a measurement from the dwelling out six feet. Mr. Gattis noted the parameters for establishing finished grade. In response to a question, he advised that the initial measurement was done with a tape measure and could, therefore, vary a few inches.

Ms. Pruitt noted, for the record, that height of the structure has been the issue. She acknowledged that Silver Oak is unique, but noted that when staff reviews house plans, measurements of height are done from the center point of the roof. Silver Oak’s development agreement states that the maximum building height of 28 feet is measured to ridge point. She advised that the maximum building height for the residence at 2015 Snowflake Drive was required to be 28 feet on 22 June 1999.

In response to a question, Ms. Pruitt advised that the 28-foot maximum to which she referred was pursuant to the provisions of the Uniform Building Code and, currently, the International Building Code, as referenced by Mr. Gattis. In response to a further question, Ms. Pruitt noted that part of the issue is the site is not exactly flat. Mr. Gattis explained that his original measurements were based on points from an approved set of plans. He reiterated that the lot is not flat, and advised that the adopted code provides for measuring a structure from what is defined as finished grade. The 1997 Uniform Building Code requires a measurement from a point five feet away from the structure. The International Building Code has changed the requirement from five feet to six feet, including additional information depending upon topography. Unless there is a defined point from which to measure, finished grade would have to be determined. Mr. Gattis advised that during his second visit to the site, accompanied by Planning Division

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 14**

staff, measurements were taken from the east end of the structure. He explained that doing so indicated the residence was lower than the original measurement off of finished garage slab because the finished garage slab is depressed in relation to the side and rear elevations. He reiterated that approved plans indicated 28 feet from finished garage slab to ridge height. He advised that the Planning, Building, and Engineering Divisions work from an approved set of plans upon which original decisions were based when providing notification to the owner. Chairperson Peery opened this item to public comment.

(2-0691) Jeff Woods, of 2056 Desert Peach Drive, advised that his home is directly south of the Sandoval residence. He advised of having reviewed the staff report, and opposed approval of the variance in all sections. He narrated photographs taken from his residence, and described the Sandoval residence as a “monolithic structure that looms over [his].” In reference to earlier comments, he advised that subtracting “an inch off of that house would affect his view.” He advised of concerns over the size of the Sandoval residence in total, and expressed the opinion that “all the terracing in the world on the east side and the west side or the front or the back to make it come into height requirement wouldn’t affect the relative height of this home to my house.” He expressed disbelief that someone could build a house without first getting approval and then use the rationale that previous homes were approved. He expressed opposition to approving one homeowner’s ability to gain a view and enjoyment at the expense of other homeowners within Silver Oak. He advised of having purchased his home with an understanding of “how things were and what the codes were. To allow this is to say, ‘it’s easier to ask forgiveness than permission.’” He expressed doubt that the height of the structure could be construed as an oversight. He expressed the opinion that reducing the height by 3 feet to bring it into compliance would improve the view. He commented that Mr. Sandoval had begun construction “without permission” in “total disregard to the codes.” He expressed the opinion there is no reason for the structure “to be that high. There’s no architectural or construction hardship that requires it to be 36 feet.” He suggested that approval of the variance would constitute affording the applicant the privilege of disregarding the rules. He reiterated disbelief that the overall height of the structure amounted to an oversight. He noted that Mr. Sandoval is not “foreign to the construction business,” and expressed the opinion that the gentlemen involved with construction of the residence “have extreme understanding of the rules, regulations and things that they need to follow before they do this. They chose not to follow.”

(2-0779) Gary Powell, of 2015 Snowflake, noted that the commissioners and staff had been distributed an elevation drawing of his residence. He expressed amazement at the “availability of the plan” and advised that he and his wife own the plan; that it took six months to develop. He advised that the “difference between Mr. Sandoval’s home and [his] home is we played by the rules.” He reviewed the steps required for approval of the plans and construction of his home. He displayed the documents approving his plans by the City Building Department. He advised of having constructed his home in 1999, and that development of the custom plans cost approximately \$5,000. He pointed out that the commissioners and staff were provided a set of the plans “because Silver Oak gave [Mr. Sandoval] our plans.” Because of the effort invested in developing the plans, he advised of an expectation to have a “custom, unique home.” He noted that Mr. Sandoval used his plans. He distributed to the commissioners and staff copies of the Zoning Review Clearance for Single Family Residential Construction. In response to a question, he advised that the average height of his home is 23.5’

(2-0866) Don Schricker, of 2074 Desert Peach Drive, described the location of his residence in conjunction with the Sandoval residence. He referred to page 7 of the staff report, and advised that construction of the Sandoval residence was begun “three months prior to receiving a building permit.” He noted “this wasn’t

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 15**

a little problem that developed as it went. This was a problem that was developed to begin with.” He advised that the construction was started and, once the stop work order was issued, “they went in and got an approval. But the approval was based on the current requirements. Silver Oak can’t issue variances.” With regard to the height requirement of 28 feet, Mr. Schricker noted an 8-foot difference on the Sandoval residence and suggested “nobody did it by mistake.” He further suggested that it was “intentional from the beginning and shouldn’t be allowed.” He expressed concern over property values if the commission approves “variances this way.” He suggested that buyers should be able to rely on the current requirements when purchasing property and that those requirements should not be changed. He advised that the Sandoval residence will affect the Woods’ residence and others on Emily Court and Desert Peach Drive. He disagreed with earlier comments that the house could remain unfinished for an undetermined amount of time. He expressed opposition to the variance application, and requested the commissioners to deny the same.

(2-0921) Colleen Jones, a resident of Emily Court, advised that her lot elevation is higher than the Sandovals’, but that she was required to adhere to the City’s guidelines. She further advised that the Sandoval residence “towers over our house ... over our back yard.” She advised of having attempted to sell her house, but was unsuccessful because “no one wants to buy next to that monstrosity.” She further advised that the basement was constructed long before construction of the house began and became a “swimming pool” during the winter. She expressed the opinion that Mr. Sandoval should not be allowed to have “that big of a house on that small of a lot.” She suggested the house would be more appropriate on a five-acre lot, and that the house doesn’t fit in the neighborhood. She expressed the opinion that Mr. Sandoval should not have the right to build a house without having to go through the same routes that the rest of the area residents did.

(2-0953) Mary Woods, of 2056 Desert Peach Drive, requested the commissioners to deny Section C. She agreed with some of Mr. Turner’s comments in that the house plans are beautiful. She expressed the opinion that the house is too big and too tall for the lot. She advised that her husband is in the military and that their family has moved a great deal. None of the residences in which they’ve lived “have been as intrusive as what this house is going to be to us.” She referred to a photograph previously distributed to the commissioners and staff taken from her master bedroom. She expressed more concern over “the view in” to her bedroom than “the view out.” She expressed a preference for an empty house rather than concern over people looking in. She reiterated the request for denial of the variance for Section C.

Chairperson Peery provided Mr. Sandoval an opportunity to respond to the comments. Mr. Sandoval explained his reason for providing the elevation drawings of the Powell residence. He reviewed height measurements of the Powell residence from finished floor. He advised that finished grade for his residence will be roughly 31’4”. He further advised the property is posted against trespassing, and described the method by which the structure has been secured. He discussed various criteria by which the Planning, Building, and Engineering Divisions had measured over the years. He described another residence with a daylight basement, and advised that its height measurement is “probably 38 feet.” He expressed the opinion there have been “differing criteria over the years of how people have established that data sheet.” He advised he does not work for Silver Oak; Silver Oak has been a client since 1993. He advised that his plans had been submitted to the Silver Oak Architectural Review Committee, which “paramount concern is the development.” He expressed the opinion that property values will not decrease because of design of his residence. He offered to increase grades and build retaining walls. He advised that landscape will be designed in such a way as to provide privacy. He reiterated the offer to increase grades, noting that

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 16**

grading is not yet finished. He suggested that a single story home, with an 8 and 12 pitch “would have blocked a lot of views.” He reiterated that his is not the first house “at this height. In fact, there are ... quite a few that are higher.” He advised that his setbacks meet required criteria. He advised there was no intent “to come in and get any special favors in terms of something others haven’t gotten before.” In response to a question, Mr. Sandoval advised that the basement had been done when notification regarding the 28-foot maximum height was provided from the Planning Division.

Chairperson Peery entertained a motion. **Commissioner Reynolds moved to approve VAR-05-195, a variance application from Mark Turner, in Section A which includes APNs 007-541-02 through 007-541-22 in Silver Oak Phase 18, 007-551-01 in Silver Oak Phase 16, and 007-462-08 in Silver Oak Phase 17, to reduce the required setbacks for various lots in the development and to allow an increase in building heights from 28 feet to 36 feet from average grade to ridge line, based on the findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion.** Commissioner Mullet expressed the hope there would be some consideration for homes backed up to College Parkway. Chairperson Peery agreed and called for a vote on the pending motion; **motion carried 6-0.**

**Commissioner Mullet moved to approve VAR-05-195, a variance application from Mark Turner in Section B which includes APN 007-421-18, 2072 Stephen Court, to reduce the required setback based on findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion,** and commented that the application is reasonable and essentially within the existing rules. Commissioner Mullet concurred, and suggested there may be opportunity to move the house back a little and gain some side yard. He agreed that the variance request falls within the parameters, as provided. Chairperson Peery called for a vote on the pending motion; **motion carried 6-0.**

**Commissioner Semmens moved to deny VAR-05-195, a variance application from Mark Turner in Section C which includes APN 007-473-20, 2043 Emily Court, to allow an increase in building height from 28 feet to ridge line to 36 feet to ridge line due to the applicant’s inability to demonstrate a clear property-based hardship as required by the NRS and the CCMC. Commissioner Vance seconded the motion.** Commissioner Semmens commented that the proposal is inconsistent with the maximum height requirement of 28 feet for the surrounding residences. He noted this was the requirement of the building permit Mr. Sandoval applied for and received. He expressed the opinion “this is a self-imposed hardship that is clearly evident.” Commissioner Reynolds noted that the variance requests a 36-foot ridge line. He expressed the opinion the commission is not responsible for determining whether a mistake was made or the revision was purposeful. The commission is responsible for determining whether the hardship was self-imposed or unique to the property. Commissioner Reynolds expressed the opinion that the hardship is not unique to the property; there’s nothing about the property that would require the ridge line to be 36 feet. He expressed the further opinion that the applicant brought the burden upon himself, and that none of the reasons to grant a variance have been met thus far. He expressed concern over the lack of a “good set of plans that match exactly what’s out there ... on file yet.” Vice Chairperson Kimbrough agreed with previous comments that nothing had been presented to indicate some hardship which became part of the process that wasn’t Mr. Sandoval’s own doing. Commissioner Vance sympathized with Mr. Sandoval in that a huge hardship would be imposed that could have been avoided. If Mr. Sandoval knew, before he started building walls, there was a 28-foot height requirement, Commissioner Vance found no reason to make an exception. He expressed the opinion that Mr. Sandoval’s offer to build an 8-foot retaining wall

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 17**

six feet off the west side of the house to bring the house into conformance with the 28-foot height requirement was ludicrous. He supported denial of the variance application. Commissioner Mullet sympathized with Mr. Sandoval, but expressed the opinion there were opportunities to have made corrections. He expressed concern that approving the variance would “give license to people to just build what they want.” Chairperson Peery expressed the opinion there appeared to have been disregard for the requirements. He empathized with Mr. Sandoval’s situation, but couldn’t support approval of the variance application. Owing to Mr. Sandoval’s occupation, he suggested “it’s a little like the surgeon forgetting that the patient needs anesthesia before he starts cutting.” He called for a vote on the pending motion; **motion carried 6-0.**

Mr. Sullivan advised that any of the three items could be appealed to the Board of Supervisors, in writing, within ten days of this meeting. [Chairperson Peery recessed the meeting at 8:10 p.m. and reconvened at 8:16 p.m.]

**G-8. MPA-05-206 DISCUSSION ONLY REGARDING THE VICEE CANYON SPECIFIC PLAN AREA TO AMEND THE MASTER PLAN DESIGNATION OF APPROXIMATELY 127 ACRES OF SCHOOL TRUST LANDS (OWNER: STATE OF NEVADA), APNs 007-091-80 AND -81, GENERALLY LOCATED WEST OF WESTERN NEVADA COMMUNITY COLLEGE AND EAST OF TIMBERLINE PLANNED UNIT DEVELOPMENT, IN ORDER TO ALLOW FUTURE RESIDENTIAL DEVELOPMENT ON PORTIONS OF THE PROPERTY, SUBJECT TO SPECIFIC CONDITIONS AS ESTABLISHED BY THE SPECIFIC PLAN AREA (2-1457) -** Chairperson Peery introduced this item and provided direction regarding public comment. Mr. Plemel reviewed the staff report, narrated a PowerPoint presentation, and proposed a format for receiving commissioner and public comments.

Division of State Lands Administrator Pam Wilcox advised she was representing the State’s school children. She provided historic information on school trust lands and background information on the subject process. She discussed the goal to identify a plan that is complimentary to adjacent lands, that provides Carson City with high quality residences into the future, and that also achieves the purpose of providing revenue for the school children of the State of Nevada. She introduced Division of State Lands Senior Staff Planner Clint Wertz, who narrated a PowerPoint presentation which included discussion of broad goals of the process; benefits of the Vicee Canyon Specific Plan Area; potential site design; the SPA slope map; neighborhood buffering methods; open space, park and trail corridors; site constraints; the SPA policies, including land use, circulation and access, conservation, community character and design, utilities/services/facilities, wildland urban interface, and housing. He advised that the purpose of this item was to receive input and answer questions. He discussed the Division of State Lands’ stewardship opportunity, and the strong desire to continue public access and public use on portions of adjacent public lands. Chairperson Peery thanked Mr. Wertz, provided additional direction with regard to public comment, and opened this item.

(2-2256) Jay Meierdierck provided background information on his 28-year residence in Carson City, his work experience, and read prepared remarks into the record.

(2-2465) Bruce Kittess, a resident of Lakeview, advised of having recently read a *Nevada Appeal* article regarding the sewer plant expansion project and the Brunswick Canyon Reservoir. He read prepared remarks into the record, and suggested “a whole lot of post-fire engineering study should be done on the

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 18**

three watersheds, Vicee, Timberline and Combs, before any change is made to the current master plan or the update. He inquired as to the reason a primary or secondary detention basin wasn't built on the subject State property upstream from the "monster pit." He suggested the "monster pit" could have been avoided or at least made smaller. He expressed the opinion the City should take no action on the subject State property until the college and the City, on behalf of its citizens, resolve the new issues raised in the aftermath of the Waterfall Fire. He strongly recommended postponing or denying action on the State Land Use Planning Agency application. He expressed the opinion that the City should refrain from granting any change to either the current or the updated master plan, or granting any entitlement to the subject property until all the constraints, post-Waterfall Fire, are identified and solutions found.

(2-2631) Doris Browning, of 1860 West Winnie Lane, advised that she is "affected by all of this." In reference to Ms. Wilcox's comments, she inquired as to the reason for "getting rid of the property" if the State receives interest revenue from it. She expressed the opinion that more consideration should be given to the citizens. She inquired as to plans for development of the road adjacent to her home, and the purpose for the pit. She advised that the existing neighborhoods have unique characteristics and "that's how we'd like to keep it." She stated, "We don't want this."

(2-2684) Earl Barney, of 3289 Harvard Drive, advised of many inconsistencies in the draft document. He referred to page 16, a map of proposed open space areas, existing trails, and a road to connect Foothill Road with Timberline Drive. He inquired as to any plans to construct a bridge across "the big dig." He advised of having lived in Carson City during the 1997 flood and witnessing the effect. He advised that the Vicee Creek flood plain is much bigger during heavy rain and snow events than depicted. He expressed the opinion that homes in the area would be flooded in a 100-year event. He expressed strong opposition to developing what is now open space, and a preference that the open space should remain.

(2-2740) LeAnn Saarem, of 2188 Alfred Way, distributed written comments to the commissioners and staff and reviewed the same.

(2-2863) Dennis Anderson, an 18-year resident of Carson City, inquired as to whether the State school trust lands could be sold or leased to an educational or public / private foundation. He suggested that if the lands were sold to a public entity, like Carson City, or to a public / private entity for education, the community would be supportive. He inquired as to whether the lands could be leased to Carson City or the University Board of Regents for educational opportunities. He expressed the opinion that the primary objective of the state educational trust is education. He suggested developing the land as a research park for environmental or technological purposes. He recommended exploring opportunities for selling or leasing the lands to a public or private educational institution and, after exploring those opportunities, determining a way to make it work. He further recommended modifying the Vicee Canyon SPA to include this viable alternative to residential development.

(2-2937) Fred Brown, of 3795 Timberline Drive, provided background information on his near 50-year residence in Carson City. He expressed the opinion that WNCC is an "unpolished jewel in the community," and discussed its potential. He discussed problems associated with expansion of the University of Nevada, Reno, and inquired as to the reason for curtailing development of WNCC by turning the land "into a subdivision." He expressed the opinion that this "doesn't make any sense," and that the only advantage would be the addition of ad valorem tax revenue to Carson City. He expressed the further opinion that the BLM shouldn't own property within the Carson City limits, and that the subject land should be left alone.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 19**

He agreed with previous comments that the land should be left in trust for the schools, and that the schools should do something that would benefit the City “more than a bunch of houses.”

(2-3010) Sandra Yurinak, of Timberline Drive, expressed a preference for leaving the land for use by WNCC. She inquired as to why new development is necessary in conjunction with development of trails and parks and recreation facilities. She inquired as to impacts to wildlife and wildlife habitat.

(2-3041) Mike Pavlakis, of 7 Woodstock Circle, commended the State on the goal, but advised he couldn't support the proposal. He expressed concern over wildlife corridors, and noted that two barricades to migratory deer patterns are presented as part of the Vicee SPA. He expressed the opinion that the proposed secondary access will not benefit the existing residents. The proposed access will be “direly needed” by the 140 homes proposed for the development. To attempt “to dump them out onto Ash Canyon Road or Winnie Lane” will create a nightmare for existing residences. Mr. Pavlakis advised that the proposed access will not “relieve Timberline Drive ... or do anything for fire suppression or access.” He reiterated that wildlife and access issues had not been addressed. He advised that the draft document alleges a need for “high end housing in Carson City,” and suggested that staff needs to consider whether that's true. He would agree on a need for low income housing.

(2-3207) Phil Patton, of 10 Combs Circle, advised of having attended a similar meeting of the Board of Supervisors approximately two years ago which topic was “cramming” several houses in to the “Combs Canyon / Timberline split.” He further advised that the Planning Commission, at the time, was unsupportive of any density less than one house per ten acres; that the infrastructure would not support it. He discussed concerns over water pressure, and advised that the necessary infrastructure is still not available.

(2-3224) Bill Miles, of Cityview Estates, provided background information on his residence in Carson City and historic information on a Vicee Canyon fire in the 1970s. He commented that the land had not been taken care of because it had been an historic fire area and “it burned again.” He suggested that if the State wants to sell the land, the existing zoning designation should remain; that the land in private ownership would be more appropriately stewarded. He advised of having constructed his home, taking existing views into consideration. He expressed concern over the Combs Canyon bike corridor designation, and the dark skies issue associated with the WNCC observatory. He suggested that the highest and best use of the property would be to leave the existing zoning designation as open space.

(2-3350) Dave Simpson, of 3702 Prospect, expressed support for the previously stated comments. He expressed the opinion that the plan doesn't adequately address viewshed management. He advised there are approximately a dozen small lots in the Timberline area; “everything else is big. Everything surrounding the land is also larger lots.” He expressed the opinion that focusing on the densest lots is inappropriate.

Chairperson Peery thanked the citizens for their comments, and advised there would be other meetings and opportunities by which to provide input. He expressed the opinion that this was a “good place to start” and expressed appreciation for the citizens' concerns. Mr. Plemel thanked the citizens for the comments provided at this meeting and for those provided in advance. He advised that comments and input will continue to be collected; that those received thus far will be forwarded to the Planning Commission and the Board of Supervisors. He encouraged anyone else to provide comments via the Planning Division

**CARSON CITY PLANNING COMMISSION**

**Minutes of the October 26, 2005 Meeting**

**Page 20**

office or the Envision Carson City master plan website. He advised that staff would return, at a future meeting, with responses to the questions asked, and that public notice of any action to be taken would be provided. Chairperson Peery thanked Ms. Wilcox, Mr. Wertz, and the citizens for their attendance and participation.

**H. STAFF REPORTS**

**H-1. REPORT ON BOARD OF SUPERVISORS' ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (2-3515)** - Mr. Sullivan advised that the Schulz Ranch subdivision was unanimously approved, together with the zoning change.

**H-2. MPA-04-127 STATUS REPORT ON ACTIVITIES RELATED TO "ENVISION CARSON CITY," THE UPDATE OF THE CARSON CITY MASTER PLAN AND THE PARKS, RECREATION, AND TRAILS PLAN (2-3570)** - With regard to the draft land use plan, Mr. Plemel advised that letters will be sent out in the near future to property owners whose parcels will be affected. He advised that a lands bill map will be presented to several advisory committees and the Board of Supervisors next week. The same will be presented to the Planning Commission at a future meeting. Mr. Plemel provided an overview of the lands bill map.

Mr. Sullivan advised that Mr. Plemel has been working on a housing element. A first draft has been considered internally. Once the second draft is returned, it will be provided to the commissioners for review. Mr. Sullivan expressed an interest in reviewing the right-of-way abandonment process flow chart with the commissioners.

**I. ACTION ON ADJOURNMENT (3-0034)** - Commissioner Reynolds moved to adjourn the meeting at 9:44 p.m. Commissioner Semmens seconded the motion. Motion carried 6-0.

The Minutes of the October 26, 2005 Planning Commission meeting are so approved this 30<sup>th</sup> day of November, 2005.

---

JOHN PEERY, Chair