

CARSON CITY PLANNING COMMISSION

Minutes of the November 30, 2005 Meeting

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

STAFF: Walter Sullivan, Planning and Community Development Director
Lee Plemel, Principal Planner
Jennifer Pruitt, Senior Planner
Tom Grundy, Civil Design Supervisor
Juan Guzman, Open Space Manager
Mary-Margaret Madden, Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A tape recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are considered public record and are on file in the Clerk-Recorder's Office. These materials are available for public 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 Vance led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - October 26, 2005 and September 20, 2005 (1-0020) - Commissioner Mullet moved to approve the minutes of the October 26, 2005 meeting. Commissioner Reynolds seconded the motion. Motion carried 7-0. Commissioner Bisbee moved to accept the minutes of the September 20, 2005 meeting, as written. Commissioner Vance seconded the motion. Motion carried 4-0-3, Chairperson Peery and Commissioners Mullet and Semmens abstaining.

C. PUBLIC COMMENT (1-0044) - None.

D. MODIFICATIONS TO THE AGENDA (1-0049) - Mr. Sullivan requested the chair to continue items G-2 and G-14 to the December 22nd commission meeting. He advised the citizens present that item G-9 would not be addressed prior to 7:00 p.m.

E. DISCLOSURES (1-0063) - Commissioner Mullet advised that he lives in close proximity to the area which is the subject of item G-9, and that he had a brief conversation with a neighbor regarding the same. He anticipated no conflict of interest.

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F. CONSENT AGENDA:

F-1. SUP-05-007 ACTION TO CONTINUE AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM DEBRA SISCO (PROPERTY OWNER: USA; ASSESSED OWNER: CAPITAL CHRISTIAN CENTER) TO ALLOW A DECREASE IN BUILDING SIZE TO 30,000 SQUARE FEET AND RELOCATION OF A CHURCH BUILDING, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 1600 SNYDER AVENUE, APN 010-221-15 (1-0071) - Chairperson Peery introduced this item, and advised of staff's request to continue. Commissioner Mullet moved to continue items F-1, G-2, and G-14. Commissioner Semmens seconded the motion. Motion carried 7-0.

G. PUBLIC HEARING:

G-1. AB-05-136 ACTION TO RE-EXAMINE AND CONSIDER A PREVIOUSLY REVIEWED ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM HELEN GARDNER-TREADWELL, SYMANTHA GARDNER-ZINK, BENJAMIN W. LEVY AND DONNA J. GEARHART-LEVY, TO ALLOW ABANDONMENT OF A PORTION OF ARDEN WAY, EAST OF SOUTH EDMONDS DRIVE AND SOUTH OF KOONTZ LANE, LOCATED AT 4025 SOUTH EDMONDS DRIVE AND 3949 SOUTH EDMONDS DRIVE, APNs 010-185-18 AND 010-185-17 (1-0097) - Chairperson Peery introduced this item, and Ms. Pruitt reviewed the staff report. She noted condition of approval #5 included in the staff report. She advised of staff's recommendation of approval of the right-of-way abandonment, and pointed out the subject area on displayed photographs. Mr. Sullivan related details of staff's meetings with the concerned parties, and provided background information on the various alternative action presented. In response to a question, he explained the commission's purview over this matter, and advised that the commission's recommendation would be forwarded to the Board of Supervisors for approval. In response to a further question, he explained that the easement is 60 feet wide. Of the 60 feet, 30 feet is proposed to be allocated to the northern property owner and 30 feet to the southern property owner. Ten feet each from the northern and southern portions would be allocated toward the public utilities easement. In response to a further question, Mr. Sullivan advised that a public utilities easement is primarily used for utilities.

(1-0233) Helen Treadwell and Benjamin Levy introduced themselves for the record. Ms. Treadwell expressed agreement with the proposal to allocate 30 feet to each of the northern and southern property owners and 20 feet to the public utilities easement. She expressed a desire to accommodate the neighbors in future connections to City utilities. She expressed the belief that Arden Way had not previously been used as an access way. She expressed opposition to allowing Arden Way to be used as a road, and the belief that the Ferrels have "access on both sides of [their] land from Conte." She expressed concern over liability if Arden Way is allowed to be used as a roadway.

(1-0286) Mr. Levy pointed out his property on a displayed aerial photograph. He advised of having lived there for 14 months and, in that time, "there has been no activity on the Arden Way easement until after our last meeting in August." He advised that the "neighbor to the southeast, the Ferrels, installed a gate and tried to access their property through that gate with a load of hay." He pointed out two driveways leading into his property, and expressed concern that a public easement would translate to use of his driveway for access. He expressed concern over liability. Both Ms. Treadwell and Mr. Levy acknowledged their agreement with the staff report.

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(1-0323) Julian C. Smith, Jr., attorney for Charles and Georgia Ferrel, advised that Arden Way is an unimproved public street. He read the language of NRS 278.480(5) into the record. He expressed opposition to the street abandonment and the public utilities easement. He advised that the City has no obligation to maintain or improve the street. He advised of his reliance on the letters included in the agenda materials. He referred to case law entitled *Teacher's Building Company vs. City of Las Vegas*, 68 Nev. 307, and read pertinent language into the record. He related an analogy regarding property ownership, and advised that "taking this public access away from abutting property owners" denies them a substantial property right. He reiterated that Arden Way had not been maintained or improved. He requested the commissioners to take action to recommend option 1 to the Board of Supervisors rather than option 2, and to deny the application for abandonment "because it does not conform to the statute and because it's going to cause substantial injury to a member of the public, to wit: the Ferrels." In response to a question, Mr. Smith advised that denying access to a public street constitutes damages per se. He discussed the existing situation wherein access is available to the back of the Ferrels' lot. Abandoning Arden Way would require creating access to the back of the lot from Conte Drive. This would substantially depreciate the value of the property of the home that faces Conte Drive. Mr. Smith reiterated that access to a public road is a valuable property right.

Commissioner Vance advised of having walked on Arden Way prior to the August Planning Commission meeting and that it was obvious it had not been used for "a long, long, long time." He further advised of having walked on Arden Way earlier in the day, and noticing a new gate and freshly cut brush. He suggested that the Ferrels have access to and from Conte Drive. In response to a question, Mr. Smith advised that denying the opportunity for access to Arden Way denies a valuable property right. In response to a further question, he advised he represented only the Ferrels in this matter.

Commissioner Mullet advised of having served as a land surveyor in the Air Force and in Los Angeles County. He inquired as to the possibility that Arden Way once connected Edmonds Drive and Conte Drive, and that the Ferrels had benefitted over the years by abandonment of that easement. Mr. Smith advised that the possibility would have nothing to do with the existing condition. If a portion of Arden Way was previously abandoned, the Ferrels are now abutting property owners by a distance of 30 feet. Mr. Smith advised that "the 30-foot abutment has been ignored by the City Engineering [Department]" and will constitute the same if the street is abandoned without allocating the Ferrels a share. He noted that neither of the applicants were abutting property owners on the portion of the land that was abandoned, if a portion of Arden Way was previously abandoned. He suggested that the applicants are seeking to gain a benefit at the expense of the Ferrels.

Mr. Smith acknowledged having provided a personal estimate of the value of damages to the Ferrels at the August commission meeting. In response to a further question, he advised that the Ferrels' issue "always has been that they are abutting property owners on Arden Way and, as such, have access to a public street out the back of their property. ... We object to this abandonment because they would be denied that public access to the back of their property. Whether they've ever used it or not, whether it's ever been improved, whether somebody else abandoned a road that they bought some other place is not relevant to the issues." Mr. Smith advised that the Ferrels will be damaged by the abandonment regardless of the value.

In response to a question regarding the previously cited case law, Mr. Smith explained that the Nevada Supreme Court recognized abutting a public street is a valuable asset associated with property ownership. He suggested that different values would be assigned to a 30-foot abutment and a 50-foot abutment. Denying access to a public street has a greater value. Mr. Smith stated "the Supreme Court recognized that without putting a dollar amount on it."

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Mr. Sullivan read a portion of the Certificate of Land Office, at page 27 of the staff report, into the record. He pointed out corresponding locations, on a displayed aerial photograph, of the legal description set forth in the Certificate. He advised that the City built Edmonds Drive but never improved Arden Way. He suggested that the Certificate of Land Office provided for the federal government to reserve a road way, specifically 40 feet for Edmonds Drive and 30 feet for Arden Way. By the abandonment, the City's interest in Arden Way is eliminated. Mr. Sullivan advised of staff's position that, according to NRS 278.480, the two abutting property owners are Ms. Treadwell and Mr. Levy because "they gave up the property to have the street built. No one else did." In response to a question, he pointed out the Ferrel property on a displayed aerial photograph.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. Commissioner Mullet commented that the City has worked to benefit the property owners by allowing them a sewer easement none of the other properties on Conte Drive will have. He agreed with Mr. Sullivan's interpretation regarding reservation of the lands. In response to a question, Mr. Grundy advised that City Engineer Larry Werner concurred with Mr. Sullivan's position. Mr. Sullivan advised of having spoken with Mrs. Ferrel yesterday, who advised she would allow her neighbors to connect sewer lines across her property and down the easement so that additional property owners could benefit. **Commissioner Vance moved to recommend that the Board of Supervisors approve application AB-05-136, an abandonment of a portion of the 60-foot wide and 291.86-foot long portion of Arden Way right-of-way located along the southerly property line of APN 010-185-17 and along the northerly property line of APN 010-185-18, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 5-2.**

G-2. SUP-05-212 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM DEREK WILSON / JEFF CODEGA PLANNING AND DESIGN, INC. (PROPERTY OWNERS: MICHAEL AND DOROTHY MORELAND, COURTRIGHT REVOCABLE LIVING TRUST - ERNEST AND LYNNE TRUSTEES, AND WOODS, LILLIAN M. TRUST) TO ALLOW SIGNAGE THAT EXCEEDS CITY SIGN CODE ALLOWANCES IN BOTH SQUARE FOOTAGE AND HEIGHT. THE PROPOSED PRIMARY GROUND SIGN REQUEST WOULD BE 30 FEET HIGH (CODE MAXIMUM IS 20 FEET HIGH) AND THE PROPOSED SECONDARY GROUND SIGN AREA WOULD BE 70 SQUARE FEET IN SIZE AND 24 FEET IN HEIGHT (CODE MAXIMUM IS 36 SQUARE FEET IN SIZE, 6 FEET IN HEIGHT), ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3460 SOUTH CARSON STREET AND 3390 SOUTH CARSON STREET, APNs 009-111-01 AND -02 - Continued.

G-3. SUP-05-214 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM LUMOS & ASSOCIATES, AGENTS FOR PROPERTY OWNERS (PROPERTY OWNERS: KOLSTAD 2001 TRUST 07/23/01, JANUS REVOCABLE LIVING TRUST 05/11/84, BUTLER, HENRY R. AND DEBORAH L., BUTLER, HENRY RB TEST TRUST, AND WILLROKO CORPORATION, INC.) TO ALLOW A 7 ½ FOOT FENCE, ON PROPERTY ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED AT 3218 THROUGH 3488 NORTH ROOP STREET, APNs 002-052-14 THROUGH -28 (1-0732) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. (1-0798) Henry Butler introduced himself, for the record, and provided background information on ownership of the subject property. He acknowledged having read the staff report, and discussed the reason for proposing the 7½-foot fence. He advised that the proposed fence will be aesthetically pleasing, and described the proposed design. He acknowledged his agreement with the staff report.

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Vice Chairperson Kimbrough expressed support for no more than a six-foot high fence. Mr. Butler reiterated reasons for proposing the 7½ -foot fence. Commissioner Bisbee advised that she resides across the street from the subject property, and that there have been no problems associated with the six-foot fence. Mr. Butler expressed a preference for “pointed ends” as part of the design. Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to approve SUP-05-214, a special use permit request to allow a six-foot high fence within the 20-foot front setback and five foot street-side setback, on property zoned multi-family apartment, located at 3218 North Roop Street through 3488 North Roop Street, APNs 002-052-14 through 002-052-28, based on the findings and subject to the recommended conditions of approval contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0.** Commissioner Semmens explained that the six-foot fence will match the fence across the street, thus making the entire corridor more compatible.

G-4. SUP-05-215 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM TAIT & ASSOCIATES (PROPERTY OWNER: CARSON CITY) TO ALLOW A 42-UNIT, THREE-STORY SENIOR HOUSING COMPLEX AND ADMINISTRATIVE OFFICES, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 1150 EAST LONG STREET, APN 002-121-17 (1-0944) - Chairperson Peery introduced this item, and Mr. Sullivan referred to the drawing of phase 2 which was displayed in the meeting room. He reviewed the staff report, and noted a correction to page 4 to indicate “80% of area median income.” He advised of staff’s recommended approval, subject to the twelve conditions included in the staff report. He commended the applicants on the project design, and commented that the subject type of project is needed in Carson City. He noted that no comments had been received in opposition to the project, and advised that findings had been made in favor of the special use permit. He responded to questions regarding the location of the parking lot. He discussed, and pointed out, a necessary lot line adjustment on the west side. He described the various properties surrounding the subject property. In response to a question, he advised that the first complex was comprised of 48 units. Commissioner Mullet noted a correction to condition of approval #11 in that it should read three stories.

(1-1062) Bob Marcantel, representing Tait & Associates, acknowledged his agreement with the staff report. He displayed an additional drawing of the parking area and provided an overview of the same. He noted that each tenant will have a canopied parking stall. He reviewed exterior and interior amenities of the building, using a separate displayed drawing. He anticipated that phase 1 was two to three months from completion, and advised there are three times as many people on the waiting list as there are available units.

(1-1130) Greg Urrutia, of Community Development, Inc., reviewed background information on the area median income information provided for phase 1. He advised that the overall target is less than 40%. In reference to Mr. Marcantel’s comments, he advised that Community Development, Inc., has never had such an overwhelming response to a project. He commented on the ideal situation created by the City providing the land which, in turn, provided the opportunity to target incomes lower.

Mr. Marcantel responded to questions regarding the hot tub and the parking areas. In response to a further question, he advised that no solar analysis had been done for phase 2. In response to a question, Mr. Sullivan advised of the possibility that the hot tub area would have to be fenced. Mr. Marcantel acknowledged both buildings have elevators. Commissioner Vance commended the developers on the project. Mr. Sullivan responded to questions regarding the conditions of approval, and Mr. Urrutia acknowledged his agreement.

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Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. **Commissioner Semmens moved to approve SUP-05-215, a special use permit request from Tait & Associates, Inc. (property owner: Carson City - Carson City Senior Citizens Center) to allow a 42-multi-unit apartment senior housing project, on property zoned public regional, located at 1150 East Long Street, APN 002-121-17, based on seven findings and subject to 12 conditions of approval contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 7-0.** Vice Chairperson Kimbrough commended Mr. Sullivan on the staff report.

G-5. MISC-05-208 ACTION TO CONSIDER AN APPLICATION FROM DONALD AND PEGGY WILSON, ET AL., (PROPERTY OWNERS: HENRICKSEN, CR & PY; HANEY, GREGG AND LORI; LARSON, WILLIAM M. AND SHIRLEY ANN; NUCKOLLS, DANIEL L. AND TRACIE L.; MERCER, ROBERT J. AND CATHERINE L.; KOCH, MARK A.; REYNOLDS, MELISA L. AND KRECK, C.W.; WILSON, DONALD N. AND MARGARET GREEN-WILSON; MAHONEY, CHARLES AND MARCHELL; PETERSEN, CHRISTOPHER AND CYNTHIA; SEALS, JAMES R. AND MARIANNE E.; GALVAN LIVING TRUST 04/29/04; NOBLE, KELLY K. AND THOMAS J.; AND LAMBORN, M. DALE AND LEAH) TO REPEAL A CONDITION OF APPROVAL (S-94/95-3) OF EMPIRE RANCH ESTATES SUBDIVISION WHICH REQUIRES A 40-FOOT REAR SETBACK WITH A REVISED CONDITION OF APPROVAL FOR A 20-FOOT SETBACK ON CERTAIN AFFECTED LOTS, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 1640 THROUGH 2022 DIVOT ROAD AND 4349 STAMPEDE DRIVE, APNs 010-602-10, 010-602-11, 010-602-12, 010-602-13, 010-602-14, 010-606-01, 010-606-02, 010-606-03, 010-591-07, 010-591-06, 010-591-05, 010-591-04, 010-591-03 AND 010-602-15 (1-1296) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. Mr. Sullivan referred to the letters in opposition from Todd and Cindy Pardini and from Mark Koch. In response to a question, he advised that the applicants would only address the setback issue, not building height. In response to a further question, he referred to the historic chronology of events provided in the Pardini correspondence. He pointed out Divot Road and the location of the Pardini residence on a displayed parcel map, in response to a further question. He reviewed details of the parcel map, including the locations of the Empire Ranch subdivision and the Brushwood subdivision. In response to a further question, he advised that Mr. Pardini opposed the request to revise the condition of approval. He acknowledged that the residents of the Brushwood Planned Unit Development were noticed of this meeting.

(1-1530) Don Wilson, of 1846 Divot Road, advised of having purchased his home in 2000. At that time, there were 114 lots in the Empire Ranch subdivision and approximately 50-60 homes built. Of the 14 lots with the 40-foot setback requirement, there were five houses constructed. Mr. Wilson advised of having been aware of the setback requirement at the time he purchased his property, and of having reviewed extensive documentation on the history of the requirement. He acknowledged agreement with the staff report. He advised that the 40-foot setback does not constitute a scenic easement now that both subdivisions are built out. He further advised that houses in the Brushwood and River Knolls subdivisions have a 10-foot setback. (1-1612) Margaret Green-Wilson introduced herself for the record. Mr. Wilson advised that the Pardini residence is not part of the Empire Ranch subdivision, nor did the Pardinis own their property at the time the subdivision was approved. He explained the purpose for the request, noting that he has an 18,000 square foot lot with a 2,300 square foot home. He pointed out that “the guy on the other side of my fence could build within ten feet of my property, and I can’t be within 40 of his.” He advised of having spoken with the other property owners on Divot Road and that, with the exception of Mr. Koch, “everybody else is in favor of this.” He suggested that revising the condition of approval will “allow the homeowners to have the same property rights as the people in adjacent neighborhoods have.” He

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expressed the opinion that “a 40-foot setback is inconsistent with the requirements of other property in our immediate neighborhood, including Empire Ranch, the River Knolls, and the Brushwood developments.” He noted there are 14 Empire Ranch lots affected and “only twelve and part of another lot that borders against us.” He suggested “this is no longer an issue of citizens versus a developer.” He thanked Planning Department staff for their assistance and the commissioners for considering the request. He requested an opportunity to rebut any arguments in opposition.

In response to a question, Mr. Sullivan advised that any workshop would have to be constructed to the single-story requirement. Mr. Wilson reiterated there was no alteration to the height requirement included in the request. In response to a question, he advised that 3 of the 14 homeowners on Divot Road were not interested in becoming parties to the request. Mrs. Green-Wilson advised that a portion of the 40-foot setback includes a 15-foot flood control easement. Chairperson Peery called for public comment.

(1-1777) Orlando Galvan, a resident of Divot Road, thanked staff for their report and expressed support for the request. He expressed the opinion that repealing the condition of approval “won’t have an affect on anybody” but “will improve our property.” He expressed support for property owners being able to construct garages to store vehicles off the street rather than at an off-site facility. He requested the commissioners’ approval of the request.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. **Commissioner Reynolds moved to approve MISC-05-208, an application from Donald and Peggy Wilson, et al., with property owners as noted on agenda item G-5, to repeal a condition of approval, S-94/95-3, of Empire Ranch Estates subdivision which requires a 40-foot rear setback, with a revised condition of approval for a 20-foot setback on certain affected lots, on property zoned single family 6,000, SF6, located at 1640 through 2022 Divot Road and 4349 Stampede Drive, parcel numbers as noted in the staff report, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.**

G-6a. ZCA-05-150 ACTION TO CONSIDER A ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE AND DEVELOPMENT STANDARDS (PRINCIPALLY TITLE 18 - ZONING) BY CITY STAFF REGARDING: (1) GROUP CARE FACILITIES, DEFINITIONS, NON-RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS; AND (2) ABANDONMENT OF RIGHT-OF-WAY AND ADMINISTRATIVE EASEMENT ABANDONMENTS AND CHILD CARE FACILITY - SPECIAL USE PERMIT NUMBER OF CHILDREN THRESHOLD LIMITS; DELETING DEFINITIONS FOR ASSISTED CARE, CLIENT(S), GROUP CARE FACILITY, HOME FOR THE AGED, REST HOME, CONVALESCENT HOME AND NURSING HOME; MODIFYING THE DEFINITIONS FOR CONGREGATE HOUSING, DWELLING SINGLE FAMILY, AND ADDING A DEFINITION OF 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 12,000 (SF12), 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),

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AND GENERAL COMMERCIAL (GC); AND DELETING CORRECTION GROUP HOME USE IN PUBLIC REGIONAL (PR) ZONING; DELETING SENIOR CITIZEN HOME/ CONGREGATE CARE HOUSING AS A CONDITIONAL USE FROM THE RESIDENTIAL OFFICE (RO) ZONING DISTRICT, MODIFYING 18.04.195 NON-RESIDENTIAL DISTRICT INTENSITY AND DIMENSIONAL STANDARDS, AND DEVELOPMENT STANDARDS DIVISION 1, LAND USE AND SITE DESIGN, CARSON CITY NON-RESIDENTIAL DISTRICT INTENSITY AND DIMENSION STANDARDS TO DELETE UNDER ZONING DISTRICTS MINIMUM AREA (SF OR AC) FOOTNOTE 4 REGARDING "FOR EACH MAIN STRUCTURE" AT RESIDENTIAL OFFICE (RO), GENERAL OFFICE (GO), RETAIL COMMERCIAL (RC), LIMITED INDUSTRIAL (LI), AND GENERAL INDUSTRIAL (GI); DELETE AT MINIMUM SETBACKS (FEET) AT STREET SIDE FOOTNOTE 5 REGARDING "SIDE SETBACK MAY BE WAIVED IF TWO ADJACENT STRUCTURES ARE CONNECTED BY A PARAPET FIRE WALL" AT RESIDENTIAL OFFICE (RO), ADDING AT FOOTNOTE 13 MINIMUM LOT WIDTH (FEET) AND MAXIMUM LOT DEPTH (FEET) REQUIREMENTS MAY BE WAIVED, MODIFYING DEVELOPMENT STANDARDS DIVISION 1, LAND USE AND SITE DESIGN AT TABLE OF CONTENTS AND SECTION 1.5 GROUP CARE FACILITIES PERFORMANCE STANDARDS TO DELETE THE CONTENT OF THE SECTION AND NAME IT NOT USED AND AT DEVELOPMENT STANDARDS DIVISION 2, PARKING, AT SECTION 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, COMMISSION ACTION, COMMISSION RECOMMENDATION, TIME LIMITS, FEES AND SERVICE CHARGES, CRITERIA OF THE APPLICATION, RECORDATION FEES, TIME LIMIT 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; AND G-6b. (3) ACTION TO CONSIDER A ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE 18.03, DEFINITIONS (PRINCIPALLY TITLE 18 - ZONING), BY CITY STAFF REGARDING: CHILD CARE FACILITIES TO INCREASE THE NUMBER OF CHILDREN IN CHILD CARE FACILITIES, BEFORE A SPECIAL USE PERMIT IS REQUIRED, FROM FOUR (4) TO FIVE (5), AND TO DELETE THE PHRASE: "INCLUDING CHILDREN OF PRESCHOOL AGE WHO LIVE IN THE FACILITY;" G-6c. (4) ACTION TO CONSIDER A ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE, TITLE 18, BY CITY STAFF BY ADDING HOTEL RESIDENCE (EXTENDED STAY) AS A CONDITIONAL USE IN THE FOLLOWING DISTRICTS: SECTION 18.04.130(3), RETAIL COMMERCIAL (RC); SECTION 18.04.135(3), GENERAL COMMERCIAL (GC); SECTION 18.04.125(3), DOWNTOWN COMMERCIAL (DC); AND SECTION 18.04.140(1) BY ADDING HOTEL RESIDENCE AS A PRIMARY PERMITTED USE IN TOURIST COMMERCIAL (TC) (1-1967) - Chairperson Peery introduced this item. Mr. Sullivan provided an overview of staff's presentation. Ms. Pruitt noted that the group care section to be discussed at this meeting was initially discussed at the August 31, 2005 commission meeting. She advised that staff had met with Mary Fischer and her legal counsel regarding concerns over the group care section of the code. She reviewed the staff report, and discussed the purpose of the proposed revisions. She reviewed the exhibits attached to the staff report. Mr. Sullivan explained that the proposed revisions pre-empt the zoning requirements, and discussed the group home classifications permitted. He advised that group homes will still be allowed by City code, with a special use permit, in multi-family and commercial zoning districts.

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Mr. Sullivan reviewed the right-of-way abandonment process and the flow charts which were circulated among the commissioners. He advised that administrative easement applications would be submitted to a similar process. Commissioner Vance commended staff on the flow chart. In response to a question, Mr. Sullivan advised there will always be exceptions to the usual process, and discussion ensued. He reviewed the proposed revisions to the definitions of "Child Care Facility" and "Hotel, Residence." Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Reynolds moved to approve ZCA-05-150, a zoning code amendment to amend the Carson City Municipal Code Development Standards, as noted, published, and read by the chairperson earlier, amending and making clerical and consistency corrections and other matters related thereto. Commissioner Mullet seconded the motion. Motion carried 7-0.**

Commissioner Mullet moved to approve a zoning code amendment to amend the Carson City Municipal Code 18.03, Definition, primarily Title 18, Zoning, by City staff regarding child care facilities to increase the number of children in a child care facility, before a special use permit is required, from four to five, and to delete the phrase "including children of preschool age who live in the facility." Commissioner Semmens seconded the motion. Motion carried 7-0.

Commissioner Mullet moved to approve a zoning code amendment to amend the Carson City Municipal Code, Title 18, by City staff by adding Hotel Residence, Extended Stay, as a conditional use in the following districts: Section 18.04.130(3) Retail Commercial (RC), in Section 18.04.135(3) General Commercial (GC), in Section 18.04.125(3) Downtown Commercial (DC), and in Section 18.04.140(1), by adding Hotel Residence as a primary, permitted use in tourist commercial (TC). Commissioner Reynolds seconded the motion. Motion carried 7-0.

Chairperson Peery recessed the meeting and reconvened; a quorum of the commission was present.

G-7. TPUD-05-191 ACTION TO CONSIDER A TENTATIVE PLANNED UNIT DEVELOPMENT APPLICATION KNOWN AS EAGLE VILLAGE CONDOMINIUMS, FROM WESTERN ENGINEERING (PROPERTY OWNERS: MICHAEL AND JUDITH BRAY AND JONATHAN AND SUSAN WARREN) TO DEVELOP 36 MULTI-FAMILY RESIDENTIAL DWELLING UNITS (CONDOMINIUMS) AND VARIANCES TO THE PLANNED UNIT DEVELOPMENT REQUIREMENTS; FOR MINIMUM SITE AREA AND MINIMUM LOT SIZE AND APPROVAL OF TANDEM PARKING, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 250 EAGLE STATION LANE, APN 009-123-32; AND SUP-05-192 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM WESTERN ENGINEERING (PROPERTY OWNERS: MICHAEL AND JUDITH BRAY AND JONATHAN AND SUSAN WARREN) TO ALLOW MULTI-FAMILY RESIDENTIAL USE AS A CONDITIONAL USE, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 250 EAGLE STATION LANE, APN 009-123-32 (1-2524) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report and narrated pertinent slides. She introduced stipulations associated with the special use permit, one of which pertained to the proposed six-foot, white vinyl fencing. She advised of staff's admonition that the applicant consider the possibility of a taller fence as well as a fencing material, in an earth tone color, which would more appropriately mitigate noise. She explained that the applicant had not been previously notified of this stipulation. In response to a question, she advised that the applicant should provide information on fencing material which would properly mitigate noise. She discussed the intent to not determine a certain fencing material until other alternatives had been considered which may more appropriately mitigate noise.

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Ms. Pruitt advised that the City's consulting arborist could assist in tree selection, specifically for the eastern and western boundaries. She advised of staff's request that the applicant agree to have the landscaping plan reviewed by the City's consulting arborist to ensure a selection of trees which would assist in mitigation. She noted three issues raised by Southwest Gas, as outlined in their November 28, 2005 letter, and advised that the applicant would be requested to stipulate to the same. She read pertinent portions of the letter into the record. Ms. Pruitt advised that findings for approval of the special use permit and the planned unit development had been made by the applicant, and that staff recommended approval.

In response to a question, Ms. Pruitt advised that the Millennium Planned Unit Development south of Long Street has tandem parking spaces directly associated with each unit. She noted the subject application proposed the tandem spaces to be assigned to the guest of the units. A surface space for the occupant would also be provided. Ms. Pruitt acknowledged that the second space behind the garage would not be used to fulfill the parking requirement, and that the tandem parking design has worked well in the Millennium PUD.

In response to a question, Ms. Pruitt advised that commercial uses are allowed outright in a general commercial zoning district. Such uses would constitute the highest and best use for the subject property in that commercial development surrounds it. Ms. Pruitt reiterated there had been commercial projects proposed on the subject site in the past by other applicants. She advised that the proposed residential use would not be the highest use for the subject site, but that it is a conditional use for the zoning district. In response to a further question, Ms. Pruitt advised that Title 18 is very specific regarding the minimal area for a planned unit development. There is a section of the Code which indicates a planned unit development less than five acres can be considered with Board of Supervisors approval. Ms. Pruitt noted the Millennium and Toscana Village planned unit developments as examples. She responded to questions regarding the Valley Vista Village development.

In reference to the fencing issues, Vice Chairperson Kimbrough noted that sometimes "interior noises stay inside." Ms. Pruitt explained that staff proposes to mitigate noise from adjacent properties. She pointed out an elevation change and a low wall surrounding the Mervyn's property, and explained the intent that any noise which carries over from Mervyn's and Southwest Gas be mitigated by the fencing. The best product which will actually accomplish mitigation should be used. Vice Chairperson Kimbrough expressed surprise over the conditions of approval requested by Southwest Gas. In response to a question, Ms. Pruitt provided the example of the Roop Street South subdivision, which was required to provide a similar condition of approval with regard to the Governor's Field lighting and activity. She noted the importance of any potential purchaser being clearly informed regarding adjacent property uses and activities. In response to a further question, she read condition of approval 31 into the record. In response to a further question, she clarified that the Southwest Gas letter was received following preparation of the staff report. Commissioner Mullet discussed a situation affecting a business on Fairview Drive, as an example of the need for acknowledgment of adjacent business activities.

Chairperson Peery expressed concern over safety and the opinion that the fencing should be substantial enough to protect the residents. Mr. Sullivan advised of having spoken to two adjacent property owners who submitted letters. The Southwest Gas representative's principal concern was noise and activities associated with their corporate yard. Southwest Gas was not opposed to the development, but does not want to have to address complaints from residents of the development into the future. The property owner

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of the development to the west had a similar concern over noise and physical activity associated with a friction zone. The property owner requested Mr. Sullivan to caution the commissioners to carefully consider the friction zone. Mr. Sullivan advised that conditions of approval had been included to address these issues. He requested the commissioners to carefully consider the issues and inquire of the applicant.

Commissioner Reynolds inquired as to the background on the five-acre limitation for planned unit developments. Mr. Sullivan explained this had been the generally-accepted minimum. A fewer number of acres can be acceptable, however, upon proper planning justification presented by the applicant. Mr. Sullivan provided the example of remnant pieces of land which are less than five acres, and advised that some have worked out very well, such as the Millennium project. Commissioner Vance commented that a residential development surrounded by commercial development is unusual. Mr. Sullivan agreed. In reference to the fence, Commissioner Mullet pointed out that most of the Raley's delivery trucks come in at night, and that Southwest Gas emergencies would most likely require nighttime activity. He suggested the fencing should be tall enough to protect second-story units from sound and light. Commissioner Semmens pointed out the Evergreen Convalescent Center to the north of the subject property.

Ms. Pruitt acknowledged that the project qualifies as infill. The major issue is the potential impacts, which was the reason for staff introducing the stipulations. Ms. Pruitt noted the benefit that the project requires a special use permit, and that findings are required to be met. She reiterated the importance that the applicant proposes the best fencing product to mitigate noise and safety issues. She noted there are many ways to mitigate noise without a 100-foot fence or wall. She further noted that the required setback in the subject zoning district is zero, and that the applicant could propose a fence or wall taller than six feet. She advised that the applicant had submitted a very good application packet, and that they had been very responsive to provide all information requested by staff. She noted that the applicant could have proposed a multi-family project with more than 36 units. In response to a question, Ms. Pruitt advised that the proposal does not constitute spot zoning.

(2-0038) Robert Loveberg, representing the applicants, introduced Dennis Smith of Western Engineering. He advised that the applicants had read the staff report, including the conditions, and acknowledged the stipulations presented by staff at this meeting. He expressed a willingness to agree to all of those, and to work with the staff on any and all issues to fulfill them to staff's satisfaction. With regard to the fencing issue, he expressed a willingness to work with staff to determine the best material to satisfy the potential residents, the adjoining properties, and the City's concerns. He explained that the vinyl fencing material was proposed because of ease of maintenance and the "residential feel." He acknowledged a willingness to construct a block wall, if necessary. With regard to concerns over the proposed use, he noted that multi-family residential use is allowed in a general commercial zone with a special use permit. He pointed out that the proposed use is not substandard. Whether or not a residential development is the highest and best use, he noted that other projects have been proposed in the past but the lot has remained vacant. He advised that multi-family residential often abuts mixed use or serves as a transition for commercial development. He further advised of an adequate number of interested persons to make the proposal a reasonable and functional development. He discussed reasons that general commercial development would be less than ideal, including that the site is not particularly visible behind Mervyn's and JC Penney. He expressed the opinion that the site is very functional for the proposed type of "infill, multi-family, condominium development." He noted that the proposal is "in keeping with the type of development the City has been promoting in mixed use areas, infill ..." He suggested there may be 36 additional residents who may "want to walk around the corner to Raley's, or to Mervyn's, or to restaurants." He noted that the proposed development would not be directly adjacent to single-family residential development. He acknowledged awareness of the noise issues, and a willingness to work with staff. He advised of having anticipated much

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more intense landscape along those areas where there may be truck and nighttime traffic. He further advised that construction techniques can also mitigate noise. He referred to a displayed rendering, and reviewed details of the proposed design. He advised of the intent to provide a park-like setting with good landscape in moderately priced condominiums, attractive to owner-occupants. He described the proposed design as a quality development which will enhance the housing stock in Carson City and fulfill some of the goals, such as infill and vitalizing / diversifying some of the commercial areas. Mr. Loveberg responded to questions regarding the garage units. In response to a further question, he advised that the price point would be set below \$300,000. In response to a further question, he pointed out the main entrances for the end, ground floor units. He discussed the purpose of, and described, the proposed tandem parking.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. Commissioner Mullet expressed the opinion that the proposal “really stretches” the concepts of mixed use and infill. He discussed the idea of mixed use as residences above offices, and infill in an area not surrounded on four sides by fairly heavy commercial development. Commissioner Bisbee agreed that the proposal is an “odd fit.” She didn’t object because potential property owners “are going to know what they’ve got from the very beginning.” She agreed that the property has been empty for a long time. Commissioner Reynolds agreed that potential purchasers will “see what’s there.” He noted that the proposal “may not be modeled in Carson City at this time but ... is modeled in other communities. ... This is typical of infill.” He suggested that maybe a category or retail store would fit better and helped support the operations of adjacent retailers. He noted that the master plan reviews have indicated the proposed type of development. “More convenient living next to retail.” Commissioner Reynolds suggested the proposal will become more and more typical in the community. Chairperson Peery agreed the proposal is a bit odd; however, as long as the friction issues can be mitigated, there is no reason to necessarily contradict it. The City needs the housing and there will be no surprises to potential purchasers. Chairperson Peery agreed there hasn’t been much commercial interest in the property. **Commissioner Semmens moved to approve special use permit SUP-05-192, as part of PUD-05-191, to allow a residential planned unit development on a 3.66-acre parcel zoned general commercial, north of Eagle Station Lane, APN 009-123-3, based on seven findings and subject to the recommended conditions of approval contained in the staff report, plus those which had been discussed at this meeting with the developer. Commissioner Bisbee seconded the motion. Motion carried 6-1.** (2-0356) Ms. Pruitt requested the applicant to come forward and agree to the stipulations and for the commission to ensure the same are part of the motion. Mr. Loveberg acknowledged his agreement with the stipulations presented by staff, including the conditions of approval written in the staff report. In response to a question, he specified the fencing, the noise mitigation, and the disclosure in the CC&Rs. Commissioner Semmens acknowledged the stipulations were included in the intent of his motion.

Commissioner Semmens moved to recommend to the Board of Supervisors approval of a tentative subdivision map, PUD-05-191, a planned unit development (Eagle Village Condominium Project) from Dennis Smith, consisting of 36 single-family attached dwelling units on 3.66 acres north of Eagle Station Lane, APN 009-123-32, based on the findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. (2-0370) Chairperson Peery called for a vote on the pending motion. **Motion carried 6-1.**

Commissioner Semmens moved to approve a zoning map amendment by ordinance, as part of PUD-05-191, from general commercial to general commercial / planned unit development (GC-PUD), on 3.66 acres north of Eagle Station Lane, APN 009-123-32. Commissioner Reynolds seconded the motion. Motion carried 6-1.

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G-8. MISC-05-223 DISCUSSION ONLY REGARDING THE DRAFT FEDERAL LANDS BILL MAP TO IDENTIFY CERTAIN BUREAU OF LAND MANAGEMENT (“BLM”) AND U.S. FOREST SERVICE (“USFS”) LANDS THAT MAY POTENTIALLY BE DISPOSED OF THROUGH A U.S. CONGRESSIONAL LANDS BILL INTO CARSON CITY OWNERSHIP OR PRIVATE OWNERSHIP FOR VARIOUS USES SUCH AS OPEN SPACE, PARKS, RECREATION, TRAILS, UTILITY FACILITIES, OTHER PUBLIC USES, OR ECONOMIC DEVELOPMENT (E.G., COMMERCIAL OR INDUSTRIAL USES) AS IDENTIFIED ON THE MAP FOR SPECIFIC PROPERTIES (2-0423) - Chairperson Peery introduced this item, and Mr. Plemel reviewed the staff report. In response to a question, Mr. Plemel advised that questions have been raised regarding the eligibility of particular parcels. Vice Chairperson Kimbrough suggested that Prison Hill is situated in such a way as to be considered. He mentioned the Silver Saddle Ranch and the residential development on one end. Mr. Plemel advised that BLM representatives suggested Prison Hill as a possibility. City staff will continue discussions with BLM representatives regarding a single management unit between the Silver Saddle Ranch and Prison Hill. Chairperson Peery opened this item to public comment.

(2-0549) Dave Campbell, of 4840 Gentry Lane, inquired as to the method by which lands would be transferred from the BLM to another property owner. Mr. Plemel explained that the lands bill would provide for public to public transfer of ownership between the BLM and the City. Lands designated for sale would be auctioned by the BLM. Mr. Campbell expressed a particular interest in an area between Conte Drive and Gentry Lane where there are two four-acre parcels of BLM land completely surrounded by single-family one-acre zoning. He expressed the opinion the property could be developed as infill, but noted it would be inconsistent with the commission’s earlier decision “to undedicate Arden.” He advised of not having been specifically notified of this meeting, and suggested that notification should have been provided to area homeowners. He further advised that the subject property is not designated in the FEMA flood plain, but expressed the opinion that “anybody standing on it would tell you it’s probably flood plain, especially for the 50 or 100-year event.” He advised that the “top of Prison Hill has no place to drain except down that wash.” He suggested development of the parcels would require a variance because of the need for street construction. He further suggested the neighbors may consider purchasing the parcels. He inquired as to a legal description for the two parcels, and advised there is a City well on one of the parcels. Mr. Campbell expressed the opinion that the two parcels should not be developed or improved, and requested that the parcels be removed from consideration prior to the commission taking formal action.

(2-0650) Steve Knight, of 5020 Gentry Lane, described the location of his property and advised that a City well is located on the west end. He expressed concern over any high density development of the adjacent property. He advised of having lived in the area for 12 years and experiencing two 100-year floods in that time period. He advised of having served as an hydraulic / geologic engineer with the State Engineer’s Office, and that the area is within a flood zone whether or not FEMA has designated it.

(2-0675) Mike Pavlakis expressed concern over the two-acre parcel behind Costco. He expressed appreciation for Mr. Plemel’s remarks that the parcel is being especially considered by the Planning and Community Development Division. He informed the commission the parcel is already the subject of a bill that has passed at least one house of Congress and is in joint conference committee between both houses. He suggested that if the goal is to get the property out and available for commercial development, the quickest way to do so is to leave it in the current bill and allow it be auctioned and developed for commercial purposes.

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In response to a question, Mr. Plemel advised there will be no parcels designated to the City to turn around and sell. Any parcels designated for economic development will be auctioned. Mr. Plemel clarified that the lands bill can designate a portion of the proceeds to be allocated toward other, specific things in the community such as purchase of open space properties or improvement of recreation facilities. Mr. Guzman advised of an exception if one of the properties were to be declared as a redevelopment project which would subject it to a different set of rules. Mr. Plemel responded to questions regarding various parcels designated on the lands bill map included in the agenda materials.

Chairperson Peery acknowledged there would be opportunity to submit written public comments. In response to a question, Mr. Plemel advised that the lands bill will not be submitted to the Board of Supervisors for any action prior to February 2006. Mr. Guzman advised that staff is also considering a request from a private property owner on the north side of Carson City who has a well located on BLM land. Chairperson Peery entertained additional questions and comments; however, none were forthcoming. At Commissioner Mullet's request, Mr. Plemel provided his contact information. Chairperson Peery thanked the citizens for their attendance and participation.

G-9. TPUD-05-163 ACTION TO CONSIDER A TENTATIVE PLANNED UNIT DEVELOPMENT APPLICATION, KNOWN AS COMBS CANYON PLANNED UNIT DEVELOPMENT, FROM COMBS CANYON, LLC, TO DEVELOP 78 DWELLING UNITS AND VARIANCES TO THE PLANNED UNIT DEVELOPMENT REQUIREMENTS, FOR OPEN SPACE CRITERIA, ROADWAY WIDTH, MINIMUM LOT SIZE, AND SETBACK MODIFICATIONS, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED IN THE VICINITY OF THE COMBS CANYON ROAD AND TIMBERLINE ROAD INTERSECTION, APNs 007-091-72 AND 91 (2-0800) - Chairperson Peery introduced this item, and Mr. Sullivan provided an overview of the presentation. He distributed, to the commissioners and staff, a letter from Davis & Company Attorneys, which the commissioners took a moment to review. Ms. Pruitt reviewed the staff report, narrated pertinent photographs, and reviewed specific standards for planned unit developments as outlined in the staff report. She advised of having received numerous phone calls in the Planning Division, and various forms of correspondence, copies of which had been provided in the agenda materials. She noted that the correspondence received has been in opposition to the proposed project.

With regard to the letter received from Davis & Company Attorneys, Mr. Sullivan referred to page 6 of the staff report and noted that the low cost housing element of the proposal is very unclear. He advised of staff's policy not to enter into negotiations "on the floor of the planning commission." He referred to the comments on the conceptual plan included in the agenda materials, and reviewed the conceptual and tentative plan processes. At the time the conceptual plan was presented, additional information on the low cost housing element was requested from the applicant. Mr. Sullivan advised of having received one letter with insufficient information. At the time of the tentative map presentation, the information was again requested; however, no response was received. He referred to the letter from Davis & Company Attorneys received at 4:58 p.m. today.

Mr. Sullivan advised that Randall Long, of Lumos & Associates, had been developing the technical presentation, i.e., the subdivision layout, various geotechnical studies, street and lot designs, etc. He noted that Mr. Long had been very cooperative in providing information requested by staff. Mr. Long had nothing to do with the low cost housing element of the proposal, but forwarded to the applicant staff's request for additional information. Mr. Sullivan advised that staff was unable to provide a recommendation

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to the commission, with regard to the low cost housing element, because of not being able to understand the proposed program. Chairperson Peery expressed the belief that this would be the applicant's burden to make clear, and Mr. Sullivan agreed.

In response to a question, Ms. Madden advised that nothing new was added by the last-minute letter received from Davis & Company Attorneys. She expressed the opinion that the letter only elaborated the fact that the applicant had been non-responsive to staff's request for more information on low income housing. She read a portion of the letter into the record, and advised there had never been any dialogue between staff and the applicant. Vice Chairperson Kimbrough inquired as to whether the letter was required to be considered by the commission in light of the fact that the meeting started at 3:30 p.m. and the letter was not received in the Planning Division office until 4:58 p.m. Ms. Madden agreed the point could be argued and, in reference to the letter, advised the commission could, in no way, negotiate larger houses at this point in time. Mr. Sullivan provided an overview the letter, and advised of staff's exception to its tone and timing.

Mr. Sullivan reviewed the findings outlined in the staff report, and advised of staff's recommended denial of the tentative map and change of land use, as submitted. Commissioner Vance noted that several of the letters in opposition to the proposal inquired as to the reason for counting the undevelopable acres as part of the total acreage. The applicant uses "some very steep, very unusable acres ... to come up with enough acreage to have almost 80 building units." In response to a question, Mr. Sullivan advised this may have been allowed prior to an ordinance taking effect in the early 1980s. He acknowledged that varying from 25% to 4% would be "huge." Commissioner Semmens noted that the housing does not qualify as low income at \$475,000.

(2-1638) Lumos & Associates Senior Planner Audra Miller advised she had reviewed the staff report, but respectfully disagreed with staff's recommendation of denial. She introduced Danielle Christenson, local counsel for the applicant. Ms. Miller provided an overview of the applicant's presentation. She advised of having received the Davis & Company Attorneys letter at the same time as the commissioners, and that she would be unable to speak to any of the issues outlined therein. She agreed with staff's presentation of the proposed project, but respectfully disagreed that the proposed development is incompatible with surrounding land uses and will not benefit the community or the neighborhood. She described the proposal as a single-family residential development with a density that does not exceed one unit per acre. She was unaware of anything in the Code which indicates density cannot be calculated on the gross acreage rather than the net. She further advised the proposed development "is pretty much the same as all the single family around it except for, as staff pointed out, that the lot sizes are smaller and that the proposed building sizes are smaller." She urged the commissioners to not focus solely on lot size when deciding compatibility. Basing compatibility on lot size is somewhat subjective "because there is no magic line as to when it becomes compatible." Ms. Miller suggested that one could consider Timberline at .68 acres and Cityview at 3.8 acres and determine incompatibility. She noted that compatibility does not mean identical. She reiterated that the proposal is not townhomes, apartments, or high rise condominiums, but a basic, single-family subdivision of detached houses.

With regard to building sizes, Ms. Miller was aware of no Code or building requirement which considers housing size to determine compatibility. Building size is dictated by the housing market. Ms. Miller referred to the floor area ratio referenced in the staff report, and advised that the concept had not been historically used in that manner. Floor area ratio, from a planning perspective, is used to encourage developers to preserve open space by using a smaller building footprint, i.e., "build up instead of out." Floor area ratio should also be determined on the gross acreage of the project and not on lot size. Ms.

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Miller suggested that the actual floor area ratio, based on 78 units at 2,000 square feet average house size over 82 acres, is 4%, “preserving lots of open space.” Changing the formula to consider half the number of units and 5,000 square foot houses, the floor area ratio would actually increase to 5.5%, thereby undercutting the whole intent.

With regard to community benefits, Ms. Miller noted that the proposed residential subdivision is “not that unique.” It does not represent infill or redevelopment. Ms. Miller advised that the trend in planning has been to limit lot size and cluster development, which serves many purposes including preservation of open space. She acknowledged Mr. Sullivan’s comments regarding the steep slopes, but advised of no preclusion in the ordinance should the developer wish to exercise his right to develop the land as a single-family one unit to the acre. She suggested that although the open space may not be usable, it is valuable and should be preserved. She noted that smaller lot sizes also translate to less infrastructure, i.e., a smaller road network, less piping, and utilization of the open space as natural drainage. She reiterated that the trend in planning is to limit impacts of a development on the environment. She noted that the road network is very compact; “less impervious surface means less runoff” and reduction of the “heat island” effect. Benefits to the neighborhood, in general, include that the developer is proposing to allow the public to traverse the land to connect to the Pacific Crest Trail System; the development will be connected to the City’s sewer system and the sewer line will be extended all the way up to the boundary; and the developer is preserving the 25 acres across Combs Canyon Road as open space.

With regard to the planned unit development findings, Ms. Miller advised that the Planned Unit Development Ordinance encourages more efficient use of land, reflects changes in land development technology, and encourages land development in the best interests of ecology. She reiterated that the proposed development will be clustered so as to limit impacts on the land. She reiterated that the development is not in conflict with existing uses; it is a single-family residential subdivision and does provide a small amount of diversity. She advised that the development proposes to use the land efficiently by limited grading of steep slopes.

(2-1877) Lumos & Associates Principal Engineer Randall Long commended staff on their patience and professionalism. He advised that the two parcels included in the proposed development do not presently have sewer service. The development will bring a sewer line from Murphy Drive to the intersection of Combs Canyon and Timberline Drive. Mr. Long described the route. He advised of spending approximately two years, working with City staff, to determine the function of the water system in order to understand impacts from the development. He provided an overview of the method by which water is provided to Lakeview. He advised that the proposed development will tie into a 12 inch water line in Combs Canyon, in a standard subdivision layout. Two main issues are considered with water impact: storage capacity and supply. Working with staff, a determination has been made that 500,000 gallons is adequate. Mr. Long clarified that supply is insufficient because the booster pumps do not have the capacity during peak time in the summer to provide the amount of water needed for build out in the proposed development. Upgrades to the pumps will be necessary. In addition, the proposed development would be “taking water from a different zone which leaves it in a deficit which actually goes to a domino effect, we’re taking water from Ash Canyon tanks which leaves it short and it all originates back at the Quill Treatment Facility.” Mr. Long advised that the City has been working to upgrade the facility to provide additional pumping capacity mainly for the hospital and some of the other residential development in the northwest Carson City area. The proposed development will pay a pro rated share of the upgraded cost in the amount of approximately \$50,000. Once that’s in place, there will be additional water available to offset the deficit.

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Mr. Long advised that lighting will be installed, pursuant to City standards, at each intersection and at certain spacing throughout the subdivision. He discussed concerns of the WNCC Observatory Committee with regard to subsequent installation of lighting by the residents. He advised of an addendum to the CC&Rs which provides the homeowners association review and approval authority for all lighting improvements. Dark Skies Association standard language has also been included to provide a minimum criteria.

With regard to drainage, Mr. Long advised that the two existing parcels drain to Combs Canyon Creek, which is directed under Combs Canyon Road through an existing culvert. Larger flows actually overtop Combs Canyon Road at a maximum depth of approximately 12 inches. Mr. Long advised that WRC and NDOT representatives had generated a projection of approximately 580 cfs to flow down Combs Canyon during a 100-year event. Modeling indicates approximately 12 inches in depth over Combs Canyon Road. The proposed development projects lot drainage to the street, curb gutters, catch basins, and storm drains which would then be conveyed to Combs Canyon Creek. The northerly access is elevated and a box culvert will be required to convey flood waters underneath. The lower road is designed to allow water to flow over Combs Canyon Road as it has historically done. Mr. Long advised that a portion of the property is located within a FEMA flood zone, and development within it will require a conditional letter of map revision from FEMA.

Mr. Long noted traffic as one of the main concerns expressed at neighborhood meetings and in written comments. He advised that Lumos & Associates recently updated the traffic analysis prepared in 2002. He explained the Highway Capacity Manual level of service criteria, and advised that three existing intersections around the project had been analyzed: Combs Canyon / Timberline; Lakeview / Combs Canyon; and Lakeview / Hobart. All three were found to have an existing level of service of B or better. Modeling added anticipated traffic from the development, and the results indicated the impacts “were not that significant to level of service. Level of service did not change from B to C.” Mr. Long advised that the development warrants certain construction elements within Combs Canyon: a left-hand turn lane into the development and a right-hand deceleration lane. An additional element considered was sight distance. Two of the intersections were found to have adequate sight distance; the Combs Canyon / Timberline intersection did not. Lumos & Associates will recommend working with the Division of State Lands to obtain an encroachment permit to remove a portion of the embankment adjacent to the Combs Canyon / Timberline intersection.

(2-2097) Attorney Danielle Christenson clarified, for the record, that the low income housing element was not part of the original plan in 2002. There has been an attempt to develop an acceptable plan since that time, and the low income, affordable housing element was introduced earlier this year. Ms. Christenson expressed concern over Mr. Sullivan’s comments that the proposal is confusing, uncertain, and indecipherable. She advised of written communication between Davis & Company Attorneys, the District Attorney’s Office, and Planning Division staff dating back to March of 2005, which makes very clear what the proposal contemplates. She explained that the proposal contemplates 16 units dedicated to affordable or low income housing. Those units would be leased. Affordable, low income housing is a component of the Federal Fair Housing Act. Based upon the most current census for Carson City, families with an income less than \$63,910 would be considered low income. Ms. Christenson noted that the affordable housing component comprises 20% of the entire planned unit development, or 16 houses. She advised that NRS 278.015 defines affordable housing for the purposes of land use planning, and read the same into the record. NRS 279.397 defines a low income household for the purpose of community redevelopment, and she read the same into the record. In reference to a previous question, Ms. Christenson advised that the correspondence dating back to March 2005 outlines the term. In response to a question, she advised that

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the federal requirement is 55 years through the financier. She emphasized that affordable housing is not being imposed by the developer; the developer is simply complying with federal requirements to make affordable housing available in the proposed development. She expressed concern over some of the comments overheard in the audience regarding the affordable housing element of the proposed development. She advised that the comments were quite offensive, and was surprised to hear such opposition. She expressed the hope that she had addressed some of staff's concerns. If not, she advised, for the record, that the developer would appreciate some specificity from Planning staff as to what is lacking from the affordable housing element of the proposal.

Vice Chairperson Kimbrough read a portion of the project description into the record, and expressed confusion over the conditions by which the low income housing would be made available. Ms. Christenson referred to correspondence, dated November 2, 2005 from Davis & Company Attorneys, and reviewed subparagraphs 1 and 2. She reiterated that the earliest written communication between the parties was dated March 28, 2005. She expressed understanding for Vice Chairperson Kimbrough's point, and suggested it would be logical to extrapolate from the project description that financing "is a step that's taken after approval." The alternative is presented in the proposal to contemplate all future possibilities, denial being one in which financing would not be addressed.

(2-2299) Steve Selinger, President / Manager of Combs Canyon LLC, expressed surprise over Mr. Sullivan's comments regarding the Davis & Company Attorneys correspondence. He requested that any additional questions regarding the low income housing element of the proposal be submitted in writing. He advised of having considered the issues, and suggested "it does not settle the case to say that a project is or is not consistent with the ordinances." He advised of multiple court cases which cities have lost "where they hang their hat on an ordinance and say, 'that's why we're denying you' when the ordinances themselves can be attacked as part of a Fair Housing Act challenge." He suggested that if the commission bases a denial on incompatibility with the ordinance, "that doesn't get you where you need to go." Chairperson Peery opened this item to public comment and provided direction with regard to the same.

(2-2372) Fred Brown, of 3795 Timberline Drive, distributed photographs to the commissioners and staff, copies of which he also displayed in the meeting room. He provided a narrative of the photographs, and expressed concern over the proposed metal roofs, the proposed open space, the proposed size of the residences and lots. He advised that the proposal will not fit with adjacent developments.

(2-2473) Guy Farmer expressed adamant opposition to further development of the Sierra hillsides. He expressed the opinion "we have quite enough development up there already. They're impinging on our views which is one of the main ... quality of life issues we have here in Carson City." Mr. Farmer expressed the belief that his position was consistent with the Envision Carson City master plan which restricts or discourages hillside development. He expressed concern over the aesthetics of the west side view and more development on the "tinder dry hillside." He referred to the Waterfall Fire, and expressed the opinion that additional development in the area would constitute "the height of stupidity." He expressed the opinion that the developer threatened the commissioners, and advised he was insulted. He expressed the further opinion that the developer's California attorney threatened the commission with federal involvement. He requested the commissioners to "do the right thing, respond to them in the attitude they've come in here with by denying their application."

(2-2537) Jay Meierdierck distributed written comments to the commissioners and staff, and expressed concern over compatibility of the proposal with the comprehensive and parks, recreation, and trails master plans and the needs of the northwest neighborhoods. He advised that the planned unit development must

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be compatible with the City's master plan as well as the planned unit development ordinance. He further advised of having spent time earlier in the day reviewing the Envision Carson City master plan, and of documenting 26 direct conflicts. He noted that the proposed project is not within a major corridor nor within the downtown, and expressed the opinion that the proposal is incompatible with the surrounding neighborhoods. He reviewed conflicts between the proposed development and draft 12 of the parks and recreation master plan, as outlined in his written comments. He expressed concern over location of the proposed development, open space, circulation and access, and the environment, particularly wildlife and wild fire issues. He suggested directing the applicant to "go back to the drawing board and try again" without actually denying the application. He further suggested directing the applicant to present a proposal which is in compliance with the Envision Carson City Master Plan; compatible with the neighborhood context through the use of appropriate height and density transitions, similar setbacks and lot coverage, and other neighborhood-specific design considerations; requiring a neighborhood park to meet the needs of the residents; requiring accessible and adequate open space that meets the Carson City ordinances.

(2-2668) Gary Wyatt, a 20-year Lakeview resident, distributed a map and written comments to the commissioners and staff. He advised of having reviewed the proposed plans and that they are not Alpine designs. He noted the subject area had been burned twice and sits "basically in a hole" with no pine trees. With regard to low income housing, he advised the proposed residences are not similar to the homes or geographical area of Timberline, Westwood, and Lakeview. He expressed the opinion the ratio may be skewed. He expressed disbelief over the "B grade" for the traffic study. He suggested the likelihood of three vehicles per household which calculates to the possibility of 234 additional vehicles in the morning and evening traffic. He advised there will also be additional school buses in the area every morning and afternoon. He further advised of a time period each evening during which WNCC students "make a dash back through Lakeview to get into Washoe Valley." He expressed the opinion that the "grade B traffic study" did not incorporate those students. He expressed concern over deer herd migration patterns and soil erosion. He expressed the opinion that the proposal insults the intelligence of the community, surrounding neighborhoods, and the commissioners.

(2-2779) James Patridge, of 3675 Lakeview Road, advised of having approximately 33 years' experience as a real estate broker. He expressed agreement with Ms. Miller's comments in that property owners have a right to develop their property, but "within the confines of what mixes with what's there." He expressed agreement with preserving open space, but noted much of the open space proposed is undevelopable. He proposed 15 to 20 building sites in the area. He agreed that the proposed average home size is incompatible "with what's in the area." He expressed the opinion that clustering the homes, as proposed, will present a drainage and runoff problem. He suggested that "forcing" the water through Combs Canyon Creek will create an erosion problem for homes below the development. In addition, the proposed clustering will present problems in the event of fire in that fire fighters will have no access. Mr. Patridge advised that Lakeview Road is a secondary access for Timberline, Lakeview, Cityview, etc. He expressed concern over traffic safety, and noted that Lakeview is also used as a diversion when there are accidents in Washoe Valley.

Chairperson Peery recognized former Planning Commission Chairman Al Christianson. (2-2906) Mr. Christianson expressed appreciation to the commissioners. Mr. Sullivan acknowledged that development proposals in the subject area had been previously reviewed but never approved. Mr. Christianson suggested that "if a developer wanted to put something in there really worthwhile and be compatible with the other areas there, ... he would want to make as much per unit as possible" by using more of the basin. He recalled a previous development proposal wherein "part of the properties went up the hills and homes were built more on the flat area." Commissioner Mullet inquired as to whether a proposal which utilized more of the

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land, similar to Cityview because of the slopes, would be more acceptable to the residents of adjacent neighborhoods. Mr. Christianson acknowledged there would be more acceptance, especially with improvements to the Combs Canyon / Timberline intersection and construction of a secondary access. He expressed concern over considering the proposed development within the same time frame as the Vice Canyon special planning area. He expressed further concern regarding the need for a secondary access for Timberline, and the opinion that a larger footprint for the proposed units would be more compatible.

(2-3056) Kent Gabriel, President of the Cityview Homeowners Association and Developer of Cityview Estates, submitted written comments to the commissioners and staff and read the same into the record.

Chairperson Peery closed public comment and entertained comments, questions, or a motion. **Commissioner Semmens moved to deny TPUD-05-163, a tentative map planned unit development (Combs Canyon), consisting of 78 dwelling units and common open space on 82 acres west of Combs Canyon Road, north of Timberline Drive, APNs 007-091-72 and 007-091-91, including variances to the front, side, and rear setbacks; variances to the lot sizes, street widths, density, and sidewalk locations; and recommend to the Board of Supervisors to deny the request on the inability to make the findings for a planned unit development. Commissioner Vance seconded the motion.** Chairperson Peery requested individual input from the commissioners. Commissioner Semmens expressed opposition to the development based on the commission's responsibility to decide upon "proper building and what's best for this community." Commissioner Vance expressed understanding for the property owner's right to develop, but didn't "see any reason to bend the rules to the breaking point to approve it." He expressed the opinion that the proposal "needs to fit into numbers that we see here for surrounding developments." He suggested that the lot sizes could be less than one acre if open space is provided, and "there's ways to make it a very profitable development that ... would be palatable" to the adjacent property owners. He expressed support for denial because there is no justification to "bend or break the rules as requested by the applicant." Commissioner Bisbee expressed appreciation for Dr. Gabriel's comments. She agreed that the property will eventually be developed, but that it shouldn't be inconsistent with surrounding properties. She was not opposed to development, but expressed opposition "to this particular development." Commissioner Mullet suggested that the developer has an opportunity to benefit the entire neighborhood and himself. If the developer considers his property and the surrounding neighborhoods, "he might be able to pull their consensus;" that the project could be very beneficial by working with City staff. Commissioner Mullet offered to make his time available as a neighborhood resident. He agreed with concerns expressed regarding no secondary access to Timberline. He expressed the opinion that the City and the commission were not opposed to building on the hillside if it's done discreetly with consideration given to the surrounding neighborhoods. As presented, however, he expressed support for the denial. Commissioner Reynolds echoed the comments of other commissioners. He didn't see any overwhelming traffic or fire concern, but expressed the opinion that the proposed density is too high. Vice Chairperson Kimbrough complimented the Lumos & Associates Senior Planner and Engineer on their presentation. He expressed difficulty with the number of units proposed, and disturbance by the thought that the low income portion of the project is so integral to the developer. He advised of needing more justification to understand the low income component of the proposal. He pointed out that approaching a board in an adversarial or threatening manner is never helpful. He advised that the commission supports the rules for planned unit developments, and commended Planning Division staff on setting out the planned unit development findings. Chairperson Peery agreed with the commissioners' comments that the owner has an absolute right to develop his property; however, the project is incompatible, as presented, with the adjacent neighborhoods. He expressed the opinion there would be a negative impact on "at least aesthetics if not values for the community. There's inappropriate open space, as presented. There's insufficient information sharing and, despite what the attorney said, we did not get cooperation." He expressed dislike for the

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threatening tone of the correspondence from Davis & Company Attorneys. At Mr. Sullivan's request, he provided Mr. Long an opportunity for rebuttal comments and, when none were provided, called for a vote on the pending motion. **Motion carried 7-0.**

Commissioner Semmens moved to deny a change of land use by ordinance from Lumos & Associates / Steve Selinger, as part of a TPUD-05-163, from single family one-acre (SF1A) to single family one-acre planned unit development (SF1A-PUD), on 82 acres west of Combs Canyon Road / north of Timberline Drive, APNs 007-091-72 and 007-091-91. Commissioner Vance seconded the motion. Motion carried 7-0.

Chairperson Peery recessed the meeting and reconvened; a quorum was present.

G-10. MISC-05-151 ACTION TO CONSIDER A PROPOSED PLANNING COMMISSION POLICY FROM THE CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT DIVISION TO ADOPT POLICY NUMBER PCP-2 REGARDING THE MANAGEMENT OF METAL STORAGE CONTAINERS AND THEIR USE IN COMMERCIAL, INDUSTRIAL, PUBLIC, AND RESIDENTIAL ZONING DISTRICTS, INCLUDING USE PERFORMANCE STANDARDS (3-0007) - Chairperson Peery introduced this item and Mr. Sullivan reviewed the draft policy. He provided background information on development of the long-term standards, and reviewed the revised language. Vice Chairperson Kimbrough suggested restricting air conditioned storage units to a certain zone. In response to a question, Mr. Sullivan advised that none of the storage units are internally lit. In response to a further question, he advised of the intent to not allow any kind of after-factory modification. In response to a further question, he agreed to reduce the height restriction to 10 feet.

Vice Chairperson Kimbrough suggested implementing a progressive scale of fees to correspond with the number of storage units requested. This would limit the number of storage units and provide more objectivity to the review process. In response to a question, Ms. Madden advised that the Planning and Community Development Director is empowered by Title 18, in certain instances, to issue misdemeanor citations. Mr. Sullivan advised he would confer with counsel regarding the suggestion to impose progressive fees. He further advised of having reviewed the draft policy with Carson City Area Chamber of Commerce CEO Larry Osborne. He advised that staff has located all of the metal storage containers in the commercial district. All but three are compliant with the Code requirements, and Monday, December 5th is the deadline for submission of the required special use permit applications. In response to a question, Mr. Sullivan advised that the Public zoning district will be addressed next. Chairperson Peery opened this item to public comment; however, none was provided.

Mr. Sullivan suggested leaving this item in a "review and return" status. He requested the commissioners to contact him with comments and input. **Commissioner Semmens moved to review and return on this item. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

G-11. MISC-05-198 DISCUSSION ONLY REGARDING A PROPOSED COMMON INTEREST COMMUNITY (CONDOMINIUM) DEVELOPMENT ORDINANCE FOR THE PURPOSE OF REGULATING THE CONVERSION OF EXISTING APARTMENT BUILDINGS INTO CONDOMINIUM UNITS AND NEWLY CONSTRUCTED CONDOMINIUM UNITS INTO PLATTED COMMON AREAS CONDOMINIUM UNITS (3-0372) - Chairperson Peery introduced this item, and Ms. Pruitt reviewed the agenda materials. Commissioner Bisbee inquired as to whether the vacancy rate is yet known for Carson City. Ms. Pruitt expressed the hope that the seminar to be attended by Development Services staff would provide more information regarding the vacancy rate. She advised

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it is not yet known whether information on the vacancy rate will be required for Carson City. She noted that many projects are newer and that Carson City still has an abundance of multi-family units. Not all units will be able to convert. Carson City may not have to address the vacancy rate depending upon criteria, which may preclude certain projects from converting.

Vice Chairperson Kimbrough expressed an interest in reviewing drawings before any action is taken. He inquired as to the next step in the process, and Ms. Pruitt advised that the next commission meeting is scheduled for December 22nd. She anticipated receiving information from the December 1st seminar which would, in turn, be provided to all involved City departments as well as to Mr. Terry. She anticipated a draft ordinance being presented to the commission in January. She advised that the Reno Planning Department has a great deal of experience in the area of condominium conversions, and that staff opened communications with their staff months ago. In response to a question, Ms. Pruitt advised that an entire project is typically converted, not just portions. Commissioner Mullet advised of having recently attended a sales preview of the Golden Phoenix, which is in the process of being converted. He described the project, and suggested that anyone interested should visit the site. In response to a question, Ms. Pruitt advised there is no list of conversion projects. The process will be by individual application. Ms. Pruitt acknowledged that Parkway Manor is a potential conversion project. She discussed the importance of providing information to any interested citizen. She advised that the Planning Division has a list of property owners who have inquired about conversion, and staff will ensure they are involved in the process. Chairperson Peery opened this item to public comment.

(3-0573) Sam Terry expressed support for the conversion ordinance and how it pertains to affordable housing. He expressed the opinion there are so many ideas of “affordable housing” because it is a relative concept. He reviewed statistical information compiled from Housing and Urban Development, lending institutions, apartment conversions in Reno, and his experience having lived in both an apartment and a single-family residence in Carson City. He discussed other reasons conversions are attractive, including known traffic patterns. He noted that conversions are appealing to first-time home buyers, retirees, and others who are not interested in dealing with issues of repair, yard work, etc. He provided statistical information regarding what happens during and after a conversion. He provided copies of his written comments to the staff.

Chairperson Peery called for additional public comment and discussion from the commissioners; however, none was provided.

G-12. ACTION TO ELECT THE CHAIRMAN OF THE PLANNING COMMISSION (3-0904) - Chairperson Peery passed the gavel to Vice Chairperson Kimbrough, who called for nominations. **Commissioner Bisbee nominated John Peery. Commissioner Semmens seconded the nomination.** Vice Chairperson Kimbrough called for a vote on the pending nomination; **nomination carried 7-0.** Vice Chairperson Kimbrough passed the gavel to Chairperson Peery.

G-13. ACTION TO ELECT THE VICE CHAIRMAN OF THE PLANNING COMMISSION (3-0919) - Chairperson Peery called for nominations. **Commissioner Semmens nominated Mark Kimbrough. Commissioner Vance seconded the nomination. Nomination carried 7-0.**

G-14. ACTION TO CONSIDER THE INTENT OF THE PLANNING COMMISSION’S DENIAL OF VAR-05-195, SECTION C, INVOLVING APN 007-473-20 - Continued.

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H. STAFF REPORTS:

H-1. REPORT ON BOARD OF SUPERVISORS' ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (3-0793) - Mr. Sullivan reported that the zoning map amendment for the Race Track subdivision was approved by the Board of Supervisors on second reading. Mr. Plemel provided a presentation to the Board of Supervisors on the federal lands bill. Mr. Sullivan reported that the tentative subdivision map for Sundance Ridge Phase II was reviewed and approved by the Board of Supervisors on a vote of 3-2. He referred the commissioners to informational materials on flood plain development included in the agenda packets.

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 (3-0736) - Mr. Sullivan reviewed the staff report.

(3-0827) LeAnn Saarem discussed the need for better public access to the tentative master plan meeting schedule. Mr. Sullivan advised that two planning commission meetings are scheduled for December 7th and December 22nd. The draft comprehensive master plan will be presented at the December 7th meeting. Mr. Sullivan was unaware of any other Planning Commission meetings scheduled during the month of December. In response to a question, he suggested corresponding with Mr. Plemel on a weekly basis regarding the master plan meeting schedule.

(3-0863) Fred Brown advised of having developed an overlay of the current master plan to the proposed master plan. He expressed concern over the single family one-acre zoning designations, in that "everything from single family 12,000 and above" has been "lumped into one huge category that runs right up through the middle of the valley on the west side." He suggested this allows for three dwelling units per acre. He advised there are many subdivisions in that area that are one acre and larger. He expressed concern that the designation will allow property owners with "loose CC&Rs" to subdivide their properties. He suggested that the new designations are "intermixed almost to the point of being confusing." He further suggested "leaving it alone because it looks pretty good the way it is." Vice Chairperson Kimbrough encouraged Mr. Brown to make his concerns known to Mr. Plemel.

I. ACTION ON ADJOURNMENT (3-0925) - Commissioner Bisbee moved to adjourn the meeting. The motion was seconded and carried 7-0.

The Minutes of the November 30, 2005 Carson City Planning Commission meeting are so approved this 22nd day of December, 2005.

JOHN PEERY, Chair