

CARSON CITY PLANNING COMMISSION
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, April 28, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Richard Wipfli, Vice Chairperson John Peery, and Commissioners Allan Christianson, Mark Kimbrough, Craig Mullet, Roger Sedway, and Roy Semmens

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy District Attorney Melanie Bruketta, Senior Engineer Rob Fellows, Recording Secretary Katherine McLaughlin, Assistant Planner Kathe Green (P.C. 4/28/04 Tape 1-0011)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation as well as any computerized slides that may have been shown. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

A. ROLL CALL, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE - Chairperson Wipfli convened the meeting at 3:30 p.m. Roll call was taken. A quorum of the Commission was present although Commissioner Kimbrough did not arrive until after the Pledge (3:32 p.m.). Commissioner Peery led the Pledge of Allegiance.

B. APPROVAL OF MINUTES - JANUARY 22 AND MARCH 31, 2004, PLANNING COMMISSION MINUTES AND JANUARY 22, 2004, GROWTH MANAGEMENT MINUTES (1-0030) - Commissioner Mullet moved to approve the Minutes of March 31, January 22, and the Growth Management Minutes of January 22. Commissioner Semmens seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENTS (1-0042) - None.

D. AGENDA MODIFICATIONS (1-0050) - Community Development Director Walter Sullivan indicated that the applicants were not present for Item G-6 at this time. They had requested a continuance in order to take photographs of the billboard which they intend to construct. Supervisor Livermore's letter requesting a continuance of Section 2 of Item G-10, an ordinance relating to utility substations, was noted. Clarification indicated that the applicants for Item G-6 plan to be present when the item comes up for consideration. The continuance request should be considered at that time. Discussion indicated that Chairperson Wipfli should periodically announce that Section 2 of Item G-10 will be continued. The other portions of the ordinance will be considered. Mr. Sullivan suggested that a recess be taken before the 6 p.m. item.

E. DISCLOSURES (1-0076) - None.

F. CONSENT AGENDA (1-0078) - None.

G. PUBLIC HEARINGS

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G-1. MISC-04-059 - ACTION TO REVIEW THE SOUTH CARSON STREET REDEVELOPMENT PLAN FOR THE CREATION OF REDEVELOPMENT PROJECT AREA NO. 2 (1-0082) - Community Development Director Walter Sullivan, Redevelopment/Economic Development Manager Joe McCarthy, Deputy District Attorney Melanie Bruketta, Chamber of Commerce Chief Executive Officer Larry Osborne, Redevelopment Authority Chairperson and Supervisor Robin Williamson - Discussion between Mr. McCarthy and the Commission indicated that the meetings with the Chamber of Commerce members and business owners have been completed. A public meeting will be held after the Commission makes a decision to inform the public about the Commission's decision as required by the Statutes. Commissioner Semmens suggested that the item be continued to the next meeting to allow additional input from all of the business owners. Clarification reiterated the purpose of the April and May meetings with the Chamber, the business owners, and the public and the purpose of the next public meeting. Commissioner Sedway pointed out that the suggested motion indicates that the Commission's action indicates the proposal conforms with the Master Plan. The details and users will be provided later. Chairperson Wipfli explained his understanding of the process is that the Commission is the open forum for Redevelopment. Public comments can be taken. These comments are to be forwarded to Redevelopment. Commissioner Peery referenced Mr. McCarthy's outline on the necessity for and the strategies of the plan. He questioned the need for and use of eminent domain. Mr. McCarthy explained that at this time the definition limited its use to the designated area containing auto sales, if there is a friendly condemnation, or if the property has been vacant for a significant period of time and has become a public hazard. Commissioners Peery and Christianson supported the restriction of its use to the defined criteria. Ms. Bruketta agreed that the ability to use eminent domain could be restricted. Commissioner Christianson explained his concern that eminent domain could be used for other things. Ms. Bruketta felt that neither Mr. McCarthy nor the Redevelopment Authority has concerns about its use at this time. Mr. McCarthy explained that the plan on Page 4 had listed the restricted uses of eminent domain. The Statute allows them to restrict the use of eminent domain in this fashion. Other communities have used the same process to limit eminent domain. He also pointed out that the area is a demonstration project. Its purpose is to grow or retain the auto sales sector. A plan to use Redevelopment for any other activity does not exist at this time. If the project is unsuccessful, the Redevelopment Authority will not consider other projects. He then described the Redevelopment tax program and the contact with the property owners. The turnout for the meeting was "modest" although he had received a number of telephone calls from the property owners. The statutory noticing requirement was limned. This process is implemented if the Commission adopts the plan. At this time there is no formal arrangement with the auto dealers regarding the project. There are auto dealers who have entered an agreement with the City regarding opportunities to retain them in the community which has a sunset date of approximately 1-1/2 years. These dealers understand that a Redevelopment District provides the City with more latitude in negotiating a more beneficial program for all of the participants. Commissioner Kimbrough expressed his reluctance to follow this path without a written agreement. Mr. McCarthy indicated that he had talked to all of the auto dealers regarding the program and felt that they supported it. Development of an agreement is premature at this time. It will occur after the project has been established. Discussions with the dealers have indicated a reluctance to make a commitment to locate to an auto row/strip until the project area is established. The establishment of a district also allows for the establishment of either an auto row/strip or an auto mall if a large enough parcel of property is found for a mall. Redevelopment can also be used to create an adaptive reuse program for the vacated auto sales area. There have been "blue sky" discussions and ideas on what adaptive reuse projects should be considered at the current auto sales area/the proposed Redevelopment project. Mr. McCarthy felt that the Redevelopment program would expedite the process and could provide mixed retail/commercial and residential uses. No firm plans have been developed at this time. Commissioner Mullet suggested that an agreement be

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developed which would lock the auto dealers into the project for a set period. The auto dealer(s) would then have to notify the City of his/her intent to relocate which would allow Redevelopment to seek other retailers or investors. Mr. McCarthy briefly described the original 1986 Downtown Redevelopment District, its condition, its plan for addressing blight and abandonment, and its success. He then explained the Redevelopment Authority's reasons for excluding some of the commercial properties between Koontz and Clearview from the project. If it is later determined that some of the excluded parcels would benefit auto sales, they can be added by amending the plan. Mr. McCarthy did not canvass the property owners regarding the plan. The invitation was to allow them an opportunity to understand the complexity of having a Redevelopment project area. He did not receive any negative comments on the project. The public process, that occurs between the date of the Commission's action and the Board of Supervisors discussion on the program, was limited and felt to be extensive. Mr. McCarthy then described the bond process used for financing Redevelopment projects and how the properties' assessed value is used to repay the bond. The district must remain in place until the bonds are repaid. If the project is unsuccessful, Redevelopment will reconsider the life of the project. Discussion ensued on the amount of sales tax received by the City from auto sales. The amount was felt to be crucial to funding City government. The use of Redevelopment for auto rows/malls within the State was described. It is one of the tools that can use public funds to promote growth in the commercial sector. Mr. McCarthy was unsure whether Redevelopment had been used to promote auto sector growth. Auto sales involve the sale of a product which is more expensive than other retail sale items. The terminology regarding "stratification of property prices during the exchange period, private improved and private unimproved" was taken from the Statute. The program uses more simplified terms, e.g., improved or vacant properties. Vacant properties need improvements. The market value for vacant and improved commercial parcels is very stable and not growing. The effort stabilizes and encourages property owners to enliven their properties by adding to their ability to do business along the corridor. Commission comments complimented Mr. McCarthy on his ability to present the program and supported the program.

Chairperson Wipfli explained his personal knowledge and use of Redevelopment in the downtown area. He felt it had "jump started" the reuse of the downtown area. It was a good program that used public and private funding. The five-year repayment requirement for leaving or selling the property was explained. He acknowledged the validity of the eminent domain concerns but felt that it is necessary to motivate some property owners. The success of the downtown project supported allowing Redevelopment to have eminent domain as a restricted tool.

Mr. Osborne indicated that the Chamber supports the limited demonstration project and limiting eminent domain uses. Other landlords and governmental entities across the Country have abused the power of eminent domain strictly for the tax dollar. Eminent domain was an original concern. The Chamber had worked with the City to develop the restrictions. There had been many meetings between the Chamber and the City on the program. The proposed program is a win-win for the City and the business community. It is a demonstration Redevelopment project with limited scope and focus. The Chamber supports the development of this tool due to the importance auto sales has to the City's budget. The program is a tool that will allow Redevelopment to do some things that are not possible otherwise. It is not a guarantee that all the auto dealers will expand and remain in the community. It will allow the City through Redevelopment to create either an auto mall or auto row along Carson Street. He felt that the Chamber may not have supported adding additional parcels to the program. Economic development is well and healthy in the community as indicated by the growth in the northern sector of the City. More growth in other areas will be heard in the future. He also felt that some of the not included parcels are being considered for economic development.

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Things are happening. Justification for supporting the program was reiterated. The Chamber had circulated the program to its members and held many discussions on it with its business members. A majority of the auto dealers are Chamber members. The Chamber had also discussed it with a majority of the businesses along Carson Street. The members have attended many of the meetings on the program. The Chamber has not received opposition to the plan but concerns were voiced regarding how it works and if this is the correct process. It is a tool to make redevelopment occur. The auto dealers have purportedly expressed appreciation for the Chamber's involvement and support for the limited project. The Chamber hopes the program happens and is successful. If it works, Redevelopment may be considered for other areas. If not, another program should be considered. He urged the Commission to support the program. Public comments were solicited but none were given.

Commissioner Christianson moved to recommend to the Redevelopment Authority approval of the South Carson Street Redevelopment Plan with the finding that the Plan conforms with the Carson City Master Plan. Commissioner Peery seconded the motion. Following Mr. Sullivan's request to modify the motion, Commissioner Christianson moved to amend his motion to recommend to the Carson City Board of Supervisors approval of the South Carson Street Redevelopment Plan with the finding that the Plan conforms with the Carson City Master Plan. Commissioner Peery continued his second. Motion carried 7-0.

Supervisor and Redevelopment Authority Chairperson Williamson thanked the Commission for its support.

G-2. AB-04-042 - ACTION ON AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM MARGARET A. WOOD (1-0755) - Community Development Director Walter Sullivan, Margaret Wood - Mr. Sullivan's introduction corrected the staff report to indicate that the right-of-way is 600 feet long and 60 feet wide and located between Clear Creek Avenue and Arthur Street. No parcels will be landlocked. The notice of decision will be sent after the Board of Supervisors act on the application. Ms. Wood had read the staff report and agreed with it. Public comments were solicited but none were given. Commissioner Semmens moved to recommend that the Board of Supervisors approve application AB-04-042, a request to abandon a public right-of-way known as Oak Street located between Clear Creek Avenue on the south and Arthur Street on the north, adjacent to APN 009-224-01, 009-224-02, and 009-225-02, 03, 04, and 05, based on seven findings and subject to three conditions of approval as contained in the staff report. Commissioner Mullet seconded the motion. Motion carried 5-0.

G-3. SUP-04-048 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MIKE MORRISSEY (1-0835) - Assistant Planner Kathe Green, Mike Morrissey, Joan Rodieck, Dr. Tom Gibbons - Discussion indicated that the property is two blocks outside the historical district. Mr. Morrissey indicated that he had read the staff report and concurred with it. Ms. Rodieck expressed the belief that the proposed use is appropriate for the property. They plan to keep as many of the trees and lilac bushes as possible to avoid losing the quality of the property. Commissioner Peery felt that the proposed two family dwelling will improve the area and replace a derelict structure. It is an innovative change that meets community growth needs. Chairperson Wipfli indicated that the drawings appear to be compatible with the historic district. Ms. Rodieck indicated that this is the intent. Public comments were solicited.

Dr. Gibbons indicated that he was looking forward to having neighbors and wanted to work with them. He indicated that the historic district is just across the street. He was interested in the access/egress plans for the site and the blending with the historic district. He supported their plans. Chairperson Wipfli explained Dr.

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Gibbons' location across from the subject site and his commitment to making his property compatible and historical over the years. Dr. Gibbons indicated he would be submitting a historically compatible Queen Anne plan for his property on the northwest corner of the intersection this fall. Additional public comments were solicited but none were given.

Commissioner Peery moved to approve SUP 04-048, a Special Use Permit request from ORE 22 LLC, Joan M. Rodieck, Trustee/Mike Morrissey, to allow a two-family dwelling on property in the Multi-Family Apartment zoning district located at 401 West Fifth Street, APN 003-102-02, based on seven findings and subject to eleven conditions of approval contained in the staff report. Commissioners Semmens and Kimbrough seconded the motion. Motion carried 7-0.

Discussion between Commissioner Christianson and Mr. Morrissey indicated that the structure was being removed one board at a time as the boards have salvage and historic values.

G-4. SUP-04-045 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PETER WILDAY (1-1018) - Community Development Director Walter Sullivan, Applicant and Architect Pete Wilday - Mr. Sullivan's introduction noted that a special use permit for the casino will be required when the facility exceeds 50,000 square feet and that Conditions 15 and 16 are the same. He asked that Condition 16 be deleted. Condition 15 should state that the Special Use Permit will be reviewed within 12 months from the date of approval by the Planning Commission. Commission Items G-4 and G-5 are considered test cases to develop standards as the community does not currently have LED signage of the proposed type in use. Staff is concerned about glare created by the signage. Mr. Wilday is willing to work with staff and monitor the signage. Condition 11 allows increased lighting of the LED sign during the daytime and decreased lighting at night. Computerized slides illustrating the signs were shown. Commissioner Kimbrough voiced concerns regarding making the applicant remove the sign if the Commission does not like it after the one year trial period. Mr. Sullivan reiterated that Commission Items G-4 and G-5 will be used as test cases on LED signage to establish standards for the sign ordinance. Commissioner Christianson felt that there is a similar sign on North Carson Street which he found to be distracting. Mr. Sullivan indicated that the distracting comment is subjective. It is a message/reader board type of sign. The proposed signage is similar to that used by the Peppermill in Reno. Commissioner Kimbrough felt that the sign approved by the Commission for the casino at Hot Springs and Goni Roads was to be an LED sign. Mr. Sullivan explained his reasons for using the two signs as illustrations. Mr. Sullivan was unsure what standards are used in other areas. He was certain that the signage could be controlled. He then read Condition 11 which allows a higher light setting in the daytime and a lower one at night. The staff and Mr. Wilday need to work together to establish the measurements. The need to develop criteria/standards for future LED signs was emphasized. Mr. Sullivan explained his intent to return to the Commission in 12 months and discuss the LED board control settings. Commissioner Peery felt that this would make the condition clearer.

Mr. Wilday indicated that he had read the staff report and concurred with it as amended. He described the size of the building, the amount presently being used by the casino, and the parking area. Future expansions will require a Special Use Permit as the facility is currently at 50,000 square feet. The proposal does not expand the building. He felt that the sign will be on a time clock controlled by a computer program. He did not wish to have an obtrusive sign. He felt that the Reno LED signs were very obtrusive even though the owners indicated an intent for the signage to be subtle when obtaining their permits. Reno does not enforce its ordinances. He and the casino operators/owners intend to work with staff and establish a point where

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everyone is happy with the signage. They do not plan to use flashing graphics. They will “dim it down”. It will be nice signage. The General Manager will have control over the dimmer and has the ability to fire anyone who turns the signage up. Commissioner Christianson indicated that his statements were stipulations. Mr. Wilday explained that they have full control over the signage. It is similar to a dimmer switch on a light. The graphics can also be programmed to be very flashy or single signage which are nice and flowing with soft images and messages. The effort is to get the message out but in a tasteful way. Chairperson Wipfli thanked him for his candor. He felt that the desire is to do it on a small scale and not have a “lighting war”. His concern regarding the night sky and the impact of the signs was indicated. He also did not want to become like Reno. His desire is to have it low keyed while allowing it to attract motorists on Carson Street. Mr. Wilday indicated that the intent is to establish the lumination criteria and a formula for a future standard that will indicate the amount of graphic movement that should be allowed. The lighting is very focused and efficient. He compared it to “little tiny flashlights” that are aimed at the traffic at a specific angle. Once out of that alignment, the intensity drops dramatically. It is very focused and efficient. It does not require a lot of energy and is very controllable. Justification for increasing the sign to 30 feet and plans to remove the “DJ’s Auto” signs were explained. Commissioner Kimbrough felt that the increase in the sign will create a need for the auto dealers to increase the height of their signs. Mr. Wilday emphasized that the proposed sign was not that much larger than the present sign. The photos were submitted to illustrate the impact. He felt that the palm leaves on the sign will create the height. Justification for having the palm leaves was provided. The topography of the area was described. It will be possible to see other things along Carson Street without having to look at the sign. Mr. Wilday stipulated to cropping the top of the trees to prevent them from growing higher than they presently are. His objection to Atlanta’s sign in Reno was expressed. The proposed sign is up and away from traffic. It will be softened by the trees. Discussion also indicated that they own “DJ’s Auto” and plan to eventually place 24 suites on that lot. Mr. Wilday stipulated to removal of the “DJ’s Auto” sign as soon as the new sign is installed. They will do a lot of landscaping. They have already softened the appearance of the casino by putting in a lot of grass in front of the building. They will also extend the landscaping to the “DJ’s Auto” site. Commission comments complimented them on their project and the sign. Commissioner Mullet expressed the hope that the sign does not impact the view of the night sky as a sign on Highway 50 East does. Public comments were solicited but none were given.

Commissioner Semmens moved to approve SUP-04-045, a Special Use Permit request from Peter B. Wilday, applicant, The Steiner Group LLC, owner, to allow an increase in permitted freestanding sign height from 20 feet to 30 feet and an increase in total permitted onsite sign area from 600 square feet to 791 square feet sign on property zoned General Commercial located at 3800 South Carson Street, APN 009-153-03, based on seven findings and subject to the conditions of approval contained in the staff report as modified. Commissioner Peery seconded the motion. Motion carried 6-1 with Commissioner Kimbrough voting Naye.

G-5. SUP-04-053 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STEVE REYNOLDS (1-1498) - Community Development Director Walter Sullivan, Steve Reynolds - Mr. Sullivan pointed out staff’s recommendation is for a 30-foot high sign. The applicant wants 35 feet. Mr. Sullivan asked that it be confirmed that the time and temperature will be on the north side of the sign and not the south side due to concerns about the potential glare from the sign on the residential neighborhood to the south. Staff also recommended that the LED aspects of the sign be on the north side of the sign only. A telephone conversation with a resident had indicated her support of this restriction. She was concerned about the sign’s brightness. Mr. Sullivan modified Condition 14 to have the Special Use Permit reviewed within 12 months of the date of approval by the Planning Commission to specifically look at the LED aspects of the sign.

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Condition 16 was to be deleted. Discussion indicated that the neighbor's landscaping blocked the ability of motorists to see the applicant's current signage. The applicant and the neighbor should work together to resolve this issue. If this effort is unsuccessful, the applicant could seek legal relief.

Mr. Reynolds submitted photographs to the Commission illustrating the problem with the trees on the adjacent property. (A copy was given to the Clerk and is in the file.) He also indicated that he had read the staff report and agreed with it. The message board is to be two sided with LED on both sides. He indicated that the 30-foot limit included in the staff report was acceptable. Many of Mr. Wilday's comments also fit his plan. The property was purportedly approved for a LED message center two years ago. The request is to increase its height to 30 feet and put it on a pole support rather than on the north and south sides of the building. This will move the signage further away from the residents on the south side of the building. Clarification indicated that 30 feet should be adequate on the south side of the building. Discussions with Slot World about trimming the trees has not yet been fruitful. Mr. Sullivan was not sure of the height of the Slot World sign. Discussion pointed out that lumination of the sign can be controlled and if it creates a problem for the residents it can be toned down. They could also reduce the flashing graphics at night. The usage is a "test case". More applications for LED signage will be made in the future. Mr. Reynolds was not open to turning the south facing side of the sign off but stipulated to controlling the brightness and/or reducing the amount of graphics. He also indicated that the two sides could be controlled independently from each other. Public comments were solicited but none were given.

Chairperson Wipfli expressed concerns regarding the impact on the residents to the south. The previous commercial usage of the site was very "toned down" as compared to its current usage. He understood the need to advertise. Commissioner Christianson pointed out that the residences are behind six foot fences with the back of the residences abutting Graves Lane. The illumination should not shine through the drapes. He suggested that, if the sign's brightness shows through the drapes at night, the residents change the drapes.

Mr. Reynolds explained the desire for the sign is to attract vehicular traffic on Highway 50 East and to be a good neighbor to the residents. There are a parking lot, trees and a high fence to the south of the building which will reduce the impact on the neighbors on the same side of the street. They are concerned about the neighbors across the street. They are committed to reducing the glare and flashing signage if it is a problem. They are also committed to working with staff. He indicated that the ability to see the signage is set at 75 degrees. The visibility of the sign is reduced a great deal at a 45-degree angle. They intend to turn the brightness up during the daytime and down at night. The problem is knowing how much is too bright. The Slot World sign is larger than the proposed sign. The bright glare will occur when you are "almost straight in front of the sign". Chairperson Wipfli pointed out that the difference between the proposed sign and Mr. Wilday's application is the location of residences adjacent to the property. He was concerned that Mr. Reynolds may not be able to live with the final illumination level. Comments repeatedly emphasized the intent to work with staff to develop criteria for the lumination, that this is one of two test cases, that the ultimate level that is developed may not be acceptable to Mr. Reynolds, and emphasized the angles needed to see the LED lighting. Mr. Reynolds indicated the desire to be a good neighbor and had agreed to work with staff. He also pointed out that there is a similar message board on Highway 50 that is adjacent to a mobile home park. Under the current Code, a resident of the park could demand that the City turn the sign off. The need to be reasonable in the process was stressed. Discussion explained the height of the sign and questioned how much illumination will be deflected by the building itself. Mr. Reynolds felt that the residents on the east side of Graves Lane were too far away from the signage to be impacted. The LED

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features of the sign eliminate the direct lighting and pollution problems found with older signs. It is not invasive during the daytime. Commissioner Mullet suggested that ability to turn the sign be included in the design so that the angle could be adjusted if it is a problem.

Mr. Sullivan suggested as a compromise that the south facing sign be lighted against the sign. He also indicated that the residences across Graves Lane were approximately 2,000 feet away. He felt that this distance is adequate to address the concern. Staff recommended that the height not exceed 30 feet. Chairperson Wipfli indicated that he could support signage on the south side of the sign if it is hooded and lighted with downward lights. Both he and Mr. Sullivan expressed a desire for the business to thrive.

Commissioner Christianson pointed out his tenure on the Commission and that the City still does not have a noise ordinance. The proposal is a concept that was not considered by the City before this time.

Mr. Sullivan explained Mr. Reynolds' work with staff on the sign ordinance and expressed his belief that he would be able to work with him on the controls and LED criteria. It may be that the intensity will be set at three different levels - one for daytime usage, one to cover the timeframe of 8 p.m. to 11 p.m., and one for the period between midnight and 6 a.m. Chairperson Wipfli reiterated that the signage will be part of the test case. Discussion indicated that the industry has developed lots of numbers regarding the signage. The majority of this information was developed by the industry to sell the signage. It is generally subjective and somewhat obtrusive. Mr. Reynolds explained his ability to see the lights of the Pinion Plaza from his home. Is that obtrusive? This is a subjective value judgement. He suggested that other communities' ordinances be used to establish the criteria rather than the manufacturer's literature.

Commissioner Peery pointed out that there is an LED sign at Slot World. It creates a source of illumination. It is approximately 150 feet from Mr. Reynolds' proposed sign. The precedent has already been established. It is important to control the lighting. Mr. Reynolds' location is such that it provides an extra incentive to control the lighting that Slot World does not have. Public comments were solicited but none were given.

Commissioner Kimbrough understood the need for signage at the proposed location. The LED signage on Highway 50 was felt to be appropriate. He could not support signage that is directed toward the residents. Therefore, he intended to vote against approving the application based on his concern for the adjacent residential neighbors. He could support having the LED sign on the north side but not the south side. He could not support Finding No. 2 as he felt that it will be detrimental and create a glare problem for the neighborhood. It also establishes a poor precedence for the future. He explained that a previously approved LED sign had been approved for a single face. It faced College Parkway and not the residents on Goni. He could support a LED sign facing Highway 50 only.

Commissioner Christianson moved to approve SUP-04-053, a Special Use Permit request from Steve Reynolds, applicant/Cletus and Georgette Wandler, owners, to allow an increase in permitted freestanding sign height from 20 feet to 30 feet for a new freestanding sign on property zoned General Commercial located at 1897 North Edmonds Street, APN 008-306-14, based on seven findings and subject to the conditions of approval contained in the staff report as modified. Commissioner Peery seconded the motion. Mr. Sullivan clarified that the modification to Condition 14 is to read: "The special use permit shall be reviewed within 12 months of the day of approval by the Planning Commission specifically regarding the LED light signage.", and that Condition 16 is deleted. Commissioner Sedway agreed with both Commissioner Kimbrough and

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Chairperson Wipfli. The need for signage facing the residential area is very tenuous. He will support the motion with the understanding, as Chairperson Wipfli had articulated, that the compromise may be very dim. Commissioner Perry indicated his agreement with this limitation. It is the reason he seconded the motion. The applicant's cooperation is apparent. Chairperson Wipfli pointed out that the remedy may be more severe than the applicant desires. He also supported Commissioner Kimbrough's concerns regarding establishment of a bad precedence. Mr. Reynolds indicated that he would have to talk to the property owners and explain that this could be ultimate resolution of the brightness issue for the south facing side of the sign. Chairperson Wipfli indicated that he could support the motion so long as it is extremely clear and on the record that the remedy could be that the lighting will be extremely dim or off on the south side of the sign. Otherwise, he would not be able to support the motion to shine the sign into the residential area. He felt that other signage is possible. Discussion clarified that the motion is to approve LED signage on both sides of the sign. Commissioner Mullet indicated that this was the reason for his questions regarding the ability to control each side of the sign separately from the other side. He felt that the property has a real disadvantage to advertising on the main street and is lost. The building appears to be a warehouse from that street. The signage toward Highway 50 is critical to the business' success. He is also concerned about the residential neighborhood. He hoped that the signs can be controlled separately and that, if the south side is dimmed all the way down, lighting will not be lost on the north side. Mr. Reynolds reiterated that they can be controlled separately. He felt that the property owner has shown over the years that he wants to be and is a good neighbor. He believed that he will follow through as has been represented. Chairperson Wipfli also felt that it could be the difference between deciduous and nondeciduous trees and summer time versus winter time. He would support turning off the south facing LED sign if it does not work out. The motion was voted and carried 6-1 with Commissioner Kimbrough voting Naye.

ANNOUNCEMENTS (1-2247) - Mr. Sullivan announced that Item G-9, the Champion Speedway item, will be heard a 6 p.m. Item G-10, zoning code amendments, will not be heard before 6:30 p.m. The provisions in Item G-10 regarding utility substations is to be continued at the applicant's request. It will be considered at next month's meeting. The remaining portions of Item G-10 will be considered this evening. Item G-10 deals with three separate Code revisions.

G-6. SUP-04-041 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THE ROBERT POLICHIO FAMILY TRUST (1-2310) - Community Development Director Walter Sullivan, Robert Polichio - Mr. Polichio explained the request to continue the item in order to obtain better photographs of the site, examples of the proposed signage, its lighting and the catwalk. Commissioner Mullet asked him to superimpose the sign on the property to provide the Commission with a better prospective of the impact. Mr. Polichio agreed to attempt to do so although he is not an expert in this field. He also indicated that the signage will not face residential property. Pursuant to the applicant's request, Commissioner Peery moved to continue SUP-04-041, an action regarding Special Use Permit application from the item as requested. Commissioner Mullet seconded the motion. Public comments were solicited but none were given. The motion was voted and carried 7-0.

RECESS: A recess was declared at 5:41 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting, constituting a quorum.

G-7. SUP-04-046 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MIKE MITCHELL (1-2405) - Assistant Planner Kathe Green, School District Director of Operations and Applicant

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Mike Mitchell, Senior Engineer Rob Fellows - Ms. Green's introduction included replacing Conditions 8 and 9 with Engineering's Conditions 1 and 2. The proposal does not include any additional students as a result of the classroom. The Roop Street realignment will create additional traffic through this area. The proposed modular does not create additional traffic. Ms. Green apologized for including the email in her report on comments regarding the proposal. It belongs to a different agenda item. Mr. Mitchell indicated that he had read the staff report and was "kind of" in support of it.

OTHER MATTERS (1-2495) - Chairperson Wipfli explained for Jim Benson that item G-6 had been continued. Mr. Benson's business is adjacent to the proposed site for the sign.

G-7. CONTINUED (1-2510) - Discussion indicated that there are ten conditions of approval and seven findings. Mr. Mitchell agreed to the two Fire Department conditions regarding sprinklers and roof mounted equipment. Original Conditions 8 and 9 are not applicable. Dust mitigation, Condition 10, is not a problem. The Engineering requirements are for a long term master plan for pedestrian access, ADA access, etc. He felt that this requirement was not a condition of approval. He was willing to look at a long term plan of the site and in coming into compliance to the best of the District's ability with the ADA requirements and pedestrian access, etc. Mr. Fellows indicated that these items were conditions related to the following item. A handout distributed before the meeting had corrected this error. (A copy was not given to the Clerk.) The conditions are basically that they submit a site plan prior to completion and that they develop a plan on how they will meet ADA requirements. This is Condition 9. Condition 8 is complying with the current ADA requirements for the facility such as signage for the handicapped parking spaces and providing an accessible route to the building. Mr. Mitchell indicated that these Conditions were acceptable. They were developing a plan and will have the southwest parking lot brought into compliance with ADA with a separation between pedestrian and vehicular traffic. Both conditions were acceptable. Discussion indicated that it costs between \$60 and \$70 a square foot to construct a stick-built unit and that a modular unit costs approximately \$40. It is portable, has wheels, and does not have a foundation. The modular units range in size between 1,000 and 2,000 square feet. The ability to move them provides the District with flexibility not found with stick-built structures. Public comments were solicited but none were given. Commissioner Semmens moved to approve SUP-04-046, a Special Use Permit request from Mike Mitchell, applicant, Carson City Schools owner, to allow a 2,390 square foot modular classroom unit on property zoned Public located at 202 Corbett Street, APN 002-138-01, based on seven findings and subject to the conditions of approval contained in the staff report as amended. Commissioner Christianson seconded the motion. Motion carried 7-0.

G-8. SUP-04-047 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MIKE MITCHELL (1-2672) - Assistant Planner Kathe Green, School District Director of Operations Mike Mitchell, Senior Engineer Rob Fellows - Mr. Fellows indicated that there are two Engineering conditions on this application. One condition deals with the parking area/remnant of a street that is along the north side of the school. Residents and other individuals use this area to access the park. Mr. Fellows removed Condition 7 and indicated that it will be addressed separately. Mr. Mitchell indicated that he had read the staff report. He was aware of the Conditions. He agreed to the Conditions as stated with the removal of Condition 7. He then indicated that one of the adjoining neighbors has objected to the project. He had personally met with that individual. The School District could not accommodate his request. He corrected his application to indicate that the school was constructed in 1989. He then explained that a portion of the School site was deeded to the City to allow the School District to avail itself of \$50,000 of Parks and Recreation's Residential Construction Tax funds for playground equipment. The successful joint use agreement has been in existence

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at this location for 15 years. Through the use of a site map he illustrated the location of the area donated to the City. Some of the portables are on City property and some are on School property. It is a small site containing only six acres. An elementary school normally needs ten acres. The joint use agreement regarding the park area allows it to be used successfully as a school site. The size of the school building was limited. It was constructed to hold 480 students. Tremendous growth has occurred in the neighborhood. Last year there were 629 students. This year's enrollment was 606 students. There are presently seven portables at the school. None have restroom facilities. The application is for a portable that will have restrooms, a staff lounge, and perhaps a small classroom. The unit will be tied to the utilities in La Loma. Justification for the proposed location was provided. The individual who objected to the location did so as the unit will block his/her southerly view. There will not be any additional students in the portables next year as student enrollment for the school next year is projected to be "flat". It was felt that this is a result of the decision to allow duplexes on Lepire Drive rather than apartments. Public comments were solicited but none were given. Discussion reiterated the plan to have restrooms, a faculty lounge, and a small classroom in the portable and justified the proposed location. Commissioner Kimbrough moved to approve SUP-04-047, a Special Use Permit request from Mike Mitchell, Carson City Schools, to allow a 1,848 square foot modular classroom unit on property zoned Public Neighborhood/Public, located at 1260 Monte Rosa Drive, APN 010-436-01 and 008-342-31, based on seven findings and subject to the conditions of approval contained in the staff report with the changes that were made to No. 7. Commissioner Semmens seconded the motion. Discussion indicated that there were ten original conditions and that Condition 7 was deleted. Commissioner Kimbrough amended his motion to have nine conditions. Commissioner Semmens concurred. Motion carried 7-0.

Chairperson Wipfli passed the gavel to Vice Chairperson Peery. (The entire Commission was present, constituting a quorum.)

G-9. SUP-04-052 - ACTION ON A PROPOSAL TO EXPAND THE LEGAL NONCONFORMING USES AT THE CHAMPION SPEEDWAY RELATED TO THE MOTOCROSS RACING HOURS AND PRACTICE HOURS (1-3050) - Community Development Director Walter Sullivan, Applicant Ty Enquiaga, Barbara Myers, Jeff Schulz Leslie Lopez, Les Kynett, Craig Wooding, Deputy District Attorney Melanie Bruketta - Mr. Sullivan stated during his introduction that there had not been any complaint about the track to his Department during 2003. He also limited the Commission's options. Discussion questioned the zoning before 1978. Mr. Sullivan indicated a need to check the zoning maps and that the area was part of Douglas County in the late 1960s.

Mr. Enquiaga indicated that he had read the staff report and agreed with Mr. Sullivan's presentation of it. He then corrected the agenda to indicate that application is for expanding the permitted hours of weekend practice from 10 a.m. through 8 p.m. to 10 a.m. through 4 p.m. on non-race Saturdays or Sundays. There will be a reduction in the total hours. Last year's decision had reduced the operation from 620 hours to 225 hours. This had made it challenging for him to conduct business particularly when weather conditions are included in the mix. There are a lot of motocross riders in the area. The "kids" need a place to ride. He understood the need to be a good neighbor, however, the reduction in hours was too much from a business standpoint. Clarification indicated that he subleased the facility and how he reached the 620-hour figure. He had agreed to the reduced hours in an effort to reestablish motocross at the facility. He then requested an increase of 62 hours to allow motocross racing on Sundays including two Sundays in November. Discussion indicated that the racing is to stop at 11 p.m. The original special use permit for motocross had been for one year only. Clarification indicated that the hours for 2002 were different from those approved for 2003. Mr. Enquiaga

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used Page 5 of the staff report to explain that the hours requested were to start four hours later and conclude three hours later. (2-0142) Auto racing is separate from motocross. His request for a race date in November was explained. Auto racing on Nevada Day was not successful last year. Mr. Enquiaga clarified his statement regarding 14 hours in November to be two days of racing as the children will race on Saturdays and the adults race on Sundays. This will allow compliance with the 12 a.m. start time. The Friday night race track is "cut" to make it shorter. This allows the racing to be completed by 10:30-10:40 p.m. The one exception to this was when a rider was hurt and required medical attention. That night racing was terminated at 11 p.m. He began racing at the site in 1974. His first promotional activities at the site occurred last year.

Mr. Sullivan explained that the motocross track had been discussed at length previously. The Special Use Permit set the record and allows them to continue a nonconforming use so long as racing occurs annually at the site. If motocross is dropped for a year, motocross will no longer be allowed. Racing has occurred at the site off and on for years. He also explained that the original Special Use Permit allowed motocross from 12 noon to 8 p.m. Last year the hours were modified. If the Commission approves the request, the proposed hours will be approved. He also explained that the Code Enforcement Officer had checked the noise levels with a meter. With the exception of one class of cars on one race night, the levels were within the established limits. Public comments were then solicited.

Ms. Myers gave her address. She lives outside the notification area. She was not aware of the race track when she purchased her home seven years ago. For four years she did not have any problems with the track. During the last two years she has consistently expressed her concerns about it. She started making her comments when the noise level was over 100 decibels. She alleged that she had requested notification if any changes were requested at the site. She was not notified last year. The Special Use Permit conditions approved in 2002 required notification of the race schedule to given to anyone who asked to be on their mailing list. She alleged that she had requested the race schedule in writing. She did not get the schedule in 2003. When she saw the schedule in the newspaper, she called Mr. Plemel who faxed her a copy. She called the race track who claimed there was a change in management. She asked that she be informed in the future. She was not advised about the application until she saw it in the newspaper. The Department had not sent her a copy of the application even though she asked to be in the list. She assumed that a copy of the race schedule will not be provided. Her concern regarding the Friday night racing was explained. She felt that Friday evenings until 11 p.m. is too late for any event. The racing is very noisy at her home. She had no problem with terminating the racing at 8 p.m. She did not want the hours or season extended. She agreed that motocross had not exceeded the noise level. She expressed her annoyance at not being notified by either entity even though she had notified them in writing.

Mr. Schulz indicated that he represented the property owners who are adjacent to the facility. He felt that the late night hours were too much. The area is a developing neighborhood. Stretching the racing period into December is too much. The residents were willing to put up with the racing during the summer time but not all year long. Discussion indicated that Kate and Don Schulz had not recently sent a letter to the Department. He indicated that the Schulz' have repeatedly opposed the track and have valid points for that opposition. He also noted Dave Dieter's opposition to the application. He highlighted Kate and Don Schulz' letter of opposition for the record. (A copy of the letter is in the file.)

Additional comments were solicited. Ms. Lopez opposed the 11 p.m. change as she felt it was excessive.

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Even though the racing stops at 11 p.m., people remain at the site for some time. She must keep her windows closed to reduce the noise. The racing creates a lot of traffic. It takes her five minutes to cross Silver Sage and Snyder due to the traffic. There is a lot of speeding occurring during this period. She, too, felt that December is a sacred month. They can deal with it in the summer but should not have to in the winter. Additional comments were solicited.

Mr. Kynett indicated that he is the current owner and had been the operator in the 1980s. The track has had a business license since 1963. It is one of the longest functioning businesses in the City. It was built at the location as it would have little impact on its neighbors. It has been an important recreational facility. Examples were provided indicating that three generations of families have been entertained by it. They have tried to be part of the community and have won awards for their contributions to tourism. He acknowledged that as time goes by changes occur. The track is located on one of the last large undeveloped tracts of land in the City. The property value exceeds the income generated during the racing period. He acknowledged the belief that the end of the track's life is nearing. He had been part of the team that voluntarily established the 11:30 p.m. termination period for racing. The voluntary racing deadline became mandatory after houses were built adjacent to the track. They could live with the controls on auto racing. The motocross course and Friday operations were very successful in 1995. When Mr. Enquiaga leased the facility, he was unable to discuss what he needed to be successful. He has discussed his needs with Mr. Kynett. Mr. Enquiaga is attempting to keep the operation going. If the auto racing is reduced by four events, it will be unsuccessful. They already lose one or two race days a season due to inclement weather. The few extra hours requested is enough for Mr. Enquiaga to remain open. A 1969 photo of the motocross track was display. He felt that it illustrated that the track and its use were there for a long time without any restrictions and had been an important part of the track activities. He reiterated the request that Mr. Enquiaga be allowed a few extra hours of operation. He felt that the value of the land would allow the operation to realistically continue to function for only three or four more years.

Discussion between the Commission and Mr. Kynett explained the reasons for needing an 8 p.m. start time for racing on Fridays and the different noise decibel levels created by different racing motors. Mr. Kynett felt that 95 decibels at 100 feet was a common standard, however, the Roseville track has a higher noise standard. He also explained the growth occurring in motocross racing since 1985. There are limited places for the youngsters to go and ride or enjoy the event. They are attracting a lot of people from California and other areas to Carson City for the events. Auto racing also attracts these people. His total attendance this year will be close to 70,000 spectators. These individuals help the local economy as they spend money in the restaurants, hotels, and casinos. The request for extending the hours was a "small crack" which will allow Mr. Enquiaga to continue to operate. Although spectators will not attend auto racing in the winter, motocross attracts them regardless of the weather except during the summertime. Mr. Enquiaga needs two days in December which would be for daytime events. It will not be run after 11 p.m. He then explained that the November race would not be held on Thanksgiving as it would compete with Reno's event. They will not race on Christmas either. Fifty percent of the motocross bikes have four stroke engines which reduces the noise level. He indicated that the Friday night events do not occur weekly. There are five Friday night events scheduled for 2004. The manufacturers are successfully producing more machines with lower decibel levels. These are four stroke engines. The noise level is a subjective criteria. Mr. Kynett reiterated the need to allow Mr. Enquiaga more time for motocross racing. Discussion compared auto/motocross racing to airports and the need to relocate airports when residential uses encroach on the airport. Mr. Kynett described the original operations at the site. There were not residential uses in the area at that time. A concert was held there in

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1971. The use was not restricted. When residential development occurred, they began to change their uses in an attempt to be a good neighbor. They had installed signage advising individuals who were looking at the homes that a race track was adjacent to the site. Regardless of the comments made at the time these individuals acquired their homes, once they began residing there, they wanted the track closed regardless of the track's efforts to be a good neighbor.

Additional public comments were solicited. Mr. Wooding requested a copy of the mailing list. He had seen the agenda in the newspaper. Mr. Sullivan explained a condition of the Special Use Permit requiring the racetrack to send its auto and motocross schedules to property owners within a half mile radius of the track. The agenda is mailed by Community Development Department. He agreed to provide Mr. Wooding with a copy of the Department's mailing list. Mr. Wooding explained the location of his former residence on Conte Drive. He felt that the track created a tremendous noise problem for residents in that area and that it should be closed down. He also indicated that he wanted it on the record that as a property owner he should be notified. He indicated that his name is on the mailing list. Mr. Wooding then explained that he cannot cool his home when there is an event at the tracks as he must keep his windows closed. Allowing the use to be expanded will only allow the need for the track to grow and expand even more in the future. It was good news to learn that the track will be closed in three or four years.

Additional comments were solicited. Ms. Myers pointed out that pitch and intensity impact the decibel levels. Her husband's employment as a mechanic was explained to support her knowledge of the variables to noise levels. She felt that changes had occurred since she moved to her residence four years ago. She encouraged the City to check into Mr. Wooding's comments about there being a natural amphitheater. She felt that people on Edmonds also have a concern with the noise. They should have been noticed as well. Commissioner Peery explained his belief that motorcycles are more intrusive than automobiles. Ms. Myers compared it to music which some individuals love and others hate.

Mr. Sullivan apologized to Ms. Myers for the failure to send a notice. He assured her that she would be given notices in the future. He pointed out the need for the Commission to review the application to change the Special Use Permit to allow an expansion of the racing and practice times for the motocross. Page 7 of the staff report contains the findings that must be met in order to approve the modifications. Page 8 contains three findings if the Commission feels that the modifications should be denied. The Commission also has the ability to modify the hours if so desired.

Chairperson Wipfli expressed his feeling that the issues had been addressed last year with the assistance of Mr. Bawden even though some of the concessions may have cut deeper than economically intended. The race track has been there a long time and is grandfathered. There is a quality of life issue for the neighbors. He was concerned about 11 p.m. racing on Fridays. He questioned whether 10 p.m. was doable. He could not support racing on Christmas or Thanksgiving which he felt were sacred family times. He suggested that the item be continued for 30 days if a win-win could be created. This will provide time to work with the neighbors and mitigate some of their concerns. Commissioner Peery supported his suggestion. Comments indicated the desire to have Mr. Enquiaga be successful and that a compromise be developed with the neighbors. Chairperson Wipfli then suggested 10:30 p.m. as an ending time.

Mr. Enquiaga responded by acknowledging that motorcycles are not for everyone. When he accepted Mr. Bawden's conditions he had done so knowing it would be difficult to be profitable. They need to work

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together. He had proposed having one day for practice and having hours of operation that would be palatable and workable. Mr. Bawden, however, had not understood what was needed for motocross. He races cars. It is not possible to do a race in one day during the summertime. Chairperson Wipfli explained the need to move to the next item. Mr. Enquiaga indicated that ending at 10:30 p.m. was not desirable unless he could start practice half an hour earlier. He needed time to allow people to get to the facility after work on Fridays. Chairperson Wipfli pointed out the need for the neighborhood and Mr. Enquiaga to understand each other's concerns. Mr. Enquiaga could not agree to continue the item for 30 days due to the need to start the racing schedule in June. It would not leave him with an appeal period which he may need. The proposal is for five Friday night races the entire year. Discussion between Chairperson Wipfli and Mr. Enquiaga indicated that Mr. Enquiaga was willing to stipulate to terminate the race schedule with the second weekend in December. He also stipulated to no racing on Thanksgiving weekend. He would run for two weeks with two days of practice, which he suggested could be November 7 and 21. Mr. Sullivan urged the Commission to continue the item rather than negotiate a settlement or approve/deny the application. Commissioner Christianson felt that, if Mr. Enquiaga stipulates to no racing on Christmas and Thanksgiving and ending the racing at 10:30 p.m., support could be provided to the expansion of hours. Mr. Enquiaga stated that he stipulated to these conditions. Ms. Bruketta pointed out the need for the Commission to make the appropriate findings. Commissioner Christianson felt that staff's recommended findings for approval with the stipulations were appropriate. Ms. Bruketta reiterated the need for each Commissioner to indicate his findings on the record. Commissioner Peery felt that a reasonable compromise had been reached. He supported moving forward with the application rather than delaying it for 30 days due to Mr. Enquiaga's reluctance to continue the item. It is an adequate compromise for the community. Commissioner Mullet pointed out that the racing schedule is for only five Friday nights during the entire summer. With the restriction to terminate racing at 10:30 p.m. and not race on the November and December holiday weekends, he felt he could support the request. Commissioners Sedway and Semmens concurred. Commissioner Kimbrough concurred with the stipulations. Discussion indicated that the Commission could modify the hours. Commissioner Kimbrough pointed out that the findings for denial include its being detrimental. The public concerns related to the time and their peaceful enjoyment of their property. The stipulations reduced the hours. Therefore, he could support a motion for approval. Mr. Sullivan asked that the motion include the findings from Page 7 of the staff report and that indicate that the changes in the schedule meet with the Master Plan elements. Chairperson Wipfli expressed the hope that the neighbors and race track will continue to work together. It is a tough situation. Everyone is working to go an extra mile.

Commissioner Christianson moved to approve SUP-04-052, a Special Use Permit request from Nevada Motocross Development, property owner: Larry Burton, to allow an expansion of a legal nonconforming use, amending Condition of Approval Number 9 of a previously approved Special Use Permit, U-01/02-18, by modifying the permitted motocross racing and practice times and dates as indicated by the applicant and in the staff report, on property zoned Single Family One Acre located at 1200 Race Track Road based on seven findings and subject to the conditions of approval contained in the staff report with Item No. 9 being changed to 10:30 p.m. and the motocross racing on Fridays being changed to 4 p.m. to 10:30 p.m. Following discussion on the hours, Commissioner Christianson amended his motion to change 4 p.m. to 3:30 p.m. to allow the same amount of time for racing and continued his motion to include: and that practice on weekends in the month of November will not be on the Thanksgiving weekend and in the month of December will not be on the Christmas weekend, and, also, going to the findings on Page 7 saying that by making these changes the Commission finds that the findings are consistent with the Master Plan Elements A; B. Are not detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the

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general neighborhood and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity; C. Will have little or no detrimental effect on vehicular or pedestrian traffic; D. The project will not overburden existing public services and facilities; E. The project meets the definition and specific standards set forth elsewhere in this title for such particular use and meets the proposed (purpose) statement of that district; F. The project will not be detrimental to the public health, safety, convenience and welfare; and G. The project will not result in material damage or prejudice to other property in the vicinity. Commissioner Semmens seconded the motion. Motion carried 7-0.

Mr. Sullivan briefly explained that the Commission's action could be appealed and that the appeal must be submitted within 10 days to the Planning Department.

G-10. ZCA-04-051 - ACTION ON ZONING CODE AMENDMENTS TO CCMC 18/04 (2-1361) - Community Development Director Walter Sullivan, Rebecca Beisenstein, Elaine Shields, Supervisor Shelly Aldean, Mark Shields - Sullivan's introduction explained Supervisor Pete Livermore's request that Section 2 be continued. Condition 4 was felt to be unnecessary. Chairperson Wipfli apologized to the public for the delay in reaching this item on the agenda. Public comments were solicited.

Ms. Beisenstein gave the Commissioners a packet of information. (A copy was not given to the Clerk.) She described the reasons for needing the Code to be revised. She requested a new physician's statement and application be required every three months. She did not feel that a year is temporary. The family should seek assisted living or hospice care if it is more than three months. She also requested that the RV's location be such that it is not seen from the public right-of-way and does not intrude on the peace and privacy of the surrounding neighbors. Commissioner Peery explained that the City had limited enforcement abilities. A quarterly requirement would increase the workload and be hard to enforce in a City of 60,000 people. Ms. Beisenstein felt that this was an unacceptable reason for not accepting her suggestion. Mr. Sullivan explained that the Commission is considering a Code issue and not an enforcement issue.

Ms. Shields indicated that she is speaking for her mother. She described the area and location of the RV. She felt that it could not be seen from the street. Mr. Sullivan and Chairperson Wipfli explained that the discussion should relate to the Code revision and not a specific case. Ms. Shields then indicated that they do not need the City utilities or propane. They use the utilities in the mobile home. Chairperson Wipfli explained that the recommended Code requires a self-contained unit with a connection to sewer and other utilities as a City standard. Ms. Shields reiterated that they do not need the utilities. She also explained that her mother's physician had moved and that they will have to find a new one. Chairperson Wipfli explained that the intent is not to provide substandard housing. It is for temporary housing and assists individuals who have a hardship. The intent is not to create substandard housing.

Supervisor Aldean explained her contact with Mr. Sullivan regarding the Code revision. The proposed relief should be provided when circumstances warrant. Staff has included sufficient safeguards. Its intent is to provide temporary relief and not substandard housing. She urged the Commission to approve the revisions.

Mr. Sullivan explained the Commission's July 25, 2001, two year review of a Special Use Permit for an elderly care hardship unit. The unit was a recreational vehicle which provided temporary housing for a mother-in-law who was the care giver for a lady who was in poor health. There have been few requests for this type of housing in the past. A second case on Arrowhead Drive was limned. The Code also allows guest houses in

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the rear yards. They can be either modulars, manufactured houses, or stick built houses. RVs had not been included in the Code for this use. The proposed revisions will allow RV usage. The proposal is for self-contained units. If the unit is connected to utilities, they must meet City Building Code standards. Commissioner Kimbrough supported having a restriction against placing the unit in the setbacks and that they be visually hidden from the neighbors if at all possible. Mr. Sullivan explained that the conditions included compliance with the setback requirements. Commissioner Kimbrough reiterated his request and provided justifications for them. Commissioner Peery pointed out that this standard could exclude certain individuals from being able to take advantage of the Code due to the setbacks. He could not support Commissioner Kimbrough's suggested revision. Commissioner Christianson supported Section 3 and the conditions as they may provide a care facility for individuals who cannot afford the high cost of other assisted living facilities. He supported requiring hookups and screening from the right-of-way. Notification to the adjacent neighbors should be provided to allow their feelings/concerns to be known. He pointed out that RV units cannot currently remain parked on the street for long periods, be hooked up to utilities nor have the sanitary facilities to be cleaned by commercial units. The Code revision allows a use so long as a physician's statement is provided. Mr. Sullivan indicated he had used the Lyon and Washoe Counties' ordinances as an example when drafting the proposed ordinance. Douglas County's ordinances prohibit the use for periods over 48 hours. More requests for this type of unit will be forthcoming. He added "adjacent neighbors" to Condition 2 regarding the placement of the unit and screening. Commissioner Kimbrough and Chairperson Wipfli concurred. Chairperson Wipfli indicated that lattice could be used to hide the unit from the neighbors.

Mr. Shields described the location of his mother-in-law's unit. Chairperson Wipfli explained that they could not discuss a site specific unit. Lattice could be used to hide the unit or the unit could be placed in a different location on the lot. Mr. Shields reiterated his belief that his mother-in-law's unit could not be seen from the right-of-way. Chairperson Wipfli reiterated the need to avoid site specific discussions.

Discussion indicated that Section 2 had already been agenzized before a continuance was requested. Comments pointed out that screening the RV unit from the public right-of-way and adjacent neighbors were to be added to the conditions for Section 1. Mr. Sullivan explained that Ms. Bruketta had suggested that the three items be agenzized separately in the future. He then explained Section 3 of the proposed ordinance and requested that three motions be made. One for each section of the Code.

Following discussion regarding the portions of the ordinance that were to be amended at this time and Ms. Beisenstein's second request that the permit be issued in three month increments, Commissioner Mullet moved to approve in Section G-10, a modification to CCMC Section 18.05.030(1)(b) to be added Temporary Occupancy for the care of the infirm while residing in a Residential Vehicle subject to the changes in the proposed Code amendments to bullet number 2, the self-contained travel trailer or recreational vehicle will be located in an area to provide as much screening as is practically possible from the public right-of-way and adjoining neighbors and, struck bullet number 4, which read approved City sewer and water facilities or well and septic facilities must be available to service the additional housing unit in addition to connection of electrical power. Following a request for a correction, Commissioner Mullet amended his motion to be for Recreational Vehicle rather than Residential Vehicle. Commissioner Christianson seconded the motion. Motion was voted and carried 7-0.

Commissioner Peery moved to continue Section 2 of the proposed G-10, ZCA-04-051. Commissioner Semmens seconded the motion. Motion carried 7-0.

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(2-2184) Mr. Sullivan explained the proposed ordinance regarding commercial condominiums. Public comments were solicited but none were given. Commissioner Christianson moved to recommend approval of ZCA-04-051 to the Board of Supervisors, a Zoning Code Amendment modifying the Carson City Municipal Code Section 18.04.195 and the Development Standards Division 1, Nonresidential District Intensity and Dimensional Standards, by adding a footnote to include all commons areas, parking, landscaping, and building areas in minimum lot area for the purpose of creating nonresidential condominium units. Commissioner Semmens seconded the motion. Motion carried 7-0.

Chairperson Wipfli passed the gavel to Vice Chairperson Peery and stepped from the room—8:29 p.m. (A quorum of the Commission was present.)

H. STAFF REPORTS (2-2250)

H-1. DISCUSSION ONLY ON THE OPEN MEETING LAW REQUIREMENTS - Community Development Director Sullivan briefly explained the reasons for agenizing the item and indicated that it was postponed.

H-2. STAFF REPORT ON THE BOARD OF SUPERVISORS ACTION REVERSING THE PLANNING COMMISSION'S DECISION TO DENY SPECIAL USE PERMIT 04-031 FOR A BILLBOARD LOCATED AT 3700 HIGHWAY 50 EAST AND H-3. STATUS REPORT ON PLANNING COMMISSION ITEMS CONSIDERED BY THE BOARD OF SUPERVISORS ON APRIL 1 AND 15, 2004 (2-2276) - Community Development Director Walter Sullivan - Discussion expressed the feeling that the Commission's decision was vindicated. The process allows appeals. It allows a difference in opinions and shows democracy in action. Mr. Sullivan explained that he had provided a video for the Board to see the Commission's meeting. He had felt certain that the item would be appealed. The video allowed everyone to understand the Commission's views. He pointed out that the Commission had labored over its decision and had been pressed for its findings. The Commissioners should always indicate their reasons for feeling that an application does not meet the necessary findings as it provides a valid record for the Board. The validity of having the Board review the video was expressed. Commissioner Christianson felt that the applicant had wanted a billboard sign. (Chairperson Wipfli returned at 8:33 p.m. A quorum was present.) Mr. Sullivan indicated that if the applicant had wanted to be higher than 20 feet he would have to obtain a special use permit. Discussion indicated that the applicant may be back and that similar requests will be made throughout the community in the future. The Commission has the ability to say no due to the visual impact. Discussion indicated that the comment that there is only one more billboard site left in the community had not been made at the Commission meeting. Mr. Sullivan explained the restrictions on the placement of billboards and that his research indicates there are five to six sites left in the community. Another billboard application will be coming the Commission in the near future. He also pointed out that some property owners are opposed to billboards. This is a personal decision and not one considered by the City. He felt that a discussion with the Commission about the locations and map of these sites may need to be agenized for a future meeting. He also apologized for failing to suggest to the Board that the item be returned to the Commission when the pictures of the sign were introduced. The photo simulations had illustrated the impact of the sign on the vista and drivers. This new technology raises the bar and assists with the decision making process. (Vice Chairperson Peery returned the gavel to Chairperson Wipfli.) Commissioner Mullet explained his original belief that there was more potential billboard sites available than facts had proven to be in existence. He also pointed out the different representatives who made the presentations at the Commission

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and Board levels. He would not have approved the application without the photo simulations. He, too, felt that different information had been provided to the Board than had been provided to the Commission and that the item should have been returned to the Commission. Mr. Sullivan again apologized for the oversight. He also reiterated his reasons for sending videos of the Commission meeting when items are appealed. No formal action was required or taken.

I. ADJOURNMENT - Commissioner Semmens moved to adjourn. Chairperson Wipfli seconded the motion. Motion carried unanimously. Chairperson Wipfli adjourned the meeting at 8:42 p.m.

The Minutes of the April 28, 2004, Carson City Planning Commission meeting

ARE SO APPROVED ON July 28, 2004.

/s/

John Peery, Chairperson