

CARSON CITY PLANNING COMMISSION
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, June 30, 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 Mark Kimbrough, Craig Mullet, Roger Sedway, and Roy Semmens

STAFF PRESENT: Community Development Director Walter Sullivan, Principal Planner Lee Plemel, Deputy District Attorney Melanie Bruketta, Senior Engineer Rob Fellows, Senior Planner Jennifer Pruitt, Recording Secretary Katherine McLaughlin, Associate Planner Sean Foley, Assistant Planner Kathe Green (P.C. 6/30/04 Tape 1-0009)

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 was present although Commissioner Christianson was absent. Commissioner Peery led the Pledge of Allegiance.

B. APPROVAL OF MINUTES (1-0024) - None.

C. PUBLIC COMMENTS (1-0027) - None.

D. MODIFICATIONS TO THE AGENDA (1-0034) - Chairperson Wipfli explained the request and decision to hear Item G-2 for the School District after acting on the Consent Agenda as the District's representative has a schedule conflict.

E. DISCLOSURES (1-0040) - Commissioner Semmens disclosed his friendship with Gary Lehman, the applicant for Items F-2. He indicated that it will not impact his ability to make a decision regarding the Item. Commissioner Sedway indicated that he will abstain on Item G-4, the Special Use Permit application for the Carson-Tahoe Hospital.

F. CONSENT AGENDA (1-0050)

F-1. SUP-04-094 - ACTION ON A CONTINUANCE TO THE JULY 28, 2004, MEETING ON A SPECIAL USE PERMIT APPLICATION FROM BRUCE STOREY

F-2. SUP-04-095 - ACTION ON A CONTINUANCE TO THE JULY 28, 2004, MEETING ON A SPECIAL USE PERMIT APPLICATION FROM CINDERLITE AND MACTEC ENGINEERING - The request to continue Item F-1 was made by staff due to the need for additional information. The request to continue Item F-2 was made due to the need for additional information from BLM. Commissioner Peery moved to continue Items F-1 and F-2, both on the Consent Agenda, specifically for Special Use Permits for SUP-04-094 and SUP-04-095. Commissioner Semmens seconded the motion. Motion carried 6-0.

G. PUBLIC HEARING

G-1. SUP-04-097 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RESOURCE CONCEPTS (1-0089) - Associate Planner Sean Foley, School District Director of Operations Mike Mitchell - Mr. Foley read a letter from Perry Porter into the record. Mr. Mitchell indicated that he had read the staff report and that the "findings were fine". Discussion between the Commission and Mr. Mitchell explained that the poles are similar to those used to play tetherball and other playground equipment. Additional information has been requested from the seller regarding leaving the canvass portion of the shelter up year-round and the maintenance requirements. Commissioner Mullet pointed out the structural reliability and permanency of a sheet metal roofed structure. The proposed structure appears to be similar to a pop-up tent and will require replacement of the vinyl plastic material. Mr. Mitchell explained that a metal canopy structure is being used at the Fritsch Elementary School. The proposed material is translucent and allows light and a breeze to pass through. The metal structure radiates heat. He then explained that the PTA had donated the structure to the School District. The manufacturer claims to provide a lifelong guarantee. Public comments were solicited but none were given. Mr. Mitchell then recognized that this is Chairperson Wipfli's final meeting, thanked him for his leadership, and expressed his pleasure at working with him during his tenure on the Commission. Chairperson Wipfli pointed out that the Commission is comprised of seven individuals and again solicited public comments. None were given. Commissioner Peery moved to approve SUP-04-029, a Special Use Permit request from Resource Concepts Inc., applicant, Carson City School District, owner, to allow the erection of two accessory shade structures on property zoned Public located at 2800 South Saliman Road, APN 009-436-08, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0. Mr. Mitchell "recognized" Joe Cacioppo of Resource Concept who had donated his time preparing the documents.

G-2. SUP-04-105 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CHARLES AND WANDA CHALLENGER (1-0245) - Senior Planner Jennifer Pruitt, Charles William "Bill" Challenger - Ms. Pruitt pointed out Conditions 6 and 7. Mr. Challenger indicated that he had read the staff report and had no questions regarding it. Commissioner Kimbrough complimented him for obtaining signatures of support from his neighbors. Mr. Challenger explained his reasons for doing so. Public comments were solicited but none were given. Chairperson Wipfli complimented him on the concept and urged him to adhere to the two conditions of approval that were noted by Ms. Pruitt. Commissioner Semmens moved to approve SUP-04-105, a Special Use Permit request from Charles and Wanda Challenger to allow a 302 square foot guest quarters in the Single Family 12,000 Planned Unit Development, SF 12-P, zoning district located at 2527 Simons Court, APN 007-445-07, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Kimbrough seconded the motion. Motion carried 6-0.

G-3. SUP-04-098 - ACTION ON A SPECIAL USE PERMIT FROM DANI AND BRET ANDREAS (1-0335) - Senior Planner Jennifer Pruitt, Applicant's Representative Don Smit - Ms. Pruitt indicated for the record that a variance is not being requested at this time and that the item had been considered by the Historic Resource Commission. Its information is contained in the packet. She noted the two letters from abutting property owners and explained Dr. Dankworth's concerns related to the proximity, drainage and parking. These issues have been addressed. Discussion expressed the belief that the gingerbread will add to the value of the structure and the area's historic nature. Chairperson Wipfli pointed out the

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14 feet between the property line and curb. Abandonment of this area will allow them to meet the setback requirements and expand the building. Ms. Pruitt indicated that the Applicant may meet with Engineering to talk about this option although he wants to move the proposed project forward this year. Chairperson Wipfli pointed out that the site is within the original township and that the Applicant would not be required to pay for the abandoned right-of-way. Mr. Smit indicated that he had read the staff report and they were happy with staff's recommendation. Public comments were solicited but none were given. Commissioner Semmens moved to approve SUP-04-098, a Special Use Permit request from Bret and Dani Andreas to allow the expansion of a legal nonconforming structure in the Residential Office, RO, zoning district located at 810 North Nevada Street, APN 001-192-08, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Peery seconded the motion. Motion carried 6-0.

G-4. SUP-04-093 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PALMER AND LAUDER ENGINEERS (1-0470) - Senior Planner Jennifer Pruitt, Applicant's Representatives Mark Palmer and Margaret Faye - Commissioner Semmens acknowledged the Hospital's need for the signage due to the topography surrounding the Hospital. He questioned whether the height will be increased later due to freeway and road designs. Ms. Pruitt explained that, at the time of the staff meeting with the Applicant, two different designs were presented. She believed that one sign is taller. The proposed sign will satisfy their needs at this time. Future plans should be discussed with the Applicant's representative. Mr. Palmer indicated that a comprehensive plan, which will include signage, will be presented to the Commission in November. Displays illustrating the signage were handed to the Commission. Ms. Faye explained her reasons for believing that the lighting will not impact the dark night sky. She also indicated that there will be additional monument signage in the future. Their designs will be consistent throughout the medical campus area. They will be discussed as part of the comprehensive plan. Discussion explained that the next sign will be located along the loop road and at the entrance to the Hospital. There are also two directional signs. Justification and a description for each of the signs was provided. The proposed sign is needed now to establish the identity of the Hospital and the surgical center. Ms. Faye expounded on the description of the proposed sign. The Commission and Mr. Sullivan complimented them on the signage and its "classy" appearance. Public comments were solicited but none were given. Commissioner Mullet suggested that the City develop a similar type/style of welcoming sign for the gateways to the community. Commissioner Kimbrough moved to approve SUP-04-093, a Special Use Permit application from Carson-Tahoe Hospital to allow a sign package that exceeds the height and size allowances located at 1380, 1470 and 1600 Medical Parkway, APN 007-511-08, 007-511-07, 008-054-16, and 008-062-18, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 5-0-1-1 with Commissioner Christianson absent and Commissioner Semmens abstaining.

G-5. SUP-04-090 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM GRANITE CONSTRUCTION (1-0725) - Community Development Director Walter Sullivan, Granite Construction's Nevada Branch Operations Environmental Compliance Manager Tom Walbom - Mr. Sullivan's introduction included an explanation of the reasons for bringing the item to the Commission. Staff has not received any complaints about the operation. Even if the item is reviewed by staff, Mr. Sullivan felt that a report should be made to the Commission particularly when the given operation and its significance are considered. He expressed his appreciation for Mr. Flansberg's guided tour and explanation of the various operations of the facility. The only condition staff requested was to require all of the water meters to have

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back flow prevention devices on them within 90 days. He also complimented the firm on its clean, well-run operation. Mr. Walbom had read the staff report and agreed with it. He thanked the City staff for its assistance and cooperation. His Carson City staff members, who were in attendance, were introduced. He complimented them on their efforts to conduct a well-run operation and be a good neighbor. Mr. Sullivan indicated that he was unsure of the tonnage approved for the original operation. Discussion between the Commission and Mr. Walbom explained that they are approved and are using effluent for dust control rather than potable water whenever possible. They are considered a minor volume effluent user. Concrete batch plants use ten times their volume of water. Commissioner Mullet suggested that the City consider running an effluent line to the adjacent concrete plant. Mr. Walbom described the fugitive dust control measures used at the facility. There are three utility hookups at the facility. The newest hookup has a back flow preventer on it. Justification for adding it was provided. Mr. Sullivan explained that he had reviewed the water usage with Public Works Operations Manager Tom Hoffert and agreed that Granite is a small effluent user. Some potable water is used for a portion of the operation. Effluent can and is used for dust control. Public comments were solicited but none were given. Chairperson Wipfli complimented them on their well-run operation. Commissioner Peery moved to approve SUP-04-090, a Special Use Permit for Granite Construction Company, Carson City office, to allow an asphalt batch plant, lime marination plant, concrete batch plant and associated construction material storage located at 5855 Sheep Drive, Carson City, Nevada, APN 008-521-68, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.

G-6. ZCA-04-096 - ACTION ON A ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE SECTION 18.04.190 (1-0926) - Community Development Director Walter Sullivan, Principal Planner Lee Plemel - Mr. Sullivan complimented Principal Planner Plemel, Senior Planner Pruitt, and Associate Planner Green for their work on the Code amendment. There will be four or five more ordinances dealing with separate sections of the Code coming to the Commission in the future. Discussion explained the reasons for deleting the varied setbacks for the Single Family 6,000 zoning district. It had allowed varying lot lines similar to those used by the Millennium project and the Mountain Park Subdivision. Staggered setbacks will be provided through the Planned Unit Development process and/or through submittal of a subdivision with set setbacks that are recorded. Chairperson Wipfli explained his use of the varied setback in his project on Spear Street. It allowed the garage to be placed behind the house rather than in front of it. Mr. Sullivan indicated that he had obtained a variance for this project. Mr. Sullivan explained that staff does not want to see a monotonous row of homes. Articulation and changes should be provided. The varied setback program had required a great deal of maintenance. The proposed program will allow the same flexibility without the magnitude of staff involvement. Mr. Sullivan then noted that there are a large number of revisions on the last four or five pages of the matrix. The editing marks were described. He briefly limned the other Code revisions and included justification for some of the revisions. His explanation included a desire to seek a legislative change to the Statute mandating notice to anyone residing in a mobile home within 300 feet if a text amendment is being made. The utility substation text revision discussed by the Commission at the last meeting was used to illustrate the Statute's noticing requirement. Mr. Sullivan reiterated his question regarding the need to give notice to only residents of mobile home parks within 300 feet of the LI or GI districts when proposed text changes are being considered and his intent to take this requirement to the Legislature during the next session. The findings on Page 14 of Section 5D regarding Special Use permits were reviewed. Mr. Sullivan explained a State permit requirement mandating batch plant operators provide a dust mitigation plan. The Commission should not deny a Special Use Permit due to dust.

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The applicant should be given an opportunity to mitigate the dust problem. If the plan is not adequate, its failures could be used to deny the application. Mr. Sullivan repeatedly indicated that the majority of the other changes were minor. Some were typographical/clerical corrections. Others were clarification changes. Discussion ensued on the term "unique" and reasons for using it to define noticing to 30 different property owners on Page 10 in Item E. Mr. Plemel explained that research indicated this is the standard for noticing property owners when there are less than 30 different and unique property owners within the 300-foot radius. Mr. Sullivan noted an error in the sentence "At least 30 unique property owners nearest the subject site must be noticed if there are not 30 unique property owners within 300 feet of the subject site." He asked that staff be allowed leeway to correct the sentence. Discussion explained the District Attorney's direction that notices be provided as defined in the Statutes and no more or less. The legislative changes to the Statute allowed the noticing to be sent to 30 property owners or to property owners within 300 feet of the applicant's property. Commissioner Mullet suggested that the sentence be revised to read: "If the 300-foot requirement is not met, at least 30 unique property owners nearest the subject site will be notified." Mr. Sullivan repeated his request that staff be allowed to work on the revision. Commissioner Mullet felt that the revision to Section 5B on Page 14 would allow him to deny a billboard if he felt it is not compatible with the adjacent properties and the surrounding integrity. Mr. Sullivan echoed Mayor Masayko's comments of appreciation for the Commission's recommendations. If Commissioner Mullet feels that billboards are incompatible with the neighborhood that is a finding that could be made to deny the special use permit application. Mr. Sullivan felt that the finding provides additional flexibility in weighing the impacts and mitigations when making a decision. Commissioner Mullet indicated for the record that he is not opposed to all billboards. He was not making a blanket statement. The Commission had continued an application this evening that may fit the surrounding neighborhood, which was primarily industrial. He was not making a blanket statement that he would never approve a billboard. He will look closely at each application. Discussion indicated that staff was to look at all of the appeal sections to determine whether Commissioner Mullet's recommended revision regarding Page 10 Item E needed to be made elsewhere in the ordinance. Public comments were solicited but none were given. Commissioner Peery moved to approve G-6, ZCA-04-096, as amended and with changes as noted by Commissioner Mullet to the wording of the noticing process for 300 feet, et cetera. Commissioner Semmens seconded the motion. Discussion indicated that Deputy District Attorney Bruketta did not have a problem with the motion as stated. Motion carried 5-0. Mr. Sullivan indicated that a corrected copy of the ordinance will be provided to the Commissioners.

G-7. ACTION ON A RESOLUTION OF ACCOMMODATION FOR RETIRING COMMISSION CHAIRPERSON RICHARD WIPFLI (1-1462) - Community Development Director Walter Sullivan cited examples of Chairperson Wipfli's dedication and service to the community. He read the resolution into the record. Chairperson Wipfli passed the gavel to Vice Chairperson Peery. (A quorum was still present although Commissioner Christianson was absent.) Commissioner Sedway moved to adopt Resolution No. 2004-PC-2, the Consolidated Municipality of Carson City Planning Commission Resolution commending Richard Wipfli. Commissioner Semmens seconded the motion. Motion carried 5-0-1-1 with Commissioner Christianson absent and Chairperson Wipfli abstaining. Vice Chairperson Peery returned the gavel to Chairperson Wipfli. Mr. Sullivan explained that Commissioner Christianson had indicated that he would have voted for this resolution, and the following one, if he had been present.

G-8. ACTION ON A RESOLUTION OF ACCOMMODATION FOR RETIRING COMMISSIONER ALAN CHRISTIANSON (1-1635) - Community Development Director Walter Sullivan explained

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Commissioner Christianson's absence, explained his dedication and service to the community, and read the resolution into the record. Chairperson Wipfli explained his personal knowledge of Commissioner Christianson's dedication to the Commission and commended him on this effort. Commissioner Peery moved to adopt Resolution No. 2004-PC-3, the Consolidated Municipality of Carson City Planning Commission Resolution commending Allan Christianson. Commissioners Semmens and Mullet seconded the motion. Motion carried 6-0-1 with Commissioner Christianson absent.

G-9. ACTION TO ELECT A PLANNING COMMISSION INTERIM CHAIRPERSON AND VICE CHAIRPERSON (1-1740) - Community Development Director Walter Sullivan explained the need for an Interim Vice Chairperson who will serve as the Vice Chairperson to current Vice Chairperson Peery. Discussion explained that Vice Chairperson Peery will serve as the Chairperson until November when elections are held in accordance with the By-Laws. Commissioner Mullet nominated Commissioner Kimbrough as Interim Vice Chairperson. Commissioner Sedway seconded the nomination. Additional nominations were solicited but none were made. The nominations were closed and voted with Commissioner Kimbrough being elected on a 6-0 vote.

Chairperson Wipfli returned the gavel to Vice Chairperson Peery. Vice Chairperson Peery complimented Chairperson Wipfli and Commissioner Christianson on their service and indicated they will be missed.

H. STAFF REPORTS - REPORT ON BOARD OF SUPERVISORS ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (1-1800) - Community Development Director Walter Sullivan reviewed the Board's actions on the Code amendments dealing with nonresidential commercial subdivision condos, temporary occupancy of RVs - which is being reworked and will be presented to the Commission soon, the Oak Street abandonment, the Transportation Plan including acceptance of the Commission's revisions, the utility substation ordinance on first reading, and the appeal of the billboard special use permit application for a site adjacent to the Douglas County line. Discussion explained that utility substation ordinance will be considered as a second reading by the Board tomorrow. The Board approved the billboard. The Supervisors look at the issue differently and believe that it reduces visual clutter. Mr. Sullivan described his research on the billboards. It indicated that no billboards are located in residential districts even though the ordinance does not prohibit it. They must have a special use permit and be located 1,000 feet apart. The billboards located at the intersection of Highway 50 West and South Highway 395 must be grandfathered in as they are not 1,000 feet apart. The current billboard ordinance reduces clutter and allows them in only the GI and GC zones. They must be located 1,000 feet away from each other and residential districts. They must be 300 feet from the other districts. There are height and size restrictions. The current ordinance attempts to reduce visual clutter through its standards. Mayor Masayko had purportedly indicated his appreciation for the Commission's comments particularly when the Commissioners have strong feelings about an item. Mr. Sullivan then indicated that Steve Reynolds and Bill Vance were appointed to the Commission. Vice Chairperson Peery then returned the gavel to Chairperson Wipfli. Chairperson Wipfli thanked staff for its assistance through the years and expressed his hope that Heidi Eskew-Herrmann remains with the Department.

I. ACTION TO ADJOURN (1-1950) - Chairperson Wipfli moved to adjourn. Commissioner Peery seconded the motion. Motion carried 6-0. Chairperson Wipfli adjourned the meeting at 5:22 p.m.

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ARE SO APPROVED ON July 28, 2004.

/s/

John Peery, Chairperson