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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, December 15, 2004, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

**PRESENT:** Chairperson John Peery, Vice Chairperson Mark Kimbrough, and Commissioners Craig Mullet, Steve Reynolds, Roy Semmens, and Bill Vance

**STAFF PRESENT:** Community Development Director Walter Sullivan, Senior Engineer Rob Fellows, Senior Planner Jennifer Pruitt, Deputy District Attorney Mary Margaret Madden, Recording Secretary Katherine McLaughlin, and Associate Planner Sean Foley (P.C. 12/15/05 Tape 1-0010)

**A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE -** Chairperson Peery convened the meeting at 3:30 p.m. Roll call was taken. A quorum was present although Commissioner Sedway was absent. Commissioner Semmens led the Pledge of Allegiance.

**B. COMMISSION ACTION - APPROVAL OF MINUTES - November 17, 2004 (1-0025) -** Commissioner Semmens moved to approve the Minutes of the November 17 meeting. Commissioner Reynolds seconded the motion. Motion carried 5-0-1-1. Commissioner Kimbrough abstained as he was not present. Commissioner Sedway was absent.

**C. PUBLIC COMMENT (1-0042) -** None.

**D. AGENDA MODIFICATIONS (1-0048) -** Discussion explained that Item G-6 will not be considered before its schedule time of 5:45 p.m. Item H-2 may be heard before 5:45 p.m.

**E. DISCLOSURES (1-0058) -** Commissioner Reynolds disclosed his intent to abstain on Item G-3 as his office had revised the paperwork for it.

**F. CONSENT AGENDA - AB-04-049 - ACTION ON A CONTINUANCE OF AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM BRIAN MCRAE OF LUMOS & ASSOCIATES (1-0067) -** Community Development Director Walter Sullivan noted the letter requesting a continuance. Commissioner Reynolds moved to continue. Commissioner Semmens seconded the motion. Motion carried 6-0.

**G. PUBLIC HEARING**

**G-1. SUP-04-169 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY UTILITIES DIVISION -** Associate Planner Sean Foley, Public Works Operations Manager Tom Hoffert - Mr. Foley's introduction corrected the zoning on the property to the south to be Public Regional. He felt that the operating well would not be very noisy but may emit a humming sound. He was uncertain how much output it will provide. There may be 30 feet between the fenced area and the guard rail. Mr. Hoffert indicated that this is the final special use permit submitted by the City for this year. Well production will be known when the test well is completed. Based on the production of another well in the

vicinity, it may produce one million gallons per day. He is sensitive to the concerns of the neighbors. Time required to construct a well was limned. The contractor is responsible for installation of a temporary sound-wall to mitigate his activity. They will work with the College/Board of Regents to blend the landscaping with the College's. He had read the staff report and agreed with it. Well No. 6 is located to the south and produces 700 gallons a minute or one million gallons per day. Well No. 10 is located on College Parkway. The best ground water quality is on the west side. Water is taken from this area during peak summer irrigation demand periods. During non irrigation periods the wells are used for infiltration and groundwater basin storage. There is a 30-foot easement for a utility corridor behind the Single Family residence and a ten-foot easement before the parking lot. It is 40 feet to the fence line. The distance to the equipment is 50 ± feet away from it. The only noise will be the cooling fan and a clicking sound. If conditions are right, you may be able to hear a hum. The pumping is conducted several hundred feet underground. Commission comments thanked him for the information and the packet. Public comments were solicited but none were given. Commissioner Semmens moved to approve SUP-04-169, a Special Use Permit application from Tom Hoffert, Carson City Utilities Division, to allow a potable water well located within a proposed utility easement on property zoned Public Regional located at 2057 West College Parkway, APN 007-521-01, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 6-0.

**G-2. SUP-04-197 - ACTION ON A SPECIAL USE PERMIT AMENDMENT REQUEST FROM NORMA AND MIKE CHILDERS (1-0305)** - Associate Planner Sean Foley, Michael Childers - Discussion between Mr. Foley and the Commission indicated that the Health Department calculates the number of children allowed at the facility. Mr. Childers explained the desire to expand the structure and increase the number of children allowed at the facility. He allegedly has a waiting list of 130 children wanting to come to the facility. They built the facility originally to fulfill a need for their grandchildren. It has grown since then and become a full-time job. He agreed with the conditions. He believed that there is adequate space on the lot to meet the parking needs and provide for 2,000 square feet of expansion. Staffing is harder to obtain. The daycare and preschool setups were described. Discussion explained the reasons the sister who was a partner had dropped out and that they had provided senior care before entering the child care field. Public comments were solicited but none were given. Commissioner Vance moved to approve SUP-04-197, a Special Use Permit amendment request from Norma and Mike Childers to approve new owners/operators of a child care facility, Sugar N Spice Day Care, LLC, for purposes of the special use permit to increase the maximum number of children for the facility from 48 to 56 and to confirm and update conditions of approval for a child care facility on property zoned Limited Industrial located at 1987 Old Hot Springs Road, APN 002-653-10, 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-04-041 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THE ROBERT POLICHIO FAMILY TRUST (1-0450) (1-0954)** - Associate Planner Sean Foley, Community Development Director Walter Sullivan, Applicant's Representative Bob Kennedy, Dana Whaley - Commissioner Reynolds stepped from the dias at 4:29 p.m. A quorum of the Commission was present although Commissioner Sedway was absent. (Commissioner Reynolds had declared an intent to abstain on this special use permit under Item E Disclosures.) Discussion between Mr. Foley and the Commission clarified that staff had received a letter of opposition from the Campagni Automobile Resources. It was felt

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that the item had previously been continued to allow the Applicant an opportunity to discuss the project with D&D Autos.

Mr. Sullivan explained a map illustrating the location of billboards and the location where additional billboards can be placed. It was felt that some property owners may not be interested in placing a billboard on their property. Mr. Sullivan indicated that there may be five spaces zoned for billboards along Highway 50 East. He also explained that additional locations along Highway 395 South were eliminated when a second Redevelopment District was established. The 1,000 foot separation requirement was explained. It limits the number of sites available in the City.

Discussion between Mr. Foley and the Commission indicated a concern that the billboard could distract drivers and cause problems at a signal that is approximately 160 feet away from the proposed site. Mr. Foley noted that Deputy City Engineer John Flansberg, RTC Engineer Harvey Brotzman, and Mr. Sullivan had reviewed the application. The proposed location is ten feet back from the right-of-way. He also explained that some communities restrict the distance between a billboard and signals. Las Vegas, for example, has a 50-foot setback requirement. Aesthetic concerns were noted.

Additional discussion reiterated the belief that with the current zoning, there are only five spaces left for billboards along Highway 50 East. If the zoning is changed between Deer Run Road and the Lyon County line, two additional signs may be possible. There is a potential site on NDOT property, however, its restrictions may prohibit the use due to intersection requirements. A permit would be required for that site, if allowed. Mr. Foley was unsure how high the freeway will be when it crosses Highway 50 East. Mr. Sullivan indicated that it will be elevated. Commissioner Mullet noted that a property owner had urged the Commission to control regular signage but had not indicated an opinion regarding billboards. He hoped that the master plan review will spell out the restrictions better in the future as he felt that the public does not believe that they improve the visual appearance of the community.

Mr. Kennedy indicated that he represented the applicant. He felt that the location will be the last billboard constructed in the community. It meets the seven standards for billboards. It will be 18 feet high. He asked the Commission to approve the application based on meeting the standards and being the last billboard to be constructed in the City. He indicated that he had read the staff report and agreed with it. He did not know whether the applicant had discussed the proposal with D&D Autos. He felt that the applicant and the lessee will be able to work out an amicable agreement on the billboard. Public comments were solicited.

Mr. Whaley indicated that he is a partner with Dick Campagni of D&D Autos. Mr. Campagni had indicated to him that he had not discussed the proposal with Mr. Polichio. Renderings of the proposed billboard were given to the Commission. (A copy was not given to the Clerk.) Mr. Whaley felt that the billboard will block the driver's view. He was also concerned that it will inhibit people from seeing their signage. They are prohibited from putting up additional banners due to aesthetic concerns. Additional billboards should be prohibited for the same reason. The sign will reduce their retail display area and require them to remove two or three vehicles. He also believed that the billboard will create a traffic hazard to drivers as they will be distracted while approaching the signal at the intersection. His concern about the possibility that the billboard will be used to advertise another auto dealer was vocalized. Commissioner Mullet pointed out that if the lot is rented on a per square foot basis, the reduction in usable space may make it financially unfeasible for both

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Mr. Polichio and D&D Autos. Mr. Whaley agreed. Commissioner Mullet expressed a desire to have a traffic study showing the number of traffic accidents created by billboards. He acknowledged that one had not been provided indicating billboards are detrimental to traffic. He believed that it is definitely detrimental to the viewshed. The renderings were returned to Mr. Whaley. Additional public comments were solicited but none were given.

Commissioner Vance voiced his opposition to the proposal due to his safety concerns, aesthetic impact, and the possibility that it will be a traffic distraction. Commissioner Mullet reiterated his traffic concerns and acknowledged that it cannot be proven. The sign industry may dispute the concern. He also pointed out that the billboard across from Scolari's Market is being used on only one side. He agreed with Mr. Whaley that the power poles may be a detractor from the billboard. Commissioner Kimbrough indicated that he did not "love billboards". The Commission has already been overruled twice on billboards. He was aware of the fact that there are only five remaining sites for billboards in the community. He felt that the Board of Supervisors believed that its hands are tied regarding the ability to limit where billboards may be placed along the Highway 50 East corridor. He also felt that the community has a wonderful viewshed. He did not believe that the application supported findings required in No. 2 - to help preserve and enhance the physical environment of Carson City. His desire to review the rules allowing billboards was expressed. He pointed to the disagreement between adjacent property owners regarding the desirability of billboards. He was unsure how he would vote on the application. Commissioner Semmens felt that the application could be denied for safety reasons. The photos do not illustrate the freeway which will be located to the west of the site. He believed that the bridge would be at least 18 feet off the ground. He also pointed out that there will be freeway signage required in the proposed location. With this additional signage and the power poles, a billboard could create a safety hazard. He indicated his support of the three property owners who had voiced their objections to the billboard. Chairperson Peery indicated that he had concerns regarding the aesthetics, the freeway impact, and its lights. He felt that it is a safety issue as well as a restraint of trade issue created by the physical presence of the sign. He acknowledged that the Commission does not have a good track record with the Board of Supervisors on signage. He indicated that he would oppose the application.

Mr. Sullivan asked that the Commission make appropriate findings for the denial. Staff had provided a report doing so. The Commission had heard the safety issues.

RECESS: A recess was declared at 4:58 p.m. A quorum of the Commission was present when Chairperson Peery reconvened the meeting at 5:03 p.m. although Commissioner Reynolds was absent due to his desire to abstain and Commissioner Sedway was absent.

Commissioner Mullet moved to deny SUP-04-041, a Special Use (Permit) request from Polichio Family Trust to allow the placement of a 4400 (400) square-foot billboard on property zoned General Commercial, GC, located at 2794 Highway 50 East, APN 008-161-07, based on the inconsistency with three of the required seven findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 5-0-1-1 with Commissioner Reynolds abstaining and Commissioner Sedway absent. Mr. Sullivan briefly explained the appeal process. (Commissioner Reynolds returned to the dias after the vote. A quorum of the Commission was present. Commissioner Sedway was absent.)

**G-4. U-03/04-6 - ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL**

**USE PERMIT FOR TUM-A-LUM LUMBER COMPANY, DOING BUSINESS AS COPELAND LUMBER YARDS (1-0475)** - Senior Planner Jennifer Pruitt, Applicant's Representative Julio Sandoval, Dwight Millard, Community Development Director Walter Sullivan - Ms. Pruitt's introduction included an explanation of the conditions of approval that have been completed and reading a letter of support from the property owner to the north and west of the site. Photographs of the area were shown. The screening material is acceptable to staff. The need for landscaping in the dirt strip between the sidewalk and the fence was noted. Condition 2 has not been met. It was read into the record. The sidewalk was inspected by the City. There are no issues regarding it. The driveway has not been inspected by the City. Three suggested motions were read into the record. If the Commission approves the second motion, the Special Use Permit will be reviewed in July 2005. Staff's contact with the applicant during the last few weeks was noted. Staff wanted all of the conditions complied with. The screened fencing abutting adjacent neighbors was described. Commissioner Mullet pointed out the lack of screening along the western side of the property adjacent to Red's Old 395 delivery area. He suggested that a portion of the screening between Stewart and Ninth be removed as it impedes the driver's sight distance. He indicated that the barbed wire is pointing out rather than into the yard. Ms. Pruitt explained where the screening was required. It was not required on the entire Copeland area or along the area north of Red's Old 395. She was comfortable with the screening on the east side. The Applicant(s) had corrected other deficiencies that were noted by staff. Staff will work with them on the sight distance. It is Ms. Pruitt's understanding that all of the utilities are located in the right-of-way. The project engineer should be able to address Condition 8.

Mr. Sandoval explained that all of the utilities were located in the Ninth Street 66 foot right-of-way by USA. Some of the water utility meter boxes were located in the sidewalk. Utilities were found in the sidewalk area were relocated behind the sidewalk. A permit was required to move the fence. They had worked with staff to obtain a "decent" sight obscuring material. They have nine trees on site that will be planted. The snowfall had delayed their planting. The irrigation system has been installed. The trees should be planted by Friday unless more snowfalls. The landscape contractor's letter was referenced and commits to this timetable. The landscape contractor had noted the driver's line of sight issue and slats will be removed to improve it. The trees will not be located in the driver's line of sight. Public comments were solicited.

Mr. Millard referenced his email indicating that they have a good relationship. The use is compatible with his adjacent hotel and its operation. He did not have a complaint about the operation. His convention center is open. He complimented the Applicant on the improvements that were made to Ninth Street. He also wanted to see the use continue until a better use for the site is proposed. Mr. Sullivan indicated that his email is contained in the Commission's packet. Commissioner Mullet complimented Mr. Millard on his convention center.

Mr. Sandoval then expressed his belief that staff's recommended motion should be considered as the third alternative. The driveway is scheduled for a final inspection on Friday. The landscaping must be done before the inspection occurs. He supported suggested motion number 2. He also indicated that he had worked through the One Stop Shop on the landscaping. City staff's vacation schedules had created some confusion regarding the necessary permits. He had allegedly been in contact with Ms. Pruitt two and three times a day.

Mr. Sullivan expressed staff's willingness to accept motion alternative number one. If the improvements are completed, staff will agenize the item on the February Consent Agenda. Mr. Sandoval has worked for four

weeks in an attempt to bring the site into compliance. Justification for recommending alternative one was provided. Commissioner Mullet explained that the applicant will not have to attend the February meeting if the item is on the Consent Agenda. Mr. Sullivan agreed and explained that if all of the conditions have not been met, the item will be agendaized for discussion and action. After discussion and public comments, the Commission could order a show cause hearing to consider revocation of the Special Use Permit. Commissioner Semmens moved to approve an extension of time to the February 2005 Planning Commission meeting to complete the required improvements and satisfy the conditions of approval of U-03/04-6, a Special Use Permit for Tum-A-Lum to expand their legal nonconforming storage yard onto the adjacent subject parcel located at East Ninth Street, Carson City, Nevada, APN 004-055-07, based on seven findings and subject to the previously approved conditions of approval. Commissioner Vance seconded the motion. Motion carried 6-0.

**G-5. AB-04-181 - ACTION ON AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM JAMES F. WARNER (1-1522)** - Senior Planner Jennifer Pruitt, Applicant's Representative Bruce Robertson - Discussion indicated that the street could have been constructed wider than it is. The edge of the right-of-way terminates between the sidewalk and the street.

RECESS: A recess was taken at 5:10 p.m. to allow Mr. Robertson time to review the staff report. Chairperson Peery reconvened the meeting at 5:15 p.m. A quorum of the Commission was present although Commissioner Sedway was absent.

Mr. Robertson indicated that he had read the report and approved it. He explained the Applicant's acquisition of the property and plan to construct another office building on the corner. The Church allegedly agreed to support the abandonment. The three utilities will be maintained. The Applicant is aware of the need to dedicate a portion of property on the corner of Roop and Telegraph for a turning radius for Roop Street, if it is ever widened.

Commissioner Semmens moved to recommend that the Board of Supervisors approve application AB-04-181, a request to abandon a portion of Telegraph Street between Roop Street and Pratt Avenue adjacent to APNs 004-165-21 and 004-165-22 based on seven findings and subject to the four conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.

## **H. STAFF REPORTS**

**H-1. REPORT ON BOARD OF SUPERVISORS ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (1-2197)** - Community Development Director Walter Sullivan reminded the Commissioners to let him know as soon as possible if they were interested in attending the American Planning Conference on March 19<sup>th</sup>. Commissioner Semmens indicated that he had previously given his name. Mr. Sullivan reported on the Board's action on the Hermann-Bauer Tentative Subdivision Map, the ordinance modification allowing individuals to reside in an RV while caring for the infirmed—which will be considered later in the meeting, the Title 18 "house cleaning" ordinance, the master plan update, and explained the list of items that the Board will consider tomorrow. No action was required or taken on any of these items.

## **H-2. MPA-04-127 - PRESENTATION, DISCUSSION AND PUBLIC COMMENT TO**

**UPDATE THE PLANNING COMMISSION ON ACTIVITIES RELATED TO “ENVISION CARSON CITY,” THE UPDATE OF THE CARSON CITY MASTER PLAN AND THE PARKS, RECREATION AND TRAILS PLAN (1-1707)** - Principal Planner Lee Plemel - Mr. Plemel summarized the status of the City’s Master Plan and activities related to it since the last report was given to the Commission in November. The four areas that have been identified as potential specific planned areas (spa) were limned. Yesterday a workshop on the racetrack area was held. The purpose of this workshop was limned. There will be a joint meeting with the Board of Supervisors and the Commission on January 6. Its purpose was described. The timeline for the four spas was explained. It is possible, however, for issues to delay the suggested timelines. Discussion explained that approximately two years ago staff was approached regarding the racetrack spa. Staff could not support the master plan amendment at that time and recommended that it be added to the update of the master plan. The concept could not be discussed at this time, however, a second access/egress from Douglas County may be provided. Efforts to coordinate projects along the County line were noted. At this time the plan is to develop the area adjacent to the racetrack as SF12 or SF6. Its current zoning is SF1A. Regional coordination should be addressed as part of the master plan amendment. The benefits of creating a comprehensive inclusionary master plan were noted. Commissioner Mullet expressed his support for the historic district’s signage. Two parcels abutting the eastern County line and the portal will be handled through the normal master plan amendment process. Their development must fit the surrounding uses and dovetail with future developments. Discussion indicated that new visions for any area, including the downtown area, also needs to be considered in the master plan. Mr. Plemel also explained his understanding that NDOT is undertaking a corridor study in Lyon and Douglas Counties for future freeway locations. The City is looking at the East Highway 50 area with a desire to not preclude any potential access and to coordinate the plan with the State. CAMPO is also attempting to develop a regional plan and must consider regional connections. No formal action was required or taken.

**G-6A. VAR-04-158 - ACTION REGARDING A VARIANCE APPLICATION FROM MEREDITH PARKIN OF CINGULAR WIRELESS AND G-6B. SUP-04-157 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MEREDITH PARKIN OF CINGULAR WIRELESS (1-2285)** - Principal Planner Lee Plemel, Community Development Director Walter Sullivan, Deputy District Attorney Mary Margaret Madden, Scott Ford - Mr. Plemel’s introduction included an explanation of the community’s support for an ordinance amendment allowing the use to occur due to safety concerns and, specifically, at the proposed site. The ordinance, however, can only be discussed when it is agenized. The request to continue the item and to direct staff to work on the ordinance was noted. Mr. Sullivan supported the continuance and explained his belief that there are only two areas in the City with SF5A zoning that may be impacted by the ordinance. He had not taken the time to review the Federal Communications Act. Ms. Madden explained that the concept will allow companies to provide a service but does not push their products. She felt that the concept complies with the Federal regulations. Commissioner Kimbrough described the location of his residence and expressed his belief that the cellular towers would not be desired in that area. Mr. Sullivan explained that the towers may be constructed in a fashion that would blend with the surrounding environment—e.g., monopole, pine tree, microwave station, house, etc. The special use permit requirements allow the community and Commission to analyze the concept and approve the design. Mr. Plemel pointed out how the topography could be used to blend the structure with the surrounding environment. He also expressed an intent to send notices to anyone residing within the SF5A zone. Commissioner Semmens explained his visit to observe the one on Lake View Hill. He felt that it blended aesthetically with the area without being obtrusive. Commissioner Mullet pointed out that it is located in an area where there are other

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large commercial poles. He stated his opposition to modifying the Code to allow a situation that could be solved in another fashion. He felt that the prison could provide the necessary line of sight for the service. It would be beneficial for the State and should be pursued by the company and the State. He was not opposed to having service in the canyon. Chairperson Peery explained his concerns regarding the establishment of a precedence, spot zoning, and the possibility of providing an economic benefit for a land owner. He had not made a decision on the proposal. He also pointed out that the area is on the periphery, has rather large lots, and lacks contention from the neighborhood.

(1-2645) Mr. Ford had read and concurred with the report. He stressed his belief that the residents, as taxpayers, have a need and should be able to receive the same benefits as other residents and taxpayers of the community. He recognized that the zoning code prohibits the use. They have unsuccessfully attempted to work with the State and the Forest Service. He acknowledged that there will be a financial gain created by the ordinance allowing the cellular tower(s). The residents in the canyon have been neglected. Only the tax assessor knows they live there. They need the ability to have the service. The tower will also provide service to the Clear Creek Youth Camp. Additional comments were solicited but none were given.

Mr. Plemel explained that a continuance would not commit the Commission to supporting an ordinance revision.

Commissioner Mullet explained that there are more than two areas in the City that do not have cellular telephone service, e.g., Lakeview and the west side of the City. He felt that these individuals need the service even though they live on less than five acres. He also indicated his feeling that code changes set a bad precedence. Mr. Plemel explained that the topography would be used to indicate a difference between the Clear Creek area and other portions of the City. Wireless facilities and towers are permitted in residential areas but they must be on existing structures. The residences in the Clear Creek area do not provide the structure necessary to provide the service.

Commissioner Reynolds pointed out that an economic value will always be provided regardless of whom the property owner is. He also felt that they should recognize the neighborhood support for the proposed use. The neighborhood is saying it wants the tower and service. We should find a way to make it happen. The residential area on the east side of the City may not meet the requirements or want the service.

Chairperson Peery explained his reasons for feeling that the economic value of the proposal should not be used to justify the code change. He concurred that the need for emergency service may justify the request.

Commissioner Semmens moved to continue applications SUP-04-157 and VAR-04-158 and direct staff to develop a proposed ordinance for the Planning Commission's review to allow new wireless communication facilities within the Single Family 5Acre zoning district under certain circumstances. Commissioner Vance seconded the motion. Motion carried 6-0.

Commissioner Kimbrough explained that he lives in the referenced area on the east side of the City. He concurred with notifying all SF5A property owners. He questioned whether he should recuse himself when the ordinance is considered. Mr. Sullivan felt that he did not have a conflict. Commissioner Kimbrough will not benefit individually from the change. The ordinance is for the entire City as a conditional use. If

Commissioner Kimbrough were the applicant, he should recuse himself. If he recuses himself, he should be able to speak as an individual. Ms. Madden indicated that she had a concern. Commissioner Kimbrough indicated that he had not taken a stand on the matter. He also indicated that power poles are not allowed in his area. Ms. Madden indicated that she will check into the matter and let him know. Commissioner Mullet explained that the proposal is for the entire City and everyone in general. It is not like an individual with a commercial operation and an ordinance that impacts the entire commercial zone. In that case the individual would have recuse himself. Mr. Sullivan explained that the policy has always been to error on the conservative side in any questionable cases. For this reason, he understood Ms. Madden's concern. He respects her opinion.

**G-7. ZCA-04-109 - THE PLANNING COMMISSION WILL TAKE PUBLIC TESTIMONY ON BOARD OF SUPERVISORS ORDINANCE NUMBER 119, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE (CCMC) BY MODIFYING THE CCMC SECTION 18.05.030.1(B) AND ADDING A NEW SECTION, TEMPORARY OCCUPANCY FOR THE CARE OF THE INFIRM WHILE RESIDING IN A SELF-CONTAINED TRAVEL TRAILER OR RECREATIONAL VEHICLE, SPECIFICALLY, REGARDING THE TIME FRAME FOR A SELF-CONTAINED TRAVEL TRAILER OR RECREATIONAL VEHICLE OF ONE YEAR WHICH MAY BE RENEWED ON AN ANNUAL BASIS BY THE DIRECTOR (WITHOUT LIMITATION) AND PERFORMANCE STANDARDS NUMBER 5 - THAT ALL UTILITY CONNECTIONS SHALL BE ACCOMPLISHED TO THE SATISFACTION OF THE CARSON CITY BUILDING AND SAFETY DIVISION AND PUBLIC WORKS DIVISION PRIOR TO OCCUPANCY. NO GENERATORS SHALL BE ALLOWED TO BE UTILIZED (1-2980)** - Community Development Director Walter Sullivan Pam Bell - Copies of the ordinance as approved by the Commission were in the packet. The revisions made at the Board meeting and direction to staff to seek comments from the Commission regarding them were explained. Rebecca Beisenstein's letter was noted. Elaine Shields was present and supports the ordinance. Public comments were solicited.

Ms. Bell urged the Commission to keep the one year use period with one - one year extension. She felt that without a hard line on the term of the use, it would become permanent and allow for discrimination against some users who are approved while others are not. Two years will provide adequate time for the family to develop permanent arrangements. This will also prevent individuals from finding loopholes and using it as a rental. The applicant's circumstances were described. This use has been going on for five years without a permanent resolution. Finances should not be a justifiable reason for allowing the use. Chairperson Peery encouraged her to discuss the ordinance and not the family's situation. Ms. Bell stressed her belief that they had abused the Code and that the City lacks the staff to enforce the Code. She urged the Commission to establish a definition so that the neighbors know the parameters and that it is not a permanent use. She also supported the prohibition against generators. Additional public comments were solicited but none were given. Public comments were closed.

Commissioner Semmens felt that the last discussion by the Commission had addressed the issue requiring the unit to be connected to electrical services and not generators. He also agreed with the original time limit. Without the time limit, they will be opening a can of worms. He agreed that the family conditions that had been cited indicated a need for temporary assistance. It should, however, terminate at the end of a year. A person who has been deemed to be terminally ill does not need a permanent solution. The review period and

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time allotted should be sufficient. Commissioner Reynolds also supported the prohibition against generators and the time limit as established at the last meeting. Commissioner Kimbrough wanted to maintain the short time frame and not allow the use to continue for five years. Two years should be adequate. He also stressed the need for the entire community to be considered when drafting an ordinance. He thought that the unit was to be connected to public utilities although the septic tank could be pumped. He supported the no generator clause. Commissioner Vance expressed his disagreement with the two-year period. He originally supported six months with one - six month extension. The neighbors should not be expected to have to look at someone living in an RV for years. He was, therefore, sticking to the two-year limit. The prohibition against generators was a good idea.

Discussion between Commissioner Mullet and Mr. Sullivan indicated that the original ordinance was eliminated in 2000 and was used on three occasions. It allowed the use of either small mobile homes or stick built structures on the lots as an accessory structure for the care of or use of injured/infirm persons. This ordinance was changed to allow guest homes. The difference in the unit's facilities was described. They cannot be used as a rental. They are more permanent. They cannot be a mobile home or an RV. This ordinance was last used four months ago when an individual in Silver Oaks wanted to place the guest house in his front yard. He had complied with all of the setback requirements. The proposal is a more reasonable alternative. Discussion explained how the example cited earlier had occurred. Commissioner Mullet then questioned how a lot zoned manufactured home 12,000 square foot ended up with seven units on it with one APN and seven addresses. Mr. Sullivan indicated that he was not sure what had happened, where the units were located, or if the units were grandfathered. (2-0016) A special use permit has been required since 1980 for such uses. Commissioner Mullet explained his personal tour of the neighborhood. There are many similar conditions within three to four streets of each other in that vicinity. He felt that the ordinance would be another Code requirement which staff could not enforce. If staff is unable to control it, the neighbors should complain. He believed that the proposal would make staff's work more difficult to police in view of its inability to enforce the current codes. He then expressed his belief that there should be a two-year limit on the proposed use and that the situation should be mediated with a permanent addition to the home or they should sell that property and acquire a larger unit elsewhere. He also felt that the Commission had covered the electrical issue. They had attempted to address the safety issues related to the use of space heaters and electrical cords or batteries. If they can use a generator, it should be eliminated. The neighbors should not have to put up with the sound of a generator for the two-year period that the use will be allowed.

Chairperson Peery agreed with the prohibition of the generators. The Commission had not foreseen its use and appreciated having it covered. There is a real need for the original limitation as the Commission had established. It is a temporary situation and should be fixed or other arrangements made in that time frame. It should not impact the character of the neighborhood or the property values. The recommendation made to the Board of Supervisors was correct and, respectfully, he did not think that it should be changed.

Commissioner Mullet reminded the Commission that an age limit had just been established to reduce an impact on the neighborhood and its property values. The same condition should apply with this ordinance. The RVs will become a detriment to the neighbors and to their property values. Commissioner Semmens explained the use of one manufactured unit by an individual who had AIDS and had died. The family had

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obtained a special use permit to allow the use. The unit has been removed since he died. The same requirement should be used for this ordinance. Additional comments were solicited but none were given. The public hearing was closed.

Mr. Sullivan asked to speak to Commissioner Mullet and Chairperson Peery after the meeting. Chairperson Peery and Commissioner Reynolds explained his need to leave the meeting. (Commissioner Reynolds left the meeting at 6:36 p.m. A quorum was still present but Commissioners Reynolds and Sedway were absent.) No formal action was required or taken.

**G-8. ACTION TO APPROVE THE PLANNING COMMISSION MEETING SCHEDULE FOR 2005 (2-0123)** - Community Development Director Walter Sullivan - Commissioner Vance moved to approve the 2005 meeting schedule and time frames for the Carson City Planning Commission. Commissioners Mullet and Semmens seconded the motion. Motion carried 5-0.

Discussion explained the termination dates for the Commissioners' terms.

**I. ACTION TO ADJOURN (2-0173)** - Commissioner Mullet moved to adjourn. Commissioner Semmens seconded the motion. Motion carried 5-0. Chairperson Peery adjourned the meeting at 6:40 p.m.

The Minutes of the December 15, 2004, Carson City Planning Commission meeting

ARE SO APPROVED ON September 28, 2005.

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/s/  
John Peery, Chairperson