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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, May 28, 2003, 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 Ron

Allen, Allan Christianson, Mark Kimbrough, Roger Sedway, and Roy Semmens

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy District Attorneys

Melanie Bruketta and Mary Margaret Madden, Senior Engineer Rob Fellows, Recording Secretary Katherine McLaughlin, and Associate Planner Jennifer Pruitt

(P. C. 5/28/03 Tape 1-0015)

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. The entire Commission was present, constituting a quorum. Chairperson Wipfli led the Pledge of Allegiance.

B. DISCUSSION AND ACTION TO APPROVE PLANNING COMMISSION MINUTES OF 3/28 AND 4/30/03 AND FOR THE GROWTH MANAGEMENT COMMISSION OF 3/28/03 (1-0038) - Following discussion on the meaning of the word "limned", Commissioner Christianson moved to approve the Minutes of the April 30<sup>th</sup> meeting. Commissioner Semmens seconded the motion. Motion carried 7-0.

Commissioner Peery moved to approve the Minutes for the March 28, 2003, meetings. Commissioner Christianson seconded the motion. Clarification indicated the motion covered both the Planning Commission and the Growth Management minutes. Motion carried 7-0.

- C. PUBLIC COMMENTS (1-0066) None.
- **D. AGENDA MODIFICATIONS (1-0070) None.**
- **E. DISCLOSURES** (1-0075) Commissioner Christianson explained his contact with Stephanie Ehlen about her letter regarding traffic concerns related to Item G-8 and the attorney's responses which were felt to be rather threatening. This item will be considered later in the meeting.
- F. CONSENT AGENDA U-01/02-39 ACTION TO APPROVE A ONE-YEAR EXTENSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM THE FIRST CHURCH OF CHRIST SCIENTIST (1-0090) Commissioner Peery moved to approve U-01/02-39. Commissioner Christianson seconded the motion. Motion carried 7-0.

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## G. PUBLIC HEARINGS (1-0111) G-1a. AB-02/03-7 - ACTION ON A REQUEST FROM JOAN C. WRIGHT AND GREGORY

**J. HAYES -** Associate Planner Jennifer Stern, Joan Wright, Jed Block - The variance request will be withdrawn if the Board approves the abandonment. Ms. Wright indicated that the garage will be relocated 3-1/2 feet back from its present location. The house currently is setting in 2-1/2 feet of the right-of-way. She concurred with the staff report. Public comments were solicited. Mr. Block supported the abandonment and indicated the need to have his property lines surveyed. Chairperson Wipfli indicated that there are a lot of discrepancies found with the property lines in this neighborhood. The City is attempting to correct them when possible. Commissioner Peery moved to approve a motion to recommend that the Board of Supervisors approve application AB-02/03-7, an abandonment of the easterly eight foot wide portion of the right-of-way of South Minnesota Street located south of West Fourth Street and north of West Fifth Street based on seven findings and subject to four conditions of approval contained in the staff report. Commissioner Allen seconded the motion. Motion carried 7-0.

G-1b. V-02/03-03 - ACTION ON A VARIANCE REQUEST FROM JOAN C. WRIGHT AND GREGORY J. HAYES (1-0219) - Associate Planner Jennifer Pruitt, Joan Wright - Ms. Wright requested the item be continued to the next meeting. Public comments were solicited but none were given. Commis-sioner Peery moved to continue V-02/03-03, a Variance request from Joan C. Wright and Gregory J. Hayes to vary the required 15 foot street side yard setback to eight feet six inches for the construction of a 576 square foot garage on property zoned residential office located at 411 West Fourth Street, APN 003-128-01. Commissioner Allen seconded the motion. Motion carried 7-0.

## G-2. U-02/03-41 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM

KATHRYN AND COLFORD MORRIS TRUST (1-0255) - Community Development Director Walter Sullivan, Kathryn Morris and Roy Clegg, Senior Engineer Rob Fellows - Ms. Morris explained that the building had been constructed before they acquired the property. She indicated she would address the drainage if it is going onto her neighbor's property. She felt that it ran along the fence and to the back of the lot. She is attempting to make the building legal. She had read the staff report and agreed with it. Mr. Fellows felt that rain will runoff the structure and onto the neighbors. Ms. Morris indicated that she did not have a problem correcting this runoff. The only rain/drainage problem she had been aware of occurred in her neighbor's carport. It has been repaired. If it drips onto her neighbor's, she indicated that she will remove that portion of the structure. Mr. Clegg's agreement to do the work necessary to comply with the Code was limned. They will correct the drainage problem. Public comments were solicited but none were given. Commissioner Semmens moved to approve U-02/03-41, a Special Use Permit request from Kathryn and Colford Morris to allow a guest building and to designate existing building expansions as legal nonconforming that extend into the side yard setbacks on property zoned Mobile Home 6000 located at 2225 Mayflower Way, APN 008-261-10, based on seven findings and subject to eight conditions of approval contained in the staff report. Commissioner Allen seconded the motion. Following a request for an amendment, Commissioner Semmens amended his motion to include nine conditions and that Condition 9 is that the drainage will be corrected by the applicant. Commissioner Allen concurred. Mr. Sullivan indicated that the condition would be that the applicant shall correct the drainage to the satisfaction of the Carson City Development Engineering Department. Commissioner Semmens amended his motion to include this condition. Commissioner Allen concurred. Motion carried 7-0.

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Mr. Sullivan explained to Ms. Morris that her application had been approved with an extra condition of approval regarding the drainage. A letter will be sent to her regarding the conditions of approval. He asked her to call the office to discuss the drainage. Ms. Morris indicated that she planned to return home tomorrow and that Mr. Clegg will be addressing the conditions and for the Department to contact him. Mr. Sullivan asked Ms. Morris to contact Ms. Green at the office in the morning.

### G-3. U-02/03-42 - ACTION ON A SPECIAL USE PERMIT APPLICANT FROM ADMART

OUTDOOR ADVERTISING (1-0418) - Associate Planner Jennifer Pruitt, Principal Planner Lee Plemel, Applicant's Attorney Jim Rankl, Dave Kropelnicky - Ms. Pruitt corrected the staff report to indicate that the Special Use Permit will expire on May 28, 2008 and not the 2003 as indicated. The anonymous letter of opposition was noted and is included in the packet. Mr. Plemel explained that inclusion of the area into a redevelopment district is being discussed by the economic vitality core group. At this time it is not part of a redevelopment district. Commissioner Peery indicated that the Commission cannot recognize anonymous letters. Mr. Rankl indicated that they had reviewed the staff report and agreed with it. The photographs included in the staff report provide a rough design of the proposed billboard. It will comply with the Code requirements. A single pole will support the entire structure. Public comments were solicited but none were given. Commissioner Sedway moved to deny the Special Use Permit U-02/03-42, a Special Use Permit application from AdMart Outdoor Advertising, property owner: Timothy D. Moran, to allow the placement of a billboard on property zoned General Industrial located at 8025 Highway 50 East, APN 008-611-04, based on not meeting seven findings, Items 2 and 7. Commissioner Semmens seconded the motion. Commissioner Sedway reiterated his statement that he did not believe that they made the findings on Items 2 and 7. Commissioner Semmens indicated that the location is at the east entrance to the City. This is not the appropriate place for it as they are trying to beautify the corridor. He also indicated that there is a potential for the area to be included in a redevelopment district. It is in the wrong location. The motion to deny the special use permit application was voted and carried 5-2 with Commissioner Christianson and Chairperson Wipfli voting Naye.

Mr. Sullivan described the appeal process.

## G-4. U-02/03-43 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM

**ROBERT TRESNIT** (1-0565) - Community Development Director Walter Sullivan, Robert Tresnit - Mr. Tresnit indicated the property is not located in the historic district. He had read the staff report and concurred with it. The tree will not be moved. Chairperson Wipfli complimented him on the house and felt that he would do a good job on the garage. Mr. Tresnit indicated that it will be a three car garage with a living unit over it. It will look like the house and have shutters. Public comments were solicited but none were given. Commissioner Peery moved to approve U-02/03-43, a Special Use Permit request from Robert Tresnit to allow a guest building and accessory structure that exceeds 69 percent of the primary structure on property zoned Single Family 6000 located at 806 West King Street, APN 003-193-07, based on seven findings and subject to 11 conditions of approval contained in the staff report. Commissioner Allen seconded the motion. Motion carried 7-0.

#### G-5. U-02/03-44 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM

**CYNTHIA PARRY** (1-0669) - Associate Planner Jennifer Pruitt, Community Development Director Walter Sullivan, Senior Engineer Rob Fellows, Deputy District Attorney Melanie Bruketta, Cindy Parry, Paul Sinnott, Heath

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Director Daren Winkelman - Ms. Parry had expressed concerns to staff regarding Conditions 10, 11, and 12. Ms. Parry's concern regarding Condition 15 is due to the need for the lettuce to have light 16 hours a day. Therefore, it may be necessary to have the lights on during the daytime particularly if it is cloudy day. Due to a change in plans, access was relocated to Center and Ponderosa. The total square footage is 48,896 square feet. There are eight greenhouses with two bays each. Ms. Pruitt and Mr. Fellows indicated that it is their understanding that the buildings will be able to handle the wind load. Ms. Bruketta pointed out that the agenda indicated that there are to be four greenhouses considered. Therefore, eight could not be approved. Discussion indicated that the agenda did not include the square footage. Mr. Sullivan supported Ms. Bruketta by indicating that only four of the greenhouses could be approved. Commissioner Kimbrough felt that the issues would not be solved during the meeting as there are many problems and the meeting with the applicant had only accorded yesterday. Discussion indicated that the applicant may need to have the lights on longer than from 4 a.m. to sunrise and sunset to 8 p.m. Mr. Sullivan felt that this issue could be worked out but needed to be very specific in the conditions. He also pointed out Goal 2 which prohibits any operation which will be detrimental to the use, peaceful enjoyment, economic value or development of the surrounding properties. The freeway's proposed location and its potential impact were noted. Neither Ms. Pruitt nor Mr. Fellows knew if there is an easement exists through the property for the freeway.

Ms. Parry explained the need for lighting during extended cloudy periods and the requirement that she provide restrooms for her employees. She proposes to live on the property. She suggested that the employees be allowed to use one of the restrooms in the house where she plans to live.

Mr. Winkelman explained the requirement that any property located within 400 feet of the sanitary sewer line must connect to it. The house is in the right-of-way for the proposed freeway. At this time is not known when the house will be removed from the property. He was not aware of any prohibition against using the restrooms in the residence for the employees. Ms. Parry indicated that she may have an employee within a year. She may need 20 if she expands the facilities during the next five years. Mr. Winkelman reiterated that his agency does not have any requirements regarding the number and location of restrooms for this type of use. Chairperson Wipfli explained that this is an innovative project and the first one of this nature for the Commission. Mr. Fellows noted Condition 12 which requires her to have adequate water rights. Ms. Parry has adequate water rights at this time to maintain the facilities and for the proposed uses. Mr. Sinnott explain-ed that at this time the wells are being used for agricultural purposes—alfalfa. They plan to convert the water rights to greenhouse uses. A backup plan will provide a connection to the City's potable water service as the lettuce must have a daily supply of fresh water. Mr. Winkelman explained that the application had indicated that they were going to connect to the City's waterline. This required them to abandon the wells unless there are water rights for them. This requirement becomes a nonissue due to the ownership of the water rights. Therefore, Condition 12 was removed. Clarification indicated that when the freeway comes through the area, the greenhouses will become a legal, nonconforming use. If another house is located on the property, the greenhouses will be a legal, conforming use. Clarification indicated that the lights inside the greenhouse are translucent, glowing interior lights and will not light up the outside. They will come on at 4 a.m. and turnoff after 8 p.m. This provides 16 hours of light. Those on the outside will be pointed downwards. The waste disposal sewer system was described. Discussion explained in depth the ability to relocate the water rights to another well when the freeway is constructed. The City also needs to make a decision concerning whether to connect to the well. They plan to use special fertilizers for the plants and will have to filter the water to remove the iron. The water is fed from the bottom of the plant container and mixed with other nutrients. Clarification indicated that the iron content in the

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water varies from site to site in the southeastern sector of the City. A water analysis will be conducted on the agricultural well to determine what nutrients are needed. This well is 250 feet deep and generates 150 to 200-gallon of water an hour. The house has a separate well. Restrooms will be added when the educational tours for the schools are developed. Each building has two bays. Discussion ensued on the structures/buildings that are part of the application and the total square footage requested. Mr. Sullivan suggested that the item be continued to the next meeting so that proper noticing is provided. The applicants should pay for the mailing but not a second special use permit fee. The notification that had been provided did not include the square footage. It had indicated four buildings with two bays and not the requested eight buildings with two bays. Ms. Parry showed the site map to the Commission to explain that it is eight buildings with two bays each for a total of 16 bays. Mr. Sullivan suggested that the Commission approve four buildings with two bays each and that the remainder be brought back at the next meeting. The footage should be reduced to 24,448 square feet. Following discussion on the need for 16 hours of light, Ms. Pruitt suggested that Condition 15 be modified to read: "Internal lumination of the proposed greenhouses shall be limited to 4 a.m. to 8 p.m." Ms. Parry agreed to this condition. Condition 12 was removed. Messrs. Fellows and Winkelman removed Condition 11. Condition 16 was revised to be Center Street rather than Roland Street. Condition 10 regarding the restrooms had been addressed. Mr. Winkelman indicated that any new restrooms will have to be connected to the sanitary sewer line. It was felt that the current restroom issue could be resolved by staff. As the applicant does not sell at the retail level the line "Restrooms must be provided for employees (including the applicant) or for the public, if the business plans to sell the produce at the retail level." was removed. Due to the potential that there may be sales at the wholesale level and the possibility that the Building Department may require the restroom, the remainder of the paragraph was left as a Condition. Discussion indicated that the Health Department does not have a requirement mandating a restroom for a set number of employees. The house presently has two restrooms which should be adequate for ten employees. Mr. Winkelman felt that this was acceptable so long as no other entity requires a different number. Due to a desire for staff to rework/finalize the conditions, a recess was taken.

RECESS: A recess was declared at 4:48 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 5 p.m., constituting a quorum.

Mr. Sullivan modified Condition 10 to read: "Unless another entity requires restrooms, the restrooms shall be provided in the current residence up to a maximum of six persons. In addition any future residence must connect to the sanitary sewer." This restriction is based on the residential load of the septic systems. More than six creates an impact. Conditions 11 and 12 were deleted. Condition 15 was modified to read: "Internal lumination of the proposed greenhouses shall be limited to 4 a.m. to 8 p.m." Condition 16 was modified to read: "Vehicular access shall be limited to Center Street and Ponderosa Drive." Ms. Parry agreed with the changes. Public comments were solicited but none were given.

Commissioner Christianson moved to approve U-02/03-44, a Special Use Permit request from Cynthia Parry to allow four greenhouses totaling 48,896 square feet on property zoned Single Family One Acre located at 5049 Center Drive, APN 009-218-05 and APN 009-218-04, based on seven findings and subject to 14 conditions of approval contained in the staff report as modified. Commissioner Perry seconded the motion. Following discussion on the size of the structures and direction from Ms. Bruketta, Commissioner Christianson clarified/amended his motion to be for 24,448 square feet. Commissioner Perry concurred with the amendment. Discussion also indicated

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that the remaining structures will be agenized for the July meeting. Mr. Sinnott indicated that he understood the motion and need for a second meeting. The motion was voted and carried 7-0.

### G-6. U-02/03-45 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM

**DOUGLAS K. HONE (1-1445)** - Associate Planner Jennifer Pruitt, Vicki Hone - Ms. Pruitt noted for the record that this is the first application that has taken advantage of the related Code section for the placement of metal storage containers. Discussion between Ms. Pruitt and Commissioner Pruitt questioned the use of the red trimmed structure. Ms. Pruitt indicated that is to remain on the site. The storage container will be painted to match it. The red trimmed structure will not to impede the occupants or their use of the containers. Ms. Hone indicated that she had read the staff report and agreed with it. The containers are to replace the other structure adjacent to the red trimmed structure. They also proposed to used standard plastic chainlink slats in the fence to screen the area. This will block the view of the area. Public comments were solicited but none were given. Commissioner Christianson moved to approve U-02/03-45, a Special Use Permit application from Douglas K. Hone, property owner: Schaffner Ranch, to allow the placement of two 320 square foot metal storage containers on property zoned General Commercial located at 3759 Highway 50 East, APN 008-304-04, based on seven findings and subject to the 12 conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Commissioner Kimbrough explained that when the concept was proposed, it was for business storage. The proposed use is for storage of office records which is a different concept than that originally perceived. He was opposed to this usage and felt that it would be opening a can of worms. The motion was voted and carried 5-2 with Commissioners Sedway and Kimbrough voting Naye.

# G-7. U-01/02-18 - ACTION ON A REVIEW OF THE MOTORCYCLE (MOTOCROSS) RACING SCHEDULE FOR THE 2003 CALENDAR YEAR FOR CHAMPION SPEEDWAY (1-1640) -

Community Development Director Walter Sullivan, Principal Planner Lee Plemel, Applicant's Representative Greg Evangelatos, Nevada Motocross Development Representative Ty Erquiaga - The letters of opposition from Kate Schulz and David and Rosalie Dieter were read into the record. Discussion between the Commission and Mr. Sullivan indicated that the raceway has conformed to the dust abatement program, the hours of operation, and the litter control program. On the occasion that the City's Enforcement Officer discovered a vehicle with a high noise pollution problem, the track officials immediately informed the driver/owner and the vehicle was removed from the racing area or modifications were made to the vehicle to bring it into compliance. Both Mr. Sullivan and Mr. Plemel felt that there had not been any complaints since the special use permit was approved. The calendar establishes a significantly reduced racing schedule from the original plan, however, racing will now go until 11 p.m. The racetrack is aware of the need to stop at 11 p.m. sharp.

Mr. Evangelatos had read the staff report and agreed to it. He appreciated the report and the analysis. They could live with the one year review. He felt that the revisions were a refinement rather than a modification. Mr. Erquiaga indicated that the bikes will be turned off at 11 p.m. and all racing stopped. The racetrack operator has 20 years of experience and was felt to be a good operator. This is the reason for the compressed hours. There are a lot of working people who participate in racing. For this reason they need the evening hours. They wish to be good neighbors. Public comments were solicited but none were given.

Mr. Evangelatos indicated that a race had occurred on April 4. Mr. Sullivan explained that a motocross race had

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to occur every year to keep the grandfathered ability to have motocross events. His comment needed to be included in the record to show that the use had occurred. Commissioner Peery pointed out that this was the reference made by Ms. Schultz in her letter. Mr. Sullivan explained that one event per season maintains the grandfathered clause. Both the Enforcement Officer and Mr. Sullivan had been in attendance on the date of the race.

Commissioner Christianson moved to approve the modified motocross racing schedule for the time period beginning May 1, 2003, and ending May 1, 2004; all applicable conditions of approval to the subject special use permit must still be complied with fully by the applicant and the Nevada Motocross Development; and prior to any motocross operations after May 1, 2004, a schedule shall be reviewed and approved by the staff of the Planning and Community Development Department and/or referred to the Planning Commission for review and approval. Commissioner Allen seconded the motion. Motion carried 7-0.

## G-8. U-01/02-27 - ACTION TO INVESTIGATE GROUNDS FOR REVOCATION OR REEXAMINATION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR CARRIE

**HENSON** (1-2086) - Associate Planner Jennifer Pruitt, Community Development Director Walter Sullivan, Senior Engineer Rob Fellows, Applicant's Attorney Julian C. Smith, Deputy District Attorney Melanie Bruketta - Conditions 1, 2, 16, 17, and 19 have not been met. A formal building inspection cannot be conducted until a building permit is issued. Chris Johnson of the Building Department had conducted a courtesy inspection on May 21. A memo included in the file describes her findings. Ms. Pruitt corrected the recommended motion to add "based on grounds of noncompliance with the conditions of approval for the special use permit". Mr. Sullivan explained the process established within the Municipal Code for conducting a show cause hearing. Discussion indicated that some of the required work may have been completed. The outstanding requirements deal with engineering requirements for drainage and the parking lot. The requirements are mandated as she is a new facility. The adjacent child care facility had conformed to the Code when it first obtained its special use permit. It is grandfathered. The current Code requirements cannot be mandated of it. Ms. Pruitt also noted that there are more than 30 licensed child care facilities in the community that have between 6 and 98 children attending them. They all have different conditions of approval based on the date when originally approved for licensing and the Code requirements at that time. The requirements placed on Ms. Henson were in accordance with the Code. If staff's investigation determines that Ms Henson has complied with all of the conditions of approval, the Commission will be advised and no further action will be required. Clarification indicated that Conditions 1, 2, and 17 pertain to the ingress/egress issues, the parking lot, and drainage. Once these Conditions are met and the building permit is issued, Code compliance can be verified. Once compliance is determined, the Business License can be issued. It was also pointed out that staff receives requests for child care facilities almost daily. Information is provided to them based on the number of children desired. The applicant then determines the number desired based on the amount of improvements he/she intends to make. The requirements vary with the number of children desired. Reasons for requiring a hard-surfaced area for the drainage and the ADA requirements for parking lots were limned. Ms. Henson's decision to change from a polypavement treatment to asphalt grindings is acceptable if compaction, depth, and sealant are adequate. The work must be performed by a licensed contractor and the plans are to be revised by a professional. The access/egress will be elevated and monitored by the City Engineer to determine if it is an acceptable method of moving traffic. The need for drainage improvements was indicated. Clarification indicated that the sliding glass door had not been changed to a hinged door and reiterated the need for a building permit in order to perform the inspection and verify Code compliance. Discussion of the Code differences between Ms. Henson and the adjacent child care facility reiterated that the special

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use permit conditions are based on the Code at the time the permit is requested. For this reason, there is a difference between the Code requirements for the two facilities.

Mr. Smith felt that there had been a comedy of errors and that there had been a breakdown in communications. He admitted that the parking area had not been paved and that the three ADA disabled parking spaces had not been provided. Ms. Henson had been doing the work as an owner/builder. It was determined that she could not do this as it is a commercial building and that she must have a licensed contractor. Parents have been performing the work after hours. Granite Construction was to pave the parking lot but would not do it without a building permit. A building permit for the disabled ramp had been obtained as an owner/builder on 5/24/02. Since then the City has interpreted the Statutes to mandate that changes to a commercial building must be performed by a licensed contractor. It is not a commercial building as Ms. Henson resides there. It is a commercial enterprise. If Ms. Henson had been allowed to obtain the building permit as the owner/builder, she would have completed the work. He also noted that the original plans were approved by Engineering. They had not been signed by a licensed engineer and were not on a 24x36 sheet of paper. He noted that the parking plan had been submitted on 8-1/2x11 paper. It had not required the removal of trees. The drainage was to be sent to the street. He questioned the reasons for the sudden change in requirements. Chairperson Wipfli explained that his experience indicates that 24x36 is the required size for submittal. Mr. Fellows explained that the confusion is over the difference between the conditions of approval for the special use permit and the building permit standards. Engineering's original review and stamping of the plans had been related to the conditions of approval on the special use permit. Part of the later review requires submittal of the plans on the 24x36 paper. This plan must be stamped by an engineer and conform to the site improvement requirements. He felt that they had confused the special use permit and the building/construction permit. Mr. Smith felt that the original plans could be blown up to meet the size requirements. He was unsure of the cost to have an architect sign off on them or if he would want to redraw the entire plan. Chairperson Wipfli explained the need for a licensed engineer to sign the plans is based on the belief that commercial buildings require a higher level of preparation. Mr. Fellows explained the Statute mandating the plans be signed and sealed by a licensed engineer or architect. Ms. Henson had originally had the plans drawn by a licensed architect. Discussion explained the reasons for requiring a licensed engineer/architect were based on the commercial plans for the building. Mr. Smith's disagreement with this interpretation should be discussed with the City Building Official. Mr. Smith then explained Granite Construction's refusal to pull the permit for the parking lot. He asked that the Commission accept an alternate motion which would be to work with staff and not return in ten days. They had not been aware of any problems with the patio doors. The Fire Department had indicated that they did not need to be replaced as there are two other exits. Chairperson Wipfli expressed his willingness to work with Mr. Smith and pointed out that he is only one vote. Mr. Smith then limned the reasons he needed additional time to complete the remaining items. Chairperson Wipfli explained that the use is a commercial venture similar to Mr. Smith's office as it allows the public to have access. This changed the use of the structure from residential to commercial. He did not wish to continue delaying the decision, however, there are points which need to be addressed.

Commissioner Sedway expressed his feeling that it should not be difficult for them to get the plans redrawn on the correct size of paper and stamped. Granite could then pickup the permit. Mr. Smith explained Granite's reluctance to hold the permit in its name. He agreed that Granite will pave the area. He reiterated his request that additional time be provided in which to resolve the remaining items.

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Discussion ensued between Mr. Sullivan and the Commission on the amount of time which should be allowed for this process to occur. Comments also thanked Mr. Smith for participating in the process. Mr. Sullivan suggested a 60-day timeframe. Chairperson Wipfli supported a 30-day timeframe. Mr. Smith felt that 60 days were needed but was willing to accept 30, if necessary. Chairperson Wipfli iterated his reluctance to grant the extension if Mr. Smith had not been participating in the process. Discussion indicated the need to discuss the issues with the City Building Official and that it could cost money to complete the process if she cannot construct the improvements as the owner/builder. Commissioner Peery indicated his willingness to allow 30 days for the items to be completed.

Ms. Bruketta indicated that the Commission's options are to accept staff's recommendation and proceed with the show cause hearing or to reject staff's recommendation due to the lack of proof to justify having the show cause hearing. Mr. Sullivan then explained that the Code does not stipulate an established period in which the show cause hearing must be conducted. It could be anything from 30 to 180 days. He supported the 60-day timeframe due to the deadline for the next agenda which would cut the period to 25 days. Waiting for the July meeting will provide adequate time for the argument regarding owner/builder versus licensed contractor to be resolved, pull the permit, and complete the work. He also pointed out that Granite is now into its busy construction period. He encouraged the Commission to order the hearing to be held at the regular July meeting. Ms. Bruketta indicated that the Commission could order the show cause hearing to be conducted in 60 days or today's agenized item could be continued for 60 days. During discussion between Chairperson Wipfli and Mr. Smith, Mr. Smith agreed to the 60-day/July timeframe. Ms. Bruketta indicated that unless the show cause hearing is scheduled for July, the Commission's only option would be to continue the item. Mr. Smith again agreed to the 60-day show cause hearing date. Commissioner Peery felt that this indicates the Commission's willingness to work with her and establishes the deadline for staff. Mr. Smith pointed out the ten-day notice requirement. He was certain that they could complete the work in 30 days. At the show cause hearing his role will be one of an attorney rather than as an arbiter.

Commissioner Christianson explained that there had been complaints about the traffic. They have been dealt with rather rudely. He hoped that this stops. There is a need for concern and compassion. He was willing to support the 60-day show cause period as it may provide the necessary impetus to accomplish the goals.

Discussion between Commissioner Sedway and Mr. Fellows indicated that Ms. Henson could have constructed the parking area before applying for the special use permit and moving the childcare facility into the building as an owner/builder. Public comments were solicited but none were made.

Mr. Sullivan read a suggested motion. Commissioner Kimbrough moved to direct staff to issue and serve Carrie Henson with an order to show cause regarding U-01/02-27, a special use permit request from Carrie Henson to allow a child care facility of 30 children on property zoned Single Family 6,000 located at 2117 South Roop Street, APN 009-093-03, based on the grounds of noncompliance with the sup (special use permit) with the show cause hearing being scheduled for July 30. Commissioner Allen seconded the motion. Following a request for a modification to the motion, Commissioner Kimbrough amended his motion to be based on the grounds of noncompliance with the conditions of the special use permit. Commissioner Allen concurred. Motion was voted and carried 7-0.

RECESS: A recess was declared at 6:36 p.m. The entire Commission was present when Chairperson Wipfli

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reconvened the meeting at 6:40 p.m., constituting a quorum.

**GROWTH MANAGEMENT COMMISSION** (2-0005) - Chairperson Wipfli recessed the Planning Commission and immediately convened the Growth Management Commission. (For Minutes of its meeting, please see its folder.)

**PLANNING COMMISSION** (2-0305) - Chairperson Wipflirecessed the Growth Management Commission and immediately reconvened the Planning Commission. The entire Commission was present, constituting a quorum.

## G-9. DISCUSSION REGARDING SUPREMECOURT OPINION NUMBER 38877 (2-0308) -

Deputy District Attorney Melanie Bruketta reminded the Commission that they must stick to the agenda. Commission comments had been removed from the agenda as it allows the Commission to stray from the Open Meeting Law. She urged the Commissioners to read the opinion. She encouraged the Commissioners to contact Mr. Sullivan when they wish to discuss an item so that it can be added to the agenda. Mr. Sullivan explained his effort to adhere to the advice given by the District Attorney's office. Neither Mr. Sullivan nor Ms. Bruketta wished to have a violation of the Open Meeting Law. It is very easy for it to occur. If concerns are encountered regarding the staff report/material, the Commissioners were encouraged to contact the report writer, Mr. Sullivan or Ms. Bruketta to discuss it. Mr. Sullivan explained his intent to schedule a training session after the first of July. He also asked Commissioner Allen to submit a letter if he wished to be reappointed to the Commission. Chairperson Wipfli asked that the status of the light pollution ordinance be considered for a meeting. Ms. Bruketta indicated that training would be provided on the Open Meeting Law during the training session. No formal action was required or taken.

**I. ADJOURNMENT** (1-0422) - Commissioner Sedway moved to adjourn. Commissioner Kimbrough seconded the motion. Motion carried unanimously. Chairperson Wipfli adjourned the meeting at 7:07 p.m.

The Minutes of the May 28, 2002, Carson City Planning Commission meeting

ARE SO APPROVED ON June 25	, 2003
/s/	
John Peery, Vice Chairperson	