

CARSON CITY PLANNING COMMISSION
Minutes of the October 29, 2003, Meeting
Page 1

A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, October 29, 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 Allan Christianson, Mark Kimbrough, Craig Mullet, Roger Sedway, and Roy Semmens

STAFF PRESENT: Community Development Director Walter Sullivan, Principal Planner Lee Plemel, Deputy District Attorney Mary Margaret Madden, Senior Engineer Rob Fellows, Recording Secretary Katherine McLaughlin, and Associate Planner Jennifer Pruitt (P.C. 10/29/03 Tape 1-0001)

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 lead the Pledge of Allegiance.

B. DISCUSSION AND ACTION TO APPROVE MINUTES OF THE JULY 30 AND SEPTEMBER 24, 2003, MINUTES (1-0024) - Commissioner Semmens moved to approve the Minutes of the July 30 meeting and the September 24 meeting. Commissioner Christianson seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENTS (1-0063) - None.

D. AGENDA MODIFICATIONS (1-0035) - Mr. Sullivan explained Jim Bawden's request to discuss with the Commission the exparte communication issue. Mr. Sullivan suggested that the reasons for agenizing the item be explained when this agenda item is reached and that it be continue to the next meeting when Mr. Bawden will be present. Chairperson Wipfli noted that Item G-6 is scheduled for after 5:30 p.m. Mr. Sullivan explained that the items listed after G-6 may be heard before 5:30 p.m. Only G-6 is scheduled for 5:30 p.m.

E. DISCLOSURES (1-0072) - Commissioner Sedway indicated that he will abstain on Item G-1 as the site is adjacent to property owned by his employer. Commissioner Kimbrough explained that he received two telephone calls in support of Item G-4. Chairperson Wipfli explained that he saw Parks and Recreation Director Steve Kastens who had informed him that he had an item agenized for this evening's meeting. A discussion on the item did not occur. He also indicated that he will recuse himself from Items G-2 and 3 due to his relationship to the applicant.

F. CONSENT AGENDA - VAR-03-102 - ACTION TO CONTINUE A VARIANCE REQUEST FROM PALMER AND LAUDER ENGINEERS, INC. (1-0094) - Community Development Director Sullivan explained the applicant's desire to amend the application and belief that it may not be necessary to have the item

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 2

considered by the Commission. He also indicated that the request for a continuance was for an indefinite period. Commissioner Sedway moved to accept the continuance of Item F-1. Commissioner Peery seconded the motion. Motion carried 7-0. (Commissioner Sedway left the room—3:40 p.m. A quorum was still present.)

G. PUBLIC HEARINGS

G-1. SUP-03-100 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM VERIZON WIRELESS (1-0120) - Principal Planner Lee Plemel, Applicant's Representative Lori Novotny, Community Development Director Walter Sullivan, Carson Tahoe Hospital Chief Operations Officer Kevin Stansbury - Mr. Plemel's introduction included Verizon's objections to having a two-year limit on its ability to use the site. Negotiations have failed to develop an agreement between Verizon and the Hospital regarding Verizon's ability to use its structure for a permanent tower. Verizon is willing to reconsider the antenna design and use a less obtrusive structure. The structure should not pose an impediment to the flight path of the Hospital's helicopter. Commissioner Christianson requested a photo simulation of the new tower based on concerns with the aesthetics of a tower on top of a bank building along Highway 50. One was not available.

Ms. Novotny described the revised pole as being tapered, 67 feet in height, 18 to 20 inches at the base, and having a regulation flag on top. There will be no visible coaxials or dishes on it. The antennas are inside the pole. They were described. Discussion indicated that the antenna on Page 24 of the staff report is not the one being proposed at this time. The proposed monopole will look like a normal flagpole. In order to allow collocation, the pole will have to be "beefier". Ms. Novotny felt that other companies should consider the Hospital building for collocation.

Discussion ensued between the Commission and Mr. Sullivan regarding the lighting requirements mandated by FAA and a condition of approval. It was felt that the condition of approval may have to be revised. Commissioner Peery pointed out that a two-year condition would be superfluous if it is a permanent structure.

Mr. Stansbury could not offer an opinion regarding the revised design as he just learned about it. The Hospital's concerns were the aesthetics and the helicopter's flight path. He reiterated the Hospital's willingness to work with Verizon and other cellular telephone companies regarding the possibility of locating their towers on the hospital's roof. Chairperson Wipfli felt that this was the purpose of the two-year time limit. Verizon had not agreed to the two year time limit and relocation to the Hospital due to the expense of relocation. Verizon, instead, asked to be allowed to build a permanent structure which would be more aesthetically pleasing.

Ms. Novotny described the cinder block structure which will house the equipment and is to be located at the base of the antenna. Federal regulations limit temporary structures to emergency periods lasting 24 to 48 hours.

Commissioner Peery vocalized his objection to having incomplete paperwork at the time of the Commission's meetings. The applicant has changed the structure from that contained in the staff's report.

Discussion between Commissioner Mullet and Mr. Stansbury indicated that the Hospital helipad may be located on the roof of the regional facility. The building's exterior construction should be completed within six to eight months. The entire building will be completed and operational in 2005. The Hospital is willing to discuss Verizon's ability to place the tower on the building and operate it while the finishing work occurs. Mr. Stansbury felt that Verizon

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 3

changed its mind about the type of structure desired. There had not been a breakdown in communications. Verizon had allegedly indicated that a “crunching of numbers” shows that the temporary structure will be as expensive as a permanent structure.

Chairperson Wipfli felt that without a picture of the structure, it would be difficult to know the impact on the Hospital and community. Commissioner Peery felt that the height of the structure could pose a problem for the helicopter. His concerns were with the Hospital helipad, the flight path, and the hill. As the proposed application is different from the one in the staff report, he suggested that the item be returned to staff for a complete report. Commissioner Christianson felt that the concern is aesthetics. The FAA requirement depends on the distance between the Hospital and the antenna. It could be added in the future. Mr. Plemel explained that the reasons FAA information/regulations on the structure had not been obtained. Chairperson Wipfli felt that the concerns were: aesthetics, health and safety. He did not see a problem with the flagpole design. FAA issues can be handled later. Mr. Sullivan suggested that a special meeting be held on November 10. Staff will look at the FAA issue, update the staff report, and meet with Hospital personnel. He agreed with Mr. Plemel that it may not be possible to get a response from the FAA in time for that meeting but staff will attempt to do so. The issues which will be discussed with the Hospital included the property elevations, the helipad and hospital locations, and the aesthetics. A computerized photo simulation will be created to illustrate the appearance. Ms. Novotny suggested that they attempt to obtain a third party consultant to provide a report on the facility. Mr. Stansbury expressed a willingness to meet with Ms. Novotny/Verizon and City staff to discuss the concerns of aesthetics and the helipad. Ms. Novotny then requested a continuance. Mr. Sullivan indicated that the meeting would be held on November 10 at 12:15 p.m. in the Sierra Room, if possible. He also indicated that he, personally, had talked to several engineering firms regarding the FAA items. They had indicated that there should not be any problems with the proposal, however, additional information is needed. Ms. Novotny reiterated her request for a continuance to the special Planning Commission meeting on November 10th to provide additional information on the site plans, pictures, and FAA information. Commissioner Peery moved to move to the November 10th meeting SUP-03-100, action for a Special Use Permit application from Verizon Wireless for a permanent structure for ground mounted equipment. Commissioner Semmens seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining. Commissioner Mullet reminded staff to make it clear to the FAA that the concern is the Hospital helipad location and not the proximity of the antenna to the airport. Mr. Sullivan explained that the Code spells out the flight pattern for the airport. Chairperson Wipfli then passed the gavel to Vice Chairperson Wipfli and left the room—4:11 p.m. (A quorum was present.)

G-2a. VAR-03-113 - ACTION ON A VARIANCE REQUEST FROM PALMER AND LAUDER ENGINEERS, INC. ; AND G-2b. SUP-03-103 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PALMER AND LAUDER ENGINEERS (1-0594) - Associate Planner Jennifer Pruitt, Mark Palmer, Community Development Director Walter Sullivan, Senior Engineer Rob Fellows - Ms. Pruitt amended the staff report to reflect that there are 19 conditions of approval as Senior Engineer Rob Fellows memo containing three conditions of approval should be added to the 16 in her staff report. Chair-person Peery referenced these three conditions on Page 15 of the staff report and directed that the record reflect the addition.

Mr. Palmer explained the revised parking plan including the additional landscaping and the 15-foot buffer on the south side of the project. All of the required parking spaces will be provided on site. A copy of the revised plan had been given to the Harris. They did not indicate either support or opposition to the project. He then described the modified

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 4

property line, the removal of parking near the building which provided additional landscaping against the Harris' apartments, and the joint accesses to the parking area used by the bowling alley. NDOT has granted a variance which allows the bowling alley to use its right-of-way for additional parking. He asked that this parking area be counted as part of the bowling alley's requirement. He agreed to all of the conditions except No. 1 in Mr. Fellows' memo. The original the joint use parking agreement for the bowling alley, apartment complex, and the art gallery was described. It had provided the required parking spaces for the bowling alley. The proposal creates a parcel map and designates the parking area for the apartments. It adjusts the art gallery and the bowling alley boundary to make them conforming uses and splits the parking area. The infrastructure improvements should not be required for the art gallery and the bowling alley. Construction of the entrances on Oak Street and Snyder Avenue will widen the highway, provide a bike path, and the pedestrian facilities.

Mr. Fellows explained that Condition 1 was based on having only one parcel with a shared entrance. If the property is parceled, the improvements are required on the parcel that is under construction.

Discussion between Commissioner Christianson and Mr. Palmer explained the Harris' objection to the proposal to reduce the setback requirement from 30 feet to ten feet. The original concept provided a 20-foot buffer between the proposed apartments and the Harris' apartments. The new proposal expands the setback by five feet creating a 25-foot buffer between the two complexes. The Harrises have not commented on the revision. Mr. Palmer described the width of Snyder Street and the surrounding setbacks. The triangular shape of the parcel reduces their ability to manipulate the setbacks. The construction costs were increased by locating the buildings closer together as the Code mandates a two-hour fire wall when this occurs. The relocation created the additional five feet of landscaping. The buildings have accessibility from both sides. The Harris' building can only be accessed from the front. The parapets break up the appearance of the buildings. Further clarification by Mr. Palmer indicated that Snyder Avenue will be widened and will be similar to the project to the west. The road will be widened and have curb, gutters, and sidewalks. The landscaped areas were described. Clarification indicated that there will be paths to the front of the building and the bowling alley entrance but none to the pathway along the highway. Commissioner Kimbrough felt that without the pathway, people will cross the road for a safer place to walk. Mr. Palmer agreed and indicated that it is part of the characteristics of the rural area. Mr. Fellows explained that the frontage improvements for the parcel map will apply to only the frontage of the bowling alley. The art gallery is not included in the improvements. Each facility will have its own parking area. This will leave a gap in the pedestrian infrastructure which will have to be addressed in the future. The shaded area of the parking lot, as illustrated on Page 39, is the area that is in the NDOT right-of-way. Mr. Palmer explained the need for a variance to allow this area to be counted toward the bowling alley's parking requirement. The freeway plans for this area do not include the use of the parking area. Clarification of Mr. Fellows' third condition indicated that Mr. Palmer had stipulated to providing a pedestrian access to the bowling alley from the apartments.

Public comments were solicited but none were given. Commissioner Sedway moved to approve U-03-103, a Special Use Permit request from Palmer and Lauder Engineers to allow a 20-unit multi-family apartment complex on property zoned General Commercial located at 4600 Snyder Avenue, APN 009-167-07, based on seven findings and subject to 19 conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0-1 with Chairperson Wipfli abstaining.

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 5

Commissioner Semmens moved to approve V-03-113, a Variance request from Palmer and Lauder Engineers to vary 15 feet from the required 30-foot side yard requirement when a General Commercial District is located adjacent to a Residential District and a Variance of eight off-street parking spaces for the construction of a 20-unit apartment complex on property zoned General Commercial, GC, located at 4600 Snyder Avenue, APN 009-167-07, based on three findings and subject to 19 conditions of approval contained in the staff report. Commissioner Sedway seconded the motion. Motion carried 6-0-1 with Chairperson Wipfli abstaining.

G-3. SUP-03-124 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PAM BAUTER, RICHARD AND BRENDA WIPFLI (1-1024) - Associate Planner Jennifer Pruitt, Principal Planner Lee Plemel, Community Development Director Walter Sullivan, Brenda Wipfli, Deputy District Attorney Mary Margaret Madden, Juan Guzman - Ms. Pruitt's introduction included a description of the correspondence received after the packets were distributed. Clarification between Commissioner Sedway and Ms. Pruitt indicated that the PUD did not have to be amended to allow residential units in this portion of the Silver Oaks project. CCMC 17.09.015(2) allows residential uses in the retail commercial zone as a conditional use. The primary allowed use is office. Mr. Plemel explained his research of the files included the original staff report, the conditions of approval, and the development agreement. He did not find anything that changed the standard PUD language to restrict the permitted uses in the retail commercial zone. Commissioner Mullet pointed out that Garth Richards' letters assume the residential units will be apartments. Mr. Richards indicated that a promise was made to the PUD owners/buyers that there would not be any apartments in the PUD. Mr. Plemel responded that there is no indication of this commitment in the record. Former City Senior Planner Juan Guzman purportedly recalled discussions about mixed uses in this area. Mr. Sullivan pointed out that the zoning is retail commercial PUD and not the neighborhood business PUD indicated in Mr. Richards' letters. The neighborhood business zone is located behind the former K-mart site. The senior citizens' living facility located in that zone had obtained a special use permit as it is a conditional use in the neighborhood business zone. The site under discussion is zoned retail commercial.

Ms. Wipfli described the plan to have two single family residences on the top floor of a three-story building. Commercial uses will be located on the lower floors. This concept has been used for centuries. It provides security for the commercial businesses after hours and maximizes the uses. She described the building including the garage area and the gated access to the residential units. The plans do not include outdoor recreational areas for the residents but there will be landscaping. The residences will look to the west over the golf course. The project is a significant investment and will be of a high quality. They are aware of the fact that Albertson's and Glen Eagle are located nearby. They are cognizant of the noise issues in the area including the potential for weddings and evening functions at the golf course club house. Deed restrictions will prohibit having children less than 18 years of age reside there. Adequate parking is available to handle the needs if the residential area is converted to retail uses. They were asking for an allowable use in the retail commercial zone which is not spot zoning. Each of the residential units will contain 3,000 square feet. They will be high end luxury penthouse type of residences. Justification for this type of living arrangement was explained. She agreed with the findings in the staff report. Commissioner Sedway explained his concern with the concept is that a variance may be required in 20 years as the parking may not be adequate if the residential units are converted to businesses. The deed restriction prohibiting children could not be enforced by the Commission/City. Mr. Sullivan explained the process which would be required in order to convert the residences to commercial uses. He agreed that a parking variance may be required and that the City would not enforce the deed restriction. Ms. Wipfli explained that they have individuals interested in occupying the commercial portion of the

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 6

building. One small office will be utilized by Mr. Wipfli and one by Mr. Bauter. The residential units cannot be accessed from the lower floors. Ms. Madden explained that the deed restriction can be changed in the future if desired. Mr. Sullivan suggested that the applicants stipulate that there will be a deed restriction prohibiting children under 16/18. Commissioner Mullet described his concern about having children in the residential units without a safe place for them to play. Ms. Wipfli explained the desire to have a deed restriction due to the lack of area for children to play. She agreed to the condition. Mr. Sullivan clarified that it is a stipulation.

Public comments were solicited. Mr. Guzman explained his involvement with the Silver Oaks PUD and his review of the documents. Sandra Danforth had also worked on the project with him. They had tried hard to convince the developers that mixed uses should be allowed in the project. He supported the mixed use and felt that it would be a model for other projects in the community. Mixed uses are a nationwide trend that illustrates good planning concepts. He also indicated that it is his understanding that it is not necessary to amend the PUD to allow the use. He felt that this indicates the intent to have mixed uses. Attempts to have mixed uses in other developments were described. Reasons for their failure to be developed were noted.

Commissioner Christianson disclosed that he had been on the Commission when Silver Oaks was approved. The representations that had been made were as he remembered the discussions. Additional public comments were solicited but none were given.

Commissioner Sedway moved to approve SUP-03-124, a Special Use Permit request from Pam Bauter, Richard Wipfli to allow two residential dwelling units as a conditional use on property zoned Retail Commercial-Planned Unit Development located at GS Richards Boulevard, APN 007-461-13, based on seven findings and subject to ten conditions of approval contained in the staff report. He then indicated that the deed restriction should prohibit children from living there but not prohibit visitors with children or grandchildren. Commissioner Semmens seconded the motion. Discussion explained that under NRS 116 and 118 portions of the building could be sold like condos. It is also possible for the entire structure to be owned by one individual. A parcel map division does not require the Commission's approval. A subdivision or a map under NRS 116 and 118 will require approval by the Commission. The motion to approve the Special Use Permit was voted and carried 6-0-1 with Commissioner Wipfli abstaining.

RECESS: A recess was declared at 5:05 p.m. The entire Commission, including Chairperson Wipfli, was present when Chairperson Wipfli reconvened the meeting at 5:16 p.m., constituting a quorum.

G-4. SUP-03-126 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY PARKS AND RECREATION (1-1574) - Principal Planner Lee Plemel, Parks and Recreation Director Steve Kastens, Utility Operations Manager Tom Hoffert - Discussion explained that the well is in the fairground area. The well will be 400 to 500 feet in depth. The depth depends on when the driller hits bedrock or the City decides to stop drilling. The first 100 feet will be sealed off to stop Clear Creek water from entering the aquifer. The well will pull from the bottom. Recharge of the ground water table in the top 100 to 150 feet will be allowed. Public comments were solicited but none were given. Commissioner Christianson moved to approve U-03-126, a Special Use Permit request to allow the construction of a new potable water well on property zoned Public Community located at Fuji Park Fair-grounds, 501 Old Clear Creek Road, APN 009-303-03, based on

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 7

seven findings and subject to seven conditions of approval contained in the staff report. Commissioner Peery seconded the motion. Motion carried 7-0.

G-5. SUP-03-129 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LARRY AND DEBBIE WRIGHT (1-1695) - Principal Planner Lee Plemel, Larry Wright, Community Development Director Walter Sullivan - Discussion explained the Code requirements for attached and detached garages. The proposal is for an expansion of a detached garage. Mr. Plemel had received a telephone call from a neighbor whose concern was whether the structure would become a two-story building. The expansion is a single story structure. Mr. Wright had read the staff report and agreed to all of its conditions. Chairperson Wipfli complimented him on the project. Public comments were solicited but none were given. Commissioner Peery moved to approve U-03-129, a Special Use Permit request to allow the construction of an addition to an existing accessory structure resulting in an accessory structure that is approximately 83 percent of the size of the primary structure on property zoned Single Family 6,000 located at 1310 West Fourth Street, APN 003-151-06, based on seven findings and subject to eight conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0. Mr. Sullivan complimented them on their residence and its period lighting. Chairperson Wipfli was impressed with the photo-graphs of it.

G-6. SUP-03-127 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY PARKS AND RECREATION (1-1860) - Principal Planner Lee Plemel, Parks and Recreation Director Steve Kastens, Parks Planner Verne Krahn, Mary Fischer, Donna Wilson-Smith, Reid Ross, Dwight "D. J." Menzel, Rhonda Hager, Eric Glick - Mr. Kastens reviewed the history of the park's acquisition and purpose. It will be the only park north of College Parkway with the exception of Centennial Park. At this time there is no school site in the area. The joint use agreement between Carson City and the School District allows the community to use school grounds as parks when school is not in session. The need for a park in this location was limned. A recap of the various public hearings on the park is listed on Page 9 of the staff report. Mr. Kastens believed that the plans for a park at the location should not be a surprise to anyone as the intent had been well publicized as indicated by the noticing for a 1998 meeting.

Mr. Krahn described the process used to develop the plan, the accesses, the efforts to mitigate the impact and concerns of the Cottonwood Mobile Park and the Fischers, and the park design. The Fischers have agreed to give the City water for the trees and will provide power for the irrigation controller. The plan's phases were described.

Public comments were solicited. Ms. Fischer indicated that she had a "fine working relationship with the Parks Department". They had, however, opposed the location of the park from its conception due to the belief that it was an improper location for a park. The surrounding uses are single family residences on 6,000 square foot lots, half-acre and acre lots. Her mobile home park blocks the access from Arrowhead Drive. Her street is a private easement which is not open to the public. Problems encountered with children from Emerson Drive using her street were limned. Her efforts to stop this use have been futile to date. The number of children living in the vicinity and their access to the park area were described. She felt that the children will not walk along a dusty road to access the park. They will use her private drive to cut through to the park. Although there purportedly are 185 children living on the south side of the freeway, they lack direct access to the park. They felt that it would be safer for the

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 8

children to have a park adjacent to the Sierra Pacific Power Company's substation. They felt that the parents would not come to the park with their children to provide supervision over them while playing in the park. She explained that they were not asking the City to sell the park but rather to wait until after the freeway is constructed to ensure that it is the correct location for a park. At that time the density surrounding the park may increase and justify having a park in this area. As the park will have vehicular and pedestrian impacts on their property, she asked that it not be developed at this time. Chairperson Wipfli explained Mr. Krahn's comments indicated that there is no park site in this area except the proposed site. Ms. Fischer indicated that she understood this. When they had developed their mobile home park, they had provided a play area for children. The City should have considered the need for a park when it approved the subdivision on the south side of the freeway. Chairperson Wipfli explained that the subdivision was approved before any of the Commissioners were appointed. Ms. Fischer indicated that they had been residents of the area since 1960. Chairperson Wipfli complimented her on her mobile home park. Additional public comments were solicited.

(1-2517) Ms. Wilson-Smith indicated her support of the community's quality of life and that she was proud of the City's parks and open spaces. When the park was started, they did not have any grandchildren. The City determined that there was a need for a park in this area as illustrated by Ms. Fischer's indication that there are 200 children within a half mile of the park. Ms. Wilson-Smith has been involved since the beginning with trying to develop the site and mitigate their issues. She felt that they did not want a park and had successfully delayed it for many years. It is time for the park. She encouraged the Commissioners to approve the Special Use Permit. Mr. Ross indicated that he understood Ms. Fischer's comments but supported having a park at the site. It will be an asset to the community. Mr. Menlow reminded the public who Ron Wilson was and his service to the community. Chairperson Wipfli thanked him for putting this information on the record. Mr. Menlow questioned what had happened to the southern access route to the park which is no longer on the plan. Mr. Kastens agreed that the path had been removed from the plans. Ms. Hagar indicated that she can see the park from her residence. She was delighted and excited to have a park where her children can play that is within walking distance. Mr. Glick explained that he is the closest resident to the park and his desire to have it developed. He knew that the park would be located there when he purchased his home in 1992. Currently the closest park is 1-1/2 miles away from his home which necessitates taking a car to reach it. There are lots of children in the area and they need the park. He complimented Ms. Fischer on her work and could appreciate her concerns about individuals trespassing in her park. In 1996 he gave the Parks and Recreation Commission a conceptual drawing of how he felt the park should be developed. He hoped the plan comes to fruition. Additional comments were solicited but none were given.

Commissioner Christianson explained the location of his 1979 home Carriage Crescent which was across the street from a public park. They had originally objected to having playground equipment placed in the park as it would draw people from other areas. The biggest problem they encountered while living there was the soccer moms who would bring their children to their home to use the bathroom. To his knowledge, there still are no restrooms in this park. The park provided a wonderful opportunity for the residents to have summer picnics. They became accustomed to and enjoyed hearing the happy sounds from the children in the park. Their residence was closer to the park than Ms. Fischer's mobile home park will be. Children playing in a park is a sign of growth within the community, which he supports. He had visited the proposed site. There are all kinds of different no trespassing signs which Ms. Fischer could post. Then, if people trespass, she can stop them. He agreed that it may be harder to stop children but this is part of the community and its lifestyle.

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 9

Chairperson Wipfli supported his comments. Discussion indicated that the first phase of the project should start late next spring or early summer. It will be developed in four phases based on funding availability. The funding source is the Residential Construction Taxes. It can be used for this purpose only. No general fund monies are involved. Some Question 18, the Quality of Life Tax Incentive, funds may be used in the future. The plans do not include night lighting. The park ranger will patrol the area. He currently patrols it. When he observes motorcycle activity within the park, he stops it. Efforts to control crime and vandalism were described. The Department, Commission, and community do not support gangs or drug activities. Experience has indicated that by the time the Deputy Sheriffs/Park Ranger respond to problems, they have been settled or the individuals have left the area. Mitigation procedures used to halt unwanted activities at other parks were limned. An enclosed portable toilet will be installed. It will be removed during the wintertime. This should eliminate the need to use the neighbors' bathrooms. Mr. Kastens' unscientific research supported Ms. Fischer's contention that the majority of the children will come from the south side of the freeway. A conceptual plan which would have used a path along the freeway was eliminated due to the mobile home park's concerns about vandalism, graffiti, and crime in its dark area(s). He felt that the children would access the park via the freeway path along its southern side to Emerson and then to Mark Way. He did not believe that they would use Arrowhead. If they do and decide to go through the mobile home park, they should behave themselves. He indicated that a lot of time has been spent attempting to be sensitive to and mitigate the Fischers' concerns. He felt that the Department/Commission had done its fair share in attempting to make the park fit the neighborhood.

Commissioner Semmens explained his safety concerns with having pedestrians on Mark Way and Emerson. It is a heavily trafficked area as individuals wanting to access the industrial area to the east use it. Improved traffic enforcement was suggested. There are no sidewalks in this area. Mr. Kastens explained the attempt to have a path along the north side of the freeway from Emerson, however, there was not enough right-of-way for it. He felt that the majority of the streets which the pedestrians will use to reach the park had wide shoulders which should provide adequate space for the pedestrians without having them walk on the paving. Commissioner Kimbrough complimented him on his efforts to work with the park's neighbors. Neighbor-hood parks are an integral part of a community. One needs to happen in this area. Commissioner Mullet expounded on his support for having the park and its development. Although he had concerns regarding the possibility that graffiti could be a problem with the wall, the 15-foot path should not have been eliminated.

Ms. Fischer explained the impact losing 15 feet for the pathway would have had on her park. Due to this impact, NDOT would not permit the pathway to be developed. She had worked hard to ensure a bicycle path is constructed along the freeway. She pointed to the buffer in Mills Park to illustrate that its park uses are not placed against a wall as had been proposed with the Ron Wilson Park. The homes abutting it have large back yards. Her park's mobile homes are within five feet of the fence. They had offered to purchase 20 feet of the park and to landscape it but the Board of Supervisors denied the request. They are providing water and electricity to the park from their private systems. The water will be free to the City and is to be used for the buffer. They had never felt that the location was the best place for a park. It will impact their park and tenants. They were willing to allow pedestrians without dogs to use their street to access the park. Problems they had encountered with children cutting through the park were limned. She indicated that she likes children, however, they need supervision. She has seen a lot without it. They have considered gating the entrance to their park, however, it is expensive. She felt it was unfair to require them to do it due to a park.

Discussion explained the conditions mandated of RiteAid when it developed at Winnie and Carson Streets. The

CARSON CITY PLANNING COMMISSION
Minutes of the October 29, 2003, Meeting
Page 10

Commission had considered gating its rear access to the adjacent mobile home park. It was not gated but signage and traffic control mechanics were used to discourage usage. Ms. Fischer felt that this example was different from her mobile home park as vehicular access from Arrowhead to Mark Way is not possible.

Mr. Sullivan explained that her park is environmentally friendly. It is private property and may have a trespassing problem. He could not holdup a park site based on this problem. He felt bad that they may have to gate the property. The problem may increase as a result of the park. He then described his involvement with Mr. Wilson, for whom the park was named. He felt that the park would be a fine tribute to him. He complimented Mr. Kastens and his staff on the number of hearings conducted on the park and its development. Ten years is a substantial amount of time to dedicate toward a development. The park is needed as there is none in the area. His personal experience of living in an area without a park was limned and indicated that his family had used Carriage Crescent's park during that time. He had also used Carriage Crescent's park for his team's soccer games and training. This is the purpose of a neighborhood park.

Ms. Fischer explained that their concern is the unsupervised children who will migrate to the park. Commissioner Christianson explained that his observation of the park users indicates that teenagers will not use the park due to the ability of people to watch what they do. Carriage Crescent's park was a family oriented location. He felt that the same thing will be found with the proposed park. He wished that there was a way they could assist Ms. Fischer in mitigating her concerns. She may have to gate her mobile home park or the City may have to close Mark Way. Ms. Fischer indicated that Mark Way is the only legal access to the park. The second access is an easement. The City Engineer had purportedly advised City staff when the park was obtained that consideration of closing Mark Way should occur. If City staff had approached her at that time, they would have considered granting a right-of-way. Now that they have built-out their mobile home park, it is not possible to do so.

Commissioner Christianson moved to approve U-03-127, a Special Use Permit request to allow the construction of a public park facility, Ronald D. Wilson Memorial Park, on property zoned Public Neighbor-hood located at 371 Mark Way, APNs 008-118-01, 02, 03, and 04, based on seven findings and subject to nine conditions of approval contained in the staff report. Commissioner Kimbrough seconded the motion. Motion carried 7-0. Mr. Plemel indicated for the record the appeal process.

G-7. MISC-03-134 - ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT (2-0038) - Community Development Director Walter Sullivan - Following Mr. Sullivan's introduction, public comments were solicited but none were given. Commissioner Peery moved to direct staff to correct a zoning map error for two parcels owned by the Carson City Airport to return the zoning of the parcels to Airport Industrial Park which was erroneously changed to Public Community during the Public zoning district rezoning process, on property located at 2451 Lockheed Way, APNs 008-406-11 and 15. Commissioner Semmens seconded the motion. Motion carried 7-0.

G-8. ACTION ON NOVEMBER/DECEMBER 2003 PLANNING COMMISSION MONTHLY MEETING DATES (2-0082) - Community Development Director Walter Sullivan explained the desire to change the normal meeting dates for November and December and to have a special meeting on November 10th. He also explained that Mr. Plemel, Mr. Fellows, and he will be at a FEMA training seminar in January. He suggested

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 11

that its meeting also be changed. A workshop meeting may be moved for this reason. A decision was not requested on the January and workshop dates. He apologized for having to reschedule the special meeting due to a posting problem. Commissioner Christianson moved that the dates of the November and December meetings be changed to November 18 at 5:30 p.m. and December 17 at 3:30 p.m. Commissioner Mullet seconded the motion. Discussion explained that the 18th is a Tuesday and the 17th is a Wednesday and clarified the reasons for changing the January meeting date. The motion to change the November and December meeting dates was voted and carried 7-0.

G-9. DISCUSSION ONLY ON THE COMPREHENSIVE MASTER PLAN UPDATE

STATUS (2-0160) - Principal Planner Lee Plemel indicated that there are biweekly staff meetings on the master plan update. They are trying to develop a comprehensive master plan which will include other City master plans. A work program for this two-year process will be submitted to the Commission in the future. The RFQ is out to bid for a consultant to assist staff with the process. Direction from the Board of Supervisors and City Manager on the items which should be included or considered within the master plan were limited. The master plan will help the community determine its final form. The Commission's role in this process was stressed. Participation from the public is anticipated to be on a large scale. This is the reason a consultant is being retained to assist City staff. Community Development Director Walter Sullivan indicated that they may need a Commissioner to volunteer to be on the consultant selection team and a Commissioner to periodically participate in the master plan meetings. Commissioner Kimbrough noted his involvement with a previous master plan. Mr. Sullivan felt that the meetings will commence within the year. Mr. Plemel indicated that the consultant selection team hoped to begin the process in January. The consultant will develop a schedule of activities within two or three months thereafter. It is hoped that the process will be completed within a year but it could take as long as two years. Chairperson Wipfli expressed his belief that when open space is completely developed, redevelopment commences. It will be a lengthy process which makes the City better. Discussion indicated that the program will require a lot of Planning staff's time. At this time Mr. Plemel and Ms. Pruitt have been assigned to it. The Department's staffing level and the status of the recruitment process for replacements were described. Mr. Sullivan hoped to be up to full staff by January. Commissioner Christianson expressed his hope that the master plan process could include an ability to address regional issues to avoid "regional battles". Mr. Sullivan agreed and indicated that attempts are being made to include them. He also indicated that he will make a presentation on the master plan needs at the goal setting workshop scheduled for November 4th. The Commission's role and importance to the process were noted. No formal action was required or taken.

G-10. DISCUSSION ONLY ON EXPARTE COMMUNICATIONS BETWEEN APPLICANTS AND THE PLANNING COMMISSIONERS (2-0329) - Community Development Director Walter Sullivan's introduction included his desire to discuss this matter in depth during the workshop. Jim Bawden had purportedly sent a letter indicating the importance of having the ability to discuss a project with the Commissioners. (This letter was not in the Commission's packet. The Clerk did not have a copy of it.) Mr. Sullivan indicated that his memo (a copy is in the file) was generated as a result of receiving five other requests to meet with the Commissioners prior to the meeting. Mr. Bawden asked that the meeting be continued to allow the Builders Association of Western Nevada and him an opportunity to discuss the issue with the Commission. Deputy District Attorney Madden had researched the matter and did not find a prohibition against such meetings. The Commission's bylaws, however, prohibit it as indicated in the Sections which he read. Commissioner Peery supported the prohibition of such

CARSON CITY PLANNING COMMISSION

Minutes of the October 29, 2003, Meeting

Page 12

communications. Mr. Sullivan then explained that the Commission makes recommendations on change of land use, subdivisions and abandonments. The Board of Supervisors makes the final decisions on these items. The Commission makes the final decisions on special use permits and variances. This makes their function quasi-judicial. Trial judges do not participate in exparte communications. The need for balance in the Commission's actions was encouraged. The avoidance of prejudgemental comments was encouraged. A prohibition policy could provide a safeguard and prevent problems as indicated in the articles which Mr. Sullivan had included in the staff report. (Copies are in the file.) His intent to agenize tours when possible was indicated. This allows the public to attend and participate. He then indicated his intent to encourage Mr. Bawden to look at the presentation and if he wants additional discussion on the item, it will be agenized for the next meeting. No formal action was taken.

H. ADJOURNMENT (2-0439) - Commissioner Peery moved to adjourn. Commissioner Semmens seconded the motion. Motion carried 7-0. Chairperson Wipfli adjourned the meeting at 7 p.m.

The Minutes of the October 29, 2003, Carson City Planning Commission meeting

ARE SO APPROVED ON December 17, 2003.

/s/

Richard Wipfli, Chairperson