

CARSON CITY PLANNING COMMISSION  
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A regularly scheduled meeting of the Carson City Planning Commission was scheduled for Wednesday, September 25, 2002, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

**PRESENT:** Chairperson Allan Christianson, Vice Chairperson Richard Wipfli, and Commissioners Mark Kimbrough, Wayne Pedlar, John Peery, and Roger Sedway

**STAFF PRESENT:** Community Development Director Walter Sullivan, Senior Planners Skip Canfield and Lee Plemel, Deputy District Attorney Melanie Bruketta, Senior Engineer Rob Fellows, Recording Secretary Katherine McLaughlin, and Associate Planner Jennifer Pruitt (P.C. 9/28/02 Tape 1-0001)

**NOTE:** At the time of the Commission meeting there were only six members serving on the Commission as an appointment had not been made by the Board of Supervisors after former Commissioner Farley resigned. Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation. 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 Christianson convened the meeting at 3:30 p.m. Roll call was taken. A quorum was present. Chairperson Christianson led the Pledge of Allegiance.

**B. APPROVAL OF MINUTES (1-0016) - None.**

**C. PUBLIC COMMENTS (1-0017) (1-0095) -** Discussion between Chairperson Christianson and an unidentified individual in the audience explained that the request for a continuance for Items G-9 and 10 is the third continuance. It was felt that it is not normal to have things delayed/continued this number of times. Discussion will be held on the continuance request at 5:30 p.m. The items cannot be heard before that time.

**D. MODIFICATIONS (1-0025) -** Items G-1 through G-8 were scheduled to be heard between 3:30 and 5:30 p.m. The applicant for Items G-9 and 10, the temporary aggregate facility process, had requested a continuance. They are scheduled for 5:30 p.m. or after the other items are heard. Item G-12 is scheduled for 7 p.m. It may be necessary to take a break between Items G-11 and G-12 if Item G-11 is completed before 7 p.m. Snacks will be brought in after 5:30 p.m. Mr. Sullivan also explained his need to attend the Redevelopment Authority Citizens Committee meeting at 5:30 p.m.

**E. DISCLOSURES (1-0080) -** Chairperson Christianson disclosed a telephone conversation with Al Bernhard regarding Items G-9 and 10. Commissioner Sedway disclosed a conversation with Rick DeMar of the Builders Association regarding the same items.

**F. CONSENT AGENDA (1-0114)**

**F-1. D-02/03-1 - ACTION TO ACCEPT DEDICATION OF RIGHT-OF-WAY FOR A**

**PORTION OF APN 008-531-37 LOCATED AT THE INTERSECTION OF DRAKO WAY AND MORGAN MILL ROAD**

**F-2. D-02/03-2 - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 008-531-38 LOCATED AT THE INTERSECTION OF DRAKO WAY AND MORGAN MILL ROAD**

**F-3. D-02/03-3 - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 008-521-52 LOCATED AT DRAKO WAY AND CARIBOU DRIVE**

**F-4. D-02/03-4 - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 008-521-53 LOCATED AT DRAKO WAY AND CARIBOU DRIVE**

**F-5. U-02/03-8 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MICHELLE WILSON**

**F-6a. U-96/97-5 - ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR BRIAN SMITH**

**F-6b. V-96/97-4 - ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED VARIANCE FROM BRIAN SMITH**

**F-7. U-96/97-16 - ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR SILVER OAK DEVELOPMENT COMPANY**

**F-8. STATUS REPORT ON LACK OF LANDSCAPING AT ARCO/PENGUIN SITE -** Commissioner Pedlar moved that the Consent Agenda items be approved as agenized. Commissioner Peery seconded the motion. Motion carried 6-0.

**G. PUBLIC HEARING (1-0196)**

**G-1. ACTION APPROVING A RESOLUTION COMMENDING GAYLE FARLEY FOR HER DEDICATED SERVICE TO CARSON CITY -** Community Development Director Walter Sullivan introduced the item. Chairperson Christianson introduced Ms. Farley and read the resolution into the record. Commissioner Peery moved to adopt Resolution No. 2002-PC-4 COMMENDING GAYLE FARLEY FOR HER DEDICATED SERVICE TO CARSON CITY. Commissioner Wipfli seconded the motion. Motion carried 6-0. Chairperson Christianson commended Ms. Farley on her dedication to the Commission and explained her involvement on the Title 17 and 18 modifications. He thanked her for her service to Carson City and expressed his pleasure at having worked with her. Ms. Farley indicated that she would miss the Commission but would still be active in the community. She had enjoyed her tenure on the Commission and working with the Commissioners. Ms. Pruitt handed her her name plate.

**G-2. U-02/03-11 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DENNIS SCULLION (1-0300) -** Senior Planner Lee Plemel's introduction included an indication that the tower is already in place without the proper permits. Both the Airport and REMSA have been made aware of it. Slides illustrating the temporary 163 foot tower and its location were shown. The tower meets communication standards except for the lack of permits and approval by the Commission. If the FAA requires a light on it, one will be installed. The tower also needs to be approved by the FAA and to be painted. Staff had recommended a one year permit, however, the applicant may want a shorter period. Discussion ensued regarding whether the FAA will require lighting on the tower.

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Mr. Scullion explained the purpose of the temporary anemometer tower and apologized for failing to obtain the proper permits before installation. Permits are purportedly not required in California for these towers. He agreed to comply with the conditions and regulations for its installation. The tower will measure the wind in the area to determine if it is the proper location for renewable energy projects. The tower was installed on June 7, 8 and 9. They have four months of data from it. He described how the tower was installed to assure the Commission that it is secure. If the area is suitable, the size of the ultimate renewable energy project and its energy supply were described. His description indicated that one tower will be placed on every forty acres and that the project will be environmentally compatible. They have worked with BLM in California on similar projects. Nevada BLM also considers it to be a benefit. He had not talked to the Carson City BLM office. He pointed out that the tax benefits to the City from the equipment will be a substantial source of diversified income. He explained the request that the tower not be taken down and painted due to the cost and work involved doing so. He was willing to paint it when it is relocated to another site which will be in approximately eight months.

Commissioner Kimbrough explained his employment with State Parks, that the site of the tower is in a popular hang gliding area, and that some wrecks have occurred there. He did not believe that State Parks would want the tower to be painted. Mr. Scullion described the size of the tower and rotor. A sixty tower site in the Palm Springs area was felt to be the only similar project in the western United States. Commissioner Kimbrough urge Mr. Scullion to find out about the hang gliders and the use of that area for practice in helicopter fire fighting.

Discussion explained that this is the first step in the process. If it is deemed feasible to use the area as a renewable energy site, Mr. Scullion is aware of the need to obtain special use permits, provide public education, and request any zone changes that may be required as well as compliance with the BLM process. At this time the application is for a wind monitoring tower. The applicant has not applied for a permit for wind generation.

Chairperson Christianson explained his personal knowledge of a Palm Springs site and his belief that the operation was a blight to the area. He felt that the towers on his referenced site were approximately 200 feet apart. Mr. Scullion repeated his commitment that one tower would be located on each forty acre site. He also explained the changes which have been made to the wind generator towers to make them more environmentally acceptable and the acceptance of wind generator towers in Europe to explained the cultural differences between the nations. Chairperson Christianson expressed his belief that the community needs to begin to recognize and accept other environmentally friendly renewable energy sources. Mr. Scullion explained that the rotors are turned 15 times a minute. The rotor is half the size of a football field. One tower should produce enough electricity to supply 400 homes. The original design for the wind towers had maximized the property and placed the towers in rows. This had cut down on the wind power and did not work. This program had been driven by the tax credits. Today's market is driven by financial institutions which maximize production requiring the greatest production from each turbine. At this time the four-month survey indicates the amount of wind provided is a little low. His meteorologist, however, feels that the fall and spring months will provide more wind and tell a better story. Wind direction, capacity, and other factors must be considered before the decision is made to commit to using the site. Production capability in California and the Midwest was explained. An average speed of 18 miles per hour is required, however, if the wind blows more here, the average could be less. Discussion explained how the tower is assembled. Mr. Scullion felt that once it is installed, it would not be possible for people to climb it. He then explained his comment regarding the tax advantages provided by the project. Public comments were solicited but none were given. Commissioner

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Wipfli moved to approve U-02/03-11, a Special Use Permit application from Dennis Scullion, EnXco, property owner: William Goni Family Trust, to allow the placement of a temporary 163-foot anemometer tower structure and to exceed the maximum permitted tower height of 120 feet on property zoned Conservation Reserve located in the Duck Hill vicinity, APN 008-011-05, based on seven findings and subject to nine conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of approval and corrected his motion to correct the number of conditions of approval to be eight with painting of the pole being omitted, which is Condition 7. Commissioner Pedlar seconded the motion. Motion carried 6-0.

**G-3. U-92/93-15a - ACTION TO AMEND CONDITIONS OF APPROVAL FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CHROMALLOY NEVADA (1-0748) -** Community Development Director Walter Sullivan, Chromalloy Nevada's Representative Mike Holcomb - Mr. Sullivan referenced Daniel and Christy McGrew's email in opposition to the request. A copy is in the file. Mr. Sullivan explained staff's recommendation to allow the expansion of the delivery hours on a temporary six month trial period. The trial period will commence tomorrow if the Commission approves the request. The issues regarding the backyard areas for Chromalloy and another firm are being worked on. Mr. Holcomb had read the report and agreed with it. The need to be a good neighbor and to cleanup the Arrowhead site were acknowledged. He felt that the landscaping of the site for this special use permit was immaculate. Justification for having the industrial gas deliveries made at the time the delivery truck arrives from the San Jose area was explained. Gas and materials are each delivered once a week. The need for later delivery hours would not be on a daily basis. Occasionally there is an equipment delivery. The other option is to install a 60 foot gas tank which he did not want to do in that neighborhood. He felt that he was the only manufacturer/operator in the area whose delivery hours were restricted. It takes approximately one-and-a-half hours to off-load. The delivery may be delayed by traffic and is late approximately three times a month. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve an amendment to the Chromalloy Nevada Special Use Permit U-92/93-15a, concerning the stipulation regarding plant deliveries between the hours of 6:30 a.m. and 7:30 p.m. on a trial basis for six months commencing September 26, 2002; at the termination of the six-month trial period, if no complaints or concerns have been registered with the Planning and Community Development Department, then these hours of operation may commence without any further reviews; and that the five conditions of approval with the original Special Use Permit will still remain in effect. Commissioner Pedlar seconded the motion. Motion carried 6-0.

**G-4. U-02/03-7 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MABEL LEE-KRUELLS (1-0850) -** Senior Planner Skip Canfield, Mabel Lee-Kruells, her daughter-in-law Virginia Lee - Discussion explained that a variance request had been submitted one year ago. The proposed plan does not require a variance to the setbacks as the location for the structure was moved. Ms. Lee-Kruells had read and agreed with the staff report. Reasons for requesting the special use permit were explained. Public comments were solicited but none were given. The staff memo from Senior Planner Rob Fellows regarding Condition 8 was noted. Commissioner Pedlar moved to approve U-02/03-7, a Special Use Permit request from Mabel Lee-Kruells to allow a guest building consisting of approximately 1,584 square feet, which exceeds 75 percent of the square footage of the primary structure on property zoned Mobile Home 12,000 located at 2244 Dori Way, APN 008-172-41, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or

conditions of approval on this application. Commissioner Peery seconded the motion. Ms. Lee-Kruells agreed to the eighth condition. Motion carried 6-0.

**G-5. U-02/03-10 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ROBERT MOORE (1-0972)** - Senior Planner Skip Canfield, Applicant's Representative Kurt Randall - Discussion ensued concerning condition seven and whether to mandate the removal of the signs should the store be sold. Mr. Canfield explained that the special use permit would run with the land and that the signage would be allowed to remain. Mr. Randall indicated that he had read the staff report and did not have a problem with the conditions. He also explained that the small second pricing sign is on the back side of the canopy. It is visible from the store and cannot be seen from the street. Public comments were solicited but none were given. Commissioner Peery moved to approve U-02/03-10, a Special Use Permit request from Robert Moore, Golden West, applicant, Smith's Food and Drug Centers, Inc., owner, to allow additional signs on Assessor's Parcel Number 002-172-01 and 002-172-12, property zoned Retail Commercial located at 505 East William Street based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 6-0.

**G-6. AB-02/03-1 - ACTION ON A REQUEST FROM JOHN C. SERPA TO ABANDON PORTIONS OF THE RIGHT-OF-WAY AT THE INTERSECTION OF MORGAN MILL ROAD AND DRAYO WAY (1-1132)** - Associate Planner Jennifer Pruitt, Community Development Director Walter Sullivan, Applicant's Representative Ken Dorr - The abandonment request is part of the dedication requests considered on the Consent Agenda. Mr. Dorr explained the proposal to revise the intersection to be a "T" rather than a cul-de-sac. He concurred with the staff report. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve a motion to recommend that the Board of Supervisors approve application AB-02/03-1, an abandonment request from John C. Serpa for an area consisting of approximately 2,458 plus (or minus) square feet described as being approximately 110 foot by 12 foot of Morgan Mill Road right-of-way and an approximate 55 foot by seven foot of Drako Way right-of-way located along the knuckle portion of APN 8-531-38 based on seven findings and subject to four conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioners Wipfli and Pedlar seconded the motion. Motion carried 6-0. Mr. Sullivan indicated that the Board of Supervisors will consider the abandonment request at its October 17 meeting.

**G-7. U-02/03-9 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM DAVID W. KROPELNICKI (1-1215)** - Senior Planner Lee Plemel, Community Development Director Walter Sullivan, David W. Kropelnicki - Clark Russell's letter of opposition was noted. Mr. Sullivan added three engineering conditions to the conditions of approval and described the location of the billboard. The Attorney General's office is involved with billboard locations along the freeway. Seven billboard sites along Highway 50 have been located. Two of these sites currently have billboards. The process used to develop the current billboard ordinance was described. If the application is approved, there will be four more sites available for billboards. Chairperson Christianson questioned whether unused billboard signs can be removed. Mr. Sullivan indicated a desire to meet with Chairperson Christianson after the meeting regarding this billboard. Commissioner Sedway explained his intent to vote against

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the billboard due to his belief that the applicant did not meet Master Plan Findings 1, 2 and 7 and the visual preference survey. He suggested that the Commission revisit the ordinance dealing with billboards due to his feeling that the current ordinance is lacking and had not been revised since the 1980s.

Mr. Kropelnicki had read the report and agreed with it. He indicated that the sign would be modern and located on a pole without the bridgework that allows grass to grow through it. The pole will be the color of sudan tan and blend with the background. The sign will be maintained by his company and will be well lighted. He apologized for failing to include photographs of the sign. Public comments were solicited but none were given.

Commissioner Wipfli explained his support for Commissioner Sedway's comments and questioned the reasons for allowing the sign. Mr. Plemel explained that the proposed sign complies with the current ordinances. He agreed that the Commission may need to revise the ordinance to support the visual preference survey. Mr. Sullivan pointed out the need to include a condition mandating that the lighting will be pointed downward. Mr. Kropelnicki agreed to the stipulation and indicated that whatever shields are necessary will be added to point the lighting downward.

Commissioner Kimbrough explained that the economic vitality plan had included nice conceptual designs for Highway 50. Billboards were not included on that list. He, therefore, entertained voting against the request due to his belief that the committee who had worked on that plan would also oppose it. Commissioner Peery indicated that he supported Commissioners Sedway and Kimbrough's comments.

( 1-1483) Commissioner Sedway moved to deny U-02/03-9, a Special Use Permit application from AdMart Outdoor Advertising. Commissioner Peery seconded the motion. Commissioner Pedlar indicated that he would vote against the motion due to the fact that the ordinance is in place regardless of the Commission's like or dislike for it. The applicant has complied with the ordinance requirements. He did not believe that it is the Commission's role to deny an applicant a special use permit when the applicant has complied with the ordinance. The ordinance may need to be changed. He would not disagree that, perhaps, the ordinance itself is lacking but felt that it is not the Commission's place to deny an application based on the fact that the Commission does not like the ordinance as it is currently worded. Commissioner Sedway amended his motion to include his reasons for denial—the lack of the non-findings of Finding No. 1, 2, and 7 as presented. It was not necessarily based upon the ordinance but rather upon the non-findings. Commissioner Peery concurred. Commissioner Wipfli indicated that he did not have a great love for billboards, per se, but if Mr. Plemel is correct and this is legal as the ordinance reads now and staff's recommendation of approval is based on that, then he had a real problem voting against it because, to be fair to everyone, it is a legal sign. He reiterated that he is not one to support billboards. Commissioner Peery had raised a good point. Maybe, at some point, the Commission needs to look at it. Chairperson Christianson asked for additional comments. Upon hearing none he called for the vote on the motion to deny. The motion was tied at a 3-3 vote which denies the motion. Mr. Sullivan explained that the applicant does have the right to appeal to the Board of Supervisors. The appeal must be submitted to his office within ten days. For clarification of the record, a voice vote was taken with the following result: Sedway - Yes; Wipfli - No; Kimbrough - Yes; Peery - Yes; Pedlar - No; and Christianson - No. Motion failed on a 3-3 vote.

Discussion indicated that a motion for approval would result in the same vote which would be a denial. The applicant could appeal this vote to the Board of Supervisors. Commissioner Pedlar opined that the motion for denial had failed

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due to the tied vote. A motion for approval should be considered to allow the applicant an opportunity to appeal the decision if desired. Commissioner Pedlar moved to approve U-02/03-9, a Special Use Permit application from AdMart Outdoor Advertising, property owner: Tri-Star Housing Corporation, to allow the placement of an off-premises sign on property zoned General Commercial located at 1991 Highway 50 East, APN 008-152-03, based on seven findings and subject to ten conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Commissioner Pedlar requested a recorded vote rather than a voice vote. The motion was voted by roll call with the following result: Sedway - No; Wipfli - Aye; Kimbrough - Naye; Peery - No; Pedlar - Aye; and Christianson - Aye Motion failed on a 3-3 vote. Mr. Sullivan explained that the appeal must meet City standards and be submitted within ten days.

**G-8. DISCUSSION AND ACTION REGARDING THE MONTHLY MEETINGS DATES FOR THE NOVEMBER AND DECEMBER 2002 PLANNING COMMISSION SESSIONS (1-1610) -** Discussion indicated that the November meeting will be held on the 19<sup>th</sup> in the Bonanza Room at the Convention Center. The December meeting will be held the week before Christmas on either the 17, 18, or 19<sup>th</sup>. Commissioner Pedlar and Chairperson Christianson indicated they may not be available for those dates. No formal action was taken.

**H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - NON-ACTION ITEMS**

**H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (1-1675) -** The ordinance removing the 500 foot restriction on resi-dential childcare facilities was approved by the Board on first and second readings. The preliminary draft of the housing plan was presented. It will be coming to the Commission for discussion. If the City becomes an entitlement community, the community will be eligible for additional funding and will not have to compete against other communities, cities, or counties. The Board will select an applicant to replace Former Commissioner Farley at its next meeting.

**H-2. FUTURE COMMISSION ITEMS AND DATES (1-1745) -** Training for the Commission will be delayed until after the appointment is made. The Commissioners were asked to contact Mr. Sullivan regarding a date in November or December for this training session. Comments indicated that there were six applicants for the Commission vacancy. Discussion ensued concerning whether to have the training session on the weekend or a weekday evening. The Commissioners were asked to contact Mr. Sullivan with their preference. Suggested training items were limned. Mr. Sullivan indicated that the Chairperson and Vice Chairperson elections are held during the November meeting.

RECESS: A recess was declared at 5:15 p.m. A quorum of Commission was present when Chairperson Christianson reconvened the meeting at 5:30 p.m.

**G-9. A-02/03-3 - ACTION ON AN ORDINANCE AMENDING CARSON CITY MUNICIPAL CODE SECTION 18.03.010 AND 18.14; AND, G-10. U-01/02-40 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PARAGON ASSOCIATES, INC. (1-1895) -** Senior Planner Lee Plemel,

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Applicant's Representative Leon Mills, Deputy District Attorney Melanie Bruketta, Bruce Kittess, John Tanzi, Mark Krueger, Senior Engineer Rob Fellows, C. J. Bawden, Senior Planner Skip Canfield, James Bawden, Tom Watson - Mr. Plemel's introduction included the applicant's request for a continuance for both items based on the applicant's desire to attempt to resolve the issues and reach a consensus with unnamed individuals/parties. The continuance fee had been paid. Two or three continuances had been granted previously. Mr. Plemel was not sure who was to be involved in reaching the consensus. The feeling was expressed that the entire community will be impacted by the changes and should be involved with the Code revisions.

Mr. Mills indicated that both Al Bernhard and Rick DeMars, Executive Director for the Builders Association of Western Nevada, had asked Mr. Bawden for a continuance. Mr. Bawden had agreed to work with them and had, therefore, requested the continuance to the October 30<sup>th</sup> meeting. Ms. Bruketta indicated that discussion could occur on both items at the same time. Commissioner Pedlar explained his concern about the continual requests for continuances. Mr. Mills explained that the report had been picked up on Friday and Mr. Bawden was contacted on Monday. This was the reason for the sudden decision to request the continuance. Commissioner Pedlar explained that continuances should not be considered automatic. Mr. Mills explained that C. J. Bawden and Jack Elkens were present and were able to answer any questions. Glen Martel is on vacation. He had been involved and meeting with staff and others. He was unsure why Messrs. Bernhard and DeMars had requested the continuance. Mr. DeMars may have concerns from other members of the Association. The material is stored on Mr. Bernhard's property. The material is being used within the Northridge Subdivision, however, there is a lot of material involved. Chairperson Christianson disclosed that he had been contacted by Mr. Bernhard. He was also inclined to grant one more continuance with the stipulation that it would be the final continuance. He felt that it was time for the matter to be resolved and that there had been too many continuances already. Mr. Mills felt that there had only been one other continuance and assured the Commission as Mr. Bawden's representative that there would not be another request for a continuance. Commissioner Sedway felt that the discussion related to Item G-10 and expressed his desire to discuss Item G-9. Commissioner Kimbrough pointed out that at the last meeting Mr. Bernhard had testified against the proposal to change the ordinance. Now it appears as though he is working with the applicant to change the ordinance. Mr. Bernhard had been present earlier in the meeting. Mr. Mills felt that it is Mr. Bernhard's desire to have the lot cleared and that his concern is related to the fairness between the temporary and permanent pit operations. Commissioner Sedway also felt that this was Mr. DeMars' concern. Commissioner Peery expressed his desire to address the issues and not continue the items. He also felt that Mr. Mills was not prepared to answer the Commission's questions. He indicated his intent to vote against a continuance. Commissioner Wipfli expressed his desire to have the problem solved and not continue delaying action. He was also concerned about pushing through a bad ordinance if action is taken today. He questioned the term temporary as the Special Use Permit could grant the use for 10 years which could then be extended for ten more years. He did not like to see a temporary quarry in a residential area. It may be acceptable in an industrial zone. It may be possible that a resolution can be found by the various individuals that would satisfactorily resolve the matter without the ordinance change. Mr. Mills felt that the ordinance change will be required even if the parties reach an amicable solution. Commissioner Wipfli explained his desire to have a strong ordinance which will restrict the need to have a special use permit unless stringent conditions are met. Applications will be submitted very infrequently under his concept. He also felt that the residents who were living in the builder's homes need to have the material moved and to be able to get on with their lives. Commissioner Pedlar felt that the request for a continuance was to allow a more united front when the ordinance is presented rather than the desired hope that the ordinance would not be needed. This made him feel

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more inclined to vote against a continuance. A commitment had been made at the last meeting indicating that another continuance would not be requested at this meeting. Mr. Mills indicated that they were prepared to move forward with the items. The only reason a continuance had been requested was because Messrs. Bernhard and DeMars had requested it. Commissioner Pedlar pointed out that the packets did not contain any evidence indicating that these individuals had requested a continuance. He reiterated his belief that the continuance policy had been abused and his intent to vote against granting another continuance. Chairperson Christianson supported Commissioner Wipfli's reasons for continuing the item for one more month and that the request for a continuation was felt to be contingent on the status of the negotiations which have finally begun. The negotiations/discussions should have started months ago. The Commission should allow the applicant an opportunity to pursue these negotiations/discussions. Citizen comments were then solicited.

Mr. Kittess opposed the ordinance revisions as it will allow an extraction operation throughout the City. He definitely did not want one in his area—Combs Canyon. He also felt that staff always attempted to accommodate all the applicants as had been indicated by ordinance revisions eliminating the 500 foot rule from the residential childcare special use permit restrictions, the Boys and Girls Club request, etc. The rules should remain the same and changes should not be allowed. An under estimation of the amount of rock had created the problem. The City's refusal to require an applicant to have a homeowner's association sign off on the building permits was also limned. This procedure is required in other communities. Chairperson Christianson pointed out that this issue had not been agenzied. Mr. Kittess then explained the number of trucks that it would take to remove 50,000 cubic yards of the material. He suggested that the ordinance include a description of the amount of acreage covered by the temporary quarry rather than the amount of yardage that is to be removed. The ordinance will allow the elimination of any hill in the community and circumvent the grading and hillside ordinances. The term "temporary" was felt to have been corrupted if the special use permit process allows the use to continue for five years with a five-year extension. Temporary quarries should not be allowed in residential areas. It could be allowed in the industrial zones.

Mr. Tanzi asked that the continuance be denied "until they get their act together and come back with a new application". He did not believe that the applicant would be ready in 30 days. Chairperson Christianson felt that the Commission had told the applicant that no more continuances would be allowed beyond the next meeting. Mr. Tanzi indicated that he had a letter for staff which he highlighted. (The letter is in the file.) He felt that the entire problem was based upon an inaccurate estimation of the amount of rock that had been available from the beginning. It now equates to too many trucks. The pit operators also feel that allowing the processing to occur is unfair to them. They allegedly have expressed a willingness to purchase the material and take it to their sites for processing. This will not make it as valuable to the applicant as it would be if he processes the material. The applicant should fix the problem without amending the Code. Mr. Tanzi's residence is located on the east side of the stockpiles. He is the recipient of dust from the piles. The applicant should haul the material away and avoid future problems.

Mr. Krueger supported Mr. Tanzi's comments. He also felt that justification for an ordinance change that will impact the entire community for a long time had not been provided. The current ordinance protects the residents who would be located adjacent to the temporary extraction operation from the noise, loss of their properties' market value, dust, and inconvenience created by the operation. He questioned the reasons the Senior Planner was advocating a change in the ordinance. Changing the ordinance also creates a disadvantage for other operations who have complied with the ordinances and must compete with the operation. These operators had concerns two months ago about the

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proposed revisions. It is unfair and inconvenient to the public to have to continually attend meetings without a resolution. He also expressed his intent to submit written comments concerning the revisions as he may not be able to attend the next meeting. He asked that this letter be read into the record at that time. Additional public comments were solicited but none were given. Public comments were then closed.

Discussion among the Commission indicated that if a motion to deny the continuance is upheld by a majority of the Commission, the Commission will receive testimony and act on the items this evening. **Commissioner Wipfli reluctantly moved to continue the item to the next regularly scheduled meeting. Chairperson Christianson seconded the motion.** Commissioner Pedlar indicated his intent to vote against the motion based on his comments which are on the record. Commissioner Wipfli indicated that his reasons for the motion to continue the item is due to his belief that the issues will be resolved without a "cat fight" and that the dirt will then go away. He wished to hear Mr. Bernhard's comments as he had opposed the revision earlier. He also wanted the issues resolved. He did not like the idea of a temporary aggregate permit and preferred to avoid delaying the process. He had reluctantly agreed to a continuance in the hope that a deal can be cut during that period that he could support. Commissioner Sedway indicated that he was torn by the issues and wished to hear them. He felt that the entire matter is about sales and that the dirt would be moved one way or the other. This is the third time a continuance had been requested. The discussions are ongoing and relate to Item G-10, the Special Use Permit, rather than the ordinance changes. The ordinance change is the most critical issue in his view. The motion to continue the item was voted and failed on a 2-4 vote with Commissioner Wipfli and Chairperson Christianson voting for the motion. Discussion indicated that the two items were to be combined and heard together and that they would now be heard. Chairperson Christianson felt that this may pose some problems as Mr. Bernhard was not present. Commissioner Pedlar suggested that a recess be declared in an attempt to allow the major participants to be contacted and attend the meeting.

RECESS: A recess was declared at 6:10 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 6:30 p.m.

(1-2707) Mr. Mills indicated that he had been unable to contact any of the principals. Chairperson Christianson again read Title G-9 into the record. Mr. Plemel's introduction included an explanation of the current Code and the proposed revisions. The Nevada General Contractors Association was opposed to the revisions. There had also been public concerns expressed in opposition to the revisions. The efforts undertaken to allow limited sales to occur in some areas were limited. Removal of entire hills would not be allowed except as part of a subdivision. Current regulations allow the processing of materials within a five-mile radius. Evidence required to allow the temporary permit to be issued were described including documentation proving there is an excess of material, mandating an annual review and providing a timing and phasing plan/schedule. Material could not be sold more than one year after the final building or map is constructed or any other restriction the Commission wishes to include in the ordinance. Discussion between the Commission and Mr. Plemel indicated that the terms "expedite" was based on the incentive to move the material and having the ability to take it some place other than to a landfill. Under the current ordinance the stockpiled material must be removed at the end of the development unless the contiguous parcel is to be developed by the same person.

Mr. Mills indicated that the amendment would allow them to sell the material. He acknowledged the City's need to do so within the specified restrictions/conditions. He asked that the permit be for one year. He explained their belief

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that the proposal will reduce the amount of truck traffic required to move the materials as it would not require them to haul the rocks to a site within five miles of the location, process the material, and then move it to the site where it is to be used. He did not have a problem with the six conditions. There are more than 50,000 cubic yards of the material which must be relocated. This yardage restriction will keep small operations from having an extraction operation. He acknowledged that the yardage had been seriously underestimated.

C. J. Bawden explained the ordinance allowing the removal of the material requires that there be more than a 10 percent overage. He described how the processing creates more material than that encountered with removing the large rocks. The swelling of the material during processing had also been miscalculated and created an even larger over abundance of the material. This also required additional fill material be brought in. A majority of the material was rock. As much of the rock as possible had been used within the project. The proposed ordinance will allow onsite processing of the rock and selling of the product. This will reduce the truck traffic. He felt that it would take one year to relocate/dispose of all of the material. Item G-10 will grant a special use permit for one year. The permit can be extended an additional year. Mr. Canfield explained that the expiration date for Item G-10 would be September 26, 2003. C. J. Bawden acknowledged that the ordinance revision will impact the entire City and not just one location and that there must be more than 50,000 cubic yards to be moved. This will make the piece of ground usable. Clarification by Chairperson Christianson indicated that the special use permit could not be issued until the Board of Supervisors approves the Code revision on first and second readings. It will then allow the entire City to utilize the process, including in the Combs Canyon area, if the appropriate findings can be made. He also indicated that they were discussing Item G-9 which will allow consideration of the special use permit for Item G-10. Commissioner Pedlar pointed out that the Commission's action is only a recommendation to the Board of Supervisors. If the Commission approves the ordinance revisions, the public could within ten days appeal the decision to the Board of Supervisors.

Discussion ensued between C. J. Bawden and Commissioner Sedway indicating that the use would be beneficial to the developer. The current zoning will allow the sale of the extra material. Commissioner Sedway's concerns regarding the sale were limned. Mr. Bawden explained that being allowed outside sales would help expedite the removal of the material. Commissioner Sedway pointed out that this will place his operation in direct competition with permanent extraction operations. Mr. Bawden agreed that it may compete for a short period of time with some of the operators if they have similar material.

Discussion between Commissioner Pedlar and the staff explained that the current ordinance allows selling and hauling of the raw material to a processing operator/area. The proposed ordinance will allow the sale of processed material.

Jim Bawden then explained the request from Mr. DeMars for a continuance to allow them time to work on the ordinance. It is an important change which Mr. Bernhard also wanted to discuss with him. They purportedly were not in opposition to the revisions. For that reason, he had asked Mr. Sullivan for a continuance. They want to do the revisions correctly due to the impact it will have on the community in the future. The ordinance requires a special use permit. The process for the special use permit will allow the community to discuss the merits of the site and any concerns. Mr. Bernhard's concerns were another reason for Mr. Bawden's request for the continuance. Chairperson Christianson explained the Commission's deliberation and decision regarding the continuance.

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C. J. Bawden pointed out that the ordinance will allow the sale of processed material rather than raw material. The ability to sell the processed material will expedite its removal and eliminate the need for “double” trucking. Mr. Plemel explained the current ordinance restrictions on transporting the material. Chairperson Christianson explained his concerns with approving the ordinance revisions without allowing the parties to discuss the concerns. He also felt that it may be possible that the ordinance will not be needed if additional time is granted for the parties to work out their concerns. Commissioner Wipfli explained his reasons for voting for the continuance were based on his dislike for some of the modifications as written. He hoped that these issues will be worked out by the parties if additional time is provided. It would take longer to make the revisions in the future if they are deemed inappropriate. Mr. Canfield explained that the Commission had the option of continuing the items after public testimony is heard, if so desired. Commissioner Pedlar explained the process for reconsidering a motion as established in the Roberts Rules of Order. Discussion indicated that public testimony should be taken and Chairperson Christianson again opened public testimony on Item G-9.

Tom Watson questioned the term “temporary”. Mr. Canfield explained that the permit is valid for one year without any extensions. Chairperson Christianson also explained that restrictions on the hours of operation and trucking, etc., could be included in the conditions of approval for the special use permit. Mr. Watson then referenced a news article which he felt indicated that the special use permit was an already done deal. Mr. Plemel responded by explaining that he is responsible for the staff report and not the media. Chairperson Christianson pointed out that the discussion is on the record. Mr. Watson then questioned why Mr. Bawden had not used a geologist to make his estimate of the amount of rock that would be found at the site rather than an engineer.

Mr. Tanzi highlighted his opposition comments. He suggested that the developer make a deal with the current extraction operators and allow them to process the material. He also felt that the developer should have been aware of the impact aeration would have on the amount of material that needed to be removed. The developer should also have known that the hillside was all rock. Chairperson Christianson felt that he had not known the amount of blasting that would be required to remove the rocks. Mr. Tanzi felt that ugly rock walls are now being constructed to use some of the material. He urged them to contract with an extraction operator. Chairperson Christianson felt that this was part of the negotiations which are now occurring. Mr. Tanzi then suggested that a sign be posted indicating the material is free and that it would then be moved.

Mr. Krueger questioned where in the ordinances were the residents/private citizens being protected from the dust, dirt, and noise as well as the loss of property value and the safety issues for the children and residents. He also found it difficult to believe that the proposed operation would not be in direct competition with permanent extraction operations. The sales are beneficial to only the developer. He also felt that everyone will be seeking a special use permit if the revisions are made. Once the door is open, all of the applications must be considered. Chairperson Christianson pointed out that the Commissioners are appointed to four year terms. He had been serving for ten years. Mr. Krueger felt that this was a clear indication that a change could be made when the current membership changes that would allow the operation to become permanent. He urged the Commission to include a time restriction on the operations in the ordinance. One year is too long. He supported either 90 days or 180 days. Discussion indicated that revisions could be made to the ordinance if desired.

(2-0138) Commissioner Wipfli moved to continue G-9 for 30 days. Chairperson Christianson seconded the motion. Discussion between Commissioner Pedlar, Deputy District Attorney Melanie Bruketta, and Recording Secretary

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McLaughlin explained Roberts Rules of Order which require the “winning side” to make the motion and second. Commissioner Wipfli withdrew the motion. Commissioner Pedlar then moved to reconsider the motion for a 30-day continuance for Items G-9 and 10. Commissioner Kimbrough seconded the motion. Commissioner Kimbrough explained his concern with the proposal as being based on the ability to operate the processing plant in a residential area for up to one year. This will not make a lot of people happy. They had clarified this at the last meeting. The material must be hauled out anyway. The sale of the material is a mistake. Someone underestimated the excess material for one major project in the community. He would like to help support the project but the community will be impacted for one year by a gravel plant. At the last meeting he was told that riprap is the most expensive material. It will require a crusher. The proposal will allow it to be crushed on site instead of moving it five miles to another location. He had been against it at that time. He is confused due to the fact that the person who spoke against it at the last meeting is now working with the person who is trying to make it happen. The continuance will allow them to work it out. Due to his confusion regarding the proposal, he did not want the continuance. He still felt there is a solid argument against the entire process for allowing it to happen. He questioned what will come out of the meeting that will be beneficial to the community. Chairperson Christianson explained that the meeting could provide an agreement between Mr. Bernhard and Mr. Bawden on the removal of the materials and there may not be a need for the ordinance. Discussion explained that the Association of General Contractors (AGC) had opposed the ordinance revision. Commissioner Kimbrough felt that its letter indicated a strong support and a leadership role in the community. Chairperson Christianson explained that the Association of General Contractors is from Reno. The Builders Association of Western Nevada is in Carson City. Mr. DeMars represents this organization as its Executive Secretary. Commissioner Wipfli explained his reasons for supporting the continuance as being based on the belief that the ramifications are so great which the applicants are discussing. The thought of moving large rocks to a pit is huge as Mr. Bawden had stated. You simply can't haul that much material. He felt that it was worthy of letting them see if they can work out the issues between Mr. Bernhard and, perhaps, Cinderlite or the pit operators. His main concern is that the dirt be removed as quickly as possible with the least amount of trucks. If that means allowing the applicants to work it out and come up with a removal plan for the base material and hauling a true 20 yards of material as opposed to hauling three large boulders with 20 truck trips on the road, it is worth the 30-day wait. Although he really wanted the dirt moved, it is also important that we wait and allow the applicants to continue talking. Commissioner Pedlar explained that parliamentary procedure requires a new motion on the Items if the motion passes. The motion to reconsider the motion to continue Items G-9 and G-10 was voted and carried 4-2 with Commissioners Sedway and Peery voting Naye.

Commissioner Wipfli moved to postpone it for 30 days. Chairperson Christianson seconded the motion. Commissioner Sedway pointed out that the comments indicating that there is discussion between the parties should be considered as part of Item G-10 and not Item G-9. If the Commission feels that Item G-9 is going to go away anyway, why not take care of it this evening. The parties can continue their negotiations without any problems. He could not see the need for G-9. The case has not been made to justify changing the ordinance. The ordinance has been in place for a long time. The issue is the excess material and the sale of that excess material. If the sale is removed from it, there could be some legitimacy regarding the trucking which everyone seems to be so concerned about. The dirt must be extracted anyway. He did not see that granting the ability to sell it will make its removal faster. A Granite Construction representative had spoken against it at the last meeting. AGC had also come out against it. Mr. Bernhard spoke very elegantly for an individual who is the owner of the property which is being used for processing. This provides a “funny” twist to the process. He did not believe that findings had been made to go

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to the extreme of changing the ordinance that basically comes down to the sale of the rock. It should remain in place the way it is. It has been established that the dirt must be moved. He could not see the need for this particular ordinance. Chairperson Christianson reiterated that the item should be continued to next month. When it comes back next month, there may not be a need for the ordinance as the problem will be resolved. Commissioner Peery expressed his belief that a compelling case had been made for the ordinance change. He was not in favor of the ordinance revision. Chairperson Christianson felt that this is the reason the motion for a continuance should be supported. Commissioner Pedlar indicated that he would vote against a motion to continue the item. Commissioner Sedway had made a compelling argument which helped convince him that he did not see the need for the ordinance change. He would vote against the motion even though he had made the motion for reconsideration. He had not heard anything that would change his mind that the item could not be heard this evening. The motion to continue the item for 30 days was voted and failed on a 2-4 vote with Commissioner Wipfli and Chairperson Christianson voting Aye.

Commissioner Pedlar moved to recommend denial to the Board of Supervisors of A-02/03-3, a zoning ordinance amendment request from James Bawden to amend the Carson City Municipal Code Title 18, Zoning, Section 18.03.010. Commissioner Peery seconded the motion. Motion was voted and carried 4-2 with Commissioner Wipfli and Chairperson Christianson voting Naye. Discussion between Chairperson Christianson and Mr. Sullivan indicated that the item would automatically go to the Board and that it did not need to be appealed.

(2-0290) Mr. Canfield explained the need for the Commission to act on Item G-10. Commissioner Peery moved to deny U-01/02-3 (correct number is U-01/02-40), a Special Use Permit request from Paragon Associates. Commissioner Pedlar seconded the motion. Mr. Sullivan indicated that the record should show that G-10's approval was predicated on an ordinance being passed. As the ordinance did not pass, there is no way that G-10 can be approved. He requested the motion be amended to include this statement. Commissioner Peery amended his motion to include voiding that issue, specifically, U-01/02-40, a Special Use Permit is no longer required due to the failure of G-9. Commissioner Pedlar concurred with the amendment. The motion as amended was voted and carried 4-2 with Commissioner Wipfli and Chairperson Christianson voting Naye. Commissioner Wipfli pointed out that his Naye vote did not mean anything as there is no ordinance there to allow the process to occur. Mr. Canfield explained that Item G-9 automatically goes to the Board and the applicant must appeal G-10 within 10 days.

**G-11. M-02/03-3 - DISCUSSION AND ACTION ON REVIEW OF THE PROCESS IN PREPARING AN APPLICATION FOR THE PLANNING COMMISSION'S CONSIDERATION AND POSSIBLE ESTABLISHMENT OF CONTINUANCE DEADLINE DATE (2-0345) (2-2503) - Continued to the next meeting.**

Mr. Sullivan expressed his feeling that Commissioner Sedway had raised valid concerns regarding the continuation process. Commission comments suggested that a deadline for continuation requests be established. Staff had recommended that the deadline be 2-1/2 or 3 weeks before the meeting. This will eliminate notification to individuals and the release to the press of items agenzized for the meeting and then continued at the last minute. Commission comments expressed the feeling that the Commission's meeting is being used as a barometer of the neighborhood/public. If there are items of concern, the applicant simply seeks a continuation at the last minute. It was felt that the decision made this evening will be noticed by the developers. The Commission was urged to review

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the suggested process. Justified reasons for a continuance at the last minute included family illness or an emergency. Mr. Sullivan commended the Commission on its action this evening. It was felt that the Commission and staff needed a hard and strong policy regarding continuances or people will continue to abuse the policy. Commissioner Peery moved to defer G-11, M-02/03-3 for the process of preparing an application for consideration of continuances. Commissioner Pedlar seconded the motion. Motion carried 6-0.

RECESS: A recess was declared at 7:20 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 7:28 p.m.

**G-12. A-02/03-1 - ACTION ON AN ORDINANCE AMENDING CCMC 18.03.010 AND 18.04.075 RELATING TO YOUTH RECREATIONAL FACILITIES IN SF6 ZONING DISTRICT (2-0355)** - Senior Planner Lee Plemel, Carol Dotson, Robert Gordon, Deputy District Attorney Melanie Bruketta, Community Development Director Walter Sullivan, Marv Teixeira - Mr. Plemel's introduction included an explanation of the work that had been done to establish the development standards, the changes that had been made to the ordinance since the Commission had originally considered it, and contact with the property owners regarding their concerns. He thanked the property owners for their participation. Commissioner Pedlar suggested the term "nonprofit" organization be revised to be an organization having an IRS 501c3 status.

Ms. Dotson pointed out that this is the second time the item has been considered and hoped that it was closer to what the community needed. There had been several informal meetings with the neighbors. Conceptual plans had been developed which indicated that the design standards should be able to meet these requirements. The neighbors supported the special use permit process which will require each application for this use to be scrutinized on a case-by-case basis. Ms. Dotson also thanked the neighbors and interested individuals for their participation and assistance with the ordinance. Both she and the Boys and Girls Club Representatives present supported the "nonprofit" revision to require an IRS 501c3 status as suggested by Commissioner Pedlar. Commissioner Pedlar explained his reasons for suggesting "nonprofit" be changed. Ms. Dotson again supported his revision. She explained the reasons the original five-acre lot size had been revised to three acres. Commissioner Sedway pointed out the fencing requirements on Page 4. Clarification indicated that the loading and unloading related to supplies in the truck bay. Commissioner Sedway encouraged staff to include specific criteria addressing the safety issues related to loading and unloading children and the location for these activities. This had been a major concern for the neighbors at the last meeting. Ms. Dotson agreed to consider these issues in the design and special use permit processes. She explained that the fencing and screening included the ability to use landscaping. The applicant's desire to use both would allow for flexibility and innovation in the design. Commissioners Sedway and Pedlar explained their reasons for feeling that the circulation and dropoff/loading areas needed to be included in the design standards due to safety concerns and to minimize the impact on the neighbors. Ms. Dotson explained the applicant's concerns related to having these items included in the development standards and those related to internal circulation for pedestrians. Commissioner Pedlar suggested language revising this requirement. Discussion explained the community's original concern with the concept and its present apparent acceptance of the revised ordinance.

Public comments were solicited. Mr. Gordon explained that he had submitted written comments to the Commission. (A copy is in the file.) One of his letters was read into the record by Mr. Plemel. Mr. Gordon supported Commissioner Pedlar's suggested code revision regarding the 501c3 status. He felt that the three-acre requirement for a site would discriminate against having a chess club or similar passive activity. Courts will overrule the

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requirement as it will deny any passive activity. Many passive activities can occur on lots containing 6,000 square feet. He urged the Commission to direct staff to rework the standards to eliminate discrimination. His reasons for feeling that a "not for profit" use would not be challenged were explained. He acknowledged that he was not an attorney. Justification for his recommendation that the three-acre requirement be removed was discussed at length. Clarification by Chairperson Christianson explained the Commission's purpose and role in the City planning activities and that the special use permit would be discussed and decided by the Commission. It is not an automatic approval. Commissioner Peery also explained that the ordinance will amend the Code to define and allow a facility to be placed anywhere in the community if a special use permit is obtained. Mr. Gordon felt that the nonprofit requirement will restrict the number of applicants. Ms. Bruketta described the District Attorney's normal review process and role in ordinance revisions. She hoped that Deputy District Attorney Woodbury had reviewed the ordinance but was not sure that he had. Mr. Plemel explained that he had discussed Mr. Gordon's discrimination issue with Mr. Woodbury and neither he nor Mr. Woodbury felt that it was discriminatory. He also felt that the ordinance was being restrictive in residential districts, however, Mr. Gordon's uses could be located in other districts. It is not discriminatory to restrict the uses to a specified area. It would be discriminatory if the use is excluded. Mr. Sullivan indicated that Mr. Woodbury would review the ordinance before it goes to the Board. He also suggested ordinance changes which would address Commissioner Sedway's concerns regarding loading/unloading of children and revised the definition of the operational programs. Ms. Bruketta indicated that at this time the District Attorney's office could not support these revisions. Discussion between the Commission and the staff illustrated the restrictions on adult entertainment facilities. Chess clubs could be allowed in other areas and did not have to be allowed in the entire community. Mr. Woodbury will see the final draft of the ordinance before it is submitted to the Board of Supervisors for consideration. Ms. Bruketta felt that her quick review of the ordinance supported Mr. Gordon's contention that it is rather ambiguous. Additional public comments were solicited but none were given.

Ms. Dotson acknowledged that the ordinance will be "fine tuned" in the future. She also explained that many people had worked hard to ensure that the lot size would meet all of the aspects involved with the surrounding uses including those providing an adequate buffer/screening and meet compatibility needs. Other potential nonprofit organizations who have expressed a desire to provide similar facilities in the community were noted. The proposal will not create spot zoning. Additional comments were solicited but none were given.

Commissioner Pedlar moved to recommend to the Board of Supervisors approval of A-02/03-1, a Zoning Ordinance Amendment request from Lumos and Associates to provide a definition for youth recreation facilities; to allow youth recreation facilities as a conditional use within the Single Family 6,000 square foot zoning district; and to amend the Carson City Design Standards, Division 1, Land Use and Site Design, by adding Section 1.16, Youth Recreation Facilities Performance Standards, based on the four findings identified within the staff report and that as part of his motion he suggested the following changes to the proposed language: youth recreation facility which is Section II, it read youth recreation facility operated by youth oriented organizations recognized as nonprofits under Section 501c3 of the Internal Revenue Service Code; and under youth recreation facility performance standards, Sub Part I Design/Development Standards Subsection E, he recommended that it be amended to read "circulation pattern", inserting the following language: "pick-up and drop-off areas for users of the facility shall be designed to minimize negative impacts and so forth"; and then under Operational/Program Standards insert the following language in Section A: "Programs designed for the users shall include but are not limited to leadership programs, education, career guidance, etc.". Commissioners Kimbrough and Wipfli seconded the motion. Mr. Sullivan indicated that he

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could work with these revisions. Motion carried 6-0.

(2-1100) Mr. Teixeira thanked the Commission for its foresight. He explained that the organization is working to raise \$1,000,000 for the facility. He thanked the Commissioners for personally visiting the site and Nicky and Frank Steadman for allowing the Club to meet the neighbors at their home. The Club wished to be a good neighbor. He also thanked the Planning staff for their dedication and efforts. Suggestions by the neighbors had been considered and will be, when possible, included in the design. He looked forward to working with the Commission in the future as the President for the organization which has 28 hard charging community people supporting it. Its proposed building budget is \$2.3 million. They currently have \$1.3 million of it. He felt certain that the facility will become a reality as it is needed in the community. Current use of the present facility was described to illustrate the need. He thanked Executive Director Kathy Blankenship and her staff for their efforts and programs.

Discussion ensued concerning the use of the words “shall” and “may” and whether the ordinance needed to be revised to be consistent. Commissioner Kimbrough moved to amend Page 4 under Item 2a of the proposed draft item from “shall” to “may”. Commissioner Wipfli seconded the motion. Motion carried 6-0.

**G-13. U-01/02-27 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARRIE HENSON (2-1212)** - Associate Planner Jennifer Pruitt, Senior Engineer Rob Fellows, Daren Selby, Community Development Director Walter Sullivan, Carrie Henson, Ron Gutzman - Ms. Pruitt explained the request that an unknown caller put his/her concerns in writing. This individual had failed to send the written information to the Department. The individual had indicated that he/she was an NDOT employee and had expressed concerns regarding access to the site. Discussion indicated that both the Street/RTC and Engineering Departments would be involved in the review process. Mr. Fellows explained that staff felt the conflict points would be reduced as the drop-off point will be on the property and not at the curb. He was uncertain how the area would handle the arrival of 60 children at the two adjacent sites due to the lack of knowledge regarding the arrival/departure patterns. Commissioner Peery pointed out that the alley could be used by both sites to circulate traffic. Chairperson Christianson noted the conflict between the property owners and the possibility that the access to the alleyway could be closed by one operator. Discussion indicated that there could be a traffic problem with 60 children arriving within a short period of time. It was suggested that a deceleration/left turn lane be installed. Commissioner Pedlar read Condition 17 which should address the ingress and egress issues. Mr. Selby explained that an NDOT traffic study had been conducted two or three years ago. At that time the daily traffic count was 12,000 to 13,000 cars a day. He had met with Mr. Fellows and had developed a preliminary plan. The two parcels are separated by a landscaped strip. There is a left turn lane for traffic on Roop Street. Some of the property will be paved for parking. The garage has been converted into a play room. The bicycle lane will eliminate the onstreet parking area. A center left turn lane will help the southbound traffic flow. Mr. Selby also described the location of the jog for loading/unloading at Joan's Daycare Center on South Roop Street.

Discussion between Mr. Sullivan and Commissioner Sedway explained that a new operator at the Gutzmans' facility would be required to come before the Commission as the Special Use Permit is in Mr. Gutzman's name. He/she must accept the conditions and be knowledgeable about them. Commissioner Sedway explained his concerns regarding the findings and the safety of the 60 youth who would be dropped off/picked up at the adjacent sites, the pedestrian issues, and the possibility that the uses could prejudice other property in the area. Commissioner Sedway

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felt that a six-month review should be considered in view of the traffic concerns. He also questioned who would have to relocate if the traffic is a problem.

Ms. Henson thanked the Commission for going through the process. She felt that Mountain Street, which is a residential street, with its Lutheran Church, its preschool and the Fritsch Elementary School faced the same environment/concerns as is proposed on Roop Street. She planned to open the facility a 6 a.m. By 7 a.m. she may have eight children. Some do not arrive until 9 or 10 a.m. She would ask the parents to enter from Roop Street and leave by the alleyway. She did not wish to impact the neighborhood or residential streets. She wanted the children to be cared for in a home setting. She had looked everywhere for a better site as indicated from her documentation. It is unsafe to drop/pickup the children at the curb. There is adequate area in the rear of the lot for loading/unloading and parking. Some of the children are picked up by her van at their schools. There are not 30 vehicles involved with the 30 children. She was willing to accept the six-month review. She also felt that if there is a problem she would have to leave as Mr. Gutzman is grandfathered. She asked for the opportunity to try it and see if it will work. Discussion pointed out that there will be 60 children between the two sites. Ms. Henson felt it was similar to the Lutheran Church with its rectory and childcare facilities on Mountain and the Fritsch Elementary School. She reiterated her efforts to find a different location and indicated a willingness to continue to look so that she could move if it does not work out. Additional public comments were solicited.

Mr. Gutzman reviewed the history of Ms. Henson's application. He felt that the entire process had been discriminatory toward him and his special use permit. He opposed the special use permit application as it will impact his property. He alleged that there had been another letter of opposition submitted approximately two months ago which he had not written. A review of yesterday's newspapers indicated that there are 16 child-care facilities with openings. Based on this information, he questioned the need for another facility. One of the ads was purportedly from another facility with 1,000 feet of the proposed location. Mayor Masayko had purportedly indicated that the ordinance amendment did not automatically grant the special use permit or recommend its approval. Mr. Gutzman had not attended the last Commission meeting. Removal of the 500 foot separation requirement will allow additional childcare facilities to open in pockets throughout the residential areas. He urged the Commission to retain the restriction in residential areas. Discussion between Chairperson Christianson and Mr. Gutzman indicated that Mr. Gutzman has an applicant interested in opening a daycare facility at his location. Mr. Gutzman had not been aware of the requirement that the applicant would have to obtain a special use permit. Mr. Sullivan explained that the current permit is deficient at this time as it should show the operator's name. Mr. Gutzman alleged that the packet of information provided to the operator required his/her patrons to make only right turning movements. This restriction had not been obeyed 100 percent of the time. He had also asked for a City right turning movement sign on his property, however, it is not there now.

Additional comments were solicited. Mr. Selby indicated that there were only three licensed childcare facilities listed in today's newspaper. There are twelve unlicensed childcare facilities which have less than six children. Four of these facilities are in the City and seven are from outside the City limits. The proposal will not impact the special use permit. Ms. Henson had given her required notice on Tuesday. The applicant for Mr. Gutzman's site plans to tour the facility tomorrow. She purportedly wants to have 20 children. This will place 50 children at the two locations. He alleged that there are not two letters of opposition in the file. Ms. Henson allegedly had not purchased the property next door to Mr. Gutzman specifically for a daycare. As the majority of her time is spent at the daycare center, she acquired

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the adjacent property to live in rather than commute to her former residence on Thompson Street. He committed to working with Engineering to mitigate the traffic concerns. The driveway will be the legal size. The parking area will be an all weather surface. Discussion indicated that Mr. Gutzman's applicant was a Michelle Wilson and that she had submitted the request that was withdrawn under Item F-5. Mr. Selby committed to working with Ms. Wilson if they have more than 30 children. Additional public comments were solicited but none were given.

**Commissioner Peery moved to approve U-01/02-27, a Special Use Permit request from Carrie Henson to allow a childcare facility for 30 children on a parcel zoned Single Family 6,000, SF6, located at 2117 South Roop Street, APN 009-093-03, based on seven findings and subject to 21 conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pedlar seconded the motion.** Commissioner Kimbrough indicated for the record that if Mr. Gutzman's special use permit comes back that he would support it based on several factors which arose today. Discussion between Chairperson Christianson and Mr. Sullivan indicated that Mr. Gutzman's permit would be amended to change the operator/owner. Following a request for an amendment to the motion to include a six-month review due to the traffic concerns, **Commissioner Peery amended his motion to include a stipulation for a six-month review. Commissioner Pedlar concurred.** Mr. Sullivan suggested that the six-month review include an option to reduce the number of children if traffic is a problem. Commissioner Wipfli indicated that this had been his intent as he felt it was assumed that the traffic flow would not be impacted with the 30 children. He also pointed out that it could be difficult to reduce the number if the language is not included in this motion. Commissioner Sedway pointed out that Ms. Henson had indicated that if there is a problem, she would relocate as she recognized that Mr. Gutzman had been there first. He agreed that reducing the number of children is another option. He also expressed his support for the right turning movements if it can be enforced. Commissioner Pedlar indicated that Condition 8 should be revised to require a review in six months. The Planning Commission can add other conditions at that time. He suggested that this Condition include the ability to amend the original conditions of approval if necessary at that time. The limitation of 30 children is part of the conditions. Therefore, the number could be reduced. Commissioner Wipfli pointed out that there are several improvements which must be made to the property in order to have the 30 children. Ms. Henson will have to work very hard to make it work. Commissioner Pedlar noted that she had agreed to work with the new operator at the Gutzmans' site. **Commissioner Peery amended his motion to include a revision to Condition 8 to have it read that the Special Use Permit shall be reviewed in six months and that the Planning Commission reserves the right to establish additional conditions, if necessary, including a reduction to the number of children, if necessary.** Ms. Henson indicated that she concurred with the amendment and expressed her appreciation of having the opportunity to make it work. **Commissioner Pedlar concurred with the amendment.** Chairperson Christianson explained his problem with the traffic. The traffic department must take a serious look at it as it could be a calamity with cars leaving at the same time from the two locations. He also pointed out that it is great that Ms. Henson was willing to make the stipulations as it made it easier for him to vote for the permit. **The motion as amended was voted and carried 6-0.** Chairperson Christianson explained the restrictions which had been added to the conditions of approval and expressed his hope that things could be worked out between the two. He suggested that the two driveways be linked together.

Ms. Henson indicated that she and Ms. Wilson had already had a discussion. Mr. Sullivan explained the appeal process. He also explained for Mr. Gutzman the need to file an application to transfer his Special Use Permit to Ms.

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Wilson, which is a five-week process.

**G-14. AB-01/02-7 - ACTION ON A REQUEST FROM MICHAEL HOHL FOR STREET ABANDONMENTS (1-2265)** - Community Development Director Walter Sullivan, Michael Hohl, Jeannie White, Senior Engineer Robb Fellows - Discussion indicated that Deputy Fire Chief Steve Mihelic's concerns had been addressed. Chairperson Christianson apologized to Mr. Hohl for the length of the meeting. Mr. Hohl indicated he had enjoyed the meeting, had read and agreed with the staff report. Public comments were solicited. Ms. White expressed her opposition to the abandonment of Roland and Cochise as it would require people coming to her property to use Voltaire and Bennett rather than the more direct route. This would impact her property value. Mr. Fellows explained that the minimum street width is 50 feet. There will be 50 feet left for a street. If there is commercial development on the property, the developer would have to seek additional right-of-way. The current traffic will be able to continue to use the street as it has been. Clarification indicated that the right-of-way along Voltaire and a portion of Bennett is only half a street in width. The remainder may be dedicated at some future date. Mr. Sullivan pointed out that Bennett is not being dedicated although the City will be doing some work on it in the future. Mr. Sullivan asked for documentation indicating that the abandonment will create a financial impact on her property value. Additional comments were solicited but none were given. Commissioner Wipfli moved to approve a motion to recommend to the Board of supervisors approval of application AB-01/02-7 for the partial abandonment of right-of-way on Cochise Street and West Roland Street and the entire abandonment of Pioneer Street based on seven findings and subject to seven conditions contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Kimbrough seconded the motion. Motion carried 6-0.

**H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - CONTINUED (2-2650)** - Mr. Sullivan announced Mr. Joiner's resignation and explained the activities his staff had taken on until the position is filled.

**I. ADJOURNMENT (2-2667)** - Commissioner Wipfli moved to adjourn. Chairperson Christianson seconded the motion. Motion carried 6-0. Chairperson Christianson adjourned the meeting at 9:25 p.m.

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ARE SO APPROVED ON January 29, 2003.

/s/  
Richard Wipfli, Chairperson