

CARSON CITY PLANNING COMMISSION
Special Workshop of April 16, 2001
Page 1

A special workshop was held by the Carson City Planning Commission on Monday, April 16, 2001, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 6 p.m.

PRESENT: Chairperson Allan Christianson and Commissioners Gayle Farley, Wayne Pedlar, Roger Sedway, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy District Attorney Neil Rombardo, Senior Planner Skip Canfield, Assistant Planner Jennifer Pruitt, and Recording Secretary Katherine McLaughlin (S.PC. 4/16/01 Tape 1-0001)

NOTE: 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 6:10 p.m. Roll call was taken. A quorum was present although Commissioners Mally and Rogers were absent. Chairperson Christianson led the Pledge of Allegiance.

B. PUBLIC COMMENTS (1-0014) - Cofounder and Director of the Nevada Outdoor Recreation Association Charles Watson pointed that Park Standards are agenized, however, he wished to discuss the wetlands on Lompa Lane. He had allegedly discussed it with the Parks Director. It manages itself. He suggested that the Commission consider a plank walkway which would allow the community to "explore/tour" the wetland area abutting the riprap south of the Catholic Church. This will allow an individual to see the pool, wildlife, etc. The Parks Director had reportedly indicated that he did not know how to manage a wildland refuge. Mr. Watson had informed him it will manage itself. Garbage collection will be required. This could be handled through a trash cleanup program similar to that used along the highways. The area is not safe at this time due to the construction occurring with the church. There are similar facilities located elsewhere. The planks will have to be anchored to be safe for people walking on them. Mr. Sullivan committed to bringing the item to Parks and Recreation Director Steve Kastens attention. It is not an agenized topic. Additional comments were solicited but none were given. No formal action was required or taken.

C. WORKSHOP TOPICS INCLUDED REVISIONS TO TITLES 17 AND 18 AND THE DEVELOPMENT STANDARDS - NON-ACTION - DISCUSSION ONLY (1-0080) - Senior Planner Skip Canfield, Community Development Director Walter Sullivan, Joan Buchanan, Deputy District Attorney Neil Rombardo, Stanley Brokl, Al Le Balch, Patrick Anderson, Don Langson, Craig Steele, John Foody, Dr. Kent Gabriel, Tony Pilant, David Ruf - Mr. Canfield welcomed the audience. Mr. Sullivan complimented staff on the revisions. There will be another workshop before the Planning Commission considers the revisions. Their recommendation will then be given to the Board of Supervisors for action to implement the revisions. Discussion between the staff and Commission explained the meeting's protocol. Mr. Canfield highlighted the Title 18 revisions commencing with 18.02. The administrative permit process will eliminate the need for small items to come to the Commission, e.g., a four-inch variance. The appeal process for staff's administrative permit decisions referenced the appeal process for variances. It eliminated the need to repeat the

CARSON CITY PLANNING COMMISSION

Special Workshop of April 16, 2001

Page 2

entire process. Notifications for the administrative permit hearings are conducted in the same manner as Planning Commission hearings. Notifications are sent to the surrounding neighbors. The Commission will hear the appeal and make a recommendation to the Board of Supervisors. (1-0282) Discussion explained the process for Ms. Buchanan and the reasons staff is limited to notifying individuals within 300 feet of the applicant. Mr. Canfield then highlighted the revisions to Section 18.03.

Deputy District Attorney Rombardo explained that, in accordance with the State Statutes, the ordinance establishing the Regional Planning Commission needed to be revised before the Commission is called a Planning Commission. As the revision has not been made, the Commission should continue to be known as the Regional Planning Commission. It acts as a Regional Planning Commission. Mr. Sullivan explained that the Regional Planning Commission was established prior to the 1969 consolidation. It is contained in the Charter. Until two years ago, the Commission was referred to as a Regional Planning Commission. He felt that the Commission could call itself either a Regional Planning Commission or a Planning Commission as there is only one governing entity in Carson City. A section will be added to the ordinance creating the "Planning Commission". Mr. Rombardo reiterated his opinion that there is a flaw in the ordinance as it references the Planning Commission who does not exist at this time. When an ordinance is adopted by the Board, it may exist. Chairperson Christianson directed that they resolve the issue at another time. Mr. Rombardo indicated that he had several other concerns which he would work on with Mr. Canfield unless the Commission wished to hear them at this time. An example was the administrative permits under Section 18.02.40 - the lack of a definition for minor deviation. He believed that the language was taken from Washoe or Douglas Counties. Neither of these Counties defined the term. He questioned the need for a Planning Commission if staff is going to have this ability. He also pointed out that if every lot in a subdivision is varied by four inches, the developer will have gained a new lot. The variance is considered a minor deviation. Mr. Canfield explained his purpose in having staff consider minor deviations. The process will define the term "minor deviations". The term is in the Sparks and Reno Cities' Codes and the Washoe and Douglas Counties' Codes without a definition. AB 553 will, if approved by the Legislature and Governor, enable the administrator to approve variances up to 20%. Chairperson Christianson indicated that a Section defining what a minor deviation is should be included in the ordinance. Mr. Canfield indicated that the ordinance revision is based on Statutes allowing certain staff members to be a hearings officer for some applications. Mr. Rombardo explained that hearing examiners also consider demolition of buildings in the Historic District. It is possible for the Commission to require reports on the hearings and decisions. Commissioner Pedlar suggested that the requirement include the ability for the Commission to overrule the hearing officer's decision if the item is appealed. Mr. Canfield reiterated the reasons for recommending the process. Commissioner Sedway supported the process. Mr. Canfield limned a listing of the activities which the process will consider. Child care facilities are not included on the list. Chairperson Christianson directed that the list be presented at the next workshop. Changes to the deviations have to be presented to the Commission. Mr. Sullivan explained the Statutes governing this process. The Commission had previously directed staff to explore the process. The history of the Downtown Design Review process was explained to indicate how the process has successfully worked. Mr. Rombardo pointed out the current process is hard for both the applicant and anyone who may be opposing his/her project. He felt it is easier to talk to one person than a jury. He also indicated his support for the section on moratoriums.

Mr. Canfield continued his review of the revisions starting with Section 18.03. He corrected Page 27 "Resource" to be "Cultural Resource".

CARSON CITY PLANNING COMMISSION

Special Workshop of April 16, 2001

Page 3

(1-0726) Mr. Brokl suggested that amateur radio stations be defined. Amateur radio stations are referenced later in the ordinance. He also suggested that wireless communication services include amateur radio service and ham radio services.

Mr. Canfield explained for Mr. Le Balch that development standards address the screening and outdoor storage standards. The limited industrial and limited manufacturing have definite standards when using outdoor storage. A noise section is a new portion of the ordinance under the development standards. Mr. Le Balch pointed out that if definitions are eliminated, it will be difficult to determine the original purposes for grandfathered structures when questions arise in the future.

Mr. Anderson explained that the Commission had been sent a letter previously regarding his concerns related to the term "clinic" as written on Page 18.03(7). The Commission indicated it had received the letter previously. His concern related to the CASCI and its outpatient services. Originally its outpatient services were for 24 hours. The national standard for its service has been extended to 72 hours. Commissioner Sedway explained that any facility handling patients for longer than 72 hours must be designed to comply with hospital standards. Commission comments indicated that outpatient care is restricted to less than 24 hours. Mr. Anderson explained in detail his belief that the definition is obsolete and redundant with the term hospital. He then explained his belief that a definition for professional office is needed. Mr. Sullivan agreed that the term should be retained. Commissioner Sedway supported Mr. Anderson's request that the terms "hospital, medical offices, and clinic" needed to be revised. He also felt that hospitals should require special use permits regardless of the zoning district they are located in. Delivery of medical services in the future will be radically different from the current process. Outpatient services will be the norm and will provide services currently performed only in hospitals. Mr. Sullivan expressed an intent to utilize his expertise in making the revisions.

Mr. Langson felt that the definition of "club" should include commercial clubs as allowed by the Statutes. Mr. Canfield, Mr. Rombardo, and Mr. Sullivan justified leaving the definition as written. Mr. Sullivan suggested that this term be placed in an issue bin and discussed further when the Tourist Commercial zone is discussed. Mr. Langson suggested the definition of Recreational Vehicle in Subsection "e" be kept. Mr. Sullivan explained the need to define semi-permanent RV use. This issue will be discussed during the RV park revisions to be considered later in the year. If it is removed from the sentence, he would support retaining the balance of the definition. Additional public comments on this section were solicited but none were given.

Mr. Sullivan explained the need to add/revise: a definition of a business office, convenience mart or store to include gas facilities; rear lot lines; and restructure the language in the last line of Page 18.03(26). Discussion between the Commission and Mr. Sullivan explained that professional offices are allowed in RO. Home Occupations are allowed in residential zones. The example cited by Chairperson Christianson may be located in a split zoned area which allows a professional office in one half and a home occupation in the other. A special use permit could be obtained allowing the same use for the entire property. Chairperson Christianson indicated that they will discuss the referenced site after the meeting. Justification for not having a definition of a "semi-professional" occupation was provided. Chairperson Christianson voiced his concern regarding his inability to have his insurance office as a home occupation.

CARSON CITY PLANNING COMMISSION

Special Workshop of April 16, 2001

Page 4

(1-1137) Mr. Canfield then reviewed Section 18.04 Use Districts. Justification for using the GIS designations for the districts was explained. The definition of temples is to be combined with the definition of churches. Revised Section 18.04.028 was distributed to the Commission and Clerk. (A copy is in the file.) Mr. Canfield noted for the record that a second group of individuals has proposed different designations for the Tourist Commercial zones. The main difference in the groups' recommendations is the desire to eliminate the general public from the industrial zone. The second group preferred having a mixed use and maintaining the existing uses with a broader range.

Mr. Brokl explained that his SF 21,000 zoning was changed to MH 12,000. The GIS designations do not include MH 21,000. He urged staff to add it to the list. Mr. Sullivan explained the history of the MH 12,000 district in Mr. Brokl's neighborhood. It is possible to have a larger lot size than the area designation, however, smaller lots are nonconforming uses. The zoning was changed to MH 12,000 in 1978. Since that time there have been large lots reduced to 12,000 to 14,000 square feet. Based on the lots, he would not support changing the zoning back to SF 21,000. Mr. Brokl reiterated his request and indicated that none of the residents were notified about the 1978 change. He also indicated that he is allowed to have horses on his half-acre. Mr. Sullivan explained the location of a three to five acre parcel in the MH 12,000 district which has only one house on it. Staff only verifies that the lot is not smaller than the designated zoning. Mr. Brokl pointed out that he is unable to subdivide his lot as the remaining 9,000 square feet is nonconforming. If the entire area is zoned SF 6,000, everyone will be able to reduce their lot sizes and meet the City's goal of increasing the density. Mr. Sullivan explained that a portion of the New Empire area is zoned SF 6,000 as there are water, sewer, and storm drainage services in that area. Whenever such services are in the area, the City may wish to reduce the lots. The pros and cons of this concept were noted. Mr. Sullivan expressed an intent to meet with Mr. Brokl on the concept.

Mr. Anderson pointed out that on Page 13 the definition of the term "professional offices" was deleted. Mr. Sullivan had previously indicated that the term will be retained. He supported its retention. He also pointed out the removal of the word "professional" in the list of offices in the RO district. He urged the Commission to add professional to the listing. Mr. Sullivan concurred and indicated that the definitions should include both professional office and business office for consistency. Commissioner Pedlar pointed out that professional engineer and professional land surveyor are not included in the listing of professionals. He suggested that the allowable terms be expanded to include them as well as an architect. Mr. Anderson then reiterated his concerns regarding the term hospital. Mr. Sullivan described the different services considered in the hospital, medical offices, etc. Square footage may be used to designate the differences as well as the medical procedures allowed. The Historical Architectural Review Committee is also concerned about when an office is an office and when it is a clinic. They feel that the size of the facility should be considered. Mr. Anderson then explained his concerns about allowing residential uses along thoroughfares as it will open the SF zones along thoroughfares for general office purposes. The term thoroughfare needs to be defined. The concept will allow commercial intrusion into the residential neighborhoods. It will create friction zones. He believed the petitions he had submitted in December had also opposed allowing hospitals in the RO zones. Allowing a hospital in the GO district will expand the GO district to include residential districts along the thoroughfares. He urged staff to revisit this issue. Chairperson Christianson asked that a copy of the letters/petitions be provided to the Commission as it had been some time since the Commission had seen them. Commissioner Pedlar concurred. Mr. Canfield explained the purpose of the "letter" was to oppose having a hospital in a

CARSON CITY PLANNING COMMISSION
Special Workshop of April 16, 2001
Page 5

commercial district. It is a service related to commercial enterprise. This issue has not been addressed in the GI district.

(1-1713) Mr. Langson and Mr. Sullivan concurred with the need to adjust the TC lot sizes on Page 18/04(53) by reducing the minimum lot width to 60 feet. Mr. Langson also felt that the uses for both indoor and outdoor recreation were similar and could be considered redundant. He asked that, if these terms were eliminated, the term "commercial amusement and recreation inside" and "commercial amusement and recreation outside" be retained as primary permitted uses in Section 18.04(30) and that retail commercial uses be allowed as a primary permitted use. Mr. Sullivan pointed out that if it is a primary permitted use, there would be no need for a TC designation as it would be retail commercial. A separation of uses is needed. TC zones may want some of the retail commercial uses. The special use permit process will analyze this usage. Mr. Langson used a theater and restaurants to illustrate his reasons for wanting retail commercial uses in the TC zone. Mr. Sullivan explained that the majority of retail commercial uses are not found in the tourist commercial zone. This is due to the purpose statement for tourist commercial zones. Mr. Langson then explained that the definition of tourist commercial as found on Page 18.04(29) is not the uses he had originally obtained the TC designation for his property. His commercial uses have all been systematically eliminated including his single family residential and his single family mobile home residential uses. His commercial stable use is also being restricted. His stable is licensed. He alleged that the license is restricted to two horses even though he has 39 acres. His neighbors have SF 1A zoning and do not have any restrictions regarding the number of horses they keep. This is unfair to him. Mr. Sullivan explained that, if a commercial stable is an allowed use today, as Mr. Langson has a business license for that use, the use can continue as a nonconforming use. It is a grandfathered use. He also pointed out that few, if any, stables are located adjacent to freeway exits. A special use permit will be required to increase the number of horses at the stable. He then explained that Mr. Langson's attorney had recommended limiting the number of horses to two. The designation "single family residential" restricts the number of homes to one. Single family dwellings allows more than one. These designations have remained the same for the last 20 years. Mr. Langson repeated his request that single family mobile home and single family residential be included in the TC zone. Mr. Canfield explained that the accessory uses indicated in the purpose statement are those services related to the tourist industry and encourage tourism and will serve as a buffer to adjacent districts. Mr. Sullivan listed examples. Mr. Rombardo reminded the Commission that the issues which Mr. Langson has raised are personal issues and not related to the Code. The agenzized item is the Code. Mr. Canfield then explained that the proposal is a planning tool to provide flexibility in the uses and adequate buffering to avoid conflicts. Mr. Langson then explained his feeling that the gateway presence does not consider his plans for development of his property. The concept will further restrict his uses even though he abuts the freeway. Mr. Sullivan explained that an "overlay" section may be added to the Code. Mr. Canfield explained the reasons for feeling that College Parkway, as a freeway exit, is and will be a gateway for the community. Mr. Langson alleged that his property will be a deadend without any access to or egress from. He supported Mr. Sullivan's proposal to have a gateway overlay for the freeway exits but it should not be attached to the TC zone. TC will not be the only zoning allowed in the gateway. Mr. Sullivan indicated that he and Mr. Langson should meet and discuss these issues later. He believed that they agreed in principal but not as to the language.

RECESS: A recess was declared at 8:05 p.m. The entire Commission was present when Chairperson Christianson reconvened the meeting at 8:10, constituting a quorum.

CARSON CITY PLANNING COMMISSION

Special Workshop of April 16, 2001

Page 6

Chairperson Christianson explained his intent to close the meeting at 9 p.m. He reminded the public that there will be another meeting on Monday before a recommendation is adopted by the Commission. He also indicated a desire to restrict comments to five minutes.

Mr. Sullivan explained to Mr. Steele that at least two workshops will be held to allow people to voice their concerns and address issues. On April 25th the Commission will begin to formulate decisions regarding the Code revisions. A second meeting to further formulate decisions will be held on May 2. The three designations for the public zone will occur on or about May 8. These decisions will be sent to the Board of Supervisors. They will act on both the Code and the zoning designations concurrently. The loss of Senior Planner Juan Guzman, who is now the Open Space Manager, had delayed the work on the public zones. Staff will be meeting with Mr. Guzman and the public and write an Open Space zoning district during the latter part of the year. Mr. Steele then explained his concern regarding property adjacent to public zoned sites. He liked the idea of requiring a special use permit for publicly zoned areas, however, he did not believe that the current definitions clearly indicate what kind of uses will be allowed on the publicly owned property. A better definition of the intensity/activity that will be allowed on the site is needed. Edmonds Park and his property near the airport were used to illustrate his concerns. He urged the Commission to redefine the uses so that the intensity of future uses can clearly be determined by the abutting property owners. Mr. Canfield pointed out that the map with the blue designations is an illustration of the current zoning. All of the sites are publicly zoned. The proposal will separate the different sites into three classifications - public community, public neighborhood, and public regional. They designate the different intensity levels. Mr. Sullivan indicated that he understood Mr. Steele's concern. The use of Edmonds Park for soccer games was cited to illustrate it. He asked Mr. Steele to assist with the designations.

(1-2288) Mr. Sullivan explained for Mr. Foody the reasons General Office has more flexibility than the Residential Office as defined in the table on Page 18.04.(53). He also noted the transitional zone of GO abutting residential areas along Highway 50. It was felt that these single family homes will eventually be replaced by offices, etc. For that reason a setback is being retained for that area. It, however, is not as stringent as in the RO zone.

Dr. Gabriel explained that a clinic is not the same as outpatient facilities. His definition of a clinic was limned. He urged the staff and Commission to consider "boutique" hospitals. They allow patients to remain for up to 72 hours. An ambulatory surgery center is different than the three-day hospital as it may or may not have the ability to keep patients for less than 23 hours or overnight. There are also Medicare approved operating rooms in offices similar to a dentist's office where procedures are performed. They do not have an established square footage requirement, however, will need approximately 4500 square feet. He did not wish to see the requirements for a clinic or physician's office to be so restrictive. They will surround the area where the hospital is located. He urged staff and the Commission to be cognizant of the differences when defining them. Discussion between Dr. Gabriel and Commissioner Sedway indicated that the usage should be considered as well as the square footage. Additional comments were solicited.

Mr. Sullivan asked Mr. Le Balch to meet with staff so that positions can be developed to present to the Commission when final decisions are being made. Mr. Le Balch indicated that there are certain setbacks which need to be modified and safety uses which need to be considered. He asked he be given ten minutes

CARSON CITY PLANNING COMMISSION

Special Workshop of April 16, 2001

Page 7

to present his position on these items at a future meeting. Mr. Le Balch agreed to meet with staff. Additional comments were solicited.

Mr. Rombardo indicated a feeling that there are inconsistencies throughout the Code, i.e., "coin shop - not pawnshop" and "pawn shop including coins and stamps". He felt this was redundant. There is a need to define these uses including but not limited to a tobacco shop, soda fountain--which is an outdated term at this time, ice cream shop, etc. He also indicated a lack of understanding why a neighborhood zone, which has a purpose of encouraging walking and biking, can have a tobacco shop, alcohol stores, etc. The walkers may be children who are underage and cannot purchase these items. Mr. Sullivan expressed an intent to meet with Mr. Rombardo regarding his concerns. Discussion pointed out that the Commission hears appeals of staff's decisions regarding such definitions. Mr. Rombardo felt that a clear definition should be established in the beginning to avoid legal entanglements with the permitted uses.

Mr. Sullivan pointed out that all of the conditional use statements for a district need to include "require approval of a special use permit". Additional public comments were solicited. None were given.

Mr. Canfield then reviewed Section 18.05. The areas that were struck through have been transferred to the Development Standards section. Mr. Sullivan explained public concerns regarding RVs spending the night in commercial parking lots. Additional language prohibiting this usage will be brought to the Commission in the future. The RVs should be staying in approved RV lots, campgrounds, etc. This will prohibit the dumping of gray/black water in a parking lot. The Health Department will be handling the animal and mobile canteen ordinances. Public comments were again solicited.

Mr. Brokl felt that Section 18.05(12) failed to include previous Code Section 18.05.036. Mr. Canfield agreed that it had been missed. Mr. Brokl then pointed out that Section 18.05.15 had exempted amateur radio antennas, however, the zoning ordinance had varied the restriction to reduce the height of the antennas based on the various lot sizes. All ham radio operators are guided by the FCC. The FCC rules regulate a community's ability to restrict the use of amateur radios and/or their antennas including their heights, etc. He suggested that staff negotiate with the amateur community to establish a height in the exemptions to be consistent with the FCC regulations. Such restrictions could be included among the safety restrictions rather than building codes. He volunteered to work with staff in this vein. Mr. Canfield explained the antenna requirements for ham radios. He also indicated that Mr. Brokl had referenced Page 18.15(1) at the end of the Code revisions. Mr. Sullivan indicated that there is interesting case law regarding antennas. Cities can limit the height of an antenna, however, FCC can override local regulations. An example was given to illustrate this ability. He appreciated Mr. Brokl's offer of assistance. Mr. Brokl indicated that AB 61 is a bill before the current Legislature addressing this issue. It purportedly will prohibit a municipality's ability to restrict amateur radio antennas. A copy of the bill was presented to the Commission. (A copy was not given to the Clerk.) The bill was allegedly "reported out" of committee and had been sent to the Assembly last week. The bill still must be sent to the Code Committee and Senate and then to the Governor for his signature. Discussion between Mr. Brokl and Chairperson Christianson cited an antenna in the community which was felt to be somewhat of an "eyesore". Mr. Brokl explained how safety factors could be used to limit the height of an antenna. He also indicated that his antenna is 35 feet tall, however, other operators need 60 feet for the same reception. Additional comments were solicited.

CARSON CITY PLANNING COMMISSION

Special Workshop of April 16, 2001

Page 8

Mr. Pilant explained his desire to restrict his viewshed so that he can continue to see the valley and mountains. Mr. Sullivan suggested that they meet and look at the zoning maps. He was not certain when the weekly transient housing concept for the lot in front of Mr. Pilant was approved. Additional comments were solicited.

Mr. Ruf indicated that he had submitted his notes regarding the landscaping codes to Ms. Pruitt. He hoped to meet with Ms. Pruitt or Mr. Canfield before Monday to discuss his concerns. Discussion indicated Monday's session will commence at 6 p.m. His issue may be agendaized for a specific time. Additional public comments were solicited but none were given. Public testimony was closed.

Mr. Sullivan thanked the audience for attending and participating. He announced a special meeting scheduled for Monday. A final decision will be made on April 25. Commissioner Sedway felt that the proposal for staff to handle minor deviations should be based on the lack of opposition from the neighborhood. Such items should be noticed under the current process. Chairperson Christianson explained that the lack of opposition is used when applications for structures over 50% of the current residence are submitted to the Commission. Mr. Sullivan explained his feeling that the lack of opposition should not be used. Staff may not receive formal letters of opposition but 20 people may attend the meeting with valid reasons for opposing a project. The staff report is based on knowledge at the time it is being written. It is difficult to say opposition will not occur at the last minute. This is the same reason staff does not make a decision as to how the Commission will vote on an application. Commissioner Sedway explained why he felt the concept could work and agreed that it may not work in all cases. No formal action was taken on any of the items.

Commissioner Wipfli moved to adjourn. Commissioner Pedlar seconded the motion. Motion carried 5-0. Chairperson Christianson adjourned the meeting at 8:55 p.m.

The Minutes of the Special April 16, 2001, Carson City Planning Commission meeting

ARE SO APPROVED ON _____, 2005.

John Peery, Chairperson

NOTE: As none of the Commissioners were serving at the time of this meeting, they refused to approve these Minutes. Upon direction by the District Attorney's office they are to be signed as follows:

Respectfully submitted on 10/26/05.

/s/

Katherine McLaughlin, Recording Secretary