A special meeting of the Carson City Planning Commission was held on Wednesday, May 2, 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, and

Richard Wipfli

STAFF PRESENT: Development Services Director Andrew Burnham, Community Development Director

Walter Sullivan, City Engineer Larry Werner, Deputy District Attorney Neil Rombardo, 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 Vice Chairperson Mally and Commissioners Rogers and Sedway were absent. Commissioner Farley led the Pledge of Allegiance.

- B. PUBLIC COMMENTS (1-0022) None.
- C. **DISCLOSURES (1-0027)** Commissioner Pedlar disclosed that he had several discussions with various members of the Chamber of Commerce Manufacturers Association concerning Title 17. These discussions will not impact his decisions.

D. PUBLIC HEARING

D-1. U-98/99-27 - DISCUSSION AND ACTION ON RECONSIDERATION OF CONDITIONS OF APPROVAL OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM SID WILLIAMS (1-0101) - Senior Planner Skip Canfield, Sid Williams, Elaine Magee, Bob Bondiett, John Uhart, Jean Bondiett, Deputy District Attorney Neil Rombardo - Chairperson Christianson and Commissioner Wipfli disclosed their involvement with the test of the restaurant's roof mounted equipment. Both felt that it was a valid test. The equipment's noise was felt to be minimal. The Highway 50 Spooner Summit noise was felt to be louder. Commissioner Wipfli also indicated that when the "little door" was closed, the equipment was even quieter. Mr. Williams explained his belief that a compressor would make more noise than the fan on the equipment. Mr. Canfield concurred. Mr. Williams explained that, if the equipment had been installed properly rather than sitting on blocks, the air will move more freely through it. It should be quieter than what was heard during the test. Public comments were solicited.

Ms. Magee gave her address. She had met with Mr. Williams and that they were working out their differences including the landscaping issue. She had also participated in the test. Her original concern had been regarding the equipment's noise during the night. For that reason she had personally checked the noise level several

different times during the night. She could not state that it made a lot of noise. Her concern remains that there will be equipment on the roof which had not been approved. She asked that some mitigation be required, such as planting of trees on her property and providing irrigation to them, to eliminate the sight of the equipment. The equipment is intrusive to her lifestyle. She indicated support for the restaurant. Chairperson Christianson explained that testimony at the previous meeting on this item had indicated that having the ducts on a horizontal plane could create a grease fire hazard. The ducts should be run straight up. He agreed that the parapets are noticeable and may not be located as indicated on the site plan. Ms. Magee felt that the parapets are not located as indicated on the original plans. Chairperson Christainson concurred. He also felt that their current location will reduce the noise. Ms. Magee reiterated that the parapets were not supposed to be located on the roof. Chairperson Christianson indicated that at this time this is the only business at that location that will have the fans. Ms. Magee reminded the Commission that it had asked that the parapets be removed and urged the Commission to uphold that decision.

Mr. Bondiett gave his address and admitted that the fan is very quiet. He then indicated his concern regarding the odors emitting from the restaurant and asked that they be mitigated. Chairperson Christianson indicated that the Commission may not be able to assist with this problem. He also noted that the prevailing winds are from the west which may assist. Mr. Sullivan asked that applicant address this issue. He suggested that cleaning the vents may address the situation. Mr. Bondiett then explained his personal knowledge of the restaurant business indicates that the fans will become noiser as they age, bearings wear out, belts break, equipment rattles, etc. He also felt that the equipment and restaurant will be operating at 2 a.m. Mr. Canfield indicated that the conditions of approval require the restaurant to be closed at 10 p.m. Mr. Bondiett felt that the restaurant would continue to operate if there were clients present. Mr. Williams explained his restaurants at Lake Tahoe. Neither restaurant allow their fans to run at night. Chairperson Christianson reiterated that the restaurant must close at 10 p.m. If they violate the hours of operation, Mr. Bondiett should contact the Planning Department. Discussion indicated that his residence is 275 feet from the restaurant and explained the location. Mr. Bondiett expressed his dissatisfaction with Mr. Williams and the proposed use. He felt that the building should have been placed further back on the lot and have only one story. Additional public comments were solicited.

Mr. Uhart advised that he is the applicant's commercial real estate broker. He felt that the applicants had attempted to develop a project which would fit the neighborhood. He briefly summarized the effort. Two potential tenants for the building were limned. The tenants will adhere to the 10 p.m. closing restriction. He then expressed his belief that if the City does not attract restaurants to the area, they will go elsewhere. His desire to see the restaurant in Carson City was explained.

Ms. Bondiett displayed a purported copy of the Planning Commission's Notice of Decision from its October 20, 1998, meeting. She read Condition No. 2 which indicated that "the project will cause no objectionable noise, vibrations, fumes, odors, dust, glare, or physical activity". Discussion just now indicated that fumes and odors will be caused. She questioned whether the Commission is reversing its original decision. Mr. Canfield read Finding No. 2 which is required for special use permits. Staff must balance all of the uses against the surrounding uses when making a recommendation. The one issue is the odors from the restaurant's cooking. Staff felt that it was a balanced decision. Additional public comments were solicited but none were given.

Discussion between Commissioner Wipfli and Mr. Williams indicated that he was not now working with Ms. Magee on the landscaping. Commissioner Wipfli justified the question and his reasons for seeking a compromise whentwo zoning districts which create a friction zone. Landscaping on Ms. Magee's side of the development may provide the final resolution to the friction zone. Mr. Williams explained that the plans require the planting of four 12 foot tall trees at the south end of the property. He is unable to plant the trees on that side of the development due to his landscaper's indication that they will not survive. So, they planted a six foot tree there. He then planted a 12 foot tree on Ms. Magee's property. The building is a beautiful building for the area and "cost a lot of money". The back of the building is beautiful. There is landscaping on that side. He wished that they had put the trees on Ms. Magee's property before they started the construction. Commissioner Wipfli reiterated his reasons for seeking a compromise for what he perceived as a minor issue. Mr. Williams explained that it will take a "large sum of money as a couple of trees" will not block her view of the parapets/building. Mr. Williams then indicated that the "tree is in" and that he would love to address it anyway that he can. He had expected to be open two months ago. The continuing costs for the project are "hurting a little bit". He did not know what Ms. Magee wanted on her side of the fence. She should discuss it with the Commission/staff.

Ms. Magee indicated that the tree had been planted and that there were some next to Roventini. She felt that she had been attempting to compromise. The area that she wanted blocked is where the fence should be as the building can be seen from her deck. The tree that was planted was the one that was planted incorrectly and would have died if left in place. She was willing to bring the issue to an end. Everyone is tried of it. She still want the view obstructed of what was not supposed to have been constructed; otherwise, the Commission should require compliance with the original conditions. Additional comments were solicited but none were given.

Commissioner Wipfli reiterated his reasons for wanting a compromise due to the friction zone between the residential area and the commercial area. The Commission had attempted to mitigate the frictions as best it could. It is an attractive building. Albertson's HVAC units can be seen from the hillside, which he found more offensive than the proposed structure. He reiterated his hearing of the Spooner Summit traffic as being louder than the fan on the building. He had attempted to get the unit placed on the side, however, the experts alleged that this was an unsafe location which would create even more noise. He felt that the Commission had pursued the issue as far as possible at this time. Commissioner Wipfli moved to accept the fan and and that all of the landscaping that is noted on the plan (is) to be in place and for the process to proceed and go on. Discussion indicated that Commissioner Wipfli would like to see additional landscaping on Ms. Magee's property. He was not going to make it part of the motion. He volunteered to pay \$10 toward the tree. Mr. Sullivan also felt that, if the developer goes this one last step and places the landscaping on Ms. Magee's property, the neighborhood would be more accepting of the project. This belief was based on Ms. Magee's statement that if trees are planted on her property, she will support the application. The applicant most prove his application is a benefit to the neighborhood. The neighborhood wants the extra trees for mitigation of the friction. Commissioner Wipfli explained his reasons for not wanting to put additional limitations on the project. He wanted to see the trees on Ms. Magee's side. He was willing to amend his motion if Mr. Sullivan provided the language. Mr. Sullivan felt that there would not be 23 trees on Ms. Magee's property. When staff analyzes the tree species and height limits, it will determine the number of trees required. Commissioner Wipfli then indicated that the landscaping design for Ms. Magee's side of the property

is to be given to staff for review. Mr. Sullivan concurred. Commissioner Wipfli concurred with this amendment to his motion.

Commissioner Farley questioned the amount of time required before the trees will "block" the view of the parapets. She felt that the neighborhood was upset about the parapets and placement of the equipment on the roof. She also understood the cost of the trees and the cost incurred when a project does not go as well as desired.

Ms. Magee indicated that she did not have a problem with the businesses opening tomorrow. She believed that they will be able to resolve the issue. She just wanted to be able to enjoy the view when sitting on her deck. The parapets were not supposed to be there. She is unfamiliar with tree species and their growth rates. She then explained the decision that was made to reseed the damaged area on her property. It will take time for that to occur. She was willing to compromise, however, felt that the applicant was not. She agreed about the comments regarding the Albertson's HVAC equipment. She, however, did not have any say about what happens on commercially zoned property. The applicant's site was not all commercially zoned. They had "fought and fought" for the conditions. She was now agreeing to "back down" so that the project can go forward. Discussion explained her view of the parapets. She agreed that it is an attractive project and that the parapets do look better than originally constructed.

Commissioner Pedlar explained his personal observation of the site. He also felt that some decorative material should be added or additional trees planted.

Mr. Sullivan suggested that the motion be amended to direct staff to work with the applicant and neighbors to develop the landscaping. If a consensus is not reached, he will bring it back to the Commission or the project will not go forward. Chairperson Christianson felt that the project should be allowed to open and go forward. The landscape plan should be returned to staff.

Commissioner Wipfli moved that the Planning Commission move the process forward and that land-scaping will be worked out by Planning staff with Mr. Williams and Ms. Magee to the satisfaction of the Planning staff. Commissioner Farley seconded the motion. Discussion between Commissioner Pedlar and Mr. Sullivan indicated that if an agreement cannot be reached regarding the landscaping, the project will go forward as indicated by Commissioner Wipfli. The motion was voted and carried 4-0. Mr. Sullivan briefly explained the appeal process.

Deputy District Attorney Rombardo expressed his concern regarding the need to amend Conditions 7 and 18 for the Special Use Permit. Commissioner Wipfli felt that Condition 7 had been addressed as the noise had been determined to be minimal. He found that the refrigeration units placed on the building create a minimal amount of noise which is less than that generated on Highway 50 at Spooner Summit. He also felt that the noise making equipment listed in Condition 18 had already been placed on the ground. The fan is a special circumstance. Mr. Rombardo indicated that, if this is the opinion of the Commission, he is comfortable with the decision. The Commission's consensus concurred with Commissioner Wipfli. Chairperson Christianson ruled that the discussion had provided a new motion amending Conditions 7 and 18. Mr. Rombardo indicated that the new language is that: The noise created by the fan has been properly

stated under Condition 18 and understood and that Condition 7 does not apply to the fans. The motion as amended was voted and carried 4-0. Clarification indicated that Commissioner Wipfli had moved and Commissioner Farley had seconded the motion.

U-97/98-49A - DISCUSSION AND ACTION ON AN AMENDMENT TO SPECIAL D-2. USE APPLICATION FROM HAROLD C. CASPER (1-1518) - Assistant Planner Jennifer Pruitt, Community Development Director Walter Sullivan, Harold Casper, Senior Planner Skip Canfield, Capital Christian Center Project Coordinator Debra Sisco, Bruce Pfeiffer, Applicant's Contractor Dwight Millard -Mr. Sullivan explained a private citizen's concerns were the basis for agenizing the application. Mr. Casper indicated that he had read a majority of the report and agreed with the findings. He explained his belief that the use of the original building was grandfathered and questioned the need for the parking improvements. Mr. Canfield explained that the application expanded the use which subjects the applicant to complying with the landscaping/parking requirements. Staff had added two inch caliber trees to the parking lot as required in the Code. Clarification indicated that the applicant will have to extend the irrigation system. Mr. Casper explained that the parking lot is very hard to dig. There is a small park along one side. The proposed trees will eliminate some of the parking spaces. Commissioner Wipfli suggested that the trees be clustered instead of being spread throughout the parking lot. Justification for his suggestion was provided. Mr. Canfield explained a location on the site plan where the trees could be placed. He also expressed concern about waiving the parking lot requirements as it could establish a precedence for other parking lots. Commissioner Wipfli explained that his reasons for clustering the trees were based on discussions held between the Shade Tree Council and City Arborist Molly Sennett. Mr. Canfield explained that the Code provides an ability to "break up the sea of asphalt" by placing a tree every ten spaces. The planted area is to be a minimum of six feet. The requirement is consistent with requirements placed on others. Commissioner Wipfli suggested that the Code be revised to allow clustering. He also explained that the proposal provides a retrofit for an existing parking lot. Latitude should be provided in such cases. Mr. Canfield concurred and reiterated his suggestion that the planters be eliminated and the trees placed in their location. He felt that the trees should also be placed in the center of the parking lot.

Ms. Sisco explained the use of the parking lot for recreational activities for the Church's students. The area is only used as a parking lot one day a week. There is a significant memorial garden on the south side of the property with more than 20 evergreen trees. The trees are fully mature and have a height of 30 to 40 feet. Moving the planters will impact the ability to use the area for playing. Their attempts to dig fence post holes were explained to illustrate their difficulty penetrating the dirt. She also expressed her opinion that it would be even more difficult to penetrate the dirt in the parking area as it had been paved over for many, many years. She opined that the requirement would place an undue burden on their nonprofit operations.

RECESS: A recess was declared at 7:03 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 7:10 p.m. Vice Chairperson Mally and Commissioners Rogers and Sedway were absent as indicated.

Mr. Sullivan explained the approved 1998 application was for the construction of one - two story building containing approximately 13,400 square feet for housing the elementary, middle, and high schools. In 1999 a one story 5,944 square foot building was constructed. The application is for a second structure of the same size at the same site. It expands the educational facility. The record needs to include that the item was

properly agenized for amending the special use application to modify the previously approved educational site plan. The motion should be amended to read that in approving the application, the modified site plan is being approved for two - one story 5,944 square foot structures. The motion will then amend the original special use permit submitted in 1998. Mr. Rombardo indicated that this motion will clear up the entire site and eliminate any potential problems. Mr. Sullivan then suggested that the landscaping be referred to staff. He felt that there are three perimeter areas where landscaping could be located. Chairperson Christianson concurred as he felt that placement of the trees around the perimeter would provide a canopy appearance from the streets on three sides. This also eliminates the need to reduce the parking area which is used five days a week for the children's recreational purposes. Commissioner Pedlar supported his suggestion. His personal inspection of the site was described. Chairperson Christianson also explained the concern that the revision not become a precedent for future parking lots.

Ms. Sisco explained that the parking lot currently contains 206 parking spaces. The findings require 204 parking spaces. Therefore, additional parking spaces should not be required. Ms. Pruitt explained her discussion with Ms. Sisco. The plan that was submitted to staff and the plan in the Commission's packet do not show 200+ parking spaces. This created the conflict. Staff will require an updated parking plan. Discussion between Chairperson Christianson and Ms. Sisco explained the proposed concept which would place the trees around the perimeter of the parking area and her concern that trees along the gulch may not be realistic. Commissioner Wipfli directed staff to work with the applicant on the landscaping. He also suggested that some consideration be given to the trees in the memorial garden. He was concerned that trees in the parking lot may not be able to survive. He believed that some trees could be planted along the west side and that clustering should be used to meet the remaining count. Chairperson Christianson suggested that the item be referred to staff to work with the applicant on the location of the trees. Mr. Sullivan concurred. Ms. Sisco explained a concern regarding the location of the property line and the desire to have the trees on their property. Public comments were solicited.

Mr. Pfeiffer explained the location of his residence, the original building, its lighting, and the agreement reached with the Church which had reduced the glare onto his property. Since then a modular building and a maintenance building have been added to the site. They have two lights which shine all night long toward his residence. Three days ago these lights were diffused. He believed this occurred as a result of his request. He asked that the lighting requirements be met and not be so bright or light the entire neighborhood. Perimeter lighting, or other lighting methods, should be used to control the light pollution. His complaint to the Department had resolved the original issue, however, the Church has indicated a need to have the lighting for the children. He had understood that the children were not supposed to be on the site at 9:30 p.m. He felt that the current lights are burn from dusk to dawn. He reiterated his request that the City's lighting codes be enforced. Chairperson Christianson indicated that the Commission will discuss the lighting and may obtain a concession to use downward lumination. Similar lighting had been required for a Hospital parking lot. Mr. Pfeiffer complimented Ms. Pruitt on her professionalism and for keeping him informed of the status of the application. Chairperson Christianson thanked him for his comments.

Mr. Millard indicated that he is the contractor of record on the project. He assured Mr. Pfeiffer that he had not been aware of a problem until the last letter was received. The lights will be mitigated. One light is essential for the safety of the individuals who are on the premises. Some of the night lighting is for security. He will have their electrical contractor put defusers on the lights or change them to reduce the glare. He

indicated that the lighting on the children's day care center will be retrofitted. He then indicated that he was making a stipulation. He explained that the original parking agreement on building one was developed with former Senior Planner Juan Guzman. He had agreed to having perimeter landscaping as it is more practical. The school uses the parking lot during the daytime. The planters are a nightmare to get around when the parents are dropping off/picking up the students. There are 100+ children attending the school which means that there are 100+ cars coming and going at the site. There is a planter in the blue area. Ms. Sisco had allegedly agreed to stipulate that any additional parking or new parking will meet the requirements for a planter at every ten feet. Chairperson Christianson suggested that this stipulation be left for the future and not be made at this time. Mr. Millard expressed his feeling that the new parking lot should comply with the Code. Chairperson Christianson indicated that the Commission will consider this stipulation if the issue arises. Additional public comments were solicited but none were given. Chairperson Christianson closed public comments.

Commissioner Pedlar moved to approve U-97/98-49, a special use permit request from Harold C. Casper to allow a 5,944 square foot expansion to an existing facility on property zoned Public located at 1600 Snyder Avenue, APN 010-221-12, based on seven findings and subject to 15 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. Following discussion of the amendment, Commissioner Pedlar amended his motion to include approval of the modified site plan as presented to allow two buildings, both of them being 5,944 square feet in area. Commissioner Farley seconded the motion. Motion carried 4-0.

- **D-3.** A-00/01-4 DISCUSSION AND ACTION ON REVISIONS TO THE CCMC TITLE 17 SUBDIVISIONS (1-2627) During City Engineer Larry Werner's introduction Commissioner Wipfli left the meeting 7:30 p.m. A quorum was no longer present. A workshop on the revisions was conducted. No formal action was taken. Mr. Sullivan thanked the Commission, public and staff for their input.
- E. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS NON-ACTION ITEMS:
- 1. STAFF BRIEFING ON THE BOARD OF SUPERVISORS DECISIONS ON COMMISSION RECOMMENDED ITEMS AND CORRESPONDENCE TO THE COMMISSION None.
- 2. FUTURE COMMISSION ITEMS AND DATES Chairperson Christianson advised the Commission that the next meeting will be held on Tuesday, May 8. Discussion indicated the topics for discussion at that meeting. No formal action was taken.
- **F. ADJOURNMENT** The meeting was adjourned by mutual consent at 8:43 p.m.

NOTE: Based on direction by the District Attorney's office and on the Commissioners' refusal to approve Minutes for a meeting they did not serve on, the Minutes are to be signed as follows:

Respectfully submitted on 11/1/05.

/s/ Katherine McLaughlin, Recording Secretary