

CARSON CITY PLANNING COMMISSION
Minutes of the February 23, 2000, Meeting
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, February 23, 2000, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chair Allan Christianson, Vice Chair Alan Rogers, and
Commissioners Keith Larkin, William Mally, Roger Sedway,
and Richard Wipfli

STAFF PRESENT: Principal Planner Rob Joiner, Deputy District Attorney
Melanie Bruketta, Senior Planner Juan Guzman, and Recording
Secretary Katherine McLaughlin (P. C. 2/23/00 Tape 1-0001)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented/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.

ROLL CALL, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE - Chair Christianson convened the meeting at 3:30 p.m. Roll call was taken. A quorum of the Commission was present although Commissioner Farley was absent. Commissioner Rogers lead the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF 1/26/00 MINUTES (1-0015) - Commissioner Wipfli moved to approve the Minutes as read. Commissioner Sedway seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-0024) - None.

D. AGENDA MODIFICATIONS (1-0039) - None.

E. DISCLOSURES (1-0040) - Commissioner Wipfli disclosed that he had been contacted by Eugene Lepire and Craig Peterson regarding their items. Commissioner Sedway indicated he had been contacted by Craig Peterson. Commissioner Larkin disclosed that he had been contacted by Glen Martel regarding his item. They indicated for the record that the contacts would not influence their vote on the items.

F. CONSENT AGENDA (1-0058)

F-1. S-97/98-2 - DISCUSSION AND ACTION ON A REQUEST FROM JACK E. RANDALL, JR.

F-2. A-99/00-3 - DISCUSSION AND ACTION ON CODE AMENDMENTS FOR CCMC

SECTION 18.02 - Commissioner Mally moved to accept the Consent Agenda as read. Commissioner Wipfli seconded the motion. Motion carried 6-0.

G. PUBLIC HEARING

G-1. M-99/00-10 - DISCUSSION AND ACTION ON A REQUEST FROM THE CARSON WATER SUBCONSERVANCY DISTRICT (CWSD) TO ADOPT THE CARSON RIVER INTEGRATED WATERSHED PLANNING PROCESS, GOALS AND PRINCIPLES (1-0098) - Senior Planner Juan Guzman, CWSD Watershed Coordinator Meg Getty, CWSD General Manager Ed James, Community Development Director Walter Sullivan - Ms. Getty used overhead slides to highlight the plan's process, goals, and guiding principles. Copies were distributed to the public. (None to the Clerk or Commission.) She described the process used to develop the procedure and its purpose. The guiding principles were highlighted and involve all of the counties/communities along Nevada's length of the River in addition to all waters which drain into the River. Problems and improvements along the River were illustrated. Her comments noted other improvements which may be undertaken in the future. The guiding principles committed to working with all governmental and private entities and stakeholders including those in Alpine County, California. Recreational users were also encouraged to participate in the process. Educational programs were noted and are included in the process. If the Commission accepts the plan, it will be taken to the Board of Supervisors and then to the other Counties. Discussion explained

the CWSD's original establishment and purpose as well as Legislative changes which had been made since then. The Watasheamu Dam and its upstream water storage plan are no longer part of the program. Political and environmental concerns including the California's designation of River sections as wild and scenic make consideration of alternatives more viable. Storage of any kind will require the acquisition of water rights and is expensive. Underground storage may be pursued with water rights owned by the Counties. Public comments were solicited but none given. Comments explained that CWSD does not have any regulatory authority. The guidelines should serve as a foundation and base for future development along the River. Discussion explored the type of action the Commission should take regarding the principles. Mr. Sullivan indicated that the Open Space Advisory Commission, the Carson River Advisory Committee, the Parks and Recreation Commission and the Drainage Committee had all adopted the guidelines as a bases for their planning. Commissioner Mally moved that the Planning Commission endorse and adopt the use of the Carson River Integrated Watershed Planning Process Guiding Principles in the City Master Plan Element. Commissioner Wipfli seconded the motion. Motion carried 6-0.

G-2. U-99/00-27 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MARK A. LOPICCOLO (1-0672) - Community Development Director Sullivan explained the request for a continuance. Commissioner Wipfli moved to continue Item U-99/00-27, a special use permit request application from Mark Lopiccolo, property owner: Karen Pecorilla, to the March 29th meeting. Commissioner Sedway seconded the motion. Motion carried 6-0.

G-3. U-99/00-28 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM SHIRLEY KERR (1-0690) - Principal Planner Rob Joiner, Alan Adams - Discussion ensued between Mr. Joiner and the Commission on the need to require bonding to insure removal of the mobile and the Code requirements that the resident must be an employee and not pay rent for the use of the trailer. Mr. Joiner clarified the process for allowing the watchman's quarters as not being the same as that which would allow a manufactured home into Single Family 6,000 zoning district. Mr. Adams indicated that he would not reside in the home. A watchman would live in it and monitor access/egress to the site. The home is to be a nice modular house which should made the site more attractive than it is now. Mr. Adams did not feel that a bond should be required. He committed to removing the home himself when and if it becomes necessary. He indicated he had read the staff report and agreed to its conditions. The property is not presently wired for security alarms or cameras but cameras may now be installed. He owned the building and rents the space to a business in which he was also a 50 percent owner. Public comments were solicited but none given. Commissioner Wipfli moved to approve U-99/00-28, a special use permit application from Shirley Kerr, property owner: Alan Adams, to allow a watchman's quarters to be placed within a manufactured housing unit on property zoned General Commercial located at 2444 Darla Way, APN 8-292-21, based on three standards of review, 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 Mally seconded the motion. Motion carried 6-0.

G-4. AB-99/00-2 - DISCUSSION AND ACTION ON A REQUEST FROM WILLIAM LANDRY TO ABANDON PUBLIC RIGHT-OF-WAYS (1-0905) - Senior Planner Juan Guzman, Bill Landry, Patrice Burke, Senior Engineer John Givlin, Community Development Director Sullivan - Mr. Guzman's introduction included explanations of the Statutes regarding abandonments which prohibit landlocking parcels. The agreement between Mr. Landry and Ms. Perry and Burke had not been finalized. The application was brought to the Commission without the agreement in order to comply with the timelines mandated in the Statutes. The agreement could be required as a condition but should not involve the Commission in the private issues related to the agreement. Reasons staff had not recommended abandoning the entire length of Patrick Street were stated.

Mr. Landry indicated he had read the staff report and agreed with it. Time constraints had impacted his ability to obtain an agreement. He felt certain that his discussions with Ms. Perry had resulted in a verbal agreement which had purportedly been faxed to her. He suggested that the approval be conditioned upon reaching a final agreement. When staff determines that this has occurred, he would be able to proceed with his project without returning to the Commission. He alleged that staff supported his contention that the street should be made into a cul-de-sac. Additional time would be required to obtain agreements from the other property owners, therefore, he

urged the Commission to only consider the portions included in his application. Mr. Landry gave the Commission a site plan and photographs of the property.

Ms. Burke indicated she represented her parents, the Perrys, who reside in California. She described her parents' plans for the property and their concerns regarding the utilities which are in Patrick Street, the lack of consideration for an easement for those utilities in the abandonment process, her request for an encumbrance which would return the abandoned area to the Perrys if development fails to materialize within an unspecified period or a sale occurs in the future, previous efforts to accommodate Mr. Landry, and reasons they had not been able to respond to his latest offer. She supported continuing or denying the application until an agreement is finalized. Commissioner Larkin suggested that an attorney analyze the letter/agreement to be certain her concerns are addressed. Ms. Burke delineated her liability concerns and the impact Mr. Landry's development would have on the use of her parents' property. She had purportedly contacted a land use attorney. It may be necessary for her parents to carry liability insurance as a result of his plans.

Mr. Givlin explained the conditions mandating reservation of easements to allow maintenance of the utilities. The grading issue is not part of the abandonment concerns. Staff felt that each parcel should provide an access/egress area for each parcel and that a 30 foot access is adequate. This would require 15 feet from all property owners unless a separate, private agreement is developed. Staff had not considered the drainage issues. The statutory requirements regarding drainage were cited and mandate perpetuation of the drainage as well as maintenance of a public utility easement.

Mr. Landry reiterated his request that action be taken approving the abandonment conditioned upon an agreement with the Perrys and Burke. He displayed a site plan of the property delineating the areas which would be abandoned to each of the property owners. Purportedly Patrick Street had been to the east of these properties. A photograph of the property at the west end of Patrick was displayed. He did not intend to disturb this property. The abandonment purportedly would give him the necessary 30 feet required for a setback. A portion of the abandoned area would be used for parking. The other portion would be used for access and utilities.

Mr. Sullivan reminded the Commission that only the abandonment issues could be considered at this time. The Commission must determine whether the public would be damaged by the abandonment. Ms. Burke had indicated that she would be. She is amenable to a continuance until the terms of the agreement can be finalized. If Mr. Landry does not agree to the continuance, the Commission should deny the application. Mr. Guzman felt that without substantial modifications, the application could not be reheard for one year if it is denied. Mr. Landry reiterated his reasons for not having a final written agreement for the Commission to consider. He felt that a verbal agreement had been reached yesterday. He urged the Commission to condition its approval on the final agreement and eliminate the need to reconsider the item. Commissioner Rogers explained his reasons for not approving such a motion. Mr. Landry then suggested that the approval be conditioned as indicated unless an agreement fails to materialize. At that time he would come back to the Commission for reconsideration. Commissioner Rogers felt that his suggested process is a continuance. Discussion ensued on the benefits gained by the proposed cul-de-sac and its access to properties further down the street. Mr. Landry's contact with a Mr. Watts, who purportedly owns that property, was described. Research indicated that denied abandonments do not have a one year time restriction for resubmittal. Mr. Sullivan then corrected the record to indicate that Mr. Landry could resubmit an application next month if the Commission denies today's request. The Commission's denial could be appealed to the Board of Supervisors. His success at that level was questionable. Comments indicated that the Commission felt Mr. Landry should request a continuance. Commissioner Sedway also suggested that he include as much information as possible with the application when it reappeared. Mr. Landry then agreed to request a continuance. Commissioner Sedway moved to continue it until the next meeting. Commissioner Mally seconded the motion. Motion carried 6-0. Mr. Sullivan indicated that the next meeting would be on March 29th in the Sierra Room and that anyone wishing to appeal should contact his office.

G-5. V-99/00-13 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM RICHARD MACKINTOSH (1-1718) - Senior Planner Guzman, Community Development Director Sullivan, Deputy District Attorney Neil Rombardo, Richard Mackintosh - Mr. Guzman's introduction included an explanation of the staff error in advising Mr. Mackintosh of the setbacks for his parcel and the need for findings if the variance is

approved. The setback requirements under discussion are City requirements. The CC&Rs require additional space. Discussion explained the building permit requirements including the notice that the builder should verify the setback information. The staff error had occurred when he/she advised the builder on how to measure the setback. Staff had indicated it was to be measured from the curb but in this subdivision the measurement is to be taken from the property line. Mr. Sullivan explained that his Department is now responsible for residential plan checks and the procedure which may eliminate a reoccurrence. Wellington Crescent is the only area with two different setback requirements. Mr. Rombardo explained the reasons it had the different setback requirements and his request that the necessary findings be provided as required by the Code. Mr. Mackintosh indicated he had read the staff report and agreed with its findings. He then explained his desire to construct a three car garage and how the error had occurred. Unfortunately a neighbor had not liked the location and complained due to a feeling that the garage was in the setback. Mr. Mackintosh had purchased a spec house and was not given a copy of the blueprints delineating the setbacks. Discussion indicated that the City only retains residential plans for one year. Commissioner Sedway felt that the necessary findings could be made as there is a road adjacent to the building rather than a residence. The elevation in question is 31 feet from the curb which is the property line in other subdivisions. No one should be directly affected by the variance. Public testimony was requested but none given. Discussion indicated that Condition 6 could be revised for clarity to prohibit extension of the building at a future date. Mr. Rombardo indicated that a curb has not been installed along Kings Canyon Road. Commissioner Rogers moved to approve V-99/00-13, a variance request from Richard Mackintosh to vary approximately 17 feet eight inches from the required 30 foot rear yard setback. Following discussion, Commissioner Rogers amended his motion to be that the actual variance is 12 feet four inches from the required 30 foot rear yard setback on property zoned Single Family One Acre, located at 2777 Wellington South, APN 7-371-05, based on five findings in the staff report and subject to six conditions of approval contained in the staff report and with the understanding that any other acknowledgements will be considered as further stipulations and that Condition No. 6 is changed to say: "This variance application is for 12 feet four inches on the existing building only.". Commissioner Sedway seconded the motion. Motion carried 6-0.

Mr. Rombardo requested an explanation of the findings. (Commissioner Sedway stepped from the room during his request and returned during Commissioner Larkin's findings. A quorum was present the entire time.) Mr. Sullivan noted that the motion had included the findings which were in the staff report and are mandated for a variance. Commissioner Rogers responded by noting that the findings were those which must be met in Section 18.02.081 to justify the approval for the variance. The record states reasons why several of the Commissioners believe the five findings are justified. Chair Christianson stated for the record his belief that the five findings are the reasons the Commission could grant the variance. It would be different if the building was on someone else's property line. The location and amount of time and money that the applicant had already put into abating the problems by stuccoing it are enough to grant approval. Commissioner Larkin indicated that it had been a learning experience for staff and that steps needed to be taken to prevent a reoccurrence. Commissioner Sedway referenced his previous statements indicating that no one had been adversely affected by it. The plans had referenced 30 feet from the curb. A curb does not exist. It is from the edge of the asphalt and not someone's residence. Commissioner Wipfli felt that there was a curb. It was a honest mistake all the way down the line. He did not see that anything could be served by removing the building and getting into litigation. It is unfortunate for the other residents in the neighborhood. If they look at it, it will not be symmetrical as it should be but it happened and this is the best way to deal with it. Commissioner Mally expressed his desire to see it remain where it is. Mr. Sullivan indicated that anyone wishing to appeal this item should contact his office for an application.

G-6. M-99/00-6 - DISCUSSION AND ACTION ON AMENDMENTS TO THE CARSON CITY MUNICIPAL CODE SECTION 18.05 and 18.03 (1-2239) - Community Development Director Sullivan, Gregory Petersen, Deputy District Attorney Rombardo - Discussion between Mr. Sullivan and Commissioner Sedway indicated that the ordinance involves only business vans and not recreational vehicles. Public testimony was solicited. Mr. Petersen described his need for his business van, his contact with neighbors who signed a petition supporting his effort, a suggested ordinance revision, and his problems with a neighbor which had brought about the proposed revision. When he had obtained his City business license, he had purportedly been told that his vehicle was legal. Mr. Sullivan explained that the ordinance amendment only clarified the type of vehicle which would be prohibited and that his business van is not allowed under the current Code. Discussion ensued on Mr. Petersen's request for an amendment which would establish a special use permit process whereby the panel vans

would be allowed. Mr. Petersen elaborated on his need for immediate access to his van, his problems with his neighbor, and his inability to understand why a 30 foot recreational vehicle could park on the street but his business van is prohibited. Clarification explained that he could not park the vehicle in his driveway. Commissioner Larkin explained to Mr. Petersen that there are commercial locations where he could park the vehicle and have 24 hour access. He urged him to use such facilities until his amendment has been processed. Discussion between the Commission and Mr. Sullivan indicated that it may be possible to park a truck/panel van which is less than ten feet in height and 22 feet in length behind a fence or screened area on an one acre or larger parcel. Commissioner Sedway voiced his concerns about the number of individuals who will be impacted by the ordinance, particularly if grandfathering is not allowed. His support for Mr. Petersen's proposed revision was also noted. Commissioner Rogers moved to recommend approval to the Board of Supervisors of M-99/00-6, an ordinance amending Carson City Municipal Code Title 18, specifically, Section 18.03.438, Panel Van; Section 18.05.023.11b and Section 18.05.023.12, General Requirements; and Section 18.05.045.13, Home Occupation, and other matters properly related thereto. Commissioner Sedway seconded the motion. Motion carried 6-0.

BREAK: A ten minute recess was taken at 6:05 p.m. A quorum of the Commission was present when Chair Christianson reconvened the meeting at 6:15 p.m. (Commissioner Farley was absent as indicated.)

G-7. U-99/00-25 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CRAIG A. SLOCUM AND JEFFREY A. SHNEIDER - (1-2848) - Senior Planner Guzman, Applicant's Representative Carol Dotson, Craig Slocum, Principal Planner Rob Joiner, Community Development Director Sullivan - Commissioner Wipfli disclosed that he had property in the area but would not receive a financial gain from the project. He had discussed this matter with the District Attorney's office and had been advised that he could participate in the discussion and vote. Mr. Guzman's introduction indicated that the size of the building mandated the Commission's review. Ms. Dotson described the building plans as illustrated in the architect's renderings including its landscaping, parking area, accesses, truck areas, the outside seasonal sales areas and suggested usage, the trash compactor area, and the agreement to participate in the median landscaping on Highway 395. They would not maintain the median landscaping. The sidewalk and signage plans were briefly noted and will be revised during final design. Ms. Dotson agreed to work with staff on this design. Mr. Slocum gave the Commission a sample of the material and colors. He described the firm's site selection process and the desire to blend the facility with the mountain background. He then described the colors. The truck unloading area is covered but not enclosed. Its layout is similar to the other Albertson stores in Carson City. The noise level should be minimal. The fencing for the storage area and outside sales area was described and felt to comply with the intent of Condition 7. He requested that the Condition be removed. The proposed fueling station elevations are different from that proposed at the major project review meeting. He hoped that the new design, which was displayed, complied with Condition 9. It is to be constructed of similar materials and colors as the store itself. He then asked that Condition 9 also be removed. He clarified the term which he had used to described the signage as being exterior insulation, aka synthetic stucco. Ms. Dotson indicated, with the two suggested revisions to the canopy and fencing, that they had read the staff report and concurred with the findings and other conditions. Clarification indicated the air conditioning units are to be located on top of the building and that they will be screened. The fueling station site was illustrated. The landscaping will be maintained by Albertson's. The freestanding signs have not been designed. Their locations were described. Chair Christianson suggested the signage be similar to that at the corner of G. S. Richards Boulevard, specifically, the one along College Parkway. Discussion ensued among the Commission and Ms. Dotson on Condition 6 and its restricted construction hours. Commissioner Mally and Chair Christianson supported revising the summertime hours to 7 a.m. to 7 p.m. Discussion also indicated that the landscaping behind the building is to blend with development on the adjacent site as it is proposed to have both sites use a common access. Both parcels are owned by C&A Investments. Clarification by Mr. Joiner indicated his feeling that the signage would comply with the Code requirements. The signage included on the plans was

for illustration purposes only. The Code allows one free standing sign and a monument sign. Reasons the "meandering" sidewalk will not be constructed were explained. (2-0014) Mr. Slocum further rationalized the reasons for not landscaping the west side of the building by explaining the common service area which will be located between his building and future development on the adjacent parcel. It may be landscaped once the second building is constructed. Mr. Guzman reiterated the belief that the proposed landscaping will comply with the

Code. Original concerns regarding screening the loading/unloading area were noted. A commitment has since been worked out. A purported black and white rendering illustrating the landscaping for this area was displayed by Ms. Dotson. Mr. Sullivan felt that a building on the west parcel would serve to mitigate the aesthetical impact of the service area. Mr. Slocum and C&A Investments Representative Julius Ballardini stipulated that there would be a building(s) to the west which would block the view of the service area--loading/unloading zone. Mr. Guzman then explained Condition 10 which mandates a sidewalk/pedestrian access through the north wall to the property abutting the site. Commission comments indicated that the pedestrians could use the parameter sidewalk to access this parcel and not require a break in the wall. Ms. Dotson felt that this was not a condition and briefly noted the intent to landscape the wall area. Security concerns make the break undesirable. Ms. Dotson also indicated that customers would have direct access from K-mart to Albertson's. Public comments were solicited but none given.

Commissioner Mally moved to approve U-99/00-25 from Craig Slocum and Jeffrey Shneider, applicants, on behalf of property owner Julius Ballardini, C&A Investments, to allow as a conditional use a commercial structure exceeding 50,000 square feet and to allow as a conditional use outside sales and storage in the Retail Commercial District on property zoned Retail Commercial located at the northwest corner of the corner of West College Parkway and U.S. Highway 395, APN 7-461-06, 7-461-08 and 7-461-26 based on seven findings and subject to 12 conditions of approval in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant or his representative may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Following a request for an amendment, Commissioner Mally amended his motion to change Condition 6's working hours during the summertime to 7 a.m. to 7 p.m. Commissioner Wipfli concurred. Discussion noted that the stipulation regarding the landscaping or a "screening" wall would not be required between the west side of the building and the property line as a future building(s) may serve this purpose although it may be necessary to reconsider this issue at a future date. Staff agreed to work with the applicant on this issue. The motion as amended was voted and carried 6-0-1-0 with Commissioner Farley absent.

Mr. Sullivan indicated that anyone wishing to appeal the item should contact his office.

G-8. U-99/00-24 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM EKN ENGINEERING FOR LOWE'S REAL ESTATE WESTERN DIVISION 2-0175) - Community Development Director Sullivan, Deputy District Attorney Rombardo, Applicant Jack Mandell, Senior Planner Guzman, Principal Planner Joiner - Mr. Sullivan's introduction included a brief explanation of the Code requirements regarding outside sales and display areas and their allowances in surrounding counties and communities. Commission concerns regarding liability based on previous Commission actions if Lowe's is granted permission to have year-round display/sales areas were noted. Mr. Sullivan felt that outside sales are occurring at other locations with and without approval. The proposed area is not to be used for storage. Comments indicated that the Commission should reconsider the Code. Mr. Sullivan felt that it should be allowed under the special use permit process. A passable sidewalk should be maintained. Storage areas are to be screened. Sales/display areas would not have to be screened. Mr. Sullivan indicated that Lowe's display/sales area would be seasonal and for specified items. Chair Christianson felt that this would be difficult to enforce. Mr. Rombardo cited different Code restrictions prohibiting outside sales and display areas and recommended against Mr. Sullivan's suggested actions. Commission comments supported Mr. Sullivan's position which would allow a sales/display area but not storage. The need to revise the Code was reiterated.

(2-0438) Mr. Mandell described the need for the outside display area. Screening would create a liability concern. The building design provides an outside display area. Only one store out of their 560 stores does not allow this display area. He expressed his acceptance of the Conditions as written. He requested additional space be allowed as he felt that there is adequate space between the front of the building and the vehicular travel lane. The display area should run the entire length of the front of the building. His clarification indicated that the allowed depth should be more than 15 feet. Mr. Mandell then requested an amendment to Condition 6 to be a 30 day notification period. Mr. Sullivan explained the process used by other stores which requires the store manager to apply annually for the permit rather than prior to the sales event. Mr. Mandell agreed to this procedure.

Public testimony was solicited but none given. Mr. Rombardo again opined that Item 1 on the application could

not occur based on the current Code. Items 2 and 3 were felt to be doable. Commissioner Rogers felt that outside sales allowed outside display. His concept and items which could be seasonally displayed were noted. Discussion ensued on the types and amount of outdoor display/sales which are occurring in the community and Lowe's concept. Some of these activities are handled under the special use permit process and some are not. Commission comments expressed a willingness to reconsider the ordinance and allow more flexible terms for outside sales and display. Commissioner Rogers suggested that the item be continued to allow this process to occur so that a "dangerous" precedence is not established. Discussion noted the previous application and its screening which Mr. Rombardo felt was a matter of Code interpretation. Clarification indicated that Lowe's screening may not be necessary due to the distance to the street. Mr. Mandell felt that the items would not be seen from the street as they are low profile and the vehicles in the parking lot would screen them. Mr. Rombardo explained that his objection to granting the permit is based on the Code's failure to provide the special use permit process staff had suggested for permanent display/sales. Mr. Sullivan referenced Section 18.05.109 Sub. 4 which indicates the standards are the minimum allowed and that a different standard could be allowed than contained within the Section. He supported using the special use permit process for consideration of the application. Discussion noted this creates two different standards and that there are different standards in different zoning districts. Retail Commercial screening standards were read. Mr. Sullivan felt that the display area would not be a storage area. His concept was described and supported his Conditions restricting the amount, location, etc. Mr. Mandell felt that the items would be moved into the store at night. The items would be changed sporadically to feature seasonal products. (2-0795) Commissioner Wipfli moved to approve U-99/00-24a, a special use permit from Susan Johnson of EDK Engineering, agent for Lowe's Home Center, property owner: Tsutomu and Margarita Wakimoto, to allow: 1. A long-term outdoor display, no sales or storage, at the front of the building facing U.S. Highway 395; 2. A seasonal sales area in the parking lot; and (3) A monument sign on Fairview Drive on property zoned Retail Commercial located at 222 Fairway Drive, APN 4-012-22 and 4-012-99, based on seven findings and subject to eight conditions of approval contained in the staff report with the understanding that any acknowledgements to the Commission/Board by the applicant may be further stipulations or conditions and that Condition No. 6 be changed to, following discussion, 30 days. Commissioner Mally seconded the motion. Chair Christianson corrected the street address to be Fairview Drive. Motion carried 6-0-1-0.

Commissioner Rogers recommended that staff agendize the issue for discussion at a future meeting. Staff recommendations on the revisions should be provided at that time. Commissioner Wipfli supported his suggestion due to his desire to be consistent. He felt that there had been special circumstances in this case which was the reason for his motion. Commissioner Larkin expressed his desire that the Code be clearer. Chair Christianson felt that there are overlapping areas in the Code which needed to be redefined. It would be a shame to hold Lowe's up and prevent them from doing business in the community. He supported reconsideration of the Code at a future date. Commissioner Sedway felt that the process is becoming over bureaucratic. There are shopping centers, grocery stores, hardware stores which have established this program and is a large part of their business. It should be on them to have a good looking store and display area which may or may not mandate screening. The City should not be mandating it for our protection. He welcomed the opportunity to discuss the matter further.

Mr. Sullivan then explained that anyone wishing to appeal the item should contact his office and apologized for the confusion. He wished that he had had time to discussion the matter with Mr. Rombardo prior to the meeting. He hoped to do this in the future.

BREAK: A recess was declared at 7:43 p.m. A quorum of the Commission was present when Chair Christianson reconvened the meeting at 7:46 p.m. (Commissioner Farley was absent as previously indicated.)

G-9. U-99/00-26 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM COSTCO WHOLESALE COMPANY (2-0885) - Community Development Director Sullivan; Costco Wholesale's Development Representative Jack Frank; Senior Planner Guzman; (2-1612) Senior Engineer Givlin; Lumos Engineering's Civil Engineer Carl Cavolick; Attorney Rick Elmore who represented abutting property owner Gene and Judy Lepire; (2-2075) Karson Kruzers President and Fuji Park Users Association Representative Jack Anderson; Fuji Park Coalition Representative Jim Alexander; Jim Alderson; Joe Masini; Ryan Henderson; City Manager John Berkich; Costco's Traffic Engineer Paul Solaegui - Mr. Frank distributed booklets containing copies of the site plan; concept elevations; a perspective view from Highway 50; and a computer enhanced

photograph of the fueling station and its elevations. (A copy is in the file.) He complimented staff on its professionalism when working with his staff on the project. He briefly described Costco's business goal. He highlighted the site's construction constraints and the 148,000 square foot building design including the location of its tire sales area; the fuel station; the landscaping plan; the building design and colors; and the sidewalk plan. Mr. Guzman amended Condition 6 to require the sidewalk along Old Clear Creek Road rather than Highway 395 and, as the right-of-way may be inadequate to provide a parkway sidewalk along Old Clear Creek Road, to allow a standard sidewalk to be installed if the parkway sidewalk requirements cannot be met. Mr. Frank then requested an amendment to Condition 6h regarding the construction hours which would restrict only the heavy earthwork equipment and allow earlier hours of construction. Justification for removal of the time restraints for deliveries in Condition 7 was provided and based on Costco's exclusive use of its trucks for delivery and the need to have the merchandise as early as possible which is before 10 a.m. Refrigerated trucks are not allowed to idle overnight in the parking lots. An eight foot masonry wall was proposed as a buffer and to screen the receiving depressed dock area. He also proposed a full height masonry wall to screen the trash compactor and bailer. The building is located 72 feet away from the easterly property line. There will be a 30 foot planted berm and fence along the property line. These improvements should eliminate the need to restrict the delivery hours. The improvements to Old Clear Creek Road should also mitigate some of the access problems encountered along it. This includes a signal at Highway 395 and a "three lane cross section" roadway. He volunteered to share resources for design, dirt, time, etc., to provide a suitable parking solution for Fuji Park and the Fairgrounds which could include as many as 100 parking stalls. His team members were introduced.

Discussion ensued between Mr. Frank and the Commission concerning the construction hours. Mr. Frank agreed to accept the 7 a.m. to 7 p.m. hours which had been imposed on another applicant earlier in the meeting. Mr. Frank felt that construction hours should not be restricted inside the building. The walls are a combination of masonry and insulated architectural metal panels requiring assembly only. Discussion followed on the delivery activities. The docks are located four feet below the ground level which, with the eight foot wall, provides 12 feet of screening. Deliveries typically commence at 5 a.m. and total approximately 12 trucks a day. Mr. Frank stipulated that when the trucks are in the dock area, the engines are to be turned off. He also stipulated that the trucks would cue 400 feet from the west side of the building and not along the eastern boundary. Fuel deliveries will depend upon the volume of usage. It could be daily or two to three times a week. All fuel deliveries will occur between the two westerly driveways on the far end of the site. They should not be around the building. Mr. Frank also described the customer fueling process. Outside automobile displays are used to educate the customers about Costco's auto loan program. Construction may take four or five months. The required parking area totals 495 spaces. The plans contain 749 spaces which provides for growth and meets shopping demands of its clientele as well as the national standard. Reasons he could not support a recommendation allowing the park users to share Costco's parking area were provided. He reiterated his offer to assist in developing other parking areas for the park, i.e., providing fill.

Mr. Givlin noted that the site is not in a flood plain. Drainage flows will be perpetuated. The drainage plans will be developed shortly.

(2-1622) Discussion ensued between Mr. Frank and the Commission on the Reno store and its building materials. Mr. Frank agreed that the building will be along one of the City's gateways. The quality of the building materials is felt to be a high. Its life span is 25 years for colorfastness, peeling, cracking, etc. Mr. Cavolick had not seen Mr. John's letter regarding the top soil. (A copy is in the file.) He agreed that there would be a large amount of dirt which must be removed and to consider the issues raised in the letter.

(2-1668) Public comments were solicited. Mr. Elmore expressed his concerns about the noise impact the facility would have on the tourists who use the Lepires' 163 unit recreational vehicle park. He was certain it would negatively impact the RV park and could not meet the necessary findings contained in CCMC 18.02.062. Purportedly, he had been told by staff that there would be 60 delivery truck at the site daily in addition to the 6700 vehicles. These trucks will traverse along the eastern, southern, and western boundaries of the park. A wall along the western boundary would help mitigate the noise and odor problems. He questioned whether the refrigeration units on the trucks will be turned off when they are in the dock area or while waiting to make the delivery. Staff's recommendation that the loading dock be enclosed with the wall had not been included in the elevation drawings on the east side of the property. The bailer, compactor, and transformer are also located on the northeast corner of

the building which will create a noise impact on his clients. "This is literally within feet of the Lepires' residence." A noise report prepared by his expert was cited to explain these impacts. The expert did not feel that the proposed landscaping would provide any mitigation. Justification for maintaining the dock area as proposed had purportedly never been provided to the Lepires. He opposed allowing the deliveries to be made at 5 a.m. Two hours should be adequate for unloading and could be accommodated later in the day. He asked the Commission to reject the entire plan and require Costco to redesign the project to move the dock as far away from the RV park as possible. If this is not possible, he requested that a 14 foot masonry wall be constructed along the entire western boundary line of the park, that the dock facility be completely enclosed and sound proofed, and that an eight foot masonry wall be constructed along Lepires' Clear Creek property line.

Mr. Anderson requested consideration include mitigation of the construction impact on the Park/Fairground users and their related traffic during their summertime events. Access to the park must be maintained during construction. He offered to work with Costco's engineers on this issue. He questioned whether the construction period would occur five or seven days a week as this will also impact the events. The parking problem may require one or two years to address. He suggested that some of Costco's parking area be dedicated to the park users until the solution is completed. Discussion between the Commission and Mr. Anderson indicated that one or two events per month use the parking area and described the parking needs. Mr. Anderson felt that the problems could be resolved if enough time is provided. Meetings are being held concerning the future of the Fairgrounds including its potential relocation. Mr. Anderson expressed concerns that adequate funding for reconstruction of the facilities may not be available. Co-existence could occur.

Mr. Alexander requested a Condition 8 requiring Costco to provide 20 percent of its parking for the Park/Fairground users. These spaces could be designated by Costco. Carson City Parks and Recreation Department employees would coordinate reservation of these spaces on either a monthly or annual basis. This designation should be a permanent requirement. Justification for this condition was provided. He also suggested that Costco assist in the movement of dirt and the construction of other parking.

Mr. Alderson explained his ownership of the parcel on the southwest corner of Clear Creek and 395 (a portion of which is the location of Bodine's Restaurant). He questioned the plans for access to his restaurant, mobile home park, and a commercial establishment and the reasons he and his partners had not been involved in the discussions. The proposed configuration of the intersection and his accesses as illustrated on the drawings provided by Costco were neither feasible nor workable. He also questioned what would occur with the culvert under 395 and described his understanding that 395 is to be widened. Unless the culvert is enlarged, the creek will continue to flood his mobile home park. The FEMA flood maps should be used to design the culvert crossing. His need for better accesses were delineated. He recommended moving the Clear Creek access closer to the corner to allow access to the restaurant and mobile home park which would serve both east and west bound traffic, providing a right turn lane exit back onto Clear Creek going east, and providing a smooth access from 395 which other businesses in the community have. This will allow access to the mobile homes at that end of the park. The culvert should be engineered. Correct design should allow the site to be developed as a commercial zone. Neither the City nor NDOT had discussed the plans with him or his partners.

Mr. Masini questioned whether Clear Creek Road, itself, would be improved to handle the construction traffic and the additional traffic created by Costco. His safety concerns were described. He also questioned where the dirt would go and who would flag the intersection. Neither the road nor the intersection can handle the proposed traffic.

Mr. Henderson questioned the traffic volume forecast in ten years if the current volume is 6700 vehicles a day and whether the proposed traffic improvements will be able to handle this impact. Additional public comments were solicited but not given. Public comment was then closed.

Mr. Cavolick reiterated his statements concerning the amount of dirt which must be relocated. Some of it may be used to provide a Fairgrounds parking area. The remainder will be taken offsite. He then described the Clear Creek roadbed which should be adequate to support the construction vehicles. He felt that a contractor who is moving the dirt will have a traffic control plan and provide flagging operations for access/egress to the site. The access questions raised by Mr. Alderson are being negotiated by the property owners and and the City. He had not

been involved in those discussions.

(2-2478) Mr. Frank described his reasons for feeling that the berming, the eight foot masonry wall, and the 70+ feet area between the building and the property line would mitigate the impact on the RV park. The truck exhaust pipes are 11 feet in height which is why the dock has an eight foot high wall and the four foot depressed well. He expressed a willingness to stipulate to restricting usage for the bailer and compactor to specified hours, which were not provided, even though the enclosed screening should be sufficient. This equipment is located inside the building. The equipment on the outside of the building is enclosed containers which are periodically removed and replaced with empty containers. The silent transformer provides no noise whatsoever. He then noted that the RV park is zoned commercial. Discussion ensued on the number of delivery trucks which would be used. Mr. Frank maintained that the maximum number would be 12 per day. Justification for having the trucks circulate the building was provided including reasons the original concept of having the trucks access the dock from the southeast corner of the property was abandoned. The circulation would be one way and would happen prior to opening for business. He emphasized his intent to be a good neighbor as it benefits both the community and Costco. Discussion indicated that the City does not at this time have acoustical standards. Mr. Frank then indicated that if the Commission requested it, Costco would be willing to stipulate to installing an eight foot masonry wall on the property line and berm during construction. Arrangements have not yet been made to remove the excess dirt. The proposal to provide dirt for the Fairgrounds parking area and/or other City projects is being explored and has not been finalized. All efforts will be made to minimize the amount of dirt which will be removed. Its removal will be done as quickly as possible with the least amount of impact and within NDOT and best management practices. Clear Creek Road will ultimately be reconstructed at a higher standard than currently exists. Borings had been taken of the current road. Reasons the request to provide non-Costco related parking within the parking lot could not be accommodated were provided. They may be able to provide 3-400 parking stalls for the Fairground users on the south side of Clear Creek. This would be more parking than the 20 percent suggestion. Mr. Berkich supported Mr. Frank's contention that the ideas under discussion would provide more than the 20 percent parking allocation suggested. These opportunities have not been completely developed as of this date. He then explained that the conceptual access/egress plans for the southwest corner of 395 and Clear Creek have not been finalized. Other proposals are still being considered. He committed to working with the property owners and NDOT to find a satisfactory resolution. Commission concerns regarding Clear Creek Road and the access/egresses to the adjacent properties were expoused.

(3-236A) Discussion ensued with Mr. Elmore concerning the noise readings taken at the RV park. This effort had not been as successful as desired due to the operation of a backhoe in the vicinity. Mr. Lepire and Mr. Elmore indicated that generators are not allowed to operate within the RV park. Similar noise containment policies are mandated to provide a quiet atmosphere for the tenants.

Mr. Frank then described the design options analyzed in developing the site and selecting the proposed location for the building including the topography challenges and the lengthy process required to obtain the U.S. Forest Service parcel. For this reason the landscaping had been "beefed up" and supplemented with a wide buffer and the berm. A 30 foot retaining wall is required along the northwest corner of the property which is approximately 60 feet from the building site. Moving the building 150 feet further west increases the size of the retaining wall, mandates additional dirt removal, and diminishes the ability to provide 740 parking spaces. The parking on the east end is primarily for the employees. The fire lane must be maintained around the building. Discussion ensued regarding the distance between the building and the property line. It was felt that the berm is 30 feet and the travel lane is 40 feet. The berm will be four to six feet in height. Mr. Frank reiterated his willingness to stipulate if the Commission requested to having a six to eight foot masonry wall on the three to four foot berm. Discussion pointed out the noise impact experienced as a result of the current Highway 50 truck traffic. Mr. Frank felt that this noise could have more of an impact than Costco. Commissioners Rogers and Mally expressed a willingness to allow unrestricted construction on the interior of the building. Action on a previous construction project was explained. Mr. Frank agreed to accept 7 a.m. to 7 p.m. Monday through Friday and 7 a.m. to 5 p.m. on Saturday and Sunday for the construction hours.

Discussion between Mr. Sullivan and Mr. Cavolick indicated that a construction plan including grading, flagging, etc., will be required. NDOT requires a traffic control plan prior to commencing construction. Mr. Cavolick did not envision closing the road. Mr. Sullivan committed to involving Mr. Lepire, Parks and Recreation Director

Kastens, and the Bodine property owners in the aspects of the traffic control planning process. Comments also indicated that the residents further up Clear Creek Road would also have to have access/egress. Mr. Sullivan explained that the construction hours needed to recognize the need to pour concrete at 4 or 5 a.m. He requested that staff be notified 48 hours prior to pouring the concrete so that the neighbors could be informed that this activity will be occurring. He amended the Condition to include this provision. He also pointed out that the masonry wall on the berm must be requested as Mr. Frank had only stipulated to doing it if requested. He indicated that the berm and wall should have a total height of 12 feet. Commissioner Rogers suggested that the condition require a berm and masonry wall sufficient to be used as a sound barrier and require staff's approval. Mr. Sullivan indicated that he would work with the applicant and that, unless mitigating information is provided to the contrary, the total height would be 12 feet. Mr. Frank then explained his statement that the wall should be installed during construction of the berm rather than disturbing the landscaping later. He committed to working with staff on the design. Comments also indicated that some of the excess dirt would be used for the berm. Discussion ensued between Commissioner Sedway and Mr. Givlin regarding the 395 and Clear Creek intersection and Bodine's access/egress. Its final design decisions have not been made. NDOT is analyzing the intersection as well as the intersection of 50 and 395 as part of the second phase of the 395 freeway design. This design will widen 395 along the east side of Bodine's and have an impact on the Clear Creek intersection. Costco could not be held responsible for this design but could be required to mitigate its impacts. He also indicated that NDOT is going to be increasing the capacity of the culvert under 395. NDOT, City, and Costco responsibilities are still working out these details. Douglas County's plans for development along its portion of the roadway will also create an impact on the intersection. Douglas County will be involved in the discussions. The recommendations included in the traffic report will be developed by Costco.

(3-596A) Mr. Guzman clarified for the record that he had said there would be between six and eight delivery trucks at the site each day.

Mr. Solaegui indicated they had been coordinating the design with NDOT. At this time it is proposed that there be three southbound through lanes with dual left turn lanes northbound onto Old Clear Creek and dual left turn lanes out. It will become a substantial intersection. NDOT's signalization criteria was noted. He had been advised verbally that NDOT will allow a signal at the intersection to be turned on the day Costco opens. He is designing the signalization in the early stages of the plan to comply with this date. Bodine's access/egress concerns will be considered in the plan. Efforts to improve their access/egress are part of the design plan and to meet future needs as growth and development occurs along the roadway. For this reason Bodine's driveways were being located as far from the intersection as possible. This would allow the driveways to operate once Clear Creek is "loaded up", otherwise, the cueing will restrict access/egress. They were now ready to commence negotiating on the final design for the driveways. NDOT controls the ability to maintain a right turn into Bodine's from 395.

Mr. Alderson noted the impact NDOT will have on his property if access from 395 is denied. Chair Christianson pointed out that the restaurant's reputation and the daily traffic volume occurring on 395 will mitigate some of his concern. Discussion also noted the signal's ability to provide a safer access/egress for the tenants of the mobile home park. Mr. Guzman reiterated the City's commitment to work with the property owners.

Commissioner Rogers moved to approve U-99/00-26, a Special Use Permit application from Costco Wholesale Company, property owners: Carson City and U.S. Forest Service, on property zoned General Commercial located at Old Clear Creek Road, APN 9-302-03 and 9-302-05, to allow a facility exceeding 50,000 square feet based on seven findings and subject to seven conditions of approval contained in the staff report with the understanding that any acknowledgements to the Commission/Board by the applicant will be considered as further stipulations or conditions of approval with the following amendments to the Conditions: 6a. Staff will approve plans to include the construction of a parkway sidewalk along the frontage of Clear Creek Road if adequate space is available, otherwise, the standard sidewalk will be constructed; 6h. During construction the hours will be limited to 7 a.m. to 7 p.m. Monday through Friday and 7 a.m. to 5 p.m. on Saturday and Sunday; upon enclosure of the building, construction will not be limited in the interior, the exception to this condition is that the foundation pour may be completed outside of these limited hours upon 48 hour notice to Community Development staff--. Following discussion, Commissioner Rogers amended this to make the exception for the foundation and floor slab and continued his motion with: g. The landscape plan shall reflect the point system required by Carson City ordinance and staff will work with the developer to design as part of the landscape plan berming and a masonry wall on the

east property line; clarification indicated this is Condition 6g and corrected the property line to indicate on Costco's property line; the discussion had eliminated the hours from Condition 7 and added that the truck vehicle dock facility will have an eight foot wall from the corner of the building extending to the south, that the engine will be turned off while unloading, and that all vehicles will be cued on the westerly portion of the property. Discussion between Commissioners Rogers and Sedway indicated Condition 2 did not need to be amended to require conformance to NDOT standards as it was felt this is will be handled by the State as part of the State's permit requirements and that the City cannot control State requirements. Commissioner Wipfli seconded the motion. Motion was voted and carried 5-1-1-0 with Commissioner Mally voting Naye and Commissioner Farley absent. Mr. Sullivan indicated that an appeal must be filed with his office within 15 days. Commissioner Mally stated for the record that he had voted no due to his original concerns about the intersection and Fuji Park as well as a third reason which he could not recall at this moment. He could not be a part of the decision due to intersection and his knowledge of what will happen there. He could not in all good conscious vote to support a project that will bring that many people to one spot.

BREAK: A recess was declared at 10:05 p.m. A quorum of the Commission was present when Chair Christianson reconvened the meeting at 10:10 p.m. Commissioner Farley was absent.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (3-143B)

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION - Mr. Sullivan reported on the Board's action on the two final maps, the 15.3 acre zoning change, the resolutions of commendation given to former Commissioners Uhart and Horton, and the appointment of Gayle Farley to the Commission. Commissioner Farley's absence was explained. (3-168B) Discussion ensued on the number of times which the Board of Supervisors had overridden the Commission's decisions. The Commission was asked to contact Messrs. Joiner and Guzman regarding the status of the Forest Service's parcel adjacent to the proposed Costco site.

H-2. FUTURE COMMISSION ITEMS AND DATES (3-164B) - The next meeting is scheduled for March 29.

I. ADJOURNMENT (3-192B) - Commissioner Mally moved to adjourn. Commissioner Wipfli seconded the motion. Motion carried unanimously. Chair Christianson adjourned the meeting at 10:15 p.m.

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A R E S O A P P R O V E D

ON ___March_29_____, 2000.

_____/s/_____

Allan Christianson, Chair