

CARSON CITY PLANNING COMMISSION
Minutes of the November 22, 1999, Meeting
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A regularly scheduled meeting of the Carson City Planning Commission was held on Monday, November 22, 1999, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

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

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy District Attorney Melanie Bruketta, Senior Planner Juan Guzman, Senior Engineer John Givlin, and Recording Secretary Katherine McLaughlin (P.C. 11/22/99 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.

A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE - Chairperson Horton convened the meeting at 3:35 p.m. Roll call was taken. A quorum was present although Commissioner Mally had not yet arrived. Commissioner Horton lead the Pledge of Allegiance. Commissioner Mally arrived during the Pledge. (A quorum was present as indicated.)

B. APPROVAL OF MINUTES FOR OCTOBER 22 AND NOVEMBER 4, 1999 (1-0018) - Commissioner Wipfli moved to approve the Minutes as read. Commissioner Mally seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENTS (1-0025) - None.

D. MODIFICATIONS TO THE AGENDA (1-0032) - Mr. Sullivan read Mr. Dopf's request for a continuance of Item G-2 and Sierra Pacific's request to withdraw the northern option. Discussion indicated that staff did not oppose Mr. Dopf's request for a continuance but that he would be required to pay for any costs incurred reagendaing and noticing the next meeting. Individuals who opposed both applications were present and may wish to be heard. Mr. Sullivan suggested that the Commission's decision regarding public comment be made at the time the item is reached on the agenda.

E. DISCLOSURES (1-0100) - Mr. Sullivan disclosed his potential conflict of interest concerning St. Teresa's Catholic Church's application and his intent to recuse himself. Commissioner Larkin disclosed his knowledge of Items G-1a and b through his employment and his intent to recuse himself from Item G-10.

F. CONSENT AGENDA (1-0116)

F-1. U-98/99-60 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM HUCK STORE FIXTURE COMPANY OF NEVADA - Commissioner Wipfli moved to approve the Consent Agenda as read regarding Item F-1. Commissioner Mally seconded the motion. Motion carried 7-0.

G. PUBLIC HEARING

G-1a. U-99/00-1 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JAMES FOLEY, AND, G-1b. V-99/00-10 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM JAMES FOLEY (1-0137) - Senior Planner Juan Guzman, James Foley - The southern fence is located on the property line. Public testimony was solicited but none given. Commissioner Wipfli moved to approve U-99/00-21, a special use permit by James Foley based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the

Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Sedway seconded the motion. Motion carried 6-0-0-1 with Commissioner Larkin abstaining.

Commissioner Wipfli moved to approve V-99/00-10, a variance request by James Foley based on five findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioners Mally and Sedway seconded the motion. Motion carried 6-0-0-1 with Commissioner Larkin abstaining.

G-2. V-99/00-9 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM REED AND GLORIA DOPF (1-0246) - Senior Planner Juan Guzman, Gloria Dopf, John Scott - Chairperson Horton noted the request for a continuance and expressed his intent to receive public testimony on the application. Mr. Guzman's introduction included the timing and reasons Mr. Dopf had submitted the letter requesting a continuance. Discussion between Mr. Guzman and the Commission indicated the structure had been constructed without a building permit and that the gutters encroach onto the neighbor's. Another location for the structure could not be found on the lot due to the residence, garage and other structures. Mr. Guzman had not explained the requirement to Mr. Dopf that he would have pay for renoticing when he discussed the continuance. Mr. Guzman then indicated that Ms. Dopf was present. She is one of the property owners and an applicant. Chairperson Horton declared a recess to allow time for staff to discuss the matter with Ms. Dopf and determine whether the letter requesting a continuance should be considered or withdrawn.

BREAK: A recess was declared at 4 p.m. A quorum of the Commission was present when Chairperson Horton reconvened the meeting at 4:07 p.m. although Commissioner Mally was absent.

Mr. Guzman indicated Ms. Dopf's desire to proceed with the application and her intent to represent Mr. Dopf. Chairperson Horton then requested action dealing with the request for a continuance. Commissioner Rogers moved to deny the request for a continuance on this item. Commissioners Christianson and Sedway seconded the motion. Discussion indicated a finding was not required. The motion was voted and carried 6-0-0-1 with Commissioner Mally absent.

Mr. Guzman summarized his introduction. (Commissioner Mally returned at 4:09 p.m. The entire Commission was present constituting a quorum.)

Ms. Dopf indicated she is one of the owners. She apologized for the confusion about the request for a continuance and explained the reasons it had been submitted. The structure had been constructed when the addition was made in the late 1980s and had been there for at least 12 years. She had not been aware that the structure had been constructed without the appropriate building permit. The addition had had the appropriate permits. The only change made to the structure was the addition of roofing and gutters. This was part of the reroofing project for the residence as the structure is attached to the residence. The roofing had been done under the appropriate permit(s). She felt that removal of the structure would compromise the roof on the main structure. Purportedly, there had never been any complaints about the structure and that they had worked with the adjacent property owner when the structure was originally constructed. She felt that the property owner(s) had approved the reroofing during its construction. Only after the reroofing was completed did she learn that there was a problem and that a complaint had been lodged. She felt that the hardship would be the compromise created to the residence if the roof is removed as well as the financial costs to do so. If the variance is approved, they intended to obtain the necessary permits and make the structure legal. She felt that the construction would meet the Building Code as Mr. Dopf is employed with a different fire department and would not jeopardize his family's safety. Allegedly the Fire Chief had indicated that he was not concerned about the structure. Without the structure, the materials currently stored in that area would be open to the elements and may be considered unsightly. The variance was requested due to the encroachment into the setback. Allegedly, all of the other Departments had indicated the need to obtain the appropriate permits and that they had no objection to a permanent structure. The only objection had been posed by Community Development. The structure is an improvement to the area and not a detriment. Discussion between

the Commission and Ms. Dopf noted Mr. Scott's objection to a permanent structure. Ms. Dopf had not seen Mr. Scott's letter. Purportedly, the discussion with Mr. Scott had related to the last sheet of plywood along the south side of the structure and its permanency. The structure had remained open the distance of the fence at a depth of six feet from said fence, however, during clarification of this point Ms. Dopf indicated that the entire area between the fence and residence on the south side had been covered with plywood except for one area which was at the gate and felt to be 6x10 in size. This area had been covered when the house was reroofed. Discussion between Ms. Dopf and the Commission reiterated Ms. Dopf's feeling that the roof on the residence would be compromised if the structure is removed. Mr. Guzman indicated that the attachment to the fence would not have complied with the Code in the 1980s. Ms. Dopf then indicated that if the variance is approved, the intent is to bring the structure into compliance with the Code. She did not have any knowledge about the cost to do so. Clarification indicated that the question is the amount of the structure which would have to be removed to comply with the Code. A contractor had been hired to construct the addition and the structure. Ms. Dopf indicated she understood staff's recommendation of denial. She had not discussed the matter with the Scotts since they filed the complaint. She felt that they had maintained a friendly relationship even though they had not discussed this issue.

Discussion between the Commission and staff indicated that the main concern with the structure related to its proximity to the property line and questioned whether the structure could be approved if the variance is granted. Mr. Guzman indicated that the Building Department would prohibit construction of the structure's supporting columns within a three foot distance of the property line. The roof overhang could not encroach within two feet of the property line. There would have to be an one hour fire wall between the structure and the residence. Public Works also has regulations prohibiting the dumping of runoff onto the adjacent property. Mr. Dopf proposes to use gutters to channel the runoff back onto his property, however, he will be unable to maintain them as they will overhang his neighbor's property if attached to the current structure. The two foot setback required by the Building Department will allow for maintenance.

Public testimony was then solicited. Mr. Scott gave the Commission photographs of the structure. (After the discussion, they were returned to him.) He felt that the structure had not been there for 12 years. He had installed the fence in 1991. At that time he had discussed allowing the Dopfs to install a temporary storage facility between their residence and his fence so long as it remained a temporary structure. Mr. Dopf had continued to encroach into the open space between the fence and the temporary structure until there was only a ten foot open space at the front of the property line. Mr. Dopf allegedly attempted on two separate occasions to roof over this area. Mr. Scott had purportedly prevented these attempts as he felt it would become a permanent structure if it was roofed. His objection was due to the drainage problem incurred at his residence which he felt was created by runoff from the Dopf residence. Mr. Scott is now running a sump pump throughout the rainy season. He did not feel that the roof created an aesthetics problem. His contractor had indicated that it would cost approximately \$1,000 to move the roof back. This estimate had not been submitted in writing. Discussion between Mr. Scott and the Commission indicated that there had not been any conversation with the Dopfs regarding the distance between the fence and the structure. Mr. Scott did not wish to have his property flooded and felt that it should be cut back. Engineers/contractors should determine the appropriate distance. He did not feel that three feet would be adequate. Additional public testimony was solicited but none given.

Commissioner Wipfli then moved to deny V-99/00-9, a request from Reed W. Dopf, property owners Reed and Gloria Dopf, to vary from the rear yard setback on property zoned Single Family 6,000 located at 109 Simone Avenue, APN 4-301-10, based on five findings and further instruct the applicant to come into compliance with the provisions of the Carson City Municipal Code by removing the portion of the roof in violation of the setback standards and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of this application. Commissioner Mally seconded the motion. Clarification of the motion indicated that the roof line must be cutback to the setback of ten feet. The motion was voted and carried 7-0.

G-3. U-98/99-57 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM KASANDRA SHEPARD (1-0912) - Chairperson Horton

explained the request to close the file. Community Development Director Sullivan requested a motion to accept the letter of withdrawal. Commissioner Rogers moved that the Planning Commission honor the applicant's request and direct staff to close U-98/99-57, a special use permit file, from Kasandra Shepard. Commissioner Christianson seconded the motion. Motion carried 7-0.

G-4. U-98/99-61 - DISCUSSION AND ACTION REGARDING THE ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM BOB MCFADDEN (1-0935) - Community Development Director Walter Sullivan, Bob McFadden - Discussion between Mr. Sullivan and the Commission indicated the City did not have any information regarding the number of activities which had occurred on Wednesdays last year. The permit application included special three day events. The parking areas used by Jack's Bar and Capital Motel were described. The applicant had requested that the craft fair and farmers' market be held on Tuesdays. Redevelopment Director Rob Joiner had not submitted any comments on this application or its impact on the Wednesday Farmers' Market which is held in the Pony Express Pavilion. The application had been renoticed due to the expansion of activities. Staff had received telephone calls from other merchants in the vicinity who had not opposed the application. These merchants had felt that the activities would attract more potential clients and that they may be open longer hours on those dates. Mr. McFadden felt that the application was self-explanatory and explained the reasons for expanding the activities. Public testimony was solicited but none given. Commissioner Christianson moved to reconsider the review of U-98/99-61, a special use permit request for Bob McFadden, property owner, to allow a craft fair and farmers market as well as specialty events and charity dances on West Third Street between Carson Street and Curry Street on Tuesdays and other dates as noted in the staff report from May 27th through October 8 of 2000 and approve the revised schedule of events; in addition, the permit would allow car and motorcycle shows, charity dances, and specialty events, i.e., Rib Cookoff, Southwest Latino Festival, Best Chicken Cookoff, etc., on three-day events as noted in the staff report, in the Downtown Commercial zoning district located at 302 and 224 South Carson Street, APNs 3-113-09 and 3-112-05, based on the original seven findings of the staff report and subject to nine revised conditions of approval as contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as future stipulations/conditions of approval on this application. Commissioner Rogers seconded the motion and suggested revisions to Condition 8. Commissioner Christianson amended his motion to include revisions to Condition 8 that the farmers market and craft fair and special events will operate from 4 p.m. to 8 p.m. on the dates as listed. Commissioner Rogers concurred with the amendment. Discussion indicated that the motion was correct as stated and that the normal language is to move to approve rather than reconsider. The motion as indicated was voted and carried 7-0.

G-5. M-99/00-5 - DISCUSSION AND ACTION ON A REQUEST FROM COMMUNITY DEVELOPMENT TO THE PLANNING COMMISSION TO INITIATE A CHANGE OF LAND USE (1-1130) - Community Development Director Sullivan explained the original application for a zone change, staff's decision to include adjacent parcels within a two block area, and the difficulty in obtaining support from one property owner in the middle of the area. Public testimony was solicited. Gloria Deyhle further delineated the reasons the parcel had not been included with the other requests. Additional public testimony was solicited but none given. Commissioner Mally moved to direct staff to add APN 4-165-05 as part of the subject change of land use application for change of land use application No. Z-99/00-3 and to notice the subject change of land use including APN 4-165-05 as well. Commissioner Wipfli seconded the motion. Motion carried 7-0.

G-6. V-99/00-11 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM JOHN BARLOW (1-1215) - Community Development Director Walter Sullivan, Deputy District Attorney Melanie Bruketta, John Barlow - Ms. Bruketta requested the Commission place its findings on the record if approval of the variance is granted. Staff had verified the medical condition(s) to the best of its ability. Mr. Barlow had read the staff report and concurred with it. Efforts will be undertaken to make the addition conform to the current and surrounding buildings. Reasons for requesting the variance were explained. He had contacted all of his neighbors and they had purportedly approved the proposal. The landscaping was described. Public testimony was solicited but none given. Commissioner Mally moved to approve V-99/00-11, a variance request from John and Norma Barlow to vary from the minimum rear yard setback requirement of 20 feet to the proposed 16 foot setback on

property zoned Single Family 12,000, located at 1520 La Mirada Street, APN 1-234-24, based on five findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioners Wipfli and Sedway seconded the motion. Motion carried 7-0.

G-7. U-99/00-18 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION REQUEST FROM MARGARET SPEARS AND LISA RUDYK (1-1379) - Principal Planner Rob Joiner, Lisa Rudyk - Discussion indicated the map included in the packet was from 1995 and considered old. Ms. Rudyk had read the staff report and concurred. Public testimony was solicited but none given. Commissioner Christianson moved to approve U-99/00-18, a special use permit application from Margaret Spears and Lisa Rudyk, property owner Don Summo, to allow the expansion of a nonconforming use on property located at 102 South Nevada Street, APN 3-217-07, subject to three standards of review, seven findings, and subject to six 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 7-0.

BREAK: A ten minute recess was declared at 5:10 p.m. The entire Commission was present when Chairperson Horton reconvened the meeting at 5:20 p.m., constituting a quorum.

G-8. U-99/00-19 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION REQUEST FROM STATE PUBLIC WORKS (1-1481) - Principal Planner Rob Joiner, State Public Works Board Representative Craig DeFriez - Discussion between the staff and Commission indicated the property and several adjacent parcels are owned by the State. Commissioner Mally felt that the City should have acquired a portion of it for its complex. Mr. DeFriez introduced Project Architect Terry Melby. Mr. DeFriez indicated that he had read the staff report and concurred with it. Public testimony was solicited but none given. Commissioner Mally moved to approve U-99/00-19, a special use permit application from Nevada State Public Works Board, owner State Lands Division, to allow construction of a Nevada National Guard State Area Readiness Command Facility, including office space, storage, and maintenance facilities; and future construction of a United States Property and Fiscal Office facility, including office space and indoor and outdoor warehousing on property zoned Public located at 2444 Fairview Drive, APNs 10-051-04 and 10-051-08, based on three standards of review, seven findings and subject to nine conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Discussion indicated the motion included allowing staff to approve any minor deviations from the site plans. Radical deviations would be returned to the Commission for consideration. This was not added as a tenth condition. The motion as indicated was voted and carried 7-0.

G-9. U-99/00-20 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM NANCY C. DAVIS (1-1658) - Principal Planner Rob Joiner, Nancy and Matthew Davis, Bill Jarrett - Commissioner Christianson recused himself due to his professional relationship with the applicants and left the room. (A quorum was still present.) Mr. Joiner's introduction reminded the Commissioners that CC&Rs are enforced by the residents within the association and not by the City. Discussion between the Commission and Mr. Joiner corrected Finding No. 2 to be for 12 children. The Davises had read the staff report and concurred. Clarification by the applicants indicated that none of the children are the applicants'. Reasons for requesting 12 were provided by Ms. Davis. She had not considered any other number. Letters of support from four adjacent neighbors were distributed to the Commission and Clerk. (Copies are in the file.) A map had been given to the Commission delineating the location of the residents who had opposed the application. (A copy had not been given to the Clerk.) The Davises indicated they had not had an opportunity to meet with these individuals. Mr. Davis stated that it would not be a full-blown commercial operation with signs. The residence is their home and will be maintained as such except during "daylight" hours when child care will be provided. Commissioners Sedway and Wipfli voiced their concern about having 12 children. Chairperson Horton also indicated that the

CC&R's issue would not be mitigated by the Commission's action.

Public testimony was solicited. Mr. Jarrett felt that one variance would lead to others. Commercial ventures will add to the traffic flow of a residential neighborhood. Traffic safety concerns created by current traffic speeds were expressed. He questioned the impact the facility would have on property values particularly if other commercial ventures are approved. He felt that, as his two children can be very vocal at times, 12 children would create a noise impact. Less than 12 should be considered. Additional public testimony was solicited but none given.

Commissioner Wipfli explained his support for child care facilities in residential areas and his opposition to 12. He felt that the number should be between six and eight and then, after a trial period, the number could be increased. Twelve, in the beginning, would be too harsh for the neighborhood. Commissioner Rogers moved to approve U-99/00-20, a special use permit request from Nancy and Matthew Davis, to allow a child care facility, accessory to a primary residential use, for a maximum of 12 children in a Single Family 21,000-Planned Unit Development zoning district located at 350 Cambridge Court, APN 10-362-08, based on seven findings and subject to nine conditions of approval contained in the staff report. Commissioner Rogers then modified the motion to be subject to seven findings and ten conditions of approval with Condition No. 10 being a one year review from the date of approval. Commissioner Mally seconded the motion. Commissioner Rogers then explained that the one year review would allow the Commission to reconsider the permit if neighborhood problems arise. He was not concerned about reducing the number. He felt certain that the applicants were aware of the need to make and keep the neighbors happy. Commissioner Sedway pointed out his concern with the number of children. He felt that he could support the motion based on the one year review and Commissioner Rogers' experience with such requirements. Mr. Sullivan agreed that staff had overlooked the normal one year review condition which the Commission had established as a policy whenever opposition is encountered. Staff had not been aware of the opposition when the report was written. The motion of approval as conditioned was voted and carried 5-1-0-1 with Commissioner Wipfli voting Naye and Commissioner Christianson abstaining.

G-10. U-99/00-22 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM FATHER JERRY HANLEY, ST TERESA OF AVILA (1-2023) - Principal Planner Rob Joiner, Applicant's Representative Glen Martel and Project Architect Jim Vargus - Prior to Mr. Joiner's introduction Commissioner Larkin and Community Development Director Sullivan left the room. Commissioner Christianson returned. (A quorum was present.) Discussion described the steeple heights for other churches, the concerns with establishing a precedence and having other churches request the same steeple or sign height, the possibility that manufacturers may wish to construct buildings 80 feet tall, and the height of the State Capitol. The Airport Authority had considered the application and approved it as it is not in the flight path.

Mr. Martel indicated the steeple had been designed in correlation to the mass of the structure. He acknowledged the precedence concerns. Due to the lack of surrounding development and residential frontage on Lompa Lane as well as the wetlands surrounding the site, he did not feel that the structure would create a negative impact on its surroundings. The church had presented the plans to its parishioners but had not contacted the neighbors. The monument sign would be the only one on Lompa Lane. A computer enhanced photo simulated video illustrating the structure was shown and described by Messrs. Martel and Vargus. Justification for the steeple height was based on the mass of the building and the current building's features. The new building will retain the current Gothic architectural style. The present building's steeple is estimated to be 60 feet. The current building holds 450 people. The new building's worship area will hold 1,000. Although the proposed steeple appears to be the same as the old steeple, the maintenance will be minimal. The building will be against the back property line. The "front yard" will be used as a "green area" and buffer. There will be low ground lighting at night along the canopies and plaza areas and minor flood lighting of the steeple. A bell tower may be added later. If and when this is funded, the Commission's approval will be requested. Reasons for not proposing a smaller/shorter steeple were explained. Public testimony was solicited but none given. Commissioner Wipfli indicated a desire to approve the request and the need to consult with staff concerning appropriate findings.

BREAK: Chairperson Horton declared a recess at 6:15 p.m. A quorum of the Commission was present when he

reconvened the session at 6:25 p.m. although Commissioners Larkin and Mally were absent. (Mr. Sullivan was also absent.)

Commissioner Wipfli moved to approve U-99/00-22, a special use permit request from Father Jerry Hanley, applicant; St. Teresa of Avila Roman Catholic Church, applicant; to allow the building height to exceed 35 feet on property zoned Limited Industrial located at 3000 North Lompa Lane, APN 2-571-32 based on seven findings and five conditions. Commissioner Sedway seconded the motion. Mr. Guzman read the findings which were: 1. Is consistent with the master plan - Goal 1, Policy 1.1 is furthered as the proposed project at the height requested is consistent with the adjacent development. Although church facilities are commonly found in all zoning districts, they serve to highlight the community character. Goal 2, Policy 2.2 is furthered by this proposal since a lighted steeple and cross 80 feet in height would not be a detriment but enhance the appearance of the surrounding area. 2. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. This steeple and cross will not have any known negative effects on the peaceful enjoyment or economic development of surrounding properties. The Airport Authority has recommended approval of this proposal as submitted. 3. Will have little or no detrimental effect on vehicular or pedestrian traffic. The proposed height extension will have no effect one way or the other on vehicular or pedestrian traffic. 4. Will not overburden existing public services and facilities including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements. Considering the steeple, cross, and extended height, exclusive of the remainder of the project, there should be no overburdening of existing public services and facilities. 5. Meets the definition and specific standards set forth elsewhere in this title for such particular use and meets the purpose statement of that district. The purpose statement of the Limited Industrial zoning district is supporting assembly and manufacture and other commercial uses. Specific development standards, including height limitations, have been developed for this district. The church is permitted by a special use permit upon findings of consistency. 6. Will not be detrimental to the public health, safety, convenience and welfare. The proposal would not be detrimental to the public health, safety, convenience and welfare and will enhance the architecture of the surrounding area. 7. Will not result in material damage or prejudice to other property in the vicinity. This proposal would not be prejudicial to other properties in the vicinity as it is based on the findings that the project has been maintained or maximized a considerable distance from the front property line and that the cross and steeple are in character with the massing of the building. (Commissioner Mally returned during Mr. Guzman's reading of the findings--6:27 p.m. A quorum was present as previously indicated although Commissioner Larkin was absent.) Commissioner Rogers requested adding to Finding No. 7 that the addition of the church to the area will be an enhancement to the area and a place of community that will be enjoyed by all residents to support Finding No. 7. Commissioner Wipfli then indicated that the Conditions would contain the standard five conditions which were: 1. All development shall be substantially in accordance with the attached site development plan. 2. All on and off-site improvements shall conform to City standards and requirements. 3. The use for which this permit is approved shall commence within twelve months of the date of final approval. A single, one-year extension of time must be requested in writing to Community Development Department 30 days prior to the one year expiration date. Should this permit not be initiated within one year and no extension granted, the permit shall become null and void. 4. The applicant must sign and return the acknowledgement of conditions for approval within ten days of receipt of notification. If the acknowledgement is not signed and returned within ten days, then the item will be rescheduled for the next Planning Commission meeting for further consideration. 5. All other Departments' conditions of approval which are attached shall be incorporated as conditions of this report. Commissioner Sedway concurred. Following a request for a sixth condition, Commissioner Wipfli amended his motion to include Condition 6 that any substantial change to the plan will be brought back to the Planning Commission if staff cannot accommodate the request. Commissioner Sedway concurred. Commissioner Sedway then indicated that, although the motion is against the staff's recommendation, staff did not have any other choice but to make a recommendation of denial based on the ordinance. Staff had done its job correctly. Only the Commission has the ability to deviate from that. He invited anyone wishing to construct a 80 foot high industrial complex to do so as they would have to pay for it. Chairperson Horton pointed out that there is a difference between an 80 foot high industrial complex and a steeple. The motion was then voted and carried 6-0-0-1 with Commissioner Larkin abstaining.

G-11.A-99/00-2 - DISCUSSION AND ACTION ON AMENDING SECTION 18.03.261, SINGLE FAMILY DWELLING DEFINITION TO INCLUDE MANUFACTURED HOUSING (1-2860) - Principal Planner Rob Joiner, Ron Kipp - Commissioner Larkin and Mr. Sullivan returned during entire Commission was present constituting a quorum.) Discussion explained the revisions to the Statutes including testimony provided at the legislature. CC&Rs will prevent location of manufactured homes within subdivisions. Different building standards for manufactured homes and stick built houses were noted. City staff is versed in Building Code requirements and not HUD housing standards. HUD will be required to do these inspections. Commissioner Christianson voiced his opposition to having government dictate living standards for communities. Discussion suggested delaying action on the proposal until other alternatives can be explored. Mr. Joiner indicated that amendments may be submitted to the legislature at its next session. He also felt that administrative review could address any Code problems encountered with the manufactured homes. The terms manufactured houses and mobile homes are synonymous. Housing standards for manufactured homes could be either UBC or HUD. If the Commission did not wish to consider the matter, staff could take it to the Board without a recommendation. Public testimony was solicited. Mr. Kipp explained the builders' attempts to mitigate the legislative effort. He felt that the courts will be asked to intervene when manufactured homes begin to be placed in subdivisions. He agreed that revisions will be considered by the next legislature. The definition will comply with State law. Additional public comments were solicited but none given. Commissioner Rogers then polled the audience to determine its feeling in support/opposition. Commissioner Mally moved to recommend approval of A-99/00-2 to amend Section 18.03.261 regarding definition of single-family dwelling to include manufactured housing. Commissioner Wipfli seconded the motion. Motion carried 5-2 with Commissioners Rogers and Christianson voting Naye.

G-12. U-99/00-17 - DISCUSSION AND ACTION ON AN AMENDED SPECIAL USE PERMIT APPLICATION FILED BY CAROL DOTSON AND GLEN MARTEL OF LUMOS AND ASSOCIATES FOR SIERRA PACIFIC POWER COMPANY (1-3395) - Community Development Director Walter Sullivan, Applicant's Representative Glen Martel, Project Engineer/Manager Glen Lehan, Applicant's Land Services Director Bill Roullier, Senior Engineer John Givlin, Parks Planner Vern Krahn, Randy Kearns, John Lubich, Builders Association of Western Nevada Representative Ron Kipp, Gardners Reclaiming Our Rights-Of-Way President Mary Fischer, Vaughn Smith, Mike Lucido, Senior Planner Juan Guzman - Chairperson Horton reiterated Sierra Pacific's request to withdraw the portion of the application regarding Emerson and Mark Way. Mr. Sullivan's introduction included revisions to Condition No. 6 which eliminated its first paragraph and modified the second paragraph to read: "Sierra Pacific Power Company/Lumos and Associates must record a document in Carson City that clearly acknowledges the location of a substation for a diameter of 1,000 feet, rather than the word 'radius', in order for title companies to note this fact on property transfers inside the 1,000 foot diameter. This requirement will be required to be completed prior to the issuance of the engineer's permit." The requirement was interpreted and justified. Only one letter of opposition had been received on the southern site, which was explained. Staff members present who had worked on the application were then introduced.

(2-0011) Mr. Martel confirmed the request to withdraw the portion of the application dealing with the northern site. He then introduced various Sierra Pacific Representatives including Project Engineer/Manager Lehan and reviewed the project's history. Mr. Lehan described the project with the use of a landscaping plan and its purpose including its safety features and the site location. No fuel or chemicals will be stored on the site. It is a zero emission facility. It will not be used as an operations center. The use of mineral oil by the equipment was limned. The transformer emits a humming sound which has been tested at 64 dba. The structure will be located at the northeast corner of the six acre site. This will require 900 feet of transmission line to be run along the freeway. The poles, wiring, and landscaping were described. Photo simulations illustrating the impact the transmission lines will have on the area were displayed. Discussion between Mr. Lehan and the Commission explained the electrical service needs for the northern section of the City and further described the transmission lines including reasons the lines could not be placed underground and the construction plans. Mr. Sullivan explained that the transmission lines are part of a second project and not part of the substation application. Only the Board of Supervisors will consider the second project. Mr. Lehan felt that the visual impact of the three transmission lines would be less than the vaults and equipment required to underground the line. Discussion indicated that similar transmission poles are found at Edmonds Park and along Saliman. Mr. Martel used the area map to indicate the location of the four substations in

Carson City. Commissioner Sedway suggested that Sierra Pacific implement a program whereby its master plan for the community would be developed for a period of 20 years. Discussion indicated that approximately 6,000 customers can be serviced by one substation. There are industrial customers in the northern portion of the community who reduce this number. Mr. Lehan then detailed the search for a substation site which had commenced four years ago and problems encountered with each site.

(2-0415) Mr. Roullier committed to advanced planning with the concept of dovetailing it with the City's master plan land use element. This may allow the firm to become three to five years ahead in its planning program. As part of this concept a request may be made three to five years earlier for a special use permit. Mr. Sullivan then explained his intent to seek Capital Improvement Plan funding for a utility corridor master plan element. Washoe County has worked with Messrs. Lehan and Roullier on a similar plan. He indicated that at a future meeting he would request Commission support via a resolution. Advantages of this course of action were noted. Chairperson Horton suggested this topic be agendaized for a future Commission meeting. Additional discussion ensued between the Commission and Mr. Lehan on the number of transmission lines now found in the community, the impact a loss of a substation would have, the desire to minimize the number of transmission lines, and the problems encountered in finding substation sites in areas where service demands are growing. Commissioner Christianson encouraged Mr. Sullivan to include regional demands in the plan due to the growth occurring at the County lines. Mr. Lehan responded by indicating that a new substation is being considered for the Johnson Lane area of Douglas County.

Mr. Givlin then indicated that a sidewalk is no longer a concern. The driveway is the only frontage area. Mr. Krahn then explained the bicycle path/trail requirements to which Sierra Pacific had agreed.

Public testimony was solicited. Mr. Kearns read his prepared statement of opposition into the record. He opposed the substation as it would erode the residential atmosphere, negatively impact his property value and its use. Mr. Lubich explained his original opposition to the substation at Mark and Emerson as well as the freeway. Carson City is growing and additional service is required. He agreed that additional electrical power is needed and, therefore, supported the proposed site. Although construction on the freeway is supposed to occur next year, it may not. Therefore, he requested landscaping on the north side of the substation to mitigate the impact until the freeway is constructed. Mr. Lehan explained his contact with Mr. Lubich and reasons landscaping had not been proposed for the north side of the structure. Mr. Lehan then stipulated that trees could be added to the north of the substation if the substation is moved 30 feet further south so that the trees will not interfere with the transmission lines and to adding the bicycle path which would also be facilitated by the relocation. Additional public comments were solicited. Mr. Kipp briefly described the Association's efforts to work with Sierra Pacific and support of a site based on the community needs. Ms. Fischer supported the project based on the landscaping and bicycle path. Mr. Smith suggested that the firm pay additional attention to maintenance due to the poor condition of its other substation sites. Maintenance of the landscaping should also be required. His opposition to the Emerson and Mark Way site was explained. He urged the Commission to adopt a motion denying that site and then one approving the proposed location. He also suggested that the Commission conduct its entire meeting in the evening. He questioned the reasons the application had been listed sixth on the newspaper notice and was 12th on the official agenda. He also felt that the petitions which had been given to staff reflected the area's feelings concerning the project. He then thanked the Commission for its rejection of the Emerson and Mark Way location. Additional public comments were solicited but none given. Chairperson Horton then closed public comments.

Mr. Lehan then discussed with the Commission the reasons the transmission line had been undergrounded at Edmonds Park, the reasons the Emerson and Mark Way site had been selected initially, the difficulty in finding another site, and the willingness to consider the proposed site even though it will cost the company at least \$500,000 more to develop. Discussion then explained that there is currently a 120 KV transmission line along Emerson which will be raised to cross over the freeway even if the the substation is not constructed. Mr. Sullivan then explained that this issue is under Development Services purview. The Department could either approve the permit or refer it to the Board of Supervisors. The public was invited to contact Development Services on this issue. Mr. Lucido felt that additional lines would be required and that the lines which are there now would have to be upgraded. He used the map to illustrate his comments. Mr. Lehan then explained the poles and transmission

lines required for the substation. Commissioner Larkin indicated that this is the reason the photo simulations had been used as it illustrated the impact on the area. Mr. Guzman pointed out that the photo simulations indicate the project would not have a visual impact on the community and requested this finding be added to staff's findings. He also noted that residential development has not yet occurred as close to the subject site as is found with the north site. Therefore, staff could support the southern site as it creates less of an impact. Discussion with Mr. Lehan indicated that additional residences would not have to be acquired. Commissioner Mally moved to approve U-99/00-17, a special use permit application from Sierra Pacific Power Company and Lumos and Associates for the development of the 125 KV substation at APN 8-123-16, known as Alternative Site No. 1, based on seven findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application with the addition of a seventh condition that all landscaping shall be the responsibility of Sierra Pacific Power Company including maintenance, landscaping and the care of the landscaping. Commissioner Wipfli seconded the motion. Following a request for an amendment, Commissioner Mally agreed to amend Condition 6 to eliminate the first paragraph and change "diameter" to radius in its second paragraph as Mr. Sullivan had requested. Commissioner Wipfli concurred. The motion as amended was voted and carried 6-0-1-0 with Commissioner Rogers abstaining. Mr. Sullivan then explained the appeal procedures which must be submitted within 15 days. He also noted that the northern site had been withdrawn.

BREAK: A five minute recess was declared at 8:05 p.m. The entire Commission was present when Chairperson Horton reconvened the meeting at 8:10 p.m.

G-13. DISCUSSION AND ACTION REGARDING THE ELECTION OF A CHAIRPERSON AND A VICE CHAIRPERSON (2-1075) - Discussion ensued on whose term would expire during the coming year. Chairperson Horton indicated that this should not prevent an individual from being considered for a position. Commissioner Rogers then nominated Commissioner Sedway and explained his reasons for the nomination. Commissioner Wipfli nominated Commissioner Christianson and indicated his reasons for the nomination. Commissioner Sedway seconded his nomination. Additional nominations were requested but none made. Commissioner Christianson's nomination was supported by votes from the following Commissioners: Sedway, Wipfli, Mally, Larkin, Rogers and Chairperson Horton. Commissioner Sedway's nomination was supported by Commissioner Christianson's vote. Chairperson Horton then ruled that Commissioner Christianson had been selected on a 6-1 vote. Mr. Sullivan complimented Commissioner Christianson on his election.

Nominations were requested for Vice Chair. Commissioner Christianson nominated Commissioner Rogers as Vice Chairperson. Additional nominations were requested but none made. Chairperson Horton ruled that Commissioner Rogers had been elected unanimously.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS - NON-ACTION

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (2-1185) - Chairperson Horton read his letter of resignation into the record. Following discussion he indicated his resignation would be effective on December 7th. Commissioner Christianson thanked him for his dedication and hard work on behalf of the Commission during his tenure as Chairperson. Chairperson Horton thanked the Commission for its support during his tenure and for having had the opportunity to serve with the Commissioners.

Mr. Sullivan then explained the Board's action on Virginia Orcutt's change of land use, the Rasner subdivision map, the master plan land use element amendments, and the UNR, Chamber of Commerce, and City metropolitan business activity report, which he described. He announced and described the plan to hold a telephonic seminar/discussion on December 1 at his office. The Commissioners were encouraged to attend. He acknowledged the areas of concern related to SB 323 and thanked the Commission for taking action on it as he had agendaized it for the next Board meeting. He then explained the schedule for the Open Space Master Plan Element. He again complimented the Commission on its efforts and professionalism and congratulated Commissioners Christianson and Rogers on their elections.

H-2. FUTURE COMMISSION ITEMS AND DATES (2-1346) - Mr. Sullivan then explained the purpose of the December 6th special meeting which will be held at 5:30 in the Sierra Room. Comments also indicated that the Genescritti item would be agendized for the regular meeting in December.

I. ADJOURNMENT (2-1365) - Commissioner Sedway moved to adjourn. Commissioner Christianson seconded the motion. Motion carried 7-0. Chairperson Horton adjourned the meeting at 8:30 p.m.

The Minutes of the November 22, 1999, Carson City Planning Commission meeting

ARE SO APPROVED ON __December 20__, 1999.

/s/ _____
Allan Christianson, Chairperson