

A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, December 2, 1998, 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 Deborah Uhart, and Commissioners Allan Christianson, William Mally, Alan Rogers, Roger Sedway, and Richard Wipfli

**STAFF PRESENT:** Principal Planner Rob Joiner, Deputy District Attorney Melanie Bruketta, Senior Planner Tara Hullinger, Senior Engineer John Givlin, and Recording Secretary Katherine McLaughlin (P.C. 12/2/98 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. The entire Commission was present constituting a quorum. Chairperson Horton lead the Pledge of Allegiance.

**B. APPROVAL OF MINUTES (1-0015)** - None.

**C. PUBLIC COMMENTS (1-0018)** - None.

**D. MODIFICATIONS TO THE AGENDA (1-0024)** - None.

**E. DISCLOSURES (1-0026)** - Commissioner Christianson indicated he had viewed the property related to G-5a and b, the extension of the Richards' Auto Barn. Chairperson Horton indicated that the majority of the Commissioners had viewed the property. Commissioner Wipfli disclosed his relationship with Messrs. Metcalf and Staub, that he had discussed this relationship with the District Attorney, and that he would participate and vote on their item. Commissioner Mally indicated his intent to recuse himself from Item 12.

**F. CONSENT AGENDA (1-0047)**

**F-1. U-93/94-68 - DISCUSSION AND POSSIBLE ACTION ON THE ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR SHIRLEY ADSHADE-SPONSLER**

**F-2. U-95/96-11 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CARSON CITY**

**F-3. U-98/99-29 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM HERMAN ANDREWS**

**F-4. U-98/99-35 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM NEVADA PACIFIC LAND** - Commissioner Rogers requested Item F-4 be held for discussion. Commissioner Wipfli moved to approve Consent Agenda Items F-1, F-2, and F-3 and to hold Item F-4. Commissioner Uhart seconded the motion. Motion carried 7-0.

**F-4. (1-0066)** - Principal Planner Rob Joiner discussed with the Commission HARC's approval, the second story renovations, the portion of the building requiring the special use permit, the parking area, the need for parking enforcement to insure no parking in the driveway which would block the sidewalk, and the available street parking. Senior Engineer John Givlin explained the procedure used to determine when sewer and waterlines must be replaced/upgraded. Nevada Pacific Land Representative Lewis Pierce indicated the building would contain six offices and one conference room. He was aware of the restriction against parking in the driveway. He also indicated he would be installing the sidewalk and described the surrounding businesses, their parking needs, and

the business functions which would be using his building. Public testimony was solicited but none given. Commissioner Uhart explained her support of the project in view of HARC's review and moved that the Regional Planning Commission approve U-98/99-35, a special use permit request from Paul Jeffrey Rodd, property owner, and Nevada Pacific Land, applicant, to allow expansion of an existing nonconforming use by allowing construction within the required front yard setback on property located at 212 West Ann Street, APN 1-187-04, based on seven findings and subject to five 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 6-1 with Commissioner Rogers voting Naye.

#### **G. PUBLIC HEARING (1-0267)**

**G-1. AB-98/99-2 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CAROL DOTSON** - Senior Planner Tara Hullinger, Carol Dotson - Ms. Dotson indicated she represented the property owners who had read the staff report and concurred with it. Mr. Dreyer, the adjacent property owner, had been contacted and had no interest in the property. He had purportedly requested it be abandoned to the Masdens. Public testimony was solicited but none given. Commissioner Mally moved to approve a motion to recommend that the Board of Supervisors approve AB-97/98-2, an abandonment request from Dan Masden to abandon approximately 4,183 square foot irregularly shaped portion of the public right-of-way located on the north side of Manzanita Terrace between Garnet Drive and West Sutro Terrace on property zoned Single Family One Acre, adjacent to APN 8-042-03 based on two findings and subject to four conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of this approval. Commissioner Wipfli seconded the motion. Motion carried 7-0.

**G-2. U-98/99-30 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT REQUEST FROM CLAIRE ARMSTRONG (1-0362)** - Senior Planner Hullinger, Property Owner Gary Borst, Senior Engineer John Givlin, Deputy District Attorney Melanie Bruketta - The Commission discussed with Ms. Hullinger the size of the property and the need to assure maintenance of the building. Mr. Borst indicated that he had read the report and supported all but one of the conditions--the requirement that he give up frontage on the property. The proposed garage would not be visible from any direction due to the topography of the property. The last two rainstorms had "brought washout onto his property". Photographs of the property were given to the Commission. (Copies were not given to the Clerk.) He felt that the request would remove the berms along the front of his property and increase the runoff problems. Mr. Givlin indicated that he had not considered this issue. Mr. Borst also indicated the berm stops errant vehicles from running into his house. The frontage contains 24 trees, which he felt would be removed, and two security gates for his circular driveway. This would negatively impact his property value. He would be forced to back out of his garage and onto Nye Lane when leaving his property. Safety concerns with this maneuver were noted. Nye had purportedly been widened above and below his property when subdivisions were developed. The width of Nye was described. The street is adequate as it is and it should not be his responsibility to provide additional footage for others' benefits. (Commissioner Rogers stepped from the room at 4:15 p.m. A quorum was still present.) The photographs were then described. The front of the garage will be beige. Public testimony was solicited but none given.

Mr. Givlin explained the Code requirements mandating dedications. Staff had proposed to have the City make the street improvements--curb, gutter, sidewalk, and street widening. He agreed that some of the trees will have to be removed. Design considerations for the sidewalk were noted and will be considered. Drainage is not an issue as Graves Lane should provide the infrastructure for this area and street improvements will address the remaining portion. He then described the width of collector streets and the request for an adequate amount of property to widen Nye to 30 feet. He felt that some of Mr. Borst's improvements--the dirt berm, trees--were within the street right-of-way. A meandering sidewalk may be possible and not require removal of all of the trees. The City would require a width of five to six feet from Mr. Borst. Due to the sight distance problems posed by the trees for vehicular and pedestrian traffic, he did not feel that the trees will be replaced. Efforts would be made to save as many of the trees as possible. Discussion ensued on the need for the berm and possible street improvements which will eliminate the need for a berm. Mr. Givlin was agreeable to installing another berm at a different location.

Discussion also ensued on the amount of right-of-way owned by the City, the amount of additional right-of-way required, the date when the construction may occur, the need for the sidewalk to be completed, the proposal to compensate the property owner by doing the street improvements, and the timetable for construction of the Graves Lane extension. Commissioner Wipfli expressed a desire to allow staff to work with the applicant and resolve the issues. Commissioner Uhart acknowledged the need for applicants to make certain improvements which are in line with the application but could not see the correlation between the street improvements and the garage. She could not support the conditions with this inclusion. Clarification indicated that staff had added the Code requirement due to the size of the garage. Mr. Givlin expressed a willingness to work with the property owner although efforts to date had not been successful.

Ms. Bruketta supported the Commission's position and its need to determine if the building is "substantial" and to limit the conditions "to assure that such use will be compatible with other existing and potential uses". Commissioner Christianson noted the City Code requirement for upgrading/improving/extending sidewalks which he felt was similar to the requirement. Ms. Bruketta felt that the request was for a large garage behind an existing structure and not a large development or a change in the front of the property, however, this determination is the Commission's role. Discussion elaborated on the Commission's discretion in establishing the different type of conditions required for the special use permit.

Commissioner Uhart moved to approve U-98/99-30, a special use permit request from Claire Armstrong, Gary Borst, property owner, to allow a detached accessory structure which exceeds fifty percent of the square footage of the primary structure in a Single Family 6,000 zoning district located at 4141 East Nye Lane, APN 8-281-03, based on seven findings and--following discussion on the location of the right-of-way condition--with the deletion of item No. 5--following additional discussion--modifying Condition No. 5 to be with the exception of the right-of-way dedication requirement. Commissioner Uhart then amended her motion to include based on seven findings and subject to eight conditions of approval with a modification of item numbered 5 to remove the requirement for the right-of-way dedication 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 and then amended the motion to also delete item number 9. Commissioner Sedway seconded the motion. He then explained his second was based on the applicant's request for a garage at the back of the property and that the street issue is a lot larger. He agreed that the Commission's action merely delays the street situation but that it should not pose such a hardship for the garage. The applicant should understand that the right-of-way issue is not a "done deal" and the Commission will eventually discuss it again. It is a larger issue than the applicant had anticipated. Discussion ensued on the removal of item nine. Commissioner Uhart could not justify the requirement to paint the Roop side of the building. Commissioner Christianson explained his feeling that the dedication should be upheld as the "atmosphere" will be changed when reconsidered later. Commissioner Uhart then explained the problem she encountered in making the applicant take on a burden beyond the bounds of the request. The applicant was not subdividing the lot nor doing anything which would provide a monetary benefit. The request was for personal use. If the City needs the right-of-way, it should negotiate for it in a separate forum and not tie it to the application. The condition is burdensome. The motion to approve the special use permit as amended was voted and carried 5-1-0-1 with Commissioner Christianson voting Naye and Commissioner Rogers absent.

**G-3. U-98/99-34 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM M. DALE AND LEAH C. LAMBORN (1-1095) - Senior Planner Hullinger, Leah Lamborn, Max Montgomery, Dale Lamborn - Ms. Lamborn explained her desire to be able to install either a wood or metal building. All but one of her adjacent property owners had purportedly signed a petition supporting the building. The petition was given to the Commission. (A copy is in the file.) If they decide to have a metal building instead of the wood, she agreed to recirculate the petition. Ms. Hullinger indicated that staff had written the report with the building being either metal or wood as indicated in Condition 6 and is to be consistent with the colors on the primary structure.**

Public testimony was requested. Mr. Montgomery explained that he owned property to the south and adjacent to the applicant. Photographs of the property were distributed to the Commission. (Copies were given to the Clerk after the meeting.) He opposed a structure which would be two times larger than the current building as well as

the current appearance of the property, which the photographs depicted. His concerns with the vehicles and possible contamination of his well were explained. The garage will be located adjacent to his bedroom. As they work on their race cars on the property, he felt that they would use the garage to perform the work at all hours of the day and night. The proposal will decrease his quality of life and the applicants should purchase his property. He felt that his house was approximately 20 feet from the property line. Commissioner Sedway noted that the 15 foot setback would also be between Mr. Montgomery's building and the proposed garage. Mr. Montgomery also felt that the building will block his view of Slide Mountain. Additional public comments were solicited but none given.

Ms. Lamborn indicated that the race car is in her garage. The addition will be on the back at the corner which will be further away from Mr. Montgomery. Four vehicles have been removed from the lot and four are for sale. They had only recently purchased the property under a lease option. The pile of building material had been created during remodeling of the house. It will be removed. As they had previously owned a "wrecking" yard, she was knowledgeable on containment of fluids which "are not very many anyhow". There are horses behind them which may be the cause of the flies. Discussion between her, her husband, and the Commission indicated the Lamborns have a recreational vehicle and a large boat. The pitch of the roof needed to be modified to reduce the structure's height. The Lamborns agreed to a 4 to 12 pitch. Commissioner Wipfli felt that a metal building could have a pitch which is even less and still "shed water". Discussion then explained the reasons for putting the garage at the proposed location. Mr. Lamborn indicated that the proposed location is over 100 feet from his house. He also explained his contact with the police and felt that there had not been any problems during the last three years. He had circulated a petition throughout the entire neighborhood without any problems. The pile of building material had been caused by making improvements to the septic system which had forced the removal of the irrigation system and a wood fence. The building will be located in the vicinity of this material. The motor home and race cars will be in the garage which is the reason for the large garage. Chairperson Horton indicated that the applicant had stipulated to using the minimum appropriate pitch on the roof and to find the most favorable location on the property within the existing setbacks.

Due to the applicant's stipulation of these two items, Commissioner Mally moved to approve U-98/99-34, a special use permit request from M. Dale and Leah C. Lamborn to allow a detached accessory structure which exceeds fifty percent of the square footage of the primary structure in a Single Family One Acre zoning district located at 4410 Ponderosa Drive, APN 9-182-11, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant will be considered as further stipulations or conditions of approval on this application. Commissioner Uhart seconded the motion. Motion carried 4-2-0-1 with Commissioners Christianson and Wipfli voting Naye and Commissioner Rogers absent.

BREAK: A 12 minute recess was declared at 5 p.m. A quorum of the Commission was present when Chairperson Horton reconvened the meeting at 5:12 p.m. (Commissioner Rogers was absent as previously indicated.)

**G-4. M-98/99-6 - DISCUSSION AND POSSIBLE ACTION IN PROVIDING STAFF WITH DIRECTION ON A CHANGE OF LAND USE ALONG THE EAST AND WEST SIDES OF ROOP STREET BETWEEN MUSSER AND WASHINGTON STREETS (1-1445) -** Senior Planner Sandra Danforth, Deputy District Attorney Melanie Bruketta, Frank Shesler - Mrs. Danforth requested the item be tabled for one to two years due to the results of the area survey and the need to make major infrastructure improvements within the area prior to implementing the change of land use. Commissioner Wipfli supported staff's request. Public testimony was solicited. Mr. Shesler questioned the need to change the land use. He urged the Commission to table it for four or five more years. At the very least nothing should be done until after the infrastructure is in the ground. Additional testimony was solicited but none given. Commissioner Wipfli moved that, because the area will require extensive improvements to be developed as General Office and it is difficult to provide required findings for a change of land use for this specific site, no further review of this is to be considered for the next 12 to 24 months. Commissioner Mally seconded the motion. Motion carried 6-0-0-1.

**G-5a. U-98/99-23 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM GARTH RICHARDS; AND, G-5b. V-98/99-4 - DISCUSSION AND POSSIBLE**

**ACTION ON A VARIANCE REQUEST FROM GARTH S. RICHARDS (1-1598)** - Senior Planner Danforth, Applicant's Representative Mark Turner - Mr. Turner indicated that they had read the staff report and concurred with the conditions. Public testimony was solicited but none given. Commissioner Mally moved to approve U-98/99-23, a special use permit from Garth S. Richards, Trustee, property owner: Garth Richards and Joan Richards, to expand a nonconforming use based on seven findings and subject to six conditions of approval contained in the staff report and to approve V-98/99-4, a variance from required parking, 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 or Board by the applicant shall be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 6-0-0-1.

**G-6. U-98/99-28 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THOMAS AND SUSAN LINDSEY (1-1689)** - Senior Planner Danforth, Tom and Sue Lindsey - The Lindseys had read the staff report and concurred with it. Public testimony was solicited but none given. Commissioner Christianson moved to approve U-98/99-28, a special use permit from Thomas and Susan Lindsey to expand a nonconforming building based on seven findings and subject to six conditions of approval contained in the staff report. Commissioner Uhart seconded the motion. Motion carried 6-0-0-1.

**G-7. AB-98/99-6 - DISCUSSION AND POSSIBLE ACTION ON A PUBLIC RIGHT-OF-WAY ABANDONMENT REQUEST FROM METCALF BUILDERS (1-1738)** - Principal Planner Rob Joiner, Tom Metcalf, Wiley Wilson - Discussion between the staff and Commission explained the location of an utility easement between Mr. Staub's property and Mr. Metcalf's. Mr. Metcalf explained his efforts to work the utility companies and plans to abandon the utility easement, if possible. All overhead electrical lines will be buried. Efforts are also being made to relocate Southwest Gas' lines. Once staff's concerns have been addressed, efforts will be undertaken to work with the neighbors, including Mr. Wilson and the Cuccaros. The proposal will provide a "public parking street". Public testimony was solicited. Mr. Wilson questioned whether his parking and loading dock access routes would be changed. Mr. Joiner indicated his concerns were a little premature as the street would not be closed. He was unsure whether the entrance next to Ninth Street and Plaza would be closed. He committed to working with the neighbors and Mr. Metcalf prior to any closures. This is a condition on the abandonment. He also indicated that if his building had been constructed under today's conditions and requirements, the driveway may not have been allowed. Additional parking will be provided if the driveway is closed and a new circulation pattern is developed. This issue cannot be considered as a part of this application. Mr. Wilson felt that there had been a stipulation concerning this driveway and that the City had mandated it in that area. He felt it would pose a safety problem to have people back onto the street. Additional public testimony was solicited but none given. Commissioner Mally moved to approve a motion to recommend that the Board of Supervisors approve AB-98/99-6, an abandonment request from the State of Nevada to abandon an approximate 66 foot by 66 foot portion of East Tenth Street and South Plaza Street adjacent to Assessor's Parcel Numbers 4-054-01, 4-055-03, 04, and 07, based on two findings and subject to four conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Christianson seconded the motion. Motion carried 6-0-0-1.

**G-8. M-98/99-3 - DISCUSSION AND POSSIBLE ACTION ON AMENDMENTS TO THE HILLSIDE DEVELOPMENT ORDINANCE (1-1938)** - Senior Planner Juan Guzman, Betty Ihfe - Clarification indicated the purpose of the designation is to protect the area which can be seen from the valley floor. Public testimony was solicited. Ms. Ihfe noted the work which had been done to develop the ordinance and urged the Commission to hold the line. Any waiving will impact the community's quality of life and aesthetics. She urged everyone to work together to preserve the skyline to the greatest extent possible. Additional public comments were solicited but none given. Commissioner Mally moved to recommend that the Board of Supervisors adopt the revision to the skyline area of Carson City in the Clear Creek area by amending the skyline area as follows: "beginning at the intersection of U.S. Highway 50 West and the county line of Carson City and Douglas within Section 36 and continuing along Sections 35, 34, 33, 32, and 31 up to the intersection of U.S. Highway 50 West and the Carson City-Douglas County boundary of Section 31; those areas located west or north of U.S. Highway 50 West shall be considered within the skyline area of Carson City. Commissioner Christianson seconded the

motion. Motion carried 6-0-0-1.

**G-9. U-98/99-31 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ROSALIE DIETER (1-2055)** - Senior Planner Guzman, Rosalie Dieter, David Dieter, Sandra Malcolm, Julie McKean - Ms. Dieter indicated that a permit had been approved for the mobile home which is to be delivered by the middle of December. There is a permitted septic system already installed. Laterals have been installed so that when the City brings the sewerline through the area they can connect. No additional plumbing facilities will be added to the garage until the City line is installed. Mr. Dieter explained the need for a three car garage.

Public testimony was solicited. Ms. Malcolm, a next door neighbor, described the mail boxes, mobile homes, and garages with rental units located at the property next door, which the Dieters also own. She felt that this was four rentals on one parcel. She questioned how she could prevent their converting the two story garage into a rental. The area is zoned single family one acre. Ms. McKean, also an adjacent neighbor, questioned how the two garages had been placed on the other parcel. She felt that the rentals decreased her property value. She was also concerned about the traffic which would occur on her deadend street. Even though there is no plumbing in the proposed garage at this time, assurance was requested that it will not be installed at a future date. Additional public testimony was solicited but none given. Mr. Guzman explained that the two units on the one parcel had been approved prior to 1995 when the zoning allowed it if there is adequate acreage. The ordinances have since been changed and this is no longer allowed. Enforcement of such ordinances is handled on a complaint basis which includes, when necessary, pursuing the court process. Clarification indicated that the second parcel is a non-conforming existing use. There is a condition, which Mr. Guzman read, prohibiting the use of the proposed facility as a rental. The staff has a right to investigate any violations of the conditions as well as the special use permit. This process will require public participation. The current zoning ordinance prohibits having two families living on the parcel. Revisions to the ordinances also include public hearings. Additional public testimony was solicited but none given.

Discussion supported the contention that the unit could be converted to a rental, however, the Commission must accept the applicant's comments in good faith and expect the Code to be followed. If a violation occurs, enforcement proceedings will be implemented. Mr. Guzman indicated that Condition 6 addresses this issue, which he read into the record. Commissioner Christianson moved to approve U-98/99-31, a special use permit for David and Rosalie Dieter based on seven findings and subject to six conditions of approval contained in the staff report. Commissioner Wipfli seconded the motion. Motion carried 6-0.

**G-10. U-98/99-32 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ARNOLD AND ELFRIEDA WETZSTEIN (1-2365)** - Senior Planner Guzman, Arnold Wetzstein - Commissioner Rogers arrived during Chairperson Horton's reading of the title--6 p.m. (The entire Commission was present constituting a quorum.) Mr. Guzman corrected Condition 7a as the kitchen facilities had been in the unit for a long period and were considered grandfathered. Therefore, the facilities did not have to be removed when the use is no longer needed. Mr. Wetzstein thanked staff for the recommendation and explained the financial hardship encountered by the applicants. Public testimony was solicited but none given. Commissioner Mally moved to approve U-98/99-32, a special use permit to allow the conversion of an existing accessory structure into an ECHO unit by Arnold and Elfrieda Wetzstein based on seven findings and subject to seven conditions of approval deleting the portion "a" of Condition 7 as contained in the staff report with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 7-0.

Following the vote, Commissioner Christianson left the room--6:02 p.m. (A quorum was still present.)

**G-11. U-98/99-33 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JIM LEHAN OF SIERRA PACIFIC POWER COMPANY (1-2475)** - Senior Planner Guzman, Deputy District Attorney Bruketta, Principal Planner Rob Joiner - Mr. Guzman's introduction

noted the Code requirement that the property owner sign the application. This had not occurred. (Commissioner Sedway stepped from the room--6:04 p.m.--and returned--6:06 p.m. during Mr. Guzman's introduction. A quorum was still present although Commissioner Christianson was absent.) BLM owns the property. Efforts to comply with the Code requirement were noted. Ms. Bruketta encouraged the Commission to follow the Code. Chairperson Horton suggested that the item be continued until a method of meeting the application requirements can be determined. Comments also noted the deadline requirement for consideration of the application and questioned whether the City had received a valid application. Mr. Joiner supported having the applicant request a continuance and obtain BLM's signature. Chairperson Horton indicated that, based upon the Deputy District Attorney's recommendation and explanations, it appears that the Commission does not have a valid application due to the lack of the valid property owner or an authorized representative's signature on the application and that the applicant's signature is not notarized. The application is incomplete. An incomplete application cannot be heard. For further details the applicant should contact Community Development. Ms. Bruketta also explained that normally staff is notified early enough to remove the item from the agenda. It was unfortunate that so many people had attended and were waiting to hear the item. She apologized for the inconvenience caused by the City for not noticing the error earlier. Chairperson Horton also apologized for the Commission for the oversight and expressed the hope that the public and Sierra Pacific understood the reasons for the continuance. Commission comments questioned who should sign the application. Ms. Bruketta read the Code indicating that a property owner or his/her representative should sign the application. BLM owns the land, therefore, someone from that agency should sign.

**G-12. U-98/99-36 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM FRANK L. GENESCRIPTI (1-2835) -** Senior Planner Guzman; Building Official Phil Herrington; Frank Genescritti, Sr.; Robin Eppard; Linda Marrone; Renate Daniels - Commissioner Mally left the room--6:20 p.m.--during Chairperson Horton's reading of the title. (A quorum was still present.) Discussion between the Commission and Mr. Guzman explained the status of the room addition and the garage's foundation, the status of the hazardous conditions which had previously existed on the property, the reasons for the special use permit application and clarified the recommended motion. Mr. Herrington explained the history of the project including the Board of Supervisors' ruling that a nuisance existed and efforts to mitigate same. Mr. Genescritti, Jr., had constructed a 135 square foot addition without a building permit. The addition and the retaining wall have not been completed. A request had been made for a garage with a structure over it which has not been authorized. His Department supports the issuance of a special use permit if it will get the other items finalized. Discussion explained the purpose of the 135 foot addition and questioned the purpose of the structure over the garage. Clarification indicated that the special use permit will allow the applicant to complete the small addition and the retaining wall. Reasons for including all of the different factors under the one application were explained by Mr. Guzman. The special use permit will expire in one year unless an extension is requested and granted. Mr. Herrington described the efforts to get the retaining wall finished. He also indicated that the 135 foot addition had been red tagged. Clarification by Commissioner Rogers indicated the addition is actually 315 square feet. Mr. Herrington also felt that the grading permit will expire the first week of January. If the special use permit is not approved, the City will probably seek to remove the addition. Commissioner Rogers suggested that Condition 2 be revise to require completion of the five Building Department items prior to issuance of the building permit. Mr. Herrington agreed. Discussion reiterated the reasons for bring the complete project to the Commission and requesting the special use permit at this stage. Commission concerns regarding Mr. Genescritti's ability to financially complete the project were noted. Commissioner Rogers supported staff's approach as it allows the neighborhood an opportunity to understand the plans and provides incentives to accomplish the necessary work.

(1-3506) Mr. Genescritti expressed his intent to complete the retaining wall and then construct the slab. He was going to "hold up" on the garage in view of the problems he had encountered with his neighbors which he described. The problem with Ms. Eppard had purportedly drained his financial resources. He wished to complete the duplex, cleanup everything up, and paint the building. The garage may be constructed next year. He indicated an intent to eliminate the structure over the garage and make it a "straight garage". He then expressed his feeling that there are tri-plexes and four-plexes throughout the neighborhood and that he should be allowed to construct a tri-plex. His building will remain within the Building Code except for the area covered by the small attachment between the garage and duplex. This issue will be worked out. The 315 square foot addition provides extra room for the duplex. (2-0001) Discussion between the Commission and Mr. Genescritti described the reasons for his

delay in completing the retaining wall. He agreed that he could now finish the retaining wall, however, there are problems with it which prevent him from doing so. He claimed that the retaining wall needed a "double netting" in order to be constructed "straight up". The netting had been placed in the middle of the wall for six inches. There are cracks throughout the wall. He had allegedly obtained an engineer's report regarding this issue. He is now awaiting water samples before water proofing is done. The City had purportedly required him to install a tank to collect the drainage. The wall/tank is not draining. Gravel had not been installed behind the wall. There is purportedly two to three feet of water behind the wall which does not drain. The wall, in his opinion, is substandard. His original design for the wall was briefly described. He reiterated the problems with the wall and the City's design. Discussion between Commissioner Sedway and Mr. Genescritti indicated that if the special use permit is granted, Mr. Genescritti would finish the wall but would not "put anything into the back part". Commissioner Sedway explained his reluctance to approve the special use permit due to his feeling that Mr. Genescritti should have finished the wall as a sign of good faith before making the request. He also indicated that he understood Mr. Genescritti's stand on it.

(2-0100) Discussion between Commissioner Rogers and Mr. Genescritti indicated that Mr. Genescritti would not construct the workshop over the garage and that he did not have a problem with the Commission amending the special use permit to remove it.

Mr. Herrington then described the retaining wall and the section which Mr. Genescritti claimed was substandard. The request is for Mr. Genescritti to complete the southern and northern segments of the retaining wall. There is no request for any work on the west wall. Clarification between Mr. Herrington and the Commission indicated that the issue with the wall is outside the Commission's consideration and would have to be litigated in court. The northern wall is an integrated part of the garage. Neither it nor the southern wall are necessary to support the western portion. Clarification between Mr. Herrington and Ms. Bruketta indicated that Condition 2 relates to the southern retaining wall. None of the conditions allude to any work which the City had performed.

(2-0148) Public testimony was solicited. Ms. Eppard gave the Commission and Clerk a packet of information and computer enhanced photo-simulations illustrating the duplex and the lot. Ms. Eppard briefly described her involvement with the City over the project and her feeling that there are public nuisances still existing on the lot today. There had never been a hillside study conducted of the site nor a special use permit requested for any of the work which had been performed. A geological study had not been conducted of the earthquake fault which runs through the property. A hydrological study should also be conducted as the spring runoff is estimated at 1500 gallons per day. A soil report, as required by the hillside ordinance, has not been performed. As the wall is part of the garage structure, without the appropriate studies, she could not feel that it had been engineered correctly. Additional work should not be considered on the property until these issues are resolved. Her complete file was available for review by the Commission if so desired. As no work had been done to address the outstanding issues, she did not believe that the Genescrittis would do more than allow the project to set for another two years even if the permit is issued this evening. She urged the City to go in and abate the nuisances which remain. The unsightly mess had existed for two years which is long enough. She urged the Commission to reject staff's recommendation. She then stated that the artist's rendition of the project does not match the grading plan and indicated that there are other detail problems with the plan. She felt that there had to be a walk through connection between the current addition and the proposed garage which does not work with the current configuration. Discussion between the Commission and Ms. Eppard indicated her reference to the resolution declaring the public nuisance had been included in her packet of information. She clarified that "we" want the wall stabilized and explained her reasons for feeling that it had not been properly compacted. The slope is unstable and the tree is still at risk of falling into the public utility lines. She also referenced Community Development Director Walter Sullivan's letter indicating the property is subject to the hillside ordinance and described her reasons for concern with the wall due to the lack of appropriate studies. Commissioner Rogers noted that some of the areas of her concern could not be addressed without a building permit which could not be issued unless the special use permit is issued. Ms. Eppard did not feel that the Genescrittis would complete the project regardless of the incentive offered. If the permit is approved, they will be given another two years to do nothing. The property should be cleaned up as it is, then discussions could occur on other projects when the financial resources to accomplish same are available. She did not feel that they had the financial resources necessary to complete the items which were included with the incentive.

(2-0375) Additional testimony was solicited. Ms. Marrone explained that all of the dealings had always been with

the son, that this was the first occasion she had met Mr. Genescritti, Sr., and that the property was an eyesore. A comparison of photographs from last June and yesterday does not show any positive changes. She listed the neighbors whom she represented. She then reviewed the findings in the staff report and refute each based on the Genescritti's history in Carson City. She questioned how the City could afford to spend \$46,000 mitigating the problems and then approve the special use permit to build a garage which it may have to take over and complete. If the City had this much money, it should construct a garage for her.

(2-0440) Additional public testimony was solicited. Ms. Daniels felt that if the retaining wall fails, her South Thompson residence may have a Minnesota address. She requested that the hillside issue be addressed in whatever action the Commission takes. Additional public testimony was solicited but none given.

Mr. Genescritti responded by indicating that each of the individuals had claimed damages. The only damage which had purportedly occurred had been to Ms. Daniel's property when dirt had slipped down the hill and removed 70 feet of her fence. The fence has since been repaired. A court matter between Ms. Eppard and Mr. Genescritti was explained. He did not feel that any damage had occurred to Ms. Eppard or her property. In response to Commissioner Sedway's question, Mr. Genescritti indicated his desire to finish the project and that the Commission should issue the special use permit to allow it to happen. He is at a standstill without the permit. He urged the Commission to forget the garage part of the request. He would complete the cement in the back, "cleanup the place", and get on with meeting all of the City requirements. He would be involved now and not his son. Commissioner Wipfli encouraged him to cleanup the site immediately. Mr. Genescritti agreed. Public testimony was then closed.

Discussion ensued between Mr. Herrington and the Commission which described the special inspections performed by the Deputy City Manager, Building Inspectors, and Public Works Inspectors. The hillside ordinance requirements are included in the records, a portion of which is also included in the special use permit requirements. Contact with Ms. Eppard's attorney was noted. The son had "kicked the City off of the property" when an attempt had been made to investigate the wall. His attorney purportedly did not want the City on the site. If there is something wrong with it, Mr. Genescritti should allow the City to look at it. As far as he was aware the tree had been stabilized as he had not heard to the contrary from Mr. Minnich. Erosion concerns with the bank are addressed as part of the conditions and is part of the hillside ordinance. Mr. Herrington agreed that he had concerns about how long it would take Mr. Genescritti to complete the project. He felt that it would be great if a contractor is retained to perform the work and that he goes in and gets it done. It could be a struggle for Mr. Genescritti and his son to complete the project. The project had overwhelmed the son. He felt that the proposal is an avenue which may get the project completed. He was unsure how timely the work would be performed. Discussion indicated that the garage could be removed from the special use permit and that incremental review periods could be conducted. Mr. Guzman then clarified, regarding the hillside ordinance, that construction is now occurring on flat ground. The hill had been removed. The discussion should consider mitigation measures to stabilize the graded area.

Commissioner Rogers moved to approve U-98/99-36, a special use permit issued to Frank Genescritti, Sr., based on seven findings and subject to nine conditions of approval contained in the staff report and with the understanding that all acknowledgements to the Commission/Board by the applicant will be considered as further stipulations or conditions of approval, amending Condition 1 to have the second sentence read: "This approval is for an existing space already under construction approximating 315 square feet in size and described as a room addition."; under Condition Number 2 item number 6 will read: "The removal of debris and cleanup of the site", which is to be added to the list provided by the Building Department as the Building Department had previously agreed needed to be done immediately; the intent of this item is that the Building Permit will not be issued if the site is not sufficiently cleaned of debris so that it could be viewed as any other construction site without any danger or anything from the debris; and Condition Number 9 is that we will require a six month review of the progress on the special use permit. Commissioner Wipfli seconded the motion. Motion was voted and carried 4-1-1-1 with Commissioner Sedway voting Naye, Commissioner Mally abstaining, and Commissioner Christianson absent.

BREAK: A recess was declared at 7:27 p.m. The entire Commission was present at 7:40 p.m., including Commissioners Christianson and Mally, when Chairperson Horton reconvened the meeting. The entire Regional Transportation Commission was also in attendance, constituting a quorum. Staff members present included

Deputy City Manager Dan St. John, Parks and Recreation Director Steve Kastens, Public Works Capital Projects Manager Tim Homann, Principal Planner Rob Joiner, Senior Planner Juan Guzman, RTC Engineer Harvey Brotzman, Senior Engineer John Givlin, Deputy District Attorney Melanie Bruketta, Parks Planner Vern Krahn, and Recording Secretary Katherine McLaughlin

**I. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS) (2-0672)** - Chairperson Horton directed that the agenda be modified to complete these Planning Commission items.

**I-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION** - Mr. Joiner explained the Board's actions on two street abandonments, the change of land use, and the Airport Authority memorandum of understanding item.

**I-2. COMMISSIONER COMMENTS (2-0691)** - None.

**I-3. STAFF COMMENTS (2-0695)** - Staff will be contacting the Commissioners regarding their attendance at an April national planning conference. Chairperson Horton encouraged the Commissioners to attend.

**I-4. FUTURE COMMISSION ITEMS AND DATES (2-0698)** - There are 12 items now scheduled for the next meeting. Chairperson Horton also indicated that election of Chairperson and Vice Chairperson would occur at that meeting.

**H. PUBLIC HEARING** - The RTC was convened at 7:45 p.m. Roll call was taken. The entire RTC was present, constituting a quorum.

**H-1. DISCUSSION AND POSSIBLE ADOPTION BY RESOLUTION OF THE CARSON CITY TRANSPORTATION PLAN, SPECIFICALLY INCLUDING THE TRANSPORTATION MODELING SYSTEM, STREETS AND HIGHWAYS ELEMENT, PUBLIC TRANSPORTATION ELEMENT, BICYCLE ELEMENT, PEDESTRIAN ELEMENT, AVIATION ELEMENT, AND A FINANCIAL ELEMENT AS AN ELEMENT TO CARSON CITY'S MASTER PLAN (2-0735)** - Mr. Homann highlighted the changes which had been made in the master plan elements since the last meeting. Discussion among the Commissions and staff indicated the estimated project costs had been used within the budget element. The projects had not been listed in priority order. Signal upgrades had not been considered. The element does include new signal locations. The City's commitment toward having full freeway interchanges at Arrowhead and College Parkway was maintained by the plan. Clarification indicated the Ormsby Boulevard extension is estimated to cost \$987,000.

Public comments were then requested. (2-1065) Sue Newberry voiced her opposition to the three minute time limit. She then explained that she had submitted written questions after the October 14th meeting but had not received a response. She also indicated that she had not been given a copy of the documents which the Commissions had received indicating the changes which had been made between the meetings. She questioned the reasons Goal A did not include other modes of transportation and suggested language which would provide a broad spectrum of transportation methods. She also questioned the proposal to widen Highway 50 to six lanes and the impact it would have on the bicycle and pedestrian facilities. The Edmonds and Fifth Street roundabout proposal was noted. She requested justification for the plan to widen this intersection. She complimented the Parks and Recreation

**H-1. DISCUSSION AND POSSIBLE ADOPTION BY RESOLUTION OF THE CARSON CITY TRANSPORTATION PLAN, SPECIFICALLY INCLUDING THE TRANSPORTATION MODELING SYSTEM, STREETS AND HIGHWAYS ELEMENT, PUBLIC TRANSPORTATION ELEMENT, BICYCLE ELEMENT, PEDESTRIAN ELEMENT, AVIATION ELEMENT, AND A FINANCIAL ELEMENT AS AN ELEMENT TO CARSON CITY'S MASTER PLAN (2-0735)** - Mr. Homann highlighted the changes which had been made in the master plan elements since the last meeting. Discussion among the Commissions and staff indicated the estimated project costs had been used within the budget element. The projects had not been listed in priority order. Signal upgrades had not been considered. The element does include new signal locations. The City's commitment toward having full freeway interchanges at Arrowhead and College Parkway was maintained by the plan. Clarification indicated the Ormsby Boulevard extension is estimated to cost

\$987,000.

Public comments were then requested. (2-1065) Sue Newberry voiced her opposition to the three minute time limit. She then explained that she had submitted written questions after the October 14th meeting but had not received a response. She also indicated that she had not been given a copy of the documents which the Commissions had received indicating the changes which had been made between the meetings. She questioned the reasons Goal A did not include other modes of transportation and suggested language which would provide a broad spectrum of transportation methods. She also questioned the proposal to widen Highway 50 to six lanes and the impact it would have on the bicycle and pedestrian facilities. The Edmonds and Fifth Street roundabout proposal was noted. She requested justification for the plan to widen this intersection. She complimented the Parks and Recreation Commission on its response to her suggestion that terms for bicycling be consistent with other national standards. Clarification indicated that her written remarks had purportedly been given to the RTC, Mr. Homann, and the secretary. The terminology regarding the paths had not yet been finalized. Federal requirements will be included in the decision. Staff did not feel that there had been adequate time to analyze and respond to Ms. Newberry's questions/comments. The plan is a dynamic one which will be revised as time goes forward and can be revised to include/respond to her comments as well as others. The bicycle paths are to be multi-use paths and would not be restricted to bicycles. Commissioner Rogers urged staff to include within the plan the ability to use the bicycle paths for alternate modes of transportation. Mr. Kastens did not feel that the community would support an ordinance restricting the bicycle path usage. Clarification indicated that Federal grants could be jeopardized if the correct terminology is not used. Control over street development is maintained by the "green Line" designating the bicycle paths. RTC Chairperson Smith espoused his desire to continue action on the plan until such time as staff is able to respond to Ms. Newberry's questions. He also questioned the justification for widening Edmonds and extending Curry, specifically, in view of the costs. Mr. Homann briefly characterized Ms. Newberry's questions. He felt that his responses should be finalized within two weeks. Chairperson Horton and Commissioner Rogers supported continuing the matter.

(2-1485) Laura Work urged the Commission to re-evaluate the need to extend Ormsby Boulevard due to the lack of funding available for higher priority items. Transportation Advisory Committee Chairperson Frank Page reminded the Commissions that the plan is only the beginning and will change as time goes forward. The Committee had struggled to meet the established timeframes and to stay within the criteria established for it. Once the community is designated an MPO, drastic changes in criteria will be created. Both Chairpersons iterated that the request to continue the matter is not due to any lack of Committee's and other public participants' efforts or dedication on the plan. Chairperson Smith described an example of poor road planning to illustrate his reasons for wishing to continue the matter until the questions have been answered. Commissioner Rogers also pointed out that by responding to the questions now, more support for the plan may be provided when construction commences. Commissioner Plank described the dynamics of the document which will allow for future changes.

Commission discussion supported the continuance. Commissioner Rogers requested copies of all correspondence before the next meeting. Commissioner Uhart requested another workshop meeting to allow for additional public input. Chairperson Smith explained the PC and RTC rolls in the master plan element. The PC should not become embroiled in the establishment of priorities and funding. The RTC's involvement with the engineering formula and the politics of project priorities was described. Mr. Homann described the process used to develop the plan including the priorities and staff's roll. He had apologized to Ms. Newberry about his inability to respond. An answer will be provided as soon as possible. The Commissions will make the decision as to whether the answer(s) will modify the plan. RTC had been given all of the correspondence. He apologized for missing the PC. The correspondence was briefly described. Chairperson Horton felt that staff needed the time to respond to all of the public input and supported having one additional meeting. He opposed reopening the entire process at step one. Chairperson Smith supported an additional meeting and reiterated his reasons for support Ms. Newberry's request. Commissioner Christianson felt that the additional meeting should occur prior to Chairperson Smith's term expiring. Chairperson Page pointed out the size of the community and its growth to support the need for additional staff. Commissioner Uhart then explained her reasons for abstaining on the Ormsby Boulevard issue and feeling that the right-of-way should be used for a multi-purpose trail. No money should be spend on the extension. Discussion ensued among the PC members concerning the next meeting and its agenda. It was decided that the plan would be agendized for formal action. Mr. Homann expressed the hope that the meeting would be before the end of the year. No formal action was taken.

**J. ADJOURNMENT (2-2130)** - There being no other matters for consideration by the Planning Commission, Commissioner Wipfli moved to adjourn. Commissioner Uhart seconded the motion. Motion carried 7-0. Chairperson Horton adjourned the Planning Commission meeting at 8:57 p.m.

The Minutes of the December 2, 1998, Carson City Regional Transportation Commission meeting

ARE SO APPROVED ON \_\_\_\_\_ October 27 \_\_, 1999.

\_\_\_\_\_/s/\_\_\_\_\_  
Verne Horton, Chairperson