

A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, July 29, 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: Chief Deputy District Attorney Paul Lipparelli, Deputy
Utilities Director Jay Ahrens, Principal Planner Rob Joiner, Senior Planner
Sandra Danforth and Juan Guzman, Recording Secretary Katherine McLaughlin (R.P.C. 7/29/98 Tape 1-0001.5)

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 3:40 p.m. Roll call was taken. The entire Commission was present, constituting a quorum. Chairperson Horton lead the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF MINUTES (1-0014.5) - None.

C. PUBLIC COMMENTS (1-00017.5) - None.

D. MODIFICATIONS TO THE AGENDA - (1-0062.5) Principal Planner Joiner noted the applicant's letter withdrawing Item G-17. This matter will be handled when the agenda item is reached.

E. DISCLOSURES (1-0023.5) - Commissioner Wipfli explained his partial ownership in a Silver Oaks parcel. It is not part of the property which is to be discussed later. Therefore, he did not feel that he had a conflict of interest. Commissioner Uhart indicated that the real estate firm for which she works has an agent who is working with the property owner involved with Items G-18, 19, and 20.

F. CONSENT AGENDA (1-0034.5)

F-1. U-93/94-6 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A SIX MONTH EXTENSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR K-MART

F-2. U-94/95-17 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A SIX MONTH EXTENSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR ERNST HOME CENTER

F-3. V-97/98-19 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM PALMER AND LAUDER ENGINEERING

F-4. GM-97/98-2 - DISCUSSION AND POSSIBLE ACTION BY THE GROWTH MANAGEMENT COMMISSION ON A REQUEST FROM JARAMAR REAL ESTATE DEVELOPERS

F-5. U-97/98-51 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CAPITOL POINT HOLDING COMPANY

F-6. U-97/98-67 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MICHAEL MITCHELL

F-7. U-97/98-68 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MICHAEL MITCHELL

F-8. U-97/98-69 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MICHAEL MITCHELL

F-9. U-97/98-57 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ALAN A. MOSS - None of the items were pulled for discussion. Commissioner Wipfli moved to approve the Consent Agenda as listed by the Chairperson. Commissioner Mally seconded the motion.

Motion carried 7-0.

G. PUBLIC HEARING (1-0060.5)

G-1. A-97/98-11 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM SUE ALLEN TO AMEND CCMC 18.06.255 - Senior Planner Danforth, Sue Allen - Public comments were solicited but none given. Commissioner Christianson moved to recommend that the Board of Supervisors approve A-97/98-11, an ordinance amendment to allow ceramics with a kiln as a primary permitted use within the Retail Commercial zoning district CCMC Section 18.06.255 as provided in the attached proposed ordinance amendment. Commissioner Uhart seconded the motion. Motion carried 7-0.

G-2. U-97/98-58 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LOUISE LIGHTNER (1-0134.5) - Senior Planner Danforth, Louise Lightner - Ms. Lightner explained her original application and the reasons for this application. Public testimony was solicited but none given. Commissioner Uhart moved to approve U-97/98-58, a special use permit request from Louise C. Lightner for Homemaker Services, Inc.; owner: 50 Commercial Center LLC; to allow an adult day care facility in a General Commercial zoning district, located at 4630 Highway 50 East No. 15, APN 8-281-23, 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. Commissioner Mally seconded the motion. Motion carried 7-0.

G-3. Z-97/98-10 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM STEVE HARTMAN; AND, G-4. U-97/98-63 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STEVE HARTMAN (1-0186.5) - Senior Planner Guzman, Steve Hartman - Mr. Hartman briefly noted the reasons for his requests and used a map to illustrate the area where the zoning change would be made. The building that is there now should be replaced next spring. The front nine of the golf course should be open in three weeks and the back nine should open during the late spring of next year. Discussion explained the reason there had been so much area dedicated to the golf course. The landscaping plan for the temporary and permanent buildings and the medians as well as the restroom manufacturer were described. Public testimony was solicited but none given. Commissioner Rogers moved to approve U-97/98-63, a special use permit by Silver Oak Development Company to allow utilization of a temporary clubhouse facility, commercial coach, a premanufactured building, for a golf course operation until a permanent facility is constructed on property currently zoned tourist Commercial-PUD and Single Family 12,000 PUD located at No. 1 Country Club Drive, APN 7-461-01 and 8-061-69, based on seven findings and subject to the following conditions of approval as contained in the report. Commissioner Christianson seconded the motion. Motion carried 7-0.

Commissioner Rogers moved to approve Z-97/98-10, a motion to prepare an ordinance for first reading to change the land use designation for approximately 19.59 acres of land, APN 7-461-01, and recommend to the Board of Supervisors adoption of said ordinance based on one finding, the south boundary of the area to be the subject of the change of land use shall be defined by the the ultimate location of Silver Oak Drive. Commissioner Christianson seconded the motion. Motion carried 7-0.

G-5. U-97/98-65 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LYNN EDMONDSON (1-0342.5) - Senior Planner Guzman, Applicant's Representative Wendy Van Worth, Property Owner Craig Mullet, Principal Planner Rob Joiner - Discussion between the staff and Commission indicated the number of children had been reduced to 20 which had eliminated the need to renovate the restroom. Ms. Van Worth explained that the building added additional rooms in which to care for the same number of children. Expansion plans are being considered. Mr. Mullet supported the application and thanked staff for its cooperation. The need for a wheelchair access was questioned. Additional public comments were solicited but none given. Mr. Guzman explained that the Commission could not waive the requirement for a wheelchair access. Mr. Mullet should appeal to the Board of Appeals. Mr. Joiner briefly explained a temporary access process which may be an option. Clarification indicated there would only be 20 infants taken care of at the facility. The Health Department controls the numbers. (1-0485.5) Commissioner Christianson explained his support for the application based on his personal tour of the site and applauded the

owner and applicant. Commissioner Christianson then moved to approve U-97/98-65, an extension of day care facilities 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/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Rogers seconded the motion. Motion carried 7-0.

G-6. V-97/98-17 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM JOSEPH DOLAN (1-0501.5) - Senior Planner Guzman, Joseph and Margarite Dolan - Mr. Guzman corrected the staff report to indicate that the drainage flows west. A telephone call alleging that a home occupation is occurring at the site and that employees come to the site had been received. This would be a violation of the home occupation ordinance. The City's Code Enforcement Officer had investigated the allegations. There is a home occupation license issued for the residence for cosmetic sales, however, evidence indicating a violation could not be found. Investigation determined that the residence is adjacent to an access to a favorite hiking area and that the hikers are parking along the street. The applicants' daughter housesits for the Dolans who travel a lot in their business. The applicants have been reminded of the home occupation restrictions. The applicants corrected the structure's size to be 2800 square feet rather than the indicated 1400 square feet and changed south to west on Page 1 of the staff report. Discussion between the Commission, staff, and the Dolans explained the unimproved dedicated road owned by the City, the need for additional landscaping, reasons for requesting the variance rather than relocating the garage, and the corner which created the variance. (1-0635.5) Ms. Dolan indicated the intent to landscape that side of the house. The landscaping plan was described. Public testimony was solicited but none given. (1-0665.5) Commissioner Uhart voiced her opposition to the suggestion that the garage be located closer to the house and moved to approve V-97/98-17 based on five findings and subject to six conditions of approval contained in the staff report. Commissioner Mally seconded the motion. Motion carried 7-0.

G-7. U-97/98-56 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM VINCE SAVER (1-0693.5) - Senior Planner Guzman, Applicant's Representative (part owner of Dayton Tow Storage Yard) Al Watchers - Landscaping which does not require a large amount of irrigation and screening improvements are required. The parcels are not serviced by the Sewer Utility. Mr. Watchers indicated the site had been screened, trees have been planted, and that a drip irrigation system had been installed as there is water on the property. He questioned whether there is adequate space for twelve trees. As many trees as possible will be planted. Public testimony was solicited but none given. Commissioner Mally moved to approve U-97/98-56, a special use permit to allow the use of two adjoining parcels; one for office and the other one as a tow yard within APN 8-521-75 and 8-521-36, 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 Wipfli seconded the motion. Motion carried 7-0.

G-8. M-98/99-3 - DISCUSSION AND POSSIBLE ACTION TO PROVIDE STAFF WITH DIRECTION ON AMENDMENTS TO THE IMPLEMENTATION OF THE HILLSIDE DEVELOPMENT ORDINANCE (1-0805.5) - Senior Planner Guzman - Discussion between the Commission and staff indicated there may be other areas besides the Clear Creek area which may have similar circumstances and the precedence which the modification may create. Prison Hill and Goni Canyon were discussed as possible examples as they cannot be seen from one area but may be visible from other areas. Anyone who has a site which should be considered was asked to contact Mr. Guzman so that it could be included in the analysis/amendment. Public testimony was solicited but none given. Commissioner Mally moved that the Planning Commission direct staff to initiate an amendment to the Hillside Development Ordinance in accordance with the consensus reached by the Commission during discussion of this item. Commissioner Uhart seconded the motion. Discussion clarified the motion as being to remove only the Clear Creek area from the Hillside Ordinance. The Commission may revise the ordinance during the deliberations. The motion was voted and carried 7-0.

G-9a. U-97/98-37 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM FRANK SNOPKO; AND G-9b. V-97/98-20 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM FRANK SNOPKO (1-0912.5) - Senior Planner Tara

Hullinger, Frank Snopko - Discussion between the Commission and staff explained the area which needed the variance, the amount of space which would be left for the sideyard, the distance between the buildings, the hardships with the parcel's configuration and accesses, and the setback requirements in multi-family zoning district. Mr. Snopko briefly described his plan. Ms. Hullinger explained the conceptual landscaping plan. The project will meet the Code. Any change in the conceptual plan will be reconsidered by the Commission. Commissioner Wipfli asked that the final plan be reviewed by the Commission and requested more mature landscaping be included in the project. Mr. Snopko indicated he would do extensive landscaping along the highway. Mr. Snopko indicated agreement with Condition 8 which would require the Commission to reconsider the landscaping plan if it is different from the conceptual plan which had been submitted. No public testimony was given although requested. Discussion ensued on the air conditioning units proposed for the apartments. Push-through units under the windows will not be permitted.

(1-1171.5) Commissioner Uhart moved to approve U-97/98-37, a special use permit request from Frank Snopko to allow an 18 unit multi-family apartment complex located in a General Commercial zoning district at 4600 Snyder Avenue, APN 9-167-07, based on seven findings and subject to 12 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. Commissioner Mally seconded the motion. Clarification by Commissioner Uhart indicated that the applicant did not have to return to the Commission with the landscaping plan. Commissioner Wipfli requested the motion be amended to include this requirement. Commissioner Uhart felt that this condition would be prohibitive. Any modification would require the plan to be returned to the Commission. Commissioner Rogers felt that Condition 8 addressed the requirement. Commissioner Mally indicated a desire to include the requirement in the motion. Commissioner Christianson then seconded the motion. The motion was voted and carried 5-2 with Commissioners Wipfli and Mally voting Naye.

(1-1222.5) Commissioner Uhart moved to approve V-97/98-20, a variance request from Frank Snopko to vary 20 feet from the minimum 30 foot side yard setback in a GC zoning district, General Commercial, located at 4600 Snyder Avenue, APN 9-167-07, based on five findings and subject to five 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. Commissioner Christianson seconded the motion. Motion carried 6-1 with Commissioner Wipfli voting Naye.

G-10. V-97/98-16 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM JOHN NICKERSON (1-1236.5) - Senior Planner Hullinger, Property Owner David Ruf - Mr. Ruf described his reasons for needing additional signs and the proposed signs. Discussion between the Commission and staff explained the Code restrictions on the number and size of the signs and the applicant's lack of findings to justify the request. Mr. Ruf explained his reasons for not considering the continuance as staff had requested which would have allowed him to amend his application. The Commission encouraged him to request a continuance. Mr. Ruf then requested a continuance. (1-1522.5) Commissioner Rogers moved to accept the applicant's request for a continuance. Commissioner Wipfli seconded the motion. Motion carried 6-1 with Commissioner Christianson voting Naye. Discussion between the Commission and Mr. Ruf indicated that the continuance to the next meeting should be adequate for him to be better prepared to address the variance requirements. Chairperson Horton also commended him on his improvements at the site. Commissioner Uhart requested that Mr. Ruf provide a plot plan of the site designating the proposed areas for the signs. Mr. Ruf agreed and indicated his desire to include photographs of the area with the additional information. Commissioner Mally also expressed the hope that the variance information provided by Mr. Nickerson would be withdrawn.

BREAK: An 18 minute recess was declared at 5:12 p.m. The entire Commission was present at 5:30 p.m. when Chairperson Horton reconvened the meeting, constituting a quorum.

G-11. U-97/98-59 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT FROM REAGAN OUTDOOR ADVERTISING (1-1553.5) - Principal Planner Rob Joiner, Applicant's Representative Jo Lynn Harmer - Mr. Joiner explained the reasons staff felt that it would be a nuisance to abate the billboard if the permit is not renewed. Ms. Harmer indicated that the firm would/had established a "tickler" process to notify the City prior to expiration of the special use permit. Public testimony was solicited but none

given. Commissioner Christianson moved to approve U-97/98-59, a special use permit application from Reagan Outdoor Advertising Company, property owner - Donn Simons and Jerry Mellow, to allow a single-faced, off-premise billboard/sign on property zoned General Commercial located at 5740 Highway 50 East, APN 8-391-07, based on seven findings and subject to seven conditions of approval contained in the staff report. Commissioner Uhart seconded the motion. Motion carried 7-0.

G-12. U-97/98-60 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT REQUEST FROM REAGAN OUTDOOR ADVERTISING (1-1625.5) - Principal Planner Joiner, Applicant's Representative Jo Lynn Harmer - Ms. Harmer indicated she did not wish to make any additional comments. Public comments were solicited but none given. Commissioner Christianson moved to approve U-97/98-60, a special use permit application from Reagan Outdoor Advertising Company, property owner - Esperanza Dufer, to allow a dual-faced, off-premise billboard/sign on property zoned General Commercial, located at 4769 South Carson Street, APN 9-287-02, based on seven findings and subject to seven conditions of approval. Commissioner Uhart seconded the motion. Motion carried 7-0.

G-13. U-97/98-61 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT REQUEST FROM YOUNG ELECTRIC SIGN (1-1668.5) - Principal Planner Joiner, Applicant's Representative Ed Larson - Mr. Larson indicated the oversight does not normally occur and that the firm had a "tickler" system. Public testimony was requested but none given. Commissioner Christianson moved to approve U-97/98-61, a special use permit application from Young Electric Sign company, property owner - Jeanie White and Bruce Sanders, to allow a single-faced, off-premise billboard/sign on property zoned General Commercial located at 5200 South Carson Street, APN 9-301-06, based on seven findings and subject to seven conditions of approval contained in the staff report. Commissioner Uhart seconded the motion. Motion carried 7-0.

G-14. U-97/98-62 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT REQUEST FROM YOUNG ELECTRIC SIGN (1-1712.5) - Principal Planner Joiner, Applicant's Representative Ed Larson, David Ruf - Mr. Larson explained that the billboard had been leased to Harvey's and, for whatever reason, had not been used. It is not abandoned. He felt that it will be advertised as available if Harvey's approves. It is possible that Harvey's may be willing to allow the billboard to be used as a public service announcement. There is a cost involved with such announcements. If the permit is approved, the sign will be repainted immediately. His firm is negotiating the land lease which was previously held by Harvey's. Discussion indicated that the sign had been reduced to conform to the City Code. Public comments were solicited. Mr. Ruf requested the sign be made more appealing. Chairperson Horton reiterated Mr. Young's commitment to paint and advertise the sign as being available. Additional public comments were solicited but none given. Commissioner Christianson moved to approve U-97/98-62, a special use permit application from Young Electric Sign Company, property owner John Tom Ross, to allow a single-faced, off-premise billboard/sign on property zoned Retail Commercial, located on South Carson Street, APN 9-051-10, based on seven findings and subject to seven conditions of approval contained in the staff report. Commissioner Uhart seconded the motion and clarified the stipulation made by Mr. Larson that the sign will be painted or cleaned up after October. Mr. Larson stipulated to having a crew clean up the sign in the next 30 days. Chairperson Horton stated this is also a stipulation. The motion to approve the Special Use Permit was voted and carried 7-0.

G-15. U-97/98-64 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT FROM ANDREW JONES (1-1848.5) - Principal Planner Joiner, Applicant's Representative Sy Herman - Mr. Herman indicated he concurred with the staff report and that they had established a tickler file. Public comments were solicited but none given. Ms. Herman indicated that the sign is in use. Commissioner Christianson moved to approve U-97/98-64, a special use permit application from Andrew Jones, property owner Harrah's Operating Club, to allow a single-faced, off-premise billboard/sign on property zoned General Commercial located at Highway 50 West at U.S. Highway 395 South, APN 9-284-01, based on seven findings and subject to seven conditions of approval contained in the staff report. Commissioner Uhart seconded the motion. Motion carried 7-0.

G-16. U-97/98-66 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM BETH WALSH (1-1915.5) - Principal Planner Joiner, Beth Walsh - Ms. Walsh

concurred with the staff report. Public comments were solicited but none given. Commissioner Rogers moved to approve U-97/98-66, a special use permit application from Beth Walsh, property owner Joseph Goni and Phyllis Goni-Latzy, to allow General Commercial zoning standards to apply to the entire parcel dual zoned General Commercial and Retail Commercial, located 108 East John Street, 1201 North Carson Street, APN 2-152-01, based on seven findings and subject to five conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

G-17. V-97/98-18 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM STEVE TAYLOR AND DENNIS SMALL (1-2008.5) - Chairperson Horton and Principal Planner Horton noted the applicant's written request to withdraw the variance. Commissioner Rogers moved to accept the request to withdraw Item G-17, File No. V-97/98-18. Commissioner Uhart seconded the motion. Motion carried 7-0.

G-18. MPA-97/98-2 - DISCUSSION AND POSSIBLE ACTION ON A MASTER PLAN AMENDMENT REQUEST FROM BRYCE EDGAR, SIERRA STRUCTURAL DEVELOPMENT; G-19. Z-97/98-11 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM BRYCE EDGAR, SIERRA STRUCTURAL DEVELOPMENT FOR A CHANGE OF LAND USE; AND, G-20. S-97/98-6 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM BRYCE EDGAR, SIERRA STRUCTURAL DEVELOPMENT FOR A TENTATIVE SUBDIVISION MAP (1-2038.5) - Chief Deputy District Attorney Lipparelli, Senior Planner Guzman, Deputy Public Works Director Homann, (1-2760.5) Bryce Edgar, Planning Consultant Brian Bernard, Kathy Pierson, Fran McClain, Jim Moran, Donald Buzick, Phyllis Bryant - Commissioner Christianson indicated that the property owner, Harold Jacobsen, is his landlord but that this would not influence his ability to reach an unbiased opinion about the request. Mr. Lipparelli agreed and opined that there is no conflict of interest.

Discussion between the Commission and staff indicated that the property had not been designated as a special planned unit area during the Master Plan process due to the lack of a specific plan for the area and, specifically, the lack of adequate knowledge about the type of buffer which would be required. The infill projects along Silver Sage, the buffer, and transitional areas were noted. Staff felt justified in approving the application based on its transition and buffer areas. Future projects would be analyzed in the same vein. The difference between the proposed project and projects which the Commission had considered and denied in the past for the same area were noted. The height restriction for residences is 26 feet, however, a compromise had been worked out which restricted the residences to one story. The applicant will make this stipulation during his comments. Considerable discussion ensued concerning whether Hickory is a dedicated roadway and the impact this has on the application. Mr. Homann explained staff's position on BLM patents and their designated roadways which indicates that the roadway is dedicated. He also pointed out that this right-of-way is the only legal access to a lot on the east side of the project. The City could not landlock that parcel by abandoning the Hickory Street right-of-way. Staff was amenable to working out a compromise on this issue. The proposal would eliminate at least half of the right-of-way. The property owner is using the fact that the description of his property goes to the center line of the street to support his contention that the street is not dedicated. Mr. Homann then explained the traffic study had been performed as part of the project. He did not feel that the 14 lots would create that much of an impact on the existing roadways. Commissioner Rogers voiced his concern about acting on a request which may landlock a parcel. Mr. Guzman explained that the abandonment would impact only one-half of the right-of-way which allows enough space for a private driveway to the remaining parcel. Until the right-of-way ownership question is resolved, the map could not be recorded. Mr. Homann described the applicant's options without the abandoned street area which may require redesigning the project and the loss of one lot. This was not, in his opinion, a significant difference in the concept. Mr. Guzman explained that if the lots are smaller than 26,000 square feet, the application would have to be resubmitted. He also pointed out the need to determine why the road is on the map if it never existed. Commissioner Uhart requested either a stipulation or a holding of the line on the lot size. She suggested a continuance be considered rather than a denial. Her concern for the adjacent property owner was noted. Mr. Guzman explained that attempts had been made to contact that property owner without success. He reiterated the point that a map could not be processed containing lots under 26,000 square feet. Discussion between Mr. Guzman and Commissioner Christianson explained the proposed cul-de-sac.

Mr. Edgar explained their contact with staff and review of the conditions. He concurred with them and indicated an intent to follow them. Contact with the adjacent property owners was explained. He stipulated his intent to construct one story homes with three car garages. He planned to build all 14 lots. Reasons he did not want to lose one lot were noted. The Weinberg parcel is vacant at this time. While he agreed that the parcel could be considered landlocked if the roadway is abandoned, there would still be a 30 foot access to the parcel. He did not feel that anything which could be foreseen at this time would prevent access to the parcel even though the access would be restricted to 30 feet in width. A letter had been sent to Mr. Weinberg but a response had not been received.

Mr. Bernard used a map to explain the location of Hickory and that the east side of the street could be found but not the west side. Design considerations, if the street is dedicated, were briefly explained. Weinberg's access, if the 30 foot right-of-way is abandoned, was described. This would not make the parcel landlocked. Mr. Bernard then explained Mr. Edgar's intent to acquire two additional acres along Koontz. They only needed the 33 foot abandonment adjacent to the Weinberg parcel to make the project work. Commissioner Rogers' proposed design would require making infrastructure improvements in Hickory or require additional street width to meet Fire Code requirements as it created a cul-de-sac or extend the cul-de-sac beyond the 450 foot length restriction. Mr. Guzman explained the reasons for staff's concerns regarding Mr. Weinberg's parcel which relate to Code requirements for a 60 foot right-of-way. He also noted that the application request does not at this time include an abandonment request. Mr. Bernard agreed that the title company is still researching the street ownership. Mr. Edgar indicated that he would continue to work with staff even if it means the loss of one lot. Clarification by Mr. Edgar indicated that all of the homes are to be one story. Discussion indicated that future home owners could be prohibited from constructing a second story by deed restrictions and/or CC&Rs. Commissioners Sedway and Uhart supported the deed restriction. Mr. Edgar agreed.

Public comments were solicited. Ms. Pierson explained her support for the project even though she is concerned about Hickory Drive. She then qualified her approval to be unless Mr. Weinberg must install his roadway along her fence. If the 30 feet provides an adequate amount of leeway for Mr. Weinberg's access, she would indicate her husband and her support for the project and appreciation of his willingness to resolve their concerns.

Ms. McClain opposed the project due to the potential landlocking of the parcel and the impact it would have on her property and its tax value. She felt that the line for less than one acre parcels should be held at Hickory. She also opposed any further erosion of the one acre zoning. Considerable discussion ensued on her contention that the increased density would result in an increased property value for her parcel and the resulting tax increase. Commissioner Christianson expressed his feeling that the project would be a proper transition from 6,000 square foot lots to one acre parcels. Ms. McClain reiterated her statements that the line should be held and questioned where it would be moved to when the next request is made. A statement which is purportedly in the record indicates the intent to do away with one acre lots.

Additional public comments were solicited. (1-3370.5) Mr. Moran supported Ms. McClain's contention related to the property tax increase and explained his tax increase of more than \$2-300. He questioned the reasons he should pay more for someone else's benefit. The question on Hickory should be resolved before the project is considered otherwise another Sinbad abandonment mess would be created. Sinbad was to have been the original buffer zone. The rules should be maintained. Various two acre parcels were cited which if designed as he indicated would create a "hodgepodge of housing". The line should be drawn and held. Eventually his property would become so valuable that he would be unable to live on it. Commissioner Mally pointed out that the changes which have been made in the area have made their properties more valuable than one-two or more years ago. Mr. Moran felt that the growth was similar to that experienced in San Fernando Valley which had eventually forced people out of the area due to the taxes. The line should be held.

Additional public testimony was solicited. (1-3534.5) Mr. Buzick supported Ms. McClain's comments and opposed the project due to the increased traffic on Silver Sage and Koontz. Ms. Bryant requested the Hickory Street question be resolved before the project is approved.

(2-0001.5) Additional public comments were solicited but none given. Commissioner Uhart suggested that the item be continued to allow the Hickory Street question to be resolved. Commissioner Christianson felt that staff

could handle the matter as the options which are open to the applicant had already been discussed. He was willing to allow the process to proceed. Discussion between Commission Sedway and Mr. Homann indicated the Weinberg parcel is not developed at this time. Mr. Weinberg's infrastructure requirements for a one acre residence and a four unit parcel were described. Commissioner Sedway voiced his concern about the tax "creep" which the public had mentioned as well as his desire to have the Hickory Street issue resolved. He requested additional information about the tax issue. Concern with the one story restriction were also expressed and were based on the Cygnet issue considered by the Commission earlier in the month. Commissioner Uhart described the difference in deed restrictions and disclosures. She supported the request for additional information on the tax situation. She felt that the property values will be enhanced.

(2-0174.5) Commissioner Mally moved to approve a motion to recommend that the Board of Supervisors approve MPA-97/98-2, a Master Plan Amendment request from Sierra Structural and Development calling for changing the land use Master Plan Designation from existing Low Density Residential - LDR - to the proposed Suburban Residential - SR - for an area totaling 4.5 acres based on three findings contained in the staff report. Commissioner Christianson seconded the motion. Commissioner Rogers suggested a 14th condition which would have the deed restrictions include a restriction to one story houses and noted reasons for his desire to have it as a deed restriction rather than just a stipulation. Commissioner Mally agreed and Commissioner Christianson concurred. Following a request for clarification of the density modification, Commissioner Mally amended his motion to change the Master Plan designation from Suburban Residential to Low Density Residential. Commissioner Christianson concurred. Mr. Lipparelli explained that the proposed 14th condition should be part of the tentative subdivision map approval and not part of the master plan amendment. Discussion also explained that there were to be three separate motions. Commissioner Mally withdrew Condition 14 and Commissioner Christianson concurred. The motion to approve the Master Plan Amendment from Suburban Residential to Low Density Residential based on three findings in the staff report was voted and carried 7-0.

Commissioner Mally then moved to recommend that the Planning Commission approve Z-97/98-11, a motion to prepare an ordinance for first reading to change the land use designation for 4.45 acres of land from the existing Single Family One Acre into the proposed Single Family 12,000 and recommend to the Board of Supervisors adoption of said ordinance based on one finding contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

Commissioner Mally moved to approve S-97/98-6, a tentative subdivision application from Sierra Structural and Development calling for recreational fourteen 12,000 square foot single family lots within an area comprising 4.45 acres based on three findings and subject to 13 conditions of approval as contained within 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. Following a request for an amendment, Commissioner Mally amended the motion to include after 4.45 acres "presenting consisting of four separate assessor parcel numbers, 9-133-02, 05, 10 and 11,..." Commissioner Christianson seconded the motion. Commissioner Mally continued his motion to include the addition of Commissioner Rogers' 14th Condition, which would have the deed restrictions include a restriction on the home constructions to one story houses. Commissioner Christianson continued his second. Commissioner Uhart voiced her opposition to the term "construction". Commissioner Mally removed the term "construction" from the Condition. Commissioner Christianson concurred. Mr. Guzman explained that the zoning district allowed the houses to be 26 feet in height. Twenty-six feet will accommodate two stories. Therefore, he requested that the Commission indicate that the buildings should be restricted to a one story maximum rather than the 26 feet height designation. Discussion indicated the Condition was to restrict the houses to one story. Commissioner Rogers indicated his amendment was to place deed restrictions on the property to require one story houses only for perpetuity. Commissioner Sedway suggested a 15th condition which would bring the Hickory Street resolution back to the Commission. Clarification indicated that the staff would consider its approval. Commissioner Sedway expressed a desire for the Commission to consider the Hickory Street resolution. Commissioner Mally did not amend his motion. The motion as amended was then voted with the 4-3 vote with Commissioners Sedway, Rogers, and Uhart voting Naye.

Mr. Guzman then requested statements from the Commissioners voting Naye for the Board of Supervisors information purposes and briefly described the appeal process. Commissioner Rogers expressed his trust in staff

to remedy the situation appropriately, however, if the item should be returned to the Commission as the property owners were not satisfied that it had been addressed prior to approving the subdivision, it would not appear to be a positive thing for the Commission to have approved. He felt that the issue should be resolved before the tentative map is approved. Commissioner Uhart indicated this was her position and suggested a motion be considered for reconsideration. Commissioner Sedway indicated these statements were his concerns also as he preferred to reconsider the map rather than to have staff review it.

Commissioner Uhart moved that we reconsider the former motion with an addition of Item Number 15 as Commissioner Sedway had suggested. Mr. Lipparelli explained the procedure for a motion to reconsideration the process. Commissioner Uhart withdrew her motion based on that process. (2-0295.5) Commissioner Wipfli then indicated that he had voted for the motion, his desire to have the condition placed on the map, and moved to reconsider the previous issue. Commissioner Uhart seconded the motion. Mr. Lipparelli noted for the record that the proponents and opponents were still present. The motion was voted and carried 6-1 with Commissioner Christianson voting Naye.

Commissioner Uhart then moved to amend the previous motion to contain a Condition numbered 15 which would state that upon resolution of the issue of Hickory Drive that this item come back before the Commission for approval. Clarification indicated that it is to come back before the Planning Commission. Commissioner Wipfli seconded the motion. Commissioner Rogers asked whether the subdivision tentative map would be returned to the Commission upon clarification of the Hickory Street issue or only if there is a change from the present proposed project. Commissioner Sedway noted that there is no solution to the Hickory Street issue at this time. He requested that the item be brought back in whatever form. Mr. Lipparelli explained the legal standard for approving a final map. A final subdivision map which contains additional lots not found on the original tentative subdivision map is not in accordance with the tentative map. He was unsure about the status of a final map containing one less lot than the tentative subdivision map. The purpose of the procedure is to allow public notice of the proposed project and an understanding of what is going to be developed. Elimination of a lot would reduce any impacts on the adjacent properties. Therefore, he found it difficult to articulating an argument why one less lot would create a finding that the project did not conform to the tentative map. He was also unsure of the Commission's action and what the applicant had gained through the process particularly if there is a condition mandating the applicant return for approval. The applicant could be required to advise the Commission about the process. Mr. Lipparelli could not understand the need to approve the tentative map subject to a second approval. The abandonment process was then described. Individuals who may be impacted by such an application should respond to any notices. Condition 11 in the original staff report contained a suggestion that the applicant provide documentation to the staff's satisfaction that the abandonment/ownership of Hickory be resolved. This would not create a problem for the developer to understand the Commission's action. Requiring the developer to return for an additional approval is confusing to him. Chairperson Horton felt that this motion would negate the original motion. Discussion agreed that Condition 11 addressed the concern. Commissioner Uhart expressed her concern that the adjoining property owner could be damaged by the fact that the issue is resolved after the map is approved. She did not have a problem with the map nor did she wish to make things difficult for Mr. Edgar. Removal of one lot is one method of addressing the concern. Keeping the lot and providing a "skinny" drive is another method. She could have an opinion about this process. Mr. Lipparelli then explained that there is a separate process for handling abandonments which the Commission and Board must use. This process is completely independent from any approvals for the project. It will be approved or denied based upon its own merits. The two should not be linked. The Commission and Board of Supervisors will have an opportunity to review the abandonment. Final maps are not normally reviewed by the Commission. The Board of Supervisors does review them and could judge whether the conditions originally imposed had been satisfied. Commissioner Uhart withdrew her motion.

Commissioner Rogers then indicated that his concern is not with the abandonment as he understood that process. His concern related to the potential that an abandonment does not occur and the property line is drawn to the center of Hickory. This would impact other property owners, i.e., the location of fences, the location of infrastructure improvements, etc. Clarification by Chairperson Horton indicated that Commissioner Uhart had only withdrawn her intent to make a motion. The motion to reconsider had been approved.

Commissioner Rogers then moved that the Commission amend the motion to 13 lots that way there would not be a

question and the issue would be returned to the Commission if it is abandoned or, if it is not abandoned, if they try to do 14 lots. This would return the project to the Commission either way. Commissioner Uhart seconded the motion for purposes of discussion. Commissioner Christianson reminded the Commission that there are several things in place which will keep the project controlled. Buildings are not allowed in a public right-of-way if it is actually a street. If it is not an actual street, the applicant will have to pursue the abandonment process. He urged the Commission to retain the original motion. The safeguards are in place. Mr. Homann pointed out that the Conditions approve the map as shown. The property owner is not obligated to provide access for Mr. Weinberg. If the right-of-way exists, the Commission will see the project again as the applicant will have to redesign the parcel. The applicant could also request an abandonment which the Commission will have to consider. If the right-of-way does not exist, the applicant could move forward with his project as long as he complies with the Conditions. Commissioner Mally urged the Commission to move forward. Mr. Homann indicated that the subdivision is not required to solve the Hickory Street problem. Commissioner Rogers pointed out that the Commission would at some time have to consider the Weinberg parcel as it would be landlocked. There is no solution for that situation. The only solution proposed is for the subdivision but it creates the landlocked situation. Mr. Homann clarified his remark as being that the applicant would have to solve the right-of-way problem and had not meant that the applicant must solve Mr. Weinberg's access problem. Commissioner Rogers agreed but felt that the Commission would have to solve the problem even though the developer would not have to solve it. Commissioner Rogers indicated that his motion would change the number of lots from 14 to 13 with 14 conditions and three findings. Additional discussion between the Commission and Mr. Homann indicated that if the subdivision is approved, the parcel would not be landlocked by that action as there is a title for a right-of-way which is 30 feet wide on Mr. Weinberg's property. Mr. Homann was unsure about the right-of-way between Koontz Lane and the referenced parcel and Mr. Weinberg's parcel. They are also along the Hickory Street right-of-way. Mr. Bernard explained the U.S. Patent which had originally created the Weinberg parcel as five acres. It had a 33 foot right-of-way around the five acres. There is a 33 foot alignment "from a line" to Koontz Lane as he illustrated on the parcel map. He then illustrated on another parcel map the location of a landlocked parcel to which the project would provide an access. Mr. Joiner pointed out that the proposed motion would approve a design which neither the Commission nor staff had seen. The City policy has been that the Board of Supervisors will only consider any item which the Commission has reviewed. All other information is considered new and returned to the Commission. He urged the Commission to consider asking the applicant to request a continuance until the issues have been resolved. Mr. Bernard explained the reasons a continuance was not desired. If the right-of-way exists, an abandonment will be requested. If it does not exist, an amendment will be requested. The abandonment request will be submitted as Mr. Weinberg will have access to the lot. Commissioner Rogers then withdrew his motion even though he felt a problem exists.

(2-0612.5) Commissioner Christianson moved to take no further action than had been taken. Commissioner Mally seconded the motion. Motion carried 7-0.

Mr. Lipparelli then explained that the original motion had been to approve the project with 14 conditions which passed by a 4-3 majority. Then a proper motion to reconsider was passed on a 7-0 vote. Various motions had then been considered and withdrawn. The Commission then decided on a 7-0 vote to return to the original motion and cease any further consideration. Chairperson Horton indicated that his rendering of the action was correct. Mr. Guzman then explained the appeal procedure which needed to be filed within 15 days. The Board of Supervisors will consider the application on August 20 and all of the speakers could present their cases to the Board.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION) (2-0645.5)

H-1. CORRESPONDENCE TO THE COMMISSION - (Chairperson Horton passed the gavel to Vice Chairperson Uhart and stepped from the room--7:35 p.m. A quorum was still present.) Mr. Joiner announced that Chairperson Horton's design and logo had been chosen for the State Planning Conference.

H-2. STAFF BRIEFING ON STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (2-0685.5) - Archie Pozzi's commendation resolution and the Huck Fixture Store resolutions had been approved. (Chairperson Horton returned at 7:38 p.m. The entire Commission was present constituting a quorum.) The abandonment requests, the Growth Management resolution for a three percent growth rate, Phase IV of Northpointe, Sheehan Business Park Industrial Subdivision Map were approved. Sid Williams'

project on Cochise was overturned. A reconsideration request may be made. If this occurs, the project will be returned to the Commission due to new information. An appeal of the Cygnet matter has been submitted. Purportedly, a tentative compromise had been worked out which will allow Cygnet to continue the stamping operation for six months. Mitigation of noise factors, staff's rescinding the abatement order, and a stipulation that equipment causing the noise will be removed after six months were included in the compromise. Allegedly Mr. Bawden has purchased the building. At this point staff was unaware of a restriction on the hours for stamping. Commissioner Christianson supported such a restriction.

H-3. REPORTS FROM COMMISSIONERS - None.

H-4. REPORT FROM OPEN SPACE ADVISORY COMMITTEE MEMBER OR STAFF'S REPRESENTATIVE (2-0875.5) - The survey results have been returned in a sufficient quantity to provide a statistically valid picture. The consultant is distilling this information and will submit it to the Committee Members. The Carson River corridor is a big issue as well as the trails and urban area uses. The current timeline indicates that the final draft should be to the Commission/Board of Supervisors in October or November.

H-5. STAFF REPORTS (2-0895.5) - Various projects which staff is working on were noted including the Highway 50 and 395 Code beautification, ordinances updates, the RTC transportation master plan element, the Chamber's manufacturing committee ordinance modifications, and mainstreet. Mr. Guzman announced the appointment of Mr. Joiner as the Redevelopment Director.

H-6. FUTURE COMMISSION ITEMS (2-0665.5) (2-0925.5) - Discussion noted there will be a special meeting on August 13 on the School District's applications as well as a special sub-committee workshop meeting tomorrow. Commissioner Rogers indicated he would be absent tomorrow. He was to telephone Mr. Guzman with any concerns for that meeting.

(2-0765.5) Commissioner Sedway requested an item be agendaized for the next meeting which would allow the Assessor to discuss the tax issues raised during the previous action item. Staff explained previous discussions on this item which had been used to support denial. Today's proposal had been the converse. Discussion ensued on this issue and the need to talk with the Assessor even though it is not a land use problem. The Master Plan's use in the process was noted. Commissioner Rogers suggested that this topic be used for a training session.

(2-0935.5) Comments urged staff to analyze any conflict areas/business licenses to avoid a repeat of the discussion regarding Cygnet. Although many telephone conversations had indicated that the Commission's action would force manufacturers to leave the community, the converse was felt to be true. Chairperson Horton suggested that performance standards be developed and described how such a program could work. Mr. Joiner explained a concern with such a program which may be created as the firm grows.

I. ADJOURNMENT (2-0998.5) - Commissioner Christianson moved to adjourn. Commissioner Wipfli seconded the motion. Motion carried 7-0. Vice Chairperson Uhart adjourned the meeting at 7:55 p.m.

The Minutes of the July 29, 1998, Carson City Regional Planning Commission meeting

1999. ARE SO APPROVED ON__March_31____,

_____/s/_____

Verne Horton, Chairperson