

CARSON CITY REGIONAL PLANNING COMMISSION
Minutes of the January 28, 1998, Meeting
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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, January 28, 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, Archie Pozzi, Alan Rogers, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy Public Works Director Tim Homann, Utilities Wastewater Supervisor Kevin Ikehara, Senior Planner Juan Guzman, Senior Engineer Mark Brethauer, Deputy District Attorney Melanie Bruketta, and Recording Secretary Katherine McLaughlin (R.P.C. 1/28/98 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 session at 3:35 p.m. Roll call was taken. A quorum was present although Commissioner Rogers had not yet arrived and Commissioner Mally was absent. Chairperson Horton lead the Pledge of Allegiance.

B. APPROVAL OF MINUTES - None.

C. PUBLIC COMMENTS (1-0025.5) - None.

D. MODIFICATIONS TO THE AGENDA (1-0028.5) - None.

E. DISCLOSURES (1-0030.5) - Commissioner Uhart indicated her office had been involved in the property transaction related to Item G. 5. Although she had not been personally involved with the transaction, she would abstain from participating on the item.

F. CONSENT AGENDA (1-0048.5)

F-1. D-97/98-5 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY

F-2. V-82-8 - DISCUSSION AND POSSIBLE ACTION ON THE FINAL REVIEW OF A VARIANCE - Neither item was pulled for discussion. Commissioner Wipfli moved to approve Consent Agenda Items F-1 and F-2 as presented. Commissioner Christianson seconded the motion. Motion carried 5-0.

G. PUBLIC HEARING

G-1. U-97/98-25 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT FROM WALTER AND DIANE M. KUNKLE (1-0065.5) - Community Development Director Walter Sullivan, Walter Kunkle - Public testimony was solicited but none given. Commissioner Uhart moved to approve U-97/98-25, a special use permit request from Walter Kunkle, Walter and Diane Kunkle property owners, to allow a detached accessory structure in excess of 50 percent of the square footage of the primary structure in a Single Family 12,000 zoning district located at 4891 August Drive, APN 8-382-26, based on seven findings and subject to nine conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 5-0.

G-2. U-97/98-26 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT FROM SHAW CONSTRUCTION COMPANY (1-0149.5) - Community Development Director Walter

Sullivan, Deputy Public Works Director Tim Homann, Ed Shaw, Applicant's Representative Mark Palmer, Albert Le Balch, Deputy District Attorney Melanie Bruketta - Mr. Homann explained Public Works' requirement that the street improvements be constructed. During the last one-and-a-half years the Board of Supervisors directed that development agreements not be used to delay installation of these improvements. (Commissioner Rogers arrived during his comments--3:50 p.m. A quorum was present as previously indicated.) The Commission could not waive the Code requirements for these improvements. The applicant could appeal the requirements to the Board of Supervisors who could direct staff to implement the development agreement process or waive the requirement. Therefore, he suggested that, if the Commission desired, a recommendation be made that the Board of Supervisors implement the development agreement process to postpone the street improvements. The applicant would then have to appeal the condition to the Board. Discussion between Mr. Homann and the Commission explained the surrounding uses and improved properties.

Mr. Shaw indicated that he agreed with the conditions with the exception of the requirement mandating the street improvements. He preferred using a development agreement. Mr. Palmer distributed photographs of the proposed site and current street improvements to the Commission and Clerk. He then explained the current improvements and questioned the need to remove them until the area to the north is developed. His parcel will be the transition piece between the industrial property to the south and the rural residential property to the north. The rural residential area will not be required to have curbs and gutters. Also, when the street is extended for the rural residential area, the cul-de-sac will be eliminated and the mandated improvements removed. He asked the Commission to recommend that the Board waive the requirements or allow the rural residential improvements to be carried to Arrowhead.

(1-0445.5) Public testimony was solicited. Mr. Le Balch gave the Commission and Clerk a packet of information. He opposed the application based on the lack of landscaping, fencing, and buffering between the different land uses; the Master Plan requirements on land use conflicts; having the parking facing the residential area; and the lack of screening around the roof mounted equipment and the parking area.

Discussion between Mr. Sullivan and Commissioner Christianson explained that the present building would not have to be upgraded to meet current Code requirements, therefore, the present building's air conditioning units would not have to be screened. Mr. Sullivan agreed to discuss the issue with the applicants. Condition 2 requires that the parking and landscaping comply with the Code. This will be checked when the building plan is submitted. The fence will also be required as a part of Condition 2. Discussion between Mr. Homann and Commissioner Wipfli indicated that industrially zoned areas have different street standards than rural residential areas. Reasons for requiring the curb in industrial areas were explained. Mr. Homann opposed allowing the street improvements to meet the rural residential standards. He agreed that there are a lot of outstanding development agreements found throughout the industrial area. Some of the properties with storm drain problems have been developed without benefit of the development agreement. The proposed site has a 36 inch storm drain. Design criteria is being developed for storm drain piping throughout the industrial area. Discussion emphasized the need for storm drain improvements in the industrial area. Ms. Bruketta explained that the Commission could not waive the requirement and that the Commission could submit a letter to the Board supporting the Applicant's appeal of the Condition. Commissioner Christianson moved to approve U-97/98-26, a special use permit request from Shaw Construction, property owner Maxwell Laboratories, Inc., located at 5200 Sigstrom Drive, APN 8-816-36, based on seven findings and subject to five conditions of approval contained in the staff report. Commissioner Wipfli seconded the motion. Discussion ensued among the Commission concerning whether to add a sixth condition mandating a development agreement for the curb and gutter requirements. Commissioner Christianson amended his motion to add Condition 6 that the development agreement be included at this time. Commissioner Wipfli concurred. Motion was voted and carried 6-0.

Commissioner Christianson requested staff relay the Commission's feeling to the Board that the development agreement be waived until such future time as the remainder of the street is developed. Chairperson Horton indicated that this is the purpose of a development agreement. Commissioner Christianson indicated that he did not wish to waive the street improvements altogether.

G-3. U-97/98-24 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

FROM KELVIN T. IKEHARA (1-0735.5) - Community Development Director Walter Sullivan, Utilities Wastewater Superintendent Kelvin Ikehara - Discussion noted that the Commission had toured the facility at a previously agendaized meeting. No formal action was taken at that meeting. Commission comments commended Mr. Ikehara on the facility and the tour. Public testimony was solicited but none given. Commissioner Wipfli moved to approve U-97/98-24, a special use permit request from Kelvin T. Ikehara, Carson City Utilities Department, to allow a 4,125 square foot two-story mechanical sludge dewatering facility; a dissolved air flotation facility; a two-store anaerobic digester facility; and a contractor trailer area in a Public zoned district, located at 3320 East Fifth Street, APN 10-031-05, based on seven findings and subject to ten conditions of approval contained in the staff report and with the understanding that any and all acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 6-0.

G-4. U-97/98-23 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT FROM H. TAGHDIRI (1-0875.5) - Principal Planner Rob Joiner - Discussion between the Commission and Mr. Joiner explored potential reasons for having a one-sided sign. The applicant was not present. Public testimony was solicited but none given. Commissioner Uhart moved to approve U-97/98-23, a special use permit application from H. Taghdiri to allow a single-faced, off-premise billboard/sign on property zoned General Commercial, located at 3400 U.S. Highway 50 East, APN 8-302-04, based on seven findings and subject to seven conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 6-0.

BREAK: A seven minute recess was declared at 4:38 p.m. A quorum of the Commission was present at 4:45 p.m. when Chairperson Horton reconvened the session. (Commissioner Mally was absent as previously indicated.)

G-5. V-97/98-10 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM BRIAN D. WHEELER (1-0948.5) - Principal Planner Rob Joiner, Applicant's Representative Steve Rickenbrock, Mike and Nancy Dunn - Commissioner Uhart recused herself and left the room--4:46 p.m. (A quorum was still present.) Mr. Rickenbrock felt that the encroachment was the result of an inadvertent staking error which was not caught until after the house was completed. Only a small portion of the house extends into the setback. Public testimony was solicited. The Dunns opposed the variance inasmuch as they are the adjacent neighbor and had paid extra to move their building further back on their parcel. This had increased the setback distance. They also felt that the proposal would impact their aesthetics and property value. They claimed that the stakes for the property had been erroneously located from the very beginning. He had purportedly notified the City about the error. It took the City a year to respond to his notification and that the City felt there was no error in the location. All of their attempts to resolve the issue had failed. They acknowledged that their issue is really with the developer, however, urged the Commission to deny the variance as it will impact their ability to seek other recourse from the developer. Additional public testimony was solicited but none given. Mr. Rickenbrock indicated that he was unaware of any negotiation efforts with the Dunns. There is 10 to 12 feet between all of the homes in the subdivision. The Dunns had wanted their house further back on the lot than normal which was not due to the problem with the Artenos' home. If the buyers wanted the home set further back on the lot, they paid extra for this relocation due to the increased cost for concrete, utilities, etc. The relocation would have increased the distance between the two house more than is normally found with other homes. Mr. Joiner indicated that there is no Building Code or safety issue with the variance request. The building is approved as designed and staff expected there to be five feet for the setback when constructed. The error was in the field. Commissioner Wipfli moved to approve V-97/98-10, a variance request from Neuffer Homes, Glen and Debbie Arteno, to vary 7-1/8 inches from the minimum side yard setback in a Single Family 21,000-PUD zoned district located at 4388 Spring Drive, APN 8-861-19, 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 Rogers seconded the motion. Motion carried 4-1-1 with Commissioner Pozzi voting Naye, Commissioner Mally absent, and Commissioner Uhart abstaining. Mr. Sullivan described the appeal process. (Commissioner Uhart returned--5:02 p.m. A quorum was present although Commissioner Mally was absent.)

OTHER MATTERS (1-1235.5) - Mr. Sullivan noted that the issue was important to the affected parties, however, the variance request was for only seven inches. The Statutes now allow staff to rule on issues of this nature.

Future Code amendments may include this authority under a staff hearing process. It would also include the appeal process which would be to the Commission and ultimately to the Board of Supervisors. This procedure could expedite the hearing process. Pros and cons of this proposal were noted. Chairperson Horton encouraged him to include the types of items which should be handled under this process.

G-6. S-97/98-1 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM R. L. SHAHEEN - Senior Planner Juan Guzman, Applicant's Representative Glen Martel, Deputy Public Works Director Tim Homann - Clarification by Mr. Guzman indicated the parking requirements are based upon the industrial character of building and its use. Mr. Martel used a map to illustrate the area and to explain the location, drainage/floodway, sidewalk and bike paths, landscaping on the west side of Lompa, and the ditch's landscape plan. Discussion between Mr. Martin and the Commission further elaborated on the ditch, its landscape plans, and the reasons for having the sidewalk on only the easterly side of Lompa. (1-1488.5) The ditch will be maintained by the City as are regional detention basins. Detention basins constructed as part of the commercial property will be maintained by the developer or the property owner. (1-1545.5) Discussion between Mr. Homann and the Commission explained the reasons sidewalks are no longer required on both sides of streets and the signage requirements mandated when sidewalks are only on one side of the street. Mr. Homann also explained the safety requirements for having a ditch adjacent to Lompa Lane. Commissioner Uhart explained a desire to have a bicycle path at the bottom of the drainage ditch. Mr. Martel explained the reasons he had not incorporated the path in the ditch. Lompa Lane is part of the bicycle path and five foot bicycle paths on both sides of Lompa will be provided wherever possible. Mr. Martel indicated that a traffic study would be conducted and that he would comply with whatever conditions are mandated by NDOT and the City as a result of that study. Mr. Homann indicated that the developer would be responsible for his pro rata share of a signal at Lompa and College Parkway if warranted. The signalization plans for Graves Lane/College Parkway at the airport may reduce the need for a signal at Lompa and College Parkway.

Public testimony was solicited but none given. Mr. Guzman then explained the proposed location for a church and school which may influence the Commission's desire to have a sidewalk on the west side of Lompa. He also noted that the lack of a sidewalk on that side may force the public to use the sidewalks within the commercial development. Mr. Martel then explained the proposed sidewalk locations adjacent to the church and the access route from Lompa into the development.

Commissioner Rogers moved to approve a motion to recommend that the Board of Supervisors approve S-97/98-1, a tentative subdivision application from R. L. Shaheen, based on three findings and subject to affecting conditions of approval as contained within the staff report. Commissioner Wipfli seconded the motion. Motion carried 6-0.

I. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)

I-1. CORRESPONDENCE TO THE COMMISSION (1-1801.5) - The report on Growth Management allotments was reviewed. The Carson River meeting announcement was noted.

I-2. STAFF BRIEFING ON COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (1-1845.5) - The Board upheld the Commission's denial of Lisa Stokes' request. Board comments supported the concept of having the elder care facilities in residential areas, however, the application concerns had not been addressed. Chairperson Horton requested a discussion on this issue so that a policy or consensus could be developed. The Board of Supervisors had requested staff research this issue also. The Board was given a report on the Bypass and its impact on adjacent zoning. The Board had also approved the land use designation changes for the property traded along the Carson River as well as the Silver Oak amendment and zoning change to its PUD. The three change of land uses will be considered as second readings at the next Board meeting.

I-3. COMMISSIONER REPORTS (1-1905.5) - None.

I-4. OPEN SPACE ADVISORY COMMITTEE MEMBER OR STAFF REPORT (1-1907.5) - Commissioner Uhart, Mr. Sullivan, and Mr. Guzman reported on the attendance and issues considered at the Committee workshops. Mr. Sullivan commended both Mr. Guzman and Parks Planner Vern Krahn for their presentations at the workshops. Minutes will be developed from the meetings and given to the Commission. Mr. Sullivan felt that there were a lot of land use connections/ties and open space issues related to the program which the Commission should be aware of and consider. Mr. Guzman thanked BLM and, specifically, Committee

Member Jacquet for his assistance in developing the visual topographical map. Mr. Guzman also announced the coming workshops and encouraged the public to attend. Comments noted the advantage provided by clustering in obtaining open space and the public's dislike/mistrust of the concept. Mr. Sullivan also indicated that Code amendments had been suggested during the workshops including revisions to Title 18, specifically, that portion dealing with subdivisions and homeowners' associations.

I-5. STAFF COMMENTS (1-2128.5) - Mr. Sullivan felt that unless additional applications are received soon, the meeting in February would be light. He also suggested that additional space heaters be provided in the Sierra Room until the air conditioning and heating system are replaced.

J. ADJOURNMENT (1-2175.5) - Commissioner Pozzi moved to adjourn. Commissioners Wipfli, Uhart, and Rogers seconded the motion. Motion carried 6-0. Chairperson Horton adjourned the meeting at 5:50 p.m.

The Minutes of the January 28, 1998, Carson City Regional Planning Commission meeting

1998.

ARE SO APPROVED ON _____February_25____,

_____/s/_____
Verne Horton, Chairperson