

CARSON CITY REGIONAL PLANNING COMMISSION  
Minutes from the December 3, 1997, Meeting  
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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, December 3, 1997, 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 Alan Rogers, and  
Commissioners Allan Christianson, William Mally, Archie Pozzi,  
Deborah Uhart, and Richard Wipfli

**STAFF PRESENT:** Community Development Director Walter Sullivan, Redevel-  
opment Director Mary Walker, Principal Planner Rob  
Joiner, Parks Planner Vern Krahn, Deputy District Attorney Melanie  
Bruketta, Senior Planners Sandra Danforth and Juan Guzman, and Recording Secretary Katherine McLaughlin  
(R.P.C. 12/3/97 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. A quorum was present as Commissioner Uhart arrived just after the roll call and prior to the Pledge of Allegiance. Chairperson Horton lead the Pledge of Allegiance.

**B. APPROVAL OF MINUTES - July 30 and October 29, 1997** - Commissioner Wipfli moved to approve. Commissioner Mally second. Commissioner Rogers abstained as he was absent from the July 30 meeting. Motion carried 6-0-1-0.

**C. PUBLIC COMMENTS (1-0033.5)** - None.

**D. MODIFICATIONS (1-0043.5)** - Mr. Sullivan indicated Item G-9 is to be continued to the January 7th meeting and explained the reasons for scheduling the H Items at 7:30 p.m.

**E. DISCLOSURES (1-0052.5)** - Commissioner Uhart explained her involvement with the property and indicated she would abstain from participating/voting on Item G-8.

**F. CONSENT AGENDA (1-0079.5)**

**F-1. U-93/94-68 - DISCUSSION AND POSSIBLE ACTION ON AN ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY THE MARKETPLACE**

**F-2. U-94/95-17 - DISCUSSION AND POSSIBLE ACTION ON AN ANNUAL REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY ERNST HOME CENTER**

**F-3. AB-97/98-3 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM SERAPIO AND MARIA MENDEGUIA LIVING TRUST**

**F-4. AB-97/98-2 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CAROL DOTSON**

**F-5. AB-97/98-4 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RICHARD MASON**

**F-6. AB-97/98-5 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM JULIUS AND JOANNE BALLARDINI**

**F-7. V-97/98-7 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM DAN MASDEN**

**F-8. U-96/97-31 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ALAN A. MOSS**

**F-9. Z-97/98-7 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE**

**REQUEST FROM STEPHEN D. HARTMAN**

**F-10. P-93/94-1 - DISCUSSION AND POSSIBLE ACTION ON AN AMENDMENT TO SILVER OAK DEVELOPMENT-PUD AND ON DEVELOPMENT AGREEMENT REVISIONS TO CLARIFY SETBACK REGULATIONS**

**F-11. V-97/98-3 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CAPITAL ENGINEERING** - None of the items were pulled for discussion. Items F-2, 3, 4, 5, 6, 7, 9, 10, and 11 were continuances to the January 7th meeting. Commissioner Wipfli moved to approve the Consent Agenda as read. Commissioner Christianson seconded the motion. Chairperson Horton indicated that the requested continuances would be approved by the motion. Motion carried 7-0.

**G. PUBLIC HEARINGS (1-0105.5)**

**G-1a. U-97/98-18 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PETER V. INVESTMENTS CO, INC.; AND G-1b. V-97/98-8 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM PETER V. INVESTMENTS CO., INC** -

Principal Planner Rob Joiner, Redevelopment Director Mary Walker, Parks Planner Vern Krahn, Pat Moran-Stark, Community Development Director Walter Sullivan - Discussion between Mr. Joiner and the Commission explained the public discussion at the Historic Architecture Review Commission (HARC) meeting. Ms. Walker reviewed her memo. (A copy is included in the file.) Her comments included a commitment to save the Norway Spruce and explained Cactus Jack's liability concerns, the proposed parking lot lease, the proposal to use Redevelopment lamps for lighting in the parking lot, the landscaping agreement with Marilyn Harper, and Cactus Jack's commitment to restrict construction hours to 8 a.m. to 5 p.m. Mr. Joiner indicated that the construction hour restriction could be added as a condition of approval. Mr. Krahn explained the landscaping plan. The proposal would provide 23 parking spaces. Discussion between the Commission and staff explored proposals to save the Hawthorne trees on the west side of the lot, the lighting plan and its efforts to restrict the lighting to the parking area. The parking lot will be open to the public including Cactus Jack's employees. The surrounding neighbors supported the plan as it will eliminate some of public parking in front of their buildings or in their lots. The garage on the Nevada Street side of the lot will be removed.

Public comments were solicited. Ms. Moran-Stark indicated that she opposed the parking lot. She represented J. T. And George Williams, who also opposed the parking lot. She purported to have a letter from Marilyn Harper indicating she had not committed to approving the plan. Ms. Harper had also requested the Commission delay action on the request. Additional public testimony was solicited but none given.

Discussion between Mr. Joiner and the Commission further described the proposal to landscape adjacent property (Mrs. Harper's). This landscaped property will be maintained by the City. Mrs. Harper will not incur any additional liability due to the proposal. The Commission would have to place a condition of approval on the project to require the landscaping plan be returned if Mrs. Harper does not approve the proposed encroachment. Mr. Joiner indicated that his personal contact with Mrs. Harper indicated she would approve the concept.

**(1-0498.5) Commissioner Mally moved that the Regional Planning Commission approve V-97/98-8, a variance request from Peter V. Investment Company and Carson City to vary from the minimum setback requirements for properties zoned Downtown Commercial and for lot area requirements for the Downtown Commercial zoning district and move to approve U-97/98-18, a special use permit to allow development of a parking lot on property zoned Residential Office and Downtown Commercial on property located at 412 North Curry Street, APN 3-225-01, based on five findings for V-97/98-8 and five findings for U-97/98-18 and subject to five conditions of approval for V-97/98-8 and seven conditions of approval of U-97/98-18 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 Wipfli seconded the motion. Commissioner Christianson requested an amendment to the motion to require that if the five feet for the sideyard landscaping is eliminated, the variance would be returned to the Commission for reconsideration. Commissioner Mally opposed the amendment. Chairperson Horton indicated that Commissioner Christianson's amendment would have required the plan to be returned to the Commission if the adjacent property owner does not agree with the proposed plan. Commissioner Mally again**

indicated his opposition to the amendment. Reasons the Commission may wish to review the revised plan were noted. Mr. Sullivan indicated that the issue is related to the lot design. Review by the Commission would delay the project by 30 days. Mr. Joiner indicated that the landscaping points would be met without the area. A privet-hedge such as the one proposed along the west side could also be used along the south side as screening, if necessary. The proposed plan would provide a better turning radius. Commissioner Uhart expressed her desire to keep the parking lot attractive and her concern as the loss of the adjacent five feet would impact that one neighbor. As the landscaping would be of benefit to only the one neighbor who had the power to approve or reject the plan, she supported retention of the original motion. Commissioner Rogers expressed his feeling that the buffer was necessary and that any change to the buffer would be a significant change to the plan. Without having that neighbor present to speak for herself, he could not support the motion without the condition. He was willing to approve the motion so long as there is a condition indicating that any significant change to the plans would require reconsideration of the plans by the Commission. **Commissioner Mally amended his motion to include a condition that if there is a significant change to the plans that the plans should be reconsidered by the Commission. Commissioner Wipfli continued his second.** Mr. Joiner explained the Historic Architecture Review Commission's recommendation that the Commission also condition the construction hours, which Cactus Jack's General Manager Bill Hissam had agreed to at the HARC meeting. **Commissioner Mally again amended his motion to restrict the construction hours to not commence before 8 a.m. Commissioner Wipfli seconded the motion. Following discussion, Commissioner Mally clarified this amendment to be to restrict the construction hours to 8 a.m. to dusk. Commissioner Wipfli concurred. Motion was voted and carried 7-0.**

**G-2. MPA-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A MASTER PLAN AMENDMENT REQUEST FROM CARSON CITY; G-3. Z-95/96-7 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON CITY; AND, G-4. Z95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE FROM CARSON AND STANTON PARK DEVELOPERS (1-0600.5)** - Discussion noted these items would be considered on December 15. No formal action was taken.

**G-5. U-97/98-17 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DARWIN AND CAROL KOERTH (1-0628.5)** - Senior Planner Sandra Danforth, Carol Koerth - Public testimony was opened. Discussion with Ms. Koerth corrected the wattage for the light to be for a florescent light and indicated the 60 watt bulb was for the outside lighting. Public testimony was solicited but none given. Commissioner Wipfli moved to approve U-97/98-17, a special use permit request from Darwin and Carol Koerth to allow an accessory structure exceeding 50 percent of the square footage of the primary structure, located at 369 Arrowhead Drive, APN 8-105-02, based on seven findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application and that the 60 watt bulb be stricken. Commissioner Uhart seconded the motion. Motion carried 7-0.

**G-7. V-97/98-5 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM SCOTT W. LEFTWICH (1-0702.5)** - Principal Planner Joiner, Scott Leftwich - Mr. Leftwich explained his feeling that the proposed site would have the least impact on his neighbors. Public testimony was solicited but none given. Commissioner Uhart moved to approve V-97/98-5, a variance request from Scott W. Leftwich, 2555 Snyder Avenue, APN 10-491-12, based on five findings and subject to five conditions of approval contained in the staff report. Commissioner Mally seconded the motion. Motion carried 7-0. (Commissioner Uhart then stepped from the room--4:25 p.m. A quorum was still present.)

**G-8. V-97/98-6 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM CENTRAL SIERRA CONSTRUCTION COMPANY (1-0765.5)** - Senior Planner Guzman, Community Development Director Sullivan, Applicant's Representative Rob Anderson, Dr. Tony Field - Commissioner Uhart left the room--4:25 p.m. (A quorum was still present.) Mr. Guzman's introduction included reading a letter of opposition from Dr. Richard Long based on the increased demand for parking. Mr. Sullivan explained the criteria required for granting a variance and the "double" setback requirement found in this area. Mr. Anderson indicated that the applicant had worked diligently with HARC on the design. Discussion indicated that Robert Oxoby had done the architecture work. Commissioner Mally commended him on the dormer design.

Public comments were solicited. Dr. Field felt that the project was reasonable and that the setback would make it a better project. The original building was to have been for 3700 square feet. The current proposal is for 4700 square feet. He also expressed concern about the amount of traffic which would be generated by the patients using this facility. Chairperson Horton explained that the Commission could not consider these issues at this time. Additional public comments were solicited but none given.

Mr. Anderson indicated that he was not aware of any plan to have a building with a 3700 square foot size. The original submittal to staff had been for a 6,000 square foot building. Another proposal had been for a 4760 square foot facility. The present proposal is for a 4846 square foot facility. The 4846 building had been reviewed and approved by the Downtown Design Review Hearing Officer and HARC. They were aware of the parking and traffic issues.

(1-0987.5) Commissioner Mally moved to approve V-97/98-6, 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 Wipfli seconded the motion. Motion carried 6-0-1-0 with Commissioner Uhart abstaining.

**G-9. A-97/98-8 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC 18.05.110 and 18.02.031 (1-1003.5)** - Continued at the applicant's request to the January 7th meeting. No formal action was taken.

**G-10. DISCUSSION AND POSSIBLE ACTION ON REVISIONS TO THE REGIONAL PLANNING COMMISSION'S BYLAWS - SECTIONS IV C. 1. b. AND D. 2. (1-1019.5)** - Commissioner Uhart returned during Chairperson Horton's reading of the title and Commissioner Wipfli stepped from the room--4:35 p.m. (A quorum was still present.) Community Development Director Sullivan explained the revisions. Commissioner Wipfli returned during Mr. Sullivan's explanations--4:42 p.m. (The entire Commission was present constituting a quorum.) Public comments were solicited but none given. Commissioner Uhart moved that the revisions to the Regional Planning Commission's By-Law be approved. Commissioner Christianson seconded the motion. Motion carried 7-0.

**G-6. A-97/98-9 - DISCUSSION FROM CARSON CITY REGARDING A PROPOSED AMENDMENT TO CCMC 18.05.031(4)(c) (1-1080.5)** - Community Development Director Sullivan - Mr. Sullivan briefly read the current Code and staff's concerns with a proposed use. Information has been requested from other jurisdictions and the American Planning Association, however, it has been slow in coming. Staff's concerns about allowing a family to reside in the watchman's quarters were explained. A citizens committee will review Title 18 in the near future and, if the Commission so desired, could consider this Section also. Commissioner Uhart supported having the Code reviewed by the committee. Chairperson Horton requested the Commissioners review the materials as they become available and forward any comments to Mr. Sullivan's office. Mr. Sullivan explained the different types of facilities which could be used and are considered watchman's quarters. A proposal has not been submitted to the "users" for their comments. The industrial sector has expressed a desire to review and establish different zoning standards for its area. Mr. Sullivan indicated that he would have Ms. Hullinger include this issue in the discussions with the industrial sector. Commissioner Wipfli expressed his reasons for feeling that their comments should be considered early in the review. No formal action was taken.

## **I. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS**

**I-1. CORRESPONDENCE TO THE COMMISSION (1-1203.5)** - Mr. Sullivan reminded the Commission about the travel and training funding provided by the Board of Supervisors and suggested the Commissioners consider attending the American Planning Association seminar in April. Both Mr. Sullivan and Chairperson Horton encouraged the other Commissioners to attend and briefly explained the type of seminars held during these conferences.

**I-2. BRIEFING ON THE COMMISSION'S RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (1-275.5)** - Mr. Sullivan briefly described the Board's reasons for returning the Lisa Stokes' request for reconsideration and his reasons for agendaizing it in the evening as a time specific item. Since the

agenda was originally drafted and the time assigned, many items had been continued. This will cause the Commission to take a lengthy recess, for which he apologized. He then explained the status of the Metcalf change of zoning request, the Darling homestead change of zoning request, the HOME Consortium Program and its Affordable Housing Program. The Legislature/State's affordable housing program was discussed. Mr. Sullivan then reported on the Eighth and Ninth Street abandonments and Mr. Russell's request for reimbursement of his fees for his abandonment of Ninth Street in his area.

**I-3. COMMISSIONER REPORTS (1-1538.5)** - None.

**I-4. OPEN SPACE ADVISORY COMMITTEE MEMBER OR STAFF REPRESENTATIVE REPORT (1-1548.5)** - Commissioner Uhart explained the Committee's work on a public awareness campaign. The Committee will be touring the Boulder, Colorado, area next week. Reasons for this tour were noted. Mr. Guzman reported on the contract award to a consultant for a "GIS" style of mapping.

**I-5. STAFF COMMENTS (1-1570.5)** - Mr. Sullivan explained that the Silver Saddle Ranch is now under BLM control as open public land. A task force has been established to analyze how the ranch should be managed. A volunteer for the task force was solicited. Various issues which will be considered and the timeframe were noted.

**I-6. FUTURE COMMISSION ITEMS (1-1619.5)** - Mr. Sullivan indicated there would be a special meeting on December 15, for which he apologized. Commissioner Uhart indicated she would not be at that meeting. The regularly scheduled December meeting had been postponed until January 7th.

**BREAK:** At 5:15 p.m. Chairperson Horton declared a dinner recess. He reconvened the session at 7:38 p.m. The entire Commission was present, constituting a quorum. Staff members present were: Community Development Director Sullivan, Senior Planner Guzman, Senior Engineer Givlin, Deputy District Attorney Bruketta, and Recording Secretary McLaughlin.

**OTHER MATTERS: (1-1755.5)** - Chairperson Horton recognized Boy Scout Troop 50 and welcomed them to the meeting to watch their government in action.

## **H. PUBLIC HEARINGS**

**H-1. U-97/98-11 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LISA STOKES (1-1667.5)** - Senior Planner Guzman, Deputy District Attorney Bruketta, Community Development Director Sullivan, Applicant's Representative Dan Leck, Attorney Jim Puzey, Gene Holman, Geraldine Selover, Dennis Peterson, Lisa Stokes, Senior Engineer Givlin - Chairperson Horton began the hearing by reiterating the rules of order and requested that discussion relate to new material. Ms. Bruketta requested the Commissioners provide reasons for their vote so that a record is established if the issue is appealed. She then described the term "substantial evidence" which will be required to justify the vote. Criteria for making the decision was also explained. Mr. Guzman then explained the neighborhood opposition to the request and staff's response to them. Discussion ensued between Commissioner Christianson and Mr. Guzman about an individual named "Gene Holman, a Pastor of the Alpine Christian Community Church" and his accusations. Mr. Holman was present and indicated he would respond later in the meeting. Mr. Guzman also indicated that he had received a packet of information just prior to the meeting. Copies had been distributed to the Commission and Clerk. He would respond to these comments later in the meeting. Discussion between the Commission and staff explained the reasons for the Board's decision to return the request to the Commission and questioned whether the request would establish a precedence. Commissioner Christianson expressed his feeling that a commercial use is any type of activity or service undertaken for which money is received. This would require a business license. Ms. Bruketta agreed that this definition would be of a commercial venture. Commissioner Rogers explained his early experience on the Commission and its concern with establishing a precedence. During his six year term he felt the only precedence established had been the consistency in the Commission's voting. As each project is analyzed based upon its own merits, he did not feel that a precedence could be established. Modifying the Code to create the same result each time would also be precedent establishing. He urged the Commission to judge the project on its own merits and value to the City. He, too, supported the comments on commercial ventures, however, felt that there were many valid commercial ventures in residential areas. Some are supporting and service the residential neighborhood. One example is a day-care

facility. Home occupations are growing and are commercial ventures. He urged the Commission to analyze the project based upon its merits. Mr. Sullivan reiterated the need to analyze each point and read from the Code the requirement mandating that the applicant must prove the validity of the request. He did not feel that approving one special use permit in a neighborhood would establish a precedence for others within the same neighborhood. Public testimony was then opened.

(1-2144.5) Mr. Leck briefly described his experience as a Carson City real estate appraiser. He then explained his analysis of the property prior to Ms. Stokes' purchase. In his professional opinion, he did not feel that there was any data which would support the contention that the proposal would significantly impact the surrounding property values. The highest and best use for the property would be to demolish the house and construct a seven-unit subdivision as the lot's size and zoning would allow. The special use permit process allows the community more control over the property. NIMBY (Not In My Backyard) fears were noted and related to the question as to whether the proposal was a commercial venture. His personal home occupation was cited to illustrate his feeling that her proposal would have little impact on the neighborhood. The proposal would allow senior citizens to reside in a home setting with "deer in the yard" and in a "park-like setting". He requested a copy of the packet which had been distributed by the opposition prior to the meeting. (A copy was given to him.) Mr. Leck and Commissioner Christianson discussed his home occupation. Chairperson Horton ruled that this discussion was a unrelated side issue. Comments indicated that Mr. Leck would respond to the oppositions' written comments after the public has had a opportunity to testify.

(1-2180.5) Public testimony was solicited. Mr. Puzey explained his representation of the Applicant's surrounding neighbors and property owners. He requested those individuals stand so that the Commission could see who they were. He emphasized that the neighborhood did not oppose elder care. The need for elder care was acknowledged. The request was for a commercial venture to be placed in the heart of an exclusively residential neighborhood which is surrounded by other exclusive residential neighborhoods. As Ms. Stokes would make money from the operation, it is a commercial venture. He then used the Code mandated criteria to support his reasons for feeling that the request should be denied, i.e., is not consistent with the Master Plan element, its goals and strategies. Implementation strategies for such goals were then read. He then responded to Mr. Leck's comments alleging that the use would not impact the property values by indicating that this type of a request had never been made before. Therefore, there is no history of the impact on the surrounding residential property values. He felt that the area is exclusively a residential area and that that use should be maintained. He supported Mr. Leck's suggestion that the house be demolished and a subdivision constructed. Once the property is converted to a commercial venture, he felt that the residents would lose control over the use. He then explained the differences between the comparables which Mr. Guzman had used in his report to indicate that the property values would not be impacted and the Applicant's site. Those comparables did not include an inflation factor nor acknowledge the fact that the Empire Ranch Road locations abut commercial property and were not equal in value, size, or location to the exclusive residential area abutting the applicant's site. He also felt that the 27 hole golf course adjacent to Mr. Guzman's comparables had influenced the property values. Reasons he could not present appraisals supporting the contention that the property values will decrease were given. His reasons for feeling that request would establish a precedence which would allow additional commercial encroachment into the exclusively residential neighborhood were noted. Special use permits are to be used for transitional areas and not in exclusively residential areas or to create urban sprawl. He then explained the location of Glen Brook Circle by using a map and its Willowbee Subdivision CC&Rs which prohibit commercial uses. (A copy is included in the file.) He also indicated that he had included another letter of opposition in his packet as well as a copy of the second amendment and restatement of the declaration of restrictions for the Ormsby Subdivision which also has a prohibition against commercial ventures. The location of the Ormsby Subdivision was illustrated on the map and also abutted the property. He then displayed a map illustrating the location of the individuals opposing the application and who had signed the petition in opposition. He felt that all of the surrounding neighbors had opposed the application. A copy of the petition was displayed. A copy is purported to be in the file. He then used court cases to support his contention that special use permits could be denied when the surrounding neighborhood opposes them. A copy of these sites are also contained in the file. He then indicated that he was glad to see that Mr. Holman was present as he had also been attempting to contact him. He then questioned whether Mr. Holman was "a friend of Mr. Lepire" as Mr. Holman had indicated in his letter. Purportedly, Mr. and Mrs. Lepire had indicated to Mr. Puzey that they did not know a Mr. Holman. He then explained the flood concerns with the property including FEMA's designation of the site and the damage encountered at the property by the January 1997

flooding. Safety concerns for the patients who would be residing there were noted. Public Works' comments about the sewer capacity were also noted and were considered only short-term solutions. He questioned whether the applicant could request and obtain authorization for two more patients when her six month review occurs. He also questioned the number of bed required to determine an intrusion--four, six, eight, etc.; and, whether she could obtain a building permit to expand the facility even if no more individuals are housed there. The biggest concern for the neighbors had been her failure to contact them and discuss the project even though directed to do so by both the Commission and Board of Supervisors. She had also written a letter to Mr. Sullivan indicating an intent to contact the neighbors, however, had not followed through on the commitment. Mr. Puzey then offered to draft a motion denying the request based upon whatever grounds the Commission wished. He then reiterated those grounds, all of which had been included in his remarks, with special emphasis on the need for elder care in the community but not in this neighborhood and not in an area requiring a special use permit. In response to the Commission's questions Mr. Puzey indicated he had not argued in opposition to CC&Rs. He also felt that rentals are commercial ventures. He did not feel that there were any rental units in the neighborhood area which he had shaded on the map. He would opposed rentals in the neighborhood based on the belief that it is a commercial venture and the CC&Rs prohibit such a venture in the neighborhood. Commissioner Rogers expressed his feeling that the proposal was an appropriate transition for residential neighborhoods as it maintains the residential environment. Mr. Puzey responded by indicating that the definition of the individuals residing within the structure for a cost created the transition and a commercial environment. The commercial nature of the request, not the fact that it is an elder care facility, created the transformation of the neighborhood from its exclusive residential neighborhood. Commissioner Rogers explained his opposition to the inclusion of rental properties within the definition of commercial properties. He also pointed out that the special use permit process would require mitigation of the flooding problem. Mr. Puzey responded by explaining that the Public Works conditions granted a temporary solution and not the long-term resolution. He questioned whether these "stop gap measures" would be adequate to protect the patients. Commissioner Rogers then indicated that he did not have any supporting documentation stating that the sewer is insufficient to handle the service demand for the facility. He pointed out that, if the lot is subdivided and additional homes constructed, a larger impact would be created on the utility than the proposed use. Mr. Puzey felt that these improvements could be addressed as requirements against the subdivision. Commissioner Rogers also explained his feeling that the proposal would not create urban sprawl as the project is "infill". Mr. Puzey suggested that his term urban sprawl be replaced with "creation of commercial ventures in residential neighborhoods" and explained his feeling that the proposal would create a transitional area which should not be taken 2-1/2 miles from other commercial ventures and placed in the middle of a residential neighborhood. Commissioner Rogers agreed that if the neighbors did not feel that adequate contact had been provided, the meeting would provide an opportunity for it. He indicated his disappointment with the Applicant's failure to discuss it with the neighbors prior to the meeting.

(1-3249.5) Mr. Holman gave the Clerk and Commission his business card and flyers about his Church. He explained the purpose behind his letter. He had attended the previous hearing. He felt that the proposed use would have little impact on the neighborhood. The proposed use as well as uses of a church, school, or hospital were both commercial and non-commercial in nature. They are necessary services. His Church is non-profit but must have money to operate. He is required to obtain a special use permit by Alpine County for his Church. He then explained his personal knowledge of Mr. and Mrs. Lepire and indicated that he would not be insulted if they chose not to acknowledge him. Mr. Holman questioned the amount of traffic Mr. Lepire's proposed subdivision would create as compared to the amount of traffic the non-driving elder care residents would create. He also felt that Mr. Lepire had a conflict of interest as he had indicated he was constructing two similar facilities and had a chain of others coming. He reiterated his feeling that the proposal is not a "bad thing" proposed by a "bad person" who would house "bad people". Commissioner Christianson expressed his feeling that he may have lead Mr. Lepire's comments which caused them to be misunderstood. There are a number of elder care facilities on the books in Carson City. Such facilities are becoming a trend here. He did not feel that Mr. Lepire owned any of the facilities. Mr. Lepire's son is involved with the construction of a facility. He apologized for his lack of knowledge about Mr. Holman's Church.

Additional public comments were solicited. (1-3482.5) Ms. Selover indicated that Mr. Lepire had stated he would request a second special use permit for his residence if Ms. Stokes' is approved. This will put commercial operations on both sides of her. This would no longer be a residential area. She preferred to see seven homes constructed on the site. She also indicated that Ms. Stokes had not talked with her about the project. Additional

public comments were solicited. Mr. Peterson, President of the Ormsby Home Owners Association, indicated that its CC&R prohibit a commercial venture and that the proposal is a commercial venture.

BREAK: A ten minute recess was declared at 8:55 p.m. The entire Commission was present when Chairperson Horton reconvened the session at 9:05 p.m., constituting a quorum.

(2-0002.5) Ms. Stokes explained her contact with the neighbors and reasons for failing to talk with the entire neighborhood based on those contacts. She apologized for how the matter was turning out. Mr. Leck then read a letter from Mr. Stokke supporting the project into the record. He gave the letter to Mr. Guzman for the file. Mr. Stokke also indicated that Mr. and Mrs. Tim Waters and Ivan Lepire do not oppose the proposal. Mr. Leck felt that 50 percent of the neighborhood currently is involved in a commercial home occupation in violation of the CC&Rs. This included residential rentals, home constructed arts and crafts projects which are sold at craft fairs, etc. The request is to allow an elder care facility in a residence which once housed 11 children. The proposed use would be less than that required for the children. He felt that the issue is one of "NIMBY". He responded to Mr. Puzey's comments concerning why Mr. Guzman's comparables should not be used. He felt that an exact match could never be found for any property in the United States. It is an opinion. His personal knowledge of the community was noted. The proposal would not adversely impact the surrounding property values. Kings Canyon is a State maintained "highway". Commercial ventures are normally found along State highways but not on Kings Canyon. The proposal is not for a monstrosity. A condition could be added prohibiting such a monstrosity if so desired. Six months would prove whether the use is the best proposed for the property and neighborhood. The 25 homes which Mr. Puzey had discussed does not constitute the entire neighborhood. His personal knowledge indicates that some of the homes are rented, which makes them a commercial venture according to the definition suggested earlier. Mr. Laxalt had constructed the home under discussion as well as the surrounding subdivision, however, had not placed any CC&Rs on the house. He urged the Commission to consider the need and desire for such a facility instead of the large institutions found elsewhere. Commissioner Christianson indicated that he did not have a copy of Mr. Stokke's letter and questioned the type of commercial enterprises Mr. Leck was discussing. Commissioner Christianson also questioned the reasons behind Mr. Stokke's change in reasoning since he had last discussed the issue with him. Mr. Leck reiterated his comments that, if the definition of commercial is the use of the home for the creation of an income, between 25 and 50 percent of the residents were in violation of the CC&RS. All home occupations under this definition are commercial ventures. Commissioner Christianson responded by noting that individuals who purchase in residential neighborhoods have the right to believe that the residential neighborhood will remain without commercial enterprises adjacent to them. Mr. Leck agreed and indicated that the proposal would not change the residential neighborhood. Home occupations are "breaking the law" according to the discussion. Commissioner Christianson requested proof that this was occurring. Mr. Leck then indicated that Ms. Stokes could construct and rent six homes on the property without a special use permit. He pointed out that there are other methods by which Ms. Stokes could go around the Special Use Permit, however, Ms. Stokes was attempting to be honest, upfront, a good neighbor, and custodian of the property. Additional reasons why Ms. Stokes did not contact the neighbors were noted. Ms. Stokes indicated that the proposal would not create any visible changes to the exterior of the building or lot. She would change the carpet and tile. Mr. Leck indicated that the State may mandate some changes such as fire sprinklers, however, no structural changes or additions would be made. Ms. Stokes did not feel that there would be an impact on the neighbors. It is quiet operation. The tenants' families and friends may on occasion visit. She would have to install a sidewalk, curb, gutter, and flood improvements. Exterior improvements which Ms. Stokes had made since she took over the property were described. Mr. Leck encouraged the Commission and neighbors to evaluate this effort in the equation. Ms. Stokes stipulated that her proposal would not change the nature of the neighborhood or its appearance in any way. It is a residential setting with a residential care type of activity. It will not become a full medical facility for ambulatory senior citizens. Mr. Leck felt that the plan is to improve the facility. Mr. Givlin indicated that ADA parking and access requirements would have to be met. Mr. Leck did not feel that a handicapped ramp would be required as there are no stairs into the home.

(2-0357.5) Mr. Puzey questioned whether the doorways were adequate to allow a wheelchair to access the building/rooms. All of the rooms would have to meet ADA requirements including those for wheelchairs. These requirements were extensive and very expensive, therefore, she could not comply with the stipulation. He then questioned the storm drain requirements, which he read from Deputy Public Works Director Tim Homann letter, and the safety of the elderly residents.

(2-0405.5) Public testimony was closed. Chairperson Horton referred the Commission to 18.02.062 regarding the findings necessary to approve a special use permit. Discussion indicated that staff's recommendation had been based on seven findings which had been contained in the original packet. Mr. Guzman gave the Commission copies. (None to the Clerk.) Commissioner Rogers expressed his awareness of the flooding issue and questioned the responsibility for and possible mitigation procedures of it. Mr. Givlin felt that it may be possible to develop a berm between the street and residence which would channel the flooding away from the house. He felt that Public Works' conditions had included a requirement that the flooding problem be mitigated. This will require retention of an engineer to analyze the problem and develop possible solutions. The last flood had run from the street and against/into the house. If the flood flow can be kept in the street, the majority of the problem may be solved. Clarification by Mr. Givlin also indicated that the utility concern was related to the flood drainage and not sewer capacity. Clarification indicated that some of Public Works' concern was related to the fact that senior citizens would be living in the home and about their safety. Mr. Givlin agreed that many elderly citizens live by themselves in homes. They normally chose to leave the property when such events occur; others remain inside and "weather" the storm. Clarification indicated that a specific storm drain plan had not been submitted. A master plan study is contemplating upstream detention facilities which may help mitigate some of the problem for this area. Mr. Givlin described the reasons for feeling that the property has an inherent flooding danger. Commissioner Uhart pointed out that until the flooding problem is resolved, the special use permit would not be granted and the use allowed. Commissioner Rogers felt that if the flood posed a danger to the residents, it could be used as a finding against the proposal. Mr. Sullivan felt the flood mitigation requirements were related to public safety issues. Mr. Givlin indicated that the flood issues would have to be resolved in addition to any other necessary parking, access, handicapped accesses, landscaping, etc., requirements. No permits would be issued until adequate plans for these improvements have been submitted and approved. Commissioner Wipfli then explained his feeling that it is a special use permit issue. He agreed that there is truly a need for this type of senior care. A special use permit grants flexibility for a community that is asking for something. The neighborhood may request special consideration which will help its community. He did not see this in the application. The neighbors are overwhelmingly opposed to the application. Therefore, he did not feel that the required burden of proof had been met. There does not appear to be compatible with the existing neighborhood.

(2-0657.5) Commissioner Mally moved to approve U-97/98-11, a special use permit from Lisa Stokes to allow a group care facility for the elderly up to a maximum of four individuals on property located at 1600 Kings Canyon Road, APN 9-012-06, based on seven findings and subject to nine conditions of approval contained in the staff report, and with the understanding that the subject special use permit shall be reviewed in six months, and that any acknowledgements to the Commission or Board by the applicant may and will be considered as further stipulations or conditions of approval on this application. Motion died for lack of a second.

(2-0678.5) Commissioner Christianson moved to deny U-97/98-11, a special use permit from Lisa Stokes to allow a group care facility for the elderly up to a maximum of four individuals on property located at 1600 Kings Canyon Road, APN 9-012-06, based on seven findings and subject to nine conditions of approval contained in the staff report with the understanding that the subject special use permit shall be reviewed in six months--. Realizing that this had been the findings used previously by Commissioner Mally, Commissioner Christianson corrected his motion to be to deny U-97/98-11, a special use permit for Lisa Stokes based on the fact that this is a commercial operation in a residential area and that the residents of that area are overwhelmingly opposed to that type of a facility being located in their neighborhood. Commissioner Wipfli seconded the motion. Commissioner Rogers voiced his feeling that a better finding could be made and indicated he would not support the motion based on this finding. Mr. Sullivan encouraged the Commission to make findings as suggested by Ms. Bruketta earlier in the hearing and in conformity to Section 18.02.062. Commissioner Christianson withdrew his motion and Commissioner Wipfli withdrew his second.

(2-0729.5) Commissioner Rogers then moved to deny U-97/98-11, a special use permit from Lisa Stokes to allow a group care facility for the elderly for up to a maximum of four individuals on property located at 1600 Kings Canyon Road, APN 9-012-06, based on two findings which are: 1. To be consistent with the Master Plan Goal 1.7 as subject use creates a conflict within the community, and 2. There is a question regarding the health and safety of the occupants given the use and there is a lack of evidence that those are mitigated through the application. Commissioner Rogers then mentioned that, although he did not oppose the project, he felt that he had accepted the appointment to the Commission with the idea that he would support the citizens in general and his

position here is as a citizens' representative. The Commission is not elected. He was somewhat disappointed that the citizens are not looking at the proposal a little bit differently than they are, but would respect their desire to not have this in their neighborhood. Commissioner Christianson seconded the motion. Motion carried 6-1 with Commissioner Mally voting Naye. Discussion indicated Commissioner Mally should state his reasons for the record. Commissioner Mally indicated for the record that he did not believe that the proposal was a commercial enterprise. The four people who would be taken care of in the facility did not constitute a commercial operation particularly when someone could buy and sell stock over the computer as is being done by people today in their homes. Many of the individuals in the audience could be providing this service. The proposal should not be detrimental to the surrounding neighborhood as the four individuals would not be causing a traffic impact. His father is in a health care facility in Dayton. It is a facility for elderly people. Few people visit the residents of the facility. There would not be that much of a traffic impact on the neighborhood and the quality of the care would far outweigh the inconvenience to the neighbors. Someday they will have to go to one of these facilities and will have to pay the price. They will learn the hard way what it is like. Mr. Sullivan briefly explained that the appeal procedure could be found CCMC 18.02.040 and its requirements.

**H-2. DISCUSSION AND POSSIBLE ACTION TO ELECT THE CHAIRPERSON AND VICE CHAIRPERSON OF THE REGIONAL PLANNING COMMISSION (2-0812.5)** - Community Development Director Sullivan - Commissioner Wipfli nominated Commissioner Horton as Chairperson. Commissioner Christianson seconded the motion. Additional nominations were solicited. Commissioner Rogers nominated Commissioner Uhart as Chairperson. Discussion indicated a second for nominations is not required. No other nominations were made. The Commission was polled with the following result: Commissioners for Horton as Chairperson were Commissioners Pozzi, Wipfli and Christianson. Commissioners for Uhart as Chairperson were Commissioners Mally and Rogers. Commissioners Horton and Uhart abstained. Commissioner Horton was declared elected as Chairperson for another term.

Nominations were solicited for Vice Chairperson. Commissioner Christianson nominated Commissioner Uhart as Vice Chairperson. When no other nominations were made, Chairperson Horton ruled that Commissioner Uhart had been elected Vice Chairperson by a mandate of the Commission.

**J. ADJOURNMENT (2-0890.5)** - Commissioner Pozzi moved to adjourn. Commissioner Christianson seconded the motion. Motion carried 7-0. Chairperson Horton adjourned the meeting at 10:03 p.m.

The Minutes of the December 3, 1997, Carson City Regional Planning Commission meeting

1998. ARE SO APPROVED ON \_\_\_March\_25\_\_\_\_,

\_\_\_\_\_/s/\_\_\_\_\_

Verne Horton, Chairperson