

A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, November 6, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

PRESENT: Vice Chairperson Vern Horton and Commissioners Allan Christianson, William Mally, Archie Pozzi, Deborah Uhart, and Richard Wipfli

STAFF PRESENT: Principal Planner Rob Joiner, Deputy District Attorney Mark Forsberg, Senior Planner Sandra Danforth, Senior Engineer John Givlin, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin

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 - Vice Chairperson Horton convened the meeting at 3:08 p.m. Roll call was taken. A quorum was present although Commissioner Uhart had not yet arrived and Chairperson Rogers was absent. Vice Chairperson Horton lead the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF MINUTES (1-0018.5) - Commissioner Wipfli moved to approve the Minutes of the August 7 and August 28, 1996. Commissioner Christianson seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENT (1-0030.5) - None.

D. AGENDA MODIFICATIONS (1-0035.5) - None.

E. CONSENT AGENDA (1-0039.5)

E-1. M-96/97-9 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RITA BEVERS

E-2. U-96/97-23 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STATE PUBLIC WORKS BOARD

E-3. U-96/97-10 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JOHN UHART

E-4. U-96/97-24 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MARTINA FUENTES

E-5. A-96/97-8 - DISCUSSION AND POSSIBLE ACTION ON CARSON CITY'S REQUEST TO AMEND CARSON CITY MUNICIPAL CODE SECTION 18.05.031

E-6. U-94/95-17 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM ERNST HOME CENTER

E-7. V-94/95-6 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED VARIANCE FROM MICHAEL P. MCKENNA

E-8. U-79-30 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CINDERLITE

E-9. M-96/97-16 - DISCUSSION AND POSSIBLE ACTION ON STAFF INTERPRETATION OF MORTGAGE COMPANY SATELLITE OFFICE - Commissioner Uhart arrived during Vice Chairperson Horton's introduction--3:10 p.m. (A quorum was present although Chairperson Rogers was absent as previously indicated.) Commissioner Uhart requested Item E-3 be pulled as she would abstain from voting on this item. Discussion indicated it is to be continued. Commissioner Mally requested a clarification of Item E-4 as he felt the establishment was out of business. Mr. Joiner stated that they are not out of business at this time and explained the

need to hold the annual review as the Special Use Permit is valid for one year. If it is not used for one year, it will automatically expire. Commissioner Christianson moved to approve the Consent Agenda as presented, that being, E-6, E-7, E-8, and E-9. Commissioner Uhart seconded the motion. Motion carried 6-0.

F. PUBLIC HEARING

F-1. A-96/97-2 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC TITLE 18 (1-0106.5) - Senior Planner Sandra Danforth - Public testimony was solicited but none given. Commissioner Christianson moved that the Commission recommend that the Board of Supervisors approve A-96/97-2, an ordinance amendment to include "those in need of assisted care" within the definition for rest home, convalescent home, nursing home". Commissioner Pozzi seconded the motion. Motion carried 6-0.

F-2. A-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC TITLE 18 (1-0160.5) - Senior Planner Danforth - Public testimony was solicited but none given. Commissioner Mally moved to recommend that the Board of Supervisors approve the proposed amendments to CCMC 18.06.255, Retail Commercial District Primary Permitted Uses relating to books, engravers and massage therapy, and CCMC 18.06.257, Retail Commercial District Conditional Uses relating to bed and breakfast facility, dry cleaning operations, temporary outdoor sales and activities, previously-owned children's merchandise sales, and single-family, two-family, mobilehome and multi-family dwellings as shown in the attached proposed ordinance. Commissioner Pozzi seconded the motion. Motion carried 6-0.

F-3. A-96/97-6 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ZELLER'S COLLECTIBLES TO AMEND CCMC SECTION 18.06.255 (1-0199.5) - Associate Planner Tara Hullinger, Harry Zeller - Ms. Hullinger's introduction included staff's concerns related to its enforcement. Hopefully, the definition requirement mandating documentation proving that an item is collectible will address this concern. Mr. Zeller expressed his support for the Code amendment. He indicated he would only sell items contained in the guides. These items have serial numbers, are limited editions, and have "certificates of authenticity". At the present time the shop is 100 percent new retail items. His secondary market varies between 10 and 20 percent. All of the items are "approved by the guide". Public testimony was solicited but none given. Commissioner Mally moved that the Planning Commission approve A-96/97-6, a zoning ordinance amendment request from Zeller's Collectibles to: 1. Amend Section 18.03, Definitions, of the Carson City Municipal Code to add a new definition as follows: "Section 18.03.212 Collectible Store. 'Collectible store' means a business devoted to the public exhibition and related sales of new and previously owned limited edition works and reproductions of original artwork as denoted in the latest edition of the Collectibles Market Guide and Price Index and/or other authoritative document as approved by the Director of Community Development. 'Collectible' refers to limited edition items such as but not limited to figurines, cottages, plates, dolls, ornaments, graphics, steins, and bells."; and 2. To amend Section 18.06.255, Primary permitted uses, of the Carson City Municipal Code to add "Collectible store" as a primary use in the Retail Commercial, RC, zoning district. Commissioner Uhart seconded the motion. Motion carried 6-0.

F-4. U-96/97-9a - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM DICK SCOTT - Associate Planner Hullinger, Senior Engineer John Givlin, Dick Scott, Deputy District Attorney Mark Forsberg, Shirley Wilson, Terry Kuha - Discussion between staff and the Commission explained the revised parking area, the revised access route, the street level and curve, and safety concerns related to the curve. Mr. Givlin felt that the single access would reduce the traffic hazard created by the curve and Harrison Road. This is the reason the applicant's engineer had redesigned the project. Ms. Hullinger explained that the Master Plan designation for the property is 4 to 10 units. The project is for 16 units. Staff's recommendation for reducing the units to 14 was based on the Master Plan recommendation and Commission's comments at the last hearing regarding the amount of open space and parking. Commissioner Wipfli felt that the density should be reduced based on the location and traffic concerns. Ms. Hullinger responded by explaining the zoning is Retail Commercial which allows motels/hotels. This would create a more significant impact as well as incompatibility issues due to the conflict with surrounding uses. The Master Plan also allows for infill projects to increase the density, however, this is a policy decision the Commission should make. Clarification indicated that the

surrounding property owners were noticed. There had been one call in opposition from a property owner on Harrison. The site contains two parcels and is "just barely" larger than one acre.

(1-0515.5) Mr. Scott felt that having the parking in one area provided a safer access point, increased the landscaped area by 4,000 feet, and eliminated the need to have a right-in, right-out turning movement for the north driveway. He noted NDOT's objection to having the southern driveway adjacent to the abutting parcel's driveway. He will have to put in several yards of fill to mitigate the elevation problem at Airport Road. Various development plans considered for the site were described. He felt that the proposed apartment complex would provide a buffer between the commercial establishments to the south and the residential district on the north. Under the ordinance he could have as many as 28 units per acre. His original parking design had included four spaces for cars which would have to back toward Airport Road. Reasons for this design were explained and, due to later clarification of the fire requirements, had been eliminated in the revision. Current plans call for all parking spaces to be at right angles to the driveway. Commissioner Wipfli then explained his opposition to the density as it did not "fit what is desirable for the lot". Mr. Scott responded by expressing his opinion that the Master Plan should have been corrected. It had not and that his project would provide a buffer between two mixed uses. He also felt that when Graves Lane is extended, the traffic volume on Airport Road will be reduced. Commissioner Wipfli explained his feeling that the Master Plan seldom mitigates these issues. It is the Commission's responsibility to provide the "voice of reason" for the future of the community. The profit margin should not always dictate the project. Mr. Scott felt that he could have between 29 and 30 two bedroom apartment units per acre or 36 one bedroom units. Deputy District Attorney Forsberg indicated the zoning does not allow this density. The zoning is retail commercial which, with a special use permit, would establish the density. A motel is a permitted use. Mr. Scott had previously indicated that a 70 unit motel had been considered for the site. Commissioner Mally felt that the proposal should be allowed. Mr. Forsberg pointed out that the Commission had previously approved the density for the site. The request before the Commission was to approve the revised parking and access design. Ms. Hullinger explained the recommendation to reduce the density had been due to these changes and Commission comments at the original review. The original plan had provided a better open space environment for the residents. Placing the parking lot in the center of the project created the commercial appearance which the Commission had opposed. The two unit reduction would provide additional open space. Mr. Scott did not believe the redesign created the appearance of a commercial establishment. The redesign contained less asphalt and more landscaping. The proposal provided "the best situation" possible for a "bad piece of property". Commissioner Uhart explained her understanding of the Commission's approval as having been a choice of the lesser of two evils. She felt it was now arbitrary and capricious for him to change the plan at this point. She also understood staff's reasoning in recommending the reduction in the number of units which resulted in a reduction in asphalt.

(1-0778.5) Public testimony was solicited. Ms. Wilson felt that the applicant had attempted to provide a use which would meet the community's need. A bar would reduce the surrounding property values and create a negative impact on the area. The apartment complex would increase the property values. Her need to "do something" with the property was explained. She also explained its current use and its deteriorating state.

(1-0815.5) Additional public testimony was solicited. Ms. Kuha indicated she represented both the buyer and the seller. She felt that the original approval had been for 16 units and two driveways. This created a large asphalt area. NDOT had recommended one driveway which had reduced the volume of asphalt. The centralized driveway would mitigate safety concerns and provide for additional landscaping and open area. The proposal would improve the area. Additional public testimony was solicited but none provided.

(1-0867.5) Commissioner Christianson suggested using a centralized driveway with parking along the perimeter of the buildings which were moved an additional ten feet back from Airport Road. Mr. Scott indicated this design would make it difficult to meet the setback requirements for the rear of the buildings. The aesthetics of the centralized 26 foot driveway was also felt to be a detraction. Commissioner Christianson explained that this design would reduce the overall amount of asphalt but Mr. Scott refused to consider the suggestion. Ms. Hullinger supported Mr. Scott by explaining that this proposal would eliminate 18 feet of landscaping on the southern portion of the lot. She then explained the reasons for bringing the design back for reconsideration and staff's attempts to maintain the majority of the original elements. The buildings' footprint had remained, however, their orientations were changed. The redesign provided a larger area of private open space for each unit. Commissioner Wipfli explained a design which may reduce the number of units by two, as staff had recommended, however, it

would provide a more aesthetically pleasing appearance and incorporated Commissioner Christianson's recommendation. He justified his reasons for reconsidering the density as the redesign created a different project. He also indicated that neither quality or numbers would have to be sacrificed by two different designs, one of which moved the parking to the rear and still used a centralized driveway.

Commissioner Mally moved that the Planning Commission approve U-96/97-9a, a request to amend a previously approved special use permit, U-96/97-9, granted to Richard Scott to allow a multi-family development in a Retail Commercial zoning district located at 3109 and 3179 Airport Road, APNs 8-191-25 and 8-191-18, based on seven findings and subject to 12 conditions of approval, that as the number of units had been approved previously, he could not support deletion of any of the units, as 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. Discussion indicated that Commissioner Mally's motion would delete Condition 12. Commissioner Mally amended his motion to include deletion of Condition No. 12. Commissioner Christianson seconded the motion. Motion carried 4-2-0-1 with Commissioners Wipfli and Uhart voting Naye and Chairperson Rogers absent.

F-5. A-96/97-5 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM THOMAS DAVIS TO AMEND CCMC SECTION 18.06.305 (1-1005.5) - Principal Planner Rob Joiner, Thomas Davis, Chamber of Commerce Executive Vice President Larry Osborne, Del White - Mr. Davis expressed a desire to work with staff on the issues and indicated he understood staff's reasons for recommending denial of the proposal to allow the use in the General Industrial District. Discussion indicated the paint used in his operation is environmentally safe. Clarification indicated the Commission should act on the amendment request. Public testimony was solicited. Mr. Osborne supported staff's denial recommendation and appreciated Mr. Davis' willingness to work with staff and locate a better site for the proposal. This would allow the industrial areas to remain manufacturing and industrial sites. He also noted that the Chamber is working with staff to strengthen the Code definitions of industrial areas and uses. He expressed a willingness to help Mr. Davis in his efforts to obtain a better site. Additional public testimony was solicited. Mr. White urged the Commission to deny the request and to maintain the industrial district as it currently is. Additional public testimony was solicited but none given. Discussion between staff and the Commission indicated there had not been a request for a continuance. Staff would work with Mr. Davis to find a better location. There had been a \$75 fee for the amendment request. It will not be refunded. Mr. Davis will have to pay any fees associated with the future site if necessary. Commissioner Christianson recommended that the Regional Planning Commission deny A-96/97-5, a request from Thomas Davis to delete "outdoor recreational uses or facilities" from the prohibited uses, specifically Section 18.06.308, and to add it to conditional uses, Section 18.06.307. Following a request for clarification, Commissioner Christianson amended his motion to "move" that the Regional Planning Commission deny... Commissioner Wipfli seconded the motion. Motion carried 6-0.

F-6. A-96/97-7 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC SECTION 2.12.020 - Principal Planner Joiner, Deputy District Attorney Forsberg - Public testimony was solicited but none given. Mr. Forsberg explained his reasons for recommending revisions to the amendment, i.e., change "his" to "a" in Line 19, removal of "this" from line 21 and "his" from line 25. (During his comments Commissioner Wipfli stepped from the room--4:25 p.m. A quorum was still present.) Commissioner Christianson moved that the Commission recommend approval of Municipal Code Revisions, A-96/97-7, involving Regional Planning Commission terms, vacancies, removals and staff members being present at Commission meeting. Commissioner Uhart seconded the motion. Following discussion, Commissioner Christianson amended his motion to include the revisions as indicated by Mr. Forsberg. Commissioner Uhart seconded the motion. Motion carried 6-0.

F-7. U-96/97-19 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM KEVIN ZINK (1-1315.5) - Principal Planner Joiner, Kevin Zink - Mr. Joiner's introduction corrected the Agenda by indicating the applicant's name is "Kevin Zink". (Commissioner Wipfli returned during his introduction and Commissioner Mally left the room--4:28 p.m. A quorum was still present.) Mr. Zink had read the staff report and concurred with it. Public testimony was solicited but none given. Commissioner Uhart moved to approve U-96/97-18, a special use permit for the construction of an accessory

structure exceeding 50 percent of the size of the primary structure, 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. Commissioner Wipfli seconded the motion. Motion carried 5-0.

F-8. U-96/97-20 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ALAN DAPP (1-1675.5) - Mr. Joiner - Mr. Joiner noted that the City is the the applicant as request is on City owned property. Mr. Dapp was not present. Public testimony was solicited but none given. (Commissioner Mally returned at 4:32 p.m. A quorum was present although Chairperson Rogers was absent as indicated.) Commissioner Christianson moved to approve U-96/97-20, a special use permit from Alan M. Dapp to construct approximately 54 aircraft storage hangars within property zoned Public, 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. Commissioner Uhart seconded the motion. Motion carried 5-0-1-1 with Commissioner Mally abstaining and Chairperson Rogers absent.

F-9. U-96/97-14 - DISCUSSION AND POSSIBLE ACTION ON CONSIDERATION OF AN ALTERNATE ROUTE FOR A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR BRECHLER AND BELL CONSULTING AND PAIUTE PIPELINE (1-1430.5) - Senior Planner Juan Guzman, Paiute Pipeline Representative Dick Breedlove, Bill Goni, Jeff Love - BLM has indicated tentative approval of the proposal. Final approval remains to be given and could modify the location. Discussion indicated Mr. Guzman and Mr. Goni had gone over the proposed route and that he approved the location. Mr. Breedlove indicated he had read staff's report and agreed to it. Public comments were solicited. Mr. Goni indicated his support for the route around his subdivision. He also pointed out that the powerline is supported by poles approximately 200 feet apart. The scar on the hillside has healed. Using this route would have reopened the scar. Mr. Love noted his original opposition to the alignment. He supported the proposed route and thanked the Commission for its support. Commissioner Uhart thanked the applicant for working with the staff and the neighbors. She felt that the scar, which will be created, is a better alternative than the original route. (1-1616.5) Commissioner Wipfli moved to approve U-96/97-14, a special use permit for the installation and operation of a 16-inch natural gas transmission line based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application and adding to Condition No. 1 the following sentence: The applicant shall follow the proposed alternate route bordering the east, north and west perimeters of the Goni subdivision. Commissioner Pozzi seconded the motion Motion carried 6-0-0-1. (Commissioner Uhart then left the meeting--4:45 p.m. A quorum was still present.)

F-10. M-96/97-12 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO REVIEW PREVIOUSLY APPROVED VARIANCES WHICH HAVE NOT BEEN COMPLETED -- V-79-14a, V-79-43, V-80-17, V-81-22, V-81-30, AND V-82-8 - Principal Planner Rob Joiner - Variances V-79-14a, V-79-43, V-80-17 and V-81-22 had been withdrawn by the property owners. Mr. Johnson had recently acquired the property pertaining to V-81-30 and had requested a continuance to next month's hearing. Staff had recommended proceeding with the show cause hearing and revocation. Staff requested support of its request to revoke V-81-30. Clarification corrected the reading of Variance Number V-80-17. The Commission's discretion to act on or continue V-81-30 was noted. The applicant for V-82-8 was not present. Commissioner Christianson moved that the Commission remove the following variances, some of which have been withdrawn by the property owners, that would be V-79-14a, V-79-43, V-80-17, V-81-22, that V-81-30 be continued until next month's meeting, and that V-82-8 be removed. Commissioner Mally seconded the motion. Motion carried 5-0-0-2 with Commissioner Uhart and Chairperson Rogers absent. Discussion between Mr. Forsberg and Commissioner Christianson indicated the motion's intent was clear.

F-11. M-96/97-14 - DISCUSSION REGARDING CARSON CITY AND VASEY ENGINEERING IN UPDATING THE CITY'S MASTER PLAN HOUSING ELEMENT (1-1716.5) - Principal Planner Joiner briefly outlined the reasons for agendaizing the item. No formal action was required or taken. (2-1985.5) Mr. Joiner informed the Commission that this Item would be considered by the Board tomorrow. He requested the

Commission contact his office if there are any concerns about the scope of work. The Consultant will also be at the Board meeting.

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

H-1. CORRESPONDENCE TO THE COMMISSION (1-1758.5) - Discussion noted the staff's memo on a business license in the historic district RO zone; Landmark Homes' invitation to an open house; the Open Meeting Law, its purpose, and how it impacts social events; and whether such functions pose a potential conflict of interest. As the Commissioners would not benefit financially from such an activity, it was felt the function would not be a conflict of interest.

H-2. STAFF BRIEFING ON STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (1-1835.5) - The Code amendments had been upheld. Second reading will occur at the next Board meeting.

H-3. COMMISSIONER REPORTS (1-1845.5) - None.

H-4. STAFF COMMENTS (1-1850.5) - None.

H-5. FUTURE COMMISSION ITEMS (1-1852.5) - Training and conferences will be discussed at the next meeting. Discussion indicated that the Growth Management workshop would be on Tuesday, November 12, at 6 p.m. in the Bonanza Room and last approximately two hours. Commissioner Pozzi urged staff to provide as much notice as possible for such meetings. Commissioner Christianson indicated he would be out of town on that date. Vice Chairperson Horton noted the packet of information which had been distributed earlier on Item G-1 and urged the Commissioners to utilize the break period to review this information. Mr. Joiner indicated he would read a letter from the Kearns on Item G-2 into the record during the discussion on it. (2-2005.5) Mr. Joiner indicated that Multi-Family Development Guidelines will be on the next agenda for discussion and possible action. Comments proposed by the Commission previously had been included in the proposal. A meeting had been held with the Builders Association. Richard Murray had also provided his comments which related to the lack of requirements for upscale, high quality apartments. Mr. Joiner and Vice Chairperson Horton felt that these issues are market driven. Incentives could be provided for this type of apartment. Any other changes should be submitted to staff posthaste. Copies of the guidelines will be provided to the Commission before the next meeting. Discussion ensued on the need for the Commissioners to voice concerns/opinions/support/rejection of projects prior to motions. Mr. Forsberg also pointed out that any Commissioner could voice his/her objection to the motion by indicating his reasons for not wanting to second the motion.

BREAK: There being no other items for consideration until 7:30 p.m. Vice Chairperson Horton recessed the hearing at 4:55 p.m. Vice Chairperson Horton reconvened the session at 7:35 p.m. A quorum of the Commission was present although Chairperson Rogers was absent as previously noted. Staff present included: Principal Planner Joiner, Deputy District Attorney Forsberg, Senior Planner Guzman, Senior Engineer Givlin, and Recording Secretary McLaughlin.

G. PUBLIC HEARINGS

G-1. U-96/97-22 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DON AND TONI LANGSON (1-1917.5) - Senior Planner Guzman, Applicant's Representatives Carol Dotson and Glen Martel from Lumos and Associates, Deputy District Attorney Forsberg, Airport Authority Member George Weeks, Eagle Valley Vista Subdivision Representative Bill Mabray, Applicant's Attorney Scott Heaton, Senior Engineer John Givlin - Mr. Guzman's introduction included staff's amended packet. Ms. Dotson reviewed the application, surrounding zoning, previous applications on this property, mitigation efforts included in the plan to address the objections poised at those hearings, the project, the plan to phase its development, its density, its design features, the landscaping, the recreational uses and trails proposed on the site, the detention and open space area, fencing, (1-2109.5) some of the lighting features proposed for the site, the traffic study, (1-2136.5) internal roads and parking, the joint use detention area, drainage plans including street elevations and discharge, domestic water and fire flow plans, irrigation plans, and the proposed underground utilities. (1-2106.5) A detailed lighting plan will be submitted later for review by staff. (1-2134.5) Ms. Dotson indicated the applicant had agreed to a phased relocation of the access project entrance to Hot Springs Road or Arrowhead Drive as a condition to the project. She felt that the project meets or exceed Code requirements and urged the Commission to approve the request. This included the setbacks, street widths, and the "eight foot island

system" for internal setbacks. This provides a distance of 110 feet between perimeter boundary on the western side to the first RV space. Land uses of compatible natures had been promoted within the project, specifically, the equestrian area, larger than mandated RV spaces, the reduced density, the fencing component, and the open space elements. The property had been zoned Tourist Commercial for many years and the new Master Plan Land Use Element had maintained this zoning. RV parks are permitted uses under this zoning. She concurred with staff's original recommendation of approval including the listed conditions with a revision to 6B to allow phasing the entrance relocation. She then introduced Mr. Martel as the Project Engineer.

(1-2228.5) Mr. Martel reiterated her statements that the project meets or exceeds all of the Code requirements. He then explained the purpose of the Airport Master Plan and the zoning districts surrounding the airport. The property is purportedly outside the mandatory clear zone. He then referenced a letter from FAA Airports District Manager John Pfeifer which indicates the site falls within the greater than the 65 Ldn noise contours. This had been the reason for the denial of the Mobile Home project. His referenced FAR Part 150 included as an allowed use campgrounds and RV parks. He then referenced a second letter from Mr. Pfeifer which he quoted indicating that FAR Part 150 is only a guideline for Carson City and that the Airport Master Plan had not been a part of an approved noise study. The 65 Ldn level is a yearly day-night average. It is the City's responsibility to determine acceptable land uses. He felt that the two letters were in conflict and requested the Commission provide the necessary guidance on how the site should be developed. He then indicated that Airport Authority Member Weeks would present arguments indicating the property is within the clear zone. According to Mr. Pfeifer's letter, the FAA will fund land acquisition for property "permitted" within 5,000 feet of the runway. The Airport has already acquired all of this property. He then read from Airport Authority Member Weeks' memo to Mr. Guzman statements indicating that Mr. Weeks felt the "proposed RV park was not compatible with the Airport and, therefore, clearly not in the best interest of the public, Carson City, or the Airport". Mr. Martel did not feel that it is obvious that the RV park is not a compatible use. There are conflicting interpretations of the guidelines. Further, he did not feel that it was clearly "not" in the best interest of the public, Carson City, or the Airport. He felt that his client's interests had not been considered throughout the process. He reiterated his feeling that the project meets the FAA guidelines and meets or exceeds the majority of the City guidelines.

(1-2365.5) Mr. Guzman explained that the Commission would have to balance the owner's property rights and zoning Codes against the Airport and surrounding residential needs. He then explained the zoning and residential uses adjacent to the western edge of the property. The project would contain a buffer and an arena and stables for horses. This creates a setback of 110 feet to the first RV site. The fence with a permahedge and the landscaping plan were briefly described. This would mitigate some of the problems associated with having a commercial zoning district adjacent to single family one acre zoning. He agreed that the open space currently found on the site would not remain. Staff's request for a different access route was then explained and, if required, would eliminate the traffic impact on the residential area. Mr. Langson had purportedly agreed to this condition, however, would like to discuss the implementation schedule with the Commission. Mr. Guzman then explained his understanding of the noise and safety issues related to the Airport. FAA had indicated that it is the community's standards which determine whether campgrounds and RV uses are compatible. Reasons he felt the RV uses were allowed under the FAA guidelines were then explained, however, Mr. Weeks would testify that his noise model indicates a portion of the area is within the 65 Ldn area and the use should not be allowed. The Airport's determination of the clear zone and acquisition of the property within it were noted. The subject property and some of the SF1A parcels to the west are included on a map/list for acquisition at some future date. He then explained his recommendations, his findings and the Authority's findings and denial recommendation. The special use permit is discretionary and its approval/denial should be based upon findings and supported by the record. Discussion ensued between Commissioner Christianson and Mr. Guzman on the difference in campgrounds and recreational vehicle use, the limited stay allowed in them, and the lack of enforcement of this ordinance. Mr. Guzman indicated that the ordinance would be enforced, including the 14 day restriction, if the RV park is approved. Mr. Guzman requested Commissioner Uhart discuss the phasing timeframe for obtaining the different access with the applicant. Mr. Forsberg did not feel that the City could be held liable for an aircraft accident in this area. The evidence presented to date did not indicate that such accidents occurred any more than at any other site within the City. He felt his comments were valid even though the Airport Authority had recommended against the project. He did not feel that the City was liable for the "risk" involved with the single family residential development to the west. He agreed that the City should not allow an individual to camp within 20 feet of the runway as it was more dangerous than the project site. Discussion noted an airplane crash which had occurred on Arrowhead Drive and a second

crash in Moundhouse. Mr. Forsberg felt certain that if the FAA felt there was a concern, it would have granted funds for acquiring the site. He still did not feel that the City would be held liable. He then cautioned the Commission against considering any action the Airport Authority may or may not be taking to acquire the property. He urged the Commission to consider only the land use issues related to the project. Commissioner Wipfli noted that the testimony which would be provided would also relate to the safety issues and the clear zone. This would make it difficult to separate the issues. Mr. Forsberg suggested that they be separated by having the Commission consider only the land use issues related to the noise and compatibility issues and avoid considering whether the Authority should or should not acquire the property. Mr. Guzman felt that these issues could be more clearly defined by Mr. Weeks. He then pointed out that the more intense uses allowed around an airport, the more impact it would have on the airport's ability to function. The Commission must balance the property owner's rights and the validity of his project against the neighborhood's compatibility.

(1-2872.5) Commissioner Uhart then discussed the access timetable with Ms. Dotson. Ms. Dotson indicated the routes to either Arrowhead or Hot Springs would require obtaining that access from another property owner as well as a traffic study to determine the best route particularly in view of the Bypass and its impact on Hot Springs Road. The construction workers would use Mark and Holly for access to the site. The specific work hours staff had designated in the recommendation would be followed. Ms. Dotson supported tying the access requirement to completing a specified percentage of the project. She requested an opportunity to discuss with the applicant any specific timeframe for the acquisition. She agreed with Commissioner Christianson that the Bypass is proposed to be an at-grade facility at Hot Springs and would impact the access route. This also makes the timeframe issue for acquisition difficult to establish. Commissioner Christianson indicated that a majority of the Bypass right-of-way in the vicinity had been acquired.

(1-2965.5) Mr. Weeks distributed a packet of information and a colored map to the Commission and Mr. Guzman and the packet with smaller uncolored maps to individuals in the audience and press. (A copy of the information provided to the audience was given to the Clerk.) Mr. Weeks briefly explained the Authority's composition and his aviation and airport experience. He then outlined the noise and safety compatibility issues, air space protection needs, the overflight areas related to the property, the noise levels associated with the property as indicated on his map, the criteria used to establish the FAA noise standards, the 65 Ldn noise level standard, the model used to establish the tolerance level for this noise level, the FAA guidelines, and the use of these guidelines to develop and respond to applications similar to Mr. Langson's. The guidelines are considered by FAA to be minimal standards. He was aware that Carson City currently does not have a noise standard/ordinance. Without such standards/ordinances any noise complaints are individualistically subjective. Discussion among Mr. Weeks, Mr. Guzman, and Commissioner Christianson explored the number of aircraft flights occurring at the airport daily and defined the 65 Ldn level as being an average noise level for a 24-hour period. Mr. Guzman indicated that the aircraft numbers should not be considered due to the differences in noise levels between various aircraft. The average over a 24-hour period provides an allowance for the difference in day and night noise levels. Mr. Weeks also pointed out that the noise level is a projected figure for the year 2005.

(1-3365.5) Mr. Weeks then explained the safety concerns, FAA's clear zone, the areas which had been acquired, and those which FAA recommended compatible use zones for approach and takeoffs. Documents used to support these zones were cited and included the Federal Air Installation's Compatible Use Zone Document, California, Oregon, and Florida's State planning documents, the Nevada State Airport System Plan, and the Airport Master Plan. He then noted the difference between the clear zone and the approach safety zone. The Langson property is included in the new clear zone which is to be adopted by the Authority in the near future. This change is required for instrument approaches which mandates a clear zone of 3/4 mile from the end of the runway. The terminology "runway protection zone" is now used and replaces "clear zone". His model had used the Air Installation Compatibility Use Zones manuals to determine the range of the "clear zone". Uses allowed in such zones should not attract large groups of individuals and only low density projects should be allowed. The accepted standard/recommendation was five to ten acres per dwelling unit. He then described the accident potential zone which utilized the National Transportation Safety Board's review of accident data 1993 criteria. This report indicates that 63 percent of all accidents occur on takeoff and 71 percent occur within five miles of the airport. Takeoff patterns in Carson City's prevailing winds are over the subject property in 95.5 percent of the time. He questioned the reasons for allowing development in an undeveloped area and the justification for increasing the liability when such a high risk is involved. The documents indicate that fifty percent of the "purple" area should be

retained as open areas to allow for forced and controlled emergency aircraft landings. He felt that agricultural zoning is the maximum acceptable zoning for the area. Prohibited uses within the "brown zone" were then noted. Construction over 45 feet in height should not be allowed on the property. This is not a factor in the request. He then summarized his statements including an explanation of the 1955 NDOT study of Nevada Aviation and land use. Its recommendations and guidelines were included in the packet and supported his reasons for recommending denial. He then explained the FAA grant application submitted in February 1996 and the amended in April 1996. The amendment was specifically for funding to purchase the Langson property. The grant was ultimately approved with \$562,500 specifically designated for acquisition of the site. A condition of this grant, however, requires Carson City to take appropriate action to restrict the use of land adjacent to or in the immediate vicinity of the airport to activities and purposes compatible with normal airport operations. Future funding would be jeopardized if there is a demonstrated disregard for compatible use planning. FAA has funding available for acquisition of property 5,000 feet from the end of the runway. Mr. Pfeifer's letter urging the Authority to acquire Mr. Langson's property and the threat to withdraw funding if development is allowed was cited. The letter from the Western Regional Representative for the Aircraft Owners and Pilots Association (AOPA) describing the threat to airports caused by surrounding development was noted to emphasize the need to prohibit encroachment. This letter also recommended against having mobile home parks and transient lodges in areas where airport noise levels exceed 65 Ldn. The Authority recommended denial of the request. A second AOPA letter cited several FAA studies to support its recommendation that mobile home parks and transient lodging be discouraged in areas where the noise level is 65 Ldn. The Airport Land Use Master Plan indicates the property will be under this level by 2005. Mr. Pfeifer's November letter was cited to emphasize the need to restrict land uses in this area, that Carson City's present zoning is inappropriate, and that as a last resort an aviation easement should be required. He felt that it was obvious to both himself and the Airport Authority that the request should be denied. Discussion between Mr. Weeks and the Commission indicated that 95 percent of the takeoffs go west, which is over the subject property. The critical time for aircrafts occur during takeoff. Instrument equipment will be acquired in the near future. This equipment has increased the clear zone. Reasons for this increase were noted. Mr. Weeks also explained reasons for feeling that the Commission should maintain the vacant status of the property rather than force the Authority to have to condemn the site when acquisition occurs.

(2-0228.5) Mr. Forsberg responded to Commissioner Christianson's question by explaining the Commission's purview over the land use and compatibility issues related to the property. The Commission was not to consider the issues related to protection of the Airport. These procedures are currently being analyzed, i.e., the FAA grant. The Airport protection issues related to development will be addressed in a separate forum. Mr. Weeks explained that the grant considerations are significant only when the FAA thoughts are considered. FAA has grant funding for acquiring the property based on its "thinking" that the land is incompatible with the Airport. Mr. Forsberg pointed out that FAA had granted the funding for acquiring the property. The Authority had determined that the development of the land is not compatible with the Airport. This is not a consideration for the Commission.

(1-0288.5) Public testimony was solicited. Mr. Mabray expressed the neighborhood's opposition to the project due to the feeling that it is not good for the area. (Commissioner Pozzi stepped from the room during his comments--9:05 p.m. A quorum was still present.) Their concerns were related to the traffic volume, noise, and speed; the pedestrian and residential safety which included the children playing in the streets, the bicyclists, and school bus riders; the impact of the project on the quiet residential neighborhood; and the drainage. The streets are only 24 feet wide. Autos and trucks pulling trailers will have difficulty maneuvering on the streets. He then emphasized that the map indicates there is an existing campground on the site now, however, the property is vacant and undeveloped. Additional public comments were solicited but none given.

(1-0345.5) Mr. Heaton indicated the property owners' concerns will be addressed with the alternate access from Hot Springs Road or Arrowhead. This access will be phased into the development as indicated by Ms. Dotson. Mark and Holly Ways will only be used as emergency accesses. (Commissioner Pozzi returned during his comments--9:08 p.m. A quorum was present as indicated although Chairperson Rogers was absent as noted.) The campground is a primary permitted use and will be on the western perimeter of the property and abutting the SF1A property. Its development will commence shortly. FAA has not "mandated" the purchase of the property. FAA has not found that there are significant safety concerns mandating the purchase. FAA does not consider the property to be a significant concern necessitating its acquisition. There would always be a safety concern related to the development of the property. The Airport Authority will never allow development of the property for any

use. The Commission's duty is to balance the property owner's rights against the Authority's desire for the property to remain vacant. If the property is a public safety concern, FAA should provide the funding for its acquisition. He did not feel that it is a compatibility issue with the Authority. Other primary permitted uses allowed under the zoning were cited and would allow public access and use of the property. He felt that this was the last opportunity for the owner to develop the property. Discussion between Mr. Heaton and Commissioner Christianson noted the property had been zoned Tourist Commercial for 33 years. It had been approved in the 1980s for a Mobile Home Park. There had not been input from the FAA on that use at that time. Mr. Heaton emphasized that the FAA was not the driving force behind the concerns. It is the Authority. FAA had allocated the funding pursuit to the Authority's application. The Authority does not want the property developed. He supported Mr. Forsberg's comments that this issue should not be considered in the deliberations.

Commissioner Uhart then expressed her feeling that the plan was innovative and addresses the concern. She was, however, concerned about the ingress/egress from Mark and Holly Ways. She pointed out that an access over public land may not be obtainable. She agreed that it may not be safe to have people on the site, however, the property owner also has rights which are a concern. The cost to acquire the RV park may be less than that required for a subdivision. Unless an answer could be provided regarding the alternate access, she could not support the project. She requested creative ideas on this issue.

Commissioner Mally questioned whether the adjacent property owner was a relative and if it is possible to obtain an access easement from this individual.

(2-0510.5) Commissioner Christianson acknowledged the residential concerns related to the increased traffic. He requested a stipulation on the time schedule for obtaining an access from either Hot Springs or Arrowhead. This would establish a deadline for the anguish and pain created by the use on the residential neighborhood. He then noted his original opposition to the mobile home park proposed in the 1980s. The Commission should not wait for the FAA and Authority to approve the funding for the acquisition of the property. The Commission should give the property owner the right to develop the site. If money is found for acquisition of the site at some future date, the site will have been "flattened out" which will not have materialistically enhanced the purchase price. He also noted that Goni Road is being straightened out which moves it closer to the end of the runway. He questioned the safety of this move.

Vice Chairperson Horton expressed his support for both Commissioners Uhart and Christianson's comments. He felt the findings for approval were valid, however, he questioned having access through the quiet residential streets. He questioned whether the applicant had any mitigating measures to offer which would satisfy the concerns.

(2-0555.5) Mr. Heaton proposed that the alternate access from Hot Springs Road or Arrowhead be obtained within one year after obtaining the first building permit in the RV park. This should provide adequate time to negotiate with the public entity or the private property owner as the first building permit would not be in the works for some time. Mr. Heaton indicated in response to Vice Chairperson Horton's question that this is a stipulation.

Commissioner Wipfli indicated his support for the previous Commissioners' comments, however, the residential neighborhood on the west should be protected from the major construction vehicles. He would have grave reservations about the project if this is not addressed from "day one". The construction part of the project would be just as damaging to the children on the narrow streets. Commissioner Uhart questioned whether it would be possible to obtain a temporary easement for the "dirt movers" from Hot Springs Road. Mr. Heaton was not sure. It may be possible, however, BLM may not have a problem with the request. It will take time to work through the BLM process. Commissioner Mally noted his mention of the Langson property to the south as a potential access route. Mr. Heaton requested a five minute recess.

BREAK: A six minute recess was declared at 9:22 p.m. When the meeting reconvened at 9:28 p.m., a quorum was present although Chairperson Rogers was absent as indicated.

Mr. Heaton indicated that they were prepared to agree that there would be no construction vehicles or traffic relative to construction within the RV Park coming in from the residential neighborhood. We will acquire a

temporary easement/rights-of-way from either Hot Springs or Arrowhead. We still wanted one year from the date of the first permit to obtain the permanent right-of-way. Vice Chairperson Horton noted the stipulation and asked Mr. Mabray for comments. Mr. Mabray noted that the access route from Arrowhead would require Mr. Langson to work with the Airport Authority as BLM is in the process of transferring the property to the Authority. He did not feel that this property was available for an access. He felt that the Hot Springs property belonged to Mr. Langson's brother and an access may be possible. He reiterated the desire to address the access problem from the beginning including during construction. Vice Chairperson Horton repeated the stipulation as being that no construction equipment and/or vehicles will be on the private streets. The fact that this may require the applicant to deal with the Airport Authority, BLM or whomever is irrelevant. The applicant's representative had also stipulated that a permanent access for the park will be negotiated and be in place within a period of one year from the issuance of the building permit. How the applicant accomplishes this, really is of little concern to the Commission. The stipulation will not allow the applicant to bring this traffic onto the residential streets.

(2-665.5) Commissioner Christianson then moved to approve U-96/97-22, a special use permit to allow an 111-unit recreational vehicle park on property zoned Tourist Commercial located at the present terminus of Holly and Mark Ways, a 13 acre portion of APN 8-123-08, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. When a second was not made, Vice Chairperson Horton ruled the motion had died for lack of a second.

(2-0681.5) Commissioner Mally moved that the Regional Planning Commission move to deny U-96/97-22, a special use permit to allow an 111 unit recreational vehicle park on property zoned Tourist Commercial located at the present terminus of Holly and Mark Way, a 13 acre portion of APN 8-123-08, based on six finding as outlined in the staff report. Commissioner Pozzi seconded the motion. Vice Chairperson Horton noted this staff report is dated November 6 and had been distributed to the Commission today. Commissioner Uhart explained her reluctance to vote for the motion. She felt that it was a viable alternative which could be discussed. She was concerned about the access/egress for 12 months. She questioned whether this issue had been addressed. This was the reason she had not seconded the motion. She questioned why the heavy construction equipment and anything having to do with the development of the project could not come into the site by using the residential streets but the residential streets would be the temporary access for the park itself for the recreational vehicles. Mr. Heaton responded, "Right. Our stipulation is that there would be no construction equipment coming in through the residential area in connection with any construction associated with the RV park. We would then have in place within a period of one year the permanent access to the park. Now, during that interim period, that one year, the access to the park would still be off Holly Way and, again, all I'm telling you is that, it's not that we are trying to buy ourselves a year, we need that period of time, in my opinion, to make sure that we have adequate opportunity to put in place that permanent easement. I think we are trying to accommodate the residential concerns by agreeing that there will be no construction equipment. So, none of that equipment or noise associated with that would be coming in through the residential area. I cannot tell you how many pads will be in place over the course of that 12 months. We certainly don't want to see this, the 12 months, be the basis for a denial. If you can give me some more guidance on that, maybe we can try to accommodate something else. I don't think that we can accommodate from day one having a permanent easement in place because that is going to take us at least a year." Commissioner Uhart requested comments from Public Works. Vice Chairperson Horton requested the discussion remain on the motion as indicated and that discussion not include a second motion. Commissioner Christianson expressed his feeling that the Commission had reached a consensus about the motion. He questioned what had been read into the original motion with which everyone disagreed. Vice Chairperson Horton reiterated his statement that the present motion should be handled before a second is made. The motion to deny the project based on the findings provided in staff's November 6th memo was voted by roll call with the following result: Wipfli - No; Christianson - No; Pozzi - Aye; Uhart - No; Mally - Aye; and Vice Chairperson Horton - No. Motion failed on a 4-2 vote. (Chairperson Rogers was absent.)

(2-0750.5) Commissioner Christianson then moved that the Commission move to approve U-96/97-22, a special use permit to allow an 111-unit recreational vehicle park on property zoned Tourist Commercial located at the present terminus of Holly and Mark Ways, a 13 acre portion of APN 8-123-08, based on seven findings and subject to nine conditions of approval, which he would state, as 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, Condition No. 9 would be that there be no construction equipment access to this property from Mark or Holly Ways, that within one year of the first building permit being issued that there be a permanent entrance to the property from either Hot Springs Road or Arrowhead, whatever way they can find. When a second was not made to this motion, Vice Chairperson Horton noted that a second is required to discuss/change the motion. As one had not been made, he ruled the motion had died.

(2-0791.5) Mr. Forsberg suggested the Commission discuss the application and not continue to make unsuccessful motions. Commissioner Christianson also noted that the record of Commission concerns is necessary for the Board of Supervisors' consideration. Commissioner Mally then explained his concern was related to the potential that construction employees would use the residential streets to access the site. Comments felt that this issue could be resolved. Commissioner Pozzi also pointed out that public testimony had been closed. Vice Chairperson Horton requested comments be directed to the Chair so that control could be maintained. Commissioner Wipfli expressed his desire to have a permanent access into the project at the very beginning of the project. The impact created by the huge 111 unit park was sited to support his concern. This had been his problem with Commissioner Christianson's motion. Commissioner Christianson requested he modify Condition 9. Commissioner Wipfli explained that if the access is allowed for six months, the applicant may request it be made permanent and be willing to make any improvements necessary to accomplish this. He felt that the stipulation had been vague. Commissioner Christianson reiterated his request that Condition 9 be rewritten and urged Mr. Heaton to participate in its rewriting. Mr. Joiner suggested Condition 9 be that there be no construction equipment on the residential streets period and that within one year there be a permanent access off of Hot Springs or Arrowhead. Again, no access from the residential streets. Another amendment could be that at no time whatsoever either during or after construction would there be access to this property from the residential streets. Commissioner Christianson then revised Condition No. 9 to read that no construction equipment, trucks, or any type of vehicle be allowed into the proposed site from the residential area to the west of the property, that being mainly Holly and Mark Ways, and that, to that end, there be barricades placed so that no one can drive through there and that within one year of the first building permit being issued that there be a permanent access to the property from either Arrowhead or Hot Springs Road. Discussion noted that there would be RVs using the access for one year and that the campground, which is not part of this application, would have access from Holly and Mark Ways. Mr. Givlin explained that the traffic study had not been completed and expressed his concerns about creating Conditions without it. He indicated that the project is not compatible with the adjacent single family uses. Commissioner Uhart noted that the Commission would be approving the project without having a definite answer for the different access. Mr. Givlin explained that the traffic study would answer the issues regarding the impact and mitigation requirements. The project engineer had provided a report which the Department felt was inadequate and incomplete. He recommended that it be completed before a final plan of action be determined. Mr. Heaton then indicated that the application would withdraw the one year stipulation and stipulated that an access would be from either Hot Springs or Arrowhead for all uses. Vice Chairperson Horton thanked him for his stipulation.

(2-0905.5) Commissioner Christianson then moved to approve U-96/97-22, a special use permit to allow an 111 unit Recreational Vehicle Park on property zoned Tourist Commercial located at the present terminus of Holly and Mark Ways, a portion of APN 8-123-08, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Uhart seconded the motion. Motion was voted and carried 4-2-0-1 with Commissioners Pozzi and Mally voting Naye and Chairperson Rogers absent.

Mr. Guzman briefly defined the appeal process and indicated that if such an appeal is determined to be adequate, it would be scheduled for Board of Supervisors consideration.

G-2. Z-96/97-2 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM JOHN UHART (2-0935.5) - Principal Planner Joiner, Bruce Langson, Peggy Kearns, Virginia Orcutt, Don Langson, Vaughn Smith, Vicki Dunmore - Commissioner Uhart declared a conflict of interest and left the meeting--9:50 p.m. (A quorum was still present although Chairperson Rogers was also absent as indicated previously.) Mr. Joiner briefly reviewed the staff report and read Randolph and Peggy Kearns' letter of opposition into the record. Bruce Langson indicated he had read the staff report and agreed to it.

(2-1110.5) Public testimony was solicited. Ms. Kearns acknowledged that her letter had been read into the record. She then explained her concern about the lack of control over the final project, specifically, if the change of land use is approved and the property is sold. There had not been a problem with the nursing home. She felt that the area contained a smorgasbord of zoning which would be exacerbated by approving the request. Ms. Orcutt felt that the zoning line would be extended once the change is approved. This would result in the area becoming one large apartment complex. She supported the nursing home but would not support the apartments. Don Langson felt that multi-family zoning was an appropriate buffer between his tourist commercial district and the single family district. Mr. Smith felt that additional apartments in the area would be bad for the neighborhood. They would cause deterioration of the neighborhood and develop substandard housing. His personal knowledge about substandard housing and lack of management control over the number of tenants allowed per unit was explained to support his contention. High quality, high class apartments are not constructed adjacent to a freeway. An appropriate buffer between the Single Family One Acre and the Tourist Commercial area is Single Family 6,000. The area already had more than an adequate number of apartments. Continued expansion of this district would create a negative impact on his Single Family One Acre lot. The electorate's support for the Open Space Tax Initiative was also cited to support his contention that the project should be denied. Ms. Dunmore expressed her concern that the project would negatively impact the property value of her home, which is across the street, and "dash our dreams".

(2-1358.5) Bruce Langson explained that the previous Master Plan land use element had designated his property as commercial. He had felt that this was not a compatible use due to the adjacent single family residential district. Therefore, he had requested a multi-family designation. The freeway would abut his northern boundary. His property would not impact Mr. Smith's either now or in the future, however, the freeway would impact the entire area.

Commissioner Wipfli iterated his reasons for supporting the nursing home and his concerns with the front two parcels. As the multi-family zoning would allow more density, he felt that the ultimate project should be explained prior to granting his approval on the change of land use request. He suggested a low density multi-family project be used as a transition to the single family residential district. He could not approve a request for multi-family zoning with an unknown density. The neighborhood concerns were genuine and should be supported.

Commissioner Wipfli then moved to deny and to recommend that the Board of Supervisors deny, Z-96/97-2, a request to change the land use from J.W.B. Development, Bruce Langson, on Parcel 8-123-16, located on the east side of Emerson Way approximately 200 feet north of East College Parkway from Single Family 6,000 to Multi-Family Apartment based on the findings. Discussion indicated Commissioner Wipfli's comments were his findings. Commissioner Mally seconded the motion. Motion carried 5-0-1-1 with Commissioner Uhart abstaining and Chairperson Rogers absent. Mr. Joiner briefly explained the appeal process and indicated the Board of Supervisors would consider the request.

G-4. U-96/97-21 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM SEAN SEVER (2-1479.5) - Principal Planner Joiner, Pinion Plaza Chief Financial Officer Steve Bilyeu and Marketing Manager Sean Sever - Commissioner Wipfli stepped from the room--10:20 p.m.--and returned--10:22 p.m.--during Mr. Joiner's review of his staff report. (A quorum was present the entire time.) Discussion indicated Condition 7 was proposed only for this sales activity. Mr. Bilyeu introduced Mr. Sever and explained his request to have special events marketing the Plaza. Examples of the activities proposed were provided. He expressed a willingness to accept any conditions/stipulations established by the Commission and staff. Vice Chairperson Horton noted Mr. Joiner's recommended handling procedures for the "social events" and "sales events". Sales activities would be considered by the Commission. The social events could be handled administratively by staff. The auto sales event is scheduled for November 22, 23, and 24. Discussion ensued on the special use permit procedures, the need for a standardized site plan for such activities, and the need for the Commission to review all sale event requests until such time as the Code can be amended. Clarification indicated that social events which have vendors as an incidental portion of the activity would not be considered as a retail sales event. Mr. Bilyeu indicated he understood the special use permit was for a one time event and reiterated his willingness to abide by the conditions as established. Vice Chairperson Horton explained that part of the reason

the permit would be valid for only the one event was based on the lack of information concerning future events and the need to amend the Code to handle such future events. Discussion noted that the Code amendments would be made in the future and a vote on this request would not automatically modify the Code. Commissioner Mally moved that the Regional Planning Commission move to approve U-96/97-21, a request from Sean Sever for a Special Use Permit to allow outdoor sales and special events on property zoned General Commercial located at 2171 Highway 50 East, APN 8-152-15, based on five findings and subject to 14 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 Pozzi seconded the motion. Motion carried 5-0-0-2.

G-3. M-96/97-7 - DISCUSSION AND POSSIBLE ACTION ON A POLICY REPORT ON OUTSIDE SALES (1-1452.5) (1-1729.5) - Principal Planner Joiner and Senior Planner Guzman - NOTE: A portion of the discussion related to this item occurred during the previous Item. Commissioner Christianson felt that the report had done a good job of representing the pros and cons. Comments made during the Growth Management Workshops were cited to support the impact sales taxes have on the City's General Fund. Commissioner Christianson urged support of any programs which would continue to enhance the sales tax revenue including automobile sales. He agreed that the program could create a traffic problem. Mr. Joiner explained that there are Statutes restricting the number of off-site car sales a dealer could have. He questioned whether there should be standards for the type and number of sales activities allowed in areas where more than adequate parking is provided. Should it be restricted to only in-town businesses? Is this legal? Discussion indicated this type of off-site auto sales activity is profitable. The sales activity could not be restricted to just automobiles. An appliance sale would be allowed if the change is approved. Vice Chairperson Horton supported encouraging the economic growth opportunities if control could be maintained over the impact on the community. Code compliance questions had been created by the proposal as it allows an expansion of sidewalk sales activities if there is a large parking lot or other space available. Could an establishment request an 120 day sidewalk sale under this program? Does this create an incentive for developers to provide more parking than necessary? Current landscaping requirements may also need to be analyzed. Patron parking needs still need to be adequate for the main business activity. Commissioner Christianson supported allowing sidewalk/asphalt sales and not restricting the activities. He did not feel that there would ever again be a time when a large lot is constructed without landscaping. Mr. Guzman explained the landscaping requirements for a proposed BLM project. The landscaper for this project had felt that it would difficult to meet the Code. Mr. Guzman had requested a proposal be submitted and discussion allowed to occur to analyze the proposed parking plan. Discussion indicated that under the proposed plan all sales events would be considered by the Commission. Mr. Joiner questioned whether there should be a number of events established per lot for a year. Could/Should more than one event occur on the same weekend? Commissioner Christianson felt that the community would indicate when there were too many activities occurring at the same time. Vice Chairperson Horton agreed. Commissioner Wipfli suggested car sales be considered under the Consent Agenda. Vice Chairperson Horton indicated that staff was willing to handle the process once the Commission establishes the guidelines. Mr. Joiner felt that each site should be considered once by the Commission with a number established for the year and that future approvals during that year should be handled by staff. Should this process be handled on a first come, first served basis if more than one request for the same weekend is made? Commissioner Christianson suggested an alternate date/rain check process be included in the program.

I. ADJOURNMENT (2-2110.5) - Commissioners Pozzi and Wipfli moved to adjourn. Commissioners Christianson and Mally seconded the motion. Motion carried unanimously. Vice Chairperson Horton adjourned the meeting at 10:50 p.m.

The Minutes of the November 6, 1996, Regional Planning Commission meeting

ARE SO APPROVED ON _____, 1997.

Vern Horton, Chairperson