

CARSON CITY REGIONAL PLANNING COMMISSION
Minutes from the December 4, 1996, Meeting
Page 1

A regularly scheduled session of the Carson City Regional Planning Commission was held on Wednesday, December 4, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

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

STAFF PRESENT: Community Development Director Walter Sullivan, Senior Planner Sandra Danforth, Senior Engineer John Givlin, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin
(R.P.C. 12/4/96 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 Rogers convened the meeting at 3:05 p.m. Roll call was taken. The entire Commission was present constituting a quorum. Chairperson Rogers led the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF MINUTES FOR OCTOBER 1, 1996, SPECIAL WORKSHOP AND SEPTEMBER 25, 1996, REGULAR MEETINGS (1-0034.5) - Discussion indicated the Commission was approving the Workshop Minutes as the Planning Commission only. Growth Management would consider the Minutes at another meeting. Commissioner Uhart moved to approve the two sets of Minutes as the Planning Commission for the Workshop and Regular Meetings as presented in the packet. Commissioner Mally seconded the motion. Motion carried 7-0.

D. MODIFICATIONS TO THE AGENDA (1-0060.5) - Item F-4 had been withdrawn by the applicant. Item G-2 is to be continued for one month at the Applicant's request. Item F-10 is scheduled for 5 p.m. and may take approximately one-and-a-half hours.

E. CONSENT AGENDA (1-0085.5)

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 THE STATE PUBLIC WORKS BOARD

E-3. U-93/94-68 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A SPECIAL USE PERMIT APPLICATION BY THE MARKETPLACE, SHIRLEY SNYDER

E-4. M-96/97-7 - DISCUSSION AND POSSIBLE ACTION ON A POLICY REPORT ON OUTDOOR SALES

E-5. M-96/97-12 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY FOR A SHOW CAUSE HEARING REGARDING VARIANCE V-81-30

E-6. U-96/97-11a - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RON KIPP

E-7. U-95/96-27a - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RON KIPP

E-8. U-96/97-10 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JOHN UHART

E-9. A-96/97-8 - DISCUSSION AND POSSIBLE ACTION FROM CARSON CITY TO AMEND CCMC 18.05.031

E-10. U-79-30 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CINDERLITE - Chairperson Rogers indicated Items E-6 and E-7 were pulled for discussion. Items E-1, E-5, E-8, and E-9 had been withdrawn. Items E-2 and E-4 had

requested a continuance. Commissioner Horton moved that the Regional Planning Commission approve the Consent Agenda Items E-1, E-2, E-3, E-4, E-5, E-8, E-9, and E-10 as presented in the agenda. Commissioner Wipfli seconded the motion. Clarification noted that the motion would approve the withdrawals. Motion carried 7-0.

E-6. (1-01122.5) - Community Development Director Walter Sullivan, Applicant's Representative Ron Kipp - Discussion between the staff and Commission explained that the use of a vehicle for advertising is against the Code. The sign is to be moved to the applicant's property. NDOT had not provided a written statement indicating its willingness to allow the signage. The signage on Koontz had not been approved. These signs are not a part of the requests. Mr. Sullivan was unsure whether the sign on Silver Sage and Koontz advertising South Pointe had been measured by staff. Signs are normally measured after the permit is requested. The sign at Silver Sage and Koontz was felt to be the only one which had been approved. Mr. Sullivan agreed to research the signage which had been discussed and are not part of the applications. (1-0219.5) Mr. Kipp indicated there had been two 4x8 signs approved under the Special Use Permit process for the Silver Sage and Koontz location. One of these signs had been removed and approval was being requested of the remaining sign. The plan is for a two-sided, two-faced, 8 foot high x 4 foot wide sign. One face would be turned toward Koontz Lane and one face would be turned toward Silver Sage. Discussion with Mr. Joiner had modified the sign to be one which would face the intersection. Once the landscaping is completed at the intersection, the impact will be cushioned. The post will not be visible. The truck is not at this time running although two different mechanics have been working on it for three days. It will be moved as soon as possible. He could not obtain NDOT's approval for the sign as the site is in a Federally Controlled Access Zone. There is a knoll approximately 280 feet west of the site which is on his property. This site will be used for the signage if approved. There are two signs at Lompa and Northridge. They are 4x8 and within the Code. Reasons for using this location were noted. He stipulated that the E-6 sign would be located on his property and not be in the NDOT right-of-way. Mr. Sullivan described the permit process which includes identification of the location. Chairperson Rogers expressed his concern about the placement of signs before being approved. Mr. Kipp explained his decision to have only one sign at Silver Sage and Koontz and the reasons he had installed the sign before the Commission had considered the application. He acknowledged the risk involved with this action. Chairperson Rogers defined his concerns about installation which have not been pre-approved. Mr. Kipp then explained that the second sign had been approved previously as part of the original application. He had removed a second sign which had been located at Koontz and Silver Sage. This sign had also been approved as part of the original application. He indicated a willingness to remove another sign which Chairperson Rogers had felt was non-conforming. Chairperson Rogers felt that if the corner sign is approved, this sign would be unnecessary. Public comments were solicited but none given. Commissioner Mally moved that the Planning Commission approve U-96/97-11a, an amendment of a previously approved special use permit to allow an 8x12 double sided sign identifying the Northridge Subdivision based on the original findings and conditions of approval and with the following added condition: 1. The approval of this sign relates to the overall special use permit approval for the model home complex granted with the special use permit U-96/97-11 and is, therefore, subject to the time limitations of that special use permit; the sign must be located west of the Nevada Department of Transportation right-of-way within a portion of APN 2-101-66. Commissioner Uhart seconded the motion. Motion carried 7-0.

E-7. Community Development Director Sullivan revised staff's recommendation to be for one free standing sign and not two as written. Commissioner Mally moved to approve U-95/96-27a, a special use permit amendment in order to allow one free standing, double sided sign advertising the South Pointe Subdivision, not to exceed 8x12 in size each and no portable freestanding signs shall be permitted in conjunction with the model home, and subject to the previous findings and conditions of approval of U-95/96-27 and with the knowledge that any acknowledgements to the Commission/Board by the applicant may be considered as further conditions of approval on the special use permit. Commissioner Uhart seconded the motion. Motion carried 7-0.

F. PUBLIC HEARING

F-1. U-96/97-26 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MIKE BELL AND ED WENINGER; F-2. U-96/97-4 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MICHAEL BELL AND ED

WENINGER; AND, F-3. V-96/97-2 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM MICHAEL BELL AND ED WENINGER (1-0372.) - Senior Planner Sandra Danforth, Ed Weninger, and Wes Allan - Discussion between staff and the Commission pointed out the height of the units and the maximum allowed by Code. The applicant had indicated the height would be nine feet. Staff also requested the applicant extend the block further north to deflect any traffic lights. The applicant had agreed to remove any of the neighbors' fences if so desired by the property owner(s). Mrs. Danforth indicated she would verify the color tones. The residents had been sent a copy of the agenda and had not responded to staff about the project. Mr. Weninger indicated he had read the staff report. His concern with Condition 8 requiring installation of an opaque perimeter wall and fencing prior to construction of the storage units may not be possible if a "tilt-up" masonry wall is used. If a "split face" block wall is constructed, it could be installed before the slabs are poured. Chairperson Rogers indicated that as long as the fence meets the requirement, an adjustment could be provided. Mr. Weninger indicated that the nine foot height restriction would be the height of the eaves. The pitch may make the building 9 foot 6 inches. The material used to construct "tilt-up" walls was described. The finish will be similar to "Dura-Bond's building". It will be masonry in appearance with a decorated brick finish. It is not a solid wall. The neighbors had signed a petition of support. Changes requested by the neighbors were included. Commissioner Uhart commended him on his efforts to work with his neighbors. (1-0588.5) Public comments were solicited. Mr. Allan noted that the masonry wall would be the "back wall of the storage units". He questioned how the runoff would be handled so that it would not create a problem for him in his backyard. Mr. Weninger indicated that all of the roofs of the units abutting the fence would slope so the runoff would fall on Mr. Weninger's property. None would fall on the neighbors. Additional public comments were solicited but none given. Commissioner Uhart moved to approve U-96/97-4, a special use permit to allow a mini-storage/retail/office complex as a conditional use in the Neighborhood Business District, located at 1501 East Fifth Street, APN 4-021-08, based on seven findings and subject to 21 conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Christianson seconded the motion. Following discussion of Condition 8, Commissioner Uhart amended her motion to include modifying Condition 8 to add the word "walls" at the end of "construction of the storage unit". Commissioner Christianson continued his second. The motion carried 7-0.

Commissioner Uhart moved to approve U-96/97-26, a special use permit to allow a single family residence in the Neighborhood Business District, located at 1501 East Fifth Street, APN 4-021-08, based on seven findings and subject to 21 conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Christianson seconded the motion. Motion carried 7-0. Clarification indicated Condition 8 was to have been amended as indicated by the previous action. Commissioner Uhart then moved to amend Condition No. 8 to insert the word "walls" so as to state that the Condition will read: The opaque perimeter wall and fencing shall be in place prior to construction of the storage unit walls. Commissioner Christianson seconded the motion. Motion carried 7-0.

Commissioner Uhart moved to approve U-96/97-2, a variance request to approve a 30-foot side yard setback and a 30-foot rear yard setback variance in the Neighborhood Business District located at 1501 East Fifth Street, APN 4-021-08, based on five findings and subject to 21 conditions of approval with the change in Condition 8 to add the word "walls" after storage 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. Commissioner Christianson seconded the motion. Motion carried 7-0.

F-4. U-96/97-27 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JACK PERSHING (1-0695.5) - This item had been withdrawn by the applicant. Deputy District Attorney Forsberg indicated public testimony was not required. Commissioner Mally moved to withdraw U-96/97-27. Commissioner Uhart seconded the motion. Motion carried 7-0.

F-5. U-96/97-24 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MARTINA FUENTES (1-0706.5) - Associate Planner Tara Hullinger, Community

Development Director Walter Sullivan, Property Owner Dwight Millard - Discussion between the staff and the Commission indicated the restaurant would be approved to accommodate only the number of patrons allowed by Fire Code and questioned the adequacy of the one restroom and the parking area. Mr. Millard indicated he had read the report and that both the Pastor and restaurant owners were present. They had also read the staff report and basically agreed. The restaurant had been operating as a takeout service for six or eight months. The parking is adequate due to the different hours of operation. Public testimony was solicited but none given. Commissioner Mally moved that the Planning Commission approve U-96/97-24, a special use permit request from Primeria Iglesia Bautista, Stanton Park - property owner, to allow a church in a Neighborhood Business District located at 933 Woodside Drive, APN 10-445-02, 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, adding an additional condition, Condition No. 9 that this special use permit shall be subject to a 12 month review. Commissioner Wipfli seconded the motion. Discussion ensued on the reasons staff recommended Condition 6 restricting the Church's hours of operation. Chairperson Rogers recommended changing from Wednesday to "one night per week". This would allow the Church to have flexibility in its meeting date. Commissioner Mally amended his motion to modify Condition 6 to change Wednesday to one night per week. Clarification indicated the Church hours on Wednesday should be from 6 p.m. to 9 p.m. Commissioner Mally again amended his motion to modify Condition 6 to change the hours to 6 p.m. to 9 p.m. Commissioner Wipfli continued his second. Commissioner Uhart recommended the one night be changed to "a week night". Commissioner Mally again amended his motion to modify Condition 6 to be "a week night from 6 p.m. to 9 p.m." Commissioner Wipfli continued his second. Chairperson Rogers indicated Condition 6 was changed to read: "Hours of Service/Bible Study: Week Nights 6 p.m. to 8 p.m.; Sundays 9 a.m. to Noon and 6 p.m. to 8 p.m. Discussion noted that the hours were for the services only. The parishioners could remain after services. The motion as modified was voted and carried 7-0.

Ms. Hullinger clarified that the approval for the Church was conditioned to seven findings and eight conditions and the approval for the restaurant should be subject to seven findings and nine conditions. The ninth condition is the one year review of the special use permit. Chairperson Rogers agreed.

Commissioner Mally then moved that the Regional Planning Commission approve U-96/97-24, a special use permit request from Martina Fuentes, Stanton Park property owner, to allow a restaurant in a Neighborhood Business District located at 933 Woodside Drive, APN 10-445-02, based on seven findings and subject to ten conditions, the tenth condition to be "This special use permit shall be subject to a 12 month review.", 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 on this application. Commissioner Wipfli seconded the motion. Motion carried 7-0.

F-6. U-96/97-25 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JOHN AND SHERI HUDDER (1-1002.5) - Associate Planner Hullinger, Community Development Director Sullivan, Sheri Hudder, John Hudder, Georgean Sullivan, Jean Robinson, Roy Capelle - Ms. Hullinger gave the Commission a small map indicating the residents who supported and opposed the request. Discussion between the staff and Commission included an explanation of the number of individuals for and against the request, reasons for the zoning designation, and the lack of knowledge about the impact on property values created by the request. Mr. Sullivan suggested the property value issues be discussed during a special meeting/workshop in January/February. Commissioner Uhart had purportedly recommended using the sales price instead of the property value. Mr. and Mrs. Hudder indicated they had read the staff report and agreed with the "most of it". They wished to have seven or eight full-time children with two or three spaces open to handle drop-ins. It is to be a neighborhood based daycare. The clientele was explained. If the service to restricted to eight, the drop-in service could not be provided. There are seven children including their own children at the facility now. Traffic problems would be eliminated as the children live on Walker Drive. At the most, the one or two cars picking up or dropping off the children should not create a problem as they are from the neighborhood. The children's outdoor play time would be split so that no more than five will be outside at a time. The Health Department had approved the residence for three infants. They will not be outside. They were attempting to provide a service for infants and toddlers as this fits the neighborhood's need. Noise is a concern and efforts will

be made to control it. There will not be any lights or signs. The facility will not impact the property values. A second petition of support purportedly contained 30 names of individuals who resided in the neighborhood and not on Walker Street. Mrs. Hudder purportedly had eight letters of support including residents who do not have any children. These residents do not believe it will be a problem. She agreed to a one year review and to a compromise on the number by lowering it from 12 to eight full-time and two drop-ins. Both Mr. and Mrs. Hudder stipulated that seven of the children would be considered toddlers or over the age of two and three would be considered infants. Mrs. Hudder indicated that one child included in this count is hers. Chairperson Rogers explained his recommendation that it be a six month review rather than a one year review. Both Mr. and Mrs. Hudder agreed.

(1-1295.5) Public comments were solicited. Ms. Robinson indicated her support for the facility based on her personal experience. She did not feel that either the noise or property values would be a concern. She felt the facility enhanced the community. Mr. Capelle opposed the request based on his desire to maintain the residential neighborhood. The subdivision's CC&Rs opposed commercial operations. The facility is a commercial operation. The Hudders have two children. He urged the Commission to include the Hudders' two children in the total allowed number. Mr. Hudder explained that one daughter is not included in the count due to her age. Additional public testimony was solicited but none given. Mr. Hudder expounded on his daughter's age. Seven of the daycare children would be from the neighborhood.

Commissioner Uhart explained her support of the applicants. She felt the property value would not be impacted and described various items which do impact the property value. These items are subjective and individualistic. Children are part of a neighborhood. Facilities in neighborhoods support the family and community. She urged the Commission to establish a standard which utilizes the lot size and number of children. This would create consistency. She supported having neighborhood facilities rather than forcing individuals to drive across town to large centers unless they desire this type of facility. She also felt that there is a need for drop-in daycare services. Commissioner Christianson explained his opposition to neighborhood daycare facilities due to his feeling that the residents had purchased their homes expecting a certain type of environment. Commercial establishments, which a daycare is, create a different and negative environment on the residential environment. The distance required to travel for the service is invalid as there are already two operating facilities within approximately one-half mile. He, too, felt that the standard should be established, however, did not feel that he would vote to change it. He indicated he would vote against the request. Commissioner Wipfli explained his support for having small daycare centers in residential districts which provide for drop-off services. He indicated he would support the applicant. Chairperson Rogers noted several studies which had been given to the Commission several months ago as well as his personal study on the issue. It had never been proven anywhere that property values are impacted. There had never been any information convincing him that a neighborhood daycare facility is a commercial enterprise. He agreed that people are paid to provide the service, however, they are an extension of the neighborhood and families. He felt it was "kids". Kids belong in neighborhoods and among families. A commercial daycare center is a different operation. The neighborhood daycare is the atmosphere in which he wished to have his children. He urged the Commission to be consistent, as it had been in the past, to consider the impact on the neighbors and not the commercial aspects. Regulation of nuisances should occur. If it is not a nuisance, then the operators should have more latitude. He reasons for recommending a six month review would allow time to determine if there is a problem and allow the neighbors to address the situation. He recommended limiting the number of children to the three infants as stipulated and reducing the number to ten. Experience indicated that several previous approvals for eight children had encountered problems when older children are attending the facility. Discussion ensued on the number of drop-ins to which the Hudders had stipulated. Mrs. Hudder clarified her request as being to have two or three drop-ins and that the three infants be part of the full-time number. Chairperson Rogers explained that this would be difficult to enforce. He preferred having three infants and seven toddlers. The drop-ins would be controlled by the applicant. This would maximize the number at ten. Daily drop-ins could keep the number in attendance at ten. Commissioner Mally moved that the Planning Commission approve U-96/97-25, a special use permit request from Sheri Hudder, John and Sheri Hudder property owners, to allow a child care facility, accessory to a residence, for a maximum of ten children in a Single Family 21,000 PUD zoning district located at 1662 Walker Drive, APN 8-843-16, based on seven findings and subject to 11 conditions, modifying Condition 8 to read subject to a six month review, 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. Discussion ensued on Condition 6. Commissioner

Mally amended his motion to include modifying Condition 6 to be for ten children. Commissioner Uhart continued her second. Chairperson Rogers noted for the record that the applicant had stipulated that three of the ten would be infants under the age of two and seven would be toddlers or children over the age of two. He felt that the applicant could have more infants if so desired. Mrs. Hudder indicated that the Health Department would not allow more than three. The motion as amended was voted and carried 6-1 with Commissioner Christianson voting Naye.

F-7. U-96/97-30 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DOROTHY TIMIAN-PALMER (1-1596.5) - Senior Planner Juan Guzman, Utilities Director Dorothy Timian-Palmer - During Mr. Guzman's introduction, Commissioners Wipfli and Horton stepped from the room--4:45 p.m.--and returned--4:48 p.m. (A quorum was present the entire time.) Ms. Timian-Palmer had read the conditions and indicated she would comply. The engineer, Dave Merrill, was present to answer any technical questions. The facility would be landscaped. Public testimony was solicited but none given. Ms. Timian-Palmer indicated the landscaping would be irrigated. Commissioner Wipfli moved to approve U-96/97-30, a special use permit from Carson City Utilities Department, requesting the construction, operation, and maintenance of a sewage lift station facility located at 6877 Bigelow Drive, a portion of APN 10-281-46, property zoned Public, based on seven findings and subject to six conditions of approval contained in the staff report with the understanding that all acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 7-0.

F-8. U-96/97-29 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM TERRY TANNER (1-1715.5) - Senior Planner Guzman, Applicant's representative Carol Dotson, an adjacent property owner's representative John Hayes, Community Development Director Sullivan - Mr. Guzman clarified the staff report to indicate that there will be "footpaths" and not sidewalks. Reasons for requiring the site plan were explained as being to assist staff at some future date in determining the size of the mobile home which could be placed in the space as it will be clearly indicated on the plan. Discussion between the staff and the Commission indicated that the footpaths would be "hard" paved. The Public Works' requirements will mandate sidewalks along both Hot Springs Road and Northgate Lane. Chairperson Rogers pointed out that the map did not include this requirement. Ms. Dotson explained the project in depth including the plan amendments. (Commissioner Mally stepped from the room at 5 p.m. and returned at 5:05 p.m. A quorum was present the entire time.) She indicated the sidewalks would not be in the park but along Northgate and Hot Springs Roads. She introduced the owners and Project Engineer Glen Martel. Discussion between the Commission and Ms. Dotson indicated the detention area would remain in a "natural state with decomposed granite and gravel". Commissioner Uhart urged her to landscape the area. Ms. Dotson agreed to consider incorporating some trees and landscaping in the detention area. Ms. Dotson then explained that staff had indicated that there should be some trees in the setback area/buffer. The chainlink fence already on the site would remain. She felt that the chainlink fence abutted a wood fence. Commissioner Christianson suggested the trees be installed before the lots are developed. Ms. Dotson felt that the project would be phased over time, however, was unsure how long it would take to develop. There had been a lot of inquiries regarding the project. Commissioner Christianson expounded on his recommendation that the trees be planted first. This would give the trees a chance to grow and provide a buffer. Chairperson Rogers indicated that there was a concern about damaging the trees during construction and that the proposal would be discussed further later in the meeting.

(1-2091.5) Mr. Hayes explained his representation of a drilling firm who sometimes used the adjacent southern property to store and maintain equipment. This had not occurred for some time, however, the applicants and their tenants should be made aware of the use and the potential noise factors created by this usage. The company had requested the record indicate these factors so that an objection could not be voiced about the usage at a future date. Discussion indicated that the owner's drilling company had not used the site for approximately 15 years. United Air Tool had occupied the building for eight to ten years. The last business to use the building was DAVCO. This firm built generators for airplanes. There had not been a noise problem with these operations to Mr. Hayes' knowledge. Additional public comments were solicited but none given. Mr. Guzman explained that if this use had not been utilized for one year, it would be considered non-conforming and would no longer be allowed. Current uses would be allowed to continue. Expansions may require consideration by the Commission. Mr. Sullivan

indicated that an RFP will be advertised soon asking engineering firms to submit proposals on a noise ordinance. Chairperson Rogers expressed his concern about the potential expansion of the operation which created an increase in noise and its impact on the adjacent residents. He suggested a notice be given to the residents advising them of the adjacent commercial zoned area. Ms. Dotson explained that the current owners had only recently acquired the park. The park expansion had been adjacent to the residential neighbors and not on the side where the commercial property is located. This decision had been based on the concern about noise. Chairperson Rogers felt that Mr. Hayes comments had been in the interest of being a good neighbor and not as a complaint. Commissioner Wipfli suggested the motion include the landscaping and detention basin comments expressed by Commissioners Uhart and Christianson. Chairperson Rogers recommended revising Item d of the Conditions by adding "Landscaping of the detention areas will conform to other landscaped open spaces.". Commissioner Mally moved that the Planning Commission approve U-96/97-29, a special use permit for the expansion of a mobilehome park based on seven findings and subject to eight conditions of approval contained in the staff report with the amendment to 1. d. being: "landscaping of the detention areas shall conform to the other landscaping", 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 on this application. Commissioner Pozzi seconded the motion. Motion carried 7-0.

F-9. V-96/97-7 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM KEN HOLLMAN (1-2361.5) - Senior Planner Guzman, Micromanipulator Representative Ken Hollman, Doris Taylor, Sy Ryan, Albert Le Balch, Anna Hubert, Deputy District Attorney Forsberg - Mr. Hollman indicated he had read the staff report and understood the findings. He felt the issues were practicality and neighborhood relations. He felt the property had been acquired with the idea of expanding in the future. These plans had included the 1979 judicial ruling. His attorney felt that legal recourse should be pursued if the request is denied based upon this decision. He agreed that the building could be raised and meet the expansion needs. This would, however, be expensive. The conflict between his industrial operation and the residential neighborhood was explained. The single story and the two story design plans were displayed. He felt the single story expansion was more aesthetically appealing. He indicated that he had advised the neighbors of the proposal through the Commission's review process. He had not met with the neighbors. The communications over the years had been through "harassing phone calls without names" or "correspondence by attorneys". Commissioner Christianson explained that when meetings with the neighborhood occur, support is often obtained. He urged Mr. Hollman to consider this process. Mr. Wipfli indicated his feeling that it may be necessary for the firm to construct the second story when additional space is needed in one or two years. Mr. Hollman indicated that the plans do not include any further expansion on the site. Such an expansion would create a parking problem. Commissioner Wipfli expressed his feeling that the neighborhood concern was related to the feeling that the operation was a little heavier than light industrial as indicated by the zoning and due to the heavy traffic impact. Mr. Hollman explained his firm's operation. Reasons for rejecting the second story plan were also noted. A reduction in the expansion size would not provide adequate space to meet the firm's needs.

(1-2610.5) Ms. Taylor explained the history of the site since the time she had acquired her residential property. She urged the Commission to maintain the 50 foot setback buffer and one story facility. Mr. Ryan indicated the operation had commenced less than three years ago. He agreed that there is a neighbor relations problem. His wife's attempts to contact the firm about its activities had been to no avail. They had discovered the proposal as a result of staff's notification process. He questioned whether a second building met zoning codes. Additional expansion would create more noise, more traffic, and reduce his privacy. He urged the Commission to hold the line to what had been agreed to when the firm originally began operations. Discussion between Commissioner Christianson and Mr. Ryan indicated the firm had operated for many years at another site. Mr. Guzman explained an error in the staff report indicating the maximum height in the LI zone. The corrected maximum height restriction is 32 feet. A special use permit would be required for any increase. The applicant had indicated that the expansion could be made within 30 feet. Mr. Le Balch gave the Commission some photographs of the operation. (He took them back after the discussion.) These photographs purportedly represented the view from his backyard over the fence toward Micromanipulator. He then explained the neighborhood problems created by the outside compressor. Relocation of this compressor would further impact the neighborhood. The present parking lot lighting does not have a "shut-off" and glares out at the neighborhood all night long. His pictures also show a lack

of landscape maintenance. The 1979 court ruling mandating a landscaped 30 foot setback did not apply to the current facility, which has a 40 foot setback. The present Code mandates a 50 foot setback with landscaping. He felt that if the variance is granted, the expansion would require excavation which would place the building against his fence. Mr. Le Balch indicated that he had not been aware of the neighborhood's ability to complain about the lack of landscaping to the City. He then reiterated his reasons for feeling that by granting the variance the City would allow the expansion to abut his property. Ms. Hubert indicated the project would also abut her project and supported the complaints about the compressor's noise. Chairperson Rogers indicated staff would check into these issues. (1-2856.5) Additional public comments were solicited but none given.

(1-2862.5) Commissioner Uhart explained her opposition to the application due to the impact it would have on the residential area and desire to maintain the buffer and its setbacks. The expansion would exacerbate an already bad situation. She suggested a redwood fence be included in the plan. Discussion ensued between Commissioner Christianson and Mr. Forsberg on the court ruling. Mr. Forsberg did not feel that the court ruling guaranteed the applicant a 30 foot setback for all eternity. The ruling had been based upon the setback at the time and should be subject to any setback modifications implemented since that time. He had advised Mr. Guzman that the ruling should not prevent the City from maintaining a 50 foot setback. Commissioner Mally then moved that the Planning Commission deny V-96/97-7, the variance request from Ken Hollman on property zoned Limited Industrial, APN 8-681-24, based on five findings contained in the staff report. Commissioner Pozzi seconded the motion. Motion carried 7-0. Mr. Sullivan explained the appeal process. Mr. Hollman indicated they would not appeal but would construct the big wall.

BREAK: A seven minute recess was declared at 5:45 p.m. Chairperson Rogers reconvened the meeting at 5:52 p.m. The entire Commission was present constituting a quorum.

F-10. M-96/97-14 - DISCUSSION AND POSSIBLE ACTION ON THE HOUSING ELEMENT (1-2936.5) - Community Development Director Sullivan; Vasey Engineering Consultants Andy Burnham, Chris Cares, and David Becker - Chairperson Rogers began the discussion by explaining the technical committee's composition and expressing the feeling that it was a good representation of the community. He distributed an outline of the discussion held by the committee to the Commission and staff. (A copy is included in the file.) Mr. Burnham also felt that the technical committee had been successful and solicited comments from the Commission on the scope of work to be performed. Each task was explained. He felt the process should be completed by mid-April. Discussion on the impediments to affordable housing included supply and demand, "NIMBY", trade-offs for added amenities/quality of life options, need for education to emphasize that the density is not allowing more than a three percent growth rate, need to define "affordable housing", impacts created by having governmental offices in the community, the community wage base and the employment factors, (2-0105.5) the housing need for individuals who elect to not own their own homes, the housing issues/needs related to the elderly, lack of subsidized affordable apartment housing, and historical data sources. (1-3665.5) Commissioner Christianson requested the study include a comparison of wages for governmental, gaming, and manufacturing elements. This would provide a clear indication of who needs affordable housing and who would be helped with it. (2-0038.5) Commissioner Christianson expressed her concerns related to the use of historical data. Mr. Burnham indicated that some of the data is from 1990, 1992, 1993, and 1996. He agreed that the different collection dates can cause problems. Commissioner Uhart also expressed her concern about the "individuals who fall through the gaps due to an inability to qualify for the available housing at the established levels". She urged the establishment of more innovative methods of assistance for the different individual income brackets. Mr. Cares indicated that it would be possible to identify the different income spectrums and the problems related to each level. Commissioner Uhart explained a survey performed by the Journal which indicated one out of four homes is run by a two parent household. She was concerned about the void left for the other individuals. (2-0170.5) Mr. Sullivan explained a grant given to Carson City for affordable housing. He suggested using these funds for a facility near the Senior Citizens Center for elderly subsidized apartments. Alternatives to provide affordable housing units within a subdivision were noted as examples of how to provide the housing without placing a bad connotation on a specific home or area. Advantages to mixing the development were also cited. Mitigation measures to prohibit impacting the value of adjacent housing were also noted. "NIMBY" issues were reiterated. Mr. Sullivan explained that the last housing element had been performed in 1978 and the reasons for reconsidering this element. Chairperson Rogers explained the Growth Management review now underway and his reasons for feeling that the two elements

should work together to create a sustainable community.

BREAK: A dinner recess was taken at 6:40 p.m. When Chairperson Rogers reconvened the meeting at 7:35 p.m. Commissioners Mally and Christianson were absent. A quorum was present. Staff members present included Community Development Director Sullivan, Principal Planner Joiner, Deputy District Attorney Forsberg, Senior Planner Guzman, Senior Engineer Givlin, and Recording Secretary McLaughlin.

Mr. Cares reviewed the report in the Commission's packet. He emphasized the need for updated data sources. (Commissioner Mally arrived at 7:40 p.m. A quorum was present.) Discussion at the technical committee meeting had urged the Consultants to use the Master Plan figures rather than the State Demographer's projections for the high range. Mr. Becker indicated the "high range" had been based upon economic assumptions. His middle range followed the estimates established by the City. Mr. Sullivan indicated that the high range had not included the City's three percent growth rate. Mr. Cares pointed out that the City's Master Plan considers single family units and not multi-family apartment units. The population by age group parallels nationwide trends. This trend emphasized the potential for a different community profile within ten years. (Commissioner Christianson arrived at 7:45 p.m. The entire Commission was present constituting a quorum.) Chairperson Rogers noted that the trend indicated there would not be a lot of growth in the school population. Mr. Cares indicated that the School District would be involved in the study. He then continued his review of the report. Mr. Burnham noted the technical committee's request to include State and Federal income levels on the household income graph for a comparison. Chairperson Rogers suggested a comparison of age levels based on income/employment sources. Mr. Cares felt that this was possible and indicated that the committee had also recommended broadening the comparisons. Commissioner Horton suggested the cost-of-living also be included on the chart. Mr. Burnham suggested it compare the cost of housing. Commissioner Horton explained his reasons for feeling that the cost-of-living creates an impact on the ability to afford housing. Mr. Cares continued his review with Page 5. Chairperson Rogers suggested a chart delineating the income and age groups' status as related to the household ratios. He felt it would reflect that the older populations had more children than the younger brackets. This would project that the income levels for the older population will be lower in the future and that there would be a lack of support for this group. This would, in turn, indicate a lack of affordable housing for the group. This is the opposite of what is occurring today. Mr. Burnham indicated that the data used for this chart had been obtained in 1990 and expressed a desire to update the information. Chairperson Rogers pointed out that this would impact the community's ability to be sustainable. Discussion ensued on Page 7 regarding the housing units by type. Comments emphasized the committee's feeling that the mobile homes units were misleading/underestimated. Mr. Becker explained how he had arrived at this figure. Mr. Cares felt that the figure was high as compared with other communities although the discussion with the technical committee indicated it was low for the community. Issues related to mobile homes were noted. Mr. Cares also noted the committee's request to include definitions. Commissioner Uhart suggested the definitions include multi-family and single family attached be included in the definitions. Discussion noted the difference in the Master Plan's numbers and actual construction units for multi-family dwellings. These figures had been based on the number of building permits issued. Chairperson Rogers felt the difference in this figure had been created by the different ordinances in effect in 1990. Mr. Sullivan felt this change had been made in 1988. The Housing Unit Occupancy graph will be modified to simply its presentation. Commissioner Uhart questioned whether the owner occupied figures had included mobile home ownership. If so, then she questioned whether this figure had been inflated due to the lack of affordable housing. Chairperson Rogers felt that the percentage of mobiles should be compared to other available housing. He felt that if the number of overall mobile home units is lower, it may not impact the affordability question. Commissioner Uhart felt that it could be due to a lack of affordable housing in a specific price range which caused the mobile home units to increase. Mr. Cares indicate a desire to analyze the reasons the duplex values had fallen in 1992.

(2-0753.5) Mr. Cares then used overhead graphs to illustrate the decline in real estate market volumes. Commissioner Uhart felt that the Board of Realtors' information did not support these figures. Mr. Cares indicated they would research the Board's records. Mr. Cares then explained the graph on median single family sales prices. Commissioner Uhart indicated that the Lyon County figures were low. These figures are not from the Board of Realtors. Gardnerville's figures were felt to be worse than indicated. The figures may not include resales. She suggested the Assessor's figures be used for this purpose as it includes all sales. The cost per square foot, the cost of ownership versus renting, the definition of contract rental, the potential impact using 1990 census data had on the information, the need for a regional comparison and transportation patterns, the NDOT study conducted as part

of the Bypass need, the influx to Carson City during work hours, a 1996 comparison with other Counties median family incomes, resources included in the income comparison, the graph illustrating the number of households paying more than 30 percent of their income for housing and its comparison with other counties and cities, the ratio of households who are paying 50 percent of their income for housing, poverty percentage and its formula, the percentage of households which are overcrowded, and the graph on household profiles as compared with selected nearby jurisdictions were discussed. The committee had indicated that the maps illustrating the income per household, ownership, and attached housing units were difficult to read and had not truly reflected the actual information as it had been "averaged out". This information will be recharted. It was felt that it could be helpful in determining if there are pockets occurring which could present problems in the future. Commissioner Pozzi explained the UNR projections which indicated Carson City would reach its maximum buildout. The Consultants' projections indicated a population level of 90,000 would be reached by 2016. Commissioner Pozzi questioned where the land would be obtained to support this population. Mr. Sullivan explained that if the Master Plan Land Use Element is developed as indicated the population would be between 68 and 70,000. Infill and vacant parcels were noted. There is room to grow. The State demographer's figures had been based on a maximum growth rate without controls, a three percent growth rate, and a third alternative. The technical committee felt that his high range would not occur. Staff had included its estimates in the Master Plan Land Use element. The State demographer will be at the next meeting. Commissioner Mally pointed out that the infrastructure and resources would also control the growth rate. Mr. Burnham indicated that the Utilities population figures had included these issues in its development plans which is based on a three percent growth rate. Mr. Cares then referenced his housing assistance programs in Carson City report. (A copy is in the file.) Mr. Sullivan explained his reasons for setting the next affordable housing session for January 15. (Commissioner Mally stepped from the room--8:30 p.m. A quorum was still present.) Discussion set the time to commence at 6 p.m. Chairperson Rogers commended the Consultants on their efforts to provide so much material in such a short period. Mr. Burnham indicated they would provide the information for the 15th meeting as early as possible. Public comments were solicited. Chairperson Rogers also explained that public comments could be submitted to staff/Commission in writing. The public was welcomed to participate at all meetings. He felt that the total project would take approximately six months and urged the public to get its comments in early. (Commissioner Mally returned at 8:32 p.m. A quorum was still present.)

G. PUBLIC HEARINGS

G-1. MPE-95/96-3 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON CITY TO ADOPT A MASTER PLAN LAND USE ELEMENT--HISTORIC PROPERTIES MASTER PLAN ELEMENT (2-1265.5) - Principal Planner Joiner

- Revisions had been made since the Commission's last review in August. These revisions had included public, Historic Architectural Review Commission, and Parks and Recreation Commission input. Mr. Joiner thanked Mike Drews of the HARC and Nevada Department of Transportation Representative Hal Turner for their assistance. He recommended changing Page 24, Zoning to read: "An example could be to rezone from single family residential to a residential office use." Reasons for the recommendation were noted. A suggestion to document interior usage was explained and felt to be valid. Mr. Joiner recommended adding interior documentation to the documentation requirements when a structure is to be lost. This documentation could include "as built drawings". This could be added to the goals. Neither Consultant Karen Melby nor HARC Representative Mike Drews had comments. Public comments were solicited but none given. Commissioner Horton moved to recommend that the Board of Supervisors approve a resolution adopting the Carson City Historic Properties Master Plan Element as presented today with the changes as were recorded. Commissioner Pozzi seconded the motion. Motion carried 7-0.

G-2. AB-96/97-4 DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RAMOS FAMILY LTD. (2-0341.5) - Chairperson Rogers explained the continuance request. (2-1440.5) Community Development Director Sullivan, Patricia Moran-Stark, Betty Larsen - Mr. Sullivan explained the continuance request. Public testimony was solicited. Ms. Moran-Stark expressed her interest in any changes contemplated on Eighth Street. She indicated she understood the continuance request in response to Chairperson Rogers' question. She then expressed for the record her opposition to the request. She indicated she would attend the next meeting. Mr. Sullivan indicated that the applicant was aware of the staff's denial recommendation. Public Works has

indicated an option which would abandon the right-of-way behind the curb. The utility "switch box/transformer" will have to be discussed. Ms. Larsen expressed her opposition to the request as it may impact her business. She indicated that she had not received a notice regarding the application. Discussion indicated the property owner had received the notice and not the tenant/business owner. Ms. Larsen felt that another property owner--John Gavin--had not received a notice. Mr. Sullivan indicated he would check into this. Chairperson Rogers noted the news article concerning the proposal which would have notified the public about the request. He also indicated that if they cannot attend the next meeting, their comments would be on the record. Additional public comments were solicited but none given. Chairperson Rogers indicated the item would be reconsidered on January 8th. Commissioner Wipfli moved to continue AB 96/97-4 to the next scheduled meeting which will be January 8th. Commissioner Mally seconded the motion. Motion carried 7-0. Chairperson Rogers thanked the audience for its attendance and the speakers for their participation.

G-3. AB-96/97-5 - DISCUSSION AND POSSIBLE ACTION ON AN ABANDONMENT REQUEST FROM DWIGHT MILLARD AND HENRY THOMAS (1-1588.5) - Community Development Director Sullivan, Senior Engineer Givlin, Dwight Millard, Hank Thomas, Patricia Stark-Moran, Wylie Wilson, Betty Larsen, Deputy District Attorney Forsberg - Chairperson Rogers questioned whether the public would continue to use Plaza Street as a City street as designed. Mr. Sullivan agreed that the right-of-way would be abandoned but the ability to traverse from Ninth to Eighth Street would remain. Mr. Givlin indicated that the design as proposed may not be the best nor the final design. He clarified that Public Works does not have a concern with the request nor object to it. The Department had not had much of an opportunity to review the site plan. He recommended, if the Commission approves the request, that it condition the abandonment upon the project as presented. The project will determine the circulation needs. Functional changes could then be made to make the street work better. Chairperson Rogers suggested a compromise which would retain the public right-of-way and not eliminate the parking. This compromise reduced the road width, the eastern parking, and maintain the western parking. Mr. Givlin indicated that the design could not fit within the 66 foot right-of-way. Some of the parking would have to be on private property. He did not feel that the corridor was needed for circulation. Public parking would be lost to the benefit of private parking. Chairperson Rogers pointed out the opposition was based on the feeling that it would negatively impact the adjacent businesses.

Mr. Millard indicated he understood the business concerns. He clarified his request as being to abandon the right-of-way behind the curb on Eighth and Ninth Streets and to close all of Plaza. Reasons for feeling that the request should be granted were provided. He felt that all traffic is currently cutting through the parking lots at Third and Curry, at the Carson Station, etc. He was sure that the public would continue to do so here. When people cut through such lots, they are aware of it and drive accordingly. The area is a prime example of where the "super block" concept should be implemented. He also felt that the proprietors present this evening had adequate on-site parking to meet their business needs. The on-street parking is an "over-flow situation". He also felt that the parking lot would be used by more than the motel patrons. He briefly outlined his expansion plans. The abandonment request would provide for the parking mandated for the expansion. Mr. Thomas did not feel that it would create a problem if Plaza Street's width is reduced. The City would benefit from having the property on the tax roll. Dedicated streets in the downtown area are 66 feet wide. The curb-to-curb width is only 33 feet. He was requesting an abandonment of the 13 feet behind the curb. Mr. Millard explained his reluctance to tie the abandonment to the site plan which had been submitted, however, there may not be any other options open at this time. The project will include as many trees as possible. Commissioner Uhart pointed out that the plan did not include these trees. Mr. Millard expressed a willingness to bring the final plan back to the Commission for consideration, however, as the Commission had established standards, having to return would be an indication that the Commission failed to trust the developer to meet those standards. Staff would not allow the project to proceed without the standards. Mr. Sullivan indicated that as the project is within the Downtown Design District, the standards would be upheld. Mr. Millard then reiterated his reasons for feeling that the request would be beneficial to the City. Commissioner Pozzi pointed out the Legislators' need for additional parking and questioned the wisdom of giving away parking in this area. Mr. Millard acknowledged the Legislators' need to park on the street. He agreed to condition the request to not close the street for the parking lot until after the Legislature adjourns. He acknowledged that this could be a minimum of six months. Chairperson Rogers commended Mr. Millard on a similar remodel and expressed his feeling that the proposal would also be a good project. Mr. Millard indicated there will be a small meeting room in the expansion. Mr. Givlin questioned whether the City would maintain

liability for a parking lot. If it is truly a parking lot, it should be private property. Mr. Sullivan also pointed out the question of responsibility for snow removal and expressed his feeling that the applicant should be responsible for it. If it is private property, the City should not maintain liability. Mr. Givlin did not feel that the City needed the street for circulation. Commissioner Wipfli explained that the curb cut would indicate it is a parking lot and that the traffic would slow down. He recommended that the applicant provide screening to mitigate vehicular lights when parking in the lot. Mr. Millard indicated there had been several meetings with staff on the lot standards. The vehicles will park facing the building. If the vehicles face the street, staff will require a five foot screened fence. (Commissioner Horton stepped from the room at 9:15 p.m. A quorum was still present.) There is a ten foot setback from Carson Street which will be a ten foot landscaped buffer. Chairperson Rogers also suggested new light fixtures.

(2-2165.5) Public comments were solicited. Ms. Moran-Stark opposed the request. She had originally opposed the super block concept. Carson City should leave the streets as they are and stop closing them. Street closures create problems. Her employees and clientele park on the street as there is not adequate parking at her building. The City had granted her a parking waiver which allows her to use the street parking. This is the area the applicant wishes to close. The Legislature will need additional parking once the session convenes. Parking is then at a premium. She was not opposed to granting the eight feet. Her main objection was with the street closures. (Commissioner Horton returned during her comments--9:17 p.m. A quorum was still present.) Mr. Wilson voiced his opposition to the abandonment. If the abandonment on Eighth and Ninth Street is behind the curb, he questioned whether there will be a curb or if the new building abut the curb. Mr. Givlin and Chairperson Rogers indicated that there would still be a curb, gutter, and sidewalk. Mr. Wilson indicated he would not oppose that part if a sidewalk remains. He opposed the abandonment of Plaza as it will impact the traffic flow. Copeland Lumber uses Ninth and Plaza as well as Fall Street for parking large semis full of lumber. If the previous abandonment and these abandonments are granted, it will create a real traffic problem for the Fire Department. The fire trucks use Ninth Street to reach Carson. The motel expansion could be accomplished without the abandonments. He requested an opportunity to review the plans to determine the type of development proposed and whether it is two or three stories. Mr. Millard displayed a three story drawing of the building. Ms. Larsen indicated that the proposal abandonment would impact her parking and traffic flow. She asked if it would be possible for the area businesses to use the parking area? Mr. Millard indicated he didn't care. We have a motel on Nevada Street which shares its parking area with the Nevada Historical Society during the day. The proposed parking lot is bigger than required. The normal occupancy rate in Carson City is 50 to 55 percent. We will be good neighbors. We have not complained before. He did not think that they would in the future. The parking, as far as he was concerned, would be available for other people to use. Ms. Larsen indicated that she opposed the closure of Plaza but not the eight foot abandonment. Additional public comments were solicited but none given.

(2-2351.5) Commissioner Mally moved that the Planning Commission approve a motion to recommend that the Board of Supervisors approve AB-95/96-5 from Dwight Millard and Henry Thomas, to abandon a 170 foot long by eight foot wide portion of the public right-of-way located on the south side of Eighth Street between South Carson Street and South Plaza Street; a 170 foot long by eight foot wide portion of the public right-of-way located on the north side of Ninth Street between South Carson Street and South Plaza Street, and a 186 foot long by 66 foot wide portion of the public right-of-way located on South Plaza Street between Eighth Street and Ninth Street, based on two findings and subject to three conditions of approval contained in the staff report with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Christianson seconded the motion. Discussion indicated that Mr. Millard had stipulated that the surrounding businesses could use the parking area. Chairperson Rogers felt that Mr. Millard had indicated he would not restrict the surrounding neighbors' use of the parking area. He was unsure how this could be enforced. Chairperson Rogers indicated his opposition to the elimination of roads, however, based on Mr. Givlin's statements would not oppose the request. There are alternatives which would mitigate the impact in a better fashion. He had problems with the 66 foot widths. A reduction in the redevelopment or historic districts widths should be considered in a positive vein and good for the area rather than as a liability. He would vote in favor of the project, under protest, based on the fact that the City did not oppose the application. Commissioner Wipfli reiterated his request for screening as well as a more attractive design. Mr. Sullivan explained that the design could not be tied to the abandonment request. The issue which the Commission should consider is whether the public would be

damaged by the abandonment. Mr. Forsberg further explained that the Commission should not use the lack of a design as the basis for a decision. Design recommendations could be made to the developer. Mr. Givlin questioned whether the abandonment should be approved unless it is tied to a specific project. He questioned the reasons for requesting an abandonment if the project is not accomplished. He suggested that the abandonment be conditioned to prohibit recordation unless the project is undertaken. Chairperson Rogers felt that this could not be done. If the project is not developed and the owners wished to return the property to the City, it would have to be rededicated and accepted by the Board and Commission. Mr. Forsberg felt that the abandonment could be conditioned upon a project or time limit. Comments indicated that Mr. Millard would not commence construction/destruction of the street until he is ready to commence the project. Mr. Forsberg reiterated the findings required by staff to approve an abandonment--does it not materially damage traffic or the public in any way. If the abandonment is approved, the land will be transferred into private hands and maintained by them. The Commission should determine that the abandonment makes sense for the City under the circumstances presented. Conditions could be included in the abandonment. Chairperson Rogers indicated that the Commission was deciding whether the merits of development is good in the area as that Mr. Millard could construct an office building in this area. Commissioner Pozzi noted Mr. Millard's stipulation that the street would remain open until the Legislature leaves town. Sessions normally run from January to July 1. Mr. Forsberg indicated that the Board of Supervisors may condition the abandonment order and that the order would become effective upon fulfillment of the conditions. Therefore, any conditions applied to the abandonment must be accomplishable. Chairperson Rogers asked Commissioner Mally if he was willing to condition his motion to either specify a time when the road would be removed which would coincide with the construction of the expansion or that the construction would not begin until the Legislature is completed. Commissioner Mally felt that Mr. Millard had not indicated that he would hold construction. He felt he had indicated that he would not close off the road. He did not wish to amend the motion. **The motion to approve a recommendation that the Board of Supervisors approve AB-95/96-5 based on two findings and subject to three conditions of approval was voted and carried 7-0.**

G-4. A-96/97-9 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RICHARD STAUB TO AMEND CCMC 18.06.257; G-5. U-96/97-28 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RICHARD STAUB; AND, G-6. Z-96/97-3 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM RICHARD STAUB (2-2640.5) - Principal Planner Joiner, Richard Staub, Senior Engineer Givlin, Community Development Director Sullivan - Mr. Staub indicated he had read the staff report and supported staff's recommendation to change the land use from Downtown Commercial to Retail Commercial and the special use permit. Reasons he had submitted an application to amend the Code were noted. He felt that Enterprise Rent A Car was similar to a new car sales lot which is allowed in the Retail Commercial zoning district. Enterprise does not rent "junk". He would not sell any of the cars on the lot. They were all less than three years old. He suggested that the Code be amended to allow "new car auto rentals" as a primary permitted use in Retail Commercial district. He used a parcel map to explain the zoning and his plans for the site as well as all of the property he had acquired or was in the process of acquiring. Enterprise will be a "core" rental operation on the property although it may not remain in the old A&W structure. Enterprise has signed an eight year lease with an eight year option. Clarification indicated the chainlink fence will be removed as soon as escrow closes on the adjacent parcel. His problems with the requirement that the curbs and sidewalks be repaired were also noted. He agreed to bring it up to "liability proof" condition for Enterprise. The three elevations for the property increase the cost of the sidewalk/curb requirements. He agreed to Commissioner Uhart's suggestion that he would do all of the sidewalk and curb improvements at one time on all three parcels. Mr. Givlin expressed his feeling that the proposal had merit and indicated that a development agreement could be used in this instance. Mr. Sullivan supported leaving the condition as written and suggested the applicant follow-up with the City on a development agreement. Commissioner Uhart then explained her opposition to the Code modification request. Mr. Staub reiterated his request for wording allowing "new car rentals". He understood staff's concerns. Commissioner Christianson pointed out that once a car is driven, it is considered used. Clarification by Mr. Givlin indicated that any unnecessary curb cuts and broken curb or sidewalk areas will have to be replaced. Mr. Joiner emphasized that the only parcel under consideration by the Commission today is 4-055-04, the former A&W property. The other parcel would have to be rezoned at a future meeting. Clarification indicated that a maintenance facility would be considered as an accessory use to a new car sales operation. Used car sales are an accessory use to the new car sales operation. The difference between a rental car agency and new car sales is in the purpose statement

definition. If a dealer has ten new cars and a lot of used cars, it would be considered a use car lot and staff would oppose the operation. Accessory uses are less than the primary use. The Commission had previously approved a rental operation at a new car sales agency. Allowing the new car rental would open the door to challenges from the other rental agencies as the car is used once it is driven. Mr. Joiner noted Deputy Utilities Director Jay Ahrens letter regarding water and sewer connections, reclaimed water requirements, and concerns about the car wash operation. This is the reason for having a case-by-case review under the special use permit process rather than as an enforcement issue. Staff may have recommended approval if the request had been in an industrial district but could not when it is located in the core district. New car displays would be allowed if it is a sales lot. Enterprise wholesales its cars in Reno. Mr. Staub indicated that he would not dispute the contention that a new car becomes a used car once it is removed from the lot. He felt, however, that conditional language could be used to allow it to be a primary use. Mr. Joiner responded by explaining that there are several used car dealerships in the City which deal primarily in late model vehicles. This would open the door to allow sales of vehicles, for example, with less than 10,000 miles in the Retail Commercial district if a car rental agency is allowed to do so. Chairperson Rogers indicated his understanding of this concept. He had originally only considered the number of rental agencies asking to come into the City. Public comments were solicited but none given. Commissioner Uhart moved to approve a motion that the Board of Supervisors deny A-96/97-9, a request from Richard S. Staub to amend Carson City Municipal Code Section 18.06.257, to allow automobile rental companies as a primary permitted use within the Retail Commercial zoning district, based on four findings contained in the staff report. Commissioner Wipfli seconded the motion. Motion carried 7-0.

Commissioner Uhart moved to approve a motion to recommend to the Board of Supervisors the approval of Z-96/97-3, a request for a change of land use from Richard S. Staub, Pardini Investment Limited Partner property owner, on APN 4-055-04, located on the east side of Carson Street and the intersection of South Carson and East Tenth Street from Downtown Commercial to Retail Commercial based on findings as discussed in the staff report. Commissioner Wipfli seconded the motion. Motion carried 7-0.

Commissioner Uhart moved to approve U-96/97-28, a special use permit request from Richard S. Staub, property owner Pardini Investment Limited Partner, to allow an automobile rental agency on property zoned Retail Commercial based on three review standards, seven findings, and subject to nine conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant will be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Discussion ensued on whether to condition final approval on the design. Mr. Sullivan and Mr. Joiner explained that the Downtown Design Hearings Examiner would approve the final design. Commissioner Uhart did not feel that it was necessary to amend the motion. The motion to approve Special Use Permit U-96/97-28 was voted and carried 7-0. Mr. Joiner pointed out that if the building is redesigned, the use would be continued. The Commission would not consider the redesign.

G-7. U-95/96-9 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM J. S. DEVCO (2-0016.5) - Principal Planner Joiner - The applicant was not present. Discussion indicated the item is normally considered as part of the Consent Agenda. The applicant is not required to be present for those items. Public testimony was solicited but none given. Commissioner Mally moved that the Regional Planning Commission approve U-95/96-9 subject to the original conditions of approval. Commissioner Horton seconded the motion. Motion carried 7-0.

G-8. U-93/94-6 AND 6a - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF THE CONDITIONS OF APPROVAL AND OTHER MATTERS RELATED THERETO FOR THE KMART CORPORATION (3-0041.5) - Community Development Director Sullivan - The backflow devise will be relocated above ground on or after January 31. Discussion pointed out the wet area in the detention pond. Mr. Sullivan felt that it could be addressed in the spring. Kmart's letter was read. The applicant was not present. Public testimony was solicited but none given. Commissioner Christianson moved that the Commission approve the annual review for U-93/94-6 and 6a, Kmart Division, and that this be continued for the annual review. Commissioner Pozzi seconded the motion. Motion carried 7-0.

G-9. M-94/95-32 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON

CITY TO ESTABLISH STANDARDS FOR ARCHITECTURAL AND SITE DESIGN FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS (3-0175.5) - Principal Planner Joiner - Chairperson Rogers suggested these issues be made a part of the housing element and explained his reasons. Copies of the report had been sent to the Builders Association and its executive board. Chairperson Rogers also suggested that some of the guidelines be considered for motel/hotels. No formal action was taken. (3-0333.5) Commissioner Mally indicated that he had an item which he would give to Mr. Joiner later regarding open areas and play areas.

G-10. DISCUSSION AND POSSIBLE ACTION REGARDING CLARIFICATION OF ACTION ON V-82-8 (3-0262.5) - Community Development Director Sullivan - Public testimony was requested but none given. The applicant was aware of the proposal. Commissioner Christianson moved to approve a show cause hearing for revocation of V-82-8. Commissioner Uhart seconded the motion. Motion carried 7-0.

G-11. DISCUSSION AND POSSIBLE ACTION ON ELECTION OF CHAIRPERSON AND VICE CHAIRPERSON (3-0338.5) - Community Development Director Sullivan explained that the Planning Commission Chairperson had always been the Growth Management Chairperson; however, the Mayor is not the Redevelopment Authority Chairperson. Therefore, he felt, if so desired, it could be possible to have different Chairs for the Commissions. Commissioner Mally nominated Commissioner Rogers for another year as Chairperson due to his efforts and the diligence which he has put in chairing this Commission. Commissioner Pozzi seconded the nomination. Commissioner Uhart nominated Commissioner Horton. No other nominations were made. The vote was taken which resulted in three votes for Rogers--Commissioners Pozzi, Mally, and Rogers--and four votes for Horton--Wipfli, Uhart, Christianson, and Horton.

Commissioner Christianson then nominated Commissioner Rogers for Vice Chairperson. No other nominations were made and Commissioner Rogers was declared elected as Vice Chairperson. Mr. Sullivan congratulated the new officers. Chairperson Rogers passed the gavel to Chairperson Horton.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

H-1. CORRESPONDENCE TO THE COMMISSION (3-0398.5) - Mr. Sullivan noted the correspondence and urged the Commissioners to take advantage of two seminars.

H-2. STAFF BRIEFING ON STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (3-0422.5) - The Board's actions at its November 21 and items to be considered at the Board's December 5th meeting were noted.

H-3. COMMISSIONERS REPORTS (3-0445.5) - Commissioner Pozzi explained the Commission's actions to require removal of surplus vehicles/mobile homes in an area along the River by an October 31st deadline. Mr. Sullivan indicated that staff had looked into the situation and determined that all of the vehicles/mobile homes had been removed. The vehicles which had been left are operable. There is no limit on the number of operable vehicles which could be on site. Discussion also pointed out the need to establish a standard for childcare facilities in residential neighborhoods. Mr. Sullivan indicated that he would redistribute information on this issue. Various items which should be considered were noted. Commissioner Mally requested staff check a childcare center on Division. He was specifically concerned about the children who are crossing the street to get into the parents' vehicles. No formal action was taken.

H-4. STAFF COMMENTS AND H-5. FUTURE COMMISSION ITEMS (3-0666.5) - Mr. Sullivan urged the Commissioners to read the Urban Land Institute Magazine article on multi-family urban design standards he had given to them. (A copy was given to the Clerk.) He also commended his staff on their efforts to put the agenda together and ability to cover all of the other Commissions/Committees during his illness.

I. ADJOURNMENT - Commissioner Pozzi moved to adjourn. Commissioners Wipfli and Mally seconded the motion. Motion carried 7-0. Chairperson Horton adjourned the meeting at 11 p.m.

The Minutes of the December 12, 1996, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON ___February_26_, 1997.

