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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, September 30, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Commissioner Malkiat Dhami
Commissioner Steve Reynolds
Commissioner William Vance

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record. These materials are available for review, in the Clerk-Recorder's Office, during regular business hours.

A. CALL TO ORDER, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE (5:02:05) - Chairperson Kimbrough called the meeting to order at 5:02 p.m. Roll was called; a quorum was present. Commissioner Wendell was absent. Commissioner Vance arrived at 5:15 p.m. Vice Chairperson Mullet led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - August 26, 2009 (5:02:57) - Commissioner Reynolds moved approval of the minutes. Vice Chairperson Mullet seconded the motion. Motion carried 4-0.

C. MODIFICATION OF AGENDA (5:03:17) - None.

D. PUBLIC COMMENTS (5:03:28) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:04:11) - None.

F. DISCLOSURES (5:04:22) - None.

G. CONSENT AGENDA (5:04:34) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the consent agenda items for the benefit of the public. Chairperson Kimbrough entertained requests to hear items separate from the consent agenda and, when none were forthcoming, a motion. **Commissioner Reynolds moved approval of the consent agenda. Vice Chairperson Mullet seconded the motion. Motion carried 4-0.**

G-1. SUP-09-074 ACTION TO APPROVE A SPECIAL USE PERMIT REQUEST FROM DANIEL SCHULTE, OF YESCO MEDIA (PROPERTY OWNER: WESTERN STATES STORAGE c/o CAMBILL INVESTMENTS) TO RENEW AN EXISTING BILLBOARD, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 5853 SOUTH CARSON STREET, APN 009-304-06

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G-2(A) SUP-09-064 ACTION TO CONTINUE A SPECIAL USE PERMIT REQUEST FROM PEAK CONSULTING ENGINEERS (PROPERTY OWNER: LTD PARTNERSHIP MANAGEMENT SERVICES, LLC) TO DEVELOP HILLSIDE LOTS AS PART OF A TENTATIVE SUBDIVISION MAP WITHIN A DESIGNATED SKYLINE AREA, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), APN 007-092-12

G-2(B) VAR-09-065 ACTION TO CONTINUE A VARIANCE APPLICATION FROM PEAK CONSULTING ENGINEERS (PROPERTY OWNER: LTD PARTNERSHIP MANAGEMENT SERVICES, LLC) TO EXCEED THE 360-FOOT STANDARD DEPTH LIMIT ON LOTS AS PART OF A TENTATIVE SUBDIVISION MAP, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), APN 007-092-12

G-2(C) TSM-09-063 ACTION TO CONTINUE A TENTATIVE SUBDIVISION MAP APPLICATION FROM PEAK CONSULTING ENGINEERS (PROPERTY OWNER: LTD PARTNERSHIP MANAGEMENT SERVICES, LLC) FOR A SUBDIVISION KNOWN AS LAKEVIEW GATED ESTATES TO CREATE 15 SINGLE-FAMILY RESIDENTIAL LOTS AND ONE OPEN SPACE LOT ON 60.11 ACRES OF PROPERTY, ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED EAST OF THE TERMINUS OF BUCKSKIN ROAD, APN 007-092-12

H. PUBLIC HEARING MATTERS:

H-1. ACTION TO ADOPT A RESOLUTION RECOGNIZING AND COMMENDING CONNIE BISBEE FOR FOUR YEARS OF SERVICE ON THE CARSON CITY PLANNING COMMISSION (5:08:05) - Chairperson Kimbrough introduced this item, read the language of the resolution into the record, and entertained a motion to adopt it. **Commissioner Reynolds moved to adopt a resolution commending Commissioner Connie Bisbee for her four years of service. Vice Chairperson Mullet seconded the motion. Motion carried 4-0.**

H-2. SUP-09-011 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY PUBLIC WORKS (PROPERTY OWNER: STATE OF NEVADA) TO CONSTRUCT A NEW CARSON CITY WATER PRODUCTION WELL (#50), ON PROPERTY ZONED PUBLIC (P), LOCATED AT 7345 BIGELOW DRIVE, APN 010-281-46 (5:11:02) - Chairperson Kimbrough introduced this item. Ms. Pruitt reviewed the agenda report in conjunction with displayed slides. She provided an overview of e-mail correspondence from Jay Foremaster, copies of which were included in the agenda materials. She noted staff's recommendation of approval in consideration of the findings made by the applicant. She introduced Deputy Public Works Director Ken Arnold. In response to a question, Ms. Pruitt and Mr. Plemel provided additional clarification regarding the requirement for the special use permit. In response to a question, Mr. Benton explained the reduction in water connection fees as recently passed by ordinance. Mr. Arnold responded to questions regarding Mr. Foremaster's concerns. Discussion took place regarding the possibility of using an associated service road as a trail.

Mr. Arnold acknowledged agreement with the special use permit conditions of approval as outlined in the staff report. Chairperson Kimbrough entertained public comment and, when none was forthcoming, a motion. **Vice Chairperson Mullet moved to approve SUP-09-011, a special use permit application from Ken Arnold, Carson City Public Works (property owner: State of Nevada), to approve a**

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municipal production well and associated wellhead, bollards to protect the wellhead, equipment vault, transformer, and an antenna, on property zoned Public, subject to the conditions of approval and based on the findings contained in the staff report. Commissioner Vance seconded the motion. Motion carried 5-0.

H-3. SUP-09-075 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM COSTCO WHOLESALE FOR PERMANENT OUTSIDE SALES AND DISPLAY, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 700 OLD CLEAR CREEK ROAD, APN 009-32-14 (5:21:07) - Chairperson Kimbrough introduced this item. Mr. Plemel reviewed the agenda report in conjunction with displayed slides. He noted condition of approval 8, limiting outdoor display to the locations indicated on the submitted site plan. He noted staff's recommendation of approval based on the findings and subject to the conditions included in the staff report. Discussion took place regarding the vehicles which are regularly displayed to the left of the Costco main entrance, and Mr. Plemel noted that condition of approval 8 would cover outdoor display under the entire main entrance canopy. He acknowledged that outdoor display is permitted at The Home Depot as a conditional use.

Chairperson Kimbrough noted there was no Costco representative present in the meeting room. Mr. Plemel acknowledged that a copy of the staff report was provided to the applicant. Chairperson Kimbrough opened this item to public comment and, when none was forthcoming, entertained a motion. Commissioner Vance moved to approve SUP-09-075, a special use permit application to allow permanent outdoor display and sales of merchandise in the general commercial zoning district, located at 700 Old Clear Creek Road, APN 009-302-14, based on the findings and subject to the conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 5-0.

H-4. VAR-09-071 ACTION TO CONSIDER A VARIANCE APPLICATION FROM AURELIO ACEBEDO TO VARY THE REQUIRED SIDE-YARD SETBACK FOR A PATIO COVER, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 1050 GLACIER DRIVE, APN 010-432-18 (5:29:57) - Chairperson Kimbrough introduced this item. Ms. Pruitt reviewed the agenda report in conjunction with displayed photographs. She advised that Planning Division staff has worked with the property owner over the past year, after having been notified of the Building Division's issuance of a red tag. She further advised that the property owner was informed of staff's recommendation of denial of the subject variance. She noted the difficulty associated with the decision.

Chairperson Kimbrough noted that plans were drawn and a building permit application submitted after the structure was built. In response to a question, Ms. Pruitt explained that staff review begins upon submission of a building permit application. She further explained that the agenda materials are reflective of efforts to address the deficiencies. She reiterated that the applicant built the structure. The applicant has "been in contact with an engineer and has provided the plans, and those have been provided to the building division." Ms. Pruitt advised that the setback issues were the concern of the Planning Division. She advised that the variance application process is the method by which setback issues are usually addressed prior to construction. She acknowledged "everything is after the fact in this case." She further acknowledged the understanding that the structure is compliant with all other regulations, except for the setback requirements.

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Ms. Pruitt acknowledged that the purpose for the staggered setbacks, in the applicant's subdivision, was to ensure 12 feet between structures even though the property line is not centered in that setback. She advised that the Mountain Park subdivision also has staggered setbacks. She further advised that, at the time the parcel maps in the subject subdivision were approved, the Carson City Municipal Code specifically addressed staggered setbacks. In response to a question regarding subdivisions with "traditional setbacks," she acknowledged that ten feet would be "a normal spacing between residences ..."; five feet on each side. In response to a further question, she advised that 2 feet is the maximum an eave can encroach into a setback.

(5:41:29) Aurelio Acebedo acknowledged having made "a big mistake for not asking the right people." He advised of having "asked a few people," who informed him he did not need a building permit. He further advised of having built the structure himself, anticipating it would be no problem. He further advised of having saved the money for a period of two years to build the structure, and "everything went wrong." He requested the commission's approval of the variance application.

In response to a question, Mr. Acebedo expressed the belief that neither of his next-door neighbors had complained about the structure. Ms. Pruitt advised that the e-mail correspondence, included in the agenda materials, expressing opposition to the structure was received from the property owner directly across the street. Said property owner also owns a residence two houses from the subject residence. Chairperson Kimbrough discussed the difficulty associated with the decision. Based on the displayed slides, he recognized Mr. Acebedo's construction skills. In response to a question, Mr. Acebedo advised of having seen a similar structure in Virginia City which inspired him to build the subject structure. He acknowledged having built the trusses. In response to a further question, he advised that he works for Waste Management. In response to a further question, he advised that friends helped him with the engineering calculations for the trusses. Chairperson Kimbrough noted the wood beams used for the trusses were "way over spec," and expressed confusion over Mr. Acebedo's not knowing whom to ask about a building permit. Mr. Acebedo acknowledged he was unaware of the requirement for a building permit. He expressed understanding that he should have asked other people, and again acknowledged his mistake. In reference to his narrative included in the agenda materials, he acknowledged having understood that the structure would not require a building permit "if it was not attached to the house."

Commissioner Vance noted the requirement for the commission to make findings in order to grant the variance application. He further noted the "self-imposed hardship ... is just not a valid, legal reason." In response to a question, Ms. Pruitt advised of an "exception to the rule," pursuant to the Carson City Municipal Code, especially if the accessory structure is less than 400 square feet. In this case, due to the size of the accessory structure, the Carson City Municipal Code requires the setbacks to be the same as for the primary residence structure. Commissioner Reynolds expressed agreement with Commissioner Vance's and Chairperson Kimbrough's comments regarding the unfortunate situation in which the subject item places the commission. Vice Chairperson Mullet suggested possible modifications to the structure to "salvage this without having to take it all down." Mr. Acebedo explained that "everything is together. I can't cut it ..." He expressed concern over investing more money into the structure than he already had.

Chairperson Kimbrough entertained public comment and, when none was forthcoming, additional comments, questions, or a motion of the commissioners. Vice Chairperson Mullet inquired as to a method by which to modify the structure in order to avoid the applicant having to remove it. Ms. Pruitt expressed confidence that the structure could be modified, and recommended that the applicant meet with his

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engineer. Chairperson Kimbrough expressed regret over the situation, and discussed the commission's responsibility to support City regulations, which purpose are to protect property owners. He expressed concern over establishing an "ask for forgiveness instead of permission" precedent. He assured Mr. Acebedo that none of the commissioners were happy to deny the variance application, and entertained a motion. Commissioner Reynolds suggested the subject application represented a "significant variance as opposed to one of ten or twenty percent of the distance." He suggested the possibility that less of a variance might be approved. Commissioner Reynolds expressed regret over the unfortunate situation, and **moved to deny VAR-09-071, a request to reduce the required side property line setback from nine feet to three feet to allow an existing patio cover, on property zoned single family 6,000, located at 1050 Glacier Drive, APN 010-432-18, based on the findings for denial contained in the staff report. Vice Chairperson Mullet seconded the motion. Motion carried 5-0.** At Chairperson Kimbrough's request, Mr. Plemel reviewed the appeal process. Chairperson Kimbrough encouraged Mr. Acebedo to pursue the appeal process.

H-5. SUP-09-076 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM ED SILSBY FOR ACCESSORY STRUCTURES THAT EXCEED 75 PERCENT OF THE SIZE OF THE PRIMARY STRUCTURE AND FIVE PERCENT OF THE LOT AREA, ON PROPERTY ZONED SINGLE FAMILY 12,000 (SF12), LOCATED AT 2642 BOYLE STREET, APN 009-041-02 (5:56:48) - Chairperson Kimbrough introduced this item, and recessed the meeting at 5:57 p.m. Chairperson Kimbrough reconvened the meeting at 6:00 p.m., and Ms. Pruitt oriented the commissioners to the subject property using a displayed aerial photograph. In response to a question regarding the Fire Department comments included in the agenda materials, Ms. Pruitt expressed the understanding that a boxed-eave design will be required pursuant to the provisions of the wildland urban interface ordinance. Mr. Plemel explained the subject property is in an area identified as wildland urban interface, "as mapped, for the purposes of construction in Carson City." In response to a question, Ms. Pruitt advised that the original building permit was issued in June 2006. She was uncertain as to when construction began. In response to a further question, she explained the time frame associated with building permits. She acknowledged that a special use permit would have also been required in 2006, and provided background information with regard to the same.

(6:09:06) Ed Silsby acknowledged having reviewed the staff report and his agreement with the conditions of approval. In response to a question, he advised he began construction approximately three years ago. He acknowledged the intent to complete the project within the next two years. He further acknowledged having to re-pay the cost of the special use permit. In response to a further question, he provided background information on his carpentry experience.

Chairperson Kimbrough noted there were no public citizens in the audience, and entertained a motion. **Commissioner Vance moved to approve SUP-09-076, a special use permit application from Edward Silsby to allow accessory structures exceeding 75 percent of the primary structure area and exceeding 5 percent of the total lot area for construction of an 840-square-foot building for storage purposes, as a detached structure, on property zoned single family 12,000, located at 2642 Boyle Street, APN 009-041-02, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Vice Chairperson Mullet seconded the motion.** In response to a question, Mr. Plemel advised that construction time frames are regulated by the building code. Mr. Benton advised

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that a perpetually unfinished building would be governed by the nuisance ordinance. Chairperson Kimbrough called for a vote on the pending motion; **motion carried 5-0**. Mr. Silsby acknowledged that the original structure, Alan Marriage's house, was moved from Stewart Street.

H-6. ACTION TO ADOPT A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS A PROCLAMATION DECLARING OCTOBER AS COMMUNITY PLANNING MONTH IN CARSON CITY (6:13:39) - Chairperson Kimbrough introduced this item, and Mr. Plemel announced that National Planning Month begins Thursday, October 1st. He provided an overview of the resolution, copies of which were included in the agenda materials. He recognized citizen planners, and expressed appreciation to the commissioners for their investment of time and energy on behalf of the community. He requested the commission's approval of the resolution. Chairperson Kimbrough thanked Mr. Plemel for his kind words, thanked staff for their "wonderful support," and entertained a motion. **Commissioner Reynolds moved to adopt Resolution 2009-PC-5, a resolution of the Planning Commission recommending to the Board of Supervisors a Proclamation declaring October as Community Planning Month in Carson City. Commissioner Vance seconded the motion. Motion carried 5-0.**

I. STAFF REPORTS

I-1. COMMISSIONER REPORTS / COMMENTS (6:17:27) - In reference to the commission's recent approval of outdoor displays and the City's relaxing of "sign and other code" restrictions "in recognition of the current economy," Commissioner Reynolds noted a negative change in the "visual aspects of Carson City." He suggested revisiting some of these decisions in the near future in consideration of "what path are we going to take to get back ... some of the things that are in our master plan about how we'd like the town to look." Commissioner Vance inquired as to the west-facing billboard on Highway 50 West, and Chairperson Kimbrough advised he would look into it.

I-2. DIRECTOR'S REPORT TO THE PLANNING COMMISSION / FUTURE AGENDA ITEMS (6:21:20) - Mr. Plemel reviewed the outcome of items which had been forwarded from the commission to the Board of Supervisors. He announced the Nevada Chapter American Planning Association Conference to be held at the Silver Legacy in Reno on October 7, 8, and 9. He requested interested commissioners to contact the Planning Division.

J. ACTION ON ADJOURNMENT (6:23:49) - Vice Chairperson Mullet moved to adjourn the meeting at 6:23 p.m. Commissioner Reynolds seconded the motion. Motion carried 5-0.

The Minutes of the September 30, 2009 Carson City Planning Commission meeting are so approved this _____ day of October, 2009.

MARK KIMBROUGH, Chair