

CARSON CITY PLANNING COMMISSION

Minutes of the January 27, 2010 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, January 27, 2010 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
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
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 part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

A. CALL TO ORDER, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE (5:01:32) - Chairperson Kimbrough called the meeting to order at 5:01 p.m. Roll was called; a quorum was present. Commissioner Stockton was absent. Commissioner Reynolds led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - December 16, 2009 (5:03:33) - Vice Chairperson Mullet moved to approve the minutes. Commissioner Reynolds seconded the motion. Motion carried 6-0.

C. MODIFICATION OF AGENDA (5:02:26) - At Mr. Plemel's request, Chairperson Kimbrough modified the agenda to address item H-2 prior to item H-1.

D. PUBLIC COMMENTS (5:02:55) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:04:14) - Mr. Plemel advised that he is participating with the Local Complete Count Committee for the 2010 Census. Census count day is April 1st. Mr. Plemel advised of employment opportunities available through the Census Bureau, and directed interested citizens to the Census Bureau website or to contact the Planning Division.

F. DISCLOSURES (5:05:20) - None.

G. CONSENT AGENDA (5:05:29) - None.

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H. PUBLIC HEARING MATTERS:

H-1. SUP-09-094 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM PROJECT ONE (PROPERTY OWNER: CARSON CITY PARKS AND RECREATION) TO ALLOW AN INDOOR PITCHING AND BATTING PRACTICE FACILITY, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 500 EVALYN DRIVE, APN 004-016-03 (5:30:35) - Chairperson Kimbrough introduced this item. Mr. Plemel oriented the commissioners to the location of Governor's Field, and reviewed the staff report in conjunction with displayed slides. He reviewed the public noticing process, as outlined in the staff report, and advised of having received no response. As noted in the staff report, he advised that the project is privately funded. He noted the presence, in the meeting room, of Parks and Recreation Department staff and advised of their support of the project.

(5:34:25) Don Smit, of Project One, clarified that funding for the project was raised by Carson City Little League. Upon completion of the project, the facility will be turned over to the Carson City Parks and Recreation Department. Mr. Smit acknowledged having reviewed the conditions of approval and his agreement with the same.

Vice Chairperson Mullet inquired as to the possibility of arranging the facility in such a way as to "back it up to that ball field ..." He expressed the understanding that "parking has always been a problem over there," and suggested "you could gain some parking and also get it a little further away from those residences ..." Mr. Smit advised that the facility had been considered in "six or seven different configurations." The proposed configuration "takes an existing landscape island ... and we impact our parking the least." Mr. Smit explained that one door will face the residences and that the building is fully insulated. In addition, access has been limited to the south "so that we impact the residences the least" and "we maintain the most amount of parking." In response to a comment, Mr. Smit reviewed revisions to the design of the proposed facility from a design which was presented several years ago. He responded to additional questions of clarification regarding the facility design and operation.

Chairperson Kimbrough entertained public comment; however, none was forthcoming. (5:41:54) Parks and Recreation Department Director of Operations Scott Fahrenbruch advised that both the department and the Carson City Youth Sports Association fully support the project.

(5:42:20) Mr. Smit provided background information on the project development. He advised that the original project was "budgeted at \$400,000 and we've been able to bring this down to about \$225,000." He stated, "The only way that we've been able to do that is with [Mr. Fahrenbruch]'s ..., [Mr. Moellendorf]'s help, ... the District Attorney's Office. They've really worked very closely with us in order to arrange a system that ... Carson City Little League can build a building and then give this to Carson City. The reason that this is happening is because of what Carson City, the Planning Department, the Building Department, the District Attorney's Office has done for us and we really, really appreciate that." Chairperson Kimbrough commended the collaboration.

Chairperson Kimbrough entertained additional commissioner comments or a motion. **Commissioner Wendell moved to approve SUP-09-094, a special use permit application from Project One to allow construction of a 6,000-square-foot, indoor youth sports facility, multi-use, indoor hitting / pitching facility, located in the northeast corner of Governor's Field, on property zoned public regional,**

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located at 500 Evalyn Drive, APN 004-016-03, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.

H-2(A) SUP-09-086 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM DARRIN BERGER (PROPERTY OWNER: ANDERSON / EVERKA FAMILY TRUST) TO ALLOW RESIDENTIAL MULTI-FAMILY APARTMENTS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 291 RHODES STREET, APN 009-031-21; and H-2(B) VAR-09-097 ACTION TO CONSIDER A VARIANCE APPLICATION FROM DARRIN BERGER (PROPERTY OWNER: ANDERSON / EVERKA FAMILY TRUST TO MODIFY THE SETBACK REQUIREMENTS FOR MULTI-FAMILY DWELLING UNITS IN A NON-RESIDENTIAL ZONING DISTRICT, ADJACENT TO A RESIDENTIAL ZONING DISTRICT, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 291 RHODES STREET, APN 009-031-21 (5:06:38) - Chairperson Kimbrough introduced these items. Ms. Pruitt oriented the commissioners to the subject property, using displayed slides, and reviewed the staff report. She specifically read condition of approval 4 into the record, advised of having conducted a major project review in July 2009, and of having met with the applicant on multiple occasions to "address ... the requirements ... in order for the multi-family use to be ... legal on site, as well as comply with the codes and requirements ..." She narrated additional slides, and reviewed the public noticing process as outlined in the staff report. She noted the letters in support of the project provided as part of the agenda materials and as late material. She further noted staff's recommendation of approval.

In response to a question, Ms. Pruitt advised that the property owner to the west of the subject property "owns ... and lives on the property; ... owns both parcels to the west." She acknowledged that one of the letters of support was received from said property owner. In response to a further question, she advised of no reason "this type of situation cannot be considered infill." She reiterated that staff has been working with the applicant and property owner for a number of months. "The property owner has clearly noted that he wants to make the uses legal and conform with the code." Mr. Plemel advised that the general area is designated mixed-use commercial. Although there are some limited industrial zoned properties remaining in the area, "the applications we've been getting and seeing for that area, we would anticipate and desire in the long run, it's going to be more commercial, residential oriented ... than a continuing of industrial uses to expand in that area."

(5:20:28) Hannafin Design Associates Architect Darrin Berger introduced Dean Anderson, advised of having reviewed both staff reports, and expressed agreement with the conditions of approval for both the special use permit and the variance. He expressed understanding for the requirements "to bring the building up to current codes and standards." He advised that his client has expressed a willingness "to take care of those issues." He further advised of having worked closely with Ms. Pruitt as well as Chief Building Official Kevin Gattis.

Commissioner Wendell noted the taxes paid in 2009, as information included in the agenda materials, and inquired as to the taxes paid from 2003 through 2008. In response to a question, Ms. Pruitt explained that staff typically includes, in the staff report, only the current year taxes paid. Commissioner Wendell noted that the "residential complex" had been operating for some time, and inquired as to the point at which the City began taxing the property as residential rather than commercial. Mr. Berger speculated that the property has been taxed as commercial only in the recent past "when the notification was issued by the

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Building Department on June 9, 2009." Commissioner Wendell suggested that since, at least 2003, there have been three residences for which no property tax has been paid. Mr. Plemel advised that the Assessor's Office has assessed the property as commercial. He was uncertain as to how that would affect the taxes. In response to a question, Mr. Benton advised that the Assessor and the Treasurer are responsible for the current year's taxes. "There are some circumstances in which you can go back," but he was uncertain as to whether the facts would be applicable in this case. Commissioner Wendell noted that the renovation process took place without a permit. He further noted that the 2009 taxes were "a little over \$4,000," and inquired as to whether this was the result of the matter being brought to the attention of the Assessor or if the Assessor was not yet aware of the change having taken place. Mr. Benton noted that Mr. Plemel had researched the Assessor's Office website "and the Assessor is still assessing this as a commercial building not as a mixed-use building and so the Assessor is not aware that the building has a mixed-use within it."

Mr. Berger acknowledged that Mr. Anderson had purchased the property in 2003 at which time it was a two-story building and being used as apartments. Mr. Berger expressed the understanding that the second level was only ever used commercially for a brief period of time. "... from its inception, it was used as a residential use. It existed that way until ... early 2000. Tropical Tan was in there and then it reverted back to the residential use."

Chairperson Kimbrough entertained public comment and, when none was forthcoming, additional comments, questions, or a motion of the commissioners. **Commissioner Vance moved to approve SUP-09-096, a special use permit application from Darrin Berger (owner: Anderson Veverka Family Trust), to allow a multi-family dwelling unit of three units within the general commercial zoning district, located 291 Rhodes Street, APN 009-031-21, based on the findings and subject to the conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.**

Commissioner Vance moved to approve VAR-09-097, a variance application from Darrin Berger (owner: Anderson Veverka Family Trust), to allow a reduction in the required rear-yard setback from 30 feet to 7 feet, 6 inches for multi-family dwelling units in a non-residential zoning district, adjacent to a residential zoning district, located at 291 Rhodes Street, APN 009-031-21, based on the findings and subject to the conditions of approval contained in the staff report. Vice Chairperson Mullet seconded the motion. Motion carried 6-0.

I. ADMINISTRATIVE MATTERS

I-1. COMMISSIONER REPORTS / COMMENTS (5:44:32) - In response to a question regarding a previously approved special use permit application for property located at 5 East Sunset Way, Mr. Sharp advised of having requested Engineering Division staff to meet with a NV Energy representative. "The power lines are a lot higher than they appear on the photos so there won't be any issues." Vice Chairperson Mullet commended the proposed Nugget development project, and requested to agendize a presentation to the commission. He further requested to revisit the issue of freeway signage.

I-2. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (5:49:42) - Mr. Plemel advised of having requested Office of Business Development staff to provide a presentation, at the February commission meeting, on the Nugget development project. Commissioner Reynolds and Chairperson Kimbrough requested to limit the presentation to matters

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pertinent to the Planning Commission's purview. Mr. Plemel reviewed items forwarded from the commission to the Board of Supervisors, including the temporary sign ordinance and the Comstock Casino's appeal of the commission's approval of the Silver State Charter Schools special use permit and zoning map and master plan amendments. He provided an overview of the testimony provided and the Board of Supervisors' deliberation of the issue.

J. ACTION ON ADJOURNMENT (5:56:13) - Commissioner Reynolds moved to adjourn the meeting at 5:56 p.m. Commissioner Vance seconded the motion. Motion carried 6-0.

The Minutes of the January 27, 2010 Carson City Planning Commission are so approved this _____ day of February, 2010.

MARK KIMBROUGH, Chair