

**CARSON CITY PLANNING COMMISSION**

**Minutes of the June 29, 2005 Meeting**

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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, June 29, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson John Peery  
Vice Chairperson Mark Kimbrough  
Craig Mullet  
Roy Semmens  
William Vance

**STAFF:** Walter Sullivan, Planning and Community Development Department Director  
Lee Plemel, Principal Planner  
Jennifer Pruitt, Senior Planner  
Robb Fellows, Chief Storm Water Engineer  
Tom Grundy, Civil Design Supervisor  
Mary-Margaret Madden, Deputy District Attorney  
Kathleen King, Recording Secretary

**NOTE:** A tape recording of these proceedings is on file in the Clerk-Recorder's Office, and is available for review during regular business hours.

**A. CALL TO ORDER, DETERMINATION OF QUORUM, PLEDGE OF ALLEGIANCE (1-0007)** - Vice Chairperson Kimbrough called the meeting to order at 3:40 p.m. Roll was called; a quorum was present. Commissioner Reynolds was absent. Commissioner Mullet led the pledge of allegiance. Chairperson Peery arrived at 4:50 p.m.

**B. COMMISSION ACTION ON APPROVAL OF MINUTES - May 25, 2005 (1-0024)** - Commissioner Mullet moved to approve the minutes. Commissioner Semmens seconded the motion. Motion carried 4-0.

**C. PUBLIC COMMENT (1-0033)** - Joe Childs, a Carson City resident, advised of representing a "growing number of citizens" who are concerned about the sale and future development of Buzzy's Ranch. He requested the Commission to keep the citizens apprised of any intention to develop the Buzzy's Ranch property. Mr. Sullivan requested Mr. Childs to develop a list of persons who would like to be kept informed, and advised that City staff would provide information on public meetings.

**D. MODIFICATIONS TO THE AGENDA (1-0073)** - Mr. Sullivan requested Vice Chairperson Kimbrough to address items G-6a and G-6b prior to addressing item G-1. He advised of staff's recommendation to continue items G-6a and G-6b.

**E. DISCLOSURES (1-0094)** - None.

**F. CONSENT AGENDA**

**F-1. SUP-04-095 ACTION REGARDING REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM CINDERLITE AND MACTEC ENGINEERING (PROPERTY OWNER: GOLDEN SIERRA INVESTMENTS AND BLM) TO ALLOW FOR EXPANSION OF LAND AREA OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT, U-79-30, FOR AN EXTRACTION OPERATION, SPECIFICALLY CONDITION OF APPROVAL**

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**NUMBER 15, "THE SITE SHALL BE REVIEWED AS RELATED TO DRAINAGE AND EROSION BY THE CITY ENGINEER ON AN ANNUAL BASIS IN JUNE OF EACH YEAR," ON PROPERTY ZONED CONSERVATION RESERVE (CR) AND PUBLIC REGIONAL (PR), LOCATED AT 6100 GONI ROAD, APNs 008-011-57, 008-011-58, 008-011-11, AND 008-011-06 (1-0109) - Vice Chairperson Kimbrough introduced this item, and entertained a motion. Commissioner Semmens moved to approve the Engineering Division's report relative to Special Use Permit SUP-04-095/U-97-30 from Cinderlite and MACTEC Engineering (property owners: Golden Sierra Investments and BLM), to allow for an extraction operation on property zoned Conservation Reserve and Public Regional, located at 6100 Goni Road, APNs 008-011-57, 008-011-58, 008-011-06, and 008-011-11, pursuant to the requirements of the previously approved special use permit. Commissioner Vance seconded the motion. Vice Chairperson Kimbrough called for public comment and, when none was forthcoming, a vote on the pending motion. Motion carried 4-0.**

**G. PUBLIC HEARING:**

**G-1. SUP-05-080 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM MELISSA BABB (PROPERTY OWNER: RICHARD BABB) TO ALLOW A GUEST QUARTERS, ON PROPERTY ZONED MOBILE HOME 12,000 (MH12), LOCATED AT 3353 HARRISON LANE, APN 008-191-03 (1-0278) - Vice Chairperson Kimbrough introduced this item, and Mr. Sullivan reviewed the staff report. He noted having received four comments in favor of the proposal, and advised of staff's recommended approval with the standard conditions.**

(1-0313) Justin Webber and Melissa Babb acknowledged their agreement with the conditions of approval. Mr. Webber acknowledged sufficient space to accommodate vehicle access to the back lot, but noted RVs and tall vehicles would not clear an existing awning.

In response to a question, Mr. Sullivan advised that the side yard setback requirement is 10 feet. Ms. Babb advised that the side yard was measured by Assistant Planner Kathe Green at just over 10 feet. Mr. Sullivan acknowledged that one of the sheds shown on the future plan had been eliminated. In response to a question, Mr. Fellows offered to check into the fire flows available for the area. He acknowledged that fire flow data sheets are periodically updated. Commissioner Vance noted the "huge amount" of development in the area since 1997.

Vice Chairperson Kimbrough called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Mullet moved to approve SUP-05-080, a special use permit request from applicants Melissa L. Babb and Justin A. Webber, and owner Richard D. Babb, to allow a guest building of 840 square feet on property zoned Mobile Home 12,000, located at 3353 Harrison Lane, APN 008-191-03, based on seven findings and subject to twelve conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 4-0.**

**G-2. SUP-05-083 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM JOHN P. GIOVACCHINI TO ALLOW AN ACCESSORY STRUCTURE WHICH EXCEEDS 75% OF THE SIZE OF THE PRIMARY STRUCTURE, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 73 ARROWHEAD DRIVE, APN 008-053-08 (1-0409) - Vice Chairperson Kimbrough introduced this item. Mr. Sullivan reviewed the staff report and the conditions of approval. In response to a comment, Mr. Fellows advised of an exception to the Health Department requirement that the applicant abandon the existing sewage disposal system and connect to City sewer prior to issuance of the building permit. Mr. Sullivan advised of staff's recommended approval with**

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the revision to the condition mentioned by Mr. Fellows. In response to a question, Mr. Fellows explained circumstances which made it impossible for the property owner to connect to City utilities at the present time.

(1-0489) John Giovacchini inquired as to the possibility of moving the proposed location of the building 10-15 feet south to provide more space between the new structure and the residence and to save two trees. Mr. Sullivan advised this would be permissible provided the building doesn't encroach into the southern setback. Mr. Giovacchini advised that the length of the entire property is approximately 395 feet. With the addition of the septic system, he estimated 75-80 feet between the proposed location of the building and the southern setback. Mr. Sullivan advised that the revision would be noted. Mr. Giovacchini acknowledged his agreement with the conditions of approval.

Vice Chairperson Kimbrough called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to approve SUP-05-083, a Special Use Permit request from applicant / owner John P. Giovacchini to allow an accessory building of 1728 square feet, which exceeds 75% of the size of the primary structure, on property zoned single family one acre, located at 73 Arrowhead Drive, APN 008-053-08, based on seven findings and subject to thirteen conditions of approval contained in the staff report, with the note that the applicant will move the building approximately 15-20 feet to the south and the sewer has been addressed. Commissioner Mullet seconded the motion.** Mr. Sullivan noted the applicant's request was to move the building 10-15 feet to the south. Vice Chairperson Kimbrough called for a vote on the pending motion; **motion carried 4-0.**

**G-3. SUP-05-084 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM MIKE MITCHELL, OPERATIONS DIRECTOR (PROPERTY OWNER: CARSON CITY SCHOOLS) TO ALLOW A STORAGE BUILDING, ON PROPERTY ZONED PUBLIC (P), LOCATED AT 4151 EAST FIFTH STREET, APN 010-035-27 (1-0552) -** Vice Chairperson Kimbrough introduced this item, and Mr. Sullivan reviewed the staff report.

(1-0595) Carson City School District Director of Operations Mike Mitchell acknowledged agreement with the conditions of approval. In response to a comment, he advised that the existing trees will remain. Vice Chairperson Kimbrough commended Mr. Mitchell on the proposed placement of the storage building. In response to a question, Mr. Mitchell advised that the storage building will be a pre-finished metal to match the color of the school. In response to a further question, he advised that the building will have standard construction, "slab on grade."

Vice Chairperson Kimbrough called for public comment.

(1-0616) Bill Mobley advised of living directly behind the school and expressed concern with regard to security issues. Mr. Sullivan provided Mr. Mobley documentation which indicated the proposed location of the storage building. Mr. Mobley acknowledged no opposition to the application.

Vice Chairperson Kimbrough called for additional public comment and, when none was forthcoming, entertained a motion. **Commissioner Vance moved to approve SUP-05-084, a special use permit application from the Carson City School District to allow an accessory storage building, on property zoned Public, located at 4151 East Fifth Street, APN 010-035-27, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 4-0.**

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**G-4. SUP-05-085 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM MIKE MITCHELL, OPERATIONS DIRECTOR (PROPERTY OWNER: CARSON CITY SCHOOLS) TO ALLOW A STORAGE BUILDING, ON PROPERTY SPLIT-ZONED PUBLIC (P) AND AGRICULTURE (A), LOCATED AT 1111 NORTH SALIMAN ROAD, APN 010-041-53 (1-0667) - Vice Chairperson Kimbrough introduced this item. Mr. Sullivan reviewed the staff report and the plans included in the agenda materials.**

(1-0742) Mr. Mitchell discussed the purpose for the storage building. He acknowledged agreement with the conditions of approval. He responded to questions regarding the building design.

Vice Chairperson Kimbrough called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to approve SUP-05-085, a special use permit application from the Carson City School District to allow a storage building, on property split-zoned public and agriculture, located at 1111 North Saliman Road, APN 010-041-53, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 4-0.**

**G-5. SUP-05-090 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM CADTEK LLC (PROPERTY OWNER: CORP OF THE PRESIDING BISHOP) TO ALLOW CONSTRUCTION OF A RECREATIONAL FACILITY, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 411 NORTH SALIMAN ROAD, APN 010-041-17 (1-0795) - Vice Chairperson Kimbrough introduced this item. Mr. Sullivan reviewed the staff report and the attachments. He advised of staff's recommended approval with the fifteen conditions included in the staff report. Mr. Fellows responded to questions regarding the drainage ditch which runs parallel to the subject parcel. He advised that Engineering Division staff would ensure proper function of the ditch. He responded to additional questions regarding the course of the Mills Park drainage.**

(1-0911) Jay Aldean referred to conditions of approval 3, 4, and 5, and advised of the intent to perpetuate the east/west drainage. He explained that the northern portion of the property has been reserved for a possible future drainage easement. He advised that the east/west drainage is already in the flood plain and that the proposed improvements will not change the drainage pattern. He discussed the goal to avoid the requirement of conveying a 100-year discharge. He expressed the opinion that the facility upstream of the east/west drainage is not capable of accommodating a 100-year discharge and, therefore, the church should not be required to bear the responsibility of improving the drainage. He anticipates that the "whole system will have to be improved," and reiterated that the church would be a willing participant in providing right-of-way at that time across the north end of the property.

With regard to condition of approval 4, Mr. Aldean reiterated that the drainage patterns will not be changed in any way as a result of the improvements. The pipe which discharges from the church property, heading north, drains 40'-50' before intersecting the east/west drainage which the church will perpetuate. Mr. Aldean explained the reasons for not changing the east/west drainage, and advised that the earth work has been balanced to avoid any significant "import of materials to the site." He advised that the average height of the land will not be changed, and reiterated the drainage patterns will be perpetuated. He expressed the opinion that any requirement would not have an affect because the water drains through the church property to the recognized easement. The church is willing to provide easement for the drainage area and its representatives have requested of the City the amount of land needed. Mr. Aldean expressed the opinion

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there is no need for any kind of on-site detention. Grass will be planted and a 30' x 60' open pavilion will be placed. With regard to flood proofing, Mr. Aldean advised of the willingness to install overhead electrical conduits. There will be no sewer connection.

In response to a question, Mr. Fellows advised that the purpose of the condition was to ensure the 100-year flood drainage would not be inhibited. He reiterated the Engineering Division staff will consider the site, the fencing, etc. With regard to the condition addressing flood proofing, Mr. Fellows explained the intent to address structures. He advised the condition of approval was not applicable to electrical conduit. In response to a question, he further advised that condition of approval #5 may not be applicable.

In response to a question, Mr. Aldean reiterated the applicant's intent to perpetuate drainage flows through the property. He acknowledged that a wrought iron fence, rather than a chain link fence, would better perpetuate drainage flows. In response to a question, Mr. Aldean explained that conditions of approval 3 and 4 require the church to obtain an engineering report. He advised that structures, road development, utilities, etc. would justify an engineering report, but expressed the opinion the proposed improvements do not.

In response to a question, Mr. Fellows advised that the basic concern was the fencing. Engineering calculations for on-site detention, which could be incorporated into the grass area, are very simple and don't require much effort. Mr. Fellows advised that staff would require a more open fence than chain link. Mr. Sullivan suggested taking a five-minute recess to allow Mr. Aldean and Mr. Fellows to work on the language of the conditions. Mr. Aldean agreed to select a wrought iron fence. Commissioner Mullet reviewed the amenities included in the proposed improvements. [Vice Chairperson Kimbrough recessed the meeting at 4:50 p.m., and reconvened at 5:00 p.m.]

Vice Chairperson Kimbrough read the revised last sentence of condition of approval #3 into the record, as follows: "The applicant shall maintain these drainage facilities to ensure passage of the existing 100-year/24-hour storm event." Mr. Aldean acknowledged his agreement with the revised language. Vice Chairperson Kimbrough called for public comment; however, none was provided.

(1-1195) In response to a question, the LDS church facilities manager advised that most activities will conclude by 9:00 p.m. He did not anticipate any week night activity extending past 10:00 p.m. He advised that most weekend activities would take place during the day. He further advised that access to the site would be through the existing parking lot.

Vice Chairperson Kimbrough entertained a motion. **Commissioner Mullet moved to approve SUP-05-090, a special use permit application from Cadtek LLC to allow construction of a recreational facility, on property zoned single family one acre (SF1A), located at 411 North Saliman Road, APN 010-041-17, based on seven findings and subject to the recommended conditions of approval contained in the staff report, with the modification to condition of approval #3 to include the verbiage, "existing 100-year flood."** **Commissioner Semmens seconded the motion.** Mr. Sullivan advised that the LDS church facilities manager's comments would be taken as a stipulation, and that condition of approval #3 would be modified in the Notice of Decision pursuant to language to be provided by Mr. Fellows. **Commissioner Mullet modified his motion to include that hours of operation will be no later than 9:00 p.m. during the week and no later than 10:00 p.m. on the weekend.** **Commissioner Semmens continued his second.** Motion carried 4-0-1, Chairperson Peery abstaining.

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**G-6a. SUP-05-094 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM CAPITAL ENGINEERING (PROPERTY OWNER: JOHN C. SERPA, SR.) TO ALLOW A PERSONAL STORAGE FACILITY AND PARKING BY ADJACENT OFFICE BUILDING USERS, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 1213 FAIRVIEW DRIVE, APNs 009-552-03 AND 009-552-04; and G-6b. VAR-05-095 ACTION REGARDING A REQUEST FOR VARIANCE APPLICATION FROM CAPITAL ENGINEERING (PROPERTY OWNER: JOHN C. SERPA, SR.) TO VARY THE SETBACK FROM 50 FEET ADJACENT TO RESIDENTIAL TO 0 FEET, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 1213 FAIRVIEW DRIVE, APNs 009-552-03 AND 009-552-04 (1-0174) - Vice Chairperson Kimbrough introduced the items. Mr. Sullivan advised of the applicant's written request to continue the items, and payment of the required fee. He requested the Commission to continue the items in order to provide the applicant an opportunity to discuss the applications with adjacent neighbors.**

(1-0216) Susan Banovich of Capital Engineering, representing John Serpa, requested continuance of the variance and special use permit applications to a future Planning Commission meeting in order to address potential concerns of adjacent property owners and consider alternatives, if necessary. She apologized for any inconvenience and advised that, based on comments received by staff, the applicants wish to take the time to ensure a plan "all the surrounding property owners will be happy with."

Vice Chairperson Kimbrough called for public comment.

(1-0230) Sandra Arraiz advised of owning the residential property to the south of the subject property. She expressed opposition to varying the setback, and discussed the importance of maintaining the current buffer zone. She expressed the opinion that allowing reduction of the setback from 50' to 0 is "very poor planning."

Vice Chairperson Kimbrough called for additional public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to continue the variance and special use permit to a future Commission meeting. Commissioner Mullet seconded the motion. Motion carried 4-0.**

**G-7. SUP-04-215 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM JOHN MICHAEL AND MAGGIE M. SERRANO TO ALLOW A SINGLE-FAMILY RESIDENTIAL DWELLING UNIT, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED APPROXIMATELY 130 FEET SOUTH OF THE SOUTHWEST KNUCKLE OF KIT SIERRA LOOP, ON PROPERTY ADDRESSED AS 3444 HIGHWAY 50 EAST, APN 008-271-13 (1-1297) - Vice Chairperson Kimbrough passed the gavel to Chairperson Peery, who introduced this item. Mr. Sullivan reviewed the staff report, and advised of staff's recommended approval subject to fourteen conditions. He reviewed the site plan drawing included in the agenda materials.**

(1-1364) Jane Gray provided a brief overview of the proposal, and read letters of support into the record. She distributed copies of the letters to the Commissioners and staff.

Commissioner Semmens expressed support for the proposal. In response to a question, Mr. Fellows advised that the address of the subject property will be changed to Kit Sierra Loop.

Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Vice Chairperson Kimbrough moved to approve SUP-04-215, a special use permit application from John Michael and Maggie Serrano, to allow a single-family residential dwelling unit, on property zoned**

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**general commercial, located approximately 130 feet south of the southwest knuckle of Kit Sierra Loop on property addressed as 3444 Highway 50 East, APN 008-271-13, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 5-0.**

**G-8a. SUP-05-081 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM LUMOS & ASSOCIATES (PROPERTY OWNER: METCALF DEVELOPMENT, LTD.) TO ALLOW RESIDENTIAL USE IN COMMERCIAL ZONING, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 1460 SOUTH CURRY STREET, APN 003-064-13; and G-8b. TSM-05-082 ACTION REGARDING A TENTATIVE SUBDIVISION MAP APPLICATION KNOWN AS CURRY VILLAGE, FROM LUMOS & ASSOCIATES (PROPERTY OWNER: METCALF DEVELOPMENT, LTD.), ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 1460 SOUTH CURRY STREET, APN 003-064-13 (1-1468) -** Chairperson Peery introduced these items. Mr. Sullivan reviewed the staff report, and described the project as a “true mixed-use development.” He expressed the hope that the proposed development will serve as a prototype for similar future projects, and narrated pertinent slides. He noted that the project had been submitted to the City’s major project review process, and that infrastructure issues had been addressed. He advised that the project will add very minimal impacts to water / sewer, storm drainage, and traffic on Curry Street. Mr. Sullivan noted the fault line which crosses the southwest corner of the property, and referred to the earthquake study included in the agenda materials. He advised that the Public Works Department conditions of approval, provided as late material, should be incorporated into the Commission’s action. With regard to traffic concerns, Mr. Sullivan advised that Senior RTC Engineer Harvey Brotzman had indicated traffic is nowhere near capacity on Curry Street. Mr. Sullivan referred to the conditions of approval included in the staff report. He commented that the proposal represents an exciting opportunity for Carson City.

(1-1639) Lumos & Associates Senior Planner Audra Miller, representing Curry Village and Tom Metcalf, acknowledged agreement with the conditions of approval. Ms. Miller introduced Palmer & Lauder Engineer Janice Shafer and Hannafin / Darney Architect Darin Berger. She expressed appreciation to City staff for their assistance on the project. She advised that the project is true mixed-use in that the first floor will have retail, the second floor professional offices, and the third floor residential condominium units. She advised that all the spaces will be owned in fee simple; none of them will be leased. Common areas will be owned by all property owners and CC&Rs will ensure the exterior is well maintained. Ms. Miller advised there is no anticipation of intense use retail on the first floor, and that Mr. Metcalf intends to move one of his offices into the professional office space. Ms. Miller further advised of a traffic study, conducted at the request of the City, with the conclusion that the proposed project will not alter the current level of service at any of the intersections or streets.

In response to a question, Ms. Miller advised that a system will be implemented to maintain the privacy of the residents during business hours. She acknowledged storage will only be available to the residents. In response to a further question, she explained that the building will be master metered and each unit apportioned water / sewer usage. She acknowledged no play area for children, but advised the community is not restricted. She suggested the target market is single adults, couples with no children, or retirees. In response to a further question, she advised the garages are designated for the residents. (1-1770) Ms. Shafer responded to questions regarding grading and drainage requirements.

In response to a question, Mr. Fellows advised that improvements to the second access will be required and that it will be reflected on the map. Commissioner Mullet expressed concern with regard to no common

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play area. Ms. Miller advised that potential buyers would be knowingly purchasing into the situation. In response to a comment, Commissioner Mullet referred to another development in which the developer included in the ownership title and CC&Rs that a common play area would not be included.

Chairperson Peery called for public comment; however, none was provided. Mr. Sullivan advised that the subject development is the first mixed-use project presented to the Planning and Community Development Department. He discussed the interesting aspect of establishing parcels “in mid-air” and advised of many meetings with Assessor’s Office staff. He expressed appreciation to Ms. Miller, Ms. Shafer, and Mr. Berger for their efforts and cooperation in working with City staff. He responded to questions regarding similarities and differences between this project and another. **Commissioner Vance moved to approve SUP-05-081, a special use permit request to allow residential use, as a conditional use, within a retail commercial zoning district, on property located at 1460 South Curry Street, APN 003-064-13, subject to the conditions and based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 5-0.**

**Commissioner Vance moved to recommend to the Board of Supervisors approval of TSM-05-082, a tentative subdivision map known as Curry Village, on property zoned retail commercial, located at 1460 South Curry Street, APN 003-064-13, subject to the conditions and based on the findings contained in the staff report, including the additional engineering division conditions of approval. Commissioner Semmens seconded the motion. Motion carried 5-0.** Commissioner Mullet commended City staff and the developer.

**G-9a. AB-05-088 ACTION REGARDING AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM ERIC CRISP (PROPERTY OWNER: TOSCANA VILLAGE LLC) TO ABANDON A PORTION OF RANDELL DRIVE OF APPROXIMATELY 5,816 SQUARE FEET AND A PORTION OF THE SOUTHWEST CORNER OF FIGUERO DRIVE AND REAVIS LANE OF APPROXIMATELY 1,533 SQUARE FEET, ON PROPERTY ZONED NEIGHBORHOOD BUSINESS (NB), LOCATED AT RANDELL WAY AND FIGUERO WAY, APN 004-016-01; G-9b. PUD-05-086 ACTION REGARDING A PLANNED UNIT DEVELOPMENT APPLICATION KNOWN AS TOSCANA VILLAGE, FROM ERIC CRISP (PROPERTY OWNER: TOSCANA VILLAGE LLC) FOR A TENTATIVE SUBDIVISION MAP OF 48 ATTACHED SINGLE-FAMILY DWELLING UNITS, SIX COMMERCIAL UNITS AND A TEMPORARY SALES OFFICE WITH FLAGPOLES, INCLUDING VARIANCES TO THE MINIMUM REQUIRED SITE AREA, PERIPHERY SETBACK, PARKING REQUIREMENTS AND MINIMUM LOT SIZE, ON PROPERTY ZONED NEIGHBORHOOD BUSINESS (NB), LOCATED AT RANDELL WAY AND FIGUERO WAY, APN 004-016-01; and G-9c. SUP-05-087 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM ERIC CRISP (PROPERTY OWNER: TOSCANA VILLAGE LLC) TO ALLOW RESIDENTIAL USE IN A MIXED-USE PROJECT, ON PROPERTY ZONED NEIGHBORHOOD BUSINESS (NB), LOCATED AT RANDELL WAY AND FIGUERO WAY, APN 004-016-01 (1-2005) - Chairperson Peery introduced these items. Ms. Pruitt reviewed the staff report, and provided an overview of the conditions of approval. She advised that the planned unit development process allows the applicant to request associated variances. She further advised that staff began working with the applicant well over twelve months ago; that the project was submitted to the City’s major project review process and a conceptual review by staff. She expressed appreciation for all the information provided and the cooperation of the applicant and his design team.**

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Ms. Pruitt noted that some of the variances requested were based on staff recommendations. She explained that the Carson City Municipal Code (“CCMC”) requires a 20-foot periphery setback associated with planned unit developments. After meeting with the applicant a few weeks ago, staff recommended variations of the setbacks which the applicant accommodated. Ms. Pruitt further explained that the neighborhood business zoning district requires a 30-foot setback for development adjacent to a residential zoning district. She advised that staff also recommended variations to the setback requirement which the applicant accommodated. Ms. Pruitt further explained the neighborhood business zoning district requirement for a minimum lot size of 9,000 square feet. The planned unit development allows varying lot sizes. Pursuant to the CCMC, planned unit developments usually have a minimum overall size of five acres. The subject site, including the proposed right-of-way abandonment, would be approximately 3.78 acres. Ms. Pruitt advised of staff’s concurrence with the applicant’s variance request. She further advised that the applicant had made an official request regarding the lot size, pursuant to the CCMC. With the Commission’s approval, the request will be forwarded to the Board of Supervisors as referenced in the Title 17 Subdivision Ordinance.

Ms. Pruitt advised of the requirement for 2.5 parking spaces per dwelling unit. The applicant is proposing 147 parking spaces which clearly exceeds the CCMC requirement. The proposed parking is a combination of surface and single-car garages. Some of the units have sufficient area to accommodate adjacent surface parking. Ms. Pruitt explained the CCMC requirement to dedicate a minimum of 30% of a planned unit development to open space. The applicant is proposing 46.3% in on-site open space. Ms. Pruitt explained that the proposed open space is a combination of landscaped areas incorporated into the periphery of the project, including front yards, a centrally-located park, and a path proposed for the south end of the project outside the subject parcel.

Ms. Pruitt advised that the applicant had given a great deal of careful consideration to the proposed project. She noted that the temporary sales office will be located in such a way as to be unobtrusive to the adjacent residential neighborhood. A great deal of thought was also given to pedestrian paths and site circulation. Traffic calming measures were included, which Ms. Pruitt pointed out on a displayed plan. She advised that Fire Department representatives are in agreement with the traffic calming measures. She pointed out the 6-foot pedestrian path. She reviewed the proposed architectural elements, including roof planes, articulation, wainscoting, porches, and decks. She reviewed a slide of the commercial component and noted the architectural details.

Ms. Pruitt reiterated that staff had worked very closely with the applicant. She advised that the applicant had attempted to contact the adjacent property owners, two of whom expressed support for the project. She further advised that the applicant received the concurrence of U.S. Post Office representatives. She noted no written opposition to the project after staff had sent several notices. She advised of having discussed landscaping with the applicant’s representative earlier in the day. With the Commission’s approval of the project, she committed to assisting the applicant and his landscape architect.

In response to a question regarding the play area, Ms. Pruitt agreed to discuss with the applicant the possibility of installing barriers. She advised of the applicant’s preference to “get away from the fencing aspect” which was the reason vehicular traffic was cut off on the northern end of the development. She noted that the centrally-located play area was a positive aspect of the project. She expressed confidence that the traffic calming measures on the north end of the project would work. In response to a question, she advised the applicant would address whether the units are considered affordable housing. Mr. Fellows acknowledged parking is allowed on both sides of Figuero Way.

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(1-2423) Stephanie Hicks, of RO Anderson Engineering, expressed appreciation for the efforts of staff in working with the applicant. She expressed concurrence with the recommendations of the staff report. She described the proposed development as an infill project in an area with a variety of uses. She noted the locations of the Post Office to the north, the NDOT station to the west, multi-family residential to the east, and the linear park and Governor's Field to the south. She pointed out architectural design details, and advised that the units are town homes which will be available for individual purchase. She noted there are varying interpretations of housing affordability, and expressed the understanding that a medium priced home would be approximately \$250,000. The two-bedroom units will be priced below \$250,000. Ms. Hicks advised that all of the town homes include garages; some include individual driveways and patio areas. The project design includes pedestrian sidewalks, landscaped areas, and a centrally-located park for use by the residents. She noted the concern expressed earlier over the play structure, and advised that the applicant is open to discussing the same with staff. She explained that the applicant and the design team believe fewer barriers would provide better visibility. She agreed the provisions made for the courtyard areas will help to slow down traffic. She suggested speed bumps may be a consideration as well. She noted that open space and minimum parking requirements had been exceeded. She advised that the project is consistent with smart growth planning principles in that a multi-family development will be situated on an infill property with access to community water / sewer, public transportation, police and fire protection, hospitals, and schools. She expressed the opinion that the project, as proposed, allows for better utilization of the infill parcel and will produce a housing environment of stable and desirable character. Ms. Hicks responded to questions regarding vehicular access from Figuero to Tesoro.

Chairperson Peery opened this item to public comment.

(1-2534) Don Keith, a resident of Figuero Way, advised of having spoken to the applicant earlier in the day regarding a proper homeowners association. He requested the Commissioners to request the applicant to address his concern, and expressed support for the project.

(1-2568) Karen Aplin, a resident of the housing development to the east, discussed concerns over traffic and parking. She requested the Commissioners to consider the "integrity of [adjacent] single family homes" and to give the utmost consideration to how a development of this magnitude will affect traffic volumes on Roop Street.

(1-2669) In response to a question, Eric Crisp, President of SC Development, advised that the two-bedroom units will be priced at approximately \$240,000 and the three-bedroom units at approximately \$275,000. In response to a previous question, Mr. Crisp advised of anticipating a homeowners association, which would be responsible for maintaining the grounds.

(1-2718) In response to a question, Mark DeRoss advised that the CC&Rs are mute on the owner occupancy percentage. Mr. Sullivan advised this may be a question posed by the Board of Supervisors. Mr. DeRoss acknowledged that the retail commercial will be owned by the applicant and leased. In response to a further question, Mr. DeRoss advised there will be one homeowners association and one CC&Rs document for the entire property.

Chairperson Peery entertained a motion. **Commissioner Semmens moved to approve special use permit SUP-05-087, as part of PUD-05-086, to allow a temporary sales office with flags and a residential use on 3.62 acres south of Randell Drive, APN 004-016-01. Commissioner Vance seconded the motion. Motion carried 5-0.**

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**Commissioner Semmens moved to recommend that the Board of Supervisors approve application AB-05-088, an abandonment of a portion of Randell Drive, Figuero Way, and Reavis Lane located in the Roop Street South Subdivision. The areas of public right-of-way being requested are 5,816 square feet on Randell Drive and approximately 1,533 square feet on Figuero Way and Reavis Lane adjacent to APN 004-016-01, based on seven findings and subject to five conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 5-0.**

**Commissioner Semmens moved to approve PUD-05-086, a Tentative Subdivision Map for a planned unit development (Toscana Village) from Toscana Village LLC, consisting of 48 single-family attached dwelling units, six retail / office units, and common open space on 3.62 acres south of Randell Drive, APN 004-016-01. Commissioner Vance seconded the motion. Motion carried 5-0.**

At Chairperson Peery's request, Mr. Sullivan explained the significance of placing a planned unit development in a neighborhood business zoned parcel. Mr. Sullivan advised the citizens present of the appeal process.

**Commissioner Semmens moved to approve a change of land use by ordinance, as part of PUD-05-086, from Neighborhood Business to Neighborhood Business-Planned Unit Development, NB-PUD, on 3.62 acres south of Randell Drive, APN 004-016-01. Commissioner Vance seconded the motion. Motion carried 5-0.**

[Chairperson Peery recessed the meeting at 6:22 p.m. and reconvened at 6:30 p.m.]

**G-10. MPA-05-062 ACTION TO ADOPT RESOLUTION 2005-PC-3 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A MASTER PLAN AMENDMENT TO CHANGE THE MASTER PLAN DESIGNATION OF APNs 8-303-27 AND -28, 8-306-14 AND 8-307-14 AND -16 FROM LOW DENSITY RESIDENTIAL-MOBILE HOME TO COMMERCIAL CONSISTENT WITH THE CURRENT COMMERCIAL ZONING FOR THE PARCELS; AND APPROVAL OF A SPECIFIC PLAN AREA TO CHANGE THE MASTER PLAN DESIGNATION AND ZONING OF APNs 8-303-07, -10, -29, -30, -31, -36, -37, -38 AND -39, 8-306-05, -06, -07, -08, -09, -11, -15 AND -16, 8-307-05, -06, -07, -11 AND -17, AND 8-308-01 FROM LOW DENSITY RESIDENTIAL-MOBILE HOME AND MOBILE HOME 12,000 (MH12) TO HIGH DENSITY RESIDENTIAL AND MULTI-FAMILY APARTMENT (MFA), RESPECTIVELY, INCLUDING SPECIFIC DEVELOPMENT STANDARDS, GUIDELINES, AND POLICIES FOR DEVELOPMENT OF THE AREA, ON PROPERTY GENERALLY LOCATED ON BROWN STREET AND NORTH EDMONDS DRIVE BETWEEN GORDON STREET AND REEVES STREET (1-2960)- Chairperson Peery introduced this item. Mr. Plemel provided background information on this item, reviewed the staff report and attachments, and advised of staff's recommended approval subject to the policies contained in the specific plan area document and findings contained in the staff report.**

Vice Chairperson Kimbrough inquired as to the general commercial area adjacent to Brown Street. Mr. Plemel advised that the zoning will not be changed. He explained that several property owners on the Gordon Street side were not interested in being included in the special plan area. In response to a further question, Mr. Plemel advised the parcels are presently vacant with commercial uses adjacent. He responded to additional questions regarding zoning of adjacent properties on the southwest corner of Gordon Street and Graves Lane. In response to a further question, he advised that residential uses are presently conditional in the general commercial zoning district. Mr. Plemel acknowledged that a zoning change

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could have an affect on property values. He noted the general support for the proposal, and suggested that the property owners believe their property values will not be negatively impacted. In response to a question, he advised that setbacks will remain the same.

Mr. Plemel acknowledged that only industrial development is required to have a 50-foot setback if it is adjacent to residential zoning. In response to a question regarding the parcels north of the proposed Sweetwater Drive extension and east of Edmonds, Mr. Plemel advised that the zoning could change back to general commercial. He explained that the properties were the subject of the original master plan amendment and zone change requesting commercial.

Commissioner Vance expressed concern over the possible extension of Sweetwater Drive. In response to a question, Mr. Fellows explained that, depending upon the uses, having access to split the area in two would be beneficial because it meets with the distance requirements for intersections and there is also a center turn lane. Multiple driveways off of Graves Lane would be avoided; access would be from Edmonds Drive. Mr. Fellows explained that access management efficiency is lost when multiple driveways front the street.

Chairperson Peery called for public comment.

(1-3466) Dwight Millard advised of having applied for the original zone change, and expressed continued support. He commented that staff has been very accommodating to move the matter forward. He clarified that the Sweetwater extension would be an allowance for commercial traffic.

(1-3510) Daniel Yslava, a homeowner on Brown Street, expressed support for staff's recommendation. He commented that the proposal will be good for the area and economically sound for Carson City. He commended staff and the original applicants.

(1-3548) Doris Swift, owner of Swift Construction, expressed support for the zoning change. She advised of three police visits to Brown Street yesterday, and discussed "a big fire" on the corner of Reeves and Edmonds. She expressed the opinion that the whole area is a "big drain" on City resources. She expressed concern that the area won't have a homeowners association or that it may be developed into "big apartments." She suggested a "nice development" such as owner-occupied town homes which will generate revenue for the City and allow the residents to take pride in their properties. She discussed her vision for VA loan, owner-occupied homes.

(2-0020) Dan Lang, a property owner in the subject area, expressed support for the proposed zoning change.

(2-0029) Evelyn West-Smith expressed support for staff's recommendation, and gratitude that "something is being done." She commented the proposal will be good for the economy and for the area.

Vice Chairperson Kimbrough inquired as to the minimum lot size for high density residential, and the number of lots required for consideration of a planned unit development. Mr. Plemel advised that minimum lot size would only apply to dividing the property and would not prohibit densities. In order to have multi-family products with individual parcels and ownership as part of a planned unit development, a five-acre minimum is required. There can be exceptions to accommodate other planning purposes. Mr. Plemel suggested this may be a topic of discussion as more condominium and town home projects are presented. In response to a question, Mr. Sullivan advised that a planned unit development can have less

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acreage with proper planning justification. In response to a further question, he advised that a multi-family development could be done on a 12,000 square foot parcel; however, setbacks, parking, etc. would have to be provided. Vice Chairperson Kimbrough suggested that a planned unit development would be the best scenario.

(2-0105) Doris Swift inquired as to plans for the general commercial zoned area identified on the vicinity map included in the agenda materials. Mr. Plemel acknowledged that the five parcels to which Ms. Swift referred were not included in the proposal. He reiterated that the property owners were notified of the Planning Commission workshop held on April 27<sup>th</sup>. One property owner specifically informed staff she was not interested in having the zoning designation changed. Mr. Plemel further acknowledged that the parcels would not be included in the Commission's action.

Chairperson Peery entertained a motion. **Commissioner Mullet moved to adopt Resolution 2005-PC-3 to recommend to the Board of Supervisors approval of MPA-05-062, a master plan amendment to change the master plan designation of APNs 8-303-27 and -28, 8-306-14 and 8-307-14 and -16 from low density residential mobile home to commercial, consistent with the current commercial zoning for the parcels; and approval of a specific plan area to change the master plan designation and zoning of APNs 8-303-07, -10, -29, -30, -31, -36, -37, -38, and -39; 8-306-5, -6, -7, -8, -9, -11, -15, and -16; 8-307-05, -06, -07, -11, and -17; and 8-308-01 from low density residential mobile home and mobile home 12,000 to high density residential and multi-family apartment (MFA), respectively, including specific development standards, guidelines, and policies for development of the area on the property generally located on Brown Street and north of Edmonds Drive between Gordon Street and Reeves Street, based on the findings contained in the staff report. Commissioner Semmens seconded the motion.** Vice Chairperson Kimbrough expressed the hope that the general commercial property owners will be "brought into the loop" by the proponents of high density residential development on the adjacent property. Chairperson Peery called for a vote on the pending motion; **motion carried 5-0.** Mr. Plemel advised that this item would be presented to the Board of Supervisors at their second meeting in July.

**G-11. SUP-05-089 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM HELAINE JESSE OF WNCC (PROPERTY OWNER: BOARD OF REGENTS - UNR) TO ALLOW EXPANSION OF SUPPORT FACILITIES (INDOOR BATTING FACILITY, MAINTENANCE BUILDING, TEAM ROOM WITH OFFICES, PRESS BOX, RESTROOMS, CONCESSION STAND, STADIUM SEATING, AND ENTRANCE PLAZA) FOR A BASEBALL FIELD, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 2201 WEST COLLEGE PARKWAY, APN 007-521-01 (2-0216)** - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report and narrated pertinent slides. She noted that the plan had not changed since it was presented to the Commission in March 2005, with the exception that the batting facility will have a lower roof. She corrected a typographical error in condition of approval #22, and reviewed the noise mitigation conditions of approval. She advised that the applicant had conducted a second neighborhood meeting on June 8<sup>th</sup>, with a total of six attendees. She commended WNCC on the project, and for reaching out to the community and to the City. She noted that the special use permit included a public participation element. She advised that notices had been mailed to 62 property owners surrounding the subject parcel. No opposition to the project had been provided.

(2-0332) WNCC Vice President of Institutional Advancement Helaine Jesse advised of her concurrence with the conditions of approval included in the staff report. She introduced Terry Reynolds, of Wingfield Nevada Group. Mr. Reynolds advised he was representing the Whittemore Family Foundation, a major contributor to the project. He thanked members of the Carson City community who had donated

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construction materials. He provided an overview of the previous presentation to the Commission, and reviewed construction progress since that time. He advised that the project is donation-dependent, and anticipates a time frame of 5-7 years to complete the overall project.

Mr. Reynolds reviewed the items covered under the subject special use permit, including the buildings, seating, and landscape. He advised that the indoor batting facility and storage are priorities in the present project phase. He clarified that the “locker rooms” referenced in the special use permit application is actually a team storage room for equipment. In response to a question posed at the neighborhood workshops, Mr. Reynolds advised that 24 games are scheduled over 13 days. Games are scheduled to begin at 12:00 p.m. and 3:00 p.m., with two exceptions, one game to begin at 11:00 a.m. and a double header at 2:00 p.m. Dark skies friendly security lighting is proposed; however, the field will not otherwise be lit. Bleachers and hard plastic seating will be included. Mr. Reynolds anticipates seating for approximately 400 and 500 people. He expressed the opinion that parking will be adequate, and he hopes to draw students who will already be parked on campus. With regard to landscape, Mr. Reynolds discussed the preference to continue the same treatment which exists along College Parkway and in the adjacent neighborhoods. All advertising will be inside the field. The scoreboard will also include advertising, and will be located on the southwest side of the field. The sound system will be very similar to that which is used at the UNLV baseball field. It will be mounted on poles behind home plate to provide directional sound that will go out into the field. Mr. Reynolds advised of over 300 feet between the field and the closest residence, which will result in approximately 50% dissipation or a decrease in 30 decibels. He suggested this will be an acceptable level to the residents. He advised of having provided to staff sound study comparisons of both municipal and professional stadiums. With regard to the trail connection, Mr. Reynolds pointed out the course on a displayed map. He advised the back perimeter of the field will have approximately 10 feet to accommodate maintenance. He advised that site grading has been done; some shaping has yet to be done.

Mr. Reynolds acknowledged that the proposed path connection will follow the route indicated on the drawing included in the agenda materials. In response to a further question, he advised the path will be approximately 8 feet wide. He acknowledged that portable restroom facilities will be placed at the baseball field.

Chairperson Peery called for public comment; however, none was provided. In response to a question, Mr. Reynolds advised that the field will be designated for baseball use only. A joint use agreement exists between the City and WNCC; however, no specific agreement has been addressed for this field. Mr. Reynolds acknowledged the field is a community facility, but noted the importance of keeping in mind the neighbors and the need to protect the integrity of the field.

Chairperson Peery entertained a motion. **Commissioner Vance moved to approve SUP-05-089, a special use permit request from Helaine Jesse, Vice President of Institutional Advancement, (owner: Board of Regents, UNR) to allow construction of the Western Nevada Community College Baseball Park, consisting of the completion of the baseball facility to include the batting facility, seating, concession stand, restrooms, press and announcer's box, and public address system, security lighting, parking lot, and landscaping, on property zoned public regional, located at 2201 West College Parkway, APN 007-521-01, based on seven findings and subject to the conditions of approval contained in the staff report, and with the understanding that any acknowledgments to the Commission / Board by the applicant may be considered as further stipulations or conditions of approval on this application. Vice Chairperson Kimbrough seconded the motion. Motion carried 5-0.**

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**G-12. MISC-05-071 ACTION REGARDING AN APPEAL OF PARCEL MAP CONDITIONS OF APPROVAL FROM BSE ENGINEERING LLC (PROPERTY OWNER: ROBERT McCLEARY), ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 4501 GARNET WAY, APN 008-093-10 (2-0583)** - Chairperson Peery introduced this item. Mr. Sullivan advised that the subject parcel map was reviewed and approved pursuant to various conditions. The applicant subsequently appealed certain Engineering Division conditions of approval. He requested Chuck Ek, Robert McCleary's representative, to present his appeal and Mr. Fellows and Mr. Grundy to respond.

(2-0610) Mr. Sullivan responded to questions with regard to the appeal procedure. Mr. Ek acknowledged having reviewed the staff report, and advised of his disagreement. He reviewed the agenda materials pertinent to this item and distributed copies of a May 12<sup>th</sup> letter, addressed to Mr. Sullivan, to the Commissioners. The Commissioners took time to review the letter. In response to a question, Mr. Ek explained the initial request was to divide a three-acre parcel into two parcels. The subdivision of the property was approved. Mr. Ek acknowledged having agreed to the conditions of approval at the time the request was presented.

Mr. Sullivan advised of having received Mr. Ek's May 12<sup>th</sup> letter and forwarding it to Development Services Director Andrew Burnham. He explained the administrative process for parcel map review in response to a question. He reiterated that this particular parcel map was approved subject to various conditions. The applicant subsequently appealed certain Engineering Division conditions of approval. A meeting was then scheduled in the Planning and Community Development Department to discuss the issues. City Engineer Larry Werner rendered an opinion that the conditions of approval were "straight out of the ordinance." Mr. Sullivan advised that Mr. Ek and Mr. Werner "basically did not agree." At that point, the matter was forwarded to Mr. Burnham. Mr. Ek advised that Mr. Burnham directed him to appeal the matter through the formal process. Mr. Sullivan explained that standard engineering conditions of approval were applied to the parcel map request. He advised that a difference in opinion exists over interpretation of the applicable ordinance. In response to a question, he reiterated that certain conditions of approval were being appealed.

In response to a question, Mr. Ek advised that the applicant would "acquiesce to issues number 1 and 3. In other words, we may disagree with them but we understand that those are City Code." At Chairperson Peery's request, Mr. Ek provided further clarification regarding details of "issues number 1 and 3." Mr. Ek referred to "Item 2" of the June 22, 2005 memo from Mr. Grundy included in the agenda materials, and read a portion of the same into the record. He disputed that the applicant is "developing a corner lot." He referred to the April 20<sup>th</sup> appeal letter included in the agenda materials, and read a portion of "Item 2" into the record. He referred to the parcel map included in the agenda materials and advised that a City water line is in place at Northgate Lane and terminates at Arrowhead Drive. There is no water main in Arrowhead Drive and no water main "going up Garnet Way or in Ruby Lane."

Mr. Ek explained the point of the appeal in that as the applicant extends the water main across Arrowhead Drive, up Garnet Way to the north end, "or clear across the frontage of the subject parcel, any future reimbursement could be affected by decisions of Carson City." He pointed out Lot 11 on the northeast corner of Arrowhead Drive and Garnet Way, Lots 4 and 5 across Garnet Way, and Lot 2 on the northwest corner of Garnet Way and Ruby Lane. He expressed the opinion that the four parcels should be subject to reimbursing the applicant if and when the property owners connect to the water main "that we will up front the cost on." He suggested that if the City installs a water main at Arrowhead Drive, Lots 11 and 5 would be able to connect to it "for free." He advised that the applicant will install a "full double T in Arrowhead

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and, when we cross Ruby Lane, we're providing a stubbed T there also." If, at some time in the future, the City extended the water main down Ruby Lane, the property owners of Lots 4 and 2 would opt to connect to the City-installed water main. Mr. Ek explained that the applicant "wanted to address that issue early on." He reiterated that the applicant is not developing a corner lot. He advised that the existing sewer line extends from Arrowhead Drive up Garnet Way and terminates at Ruby Lane. The City installed the line six to seven years ago at the time the parcel on the northwest corner of Arrowhead Drive and Garnet Way was subdivided to Lots 4 and 5. The expense to the property owner of Lots 4 and 5, Lot 11, and the applicant to connect to the sewer line is only for the lateral, not the main. Mr. Ek reiterated the concern over the City extending the water main up Garnet Way from Arrowhead Drive "which would then clip us out of the equation and these people would all end up opting for that free water but for decisions that are made by Carson City."

In response to a question regarding precedent, Mr. Sullivan advised that parcel map appeals are "very few and far between." He deferred to Engineering Department staff as to "what has and hasn't been done in terms of water service."

Mr. Ek advised that he was informed there would be no reimbursement from the property owners of Lots 11, 4, 5, or 2. He expressed the opinion that City Code provides for reimbursement. In response to a question, he reiterated that future decisions by the City could provide a "free alternative to people that would otherwise be reimbursing." He responded to questions regarding the requirement for an 8" water line. In response to a further question, he advised that the City is participating in extending the water line across Arrowhead Drive. The cost to extend the line from Arrowhead to the north side of Lot 10 "is in the neighborhood of \$25,000 to \$30,000." Mr. Ek advised that the applicant's concern is to ensure an agreement that reimbursement applies to this situation, and that the abutting property owners, if and when they tapped into the main, would share in the pro-rata cost.

In response to a question, Mr. Ek advised that the applicant acknowledges the initial up front cost to extend the water line as a part of dividing the parcel. He acknowledged that the applicant is "the only one of the other lots mentioned ... that immediately benefits by that action." He advised the other lots have wells. In response to a further question, Mr. Ek stated that the adjacent property owners should be responsible for the cost of a lateral line "and a pro-rated share of the main" once they tap into it. He reiterated the applicant's request to ensure that the Commission recognizes the reimbursement conditions provided in the Carson City Municipal Code apply to the applicant's parcel. He further reiterated that Mr. Werner had informed him none of the abutting parcels would be subject to reimbursement.

In response to a question, Mr. Fellows advised that once a water line is within 400 feet of a parcel, the property owner is required to connect. The distance becomes even greater for larger subdivisions. Mr. Fellows advised that the details of reimbursement are provided for in CCMC 12.01.210(6), paragraph 7, and he read a portion of the same into the record. In response to a question, he advised that the area is zoned single family one acre.

In response to a question, Mr. Ek advised he was satisfied with his presentation if the Commission understood the applicant's position that the subject parcel qualifies for a reimbursement agreement of the abutting properties to the water line.

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In response to a question, Mr. Fellows advised that “Ts” are installed for future connection “regardless of where they are. They also put flush valve assemblies on the end. That’s just part of the construction of a water main.” Mr. Fellows acknowledged that rules which address development of corner lots include installation of a “T” for future use.

Mr. Ek referred to CCMC Section 12.01.210(6), read the fifth paragraph into the record, and discussed his understanding of the same.

Mr. Fellows advised that the City has been participating in reimbursement agreements for some time, and has been consistent in applying the applicable CCMC provisions. He explained that the majority, if not all, existing developed parcels have been excluded from reimbursement agreements. Parties to the agreement are included in the reimbursement pursuant to the provisions of the applicable Code. Mr. Fellows explained the only property which could be further divided is Lot 2; there would be no other property which could be party to the agreement. The proportionate share would be half of the frontage for that portion from Ruby Lane on Garnet Way north. Mr. Fellows advised that the applicant could enter into an agreement for half of the frontage of Lot 2, if the Board of Supervisors agrees and the applicant pays the required administrative fee. He reiterated this would be the only property to which the reimbursement provisions would apply. In response to a question, he explained the reason Lots 4, 5, and 11 would not be subject to the reimbursement provisions by referring back to CCMC Section 12.01.210(6), paragraph 7. He acknowledged the intent of the provision is to not injure a current homeowner in an already-divided property. In response to a further question, Mr. Fellows advised that the property owners of Lots 4, 5, and 11 would be required to connect to City water if the line was available and their wells were to run dry. The property owners would not be party to the reimbursement agreement. Mr. Fellows acknowledged the property owners would be required to pay connection fees. He advised this is “how it’s worked since this Code was put in place in 1999.”

In response to a question, Mr. Fellows explained the Code requirement for the property owner subdividing a parcel to extend the water main the full frontage of the parcel. In response to a further question, he explained that subdivision of a property “beyond the parcel map” would require connection to the water main and extension. Intermediate, vacant properties which could be divided could be party to the reimbursement agreement, pro-rated according to “how they stand with the distance.” Mr. Fellows acknowledged that the burden for water main extensions is on developers, and the windfall benefits future use by existing single-family lots. He reiterated that, according to the CCMC, the only properties eligible to enter into a reimbursement agreement would be the applicant and the property owner of Lot 2. In response to a question, he advised that the City’s policy is for property owners to connect once a water main is available and once their well runs dry.

Chairperson Peery opened this item to public comment and, when none was forthcoming, allowed Mr. Ek a rebuttal.

Mr. Ek advised that equity and City Code were the two “driving forces” behind the appeal. He commented that City Code is most likely designed to be equitable. He referred to earlier comments, and suggested that the subject appeal is “a strange animal; that in the middle of all these homes with well water ... and septic tanks, a single parcel is being divided with a yield of one within Code that was probably written for a yield of ten or something where developers bring a water line.” He read Section 12.01.210(6), paragraph 7 into the record, and inquired as to its intent. He read Section 12.01.210(6), paragraph 5 into the record, and stated that paragraph 7 “flies in the face of [paragraph 5] that stands alone.” He commented on the intent of paragraph 5. He expressed the opinion that the result of interpreting paragraph 7, according to Mr.

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Fellows' explanation, would be "that Mr. McCleary would supply the water main for Lots 11, 4, 5, and 2 solely at his personal expense." He stated that during the entire parcelling process, staff indicated "reimbursement was ... a foregone conclusion." He further stated that the appeal was based on "the assumption" of reimbursement. He advised that Mr. Werner subsequently informed him there would be no reimbursement; indicating that the property owners with wells had an "inherent credit ... for the expense" to install their wells. He noted that Mr. McCleary has a well but is required to connect to municipal water. He inquired as to Mr. McCleary's "inherent credit for the well expense." He reiterated his opinion of the clarity of paragraph 5 of Section 12.01.210(6), and suggested that reimbursement applies.

In response to a question, Ms. Madden advised that the plain language of the statute applies without interpretation of the intent. She noted that Mr. Ek's reference to paragraph 5 of Section 12.01.210(6) had to do with property owners who are subject to the reimbursement agreement. Paragraph 7 of Section 12.01.210(6) applies to existing homeowners. In response to a question, Ms. Madden expressed the opinion that the language of paragraph 5 was being taken out of context in this situation.

Mr. Sullivan reviewed three options available to the Commission: to find in favor of the appellant; to find in favor of the City; or to refer this matter to the Board of Supervisors. He noted that the appeal had to do with Title 12 of the CCMC, and that the Commission's purview is over Title 18. He expressed the opinion that the appeal would most likely end up before the Board of Supervisors.

Chairperson Peery requested the input of the individual Commissioners. Commissioner Semmens agreed with Mr. Ek's interpretation of paragraph 5 of Section 12.01.210(6). He expressed the opinion that Mr. McCleary should not be required to extend a "\$30,000 water line and then have [Lots] 2, 4, 5, and 11 hook into it without some reimbursement to him." He related a personal anecdote as an example, and expressed the opinion that the matter should be referred to the Board of Supervisors. Vice Chairperson Kimbrough inquired as to the intent of the appeal. Mr. Ek acknowledged that the intent was to ensure the adjacent property owners would be required to pay their pro-rata share of the cost of extending the water main. Vice Chairperson Kimbrough expressed concern that the provisions of the law were not being enforced to require every property owner within 400' of a water main to connect. Mr. Fellows pointed out that reimbursements are collected only at the time a property owner submits a building permit application. The owner of an existing developed property would not apply for a building permit; therefore, there is no mechanism by which to collect a reimbursement. Vice Chairperson Kimbrough expressed the opinion the matter should be referred to the Board of Supervisors. Commissioner Mullet agreed that the matter should be referred to the Board of Supervisors, and suggested a legal opinion may be necessary. Commissioner Vance agreed the matter was non-jurisdictional to this Commission and should be referred to the Board of Supervisors. Chairperson Peery agreed, and entertained a motion. **Commissioner Vance moved to refer this appeal to the Board of Supervisors as it does not seem germane to this Commission. Commissioner Mullet seconded the motion. Motion carried 5-0.**

**G-13. ZCA-05-103 ACTION REGARDING A ZONING ORDINANCE AMENDMENT REQUEST FROM THE CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT DIVISION TO AMEND TITLE 18.02.070, SPECIFICALLY INVOLVING THE MASTER PLAN PROCESS AND OTHER MATTERS RELATED THERETO (2-1833) -** Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to approve ZCA-05-103, a zoning code amendment to modify Section 18.02.070 of the Carson City Municipal Code regarding various provisions relating to procedural matters for master plan amendments and other matters related thereto. Commissioner Vance seconded the motion. Motion carried 5-0.**

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**G-14. ZCA-05-104 ACTION REGARDING A ZONING ORDINANCE AMENDMENT FROM THE CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT DIVISION TO MODIFY THE CARSON CITY MUNICIPAL CODE, TITLE 18.05.030, TRAILERS, MOBILE HOMES, RECREATIONAL VEHICLES, COMMERCIAL COACHES, AND STORAGE CONTAINERS, SPECIFICALLY INVOLVING SECTION 1.e BY ADDING "NO OVERNIGHT TRUCK, RECREATIONAL VEHICLE PARKING OR CAMPING, FINE \$100" AND OTHER MATTERS RELATED THERETO (2-1675) - Chairperson Peery introduced this item. Mr. Sullivan distributed, to the Commissioners, copies of an ordinance adopted by the Board of Supervisors in April 2005, and reviewed the same.**

In response to a question, Mr. Sullivan advised that overnight RV parking in lots with less than 25 spaces was not generally anticipated. Commissioner Mullet expressed concern with regard to the definition of "truck." In response to a question, Mr. Sullivan advised the intent is applicable to semi-trucks.

Chairperson Peery opened this item to public comment.

(2-1772) Gene Lepire expressed support for staff's recommended action.

In response to a question, Mr. Sullivan advised that the fine would be levied against the driver of the vehicle. Vice Chairperson Kimbrough noted that the businesses would therefore not be encouraged to enforce the ordinance.

Chairperson Peery entertained a motion. **Commissioner Semmens moved to approve ZCA-05-104, a zoning code amendment, to modify Section 18.05.030(1)[e] of the Carson City Municipal Code to add that overnight truck parking, recreational vehicle parking, and camping are prohibited within parking lots consistent with other RV provisions of the Carson City Municipal Code. Vice Chairperson Kimbrough seconded the motion. Motion carried 5-0.**

**H. STAFF REPORTS**

**H-1. REPORT ON BOARD OF SUPERVISORS' ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (2-1962) -** Mr. Sullivan reported that Bill No. 115 affecting zoning on Lepire Drive was unanimously approved, on second reading, by the Board of Supervisors. He distributed a memo, to the Commissioners and staff, from the District Attorney's staff regarding Fuji Park.

**H-2. MPA-04-127 STATUS REPORT ON ACTIVITIES RELATED TO "ENVISION CARSON CITY," THE UPDATE OF THE CARSON CITY MASTER PLAN AND THE PARKS, RECREATION, AND TRAILS PLAN (2-2023) -** Mr. Plemel reported that a detailed update would be provided at the July 7<sup>th</sup> joint meeting between the Commission and the Board of Supervisors.

**I. ACTION ON ADJOURNMENT (2-2036) -** Commissioner Vance moved to adjourn the meeting at 8:41 p.m. Vice Chairperson Kimbrough seconded the motion. Motion carried 5-0.

The Minutes of the June 29, 2005 meeting of the Carson City Planning Commission are so approved this 27<sup>th</sup> day of July, 2005.

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JOHN PEERY, Chair