

CARSON CITY PLANNING COMMISSION
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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, August 31, 2005 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson John Peery
Vice Chairperson Mark Kimbrough
Connie Bisbee
Craig Mullet
Steve Reynolds
Roy Semmens
William Vance

STAFF: Walter Sullivan, Planning and Community Development Director
Lee Plemel, Principal Planner
Jennifer Pruitt, Senior Planner
Robb Fellows, Chief Stormwater 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, AND PLEDGE OF ALLEGIANCE (1-0007) - Chairperson Peery called the meeting to order at 3:30 p.m. Roll was called; a quorum was present. Commissioner Mullet led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - July 27, 2005 (1-0021) - Commissioner Bisbee moved to approve the minutes, as submitted. Commissioner Reynolds seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENT (1-0028; 0075) - None.

D. MODIFICATIONS TO THE AGENDA (1-0034) - None.

E. DISCLOSURES (1-0048) - With regard to items G-4 and G-5, Commissioner Bisbee advised of a future relationship, through the marriage of her daughter, with Pastor Ken Haskins of First Christian Church. She didn't anticipate any conflict of interest.

F. CONSENT AGENDA (1-0058) - Chairperson Peery expressed the understanding that all consent agenda items were scheduled for continuance. He introduced each item, and **Commissioner Semmens moved to continue U-90/91-41 and the following consent agenda items to the September 28, 2005 Commission meeting. Commissioner Vance seconded the motion. Motion carried 7-0.**

F-1. U-90/91-41 ACTION ON A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR CARSON CITY AT FUJI PARK / CARSON CITY FAIRGROUNDS FOR AN ADMINISTRATIVE DETERMINATION ON WHETHER "CAR SHOWS" AS STATED IN THE PARKS MASTER PLAN INCLUDE A COMMERCIAL DISPLAY OF AUTOMOBILES BY A LICENSED AUTOMOBILE DEALER - Continued.

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F-2. SUP-05-142 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM JAMES E. KRAHVLEC (PROPERTY OWNER: REALTY INCOME CORPORATION) TO ALLOW PLACEMENT OF A PERMANENT STORAGE CONTAINER, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 1980 NORTH CARSON STREET (RITE-AID DRUG STORE), APN 001-091-09 - Continued.

F-3. MISC-05-151 ACTION REGARDING A MISCELLANEOUS REQUEST FROM THE CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT DIVISION TO ADOPT POLICY NUMBER PCP-2 TO CONTROL METAL STORAGE CONTAINERS USE IN COMMERCIAL, INDUSTRIAL, PUBLIC, AND RESIDENTIAL ZONING DISTRICTS, INCLUDING PERFORMANCE STANDARDS - Continued.

F-4. MPA-05-145 ACTION TO ADOPT RESOLUTION 2005-PC-9 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A MASTER PLAN AMENDMENT APPLICATION FROM SILVER STATE CONSULTANTS (PROPERTY OWNER: SIERRA STRUCTURAL AND DEVELOPMENT) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL TO COMMERCIAL ON A PORTION OF THE PROPERTY LOCATED BETWEEN RHODES STREET AND BETTS STREET, APNs 009-031-09 AND -10 - Continued.

F-5. ZMA-05-146 ACTION REGARDING A ZONING MAP AMENDMENT APPLICATION FROM SILVER STATE CONSULTANTS (PROPERTY OWNER: SIERRA STRUCTURAL AND DEVELOPMENT) TO CHANGE THE ZONING FROM SINGLE FAMILY 12,000 (SF12) TO LIMITED INDUSTRIAL (LI) ON A PORTION OF THE PROPERTY LOCATED BETWEEN RHODES STREET AND BETTS STREET, APNs 009-031-09 AND -10 - Continued.

G. PUBLIC HEARING:

G-1. MPA-05-141 ACTION TO ADOPT RESOLUTION 2005-PC-8 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A MASTER PLAN AMENDMENT APPLICATION FROM CARSON-TAHOE HOSPITAL TO CHANGE THE MASTER PLAN LAND USE DESIGNATION FROM PUBLIC REGIONAL TO OFFICE, ON PROPERTY LOCATED AT 1303 MOUNTAIN STREET, APN 001-141-01; G-2. ZMA-05-140 ACTION REGARDING A ZONING MAP AMENDMENT APPLICATION FROM CARSON-TAHOE HOSPITAL TO CHANGE THE ZONING FROM PUBLIC COMMUNITY (PC) TO SINGLE FAMILY 6,000 (SF6), ON PROPERTY LOCATED AT 3 LANE CIRCLE AND 1303 MOUNTAIN STREET, APNs 001-141-24 AND 001-141-01 (1-0092) - Chairperson Peery introduced these items. Mr. Plemel reviewed the staff report and a displayed parcel map, and narrated photographs of the subject properties. He noted that a super majority vote would be required to pass a recommendation of approval on to the Board of Supervisors. In response to a question, he advised that the structure on the corner of Lane Court and Fleischmann Way is a Carson-Tahoe Hospital facility, but was not included in the request.

(1-0168) Mike Stephenson, of Palmer Engineering Group, acknowledged having reviewed the staff report and his agreement with the same. He advised of the hospital's objective to convert the subject properties to residential zoning for the purpose of selling them.

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Commissioner Vance commented that the corner property "is in deplorable shape." He expressed the opinion the hospital "could have done a little better job of keeping it up." Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Mullet moved to adopt Resolution 2005-PC-8 to recommend to the Board of Supervisors approval of MPA-05-141, a master plan amendment to change the land use designation for APN 001-141-01 from Public Regional to Office, based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.**

Commissioner Mullet moved to recommend to the Board of Supervisors approval of ZMA-05-140, a zoning map amendment to change the zoning of APNs 001-141-01 and -24 from Public Community to Single Family 6,000, based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.

G-3. P-93/94-1 ACTION REGARDING A REQUEST FROM PALMER & LAUDER ENGINEERS, LLC (PROPERTY OWNER: CARSON-TAHOE HOSPITAL) FOR AN AMENDMENT TO THE SILVER OAK PLANNED UNIT DEVELOPMENT TO DELETE A .16-ACRE PORTION OF THE SUBJECT PARCEL FROM THE PLANNED UNIT DEVELOPMENT, ON PROPERTY ZONED SINGLE FAMILY 12,000-PLANNED UNIT DEVELOPMENT/RETAIL COMMERCIAL (SF12-P/RC), LOCATED IN THE VICINITY OF THE NORTH DEVELOPMENT BOUNDARY, WHICH IS SOUTH OF MEDICAL PARKWAY, APN 007-531-04 (1-0227) - Chairperson Peery introduced this item, and Ms. Pruitt reviewed the staff report.

(1-0256) Mike Stephenson, of Palmer Engineering Group, explained that the subject property was de-annexed from the Silver Oak Development and added to the portion acquired by the hospital.

Chairperson Peery called for public comment; however, none was provided. Ms. Pruitt advised that staff anticipates receiving a revised tentative map in the near future. Chairperson Peery entertained a motion. **Commissioner Reynolds moved to approve an amendment to the Silver Oak Planned Unit Development to delete a .16-acre portion from the planned unit development, located south of Medical Parkway, APN 007-531-04. Commissioner Semmens seconded the motion. Motion carried 7-0.** In response to a question, **Commissioner Reynolds agreed to include in his motion the requirement for submission of a revised tentative map. Commissioner Semmens continued his second.**

G-4. MPA-04-005 ACTION TO ADOPT RESOLUTION 2005-PC-6 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A MASTER PLAN AMENDMENT APPLICATION FROM DWIGHT MILLARD (PROPERTY OWNER: FIRST CHRISTIAN CHURCH) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION FROM RURAL INDUSTRIAL TO COMMERCIAL ON PROPERTY LOCATED ON THE NORTH SIDE OF HIGHWAY 50 EAST APPROXIMATELY 300 FEET WEST OF THE LYON COUNTY BORDER, APNs 008-612-01, -03, -04, -05, AND -06; and G-5. ZMA-04-004 ACTION REGARDING A ZONING MAP AMENDMENT APPLICATION FROM DWIGHT MILLARD (PROPERTY OWNER: FIRST CHRISTIAN CHURCH) TO CHANGE THE ZONING FROM GENERAL INDUSTRIAL (GI) TO GENERAL COMMERCIAL (GC), ON PROPERTY LOCATED ON THE NORTH SIDE OF HIGHWAY 50 EAST APPROXIMATELY 300 FEET WEST OF THE LYON COUNTY BORDER, APNs 008-612-01, -03, -04, -05, AND -06 (1-0298) - Chairperson Peery introduced these items. Mr. Plemel reviewed the staff report and a displayed parcel map, and narrated photographs of the subject property. He advised of receiving an inquiry from the owner of Pick 'N' Pull, who did not

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express any concerns over the application. He advised of staff's recommended approval as the proposed master plan amendment is consistent with the direction of the Envision Carson City Master Plan, and based on the findings contained in the staff report.

In response to a question, Mr. Plemel advised that the Lyon County Planning Department was noticed of this application. No comments were received, however. Commissioner Vance referred to "an elaborate presentation" regarding the eastern portal, and inquired as to whether the subject application would limit the City's options. Mr. Plemel advised that some of the master plan scenarios depicted various levels of potential development. The direction indicated by the Board of Supervisors was not to use Bureau of Land Management property; however, approval of the subject application would not preclude development.

Vice Chairperson Kimbrough expressed appreciation for the amount of detail included in the application materials and presentation. In response to a question, Mr. Plemel pointed out a gravel extraction operation to the north of Pick 'N' Pull. In response to a further question, he explained that the property owner requested the master plan amendment in order to be able to market the property for compatible uses. He advised that staff is comfortable with this direction for the subject corridor as far as the master planning process is concerned. As a member of the V&T Corridor Protection Committee, he advised that the sooner the subject property is redesignated, the less chance there will be for development of incompatible uses which may preclude tourist commercial development opportunities. He noted that the area is presently designated rural industrial, but hasn't been developed to any large extent. The primary reason is that water and sewer have not been available. A water tank was recently constructed to the southwest of the subject property which will provide water service for the area. The City is currently in the planning stages for providing sewer up Highway 50. This will create more development opportunity. Mr. Plemel reiterated that a commercial designation would not preclude any future Envision Carson City opportunities.

Commissioner Mullet noted that the parcels bordering the highway provide a more than 400' buffer. He suggested that the larger parcel "in the back" could still be used for residential development in the future. Mr. Plemel pointed out the approximate alignment of the V&T and advised there may be related tourist commercial opportunities. He noted that the commercial zoning designation presently allows for residential development with a special use permit. As the property is marketed, a commercial project could be presented which included residential development with a special use permit. Mr. Plemel acknowledged that the application was modified from the original submission of January 13, 2004.

(1-0545) Dwight Millard, representing First Christian Church, expressed appreciation to the staff for having worked with the applicants. He provided background information on the original application, and pointed out the subject parcels on a displayed map. He explained the benefits, to the church, of redesignating the property to general commercial, and pointed out the proposed location for the church. He noted that the redesignation will not preclude residential development. He pointed out a grade conflict with the V&T alignment, but advised that the route comes back to grade level at the BLM property. He expressed the opinion that the requested zone change fits with Envision Carson City, and allows the church to move forward with their plans. He pointed out that if the entire parcel is not redesignated, the rural industrial zoning may allow for some undesirable development adjacent to commercial development. He advised of having been involved in "water meetings" with City representatives, and discussed the opportunities which extending water and sewer to Highway 50 will bring. In response to a question, Mr. Millard acknowledged his agreement with the staff reports. In response to a further question, he pointed out the proposed location for the church and its associated access. Chairperson Peery called for public comment.

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(1-0686) James Parker pointed out property owned by the Parker Family Trust. He discussed involvement in planning for the eastern portal over the past two years, and advised of multiple meetings with Mr. Millard and Reverend Haskins. With regard to the eastern portal, he expressed a preference for the possibility of multiple uses and that the area not be developed in a "strip commercial" fashion. He expressed the belief that the subject "proposal follows both of these principles." He advised that redesignating the parcels to general commercial would help prevent a strip commercial approach to that portion of Highway 50. He expressed the opinion that the eastern portal should have "a central set of themes and visuals. ... The usage of the V&T as tying those together on both sides of the highway could create a very attractive visual coming into Carson City." He expressed strong support for the applications.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to adopt Resolution 2005-PC-6 to recommend to the Board of Supervisors approval of MPA-04-005, a master plan amendment to change the land use designations of APNs 008-612-01, -03, -04, -05, and -06, from Rural Industrial to Commercial, based on the findings contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

Commissioner Semmens moved to recommend to the Board of Supervisors approval of ZMA-04-004, a zoning map amendment to change the zoning of APNs 008-612-01, -03, -04, -05, and -06, from General Industrial to General Commercial, based on the findings contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 7-0.

G-6. MPA-05-116 ACTION TO ADOPT RESOLUTION 2005-PC-7 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF A MASTER PLAN AMENDMENT APPLICATION FROM WESTERN ENGINEERING (PROPERTY OWNER: JANET BALDWIN) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION FROM MEDIUM DENSITY RESIDENTIAL / MOBILE HOME TO COMMERCIAL, ON PROPERTY LOCATED AT 1851 MERCURY WAY, APN 008-161-18; and G-7. ZMA-05-117 ACTION REGARDING A ZONING MAP AMENDMENT APPLICATION FROM WESTERN ENGINEERING (PROPERTY OWNER: JANET BALDWIN) TO CHANGE THE ZONING FROM MOBILE HOME 12,000 (MH12) TO GENERAL COMMERCIAL (GC), ON PROPERTY LOCATED AT 1851 MERCURY WAY, APN 008-161-18 (1-0747) - Chairperson Peery introduced these items. Mr. Plemel reviewed a displayed zoning map and the staff report, and narrated photographs of the subject property. He noted staff's recommendation of denial.

(1-0929) Dennis Smith of Western Engineering, representing Janet Baldwin, advised he was not in agreement with the staff report. He provided background information on the subject property, and advised that it cannot be legally served by Neptune Court. He displayed a parcel map and pointed out the access to Neptune Court from Carmine Street, a private access, and Ms. Baldwin's property. He advised that residential development of Ms. Baldwin's property "doesn't make sense" because of access issues. He advised of having discussed the matter with adjacent property owners, and "decided that a light commercial use would be more appropriate." He explained that commercial use would not be justified based on surrounding uses or being adjacent to existing commercial, but considering "what fits for this particular property." He suggested that staff's recommendation of denial had to do with conflict and compatibility. He advised that a conflict to his client is she cannot develop her property as it is presently designated. He explained that a commercial designation would provide the flexibility to design "an office / warehouse type of unit" with light traffic; "similar to what a contractor would use for their office." He suggested that an 8:00 a.m. to 5:00 p.m. operation would be more compatible with existing, adjacent residential uses and with

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the existing commercial uses that front Mercury Way. He advised that Mercury Way “basically is an easement through Mr. Benson’s feed store parking lot.” He further advised that access to Neptune Court would be limited to emergency vehicles only. He explained that any commercial development would have to be fairly small, “three or four buildings because of the parking requirements.” He suggested that conflicts would be minimal. He pointed out that the access road from Neptune Court had been graded 5' above the existing grade on Ms. Baldwin’s property. He suggested Ms. Baldwin’s property could be screened and the adjacent slope could be protected. There would be separation between the proposed commercial and the residential “on all three sides.” Mr. Smith reiterated there should be no conflict provided the type of commercial use would be compatible with the surrounding residential properties.

In response to a question, Mr. Fellows advised that the cul-de-sac is governed by a 15-unit requirement. Any more would require looping the water and “have two ways out.” The conflict is that the 20' existing easement would need to be expanded to a 50' access to North Lompa or Highway 50. In response to a further question, he advised that 15 units comprise the new development. In response to a further question, he advised that access was always an issue regardless of the zoning designation. From North Lompa Lane, NDOT has built a driveway into the Benson Feed property which may be utilized; however, negotiation and work remains to be done. Chairperson Peery called for public comment.

(1-1078) Brad Lencioni advised he is the owner of the adjacent parcel which is in the process of being developed. He expressed opposition to the master plan amendment because of concerns over traffic, and advised that a secondary access would be needed from Neptune Court. He noted that use of the secondary access could not be prevented. He expressed an additional concern over noise, and the opinion that a commercial use would not conform with the residential neighborhood. He advised that Ms. Baldwin sold him part of his property, and of her intent to improve her property at that time with manufactured housing. He advised he would not have purchased “that back end” had he known Ms. Baldwin would request to rezone her property. As a real estate appraiser, he advised that residential property abutting a commercial or industrial use has a negative influence on property value. He expressed concern over marketing his residential property with an adjacent commercial property.

In response to a question, Mr. Lencioni expressed a preference for zoning the property to accommodate manufactured housing. He provided background information regarding the access from Ms. Baldwin’s property to Neptune Court. He suggested that the best interests of the neighborhood would be served by designating Ms. Baldwin’s property as mobile home 6,000. Commissioner Mullet discussed the process associated with Mr. Lencioni’s property zoning designation, and expressed concern that Ms. Baldwin may be harmed by his development. He suggested the City should be responsible for assisting Ms. Baldwin in determining appropriate development for her property. Mr. Lencioni reiterated his support for Ms. Baldwin developing the property as MH6.

(1-1168) Linda Oakes advised that she and her father are potential developers of the subject property if it is rezoned to commercial. She expressed concern over access, and advised that the cul-de-sac was to be used only by the three existing properties. She explained the method by which access would be gained to the property. She noted that the parcel is comprised of only two acres, and that three to four, 5,000 square foot buildings would be proposed for light commercial, office / warehouse use. She advised that her father has been developing property in Carson City since the 1960s. She further advised she would personally maintain the buildings, and that the use would be “very quiet.” She advised there would be no traffic concerns, and reiterated there would be no commercial access to or from the cul-de-sac.

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Chairperson Peery called for additional public comment; however, none was forthcoming. Mr. Sullivan advised that if the Commission and the Board of Supervisors were to approve the rezoning, it would not be tied to a resolution of intent. Any use allowed in the commercial zoning district could be developed on the property. Secondly, any commercial development of the property would require a 50' access. Appropriate access to the subject property would be through the residential subdivision. The 20' access doesn't meet City Code. At Chairperson Peery's request, Mr. Sullivan pointed out the access for commercial traffic. He advised that the project supervisor was required to indicate access through the cul-de-sac during the Board of Supervisors meeting at which the subdivision's final map was presented. He noted that Mr. Plemel had demonstrated approval of the request would present friction problems because of residential zoning on three sides. He acknowledged there would be setback requirements, but reiterated that commercial uses and hours of operation cannot be controlled in a commercial zoning district.

Mr. Plemel acknowledged there are 15 lots in the residential development. In response to a question, Mr. Fellows advised that the three existing mobile home lots have access from Mercury Way. Chairperson Peery reviewed possible action, and entertained comments or a motion. Vice Chairperson Kimbrough expressed difficulty with understanding the background of the request. He didn't see any other alternatives, and noted that "the system doesn't have something in place that seems to solve this as simply as we'd like." He suggested the adjacent property owner had come up with a solution. Mr. Sullivan expressed the belief that the applicant and her engineer were involved at the time staff met with Mr. Lencioni to discuss his development and, at that time, opted not to participate. Discussions took place at that meeting regarding the 15-lot cul-de-sac limitation, and the possibility of other options.

Commissioner Semmens inquired as to the number of manufactured homes which could be placed on the parcel if it was to be developed, leaving the 20-30' easement and constructing the other road through the development. Mr. Plemel advised that the present issue is access to the south. Mr. Fellows noted that "the issue has always been access." He suggested there may be flexibility to add more units to the end of the cul-de-sac. He advised Mercury Way has always been a problem, and that there are other, similar cases along that corridor. Small, narrow access ways are a major issue preventing development in the area.

In response to a question, Mr. Sullivan advised of discussions with Mr. Lencioni and Ms. Baldwin regarding the possibility of flexibility as to the 15-unit cul-de-sac requirement. One of the prerequisites is some type of increased access from the subject parcel to Lompa Lane. Mr. Sullivan acknowledged that Ms. Baldwin had indicated no desire to participate in the development being pursued by Mr. Lencioni. Mr. Plemel advised that the City has done nothing to worsen access to this property; that the subdivision improved the subject parcel by providing access. Prior to that, the parcel was zoned for residential use and only had legal access to Mercury Way.

Commissioner Mullet recalled discussions regarding access and expressed the understanding there was more assurance access would be provided from Lompa Lane. Ms. Pruitt acknowledged discussions but advised there was no decision with regard to acquiring right-of-way from Lompa Lane. Mr. Fellows acknowledged that the existing right-of-way through Mercury Way cannot be used for commercial or residential access to the subject property. The minimum access way required for a commercial property or more than four residential lots is 50'; less than four residential lots requires 25'. Mr. Fellows further acknowledged that legal access would have to be from the cul-de-sac if the property was rezoned. Commissioner Reynolds expressed more of an inclination to rezone the property to general commercial if there was existing right-of-way from Mercury Way which would go through general commercial. He expressed the opinion that access helps define appropriate zoning designations. At this point, he agreed with the recommendation of denial because of the right-of-way issue.

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Commissioner Vance expressed sympathy for the owner / applicant but couldn't "go along with creating a panhandle." He expressed the opinion that Mr. Benson would be "ho-hum" about building a street between his store and hay barn. For access to satisfy commercial requirements, he expressed the opinion it would be easier to double the width of the "back half of that street and just go with MH6." He expressed support for denying the request. Chairperson Peery expressed concern regarding the inability to control any commercial aspect on the property and the creation of a commercial use within a residential area. He entertained a motion. **Commissioner Semmens moved to recommend to the Board of Supervisors denial of MPA-05-116, a master plan amendment to change the land use designation of APN 008-161-18 from Medium Density Residential/ Mobile Home to Commercial, based on the findings contained in the staff report. Commissioner Vance seconded the motion. Motion carried 6-1.**

Commissioner Semmens moved to recommend to the Board of Supervisors denial of ZMA-05-117, a zoning map amendment to change the zoning of APN 008-161-18, from Mobile Home 12,000 to General Commercial, based on the findings contained in the staff report. Commissioner Vance seconded the motion. Motion carried 6-1. Mr. Sullivan advised that the Commission's action would be forwarded to the Board of Supervisors at their second meeting in September. Commissioner Mullet expressed agreement with the action because of the commercial aspect and the conflict with surrounding properties. He expressed the hope that City staff would assist the property owner in negotiating access to develop her land.

G-8. AB-05-136 ACTION REGARDING AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM HELEN GARDNER-TREADWELL, SYMANTHA GARDNER-ZINK, BENJAMIN W. LEVY AND DONNA J. GEARHART-LEVY, TO ALLOW ABANDONMENT OF A PORTION OF ARDEN WAY, EAST OF SOUTH EDMONDS DRIVE TO KOONTZ LANE, LOCATED AT 4025 SOUTH EDMONDS DRIVE AND 3949 SOUTH EDMONDS DRIVE, APNs 010-185-18 AND 010-185-17 (1-1556) - Chairperson Peery introduced this item. Ms. Pruitt advised of a correction to condition of approval #5, which she read into the record. She reviewed the staff report, and advised of six letters in opposition to the application, one of which was provided in the late materials. She advised of having visited the site and narrated photographs of the subject property.

Chairperson Peery inquired as to preservation of a sewer easement, and Ms. Pruitt acknowledged that condition of approval #5 addressed the same. In response to a question, Mr. Grundy advised that the right-of-way never went all the way through to Conte Drive.

(1-1652) Benjamin Levy and Helen Gardner-Treadwell introduced themselves for the record. Ms. Treadwell advised of having researched Arden Way and that it "does continue on up." She further advised that the property between hers and Mr. Levy's is not improved. The two owners behind have fenced off their properties. Ms. Gardner-Treadwell advised of having maintained the property over the past twelve years. She provided background information on a proposal to add a double-car garage to her property, and advised that her "new neighbor" and Mr. Levy want to improve their properties. She reiterated that she and Mr. Levy "share the responsibility of that property." She suggested the "City has a great liability because it's their property, they were doing nothing with it." She advised that the application was submitted in the hope "it would help everyone." In response to a question, Ms. Gardner-Treadwell and Mr. Levy expressed agreement with the staff report. Chairperson Peery called for public comment.

(1-1712) Julian C. Smith, Jr., representing Charles and Georgia Ferrel, pointed out, on a displayed parcel map, the Ferrels' property and that of an adjacent property owner. He reviewed his August 25th letter which was distributed to the Commissioners and staff prior to the start of the meeting.

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Commissioner Reynolds inquired as to the reason the Arden Way right-of-way doesn't extend further east between the other properties. Mr. Smith advised of having seen maps which indicate Arden Way extends further north. He suggested that when Ralph Tucker purchased the property, he remapped the 2.5-acre parcels to one-acre parcels. He referred to NRS 278.480, and discussed disposition of existing roads when parcels are remapped. In response to a question, he advised of not having found any other abandoned rights-of-way. In response to a further question, he pointed out the Ferrels' fence line, and advised that it is opened occasionally for access to their hay barn. Commissioner Semmens advised that the Ferrel and Crowe properties are comprised of 1.25 acres. The two parcels which are the subject of this agenda item are .99 acre and 1 acre, respectively. In response to a question, Mr. Smith advised of the route by which the Ferrels access their property to unload hay. He further advised that hay is usually unloaded in the late summer or early fall. He responded to additional questions regarding the possibility of rezoning the properties in the area to half-acre parcels. In response to a further question, Mr. Smith explained potential damages to the Ferrels, and the basis for a lawsuit against the City. In response to a further question, he reviewed the method by which he arrived at the \$112,000 figure in potential damages.

Chairperson Peery called for additional public comment; however, none was provided. Mr. Sullivan expressed appreciation for Mr. Smith's legal position. He stated, for the record, that noticing was done to the letter of the law. With regard to the method by which Mr. Smith would like to see the parcel divided, he explained the City's intent, over the years, to abandon the northern and southern halves to the respective property owners on the north and south sides. He advised of having requested Mr. Plemel, as part of the master plan update, to consider the possibility of rezoning to half acre parcels in the subject area. The conclusion has been to not reduce the one-acre zoning designation in any of the master plan scenarios. Mr. Sullivan provided background information on condition of approval #5. He advised that the Commission's key concern was in regard to the provisions of NRS 278.480(5), and to ensure the public would not be damaged by the proposed abandonment. One consideration is whether the parcels have legal access.

Vice Chairperson Kimbrough expressed concern over the legal questions raised by Mr. Smith. Mr. Sullivan reiterated that the issue before the Commission was whether the public would be materially damaged. Mr. Smith's concerns would have to be addressed by the Board of Supervisors. Mr. Sullivan reiterated the method by which abandonments have been handled over the years. He noted that Mr. Smith was entitled to his legal position and to present it to the Board of Supervisors.

In response to a question, Ms. Madden expressed agreement with Mr. Sullivan's comments regarding the Commission's purview over whether the abandonment would materially injure any party. Interpretation of the applicable statute would be left to the District Attorney's Office, other counsel, and the District Court. Ms. Madden expressed disagreement with Mr. Smith's interpretation of the statute.

Commissioner Reynolds referred to the letter from Lynn and Gregg Berggren which was included in the agenda materials. In response to a question, Mr. Grundy acknowledged having visited the site and the potential for sewer connection through the subject right-of-way at some time in the future. If the property owners to the east connected to Conte Drive, they would have to pump their sewer, but would not have to if they connected through Arden Way. Mr. Grundy acknowledged that the property owners would be able to connect through the easement to be reserved for that purpose. He responded to additional questions regarding the sewer connections. In response to a question, Mr. Fellows advised that the 25' easement would be a public access easement; essentially a private driveway to the back of the parcels and to the adjoining parcels. He acknowledged that the easement could not be fenced. In response to a comment, Mr. Fellows explained that access ways are essentially driveways for use by individual property owners.

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Chairperson Peery entertained a motion. **Commissioner Bisbee moved to recommend that the Board of Supervisors approve application AB-05-136, an abandonment of a portion of a 60'-wide and 291.8' long portion of Arden Way right-of-way, located along the southerly property line of APN 010-185-17, and along the northerly property line of APN 010-185-18, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion.** In response to a question, Commissioner Bisbee amended her motion to include reservation of a 25' public access and public utilities easement along the center of the right-of-way. Commissioner Semmens continued his second. Motion carried 7-0.

G-9. VAR-05-139 ACTION REGARDING A VARIANCE APPLICATION FROM AL BERNHARD (PROPERTY OWNER: BERNHARD FAMILY TRUST) TO ALLOW A REDUCTION IN THE REQUIRED SETBACK OF 50 FEET TO 23 FEET ADJACENT TO RESIDENTIAL PROPERTY, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT COLLEGE PARKWAY AND HOT SPRINGS ROAD, APN 008-125-56 (1-2382) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, including the special circumstances listed therein, and narrated pertinent photographs. She thanked the applicant for providing detailed information. In response to a question, Mr. Fellows advised that the portion of Hot Springs Road adjacent to the Wal-Mart development will remain part of the public right-of-way, and serve as one of the main accesses to the shopping center. He pointed out, on a displayed photograph, a small portion of Hot Springs which will be abandoned. In response to a further question, Mr. Fellows pointed out access ways to College Parkway.

(1-2527) Jack Randell, representing Al Bernhard, advised of having reviewed the staff report and acknowledged his agreement. In response to a question, Mr. Randell advised of plans for three buildings on the property. He listed potential tenants.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Reynolds moved to approve VAR-05-139, a variance application from Al Bernhard, to vary the setback from 50 feet adjacent to residential to 23 feet to allow retail establishments, on property zoned limited industrial, located at College Parkway and Hot Springs Road, APN 008-125-56, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 7-0.** Chairperson Peery recessed the meeting at 5:49 p.m. and reconvened at 5:58 p.m.

G-10. SUP-05-132 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM RICHARD ATKINS TO ALLOW PLACEMENT OF FOUR PERMANENT STORAGE CONTAINERS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 4261 HIGHWAY 50 EAST (ATKINS HOUSE OF CARPET), APN 008-292-27 (1-2612) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He pointed out the two storage containers on a displayed aerial photograph, and described their color. He advised of having spoken with the Assessor, who informed him storage units are taxed on a depreciation basis over a period of fifteen years.

(1-2711) Richard Atkins discussed the purpose for the storage containers. He acknowledged agreement with the conditions in the staff report. Chairperson Peery called for public comment.

(1-2751) Craig Lee, of 2232 Darla Way, pointed out his property on the displayed aerial photograph. He expressed a preference for the containers to be screened, and suggested they should be painted to exactly match the building. He advised that the storage containers are visible from "just about anywhere on [his]

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property.” He circulated photographs among the Commissioners. In response to a question, Mr. Lee explained that the elevation of his property is higher than the subject property and that the storage containers are visible from every point.

In response to a question, Mr. Sullivan advised he is awaiting a return phone call from the Fire Marshal regarding one of the conditions of approval. He offered to research the pertinent Code requirements, but assumed they relate to prohibited storage of chemicals and dangerous substances.

(1-2855) Mr. Atkins advised that his property is annually inspected by the Fire Marshal. There has never been any problem with the containers. In response to a question, Mr. Atkins explained that the adhesives used are no longer flammable, and nothing flammable is stored on the property. In response to a further question, Mr. Atkins advised of having the units for approximately 15-20 years. NDOT moved them to the new store location after purchasing the old store.

Mr. Sullivan provided background information on adoption of the Code section requiring a special use permit for storage units located in a commercial district. He provided additional information on the notification provided to property owners following review of commercial parcels by Planning and Community Development Department staff. He commended Mr. Atkins for applying for the special use permit immediately following receipt of the notification. He acknowledged that the storage units are a slightly different color than the building, but considered it an accent color. He advised that six to eight special use permits have been processed thus far, and that “this has been the cleanest site by far.”

Chairperson Peery called for additional public comment; however, none was forthcoming. Commissioner Mullet agreed that the installation appeared fairly clean, neat, and organized. He commended Mr. Sullivan and Assessor Dave Dawley on combining efforts to communicate about the storage units. **Commissioner Semmens moved to approve SUP-05-132, a special use permit application from Richard Atkins to allow placement of four permanent storage containers, on property zoned General Commercial, located at 4261 Highway 50 East, APN 008-292-27, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0.**

G-11. SUP-05-147 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM KELLY AND SHANNON BELL TO ALLOW AN ACCESSORY STRUCTURE WHICH EXCEEDS 75% OF THE SIZE OF THE RESIDENCE OF 3,320 SQUARE FEET AND 5% OF THE PARCEL SIZE, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 4434 MULDOON STREET, APN 009-185-21 (1-3016) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report, and noted condition of approval 13 states the building will be used for non-commercial storage of private vehicles. He commended the applicant on the plans.

(1-3082) Julio Sandoval, of Silver State Consultants, advised that the applicant had read the staff report and agreed with the conditions of approval. With regard to condition of approval 11, he noted there will be no exterior lighting. He acknowledged the north setback is 19'6".

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained a motion. **Commissioner Vance moved to approve SUP-05-147, a special use permit request from applicant / owner Kelly W. and Shannon R. Bell to allow an addition of 1,189 square feet to an existing accessory building of 1,536 square feet, which exceeds 75% of the size of the primary structure and 5% of the parcel size on property zoned Single Family One Acre, located at 4434**

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Muldoon Street, APN 009-185-21, based on seven findings and subject to thirteen conditions of approval contained in the staff report. Commissioner Mullet seconded the motion. Motion carried 7-0.

G-12. SUP-05-148 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM ROBERT WEBSTER (PROPERTY OWNER: WEBLANCO, FLP) TO ALLOW EXPANSION OF A NON-CONFORMING BUILDING WITHIN A SETBACK, ON PROPERTY ZONED GENERAL OFFICE (GO), LOCATED AT 341 SOUTH ROOP STREET, APN 004-091-05 (1-3157) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report and narrated pertinent photographs. He noted staff's recommendation of approval pursuant to the conditions included in the staff report.

(1-3247) Robert Webster reviewed details of the project, and acknowledged acceptance of the staff report.

Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to approve SUP-05-148, a special use permit application from Robert R. Webster to allow expansion of a non-conforming building for the construction of an addition to a single-family dwelling that follows an existing, non-conforming five-foot setback where ten feet is the minimum required, on property zoned General Office, located 341 South Roop Street, APN 004-091-05, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 7-0.**

G-13. SUP-05-149 ACTION REGARDING A SPECIAL USE PERMIT APPLICATION FROM THERESSA NEWLIN AND WANONA PHILLIPS (PROPERTY OWNER: PIA PARAPID) TO ALLOW, AS A CONDITIONAL USE, A CHILD CARE FACILITY, WITH A MAXIMUM OF 60 CHILDREN, ON PROPERTY ZONED RETAIL COMMERCIAL / MULTI-FAMILY APARTMENT (RC/MFA), LOCATED AT 151 EAST PARK STREET, APN 002-137-02 (1-3329) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He noted letters of opposition, one of which was distributed to the commissioners and staff prior to the start of the meeting. With regard to the letter from J.E. Springmeyer, Mr. Sullivan advised of having attempted to confirm with the Sheriff's Office the allegations contained in the second paragraph, but was still awaiting a return phone call as of 3:00 p.m. today. He provided an overview of, and circulated for review by the commissioners, another letter in opposition which was submitted to him prior to the start of the meeting. He noted staff's recommended approval based on the conditions outlined in the staff report. He advised of having discussed with Health and Human Services Director Daren Winkelman the "Director's Review" process, as referenced in condition of approval 4. He reviewed the conditions of approval, specifically the provisions of condition of approval 15. In response to a question, Mr. Sullivan explained the reason for requiring loading and unloading to take place in the parking lot rather than on the street. Commissioner Bisbee expressed concern with regard to adequate parking spaces for dropping off and picking up. Mr. Sullivan advised that the minimum is four parking spaces. He has encouraged more than four parking spaces, and advised there is adequate space for more.

(2-0016) Wanona Phillips and Theresa Newlin introduced themselves for the record and acknowledged their agreement with the staff report. Ms. Newlin advised of a petition in support of the day care center with approximately 127 signatures. In response to a question, she advised the square footage of the structure is 4,508; the allocation per child is 35 square feet. In response to a further question, she advised that all day care employees are required to obtain a work card from the Sheriff's Office. In response to a question, Ms. Phillips advised that drop off and pick up will be "a little more spread out" than the first and

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last half-hour periods of each day. She acknowledged that the day care customers will be encouraged to use the designated drop off area rather than the street. In response to a question, Ms. Newlin pointed out the existing privacy fence and the location of a privacy fence yet to be installed. She responded to additional questions regarding the ages of the children to be enrolled, security measures to keep the children on the daycare property, and daily sign in / sign out requirements. Ms. Newlin pointed out the available parking spaces in response to an additional question.

Chairperson Peery called for public comment; however, none was forthcoming. Mr. Sullivan provided statistical information, from the State, in response to an earlier question regarding the number of sex offenders in the area. His staff is still researching the issue, and will provide the information to the Health Department. Chairperson Peery entertained a motion. **Vice Chairperson Kimbrough moved to approve SUP-05-149, a special use permit request from Theresa Newlin and Wanona Phillips to operate a child care facility for a maximum of 60 children, on property split-zoned Retail Commercial/ Multi-Family Apartment, located at 151 East Park Street, APN 002-137-02, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.** Chairperson Peery recessed the meeting at 6:45 p.m. and reconvened at 6:55 p.m.

G-14. ZCA-05-150 ACTION REGARDING ZONING CODE AMENDMENT TO AMEND THE CARSON CITY MUNICIPAL CODE AND DEVELOPMENT STANDARDS. THIS ITEM INVOLVES MANY CHANGES TO TITLE 18, THE ZONING CODE OF CARSON CITY. THE CHANGES INVOLVE REVISIONS TO THE FOLLOWING CODE SECTIONS: GUEST BUILDINGS; FENCES, WALLS, AND HEDGES; STORAGE, PERSONAL AND OUTSIDE; MOBILE HOME PARK LANDSCAPE REQUIREMENTS; ABANDONMENT OF RIGHT-OF-WAY PROCEDURES; DEFINITIONS OF TERMS: ADJACENT, CONGREGATE CARE HOUSING, GROUP CARE FACILITY, SENIOR CITIZEN HOME, STORAGE CONTAINER; DETERMINATION OF ZONING DISTRICTS WHEN DIVIDED BY A ZONING DISTRICT BOUNDARY LINE; THE ADDITION AND DELETION OF SOME USES IN VARIOUS ZONING DISTRICTS (I.E., DELETION OF GROUP CARE HOMES AND SENIOR CARE FACILITIES FROM RESIDENTIAL AND COMMERCIAL ZONING DISTRICTS, THE ADDITION OF OUTSIDE STORAGE AND METAL STORAGE CONTAINERS PURSUANT TO REQUIREMENTS WITHIN THE DEVELOPMENT STANDARDS; CLARIFYING THE RESIDENTIAL AND NON-RESIDENTIAL (COMMERCIAL / INDUSTRIAL) SETBACK TABLES; DELETING THE "TABLE OF USE" COMPLETELY; CLARIFYING ACCESSORY STRUCTURES WHEN A SPECIAL USE PERMIT IS REQUIRED AND EXCLUDING ACCESSORY FROM BUILDINGS; RE-NUMBER THE ORDINANCE NUMBERING SYSTEM (I.E., 1000 INSTEAD OF ONE THOUSAND) AND OTHER TYPOGRAPHICAL CORRECTIONS (2-0160) - Chairperson Peery introduced this item, and provided a synopsis of the proposed amendments. Mr. Sullivan provided clarification of the proposed amendments, and expressed apology for any confusion created as part of the noticing process. He advised that Planning and Community Development Department public notices will be prepared in a more "reader-friendly" fashion in the future while maintaining the public noticing requirements set forth in state law. Mr. Sullivan and Ms. Pruitt provided a detailed review of the proposed amendments, as outlined in the draft ordinance included in the agenda materials. Mr. Sullivan requested the Commission to defer action on Section VI to a future meeting. Discussion took place and the commissioners advised of the need for various other revisions. Chairperson Peery called for public comment.

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(2-2165) Harry Swainston, representing Al and Mary Fischer, referred to the special use permit application submitted last year by Karen Kelly for a senior care home in the Lakeview area. He expressed concern regarding the group care facility deletions and redefinitions of congregate care / senior citizens housing proposed in the amendments. He advised that “these issues ... are basically before the District Court.” He explained the primary issue is whether a special use permit is required prior to opening a residential care facility or senior residential establishment. He advised that the District Attorney had rendered an opinion that a special use permit would be required for a senior residential establishment which does not serve disabled persons. State law provides that a special use permit is not required for a residential care facility which would serve disabled persons. Mr. Swainston expressed the opinion that the proposed amendments indicate no special use permit would be required for either classification. He reiterated that the issue before the District Court is whether a special use permit would be required in both instances. He expressed the opinion that the proposed amendments are presumptuous in light of the pending District Court action. He provided an overview of the District Attorney’s opinion. He reviewed the statutory definitions of a single family residence and a congregate care facility. He suggested tabling that portion of the proposed amendments regarding whether or not a special use permit is required for congregate care and senior citizens housing until after the District Court rules. He advised that a Motion to Dismiss has been before the District Judge for more than a year, and anticipates he will make a decision soon.

Chairperson Peery advised that the City’s municipal code is superseded by State statute. If the statute was changed, the City would have to conform. Vice Chairperson Kimbrough agreed. Mr. Swainston inquired as to whether a special use permit would be required of the same applicant if she was to return to the Commission with the same request to open a senior care facility. Chairperson Peery expressed the opinion that “the system worked,” and that Mr. Swainston’s example “proved it.” He commented that the proposal was not well received and was therefore “filtered out of the process.” In response to Mr. Swainston’s question, Mr. Sullivan advised that a special use permit would not be required. In response to a further question, Ms. Madden referred to the statutory provisions that a special use permit would not be required for a senior care facility to house disabled persons. She advised that Ms. Kelly’s application was unclear as to whether the persons the facility would be housing would be disabled. This was the reason for requiring a special use permit at the time. In response to a comment, Mr. Swainston provided background information on the appeal hearings before the Board of Supervisors, their action to remand the matter to the Planning Commission, and Ms. Kelly’s subsequent withdrawal of the application. He advised that the lawsuit was filed to clarify both the local ordinance as well as the State statute.

Ms. Madden suggested reviewing the proposed amendments, and explained that if there are senior or congregate homes listed which serve people without disabilities, a special use permit is required. Chairperson Peery called for additional public comment and, when none was forthcoming, closed public comment.

Mr. Sullivan acknowledged that one of the reasons for changing the definitions was to mirror the language of the statute. In response to a further question, he advised there are certain instances where a special use permit is required if a facility is non-compliant with the provisions of NRS 278.210. In response to a question, Ms. Madden advised she would be more comfortable with tabling the senior citizens home / congregate care housing edits, together with Section VI, in order to have an opportunity to review the same. The Commissioners concurred. Mr. Sullivan expressed a willingness to discuss with Mr. Swainston his concerns. In response to a question, Chairperson Peery reviewed consensus of the Commission to continue action on any reference to senior citizen home or congregate care housing, in addition to Section VI, as requested by staff. **Commissioner Reynolds moved to approve ZCA-05-150, action regarding zoning code amendment changes from Carson City Planning and Community Development to amend the**

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development standards of Division 1 of the Carson City Municipal Code Title 18, in accordance with the agenda as posted, published, and carried on the City's website, excluding any referenced changes to congregate housing, group care facilities, and senior citizen homes, the entirety of Section VI at this time, and to delete Section 18.04.155 in the Air Industrial Park, Section 2, Loading Spaces, from consideration. Commissioner Semmens seconded the motion. Motion carried 7-0. Chairperson Peery commended Mr. Sullivan and Planning and Community Development staff on the volume of work.

H. STAFF REPORTS

H-1a. REPORT ON BOARD OF SUPERVISORS' ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (2-2790) - Mr. Sullivan reported that the Board of Supervisors had approved the master plan amendment and zone change for Carson-Tahoe Hospital on second reading. The final map for the fifteen residential lot subdivision on Carmine Street was approved on a vote of 4-0-1. The Carson City Development Standards, Division 5, Historic District Guidelines, were approved on a vote of 4-0-1. Three minor code amendments were approved on first reading by a vote of 5-0; second reading is agendized for the September 1st Board of Supervisors meeting. Master plan revisions were approved on a vote of 4-0-1, effective August 9, 2005. The Brown Street rezoning was approved on second reading by a vote of 4-0-1. The request to delete 1/16-acre from the Silver Oak Development was unanimously approved.

H-1b. SEPTEMBER 26, 2005 - SPECIAL MEETING ON OPEN MEETING LAW REQUIREMENTS (2-2855) - Mr. Sullivan reminded the Commissioners of the subject presentation, and requested the attendance of the full Commission.

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 (2-2882) - Mr. Sullivan referred to the first draft of the parks, recreation, and trails plan included in the agenda materials. He advised of a joint meeting with the Parks and Recreation Commission scheduled for Tuesday, September 20th. He reviewed the tentative master plan meeting schedule, and advised that copies would be provided to the Commissioners. He encouraged the Commissioners to contact Park Planner Vern Krahn with questions regarding the draft master plan.

I. ACTION ON ADJOURNMENT (2-2977) - Commissioner Semmens moved to adjourn the meeting at 9:11 p.m. Commissioner Mullet seconded the motion. Motion carried 7-0.

The Minutes of the August 31, 2005 meeting of the Carson City Planning Commission are so approved this 28th day of September, 2005.

JOHN PEERY, Chair