

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 1**

A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, February 22, 2006 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  
Heidi Eskew-Herrmann, Assistant Planner  
Tom Grundy, Engineering Division Civil Design Supervisor  
Michael Suglia, Senior Deputy District Attorney  
Kathleen King, Recording Secretary

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

**A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE** (3:30:29) - Chairperson Peery called the meeting to order at 3:30 p.m. Roll was called; a quorum was present. Commissioner Semmens led the pledge of allegiance.

**B. COMMISSION ACTION ON APPROVAL OF MINUTES - December 7, 2005** (3:31:21) - Vice Chairperson Kimbrough moved to approve the minutes. Commissioner Semmens seconded the motion. Motion carried 7-0.

**C. PUBLIC COMMENT** (3:32:09) - None.

**D. MODIFICATIONS TO THE AGENDA** (3:32:33) - Mr. Sullivan advised of several modifications, but requested to address each one in the order it appeared on the agenda. He advised the citizens present of the items agendized for specific times. In reference to item G-11, Chairperson Peery advised that public comment would be limited to one hour.

**E. DISCLOSURES** (3:34:25) - Commissioner Mullet advised he is a resident of the Timberline area, but that he had not discussed item G-11 with any neighbors. Chairperson Peery advised of having been contacted by Glen Martel earlier in the day to discuss the Vicee Canyon special planning area. Commissioner Mullet advised of also having been contacted by Mr. Martel. Commissioner Vance advised of having been contacted by several people regarding the Vicee Canyon special planning area.

**F. CONSENT AGENDA** (3:35:27) - None.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 2**

**G. PUBLIC HEARING:**

**G-1. SUP-06-007 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM MELVIN REID LIST, ARCHITECT (PROPERTY OWNER: BURGOS, RUTILO AND MITCHELL T.G.) TO ALLOW AN ATTACHED GUEST DWELLING, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 100 WEST HAMPTON DRIVE, APN 002-011-23** (3:36:24) - Chairperson Peery introduced this item. Ms. Eskew-Herrmann reviewed the staff report and narrated pertinent slides. She noted that no public comment had been received on the application, and advised of staff's recommendation of approval subject to the listed conditions.

(3:38:29) Architect Melvin List provided an overview of the proposed project, and acknowledged his agreement with the conditions of approval included in the staff report.

Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Semmens moved to approve SUP-06-007, a special use permit application to allow an attached guest dwelling on property zoned single family 6,000 (SF6), located at 100 West Hampton Drive, APN 002-011-23, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

**G-2. SUP-05-263 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM MEREDITH PARKIN, CINGULAR WIRELESS (PROPERTY OWNER: FIRST BAPTIST CHURCH) TO ALLOW CO-LOCATION OF A WIRELESS TELECOMMUNICATIONS FACILITY OF 58+ FEET WITHIN THE PROPOSED CHURCH'S CROSS EXCEEDING THE 26-FOOT HEIGHT REQUIREMENT, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 1750 MOUNTAIN STREET, APN 001-132-14** (3:40:20) - Chairperson Peery introduced this item, and Ms. Pruitt reviewed the staff report. In response to a question, Ms. Pruitt advised that the original application included illumination. The conditions of approval were subsequently changed to prohibit both internal and external illumination.

(3:46:33) Meredith Parkin, representing Cingular Wireless, expressed appreciation to Ms. Pruitt for her assistance. She acknowledged her agreement with the conditions of approval. She narrated a PowerPoint presentation, which included discussion of "tower basics;" review of a coverage map, alternative sites considered, and height justification; and review of a visual analysis, which included conceptual slides.

In response to a question, Ms. Parkin advised that co-location is always considered first; however, there were no available facilities in the area. In response to a further question, she advised that not being able to use the subject location would require Cingular Wireless "to look elsewhere and the Cingular customers in the area would suffer." Commissioner Mullet inquired as to the possibility of locating the facility on the other end of the building. Ms. Parkin advised this had been considered; however, the existence of a walkway prohibited it. Commissioner Mullet suggested reconsidering the school site and utilizing a flag pole design. Ms. Parkin advised the City's wireless ordinance prohibits any free-standing structure within a residential zone. Commissioner Mullet expressed the opinion that a flag pole near the school would be less obtrusive. In response to a question, Ms. Parkin reviewed other tower design applications for church facilities. Chairperson Peery commented that the revised design was more aesthetically pleasing. Ms. Parkin expressed appreciation for the opportunity to have met with the neighbors. Commissioner Bisbee expressed understanding for the neighbors' concerns over size and illumination. She commended staff, the

## CARSON CITY PLANNING COMMISSION

### Minutes of the February 22, 2006

Page 3

citizens, and Cingular representatives for coming up with a good compromise. Ms. Parkin advised of a small, down-tilting light which would be turned on during times of maintenance. She acknowledged the light was related to the equipment area. Chairperson Peery called for public comment.

(4:01:07) Chris Chrystal, an Adeline Street property owner, advised she lives one-half block from the proposed cell tower. She expressed opposition to constructing the tower in an old residential neighborhood, and advised most of the homes were constructed approximately forty years ago. Ms. Chrystal further advised of having purchased her home in 1998, "believing in good faith that the neighborhood would remain a nice, residential area." She expressed the understanding that cellular companies "pay good money to get their cell towers into an area." She noted the investment represented by her home and her neighbors' homes. She expressed concern over electromagnetic radio frequency radiation associated with cellular technology. She reviewed three reasons for opposing the cell tower, as follows: (1) Telecommunications is a service and service industries should not be allowed in a residential neighborhood; (2) Once a special use permit is granted, it opens the door for more permits to allow other uses that also would be inappropriate for a residential neighborhood; and (3) The proposed cellular tower is not aesthetically pleasing. Ms. Chrystal acknowledged the 1996 Telecommunications Act which deems arguing over the potential impacts to human health as a reason to prohibit cell towers in residential areas as unacceptable. She expressed the belief that human health and safety are the most essential considerations for decisions over "what to allow in our neighborhoods." She pointed out that, historically, federal government agencies which determine health and safety issues have been wrong and "with deadly consequences." She expressed concern that approving the special use permit could someday prove to have been the wrong decision. She requested the commission to deny the application on the grounds that the cell tower is inappropriate for a residential area.

Ms. Chrystal acknowledged the church was constructed the same year as her home. Chairperson Peery pointed out that the church is a "block structure," and expressed the opinion the proposed cell tower design seems to be architecturally compatible. He further pointed out that electromagnetic fields from household appliances are emitted in greater intensity than from cell towers. Ms. Chrystal acknowledged the statement, but questioned the rationale behind adding to the "cumulative impact." She advised that the cell tower aesthetics were the least of her concerns. She "would have been perfectly happy with a lighted cross at the end of [her] street." She considered the tower to be "homely looking," but expressed the opinion this was beside the point. She reiterated concern over other impacts.

(4:06:29) Roy Hargrave advised that his back yard is directly adjacent to the church's back yard. He expressed concern over lighting installed at the church approximately two years ago. He expressed the opinion he'd been "left out of the whole process." He noted he was one of nine property owners with a "direct view" of the cell tower. He advised of no objection to the cell tower, but requested that the church be required to "turn the lights down." He advised of having attempted to work with church representatives regarding the direction of the lights, "but hasn't gotten very far with it." He advised that the cinder block building was not constructed at the same time as the rest of the church. He acknowledged the concern over having been inadvertently excluded from the neighborhood meetings. Mr. Sullivan offered to meet with Mr. Hargrave and church representatives to discuss the church's lighting.

(4:09:38) Dave Cook commended Planning and Community Development staff, particularly Ms. Pruitt, church representatives, and Cingular Wireless representatives, on the assistance provided to work out a compromise. He agreed with previously expressed concerns over radiation, but acknowledged they would

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 4**

not be a consideration in deliberations over the subject application. He expressed concern with regard to the reason for not pursuing the elementary school location more aggressively. He advised that Carson City School District Director of Operations Mike Mitchell had received no communication with regard to consideration of the elementary school site. He suggested that a structure similar to that which is being proposed for the church property could also work for the school property, and requested that Cingular representatives reconsider contacting Mr. Mitchell. He echoed Mr. Hargrave's complaint over the church's lighting. He reiterated the request to reconsider the elementary school site for the cell tower.

(4:17:39) Frieda Ford, a 38-year resident of Alpine Street, objected to the tower based on the fact that it is a commercial structure proposed for a residential neighborhood. She expressed understanding for cellular technology and its accompanying equipment. She expressed concern over "opening the door to having towers all over town." She suggested the industry should seek to develop technology to improve tower coverage. She expressed the opinion that the cell tower will be a detriment to the neighborhood's aesthetics. She requested the commission to reconsider approving the special use permit application. In response to a question, she expressed support for a flag pole tower located at the elementary school. She noted the elementary school is a much larger property and that the flag pole would be more compatible with the existing buildings. In response to earlier concerns expressed over establishing a precedent, Chairperson Peery explained the purpose of the special use permit.

(4:21:50) Danielle Cook advised she lives directly across the street from the Baptist Church. She expressed appreciation for Ms. Ford's concerns over establishing a precedent. She noted that the majority of cell towers in Carson City are located on the "outskirts." She described the subject neighborhood as "old" and "established." She advised that the compromise was done "as a last ditch effort if this is the only place ... that this tower can go." She discussed changing cellular technology, and expressed concern over allowing the tower when it may become obsolete in the near future. She expressed a preference for considering other alternatives.

Ms. Pruitt responded to questions regarding the wording of staff's recommended motion. In response to a question regarding the possibility of reconsidering the elementary school, Ms. Pruitt suggested the question would be more appropriately directed to Ms. Parkin. Ms. Pruitt acknowledged that other churches could apply for a similar special use permit. In response to a further question, Ms. Pruitt read condition of approval 15 into the record. In response to a question, Ms. Parkin referred to the EMF report submitted to the Planning Division and advised that the cell tower is "well below federal guidelines." She offered copies of the study to the commissioners. She acknowledged that Chairperson Peery's earlier comments regarding electromagnetic fields were correct.

Chairperson Peery entertained a motion. **Commissioner Semmens moved to approve SUP-05-263, a special use permit application from Cingular Wireless, property owner First Baptist Church, to allow construction / co-location and operation of a wireless communications facility, including the construction of a non-illuminated worship cross element communications tower structure and appurtenant equipment, on property zoned single family 6,000, SF6, located at 1750 Mountain Street, APN 001-132-14, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.**

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 5**

**G-3. SUP-05-231 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM PEAK CONSULTING ENGINEERS (PROPERTY OWNER: JORDAN, RODERICK F.) TO ALLOW DEVELOPMENT OF A SINGLE-FAMILY RESIDENTIAL BUILDING SITE ON A HILLSIDE WITH A SLOPE GREATER THAN 33% (BEYOND HILLSIDE ORDINANCE REQUIREMENTS), ON PROPERTY ZONED SINGLE FAMILY FIVE ACRE (SF5A), LOCATED ON OLD CLEAR CREEK ROAD, APN 007-042-11 (4:32:44)** - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report and concerns expressed in the February 22, 2006 letter from Jerry and Julie Walker which was distributed the commissioners and staff prior to the start of the meeting. She referred to the conditions of approval listed in the staff report, and noted staff's recommendation of approval. In response to a question, she advised that staff evaluates soils from a planning standpoint. Chairperson Peery expressed concern over sheer in a seismic event, and Ms. Pruitt advised that the building permit process will require the applicant to provide additional information. She noted the lot was created in 1991, and that several homes in the same area are located on steep slopes. She advised that one reason for the hillside ordinance is to ensure property developers conduct appropriate studies. She further advised the proposed development will be strictly reviewed by the Engineering Department. She expressed the understanding the applicant has previous experience with hillside development and would be familiar with the associated requirements.

Ms. Pruitt responded to additional questions regarding the designated open space area. She suggested it would be undesirable to construct a building on the south side of Old Clear Creek Road. In response to a question, Mr. Sullivan advised of the property owner's intent to construct the residence on the north side of Old Clear Creek Road. He expressed the belief that the proposed location of the residence, as depicted on the plans, would be sufficient to keep the development north of Clear Creek Road. In response to a question, he explained the private, permanent open space designation. In response to a further question, he explained the purpose of a timberline conversion certificate. In response to a question, Ms. Pruitt advised the application had been reviewed by Fire Department representatives and that sprinklers may be included as part of the building permit. She responded to additional questions regarding the building permit phase of the process.

(4:50:11) Keith Shaffer, of Peak Consulting Engineers representing Rick Jordan, advised of having reviewed the staff report. He advised of having done other hillside development and that, from an engineering, technical, and life safety standpoint, the subject project will not be "that much different than what you might find on a, somewhere between a 15 and 33% slope." He further advised there was no place, on the subject parcel, to construct the residence, given the setback requirements, that would not be steeper than 33%. He advised that several locations were considered, and that the proposed location was chosen because of the potential for the least amount of impact to the neighborhood. He explained that the geotechnical report will be very expensive, and that he had advised his client not to pursue the report without having secured the special use permit. He advised of having done sufficient research to determine there are no faults mapped in the area, and that a geotechnical engineer has confirmed this. He further advised that the house will be sited on an excavated, stable pad that will meet all building code requirements for structural safety. Slope stability will be one item of interest from the geotechnical report which will allow a determination to be made regarding stabilization. Mr. Shaffer advised that the design of the project attempted to minimize the amount of cut. He noted the series of walls which have been balanced with the cut. With regard to that portion of the property located on the south side of Clear Creek Road, he advised that the private, permanent open space had been included in his report. He assumed that the designation applied to all lots in the area.

## CARSON CITY PLANNING COMMISSION

### Minutes of the February 22, 2006

Page 6

Mr. Shaffer expressed the opinion that condition of approval #4 was inapplicable to this item. In response to a question, Mr. Grundy advised that condition of approval #13 is from the hillside ordinance applicable to a subdivision. He acknowledged the condition would not apply to the subject application. He further acknowledged the applicant would be responsible to ensure proper drainage from the parcel, but not before construction begins. With regard to condition of approval #20, Mr. Shaffer noted that the plan had been designed in accordance with the hillside ordinance requirements. The residence will be sprinklered and meet all of the same design requirements as every other residence in the area. In response to a question, Mr. Shaffer advised the residence will be connected to a private well and to the City's wastewater system. Mr. Sullivan expressed the opinion that the overall concerns of the Fire Department will be addressed through the building permit process. In reference to previous comments, Mr. Shaffer acknowledged that lot drainage would be in place prior to final inspection of the residence. Mr. Sullivan clarified the intent of condition of approval #13 to be accomplished prior to issuance of the certificate of occupancy.

In response to a question, Mr. Shaffer advised there are several homeowners associations in the area. Commissioner Mullet inquired as to whether the homeowners association agreed with design of the residence. Mr. Shaffer advised there had been no requirement to submit the design to any homeowners association. Ms. Pruitt noted a correction to condition of approval #4 in that it should read, "The proposed development requires a building permit." In response to a question, Mr. Shaffer advised of no fears that the design will be a problem in a seismic event.

Commissioner Mullet reviewed previously addressed revisions to the conditions of approval. In response to a question, Mr. Shaffer advised the driveway would be designed in accordance with City standards. He described details of driveway design and construction. Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Mullet moved to approve SUP-05-231, a special use permit application to allow the development of a single-family building on a hillside with a slope greater than 33 percent, on property zoned single-family five-acre, SF5A, located at Old Clear Creek Road, APN 007-042-11, based on seven findings, subject to the conditions of approval contained in the staff report, and the three noted changes to the conditions. Commissioner Semmens seconded the motion. Motion carried 7-0.**

**G-4. SUP-05-273 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM CARSON STATION (PROPERTY OWNER: RUSSELL, CLARK G. FAMILY TRUST AND RUSSELL, JEAN FAMILY TRUST) TO ALLOW PERMANENT PLACEMENT OF TWO METAL STORAGE CONTAINERS, ON PROPERTY ZONED DOWNTOWN COMMERCIAL (DC), LOCATED AT 900 SOUTH CARSON STREET, APN 003-082-04 (5:06:57)** - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report and narrated pertinent slides. He advised of staff's recommendation of approval subject to the necessary findings and conditions listed in the staff report. He noted that the storage containers had been in place for nearly twenty years and are in compliance with the standards of the ordinance. He acknowledged that the ordinance prohibits storage on top of the containers, but suggested the satellite dish may be grandfathered. Commissioner Mullet advised of having visited the site earlier in the day and determined that, although he drives past the property approximately once a day, he's never noticed the storage containers. Mr. Sullivan noted that the City's storage container standards were established approximately two years ago. He further noted that the subject storage containers match the building color and are compatible with the site.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 7**

(5:11:45) Clark Russell acknowledged having reviewed the staff report and his agreement. He advised the storage containers were in place at the time he purchased the property in 1987, and recalled they had been in place since 1979-80. Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Vance moved to approve SUP-05-273, a special use permit application from Clark and Jean Russell Trust to allow permanent placement of two metal storage containers, on property zoned downtown commercial, located at 900 South Carson Street, APN 003-082-04, 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.**

Chairperson Peery reviewed the time-specific items listed on the agenda for the benefit of the citizens present.

**G-5. SUP-06-006 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM SCOTT SNELLING OF SNELLING CONSTRUCTION (PROPERTY OWNER: HILL, DONALD D.) TO ALLOW ACCESSORY STRUCTURES, INCLUDING A GARAGE, GUEST BUILDING, STORAGE SHED, AND A CHICKEN COOP, IN ADDITION TO THE RESIDENCE, WHICH ARE BEYOND ZONING ORDINANCE REGULATIONS, ON PROPERTY ZONED MOBILE HOME ONE ACRE (MH1A), LOCATED AT 7551 PARKER DRIVE, APN 009-322-06**  
(5:15:30) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He noted staff's recommendation of approval subject to the findings and conditions listed in the staff report. Vice Chairperson Kimbrough expressed surprise over the items considered as accessory structures. Mr. Sullivan explained that all the structures on the property were considered as accessory.

(5:18:52) Scott Snelling, of Snelling Construction, provided an overview of the application. He acknowledged having reviewed the staff report and his general agreement with the same. In response to a question, Mr. Sullivan explained the purpose of condition of approval #4. Mr. Snelling acknowledged that a building permit was obtained for the garage prior to its construction. In response to a question, he explained his role in submitting the special use permit application on behalf of the property owner. He responded to questions regarding the structures on the property, and advised that a building inspector had visited the property. Mr. Sullivan responded to questions regarding the shed on the property. Chairperson Peery called for public comment.

(5:24:34) Lynn Robey advised that the guest house has a kitchen, and expressed the understanding this was not allowed.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained a motion. **Commissioner Reynolds moved to approve SUP-06-006, a special use permit application from Scott Snelling to allow accessory structures, including a garage, guest building, storage shed, and chicken coop, in addition to the residence, which are beyond zoning ordinance regulations, on property zoned mobile home one acre, located at 7551 Parker Drive, APN 009-322-06, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 7-0.**

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 8**

**G-6. MPA-06-011 ACTION TO CONSIDER RECOMMENDATIONS REGARDING A REQUEST TO CHANGE THE DRAFT MASTER PLAN LAND USE DESIGNATION OF APN 008-382-14, 4820 EAST NYE LANE (OWNER: CBC), FROM THE PROPOSED MEDIUM DENSITY RESIDENTIAL (3-8 DWELLING UNITS PER ACRE) TO MIXED-USE COMMERCIAL (COMMERCIAL / RESIDENTIAL) ON THE DRAFT LAND USE MAP TO BE ADOPTED AS PART OF THE ENVISION CARSON CITY COMPREHENSIVE MASTER PLAN. THE CURRENTLY ADOPTED MASTER PLAN LAND USE DESIGNATION FOR THE PARCEL IS MEDIUM DENSITY RESIDENTIAL (5:26:29)** - Chairperson Peery introduced this item. Mr. Plemel reviewed the staff report, narrated pertinent slides, and noted staff's recommended approval subject to the findings listed in the staff report. He advised of having received no public comment on this item. He responded to questions regarding historic use of the property and an adjacent 20-foot strip of land between the subject property and a residential area. He acknowledged the understanding that the 20-foot strip of land is in different ownership than the subject property.

(5:31:37) Audra Miller, of Lumos & Associates representing the applicant, advised that the property owner has been using both the industrial and residential parcels for over 35 years. She further advised that the property owner was unaware of the residential zoning. She provided background information regarding attempts to continue the non-conforming use and then to request a master plan amendment. She proposed a compromise to designate the property mixed-use commercial which would be consistent with all other mixed-use commercial in the area as designated on the draft comprehensive master plan land use map. She advised that the property owner will be required to request a zoning change because of his desire to continue commercial use of the property. She emphasized that the requested designation should not imply the property would represent a catalyst project for redevelopment of the area nor would there be a residential aspect to the use. Chairperson Peery called for public comment.

(5:33:54) Geoffrey Rhodes, an 18-year resident of 4740 East Nye Lane, advised of having recently learned of the residential zoning designation for the subject property. He further advised of having tolerated the noise produced by Capital Sanitation for the past 18 years. He expressed the opinion that the use is not a good influence on the neighborhood and the associated property values. In response to a question, Mr. Rhodes was unaware as to whether the equipment yard was in existence when his house was built in 1973. He acknowledged the equipment yard was in existence when he purchased his home.

Chairperson Peery entertained a motion. **Commissioner Vance moved to approve the request and recommend the subject parcel, APN 008-382-14, to be designated mixed-use commercial, on the draft master plan land use map for adoption with the draft comprehensive master plan, as part of the Envision Carson City Master Plan update process, based on the discussion and findings contained in the staff report and further substantiated by the applicant's written justification. Commissioner Mullet seconded the motion. Motion carried 7-0.**

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 9**

**G-7. MPA-06-016 ACTION TO CONSIDER RECOMMENDATIONS REGARDING A REQUEST TO CHANGE THE DRAFT MASTER PLAN LAND USE DESIGNATION OF APN 001-091-10, 1950 NORTH CARSON STREET (OWNER: SILVER STAR PROPERTIES), FROM THE PROPOSED COMMUNITY/REGIONAL COMMERCIAL TO MIXED-USE RESIDENTIAL (RESIDENTIAL / COMMERCIAL) ON THE DRAFT LAND USE MAP TO BE ADOPTED AS PART OF THE ENVISION CARSON CITY COMPREHENSIVE MASTER PLAN. THE CURRENTLY ADOPTED MASTER PLAN LAND USE DESIGNATION FOR THE PARCEL IS COMMERCIAL (5:36:35)** - Chairperson Peery introduced this item. Mr. Plemel reviewed the staff report, described the location of the subject parcel, using a displayed map, and advised of staff's recommendation of approval. He noted that a transition area between the residential and commercial zones would provide for more compatible uses. He further noted that mixed-use development patterns are encouraged along the major corridors. The pattern of growth promotes the compact growth scenario developed through the master planning process.

Mr. Plemel advised of having received no written public comment, either in favor of or in opposition to the request. He advised of having received a phone call, from an adjacent property owner, who indicated opposition to the request. In response to a question, he further advised that public notices were provided to 111 property owners and mobile home park residents. Commissioner Mullet commended Mr. Plemel on the aerial photographs included with each presentation. Mr. Plemel responded to questions with regard to the same.

(5:41:39) Troy Soilend advised that the property is currently used as a mobile home park zoned retail commercial. Based on the shape of the parcel and the way it is set back from the street frontage, "it didn't seem like the highest and best use for zoning moving forward." Mr. Soilend expressed the opinion that mixed-use residential zoning "would make a lot more sense." He acknowledged agreement with the staff report.

Mr. Plemel advised that the existing commercial zoning designation does allow for residential use with a special use permit. The property owner would still be required to submit a rezoning application or a special use permit once a mixed-use residential zone is created. Mr. Plemel advised that the master plan designation of mixed-use residential will identify the property for that type of use. Chairperson Peery called for public comment.

(5:44:04) Duana Lompa, of Charles Kitchen Realty, advised she currently manages the property directly north of the subject property. She discussed "an awful lot of problems" associated with multi-family apartments in the Russell Way area, including skateboards, graffiti, etc. She expressed concern that approval of the subject request will "open the way for more apartments in this area." She advised of having spoken to "some of the people across the street" and her tenants, and expressed opposition to the subject request. She reviewed uses of properties adjacent to the subject parcel, and expressed concern over adjacent commercial property values.

Ms. Lompa acknowledged concerns over vandalism. In response to a question, she advised that Sheriff's deputies have visited four or five times. She advised that her tenants complain young people in the area are "running ... customers off." She further advised she was speaking on behalf of her herself, the LLC which owns the property, and all ten tenants. She reiterated opposition to the request.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 10**

(5:49:39) Nick Galakatos, owner of the Evergreen Center, advised his property is separated from the subject property by a cyclone fence. He expressed the opinion that any change would be an improvement over the existing use.

Chairperson Peery entertained a motion. **Commissioner Semmens moved to approve the request and recommend the subject parcel, APN 001-091-10, to be designated mixed-use residential on the draft master plan land use map, for adoption with the draft comprehensive master plan, as part of the Envision Carson City Master Plan update process, based on the discussion and findings contained in the staff report, and further substantiated by the applicant's written justification. Commissioner Bisbee seconded the motion. Motion carried 7-0.**

Chairperson Peery recessed the meeting at 5:51 p.m. and reconvened at 6:01 p.m. He advised the citizens present that item G-11 would not be heard before 7:00 p.m.

**G-8. MPA-05-153 ACTION TO CONTINUE A MASTER PLAN AMENDMENT APPLICATION FROM GANTHNER MELBY, LLC (PROPERTY OWNER: CARSON CITY) TO CHANGE THE MASTER PLAN LAND USE DESIGNATION FROM HIGH DENSITY RESIDENTIAL TO PUBLIC REGIONAL, ON PROPERTY LOCATED AT 1005 EAST MUSSER STREET AND 113 NORTH HARBIN AVENUE, APNs 004-176-09 AND -10 (6:01:29) - Chairperson Peery introduced this item, and Mr. Plemel reviewed the staff report. Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion to continue. Commissioner Mullet moved to continue this item to a future meeting. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

**G-9. MPA-06-017 ACTION TO CONSIDER RECOMMENDATIONS REGARDING A REQUEST TO CHANGE THE DRAFT MASTER PLAN LAND USE DESIGNATION OF APNs 009-311-29, -30, -31, AND -46; 7051, 7101, 7171 AND 7207 CENTER DRIVE (PROPERTY OWNERS: BATEMAN, ROBERT P. AND PHYLLIS E.; CATLIN, DENISE J. AND SHANE E.; LUSCHAR, STEPHEN J.; HOFFMAN, SONYA), FROM THE PROPOSED LOW DENSITY RESIDENTIAL (1/3 TO 5 ACRES PER DWELLING UNIT) TO MEDIUM DENSITY RESIDENTIAL (3-8 DWELLING UNITS PER ACRE), ON THE DRAFT LAND USE MAP TO BE ADOPTED AS PART OF THE ENVISION CARSON CITY COMPREHENSIVE MASTER PLAN. THE CURRENTLY ADOPTED MASTER PLAN LAND USE DESIGNATION FOR THE PARCEL IS SUBURBAN RESIDENTIAL (1-3 ACRES PER DWELLING UNIT) (6:04:02) - Chairperson Peery introduced this item. Mr. Plemel reviewed the staff report, and pointed out the subject parcels on a displayed aerial photograph. He advised of staff's recommendation of approval.**

(6:09:06) Steve Luschar expressed support for the request. He referred to the aerial photograph and pointed out "empty land which can't be used" between the high density residential zone and the requesting property owners' homes. He advised that if the zoning is changed, "the back land" could become part of the Schulz Ranch development and, therefore, accomplish a smoother transition. He acknowledged having reviewed the staff report and his agreement with the same. In response to a comment, he advised the four properties are zoned one acre, "they are over two acres, but they can't be split because they're so narrow." He further acknowledged that all four property owners are in agreement and referred to the notarized requests included in the agenda materials. Chairperson Peery opened this item to public comment.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 11**

(6:11:13) William Kugler, pointed out his property to the east of the subject properties, and advised that it was included in the original Schulz Ranch development. He advised that the one-acre portions of the subject properties will be purchased and included in the Schulz Ranch development. All conditions associated with the development will be applied to the subject properties. In response to a question, Mr. Kugler advised the buffer would be continued. He acknowledged the lots may be split into three parcels.

(6:12:44) Shane Catlin, one of the four property owners, expressed support for the request.

In response to a question, Mr. Plemel explained that the low density designation is consistent with the area. There is a range in the master plan with specific zoning that allows for certain lot sizes within that range. Mr. Plemel reviewed lot sizes associated with low and medium density residential zoning. In response to a question, he reviewed the intent of the “additional motion” included in the staff report. In response to a further question, he explained the property owners’ proposed plan to preserve an acre of land which would continue to be zoned one-acre and for horse keeping.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained a motion. **Vice Chairperson Kimbrough moved to approve the request and recommend the subject parcels, APNs 009-311-29, -30, -31, and -46, to be designated medium density residential on the draft master plan land use map for adoption with the draft comprehensive master plan, as part of the Envision Carson City Master Plan update process, based on the discussion and findings contained in the staff report, and further substantiated by the public hearing record. Commissioner Semmens seconded the motion. Motion carried 7-0.**

**Vice Chairperson Kimbrough moved to direct staff to initiate rezoning of the eastern half of the subject parcels from single-family one-acre to single-family 6,000 for inclusion of a portion of the parcels in the Schulz Ranch subdivision upon adoption of the master plan land use map. Commissioner Reynolds seconded the motion. Motion carried 7-0.**

**G-10. MPA-06-015 ACTION TO CONSIDER RECOMMENDATIONS REGARDING A REQUEST TO CHANGE THE DRAFT MASTER PLAN LAND USE DESIGNATION OF APNs 009-331-21 AND -22, 1400 AND 1410 KOONTZ LANE (OWNER: DANNY AND KAREN RASNER), FROM THE PROPOSED LOW DENSITY RESIDENTIAL (1/3 TO 5 ACRES PER DWELLING UNIT) TO MEDIUM DENSITY RESIDENTIAL (3-8 DWELLING UNITS PER ACRE), ON THE DRAFT LAND USE MAP TO BE ADOPTED AS PART OF THE ENVISION CARSON CITY COMPREHENSIVE MASTER PLAN. THE CURRENTLY ADOPTED MASTER PLAN LAND USE DESIGNATION FOR THE PARCEL IS SUBURBAN RESIDENTIAL (1-3 ACRES PER DWELLING UNIT) (6:19:45)** - Chairperson Peery introduced this item. Mr. Plemel advised of having spoken, during the last recess, with the applicants, who indicated their desire to withdraw the request.

(6:20:58) Dennis Smith, of Western Engineering representing the Rasners, advised that “in light of the letters and the staff report, ... LDR would be the most appropriate master plan designation for the property.” He requested to withdraw the application. Chairperson Peery called for public comment.

(6:21:52) Krista Leach expressed appreciation for the applicants having withdrawn the request. In response to a question, Mr. Plemel explained that the low density residential designation is consistent with the

## CARSON CITY PLANNING COMMISSION

### Minutes of the February 22, 2006

Page 12

existing one-acre zoning. He advised that other policies within the comprehensive master plan document must be considered, such as preservation of existing rural neighborhoods and limiting rezoning of properties in existing neighborhoods. In response to a question, he advised that the master plan designation is broader and includes a range of lot sizes. The zoning will remain single-family one-acre. Mr. Sullivan reiterated that the master plan designation covers a range of zoning districts, and that there are policies, in the master plan, to retain existing zoning. It is zoning which creates the development potential of a property.

(6:24:49) Fran McClain expressed appreciation to the applicants for withdrawing their application. She provided historic information regarding past attempts to “down zone” the property. She expressed the opinion the neighborhood needs “to stay one acre residential.”

Chairperson Peery entertained a motion, and Mr. Sullivan provided direction. **Commissioner Mullet moved to accept the applicants' withdrawal of application MPA-06-015. Commissioner Semmens seconded the motion. Motion carried 7-0.**

Chairperson Peery recessed the meeting at 6:26 p.m. and reconvened at 7:00 p.m.

**G-11. MPA-05-206 ACTION TO CONSIDER RECOMMENDATIONS ON THE ADOPTION OF THE VICEE CANYON SPECIFIC PLAN AREA WITH THE COMPREHENSIVE MASTER PLAN AMENDING THE MASTER PLAN LAND USE DESIGNATION OF SCHOOL TRUST PROPERTY MANAGED BY THE STATE OF NEVADA, APNs 007-091-80 AND -81 AND 007-101-09, GENERALLY LOCATED WEST OF WESTERN NEVADA COMMUNITY COLLEGE AND EAST OF THE TIMBERLINE AREA, FROM OPEN SPACE / RECREATION / RURAL RESIDENTIAL - PUBLIC REGIONAL TO OPEN SPACE AND LOW DENSITY RESIDENTIAL IN ORDER TO ALLOW FUTURE RESIDENTIAL DEVELOPMENT ON PORTIONS OF THE PROPERTY, SUBJECT TO SPECIFIC CONDITIONS AS ESTABLISHED BY THE SPECIFIC PLAN AREA (7:00:18)** - Chairperson Peery introduced this item, and provided direction with regard to public comment. Mr. Plemel introduced Division of State Lands Senior Planner Clint Wertz and Administrator Pam Wilcox, and provided an overview of the presentation. Mr. Plemel reviewed the staff report and narrated a PowerPoint presentation which included discussion regarding background information on the subject item; description of a specific plan area and the associated development process; the role of the Planning Commission; and review of current master plan and zoning designations on the subject property. He advised the City cannot zone property for open space to prohibit development. He referred to the Fifth Amendment of the Constitution which states the government shall not take property without compensation. He advised that eminent domain is not used in Carson City. There are also regulatory implications related to the Fifth Amendment and numerous court decisions which prohibit the city from regulating or zoning a property to remove economic development or economic benefit to the property owner. Mr. Plemel stated that zoning to an open space designation is not a legal means by which to create open space. The implications are that open space must be purchased from the property owner, and this is the purpose of Carson City's Open Space Program.

Mr. Plemel reviewed a land use designation map depicting the subject and adjacent properties. He provided an overview of the site constraint analysis, which included consideration of slopes, flood plain, drainage, earthquake fault hazards, existing vegetation, water and sewer capacity, and access. The Envision Carson City Master Plan consultants subsequently reviewed the property, visited the site, considered the

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

#### **Page 13**

constraints, and drafted the specific plan area, including policies for future development. From that point, the City and Division of State Lands staff included additional policies and background information on School Trust Lands to develop the first draft specific plan area document. Mr. Plemel provided background information on public hearings held to date and input provided. He referred to the Issues Summary Questions and Answers included in the agenda materials.

Ms. Wilcox provided an overview of Division of State Lands programs, including Question #1; the Lake Tahoe Environmental Improvement and Land Bank; the State Land Use Planning Agency; and the State Land Office. She provided a history of school trust lands, and advised that nearly all Nevada school trust lands were sold prior to 1900. She read into the record the language of Nevada State Constitution, Article 11, Section 3, and of NRS 321.0008. She reviewed the obligation of the Division of State Lands over school trust lands. She noted that, of the potential uses to fulfill trust responsibilities throughout the west, residential use is the least intensive and most compatible. She provided background information on the Division of State Lands' involvement in the plan over the years. She noted that the subject land is "one of the most desirable remaining large residential parcels in Carson City." She further noted that the subject land "has become a cherished piece of open space ... to the people who live around it." She expressed the belief that three goals can be achieved through good land use planning: to realize the trust obligation; to provide residential infill land for Carson City; and to continue to make open space available to the neighbors.

Ms. Wilcox reviewed a current zoning map which was displayed in the meeting room. She emphasized that, regardless of the outcome of the request, the State has no immediate plans to sell the land. She explained the current zoning serves as a "holding zone," and that the permitted use would be residential development with 20-acre parcels. She advised that allowing such development to go forward would "cut up the entire parcel into large, estate-sized lots, and there would be no guarantee of public access." She further advised that conditional uses, with City approval, would include such things as extraction operations, energy production, RV parks, etc. She reviewed a conceptual parcel map which would allow for ten lots, at more than 20 acres each, and noted that open space access could potentially be eliminated or cut off. She provided a general overview of the Vicee Canyon specific plan area document, and noted that it accomplishes different goals and policies of the master plan; protects 124 acres of public access open space and quality of life values, including hillsides, dark skies, wildlife habitat, trails; is compatible with adjacent uses; and provides the City with assurances for future land use. She provided an overview of the Vicee Canyon specific plan area using a displayed map. She read the statement of intent into the record and a portion of the language of page 5. She discussed community outreach efforts, including meetings and correspondence with the public; specific interagency consultations; discussions with WNCC, Nevada Fire Safe Council, Carson City Fire Department, and Nevada Department of Wildlife representatives; and on-site evaluations. She advised of having developed a list of community concerns, and that the remainder of the presentation would address the same.

Ms. Wilcox reviewed the list of community concerns which included natural areas, hillsides, drainages, and wildlife; open space values; trail connections and recreational use; preservation of dark skies for the WNCC observatory; the wildland urban interface planning issue; existing neighborhood compatibility; and circulation and access. She and Mr. Wertz narrated a PowerPoint presentation of the Vicee Canyon SPA document, including various maps. Ms. Wilcox expressed the opinion that State and City staff had developed an innovative plan for a very unique area. She advised that the community concerns had been carefully considered, and that, in every case, the plan reflects policies which go beyond the requirements.

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

**Page 14**

She further advised that community concerns had been balanced with the needs of the trust, and that the Vicee Canyon SPA document represents a proactive approach compatible with the City's planning goals.

Mr. Plemel advised that the SPA document was presented to the Open Space Advisory Committee ("OSAC") on January 23<sup>rd</sup>. The OSAC voted 4-0 to recommend approval of the specific plan area in consideration of the recommendation to dedicate open space surrounding proposed development areas to the City for public access and management purposes. The OSAC noted, as part of their discussion, the benefits of cluster development as a tool for permanent protection of open space. Mr. Plemel advised that the Parks and Recreation Commission ("PRC") reviewed the document on February 7<sup>th</sup> in consideration of policies related to parks, trails, and open space. He read into the record the PRC's motion to reject the plan, to recommend retention of the area as open space, and to request the Board of Supervisors to work with the legislature to retain the area as open space. The motion was passed by a vote of 5-4.

Mr. Plemel noted that the plan protects flood prone areas and that improvements, with development of the property, could further improve drainage issues in the area. He reviewed the City's hillside development standards, and noted that the Vicee Canyon SPA recognizes slopes and features which should be protected. From staff's perspective, he suggested that disposal of the property into private ownership, under the present conservation reserve designation, seems to be one of the most likely ways to cut off public access. He noted this as the real point of the Vicee Canyon SPA. The City and the Division of State Lands is attempting to prepare for the possibility that a decision could be made, in the future, to dispose of the property for the benefit of the school trust. When the property is transferred to private ownership, a plan will be in place to ensure standards for development. Mr. Plemel noted the Division of State Lands has been treated the same as any other property owner in developing the Vicee Canyon SPA. City staff has worked with other private property owners within the last year as part of the Envision Carson City master planning process. The plan considers compatibility, surrounding land use designations and densities, in a proactive manner. Mr. Plemel advised that the Vicee Canyon SPA provides for compatible development with surrounding properties while protecting key environmental open space areas and access. The resulting suburban densities are comparable and compatible with surrounding developments. Mr. Plemel expressed the belief that the plan is responsive to surrounding property owners' comments and concerns.

Mr. Plemel noted the numerous findings required for master plan amendment. The plan is supported by numerous master plan policies. Mr. Plemel further noted the numerous public comments, many of which were included in the agenda materials and others which were distributed to the commissioners and staff prior to the start of the meeting. He referred to one letter in support of the Vicee Canyon SPA.

Chairperson Peery thanked Mr. Plemel, Ms. Wilcox, and Mr. Wertz for their presentations. Mr. Sullivan advised that public testimony would be limited to one hour, and noted the "3-5 minute rule." He requested the citizens to make their points without repeating those expressed by other speakers.

Commissioner Mullet advised he is a resident of the Timberline area. He inquired as to the mechanism for dedicating open space land to the City. Ms. Wilcox explained that when the property is ready to be sold, Division of State Lands staff will talk with City staff to determine their recommendations for ensuring the SPA policies are implemented. Mr. Plemel advised that dedication of open space lands would be done upon subdivision of the property. Ms. Wilcox explained that specific square footage to be transferred to the City would have to be identified through the planned unit development process. She advised that the SPA indicates the concept of a 100-foot buffer between Timberline and the subject property. A planned

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

**Page 15**

unit development may indicate something different. The developer would be required to work with the City to designate the actual open space. Commissioner Mullet inquired as to whether the actual deed would designate a specific number of acres to be transferred as open space. Ms. Wilcox advised that the entire property would transfer to the developer, who would be unable to develop the property without going through a planned unit development process. The City would require dedication of open space as part of the planned unit development process. Ms. Wilcox advised that the SPA will be one of the “biggest features” in advertising the land for sale. She further advised of having already been contacted by interested developers. Mr. Sullivan advised that the SPA policies would be similar to deed restrictions on the property.

Commissioner Mullet expressed concern over the buffer areas becoming trails, and suggested constructing fences to ensure the areas serve as buffers rather than “freeways for motorized vehicles.” Ms. Wilcox agreed, and advised that one purpose of the buffers is to provide wildlife corridors. She suggested the City may have additional conditions to ensure the buffers are not used inappropriately. Commissioner Mullet noted the single-story home requirement in the transition areas. He expressed a preference that setbacks be designated the same as those which are currently established for low density residential developments. Commissioner Mullet expressed the opinion that the secondary access from Timberline is not truly a secondary access “because you still have to go east out of the neighborhood, down the road some distance ... turn south and go toward Ash Canyon.” In the event a fire started below the neighborhood, there would be no access. Commissioner Mullet expressed the understanding that, upon development of the upper portion of Timberline, a road would be constructed from the northwest corner into Lakeview. He expressed support for pursuing this possibility. He discussed various constraints, and advised he has agreed to work with the City to develop a plan. Ms. Wilcox committed to doing whatever Division of State Lands can to help. Commissioner Mullet suggested this may become part of the developer’s responsibility.

In response to a question, Ms. Wilcox advised of many conversations with WNCC representatives regarding potential land exchanges. She further advised that once the property is offered for auction, WNCC could bid the same as anyone else. In response to a question, Mr. Wertz advised there is approximately \$180 million in the School Trust fund. In response to a further question, Ms. Wilcox advised that no estimation of the land value had been attempted. An appraisal would be required at the time of auction. Ms. Wilcox acknowledged the SPA would mean a significant increase to the value of the land. In response to a further question, Ms. Wilcox explained the concept behind school trust lands is to provide revenue to support schools. The school trust fund is secure and dedicated and continues to grow as different sources, including revenues from land sales, are added. Ms. Wilcox acknowledged that the school trust fund receives general fund allocation. She reiterated that the trust obligation is to ensure that school trust lands are used to produce revenue for schools. She advised school trust lands are not the only source of revenue made available for schools. Commissioner Vance noted that the revenue allocated from the sale of this land to the overall State budget “is absolutely nickel dime.” He suggested it would be nice to “just leave it as a conservation area and not upset a lot of people in Carson City by selling it. Just keep it.” He expressed the opinion this was the intent of the Parks and Recreation Commission action. He expressed the understanding the land cannot be transferred to Carson City for open space, but inquired as to the possibility of changing the law to make this a possibility. Ms. Wilcox advised she was unable to attend the Parks and Recreation Commission meeting. She explained that legislation passed during the last session has nothing to do with the State’s obligation on this land. The obligation stems from the Constitutional provision and the language in the State’s enabling act. It is a Constitutional obligation that cannot be put aside by State legislation. It is shared with all states which have school trust lands. Commissioner Vance

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

#### **Page 16**

inquired as to the possibility of the State, through legislation, determining the land will never be sold. Ms. Wilcox expressed the belief this would be in violation of the trust fund requirements. In response to a question, she advised the subject parcel was an “in lieu selection” as replacement for school trust land that “did not work out” in 1963. She acknowledged there are other school trust lands which date from the 1800s. Most of the existing school trust land was acquired in exchange during this century, specifically with the knowledge it would become more valuable over time. Commissioner Vance agreed with staff “that it’s a big gamble” because there’s no guarantee the land would be retained in perpetuity. Ms. Wilcox agreed, and advised that staff’s presentation attempted to make clear “what will happen if we don’t have the protection that’s generated by a specific plan area.”

Commissioner Reynolds recognized the amount of effort invested in development of the SPA document. He inquired as to what size parcels would be auctioned if and when the property is submitted to that process. Ms. Wilcox advised this would be decided “at the time.” Less than the entire amount would go through the City’s parceling process. The most recent parcel of trust land sold in North Las Vegas was sold intact. Commissioner Reynolds inquired as to the reason this property had not been included in a past master planning process. Ms. Wilcox explained the SPA represents a holding category until the property is ready for development. The first time the Division of State Lands considered positioning the property for sale was during the last master planning cycle, at which time discussions with City staff took place. Ms. Wilcox advised that Division of State Lands representatives have gone to great lengths to ensure understanding over the trust obligation and to promote high quality development for the City. Commissioner Reynolds expressed concern over the timing of the SPA. He acknowledged pressure for housing in Carson City over the last few years, but noted that with the opening of the Schulz Ranch, the potential of Lompa property opening, and changes in residential density proposed by the master plan, perhaps the demand for residential land might not be what it has been over the next five to ten years. Ms. Wilcox advised the timing is concurrent with the Envision Carson City master planning process.

Commissioner Vance expressed concern there would be no lot proposed for less than 12,000 square feet. With regard to the Vicee Canyon trail, Commissioner Vance advised that any trail up the bottom of the canyon won’t work. He expressed a preference for designating trails as represented by the roads. In response to a question, Ms. Wilcox advised that actual placement of the trail will be designated by the City.

Vice Chairperson Kimbrough requested clarification with regard to the method by which the property would be sold. Ms. Wilcox advised the assumption has been to market the entire parcel. The SPA, and therefore planned unit development requirements, will be in place as soon as it is approved. Any developer would be required to adhere to the provisions. Ms. Wilcox acknowledged that even if the parcel was sectioned, the SPA policies would have to be adhered to. She advised of the intent to bind the State and its successors in interest to the SPA. In response to a comment, Mr. Sullivan advised that selling the trust land as one parcel would be the most efficient in terms of management and the development process. Commissioner Mullet suggested the likelihood that one developer would want the entire parcel. Vice Chairperson Kimbrough expressed the preference that the entire parcel be sold in one piece. In response to a question, Ms. Wilcox advised that the Division of State Lands actively manages its properties within the limits of staffing and funding. Since the Waterfall Fire, she advised that staging has been allowed for restoration work. She encouraged the public to walk on the site. She advised that the Division of State Lands would be happy to deal with the City over more developed trails across the property. Chairperson Peery opened this item to public comment, and advised that it would be received for one hour. He provided direction with regard to the same.

## CARSON CITY PLANNING COMMISSION

### Minutes of the February 22, 2006

Page 17

(8:30:30) Mike Pavlakis, of 7 Woodstock Circle, expressed appreciation for the amount of work invested in the SPA document. He noted the process available to the citizens to comment on the application which requests a change to existing zoning and master plan designations. He further noted that the Envision Carson City process has provided an opportunity for public input before this commission and by other means. He was unaware of any “groundswell of public input that would ask this commission to approve development on the hillsides.” He expressed the understanding that residents indicated the hillsides should remain undeveloped. He advised of having reviewed the Constitutional provision referenced, and that he “didn’t see anything in that that said the property needed to be sold or leased. Rather it needs to be managed and it’s an interpretation by the State agency that what they want to do now, after many years, is to sell it now.” He questioned the timing, and referred to a previous indication that the State doesn’t want to sell the property now, but wants to create value through the public process and get a master plan amendment so that the property will have more value. He expressed concern over “threats” of cookie cutter development and no public access. He expressed appreciation for efforts to accommodate neighbors via the 100-foot buffer. He expressed the understanding that the buffer would not be developed for trails, for ATVs, or for any development. He expressed the further understanding that the property abutting the Westwood development would be limited to one-story residential. He requested that this provision be documented as part of the SPA. He expressed appreciation for these provisions, but the opinion that the application will be presented again to the commission. He expressed interest that the State doesn’t want to develop the property but to create value to sell the property to a developer. A developer will have to pay a premium for “the value of existing zoning … and figure out ways … to make more money.” Mr. Pavlakis suggested the way to do that is to “come back and go through this process.” He expressed concern “we’re going to be back here again with all the neighbors saying, ‘No, don’t do this.’” He reiterated concern over the timing of the proposal, and over the public benefit. He expressed the opinion “there is absolutely no need for this property to be sold.” He reiterated appreciation for the efforts invested in the SPA document, but suggested if the same effort had been made on behalf of a private developer, “we might be having a different conversation.” He expressed concern that this commission or its successors will be reviewing another application once the property is sold.

(8:35:23) LeAnn Saarem, of 2188 Alfred Way, advised her property is below the subject property. She requested the commission to reconsider the one-hour limit on public comments, and expressed the opinion that every single homeowner deserves the right to be heard. She asked for a show of hands in opposition to the Vicee Canyon SPA. In addition, she advised that a petition in opposition to the Vicee Canyon SPA was started last Friday with approximately 230 signatures to date. She expressed opposition to “this plan right now.” She provided the petition to Planning and Community Development staff. She expressed concern that once the SPA is approved “it’s a done deal, … and the community benefit … is gone forever.” She expressed the opinion that the Vicee SPA is incompatible with existing home and lot sizes. The SPA document only considers a “very small portion of Timberline lots” to compare sizes. Ms. Saarem reviewed the lot sizes in Lakeview, the Murphy Drive area, the Brush Estates area, Wellington Crescent, and the upper portion of the Timberline development, and reiterated there is no compatibility. She discussed concerns that invaluable open space and recreational trails will be jeopardized. She suggested that the plan pigeonholes the City into a development instead of considering possible expansion of WNCC or the observatory. She expressed concern over loss of hillside views and safety issues associated with fire and flood. She expressed a further concern over “up to six different proposals” in the area “and there is no additional access and infrastructure being constructed.” Winnie Lane and College Parkway will not adequately serve for access in the area. Ms. Saarem expressed frustration over the addition of Parcel C, and the belief that it is not comprised of school trust lands but State Buildings and Grounds land. She

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

#### **Page 18**

expressed concern that 40 acres of Parcel C is lending its density for transfer to the other parcel. She referred to the Combs Canyon PUD presented a few months ago and noted that the developer's proposal for open space was denied. She expressed the opinion that the proposed development is not truly infill which is a policy stressed by the master plan. She expressed concern that the new plan indicates 25% slope; the original plan indicated 15% slope and a better representation of open space. She pointed out that 15% slope is the developable base line.

Ms. Saarem expressed concern that open space will not be dedicated at the time the property is sold. She provided an overview of a portion of the minutes from an Open Space Advisory Committee meeting. She suggested alternative uses for the property, including open space, parks and recreation, expansion of WNCC, sports fields, etc. She expressed the opinion there is a much higher use for the property than just developing homes. She referred to the recently approved Schulz Ranch development, and noted the Lompa Ranch may become available soon. She displayed a 13-page printout of properties available in Carson City for sale. She expressed the opinion the City is "not just dying" for more residential development. She expressed appreciation for the Division of State Lands representatives' willingness to work with the City. She suggested if there are presently buyers and no intention to sell the property at this time, "this plan is not needed right now." When there is a better understanding of what the land should be used for, at that point, she expressed the hope the Division of State Lands would be willing to work with the City and the community to generate a new plan. She reiterated the plan is "not needed to be forced through right now." She requested the commissioners to consider the citizens' comments. Chairperson Peery explained the reason for limiting public testimony.

(8:46:44) Scott Heaton, of 1673 Wellington West, advised he has lived in Carson City for over thirty years and has represented developers for most of that period of time. He expressed the opinion "you will never get a developer who buys this property to follow this SPA. They will come in and they'll tweak it; they'll go through the process again." He expressed the opinion the SPA will represent "nothing other than a foot in the door by the State to increase the value of the property." He expressed concern there are no assurances of open space, trails, etc. He referred to earlier comments regarding the potential value of each lot, and suggested a "developer is going to be in it \$30 or \$40 million before they sell the first house." He assured the commission a developer would not rely on the SPA document, developed by the State, in connection with their development. He expressed the opinion the City gets nothing by approving the plan; "all it does is enhance the value of the property for the State to sell." He suggested that much had been made of the revenue being allocated to the school trust fund. He explained that the increased value of the property will generate interest. The State fund typically makes between 3% and 4%. Increasing the value of the property by \$5 million, 3% is \$150,000. The monies are then allocated based on population. Carson City's population is 2% of the State's. Two percent of \$150,000 is \$3,000 per year. Mr. Heaton advised there are over 8,000 students in Carson City, and noted the actual benefit would be 35 or 40 cents per student per year. He reviewed additional figures, and suggested that the concept of the school trust fund money benefitting Carson City was unfounded. Mr. Heaton noted that the master plan is supposed to be given deference. "It has a presumption of suitability." Any time the master plan is amended, there is to be a finding of changed circumstances mandating an amendment. Mr. Heaton expressed the opinion no such finding had been made. He referred to the Waterfall Fire, the 1997 flood, and recent flooding in the period of time since the last adoption of the master plan. He referred to a recent newspaper article which stated Vicee Canyon "was the most damaged area from the rains in January." He suggested that "if we've

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

**Page 19**

learned anything, it should be less density, not more density.” He urged the commission to listen to the citizens comments. In consideration of master plan amendments, he expressed the opinion the most important input is that provided by surrounding property owners.

In response to a question, Mr. Heaton suggested the starting place for any developer is knowing that 160 units have already been approved. He reviewed various scenarios, and suggested any developer would pencil out the proposal based on required infrastructure. He noted the expense involved in installing streets, sewer, water, etc. and advised that any developer will attempt to maximize the financial benefit. He further advised that developers are generally successful. “They have a lot of money, they have a lot of time, and if you’re going to make this type of investment for this type of project, rest assured they’re not going to follow the State plan.” In response to a further question, Mr. Heaton advised that the adopted SPA would not preclude any developer or private owner from seeking a change. They simply have to go through the process. Mr. Heaton acknowledged the requested changes could be denied by the Planning Commission. He advised that there are ways developers accomplish change “and one of the ways to do it here, for example, is to sweeten the pot. What if the developer says, ‘We’ll put in a school.’ What if the developer says, ‘We’ll put in a rec center.’ What if the developer says, ‘We’ll put in a football field at WNCC.’ There are ways to get what the developer wants.” Mr. Heaton expressed the opinion the citizens don’t want higher density in this sensitive area.

(8:53:25) Bruce Kittess, 4401 Levi Gulch, advised of having spent 40 years in the development business and concurred with Mr. Heaton’s comments. He expressed appreciation for the professionalism of the Planning and Community Development and Division of State Lands staff. He noted 2006 marks the tenth anniversary of Question #18, and suggested that this “adds some weight to what we say about open space.” He suggested reading the Open Space Master Plan element which indicates the community’s priority of being able to “look at” open space. He expressed appreciation for the City and the State being able to work together, but noted that city, county, state, and federal agencies are financed directly or indirectly by the taxpayers. He disagreed with the statement that the City must treat the State like any other property owner. “The private property owner owes little to the other taxpayers, but the State owes its taxpaying constituents.” He commented that the goals are admirable, but “it’s all our money.” He expressed the opinion that WNCC needs density. He advised that WNCC published its fifth master plan in 2001 and is most likely ready to update it. He suggested there could eventually be 10,000 students at WNCC, and noted that UNR “always needs more land. They’re still squeezing out neighbors and other businesses. They have to grow.” Mr. Kittess discussed the 32 acres transferred by WNCC to the City to serve as a detention facility. He referred to the conservation reserve designation on the land, and expressed concern over the ease by which it can be changed. With regard to the hillsides, he expressed concern that the planning process is “going down a slippery slope because you are granting specific entitlements before reviewing a complete, specific development plan.” He noted the property is not flat; it has a lot of extraordinary on site and off site improvements to be made. He requested the commissioners to refer to the map on page 8 of the SPA document, and expressed the opinion that the three areas north of Timberline represent terrible planning. He expressed concern over access, and reiterated that approval of the SPA would amount to agreeing to conditions before reviewing specifics. He suggested imagining the developer of the Combs Canyon PUD as the successful bidder on the subject property. He respectfully requested the commission to deny, postpone, or continue this item before granting approval. He advised that the citizens are prepared to go the Legislature to get the rules changed. He further advised the reason the timing is so poor “is because with all the grandiose plans, those of us that live up there are still looking at a devastated backdrop to Carson City.”

## CARSON CITY PLANNING COMMISSION

### Minutes of the February 22, 2006

#### Page 20

(9:03:07) Dave Saarem, of 2188 Alfred Way, expressed the belief that the citizens could participate in a legislative process to retain the land as open space. He referred to page 32 of 36 and read a portion of the first bullet into the record. He expressed the opinion that the developer reaching attainable housing thresholds by utilizing two units per structure “doesn’t ... sound ... compatible to existing neighborhoods and it also doesn’t sound like low density development.” He suggested the policy leaves the door open to more changes, pushing toward high density situations, and the incompatibilities referred to by Mr. Heaton.

(9:04:21) Sandra McFarren, a resident of Brush Drive, expressed appreciation for the SPA concept. She commented that Carson City is landlocked, but expressed the opinion it seems premature to limit options for the subject property. She referred to residential property near the “water tower.” She advised that access to Vicee Canyon will be available from another side which would significantly reduce the cost to a developer. She expressed the opinion “it’s really premature to be looking at this current plan.” She suggested it compromises the bike path, limits the college, and doesn’t take into account development that will be occurring south of the property that will change access to the property.

(9:05:22) Gary Oswald, 1833 Wellington East, advised he is Vice President of the Wellington Crescent Homeowners Association. He expressed opposition to the SPA document and concern that it establishes a precedent for high density development on the western slopes. He expressed the opinion there should be less density as development moves up hills. He expressed the further opinion that Carson City should establish an elevation or boundary line over which there can be no further building. This would preserve the viewshed for all citizens in Carson City. He expressed the further opinion that areas between existing developments and the subject property should have very restricted, lower density requirements. He expressed great concern over the absence of a commitment to any standard policy that specifically regulates lot size and density. He suggested that approval of the SPA will allow for manipulation and negotiation of lot sizes and density at a later date based on the SPA document’s vague, ambiguous, and conflicting language. He referred to page 10, paragraph 1.4, points 1 through 11, and reviewed vague terms such as “generally”, “may”, “encourage”, “as necessary”, and “whenever possible.” He expressed the opinion that the setback requirements for the SPA are “alarming,” and noted houses could be as close as ten feet. He expressed concern over lot sizes allowed at less than 12,000 square feet. He expressed additional concern over ambiguities, referred to page 7, and read a portion of the same into the record. He read additional portions of the SPA document into the record to further illustrate his points. He respectfully requested the commission to deny the application or at least table it for further review, input, and clarification. He referred to a temporary construction easement, dated June 4, 1998, wherein the City agreed “to initiate a process to establish a permanent, public access to Ash Canyon for the purposes of recreation.” The easement goes on to say that among other things, “requiring owners of property seeking development approval in the future to provide said access across their land.” Mr. Oswald advised that this agreement was not referenced in the SPA document, and requested the City to fulfill its part of the agreement to Wellington Crescent by making it a condition in this and any future application until fulfilled. He provided his written comments to the recording secretary as well as a copy of the agreement between Wellington Crescent and the City for incorporation into the record.

(9:13:55) Phil Patton, of 10 Combs Circle, requested clarification with regard to the 12,000 square foot lots. He advised of having moved to Carson City from Rochester, New York where he owned a two acre lot. He further advised that variances were not granted in Rochester, New York. He advised of having purchased a two-acre lot in Carson City in 1996, and that he’s always reading about “some builder wanting a variance.” He questioned the reason for not establishing a minimum lot size and enforcing the same.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 21**

(9:15:36) Charles Kittredge, a resident of Foothill Drive and West Winnie Lane, discussed the 1997 flood and the resulting pit. He expressed concern over additional development contributing to additional drainage problems. He expressed the opinion the plans are too ambiguous and don't consider drainage concerns. He expressed a further concern over protection of the City's watershed.

(9:17:10) David Friedrich, of 2844 Pinewood Place, expressed confusion over the possibility of losing open space and access if the SPA document is not approved. He noted the existing 20-acre zoning, and suggested that since any development would have to be approved by the commission, the opportunity would be presented to preserve open space and access. He questioned the reasons for reducing zoning at the present time "when we don't even have a firm plan ..."

(9:18:07) Annette Mankins, of 2340 Avery Road, advised she does not live in the subject area, but related her experience living adjacent to the Silver Oak PUD. She expressed the opinion the SPA is premature; that the land is "already in public hands. Keep it in public hands." She noted that the Open Space Program is spending money to buy land from private property owners, and inquired as to the reason for selling land back to private property owners. She expressed the opinion that an additional 160 residences will cause real problems for the WNCC observatory. She expressed the further opinion that more people from out of the area use the property than do area residents. She advised of having lived in Carson City since 1961, and in that time has "seen the whole west side developed." She further advised that access to the mountains has been more and more restricted over the years. She expressed concern over approving the SPA document, without any specification, and that the area will be further restricted from the citizens. She discussed concerns over the pit and access. She respectfully requested the commission to deny the application.

(9:22:11) Brett Eisenmesser, of 2170 Alfred Way, advised of having moved to Carson City and of purchasing his property three years ago because of the open space. He was told the area behind his home was a flood zone and would never be developed. He advised of having initially been convinced that the SPA would provide a safety net, but expressed the opinion the driving force is "greed." He noted the SPA would increase the value of the property, and that the Division of State Lands was doing its job. He expressed the opinion there should be a "better solution minus the greed." He expressed disbelief that there is no way to acquire the land, provide the community open space and recreation, and at the same time provide the State with some money required for the trust. He expressed the opinion "we are hanging our hat on laws that were ... written before there was electricity. ... Everyone here knows what's right for that area." He expressed concern over the lack of access to Vicee Canyon.

(9:24:22) Dave Simpson, of 3702 Prospect, inquired as to the reason for changing the zoning to sell the property. He inquired as to whether the property could be sold with the current zoning designation, and whether the City would be able to purchase the property as open space. Chairperson Peery advised that school trust lands are prohibited from being sold directly to another public entity. He further advised the City could bid on the property at the time it is offered for auction. Mr. Simpson suggested that if the current zoning designation is retained, the price wouldn't be so high, and the City may be able to bid on it. He referred to a previous commission meeting at which the Sandoval home was agendized, and expressed concern that adjacent residents will eventually be looking at "these huge Silver Oak-type homes being built." He advised of having spoken to Division of State Lands representatives about this concern, and that the SPA policies had been revised to require single level homes adjacent to the Timberline subdivision. He requested that the requirement be extended "further on down." He noted that the lower

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

#### **Page 22**

elevation homes in the Timberline and Westwood subdivisions are all single story. He reiterated the concern that a developer could “come in and build ... huge homes.” He expressed a preference for the buffer zone between the Timberline subdivision and the proposed development area to be increased to 200 to 300 feet to more adequately serve as a wildlife corridor. He pointed out the designated wildlife corridor, and suggested it is inappropriate near the main access road. A better place would be between the Timberline subdivision and the proposed development.

(9:29:40) Gary Oswald inquired as to the possibility of the open space program leasing the land from the Division of State Lands. Ms. Wilcox explained that statutes relating to leases are not much different than those relating to sale. Mr. Oswald suggested a lease basis for open space.

Chairperson Peery closed public comment and advised that 20.8% of the citizens in attendance had provided testimony. He expressed the opinion this was a good representation, and that all the pertinent issues had been raised. He requested each of the commissioners to provide comments.

In response to a previous question, Mr. Plemel advised that the City is more limited on what it can impose on a property owner in terms of exactions with a proposed development which meets zoning standards, provides access, and meets other minimum requirements. He reviewed specific statutory findings for subdivisions, including public improvement, zoning, etc. With regard to inconsistencies and lack of clarity, Ms. Wilcox advised that the plan would be reviewed with staff and revised accordingly.

Chairperson Peery reiterated the request for the commissioners to provide individual comments. Commissioner Semmens noted that the property cannot be sold until approved by the State Legislature. With regard to the possibility of density being changed by a future developer, he suggested the commission defer action on this item to a future date until this issue can be more adequately addressed. He noted the consensus of the citizens’ comments that they “don’t want this built on,” and agreed.

Commissioner Reynolds advised that, without demeaning the amount of work invested by City and State staff, he would vote against the SPA at this time. He noted the amount of money spent in the community to protect and improve quality of life. He expressed not as much personal concern over “what might be happening in my backyard as ... what we’ve gleaned from people in the community and what they expect. They want to see our hillsides, as much as possible, remain open.” Commissioner Reynolds expressed the belief that the SPA does “grease the wheels and invites pressure on public employees to have a public auction to develop the land.” He expressed the belief the property won’t sell as fast as “20-acre cookie cutter lots. If that is what it comes to, ... we’re better off with 20-acre lots ... than what we’re looking at with this SPA.” He expressed the belief the master plan designations do not construe any type of taking. He reiterated he would vote against the SPA.

Commissioner Bisbee advised of having reviewed all the materials prior to the start of the meeting, and that her inclination, at that time, was to approve the SPA. She expressed the belief that the commission has the responsibility to listen to the citizens who take time to attend meetings. She advised of being swayed more toward opposing the SPA, but cautioned that the staff had presented a very good case if the SPA is not approved, “we may very well be regretting that dearly.” She expressed the opinion that the SPA is a fine plan with a lot of work invested, but advised she was swayed by the citizens who had expressed a willingness to take the chance that the forewarning would be regretted.

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

**Page 23**

Commissioner Vance advised of having been undecided prior to the start of the meeting. He was tempted by the prospect of tying up the property in a SPA because it is a good document. He advised he would vote in favor of the SPA "if [he] thought it could stick absolutely for anybody that bought the property." He advised there was some "clean up" needed in the document. He expressed the opinion the State is "a little bit overambitious in thinking that ... when this is bought that it would stay as stated here." He expressed the further opinion that a better approach would be to trust the State would not just suddenly sell the property in 20-acre parcels, and that this would be very unlikely. He expressed support for continuing this item until the time the State is ready to move on it and "we can somehow be more assured of what would happen." He expressed the belief there will be development in the area some day. He expressed the opinion that what is proposed is right, but there is no way to assure it would be carried through to a final subdivision map. He advised he could not support the SPA at this point.

Commissioner Mullet advised of having come in with the idea that the SPA was the best opportunity for the neighborhood to preserve "as much as we could." He noted that the current master plan designation and zoning would only allow for twenty homes. Those lots could potentially sell for a large sum. He expressed uncertainty that the lots would all be fenced and access completely cut off. He expressed the opinion that established routes, accesses, paths, and roads cannot just be blocked off by property owners. He expressed appreciation to City and State staff for all the work invested in developing the document, although he agreed it needed quite a bit of clarification. He expressed concern that a developer could "sit on" the property for years without actually developing it. He advised that, for now, he was more comfortable with ten 20-acre parcels than with the SPA. He agreed there will eventually be development in the area, and discussed his experience purchasing land in the Timberline area and watching the area grow up around his home.

Vice Chairperson Kimbrough expressed appreciation for the comments presented by the citizens, and commended the City and State staff on the document. He expressed concerns over flaws in the document, and support for continuing the item. He expressed the opinion that the timing of the SPA is perfect in conjunction with the master planning process. He discussed the public participation aspect of the master planning process, and expressed surprise over the comments which indicated such a "total distrust of developers." He suggested addressing some of the issues at a future date, including lower densities and at a time when the State is ready to sell the property. He expressed an interest in hearing from WNCC representatives prior to taking action. He expressed understanding for the laws which govern the trust, but advised there are creative ways of getting things accomplished between government and private business. He suggested there are other alternatives which should be considered, and reiterated that this item should be continued. He pointed out the State has a right to develop the property or to sell it, and that the commission has the responsibility to consider a different plan.

Chairperson Peery advised of having been convinced that a large body of work had been accomplished, but noted the lack of support for the document. He agreed with earlier comments that the commission has a responsibility to listen to the community and to hold their interests. He expressed appreciation for the investment of time and effort, and the opinion that the document needs more work, more time, or the passage of time. He acknowledged the possibility that some of the commissioners may not be present when the time comes for additional decisions. Because this commission cannot bind future commissions, he expressed opposition to the SPA.

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

**Page 24**

Commissioner Mullet commended Mr. Plemel on the “fabulous job” represented by the master plan. He advised of having felt a little pressured to make the SPA document work at this time in order to have it included in the master plan. He expressed the opinion that the SPA needs more time. In response to a question, Mr. Sullivan advised there had only been one development associated with a SPA thus far, and that the “requirements were met fairly closely.” Any change proposed to a SPA document by a developer would have to go through the same process. Mr. Sullivan expressed the opinion that, with each SPA, the bar is raised. He expressed appreciation for the comments presented by the citizens in attendance. He agreed there are inconsistencies in the plan, and that additional work, in conjunction with the public, may be needed. He expressed the opinion that between the SPA document and a development agreement, the requirements can be tied fairly closely to the land. He advised that the development process would also be done in a public forum. He further advised that development plans that are inconsistent with the SPA would be referred to the commission as part of the checks and balances process. He acknowledged this is the first time the SPA applicant is different than the developer. In response to a question, Ms. Wilcox advised that state law will require approval by the State Board of Examiners prior to sale of the property.

Chairperson Peery entertained a motion, and discussion took place regarding the appropriate action. **Commissioner Reynolds moved to recommend to the Board of Supervisors to deny approval of MPA-05-206, a specific plan area to change the master plan designation from open space / recreation / rural residential / public regional to low density residential, open space, and public for APN 007-091-80 and -81 and 007-101-09, including the specific development standards, guidelines, and policies contained in the Vicee Canyon Specific Plan Area document for future development of a residential neighborhood, not to be adopted as part of the comprehensive master plan, based on the belief that the SPA does not meet the objectives outlined in the master plan. Commissioner Semmens seconded the motion. Motion carried 6-1.** Commissioner Vance expressed the opinion that denial and a long-term continuance were one and the same. When the property is close to being ready to sell, he requested that the SPA be returned to the commission. Chairperson Peery thanked the citizens and recessed the meeting at 10:03 p.m.

**G-12. MPA-06-014 ACTION TO CONTINUE RESOLUTION 2006-PC-1 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF THE CARSON CITY COMPREHENSIVE MASTER PLAN, INCLUDING THE LAND USE PLAN, PARKS AND RECREATION PLAN, UNIFIED PATHWAYS PLAN, AND HOUSING ELEMENT, REPLACING THE EXISTING LAND USE PLAN ELEMENT, HOUSING ELEMENT, PARKS AND RECREATION MASTER PLAN, EAGLE VALLEY TRAIL SYSTEM PLAN, BICYCLE SYSTEM PLAN, AND PEDESTRIAN PLAN (10:14:40)** - Chairperson Peery reconvened the meeting at 10:14 p.m., and introduced this item. Mr. Sullivan provided an overview of the staff report. Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Reynolds moved to continue Resolution 2006-PC-1. Commissioner Semmens seconded the motion. Motion carried 7-0.**

**G-13. MISC-05-151 ACTION TO CONSIDER PLANNING COMMISSION POLICY NUMBER 2 REGARDING METAL STORAGE CONTAINERS AND SEMI-TRUCK TRAILERS, SPECIFICALLY PERFORMANCE STANDARDS FOR SEMI-TRUCK TRAILERS AS STORAGE FACILITIES IN COMMERCIAL ZONING DISTRICTS (10:16:16)** - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. Discussion took place regarding height requirements. **Commissioner Semmens moved to delete all reference to semi-truck trailers in Development**

## **CARSON CITY PLANNING COMMISSION**

### **Minutes of the February 22, 2006**

**Page 25**

**Standards, Section 1.10, Personal Storage and Metal Storage Containers, specifically in the metal storage container section, Subsection 9, and that all semi-truck trailer reference be deleted in Title 18, and continue to not be allowed in Carson City. Furthermore, it is the commission's direction that staff notify all businesses within commercial and industrial zoned areas to inform these property owners that semi-truck trailers utilized for storage purposes are not allowed as storage units and that any storage semi-truck trailers must be removed by March 1, 2007.** Chairperson Peery called for public comment and, when none was forthcoming, a second on the motion. **Vice Chairperson Kimbrough seconded the motion.** Mr. Sullivan acknowledged that semi-truck trailers and storage units are still not allowed in residential neighborhoods. Chairperson Peery called for a vote on the pending motion; **motion carried 6-1.** Commissioner Semmens advised of having made the motion because of concerns over opening "a can of worms that we have worked so hard to resolve in Carson City."

**G-14. PRESENTATION AND DISCUSSION REGARDING THE PLANNING COMMISSION APPLICATION FLOW CHARTS TO THE PLANNING COMMISSION** (10:22:53)  
- Chairperson Peery introduced this item, and Mr. Sullivan requested to continue this item to the next commission meeting. The commissioners concurred, and Mr. Sullivan requested them to retain the agenda materials pertinent to this item. Chairperson Peery opened this item to public comment; however, none was provided.

## **H. STAFF REPORTS**

**H-1. REPORT ON BOARD OF SUPERVISORS' ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS** (10:25:10) - Mr. Sullivan reported that the Board of Supervisors approved a map revision for Hidden Meadows Unit #3; on first reading, the zoning map amendment for the Sheriff's Office auxiliary parking lot; and the Corte Reale PUD and zoning amendment. He referred to an e-mail from Ruth Condray included in the agenda materials.

**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** (10:27:29) - Mr. Plemel thanked the commissioners for their attendance at the joint Parks and Recreation Commission meeting on February 21<sup>st</sup>. He advised that the Unified Pathways Master Plan will be presented to the Open Space Advisory Committee, the Carson River Advisory Committee, and back to the Parks and Recreation Commission for a recommendation. The UPMP will then be presented to this commission as part of the comprehensive master plan adoption process. Chairperson Peery thanked the commissioners for their attendance and participation. Mr. Plemel advised of two more special meetings, scheduled for March 6<sup>th</sup> and March 27<sup>th</sup>.

Mr. Sullivan thanked the commissioners for their attendance and participation in the February 21<sup>st</sup> joint meeting. He expressed appreciation for the sophistication of this commission's comments and input. He commended Mr. Plemel and Ms. Pruitt on their excellent planning skills. He advised of having received comments from the public, advisory committee and commission members, this commission, and the Board of Supervisors regarding Mr. Plemel and Ms. Pruitt. He commented on how fortunate the City and the Planning and Community Development Division are to have Mr. Plemel and Ms. Pruitt. Chairperson Peery agreed, commended the entire Planning and Community Development Division staff, and Mr. Sullivan.

**CARSON CITY PLANNING COMMISSION**

**Minutes of the February 22, 2006**

**Page 26**

He commented on the recognition by citizens of the quality of work invested by Planning and Community Development staff. Mr. Sullivan advised that the Planning and Community Development Division works as a team. He expressed appreciation to Mr. Grundy, Mr. Suglia, and Ms. King.

**I. ACTION ON ADJOURNMENT** (10:31:55) - Commissioner Semmens moved to adjourn the meeting at 10:32 p.m. Commissioner Mullet seconded the motion. Motion carried 7-0.

The Minutes of the February 22, 2006 Carson City Planning Commission meeting are so approved this 26<sup>th</sup> day of April, 2006.

---

JOHN PEERY, Chair