A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, September 24, 2003, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Richard Wipfli, Vice Chairperson John Peery, and Commissioners Allan Christianson, Mark Kimbrough, Craig Mullet, Roger Sedway and Roy Semmens

STAFF PRESENT: Senior Planner Lee Plemel, Senior Engineer Rob Fellows, Deputy District Attorney Mary Margaret Madden, Recording Secretary Katherine McLaughlin, Associate Planner Jennifer Pruitt, Assistant Planner Kathe Green, Senior Engineering Technician Kathryn Streeter (PC 9/24/03 Tape 1-0015)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation as well as any computerized slides that may have been shown. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE - Chairperson Wipfli convened the meeting at 3:30 p.m. Roll call was taken. The entire Commission was present constituting a quorum. Commissioner Sedway lead the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF MINUTES - 7/30/03 (1-0027) - Commissioner Peery moved to accept the Minutes of the August 27 meeting as submitted. Commissioner Kimbrough seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENTS (1-0058) - None.

D. AGENDA MODIFICATIONS (1-0034) - Senior Planner Lee Plemel explained the requests for a continuance of Items G-2A and B and G-3. The fees for a continuance have been paid. The continuance requests will be considered when the Items are reached on the agenda. He also noted that individuals wishing to speak on Item G-7 will be present at 5 p.m. He requested this item be taken after 5 p.m. Item G-9 is agenized for discussion at 5:30 p.m.

E. DISCLOSURES (1-0055) - Commissioner Sedway explained his professional relationship with Palmer and Lauder Engineering. This relationship will not cause a conflict for him and he will participate in the discussion and vote on Items G-2A and B and G-3. He also indicated that he would recuse himself from Items G-5, 10 and 11, which are regarding property adjacent to the Hospital. Chairperson Wipfli disclosed his personal relationship with John Uhart. It will not affect his ability to be subjective regarding Item G-3. He had casually met with Gene Berger. This will not impact his ability to participate in discussion and action on that item. Commissioner Mullet disclosed his knowledge of the Chamber's involvement with visual items in the City including its corridors. He had briefly discussed Item G-5 with Chamber of Commerce Chief Executive Officer Larry Osborne. Commissioner Semmens disclosed his relationship with Gary Lehman. It should not impact his decision regarding Item G-4.

F. CONSENT AGENDA (1-0100) - U-02/03-6 - ACTION AND REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM FILIBERTO ANGUIANO - Commissioner Peery moved to nullify U-02/03-6 after a one year review of a Special Use Permit request from Filberto Anguiano/Stanton Park Development to allow outdoor seating and cooking facilities in conjunction with a restaurant as a conditional use on property zoned Neighborhood Business zoning district located at 933 Woodside Drive, APN 010-445-02, based on the fact that the use has never commenced and the Special Use Permit expired pursuant to the Planning Commission conditions of approval and is no longer valid. Commissioners Kimbrough and Christianson seconded the motion. Motion carried 7-0.

G. PUBLIC HEARING

G-1. AB-02/03-3 - ACTION ON AN ABANDONMENT REQUEST FROM DAVID P. AND GLORIA J. HARJES FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY (1-0127) - Associate Planner Jennifer Pruitt, David Harjes - Mr. Harjes indicated that he had read the staff report and agreed with it. Public comments were solicited. Josh Wineberg supported the abandonment as it does not impact his property or its development. Additional public comments were solicited but none were given. Commissioner Peery moved to recommend that the Board of Supervisors approve application AB-02/03-3, an abandonment of a 33-foot wide and 132 foot in length portion of the right-of-way located within the northerly property line of APN 009-134-03, based on seven findings and subject to four conditions of approval contained in the staff report. Commissioner Mullet seconded the motion. Motion carried 7-0.

G-2A. U-3-103 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PALMER AND LAUDER ENGINEERS, INC.; AND G-2B. V-03-113 - ACTION ON A VARIANCE REQUEST FROM PALMER AND LAUDER ENGINEERS, INC. (1-0218) - Associate Planner Jennifer Pruitt, Applicant's Representative Mark Palmer, Randy Harris, Donna Harris, Senior Planner Lee Plemel - The Applicant had requested a continuance and paid the appropriate fees. Mr. Palmer explained the reasons for requesting a continuance were based on the desire to work with staff and NDOT to resolve the issues with the parking lot. Public comments were solicited. Mr. Harris voiced his objection to granting the variance as it eliminates a buffer between his apartment building and the proposed use. Chairperson Wipfli explained the applicant's request for a continuance. Ms. Harris urged the Commission to look at the variance and the impact it will have on their apartments. She asked the Commission to maintain the current status quo. She gave staff a letter delineating their concerns. Mr. Plemel thanked them for their comments. Chairperson Wipfli pointed out that the continuance would allow time to work through the problems. Commissioner Christianson moved to continue to next month's meeting Items G-2A and B. Commissioner Peery seconded the motion. Motion carried 7-0.

G-3. V-03-102 -ACTION ON A VARIANCE REQUEST FROM PALMER AND LAUDER ENGINEERS, INC. (1-0362) - Senior Planner Lee Plemel, Mark Palmer, Homeowners Association's Architectural Review Committee Gary Oswald - A continuance had been requested. The Applicant had paid the required fees. Staff supported the continuance. Mr. Palmer requested a continuance so the Applicant could meet with the Homeowners Association. Public comments were solicited. Mr. Oswald explained that the application violates the CC&Rs and that the Applicant was aware of the Association's denial. He urged the Commission to deny the request. Clarification indicated that the Applicant had the ability to appeal the Architectural Review Committee's

denial to the Association's Board. Justification for the Committee's denial was indicated. Chairperson Wipfli expressed his desire that the Association and Applicant work out the problems before the Commission considers the request. Commissioner Peery encouraged them to have a dialogue. Commissioner Christianson explained that the Commission could not consider the CC&Rs. Commissioner Kimbrough pointed out the conflict between the CC&Rs and the City Codes. Commissioner Christianson explained the need for the Commission to follow the City Code. Mr. Oswald felt that the CC&Rs complied with the Statutes and were adopted to stop exceptions from occurring. Chairperson Wipfli reminded the audience that the discussion should relate to the request for a continuance only. Additional public comments were solicited but none were given. Commissioner Peery moved to continue G-3, V-03-102, action regarding a variance request from Palmer and Lauder Engineers pursuant to their request for a continuance dated September 23, 2003, from Mark Palmer. Commissioner Semmens seconded the motion. Motion carried 6-1 with Commissioner Kimbrough voting Naye.

G-4. V-03-101 - ACTION ON A VARIANCE REQUEST FROM BILL RANKIN (1-0510) - Senior Planner Lee Plemel, Assistant Planner Kathe Green, Applicant Gary Lehman - Mr. Lehman had read the staff report and concurred with it. Public comments were solicited but none were given. Commissioner Sedway moved to approve V-03-101, a Variance request from Bill Rankin/Gary W. Lehman to reduce the required rear yard setback from 30 feet to 20 feet for a detached garage on property zoned Single Family One Acre located at 6 Farady Circle, APN 008-711-16, based on three findings and subject to seven conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.
Chairperson Wipfli explained his reasons for supporting the application were based on the neighbors' support. Opposition or prejudice against a project causes problems for him.

G-5. U-03-100 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM VERIZON WIRELESS (1-0662) - Senior Planner Lee Plemel, Lori Novotny, Gary Oswald, Carson-Tahoe Hospital Chief Operating Officer Kevin Stansbury - Commissioner Sedway disclosed that he would recuse himself and suggested that Items G-5, 10 and 11 be heard together. As comments had not been received from the public on any of these items, Chairperson Wipfli ruled that they would be heard together. Commissioner Sedway stepped from the room–4:05 p.m. (A quorum of the Commission was present.) Ms. Novotny had read the staff report and concurred with it. The proposed location will provide better coverage along Highway 395 for the local community and the Airport. The term co-location was described. The proposed site is to be for Verizon only at this time. The possibility exists that other vendors may want to lease space on the pole in the future. The location of such antennas will depend on the carrier's needs. Discussion explained that the telephone towers located on Duck Hill provide digital service. The cellular phones require line of sight connections. The Hospital had received notice regarding the proposal. They had not submitted any comments either pro or con on the application. The service produces electromagnetic energy. Public comments were solicited.

Mr. Oswald briefly noted his experience with cellular towers and asked if the tower would create a problem for the Hospital's helipad or the Airport. He suggested that the location be moved closer to the trees and that it be decorated so that it is not so obvious. Chairperson Wipfli explained that cellular towers are opposed for two reasons–Not In My Back Yard and aesthetics. Mr. Plemel pointed out that the Hospital had been given notice about the application and failed to submit comments. He briefly noted his involvement with the new Hospital building under construction at this time. He felt that the building would be taller than the cellular tower due to the topography. He

also pointed out that there is not much vegetation in the area where the cellular tower is needed to be most effective. He then described the process used to make the tower as aesthetically pleasing as possible. Ms. Novotny explained that they presently have several cellular tower sites on hospitals and in parking lots. She was not aware of any interference concerns with either the Hospital or the Airport. They must obtain FAA clearance before construction occurs. Commissioner Kimbrough pointed out that some towers are made to look like trees so they are not so obvious. The proposed location is near a gateway to the community and its topography will make the tower stand out. Ms. Novotny described the different towers that could be used for the site including a mono-pine and the flag pole design. Reasons for rejecting these poles were provided. She felt that the flag pole design would be a good selection for the site due to the Hospital. It would have eight foot panels and be flesh colored. This would restrict its ability to be used for co-location. Mr. Plemel described the mono-pine on Mt. Rose. Commissioner Kimbrough expressed his desire to have the alternative. Commissioner Semmens felt that the Hospital would block the view of the tower. Mr. Plemel agreed that this is possible as the Hospital will be a large building which may attract an individual's attention. Ms. Novotny felt that the Hospital may cause some shadowing or interference. It may also be possible that the engineers will want a site on the Hospital. She agreed to consider the Hospital as a location before construction occurs.

Mr. Stansbury explained the Hospital's aesthetic concerns and questioned the impact the tower will have on the helicopter's flight path and ability to use a helipad on top of the Hospital. He also expressed an interest in discussing the possibility of co-location at the Hospital.

Ms. Novotny described the poor and no reception received by cellular phones in the vicinity. For this reason they wished to begin construction as soon as possible which could be as soon as two months. She suggested that the tower be conditionally approved for a four-year period. This allows them time to negotiate with the Hospital. The 30-year lease for the proposed site includes language that allows them to void the contract if interference occurs. Five years is an ideal contract for their purposes. A slim pole with a five-year term will not allow them to do co-location.

Mr. Stansbury explained that construction of the Hospital is scheduled for completion by December 2005. He also explained that many hospitals are co-location sites. To his knowledge, the transmission's electro-magnetic force does not create any adverse interference for the hospitals or their medical equipment.

Ms. Novotny then suggested that a wood pole with flesh mounted antennas be allowed as they are less expensive to design and construct. The pole will be brown. Commissioner Peery expressed his feeling that the aesthetic view for travelers going north would be fine but it would be bad for travelers going south. He noted the City's efforts to cleanup the City and improve its aesthetics. This posed a problem for him.

Mr. Plemel suggested that the item be continued to allow time to analyze whether there are other suitable locations available. Ms. Novotny had offered to slim up the tower which will make it less obtrusive and that there may be other improvements which will improve the aesthetics. He also noted his involvement with other cellular phone companies who need sites in the vicinity. This will provide opportunities for co-location. Otherwise, there could be a proliferation of towers in that area. A two-year period without coverage is not acceptable to Verizon due to their growth. The long term concern is the need for facilities, which will provide for co-location, and the location for such

facilities. Chairperson Wipfli agreed that they need a location to meet their service requirements. He suggested that the proposed site be approved and that Ms. Novotny look at the Hospital as an alternative when it is completed. The tower should be constructed to be as aesthetically pleasing as possible. Co-location may be more obtrusive. Her needs will require a small mono-pole. The installation of it would be short sighted and create a location with several towers. The service is needed which mandates that a location be found. The Hospital is a good location for it. Commissioner Mullet agreed that it is an opportunity for the Hospital although it is two years away. It may be possible for the Hospital to be used sooner as the schedule is for the entire building. The helipad will require lighting. He was unsure whether the FAA had been asked for permission to put the helipad at the new structure. The tower will require a light after the helipad is moved to the new building. He hoped that there was a compromise possible and encouraged the Applicant and Hospital to talk to the FAA. Commissioner Christianson noted that the proposed location is lower than the Hospital due to the area's topography. Mr. Plemel noted that there is a similar pole on Lepire Drive. It is in a General Industrial area and is the same height. He also explained that the area is retail commercial and that there will be a hospital and offices for related services. The buildings could be 45 feet tall. Commissioner Christianson felt that the tower will not be in a flight path if the helipad is placed on top of the Hospital. It is far enough away from both the Hospital and the Airport to create little impact on either. Service requirements mandate that a tower be located somewhere in the vicinity.

Ms. Novotny reiterated her belief that this is the only available site on the north end of the City. Two years is too long to wait for a location. They were willing to come back with another project at the Hospital in the future. Reasons were provided for not putting the tower in the freeway right-of-way. Public comments were again solicited. None were given.

Discussion between Commissioner Christianson and Mr. Stansbury indicated that Verizon and the Hospital had not talked about the concept. Mr. Stansbury felt that they would be able to discuss the issues with Ms. Novotny/Verizon and resolve the issues including the aesthetics and flight path items. They had not filed for permission from the FAA as a final decision on the future location of the helipad had not been made. They have discussed having the helipad on top of the new building. This requires relocation of the present helipad. He agreed to meet with Verizon/Ms. Novotny and negotiate. The walls should start going up by the end of the year. The building should be closed in within six months thereafter. The tower could be placed on the building at that time. Ms. Novotny reiterated the importance of the location to Verizon. It may require more than 30 days for the Hospital to make a final decision regarding the placement of the tower. She felt that a more realistic estimation of the time to negotiate the contract would be six months.

Chairperson Wipfli drew attention to the short term need for a tower at the location. Commissioner Christianson felt that a 30-day continuance should be granted to allow the parties to negotiate and to determine the FAA requirements. Ms. Novotny questioned the permitting process that would be required for both the temporary and the Hospital sites. Mr. Plemel explained that a ten-foot tower on top of the Hospital would be handled administratively by staff. It would also require a building permit. A tower taller than ten feet would require Planning Commission action on a special use permit. Ms. Novotny explained for Commissioner Semmens that a 45-foot tower would not provide the desired coverage. Commissioner Peery expressed his personal desire that the continuance not require additional fees from the Applicant. He also suggested that an alternate plan that would include aesthetics be developed in case negotiations are not successful/completed. He also felt that 30 days should be adequate to determine if negotiations

are possible and the timeframe for the temporary facility. The Commission had already granted a "cable" type of structure which could be constructed and removed. This could be considered as another option and does not constrain the business while protecting the community's interest. Ms. Novotny then requested a 30-day continuance to negotiate with the hospital and develop an alternative future design and request a temporary facility. Commissioner Peery moved to continue U-03-100, a Special Use Permit for Verizon Wireless Tower. Commissioner Christianson seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining. Commissioner Peery reiterated the Commission's direction to not assess the Applicant a fee for the contin-uance.

G-10. MPA-03-115 - ACTION ON A MASTER PLAN AMENDMENT REQUEST FROM CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT; AND G-11. ZMA-03-114 - ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT DEPARTMENT (1-1457) - Senior Planner Lee Plemel - Commissioner Sedway had previously recused himself and was not in attendance. (A quorum was still present.) The mapping error was explained. Public comments were solicited but none were given. Commissioner Kimbrough moved to adopt Resolution 2003-PC-7 recommending to the Board of Supervisor approval of MPA-03-115, a Master Plan Amendment to change the land use designation of a portion of APN 008-054-08 from Commercial-High Density Residential to Commercial located at 4550 North Carson Street based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining.

Commissioner Kimbrough moved to recommend to the Board of Supervisors approval of Z-03-114, a Change of Land Use application to change the zoning designation of a portion of APN 008-054-08 from Single Family One Acre to Retail Commercial located at 4550 North Carson Street based on the findings contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining.

G-6. Z-03-104 - ACTION ON A CHANGE OF LAND USE REQUEST FROM CARSON CITY PLANNING AND COMMUNITY DEVELOPMENT (1-1575) - Associate Planner Jennifer Pruitt, Property Owners Association President Gary Anderson - Commissioner Sedway returned. (The entire Commission was present, constituting a quorum.) The zoning error was limned. Mr. Anderson indicated that he had read the staff report and concurred with it. Public comments were solicited but none were given. Commissioner Peery moved to recommend to the Board of Supervisors approval of Z-03-104, a Change of Land Use application to change the zoning designation of APN 007-371-62 from Public Community to Single Family One Acre based on the findings contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

G-7. M-03-125 - ACTION ON A PRELIMINARY REDEVELOPMENT PLAN FOR THE COMMERCIAL CORRIDOR REDEVELOPMENT PROJECT AREA (1-1698) - Senior Planner Lee Plemel, Consultant Charles Long, Corridor Committee Member David Ruf, Chamber of Commerce Chief Executive Officer Larry Osborne, Deputy District Attorney Mary Margaret Madden - Mr. Long distributed his outline of comments to the Commission and Clerk. (A copy is in the file.) The plan was developed based on committee feedback. The preliminary plan is an effort to revitalize the corridors. The redevelopment plan and the land use element are to be added to the zoning and master plans to provide conformity. His comments explained the proposed corridor locations, the schedule for consideration of the plan, the blight issues found along the corridors, the recommended action plan, the success of the downtown redevelopment district and its incentive program including

justification for its incentive program, concerns regarding eminent domain and the financial impact on the School District due to the reduction in property taxes, suggested restrictions limiting the use of eminent domain, and a potential agreement to mitigate any losses to the School District. The redevelopment process should not be used to develop open fields but would be used to redevelop old business sites. Justification for this policy was limned. He then reviewed a list of items which could be accomplished that would help the corridors.

Discussion between Mr. Long and Chairperson Wipfli explained the approximate amount of time that would be required to complete the presentation for the audience who wished to discuss Item G-9.

Mr. Long then described the successful downtown redevelopment program. The Redevelopment Authority had never abused its eminent domain powers while creating this program and its improvements. Concerns regarding the size of the redevelopment corridors were noted. The areas may be revised as there are other areas the work group is discussing that may need to be included. Parcels that have already been redeveloped will be eliminated from the program. The corridors all share the same economic challenges. He then referenced Page 17 which listed the required findings that must be made when the final plan is adopted. The plan will be presented for consideration at the next Planning Commission meeting. The plan will then be forwarded to the Redevelopment Authority. Committee Members' comments were solicited.

Mr. Ruf explained his involvement and the process used to establish the preliminary plan. It took two years to complete this process. The discovery of sites outside the downtown area brought to light the need to expand the Redevelopment District. Feedback on the concept indicates concerns about the term "blighted", therefore, they suggested that the term be "economic potential nodes for potential development". The second issue was the ability to use eminent domain. The Committee supported the redevelopment spirit established 20 years ago which had restricted the ability to use eminent domain. They did not wish to throw anyone out or steam roll over anyone. He reiterated that it is a group of private citizens who are making the recommendations. Committee members were listed to show that there are private citizens and businessmen/women who provided input and want/support the recommendations.

Commissioner Christianson questioned how the restrictions on eminent domain will be enforced and who will make the decisions regarding the grants. He felt that adequate information regarding these items had not been provided. He was also concerned about the legality of such processes and the court's ability to overturn any decisions related to them. He questioned whether additional staff would be required for this purpose, how the public felt about using its tax funds for private investments, and whether retail sales will offset the property tax losses. He suggested another meeting regarding these issues.

(1-2630) Mr. Ruf explained the Committee's suggested committee composition. He then described how eminent domain could be used which would allow development to occur for those sites where the property owner has not done anything with his property and a major project is being held up. The use would be overseen by the citizens committee. Commissioner Christianson explained that his concern relates to government's process for establishing the property's value. A board of mediators that is certified as arbitrators was suggested to intercede in such cases. Mr. Ruf explained that this matter could be discussed in more depth in the future. The intent is to eliminate the need for an attorney to represent the property owner and to protect that individual's rights. The intent also develops a

"friendly" process of helping the individual for the com-munity's benefit. He then explained that the City receives more in retail sales tax than the property tax generates. Spending is also increasing faster than the property tax revenue is growing. Commissioner Christianson asked for supporting documentation illustrating his statements. Mr. Ruf acknowledged the impact K-mart's closure and the relocation of Walmart to another county had on retail sales tax revenue. He also indicated that the Redevelopment property's ad valorem tax rate had increased only one percent last year. The sales tax revenue for the last three years is more than that amount.

Chairperson Wipfli explained that today's action would merely move the process forward to the next level. Changes will be made to the program in the future. Discussion between Commissioner Sedway and Mr. Ruf explained that the funding generated within the district would be allocated the same as it is for the Downtown Redevelopment District. Commissioner Sedway also expressed his concern about the possibility that the funding will not be there. Mr. Ruf acknowledged that the first three years there would be little funding available. But with assistance from the private sector redevelopment's incentives a chain reaction will commence that causes neighbors to do upgrades. New businesses must meet the landscaping, design, and parking standards for the community. Old businesses are not required to do them. They can be enticed to do them with the incentives in order to "keep up with the Joneses". Chairperson Wipfli explained Redevelopment's ability to provide funding for City sewer and waterline upgrades to illustrate how the program works. Discussion ensued between Commissioner Kimbrough and Mr. Ruf on how this process works. Mr. Ruf reiterated that the funding applications must be approved by the committee before it is allocated. If no one applies for the funds, the committee may want to rethink its criteria for grants. Chairperson Wipfli explained the repayment program for the grants if the property is sold including its timeframe and criteria. Mr. Ruf indicated that the original program had given ten percent incentives. More funds are there now and 20 percent incentives are being paid. Carson City's School District is reluctant to enter into the agreement, however, the success of the Sparks redevelopment program has allowed it to acquire a gym, build another elementary school and provide other needed items. The intent is to provide funding for the School District to replace the funds lost due to the economic property tax cap. Commissioner Kimbrough thanked him for his knowledge, dedication and effort on the program. Chairperson Wipfli explained Mr. Ruf's previous dedication to this effort and belief that if he supported the program he had studied it stringently. Additional Committee comments were solicited. None were given.

Mr. Osborne explained that he had been a member of the Economic Vitality Committee. He had not served on this Committee. The Chamber thanked the Committee Members for their dedication and efforts. His involvement with the different Economic Vitality Committees and the workshops was noted. He felt that the community supported the suggested program. Redevelopment is a tool that can be used to assist economic development. Examples of how redevelopment had been used in both Carson City and Douglas County were noted. Justification for the Legislature's changes to the redevelopment process was provided. Blight was felt to be an antiquated term. The Chamber has concerns and strong reservations about the program. He felt that it would be some time before the program can be finalized. A meeting had been held yesterday on the program and more are scheduled. He hoped that the final document could be something that they could support. Eminent domain had not been used in the small downtown area. It could be the teeth but should be used only as a final resort. He questioned who should be the one to determine the highest and best use for a property. The price should be set by the property owner and not someone else. The City presently has the zoning and should allow major retailers an opportunity to utilize the same incentives found in redevelopment areas. There were also concerns about the conflict zones and how the program will be used to mitigate them. The Chamber does not feel that the community is "down the tubes". There are positive things

happening. There are major retailers who are interested in the community that are not in the redevelopment zones. The Chamber also has concerns regarding the size of the corridors and had suggested that a sunset clause be included so that it can be dismantled if nothing happens. Discussion between Chairperson Wipfli and Mr. Osborne indicated the need for additional workshops before going to the Board of Supervisors for final approval. Mr. Osborne asked that some of these meetings be formal recorded hearings. Additional input is necessary. The Chamber's efforts had created a lot of turnout for the previous meetings. Commissioner Peery explained his concerns about the amount of territory included in the program and its scope. He felt that it was rather unwieldy as conceived. He also did not want to burn bridges or have negative rhetoric on big boxes. The community needs to receive them with a friendly attitude. Prostitution was cited as an obvious example of an unwanted business. It is not allowed in Carson City. Therefore, there is no need to include it in the discussions or to consider incentives for it. All other types of businesses should be considered. Mr. Osborne agreed and indicated that the City is open and welcomes all legal businesses. Commissioner Mullet indicated his need to become better informed on the topic. He also felt that the area was rather unruly and that a portion of the downtown area stills needs revitalization. His personal involvement with the downtown area was explained to indicate that the incentive program does not always make a project pencil out. Mr. Osborne expressed a willingness for the Chamber's committee to meet with him and try to bring him up to date.

Mr. Plemel explained that the Commission will have to review the design standards and compare it with the redevelopment program. These issues are going to the Redevelopment Authority and its Redevelopment Authority Citizens Committee. The Planning Commission's role will be to consider the land use aspects for redevelopment. Mr. Long assured the Commission that the redevelopment standards would be administered the same as the City's standards are and that it would be under the same process. The Commission will not be bypassed by the redevelopment standards. The area will be treated the same so that the standards are the same. At this time the Downtown Redevelopment District has separate standards and approval processes. The proposed program does not have this separation of powers. Mr. Osborne indicated that this is another concern expressed by the Chamber. He also questioned whether there is a need for additional staff. Commissioner Christianson's comments emphasized that they were not being negative about the program but have questions regarding it that show areas which need to be addressed. They also urged the Committee to have more public meetings on the program. Discussion between the Commission and Mr. Osborne explained that the Board of Supervisors is the Redevelopment Authority and a reason it was given back to the Board by the former Citizens Committee. The Board will decide who should serve on the Redevelopment Authority. Ms. Madden agreed to research the requirements for using eminent domain for the Commission.

Mr. Long briefly explained his experience with Redevelopment and an IRS Code which allows sheltering of funds when property is taken under eminent domain purposes. For this reason property owners will sometimes seek a "friendly condemnation" in order to qualify for this tax treatment. Additional public comments were solicited but none were given.

(2-0066) Commissioner Peery noted that it is a preliminary plan and not the final plan. Commissioner Peery then moved to approve the Preliminary Redevelopment Plan for the Commercial Corridor Redevelopment Project Area for submission to the Redevelopment Authority as presented. Commissioner Kimbrough seconded the motion. Motion carried 7-0.

RECESS: A recess was declared at 6:22 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 6:37 p.m., constituting a quorum

G-9. P-03/04-1 - ACTION ON A PLANNED UNIT DEVELOPMENT REQUEST FROM NW SUNRISE DEVELOPMENT (PROPERTY OWNERS: MARK AND SHERRY FUNK) (2-0094) - Senior Planner Lee Plemel, Senior Engineer Rob Fellows, Keith Shaffer, Ann Gerkin, School District Director of Operations Mike Mitchell, Neil Ceballos, Mark Funk - Mr. Plemel's introduction included justification for staff's recommendation and reasons staff could not support the Applicant's recommended modifications to the conditions. Discussion with the Commission explained the location of the park in the northeast corner of the project, removal of the open space area on the hill, and dedication of an easement which increased the lot sizes and reduced the original amount of open space. The overall number of lots was reduced by two creating 68 duplexes or 34 duplex parcels. The single family units located on the east side of Lepire are on 12,000 square foot lots. Their current zoning is general industrial. The Applicant had requested elimination of the trail from Lepire to Hells Bells which staff could not support. The road improvements include a sidewalk connecting the project to Pheasant and the signal. It is still required. The Applicant had requested a reduction in the easement continuing along Mexican Ditch. Staff had requested enough space to construct the trail/facility. The Applicant had proposed a 25-foot wide bicycle easement on his property for the Mexican Ditch trail/facility. At this time Mr. Fellows believed that the proposed street improvements to Lepire and Pheasant and the traffic signal at Pheasant and Edmonds were acceptable although there are concerns regarding locations for parked cars. The road width, signal, and capacity are adequate for the subdivision. Commissioner Semmens noted that there are eight lots containing 5,400 square feet. He had previously asked for 6,000 square foot lots. The Commission had also asked that Lots 16 and 19 be combined and used for open space. The plan does not include this revision. Discussion ensued concerning the ability to count the private backyard space as open space. Private open space can be fenced. The PUD included a request for a variance to allow setbacks of 15 feet rather than the 20 required by Code. Chairperson Wipfli explained that the PUD process had been suggested to provide flexibility and provide a better understanding of the plan. A 55-foot roadway is a standard roadway width. The request is for a 38-foot roadway, however, the lot sizes were not increased. A variance for both the front and rear yards was being sought. This appears to have allowed additional duplexes. This had not been his purpose in suggesting the use of the PUD process. Mr. Plemel explained that a variance was not being requested for the front yards. Chairperson Wipfli explained that when the roadway is reduced, the community winds up with additional open space or landscaped area as a concession. In this application, however, all that was provided for this variance is additional duplexes. Discussion explained the location of the units with the 15 foot rear yard setbacks and the units with the five foot sideyard setbacks. Commissioner Kimbrough explained reasons a "single track" trail along the Mexican Ditch should not be allowed including the width of the trail along the remainder of the Ditch. Mr. Fellows explained that the proposal is for the trail to the Ditch to be smaller than that along the Ditch.

(2-0460) Mr. Shaffer asked that the residents be allowed to make their presentations first. They would then respond to their comments. They had read the staff report. Many of the conditions had already been agreed upon previously. Chairperson Wipfli agreed to allow them to have a period for rebuttal. Public comments were then solicited.

Ms. Gerkin indicated that she had a list of residents who were present for the record. (The list was given to the Clerk after the motion and vote.) Ms. Gerkin felt that the map illustrated that there is only one access/egress to an adjacent

subdivision. Mr. Fellows explained that the subdivision was developed before the Code was revised to require two accesses/egresses. Justification for not providing sidewalks on the east side of Lepire abutting the five single family residents was provided. Ms. Gerkin explained the residents request that sidewalks be required along those residences due to pedestrian safety concerns. They had met with the developer and requested three Single Family 21,000 lots abutting their lots. The project still has five lots for that location. Her desire that they have a Single Family 21,000 buffer between the residences and the project was noted. The Applicant had utilized some of the open space area to provide five Single Family 12,000 square foot lots. The need for a second access/egress was described. She also questioned the school impact statement and the calculations used to estimate the number of children that would be living in the PUD. She felt that the project would pencil out if their requests were included in the PUD as there is a large demand for low end single family residences. She also felt that the Commission should follow its mission statement which is to have responsible environmental planning and that the project should be single family residences. Clarification of her statements indicated that the residents were concerned about the traffic impact, the proposal to dump traffic into their area, and the safety of the residents along Pheasant Drive if the residents use it to access Edmonds.

Commissioner Christianson felt that the residents may choose to use Lepire to access Edmonds and that it may warrant a signal at that location. Ms. Gerkin then used the map to explain the present single family zoning along Lepire Drive to justify their request that the lots be Single Family 21,000. Her green dot indicated the terminus of an unnamed street. Discussion then explained the need for an emergency/fire access road. A fire/emergency access road cannot be used as a second access/egress to a project. Clarification by Ms. Gerkin explained her proposal to have Single Family 6,000 housing across Lepire Drive from the presently zoned Single Family 21,000 district. Discussion also explained that Ms. Gerkin owns the corner lot on Lepire and described her plans for that lot. Commissioner Mullet's suggestion removed the "S" and created a "T" intersection, however, as different people own the lots, the developer could not make the suggested changes to the street's configuration. Ms. Gerkin then reiterated the residents' desire to have three lots adjacent to their subdivision and willingness to accept 6,000 square foot lots on the remainder of the development. She also encouraged engineering to look at having sidewalks on the east side of Lepire.

Mr. Mitchell agreed that the estimated impact on the schools was a wide range. The difficulty in estimating the number of children who will be residing in apartments was described. The number of children living in the immediate vicinity was described to illustrate the reasons for the range. Discussion indicated that knowing the actual number of bedrooms per residence may assist in establishing a better range. Mr. Mitchell then explained that Empire Elementary School is presently at capacity. Portables cannot be added. The options are to go to a multiple track schedule or rezone to transfer children to another school. A comparison with last year's elementary student numbers was provided. He also noted that the buildout period for the project will impact the student population. He was uncertain how they will handle 50 additional students at Empire and acknowledged the difficulty the District is having in projecting its student population. He felt that the District would have to wait and see what the actual impact is before making any changes. He also explained the difficulty the District is having at projecting the population for the older section of the community that surrounds the Bordewich-Bray Elementary School. Families are now moving into that area which makes it harder to estimate its student population. This is a sign of a vibrant community. Discussion pointed out that the City's Growth Management Ordinance controls the number of building permits issued. The City's permit issuance rate has been at 1.5 percent. The School District's growth, however, has been at four

percent. This ratio had been maintained for four years.

Ms. Gerkin explained that her contact with the Empire Elementary School indicated that there is more than 3/4 of a student per residence living on the east side of Edmonds. Her contact indicated that there are 88 students living in the PUD apartment complex. Her group's concern with the apartment complex is that a similar project will be constructed next to their homes. Mr. Mitchell explained that the area he sighted is larger than what she had used. The School District does not knock on doors to determine the number of students residing in an area. They look at the zoning and the number of children in their schools. They also know that some students will attend private schools.

Mr. Ceballos explained that he and his father own the property south of the development on Lepire. He questioned what would happen to their zoning if residences are constructed abutting the property. Mr. Plemel indicated that his site is zoned General Industrial. Its permitted uses will be allowed to continue there. Parking is normally placed in the 50-foot setback between the building and the adjacent residential properties. The lots are 70 to 100 feet deep. The proposed application will change the zoning from Industrial to Residential. The potential impact of the topography was also noted. Mr. Ceballos had been advised that in order to use his quarry, he would have to construct a block wall to contain the sound and to provide a safety factor for children. It was felt that he would be able to construct residential uses on the property in the future. Mr. Plemel explained that the City does not have a standard mandating construction of the block wall. Discussion also indicated that he would be able to construct on the property up to the property line before the first residence is constructed. Then he would be required to provide a 50-foot buffer. It was felt that the adjacent industrial property owner will face the same problem and, in essence, had an unusable lot due to Lots 29, 28, 23, and 24. Commissioner Mullet referenced a letter from Chamber of Commerce Manufacturers Group Chairperson Phillip Harrison about their concerns regarding the loss of the General Industrial zoning and the inability to provide an offset elsewhere in the community. Commissioner Mullet felt that more of the General Industrial property owners would have expressed concerns if they knew they would lose 50 feet for the setback.

Ms. Gerkin explained that Mr. Ceballos does have a structure on the parcel which she described as being open on four sides and covered with a roof. She felt that he would be able to construct a building that is 45 feet in height with a zero setback and a four-hour fire wall. Mr. Plemel indicated that he was not familiar with either the Building Code or the four-hour fire wall requirement. The rear yard setback is zero. The height restriction is 45 feet. Ms. Gerkin then pointed out the zoning line between the General Industrial and Residential. The 50-foot setback is required for the industrial zone. It is a narrow pad that drops off the bank. The parcel is not buildable for industrial uses. Last year there had allegedly been a proposal to have 21,000 square foot lots with a 50-foot setback on it. She had not been aware of the requirements for the General Industrial property.

Mr. Funk noted the dilemma he and the community are in. It is an interesting and challenging piece of property. The competition with Douglas County was noted. He had viewed the video tape of the first meeting. Commission discussion explained that the City does not have an impact fee for schools. Mr. Plemel explained that there is a residential construction tax for parks. Mr. Funk then explained the desire to have a good-looking project. The odor from the wastewater treatment plant, the commercial and industrial uses, and the topography were sited as concerns. They do not have an estimate indicating the number of students who will be living in the duplexes. They develop statistics to support their projects and target a specified market. He felt that "empty nesters" will purchase the homes.

It will not be a high density project. These individuals want a small amount of yard work and a nice place for retirement. Some want an income. There is financing for the duplexes. His experience in the field and discussions with the staff were limned to illustrate the reasons they had developed the project. The PUD was developed as suggested by staff. It will be a unique project. It will buffer the industrial zone. He felt that staff had not interpreted the Code as written. He agreed that it is not the Commission's responsibility to make the project pencil out for them. The project does help the community's tax base which the Commission should remember. They had put condos next to the neighbors in an effort to mitigate their concerns. Deed restrictions allow the units to be owned by different individuals. This meets the criteria for a single family unit. He had not read the Code to mean that the open space area had to be centrally located. It requires a 30 percent classification for open space. It is for the mutual enjoyment of the community. He had provided the corner area as open space rather than the "remnants" as requested. The bank loan was based on 35 duplex lots and five single family lots. It will barely work with this number of units. Other changes must be made in order to make the 34 units pencil. He felt that the community should accept his project due to its need for economic development and the loss of tax revenue. It should be a question of the needs of many rather than a few. If the project does not fly, he was unsure what options were available as the project was the best for the neighborhood and the property. He had never been asked to meet with the neighbors on any of his other projects. It is staff's responsibility to sell the project to the neighbors. They had attempted to work through the problems. It is a good plan that will be beneficial to the community. Discussion with the Commission indicated that they had been told three months ago of the need to have centralized open space such as in the area of Lots 16 and 19. His PUD sought many variances and setbacks. The Commission is open and listens to all. The Commission's policy is to have the Applicant and the neighbors work together on a project. This allows a compromise to be worked out that would be acceptable to all. His proposal had been SF 6000 with five lots on the hill abutting the neighbors. The neighbors know that the property is zoned industrial. Justification for recommending the use of the PUD process was provided. The proposed application contains 38 foot streets with no additional open space instead of the required 50 foot streets. The PUD Ordinance allows for clustering which provides more open space. It is not the Commission's responsibility to make the project pencil out. Now there is an issue with the industrial setback. Discussion indicated that neither Mr. Funk nor Chairperson Wipfli felt that the other one saw the other's vision. Mr. Funk explained the attempt to provide open space at the front of the units. The original comments had indicated that they would not receive any credit for it. A PUD in Seattle was described to illustrate how this concept had worked in that community. It had not been an attempt to jam in more units. Some of the concerns had been the strip between the mortuary and the plating company, which had been proposed as the park, and the green open space designated by the Mexican Ditch. The topographic map did not support using the area near the Mexican Ditch as a park. Mr. Funk indicated that this had been removed as the neighbors did not support that use. Chairperson Wipfli then explained that the proposed use of the 12 feet from the street had not been shown. Mr. Funk pointed out that this space equals Lots 16 and 19.

Commissioner Peery explained that by having the developer work with the neighbors, they have been able to develop projects which remove the "Not In My Back Yard" concerns. It also provides a solution that everyone feels good about. The square area designated as open space that had been Lots 16 and 19 are understandable, however, the areas with "flower pots or monuments" at the entrances and the driving range which is the detention basin is not their vision of a PUD. The property has unique characteristics. Although some compromise had been shown, there is a "log jam" on other items. He felt that it would be a better plan if the open space is put in Lots 16 and 19 as it will be more centrally located. The four other areas are rather dubious. He suggested consideration be given to changing

them. Something also needed to be given if the streets are to be 38 feet wide.

Chairperson Wipfli voiced his concerns about the commercial property. He did not want to impact it or stop their uses. It may be necessary to put the open space in that area to avoid adversely impacting their uses. Mr. Plemel explained that discussion on a previous manufacturing project for that location had included the need for buffering. The owner had attempted to acquire additional property for that purpose without success. Therefore, he felt that the property will need variances when developed. Chairperson Wipfli felt that the site would create a precedence for future development as it is not compatible. Mr. Plemel pointed out that the same situation occurs with the Applicant's site. There are Single Family residences abutting a Commercial zone. The conceptual idea is to minimize the frictional zone as much as possible. Chairperson Wipfli indicated that he wanted to see the project constructed and be an asset to the community but the problems need to be solved before this occurs. Commissioner Sedway then questioned the conditions which the developer did not support.

Mr. Plemel explained for the record and to clarify Mr. Sullivan's report that the open space had been discussed with the Applicant before this meeting. This had occurred during the PUD conceptual review. Staff had recommended at that time that the open space be centrally located. It did not require removal of the two lots. Staff had recommended that the open space be placed along the backside of the project and along the corridor. The plan was submitted as indicated. Staff then included its recommendation in the packet. It had not been a last minute decision. Condition 2 relates to the open space, which has been discussed. Staff's recommendation was made based on staff's years of planning and presentation of PUDs to the Commission. He also felt that staff could work with the Applicant on Condition No. 3 and reassign some of the parking areas. It should not be an onerous change. Part of the revised plan included access to the Eagle Valley Middle School, i.e., Condition 15.

Mr. Shaffer expressed his desire to obtain clarity and not to be argumentative. The conceptual plan did not have open space. Staff had required it. The Code does not indicate that it must be centrally located. They had several meetings with staff prior to authorizing the design. The conceptual design was created. The centrally located open space was never discussed. When they decided to move forward with the project, staff informed them that they had to do it as a PUD. The project is 9.8 units per acre which is medium density. None of the lots have a zero lot line. Their preliminary design had included 50 foot right-of-ways and very few variances on 6,000 square foot lots. This created the same number of lots as included in this PUD. Staff had indicated that the Commission would not accept it unless it was in a PUD form. Clarification between the Commission and Mr. Shaffer indicated Chairperson Wipfli had recommended that the project be a PUD and designed by the community. Chairperson Wipfli explained that his suggestion that a PUD be used was due to the mixed uses that are found in the area. No one could understand what the concept was. The PUD was recommended after the Millennium project had been completed and was very successfully received. It gives more latitude in the street width, setbacks, the boundaries, open space, the creation of a community-like environment, etc. He is not allowed to tell the Applicant that he must do a PUD. He also did not wish to be confrontational as they will not be able to proceed with the project. They must work together on the project. The problems seem to remain. They have now discovered another problem which may be worse than originally conceived which relates to the industrial property. Mr. Shaffer felt that they would not have to provide open space if they had submitted a tentative map with 6,000 square foot lots and a zone change. The PUD recommendation had been made to provide the open space. Chairperson Wipfli felt that this would not be allowed as he was unable to make it fit with 38 foot streets. Mr. Shaffer indicated that they had been able to do it. He then

expressed his desire for the first application to be successful. They had not heard that centrally located open space is required. They met the percentages. The plan provides some open space although it is not designed as the Commission desires. It does, however, meet the Code requirements. It includes the fenced private rear yards as allowed by the Code.

RECESS: A recess was declared at 8:26 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 8:40 p.m., constituting a quorum.

Chairperson Wipfli explained that originally there had been a request for multi-family units. No one understood what it would look like. If the Commission had accepted the request, there would be no way to control the project. Therefore, he had requested a PUD. He supported centralizing the open space as the PUD requires it to be accessible to the community. He did not like the proposed location in the corner. He personally liked for the open space to be centralized as he believed that is the intent of the PUD process. He questioned what the plans were for Lot 29. Mr. Shaffer indicated that the present single family duplex footprint does not meet the setback requirements. Therefore, it must be modified. Chairperson Wipfli indicated that he did not have a problem with Lots 30 and 31 although they, and several others, may prejudice the Industrial zone. The decision should be based on whether the project will be an asset to the area. This concern may impact his decision. It had been indicated that the project would be a "major tax" benefit. He felt that unless the residential unit sells for $300,000 it will be a "hemorrhage " of money. Mr. Shaffer indicated that the target is $300,000 for each residential house. Chairperson Wipfli asked that he indicate his concerns with staff's recommended conditions.

Mr. Shaffer then explained that the staff recommendations were the same as they had seen at the previous meeting. The Applicant had submitted a modified list of conditions, however, none of the conditions had been revised. Condition 2 should be specific regarding the wording related to size and location. They will provide open space which is open space that is usable for the community. They will provide it as a PUD and ask that the Commission look at it prospectively. It is a small property of seven acres. Chairperson Wipfli responded that if he was saying that the Commission should approve the PUD and allow them to determine the location for the open space, he could not agree. Mr. Shaffer requested Condition 12 be amended to allow 38 foot wide internal streets with 14 feet from the centerlines to the Type 1 curb. He asked that Type 1 curbing be modified and a rolled curb be allowed. He asked that Item 15, the improved path from the southern portion of Lepire to Mexican Ditch and continuing to Hells Bell Road, be removed. The students have an existing pathway. They were willing to provide a "safe path to that area" but did not want to improve the full width and provide a drainage crossing. Their property does not abut the Mexican Ditch. They are aware of the desire to have a 40-foot easement for the bicycle path along the Mexican Ditch. They felt that the property line plus 25 feet should be adequate. Condition 17 should be revised regarding sidewalks on both sides of the streets within the development but not along Lepire Drive. The residents have requested the sidewalk be on both sides of Lepire Drive. The lack of sidewalks on both sides of the streets within the development provides a more open feeling. This will provide five additional feet for landscaping such as is provided in Millennium. The hillside will be open and provide a place to play Frisbee. It will not be a ball park. Item 33 relates to the same 40-foot wide Mexican Trail easement. Item 35 was addressed during the last submittal. They wanted 20 feet from the back of the property line to the garage which is the Code. Staff had requested 22 feet. He then indicated that the majority of the Commission's comments had related to the open space. The neighbors had never mentioned it. They had tried to work with them to meet their needs which were property values and traffic.

There is nothing that they can do about the traffic. There are deed restrictions on the lots abutting the east side of Lepire Drive that restricts the homes to one story. They cannot afford to do all of the items requested and still make the project work. They had attempted to balance all of the requests.

Mr. Fellows explained the pedestrian safety concerns created with the rolled curbs. The Type 1 curb provides a barrier for the pedestrian and eliminates the problems created when you hit a rolled curb. Commissioner Peery also felt that the roll curbs degrade faster. Mr. Fellows agreed that it is shorter and has less capacity. He did not believe that it would degrade the asphalt faster.

Mr. Plemel then read Finding No. 3 and explained that the Commission must make this finding in order to approve the PUD. Clarification by Mr. Shaffer indicated that they do not propose to provide a centrally located site for the open space. He recommended a revision that the open space will be a contiguous area of not less than 10,000 square feet and that the open space area will contain park type amenities in accordance with recommendations in Condition No. 4. They will provide the percentage required by the Code. This will remove the terms designating the size and that it is centrally located. Commissioner Christianson felt that if the units cost $300,000 each, there will be few children residing there. Commissioner Sedway clarified the price as being $300,000 per duplex and not per unit. Commissioner Christianson indicated that he did not care where they locate the park as he had been involved with the project north of this site. He was ashamed that it had gotten passed by the Commission. The Commission had attempted to make it a worthwhile project when the second unit was submitted. He felt that the PUD was an upgrade. The residents could walk around the corner to reach the open space. Mr. Shaffer explained that it would be 100 feet to the significant chunks of open space. They will landscape the detention basin and it will provide an area where people can recreate. Clarification by Mr. Shaffer indicated that they could not agree to Condition 2 when it says Lots 16 and 19. They have met the Code with their proposed location(s). He was not sure what the agreement was regarding the Type 1–L shaped curb. They will make the improvements to the trail down to the Mexican Ditch which will allow the students to have access to the foot path to the school. They want to put the sidewalks on only one side of the internal street. The change to Condition 35 is to reduce the 22 feet to 20 feet. The property line will remain the same. The 20 feet is to be from the front of the garage to the property line. The curb is 25 feet from the front of the garage. They were willing to work with Engineering on this point. They want sidewalks on both sides of the street. If they need it, they asked that a variance be granted for this reduction. They did not want to put a sidewalk on the east side of Lepire Drive. Commissioner Christianson noted that the driveways in the adjacent subdivision were 15 feet long. He was unsure how that was approved. Mr. Shaffer explained that they wanted the type of driveway like those in Northridge and other subdivisions which have 20 foot driveways when measured from the back of the sidewalk to the garage.

Mr. Fellows explained that the lack of a pedestrian impact in the traffic study had created the need to have the path to the Eagle Valley Middle School improved. The neighborhood is located in an area which requires the students to walk to school. The students should be provided a safe method to do so. The master plan for the route includes this pathway. If the traffic impact study had indicated that there will be no impact, the condition could have been eliminated. The proposal is for them to improve the path with "dg" from their southern boundary to Hells Bells Road, which is approximately 300 feet. Commissioner Christianson pointed out that they do not own the property. Mr. Fellows pointed out that the children in the subdivision will use the path. Mr. Shaffer reiterated that the path is established and used by the students today. The impact of his project is questionable to significant. The trail only

goes to one school. Mr. Fellows explained that the sidewalks allow the elementary students a safe mechanism for accessing their school via the signal at Pheasant and Edmonds. The Parks Department had removed the remaining portion of Condition 15. He had felt that, as the Mexican Ditch Trail is on the master plan, they should construct their section. The Parks Department had agreed to an easement instead. Regarding Condition 17 relating to sidewalks, the City standard is to have sidewalks on both sides of the streets. This provides a safe zone for all residents. Having sidewalks on one side force the pedestrian to cross the street for the safe zone. This is not equal treatment for both sides of the street.

Commissioner Peery pointed out the important concern is the abutment of residential to industrial. Mr. Shaffer pointed out that this condition has existed since the zoning was changed for the triangle. It may be difficult to put a GI use on this property if the 50-foot setback requirement is mandated. This also creates a "new can of worms for them to have to deal with". Commissioner Peery listed the Lots which would be impacted by the industrial zone.

Mr. Fellows then explained why staff had requested Condition 33–a 40 foot easement along the Mexican Ditch. He admitted that a smaller amount may work, however, without a design was unsure of the amount required. He agreed that the setback for the garage could be 20 feet from the sidewalk although it may create a hazard for pedestrians if longer vehicles are parked in the driveway. The standard parallel parking space is 22 feet by nine feet. People do not park against the garage door.

Clarification reiterated that Mr. Fellows wanted Condition 12 requiring the "L/Type 1" curb; that the last sentence had been removed from Condition 15; and Condition 15 requiring an improved pathway along their property remained. Clarification indicated that this pathway is to be ten feet wide and have "dg" and not asphalt. The bridge is to be either asphalt or concrete and provide a low flow culvert crossing of Kings Canyon Creek and the Linear Park Ditch. Justification for requiring the two bridges was provided. Sidewalks were to be required on both sides of the street as listed in Condition 17. Mr. Shaffer pointed out that changing this condition to require a sidewalk on only one side would provide additional open space. Mr. Funk also indicated that he wanted the green open space rather than the sidewalk. He then responded to Commissioner Christianson's question regarding whether he had stipulated to this condition, "that its fine". Commissioner Christianson indicated that Condition 33 is to be 25 feet wide and that Condition 35 is to be 20 feet from the garage to the sidewalk for the driveway setback. Commissioner Mullet explained the flooding that had occurred in the ditch during the 1997 flood. Such events will destroy the bridge/pathway. He questioned who will replace it. Mr. Fellows explained that the children are currently using a log and a rock to cross the ditch. Commissioner Mullet pointed out that the ditch is the basin's main waterway to the Carson River. Chairperson Wipfli explained that the proposal has lots of potential, however, he would oppose it if there are too many loose ends. There are so many things that need to be done including addressing the neighbors' concerns. He then requested a motion.

Commission Kimbrough moved to recommend to the Board of Supervisors approval of P-03/04-1, a Planned Unit Development request including a Master Plan Amendment to change the land use designation of APNs 10-351-05, 08, 09, and 31 from Industrial to High Residential, and a Change of Land Use to change the zoning of these parcels from General Industrial and Single Family 21,000 to Multi-Family Duplex-Planned Unit Development; a Master Plan Amendment to change the land use designation of APNs 10-352-04, 05, and 06 from Industrial to Medium Density Residential, and a Change of Land Use to change the zoning of these parcels from General Industrial to Single-Family

6,000-Planned Unit Development and a Tentative Subdivision Map to allow the development of 35 duplex parcels and five single family residential parcels based on the six findings contained in the staff report and subject to the recommended conditions of approval which stand in this document without any discussion that took place. Discussion between Commissioner Kimbrough and Mr. Fellows corrected the motion to indicate that he wanted to have 37 duplex parcels and that the density was to be Medium Density Residential on APN 10-351-04, 08, 09, and 31 and that the zone change for the Single Family PUD should be 12,000 square foot lots. The 37 Conditions were to remain as written. Clarification indicated that none of the stipulations were to be considered in the motion. It was also indicated that the revised plan under discussion this evening had eliminated the lot in the upper right corner, which is the reason the revised plan contained only 34 duplex parcels. Commissioner Semmens indicated that this had been Lot 10. Commissioner Kimbrough indicated that he had combined Lots 16 and 19 for the centrally located park which reduced the duplex parcels to 35 from the original 37. A second was not provided. The motion died for lack of a second.

(3-0031) Commissioner Christianson then moved to recommend to the Board of Supervisors approval of P-03/04-1, a Planned Unit Development request, including a Master Plan Amendment to change the land use designation of APNs 10-351-05, 08, 09, and 31 from Industrial to Medium Density Residential, and a Change of Land Use to change the zoning of these parcels from General Industrial and Single Family 21,000 to Multi-Family Duplex-Planned Unit Development; a Master Plan Amendment to change the land use designation of APNs 10-352-04, 05, and 06 from Industrial to Medium Density Residential, and a Change of Land Use to change the zoning of these parcels from General Industrial to Single Family 12,000-Planned Unit Development; and a Tentative Subdivision Map to allow the development of 34 duplex parcels and five single family residential parcels based on six findings contained in the staff report and subject to staff's recommended conditions of approval which number 37; these 37 conditions include: a change to No. 2 which allows the open space to be in the northeast quadrant of the proposed subdivision; Condition 12 stays the same; Condition 15 changes the last sentence from 40 feet to 25 feet; Condition 17 stays the same; Condition 33 changes from 40 feet to 25 feet wide, and Condition 35 changes 22 feet to 20 feet. Commissioner Semmens seconded the motion. Motion was voted by roll call with the following result: Sedway - No; Kimbrough - No; Semmens - Yes; Mullet - No; Peery - No; Christianson - Yes; and Chairperson Wipfli - No. Motion failed on a 2-5 vote.

Discussion indicated a positive vote was unnecessary. Mr. Plemel explained that the Commission makes recommendations to the Board of Supervisors on all Planned Unit Developments. The Board will consider the item at its second meeting in October. Anyone interested in having a packet or wishing more information should contact the Department. Discussion indicated that it would not be necessary to have a positive motion.

G-8. ZCA-03-123 - ACTION TO DIRECT THE PLANNING AND COMMUNITY DEVELOPMENT STAFF TO PREPARE APPLICATIONS FOR ZONING ORDINANCE TEXT AMENDMENT AND CHANGE OF LAND USE REGARDING THE ESTABLISHMENT OF A BREWERY ARTS CENTER-LIMITED COMMERCIAL OVERLAY DISTRICT (2-0085) (3-0105) - Following Mr. Plemel's explanation of the request and having no one respond to the request for public comments, Commissioner Semmens moved to direct the Planning and Community Development Department staff to prepare the proper notices for zoning ordinance text amendment and change of land use applications to incorporate the Brewery Arts Center-Limited Commercial Overlay District in an area generally surrounded by Third Street to the South, Fleischmann Street on the North, mid-block between Curry and Nevada Streets, and Phillip and Minnesota

Streets on the West side. Commissioner Peery seconded the motion. Motion carried 7-0.

OTHER MATTERS (3-0149) - Discussion between Commissioner Sedway and Deputy District Attorney Madden indicated a need to agenize an item to discuss an exparte communications issue.

H. ADJOURNMENT (3-0173) - Commissioner Peery moved to adjourn. Commissioner Semmens seconded the motion. Motion carried 7-0. Chairperson Wipfli adjourned the meeting at 9:30 p.m.

The Minutes of the September 24, 2003, Carson City Planning Commission meeting

ARE SO APPROVED ON October 29, 2003.

/s/
Richard Wipfli, Chairperson