

CARSON CITY PLANNING COMMISSION

Minutes of the November 18, 2003, Meeting

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A regularly scheduled meeting of the Carson City Planning Commission was held on Tuesday, November 18, 2003, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 5:30 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:** Community Development Director Walter Sullivan, Principal Planner Lee Plemel, Senior Engineer Rob Fellows, Deputy District Attorney Mary Margaret Madden, Recording Secretary Katherine McLaughlin and Associate Planner Jennifer Pruitt (P.C. Tape 1-0027)

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 5:30 p.m. Roll call was taken. The entire Commission was present, constituting a quorum. Commissioner Peery lead the Pledge of Allegiance.

**B. APPROVAL OF MINUTES (1-0040) - None.**

**C. PUBLIC COMMENTS (1-0043) - None.**

**D. AGENDA MODIFICATIONS (1-0050) -** Community Development Director Sullivan expressed a desire to clarify Item F-1 and requested that it be removed from the Consent Agenda for that purpose.

**E. DISCLOSURES (1-0055) -** Commissioner Semmens disclosed that Rev. Patrick Propster is his Pastor, he attends this Church, and his intent to abstain on Item F-1.

**F. CONSENT AGENDA (1-0060)**

**F-1. U-01/02-14 - ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM PATRICK PROPSTER**

**F-2. U-01/02-16 - ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM EVA SULPRIZIO -** Item F-1 was pulled for clarification. Commissioner Peery moved to approve U-01/02-16. Commissioner Mullet seconded the motion. Motion carried 7-0.

**F-1. (1-0080) -** Associate Planner Jennifer Pruitt explained for the record the error in the parcel numbers in the original November 28, 2001, staff report. She requested that the record be corrected to indicate the correct parcel numbers of 008-681-32, 008-681-36, and 008-682-01. No complaints have been received by staff about the use of the parcels for parking. Commissioner Peery explained that the property at 1741 Forest Way had an incorrect parcel number of 008-681-34. Pastor Pat Propster had read the staff report and concurred with it. There have been no problems with the use to his knowledge. The only change he was aware of is the change in parcel

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numbers. Public comments were solicited but none were given. Commissioner Peery recommended approval of the Item and moved to approve the review of U-01/02-14. Commissioner Mullet seconded the motion. Motion carried 6-0-1 with Commissioner Semmens abstaining.

**G. PUBLIC HEARING**

**G-1a. SUP 03-141 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARL AND LINDA KELLER; AND G-1b. VAR 03-142 - ACTION ON A VARIANCE APPLICATION FROM CARL AND LINDA KELLER (1-0131)** - Principal Planner Lee Plemel, Carl Keller - Mr. Keller indicated that he had read the staff report. The garage's elevation is below the house's. This allows them to keep the house's line and the same living area. He felt that there is no other location on the property where a garage could be constructed. Public comments were solicited but none were given. Commissioner Christianson moved to approve SUP-03-141, a Special Use Permit request from Carl and Linda Keller to allow an expansion of an existing legal nonconforming residence that does not meet the currently required rear or side yard setbacks for the construction of a garage and living area addition to an existing residence located at 180 Heidi Circle, APN 010-333-13, based on the findings and subject to seven recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.

Commissioner Christianson moved to approve V-03-142, a Variance request from Carl and Linda Keller to allow a reduction in the required rear yard setback from 30 feet to 15 feet and a reduction in the required side yard setback from 15 feet to 7.5 feet for the construction of a garage and living area addition to an existing residence located at 180 Heidi Circle, APN 010-333-13, based on three findings and subject to the seven recommended conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.

**G-2. SUP 03-147 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY TOYOTA (1-0283)** - Associate Planner Jennifer Pruitt, Applicant Tom Hitchcock, Community Development Director Walter Sullivan - Ms. Pruitt indicated for the record that staff had adopted Development Standard Division 1, Section 1.1 allowing the storage container to be placed on a site. She then reviewed the staff report. Discussion between Ms. Pruitt and the Commission explained that a Special Use Permit is required if the unit is to be permanent. The proposed doors are acceptable. Setbacks and variances are not required for this use.

Mr. Hitchcock indicated that he had not seen the staff report. A copy was handed to him. He was asked to read Page 2 and the Conditions of Approval. Mr. Hitchcock indicated that he did not see any problems with the conditions. He then explained the purpose and reasons for needing permanent storage units. The structure will be the same color as the building. Commissioner Kimbrough vocalized his concerns with allowing these structures to become permanent. Chairperson Wipfli agreed and suggested that a sunset period be placed on the permit. He also pointed out that the trees which will screen the structure are located on the abutting property. Mr. Sullivan explained the two step process which allows staff to approve temporary storage units for a period of 90 days and requires a Special Use Permit for permanent structures. Design standards were limned. He felt that additional Special Use Permits for this use will be requested in the future. Chairperson Wipfli then explained his recommendation that a one year time limit be placed on the use. He questioned when a building is not a building? Can three be located at the site? Will it be cluttered at that time? Recourse was needed as the trees do not belong to the applicant. In the past items

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have been approved which created problems for the future. Therefore, he suggested that time be taken to be sure there are no problems or concerns. Mr. Sullivan explained that if the Commission approves the use, it will remain as long as the business stays. A special use permit must be considered on its own merits based on the neighborhood, the conditions of approval, and the location. Staff recommended approval. There are eight foot setbacks. It will be permanent and blend with the site. Chairperson Wipfli indicated that he did not have a problem with this site. Mr. Sullivan indicated this is the first special use permit request for this use. A temporary storage unit had been located at Pier One. Commissioner Kimbrough reminded the Commission that the storage unit at SlotWorld is permanent. It blends with the neighborhood and the architecture. Commissioner Peery pointed out that there was impetus for the change. The ordinance is fluid and can be changed if conditions warrant. Those that have been approved will remain when the ordinance is changed. He supported approving the use.

Discussion between Commissioner Christianson and Mr. Hitchcock described the unit and the proposed use. Mr. Hitchcock indicated that microfilming the records is cost prohibitive. They do not want more than one unit at this time. He was uncertain whether they will want more in the future. Commissioner Mullet pointed out that Walmart had several of the units behind its store. Mr. Sullivan explained that a lack of adequate Code Enforcement at that time had prevented the City from enforcing the ordinance prohibiting the use. Its popularity had increased the usage. Staff had attempted to enforce safety and fire line codes. There were 27 units behind Walmart. This is the reason the ordinance was created. It requires a special use permit and performance standards. Each special use permit is to be considered on its own merits and findings. The applicant has requested one at the rear of his lot. Staff recommended approval subject to the conditions of approval. Discussion indicated that the Fire Marshall inspects the buildings. This should include all of the buildings. Therefore, if paint or flammable materials are stored in the structure, he should find it. The Department/Commission's concern is not with the content but the storage building itself and its location. Commissioner Peery noted that the garage portion of the business currently has a metal cabinet for storing these materials. Mr. Hitchcock agreed. Commissioner Peery felt that it is more likely that the vehicles on the lot will catch on fire before the storage unit. Mr. Hitchcock indicated that the picture accurately depicts the unit. The doors rollup. It has four different ways to get into the unit. It is galvanized. Commissioner Kimbrough felt that there may be a problem painting the unit.

Public comments were solicited but none were given. Commissioner Christianson moved to approve Special Use Permit 03-147, a Special Use Permit application from Carson City Toyota, property owner Mechelle Hitchcock, to allow the placement of a 320 square foot metal storage container on property zoned General Commercial located at 3659 South Carson Street, APN 009-122-04, based on seven findings and subject to 13 conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-1 with Commissioner Kimbrough voting Naye.

**G-3. VAR 03-102 - ACTION ON A VARIANCE APPLICATION FROM PALMER AND LAUDER ENGINEERS, INC. (1-0625)** - Community Development Director Walter Sullivan, Applicant Mark Palmer, Property Owner John Uhart - Staff recommended denial of the application due to the belief that the hardship was self-imposed. The original plans for the site did not include a pump house. One neighbor supported the applicant while another did not. If the pool house had been located closer to the home, it would have met all of the setback requirements. The Homeowners Association had required the 12-pitched roof. Two variances have been granted in the subdivision. They were limned.

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Mr. Palmer explained that the item had been continued from last month's agenda to allow them time to obtain a recommendation from the Association. The Association prefers to adhere to the setback requirements.

Reasons for having a pool house and the process used to select the location were explained. The applicant purportedly was aware of the setbacks for the home but not for the pool house. The Association had expressed concerns about establishing a precedence by allowing the pool house to be in the setbacks. Its board was encouraged to visit the site and determine the location that would least impact the neighbors. Based on their visit to the site, they approved the location. Reasons Mr. Palmer felt the location had less of an impact on the neighbors were described. Commissioner Kimbrough complimented Mr. Palmer on the details in the packet. He also explained his willingness to support the applicant. Mr. Palmer then explained that the pitch of the swimming pool roof could be changed. The Association required the roof to have the same pitch and material/paint on outbuildings as the main structure/home. This is the reason for the steep pitch on the pool house. Commissioner Sedway pointed out that the Association had been discussing the project for some time. It is a self-imposed hardship. Mr. Palmer indicated that the Applicant does not have any problems with the Association's conditions. The roof pitch, paint, and structures are the same as the home. Commissioner Sedway indicated that he would support the applicant. Mr. Palmer felt that the pool house had been overlooked as everyone was concentrating on the home. The pool was the last item added to the plans. The original storage area for the pool equipment/materials became a laundry room. The pool house was added at the end of the project. It was a mistake and an oversight. The neighbors who will not see the structure are supporting it. The other neighbor wants to strictly enforce and maintain the setbacks to avoid problems in the future. Chairperson Wipfli explained his willingness to grant variances when the neighbors and the Association support them. He agreed that the location is the best one possible as it creates the least impact. The Association requires the building match the house. He was concerned about the bad precedence granting the variance would have and the Title 18 requirements for a variance. Neither the neighbor opposing the variance nor a representative of the Association's Board were present. The Association had originally opposed the variance, however, a visit to the site showed that the location will have the least impact on the neighbors. The bank will lessen the noise from the equipment and the visual impact of the building. Commissioner Mullet pointed out that the individuals opposing the location are the neighbors who will be most impacted by the location. Mr. Palmer described the views Mr. Uhart's neighbors have of the home and pool house.

Discussion between Mr. Sullivan and Commissioner Mullet explained that staff had not canvassed the area. The neighbors' written opposition to the variance was included in the staff report. It does not specifically explain their opposition beyond reference to the subdivision's CC&Rs. Mr. Sullivan indicated that the location also violates Title 18 setback requirements. The residents also wished to protect their investments. Mr. Sullivan had also received one telephone call from an individual wishing to uphold the regulations. The September 5 letters were written prior to the Association's vote to support the location. Mr. Sullivan explained that notices had been sent to the residents on two separate occasions. The initial notice had received a lot of negative feedback on the variance. This opposition appears to have diminished. Commissioner Christianson voiced his concern about the attitude that a mistake was made and approval can be obtained later. The Commission did not like to be put in such a position as it looks like this is one way to get around the Code requirements. Discussion indicated that one of the variances granted previously had been approved before construction occurred. The Commission must look at each application individually and does not always "bail" people out. Mr. Palmer indicated that this is not the reason that the Commission should approve the application. The application should be approved as the location is the best one for

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the structure as it has the least impact on the neighborhood. The slope deadens the noise and reduces the visual impact. He also indicated that if the pool house could have been kept out of the setbacks, a variance would not have been requested. As the Association requires it to be landscaped, Mr. Uhart has agreed to it. The Association's Condition No. 3 was read to describe the landscaping requirement.

Commissioner Mullet elucidated his belief that Mr. Uhart should have been aware of the requirement that a building permit was needed for the structure. Mr. Palmer explained that during the move into the home, it was determined that there was a need for a pool house as the pool equipment could not be stored as originally planned. If it could be done over, he felt that the structure would be eight feet by ten feet, which does not require a building permit. Chairperson Wipfli expressed his desire to uphold Title 18, however, the location is the best for the neighborhood. The slope of the roof could be less than that proposed, however, this is not his decision. Neighbors have evergreens which may help screen the structure. He was also concerned about the failure to obtain a building permit before construction occurred. He felt that he could approve the variance. The Association appears to want the Commission to be in charge of their CC&Rs which he felt the Commission should not do even though it has already granted two variances in the subdivision. Commissioner Christianson moved to approve V-03-102, a Variance request from Palmer and Lauder Engineers, Inc./John and Robyn Uhart to reduce the required rear yard setback from 30 feet to 10 feet for a pool house on property zoned Single Family One Acre located at 2648 Norwood Place, APN 007-371-46, based on three findings and five conditions of approval as contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-1 with Commissioner Peery voting Naye.

Clarification between Mr. Sullivan and Commissioner Christianson indicated that the findings and conditions of approval are contained in the staff report. Mr. Uhart indicated that Mr. Palmer's statements were correct. The Association had visited the site and supported the location. Their conditions were noted. Mr. Uhart must take the landscape plan to them for consideration. He was willing to do that. Mr. Sullivan explained that the CC&R's are fine. They are not referenced in the staff report. Mr. Uhart indicated that he had reviewed the staff report and will do whatever is necessary including the five conditions of approval. Commissioner Kimbrough thanked him for attempting to be a good neighbor. Mr. Sullivan explained that there is a ten-day appeal period and described the process. Construction can resume after that.

RECESS: A recess was declared at 6:51 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 7 p.m., constituting a quorum.

### **G-4. MISC 03-137 - DISCUSSION ON THE CONSOLIDATION OF STREET NAMES**

**FOR: COLLEGE PARKWAY, GRAVES LANE, EDMONDS DRIVE, AND FAIRVIEW DRIVE (1-1375)** - Community Development Director Walter Sullivan, GIS Coordinator Scott Royal, GIS Technician Patrick Meenan, Gail Hamlin - Mr. Royal indicated that the official name has not yet been selected. The Board of Supervisors makes the final decision. The history of the street's names was limned. One name for the entire road will make it easier for people to find an address. It was felt that now is a good time to make the change as few businesses will be impacted. He also expressed a willingness to work with those businesses who will be impacted. Additional public hearings will be conducted on the proposal. Commissioner Semmens suggested that Silver Sage/Roop/Emerson be included in the name change proposal. Mr. Royal agreed and indicated that Saliman/Hillview and Northgate/Garnet were others that need to be considered. He felt that the freeway will address Silver

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Sage/Roop. Discussion explained the location of the different named sections of College Parkway, et al., and the difficulty explaining to individuals how to reach individuals or businesses along the roadway. A copy of the Chamber of Commerce letter of support regarding the proposal was distributed to the Commission and staff prior to the meeting. (A copy is in the file.) Gnomon, Inc., Director Eric Ingbar's letter of opposition was briefly summarized. Mr. Ingbar suggested two names be given to the roadway. Mr. Royal explained the intent to allow the businesses time to change their letterhead and business cards. The post office forwards mail for a year after individuals move. Comments indicated the feeling that the Board of Supervisors may support a delay in implementing the name change.

Public comments were then solicited. Ms. Hamlin suggested that the roadway between the College and 50 be called College Parkway and south of 50 it should be called Fairview. She also indicated that the street signage does not agree with the map. East Graves Lane is Graves Lane the entire way. She felt that her suggestion would create less impact on the residents and businesses.

Mr. Meenan explained that College Parkway has an east/west split. Changing the name will require a change in numbers. Renaming these portions will cause a realignment in the numbers. Broadleaf needs to have its numbers changed due to the east/west split. Problems out-of-town visitors have in finding a business were described to illustrate the confusion encountered by these individuals with the current street names. His experience in advertising was described and used to illustrate his knowledge of a street's ability to "pitch" a location. The revision will make the street more friendly to outside shoppers. Commissioner Sedway felt that the four names for the roadway did not pose a problem for himself. Mr. Royal thanked the Commission for its participation. Comments encouraged people to contact Mr. Royal regarding the concept. No action was required or taken on the item.

**G-5a. TSM 03-140 - ACTION ON A TENTATIVE SUBDIVISION MAP FROM RIBEIRO CORPORATION; G-5b. VAR 03-139 - ACTION ON A VARIANCE APPLICATION FROM CARY CHISUM REPRESENTING WOOD RODGERS (1-1704)** - Principal Planner Lee Plemel, Cary Chisum - Discussion between the Commission and Mr. Plemel indicated that the original conditions of approval remain with the project. The Association will maintain them. Those conditions are not considered a part of the request. Mr. Chisum indicated that they had read the staff report and agreed with the conditions. Ribeiro Corporation will maintain the common area. The individual business units will be sold. This allows Ribeiro Corp. to maintain the property to his standards. Reno projects undertaken by the Corporation were noted to illustrate how the program works. The Association was described. It is similar to a homeowner's association. There are CC&Rs and dues. A copy of the CC&Rs had not been included in the staff report. Ribeiro will maintain the common areas and retain control over the Association. The dues are used for maintenance of the common areas. Ribeiro is liable for the parking area. The transfer of the building is done on an individual basis. It can be leased or purchased. The buyer is required to be a member of the Association. The property had been divided by a parcel map which has already been filed. Mr. Chisum was unsure whether the deeds include a restriction against subdividing. He assumed that the parcels could not be subdivided. Commissioner Sedway explained that the Hospital has a similar strip mall on Mica Drive in Indian Hills. The buyers own the building pad. CC&Rs are established which allows a single person to control the site. The Hospital may use this approach when the new regional facility is developed. Chairperson Wipfli expressed his support for the concept. The quality of the project was innovative and a good idea. Discussion indicated that the Reno projects are required to have buildings painted the same colors. The landscaping and parking areas are kept at a high caliber and painted and maintained by the Association. A list of the Reno projects was provided. Public

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comments were solicited but none were given. Commissioner Semmens moved to approve V-03-139, a Variance request from Ribeiro Corporation to allow a reduction in the minimum parcel size within the Retail Commercial zoning district to lots smaller than 6,000 square feet for the creation of parcels for individual building pads or units within a commercial shopping center located at 2340 South Carson Street, APNs 009-052-01 and -08 based on three findings and subject to four recommended conditions of approval contained in the staff report. Commissioner Peery seconded the motion. Motion carried 7-0. Discussion noted that Ribeiro was misspelled in the report.

Commissioner Semmens moved to approve TSM-03-140, a Tentative Subdivision Map request from Ribeiro Corporation for a Commercial Subdivision to allow the creation of parcels for individual building pads or units within a commercial shopping center located at 2340 South Carson Street, APNs 009-052-01 and 08, based on the findings and subject to seven recommended conditions of approval contained in the staff report. Commissioner Peery seconded the motion. Motion carried 7-0.

**G-6. ACTION ON THE ELECTION OF OFFICERS (1-2153)** - Commissioner Christianson moved to reappoint Richard Wipfli as Chairperson. Commissioner Semmens seconded the motion. Additional nominations were requested but none were given. The motion was voted and carried 7-0.

Chairperson Wipfli passed the gavel to Commissioner Christianson and moved to appoint John Peery as Vice Chairperson. Commissioner Semmens seconded the motion. Motion carried 7-0. Commissioner Christianson returned the gavel to Chairperson Wipfli.

**OTHER MATTERS:(1-2192)** - Mr. Sullivan reminded the Commissioners that the December meeting is scheduled for the 17<sup>th</sup>, which is a Wednesday. The meeting will commence at 3:30 and is in the Sierra Room. He also indicated a need to move the January meeting up a week or so as both he and Mr. Plemel will be at a conference during the normal week. This item will be agenized for action at the December meeting. No formal action was taken.

**H. ADJOURNMENT (1-2215)** - Commissioner Semmens moved to adjourn. Commissioner Christianson seconded the motion. Motion carried 7-0. Chairperson Wipfli adjourned the meeting at 7:41 p.m.

The Minutes of the November 18, 2003, Carson City Planning Commission meeting

ARE SO APPROVED ON December 17, 2003.

/s/  
Richard Wipfli, Chairperson