

CARSON CITY PLANNING COMMISSION
Minutes of the April 26, 2000, Meeting
Page 1

A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, April 26, 2000, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Allan Christianson, Vice Chairperson Alan Rogers, and Commissioners Gayle Farley, Keith Larkin, and William Mally

STAFF PRESENT: Community Development Director Walter Sullivan, Principal Planner Rob Joiner, Deputy District Attorney Melanie Bruketta, and Recording Secretary Katherine McLaughlin (P.C. 4/26/00 Tape 1-0001)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented/clarified the staff report/supporting documentation. 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 Christianson convened the meeting at 3:30 p.m. Roll call was taken. A quorum was present although Commissioners Sedway and Wipfli were absent and Commissioner Mally had not yet arrived. Chairperson Christianson lead the Pledge of Allegiance. A moment of silence was held in honor of Dick Murray who had recently passed away.

B. COMMISSION ACTION - APPROVAL OF MINUTES (1-0033) - None.

C. PUBLIC COMMENTS (1-0035) - None.

D. MODIFICATIONS TO THE AGENDA (1-0037) - None.

E. DISCLOSURES (1-0049) - Discussion between Commissioner Larkin and Deputy District Attorney Bruketta indicated Commissioner Larkin would abstain on Item G-6 as he is related to the applicant. (Commissioner Mally arrived during this discussion--3:35 p.m. A quorum was present as previously indicated.)

F. CONSENT AGENDA

F-1a. MPA-99/00-3 - DISCUSSION AND ACTION ON A MASTER PLAN AMENDMENT REQUEST AND CONSIDERATION OF A MASTER PLAN AMENDMENT BY RESOLUTION FROM DWIGHT MILLARD

F-1b. U-99/00-33 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT FROM DWIGHT MILLARD

F-1c. Z-99/00-2 - DISCUSSION AND ACTION ON A REZONING REQUEST FROM DWIGHT MILLARD

F-2. U-98/99-9a - DISCUSSION AND ACTION ON A REQUEST FOR A ONE-YEAR EXTENSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM GRAEME C. LEGGATT, JR.

F-3. D-99/00-2 - DISCUSSION AND ACTION ON A REQUEST FROM CARSON CITY DEVELOPMENT ENGINEERING ON A DEDICATION OF A PORTION OF STREET RIGHT-OF-WAY

F-4. U-97/98-40 - DISCUSSION AND ACTION ON A REVIEW OF A ONE-YEAR EXTENSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM NOWLAND PRATER (1-0053) - Commissioner Rogers moved to approve Items F-1, 2, 3, and 4 as presented by staff. Commissioner Mally seconded the motion. Motion carried 5-0.

G. PUBLIC HEARING

G-1a. V-99/00-16 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM KEVIN

AND ELLEN FALLON; AND G-1b. U-99/00-32 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM KEVIN AND ELLEN FALLON (1-0117) - Principal Planner Rob Joiner, Applicants Kevin and Ellen Fallon, Roy Semmens - Mr. Joiner's introduction included a correction to the encroachment as Mr. Fallon had measured the distance between the property line and the eaves rather than the stem wall as allowed by Code. Discussion between the Commission and Mr. Joiner explained the revised location for the garage, the reasons previously suggested locations were not selected, the revised height of the structure, and the applicant's use of the second floor. Mr. Fallon indicated he had read the staff report and agreed with its findings. He gave the Commission a packet of information. (A copy was given to the Clerk after the meeting.) He explained in detail the revised plan which he had illustrated in the packet. Mr. and Mrs. Fallon then gave an extensive explanation of the impact the proposed structure would have on their neighbors' views with the use of area photographs in an effort to rebut their allegations that it would destroy their aesthetics. They also displayed photographs showing similar two story structures within the neighborhood. Commission comments complimented them on their efforts to mitigate the impact and illustrate their efforts. Clarification explained the decision to rotate the building slightly which had also reduced the height. The doors remain on the same side as originally planned.

Public comments were solicited. Mr. Semmens noted his support and written comments. Additional public comments were solicited but none given.

Commissioner Mally moved to approve V-99/00-16, a variance request from Kevin and Ellen Fallon to reduce their rear yard setback from the required 30 feet to the proposed 20 feet resulting in a variance of 10 feet from the full 30 foot requirement on property located at 1000 Ruby Lane, zoned Single Family One Acre, APN 8-102-13, subject to five findings and seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Rogers seconded the motion. Motion carried 5-0.

Commissioner Mally moved to approve U-99/00-32, a special use permit to allow an accessory structure which exceeds 50 percent of the size of the primary structure submitted by Kevin and Ellen Fallon, not to exceed 1,800 square feet, on property located at 1000 Ruby Lane, APN 8-102-13, based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Rogers seconded the motion. Motion carried 5-0.

Mr. Sullivan explained that the appeal forms could be picked up at his office and that there is a 15 day appeal period.

G-2. U-99/00-35 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JACK D. FERRIS (1-0764) - Principal Planner Joiner, Jack Ferris - Mr. Ferris indicated he had read the staff report and agreed with the conditions. Public testimony was solicited but none given. Commissioner Mally moved to approve U-99/00-35, a special use permit to allow an accessory structure which exceeds 50 percent of the size of the primary structure submitted by Jack D. Ferris, not to exceed 448 square feet on property located at 1156 East Roland Street, APN 9-219-11, on property zoned single Family One Acre, based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Rogers seconded the motion. Motion carried 5-0.

G-3. A-99/00-4 - DISCUSSION AND ACTION ON A REQUEST FROM GREGORY PETERSEN FOR AMENDMENTS TO THE CARSON CITY MUNICIPAL CODE SECTION 18.05 (1-0850) - Principal Planner Joiner, Gregory Petersen, Don Wagner, Deputy District Attorney Melanie Bruketta - Mr. Petersen indicated he understood staff's position and pointed out that only the panel van is considered illegal. Utility and dump trucks are allowed to be parked in a residential areas. Pickup trucks are also allowed even though they contain work implements for carpenters, plumbers, etc. His vehicle is similar to these vehicles except it has a cover over it. Discussion indicated that vehicles over seven feet in height and weighing more than 1,000 pounds were not allowed. Mr. Petersen felt that panel vans should be allowed if a special use permit is obtained. His explanation included reasons he was suggesting the change. Discussion between the Commission and Mr. Joiner

CARSON CITY PLANNING COMMISSION
Minutes of the April 26, 2000, Meeting
Page 3

explained the recent Code revision prohibiting panel vans and reasons they were prohibited in residential districts with lot sizes under one acre. Mr. Petersen then suggested criteria which would restrict the area where panel trucks could be parked and be enforceable under the special use permit process. He also pointed out that boats and RVs are allowed to park in residential driveways throughout the community. Mr. Joiner felt that the criteria may make the amendment more acceptable as it would keep the vehicles off the street. Mr. Joiner recommended that minimal standards be developed as part of the amendment, i.e., longer driveways, circular driveways, etc. This would eliminate the arbitrary case-by-case issues. Commissioner Larkin supported the suggested standard as he opposed having the vehicles parked in the City right-of-way. Mr. Joiner then explained that RVs are allowed to be parked on the street for a period of seven days. They cannot be used as living quarters or connected to City utilities. The vehicles are to be on private property if parked for longer periods. Mr. Petersen supported prohibiting large trailers with backhoes, dump trucks, etc, and the larger trucks. He indicated that he could park his van in his driveway and off of the street. Commissioner Rogers felt that with the amendments which had been discussed the Code amendment may be more acceptable. He suggested that Mr. Petersen work with staff to include these changes in the amendment and return for reconsideration. Mr. Petersen indicated his willingness to work with staff on the amendment. He also pointed out that the area is growing and that one acre lots are no longer available in the community. Commissioner Larkin expressed his support for using the special use permit process. He also pointed out that the signage could make it appear to be a billboard. He questioned whether it would be possible to cover the signage. Mr. Petersen indicated that it would be cheaper to cover the signs than to rent space which would to store the vehicle elsewhere but did not allow 24-hour access. Mr. Petersen then requested a continuance. Discussion indicated that he is currently parking his vehicle across from his residence and that legal action was being held in abeyance until the amendment issue is resolved. Commissioner Rogers then moved for a continuance with the date being left to the discretion of staff and Mr. Petersen rather than to limit it to a meeting. This would leave it open and allow him to return when the amendment is ready. Discussion indicated that today the vehicle could not be legally parked in his neighborhood. Mr. Petersen indicated that he had actively pursued the matter as the enforcement is in abeyance for that reason. Commissioner Rogers then withdrew his motion.

Public testimony was solicited. (1-1264) Mr. Wagner explained his reasons for bringing the situation to the City's attention and the aesthetic impact Mr. Petersen's vehicle has upon his view. He also explained that the CC&Rs for his area prohibit commercial activities and that the vehicle must be parked behind property lines and out of public view. He urged the Commission to deny Mr. Petersen's request and that the Codes be amended to enforce the CC&Rs. Chairperson Christianson explained his personal experience with CC&Rs and their enforcement to illustrate that the City cannot and does not enforce CC&Rs. CC&Rs must be enforced by the residents within the subdivision. Ms. Bruketta opined that the Codes could not be amended to enforce all of the CC&R requirements found in the community. Mr. Wagner felt that as the Board of Supervisors require and approve the CC&Rs, the City should enforce them. If the City does not enforce them, then the individual homeowner must sue the "violation". Chairperson Christianson agreed. Mr. Wagner then explained his efforts to have the CC&Rs enforced by the homeowners' association which had been to no avail. Commissioner Rogers explained that the discussion was not approving parking his van on the street. It was suggested that a Code amendment allowing parking of similar vehicles to be considered under the special use permit process. Mr. Wagner requested that he be kept informed of the process so that he could participate. Chairperson Christianson urged him to review his CC&Rs and contact his homeowners association and to pursue its legal remedies. Mr. Joiner agreed to keep him informed about the matter.

Discussion indicated that Ms. Bruketta was unaware of whether it is possible to cloud a title to prohibit all the residents in an entire subdivision from having a special use permit.

Additional comments were solicited but none given. Commissioner Rogers again moved to continue the item. Commissioner Mally seconded the motion. Clarification by Commissioner Rogers indicated the continuance was for whatever period is necessary for Mr. Petersen and staff to develop a proposal to bring back to the Commission. The motion was voted and carried on a 4-1-0-2 vote with Chairperson Christianson voting Naye and Commissioners Wipfli and Sedway absent. (Commissioner Rogers then left the meeting--5 p.m. A quorum was still present.)

G-4. U-99/00-38 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PALMER AND LAUDER ENGINEERS, INC. (1-1435) - Senior Planner Juan Guzman, Senior Planner John Givlin, Applicant's Representative Kelly Garcia - Discussion between the Commission and Mr. Guzman explained previous plans for the site. The project is to be constructed in phases beginning at the center. Mr. Givlin indicated that NDOT would monitor the traffic after the mall opens and when it meets warrants, they will install the signal. Mr. Guzman explained the applicant and the adjacent property owner's decision to have one access to their properties. Staff has made a similar request to utilize the same plan and reduce the number of accesses to Curry Street. Ms. Garcia indicated that she had read the report. She agreed that the front pads may not be constructed as part of the original project. She also indicated that a different developer and a new owner are developing the parcel. She described the efforts undertaken to mitigate any impacts to the Washoe Tribal property on the west. She then questioned the requirement for sewer and water line extensions along the entire length of Sonoma and Curry Streets. There is a sewerline in Carson Street which could be used. She did not feel that the Curry Street extension should be required as the surrounding areas were already serviced. The adjacent commercial property has water. They proposed to connect to the waterline along Carson Street. The waterline in Curry Street is approximately one-half mile away. Copies of the elevation were distributed to the Commission and Clerk. (A copy is in the file.) The colors have not been determined. She then described her work on the preliminary traffic study and contact with NDOT regarding the signal. She felt that the signal was warranted, however, NDOT did not agree. She also described the revised alignment of Sonoma Street. Public testimony was solicited but none given. Mr. Givlin indicated there is a waterline in Curry Street at Washoe Street. The City's request to extend the line the length of the property is in compliance with the Code. The sewerline is the same issue and would be beneficial to the public. He felt that the hard wiring for the signal would be constructed as part of the project. The poles would not be installed until the NDOT warrants are met. Commissioner Larkin moved to approve U-99/00-38, a special use permit for the development of a community/regional center of approximately 90,000 square feet on property zoned Retail Commercial located on U.S. Highway 395 and the extension of Sonoma Street from Palmer and Lauder Engineers, Inc., on behalf of Conkey Development, property owner Frank Snopko, based on seven findings and subject to 13 conditions of approval contained in the staff report. Commissioner Mally seconded the motion. Motion carried 4-0.

G-5. AB-99/00-2 - DISCUSSION AND ACTION ON A REQUEST FROM WILLIAM D. LANDRY TO ABANDON PUBLIC RIGHTS-OF-WAY (1-1818) - Senior Planner Guzman, William Landry, Paul King, Patrice Burke, Dr. Sherry Skidmore, Dr. Jim Doornink, Community Development Director Walter Sullivan - Mr. Guzman's introduction corrected the APNs in the staff report to be 9-283-05 and 9-283-04. A copy of Mr. Golden's faxed letter supported the abandonment and is included in the file. Mr. Guzman indicated that the hotel is allowed within the district by right. The letters of opposition were based on its design. The project could not be discussed as part of the abandonment request. Staff reviews the project and determines its compliance with the Code. He did not feel that the abandonment would impact the Perrys or Burkes. Ms. Burke was present and could respond to the Commission's questions. Mr. Landry felt that a lot of debate and compromises had already occurred on the project. The extra land provided by the abandonment would give him additional area for landscaping. He had read the staff report and agreed with it.

Mr. King indicated he lived across the street from the property. Discussion indicated that they could not discuss the project. Discussion could only occur on the abandonment. Mr. King indicated that he opposed the project itself. The abandonment would place the project five feet closer to him. The Commission had a copy of his letter which listed his objections. He did not want the project in the neighborhood. Mr. Guzman explained that the Commission would not consider the project at a future date. Mr. King indicated that he did not want the area used to move the project closer to his residence. Mr. Guzman noted Mr. Landry's comments indicating that the purpose of the abandonment request was to use the land for landscaping. Mr. King indicated that this was not what Mr. Landry had told him. He claimed that the building was going to be moved closer to Voltaire. The building height would eliminate his view. This would decrease his property value. Clarification indicated the property had been zoned commercial for a long period of time. Mr. King voiced his opposition to having a four-story, 24-hour a day hotel/motel operation in his neighborhood as well as the amount of traffic and noise it would generate. Mr. King felt that adjustments should be made to the project. Suggestions he had made to Mr. Landry to "open the property" were denied. He urged the Commission to deny the abandonment.

CARSON CITY PLANNING COMMISSION
Minutes of the April 26, 2000, Meeting
Page 5

Ms. Burke indicated that it is "perceived" that if the abandonment as requested is approved, Mr. Landry will go ahead and submit his plans. The people in the general area who have lived with the vacant lot for years will not be allowed to provide input on the project regarding its design, aesthetics, or the visual impact it may have on the surrounding area. Comments indicated that the only way the residents would be able to "protect" themselves would be to purchase the property. The property had been zoned commercial for a long period of time. If the project is a permitted use, nothing could be done to stop it. Public parking is allowed on City streets. The project would be required to furnish its own parking onsite. The majority of the motel/hotel patrons prefer to use the onsite parking spaces for their protection. Unless the Board of Supervisors prohibit street parking or restrict it to residential parking, patrons of the facility would be allowed to park there. The abandonment is to be presented to the Board of Supervisors on May 18. Mr. Guzman invited her and the general public to discuss the plans with him once they are submitted.

Dr. Skidmore explained that the residents had moved to the area as it offered items which other neighborhoods did not have. Purportedly their dealings with Mr. Landry had been "poor at best", i.e., the difference between his presentations to the neighborhood and that made to the Commission. This is the reason for the concern with the five foot easement and the project. As a member of the public-at-large she wanted to be on record voicing those concerns.

Mr. Guzman explained for Dr. Doornink that the use of the five foot easement could be specified. Chairperson Christianson indicated that it could be specified that the strip would be used for landscaping and not parking. Mr. Guzman indicated that abandonments are subject to conditions of approval. Chairperson Christianson felt that it had been stated on the record that it would be used for landscaping. Mr. Landry then stated that it would be very nice landscaping. Chairperson Christianson then closed public comments and indicated that staff would approve the landscaping plan.

Discussion indicated that staff had only discussed conceptual schematics. The property is not "spot zoned". Mr. Sullivan agreed that the property is in a friction zone between commercial and residential. A recess was declared to allow staff time to retrieve the zoning map from the closet at the back of the room.

BREAK: A recess was declared at 5:40 p.m. A quorum of the Commission was present when Chairperson Christianson reconvened the meeting at 5:45 p.m. although Commissioners Rogers, Sedway, and Wipfli were absent.

The surrounding zoning was described by staff with the use of the zoning map. It was not spot zoning as a band of 300 plus or minus feet along the Highway 395 corridor is zoned commercial. The setback requirements when commercial property is developed adjacent to a residential zoned district is 30 feet. The maximum height for the commercial district is 45 feet. The master plan standards were noted and could not be required of a developer like the Code requirements are. If the project is taller than 45 feet, the Code directs staff to either deny the application or require a variance permit. The master plan standards can only be requested. Most developers try to comply with the master plan standards if possible. The master plan standards for the area would require distance, walls, and additional landscaping to mitigate the impact. These issues are not part of the abandonment request. The master plan designated the area as commercial. A master plan zone change had not been requested for Mr. King's parcel. It is zoned residential one acre. The topography was explained. It supports maintaining Mr. King's property as well as the other speakers' as residential.

Commissioner Mally moved to approve AB-99/00-2 for the partial abandonment of right-of-way on Patrick Street, Voltaire Street, and West Roland Street, based on eight findings and four conditions of approval as described in the attached map and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Larkin seconded the motion. Motion carried 4-0.

Mr. Sullivan indicated that the item would be considered by the Board of Supervisors on the third Thursday of the month, which is May 18. He felt it would not be listed on the Consent Agenda but would be part of the regular agenda.

G-6. U-99/00-37 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DAVE AND LEANN SAAREM (1-2425) - Community Development Director Walter Sullivan, Dave and Leann Saarem - Commissioner Larkin left the room during Chairperson Christianson's introduction. Mr. and Mrs. Saarem indicated they had read the staff report and agreed with it. Public testimony was solicited but none was given. Commissioner Farley moved to approve U-99/00-37, a special use permit request from Dave and LeAnn Saarem to allow a detached garage of approximately 1,936 square feet, which exceeds 50 percent of the square footage of the primary structure in a Single Family Two Acre zoning district, located at 2188 Alfred Way, APN 7-101-30, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Mally seconded the motion. Motion carried 3-0-1-3 with Commissioner Larkin abstaining and Commissioners Sedway, Rogers and Wipfli absent. Mr. Sullivan explained that an appeal could be made on this item and that the forms were at his office. The appeal period is 15 days from today. Mr. Sullivan and Ms. Bruketta explained that, although Commissioner Larkin did not vote on the issue, a quorum was present.

G-7. U-99/00-36 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM GEORGE ASAY (1-2560) - Community Development Director Sullivan, Project Administrator for Nevada Rural Housing Authority and Applicant George Asay - Mr. Asay described the sound wall and assured the Commission that it would not "look like Fort Douglas on the hill". He also explained the sealant which will be used to eliminate "tagging". Reasons why the Authority did not wish to include landscaping on the west side of the wall was voiced. They were willing to landscape the areas on their property but not the leased NDOT areas. Mr. Asay then stated a willingness to landscape whatever area staff recommends. Mr. Sullivan explained his contact with the City Arborist and her recommendation that low maintenance green vegetation be used. The State had expressed a willingness to work on the landscaping plan with City staff and to install the irrigation lines. Mr. Asay indicated that they would continue to maintain the 50 foot strip owned by NDOT. Public comments were solicited but none given. Commissioner Mally moved to approve U-99/00-36, a special use permit application from the Nevada Rural Housing Authority to allow an eight foot high decorative masonry wall located at 2100 California Street, Carson City, Nevada, APNs 3-303-01 and 02, based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Larkin seconded the motion. Motion carried 4-0. Mr. Sullivan reiterated the appeal process.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-2762)

H-1. STAFF BRIEFING REGARDING THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION - Mr. Sullivan explained the Board's action on the panel van ordinance including the utility companies emergency vehicles conformance with the City standard, the merger and resubdivision of the Northridge Phase 3, the Costco appeal, the Code amendment regarding the use of the "latest Assessor's records" and the trash bins. He also explained his contact with the Finance Director regarding carrying over the unused Planning Commission travel and training budget. The importance of the training was noted.

H-2. FUTURE COMMISSION ITEMS AND DATES (1-2870) - Discussion noted the approximate number of items for consideration at the next meeting. Chairperson Christianson thanked Ms. Bruketta for her attendance and assistance during the meeting. He also noted the valuable asset Mr. Murray had been to the City and to him personally. Mr. Sullivan agreed that Mr. Murray's comments always made a person stop and think.

I. ADJOURNMENT (1-2905) - Chairperson Christianson adjourned the meeting at 6:10 p.m.

The Minutes of the April 26, 2000, Carson City Planning Commission meeting

ON May 31, 2000.

A R E S O A P P R O V E D

CARSON CITY PLANNING COMMISSION
Minutes of the April 26, 2000, Meeting
Page 7

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Allan Christianson, Chairperson