

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the May 13, 1999, Meeting

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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Thursday, May 13, 1999, at the Cooperative Extension Service Conference Room, 2621 Northgate Lane, Suite 12, Carson City, Nevada, beginning at 3 p.m.

PRESENT:

Chairperson Verne Horton, Vice Chairperson Allan Christianson, and Commissioners Keith Larkin, William Mally, Alan Rogers, and Roger Sedway

STAFF PRESENT: Community Development Director Walter Sullivan, Principal Planner Rob Joiner, Deputy District Attorney Melanie Bruketta, Senior Planners Juan Guzman and Tara Hullinger, and Recording Secretary Katherine McLaughlin (R.P.C. 5/13/99 Tape 1-0001.5)

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 Horton convened the meeting at 3 p.m. Roll call was taken. A quorum was present although Commissioner Rogers had not yet arrived and Commissioner Wipfli was absent. Chairperson Horton welcomed Commissioner Larkin.

B. COMMISSION ACTION - DISCUSSION AND ACTION TO APPROVE MEETING MINUTES FOR 8/26/98, 9/30/98, AND 3/31/99 REGULAR SESSIONS AND 10/14/98 AND 10/15/98 SPECIAL JOINT SESSIONS (1-0025.5) - Commissioner Christianson moved to approve the Minutes as presented for August 26, September 30, October 14, October 15, 1998, and March 31, 1999. Commissioner Sedway seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENTS (1-0072.5) - None.

D. MODIFICATIONS TO THE AGENDA (1-0088.5) - Principal Planner Joiner explained Metcalf Builders' request to place Item G-10 fourth on the Agenda. As no opposition was voiced to the modification, Chairperson Horton ruled that the agenda was modified as requested.

E. DISCLOSURES (1-0124.5) - Commissioner Larkin indicated his business relationship with Tom Metcalf. Mr. Metcalf had purportedly mentioned his project to Commissioner Larkin. Commissioner Larkin did not feel that the relationship nor the discussion would impact his ability to consider the merits of the project.

F. CONSENT AGENDA (1-0143.5)

F-1. MPA-98/99-2 - DISCUSSION AND ACTION ON THE ADOPTION OF A RESOLUTION TO IMPLEMENT AN APPROVED MASTER PLAN AMENDMENT REQUEST FROM SILVER STATE CONSULTANTS

F-2. U-98/99-52 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ROCHELLE AND ISRAEL LEWIS

F-3. U-98/99-9a - DISCUSSION AND ACTION ON A REQUEST TO AMEND A PREVIOUSLY APPROVED SPECIAL USE PERMIT AND AMEND PREVIOUSLY APPROVED SETBACKS FROM AMANDA ELEGANT

F-4. U-94/95-18a - DISCUSSION AND ACTION ON AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM ARLAN NICKEL

F-5. U-97/98-40 - DISCUSSION AND ACTION ON A REQUEST FOR A ONE-YEAR EXTENSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM NOWLAND PRATER -
None of the items were pulled for discussion. Commissioner Sedway moved to accept the Consent Agenda as

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presented. Commissioner Mally seconded the motion. Comments noted the withdrawal of Item F-2 and the continuance request for Item F-4. Motion carried 5-0.

G. PUBLIC HEARING

G-1. Z-98/99-5 - DISCUSSION AND ACTION ON A REQUEST FROM MARK PALMER, PALMER AND LAUDER ENGINEERS, INC., FOR A CHANGE OF LAND USE (1-0189.5) - Principal Planner Rob Joiner, Community Development Director Walter Sullivan, Deputy District Attorney Melanie Bruketta, Recording Secretary Katherine McLaughlin, Mark Palmer, - Commissioner Sedway indicated he would move from the dais to the audience for the first four items. Mr. Joiner introduced the item. Discussion ensued between staff and Commissioner Sedway concerning the Open Meeting Law and Ethics Commission rulings concerning abstention requirements and the Ethics Commission rulings regarding presence during conflict of interest items. Commissioner Sedway then stepped from the room. (A quorum was still present.) (1-0412.5) Mr. Palmer then explained the plan to convert the parcels into parking areas for the employees and to handle the overflow. The proposal may reduce the impact on the neighborhood and the on-street parking. Access routes to the proposed parking areas were explained. Public testimony was solicited but none given. Discussion indicated this item is related to only the change of land use and not the traffic study. Commissioner Mally moved to approve Z-98/99-5, a motion to prepare an ordinance for first reading to change the land use district from Residential Office to Public on APNs 1-171-02, 1-201-04, and 1-201-15, and recommend to the Board of Supervisors adoption of said ordinance based on the finding contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 4-0-2-1 with Commissioners Rogers and Wipfli absent and Commissioner Sedway abstaining.

G-2a. U-98/99-53 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MARK PALMER, PALMER AND LAUDER ENGINEERS, INC.; G-2b. U-98/99-54 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MARK PALMER, PALMER AND LAUDER ENGINEERS, INC.; AND G-2c. U-98/99-55 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MARK PALMER, PALMER AND LAUDER ENGINEERS, INC. (1-0607.5) - Principal Planner Joiner, Mark Palmer, Carson-Tahoe Hospital Trustee Tom Metcalf, Community Development Director Walter Sullivan - Commissioner Rogers arrived during Mr. Joiner's introduction--3:28 p.m. (A quorum was present as previously indicated.) Mr. Joiner explained the Historic Architecture Review Commission's approval of the request and requirement that the lighting plan be reconsidered before construction. Mr. Joiner had recommended the use of bollard lights throughout all of the parking areas. Mr. Palmer explained the ownership of each parcel, the proposal to have a joint use agreement with the Carson Medical Clinic, issues which the agreement will address including irrigation and landscaping, and reasons for questioning the need for the flood study for the Pershing parcel and the traffic analysis. He asked the Commission to eliminate the flood study requirement from the Conditions. The traffic analysis should be required as part of the total hospital master plan and not when additional parking is being provided to eliminate the demand for on-street parking. Discussion among Mr. Palmer, Trustee Metcalf and the Commission explained the master plan proposal to have a five level parking garage, the current parking needs, future construction plans which are in the distant future, the Hospital's desire to install stop signs at Fleischmann rather than conduct a parking study and its reluctance to install \$30,000 in special lights for the parking lots. Mr. Sullivan and Mr. Joiner explained the requirement that the same light fixtures as are used in the northern parking lot(s) must be in the proposed parking areas. A parking study had been performed approximately six years ago. The traffic study was required by the new access/egress from the Adams property onto Minnesota. Mr. Palmer felt that the additional access/egress would redistribute the traffic to additional streets and reduce the overall impact. He offered to install a stop sign at Sophie and Division if necessary as it would be cheaper than the traffic study. The traffic study should be conducted when the Hospital increases the number of beds. A joint use agreement is being developed for the Heun parcel on the east side of the medical complex. Traffic improvements created by this proposal were noted. (1-1938.5) The concerns about the traffic study, flood plan, and lighting requirements were reiterated. Trustee Metcalf felt that the building program would not occur for at least two years but could be in the three to five year range. Discussion explained that the Hospital Board is planning to consider the construction/repaving contract for the parking lots later this afternoon. Discussion also noted the landscaping plan.

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(1-2158.5) Public testimony was solicited but none given. Mr. Sullivan explained that Public Works had a staff member enroute to the meeting. He then explained that the area is within a "B" Flood Zone. Community Development's policy when the flood issues had been under its purview would not have required a study for development in a "B" zone. An "A" zone would have required one. This is also a Public Works item. He then explained staff's recommendation that the same type of lighting be used throughout all of the Hospital parking lots. Mr. Joiner indicated that the parking lot on Fleischmann has "bollard" lighting. Chairperson Horton supported having a similar style of lighting in the Hospital's contiguous lots with historic lighting along the street, if so desired, at a future time. Mr. Palmer then explained the discussions he had had with Public Works regarding the flood study. He felt that the requirement had been based on the recent flood which had occurred in the area and reiterated his desire to consider this issue when the master plan is developed. Trustee Metcalf expressed an intent to relay the comments to the Hospital Board this afternoon and a desire to continue working through Mr. Palmer with staff and Mr. Sedway to develop an agreement on the lighting. Discussion between Mr. Joiner and Commissioner Mally explained the current lighting styles used by the Hospital in its parking lots. Chairperson Horton expressed his support for having the lighting issue addressed in a development agreement between the Hospital and HARC. Commissioner Rogers supported having it addressed within the long-range plan and that the long-range movement be to make all of the lighting contiguous. This would occur over a long period of time and as buildout occurs. Trustee Metcalf felt that the only consideration which had been given to the lighting had been related to the parking structure and its impact on the neighbors. He supported Commissioner Rogers' proposal.

Commissioner Mally then moved to approve U-98/99-53, U-98/99-54, and U-98/99-55, special use permits requested from Carson-Tahoe Hospital to allow three parking lots on properties zoned Public, located at 1204 North Division Street, APN 1-171-02; 990 North Minnesota Street, APN 1-201-04; and 680 West Washington Street, APN 1-201-15, based on seven findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Christianson seconded the motion. Commissioner Rogers noted Mr. Givlin's arrival and requested his comments. Mr. Givlin explained that the RTC staff felt that when the entire Hospital is considered, a traffic plan is needed. The Washington Street project had definitely required a "focused" traffic analysis. If a traffic study is not required at this time, when would one be done and what would it entail. He agreed that the area is not a special flood area. It is a "B" zone which will experience shallow flooding of one foot or less in depth. A specific flood study/analysis is in order. Staff was attempting to obtain documentation supporting the improvements which will perpetuate the flow through the property, that they are detaining the peak of storm, that the storm detention plan will work, etc. This is not what is normally perceived as a flood study with an "HEC" analysis or a more sophisticated report. Commissioner Mally questioned whether it would be more reasonable to conduct the traffic study if and when the Hospital expands itself. Discussion had indicated that this may occur in the future. The proposal is for three or four parcels which does not impact parking. It helps parking as it keeps their people off of the street. He did not feel that there was a necessity for a traffic study. Mr. Givlin felt that this had been part of RTC staff's thinking and that as part of the Hospital master plan, at some point in the very foreseeable future, it would be a good idea to have a traffic study/complete traffic analysis. The thinking on the Washington Street project was due to the traffic to and from the intersection of Division and William or Fleischmann--the intersection which was being impacted. Those concerns needed to be addressed. There should be a letter from Harvey Brotzman to this effect as part of the packet. Commissioner Mally felt that the documentation indicated there would not be any more traffic going in or out on the Washington Street side than there is now. He questioned whether there would be traffic loop coming around to Washington. Mr. Palmer responded by explaining the plan to share an exit/entrance with the Heun property. There would not be another entrance as the one would serve a dual purpose. Commissioner Rogers felt that the flood study issue was addressed in Condition 2 as the plan will be reviewed for construction purposes. Staff would only be looking for continuation of the flow through the property. This would not require a separate condition. Mr. Givlin explained the policy to re-enforce Code requirements with specific conditions on Special Use Permits. It is redundant but it is a requirement in submitting an improvement plan. Commissioner Rogers agreed that the time to look at a traffic study is at the time when there is a major improvement or buildout of the Hospital rather than during resurfacing of parking lots and things like that. Commissioner Mally questioned whether there is a review of the master plan coming up? Trustee Metcalf responded by explaining that the Hospital is anticipating through the affiliation talks with Washoe, the visits to cancer centers in California, the visits to Davis, plans to go to Grass Valley within the

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next few weeks, the completion of the strategic planning, the deed assessments, "hat the Hospital felt that its next expansion will be that". He felt that at that time the Hospital will be looking at tearing down part of the Sierra Office Complex to build that facility. Obviously, that facility's footprint and future impact will require a parking analysis on-site as well as off-site. He felt that that would be an ideal time to handle a traffic study. Right now the effort is to attempt to get people off of the street and get employees and patients onto a paved parking lot rather than parking on dirt as they are now. Commissioner Larkin questioned whether the plan could be made pro-active rather than re-active and revisited in the future. One stop sign at one location could be addressed. If a problem arises, a stop sign could be installed. He then questioned whether the study was required for Washington or just Sophie. Mr. Givlin explained that of the four parking lots which were before the Commission in the last two meetings, both the Minnesota Street and the Washington Street parking lots present problems related to traffic. The concerns are more related to how one gets into the property and out safely. Traffic safety issues are not necessarily a justification use which may impact the level of service at an intersection or require infrastructure improvements. Trustee Metcalf felt that the emphasis had been on Minnesota Street for the Adams House parking lot and on the Pershing parking lot rather than the Washington Street parking lot. He then explained his difficulty in being a member of the Hospital's Building Committee as a builder and for the Hospital's Finance Committee to spend thousands of dollars on a traffic study when they could install a stop sign. If there is a retroactive program which they could work with the City to monitor the situation, he would support it. This would benefit everyone. He could not see the immediate impact. He felt certain that they were not planning to add any lights. They would, however, install a couple of stop signs. There being no further questions or discussion, **the motion to approve the Special Use Permits as indicated was voted and carried 5-0-1-1 with Commissioner Wipfli absent and Commissioner Sedway abstaining.**

BREAK: A five minute recess was declared at 4:22 p.m. A quorum of the Commission was present when Chairperson Horton reconvened the meeting at 4:27 p.m. although Commissioners Wipfli and Sedway were absent.

G-10. V-98/99-12 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM TOM METCALF (1-3102) - Principal Planner Joiner, Tom Metcalf, Restaurant Owner Jack Sterling - Discussion explained height restrictions for a structure and signs, the plan to use a windmill as the sign base, the history of the folding windmill, and Mr. Metcalf's restoration plans. Mr. Metcalf showed the Commission circa 1928 photographs of the windmill, which he took back after the vote. He also explained the reasons the water tower is to be moved 14 feet south of the original site. This location allows the sign to be "twisted" 45 degrees resulting in a reduction in the signage area. The working windmill will be 46'6" to 57'6", depending on whether it is open or folded. Mr. Metcalf did not know how noisy it will be as it is made almost entirely of wood. Mr. Joiner pointed out that it would not operate on a daily basis which would reduce any potential noise impact. Mr. Metcalf requested that the windmill's operation not be restricted. Mr. Sterling described the restaurant motif. Public testimony was solicited but none given. Commissioner Christianson moved to approve V-98/99-12, a variance request from RJS Properties and Metcalf Development Limited to allow a second free-standing sign to exceed the height allowance within a shopping center development on property zoned Retail Commercial and Downtown Commercial, located at 1001 South Carson Street, based on five findings and subject to five 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. Commissioners Mally and Rogers seconded the motion. Motion carried 5-0-2-0.

G-3. U-97/98-55 - DISCUSSION AND ACTION ON A SIX-MONTH REVIEW OF A SPECIAL USE PERMIT FOR FLOYD TAYLOR (2-0214.5) - Senior Planner Tara Hullinger, Community Development Director Sullivan - The applicant was not present. Mr. Sullivan explained his contact with the applicant indicating his desire to withdraw the application as he did not wish to pursue the matter. The RV is vacant. One of the mobile homes is being sold and should be removed shortly. A second mobile home is in poor condition. The applicant is attempting do something with it. Problems with the RV were noted which impact his ability to dispose of it. The six month timeframe may allow him time to resolve the issues and remove the mobile home(s) and RV. Public testimony was solicited but none given. Discussion indicated that the motion did not have to include the six month enforcement condition. Staff will work with the applicant and give him time to remove the items. Action will be taken if nothing happens. Commissioner Rogers moved to void the Special Use Permit request from Floyd

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R. Taylor, William Taylor, property owner, allowing watchman's quarters in General Commercial zoning district located at 5445 South Carson Street, APN 9-305-05 and request that existing structures on the property be removed within six months from the date of this action. Commissioner Christianson seconded the motion. Motion carried 5-0.

G-4. U-98/99-42 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PETER BOND (2-0375) - Senior Planner Hullinger, Applicant's Representative Chuck Johnson - Mr. Johnson indicated that they had read the staff report and would comply with the conditions. Discussion indicated that the antenna would not impact the fireworks. The Fire Marshall had provided his comments. Public testimony was solicited but none given. Commissioner Christianson moved to approve U-98/99-42, a request from Peter Bond; Ormsby 1, LLC--property owner; 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 Mally seconded the motion. Motion carried 5-0-2-0.

G-5A. U-98/99-50 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MIKE MITCHELL; AND, G-5b. U-98/99-51 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MIKE MITCHELL (2-0495.5) - Senior Planner Hullinger - A School District Representative had been present earlier. Mr. Mitchell was expected to arrive shortly. The Representative had purportedly indicated that there were not problems with the conditions. Discussion noted the sign restrictions on advertising which had been placed on the Pony Express Pavilion sign. Ms. Hullinger indicated that the proposed signs will be used to advertise only school activities. No other signage will be permitted. Commissioner Rogers indicated that the sign had been purchased with PTSA and School District funds. The Pavilion sign had been donated. Public testimony was solicited but none given. Commissioner Mally moved to approve U-98/99-50, a special use permit request from Mike Mitchell, Carson City School District - property owner, to allow a free-standing reader board sign in a Public zoning district located at 1511 Firebox Road, APN 10-041-30, based on seven findings and subject to six conditions of approval contained in the staff report. Commissioner Rogers seconded the motion. Motion carried 5-0-2-0.

Commissioner Mally moved to approve U-98/99-51, a special use permit request from Mike Mitchell, Carson City School District - property owner, to allow a free-standing reader board sign in a Public zoning district located at 2800 Saliman Road, APN 9-436-08, based on seven findings and subject to five conditions of approval contained in the staff report. Commissioner Rogers seconded the motion. Motion carried 5-0-2-0.

G-6. U-98/99-47 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT REQUEST FROM ANGELO PECORILLA (2-0690.5) - Senior Planner Juan Guzman, Angelo Pecorilla - Mr. Guzman distributed photographs of the property to the Commission. (The photographs were returned to him after the vote.) (During Mr. Guzman's introduction, Commissioner Rogers stepped from the room--5:02 p.m. A quorum was still present.) Mr. Pecorilla indicated he did not have a problem with any of the conditions and described the architect's error in the project. The garage encroaches approximately 3-1/2 feet into the setback. He requested a variance to the setback requirements. He planned to remove the guest house once the project is completed, which will further enhance the appearance of the property. Mr. Guzman indicated that an application for a variance would have to be submitted. The Commission could not consider this issue today. A hardship would have to be demonstrated in order for the Commission to approve the variance. Although he could agree that the three feet is not a large encroachment, he was concerned with it as it abuts industrial property. Public testimony was solicited but none given. Commissioner Christianson moved to approve U-98/99-47, a special use permit request from Angelo Pecorilla to allow the enlargement of an existing accessory structure by more than 360 square feet on property zoned Single Family 21,000, located at 4710 Morgan Mill Road, APN 8-371-34, based on seven findings and subject to six 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 4-0-3-0.

G-7. U-98/99-48 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ROGER MITCHELL (2-0946.5) - Senior Planner Guzman, Roger Mitchell - Mr. Guzman distributed

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photographs of the residence which is under construction. (The photographs were taken back after the motion.) Discussion explained staff's recommendation to grant the extension for only eight months. Commissioner Mally felt that the applicant was showing good intent and should not be restricted. Mr. Mitchell indicated that he had worked on the residence for three years and hoped to have it completed so he could move into it by Christmas. He requested a 12 month extension so that an extension would not have to be requested if he ran into bad weather or an emergency. He currently has four people working on it. He also distributed photographs showing the work which was occurring on the inside of the building. The weather had slowed his work on the outside of the building. Commissioner Christianson noted that Mr. Mitchell had originally agreed to the eight month extension. If a dire circumstance arises, the Commission would consider those circumstances in the deliberations on an extension. He preferred to grant an eight month extension. Public testimony was solicited but none given. Commissioner Mally moved to approve U-98/99-48, a special use permit by Roger C. Mitchell for the extension of a temporary permit to utilize a mobile home as temporary living quarters while constructing a single family residence on property zoned Single Family Five Acres, located at 2562 Snyder Avenue, APN 10-491-14, in accordance with the provisions of the Carson City Municipal Code and change Condition 3 to read that the permit is authorized for an additional 12 month period. Commissioner Larkin supported the eight month extension. When a second was not made, Chairperson Horton ruled the motion had died for lack of a second. Commissioner Christianson moved to approve U-98/99-48, a special use permit by Roger C. Mitchell for the final extension of a temporary permit to utilize a mobile home as temporary living quarters while constructing a single family residence on property zoned Single Family Five Acres, located at 2562 Snyder Avenue, APN 10-491-14, in accordance with the provisions of the Carson City Municipal Code. Commissioner Larkin seconded the motion. Motion carried 3-1-3-0 with Commissioner Mally voting Naye and Commissioners Rogers, Sedway, and Wipfli absent.

G-8. U-98/99-49 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MCCLENN SLY (2-1208.5) - Senior Planner Guzman, Applicant Alta Sly - Photographs of the property were distributed to the Commission by Mr. Guzman. (After the motion they were returned to Mr. Guzman.) Ms. Sly had read the staff report and agreed with it. Public testimony was solicited but none given. Commissioner Larkin moved to approve U-98/99-49, a special use permit request from McClellan and Alta Sly to allow a detached accessory structure larger than 50 percent of the square footage of the primary structure on property zoned Single Family One Acre, located at 1387 East Appion Way, APN 9-211-12, based on seven findings and subject to six 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 4-0-3-0.

G-9. V-98/99-11 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM T. SCOTT BROOKE (2-1325) - Senior Planner Guzman, Applicant's Representative T. Scott Brooke - Photographs of the property were given to the Commission. (After the motion they were returned to Mr. Guzman.) Clarification indicated that the variance would allow the applicant to go 15 feet into the rear setback and that this would increase the front setback proportionately. Staff's recommendation for denial was based on staff's inability to find a hardship. Mr. Brooke restated the request to encroach into the rear setback by five feet which would increase the front setback. This would provide a better design and appearance. He felt that the modification was in line with the master plan goal to provide a better community design and appearance. Precedent for granting the request had been established by approving other self-imposed variances. If the setback had been considered when the subdivision map had been presented, the variance may not have been required. The rear yard abutting the setback is dedicated open space. Close scrutiny of the subdivision map and dedicated open space may have required only a ten foot setback. Close scrutiny of the area had occurred only after the sale and during construction. Clarification indicated that the applicant does own the property. Public testimony was solicited but none given. Commissioner Christianson briefly noted his reluctance to go against staff's recommendation and then moved to approve U-98/99-11 a variance request from T. Scott Brooke, Esquire, property owner Ronald Fenton, in order to reduce the rear setback from the required 20 feet to the proposed 15 feet based on five findings and subject to six 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. Discussion between Mr. Sullivan and Commissioner Christianson indicated for the record that the applicant presented special testimony, special circumstances, and a

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hardship. Commissioner Christianson also pointed out all of the open space behind him and expressed his feeling that the five feet will not make a big difference. Commissioner Larkin pointed out that the house, as indicated in the staff report, could fit on the parcel as drawn if the setback is not changed. Mr. Guzman agreed. The motion to approve the variance was voted and carried 3-1-3-0 with Chairperson Horton voting Naye and Commissioners Rogers, Sedway and Wipfli absent.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION)

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (2-1748.5) -

Community Development Director Sullivan explained the status of the draft open space master plan which is being reviewed by staff. A hearing on it will be held on May 17th. The Board voted to continue its association with the Housing Consortium with performance measurements added to the agreement. The City's low income housing program was briefly described. (Commissioner Rogers returned during his comments. A quorum was present as previously noted.) Senior Planner Guzman indicated that the tentative/final subdivision map had been approved as recommended.

H-2. GENERAL COMMISSION COMMENTS (2-1845.5) - Chairperson Horton expressed his appreciation at having had the opportunity to attend the APA conference. Comments noted the reasons for Commissioner Wipfli's absence. Chairperson Horton encouraged the other Commissioners to attend future APA conferences if the opportunity avails itself.

H-3. GENERAL STAFF COMMENTS (2-1885.5) - Community Development Director Sullivan distributed a workshop agenda to the Commission and Clerk announcing a meeting on the Highway 50 corridor and explained the purpose of the meeting. A legal brief on the Del Monte Dunes Case by Dr. Robert Freilich was also distributed to the Commission and Clerk. The technicality of the issue was indicated by the feeling that five separate rulings may be made as a result of this case. Mr. Sullivan then apologized to the Commission if staff had erred in the fashion in which it had handled the issues with Commissioner Sedway. His previous discussions with Commissioner Sedway had advised him that he could not sit at the dais and represent the Hospital. The By-Laws require the Commissioner to recuse him/herself and leave the room. Chairperson Horton felt that he should have brought the issue forward during previous Hospital item(s). He apologized for not having been part of that discussion. Discussion indicated the need to discuss this issue further during a workshop session. Justification for leaving the room was noted. Mr. Sullivan indicated he would contact Mr. Sedway, apologize to him, and review the By-Laws with him. Commissioner Christianson felt that the requirement that he leave the room had been what had upset him. Deputy District Attorney Bruketta explained her attempt to explain this to him which had not been successful.

(2-2185.5) Chairperson Horton congratulated Commission Larkin on his appointment to the Commission and welcomed him. He also noted that Commissioner Larkin had made a motion during his first meeting which seldom occurs.

(2-2252.5) Commissioner Rogers suggested that Chairperson Horton apologize to Commissioner Sedway rather than staff. Chairperson Horton and Mr. Sullivan agreed to discuss the topic after the meeting. Discussion indicated that in the future the Commissioner who recuses him/herself should leave the room. Discussion noted the Ethics Commission ruling and cited the By-Laws requirement.

(2-2458.5) Commission comments commended Ms. Bruketta on her work for the Commission and expressed the desire to keep Ms. Bruketta as the Deputy District Attorney rather than to have to train a new Deputy. Ms. Bruketta explained her commitment to Chief Deputy District Attorney Forsberg to remain as the Commission's legal counsellor.

H-4. FUTURE COMMISSION ITEMS AND DATES (2-2111.5) - Chairperson Horton reiterated the desire to have a workshop and to include the foregoing issue in it. Mr. Sullivan indicated that the workshop may occur during the latter part of June. The next Commission meeting was scheduled for May 26 in the Sierra Room.

(2-2205.5) Commissioner Rogers indicated that he would not be able to attend the workshop. Mr. Guzman indicated that the session would be recorded.

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I. ADJOURNMENT (2-2510.5) - Commissioner Christianson moved to adjourn. Commissioner Larkin seconded the motion. Motion carried 5-0. Chairperson Horton adjourned the meeting at 5:45 p.m.

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ARE SO APPROVED ON _____ June 30 __, 1999.

/s/_____

Verne Horton, Chairperson