

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the January 8, 1997, Meeting

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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, January 8, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

PRESENT: Chairperson Verne Horton, Vice Chairperson Alan Rogers, and Commissioners Allan Christianson, William Mally, Archie Pozzi, Deborah Uhart, Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Principal Planner Rob Joiner, Deputy District Attorney Mark Forsberg, Senior Planners Sandra Danforth and Juan Guzman, Senior Engineer John Givlin, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin (R.P.C. 1/8/97 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 of the Commission was present although Commissioner Christianson had not yet arrived. Chairperson Horton led the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF MINUTES FOR NOVEMBER 6, 1996, REGULAR MEETING (1-0015.5) - Commissioner Wipfli moved to approve the Minutes of November 6 as presented. Commissioner Uhart seconded the motion. Motion carried 5-0-1-1 with Vice Chairperson Rogers abstaining and Commissioner Christianson absent.

C. PUBLIC COMMENTS (1-0026.5) - None.

D. MODIFICATIONS TO THE AGENDA (1-0030.5) - None.

E. CONSENT AGENDA (1-0035.5)

E-1. U-95/96-16 - DISCUSSION AND POSSIBLE ACTION ON REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM JOE LUSHINA - Chairperson Horton requested comments. Upon hearing none, Commissioner Rogers moved that the Consent Agenda be approved as presented by staff. Commissioner Mally seconded the motion. Motion carried 6-0.

F. PUBLIC HEARINGS

F-1. U-96/97-32 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT FROM BRAD HOLLANDER (1-0060.5) - Principal Planner Rob Joiner, Community Development Director Walter Sullivan, Brad Hollander, Redevelopment Director Mary Walker, Dwight Millard, Ted Stokes - Discussion between staff and the Commission indicated that a drop-off area would be provided in the bank parking area and emphasized the need for parking although none will be provided on site. Mr. Sullivan indicated for the record that Ms. Walker's proposed street abandonments would be considered by the Commission before abandoned. Discussion between staff and the Commission also noted the potential impact such abandonments may create on the surrounding businesses. Mr. Sullivan felt that Mr. Hollander is aware of the need for parking. Mr. Joiner indicated that Mr. Hollander intends to use the Redevelopment funding for parking.

(1-0235.5) Mr. Hollander indicated that he had read the staff report and agreed to it. He acknowledged the parking problem. The bank property owners had indicated a willingness to allow the rear parcel to be turned into a parking lot. The State project will include a street closure. The State will need the parking during the standard office hours. His period of high demand for parking would be when the State is closed.

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(1-0275.5) Ms. Walker explained the Governor's budget allocation to acquire the bank, the drive-through teller area, and the old toy shop. The concept is for the City to abandon Caroline from Carson to Nevada. The block between Carson and Curry will be converted into a park. The block between Curry and Nevada will be combined with the bank drive-through teller area to become a super parking lot similar to the area between Musser and Telegraph and Carson and Curry. The Spike had closed due to the lack of parking. Mr. Hollander purportedly needs between \$20 and \$30,000 of the Redevelopment incentive funding for building improvements. The remaining funds will be used for parking lot improvements. She supported Mr. Hollander's project.

(1-0357.5) Mr. Hollander indicated that the hours of operation on non-school nights--weekends--would be 8 p.m. and 2 a.m. There would not be any youth activities on school nights. His concept included an advisory committee which would work with him to provide the type of activities the youths' desire. He would accept applications from anyone wishing to serve on the committee. The facility will be open to education or school programs free as they help everyone. Clarification indicated the facility would be open for adult activities in the evenings. Once an individual leaves his facility, he/she is not allowed to linger on the sidewalk or in a car. He/she must leave the area. A majority of his security is performed outside of his facility. He polices the neighbors' parking areas and prohibits their use by his clients. His rules of operation will be posted. Each individual entering the premises is searched. This eliminates any potential gang problems. He felt that the front and part of the side of the building will be finished by the time the facility opens. It is to be a "two step" project. The facility must be opened before school recesses for the summer. The interior will not be completed by that date. It will be a safe and clear area which meets all of the Code requirements. The adult facilities will not open until a month or two later. He will then complete the outside renovations. He will not be reimbursed by Redevelopment until the entire project is completed. He felt that construction will commence within 60 days. (Commissioner Christianson arrived during his comments--3:33 p.m. A quorum was present as previously indicated.) Mr. Hollander indicated that he would have a backup power source and that the facility could be used as a shelter during a natural disaster. He indicated he had approximately 20 years of experience in this field. He explained for Commissioner Mally that the initial problem is the children's "love to test" the rules. His rule is to warn the individual on the first infraction or to send the individual to jail if it is a serious offense. His operation is zero drug and zero gang tolerant. He works closely with all law enforcement agencies. He does not allow loitering outside the facility. Reasons for maintaining the hours were explained and will remain the same even during off-school periods.

(1-0520.5) Public comments were solicited. Mr. Millard, Silver Queen Motel owner, did not oppose the concept but did oppose the street closure and its inclusion as a part of the Special Use Permit. He urged the Commission to not condition the approval on the sale of Caroline and its use. (1-0540.5) Mr. Stokes indicated he represented the City Center Hotel owners. They were very concerned about the parking and, specifically, the assumption that the parking is grandfathered. They had always been concerned about the parking and had voiced this concern when the Silver Spur had opened. The City Center had been forced to hire security officers to keep Spur clientele from using its parking. General Manager Brian Smith had requested Mr. Stokes relay the parking concerns. Mr. Smith had indicated that he did not oppose granting the permit as long as there is no impact on the hotel. The Spur is an eyesore and the facility would be an improvement and advantage. He requested the parking issue be included as a condition of the permit. The landscaping and parking plans should be presented for review. He then reviewed Ms. Walker's letter detailing the agreement with the State about Caroline and the use of the two rear bank parcels for parking. This proposal is "pie in the sky" and nothing concrete has been developed which will eliminate the same parking problems encountered when the Spur was open originally. He requested the concept be required and completed before a business license is issued. Reasons for this request were reiterated and based on the problems encountered when the Spur was open. (1-0645.5) Additional public comments were solicited but none given.

Mr. Hollander explained his commitment to the City Center to put his staff on its lot if parking encroachment occurs. He did not feel that his facility would ever reach the size where this would occur. He then gave the Commission a copy of CCMC 18.05.022 delineating the exemptions and waivers. He committed to working as hard as possible on the parking but needed to be able to proceed with his project and not delay the project. Clarification indicated the State has a lease option on the bank property. Ms. Walker indicated that both the State and the bank have approved the proposed improvements and use of the parking area by the facility. The contracts should be completed by April or May. Mr. Joiner explained the parking requirements, read the Code requirements, and indicated that the applicant was working with staff on the parking. Commissioner Uhart emphasized the desire to have the parking commitment included as a condition. Chairperson Horton asked the applicant if he was willing

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to stipulate that as a condition of the Special Use Permit he would take whatever steps are necessary to assure that parking on surrounding properties will not be impacted by his operation. Mr. Hollander responded, "Yes." Chairperson Horton indicated that Mr. Hollander could take whatever steps were necessary, including enforcement, to accomplish this. He felt that the City Center Hotel should not be concerned as Mr. Hollander would pro-actively assure them that there would be no impact. How Mr. Hollander accomplished this may be difficult in the interim period before something else occurs. Chairperson Horton asked Mr. Hollander if he would assure them that this will not impact them during that period. Mr. Hollander responded, "Yes, I will." Ms. Walker then expressed a desire to have Mr. Millard or his designee, a representative from the City Center Hotel or the Nugget, other property owners in the vicinity as well as from the City and the State work on the master plan design for the area. Chairperson Horton cautioned against using the proposed concept as a basis for considering the merits of the application for this special use permit. Mr. Joiner also pointed out that the applicant could only be forced to go so far in providing parking for the facility. It is possible that, in spite of the parking provided by the applicant, his clientele may elect to use the City Center parking. The Downtowner had installed a decorative fence which had discouraged non-clientele parking in it lot. Similar projects could be undertaken on other sites which would provide the same incentive. He also indicated that the staff had not been aware of the applicant's intent to phase the project. He questioned the completion period for the second and final phase of construction. Mr. Hollander requested a completion date for that phase of six months after the opening date. Chairperson Horton asked if this was in the neighborhood of a September/October date. Mr. Hollander responded, "Depending on opening date, somewhere in there."

(1-0789.5) Mr. Stokes felt that Chairperson Horton's suggestion was acceptable to his clients in so far as Mr. Hollander's assurance that he will take the steps necessary, as already represented that he would, to avoid any damage or inconvenience that would impact the City Center or the other neighbors in the area. He did not feel that adjoining neighbors should be required to spend additional amounts of money to improve their own property or to change their own property in order to protect themselves as suggested by Mr. Joiner's comments regarding fencing. "As long as Mr. Hollander is willing to take whatever action is necessary, including the offer of his own security people there, if it becomes necessary, that is fine." He was not trying to impose difficult conditions for Mr. Hollander to meet. He only wanted to be assured that they would not be adversely impacted by the project as had occurred originally with the Spike. Additional comments were solicited but none given.

(1-0844.5) Commissioner Mally moved that the Planning Commission approve U-96/97-32, a special use permit request from Brad Hollander, MSB Properties, property owner, to allow an entertainment facility for adults and youth including arcade games, dancing, live music, DJ, gaming, a meeting hall, a bar and a restaurant in a Downtown Commercial zoning district located at 716 North Carson Street, APN 3-283-04, based on seven findings and subject to 11 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, adding Condition 9 - This project shall be returned to the Planning Commission for final review before issuance of the Business License, No. 10 - Applicant is willing to assure that parking will not be placed on any other individual's property, and No. 11 - This project shall be completed within six months from the date of opening. Commissioner Uhart seconded the motion. Commissioner Rogers pointed out that Conditions 9 and 11 were different from the stipulations and intent of the discussion. He did not wish to have the Commission reconsider the permit as it would delay the project. Discussion indicated that the exterior modification plans would be available within six months of the opening date. Chairperson Horton felt that the applicant had stipulated that the exterior would be completed within six months of the opening date. Commissioner Mally modified his motion to indicate that Condition 11 related to exterior modifications and deleted Condition 9. Commissioner Uhart continued her second. The motion as amended was voted and carried 6-0-1-0 with Commissioner Christianson abstaining.

F-2. Z-96/97-5 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM WARREN INVESTMENTS (1-0901.5) - Principal Planner Joiner, Applicant Representative Carol Dotson, Community Development Director Sullivan - Ms. Dotson introduced Glen Martel and explained the application and the project. Discussion between Ms. Dotson and Commissioner Mally corrected the parcel size. Mr. Sullivan reminded the Commission that it could not consider the project proposed for the site in its deliberations on the change of zoning. Discussion explored the ownership of the parcel to the west. Public

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testimony was solicited but none given. Commissioner Wipfli moved to approve Z-96/97-5, a motion to prepare an ordinance for first reading to change the land use designation from Multi-Family Apartment to Retail Commercial on a portion of APN 3-064-10 and recommend to the Board of Supervisors adoption of said ordinance based on one finding and three standards of review contained in the staff report. Commissioner Mally seconded the motion. Motion carried 7-0.

F-3. U-96/97-31 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM ALAN A. MOSS (1-1145.5) - Senior Planner Sandra Danforth, Al Moss, Chamber of Commerce Executive Vice President Larry Osborne, Community Development Director Sullivan, Senior Engineer John Givlin, Deputy District Attorney Mark Forsberg, Redco Representative Del White, Astro-Net Representative Bill Brooks, Virgie Miller - (Commissioner Mally stepped from the room at 4:p.m. A quorum was still present.) Mr. Moss indicated his agreement to the staff report. The facility will be similar to his operation at South Lake Tahoe. The 208 Water Retention Permit process was explained and will be used on the Carson City site. The site will be shielded from sight by anyone not using the facility. The inventory will be turned over as quickly as possible. This process includes working with insurance companies and local law enforcement officials. (Commissioner Mally returned at 4:16 p.m. A quorum was present as previously indicated.) This may require keeping the cars on site for six to seven months, however, these are the exceptions. Reasons for this delay in moving the cars were noted. The average processing time is between 10 and 15 days. Commissioner Christianson opined that the "junkyard" concern is created by the length of time required to store a vehicle on site. He suggested a stipulation on the period be considered. Mr. Moss repeatedly emphasized his need to turnover the vehicles. He indicated he is not in the business of smashing and stacking cars. He does not intend to enter into this business. The conditions on the special use permit will not allow this to occur at the site. Discussion between Mr. Moss and Commissioner Rogers indicated the fence will be seven foot high redwood. The gate will also be seven feet in height but on rollers and kept closed. The landscaping will comply with City Code. The photographs illustrated the South Lake Tahoe facility. There will be landscaping on both the inside and the outside of the facility. Commissioner Rogers encouraged him to install the 20 foot trees to which he responded that he had no problem with that requirement. Mr. Moss indicated the towing service would be a 24-hour operation. The tow trucks could not go home with the operator. Depending on the volume of calls, there will be either an employee on site who will leave to handle the calls or an employee who will come to the site to get the tow truck. The entire facility is to be asphalted. This is the reason the water can be detained on site and run through the sand filtration system before being released into the storm drain. The areas without asphalt are grass. He indicated that he did not sell parts.

(1-1362.5) Public comments were solicited. Mr. Osborne indicated he represented the Manufacturers Committee of the Chamber of Commerce. The Committee does not oppose the applicant nor his operation but does oppose the proposed site. A letter outlining the concerns was distributed to the Clerk and Commission. Mr. Osborne emphasized the Committee's concerns about the City's storm drain facility and questioned the storm drain plan proposed for the site. He requested the special use permit not be granted until a detailed and acceptable drainage plan is accepted by the proper City Departments. He requested a detailed security system, that no retail sales including dismantling be allowed on the site, prohibit storage of vehicles other than automobiles or storage of any object taller than the seven foot fence, and suggested that decorative masonry or other type of fencing be used. Reasons for not using redwood fencing were provided. The maximum number of vehicles allowed to be stored on the site should be established. He supported Commissioner Christianson's recommendation that the storage of a vehicle be restricted to a specific period. Signage should be limited to ten feet. He recommended an annual review. Commissioner Pozzi felt that the State law would prohibit storing a vehicle longer than 60 days without notification to the owner. Mr. Osborne indicated that there is a law on the length of time before a mechanic's lien can be filed, however, wished to eliminate the potential for the site to become a junkyard with storage of vehicles for long periods of time. Commissioner Pozzi also noted the continual requests to encroach into the Limited Industrial area by other uses similar to this. He also noted a letter which references the CC&Rs for the area. This is not an item which the City could enforce. Mr. Osborne indicated that the Manufacturers are working with City staff on the ordinance and type of activities allowed within the district and briefly noted the reasons for this review. Mr. Osborne indicated that Mr. Moss had made a presentation to his Committee, however, its areas of concern were not discussed at that meeting. Commissioner Christianson indicated support for the recommendations with the exception of the fencing. Mr. Moss had agreed to maintain the redwood fencing, which

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could be expensive. Commissioner Christianson and Mr. Osborne agreed that the South Lake Tahoe project is aesthetically pleasing.

Mr. Givlin explained the flood plain location and the drainage problems encountered in the vicinity. He recommended a tilt-up type wall with pilasters and pre-cast panels which will allow water to flow underneath. It would be sight-obscuring and provide better aesthetics. His Department would also be concerned about how the water is perpetuated and the frontage improvements. The site would be required to have a detention pond. Commissioner Rogers iterated Mr. Aldean's letter mandating a drainage system which will be considered as part of the building permit process. Mr. Osborne responded by explaining Environmental Control Manager Arnold's indication that a leach pit would not be acceptable. Mr. Osborne agreed that the items of concern must be addressed, however, a condition did not specifically indicate that the drainage plan would be submitted. Commissioner Rogers indicated that these were building permit requirements and questioned whether the special use permit should be held up for these items. Mr. Osborne indicated acceptance of this statement as long as the concerns are in the record. Mr. Sullivan then explained that retail sales could occur at the site. This is a major concern to the manufacturers and the reason an amendment will be proposed to the Commission in the future prohibiting retail sales. Stipulations made by Mr. Moss were cited which prohibit dismantling and retail sales, prohibit the sale of parts, and emphasized the intent to have as quick as possible turnover of the vehicles. Commissioner Rogers suggested Condition 12 be modified to include prohibition of retail sales. Discussion noted that the current Code does not permit the signage as requested and explored the recommendation that vehicles stored on site be no taller than the fence. Mrs. Danforth indicated that this would prohibit the storage of RVs. Mr. Forsberg indicated that the Applicant could stipulate to a different sign standard than contained in the Code. This would reduce the sign's height as recommended by the Manufacturers. The issue related to the height of the vehicles to be stored in the facility should be considered in the deliberations on issuing the permit and the impact the use would have on the surrounding neighborhood. Commissioner Rogers indicated it could be a security issue. Mr. Forsberg indicated his difficulty in seeing the security issue. Mr. Osborne explained the Manufacturers' concerns with individuals coming into the area who are not involved with its usage. The storage yard could become an attraction to other individuals not normally involved with the neighbor. Automobiles are attractions to a certain type of individual and are easy to break into. These same individuals may move from the facility to an adjacent manufacturer's site, etc. For this reason the Manufacturer's had requested a security plan.

(1-1885.5) Additional public comments were solicited. Mr. White indicated that the drainage issues had not been addressed as part of the building permit process in the past. Flooding problems encountered by Redco were cited to illustrate his concerns. He urged the Commission to include stipulations that the drainage problems will be mitigated as Redco would not continue to ignore the problems.

(1-1910.5) Additional public comments were solicited. Mr. Brooks urged the Commission to consider infrastructure improvements which are needed throughout the industrial area. He also emphasized the need to consider the manufacturer's investments including its security measures when considering the application. He urged the Commission to hold the line, maintain the integrity of the area, and deny the encroachment.

(1-1955.5) Additional public comments were requested. Ms. Miller urged the Commission to consider her plant investment. She had assured the community that retail sales would not be allowed on the site. She urged the Commission to hold the line and prohibit sales. Once an encroachment is allowed, the door is opened for other uses which will be detrimental to the manufacturers. She urged the Commission to maintain the current rules. Commissioner Rogers explained the suggested condition that retail sales would not be allowed. Ms. Miller responded by questioning the product which is to be manufactured. All of the firms in the district are manufacturers. The cars would not move as quickly as indicated. The use would increase the security problems for the area as indicated by her uncle's personal experience. She requested the use not be allowed "in her backyard".

(1-2055.5) Additional public comments were solicited. None were given. The public testimony was closed.

Mr. Moss felt that he would not be allowed to use security dogs due to his insurance agent's concerns. He understood Mr. Osborne's concerns. There will be a security system installed. He could not allow individuals to climb over his fence and enter the yard. He purportedly has a very close relationship with the South Lake Tahoe

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Police Department and does not have a security problem there. The local business would be managed in the same fashion and not pose a problem for Carson City. There would be security cameras. South Lake Tahoe even has security patrols which routinely inspect the facility. He was unsure whether this service is available in Carson City. No retail sales would occur. He was willing to have it added as a condition to the permit. On occasion he must tow non-automotive vehicles to the yard, e.g., boats, RVs, trailers, etc. He is required to tow these vehicles to the yard for safe keeping when responding to law enforcement calls. South Lake Tahoe has redwood fencing. It is extremely expensive. Every other year it must be painted. It is serviced and maintained. Boards are replaced whenever they are broken. He was willing to consider a different type of fencing. He preferred having twenty vehicles on site, however, there may be occasions when there will be 90 cars there. It depends on the service requirements. He did not feel that it would be 90 as a routine and then increasing to 120. Good management practices mandate a quick inventory turnover. He expressed a willingness to live with whatever restrictions the Commission wished to impose regarding the number of cars allowed on the site. Likewise, he did not wish to keep a car any longer than absolutely necessary. It should not impact the accumulation of vehicles. He agreed to meet whatever signage standards the City imposes. Discussion indicated that the Manufacturers were interested in having his sign comply with a new standard which had not yet been adopted. Mr. Moss agreed to meet this standard. He felt that he only needed an identification sign and not a neon sign nor one which spins 360 degrees. Discussion indicated the sign would not be more than ten feet in height. Mr. Moss indicated that he would comply with the requirements and wished to have an identification sign. It will not be a free-standing sign. The South Lake Tahoe sign is two feet by five feet. The need is to identify the building and to indicate the address. Mr. Moss agreed to stipulate to this condition. He welcomed the Commission and the Manufacturers to visit his site and expressed a willingness to accept an annual review. Commissioner Christianson indicated that the staff would have difficulty policing a turnover requirement, however, felt that the number of complaints received by staff should be considered as part of the annual review process. Mr. Moss indicated that this did not pose a problem for him. The Public Service Commission mandates reporting the "VIN" numbers of the vehicles and that he could provide turnover reports to the staff. Mr. Sullivan explained that the concern is that a majority, perhaps as high as 90 percent, of the vehicles are being moved in and out within a 60, 90, or six month period. The remainder could have a longer turnover period. Mr. Forsberg indicated that the law mandates the holding period. He felt certain that the operators would like to expedite the process as much as possible. Therefore, the time restriction would be controlled by law. Commissioner Rogers pointed out that if a vehicle is part of a court issue, it could be held at the site for a lengthy period of time. Mr. Moss indicated that such vehicles are an exception to the rule and normally held in a "police impound yard". He was unsure of the facilities maintained in Carson City and indicated that he could, in fact, be that impound facility. If this is the case, such vehicles would be held until court resolution of the case occurs. Commissioner Rogers indicated a reluctance to pursue the length of stay issue. Mr. Moss then indicated in response to his question that the South Lake Tahoe parcel is smaller than the proposed site. Ninety vehicles can be stored on the Tahoe one acre parcel. Therefore, he felt that 90 to 120 vehicles could be stored on the proposed site although he did not like to have that many on a site. This would only occur when snow prevents their movement. These cars are stacked three, four, or five deep in a row. He did not feel that, if the Commission imposed a 90 car restriction, 91 cars would be placed on the site. He then committed to maintaining a good facility and not embarrassing the manufacturers or himself. It is a business opportunity which he wanted to be successful. This would allow him to go to other communities and cite the City as an example of his operation. He also shared Mr. White's concerns about the runoff and indicated he would not create a problem for his neighbors. He felt that a civil engineer could resolve the problem and indicated a desire to work with the neighbors to prohibit such an occurrence.

Commissioner Uhart expressed her feeling that she had listened to the manufacturers' desire to keep retail sales out of their district. The parcel under discussion is within the Limited Industrial district. The proposal is a compatible use in that district. She is concerned about their investments, however, did not feel that another individual's property rights should be restricted when the zoning allows the use. Some of the proposed conditions are reasonable while others were not. The security system should be up to the property owner. She did not feel that the amount of time a vehicle is permitted to stay should be restricted. She supported having a restriction on the maximum number permitted on the site. She encouraged the Manufacturers to contact the Board of Supervisors and Public Works with their comments about the drainage problem/needs. She was not a fan of detention basins. They are "hideous". It is time for the City to address the need for a storm drain facility. This is not an issue from which the applicant should be forced to suffer. It should, however, be considered within the building permit process. She was satisfied with the stipulations made by the applicant with the exception of the fence. She felt

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that the concrete or split-face masonry wall would be more in keeping with the Manufacturers' investments in the area. Additional Commission comments were solicited. None were made.

(1-2404.5) Commissioner Rogers moved to approve Special Use Permit U-96/97-31 by Alan A. Moss to allow a towing business, outside storage for towed vehicles, and a seven-foot tall fence in the Limited Industrial district, located on APN 8-816-40 and 8-816-41, based on seven findings and subject to 15 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 the conditions - Condition No. 8 remove the word "redwood" and add a sentence stating: "Fencing must be maintained in order to keep the special use permit"; add to Condition No. 10 a sentence that "landscaping must be maintained according to the site plan"; add to Condition 12 "No automobile dismantling or retail sales shall be permitted"; Condition No. 14 is "that there will be a one year review", and amended the motion to indicate that there are only 14 conditions and noted that the applicant had stipulated that the sign will be no larger than what is requested. Commissioner Mally seconded the motion. Following discussion of Condition 13, Commissioner Rogers amended his motion to modify Condition 13 to indicated that only items towed may be stored at the site. Commissioner Mally continued his second. Discussion ensued on Condition 8 and Commissioner Rogers' desire to allow the applicant to select the type of fencing after discussion with the Manufacturers' Association and with staff during the review process. Different materials could then be selected. The condition would mandate its maintenance. Chairperson Horton suggested it be a sight-obscuring fence. Commissioner Rogers felt that the applicant had stipulated that the fence would be sight-obscuring. Mr. Guzman indicated the Code required sight-obscuring fencing. Commissioner Pozzi indicated that he liked the applicant's integrity but could not vote for the applicant due to the commitments made to the Manufacturers' Association when the industrial area was established. Commissioner Christianson indicated that he would also oppose the motion based on this commitment. Commissioner Rogers indicated his feeling that the proposal was a compatible use in the LI district. The motion to approve the application based on seven findings and subject to 14 conditions was voted and carried 5-2 with Commissioners Pozzi and Christianson voting Naye.

F-4. AB-96/97-4 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RAMOS

FAMILY LTD. (1-2531.5) - Community Development Director Sullivan, Deputy District Attorney Forsberg, Applicant's Representative George Day, Sierra Pacific Representative Chuck Adams - Discussion indicated that Public Works could support abandonment of the right-of-way behind the curb but not the paved street portion. If the area behind the curb is abandoned and the electrical switching box must be moved, the applicant must pay to relocate the box. The switching box is located on the south side of the street. The areas behind the curb which could be abandoned are on both sides of the street. Other areas which had been abandoned in the vicinity were noted. If the area behind the curb is abandoned, the City would still own the 50 foot wide street. An abandonment would give the property owner an additional 16 feet by 170 feet area. Mr. Forsberg explained his concern about the Commission taking action on the area behind the curb as the agenda indicated the entire street is being considered for abandonment.

(1-2795.5) Mr. Day indicated that the street improvement width is actually only 36 feet. The right-of-way is 66 feet. This would mean that only eight feet on each side would be abandoned. He gave the Commission photographs of the area. (After the motion, these photographs were returned to Mr. Day.) Mr. Day indicated that the Applicant is willing to give Sierra Pacific an underground easement for the box. He felt that the electrical boxes are an eyesore and a hazard to the motorists. Reasons for needing the abandonment and the hazard posed by the box to the truckers were explained. The box also poses a hazard to the Fire Department. He expressed an intent to have the box removed. He indicated that the sewerline in the easement could remain. Commissioner Rogers explained that the Commission could only act on the abandonment request for the entire street and not the portion behind the curb. Mr. Day indicated that he would be willing to amend the application to request an abandonment of the area behind the curb. He then agreed to request a continuance of the item. Mr. Sullivan requested Mr. Day contact his office so that the issue related to moving the box could be discussed. The application would be agendized for January 29. He clarified Mr. Day's request to be a withdrawal of the application and that the application would be amended.

(1-2979.5) Commissioner Christianson requested comments from Sierra Pacific concerning whether the box could

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be placed underground. Mr. Adams indicated that the box serves the Fire Department. An easement would be required to keep both the overhead facilities and the box which is over an underground switch. The pad, switch and box were described. He could support the abandonment if the easement is provided. The Applicant would be required to pay for relocation if one is requested. He was willing to meet with staff and the Applicant. He also indicated that if the Applicant plans to put parking around the switch, Sierra Pacific may require the Applicant to install some barricades to protect the switch. The switch's safety elements and reasons for the location were explained.

Discussion indicated public comments would be requested when the amended application is submitted.

(1-3132.5) Commissioner Christianson moved to continue the request until the next meeting regarding Item AB 96/97-4. Commissioner Uhart seconded the motion. Motion carried 7-0.

F-5. MPA-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON A MASTER PLAN AMENDMENT AND A RESOLUTION FROM JOHN TOM ROSS, ESQ. FOR THOMAS HINES, M.D.; AND, F-6. Z-96/97-4 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM JOHN TOM ROSS, ESQ., FOR THOMAS HINES, M.D. (1-3150.5) - Senior Planner Juan Guzman, Dr. Thomas Hines, Ruth Gotelli, Linda Marrone, Community Development Director Sullivan - Discussion between the Commission and Mr. Guzman explored the location of a real estate office in the general vicinity. Dr. Hines indicated his desire to practice medicine from his home from 5 p.m. to 7 p.m. Public comments were solicited. Ms. Gotelli opposed the request due to the traffic impact it would create. Ms. Marrone opposed the request due to parking problems encountered with the former nursery, the impact it would have on the residential neighborhood, traffic hazard which would be created for the students walking through the neighborhood, and health concerns generated by the waste created by the use. Ms. Gotelli also noted her neighbor's letter which was included in the Commission's packet. Additional public comments were solicited but none given. Discussion ensued on whether there are any home occupations in the neighborhood. Ms. Marrone indicated the childcare facility is no longer operating. Mr. Sullivan explained a resolution of intent which would allow a real estate office between Division and Nevada on Minnesota. Discussion indicated there were no businesses in operation between Fifth Street and Ms. Marrone's residence. Commissioner Uhart indicated there are two anesthesiologists who do their bookkeeping from their homes in this area. She was concerned about creating spot zoning if the request is approved. She felt that the use should be in an RO district. She opposed the application in this neighborhood. She also indicated there is other way to allow an individual to practice medicine from his/her home. (1-3660.5) Dr. Hines expressed a desire, if possible, to withdraw the application due to the neighbors' objection. Mr. Sullivan indicated that the application would not be submitted to the Board of Supervisors. No formal action was taken in view of the withdrawal request.

F-7. Z-96/97-4 - DISCUSSION AND POSSIBLE ACTION ON A SHOW CAUSE HEARING FOR CONSIDERATION OF REVOCATION OF V-82-8 (1-3600.5) - Principal Planner Joiner, Tom Gibbons - During Mr. Joiner's introduction, Commissioner Mally stepped from the room--6 p.m. (A quorum was present.) Mr. Joiner requested that if the variance extension is granted, it be with the understanding that the current Code development standards/requirements must be met. (2-0025.5) Mr. Gibbons indicated he was willing to accept staff's recommendations and conditions if the one year extension is granted. He explained his acquisition of the site and an adjacent parcel. He is working with an architect on a building design and has two different plans. One would require the variance. He requested a one year extension. Commissioner Christianson indicated that if a one year extension is granted, it would be the last extension. Mr. Gibbons indicated he understood. He planned to develop the project within the year. Public testimony was solicited, however, no one was present. Discussion indicated that there is also a special use permit on the property which is valid for another nine months. Mr. Joiner suggested the variance terminate on that date. Mr. Gibbons indicated that he may request an extension of the special use permit and requested the variance be extended for one year. He briefly explained the two plans for the two parcels and reiterated his request that the variance be extended for one year. (Commissioner Mally returned during his comments--6:05 p.m. A quorum was present.) Discussion indicated that the building did not have to be fully constructed. The process had to have commenced prior to the expiration date. Commissioner Christianson moved to approve the continuance of V-82-8 for one year. Commissioner Pozzi seconded the motion. Following discussion of the motion, Commissioner Christianson amended his motion to approve the extension of V-82-8 for

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one year. Commissioner Pozzi continued his second. The motion was voted and carried 7-0.

F-8. M-96/97-7 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY REGARDING A POLICY REPORT ON OUTDOOR SALES (2-0107.5) - Senior Planner Guzman, Principal Planner Joiner, Community Development Director Sullivan - Discussion indicated that the global permit would be per site and not per applicant. Commissioner Rogers expressed concern about granting a global permit for 120 days and the lack of control over the use or ability to control any problems which may arise from one of the uses. He recommended restricting the permit to one similar type of merchandise. Mr. Guzman indicated that the global permit would address the access and security and allow the sale of either new or used merchandise. The zoning would control the sale of new or used merchandise. The global permit would address only merchandise sales and not special events which are controlled by other Codes. Commissioner Rogers voiced his concern about the potential of becoming a "giant flea market". Comments pointed out the economics of having merchandise sales and opposed having the City become a "giant flea market". The activities' economics may control whether the flea market occurs. Staff did not wish to be involved with the subjectivity of the merchandise and its quality. Mr. Joiner questioned whether outdoor sales activities should be allowed for vendors not located in the mall when the mall vendors are also having an outdoor sales activity. Chairperson Horton suggested the amount of parking area allocated for outdoor sales be restricted. This may eliminate the possibility of the City becoming a "giant fair". Mr. Joiner also pointed out that a developer may wish to mitigate this restriction by providing additional parking on the site for future outdoor sales activities. This will provide parking over that required by the Code. This creates other landscaping, screening, etc., problems. Discussion indicated only one event would be allowed per weekend. A raincheck procedure would be established internally. Mr. Guzman felt that the trash, etc., problems could be controlled by requiring a bond or letter of credit. (Commissioner Rogers left the meeting at 6:20 p.m. A quorum was still present.) Comments indicated that there could be a landscape and an automobile sales event occurring on the same weekend. Competing automobile sales events are desired by the industry. Control could be maintained by the site and the number of events occurring at that location. Appeals could be made if the applicant felt an over-whelming desire to do so. (Commissioner Wipfli stepped from the room at 6:22 p.m. and returned at 6:25 p.m. A quorum was still present.) The appeal process would take time to accomplish. Staff intends to meet with the automobile and retail sellers and the Chamber of Commerce once a final draft is developed. Public comments received after the previous discussion were explained by Mr. Sullivan. It had supported the Commission's direction. Mr. Sullivan felt that the response was a result of CAT-10's programming. He expressed the hope that more meetings are aired. Other media coverage helps but televised meetings provides fuller coverage. No formal action was taken.

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

G-1. CORRESPONDENCE TO THE COMMISSION (2-0441.5) - Commission direction was requested concerning whether to have the clerical staff open mail which is directed to a specific Commissioner and is not marked "confidential" or "personal". This would allow staff to respond to time sensitive matters. Reasons for having the author's name on a report were noted.

G-2. BRIEFING ON COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (2-0478.5) - All of the recommendations were endorsed by the Board. The Millard Eighth Street abandonment request has been delayed pending receipt of the appraised value. This item may be presented to the Board at its first meeting in February.

G-3. COMMISSIONER REPORTS (2-0489.5) - Commissioner Pozzi noted the numerous meetings proposed during January and requested early notification of future meetings if at all possible. Commissioner Uhart supported his request. She also indicated she would not be able to attend the special housing element meeting planned for next week and the regular Planning Commission meeting. Mr. Sullivan indicated that Commissioner Uhart, Mr. Guzman, and he would be leaving for a seminar on January 29. Mr. Guzman and Mr. Sullivan may be present for a brief time on that date.

G-4. STAFF COMMENTS (2-0525.5) - Mr. Sullivan felt that the housing element meeting may take one to two hours. He noted the January 22nd Growth Management meeting and explained comments indicating the desire to focus these meetings and reach a conclusion. The regular January 29th Planning Commission meeting has approximately 12 items. There was a complaint filed against a Special Use Permit on Arrowhead. It will be on the 1/29 agenda. Commissioner Mally explained public comments which had been made to him indicating that the flooding problems had been caused by growth. Mr. Sullivan indicated he had seen the Gazette

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Journal's article on growth. Staff is waiting for the State Demographer's response to its appeal of his model. Staff felt that his model had not included a factor for the surrounding Counties' commuters in the employment figures. The prison population had increased 20 percent between 1995 and 1996. The City could not control this growth. Staff's understanding of the ordinance's purpose indicated it was not intended to measure population. Building permits could be controlled and measured by the City. A "white paper" will be issued after the revised population figures are received. Commissioner Christianson felt that the editor should write a second editorial on the ordinance and its purpose. Chairperson Horton felt that this is the reason growth management and its purpose should be defined. It could then be marketed to the community. Mr. Sullivan explained its original purpose. He felt that it had managed to keep growth within three percent which meets the water and sewer resource needs. Public education improvements are warranted which may mitigate the concerns and misunderstanding about the ordinance's purpose. Discussion indicated that the building permits had been issued at an annual average of 2.7 percent during the 17 year history of the ordinance. The public must understand that the City could not control the prison growth. Commissioner Christianson requested staff write a letter to the editor, which Mr. Sullivan agreed to do as soon as all the facts are available. Discussion continued on the need for public education about the ordinance and its purpose and acknowledged the importance of televised meetings in the education process.

H. ADJOURNMENT - Commissioner Pozzi moved to adjourn. Commissioners Wipfli and Mally seconded the motion. Motion carried 6-0. Chairperson Horton adjourned the meeting at 6:45 p.m.

The Minutes of the January 8, 1997, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON March 26, 1997.

/s/
Verne Horton, Chairperson