

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the April 30, 1997, Meeting

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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, April 30, 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, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Health Officer Daren Winkelman, Assistant Fire Chief Steven Mihelic, 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. 4/30/97 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 3:05 p.m. Roll call was taken. A quorum was present although Commissioner Rogers had not yet arrived and Commissioner Uhart was absent. Chairperson Horton led the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF MINUTES - January 29 and March 7, 1997 (1-0014.5) - Commissioner Christianson moved to approve both sets of minutes. Commissioner Mally seconded the motion. Motion carried 5-0.

C. PUBLIC COMMENTS (1-0022.5) - None. Commissioner Rogers arrived during Chairperson Horton's request for comments--3:07 p.m. (A quorum was present as previously indicated. Commissioner Uhart was absent.)

D. MODIFICATIONS TO THE AGENDA (1-0029.5) - Community Development Director Walter Sullivan - Item E-1 is to be continued indefinitely. Correspondence regarding this item was included in the packet. Item F-1 was withdrawn. A letter from District Store Manager Mary Byington regarding staff's recommendation of denial was noted. The applicant for Item F-3 had requested a continuance. Staff recommended denial. A change of land use application will be submitted in the future. Item G-5 will be continued to the next meeting.

E. CONSENT AGENDA (1-0055.5)

E-1. MPA-96/97-3 - DISCUSSION AND POSSIBLE ACTION ON A MASTER PLAN AMENDMENT AND RESOLUTION FROM PAMELA WILCOX (PROPERTY OWNER: NEVADA DIVISION OF STATE LANDS)

E-2. U-96/97-49 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RAY AND JULI MCKEAN

E-3. U-96/97-54 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LINDA CHANDLER LAW

E-4. U-96/97 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM TERI WEBER

E-5. U-96/97-57 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JULIE HUNTER

E-6. AB-96/97-9 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM TRONA HOLCOMB - Commissioner Mally requested Item E-5 be pulled for discussion. Commissioner Pozzi questioned the number of times a continuance could be granted. Mr. Sullivan briefly described the reasons for the

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continuance request. He felt that the item would return in approximately 60 to 90 days. The area which would be included in the revised application and the community liaisons were explained. None of the remaining items were pulled for discussion. Commissioner Wipfli moved to approve Consent Agenda Items E-1, E-2, E-3, E-4, and E-6. Commissioner Christianson seconded the motion. Motion carried 6-0.

E-5. (1-0124.5) - Associate Planner Tara Hullinger introduced the item and responded to Commission questions regarding the current operation and its restrooms and bar. Applicant Julie Hunter explained the reasons for expanding the operation and described the premises including its location, the slot machines, the bar, the restrooms, the adult and children's areas. Public testimony was solicited but none given. Commissioner Mally moved that the Planning Commission approve U-96/97-57, a special use permit request from Julie Hunter, Frontier Enterprizes, to allow an expansion of a non-conforming use, billiards, and a bar and amusement arcade in a Retail Commercial zoning district located at 55 Winnie Lane, APN 2-081-01, subject to seven findings and subject to nine 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 of this application. Commissioner Wipfli seconded the motion. Motion carried 6-0.

F. PUBLIC HEARINGS (1-0268.5)

F-1. U-96/97-50 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM K-MART -
Withdrawn by the applicant. No formal action was taken.

F-2. U-96/97-51 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THE STATE PUBLIC WORKS BOARD (1-0288.5) - Senior Planner Sandra Danforth, Community Development Director Walter Sullivan, Deputy District Attorney Mark Forsberg, State Public Works Board Representative Craig DeFriez and State Division of Museums and History Assistant Administrator Greg Corbin - Mrs. Danforth's introduction included an explanation of the application and its requirements as well as reasons for requesting a continuance. Commissioner Mally voiced his concern about Mr. DeFriez' letter. Clarification indicated the need to have the applicant's concurrence for a continuance. Mr. DeFriez indicated he did not object to the continuance. His compliance with Mrs. Danforth's March 31 written request was noted. He felt there had been a breakdown in communications and a lack of knowledge concerning the Commission's deadline. The one month continuance was due to "trivial" items/requirements. Chairperson Horton explained that the items are a requirement regardless of his feeling. Mr. DeFriez indicated he understood. Commissioner Wipfli moved to continue application U-96/97-51 to the May Planning Commission agenda based on inadequate evidence in the record to support the findings required by Section 18.02.062. Commissioner Christianson seconded the motion. Motion carried 6-0.

Mr. Sullivan indicated his staff would continue working with the State. Mr. DeFriez had purportedly requested a second opinion from the Attorney General's office concerning the State's need to obtain permits from the City. Mr. Sullivan explained that former Deputy District Attorney Robert Auer had provided Mr. Sullivan with the original opinion on the requirement that the State must submit to the City permitting process. Mr. Auer is currently employed at the State Attorney General's Office. Mr. Sullivan suggested Mr. DeFriez contact him.

Commissioner Rogers noted that the Commission did not have to wait for the opinion if the permit requirements are completed. He suggested having a special meeting to consider the item. Mr. Sullivan agreed. Mr. Corbin expressed his feeling that his Department had never been required to submit to the City's permitting process. He had always worked with the Fire Department and had complied with the sign ordinance requirements. He stressed that he would have supplied all of the necessary information for the special use permit had they known it was required.

(1-0508.5) Discussion indicated a motion to direct staff to have a special meeting on this item was unnecessary.

F-3. V-96/97-11 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM DAVID BARTOSZ (1-0480.5) - Associate Planner Tara Hullinger - The applicant had requested a two month continuance. Commissioner Rogers moved to continue Item F-3, V-96/97-11, to the next Planning Commission

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meeting. Following a request for a modification, Commissioner Rogers amended the motion to be to the June Planning Commission meeting. Commissioner Wipfli seconded the motion. Motion carried 6-0.

F-4. U-96/97-53 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM EL AERO SERVICES (1-0515.5) - Associate Planner Hullinger, Lumos and Associates Representatives Carol Dotson and Glen Martel, Airport Authority Member Bill Wallace - Discussion between Ms. Dotson and Chairperson Horton noted the staff recommendation and explained the Applicant's reasons for wishing to make a presentation at this time. Ms. Dotson then explained the application, the project, and need for the service. Mr. Martel apologized for the tardiness in submitting Mr. Glass' information. A copy of the Airport's Master Plan was included in Mr. Glass' information. Mr. Martel explained the proposed fueling station location and the existing fueling stations with the use of a parcel map. Mr. Martel indicated Mr. Glass had included information regarding his lease and his ability to have a fueling station in his letter. Mr. Glass is a partner with El Aero on this project. The Special Use Permit process does not require the amount of detail necessary to explain how any spills would be contained, however, Mr. Martel briefly described the plan. Until the final site is determined, the actual plan would not be completed. Meetings had been held with Assistant Fire Chief Mihelic on the plan. Efforts to establish the fueling site were explained including the meetings with Airport Authority Members Weaver and Wallace. The four sites desired by the Airport Authority were illustrated. Reasons for rejecting or problems with each site were provided. The applicant's alternatives and staff's recommended sites were noted. The remaining site options were explained. Until the actual site is established, completed plans could not be submitted. He requested approval of the current site as it is presently used for fueling and would create the least amount of impact on the airport. He was, however, willing to consider any other alternatives. Discussion ensued on the containment requirements. Mr. Martel indicated that he would have to contain any spills within the hose distance. The hose is 50 feet long. Aircraft problems attempting to reach the fuel site when forced to cross a curb type containment field were explained. The existing site does not have a containment area. The proposed site has a natural drainage flow to the north which was created by the topography. This will assist the containment program. Mr. Martel then described the size of current underground tanks and reasons the City must remove them. The average aircraft will take on approximately 25 gallons of fuel. Larger aircraft will be fueled from the fuel truck. The proposed fueling facility will provide automatic fueling. Mr. Martel explained that Yvonne and Neal Weaver had not approved the site as Mr. Glass' letter indicated. Mr. Wallace and Mr. Weaver had suggested the site as an option during a different meeting. A thirty day delay by the Planning Commission would eliminate construction this summer. Commissioner Wipfli explained staff's recommendation to deny the application based on the lack of information. Mr. Martel requested conditioning the application and allowing the project to proceed. Commissioner Wipfli expressed his willingness to have a special meeting if all of the issues can be resolved by staff. Commissioner Rogers explained that conditions could not be developed without the information staff had requested. Mr. Martel reiterated his comments about the reasons he could not develop final plans until after the site is selected. These plans could be approved by staff if the Commission so conditioned the permit. Ms. Hullinger explained that the Airport Authority would meet on May 8th. This application could be included with the special meeting on the State application. Mr. Martel requested a recess to discuss this option with his client.

BREAK: An eight minute recess was declared at 4:10 p.m. Chairperson Horton reconvened the session at 4:18 p.m. A quorum of the Commission was present although Commissioner Uhart was absent as indicated.

Mr. Martel indicated that, based on the advice of both his client and his counsel, all of the issues had been resolved which the Airport Authority and staff had raised. Therefore, the Planning Commission was requested to approve the project as legally required. It will be on the parcel which Mr. Glass had acquired by a lease. He did not wish to return to the Airport Authority due to their belief that there is a conflict of interest between a previously approved fueling station which is operated by the Airport Authority Chairperson and the action previously taken by the Airport Authority. If, however, the Planning Commission still wishes to do so, he was willing to continue the item until the special meeting date before the Planning Commission to allow time to submit the additional information for a review and a final decision by the Commission. Discussion among the Commission indicated that a review by the Airport Authority should occur prior to consideration by the Planning Commission and supported a continuance. The applicant would, however, have to request a continuance, which Mr. Forsberg felt had not been made. He also felt that the Airport Authority had made a recommendation to the Commission for denial. He had reviewed the packet and felt that currently there is no legal impediment to approving the project at

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this time based on the Airport Authority concerns. He agreed that there is a conflict of interest by one member of the Authority who had voted on the issue. Reasons for the conflict of interest were given. He urged the Commission to act on the application unless the applicant requests a continuation. The outstanding issues could be broadly conditioned and mandate staff's approval. The Fire Department's approval was illustrated to explain how such a condition could be developed. The applicant had stipulated to this type of conditioning. The Commission could, therefore, approve the request with conditions or deny it based on the information provided in the packet. Commissioner Rogers explained his reasons for feeling that the application should be denied based on the packet and staff's recommendation for a denial. His comments had been in response to the Chairperson's request for consideration of a continuance, which he supported requesting the applicant to do. Mr. Forsberg reiterated his statement that he had not heard the applicant make this request. Clarification by Mr. Martel indicated that if the Commission so wished based on the lack of information and inadequate amount of time to review all of the information which had been submitted, the applicant would request a continuance. The applicant did not wish to return to the Airport Authority based on its inherent conflict of interest as indicated by Mr. Forsberg. Additional information would be submitted to the Commission if requested. Based upon earlier Commission comments regarding the need to continue the matter and a potential special meeting, Mr. Martel then requested a special meeting with the Commission on the date the State item is considered. He also expressed a desire to work with staff on the issues. Ms. Hullinger agreed to the continuance. (1-1185.5) Commissioner Rogers moved to continue Item F-4, U-96/97-53, to the most expeditious meeting that can be arranged upon receiving the information that staff needs to make a recommendation. Commissioner Wipfli seconded the motion. Motion carried 6-0.

Chairperson Horton then explained that public comments would not be taken on the application. Public testimony would be considered at the special meeting. Bill Wallace, an Airport Authority member, indicated that the Airport Authority conflict of interest existed and that the Airport Authority had concurred with the establishment of a second fueling facility. The Airport Authority had only opposed the location based on the master plan and future development plans for the airport. Purportedly the proposed site does not comply with these plans. Chairperson Horton reiterated that public comments would not be accepted on this item. Testimony would be considered at the next agendized meeting on this item.

F-5. M-96/97-23 - DISCUSSION AND POSSIBLE ACTION ON CHILD CARE FACILITIES (1-1228.5) - Associate Planner Hullinger, Health Officer Daren Winkelman, Community Development Director Sullivan, Senior Engineer John Givlin - Ms. Hullinger's introduction included a list of documents which had been distributed to the Commission at a previous meeting. Commission comments gleaned by staff since that date indicated a majority wished to require a Special Use Permit for childcare facilities having more than six children. Some Commissioners had indicated that no more than eight children should be allowed in the SF 6,000 district. Others felt that number should be limited to the SF 12,000 district. Others felt there should not be a limit on the district, however, a special use permit should be required for all facilities. Commissioner Rogers iterated his reasons for feeling that the definitions needed clarification as all child care facilities could be classified as a preschool and that the number would include all the children who are residents. Ms. Hullinger explained the example which included several different definitions and indicated Carson City's definitions could do the same. Commissioner Rogers explained a definition which would eliminate the children who reside at the facility. The formula for square footage and number of care providers could include the children who reside at the facility. Mr. Winkelman explained the State Statute and its definition. His problem enforcing this Code restriction was noted. Clarification indicated that a special use permit and a license are required when more than four children are cared for within the residence. Commissioner Christianson then pointed out the Code requirement for a handicapped ramp and fire walls and his belief that these requirements have not been enforced. Ms. Hullinger indicated establishments in existence before 1994 are grandfathered, however, new establishments with six or more children will be required to meet the Code. She then explained staff's concern about the number of children which are being allowed in a facility and the lack of a clear definition which could be related to size, etc. The current policy is arbitrary and causes staff concern when making a recommendation. Commissioner Wipfli expressed his desire to continue to analyze each request on a case-by-case basis. He supported having the facilities in residential neighborhoods. Clarification by Ms. Hullinger explained the Health Department's spatial requirements and the conflict created for Community Development staff when the Commission modifies the Health Department's numbers. Commissioner Wipfli expressed his feeling that six to eight children in a facility should be allowed in a neighborhood particularly when it is a small lot. A facility with more than six or eight should be in a different

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environment. Commissioner Rogers pointed out the volatility of the issue. The standard could be adjusted daily. This makes it an arbitrary standard. His disagreement with Commissioner Wipfli's comments was illustrated by pointing out the impact difference between four infants, six pre-school children and two junior high children and that caused by 12 pre-school children. The numbers and mix are different at every facility. This is the reason he felt the Commission should hear each case individually. This would put the plan on record and provide a means to deal with complaints if they arise. Commissioner Christianson supported his comments as it would provide for integrity in the neighborhood. He was, however, concerned about the impact created by the handicapped ramps as it would change the appearance of a building in a neighborhood environment. He supported hearing each application. Chairperson Horton supported considering each on a case-by-case basis, however, a general policy should be developed to set a standard rather than to continue to make a restriction based upon arbitrary factors. This would allow for approval of larger numbers when justification can be provided or reduced numbers when conditions warrant. The public should be given consistency and reliability which a policy could provide. Mr. Sullivan suggested modifying the Building Code to trigger the ramp requirement when ten or 12 children are involved. Commissioner Christianson supported this amendment. Commissioner Rogers pointed out the fact that the ADA requirements will begin to impact more than just child care facilities. He hoped that staff could develop some standards/guidelines which will architecturally blend the ramps into the neighborhoods. Ramps should not be considered offensive as they will be required as part of future structures. Commissioner Wipfli suggested the Building Department consider mandating temporary ramps so that they could be placed when handicapped children are present. The need to construct the ramp which may not be needed was questioned. Mr. Givlin pointed out that the ramp may be required by a parent or grandparent rather than a child. Also, the occupancy of a building could change but the ADA accessibility requirement may remain. The temporary ramp could be an option if ADA is not mandated. Ms. Hullinger indicated that the definition issue would be addressed. Direction on development of a standard for the number allowed could not be provided at this time due to the Commission's desire to analyze each application on its own merits. Staff should restrict its counsel to advising the applicants as to previous policy. The number should be set during the hearing. Over time a standard may be developed. No formal action was taken.

F-6. U-96/97-24 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM FRANK TOWNSEND (1-1758.5) - Senior Planner Sandra Danforth, Frank Townsend - Mr. Townsend voiced his concerns about the requirement to delete the lot line between the two parcels. The buildings had been on the property for some time. His wife owns the one parcel and leases it to the childcare facility. He did not feel that it was reasonable to require his wife to delete the lot line. He has a parking lot which is used to load and unload children. There is plenty of on-the-street parking available. He requested time to complete the parking lot expansion. The second parcel is connected to sewer even though the Utilities Department's records failed to disclose the connection. His objection to the lot line deletion was discussed. Mrs. Danforth explained that without the lot line deletion, full improvements would be mandated by Code. This would include parking, landscaping, etc. Deletion of the lot line merely expands the current use. Mr. Townsend indicated he understood the requirement. Public testimony was solicited but none given. Commissioner Christianson moved to approve U-96/97-48, a special use permit from Frank and Gladys Townsend to allow an expansion of a non-conforming use to allow a preschool facility for a maximum of 22 children and an after school child care facility for a maximum of 13 children in a General Commercial district located at 1815 and 1829 Brown Street, APNs 8-307-12 and 13, based on seven findings and subject to ten 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 Mally seconded the motion. Discussion ensued on the appropriate amount of time which should be allowed to comply with Condition 9, i.e., the parking design will meet Code requirements. Commissioner Christianson amended his motion to change Condition 9 to have a time limit of one year for completion. Commissioner Mally continued his second. The motion was voted and carried 6-0.

F-7. M-96/97-24 - DISCUSSION AND POSSIBLE ACTION/DIRECTION TO STAFF ON

BUSINESS LICENSE REVIEWS FOR PROPERTY MANAGEMENT BUSINESSES (1-1942.5) - Senior Planner Danforth and Planning Tech II Laura Lau - Discussion between staff and the Commission indicated that it may be possible for an individual to manage an 150 unit apartment complex from his home. The home occupation requirements would restrict the management activities to paperwork only. This should not impact the residential

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neighborhood. Ms. Lau explained her investigation of surrounding areas. Public testimony was solicited but none given. Commissioner Rogers recommended staff proceed with the revisions to Title 18 and bring the revision back based upon staff's recommendations. Staff requested direction on the policy. Comments indicated the policy statement is to be enforced only until the Title 18 revisions are adopted. Commissioner Rogers amended his recommendation to be a motion to adopt the policy statement and recommend that staff proceed with the Title 18 revisions. Commissioner Christianson seconded the motion. Motion carried 6-0.

F-8. M-96/97-21 - DISCUSSION AND POSSIBLE ACTION ON STAFF'S REQUEST FOR DIRECTION ON CCMC 18.05.031(5c), WATCHMAN'S QUARTERS (1-2075.5) - Principal Planner Rob Joiner, Senior Planner Danforth, Community Development Director Sullivan, Joe Lozowski - Mr. Joiner distributed a memo to the Commission from Mr. Lozowski. (A copy was not given to the Clerk.) Direction from the Commission was solicited as to whether additional standards or revisions should be made including the adequacy of the three year review timeframe; limitation to one family; permanency of the structure; etc. Clarification indicated pre-fabricated structures on permanent foundations are considered the same as a stick built structure. This would be more restrictive than the current Code allows as foundations are not allowed. The Code implies by the three year review process and the lack of a permanent foundation that the use is temporary. Mrs. Danforth pointed out that temporary structures are not required to obtain a Growth Management Permit. If the structure becomes permanent, it will result in an impact on Growth Management. Mr. Joiner indicated that the current ordinance mandates inclusion of the Growth Management requirements. This creates an additional conflict within the ordinance. Mr. Sullivan indicated that an annual review would not be a burden if there is an enforcement officer on staff. The current lack of an enforcement officer has created a time lag of five weeks for investigation of complaints. If the Code is modified to mandate annual inspections, an investigator/enforcement officer should be on staff. Commissioner Rogers pointed out that if the structure is considered permanent, an annual review would not be required. Mr. Sullivan agreed due to the fact that there are few problems with watchman's quarters which could be dealt with in a different fashion. He also expressed his feeling that staff could address this item administratively without involving the Commission. Discussion explained the reasons for allowing watchman's quarters and the need for follow-up due to the potential that the original use could be eliminated. The Code currently does not have a mechanism for removal of the structure. Mr. Sullivan also voiced his concerns about the size and amenities provided in the night watchman's quarters, specifically, if a family is allowed to reside in the structure. Commissioner Rogers felt that a family would primarily consist of a husband and a wife. A majority of the businesses/industries would not want a lot of children around which would allow for self-policing. He recommended allowing permanent structures in industrial or limited industrial areas. The firm would be advised of the restricted use and zoning. It could not be made into a residence. The size of the structure could also be restricted. This could provide the restriction as to the size of the family which resides in the structure.

(1-2412.5) Public testimony was solicited. Mr. Lozowski's concern is that the standard would allow ten to 15 people to live in the structure as a family. He described his other concerns with the current Code and the difference between his professional, quality structure and that which could be developed. Watchman's quarters should be allowed for six months to a year during construction of the permanent facility. A second use would be to provide a permanent structure for a watchman to oversee materials, storage facilities, etc. Nothing in between should be allowed.

Commissioner Christianson questioned whether the usage should be restricted to one individual rather than a family. He supported restricting the size, number and purpose. He also felt that all of the structures should be temporary with a restricted period. Permanent structures should be required for any other usage. Mr. Lozowski explained his definition of a watchman and feeling that a family should not be allowed. The structure should be temporary. He also supported having a "professional building" if the structure is permanent. This is a paid professional who is truly watching over the firm's assets.

Commissioner Rogers indicated that if the facility is temporary, it should be handled differently and should be removed. The discussion had been based on permanent watchman's quarters which are part of the zoning restrictions. He felt that a family could be a husband and wife who take shifts, i.e., in storage facilities. The temporary structures should not become permanent. If the watchman requirement is permanent, the structure

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should recognize this factor and be permanent. Continued approval of temporary watchman's structures should not be allowed. Temporary structures should have an established timeframe and be removed after that period lapses. Mr. Lozowski indicated his objection was not to the concept but rather to the fact that his example was a house which would remain forever.

Additional public comment were solicited but none given. No additional Commission comments were made. No formal action was taken.

F-9. U-96/97-43 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM HELEN DONNER KELLY (1-2624.5) - Senior Planner Danforth, Helen Kelly - Ms. Kelly explained her feeling that the business was related to other medical uses. It is low in profile providing stress reduction services. She restricted the business to one employee, herself, due to the space limitations and alternated the use of the facility with one other person. Public testimony was solicited but none given. Commissioner Mally moved that the Planning Commission approve U-96/97-43, a special use permit request from Helen Donner Kelly to allow a massage therapy business as a conditional use on dual zoned property located at 408 North Roop Street, APN 4-236-02, based on seven findings and subject to six conditions of approval contained in the staff report 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 Wipfli seconded the motion. Motion carried 6-0.

F-10. S-96/97-2 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM AL

BERNHARD (1-2740.5) - Senior Planner Juan Guzman, Applicant's representative Glen Martel - Mr. Martel indicated it is a 28 acre industrial subdivision. There are plans for the southern five-and-a-half acres. Improvement plans have been developed which will bring utilities to these two sites. Public testimony was solicited but none given. Mr. Guzman explained a telephone conversation he had had with an adjacent property owner on the west and his concern about the drainage and requested a landscaped buffer. These issues will be considered in the project review. Commissioner Wipfli moved to approve S-96/96-2, the tentative industrial/commercial subdivision application from Alexander Bernhard based on three findings and subject to 14 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. Following a request for clarification, Commissioner Wipfli amended the case number to be S-96/97-2. Commissioner Mally concurred. Motion carried 6-0.

F-11. U-96/97-52 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM GRESHAM, SMITH AND PARTNERS (1-2870.5) - Senior Planner Guzman, Deputy District Attorney Mark Forsberg, one of the partners Tom Martin and Architect Principal in Charge Bill Adair - Discussion indicated Condition 2 required the removal of the coach when the permanent structure is completed or within one year, whichever occurs first. Mr. Guzman thanked the firm for working with City staff. Mr. Martin introduced Bill Adair. He indicated the staff report was accurate and to the point. They did not object to any statements or conditions; in fact, they agreed to all of the conditions. Public testimony was solicited but none given. Commissioner Mally moved that the Planning Commission approve U-96/97-52, a special use permit to allow the installation of a 1,604 square foot mobile unit to be used for office space as well as to provide dialysis treatment 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 or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Mr. Adair thanked City staff for its assistance, guidance, and cooperation. He indicated his firm has projects all over the country and that it was a delightful experience to work with a professional City staff. The motion was voted and carried 6-0.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION) (1-3015.5)

H-1. CORRESPONDENCE TO THE COMMISSION - Commission comments suggested staff provide an area for a mailbox for the Commissioners and for the Commissioners to check it periodically.

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H-2. STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (1-3062.5) - All of the recommendations were approved as submitted.

H-3. COMMISSIONER REPORTS (1-3085.5) - None.

H-4. OPEN SPACE ADVISORY COMMITTEE REPORT BY A MEMBER OR STAFF REPRESENTATIVE - Senior Planner Guzman and Community Development Director Sullivan - A Request for Qualifications is being developed. It will be mailed to 100 firms soliciting responses describing the firm's qualifications and how it would help the City develop an Open Space Element. Between three and five of the respondents will be interviewed. A recommendation will be made to the Board of Supervisors indicating the firm which should be given the contract. The Committee has also been receiving information from different groups/committees/commissions about the type of interaction which should occur. The Agenda for its next meeting includes discussion and action on a joint meeting with the Parks and Recreation Commission, Planning Commission, and the Carson River Advisory Committee. Issues which may be considered were noted. The Open Space Element will be part of the Master Plan and will be submitted to the Commission for review and a recommendation on its adoption. The Board of Supervisors will review the Commission's recommendation.

H-5. STAFF COMMENTS (1-3195.5) - Community Development Director Sullivan solicited feedback from the Commission concerning whether to agendize the Board of Supervisors' budget session with his Department for a possible quorum of the Commission. His budget was described, specifically, the supplemental requests to increase the part-time compliance officer's position to full-time and for Commission training. (1-3335.5) Mr. Forsberg requested the Commissioners contact him individually about any questions they may have on a pending lawsuit. (1-3390.5) Mr. Sullivan explained that his Department had been "militarily volunteered" to be staff for the Carson River Advisory Committee and the Open Space Committee. Reasons were noted for this change in staffing. The supplemental budget request to upgrade a part-time secretarial position was also explained.

H-6. FUTURE COMMISSION ITEMS (1-3275.5) - Potential dates for the special meeting were discussed. Mr. Sullivan suggested including the two applications with the Growth Management items. Staff will contact the applicants to obtain the additional information in a timely manner. He will attempt to get the packets out on Friday. If not, they will be delivered on Monday. Reasons for rejecting the proposal to have a luncheon meeting were noted. (1-3379.5) There are approximately 20 items agendized for the next regular meeting.

BREAK: A dinner recess was declared at 6:08 p.m. Chairperson Horton reconvened the session at 7:20 p.m. A quorum was present although Commissioner Uhart was absent as indicated. Staff members present included: City Manager Berkich, Community Development Director Sullivan, Principal Planner Joiner, Senior Planner Guzman, Associate Planner Hullinger, and Recording Secretary McLaughlin.

G. PUBLIC HEARINGS

G-1. RECESS REGIONAL PLANNING COMMISSION - CONVENE GROWTH MANAGEMENT COMMISSION - PRESENTATION BY WILLIAM DECKER ON SUSTAINABLE COMMUNITIES - Chairperson Horton recessed the Regional Planning Commission and immediately convened the session as the Growth Management Commission. (See Growth Management Commission Minutes for this date for discussion/action by the Growth Management Commission.) The Growth Management Commission was adjourned at 8:19 p.m. A ten minute recess was taken. The Regional Planning Commission reconvened at 8:30 p.m. (A quorum of the Commission was present although Commissioner Uhart was absent as previously indicated.)

G-2. MPE-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO ADOPT 1997 CARSON CITY MASTER PLAN HOUSING ELEMENT (2-0980.5) - Community Development Director Sullivan, Western Nevada Builders Association Executive Director Gayle Farley - Public comments were solicited. Ms. Farley requested continuation of the item to allow the Association time to review and respond to the plan. Additional public comments were solicited but none given. Chairperson Horton noted the number of meetings which had been held on the element. He agreed that that it had been a lengthy project and that it required time to digest the element. Commissioner Rogers explained his support for the element and commended the consultants on their efforts. It is a dynamic document which is a beginning. Over time it will be

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revised. It meets all of the goals established originally. The development standards can be established in the future and should not delay the adoption of the housing element. Commissioner Christianson supported allowing the Builders Association additional time to review the plan. Mr. Sullivan responded by explaining his disappointment in the request as there had been several meetings with the Association and their participation had been requested. He agreed that the plan will ultimately impact the Builders. He suggested agendizing the plan for adoption at the special meeting on May 14. This should allow adequate time to discuss any concerns with the Association. This would also allow staff time to include the revisions listed in the staff report. The plan could then be submitted to the Board for its first meeting in June. Commissioner Rogers indicated his bafflement at the request and feeling that the entire document had been reviewed during the workshops line-by-line. He asked the Association to contact staff so that all of the issues could be analyzed prior to the Commission meeting and eliminate the need to review the element line-by-line. Commissioner Christianson moved that Resolution No. 1997-PC-2 be continued until the May 14 special meeting and at that time the adoption of the Carson City Housing Plan as an element of Carson City Master Plan negotiations be (considered for) adoption at that time. Commissioner Wipfli seconded the motion. Motion carried 6-0.

G-3. U-96/97-56 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON DETOX CENTER (2-1335.5) - Principal Planner Joiner, Detox Center Director Tim Hogan, Frank Page - Mr. Joiner's comments included an explanation of the concerns about the Center, its expansion, and the need for a half-way house. CPAC had indicated, during its discussion of the Center's relocation, its intent to have the half-way house located in a different area. The second story is to be used for offices and storage. It is not to be used for additional bed spaces or additional staffing. CPAC had also been concerned about the parking demands. The usage will not increase the parking needs beyond that of the current level. Staff had met with the neighbors and the Center and mitigated the concerns. Previous conditions, including the landscaping requirements, will apply to this project. Mr. Hogan felt that the long-term expansion plans had been blown out of proportion. These concerns are not related to the current project. The present expansion plans had been created by the ability to submit a grant request. If this funding does not materialize, the request is moot. The project will maximize the building. There will not be an increase in beds from the current level of 14. Discussion noted the expansion would eliminate the use of an ancillary building and locate Mr. Hogan's offices on the second floor. Mr. Hogan indicated that the second floor would also be used for storage. A "CofO" has been approved by the City, however, the State approvals cannot be considered prior to May 22. Clientele problems were noted. He requested assistance obtaining the State approvals. Public comments were solicited. Mr. Page indicated the neighborhood had received assistance, suggestions, and cooperation from both the City staff and Mr. Hogan. The neighborhood was very concerned about the potential half-way house. Mr. Hogan had purportedly agreed to allow an individual from the neighborhood to be involved as a liaison with the Center. The neighborhood concerns had been met, therefore, there is no objection. He thanked all of the participants for their assistance. Additional public comments were solicited but none made. Commissioner Christianson moved to approve U-96/97-54, a request from Carson Detoxification Center to allow an additional 1000 square feet second story as a storage and office area subject to all of the conditions of the previously approved Special Use Permits U-91/92-18 and U-91/92-18a, with the understanding that any acknowledgements to the Commission/Board by the applicant shall be considered as further stipulations or conditions on this application and subject to the following conditions which are spelled out in the staff report and numbering eleven and eight findings. Commissioner Mally seconded the motion. Motion carried 6-0.

G-4. A-96/97-11 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC TITLE 20, SIGN CONTROL (2-1529.5) - Principal Planner Joiner, Associate Planner Hullinger, Chamber of Commerce Executive Vice President Larry Osborne, Sandy O'Hearn - Mr. Joiner's introduction included comments explaining the 30 day public review and comment period and the responses to Mr. Meierdierck's letter. Ms. Hullinger explained a telephone contact from a Mr. Greico. He supported an ordinance which lowers the current height restriction and reducing the size of signs. He had not read the proposal. Discussion ensued on the banners behind a frame work which indicated that the banner must fit the framework and does not have to be covered with plexi-glass. The materials must be all weather and compatible with the surrounding area. Discussion explored the proposed ordinance size and height restrictions in addition to the restrictions in the historic and downtown districts. Commissioner Wipfli supported reducing the signs. Mr. Joiner explained that the ordinance does not include an amortization period, however, the signs would be brought into

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compliance whenever the business changes. The ordinance could be reviewed and amended as deemed appropriate.

(2-1945.5) Public comments were solicited. Mr. Osborne expressed his support for the ordinance and emphasized that neither the staff nor the Chamber had won on every issue. It was a compromise which could be supported. The need for signs was explained. It is a dynamic document which is an improvement over the current Code. The proposed revisions will eventually improve the City's appearance. It had clarified and improved the current Code. The entire process had been educational and beneficial. He comments emphasized that the survey used by the City to justify updating the Code had not be answered by 70 percent of the community but rather had had only 248 respondents. He urged the Commission to judge the ordinance on the issues and not by emotion.

Additional public comments were solicited. Ms. O'Hearn explained her concerns with the original Code and emphasized that the ordinance was a compromise which could be supported. It is enforceable. She had wanted to be able to have "A" frame signs in the City, however, they are not permitted. This is only one example of the compromises created within the committee. Although she liked the Sierra Bank sign, it is not permitted and should not happen again in Carson City. The ordinance is not one sided as had been indicated by the media.

Additional public comments were solicited but none given.

Commissioner Mally moved that the Planning Commission recommend that the Board of Supervisors approve the proposed amendments to the Carson City Municipal Code, CCMC Title 20, Sign Ordinance, as shown on the attached ordinance. Commissioner Rogers seconded the motion. Motion carried 6-0.

G-5. M-94/95-32 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY COMMUNITY DEVELOPMENT DEPARTMENT ON STANDARDS FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS (2-2198.5) - Continued at staff's request. No formal action was taken.

G-6. AB-96/97-10 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO ABANDON 419 FEET BY 20 FEET ALLEYWAY AND ASSOCIATED UTILITY EASEMENTS (2-2215.5) - Community Development Director Sullivan - Public testimony was solicited but none given. Commissioner Christianson moved to approve a motion to recommend that the Board of Supervisors approve AB-96/97-10, a request from Carson City to abandon an approximate 20 foot wide by 419.28 foot long alleyway located between East Musser Street and East Second Street, west of South Harbin Avenue and east of South Roop Street, adjacent to APNs 4-174-05, 06, and 07, based on the two findings and subject to the four conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission by the applicant may be considered as further stipulations or conditions of approval of this application. Commissioner Mally seconded the motion. Motion carried 6-0.

I. ADJOURNMENT - Commissioner Wipfli moved to adjourn. Commissioner Mally seconded the motion. Motion carried 6-0. Chairperson Horton adjourned the meeting at 9:40 p.m.

The Minutes of the April 30, 1997, Carson City Regional Planning Commission meeting

1997.

ARE SO APPROVED ON August 27,

/s/

Verne Horton, Chairperson