

CARSON CITY REGIONAL PLANNING COMMISSION

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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, May 28, 1997, at the Community Center Sierra Room, 851 East William, Carson City, Nevada, beginning at 3 p.m.

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

**STAFF PRESENT:** Community Development Director Walter Sullivan, 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. 5/28/97 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 3:10 p.m. Roll call was taken. The entire Commission was present constituting a quorum. Chairperson Horton lead the Pledge of Allegiance.

**B. APPROVAL OF MINUTES (1-0015.5)** - Commissioner Rogers moved that the Minutes of the February 26, 1997, meeting be approved as presented. Commissioner Mally seconded the motion. Motion carried 7-0.

**C. PUBLIC COMMENTS (1-0022.5)** - None.

**D. AGENDA MODIFICATION (1-0030.5)** - None.

**E. CONSENT AGENDA (1-0034.5)**

**E-1. U-95/96-39 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM MEDICAL HOLDINGS, LTD.**

**E-2. U-94/95-7 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM SHAW CONSTRUCTION**

**E-3. U-94/95-41 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM SHAW CONSTRUCTION**

**E-4. U-91/92-18 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CARSON DETOXIFICATION CENTER**

**E-5. U-96/97-63 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LINDA STREEPER** - None of the items were pulled for discussion. Commissioner Rogers moved to approve the Consent Agenda Items E-1 through E-5. Commissioner Mally seconded the motion. Motion carried 7-0.

**F. PUBLIC HEARING**

**F-1. AB-96/97-11 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM M. G. STAFFORD (1-0052.5)** - Associate Planner Tara Hullinger, David Bartosz - Mr. Bartosz indicated he understood staff's recommendation to reduce the Musser abandonment to a maximum width of three feet. Public comments were solicited but none given. Commissioner Mally moved that the Planning Commission recommend that the Board of Supervisors approve AB-96/97-11 as modified, an abandonment request from M. G. Stafford to abandon an eight foot wide by 85 foot long portion of the public right-of-way on North Valley Street located between East Musser Street and East Proctor Street and an abandonment of a three foot wide by 93 foot long portion of the public right-of-way located on East Musser Street between North Stewart Street and North Valley Street adjacent to APN 4-192-03 based on two findings and subject to 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

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further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 7-0.

**F-2. Z-96/97-13 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE**

**REQUEST FROM DAVID BARTOSZ (1-0135.5)** - Associate Planner Hullinger, David Bartosz - Discussion explained the reasons for the request to change the zoning designation to commercial. Staff could not support a variance request as the property does not have any unique characteristics or circumstances. The surrounding uses are either retail or commercial, therefore, the request could be supported. Mr. Bartosz did not wish to make any comments. Public comments were solicited but none given. (1-0253.5) Commissioner Mally moved that the Planning Commission approve Z-96/97-13, a change of land use application to rezone an approximately 7,225 square foot parcel from General Office to Retail Commercial on a property located at 412 East Musser Street, APN 4-192-03, and a motion to prepare an ordinance for first reading to the land use designation for APN 4-192-03 from General Office to Retail Commercial and recommend to the Board of Supervisors adoption of said ordinance based on four findings contained in the staff report. Supervisor Wipfli seconded the motion. Clarification indicated the motion had included preparation of an ordinance for first reading. The motion was voted and carried 7-0.

**F-3. U-96/97-62 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT**

**APPLICATION FROM ARTHUR HANNAFIN (1-0277.5)** - Associate Planner Hullinger - The applicant was not present. Public testimony was solicited but none given. Commissioner Uhart explained her support for the project and moved to approve U-96/97-62, a special use permit request from Arthur A. Hannafin to allow expansion of a non-conforming building in a Single Family 6,000 zoning district located at 610 West Spear Street, APN 3-243-03, based on seven findings and subject to six conditions of approval contained in the staff report and that there are no acknowledgements or stipulations. Commissioner Rogers seconded the motion. Motion carried 7-0.

NOTE FOR THE RECORD: Tape failed during Commissioner Uhart's motion.

**F-4. Z-96/97-12 - DISCUSSION AND POSSIBLE ACTION ON A ZONING REQUEST FROM**

**ALEXANDER BERNHARD; AND, F-5. S-96/97-3 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ALEXANDER BERNHARD (2-0015.5)** - Senior Planner Sandra Danforth, Applicant's Representative Jack Randell, Community Development Director Walter Sullivan - The Sheriff's Office had neither listed the subdivision on its memorandum nor contacted staff indicating a concern with the application. Mr. Randell had read the staff report and concurred with it. He then explained the project. He agreed that public access to the Mexican Ditch would be provided. He then explained the gateway, the access between lots 21 and 22, and the staging/trailhead. The plans may not have illustrated where the second access was to be located. This development project only addressed one access. The next phase may include this access. Commissioner Rogers indicated that there is a third access from above this project. The water tank site has not yet been selected. The design is part of this phase. The construction is actually a part of the next phase. Negotiations with Utilities are in the final stages. The engineering portion of the project remains to be completed. Public testimony was solicited but none given. Mrs. Danforth indicated that the engineering will determine the water tank's location. She suggested that the motion include a condition requiring staff's approval of the location and its color. Mr. Sullivan indicated that the Utility Department had been working with his Department and developing an acceptable color scheme. He stipulated that the color would blend with the surrounding hillside. Clarification indicated that the Utility Department had control over the actual location.

(2-0332.5) Commissioner Mally moved that the the Regional Planning Commission approve a motion to recommend that the Board of Supervisors approve Z-96/97-12, a change of land use application from Alexander Bernhard and Lenore Bernhard for the Bernhard Family Trust, to rezone approximately 114.7 acres of land from Agriculture and Single Family 21,000 to Single Family One Acre on property located south of East Fifth Street and east of Carson River Road, APN 10-071-23, a portion, and a motion to prepare an ordinance for first reading to change the land use designation for approximately 14.7 acre portion of APN 10-071-23 from Agriculture/Single Family 21,000 to Single Family One Acre, and recommend to the Board of Supervisors adoption of said ordinance based on the findings contained in the staff report. Commissioner Uhart seconded the motion. Motion carried 7-0.

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Commissioner Mally moved to approve a motion to recommend that the Board of Supervisors approve S-96/97-3, a subdivision application from Alexander and Lenore Bernhard for the Bernhard Family Trust to create a 25 parcel development on APN 10-071-23, a portion, as shown on the attached plat map based on three findings and subject to 20 conditions of approval as contained in the staff report with the understanding that any acknowledgements to the Board or Commission by the applicant shall be considered as further stipulations or conditions of approval on this application. Commissioners Uhart and Wipfli seconded the motion. Motion carried 7-0.

Commissioner Mally moved that the Regional Planning Commission approve a motion to recommend that the Board of Supervisors approve the request for dedication of three roadways within the Hidden Meadow Estates Unit No. 2 Subdivision with the condition that the applicant meet all City standards and requirements for construction and/or bonding. Commissioner Wipfli seconded the motion. Motion carried 7-0.

**F-6. U-93/94-54 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM IVAN LEPIRE (2-0379.5)** - Principal Planner Rob Joiner, Deputy District Attorney Mark Forsberg, Community Development Director Walter Sullivan, Ivan Lepire, Al Silva, Gerald James, Ted Thornton, Darryl Peterson - Discussion ensued between staff and the Commission on the review of the transient portion of the Special Use Permit and staff's recommendation to approve only that portion related to it. If the ordinance is to be modified to allow longer stays, the surrounding property owners should be notified. Longer stays could be allowed only if the park meets mobile home ordinances or the ordinances are amended to allow longer stays. The neighbors do not support changing the use to a mobile home park. One neighbor, Eric Toll, had expressed his feeling that, as RVs are allowed to stay for extended periods in mobile home parks, the RV ordinance did not need to be amended. Commissioner Rogers felt that the Commission had indicated at the last meeting that the RV ordinance revisions should be analyzed to provide longer stays. Staff's recommendation is not to modify the ordinance at this time. Issues which must be analyzed if longer stays are allowed were listed. Commissioner Uhart expressed her concerns related to the tourist-oriented need for additional motel/hotel rooms and the amount of contract work which requires temporary employment. She felt that the location is a special situation which could handle this demand. She was also concerned about having an ordinance which is so restrictive that it does not allow this type of usage. The RV park owners need to maintain a year-round occupancy ratio to stay in business. Denial of the usage may exacerbate the problem. Commissioner Christianson pointed out that the period of stay is not grandfathered, therefore, other parks must also be in violation of the Code. Mr. Forsberg indicated that the portion dealing with the period of a stay could not be grandfathered. As the ordinances are changed over time, a use is not being eliminated. The proposal merely creates standards within the use. Staff will have to monitor the use as long as a specific term of stay is in the ordinance. A change is a public policy issue. Commissioner Christianson noted that Mr. Lepire would need to remodel the entire park if the mobile home park standards are implemented. Mr. Sullivan indicated that the second phase had not been constructed and could be revamped to meet the new standards. Mr. Lepire is in compliance with the special use permit with the exception of the period of stays. The Commission needs to give staff direction on whether to return to a 30 day stay or a longer period which would require enhanced standards within the RV Code which would be along the lines of the Mobile Home Code. There could be three or more codes utilized under his plan which depends on the length of stay. Chairperson Horton ruled that the Commission would discuss the special use permit and provide direction afterwards on Mr. Sullivan's requests.

(2-0648.5) Mr. Lepire explained his contact with his neighbors. He did not feel that there had been a problem with his neighbors. He agreed to have a 200 foot setback if necessary for the second phase if the neighbors had a concern. He could not operate without long-term occupants. He was willing to add to the new spaces if necessary. The size of the new phase was described.

Commissioner Wipfli explained his concern that a temporary stay may become long term. This could create a "substandard" housing development. He could support either the park being considered a "mobile home park" or modifying the ordinance to allow longer stays based upon established criteria. He felt that the families should not be forced to live in conditions which are less than acceptable. The children need places to play. Sanitation should be upgraded. Mr. Lepire explained that several of his occupants reside in the park for as long as six months. Commissioner Wipfli felt that one or two would not be a problem, however, without controls two year stays could

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be allowed. School buses would be required to pickup children. Mr. Lepire indicated that he had never denied that there were occupants who were there for long periods. He had had few children residing there. Mr. Lepire indicated that he was not familiar with the differences between RV and mobile home parks. Commissioner Christianson suggested analyzing the standards and the impact it would cause on his facility to convert a portion to mobile home. Mr. Lepire agreed to check into this.

Mr. Silva supported Mr. Lepire's request based upon his personal experience at the facility. He opposed the revisions and questioned whether Mr. Lepire had been advised of the changes which were made in 1993. Mr. James supported Mr. Lepire based upon his personal experience with RVs and Mr. Lepire's park. Few RV campgrounds limit the stay to 14 days unless they are private membership companies and government parks. Reasons for these restriction were noted. He urged the Commission to obtain copies of the uniform campground ordinances for a comparison. He felt that Mr. Lepire is concerned about the appearance of his facility and the type of individuals who stay there. The ordinance would put Mr. Lepire out of business if it is enforced. He urged the Commission to grant Mr. Lepire a variance. Commissioner Christianson questioned Mr. James about the change in private campground restrictions. Mr. James agreed that some of the private facilities have gone out of business. His children now have his private membership. They travel to fairs and trade shows and live in their RV. Today's RV is more of a home than a vacation travel trailer. The City and Chamber of Commerce would benefit from Mr. Lepire's being able to stay in business. (Commissioner Wipfli stepped from the room at 4:25 p.m. A quorum was present.) Mr. Thornton explained his property abuts the RV park and his original concerns about the occupants and its usage. He supported the RV park as it is a compatible use. He appreciated the improvements which Mr. Lepire had made and the elimination of the "brush fires" which had occurred there over three years ago. The 14 day stay is not a logical period. He was unsure what period should be allowed or whether the entire park or a portion of it should be allowed to have extended stays. He also opposed "shanty towns". (Commissioner Wipfli returned at 4:28 p.m. A quorum was present.) Mr. Peterson indicated that there is to be a fire lane adjacent to the property and requested that it not be used as a common thoroughfare in the future. He also suggested that so long as the units are not "fixed" and remain mobile, which makes them movable in the case of an emergency, it should be allowed. Mr. Joiner indicated that the fence and gate currently closing the access meets Fire Code requirements. It is not intended to be used as a thoroughfare. It is an emergency access only.

Mr. Joiner then indicated that staff had not received the letter Mr. Toll had purportedly sent to the Department. A fax had just been received from Mr. Toll, which he read into the record. Mr. Toll urged the Commission to deny the request due to the "willful disregard of the City's campground regulations". This had occurred for many years. Purportedly there are children currently attending the City schools residing in the campground. Trash has been thrown over the fence. His "redwood" tree had been damaged by basketballs from the facility. The basketball hoop is allegedly being relocated to an undetermined area. He had personally called the Sheriff's Department on six separate occasions. His wife has called on at least eight separate occasions since the last permit was approved. The facility does not meet the landscaping or play area requirements. The log has not been furnished as required. Granting the request would penalize mobile home parks which meet the City standards for these amenities. If the facility is allowed to have occupants stay longer than 14 days, then they should be required to meet the mobile home park standards.

(2-0995.5) Additional public comments were solicited but none given.

Mr. Lepire then explained his contact with Mrs. Toll and acknowledged the problem with the children and the basketball hoop. Mrs. Toll purportedly did not want the hoop removed. Mr. Lepire had constructed a lattice fence on top of the block wall fence and was unsure what the current problem is.

Commissioner Rogers explained his concern about the lack of an ability to discuss and act on the related ordinance issues. The Commission could not eliminate the condition restricting the period of stays due to the ordinance. The Code had not been agendized, therefore, discussion/action could not be taken on it. The Commission could not direct staff to enforce the Code. He was concerned about the precedence which would be established if Mr. Lepire is granted a exception to the Code. The Code had been changed due to the concern that the RV parks were becoming pseudo-subdivisions. Reasons for this concern and the need for the restriction were briefly described. He was reluctant to take a vote against enforcing the current ordinances. Commissioner Mally recommended having Mr. Lepire request a continuance to allow time to address the ordinance. Mr. Joiner indicated that the period of stay

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requirement had not been enforced City-wide. He recommended having a meeting with the other RV park owners/managers on this issue. Chairperson Horton urged staff to meet with Mr. Lepire and the other operators on the issue and questioned the procedure which should be followed today. Mr. Sullivan recommended the Commission continue the application for 60 to 90 days for staff to work with the applicant. Commissioner Uhart suggested that the special use permit be approved as the staff is not enforcing the ordinance. She was willing to implement a six month stay until design standards can be developed. The 14 day restriction was unreasonable. Chairperson Horton explained that if the special use permit is approved, Mr. Lepire would be subject to review and punitive action. Commissioner Wipfli explained his reasons for feeling that the special use permit should not be approved as it would establish a precedence. The ordinance should be modified. He recommended not approving the special use permit and allowing Mr. Lepire to work with staff to resolve the situation. Commissioner Uhart had not intended to single out Mr. Lepire for enforcement. She also felt that none of the other operators are in compliance. The Code needs to be addressed. Commissioner Rogers felt that an approval would acknowledge Mr. Lepire's need to come into compliance. Not approving the special use permit would direct staff to enforce the Code. He recommended that Mr. Lepire request a continuance. This would grant staff time to work on the issue. His concern about the noticing for elimination of the 14 day restriction was explained. Mr. Forsberg opined that the Commission should not be concerned about the enforcement issue. The Commission would have to reconsider the issue in a different forum if the period of stay is to be modified. Commissioner Mally reiterated his recommendation that Mr. Lepire request a continuance.

(2-1258.5) Mr. Lepire then requested a continuance. Commissioner Christianson moved that the Planning Commission accept the continuance for up to 90 days. Commissioner Pozzi seconded the motion. Following discussion on the time restriction, Commissioner Christianson withdrew the timeframe. Commissioner Pozzi concurred. The amended motion was voted and carried 7-0.

**BREAK:** A five minute recess was declared at 4:45 p.m. When Chairperson Horton reconvened the session at 4:50 p.m., the entire Commission was present constituting a quorum.

**F-7. U-96/97-59 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM LONGS DRUG STORES; AND, F-8. AB-96/97-12 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM LONGS DRUG STORES (2-1278.5)** - Principal Planner Joiner, Applicant's Representatives Carol Dotson and Glen Martel, Longs Drug Stores Representative Gary Veasy, Lauren Diefenbach, Paul Diefenbach, Bob Fitz, Dan Turner, Senior Engineer Givlin - Mr. Joiner requested a modification to Condition 10 to eliminate the requirement insetting the sidewalk ten foot from the travel lane. The condition should require staff approval of the sidewalk inset location. (Commissioner Christianson left the meeting at 5:30 p.m. A quorum was still present.)

Ms. Dotson introduced Mr. Veasy, Deborah Perry, Carl Cavolick and Mr. Martel. She reviewed the history of the project; the proposed project including the colors, textures, and elevations by using an architect's renderings; plans to phase the center; and the site plan including the landscaping, the block wall, location of Building B, and the lighting. (2-1599.5) The block wall would be six feet at the loading dock and taper to four feet along the parking area and terminating ten feet from the sidewalk which would eliminate any potential obstruction of traffic. This area would be landscaped. (2-1637.5) If a better location for Building B is not found, she agreed to provide additional berthing and landscaping to eliminate the headlight glare for drivers on Airport. The sidewalk will meander along Airport Road. Efforts will be made to save all of the trees on the site if possible. All of the Code and special use permit requirements will be met. The need for a special use permit was explained and requested in the near future.

Clarification by Ms. Dotson indicated that the "proposed pad" on the right of the main building had not been completely designed. The site has not been marketed. It will be as soon as the plan is approved. The tenant will determine the actual pad. The proposal is for the tenant to be a retail commercial operator. She then explained with the architect's rendering the proposed cart location. Although the drawing did not indicate it, Mr. Veasy stated that there is a four foot wall behind which the carts would be stored. All of the sidewalk sales would occur behind this screening. Mr. Joiner explained the Code restrictions for sidewalk sales. Mr. Veasy indicated that the store now has sidewalk sales for nursery items. The proposed store will have this merchandise in the "garden

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shop". The location was illustrated on the site plan. He expressed his reluctance to discuss the special use permit application until necessary as its needs and uses have not been totally developed as of this date. Ms. Dotson indicated that the sidewalk would be ten feet wide.

(2-1805.5) Mr. Joiner reviewed the correspondence which the Commission had in the packet.

Additional public comments were solicited. Ms. Diefenbach indicated she represented the Silver State Mobile Home Park as an attorney and introduced Paul Diefenbach, who manages Silver State Mobile Home Park. She indicated a desire to have Long's as a neighbor. Her clients requested the wall be setback ten foot and voiced an opposition to reducing the wall height to four feet. Reasons for the opposition were explained. She supported the landscaping requirement.

(2-1855.5) Additional public comments were solicited. Mr. Diefenbach urged the Commission to require a ten foot wall to eliminate any potential "hopping" of the fence, the noise which would be created by the commercial operation, and headlights. The detention pond/park should be restricted to his tenant's use and not be used by the public. A four foot wall would not deter its use. Lighting concerns were noted. The mobile home park use would be maintained for some time as the homes do not have any wheels.

Additional public comments were solicited. Mr. Fitz indicated he owns the first 270 feet of Carmine. He was not opposed to the project. He was concerned about having Carmine, which is a "substandard" street, become the main entrance to the shopping center. He also represented a neighbor, Bill Reardon, who has the same concern. He felt that the elimination of parking along Carmine would create a negative impact on his business. He urged the Commission to widen Carmine so that trucks could navigate the turn. Traffic concerns at 5 p.m. were also explained.

Additional public comments were solicited. Mr. Turner felt that the store would be a good neighbor, however, was concerned about the view from his residence, which would be of the wall. The wall should be eight to ten feet in height with his preference being "bigger is better". He was also concerned about the potential use of the street as a thoroughfare.

Additional public comments were solicited but none given.

Discussion ensued between the Commission and Mr. Givlin about the width of Carmine and its ability to meet the width requirement for trucks. Trucks could create a problem if they park on the street. The 36 foot width should be appropriate. Mr. Givlin indicated that he would attempt to obtain the property owners' cooperation and keep the trucks off the street. The current truck parking practice behind Scolari's was used to illustrate the concern. A truck parking prohibition could be added as a condition of approval. The residents/property owners want on-street parking. They are opposed to having truck parking on the street. If the shopping center property owner(s) concur, it may be possible to eliminate this problem without conditioning the application. He recommended against restricting the parking until a problem occurs. Curb, gutters, sidewalk and street paving will be required as a part of the project. Commissioner Mally suggested the area between the sidewalk and street on Carmine be paved which would allow the trucks to park there. He felt certain that the trucks would park there regardless of the condition/agreement by the property owner(s).

(2-2102.5) Mr. Martel indicated that the applicant is widening Carmine Street right-of-way to 40 feet and making the "half-street" improvements. Long's has a policy prohibiting trucks from idling for "long periods of time". He explained the proposed truck parking area. Additional widening of Carmine would eliminate this area. He then indicated that the radius entrances from Carmine could ease some of the access concerns which would be limited if the driveway access is used. Mr. Givlin explained the Code requirements and reasons the applicant may provide more than the half-street improvements for a portion of street improvements.

Discussion between Mr. Martel and Commissioner Rogers indicated that Airport Road would be widened. A traffic study had been conducted. A median structure has been discussed along the southern portion of Airport Road to prohibit a left egress onto Airport Road. The proposed median is similar to the one at Albertson's. The northern entrance would allow both turning movements onto Airport Road. Discussion ensued on whether

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adequate measures had been taken to mitigate the residents' concerns on Carmine. Mr. Martel felt that the Airport Road improvements should mitigate some of their concerns and improve the traffic flow. Mr. Martel also indicated that the intersection's level of service would remain the same. Discussion ensued on the need for a sidewalk behind the store on Carmine. Mr. Martel indicated that there are no street improvements along the north side of Carmine. Therefore, the improvements, if warranted, must be made on the south side of Carmine, his side of the street. Mr. Givlin indicated that both Mr. Reardon and Mr. Fitz had provided an additional five foot of right-of-way, however, the remaining parcels on the north side of the street had not. This only provided a 25 foot half-street right-of-way. Mr. Martel indicated that this would create an offset for paving and agreed to work with staff on this issue. He also indicated that Long's was agreeable to prohibiting parking along the south side of Carmine. He agreed, if the sidewalk is eliminated, to push the street paving even wider as suggested by Commissioner Mally. This would not "bother" the neighbors or intrude onto his site. Commissioner Rogers suggested that this be an additional condition which would be worked out by Public Works. Mr. Sullivan agreed and indicated a desire to restrict the parking to automobiles. (2-2330.5) Mr. Martel stipulated to working with staff, including Public Works, as required to try and alleviate some of the access and parking concerns on Carmine. Discussion between Mr. Martel and Mr. Joiner explained that the wall is only along the eastern portion of the property abutting the mobile home park. Mr. Joiner requested an amendment to Condition 6 to require staff to work with Long's and Mr. Turner to provide an additional "beefed up" landscaping or wall. Mr. Martel agreed to stipulate to work with staff on Mr. Turner's concern about his view of the back of the store.

(2-2365.5) Mr. Fitz reiterated his parking concern. Chairperson Horton explained Mr. Martel's stipulation to work with staff on the parking arrangement on Carmine. At this time there is no indication that parking will be prohibited. The plan is to be agreeable to all parties. Mr. Fitz explained his concern that the restriction would not be enforced as as it occurs behind Scolari's now.

Mr. Turner then voiced his concern about Carmine being used as a thoroughfare. He encouraged the Commission to require a wall instead of having the view from his front yard to be that of the rear of Long's. Chairperson Horton responded by explaining the stipulation to work with Community Development to meet the needs of all concerned.

Additional public comments were solicited but none given. Public testimony was closed.

Commissioner Uhart explained the Silver State Mobile Home Park's special use condition and encouraged the Commission to recognize the residential nature of the park. She felt that the request for a ten foot wall was hideous, however, another option had not been discussed. Ms. Dotson explained the applicant's concern that a tall wall would create a "tunnel effect". For this reason the applicant had proposed setting back the building, constructing a wall, and landscaping it to meet the neighbors' request for trees. The wall's variation in height provided relief from the "tunnel" impact. She urged the Commission to retain the proposed plan. Commissioner Wipfli supported her recommendation including the landscaping. He encouraged her to extend the wall as far as possible to provide additional security for the detention pond/park. He was not sure how far it should be extended. He suggested a five foot height which tapered. Commissioner Rogers felt that the Silver State Mobile Home Park wanted a taller wall. He supported the six foot wall and opposed an eight foot wall due to the landscaping. He felt that the sight problem would not be created with a six foot wall. Mr. Martel explained the road sight problems if the wall is extended to the road. He indicated Long's had agreed to extend the six foot wall from the building to the beginning of the parking on the south side and requested that the last 25 feet or so be left open for a view out and that the six foot wall be used as a view, light, and security protection mechanism. Chairperson Horton explained his concern with extending the six to eight foot wall to the property line as it would eliminate traffic's ability to see an oncoming vehicle when egressing the parking lot. Mr. Martel felt that anyone on the bike path would encounter a hazard without warning. Mr. Martel reiterated his proposal to take the six foot wall from the north boundary to the southern most parking spot. The initial proposal was to have the four foot wall go from the front of the store to the same point. The end of the parking lot would remain open.

(2-2570.5) Mr. Diefenbach explained the current fence line and his landscaping. He reiterated the concern about people "hopping" the fence. The traffic view would not be impacted due to the truck lane adjacent to the property. The trucks idle for various periods of time. The higher block wall would eliminate some of this noise and headlight problems. The wall would not create an impact on his park. The bike path and Highway 50 setbacks

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eliminate the need for the wall to be setback. He felt that if Long's did not take the six foot fence to the street, he would be required to do so. Otherwise, his property would be exposed to a parking lot. He did not want his recreational area to be exposed to the parking lot. Twelve year old children can hop a six foot fence. His security concerns were reiterated. Mr. Sullivan indicated that staff had not been aware of the proposal to have a ten foot fence. This would require noticing and an application for another special use permit. This could delay the project another month or two. He then illustrated the difference between six feet and ten feet.

(2-2686.5) Commissioner Mally moved that the Planning Commission approve U-96/97-95, a request from Gary Veasy, Longs Drug Stores, California, Inc., to allow a community/regional commercial shopping center on property zoned Retail Commercial and General Commercial and to allow a project on property with dual zoning, Retail Commercial and General Commercial, on property located on the northeast corner of U.S. Highway 50 East and Airport Road, APNs 8-301-03, 04, 05, 06, 07, 08, 09, 10, 11, 12, 13, 14, 15, and 8-302-06, 07, 08, 09, 10, 11, 12, 13, 14 and 15 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 shall be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Following discussion, Commissioner Mally corrected the permit number to be U-96/97-59. Commissioner Wipfli concurred and noted the stipulations made regarding Condition 10 to work with staff and Condition 11 to work on the parking. Chairperson Horton indicated these stipulations did not have to be made into conditions. Motion carried 6-0-0-1.

(Commissioner Uhart left during the following motion--6 p.m. A quorum was still present although Commissioner Christianson was absent as previously indicated.) (2-2738.5) Commissioner Mally moved that the Planning Commission approve a motion to recommend that the Board of Supervisors approve AB-96/97-12, a request from Gary Veasy, Longs Drug Stores California, Inc., to abandon two existing public right-of-ways: 40 foot by 640 foot public right-of-way known as Yucca Street, located north and east of the intersection of Highway 50 East and Airport Road and adjacent to APN 8-301-03, 11, 12, 13, 14, 15, and APN 8-303-06, 07, 08, 09, 13, 14, and 15, based on the two findings and subject to the three 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 Wipfli seconded the motion. Following a request for a correction, Commissioner Mally amended his motion to correct the APN to 8-302-06, etc. Commissioner Wipfli concurred. Motion carried 5-0-0-2.

## **F-9. U-96/97-64 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT**

**APPLICATION FROM RAYMOND HARRIS (2-2785.5)** - Senior Planner Juan Guzman, Walmart Store Manager Mike Ray and Metcalf Builders Representative Bob Greth - Mr. Ray requested the three foot base be removed from the fencing requirement due to the additional cost and that the timeframe for returning the notice of the decision be extended to twenty days due to the time it would require to get the document to his corporate office. Mr. Guzman indicated that this extension would not be a problem. Mr. Ray then explained the letter requesting an extension to the current special use permit as the new expansion will not be constructed before the end of the current garden selling season. His current special use permit terminates on June 27. Mr. Guzman indicated that this concern could be handled administratively. Chairperson Horton agreed that this issue could not be addressed as it had not been agendized.

Public comments were requested. (2-2918.5) Mr. Greth described the fencing and its cost. Purportedly someone from staff had indicated that the proposed project would be acceptable. Only later had the corporate office been informed that this project would not be acceptable.

(2-2998.5) Commissioner Rogers expressed his support for the project and elimination of the current parking lot garden center. He also indicated that he did not normally consider the cost aspects of a project. He questioned whether the three foot block wall was to create a more permanent structure or for visual aesthetics. Mr. Guzman indicated it had been purely for visual reasons. Commissioner Rogers then indicated he would reject staff's request as he wished to see the project move forward and out of the parking lot. Commissioner Rogers then moved to approve U-96/97-64, a special use permit from Raymond Harris, architect on behalf of Walmart Stores Incorporated, for the purpose of expanding the garden center by approximately 7,080 square feet based on the

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seven findings and subject to five 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 and numbering the conditions of approval starting with the current number two, which will become number one, and eliminating number one and on Condition No. 4, to change the return of notice to within 20 days as agreed to by staff. Following a request for an amendment, Commissioner Rogers amended his motion to be based on six conditions of approval and modifying Condition No. 1 to read: "All development shall be substantially in accordance with the attached site development plan.". Commissioner Wipfli respectfully seconded the motion. Motion carried 5-0-0-2.

**F-10. U-94/95-15 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM RON WEDDELL (2-3069.5)** - Senior Planner Guzman, Ron Weddell - During Mr. Guzman's introduction, Commissioner Pozzi left the room--6:12 p.m. (A quorum was still present although Commissioners Christianson, Uhrt, and Pozzi were absent.) Discussion indicated the Airport Authority letter was an "old" letter and no longer valid. The Authority had considered the request on May 22 and felt that Mr. Weddell had improved the site and should be approved. The Authority wishes for Mr. Weddell to proceed with his plans for the site, however, this issue is not related to the Special Use Permit. Mr. Weddell indicated he did not have any comments. Chairperson Horton thanked him for improving the site. Public comments were solicited but none given. Discussion indicated Mr. Weddell was aware of the second portion of the report regarding the prohibition against the use of an RV for a watchman's quarters. Commissioner Rogers moved to find the applicant in compliance with the conditions of approval of U-94/95-15. Commissioner Mally seconded the motion. Motion carried 4-0-0-3.

**F-11. U-96/97-58 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY UTILITIES (2-3179.5)** - Senior Planner Guzman, Utility Senior Engineer Mark Brethauer, James Rose - Mr. Brethauer indicated that the City has a similar facility south of the Corporate Yard and noted the recent improvements to the Wastewater Facility. There should not be any odors from the proposed facility. Public comments were solicited. Mr. Rose questioned the location. Upon learning that the facility would be located adjacent to the Fire Departments training tower, he withdrew his objection. Additional public comments were solicited but none given. Commissioner Wipfli moved to approve U-96/97-58 based on seven findings and subject to six conditions of approval contained in the staff report with the understanding that any acknowledgements by 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. Motion carried 4-0-0-3.

**BREAK:** A dinner recess was declared at 6:25 p.m. When the meeting was reconvened at 7:40 p.m. a quorum was present including Commissioner Uhrt although Commissioner Christianson was absent. Staff present included: Community Development Director Sullivan, Public Works and Utilities Director Timian-Palmer, Finance Director Walker, Undersheriff Dehl, Principal Planner Joiner, Deputy District Attorney Forsberg, Senior Planner Danforth and Guzman, Senior Engineer Givlin, and Recording Secretary McLaughlin.

## G. PUBLIC HEARINGS

**G-1. RECESS THE REGIONAL PLANNING COMMISSION AND CONVENE THE GROWTH MANAGEMENT COMMISSION (3-0001.5)** - Chairperson Horton convened the Regional Planning Commission at 7:40 p.m. and immediately recess the Regional Planning Commission. (For discussion/action taken by the Growth Management Commission, see its folder for this date.)

**G-2. RECESS THE GROWTH MANAGEMENT COMMISSION AND RECONVENE THE REGIONAL PLANNING COMMISSION (3-0789.5)** - Chairperson Horton recessed the Growth Management Commission and immediately reconvened the Regional Planning Commission. (A quorum of the Regional Planning Commission was present although Commissioner Christianson was absent as indicated.)

**G-3. U-96/97-60 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DONREY OUTDOOR ADVERTISING (3-0793.5)** - Principal Planner Joiner, Donrey

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Sales Manager Guy Day - Mr. Day explained his involvement with Carson City and the number of signs Donrey has here. The need for additional signs was felt to be warranted based on the number of weekly contacts he receives for advertising in this area. He felt that the site he had selected met the ordinance and should be approved. The community is biased against outdoor advertising. Mr. Kynett, however, did not wish to cause a problem and had directed that his application be withdrawn. Mr. Day then indicated that the following applicant, Mr. Lepire, also had requested a special use permit for a sign. When the site was selected, he thought there had been 1,000 feet between signs; however, it was within 1,000 feet of a sign on the north side of Highway 50. This eliminated one of the two signs proposed on Mr. Lepire's property. He continually asked why he was being denied the right to build a sign when all of the requirements had been met. Public comments were solicited but none given. (3-1000.5) Clarification by Mr. Day for the record indicated that Mr. Kynett had withdrawn his application. Mr. Day also expressed a desire to respond to any Commission questions based on his belief that there is more to it than as it currently stands. Chairperson Horton indicated that the Item was withdrawn. No formal action was taken by the Commission.

## **G-4. U-96/97-61 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT**

**APPLICATION FROM DONREY OUTDOOR ADVERTISING (3-1016.5)** - Principal Planner Joiner, Community Development Director Sullivan, Donrey Sales Manager Guy Day, Gene Lepire - Mr. Joiner explained that on-site signs are allowed as a property right in commercial zones. Conditional uses are considered a privilege and must meet minimal standards and findings that they are in conformance with the Master Plan, benefit the community, are not detrimental to the surroundings, etc. Staff could not make the necessary findings to approve the application based on the clutter, use, location, etc. Mr. Sullivan reviewed the history of the sign ordinance. The 1993 revision establishing the 1,000 foot spacing between signs had been established during the workshop with the outdoor advertisers. It had not been modified since that time. Based upon the community issues, he, too, felt that four signs on the site were too many.

(3-1144.5) Mr. Day then explained that one face of the sign had been sold to Pinion Plaza on Highway 50 East. The sign and its colors were described. The sign would provide economic benefits to Mr. Lepire and allow him to maximize his property. The trees which provide a necessary noise barrier between the Highway and his tenants would be taller than the sign. Surrounding commercial uses were described. All of the requirements for the appropriate findings had been fulfilled. The statement that economic enjoyment obtained from the billboard should not be allowed due to the zoning requirements was unfair. He then explained Donrey's financial commitment to Washoe County to illustrate the economic benefit of having signs in Carson City. Carson City Serotoma Club currently uses one of the signs in Washoe County to advertise its activities. He reiterated his need for additional signage in Carson City.

Mr. Lepire expressed a willingness to remove a sign which does not have a permit. This would reduce some of the clutter. This would allow Donrey to enhance the corner and advertise the area to benefit tourism. He understood that a special use permit is a privilege but felt that there were private property rights also concerned with the request.

Discussion between staff and the Commission indicated that only two signs should be allowed on the property. Mr. Joiner also questioned how the application would benefit and further the City's Master Plan efforts. The community had raised this issue during the preference survey within the Master Plan Land Use discussions. Economics cannot be considered by staff or the Commission. He agreed that billboard competition is great in Carson City. Douglas County does not allow any billboard signs. Contributions to charities/non-profit organizations is not a valid consideration. He reiterated his statement that staff could not make the necessary findings to support the special use permit. He then explained the difference between on-site and off-site signs.

(3-1287.5) Commissioner Pozzi moved that the Regional Planning Commission move to deny U-96/97-61, a special use permit request from Donrey Outdoor Advertising, Gene and Judy Lepire, owner, to allow an off-premise sign on property located at 5400 South Carson Street, APN 9-302-12, on property zoned General Commercial based on seven findings contained in the staff report. Commissioner Wipfli seconded the motion. Motion carried 6-0-0-1.

Mr. Sullivan explained that an appeal must be filed in accordance with the Code requirements as contained in Title

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18 within 15 days from this meeting date and must show an error or misinformation on behalf of the Planning Commission's decision.

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

**H-1. CORRESPONDENCE TO THE COMMISSION (3-1308.5)** - Mr. Sullivan indicated mail boxes have been provided at his office for the Commissioners. Hopefully, the correspondence is arriving in a timely fashion now.

**H-2. BRIEFING ON COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (3-1322.5)** - Union Oil's Change of Land Use application had been approved as recommended. The sign ordinance was considered on May 15 and approved on first reading. The North Deer Run Road abandonment request and Al Bernard's temporary industrial subdivision map were approved.

**H-3. COMMISSIONER REPORTS (3-1348.5)** - Discussion ensued on a notice which had been served on the Commission regarding its action on an Airport matter. Mr. Sullivan indicated the Airport Authority had appealed the Commission's action. Mr. Sullivan and Mr. Forsberg had not discussed the letter. If the appeal meets the Code requirements, it will be forwarded to the Board. Comments also referenced the Carson Hot Springs lawsuit which Commissioner Pozzi was to discuss with Mr. Forsberg at a later date.

**H-4. OPEN SPACE ADVISORY COMMITTEE MEMBER REPORT (3-1376.5)** - Commissioner Uhart indicated that RFQ's have been sent out seeking a consultant. Different entities are in the process of providing information to the Committee on related issues.

**H-5. STAFF COMMENTS (3-1415.5)** - The Board had approved the supplemental funding request for \$4500 for travel and training for the Commission. An article on assisted living facilities was distributed to the Commission and Clerk.

**H-6. FUTURE COMMISSION ITEMS (3-1435.5)** - There are 12 items scheduled for the next meeting. Community Development may be taking on affordable housing as well as two additional committeees--Carson River Advisory Committee and Open Space Advisory Committee. As staff had been cut by half of a clerical position, creative resources must be found to handle these duties. Comments indicated the workshop schedule would be distributed to the Commission and an advertisement placed in the local news media.

**I. ADJOURNMENT (3-1460.5)** - Commissioner Pozzi moved to adjourn. Commissioners Uhart and Wipfli seconded the motion. Motion carried 6-0-0-1.

Chairperson Horton adjourned the meeting at 9:10 p.m.

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The Minutes of the May 28, 1997, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON September 24, 1997.

/s/  
Verne Horton, Chairperson