

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 1

A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, September 25, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

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

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy Utilities Director Jay Ahrens, Health Officer Daren Winkelman, Deputy District Attorney Mark Forsberg, Water Utilities Superintendent Tom Hoffert, Water Utilities Assistant Superintendent Curtis Horton, Senior Planner Sandra Danforth, Senior Engineer John Givlin, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin (R.P.C. 9/25/96 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 Rogers convened the meeting at 3:03 p.m. Roll call was taken. A quorum was present although Commissioner Christianson was absent. Chairperson Rogers led the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF MINUTES - SPECIAL MEETINGS OF MAY 6, JULY 10, JULY 18, AND AUGUST 10, 1996 AND REGULAR SESSION OF JULY 31, 1996 (1-0012.5) - Commissioner Horton moved to approve the minutes of May 6, July 10, July 18, July 31, and August 10 meetings as presented. Commissioner Mally seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-0033.5) - None.

D. MODIFICATIONS TO THE AGENDA (1-0044.5) - Item G-4 will be considered prior to Item G-3.

E. CONSENT AGENDA (1-0049.5)

E-1. Z-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM JOHN UHART

E-2. U-96/97-10 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JOHN UHART

E-3. U-91/92-18a - DISCUSSION AND POSSIBLE ACTION ON AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM THE CARSON CITY DETOXIFICATION CENTER

E-4. U-93/94-5 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CARSON CITY SCHOOL DISTRICT - Frank Page requested Item E-3 be pulled for discussion of his concerns. Commissioner Horton moved that the Commission approve Items E-1, E-2, and E-3 as read. Following a request for a correction, Commissioner Horton corrected his motion to approve Item E-4 and not E-3. Commissioner Uhart seconded the motion. Motion carried 6-0.

E-3. (1-0113.5) - Following Mr. Sullivan's introduction, Mr. Page explained his representation of the neighborhood and its request that a condition be added mandating City maintenance of the landscaping. Mr. Sullivan felt that the application was for short-term issues. Mr. Page's request was for a long-term issue. The Public Safety Complex landscaping would be maintained by City maintenance crews or trustees. Carson Detox Center Director Tim Hogan acknowledged the landscaping maintenance problems he had encountered when he first came on staff. He recommended delaying the landscaping until Phase 2 of the project. The landscaping will be on an irrigation system. He explained his attempts to save the landscaping on the current site as it will be

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 2

transferred to the new site once the irrigation and water lines are installed. He stressed his intent to be a good neighbor, do a good job, and present a good face to the neighborhood. He expressed a willingness to meet with the neighbors and mitigate the concern as soon as possible. Chairperson Rogers explained the application to expand the facility and allow the landscaping to be phased. Mr. Page indicated there was no concern with the delaying the landscaping or with the Detox Center's operation. The neighborhood's concern was that the landscaping would be compatible with the new complex and that it be maintained. He urged the City to include the landscaping maintenance as part of its routine duties. Discussion indicated the Detox Center would be responsible for the landscaping costs. Mr. Page indicated he did not wish to delay the expansion. In response to Commissioner Mally's question, Mr. Sullivan committed to making sure that someone will maintain the landscaping. Additional comments were solicited but none given. Commissioner Mally moved that the Regional Planning Commission approve U-91/92-18a-2, a request from Carson Detoxification Center to allow an increase in beds to 14 and to defer landscaping requirements to the future, prior to June 1997 or when Phase 2 of the Center's plans are submitted for review and approval, subject to the eight findings and 11 conditions of approval as noted in U-91/92-18 and that any stipulations or acknowledgements by the applicant shall be considered as further conditions on this application. Commissioner Horton seconded the motion. Motion carried 6-0.

F. PUBLIC HEARINGS

F-1. U-95/96-15 - DISCUSSION AND POSSIBLE ACTION ON A SHOW CAUSE HEARING (1-0273.5)

Mr. Sullivan, Action Laser Tag President Jaydene Yurtinus, Don Karr, Kress Cave, Deputy District Attorney Mark Forsberg - Both the security cameras and the computerized check-in/check-out systems are functioning. The applicant had expressed a desire to discuss the hours of operation. The other City Departments have indicated their requirements have been met. Therefore, staff recommended continuing the approval of the Special Use Permit subject to the original conditions of approval. This included the six month review condition which would require a review in March 1997. Ms. Yurtinus explained for the Commission photographs of the facility. The photographs were then given to the Commission. (These photographs were given to the Clerk after the discussion.) She also gave the Commission and Clerk a written statement and read Condition 7 and all of the stipulations. She explained the request to modify the hours of operation to Monday through Saturday 8 a.m. to 11 p.m. and Sunday 1 p.m. to 9 p.m. Unaccompanied minors will not be allowed after 9 p.m. weeknights. She requested these minors be allowed to remain until 11 p.m. for the dances on Friday and Saturday evenings. Clarification indicated that there may be a School Bond fund raiser on Sunday which end at 11 p.m. An occasion dance/program of this nature may necessitate longer hours on Sunday. Normal business hours, however, would be from 1 p.m. to 9 p.m. Clarification indicated that unaccompanied minors would be required to leave at 9 p.m. Monday through Thursday. Family dance activities are planned on these days. Minors with their parents could remain. As the special Sunday activities would be after 9 p.m., she modified the request to extend the hours to 11 p.m. even though the operation will close normally at 9 p.m.

Public testimony was solicited. Mr. Karr explained his desire to have square dance activities at the facility. This is a wholesome family activity in which youths participate. He felt this was the right place for the facility and urged the Commission to approve the Special Use Permit. Mr. Cave supported the applicant by explaining his ability to participate in the square dances while his children are being entertained elsewhere in the facility, if not participating in the dancing. Additional public comments were solicited but none given.

Discussion indicated the unused portions will be cordoned off with bamboo screens. Commissioner Horton explained his personal knowledge and visits to the facility. He was glad to see that facility has been brought up to the Commission's level of expectations. The facility does provide children with an opportunity to have a controlled and enjoyable atmosphere. He recommended approving the permit. Discussion ensued on whether to maintain an age limited for unaccompanied youths. Mr. Sullivan had not discussed the expanded hours of operation with the Sheriff's Department. He expressed a willingness to do so and explained the Sheriff's original concerns with the facility--the check-in system, security cameras, and metal detector. Ms. Yurtinus felt that with parental consent youths older than 11 or 12 should be allowed to stay until 11 p.m. Mr. Sullivan questioned who would be responsible if the child is not picked up after 11 p.m. Mr. Forsberg counselled that this is not relevant to the issue and that the restriction could not be policed/enforced. Chairperson Rogers indicated that he would keep his points in mind and that the Commission is considering the request to expand the hours. The age limit may be

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 3

included in the deliberations for expanding the hours. Discussion indicated there would be a six month review. The hours or any problems encountered with the operation could be addressed at that review. Ms. Yurtinus pointed out that movie theaters, etc., do not have age restrictions, etc. Chairperson Rogers noted that the six month review would be in March 1997 if staff's recommendation is accepted. The only change in the conditions would be to modify the hours of operation to Monday through Saturday 8 a.m. to 11 p.m. and Sunday 1 p.m. to 11 p.m. with the caveat that unaccompanied minors will not be allowed after 9 p.m. Monday through Thursday. Mr. Sullivan indicated that this is stipulation number one. Commissioner Horton moved to approve U-95/96-15 to continue the Special Use Permit for Action Laser Tag with a change in Stipulation Number 1 that the hours of operation will be from 8 in the morning until 11 at night Monday through Saturday, Sunday 1 p.m. to 11 p.m., and that after 9 o'clock unattended minors will not be allowed to participate Monday through Thursday. Commissioner Uhart seconded the motion. Motion carried 6-0.

F-2. V-96/97-6 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM

LEO AND ANNIE MANKINS (1-0742.5) - Principal Planner Rob Joiner, Leo and Annette Mankins, Mr. Sullivan, Mr. Forsberg - Discussion between Mr. Joiner and Chairperson Rogers indicated the drainage would not be impacted, that there would be an easement for drainage, and that it would not create a hardship on the building's location. Mr. Mankins had read the staff report and did not agree with it. He then explained his personal contact with his eight neighbors. They had purportedly signed a statement indicating they were not opposed to the project. He agreed that there is a drainage problem on the property which he described. The building would serve as a retaining wall for the drainage. The building will house his 40 foot mobile home and 28 foot boat. The location will allow him to safely park them without having to back in from the street. Traffic safety concerns due to the "hill" and use of the neighborhood to teach youths how to drive were noted. The garage doors would negatively impact his aesthetics. He felt that his corner lot mandated a 30 foot setback on both the rear and street side. This also reduced his buildable space by 47 percent. The slope also required him to construct the garage with ten feet in the ground/side of the hill. Discussion indicated the sideway setback is 15 foot and the rear setback is 30 feet. Mr. Mankins continued to stress his feeling that both were 30 foot setbacks due to his having a corner lot.

(1-1019.5) Public testimony was solicited. Ms. Mankins explained her residency and desire to house the mobile home and boat. They had purchased the acre corner lot thinking that they could accomplish this, however, the setbacks created a hardship. Her safety concerns when backing the boat and mobile home from the street were explained in depth. She felt the hill and young drivers created the hardships. There are similar mobile homes and boat garages in the area, however, they are not on a corner lot. The property backs up to BLM property and will not create a problem for BLM. She agreed to furnish a copy of the other property owners' signatures. Photographs of the area were given to the Commission. (After the motion, she took these photographs back.) Discussion indicated the photographs included similar structures found in the neighborhood.

(1-1125.5) Additional public comments were solicited but none given.

Commissioner Uhart moved to approve V-96/97-6, a variance request from Leo and Annette Mankins to vary 25 feet from the required rear yard setback and ten feet from the required side yard setback in the Single Family One Acre zoning district on property located at 2340 Avery Road, APN 8-892-01, and that the findings were basically based on the fact that this is a corner lot and it backs to BLM and that there are other like structures in the neighborhood. Mr. Sullivan indicated that the other structures in the neighborhood had obtained a building permit and met the setbacks. Therefore, this finding would not support the motion. He then explained the variance required the finding of a physical hardship with the property. Commissioner Uhart felt that the topography, the corner lot, and the setbacks created the hardships. Mr. Sullivan indicated that the variance could not be justified based on the side yard and rear yard setback requirements presenting the hardship. Mr. Joiner pointed out that other corner lots have the same setbacks and have been able to comply. Chairperson Rogers felt that the topography would support moving the garage closer to the house and it would create more of a hardship to move the garage to the area chosen. Discussion indicated that the only finding remaining is that it is adjacent to BLM property. Allowing the other findings to remain would provide a precedence for similar properties in the neighborhood and would fail to meet the Code requirements mandating a finding of a physical hardship. Mr. Joiner explained an alternative site which would not require the Applicants to back from the street, would face the garage doors east, and provide adequate space between the garages. Mr. Mankins responded by explaining that

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 4

this would make it difficult to maneuver the boat. Discussion indicated there would be 64 feet between the two garages, which Mr. Joiner felt should be adequate. Mr. Mankins continued to explain that his reasons for feeling he could not maneuver the 70 foot unit into the garage in that vicinity and his traffic safety concerns. Mr. Forsberg read the Code requirements mandated for making a hardship finding. Commissioner Uhart agreed that the hardship was self-imposed and expressed her personal desire to have the mobile home and boat housed. She also felt that the neighbors' signatures indicated it would not create a hardship for the neighborhood. The property backs to BLM property. Commissioner Uhart then withdrew her motion. Clarification by Mr. Joiner indicated the property did not "back to BLM". The BLM property is on one side. Commissioner Mally then moved that the Regional Planning Commission deny V-96/97-6, a variance request from Leo and Annette Mankins to vary 25 feet from the required rear yard setback and ten feet from the required side yard setback within the Single Family One Acre zoning district on property located at 2340 Avery Road, APN 8-892-01, based on five findings contained in the staff report. Commissioner Horton seconded the motion. Chairperson Rogers noted that on the issue of the hardship being self-imposed that in hindsight the Applicants probably wish they had moved the houses forward a little bit to accommodate the garage and that this is mostly a self-imposed hardship. He indicated that he would support the motion. The motion to deny the request was voted and carried 5-1-0-1 with Commissioner Uhart voting Naye and Commissioner Christianson absent. Mr. Sullivan explained the appeal process.

F-3. DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION

FROM BRIAN FOLEY (1-1359.5) - Associate Planner Tara Hullinger, Brian Foley - Mr. Foley had read the staff report and concurred with it. Public testimony was solicited but none provided. Commissioner Mally moved to approve U-96/97-17, a Special Use Permit request from Brian Foley to allow expansion of a non-conforming building in a General Office zoning district located at 507 East Spear Street, APN 4-234-02, based on seven findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 6-0.

F-4. U-96/97-15 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM SIERRA PLACE, LLC (1-1440.5) - Senior Planner Sandra Danforth; Silver Oak Development Representative Steve Hartman; Sierra Place, LLC, Representative Steven McGonigle; Mr. Sullivan; Doreen Fitzhenry; Sierra Place, LLC, Partner Bob Hughes - Ms. Danforth's introduction included an explanation of The Nevada Appeal article which had incorrectly located the site closer to Nye Lane. She felt that this had created two letters of opposition. Their concerns were related to the structure's height and traffic volume. She requested an acknowledgement of Condition 11 related to the location of Kmart's loading docks, mechanical equipment, and related commercial activity. Mr. Hartman indicated the structure would not block the view of Slide Mountain. He also explained the erroneous Nevada Appeal article. The structure would be located on College Parkway. He introduced Mr. McGonigle. Mr. McGonigle explained the project and mitigation measures which will be used to mitigate the height of the three story structure. He acknowledged the noise concerns and explained design mitigation measures which will be utilized to reduce the impact. He agreed to acknowledge the fact that Kmart is there and that the loading docks could be noisy. He requested that Kmart not leave their trucks running when parked on the lot. He felt this is a condition already mandated by Carson City. His personal experience indicated Kmart is currently complying with this requirement. He indicated that the project would not be viable without the third story. His experience with the residents--known as Activated Daily Lives (ADL)--indicated that many would use the facility van for transportation. Most of the ADLs who owned cars when moving to the facility sell them within a year. Therefore, he did not feel that he would be adding a lot of traffic to the neighborhood. He indicated the project would be a good neighbor and an asset to the community. The facility is privately funded. The services offered were explained. He indicated there is an RN on staff. There will be two elevators plus access stairs. There will not be an escalator. There will be handicapped amenities. The facility is on the west side and behind Kmart's loading docks on College Parkway. There will be a park on the south side of the facility and on the south side of the park there will be an elementary school. Mr. Hartman described the location and the park and school sites. He also indicated that he had talked to a neighbor who had been vocal about developments in the neighborhood. This individual purportedly supported the project. He also explained his contact with the Parks Department and its support for the project as it would provide "security checks" for the park. Mr. McGonigle indicated there would not be any noisy activities at the facility. The air conditioners are in each unit. The amenities in the units were also explained and compared to apartment units. The "pull" stations

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 5

were explained and allow the ADLs to contact the staff in case of an emergency. The fence between the park and the property will be in accordance with the Silver Oak PUD requirements. He thought it was wood. Mr. Hartman indicated wrought iron is permissible, however, chainlink is not. Wood fence or a rail fence is permissible. It may be decorative fencing. The "breakaway" gate/fence for the fire emergency access was discussed. Mr. McGonigle indicated that it could be of wrought iron similar to the fence proposed for the front of the property as it will open the area to the park. Clarification indicated the fence is not normally part of the landscaping review. Ms. Danforth was willing to condition the project to require this review. Chairperson Rogers requested this condition. He also requested that the fencing conform to the requirements of the Parks, Fire, and Community Departments. Mrs. Danforth suggested Condition 8 be modified to read: "A landscape plan and fence design must be approved by the Parks and Community Development Departments.". Mr. McGonigle agreed to this change. Clarification concerning Condition 10 indicated that Fire Marshall Steve Mihelic had indicated the concern was generated by the Sheriff's Department and not the Fire Department. The Fire Department would not require an emergency access although it would be nice to have. Its equipment could reach the facility from College Parkway. Mr. McGonigle indicated he did not have a problem with Condition 11 as suggested. Chairperson Rogers explained his concerns if at a future date the facility discovers it has a problem with the Kmart operation. He also noted that Mr. McGonigle had indicated he had reviewed Kmart's conditions and had agreed to them. Mr. McGonigle indicated that they were aware of Kmart being there first and would accept the noise mitigation measures as their responsibility. The facility will be designed with sound mitigation walls and windows on the side facing Kmart. Commissioner Mally noted that there would be approximately 44 feet between structures. Mr. McGonigle also indicated there would be a landscaping buffer between the fence line and the structure. Commissioner Wipfli commended them on the project and their attempts to keep the building "looking small". He questioned the reasons a larger parcel had not been acquired. Mr. McGonigle responded by explaining the research conducted to find a site and reasons for selecting this parcel. Mr. Sullivan explained Kmart's requirements prohibiting trucks from idling in the early morning/late night hours. He felt that there were mitigating factors going both ways which would allow both uses to be located side by side.

(1-1972.5) Public testimony was solicited. Ms. Fitzhenry explained her original opposition to the project based on the news article. She opposed the three stories. She felt that Silver Oaks was exceeding the promise to maintain single family residential heights in the project. She felt that it would be an excellent facility, however, questioned whether it should be on this site. Mr. Hughes explained his efforts to bring the facility to Carson City and support for the project. He felt that the location was appropriate for it. He had been contacted by many individuals since the news article who had supported the facility. Additional public testimony was solicited but none given.

Chairperson Rogers explained his initial concern with the three story structure. He felt it would provide a better buffer than the original concept for general office. The park would blend with the semi-residential use. It will be a good facility which provides a better transition. The concern about having a multi-family apartment dwelling in the neighborhood would be mitigated by the fact that the senior care residents would not be as mobile as normally found with apartment dwellers. The park and Kmart would provide an excellent location for the facility. It was a well proposed project which would be good for Carson City. Commissioner Uhart also supported the project and urged the applicants to provide a type of fencing which would allow the facility residents to enjoy the view and not feel fenced off/closed off. She felt it would be great if there were residents and students "mixing" in the park. Chairperson Rogers indicated there should not be a brick wall. It should be attractive. Commissioner Uhart explained her original concern with the three story structure, however, the elevations and location had addressed this concern. Commissioner Uhart then moved to approve U-96/97-15, a Special Use Permit application from Sierra Place, LLC, to allow a 64-unit, three story home for the aged, providing a maximum building code determined height of 36 feet 3 inches based on seven findings and subject to 11 conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Following discussion, Commissioner Uhart modified Condition 8 to require approval of the landscape and fencing plans by Parks and Recreation Department and Community Development prior to issuance of the building permit. Condition 10 would not be changed. Commissioner Pozzi continued his second. The motion as amended was voted and carried 6-0.

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 6

CITY (1-2172.5) - Principal Planner Rob Joiner, Mr. Sullivan, Steve Hartman, Mr. Forsberg - During Mr. Joiner's introduction, Commissioners Uhart and Mally stepped from the room. (A quorum was still present--5:08 p.m.) A meeting had not been held with the Builders Association. Commission input was solicited. Action will be requested next month after the meeting with the Association and other interested individuals. Commissioner Horton supported the concept and felt that the Commission should consider only those projects where a disagreement arises. Mr. Sullivan supported this concept. The proposal would expedite the process. (Commissioner Uhart returned during Mr. Sullivan's comments--5:10 p.m. A quorum was present as previously indicated.) Chairperson Rogers explained his personal unscientific poll of apartments with covered/uncovered garages. The covered parking apartments were nicer looking and better maintained even though there did not appear to be any difference in rental costs. (Commissioner Mally returned during his comments and Commissioner Horton left the room--5:12 p.m. A quorum was still present.) As the rental rates per unit did not vary, he felt the comments concerning construction costs were invalid. He indicated that it may be a design issue and requested it be added to the list. Commissioner Wipfli explained his own personal cost analysis of covered parking. He felt the average cost would be \$2,000 per unit to construct covered parking although it would be less if more are constructed. This is a relatively insignificant cost as compared to the unit costs. (Commissioner Horton returned during his comments--5:15 p.m. A quorum was present as previously indicated.) Mr. Sullivan noted the setback requirements for covered parking. He suggested this type of structure be more flexible and allow staff to administrative handle it. The Commission's consensus supported his recommendation. Mr. Joiner pointed out the Builders Association concerns about the trade-offs/flexibility in the requirements. He requested the Commission designate areas of administrative flexibility so that a project would not be forced to come to the Commission for mitigation.

(1-2406.5) Public testimony was solicited. Mr. Hartman expressed his support for having many of the items considered by the Commission handled administratively unless there is a problem. This would be one of the trade-offs for the building industry as it would not require a five week review period nor require a great deal of the Commission's time.

(1-2451.5) Mr. Sullivan explained the Commission's desire to consider having a Hearings Examiner. He also indicated that the next Legislature may expand the Hearings Examiner's duties. He felt that the Commission may desire to continue reviewing subdivision requests. He felt that the proposal may save between 25 and 40 percent of the processing time for some items. Noticing would still be required and the public should be invited to participate. He was concerned, however, about the total impact it would have on amount of staff's time which would be required to handle these items.

Commissioner Mally expressed his concern that this would be telling the property owner what and how they could develop his/her property. Mr. Forsberg felt that the City could establish design standards if tied to the health, safety and welfare interests of the community. Commissioner Mally did not feel that the Commission should dictate window designs, etc. Mr. Forsberg felt that the concept had trade-offs for the developer. Commissioner Wipfli felt that it would establish guidelines and flexibility. Chairperson Rogers noted the goal is to create a better set of guidelines for the builders to follow and to streamline the process. This would eliminate the need for the Commission to review projects which meet the guidelines. He also expressed his concern that the process would eliminate the need for all projects to be reviewed by the Commission. He did not want to limit the public's review process. He felt that if all of the guidelines and standards are met, staff should be allowed to work with the builders and handle the matter administratively. Mr. Joiner iterated that the proposal was in response to public comments made during the visioning preference survey and the strategic plan and had not been proposed by staff, the Commission, or the builders. Minimal standards need to be developed in order for the concept to work. He provided examples of minimal standards for defensible space and roof equipment. Chairperson Rogers felt that the number one complaint he had received was on the "barracks style apartment structures". Luckily none of these complexes had been considered by the Commission. The concept would allow them to be considered. Mr. Joiner explained that the Hearing Examiner process could require noticing to residents/property owners within a specified area. This would keep the process open to the public. Chairperson Rogers supported this concept and suggested that if staff's recommendation is to deny the project, the Commission should review the project as well as any deviations from the established standards. Consent Agenda items should be considered by the Hearings Examiner.

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 7

(1-2745.5) Additional public comments were solicited but none given. Chairperson Rogers ruled that staff had received direction and that no formal action was required.

F-6. U-96/97-16 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM SILVER OAK DEVELOPMENT (1-2748.5) - Mr. Joiner explained a telephone conversation opposing the application based on the fact that: everyone knows where the project's office is; the impact on the area's aesthetics due to the use of the flags; and the noise which will be created by the flags flapping in the wind. Mr. Hartman had agreed to looking into methods of mitigating the noise concern. Mr. Hartman had read the staff report and concurred. Public testimony was solicited but none given. Commissioner Mally moved to approve U-96/97-16, a request from Silver Oak Development, Limited Partnership, to allow temporary poles and flags within the Silver Oak Planned Unit Development based on 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 on this application. Commissioners Wipfli and Pozzi seconded the motion. Motion carried 6-0. (Following the vote, Commissioner Pozzi stepped from the room--5:37 p.m. A quorum was still present.)

F-7. Z-95/96-8 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE

REQUEST FROM RANDALL HARRIS; AND F-8. U-96/97-18 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM RANDALL HARRIS (1-2875.5) - Senior Planner Juan Guzman, Applicant's Representative Mark Palmer, Deputy Utilities Director Jay Ahrens, Matt Brantingham, Senior Engineer John Givlin, Bob Mann's Attorney Bob Grayson - Commissioner Wipfli expressed his concern about the project's density, the amount of parking, and lack of landscaping. Mr. Guzman explained that the Master Plan defined the area as being ten or more dwelling units per acre. The project is 19 dwelling units per acre. This density level is technically acceptable even though there will be one acre residential zoning adjacent. Staff's inability to modify the units by use of the current ordinances was explained. Mr. Guzman could not recommend the density be reduced as it meets the Master Plan guidelines. This point should be considered in the motion.

(1-3211.5) Mr. Palmer had read the staff report. He explained his work with staff since the continuance. (Commissioner Pozzi returned--5:50 p.m. A quorum was present as indicated.) He requested additional definition of Page 5, Item 3b., which requires implementation of the Master Plan Design Guideline Strategy 1.7.3 for location of multi-family uses adjacent to commercial uses. This guideline mandates a fifty foot buffer between multi-family and commercial uses. He felt that the highway would mandate a large setback and that this would remove additional property which should be used for the project or open space. He then explained the project and the effort to create "open space in the middle of the project". The buffer around the outside of the project would be heavily landscaped. The setback from the highway and for the buffer between the commercial and multi-family would put the open space on the back side of the project and may require the project to have 50 percent of the parcel in open space. Present zoning would allow 100 units to be placed on the parcel, whereas the project was for 86 units. He was willing to consider additional setback requirements if it is recognized that it will reduce the amount of open space provided in the middle of the project. Clarification indicated that the project meets current setback requirements. The strategy referenced in Condition 3b. is a guideline which requires a block wall, landscaping, and 50 feet of buffered area as a setback to the building between commercial and multi-family developments. Mr. Guzman indicated that this requirement would be required/verified when the building plans are submitted. Mr. Palmer acknowledged that this was not a condition at this time and explained the desire to have the project work toward the Master Plan guidelines. He explained his effort to be flexible with the guidelines as there could be a need for an additional buffer against the single family one acre district on the south. Mr. Palmer indicated that he was not opposed to any of staff's concerns and noted the time taken to work with staff to create a workable plan for the present neighborhood as well as implementation of some the Master Plan Guidelines. It creates a lot of open space not currently found with multi-family apartments. Mr. Guzman indicated that staff had told Mr. Palmer to work within the Master Plan Guidelines and that any deviations should be brought to the Commission's attention. The 50 foot deviation was, therefore, brought to the Commission's attention and direction was solicited.

Commissioner Wipfli questioned whether the applicant was willing to reduce the density and explained his concern. Mr. Palmer explained the direction he had been given in designing the project and indicated that he could

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 8

not commit to a reduction without discussing the matter with the applicant. His comments included the intent to demolish the miniature golf course currently on a portion of the property. The parking area would be retained and provide parking for the apartments. (2-0005.5) The main goal had been to provide 50 percent open space in the project which is currently not found at any other multi-family apartment complex in the City. He felt that if the change of land use is approved, he could place 100 units on the site. Commissioner Mally noted that this could be done in barracks style. Mr. Guzman explained the present zoning for one acre is single family residential and the other portion is general commercial. The general commercial area would mandate a special use permit in order to build the multi-family apartments or any other residential development project. Discussion indicated that Public Works had required Oak Street to be widened and meet street standards, i.e., curb, gutter, sidewalk, and widening. It would not be stripped for a turn lane. The detention basin is also a Public Works requirement and will be heavily landscaped. It may have a depression of 18 inches in the lawn area and a berm on the property line to the south. (2-0084.5) Mr. Ahrens explained that the sewer main location has yet to be determined. If the sewer main is located along/in the berm area along this property boundary, an all weather access road will be required in this area. A condition will either require extending the sewer main or providing another means for future sewerline extension. Mr. Palmer indicated that these conditions are included in the packet. He then explained the two options for sewer service--one through the commercial property which has the access roadway and the other along the route indicated. The extension from the commercial property is more expensive and is the preferred option due to the impact the access road requirement would have on the landscaping as well as the setback requirement between the property line and the rear of the structures. He then explained that there are 20 foot setbacks on the eastern boundary and ten feet on the side abutting the general commercial zoning. Clarification indicated the ten foot setback was on the south side. Chairperson Rogers expressed his concern with the setback for the portion abutting the General Commercial district on the south. He asked Mr. Guzman what its setback is. Mr. Guzman explained that the setback requirement between the structures and the property line would be 30 feet. If there is a parking lot adjacent to the residential multi-family use, there would be a five foot fence requirement. Mr. Palmer indicated that there is no plan for a fence at this time. The plan only calls for landscaping at this time. He agreed with the neighbor that some "sort of" fencing would be in order to prevent trespass from the multi-family onto the adjacent parcels. He was opposed to concrete block walls. His reasons were explained. He felt that the aesthetics and noise concerns could be addressed with a wood fence with heavy landscaping. He indicated he would not suggest chainlink with colored slats. He expressed a willingness to be flexible on this issue and work staff. Chairperson Rogers expressed his concerns about having the commercial area developed with noisy fans, etc. He urged Mr. Palmer to provide some distance to address this concern. The fencing could help buffer it. Mr. Palmer indicated that the fence was to merely eliminate trespass. The buffer would utilize landscaping. Discussion indicated the site plan and the architectural renderings did not match. Mr. Palmer explained his reasons for wanting the landscaping to be flexible, however, was willing to construct it as directed. Chairperson Rogers indicated that landscaping is reviewed and approved by staff. He felt that direction had been given to staff concerning how the landscaping should appear. Commissioner Wipfli expressed his concerns about the back side of the buildings and desire to have them landscaped to reduce the visual impact from the Highway. Mr. Palmer explained the intent to have the Highway and back side of the project heavily landscaped to mitigate the impact. He emphasized, however, that it would take time for the trees to grow to a size which would provide this mitigation. Mr. Guzman explained Conditions 7 and 8 which would eliminate the rectangular appearance of the structures and staggering of the buildings. This would increase some of the setbacks to more than ten feet. Mr. Palmer indicated that he had reviewed the guidelines discussed in Item F-5 and that he may be its "Guinea Pig". He expressed a willingness to work with staff to accomplish some of the guidelines/standards.

(2-0316.5) Mr. Brantingham expressed his concerns about the project's density, the increased traffic volume, and the project's impact on his adjacent single family one acre property. He felt that the tenants and their friends would use Oak Street to reach Carson Street/Highway 395 even if the remainder of it remains dirt. He requested the entire street be paved to eliminate the dust this traffic would create. Mr. Givlin indicated that the applicant would only be required to construct half-street improvements along his property. NDOT may provide the frontage road but it would not include the infrastructure improvements. Mr. Brantingham felt that the NDOT frontage road may not occur for ten years and reiterated his request that the Oak Street be improved to Roland. Mr. Givlin felt that a majority of the traffic would go north and not south on Oak. Mr. Brantingham explained the present dust problems created by traffic going to Highway 395 south. (Commissioner Mally left the room at 6:20 p.m. A quorum was still present.) He also explained that the sewer line is in Oak Street and the street patching problems he has encountered since the line was installed. Even though the City follows its Streets and Highway Master Plan

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 9

element when prioritizing the street improvements and NDOT is committed to the Bypass, Mr. Brantingham felt that Oak Street would not be paved for at least ten years. He continued to stress his concerns about the traffic volume and dust problems. (Commissioner Mally returned at 6:28 p.m. A quorum was present.) Mr. Brantingham then requested a redwood fence between the project and his property. He supported the landscaping plan, however, felt that the trees would take at least ten to 15 years to mature to a beneficial height. He also iterated his request that the entire project be constructed at one time rather than phased and that it not be spot zoning. Chairperson Rogers indicated that the Commission could not implement a time limit on the project.

(2-0478.5) Mr. Grayson explained the location of his client's property and its rural atmosphere. NDOT purportedly owns everything west of his client. He questioned the changes to the neighborhood which had occurred since the Commission had denied the change of land use request last February. He felt that the request would prejudice his client's property and its rural environment. He also felt that the buffer would not be constructed due to the NDOT property. He urged the Commission to maintain the SF1A zoning and reject the request to increase the density to 19 units per acre. Discussion indicated that Roland has not been dedicated to the City/County. Ormsby County purportedly abandoned it years ago. NDOT had not contacted his client about using this road. If NDOT decides to use it as a frontage road, there would be an additional impact on his client from the increased traffic volume. Chairperson Rogers pointed out that the Commission's map does not indicate that NDOT owns all of the property west of Oak. It is presently zoned General Commercial and could, therefore, be developed at some future point. Mr. Grayson felt that until the Bypass is constructed, there would be no development of the property. This would allow the current rural atmosphere to continue to exist. Mr. Guzman explained the zoning and property ownership for the parcels south of the applicant's property. Chairperson Rogers also noted that the Master Plan indicates this property is in an urban area and not rural. Mr. Guzman also explained that as the area develops the rural atmosphere would be impacted. Mr. Grayson reiterated that the area is and has been historically one acre single family and urged the Commission to hold the line.

(2-0695.5) Additional public testimony was solicited but none given.

Commissioner Mally moved that the Regional Planning Commission approve a motion to recommend to the Board of Supervisors the approval of Z-95/96-8, a change of land use on a one acre portion of APN 9-191-10 from General Commercial to Multi-Family Apartments based on one finding as discussed in the staff report. Commissioner Horton seconded the motion. Motion was voted and carried 4-2-0-1 with Commissioners Uhart and Wipfli voting Naye and Commissioner Christianson absent.

Discussion indicated that a Master Plan Amendment was not necessary and the action required for the special use permit.

Commissioner Mally moved that the Regional Planning Commission approve U-96/97-18, a special use permit from Randy Harris, requesting approval of a 70-unit apartment complex on property zoned General Commercial, located at 4729 South Carson Street, APN 9-191-10 and 9-287-01, 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 the Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Horton seconded the motion. Commissioner Uhart expressed her concern about the density of the project and indicated she would oppose the motion. Commissioner Wipfli explained his concern with the density and desire to have it reduced and desire to mitigate some of the visual impacts. The motion to approve the Special Use Permit was voted and carried 4-2-0-1 with Commissioners Uhart and Wipfli voting Naye and Commissioner Christianson absent. Mr. Sullivan explained that the Board of Supervisors would consider the change of land use on October 17 and suggested the appellants contact his office to determine the time when this issue would be considered. (During Mr. Sullivan's comments Commissioner Pozzi left the room--6:48 p.m. A quorum was still present.) Mr. Guzman indicated for the record that the applicant had stipulated to working with staff on the setbacks and design guidelines.

DINNER RECESS: At 6:50 p.m. a dinner recess was taken. When the meeting reconvened at 7:42 p.m. a quorum of the Commission was present although Commissioners Pozzi and Christianson were absent. Staff present included Messrs. Sullivan, Forsberg, Guzman and Givlin and Ms. McLaughlin.

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 10

G. PUBLIC HEARINGS (1-0780.5)

G-1. U-95/96-47 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM WALMART

- Mr. Sullivan, Tim Morsani - Mr. Sullivan's introduction explained the problems encountered with Walmart's current special use permit. He suggested that when Walmart requests a permit next year they be made aware of all of the conditions so that there would not be any misunderstandings. He also indicated that there had not been any problems encountered with the car sales activity at Kmart last month. Commissioner Uhrt suggested a program be implemented which would not require the car dealers to return to the Commission for each special use permit if they have a good track record. Under her proposal the permit would be issued to the dealer and be independent from the retailer/property owner. Mr. Sullivan suggested that Walmart inform the staff when the car sales activities are to occur and that these dates be included in the permit. He had been advised that an out-of-town car dealer wishes to have monthly car sales at Walmart. If Walmart agrees, the process could become pro-active. He indicated that this application would be considered next month as well as a policy for this type of events. Control could be maintained over traffic lanes and the other public health, safety, Codes, etc., issues. Mr. Morsani supported staff's recommendation. He was not aware of any problems with his previous sale activities. He expressed an intent to maintain communications with the landlord and tenant to be sure that everything is addressed. Public testimony was solicited but none given. Discussion indicated that Condition 8 should be revised to indicate the proposed auto sales location and dates. The area is to be 180 x 180 feet. Commissioner Uhrt moved to approve the timeframe extension of three days for Walmart's special use permit, U-95/96-47, to occur October 11 through October 13 for the specific purpose of outside display and sale of automobiles for Capital Ford and Carson City Toyota 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; this extension of the special use permit is subject to the five conditions that staff placed on special use permit U-95/96-47 and a sixth condition incorporating all of the conditions of approval on the memo from Tim Morsani to Beth Huck, Carson City Business License Division, dated September 5, 1996, specifically addressing signs and banners, food, music, Sani-Huts, parking spaces and location. Following a request for an amendment, Commission Uhrt amended her motion to include that the specific area is to be north of the Pioneer Bank; that the display area would be confined to a space of 180 by 180 feet for a total of 75 parking spaces. Commissioner Horton seconded the motion. Motion carried 5-0-0-2 with Commissioners Christianson and Pozzi absent.

G-2. M-96/97-8 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON

CITY TO REVIEW THE PROCESSES OF SUBMITTAL AND REVIEW OF FINAL SUBDIVISION MAPS AND ADOPTING THE PROCESS AS A CITY POLICY (2-0975.5) - Mr. Guzman, Mr. Sullivan, Landmark Homes Representative Ron Kipp - If the policy is adopted, the Code would have to modified. Until that occurs, the policy will be followed. Discussion explained the reasons three maps are required. Until the one-stop shop is completely implemented, the applicants will be required to issue a separate check for each Division. This process provides the necessary audit trail for each Division. The Commission directed staff to inform the appropriate Agency(ies) of its desire to simplify this process to a "one stop shop" application program. Chairperson Rogers also expressed a willingness to modify the policy to eliminate this requirement when the "one stop shop" is developed. Discussion also indicated that the final map process no longer involves the Planning Commission unless there is a problem. Mr. Sullivan indicated the new process will only take 30 days to complete instead of the original eight to ten weeks. (2-1115.5) Mr. Kipp explained his involvement with the process and his feeling that it was a workable program. He, too, supported the "one stop shop" concept for payments. Additional comments were solicited but none given. Commissioner Mally moved that the Planning Commission adopt the attached final map process procedures and recommend that the Board of Supervisors adopt said procedures as a policy to be implemented in the review and processing of final maps. Commissioner Horton seconded the motion. Motion carried 5-0-0-2 with Commissioner Pozzi and Christianson absent.

G-4. V-94/95-18 - DISCUSSION AND POSSIBLE ACTION ON RECONSIDERATION OF A

PREVIOUSLY APPROVED VARIANCE APPLICATION FROM PALMER ENGINEERING (2-1149.5) -

Mr. Guzman, Principal Planner Rob Joiner, Gordon Hensman - During Mr. Guzman's introduction, Commissioner Pozzi returned--8:05 p.m. (A quorum was present as previously indicated.) Mr. Joiner explained his involvement and pointed out the current lack of design criteria even for City buildings. Mr. Guzman indicated he would take

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 11

full responsibility for the failure to follow through with the Commission's wishes on the colors. Chairperson Rogers explained the Commission's reasons for concern about the project in view of its location which is along one of the City's entranceways. He also explained the safety concern created by the sun reflection off of the roof into the driver's eyes during certain hours of the afternoon. He also indicated the matter had been agendized to discuss the options. Mr. Hensman indicated that he wanted to keep the colors. He did not feel that there was a traffic problem in the morning hours. He had not checked it in the afternoon. He had attempted to coordinate the colors with staff, however, had not been successful. He also noted the lack of design standards. Chairperson Rogers explained the Commission's comments regarding the color and original concept. He also expressed his feeling that the landscaping was one of the best mitigating factors possible and encouraged him to continue to do as much as possible. Mr. Hensman's statements of opposition concerning painting/replacement the slats due to the financial concerns were noted. There had not been a large number of public complaints. Mr. Hensman indicated he had checked to see how many complaints had been received. He also encouraged the Commission to establish design criteria. Chairperson Rogers thanked him for attending and indicated formal action would not be taken. Other comments were solicited but none given.

G-3. A-95/96-6 - DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM CARSON CITY TO AMEND CCMC TITLE 18 (2-1418.5) - Senior Planner Sandra Danforth, Mr. Guzman, Mr. Forsberg, Mr. Joiner, Scott Heaton, Mr. Sullivan, Jim Kiernan, Chamber of Commerce Executive Vice President Larry Osborne - Mrs. Danforth explained the modifications and reviewed her September 25 memo explaining the ordinance modifications made at the public workshop on September 23. She pulled Sections 18.02.102, 18.03.627, 18.05.023(7), 18.05.023(11), 18.05.029, 18.05.031, and 18.06.255. These Sections will be considered at a future meeting. Discussion indicated 18.03.035 does not have a penalty although any violations to the entire Section could be cited. (Commissioner Mally stepped from the room--8:30 p.m. A quorum was still present.) Discussion explained the exclusion of thrift shops, second-hand shops, etc., in Section 18.03.287 - Flea Markets. They may rent a booth at a flea market. Chairperson Rogers suggested a definition of short-term be included. This would eliminate the need to exclude anyone. Mr. Forsberg explained that a consignment shop would not be categorized as a flea market based on the merchandise. Chairperson Rogers then suggested, with this intent in mind, that there be a period after "merchandise at retail" and added "This section does not apply to....". He reiterated his request to define short-term. Both Mrs. Danforth and Mr. Forsberg agreed to his amendments. Mr. Guzman suggested the Business License definition of short-term be used, if possible, and that this section be continued. Both Mr. Forsberg and Chairperson Rogers agreed. Chairperson Rogers also indicated that any sections which are discussed be held. Any without discussion could be adopted this evening. Discussion continued Section 18.03.287. Chairperson Rogers indicated Section 18.02.102 was also pulled. Staff recommended Sections 18.03.627, 18.05.023 including its Subsections 7c, 11, and 11c, 18.05.029, 18.05.031 including its Subsection 6, (2-2137.5) 18.06.255, and 18.06.257 be continued. (2-2015.5) Discussion explored the definition of professional in Section 18.05.045 - Home Occupation. Mr. Joiner expressed a willingness to utilize the Business License definition if possible. Chairperson Rogers suggested the listing be changed to "professional offices, insurance office,...". (2-2186.5) Discussion indicated the changes in Sections 18.06.267 and 268 and 18.06.298 modified "golf course including driving range" to "golf course and/or driving range" and that these sections could be approved. The portions of these sections related to the storage bins were continued. Mrs. Danforth corrected a typographical error which referenced Section 18.06.299 to be Section 18.06.229. The portions of Sections 18.06.305, 307, and 317 regarding portable storage bins were continued.

(1-2326.5) Public comments were solicited. Chairperson Rogers requested written comments on any continued/deferred sections be given to staff for future consideration. Mr. Heaton voiced his opposition to the process and short turnaround period between the workshop and the Commission's meeting. He also felt that the comments at the workshop had indicated the entire proposal was to be continued and not adopted by the Commission. He had not had an opportunity to review the modifications which had been suggested in Mrs. Danforth's memo. He iterated his feeling that the modifications had been created in response to specific problems or projects. He agreed that this is possible if the impacted individuals have an adequate opportunity to review the modifications and respond. He questioned the notification process used for Monday's workshop. He then explained his concerns related to 18.05.023, which prohibits business trailers from being parked in residential neighborhoods. This would impose a hardship on the small landscaping businesses and may force them out of business. He also questioned the justification for excluding business panel trucks and pickups from being parked

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 12

in residential areas. He felt this discriminated against the larger trucks. Chairperson Rogers indicated this section had been continued. Mr. Heaton felt that his reference had not and continued to iterate his opposition--Section 18.05.023.12. Mr. Sullivan agreed to continue this section. Chairperson Rogers suggested this section be discussed in a workshop. Mr. Heaton then expounded on his opposition to Section 18.05.045 which prohibits employees from working at the residence. Chairperson Rogers indicated this prohibition is in the current ordinance. He recommended the section be addressed at the Board level. Mr. Heaton then explained his opposition to increasing the 30 foot setback from 20 feet in Section 18.24.050 when an RV park abuts single family or multi-family districts. He felt that there are other means to provide the appropriate buffer area without modifying the setback. He requested this section be continued. Mrs. Danforth explained the reasons for modifying the RV ordinance to include a setback requirement. Mr. Heaton felt that the modification increased the RV setback requirement and added landscaping requirements. He felt that these standards should be addressed in the special use permit process.

(2-2682.5) Discussion indicated Mrs. Danforth had explained the amendment to Section 18.06.229 in her review of the modifications.

(2-2715.5) Mr. Kiernan voiced his objection to the entire code modification procedure. He felt that the entire process was being handled under the Consent Agenda and that this was how it had been advertised in the newspaper. Staff and the Commission indicated it was not on the Consent Agenda. Mr. Kiernan also felt that the period between the workshop and the hearing was too short to prepare an adequate response. He supported making any corrections to errors in the Code as soon as possible. Mr. Forsberg explained the different errors which were being changed--grammatical as well as those found between different Code sections. Mr. Kiernan then suggested those changes be addressed separate from the other modifications. Chairperson Rogers described the modification process which had been occurring over the last year. The workshop had been held in an effort to obtain additional informal and is not required by law. The process is on-going and does not end. Mr. Kiernan continued to express his concern about having the item which create the Code modifications handled as a Consent item. Chairman Rogers responded that this never occurs. Mr. Kiernan then indicated that no one had had the opportunity to review the volume of changes. Chairperson Rogers indicated that the Commission "was red eyed" from having reviewed it. Mr. Kiernan continued to iterate his feeling that the general public had not had an opportunity to review the changes. Chairperson Rogers questioned Mr. Kiernan regarding any specific areas of concern and explained that Title 18 is reviewed at every meeting to determine if there are problems and how it is applied to projects. The Commission had seen many of the changes four or five times. Mr. Kiernan continued to stress his viewpoint. Chairperson Rogers responded by explaining the procedure. He also explained that the Board of Supervisors would determine what should be implemented and mediates any problem areas.

(2-2985.5) Mr. Osborne agreed that it was a on-going dynamic process. He indicated that the process is not rushed as there are two more hearings before the ordinance is implemented. The Chamber had participated in the process and is also involved with the Business License review. He supported including a definition of a "professional" and expressed the desire to have it be compatible with the Business License ordinance. He encouraged the Commission to include definitions for short-term and adult. He questioned the reasons for restricting a Home Occupation Business to only one or two licenses. This is a growing business area. Examples were cited to illustrate the need for more than one license. He indicated he would not support having a business in the home with retail sales. Mrs. Danforth explained that multiple occupations can be listed under one license if the uses fit within the definition. Mr. Osborne continued to expound on his reasons for feeling that the number should not be restricted. Chairperson Rogers suggested the ordinance be modified to reference the Business License ordinance and state that the number of occupations are those allowed under the Business License issued. Mrs. Danforth suggested that it not be limited and that it state it is allowed as long as the Business License requirements are met. Chairperson Rogers then suggested that Home Occupations indicate that they are allow as long as they are covered by a Business License. Mr. Osborne indicated that the other criteria would still have to be met. Mr. Joiner indicated that the business could not have any employees or retail sales at the home. Consensus indicated Home Occupation should indicate that a Business License must be obtained for all occupations within the home and abide by all the other established criteria for a home occupation as indicated within the Business License Section.

(2-3190.5) Additional public testimony was solicited but none given. Chairperson Rogers then indicated that any sections with problems/questions were to be pulled. If anyone encounters a problem with the remaining portions,

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 13

he/she should appeal to the Board of Supervisors. He also requested that, if a Section is read in the motion which should be pulled, it be brought to the Commission's immediate attention. (2-3243.5) Chairperson Rogers passed the gavel to Vice Chairperson Horton and moved for approval and submittal to the Board of Supervisors for approval the following Title 18 revisions: 18.02.031, 18.02.035, 18.03.035, 18.03.040, 18.03.047, 18.03.106, 18.03.223, 18.03.319, 18.03.330, 18.03.407a, 18.03.408, 18.03.465, 18.03.484, 18.03.485, 18.03.555, 18.03.573, 18.05.022, and 18.05.023. Following discussion of Section 18.05.023, Chairperson Rogers pulled Subsections 7, 11, 11.c, and 12 from this Section. Section 18.05.023 General Requirements was felt to be okay. Chairperson Rogers continued his motion to include Sections 18.05.023.14, 18.05.023.16, 18.05.045 with the changes as had been made this evening with which everyone was in agreement, 18.05.047, 18.05.090, 18.05.101, 18.05.105, 18.05.109, 18.05.109.2, 18.05.110, 18.06.059, 18.06.069, 18.06.079, 18.06.089, 18.06.129, 18.06.209, 18.06.247. Following a request for an amendment, Chairperson Rogers amended his motion to include 18.06.229 and continued the motion to include Sections 18.06.247, 18.06.253, 18.06.256, 18.06.261, 18.06.264, and 18.06.266. Following discussion as to whether to include the Sections or not, Chairperson Rogers continued the motion with Section 18.06.267 changed to read golf courses and/or driving range and that Section 18.05.031(6) is passed without the portable bins, 18.06.268, 18.06.275, 18.06.277 with the removal of the portable bins, 18.06.286, 18.06.296, 18.06.298 with the removal of portable bins, 18.06.305 with the removal of the portable bins, 18.06.306, 18.06.307 with removal of the portable bins, 18.06.316, 18.06.317 with removal of the portable bins, 18.06.323, 18.06.333, 18.06.341, 18.08.010, and 18.08.020. Following discussion on whether it was in or out, Chairperson Rogers continued his motion with Section 18.24.040, 18.32.070, and 18.32.090. Commissioner Mally seconded the motion. Motion was voted and carried 6-0-0-1 with Commissioner Christianson absent.

Vice Chairperson Horton returned the gavel to Chairperson Rogers. Following Mr. Sullivan's request for a motion continuing the remaining items, Chairperson Rogers suggested a motion that any items not included in the list as being approved were continued. Commissioner Horton so moved. Commissioner Uhart seconded the motion. Motion was voted and carried 6-0-0-1 with Commissioner Christianson absent as indicated.

G-5. DISCUSSION AND POSSIBLE ACTION ON THE APPROVAL OF THE REVISED DATES FOR THE OCTOBER, NOVEMBER, AND DECEMBER 1996 PLANNING COMMISSION MEETING DATES (2-3535.5) - Mr. Sullivan's reasons for the revisions were explained. He thanked his staff and, specifically, Pat Hughey for their efforts to reschedule the Commission's meeting dates. He also thanked the Carson River Advisory Committee and, specifically, Chairperson Don Quilici, for its willingness to relinquish the Sierra Room so that the Commission could have its meeting there. Commissioner Uhart moved to approve the three revised dates for the October, November, and December meetings. Commissioner Mally seconded the motion. Motion carried 6-0.

Mr. Sullivan then noted that there would be a Growth Management meeting on October 1 and that its meeting dates will be considered at that time.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS) (3-0043.5)

H-1. CORRESPONDENCE TO THE COMMISSION - a. MEMO REGARDING RON WEDDELL - SPECIAL USE PERMIT U-94/95-15; b. MEMO TO TOM WAKIMOTO REGARDING TEMPORARY OUTDOOR SALES; c. MEMO TO DON LANGSON REGARDING BUSINESS LICENSE APPLICATION FOR RV/CAMPGROUND FACILITY; d. MEMOS (2) REGARDING PAIUTE PIPELINE; e. MEMO TO REGIONAL PLANNING COMMISSION REGARDING MINOR REVISION TO COMMISSIONERS' BY-LAWS - Mr. Sullivan reviewed the memos. He explained that the outdoor auto sales had been allowed to occur even though the ordinance had been modified. Mr. Wakimoto has been requested to contact this firm and advise it that future sales must meet the Code requirements and obtain a Special Use Permit. A similar letter has been sent to all mall owners advising them of the requirements. Mr. Langson's Business License was for a recreational vehicle park whereas, in fact, it is a campground. This problem has been resolved. Discussion indicated the requirements Mr. Archie Cooke had referenced in his letter to Paiute Pipeline were federal requirements. A copy of his letter has been sent to Paiute Pipeline. The applicant has indicated he would comply with those requirements. Mr. Guzman provided a status report on the applicant's efforts to explore alternatives. BLM has indicated that it would cooperate with the City and, if the City desires, provide an

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the September 25, 1996, Meeting

Page 14

alternative route. Since the Major Project Review, the applicant has modified his position and is pursuing the BLM alternative. Staff is planning to walk the route with BLM and the applicant tomorrow. Mr. Sullivan explained the normal revision process and criteria which would be required for the alternate route. The Commission, if the alternative is desirable, may wish to adopt a motion amending the Special Use Permit to allow development of the route. Commissioner Uhart supported this process rather than being given a written report. The proposal will be considered by the Historic Architecture Review Commission. The Parks and Recreation Commission had reviewed the project. Mr. Guzman also indicated another alternative is to use the street. Mr. Sullivan explained the error in the By-Laws, Page 2, Section B. 2., which has been corrected.

H-2. STAFF BRIEFING ON STATUS OF COMMISSION'S RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (3-0240.5) - Mr. Sullivan gave a verbal status report on the Board's actions on the animal and fowl ordinance, Hidden Meadow Final Subdivision Map, Hans Hanke's abandonment request, College Parkway Associate's Subdivision, Mr. William's change of land use, and on Super K's landscaping.

H-3. COMMISSIONER REPORTS (3-0291.5) - None.

H-4. STAFF COMMENTS (3-0221.5) - Mr. Sullivan gave a verbal status report about his meetings with the gentleman who had expressed concerns about the Master Plan's land use designations for his property. This individual has requested the other City Departments provide him with a list of development concerns related to property. (3-0295.5) Staff had requested a special workshop with the Commission to discuss each individual's job. It had also been suggested that the Commission have a joint meeting with the Board of Supervisors when the budget is being discussed.

H-5. FUTURE COMMISSION ITEMS (3-0313.5) - There had been six or eight responses to the Master Plan Housing Element RFP. A \$40,000 CDBG grant has been obtained for this purpose. The City Manager had provide \$10,000 also. A selection will be made on Monday and a recommendation given to the Board on October 17 if a contract is negotiated. The consultant will be agendized for the next Commission meeting to discuss the scope of work and housing concerns. Chairperson Rogers reminded the Commission of the Tuesday Growth Management Commission meeting. Mr. Sullivan explained the Chamber of Commerce's "Empowered Volunteer" classes. He felt this had been a successful program. Chairperson Rogers briefly explained some of the items discussed on how to run a meeting.

I. ADJOURNMENT (3-0370) - Commissioner Mally moved to adjourn. Commissioner Wipfli seconded the motion. Motion carried unanimously. Chairperson Rogers adjourned the meeting at 10:15 p.m.

The Minutes of the September 25, 1996, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON December 4, 1996.

/s/
Alan Rogers, Chairperson