

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the July 31, 1996, Meeting

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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, July 31, 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 Allan Christianson, Archie Pozzi, Deborah Uhart, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy Utilities Director Jay Ahrens, Health Officer Daren Winkelman, Principal Planner Rob Joiner, Deputy District Attorney Mark Forsberg, Senior Planners Sandra Danforth and Juan Guzman, Senior Engineer John Givlin, and Recording Secretary Katherine McLaughlin (R.P.C. 7/31/96 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 3:04 p.m. Roll call was taken and a quorum was present although Commissioner Mally was absent and Commissioner Uhart had not yet arrived.

OTHER MATTERS - Chairperson Rogers welcomed Commissioner Wipfli.

B. COMMISSION ACTION - APPROVAL OF MINUTES FOR APRIL 25, 1996, SPECIAL MEETING, AND MAY 29, 1996 AND JUNE 26, 1996, REGULAR MEETINGS (1-0016.5) - Commissioner Horton moved to approve the Minutes of April 25, 1996, Special Meeting, and the May 29 and June 26, 1996, Regular Meetings as presented. Commissioner Christianson seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-0025.5) - (Commissioner Uhart arrived during Chairperson Rogers' introduction--3:06 p.m. A quorum was present as previously indicated.) Harry Zeller briefly indicated he was having difficulty opening Zeller's Collectibles in Carson City. Mr. Sullivan explained that a portion of his problem is similar in nature to another agendized item and that it should be discussed at that time. Chairperson Rogers indicated that the Commission would accept his comments at this time only if he is not able to remain until the item is considered. Mr. Zeller then explained that he had applied for a business license and had been told that the business site is not zoned for the sale of collectible items. He indicated that 80 to 90 percent of his business is the sale of new items. The remainder is on consignment. He displayed a picture of his Sparks store. Mr. Sullivan explained that the area he wished to use is zoned Retail Commercial and only new items may be sold in it. He also indicated that staff would make a presentation during both Terese Reid's item and during the last agenda item. Mr. Zeller indicated he would remain and listed the collectible items which he planned to sell. He felt these items were similar to used books. Commissioner Christianson urged him to stay. Discussion indicated the issue should be considered under Item F-4. Additional public comments were solicited but none given.

D. AGENDA MODIFICATIONS (1-0114.5) - Community Development Director Walter Sullivan indicated that a couple of items would be taken out of order.

E. CONSENT AGENDA (1-0120.5)

E-1. AB-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON AN ABANDONMENT REQUEST FROM RONALD KITCHEN

E-2. U-94/95-41 AND U-94/95-7 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR A ONE-YEAR EXTENSION FROM SHAW CONSTRUCTION

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E-3. U-96/97-4 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MICHAEL BELL AND ED WENINGER

E-4. V-96/97-2 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM MICHAEL BELL AND ED WENINGER

E-5. M-96/97-3 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM RICHARD THORNLEY

E-6. U-94/95-48 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM BEATRICE FRUTOS

E-7. U-94/95-55 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CARSON CITY SCHOOL DISTRICT

E-8. U-92/93-27 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CARSON CITY SCHOOL DISTRICT

E-9. U-92/93-24 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM CAPITOL ASSEMBLY OF GOD CHURCH

E-10. U-94/95-19 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FOR A ONE-YEAR EXTENSION FROM DEBORAH FRICKE

E-11. U-91/92-29 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM GRANITE CONSTRUCTION

E-12. AB-95/96-10 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM PAUL AND ROBERT POLICHO

E-13. U-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MAE J. MCGIBBEN - Mae McGibben requested Item E-13 be pulled for discussion. Chairperson Rogers informed the public that there were copies of the Agenda on the podium for anyone wishing a copy. Commissioner Christianson moved to approve Items E-1 through E-12 on the Consent Agenda with Item E-13 being pulled. Commissioners Uhart and Horton seconded the motion. Motion carried 6-0.

E-12. (1-0157.5) - Mae McGibben explained her request for an oversized garage and displayed a picture of a similar building. She indicated that she had been aware that the motion was to approve the request. Mr. Sullivan explained the staff recommendation and conditions. There had been no opposition. Ms. McGibben indicated she had read the staff report and was in agreement with it. Public testimony was solicited but none given. Commissioner Christianson moved that the Regional Planning Commission approve U-96/97-1, a special use permit request from Mae McGibben to allow a detached accessory structure in excess of fifty percent of the total square footage of the primary structure based on seven findings and subject to eight 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 Uhart seconded the motion. Motion carried 6-0.

F. PUBLIC HEARINGS

F-1. U-94/95-28 - DISCUSSION AND POSSIBLE ACTION ON CLOSURE OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT APPLICATION FROM CAROL J. WYATT (1-0204.5) - Mr. Sullivan - The Applicant had not responded to any of staff's written correspondence, personal delivery, and telephone calls. She had failed to sign the acknowledgement which is required as part of the Special Use Permit process. The applicant was not present. Public testimony was solicited but none given. Commissioner Christianson moved that the the Commission approve a motion to revoke Special Use Permit U-94/95-28, a Special Use Permit request by Carol J. Wyatt to operate a facial and nail salon on property zoned General office located at 421 South Pratt Avenue, APN 4-092-08, based on the finding that Condition No. 4 of the subject use permit has been violated. Commissioner Pozzi seconded the motion. Motion carried 6-0.

F-2. V-96/97-1 DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM DR. MARK MATTOON; AND F-3. U-96/97-2 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DR. MARK MATTOON (1-0273.5) - Senior Planner Juan Guzman, Jim Fitzgerald, Senior Engineer John Givlin, Rick Crawford, Mr. Sullivan, Deputy Utilities Director Jay Ahrens, Deputy District Attorney Mark Forsberg - Commissioner Uhart suggested that parallel parking be provided for

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guests. Mr. Guzman deferred to the applicant. Mr. Fitzgerald indicated that he had read the staff report and agreed with it. It may be possible to provide additional parking. The plans include a culvert for the drainage. There is an application before NDOT to obtain direction about its Kings Canyon expansion plans. He felt that he was within 1-1/2 feet of meeting the setback requirements and that he would be able to meet Public Works' requirement for vehicle parking as well as the front stairway design. If the house can be moved forward, additional area may be provided at the rear of the building. There are also retaining wall concerns.

Mr. Givlin explained the topography and the grading impact. He requested an opportunity to work with the applicant and be sure that a car could be safely parked in the driveway with adequate room for a walkway between it and the garage door. He felt that the request for a 15 foot setback would be very tight. Mr. Guzman explained Dr. Mattoon's absence. Chairperson Rogers expressed his concern about the visual impact which would be created by the grading. Mr. Guzman agreed that this had been staff's initial concern. The rear of the lot will be terraced and landscaped. Mr. Fitzgerald felt that, based on the house design and size, the landscaping will be nice looking. Commissioner Uhrt suggested a landscaping plan be required as a condition. Chairperson Rogers felt that the landscaping should be reviewed by staff as an additional condition. Commissioner Uhrt explained that the "cut" in the hill had been there for a long time. She wished to see something done to address this eyesore. The quality of the home proposed for the site with appropriate landscaping could be a huge improvement.

(1-0458.5) Mr. Crawford expressed his concerns about the height of the building. A copy of the cross section was given to him. Mr. Guzman felt that the front of the house would be approximately 35 feet tall. The back of the house would be lower. Mr. Givlin explained that Kings Canyon is a State road. Staff is not aware of any projects currently proposed for it. He felt that ultimately it will and should be improved. There may be a preliminary or conceptual design available at NDOT. Mr. Guzman explained that Long Ranch Subdivision has been required to provide pedestrian facilities along the north and south sides of Kings Canyon. This information is included in the staff report. There are plans to extend the sewerline to this property. Mr. Ahrens indicated that this would be at Dr. Mattoon's expense and not Mr. Crawford. A septic system will not be allowed. Mr. Crawford would be required to connect if and when his system fails. At that time he will be responsible for the installation charges, connection fees, and the septic abatement costs. Mr. Crawford requested notification if any of the other properties are developed or variances requested. Mr. Guzman indicated that a two percent variance could be granted by staff although this had never been done by staff. Public notice would be given if there is a request for excessive height, variance, or special use permit to anyone within 200 feet. He would not be notified when the plans are submitted. Mr. Ahrens indicated that he did not have any information concerning where the sewerline would be located. Additional public comments were solicited but none given.

(1-0583.5) Commissioner Christianson moved that the Regional Planning Commission move to approve U-96/97-2, a special use permit from Mark Mattoon for the purpose of constructing a single family dwelling within a site exhibiting slopes in excess of 33 percent, located at 1887 Kings Canyon Road, APN 9-014-19, based on five findings and subject to eight 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 Uhrt seconded the motion. Commissioner Horton suggested two additional conditions to the motion and his reasons for the conditions. Commissioner Christianson amended his motion to include Condition 9, that prior to commencement of any work a plot site plan acceptable to the Public Works Department shall be provided; and, 10. that they provide a landscaping plan acceptable to Community Development Department prior to disturbing any of the existing land configuration. Commissioner Uhrt continued her second. Motion carried 6-0.

Commissioner Christianson moved to approve V-96/97-1, a variance request from Mark Mattoon to vary from the required 20 feet to 15 feet at the front setback for a property located at 1887 Kings Canyon Road, APN 9-014-19, based on five findings and subject to ten conditions of approval 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 Uhrt seconded the motion. Commissioner Horton requested an amendment due to the concerns expressed by staff concerning having a car parked in the driveway. Mr. Givlin suggested different language. Mr. Forsberg felt that a vehicle should not be used to indicate the distance due to the differences between models. Chairperson Rogers suggested that the issue be left to the Public Works Department and that it should be addressed on the site plot plan. Commissioner Christianson accepted

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Chairperson Rogers recommendation and amended his motion to: ...from the required 20 feet to an distance equal to the length approved in Condition No. 9 according to the plot plan. Commissioner Uhart continued her second. The amended motion was voted and carried 6-0.

F-4. M-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM WILLIAM GOULARDT TO APPEAL AN ADMINISTRATIVE INTERPRETATION OF CARSON CITY MUNICIPAL CODE SECTIONS 18.06.266 AND 18.06.261 (1-0675.5) - Senior Planner Sandra Danforth - The applicant was not present. Discussion noted that the applicant would lose his lease today. The \$25 ordinance modification fee could only be refunded by the Board of Supervisors. Chairperson Rogers indicated his support for the current ordinance. Commissioner Horton indicated, that as an artist, he did not feel that he had special rights which preclude his abiding by the ordinances. He also indicated that he was not questioning Mr. Goulardt's artistic abilities. Commissioner Pozzi moved that the Planning Commission uphold staff's administrative interpretation of CCMC Section 18.06.266 requiring assembly of products to be produced indoors within the General Commercial District. Commissioner Horton seconded the motion. Motion carried 6-0.

F-5. A-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM HELEN TAPPERO AND TERESE REID (1-0773.5) - Associate Planner Tara Hullinger, Helen Tappero, Mr. Forsberg, Mr. Joiner, Mr. Sullivan, Harry Zeller - Following Ms. Hullinger's introduction, Ms. Tappero explained the request had been to add recycled children's merchandise to the list of businesses allowed in the Retail Commercial district. This would be similar to used books and antique shops. She felt that this would preclude the "junk" shops. Chairperson Rogers explained his concern is that recycled children's merchandise would open the door for other items. Ms. Hullinger explained that used children's clothing could be appealed very easily as there is little difference between it and used adult clothing. The same is true of children's bedding versus adult bedding. Another concern is the inability to dictate the quality of merchandise. Chairperson Rogers also pointed out the difficulty in distinguishing between adult and child's bicycles. Ms. Hullinger reiterated her statements that if the Commission wishes to allow the sale of used merchandise in the Retail Commercial district, the ordinance should be changed rather than to restrict it to "children's" used merchandise. Ms. Tappero indicated that all of her merchandise is inside the store. Bicycles are sold but the size is restricted to 16 inches. She did not feel that used children's merchandise would sell if not a good quality and condition. She questioned the reasons antique stores are allowed while stores with other types of used merchandise are not. Commissioner Uhart questioned the standards used in other communities and indicated that she had seen similar stores in redevelopment districts. Ms. Hullinger indicated that she had checked with several other communities. It is a question of used merchandise versus new merchandise and the percentage allowed. Quality of merchandise is not addressed. This issue is often controlled by the lease. Carson City could follow this procedure also, however, this would remove the quality issue from under the staff and Commission's control. A special use permit would not be required under this process. Discussion pointed out that the downtown district allows the sale of used merchandise. The ordinance dealing with Retail Commercial districts had been modified in 1995 after a lot of debate over this issue. Mr. Forsberg recommended against attempting to legislate quality. The Commission has routinely denied applications for retail sales of used merchandise in this zone. Allowing this application based on the quality of her merchandise may be found to be arbitrary and capricious. He felt that used books could be justified as they are small, are kept indoors, and easily moved. Commissioner Horton questioned the reasons antiques are allowed as an antique plow may be kept outside and is allowed. This may have opened Pandora's box already. Mr. Forsberg responded by explaining his feeling that it will open the box even more if one person's request is allowed based on her/his business. The policy should be district wide. Chairperson Rogers felt that this had been the issue which had been debated during the ordinance change.

Mr. Joiner explained that there are other districts where the use is allowed. Staff receives a lot of complaints from the Retail Commercial district on non-conforming uses regarding the display of merchandise, both inside and outside. The Downtown Commercial district allows the sale of used merchandise by Special Use Permit. Staff had attempted to include appearance codes in the Downtown Design Guidelines, however, this was negotiated out by interested property owners and the Chamber of Commerce. He supported Mr. Forsberg's comments concerning opening Pandora's box. Mr. Sullivan explained that used books are allowed only if new books are also sold on site. He emphasized that the question is whether used materials should be allowed in the RC district. Performance standards for single areas could not be established. Retail Commercial zoning districts restrict the sale of used

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merchandised to books and antiques. All other sale items are new merchandise. Chairperson Rogers felt that if recycled children's merchandise is allowed, all other merchandise would be allowed as children use refrigerators, etc. Commissioner Pozzi explained that the applicant had signed a three year lease and opened the store without obtaining the appropriate City permit. Ms. Tappero indicated that there had been a store for two years in a Retail Commercial district with a Special Use Permit, therefore, she had not felt that there would be a problem and the landlord had not foreseen a problem. She had not been aware of the ordinance change. Chairperson Rogers noted that the previous discussion had included the term "grandfathering" which is allowed for the location and not the business.

(1-1207.5) Public testimony was solicited. Mr. Zeller reiterated his efforts to open a retail collectible store handling limited editions of items. Pictures illustrating the items were distributed to the Commission. (After the motion, he took the pictures back.) Discussion explained the location which is also in the Retail Commercial district. When he applied for the Business License, he discussed the zoning problem. He then explained his reasons for feeling that the collectible plates/items were not used as they are certified and kept in the original boxes. He acquired his direct from the manufacturer, however, they become more valuable as they age.

Mr. Sullivan explained the Commission's policy to allow the sale of used merchandise with a Special Use Permit when restricted to 20 or less percent of the merchandise. He suggested that the Commission decide the request and direct staff to return in August for guidance on Mr. Zeller's request. Mr. Zeller would meet the 20 percent or less criteria and his merchandise is not removed from the original box or displayed. This is a fine line of demarcation. Enforcement problems with such a fine line were noted. This had been the reason percentages were not included in the ordinance modification. Mr. Zeller's issue would be whether to allow collectibles which may create a definition/enforcement problem also.

Mr. Zeller indicated that his store is similar to the new and used book stores as he is 80 percent new and 20 percent used. The only way to determine that his items were new or used is whether they were on consignment. The items have not been used but are considered collectibles. He indicated that he had signed a lease and had all of his merchandise in a Uhaul in Sparks waiting for the Commission's decision. He requested direction this evening if at all possible. Chairperson Rogers explained that a decision could not be made on his request this evening. His business decision was up to him.

(1-1389.5) Additional public comments were solicited but none given.

(1-1405.5) Chairperson Rogers passed the gavel to Vice Chairperson Horton and moved to support staff's report that, at this time, no amendment to Code Section 18.06.257 be approved and that the Code stay as it is. Commissioner Christianson seconded the motion. Motion was voted and carried 5-1-0-1 with Commissioner Uhart voting Naye and Commissioner Mally absent. Vice Chairperson Horton returned the gavel to Chairperson Rogers. Mr. Sullivan explained the appeal process.

F-6. U-96/97-6 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON CITY CONVENTION AND VISITORS BUREAU (1-1435.5) - Principal Planner Rob Joiner, Convention and Visitors Bureau Executive Director Candice Duncan, Chamber of Commerce Executive Vice President Larry Osborne - Commissioner Horton declared a potential conflict of interest and left the dais and room--4:35 p.m. A quorum was still present. Ms. Duncan had read the staff report and agreed with it. She explained that the one banner would be changed if the Legislature supports the recommendation to establish Nevada Day as a three day weekend. Mr. Osborne supported the banners and explained his reason for requesting it be processed in the same fashion as that which businesses must follow. Public comments were solicited but none given. Chairperson Rogers indicated that the appropriate funds would be transferred from one City account to another City account if approved. Commissioner Uhart moved to approve U-96/97-6, a special use permit for permanent banners promoting community special events within the State right-of-way on the east and west sides of North and South Carson Street between South Carson and Stewart Streets and North Carson and Bath Streets as requested by Carson City and the Carson City Convention and Visitors Bureau based on seven findings and subject to five conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on

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this application. Commissioner Pozzi seconded the motion. Motion carried 5-0-1-1 with Commissioner Horton abstaining and Commissioner Mally absent.

F-7. V-96/97-4 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM BRIAN SMITH; AND, F-8. U-96/97-5 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM BRIAN SMITH (1-1575.5) - Mr. Joiner, Palmer and Lauder Engineering Representative Mark Palmer, Brian Smith, Jr., Mr. Guzman - Commissioner Horton returned during Chairperson Rogers' reading of the title. (A quorum was present as previously indicated.) Public comments expressed to Mr. Joiner via telephone had indicated support for the temporary landscaping requirement. Discussion indicated that it may be 12 to 18 months before the soil mediation efforts are completed and the landscaping can be made permanent and brought up to the Code requirements.

Mr. Palmer indicated that a representative from Resource Concepts was present who to answer any questions about the mediation program. Mr. Smith indicated he had read the staff report and agreed to all but the requirement for additional trees. His disagreement was due to its being a temporary requirement and its added cost. Originally he had planned to use City planters, however, due to a problem, they are no longer available. The Nugget would have to purchase the planters which he felt were expensive. Mr. Palmer agreed with staff's recommended for six month reviews to provide a status report on the mediation efforts. The mediation efforts were felt to be a standard procedure. Commissioner Horton suggested that the trees be used as part of the final landscaping. Mr. Palmer indicated that the trees and plants were not the expense being opposed. The problem is with the expense of the insulated planters. Discussion ensued on the planters, reasons for requiring insulated planters, the landscaping which will be installed by the Downtown Redevelopment Project, the blending of the Nugget's landscaping with Redevelopment's, and the Commission's desire to reduce the visual impact of the large parking lot. Mr. Guzman noted that an economic hardship is not a viable reason for approving a variance and that the planters could be used in other parking areas when no longer needed on this site. Mr. Joiner indicated that the requirement for eight planters had been an attempt to meet the landscaping requirements mandated by the Code and cover the entire parking area. Chairperson Rogers suggested the landscaping plan be modified by moving the two trees away from the building and putting them along the perimeter. He also suggested additional bushes be added along the front of the lot. Mr. Palmer supported his suggestion. Chairperson Rogers indicated this would modify the condition to mandate four insulated planters for trees and four insulated planters for roses bushes. Mr. Smith agreed to four and four. He requested that the box along the front of the lot not be one solid piece. He requested they be spaced to allow pedestrian traffic between them. Chairperson Rogers put two in front and two along the side. Mr. Palmer then requested that the applicant be allowed to design and construct the planters in his wood shop. This design will be submitted to Community Development for review and approval prior to installation. Reasons the original planters could not be used were explained. Mr. Smith indicated that a local firm had been contacted about using their planters for a display ad, but to no avail. Mr. Joiner indicated that staff would oppose additional bushes and less trees as it is not in keeping with the ordinance. He felt that staff had already compromised with the applicant by allowing hand watering. He would support the Commission's direction. The lot has a crown and would be visible over the planters. He felt that the landscaping requirement was an attempt to provide shade within the lot and that the Redevelopment landscaping would mitigate the visual impact. Commissioner Christianson also noted that two inch diameter trees would not provide a lot of screening. Mr. Joiner agreed and also noted that some mediation efforts have taken as much as five years to complete. He reiterated Commissioner Christianson's point regarding the lack of knowledge as to the origin of the contamination and Mr. Guzman's statements about the Nugget's ability to use the trees in other parking lots. Mr. Smith then explained that a majority of the Nugget's landscaping is on an automatic irrigation system, however, there are a few areas which are hand watered. Until the mediation efforts are completed, the irrigation system should not be installed.

(1-2028.5) Public testimony was solicited but none given.

Commissioner Horton moved to approve V-96/97-7, a variance request from Brian Smith, Carson Nugget, to allow a variance from landscaping requirements on property zoned Downtown Commercial located at 617 North Carson Street, APN 4-263-01, based on five findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or the Board by the applicant

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may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Commissioner Christianson questioned whether there had been an agreement to reduce the numbers to four trees and four bushes. Commissioner Horton felt that the numbers should stay as presented. Commissioner Christianson indicated that he could not support the motion. Commissioner Pozzi withdrew his second. Chairperson Rogers called for another second. Upon hearing none, Chairperson Rogers declared the motion died for lack of a second. Chairperson Rogers also clarified that his suggestion had been in the pursuit of options and had not been a recommendation.

(1-2092.5) Commissioner Christianson then moved to approve V-96/97-7, a variance request from Brian Smith, Carson Nugget, to allow for a variance from landscaping requirements on property zoned Downtown Commercial located at 617 North Carson Street, APN 4-263-01, based on five findings and subject to seven 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 and changed the requirement for the number of trees and bushes from eight and eight to four and four. Commissioner Pozzi seconded the motion. Following discussion of the Variance number, Commissioner Christianson corrected the number to be V-96/97-4. Commissioner Pozzi continued his second. Chairperson Rogers indicated that Condition 1 had been modified to read: ".....with a minimum of four insulated planters for trees and four insulated planters for rose bushes...". The motion was voted by roll call with the following result: Pozzi - Aye; Wipfli - Aye; Horton - No; Christianson - Yes; Uhart - No, and Rogers - No. Motion failed on a 3-3 vote.

(1-2164.5) Commissioner Uhart indicated she wished to have more than four trees. Commissioner Uhart then moved to approve V-96/97-4, a variance request from Brian Smith, Carson Nugget, to allow a variance from landscaping requirements on property zoned Downtown Commercial located at 617 North Carson Street, APN 4-263-01, based on five findings and subject to seven conditions of approval contained in the staff report with the modification of Condition No. 1 that, rather than there being four insulated planters with four trees and four rose bushes, that be taken to six and that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Clarification indicated that this is to be six trees and six rose bushes rather than four and four. Commissioner Wipfli seconded the motion. Clarification indicated that the number V-96/97-7 was a typographical error. The Agenda correctly identifies the request as V-96/97-4. Chairperson Rogers indicated that the modification to Condition No. 1 would require six insulated planters for trees and six insulated planters for rose bushes. The motion was voted and carried 6-0. Clarification for Mr. Palmer indicated that Condition No. 1 had originally required eight insulated planters for trees and two insulated planters for rose bushes. The Condition now requires six insulated planters for trees and six insulated planters for rose bushes for a total of 12.

(1-2249.5) Commissioner Horton moved to approve special use permit U-96/97-5, a request from Brian Smith, Carson Nugget, to allow off-site parking within 300 feet of the building site located at 617 North Carson Street, APN 4-263-01, 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 Christianson seconded the motion. Motion carried 6-0.

F-9. M-96/97-4 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM MARVIN SMITH (1-2262.5)

SMITH (1-2262.5) - Mr. Sullivan, Marvin Smith, Barbara Mello, Mark Kimbrough - Mr. Sullivan explained the modification which would extend the use to October 31, 1996 and reasons for his original recommendation of denial. Based on the negotiated October 31 date and his previous policy to allow a two year use period, he recommended approval. The CC&R provisions are not enforced by the City. Neighbors' concerns with the extension were noted.

Mr. Smith briefly explained his request that the permit be extended until October 31. He felt that he could finish the house in that period. Reasons for the construction delay were explained briefly. When he began to explain his problems with the Mellos, Mr. Sullivan and Chairperson Rogers indicated the discussion should remain focused on the permit and placement of the mobile home. Chairperson Rogers also explained that the City neither regulates

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nor enforces CC&Rs. Mr. Smith reiterated his request that the permit be extended until October 31. Commissioner Horton emphasized that if the extension is granted to October 31, there would be no opportunity for an extension beyond that date. Mr. Smith agreed.

(1-2550.5) Public comments were solicited. Ms. Mello voiced her objection to the extension. She and her husband had purchased a similar lot and been able to complete the construction of their home within seven months without imposing a hardship on the neighborhood. She felt that such requests were causing the deterioration of the neighborhood and its aesthetics as well as the destruction of the CC&Rs. Mr. Smith had failed to meet any timelines which he had established. She felt that Mr. Smith's father is a licensed contractor who has construction done on the home when his business is slow. She also felt that Mr. Smith had been untruthful in various statements to the Homeowners' Association and its architectural review committee. She agreed to allow Mr. Smith to have the extension in accordance with the City's policy, however, no extensions should be allowed beyond that. She then explained her objection to the mobile home as it causes a severe glare into her home which requires her to cover her windows to avoid getting a migraine headache. Purportedly, her view and property value were being negatively impacted by the mobile home. She threatened to hire an appraiser and bring a lawsuit to the Board of Equalization in an attempt to lower her ad valorem taxes if the home is not moved. She indicated that she was willing to allow the mobile home to remain until October 31st but no longer.

Mr. Sullivan explained the appeal process which must be filed within 15 days of this hearing. An application for an extension must be filed by September 20 at the Community Development Department. Notices have been requested by various individuals if an extension is requested. These requests will be honored if the extension is requested.

Ms. Mello then thanked the Commission and staff for their assistance in researching the public records.

Mr. Sullivan then explained that if the mobile home is not moved by October 31st, the District Attorney's office would become involved. Commissioner Pozzi noted that if the notice of decision is not signed within ten days, he could also be forced to move the mobile home. Mr. Sullivan indicated that if the notice is not signed and returned within ten days, staff automatically schedules the item for reconsideration by the Planning Commission at its next meeting. He felt that Mr. Smith would sign the notice and get the house finished in three months.

(1-2849.5) Homeowners' Association Board of Directors Member Mark Kimbrough acknowledged the problems existing in the subdivision. He felt that the biggest part of the problem has been Mr. Smith's failure to communicate with the Association. The following item is a similar problem. He felt that the Mattices' home is approximately 80 percent completed. The Board has decided to allow the two families to continue to reside in their mobiles and finish their homes in an effort to solve the problems as good neighbors. He indicated support for the extension and expressed the hope that the neighborhood and Association could get back on track. Chairperson Rogers thanked him for his assistance and cooperation. He emphasized that the extension would only be until October 31st. If Mr. Smith fails to comply with that date, it will automatically be turned over to the District Attorney. Mr. Kimbrough felt that "any reasonable Board Member" would support that as it would not require a financial commitment or "taking on" of a neighbor. He felt this was the best solution for the neighborhood and Association.

(1-2932.5) Additional public comments were solicited but none given.

(1-2975.5) Commissioner Horton moved to approve the authorization to continue to place a mobile home as temporary living quarters while constructing a residence at 6600 Sierra Vista Lane, APN 10-053-40, for Marvin L. Smith, Jr., until Thursday, October 31, 1996, and or before that date, the mobile home must be removed from that site. Commissioner Uhart seconded the motion. Motion was voted and carried 6-0.

F-10. M-96/97-6 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM MITCHELL MATTICE (1-2985.5) - Mr. Sullivan, Mitchell Mattice, Barbara Mello, Don Mello, Donna Mattice, Roland Sala, Shelley Toreson - Mr. Sullivan's introduction also indicated there is another individual in this subdivision who is living in an RV/mobile home while constructing his home. This individual is to submit a letter indicating that he

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should be out of his RV/mobile home within two or three weeks. The Special Use Permit process takes longer than that to complete. He was felt to be the last individual known by staff to be living in an RV in the area. If the Mattices agree to the October 31 date, all of these issues will be address. The Mattices' RV could be stored on the property but they would not be allowed to continue living in it. Mr. Mattice indicated he agreed with the staff report. He claimed to be unaware of the timeframes beyond that required for the permits. He indicated they were almost into the home and looking forward to moving in soon. He indicated that the RV may be sold if they move into the home.

(1-3075.5) Public comments were solicited. Ms. Mello questioned which of the three RVs on the property would be sold. She gave a photograph illustrating the number of RVs and vehicles on the property to the Commission. She questioned the reason some of the cars are not stored in the 1,450 square foot garage. She was aware of the fact that her concerns are not related to the issue and continued to express her feeling that it is a public nuisance and an eyesore. She felt that the two year temporary use of the travel trailer should have expired on May 22, 1996. A daughter may be living in the garage in addition to the travel trailer and RV which are currently utilized by the family for living areas. She urged the Commission to hold the line at two years. She suggested that the Mattice move the travel trailer to an RV park until the house is completed. Twenty-eight months was too long and would allow Mr. Smith to seek a four month extension. If he is denied, this would be select enforcement. Chairperson Rogers responded by indicating that the Commission's action would establish an official deadline. This would be equal for all. Ms. Mello felt that this was more than the Code allowed and that Mr. Kimbrough had not discussed the issue with the other Board members. Chairperson Rogers urged her to stay on the issue before the Commission. She felt that it is impacting her property value, is creating hard feelings, and is frustrating.

(1-3275.5) Additional public comments were solicited. Mr. Mello explained that the Commission had only granted extensions to three individuals. This would be the fourth request. The request would grant an extension over two years. This would be unfair to the others. He urged the Commission to maintain the two year deadline as it is ample time.

(1-3314.5) Additional comments were solicited. Ms. Mattice indicated the home was being constructed on a "pay as you go" basis. She felt that the home was back on "keel". She offered to identify all of the cars. All but one of the vehicles is licensed and insured. One of the cars has been sold to a son. Her daughter sleeps in one of the mobile homes. There is a room in the house for her use when they move in. The "baby" trailer has been sold to a son. She acknowledged that the seven children she and her husband have seems like a lot for the two bedroom home. All but one is married.

(1-3401.5) Mr. Sala expressed his regret at the failure to communicate between the different fractions and his hope that communications have been opened for the good of the community.

(1-3450.5) Ms. Toreson explained the Association's attempts to advise individuals about the CC&Rs. She agreed that there is a definite communication problem. The Association had been trying to resolve the problems as neighbors. She felt that this could be the starting point for building a better neighborhood. She did not feel that the extension to October 31 would pose a problem unless it establishes a precedence for future requests. Chairperson Rogers indicated that traditionally the limit had been held at two years unless there are extenuating circumstances. The Commission's role is to determine if there are extenuating circumstances. If there are extenuating circumstances, an extension could be granted. Reasons for providing flexibility were cited which he felt would not set a precedence. Ms. Toreson felt that if the applicants had been honest and kept the Association aware of the problems and status, the situation would not have escalated to this point.

(1-3565.5) Additional comments were solicited but none given.

(1-3595.5) Commissioner Christianson moved that Commission approve the authorization to continue the use of the recreational vehicle as temporary living quarters while constructing a residence at 6454 Sierra Vista Lane for Mitchell and Donna Mattice until Thursday, October 31, 1996, and on or before that date the RV must not be utilized as a temporary living quarters during the construction of this residence at this site. Commissioner Horton seconded the motion. Motion carried 5-1-0-1 with Commissioner Horton voting Naye and Commissioner Mally absent.

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Commissioner Christianson pointed out that that motion would not allow the use of the RV as temporary living quarters "on or before" October 31. Mr. Sullivan indicated that staff would recommend that the RV be vacated on or before Thursday, October 31. Therefore, Commissioner Christianson moved to reconsider the motion to put it in is proper prospective. Commissioner Horton seconded the motion. Motion carried 6-0.

(1-3665.5) Commissioner Christianson moved to approve authorization to continue (the use of) the recreational vehicle as temporary living quarters while constructing a residence at 6454 Sierra Vista Lane for Mitchell and Donna Mattice until Thursday, October 31, 1996, and vacate said recreational vehicle on or before that date. Commissioner Horton seconded the motion. Motion carried 5-1-0-1 with Commissioner Pozzi voting Naye and Commissioner Mally absent.

Ms. Mello requested a clarification of the term "recreational vehicle" and, specifically, the vehicle/s which were not to be used for living quarters. Mr. Sullivan indicated that only one mobile home/recreational vehicle is allowed on the lot. His Department will be talking to them about this as well as other issues. Chairperson Rogers indicated that the Community Development is checking into the allegations and will notify the property owner if there is an illegal storage of an RV on the property.

BREAK: Chairperson Rogers apologized to the audience and explained that prior commitments had been made during the dinner recess. He then declared a dinner recess at 6:10 p.m. When Chairperson Rogers reconvened the session at 7:05 p.m. a quorum of the Commission was present although Commissioner Mally was absent as previously noted. Historic Architecture Review Commissioners present were: Chairperson Scott Klette, Vice Chairperson Richard Wipfli, and Commissioners Mike Drews, Angelo De Felice, Vern Horton, and Peggy Twedt, constituting a quorum. Staff Members present included: Community Development Director Sullivan, Health Officer Winkelman, Deputy Utilities Director Ahrens, Principal Planner Joiner, Deputy District Attorney Forsberg, Senior Planners Danforth and Guzman, Senior Engineer Givlin, and Recording Secretary McLaughlin.

F-11. V-96/97-3 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM JEFFERY AND NANCY UPTON (2-0085.5) - Mr. Guzman, Applicant's Representative Steve Hartman - Mr. Hartman explained the two handouts he had given the Commission and Clerk. Reasons for the location were explained in depth. Commissioner Uhart noted for the record that the applicant was a client and had purchased the property from her. She, however, did not feel that she would have a conflict of interest and would vote on the issue. Public comments were solicited, however, none were given. Mr. Hartman indicated that all of the abutting neighbors had signed a letter supporting the request. The building would be 12 feet in height. He also requested the picture be made a part of the record. Mr. Guzman agreed that the residents wanted the pool house in the area indicated. He reiterated his reasons for the denial recommendation as being due to the lack of a hardship as required for the findings. The lot is one acre in size. Chairperson Rogers agreed that there is adequate space on the site, however, felt that support could be given to the request based on the lack of concerns from the neighbors and the homeowners' architectural review committee's approval. Mr. Hartman explained the topography which may exceed eight percent to support the application. The grade would force stabilization with a retaining wall which would raise the pool house into the air and impact the neighbors' views. The only other potential site would deny access from the rear. Commissioner Christianson moved to approve the request of Jeff and Nancy Upton, V-96/97-3, for a variance of rear yard setbacks on property zoned Single Family One Acre to 15 feet based upon the fact that the topography of the site requires a variance; the motion is subject to the following conditions and any acknowledgements to the Commission by the applicant: 1. All development shall be substantially in accordance with the attached site development plan; 2. All on and off-site improvements shall conform to City standards and requirements; 3. The use for which this variance is approved shall commence within 12 months from the date of first approval; should the variance not be initiated within one year and no extension granted, the permit shall become null and void; 4. The applicant must sign and return the acknowledgement of conditions for approval within ten days of receipt of notification; if the acknowledgement is not signed and returned within ten days then the item will be rescheduled for the next Planning Commission meeting for further consideration; and, 5. All other Department conditions relating to approval contained within the staff report shall be incorporated as conditions of this motion. Commissioner Pozzi seconded the motion. Following a request for a modification, Commissioner Christianson amended his motion to include as an addendum to the motion the five findings provided by the applicant. Commissioner Pozzi continued his second. Chairperson Rogers indicated that the secretary had been

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given a copy of these findings. Motion carried 6-0.

F-12. U-95/96-15 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM DAVID LONG (2-0259.5) - Mrs. Danforth, Mr. Ahrens, Mr. Sullivan, David Long, Jaydene Yurtinus, Mr. Forsberg - Mr. Ahrens explained the Utilities Department recommendation that the permit be revoked as the backflow regulator had not been installed as required when the temporary "CofO" was issued. The City had performed all of the work which has been done on the site. Mr. Long had signed a letter indicating he would be responsible for the City costs to perform this work. The City had also separated the fire water line from the water line. The backflow regulator is a health issue. Its purpose was explained. It is mandated by State law and City ordinance. Mr. Ahrens was willing to attempt to work with the applicant but he had failed to meet any of the previous deadlines. He felt that an extension should not be granted beyond 48 hours in view of the health issues and that the work could have been completed before this. He then explained the work which the City had accomplished on the lines today. The letter dated July 30 indicating Mr. Long had agreed to the 24-hour deadline for installing the back flow regulator was partially read into the record. As of 3 p.m. today the work still had not been accomplished. Mr. Long had indicated to Mr. Hoffert at 3 p.m. today that the issue would be resolved through litigation. One meter serves the entire mall. For this reason, the meter had not been turned off. Clarification indicated that these conditions were part of the original requirements and that the applicant has had six months in which to complete the conditions. Mr. Ahrens agreed that the request was "drastic action", however, necessary to resolve the situation.

(1-0435.5) Mr. Long responded by explaining his reasons for feeling that the mall is already serviced by a backflow regulator and pressure regulator. His service had never been tied to the fire line. There is no health hazard. He felt that for over a decade the City had not been reading the meter for the eastern portion of the mall. His plumber had discovered this and found the pressure regulator and backflow regulator. Mr. Long had purportedly shown them to "Curtis" who was working the backhoe. Purportedly Mr. Hoffert was shown the regulators. The City had not been the only ones working on the system. Mr. Long had allegedly been the individual who had destroyed the parking lot looking for the regulators/to install a "check valve". In doing this work he accidentally broke the water line. It had not caused a fire alarm to go off, therefore, the fire line is not tied to the waterline. Mr. Long had confirmed with Delta Alarms that there was no fire alarm and has records verifying its tests and his statement.

Mr. Ahrens explained the Code requirement that the backflow regulator be adjacent to the meter. He also pointed out the confusion which the letter and verbal comments are causing. This is the first time that he had been informed that the backflow regulator is already on the line.

Mr. Long indicated that the City was threatening to turn off the water for the entire mall. He signed the letter to keep this from happening. He had 20 minutes to find a new plumber. Reasons his plumber had not completed the project were given. He displayed a diagram explaining the location of the backflow regulator. This regulator is inside a locked box which is approximately two feet from the meter. Mr. Long indicated that he broke the lock to gain entry into the box. Commissioner Christianson questioned how the Commission could resolve the issues until Mr. Ahrens has had an opportunity to check into the situation. Mr. Long explained that his reasons for bringing up the fire line problem was due to the added issues which the Utilities Department was dumping onto him. He felt that there had never been any health concerns related to the facility. He also explained that the Utilities Department had not completed its work as the meter box is not level with the paving. It has not been repaved. He felt that he had 24-hours to complete the project once the City completed its portion. Purportedly, his plumber had indicated that the device is a check valve reduced pressure device with a built-in reduced pressure device--a Willis Type Number 5--which is more than adequate to serve and shutoff backflow to the building. He felt that the City had tested and signed off on it like the fire line. The fire line is routinely checked and tested.

(2-0618.5) Public testimony was solicited. Ms. Yurtinus explained her employment as the interior decorator and indicated that she had visited the area and drawn a diagram of the pressure regulator. She explained the diagram and questioned the reasons her client was being required to meet regulations when there are two other businesses serviced by the waterline. She also explained that Luminaries is expanding its operation but is not being required to meet the Code. She felt that the Utilities Department is considered the "expert" but not in this particular case.

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Mr. Long has been trying to comply. She, too, felt that Mr. Long had 24-hours to complete the project once the City crew was completed. She questioned the reasons he was being required to pay \$850 to install a meter on a line which has a meter in addition to the plumber's charge. She indicated that the regulator is behind a locked door to which the landlord has the only key. Mr. Long had purportedly broken the lock to gain entry. She felt that the only unresolved issue was with the Utility Department. This issue could be resolved when the Department inspects the property. The fire line is not connected to the water line as indicated by the failure of the fire alarms to be activated when the water line was cut. She felt that the Utility Company is "not always right".

(1-0695.5) Additional public comments were solicited but none given.

Mr. Sullivan recommended a continuance. Mr. Ahrens indicated that the diagram did not show anything. He had never personally visited the site. Mr. Hoffert had visited the site on numerous occasions and attempted to contact Mr. Long on numerous occasions. Mr. Hoffert is the certified backflow regulator expert. He had assured Mr. Ahrens that a backflow regulator had never been shown to him. Mr. Ahrens did not feel that his Department could support a 30 day continuance. He did not feel that Mr. Long had purposed anything worth considering as indicated by the statements that they "thought they had 24-hours" and "that they already have the regulators". He felt that his Department would pursue other avenues if the continuance is granted. The issue could not wait 30 days due to the potential health risk involved. Mr. Sullivan indicated that Mr. Ahrens and his Department have other avenues which could be followed if it is a potential health risk. The Commission would be required to have a show cause hearing which would take 30 days. Mr. Ahrens was not sure whether Mr. Hoffert had checked behind the locked door. He also indicated that the ordinance requiring the backflow regulator was implemented in 1993. If the meter has not been read in ten years, any regulator would be at least that old and may not meet the Code requirements. He was willing to investigate the matter. He was not aware of the regulator having been brought to anyone's attention before the meeting. Commissioner Christianson urged the Commission to continue the matter for 30 days. Mr. Forsberg discussed the options before the Commission. He felt that the Commission should either: 1. Order a show cause hearing; 2. With the applicant's concurrence, continue the matter for 30 days; or, 3. Have another review of the Special Use Permit in 30 days.

(2-0847.5) Mr. Long indicated his acceptance of the 30 continuance as it would allow him time to determine if the regulator is there and obtain access to it. He felt that the City may have forgotten about the regulator if the meter had been missed for ten years. The valve may be out of Code but this had not been one of the original requirements. The requirement is that there be one. It does not specify the type. He then agreed to a 30 day postponement. He explained to Commissioner Uhart his reasons for waiting until the last minute before completing the work had been due to his desire to work with his original plumber. He had acquired the new pressure regulator six months ago. Commissioner Uhart expressed her feeling that there was an apparent lack of interest on his part to comply early on with the conditions of the Special Use Permit. During Mr. Long's explanation of the discovery of the regulator by his new plumber, he indicated that he broke the lock to gain access and had discovered the regulator.

(2-0914.5) Commissioner Horton moved, regarding U-95/96-15, that the Regional Planning Commission approve the applicant's request for a 30 day continuance. Commissioner Christianson seconded the motion. Motion carried 6-0.

F-13. Z-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM SID WILLIAMS (2-0921.5) - Mr. Guzman, Applicant's Representative Art Hannafin, Jean Bondiett - Mr. G. Magee's opposition to the change of land use was noted. Discussion explained the location of the applicant's and Mr. Magee's parcels, the surrounding zoning districts and uses, the Commission's lack of control over the final product unless a Special Use Permit is required, the need to rezone one of the areas, and reasons for the split zoning. Mr. Magee had indicated that he was aware of the fact that his property abutted SF1A property.

Mr. Hannafin indicated he had read the staff report and agreed with it. Mr. Williams' acquisition of the property and original plans for it were explained. These plans were not developed due to the infrastructure requirements. Since that time a substantial amount of commercial development has occurred in the vicinity, including

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Albertson's. Reasons for requesting the zone change to allow development of a modest commercial center were given. A meeting had been held with the Magees. Their concerns were expounded. Mr. Williams had agreed to prepare a written agreement prohibiting 24-hour operations and providing a heavier landscaped buffer area which would be beyond that required by the City. The Magees felt that a one story building would not block their view. The streets in this area are currently dirt but will eventually be paved. Mr. Hannafin reiterated his comments that the SF1A parcel could not be developed as SF1A as the SF1A portion is approximately half an acre in size.

(2-1205.5) Public comments were solicited. Ms. Bondiett indicated there had been problems in the past with the property owners, i.e., an abandoned trailer. The Williams do not live in Carson City. She questioned whether an absentee landlord would enforce the agreement or address any problems encountered by the tenants. She was also concerned about the traffic volume; adequacy of the parking area; drainage, specifically, in the vicinity of the AM-PM store; trash; location of the trash compactor and dumpster; light pollution from the parking lot; and that approval of the request from individuals with money would be selling out the zoning plan. She encouraged the Commission to hold the line and have the applicant infill undeveloped areas in the center of the City.

(2-1255.5) Additional public comments were solicited but none given.

Mr. Guzman explained the ordinance requirements prohibiting light pollution on surrounding properties, the Master Plan's designation of the area as commercial and need to bring the zoning into conformity with it, and the ability of a Special Use Permit to address the trash concerns. Mr. Givlin acknowledged the traffic concerns. A traffic study will be required and will include the potential impact at Clearview and 395. NDOT expects improvements to be made at the signal as the area develops. There may be a need for dual left turn lanes as well as signal timing and phasing modifications. This development will be required to pay a pro rata share of those costs. FEMA is currently restudying the area and may redefine the area as a flood hazard/alluvial fan which will have to be addressed when the property is developed. He also anticipated having frontage improvements, drainage improvements, traffic mitigation, and responsible on-site development. All of these requirements are mandated by ordinance. Discussion indicated that the Commission could not require any improvements as part of the zone change. Mr. Hannafin indicated that his statement had been that there is a genuine promise of an outside agreement between the Williams and Magees. Chairperson Rogers indicated that the Commission's decision could not be predicated upon this agreement.

Ms. Bondiett reiterated her comments concerning the Williams lack of response and cooperation when addressing problems on the property.

Commissioner Horton moved to approve Z-96/97-1, a motion to prepare an ordinance for first reading to change the land use designation for the western half of APN 9-261-03 and recommend to the Board of Supervisors adoption of said ordinance based on one finding contained in the staff report. Commissioner Wipfli seconded the motion. Motion carried 6-0. Mr. Guzman indicated that the item would be considered by the Board of Supervisors on August 15.

F-14. U-96/97-3 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DON AND JODIE MEYERS (2-1409.5) - Mr. Sullivan, Jodie Meyers - During Mr. Sullivan's introduction Commissioner Horton stepped from the room--7:23 p.m. (A quorum was still present.) Ms. Meyers indicated she had read the staff report and agreed with it. She briefly reviewed her application. She stipulated there would not be any signs. Public testimony was solicited but none given. (Commissioner Horton returned during the request for public testimony. A quorum was present as indicated.) Commissioner Christianson noted his previous objections to businesses in residential neighborhoods, however, as the neighbors were not opposed, he could support her application. Commissioner Uhart moved to approve U-96/93-3, a special use permit request from Jodie Meyers, property owners Don and Jodie Meyers, to allow a day care facility for a maximum of six children accessory to a residential use in a Single Family Residential 6,000 zoning district located at 1173 Mountain Park Drive, APN 2-547-01, 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.

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Commissioner Wipfli seconded the motion. Following a request for clarification, Commissioner Uhart amended the motion to approve U-96/97-3. Commissioner Wipfli continued his second. Motion carried 6-0.

G. PUBLIC HEARINGS

JOINT MEETING WITH THE HISTORIC ARCHITECTURE REVIEW COMMISSION - CONVENE THE HISTORIC ARCHITECTURE REVIEW COMMISSION (2-1505.5) - Roll call for HARC was taken. A quorum was present although Member Nicoletta was absent.

G-1. MPE-95/96-3 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON CITY TO ADOPT A MASTER PLAN LAND USE SUB-ELEMENT, HISTORIC PROPERTIES MASTER PLAN ELEMENT (2-1525.5) - Mr. Joiner's introduction indicated that staff is still receiving comments on the plan and recommended a continuance. Consultant Karen Melby explained the changes which had been requested by SHPO and the flow chart delineating the process. Chairperson Klette then explained his reasons for feeling that the item should be continued to allow his Commission time to hold a workshop(s) on the element. Commissioner Wipfli moved to continue the Item to the next meeting. Commissioner De Felice seconded the motion. Motion carried 6-0. Chairpersons Klette and Rogers expounded on the reasons for continuing the item including examples by Chairperson Klette. Chairperson Rogers suggested that a definition of preservation be included and that an element be included listing various documents reflecting Carson City's historical data and locations where those documents and information are available. Mr. Joiner supported the continuation in view of the desire to have a complete document which should include paleontology. Commissioner Horton then indicated that, in light of the action continuing this issue by the Historic Architecture Review Commission, moved that we continue our discussion of this item until such time as the Historic Architecture Review Commission chooses to bring the item back to the Commission. Commissioner Uhart seconded the motion. Motion carried 6-0. Chairperson Klette adjourned the Historic Architecture Review Commission at 8:50 p.m. Chairperson Rogers thanked the Commission for its attendance.

(2-2004.5) Jay Meierdierck voiced his opposition for the record to the failure to take public comment prior to taking action on agendized items. Chairperson Rogers agreed that the item should have been opened for public comment and indicated that comments would be relayed to the Historic Architecture Review Commission.

Mr. Meierdierck felt that the Carson City Parks and Recreation Master Plan element included several goals, objectives, and implementation strategies which deal with cultural, historic, and archeological resources. Examples were sited to support his statement. He requested a coordination of efforts between the Commissions. A Member of his Commission had been assigned to the technical committee and had attended the first meeting. He purportedly was never informed of any other workshops. He could not, therefore, provide a report on any actions taken after that meeting. Mr. Meierdierck had received three different drafts of the document. He had not attended any of the workshops. He expressed a desire to attend the next workshop.

HARC Committee Chairperson Klette indicated that he had only received two of the drafts. He explained that his reasons for requesting the continuance had been due to a desire to expedite the process due to his feeling that it would take hours to address the various changes he felt should be considered. He apologized for the oversight. HARC meets on the second Tuesday of each month in Suite 59 and he welcomed the public to attend. He then briefly explained several of the items he felt should be considered by his Commission before the element is considered for final approval by the Planning Commission. Mr. Joiner indicated for the record that the technical advisory committee meetings are agendized. Notices are sent to the Parks Department so that a representative could attend. It was duly noticed on the Commissions' agendas in the same fashion as are all the other items. The drafts had been available for the HARC members to pickup late last week at his office. There are also copies available for the public at his office. Input is still being received. Volunteers were solicited for the committee. He, too, felt that additional time was needed.

(2-2185.5) Additional public comments were solicited but none given.

G-2. A-94/95-7 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON

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CITY TO AMEND CCMC SECTION 18.05.051 (2-2185.5) - Mrs. Danforth, Mr. Sullivan, Fran Hull - Public testimony was solicited. Ms. Hull indicated she was representing the ad hoc committee and thanked the Commission and staff for working with the group. She felt that the modifications were flexible and established an acceptable standard. Commissioner Uhart thanked her and her committee for working with staff and, as an animal owner, complimented them on their efforts and for providing their input. Additional public testimony was solicited but none given. Chairperson Rogers also commended the ad hoc committee and staff on their efforts. Commissioner Uhart moved to approve the ordinance with the latest revisions. Commissioner Christianson seconded the motion. Motion carried 6-0.

G-5. U-96/97-7 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO MODIFY AN EXISTING COMMERCIAL BUILDING (2-2355.5) - Mr. Sullivan, Mr. Joiner, Consultant John Ganther - Discussion indicated that some parking spaces in the basement would be dedicated for public use and questioned whether there is adequate parking in the vicinity for the employees. The parking spaces provided meet the Code requirements. Two-hour parking restrictions are enforced on the street spaces. Commissioner Christianson encouraged staff to discuss having two-hour parking restrictions on some of the parking spaces in its lot immediately east of the building. Public testimony was solicited but none given. Mr. Ganther felt there would be 46 or 47 employees. Commissioner Christianson moved to approve U-96/97-7, a request by Carson City to allow City offices on property zoned Downtown Commercial located at 201 North Carson Street on APN 4-201-02 based on seven findings and subject to five conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 6-0.

G-6. U-93/94-6 AND 6A - DISCUSSION AND POSSIBLE ACTION ON A STATUS REPORT OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM JOE HOPPER/SUPER KMART (2-2578.5) - Mr. Guzman, Carson City's Urban Forester Consultant Molly Sinnott, Super Kmart Representative Shant Chobanian, Mr. Sullivan - Mr. Guzman explained his report and investigation of the site. Discussion indicated that the stress exhibited by the trees/shrubs had been occurring gradually over the period of time since they were planted. There is a gradual, slow deterioration which should have been observed by Kmart earlier. Commissioner Christianson felt that the "sink" in the detention basin may indicate a broken irrigation line rather than be the result of drainage. Comments indicated a feeling that the landscape manager or the contractor may not be doing a good job. Mr. Guzman stressed that the parking lot is the best looking one in Carson City and staff's intent to have it remain the best looking one. Commissioner Pozzi expressed his feeling that too much time and effort were being dedicated to policing Kmart. Kmart had provided the City with beneficial economical factors which were not being recognized. He urged staff to allow Kmart to make more money for the City and to get off its back. He also voiced his objection to any motion which would require heavy duty inspection of the facility.

(2-2835.5) Mr. Chobanian indicated he had read staff's report. He gave three packets of photographs to the Commission and Mr. Guzman. He indicated that his firm would not conduct weed control on the Pavia property. Mr. Guzman agreed that the referenced area is Pavia property. Mr. Chobanian indicated mulch had been/will be added to the area behind the store and in the vicinity of the propane tank. Irrigation problems were explained and have been/will be addressed by the new landscaper. He thought that the detention basin problem had been resolved, however, discovered a new leak today. Some of the damage may be caused by vandals/bicyclists. The detention basin has been scheduled to be mowed at least twice a year--once in the spring and once in the fall. Commissioner Christianson explained the irrigation and staking problems found with many of the trees. Mr. Chobanian felt that a previous landscaper had failed to correct these problems. The present landscaper will solve these problems. Two trees have been scheduled to be replaced. Their locations and replacement species were explained. Once the irrigation problem is addressed, time will be dedicated to resolving the tree problems. Commissioner Christianson pointed out a tree with sucker problems. Kmart has a large investment in the landscaping. He urged him to take appropriate steps to be sure that the landscaper is performing as expected. Mr. Chobanian indicated that this is one of the reasons for replacing the landscaper. Commissioner Christianson also expressed his frustration at having to repeatedly discuss with Kmart items which it should be handling on its own. Mr. Chobanian felt that the items were "detail oriented" and reiterated that this was part of the reason the previous landscaper was let go. The second contractor had been too small to handle the volume necessary. Mr. Guzman

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recommended a condition of the landscaper's contract include trash removal. Mr. Chobanian indicated that all of his landscapers are required to remove trash. The detention basin is not always policed when the landscaper is on site. The sweeper cleans the islands. The personnel collecting carts and performing security sweeps have been instructed to pick up trash at least once a day. Mr. Chobanian explained that he had not made any special requests of Mr. Hopper or his staff when he took the photographs. The majority of the trash sites were along the perimeter and in the detention pond. Clarification indicated that Mr. Chobanian had nodded that he agreed with the staff report.

(2-3271.5) Public testimony was solicited but none given.

Ms. Sinnott explained in response to Commissioner Christianson's question her feeling that the landscaping exhibited a lack of knowledgeable maintenance and correct installation. The plant material has declined as a result and will only continue to deteriorate if corrective measures are not implemented. Examples were explained to support her statements. Discussion ensued on the tree substitutions which had been made when the landscaping was installed. Ms. Sinnott indicated that several of the original species would not have been obtainable at the time the planting occurred. The trees which were planted were either the wrong species for the area or needed to have the soil analyzed and a knowledgeable landscaper address the deficiencies, etc.

Mr. Sullivan then explained that Deputy Utilities Director Ahrens had indicated the back flow device was below grade which is not allowed by Code. He requested this item be addressed. As a member of the public, he had listened to the commitments which were made when the original application had been submitted that would make the store look nice. Although he understood Commissioner Pozzi's statements, the Commission as one body had voted for the landscaping plan. The Board of Supervisors had also approved that plan. He felt that the City had a responsibility to see to it that the plan is carried forward. There are other individuals watching to be sure that the plan is done correctly. By having the City police the site/facility, the City is in essence protecting the interest of its residents and indirectly telling Kmart that the landscaper was not the best for the buck. The testimony provided this evening indicates that a lot of the landscaping is either dead or dying.

Commissioner Horton echoed his comments by indicating that he would like to see the time when Kmart is pro-active. We are getting there but it has been a long and slow process. He felt that hiring the new landscaper was a pro-active move. It is time for Kmart to be interested in its property so that the City does not have to force their reviews. He did take umbrage at Commissioner Pozzi's statements, although he understand his concerns, that a property owner's income contribution to the City should be the driving force behind what should/should not be required. He felt that the Commission should base its decisions on the fairness of the situation regardless of the applicant and his financial worth.

Chairperson Rogers explained that his vote for the Special Use Permits had been made based on the benefits he felt the City would receive from the commitments being made. The permits had given Kmart advantages and allowed it to make certain business decisions. He did not wish to have his tenure on the Commission measured by Kmart's poor maintenance of its landscaping. He felt that this is, unfortunately, what has happened. This had occurred at the previous Kmart site also. He had made a public promise based on the testimony and evidence provided. It is his responsibility as a member of the Commission to maintain the requirements. He did not think that there is adequate grounds to support a show cause hearing at this stage but would recommend staff/Commission continue to monitor the activities. He acknowledged the time this would require and that which had been spent but as a member of the Commission he had committed to doing it and was willing to continue doing it. The next hearing is scheduled for November. He directed staff to include Item 26 in that review if not already required. He also pointed out that the Commission had requested the reviews to maintain the quality level. He was willing to spend the time and bring Kmart back as often as necessary. (3-0005.5) He wished to see if there are improvements made over the summer. Staff's direction indicates what can and should be done. November will tell if these corrective measures have occurred. If they have not, things will be worse next spring. If they are done, it should be improved. He also encouraged Kmart to correct the pressure regulator item before the next review. He directed staff to write a letter to Kmart about this issue. The Utilities Department had requested denial/removal of the Special Use Permit due to this issue.

Commissioner Christianson explained his support of Ms. Sinnott's comments due to her expertise in this field. He

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also supported her recommendation that soil testing be performed. The plants need proper watering and may need some fertilizer to get them going. Chairperson Rogers felt that all of the comments indicated the desire to see Kmart begin to take care of its property and become pro-active. He urged Kmart to take the comments seriously and begin to show pride in its property.

(3-0126.5) Commissioner Christianson moved that, in accordance with staff's recommendation, re-inspection in ninety days be required in order to improve the condition of the landscaping areas; (that) this Planning Commission meeting be scheduled as a show cause hearing, he then withdrew this requirement and continued the motion to include the pertinent factors to include at a minimum: 1. The immediate replacement of all dead trees, shrubs and other plant materials; 2. The proper staking of trees and/or removal of plastic/burlap materials; 3. The repair of broken landscaping islands, curbs, etc.; 4. Resolve the issue of underwatering of all plant materials; 5. Submittal to the Community Development Department of a program for maintenance to include curbs, rock, mulching and plant materials, including the removal of trash from the islands, within 30 days from the July 31, 1996, Planning Commission meeting date; and 6. An on-site inspection within ten days from this hearing will occur with representatives from Kmart, who have decision-making authority, with City staff and Ms. Molly Sinnott to review the above-noticed deficient matters; the re-inspection will be coordinated by the Kmart Corporation. Commissioner Horton seconded the motion. Motion carried 6-0.

G-7. U-95/96-21a - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM JOE HOPPER, SUPER KMART (3-0148.5) - Mr. Guzman, Mr. Givlin, New Car Dealers Association of Carson City Representative Tim Morsani - (Commissioner Horton stepped from the room during Chairperson Rogers' reading of the item--10:05 p.m. He returned during discussion with Mr. Guzman--10:10 p.m. A quorum was present the entire time.) Mr. Guzman explained staff's recommendation to deny the request based on the fact that the present parking lot sales area is larger than allowed by ordinance. Chairperson Rogers explained his concern with the request was based on the fact that the expanded area will be located in the traffic flow areas. Mr. Guzman indicated that the applicant will be required to submit traffic circulation patterns. He felt that this plan will provide a positive flow within the lot. Chairperson Rogers explained that McDonald's sometimes uses the parking in the area designated. Mr. Guzman indicated that Kmart could not use the parking area allocated for McDonald's. An alleyway will be maintained between the sales area and McDonald's parking area. Maxine Nietz had also recommended that the car sales area be roped off and that a space be left for a pedestrian walkway between the parking and the cars on exhibition. Mr. Givlin indicated that the parking area is owned by Pavia. McDonald's also has another area which it uses for its parking. He did not wish to tie up the parking area for the sales activity. He agreed that the sales area would need proper circulation and clearly defined pedestrian areas. Mr. Guzman indicated that the sales area would not utilize all of the parking on the west side of McDonald's. Kmart has three times the amount of parking required. Mr. Guzman reiterated that there would be positive circulation around the area particularly on McDonald's north and west sides. The Fire Department will not approve the application without this circulation.

(3-0259.5) Mr. Morsani indicated he had read the staff report and opposed its recommendation. He then explained the current trend to have off-site car sales activities in parking lots/shopping malls. Reasons for requesting the sales area be expanded were explained and dealt with the number of dealerships who will be using the site and the number of vehicles to be displayed. He felt that the six previous off-site sales events had provided the necessary experience to provide appropriate and proper circulation patterns. He felt that the activity had created a positive impact on McDonald's. If the event's size is objectionable, the Special Use Permit could be denied in April. Discussion ensued on the Reno car sales activity which had occurred in the old Albertson's parking lot. This activity had not been required to obtain a Special Use Permit due to the zoning. The application is for both new and used car sales. All but one local dealer planned to participate. The sale will be for Friday through Sunday only. Discussion indicated that the Commission could condition the expansion for this one event. If the event is successful, future events may be held next year. Balloons will be tied to the cars and distributed to the children. Mr. Morsani then explained the need for additional space due to the volume and number of dealerships involved. Commissioner Pozzi explained the trend for this type of sale and his opposition to staff's recommendation to deny the request. Mr. Morsani noted the reasons for staff's denial had been based on the ordinance restrictions. Staff had been very helpful over the years. Commissioner Horton explained his personal experience with one of these sales and urged the Commission to support the application.

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(3-0505.5) Public testimony was solicited but none given.

Chairperson Rogers expressed his opposition to allowing Kmart to expand its outdoor general commercial sales area. This request on its own merits may be worthy of an approval for the expanded space. He recommended the expansion be granted only for this one event. Concerns expressed during the initial discussion should be recognized and, for that reason, he would not like to see the area expanded for other sales. He also expressed his concern about the apparent willingness to grant Kmart its requests, however, this is not a valid reason for denial of this application. He then asked Mr. Forsberg for direction on restricting the expansion to only this one event. Mr. Forsberg felt it should be part of the motion that it is for only the dates requested. Discussion indicated the date was August 18. Mr. Guzman recommended the five standard conditions be included in the motion. Mr. Sullivan indicated that he and Mr. Morsani had reviewed the conditions for approval. He then explained that Section 18.02.053 and 062 requires amendments to a special use permit be in compliance with the Master Plan and its objectives including dealing with economic development and the City's economic conditions. Discussion indicated that the request is in compliance with the Master Plan aspects. The second part is that it should not be detrimental to the use, peaceful enjoyment, economic value, and development of surrounding properties in the general neighborhood and that it not cause objectionable noise, fumes, dust, odors, glare, and physical activity. The event will be held on Friday, Saturday, and Sunday. Mr. Morsani indicated the hours of operation have not been advertised as of yet so they could be modified. They are generally on Friday from 9 a.m. to 6 or 7 p.m.; Saturday from 9 a.m. to 6 or the same; and Sunday from 10 a.m. to 5 p.m. Mr. Sullivan felt that these hours are responsible given the adjacent residential neighborhood. Mr. Morsani indicated that if the event is successful he may request another in the spring. Mr. Sullivan indicated that this would not require another application but should involve written notice and review by the Planning Commission. The next Master Plan objective is that it will have little or no detrimental type of vehicular or pedestrian traffic. Staff is concerned about this due to the lack of an adequate plan. He recommended a traffic/pedestrian movement plan be submitted which could be analyzed by staff and a determination made as to its adequacy and ability to meet the needs. Clarification indicated that this should be one of the conditions. This condition should also indicate that it will be submitted, reviewed and approved in order to meet the finding that there would be no detrimental effects to traffic and pedestrians. The four findings are that: It will not overly burden public services and facilities--it should not impact the schools, water, storm drainage, public roads, and items of this nature; meets the definition of standards as set forth in the ordinance--with all of the review, this will be accomplished; and will not be detrimental to the public health, safety, and welfare--if the above matters are complied with fully, it should meet this finding as well. These are the standard six findings. The conditions of approval will include the five standard findings--all development will be substantially in accord with the plan which has been submitted; all on and off-site improvements comply to City standards--they will have to put up barricades and things of that nature; that the permit be commenced within 12 months--the dates are August 16, 17, and 18; the applicant must sign the acknowledgement statement--this will be sent out to the applicant if approved; and all of the Department conditions of approval, which are somewhat attached and will be reviewed, will be incorporated as conditions of approval. These are the standard conditions. Condition 6 would require the review of a traffic plan by all appropriate agencies, primarily Public Works, Sheriff's Office, Fire Department, and Community Development. Clarification indicated this is six findings and six conditions.

(3-0615.5) Mr. Sullivan then explained that there are six additional conditions which Mr. Morsani had indicated to staff relating to balloons, stickers, etc. There will be a cold air balloon which should be "nailed down".

Mr. Sullivan then explained that the car sales at the previous Albertson's site had not been required to have a use permit. Short term car sales can occur. There had been conditions of approval placed against that applicant, however, he had failed to carry through on them. There had been a number of complaints, specifically, from the Chamber of Commerce. Kmart has a use permit which allows for the New Car Association sale, however, the amendment required review by the Commission.

(3-0635.5) Mr. Sullivan continued his review of the six additional conditions. Mr. Morsani had indicated previously that there would be no food or drinks. Therefore, there will not be any hot dogs. Mr. Morsani noted that McDonald's is adjacent to the site and the Association did not wish to offend it. Mr. Sullivan indicated that there would not be any music. Mr. Morsani then indicated that there would be radio stations on site. Mr. Sullivan stated this is not the objection and should not be a problem. Mr. Morsani indicated there would not be any rock

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bands. Mr. Sullivan indicated that sani-huts would be provided for restroom facilities. There should be 166 parking spaces in the proposed area--180 x 350--which is the reason for the request. The final condition is the map for the exact location. If these conditions were acceptable to Mr. Morsani, a proper motion could be made. Clarification indicated that these were stipulations which he had made. Chairperson Rogers indicated a desire to have them as conditions and questioned whether there were 11 or 12. Mr. Sullivan indicated there were 11 conditions as the map had been included in both discussions. Mr. Morsani indicated his agreement to the 11 conditions. There are only two which he had not already met--the traffic plan and a better map. This map should be included with the traffic plan. Mr. Sullivan agreed. Discussion indicated that if the special use permit is amended, balloons would be allowed for just this one event. The original special use permit contains a prohibition against the use of balloons. Mr. Sullivan then indicated that the 12th condition should be that the amendment to the special use permit for Kmart is for cars only and for the 180x350 area. Kmart's display area is smaller than this. Mr. Morsani had stipulated that the balloons will be on the cars and antenna and that there will be a large cold air balloon in the parking lot. Chairperson Rogers suggested that Condition 13 state balloons can be used attached to vehicles and distributed to patrons. Mr. Sullivan indicated that this is included in Mr. Morsani's statement. He felt that this was the first statement--signs and banners the day of the event will consist of balloons attached to vehicles, price stickers on the windows of the cars, and a cold air balloon to a maximum of 20 feet in height. It was felt that it should not be necessary to tell Mr. Morsani to distribute balloons to the patrons. Chairperson Rogers felt that this may cause a complaint if the balloons are released. Mr. Morsani felt that it would provide a valid test for the balloons. If there are a lot of complaints, they could be prohibited in the future. Chairperson Rogers indicated that the recommendation is for six findings and 12 conditions of approval.

(3-0703.5) Commissioner Uhart moved to approve a temporary increase in Special Use Permit space from 40,000 to 60,000 square feet to accommodate a new car dealers' show for a three day time period subject to six findings and 12 conditions of approval. Commissioner Christianson seconded the motion. Following a request for a modification, Commissioner Uhart moved to approve M-96/97-7. Commissioner Christianson continued his second. Clarification indicated that both new and used cars would be sold under the permit by the members of the New Car Dealers Association. Following a request for a modification, Commissioner Uhart amended her motion to approve U-95/96-21a. Commissioner Christianson continued his second. The motion was voted and carried 6-0.

G-3. M-95/96-26 - DISCUSSION AND POSSIBLE ACTION ON A SHOW CAUSE HEARING TO CONSIDER REVOCATION OF SPECIAL USE PERMITS U-79-11, U-79-34, U-79-42, U-80-12, U-80-31, U-80-36, U-80-41, U-81-04, AND U-83-12 (1-0748.5) - Mr. Sullivan - Item U-79-42 had been withdrawn. Staff's report indicated Items U-80-41 and U-81-04 were withdrawn. Public testimony was solicited but none given. Commissioner Horton moved to revoke special use permits U-79-11, U-79-34, U-80-12, U-80-31, U-80-36, and U-83-12. Commissioner Uhart seconded the motion. Motion carried 6-0.

G-4. M-96/97-2 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY - Mr. Joiner, Mr. Sullivan, Compliance Officer Scott Ruedy - Discussion indicated that the property is now owned by NDOT whose representative is on vacation. Reasons NDOT had requested the Special Use Permit be extended for one year were unknown. Public testimony was solicited but none given. Commissioner Christianson moved that the Regional Planning Commission move to have a show cause hearing at the next regularly scheduled meeting on Special Use Permit U-82-11. Commissioner Horton seconded the motion. Motion carried 6-0.

G-8. M-96/97-7 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM COMMUNITY DEVELOPMENT DEPARTMENT FOR DIRECTION ON TEMPORARY OUTDOOR SALES AND OTHER MATTERS RELATED THERETO (1-0878.5) - Messrs. Guzman, Joiner, and Sullivan - Direction was requested from the Commission on whether to allow the temporary sale of flowers, art, etc., under the same conditions as off-site automobile sales. Mr. Joiner explained the process used for the automobile sales event which had occurred in the former Albertson's parking lot. The automobile sales event held in the Walmart mall had followed a different process. The previously discussed item was the third procedure. These events stressed the need for conformity. Large shopping centers have requested double and triple the amount of required parking spaces. When these spaces are not utilized daily, the proprietors pressure the staff to market the area. Is the current landscaping requirements adequate for the community for these large lots? Should out-of-town

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automobile dealers be allowed to have these off-premise sales? Staff will prepare a white paper on these issues and requested direction from the Commission on it. Other questions on this subject included the type of restrictions to be imposed, should any off-premise sales be allowed, etc. The issue also includes legal questions, business license concerns, whether to allow one vendor by changing locations to operate year-round, etc. The Downtown District allows street vendors with a Special Use Permit. Chairperson Rogers directed staff to agendize this issue early in the agenda as there will undoubtedly be individuals who wish to participate in the discussion. Commissioner Uhart requested staff investigate how other communities handle these sales. Chairperson Rogers requested staff determine the treatment other areas give Carson City businesses when they attempt this type of sale in another community. Commissioner Uhart indicated Commissioner Horton had stated that the City could restrict the events to permanently licensed Carson City businesses. She asked that this be investigated also. Chairperson Rogers felt that competition from outside the community may not be an issue. Commissioner Pozzi felt that the automobile sales trend is to pre-sell the vehicles through advertising. Commissioner Christianson explained a Reno store which has a continual plant sale and no consideration for parking and pedestrian traffic. Enforcement problems were also noted. No formal action was taken.

H. INTERNAL COMMUNICATION AND ADMINISTRATIVE MATTERS

H-1. CORRESPONDENCE TO THE COMMISSION (3-1217.5) - Discussion indicated that the storage unit sign on Highway 50 West had not been constructed. Staff felt that a commitment had not been made on the colors which the storage units on Highway 50 East would be painted. Attempts to contact the present owner have not been successful. Chairperson Rogers requested staff discuss his safety concerns with the owner as the roof color creates a serious glare problem for drivers. No formal action was required or taken.

H-2. STAFF BRIEFING ON STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (3-1301.5) - All of the Commission's recommendations had been approved by the Board including the Master Plan Land Use Element. A meeting had been scheduled with the individual who had opposed the Master Plan. No formal action was required or taken.

H-3. COMMISSIONER REPORTS (3-1318.5) - None.

H-4. STAFF COMMENTS - None.

H-5. FUTURE COMMISSION ITEMS - Mr. Sullivan indicated he currently has 20 items scheduled for next month's meeting. Scheduling problems with today's agenda were discussed. Chairperson Rogers felt that the venting which had occurred on the CC&R problem may have been beneficial to the area even though it had taken time. Chairperson Rogers reminded the Commission of the workshops scheduled for August 7 and 10. No formal action was required or taken.

I. ADJOURNMENT - Commissioner Wipfli moved to adjourn. Commissioner Pozzi seconded the motion. Motion carried 6-0. Chairperson Rogers adjourned the meeting at 11:20 p.m.

The Minutes of the July 31, 1996, Carson City Regional Planning Commission meeting

1996.

ARE SO APPROVED ON September 25,

/s/

Alan Rogers, Chairperson