

Item # 5

**City of Carson City
Agenda Report**

Date Submitted: October 24, 2006

Agenda Date Requested: November 2, 2006

Time Requested: 15 minutes

To: Mayor and Board of Supervisors

From: Planning Division

Subject Title: Action to consider an appeal of the Planning Commission's decision of denial of a Special Use Permit application from YESCO Sign Co. (Property owner: Bauer, Herman and H & E Trust) to allow installation of a 28-foot high, 400 square-foot off-premises sign (billboard), on property zoned General Commercial (GC), located at 4440 Highway 50 East, APN 008-281-11. File SUP-06-164.

Staff Summary: The Planning Commission has final decision authority on all Special Use Permits unless its decision is appealed to the Board of Supervisors. The Planning Commission denied the subject application on September 27, 2006 on a vote of 4:2:1. The applicant has appealed the decision to the Board of Supervisors. The Board of Supervisors will now have the final-decision authority on the special use permit via the appeal process.

Type of Action Requested:

- Resolution
- Formal Action/Motion
- Ordinance
- Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Denial 09-27-06 (4 ayes, 2 nays- Kimbrough, Reynolds, 1 absent - Vance)

Recommended Board Action: I move to deny the appeal and uphold the Planning Commission's decision of denial of a Special Use Permit application from YESCO Sign Co. (Property owner: Bauer, Herman and H & E Trust) to allow installation of a 28-foot high, 400 square-foot off-premises sign (billboard), on property zoned General Commercial (GC), located at 4440 Highway 50 East, APN 008-281-11. File SUP-06-164, subject to the findings contained in the staff report.

Alternative Board Action: I move to approve the appeal and reverse the Planning Commission's decision of denial of a Special Use Permit application from YESCO Sign Co. (Property owner: Bauer, Herman and H & E Trust) to allow installation of a 28-foot high, 400 square-foot off-premises sign (billboard), on property zoned General Commercial (GC), located at 4440 Highway 50 East, APN 008-281-11. File SUP-06-164, subject to the findings and conditions of approval contained in the staff report.

Explanation for Recommended Board Action: The Planning Commission denied the Special Use Permit application based on findings noted in the attached memo. Please refer to the attached staff memo for more information. Notices regarding the appeal have been sent pursuant to CCMC, Title 18.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.050 (Review); 18.02.060 (Appeals); 18.02.080 (Special Use Permits); Development Standards Division 4.8 (Requirements for Billboards and Off-Premise Signs).

Fiscal Impact: \$200.00 per year.

Explanation of Impact: If billboard is approved, a \$200.00 business license is due per year

Funding Source: Applicants yearly business license fee.

Alternatives: 1) Refer the matter back to the Planning Commission for further review.

Supporting Material: Staff Memo to Board of Supervisors
Appellant's letter of appeal and justification
Planning Commission packet
Planning Commission minutes

Prepared By: Donna Fuller, Administrative Services Manager

Reviewed By: Walter Sullivan Date: 10-20-06
(Walter Sullivan, Planning Director)
Andrew Burdum Date: 10-23-06
(Andrew Burdum, Development Services Director)
Linda Ritter Date: 10-23-06
(Linda Ritter, City Manager)
Michael Suglia Date: 10-23-06
(Michael Suglia, Senior Deputy District Attorney)

Board Action Taken:

Motion: _____ 1) _____ Aye/Nay
2) _____

(Vote Recorded By)

**DEVELOPMENT
SERVICES
DEPARTMENT**

ADMINISTRATION

3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

**BUILDING and
SAFETY DIVISION
PERMIT CENTER**

2621 Northgate Lane, Suite 6
Carson City, NV 89706-1319
Ph: 775-887-2310
Fx: 775-887-2202

CAPITAL PROJECTS

3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

CONTRACTS

3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

ENGINEERING DIVISION

2621 Northgate Lane, Suite 54
Carson City, NV 89706-1319
Ph: 775-887-2300
Fx: 775-887-2283

FLEET SERVICES

3303 Butti Way, Building 2
Carson City, NV 89701-3498
Ph: 775-887-2356
Fx: 775-887-2258

PLANNING DIVISION

2621 Northgate Lane, Suite 62
Carson City, NV 89706-1319
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Fx: 775-887-2278

PUBLIC WORKS OPERATION

(Water, Sewer, Wastewater,
Streets, Landfill, Environmental)
3505 Butti Way
Carson City, NV 89701-3498
Ph: 775-887-2355
Fx: 775-887-2112

TRANSPORTATION

3505 Butti Way
Carson City, NV 89701-3498
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CARSON CITY NEVADA
Consolidated Municipality and State Capital



DATE: November 2, 2006
TO: Mayor, Board of Supervisors and City Manager
FROM: Walter Sullivan, Planning Director *WS*
SUBJECT: Appeal of Special Use Permit SUP-06-164

This item will be heard by the Board of Supervisors on November 2, 2006 which is an appeal of a Planning Commission denial of a special use permit. The subject billboard application was presented to the Planning Commission on September 27, 2006 and the Planning Commission recommended denial subject to the findings contained in the draft Planning Commission minutes.

The Planning Commission based their denials on two findings as contained in the Master Plan. For the Board's information, there was substantial testimony and discussion relative to the lighting of the billboard at the Planning Commission meeting. An appeal was received within the required time frame and the appeal meets the city requirements for a Board of Supervisors review of the special use permit decision.

The staff report contains the summary of the application as well as a recommendation from staff for approval with various conditions of approval.

Since the Planning Commission meeting of September 27, 2006, staff has received the appeal as well as a second letter from an adjacent neighbor in favor of the billboard. Notices were sent out pursuant to Title 18, requirements regarding the appeal meeting by the Board of Supervisors.

Should you have any questions regarding the appeal, please don't hesitate to contact Walter Sullivan at 887-2180.

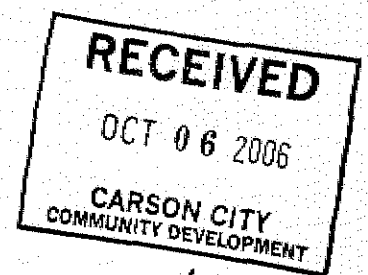
Additionally, staff has included the billboard map of Carson City updated to the present application. The two yellow dots are the remaining two sites for billboards in Carson City and the blue dot is the subject application which is

Additionally, staff has included the billboard map of Carson City updated to the present application. The two yellow dots are the remaining two sites for billboards in Carson City and the blue dot is the subject application which is under review. The green dots are locations where existing billboards and/or special use permits have been granted.

JAMES J. RANKL
ATTORNEY AT LAW, P.C.
3064 SILVER SAGE DRIVE, SUITE 102
CARSON CITY, NEVADA 89701
(775) 882-6450
FAX (775) 882-2248

October 6, 2006

Walter A. Sullivan, Director
Planning & Community Development
2621 Northgate Lane, Suite 62
Carson City, NV 89706



WS

**RE: Appeal of Planning Commission's Decision
Denying Application of Young Electric Sign Company
For a Special Use Permit**

Dear Mr. Sullivan:

I represent Young Electric Sign Company ("YESCO") in connection with the above-referenced matter.

The purpose of this letter is to appeal the September 27, 2006, decision of the Planning Commission denying YESCO's Application for a Special Use Permit (SUP-06-164), for an off-premises sign (billboard) on property zoned General Commercial (GC) located at 4440 Highway 50 East (APN-008-281-11). This Letter of Appeal is submitted pursuant to Carson City Municipal Code (CCMC) 18.020.060.

BACKGROUND

YESCO, whose address is 775 East Glendale Avenue, Sparks, Nevada 89431, submitted a Special Use Permit Application to allow placement of a 400 square foot off-premises sign (billboard) on property zoned General Commercial located at 4440 Highway 50 East (APN: 008-281-11) (hereinafter "Application").

The Planning & Community Development Department issued a Staff Report dated September 27, 2006, which recommended that the Application be approved subject to twenty (20) conditions of approval. The Department concluded that the Applicant had met each of the seven (7) enumerated requirements for a Special Use Permit set forth in CCMC 18.02.080. The Department further found that the proposed billboard satisfied the criteria contained in Section 4.8 of the Carson City Development Standards for billboards and outdoor signs.

The Planning Commission considered the Application at its meeting on September 27, 2006. Commissioner Mullet moved to deny the Application on the grounds that the project does not enhance the character of the residential or commercial neighborhood,

open views and vistas and there is a potential for glare from the sign. The motion was seconded and passed on a vote of 4 to 2.

DISCUSSION

The Applicant is appealing the Commission's denial of the Application and specifically its conclusion that the findings required by CCMC 18.020.080(5) (a) and (7) were not satisfied. The Applicant respectfully submits that an error was made by the Commission in denying the Application and its conclusion that the record did not support the findings required by CCMC 18.020.080.

1. THE PROPOSED BILLBOARD SATISFIES THE REQUIREMENTS OF DIVISION 4.8 OF THE DEVELOPMENT STANDARDS.

The record in this matter demonstrates, and there has been no dispute, that the sign proposed by the Applicant satisfies all of the requirements for billboards set forth in Division 4.8.3. As the Department concluded the proposed sign: a) will be subject to a Special Use Permit; b) is located on a permitted street; c) does not exceed the maximum height; d) contains one face per side; e) is located in an area zoned General Commercial; f) is not within 1000 feet of another billboard; g) does not exceed 400 square feet; h) is not within 300 feet of property zoned Agricultural or Residential; i) is not within 1000 feet of a redevelopment project area presently defined in the code; j) is free standing; and, k) will not have three-dimensional objects or movable reflective materials and will be illuminated by down lighting.

2. THERE IS SUBSTANTIAL EVIDENCE TO SUPPORT THE NECESSARY FINDINGS FOR ISSUANCE OF A SPECIAL USE PERMIT.

The Department concluded in its Report that each of the findings required by CCMC 18.02.080 for issuance of a Special Use Permit was substantiated by the evidence in the record. Specifically the Department concluded that the project:

- 1) will be consistent with the master plan elements;
- 2) will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties and will cause no objectionable noise, vibrations, fumes, odors, dust, gas or physical activity;
- 3) will have no detrimental effect on vehicular or pedestrian traffic;
- 4) will not overburden existing public services;
- 5) meets the applicable standards set forth elsewhere in the Municipal Code;

- 6) will not be detrimental to the public health, safety, convenience and welfare; and
- 7) will not result in material damage or prejudice to other property in the vicinity.

The stated reason for denial of the Application was that the proposed sign does not enhance the character of the residential or commercial neighborhood, open views and vistas and presented a potential for glare from the sign. In reaching this conclusion the Commission references findings 5(a) and 7 in the Staff Report. There was no dispute or disagreement regarding findings 1, 2, 3, 4, 5 (other than subsection (a)) and 6 and it is respectfully submitted that these findings are substantiated by substantial evidence in the record.

A. BY SATISFYING EACH OF THE REQUIREMENTS FOR BILLBOARDS SET FORTH IN DIVISION 4.8.3, THE PROPOSED PROJECT SATISFIES FINDING 5(a) AND 7.

The stated purpose of Division 4 is as follows:

The purpose of this Division is to provide minimum standards to safeguard life, health, property and public welfare in keeping with the unique character of Carson City by establishing equal enforcement, regulation and control where applicable by the size, number, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building, except temporary signs attached to or affixed upon windows, and to accomplish the following results:

- a. To protect and enhance the character of residential and commercial neighborhoods, open views and vistas, and property values by prohibiting signs that are obtrusive and incompatible with the immediate surroundings;
- b. To protect the economic health of commercial centers and property values by encouraging signs that effectively communicate the availability of goods and services to consumers;
- c. To provide a reasonable and comprehensive system of sign management addressing size, location, design, and illumination for integration into the zoning ordinance;
- d. To encourage signs that are varied in design, well constructed and pleasing in appearance;

- e. To attract and direct persons to various activities and enterprises in order to provide for public convenience; and
- f. To prohibit the indiscriminate use of other outdoor advertising.

Division 4.8.2(a) states in relevant part that the intent of establishing requirements for billboards is to:

1. Impose reasonable standards to regulate the number (density), size, height and location of billboards to prevent and relieve sign clutter, safeguard and enhance property values, achieve the objectives of the Master Plan, and promote the public safety and general welfare;
2. Help preserve and enhance the physical environment of Carson City to protect the Carson City economy;
3. Minimize or eliminate hazards to pedestrians and motorists brought about by distracting or unsafe billboards; and
4. Improve, enhance and preserve the appearance and other aesthetic qualities of Carson City.

The stated intent for the Division is to establish standards for billboards, which when satisfied, accomplish the stated purposes of the Division. When a proposed sign meets all the requirements and limitations specified in Division 4.8.3 it must by definition and implication satisfy the stated purposes of the Division. Any conclusion to the contrary is inconsistent with the stated intent and purpose of the Division and its goal of establishing reasonable standards for billboards.

Division 4.8.2(a) (1) (c) states that one of the purposes of the requirements is to "Achieve the objective of the Carson City Master Plan" Thus, by satisfying the requirements of the Division the sign is consistent with the Master Plan.

The record conclusively demonstrates that the proposed sign meets all the requirements for size and spacing and will not generate any objectionable noise, vibration, fumes, odor, dust, glare or physical activity. As such the sign will not have a detrimental impact on the use, enjoyment, economic value or development of the surrounding property. The proposed sign will be located on property zoned general commercial as is the surrounding property. The new state of the art structure, which fully complies with all applicable requirements, will not be detrimental to the overall appearance of the commercial neighbor.

Any billboard which satisfies the requirements of Division 4.8.3 by definition protects and enhances the character of the neighborhood, opens vistas and views. To conclude otherwise suggests that every such sign fails to protect the character of the neighborhood, open vistas and views and that the stated requirements are inadequate.

The Commission's conclusion that the proposed sign "presents the potential for glare from the sign" is similarly flawed. As noted in the Staff's Recommendation the lighting will be directed downward and shielded to prevent glare onto adjacent properties. In addition, the sign will not include any of the characteristics or materials prohibited by Division 4.8.3(k). As such, the proposed sign will not produce any more glare or ambient light than any other similar sign in Carson City.

To the extent the Commission's decision is based upon the one and only objection to the proposed sign, it is respectfully submitted that the objection is not based upon any facts and consists solely of conclusory and self serving statements. The objection comes from the owner of the property to the west of the proposed site. That property is zoned general commercial and is surrounded by numerous vehicles and equipment much of which appears to be inoperable. As the Staff Report noted, given the condition and uses of the surrounding properties, it is unlikely the proposed sign will negatively impact property values. In fact, as a result of the Applicant's rental payments, the value of the underlying property will actually increase.

As discussed above the sign lighting will meet all applicable requirements. It should be noted that with respect to the sole objection to the proposed sign, that home is located behind numerous vehicles and equipment, is approximately 200 feet from the proposed sign, and there is a one story home on the subject property which will further block any ambient light from the sign.

Approval of the subject Application will further the goals of Division 4 by actually reducing the number of potential sites for billboards. The Staff Report noted that existing or approved billboard sites are located 2570 feet west and 1730 feet east of the subject location. This total distance of 4300 feet could potentially accommodate three billboards meeting the 1000 foot separation requirement. By approving the subject Application only one additional sign can be located between the existing or approved locations without a variance from the 1000 foot separation requirement.

3. A SUBJECTIVE OR PERSONAL DISLIKE OF BILLBOARDS IS NOT AN APPROPRIATE GROUND FOR DENIAL OF THE APPLICATION.

The City has developed and implemented comprehensive regulations and standards to ensure the equal enforcement, regulation and control of signs by establishing certain criteria and limitations relating to the location, size, design, number, height and maintenance of signs. Implicit in the Development Standards is the recognition that signs provide an important and necessary role by providing information, directions and an advertising venue for goods and services. Denial of an application which satisfies all the established standards and requirements, on the sole basis of a personal or subjective belief that billboards should not be permitted can only be characterized as arbitrary and capricious.

Walter A. Sullivan, Director

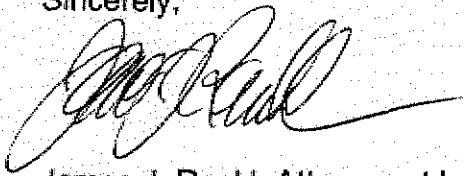
October 6, 2006

Page 6

CONCLUSION

The record in this matter demonstrates that the proposed sign meets the requirements for billboards contained in Division 4 of the Carson City Development Standards. Furthermore, each of the findings required by CCMC 18.02.080 for issuance of a Special Use Permit is supported by substantial evidence in the record. As such, the Applicant respectfully requests that the decision of the Planning Commission be reversed and that the Application be approved subject to the conditions stated in the Staff Report.

Sincerely,



James J. Rankl, Attorney at Law, P.C.

3060 Silver Sage, Suite 102

Carson City, NV 89701

(775) 882-6450

Attorney for:

Young Electric Sign Company

775 East Glendale Avenue

Sparks, NV 89431

(775) 359-3131

CARSON CITY COMMUNITY DEVELOPMENT DEPARTMENT PROCEDURES FOR FILING AN APPEAL

Attached is a copy of Carson City Municipal Code (CCMC), Section 18.02.060 Appeal.

If you wish to file an appeal, please read the attached material over VERY CAREFULLY and be sure to follow the procedures exactly as they are stated. Remember:

1. A decision of the Planning and Community Development Department staff, the Planning Commission, the Hearing Examiner, or the Historic Resources Commission can be appealed provided the appeal is filed within 10 days of the date of the decision.
2. Only those people who participated in the hearing process are eligible to file an appeal. Participation includes testifying at the original hearing and/or providing written comments regarding the item in question before or during the public hearing.
3. Only issues addressed at the original public hearing can be raised as a basis for an appeal. Comments submitted after the original hearing has concluded will be considered new information and, as such, cannot be considered as a basis for an appeal.
4. An appeal is filed by way of submitting a letter to the Planning and Community Development Director. The letter must include:
 - a. The appellant's name, mailing address, daytime phone number;
 - b. Must be accompanied by a \$50 filing fee; if paid by check, please make check payable to Carson City;
 - c. Shall specify the project or decision for which the appeal is being requested;
 - d. **SHALL INDICATE WHICH ASPECTS OF THE DECISION ARE BEING APPEALED.** No other aspect of the appealed decision will be heard.
 - e. **MOST IMPORTANT:** Shall include necessary facts or other information that support the appellant's contention that an error was made by the Planning and Community Development Department staff or the Planning Commission, etc., in consideration of findings supporting a decision.
5. Once an appeal has been submitted and determined to be complete, the Planning and Community Development Department shall request time on the next available Planning Commission agenda (in the event of a staff decision) or the next available Board of Supervisors agenda (in the event of a Planning Commission, Hearing Examiner or Historic Resources Commission decision).
6. Appeals and the accompanying fee should be addressed to:

Walter A. Sullivan
Planning and Community Development Director
2621 Northgate Lane, Suite 62
Carson City, NV 89706

Should you have any questions, please call the Planning and Community Development Department at (775) 887-2180 for further information.

18.02.060 Appeals

1. **Appeals of Staff Decisions.** An administrative decision of the Director may be appealed by the applicant or any aggrieved party to the Commission following the procedures in Subsection 4 of this Section within ten days of the date of the decision. The Commission may affirm, modify or reverse the decision.
2. **Appeals of Commission, Hearing Examiner or Historic Resources Commission (HRC).** Any decision of the Commission, hearing examiner or the HRC may be appealed to the Board by the applicant, any aggrieved party, or any member of the Board, by following the procedures in Subsection 4 of this Section within ten days of the date of the decision. The Board may affirm, modify or reverse the decision. In reviewing the decision, the Board shall be guided by the statement of purpose underlying the regulation of the improvement of land expressed in NRS 278.020.
3. **Appeals of Board Decisions.** A decision of the Board is final. Any appeal of its decision shall be in a court of competent jurisdiction within the time frames established by the NRS.
4. **Procedures for Filing an Appeal.**
 - a. **Standing for Filing an Appeal.** Any project applicant or any aggrieved party may file an appeal as specified in this Section provided that the appellant has participated in the administrative process prior to filing the appeal.
 - b. **Issues for an Appeal.** Issues not addressed in the public hearing stage of the administrative process for a project which is being appealed may not be raised as a basis for the appeal unless there is substantial new evidence which has become available accompanied by proof that the evidence was not available at the time of the public hearing. If new information is submitted to the Board, the application shall be referred back to the Commission for further appeal, review and action.
 - c. **Appeal Application.** - All appeal applications shall be filed in writing with a letter of appeal to the Director.
 1. The letter of appeal shall be submitted within ten days of the date of the staff or Commission decision for which an appeal is requested.
 - (2) The appeal letter shall include the appellant's name, mailing address, daytime phone number and shall be accompanied by the appropriate fee.
 - (3) The letter shall specify the project or decision for which the appeal is being requested. The letter shall indicate which aspects of the decision are being appealed. No other aspect of the appealed decision shall be heard.
 - (4) The letter shall provide the necessary facts or other information that support the appellant's contention that the staff or Commission erred in its consideration or findings supporting its decision.
 - d. **Decision.** The Commission or Board, whichever has jurisdiction over the appeal, shall render its decision on the appeal within 60 days of the submittal of a complete appeal application.
 - e. **Notice of Appeals.** Notice of time and place of Appeal hearings shall be published in a newspaper of general circulation in Carson City, not less than ten days prior to the date of such hearing. Upon application for an Appeal, the City shall mail to the applicant, to all property owners of record, as shown on the latest equalized assessment rolls, within 300 feet of the exterior boundaries of the subject property, to all unique property owners of land within such area proposed for rezoning, and to each tenant of a mobilehome park if that park is located within 300 feet of the property in question, written notice of the time, place and date of such hearing and the general location of the property of the addressee with reference to the property proposed for change, not less than ten days prior to the public hearing date. At least 30 unique property owners nearest the subject site must be noticed if there are not 30 unique property owners within 300 feet of the subject site.

CARSON CITY PLANNING COMMISSION

Minutes of the September 27, 2006 Meeting

Page 1

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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, September 27, 2006 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson John Peery
Vice Chairperson Mark Kimbrough
Connie Bisbee
Craig Mullet
Steve Reynolds
Roy Semmens

STAFF: Walter Sullivan, Planning Division Director
Sean Foley, Associate Planner
Jeff Sharp, Deputy City Engineer
Michael Suglia, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: The following is an excerpt of the September 27, 2006 minutes. A recording of the entire proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE
(3:32:45) - Chairperson Peery called the meeting to order at 3:32 p.m. Roll was called; a quorum was present. Commissioner Semmens led the pledge of allegiance. Commissioner Vance was absent.

G-4. SUP-06-164 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM YOUNG ELECTRIC SIGN COMPANY (PROPERTY OWNER: BAUER, HERMAN AND H&E TRUST) TO ALLOW INSTALLATION OF A 28-FOOT HIGH, 400-SQUARE-FOOT, OFF-PREMISES SIGN (BILLBOARD), ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 4440 HIGHWAY 50 EAST, APN 008-281-11 (4:20:33) - Chairperson Peery introduced this item. Mr. Sullivan pointed out, on a displayed map, the subject site and reviewed the staff report. He reviewed regulations required for billboard signs, as outlined in the staff report. He noted letters received in response to the public notice. He further noted the findings and conditions of approval outlined in the staff report, and staff's recommendation of approval. He narrated pertinent slides.

In response to a question, Mr. Sullivan advised of the applicant's intent to remove some of the trees, toward the front of the parcel. He acknowledged the trees are on the applicant's property. He advised that the exact number of trees to be removed would be determined with the applicant. Commissioner Mullet expressed concern over the billboard being taller than 28 feet from the centerline of the street. Mr. Sullivan advised of a shared concern, and that a survey of the roadway surface may be required.

(4:30:21) Young Electric Sign Company Outdoor Manager Daniel Schulte acknowledged having reviewed the staff report and his agreement with the same. In response to an earlier question, he advised of a survey conducted by Western Engineering which indicated the elevation from the centerline of the street is only one foot. Commissioner Mullet requested Mr. Schulte to ensure the sign height is no more than 28 feet. Mr. Schulte advised of approximately four trees on the west end of the existing building that "would need

CARSON CITY PLANNING COMMISSION

Minutes of the September 27, 2006 Meeting

Page 2

DRAFT

to be cut." He further advised that the trees had not been pruned or cared for in quite some time. He noted that the twelve trees referenced in Ms. Marcin's letter are on the general commercial property to the east, not the applicant's property. Mr. Sullivan requested the opportunity to work with the applicant on pruning the trees. He expressed concern over topping the trees. Mr. Schulte acknowledged the understanding of landscape requirements as part of the conditions of approval.

Chairperson Peery opened this item to public comment. (4:33:18) Loretta Marcin, an adjacent property owner, expressed concern on behalf of her mother-in-law, also an adjacent property owner, over the trees. She expressed the opinion that the conceptual photograph of the billboard "up against those mountains" is not a "very pretty envision for Carson City." She advised of having received information on the recent Envision Carson City master planning process. She expressed concern over some type of conflict if, in the future, her property and her mother-in-law's property is rezoned as multi-use residential. She expressed additional concern over the billboard lighting spilling over onto her property and her mother-in-law's property. She expressed further concern over accessibility to the billboard by vandals. She reiterated concern over the possible loss of the trees, and the appearance of the City's eastern gateway. Chairperson Peery provided historic information on the movement toward limiting the number of billboards in Carson City. He noted the proposed billboard is the next to the last which will be allowed. He advised that the commissioners shared a good many of Ms. Marcin's sentiments, but that the property owners have the right to place a billboard sign if the conditions are met.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional questions, comments, or a motion. Commissioner Bisbee expressed concern over "major destruction" of the trees. Mr. Sullivan reviewed a slide depicting the subject trees, and noted the applicant's earlier statement that he would be pruning four trees toward the front of the subject parcel. He assured the commissioners that staff will work closely with the sign company representative to ensure the trees are not topped. Commissioner Bisbee pointed out, on a displayed slide, one tree in particular, and expressed concern over the method by which it would be pruned. Commissioner Mullet suggested the billboard was less objectionable with the "big tree in front of it." Mr. Sullivan advised that staff would work with Contract Urban Forester Molly Sinnott to preserve the tree. In response to a further question, he advised that Ms. Sinnott will determine the species and evaluate the condition of the trees.

In response to a question regarding proposed lighting, Mr. Sullivan read condition of approval #16 into the record. In response to a question, Mr. Suglia advised the commission had no purview over the content of the billboard sign. Mr. Sullivan noted that special use permits have a time limit. Chairperson Peery entertained additional questions, comments, or a motion. **Commissioner Reynolds moved to approve SUP-06-164, a special use permit request from Young Electric Sign Company to allow installation of a 28-foot high, 400-square-foot off-premises sign, on property zoned general commercial, located at 4440 Highway 50 East, APN 008-281-11, based on seven findings of fact and subject to the conditions contained in the staff report. Vice Chairperson Kimbrough seconded the motion, and looked forward to celebrating approval of the last billboard sign. Chairperson Peery called for a vote on the pending motion; motion failed 2-4. At Mr. Sullivan's request, Chairperson Peery conducted a roll call vote with the following results: Commissioner Semmens - no; Commissioner Reynolds - yea; Vice Chairperson Kimbrough - aye; Commissioner Bisbee - no; Commissioner Mullet - nay; Chairperson Peery - nay. Motion failed 2-4.** Mr. Sullivan advised the applicant of his right to appeal the commission's decision to the Board of Supervisors.

CARSON CITY PLANNING COMMISSION
Minutes of the September 27, 2006 Meeting
Page 3

DRAFT

Chairperson Peery recessed the meeting at 4:45 p.m. and reconvened at 4:54 p.m. He entertained additional comments, questions, or a motion. **Commissioner Mullet moved to deny approval of SUP-06-164, a special use permit request from Young Electric Sign Company to allow installation of a 28-foot high, 400-square-foot off premises sign billboard, on property zoned general commercial, located at 4440 Highway 50 East, APN 008-281-11, based on finding 5, paragraph (a) that the project does not enhance the character of the residential or commercial neighborhood, open views and vistas; and on finding 7, that the project represents the potential for glare from the sign. Commissioner Semmens seconded the motion. Motion carried 4-2. Chairperson Peery conducted a roll call vote with the following results: Commissioner Semmens - yes; Commissioner Reynolds - nay; Vice Chairperson Kimbrough - nay; Commissioner Bisbee - yes; Commissioner Mullet - yes; Chairperson Peery - yes. Motion carried 4-2. Mr. Sullivan reiterated the applicant's appeal rights.**

STAFF REPORT FOR PLANNING COMMISSION MEETING OF 27 SEPTEMBER 2006

AGENDA ITEM: G-4

FILE No: SUP-06-164

STAFF AUTHOR: Sean Foley, Associate Planner

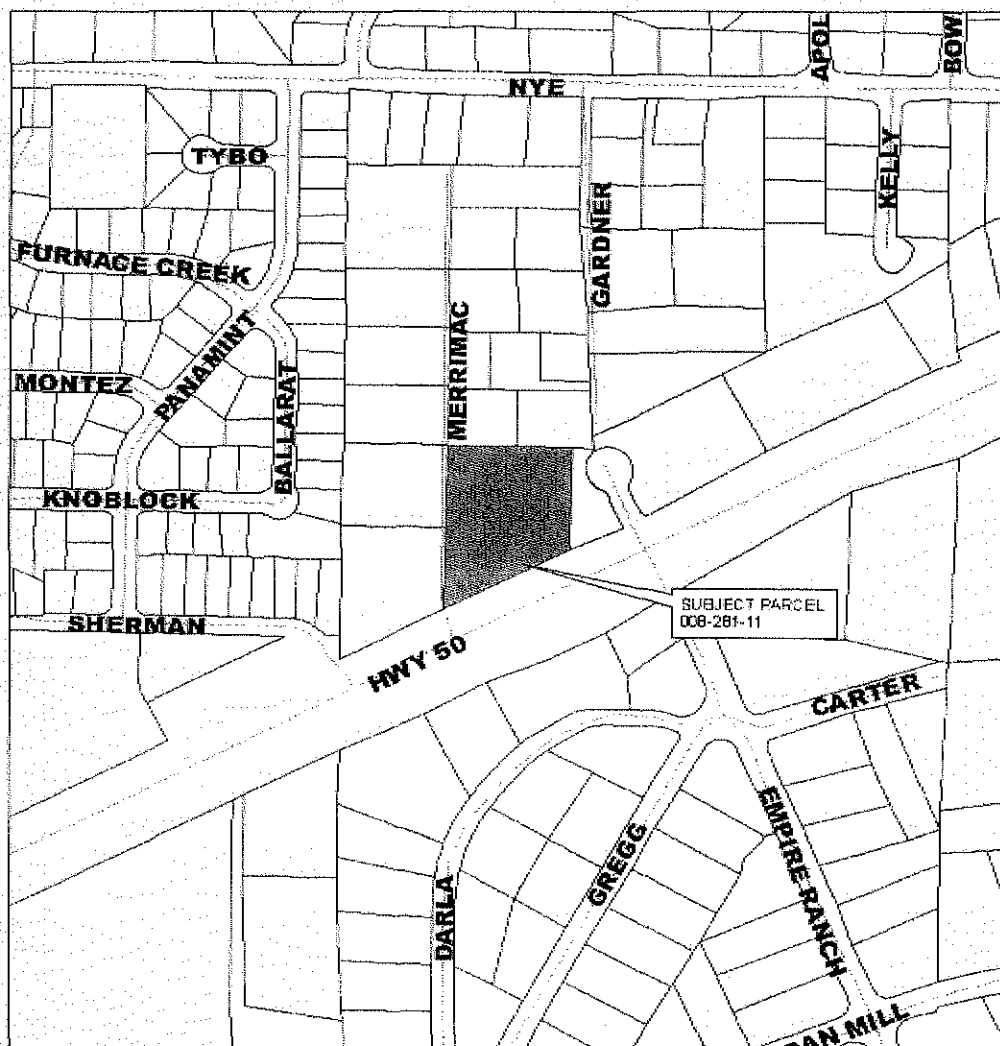
REQUEST: Special Use Permit to allow a 28-foot high, 400-square-foot off-premises sign (billboard), on property zoned General Commercial

APPLICANT / OWNER: Yesco Sign Co / Herman Bauer

LOCATION: 4440 Highway 50 East

APN: 008-281-11

RECOMMENDED MOTION: "I move to approve SUP-06-164, a Special Use Permit request from Yesco Sign Company, to allow installation of a 28-foot high, 400-square-foot off-premises sign (billboard), on property zoned General Commercial (GC), located at 4440 Highway 50 East (Assessor's Parcel Number 008-281-11), based on seven findings of fact and subject to the conditions contained in the staff report."



VICINITY MAP SUP 06-164



RECOMMENDED CONDITIONS OF APPROVAL:

The following must be completed prior to the commencement of the use:

1. The applicant must sign and return the Notice of Decision / conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. A building permit must be obtained from the Carson City Building Division for the proposed billboard sign structure prior to installation.
3. All development shall be substantially in accordance with the site development plan approved with this application, except as otherwise modified by these conditions of approval.
4. All on- and off-site improvements shall conform to City standards and requirements.
5. The use for which this permit is approved shall commence (obtain and maintain a valid building permit to complete the project) within twelve months of the date of final approval. A single, one-year extension of time must be requested in writing to the Planning Commission 30 days prior to the one-year expiration date. Only the Planning Commission may grant a one-year extension. Should this permit not be initiated within one year and no extension granted the permit shall become null and void.
6. The applicant shall apply for and obtain a sign permit from the Nevada Department of Transportation. Installation of the billboard must comply with all applicable state laws and policies.
7. Prior to placement of advertisement copy on the structure, all Carson City business license fees must be paid.

The following must be shown, included, or submitted with a building permit or site improvement permit application and maintained throughout the life of the sign:

8. Placement of the off-premises sign on the parcel must maintain the setbacks as depicted on the site plan (that is the survey plan completed by Western Engineering). The sign may not be relocated without approval of a new or amended special use permit.
9. The applicant must submit a revised site plan that agrees with the survey documents.
10. The new sign must maintain proper separation from above and below ground utilities.
11. The sign cannot be located within any utility, access or drainage easements.
12. The new sign cannot impede vehicle sight distance.

13. The new sign cannot occupy any required parking spaces for the on-site commercial use.
14. The new sign must be located entirely on the subject parcel and shall not encroach onto another parcel or right-of-way.
15. The maximum permitted sign height is 28 feet in height, measured at the adjacent U.S. Highway 50 grade. The maximum permitted sign area is 400 square feet, oriented horizontally and to U.S. Highway 50. V-shaped (non-parallel) sign faces are prohibited.
16. Any proposed lighting of the billboard shall be directed downward and shielded so as not to project light and/or glare onto adjacent properties or right-of-way. A detailed lighting plan, including light fixture details ("cut sheets") must be provided with the building permit application if lighting is proposed. Inspections are required.
17. The sign support structure must be painted the same color as the primary building on the site or an earth-tone color to match the surrounding terrain. Proposed color samples for the pole must be submitted with the building permit application for review and approval by the Planning Division. The support structure truss-work must be masked by the sign faces at all times.
18. The sign must be maintained at all times and kept free of graffiti. Failure to do so shall constitute cause for the revocation of a business license.
19. Landscaping of the parcel frontage per Division 3 of the Carson City Development Standards is required to be completed prior to final inspection approval; a landscape planter at the base of the sign is required and a landscape plan shall be submitted with the building permit application, subject to Planning Division approval.
20. Without further notice, the subject special use permit shall expire on the 27th of September 2011, unless a special use permit to continue the use of the off-premise sign is acquired by that date. It is the applicant's responsibility to submit a complete special use permit application in sufficient time to be scheduled for review prior to the expiration date.

LEGAL REQUIREMENTS: CCMC §§ 18.02.050 (Review); 18.02.080 (Special Use Permits); and Development Standards, Section 4.8 (Requirements for Billboards and Off-Premises Signs).

MASTER PLAN DESIGNATION: Community / Regional Commercial (CRC)

ZONING: General Commercial (GC)

KEY ISSUES: Does the application meet the Development Standards regulations for off-premises (billboard) signs, and does application meet the required findings for approval of a special use permit? Would the proposed billboard be compatible with surrounding properties? Would the proposed billboard cause material damage to surrounding properties?

SURROUNDING ZONING AND LAND USE INFORMATION

NORTH: Single Family 12,000 (SF12) – Single-family residential
SOUTH: General Commercial (GC) – Mixed-use commercial
EAST: General Commercial (GC) – Single-family residence
WEST: General Commercial (GC) – Single-family residence and mixed-use commercial

ENVIRONMENTAL INFORMATION

1. FLOOD ZONE: Zone C – Area of minimal flooding.
2. ELEVATION: Approximately 4630 feet.
3. SLOPE/DRAINAGE: The site is relatively level and generally drains to the south, toward Highway 50 East
4. SOILS: N° 71 – Urban land
5. SEISMIC ZONE: II – moderate shaking potential; an earthquake fault is found within 500 feet of the site.

SITE HISTORY

- On 16 March, 2006, the Board of Supervisors approved a change (MPA-05-251) to the proposed Land Use Designation of the draft Master Plan Land Use Map from Mixed-Use Residential (MUR) to Community/Regional Commercial (CRC); the Map was subsequently adopted in April 2006.

SITE DEVELOPMENT INFORMATION

1. PARCEL AREA: Two acres
2. EXISTING PRIMARY USE: Used automobile sales lot
3. ALLOWABLE HEIGHT: 28 feet from adjacent permitted street grade, per CCMC
4. ALLOWABLE AREA: 400 square feet, per CCMC
5. PROPOSED SIGN SIZE: Double-faced; 10 by 40 feet (400 square feet), each face
6. PROPOSED STRUCTURE HEIGHT: 28.0 feet (from highway grade; 27ft from finished grade)
7. PARKING: The effect on on-site parking has not been determined
8. SETBACKS: As depicted on the site plan —
 - a. 302.29 feet from the north property line to the sign's edge;
 - b. 1.47 feet from the south property line to the sign's edge;
 - c. Approximately 200 feet from the east property line to the sign's edge;
 - d. Approximately 80 feet from the west property line to the sign's edge.
9. LANDSCAPING AREA: Landscaping is essentially non-existent on the site; landscaping can be required with the new use.

DISCUSSION:

Off-premises signs are regulated by the provisions of the Carson City Development Standards, Division 4 (Signs), Section 4.8 (Requirements for Billboards and Off-Premises Signs). For the purposes of the Carson City Municipal Code (CCMC) and Development Standards, the terms "billboard" and "off-premises sign" are interchangeable.

The applicant is requesting approval of a special use permit for the placement of a 10-by-40-foot (400-square-foot) off-premises sign, 28.0 feet in height above the existing grade of U.S. Highway 50 East. The applicant has made the effort to adhere to the Development Standards governing the placement of billboards. The height is slightly less than the 28-foot maximum permitted and the 400 square feet of area is the maximum permitted.

The subject parcel is located on the north side of Highway 50 East and is approximately 333 feet west of Empire Ranch Road. A used automobile sales lot is currently located on the subject property. The sign is proposed to be located within the small legal permissible envelope of land on the subject parcel, due to the proximity of Single Family 12,000 zoning that abuts the north property line of the parcel. The sign must be at least 300 feet from such a protected zoning district. The applicant retained a professional land surveyor to confirm that this separation meets Development Standards requirements. The survey is included in the attached packet. It should be noted that the survey should be relied upon to determine the location of the billboard sign – rather than the site plan, which is inaccurate as to the placement of the sign. One error on the survey is that the legal envelope of land where the sign can be placed extends to the west property line. The reason for this is that the Section 4.8.3(h) states that billboard signs must be a minimum of 300 feet from residentially zoned property (among other protected zoning).

The sign would be situated 1.47 feet from the south property line fronting Highway 50 East, approximately 80 feet from the west property line and approximately 200 feet from the east property line. The Single Family 12,000 zoning district is located 302.29 feet to the north of the sign's edge, which just makes the 300-foot separation required. The billboard sign would not interfere with utility easements or vehicular or pedestrian traffic. The surrounding uses are currently mixed-use commercial and residential in nature.

The site currently does not meet the landscaping requirements of Division 3 of the Development Standards. With advent of the new use, conformance with the landscaping standards can be required, and staff has included a recommended condition of approval to this effect.

There are presently ten billboard sites that have valid special use permits along Highway 50 East, and this site is one of very few possible locations remaining. Yesco purchased the interest in one of the sites (SUP-05-134), located at the intersection of Highway 50 East and Nye Lane, but Yesco and the land owner did not come to an agreement regarding installation of the sign, and Yesco elected to pursue this site instead. The following section contains an analysis of this application with reference to Development Standards–Billboard Sign regulations.

DEVELOPMENT STANDARDS REVIEW CRITERIA:

In addition to the review standards of Title 18 regarding special use permit approvals, billboards are subject to the criteria contained in Division 4.8 of the Development Standards. The Development Standards Division 4.8.2(a) states, in part:

"The Board finds and declares that the purpose of developing requirements for billboards and off-premise signs is to establish a comprehensive system for the regulation of the time, manner and place of the commercial use of billboards and off-premise signs and the gradual elimination of nonconforming off-premise signs through attrition and natural deterioration."

It is also the stated intent of the regulation to:

1. Impose reasonable standards to regulate the number (density), size, height and location of billboards to prevent and relieve sign clutter, safeguard and enhance property values, achieve the objectives of the Master Plan, and promote the public safety and general welfare;
2. Help preserve and enhance the physical environment of Carson City to protect the Carson City economy;
3. Minimize or eliminate hazards to pedestrians and motorists brought about by distracting or unsafe billboards; and
4. Improve, enhance and preserve the appearance and other aesthetic qualities of Carson City.

The following is a review of the proposed billboard with regard to the specific standards of Division 4 §8.3:

4.8.3 – Billboard Requirements

- a. **Special Use Permit Required** — Approval of a special use permit is required for a billboard.
- b. **Permitted Streets** — Billboards are permitted along US Highway 50 between Lyon County and Carson Street and along Carson Street. The proposed billboard would be adjacent to the north side of and oriented to be viewed from Highway 50 East. The proposal therefore complies with this standard.
- c. **Height** — The maximum permitted sign height is 28 feet from the adjacent "permitted street" elevation — The applicant proposes a 28-foot-tall sign as measured from the existing lot's grade (27 feet from finished grade) or 100 percent of the maximum allowed. The proposal therefore complies with this standard.
- d. **Number of Sign Faces** — One sign face per side (double-faced sign) is permitted, as long as the faces are parallel to each other. The proposed sign faces are parallel and therefore complies with this standard.
- e. **Zoning of the Site** — New billboards are only permitted within the General Commercial (GC) or General Industrial (GI) zoning districts — The subject site is located within the General Commercial zoning district, and therefore is in compliance with this standard.
- f. **Spacing Distance** — Billboards may not be located within 1,000 feet of each other — The nearest existing or approved billboard is located at 3700 Highway 50 East and is approximately 2570 feet west of the proposed billboard site. The next nearest, which is approved but not built, is located at 4949 Highway 50 East and is approximately 1730 feet

east of the proposed billboard and therefore is in compliance with this standard.

- g. Area of Sign — The maximum permitted sign area for billboards is 400 square feet per side — The proposal here calls for 400-square-foot sides, which is 100 percent of the maximum allowed and complies with this standard.
- h. Separation from Certain Uses and Zoning — A billboard sign may not be closer than 300 feet to a property zoned Agriculture (A), Conservation Reserve (CR), or any residential district — In this case, the nearest such protected district is the Single Family 12,000 zoning district, which is 302.29 feet north of the proposed billboard. The proposal therefore complies with this standard.
- i. Downtown Redevelopment area — A billboard sign may not be within 1000 feet of a Redevelopment area — The proposed location is over 10,000 feet east of the nearest Redevelopment area boundary and in compliance with this standard.
- j. Prohibited Supporting Structures — A sign may not be attached to a roof or wall or other surface of a building. A sign must be a freestanding sign — The proposed is a freestanding sign and is in compliance with this standard.
- k. Prohibited Characteristics and Materials — Signs cannot display three-dimensional objects, have movable reflective/lighted materials or beams, flash, be internally lit, have or simulate moving parts, nor may external lighting glare onto adjacent properties or rights-of-way — The proposal does not include any of these, but the potential for reflected glare is unclear and a condition of approval to control fugitive light is included to address this issue.

As noted above, the purpose of the billboard regulations is to, among other things, "relieve sign clutter," "safeguard and enhance property values," "eliminate hazards to pedestrians and motorists brought about by distracting and/or unsafe billboards," and "improve, enhance and preserve the appearance and other aesthetic qualities of Carson City." The specific standards of Division 4 §8.3 are created to meet this purpose. If the proposed billboard meets the regulations of Division 4 §8.3, then it meets the purpose of the billboard ordinance. The proposal meets the enumerated standards; therefore the subject application complies with Title 18 Design Standards for billboards and CCMC Section 18.02.080, Subsection 5.

PUBLIC COMMENTS: Public notices were mailed on 11 September, 2006 to 31 adjacent property owners within 320 feet of the subject site, pursuant to the provisions of NRS and CCMC. As of the writing of this report, one written public comment from Rose Lynn Mangan (4445 Highway 50 East) has been received voicing no objection to the proposal. One written letter of opposition has been received from Ernest E. Adler, attorney for Thelma Marcin, who owns property that abuts the subject parcel on the west. Both letters are included in the attached packet. One negative phone call was received, but no written follow up correspondence was submitted. Any comments that are received after this report is complete will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

CITY DEPARTMENT / OUTSIDE AGENCY COMMENTS: The following comments were received from various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable —

Building Division: (See attached comments.)

Engineering Division: (See attached comments.)

Fire Department: No comments.

FINDINGS: Pursuant to CCMC §18.02.080 (Special Use Permits), this application is reviewed with reference to the seven required findings (in bold) below. CCMC 18.02.080 (5) (h) states:

The applicant for a Special Use Permit shall have the burden of proof by a preponderance of the evidence to provide facts supporting the proposed Special Use Permit. For purposes of legal clarity, this shall include the burden of going forward with the evidence and the burden of persuasion on all questions of fact which are to be determined by the Commission and the Board. Additionally, the applicant shall provide adequate information in the application and on the site plan to substantiate the findings required in this Section.

1. The project will be consistent with the master plan elements.

The proposed billboard is consistent with the following applicable goals and policies (in italics) of the Master Plan:

Since the Development Standards governing billboards are standards developed to implement the Master Plan, if the proposal meets the Development Standards, the proposal will generally be consistent with the Master Plan. The proposed project is consistent with the following policies of the Master Plan:

Policy 2.1 d – Land Use Friction Zones

Discourage rezoning of properties that create "friction zones" between land uses—for example, placing incompatible land uses such as industrial and residential adjacent to one another. Enforce standards for transitions between residential and commercial uses and develop standards for mixed-use development to address compatibility issues.

The proposed off-premises billboard sign is consistent with this policy, in that the sign meets the separation requirement of 1,000 feet between billboards and 300 feet from residential zoning and will be located within a General Commercial area. It is the stated intent and purpose of the billboard regulations of Development Standards §4.8 to reduce sign clutter by the separation requirements.

3.2 b—Dark Skies

Protect visibility of the City's dark skies, encourage energy conservation, and limit the impacts of light pollution on the community and surrounding public lands by reducing light trespass and glare created by urban development and the lighting of recreational areas, particularly at the Urban Interface...

Pursuant to the recommended conditions of approval, any proposed lighting of the billboard shall be directed downward and shielded so as not to project light and/or glare onto adjacent properties or right-of-way and will thus promote the dark sky policy.

Guiding Principle 5: A Strong Diversified Economic Base:

Policy 5.2 a—Encourage Regional Retail Encourage the development of regional retail developments ...to attract patrons from surrounding growth areas. Work with local and regional economic development organizations, such as the Carson City Retail Recruitment Team and the Chamber of Commerce, on the development of a marketing strategy designed to attract national retailers to the community...

Billboard signs generally are used to promote regional retail, particularly businesses located within the Carson City area. Allowing a measured number of billboard signs is consistent with this policy.

6.1a—Durable Materials Require the use of durable, long-lasting building materials for all new development.

6.1c—Variety and Visual Interest

Promote variety and visual interest in the design of new development through the incorporation of well-articulated building facades, clearly defined entrances and pedestrian connections, landscaping, and other features as consistent with the City's Development Standards.

6.1d—Gateway Corridors

Encourage the renovation of existing commercial centers not located within designated activity centers that are unlikely to redevelop in the short to mid-term through the use of façade improvement programs, design assistance programs, tax credits, or similar strategies to promote more attractive gateway corridors for the City.

The proposed billboard sign would be located in a transitional commercial area that currently exhibits a mixed-use commercial character, including some residential uses. While some developments are modern, others are obsolete or do not conform to present-day Development Standards. With the addition of this use to this parcel, and with the requirement that landscaping be brought up to current code, approval will have the effect of improving variety and visual interest along the Highway 50 East corridor. The billboard will not detract from views and vistas, since the 28-foot height limit is observed.

- 2. The project will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.**

The proposed off-premises advertising sign is located in a commercial area and is in scale with its surroundings. However, the property owner to the west contends that the billboard would cause glare and diminution of her property's value. Staff has included a condition of approval meant to mitigate the potential impact of glare. It is the stated purpose of the billboard regulations, to which the proposed sign complies, to protect the economic value of surrounding

properties. The proposed use will generate no significant noise, vibrations, fumes, odors, dust, glare or physical activity which could have an adverse impact on adjacent uses if conducted in compliance with the conditions of approval.

3. The project will have little or no detrimental effect on vehicular or pedestrian traffic.

It is the stated purpose of the billboard regulations to which the proposed sign complies to protect vehicular and pedestrian safety. No additional vehicular and pedestrian traffic will be generated in conjunction with the proposed sign, nor would it adversely impact vehicular or pedestrian circulation in the subject area.

4. The project will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.

The proposed sign does not require the extension or expansion of any public services or facilities.

5. The project meets the definition and specific standards set forth elsewhere in this title for such particular use and meets the purpose statement of that district.

The proposed sign is commercial in nature, consistent with the purpose statement of the General Commercial zoning district, and the sign meets all the specific standards for billboards set forth in Carson City Development Standards § 4.8 and is consistent with the purpose statement of the billboard regulations and the purpose of the Sign code, viz:

The purpose of this Division is to provide minimum standards to safeguard life, health, property and public welfare in keeping with the unique character of Carson City by establishing equal enforcement, regulation and control where applicable by the size, number, height, design, quality of materials, construction, location, electrification and maintenance of all signs and sign structures not located within a building, except temporary signs attached to or affixed upon windows, and to accomplish the following results:

- a. To protect and enhance the character of residential and commercial neighborhoods, open views and vistas, and property values by prohibiting signs that are obtrusive and incompatible with the immediate surroundings;*
- b. To protect the economic health of commercial centers and property values by encouraging signs that effectively communicate the availability of goods and services to consumers;*
- c. To provide a reasonable and comprehensive system of sign management addressing size, location, design, and illumination for integration into the zoning ordinance;*
- d. To encourage signs that are varied in design, well constructed, and pleasing in appearance;*
- e. To attract and direct persons to various activities and enterprises in order to provide for*

public convenience; and

f. To prohibit the indiscriminate use of other outdoor advertising.

6. The project will not be detrimental to the public health, safety, convenience and welfare.

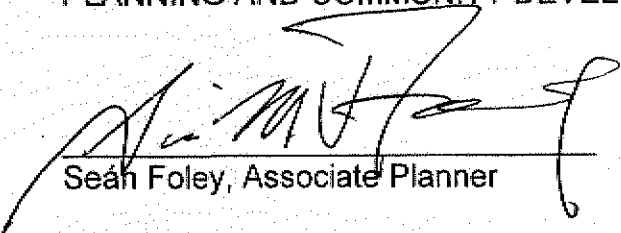
With staff's recommended conditions of approval, and with the subsequent review connected with a building permit, the proposed sign will meet all the requirements of the Carson City Municipal Code and will not be detrimental to the public health, safety, convenience, and welfare, and will cause no adverse impacts to surrounding properties.

7. The project will not result in material damage or prejudice to other property in the vicinity.

As noted above, the proposed off-premises (billboard) sign would be located in a commercial area that is developed with other mixed-use commercial uses, and it meets all Development Standards. One surrounding property owner claims possible harm due to loss of sunlight, potential glare and diminution of property values. Staff, however, does not agree that property values would be diminished, since the general area contains several obsolete commercial uses. The proposed sign is therefore unlikely to generate additional negative impacts that would result in material damage or prejudice to other property in the vicinity.

Respectfully submitted,

PLANNING AND COMMUNITY DEVELOPMENT DIVISION



Sean Foley, Associate Planner

Attachments:

Application SUP-06-164
Building division comments
Engineering division comments
Fire department comments

OFFICIAL NOTICE OF PUBLIC HEARING

You are hereby notified that the Carson City Planning Commission will conduct a public hearing on Wednesday, September 27, 2006, regarding the items noted below. The meeting will commence at 3:30 p.m. The meeting will be held in the Carson City Community Center, Sierra Room, 851 East William Street, Carson City, Nevada. For information on the placement of the items on the Planning Commission agenda and the approximate time these items may be heard, please contact the Planning Division after 8:00 a.m., Monday, September 25, 2006, at 775-887-2180.

SUBJECT: Special Use Permit SUP-06-164

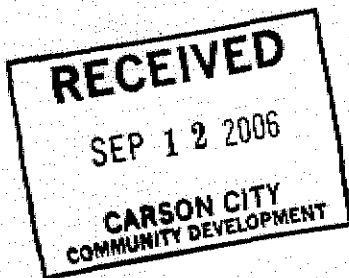
Action to consider a Special Use Permit application from Yesco Sign Co. (property owner: Bauer, Herman and H & E Trust) to allow installation of a 28-foot high, 400-square-foot off-premises sign (billboard), on property zoned General Commercial (GC), located at 4440 Highway 50 East, APN 008-281-11.

A copy of the application materials are available for public review at the Planning Division, 2621 Northgate Lane, Suite 62, Carson City, Nevada, 89706. If you have questions related to this application, you may contact Sean Foley, Associate Planner, at 775-887-2188 x1005 (SFoley@ci.carson-city.nv.us).

As an owner of property in the vicinity, you are invited to present comments relative to this matter at the Planning Commission meeting. The Planning Commission also encourages the public to submit written comments directly to the Carson City Planning Division at the above-noted address, via fax at 775-887-2278, or via e-mail at plandep@ci.carson-city.nv.us.

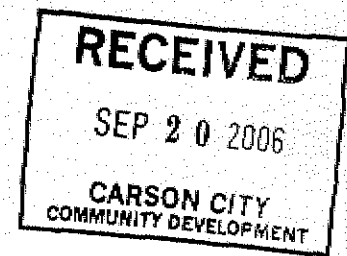
9-12-06

*I have no objection to the Yesco
Sign Co application —*



*Rose Lynn Mangar
4445 Highway 50 E,
Carson City, No. 89701*

KILPATRICK, JOHNSTON & ADLER
Attorneys and Counselors at Law
412 NORTH DIVISION STREET
CARSON CITY, NEVADA 89703-4168



CHARLES M. KILPATRICK, LTD.
ROBERT G. JOHNSTON
ERNEST E. ADLER

September 19, 2006

(775) 882-6112
(775) 883-5149
FAX (775) 882-6114

VIA FACSIMILE
887-2278

The Carson City Planning Division
2621 Northgate Lane
Suite #62
Carson City, NV 89706

Re: Opposition to issuance of Special Use Permit for Yesco Sign Co.
(property owner: Bauer, Herman and H& E Trust) Sup-06-164

Dear Commissioners:

Our law firm represents Thelma Marcin. Ms. Marcin is an elderly woman who lives at 2730 Merrimac Way, Carson City, Nevada 89701. Her home adjoins the lot where Yesco Sign Co. proposes to place a 28-foot high sign. Ms. Marcin, because of her advanced age and poor health will be unable to comment at the public hearing on September 27, 2006.

Therefore, we have written her comments to you:

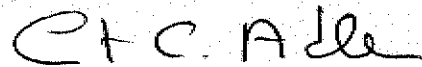
1. The proposed sign is so large that it will block all sunlight to her house in the morning hours. Moreover, the lighted sign at night will shine directly into her window. She believes these two factors will greatly reduce her enjoyment of her property.
2. In order to make the sign visible, Yesco will remove 10-12 trees to the east of the proposed sign. Ms. Marcin remembers when these trees were planted over 40 years ago. She believes the cutting of these old trees will be a significant loss of nature and aesthetics to a neighborhood that is short on both.
3. A large lighted billboard will subtract from the neighborhood values near Merrimac Way. This neighborhood has gone from being a mostly rural commercial to a heavy residential area. The residential neighborhood does not need a large lighted billboard next to it which devalues all of the homes surrounding the sign.

The Planning Division
September 19, 2006
Page 2

4. Finally, Highway 50 is one of the gateways into Carson City. A gateway to a capital city should not be composed of a string of used car lots and billboard signs. Instead, a gateway should visually encourage tourists to visit and spend time in our wonderful city.

Thank you for your consideration.

Sincerely,



Ernest E. Adler on behalf of
Thelma Marcin

EEA/lkf
cc: Thelma Marcin

Carson City Planning and Community Development
 2621 Northgate Lane, Suite 62 • Carson City NV 89706
 Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

CCMC 16.02

RECEIVED
 AUG 11 2006
 CARSON CITY
 COMMUNITY DEVELOPMENT

FILE # SUP-06 -

SUP - 06 - 164

SPECIAL USE PERMIT

FEE: \$1,200.00 MAJOR
 \$500.00 MINOR (Residential)
 + noticing fee

PROPERTY OWNER

Herman Bauer

MAILING ADDRESS, CITY, STATE, ZIP

P.O. Box 301 Vinburg, Ca. 95478

PHONE #

FAX #

707-939-0533

707-939-0522

Name of Person to Whom All Correspondence Should Be Sent

APPLICANT/AGENT

YESCO SIGN Co.

MAILING ADDRESS, CITY, STATE ZIP

775 E. Glendale Ave Sparks NV 89431

PHONE #

FAX #

(775) 359-3131

(775) 359-8738

E-MAIL ADDRESS

d.schulte @ yesco.com

DANNY Schulte (775)-722-0439

SUBMITTAL PACKET

- G Application Form
- G Site Plan
- G Building Elevation Drawings and Floor Plans
- G Proposal Questionnaire With Both Questions and Answers Given
- G Applicant's Acknowledgment Statement
- G 26 Completed Application Packets (1 Original + 25 Copies)
- G Documentation of Taxes Paid-to-Date
- G Project Impact Reports (Engineering)

Application Reviewed and Received By:

Submittal Deadline: See attached 2006 PC application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

Project's Assessor Parcel Number(s):

008-281-11

Street Address

4440 Hwy. 50 East
Carson City

ZIP Code

89703

Project's Master Plan Designation

CRC

Project's Current Zoning

GI

Nearest Major Cross Street(s)

Briefly describe your proposed project: (Use additional sheets or attachments if necessary)

In accordance with Carson City Municipal Code (CCMC) Section: 18.02-080, or Development Standards, Division 4.8
 Section B, a request to allow as a conditional use is as follows:

PROPERTY OWNER'S AFFIDAVIT

I, Herman Bauer, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Signature Herman Bauer

Address P.O. Box 301 Vinburg, Ca.

Date 7/21/06

Use additional page(s) if necessary for other names.

STATE OF ~~NEVADA~~ CALIFORNIA
 COUNTY SONOMA

On July 21, 2006, Herman Bauer, personally appeared before me, a notary public, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

Signature Christy Coulston
 Notary Public

CHRISTY COULSTON
 COMM. #1542762
 NOTARY PUBLIC - CALIFORNIA
 SONOMA COUNTY
 My Comm. Expires Feb. 6, 2009

NOTE: If your project is located within the historic district, airport area, or downtown area, it may be subject to review by the Planning Commission, the Airport Authority, Downtown Design Review, and/or the Redevelopment Authority Citizens Committee. Prior to being scheduled for review by the Planning Commission, Planning and Community Development Department personnel can help you make the above determination.

The following acknowledgment and signature are to be placed at the end of the response to the questionnaire prepared for the project.

Please type the following signed statement at the end of your application questionnaire.

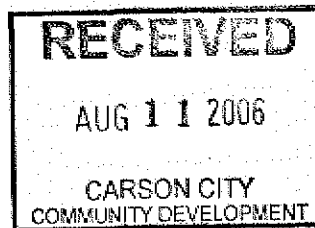
ACKNOWLEDGMENT OF APPLICANT

I certify that the forgoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission/Board of Supervisors. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning Commission's/Board of Supervisor's approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City code requirements.

Daniel Schalte
Applicant

8-11-06
Date

SUP - 06 - 164



August 2, 2006

Index for Special Use Permit for 4440 Hwy 50 East Tax Parcel # 008-281-11

General Review

Acknowledgement of the Applicant

Exhibit "A", a map of the closest existing sign and the adjoining parcels and zoning

The Site Plan

A Vicinity Map

The Land Owner Tax and Ownership Verification

General Review of Permits

Question 1. How will the proposed development further and be in keeping with, and not contrary to, the goals of the Master Plan Elements?

Goal 1:

Advocate land use patterns which create vitality, diversity and compatibility.

Policy 1.2 Establish land use patterns that are consistent with the circulation network(Streets and Highway Plan) and availability of public facilities and services.

> The sign structure would meet the highway location and development standards set forth in Division 4 Signs of the Carson City Development Standards, section 4.8.3, (1) (a), and would provide advertising product, service and, or local business directional information. (See Exhibit A, Property Site and Area Billboard Map)

Goal 2:

Promote better community design, appearance and recognition of Carson City as identified in the various design guideline ordinances, Visual Preference Survey, Capital City Focus, and Downtown Master Plan.

Policy 2.2 Promote a positive image of Carson City as the Capital of the State of Nevada, as a historic community, as a recreational center located in the high desert at the foot of the Sierra Nevada Mountains, including a portion of the Lake Tahoe basin, and as a center of commerce for the State of Nevada.

> The state of the art single pole advertising sign would meet all the structural, size, and color code requirements of Carson City and make a positive image statement for local business advertisers.

Policy 2.3 Encourage the reduction of visual clutter(signs).

> The advertising structure would conform to Carson City's Division 4 Signs Development Standards, Section 4.8,3, with regard to sign height, size, zoning, and spacing regulations that will ultimately cap itself out. It will provide a service to the Carson City businesses, enhance the subject property value, and protect th public health, safety and welfare of the general public.

Policy 2.4 Protect and enhance the character of residential neighborhoods, open views and vistas, and property values.

- The proposed sign location at 4440 Hwy 50 East is zoned GC and is a considerable distance from any residential or planned development zones, and therefore meets the buffer requirements set forth in the Development Standards of the Division 4 Signs regulations. The income provided to the property owner will increase the subject property value substantially, but have no negative impact on surrounding property values.

Goal 4:

Ensure balanced development to maintain a sound local economy.

Policy 4.2 Maintain and improve the industrial, commercial, and residential diversification of the local economy.

- Carson City is a fast growing community with limited cost effective resources to reach the very mobile local, as well as traveling populous. This proposed sign location would provide cost effective advertising to local and regional businesses we service, and help to secure a solid and sound local economy through the use of outdoor advertising or directional signage information.

Question 2. Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?

Explanation A.

- The property in question is zoned General Commercial and is currently being used as a used car lot. The proposed property consists of 2 acres and is a substantial distance from any other zones. The proposed sign location is in the northwest corner of the car lot. The properties on the east and west sides of the proposed sign location are also zoned General Commercial, as well as the property across the street to the south is zoned General Commercial. The property to the north is zoned residential, multi-family but the property line is more than 300 feet from the billboard, since the depth of this property is 387 feet deep.

Explanation B.

- There is one outdoor advertising sign structure approximately .4 mile(2000 feet) west on the north side of Hwy 50 East and one outdoor advertising

structure approximately .6(3000) mile east on the north side of Hwy 50 East of the proposed location. This proposed sign location is in a General Commercial zone which allows off premise advertising structures with the a Special Use Permit so long as it meets and adheres to the regulations and conditions of the Development Standards set forth in Division 4, Signs. This proposed location does meet or exceed those regulations and standards and would provide the property owner considerable additional income, as well as increase the property value. The sign would not be detrimental to any adjacent property and would not emit noise, dust, odors, vibration, fumes, glare or create any physical activity with any of the adjacent property owners, or vehicular and pedestrian traffic.

Explanation C.

- The proposed sign location is zoned for General Commercial and proposed advertising display would not be detrimental to the use, peaceful enjoyment, economic value, or development of the surrounding property owners. There would be no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity attributed to the sign that would cause concern or harm to the general public, including pedestrian or vehicular traffic.

Explanation D.

- The sign would not have any impact on pedestrian traffic and does not require any kind of sidewalks. It would be constructed entirely on private property and not within any public "Right of Way". There would be no adverse impact to vehicular traffic and it would require no new roads or traffic lights.

Explanation E.

- The advertising display would provide for cost effective advertising to Carson City and nearby community businesses, and therefore promote Carson City commerce to the local, as well as the traveling public.

Question 3. Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity.

Explanation A.

- The proposed advertising sign structure would have no adverse effect on the Carson City School District, school student population, or the Sheriff's office.

Explanation B.

- The proposed advertising sign structure would not cover any area of land or effect the drainage at the property location.

Explanation C.

- The proposed sign structure would not adversely impact water supplies.

Explanation D.

- The proposed sign structure would not require any sewage or septic system.

Explanation E.

- The proposed sign structure would not require any road improvements.

Explanation F.

- The source of the information stipulating requirements for the proposed sign structure is directly from Carson City Development Standards, relating specifically to signage, Section 4.8.
- The proposed sign structure would not overburden any existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage or any other public improvements.

Explanation G.

- The structure would be illuminated only on the advertising sign copy area With the state of the art lighting lamp fixtures that are standard to the industry, and that do not exceed 400 watts each. The lamps would be attached to the the top of the sign approximately 2.5 feet above the advertising area shining down on the sign copy area to prevent any glare or non-essential light from intruding on neighboring properties or Hwy 50 East.

Explanation H.

- There would be no need for additional landscaping on or around the sign Structure .

Explanation L.

- The proposed sign structure would not require any on or off site parking.

Additional Information :

The proposed sign structure would be in a General Commercial zone and would be consistent with the Carson City Master Plan. It would meet all the requirements outlined in the Carson City Development Standards under the Division 4, Signs, and those requirements specifically relating to Section 4.8, "Requirements for Billboards and Off-Premise Signs".



WESTERN ENGINEERING & SURVEYING SERVICES

CIVIL ENGINEERING • LAND SURVEYING • LAND USE PLANNING • SUBDIVISIONS • WATER RIGHTS

August 30, 2006

City of Carson
Development Services
Planning Division
2621 Northgate Lane, Suite 62
Carson City, Nevada 89706

Attn: Mr. Sean Foley, Associate Planner

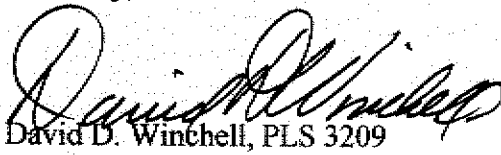
Re: Proposed Sign on A.P.N. 8-281-11

Dear Mr. Foley:

Attached you will find drawings showing the findings of a field survey performed by this firm. If the proposed sign is constructed at the position marked on these drawings, and in the field, it will be at least 300 feet from any parcels of land zoned "residential".

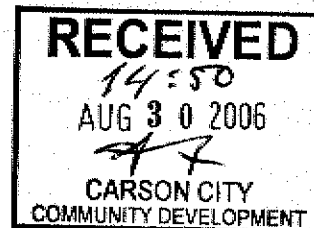
If you have any questions, please feel free to call me at my office.

Sincerely,



David D. Winchell, PLS 3209
Firm Principal

SUP - 06 - 164



SUP - 06 - 164

NOTES
AUG 11 2006
CARSON CITY
COMMUNITY DEVELOPMENT

Overall height of sign at Property Level is 24 feet tall

Topography of street grade and property grade is 4 foot variance lower than the property level.



PROPERTY OWNER : HERMAN BAUER
4440 HWY 50 EAST
CARSON CITY, NV
APN # 008-281-11 CONFORMING SIGNAGE S.U.P.

APPLICANT: YOUNG ELECTRIC SIGN COMPANY
755 GLENDALE AVENUE
SPARKS, NV 89431

© COPYRIGHT 2006

FILE DESIGN NUMBER
060801



Notice to the Customer:
The colors depicted in this permit may not accurately reflect the finish to be used. Please refer to the approved specifications.

APPROVED FOR CONSTRUCTION
DATE: 08/03/06
BY: [Signature]
PROJECT: [Project Name]

DATE: 08/03/06
BY: [Signature]

PROPERTY OWNER: HERMAN BAUER
4440 HWY 50 EAST
CARSON CITY, NV
APN # 008-281-11 CONFORMING SIGNAGE S.U.P.

THIS DRAWING WAS CREATED TO ASSIST YOU IN VISUALIZING OUR PROPOSAL. THE ORIGINAL IDEAS HEREIN ARE THE PROPERTY OF YOUNG ELECTRIC SIGN COMPANY. PERMISSION TO COPY OR REUSE THIS DRAWING CAN ONLY BE OBTAINED THROUGH A WRITTEN AGREEMENT WITH YOUNG ELECTRIC SIGN COMPANY. SALES REPRESENTATIVE OR CALL THE NEAREST OFFICE OF YOUNG ELECTRIC SIGN COMPANY.

RESIDENTIAL

RESIDENTIAL

279.3'

GENERAL COMMERCIAL

APN # 008-281-11

387.2'

237.15'

PROPERTY LINE

EXISTING BUILDING

CUSTOMER PARKING

EXISTING BUILDING

GENERAL COMMERCIAL

PROPOSED BILLBOARD (10'x40')

EXISTING BUILDING

EXISTING BUILDING

EXISTING BUILDING

FENCE LINE

BIKE PATH

HIGHWAY 55 EAST

RESIDENTIAL

SITE PLAN

SCALE: 1:50



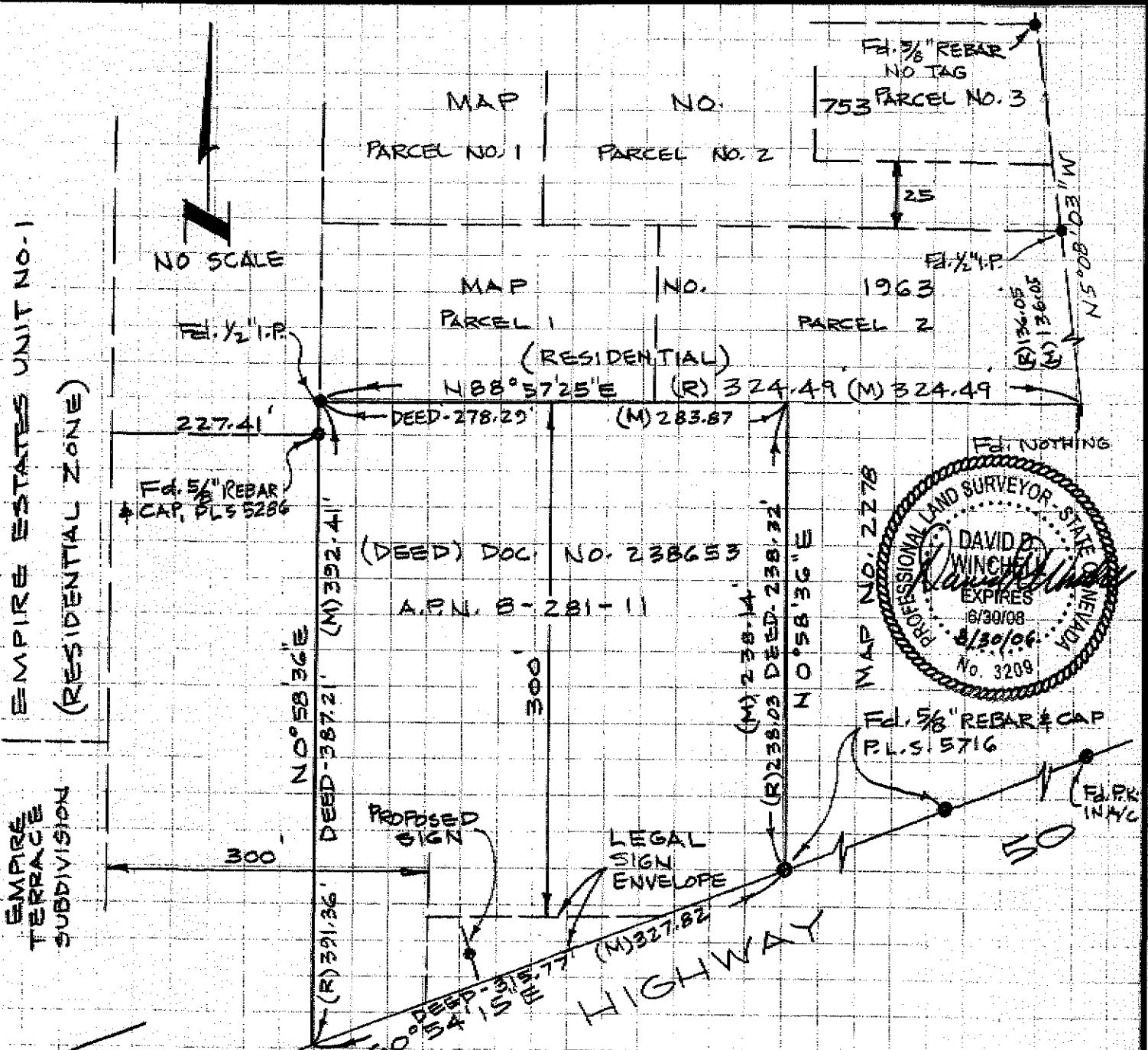
SUP - 06 - 164

RECEIVED
 AUG 8 2006
RECEIVED
 AUG 30 2006
 CARSON CITY
 COMMUNITY DEVELOPMENT



engineering

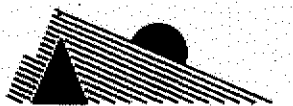
JOB NAME _____ LOCATION _____ DATE _____
 DESCRIPTION _____ JOB NO. _____ SHT _____ OF _____



NOTE: FOR SIGN & ENVELOPE DETAILS ON SHEET 2

RECEIVED
 AUG 30 2006
 CARSON CITY
 COMMUNITY DEVELOPMENT

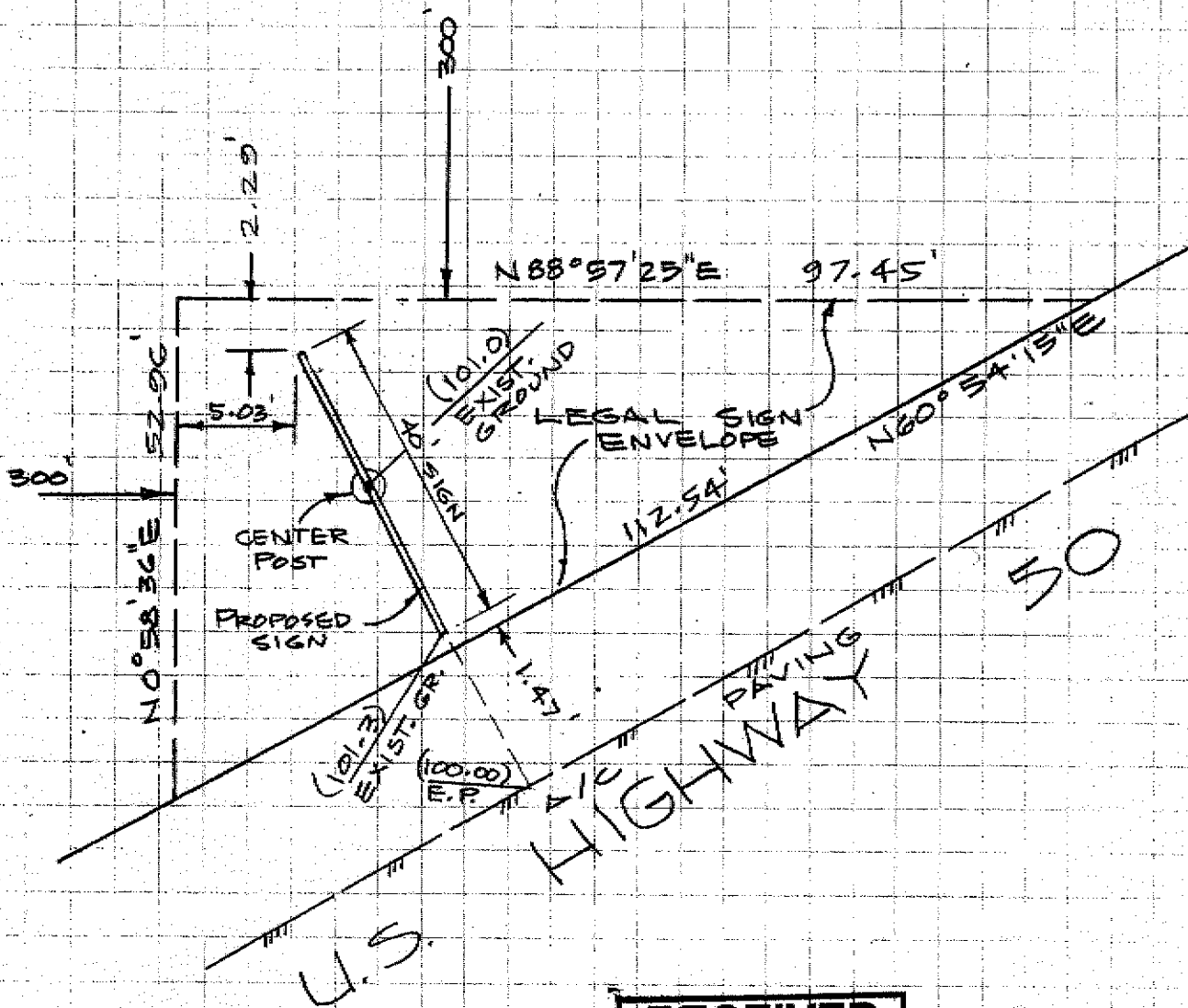
SUP - 06 - 164



WESTERN
 ENGINEERING & SURVEYING SERVICES
 3032 SILVER SAGE DRIVE, CARSON CITY, NEVADA 89701
 (775) 884-3200 FAX (775) 884-3211
 e-mail : westeng@nvcbell.net

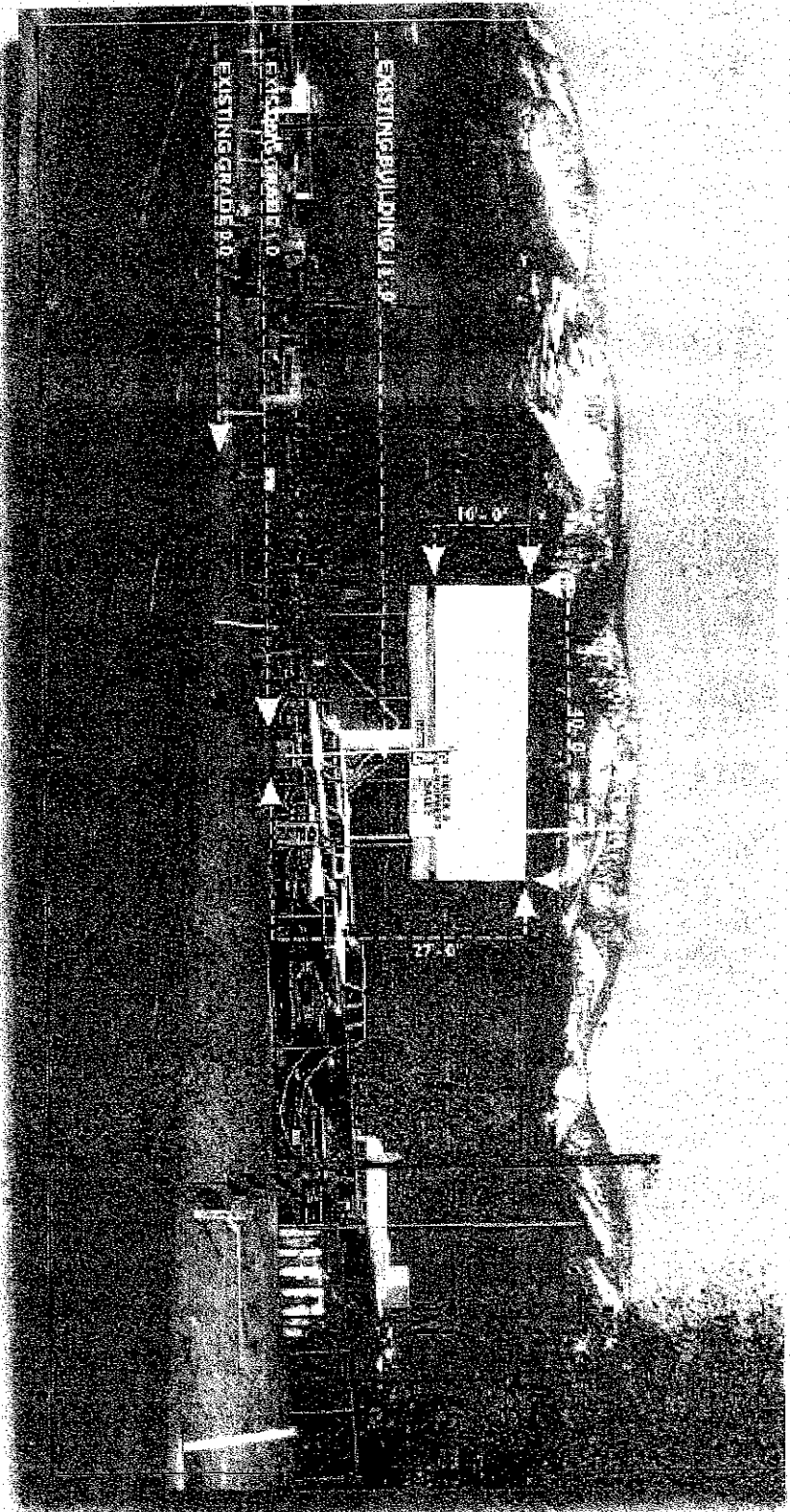
JOB PROPOSED SIGN ON A.P.N. 8-281-11
 SHEET NO. 2 OF 2
 CALCULATED BY DRW DATE 8/28/06
 CHECKED BY _____ DATE _____
 SCALE _____

SIGN & ENVELOPE DETAILS



RECEIVED
 AUG 30 2006
 CARSON CITY
 COMMUNITY DEVELOPMENT

SUP - 06 - 164



Overall height of the sign @ property level is 27'- 0" tall.
The topography of the street grade & property grade is
a 1'- 0" variance lower than the property level.

Telephone message to Walt Sullivan

Date: October 3, 2006
Time: 1:15 P.M.
From: Mike Alanzo, Jones-Vargas
Subject: Yesco - Billboard Issue

Would like to talk to you regarding the billboard issue that went to the PC on 9-27-06.

Call me at 788-2228.

df

Telephone message to Walt Sullivan

Date: October 18, 2006

Time: 11:33 A.M.

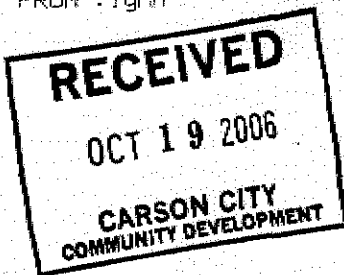
From: Roseland Mangin

Subject: YESCO Appeal

I wrote you a note saying that the sign across the street from me does not pose any problem and certainly does not bother me. I have no objection to the sign. As far as Marcie's complaint, there is a house and big trees blocking her view so it shouldn't bother her either.

If you need me to write another note or help on this issue, let me know. My phone number is 883-8040

df



**CARSON CITY BOARD OF SUPERVISORS
NOTICE OF PUBLIC HEARING**

fax:
887
2278

Action regarding an appeal of the Planning Commission's decision of denial of a Special Use Permit application from YESCO Sign Co. (Property owner: Bauer, Herman and H & E Trust) to allow installation of a 28-foot high, 400 square-foot off-premises sign (billboard), on property zoned General Commercial (GC), located at 4440 Highway 50 East, APN 008-281-11. File SUP-06-164 (Walter Sullivan)

If you would like more information regarding this item, please contact the person listed at the end of the item at (775) 887-2180. The Board of Supervisors Meeting will be held on Thursday, November 2, 2006 with the meeting initiating at 8:30 A.M. at the Community Center, Sierra Room, 851 East William Street, Carson City, NV. If you would like to know the approximate time this item will be heard by the Board of Supervisors, please contact Donna Fuller, after 8:00 A.M. on Monday, November 1, 2006 at 887-2188 x 1008.

This notice has been posted at the following locations on October 20, 2006:

CITY HALL, 201 North Carson Street
COMMUNITY CENTER, SIERRA ROOM, 851 East William Street
PERMIT CENTER, NORTHGATE COMPLEX, 2621 Northgate Lane, Suite 6
PLANNING & COMMUNITY DEVELOPMENT DEPARTMENT
2621 Northgate Lane, Suite 62
DEVELOPMENT ENGINEERING, UTILITY AND CORPORATE YARD, 3535 Butti Way

To: Walter Sullivan / Board of Supervisors
From: Rose Lynn Mangon
Re: Above referenced matter
Date: 10-19-06

I am owner/resident of property located directly across the highway from Bauer's property.

I therefore will have an unobstructed view of the proposed Yesco sign and I feel it will not cause me any discomfort or concern.

In fact it reminds me of the time my neighbor to my left, Willie Ruppel, installed his large sign. He was concerned that I might be uncomfortable with it. I had no objections then & I have none now for Bauer/Yesco sign. Why should I object? - It is zoned general/commercial & sensible signage promotes business growth.

I wish him well -

Rose Lynn Mangon
8838040

