

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the January 3, 1996, Meeting

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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, January 3, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT:

Chairperson Alan Rogers, Vice Chairperson Vern Horton, Commissioners Allan Christianson, William Mally, Maxine Nietz, and Archie Pozzi

STAFF PRESENT:

Community Development Director Walter Sullivan, Deputy District Attorney Mark Forsberg, Senior Engineer John Givlin, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin (P.C. 1/3/96 Tape 1-0003.5)

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 3:30 p.m. Roll call was taken. A quorum was present although Commissioner Uhart was absent. Chairperson Rogers lead the Pledge of Allegiance.

B. COMMISSION ACTION - APPROVAL OF NOVEMBER 29, 1996, MINUTES - Pulled.

C. PUBLIC COMMENTS - None.

D. AGENDA MODIFICATIONS - None.

E. CONSENT AGENDA (1-0045.5)

E-1. U-95/96-7 - DISCUSSION AND POSSIBLE ACTION ON A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR APN 8-112-05, 350 MARK WAY

E-2. D-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A DEDICATION OF A STREET RIGHT-OF-WAY ALONG THE WESTERLY SIDE OF NORTHRIDGE DRIVE - Neither of the Items were pulled for discussion. Commissioner Nietz moved that the Consent Agenda Items E-1 and E-2 be approved. Commissioner Mally seconded the motion. Motion carried 6-0.

F. PUBLIC HEARINGS

F-1. U-95/96-16 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JOE LUSHINA (1-0092.5) - Associate Planner Tara Hullinger, John Copoulos, Franklin D. Moore, Brenda Burlingame, Don Winne, Mary Ghandi, Dick Rottman, Scott Rottman, Mary Novak, (1-0838.5) Joseph Lushina - Discussion between the staff and Commission explained the location and the condition requiring a one year review as well as an immediate review if the neighborhood experiences a problem with the use. Mr. Copoulos indicated he had not read the staff report. A copy was given to him. He then questioned the reasons for Condition 8 requiring a geo-technical report. The facility is located over an active fault. Staff agreed to accept a geo-technical engineer's written determination that trenching is not warranted due to the insignificant amount of risk involved with the use on the site. Commissioner Rogers noted that only the staff would accept and approve the report. Mr. Copoulos indicated that based on this understanding he had no other comments on the report. Commissioner Nietz stressed that the hours of operation and annual hours of operation would be controlled. Mr. Copoulos indicated he understood. Chairperson Rogers noted the plan to use filters and screening to eliminate any potential odor problem. If a problem does arise, however, the permit could be reconsidered at any time. Mr. Copoulos stated he understood.

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(1-0271.5) Public testimony was solicited. Opposition was based on neighborhood complaints concerning intermittent odor problems which were experienced in the vicinity, traffic concerns, potential devaluation of their property due to the facility, their feeling that the notices given were inadequate, the inadequacy of the staff's investigation into the crematorium, its filters, and odor. Many felt that the odor was created by the crypts. Mr. Moore had purportedly submitted a letter to the City Manager and Environmental Health Division on this problem, which he read into the record. (A copy was given to another staff member but not the Clerk.) Public Health Director Jack Fralinger had responded to his letter. No one had made a determination as to the cause of the odor. Commissioner Nietz stressed the condition allow a review of the permit at any time if complaints are made. Mr. Moore was the only one who indicated he had contacted the City about the odor. Ms. Ghandi felt that the facility should be located in a different zoning district which is not surrounded by residences. Clarification by staff indicated that the facility is in a commercial/industrial area and that the apartments are buffered with a strip of commercial properties. The distance between the crypts and the apartments was discussed. Commissioner Christianson pointed out the existence of a crematorium in a residential area off of Edmonds. It had been existence for some time and did not have any odor complaints to his knowledge. (1-0744.5) Ms. Hullinger explained for Mr. D. Rottman that staff is required to analyze all issues and impacts when making a recommendation which is the reason the "down wind" factor had been included in the report. Chairperson Rogers clarified for Mr. S. Rottman that Mr. Moore's letter had gone to the City Manager and not to Community Development. Community Development had not received any complaints. Public Health Director Fralinger's report indicates there were no problems with the proposed use. As the crematorium is not on the site at this time, the odor problem is not related to the application. Commissioner Christianson noted that restaurants are not required to have "scrubbers" and expressed the feeling that there may be some paranoia involved with the request. (1-0835.5) Mr. Sullivan explained the noticing which staff had done. He requested his office be contacted at any time a problem is perceived concerning the crematorium. If the complaints are warranted, the special use permit could be reconsidered. The seven page air quality report and the State's control over the air quality issue were noted. Chairperson Rogers also noted that the report included the traffic issue. It indicated the crematorium would reduce the traffic as it would eliminate the need to travel to Reno for this service. The parking lot will be resurfaced and restriped. Additional public testimony was requested between each speaker.

(1-0878.5) Mr. Lushina indicated the crematorium would be odorless, have the latest technology, and be the "state of the art" unit. One Reno crematorium is in a residential neighborhood. The other is in downtown Reno. Neither have ever had a complaint. Both Nevada State Board of Funeral Directors and OSHA monitor his operation and will not allow the operation to emit an odor. The bodies in the crypts have been embalmed. His chapel may have crowds of 200 people in it at a time. There has never been a complaint about an odor. The crematorium would be within 50 to 60 feet of the chapel. The area's increased demand for cremation indicated a need to install the facility in Carson City. There have been many complaints about the charge for using the Reno crematoriums. He indicated he had talked to Mr. Moore about the facility and that there had not been a odor when he visited the facility. Ms. Hullinger reiterated the lack of complaints regarding the Edmonds Street facility, which is in a residential area. Staff had visited that site on three occasions and never found a odor. Mr. Lushina felt that the procedures mandated in caring for a body eliminated any potential odor. He had met and passed all of the State and OSHA requirements annually for 30 years. A failure to meet the health standards would close the facility immediately. The crypts do not emit an odor although they are vented. They had been constructed with all the necessary permits. Reasons for selecting the site for a mortuary were noted. He also felt that the facility had increased the surrounding property values and that the project would also add to the value. Commissioner Pozzi noted that the traffic on Roop Street at William is increasing and could create an odor problem at the stop light. Mr. Lushina pointed out the number of restaurants/fast food/industrial and commercial facilities located in the vicinity which combined could be creating the problem. Chairperson Rogers indicated public testimony had been closed.

Commissioner Nietz encouraged the residents to submit written complaints. This would provide a basis for evaluation of a request in the future. Also, staff would investigate such complaints. She felt that findings 2, 6, and 7 could be reversed based on the testimony which had been provided and that she would oppose the request based on the testimony and this reversal. Chairperson Rogers noted that the application was for a special use permit and that it could be reviewed at any time. Formal complaints should be lodged with Community Development and a review requested. (1-1165.5) Commissioner Christianson moved to approve U-95/96-16, a special use permit request from Joe Lushina to allow a crematorium as an accessory use to an existing funeral home located in a

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General Commercial zoning district at 1281 North Roop Street, APN 2-123-01, based on seven findings and subject to ten conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioners Horton and Mally seconded the motion. Motion was voted and carried 5-1-0-1 with Commissioner Nietz voting Naye and Commissioner Uhart absent. Mr. Sullivan explained the appeal procedures and invited anyone wishing to file one to come to his office for the form. Chairperson Rogers explained that any of the participants were welcome to appeal the Commission's action.

F-2. U-93/94-1 - DISCUSSION AND POSSIBLE ACTION ON A ONE-YEAR EXTENSION OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM HARRIE SNELLING (1-1196.5) - Ms. Hullinger, John Simmons - Staff supported the request for a final one-year extension. The previous extension had not indicated it would be the final extension. Mr. Simons indicated the project had been delayed by the need to extend the State sewerline. The line was not discovered early enough for the work to be accomplished before the permit would expire. The Utility Department was mandating the extension. Public comments were solicited but none made. Commissioner Nietz moved that the Planning Commission grant the applicant a final one year time extension for Special Use Permit U-93/94-1. Commissioner Christianson seconded the motion. Motion carried 6-0.

F-3. V-95/96-3 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM MERVIN PAULSON (1-1267.5) - Community Development Director Walter Sullivan and Merv Paulson - Mr. Sullivan explained staff's request for a continuance. Mr. Paulson had received a copy of the report and understood the staff's recommendation. He supported staff's recommendation and apologized for the delay. He then requested a continuance. Commissioner Nietz moved that the Planning Commission continue Item F-3 to the regular January 1996 meeting. Commissioners Mally and Horton seconded the motion. Motion carried 6-0.

F-4. V-95/96-4 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM FRANCES BROOKS (1-1332.5) - Mr. Sullivan, Frances Brooks, Senior Engineer John Givlin - Mr. Sullivan felt that the plans indicated the garage would not be at the property line. He also indicated staff had not been contacted by anyone concerning the request even though 35 property owners had been noticed. He then explained the curb, right-of-way, and street lines for the parcel. This creates a double setback requirement. Numerous variances in the neighborhood have been approved based on this double setback requirement. Ms. Brooks explained her request and need for a garage. She had read the staff report and discussed it with staff. She indicated the garage would match the house's northern alignment, purportedly at the fence line. She had discussed the proposal with her neighbors. Commissioner Nietz read the Public Works requirement prohibiting an "overhang" within two feet of the property line and clarified the requirement as being for the Phillips Street side of the property. Mr. Givlin detailed the two foot setback requirement. Ms. Brooks indicated she understood the requirement and would recheck the plans. The garage would not be connected to the house. The driveway will utilize bricks in the area where the tree is located so that it can be saved. The remainder would be concrete. Public comments were solicited but none given. Public testimony was closed. Commissioner Mally moved that the Planning Commission approve V-95/96-4, a variance request from Frances Brooks to vary from the side street and rear yard setbacks on property zoned Single Family 6,000, located at 604 West Robinson, APN 3-275-03, based on five findings and subject to five conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 5-0.

F-5. U-95/96-14 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM ROGER SEDWAY (1-1554.5) - Mr. Sullivan and Roger Sedway - Mr. Sedway indicated he had read the staff report and concurred with it. He outlined the procedure utilized to and reasons for establishing the project as a priority. Projects also included in the five year master plan were referenced. Mr. Sullivan briefly reviewed the staff recommendation and outlined the notification procedures. Mr. Sedway indicated the chiller would be 9-1/2 feet tall and surrounded by a nine foot hedge. He felt that the noise level generated by it would fluctuate between 80 and 100 decibels, which is similar to a car on the highway. The chiller would operate on demand. Commissioner Nietz noted a problem experienced with a retailer's cooling equipment

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which is also adjacent to a residential district. Mr. Sedway indicated the current chiller is located inside the building in the same area. He could not relocate it as the "hookups", etc., are just inside the wall. He noted that the Hospital owns one of the adjacent residential houses. A wall had not been designed as the hedge was felt to be adequate screening. The Hospital will consider a wall if the Commission requires it. Commissioner Nietz expressed her desire to have a nine foot wall surrounding the three sides of the chiller. Mr. Sullivan suggested a condition restricting the noise level to 65 dba on the outside of a residence and 55 dba on the inside. This would allow the Hospital flexibility in establishing a compliance procedure and the wall may not be necessary. Commissioner Nietz explained her desire to not have to continue to monitor and discuss a neighborhood problem as had occurred with another site. Mr. Sullivan then suggested the condition mandate a noise study to determine the noise level both on site and at the closest residential unit. If the 65 dba level on the outside and 55 dba level on the inside is not found, then additional requirements would be mandated. Staff is reviewing different noise ordinances and will be bring a proposal to the Commission in the future. Mr. Sedway indicated he understood the concern, desired to be a good neighbor, and had no problem with Mr. Sullivan's recommendation. He did not wish to accept a sound barrier wall if it is not necessary. He requested the flexibility provided by Mr. Sullivan's recommendation as it would allow the Hospital to select the method by which the noise level is attained. Discussion indicated the Hospital had more than adequately meet its parking requirement for the expansion. Chairperson Rogers supported Mr. Sullivan's recommendation. Public testimony was solicited but none given. Public testimony was closed. Commissioner Nietz moved to approve U-95/96-14, a special use permit from the Carson-Tahoe Hospital to allow expansion of existing hospital facilities, specifically, by adding 6,779 square feet for OB and 988 square feet for pediatrics, surgery and treatment facilities and by adding 1,400 square feet to a present engineering building for support services and by adding an additional chiller and cooling tower all on property zoned Public at 775 Fleischmann Way, APN 1-201-25, based on four findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application and add to the staff report Condition 7 that the noise level from the chiller and cooling tower shall be limited to 65 dba at the nearest residential unit on the outside and 55 dba at the nearest residential unit on the inside or at those levels specified in CCMC if one is in place at the time the building permit is issued. Commissioner Mally seconded the motion. Motion carried 6-0.

F-6. U-95/96-15 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DAVID LONG (1-1972.5) - Senior Planner Sandra Danforth, David Long, Deborah Gehr - Discussion between the staff and Commission explored the number of restrooms available and whether this number is adequate. As building plans have not been submitted, the number had not been established. It was also not certain that they met the Code. The six month review had been based on the Sheriff's concerns.

The applicants had read the staff report and concurred. The restrooms will meet Code. They have access to the restrooms in the common areas. The security gates will be modified to allow access to those restrooms when the facility is open. Justification for using the metal detectors was explained. Metal detectors are, purportedly, used at other facilities. It will be open from 8 a.m. to 11 p.m. Monday through Saturday. Cleanup is not included in these hours. Sunday may have reduced hours, perhaps 1 p.m. to 9 p.m. Children under 18 will be prohibited from being in the establishment after 9 p.m. during the week and 10 p.m. on the weekends. Reasons for this prohibition were noted. All patrons will be required to "check in and out". The facility is to provide a location for family entertainment. The mall hours will be extended. Reno facilities have many of the same security procedures. An individual will monitor the security computerized cameras. Mr. Long indicated the restrooms available now are sufficient to meet the Code, however, he wished to add additional facilities. There will be security cameras in the halls and restrooms. Access to the mall restrooms and the camera locations and angles were described. The games would not have violent themes. The movies will be rated PG 13 and screened. Commissioners Christianson and Horton felt this was a refreshing new venture and that the applicants "had done their homework". A security camera will monitor the parking lot also. The Sheriff's Department has expressed a desire to work with the applicants on the parking lot issues. Mr. Long felt that if a "fun, safe area" is provided the mischievous vandalism, smoking, etc., now occurring in the parking will be reduced/eliminated. Both felt it would be a "family oriented facility". Mr. Long explained the location in the mall by using the small map in the packet. The estimated prices and incentive programs which will be offered were outlined. Public testimony was solicited but none given.

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Public testimony was closed.

(1-2631.5) Commissioner Christianson moved to approve U-95/96-15, an application from David Long of Maranatha Investment Corporation, to allow a video arcade and a laser tag youth recreational facility at 430 Fairview Drive on APN 4-012-22 based on seven findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Horton seconded the motion. Commissioner Nietz felt that the applicants had made several stipulations regarding security measures including a camera system being monitored at a single monitor, that there would be a formal check-in and out procedure for youths under the age of 18, and that they would comply with the Sheriff's Department security requirements as set forth in the report. Chairperson Rogers indicated that these stipulations are on record and that the applicants were aware of this. The motion to approve the application as indicated was voted and carried 6-0.

BREAK: A seven minute recess was declared at 5:58 p.m. When the meeting was reconvened at 6:05 p.m. a quorum was present although Commissioner Uhart was absent as previously indicated.

F-7. U-95/96-13 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM P. W. RAMSDEN (1-2685) - Senior Planner Juan Guzman, Mr. Givlin, Mr. Sullivan, Rob Anderson, Gilbert Dayao - Discussion between the Commission and Mr. Guzman explained the area designated for the auto body shop and the Code requirement. The parking requirement had been reduced to 28 due to the corrected usage plans. The storage area was not included in the parking spaces. Parking is allowed in the front setback. The lighting on the north side of the building, the area adjacent to the residential area, will be shielded and attached to the building. Mr. Givlin described a waterline reimbursement agreement. Commissioner Pozzi explained how the utilities had been extended to this area. Mr. Anderson indicated the applicants had read the report and concurred with the five conditions. Clarification indicated vinyl slants could not be used to screen the storage area. Reasons for this restriction were provided. Mr. Anderson agreed that it would be 90 percent screened and be a "grass" type. Chairperson Rogers suggested Condition 1 be amended to include "which meets City Code". Mr. Anderson indicated the business hours would be the normal routine business hours, perhaps from 7 a.m. to 7 p.m. Public testimony was solicited. Mr. Dayao explained the purpose and size of the area he had leased. The facility will be "highly technical" and the paint booth would provide for full containment of the fumes. Additional public comments were solicited but none given. Public testimony was closed. (1-3069.5) Commissioner Mally moved to approve U-95/96-13, a special use permit from Bill Ramsden to conduct auto body repairs on property zoned General Commercial, APN 9-151-42, located at 405 Moses Street, based on three review standards and seven findings and subject to five conditions of approval contained in the staff report with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 6-0.

F-8. U-95/96-17 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT

APPLICATION FROM JOHN C. SERPA (1-3092.5) - Mr. Guzman, Mr. Forsberg, Mr. Sullivan, Mark Rotter - Clarification indicated the permit was required due to the building's proposed height. The Airport Authority will review the request and provide comments. An aviation easement may be required. Discussion indicated the variance procedure could have been used, however, the Code mandates the special use permit. Mr. Forsberg pointed out that a variance requires a finding of a hardship which may be hard to prove. Mr. Sullivan indicated that a former Deputy District Attorney indicated the differences in procedures is based on the size of the area. Mr. Rotter indicated they had read the staff report and agreed with it. The setbacks should provide a buffer to the golf course. Both Mr. Rotter and Mr. Forsberg felt that it was not necessary to have a recommendation from the Golf Course Advisory Committee. Mr. Sullivan indicated that unless the Commission's decision is appealed by a participant, the Commission's ruling is the final review. Clarification by Mr. Rotter indicated the site was part of the business park discussed previously. The opposition encountered at the Board of Supervisors' meeting on the business park was explained as being related to only the residential portion of the project. Mr. Rotter indicated the site is "relatively flat". The original drainage concerns are on another portion of the project. The LI district allows a three story structure. The Neighborhood Business district allows heights of 55 feet. The property line will be

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adjusted to allow future development on different parcels. (2-0065.5) Public testimony was solicited but none given. Public testimony was closed. Commissioner Mally moved to approve U-95/96-17, a special use permit for granting a maximum height of 45 feet on property zoned Light Industrial, APN's 8-202-14 and 15, more specifically, two buildings, based on three review standards, seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Nietz seconded the motion. Following a request for a correction, Commissioner Mally modified his motion to indicate nine conditions of approval. Commissioner Nietz continued her second. The motion was voted and carried 6-0.

F-9. P-93/94-2 - DISCUSSION ONLY OF THE APPROVED SILVER OAK PLANNED UNIT

DEVELOPMENT - Steve Hartman, Mr. Sullivan, Mr. Guzman - This was a discussion only Item and no action was taken. Mr. Sullivan abstained from the discussion due to a potential conflict of interest. Mr. Hartman detailed the project's progress. Discussion among the Commission, Mr. Guzman, and Mr. Hartman included the Nye Lane residential concerns, street requirements mandated for College Parkway, its usage, the detention basin in front of K-Mart, development plans for the area adjacent to K-Mart, his dust control measures, the project's marketing success, and modifications to the original plan including the elimination of two or three cul-de-sacs and in the layout for the golf course. Commission comments commended him on his efforts and the standard set by the project. Mr. Hartman felt part of the credit was due to staff's willingness to cooperate and negotiate on the changes. He invited the Commission to visit/tour the site. Mr. Guzman explained the use of College Parkway as a transfer station by trucking firms and attempts to eliminate this problem. He pointed out the need for staff to find a site for this use. Chairperson Rogers thanked Mr. Hartman for the report.

G. PUBLIC HEARINGS (2-0738.5) - None.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS

H-1. CORRESPONDENCE TO THE COMMISSION - Mr. Sullivan briefly noted his memos to Mr. Langson concerning the type of uses allowed on his property and to the Board of Supervisors on K-Mart's status. K-Mart's acoustical engineer Robert Brown will redo the noise study. The Sheriff's Department had provided a complete printout of the incidents occurring at the store. He will work with the Sheriff's Department and eliminate those incidents which are not related to the store, i.e., traffic accidents. This will allow K-Mart to modify its security procedures and hopefully address the remaining security issues.

H-2. BRIEFING ON ACTIONS TAKEN BY THE BOARD OF SUPERVISORS ON THE COMMISSION'S RECOMMENDATIONS (2-768.5) - The recommendation concerning Mr. Wilson's application was upheld. The De Carlo change of land use request will be considered at the next Board meeting.

H-3. COMMISSIONER REPORTS - Commissioner Nietz questioned who the Felden Company, Las Vegas, is. This was on a Christmas card which she had received as the former Chair. Mr. Sullivan was not sure.

H-4. STAFF COMMENTS (2-0801.5) - None.

H-5. FUTURE COMMISSION ITEMS - Mr. Sullivan explained the Carson River Advisory Committee's request for a joint meeting on January 17 to consider its master plan element. He suggested procedures which could be followed during this meeting to keep it from being a long meeting. The meeting is scheduled for 6 p.m. at the Community Center. There are approximately 20 items scheduled for the regular meeting. Discussion indicated a desire to provide a dinner recess and for Chairperson Rogers to meet with staff and attempt to judge the time required per item.

I. ADJOURNMENT (2-0885.5) - Commissioner Pozzi moved to adjourn. Commissioner Mally seconded the motion. Motion carried 6-0. Chairperson Rogers adjourned the meeting at 7:25 p.m.

The Minutes of the January 3, 1996, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON February 28, 1996.

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/s/
Alan Rogers, Chairperson