

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 1

A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, January 31, 2007 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
William Vance

STAFF: Walter Sullivan, Planning Division Director
Lee Plemel, Principal Planner
Jennifer Pruitt, Senior Planner
Sean Foley, Associate Planner
Jeff Sharp, Deputy City Engineer
Tom Grundy, Engineering Division Civil Design Supervisor
Edward Oueilhe, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these 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

(3:31:16) - Chairperson Peery called the meeting to order at 3:31 p.m. Roll was called; a quorum was present. Commissioner Bisbee led the pledge of allegiance.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - November 29, 2006 and December 20, 2006

(3:32:06) - Commissioner Semmens moved to approve the minutes of the November 29, 2006 meeting. Commissioner Bisbee seconded the motion. Motion carried 6-0-1, Chairperson Peery abstaining. Commissioner Semmens moved to approve the minutes of the December 20, 2006 meeting. Commissioner Vance seconded the motion. Motion carried 6-0-1, Commissioner Bisbee abstaining.

C. PUBLIC COMMENT

(3:33:15) - Gil Yanuck, representing the Lakeview Homeowners Association Architectural Control Committee, read CCMC 18.02.025 into the record and inquired as to the reason for the City not enforcing private deed restrictions or CC&Rs which are more restrictive than the language of the Municipal Code. Chairperson Peery referred the question to Mr. Oueilhe, who advised he would review the ordinance and report back to the commission at the next meeting. Chairperson Peery called for additional public comment; however, none was forthcoming. Mr. Sullivan introduced Mr. Oueilhe.

D. DISCLOSURES

(3:37:18) - In reference to item F-7, Commissioner Bisbee advised that one of her children is a Home Depot employee. (3:39:24) Mr. Sullivan advised that item F-7 would begin no earlier than the agenda time of 5:45 p.m.

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 2

E. CONSENT AGENDA (3:37:53) - None.

F. PUBLIC HEARING MATTERS:

F-1. VAR-06-245 ACTION TO CONSIDER A VARIANCE APPLICATION FROM PROPERTY OWNERS JAMES R. AND MAE R. THORPE TO VARY FOUR FEET FROM THE REQUIRED 10-FOOT SETBACK THAT APPLIES TO A MOBILE HOME UNIT AT THE HILLSIDE MOBILE HOME PARK, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2301 LONE MOUNTAIN DRIVE, APN 002-071-39 (3:38:52) - Chairperson Peery introduced this item. (3:40:03) Mr. Sullivan oriented the commissioners to the subject property, using a displayed parcel map, reviewed the staff report and written comments from other City departments included in the agenda materials. He noted staff's recommendation of approval based on the six findings outlined in the staff report. In response to a question, he advised that most of the mobile homes in the area had been in place for a number of years. He explained that the park owners are attempting to comply with the requirements; however, newer model mobile homes won't fit in the existing spaces. Commissioner Vance suggested there may be a number of storage sheds which need to be moved, and proposed this as a condition of approval. Mr. Sullivan advised he would need to visit the site. He noted the correspondence included in the materials distributed to the commissioners and staff prior to the start of the meeting.

(3:45:27) Mae Thorpe introduced herself and Mr. Thorpe for the record, reviewed the variance application materials, and requested the commission's approval. She acknowledged having reviewed the staff report and her agreement with the same. Mr. and Mrs. Thorpe agreed to stipulate to an additional condition of approval that no storage shed would be placed between the mobile home and the property line.

Chairperson Peery called for public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. In response to a question, Mr. Sullivan explained that the overall variance request was for six feet leaving a remainder of four feet. Chairperson Peery entertained a motion. **Commissioner Bisbee moved to approve VAR-06-245, a variance application from property owners James R. and Mae R. Thorpe, to reduce the perimeter rear setback to four feet from the required ten-foot setback that applies to certain mobile home units at the Hillside Mobile Home Park, on property zoned general commercial (GC), located at 2301 Lone Mountain Drive, APN 002-071-39, based on three findings and subject to the recommended conditions of approval contained in the staff report, to include that no outside buildings will be attached to the rear of those properties. Commissioner Semmens seconded the motion. Motion carried 7-0.**

F-2. VAR-06-250 ACTION TO CONSIDER A VARIANCE APPLICATION FROM PROPERTY OWNER ELAINE OWEN BAKER TO CHANGE THE MINIMUM FRONT SETBACK FROM 30 FEET TO 20 FEET 10 INCHES FOR A GARAGE ADDITION, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 4301 LEVI GULCH, APN 007-142-21 (3:49:30) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report and narrated pertinent slides.

(3:53:59) Elaine Owen Baker introduced herself for the record, and provided an overview of the variance application. She acknowledged having reviewed the staff report and her agreement with the same. In response to a question, she explained the purpose of the "repair area" set aside for the septic system.

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 3

Chairperson Peery called for public comment. (3:55:07) Lakeview Property Owners Association Architectural Control Committee Chairman Gil Yanuck advised of having reviewed the proposed project. He further advised that the septic system repair area is a City requirement. He reviewed his January 22, 2007 letter which was included in the agenda materials, and advised of the Architectural Control Committee's support of the project.

Chairperson Peery called for additional comments, questions, or a motion. **Commissioner Semmens moved to approve VAR-06-250, a request to allow a reduction of the required front setback from 30 feet to 20 feet, 10 inches on the front for construction of a garage in the single family one acre zoning district, located at 4301 Levi Gulch, APN 007-142-21, based on three findings, and subject to the conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.**

F-3. SUP-06-248 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM LUMOS & ASSOCIATES (PROPERTY OWNER: CARSON CITY) TO ALLOW CONSTRUCTION OF FOUR AIRPLANE HANGARS CONSISTING OF 22 UNITS IN THE CARSON CITY AIRPORT, ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 2600 EAST COLLEGE PARKWAY, APN 008-901-01, LEASE PARCEL 219A (3:58:25) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report and narrated pertinent slides. In response to a question, Mr. Sullivan advised of inquiries regarding the Jet Ranch project, and noted that lease parcel 219A is the subject of the agendized special use permit. In response to a question, Mr. Sullivan pointed out leasable lots which have infrastructure to them. In response to a question, Ms. Pruitt provided historic information on the process involved in constructing airplane hangars.

(4:06:53) Lumos & Associates Planner Kenny Riley, representing the applicant C&D Developers LLC, provided an overview of the project. He advised that the applicant had already received approval, from the Planning Division and the Airport Authority, on the site and civil improvement plans. At that time, the applicant's representatives believed a building permit would be granted without any further entitlement process. The Planning Division informed the applicant of the special use permit requirement at the time the building permit application was submitted. Mr. Riley advised the hangars will present no negative impacts to adjacent properties or neighborhoods, and there will be no increase in air or vehicular traffic. He further advised of the applicant's desire to subdivide the individual units in the future, at which time a tentative map will be filed. The design standards proposed in the subject application will be applied to the tentative map. Mr. Riley advised that all on-site utilities will connect to existing underground utility lines. He noted that the proposed use is consistent with the uses of the Carson City Airport and that the existing infrastructure supports the project. In response to a previous question, Mr. Riley advised that each of the units will have a lavatory. He further advised that the applicant had reviewed the conditions of approval outlined in the staff report, and agrees with all but conditions of approval 9 and 21. He read condition of approval 9 into the record, and requested to add the language "unless waived by the building department." He read condition of approval 17 into the record, and expressed the understanding that usually conditions of approval 9 or 17 are applied but not both. He read condition of approval 21 into the record, and requested to add the language "unless waived by the building department." He advised that the units have been designed without the pressure principal backflow prevention systems. This has been approved by the Airport Authority but not the Building Department. At Chairperson Peery's request, Mr. Grundy explained the purpose for the backflow prevention devices required by Division 15.

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 4

Mr. Sullivan referred Mr. Riley to Plans Examiner Don Wilkins' January 16, 2007 memo, included in the agenda materials, and advised that condition of approval 9 had been "lifted from his report." In response to a question, Mr. Sullivan advised that the request to add the language "unless waived by the building department" would need to be directed to building department staff.

Chairperson Peery called for public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. **Commissioner Mullet moved to approve SUP-06-248, a special use permit request from Georgia Turner of Lumos & Associates representing C&D Developers LLC, to allow construction of four airplane hangars consisting of 22 units at the Carson City Airport, on property zoned public regional (PR), located at 2600 College Parkway, APN 008-901-01, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 7-0.** In response to a question, Mr. Sullivan advised the hangars are not approved for residential occupation.

F-4. SUP-05-258 ACTION TO CONSIDER A REQUIRED ONE-YEAR REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR THE PLACEMENT OF TWO METAL STORAGE CONTAINERS (PROPERTY OWNER: VIRGINIA ERSKINE), ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3129 SOUTH CARSON STREET, APN 009-112-10 (4:15:55) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report, and narrated pertinent slides. He noted staff's recommendation that the storage containers be removed, but also that there have been no complaints pertaining to the units. In response to a question, he advised there are no other storage containers around town "of this variety." He described the appearance of the storage containers. He advised that, with the exception of two sites, truck trailer storage containers in commercial zones have been eliminated. In response to a question, he expressed the opinion that the use may qualify for "some type of grandfathering because this use had been in effect ... prior to the law being enacted." He noted that the property owner could not place any additional containers or replace the containers without a special use permit. In response to a question, Mr. Sullivan advised that a decision to grandfather the storage containers should be done with the same standards imposed for other metal storage containers. He agreed to add a condition of approval that the storage containers would have to be removed if the current use of the property changes. He reviewed the original conditions of approval. In response to a question, he reviewed concerns regarding truck trailer storage containers.

(4:25:21) Gene Erskine requested to have his special use permit renewed. He acknowledged his agreement with the staff report, with the exception of "some of the wording." He advised that the containers are actually box vans and not trailers, and circulated photographs among the commissioners. He expressed the understanding that no responses to the public noticing process had been received by the Planning Division. He advised that the box vans have been maintained in accordance with the special use permit conditions of approval. He further advised that the vans "are not visible to anyone in the area with the exception of the service ... and storage area of the Dodge car dealer." He explained that the purpose of the photographs was to demonstrate the appearance of a box van in comparison to a truck trailer. He requested that the special use permit review period be changed from one year to five years. He acknowledged that the storage containers are the same color as the surrounding buildings.

Chairperson Peery called for public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. Commissioner Semmens expressed the opinion the subject containers are more aesthetically pleasing than some of the cargo containers around town. In response to a question,

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 5

Mr. Sullivan agreed that the appearance of the containers is generally in compliance with the special use permit conditions of approval. Commissioner Vance expressed support for grandfathering the containers. Chairperson Peery entertained a motion. **Commissioner Reynolds moved to approve SUP-05-258, review of a special use permit application from Virginia Erskine to allow continued placement of two metal storage boxes, on property zoned retail commercial, located at 3129 South Carson Street, APN 009-112-10, based on the prior existence of these boxes before the change in ordinance, with conditions that the storage units be used only for storage for the rental units on property, and also that they be painted either a matching color with other buildings on the property or an earth tone in their entirety.** Mr. Sullivan requested Commissioner Reynolds to reference the findings and conditions of approval for SUP-05-258, and to change condition of approval 10 to a five-year review with the next review to take place in 2012. **Commissioner Reynolds so amended his motion. Commissioner Semmens seconded the motion. Motion carried 7-0.**

F-5. SUP-05-221 ACTION TO CONSIDER REVIEW OF CONDITION #5 OF A PREVIOUSLY-APPROVED SPECIAL USE PERMIT (PROPERTY OWNER: CURRY STREET PROPERTY LLC; OWNER AT TIME OF APPLICATION: CORRELLI FAMILY TRUST 11/16/98) TO ALLOW PERMANENT PLACEMENT OF FOUR METAL STORAGE CONTAINERS, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 3640 SOUTH CURRY STREET (RICK'S FLOOR COVERING), APN 009-151-40 (4:36:02) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report and narrated pertinent slides. He acknowledged that one of the conditions of approval required the containers to be painted. In response to a further question, he read into the record pertinent findings and conditions of approval from the previously-approved special use permit application. Commissioner Reynolds referred to the site plan included in the agenda materials, and noted that placing the storage containers side by side at the rear of the building would leave only approximately a four-foot access way. In response to a question, Mr. Sullivan reviewed access around the property using a displayed aerial photograph. He pointed out construction activities on the adjacent property, and that additional grading had been done at the rear of the subject building. He advised that the storage containers are not visible from Koontz Lane or Curry Street. In response to a question, he advised that the requirement against stacking storage containers is pursuant to the Carson City Municipal Code based on appearance and safety.

(4:47:08) Property owner Rick Correlli advised of his disagreement with the staff report. He explained that at the time of the commission's original approval of the special use permit he believed he "would know more of what was going on" with development of the adjacent property and therefore his property. He further explained that he had "overlooked" the requirement to paint the storage containers. He advised there is no other location on the property which would accommodate the containers, and that the containers are not visible in their present location. He pointed out grading which had been done by the adjacent property owner, and advised "it has nothing to do with [his] land." He advised of recent discussions with one of the developers and the engineer for the Fandango property. He discussed his intent to fully develop his property to accommodate another building which would provide for eliminating the storage containers. Completion of the Casino Fandango project is key to the timing of his development, however. Mr. Correlli reiterated that there is no other location on his property to accommodate the storage containers. He explained the purpose of the storage containers, and advised they are an asset to his business. He advised the containers are safe and the current location provides for adequate access. He further advised that the annual Fire Department inspection has never indicated a fire hazard. He acknowledged that unstacking the storage containers would represent a hardship to his business operation, and that he had inadvertently failed

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 6

to paint the containers. He requested to have the special use permit extended for at least two more years in order to accommodate plans to develop his property which are contingent upon completion of the Casino Fandango project. In response to a question, he advised that there are 106 feet between the back wall of his building to the property line. There are approximately 20 feet between the containers and an existing retaining wall. In response to a further question, Mr. Correlli advised the storage containers are each 20 feet in length.

Mr. Correlli acknowledged that a one-year extension of time may be inadequate with regard to completion of the Casino Fandango project. Commissioner Vance expressed hesitation over granting a five-year extension of time. Mr. Correlli advised that the storage containers were in place prior to the City enacting the ordinance. Commissioner Vance pointed out that the requirement to unstack the containers was imposed at the time the special use permit was approved a year ago. Mr. Sullivan explained the special use permit requirement associated with the ordinance. Commissioner Mullet expressed a preference for reviewing the special use permit in one year. Mr. Correlli responded to questions regarding the purpose for requesting to leave the storage containers stacked in their existing location. He discussed costs associated with having the containers located and stacked.

Chairperson Peery called for public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. Mr. Sullivan suggested taking action to allow extension of the double-stacked configuration based on the findings and the conditions of approval in the January 2006 special use permit staff report, with modification to condition of approval 5 that the double-stacked units must be ground located in a certain number of years, and that the units must be painted to conform with ordinance requirements within a certain number of months. Commissioner Semmens expressed a preference for the containers to be painted within ninety days. Chairperson Peery agreed that the containers should be painted based upon the requirement imposed on other property owners. He expressed a preference for not creating an unnecessary hardship. He entertained a motion. **Commissioner Bisbee moved to approve review of condition of approval 5, of a previously-approved special use permit with a modification to the condition that the double-stacked, ground mount be accomplished within the next year, under special use permit 05-221, from Rick Correlli to allow the continued placement of them in the double-stacked configuration, with the conditional change that they be ground-mounted within the following year, on property zoned general commercial, at 3640 South Curry Street, and to add the condition that they be painted within ninety days and that to be confirmed by staff. Commissioner Semmens seconded the motion.** In response to a comment, **Commissioner Bisbee amended her motion to indicate that the approval was based on the original findings and conditions of approval contained in the staff report, dated January 2006. Commissioner Semmens continued his second.** In response to a question, Commissioner Bisbee provided clarification of her motion. The compromise is not in the painting which must be done within 90 days and confirmed by staff. Chairperson Peery called for a vote on the pending motion; **motion carried 7-0.**

F-6. MISC-06-243 ACTION TO CONSIDER AN APPEAL FROM RON HARDEN, MKT CEO, GOODWILL INDUSTRIES-MANASOTA, INC., OF A STAFF DECISION PROHIBITING SECOND-HAND BUSINESSES IN THE RETAIL COMMERCIAL (RC) ZONING DISTRICT (5:03:54) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, and noted the recommended motion included in the staff report. She referred to the agenda materials prepared by the appellant. She noted that staff supports the business concept, and explained the major issue regarding consistency of Code interpretation and determination of uses. In response to a question, Ms. Pruitt advised

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 7

that FISH is designated as a legal, non-conforming use. Mr. Sullivan advised that FISH considered a new location late last year. FISH representatives were informed that they would no longer be allowed to operate in a retail commercial zoning district but were referred to a limited industrial or general industrial district. Mr. Sullivan advised that none of the paperwork which allowed FISH into its present location can be located. Chairperson Peery noted that both FISH and Goodwill Industries have a similar mission with regard to employees. Mr. Sullivan agreed, and noted the training provided to Goodwill Industries employees is exceptional. Staff considers two uses of the property, i.e., in the merchandise and training/rehabilitation of employees. Goodwill Industries primarily provides training for their employees with a secondary focus on retail. Mr. Sullivan advised that the Planning Division is required to consider both uses. Because of the sale of used merchandise, the use is prohibited in the retail commercial zoning district.

Commissioner Vance inquired as to the possibility of considering the commercial operation to be “60 percent training and 40 percent sales of used items ...” Mr. Sullivan reiterated the two functions of the business, i.e., training and sales. In response to a question, Mr. Oueilhe suggested reviewing the agenda materials provided by Goodwill Industries to determine their statement of primary emphasis. He read a portion of the first page into the record, and advised that “factually, it’s quite a stretch.” In response to a question, he agreed that the commission cannot take action which negates the ordinance. In response to a question, Mr. Sullivan advised that vocational schools are permitted within the general commercial and retail commercial zoning districts. Commissioner Semmens referred to a photograph of the Reno Goodwill store, and expressed the opinion it appears to be more retail in nature.

(5:19:58) Goodwill Industries CEO Rob Harden acknowledged having reviewed the staff report, and of his disagreement. He introduced three of Goodwill Industries’ Carson City employees, and provided information on their backgrounds and experience. He acknowledged that Goodwill Industries is an educational training and vocational program. He reviewed the information included in the agenda materials. In response to a question, he requested the commissioners to consider the number of persons hired per square foot rather than the percentage of retail sales per square foot. He expressed the opinion that serving as a place of employment for 60 to 100 people over the next year would be a well-documented testament to the use of the facility. In response to a question, he described the location being considered by Goodwill Industries. He advised of having worked with two local commercial real estate brokers, and of having considered over a dozen properties. He advised that the subject location would meet all of Goodwill Industries facility requirements in that it has loading docks as well as a “bright, wonderful laid out store.” In response to a question, he estimated that 98 percent of Goodwill Industries’ budget comes from the sale of donated goods. He expressed the opinion that Goodwill Industries is “very much compatible” with the retail commercial zoning district “because we are retail sales training.” He advised that the mission of Goodwill Industries is “education, training, and career services,” and noted the alternative charter school which occupies the same building as a similar use. He further advised that Goodwill Industries’ business license designates a not-for-profit corporation. He reiterated the belief that Goodwill Industries would “fit” within the retail commercial zoning district because it compliments retail training. He acknowledged that Goodwill Industries’ business license does not indicate a second-hand dealership. He advised that, in his over 20 years with Goodwill Industries, he has operated 35 different facilities throughout the United States and that the subject zoning situation is unique.

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 8

Commissioner Mullet expressed the opinion that the subject location doesn't seem ideal. He suggested that the entire Highway 50 corridor would be more appropriate and a better fit. In response to a question, Mr. Harden explained the preference for the northern Carson City location. He discussed future plans to provide services in Minden and Gardnerville. Chairperson Peery called for public comment.

(5:37:43) Brad Spires, a broker for Robert H. Budge-Brown, advised that Mr. Brown owns retail commercial centers in Douglas County, Carson City, and Reno. He provided background information on the purchase of the subject property approximately three years ago and the subsequent changes in leased space. He discussed the success of the Silver State Charter Schools lease, and the new lessee Aarons Rents. He advised that Roger's Carpet, the previous tenant of the subject space, moved to Douglas County. He further advised that the space left vacant by Roger's Carpet "sets up absolutely perfectly for Goodwill." He noted the "side drop off out of the way, front space that's retail, and rear warehousing with roll up doors and a loading dock ..." He advised that none of the other tenants have complained about the proposed use. He noted that the prohibition against Goodwill Industries locating in the retail commercial zoning district is an "over 20-year-old guideline." He expressed the opinion it's not right for Carson City to not have Goodwill Industries. He expressed a willingness to invest \$150,000 in the subject site in cooperation with Goodwill Industries. He expressed the belief that the proposed use would benefit the community, and requested the commissioners to find a way to approve the use.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional comments, questions, or a motion. Vice Chairperson Kimbrough inquired as to the possibility of changing the Code to accommodate the subject request in a timely manner. Mr. Sullivan advised that between 60 and 90 days would be required for a Code amendment. He reviewed the process involved, and explained the need to thoroughly review the purpose statement for the retail commercial zoning district. Commissioner Vance inquired as to the possibility of considering the appeal based on the business license designation rather than a used goods business. Mr. Oueilhe advised he would not provide an answer on the record; that he would have to close the meeting which is not permitted by the Nevada Open Meeting Law. Commissioner Vance expressed the opinion that considering the proposed use as a training center would be allowed. In response to a question, Mr. Sullivan provided historic information on development of the retail commercial zoning district and the philosophy behind the differences between retail commercial and general commercial zoning. Commissioner Bisbee referred to the Consolidated Statements of Activities included in Goodwill Industries' presentation materials, and noted that, of the 2005 total support and revenues of \$16,929,329, \$15,225,000 was from sales of "donated salvaged / titled goods." She expressed the opinion that this constitutes a store and cautioned against forcing a fit. Commissioner Semmens inquired as to the possibility of tabling this item until next month's meeting in order to get further clarification from the District Attorney's staff. Mr. Sullivan advised this would be at the commission's discretion, but that staff could meet the March commission meeting time frame easier than the February meeting time frame.

Commissioner Reynolds expressed the opinion that the operation represents a thrift store, reflecting the same kind of general operation as many other thrift stores. Although training is provided, there are other thrift stores which provide financial support for good charity organizations. Through the years, other than the previously identified non-conforming use, those thrift stores have been forced into locations other than prime retail. Commissioner Reynolds referred to Classy Seconds as an example that supports as good a charitable cause in the community. He provided historic information on the existing code, and suggested that the code amendment process is a more appropriate approach than "trying to find ways to squeak this

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 9

around the real crux of why ... the code was written in the first place.” He clarified he was not making a judgment on the code. He expressed the belief that considering Goodwill Industries or other thrift stores that support charitable causes in the retail commercial zoning district should be done “across the board” and not individually. Commissioner Mullet agreed, and suggested including the use as permitted within the current code. In response to a question, Mr. Sullivan advised of having researched the zoning ordinances in Reno and Sparks because of the Goodwill Industries locations. Deferring this matter to the March commission meeting would provide staff the opportunity to research other jurisdictions’ ordinances. Chairperson Peery expressed the opinion that the purposes for retail commercial and general commercial zoning are clearly defined in “new versus used among other issues.” He expressed the hope to be able to get a little closer to the vocational aspect because of the Silver State Charter School. He expressed understanding for Commissioner Semmens’ recommendation of continuation, but was uncertain as to what it would accomplish. Mr. Sullivan requested the opportunity to at least research whether there are jurisdictions that allow these types of uses and differentiate between a second-hand store that provides training.

In response to a question, Mr. Harden expressed appreciation for the commission’s deliberation and agreed to the sixty-day continuance. Chairperson Peery entertained additional comments, questions, or a motion from the commissioners. **Commissioner Semmens moved to recommend continuing this item to the March 2007 commission meeting in order to provide Planning Division and District Attorney’s staff the opportunity to conduct appropriate research. Commissioner Vance seconded the motion. Motion carried 7-0.** [Chairperson Peery recessed the meeting at 6:01 p.m. and reconvened at 6:11 p.m.]

F-7. SUP-06-246 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM STEVE PAPPA OF GALLOWAY, ROMERO (PROPERTY OWNER: NORTH CROSSING LLC) FOR LOADING DOCKS WITHIN 250 FEET OF A RESIDENTIAL ZONING DISTRICT, OUTSIDE STORAGE (WITHIN A SIGHT-OBSCURED, FENCED AREA), OUTDOOR SALES AND MERCHANDISE DISPLAY, AN INCREASE IN PERMITTED WALL SIGNAGE FROM 600 SQUARE FEET TO 786 SQUARE FEET AND FENCING / WALL TREATMENTS IN EXCESS OF ORDINANCE HEIGHT REQUIREMENTS, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), ASSOCIATED WITH A PROPOSED HOME DEPOT LOCATED ON MARKET STREET, APNs 002-755-12 AND -13 (6:12:03) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, and amendments to the conditions of approval, copies of which were distributed to the commissioners and staff prior to the start of the meeting. She narrated pertinent slides.

(6:38:55) Steve Pappa, of Galloway Romero & Associates representing Home Depot, acknowledged having reviewed the staff report and his agreement with the same. He expressed appreciation to the commission and to Planning Division staff for their assistance. He thanked Ms. Pruitt for her presentation. He noted the close proximity of the adjacent residences to the proposed location, and advised that Home Depot is sensitive to the concerns of the residents. In reference to issues raised by adjacent residents and property owners during the neighborhood meetings, he discussed mitigation measures including the sound wall along the southern boundary; and raising the parapets on the back side of the building in an effort to help mitigate noise from the rooftop mechanical units as well as to accomplish visual screening. Mr. Pappa advised that Home Depot agrees with the restricted hours of operation, construction, trash compaction, and deliveries. He advised that lighting was an additional issue of concern for the adjacent residents, and expressed the belief that the concerns had been adequately addressed. He advised that the developers will

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 10

continue to work with staff with regard to lighting levels, appropriate shielding, etc. to ensure no light spills from the site. He anticipated no outdoor speakers and advised that paging occurs inside the store only. He advised the developers will continue to work with staff. He further advised that the store area is considered by Home Depot to be fairly low security, and that no security cameras are anticipated. If, for some reason, security cameras are determined to be necessary in the future, Home Depot representatives will address the matter with Planning Division staff and the cameras would be placed very carefully so as to avoid privacy issues with the adjacent residents. Mr. Pappa advised of having briefly researched a request to relocate the rooftop mechanical units to the north side of the building. He explained that a building of this size is “pretty challenging. ... You can’t just push every mechanical piece of equipment to the front half of a building and expect the building to run at any level of efficiency.” He offered to relocate as many of the rooftop mechanical units to the north side of the building as possible; however, they will inevitably be scattered across the entire roof structure.

Mr. Pappa explained the location of the lumber loading area. He noted the restrictions on the lumber loading hours, and advised that lumber off-loading doesn’t add a significant amount of noise to the site. He advised of approximately three lumber trucks per week which will off load product. He advised that the developers will continue to work with staff. He referred to an issue of concern regarding day laborers congregating on the site. Home Depot does not encourage or condone this practice in any way, and representatives will do their best to dissuade this activity. Mr. Pappa expressed the opinion that placement of the store on the site, in and of itself, will be a deterrent to the possibility of congregating day laborers. With regard to concerns over drainage, he advised that the site will drain appropriately according to code and best management practices. He discussed the landscape strip proposed for the south side of the property behind the sound wall. He provided background information on the Environmental Noise Analysis, and explained the 12-foot sound wall recommendation. He reviewed the Environmental Noise Analysis conducted by Brown-Buntin Associates, Inc.

Mr. Pappa responded to questions regarding the environmental noise analysis, placement of the building in relation to the freeway, building design, access, and screening of the loading dock. Commissioner Mullet advised that the sound wall at Wal-Mart is 25 feet from the residential wooden fences, and the distance from the sound wall to the store is 60 feet. He suggested moving the Home Depot building as far north as possible “to buy as much space there.” Mr. Pappa agreed to work with staff. He acknowledged that delivery trucks will be prohibited from idling on all sides of the building. He explained access to and operation of the loading dock, and advised that waiting trucks will be required to turn off their engines. He acknowledged that the distance between the south property line and the sound wall, and the sound wall and the south boundary of the building is still in negotiation. He advised that the code requires a 50-foot setback, and that the existing setback is at 60 feet. He expressed the belief that the building can be “pushed ... a little bit, tweak it here, tweak it there to gain a little bit more room as a buffer back here between the wall and the residences.” He discussed the requirement for a 30-foot drive aisle at the northeast corner of the building. He commented that the Wal-Mart site and the Home Depot site are “apples and oranges” in that the Wal-Mart developers had a lot more area and the grades were “completely different.” Mr. Pappa committed to doing his best to work with staff to maximize the site. In response to a question, he estimated the finished grade at Wal-Mart to be 10 to 12 feet different than the Home Depot site.

In response to a question, Ms. Pruitt expressed the understanding that the proposed sound wall will not have any lighting on the southern portion. She advised that condition of approval 26 referred to wall packs on the Home Depot building. She acknowledged that the condition should refer to exterior and not interior

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 11

lighting. In response to a question, Mr. Pappa explained the electronic shopping cart system. He advised that the system represents a costly addition to the project, but expressed the opinion that Home Depot representatives would agree with the condition of approval “for shopping carts only, not the flat-bed carts, not the dry wall carts.” Chairperson Peery agreed with the other commissioners’ comments to increase the distance between the store and the adjacent residences. He commended the developers’ willingness to work with the residents. He suggested it may provide better continuity with the line created by the Wal-Mart building and, thereby, have a more positive effect on the adjacent residences. Ms. Pruitt acknowledged there is no range associated with the setback for the proposed sound wall. Mr. Sullivan expressed a preference for a 15 to 20-foot setback. Commissioner Bisbee commended Mr. Pappa and the developers on working with staff to achieve compromise.

Mr. Pappa acknowledged his agreement with the staff report and conditions of approval, including the amendments to conditions of approval 16, 27, and 34. With regard to condition of approval 27, Mr. Sullivan clarified that the setback is approximately 15 feet; the range will be between 14 and 18 feet. He noted that Mr. Pappa had submitted the sound study as part of the record. He further noted that, with regard to condition of approval 27, the recommendations of the sound study were incorporated by reference. In addition, the required sound wall is noted as a construction priority. With regard to construction sequencing, Mr. Pappa committed to making every effort to building the sound wall as soon as possible to assist in mitigating noise, dust, and visual pollution. It may not be possible “to just go out there and build the wall” because of drainage and grading considerations. Mr. Pappa expressed the opinion that the sound wall could be constructed concurrently with the rest of the site. Mr. Sullivan expressed understanding for proper construction sequences. Chairperson Peery thanked Mr. Pappa for his presentation, and opened this item to public comment.

(7:20:14) Gary Nigro, 1332 Northhill Drive, distributed prepared comments to the commissioners and staff, and read the same into the record. In response to a request, Mr. Sullivan offered to work with Mr. Nigro, as a representative of his neighborhood, and with the applicants. Mr. Nigro thanked the commission for their consideration.

(7:32:19) Melanie Nigro, 1332 Northhill Drive, advised of having discussed with NDOT Project Manager Jim Gallegos the possibility of the property owner negotiating removal of the existing sound wall, at section 4, College Parkway to Highway 50. She advised of an agreement between NDOT and the property owner to remove that portion of the sound wall at his cost. She reviewed the process involved in removing the sound wall to ensure the same protections. She referred page 8 of the Environmental Noise Analysis submitted by Mr. Pappa, and advised of having spoken with an NDOT representative regarding current traffic counts. The traffic counts in sections 3 and 4 are approximately 13,500. Once the bypass is completed in 2011, NDOT’s projection is 29,800 vehicles per day. Mrs. Nigro expressed concern that because of the timing of construction, the existing sound study does not take 2011 traffic counts into consideration. She referred to the Environmental Noise Analysis, and expressed additional concern that noise from the lumber unloading area had not been specifically documented.

(7:37:49) Jack Harris expressed concern over noise from the trash compacter and the loading dock. He inquired as to the possibility of requiring the sound wall to be the same height as the building. Mr. Pappa advised he would highly disagree with constructing a 30-foot wall at the point of the trash compacter and the loading dock. “All of the loading and unloading is handled inside the store. ... All you’re really going to hear essentially are the trucks coming and going.” Mr. Pappa expressed the opinion that a 10 to 12 foot

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 12

wall would suffice. At Commissioner Vance's request, Mr. Harris provided clarification with regard to his request. Mr. Harris noted that the reason for controlling the hours of trash compaction is because it is "inherently noisy." He didn't see "much of a difference between a 10-foot wall, a 20-foot wall, or a 30-foot wall." He expressed the opinion that a 30-foot wall would protect the adjacent residents from the noise.

(7:41:54) Patrick Hartman advised of having testified before the commission regarding the Wal-Mart development. He further advised of a time restriction for delivery trucks at Wal-Mart between the hours of 7:00 a.m. and 10:00 p.m. He advised that trucks are "out there jockeying for position at 4:30." He discussed attempts at lodging complaints with the Wal-Mart general manager. He expressed concern for the residents adjacent to the proposed Home Depot. He commended Mr. Pappa and the Home Depot developers for attempting to address the residents' concerns. He referred to a recent article in the *Nevada Appeal* which indicated that more than 90 letters of notification were sent to property owners in the area. He advised that most of the area residents didn't receive a letter of notification. He expressed understanding for the City's need of sales tax revenue. He requested "real consideration and some real stipulations to be put in place." He expressed serious concern over delivery trucks, and advised that the delivery trucks idle in an area designated for fire and emergency vehicles only. He requested the commissioners' consideration of the residents adjacent to the Home Depot in light of the difficulties experienced by the residents adjacent to Wal-Mart. He noted the delivery hours proposed between 6:00 a.m. and 10:00 p.m., and advised they will, in reality, "be there at 4:30, 5:00." He encouraged the commissioners to visit the neighborhood in the early morning hours. He expressed concern over the increased traffic, and appreciation for the shopping cart security system. He expressed additional concerns over dust, lumber delivery noise, and trash compaction noise.

(7:49:28) Colleen Hallam, 1454 Ridgepoint Drive, advised she had received no notification of the neighborhood meetings with Home Depot representatives. She provided background information on her relocation to Carson City, and expressed disappointment that the Northridge developers did not provide sufficient notification of the type of development proposed to the north. She advised of previous employment in the lumber industry, and expressed concern that noise regulations will never be enforced.

(7:52:06) Diane Forsyth, a resident adjacent to Wal-Mart, advised of having discussed concerns with Planning Division staff and the Wal-Mart store manager regarding noise from delivery trucks. She advised of constant noise from the trash compactor and that the grease trap operates at 2:00 a.m. She expressed support for the residents adjacent to the proposed Home Depot store. She advised of having lodged numerous complaints to no avail. Mr. Sullivan advised of not having received any phone calls from Ms. Forsyth after last December. He further advised of having contacted the Wal-Mart store manager at the request of Supervisor Shelly Aldean, and having subsequently received an e-mail from Ms. Forsyth that "everything was fine." He advised that staff cannot enforce regulations if no complaints are received. Ms. Forsyth advised that the problem subsided "for about a week." She further advised of having talked with Ms. Pruitt recently, and informing her that Wal-Mart is "right back to their normal routine." She pointed out her residence adjacent to the Wal-Mart building. Mr. Sullivan advised that staff is only made aware of the problem by residents calling. In response to a question, he advised that if Wal-Mart refuses to abide by the requirements of the special use permit, it will be brought back to the commission. Following additional discussion, he requested Ms. Forsyth to contact the Planning Division.

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 13

Ms. Pruitt advised of having received several calls with regard to the public noticing process. She explained the very specific noticing requirements pursuant to the Carson City Municipal Code and the Nevada Revised Statutes. She advised that 98 people were notified pursuant to those requirements.

(7:58:29) Chris Bacon discussed a complaint lodged with the City's Code Enforcement Division, and the associated process which eventually led to contacting Supervisor Aldean. Mr. Bacon advised that once Mr. Sullivan became involved, the issue was properly addressed. The relief was short lived however and "it went back to the way it was before." Mr. Sullivan advised that he would follow through on behalf of the residents adjacent to Wal-Mart.

Chairperson Peery closed public comment and entertained additional comments, questions, or a motion. Commissioner Vance expressed appreciation for the process involved in addressing the noise issues associated with the Wal-Mart store. He expressed the hope that this will be a comfort to the Wal-Mart neighbors and also to the Home Depot neighbors. Commissioner Mullet requested staff to work with the developer and the property owner to get as much space as possible between the proposed development and the adjacent neighbors. Chairperson Peery thanked everyone for their attendance and participation. He entertained a motion. **Commissioner Bisbee moved to approve SUP-06-246, a special use permit request from Steve Pappa, Galloway Romero, property owner North Carson Crossing LLC, to allow (1) loading spaces "docks" within 250-feet of a residential zoning district, as a conditional use; (2) outdoor sales and merchandise display, as a conditional use; (3) an increase in permitted wall signage from 600 square feet to 786 square feet; (4) outside storage within a site-obscured area, as a conditional use; and (5) sound wall treatment in excess of the Developmental Standards height requirement within the required setback, in conjunction with the construction of a Home Depot of approximately 134,000+ square feet in area, on property zoned limited industrial, located at College Parkway / Market Street, APNs 002-755-12 and 002-755-13, based on the findings and subject to the recommended conditions of approval contained in the staff report, to include the proposed changes to conditions of approval. Commissioner Semmens seconded the motion.** Commissioner Bisbee acknowledged her inclusion of the amended conditions of approval. Chairperson Peery called for a vote on the pending motion; **motion carried 7-0.**

G. STAFF REPORTS:

G-1. COMMISSIONERS' REPORTS / COMMENTS (8:05:50) - Commissioner Reynolds commented on noise issues associated with the K-Mart building HVAC system, and steps taken to address the issues in cooperation with Planning Division staff. Mr. Sullivan displayed a publication entitled *HVAC Acoustic Fundamentals*.

G-2. STAFF REPORTS / COMMENTS

REPORT ON BOARD OF SUPERVISORS' ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (8:04:31) - Chairperson Peery referred to the January 31, 2007 memo included in the agenda materials.

FUTURE AGENDA ITEMS (8:06:58) - Previously covered.

CARSON CITY PLANNING COMMISSION

Minutes of the January 31, 2007 Meeting

Page 14

H. ACTION ON ADJOURNMENT (8:08:01) - Chairperson Peery thanked Mr. Oueilhe, and entertained a motion for adjournment. Commissioner Mullet moved to adjourn the meeting at 8:07 p.m. Commissioner Semmens seconded the motion. Motion carried 7-0.

The Minutes of the January 31, 2007 Carson City Planning Commission meeting are so approved this 28th day of February, 2007.

JOHN PEERY, Chair