

CARSON CITY PLANNING COMMISSION
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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, February 26, 2002, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Richard Wipfli, Vice Chairperson John Peery, and Commissioners Ron Allen, Allan Christianson, Mark Kimbrough, Wayne Pedlar, Roger Sedway

STAFF PRESENT: Chief Deputy District Attorney Mark Forsberg, Principal Planner Lee Plemel, Senior Engineer Rob Fellows, Associate Planner Jennifer Pruitt, and Recording Secretary Katherine McLaughlin (P.C. 2/26/02 Tape 1-0014)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation/slides. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file with 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 Wipfli convened the meeting at 3:30 p.m. Roll call was taken. The entire Commission was present, constituting a quorum. Chairperson Wipfli led the Pledge of Allegiance.

B. APPROVAL OF MINUTES - OCTOBER 30, 2002 (1-0028) - Commissioner Peery moved to approve the Minutes as submitted. Commissioner Allen seconded the motion. Motion carried 7-0.

C. PUBLIC COMMENTS (1-0034) - None.

D. AGENDA MODIFICATIONS (1-0038) - Principal Planner Lee Plemel, Chief Deputy District Attorney Mark Forsberg - The media had indicated that the Commission's meeting and Item G-1 would be considered at 5:30 p.m. Staff's notices and the agenda indicated that the matter was not scheduled for a specific time and that the meeting would commence at 3:30 p.m. It was determined that it would not be necessary to hold this item until 5:30 p.m., however, individuals may arrive at that time to talk about this issue. Their comments will be accepted.

E. DISCLOSURES (1-0120) - None.

F. CONSENT AGENDA - U-01/02-18 - ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR JIM BAWDEN (1-0126) - Commissioner Christianson moved to approve the Consent Agenda as submitted. Commissioner Pedlar seconded the motion. Motion carried 7-0.

G. PUBLIC HEARING

G-1. P-02/03-2 - ACTION ON A REQUEST FROM LUMOS AND ASSOCIATES TO ADOPT RESOLUTION 2003-PC-3 AND AMEND THE SILVER OAK PUD TO CHANGE THE LAND USE ELEMENT MASTER PLAN (1-0152) - Principal Planner Lee Plemel, Parks and Recreation Director Steve

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Kastens, Applicant's Representative Carol Dotson, Boys and Girls Club Representative Marv Teixeira, Chief Deputy District Attorney Mark Forsberg - Public Speakers were: Meridith Dunlap, Todd Pitts, Brian Officer, Kent Lower, Joe Copeland, Cathy Crandell, Bill Lewis, Roger Williams, and Julie Dunlap - Copies of the written comments were distributed to the Board and Clerk. (Copies are in the file.) Criticism received regarding the noticing requirements was explained. Staff had noticed 33 parcels which covered an area 1,000 from the subject parcel. This is outside the 300 foot statutorily required area. History of the parcel was limned. A copy of the tentative map was displayed. It was used to demonstration the location of the three-acre parcel. The surrounding uses were limned.

Mr. Kastens explained the history of the site, the school's need for a community gym, the Boys and Girls Club need for a permanent location, and the decision to place the Club on the three-acre site. When this plan was shared with the neighborhood, objections were voiced. The Club then looked for another site and found the 14-acre Lompa Lane parcel. The Lompa Lane parcel lacks infrastructure improvements which the Silver Oak parcel has. He then explained the City and School District's joint use agreement which allows them to use each others facilities. Under this agreement school grounds are considered parks and the School District uses Parks for play grounds. Examples illustrating locations where joint uses are occurring were given. The City and School District had discussed the Silver Oak parcel and determined that ten acres should be adequate for their purposes. This allowed the sale of the three acre site and the use of the funds for the Lompa Lane parcel's infrastructure. Silver Oak had supported the proposal. The three-acre parcel abuts an assisted living facility. The park site will be to the south. It was suggested that professional offices be located on the three-acre site. It will provide a buffer between the park and College Parkway. He felt that the property should be rezoned from Public to its highest and best use. The Parks and Recreation Commission and the Board of Supervisors have been involved throughout the process.

Discussion between Mr. Plemel and Commissioner Pedlar indicated that planned unit development is being constructed in phases. The location of what was felt to be the closest residence was pointed at by Mr. Plemel. Discussion between Mr. Kastens and Commissioner Sedway indicated that the School District does not at this time have plans to construct a school on the site. It does wish to retain ownership of the property as it may be needed sometime in the future.

Mr. Plemel then continued his review of the staff report which explained the need to change the zoning from Public as the property is now privately owned. The site cannot be made residential as the density is already allocated for the PUD. The purpose of the Neighborhood Business district was limned. The assisted living facility is zoned Neighborhood Business which had required obtaining a special use permit. Staff had received only one telephone call in opposition. It was from Beth Dunn who was concerned about the traffic and commercial uses in a residential area. The applicant is a nonprofit organization. The motion should include whether the fees should be waived. Discussion between Mr. Plemel and the Commission explained the yellow designation on the map as being a higher density for the PUD. Oakridge will be extended from its present location to College Parkway when the residential portion is built out. College Parkway has medians and is wider. Oakridge is the normal street width. The list of conditional uses allowed in the Neighborhood Business district was read.

Mr. Teixeira explained his involvement with the Club and that he had been Mayor when the PUD was approved. Originally, the City was to receive three acres and the School District was to receive 13 acres. Silver Oak invited the Club to locate at the site. The three-acre site is still owned by Silver Oak. The School District had approved

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the proposal. Resistance from Silver Oak residents was noted. There had been many meetings with the homeowners. His dismay at the "not in my backyard" syndrome regarding the concept was noted. The Club searched and found another location. He was upset about the homeowners' objection to the Club selling the parcel. The parcel is worth \$200,000. The funds will be given to the School District. The Club had paid \$320,000 for the Lompa Lane parcel. It does not have all of the amenities which the Silver Oak site had. They want the highest and best use of the land. A 7-11 will not work on the site as there is no access from College Parkway. It could be a general office or a care facility. The remainder of the parcel will be used by the School District. He felt that the residents did not want a school on the site as there will be approximately 900 children located at it. He also felt that they had worked in good faith with the residents.

Ms. Dotson introduced Club Executive Director Kathy Blankenship and Board Member Roger Williams. She then explained the reasons for changing the zoning from Public Neighborhood to Commercial and from Single Family 12,000 to Neighborhood Business. She then reviewed the history of the site. The School District wishes to keep its site. In 2002 the Board of Supervisors approved an addendum to the Silver Oak Development Agreement which allows the Club to sell the site and use the proceeds for relocation. Land uses allowed for the site were limned. A restriction on the land prohibits its use as residential sites. Surrounding land uses were illustrated on a map. Staff suggested the Neighborhood Business zoning as it provides services for the neighborhood. She suggested offices with a size restriction of 10,000 square feet. Justification for this use was provided. The change is consistent with the master plan and provides for a logical expansion of the uses. It provides a mix of uses and a buffer between the retail commercial zone to the east and the residential zone to the west. She reiterated that the development agreement prohibits the development of residential units. She indicated that as she is not an appraiser, she was unsure of the value of the land which would be created by the zone change. She reiterated the reasons for working with staff and the development of the proposed zone change. She felt that it was not the highest use to which the property could be put. Commissioner Peery pointed out that the proposed zone would increase the value of the property. He also questioned the reasons for needing the zone change before a buyer is obtained for the property. Chairperson Wipfli explained that the property is not going to be used by the public, therefore, the zoning needs to be changed. The residential use cannot be allowed due to the purchase agreement.

(1-0926) Mr. Teixeira felt that there is no commercial property available in the PUD. The last commercial parcel had sold in excess of \$10.30 a square foot. They hoped to be able to sell the parcel at its appraised value. There purportedly are a lot of interested buyers who are willing to submit sealed bids but the property needs to be zoned correctly. The need for the funds was limned. A federal grant had been obtained for the infrastructure. He felt that the property value should be in the neighborhood of \$8 a square foot which would equal \$1 million for the property. The School District will be given \$200,000 and the remainder will go to the Club.

Discussion between Commissioner Pedlar and Mr. Plemel explained that the parcel is zoned under the PUD as residential. The Master Plan designation is Public and under this designation it must be used by a public entity. The deed restriction makes the property worthless as it cannot be developed as a residential site. Therefore, the map must be followed or the plan amended. The value of the property is speculative and will be the best guess possible by an appraiser. Discussion between the Commission and Mr. Forsberg indicated that if the Commission rezones the property and restricts its use based on today's concerns, the decision may be considered arbitrary and capricious in the future as it makes all zoning conditional. Mr. Forsberg recommended that the Commission change the zoning

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to Neighborhood Business and accept whatever is developed on the parcel. Discussion ensued between Chairperson Wipfli and Ms. Dotson regarding the uses that are allowed in the General Office district and whether this is the appropriate designation for the site. It was felt that GO zoning could be considered spot zoning as no other property in the vicinity is designated GO. Ms. Dotson pointed out that bars and 24-hour convenience stores are conditional uses which must obtain a special use permit before opening. They had discussed and were willing to consider the residents' desire for restrictions on the parcel. This could eliminate their undesirable uses. Traffic will have to use Oakridge to access the site. This eliminates the use of the site by a business. Public comments were solicited.

Public comments indicated that the residents were not opposed to the Club or its ability to make money. They were concerned about the lack of access to the site except on a narrow residential street. A plan illustrating the proposed use for the site should be submitted with the zone change. The traffic impact a business will have on their street was limned. Their suggestions for the site/area included making Oakridge a permanent cul-de-sac. The residents had purchased their property based on the PUD map which indicated that the site will be a school and park. The closeness to the K-mart shopping mall with its vacant stores and the new Albertsons with its gas station and other amenities were pointed to illustrate their belief that Neighborhood Business uses were not needed. Types of businesses allowed under the NB zoning designation that they objected to were listed. They were willing to accept the school as it will serve their area. Commercial developments draw from other areas. A commercial development will be detrimental to their lifestyle and property values due to the increased traffic. Mr. Pitts felt that general office usage was better than a neighborhood business. Other comments indicated that the change of land use should not be allowed based solely on the economic benefits it provides. Mr. Lower found the finding that the zone change would be beneficial to the neighborhood to be weak and exaggerated as the stores in the mall provide the same amenities. The property values will be decreased by having a convenience store next to the residences. The increased traffic poses a hazard to their children as the residential street is not designed to handle that volume. Chairperson Wipfli explained for Ms. Crandell the statutory noticing requirements. Ms. Crandell contended that the entire PUD should have been noticed.

Ms. Dotson explained that commercial use of the site will be driven by surrounding uses and the location. A lot of the allowed commercial uses will not consider the site due to the traffic and access issues. Businesses are placed in neighborhoods so that the residents can walk to the site. The square footage of the businesses will be restricted by the size of the parcel. Justification for suggesting the NB zoning was provided.

Mr. Forsberg explained the Code mandating control over the uses that are allowed in a PUD which eliminated the Commission's ability to restrict any of the zoning uses allowed within a district. He also pointed out that some of the use limitations had been self-imposed and were not a hardship normally considered when land use decisions are made. He also opined that the Commission should designate the zoning believed to be the best for the parcel based on its fit within the area and not attempt to restrict the type of uses that would be allowed on the site. He also noted that the Municipal Code will not allow the restriction of uses. Customizing the uses will create future precedence concerns and was felt to be illegal.

Discussion between Commissioner Christianson and Ms. Dotson explained the distance between the site and College Parkway. Commissioner Christianson felt that the lack of an access from College Parkway eliminated the ability to

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use the site for a neighborhood convenience store. He was unsure of the reasons for wanting to use the site for office space. It is a perfect example of a transition zone, which he described. Mr. Teixeira explained that there had been some interest in the site expressed by Churches. This is a use that is allowed in the Commercial zone. There had also been some interest from individuals who wanted the General Office zoning. Their building heights are restricted with this zoning. It may be possible to have a two-story building with neighborhood businesses on the first floor. He reiterated their intent to work with the residents while obtaining the best use for the parcel. The conditional uses allowed in the NB zone require the developer to obtain a special use permit. This eliminates bars and other objectionable businesses. He reiterated the desire to sell the parcel and allow the buyer to develop a nice project for the subdivision. In the future, if the owner wishes to change the use, they will have to obtain approval of the project from the Commission.

Commissioner Christianson explained his personal knowledge of the area and its traffic. He did not feel that the community will use Oakridge to reach the site unless drawn there for a reason. Access from College Parkway will be needed for the parcel. Ms. Dotson agreed. She also pointed out that the CC&Rs restrict the property's use and provides for a quality development. She suggested an office use. Commissioner Christianson suggested that the structure and its signage be the same quality as constructed at the Freeman and Williams site. Ms. Dotson agreed and suggested a nice medical office as another alternative.

Discussion between Commissioner Sedway and Mr. Plemel explained that Oakridge must be extended to College Parkway when the adjacent residential phase of the PUD is completed. The location of its present terminus was illustrated.

Mr. Williams explained the location of his firm and disclosed that he is a Club Board member. His firm had built in accordance with the restrictive CC&Rs. It set the base level for investors. The ultimate development of the three-acre parcel will be required to comply with his standards and the CC&Rs. This will eliminate many of the ancillary items. It will be an upscale development that is consistent with the surrounding area. Although there is no guarantee as to what could be placed on the parcel, the Commission and the CC&Rs will control the use.

Ms. Dunlap explained the current traffic that is using the residential area as a cut through to College Parkway and the college. She suggested that undulations be used to slow the traffic. Commissioner Kimbrough agreed that traffic calming devices could be used to slow the traffic. This suggestion should be discussed with the ultimate developer. Ms. Dunlap felt that the traffic should use Ormsby Boulevard and not their residential streets. Additional public comments were solicited but none were given. Public comments were then closed.

Commissioner Pedlar moved to approve P-02/03-2, a Planned Unit Development modification request from the Boys and Girls Club of Western Nevada and adopt Resolution 2003-PC-3 to change the land use designation of APN 8-061-77 from Public Neighborhood to Commercial and to change the zoning of the subject parcel from Single Family 12,000-Planned Unit Development to Neighborhood Business -Planned Unit Development based on the findings contained in the staff report and to waive the applications fees for the Boys and Girls Club of Western Nevada as a nonprofit organization. Commissioners Allen and Christianson seconded the motion. Commissioner Pedlar explained his belief that common sense should be used by the Commission when considering the types of businesses which should be placed in an area. The property's commercial viability will also dictate the type of uses.

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The location is not conducive to a bar or gas station. He acknowledged that these uses could be located at the site if a special use permit is obtained. The CC&Rs also restrict the type of business for the site. An office use makes sense and fits within the allowed uses. He also felt that the developer who acquires the property will extend the road from College Parkway to the parcel and wait for the subdivision to complete the road. This will condition the patrons to using College Parkway to reach the site. He also pointed out that, when the school is developed on the adjacent parcel, it will create more traffic than that of a proposed business. Commissioner Peery expressed his hope that the Club is able to receive \$15 a square foot for the property. The Club has a lot of merit and does many great things. His problem with the request is its stated purpose. He did not believe in changing land uses and zoning for purposes of enhancing profitability. The motion to approve the application was voted and carried 6-1 with Commissioner Peery voting Naye. Mr. Plemel indicated that the matter will be heard by the Board on March 19th.

RECESS: A recess was declared at 5:18 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 5:26 p.m., constituting a quorum.

G-2. U-02/03-21 - ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CASH

LEBISH (1-1985) - Associate Planner Jennifer Pruitt, Cash Lebish, Principal Planner Lee Plemel - Ms. Pruitt used slides of the site to illustrate her comments. Discussion indicated Ms. Pruitt's suggested location for display of the products as being on the building structure and the two locations which do not impede traffic or pedestrians. Discussion indicated that "A" frame and "sandwich" signs are not allowed. The applicant can apply for additional "display days" for the sale of the merchandise for a total of 365 days. The proposed locations will not impede traffic or pedestrians. Both Commissioner Christianson and Kimbrough objected to allowing the displays to occur year round. The applicant had been given a 30-day temporary permit. Condition 8 requires "permanent rack alternatives". Mr. Lebish indicated that he had read staff's report and concurred with it. The parking lot is not shared with any other business. The signs are brought in five days a week. They are only open five days a week. The present holders are temporary until the special use permit is issued. More professional racks will be constructed and painted to match the building. The rugs are attached with heavy clips so that they will not blow away in the wind. Due to their cost, they are watched and not allowed to be destroyed or blown away. Chairperson Wipfli suggested a conditional permit be issued and that the Commission review the permit in two to six months. The proposed use is a deviation from the sign ordinance which does not allow this use for other businesses. He felt that if the items were against the building, it would be more professional in appearance. He urged Mr. Lebish to refrain from building a lot of racks until after the provisional period is completed. Commissioner Pedlar indicated that he did not like the rack but the merchandise needed to be close to the street. He felt that the business was better than the former mobile home sales operation that had been located there. He urged the Commission to give Mr. Lebish a chance as he has cleaned up the site and suggested a six-month review. He did not want to see the racks there 365 days a year. Ms. Pruitt clarified that he had been given 365 days a year as it is easier to police than a listing of five days a week. Commissioner Sedway indicated that he would support the application with a six-month review. He also cautioned Mr. Lebish against placing the racks in a fashion that would impede the patrons at Arby's, which is next door, line of sight. Mr. Lebish felt that Arby's sign impedes its customers' line of sight and invited the Commissioners to visit the site as the racks are back further than the draws make them appear. Chairperson Wipfli pointed out that Condition 7 addresses the concern. Public comments were solicited but none were given. Commissioner Peery indicated that he was also concerned about the possibility of traffic obstruction. Mr. Plemel stated for the record that the merchandise and racks are not considered signs as the merchandise is sold. Discussion between Commissioner

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Christianson and Mr. Plemel indicated that the District Attorney's office had allegedly stated that the allowance of the merchandise racks would not establish a precedence for future special use permits nor lead to automatic approval of the next sign application. Commissioner Christianson indicated his concern was with the display of products and not the signs. Chairperson Wipfli reiterated his suggestion that a six month or one year review be added to the conditions. Commissioner Pedlar moved to approve U-02/03-21, a Special Use Permit request from Cash Lebish, Alpaca Products, owner: Robert McFadden, to allow outside sales and display on property zoned Retail Commercial, located at 1218 South Carson Street, APN 003-063-13, based on seven findings and subject to the ten conditions of approval contained in the staff report with the addition of an eleventh condition of approval requiring a six-month review before the Planning Commission and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Peery seconded the motion. Commissioner Christianson explained the dilemma he had with the use. He did not like to have displays of this nature next to major commercial businesses. On the other hand, he was also for the applicant's making as much money as possible. He was unsure how he would vote on the motion. Commissioner Pedlar pointed out that the surrounding property owners did not have a problem with the use. The motion was voted and carried 7-0. Chairperson Wipfli encouraged Mr. Lebish to make it work. Mr. Lebish indicated that they are nice products and do not appear to be T-shirts or junk. It should be good for Carson City. Commissioner Peery noted that the property allows the Commission to grant the permit. Other properties do not have the same characteristics. He did not wish to see a precedent for every business having all of its products on the street. Mr. Lebish felt that if future applications are in a strip mall, they should be turned down very quickly. If the individual lots can be sealed off, as his is, it should be allowed. Chairperson Wipfli explained that they could not discuss the characteristics due to the Open Meeting Law.

G-3. U-02/03-20 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM BOB

HARBIN, VIACOM OUTDOOR, INC. (1-2295) - Principal Planner Lee Plemel, Associate Planner Jennifer Pruitt, Deputy District Attorney Jason Woodbury, Applicant's Representative Kevin Johnson - Mr. Plemel's introduction included a notation that all of the billboards (Items G-3 through G-15) complied with the size restrictions and that the applicant for Item G-6 is current on his licensing fees. Commissioner Sedway indicated his intent to recuse himself on Item G-6 as it is the Hospital's sign. Ms. Pruitt showed a slide illustrating the sign in Item G-3. Discussion between Commissioner Sedway and Mr. Woodbury indicated that the Commission should act separately on each permit. The Commission also has the ability to deny any permit that fails to meet the findings or is not in compliance. Mr. Johnson indicated that he had not had an opportunity to read the staff report for his items--Items G-3, G-4, G-5, and G-6. The Commission deferred action on these items to allow him an opportunity to review the staff report.

(1-2523) Mr. Johnson indicated that he had read the staff report and concurred with it. He also indicated that he was available for any questions. Public comments were solicited but none were given. Commissioner Christianson moved to approve U-02/03-20, a Special Use Permit application from Viacom Outdoor, property owner: Robert Lamerdin, to allow the continued use of an off-premises sign on property zoned General Commercial located at 4550 South Carson Street, APN 009-266-02, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Peery seconded the motion. Motion carried 7-0.

G-7. U-02/03-25 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM JAKE

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SMITH, CLEAR CHANNEL OUTDOOR (1-2455) - Associate Planner Jennifer Pruitt, Kevin Johnson - The applicant was not present. Public comments were solicited. Mr. Johnson explained his contact with the owner indicated that the sign will remain at this location near the hotel for an unknown period of time and then it will be removed. Additional comments were solicited but none were given. Commissioner Peery moved to approve U-02/03-25, a Special Use Permit application from Clear Channel Outdoor/Jake Smith, property owner: Jaswinder Singh, to allow the continued use of an off-premise sign on property zoned Retail Commercial located at US Highway 395, APN 008-053-30, based on five findings and subject to staff's recommended conditions of approval. Commissioner Christianson seconded the motion. Discussion indicated that the owner had not indicated to Mr. Johnson the length of time that the sign will be used. Motion carried 7-0.

G-4. U-02/03-22 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM BOB

HARBIN (1-2557) - Kevin Johnson indicated that he had read the staff report and did not have any comments. Commissioner Christianson moved to approve U-02/03-22, a Special Use Permit application from Viacom Outdoor, property owner: Carl Norris, to allow the continued use of an off-premises sign on property zoned General Commercial located at 5100 South Carson Street, APN 009-301-06, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Pedlar seconded the motion. Motion carried 7-0.

G-5. U-02/03-23 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM BOB

HARBIN (1-2575) - Kevin Johnson indicated that he had read the staff report. Commissioner Christianson moved to approve U-02/03-23, a Special Use Permit application from Viacom Outdoor, property owner: W. E. Hall, to allow the continued use of an off-premise sign on property zoned General Commercial located at 4849 Cochise Street, APN 009-282-01, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Peery seconded the motion. Motion carried 7-0.

G-6. U-02/03-24 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM BOB

HARBIN (1-2595) - Commissioner Sedway reiterated his intent to abstain on this item. He also explained that the sign is in the NDOT right-of-way and would be removed when the freeway is constructed. Mr. Johnson agreed and indicated that the date of removal is unknown at this time. Commissioner Peery moved to approve U-02/03-24, a Special Use Permit application from Viacom Outdoor, property owner: Nevada Department of Transportation, to allow the continued use of an off-premise sign on property zoned Conservation Reserve located at Eagle Valley Ranch Road, APN 007-511-03, based on seven findings and subject to staff's recommended conditions of approval. Public comments were solicited but none were given. Commissioner Christianson seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining. Chairperson Wipfli passed the gavel to Vice Chairperson Peery. (The entire Commission was present, constituting a quorum.)

G-8. U-02/03-26 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM JAKE

SMITH (1-2635) - Associate Planner Jennifer Pruitt showed slides of the sign which she described. Discussion noted that this sign is near K-mart and had been "cut down by mistake". The applicant was not present. Commissioner Pedlar moved to approve U-02/03-26, a Special Use Permit application from Clear Channel Outdoor/Jake Smith, property owner: Dr. Gordon Holmes, to allow the continued use of an off-premises sign on property zoned Retail Commercial located at 3590 North Carson Street, APN 007-462-03, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Allen seconded the motion. Public

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comments were solicited but none were given. Motion carried 7-0.

G-9. U-02/03-27 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM JAKE

SMITH (1-2682) - Associate Planner Jennifer Pruitt showed slides of the sign and described it. (Chairperson Wipfli stepped from the room at 6:02 p.m. A quorum was still present.) The applicant was not present. Public comments were solicited but none were given. Commissioner Pedlar moved to approve U-02/03-27, a Special Use Permit application from Clear Channel Outdoor/Jake Smith, property owner: Silver State Mobile Home Park, to allow the continued use of an off-premise sign on property zoned General Commercial located at 3400 US Highway 50 East, APN 008-302-04, based on seven findings and subject to staff's recommended conditions of approval. Commissioners Christianson and Allen seconded the motion. Motion carried 6-0-0-1 with Chairperson Wipfli absent.

G-10. U-02/03-28 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM JAKE

SMITH (1-2735) - Associate Planner Jennifer Pruitt showed slides of the sign and described it. The applicant was not present. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve U-02/03-28, a Special Use Permit application from Clear Channel Outdoor/Jake Smith, property owner: Eugene Lepire, to allow the continued use of an off-premise sign on property zoned General Commercial located at 5400 South Carson Street, APN 009-302-15, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Christianson seconded the motion. Motion carried 6-0-0-1 with Chairperson Wipfli absent. (Chairperson Wipfli returned during Vice Chairperson Peery's reading of the following Agenda Item heading--6:04 p.m The entire Commission was present, constituting a quorum.)

G-11. U-02/03-29 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM YOUNG

ELECTRIC SIGN COMPANY (1-2795) - Associate Planner Jennifer Pruitt, Applicant's Representative Ed Lawson - Ms. Pruitt showed slides of the sign and described it. Mr. Lawson agreed with the conditions. Public comments were solicited but none were given. Commissioner Pedlar moved to approve U-02/03-29, a Special Use Permit application from Young Electric Sign Company, property owner: John Tom Ross, to allow the continued use of an off-premise sign on the property zoned Retail Commercial located at South Carson Street, APN 009-051-10, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Allen seconded the motion. Motion carried 7-0.

G-12. U-02/03-30 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM YOUNG

ELECTRIC SIGN COMPANY (1-2842) - Associate Planner Jennifer Pruitt, Applicant's Representative Ed Lawson - Ms. Pruitt showed slides of the sign and described it. Mr. Lawson agreed with the conditions. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve U-02/03-30, a Special Use Permit application from Young Electric Sign Company, property owner: Jeanie White and Bruce Sanders, to allow the continued use of an off-premise sign on property zoned General Commercial located at 5200 South Carson Street, APN 009-301-05, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Pedlar seconded the motion. Motion carried 7-0.

G-13. U-02/03-31 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM GUY

LARSON (1-2883) - Associate Planner Jennifer Pruitt, Guy Larson - Ms. Pruitt showed slides of the sign and

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described it. Mr. Larson had read the staff report and agreed with the conditions. Public comments were solicited but none were given. Commissioner Pedlar moved to approve U-02/03-31, a Special Use Permit application from Reagan Outdoor Advertisement/Guy Larson, property owner: Esperanza Dufur, to allow the continued use of an off-premise sign on property zoned General Commercial located at 4769 South Carson Street, APN 009-287-02, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Allen seconded the motion. Motion carried 7-0.

G-14. U-02/03-32 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM GUY

LARSON (1-2932) - Associate Planner Jennifer Pruitt, Guy Larson - Ms. Pruitt showed signs of the sign and described it. Mr. Larson indicated that he had read the staff report and agreed with the conditions of approval. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve U-02/03-32, a Special Use Permit application from Reagan Outdoor Advertisement/Guy Larsen, property owner: Donn Simons and Jerry Mellow, to allow the continued use of an off-premise sign on property zoned General Industrial located at 5740 US Highway 50 East, APN 008-391-097, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Pedlar seconded the motion. Motion carried 7-0.

G-15. U-02/03-33 - ACTION ON A SPECIAL USE PERMIT REQUEST FROM PHIL

GIELOW (1-2978) - Associate Planner Jennifer Pruitt displayed slides of the sign and described it. The applicant was not present. Public comments were solicited but none were given. Commissioner Kimbrough moved to approve U-02/03-33, a Special Use Permit application from Phil Gielow, property owner: Harrah's Operating Company Incorporated, to allow the continued use of an off-premise sign on property zoned General Commercial located at US Highway 395/US Highway 50, APN 009-284-01, based on seven findings and subject to staff's recommended conditions of approval. Commissioner Allen seconded the motion. Motion carried 7-0. Vice Chairperson Peery returned the gavel to Chairperson Wipfli. (The entire Commission was present constituting a quorum.)

RECESS: A recess was declared at 6:13 p.m. A quorum of the Commission was present when Chairperson Wipfli reconvened the meeting at 6:20 p.m. Commissioner Sedway returned during Mr. Plemel's introduction on the following item-6:23 p.m. (The entire Commission was present at that time, constituting a quorum.)

G-16a. MPA-02/03-2 - ACTION ON A REQUEST FROM R. O. ANDERSON ENGINEERING, INC., TO AMEND THE LAND USE ELEMENT MASTER PLAN; AND G-16b. ACTION ON A CHANGE OF LAND USE REQUEST FROM R. O. ANDERSON ENGINEERING, INC. (1-3047) -

Principal Planner Lee Plemel, Applicant's Representative Keith Ruben, Ann Gerken, and School District Director of Operations Michael Mitchell, Don Elsele, Linda Elsele, Joe Borges, and John Innes, Senior Planner Rob Fellows, Deputy District Attorney Jason Woodbury, Property Owner William Kruger - Mr. Plemel distributed copies of the staff report to the audience. He also explained the request by the applicant to change the zoning to Single Family 12,000 and not the indicated Single Family 21,000. Slides of the site were shown and described. Comments from the public were included with the staff's report except for those that were distributed as late material prior to the meeting. Their concerns were limned. Discussion between staff and Mr. Plemel indicated that the proposal moves the friction zone by transferring a portion of the General Industrial use to Multi-Family. This provides a transition between the General Industrial uses and the Single Family Residential uses. Comments questioned how the Multi-

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Family Apartment zoning had occurred. Clarification also indicated that the Multi-Family use is seen as creating noise and traffic which is similar to that found with Commercial and Industrial zones. For this reason, it was felt to be a better buffer than Single Family uses. Commissioner Kimbrough pointed out that when such uses abut each other, the industrial uses are normally forced to leave the area.

Mr. Ruben explained the request to change the property on the east side of Lepire to Single Family 12,000 and requested the record be corrected to show this change. He cited the need for affordable housing. The vacancy factors found in the industrial area justified reducing the amount of zoning for those uses at this time. The Fire Department allegedly supported the change. The major project review process will address the traffic concerns. The high residential use generates a high ambient noise level which can be used to buffer the industrial noise. The low density residential lots were felt to be an anomaly as it is surrounded by Multi-Family Apartments and industrial sites. He preferred to place the Multi-Family units against the General Industrial zone. He also explained that his clients could not support staff's alternate recommendation and, if the high residential use is not allowed, requested the current land use remain. Justification for the Single Family 12,000 on the east side of Lepire was discussed. Mr. Ruben had not been aware of discrepancy in the SF12 and SF21 land uses until he met with staff on Tuesday. He had made the error when he completed the application. The intent had always been for Single Family 12,000 and splitting the lots on the east side of Lepire Drive. Clarification explained the access/egress routes including Lepire Drive, Pheasant Drive and the proposed right turn only street as well as the stop signs and signals. Chairperson Wipfli's concerns with the project included traffic, the impact to the school, the loss of the industrial uses in the area, the friction zone which will be created, the impact to City services, and the creation of a project containing 100 percent low cost housing. He urged the Commission to analyze the PUD plan carefully and not just approve the land use change by itself. Commissioner Pedlar indicated that he did not agree with all of his comments, however, he would hold his comments until later.

Public comments were solicited. Ms. Gerken explained how the 12 large residential parcels to the east had been developed. Those residents had allegedly believed that they were to abut Single Family Residential uses. She urged the Commission to maintain that zoning. They had allegedly understood that there is Multi-Family and Industrial uses in the vicinity. They asked the Commission to retain the current Single Family Residential uses on the east side of Lepire Drive. They opposed the request to change the SF-21 use to SF-12. Ms. Gerken also felt that the developer would need to remove the illegal fill that had been placed against the Mexican Ditch. She also pointed out that Lepire Drive extends into her subdivision and that it had not been included in the study of the traffic impact. The proposed residential uses will also impact this narrow street. Clarification between Ms. Gerken and Commissioner Pedlar indicated that the residents also asked that the industrial zone on the south side of their subdivision be changed to Single Family residences. The impact created by the proposed SF-12 on Ms. Gerken's area was discussed.

Mr. Mitchell explained the impact the project will have on the Empire School. It may be necessary to change the school boundary or go to a multi-track schedule in order to mitigate some of this impact. The financial impact created by the demand for additional transportation and teachers was also noted. (During his comments Commissioner Pedlar stepped from the room—7:13 p.m.—and returned—7:15 p.m. A quorum was present the entire time.) Discussion between Chairperson Wipfli and Commissioner Pedlar reiterated the impact which would be created on the School District.

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Mr. Elsele asked that the record indicate his support of Ms. Gerken's comments. He requested a buffer of Single Family residences facing Lepire Drive to the top of the hill. He also felt that the reduction in SF21 to SF12 would not work due to the drop-off to the Mexican Ditch. He requested that the project be rejected and return as a Planned Unit Development which would allow the public to know what will occur on the property as well as the access/egress routes, signals, etc. Ms. Elsele explained her employment in real estate and the difficulty she encountered keeping a 98-unit apartment complex fully occupied. She encouraged the developer to find already zoned multi-family apartment property in the community and to develop it. Mr. Borges explained his location and that he did not want to see apartments around his residence. (Commissioner Christianson stepped from the room during his comments—7:21 p.m.—and returned at 7:23 p.m. A quorum was present the entire time.) Mr. Borges felt that more single family residences were needed in the City and that the open space should be protected. Apartments with the extra parking requirements were not desired in his area. Chairperson Wipfli pointed out that the Commission must consider both his and Mr. Lepire's quality of life issues. Mr. Innes supported Ms. Gerken's comments. He was very concerned about the impact on his quality of life. He had discussed the development with Mr. Lepire. He felt that there had been a commitment to have Single Family residences against the back side of the mortuary. He was not aware of the intent to put apartments in that area. He felt that if apartments are allowed there should be a buffer between his residence and the apartments and that access to the apartments should not be allowed from Lepire Drive except for the industrial area and the mortuary. He also pointed out the traffic congestion problems occurring on Edmonds Drive. He encouraged the Commission to install additional signals on it. Additional public comments were solicited but none were given.

Discussion between Mr. Fellows and Commissioner Sedway explained the sidewalk, curb and gutter improvements required on Lepire Drive. Commissioner Peery explained his concern with the project was not related to the displacement of the industrial area, which he felt had not been well thought out in the beginning. His concern was related to the "all or nothing" requirement, the density, and the impact to the City created by that density. He preferred that the proposal be withdrawn and resubmitted with the plan for usage that addresses all of the issues. This will allow for proper planning as had been required before. Commissioner Pedlar indicated that he could not support the application as submitted. He was not opposed to the multi-family unit but was opposed to the inflexibility related to the issues and the proposed zoning for the three lots on the east side of Lepire. The neighbor's comments were valid and should be considered. He also felt that the likelihood of heavy industrial usages occurring on the site was remote. With additional thought the Multi-Family Apartment component could be made acceptable. The information should be corrected to reflect the intent. The Commission must evaluate the information as presented, however, there are serious concerns that must be addressed. Chairperson Wipfli felt that the project had merit as it reduces the industrial zone. The industrial buildings adjacent to the site are not rented and are an inappropriate use abutting the residential area. He also believed that the plan needed additional thought and better planning. The neighbors' concerns and the impact to City services should be addressed. The proposed density also posed a problem for him. The Commission should not make a project viable for a developer. He apologized if it was felt that his comments were rude, however, he felt that the Commission should reject the application and that the applicant should reduce the density and work with the neighbors to find compromises. Commissioner Sedway expressed his desire to have a specific plan indicating what the intent is and pointed out that the traffic plan will work only if a new street provides another access to the area. The proposed plan only indicates that it "might be put in". Without such a road, Lepire Drive will have a service level of "D" or worse during peak traffic periods. Commission options were noted. Comments from the applicant were solicited. Mr. Ruben requested a recess.

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RECESS: At 7:33 p.m. a recess was declared. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 7:41 p.m., constituting a quorum

(2-1012) Mr. Ruben indicated that after consulting with his client that they wished to keep the three lots on the east side of Lepire Drive zoned SF21 as submitted in the staff report. A second request was to consider a different single family lot size buffer along Lepire Drive which would be a 6,000 to 8,000-square foot zone. Discussion between Mr. Woodbury and Chairperson Wipfli indicated that the proposed deviations for the 6,000 to 8,000 square foot lots would require renoticing/reconsideration of the application. Mr. Ruben felt that as staff had proposed an alternative motion which would allow this use, it should not be necessary to delay and reconsider the request. Chairperson Wifli explained that the Commission did not agree with that recommendation. Commissioner Sedway felt that the density was too high for the area and that the neighbors wanted a buffer along Lepire Drive with less density. Chairperson Wipfli also wanted to see a lower density. Mr. Ruben indicated that they did not have a conceptual plan for the site at this time. Commissioner Pedlar indicated that he could not support the plan with the proposed changes and suggested that Mr. Ruben request a continuance. He also indicated that it may be possible for the applicant to have the Board of Supervisors override the Commission's decision, however, the Board normally accepts the Commission's recommendation. A continuance may allow time to support a revised plan. Commissioner Peery supported his comments and suggested that the applicant consider the neighbors' concerns. He, too, felt that the applicant should withdraw the application or risk being denied. Mr. Ruben requested a continuance. Chairperson Wipfli explained that the continuance allows the application to be delayed until it is ready to be brought back. He also indicated his desire for the applicant to withdraw the proposed application and submit a revised one as a PUD supporting the proposed plan will not address the undesirable factors. The density is the issue. The project should be compatible with the surrounding neighborhood. Discussion ensued between Mr. Plemel and the Commission concerning the options—continuance, denial, and/or withdrawal. It was felt that the proposed plan should be withdrawn and a new plan submitted which addressed the density issues. A new fee will not be required. Mr. Ruben expressed his concern about the deadline for amending the master plan and questioned whether he would be allowed to submit an amendment outside this timeframe. Commission comments indicated that he should be allowed to withdraw the proposed plan and submit a new plan without concern for the deadline if the request is continued. Clarification for Mr. Ruben indicated that the density issue needed to be addressed, a better buffer established along the industrial zone, and compatibility between uses provided. Concern was also expressed about the impact the project will have on the neighborhood school. Discussion elaborated on the reasons for wanting to see a revised plan and a reduction in the density. Commissioner Kimbrough expressed his support for a continuance and objection to a denial due to his belief that the applicant had attempted to revise the plan as requested. The school cannot pick the location for high density uses. Affordable housing is needed in the community. Commissioner Peery felt that a proposed Planned Unit Development should be submitted with the land use amendment. He also explained his belief that a lack of communication had occurred on the project which could have developed a better proposal. Commission comments reiterated the desire to see additional buffering and a lower overall density. A high density area could be developed on a portion of the property provided adequate buffering is provided. They also encouraged the neighbors to understand the uses that are allowed on the property and to be more willing to compromise. Flexibility and communication from both sides were encouraged. Mr. Ruben requested a continuance without a specific date for returning to the Commission. Commissioner Christianson reiterated his desire to have the fees waived for the new proposal.

Mr. Kugler explained that they had developed the plan and met with staff on it. The form is not that desired by the

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Commission. Therefore, they requested a continuance to allow them time to work with staff and develop a more cohesive plan which the Commission and neighbors could support. Chairperson Wipfli reiterated his belief that the plan was not that far out. The neighbors and the comments expressed during the meeting should be considered. Mr. Kugler described the comments that had been expressed when he submitted a plan for a cellular tower on the property. He felt that he had met the requirements for the plan. He was willing to meet with the neighbors and submit a new plan. He also wanted something that was good for the community.

Commissioner Pedlar moved to continue Items 16-A and B with the stipulation that the fees paid by the applicant for this application will be applied to a revised application and a revised process. Commissioner Peery seconded the motion. Following a request for an amendment, Commissioner Pedlar amended his motion to indicate that it is to be continued without a time certain. Commissioner Peery continued his second. Motion was carried 7-0.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (2-1445)

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS; AND H-2. FUTURE COMMISSION ITEMS AND DATES -

The regional hospital proposal and the prioritization of the CDBG grants will be heard by the Board on March 6. The next Commission agenda will be short. A commercial development on South Carson will be on that agenda. Mr. Plemel explained that this is Mr. Pedlar's last meeting. Mr. Sullivan had been unable to attend due to family illness. He sent his best wishes to Mr. Pedlar. Mr. Plemel presented a briefcase to him as a present from the Department. Chairperson Wipfli thanked Commissioner Pedlar for his service and participation. He also explained that this was Mr. Woodbury's last meeting as he was entering private practice. Chairperson Wipfli and Mr. Plemel indicated that staff and the Commission had enjoyed working with him. Chairperson Wipfli and Mr. Plemel wished him success in the future.

I. ADJOURNMENT (2-1505) - Commissioner Peery moved to adjourn. Chairperson Wipfli seconded the motion. Motion carried unanimously. Chairperson Wipfli adjourned the meeting at 8:10 p.m.

The Minutes of the February 26, 2003, Carson City Planning Commission meeting

ARE SO APPROVED ON April 30, 2003.

/s/
Richard Wipfli, Chairperson