

CARSON CITY PLANNING COMMISSION

Minutes of the April 30, 2003, Meeting

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A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, April 30, 2003, 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, Roger Sedway, and Roy Semmens

STAFF PRESENT: Community Development Director Walter Sullivan, Senior Planner Lee Plemel, Senior Engineer Rob Fellows, Deputy District Attorneys Melanie Bruketta and Mary Margaret Madden, Recording Secretary Katherine McLaughlin, Senior Engineering Technician Kathryn Streeter, and Associate Planner Jennifer Pruitt (4/30/03 Tape 1-0015)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented or clarified the staff report/supporting documentation as well as any computerized slides that may have been shown. Any other individuals who spoke are listed immediately following the item heading. A tape recording of these proceedings is on file in the Clerk-Recorder's office. This tape is available for review and inspection during normal business hours.

A. ROLL CALL, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE -

Chairperson Wipfli convened the meeting at 3:30 p.m. Roll call was taken. A quorum of the Commission was present although Commissioner Christianson did not arrive until 4:37 p.m. Commissioner Sedway lead the Pledge of Allegiance.

B. APPROVAL OF MINUTES - 1/18/02; 1/29/03; AND 2/26/03 FOR THE PLANNING COMMISSION AND 2/26/03 FOR GROWTH MANAGEMENT (1-0023) -

Commissioner Allen moved to accept the Minutes. Commissioner Kimbrough seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-0030) - Community Development Director Walter Sullivan introduced and welcomed Commissioner Semmens, Deputy District Attorneys Mary Margaret Madden and Melanie Bruketta, and Senior Engineering Technician Kathryn Streeter.

D. MODIFICATIONS (1-0050) - None.

E. DISCLOSURES (1-0052) - Commissioner Semmens disclosed that he had met with Carrie Henson. Commissioner Sedway disclosed that he had a discussion with Ms. Henson.

F. CONSENT AGENDA (1-0059)

F-1a. D-02/03-7A - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-07

F-1b. D-02/03-7B - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-08

F-1c. D-02/03-7C - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-09

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F-1d. D-02/03-7D - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-10

F-1e. D-02/03-7E - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-11

F-1f. D-02/03-7F - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-12

F-1g. D-02/03-7G - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-13

F-1h. D-02/03-7H - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-14

F-1i. D-02/03-7I - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-15

F-1j. D-02/03-7J - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-16

F-1k. D-02/03-7K - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-17

F-1l. D-02/03-7L - ACTION TO ACCEPT A DEDICATION OF RIGHT-OF-WAY FOR A PORTION OF APN 010-641-18

F-2. AB-02/03-3 - ACTION TO CONTINUE A REQUEST FROM DAVID AND GLORIA J. HARJES FOR AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY

F-3. U-00/01-29 - ACTION TO APPROVE THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR JOY COLEMAN - Commissioner Peery moved to approve the Consent Agenda as read. Commissioner Allen seconded the motion. Motion carried 6-0.

G. PUBLIC HEARING

G-1. U-02/03-39 - ACTION TO APPROVE A SPECIAL USE PERMIT REQUEST FROM GREGORY HENDRICKS AND MARGIE QUIRK (1-0154) - Community Development Director Walter Sullivan, Senior Planner Rob Fellows, Greg Hendricks, Merlyn Paine - Mr. Fellows explained that the present barn will be removed. The drainage issues will be addressed when Mr. Hendricks constructs the new barn. A swale will be used to handle the water. Mr. Hendricks indicated that he had read the staff report and agreed with it. He had not been aware of a drainage problem but would do whatever is necessary to address it if it is a problem in order to be a good neighbor. Mr. Sullivan amended Condition 2 to be: All on and off-site improvements shall conform to City standards and requirements including appropriate drainage requirements. Mr. Hendricks agreed to the revision. Mr. Sullivan indicated that both the Building and Engineering Departments will review the drainage with Mr. Hendricks. Mr. Hendricks felt that there was a minimal amount of water involved and, therefore, the drainage requirement had come as a surprise to him. His observation has been that the water may have touched the fence line once or twice during the seven years he has lived on the property. Chairperson Wipfli felt that the problem should be solvable. Public comments were solicited.

Ms. Paine indicated that she had written a letter and sent a fax to the Planning Department. Their concern was not "huge". She explained that the ordinance requires transferring the drainage to the road. The road is the furthest point

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from the drainage area. BLM owns the property to the north. On the south side is a "drainage gorge". She suggested that a different location be used for the drainage.

Discussion indicated that the parcel map shows a drainage easement running along the common lot line. Commissioner Sedway pointed out that no more than six animal units are allowed on the property. Commissioner Sedway moved to approve U-02/03-39, a Special Use Permit request from Gregory Hendricks and Margie Quirk to allow accessory structures that exceed 75 percent of the primary structure on property zoned Single Family One Acre located at 6051 Pursia Road, APN 010-087-15, based on seven findings and subject to 11 conditions of approval contained in the staff report with the modification to Condition 2 as defined by Mr. Sullivan. Commissioner Allen seconded the motion. Motion carried 6-0.

G-2. M-02/03-7 ACTION TO REVIEW THE DEFINITION OF AN "AESTHETICIAN" (1-0305) - Community Development Director Walter Sullivan, Mary Shuler, Jed Block - Discussion indicated that the use is allowed in beauty shops, etc. Ms. Shuler explained that she had read the report and agreed with it. They are licensed. She also has a massage therapist license. Public comments were solicited. Mr. Block indicated that he is a business owner and owns the property adjacent to Ms. Shuler. He did not object to the business. Additional comments were solicited but none were given. Commissioner Kimbrough moved to approve the applicant's request for an aesthetician to be added to the allowed uses in residential office, RO, zoning district on the basis that the definition provided by the NRS "Aesthetician" means any person who engages in the practices as indicated in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.

G-3. U-01/02-27 - ACTION TO APPROVE THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR CARRIE HENSON (1-0405) - Associate Planner Jennifer Pruitt, Carrie Henson, Building Official Phil Herrington, Senior Engineer Rob Fellows, Community Development Director Walter Sullivan - Ms. Pruitt explained the reason Ms. Henson had given for not completing the Conditions of Approval was that the permit was only temporary. When she is given the permanent permit, she indicated that she will comply with the remaining conditions. Ms. Pruitt explained that it is not a temporary permit. The special use permit conditions must be complied with before a business license can be issued. When the business license application was received, a status request was sent to all of the Departments. The Health and Fire Departments indicated that she was in compliance with their conditions. The Building and Engineering Departments had outstanding issues. The Business License was then placed on hold. The conditions of approval were limned. The five remaining conditions were explained. They are 1, 2, 16, 17, and 19. Ms. Pruitt agreed that Ms. Henson had done a lot of work even though there are five remaining issues. Staff had allegedly received two complaints regarding the driveway and access/egress issues. The Business License was issued in error on 1/2/03. This license was rescinded last week due to the outstanding Conditions of Approval. Ms. Pruitt also explained Condition 3 which allows a one time extension of the Special Use Permit. There are 33 childcare facilities located in Carson City. The number of children that they care for ranges from six to 98. These facilities are found throughout the community and in different zoning districts. Their conditions of approval vary. Ms. Henson has continued to operate her facility and ignore staff's requests for compliance. Ms. Pruitt recommended a show cause hearing be held to force her to comply. The process will take 60 days to complete.

Ms. Henson indicated that she had read staff's report. The original concern had related to the traffic. She had video

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taped traffic using the driveway. She admitted that she had not done the parking lot. She alleged that she had submitted five different sets of plans for it. She claimed that the last one was submitted on 12/16 and not the indicated 11/5. She claimed that she had not been aware of the parking requirements when she agreed to them. She claimed that she had complied with all of the conditions except the parking lot. She had looked at the parking lot of the childcare facility adjacent to hers. It does not have striping or paving over the entire area. Chairperson Wipfli pointed out that she had known about the conditions when she attended the meeting and agreed to them. The adjacent facility had been there and in operation for some time. The Code requirements evolved during that period. Ms. Henson explained that there had not been that many changes. She did not want a large parking lot at the back of her residential lot. It would decrease the value of her residence. The neighbor could sell his special use permit. She could not. She felt that she was being burdened with requirements that others did not have to follow as indicated by two other examples which she described. She repeated her contention that she had not known what she had agreed to do when she agreed to complete all of the conditions. She claimed that the conditions required inside the facility had been met. This included the emergency and handicapped exits. She allegedly had pictures to prove it. She had purportedly given staff copies of this information.

Mr. Herrington explained that it may be possible for Ms. Henson to have complied with several of the Conditions, however, until the permit is issued, his staff cannot investigate and finalize the Conditions. The Fire Department does not consider Building Code items.

Mr. Fellows explained Engineering's efforts to work with Ms. Henson. City Engineer Larry Werner had offered her a concession on the driveway. The parking lot construction has not occurred. It also requires a building permit. A set of plans stamped by an engineer are required before the permit can be issued. The work has not been done. The permit should cover drainage as well as the parking lot.

Ms. Henson alleged that she had submitted five sets of plans to the City. Marv Lepire, an NDOT engineer, had allegedly not been aware of the requirement that the plans be stamped until Ms. Henson had received a letter from Mayor Masayko indicating the need. She then stated that she could not afford to put all of this money into a residential home. The facility will not need drainage mitigation measures if the parking area is not paved. The parking area at the next door facility is not paved. Chairperson Wipfli explained that she could have five children without making any changes to the building/lot. As she wanted a commercial facility, the Code requirements must be adhered to. Ms. Henson should have been aware of this need when she elected to have the commercial operation. Safety concerns for the children had been included in the Conditions. The Commission had also attempted to work out the issues between her facility and the abutting facility, which had included the access/egress. Ms. Henson felt that a traffic problem does not exist. Chairperson Wipfli explained that as there were to be 30 children at the facility, the Commission had not wanted her clients to back into the Roop Street traffic. Ms. Henson had accepted the condition when it was discussed. Ms. Henson indicated that she had not known about the need for striping when she signed the receipt for the Conditions of Approval. She also explained that she had a video showing that there are no traffic problems. Chairperson Wipfli responded that the City Engineer determines the traffic improvements that are required. The video does not indicate where or when the taping occurred. Ms. Henson replied that it is time stamped and dated.

Commissioner Peery explained that the requirements had been stated. There are deficiencies. Staff will continue

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to work with her even while the show cause moves forward. The Conditions need to be met. Commissioner Kimbrough pointed out that Ms. Henson was attempting to change the rules in the middle of the process. She had signed the form accepting the conditions. Chairperson Wipfli explained the changes which had occurred that now mandate sidewalks be installed whenever new construction or remodels occur. As times and conditions change, safety issues arise and mandate implementing new requirements. Ms. Henson repeated her contention that she did not need a paved parking lot. Chairperson Wipfli explained that she should plead her case during the show cause hearing. Ms. Henson then indicated that she had agreed to construct a parking lot but not the elaborate one required by the City. Chairperson Wipfli indicated that for this discussion to occur, a show cause hearing must be held.

Commissioner Peery attempted to explain to Ms. Henson that as the new "kid on the block" she was being required to meet new standards which had been developed due to public safety concerns. For this reason she was required to make improvements which the adjacent facility did not have to meet as its license had been issued some time ago. Examples of these improvements were provided. Ms. Henson repeated her contention that she will not be able to sell the residence as a residence with all of the improvements that are being required. She could not sell the facility as a commercial childcare as the Special Use Permit does not run with the land. Chairperson Wipfli explained that the adjacent facility had obtained its license ten or more years ago. At that time the permit went with the land. This allowed the permit to be transferred to a new owner/operator. The permit is now considered a special privilege and there is a need to protect the welfare, safety, and health of the general public. Therefore, it is no longer allowed to be transferred as a property right. If and when Ms. Henson leaves the location, the facility will revert back to a private residence or a small daycare with less than six children. Due to the concerns, he reiterated the desire to move forward with the show cause hearing. Discussion indicated that the Commission and Ms. Henson had discussed and agreed to staff's recommended Conditions of Approval. Ms. Henson repeated her contention that she had not agreed to all of the conditions and that she had been fighting against it/them. Chairperson Wipfli suggested that when she disagreed with staff, she should have advised them of the disagreement and appealed staff's ruling to the Board of Supervisors. Ms. Henson felt that she was appealing the requirements today and that the Commission was to hear her appeal today. Chairperson Wipfli explained that they are beyond the appeal process and are now at the point of discussion regarding the need for a show cause hearing for failure to comply. Ms. Henson then indicated her desire to appeal. Chairperson Wipfli explained that the Commission should not consider the parking requirements as the City's expert has indicated that they are needed. Ms. Henson contended that she was not impacting anyone with her present access/egress. Chairperson Wipfli advised her to appeal to the staff and to be prepared to show why it should not be required during the show cause hearing. Ms. Henson reiterated her desire to appeal.

Mr. Sullivan explained that the appeal of the Conditions should have occurred immediately after the permit was approved. Ms. Pruitt had attempted to explain the process in her October 17 letter. He then pointed out that earlier in the meeting under the Consent Agenda the Commission had approved a one year review of a childcare facility. Ms. Henson had circled Condition No. 9 and indicated that she had disagreed with it. The applicant on the Consent Agenda had a similar condition on her/his permit as well as handicapped, access and egress requirements, etc. He urged the Commission to support staff's recommendation and to move forward with the show cause. Ms. Henson could then appeal the determination of the show cause hearing to the Board of Supervisors.

Commissioner Kimbrough explained that Ms. Henson should not come to the Commission at this point with different ideas on how the issues should be resolved. Staff is the expert. The Commission lacks the expertise to determine

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if such suggestions are safe, wise, or prudent. He personally hoped that all of the alternatives are addressed before the issue is brought to the Commission. He could not watch cars entering/exiting a driveway and determine the safety factors for those movements as he does not consider traffic issues which traffic engineers understand. Ms. Henson expressed her feeling that an NDOT engineer should be qualified to make the same evaluations. Commissioner Kimbrough explained that the Commission is not the jury. He will look to City staff for an explanation of the requirements and to pursue any fact finding issues. The Commission must adhere to the Statutes/Codes. Ms. Henson explained that taxpayers and citizens make the rules. Her discussions with other individuals indicate that she does not need the elaborate parking lot staff is requiring. She would be the first one in the area to be required to develop the parking as mandated. It will make it impossible for her to sell her residence in the future as it will appear to be a commercial building. Chairperson Wipfli explained that as she wanted to have 30 children, she was required to obtain a commercial license. The building is no longer being used as a residence. Ms. Henson had asked for special permission to have the commercial facility in a residential area. The facility could have been placed in a different zone. She had changed the neighborhood with her commercial establishment. The Commission had established Conditions which were for the betterment and safety of the children. If she did not want to have a commercial childcare facility at the location, she could leave it as a residence. Ms. Henson indicated that as a residence she would not be able to have as many children there. She reiterated her contention that she was the only one being forced to comply with these Conditions.

Commissioner Peery explained that there had been a six-month timeline for her to comply with the Conditions. The Commission had attempted to give her a chance. The standards that had been set were in accordance with City rules. As the Conditions have not been met, the facility fails to meet the Code requirements. He urged Ms. Henson to use the time before the show cause hearing to complete the requirements. Failure to comply may force the Commission to revoke the Special Use Permit. (Commissioner Christianson arrived during this discussion—4:37 p.m. The entire Commission was present, constituting a quorum.) Ms. Henson expressed her intent to appeal.

Discussion ensued between Commissioner Sedway and Mr. Fellows clarifying the outstanding Conditions of Approval—No. 1, 2, 17, and 19—and explaining the reasons for requiring them. Condition 17 had been amended to allow the City Engineer to monitor the driveway and if it is determined that it truly must be widened, then the trees will have to be removed. The commercial parking plan must be submitted by a certified engineer or architect due to the needs to address the drainage. As the building permit has not been issued, City staff has been unable to verify that all of the interior Code requirements have been met. Once all of the Conditions have been completed and verified by City staff, Community Development will sign off on the Business License. The Business License will then be issued and Ms. Henson can open for business. At this time Ms. Henson is operating without a Business License due to her failure to comply with the City Codes. Condition 3 indicates that the use may commence within one year. Failure to commence the use within that timeframe voids the Special Use Permit unless a one year extension is requested and granted. Condition 16 mandates she obtain a Business License. She had been issued one in error. It has since been inactivated. The next step is for the Commission to order a show cause hearing as indicated in CCMC 18.02.095, which was read into the record. The notification and timetable for the process were described. Mr. Sullivan felt that the hearing could be conducted at the next regular meeting. The Commission could revoke or modify the Special Use Permit. Ms. Henson could appeal the Commission's decision to the Board of Supervisors. If the Commission decides to modify the conditions it could, however, variances to the Code/Statutes must be addressed by the Board of Supervisors. Public comments were solicited but none were given.

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Commissioner Christianson indicated that he would abstain as he had not been present during the entire discussion. Mr. Sullivan iterated staff's recommendation that the Commission move forward with the show cause hearing. Mr. Plemel delineated the timeframe for the process. The hearing will be held in June. Staff will investigate the status of the Conditions in May. Ms. Henson could elect to meet with staff and resolve the issues. It may be possible that Ms. Henson's expectations are not as envisioned by staff. Comments encouraged Ms. Henson to meet with staff and attempt to resolve the issues. Chairperson Wipfli explained that the show cause hearing may be the impetus required for this discussion/completion of the conditions to occur. Mr. Sullivan pointed out that the same process had been used with another childcare facility owner. He had elected to comply with the conditions and was able to complete the process before the hearing was scheduled. Clarification indicated that Ms. Henson could bring legal counsel with her to the staff meetings if desired. The main thing is for her to comply with the conditions which includes having an engineer/plan-er/architect explain the plans. Commissioner Peery referenced the 10/17 letter and, specifically, Paragraph 3, which he read, that had clearly indicated the need for her to contact staff regarding their requirements. Ms. Henson's failure to heed the advice had created the misunderstandings.

Commissioner Semmens moved to direct the Planning and Community Development staff to investigate this Special Use Permit and commence the Show Cause procedures to determine whether grounds for revocation exist for Special Use Permit U-01/02-27 at 2117 South Roop Street on APN 009-093-03. Commissioner Peery seconded the motion. Motion carried 6-0-1 with Commissioner Christianson abstaining.

RECESS: A recess was declared at 4:55 p.m. The entire Commission was present when Chairperson Wipfli reconvened the meeting at 5:10 p.m., constituting a quorum.

G-9. V-02/03-3 - ACTION TO APPROVE A VARIANCE REQUEST FROM JOAN C.

WRIGHT AND GREGORY J. HAYES (1-1518) - Joan Wright explained the request for a variance had been submitted due to a desire to complete the project within this summer's construction period. They are also working on an abandonment which will eliminate the need for the variance. She then requested a continuance. Public comments were solicited. Jed Block indicated his support for the project and the continuance. Commissioner Christianson moved that the Commission grant a continuance to V-02/03-3, a Variance request from Joan C. Wright and Gregory J. Hayes. Commissioner Allen seconded the motion. Motion carried 7-0. Community Development Director Walter Sullivan indicated that the issue will be considered by the Planning Commission in May.

G-6. U-02/03-38 - ACTION TO APPROVE A SPECIAL USE PERMIT FOR RICHARD

MALLON (1-1571) - Senior Planner Lee Plemel, Applicant's representative Darin Shaver - Mr. Shaver indicated that he/the applicant had read the staff report and concurred with it. Public comments were solicited but none were given. Commissioner Christianson moved to approve U-02/03-38, a Special Use Permit request from Richard Mallon, owner: Hershale Martindale, to allow outside sales and display as a conditional use within the right-of-way on property zoned Retail Commercial located at 3244 South Carson Street, APN 009-111-09, based on seven findings and subject to 12 conditions of approval contained in the staff report. Commissioner Peery seconded the motion. Motion carried 7-0.

G-4. AB-02/03-5 - ACTION TO APPROVE A REQUEST FROM DANNY R. RASNER, ET AL., FOR AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY (1-1686) - Associate Planner Jennifer

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Pruitt, Karen Rasner, Senior Engineer Rob Fellows, Community Development Director Walter Sullivan - Mr. Rasner was unable to appear. Ms. Rasner was present as the applicant's representative. Clarification indicated that RTC Engineer Harvey Brotzman's comments were for an abandonment that had been withdrawn. Mr. Fellows added two conditions to the report which had been overlooked when the listing of conditions was drafted. Ms. Rasner indicated that she had read the report and concurred with it. Mr. Fellows explained the two conditions—that the abandonment would be subject to preserving the easements for existing sewer, water, reclaimed water, storm drainage, public utilities and existing facilities, that a ten foot wide public utility easement (PUE) will be needed along West Seventh Street for those facilities, that no permanent structures can be constructed within the easement that is reserved, and that the applicant must provide for perpetual flow through the area for drainage. Mr. Sullivan clarified the prohibition against permanent structures to indicate that block walls may not be constructed, however, fences are allowed. Chairperson Wipfli also explained that storage sheds may be placed in the easement if they are moveable. Mr. Fellows explained the term "PUE" and reasons for needing to maintain it. Ms. Rasner agreed to the additional conditions. Ms. Pruitt explained that Condition 7 was based on Mr. Rasner's agreement with the adjacent property owners in which Mr. Rasner had indicated that he would not fence in the area that is being abandoned. Public comments were solicited but none were given. Commissioner Peery moved to approve a motion to recommend that the Board of Supervisors approve application AB-02/03-5, an abandonment of a ten foot wide portion of the right-of-way, alley way, and an eight foot wide portion of the southernly portion of West Seventh Street located south of West Seventh Street, north of West Eighth Street, east of South Minnesota Street, and west of South Division Street based on nine findings, two of whom were elucidated by Mr. Fellows and seven that are contained in the staff report, and subject to nine conditions of approval. Commissioner Allen seconded the motion. Motion carried 7-0.

NOTE FOR THE RECORD: The Board of Supervisors approved this abandonment on May 15, 2003 based on seven findings. Commissioner Peery misspoke when he stated nine findings as Mr. Fellows had added conditions and not findings.

G-5. U-02/03-37 - ACTION TO APPROVE A SPECIAL USE PERMIT REQUEST FROM ADMART OUTDOOR ADVERTISING (1-1980) - Senior Planner Lee Plemel, Applicant's Attorney Jim Rankl, Admart Outdoor Advertising Owner David Kropelnicki, Community Development Director Walter Sullivan- Discussion between Mr. Plemel and the Commission questioned the height of the building and the proposed sign. Commissioner Christianson suggested that the utility lines be relocated as they create a negative impact on the sign. Mr. Plemel also indicated that the proposed billboard will be an addition to any signage already located at the site. Mr. Rankl introduced Mr. Kropelnicki. It was Mr. Rankl's understanding that the sign in front of the building will be removed. The approximate area where the billboard is to be located was indicated as being in the area of the present dilapidated sign. Mr. Rankl stipulated that the dilapidated sign will be removed. They do not have any plans to move the utility lines. The sign will be located behind the utility lines. Mr. Kropelnicki indicated that he had read the staff report and concurred with it. He felt that the distance between the billboard and the Highway reduces visibility of the lines and their impact on the sign. The lines will not be noticed. The sign is to be ten feet high by 40 feet wide. It is taller than the building. Discussion between Mr. Sullivan and the Commission indicated that the area is not presently been designated as a part of the Redevelopment area, however, its inclusion is being discussed. It was also indicated that the proposed billboard site is more than 1000 feet from a Redevelopment area and is 1800 feet from another billboard. As the Code requires a distance of 1000 feet between billboards, placement of this billboard will not allow a second billboard to be placed between it and the one that is 1800 feet away. If the area

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becomes part of a Redevelopment District, the signs will be grandfathered until they are displaced by development or the property is vacated. Then they must be removed. Mr. Plemel explained the signage that had been removed when the Holiday Inn and Albertson's on North Carson were constructed. Discussion also noted the billboard Special Use Permit that had been appealed to the Board of Supervisors. The Board had overturned the Commission's decision and the Special Use Permit was issued. Requirements included in the ordinance when it was modified in 1986-87 were limned. Mr. Sullivan felt that the City had a good ordinance and that it will prevent signs on every street corner. The number that have been removed and the number that have been approved since 1986-87 was explained. As all of the billboards that have been approved since 1986-87 have complied with the 1,000 foot rule, Mr. Sullivan felt that it would be difficult to place billboards closer together. Mr. Plemel explained his feeling that staff had not been able to articulate the concerns regarding sign clutter to the Board. The applicant's sign complies with the Code. The closest sign to the proposed site is 1800 feet away. A business license fee is assessed for the sign. The fee must be paid before the copy is placed on the structure. Mr. Kropelnicki indicated that he would pay the fee and that he also pays property taxes on the sign. Public comments were solicited but none were given. Commissioner Peery moved to approve U-02/03-37, a Special Use Permit application from AdMart Outdoor Advertising, property owner: Donald Denton, to allow the placement of a billboard on property zoned General Industrial located at 6369 Highway 50 East, APN 008-521-76, based on seven findings and subject to 12 conditions of approval contained in the staff report. Commissioner Allen seconded the motion. Mr. Sullivan noted the stipulation that the billboard replaces the existing signage. The motion was voted and carried 5-2 with Commissioners Sedway and Semmens voting Naye.

G-7. A-02/03-13 - ACTION TO APPROVE AN ORDINANCE AMENDING CCMC

18.04.190, RESIDENTIAL DISTRICTS INTENSITY AND DIMENSIONAL STANDARDS, AND DEVELOPMENT STANDARD DIVISION 1, LAND USE AND SITE DESIGN, ETC. (1-2327) -

Discussion between the Commission and staff indicated Mr. Guzman's stand on cul-de-sacs had been overruled by staff due to the desire to provide connectivity and that the computer enhanced slide contained a typographical error - the word should be "for" instead of "fro". Public comments were solicited but none were given. Commissioner Semmens moved to recommend that the Board of Supervisors approve A-02/03-13, a Zoning Ordinance Amendment modifying the Residential Site Development Standard tables of the Carson City Municipal Code, Title 18, Section 18.04.190, and the Carson City Development Standards Division 1, to allow additional height within residential zoning districts by Special Use Permit approval rather than by Variance, to require a minimum street frontage of 54 feet at the end of cul-de-sac streets for subdivision of residential properties, and to make other clerical corrections based on the four findings identified within the staff report. Commissioner Peery seconded the motion. Motion carried 7-0.

G-8. U-02/03-40 - ACTION TO APPROVE A SPECIAL USE PERMIT REQUEST FROM

LUMOS AND ASSOCIATES, INC. (1-2487) - Senior Planner Lee Plemel, Lumos and Associates Chief Operating Officer Buzz Fitzpatrick and Engineering Manager Thomas Young - Commissioner Sedway stepped from the room during Mr. Plemel's introduction-5:56 p.m.-and returned at 5:58 p.m. Commissioner Christianson also stepped from the room during Mr. Plemel's introduction-6:01 p.m.-and returned at 6:04 p.m. (A quorum was still present.) Mr. Plemel's introduction included the history of the project. He also indicated that the Boys and Girls Club had worked with the neighborhood. The preliminary plans were revised based on City and public comments in an attempt to mitigate the impact.

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Mr. Fitzpatrick introduced Mr. Young and Boys and Girls Club Executive Director Kathy Blankenship. He then described the site plan. The major concerns expressed at the neighborhood meetings were related to fencing and landscaping. The site plan description site plan included the fencing and landscaping. He also indicated that NDOT and Carson City have submitted map revisions to FEMA seeking to remove the site from the flood plain due to the mitigation measures provided by the freeway drainage improvements. Mr. Young indicated that sheet flow will be allowed across the site and down the new Lompa Lane. The flow, however, should be only ten percent of the current flow. He also described the freeway drainage improvements which will be used to reduce the drainage flow. The description of the plan, the traffic study, the proposed on-site detention basin, the location of the two wetland areas and the Army Corps of Engineers approved permits, the plan to connect the irrigation system to the City's reclaimed water line, the efforts to address/mitigate the neighbors' concerns were provided. Discussion indicated that a six-foot parameter fence will be installed for security reasons. Discussion noted that the neighborhood had failed to attend the meeting. It was felt that this was the result of efforts to address the concerns voiced by the neighbors and that only a small section of the block wall fence at Belmont would be targeted for graffiti due to access restrictions. The neighbors had requested the block wall. If the wetlands disappear on their own after the freeway is constructed, their designations may be reconsidered. They are dry right now. A block wall design with trellis and bushes/shrubs may discourage graffiti. Access to the block wall may also be limited by the residences and the residents' landscaping. The building was located away from the fault line. The date of the earthquake was not determined. The building designs were displayed and explained including the height required for the gym and the location of the clock tower. Public comments were solicited but none were given. Commissioner Christianson moved to approve U-02/03-40 a Special Use permit application to allow a youth recreation facility as a conditional use on property zoned Single Family 6,000; to allow an increase in fence height within the front yard area from four feet to six feet; and to allow an increase in the permitted building height from 26 feet to 40 feet for certain elements of the building located at 1870 North Lompa Lane, APN 002-101-50, 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.

(1-3118) Mr. Sullivan explained the public notices that were given. Staff had not received any comments at the time the staff report was prepared. He felt that the Applicant and its engineers had done their homework. They met with the neighbors and mitigated the concerns. Unless there is an appeal, the item will not be sent to the Board of Supervisors. The appeal period is ten days. Chairperson Wipfli pointed out that it had taken a while to reach this stage of the project. Approval of the Special Use Permit had been the fun part. There had been a lot of work done by the Club, its volunteers, and engineers. It is a good project and should work for the Club. Commissioner Peery indicated that it was a shame that neither Carol Dotson nor Marv Teixeira were present. Mr. Fitzpatrick indicated that the City staff had guided them throughout the process. The Commission complimented Lumos and Associates on its work.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-3185)

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS - The Board had adopted a proclamation for National Community Development Week and submitted CDBG grants to the State for alternative energy planning, the Senior Center Dining Room, and the Boys and Girls Club. The status of the MPO and its impact on the City's grant eligibility was

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briefly limned. The Blaine Hansen's abandonment of the alleyway and the Boys and Girls Club zone change were approved. Mr. Sullivan asked Commissioner Allen to meet with him after the meeting to discuss his term of office and suggested that he volunteer for another term. Mr. Sullivan complimented the staff on the reports. He also explained his reasons for feeling that Commissioner Peery was not going to attend the meeting. Commissioner Peery briefly explained his health problems. Commissioner Semmens thanked Mr. Sullivan and his staff for their training and assistance. Commissioner Christianson was introduced to Commissioner Semmens and Deputy District Attorney Mary Margaret Madden. His tardiness was explained. Commissioner Kimbrough referenced a news article indicating that if a project is not good for the children, it would not be good for the community. Discussion explained that the Commission has always met on the last Wednesday of the month.

H-2. FUTURE COMMISSION ITEMS AND DATES (1-3389) - None.

I. ADJOURNMENT (1-3392) - Commissioner Christianson moved to adjourn. Commissioner Semmens seconded the motion. Motion carried 7-0. Chairperson Wipfli adjourned the meeting at 6:30 p.m.

The Minutes of the April 30, 2003, Carson City Planning Commission meeting

ARESO APPROVED ON May 28, 2003.

/s/
Richard Wipfli, Chairperson