

A regularly scheduled meeting of the Carson City Regional Planning Commission held on Wednesday, February 26, 1997, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

PRESENT: Chairperson Verne Horton, Vice Chairperson Alan Rogers, and Commissioners Alan Christianson, William Mally, Archie Pozzi, Deborah Uhart, and Richard Wipfli

STAFF PRESENT: Community Development Director Sullivan, Deputy Utilities Director Jay Ahrens, Health Officer Daren Winkelman, Associate Planner Tara Hullinger, and Recording Secretary Katherine McLaughlin (R.P.C. 2/26/97 Tape 1-0001.5)

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

A. ROLL CALL, DETERMINATION OF A QUORUM AND PLEDGE OF ALLEGIANCE - Chairperson Horton convened the meeting at 3:05 p.m. Roll call was taken. A quorum was present although Commissioner Mally had not yet arrived. Chairperson Horton lead the Pledge of Allegiance.

B. APPROVAL OF MINUTES - November 12, 1996, Special Meeting and December 4, 1996, Regular Meeting (1-0023.5) - Commissioner Rogers moved to approve the Minutes of the Special November 12, 1996, Meeting and the Regular Meeting of December 4, 1996. Commissioner Pozzi seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-0038.5) - None.

D. AGENDA MODIFICATIONS (1-0045.5) - None.

E. CONSENT AGENDA (1-0049.5)

E-1. AB-96/97-8 - DISCUSSION AND POSSIBLE ACTION ON AN ABANDONMENT REQUEST FROM FREEDOM PROFESSIONAL VENTURES AND DAVID AND KRISTA GUSTAFSON FAMILY TRUST

E-2. U-94/95-6 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM ROCHELLE A. K. HOSKINS

E-3. U-96/97-12 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM JOHN AND CYNTHIA GUEVIN

E-4. U-93/94-6 AND 6a - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF THE CONDITIONS OF APPROVAL FOR K-MART CORPORATION

E-5. MPA-96/97-3 - DISCUSSION AND POSSIBLE ACTION ON A MASTER PLAN AMENDMENT AND RESOLUTION FROM PAMELA WILCOX (PROPERTY OWNER: STATE OF NEVADA) - Commissioner Mally arrived during the reading of the Consent Agenda--3:08 p.m. (A quorum was present as previously indicated.) John Guevin requested Item E-3 be pulled for discussion. Chairperson Horton explained staff's recommendation regarding this item, noted the remaining items would be considered and indicated that E-5 will be continued if approved. Commissioner Rogers moved that the Consent Agenda Item E-1. AB-96/97-8; E-2. U-94/95-6; E-4. U-93/94-6 and 6a; and E-5. MPA-96/97-3 be approved as recommended and Item E-3. U-96/97-12 is to be held for discussion. Commissioner Christianson seconded the motion. Motion carried 7-0.

E-3. (1-0090.5) Associate Planner Tara Hullinger, John Guevin - Mr. Guevin voiced his opposition noticing process which had alerted his neighbors to his request. The application had been for 12 children although it had been approved by the Health Department for 15. The Commission had restricted it to eight which was not financial feasible. He also objected to the comments which had been made at that hearing and his feeling that

specific comments had prejudiced his neighborhood against him, his family, and the childcare facility. These comments were purportedly made by Commissioner Christianson. He urged the Commission to be cognizant of its impact on the community. He felt that the Commission's action had forced him to become a burden on the community, which he described. His comments included a description of neighborhood problems. He felt that it was unnecessary for his neighbors to contact the police when he is having Bible study sessions in his home. Commissioner Christianson requested clarification on his comments. He explained that he had been contacted by the neighbors who had voiced concerns. He did not recall any of the comments which were purported. He had a problem with having 12 children in an area where the neighbors opposed the request and was concerned about the location of another daycare within a short distance but more than the prohibited 500 feet. He expressed a willingness to meet with him privately to discuss the issues. Chairperson Horton indicated these issues were not germane to the Agenda and urged them to meet outside of the meeting. Commissioner Christianson agreed. Public comments were solicited but none given. Commissioner Mally moved that the Planning Commission void the approval of U-96/97-12 and direct the staff to close the file. Commissioner Wipfli seconded the motion. Motion carried 7-0.

F. PUBLIC HEARINGS (1-00220.5)

F-1. U-96/97-40 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM EDDIE AND FRANCES HAMLIN - Associate Planner Tara Hullinger, Frances Hamlin, Deputy Utilities Director Jay Ahrens - Clarification between Ms. Hullinger and the Commission indicated that a single wide mobile home is presently on the site and this use could continue. The expanded use would be created when the double wide mobile home replaces the single wide. Ms. Hamlin indicated she had read the staff report and requested Condition 7 be modified as she did not feel that she would be able to sell and move the trailer within 30 days. She suggested 90 to 120 days. She then explained the intent to move the vehicles to the west side of the property and requested the fencing requirement not be mandate complete fencing due to theft and trespassing problems. The vehicles are collector's items. She felt that one side should remain open. She also questioned the reasons for mandating connection to the sewer line particularly if the mobile home is to be removed. Mr. Ahrens indicated a willingness to allow the mobile home to be used without connecting to the sewerline if it is on a temporary basis. The policy to refund temporary connection fees was noted. Public comments were solicited but none given. Discussion indicated the residence and the mobile home each have its own septic system. Mr. Ahrens explained the Code requirement mandating connection to the sewerline. The property is not currently within the mandatory connection hot zone. The applicant could appeal the requirement to the Board when the line is extended. Staff would also discuss the issue prior to mandating the connection. Commissioner Rogers supported leaving the requirement in the conditions as the matter will be resolved when the line is available.

(1-0435.5) Commissioner Rogers moved to approve U-96/97-40, a Special Use Permit request from Eddie and Frances Hamlin to allow expansion of a non-conforming building, specifically, replacement of a single wide mobile home with a double wide mobile home located in a Limited Industrial zoning district at 2230 South Edmonds Drive, APN 10-061-73, based on seven findings and subject to eight conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application, and modifying Condition No. 7 to indicate 120 days for the date on which they must remove the unit. Commissioner Wipfli seconded the motion. Motion carried 7-0.

F-2. V-96/97-8 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE FROM LARRY AND ANN GROSO (1-0450.5) - Associate Planner Hullinger, Ann Groso, Kathy Adlao - Commissioner Wipfli indicated he would abstain on this Item and left the room--(3:35 p.m. (A quorum was still present.) Commissioner Mally stepped from the room during Ms. Hullinger's introduction--3:38 p.m. (A quorum was still present.) Discussion ensued between the Commission and staff on the parking area and its landscaping. Ms. Groso had read the staff report and agreed to it. (Commissioner Mally returned during Ms. Groso's statements--3:40 p.m. A quorum was present although Commissioner Wipfli was absent.) Ms. Adlao explained the landscaping and parking parking plans for the site. Public testimony was solicited but none given. Commissioner Uhart moved to approve V-96/97-8, a Variance request from Larry and Ann Groso to vary seven feet from the minimum 20 foot

rear yard setback and six feet from the parking/landscaping planter setback in a Residential Office zoning district located at 318 North Carson Street, APN 3-229-03, based on five findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 6-0-1-0 with Commissioner Wipfli abstaining.

F-3. AB-96/97-4 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM THE RAMOS FAMILY TRUST AND CARSON VALLEY OIL COMPANY (1-0590.5) - Community Development Director Sullivan, Senior Engineer John Givlin, Applicant's representative Dennis Moothart - The notification process was explained. Staff recommended abandonment of the area behind the curb on the north side only. Neither the applicant nor Sierra Pacific were willing to relocate the transformer switch box in the southern right-of-way. Mr. Moothart indicated that he had read the staff report and agreed to it. He felt that the switch should have been vaulted originally. He was not willing to pay to move or vault it. If this stand is modified at a future date, a new application will be submitted requesting reconsideration. Public comments were solicited but none made. (1-0705.5) Commissioner Mally moved that the Regional Planning Commission move to approve a motion to recommend that the Board of Supervisors approve (abandonment of) the northern portion of Eighth Street public right-of-way, approximately 8 feet by 170 feet of application AB-96/97-4 from Carson Valley Oil and W. Kent Ramos and which right-of-way is presently east of Stewart Street, west of Fall Street, and north of Eighth Street, and located north of the curb, based on the above findings, Section A, and subject to the following conditions contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 7-0.

Commissioner Mally moved that the Regional Planning Commission recommend that the Board of Supervisors deny a portion of application AB-96/97-4, that being the (abandonment of the) southern public right-of-way, south of Eighth Street and behind the southern curb, east of Stewart Street, west of Fall Street, approximately 8 feet by 170 feet, based on the above findings, Section B, and specifically noting that the public/City would be materially injured from the standpoint that the (south) Eighth Street right-of-way, which is behind the curb, is necessary for the occupation of an electrical switch box/transformer for City facilities and the general area. Commissioner Pozzi seconded the motion. Motion carried 7-0.

F-4. A-96/97-12 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC SECTION 18.04.040(6); AND F-5. A-96/97-10 DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC SECTIONS 18.02.038, 18.05.109, and 18.05.110 (1-0737.5) - Community Development Director Sullivan - Discussion ensued between the staff and Commission on the service charge for review of special use permits, the notification process, and the Commission's desire to collect the fee as part of the original fee rather than when a review is held. The noticing procedure is to be provided when a review is held. Mr. Sullivan agreed to analyze the current fee structure. He indicated that a majority of the City Departments are analyzing their fees. Public testimony was requested but none given. Commissioner Rogers moved that the Planning Commission approve a motion to recommend that the Board of Supervisors adopt changes to Title 18, Section 18.04.040. Commissioner Mally seconded the motion. Motion carried 7-0.

Commissioner Rogers moved that the Planning Commission recommend the Board of Supervisors accept A-96/97-10, an amendment to Title 18, Section 18.05.109 and 18.05.110. Commissioner Uhart seconded the motion. Motion carried 7-0. Mr. Sullivan indicated the amendments will be forwarded to the Board as recommended. The fee proposal will not be forwarded.

F-6. Z-95/96-8 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO CORRECT A PREVIOUSLY APPROVED CHANGE OF LAND USE APPLICATION (1-1008.5) - Senior Planner Juan Guzman - Public comments were solicited but none made. Commissioner Uhart moved to recommend that the Board of Supervisors approve Z-95/96-8, a Change of Land Use on a one acre portion of APN 9-191-10 from General Commercial into Multi-Family Apartments based on the one finding as

discussed in the staff report. Commissioner Wipfli seconded the motion. Motion carried 7-0.

Commissioner Uhart then moved to approve U-96/97-18, a Special Use Permit for Randy Harris, requesting approval of a 70 unit apartment complex on property zoned General Commercial located at 4729 South Carson Street, APN 9-191-10 and 9-287-01, based on seven findings and subject to ten conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission/Board by the Applicant may be considered as further stipulations or conditions or approval on this application. Discussion indicated this motion was not necessary and Commissioner Uhart withdrew it.

F-7a. MPA-96/97-2 - DISCUSSION AND POSSIBLE ACTION ON A MASTER PLAN AMENDMENT AND A RESOLUTION FROM JOHN UHART; F-7b. Z-96/97-6 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM JOHN UHART; F-7c. U-96/97-34 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT FROM FIRST CARE OF NEVADA; AND, F-7d. U-96/97-35 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JWB DEVELOPMENT CORPORATION (1-1065.5) - Senior Planner Guzman, Applicant's Representatives John Uhart and Glen Martel, Senior Engineer John Givlin - Commissioners Uhart and Wipfli recused themselves and left the room at 4:10 p.m. (A quorum was still present.) Discussion between the Commission and staff questioned who would use the facility and explained the Bypass location. The Nevada Department of Transportation is unsure what the Bypass noise level will be. NDOT will be responsible for mitigating any impacts it creates. Mr. Uhart displayed two additional renderings of the nursing home and assisted care facility. He briefly explained the developer's reasons for selecting this site. Mr. Guzman explained a project known as "Rose Manor" and its location. Discussion also explained the location of an "L" shaped building. Public testimony was solicited but none given. (1-1458.5) Commissioner Mally moved to approve a motion to recommend that the Board of Supervisors approve MPA-96/97-2, a Master Plan Amendment from Industrial to Commercial based on four findings and for approximately ten acres of land in accordance to staff's recommendation as illustrated in the attached Exhibit 1. Commissioner Christianson seconded the motion. Motion carried 5-0-2-0 with Commissioners Uhart and Wipfli abstaining.

(1-1468.5) Commissioner Mally moved to approve Z-96/97-6, a motion to prepare an ordinance for first reading to change the land use designation for approximately ten acres of APN 8-127-35 from existing Limited Commercial into Retail Commercial and recommend to the Board of Supervisors adoption of the ordinance based on one finding as illustrated in the attached Exhibit 2. Following a request for a correction to the motion, Commissioner Mally amended the motion to change "from existing Limited Commercial" to "from existing Limited Industrial". Commissioner Christianson seconded the motion. Motion carried 5-0-2-0 with Commissioners Uhart and Wipfli abstaining.

(1-1488.5) Commissioner Mally then moved that the Planning Commission approve U-96/97-34 for the construction of an Assisted Care Facility based on seven findings and subject to seven conditions of approval, No. 7 being a Navigational Easement, as contained in the staff report with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application, Condition No. 7 shall be that an Navigational Easement shall be required. Discussion noted staff's recommendation that a navigation easement be required. Mr. Uhart agreed to the added condition and questioned the fencing requirements on the east and west sides. The design attempts to keep the area as open as possible and avoid the appearance of a box or concentration camp. The applicants were willing to accept the fence on the south which borders the Northridge Subdivision. He asked that the fence not be required between the two facilities. They would provide landscaping in the open space between the two facilities. He also requested that the fencing not be required on the north and east sides of the project. Mr. Guzman supported eliminating the fencing between the two facilities. Fencing is necessary between the facility and proposed uses on the east and the west. The plans for a deli and dialysis facility were explained. A fence will clearly define the property boundaries and prevent noise/trash problems from occurring in the future. The same concerns are related to the Retail Commercial property abutting the western boundary although its proposed use is uncertain at this time. If the fence is not included as a condition of the special use permit, staff may be unable to obtain it later in the process. Mr. Uhart iterated his request that the fencing not be required on the east and west boundaries and expressed a desire to do more extensive landscaping. Commissioner Christianson cited several

buildings to the east which are landscaped and do not have any fencing. Commissioner Rogers supported not having a fence between the facilities. He also supported having the fence on the south side. Discussion explained the areas which staff wished to fence. Mr. Uhart explained the elevation differences on the west side of the property which he felt should be landscaped. Commissioner Rogers then proposed that "C" be amended to provide a fence on the south side and incorporate landscaping and fencing with the approval of the Community Development on the north and east sides. This will leave it open for negotiations between the applicant and staff. Mr. Uhart explained that the entrance is from the north side. He requested the area be left open and not fenced. Commissioner Rogers indicated he wanted the fence from the entry point along the parking area. Mr. Uhart indicated that the entrance would be landscaped. They discussed the map and entrance. **Commissioner Rogers then suggested an amendment to Condition 6c that the fence will be provided along the southern boundary and the north and east boundaries will be incorporated into a landscaping plan to include landscaping and fencing as agreed upon by Community Development and the applicant. Following a request for a correction to the suggested amendment, Commissioner Rogers corrected his suggested amendment to indicate that the north, east, and west boundaries will be incorporated into a landscaping plan, etc. There would not be a fence between the two facilities. Commissioner Mally agreed to amend his motion to include Commissioner Rogers amendment.** Mr. Uhart then explained his concern about the common driveway between the two facilities. Mr. Guzman explained staff's concerns related to having two separate driveways in a short distance. Mr. Martel explained that the access would serve the total park like the collector at Meadowood Mall. He felt that a truck may not be able to make the turning radius and that he had not had an opportunity to determine if there is adequate space for this. Mr. Givlin explained the access requirements, which he felt must be a minimum of 20 feet. Mr. Martel explained that there is ten feet on one side of the property line but not quite ten on the other side. He requested it be a total of 20 feet and that he be allowed to determine how the 20 feet is provided. He was willing to explore the option of one common driveway with staff, however, if it will not work, requested the ability to negotiate with staff on the access. Mr. Guzman agreed to work with him on the access. Commissioner Rogers suggested that the parking lots be combined which would provide additional open space and landscaping. Mr. Martel described the elevations, the landscaping plans, and reiterated the turning radius concerns. Following discussion of the motion's status, **Commissioner Pozzi seconded the motion**, which had been amended. **Commissioner Rogers suggested Condition G be amended to read, "The applicant shall with Community Development pursue incorporation of one access into the site that is in common with the concurrent application immediately adjacent to the west."** Commissioner Mally agreed to amend his motion to include this revision. **Commissioner Pozzi continued his second. The motion as amended was voted and carried 5-0-2-0 with Commissioners Uhart and Wipfli abstaining as indicated.**

Commissioner Mally moved that the Regional Planning Commission approve U-96/97-35, a Special Use Permit for a skilled nursing facility based on seven findings and subject to seven conditions of approval, Condition 7 being the Navigational Easement, as contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Discussion indicated the previous revisions and conditions should be included in this motion. Commissioner Mally amended his motion to revise Condition 6b to be that the fence will be provided along the southern boundary and the north, east, and west boundaries will be incorporated into a landscaping plan to include landscaping and fencing as agreed upon by Community Development and the applicant; there will not be a fence between the two facilities; and Condition 6f to read, "The applicant shall with Community Development pursue incorporation of one access into the site that is in common with the concurrent application immediately adjacent to the east". Commissioner Pozzi continued his second. The motion was voted and carried 5-0-2-0.

BREAK: A ten minute recess was declared at 4:55 p.m. When the meeting reconvened at 5:05 p.m., the entire Commission was present including Commissioners Uhart and Wipfli, constituting a quorum.

F-8. DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM SHAW CONSTRUCTION (1-1985.5) - Community Development Director Sullivan, Ed Shaw, Senior Engineer Givlin - Mr. Shaw had read the staff report and agreed to it. He noted the letter from the neighbor on the south who had not opposed the request. Discussion ensued on the drainage easements/pipes and the impact the variance would have on them. Mr. Shaw agreed to relocate the pipes, if necessary, and to perpetuate the drainage. Public

comments were solicited but none made. The proposed development was discussed with comments indicating the Utility Department would impose requirements before the aircraft could be washed at the site. If the applicant does not comply with these requirements, washing aircraft on the site will be prohibited. Commissioner Wipfli moved to approve V-96/97-9, a variance request from Ed Shaw/Shaw Construction, property owner: Impact International, Inc., based on five findings and subject to seven conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Mally seconded the motion. Motion carried 7-0.

F-9. U-95/96-47 - DISCUSSION (ONLY) ON A REQUEST FROM WALMART FOR OUTSIDE SALES AND DISPLAY OF MERCHANDISE (1-2170.5) - Community Development Director Sullivan - Discussion included Walmart's request for a continuance and its plan to expand the garden area. If this occurs, Walmart may not proceed with the request. This was a discussion only item and no formal action was taken.

F-10. U-96/97-36 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JOHN STEPHENS (1-2310.5) - Community Development Director Sullivan, Applicant's Representative Mark Palmer of Palmer and Lauder Engineers, John Stephens, Deputy District Attorney Lipparelli, Mr. Stephen's General Manager Mike Colaianni, Principal Planner Rob Joiner, Greater Nevada Credit Union Representative Naomi Doan, Chamber of Commerce Executive Vice President Larry Osborne, Carson Dodge Chrysler General Manager Stephen Christian, Michael Hohl, Dick Campagni, Walmart General Manager Michael Ray - Mr. Palmer indicated he had read the staff report and that they concur with staff's recommendations except for the number of vehicles and the timeframes for those sales. He used a site plan to explain the site for the proposed sale. Mr. Stephens gave the Commission a packet of information. (A copy was given to the Clerk after the meeting.) Mr. Stephens read from his prepared statement indicating that there is ample space available in the Walmart parking lot for the sale. (A copy was not given to the Clerk or Commission.) He needed six - four day sale events with a minimum of 250 vehicles. The sales tax revenue generated from such an event and his experience in having similar sales were noted. There will be a traffic plan developed by a licensed traffic engineer submitted to Public Works prior to the sale. The sale will attract additional shoppers to the mall. Only J. C. Penney does not want the sale. The type of vehicle which would be sold was explained. His packet included letters of support from other merchants who had been in Carson City malls where he had had previous sales. Similar sales events in other areas were noted. The proposal would generate a high volume of business and benefit everyone. He indicated that his business relationship with Walmarts in other areas had been the motivation behind wishing to hold a similar sale in Carson City. His home office is in Reno. He clarified his comments to indicate that his reference to San Francisco and other areas had been to show that the event is common practice in other areas. Mr. Sullivan was unsure of the type of business license and the fee required for the sale. Mr. Stephens indicated that the cars must be taken to Reno for warranty work although he maintains agreements throughout the area for other dealers to perform the work. Further discussion indicated that Mr. Stephens attempts to work out an arrangement with garages in the vicinity rather than force the buyer to bring the vehicle to Reno. Mr. Stephens also indicated that he has a towing service in Carson City. Commissioner Pozzi noted that Carson City car dealers, both used and new, must pay taxes on the land, the vehicles, the towing vehicles, construct and maintain buildings, etc. Mr. Stephens' operation does not require this same commitment. Commissioner Wipfli pointed out that the sales information which Mr. Stephens had provided contained a listing of individuals who would normally shop in Carson City. Mr. Stephens responded that it also contained several Reno people, which is normal as Reno people shop in Carson City, and vice versa. Commissioner Wipfli did not feel that the listing proved Mr. Stephens' draw was from outside the normal trade area. Mr. Stephens responded by expressing his feeling that no one could define that area. The Reno sales were attracting a "lot of people from your area". His advertising campaign was described. Mr. Stephens then explained his Silver City Mall sale and reasons it had both new and used cars. The new cars had been provided by Valley Chevrolet. A majority of the vehicles are two or three years old. Commissioner Christianson pointed out that the issue between J. C. Penney and Walmart is not one in which the City is involved. Mr. Stephens indicated that he had personally contacted all of the other merchants and they supported the sale. This had been eight or nine businesses.

Commissioner Rogers explained his land use and precedence establishing concerns. If Walmart is doing this all over the nation, they may be constructing large parking lots in order to plan ahead for this type of activity. This is

in opposition to what the City is attempting to do. He urged staff to begin sticking to the parking requirements when discussing projects in the future. The Silver City Mall sale had been approved due to the lack of use at the time of the sale. The Walmart parking lot is heavily used on weekends. He questioned the figures Mr. Stephens had furnished indicating that approximately 400 spaces were available for the sale. Mr. Stephens repeated his calculations which indicated that if 208 spaces are used for the sale, there would be over 100 spaces available for parking. Commissioner Rogers explained his concern about the size of the parking lot and the need to maintain those spaces for parking and not for sale activities. He could not justify the use of this area for sales. He also indicated that justification for such events should not be based on previous actions approving them. He noted that these events were smaller than Mr. Stephens' proposed sale. He was not willing to approve expansion of the outdoor garden sales area which had been in the parking lot. Mr. Stephens listed the other off-premise car sales events which had been conducted in Carson City and emphasized the benefits generated from such sales. Commissioner Rogers indicated that these issues were not the Commission's concerns. He was, specifically, concerned about the land use issues.

Mr. Lipparelli noted the findings contained in the staff report which are required by the Code if the use is approved. Additional findings were that the use would not be detrimental to the public health, safety, and welfare and will not result in material damage or prejudice to other property in the vicinity. The Commission's role was then explained. The special use permit should be granted if the Commission can make these findings. The sales tax issues and tourism may be germane to the finding of public health, safety, and welfare. He was unsure whether the Commission could regulate commerce and the impact the sale would have on surrounding dealerships. He supported having the Commission consider land use issues as suggested by Commissioner Rogers. If the community wished to control the commerce issues, business license and similar regulations could be imposed. He reread finding g.

Mr. Stephens indicated the cars come from all over the United States. Commissioner Mally explained his concern about the cars as they are from all over the United States, including from flooded areas. Mr. Stephens responded by explaining his inspection program, his concern about the product he sells and his repeat clientele. There had allegedly not been any complaints made to the Chamber of Commerce or the Better Business Bureau. If there had been any, he would have responded to them.

Chairperson Horton reminded the Commission that it is concerned with the land use issues and not the commerce issues.

Mr. Colaianni gave the Commission photographs depicting the vehicles they sell. (The photographs and advertisement were given to the Clerk at the conclusion of his statement and are in the file.) He then described his inventory, his warranty program, last year's sales activity, Mr. Stephens' total sales since going into business, his customer service and business questionnaire, and his advertising activities. His competition purportedly creates sales for all area dealers. He requested a "fair shake" in dealing with the City. Reasons for needing to have 200+ cars on site were noted. He also iterated the tourist related activities created by his salespersons when conducting out-of-town events. The community will purportedly receive more revenue from his sales activities than it normally does for the same time frame. Minor repairs are performed at a Goodyear dealer in Carson City. Warranty work is sent to a Carson dealer. He repeatedly emphasized that the sale was not met to harm anyone but rather to stimulate business in the City.

(1-3235.5) Mr. Joiner explained staff's recommendation and concerns, specifically, staff's experience and concerns created by the number of units available for sale during a previous event, the amount of parking required for Mr. Stephens' clientele, and the impact his spatial needs would have on the availability of parking for Walmart and the mall. Based on these concerns, staff had reduced the number of spaces which would be allowed for the sale. He was also concerned about the potential for having shopping centers develop large parking area for this use. The need for a monitoring program was explained. He requested the ability to revoke the permit if violations are encountered and a 30 day prior notice requirement for this and any similar event. The security requirements were noted and had been created in response to problems at the bank. Concerns with the "tent", the RVs used for the sale, and the advertising devices were indicated. Discussion indicated that Walmart had requested delayed requesting its special use permit for its outdoor garden sales and may not need one next year. (Commissioner Wipfli stepped from the room at 6 p.m. A quorum was still present.) Walmart will continue holding sidewalk

sales and is not dealing with any other car dealers at this time. Mr. Stephens' request could be on top of the outdoor garden sales activity. If this is requested, it may create an impact on the auto sales, or vice versa. The garden sales events were described.

Mr. Palmer indicated that the sales area had been relocated based on staff's concerns and the number reduced to 200. They were surprised by staff's recommendation for only 125 cars. (Commissioner Wipfli returned--6:05 p.m. A quorum was present as indicated.)

(1-3445.5) Public testimony was solicited. Ms. Doan explained her employment and role in holding two outside car sales events at the Credit Union. She questioned how much sales tax was generated for Reno by the Carson City sale; how the vehicles are transported; their proposed route; and why they are using the Carson City Walmart for the sale. Her experience at the last Carson City sale was explained. There is no service department available. This forces the local dealers to perform the warranty work. She, too, questioned where the vehicles came from; who offers the financing and whether it is beneficial to use this type of financing. Her event was briefly described. Chairperson Horton encouraged her to meet with Mr. Stephens regarding her questions.

Mr. Osborne encouraged the Commission to consider the welfare and health issues. Carson City encourages business people to locate and perform in its area, however, all the participants should play by the same rules. The proposal will bring people to Carson City to purchase cars. The local car dealers are the City's largest single revenue source. The sale would not create new dollars. Dealers who acquire and develop a site for car sales, hire employees, pay taxes, etc., contribute and become a member of the community. Dealers who become a permanent part of the community are encouraged to locate here. They supports the economy more than traveling sales will. He questioned how the City would handle a traveling furniture sales event. He encouraged the Commission to issue a special use permit for each individual event and not provide a blanket permit. He did not feel that either Mr. Stephens or Mr. Colaianni had contacted his organization or they would have been aware of complaints which his agency had received concerning their operation and purported condition violations such as flying balloons in the NDOT right-of-way. Control provided by having to request a permit for each event was emphasized. This process would eliminate the need to monitor the event. He questioned the justification for prohibiting the other mall merchants from having an outdoor sale during the time Mr. Stephens is having a sale. This is unfair to the merchants in the mall. If the application is approved, he requested a staff member be appointed as an enforcement officer to monitor the event, specifically, over the weekend.

Mr. Joiner indicated a letter prohibiting the other merchants from having an outdoor sales activity when such an event is occurring had been sent to the property manager. The current Code also requires a special use permit for all outdoor sales.

Mr. Christian explained his expansion plans and the mandated Code requirements which were being usurped by Mr. Stephens. (Commissioner Rogers stepped from the room at 6:15 p.m. A quorum was still present.) His present facility is "good looking" and must be as it is on Carson City's main street. Mr. Stephens is also proposing to setup on the same street. Mr. Stephens' proposal does not meet the same Code requirements as h e must meet. He questioned the warranty provided by Mr. Stephens as a majority of service contractors have gone out of business. His dealership does not honor this type of warranty. This will create a Pandora's box. The proposal could establish a precedence which would allow five to 15 used cars to be sold on every corner. This is blight. (Commissioner Rogers returned--6:18 p.m. A quorum was present as previously indicated.) He expressed a willingness to give up any opportunity to have an off-site sale rather than do this.

Mr. Hohl explained his dealerships and the impact the event would have on Carson City. He opposed the message being given by allowing Mr. Stephens to come into the City for any used car sale. This would circumvent the land use requirements by allowing the parking lots to be sold to the highest bidders. He felt that people will purchase cars in Carson City with or without Mr. Stephens' event. As a local dealer he must pay sales taxes, property taxes, employees' wages, etc.

Mr. Campagni noted his dealerships and explained the events he had had at Walmart. He had been given a verbal commitment for a similar event. He, too, supported disallowing this type of event. Carson City should consider its future and restrict the sales to appropriately improved sites.

Mr. Ray indicated the purpose behind the event had been to promote the store and increase sales. He had been naive when he first considered the event and believed that he could have a lot of them. When the City informed him of the number restriction, he had selected Mr. Stephens based on his knowledge of his operation and the support he had provided both in Carson City and at the Reno Walmarts. Additional public comments were solicited but none given.

BREAK: A ten minute recess was declared at 6:25 p.m. When the meeting reconvened at 6:35 p.m., the entire Commission was present constituting a quorum.

(2-0281.5) Commissioner Rogers moved to deny U-96/97-36, a request from John Stephens to allow outdoor sales of 125 cars at the Walmart property located at 4201 South Carson Street, APN 9-125-07, based on five findings which are: 1. Will not be consistent with the Master Plan Element, I believe that even with the reduction in the number of parking spaces which will be used that the parking lot was not established for this kind of commercial activity; 2. That it will be detrimental to the use, peaceful enjoyment, economic value, development of surrounding properties or the general neighborhood, we have received word that Penney's is opposed to this, it is a property in the surrounding area, also, there is not enough information, I don't believe, to know that there will not be additional problems which are caused by this size of a sale, which is being requested; 3. Will have a detrimental effect on the vehicular or pedestrian traffic, the staff report recommends a traffic plan be proposed, none was proposed tonight, I have no information on which to base whether there will or will not be any detrimental effect and, because of the amount of space that has been taken and the complaints from the previous sales, I am going to say that there is some detrimental effect on vehicular and pedestrian traffic; 4. Will not over burden the existing public services and facilities, we have talked about the need for someone to monitor and inspect the premise during the sale, that means that Community Development's staff will be effected, specifically, for this event; and 5. Provisions of 18.05.109 contain a couple of areas of concern for me with which this event does not comply, Item 2b. Promoting existing primary businesses, I don't see where this is promoting any existing business within that area and on that commercial property, and 4b. I don't have specific details or information to verify this, but just based on a viewing of that area, the display area should be limited to five percent of the totally enclosed space of the property and it looks to me like it is more than five percent, if it isn't, this finding will have to be stricken, I would imagine, but someone must prove that it is not five percent or less. Commissioner Mally seconded the motion. Motion carried 7-0. Mr. Sullivan briefly explained the appeal process.

BREAK: A dinner recess was declared at 6:40 p.m. The meeting was reconvened at 7:45 p.m. A quorum of the Commission was present although Commissioner Pozzi was absent. Staff members present included: Community Development Director Sullivan, Deputy District Attorney Lipparelli, Principal Planner Joiner, Senior Planner Guzman, Senior Engineer Givlin, and Recording Secretary McLaughlin.

G. PUBLIC HEARINGS - CONTINUED (2-0360.5)

G-1. MPE-96/97-1 - DISCUSSION AND POSSIBLE ACTION ON THE HOUSING ELEMENT OF CARSON CITY'S MASTER PLAN - Mr. Sullivan introduced Consultants Chris Cares and Andy Burnham and explained his reasons for seeking input at this point. Messrs. Cares and Burnham reviewed the document and explained modifications recommended by the ad hoc committee at an earlier meeting. Discussion between the Consultants, staff, and the Commission indicated the ad hoc committee had expressed a desire to establish predictability in the entitlement program and the acceptability of a proposed affordable housing project. A successful demonstration project may help establish the standard for following projects. Such a project has not been identified at this point. An impediment to growth may be the Growth Management Ordinance and its impact on the market prices. Mr. Cares felt that the statistics could be analyzed to determine this impact, specifically, the impact on jobs, transportation, and quality of life. A copy of pages 36 through 45 is to be given to the Growth Management Commission and its subcommittee. Discussion indicated that the State housing goals should be similar to the City's. The State does not have any mandated goals. Commissioner Rogers felt that this is a philosophy and not a goal. Mr. Joiner encouraged all to monitor pending legislation as it may impact the element. Chairperson Horton indicated that such items may be incorporated if passed prior to completion of the element. Discussion indicated the element would support the land use element's defined urban service boundary. (2-0830.5) "Defined urban service boundary" was added to the next to the last line of Goal 2 on Page 39. Commissioner

Rogers felt that the goals under Item 2 were strategies. Commissioner Uhart supported retaining it as a goal. A compromise was offered to remove "public funding" from the goal which would leave it open to support from various sources. Commissioner Rogers suggested that a statement be added to indicate that the City would be looking toward publicly funded and sponsored programs to achieve this goal. Discussion ensued on the public funding which is available for low income housing; the need to analyze the current agencies and programs and expand them if necessary; expanding the housing coordinator's duties to include this analysis; the potential that the housing coordinator may not be a City employee; his/her expertise and various functions/duties he/she would perform; (2-1335.5) clarified the reasons for separating new and existing units in the goals; (2-1380.5) indicated time/economics will force rehabilitation/redevelopment of mobile home parks; and explored (2-1460.5) quasi-public housing programs and the need for educational programs about these services; State rent controls and displacement requirements; private property rights and the economic factors which motivate development; reasons only mobile homes are considered low income housing units; trade-offs which will allow replacement of mobile home parks with low income apartment complexes; (2-1795.5) the need for enhancements to encourage redevelopment of low cost units; the need for upscale rental housing units; revisions to the apartment/mobile home ordinances to establish development standards and public hearings which would eliminate the need for rezoning; (2-1952.5) Goal 6, Strategy k, and the need for upper end housing/rental units; amenities which should be provided in neighborhoods/clustered housing developments which is included in Goal 6, Strategy c; the need for "granny flats"; residential office standards which would allow for both an office and a residential use in the same building; the need to discuss neo-traditional subdivision projects and to establish standards for this type of project including rooming concepts; enforceability of the rental restriction on "granny flats"; Goal 8 which recognizes the importance of having a balance between jobs and housing including incentives which may provide a balance; the impact mandated housing requirements have on a community; (2-2501.5) the need for regional cooperation; the housing action plans suggested on Pages 44 and 45; the process for establishing incentives and standards for such housing programs; the competitiveness of such a program; the potential for mixed uses in a neighborhood; the desire for the housing coordinator to be a liaison between the building community and the manufacturing/retail community for communication purposes; and the need for updating the ordinances to provide flexibility and additional performance standards.

(2-1350.5) Commissioner Rogers encouraged the consultants to consider "overall numbers of units within the City" rather than "mobile homes" in Goal 4. Commissioner Uhart also suggested including incentives for current owners to redevelop/rehabilitate existing mobile home stock. Mr. Sullivan indicated that he would include the Statutes relating to mobile home displacement as an appendix. (2-1435.5) Commissioner Uhart suggested grants be developed to provide funding for rehabilitation/maintenance of homes owned by elderly persons or a single parent. These grants could be repaid when the home is sold. (2-1697.5) Commissioner Rogers suggested rewording "preservation of mobile home parks" to "preservation of equal type units for affordable housing". This could include mobile homes, multi-family units, single family units, etc. (2-1760.5) Commissioner Rogers revised the wording to be to "encourage the preservation of existing mobile home units as a qualified low income housing and when pressures lead to the need for relocation or redevelopment that equitable replacement is encouraged". (2-1910.5) Mr. Joiner encouraged the consultants to include preservation of the historic district homes in Goal 6. These homes are being used to provide affordable housing. Grant programs could provide an incentive for preservation. Discussion indicated this will be Goal 9, (2-2245.5) corrected Goal 6, Strategy g to "explore incentives for" and (2-2495.5) Goal 10 to be 9.

(2-2056.5) Commissioner Rogers left the meeting at 9:15 p.m. (A quorum was still present.)

(2-2725.5) The Commission commended the consultants on the draft element and its action plan. Mr. Sullivan requested direction from the Commission as to any items which should be added to the element. He explained the schedule for presentation to the Board of Supervisors. He felt that goals and elements will be established at the March 6th Board meeting. A special Commission meeting will be held on April 16 to analyze the final draft. The final draft will be considered at its April 30 meeting with submittal to the Board for final action on May 1. Mr. Sullivan thanked the Commission and the subcommittee for their time, effort, and dedication on the element. Commissioner Uhart encouraged the Commission to meet with the subcommittee as soon as possible to avoid any potential problems with the element. The public, including the builders and Chamber of Commerce, will be provided with copies of the final draft for input. Comments felt that the subcommittee and Commission "were both going in the same direction at this point". No formal action was taken.

G-2. Z-96/97-3 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY FOR A REVIEW OF A PREVIOUSLY APPROVED CHANGE OF LAND USE REQUEST ON PROPERTY AT 1051 SOUTH CARSON STREET (2-2908.5) - Principal Planner Joiner - Public testimony was solicited but none given. Commissioner Wipfli moved that the Regional Planning Commission direct staff to initiate a Change of Land Use to Retail Commercial for APN 4-055-05. Commissioner Mally seconded the motion. Motion carried 5-0-0-2 with Commissioners Pozzi and Rogers absent.

G-3. M-94/95-32 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO ESTABLISH STANDARDS FOR ARCHITECTURAL AND SITE DESIGN FOR MULTI-FAMILY RESIDENTIAL DEVELOPMENTS (2-2966.5) - Principal Planner Joiner - The standards have been submitted to the District Attorney's office for review. The final draft will be considered by the Commission in March. No formal action was taken.

G-4. A-96/97-13 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC SECTIONS 18.05.109 AND 18.03.606 (2-2986.5) - Principal Planner Joiner - As Commissioner Rogers was absent and the modifications had been made at his suggestion, the item was deferred. No formal action was taken.

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)

H-1. CORRESPONDENCE TO THE COMMISSION (2-3024.5) - State Demographer Judson had revised his population figures to 48,860, which is a 3.3 percent growth rate. This is within the Growth Management parameters. Copies of the blueprint for growth management in San Diego had been provided to the Commission. The correspondence consisted of: Nugget parking lot monitoring well report, Mr. Guzman's memo and a neighbor's letter concerning the public use of the emergency access road in the Empire Ranch Subdivision, and the notice given to the developer. Chairperson Horton directed staff to agendaize this item for Commission discussion/action if the notice does not provide a satisfactory response. Francis McLain's letter should have been sent to the Regional Transportation Commission instead of the Planning Commission. Mr. Sullivan had forwarded a copy to that Commission. The article on "Does Growth Pay For Itself" had been sent to the Commission by Mayor Masayko. The APA conference and its seminars were noted. The Commissioners were requested to let staff know if tapes should be obtained from that conference. Mr. Lipparelli's comments concerning the proposed ordinance draft will be included when considered by the Commission. The Super K letter will be included in the discussion at the next meeting as part of A-96/97-13.

H-2. STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (2-3173.5) - The State Public Works Board's change of land use for expansion of the prison, Mr. Scott's change of land use, Mr. Larkin's abandonment, the abandonment between Heidi's and the new pharmacy building, the fee waiver for the Toy Shoppe, Warne Investments change of land use were approved as recommended. The Millard-Thomas abandonment was continued to allow an analysis of the reasonable compensation issues.

H-3. COMMISSIONER REPORTS (2-3201.5) - None.

H-4. STAFF COMMENTS (2-3205.5) - None.

H-5. FUTURE COMMISSION ITEMS (2-3208.5) - There are approximately 20 items including the sign ordinance amendments for the next regular meeting. Chairperson Horton thanked Mr. Lipparelli for attending this meeting.

I. ADJOURNMENT (2-3258.5) - Commissioner Wipfli moved to adjourn. Commissioner Mally seconded the motion. Motion carried 5-0. Chairperson Horton adjourned the meeting at 10:05 p.m.

The Minutes of the February 26, 1997, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON ___May_28_____,
1997.

_____/s/_____

Verne Horton, Chairperson