

CARSON CITY REGIONAL PLANNING COMMISSION
Minutes of the May 29, 1996, Meeting
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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, May 29, 1996, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3 p.m.

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

STAFF PRESENT: Community Development Director Walter Sullivan, Public Works Director Jay Aldean, Utilities Director Dorothy Timian-Palmer, Deputy District Attorney Mark Forsberg, Principal Planner Rob Joiner, Senior Planners Sandra Danforth and Juan Guzman, and Recording Secretary Katherine McLaughlin (R.P.C. 5/29/96 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 Rogers convened the meeting at 3 p.m. Roll call was taken. A quorum of the Commission was present although Commissioner Uhart had not yet arrived. Chairperson Rogers led the Pledge of Allegiance.

B. COMMISSION ACTION APPROVING THE MINUTES OF THE MARCH 18, 1996, SPECIAL MEETING, MARCH 27, 1996, REGULAR MEETING, AND THE MARCH 28, 1996, SPECIAL MEETING (1-0015.5) - Commissioner Nietz moved that the Meeting Minutes of March 18, 27, and 28 be accepted as presented. Commissioner Mally seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-0023.5) - None.

D. AGENDA MODIFICATIONS (1-0032.5) - Community Development Director Sullivan requested Item G-4 be heard immediately following the consideration of the request to adopt the Master Plan element. He briefly explained his instructions to his staff to provide a brief synopsis of the staff report due to the length of the agenda.

E. CONSENT AGENDA (1-0051.5)

E-1. U-95/96-39 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MEDICAL HOLDINGS, LTD.

E-2. AB-95/96-7 - DISCUSSION AND POSSIBLE ACTION ON AN ABANDONMENT REQUEST FROM JOHN SERPA

E-3. AB-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON AN ABANDONMENT REQUEST FROM JOHN FRANK AND DOUG FENTON

E-4. P-92/93-1 - DISCUSSION AND POSSIBLE ACTION ON THE APPROVAL OF A ONE-YEAR EXTENSION OF THE LONG RANCH ESTATES PLANNED UNIT DEVELOPMENT, PHASE 3

E-5. V-95/96-12 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE APPLICATION FROM JAMES RHODE AND MERLYN PAINE

E-6. V-95/96-13 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM EVAN ALLRED, DMD

E-7. AB-95/96-8 - DISCUSSION AND POSSIBLE ACTION ON AN ABANDONMENT REQUEST FROM JOHN SERPA AND JACK MATTHEW

E-8. U-95/96-36 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THOMAS PURCELL

E-9. U-95/96-37 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM MONICO HAVIER

E-10. U-95/96-42 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM JOHN WILSON

E-11. U-93/94-54 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM IVAN LEPIRE

E-12. U-93/94-63 - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM WILLI RUPPEL

E-13. U-95/96-38 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM SILVER STATE MOBILE HOME PARK - During Chairperson Rogers' reading of Item E-4, Commissioner Uhart arrived--3:12 p.m. (The entire Commission was then present, constituting a quorum.) Mr. Sullivan briefly explained that Item E-4 had been withdrawn by the applicant as the map has been recorded. Commissioner Nietz moved that Items E-1, 2, 3, 5, 6, 7, 8, 9, 10, 11, 12, and 13 of the Consent Agenda be approved by the Planning Commission. Commissioner Horton seconded the motion. Motion carried 7-0.

F. PUBLIC HEARING (1-0181.5)

F-1. M-95/96-21 - NON-ACTION ITEM - DISCUSSION REGARDING A REQUEST FROM THE QUALITY OF LIFE INITIATIVE COMMITTEE - Quality of Life Initiative Committee Representative Steve Hartman explained that a formal request for a resolution supporting the Quality of Life Tax Initiative would be made at a future meeting. He then explained the open space portion of the tax initiative in depth. The initiative is for a quarter cent sales tax for funding open space acquisition for recreational activities and bike and pedestrian trails. This tax could generate between \$1.2 and \$1.4 million a year. Reasons for utilizing the sales tax to fund this program rather than the ad valorem tax, Carson City's determination that the whole City is a district, and utilization of its RCT monies for parks throughout the community were discussed. Chairperson Rogers pointed out the goals contained in the Master Plan recommending the acquisition of open space for additional parks and recreational uses and preservation. The Master Plan will be considered later in the meeting. If it is adopted, he felt a strong statement of support would be given.

(1-0482.5) Quality of Life Initiative Representative Pete Livermore explained the park development and maintenance portion of the initiative including the plans to acquire a cover for the outdoor pool, renovate the lower portion of Centennial Park, add additional soccer fields at Edmonds Park, Community Center improvements, completion of Mills Park including improvements to the Wungnema House, major improvements to the Rifle and Pistol Ranges, Camp Carson improvements, bike and pedestrian trails, and a potential multi-purpose gymnasium. The funds would be split 40 percent for open space, 40 percent for park development, and 20 percent for park maintenance. Chairperson Rogers pointed out that several surrounding communities were also beginning to consider this type of funding for similar programs. Commissioner Nietz explained her support for the open space portion of the initiative. She had not known that "C Hill" is privately owned and would support the request when formally agendized. No formal action was requested or taken on this Item.

F-2. A-95/96-9 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM E. F. VIC VICICH (1-0622.5) - Senior Planner Juan Guzman, Deerskin Trading Post Vice President Vic Vivich, Carson City Postmaster Bob McLean, Mr. Sullivan, Public Works Director Jay Aldean, Utilities Director Dorothy Timian-Palmer, and Deputy District Attorney Mark Forsberg - Mr. Vivich explained at length the community support his firm provides. The application is for retail factory outlet sales activities on Fridays, Saturdays, Sundays, and maybe legal holidays. This would help him avoid the shipping costs required if the store is located in another area. His testing of a Massachusetts outlet had proven that it is not feasible to open the store Mondays through Thursdays. His study of the Industrial Park indicated that the store would have no impact on the other firms. His request for a zone change four or five years ago had been denied. He then expounded on the number of employees he would need if the expansion is approved. His plan would close the Massachusetts outlet and relocate the activity to Carson City. His sales are now handled primarily through catalog sales or the factory outlet. His factory sales would be first line merchandise which had not sold out. His Massachusetts store currently generates between \$1.6 and \$4 million in sales. His expansion plans include a cafeteria franchise and area. Mr. Guzman agreed that the expansion would be economically beneficial to both the community and Mr. Vivich, however, the district does not allow retail sales. He also noted that several of Mr. Vivich's neighbors opposed the request.

(1-0879.5) Public testimony was requested. Postmaster McLean supported Mr. Vivich's comments concerning the impact the catalog sales expansion would have on Carson City and his Agency. He did not feel that the traffic created by the outlet sales activities would negatively impact the area. The industrial area is closed on weekends and holidays. He suggested a trial period be approved to determine the impact. Mr. Guzman reminded the Commission that staff's recommendation does not oppose the catalog sales. Chairperson Rogers agreed that the opposition was to the retail sales activities. Mr. Guzman also noted that there is a zoning district close by which would allow the retail sales activities. Mr. McLean explained that the problem with this location was that it would increase the operational costs due to the necessity to ship the merchandise to that site.

(1-1011.5) Additional public comments were solicited but none given.

Discussion ensued between the Commission and staff on the application. If the Code amendment is approved, it will open the entire Air Industrial district to retail sales. Other industrial districts allow retail sales as a conditional use. Opposition to retail sales in the Air Park has been consistent throughout the years. Commissioner Uhart felt that an accessory use such as the request should be allowed. Chairperson Rogers explained that the Air Industrial Park zoning district does not allow this activity and its occupants wished to preserve this restriction. Staff had recommended that a zoning change be requested rather than the Code amendment based on this opposition. A zoning change had been requested several years ago and had failed. Commissioner Horton indicated that this could be considered spot zoning. Discussion acknowledged that the proposal would be good for the community, however, it would also jeopardize the other industrial uses which occur adjacent to the use. Mr. Sullivan explained how the park was created and commitments made at that time. The request would dilute the industrial uses. If the Code amendment is approved, the sales should not be limited to certain dates as staff would be unable to monitor it. Commissioner Pozzi felt that wholesale activities should be allowed. He agreed that the merchandise would be at a slightly higher value. This would be the retail price, however, the merchandise needed to be sold. Mr. Sullivan reiterated the issue as being whether to open the district to retail uses. Any manufacturers wishing to have retail sales activities are directed to other industrial zones. Mr. Vivich could locate his retail sales activities approximately one-half mile away in an appropriately zoned district. Discussion with Mr. Aldean indicated the proposal would not impact the current street standards. Utilities Director Timian-Palmer indicated there would be an impact on the utilities which would have to be analyzed during the expansion review process. Mr. Sullivan distributed a copy of Cubix's letter of opposition to the Commission and Clerk. Mr. Sullivan explained the notification requirements for Code amendments which differs from a zone change. Commissioner Christianson explained the quandary he found himself in due to his personal knowledge of and involvement with the industrial district and its opposition to infringement on the district, the Chamber of Commerce's manufacturer's association, the applicant and his firm. Commissioner Uhart expressed her desire to have staff reassess the area and the request based on the benefits derived from Mr. Vivich and his operation. She felt that the request was valid and that it should be allowed under a special use permit. She agreed that a shop could be opened down the street and the cost to ship the merchandise. She felt that her ability to accommodate the manufacturers was being restricted and did not see the traffic impact nor devaluation of property issues. Commissioner Pozzi expressed his feeling that there had been a commitment to the industrial firms when they located in the park. He did not feel that the Commission should go back on this commitment/guarantee. If the request is approved, it would scare off other potential investors. Commissioner Nietz explained her quandary over the request as the expansion would be good for the community, however, it may create additional frictional problems for the mixed uses as found in other districts. Creation of such problems may be a disservice to the district. She suggested that staff meet with other AIP manufacturers and discuss the need for factory outlets. She would restrict the use to those firms already manufacturing items in this district and allow it only as a conditional use with a special use permit. She felt that the letters of opposition could have been generated by a lack of knowledge concerning the request. She would oppose any modification until this discussion had occurred. Chairperson Rogers reiterated that the request was for a Code amendment rather than a zoning change. He felt that the original zone change request had been for retail activities. He could not support an amendment allowing retail sales as it could be spot zoning. He suggested that other industrial zoning designations be considered and supported Commissioner Nietz' recommendation for further review by staff. Mr. Forsberg iterated the point that the Code amendment would only allow the use with a Special Use Permit. This would involve the noticing process with public comment and not allow the use outright. Chairperson Rogers indicated that this would require additional review by the Commission. He opposed any activity which would mandate property owners having to repeatedly defend commitments made at a previous date.

Clarification indicated all of Mr. Vivich's property is within the AIP district. **Commissioner Pozzi moved that the Planning Commission approve a motion recommending that the Board of Supervisors deny A-95/96-9, a request from E. F. Vivich to amend CCMC Section 18.06.317 to allow limited retail sales in the Airport Industrial Park zoning district based on the five findings contained in the staff report. Commissioner Nietz seconded the motion. Motion was voted by roll call with the following results: Commissioner Christianson - Naye; Pozzi - Aye; Uhart - Naye; Nietz - Aye; Mally - Aye; Horton - Naye; and Chairperson Rogers - Aye. Motion carried 4-3.**

Commissioner Nietz requested the Chairperson direct staff to initiate a meeting with the applicant and manufacturing representatives of the Air Industrial Park zone to determine if they are amenable to a code amendment allowing outlet stores for a manufacturer in the district. This would not allow a separate retail outlet. Chairperson Rogers agreed and encouraged the Applicant to not allow the action to destroy his vision, for him to consider appealing the decision to the Board of Supervisors, and to work with his neighbors and staff in an attempt to create a mechanism which would address all of the concerns. Both Mr. Sullivan and Mr. Guzman indicated they would work with Mr. Vivich.

F-3. A-95/96-5 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ROBERT HUGHES TO AMEND CCMC 18.06 (1-1485.5) - Senior Planner Sandra Danforth, Mr. Sullivan, Mr. Forsberg, Robert Hughes, Senior Planner Rob Joiner, Al Rutledge, and Jim Viano - Discussion between staff and the Commission explained the zoning districts which would allow group care, rest home facilities, and home for the aged; the different levels of health care; and the age restriction for frail individuals. Chairperson Rogers encouraged staff to remove the age restriction and changed 18.03.297 to read: Frail means a person who, due to physical or mental impairment, requires a degree of assistance in order to maintain a desired level of independence. Mr. Forsberg requested the Commission continue the item to allow staff time to determine the impact created by the change. Mrs. Danforth explained that the original language had been suggested by an individual whose application was for a home for the aged that needs the definition of a frail elderly individual. Discussion noted that the same terminology was contained in the "ECHO" ordinance and the reasons staff wished to continue the Item.

(1-1791.5) Mr. Hughes had read the staff report. He explained the need for this type of a facility as indicated in a Reno Gazette Journal article. He was willing to accept Chairperson Rogers' modification, however, his application was to provide assisted or group care for people meeting the State code. This would mandate the individual's having a doctor's certificate showing he/she is healthy, free of communicable diseases, and is ambulatory. Wheel chairs are considered ambulatory. The facility would not be a convalescent center. It is considered assisted living. The average average age for such individuals is approximately 80 years old. He agreed that it should not be limited to "extremely elderly people". He indicated that it would not pose a hardship for him if the request is continued unless it takes a long time to accomplish. Mr. Joiner requested the following Applicant also be asked if the continuation would impact his project. Mr. Hughes reiterated his comments concerning a lengthy delay. Chairperson Rogers indicated a desire to reconsider the Item at the next meeting.

(1-1889.5) Public testimony was solicited. Mr. Rutledge indicated a delay would impact his project. Commissioner Nietz suggested that the Commission take action on the portions related to ambulatory, frail elderly, and the addition of Home for the Aged as a conditional use in the MFA and NB zones. Staff could bring back a recommendation on the other issue at a future meeting. Mr. Rutledge reiterated the need for the Code amendment to be adopted as it would stop their project. Mr. Viano began to explain his and Mr. Rutledge's project. Chairperson Rogers explained that this would be discussed after the Code amendment issue is resolved. Additional public comments were solicited but none were made.

Discussion between the Commission and staff indicated that the Code amendment as indicated could be adopted and an amendment considered at a future date. Mr. Forsberg reviewed the history of the amendment and requested any other changes to eliminate a repeat of this occurrence. He and Mr. Sullivan encouraged the Commission to approve the amendment and allow staff to work on a modification. Mr. Sullivan committed to bringing this section back for consideration within 60 days. Commissioner Pozzi encouraged the Commission to follow staff's

recommendation. Commissioner Pozzi moved that the Regional Planning Commission move to approve a recommendation to the Board of Supervisors to approve A-95/96-5, a request from Robert Hughes to add Home for the Aged as a conditional use in the Multi-Family Apartment, MFA, zoning district Section 18.06.129 and in the Neighborhood Business zoning district Section 18.06.247, to amend Section 18.03 by addition of Section 18.03.328 to add a definition titled "Home for the Aged:", to amend Section 18.03 by addition of Section 18.03.328 to add a definition titled "Home for the Aged", to amend Section 18.03 by addition of Section 18.03.297 to add definitions titled "Frail Elderly" and 18.03.070 "Ambulatory" and 18.03.328 "Home for the Aged", and to amend Section 18.03.490, the definition for rest home, convalescent home, nursing home, and home for the aged. Commissioners Nietz and Horton seconded the motion. Clarification indicated Section Number 18.06.129 was correct. The motion was voted and carried 7-0.

Chairperson Rogers directed staff to look at the concerned section and come back with a recommendation at the earliest possible date.

F-4. U-95/96-31 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JAMES VIANO (1-2133.5) - Mr. Joiner, Al Rutledge, and James Viano - Discussion between the Commission and staff indicated the project is another phase of the Nevada Cares project. There will be only one story. Mr. Rutledge had read the staff report and agreed with it. The 35 unit expansion project would be compatible with the two current units. He would construct the unit and lease it back to Nevada Cares. Discussion indicated there are some attorneys at the facility also. The unit would be one story similar in structure to the units already there. Public testimony was solicited. (1-2214.5) Mr. Viano explained the waiting list for occupants and Senator Bryan's support for the project. Additional public comments were solicited but none given. Commissioner Nietz moved to approve a Special Use Permit U-95/96-31, a request from Viano Family Trust and Al and Roberta Rutledge to allow a home for the aged not to exceed 35 persons on property zoned Residential Office at 2769 Mountain Street, APN 1-021-11, based on seven 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 Pozzi seconded the motion. Motion carried 7-0.

F-5. A-95/96-11 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM GARTH AND JOAN RICHARDS TRUST AND MEDICAL HOLDINGS, LTD. (1-2268.5) - Mrs. Danforth, Applicant's representative Steve Hartman - Mr. Hartman concurred with Mrs. Danforth's statements and support for the project. Public testimony was solicited but none given. Commissioner Pozzi moved that the Regional Planning Commission move to approve a motion to recommend that the Board of Supervisors approve the applicant's request to amend CCMC 18.06.247 to allow rest home, convalescent home and nursing home as a conditional use in the Neighborhood Business district. Commissioner Nietz seconded the motion. Motion carried 7-0.

F-6. U-95/96-41 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM CARSON-TAHOE HOSPITAL (1-2320.5) - Mr. Joiner, Project Manager Roger Sedway - Discussion between the Commission and staff indicated only the sub-acute and rehab center were being considered at this time. Commissioner Mally felt that this project would compete with private enterprise. Mr. Joiner felt the project would provide a needed service at the Senior Center and is a portion of the Hospital's master plan. Mr. Sedway had read the staff report and concurred with it. Mr. Sedway briefly explained the project and its benefits. This would eliminate the need to transport sub-acute patients to Reno. Reasons for transferring services to off campus sites in the community were noted. Ninety percent of the sub-acute patients are senior citizens. Future expansion plans at the Senior Center were briefly noted. The project may reduce the need for additional construction at the Hospital. A final decision has not been made on the level of skilled nursing service which will be provided for the ten extra beds at the facility. He was not positive whether there would be a time limit on the number of days which an individual could remain at the facility. An architect's rendering of the facility was utilized to explain the area designed for the chiller and distance between the facility and the residences. He was not positive of the location for the chillers but felt that they were to be roof top units. He indicated that they would comply with the noise regulations. Mr. Joiner indicated there were screening requirements. The same standards as set for the Hospital would be required--45 dba on the inside and 55 dba on the outside. Mr. Sedway agreed to

stipulate to this condition. He also indicated there would be adequate parking and that discussions are pursuing a joint use agreement with Sierra Pacific Power for use some of its parking area. BLM's requirement for the Senior Center to have a "doc in the box" medical facility was explained. The Center's expansion plans had included this facility. The reasons the sub-acute with its rehab and x-ray facilities and other amenities would meet this requirement were outlined. Public testimony was solicited but none given. Commissioner Nietz moved to approve U-95/96-41, a special use permit from Carson City/Carson-Tahoe Hospital, owner - Bureau of Land Management, to allow government facilities, specifically, sub-acute hospital, rehabilitation and gymnasium in association with the Carson-Tahoe Hospital on property zoned Limited Industrial, 900 East Long Street, portion of APN 2-121-01, based on four findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Pozzi seconded the motion. Motion carried 6-1 with Commissioner Mally voting Naye for reasons he had previously stated.

F-7. V-95/96-11 - DISCUSSION AND POSSIBLE ACTION ON A VARIANCE REQUEST FROM LES KYNETT (1-2674.5) - Mr. Joiner, Les Kynett - During Chairperson Rogers' reading of the Agenda item Commissioner Mally stepped from the room--5:31 p.m. (A quorum was still present.) Discussion between the Commission and staff indicated the entire parcel would not be developed by the project. If all of the Building Codes and requirements are met, the storage units can be converted to other business uses. Commissioner Pozzi felt there is another sign already located at the site. Mr. Joiner felt this sign was a construction sign which will be removed. Commissioner Christianson withdrew his original objection to the signs along the Highway. Mr. Kynett indicated that his abstract drawing had indicated the sign was closer to the Highway. The actual sign will be over 150 feet from the Highway and would not have the impact indicated by the abstract drawing. Mr. Kynett outlined the previous discussion and the meeting with staff. (Commissioner Mally returned during his statements--5:36 p.m. A quorum was present.) He felt that all of the issues had been addressed and agreed with the staff's recommendation. Mr. Joiner felt that this project indicated the staff's flexibility in enforcing and working with the sign ordinance. Public testimony was solicited but none given. Commissioner Christianson moved to approve V-95/96-11, a variance request from Leslie J. and Joanne Kynett to construct a free-standing sign exceeding the overall height allowance as permitted in Title 20, Sign Control Ordinance, on property zoned General Commercial located at 750 Old Clear Creek Road, APN 9-302-08, based on five findings and subject to seven conditions of approval and with the consideration that any acknowledgements made to the Commission/Board by the applicant shall be deemed as conditions of approval on this application. Commissioner Horton seconded the motion. Motion carried 7-0.

F-8. U-95/96-40 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM GEORGE ANASTASSATOS (1-2830.5) - Mr. Guzman, Mr. Forsberg, Mr. Sullivan, George Anastassatos, David Schoeppler, Kathy Hall, and Mike Williams - Introduction of the staff report and discussion between the Commission and staff indicated the parking for the duplex would be located on the Pine Lane side of the property. Staff had not recommended subdividing the property as it would create two substandard parcels. Commissioner Nietz suggested another condition which would prohibit expansion of the non-conforming uses in the future. Mr. Forsberg agreed that the condition could be legally binding, however, may not have a lot of meaning as a future Planning Commission could remove the condition. Commissioner Pozzi noted the real estate broker's letter threatening a lawsuit. He noted the potential for a lawsuit if the request is not approved. Mr. Forsberg agreed that there is information in the packet indicating there is a pending lawsuit, however, the City is not involved at this point. Commissioner Mally voiced his opposition to the threats which are contained in the letters. Mr. Forsberg indicated that the letter was from the real estate broker who had arranged the sale of the property. He did not feel that the letter was relevant to the application. Mr. Sullivan explained that the letters had been included to provide the Commission with the history of the application. Mr. Anastassatos, who is the applicant, had worked well with staff in attempting to resolve the issues at the site. Mr. Sullivan felt that staff would deal with the letters after the issue is resolved.

(1-3007.5) Mr. Anastassatos explained his acquisition of the property and indicated his agreement with the recommendation. He then explained his research on the property and the Code problems associated with the duplex. He was attempting to address these violations and make the property a viable investment. He had retained legal counsel. He indicated that, if the special use permit is granted, there would be discussions with the previous

owner concerning his involvement and payment for the Code mandated improvements. He felt that this was the reason for the lengthy packet. Commissioner Nietz explained her knowledge of the original application and the current Codes which would allow three units to be on the parcel if the special use permit is approved. Mr. Anastassatos then agreed to her recommended additional condition which would prohibit any further expansion of the non-conforming uses in the future. He was unaware of the Pine Lane neighbor's letter requesting the property's appearance be improved and consideration of noise concerns. Mr. Sullivan indicated the letter had been received today.

(1-3116.5) Public testimony was solicited. Mr. Schoeppler indicated he was the broker in question and began to explain his investigation of the property. Mr. Guzman requested the discussion remain on the agenda item. Chairperson Rogers supported Mr. Guzman's request. Mr. Schoeppler gave the Commission some Polaroid photographs of the area. He then explained the multi-family uses on Pine Lane. He felt that the individuals he had talked to about the property had not opposed the duplex and a majority felt the zoning was for a duplex. He then explained that his May 22 letter to Mr. Berkich had been based on information provided by the seller, Mr. Bayer, and had not been intended to be taken as a threat. It is a fact.

(1-3201.5) Ms. Hall, an adjacent Pine Lane resident, felt that the duplex could not be compared to the apartments which are located across the street on Pine Lane. For example, the apartments have an on-site manager which the duplex does not. She opposed any additional building on the site. She supported Mr. Guzman's recommendation that the extra buildings be demolished. She encouraged a requirement mandating monitoring the tenants. The present tenant has a constant "barrage" of vehicles coming and going. The unit is against her house. The fence is not adequate. The noise level is intolerable. The building is a detriment to the neighborhood. She did not feel that there had been an attempt to discuss the application with the neighbors. She requested a restriction limiting the use of the building. She felt that the building did not meet Code and questioned the reasons for attempting to bring it up to Code. She had not discussed the proposal with Mr. Anastassatos. Commissioner Mally suggested he meet with her.

(2-3285.5) Mr. Williams expressed his opposition to having a single family area become an apartment complex. He was not opposed to having the house rented if restricted to a single family. Pine Lane has had problems with parking and noise. He opposed the loss of privacy in his backyard as the property infringes on his property. He felt it had originally been a garage. It is now a duplex which is rented.

(1-3338.5) Additional public comments were solicited but none made. Public testimony was closed.

Mr. Anastassatos indicated he had only owned the property for a few months. He had contacted several of his neighbors on Lavendar Circle. They did not have any problems with the request. Mr. Guzman and his recommendations would demolish some of the storage sheds to accommodate the additional parking space which is required. He could not address the three foot setback as the building is already constructed. He was trying to restrict the tenant in the house to one family. The tenant has made several improvements. He acknowledged that the tenant is a "stereo buff". The lower unit is a studio which may be rented to a single person. He did not feel that there would be a large traffic volume created. He indicated he was planning to do some significant remodeling such as the fence and storage shed. The building may be repainted. He indicated he may not have purchased the property if he had been aware that there were only two units. He indicated he intended to cleanup the site. He agreed to meet with the neighbors and discuss their concerns.

Mr. Guzman explained the requirements contained in Condition 1 which would bring the building into compliance with the Building Code and Building and Health Department requirements. This same Condition provides for the collection of additional utility fees due to the increased usage and meeting Community Development standards. Chairperson Rogers stressed that this also means demolition of the buildings which do not meet Code and bringing the duplex up to Code so that it could be a multi-family residence. Commissioner Mally also indicated that these requirements are contained in the Public Works' staff report. Chairperson Rogers also noted for Ms. Hall that Mr. Anastassatos had indicated he would improve the fence in addition to his stipulation that he would paint and do some additional cleanup.

Commissioner Mally moved that the Planning Commission approve U-95/96-40--. Mr. Williams requested a

clarification. Chairperson Rogers reopened public comment. Mr. Guzman briefly explained the definition of a single family residence and requested the applicant come to his office to see the State definition. The City standard uses the number of kitchens contained in a dwelling rather than the number of individuals residing in a unit. If the special use permit is allowed, there could be two separate cooking facilities at the dwelling. Mr. Williams requested a copy of these standard. Public testimony was again closed.

Commissioner Mally moved that the Planning Commission approve U-95/96-40, a special use permit from George Anastassatos to allow the use as a duplex of a structure that does not conform with the present regulations of the Multi-Family Duplex zoning district, located at 269 Pine Lane, APN 2-021-30, 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. Commissioner Horton seconded the motion. Commissioner Nietz requested Condition 9 be added stating that no further non-conforming uses will be granted. Commissioner Mally refused based on his feeling that this would be an additional burden on the applicant. The motion to approve the special use permit based on seven findings and subject to eight conditions was voted by roll call with the following result: Commissioner Pozzi - Aye; Horton - Aye; Uhart - Naye; Nietz - No; Mally - Yes; Christianson - Aye; and Chairperson Rogers - No. Motion carried 4-3.

Discussion ensued on how the garage had been converted to a duplex including the original zoning. A previous property owner had applied for and obtained a permit to construct an apartment over the garage. Sometime thereafter he converted the garage into a second, unapproved unit. After a tenant filed a complaint with the City, the second unit was discovered and condemned.

DINNER RECESS - At 6:06 p.m. a dinner recess was declared. The meeting reconvened at 7:06 p.m. The entire Commission was present constituting a quorum. Staff present included: Community Development Director Walter Sullivan, Public Works Director Jay Aldean, Utilities Director Dorothy Timian-Palmer, Deputy District Attorney Mark Forsberg, Principal Planner Rob Joiner, Senior Planners Sandra Danforth and Juan Guzman, and Recording Secretary Katherine McLaughlin.

F-9. Z-95/96-10 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM TERRY YEAGER (2-0049.5) - Mr. Guzman and Terry Yeager -Mr. Yeager had read the staff report and agreed with the staff recommendations. Public testimony was solicited but none provided. Commissioner Nietz moved that the Planning Commission approve Z-95/96-10, a motion to prepare an ordinance for first reading to change the land use designation for APN 8-053-10 portion from Single Family One Acre to Retail Commercial and recommend to the Board of Supervisors adoption of said ordinance based on one finding contained in the staff report. Commissioner Horton seconded the motion. Motion carried 7-0.

F-10. Z-95/96-11 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM JOHN AND DEBORAH UHART AND JENNY BACIGALUPI (2-0098.5) - Mr. Joiner and Jenny Bacigalupi - Commissioner Uhart declared a conflict of interest as she is the applicant and left the room. (A quorum of the Commission was still present.) Mr. Joiner explained that the notices had included 1400 Chaparral as one of the addresses. This is not correct as 1400 Chaparral is not part of the application. Discussion between the Commission and staff explained the address. Mr. Joiner clarified the reasons for using "down zoning" to describe the request rather than a zone change. Ms. Bacigalupi had read the staff report and agreed with it. She explained the location, its original ownership, their acquisition, and reasons for requesting the down zoning. Commissioner Nietz moved to approve Z-95/96-11, a motion to prepare an ordinance for first reading to change the land use designation from Single Family 12,000 to Single Family Two Acre on APN's 8-073-12 and 13 and recommend to the Board of Supervisors adoption of said ordinance based on four findings contained in the staff report. Commissioners Christianson and Mally seconded the motion. Motion carried 6-0-0-1 with Commissioner Uhart absent.

F-11. M-95/96-20 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM TERESA REID AND HELEN TAPPERO (2-0215.5) - Mr. Joiner, Helen Tappero, and Mr. Sullivan - Commissioner Uhart returned during Chairperson Rogers' introduction. (A quorum was present as previously indicated.) Ms. Tappero

indicated she had read the staff report. She felt her shop was unique in that it recycles toys and clothes. The items do not appear to be used. She purportedly had a petition which her clientele had signed supporting the shop and stressing the need for the service. Her petition allegedly contained over 100 signatures. She questioned the alternatives/process to have the store remain in a retail commercial district. The shop must be located in a highly visible, up-scale, high traffic area. General commercial districts will not provide the service necessary for her clients. Discussion indicated used children's clothing and toys had been sold in another shopping center. Mr. Sullivan felt that the use could have been allowed if a majority of the items were new. Mr. Joiner indicated the Code had been modified in 1995. The previous location had had a special use permit. The Code does not allow grandfathering at a new location. The use could only be allowed if a Code amendment is approved. A Code amendment could not be approved this evening. Antique sales are defined in the Code and allowed in this district. Mr. Sullivan felt it would be easier to obtain a Code amendment than a change of land use. The store is currently open although a Business License has not been issued. Ms. Tappero agreed to return with a Code amendment. Public testimony was solicited but none given. Discussion ensued concerning the Code amendment and problems encountered with the sale of used furniture and appliances, the potential proliferation of used book stores, and the terms "like new" merchandise, reconditioned merchandise, and recycled. It was felt that the merchandise should be restricted to baby clothing and young children. Commission comments stressed the need for this store to be located in a highly visible, highly trafficked area. Commissioner Nietz moved that the Planning Commission uphold staff's administrative interpretation of CCMC Section 18.06.250. Commissioner Horton seconded the motion. Motion carried 7-0.

F-12. S-91/92-1a - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM ROSALIE DIETER (2-0418.5) - Mr. Guzman and Rosalie Dieter - Ms. Dieter had read the staff report and agreed with it. She appreciated staff's efforts to assist her as the original septic tank setback would make the lot unusable. Public testimony was solicited but none given. Commissioner Mally moved that the Regional Planning Commission approve the amendment of the septic setback line as depicted on the recorded map for Caballeros Acres No. 2 to coincide with the building setback line as illustrated on the recorded map for Caballeros Acres No. 2, affecting Lots 1 and 2, APN 9-711-04 and 05, subject to the conditions of approval as stated in staff's memorandum and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Nietz seconded the motion. Motion carried 7-0.

RECESS THE PLANNING COMMISSION AND CONVENE THE GROWTH MANAGEMENT COMMISSION (2-0475.5) - Chairperson Rogers recessed the Planning Commission and immediately reconvened the session as the Growth Management Commission. The entire Commission was present constituting a quorum.

F-13. GM-95/96-2 - STATUS REPORT ON CARSON CITY'S GROWTH MANAGEMENT PROGRAM FOR 1996 AND DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION TO ESTABLISH THE NUMBER OF RESIDENTIAL BUILDING PERMITS FOR 1997 and 1998 (1-0478.5) - Mrs. Danforth, Mr. Sullivan, Builders Association Representative Jim Bawden, and Stanton Park Representative Dwight Millard - Chairperson Rogers requested the Commissioners use the signal lights to provide better control over the meeting and discussion. Mr. Sullivan reviewed his memo on the reasons for needing to consider other methods of quantifying growth and other resources which should be considered for restricting growth. Discussion between the staff and Commission indicated various areas of the City do not receive the same service level as other areas. At this time the City does not have a standard for the number of individuals who can be served per deputy or fireman. This figure could be used to establish the growth rate. Commissioner Horton explained his request that the Growth Management Commission establish a task force to analyze threshold growth management. Chairperson Rogers noted comments given last year during the Growth Management discussion which indicated the schools are growing between four and five percent rather than the three percent indicated by the ordinance. He suggested that these figures be analyzed. He suggested that all of the resources be analyzed to determine the growth rate not just building permits. Mr. Sullivan expanded on his statements concerning the school growth rates which had been discussed in depth by the School Master Plan Committee. He felt that this mandated the need to have more accurate information which may necessitate consideration of other factors as well as building permits. Commission comments supported considering other factors. The Master Plan includes quantification factors for the Fire and Sheriff Departments' response time and service levels. Commissioner Nietz encouraged

the other Departments to establish similar performance/service standard/levels. Commissioner Pozzi noted that it had been several years since the builders had used all of the allocations in a year. The bank eventually reached approximately 1,000 of these unused allocations and was reduced to 100 due to the lack of need. Current usage is still below the allocations. He agreed that economics impact the demand, however, felt that there would be a surplus again this year. Based on this surplus, he recommended cutting the allotments to the number issued this year. Two percent growth may be more realistic and match the number of allotments used. All services and resources should be included in the process. Commissioner Uhart supported considering other resources than just water due to their impact on the quality of life. She agreed that mobile homes and apartments impact different services more than single family residences. She had never been "crazy" about the 2 for 1 rule, however, the current apartment vacancy rate is near zero. She did not wish to see this rate negatively impacted. This issue should be studied and criteria established based on factual data. Mr. Sullivan reviewed the history of the allotment process, which is contained on Pages 14 and 20 of the packet. The Strategic Plan had pointed out several factors which impact the quality of life, i.e., schools, traffic, growth, etc. If the number of allotment issued last year is factored to allow for the current "2 for 1 policy" for apartments and mobile homes along with the number of well permits, he felt that between 90 and 95 percent of the allotments would be used. This is the reason for staff's recommendation that the 3 percent growth factor be used and the apartment and mobile home allotments be modified to be one for one. He could not recommend cutting the allotments to two or two-and-a-half percent without objective information to support it. The proposed study would provide this objectivity. Discussion ensued on the reasons the builders wished to retain an established policy based on financial requirements for loans. Mr. Sullivan felt that the number of allotments acquired this year would be higher than what had been used for several years based on the number of large developments approved by the Commission and Board. Mrs. Danforth indicated that none of the categories have exhausted the entire quota of permits. Commissioner Christianson cautioned against modifying a program which appears to be working and meeting the community needs. He felt that water was a limiting resource while the other items were related/controlled by the budget. Commissioner Nietz pointed out the Commission's previous unsuccessful attempts to quantify growth and modify the allotment process. She supported Commissioner Horton's recommendation to analyze the issues including the quantification process. She supported Commissioner Pozzi's recommendation that the same number of allotments be issued next year. She urged the study to include ordinance amendments in its issues and, specifically, the Sheriff's Department or Public Safety as a limiting resource. She also noted money is a finite resource which does not appear to be providing the level of service demanded from the residents as indicated by Capital City Focus. Chairperson Rogers explained his support for considering other limiting resources when the allotments have been considered. He reiterated his support for this study as well as restricting the number of permits to the current level until the study is completed. Discussion indicated Mr. Hartman's suggested distribution process would be considered by the Commission in August. Chairperson Rogers expounded on his reasons for supporting a study of the process. Commissioner Mally indicated there were only 18 more permits allocated under the three percent growth rate for next year. Chairperson Rogers felt that the committee could be established by direction and that the motion should address the allocation figures for next year. Discussion indicated the Commission preferred to use work sessions rather than a subcommittee to analyze the process. Chairperson Rogers suggested two work sessions be established for this process and, if necessary, a subcommittee could be established to address specific items. Commissioner Horton explained that his suggestion had been based on his feeling that it would take a lot of work to analyze all of the issues. Chairperson Rogers indicated that two sessions would establish this and that the meeting dates would be set later in the meeting.

(2-1185.5) Public testimony was solicited. Mr. Bawden requested the study include commercial and industrial impacts on the growth rate. He expressed a desire to participate in the study. He emphasized the builders' reliance on the current ordinance in making business decisions and its validity over the years. He agreed that the City staff had been able to minimize the need to restrict growth based on water availability so long as the current three percent rate is maintained. Concerns were expressed about adding other limiting factors which are based on budgetary functions. The present Sheriff's Department staffing shortage has compounded over twenty years due directly to the lack of funding support provided by the Board of Supervisors. If the Board cut funding for other community items, adequate public support could be given. He urged the Commission to not add the Sheriff's Department to the list of limiting factors due to the lack of control which the Commission and builders had over its funding level. He reiterated his comments regarding participating on the task force and cautioned against modifying the ordinance due to the impact it would create on the building community without justifiable reasons. He reiterated the request to consider the industrial and commercial impacts in the analysis. and the issues

considered by financial institutions when making loans. He was opposed to any changes until the task force had analyzed all of the issues including the suggestion to modify the current two to one ratio for apartments and mobile homes and inclusion of the well permits. He urged the Commission to maintain the current three percent allotment until the study has been completed. Chairperson Rogers indicated that, based upon the past record, a good working relationship had occurred during the Master Plan process. He welcomed the Builders Association's participation in the process and supported broadening the scope. Mr. Bawden then explained the Association's support for the current three percent Growth Management allotment process.

(2-1351.5) Mr. Millard supported Mr. Bawden's comments. He felt that the Growth Management process had provided for coordinated growth rather than growth control. He opposed modifying the two-for-one apartment recommendation and urged the task force to analyze the proposal. He agreed that there is a "zero" vacancy factor in the City at this time based on his apartment turnover rate. He suggested that the two-for-one ratio should be one-and-a-half to one. Reasons for recommending against modifying the ordinance without appropriate study were explained.

(1-1415.5) Additional public comments were solicited but none given. Commission discussion pointed out the two recommendations on the allotment numbers. Chairperson Rogers supported staff's recommendation until the study has been completed. He was willing to accept a different number with the understanding that it could be modified based upon the study.

(2-1454.5) Commissioner Mally moved that the Growth Management Commission make a motion to approve a three percent maximum growth rate for 1997 based on Option I providing 604 building permits and recommend approval of Resolution Option No. 1 including homes on wells within the Growth Management requirements and requiring mobile homes and apartments to obtain one building permit per living unit beginning in January 1997 and setting the 1997 building permit number at 604 and the 1998 maximum entitlement building permit number at 622. Commissioner Nietz seconded the motion. Discussion ensued on the commitment to study the wells and mobile home and apartment ratio. Commissioner Mally indicated that he had included the ratio in his motion. Clarification acknowledged that the motion had been seconded. Discussion between Chairperson Rogers and Mr. Bawden indicated that he had recommended against any changes in the allocation process including Mr. Hartman's recommendation until the study could be conducted. Mr. Bawden reiterated his reasons for requesting retention of the current allocation process for the apartment and mobile home ratios. **Commissioner Mally then withdrew his motion and moved that the Growth Management Commission recommend approval of a three percent maximum growth rate for 1997 based on Option I providing 604 building permits. Commissioner Christianson seconded the motion.** Following a request to add the figure for 1998, **Commissioner Mally amended his motion to establish the number of 1997 building permits at 604 and 1998 at 622. Commissioner Christianson continued his second. The motion was voted and carried 6-1 with Commissioner Pozzi voting against the motion.**

Mr. Sullivan indicated the item would be considered by the Board of Supervisors at its second meeting in July. Chairperson Rogers requested the staff report include a mention of the committee, its scope of work including the measurement for limiting factors, and intent to involve the Developers as well as the public.

Discussion ensued on the Agenda and its order.

RECESS THE GROWTH MANAGEMENT COMMISSION AND RECONVENE THE PLANNING COMMISSION (2-1615.5) - Chairperson Rogers then adjourned the Growth Management Commission and immediately reconvened the Planning Commission. The entire Commission was present constituting a quorum.

G. PUBLIC HEARINGS

G-1. M-95/96-22 - DISCUSSION AND POSSIBLE ACTION ON A RESOLUTION FROM CARSON CITY TO ADOPT A MASTER PLAN LAND USE ELEMENT (2-1618.5) - Mr. Sullivan, Mr. Joiner, Builders' Association Representative Jim Bawden, Consultant Randy Walter, Mr. Aldean, Merchant Family Trust Representative George Szabo, and Dwight Millard - Mr. Joiner explained that Page 3 may or may not be

included in the Commission's packet. It had been missed in copying. Discussion indicated an element concerning open space may be added in the future, that Table 2.2 is accurate although the column percentage was modified, that the proposed meeting with the Builders' Association on the table had not occurred, (2-1736.5) the Policy on Page III-3 and V-2 is the language agreed to during the meeting with the Builders' Association, and removed the unnecessary period from 6.1.4. (2-1716.5) Chairperson Rogers indicated that the percentages in Table 2.2 could be modified in the future if warranted. Mr. Joiner felt that in the three week interval between the Commission's meeting and the Board of Supervisors' meeting, if the Commission agreed that it is not a substantial change, the figures could be modified. The Commission felt this was a technical manner and was not substantial.

(2-1812.5) Mr. Szabo commended all on their efforts. He expressed support for the policies and procedures contained in the Plan. He indicated he had found a few minor items in the appendices which he would give to staff. Chairperson Rogers supported his request to meet with staff.

Mr. Bawden acknowledged the number of meetings which had been held on the Plan. He indicated there are still outstanding concerns regarding the level of service processes and mitigation procedures. There are two properties which will be "run through the mill" to verify the process and fine tune the program if necessary. Clarification indicated that these two properties will be brought within the service boundaries and will create SPAs. He thanked the Commission for being allowed to work with staff on the Plan and expressed a desire to continue working with the Commission and staff on the remaining issues. Chairperson Rogers indicated staff and the Commission had committed their support to working with the Association. He felt that the two properties would be able to be processed successfully under the Plan.

Mr. Sullivan explained Al Bernhard's withdrawal of his property from the SPA process. The second property is proceeding through the process. He hoped to present this property to the Board of Supervisors and Planning Commission for action at the Board's June 20 meeting. Catherine McCarthy's complimentary letter was noted. Other comments complimenting the Commission on the process were noted.

(2-1976.5) Mr. Millard urged the Commission/staff/consultant to date Table 2-2 and questioned the size of the survey area. Chairperson Rogers directed staff to add the date. Mr. Sullivan felt that the acreage was 100,000 and 25,000.

Mr. Walter indicated that the map exhibit following Table 2-2 contains a survey date of April 1995. This is the date of the chart. This date and chart should be used as a point of reference and should change over time. Any future updates should be noted.

Discussion ensued on Mr. Bernhard's SPA which questioned his estimated mileage to the elementary school as being five miles. Chairperson Rogers felt that he had used Appendix C and requested staff adjust this figure as it may have been overlooked in the correction process.

Additional public testimony was solicited but none given. Public testimony was closed.

Chairperson Rogers briefly reviewed the two year history of the Plan and commended staff, the Commission, Builders' Association, and the public on the process and the Plan. He felt it was a dynamic, flexible, workable Plan. Commissioner Nietz moved that the Planning Commission adopt a Resolution adopting the 1996 Carson City Land Use Plan Element based on the findings contained in the staff report. Commissioners Christianson, Mally, Uhart, Horton, and Pozzi seconded the motion. Motion was voted and carried 7-0.

G-4. U-93/94-6 AND 6A - DISCUSSION AND POSSIBLE ACTION ON A REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR JOE HOPPER/SUPER KMART (2158.5) - Mr. Sullivan, Mr. Guzman, Mr. Joiner, Lars Anderson and Associates Representative Scott Mommer, Earl Atchison, Tom Sawyer - During Mr. Sullivan's introduction, Commissioner Mally stepped from the room--9:05 p.m. (A quorum was still present.) Mr. Sullivan explained that the staff report had been written approximately one week ago and had been before the last meeting with Kmart representatives. A majority of the outstanding issues have been addressed since that time. He felt it is time for Kmart to become responsible for its own monitoring and for

staff to turn its attention to other issues. Staff will work on a noise ordinance during the coming year. Mr. Guzman explained the second noise study, the noise standards used by other communities, and the status of the landscaping. (During his discussion Commissioner Mally returned.) Discussion ensued between staff and the Commission concerning the neighbors' request to extend the line of trees along Nye Lane from the wall to a point approximately half way to Mountain Street. Mr. Guzman read Ms. Kuester's fax on the size of the trees and depth and NDOT's regulations for such barriers into the record. Mr. Guzman felt that Kmart may not wish to install the trees and that the trees would not reduce the noise factor or grow to a sufficient height for some time to mitigate the visual impact. Commissioner Nietz agreed to have the applicant address this proposal and indicated a desire to add the trees as a condition. (2-2481.5) Mr. Guzman then explained the non-compliance problems encountered with the special use permit for outdoor sales. Super Kmart Regional Manager Randy Columbo assured staff that he is aware of the requirements and requested staff contact him immediately if a problem arises in the future. The new sweeper company has been advised about the time restrictions and area to be swept first. The flag lighting issue was explained and had been addressed. Mr. Joiner gave the Commission a photograph which Compliance Officer Scott Ruedy had taken. He felt that the meeting earlier in the day had addressed this issue. He stressed the need for compliance with Condition 7 which would provide a list of dates when the outdoor sales would occur. Mr. Guzman also explained the reasons for the modified recommendation and his hope that staff could discontinue its monitoring activities. Commissioner Christianson explained his investigation with staff of the noise problem and his personal knowledge of an industrial site and its noise pollution. He felt that the neighbors may eventually learn to live with it as had the neighbors surrounding the industrial site. He supported the comments concerning the psychological effect the trees would have on the neighbors. Discussion with staff indicated that the area proposed for planting the additional trees is currently vacant and is a proposed school site. Commissioner Nietz explained her reasons for having the trees. She did not feel that an NDOT requirement should be required. The trees would benefit the neighbors, provide a psychological and noise barrier, and enhance the area at a relatively low cost. Discussion ensued between staff and the Commission on the site for the trees, the School District/City's responsibility for the tree maintenance, and Silver Oaks and Super Kmart's Representative Steve Hartman's stipulation to provide trees along the proposed area. Commissioner Horton questioned what would happen if the neighbors are still not satisfied and the line of demarcation. He also expressed his feeling that this continual modification of the requirements was unfair. He agreed that something should be done about the noise, however, if it fails, Kmart should not be required to attempt another type of mitigation procedure. Commissioner Nietz acknowledged his point and explained her request that the Lynns check with the neighbors to learn how they felt about the proposal. She felt that this could finalize the issue. Commissioner Pozzi expressed his feeling that the issue could never be resolved. He felt that the issue had become a type of harassment and urged the Commission to hold the line. He urged the Commission to consider the benefits gained by the City from having the store in its deliberations.

(2-2870.5) Mr. Mommer explained the second study which had been completed and its indication that the noise level was within the standard set by other areas. He was unwilling to plant trees on another person's property. He felt that the sweeping issue had been addressed as indicated by a letter purportedly contained within the packets. Security is in compliance. The channel's landscaping will be completed tomorrow. The flag lighting issue had been resolved. The outdoor sales special use permit requirements will be met. Commissioner Christianson admonished Mr. Mommer about the amount of time required to monitor the operation and expressed the hope that it could be discontinued. He thanked Mr. Mommer for taking a personal interest in the issues and attending the meeting. Commissioner Uhart supported his comments and admonished Mr. Mommer to address the issues before the last minute. She felt that he could establish a better relationship with the neighbors if the issues are addressed in a timely fashion. Commissioner Nietz expressed her disappointment in the response illustrated by the firm which is in contrast to the promises made when the application was received. She urged him to reconsider his stand on the additional trees. Commissioner Christianson expressed his feeling that the firm had done what it had committed to doing although it had taken a while to accomplish it. He did not feel that the firm should be held to a noise standard which not in existence. The two noise studies had indicated that the level was below the normal standard used elsewhere. He did not believe that this issue would ever be resolved and that the neighbors would always resent Kmart's presence. Chairperson Rogers explained his personal investigation of the noise problem. As a result, he did not feel that it was an issue. He was very concerned about the repeated sweeper issue. There had been a letter contained in the previous packet committing to compliance with the sweeping restrictions. The trash and channel issues still exist. This is not acceptable. He was also concerned about the lack of clear aisles in the tent and the practice of leaving the pallets lying about. The facility is beautiful, however, these practices and

trash show a lack of pride in it. Safety concerns for small children were also noted to illustrate the need for defined aisles and separation between the traffic and pedestrians. Mr. Mommer indicated that these areas are not under his purview, however, when they had been brought to his attention both the District Manager and Store Manager were advised and are now aware of them. He felt that the store would be in compliance in the future. He indicated that the volume of items for outdoor sales would be reduced and address the pallet problem.

(2-3262.5) Public testimony was solicited. Mr. Atchison urged the Commission to bless the operation. He had personally investigated the noise problem. He felt that the complainant could never be satisfied. The proper flag lighting procedure was explained. The store is the cleanest in Carson City. The sweeping restrictions were "ridiculous". He felt that the Commission had not been fair to Kmart. He urged the Commission to consider the fiscal impact created by the store. He claimed to have been unsuccessful in his efforts to file a claim against Walmart, which he felt was a second hand store when compared to Kmart. (2-3386.5) Mr. Sawyer expounded on his feeling that Kmart was being unjustly harassed. Additional public testimony was solicited but none given. Public testimony was closed.

(2-3442.5) Discussion noted the staff's recommendation. Commissioner Horton explained his feeling that a show cause hearing was not required. Mr. Sullivan requested a motion and explained his reasons for the request. Comments indicated that all of the requests and issues had been agreed to by K-mart. The Special Use Permit will be reviewed again in November. The landscaping will be reviewed in July or August. Mr. Sullivan indicated that if the motion finds K-mart in compliance, staff would no longer monitor/investigate minor complaints. Chairperson Rogers agreed that a special review hearing should not be held until the next regularly scheduled review is necessary. He did not feel that a show cause hearing was necessary at this time. Mr. Forsberg requested a motion and that findings be included in the motion. **Commissioner Pozzi moved that we should get off their back and that the next formal hearing which the Commission should have is scheduled for November and that it should be done at that time and, if necessary, the Chairperson/staff has the authority to ask the Commission to periodically, in groups of either one, two, or three, go to the K-mart and take a "look-see" and write down our own notes and have that for the November meeting and not have the show cause meeting in June.** Mr. Sullivan indicated that there are four areas of importance - one is noise, two is landscaping, three is street sweeping, and four is outdoor display. If Commissioner Pozzi felt that these items are within the use permit, those are the findings that they had meet the Special Use Permit requirements. Commissioner Pozzi admitted that staff is short-handed and can't be chasing K-mart. He felt that the Commission should provide the necessary time to do it. **Commissioner Christianson seconded the motion on the basis of the four items. Those four issues were the noise, street sweeper, landscaping, and outside display. He indicated that there would not be another hearing until the regularly scheduled one.** Mr. Sullivan indicated that this would be the big one in November and that there would be a small one on the landscaping in July or August. Following a request for modification, **Commissioner Pozzi agreed to modify his motion that the next date for review would be the regularly scheduled review dates. Commissioner Christianson continued his second. The motion was voted and carried 6-1 with Commissioner Nietz voting Naye.**

BREAK: A seven minute recess was declared at 10:05 p.m. The meeting was reconvened at 10:12 p.m. The entire Commission was present constituting a quorum.

G-2A. U-95/96-43 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM DMJM; G-2B. Z-95/96-12 - DISCUSSION AND POSSIBLE ACTION ON A CHANGE OF LAND USE REQUEST FROM DMJM; G-2C. AB-95/96-9 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CAPITAL PROJECTS ADVISORY COMMITTEE; AND, G-2D. U-91/92-18 - DISCUSSION AND POSSIBLE ACTION ON AN AMENDMENT OF A SPECIAL USE PERMIT FROM CARSON DETOXIFICATION CENTER (3-0081.5) - Mr. Joiner, DMJM Consultant Bruce Fullerton, Carson Detoxification Center Board President Steve Brown, Mr. Sullivan, Mr. Aldean, Mr. Forsberg, Capital Projects Advisory Committee Member Richard Baker - Mr. Fullerton reviewed the schematic and displayed the landscaping plan. He defined the proposed details on the colors and exterior facade. Mr. Joiner indicated the Historic Architecture Review Committee had been involved in the design.

(3-0235.5) Public testimony was solicited. Mr. Brown explained the requirement mandating curb, gutter, and

sidewalk improvements. He felt that these improvements would be mandated of the City even if the Center is not relocated. He was "relying upon the City" to make these improvements. He agreed that these requirements were an intricate part of the project. Mr. Sullivan indicated that CPAC had agreed to be responsible for these improvements for the Center. Both Mr. Sullivan and Mr. Aldean agreed that this requirement would address the previous landscaping and street improvements required one year ago. Mr. Forsberg felt that this had been considered in the deliberations and was the basis for the temporary improvements. Mr. Brown indicated there would be landscaping included in the project which the Center would provide. Mr. Sullivan explained the issues considered in determining the parking requirements and suggested a process to control the traffic flow by staggering the work schedules. Signalization will not be required. The neighborhood's support for the project was noted. Commissioner Christianson explained Judge Fondi's presentation on the plans. Mr. Sullivan formally introduced Mr. Fullerton and Mr. Baker. He felt that they had been meeting approximately 2.9 times a month over the last three years. Other members of the Committee were noted and their efforts commended. The model is in Mr. Sullivan's office and the Commission was invited to look at it. Benefits of having the Detox Center in the proximity were noted. The Center's Special Use Permit will have to be expanded to include the expansion project which will be constructed when the facility is relocated.

Commissioner Nietz moved that the Planning Commission approve U-95/96-43 to allow construction of a public safety complex including courts, expanded jail facilities, Sheriff's communications, District Attorney's offices, Public Defender's Office, and Clerk-Recorder's Office on property zoned Public located on property bounded by North Roop Street, North Harbin Street, East Musser Street and East Second Street, APN's 4-174-01, 04, and 05 and 4-175-01, based on seven findings and subject to five 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 7-0.

Commissioner Nietz moved that the Planning Commission approve Z-95/96-12, a motion to prepare an ordinance for first reading to change the land use designation from Residential Office to Public on APN 4-174-01 and 05 and recommend to the Board of Supervisors adoption of said ordinance based on the findings contained in the staff report. Commissioner Horton seconded the motion. Motion carried 7-0.

Commissioner Nietz moved that the Planning Commission approve a motion to recommend that the Board of Supervisors approve AB-95/96-9, a request from John Berkich to abandon an approximate 74 foot wide by 420 foot long portion of the public right-of-way located on Pratt Street south of Musser Street and north of Second Street, adjacent to APN 4-174-04 and an approximate 8 foot wide by 260 foot long portion of the public right-of-way located on the south side of Musser Street and the north side of Second Street, adjacent to APN's 4-174-01 and 04 based on two findings and subject to three conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission 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 Nietz moved that the Planning Commission approve an amendment to Special Use Permit U-91/92-18 for the Carson City Detoxification Center, Inc., property owner: Carson City, to relocate the Carson City Detoxification Center on property zoned Public to a location at the southwest corner of the intersection of Harbin and Musser Streets, which is not in the middle of the street but on City property, subject to the current nine conditions and with the additional condition that any increase in the number of clients at the Detoxification Center will require an amended special use permit and adding a further condition that the applicant fully comply with the requirements of the Utilities Department as noted in their memo of May 17, 1996, from Jay Ahrens, Deputy Utilities Director. Commissioner Horton seconded the motion. Motion carried 7-0.

G-3. A-95/96-10 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM MICHAEL BELL AND ED WENINGER (3-0448.5) - Mrs. Danforth, Mike Bell - Discussion indicated similar projects are allowed in the Neighborhood Business district. Commissioner Uhart explained her support for the proposal and indicated she had become interested in serving on the Commission due to a similar project. Clarification indicated that the retail uses would be restricted to those already allowed in the Neighborhood Business district. Mr. Bell

had read the staff report and agreed to it. He then explained his request and the site. He was aware of Public Works' comments. Public testimony was solicited but none provided. Clarification indicated CCMC Section 18.03.417.a defines mini-storage/retail/office complex. The proposed modification will add development standards. Commissioner Mally moved that Planning Commission move to approve A-95/96-10, an ordinance amendment request from Michael Bell and Ed Weninger, to amend CCMC 18.062.47, to allow a mini-storage/retail/office complex as a conditional use in the Neighborhood Business district based on the findings contained in the staff report. Commissioner Pozzi seconded the motion. Motion carried 7-0.

G-5. A-95/96-6 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY TO AMEND CCMC TITLE 18 (1-0577.5) - Mr. Guzman, Mr. Forsberg, Mr. Sullivan - Mr. Guzman requested continuation of all of the modifications except those dealing with temporary outdoor sales within the Retail Commercial, General Commercial, and Limited Industrial Districts being subject to a Special Use Permit. The modifications were explained. Discussion noted staff's request for the Commission to establish the parameters for the sales, i.e., the length of the outdoor sales activity and total number of days allowed annually. Mr. Forsberg explained his recommendation that the number of days be considered the maximum allowed unless unusual or unique circumstances indicate a need to grant a variance. This will allow a case-by-case evaluation. Commissioner Christianson pointed out that it would be difficult to police. Mr. Guzman indicated that the applicant would include in the request for a Special Use Permit all of the standards including the maximum number of days and the number of consecutive days. The Commission would establish the limits with the applicant. The notice of findings would include this data and staff will police it based upon notification of dates. The benefits provided by this procedure were noted. The Section indicates the need to comply with the signage ordinance. Commission comments supported having the business submit a written schedule of dates and for the compliance officer to police the activity. The procedure would provide a "level playing field" for all. Public testimony was solicited but none given. Commissioner Nietz moved that the Planning Commission recommend approval of the attached ordinance Section 18.05.109 to the Board of Supervisors and that the ordinance be placed on the Board of Supervisors agenda for first reading. Following a request for an amendment, Commissioner Nietz amended her motion to include Section 18.03.437, Definitions. Commissioner Horton seconded the motion. Motion carried 7-0.

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

H-1. CORRESPONDENCE TO THE COMMISSION (3-0840.5) - None.

H-2. STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (3-0844.5) - Langson's master plan amendment was denied on May 2nd by the Board on a 4-1 vote. Supervisor Tatro felt additional findings for denial should have been included. The change of land use was denied 5-0. The Detox Center was given \$75,000. The Kmart Special Use Permit review was continued until the Commission considers it. On May 16 the Robert Hall abandonment and the Norm Metcalf change of land use on first reading were approved. The Langson RV Park appeal was denied 3-2. Mr. Langson has indicated he will be filing for a special use permit for the RV Park. A small campground area will be developed. Staff has had a discussion with him on it. The Master Plan Element for the trail system was approved. The Silver Oak Conservation Easement was explained. The Title 18 Ordinance revisions were approved.

H-3. COMMISSIONER REPORTS (3-0875.5) - Chairperson Rogers explained his intent to put his comments on the Master Plan in writing. The Commissioners could sign it if desired. Commissioner Nietz suggested the Technical Advisory Committee be recognized for its efforts. Mr. Sullivan indicated the Committee will be invited to the June 20th Board meeting and that certificates of commendation could be given to them. Chairperson Rogers explained that he would be out of town on that date. Mr. Sullivan encouraged him to attend if at all possible.

H-4. STAFF COMMENTS (3-0917.5) - Mr. Sullivan explained that the Board's budget had included half-time on-going funding for the Compliance Officer, half-time one-shot funding for the Secretary, the zoning map update and GIS funding, and the \$10,000 for a housing study. He indicated that the secretary would be involved in microfilm preparations and that another budget request would be submitted next year for this position. The housing study may be accomplished with the \$40,000 Block Grant. If there are funds leftover, they will be used for the Open Space Master Plan. This will mean additional meetings next year. He requested dates when the Commission could meet in July or August for a workshop on meeting procedures, protocol, consent agenda, legal issues, etc. Cassette tapes obtained at the American Planning Association conference were available at his office.

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Issues they addressed were noted. He is attempting to have the Nevada American Planning Association acquire the video tapes for Planning Commissions. Discussion ensued on dates for the workshops. Chairperson Rogers suggested July 10 and August 7 at 6 p.m. for a workshop on Growth Management and August 17th for the training workshop. Commissioner Uhart indicated she would not be available for August 17th. Chairperson Rogers suggested August 10th at 10 a.m. and that lunch be brought in.

H-5. FUTURE COMMISSION ITEMS (3-1115.5) - Commissioner Horton requested the hearing examiner proposal be agendaized for the next meeting. Mr. Sullivan indicated there were 15 or 16 items for the next meeting.

I. ADJOURNMENT (4-1125.5) - Commissioner Nietz moved to adjourn. Commissioners Mally, Horton, and Christianson seconded the motion. Motion carried 7-0. Chairperson Rogers adjourned the meeting at 11:18 p.m.

The Minutes of the May 29, 1996, Carson City Regional Planning Commission meeting

ARE SO APPROVED ON _____ July 31, 1996.

_____/s/_____
Alan Rogers, Chairperson