

CARSON CITY PLANNING COMMISSION

Minutes of the March 27, 2006 Meeting

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A meeting of the Carson City Planning Commission was scheduled for 5:30 p.m. on Monday, March 27, 2006 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson John Peery
Vice Chairperson Mark Kimbrough
Connie Bisbee
Craig Mullet
Steve Reynolds
Roy Semmens
William Vance

STAFF: Walter Sullivan, Planning and Community Development Director
Lee Plemel, Principal Planner
Juan Guzman, Open Space / Property Manager
Vern Krahn, Park Planner
E. Michael Dulude, Transit / Transportation Planner
Michael Suglia, Senior Deputy District Attorney
Ben Herman, Consultant
Jeff Winston, Consultant
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are public record, on file in the Clerk-Recorder's Office. These materials are available for review during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (5:32:55) - Chairperson Peery called the meeting to order at 5:32 p.m. Roll was called; a quorum was present. Commissioner Semmens led the pledge of allegiance.

B. PUBLIC COMMENT (5:33:50) - None.

C. DISCLOSURES (5:34:12) - None.

D. PUBLIC HEARING

D-1. MPA-06-014 ACTION TO ADOPT RESOLUTION 2006-PC-1 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF THE CARSON CITY COMPREHENSIVE MASTER PLAN, INCLUDING THE LAND USE MAP AND HOUSING ELEMENT, REPLACING THE EXISTING 1996 LAND USE PLAN ELEMENT AND LAND USE MAP, 1992 DOWNTOWN MASTER PLAN ELEMENT AND 1997 HOUSING ELEMENT, AND OTHER MATTERS PROPERLY RELATED THERETO (5:34:22) - Chairperson Peery provided an overview of the meeting format. Mr. Plemel provided an overview of staff's presentation, and the recommended action. He introduced Mr. Krahn, Mr. Herman, and Mr. Winston. He read a portion of NRS 278.150 into the record and explained the role of the commission in the master planning process. He provided an overview of the public process.

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(5:40:30) Mr. Herman reviewed the three objectives established for the master planning process, as follows: (1) To confirm the community's vision for the future; (2) To establish a more unified policy direction for the community; and (3) To use the planning process to determine where and how the community should grow. He reviewed the five themes of the master plan, as follows: (1) A balanced land use pattern; (2) Equitable distribution of recreation opportunities; (3) Economic vitality; (4) Livable neighborhoods and activity centers; and (5) A connected city. He provided an overview of the table of contents, reviewed the guiding principles and key concepts associated with each theme, and the implementation plan.

D-2. MPA-06-040 ACTION TO ADOPT RESOLUTION 2006-PC-2 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF THE CARSON CITY PARKS AND RECREATION MASTER PLAN AS AN ELEMENT OF THE COMPREHENSIVE MASTER PLAN, REPLACING THE EXISTING PARKS AND RECREATION MASTER PLAN, AND OTHER MATTERS PROPERLY RELATED THERETO (5:49:33) - Mr. Winston reviewed the public participation portion of the master planning process, and the key concepts outlined in the parks and recreation master plan.

D-3. MPA-06-041 ACTION TO ADOPT RESOLUTION 2006-PC-3 RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF THE CARSON CITY UNIFIED PATHWAYS PLAN AS AN ELEMENT OF THE COMPREHENSIVE MASTER PLAN, REPLACING THE EAGLE VALLEY TRAIL SYSTEM PLAN, BICYCLE SYSTEM PLAN, AND PEDESTRIAN PLAN, AND OTHER MATTERS PROPERLY RELATED THERETO (6:04:32) - Mr. Winston reviewed key concepts in the unified pathways master plan and the corresponding map.

Mr. Plemel noted the written comments distributed to the commissioners and staff prior to the start of the meeting. He discussed the public participation approach to the master planning process and reviewed the staff report. He reviewed key elements of the comprehensive master plan, including compact growth, additional allowances for commercial / residential mixed use, downtown revitalization as a focus for economic development, and a long-term transition from industrial zoning to commercial and mixed-use commercial along highway corridors, particularly Fairview Drive and Highway 50 East. Mr. Plemel advised that the plans were presented to the Parks and Recreation Commission, Open Space Advisory Committee, and Carson River Advisory Committee, which recommended approval. Additionally, the Unified Pathways Master Plan was presented to the Regional Transportation Commission, which unanimously recommended approval. He reviewed the findings outlined in the staff report and noted staff's recommendation to adopt all three plans. He advised that the comprehensive master plan affirms the goals of the 1996 master plan. He emphasized that approval of the document does not mark the end of the process. The document is "living" and will serve as a policy guide for implementation work to be done. Mr. Plemel advised that staff has discussed developing an implementation work plan. He thanked the master plan participants, including the consultants Ben Herman and Darcie White, of Clarion Associates, and Jeff Winston of Winston Associates; the City staff, including Public Works Director Andy Burnham, Planning and Community Development Director Walter Sullivan, Parks and Recreation Department Director Roger Moellendorf, Parks and Recreation Director of Operations Scott Fahrenbruch, Open Space/Property Manager Juan Guzman, Economic Development / Redevelopment Manager Joe McCarthy, Transit/Transportation Planner Michael Dulude, and Park Planner Vern Krahn; the stakeholders, including but not limited to the Chamber of Commerce, the Builders Association of Western Nevada, and the public; and the Planning Commissioners. He expressed the hope to implement the vision to create a good future for Carson City.

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Chairperson Peery recessed the meeting at 6:22 p.m., and reconvened at 6:30 p.m.

Chairperson Peery read the titles of the three agenda items into the record. Mr. Guzman advised of having met earlier in the day with Mr. Sandy Weise regarding proposed trails in the Lakeview area. As a result of the meeting, Mr. Guzman advised that some of the proposed trails indicated on Mr. Weise's property will be removed. The same area will be served through lands Carson City will be acquiring through a development agreement. Mr. Guzman pointed out the area on a displayed map, oriented the commissioners, and described the alternative location.

Chairperson Peery opened this item to public comment.

(6:35:34) Bruce Kittess, 4401 Levi Gulch Road, referred to a previous meeting at which several commissioners expressed concern over the concept of eminent domain. He noted a "very nice" explanation regarding planning and property rights in the master plan document, which reminds a property owner to consult legal counsel before proceeding with development. He referred to page 1-3, of the comprehensive master plan document, "Scenario 1: Compact Urban Growth - ...vacant or underutilized areas." He expressed concern over the word "underutilized" in that it can be "insidious" as the premise for condemnation. He expressed the opinion the concept should be further clarified. He inquired as to who would determine underutilization of property. He considered the word in reference to condemnation and eminent domain.

Mr. Kittess referred to page 1-5, "Consistency Between the Master Plan and Zoning" and noted the language stating the master plan is advisory in nature. He expressed concern over use of the word "advisory." He advised of having reviewed the City of Las Vegas master plan which was adopted last year, and read a portion of the same into the record. He inquired as to how a master plan can be advisory "if zoning is legal and has to be in compliance with the master plan." He expressed the opinion that the master plan becomes mandatory not advisory.

Mr. Kittess referred to the master plan survey, which he displayed, and noted that "the only area on the west side of 395 was the downtown area. ... all the residential ... in the hills, around the college was not included in this survey." He noted the range of density designated as one dwelling unit, half acre to five acres, typically one to two dwelling units per acre. He advised of having had several discussions with Mr. Plemel. He further advised that the current master plan for 1200 acres on the west side designated as suburban residential is to be eliminated and replaced by a low density residential designation. The current suburban residential designation is one dwelling unit per one to three acres. The survey indicates one to two dwelling units per acre.

Mr. Kittess referred to the table on page 3-15, and read into the record the low density residential designation criteria of ".2 to 3 dwelling units per acre." The compatible zoning districts are single-family one-acre, two-acre, and 21,000 square feet. Mr. Kittess expressed confusion over "how we can get to three dwelling units per acre with these zones." He inquired as to whether single family 12,000 would be included after adoption of the master plan. He further inquired as to whether homeowners understood that the "proposed land use cap has either doubled or tripled." He expressed the understanding that zoning will remain the same, "but any new zoning or rezoning, three units per acre not one unit per acre is what would be compatible with the new land use."

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Mr. Kittess expressed the opinion that planning has been done in a vacuum; there's no requirement for fiscal impact for any recommendation. He expressed the further opinion that most people express support "as long as somebody else pays." He expressed support for activity centers, but inquired as to who will pay for them. He noted there are no policy statements for casinos included in the master plan. He noted, at page 1-5, a safety plan indicated as an element of the master plan, but advised it had not been included. He suggested that the plan should include safety and security which would encompass "all kinds of things" that would impact projects submitted for approval. He advised there was no policy statement, included in the master plan, pertaining to auto sales, auto repairs, or associated auto services. He suggested "pedestrian friendly" is nice, but is "missing the boat." He referred to the recommendation that Carson Street should be reduced to two lanes, and suggested not rushing into this. He expressed the opinion that "in a few years" the traffic will increase again. He disagreed that "mixed-use everything" will be the City's "salvation." He suggested proofreading the plan again to ensure consistency in the acronyms used. He referred to the projected growth of 25-30% and inquired as to any consideration given to compact growth and the law of diminishing returns or optimum population on the quality of life issues. He expressed the opinion that multi-use complexes will translate into the need for "more than open space to assure quality of life."

(6:47:00) Fred Brown, 3795 Timberline Drive, expressed the opinion that no amount of planning means anything "until it gets down to that final stage." He discussed concerns over sufficient water for a population of 80,000 people in Carson City. He listed available acreage in town and advised that it totals 910 acres. He clarified he hadn't taken into consideration properties from Fairview Drive south. He advised that a quarter acre of land on the west side of town sells for in excess of \$200,000. He suggested considering that a property owner with a 2.5-acre parcel on the west side could decide to put five additional houses on the parcel. "According to the master plan, ... a person can take you to court, you will lose because he's going to say the master plan says I can do this and you're going to have to allow that individual to put five more houses on his 2-acre piece of property." Mr. Brown suggested that zoning should be left as it is, "concentrate on the bare parcels of land that are here in town and the surrounding area and figure out how to divide those up so that you can take care of the 6,000 homes that you need to meet what it is that you have to meet." He expressed concern that anyone with 2/3 of an acre of land could subdivide under the provisions of the master plan. He discussed concerns over eminent domain, and advised he had seen it done in Carson City several years ago. He reiterated the suggestion to concentrate on the bare pieces of land available, zone and expand accordingly. Once water has run out, it won't matter what zoning is on the west side of town.

(6:52:14) Grant J. Weise, Jr., representing the Grant J. Weise Minor Trust, described the location of his property, provided historic information on its acquisition, and described the trust provisions pertinent to the property. He advised that the existing master plan designates significant portions of the land as suburban residential or low density residential. He further advised that the new master plan overlooked the agreement and the zoning, and proposes 5-20-acre density. He advised of being unable to accept this as trustee for the properties, and found it to be contradictory to the agreement between his family and the City. He expressed opposition to the portion of the plan pertinent to the subject property. He recommended that staff and the commissioners reconsider that portion of the master plan prior to taking action for approval. He expressed the opinion it "doesn't make a lot of sense to want to down zone land that's in an area that produces good tax revenues for the City." In response to a question, Mr. Weise advised he does not live in Carson City and had never been notified of any of the meetings or the proposed changes. He advised of not having discussed these issues with City staff prior to this meeting. In response to a question, Mr. Plemel advised that notices had been sent to assessed property owners which did result in specific requests.

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The notices regarding proposed changes to the land use map were sent in October 2005. Mr. Plemel acknowledged that current zoning of the property is single-family, one-acre. Mr. Weise advised that proposed zoning is five to twenty per acre.

(6:59:35) Dave Campbell referred to testimony provided at a previous meeting, and expressed the hope that the master plan would have been more specific as to the City's intent not to use eminent domain.

(7:00:28) LeAnn Saarem, 2188 Alfred Way, referenced previously stated concerns regarding equestrian issues in that the entire Brush Estates subdivision is zoned for horses and horse keeping. She requested clarification as to the V&T Trail from Ash Canyon Road past the college which is designated as a paved, shared pathway. She suggested that equestrian use appears to not be allowed on the path. She noted the path is very wide and the shoulders of the path are gravel. She expressed concern that 7-8 homes abut the property and use their back property line to access the trail for equestrian use. She inquired as to whether equestrians will be disallowed from using the trail.

Mr. Krahn advised that the trail system has typically been considered multi-use, and that equestrian use would not be excluded. Uses will be considered more carefully as implementation of the plans takes place. He advised that the plan does not exclude horses along the path, but noted possible issues with the college. He further advised that the Parks and Recreation Commission intended to be sensitive to equestrian issues in the area. He committed to working to provide equestrian access on the west side as well as throughout the community in the future.

(7:04:39) Ms. Saarem noted specific equestrian trails indicated in the plan, but also designated trails indicated as "paved, shared pathways" which exclude equestrian use. She expressed concern over future signage prohibiting equestrian use.

In response to a question, Mr. Sullivan advised that staff will be looking into the concerns raised by Mr. Weise. He expressed the opinion that Mr. Weise's concerns won't impinge on the master plan, and advised that the Board of Supervisors will be fully informed. He emphasized that the master plan does not change existing zoning; land use designations will change.

(7:09:17) Mr. Weise expressed concern that changing land use designations, by approving the master plan, opens "the door to come back in and do the zoning changes." He expressed opposition to the master plan, and advised he has "all the documentation to support what was done in the past."

Chairperson Peery closed public comment. In response to a question, Mr. Plemel advised that the City could legally change zoning through a public hearing process. He further advised that the commission does not have to approve zoning within a certain range of master plan density. The commission is responsible for considering findings associated with individual zoning requests and consistency with surrounding zoning. Spot zoning is still illegal. Mr. Suglia agreed, and noted that the City has been very reluctant to engage in condemnation proceedings. Mr. Sullivan advised of an Attorney General's opinion which states that master plan designations do not have to be in strict compliance with the zoning map.

Commissioner Reynolds suggested that, based on the fact the master plan is a "living" document, the commission has considered applications, in the very recent past, regarding land use designations. Some applications have been approved and some have not. He suggested that Mr. Weise meet with Planning and

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Community Development staff. Commissioner Vance referred to the trail referenced earlier by Mr. Guzman and suggested leaving it, as designated on the map. He suggested that when the property is eventually developed, it would behoove the City to have the trail planned. Mr. Guzman explained the concept to facilitate access to land over which the City has control.

Chairperson Peery reminded the commissioners that action required a two-thirds majority to pass a recommendation to the Board of Supervisors. He entertained a motion. **Commissioner Bisbee moved to adopt Planning Commission Resolution 2006-PC-1, recommending to the Board of Supervisors approval of the 2006 Carson City Comprehensive Master Plan, including the Land Use Plan and Affordable Housing Element, replacing the existing 1996 Land Use Plan Element and Land Use Map, 1992 Downtown Master Plan Element, and 1997 Housing Element, and other matters properly related thereto, based on the findings contained in the staff report. Commissioner Vance seconded the motion. Motion carried 7-0.**

Commissioner Semmens moved to adopt Planning Commission Resolution 2006-PC-2, recommending to the Board of Supervisors approval of the 2006 Carson City Parks and Recreation Master Plan, as an element of the Comprehensive Master Plan, replacing the 1992 Parks and Recreation Master Plan, and other matters properly related thereto, based on the findings contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 7-0.

Mr. Krahn advised of staff's recommendation to change the V&T Trail, identified on the plan as a light green line, to a dark green line pursuant to Ms. Saarem's comments. He further noted staff's recommendation to remove the trail designations across Mr. Weise's property. **Commissioner Vance moved to adopt Planning Commission Resolution 2006-PC-3, recommending to the Board of Supervisors approval of the 2006 Carson City Unified Pathways Plan, as an element of the Comprehensive Master Plan, replacing the existing Eagle Valley Trail System Plan, Bicycle System Plan, and Pedestrian Plan, and other matters properly related thereto, based on the findings contained in the staff report, with the amendment that the V&T trail just east of Wellington be changed from light green to dark green. Commissioner Semmens seconded the motion. Motion carried 6-1.** In response to a question, Commissioner Reynolds advised his vote was based on staff's recommendation regarding the trail designation across Mr. Weise's property. He acknowledged his complete support of the motion otherwise.

Mr. Plemel reiterated that the master plan is a policy document. Non-substantive, clerical corrections will continue to be made throughout the document. Photographs will be added and the master plans will be "dressed up a bit."

E. ACTION ON ADJOURNMENT (7:25:32) - Commissioner Semmens moved to adjourn the meeting at 7:25 p.m. Commissioner Vance seconded the motion. Motion carried 7-0.

The Minutes of the March 27, 2006 Carson City Planning Commission meeting are so approved this 28th day of June, 2006.