

CARSON CITY PLANNING COMMISSION

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A regular meeting of the Carson City Planning Commission was scheduled for 3:30 p.m. on Wednesday, June 28, 2006 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

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

STAFF: Walter Sullivan, Planning and Community Development Director
Lee Plemel, Principal Planner
Jennifer Pruitt, Senior Planner
Sean Foley, Associate Planner
Joe McCarthy, Economic Development / Redevelopment Manager
Tom Grundy, Engineering Division Civil Design Supervisor
Michael Suglia, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A tape 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 A QUORUM, AND PLEDGE OF ALLEGIANCE (1-0007) - Chairperson Peery called the meeting to order at 3:30 p.m. Roll was called; a quorum was present. Commissioner Mullet led the pledge of allegiance. Commissioner Bisbee was absent.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - March 27, 2006 (1-0023) - Commissioner Semmens moved to approve the minutes. Commissioner Vance seconded the motion. Motion carried 5-0-1, Commissioner Mullet abstaining.

C. PUBLIC COMMENT (1-0032) - None.

D. MODIFICATIONS TO THE AGENDA (1-0038) - None.

E. DISCLOSURES (1-0040) - None.

F. CONSENT AGENDA (1-0042) - None.

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G. PUBLIC HEARING

G-1a. SUP-06-088 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM METCALF BUILDERS (PROPERTY OWNER: CARSON GAMING LLC) TO ALLOW CONSTRUCTION OF A COMMERCIAL USE (MULTI-PLEX THEATER) ON PARCELS SPLIT-ZONED GENERAL COMMERCIAL (GC) AND MULTI-FAMILY APARTMENT (MFA), VARIATION TO THE SIGNAGE STANDARDS OF DEVELOPMENT STANDARDS, DIVISION 4.7 (NUMBER OF SIGNS, SQUARE FOOTAGE OF SIGNS AND SIGN HEIGHT), A 24,241 SQUARE-FOOT CASINO ADDITION AND A 98-ROOM HOTEL, AS AN EXPANSION OF A COMMUNITY REGIONAL COMMERCE CENTER, AND AN INCREASE IN PERMITTED HEIGHT FROM 45 FEET TO 62 FEET FOR AN ARCHITECTURAL ELEMENT OF THE THEATER AND FROM 45 FEET TO APPROXIMATELY 53 FEET FOR THE HOTEL, LOCATED ON SOUTH CURRY STREET, VOLTAIRE CANYON DRIVE, APNs 009-151-52, 009-153-16, AND 009-154-01; and G-1b. AB-06-086 ACTION TO CONSIDER AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY APPLICATION FROM METCALF BUILDERS (PROPERTY OWNER: CARSON GAMING, LLC) TO ABANDON A PORTION OF THE RIGHT-OF-WAY FOR VOLTAIRE CANYON ROAD, ON PROPERTY ZONED GENERAL COMMERCIAL (GC)/ MULTI-FAMILY APARTMENT (MFA), LOCATED AT 4040 SOUTH CURRY STREET, VOLTAIRE CANYON DRIVE AND SOUTH CURRY STREET, APNs 009-154-01 AND 009-151-52 (1-0067) - Chairperson Peery introduced these items. Mr. Sullivan provided an overview of the staff reports, and reviewed dimensions of the proposed structures, signage, and parking as outlined therein. He noted, for the record, the agency comments attached to the staff report for item G-1a. He further noted this is the first project subject to the interim mixed use evaluation criteria. He referred to the conditions of approval.

Ms. Pruitt reviewed background information and the findings, as outlined in the staff report. She advised of public inquiries which were addressed by Planning and Community Development staff. She noted the June 26, 2006 letter of support from Supervisor Robin Williamson, which was distributed to the commissioners and staff prior to the start of the meeting. She reviewed the staff report pertinent to the right-of-way abandonment application, and narrated pertinent slides. She noted the Engineering Division's condition of approval.

Mr. Sullivan responded to questions regarding the approved street alignment and the easement associated with Voltaire Canyon Road. He acknowledged that the portion of Voltaire Canyon Road being requested for abandonment is not being used. He further acknowledged that an additional portion of the easement will need to be abandoned at a future date; it was not included in the subject application. He noted that, pursuant to NRS 278.480, the commission must consider possible damage to adjacent parcels. He pointed out parcels to the north of Voltaire Canyon Road as well as some to the south. He reviewed the route by which area residents will egress if the abandonment is approved. He advised that public notice was provided, pursuant to statute, and that no opposition regarding the street abandonment has been expressed, either verbally or in writing. In response to a question, he provided an overview of the properties to which notice was provided.

(1-0525) John Griffin, of Crowell, Susich, Tackes, and Griffin, expressed agreement with the oral staff report. He advised of "a couple things in the written staff report" which have been discussed. He introduced Attorney Bob Crowell, Architect Peter Wilday, Engineer Nathan Robison, Builders Tom Metcalf and Ken Rose, and Carson Gaming LLC Representative Sara Gilliam. Mr. Griffin referred to newspaper articles regarding the aggressive development schedule, and advised that the Casino Fandango

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“has set aggressive schedules before and has met them.” He explained the aggressive schedule is due, in part, to the preference of Galaxy Theaters to open up either during the summer or Christmas seasons.

(1-0556) Mr. Wilday provided background information on renovation of the Supply One building and subsequent development plans for the Casino Fandango property. He reviewed displayed conceptual drawings of the project, including the proposed Courtyard Marriott Hotel, pedestrian accesses, parking, and the Galaxy Theater. He reviewed plans to “face lift” the Casino Fandango and the parking structure once the other buildings are constructed to carry through the beige and turquoise color scheme of the hotel and the theater. Using a conceptual drawing, he described landscape which will buffer the parking areas from existing and future residential development. He responded to questions regarding the pedestrian walkway, improvements to Curry Street, landscape, security and surveillance, the theater, and signage.

(1-0871) In response to a question, Nathan Robison discussed the method by which flood waters will be conveyed from Voltaire Canyon. In response to a further question, he advised that drainage easements are specifically proposed in the Galaxy Theater civil site plan. Using a displayed drawing, he reviewed storm water routes in response to an additional question. Mr. Wilday discussed Senior Project Manager Robb Fellows’ concern over incorporating redundancy into storm drainage improvements, to include surface drainage and ditches. In response to a question regarding NDOT requirements, Mr. Wilday advised that three warrants have been met. The traffic study is in the process of being updated and he anticipates a good chance for a synchronized signal. Chairperson Peery opened this item to public comment.

(1-1027) Tony Pilant, 4760 Voltaire Street, advised of not having been noticed of this hearing. He further advised he uses Voltaire Street “a lot.” In response to a comment, Mr. Sullivan advised that Voltaire Street is owned by the City. Mr. Pilant expressed appreciation for the Casino Fandango development. He expressed concern over Voltaire Street and inquired as to whether existing access will remain. He advised that “no matter how it’s zoned,” Voltaire Street is residential in nature. “There are houses and families and children all over that street.” Mr. Wilday advised that all access for the project will be directly onto Curry Street. No access is planned onto Voltaire Street. Mr. Pilant requested the commissioners to consider that “a casino on Carson Street is one matter and a mega-plex in a residential neighborhood is something completely different. If it’s done well and with thought, it could be a great thing for Carson City. If it’s rushed through simply to get it done, then it could be a bad thing for Carson City.” Mr. Pilant expressed concern over imagining a gentle transition from a “mega-plex” to a residential neighborhood. He expressed confidence that, if done well, “with good planning, good engineering, and good forethought, it could be very nice.” He requested to be added to the list for any further public notice.

(1-1144) Sandra Daugherty, 4300 Voltaire Street, advised of having lived in her residence for 25 years. She described the location of her residence in relation to Voltaire Street and Clearview Drive. She expressed concern over flooding issues and traffic associated with construction.

In response to a question, Mr. Grundy expressed the understanding that Voltaire Canyon, to Voltaire Street, is owned by the City. At some point farther up, is privately owned land. In response to a question, he advised that drainage improvements will be done below the private property. In response to a further question, he advised that the City has a water tank in the area. The road would have to be maintained to that point, at least.

Chairperson Peery called for additional public comment and, when none was forthcoming, entertained additional questions, comments, or a motion from the commissioners. **Commissioner Vance moved to approve a request from Ken Rose, Metcalf Builders, and Sara Gilliam, Southern Highlands, property**

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owner Carson Gaming, LLC, to allow a commercial use multi-plex theater on parcels split zoned general commercial and multi family apartment; variation to the signage standards of Development Standards, Division 4.7, number of signs, square footage of signs, and sign height; a 24,241-square-foot casino addition; and a 98-room hotel, as an expansion of the community regional commercial center; and an increase in permitted height from 45 feet to 62 feet for an architectural element of the multi-plex theater, and from 45 feet to approximately 53 feet for the Courtyard Hotel, located on South Curry Street, Voltaire Canyon Drive, APNs 009-151-52, 009-153-16, and 009-154-01, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.

Chairperson Peery entertained a motion. Commissioner Vance moved to recommend that the Board of Supervisors approve abandonment of right-of-way application AB-06-086, from Ken Rose, Metcalf Builders, to abandon a portion of public right-of-way, being 40,183 square feet in area, more or less, of Voltaire Canyon Road, north of Clearview Drive and west of Curry Street, adjacent to APNs 009-154-01 and 009-151-52, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Mullet seconded the motion. Motion carried 6-0.

In response to a question, Mr. Sullivan read condition of approval #9 into the record and explained that lighting heights will be reviewed as related to residential grades. Mr. Griffin clarified that residential property within 100 feet of the project is owned by the Casino Fandango; there is no existing residential development within 100 feet. Mr. Sullivan read condition of approval #20 into the record, and advised that permits for water and sewer upgrades and the theater will run concurrently. In response to a question, Mr. Sullivan suggested making a second motion to approve concurrent permits for street improvements and theater construction. Commissioner Vance agreed to amend his motion accordingly. Commissioner Semmens continued his second. Motion carried 6-0.

G-2a. SUP-06-064 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM SAM TERRY (PROPERTY OWNER: PARKWAY MANOR, INC.) TO ALLOW CONVERSION OF AN EXISTING 176-UNIT APARTMENT COMPLEX INTO A CONDOMINIUM COMMON-INTEREST COMMUNITY, ON PROPERTY ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED AT 603 COLLEGE PARKWAY, APN 002-753-01; and G-2b. TSM-06-065 ACTION TO CONSIDER A TENTATIVE SUBDIVISION MAP APPLICATION FROM SAM TERRY (PROPERTY OWNER: PARKWAY MANOR, INC.) FOR A TENTATIVE MAP FOR "PARKWAY MANOR", A 6.9-ACRE, 219-LOT (176-DWELLING UNIT) CONDOMINIUM COMMON-INTEREST COMMUNITY CONVERSION, ON PROPERTY ZONED MULTI-FAMILY APARTMENT (MFA), LOCATED AT 603 COLLEGE PARKWAY, APN 002-753-01 (1-1345) - Chairperson Peery introduced these items. Mr. Foley reviewed the staff report and narrated pertinent slides. He noted staff's recommendation of approval of the special use permit application, subject to the ten conditions listed in the staff report.

Mr. Sullivan reviewed the staff report for the tentative subdivision map application. He noted staff's recommendation of approval, subject to the findings and conditions included in the staff report. Chairperson Peery noted that \$225 per square foot for a 990-square-foot unit would cost approximately \$213,000 to purchase. He inquired as to special considerations, such as waiver of down payment, to assist the current residents with purchase. Mr. Sullivan advised of provisions included in the application materials to address these matters. He referred to the recently-approved master plan, and noted that \$213,000 would be considered work force housing. He further noted that approval of the condominium conversion process opened up a "new area of housing in Carson City."

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In response to a question, Mr. Sullivan advised that the vacancy rate for apartments, as of April 2006, is approximately 3.25%. This will serve as the standard until October, at which time the inventory will be reviewed. If the percentage decreases, additional condominium conversion applications could only be submitted if the property owner could prove support by at least 70 percent of the existing tenants.

In response to a question, Mr. Sullivan advised that the portion of Retail Drive adjacent to the complex has already been abandoned. Design and construction accessory to the apartment complex will be completed once site improvements to the south have been completed. In response to a further question, Mr. Sullivan pointed out, on a displayed photograph, that portion of Retail Drive to be utilized by the subject property owner. Mr. Foley responded to questions regarding required notification procedures, as outlined in the staff report. In response to a question, Mr. Grundy advised that the street improvements at College Parkway and Retail Drive meet the requirements of the current traffic study. Commissioner Mullet described potential traffic issues associated with vehicles turning right from College Parkway to Retail Drive.

Mr. Sullivan responded to additional questions regarding the vacancy rate and the mechanism for condominium conversions. Ms. Pruitt acknowledged that Reno's vacancy rate is currently 5 percent. Mr. Sullivan provided background information on the study conducted to determine Carson City's vacancy rate. In response to a question, Mr. Foley advised that the garages will be platted as units. Tenants will have the opportunity to purchase those lots in addition to the dwellings. Garages will not be tied to specific dwellings. Mr. Foley narrated additional slides. Mr. Sullivan explained the purpose for agendizing these items. He advised that Chief Building Official Kevin Gattis had reviewed the application materials, and noted his presence in the meeting room. He described the roles of various Public Works Department staff in reviewing the application materials.

(1-2024) Sam Terry, 603 East College Parkway, read prepared comments into the record, a copy of which he provided to the recording secretary. In response to a question, he advised of the intent to keep the down payment as low as possible. He advised that a purchase price had not yet been established, but that it is a goal of the property owner's new mortgage company. He noted any number of financing options could be pursued. In response to a further question, Mr. Terry advised that the homeowners association estimate, of \$165 per month, was based on the current operating budget. The property owners are in the process of interviewing homeowners association management companies. Mr. Terry advised that full-time maintenance staff is included in the \$165 per month fee. A reserve study has recently been contracted which will indicate the amount of income to be allocated toward depreciation. Mr. Terry advised that the monthly fee may need to be revised. The property owner will not choose the "cheapest" homeowners association management company, but one that will adequately manage the property. In response to a further question, Mr. Terry advised that maintenance personnel will be hired by the homeowners association management company. Feedback indicates it is in the best interests of the homeowners association management company to hire existing maintenance staff as they would be the most familiar with the property. Mr. Terry responded to additional questions regarding the fire wall requirement discussed in the Hannafin Design Associates report, and the lease term of existing tenants.

Mr. Terry acknowledged his agreement with the staff reports, with one condition. He advised of a mistake in the parking count information provided as part of the application. He further advised that there are 355 parking spaces; 352 are required. He referred to page 5 of the special use permit staff report, and noted the recommendation to convert the abandoned portion of Retail Drive into parking. He advised of the preference to create a homeowner amenity on the property rather than additional parking. In response to a question, Mr. Sullivan advised that the parking requirement had been met. With the clarification, Mr. Terry acknowledged his agreement with the staff report.

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Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Mullet moved to approve SUP-06-064, a special use permit application from Parkway Manor, Inc., to allow conversion of an existing 176-unit apartment complex into a condominium common interest community, on property zoned multi-family apartment, located at 603 College Parkway, APN 002-753-01, based on seven findings and subject to the conditions of approval contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Mr. Sullivan referred to condition of approval #10, and suggested modifying it to delete all but the last sentence, as follows: "The parking plan must be approved by the Planning and Engineering Divisions." Commissioner Mullet amended his motion accordingly. Vice Chairperson Kimbrough continued his second. Motion carried 6-0.**

Chairperson Peery entertained a motion. **Commissioner Mullet moved to recommend to the Board of Supervisors conditional approval of TSM-06-065, a tentative subdivision map request from Parkway Manor, Inc., of the tentative map of Avalon Court, a 6.9-acre, 219-lot, 176-dwelling-unit condominium common interest community, on property zoned multi-family apartment, located at 603 College Parkway, APN 002-753-01, based on twelve findings and subject to the conditions of approval contained in the staff report. Vice Chairperson Kimbrough seconded the motion. Motion carried 6-0.** Mr. Sullivan expressed appreciation to Mr. Terry for his assistance in providing information at the time the condominium conversion ordinance was being developed. Chairperson Peery recessed and reconvened the meeting.

G-3. SUP-06-079 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM KENNETH KRATER (PROPERTY OWNER: WALTON'S, INC.) TO ALLOW EXPANSION OF AN EXISTING CEMETERY AND CREMATION GARDEN WITH ADDITIONAL MAUSOLEUMS AND NICHEs, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 1281 NORTH ROOP STREET, APN 002-123-06 (1-2430) - Chairperson Peery introduced this item. Mr. Sullivan reviewed the staff report, and narrated pertinent slides. He noted staff's recommendation of approval, subject to the necessary findings and the conditions included in the staff report. He further noted a written revision to condition of approval #11, copies of which were provided to the commissioners and staff prior to the start of the meeting.

(1-2497) Kenneth Krater acknowledged his full agreement with the staff report, including the conditions of approval as modified at condition #11. He explained the purpose of a portion of the property which serves as a utility corridor, in response to a question. He advised there are no plans to use that portion of the property for access. In response to a question, Mr. Krater pointed out access points, from Roop and Corbett Streets, on a displayed aerial photograph.

Chairperson Peery opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Reynolds moved to approve SUP-06-079, a special use permit application from Walton's Inc., owner, Kenneth Krater, applicant, to allow an expansion of an existing cemetery and cremation garden, columbarium, mausoleums, and niches, on property in the general commercial zoning district, located at 1281 North Roop Street, APN 002-123-06, based on seven findings and subject to the conditions of approval contained in the staff report; with the modification to condition of approval number 11, which he read into the record. Commissioner Vance seconded the motion. Motion carried 6-0.**

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G-4. SUP-06-084 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM MARGARET SPEARS TO ALLOW AN INCREASE IN FENCE HEIGHT FROM THE CODE MAXIMUM OF SIX FEET TO EIGHT FEET TALL, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 603 WEST ROBINSON STREET, APN 003-243-02 (1-2586) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, and narrated pertinent slides. She referred to two letters of support included in the agenda materials. She advised of staff's recommendation of approval, based on the findings and conditions included in the staff report. Mr. Sullivan reviewed the various heights of the fence using a displayed photograph. In response to a question, Ms. Pruitt provided background information on the special use permit requirement.

(1-2741) Mike Spears, of 603 West Robinson Street, apologized for constructing the fence prior to submitting the special use permit application. He advised of not having been aware that replacing the fence would require review by this commission or the Historic Resources Commission. He acknowledged his agreement with the staff report. He responded to questions regarding the "gingerbread" added to the fence. Chairperson Peery commended Mr. Spears "on a nice looking project," and called for public comment.

When no public comment was forthcoming, Chairperson Peery called for a motion. **Vice Chairperson Kimbrough moved to approve SUP-06-084, a special use permit request from applicant Margaret Spears to allow a fence which exceeds six feet in height, on property zoned single family 6,000, located at 603 West Robinson Street, APN 003-243-02, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Semmens seconded the motion. Motion carried 6-0.**

G-5. SUP-06-082 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM R.O. ANDERSON ENGINEERING (PROPERTY OWNER: KATSUYUKI INAGAKI) TO ALLOW A TWO-FAMILY DUPLEX, ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 1601 NORTH DIVISION STREET, APN 001-154-03 (1-2815) - Chairperson Peery introduced this item. Ms. Pruitt reviewed the staff report, and narrated pertinent slides. She noted the 13 letters in opposition to the special use permit included in the agenda materials, and the letters and petition in opposition provided to the commissioners and staff prior to the start of the meeting. She further noted the written responses provided by the applicant. She reviewed additional slides. She advised of staff's recommendation of approval, based on the findings and conditions outlined in the staff report.

(1-2970) R.O. Anderson Engineering Principal Planner Keith Ruben acknowledged having reviewed the staff report and his agreement with the same. He expressed the belief that the conditions of approval "mitigate and address the comments ... reviewed from the petitions and ... letters from the neighbors." In response to a question, Chairperson Peery provided direction with regard to the format of Mr. Ruben's presentation, public comment, and rebuttal. Mr. Ruben noted that professional staff had reviewed the application and recommended approval. He advised that the application is consistent with all Title 18 findings regarding a special use permit and all conditions required to apply for and receive approval for a duplex within the SF6 zoning district. He noted staff's analysis that impacts would be insignificant or mitigable, as conditioned. He expressed the belief that substantive issues were addressed by staff's conditions of approval. He advised that the proposed remodel would be consistent and compatible with surrounding development. Mature landscape and trees will not be altered by the small project, i.e., addition of 244 square feet. The proposed addition will not encroach into any existing setbacks. The only alteration, visible from the street, would be removal of the old garage door and addition of an entry to the new 740-square-foot unit. Mr. Ruben suggested that the majority of public comment appeared to be "centered on introducing an additional rental unit into a single family neighborhood" with the effect of destroying the

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neighborhood. He advised that the applicant disagrees with that assertion. He referred to census information, provided in his June 28th letter, and advised that approximately one-third of all units in Carson City are renter-occupied. He expressed the opinion that addition of the proposed unit would not overburden this particular neighborhood with multi-family uses. He advised that smart growth planning principles seek to introduce multi-family uses in a small intensity to corner areas and inside neighborhoods so as to avoid the effect of “creating the other side of the tracks.” He noted this concept was incorporated into Title 18, by design. He referred to the previously approved condominium conversion project, and suggested that affordable, multi-family housing stock will continue to be needed in Carson City.

Chairperson Peery provided additional direction with regard to public testimony and opened this item. (1-3128) Richard and Wanda Biggs, of 1702 North Division Street, introduced themselves for the record. Mr. Biggs read prepared comments into the record. He expressed concern over changing a single-family home to a multi-family dwelling. He expressed a desire to “maintain the stability and integrity” of his neighborhood. He requested the commissioners to deny the special use permit, and expressed concern that approval would impact the value of his property. Mrs. Biggs requested the citizens present in opposition to the application to stand. Chairperson Peery provided additional direction with regard to public testimony.

(1-3207) John Schultz, provided background information on his residence in Carson City, and expressed concern over CC&Rs, zoning, and the business and transient nature of a duplex. Chairperson Peery advised that the commission’s purview does not extend to CC&Rs. In response to a question, he explained that the duplex is allowed within the existing zoning designation. Mr. Sullivan provided further clarification of the purpose for the special use permit, and discussed the intent to add housing within Carson City. Mr. Schultz pointed out that every lot in the area is a corner lot because of the square block configuration of the neighborhood. Mr. Sullivan reiterated the purpose for requiring a special use permit. Mr. Schultz expressed concern that, in theory, every lot could be turned into a duplex. Chairperson Peery acknowledged that any corner lot property owner could apply for the same type of special use permit. Mr. Schultz expressed support for private property rights, but advised that “everybody bought in there as a single-family residence and have lived there for years.” Chairperson Peery reiterated that the use is permitted within the existing zoning designation. In response to a comment, he explained the commission’s responsibility in such a matter.

(1-3414) Kathleen Flaherty, of 405 Adaline Street, advised of having moved to Carson City two years ago from southern California. She advised that Division Street has very heavy traffic. She further advised of having lived in rental units in the past, and expressed the opinion that the proposal will not benefit the integrity of the neighborhood. She discussed the importance of Carson City maintaining areas which are attractive in terms of safety, a sense of neighborhood, and an absence of transiency. In response to a question, she advised that Mr. Inagaki being a resident of the property would not make the proposal more palatable. She noted that the additional square footage takes “away green yard area and adds congestion to an area with high density.” She expressed the opinion that the addition would be more appealing if the purpose was for housing extended family. She expressed concern over the transient and business nature of a duplex in a residential area. She acknowledged that private property owners have the right to use property for commercial use, but requested the commission to deny the special use permit. In response to a comment, she expressed the belief that adjacent property owners feel an “encroachment on their living space and openness.” She advised that the concrete slab was poured “a month ago and the curb way was changed.” She further advised that parking is not side-by-side in the driveway, and that the lot is not “easily accessible ... with a lot of space to maneuver.” She expressed concern over friction, and suggested there are other areas in Carson City which may be more suitable for a duplex than the subject lot.

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(1-3593) Lois Stewart advised of having lived at her residence since 1955, directly across the street from the subject property. She advised that the house is very small, and expressed concern over two families being accommodated even with an additional 200 feet. She advised of a previous owner having applied for a special use permit to extend their living room by 2-3 feet. The permit was denied because of setback requirements. Another family's proposal to add bedrooms on a second floor was also denied. Mrs. Stewart expressed concern over the previous proposals, by families who were residents of the property and "stable citizens," being denied and the subject proposal being approved for "someone ... that doesn't even live in town" who wants to "change everything around much more differently than they wanted to."

(2-0043) Betty Johnson, 1421 North Division Street, expressed concern over property values in the area. She expressed the opinion the subject property is not well kept, and reiterated concern over diminishing surrounding property values.

(2-0066) Cliff Smith, 1511 North Division Street, provided an overview of the previously expressed concerns. He expressed concern with regard to the driveway and access to Long Street in relation to a two-family residence, with "more cars, more kids, more family, more people." He advised that Long and Division Streets are very busy with a lot of traffic. He further advised he is a landowner who rents, and expressed support for the property owner's rights. He reiterated concern over adding a family unit on the corner.

(2-0104) Sarah Billings, a homeowner at 7 Pine View Way, described the location of her property in relation to the subject property. She is a third-generation northern Nevadan, and advised that her property is located approximately a block from a "cluster of duplexes on Park and Nevada." She expressed concern over repeated tagging in the area. She has a nine-month-old child and advised there are streets that "are not comfortable" to walk on at night because of safety concerns. She expressed the belief that multi-family housing "does change the dynamics of a neighborhood" and property values. She advised that she and her husband teach in the area, and discussed recent improvements to her property. She expressed respect for the property owner's rights. She stated that the "quality of the neighborhood is enticing to ... Carson City to have an interest in continuing and protecting." She expressed concern over the number of children who walk to Fritsch School and who cross at Long Street. She discussed safety issues associated with backing from her driveway. She expressed concern over renters who may not have the same interest or investment in protecting the integrity of the neighborhood.

Chairperson Peery closed public comment, and called for additional questions or comments, in addition to individual input from the commissioners. Mr. Suglia recommended making specific adverse findings in the event the commission would vote against this item.

Commissioner Vance inquired as to whether the recently-approved comprehensive master plan provided for infill by making corner lots available for single residences to become duplexes. Mr. Sullivan advised that this provision was included as part of a 2002/2003 code amendment to provide additional housing opportunities in Carson City. The 1997 Housing Plan mentions it as well. In response to a question, Mr. Sullivan advised he would have to research the master plan to determine whether this provision was included. In reference to an earlier point, Commissioner Vance noted 18 corner lots within a one-block radius of the subject property. Based on concern over the possibility of other property owners submitting similar applications, thereby changing the character and dynamic of the neighborhood, he advised he would not support the application.

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Commissioner Mullet suggested that a duplex in a neighborhood of some other character may not have as much effect. He advised he could not support the project, and expressed the belief it will change the character of the neighborhood. He acknowledged the special character of the neighborhood. He expressed the opinion that, at least, the subject property will diminish in value by converting it to rental property. He agreed with concerns over additional vehicles, traffic, and safety issues associated with cars backing from the driveway onto Long Street "that close to an intersection." He expressed the opinion that the subject lot is not the appropriate corner for the project.

Commissioner Semmens agreed with Commissioners Vance and Mullet and the homeowners living in the area. He expressed concern over establishing a precedent by approving the subject application. Commissioner Reynolds acknowledged that approving the application may not be fair to the neighborhood, but pointed out that a change to the neighborhood could occur because of a homeowner deciding to rent their property. He further pointed out that the property owner has the right to be heard. He expressed disagreement with the general sentiment that "because somebody rents a home, they're automatically a bad neighbor."

Vice Chairperson Kimbrough advised of having been "educated about some of the elements of this through some good speaking ability." He expressed appreciation for the public comment. He referred to the findings outlined in the staff report, particularly Policy 1.4, and read the same into the record. He expressed a strong belief in property rights, but noted the importance of a compatible mixture of land uses. He read Policy 2.4 into the record, and expressed the belief that the proposal would diminish the values of adjacent properties. With due respect to the property owner, he advised he would not support the application.

Chairperson Peery advised of being torn on this issue, but noted significant elements which would sway his vote negative. He listed issues of traffic safety, especially when ingress and egress to the street may already be somewhat difficult. He agreed with the point that there are many corner lots in the neighborhood, and expressed concern over establishing a precedent with the propensity to "pack an area in a very uncivil manner." He pointed out that the City has to adhere to the requirements of the Carson City Municipal Code. "The Planning Department is quite excellent ... and doesn't make determinations about whether there is 18 corner lots." Chairperson Peery stated that staff's recommendation is a "good one in the face of this." He expressed respect for Mr. Inagaki's ability to present the proposal, to be an absentee owner, and to make a profit. He expressed the belief that the impact to the neighborhood, in this particular instance, is too onerous to bear. He entertained a motion. At Mr. Sullivan's request, he recessed the meeting at 6:51 p.m. and reconvened at 6:57 p.m.

In response to an earlier comment, Mr. Sullivan advised that a special use permit would not be required to add a second story to the subject structure as long as the roof height did not exceed 26 feet. Chairperson Peery recalled denying a previous, unrelated special use permit application due to line of sight issues. He entertained a motion. **Vice Chairperson Kimbrough moved to deny SUP-06-082, a special use permit application from Keith Ruben, R.O. Anderson Engineering, Inc., property owner Katsuyuki Inagaki, to allow a duplex, on property zoned single-family 6,000, located at 1601 North Division Street, APN 001-154-03, based on the findings, as follows: (1) the use will not be consistent with the objectives of the master plan; (2) specifically policy 2.4 will not protect and enhance the character of residential neighborhoods and property values; (3) goal 3 will not enhance the quality of life for Carson City residents; (4) the proposed use will be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood and will cause additional physical activity; (5) the project may be detrimental to the public health, safety, convenience, and welfare; and (6) the project may result in material damage or prejudice to other properties in the**

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vicinity. Commissioner Semmens seconded the motion. Motion carried 5-1. Mr. Sullivan advised of the appeal process. Chairperson Peery thanked the citizens for their attendance and participation.

G-6. SUP-06-083 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM MARK AND TERIDI LEGAME, TO ALLOW A 720-SQUARE-FOOT ATTACHED GUEST DWELLING, ON PROPERTY ZONED SINGLE FAMILY 12,000 (SF12), LOCATED AT 4041 APOLLO DRIVE, APN 008-722-08 (2-0444) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He noted staff's recommendation of approval, subject to the findings and conditions outlined in the staff report. He referred to letters of opposition provided to the commissioners and staff prior to the start of the meeting. Vice Chairperson Kimbrough inquired as to the amenities allowed in a guest dwelling. Mr. Sullivan reviewed displayed drawings, including the existing residence and garage, and the proposed locations of the new garage and guest dwelling. In response to a question, he advised that the guest dwelling is connected to the house but is considered a separate unit. In response to a further question, he read the definition of "guest building" into the record. He acknowledged that a garage could have been added without a special use permit. He further acknowledged that two families would not be allowed to live in the residence, and that the guest building could not be rented. Mr. Sullivan explained Steve Mays' concern over enforcement of City codes if, at some point in the future, two separate families would live on the property.

(2-0599) Teri DiLegame acknowledged having reviewed the staff report and her agreement with the same. She assured her neighbors that the structure is being built for her mother, who will live with the family to help care for her. She advised of no intention to rent the property. She advised of having spoken to some of the neighbors prior to the hearing and that she was unaware of any objection. She would have gladly spoken to any of the neighbors at any time.

Chairperson Peery called for public comment. (2-0630) Terry Rankin advised of having lived at 4221 Terrace since August of 1980. She advised of having provided a copy of the covenants, and of having been appointed "as the committee" together with another neighbor. She further advised that the project had never "come to us for approval." She referred to her written objection which had been provided to the commissioners and staff prior to the start of the meeting. She advised that the "only neighbor in favor of the project has their home for sale. They live across the street." She provided historic information on the development, and described the characteristics of the neighborhood. She noted that "the special use is for the guest building and would expand the project to almost 1,300 square feet which is, the whole thing that's new is as big as what you just denied." She expressed concern that the proposed addition will change the setbacks. She pointed out that the property is not a corner lot and that the neighborhood is next to the airport clear zone "so you don't want high density there." She advised of problems with renters "running businesses in the homes." "Without a special use permit being recorded on the deed, the realtors in the area are already promoting how you can build on these half-acre lots." She expressed concern that, in the future, the proposal will appear to be a duplex in a single-family neighborhood with ancillary garages and no separate homes. She expressed understanding for the need for mother-in-law quarters. She expressed the opinion that the proposed project is inconsistent with the neighborhood, with the open space, with the nearby airport, and with the ancillary uses either built or approved in the neighborhood. She requested the commissioners' consideration that the one supportive neighbor is in the process of selling their property.

(2-0734) Steve Mays expressed agreement with Ms. Rankin's comments. He expressed concern that two different families could purchase the property, at some point in the future, and live there. In response to a question, Mr. Suglia expressed the opinion that Mr. Mays "has a point." He related a scenario in which two different parties could jointly purchase the property, one party live in one building and the other live

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in the other building. Splitting the property would create problems, however. Mr. Suglia expressed the opinion there wouldn't be much the City could do to prevent the scenario from taking place. Chairperson Peery agreed. Mr. Mays expressed the opinion that the proposal represents "another complete house."

(2-0796) Carol Joost, of 4101 Apollo Drive to the east of the subject property, advised of no opposition to her neighbor's plans "as far as having the care giving part." She advised that the proposed addition will be right next to her property line. She expressed concern over establishing a precedent, and agreement with previous comments. In response to a question, she advised she would be more favorable toward the project if it was configured differently.

Chairperson Peery entertained additional questions, comments, or a motion. In response to a question, Mr. Sullivan reviewed the modified definition of the word "family" in the Code. He expressed the belief that two individual persons living in the residence would meet Code requirements. Two families living in the residence would not meet Code requirements. He acknowledged it's "fuzzy." Chairperson Peery expressed the understanding that action could be taken if the circumstances under which the special use permit is granted were to change, thereby nullifying the special use permit. He acknowledged the proposal may not be aesthetically pleasing to the neighbors, but expressed the opinion there is no threat. Mr. Sullivan suggested that staff could record conditions of approval against the parcel of land. Hopefully, any potential buyer would research the conditions of the special use permit as related to the guest building. If the conditions were then violated, the City codes would be enforced.

Commissioner Mullet suggested that the physical size of the proposed addition was the major objection, and suggested configuring it differently. He expressed the opinion the proposal is not inappropriate. Commissioner Semmens referred to condition of approval #8, and read a portion of the same into the record. In reference to concerns over the size of the guest dwelling, Mr. Sullivan advised it was incumbent upon the applicant to prove the reason.

(2-1010) In response to a question, Ms. DiLegame explained her mother's desire to use one small room as an office and for sewing projects. She advised there would be no problem in downsizing the living quarters. She advised that her mother does need her own kitchen. In response to a question, she advised of previous plans to construct a second garage.

Chairperson Peery called for additional questions or a motion. Mr. Sullivan suggested that this item could be continued, and offered to work with the applicant on a modified design for the guest quarters. Commissioner Mullet reiterated the suggestion that the applicant consider modifying the configuration. Vice Chairperson Kimbrough expressed concern that the discussion had centered around issues which were not within the commission's purview. "There's always 'what ifs' with everything that we put on the ground." He expressed the opinion that Ms. DiLegame's offer to reduce the size of the addition was kind, but noted that the addition will still serve as a guest quarters. **Vice Chairperson Kimbrough moved to approve SUP-06-083, a special use permit request from Mark and Teri DiLegame, to allow a 720-square-foot attached guest dwelling, on property zoned single-family 12,000, located at 4041 Apollo Drive, APN 008-722-08, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Vance seconded the motion.** In response to a question, Vice Chairperson Kimbrough expressed support for recording the conditions of approval on the property, and **so amended his motion. Commissioner Vance continued his second. Motion carried 6-0.** Mr. Sullivan advised of the appeal process.

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G-7. ZCA-06-100 ACTION TO CONSIDER APPROVAL OF A ZONING CODE AMENDMENT AMENDING CARSON CITY MUNICIPAL CODE (CCMC) TITLE 18, DEVELOPMENT STANDARDS, SECTION 4, SIGN CODE, SPECIFICALLY ADDING A NEW SECTION FOR AUTOMOBILE DEALERSHIPS IN TITLE 18, DEVELOPMENT STANDARDS, SECTION 4.7.8 (2-1800) - Chairperson Peery introduced this item, and Mr. Sullivan reviewed the staff report. He responded to questions regarding the method by which sign area would be determined. Vice Chairperson Kimbrough expressed disappointment over the proposed language not encouraging the use of monument signage. Chairperson Peery expressed concern over being placed in a “take it or leave it” situation, without having the opportunity to provide input regarding design. Mr. Sullivan assured the commissioners that reasonable limits can be established as part of the sign code. He reviewed information from research he had conducted. He expressed the opinion there is usually no reason to extend the height of a sign above 32 feet. He discussed the importance of having met with the automobile dealers prior to drafting the language.

Chairperson Peery called for public comment and, when none was forthcoming, entertained a motion. **Commissioner Reynolds moved to recommend approval of an ordinance amending Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Section 18.06.005, Development Standards, Division 4, Signs, Section 4.6, General Regulations and Standards, Section 4.6.3, Number of Free-Standing Signs, by adding Section C to specify the number of free-standing signs allowed for auto dealership use, and by adding a new section 4.7.8, New Automobile Dealership Uses, and other matters related thereto. Commissioner Semmens seconded the motion.** Mr. Suglia advised of a number of needed typographical revisions, and requested the commission’s permission to work with Mr. Sullivan prior to this item being submitted to the Board of Supervisors. Chairperson Peery requested a roll-call vote. **Commissioner Semmens - yea; Commissioner Reynolds - yea; Vice Chairperson Kimbrough - nay; Commissioner Mullet - nay; Commissioner Vance - yea; Chairperson Peery - nay. Motion failed 3-3.** Chairperson Peery entertained a motion. **Commissioner Mullet moved to continue this item to the next commission meeting. Commissioner Semmens seconded the motion. Motion carried 6-0.**

G-8. PRESENTATION AND DISCUSSION ONLY ON PROPOSED FUTURE STREET IMPROVEMENTS FOR THE DOWNTOWN AREA OF CARSON STREET (2-1126) - Mr. Plemel and Mr. McCarthy provided background information on this item. Mr. McCarthy provided an overview of the public input received during the two community meetings at which the subject presentation was made. He advised that, although construction documents could be drawn from the conceptual video, the improvements are indeed conceptual. He discussed completion of freeway construction in relation to the proposed downtown improvements, and corresponding changes. He and Mr. Plemel narrated the interactive video presentation. Mr. McCarthy and Mr. Plemel responded to questions regarding the method by which delivery vehicles would be accommodated. Mr. McCarthy discussed the extent to which various City staff invested effort in creating the detail of the presentation. Mr. Sullivan discussed the residential component proposed as part of the comprehensive master plan. Commissioner Reynolds expressed appreciation for the attention given to traffic concerns in the downtown area. Discussion took place with regard to parking, and development of the urban code. Mr. McCarthy advised that he and Mr. Plemel will keep the commission up to date. He further advised that the process will be long and that, until the City controls Carson Street, there will most likely be no significant capital improvements. Chairperson Peery thanked Mr. Plemel and Mr. McCarthy for their presentation.

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H. REPORTS:

H-1. COMMISSIONERS' REPORTS AND COMMENTS (1-2315) - Mr. Sullivan responded to questions regarding a recently filed lawsuit.

H-2. STAFF REPORTS / COMMENTS

REPORT ON BOARD OF SUPERVISORS' ACTION ON PRIOR PLANNING COMMISSION APPLICATIONS (1-2275) - Mr. Sullivan advised that the ordinance amendment addressing variances, setbacks and building heights, requirement for administrative permits for drive through windows, etc. was unanimously approved by the Board of Supervisors. Second reading on the zoning application submitted by John Tom Ross was unanimously approved. Janet Baldwin's request for master plan amendment and zone change was unanimously approved. The zoning change requested by Julio Sandoval was unanimously approved. The master plan amendments for the Weise Trust and Dan Jenkins were both unanimously approved.

FUTURE AGENDA ITEMS - Previously covered.

I. ACTION ON ADJOURNMENT (2-2379) - Commissioner Mullet moved to adjourn the meeting at 8:38 p.m. Commissioner Vance seconded the motion. Motion carried 6-0.

The Minutes of the June 28, 2006 Carson City Planning Commission meeting are so approved this 26th day of July, 2006.

JOHN PEERY, Chair