

CARSON CITY PLANNING COMMISSION  
Minutes of the January 31, 2001, Meeting  
Page 1

A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, January 31, 2001, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Allan Christianson, Vice Chairperson Alan Rogers, and Commissioners Gayle Farley, William Mally, Wayne Pedlar, Roger Sedway, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy District Attorney Neil Rombardo, Senior Planner Skip Canfield, Senior Engineer John Givlin, Recording Secretary Katherine McLaughlin, Assistant Planner Jennifer Pruitt (P.C. 1/31/00 Tape 1-0001)

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 Christianson convened the meeting at 3:30 p.m. Roll call was taken. A quorum was present although Commissioner Mally had not yet arrived. Chairperson Christianson lead the Pledge of Allegiance.

**B. COMMISSION ACTION - APPROVAL OF MINUTES FOR REGULAR SESSIONS OF 11/29/00 AND 12/20/00 AND THE SPECIAL SESSION OF 8/13/98 (1-0018)** - Commissioner Rogers moved to approve the Minutes of 8/13/98, 11/29/00, and 12/20/00. Commissioner Wipfli seconded the motion. Motion carried 6-0.

**C. PUBLIC COMMENTS (1-0040)** - Chairperson Christianson welcomed Commissioner Pedlar.

**D. AGENDA MODIFICATIONS (1-0054)** - None.

**E. DISCLOSURES (1-0057)** - Discussion indicated that the entire Commission had visited the business park site. Commissioner Wipfli indicated that he had not talked to anyone while visiting the site.

**F. PUBLIC HEARING (1-0068)**

**F-1. V-98/99-8 - DISCUSSION AND ACTION REGARDING THE REVIEW OF A PREVIOUSLY APPROVED VARIANCE FROM LEO A. AND ANNETTE MANKINS** - Community Development Director Walter Sullivan explained the reason for agendizing the item. The applicants are working with staff on a drainage easement which will be considered by the Commission in February. No formal action was required at this time.

**F-2. U-00/01-24 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM THE MEETING PLACE (1-0096)** - Senior Planner Skip Canfield, Executive Director of Public Services for The Meeting Place Ramona Hayes - Commissioner Mally arrived during Chairperson Christianson's introduction-- 3:40 p.m. (The entire Commission was present, constituting a quorum.) Ms. Hayes indicated she had read the staff report and agreed with it. The location is near the hospital. They meet all of the Federal and State licensing requirements. They had purportedly always been on the "A" list for this type of an establishment. Public testimony was solicited but none given. Commissioner Wipfli moved to approve U-00/01-24, a special use permit request from Ramona Hayes to allow an adult day care center for ten clients and two employees on property split zoned Retail Commercial and Multi-Family Apartment located at 1201 Johnson Street, 410 East John Street, APN 2-142-10, 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/Board by the applicant may be

considered as further stipulations or conditions of approval on this application. Commissioner Farley seconded the motion. Motion carried 7-0.

**F-3. U-00/01-23 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PALMER AND LAUDER ENGINEERS, INC. (1-0158)** - Assistant Planner Jennifer Pruitt, Rob Lauder - Mr. Lauder had read the report and agreed with it. Public comments were solicited but none given. Commissioner Farley moved to approve U-00/01-23, a special use permit to allow the continued use of two commercial coaches, one of 840 square feet and one of 336 square feet, for office space as well as employee restrooms based on seven findings and subject to six conditions of approval contained in the staff report 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 Mally seconded the motion. Motion carried 7-0.

**F-4. U-00/01-22 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JERRY D. ALLEC (1-0203)** - Assistant Planner Jennifer Pruitt, Jerry Allec, Senior Planner Skip Canfield, Nina Spradlin, Community Development Director Walter Sullivan - Discussion noted the petition of support submitted by Mr. Allec contained both property owners and tenants' signatures. The application failed to meet Findings 2, 6 and 7 due to the size. Mr. Allec disagreed with the staff report. He displayed photographs of the area to the Commission. (He did not submit the photographs to either the Clerk or staff for inclusion in the record.) He felt that his adjacent neighbor had a larger unit than the one he proposed to construct. He needed a structure of the proposed size to store his boat, Skidoo, van and personal vehicle. These items are currently stored at his mother's and a friend's. Reasons for having the restroom facilities were provided. Commissioner Wipfli expressed his concern with accessory structures which are larger than the residence. He suggested a two car garage or a smaller structure. Mr. Allec reiterated his feeling that his adjacent neighbor's structure was larger than he had proposed. Mr. Allec had not encroached into the setbacks as it did. Commissioner Rogers explained the option which Mr. Allec had--to work with staff to create a more acceptable size and to work with the neighbors to remove the opposition. This would require continuing the item. Commissioner Rogers explained his opposition based on the size and location. Mr. Allec acknowledged the size concern, however, felt that it was necessary for his four personal vehicles and the boat. He also indicated that if the garage is attached to the house, he would not need the variance. He was willing to consider this option if his application is not approved. His neighbor had purportedly attached his garage to his house. Mr. Allec's garage would not encroach into the setbacks. Mr. Canfield agreed that the neighbor's structure was attached to the house and had been constructed several years ago. He reiterated staff's concerns regarding the size. It was felt that a unit half the size of the residence would provide a very large and suitable facility. He agreed that an attached structure would have more latitude. Mr. Allec felt that it would be larger, however, would cost additional money as a foundation must be added to the mobile home.

(1-0415) Public testimony was solicited. Ms. Spradlin felt that the building was too large and questioned how the use would be controlled. She felt it would be possible to convert the unit to apartments. Purportedly there are other apartments in the area which had been grandfathered. Chairperson Christianson explained that this use would not be allowed. Messrs. Sullivan and Canfield agreed. Additional public comments were solicited but none given.

Commissioner Wipfli suggested that Mr. Allec work with staff, otherwise, he would feel compelled to deny the request. Commissioner Rogers asked Mr. Allec if he understood the consequences of having the application denied? Mr. Sullivan requested a recess to discuss this with him.

**BREAK:** A recess was declared at 4 p.m. The entire Commission was present when Chairperson Christianson reconvened the meeting at 4:08 p.m., constituting a quorum.

Mr. Allec then indicated that he would attach the garage and that he would work with staff during the next 30 days. Chairperson Christianson indicated that the application was withdrawn. No formal action was taken.

**F-5. U-98/99-27 - DISCUSSION AND ACTION REGARDING RECONSIDERATION OF CONDITION OF APPROVAL NO. 18 TO PERMIT ROOF-MOUNTED EQUIPMENT INSTEAD OF GROUND-MOUNTED EQUIPMENT AS PREVIOUSLY APPROVED FOR A SPECIAL USE PERMIT FOR SID WILLIAMS (1-0457) - Mr. Sullivan asked that this matter be delayed until after 4:30 p.m.**

(1-0864) During Chairperson Christianson's introduction, Commissioner Mally stepped from the room--4:30 p.m. (A quorum was still present.) Community Development Director Walter Sullivan explained former Senior Planner Juan Guzman's involvement with this project. (Additional information was distributed to the Commission. A copy was given to the Clerk.) Mr. Guzman reviewed the staff report. (During his review, Commissioner Mally returned--4:38 p.m. The entire Commission was present, constituting a quorum.) Discussion indicated that the HVAC units had not yet been placed on the roof. Mr. Guzman felt that the project will have four housing areas with eight units when completed. The applicant should explain the advantages of having the units on the roof as opposed to the requirement that they be on the ground. The City does not have a noise standard which could be used to measure the noise created by the units. The applicant had stopped work on the units until the Commission makes a decision. William Peterson's letter indicated that the roof placement would address the clutter and aesthetics involved with the ground mounting. Mr. Guzman responded by explaining that Community Development would require placement of the units inside the building which would also address this situation. This will reduce the amount of space available for the tenants and will require additional duct work. Commissioner Rogers voiced his objection to the discussion as it was his understanding that the units were to have been mounted at the rear of the building and on the ground so that the sound wall would block the noise. They were not to have been on the side or front of the building. The aesthetic issues had not been considered. Mr. Guzman indicated that these issues are involved if another Commissioner wished to consider the roof mounted position. Commissioner Farley explained her tour of the site and her feeling that the units would be visible from Roventini. Mr. Guzman explained that the plans which had been erroneously approved had provided a walled enclosure which would screen the units. The enclosure would be seen. The applicant should describe it in more detail. Chairperson Christianson also asked that the applicant describe the photographs of the buildings. Discussion ensued concerning Condition 17 relating to the lighting plan. Mr. Guzman indicated that he had not seen the lighting plans. The lights would not be on 15 or 30 foot poles. Commissioner Sedway voiced his objection to having to reconsider the condition based on the reasons it was originally placed on the permit.

(1-1175) Sid Williams introduced Keith Williams, Job Superintendent Bill Fisher, Peterson and Associates Engineer John Harding, and the Architect Gordon Aloiau. The oversight which had placed the HVAC units on the roof had occurred as a result of a change in architects. The building plans were submitted to the City and approved. Construction began. The enclosures are half built. Gabled ends and metal roofing had been added to address the aesthetics. He then used the computerized drawing of the building to illustrate where the three HVAC enclosures were located. Each enclosure will hold four HVAC units. The concept was not done as a financial reason because it is less expensive to install the units on the ground. He had never heard of having the units inside a building as they cannot draw fresh air. The units were to have been in the rear on the sidewalk with ducting running into the building. His engineer purported that the ground mounted units' noise would bounce off hard surfaces, i.e., the sidewalk and rear of the building. The six foot wall would not contain the noise. The roof would have less noise. Specs had not been provided to support either contention. Chairperson Christianson felt that the landscaping and the wall would deaden the sound. Mr. Williams reiterated that there would be no financial gain to him to put the units on the roof. He would comply with the direction given by the Commission. The only financial loss would be the \$10,000 it had cost to construct the enclosures on the roof. Commissioner Sedway felt that he needed to convince Ms. McGee and the other neighbors that the roof location is better. The condition was that the units were to be on the ground. Mr. Williams indicated that he had unsuccessfully attempted to contact Ms. McGee. He also felt that it would not be possible to see the roof mounted units from Roventini but the ground units would be seen.

Mr. Aloiau explained the units need for open space around them. For this reason the roof line could not be carried straight back and over them. He also explained his entry into the project's planning process. The ground mounted units distribute more sound 180 degrees and, specifically, to the south than would the roof mounted units. The

CARSON CITY PLANNING COMMISSION  
Minutes of the January 31, 2001, Meeting  
Page 4

previous architect's drawings had always indicated that the units were on the south side of the building and not in the rear of the building. The parapets and gables should force the sound up and not out. This is the purpose of the roof mounted plan. Commissioner Rogers asked staff to review the tapes of the meeting due to his recollection that the units were to be between the wall and the rear of the building. The wall was referenced as a sound wall.

Commissioner Wipfli explained his feeling that the units, if placed against the building, would have the duct work handled internally. As a contractor, he, too, would support the roof mounted units, however, the commitments which had been made and the trust established are paramount. The units should be on the ground. If the neighbors support roof mounting, he would be willing to accept them.

Public testimony was solicited. Elaine Magee distributed a packet to the Commission and Clerk. (A copy is in the file.) She felt that Mr. Williams and his contractor had violated a number of the 19 conditions placed on the project. Her photographs explained her reason for feeling that the building had two stories. The space on the second floor could be used. Condition 8 required review of the project to assure compliance with the conditions. This evidently did not occur. Condition 18 requires the placement of the HVAC units at ground level. She and her neighbors had fought hard for the requirement. Photographs 3, 4, and 5 show reasons she lacked trust in the commitments which Mr. Williams had made. They illustrate the damage which had been done to her property by the contractor's construction equipment. This violates Finding 7. She had discussed the trespass activities with Bill Fisher on December 1. A formal complaint regarding these activities was filed with Community Development on December 4. Mr. Fisher had purportedly visited her home to apologize for the trespass and had indicated that it would cease immediately. This has not occurred. She asked that her property be returned to its original state, that the Commission order the trespassing to halt, and that the mature, native plants be replaced with similar size and species. She also urged the Commission to maintain strict compliance with the original conditions of approval or that an adequate number of mature trees with an appropriate irrigation system be used to help mitigate the noise. She also asked for better compliance of project conditions. She had not received a response to either her telephone call or written complaint regarding the project. She asked that the Commission withhold the Certificate of Occupancy until her mitigation requests or the original conditions of the special use permit have been fulfilled. Her efforts to contact Mr. Williams and Mr. Fisher on December 18th were explained. Two days ago Mr. Fisher finally responded. She urged the Commission to require installation of the units as originally approved. Roof mounted units had not been proposed at that time in spite of all of the testimony which was provided. She could not understand why it should be discussed at this time. If the architect had adhered to the design, he would have requested reconsideration of the condition mandating ground mounting. Commissioner Pedlar noted his engineering experience. He agreed that the information provided regarding the roof mounted units could be correct. Ms. Magee then took exception to the comments purportedly made by Mr. Williams regarding the need to construct the wall by accessing it from her property. She felt that if he had known in the beginning that it would be necessary to access it from her property, he should have contacted her before trespassing. He had purportedly reconstructed an RV garage without tearing down a neighbor's property. She then described how she became aware of the trespassing. She described the photographs showing the proposed location for the roof mounted units. Chairperson Christianson iterated the original discussion concerning the size of the wall. He also noted the Commission's involvement with another commercial project and its HVAC noise problems. Ms. Magee agreed that the original design had included a "clock tower" which was not to be used for retail purposes. Commissioner Sedway felt that the "CofO" would be withheld until the landscaping is returned to its natural state. As an architect, he also agreed with the architect and engineer that the roof mounted units would be quieter. The trees and other landscaping would not mitigate all of the noise from ground mounted units. They would also be more visible than the roof mounted ones. He reiterated his intent to support her position if negotiations occur. Discussion questioned the reason for the lack of information regarding roof mounted units at the time the permit was considered.

(1-1670) Jean Bondiatt described the location of her residence. She expressed her concern about the noise and the two story structure. The second floor is habitual with a door opening onto the roof. The entire roof area could be used for retail purposes. The wall, although referenced as eight feet, appears to be only four feet. She felt that the sound would bounce off of the parapet walls and back at her residence. She would return if the lighting does not conform. Deputy District Attorney Rombardo reminded the Commission that the only item agendaized is the roof

CARSON CITY PLANNING COMMISSION  
Minutes of the January 31, 2001, Meeting  
Page 5

mounted units. He suggested that the second story issue be agendaized for a future meeting. Chairperson Christianson felt that the area could not be used as it was to be a clock tower. Ms. Bondiatt indicated that she had not filed a formal complaint due to her intent to discuss the issue with the Commission this evening. Chairperson Christianson indicated that her concern should be addressed to the Department. Additional public comments were solicited but none given. Public testimony was closed.

Mr. Sullivan explained a telephone message received by his Department from Linda Hutchinson urging the Commission to force compliance with the conditions. He also explained the reasons the Compliance Officer had not responded to Ms. Magee's complaint. He apologized for the lack of communication between his office and her. He concurred with the Commissioners that the purpose of ground mounting the units had been based on the noise concerns. He felt that Condition 18 required noise abatement surrounding the ground mounted units as well as in the design of the wall. His review of the design plans indicates that an access to the second story has not been provided. He will ask Mr. Williams to guarantee that it is a clock tower and a design feature. The building height matches the plans. It is to be a single story structure. He thanked the neighbors for being vigilant. Mr. Williams had been working with staff on the issue. Mr. Sullivan supported enforcement of the condition requiring ground mounting of the units. Reasons the one year review had not occurred were noted. He also agreed to talk to Parks and Recreation Director Steve Kastens about having Mr. Guzman continue his oversight of the project. Mr. Guzman expressed his willingness to continue. He apologized for his oversight regarding the placement of the HVAC units. Commissioner Rogers pointed out the responsibility which developers have to adhere to the Conditions which have been agreed to. The developer had failed to do this even though there had been a great deal of discussion regarding the issue. The developer has also failed to work with the neighbors. He complimented Ms. Magee on her efforts to bring the matter to the Commission. It should not have been necessary for her to have undertaken this effort. There should have been contact between the neighbors.

Commissioner Sedway pointed out that there are more issues regarding the Conditions of Approval than just the location of the HVAC units. He urged Mr. Guzman to work with the neighbors to assure that the other conditions are adhered to, specifically, replacement of the landscaping where the trespassing had occurred. Mr. Guzman explained that anyone feeling that the conditions had not been adhered to could request the matter be placed on an agenda for a review by the Commission. Commissioner Sedway expressed his hope that all of the issues will be worked out and that it will not be necessary to withhold the "CofO". Additional comments were solicited but none given.

Commissioner Rogers expressed his feeling that the conditions should stand on their own merits as a mitigation measure. He was willing to allow the applicant to work with the neighbors. Staff could also work with the neighbors and the developer to develop an agreement. Commissioner Rogers then moved that all of the Conditions of Approval of Item U-98/99-27 be adhered to as stated in the original approval. Commissioner Sedway seconded the motion. Clarification indicated that Condition 18 regarding ground mounting could be mitigated by the Planning Department, and by Mr. Guzman in particular, if there is a solution which is acceptable by both parties. The motion affirms the existing condition. Chairperson Christianson noted his and Commissioner Rogers' eight year experience on the Commission. During that period he felt that they had learned that, when it gets to the Commission without interaction between the parties, someone leaves with something they really did not intend to have. It is much better when communication occurs. He felt that a possibility existed whereby a compromise could be reached and suggested that Mr. Williams make an effort to pursue it. Mr. Rombardo explained his feeling that the ordinance restricted reconsideration of the condition for one year. He asked for a recess to study the ordinance. Commissioner Sedway explained that if the negotiations are successful, he did not wish to reconsider the matter. Mr. Sullivan explained that staff could not change the condition without the Commission's direction to do so. Comments indicated a desire to continue the matter to allow the parties time to negotiate.

BREAK: A recess was declared at 5:40 p.m. The entire Commission was present when Chairperson Christianson reconvened the meeting at 5:45 p.m., constituting a quorum.

(1-2137) Ms. Magee expressed her and her neighbors' willingness to continue the matter for one month during which Mr. Williams and his architects and engineers will present facts regarding the benefits of roof mountings.

She did not have documentation supporting these facts although several individuals in the construction field had purportedly contended this is the case. She asked that the matter be reagendaized for February 28. Mr. Sullivan then explained the need for Mr. Williams to also ask for a one month continuance. Mr. Williams then requested a continuance. Commissioner Rogers withdrew his motion. Commissioner Sedway withdrew his second.

Commissioner Rogers then moved to continue the matter until the time that Mr. Williams is able to contact the Community Development Director to indicate that there is a solution at which time the Community Development Director will schedule the matter for the next regularly scheduled meeting or for a special meeting if there is time to do so and that if there is a special meeting called that there be an agreement between all parties to assure that they will all attend. Commissioner Pedlar seconded the motion. The motion was voted and carried 7-0. Chairperson Christianson noted the difficulty the Commission sometimes faces in such circumstances.

Mr. Williams then stated for the record that the fruit basket Mr. Fisher had offered to Ms. Magee had not been one from the corporation but rather one he had paid for himself. It was not offered as a bribe. Commissioner Farley felt that Ms. Magee had shown a lot of courage in coming forward and asked Mr. Williams to be cognizant of her situation when negotiating.

**F-6. UPDATE STATUS AND FURTHER REVIEW OF TITLES 17 AND 18, SUBDIVISIONS AND ZONING ORDINANCES, AND DEVELOPMENT STANDARDS (1-0489)** - Senior Planner Skip Canfield, Community Development Director Walter Sullivan, Deputy District Attorney Neil Rombardo - Mr. Le Balch's comments were read into the record. Discussion noted that the sections relating to the industrial zone and RV parks will require additional time. Staff comments also indicated that Mr. Le Balch's written comments were similar to those he had made during the workshops. Mr. Rombardo noted that one of Mr. Le Balch's sites is nonexistent--8.02.02. He felt Mr. Le Balch was referencing 8.02.102 and that the issue which was raised was moot. He also explained that the necessary findings would be made as required. He did not see the friction Mr. Le Balch had referenced in Number 4. He had not had an opportunity to review the remaining points but would soon. The review process used to handle the public input and written correspondence regarding the revisions was described. All correspondence will be given to the Commission as well as a summary of the telephone conversations. Written correspondence is preferred as staff will not misinterpret the individual's intent.

**F-7. ACTION TO ELECT A CHAIRPERSON AND VICE CHAIRPERSON FOR 2001 (1-0670)** - Community Development Director Sullivan explained the reasons this item had not been agendaized for the November meeting and the nomination process. Discussion also noted that Commissioner Christianson and Commissioner Rogers' terms expire in July. Mr. Sullivan explained the Board of Supervisors' policy regarding reappointment. Commissioner Wipfli nominated Commissioner Rogers as Chairperson. Commissioner Farley seconded the nomination. Commissioner Rogers thanked them for their support and explained his intent to not seek reappointment. They withdrew their nomination. Commissioner Farley then moved to nominate Commissioner Christianson as Chairperson. Commissioner Wipfli seconded the motion. Chairperson Christianson asked for additional nominations but none were made. The motion to appoint Commissioner Christianson as Chairperson was voted and carried 6-0-1 with Chairperson Christianson abstaining.

Commissioner Wipfli then moved to nominate Commissioner Mally as Vice Chairperson. Commissioner Sedway seconded the motion. Motion carried 6-0-1 with Commissioner Mally abstaining.

Mr. Sullivan indicated that their terms would end in November 2001.

**G. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-0775)**

**G-1. STAFF BRIEFING REGARDING THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION** - Community Development Director Walter Sullivan distributed copies of the By-Laws to the Commission. (A copy was not given to the Clerk.) Revisions were requested. The December abandonments were

CARSON CITY PLANNING COMMISSION  
Minutes of the January 31, 2001, Meeting  
Page 7

continued to tomorrow's Board meeting. The Meeting Place's application for a fee waiver had been approved. The population report which was reviewed by the Board will be included in the Growth Management report. The inclusion is required as part of the MPO Transportation Master Plan. The process used to estimate the population was limited. Using the population figure which was developed and the three percent permit program, it was felt that it would take approximately 17 years to reach the buildout point. The number of permits taken last year, however, was at a growth rate of 1.4 percent. Two Commissioners had committed to going to the American Planning Association conference. (1-0870) Commissioner Rogers asked for another copy of the Building Permit Law Bulletin.

**G-2. FUTURE COMMISSION ITEMS AND DATES (1-0820)** - The next meeting is scheduled for February 28. Discussion noted the RSVP efforts to obtain BLM property for a non-profit facility on Edmonds. Mr. Sullivan indicated that staff had not received any formal information regarding this proposal. All of the hearings to date have been conducted by RSVP.

**H. ADJOURNMENT (1-2196)** - Commissioner Wipfli moved to adjourn. Commissioner Pedlar seconded the motion. Motion carried 7-0. Chairperson Christianson adjourned the meeting at 5:50 p.m.

The Minutes of the January 31, 2001, Carson City Planning Commission meeting

2001. ARE SO APPROVED ON\_\_February 28\_\_,

\_\_\_\_\_/s/\_\_\_\_\_

Allan Christianson, Chairperson