A regularly scheduled meeting of the Carson City Planning Commission was held on Wednesday, March 28, 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 William Mally, and Commissioners Gayle Farley, Wayne Pedlar, Alan Rogers, Roger Sedway, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Deputy District Attorney Neil Rombardo, Senior Planner Skip Canfield, Assistant Planner Jennifer Pruitt, and Recording Secretary Katherine McLaughlin (P.C. 3/28/01 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 Farley had not yet arrived. Chairperson Christianson lead the Pledge of Allegiance.

B. APPROVAL OF MINUTES - FEBRUARY 28, 2001 (1-0024) - Commissioner Wipfli moved to accept the Minutes as read. Commissioner Mally seconded the motion. Motion carried 6-0.

C. PUBLIC COMMENTS (1-0031) - None.

D. AGENDA MODIFICATIONS (1-0039) - Community Development Director Walter Sullivan indicated that staff had received a letter from the applicant requesting a continuance of Item G-1b to the April 25 Planning Commission meeting. Item G-1a is still scheduled for consideration.

E. DISCLOSURES (1-0050) - Commissioner Pedlar disclosed that he had participated in the Title 18 revisions as a member of the Chamber of Commerce's Manufacturing Association. Discussion indicated this would not pose a conflict of interest.

F. CONSENT AGENDA (1-0061)

F-1. V-00/01-8 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM BONITA DEMPSEY

F-2. V-96/97-4 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED VARIANCE FOR BRIAN SMITH

F-3. U-96/97-5 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR BRIAN SMITH - None of the items were pulled for discussion. Commissioner Rogers moved to approve the Consent Agenda Items F-1, F-2, and F-3 as presented by staff. Commissioners Pedlar and Mally seconded the motion. Motion carried 6-0.

G. PUBLIC HEARING

G-1A. A-00/01-3 - DISCUSSION AND ACTION ON A CODE AMENDMENT REQUEST FROM RON KIPP, BUILDERS ASSOCIATION OF WESTERN NEVADA PRESIDENT (1-0093) - Senior Planner Skip Canfield, Ron Kipp, Community Development Director Walter Sullivan, Daniel Magrath, Karen Aplin, Deputy District Attorney Neil Rombardo, Senior Engineer John Givlin - During Chairperson Christianson's reading of the heading, Commissioner Farley arrived--3:38 p.m. (The entire Commission was present constituting a quorum.) Discussion indicated that a colored map illustrating the zoning had not been placed in the packets. Discussion explained that the code amendment had been brought forward as part of Item G-1b. The lot, however, contains less than 9,000 square feet which required a Code amendment. The revision will make the Code amendment consistent with similar zoning districts.

Mr. Kipp noted the request to continue the following item. He then described the size of the lot which required a Code amendment. The Title 18 Code revisions had not included this amendment. Justification for the 9,000 square foot requirement had not been found. He concurred with the staff report.

Discussion between the Commission and staff indicated that there are no plans at this time to expand the Neighborhood Business District into other areas of the City, however, a zone change request could be submitted on any 6,000 square foot lot if the amendment is adopted. Mr. Sullivan explained the plan to review the master plan land use map next year. This issue would be considered at that time. The zone change could not be requested until the Code amendment is made as the lot is smaller than the required 9,000 square feet. Staff could not find a reason to justify requiring 9,000 square foot lots for this use in the Minutes. All of the other commercial zones require 6,000 square feet or more. The neighborhood businesses uses, themselves, do not justify requiring the 9,000 square feet.

Public comments were solicited. Mr. Magrath explained his residential location and voiced his objection and intent to attend the next regular meeting if the Code is amended. He gave a petition containing signatures from his neighborhood opposing the zone change to allow a commercial building in his neighborhood to Mr. Canfield. Commissioner Rogers explained that the zone change would only be considered if the Code amendment is approved. Mr. Magrath indicated that he would oppose the ordinance amendment if it would allow the change in land use. He did not want a commercial building abutting his residence.

Clarification by Mr. Canfield explained that the lot is under 9,000 square feet and could not meet the Code requirements for Neighborhood Business purposes. The Code must be changed before the zone change could be requested. The location of the lot was described. Spot zoning would be created if a zone change had been requested without the Code amendment. Commissioner Rogers expressed his concern that changing the size of the lot for the zoning designation would allow neighborhood businesses along every major arterial in the community. Mr. Canfield responded that the setback and landscaping requirements were the same for the other commercial uses. The building size would be smaller on a 6,000 square foot lot. Flexibility would be provided. Commission comments explained to Mr. Magrath that he needed to return in 30 days if the Code amendment is approved. Commissioner Pedlar also explained that Mr. Kipp had indicated that he would meet with the residents and attempt to mitigate their concerns. The continuance had been requested in order to provide an opportunity for this meeting.

Additional public comments were solicited. Ms. Aplin explained her experience in an area where small businesses had been allowed on 6,000 and 9,000 square foot lots and the parking issues which had been created. She was also concerned that, after the zoning is changed, Mr. Kipp could sell the lot and someone else construct a different commercial use. Ms. Aplin was asked to discuss the Code amendment and not the zone change. She indicated that she would attend the next regular meeting. Additional comments were solicited but none given.

Discussion between the Commission and staff indicated that staff had denied the zone change as the Code does not allow Neighborhood Business uses on lots under 9,000 square feet. Other office and commercial uses allowed on the 6,000 square foot lots were noted. The Code amendment will align the neighborhood business use with these uses. All of the parking, setback, and landscaping requirements will be mandated. Commissioner Wipfli noted the need for the Commission to separate the Code amendment issue from the zone change request. The Code amendment allows consideration of a zone change for all 6,000 square foot lots in the community. Commissioner Pedlar indicated his support for the Code amendment as it will allow more options for neighborhood businesses in the community rather than utilize the zone change and create spot zoning. Commissioner Rogers felt that the neighborhood business district allows some small businesses within residential districts that support the residential area. The residential office zoning allows for transition from residential areas into more heavily used types of businesses. The 9,000 square foot requirement is important as it will restrict the zoning uses allowed and the areas which could be considered. Discussion indicated that there are no differences in parking requirements between the neighborhood business, residential office, general office, and retail commercial uses. Mr. Sullivan indicated that the land use map designates neighborhood business sites which have more than one acre. The concept will allow individual businesses on separate parcels the same as the other commercial uses on 6,000 square foot lots. Supervisor Rogers felt that the difference is proximity of residents which should be protected. Mr. Sullivan responded that the setback requirements for neighborhood businesses and residential office are the same in a residential area. Commission comments reiterated the reasons the staff had denied the zone change request. Comments also noted the reasons Mr. Kipp had requested a continuance and his intent to meet with the residents and attempt to mitigate their concerns. The current zoning is Mobile Home 6,000. There is a neighborhood business across the street from the lot. The surrounding zoning was described. Mr. Rombardo reminded the Commission that the discussion had strayed from the agenda item. Mr. Givlin indicated for the record, as Utilities Manager Tom Hoffert had requested, that rezoning lots creates an additional impact on the utility services. Commissioner Farley indicated that a manufactured home could be placed on the lot and her belief that the proposed use was better. Mr. Sullivan reminded the Commission the topic is a Code amendment. **Commissioner Wipfli moved to recommend approval of A-00/01-3 to amend CCMC Section 18.06.241, Minimum Area of the Neighborhood Business Section of Title 18, the Zoning Ordinance, to reduce the minimum lot size from 9,000 to 6,000 square feet. Commissioner Pedlar seconded the motion.** Commissioner Sedway indicated that he was basically in favor of it but objected to the process and the presentation procedure. He supported Commissioner Farley's concerns regarding what could be constructed on the site. The map indicates that there are only a few places in the City which allow this use. The Code amendment is followed by an application to rezone which had created a rush to do the amendment. He felt that the item should be continued until next month when that item could also be discussed with the request. Commissioner Rogers agreed that the item should be continued so that both requests could be considered at once. He also noted that he had already voiced his opposition to the request. Discussion between Chairperson Christianson and Mr. Sullivan indicated that the Code amendment would still be presented to the Board of Supervisors even if it is defeated. The Code amendment is a separate issue from the zone change request. Mr. Sullivan also indicated that staff had brought the Code amendment forward as it made sense for the entire community rather than waiting for the balance of Title 18's revisions. The motion to recommend the Code amendment was voted and carried 4-3 with Commissioners Mally, Rogers, and Sedway voting naye.

G-1b. Z-00/01-4 - DISCUSSION AND ACTION ON A CHANGE OF LAND USE (REZONING) REQUEST FROM RON KIPP, BUILDERS ASSOCIATION OF WESTERN NEVADA PRESIDENT (1-0751) - Senior Planner Skip Canfield - Copies of the letter requesting continuance had been distributed to the Board and Clerk prior to the meeting. (A copy is in the file.) Mr. Canfield read it into the record. Commissioner Rogers pointed out that the Commission had failed to address the lot width or depth and that the chart on Page 25 was inaccurate. Mr. Canfield indicated that these issues could be addressed during a workshop which has been scheduled next month. Commissioner Rogers moved to continue Item G-1b. Commissioner Wipfli seconded the motion. Motion carried 7-0. Public comments were solicited but not given even though individuals had requested an opportunity to discuss the neighborhood uses. Mr. Sullivan also indicated that these issues would be addressed during the April meeting.

G-2. U-79-25 - DISCUSSION AND ACTION ON THE REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM T. E. BERTAGNOLLI (1-0819) - Assistant Planner Jennifer Pruitt, Applicant's Representative Corey Allen - Comments noted the need for the item to be reviewed annually. Mr. Allen indicated that he had read the report and agreed with the recommendations. Discussion noted that several of the Conditions of Approval items previously reported as having been incomplete have been finished. Major ongoing issues of concern for staff were related to potential erosion into the river and the location of the stockpiled materials. Justification for the original requirement of an annual review was provided. Mr. Allen supported Commissioner Rogers' suggestion that the annual review be discontinued unless problems are discovered. Chairperson Christianson explained his support for the suggestion and his personal tour of the area. Mr. Allen explained the purpose of the retention pond. Mr. Sullivan concurred with the Commission's comments and suggested that Condition 5 be revised to require biennial review by the Commission. He requested that annual reviews be made by staff as required by other Departmental conditions. Mr. Allen agreed to this type of review. Mr. Sullivan indicated that this would allow staff to bring any problems to the Commission. Public comments were solicited but none given. Commissioner Rogers moved to approve the review of U-79-25, with a modification to Condition No. 5 that the Special Use Permit shall be reviewed every other year, the applicant will perform a walk through with Community Development staff, and complaints may be submitted to the Planning

Commission for possible action on this Special Use Permit. Commissioner Wipfli seconded the motion. Motion carried 7-0.

G-3. D-00/01-4 - STATUS UPDATE ON A DEDICATION REQUEST FROM LEO A. MANKINS AND ANNETTE MANKINS (1-0985) - Senior Planner Skip Canfield explained that this item did not require the Commission's review. The applicant was not present. Public comments were solicited but none given. No formal action was taken.

G-4. UPDATE AND FURTHER REVIEW OF TITLES 17 and 18, SUBDIVISIONS AND ZONING ORDINANCES, RESPECTIVELY, AND DEVELOPMENT STANDARDS (1-1004) - Community Development Director Walter Sullivan, Senior Planner Skip Canfield Senior Planner Jennifer Pruitt - Copies of the revisions were distributed to the Commission and Clerk. (A copy is in the file.) The history of the revisions was limned. The Development Standards require Board approval only. Mr. Canfield indicated that the revisions would be available to the public on Friday. The schedule of workshop meetings was listed. New notices will be mailed to all of the property owners. The majority of the items which had been lined out were placed in the development standards. The development standards divisions were described. The Commission's imput was solicited. All of the subcommittee members and concerned citizens are being contacted and advised that the booklets are available. Staff turnover during the time it took to revise the Code was noted. Discussion described the notices which will be sent to the public. Commission comments complimented and congratulated Mr. Sullivan and his staff for their efforts. Discussion explained the history and period of time required to complete the comprehensive review of Titles 17 and 18. Comments noted that there may be some items which will require fine tuning. This could be done as it is a dynamic, living document. The Code Sections are available on disk. Reasons it had not been placed on the City's website were provided. Commissioner Pedlar suggested that the NACO or NRS websites with a "search engine" be considered for placement of the Code. Mr. Sullivan supported his suggestions. No formal action was required or taken

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (1-1262) - Community Development Director Sullivan and Commissioner Wipfli reported on the New Orleans conference. Tapes of 12 of the sessions have been ordered. The sessions were described. Funding is available for next year's conference and three Commissioners were urged to attend. (1-1345) Discussion described the composition of the conference attendees was limned. Mr. Sullivan also explained a conversation he had had with Henderson's Planning Director comparing the populations of their cities. Commissioner Rogers explained an article in a planning magazine regarding the composition of planners and planning commissions nationwide.

(1-0690) Mr. Sullivan apologized to the Commission for the condition of the room, which is undergoing remodeling.

(1-1416) Commissioner Wipfli encouraged the Commissioners to attend the conference, if possible, next year and described some of the seminars he had attended. He also complimented the City's Public Works staff on the conditions of the City's roads and described the New Orleans' roads. Mr. Sullivan expanded on his comments by explaining improvements which had been made in the downtown area. It is an "old" city. He also indicated that a lot of the public works' efforts are dedicated toward keeping water out of the City.

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION (1-1311) - Mr. Sullivan then reported on the Board's action on the Northridge Subdivision Phase 9a final map. He then noted the Department's name change to Planning and Community Development. Reasons for the change were provided.

(1-1380) Discussion noted the letter to Sid Williams which was in the Commission's packets. Mr. Sullivan indicated that a special meeting will be held to discuss this matter due to a potential tenant's need to have restaurant fans and vents on the roof in the enclosed area that originally had been planned for the air conditioning units. A portion of the mall had been rented by "The Manger Bookstore".

H-2. FUTURE COMMISSION ITEMS AND DATES (1-1329) - Mr. Sullivan felt that the next meeting agenda would be "relatively light", however, there would be more items than today's session. The meeting may run until 9 p.m. as a majority of it will be dedicated to the Title 17 and 18 revisions.

I. ADJOURNMENT (1-1472) - Commissioner Wipfli moved to adjourn. Commissioner Mally seconded the motion. Motion carried 5-0.

The Minutes of the March 28, 2001, Carson City Planning Commission meeting

ARE SO APPROVED ON____April_25____, 2001.

_/s/____

Allan Christianson, Chairperson