

CARSON CITY PLANNING COMMISSION
Minutes of the Special April 12, 2001, Meeting
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A special meeting of the Carson City Planning Commission was held on Thursday, April 12, 2001, at the Cooperative Extension Service Conference Room, 2621 Northgate Lane, Suite 12, Carson City, Nevada, beginning at 12:10 p.m.

PRESENT: Chairperson Allan Christianson and Commissioners Wayne Pedlar, Alan Rogers, Roger Sedway, and Richard Wipfli

STAFF PRESENT: Open Space Manager Juan Guzman, Deputy Building Official Larry McPhail, Deputy District Attorney Melanie Bruketta, Senior Planner Skip Canfield, Recording Secretary Katherine McLaughlin, and Management Assistant Rosemary Johnson (S.P.C. 4/10/01 Tape 1-0001.5)

NOTE: Unless otherwise indicated, each item was introduced by the Chairperson. Staff then presented/clarified the staff report/supporting documentation. 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 12:10 p.m. Roll call was taken. A quorum was present although Commissioners Farley and Mally were absent and Commissioner Rogers had not yet arrived. Chairperson Christianson lead the Pledge of Allegiance.

B. PUBLIC COMMENTS (1-0030.5) - None.

C. DISCLOSURES (1-0042.5) - None.

D. PUBLIC HEARING

D-1. D-00/01-5 - DISCUSSION AND ACTION ON A REQUEST FROM CARSON CITY FOR THE DEDICATION OF LAND (1-0048.5) - During Senior Planner Skip Canfield's introduction, Commissioner Rogers arrived--12:14 p.m. (A quorum was present as previously indicated.) Public comments were solicited but none given. The applicant is the City. Commissioner Wipfli moved to approve the offer of dedication of street right-of-way from Carson City consisting of approximately 2,462 square feet of land for Airport Road/Graves Lane interchange and recommend that the Board of Supervisors accept this dedication for Carson City. Following a request for an amendment, Commissioner Wipfli amended his motion to indicate that the land mass is 22,462 square feet. Commissioner Sedway seconded the motion. Motion carried 5-0.

D-2. U-98/99-27 - DISCUSSION AND ACTION ON RECONSIDERATION OF CONDITIONS OF APPROVAL OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT FOR SID WILLIAMS (1-0175.5) - Commissioner Sedway disclosed his discussion with Mechanical Engineer John Harding of Peterson Associates with whom he works quite closely on other projects. Senior Planner Skip Canfield's introduction included an explanation of the Conditions. He read the letters of support and opposition to the request into the record. Clarification indicated that Ms. McGee is out of the country and may be back "the following week or at the very least next Friday". Staff had included the item on the agenda due to the need for a special meeting on the previous item--the dedication. Staff had attempted to contact Ms. McGee after the meeting had been scheduled and agendized. Commission comments indicated a desire to hear both sides of the issue. Mr. Canfield explained Mr. Bondiett's concern with the noise which would be created by the roof mounted fans. Mr. McPhail was present to respond to noise questions regarding the equipment. Clarification indicated that the mechanical equipment is to be placed on the roof. Mr. McPhail indicated that the typical location for placement of the mechanical equipment is on the roof. It is a ventilation system which is placed on the grease duct. He had purportedly seen only two which were not roof-mounted. They were wall mounted and located on the upper part of the wall toward the eaves which allows drainage to the hood and the grease extractors. Mr. Canfield displayed a photograph of the building. Mr. McPhail explained his feeling that the equipment could be located on the back of the outside wall near the eaves and below the parapet. This would be visible to the residents and lack noise mitigation measures.

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Discussion between Mr. Williams and Commissioner Wipfli explained that the restaurant would be "north of the center" of the mall. Mr. Williams pointed to it on the architect's renderings of the site. The first suite, which is 23 feet wide, will be occupied by another tenant. Discussion between the Commission and Mr. Canfield explained the commercial zoning on the lot directly north of the subject parcel. Commissioner Wipfli disclosed his discussion regarding mitigation measures for that parcel and indicated his feeling that as both are commercial, the fans could be screened and would not create a problem for the neighbors. Mr. McPhail agreed that this would be feasible. Additional discussion explained the proposed restaurant location and indicated that Commissioner Wipfli's suggestion would not work. Discussion then suggested that the restaurant be moved further north.

Mr. Williams indicated that "The Manger" had rented the southern five units. Mr. Williams then explained the reasons for feeling that the location selected by the prospective tenant, Gregory Hoch, was critical to his business. Mr. Williams also indicated that the wall mounted unit would be visible to the residents. Commissioner Wipfli felt that screening could mitigate this concern and that the location adjacent to a commercial zone would mitigate some of the problems. Mr. McPhail indicated that running a horizontal duct would be difficult. Mr. Williams indicated that the restaurant design places the cooking area in the open where the clientele can observe it. Location to a corner of the building changes this design.

Mr. Williams then explained that he did not want to remove the "walls" and felt that they had been approved by staff when the original site plans were submitted. Removal of them also restricted his future energy saving options which would not create noise impacts on the neighbors. The walls were "more attractive to him than looking at a flat gray roof". They do not block the view. The walls are four feet tall and are located behind the "A" frame.

Clarification between Mr. Canfield and Commissioner Pedlar indicated that the residents' concerns were related to noise. Ms. McGee had indicated during the last hearing regarding the walls that the walls were a visual impact to her and had not been part of the approved plans. The Planning Commission had agreed and requested they be removed. Commissioner Rogers also felt that the discussion had indicated a concern that if the walls remained, they would be used in the future and were ugly. The Conditions of Approval had referred to noise and having equipment on the roof making noise. He did not feel that a solar cell would create a problem for the neighbors. He also felt that it was an unfortunate situation that the matter had been "hurried along" so that certain individuals were not able to attend and voice their concerns.

Mr. Williams then indicated that he had read the report. He alleged that the original documents shown when the Special Use Permit was approved placed the screens on the roof in an more obtrusive location than that constructed. They were located between the "A" frames. They had moved them to behind the "A" frames to "block less views than the original plan". Mr. Williams then displayed the plans. Commissioner Sedway noted that this plan placed the screens between the gabled roofs.

Commissioner Rogers voiced his feeling that the discussion was "stretching" the issue. The Commission had been aware of the proposal to place the equipment on the roof and had said "No equipment on the roof". The plans indicate that the screening is on the front of the building. This is similar to other buildings with "fake walls screening stuff". The screening had not been an issue as the equipment was to be ground mounted. The enclosures were then constructed which appeared as if something was to be placed within them. If there is no equipment or anything within the enclosures, they were not a big issue and that Mr. Williams could do whatever he wished with them. Mr. Guzman had admitted during a meeting that he had failed to "pick up on the enclosures" when reviewing the plans. This is not an issue which needed to be revisited repeatedly. The enclosures are there. The Commission is not concerned regarding the cost to remove them if the Commission determines that they must be removed. He felt that Mr. Uhart's letter of support confuses the issue as he is discussing the frontal view. The equipment would not be hidden from the residential views which is the area of concern. If it is the residents' perception that it is visually bad, then the Commission must hear this issue. The decision to remove them is a separate issue. The noise issue is one which should be resolved first. If the noise issue is addressed, then the Commission could agree to his keeping the enclosures. If the noise issue prohibits their use, then a decision must also be made regarding the enclosures.

Discussion between Commissioner Pedlar and Mr. McPhail indicated that he had no experience or information regarding the amount noise which would be created by the roof mounted equipment. The Health Department was

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to have had a staff member present to address this issue. The size of the hood and its exhaust would determine the amount of noise which would be created. An integral makeup air system could eliminate the need for a "swamp" cooler. This would also reduce the noise impact. A wall mounted unit could create a direct impact. The roof mount could defuse some of the noise. Commissioner Pedlar noted that he had not been on the Commission when the original application had been considered. His reading of the material indicates that if the noise issue is mitigated, equipment could be located on the roof. He had toured the site for this reason. He did not feel that the screening walls were that "bad", however, he does not live in the neighborhood.

Roger Levasseur, owner of Two Seasons Air Conditioning and the mechanical contractor for the project, indicated his experience in this field and that the noise would depend on the size of the equipment, its tubing and the grill; the number of deep fryers; etc. He could not tell the noise factor without this information. The wall mounted units are typically quieter than the roof top units as they are aluminum and move volume rather than static pressure. The roof top mounted unit is a roof top mounted furnace with a "squirrel cage inside" which takes everything from the inside outside and puts it back in. Clarification by Mr. Williams indicated that the opening on the roof had been closed. Mr. Levasseur explained the advantage of the roof mounted units is that they do not require an air flow around them for temperature control. He agreed that the enclosures made the area containing the equipment look better. The exhaust fans are typically made of spun aluminum. An example of the size which may be required was limned. The walls should be able to hide and mitigate the noise created by it. Grease problems with the side mounted venting system were noted.

Commissioner Rogers explained his tour of several fast food establishments which indicated that their venting systems could be heard throughout their parking lots. Mr. Levasseur guessed that the proposed system would be half the size of the fast food establishments'. Also, the proposed location is 40 feet further from the property line than that proposed for the wall mounted unit. Commissioner Rogers asked for a site with a similar unit that he could visit to determine the amount of noise that would be created by the unit Mr. Levasseur was describing. Mr. Levasseur could not provide one without additional information. Commissioner Sedway felt that this information should be available so that the Commission could make a decision based on solid evidence and not guessimates. Mr. Williams had not considered this use when the original plans had been submitted and still did not have specifics regarding the proposed use. He hoped that the restaurant would be able to proceed but without specifics it is questionable. Mr. Canfield offered to obtain the specifics and provide the Commission with a list of restaurants with similar venting systems. Commissioner Sedway requested a design for the specific venting system. Discussion with Mr. Levasseur indicated that the discussion was related to one exhaust fan which would be inherently quieter than roof mounted air conditioning equipment. Commissioner Sedway felt this would certainly be a step in the right direction.

Commissioner Rogers pointed out that originally the plan was to have a neighborhood business which had dealt with the air conditioning equipment. The proposal is an expansion and a change to that concept. There had been several meetings on this project which may be poor planning or the luck of the draw. He wished to put things to rest which could be accomplished with additional information and specifics. The Commission had worked hard to make the project go in a highly controversial area that was not supported by the neighbors. The Commission was repeatedly forcing the neighbors to give. This is not right. Mr. Williams felt that it was only two neighbors. His personal tour of the area had purportedly obtained signatures from neighbors supporting the project.

Mr. Canfield suggested that the request be continued to the May meeting so that specifics could be provided and the impacted neighbors could be in attendance. Commissioner Rogers repeated his question concerning locations where similar units are being used. He felt certain that, if the noise level is similar to the fast food locations he had toured, there would be complaints.

Commissioner Sedway indicated that the enclosures were not offensive to him. He did not see the need to remove them. If the equipment placed behind them maintains the original intent regarding the noise level, it would not pose a problem for him. He also pointed out that the proposal submitted to the neighbors who had signed off, the proposal which had been submitted, and the actual building as constructed were all different. He did not have a conceptual problem with the request. He wished to work with Mr. Williams rather than lose the restaurateur. He wished that the matter had been agendized for Monday's special meeting. The press is in attendance again as the project is highly controversial. The neighbors are very concerned about it. He wished to see the request brought

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back with more specifics.

Mr. Williams suggested that the units be set and tested to illustrate the impact that would be created. He agreed that this could cost some money to do. Commissioner Sedway noted that the system must be designed at some point. Mr. Williams pointed out the cost for the design and installation and the potential that Mr. Hock could relocate to another site. Commissioner Sedway responded by expressing his feeling that the Commission needed to see the design before approval could be considered. Commissioner Rogers reiterated his request that a site with a similar unit be found so that the Commission could visit it to determine the noise volume. Clarification indicated that although manufacturers do have specs regarding the noise volume, the specs routinely lack details regarding the distance, etc. Mr. Levasseur also indicated that there is a difference in fan types.

Gregory Hoch indicated his desire to locate his restaurant at the site. Chairperson Christianson briefly described the time, problems encountered with the project, and the Commission's efforts to negotiate on them. The Commission wished to have commercial projects which are successful enterprises. Mr. Hoch felt that Mr. Williams had attempted to hide any type of ugly equipment from the rear of the building which could "wear down, become paint chipped, or stained in the future". Roof mounted units are the "wisest, quietest, most visually unobtrusive, most direct venting system possible". An exhaust fan makes less than one-third of noise volume created by a simple kitchen dishwasher's exhaust fan. Movement of heavy heated air is quieter than cold air. His two eastern stores use quality equipment and tape recordings of their venting equipment would not provide any determinable noise. One of his stores has a picnic area within ten feet of the exhaust mount. Nothing is heard from the unit. He did not have a restaurant in the area.

Discussion between Mr. Canfield and Commissioner Wipfli indicated that the landscaping requirements had been met except for the revegetation requirements on the McGee property. The Certificate of Occupancy may be given in two weeks. The lighting will not pose a problem.

Mr. Williams then explained the landscaping at the rear of the building and adjacent to Ms. McGee's property. Commissioner Wipfli expressed his feeling that enhancing the landscaping could establish better public relations between them. Mr. Williams responded by explaining his offer to locate the trees on Ms. McGee's property. Commissioner Wipfli reiterated his landscaping concept which would have an minimal financial impact but could reduce the noise and visual impacts. Clarification indicated that the trees would have to be located on her property to address those issues. Reasons Mr. Williams had not attempted to discuss this proposal with Ms. McGee were noted. Commissioner Pedlar indicated that his tour of the site shows that the trees are barely visible from the McGee site. Trees on the McGee site could have provided better mitigation.

Mr. Canfield recommended continuing the matter until the issues which had been raised have been addressed and discussion has occurred with the neighbors. Discussion ensued regarding when the meeting could occur. Suggestions included the regular April 28th meeting and the special May 2nd meeting. Mr. Williams then expressed his feeling that landscaping on the McGee property would not mitigate the issue or screen the project. He agreed to repair the McGee property which his contractor had damaged during construction. Commissioner Sedway felt that, if the remaining conditions are complied with and the "CofO" is granted, Mr. Williams would be in a better position to prove his case.

Commissioner Pedlar suggested that Mr. Hoch provide the staff with specs, photographs, and tape recordings of one of his existing fans. Staff could use this information in making a recommendation on the system. Comments also indicated that the contractor may be able to contact the manufacturer for similar specs. It was felt that the manufacturer used steel to encase the fan rather than aluminum. This use will impact the amount of noise created. Commissioner Pedlar explained his personal experience with a New Jersey noise ordinance. Mr. Williams felt that the best option would be to put the unit in and test the noise level.

Mr. Canfield suggested that a motion be made continuing the matter to the next available Planning Commission meeting. Staff would attempt to agendize it for the April 25th meeting. Commissioner Pedlar then moved to continue the item until the next available--. Chairperson Christianson noted that public comments were to be heard before a motion could be accepted. Commissioner Pedlar withdrew his motion.

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Public comments were solicited. Mr. Williams then asked if he would be able to obtain the "CofO" with the walls on the roof. Mr. Canfield indicated that staff would need clarification on this issue as the Commission had previously directed their removal. Staff had sent Mr. Williams a letter informing him of this direction. Discussion ensued concerning whether the Commission could provide another direction at this time. Additional public comments were solicited but none given.

Commissioner Sedway felt that if Mr. Williams had his "CofO" prior to the meeting it would be helpful to the discussion. Mr. Canfield expressed a concern regarding whether Ms. McGee would be available for the 25th. Ms. Bruketta explained that the suggested motion would mandate agendizing the matter for the 25th. She recommended that a meeting date be established. She also indicated that the Commission could only consider the two conditions of approval at today's meeting. The motion should be restricted to those items. Commissioner Sedway expounded on his recollection of how the direction had been provided to staff on the letter. Commissioner Rogers suggested that a second letter be written indicating that the "CofO" is not contingent upon removal of the walls. Commissioner Wipfli explained his experience in this area and feeling that a bond could be posted which would guarantee removal of the walls if required after the hearing. The "CofO" could be issued under this scenario. The walls, vents, and its noise should then be agendized for May 2. Discussion ensued on how the Commission had directed staff to advise Mr. Williams that the walls should be removed, how to correct this requirement now, when another meeting could be held, and the information needed for that meeting. Mr. Canfield felt that the direction provided would allow staff to proceed with the "CofO" based on a note in the record indicating the Commission is still analyzing the wall issue. Mr. McPhail felt that a Temporary "CofO" could be issued pending completion of any outstanding issues such as the walls. Commissioner Rogers pointed out that Condition 7, which he read, may require the walls in the future if the equipment is roof mounted. Therefore, the final decision regarding the wall must await a determination of where the equipment is to be placed. The two conditions and the wall issue should be agendized together. Ms. Bruketta supported his suggestion.

Commissioner Pedlar then moved that the Commission continue the item to a special Planning Commission meeting scheduled for May 2, 2001. Ms. Bruketta felt it was unnecessary to include the agenda items in the motion so long as staff understood the Commission's direction. Commissioner Wipfli seconded the motion. Motion carried 5-0.

E. INTERNAL COMMUNICATIONS (1-2532.5) - None.

F. ADJOURNMENT (1-2534.5) - Commissioner Wipfli moved to adjourn. Chairperson Christianson seconded the motion. Motion carried 5-0. Chairperson Christianson adjourned the meeting at 1:20 p.m.

The Minutes of the Special April 12, 2001, Carson City Planning Commission meeting

ARE SO APPROVED ON____April_12____,

2001.

____/s/_____

Allan Christianson, Chairperson