

CARSON CITY REGIONAL PLANNING COMMISSION
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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, February 24, 1999, at the Community Center Sierra Room, 851 East William Street, Carson City, Nevada, beginning at 3:30 p.m.

PRESENT: Chairperson Verne Horton, Vice Chairperson Allan Christianson, and Commissioners Alan Rogers, Roger Sedway, Deborah Uhart, and Richard Wipfli

STAFF PRESENT: Deputy District Attorney Melanie Bruketta, Senior Planners Juan Guzman and Tara Hullinger, Senior Engineer John Givlin, and Recording Secretary Katherine McLaughlin (R.P.C. 2/24/98 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 Horton convened the meeting at 3:40 p.m. Roll call was taken. A quorum was present although Commissioner Mally was absent and Commissioner Uhart had not yet arrived. Chairperson Horton lead the Pledge of Allegiance.

C. PUBLIC COMMENTS (1-0019) - None.

D. MODIFICATIONS TO THE AGENDA (1-0021) - None.

E. DISCLOSURES (1-0023) - Both Commissioners Sedway and Wipfli disclosed their professional contact with Architect Mark Palmer, who represents the applicant for Item G-6. Commissioner Wipfli also disclosed that he had talked with Dr. Dole and Lou Cabrera regarding Item G-4.

F. CONSENT AGENDA (1-0039)

F-1. MPA-98/99-2 - DISCUSSION AND POSSIBLE ACTION ON A MASTER PLAN AMENDMENT REQUEST FROM SILVER STATE CONSULTANTS

F-2. Z-98/99-3 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM SILVER STATE CONSULTANTS - Both applicants had requested a continuance. Commissioner Wipfli moved to approve Items F-1 and F-2 as read for a continuance. Commissioner Christianson seconded the motion. Motion carried 5-0.

B. DISCUSSION AND ACTION TO APPROVE MINUTES FOR THE JULY 20, 1998 SPECIAL MEETING AND THE JANUARY 27, 1999, MEETING (1-0059) - Discussion corrected the January 27 date to be 1999 and not 1998 as indicated. Commissioner Wipfli moved to approve the Minutes of the Special July 20th and the Regular January 27th meetings as corrected. Commissioner Christianson seconded the motion. Motion carried 5-0.

G. PUBLIC HEARING

G-1. D-98/99-4 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY ON DEDICATION OF STREET RIGHT-OF-WAY (1-0084) - Senior Engineer John Givlin - Public testimony was solicited but none given. Commissioner Rogers moved to approve the dedication of street right-of-way for Weise Road, south of Lakeview Road, from Newton Freeman, John Lewis, and Robert Weise as successors co-trustees of the Nancy Penelope Weise 1979 Trust. Commissioners Wipfli and Christianson seconded the motion. Motion carried 5-0.

G-2. D-98/99-5 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY ON DEDICATION OF STREET RIGHT-OF-WAY (1-0132) - Senior Engineer Givlin - Public testimony was solicited but none given. Commissioner Rogers moved to approve an offer of dedication of street right-of-way for Ormsby Boulevard, both north and south of College Parkway, from Silver Oak Development Company Limited Partnership, consisting of a strip of land containing approximately 1.13 acres to the north of College Parkway, and a strip of land containing approximately 2.65 acres to the south of College Parkway. Commissioner Wipfli seconded the motion. Motion carried 5-0.

G-3. D-98/99-6 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM CARSON CITY ON THE DEDICATION OF STREET RIGHT-OF-WAY (1-0168) - Senior Engineer Givlin - Public testimony was solicited but none given. Commissioner Rogers moved to approve dedication of street right-of-way from Hot Springs Center Associates on the north corner of Hot Springs Road on APN 02-061-33 consisting of approximately two square feet of property. Commissioner Christianson seconded the motion. Motion carried 5-0.

G-4. U-98/99-41 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM TIMOTHY DOYLE - Senior Planner Juan Guzman, Timothy Doyle - Commissioner Uhart arrived during Mr. Guzman's introduction. (A quorum was present as previously noted--3:50 p.m.) Mr. Doyle indicated that he had read the staff report and concurred with it. He proposed to fence the tennis courts with a green mesh and landscape the area between the tennis court and the existing exterior fence with evergreens and trees. The trees will ultimately obscure the tennis court fence. This will take a few years. He had been given a copy of the latest letter from Mr. Cabrera. The trees will be "quite mature" although they will take several years to grow before they will screen the tennis court fence. Commissioner Christianson noted a similar tennis court in Mr. Doyle's vicinity which had not been screened. Clarification reiterated that the fence would be green mesh normally found around tennis courts and not slants. Mr. Guzman pointed out that the landscaping with trees is considered a stipulation. Mr. Doyle agreed to submit a landscape plan to staff within 30 days regarding the trees/landscaping. Discussion between Commissioner Wipfli and Mr. Doyle indicated Mr. Doyle's intent to paint the existing exterior fence. This fence could not be included in the discussion as it exists today. Mr. Doyle's plans do not include sprinklers on the outside of the existing fence. Public testimony was solicited but none given. Commissioner Uhart voiced her opposition to the letter and moved to approve U-98/99-41, a special use permit request from Timothy J. and Carena M. Doyle, property owners, to allow a ten foot high fence, which exceeds the maximum six foot height limitation allowed within the required rear yard setback in a Single Family One Acre zoning district, located at 101 Plantation Drive, APN 7-192-10, based on seven findings and subject to six 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, amended Condition 7 to be a ten foot fence of green mesh, and noted the stipulation to submit a landscape site plan within 30 days. Commissioner Christianson seconded the motion. Motion carried 6-0.

G-5. U-98/99-42 - DISCUSSION AND POSSIBLE ACTION ON A SPECIAL USE PERMIT APPLICATION FROM PETER BOND (1-0382) - Senior Planner Tara Hullinger, Deputy District Attorney Melanie Bruketta - Discussion between the staff and Commission noted the need for the property owner to sign the application. A continuance had not been requested in writing. Chairperson Horton ruled that the application is technically incomplete. The applicant is aware that the application will be continued for one month. Commissioner Sedway voiced his concern about the inconvenience to the public created by such continuances. He suggested allowing the public to voice their concerns rather than forcing them to return at a later date. Ms. Bruketta indicated that the item had been agendaized by mistake and should not be heard as the applicant is absent. Chairperson Horton requested anyone wishing to comment to contact staff. No formal action was taken.

G-6. Z-98/99-2 - DISCUSSION AND POSSIBLE ACTION ON A REQUEST FROM MARK PALMER (1-0425) - Senior Planner Guzman, Applicant's Representative Mark Palmer, Applicant's Attorney Jim Cavilia, Jim Godec, Lupe Corral, Hal Menshaw, Dale Ryan, Applicant's Architect Rob Darney - Mr. Guzman's introduction justified the recommended denial, stressed that the change of land use could not be tied to the plan included in the packet of information, and suggested that four to six units per acre would provide a better transition from the single family one acre uses than the proposed multi-family units. Discussion between the Commission and Mr. Guzman indicated that the Commission had historically not approved multi-family usage against single

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family one acre areas. The time for a change in the land use for an area is determined when more property owners request it. The Master Plan's definition of "minor" conflicts was explained. The apartment usage is appropriate when compared with the apartments and commercial uses along the west side of Oak Street but not against the remaining areas. Reasons for not requiring the developer to stipulate that the proposed project will be constructed were explained. Mr. Guzman agreed that if the applicant spends the money to prepare the plans, the project will in all probability be constructed as proposed.

Mr. Palmer introduced Architect Rob Darney. The project will bring the zoning into compliance with the Master Plan. Discussion clarified the density along the west side of Oak Street. Mr. Palmer explained, by using an area map, his justification for having the higher density usage on the property due to the uses surrounding it. Those uses will serve as a buffer to the single family one acre zoning. Changes created by the freeway were described. Commissioner Sedway pointed out his concern for the current usages on the south and east and suggested a lower density usage on the parcel. A major project with more density than ten units would create a significant conflict zone. Mr. Palmer indicated that his project would serve as the first buffer by reducing the highest density usage on the west as is provided in the Master Plan. Commissioner Sedway suggested that the zoning be phased over time as more development occurs. He, too, felt that it is a timing issue. Commissioner Uhart supported his position and explained that the apartment dwellings had been constructed in a multi-family zoning district. The project is proposed to abut a single family one acre district. The only individual being harmed by the zoning is the property owner who is requesting the change. The change in zoning will create a larger conflict in zoning.

(1-0960) Mr. Cavilia felt that the property owner is being forced to carry the burden of the conflict zoning for an unknown period. The proposal to phase the zoning does not comply with the Master Plan. Only the southern and eastern properties are in conflict with the project. The traffic impact is not a concern. Commissioner Wipfli responded by explaining his feeling that the project is too large of an increase in density and that it would impact the adjacent neighbors too much.

Discussion pointed out the applicant's ability to propose a project suggesting four units per acre and, once the zoning is modified, modify the project to the maximum allowed within that designation. Mr. Guzman agreed that a project of four units per acre would be more compatible with the current uses. In the future when the surrounding properties are more developed, an increase to nine or ten units per acre could be considered. It is a matter of timing. Mr. Palmer pointed out that the same arguments and conflicts arise whenever the first individual requests a change to match the master plan. The project had been designed in an attempt to show the actual plan and intent. (1-1081) He then explained the site plan, the projected traffic pattern, the parking plan and efforts to reduce on-street visitor parking, justification for the "broken ridge lines", the project's street and sidewalk improvements, and sidewalk locations on surrounding parcels. Discussion between the Commission and Mr. Palmer explained the street modifications created by the freeway including the frontage access road, the clustering of the units on the north side of the parcel, and the project's traffic impact on Snyder.

(1-1335) Public comments were solicited. Opposition to the project was based on the petition of opposition; the project's impact on the area's rural character; the lack of a buffer; the potential increase in abandoned cars and on-street parking as evidenced at the apartment complex on the west side of Oak Street; the feeling that that apartment complex had created a new ghetto area in Carson City; its increased demand for police and fire assistance; increased traffic; potential increase in traffic accidents; the lack of a traffic plan for the entire; and the multiple dwelling units' degrading impact on the residential area. Additional public comments were solicited but none given.

Commissioner Rogers indicated that the apartment complex to the west had been approved due to the frontage road adjacent to Carson Street and its commercial zoning. Considerations utilized in developing the Master Plan were noted. He agreed that its designations for this area may have been done too early and that it could be a mistake. He was also concerned that proposal may not be appropriate for that area. He indicated his disappointment with the original apartment complex. The Commission had been attempting to get away from cookie cutter developments. The apartment complex on the west side of Oak Street supports the need for standards and guidelines. He did not feel that the timing is the issue as much as it may be that the project is just not a good idea. He did not wish to see this drastic of a change.

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Commissioner Uhart explained her feeling that the Master Plan had been an attempt to develop a vision for the future. In that vision consideration had been included to mitigate the impact of the freeway. This did not mean that just because the Master Plan designates the area a specific way, it was time to stampede into Community Development and start implementing those changes. Denial would not go against this vision. The neighborhood is distinctive and has seen little change for a long period of time. Few houses in this area are placed on the market for this reason. There are other uses for the property than that proposed. She could not support the change due to the substantial neighborhood opposition.

Commissioner Wipfli supported their comments. If the applicant feels that this is the proper utilization of the property, an ordinance change to a "softer" transition may be warranted. In his opinion 18 units is scary although he could support three or four units which may be more compatible with the neighborhood. He could not support the jump from single family one acre to such a high density.

Commissioner Christianson supported the proposal as it is a good use and transition as it would cut the density from that of the apartment complex to the west. Timing was not the real question. The southern portion of the freeway will be built within ten years. It contains an on-ramp to Carson Street at the south end of this property. This will change the entire character of this area. The single family one acre and rural area will be impacted with that change.

Commissioner Sedway acknowledged the point made about the first person to implement the master plan as there are no intermediate steps. This situation will continue to be brought forward as the community develops. Three of the four sides have a buffer. There is a park on the north, the church on the south, and commercial on the west. Consideration must also be given to the areas further out. The entire suburban area consisting of one acre considers more than just the property adjacent. It is a little early for this project although it may happen sooner or later.

Chairperson Horton explained his support for Commissioner Christianson's comments as the project does in fact develop a step down from the high density residential to the west. He questioned what the developer was being asked to do--wait until all of the low density areas are filled in before bringing the project forward. Which should occur first--development from the low end or from the high end? The first person who puts his foot into the water is, unfortunately, the bad guy. He, personally, could not find any valid reason to deny the developer his ability to do that. He questioned when the timing would be right to make the change. Considering the fact that the freeway will eventually be there, the initial master plan designation is appropriate.

(1-1708) Mr. Palmer explained his attempt to hold a neighborhood meeting, his notification procedure, and that a church representative had been the only one to respond. A copy of the notification was given to the Board and Clerk. (A copy is in the file.) The church representative had indicated support for the project, however, had failed to submit a written statement to that effect. Its representative had requested a fence between the project and church in an attempt to mitigate any potential conflicts created by the parishioners' automobile headlights.

Mr. Darney explained that the freeway will be elevated in this area and have an elevated off-ramp in the vicinity of the property. The freeway will create the "bubble". Eventually the single family zoning district will be considered an encroachment on the multi-family and commercial uses. Turnover in ownership will occur after the freeway is constructed. The project will not impact the property values but the freeway will. The project is the best possible use for the site. The apartments were briefly described as being larger and upscale as indicated by the 1200 square foot size of the smallest unit and the two-car garages. The suggested crime problem should not occur. Off-street parking should not be necessary. This will be a quality project.

Mr. Palmer indicated a willingness to construct only the two northern units, however, the City does not have a mechanism which would allow this transitional style development. He asked for direction from the Board which would allow the project to proceed. Mr. Guzman indicated that staff would be happy to work with him on this issue.

Mr. Godec alleged that Mr. Palmer's notices had been sent to residences within 300 feet of the project and to only a few selected individuals. Chairperson Horton explained that the public testimony portion of the hearing had been

closed.

Discussion ensued between the Commission and Mr. Guzman on the developer's options. Mr. Guzman then explained how staff determines that the time is correct for implementation of a zone change. Mr. Harris' application is the first. The market had not indicated a need to change the zoning at this time. The Commission will be made aware of the market's desire for a change. Additional discussion ensued regarding the developer's options. These options differ from the representation made by Messrs. Palmer and Darney who consider the highest economical and market value and Mr. Guzman's consideration of the best planning theory for the neighborhood. Mr. Guzman reiterated that there are other forms of zoning, planning, and development which could be used.

Chairperson Horton then requested a motion. When one was not made, he passed the gavel to Vice Chairperson Christianson. Commissioner Rogers then indicated a desire to make a motion and Chairperson Horton took the gavel back. Commissioner Rogers moved to deny Z-98/99-2, a request to change the land use designation for APN 9-197-01 from Single Family One Acre into Multi-Family Apartment and recommend that the Board of Supervisors deny that motion based on four findings in the staff report. Commissioner Wipfli seconded the motion. Discussion noted that the motion would have the Board of Supervisors deny the Planning Commission's denial which, in essence, means that the Board approves the application. Commissioner Rogers withdrew his motion and moved to deny Z-98/99-2, a request to change the land use designation for APN 9-197-01 from Single Family One Acre into Multi-Family Apartment based on four findings contained in the staff report. Commissioner Wipfli seconded the motion. Motion carried 4-2-0-1 with Chairperson Horton and Commissioner Christianson voting Naye and Commissioner Mally absent. Mr. Guzman briefly explained the appeal process.

BREAK: An eight minute recess was declared at 5:32 p.m. A quorum of the Commission was present when Chairperson Horton reconvened the session at 5:40 p.m. although Commissioner Mally was absent as previously indicated.

H. INTERNAL COMMUNICATIONS (1-2012)

H-1. STAFF BRIEFING ON THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS AND CORRESPONDENCE TO THE COMMISSION - The Hillside Ordinance amendment and Crystal Bay Aviation hangar request had been approved as recommended. The amendments to the Public zoning district will be considered by the Board at a future meeting.

H-2. COMMISSIONER COMMENTS (1-2051) - Mr. Givlin explained that Mr. Mankins had met with staff on his variance request and developed an agreeable timeline for construction of the garage. The project should be completed within 120 days. The slope will be protected. Chairperson Horton requested staff modify the application form or create a sticker highlighting the need for the applicant to be appropriate person when signing the application. (1-2128) Commissioner Uhart reported on the Open Space Advisory Committee meeting and its consideration of whether to have an open space zoning district. Staff is presently developing a response for the Committee's consideration and attempting to education the Committee on this issue. Chairperson Horton voiced his concern that the designation "public" may be too broad. Mr. Guzman then explained the Committee's change in tactics from mapping general areas to one which systematically defines priorities and maps those locations, i.e., the hillsides, River, and connection lands and irrigated pastures.

H-3. STAFF COMMENTS (1-2091) - Mr. Guzman encouraged the Commission to contact Ms. Lawrence at his office and make arrangements to attend the Seattle conference. Concern was expressed regarding whether there would be adequate funding and the need for a policy on how to allocate those funds. Chairperson Horton indicated that he was aware of only two individuals wishing to make the trip and urged any of the others desiring to attend to contact Ms. Lawrence.

H-4. FUTURE COMMISSION ITEMS AND DATES (1-2124) - No discussion.

I. ADJOURNMENT (1-2185) - Commissioner Wipfli moved to adjourn. Commissioner Christianson seconded the motion. Motion carried 6-0. Chairperson Horton adjourned the meeting at 5:48 p.m.

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A R E S O A P P R O V E D

ON__March_31_____, 1999.

_/s/_____

Verne Horton, Chairperson