

CARSON CITY REGIONAL PLANNING COMMISSION

Minutes of the May 26, 1999, Meeting

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A regularly scheduled meeting of the Carson City Regional Planning Commission was held on Wednesday, May 26, 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 Keith Larkin, William Mally, Alan Rogers, Roger Sedway, and Richard Wipfli

STAFF PRESENT: Community Development Director Walter Sullivan, Health Director Daren Winkelman, Utility Operations Manager Tom Hoffert, Deputy District Attorney Melanie Bruketta, Senior Planner Sandra Danforth, Senior Engineer Mark Brethauer, Assistant Engineer Brian Matthews, and Recording Secretary Katherine McLaughlin (R.P.C. 5/26/99 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 3:35 p.m. Roll call was taken. A quorum was present although Commissioners Rogers and Mally had not yet arrived. Chairperson Horton lead the Pledge of Allegiance. Commissioner Mally arrived immediately after the Pledge. (A quorum was present as previously indicated.)

B. COMMISSION ACTION - APPROVAL OF MINUTES (1-0017) - None.

C. PUBLIC COMMENTS (1-0018) - None.

D. AGENDA MODIFICATIONS (1-0025) - Community Development Director Sullivan explained his reasons for requesting that Item G-4 be taken at 4:30 p.m.

E. DISCLOSURES (1-0035) - None.

F. CONSENT AGENDA

F-1. P-98/99-1 - DISCUSSION AND ACTION ON A CHANGE OF NAME FROM QUAIL RUN TO HERITAGE PARK PHASE 2 AT QUAIL RUN AND DISCUSSION AND ACTION ON AMENDING THE PREVIOUSLY APPROVED PHASING PLAN FOR P-98/99-1

F-2. M-98/99-14 - DISCUSSION AND ACTION ON THE ADDITION OF AN EXTENDED-STAY LODGING FACILITY ORDINANCE DEFINITION (CCMC 18.03.273 (1-0038) - Discussion noted the request for a continuance of Item M-98/99-14. Ron Kipp of Landmark Homes requested "Phase 2" be removed from the name change for the first item. Reasons for the request were briefly described. Comments indicated the request was a typographical change and had no bearing on the Commission's ability to grant the requested name change. Commissioner Wipfli moved to approve the Consent Agenda as read. Commissioner Christianson seconded the motion. Motion carried 6-0.

G. PUBLIC HEARING

RECESS THE REGIONAL PLANNING COMMISSION AND CONVENE THE GROWTH MANAGEMENT COMMISSION (1-0070) - Chairperson Horton recessed the Regional Planning Commission and convened the Growth Management Commission. (For Minutes on the Growth Management Commission item, see its folder for this date.)

RECESS THE GROWTH MANAGEMENT COMMISSION AND RECONVENE THE REGIONAL PLANNING COMMISSION (1-0180) - Following adjournment of the Growth Management Commission at 3:47

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p.m., Chairperson Horton immediately reconvened the Regional Planning Commission. (The entire Commission was present including Commissioner Rogers, constituting a quorum.)

G-2. U-98/99-57 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM KASANDRA SHEPARD (1-0185) - Senior Planner Danforth, Health Director Daren Winkelman, Kasandra Shepard, Nick Galakatos, Norma Magnone, Mr. Stillwell, Spring Meadows Homeowners Association President Lynn Hendricks, Community Development Director Sullivan - Discussion between the Commission and Mrs. Danforth explained the sign which would be allowed, the condition mandating the applicant monitor and schedule the dropoff/pickup times so that no more than three vehicles are present at one time, and concerns related to access to the area from Fifth Street. Mr. Winkelman indicated that his Department regulates and licenses childcare facilities. There is adequate space at the residence, both inside and out, for 12 children. Thirty-seven square feet per child of outside area is mandated.

Ms. Shepard indicated she had read the staff report and concurred with all the conditions. Due to the opposition, she agreed to reduce the number of children from 12 to 8. She had discussed the concerns with her neighbors on Coral Way, those within 300 feet, and three homes on Sharrow. She agreed to restrict the outside play time to after 9 a.m. Her home is not air conditioned. She felt that half of the children's activities would be in the family room and half in the front room/living area. The eight children would include her own two children. The pattern for dropoff and pickup for the children whom she currently takes care of was explained to illustrate how she would schedule and monitor the dropoff and pickup times.

(1-0354) Public testimony was solicited. Opposition was based on the desire to maintain the residential nature of the neighborhood, traffic concerns, the sign, the impact on property values, and the availability of property zoned for commercial uses elsewhere in the community. Ms. Hendricks did not feel that she should represent the Association in response to Commissioner Sedway's questions concerning whether eight children should be allowed. The major concerns had been the traffic and having a business in a residential neighborhood. Additional public testimony was solicited but none given.

Mrs. Danforth explained for the Commission that childcare facilities are allowed outright in a commercial zone. Childcare facilities in residential areas require obtaining a special use permit. Commissioner Wipfli explained his feeling that 12 children are too many when the neighborhood which opposes a childcare operation. This is more of a business. A neighborhood childcare facility with six or eight children was more acceptable. He also opposed a sign in a residential neighborhood. Commissioner Rogers moved to approve U-98/99-57, a special use permit request from James and Kasandra Shepard to allow a child care facility accessory to a primary residential use for a maximum of eight children in a Single Family 6,000 zoning district, located at 100 Coral Way, APN 3-042-13, based on seven findings and subject to 11 conditions 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; modifying Condition 6 to agree with the motion by changing from 12 to eight; Condition No. 10, as we have done in the past on these, is to have a mandatory six month review, and Condition No. 11 will be to limit any signage to a 1x2 sign within the window of the residence; no outside signage. Commissioner Wipfli seconded the motion. Motion carried 5-2 with Commissioners Christianson and Sedway voting Naye. Mr. Sullivan explained the appeal process.

G-3. V-98/99-14 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM MIKE BELL, GOLDEN BEAR CONSTRUCTION (1-0520) - Senior Planners Danforth and Guzman, Mike Bell - Mr. Guzman indicated that the open space behind the applicants belongs to the Long Ranch Planned Unit Development and that it is not likely to be developed in the foreseeable future. Clarification indicated that the homes are to be one story in height. Mr. Hall explained the request for a variance of 4 feet 10 inches. The adjacent house to the north had been granted a ten foot variance. The adjacent house to the south had been granted a five foot variance. The open space is primarily a drainage area. Public testimony was solicited but none given. Commissioner Mally moved to approve V-98/99-14, a variance request from Mike Bell, Golden Bear Construction, property owners: Ronald and Marilyn Anderson, in order to reduce the rear setback from the required 20 feet to the proposed 15.21 feet based on five findings and subject to six conditions of approval contained in the staff report and with the understanding that any acknowledgements to the Commission or Board by the applicant may be considered as

further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Motion carried 6-1 with Chairperson Horton voting Naye.

G-5. Z-98/99-6 - DISCUSSION AND ACTION ON A REQUEST FROM VAN PATTEN INVESTMENTS FOR A CHANGE OF LAND USE (1-0625) - Community Development Director Sullivan, Applicant's Representative John Copolous, Winnie Kortemeier, Senior Planner Guzman, Pat Anderson, Lorie Santos, Gene Chaney, Applicant William Van Patten, Senior Engineer Matthews - Commissioner Sedway explained his need to abstain on this item due to his employment at Carson-Tahoe Hospital who owns property across the street from the project and his desire to not prejudice the decision. Clarification by Mr. Sullivan explained that the design which had been included by the applicant could not be considered as part of the change of land use. If the applicant submits the plans and the land use change is approved, the residential office requirements mandated in the Code will be used to establish the criteria for the project. Staff is currently working on a medical office zoning district which may be presented during the summertime for the Commission and Board's consideration. If the project is slow in developing, it may have to meet these standards. The note on the plans which had been submitted was there merely to indicate to the applicant that they do not comply with the current Code requirements. If and when the medical office zoning district is approved, staff will automatically submit the rezoning requests for that area. Mr. Copolous explained the applicant's original intent to wait for the new zoning designation, however, a lease is forcing them to move forward at this time. He expressed a willingness to work out any design issues if the zoning is approved.

(1-0745) Public testimony was solicited. Ms. Kortemeier distributed handouts to the Commission. (A copy was given to the staff and the Clerk.) Her opposition was based on the desire to maintain the "upper middle class" residential neighborhood, the petition, the commitment from the hospital to remain on the south side of Fleischmann, and the traffic impact on her area. Comments described the area comprising the neighborhood. Ms. Kortemeier indicated she had acquired her property ten years ago and had studied the zoning at that time. Commissioner Christianson explained his feeling that the Hospital had been converting the area along the north side of Fleischmann into office/parking areas for its use for some time. Commissioner Larkin pointed out that the 1996 master plan land use element had indicated the zoning was office. Since that time the Hospital has been obtaining and converting the area to its use. Mr. Sullivan felt that the area designated as office was two to three lots deep along the north side of Fleischmann. Mr. Guzman described the master plan designation for the area in more detail and displayed a map illustrating the area. Zoning is designated to the backyard line and not the middle of the street. Ms. Kortemeier then explained that all of the houses except one face Pineview Way. Mr. Anderson explained his location and Ira Anderson's parcel. He then described several of his concerns with the proposed medical office zoning district and its impact. Chairperson Horton requested he return to the agenda item. Mr. Anderson then requested action be delayed until the medical office designation had been presented and is discussed.

(1-0975) Ms. Santos opposed the change from residential to residential office or medical office. Her concerns were with the traffic impact on her narrow cul-de-sac and the property values. She asked the Commission to establish some type of control which would retain her residential neighborhood. Commissioner Christianson emphasized that the request was for only three parcels along Fleischmann. The area between Fleischmann and Long was not part of the zone change. Mr. Sullivan responded by explaining the area covered by the application. Mr. Chaney explained how the Hospital had acquired one of the parcels and his attempt to prohibit the use of a lot for commercial purposes. If the application is approved, he requested that a condition be added prohibiting an access/egress onto Pineview Circle. This may protect his residential area. He urged the Commission to visit the site as it may help explain the need for restrictions. He then suggested a fencing restriction be added to prohibit access/egress onto Pineview. Commissioner Christianson explained that the Hospital parking lot had had similar conditions as well as conditions on the lighting.

Additional public comments were solicited. Dr. Van Patten explained his experience with variance requests which were part of his original office complex. After the complex had been in operation for a few years, the residents liked having it there. He then explained the plans for development of and/or current uses of several lots surrounding his parcel. Commissioner Sedway further expanded on his comments by explaining the Hospital's use of one site. Dr. Van Patten then explained his plans for the property. The building would not be an eyesore to the

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community. It will have landscaping and the community will be proud of it.

Mr. Copolous reminded the residents that when the Commission approved the Hospital's parking lot, the area was forever changed. You can't go back. Failure to recognize the change would be foolish. As the Hospital owns several other parcels, additional zone changes will be requested. He expressed a willingness to work with the residents on Pineview and Community Development to mitigate the concerns regarding traffic on Pineview. He also expressed an intent to preserve as many of the trees on the lot as is possible, particularly the 50 foot Blue Spruce. He agreed that as the architect and a resident of the vicinity that he would work to address the traffic concern as well as Commissioner Wipfli's suggestion that the lot be fenced to the corner to assist with stopping traffic from reaching Pineview. The building design may be developed in a fashion to retain as many of the trees as possible as well as to provide a good transition. Chairperson Horton reminded the Commission that a change of land use cannot be conditioned on such "cooperative offers". Mr. Copolous indicated that he is a resident of the neighborhood but that Ms. Kortemeier had not contacted him. Commissioner Mally requested a stipulation that would have prohibited an access/egress onto Pineview with a fence. Chairperson Horton reminded him that a change of land use designation could not be conditioned in this fashion. Mr. Copolous indicated for the record that he would agree to Commissioner Mally's request. There being no additional questions for Mr. Copolous, Chairperson Horton closed public testimony.

Discussion indicated that the Commission would see the project again only if there is a variance or special use permit requested. Mr. Sullivan explained the reasons conditions could not be added to a zone change and that the RO zone is used as a transition between office and residential district. Staff would be very concerned about mitigating the issues raised by the residents when the project comes forward for review. He proposed having staff, the applicant, and the neighborhood involved in that project. Mr. Matthews felt that staff would consider the need to protect the residential neighborhood.

Commissioner Rogers disclosed that Dr. Van Patten is his optometrist but did not feel that this would impact his ability to make a fair and impartial decision. He had not discussed the application with him at any time.

Discussion ensued on when staff would be presenting the medical office zoning district for consideration and its impact on the master plan for this area. The building standards for this zone are included in the ordinance as well as setbacks for height restrictions, permitted and accessory uses, and zoning map considerations. Mr. Sullivan did not anticipate an onslaught of applications for zoning changes under the RO process before implementation of the medical office zoning designation.

Commissioner Christianson moved to approve Z-98/99-6, a motion to prepare an ordinance for first reading to change the land use district from Single Family 6,000 to Residential Office on APNs 1-141-51, 1-141-52, and 1-141-63 and recommend to the Board of Supervisors adoption of said ordinance based on the finding contained in the staff report. Commissioner Wipfli seconded the motion. Motion carried 6-0-1 with Commissioner Sedway abstaining. Chairperson Horton indicated that the motion merely recommended that the Board of Supervisors adopt the zoning change. Mr. Sullivan indicated that the issue would be considered by the Board on June 17 and that those wishing to appeal the decision should contact his office.

BREAK: A seven minute recess was declared at 4:58 p.m. The entire Commission was present when Chairperson Horton reconvened the session at 5:05 p.m., constituting a quorum.

G-4. U-94/95-18a - DISCUSSION AND ACTION ON AN AMENDMENT TO A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ALLOW 12 ANTENNAS (1-1397) - Community Development Director Sullivan, AT&T Representative Arlan Nickel, Ellen Eng, Kevin Zinc - Discussion with the Commission indicated that the computer enhanced photostimulations had been received. Mr. Nickel indicated that the tower height would not be changed. Colored copies of the photostimulations were distributed to the Commission and Clerk. He proposed to add an equipment shelter at the base of the tower and a set of antennas midway on the antenna. Photographs of the surrounding area were also distributed to the Commission. (A copy was not given to the Clerk.) The locations had purportedly been keyed to a map. He then explained the criteria he used in finding a location for a new facility. The antenna design and size were described. He agreed to the conditions of approval

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and, specifically, the landscaping requirements. Efforts will be undertaken to have the equipment on the tower be a "subdued" color which he felt was called "haze gray".

Public comments were solicited. (1-1568) Ms. Eng requested an opportunity to review the photographs, which was granted. Purportedly, the original antenna had been installed in 1995 without notification to the residents. This had happened as they were outside the 300 foot notification area. She urged the Commission to modify the notification requirement as a 100 foot tower impacts people beyond 300 feet. Her concern about the visual impact the 12 antennas would create was explained. The present antenna is an eyesore. The additional panels will increase this impact. She supported adding landscaping, however, this had occurred with the original tower. She also gave the Commission Poloroid photographs of the tower which she felt did not properly illustrate the impact. A copy was not given to the Clerk.) Mr. Zinc voiced his surprise at discovering the tower. He supported expanding the 300 foot notification area. He had been notified by a neighbor as he resides outside the 300 foot notification radius. The panels will be a major obstruction to the view. He suggested that a different location be found for the antennas. Additional public comments were solicited but none given.

Mr. Sullivan then reviewed the staff report and the telephone calls which his office had received concerning the notification process and concerns about the obstruction to the view. Discussion with Mr. Nickel explained the two types of antennas--panels or whips. Advantages provided by the panels were described. Whips will not work for his purpose. The panel sizes were described. He was unsure of the engineered size of the panels which were to be installed. He felt that it would be highly unlikely that he would request additional antennas in a year or so. The proposed panels will handle the growth needs into the foreseeable future. Commissioner Sedway commended the public on its attendance even though staff had not noticed them. Mr. Sullivan described the notices provided by Public Access Television and in the news media. Mr. Nickel explained the criteria used to establish the area in which the tower should be located. Today's antenna standards encourages colocations rather than a proliferation of single purpose antennas. The panel sizes and design were discussed.

Commissioner Rogers explained his knowledge of the reasons the Commission had approved the original tower. It had replaced a former tower on the site. The Commission had only considered its extension and had modified its design resulting in an improvement. The individuals who had attended the hearing had opposed the extension but appreciated the improvements granted by the extension and single pole. He did not have a method for mitigate the impact of additional panels nor did he wish to see additional poles. He felt it was an advantage when colocation on an existing pole is possible. Commissioner Sedway expressed his support for the quality of life initiative which had been approved by the electorate. The request would further compound an existing eyesore. It is similar to the billboard issue the Commission had considered approximately six months ago. The request is in opposition to the quality of life initiative and its efforts to preserve and protect the views, etc. He felt that there were existing buildings in the community which could provide the necessary height and other alternatives. The proposal, in his opinion, compounds an existing eyesore.

Commissioner Mally moved that the Planning Commission approve U-94/95-18a, an amendment to a previously approved special use permit U-94/95-18 to allow the installation of 12 antennas on an existing approximately 100 foot high communication tower and to allow a 12x20 foot equipment shelter on an existing communication site from Arlan Nickel, property owner: Galen Gregory, on property zoned Limited Industrial located at 2088 South Lompa Lane, APN 10-061-62, 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 or Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Larkin seconded the motion. Motion carried 6-1 with Commissioner Sedway voting Naye. Mr. Sullivan explained the appeal process.

G-6a. V-98/99-13 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM STEVE J. HILL AND WENDY L. WEITZEL; AND G-6b. U-98/99-56 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM STEVE J. HILL AND WENDY L. WEITZEL (1-2015) - Senior Planner Juan Guzman, Wendy Weitzel and Steve Hill - Clarification explained that the Applicants had furnished the options to illustrate reasons for the request and why different locations would not work. The Commission complimented the applicants on the completeness of the application. Ms. Weitzel and Mr. Hill

indicated they had read the staff report and concurred with it. The neighbors had been contacted and purportedly supported the request. Public testimony was solicited but none given. Commissioner Rogers moved to approve V-98/99-13, a variance request to reduce the rear yard setback from the required 30 feet to the proposed 20 feet from Steven J. Hill and Wendy L. Weitzel on property located at 398 Ruby Lane, zoned Single Family One Acre, APN 8-101-12, subject to the five findings and seven conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

Commissioner Rogers moved to approve U-98/99-56, a special use permit to allow an accessory structure which exceeds 50 percent of the size of the primary structure submitted by Steven J. Hill and Wendy L. Weitzel, on property located at 398 Ruby Lane, zoned Single Family One Acre, APN 8-101-12, based on seven findings and subject to seven conditions of approval contained in the staff report. Commissioner Christianson seconded the motion. Motion carried 7-0.

G-7. U-98/99-40(a) - DISCUSSION AND ACTION ON A REQUEST TO AMEND A PREVIOUSLY APPROVED SPECIAL USE PERMIT BY DELETING STIPULATION NO. 3 FROM LUMOS AND ASSOCIATES (1-2208) - Senior Planner Juan Guzman, Lumos and Associates Representative Glen Martel, Ray Ferguson - Mr. Martel corrected the property owner's name as being Carson City Winnie, LLC. His client had reviewed the stipulations and concurred with it. Public comments were solicited. Mr. Ferguson explained the reasons the tenants of the mobile home park had requested the gate be removed. Mr. Martel responded by explaining that the comments illustrate the tenants perception of the gate and how it would work. He had explained to those with whom he had discussed the gate that the visitor would dial the resident's number and the tenant would buzz the individual through the gate. The tenant would not have to go to the gate to let the individual in. Additional testimony was solicited but none given. Commissioner Christianson moved to amend U-98/99-40, a special use permit for the reconfiguration of the Sierra Vista Mobile Home Park by removing Stipulation No. 3 requiring the installation of an electric gate between the mobile home park and the Rite Aid parcel based on the original findings and subject to one condition of approval as approved 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 Wipfli seconded the motion. Motion carried 7-0.

G-8. U-98/99-60 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM BRET SHELDON (1-2360) - Senior Planner Guzman, Huck Vice President John Williams, Bob Anderson, Huck General Manager Bret Sheldon - The applicant had allegedly informed Mr. Guzman earlier in the day of a desire to relocate the smoke stacks in six months to a second location further north of the proposed site. This will reduce the visual impact even more. Discussion between the Commission and Mr. Guzman indicated that questions regarding the odor and whether the increased height in the stack would mitigate the odor should be directed to the applicant. Mr. Williams explained the reasons the firm felt that the increased height would mitigate the odor problem and for wanting to move the stacks north in six months. The stacks at the second location will be less than 32 feet in height. It was felt that both steps will reduce the odor. Huck is also analyzing water based paint which should help eliminate the odor problems. Huck may start using this paint by July 1, 1999. Their current emissions are less than 25 percent of that allowed by the State Department of Environmental Protection (NDEP). He emphasized the intent and desire to be good neighbors and to peacefully co-exist with the residents. He stipulated that if the increased height of the stack does not work, it would be removed. He felt certain that in five years the EPA requirements will be reduced until they would have had to take the proposed steps anyway. Discussion indicated that NDEP had not yet completed its study on the paint. Huck's study of its products was also explained. Mr. Williams felt that the increased stack height will reduce the odor problem. If the height improves the situation, the height may be needed at the new location. If it is not needed, it will be reduced.

(1-2629) Mr. Anderson felt that Huck was not a good neighbor. Complaints contained in an October 26 letter were cited to support his contention. Purportedly the "PA" system is audible throughout the neighborhood. Scrap material is dropped miles away. Huck had in the beginning purportedly agreed to locate the stacks on the north side of the building but had never done so. His experience with the odor was described. He could no longer set outside at his residence. Truck traffic and other noise problems were noted. He indicated that he had lived in his residence since 1987. His experience with the previous industrial firm was explained. Commissioner Christianson

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assured him that that firm had never been "cut any slack". The site had always been zoned industrial and abutted residential. Problems between the two had occurred from the beginning. This occurs whenever a residence is located adjacent to an industrial site. Previous owners had attempted to mitigate the concerns. He urged the residents to give the firm an opportunity to mitigate the odor problem and allow them six months to accomplish it. Mr. Anderson indicated that the concerns had been included in the referenced letter. Additional public comments were solicited but none given.

Mr. Guzman explained the saw dust problem, its collection process, and its relocation which had occurred as a result of the referenced letter. This equipment is not the same as the one which is part of the special permit. The stacks had not been an issue at the time the letter was written.

Mr. Sheldon explained the reasons for locating the exhaust system on the south side and the need for the stacks to be so high. Relocation of the stacks to the north side of the building will help due to the distance. The stack increase from 24 to 32 feet had created an immediate decrease in the odor. Original engineering of the plant had included a 45 foot stack. The Code restrictions for the LI zoning district had caused them to reduce the stack to 32 feet. Due to the complaints, a special permit was requested to increase the height which may reduce the odor problem. The ultimate goal in six months is to move it to the north side. This will eliminate the aesthetic impact. Discussion ensued on the new paint and Federal EPA restrictions on lacquer and "BOC's". It is hoped that the water based paint will have only a fraction of the current odor. The stacks should mitigate that odor.

Mr. Guzman requested that the record indicate that, while it is true that there are zoning issues related to transition areas, staff has a good working relation with Huck. Huck has attempted to alleviate all of the concerns which have been brought to their attention. There are still impacts and staff will continue to work with Huck to mitigate them. Additional public comments were solicited but none given.

Commissioner Christianson moved to approve U-98/99-60, a special use permit by Bret Sheldon on behalf of Huck Store Fixture Company of Nevada for the purpose of increasing the height of five exhaust stacks from the existing 32 feet to a maximum of 45 feet within property zoned Limited Industrial located at 2025 Kansas Street, APN 9-089-04, 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. Commissioner Mally seconded the motion. Motion carried 7-0. Mr. Guzman briefly described the appeal process. (Commissioner Mally stepped from the room during his comments--6:15 p.m. A quorum was still present.)

G-9a. V-98/99-15 - DISCUSSION AND ACTION ON A VARIANCE REQUEST FROM JEFF WILLIAMS: AND, G-9b. U-98/99-59 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM JEFF WILLIAMS (1-2910) - Community Development Director Sullivan, Jeff Williams, Ralph Schwind - Commissioner Mally returned during Mr. Sullivan's introduction. (A quorum was present as indicated.) Discussion between the Commission and Mr. Sullivan indicated that either the property owners or the homeowners association could take the CC&R issue to court. Mr. Williams gave the Commissioners photographs of the tennis court area. (A copy was given to the Clerk after the meeting and is in the file.) Mr. Williams explained the plan to use the retaining wall as the side of the garage. This would reduce the visual impact of the wall. He also indicated his intent to reduce a portion of the western tennis court's fence to four or five feet and to remove the northern portion of this court's fence for access--a driveway.

Public testimony was solicited. Mr. Schwind questioned the height of the building and its use. Mr. Williams explained his intent to store his contracting equipment and materials and his personal wood working equipment in it. He did not plan to open a cabinet shop. He is not a cabinet builder. He would on occasion use the saws and equipment to cut wood for a project. It would not be a commercial shop. There will be four bays for storage of his boat and RV. He then indicated that if the variance is not granted he will move the building over. This would, however, create an alleyway and be detrimental to the property and the neighborhood. He did not feel that it would be possible until the survey markers are cited to determine that he would be encroaching into the setbacks. The building will be 10 feet in height from the tennis court surface to the eve line and a maximum of 20 feet to ridge. The building would be approximately four feet higher than the top of the wall. Additional public comments

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were solicited but none given. Public testimony was closed.

Commissioner Rogers expressed his concern about having living space in the garage. Mr. Williams explained the potential need for a mother-in-law quarters in the future. It will not contain any cooking facilities. Having the additional living space on the garage will provide more privacy and mitigate the two tennis courts. Mr. Williams agreed to stipulate to a condition that he would meet with his neighbors regarding which fences were to be removed. He indicated that Mr. Erickson's comments had indicated that he wanted the fencing removed from the first tennis court. Mr. Williams had not planned to remove that fence as it would make the tennis court unusable. He indicated that he would cooperate but would not remove all of the fencing. Mr. Sullivan indicated that if an agreement could not be reached, the issue would be brought back to the Commission. Commissioner Christianson moved to approve U-98/99-59, a special use permit request from Jeff and Michelle Williams to allow an accessory structure larger than 50 percent of the square footage of the primary structure on property zoned Single Family One Acre located at 3793 Meadowood Road, APN 7-164-09, 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 Sedway seconded the motion. Motion carried 7-0.

Commissioner Christianson moved to approve V-98/99-15, a variance request from Jeff and Michelle Williams to vary from the minimum side yard setback in Single Family One Acre zoning district by five feet located at 3793 Meadowood Road, APN 7-164-09, based on the findings and 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 Sedway seconded the motion. Mr. Sullivan requested the Commission note the note in the staff report that "appropriate findings of fact must be provided pursuant to CCMC 18.02.081, specifically addressing special circumstances or conditions, a cause of hardship, and so forth" for the approval. The motion as indicated was voted by roll call with the following result: Sedway - Yes; Wipfli - No; Mally - Yes; Christianson - Yes; Larkin - Yes; Rogers - No; and Chairperson Horton - No. Motion carried 4-3. Mr. Sullivan repeated his request for findings. Commissioner Sedway indicated that he found that extending the retaining wall in its existing location is sufficient for building the building on it and creating a five foot area between that and the building seemed unreasonable. He indicated that these are the special circumstances which are applied to this case. Mr. Sullivan indicated that this would establish the record of the special circumstance in this case which no-one else may have. Commissioners Christianson, Larkin and Mally agreed with this finding.

G-10. U-98/99-61 - DISCUSSION AND ACTION ON A SPECIAL USE PERMIT APPLICATION FROM BOB MCFADDEN (1-3519) - Community Development Director Sullivan, Redevelopment Director Rob Joiner, Bob McFadden - Commissioner Sedway stepped from the room during Mr. Sullivan's introduction--6:40 p.m. and returned--6:43 p.m. (A quorum was present the entire time.) Mr. Sullivan briefly described the quandary Mr. Joiner found himself in as both the Redevelopment Director, who must protect the interests of the Redevelopment District, and as a Principal Planner. Mr. Joiner indicated that legal counsel had advised him against advocating either side of the proposal. He supported the many efforts Mr. McFadden had made to assist downtown redevelopment. Mr. McFadden had been one of the first redevelopers and had won an award for that project. (1-0044) Reasons the Farmers Market had relocated were explained. It is hoped that in one or two years the Farmers Market may be self-sustaining and will no longer need financial assistance from Redevelopment. Mr. Joiner had been working with Mr. McFadden to develop another attraction. Farmers Market Operator Shirley Adshade-Sponsler's concern is that her efforts to develop a market offered by farmers would be impacted by Mr. McFadden's produce sellers particularly if both activities are on the same evening. It may also impact her efforts to develop the market and obtain recognition from the USDA and others for her certified farmers. Efforts are now underway to educate the public about the new location which may be mitigated by the producers market proposed by Mr. McFadden. The impact a smaller produce sale may have on the Farmers Market was another concern. The public may not understand that a second bigger market is open at a new location. Mr. Joiner indicated a willingness to back any other type of activity. Discussion between the Commission and Mr. Joiner expounded on his concerns about the confusion a producers' market may have on the farmers market. It may also be that the two markets will attract even more people particularly if other ancillary activities are taking place. Comments also noted that Pop's Barbeque would be at the Farmers Market. Mr. Joiner expressed the hope that the two events

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would not divide each other and lose the event. He hoped that there would be a Farmers Market in the pavilion and craft fair activities downtown. The advertising for the Farmers Market had already been contracted. Mainstreet's Chairperson had purportedly voiced concerns about supporting two activities with the same merchandise on the same evening. Mr. Joiner's attempts to move Mr. McFadden's event to a different evening or to have other activities were described. There is only a limited number of farmers in the area. For this reason Mr. McFadden's market would not have "certified farmers".

Mr. McFadden felt that there were other reasons for the Farmers Market relocation. He could not understand how the pavilion could be considered a part of the redevelopment district. He had taken back the St. Charles and reopened the restaurant. He felt that his efforts had been the reason for the Farmers Market's success during its first three years of operation. During the last two years things had not been as successful and the attitude changed. The decision to move the market away from Carson Street was, in his opinion, a marketing disaster. He did not feel that the pavilion would be a successful location. Many of his customers enjoyed the Farmers Market and had asked for it to return. Therefore, he decided to recreate a similar event. He felt that his event would be a craft fair and farmers market. He did not feel that it would be stretching the truth if "Bonanza Produce" sold produce. He had 15 to 20 crafters signed up as well as a barbeque "guy". The event will grow as its popularity increases. He did not have any farmers signed up at this time but the option should be kept open. He indicated that he could change the name to "crafts plus".

Public testimony was solicited but none given. Commissioner Christianson moved to approve U-98/99-61, a special use permit request from Bob McFadden, property owner, to allow a craft fair and farmers market on West Third Street between Carson Street and Curry Street on Wednesdays between 2 p.m. and 8 p.m. from June 9 through September 20; in addition the permit will allow an art, antique and car/motorcycle show on Sundays between 9 a.m. and 7 p.m. from June 13 through September 26 in a Downtown Commercial zoning district, located at 302 and 224 South Carson Street, APNs 03-113-09 and 03-112-05, based on seven findings and subject to nine conditions of approval contained in the staff report and with the understanding that any stipulations to the Commission/Board by the applicant may be considered as further stipulations or conditions of approval on this application. Commissioner Wipfli seconded the motion. Discussion between Commissioner Mally and Chairperson Horton indicated that the location was the same for both the craft fair/farmers market and the car/motorcycle show. Clarification by Mr. McFadden indicated that he had not stipulated to changing the name and that he would not drop farmers market unless absolutely necessary. Chairperson Horton then indicated that there had not been a stipulation. The motion was voted and carried 7-0. Mr. Sullivan then explained that he had given Mr. McFadden a copy of the Health Department requirements relating to food testing, etc. He encouraged Mr. McFadden to work with staff on these issues. Chairperson Horton indicated that Mr. McFadden would have to comply with all of the other Department conditions.

Chairperson Horton then passed the gavel to Vice Chairperson Christianson and stepped from the room--7 p.m. (A quorum was still present.)

H. INTERNAL COMMUNICATIONS AND ADMINISTRATIVE MATTERS (NON-ACTION ITEMS)

H-1. STAFF BRIEFING REGARDING THE STATUS OF COMMISSION RECOMMENDATIONS TO THE BOARD OF SUPERVISORS (2-0295) - Mr. Sullivan apologized to Mr. Sedway for any embarrassment created by the situation which occurred during the last meeting. He explained Mr. Sedway's need to leave the dais when making a presentation for an applicant. Chairperson Horton had requested a training session to discuss these requirements as well as conduct and public interest. Mr. Sullivan also pointed out that Commissioner Sedway had been put on the spot again this evening by having to answer a question while desiring to abstain. Commissioner Sedway had been, however, the only source for that particular information. Board action on Commission recommendations were then explained including the Danny Rasner subdivision, the Board's concern with drainage issues, Roger Shaheen's business park, airport hangar condominiums, and the housing agreement. (Chairperson Horton returned at 7:02 p.m. The entire Commission was present constituting a quorum.)

H-2. GENERAL COMMISSIONER COMMENTS (2-0340) - Vice Chairperson Christianson requested discussion on SB 323 and its impact. Mr. Sullivan suggested that this item be agendaized for the next meeting. Vice Chairperson Christianson expressed his concern about delaying the item as the bill is now on the

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Governor's desk awaiting his decision. (Chairperson Horton took back the gavel.) Mr. Sullivan requested he submit his written comments and indicated he would submit it to the press. Commissioner Rogers suggested that a sign be placed in the back of the room indicating to the public that their materials for distribution should be given to the Clerk. She could then pass them to the Commission instead of having the meeting wait for the public to distribute them. This would also give the Clerk a copy of the material. Mr. Sullivan indicated that the notice would be included on the agenda. Commissioner Rogers also announced that Carson City had had a hockey team for youths 18 and under qualify for the nationals. Discussion ensued on the reasons comments could not be made on any agenda item discussed earlier in the session. Deputy District Attorney Bruketta explained her request that general Commission and staff comments be removed from the agenda. Reasons these comments should be made either before the vote or immediately thereafter were noted.

H-4. FUTURE COMMISSION ITEMS AND DATES (2-0420) - The next meeting is scheduled for June 30. Various zone code amendments will be submitted to the Commission during the summer months. There will be a series of meetings on these items. These amendments are being held in abeyance until the impacts from the legislature have been analyzed and included in the hope that future problems will be alleviated.

I. ADJOURNMENT (2-0438) - Commissioner Mally moved to adjourn. Commissioner Christianson seconded the motion. Motion carried unanimously. Chairperson Horton adjourned the meeting at 7:10 p.m.

The Minutes of the May 26, 1999, Carson City Regional Planning Commission meeting

1999. ARE SO APPROVED ON _____ June 30 _____,

_____/s/_____

Verne Horton, Chairperson