

CARSON CITY PLANNING COMMISSION

Minutes of the February 29, 2012 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, February 29, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Commissioner Malkiat Dhami
Commissioner Paul Esswein
Commissioner Mark Sattler
Commissioner Jim Shirk
Commissioner William Vance

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
Moreen Scully, Senior Deputy District Attorney
Kathleen King, Deputy Clerk / Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

A. CALL TO ORDER, DETERMINATION OF A QUORUM, AND PLEDGE OF ALLEGIANCE (5:01:18) - Chairperson Kimbrough called the meeting to order at 5:01 p.m. Roll was called; a quorum was present. Vice Chairperson Wendell was absent. At Chairperson Kimbrough's request, Commissioner Sattler led the pledge of allegiance. Commissioner Shirk arrived at 5:12 p.m.

B. PUBLIC COMMENTS (5:02:24) - Chairperson Kimbrough entertained public comment; however, none was forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES - January 25, 2012 (5:03:15) - Commissioner Sattler moved to accept the minutes, as written. Commissioner Vance seconded the motion. Motion carried 5-0.

D. MODIFICATION OF AGENDA (5:04:06) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:03:47) - None.

F. DISCLOSURES (5:04:13) - None.

G. CONSENT AGENDA (5:04:21) - None.

H. PUBLIC HEARING MATTERS:

H-1. SUP-05-258 POSSIBLE ACTION TO CONSIDER A REQUEST FROM VIRGINIA ERSKINE (PROPERTY OWNER: VIRGINIA ERSKINE) FOR A FIVE-YEAR REVIEW OF A PREVIOUSLY APPROVED SPECIAL USE PERMIT TO ALLOW THE CONTINUED USE OF TWO METAL STORAGE CONTAINERS, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3129 SOUTH CARSON STREET, APN 009-112-10 (5:05:23) - Chairperson Kimbrough introduced this item, and Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. Ms. Pruitt reviewed the public noticing process, as outlined in the agenda materials, and

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advised of having received no response. She advised of having solicited comments from the City's Building Division, Fire Department, Engineering Division, Parks and Recreation Department, Health and Human Services Department, and Environmental Health Division. "None of those departments or divisions had concerns regarding the continuation of the storage containers on site."

Ms. Pruitt noted staff's recommendation of approval, with a five-year review and approval. Chairperson Kimbrough entertained questions or comments of the commissioners. When none were forthcoming, he invited the applicant to the podium. (5:09:13) Gene Erskine introduced himself and his wife for the record. Mr. Erskine acknowledged his agreement with the special use permit conditions of approval. In response to a question, Mr. Erskine discussed the use for the metal storage containers. He described the storage container construction and material, and discussed maintenance of the same. In response to a further question, he advised that the storage containers have a four-inch aluminum frame "all the way around so ... they're far superior in appearance and ease to get into them as opposed to a cargo container." He responded to additional questions regarding the method by which one of the storage container roofs was repaired.

Chairperson Kimbrough entertained additional commissioner questions or comments. When none were forthcoming, he entertained public comment. When none was forthcoming, he entertained a motion. [Commissioner Shirk arrived at 5:12 p.m.] **Commissioner Dhami moved to approve SUP-05-258, a special use permit request from Virginia Erskine for a five-year review of two existing storage containers permanently placed on property in the retail commercial zoning district, located at 3129 South Carson Street, APN 009-112-10, based on findings and subject to conditions of approval contained in the staff report. Commissioner Esswein seconded the motion. Motion carried 6-0.**

H-2. AB-12-005 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN APPLICATION FOR AN ABANDONMENT OF PUBLIC RIGHT-OF-WAY FROM LUMOS AND ASSOCIATES (PROPERTY OWNER: JOHN AND FRANCES MCGINNIS) TO ABANDON SEVEN FEET OF RIGHT-OF-WAY ADJACENT TO NORTH WALSH STREET AND EIGHT FEET OF RIGHT-OF-WAY ADJACENT TO EAST CAROLINE STREET, ON PROPERTY LOCATED AT 601 AND 613 NORTH WALSH STREET, APNs 004-246-01 AND -03 (5:13:56) - Chairperson Kimbrough introduced this item, and Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. Ms. Pruitt reviewed the public noticing process, as outlined in the agenda materials, and advised of having received no response from any of the adjacent property owners. She referred to the comments from the City's Engineering and Building Divisions, the Fire Department, Health and Human Services Department, and the Environmental Control Division, indicating no concerns regarding the subject application. She reviewed the application for abandonment process, noting staff's recommendation of approval.

(5:20:53) City Engineer Jeff Sharp advised that a sufficient amount of right-of-way was retained along both the Walsh and Caroline Streets frontages to accommodate sidewalks in the event of future development. He clarified that the City has no plans to construct a sidewalk on the Walsh Street frontage, but that it would be a requirement if there was any kind of development or redevelopment of the subject site. The Caroline Street right-of-way has more restrictions in the form of overhead power lines and trees. Mr. Sharp explained the primary reason for the abandonment application "is to get this house so that it's actually on the property and not out in the City right-of-way. We've kept enough right-of-way in both cases. These are local streets and we don't typically keep more than a 50-foot right-of-way and so we've kept enough ... here for any ... future additions for sidewalks." In conjunction with displayed slides, Mr. Sharp responded to questions of clarification regarding the right-of-way line, and discussion followed. He

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acknowledged that the subject block will be "an anomaly. ... most of these blocks are 66-feet wide as was Caroline and Walsh before the proposed abandonment. That's just the way they laid out this subdivision 100 years ago. But, as people redevelop these, most likely we will continue to do these strip abandonments because we don't need 66-feet wide for a road and a sidewalk." In response to a further question, Mr. Sharp advised that a subdivision would trigger the requirement for frontage improvements.

Chairperson Kimbrough entertained additional commissioner questions or comments and, when none were forthcoming, invited the applicant's representative to the podium. (5:27:14) Ken Butti, representing the John and Frances McGinnis NV Trust, introduced himself for the record. Mr. Butti acknowledged his agreement with the conditions of approval contained in the staff report. Chairperson Kimbrough entertained questions of the applicant; however, none were forthcoming.

Chairperson Kimbrough entertained public comment and, when none was forthcoming, a motion. **Commissioner Sattler moved to recommend that the Board of Supervisors approve an abandonment of public right-of-way application, AB-12-005, for an eight-foot wide portion of East Caroline Street and a seven-foot wide portion of North Walsh Street, adjacent to properties located at 601 North Walsh Street and 613 North Walsh Street, APNs 004-246-01 and 004-246-03, based on the seven findings and subject to the conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 6-0.**

I. ADMINISTRATIVE MATTERS

I-1. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (5:30:00) - Mr. Plemel reported there were no Planning Commission items advanced to the Board of Supervisors during the last month. He reviewed the tentative agenda for the April commission meeting. He referred to the American Planning Association webinar materials which were distributed to the commissioners and staff prior to the start of the meeting.

I-2. COMMISSIONER REPORTS / COMMENTS (5:32:54) - Chairperson Kimbrough entertained commissioner reports and comments; however, none were forthcoming. Chairperson Kimbrough discussed a recent training session which he attended, together with Vice Chairperson Wendell and Commissioner Esswein. In response to a question, Mr. Plemel explained that the commission has final decision authority for special use permits. "So if somebody doesn't think your decision is right because you didn't make the right findings, they have the right to appeal." In response to a further question, Mr. Plemel clarified that the commissioners are personally responsible for their conduct. Discussion took place regarding possible scenarios for which the commissioners could be held legally responsible. In response to a question, Ms. Scully advised that decisions made by the commission, within the purview of the commission, are final. "If it's in your realm and it's a final decision and somebody wants to challenge it then they would go through the judicial review ... and they would file a petition for judicial review, based on your record alone. If you're just making an advisory decision or opinion, it would go to the next level which would be the Board of Supervisors and, if they deny or allow or whatever the situation is, then the petition for judicial review would be based on that decision. So it depends on what you're ruling on and if it's in your purview." Further discussion ensued to clarify the commission's responsibility relative to findings.

Chairperson Kimbrough reviewed that portion of the training session relative to site inspections, and extensive discussion followed. Chairperson Kimbrough commended staff for providing motions to deny and associated findings, when appropriate. Mr. Plemel provided additional clarification from the training session relative to site inspections and findings. In response to questions, additional discussion took place

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to clarify the appropriate method by which to conduct a site inspection and to clarify findings for denying an application.

J. PUBLIC COMMENTS (5:29:33) - Chairperson Kimbrough entertained public comment; however, none was forthcoming.

K. ACTION TO ADJOURN (5:54:35) - Commissioner Vance moved to adjourn the meeting at 5:54 p.m. Commissioner Sattler seconded the motion. Motion carried 6-0.

The Minutes of the February 29, 2012 Carson City Planning Commission meeting are so approved this _____ day of March, 2012.

MARK KIMBROUGH, Chair