

CARSON CITY PLANNING COMMISSION

Minutes of the March 28, 2012 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, March 28, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson George Wendell
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
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 (5:07:19) - Chairperson Kimbrough called the meeting to order at 5:07 p.m. Roll was called; a quorum was present. At Chairperson Kimbrough's request, Commissioner Shirk led the pledge of allegiance.

B. PUBLIC COMMENTS (5:08:18) - Chairperson Kimbrough entertained public comment; however, none was forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES - February 29, 2012 (5:09:25) - Commissioner Vance moved to approve the minutes. Commissioner Sattler seconded the motion. Motion carried 7-0.

D. MODIFICATION OF AGENDA (5:09:54) - Chairperson Kimbrough entertained modifications to the agenda. At Mr. Plemel's request, Chairperson Kimbrough modified the agenda to address item H-1 following item H-4.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:10:21) - None.

F. DISCLOSURES (5:10:33) - Commissioner Sattler advised that his residence is on Fremont Street, and that he received a letter relative to item H-3(B). Chairperson Kimbrough entertained additional disclosures; however, none were forthcoming.

G. CONSENT AGENDA (5:11:00) - None.

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H. PUBLIC HEARING MATTERS:

H-1. RESOLUTION 2012-PC-1 - ACTION TO ADOPT RESOLUTION 2012-PC-1, COMMENDING CRAIG MULLET FOR SIX YEARS OF SERVICE ON THE PLANNING COMMISSION (6:46:33) - Chairperson Kimbrough introduced this item, and Mr. Plemel provided background information. Chairperson Kimbrough commended former Commissioner Craig Mullet's service, and read into the record the language of the Resolution included in the agenda materials. Chairperson Kimbrough entertained a motion to adopt the resolution. **Vice Chairperson Wendell so moved. Commissioner Sattler seconded the motion.** Chairperson Kimbrough entertained public comment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 7-0.**

H-2. SUP-12-010 POSSIBLE ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM C-A-L RANCH OUTDOOR SALES (PROPERTY OWNER: CARRINGTON & CODDING) TO ALLOW PERMANENT OUTDOOR STORAGE AND DISPLAY, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 2035 NORTH CARSON STREET, APN 002-072-14 AND 002-072-13 (5:12:17) - Chairperson Kimbrough introduced this item, and Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. Ms. Pruitt advised that, since publication of the staff report, City Engineer Jeff Sharp had recommended setting back the fencing proposed for the Sage Street frontage by five feet for sight distance purposes. Ms. Pruitt clarified that the suggestion was provided to C-A-L Ranch representatives by Engineering Division staff, but was not included in the agenda materials due to the timing associated with publication. She reviewed the public noticing process, as outlined in the agenda materials, and advised of having received no comments. She narrated additional slides pertinent to the subject application.

In conjunction with displayed slides, Mr. Plemel provided additional clarification relative to the Engineering Division suggestion to set back the fencing proposed for Sage Street. "The important thing is the sight distances and we just ask that they continue to work with Engineering to get that fence properly placed to address that issue." Discussion followed. In response to a question, Ms. Pruitt expressed the understanding there are no plans to fence the display area along North Carson Street. In response to a further question, she pointed out a crosswalk across Hot Springs Road, using a displayed slide. In response to a further question, she referred to the S&W Feed displays as an example. "... their display area is right on Carson Street. They have large tractors and equipment out there on a permanent basis." Chairperson Kimbrough entertained additional questions or comments of the commissioners; however, none were forthcoming.

(5:26:42) At Chairperson Kimbrough's request, C-A-L Ranch Stores Vice President of Operations Bill Bunker introduced himself for the record. In consideration of the five-foot setback suggested for the proposed Sage Street fencing, he expressed understanding and a willingness to work with the Engineering Division "and go to the minimum amount that they feel is safe. Typically, we'll have a 20,000 square foot ... compound storage / sales area. This is already 15,000 so while that doesn't appear to be a lot, every little bit is a little bit that we have to use, but we will comply with whatever the [City] Engineer says we need." Mr. Bunker commended staff's presentation and, in response to a previous question, advised of no intention to fence the display area proposed for along North Carson Street. "We would be putting product out there ... typically called King Cutter. It's pull-behind implements for tractors and things like that where a customer normally wouldn't see those ... It is something that ... we would not intend on bringing back in every night." Mr. Bunker acknowledged agreement with the special use permit conditions of approval.

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Chairperson Kimbrough advised of having shopped in the Elko C-A-L Ranch store, and commended the opening of the Carson City store. Mr. Bunker advised that the rumor C-A-L Ranch "kicked Safeway out ... is not true. We're just glad that we could come in and put those jobs back into the community that were going to be lost ..." In response to a question, Ms. Pruitt reviewed the time line associated with approval of the special use permit Notice of Decision.

In response to a question, Mr. Bunker advised of no intention to attach advertising to the proposed Sage Street fencing. "It's chain link. We want people driving by to see what we sell ..." Commissioner Shirk expressed concern over the display area proposed for along North Carson Street being too close to the Hot Springs Road crosswalk. Mr. Bunker advised of a "pretty good sized sidewalk ... and ... a grass strip there too." Following additional comment, Mr. Bunker expressed a willingness to comply with all City requirements. (5:33:02) C-A-L Ranch owner Bill Wallace advised that "most of the stuff that will be out there will be smaller than a car ... so, if we go to the south farther, which we're willing to do, ... if we get busy ... that's going to force the cars out closer to the crosswalk which ... you won't be able to see things as good with cars parked out there." Chairperson Kimbrough noted there were no conditions of approval relative to the Hot Springs Road crosswalk. He entertained additional questions or comments of the commissioners; however, none were forthcoming.

Chairperson Kimbrough entertained public comment. (5:34:07) Gene Munnings advised of a five-year review requirement on his business' outdoor display, and requested that the same condition be imposed on the C-A-L Ranch Store. In response to a question, he advised that his business is located in the Carson Shopping Center. Chairperson Kimbrough entertained additional public comment; however, none was forthcoming.

In response to a question, Mr. Plemel advised that the condition of approval referenced by Mr. Munnings would have to be researched. He advised that no review is included as a condition of approval for the subject special use permit application. Discussion followed. Chairperson Kimbrough entertained additional questions or comments and, when none were forthcoming, a motion. **Commissioner Sattler moved to approve SUP-12-010, a special use permit to allow permanent outdoor display and sales of merchandise in the retail commercial zoning district, located at 2035 North Carson Street, APNs 002-072-13 and 002-072-14, based on the findings and subject to the conditions of approval contained in the staff report. Vice Chairperson Wendell seconded the motion. Motion carried 7-0.**

H-3(A) SUP-12-012 POSSIBLE ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM RCI (PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT) TO ALLOW THE EXPANSION OF BUILDINGS AT SEELIGER ELEMENTARY SCHOOL, ON PROPERTY ZONED PUBLIC (P), LOCATED AT 2800 SOUTH SALIMAN ROAD, APN 009-436-08; and H-3(B) VAR-12-013 POSSIBLE ACTION TO CONSIDER A VARIANCE APPLICATION FROM RCI (PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT) TO REDUCE THE NUMBER OF REQUIRED PARKING SPACES IN CONJUNCTION WITH AN EXPANSION AT SEELIGER ELEMENTARY SCHOOL, ON PROPERTY ZONED PUBLIC (P), LOCATED AT 2800 SOUTH SALIMAN ROAD, APN 009-436-08 (5:39:47) - Chairperson Kimbrough introduced this item, and Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. Chairperson Kimbrough combined items H-3(A) and H-3(B). Ms. Pruitt narrated additional slides pertinent to the special use permit and variance applications. She reviewed the public noticing process, as outlined in the staff report, and advised of having received no comments. She noted City staff's comments, at pages 7 and

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8 of the staff report. She advised of staff's recommendation of approval of the special use permit and variance applications.

Commissioner Esswein commended the expansion project, but questioned the need for the variance. "This is a substantial change in the parking requirement and if it's felt that the parking requirement can be reduced by that much, wouldn't it merit reviewing the parking requirements themselves and maybe reducing those?" He suggested that "one and a half spaces per employee plus one space for 200 square feet of assembly area ... is a lot of parking." He expressed the opinion that the parking standard should be reviewed "rather than continue to apply variances to these situations." He expressed the personal opinion that a positive finding cannot be made to grant the variance. Discussion followed.

(5:50:15) Professional Engineer Joe Cacioppo, of Resource Concepts, Inc., introduced himself for the record as a representative of the Carson City School District and reviewed details of the proposed project in conjunction with displayed slides. He responded to questions of clarification regarding traffic circulation patterns and the purpose for the 3,000-square-foot addition. In consideration of parking and building aesthetics, Commissioner Dhami commended the project. In clarification of his earlier comments, Commissioner Esswein expressed opposition to the requirement for a variance and reiterated the opinion that there is adequate on-site parking. Commissioner Dhami agreed with Commissioner Esswein's comments, and a brief discussion followed. In response to a question, Mr. Cacioppo estimated there are four buses which pick up and drop off students at Seeliger Elementary School. In reference to condition of approval 9, he advised of plans to use "accent colors."

(6:02:31) Architect John Copoulos introduced himself as a representative of the Carson City School District, and advised of a goal for "a better-defined entrance [to] be part of this addition. And we're hoping we can use some different color to try and do that." He advised that the existing building has "old-style slump stone. We've found the masonry to closely match ... but we do want a couple different accent colors in there ..."

(6:03:46) Carson City School District Bond Projects Manager Keith Shaffer acknowledged the accuracy of Mr. Copoulos' comments and explained that Superintendent Richard Stokes had expressed a preference to "do anything to make that school a little better than it currently looks. And so there is a little bit of a modernization that's going on with this design as you can see it in the rendering and that red color ... isn't muted and it's not trim. ... it's a pretty large part of the building and we just want to, for the record, ... make sure that we all understood that we are going to try to do something architecturally at the front of that. We'd like to brighten it up a little bit, maybe make it look a little bit modern as much as we can." Mr. Shaffer suggested the necessity of defining the word "muted." Ms. Pruitt explained that colors are typically addressed through the permitting process. She assured the applicants that staff is "not just asking for brown, brown, and brown. ... there are some options for the school to provide ... their color palette ..." She further explained the purpose of the condition of approval "because of the fact that we've had projects that have come before this commission ... in which staff was not specific regarding our Code requirements for earth tone colors." She acknowledged Western Nevada Supply Company as an example. Mr. Plemel provided additional clarification, and noted the importance of considering "the context of the overall building." Mr. Shaffer suggested referencing the rendering included in the agenda materials. Commissioner Sattler commended the concept of highlighting the entrance. Mr. Shaffer emphasized the intent to improve the building. "All of this square footage area is only administrative office area. It does free up the current administrative office area for what we might use as a class ... because we do have a class

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out in a portable right now that we hope to take off the site. And so the current office area will become some sort of a classroom.” Mr. Shaffer acknowledged his agreement with the conditions of approval as discussed at this meeting.

Chairperson Kimbrough entertained additional questions or comments of the commissioners and, when none were forthcoming, public comments. (6:10:06) William Eckert, a resident of Shady Oak, advised that the back of his residence looks onto the recently installed solar panels. He expressed concern with regard to parking, and advised that two of the Seeliger Elementary teachers “drive and park in front of our house and then walk back through the walkway to the school ... to go to work.” He acknowledged the legality of the teachers parking in front of his house, but expressed the opinion “it’s strange.” He displayed the public notice provided by the Planning Division, and advised of having visited the Planning Division office to inquire as to details of parking for the proposed project. He requested the Planning Commission to not allow additional parking behind his residence.

(6:12:41) At Mr. Shaffer’s request, Ms. Pruitt pointed out the areas proposed for additional parking using a displayed slide. Mr. Shaffer expressed understanding for Mr. Eckert’s concerns.

Chairperson Kimbrough entertained additional public comment. (6:13:20) Gene Munnings expressed support for the proposed project.

Chairperson Kimbrough noted that the variance process was not on the agenda. He expressed the hope that the commission could move forward on the subject items and agendaize, for a future date, discussion and possible action on the variance process. Commissioner Esswein reiterated the question relative to the purpose for the variance. “... it’s only adding 3,000 square feet to an existing building and to require the variance now would seem to be ... retroactively applying a standard to an existing building ...” Commissioner Esswein noted that the proposed project adds 3,000 square feet “not any employees and the parking requirement is for employees and assembly, not for adding square footage.” In response to a question, Mr. Plemel explained that parking is generally based on the square footage of a building. “... for example, retail or office. If they have a certain amount of parking and they expand the building but don’t have enough parking for the new size of the building, we would require a variance to the parking standard. ... we have been applying it the same way to schools in the past so a lot of the school expansions also expand the assembly area ...” In consideration of the subject expansion, Mr. Plemel advised that the parking requirement is not based on square footage of office space. It’s based on the number of employees and the assembly area, neither of which they’ve represented are being expanded in this case. On that basis, Mr. Plemel agreed with Commissioner Esswein that the subject project may not have needed a variance. Ms. Pruitt pointed out that the number of parking spaces is a result of evaluation of the existing structure. “If this school was built today, 266 parking spaces would be required and ... historically, there have been instances ... Variances are not always required for the school district. We’ve done a lot of special use permits for temporary portables that do expand the square footage temporarily ..., but the parking number that is required is based on the [existing] structure ...” Mr. Plemel expressed understanding for Commissioner Esswein’s point that “it’s a legal, nonconforming use, though. It’s existing and it’s legal nonconforming. When it’s expanded, ... that kicks in different things. It’s arguable whether it’s expanded or not because our parking requirement ... happens to not be based on square footage for a school. It is based on employees and auditorium area ...” In consideration of the subject project, “where 266 is required per our Code and ... there’s 100 and they’re not all used, something’s not right there. I’m not an advocate for parking for the one back-to-school night a year on site.”

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Mr. Plemel suggested that Planning Division staff could work with School District representatives to secure information on the "different school sites and how much parking is available, the number of faculty and, hopefully, somebody with the school is willing to work with us to get all that information to figure out ... what's there, what's working, what may need a little bit more to come up with a recommendation back to the Planning Commission as to what's the right amount of parking that should be required for schools." Mr. Plemel clarified that Planning Division staff would need to work with the School District, charter schools, private schools, etc. He expressed appreciation to Commissioner Esswein for raising the concern. He acknowledged that expansion of a non-conforming use triggers "all the new rules ... for the variance." In response to a question, he advised that the variance is required "because they are expanding the building." He acknowledged the "argument that they're not expanding the employees or the assembly area which is the basis for the parking so they're not ... increasing the parking demand with this expansion.

Extensive discussion followed to clarify the appropriate action. In response to a question, Ms. Scully suggested that the commission has an established precedent, and that the issue raised by Commissioner Esswein should be revisited as a separate, future agenda item. Chairperson Kimbrough entertained a motion. **Vice Chairperson Wendell moved to approve SUP-12-012, a special use permit application from the Carson City School District, to allow a 3,000-square-foot addition, to improve site security / efficiency and a variance to reduce the number of required parking spaces, as requested by the applicant, on property zoned Public, located at 2800 Saliman Road, APN 009-436-08, based on seven findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Sattler seconded the motion.** Chairperson Kimbrough entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 7-0.**

Vice Chairperson Wendell moved to approve VAR-12-013, a variance application from the Carson City School District, to reduce the number of required parking spaces, as requested by the applicant, on property zoned Public, located at 2800 Saliman Road, APN 009-436-08, based on three findings and subject to the recommended conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Chairperson Kimbrough entertained additional discussion. Mr. Plemel expressed appreciation for considering the detail of the variance. In consideration of the requirement to add "one and a half times the existing parking on that site is a hardship that should be considered. Is it physically possible? Yes. 'Does the variance grant the applicant preservation and enjoyment of substantial property rights' is the finding. And 'are there special circumstances applicable to the subject property' is the first finding and it's been there 30 years with this amount of parking so we feel that's kind of the special circumstances. And, again, that so much parking would be required to meet this that it creates a hardship on the project and the property. So that's kind of where we're coming from in recommending these findings for approval. Kind of similar to other situations with the School District in the past." Chairperson Kimbrough entertained additional discussion and, when none was forthcoming, a vote on the pending motion. **Motion carried 6-1.**

H-4. POSSIBLE ACTION TO CHANGE THE REGULAR START TIME OF PLANNING COMMISSION MEETINGS (6:30:21) - Chairperson Kimbrough introduced this item. Mr. Plemel provided background information, and reviewed the March 21, 2012 memo included in the agenda materials. Extensive discussion took place regarding the commissioners' preferences relative to the meeting start time.

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Chairperson Kimbrough entertained public comment. (6:43:31) Maurice White expressed the opinion "you're never going to find the right time to hold the meeting for everybody." He suggested "work[ing] in a manner that is the most cost-effective for the City but be flexible for people that need to come and can't get here at the specific time you normally agendize. Commissions meet at all different times and I seem to be the only one in the public most of the time."

Chairperson Kimbrough entertained a motion to change the meeting start time; however, none was forthcoming. He commended the discussion. Mr. Plemel acknowledged the flexibility to schedule meetings earlier in the day whenever necessary to accommodate certain agenda items.

I. ADMINISTRATIVE MATTERS

I-1. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (6:49:29) - Mr. Plemel described a project, at Fremont Elementary School, to rearrange the traffic circulation pattern. He reported on the multi-family project proposed for Division, Minnesota, and Ann Streets. "The property owner now has ... brought a plan for two duplexes to the Historic Resources Commission and got that approved ... That's ... a permitted use by right in the residential office zoning district so it's not multi-family and wouldn't come back before the commission. It was a complete redesign, architecturally, and obviously much reduced in size going to the duplexes from the four-plexes." Mr. Plemel offered to make the plans available to anyone interested in reviewing them. Ms. Pruitt expressed appreciation for the opportunity to work with the subject property owner as well as the adjacent property owners. She expressed appreciation to Architect Art Hannafin and the Historic Resources Commissioners who "all came together and we had a series of meetings over the last couple months and we kept the adjacent property owners in the loop regarding that we were meeting with the property owner and ... it worked out well." Chairperson Kimbrough commended Planning Division staff on accomplishing the compromise.

Chairperson Kimbrough entertained future agenda items and, when none were forthcoming, Mr. Plemel reviewed the tentative agenda for the April commission meeting.

I-2. COMMISSIONER REPORTS / COMMENTS (6:53:46) - Chairperson Kimbrough entertained commissioner reports or comments; however, none were forthcoming.

J. PUBLIC COMMENTS (6:53:50) - Chairperson Kimbrough entertained public comment; however, none was forthcoming.

K. ACTION TO ADJOURN (6:54:09) - Commissioner Sattler moved to adjourn the meeting at 6:54 p.m. Commissioner Vance seconded the motion. Motion carried 7-0.

The Minutes of the March 28, 2012 Carson City Planning Commission meeting are so approved this _____ day of April, 2012.

MARK KIMBROUGH, Chair