

CARSON CITY PLANNING COMMISSION

Minutes of the May 29, 2013 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, May 29, 2013 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson William Vance
Vice Chairperson George Wendell
Commissioner Malkiat Dhami
Commissioner Paul Esswein
Commissioner Mark Kimbrough
Commissioner Mark Sattler
Commissioner Kent Steele

STAFF: Lee Plemel, Planning Division Director
Susan Dorr Pansky, Principal Planner
Jeff Sharp, City Engineer
Darren Schulz, Deputy Public Works Director
Joseph Ward, 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 (5:00:00) - Chairperson Vance called the meeting to order at 5:00 p.m. Roll was called; a quorum was present. At Chairperson Vance's request, Commissioner Kimbrough led the pledge of allegiance.

B. PUBLIC COMMENTS (5:00:54) - Chairperson Vance entertained public comments; however, none were forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES - March 27, 2013 and April 24, 2013 (5:01:58) - Chairperson Vance entertained suggested revisions to the March 27, 2013 minutes and, when none were forthcoming, a motion. **Commissioner Sattler moved to accept the minutes, as presented. Vice Chairperson Wendell seconded the motion. Motion carried 7-0.** Chairperson Vance entertained suggested revisions to the April 24, 2013 minutes and, when none were forthcoming, a motion. **Commissioner Kimbrough moved to approve the minutes. Commissioner Sattler seconded the motion. Motion carried 7-0.**

D. MODIFICATION OF AGENDA (5:03:13) - Chairperson Vance entertained modifications to the agenda; however, none were forthcoming.

E. DISCLOSURES (5:03:23) - Chairperson Vance called for disclosures. Commissioner Dhami disclosed that Tom Metcalf had served as general contractor on a previous project. Commissioner Sattler disclosed that he had known Mr. Yochum since high school.

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F. CONSENT AGENDA (5:03:59) - None.

G. PUBLIC HEARING MATTERS:

G-1. SUP-13-030 POSSIBLE ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM YOUNG ELECTRIC SIGN COMPANY (PROPERTY OWNER: TIMOTHY D. MORAN TRUST, ET AL.) FOR A REQUIRED FIVE-YEAR REVIEW OF AN EXISTING OFF-PREMISES ADVERTISING SIGN, ON PROPERTY ZONED GENERAL INDUSTRIAL (“GI”), LOCATED AT 825 HIGHWAY 50 EAST, APN 008-611-04 (5:05:46) - Chairperson Vance introduced this item, and Mr. Plemel reviewed the agenda materials in conjunction with displayed slides. Mr. Plemel reviewed the public noticing process, as outlined in the agenda materials, and advised of having received no comments. He noted staff’s recommendation of approval subject to the findings and conditions, as outlined in the staff report.

Chairperson Vance entertained comments or questions of the commissioners and, when none were forthcoming, invited the applicant to the podium. (5:08:05) Mike Helm, representing YESCO, introduced himself for the record and expressed appreciation for the opportunity to continue doing business in Carson City. In response to a comment, Mr. Plemel advised that Code Enforcement personnel are “in the midst of enforcement action on signs around the City ...” Chairperson Vance entertained additional questions of the commissioners; however, none were forthcoming. Mr. Helm acknowledged his agreement with the conditions of approval, as outlined in the staff report.

Chairperson Vance entertained public comment and, when none was forthcoming, a motion. **Commissioner Dhami moved to approve SUP-13-030, a special use permit request from YESCO Outdoor Media to allow the continued use of a double-faced, off-premises sign, on property zoned General Industrial, located at 8025 Highway 50 East, APN 008-611-04, based on the findings and subject to the conditions of approval contained in the staff report. Commissioner Steele seconded the motion. Motion carried 7-0.**

RECESS PLANNING COMMISSION (5:10:47) - Chairperson Vance recessed the Planning Commission at 5:10 p.m.

GROWTH MANAGEMENT COMMISSION

CALL TO ORDER AND DETERMINATION OF A QUORUM (5:10:57) - Chairperson Vance called the Growth Management Commission to order, noting the presence of a quorum.

G-2. GM-13-029 POSSIBLE ACTION TO RECOMMEND TO THE BOARD OF SUPERVISORS A RESOLUTION ESTABLISHING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS, UNDER THE GROWTH MANAGEMENT ORDINANCE, FOR THE YEARS 2014 AND 2015, AND ESTIMATING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMITS FOR THE YEARS 2016 AND 2017; ESTABLISHING THE NUMBER OF BUILDING PERMIT ALLOCATIONS WITHIN THE DEVELOPMENT AND GENERAL PROPERTY OWNER CATEGORIES; AND ESTABLISHING A MAXIMUM AVERAGE DAILY WATER USAGE FOR COMMERCIAL AND INDUSTRIAL BUILDING PERMITS AS A THRESHOLD FOR GROWTH MANAGEMENT COMMISSION REVIEW (5:11:12) - Chairperson Vance introduced this item,

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and Mr. Plemel provided background information and an overview of the presentation. Deputy Public Works Director Darren Schulz reviewed the May 9, 2013 memo which was included in the agenda materials. In response to a question, he reviewed the method by which utilization of the water from Douglas County will be determined. In response to a further question, he explained that uranium is the reason for blending the water from Douglas County with that which is at the City's Quill Water Treatment Plant.

Mr. Plemel reviewed the agenda materials in conjunction with displayed slides. In response to a question, he reviewed the allocation formula, as provided in the Carson City Municipal Code. He responded to corresponding questions of clarification. Commissioner Kimbrough expressed appreciation for the detail provided by other City departments / divisions relative to budgetary issues associated with growth management. In response to a question, Mr. Schulz advised that the Public Works Department pursues "every federal grant that has to do with wastewater or water ... but ... those, in the past two to three years, have been cut drastically ... Furthermore, they seem to have a little bit more compassion on smaller communities where there's ... not a [sufficient] tax base ..." Mr. Schulz assured the commissioners that the Public Works Department pursues every possible grant funding opportunity. He advised that, in the past five years, approximately \$2.5 million in grant funding has been secured for the wastewater treatment plant. He further advised that the Public Works Department also pursues State revolving funds, which program he described.

Chairperson Vance entertained public comment and, when none was forthcoming, a motion. **Vice Chairperson Wendell moved to recommend to the Board of Supervisors approval of a maximum total of 655 residential building permit entitlements for 2014, with an allocation of 282 entitlements for the general property owner category, and 373 entitlements for the development category, and to retain the existing commercial and industrial development water usage threshold of 7,500 gallons per day annual average for Growth Management Commission review, and allocations for future years as further provided in the draft Board of Supervisors resolution. Commissioner Sattler seconded the motion. Motion carried 7-0.**

ACTION TO ADJOURN GROWTH MANAGEMENT COMMISSION (5:46:02) - Chairperson Vance entertained a motion to adjourn the Growth Management Commission. **Vice Chairperson Wendell so moved. The motion was seconded and carried 7-0.**

RECONVENE PLANNING COMMISSION (5:46:26) - Chairperson Vance reconvened the Planning Commission meeting at 5:46 p.m.

G-3. SUP-13-031 POSSIBLE ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM STEVE YOCHUM (PROPERTY OWNER: STEVE YOCHUM) FOR A TWO-FAMILY DUPLEX UNIT (TWO SINGLE-FAMILY DETACHED UNITS) ON A CORNER LOT, ON PROPERTY ZONED SINGLE FAMILY 6000 ("SF6"), LOCATED AT 1512 NORTH NEVADA STREET, APN 001-157-02 (5:46:31) - Chairperson Vance introduced this item, and Ms. Dorr Pansky reviewed the agenda materials in conjunction with displayed slides. She noted staff's recommendation of approval subject to the conditions outlined in the staff report. She further noted written comments from Thomas Streenan, which were provided to the commissioners and staff prior to the start of the meeting. She advised of having received a telephone call earlier in the day from Cliff Smith, and of having answered his questions. In response to a question, she advised that

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other duplexes in the area were not researched relative to special use permits. In response to a further question, she advised that the total square footage and setbacks for the proposed project are within the required limits prescribed by Code.

Chairperson Vance entertained additional questions or comments of the commissioners and, when none were forthcoming, invited the applicant to the podium. (5:52:41) Steve Yochum introduced himself for the record and, relative to the proposed project, discussed his future plans for retirement. He addressed the concerns listed in Mr. Streenan's written correspondence in conjunction with displayed slides. He acknowledged his agreement with the conditions of approval as outlined in the staff report. He responded to questions of clarification regarding disposition of existing trees. In response to a further question regarding condition of approval 11, Mr. Yochum expressed confusion. Ms. Dorr Pansky explained that the garage is considered one parking space, but the driveway leading to the garage is not considered additional parking. "... the reason being is because, essentially, that space would be blocking the space inside the garage. And that's why we require a second off-street parking space that is not directly behind the garage ..." Mr. Plemel offered a possible solution in the form of a space next to the driveway. Commissioner Esswein expressed the opinion that the requirement for "at least one of the additional parking spaces seems like it's overdoing it because this is a one-bedroom unit, intended for a single person or, perhaps, a couple. And it just seems like overkill to be requiring that second parking space." Commissioner Esswein clarified his understanding that the parking requirements are governed by the Carson City Municipal Code. He suggested considering the possibility of a future amendment "especially as ... households change in size and in needs. It doesn't seem that a ... house designed for a very limited number of people should require the same as a house ... that is designed for a family." Discussion followed.

Chairperson Vance entertained additional commissioner questions or comments and, when none were forthcoming, public comment. (6:04:37) Donna Inversin, an adjacent resident, discussed concern over the proposed two-story design in consideration of her view, expressed the opinion that the project will decrease her property value, and suggested a permeable driveway surface.

(6:05:59) Tom Streenan, an adjacent resident, advised of having lived at his residence for twenty years and expressed agreement with requiring parking for two vehicles. He discussed concern over the proposed project decreasing the value of his single-family home, and provided background information on the historic nature of his residence. In response to a question, Commissioner Sattler clarified his acquaintance of Mr. Yochum as a close friend of his sister. In response to a question, Mr. Ward explained that "as long as there's no pecuniary interest or no financial advantage ... to you one way or the other, and you can be fair and impartial, unbiased, then you have no conflict that would preclude you from exercising your duties as a member of this body." Commissioner Sattler advised of no financial interest in the project, reiterated that he "just happen[s] to know the applicant," and advised that he would participate in action on this item.

(6:07:48) In conjunction with displayed slides, Jessica Schulz discussed her family's history in the area and problems experienced from surrounding neighbors. She expressed support for Mr. Yochum's design, and concern over a disparity between "what's going to happen and what he has planned." She discussed concerns over declining property values, traffic safety issues, and parking issues.

(6:10:08) John Schulz advised of having been raised in his grandparents' home, adjacent to the subject

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property, and discussed the development history of the neighborhood. He further advised of having been acquainted with Mr. Yochum since high school, and of having worked with him on many construction projects. He commended Mr. Yochum's construction skill. Mr. Schulz discussed concerns relative to the proposed two-story design, traffic safety, and parking. He inquired as to whether the project had been sold "to the neighbors," and advised that "nobody really likes it ..."

(6:15:03) August Ehresman, an adjacent neighbor, suggested that the neighborhood was developed as a "single-family area," and expressed concern over declining property values with "duplexes ... everywhere." He expressed opposition to the proposed project.

(6:15:35) Dennis Caughran, an adjacent neighbor, discussed concerns over apparent illegal activity at the subject address in the past, declining property values, and the proposed two-story design. He expressed opposition to the project.

(6:16:55) Carol Tierney, an adjacent neighbor, advised that she has lived in her residence for 38 years; that she knew the original owner of the subject property and has "seen it go down hill with renters over the years." Ms. Tierney commended Mr. Yochum on cleaning up the property and the "nice renter in there now." She advised of having previously witnessed "some really bad things going on there." She discussed concerns relative to traffic safety and declining property values. She expressed a preference to "keep it single-family," and opposition to the proposed project.

(6:18:33) Isabel Streenan expressed agreement with the previous comments, noting that the duplexes did not exist when she and her husband purchased their property. "As [the duplexes] have come, the neighborhood has really got bad." Ms. Streenan discussed concerns over apparent illegal activity in the past, noting there are no guarantees relative to renters. Ms. Streenan expressed opposition to the proposed project.

Chairperson Vance entertained additional public comment and, when none was forthcoming, thanked the citizens for their attendance and participation. In response to a question, Ms. Dorr Pansky noted that there appeared to be no other two-story structures in the area surrounding the subject property. In response to a question, Mr. Plemel advised that the Code provides for a maximum of 700 square feet for a guest building. He explained that guest buildings are permitted anywhere but limited to use by the residents of the property and non-paying guests.

Chairperson Vance entertained additional questions or comments of the commissioners. Commissioner Kimbrough expressed concern over the proposed two-story design in light of the citizen comments, and suggested that the project may be "detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties ..." Commissioner Dhami concurred. Commissioner Sattler advised of no concern over the proposed duplex design, but expressed concern over the proposed two-story design.

Vice Chairperson Wendell advised of having reviewed the agenda materials, and suggested that the proposed project meets the statutory and regulatory requirements. Ms. Dorr Pansky acknowledged the accuracy of the statement. Vice Chairperson Wendell expressed appreciation for the citizen comments, and concern over the commission appearing to be arbitrary and capricious. "When ... a proposal is submitted for consideration and it meets all of the City ordinances or statutory requirements, it sort of

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puts us in a position where, to prevent being arbitrary and capricious, ... we have no alternative but ... to vote in favor of this proposal.” Vice Chairperson Wendell reiterated appreciation for the citizen comments relative to “the more densely populated environment ... Having worked in law enforcement, ... there are solutions to what these people have brought out today and there are City ordinances that prohibit the type of activity that has made their environment very uncomfortable.” Vice Chairperson Wendell expressed the belief

“there’s another means by which to address the problems they’ve [discussed] ... rather than put a damper on this gentleman’s project, especially when it meets all the requirements.”

Chairperson Vance explained the commission’s requirement to establish sufficient findings in its decision, and entertained a motion. **Vice Chairperson Wendell moved to approve SUP-13-031, a special use permit to allow a two-family duplex on a corner lot in a single family 6,000 zoning district, located at 1512 North Nevada Street, based on the findings and subject to the conditions of approval outlined in the staff report. Commissioner Esswein seconded the motion.**

Commissioner Kimbrough expressed the opinion that he could make a finding that “shows [the project] doesn’t meet” the findings. He suggested that “when we’re given a special use permit, we’re given more freedom in discussion to help this community make a good decision.” Extensive discussion followed and, in response to a question, Mr. Yochum noted the condition of approval relative to building height. He expressed understanding for the concerns expressed relative to the two-story design, but reiterated “that height requirement has been addressed.” Commissioner Esswein expressed understanding for the neighborhood concerns and those expressed by the commissioners. “However, there’s nothing in the Code that would preclude an existing property owner from making an addition to his property up to ... the height limits of the Code ... Any other property owner in that neighborhood could build a two-story structure.” Commissioner Esswein expressed the opinion that “to restrict this applicant from that two-story and then have another property owner, by right, be allowed to do that would be arbitrary and capricious.” Chairperson Vance requested a roll call vote, the results as follows: Commissioners Steele, Sattler, Kimbrough, Esswein, Vice Chair Wendell, and Chair Vance - yes; Commissioner Dhami - no. **Motion carried 6-1.** Mr. Plemel reviewed the appeal process for the record. Chairperson Vance thanked the citizens for their attendance and participation.

G-4. SUP-13-031 POSSIBLE ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM RED AND TOM METCALF (PROPERTY OWNER: NORMAN AND BETTY METCALF FAMILY TRUST) FOR THE MODIFICATION OF AN EXISTING GARAGE AND GUEST BUILDING TO ALLOW THE GUEST BUILDING TO EXCEED 1,000 SQUARE FEET, ON PROPERTY ZONED SINGLE FAMILY 2 ACRE (“SF2A”), LOCATED AT 2032 ASH CANYON ROAD, APN 007-572-13 (6:38:05) - Chairperson Vance introduced this item, and Ms. Dorr Pansky reviewed the agenda materials in conjunction with displayed slides.

Chairperson Vance entertained questions or comments of the commissioners and, when none were forthcoming, invited the applicant to the podium. (6:41:32) Tom Metcalf acknowledged agreement with the conditions of approval, as outlined in the staff report. He clarified that “Red is Norman’s nick name.” Mr. Metcalf provided background information on his family’s residence in Northern Nevada and on the proposed project; and responded to questions of clarification.

Chairperson Vance entertained public comment and, when none was forthcoming, entertained additional questions or comments of the commissioners. When no additional questions or comments were forthcoming, he entertained a motion. **Commissioner Sattler moved to approve SUP-13-032, a**

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special use permit request to allow modification of an existing accessory structure to allow a total of 1,864 square feet to be used as a guest building, on property zoned single family two acre, located at 2032 Ash Canyon Road, APN 007-572-13, based on the findings and conditions of approval contained in the staff report. Vice Chairperson Wendell seconded the motion. Motion carried 7-0.

G-5. ZCA-13-034 POSSIBLE ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING A ZONING CODE AMENDMENT APPLICATION TO AMEND THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, SECTION 18.03.010, WORDS AND TERMS DEFINED, AMENDING THE DEFINITION OF “KENNEL” TO INCREASE THE NUMBER OF DOGS DEFINED AS CONSTITUTING A KENNEL FROM 4 TO 10; AMENDING CHAPTER 18.04, USE DISTRICTS, SECTION 18.04.040, SINGLE FAMILY FIVE ACRE, TO ADD THE TERM “KENNEL” FOR CODE CONSISTENCY; AND AMENDING SECTION 18.04.130, RETAIL COMMERCIAL, TO ADD THE TERM “KENNEL” FOR CODE CONSISTENCY; AND OTHER MATTERS PROPERLY RELATED THERETO (6:46:40) - Chairperson Vance introduced this item. Mr. Plemel provided background information, reviewed the agenda materials in conjunction with displayed slides, and responded to corresponding questions of clarification. At Commissioner Esswein’s recommendation, Mr. Plemel agreed to add the language found at NRS 574.280. Mr. Plemel responded to additional questions of clarification.

Chairperson Vance entertained public comment and, when none was forthcoming, a motion. Commissioner Esswein moved to recommend to the Board of Supervisors approval of an ordinance amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.03, Definitions, Section 18.03.010, Words and Terms Defined; amending the definition of “kennel,” to increase the number of dogs defined as constituting a kennel from four to 10; amending Chapter 18.04, Use Districts, Section 18.04.040, single family five acre, to add the term “kennel” for code consistency; and amending Section 18.04.130, Retail Commercial, to add the term “kennel” for code consistency, and other matters properly related thereto. Commissioner Steele seconded the motion. Motion carried 7-0.

H. ADMINISTRATIVE MATTERS

H-1. DIRECTOR’S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (7:00:35) - Mr. Plemel advised of nothing to report, and reviewed the tentative agenda for the June commission meeting.

H-2. COMMISSIONER REPORTS / COMMENTS (7:01:56) - Commissioner Sattler advised that he would be absent from the June commission meeting. Commissioner Kimbrough advised of having traveled past the Silver State Charter School sign earlier in the day and that it was difficult to read.

I. PUBLIC COMMENTS (7:02:52) - Chairperson Vance entertained public comments; however, none were forthcoming.

J. ACTION TO ADJOURN (7:02:55) - Commissioner Sattler moved to adjourn the meeting at 7:02 p.m. Commissioner Esswein seconded the motion. Motion carried 7-0.

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The Minutes of the May 29, 2013 Carson City Planning Commission meeting are so approved this 26th day of June, 2013.

WILLIAM VANCE, Chair