

DRAFT MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, October 29, 2014 • 5:00 PM
Community Center Sierra Room, 851 East William Street, Carson City, Nevada

Commission Members

Chair – George Wendell	Vice Chair – Paul Esswein
Commissioner – Victor Castro	Commissioner – Malkiat Dhami
Commissioner – Walt Owens	Commissioner – Mark Sattler
Commissioner – Kent Steele	

Staff

Lee Plemel, Community Development Director
Susan Dorr Pansky, Planning Manager
Joseph Ward, Senior Deputy District Attorney
Kathleen King, Chief Deputy Clerk
Transcribed by: Tamar Warren, Deputy Clerk

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

The televised Carson City Planning Commission meetings are available on http://www.breweryarts.org/?page_id=2607.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (5:01:11) –
The meeting was called to order at 5:01 p.m. A quorum was present. Commissioner Steele led the pledge of allegiance.

Attendee Name	Status	Arrived
Chairperson George Wendell	Present	
Vice Chairperson Paul Esswein	Present	
Commissioner Victor Castro	Present	
Commissioner Malkiat Dhami	Absent	
Commissioner Walt Owens	Present	
Commissioner Mark Sattler	Present	
Commissioner Kent Steele	Present	

B. PUBLIC COMMENTS: (5:02:34) – None.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – SEPTEMBER 24, 2014

(5:03:03) – MOTION: I move to accept the September 24, 2014 meeting minutes, as written.

RESULT:	APPROVED (6-0-0)
MOVER:	Sattler
SECONDER:	Esswein
AYES:	Wendell, Esswein, Castro, Owens, Sattler, Steele
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dhami

D. MODIFICATIONS OF AGENDA

(5:03:18) – None.

E. DISCLOSURES.

(5:03:26) – None.

F. PUBLIC HEARING MATTERS:

F-1 SUP-14-079 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM CARSON CITY PUBLIC WORKS (PROPERTY OWNER: CARSON CITY) TO ALLOW AN ANIMAL SERVICES FACILITY ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 549 AIRPORT RD., APN 010-031-04.

(5:03:42) – Mr. Plemel presented the Staff report, written by Kathe Green and incorporated into the record.

(5:08:44) – Rob Fellows, Project Manager, corrected the record by clarifying that the facility would hold 104 cats. He also updated the Commission on the project schedule and stated that the design phase would begin in January and the construction would start in July. Mr. Fellows anticipated the project to be completed in a year, with a July opening date.

(5:10:15) – Vice Chairperson Esswein suggested removing the fence along the road. Mr. Fellows confirmed that the area would be open. He also informed Commissioner Sattler that a few parking spaces may be lost. Commissioner Castro suggested having the required 44 large parking spaces instead of the planned 50 regular ones.

PUBLIC COMMENTS (5:12:01) – None.

(5:12:15) – MOTION: I move to approve SUP-14-079, a Special Use Permit to allow the construction and operation of an animal services facility on property in the Public Regional zoning district, located at 549 Airport Road, APN 010-031-04, based on the findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (6-0-0)
MOVER:	Sattler
SECONDER:	Esswein
AYES:	Wendell, Esswein, Castro, Owens, Sattler, Steele
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dhami

F-2 SUP-14-080 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM WSCC, INC. (PROPERTY OWNER: GRACE-NOTE REAL ESTATE LLC) TO ALLOW A MEDICAL MARIJUANA CULTIVATION FACILITY ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 3493 ARROWHEAD DR., APN 005-052-03

(5:13:05) – Chairperson Wendell introduced this item, and Ms. Dorr Pansky reviewed two items which had been distributed to the commissioners and staff prior to the start of the meeting.

(5:13:34) – Ms. Dorr Pansky explained that two pieces of late information were provided to the Commission. One was a memorandum from her indicating several corrections made to the original Staff Report. The other was an email from Greg Stevenson, who would address the Commission during the Public Comment Section.

(5:15:05) – Ms. Dorr Pansky gave background and noted that the evening's discussion would not focus on whether to allow Medical Marijuana Dispensaries, but to ensure that the applications were appropriate for the requested locations. Commissioner Castro received clarification that this application was for cultivation and the following three were for dispensaries of medical marijuana. Ms. Dorr Pansky presented the Staff Report, incorporated into the record) accompanied by a PowerPoint presentation and recommended approval. However, she explained that Staff had received several comments from members of the public, two of which have expressed opposition to this use at this specific location, and one who is not opposed "as long as his concerns are addressed". The comments are attached to the Staff report and incorporated into the record.

(5:29:05) – Commissioner Steele inquired about a potential conflict of interest because an LLC was applying for separate permits for cultivation and sales. Ms. Dorr Pansky noted that "vertical integration" was allowed because the quality control was performed at the state level.

(5:30:46) – John Krmpotic, President of KLS planning and Design Group, introduced himself and noted that he represented the applicants, WSCC. Walter Marding and Steve Rausch of WSCC were also present in the audience.

(5:31:30) – In response to a question by Chairperson Wendell, Mr. Krmpotic answered in the affirmative regarding reading and understanding the special conditions outlined in the Staff Report and the minor changes outlined by Ms. Dorr Pansky. He also praised Staff for a thorough report.

(5:32:40) – Mr. Krmpotic delivered a PowerPoint presentation and addressed several issues such as parking, odor control, pathogens and mold control, and zoning. He also introduced WSCC representatives Walter Marding and Steve Rausch.

(5:41:30) – Mr. Marding introduced himself as "an officer of the company", and noted that he had "nothing beyond what Mr. Krmpotic presented". In response to a question by Chairperson Wendell, Mr. Krmpotic shared three articles regarding reduction of crime in Denver, Colorado, after the legalization of marijuana, adding that he had no information regarding property values. Mr. Marding also explained that the location choice was a result of the availability of large warehouse-type buildings, noting that they had chosen to purchase the property instead of leasing, to have more flexibility.

(5:45:47) – Commissioner Sattler inquired about required signage on the building and was informed there were no such requirements. He was also informed that the lights would not be visible from the exterior of the building and would not interfere with airport traffic.

(5:46:40) – Commissioner Castro recommended third party security "during non-occupied hours". He also received clarification that the product would be transported via smaller vehicles and not "big semis". Ms. Dorr Pansky noted that the two preceding items were not controlled by the special use permit, and noted that the state

regulations would address the security issues. Mr. Plemel stated that there are processes in place to revisit the special use permits should problems arise.

(5:53:38) – Commissioner Owens was informed that the hours of operations would be 7 a.m. until 8 p.m., seven days per week.

PUBLIC COMMENT

(5:55:15) – Greg Stevenson introduced himself as the owner of “the parcel just north of the planned special use permit”, and noted that he was in the defense/aerospace industry. Mr. Stevenson expressed his opposition to the permit orally and in written form, which is incorporated into the record. Discussion ensued regarding Mr. Stevenson’s concern over federal laws not permitting the cultivation of marijuana and its impact on the defense industry as it related to the special use permit. Commissioner Sattler inquired about lost federal contracts and Mr. Stevenson reiterated his disappointment of having a marijuana cultivation plant so close to a highly sensitive industry. Another member of the public wished to understand the benefits of marijuana cultivation to Carson City.

(6:04:07) – Mr. Krmpotic noted that they “are trying to be sensitive to everybody in this process”. He also added that there was “no tangible impact” to the community.

(6:05:48) – Commissioner Castro was informed that the state had not placed any requirements on the hours of delivery, and that the hours of operation for dispensaries were to be 7 a.m. until 8 p.m. Ms. Dorr Pansky also indicated that home deliveries were not allowed by cultivators and that there were no regulations for deliveries by the cultivators. Mr. Plemel reminded the Commission that the discussion tonight was not whether to allow medical marijuana, but it was about the zoning. Commissioner Castro believed hours of delivery should be defined. Discussion ensued regarding signage and it was agreed that the applicant shall submit proposed signage to the Planning Division for review and approval prior to installation.

(6:19:36) – MOTION: I move to approve SUP-14-080, a special use permit request from WSCC, Inc., (property owner: Grace Note Real Estate, LLC), to allow a medical marijuana cultivation facility, on property zoned General Industrial, located at 3493 Arrowhead Drive, APN 005-052-03, based on the findings and subject to the conditions, as modified by Ms. Pansky’s memo and the revision to conditions of approval 9 and 10, as contained in the staff report.

RESULT:	APPROVED (6-0-0)
MOVER:	Esswein
SECONDER:	Steele
AYES:	Wendell, Esswein, Castro, Owens, Sattler, Steele
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Dhami

(6:20:57) – Mr. Plemel reviewed the appeal provisions, noting that this was the final approval of special use permits; however, the decision could be appealed within 10 days by contacting the Planning Division.

F-3 SUP-14-081 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM WSCC, INC. (PROPERTY OWNER: SANBAR G.P.) TO ALLOW A MEDICAL MARIJUANA DISPENSARY ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2765 HWY 50 EAST, APN 008-312-12.

(6:21:44) – Chairperson Wendell introduced this item, and Ms. Dorr Pansky reviewed the agenda materials, incorporated into the record, in conjunction with displayed slides.

(6:31:20) – Commissioner Castro was informed that the 7 a.m. to 8 p.m. dispensary hours were not mandated by the State, but were required by Carson City.

(6:32:02) – Mr. Krmpotic delivered a PowerPoint presentation similar to the one he had presented during the item F-2 discussion.

(6:34:42) – Steve Rauch, representing WSCC, addressed Chairperson Wendell's question regarding signage, noting that the dispensary sign would be submitted for approval and would contain the business name without reference to medical marijuana sales.

(6:35:50) – In response to a question by Commissioner Sattler, Mr. Rauch explained that images captured by the indoor and outdoor security cameras would be stored on-site and off-site. He also confirmed that the same methodology would be used for the cultivation site.

PUBLIC COMMENTS (6:37:05) – None.

(6:37:20) – Commissioner Castro inquired about the proximity of the location to the Boys and Girls Club and was informed by Ms. Pansky that it was “well outside the range of the 300-foot requirement”.

(6:37:74) – MOTION: I move to approve SUP-14-081, a special use permit request from WSCC, Inc. (property owner: Sanbar) to allow a medical marijuana dispensary on property zoned General Commercial, located at located at 2765 Highway 50 East, Suite A, APN-008-312-12, based on the findings and subject to the conditions of approval contained in the staff report

RESULT:	APPROVED (5-0-1)
MOVER:	Sattler
SECONDER:	Esswein
AYES:	Wendell, Esswein, Owens, Sattler, Steele
NAYS:	None
ABSTENTIONS:	Castro
ABSENT:	Dhami

Chairperson Wendell recessed the meeting at 6:39 p.m., and reconvened at 6:45 p.m. A quorum was still present.

F-4 SUP-14-082 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM NNV SERVICES II, LLC (PROPERTY OWNER: AUBURN RAVINE INVESTORS, LLC) TO ALLOW A MEDICAL MARIJUANA DISPENSARY ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 3359 HWY 50 EAST, APN 008-303-02.

(6:45:33) – Chairperson Wendell introduced this item, and Ms. Dorr Pansky reviewed the agenda materials.

(6:55:15) – Commissioner Sattler inquired about window and door coverings or bars, and Ms. Pansky did not believe they were required.

(6:55:49) – Applicant Shane Johnson, MD, representing NNV Services II, LLC, presented a handout, incorporated into the record, about the company. He also explained that security film was being considered in lieu of bars on windows and doors.

(6:58:30) – Commissioner Owens expressed concern over “blind parking” behind the building as a possible venue for crime. Jean Marie Walsh, Director of Security and Public Safety at NNV Services, acknowledged the concerns and noted that proper lighting and an on-site security officer, in addition to diminished landscaping, would alleviate the concern. Commissioner Sattler was informed that the front parking spaces would be for ADA use. Commissioner Castro praised the applicant for “the adjustment of operation of hours” and for utilizing a third-party security company, calling them “steps in the right direction”.

PUBLIC COMMENTS

(7:04:03) – Ken Ysurdiag inquired about a high fence “to control the area”. Dr. Johnson explained that a fence existed around most of the property, which was now in disrepair; however, it would be repaired. Vice Chairperson Esswein agreed that the rear of the building posed “some security problems” and was informed by Dr. Johnson that they would work with the Commission to remedy any issues. Further discussion ensued regarding security inside and outside the building.

(7:09:28) – Dr. Johnson clarified for Chairperson Wendell that any proposed signage would require approval from the State. He also confirmed that the sign would be professional and identifiable, yet serve the needs of the community.

(7:10:40) – MOTION: I move to approve SUP-14-082, a special use permit request from NNV Services II, LLC, (property owner: Auburn Ravine Investors, LLC), to allow a medical marijuana dispensary, on property zoned General Commercial, located at 3359 Highway 50 East, APN 008-0302-02, based on the findings and subject to the conditions of approval contained in the staff report.

(7:11:30) – Chairperson Wendell received an affirmative response when he asked the applicant whether he agreed with the Staff Report.

RESULT:	APPROVED (4-2-0)
MOVER:	Esswein
SECONDER:	Sattler
AYES:	Wendell, Esswein, Sattler, Steele
NAYS:	Castro, Owens
ABSTENTIONS:	None
ABSENT:	Dhami

F-5 SUP-14-083 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM NNV SERVICES II, LLC (PROPERTY OWNER: FAST FOODIES) TO ALLOW A MEDICAL MARIJUANA

DISPENSARY ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 211 W. APPION WAY, APN 009-268-02.

(7:13:02) – Chairperson Wendell introduced this item, and Ms. Dorr Pansky reviewed the agenda materials, incorporated into the record, in conjunction with displayed slides.

(7:24:50) – Dr. Johnson, representing NNV Services III, LLC, offered to answer commissioners' questions. He also confirmed that he agreed with the conditions of approval presented by Ms. Dorr Pansky.

(7:25:50) – Commissioner Castro was informed that no one from NNV Services had spoken to the area resident George Wilkinson regarding his questions. However, Dr. Johnson offered to speak with any residents regarding their concerns.

(7:27:00) – Vice Chairperson Esswein was informed that the security would be “the same as the other location [agenda item F-4]”, including on-site security officers and security cameras. He also received confirmation that the signage would also follow the previous item’s guidelines.

PUBLIC COMMENTS (7:28:14) – None.

(7:28:30) – MOTION: I move to approve SUP-14-083, a special use permit request from NNV Services III, LLC, (property owner: Fast Foodies, LLC), to allow a medical marijuana dispensary, on property zoned General Commercial, located at 211 W. Appion Way, APN 009-268-02, based on the findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (4-2-0)
MOVER:	Steele
SECONDER:	Sattler
AYES:	Wendell, Esswein, Sattler, Steele
NAYS:	Castro, Owens
ABSTENTIONS:	None
ABSENT:	Dhami

(7:29:52) – Mr. Plemel reviewed the appeal provisions, noting that this was the final approval of special use permits; however, the decision could be appealed within 10 days by contacting the Planning Division

G. STAFF REPORTS (NON-ACTION ITEMS)**G-1 - DIRECTOR'S REPORT TO THE COMMISSION**

(7:30:08) – Mr. Plemel reviewed commission items which had been recently heard by the Board of Supervisors, including a special use permit by applicant Herman Bauer, which was upheld.

- FUTURE AGENDA ITEMS

(7:30:39) – Mr. Plemel reviewed the tentative agenda for the November commission meeting. He reminded the commissioners that the meeting would be held on Tuesday, November 18th at 5:00 p.m.

- COMMISSIONER REPORTS/COMMENTS (7:31:32) – None.

H. PUBLIC COMMENT (7:31:46) – None.

I. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(7:32:04) – MOTION: Commissioner Sattler moved to adjourn the meeting at 7:32 p.m. Vice Chairperson Esswein seconded the motion. Motion carried 6-0.

The Minutes of the October 29, 2014 Carson City Planning Commission meeting are so approved this 17th day of December, 2014.

GEORGE WENDELL, Chair