

DRAFT MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, April 26, 2017 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Paul Esswein

Vice Chair – Mark Sattler

Commissioner – Charles Borders, Jr.

Commissioner – Monica Green

Commissioner – Elyse Monroy

Commissioner – Walt Owens

Commissioner – Daniel Salerno

Staff

Lee Plemel, Community Development Director

Hope Sullivan, Planning Manager

Steven Pottéy, Project Manager

Dan Yu, Deputy District Attorney

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 are available for review during regular business hours.

An audio recording of this meeting is available on www.Carson.org/minutes.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE

(5:00:17) – Chairperson Esswein called the meeting to order at 5:00 p.m. Roll was called and a quorum was present. Vice Chair Sattler led the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Paul Esswein	Present	
Vice Chairperson Mark Sattler	Present	
Commissioner Charles Borders, Jr.	Present	
Commissioner Monica Green	Present	
Commissioner Elyse Monroy	Present	
Commissioner Walt Owens	Absent	
Commissioner Daniel Salerno	Present	5:07 p.m.

B. PUBLIC COMMENTS

(5:01:22) – Chairperson Esswein entertained public comment and noted that the Commission will not respond to the comments on agenda items until the time of agenda discussion; however, should anyone wish to make their comments now due to time constraints, they are welcome to do so.

(5:02:01) – Carol Park read written comments in support of the Special Permit Request by the Carson Montessori School.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – March 29, 2017

(5:05:18) – MOTION: I move to accept the minutes [of the March 29, 2017 meeting] as written.

RESULT:	APPROVED (3-0-2)
MOVER:	Sattler
SECONDER:	Green
AYES:	Sattler, Borders, Green
NAYS:	None
ABSTENTIONS:	Esswein, Monroy
ABSENT:	Owens, Salerno

D. MODIFICATION OF AGENDA

(5:06:05) – there were no modifications to the agenda.

E. DISCLOSURES

(5:06:24) – There were no disclosures by the Commissioners.

F. PUBLIC HEARING MATTERS

F-1 SUP-17-033 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM CARSON MONTESSORI SCHOOL (PROPERTY OWNER: EAST SIERRA BUSINESS PARK LLC) TO ALLOW AN EXPANSION OF A NON-CONFORMING USE (SCHOOL) IN THE LIMITED INDUSTRIAL (LI) ZONING DISTRICT, LOCATED AT 2211 MOUTON DRIVE, APN 008-815-01.

(5:06:41) – Chairperson Esswein introduced the item. Ms. Sullivan presented the agenda materials with accompanying slides and responded to clarifying questions by the Commissioners. She also defined “non-confirming use” and read an excerpt from the Carson City Municipal Code. She noted that the Staff was unable to make the findings as explained in the Staff Report; therefore, a denial was recommended. Chairperson Esswein invited the applicants to present, adding that public comment would follow the presentation. He also informed the audience that no response will be given during public comment, after which he would entertain Commission questions and comments.

(5:20:09) – Jessica Daniels introduced herself as the Executive Director/Principal of Carson Montessori School and invited the students to present the School’s “statement”. Sixth grader Vicente Ramirez, fifth grader Ella Dooley, third grader Sadie Brown, Anakin Guzzetta, and sixth grader Liam Ross read written statements which are incorporated into the record. Ms. Daniels explained that the school serves five counties in Northern Nevada, and had been searching for an alternative sight for 10 years. She also stated that the site would be used for testing which she called “an unfunded mandate” and explained that the cones on the premises were placed by the school and not the neighboring businesses. In response to a question by Commissioner Borders, Ms. Daniels confirmed that she had seen and read the Staff Report and explained that the wheelchair access would be through the front door instead of making the “annex” handicap-accessible, and that they had met all fire codes, adding that she had insisted on a fire alarm system. Chairperson Esswein was informed that the “secure site” was to prevent cheating during testing and to have monitoring at all times; however, it was set up as a technology lab as well.

(5:41:12) – Vice Chairperson Sattler suggested bussing the students to a Carson School District facility for testing; however Ms. Daniels believed that “test anxiety” was an issue for the students, and that they had pay to use the District’s busses for 284 students. At Chairperson Esswein’s request, Ms. Sullivan stated that schools were allowed in SF 5Acre, SF 2Acre, SF 1Acre, SF 21, SF 12, SF 6, MH 1Acre, Multi-Family Apartment, ROGO, Neighborhood Business, Downtown Mixed Use, and Retail Commercial zones. She noted that schools were not allowed in General Industrial and Airport zonings. Ms. Daniels cited several properties they had identified for a new school location adding that they have worked with many City officials and realtors. Ms. Sullivan inquired about the five requested tenant spaces and was informed by Ms. Daniels that the tech center would occupy three spaces and the rest would serve as storage, who also explained that the students would “cut through” the parking lot to reach the tech center. Ms. Daniels clarified for Vice Chair Sattler that the test center is already set up and is currently in use. Commissioner Salerno inquired whether the SUP could be limited to a specific period of time and was informed by Ms. Sullivan that if all findings were made in the affirmative, that could be a possibility. When there were no other Commissioner Comments, Chairperson Esswein entertained public comments.

PUBLIC COMMENTS

(6:02:29) – Gary Baker introduced himself as a commercial real estate developer, broker, and the property manager of East Sierra Business Park (subject property). Mr. Baker explained that the complex had an approved fire and sprinkler system. He also stated that the Montessori School was an excellent tenant and called the previously suggested “time limited SUP” an excellent compromise.

(6:04:57) – Becky Harding introduced herself as a mother of two students and a former student of Ms. Daniels. Ms. Harding responded to several questions asked by the Commissioners earlier and noted that instead of a crosswalk, the students are safe because of the presence of teachers and parents acting as crossing guards. She also spoke on behalf of a neighboring business owner and friend who supported the school and requested that the parents not block his entrance when picking up students. Ms. Harding stated that there were “no kids running around in the street”, and that the new space would be larger and quieter for the students.

(6:11:51) – A.J. Hitch introduced herself, her kindergartner son John, fourth-grade daughter Jaden, and husband John, a sergeant with the Carson City Sheriff’s Department. Ms. Hitch described the needs of her son who had been diagnosed with autism in 2016 and the “nothing shy of amazing” support she had received from Carson Montessori School that had allowed her to be in the classroom with her son, to attend to his special needs. Ms. Hitch believed that as an autistic student, her son “wouldn’t make it” if he had to be bussed to be tested in another school, since it took months to familiarize him with this school. Jaden also read a prepared statement about her brother’s condition and positive impact the school had made in her brother’s life.

(6:16:49) – Graham Ross introduced himself and his son, Liam, and praised the support the students have received from Ms. Daniels.

(6:18:05) – Andrew Ailes described how well his daughter had performed at Carson Montessori School and not in two other schools. He also explained the process of identifying a new school site, and requested additional time to find a new site.

(6:20:41) – Gary Ailes introduced himself as the President of the [Carson] Montessori School Board and explained that they had been dealing with the traffic discussed this evening “for a long time while we’ve been

looking”. Mr. Ailes suggested that the Staff “rules sometimes need to be shifted for the priorities of the people”, and believed there was “no better priority than this”. He noted that the many agencies involved presented obstacles.

(6:23:34) – Vincent Ramirez introduced himself as a parent of a student and stated that Ms. Daniels needed three-to-five years and suggested approving the SUP for five years.

(6:24:53) – Jack Greening noted that his family owned the property being discussed and confirmed that there have been no conflicts between the school and other tenants. He also agreed that three or five years were more realistic for a permit.

(6:25:34) – Sara Choat introduced herself as an employee and past parent of Carson Montessori and noted that without the school, she “would be paying taxes in a different county”.

(6:26:17) – Chairperson Esswein entertained additional public comments, and when none were forthcoming, he closed the public comments portion of the meeting and entertained questions and comments from the Commissioners. Ms. Sullivan advised that discussion take place in the framework of the findings and noted that should the Commission approve the project subject to the conditions of approval, condition number 12 may be modified to “prior to occupancy, the building official must find compliance with the applicable ADA requirements identified in building code”.

(6:27:04) – Commissioner Monroy was informed by Ms. Sullivan that should the project not receive approval, the existing school continues to operate, since the request before the Commission is “to expand a non-conforming use”. Chairperson Esswein clarified that the SUP time limit, if approved for a limited time basis, would allow the school to continue testing in the annexed building until a new school location is found. Vice Chair Sattler received confirmation that the area in question was being already used by the school currently, and that Staff had been notified due to a Fire Marshall inspection requested by the school which had resulted in having the SUP being agendized. Commissioner Green stated that the school was already grandfathered in that zone, and she understood the testing requirements. She also noted that she would be in favor of a time-limited approval. In response to a question by Commissioner Sattler, Ms. Sullivan stated that the current parking area was being used as a “play area” and cars were being parked on the street. Chairperson Esswein noted that he did not believe that the findings were met and was informed that should the SUP be denied, Staff would work with the school to vacate the premises and “turn it over to Code Enforcement”. Chairperson Esswein reminded the Commission that the applicant can appeal to the Board of Supervisors, in which case, if denied, Staff will work with the applicant on vacating the premises. Mr. Plemel outlined the compliance process.

(6:34:58) – Commissioner Green believed that approval of the SUP would not result in setting a precedent. She also believed that the student base will not be expanding; therefore, traffic would not be an issue. Commissioner Monroy noted that she is impressed by the students and the school; however, she had visited the school and had discovered that the students were running in the parking lot and she had difficulty turning around, adding that the findings could not be met. Commissioner Salerno also noted that he was impressed with the students and that the school could not continue to operate in an industrial zone; however, he was in favor of a short-term approval. Discussion ensued regarding student safety when moving them across the parking lot. Commissioner Borders believed the location will be used for uses beyond the State-mandated testing. Commissioner Salerno believed that the first finding could be met by having a time limit. Vice Chair Sattler stated that finding number one will not be met “regardless of how you feel about it”. Ms. Sullivan and Mr. Yu confirmed that per the Carson City

Municipal Code, each of these findings must be found in the affirmative. Further discussion ensued regarding findings and Mr. Yu differentiated between “findings of fact versus findings of law”. Chairperson Esswein read the findings, incorporated into the record, that were discussed by the Commission. Ms. Sullivan clarified for Commissioner Green that all the findings must be met in the affirmative for approval. Chairperson Esswein entertained a motion.

(7:08:50) – MOTION: I move to deny SUP-17-033, a request from Carson Montessori School (property owner: East Sierra Business Park LLC) for a Special Use Permit to allow the expansion of a non-conforming use, a school, on property zoned Limited Industrial, and located at 2211 Mouton Drive, APN 008-815-10, based on the inability to make all the in the affirmative as stated in the Staff Report.

(7:10:04) – Chairperson Esswein noted that he would accept a positive finding for findings 1, 2, and 5 and suggested amending the motion to reflect the changes. Both the mover and the seconder accepted the amendment.

(7:12:32) – Commissioners Salerno and Green noted that they would not vote for the motion.

RESULT:	APPROVED (4-2-0)
MOVER:	Sattler
SECONDER:	Monroy
AYES:	Esswein, Sattler, Borders, Monroy
NAYS:	Green, Salerno
ABSTENTIONS:	None
ABSENT:	Owens

(7:14:03) – Chairperson Esswein reiterated the appeal process and noted that the applicants had 10 days to appeal this decision to the Board of Supervisors, via the Community Development Group.

Chairperson Esswein announced a recess at 7:14 p.m. and reconvened the meeting at 7:24 p.m. A quorum was still present.

F-2 SUP-17-035 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM KROMER INVESTMENTS, INC. (PROPERTY OWNER: VOLTAIRE MASTER, LLC), TO ALLOW MULTI-FAMILY APARTMENTS ON A PROPERTY SPLIT-ZONED GENERAL COMMERCIAL (GC) AND MULTI-FAMILY APARTMENT (MFA) WHERE THE USE IS ALLOWED IN ONLY ONE OF THE ZONING DISTRICTS, AND DEVELOPMENT OF A SITE WITH SLOPES EXCEEDING 33%, LOCATED AT S CURRY STREET, APN 009-151-62.

(7:24:16) – Chairperson Esswein introduced the item. Ms. Sullivan presented the Staff Report and accompanying slides, incorporated into the record, and responded to clarifying questions by the Commissioners. She also noted that the applicant representatives, John Krmptic, KLS Planning and Design Group and Clint Thiesse, Executive Vice President, Summit Engineering Corporation, were in the audience and would present shortly. Commissioner Salerno expressed concern about the landing and Ms. Sullivan noted that the lighting must comply with Title 18 and the City’s Municipal Code requirements, hence it was not included in the conditions of approval. Mr. Plemel elaborated on the height limit requirements.

(7:33:38) – Mr. Krmpotic confirmed that on behalf of the applicant, he was in agreement with the Staff Report and the conditions of approval enclosed in it. He reiterated Ms. Sullivan’s explanation that they will comply with the lighting requirement per the code. Mr. Krmpotic praised the Staff’s cooperation and acknowledged speaking to the neighbors opposing the project earlier. He also delivered a slide presentation, incorporated into the record, and responded to clarifying questions by the Commissioners.

(7:42:08) – Vice Chair Sattler suggested having closer resident parking next to the clubhouse with signage to the public regarding parking locations for the public to access trailheads. Commissioner Salerno believed the design was “very very nice”; however, he suggested varying some of the color in order not to have an “army barracks” look. Mr. Krmpotic acknowledged the presence of their builder partners and noted that they were willing to slightly vary the colors and materials. Commissioner Salerno suggested they work with Staff regarding the color. He was also informed that the retaining walls would be 14 feet high. Chairperson Esswein inquired about the parking area move from Voltaire to Clearview and Mr. Pottéy of Carson City Public Works offered to find out the minimum distances for intersections. Commissioner Salerno inquired about signage and was informed they would be designed later. Discussion ensued regarding code revisions. Chairperson Esswein entertained public comments.

PUBLIC COMMENT

(7:53:19) – Jean Bondiett introduced herself as an owner of the property to the south and identified several issues such as flooding from Voltaire Canyon, lighting and the lack of trees, and snow removal. There were no additional comments; therefore, Chairperson Esswein closed the public comment portion of the agenda item. Commissioner Salerno inquired about the size of trees to be planted. Ms. Sullivan referenced the Municipal Code and noted that the applicant must comply with the code. There were no additional comments; therefore, Chairperson Esswein entertained a motion.

(8:02:15) – MOTION: I move to approve SUP-17-0353, a request from Kromer Investments, Inc. (property owner: Voltaire Master, LLC) for a Special Use Permit to allow multi-family apartments on a property split-zoned General Commercial (GC) and Multi-Family Apartment (MFA), and development of a site with slopes exceeding 33 percent, on property located on the west side of South Curry Street and the north side of West Clearview Drive, APN 009-151-62, based on the ability to make the required findings in the affirmative as stated in the Staff Report, and subject to the conditions of approval.

(8:03:47) – Chairperson Esswein inquired about the slope easement on Curry Street, wondering whether this project would interfere with it. Ms. Sullivan read condition of approval number 45, incorporated into the record, and noted that it had addressed the issue.

RESULT:	APPROVED (6-0-0)
MOVER:	Salerno
SECONDER:	Borders
AYES:	Esswein, Sattler, Borders, Green, Monroy, Salerno
NAYS:	None
ABSTENTIONS:	Esswein
ABSENT:	Owens

G. STAFF REPORTS (NON-ACTION ITEMS)

G-1 DIRECTOR'S REPORT TO THE COMMISSION.

(8:05:29) – Mr. Plemel reported that the second readings of the Airport code amendment and rezoning had been approved by the Board of Supervisors. He also announced that the Board had approved the first phase of the Arbor Villas final map. Mr. Plemel noted that the May Planning Commission meeting would have 10 agenda items; therefore it will be split into two meetings – May 24, 2017 at 9 a.m. and May 31, 2017 at 5 p.m. Ms. Sullivan indicated that the Growth Management meeting will take place on May 31, 2017.

(8:08:05) – Chairperson Esswein explained that he had been approached by a member of the public to discuss a planning related issue and had informed the person that he could not discuss it with him. However, the Chair wished to explore having members of the public discuss ideas and not projects in a public forum with the Commission, outside the realm of public comment. Discussion ensued regarding public noticing and Commissioner Monroy suggested an “open house” type of atmosphere to discuss ideas. Mr. Plemel cautioned against “hearing ideas and not being able to do anything about them”. He then cited the example of the downtown project which was funded and the process was managed by a third party firm.

FUTURE AGENDA ITEMS**COMMISSIONER REPORTS/COMMENTS****H. PUBLIC COMMENT**

(8:16:45) – There were no public comments.

I. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(8:16:59) – Chairperson Esswein adjourned the meeting at 8:17 p.m.

The Minutes of the April 26, 2017 Carson City Planning Commission meeting are so approved this 31st day of May, 2017.

PAUL ESSWEIN, Chair