

DRAFT MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, July 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 – Elyse Monroy

Commissioner – Daniel Salerno

Commissioner – Candace Stowell

Staff

Lee Plemel, Community Development Director

Hope Sullivan, Planning Manager

Susan Pansky, Special Projects Planner

Steven Pottéy, City Engineer

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

(5:01:17) – Chairperson Esswein called the meeting to order at 5:00 p.m. Roll was called and a quorum was present. Commissioner Salerno led the Pledge of Allegiance.

Attendee Name	Status	Left
Chairperson Paul Esswein	Present	
Vice Chairperson Mark Sattler	Present	
Commissioner Charles Borders, Jr.	Present	
Commissioner Elyse Monroy	Present (Via Telephone)	8:11 p.m.
Commissioner Daniel Salerno	Present	
Commissioner Candace Stowell	Present	

B. PUBLIC COMMENTS

(5:02:14) – Chairperson Esswein entertained public comments. He also noted that item F-8 will be discussed at 6:30 p.m., adding that audience members who must leave earlier and cannot wait until that time, are invited to voice their comments at this time, and that each comment would be limited to three minutes. Sharon Rosse of Capital City Arts Initiative introduced the artwork in the Sierra Room and in the Community Development Building. She also presented information, incorporated into the record, on the Industrial Arts Design: Sports Edition exhibit, currently in the Courthouse Gallery until September 9, 2017.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – June 28, 2017

(5:06:15) – MOTION: I move to approve the June 28, 2017 meeting minutes.

RESULT:	APPROVED (5-0-1)
MOVER:	Salerno
SECONDER:	Sattler
AYES:	Esswein, Sattler, Monroy, Salerno, Stowell
NAYS:	None
ABSTENTIONS:	Borders
ABSENT:	None

D. MODIFICATION OF AGENDA

(5:07:25) – there were no modifications to the agenda.

E. DISCLOSURES

(5:07:30) – There were no disclosures by the Commissioners.

F. PUBLIC HEARING MATTERS

(5:07:48) – Chairperson Esswein introduced items F-1 and F-2 noting that they will be addressed together; however, separate action will be taken for each item. Ms. Sullivan presented the agenda materials which are incorporated into the record, along with accompanying slides. She also acknowledged the presence of Mark Korinek, Carson City School District Director of Operations, Chris Baker, Planning Manager at Manhard Consulting, and Darren Berger, Project Architect. Commissioner Stowell inquired whether the School District had any plans of consolidating the parcels in the parking lot to have consistent land use and zoning. She also inquired about the location of an abandoned oil tank.

(5:15:30) – Mr. Baker thanked Staff for their efforts and gave background on the project. He noted his agreement, on behalf of the School District, to the conditions of approval outlined in the Staff Report. Mr. Baker also pointed to the location of the oil tanks referenced by Commissioner Stowell on the project map. There were no public comments, and Chairperson Esswein suggested appropriate motions. Commissioner Salerno stated that he was in favor of the project and Commissioner Borders received confirmation that a discussion about a full-size gymnasium was not “out of the question” in the future.

F-1 SUP-17-085 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM CARSON CITY SCHOOL DISTRICT (AGENT: MANHARD CONSULTING) TO ALLOW AN EXPANSION AND REMODELING OF AN EXISTING SCHOOL ON PROPERTY ZONED MULTI-FAMILY APARTMENT (MFA), RETAIL COMMERCIAL (RC) AND PUBLIC (P), LOCATED AT 202 E CORBETT STREET, CORBETT STREET AND E JOHN STREET, APNS 002-138-17, 002-153-04, -09 AND -11.

(5:19:07) – MOTION: I move to approve SUP-17-085, a Special Use Permit to allow 17,995 square foot expansion and remodeling of the existing Pioneer High School, on properties zoned Public, Multi-Family Apartment and Retail Commercial, located at 202 Corbett Street, APNS 002-138-17, 002-153-04, 002-153-09 and 002-153-11, based on the findings and subject to the conditions of approval outlined in the Staff Report.

(5:19:51) – Chairperson Esswein believed that all seven findings can be met and called for a vote.

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

F-2 AB-17-086 FOR POSSIBLE ACTION: TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN APPLICATION FROM CARSON CITY SCHOOL DISTRICT (AGENT: MANHARD CONSULTING) FOR AN ABANDONMENT OF RIGHT-OF-WAY OF THE EASTERN END OF CORBETT STREET, ADJACENT TO PROPERTIES AT 202 E CORBETT STREET, CORBETT STREET AND E JOHN STREET, APNS ADJACENT TO: 002-138-17, 002-153-04, -09 & -11.

(5:20:21) – **MOTION: I move to recommend approval of AB-17-086 to the Board of Supervisors, a request of abandonment of 7,524 square feet of the Corbett Street right-of-way, based on the ability to make required findings and subject to the conditions of approval outlined in the Staff Report.**

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

F-3 AB-17-087 FOR POSSIBLE ACTION: TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN APPLICATION FROM LIBERTY HOMES LLC (AGENT: MANHARD CONSULTING) TO ABANDON A 4,920 SQUARE FOOT PORTION OF PUBLIC RIGHT-OF-WAY ADJACENT TO 4080 HELLS BELLS ROAD, APN 010-361-06.

(5:21:16) – Chairperson Esswein introduced the item. Ms. Pansky presented the Staff Report with accompanying slides, and responded to clarifying questions. She also acknowledged the presence of Chris Baker of Manhard Consulting in the audience. Commissioner Borders was informed that the abandoned land would go to the adjacent property owner with the exception of 64 feet which will be owned by Carson City Open Space. There were no public comments and Chairperson Esswein entertained a motion.

(5:25:06) – **MOTION: I move to recommend that the Board of Supervisors approve the abandonment of a 4,920 square foot portion, more or less, of public right-of-way on Hells Bells Road, west of the Hells Bells Road and Parkhill Drive intersection and adjacent to the property located at 4080 Hells Bells Road, APN 010-361-06, based on the findings and subject to the conditions of approval contained in the Staff Report.**

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

F-4 PUD-17-099 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A PLANNED UNIT DEVELOPMENT FROM NEVADA BUILDERS ALLIANCE (PROPERTY OWNER: BUILDERS ASSOCIATION OF WESTERN NEVADA). THE BOARD OF SUPERVISORS REMANDED THIS ITEM TO THE PLANNING COMMISSION TO CONSIDER LIMITING THE USES FOR THE REQUESTED NEIGHBORHOOD BUSINESS (NB) ZONING DISTRICT, LOCATED AT 806 RANDELL DRIVE, APN 009-072-01.

(5:26:15) – Chairperson Esswein introduced the item. Ms. Sullivan gave background and presented the enclosed Staff Report with accompanying slides, and responded to clarifying questions. She also acknowledged the presence of applicant representative Aaron West. In response to a question by Vice Chair Sattler Ms. Sullivan explained that as a recommendation to the Board of Supervisors “if it is the opinion of the Planning Commission that a childcare facility as a conditional use is not appropriate in this zoning district as a PUD, you could make that recommendation to the Board [of Supervisors]”. She also clarified that because of the conditional use “it would only be allowed upon obtaining a Special Use Permit from the Planning Commission”. Ms. Sullivan reminded the Commission that Staff had supported a childcare facility at this location, with a restriction on the number of children and hours of operation; however, it were up to the Commission to make a recommendation to the Board of Supervisors.

(5:35:19) – Aaron West with the Nevada Business Alliance, introduced himself and noted that the former resolution of changing the property zoning to MH 6000 when sold, did not take into consideration “holding on to the property” by the current owners. He also reminded the Commission that the previous zoning change motion on May 24, 2017 had failed because of a tied 2-2 vote and a motion to deny the Special Use Permit had died for lack of a second. Chairperson Esswein entertained public comments.

PUBLIC COMMENTS

(5:39:18) – Chairperson Esswein acknowledged receipt of several letters from neighbors, incorporated into the record. Ms. Sullivan also noted that new communication was received in the form of late material and incorporated into the record.

(5:40:34) – Michael Basher introduced himself and Linda Basher, his wife, and explained that they live on an adjoining property. Mr. Basher noted that the day care backyard is be located 30-40 feet from his property and opposed having “36 children in my backyard”. He also urged the Board to not allow childcare at the facility, should they decide to proceed with the PUD.

(5:43:22) – Linda Basher introduced herself and noted that she will share “85 feet of fence line” with the property and hoped that the Commission will do “what’s going to do best for us”. She thanked Mr. West for meeting with

her and her husband several times and stated that he had been transparent with them. Ms. Basher noted that she would not like a bar or a casino on the property, just as much as not wanting “36 children hanging on my fence”.

(5:46:23) – Bob Thrower wished to see the property turned back to a home and sold. He also expressed concern over the traffic and noted that Carson Lanes Day Care had been denied expansion because of traffic, since they were not allowed to “walk the kids across the parking lot”.

(5:48:21) – There were no additional public comments; therefore, Chairperson Esswein entertained commissioner discussion. Commissioner Stowell noted that she would not support the recommendation to approve the PUD as it would not be able to meet findings five and six. She was not in favor of the Neighborhood Business zoning and believed the property should be zoned as Residential Office to stay compatible with the existing neighborhood.

(5:50:12) – Vice Chair Sattler explained that he would support the PUD only if “the conditional use of childcare facility was dropped”. Commissioner Salerno was also in favor of the Residential Office zoning, and was concerned with the post office truck traffic. Commissioner Monroy agreed with Vice Chair Sattler’s statement that the PUD could be an effective tool if the child care facility use were to be removed. Commissioner Borders was not comfortable using the term PUD and did not believe that the childcare facility was an appropriate use. Chairperson Esswein noted that the way the original resolution was written, when the initial use was terminated, the property would revert to residential zoning, adding that “our obligation is to the larger community and to ensure that the uses that are permitted in this neighborhood are the most compatible”.

(5:55:45) – Mr. West reminded the Commission that the current neighborhood business designation allowed residential use as conditional, requiring a Special Use Permit (SUP). He believed that “if you have the ability to remove child care from the list of allowed uses, you can also remove the conditional use from the residential use”. Mr. West believed that the community would support the residential use and suggested not putting “an additional burden on the property, to get to where the neighbors would like to go”. Chairperson Esswein was informed by Ms. Sullivan that the Commission would make a recommendation to the Board of Supervisors and address the appeal of their decision on the SUP and the Variance, and a request to amend the zoning map to rescind the existing Resolution of Intent. She also noted that the Board of Supervisors, with an agreement from the applicant, had asked the Planning Commission to consider a PUD so it would be more of an “apples to apples” decision with uses that are “compatible with residential”. Vice Chair Sattler was informed that the uses identified in the SUP would allow applicants to “go directly to a building permit”. Mr. West confirmed that removing the childcare from the allowed list would only allow a single-family home on the property which would require an SUP, and requested that the latter become a permitted use. Chairperson Esswein entertained a motion.

(6:0049) – MOTION: I move to recommend to the Board of Supervisors approval of PUD-17-099, a request for a Planned Unit Development that would limit the allowed uses and conditional uses of the subject property as stated in the Staff Report, as well as limit the building height to one single-story and limit any signage to dimensions not to exceed two feet by three feet, on property zoned Neighborhood Business, located at 806 Randell Drive, APN 009-072-01, based on the findings contained in the Staff Report, with a revision that a child care facility would be removed and that a single-family unit would be included as an item allowed without the need of a Special Use Permit.

(6:02:03) – Chairperson Esswein did not believe the motion met all the required findings, especially, findings five and one.

RESULT:	APPROVED (5-1-0)
MOVER:	Salerno
SECONDER:	Sattler
AYES:	Sattler, Borders Monroy, Salerno, Stowell
NAYS:	Esswein
ABSTENTIONS:	None
ABSENT:	None

F-5 SUP-17-078 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM WENDY’S SOUTH (PROPERTY OWNER: WENCO, INC.) TO ALLOW AN INCREASE IN PERMITTED, EXISTING TOTAL SIGN AREA OF 154 SQUARE FEET TO 181 SQUARE FEET FOR ADDITIONAL WALL SIGNAGE ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 4140 S CARSON STREET, APN 009-153-07.

(6:04:03) – Chairperson Esswein introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, with accompanying slides and responded to clarifying questions. She also noted the presence of the applicant in the audience and clarified for Commissioner Stowell that the dimensions in the application were different from the ones to be approved as part of the Staff Report. Commissioner Borders was informed that the request was for wall signs and not for free-standing ones.

(6:07:00) – Applicant representative Marc Lipkowitz of Custom Sign and Crane explained that unlike many other cities, Carson City allowed two signs, only “if the property has two street frontages” which prevented them to install “the national branding package”. Chairperson Esswein entertained public comments; however, none were forthcoming.

(6:09:22) – MOTION: I move to approve SUP-17-078, a request from Wendy’s South (property owner: Wenco, Inc.) for a Special Use Permit to allow a sign area of 181 square feet on property zoned General Commercial, located at 4140 South Carson Street, APN 009-153-07, based on the findings and subject to the conditions of approval contained in the Staff Report.

RESULT:	APPROVED (5-1-0)
MOVER:	Sattler
SECONDER:	Salerno
AYES:	Esswein, Sattler, Borders, Monroy, Salerno
NAYS:	Stowell
ABSTENTIONS:	None
ABSENT:	None

F-6 SUP-17-084 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM ATHENA HARDIMAN (PROPERTY OWNER: HOT SPRINGS CENTER ASSOCIATES) TO ALLOW A CHILD CARE FACILITY ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 2323 N CARSON STREET, APN 002-061-34.

(6:10:30) – Chairperson Esswein introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, with accompanying slides, and responded to clarifying questions. Discussion ensued regarding the

parking lot on the southern side of the property. Applicant Athena Hardiman stated that she had read the Staff Report and was in agreement with it. She also noted that the loss of five parking spaces to a playground would not be an issue, since they would comply with the state requirement of having a pull-through which she believed was “so long” and would not pose parking issues. Chairperson Esswein was informed that parents dropping off their children through the front door would have adequate parking in the front of the building, especially for the infant nursery located in the front of the building. Ms. Hardiman also confirmed that the back entry will have double gates to ensure the safety of the children and a passcode-protected doorknob will prevent strangers from entering through the back of the building. Chairperson Esswein entertained public comments, and when none were forthcoming, a motion.

(6:21:07) – MOTION: I move to approve SUP-17-084, a Special Use Permit to allow a child care facility on property zoned Retail Commercial, located at 2321 and 2323 North Carson Street, APN 002-061-34, based on the findings contained in the Staff Report and subject to the conditions of approval.

(6:21:51) – Ms. Sullivan suggested additional language to conditions seven and eight to read: “Alternative methods consistent with fire code may be utilized subject to review and approval of the fire Marshall.” Both the mover and the seconder agreed to the amendment.

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

(6:22:30) – Chairperson Esswein recessed the meeting.

(6:30:26) – Chairperson Esswein reconvened the meeting. A quorum was still present.

F-7 SUP-17-082 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST TO AMEND AN EXISTING SPECIAL USE PERMIT FROM CARSON CITY AGENCY SOLUTIONS LLC (PROPERTY OWNER: CAPITAL VENDING CO, INC.) TO ALLOW AN EXPANSION OF AN EXISTING MEDICAL MARIJUANA PRODUCTION FACILITY ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 4949 HIGHWAY 50 EAST, SUITE A-4, APN 008-371-05.

(6:30:30) – Chairperson Esswein introduced the item. Ms. Pansky presented the Staff Report and responded to clarifying questions. She also noted that this item was to modify an existing SUP, and unrelated to item F-8, modifying the Title 18 ordinance. Vice Chairperson Sattler was informed that the roll-up doors across from the facility belonged to warehouse spaces. Ms. Pansky stated that per a Board of Supervisors decision, this facility is allowed to move forward with recreation marijuana as well on a temporary basis. She also clarified for Commissioner Salerno that the nearby trailer park and its facilities “are not considered a community facility or school under the State or our local ordinance distancing requirements”. Chairperson Esswein invited the applicant to the podium.

(60:40:01) – Lucinda Mahoney introduced herself as the owner of Carson City Agency Solutions, LLC. She explained that their business model was to become unknown and inconspicuous in the community with no complaints to date. Ms. Mahoney noted that they were requesting an expansion for additional equipment, and to add more production and manufacturing space. Chairperson Esswein entertained public comments.

PUBLIC COMMENTS

(6:41:44) – Bob Buttner introduced himself as a neighborhood resident and complimented the applicant's business for being low-key; however, he was concerned that once the change to recreational marijuana occurred, that would change. Mr. Buttner also clarified that the roll-up doors belonged to a thrift store, and that the trailer park was less than 100 yards away from the facility.

(6:43:25) – Will Adler representing Sierra Cannabis Coalition introduced himself and disagreed that “having increased use of the facility will increase its footprint”, adding that no new employees will be added. He also clarified that production facilities are designed to be “incognito”.

(6:44:36) – Ms. Pansky confirmed for Chairperson Esswein that the subject property will not have a retail component and would only serve as a production facility. The Chair entertained additional discussion, and when none were forthcoming, a motion.

(6:45:27) – **MOTION: I move to approve SUP-17-082, a request from Carson City Agency Solutions, LLC (property owner: Capital Vending Co, Inc.) to allow the expansion of an existing medical marijuana production facility, located at 4949 Highway 50 East, Suite A-4, APN 008-371-05, based on the findings and subject to the conditions of approval contained in the Staff Report.**

RESULT:	APPROVED (5-1-0)
MOVER:	Sattler
SECONDER:	Stowell
AYES:	Esswein, Sattler, Borders, Monroy, Stowell
NAYS:	Salerno
ABSTENTIONS:	None
ABSENT:	None

F-8 ZCA-17-100 FOR POSSIBLE ACTION: TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING A ZONING CODE AMENDMENT APPLICATION AMENDING TITLE 18, ZONING; CHAPTER 18.03, DEFINITIONS, TO ADD AND AMEND DEFINITIONS REGARDING MARIJUANA ESTABLISHMENTS; AMENDING CHAPTER 18.04, USE DISTRICTS, TO ADOPT REGULATIONS TO ALLOW MARIJUANA DISPENSARIES AS A CONDITIONAL USE WITHIN THE GENERAL COMMERCIAL AND GENERAL INDUSTRIAL ZONING DISTRICTS WITHIN CERTAIN AREAS OF THE CITY; TO ALLOW MARIJUANA CULTIVATION ESTABLISHMENTS, PRODUCT MANUFACTURING ESTABLISHMENTS, AND TESTING LABORATORIES AS A CONDITIONAL USE IN THE GENERAL INDUSTRIAL AND GENERAL INDUSTRIAL AIRPORT ZONING DISTRICT WITHIN CERTAIN AREAS OF THE CITY; TO ALLOW MARIJUANA DISTRIBUTION ESTABLISHMENTS IN THE LIMITED INDUSTRIAL AND GENERAL INDUSTRIAL ZONING DISTRICTS; AND AMENDING CHAPTER 18.16,

DEVELOPMENT STANDARDS, DIVISION 1, LAND USE AND SITE DESIGN, TO ESTABLISH DEVELOPMENT STANDARDS FOR MARIJUANA ESTABLISHMENTS.

(6:46:38) – Chairperson Esswein introduced the item. Mr. Plemel gave background and presented the agenda materials which are incorporated into the record. He also responded to clarifying questions by the Commissioners and clarified to the public that the Commission was not a policy-making body, but will make recommendations to the Board of Supervisors.

(7:06:05) – Vice Chair Sattler received clarification that the General Industrial Airport zoning was “a conversion of some Airport Industrial zoning that was not adjacent to the airport”. Commissioner Stowell inquired about the discrepancies between the draft ordinance and the Staff Report where the term marijuana dispensaries and marijuana retail stores. Mr. Plemel clarified that the ordinance will continue to be revised and will accurately reflect the verbiage when presented to the Board of Supervisors, adding that the term dispensary was used for the medical marijuana establishments, and that the term retail stores will now be adopted due to sales of recreational marijuana. Chairperson Esswein clarified that the applicant in this case was the City. He entertained public comments which would be limited to three minutes per speaker, and noted that 25 letters [incorporated into the record] had been received and, all but one, were in opposition to the draft ordinance. Mr. Plemel stated that all the letters and comments will be forwarded to the Board of Supervisors. Chairperson Esswein clarified that the Commission will not respond to each individual comment; however, he would entertain clarification from Staff at the end of the comments period.

PUBLIC COMMENTS

(7:14:33) – Claudio Iturriaga who introduced himself as an operator of two dispensaries in Reno and Carson City, noted that they had followed all the rules and had not experienced any issues in either city. He also clarified that no changes were planned to the Carson City location except “we will be attending to adult use patrons as well as to medical patients”.

(7:15:41) – Kathleen Lee suggested “building an eight-foot wall” if any of the locations will “back into somebody’s backyard”.

(7:16:30) – Bud Southard introduced himself as the Board President of the Quail Run Senior Homeowners’ Association, which he believed “puts us very close to industrial property”. Mr. Southard referenced a petition, incorporated into the record, signed by 92 percent of the residents present at the time of its circulation. He also expressed concern that future boards may reconsider the zoning and reminded them of the presence of three schools in the area and believed that young children and grandchildren “do not need to be exposed to stuff like this”. Mr. Southard relayed his military experience when he “helped some young men discontinue their time in service because of smoking pot...they were working on an aircraft for me and smoking pot, it doesn’t pass.” He was also concerned with persons using recreational marijuana and providing services such as medical and banking services, especially with the availability of edibles. Mr. Southard expressed regret that the legislature had legalized [recreational marijuana].

(7:20:05) – Adrienne Freeman introduced herself and referenced a letter she had sent along with her husband. Ms. Freeman was concerned about the zoning change from General Commercial to Limited Industrial. She believed that the zoning would affect storage of marijuana, which would emit odor and affect people with allergies. Ms. Freeman objected to the distribution zoning change which she believed would be in close

proximity to residences, and wished to see the same distance rules currently applied to schools be applied to residences with children. She believed that the zoning change was to accommodate one distributor and believed it would set a precedent.

(7:23:15) – Anthony Georgiadis introduced himself as a general partner with GTI Nevada, operator of Rise dispensary in Carson City. Mr. Georgiadis noted that they had been operating in Carson City for over 10 months and had “a great relationship with the entire city, the police department, the fire department, and everyone else”. He stated that currently Carson City residents were driving to Reno to make their marijuana purchases, which he believed comprised 20 percent of the Reno customer base. Mr. Georgiadis also believed that drivers from Reno were making deliveries to Carson City “with a lot of cash and a lot of product” which could be eliminated by allowing retail sales locally, according to Mr. Georgiadis.

(7:24:24) – Steve von Rumpf introduced himself as a Carson City resident, a 10-year US Marine Corps veteran, a retired member of Nevada law enforcement, and a polygraph examiner for sex offenders. Mr. von Rumpf noted that through his job he comes “in contact with sex offenders and anybody else using illegal drugs, mainly marijuana”. He acknowledged that the law cannot be changed at this point; however, he believed it should not be made easier to access than it already is. Mr. von Rumpf also cited the example of sheltering homeless persons at St. Teresa [of Avila Church] who preferred “to be on the streets using drugs at will...I don’t think we need any more of it in this town.”

(7:25:55) – Carol Paz introduced herself as a member of the Quail Run community and noted that the current marijuana establishments have only been in existence for a year or less. Ms. Paz was also concerned that not much feedback had been received from school officials and teachers, and was concerned that “we’re looking at this from a retail point of view, a business point of view, and from an adult point of view...and, we’re responsible for the next generation.”

(7:27:28) – Virginia Lewis introduced herself as “a mother of an almost 16-year-old son” and believed that marijuana “has ruined his life forever”. Ms. Lewis was opposed to retail sales and manufacturing of marijuana because she believed it promoted marijuana use to the younger generation. She believed “people are only interested in making money and not having a bit of concern for the welfare of our young people.” Ms. Lewis noted that the results of “what marijuana has done to any of our young people” are not being heard.

(7:28:57) – CeCe Stanton introduced herself as a marijuana patient advocate and the founder of the Cannabis Network. Ms. Stanton advocated for the patients and for their safe access regardless of medicinal or recreational use. She stated that “a lot of veterans in the State that actually are happy that we’ve been able to go recreational because it allows them now the opportunity to be able to purchase the medicine in a safe form where all the medicine is tested.” Ms. Stanton believed that the black market was unsafe and she believed that the education component was important, adding that marijuana was safe “as there’s no mortality to it unless it’s laced with something else” or combined with another drug.

(7:31:08) – Will Adler, Sierra Cannabis Coalition, clarified that the medical marijuana dispensaries will now be known as adult use retail marijuana storefronts. Mr. Adler believed that because Carson City is “not allowing for additional storefronts without additional medical marijuana dispensaries” will positively impact the community. He also thought that the existing dispensaries had “a non-effect” and kept a low profile.

(7:33:38) – Kathleen McFarlin introduced herself as a homeowner and opposed to extending the zoning to Light Industrial when an area “backs up to neighborhoods”. She also expressed concern that she was unable to find locations “where people are happy that it came into their neighborhood and that it’s been an asset to the community, and that the crime has been kept down”. She also cited an example in Spokane [Washington] where “the house value had gone down by 10 percent” due to the odor and the fact that it faced a dispensary or a production plant. Ms. McFarlin was also concerned that drivers that miss the dispensary would have to “make a loop through the neighborhood” to find it thus increasing traffic “and the elements that come along with drug use”, adding that her son recently “because it’s legal, [he] started using again”, and since marijuana is not legal at a federal level, related damage to homes will not be covered by insurance.

(7:36:56) – David Ruf referenced a letter, incorporated into the record, regarding the zoning change and outlined its impact on churches, schools, and homes located within a 300-foot perimeter to Light Industrial zones.

(7:38:20) – Bob Buttner agreed with Mr. Ruf’s comments and wished the zoning to be removed from residential areas to address the “vast majority of issues that the homeowners at least are concerned about”.

(7:39:01) – Chairperson Esswein entertained additional comments and when none were forthcoming, he closed the public comments portion of the meeting.

(7:39:23) – Vice Chair Sattler received confirmation from Mr. Plemel that the odor control regulations were a part of State Law and is a condition of approval for every growth and production facility. Mr. Plemel also noted that General Commercial could be in someone’s backyard if they are in a General Commercial zone; however, the Special Use Permit requirement would take all exceptions into consideration. Discussion ensued regarding distribution and Mr. Plemel explained that “aside from the fact of what the product is, we feel that a delivery is a similar use to those already existing in Limited Industrial and General Industrial [zones]”. Mr. Plemel added that “warehouses and distributors are permitted by right in those zoning districts”, hence, the Staff recommendation for permitted use with many state and local requirements.

(7:46:55) – Commissioner Stowell inquired about recommending marijuana distribution as a conditional use. Mr. Plemel clarified that currently the Board of Supervisors, via a temporary ordinance, has allowed an existing liquor distributor to distribute recreational marijuana “as soon as they get their State license”. He also stated that any new distribution requests could be required a Special Use Permit. Commissioner Borders believed that conditional use would provide the Commission the ability to address neighborhood concerns. In response to a question by Commissioner Sattler, Mr. Plemel clarified that a distributor’s location is where the license and vehicles are located, and should this Commission disallow the Light Industrial zoning, the distributor may extend the license to operate from a General Industrial zone. Discussion ensued regarding separation from residences with a fence or a wall. Mr. Yu clarified that “what’s up for debate is the recommendation, if or when this body decides to make that motion to the Board of Supervisors, for the first reading and the second reading, eventually, to enact these provisions to be incorporated in the Carson City Municipal Code (CCMC)”. Mr. Yu also explained that the Commission may refine the conditions of approval to address certain issues such as proximity to residences. He also noted that he would provide legal advice but not make policy recommendations, adding that the Commission may add to or deviate from what is currently being proposed. Chairperson Esswein suggested moving the Limited Industrial zoning for marijuana distributors’ primary permitted use to a conditional use, to be approved by the Planning Commission.

(7:56:04) – Commissioner Stowell reviewed two scenarios: removing Limited Industrial zoning and allowing all General Industrial zoning, or making distribution conditional. Chairperson Esswein believed that “marijuana enterprises should be required a special use permit regardless which one you are”. Commissioner Borders received confirmation that the current distributor is located in a Limited Industrial zone. Discussion ensued regarding conditional use in a Limited Industrial area. Chairperson Esswein entertained a motion.

(8:02:02) – MOTION: I move to recommend to the Board of Supervisors approval of an ordinance amending Title 18, Zoning; Chapter 18.03, Definitions, to add and amend definitions regarding marijuana establishments; amending Chapter 18.04, Use Districts, to adopt regulations to allow marijuana dispensaries as a conditional use within the General Commercial and General Industrial zoning districts within certain areas of the City; to allow marijuana cultivation establishments, product manufacturing establishments, and testing laboratories as a conditional use in the General Industrial and General Industrial Airport zoning district within certain areas of the City; to allow marijuana distribution establishments in the Limited Industrial and General Industrial zoning districts as a conditional use; and amending Chapter 18.16, Development Standards, Division 1, Land Use And Site Design, to establish development standards for Marijuana establishments.

RESULT:	APPROVED (5-1-0)
MOVER:	Stowell
SECONDER:	Sattler
AYES:	Esswein, Sattler, Borders, Monroy, Stowell
NAYS:	Salerno
ABSTENTIONS:	None
ABSENT:	None

F-9 MISC-17-074 FOR POSSIBLE ACTION: TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN ORDINANCE TO PLACE A NEW MORATORIUM, FOR A PERIOD OF UP TO 180 DAYS WITH THE ABILITY TO EXTEND IT BY RESOLUTION FOR UP TO AN ADDITIONAL 60 DAYS, ON THE ACCEPTANCE AND PROCESSING OF PLANNING OR OTHER APPLICATIONS FOR CONSTRUCTION OR OPERATION OF MARIJUANA ESTABLISHMENTS AS CONTEMPLATED BY THE REGULATION AND TAXATION OF MARIJUANA ACT PASSED BY NEVADA VOTERS DURING THE GENERAL ELECTION ON NOVEMBER 8, 2016.

(8:04:09) – Chairperson Esswein introduced the item. Mr. Plemel presented the agenda materials which are incorporated into the record.

(8:05:55) – MOTION: I move to recommend, in the event that an ordinance is not adopted regarding recreational marijuana establishment regulations by September 19, 2017, that the Board of Supervisors approve an ordinance declaring a second moratorium, for a period of up to 180 days with the ability to extend it by resolution for up to an additional 60 days, on the acceptance and processing of planning or other applications for construction or operation of new marijuana establishments, based on the findings contained in the Staff Report.

(8:06:37) – Commissioner Salerno stated that the use of marijuana is a violation of federal law and that is why he will vote against the item and “all other items that have anything to do with marijuana”. He also believed that “the character of Carson will forever be changed with the approval, particularly, of recreational marijuana – and not for the better”.

RESULT:	APPROVED (5-1-0)
MOVER:	Borders
SECONDER:	Stowell
AYES:	Esswein, Sattler, Borders, Monroy, Stowell
NAYS:	Salerno
ABSTENTIONS:	None
ABSENT:	None

F-10 MISC-17-080 FOR POSSIBLE ACTION: TO ELECT PLANNING COMMISSION OFFICERS.

(8:07:31 – Chairperson Esswein introduced the item and noted that he is ineligible to run for Chair again.

(8:08:09) – **Commissioner Salerno nominated Vice Chair Sattler for the position of Chair. The nomination was seconded by commissioner Borders.** There were no additional nominations. Chairperson Esswein entertained public comments. When none were forthcoming, he closed the nominations and called for the vote. **The nomination passed by 5-0-1 with Chairperson Elect Sattler abstaining.**

(8:09:22) – **Chairperson Elect Sattler nominated Commissioner Borders for the position of Vice Chair.** He also thanked outgoing Chair Esswein for his service as chair. **The nomination was seconded by Commissioner Salerno.** There were no additional nominations. Chairperson Esswein called for the vote. **The nomination passed by 5-0-1 with Vice Chairperson Elect Borders abstaining.**

G. STAFF REPORTS (NON-ACTION ITEMS)

G-1 DIRECTOR'S REPORT TO THE COMMISSION.

(8:11:49) – Commissioner Monroy left the meeting. A quorum was still present.

(8:11:55) – Mr. Plemel presented the Staff Report regarding State legislative updates, which is incorporated into the record. He also noted that the November Planning Commission meeting will include agenda items for a Master Plan update and a report.

FUTURE AGENDA ITEMS

(8:15:54) – Mr. Plemel stated that a few Special Use Permit items and a report from the Nevada Planning Association will be agendaized for the August meeting. He also reported that a tentative map on North Edmonds Drive, a zoning code amendment for multi-family open space, and the growth management allocation recommendation were approved by the Board of Supervisors. Mr. Plemel noted that the appeal of the Planning Commission’s denial of the Montessori School on Mouton Drive was also heard by the Board of Supervisors which they approved for two additional years.

COMMISSIONER REPORTS/COMMENTS

(8:18:06) – Chairperson Elect Sattler was informed that the Board of Supervisors had received several applications and would be interviewing and appointing a member soon. Commissioner Borders took exception to some of the written public comments received regarding the agendized marijuana items, calling them “visceral” and “nasty” and hoped that the tone would change. Mr. Plemel thanked the Commission for their professionalism and noted that the items reflected were neither his nor the Commission’s personal opinions. Commissioner Borders read excerpts from the Nevada Appeal regarding quotes by the City Manager on the difficult decisions made by this Commission. He also expressed concern that the Commission may be turned “into another Planning Department” and forgo community input.

H. PUBLIC COMMENT – none.

I. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(8:21:26) – Chairperson Esswein adjourned the meeting.

The Minutes of the July 26, 2017 Carson City Planning Commission meeting are so approved this 30th day of August, 2017.

PAUL ESSWEIN, Chair