

MINUTES
Carson City Planning Commission Regular Meeting
Wednesday, March 25, 2020 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Charles Borders, Jr.
Commissioner – Paul Esswein
Commissioner – Teri Preston
Commissioner – Jay Wiggins

Vice Chair – Alex Dawers
Commissioner – Richard Perry
Commissioner – Hope Tingle

Staff

Lee Plemel, Community Development Director
Hope Sullivan, Planning Manager
Benjamin Johnson, Deputy District Attorney (Remotely)
Dan Stucky, City Engineer
Heather Ferris, Associate Planner
Tamar Warren, Senior Public Meetings 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 and the approved minutes of this meeting are available on www.Carson.org/minutes.

A. ROLL CALL AND DETERMINATION OF QUORUM

(5:00:27) – Chairperson Borders called the meeting to order at 5:00 p.m. Roll was called and a quorum was present. Commissioner Tingle led the Commission in the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Charles Borders, Jr.	Present	
Vice Chair Alex Dawers	Present	
Commissioner Paul Esswein	Present	
Commissioner Richard Perry	Present	
Commissioner Teri Preston	Absent	
Commissioner Hope Tingle	Present	
Commissioner Jay Wiggins	Present	

B. PUBLIC COMMENTS

(5:01:18) – Chairperson Borders introduced the item and invited Mr. Plemel to provide “the rules of the day.” Mr. Plemel explained that this meeting would accommodate the Governor’s most recent social distancing directive, adding that several agenda items had time limits, according to the Nevada Revised

Statute (NRS) that must be acted upon. He explained the meeting logistics and stated that the City Engineer and the Deputy District Attorney would be providing guidance via telephone. Mr. Plemel noted that a public comments table was set up outside the room and recommended that the viewing public visit City’s website for local COVID 19-related information.

(5:04:44) – Chairperson Borders entertained public comments. Mr. Plemel indicated that members of the public were present to comment on items E.2 and E.3.

C. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – FEBRUARY 26, 2020, WORKSHOP MINUTES: MARCH 4, 2020,

(5:05:25) – Chairperson Borders introduced the item and entertained comments, questions, and/or a motion. Mr. Plemel noted that the February 26, 2020 meeting minutes were not included in the minutes. Commissioner Tingle requested clarification on why the comment from the second paragraph of item E on page two of the March 4, 2020 Planning Commission Workshop minutes stating “*Carson City Supervisor Lori Bagwell thanked the Commission for their time and explained that her rationale of defining ‘public benefit’ was different from what she had heard in the workshop*” was needed, and “why there was discussion about that.” Mr. Plemel explained that the Clerk’s minutes were not done verbatim; however, a record was available on videotape. Commissioner Esswein proposed adding “[*Carson City Supervisor Lori*] *Bagwell responded to Commission discussion of the idea of public benefit.*”

(5:08:07) – MOTION: Vice Chairperson Dawers moved to approve the minutes of the March 4, 2020 Workshop including the noted additional comment. The motion was seconded by Commissioner Esswein.

RESULT:	APPROVED (6-0-0)
MOVER:	Dawers
SECONDER:	Esswein
AYES:	Borders, Dawers, Esswein, Tingle, Perry
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Preston

(5:09:00) – Mr. Plemel noted that the February 26, 2020 meeting minutes were not ready at this time due to extenuating circumstances, and they would be provided for review at the next meeting.

(5:09:37) – Ms. Warren read the following excerpt into the record from the March 4, 2020 Planning Commission Workshop minutes as a clarification to the earlier discussion:

(4:32:58) – Carson City Supervisor Lori Bagwell thanked the Commission for their time and explained that her rationale of defining “public benefit” was different from what she had heard in the

workshop. She explained that the recommendation concerning public benefit was to give the commissioners the ability to have something in the code that would allow them to forgo a finding for the public benefit. She cited the hypothetical example of a project that may not fit a box; however, it brings hundreds of jobs to Carson City with relatively high average pay.

D. MODIFICATION OF AGENDA

(5:10:22) – Mr. Plemel stated that there were no modifications to the agenda.

E. MEETING ITEMS

PUBLIC HEARING

E.1 ZA-2020-0003 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR AN ORDINANCE DECLARING A 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 HEMP CULTIVATION OR HEMP PRODUCT MANUFACTURING.

(5:10:42) – Chairperson Borders introduced the item. Mr. Plemel gave background and presented the Staff Report, which is incorporated into the record. He clarified that even though hemp was considered an agricultural product permitted for growing in the state, some issues such as odor, when growing it outside were being considered, especially near residential areas. He noted that a moratorium on hemp cultivation and handling would allow the City time to develop appropriate draft regulations for the Commission’s review and recommended the declaration of a moratorium.

(5:18:34) – Chairperson Borders entertained comments and/or questions from the Commission. Commissioner Wiggins asked if new draft regulations, if accepted, would be retroactive to the existing businesses. Mr. Plemel explained that new regulations in zoning typically are not written as retroactive, and any existing business would be grandfathered under other provisions of Carson City Municipal Code.

(5:18:44) – Chairperson Borders addressed the odor that comes from the live hemp plants, and Mr. Plemel stated that, hemp odor would be an issue if not controlled properly, and that regulations may be provided appropriately. He also confirmed for Commissioner Perry that manufacturing would have to occur in areas zoned as industrial. Commissioners Perry and Tingle indicated that the odor may not be an issue compared to that of alfalfa.

(5:22:43) – In response to Commissioner Perry’s question, Mr. Plemel explained that hemp as a crop has specific State regulations that involve obtaining a special permit or license, with an NRS requirement being that the applicant prove that their local jurisdiction allows for the particular use where proposed.

(5:23:28) – Commissioner Esswein believed that discussion on the odor was premature since the item was agendized as a recommendation to the Board of Supervisors for a moratorium until Staff can make a recommendation.

(5:24:25) – In response to Commissioner Wiggins’ question regarding current applicants, Mr. Plemel stated that Staff were not aware of any applicants. Mr. Plemel also confirmed for Vice Chairperson Dawers that the ordinance would only apply to new business licenses in the hemp industry and would not affect existing businesses.

(5:25:30) – Chairperson Borders entertained public comments; however, none were forthcoming.

(5:25:45) – Commissioner Dawers wished to obtain information from a resource such as an authority in the industry and on the matter. Chairperson Borders entertained a motion.

(5:27:13) – MOTION: Commissioner Esswein moved to recommend a moratorium, for a period of up to 180 days with the ability to extend it by resolution of the Board of Supervisors for up to an additional 60 days, on the acceptance and processing of planning or other applications for construction or operation of hemp cultivation only, including the drying of harvested hemp plant material. Vice Chairperson Dawers seconded the motion.

RESULT:	APPROVED (6-0-0)
MOVER:	Esswein
SECONDER:	Dawers
AYES:	Borders, Dawers, Esswein, Tingle, Perry, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Preston

PUBLIC HEARING

E.2 2019-00000082 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST TO AMEND A SPECIAL USE PERMIT (SUP-19-082) FOR A BOOSTER PUMP STATION, TO ALLOW FOR AN INCREASE IN HEIGHT FROM 15 FEET TO 19 FEET 2 INCHES FOR THE APPROVED FACILITY ON PROPERTY ZONED SINGLE FAMILY 21,000 PLANNED UNIT DEVELOPMENT, LOCATED APPROXIMATELY 390 FEET EAST OF LONGVIEW WAY AND 530 FEET NORTH OF WATERFORD PLACE IN THE LONG RANCH PLANNED UNIT DEVELOPMENT, APN 007-392-39.

(5:28:02) – Chairperson Borders introduced the item. Ms. Ferris gave background and presented the Staff Report, accompanying pictures, and the Late Material, all of which are incorporated into the record, and she and Mr. Stucky responded to clarifying questions.

(5:33:20) – Chairperson Borders entertained Commissioner comments. Commissioner Tingle pointed out that the original pictures of the location of the building differed from the photographs provided by area residents Reid and Joanna Kaiser and believed that the Kaisers had a “fairly valid argument” about the facts of the location of the building being unclear. In response to Commissioner Tingle’s question, Mr. Stucky stated that the facility had been planned for multiple years with many locations considered, and he pointed out that, from a hydraulics perspective, the booster station would need to be where it is being proposed, due to the existence of a floodplain.

(5:35:59) – In response to Chairperson Borders’ question, Mr. Stucky clarified that the muffler was mounted vertically and was roughly small car-sized. Chairperson Borders remarked that it seemed like they were building “a great big building to accommodate a muffler which is sitting on one end [of the building]” and suggested building a roof with different heights so the height is kept the same except for the one area with the muffler. Mr. Stucky affirmed that the idea could be considered. Chairperson Borders recommended building a roof with a staggered height. Ms. Ferris noted that a foot of the proposed height would be underground. She also clarified for Commissioner Perry that the [open space] property is owned and maintained by the City.

(5:43:51) – Vice Chairperson Dawers was informed that the horizontal footprint of the building had not changed. He agreed with the idea of limiting the impact of what would be raised and suggested lowering other parts of the roof where feasible “in the spirit of being a good neighbor.” Mr. Stucky believed it would be easier to lower the entire section of the roof rather than small sections.

(5:46:20) – Commissioner Esswein wished to review a redesign before voting on the matter. Commissioner Wiggins noted that currently the setbacks were residential and inquired about the commercial ones. Ms. Ferris clarified that the current rear setback was 30 feet, which was the minimum requirement of a commercial to residential setback. Commissioner Esswein pointed out that the building would be raised to the point that the Kaisers’ whole fence line view would be disrupted by the view of the building.

(5:48:43) – Mr. Stucky proposed using a smaller muffler, though it would not have the same sound attenuation as the larger muffler, to get below the original fifteen-foot height, which would lower the roofline. Vice Chairperson Dawers pointed out for consideration of the Commission that the building’s height would continue to affect the Kaisers’ view while the sound would be on a generator and run very infrequently.

(5:50:15) – Chairperson Borders entertained public comments. Ms. Kaiser introduced herself and thanked the Commission for allowing public comment. She referenced the photographs she had provided to the Commission, incorporated into the record, and commented that the original notice (in June 2019) showed the arrows on the notice pointing away from homes; therefore, no one from her neighborhood had attended that meeting. She stated that Mr. Kaiser had addressed the issue with the City in January 2020, immediately following the first appearance of the excavating equipment. She believed that, while the City does not protect views, it would not be neighborly, as Vice Chairperson Dawers had also stated, and it

would not be “the Carson City way” when the appeal of her property is the open vistas. She mentioned that City residents she had spoken to were shocked that the City would go about building the structure directly behind her home. She pointed out that the development goes against “the City Codes and Ordinances” regarding being compatible with and preserving the character of the neighborhood and how the City’s documents had shown evergreen trees directly behind the property when there were no evergreen trees behind her property. Ms. Kaiser stated that it was “very prejudicial to one homeowner...you stuck it directly behind our home and the whole length of our fence line.” She was also concerned with the development negatively affecting the property values and believed it was unacceptable.

(6:00:58) – Mr. Kaiser introduced himself and indicated through photographs he provided as Late Material how high the structure would be, and noted that it would block much of their view from their backyard as well as how close the structure would be to their yard. He also pointed out some of the inaccuracies of the June notice as well as those of the notice for this meeting. He mentioned that their neighbors had to submit plans and the Kaisers’ signature before the City would allow them to get a building permit, and he wished that the same could have been done for this project. He reiterated that the structure being directly behind their house was unacceptable and that the notice was misleading.

(6:06:55) – John Vettel introduced himself as a real estate professional and a resident of Derby Court. He expressed opposition to the building being in the proposed location and noted that the original notice had mentioned “Norfolk Drive” which was the reason for the lack of opposition to the building. He stated that people come from all over the City to walk on and enjoy the pathway in that location with the view of the open space, and he echoed Mr. and Ms. Kaiser’s comments about the misleading June 2019 notice. Mr. Vettel believed that the development would completely change the nature of the neighborhood, and he stated that he would complain to the Board of Supervisors if needed.

(6:10:20) – Mike Messman introduced himself as a resident on Derby Court and as the Kaisers’ next-door neighbor. He was opposed to the building being built with the current proposed size and specifications. He echoed previous comments made regarding the June 2019 notice and stated that it was vague and lacked many details that would allow him to come to an understanding of what was to be built. He mentioned that the subdivision that is desirable to many would be affected by the development.

(6:13:47) – John Granata introduced himself as a resident of Derby Court and echoed previous comments regarding the June 2019 notice. He also objected to the size of the structure and the noise it would generate.

(6:15:11) – Chairperson Borders entertained Commission discussion. Commissioner Esswein proposed withdrawing the application and bringing back a revised plan at a later date, to which Chairperson Borders pointed out that the approved Special Use Permit was granted for a 15-foot building. Mr. Stucky clarified that they could go back to the original plan with a smaller muffler to lower the roof rather than a redesign. Commissioner Tingle inquired whether the original Special Use Permit could be revoked and was informed that it was not an agenda item for this discussion.

(6:17:13) – Vice Chairperson Dawers commented on how with the 15-foot roof, based on the photograph provided by Mr. Kaiser, it was still disappointing that the Kaisers may get to see part of the Virginia Range from their backyard. Chairperson Borders mentioned that during the June 2019 meeting on the matter, there had been discussion to place the building further up the hill, but, because of the location of the waterlines and the floodplains, the development had to be placed in this location. Mr. Stucky stated that the facility needed to be an above-ground one in order to be operational.

(6:18:55) – MOTION: Vice Chairperson Dawers moved to deny the amendment to SUP-19-082 as presented based on the inability to make the required findings and subject to the conditions of approval included in the Staff Report, specifically the inability to make the finding that this will not impact the value of surrounding properties. Commissioner Esswein seconded the motion.

(6:19:27) – Chairperson Borders and Mr. Stucky confirmed for Commissioner Perry that the Special Use Permit granted in 2019 would continue with the 15-foot height limitation and that options will be explored “to make that happen.” **With no further discussion, Chairperson Borders called for a vote.**

RESULT:	APPROVED (6-0-0)
MOVER:	Dawers
SECONDER:	Esswein
AYES:	Borders, Dawers, Esswein, Tingle, Perry, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Preston

(6:20:14) – Commissioner Esswein requested that Staff reduce the height in any section of the building when reviewing the plan, and Mr. Stucky agreed that Staff could try to do that. Vice Chairperson Dawers agreed with Commissioner Esswein’s request. Chairperson Borders noted that most building heights were being measured from the mid-point; however, in this case the building was measured from the peak, requesting consistency.

PUBLIC HEARING

Items E.3 and E.4

(6:21:51) – Chairperson Borders introduced items E.3 and E.4. Ms. Sullivan introduced the Applicant, Micah Laack, and presented the Staff Reports, both of which are incorporated into the record. She pointed out that the permit would improve the traffic situation based on Staff’s recommendations. Ms Sullivan explained that while she does not typically support variances, she supported this Variance. She also responded to clarifying questions. Ms. Sullivan indicated that Staff was able to make the three findings outlined in the Staff Report and recommended approval. She also responded to clarifying questions by the Commissioners.

(6:32:16) – Commissioner Perry believed that the project was a good use of the land, and he liked that Thompson Street would be extended. In response to his question, Ms. Sullivan agreed to follow up with the building official to provide an answer regarding the Local Building Code.

(6:35:37) – Mr. Laack confirmed having read and accepted the Conditions of Approval outlined in the Staff Report. He also informed Chairperson Borders that the basement will house the utilities such as the water heater and will function as storage.

(6:36:33) – Chairperson Borders entertained public comments. Lara McKnight introduced herself as the owner of the home across the street from the property, and noted that she was also speaking on behalf of neighbors who did not believe that a duplex of the proposed design was “in keeping with the architectural and historical spirit of this neighborhood.” She pointed out that the two properties to the north of the subject property are historic Victorians, and, because there were no duplexes from Thompson Street onward, she did not believe the duplex would be conducive to a historical neighborhood. Ms. McKnight was also concerned about the 10-foot setback due to the large amount of traffic and speeding cars on Thompson Street, and she was not in favor the reduced setback with the reduced visibility coming from downtown Carson City, turning onto Thompson Street due to the potential increased safety issue for pedestrians.

(6:39:24) – Ms. Sullivan believed that there would be an opportunity to improve on the architectural design of the proposed duplex and reiterated that Thompson Street would be improved “at the shrinking corner,” and engineering Staff did not note any concerns about traffic at that intersection.

(6:40:10) – Vice Chairperson Dawers was concerned about the impact to the design of the City with the multi-family projects. He mentioned the importance of discussion on utilizing the property the same way as all of the neighboring properties for the Variance, and he pointed out that building the 2,500 square-foot building would already be outside the realm of enjoying the property to the same extent as the neighboring properties. His concern was the traffic that Ms. McKnight had also pointed out.

(6:43:32) – Commissioner Esswein disclosed that he was an area resident who believed widening Thompson Street would be a huge improvement for those living in that area and those coming up Fifth Street and turning onto Thompson Street. He was not opposed to the duplex, noting that the Historic District had apartments. Commissioner Esswein was in favor of the improved street frontage as well as the Variance to allow the house to be closer to Thompson Street than the fault. In response to a question by Commissioner Wiggins regarding the Historic District Guidelines, Ms. Sullivan read into the record Finding Number Five, incorporated into the record, identifying architectural guidelines outside the District. Commissioner Perry believed the proposed duplex will be a vast improvement over the existing shed. Chairperson Borders entertained separate motions for each agenda item.

E.3 LU-2020-0003 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A DUPLEX ON A

CORNER LOT ON PROPERTY ZONED SINGLE FAMILY-6000 (SF6), LOCATED AT 501 THOMPSON STREET, APN 003-101-01.

(6:47:35) – MOTION: Commissioner Perry moved to approve LU-2020-0003 based on the ability to make the required findings, and subject to the conditions of approval contained in the Staff Report. Commissioner Esswein seconded the motion.

RESULT:	APPROVED (6-0-0)
MOVER:	Perry
SECONDER:	Esswein
AYES:	Borders, Dawers, Esswein, Tingle, Perry, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Preston

PUBLIC HEARING

E.4 VAR-2020-0001 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A VARIANCE TO REDUCE THE FRONT YARD SETBACK FROM 20 FEET TO 10 FEET FOR ON PROPERTY ZONED SINGLE FAMILY-6000 (SF6), LOCATED AT 501 THOMPSON STREET, APN 003-101-01.

(6:48:10) – MOTION: Commissioner Perry moved to approve VAR-2020-0001 based on the ability to make the required findings, and subject to the conditions of approval contained in the Staff Report. The motion was seconded by Commissioner Esswein.

RESULT:	APPROVED (6-0-0)
MOVER:	Perry
SECONDER:	Esswein
AYES:	Borders, Dawers, Esswein, Tingle, Perry, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Preston

F. STAFF REPORTS (NON-ACTION ITEMS)

F.1 -DIRECTOR’S REPORT TO THE COMMISSION.

(6:49:29) – None.

-FUTURE AGENDA ITEMS.

(6:49:38) – Ms. Sullivan offered to send the Commissioners an email listing the applications that have been submitted.

-COMMISSIONER REPORTS/COMMENTS.

(6:49:58) – Commissioner Esswein requested that Ms. Sullivan ask applicants of less crucial applications to agree to a continuance, to which Ms. Sullivan agreed.

G. PUBLIC COMMENT

(6:49:14) – Ms. Kaiser thanked the Commission for its consideration regarding item E.2.

H. FOR POSSIBLE ACTION: ADJOURNMENT

(6:51:02) – Chairperson Borders adjourned the meeting at 6:51 p.m.

The Minutes of the, March 25, 2020 Carson City Planning Commission meeting are so approved this 29th day of April, 2020.