

MINUTES
Carson City Planning Commission Regular Meeting
Wednesday, February 24, 2021 ● 3:00 PM
Community Center Robert “Bob” Crowell Boardroom
851 East William Street, Carson City, Nevada

Commission Members

Chair – Charles Borders, Jr.
Commissioner – Paul Esswein
Commissioner – Sena Loyd
Commissioner – Teri Preston

Vice Chair – Jay Wiggins
Commissioner – Nathaniel Killgore
Commissioner – Richard Perry

Staff

Lee Plemel, Community Development Director
Hope Sullivan, Planning Manager
Ben Johnson, Deputy District Attorney (via WebEx)
Stephen Pottéy, Senior Project Manager
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 Public Meeting Clerk 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, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE

(3:01:14) – Chairperson Borders called the meeting to order at 3:01 p.m. Roll was called and a quorum was present. Vice Chair Wiggins led the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Charles Borders, Jr.	Present	
Vice Chair Jay Wiggins	Present	
Commissioner Paul Esswein	Present	
Commissioner Nathaniel Killgore	Present	
Commissioner Sena Loyd	Present	
Commissioner Richard Perry	Present	
Commissioner Teri Preston	Present	3:25 p.m.

B. PUBLIC COMMENTS

(3:02:10) – Chairperson Borders entertained public comments.

(3:03:55) – Melissa Fraker introduced herself and spoke in favor of revoking the Tahoe Western Asphalt Special Use Permit. She stated that the neighbors had been enjoying their neighborhood since the closure of the plant; however, she was concerned that the plant will be operational again. Ms. Fraker cited noise

coming from the plant; however, no smell was detected during the plant closure. Ms. Sullivan informed her that the item will be discussed after 5 p.m. and that the public comment section was for the Commission to hear public input; however, they could not engage in discussion. She also offered to speak to Ms. Fraker, who wished to see the plant permanently closed, the following day.

(3:08:39) – Judy and Robert Lucas of mound house stated “we have tried everything to shut this man down. Unless you live here you don’t have any idea what we’re dealing with.” Ms. Lucas stated that they are unable to sit outside and enjoy their backyard due to the emissions from the asphalt plan. She indicated that she had many pages of complaints and stated that they were being poisoned by the plant. Ms. Lucas mentioned a class action lawsuit as an alternative against those who have allowed the operation of the plant. Mr. Lucas stated that the plant general manager had made many promises to the Commission and the Board of Supervisors which he had not kept. He also recommended a complete shut-down of the plant.

(3:13:40) – Chairperson Borders stated for the record that the Board had also received an emailed public comment which would be incorporated into the record.

C. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – JANUARY 27, 2021.

(3:14:10) – Chairperson Borders introduced the item and entertained comments and/or corrections.

(3:14:17) – Commissioner Perry moved to approve the minutes of the January 27, 2021 meeting as presented. The motion was seconded by Commissioner Esswein.

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

D. MODIFICATION OF AGENDA

(3:14:35) – Chairperson Borders introduced the item. Mr. Plemel indicated that the agenda will be followed in the order presented; however, item E.1 (workshop) will be discussed until 4 p.m. and after a break, the Commission will hear items E.2 and E.3. He also clarified that item E.4 will not be heard until 5 p.m. Mr. Plemel recommended that the Commissioners read the late material provided to them by the representatives of Tahoe Western Asphalt during the recess.

E. MEETING ITEMS

E.1 ZA-2020-0001 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING POSSIBLE AMENDMENTS TO THE CARSON CITY MUNICIPAL

CODE, TITLE 18 (ZONING), SECTION 18.05.055 (ACCESSORY STRUCTURES), AND TITLE 18 APPENDIX (DEVELOPMENT STANDARDS), DIVISION 4 (SIGNS).

(3:16:34) – Chairperson Borders introduced the item. Mr. Plemel provided background on the Title 18 review in general and addressed past discussions on signs and accessory structures. He encouraged members of the public to review the documents posted on carson.org/title18 and offer feedback. Mr. Plemel also reviewed the agenda materials and facilitated the discussion regarding signs and accessory structures. It was agreed to continue the discussion later in the meeting.

(4:01:19) – Commissioner Perry requested revisiting section 18.05.055 later in the meeting for additional discussion on accessory structures.

(4:35:24) – Mr. Plemel explained that the Commission would resume discussion and would address detached accessory structures per Commissioner Perry’s request, and if time permitted, further discussion would take place regarding signs. He also reviewed the agenda materials which are incorporated into the record and responded to clarifying questions. Commissioner Perry cited public comments and recommended changing section 18.05.55 to disallow accessory structures that exceed five percent of the parcel size on parcels 21,000 square feet or larger. Discussion ensued regarding neighborhood compatibility, especially architecturally. Mr. Plemel thanked the Commission and noted that alternatives will be brought back for consideration at the next workshop.

PUBLIC HEARING**E.2 AB-2021-0008 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AN ABANDONMENT OF A PORTION OF A PUBLIC RIGHT-OF-WAY TOTALING APPROXIMATELY 0.39 ACRES ALONG THE SOUTH SIDE OF BEVERLY DRIVE AND THE EAST SIDE OF N. ROOP STREET, ADJACENT TO PROPERTIES LOCATED AT 911 AND 1101 BEVERLY DRIVE, APNS 002-121-15 AND 02-121-16.**

(4:02:08) – Chairperson Borders introduced the item. Ms. Ferris presented the Staff Report, which is incorporated into the record, and recommended approval, subject to four Conditions of Approval, as staff had been able to make all seven findings in the affirmative. She also introduced Carson City Real Property Manager Robert Nellis and City Engineer Randy Rice. Mr. Nellis acknowledged reading and agreeing with the four Conditions of Approval outlined in the Staff Report. He also informed Commissioner Loyd that the 1101 Beverly Drive property was owned by the State. Mr. Nellis clarified for Commissioner Perry that the balance of the properties involved were City-owned. There were no other questions; therefore, Chairperson Borders entertained a motion.

(4:07:32) – Commissioner Loyd moved to recommend that the Board of Supervisors approve AB-2021-0008, based on the findings and subject to the Conditions of Approval contained in the Staff Report. The motion was seconded by Commissioner Esswein.

RESULT:	APPROVED (7-0-0)
MOVER:	Loyd
SECONDER:	Esswein
AYES:	Borders, Wiggins, Esswein, Killgore, Loyd, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

PUBLIC HEARING

E.3 LU-2021-0022 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A SPECIAL USE PERMIT TO MAINTAIN AN EXISTING BILLBOARD ON PROPERTY ZONED GENERAL COMMERCIAL (GC) LOCATED AT 2400 EAST WILLIAM STREET, APN 002-105-01.

(4:08:13) – Chairperson Borders introduced the item. Ms. Ferris presented the Staff Report and accompanying documents, incorporated into the record, and recommended approval based on Staff having made all seven findings. She also responded to clarifying questions by the Commissioners and introduced applicant Kevin Johnson with Outfront Media who participated via telephone. Mr. Johnson noted his agreement with the conditions of approval outlined in the Staff Report. Chairperson Borders entertained a motion.

(4:12:16) – Commissioner Perry moved to approve LU-2021-0022, based on the findings and subject to the conditions of approval contained in the Staff Report. The motion was seconded by Commissioner Wiggins.

RESULT:	APPROVED (7-0-0)
MOVER:	Perry
SECONDER:	Wiggins
AYES:	Borders, Wiggins, Esswein, Killgore, Loyd, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(4:13:31) – Chairperson Borders recessed the meeting. Deputy District Attorney Ben Johnson reminded the Commission that the Open Meeting Law would still be in effect during the recess, and requested that the Commissioners refrain from discussion while reading the late material.

(4:34:57) – Chairperson Borders reconvened the meeting and requested returning to item E.1 for further discussion. A quorum was still present.

PUBLIC HEARING**E.4 2010-00000115 - (SUP-10-115-2): FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING THE REVOCATION OR REEXAMINATION OF SPECIAL USE PERMIT SUP-10-115 FOR THE ASPHALT PLANT LOCATED AT 8013 HIGHWAY 50 EAST, APNS 008-611-31, -33, -37 AND -41.**

(5:07:30) – Chairperson Borders introduced the item. Mr. Plemel outlined the hearing process noting that he would summarize the issues and invite Mr. Johnson to provide additional comment, after which the applicant representatives would have an opportunity to respond to the findings. Mr. Plemel provided background information and reviewed the Staff Report, incorporated into the record, which included code enforcement timelines. He also clarified that should the Commission approve the continued operation of the Tahoe Western Asphalt (TWA) plant under the current Special Use Permit, the operation will not commence without the Nevada Department of Environmental Protection (NDEP) permit, which is currently “under a stop order.” Mr. Plemel outlined three other actions the Commission could take: amend conditions of the Special Use permit; revoke/deny the Special Use Permit; or take other actions (pursuant to Carson City Municipal Code [CCMC] 18.02.090). He also explained the appeal process, noting that the Commission’s decision is final unless TWA (or a representative) appeals the decision to the Board of Supervisors. Mr. Johnson noted that Mr. Plemel had “stated the process correctly” and that he would be available for questions throughout the hearing. Mr. Plemel also responded to the Commissioners’ clarifying questions.

(5:22:33) – TWA representative and attorney Thomas Padian introduced himself and was informed by Chair Borders that the Commission had received the late material provided by his firm. Mr. Padian suggested holding off on the Special Use Permit decision due to a pending appeal that had been filed to appeal the NDEP decision. He also called the complaints “hearsay,” “nameless,” with “no basis” and informed Commissioner Perry that no timeline has been identified by the NDEP and that the plant was currently closed. He also responded to clarifying questions by the Commissioners and confirmed for Chair Borders that the plant is not producing aggregate during the winter. Mr. Padian reiterated his previous comments that the public comments provided by his firm were important as they presented his client’s point of view. Mr. Johnson explained that the appeal of the NDEP decision had been filed in District Court and that litigation had been initiated, adding that there was a five-year limit on such cases. Commissioner Perry believed that the Special Use Permit decision should not wait for the NDEP air quality permit. Commissioner Preston clarified for the new Commissioners that there were “hours and hours” of testimony provided by the residents and ensured Mr. Padian that “they were not nameless.” Commissioner Wiggins also referenced the hundreds of complaints and was not in favor of disregarding their testimony. Chair Borders believed that Conditions 12 and 17 of the Conditions of Approval were violated, adding that the Special Use Permit is the governing document. Commissioner Loyd explained that, as a new Commissioner, she had watched the previous public hearings on the item and assured Mr. Padian that “those people [testifying] were not nameless.” Chair Borders entertained additional comments or questions and when none were forthcoming, a motion.

(5:44:06) – Commissioner Esswein moved to revoke SUP-10-115 based on the evidence of failure to comply with the conditions of the permit and creating a public nuisance that is detrimental to the public health, safety and welfare, including emitting noxious odors into surrounding neighborhoods. The motion was seconded by Commissioner Loyd.

RESULT:	APPROVED (7-0-0)
MOVER:	Esswein
SECONDER:	Loyd
AYES:	Borders, Wiggins, Esswein, Killgore, Loyd, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

F. STAFF REPORTS (NON-ACTION ITEMS)

- DIRECTOR'S REPORT TO THE COMMISSION

(5:45:05) – Chairperson Borders introduced the item. Mr. Plemel offered to agendize further discussion on the sign code at a future date. He also announced that the Board of Supervisors had approved the Borda Crossing Tentative Subdivision Map and the Zoning Amendment, based on the Planning Commission’s recommendation, at its February 18, 2021 meeting.

(5:47:08) – Mr. Plemel announced that Todd Reese will be the newly-assigned Deputy District Attorney and will be replacing Mr. Johnson, who also noted that he would still be working on several Title 18 items.

- FUTURE AGENDA ITEMS

(5:46:03) – Mr. Plemel stated that two partial right-of-way abandonments, a Special Use Permit for an auto body repair shop, and a modification to a Special Use Permit at Eagle Valley Middle school will be agendized for the March 31, 2021 regular meeting.

- COMMISSIONER REPORTS/COMMENTS

(5:48:05) – There were no Commissioner reports or comments.

G. PUBLIC COMMENT

(7:48:09) – There were no final public comments.

H. FOR POSSIBLE ACTION: ADJOURNMENT

(5:48:33) – Chairperson Borders adjourned the meeting at 5:48 p.m.

The Minutes of the, February 24, 2021 Carson City Planning Commission meeting are so approved this 31st day of March, 2021.