

DRAFT MINUTES

Carson City Planning Commission and Growth Management Commission Regular Meeting
Wednesday, August 25, 2021 • 5:00 PM
Community Center Robert "Bob" Crowell Boardroom
851 East William Street, Carson City, Nevada

DRAFT

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

Hope Sullivan, Community Development Director
Heather Ferris, Planning Manager
Todd Reese, Deputy District Attorney
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.

GROWTH MANAGEMENT COMMISSION

1. CALL TO ORDER – GROWTH MANAGEMENT COMMISSION

(5:00:01) – Chairperson Borders called the Growth Management Commission meeting to order at 5:00 p.m.

2. ROLL CALL AND DETERMINATION OF QUORUM

(5:00:03) – Roll was called, and a quorum was present.

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. PLEDGE OF ALLEGIANCE

(5:00:25) – Chairperson Borders led the Pledge of Allegiance.

4. PUBLIC COMMENTS

(5:00:50) – Chairperson Borders entertained public comments; however, none were forthcoming.

5. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – July 28, 2021.

(5:01:13) – Chairperson Borders introduced the item and entertained comments or changes. Commissioner Loyd noted a correction in the vote box, clarifying she was absent that evening.

(5:01:42) – Vice Chair Wiggins moved to approve the minutes of the July 28, 2021 Growth Management Commission meeting as amended. The motion was seconded by Commissioner Esswein.

RESULT:	APPROVED (6-0-1)
MOVER:	Wiggins
SECONDER:	Esswein
AYES:	Borders, Wiggins, Esswein, Killgore, Perry, Preston
NAYS:	None
ABSTENTIONS:	Loyd
ABSENT:	None

6. MEETING ITEMS

6.A GM-2021-0131: FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO CONSIDER REGARDING A REQUEST FOR GROWTH MANAGEMENT APPROVAL FOR A DAILY WATER USAGE ABOVE 15,000 GALLONS PER DAY FOR A PROPOSED DRIVE-THROUGH CARWASH ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3390 S. CARSON STREET, APN 009-111-28.

(5:02:00) – Chairperson Borders introduced the item. Ms. Sullivan gave background, presented the Staff Report and accompanying documents, and the additional documents provided as late material and incorporated into the record. She also recommended denial of the request based on its inability to find that the proposed use will promote health, welfare, safety or quality of life; or create quality jobs, or promote recreation and tourism. She also responded to clarifying questions.

(5:16:20) – Ms. Sullivan clarified for Chair Borders that the Dutch Brothers Coffee establishment near the proposed carwash location “was conducting 600 to 700 transactions per day.” She also confirmed that the item before the Commission was for water use exceeding 15,000 gallons per day.

(5:19:32) – Applicant representative and attorney Michael Cabrera reviewed a PowerPoint presentation, incorporated, into the record as late material, and introduced Metro Carwash founder Ernie Ionno. He also presented their request for the average use of 46,000 gallons of water per day, calling it “a significant conservation or water resources.” Mr. Cabrera clarified that the carwash was designed to accommodate three cars per minute, and was not to be compared with the Dutch Brothers Coffee chain. Mr. Ionno

believed that they could have 5.8 percent of the population utilize their carwash instead of washing their vehicles themselves. Mr. Cabrera called the proposed facility “state of the art” with a water reclamation system and believed that the City could see a reduction of freshwater consumption by 10-15 percent. He also requested approval of the project.

(5:41:32) – Chairperson Borders received confirmation from Mr. Cabrera that they had read and were in agreement with the Conditions of Approval outlined in the Staff Report. Commissioner Perry expressed concern that the applicants planned water use was three times higher than the other carwashes in the City. Mr. Ionno believed that all car washes used 35 gallons of water per car; however, they planned to wash three-to-four times more cars per day, had longer and wider drive-through tunnels, and had a better location. Commissioner Perry expressed concern that “a well was present on the property that is serviced by a water purveyor.” Mr. Cabrera believed that the carwash was “a long-term positive growth investment” as it encouraged people to use a carwash instead of washing their cars manually. Commissioner Loyd pointed out that the neighboring carwashes had noted in a letter that they used 26 gallons of water per vehicle; however, the proposed carwash would use 35 gallons of water. Mr. Ionno explained that “[their competitors were] using less water because [they were] running the machine faster.” He likened the process to running a dishwasher on an express cycle.

(5:55:07) – Commissioner Preston agreed that the property was blighted in its current state; however, she believed that many vehicles, including hers, with after-market enhancements would not go through a carwash. She also recommended a smaller water allocation first to see if the demand is truly there. Mr. Cabrera also explained to Commissioner Preston that the water would be reclaimed by the City, using the City’s reclamation process. Mr. Ionno clarified that he had purchased the property already. Chairperson Borders was informed that the applicant would ease traffic by having four lanes that merge into a wash lane. Commissioner Loyd was informed that 35 gallons of fresh water and 35 gallons of reclaimed water would be used to wash a car, adding that the reclaimed water would not be used during the final rinse.

(6:03:56) – Chairperson Borders entertained public comments. Jim Cavilia, attorney at the Law Offices of Allison MacKenzie who introduced himself as a representative of Raceway Carwash, referenced his letter to the Commission and introduced Raceway Carwash Regional General Manager Dan Barraza. Mr. Cavilia expressed concern that the applicant would use “four times that amount of money to run the same business...two hundred yards apart.” He also reminded the Commission that it was “not this Commission’s decision to decide what’s a good carwash and a bad carwash, it’s your decision to decide how Carson City uses its water and what’s appropriate.”

(6:07:15) – Mark Wray, introduced himself as an attorney from Reno and a resident of that City. Mr. Wray praised the operations of Metro Carwash. He also believed that Mr. Ionno was using the higher allocation numbers in anticipation of a growing business. Mr. Wray believed that customers would continue to frequent Metro Carwash because of the service they receive, basing it on his personal experience.

(6:11:30) – Curtis Coulter introduced himself as an attorney residing in Reno. He also noted that he had not been asked to speak on behalf of Mr. Ionno, but had chosen to do so. Mr. Coulter cited his personal experience of using a carwash and how he had discovered the use of reclaimed water and biodegradable chemicals at Metro Carwash. He praised Mr. Ionno’s way of conducting business and thanked the Commission for their support.

(6:17:44) – Vice Chair Wiggins inquired about the impact of the carwash to the City’s water system. Engineering Project Manager Stephen Pottéy explained that the Conditions of Approval had been very specific in outlining the peak flow of water usage. Deputy Public Works Director Dan Stucky introduced himself and Water Operations Supervisor Tom Grundy. Mr. Stucky clarified that from a Public Works standpoint, the City could supply the water; however, he clarified that they looked at the peak impact on the City’s water system and explained that they had “worked with the applicants to clarify that.” He also explained the process of treating the City’s effluent water. Ms. Sullivan clarified that the question at hand was a policy one, which was to seek the Growth Management Commission’s approval for water use above 15,000 gallons per day. Discussion ensued regarding the use of effluent water.

(6:28:12) – Commissioner Loyd noted that the applicant planned to be at full capacity in five years; however, the Commission would conduct a three-year review. She inquired whether a review should take place in four or five years. Ms. Sullivan clarified for Chairperson Borders that the building permit is issued based on the established use approved by the Growth Management Commission. Vice Chair Wiggins recommended a five-year review instead of a three-year one. He also cited job creation and the removal of blight from the area and recommended approval. Commissioner Esswein noted the drought conditions and believed the approval to use of 51 acre-feet of water by the City would be “irresponsible.” Mr. Cabrera recommended having a five-year review in lieu of the three-year one. He also offered to work with Staff regarding the well on the property. Commissioner Preston inquired whether unused water was transferrable, and Mr. Reese offered to look into it. Chairperson Borders was in favor of cleaning up the blighted area and the business model in general; however, he was not in favor of allocating the additional water. Mr. Cabrera recommended continuing the item in order to further work with Staff.

(6:45:28) – Commissioner Killgore called the requested allocation “astronomical” and “far too much.” Commissioner Loyd believed that the water usage request was excessive; however, she believed that the applicant could work with Staff on ways to meet the allocation. Commissioner Perry asked whether the applicant wished to have a vote or whether to continue the item. Mr. Cabrera preferred to work with Staff to “make this more palatable” and believed the project was good. Chairperson Borders assured the applicant that the Commission was “not anti-carwash” but “pro water.” He also entertained a motion to continue the item.

(6:49:00) – Vice Chair Wiggins moved to continue this item to the next meeting. The motion was seconded by Commissioner Loyd.

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

(6:49:21) – Chairperson Borders recessed the meeting.

(6:56:33) – Chairperson Borders reconvened the meeting. A quorum was still present.

7. PUBLIC COMMENT

(6:56:40) – Chairperson Borders entertained public comments; however, none were forthcoming.

(6:57:14) – Mr. Reese clarified that per the Carson City Municipal Code (CCMC), should the applicant be granted the 46,000 gallons-per-day allocation, it would be an entitlement and not a transfer of water rights. He also explained that “the entitlement to use that amount of water runs with the land.”

8. FOR POSSIBLE ACTION: ADJOURN AS THE GROWTH MANAGEMENT COMMISSION

(7:00:01) – Chairperson Borders adjourned the Growth Management Commission meeting at 7:00 p.m.

PLANNING COMMISSION**9. CALL TO ORDER – PLANNING COMMISSION**

(7:00:08) – Chairperson Borders called the Planning Commission meeting to order at 7:00 p.m.

10. ROLL CALL AND DETERMINATION OF A QUORUM

(7:00:14) – Roll was called, and a quorum was present.

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	

11. PUBLIC COMMENT

(7:00:34) – Chairperson Borders entertained public comments on non-agendized items; however, none were forthcoming.

12. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – July 28, 2021

(7:00:57) – Chairperson Borders introduced the item and entertained comments or corrections and when none were forthcoming, a motion.

(7:01:15) – Commissioner Esswein moved to approve the minutes of the July 28, 2021 Planning Commission meeting as presented. The motion was seconded by Vice Chair Wiggins.

RESULT:	APPROVED (6-0-1)
MOVER:	Esswein
SECONDER:	Wiggins
AYES:	Borders, Wiggins, Esswein, Killgore, Perry, Preston
NAYS:	None
ABSTENTIONS:	Loyd
ABSENT:	None

13. MEETING ITEMS

(7:01:46) – Chairperson Borders introduced items 13.A and 13.B noting that both items would be discussed concurrently but would be voted upon separately. Ms. Ferris gave background, presented the Staff Reports with the accompanying documentation, and recommended approval of both the proposed resolution and the recommendation to the Board of Supervisors to approve the Master Plan Amendment. Ms. Ferris also responded to clarifying questions and introduced applicant Sharon Wentzlaff.

(7:05:06) – Ms. Wentzlaff provided background on the property and stated that she could not sell the property until the zoning issues were resolved, in order for the new buyers to obtain a mortgage loan. Chairperson Borders called for the appropriate motions.

13.A MPA-2021-0257 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A PROPOSED RESOLUTION RECOMMENDING TO THE CARSON CITY BOARD OF SUPERVISORS APPROVAL OF A PROPOSED MASTER PLAN AMENDMENT TO CHANGE THE MASTER PLAN DESIGNATION FROM INDUSTRIAL TO LOW DENSITY RESIDENTIAL FOR A 1-ACRE PARCEL LOCATED AT 1449 S. SUTRO TERRACE, APN 008-683-01.

(7:08:40) – Based on earlier discussion, Chairperson Borders entertained a motion. Commissioner Esswein expressed disappointment in the City “for letting this go on for so long,” noting “it was an inappropriate use from the very beginning.” Ms. Sullivan clarified that Staff had researched the property when it had been placed on the market, and had noticed that in the 1970s the past property owner had deliberately wished to zone the property as Industrial.

(7:10:17) – Commissioner Esswein moved to adopt Resolution Number 2021-PC-R-2. 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

13.B ZA-2021-0256 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CARSON CITY BOARD OF SUPERVISORS CONCERNING A PROPOSED ORDINANCE AMENDING THE ZONING MAP TO CHANGE THE ZONING FROM LIMITED INDUSTRIAL (LI) TO SINGLE FAMILY 1 ACRE (SF1A), FOR A 1-ACRE PARCEL LOCATED AT 1449 S. SUTRO TERRACE APN 008-683-01.

(7:10:41) – Chairperson Borders entertained a motion based on the earlier discussion.

(7:4:44) – Commissioner Esswein moved to recommend to the Board of Supervisors approval of the zoning map amendment ZA-2021-0256 as presented. The motion was seconded by Commissioner Preston.

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

13.C LU-2021-0217 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A SPECIAL USE PERMIT FOR ALTERNATIVE COMPLIANCE TO THE DOWNTOWN MIXED USE STANDARDS FOR A PROPERTY ZONED DOWNTOWN MIXED USE (DT-MU) AND LOCATED AT 217 SOUTH CURRY STREET, APN 003-112-04.

(7:12:10) – Chairperson Borders introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, and offered to respond to clarifying questions. She also stated that the official co-sponsors of the application were the Carson City Public Works Department and the Nevada Division of Environmental Protection (NDEP), adding that the property owner had signed the application as well.

(7:14:58) – Scott Smale, representing the NDEP, introduced himself and acknowledged reading the Staff Report and being in agreement with the Conditions of Approval. Mr. Smale also clarified that two free-

standing structures and an enclosed alley represented the single parcel. He also provided background on the dry-cleaning business on site and noted that the second structure housing a hair salon and a lobbying business would not be impacted. Ms. Sullivan offered to the Commission maps, photographs, and historical information on the subject property. Commissioner Loyd recommended providing historical information on the proposed banner. Ms. Sullivan and Mr. Smale also responded to clarifying questions by the Commissioners and Commissioner Preston was informed that the Curry Street improvements will be taken into account during the life of the project. Chairperson Borders entertained public comments.

(7:22:33) – David Schreiber introduced himself as the owner of an adjacent property for the past 16 years. He understood the reason for the cleanup; however, he was concerned about having a chain-link fence next to his building for environmental cleanup. Jennifer Hilderbrand introduced herself as the property manager of 217 South Curry Street and spoke in favor of the mural with the historical background about Mercury Cleaners; however, she wished to ensure that the owners were not “targeted.” Mr. Smale noted that they were working with a structural engineer to ensure the integrity of the building is preserved. He also clarified that the project was being funded by SB89, established for petrochemical cleanups, and expected the cleanup to take three-to-five years. Chairperson Borders entertained additional comments and when none were forthcoming, a motion.

(7:30:21) – Commissioner Perry moved to approve LU-2021-0217, based on the findings and subject to the Conditions of Approval contained in the Staff Report. The motion was seconded by Commissioner Killgore.

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

13.D ZA-2021-0284 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE CARSON CITY BOARD OF SUPERVISORS CONCERNING A PROPOSED ORDINANCE AMENDING TITLE 18 APPENDIX, DIVISION 1, SECTION 1.20 OF THE CARSON CITY MUNICIPAL CODE TO REVISE PROVISIONS RELATED TO CURBSIDE PICKUP FOR MEDICAL MARIJUANA AND RETAIL MARIJUANA STORES.

(7:31:05) – Chairperson Borders introduced the item. Ms. Sullivan gave background on SB168 and reviewed the Staff Report, which is incorporated into the record, including the discussion and concerns that had been addressed during the August 5, 2021 Board of Supervisors meeting including the safety concerns brought forward by the Carson City Sheriff and the Carson City District Attorney. Chairperson Borders wished to add the word “operable” relating to security cameras in Condition of Approval No. 5. Chairperson Borders entertained public comments.

(7:36:27) – Sierra Well and Rise Dispensaries representative Will Adler introduced himself and gave background on curbside pickup during the COVID-19 pandemic. He also discussed the verification process and the security measures they had in place to perform the identification checks. He believed that the Conditions of Approval were “appropriate” and reviewed the compliance measures taken by the dispensaries such as providing parking spaces in front of the stores, removing the banners and other identification to ensure compliance, and ensuring minors were not present in cars during pick up. Mr. Adler also noted that pickup would take place during previously-scheduled times and responded to clarifying questions by the Commissioners. Ms. Sullivan stated that the approved ordinance would create a new rule after which the dispensaries would request amendments to their Special Use Permits which would meet the seven required findings of fact. Chairperson Borders pointed out a typographical error and Ms. Sullivan offered to correct it prior to the item being heard by the Board of Supervisors. Chairperson Borders entertained a motion.

(7:44:28) – Commissioner Esswein moved to recommend to the Board of Supervisors approval of the ordinance allowing curbside pickup at marijuana dispensaries, including the addition to Condition No. 5 to ensure the security cameras are operable. The motion was seconded by Vice Chair Wiggins.

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

14. STAFF REPORTS (NON-ACTION ITEMS)

- DIRECTOR'S REPORT TO THE COMMISSION

(7:45:24) – Chairperson Borders introduced the item. Ms. Sullivan updated the Board on the activities relating to the Title 18 revisions, noting that she would review the proposed changes prior to conducting public hearings.

(7:48:46) – Ms. Sullivan updated the Commission on the Board of Supervisors’ decision to overturn the Commission’s tie vote (resulting in a failed motion) on a variance, and the approval of a Tentative Map on College Parkway and one on East Nye Lane. Mr. Reese noted that the District Attorney’s Office had “extensive discussions on what a tie vote meant and the end result of that was that if it’s a tie vote where somebody is absent and there’s time left of the application period, it should be brought back to the next meeting where you may have the full amount of the membership here.” Mr. Reese also elaborated that a tie vote because of an abstention, would be a denial. Ms. Sullivan explained to the Commission that reasons

for a nay vote should be clear to the Board. Commissioner Killgore stated that he was “extremely disappointed that that [project] was put in at Silver Oak.”

- FUTURE AGENDA ITEMS

(7:46:26) – Ms. Sullivan reviewed the upcoming items that would be agendized for the September 2021 meeting which would include Special Use Permits for: an unmanned wireless facility, a temporary sales office for model homes, a time extension for the Bodine’s North Casino, a chiller at the old Carson Tahoe Hospital, a composting operation at Carson High School, an animal processing facility, and a secondary building exceeding the size of a primary residence. Ms. Sullivan also reminded the Board to respond to a request to reschedule the November and December Planning Commission meetings.

- COMMISSIONER REPORTS/COMMENTS

There were no Commissioner reports or comments.

15. PUBLIC COMMENT

(7:51:22) – Chairperson Borders entertained final public comments; however, none were forthcoming.

16. FOR POSSIBLE ACTION: ADJOURNMENT

(7:51:54) – Chairperson Borders adjourned the meeting at 7:51 p.m.

The Minutes of the, August 25, 2021 Carson City Planning Commission meeting are so approved this 29th day of September, 2021.