

MINUTES
Carson City Planning Commission Regular Meeting
Tuesday, November 16, 2021 ● 3:30 PM
Community Center Robert “Bob” Crowell Boardroom
851 East William Street, Carson City, Nevada

Commission Members

Chair – Charles Borders, Jr.

Vice Chair – Jay Wiggins

Commissioner – Paul Esswein

Commissioner – Nathaniel Killgore

Commissioner – Sena Loyd

Commissioner – Richard Perry

Commissioner – Teri Preston

Staff

Hope Sullivan, Community Development Director

Heather Ferris, Planning Manager

Todd Reese, Deputy District Attorney

Heather Manzo, 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.

The approved minutes of all meetings are available on www.Carson.org/minutes.

1. CALL TO ORDER

(3:30:19) – Chairperson Borders called the meeting to order at 3:30 p.m.

2. ROLL CALL AND DETERMINATION OF QUORUM

(3:30:28) – Roll was called, and a quorum was present.

Attendee Name	Status	Left
Chairperson Charles Borders, Jr.	Present	5:30 p.m.
Vice Chair Jay Wiggins	Present	
Commissioner Paul Esswein	Present	
Commissioner Nathaniel Killgore	Present	
Commissioner Sena Loyd	Present (via WebEx)	5:00 p.m.
Commissioner Richard Perry	Present	
Commissioner Teri Preston	Present	

3. PLEDGE OF ALLEGIANCE

(5:30:56) – Commissioner Killgore led the Pledge of Allegiance.

4. PUBLIC COMMENTS

(3:31:19) – Chairperson Borders entertained public comments and requested that comments be limited to three minutes each. Dr. Jennifer Verive introduced herself and read a prepared statement requesting that the Commission remove “slaughterhouse” it only in zones not adjacent to or near residential areas. She cited noise, odor, air pollution, bacteria, waste processing, and inhumane treatment of animals as some of the issues associated with slaughterhouses. Dr. Verive also believed that a slaughterhouse would negatively impact hospitality industries and the general welfare of the community.

(3:35:18) – Kathleen Franco Simmons introduced herself as a Utah Street Resident. and noted that she was speaking on behalf of her parents, George and Diane Howard, residents of August Drive. Ms. Simmons agreed with Dr. Verive and requested that “slaughterhouse” be removed from Title 18 as a conditional use in a General Industrial (GI) zone.

5. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – OCTOBER 27, 2021.

(3:36:42) – Chairperson Borders introduced the item and entertained changes, corrections, or a motion. He also explained that the September meeting minutes will be approved during the Commission’s December meeting.

(3:37:05) – Commissioner Esswein moved to approve the minutes of the October 27, 2021 meeting as presented in late material. The motion was seconded by Commissioner Perry and carried 5-0-2, with Vice Chair Wiggins and Commissioner Preston abstaining as they were not present at that meeting.

(3:37:40) – Chairperson Borders announced that item 6.A will now be heard after item 6.F.

6. MEETING ITEMS

6.A ZA-2020-0001 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING PROPOSED AMENDMENTS TO THE CARSON CITY MUNICIPAL CODE (“CCMC”), CHAPTER 18.02 (ADMINISTRATIVE PROVISIONS), CHAPTER 18.03 (DEFINITIONS), CHAPTER 18.04 (ZONING DISTRICTS), CHAPTER 18.05 (GENERAL PROVISIONS), CHAPTER 18.13 (BED AND BREAKFAST INNS) AND TITLE 18 APPENDIX (DEVELOPMENT STANDARDS), DIVISION 1 (LAND USE AND SITE DESIGN) DIVISION 2 (PARKING AND LOADING), DIVISION 3 (LANDSCAPING), AND DIVISION 4 (SIGNS).

To access a video of the meeting and to view the discussion in its entirety, please click on the link below:
https://carsoncity.granicus.com/MediaPlayer.php?view_id=2&clip_id=1917.

(4:47:15) – Chairperson Borders introduced the item. Ms. Sullivan wished to hear Commissioner Loyd’s comments prior to her departure at 5 p.m. Commissioner Loyd provided written comments, incorporated into the record, and recommended addressing affordable housing including “mother-in-law quarters,” and phasing out or changing the requirements of billboards and signage in residential areas.

(4:49:14) – Ms. Sullivan thanked former Community Development Director Lee Plemel as “he did 99 percent of this work.” She provided background and presented the Staff Report, which included proposed

amendments to the Carson City Municipal Code for Chapter 18.02 (Administrative Provisions), Chapter 18.03 (Definitions), Chapter 18.04 (Zoning Districts), Chapter 18.05 (General Provisions), Chapter 18.13 (Bed and Breakfast Inns) and Title 18 Appendix (Development Standards), Division 1 (Land Use and Site Design), Division 2 (Parking and Loading), Division 3 (Landscaping), and Division 4 (Signs), all of which are incorporated into the record as supporting documents to the Staff Report. Ms. Sullivan also recommended providing a recommendation on the substance based on which the District Attorney's Office would codify the language into an ordinance to present to the Board of Supervisors. Chairperson Borders entertained public comments.

(5:00:04) – Ms. Simmons recommended that item 2 in Section 18.04.045 “*Required public hearing notices shall be published in a newspaper of general circulation and mailed to surrounding property owners not less than 10 days before the public hearing*” include other methods of notification as not many people she knew received the *Nevada Appeal*. She suggested posting a large sign on the property, email subscriptions, posting public notices on the City's website, and use social media. Ms. Simmons requested changing the notification period from 10 to 14 days. She also recommended expanding the noticing areas to 2,000 feet or one-fourth of a mile. She referenced Section 18.02.080, 8.c, and recommended reinstating the proposed removal of the sentence *does not adversely impact other properties in the area or the public interest*. Ms. Simmons suggested noticing neighbors or residents in Section 18.02.095, 1, c. and requested removing “slaughterhouse” use from Special Use Permits. Ms. Simmons noted that she had already requested a zoning change for the Empire Cemetery about which she had spoken with Ms. Sullivan.

Commissioner Loyd left at 5 p.m.

(5:09:25) – Frank Forsgren introduced himself and recommended addressing short-term rentals, in addition to bed and breakfast inns, such as Air B&Bs and short-term vacation rentals, which he believed are scattered throughout the community. He suggested a notification process to the neighbors as well.

(5:12:25) – Kristoffer Wickstead reintroduced himself and cited the example of a billboard near his house which still caused glare. He believed billboards are “pointless,” suggested either getting rid of them or providing a 1,000 foot distance from residences, and having “teeth” in the form of compliance. Mr. Wickstead was opposed to storage containers as well.

(5:16:18) – Ms. Sullivan was not in favor of having signs on properties (recommended by Ms. Simmons) because of due process and enforcement issues. She also clarified that no short term rentals were allowed in residential uses. Chairperson Borders suggested finding a way to eliminate non-conforming billboards. The Board discussed the proposed changes by Staff, and Ms. Sullivan and Mr. Reese responded to their clarifying questions. Discussion ensued regarding auxiliary structures versus guest houses and Ms. Sullivan noted that a guest building had different standards than an accessory structure. Commissioner Perry recommended removal of the guest building occupancy section. Vice Chair Wiggins recommended removing the family member section; however, he was in favor of prohibiting rentals of the guest dwellings.

Chairperson Borders left at 5:30 p.m. Vice Chair Wiggins chaired the rest of the meeting.

(6:01:51) – The Commissioners also provided input on typographical errors and requested further clarifications of certain terminologies. Vice Chair Wiggins entertained additional discussion and when none were forthcoming, a motion.

(6:05:44) – Ms. Sullivan summarized the following changes made to the Staff Report based on the Commission’s discussion:

- On page 192: Guest Building Occupation. ~~A guest building may only be occupied by the family members of the primary residence, as defined by Title 18 of the Carson City Municipal Code, and their non-paying guests.~~ Guest buildings may not be rented as secondary dwelling units. The property owner shall, prior to the issuance of a certificate of occupancy for the building permit, record a deed restriction against the subject property with the City Clerk-Recorder's office stating the guest building occupation limitations contained in this section.
- On page 78: Agricultural Use does not include cannabis.
- On page 84: Staff will review whether the word “cabana” is used in Title 18, and if it is not, the definition will be stricken out.
- On page 88: Modify the definition of “*Courtyard*” *to mean an unoccupied open space bounded on 3 or more sides by buildings – and add – on the same property.*
- *On page 96: Modify the use of "habitable space" means a space in a building for living, sleeping, eating or cooking. Bathrooms, toilet rooms, closets, halls, storage or utility spaces and similar areas are not considered habitable spaces. Add: spaces not considered habitable space include: garage.*
- On page 104: "Municipal garage" means a structure ~~opened~~ owned or operated by a municipality and used primarily for the parking, maintenance and storing of vehicles owned by ~~[the general public]~~ a government agency. [See “Parking lot or parking garage,” for general public parking use.]

(6:09:55) – Commissioner Perry moved to recommend to the Board of Supervisors approval of ZA-2020- 0001, and that it adopt an ordinance amending Title 18 and Title 18 Appendix consistent with the attachments to the staff report to the Planning Commission and the changes and edits summarized above by Ms. Sullivan. The motion was seconded by Commissioner Killgore.

Commissioner Esswein recommended limiting the motion to the items discussed as he had additional comments. Ms. Sullivan clarified that no ordinance would exist until the language was codified by the District Attorney’s Office; therefore, the recommendation to the Board of Supervisors was for substance only. She also offered to reschedule the item for further discussion. Vice Chair Wiggins recommended voting on the existing motion and Ms. Sullivan explained that she would review Commissioner Esswein’s changes with him and bring back any that require action. Vice Chair Wiggins called for the vote.

RESULT:	APPROVED (5-0-0)
MOVER:	Perry
SECONDER:	Preston
AYES:	Wiggins, Esswein, Killgore, Perry, Preston
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Borders, Loyd

6.B LU-2021-0304 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST TO AMEND SPECIAL USE PERMIT U-95/96-14 TO ALLOW FOR THE INSTALLATION OF A SOUND BARRIER AROUND AN EXISTING CHILLER UNIT ON PROPERTY ZONED PUBLIC REGIONAL (“PR”) LOCATED AT 775 FLEISCHMANN WAY, ASSESSOR’S PARCEL NUMBER (“APN”) 001-201-30.

(3:38:22) – Chairperson Borders introduced the item and read into the record a prepared disclosure statement, advised of no disqualifying conflict of interest and stated that he would participate in discussion and action.

(3:39:45) – Ms. Manzo gave background, reviewed the subject property, and presented the Staff Report, incorporated into the record, which included the Revised Conditions of Approval. She also acknowledged receiving three comments against the project which are incorporated into the record, and responded to clarifying questions by the Commissioners

(3:47:11) – Applicant representatives Peter Zemp of North Star Construction and Micki Marston of PMB Real Estate Services introduced themselves and stated that they were in agreement with the Conditions of Approval outlined in the Staff Report. Chairperson Borders requested “a substantial tree, not a twig.” He also entertained public comments.

(3:52:27) – Deni French introduced himself and recommended a five-gallon tree. He believed that larger trees would take “longer to establish” and recommended spacing them to ensure correct growth.

(3:54:50) – Commissioner Preston was informed that the chiller would work primarily during the summer months. She also recommended an evergreen tree for year-round noise abatement.

(3:56:09) – Ed Barrington introduced himself as a Fleischmann Way resident and referenced his written comments, incorporated into the record. Mr. Barrington gave background and reiterated the contents of his letter, requesting that the Commission approve the 19-foot structure “with no exceptions” and an enforceable completion date. He also noted that the 55-decibel noise level of the chiller is not the equivalent of a conversation at the same decibel level because it is a “howling and grinding” noise with no pauses. Ms. Sullivan clarified that this item before the Commission is the remedy for the citation received by the applicants, adding that should the project return for a time extension in a year, she would bring it back to the Commission, even though she has the authority to grant that extension. Ms. Sullivan also stated that the Planning Commission is the enforcement agency for code violations such as exceeding the approved decibel level. She recommended that Condition of Approval No. 3 be modified to read:

The use for which this permit is approved shall commence within 12 months of the date of final approval. A single, one year extension of time may be requested in writing to the Planning Division thirty days prior to the one year expiration date. Should this permit not be initiated (obtain a Building Permit) within one year and no extension granted, the permit shall become null and void.

(4:05:38) – Mr. Zemp informed Commissioner Esswein that the materials will be ordered “right away,” and the project will begin once they are received.

(6:23:06) – Nearby resident Betsy Strasburg introduced herself and was pleased to hear that the Commission had considered “putting teeth into the Special Use Permit.” Ms. Strasburg requested that the applicant provide first year of operation data to ensure the solution had worked. She also expressed concern that no other alternatives were considered to the sound barriers were considered besides the 19-foot wall.

(4:11:28) – Richard Nagel cited Google Search and noted that decibel levels over 30 would be harmful. There were no other public comments; therefore, Chairperson Borders entertained a motion.

(4:12:41) – Vice Chair Wiggins moved to approve LU-2021-0304, an amendment to U-95/96-14, based on the findings and subject to Conditions of Approval contained in the staff report, with two amendments as discussed: planting at least a 10-foot evergreen tree and removing the second sentence of Condition of Approval No. 3. The motion was seconded by Commissioner Killgore.

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

6.C ZA-2021-0368 – FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM GENERAL COMMERCIAL (“GC”) TO MULTI-FAMILY APARTMENTS (“MFA”) FOR PARCELS CREATED AS PART OF THE SUNDANCE RIDGE SUBDIVISION AND EDMONDS INDUSTRIAL PARK, LOCATED ON LEPIRE DRIVE, CASSIDY COURT, AND ETTA PLACE, ASSESSOR’S PARCEL NUMBERS (“APNS”) 010-351-06, 010-351-07, 010-351-14, 010-351-15, 010-351-95, 010-351-96, 010-651-14 THROUGH -22, 010-651-25, 010-651-29 THROUGH -50; AND FROM GC TO PUBLIC (“P”) FOR PARCELS LOCATED ON ETTA PLACE AND CASSIDY COURT, APNS 010-351-94 AND 010-651-24.

(4:14:18) – Chairperson Borders introduced the item. Ms. Ferris gave background and presented the Staff Report, which is incorporated into the record. She referenced one public comment that had been received and added to the agenda packet via late material. She also suggested making a recommendation to the Board of Supervisors for approval since Staff had made all three findings. Ms. Ferris responded to questions by the Commissioners as well. Chairperson Borders entertained public comments.

(4:19:50) – Mr. French explained that housing growth would add children which would become burdensome to the school district and create parking issues. Chairperson Borders entertained additional comments and when none were forthcoming, a motion. Commissioner Perry clarified that the Zoning Map Amendments were pretty much “a cleanup,” as part of the Commission’s annual review process.

(4:21:35) – Commissioner Preston moved to recommend to the Board of Supervisors approval of the zoning map amendment ZA-2021-0368 as presented. The motion was seconded by Commissioner Esswein.

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

6.D ZA-2021-0369 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM SINGLE-FAMILY 12,000 (“SF12”), GENERAL COMMERCIAL (“GC”), AND GENERAL INDUSTRIAL (“GI”) TO GC FOR THE ENTIRE PARCEL, LOCATED AT 4619 HIGHWAY 50 EAST, ASSESSOR’S PARCEL NUMBER (“APN”) 008-283-04.

(4:24:20) – At Ms. Ferris’ request, Chairperson Borders introduced items 6.D and 6.E simultaneously, but noted they would be voted on separately. Ms. Ferris presented the Staff Report and supporting documentation. She also noted that no opposing public comments had been received and responded to clarifying questions. Chairperson Borders entertained public comments.

(4:28:45) – Kristoffer Wickstead introduced himself as a Carson City resident and explained that he had been one of the property owners who had been noticed, and that he was in favor of the item. There were no additional comments; therefore, Chairperson Borders entertained a motion.

(4:29:38) – Commissioner Esswein moved to adopt Resolution No. 2021-PC-R-3. The motion was seconded by Commissioner Killgore.

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

6.E MPA-2021-0370 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A MASTER PLAN AMENDMENT TO CHANGE THE MASTER PLAN DESIGNATIONS FROM LOW-DENSITY RESIDENTIAL (“LDR”), COMMUNITY/ REGIONAL COMMERCIAL (“C/RC”), AND MIXED-USE COMMERCIAL (“MUC”) TO C/RC FOR THE ENTIRE PARCEL, LOCATED AT 4619 HIGHWAY 50 EAST, ASSESSOR’S PARCEL NUMBER (“APN”) 008-283-04.

(4:30:03) – Based on the discussion during item 6.D, Chairperson Borders entertained a motion.

(4:30:06) – Commissioner Esswein moved to recommend to the Board of Supervisors approval of the Zoning Map Amendment ZA-2021-0369 as presented. The motion was seconded by Commissioner Killgore.

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

6.F ZA-2021-0371 – FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A ZONING MAP AMENDMENT TO CHANGE THE ZONING FROM GENERAL COMMERCIAL (“GC”) TO LIMITED INDUSTRIAL (“LI”) FOR PARCELS LOCATED AT 788 AND 900 FAIRVIEW DRIVE, ASSESSOR’S PARCEL NUMBERS (“APNS”) 009-551-08 AND 009-551-31.

(4:30:50) – Chairperson Borders introduced the item. Ms. Ferris presented the Staff Report and supporting documentation. She suggested recommending approval to the Board of Supervisors based on Staff making all three findings in the affirmative. She also responded to clarifying questions by the Commissioners. Commissioner Perry expressed concern about “rezoning something into a non-conforming use,” especially

when people would be living there. Ms. Ferris clarified that as a non-conforming use, and any expansion would require appearing in front of the Commission to request a Special Use Permit. Commissioner Perry recommended “leaving this one as it is.” Ms. Sullivan noted that the Annual Masterplan Report will be discussed in the December meeting and noted that the Commission could continue the item until then. Chairperson Borders recommended a motion.

(4:42:01) – Commissioner Esswein moved to continue this item to the December 15, 2021 Planning Commission meeting. The motion was seconded by Commissioner Killgore.

(4:42:15) – Vice Chair Wiggins expressed concern that the Commission was discussing items that were already planned and a building already existed. Commissioner Perry wished to have this discussion in 1922 at the time of Masterplan discussion. Ms. Sullivan suggested denial of the Special Use Special Use Permit at this time if the discussion won’t take place at the next meeting. Chair Borders called for the vote.

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

7. STAFF REPORTS (NON-ACTION ITEMS)

- DIRECTOR'S REPORT TO THE COMMISSION

(6:16:09) – Ms. Sullivan reminded the Board that the next Commission meeting will be held on Wednesday, December 15, 2021, at 3:00 p.m.

- FUTURE AGENDA ITEMS

(6:17:28) – Ms. Sullivan indicated that the following items would be agendized for the Commission’s December meeting: the public hearing on the slaughterhouse (time specific at 5 p.m.) which would be reheard due to a noticing error; the Master Plan Annual Report, a Tentative Map for Lompa Ranch; a billboard Special Use Permit; and a request from Friends in Service Helping (FISH) for a residential use in a non-residential district.

- COMMISSIONER REPORTS/COMMENTS

(6:17:47) – Commissioner Preston wished to have an update on the Empire Cemetery zoning.

8. PUBLIC COMMENT

(6:18:26) – Vice Chair Wiggins entertained final public comments. Mr. French recommended looking into solar/farming space, citing an example in Colorado and its benefits. He also suggested considering edible insects as a zoning option.

9. FOR POSSIBLE ACTION: ADJOURNMENT

(6:22:56) – Vice Chair Wiggins adjourned the meeting at 6:23 p.m.

The Minutes of the November 16, 2021 Carson City Planning Commission meeting are so approved this 15th day of December 2021.