CARSON CITY PLANNING COMMISSION

&

GROWTH MANAGEMENT COMMISSION

JUNE 29, 2022

MINUTES
Carson City Planning Commission and Growth Management Commission Regular Meeting
Wednesday, June 29, 2022 ● 4:00 PM
Community Center Robert "Bob" Crowell Boardroom
851 East William Street, Carson City, Nevada

Commission Members

Chair – Jay Wiggins
Vice Chair – Teri Preston
Commissioner – Charles Borders, Jr.
Commissioner – Paul Esswein
Commissioner – Nathaniel Killgore
Commissioner – Sena Loyd
Commissioner – Richard Perry

Staff

Hope Sullivan, Community Development Director
Heather Ferris, Planning Manager
Todd Reese, Deputy District Attorney
Stephen Pottéy, Sr. Engineering Project Manager
Heather Manzo, Associate Planner
Tamar Warren, Senior Deputy 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.

GROWTH MANAGEMENT COMMISSION

1. CALL TO ORDER – GROWTH MANAGEMENT COMMISSION

(4:01:10) – Chairperson Wiggins called the Growth Management Commission meeting to order at 4:01 p.m. and noted that the Planning Commission meeting will take place after the Growth Management Commission meeting.

2. ROLL CALL AND DETERMINATION OF QUORUM

(4:01:19) – Roll was called, and a quorum was present.

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

3. PLEDGE OF ALLEGIANCE

(4:01:43) – Commissioner Borders led the Pledge of Allegiance.

4. PUBLIC COMMENTS

(4:02:02) – Chairperson Wiggins entertained public comments. Deni French introduced himself as a Carson City resident and noted the electric charging stations on many City properties. Mr. French recommended monitoring the use and finding ways to require payment for the use of the charger or finding ways to collect a fee for the time that has surpassed the four-hour limit.

5. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – SEPTEMBER 29, 2021.

(4:05:07) – Chairperson Wiggins introduced the item and entertained comments or changes; however, none were forthcoming. He also entertained a motion.

(4:05:20) – Commissioner Borders moved to approve the minutes of the September 29, 2021 Growth Management Commission meeting as presented. The motion was seconded by Commissioner Loyd.

RESULT:	**APPROVED (5-0-2)**
MOVER:	Borders
SECONDER:	Loyd
AYES:	Wiggins, Preston, Borders, Killgore, Loyd,
NAYS:	None
ABSTENTIONS:	Esswein, Perry
ABSENT:	None

6. MEETING ITEMS

6.A GM-2022-0273 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A RECOMMENDATION TO THE BOARD OF SUPERVISORS FOR A RESOLUTION ESTABLISHING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMIT ALLOCATIONS UNDER CHAPTER 18.12 (THE "GROWTH MANAGEMENT ORDINANCE") OF THE CARSON CITY MUNICIPAL CODE ("CCMC") FOR THE YEARS 2023 AND 2024, ESTIMATING THE MAXIMUM NUMBER OF RESIDENTIAL BUILDING PERMITS FOR THE YEARS 2025 AND 2026, ESTABLISHING THE NUMBER OF BUILDING PERMIT ALLOCATIONS WITHIN THE DEVELOPMENT AND GENERAL PROPERTY OWNER CATEGORIES, ESTABLISHING A MAXIMUM AVERAGE DAILY WATER USAGE FOR COMMERCIAL AND INDUSTRIAL BUILDING PERMITS AS A THRESHOLD FOR GROWTH MANAGEMENT COMMISSION REVIEW, AND IDENTIFYING CRITERIA TO APPLY WHEN MAKING DECISIONS REGARDING COMMERCIAL AND INDUSTRIAL PROJECTS SEEKING TO EXCEED THE THRESHOLD.

(4:06:34) – Chairperson Wiggins introduced the item. Ms. Sullivan presented an overview of all land developments in Carson City, incorporated into the record, and responded to clarifying questions. Wastewater Utility Manager Andy Hummel and Water Utility Manager Eddy Quaglieri presented an update to the water and wastewater capacity in Carson City, incorporated into the record, which included an overview of utility projects. They also responded to clarifying questions.

(5:07:45) – Discussion ensued regarding the effect of drought on groundwater. Mr. Quaglieri noted that "groundwater basins are pretty resilient to drought," and he did not believe a five-year drought would affect the groundwater levels. He also noted that Carson City had a "diverse water portfolio" due to the City's ability to use water from different areas and basins. Ms. Sullivan introduced Public Works Director Darren Schulz, Deputy Director Dan Stucky, and Parks Project Manager Nick Wentworth. She also highlighted the importance of the presentations by Mr. Hummel and Mr. Quaglieri, adding that they would update the Commission annually to ensure all City services and resources to "determine what is the appropriate growth" that Carson City would be able to sustain in the future.

(5:11:28) – Commissioner Esswein inquired about the State Engineer's drought plan. Mr. Quaglieri offered to look into it and return with answers and explained that the Quill Water Treatment Plan would not be used during its construction due to its age and current capacity. In response to Commissioner Borders' question regarding the 15,000-gallon daily use threshold, Mr. Stucky explained that the COVID-19 pandemic had caused an increase in water usage. He also noted that Staff were working on a statistical analysis of different water usages and would return to present the data to the Commission. Vice Chair Preston thanked Staff for providing the water data analysis and provided anecdotal information on how difficult it had been in the past to receive that information. She also inquired about the impact on water usage if grass areas were converted to xeriscape for approved developments. Ms. Sullivan clarified that during the Title 18 discussions, the Board of Supervisors had recommended the removal of the ban on artificial turf and the use of boulders in lieu of shrubbery. Chairperson Wiggins thanked the presenters for their informative presentation. He also entertained public comments.

(5:24:11) – Mr. French expressed appreciation to the presenters and encouraged keeping shrubbery in lieu of rocks to encourage insect and bird habitats. There were no additional public comments. Commissioner Perry expressed concern that the Public Works Department had noted a deterioration of the City's roadways in its analysis, "unless or until the funding gap is reduced." Ms. Sullivan recommended a future discussion on roads. Mr. Perry recommended adding the following comment to the approval of the resolution: *"During our deliberations as the Planning Commission, we have heard many times from residents about the increases in traffic due to new development and the deteriorating condition of many of the City's roads. The Public Works Department has commented in the Growth Management Plan for the past several years that roadway maintenance activities continue to operate at a deficit and that the City's roadways will continue to deteriorate unless the funding gap is reduced. When asked about the funding gap, it has been stated that the City's portion of the gas tax is not nearly enough to fund road maintenance. A number of municipalities in Nevada fund road maintenance as a priority from general fund revenues and don't rely solely on gas taxes to maintain roads. We are concerned that there will be increasing resistance to any new projects that come before the Planning Commission if roadway maintenance activities continue to operate at a deficit."*

(5:30:40) – Based on a question by Commissioner Loyd, Ms. Sullivan recommended "putting the Board on notice" regarding Commissioner Perry's concern on roads and that the Planning Commission would work with the Public Works Department to better understand the concerns relating to roads. Vice Chair Preston inquired about the age groups in Carson City and Ms. Sullivan explained that "the under 18 population had been reduced and the over 65 population has been increased." Chairperson Wiggins wished to understand whether growth would help or hinder road maintenance. Commissioner Borders was in favor of escalating the roads issue to the Board of Supervisors. Ms. Sullivan noted the consensus of the Commission which was to ensure that the road and water issues would be returned for a discussion at a future meeting. Commissioner Loyd recommended watching the City's budget meeting online to better understand the Board's discussion on roads. Chairperson Wiggins entertained additional comments and when none were forthcoming, a motion.

(5:38:18) – Commissioner Borders moved to approve to recommend to the Board of Supervisors approval of the draft resolution. The motion was seconded by Chairperson Wiggins.

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

7. PUBLIC COMMENT

(5:38:46) – Chairperson Wiggins entertained public comments; however, none were forthcoming.

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

(5:39:15) – Chairperson Wiggins adjourned the Growth Management Commission meeting at 5:39 p.m.

PLANNING COMMISSION

9. CALL TO ORDER – PLANNING COMMISSION

(6:00:43) – Chairperson Borders called the Planning Commission meeting to order at 6:00 p.m.

10. ROLL CALL AND DETERMINATION OF A QUORUM

(6:00:51) – Roll was called, and a quorum was present.

Attendee Name	Status	Arrived
Chairperson Jay Wiggins	Present	
Vice Chair Teri Preston	Present	
Commissioner Charles Borders, Jr.	Present	

Commissioner Paul Esswein	Present	
Commissioner Nathaniel Killgore	Present	
Commissioner Sena Loyd	Present	
Commissioner Richard Perry	Present	

11. PLEDGE OF ALLEGIANCE

N/A

12. PUBLIC COMMENT

(6:01:06) – Chairperson Wiggins entertained public comments on non-agendized items. Mr. French expressed concern regarding "the vertical growth" new structures. He was also concerned about the use of roof colors and the reduced parking spaces. Mr. French encouraged more open space in the new development near Lone Mountain Drive.

13. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – MAY 25, 2022

(6:03:55) – Chairperson Wiggins introduced the item and entertained comments or corrections and when none were forthcoming, a motion.

(6:04:10) – Commissioner Perry moved to approve the minutes of the May 25, 2022 Planning Commission meeting as presented. The motion was seconded by Commissioner Killgore.

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

14. MEETING ITEMS

14.A LU-2022-0237 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM PILLAR INCOME ASSET MANAGEMENT ("APPLICANT") FOR A ONE YEAR TIME EXTENSION TO DECEMBER 15, 2023 OF AN APPROVED SPECIAL USE PERMIT TO ALLOW ALTERNATIVE COMPLIANCE OF THE DOWNTOWN MIXED-USE ("DT-MU") STANDARDS, SPECIFICALLY STANDARDS RELATED TO A MIXED USE REQUIREMENT, A COMMUNITY AMENITY REQUIREMENT, THE SIDEWALK SPECIFICATION, AND BUILDING ENVELOPE STEP-BACK REQUIREMENTS RELATIVE TO A MULTI-FAMILY RESIDENTIAL DEVELOPMENT ON PROPERTY ZONED DOWNTOWN MIXED-USE, LOCATED AT 906 SOUTH STEWART STREET, ASSESSOR'S PARCEL NUMBERS ("APNS") 004-055-02 AND -07.

(6:04:44) – Ms. Manzo explained that the applicant had requested a continuance of the item to July 27, 2022.

(6:05:35) – Chairperson Wiggins moved to continue item LU-2022-0237 [to July 27, 2022]. The motion was seconded by Commissioner Esswein.

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

14.B LU-2022-0065 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM RIKKI & LYNN CASTRO ("APPLICANT") FOR A SPECIAL USE PERMIT FOR A GUEST BUILDING GREATER THAN 700 SQUARE FEET IN SIZE AND AN ACCESSORY STRUCTURE GREATER THAN 75% OF THE PRIMARY STRUCTURE SQUARE FOOTAGE AND GREATER THAN 5% OF THE PARCEL SIZE FOR A PROPERTY ZONED SINGLE FAMILY RESIDENTIAL – 6,000 SQUARE FEET ("SF6") LOCATED AT 2118 ROOP STREET, ASSESSOR'S PARCEL NUMBER ("APN") 009-092-08.

(6:05:58) – Chairperson Wiggins introduced the item. Ms. Manzo presented the Staff Report and accompanying documentation and explained that Staff had been able to make the necessary findings; therefore, she recommended approval. She also explained that no public comments had been received and responded to clarifying questions.

(6:10:55) – Applicant Rikki Castro introduced himself and noted that he had read and agreed with the Conditions of Approval outlined in the Staff Report. Chairperson Wiggins entertained public comments; however, none were forthcoming. He also entertained a motion.

(6:12:11) – Commissioner Killgore moved to approve Special Use Permit LU-2022-0065, based on the ability to make all 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:	Killgore
SECONDER:	Esswein
AYES:	Wiggins, Preston, Borders, Esswein, Killgore, Loyd, Perry
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

14.C LU-2022-0258 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM DAVID A. JOHNSON ("APPLICANT") FOR A SPECIAL USE PERMIT TO ALLOW FOR A GUEST BUILDING GREATER THAN 700 SQUARE FEET IN SIZE ON A PROPERTY ZONED SINGLE FAMILY RESIDENTIAL – 6,000 SQUARE FEET ("SF6") LOCATED AT 1555 KINGS CANYON ROAD, ASSESSOR'S PARCEL NUMBER ("APN") 009-014-18.

(6:12:47) – Chairperson Wiggins introduced the item. Ms. Manzo presented the Staff Report and accompanying documentation and explained that Staff had been able to make the necessary findings; therefore, she recommended approval. She explained that one inquiry had been received from members of the public; however, it had not been for or against the project. She also responded to clarifying questions. Ms. Manzo explained to Vice Chair Preston that the property size was an acre in the SF6 (minimum) zoning area and that the applicant could create a new parcel and do a new parcel map.

(6:18:03) – Applicant David Johnson noted his approval to Conditions of Approval with the exception of *"the recordation of a deed restriction against the property stating the guest building will be occupied by family member(s) of the primary residence, as defined by the Carson City Municipal Code (CCMC), and their non-paying guests"* outlined in Condition No. 6. Mr. Johnson distributed late material, incorporated into the record, and stated that the property had housed two residences, and had been taxed as such, since 1950, adding that no mention of a guest residence has ever been made. Discussion ensued regarding the CCMC, and Ms. Sullivan clarified that a deed restriction is a requirement for every guest building. Ms. Manzo explained that the initial application submitted by the previous property owner had intended to have a parcel map and subdivide the property. Mr. Johnson stated that the structure had been equipped with a septic system and "before I started the remodel, it had electricity, it had water…people were living in there." Commissioner Loyd was informed that had the initial building permit not expired, the City would have erred, and it would have been "a legally established use." Mr. Pottéy explained that he had discussed the sewage line issue with the applicant and that "it still would have to be pumped up." Vice Chair Preston believed that a parcel map would be the best solution. Ms. Manzo verified that she had communicated with the Assessor's Office regarding the property taxes and had been informed that per NRS 361.045 the property had been "observed to be a residence" and taxed, adding that the Assessor's Office followed a separation between land use and taxation. Commissioner Perry cited previous Commission discussion that guest houses rented to non-family members would not be charged separately for water and sewage, adding that it would not be fair to other rent payers. Chairperson Wiggins entertained public comments.

(6:40:25) – Mr. French recalled the previous discussion regarding guest buildings, and he believed that a parcel map was the only solution. Chairperson Wiggins was in favor of keeping Condition of Approval No.6 as is. Commissioner Borders was in agreement with the Chair. Mr. Johnson wished to understand the cost of parceling the property prior to agreeing with the Conditions of Approval as presented. Chairperson Wiggins entertained a motion,

(6:47:18) – Commissioner Esswein moved to approve Special Use Permit LU-2022-0258, based on the ability to make all findings and subject to the Conditions of Approval contained in the Staff Report. The motion was seconded by Commissioner Borders.

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

14.D LU-2022-0259 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM THE CARSON CITY PARKS, RECREATION & OPEN SPACE DEPARTMENT ("APPLICANT") FOR A SPECIAL USE PERMIT FOR THE CONSTRUCTION OF A MAINTENANCE BUILDING AND ASSOCIATED MAINTENANCE YARD AT A PROPERTY ZONED PUBLIC REGIONAL ("PR") LOCATED AT 851 EAST WILLIAM STREET, ASSESSOR'S PARCEL NUMBER ("APN") 002-181-01.

(6:48-04) – Chairperson Wiggins introduced the item. Ms. Manzo presented the Staff Report and corresponding documentation and recommended approval based on the ability for Staff to make all the findings.

(6:51:01) – Parks Project Manager Nick Wentworth responded to clarifying questions by the Commissioners and noted that he was in agreement with most of the Conditions of Approval. Mr. Wentworth highlighted the following items in Condition of Approval No. 3: *the use for which this permit is approved shall commence within 12 months*, noting that the project was currently at the 60 percent design state. Ms. Manzo informed Mr. Wentworth that a building permit would "trigger the [starting] timeline;" however, an administrative extension may be granted should applicants be unable to comply with the timeline. Mr. Wentworth clarified that there would be no water (domestic water line) or gas inside the shed which would eliminate the request to install a backflow preventer (confirmed by Mr. Pottéy), adding that the Fire Department's request for a Knox Box device would not be necessary because no automatic gates would be installed and offered to work with the Fire Department to clarify the requirement (confirmed by Ms. Manzo). Based on the two confirmations, Mr. Wentworth agreed to the Conditions of Approval. Chairperson Wiggins entertained public comments.

(6:56:48) – Mr. French inquired about "the choice of location" as he believed it would take away from future enhancements such as a possible water park or pickleball court. Mr. Wentworth clarified that "the existing yard space is within the floodplain" which would have depleted the budget and that the proposed location was in an underutilized area of the park. Chairperson Wiggins entertained a motion.

(7:01:03) – Vice Chair Preston moved to approve Special Use Permit LU-2022-0259, 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 Perry.

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

14.E LU-2022-0260 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM KATHERINE ARDESCO ("APPLICANT") FOR A SPECIAL USE PERMIT TO ESTABLISH A TATTOO PARLOR WITHIN AN EXISTING BUILDING ON A PROPERTY ZONED RETAIL COMMERCIAL ("RC") LOCATED AT 1802 NORTH CARSON STREET, ASSESSOR'S PARCEL NUMBER ("APN") 001-091-08.

(7:01:36) – Chairperson Wiggins introduced the item. Ms. Manzo presented the Staff Report and responded to clarifying questions. She also informed Chairperson Wiggins that there had been no additional concerns from the Sheriff's Office regarding the increase in crime near tattoo parlors.

(7:04:07) – Applicant Katherine Ardesco noted that she had read and agreed with the Conditions of Approval outlined in the Staff Report. Chairperson Wiggins entertained Commission and/or public comments.

(7:04:38) – Alex Alcantar introduced himself as a concerned member of the tattooing community and noted that Ms. Ardesco's business had "made no secret that they've already been tattooing, posting videos on their social media accounts, depicting tattooing in their location as recent as yesterday." Mr. Alcantar pointed out several industry violations such as not having the furniture wrapped with barrier film and neither was the cord of the tattoo machine. He noted that gloves had not been used in many of the videos calling the violations massive red flags. Mr. Alcantar recommended denial of the Special Use Permit (SUP) based on the fact that the business had already been operating without the SUP and in an unsafe manner.

(7:08:12) – Chairperson Wiggins inquired about the health and safety requirements of tattoo businesses and Ms. Manzo explained that the City's Health Department had reviewed and approved the application "before the business is to be established." Ms. Ardesco agreed that safety was important and noted that she had been tattooing since 2015. She explained that the social media posts had been "from secondary locations" and that they were to showcase their plans. Ms. Ardesco stated that she applied permanent makeup as well and was informed by the Health Department barriers were not needed on the chair "as long as I'm using the MadaCide (Germicidal Solution) in between the client and the chair." She informed Vice Chair Preston that the permanent makeup fell "under body decorations license," adding that the Health

Department governed both the permanent makeup and tattooing licenses. Commissioner Killgore stated "is different wrong? Which in my opinion, I don't find it to be." Ms. Ardesco also explained that the waiver signed by her clients was part of the inspection process. Commissioner Perry inquired whether the applicant had been tattooing commercially in her current space prior to obtaining an SUP and Ms. Ardesco stated that she had been doing the permanent makeup there and had done tattooing to post online; however, "not in the current location for this." Chairperson Wiggins entertained a motion.

(7:16:13) – Commissioner Killgore moved to approve Special Use Permit LU-2022-0260, 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 Chairperson Wiggins.

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

14.F LU-2022-0261 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM MEARS PIPELINE, LLC ("APPLICANT") FOR A SPECIAL USE PERMIT TO ALLOW FOR OUTDOOR STORAGE OF EQUIPMENT AND MATERIALS ON TWO ADJACENT PARCELS ZONED AIR INDUSTRIAL PARK ("AIP"), LOCATED AT 2451 AND 2501 ARROWHEAD DRIVE, ASSESSOR'S PARCEL NUMBERS ("APNS") 005-062-04 AND 005-062-05.

(7:16:46) – Chairperson Wiggins introduced the item. Ms. Ferris presented the agenda materials, incorporated into the record, and recommended approval based on Staff's ability to make the required findings. She also explained that no public comments had been received to date and introduced applicant representative Bruce Robertson. Ms. Ferris clarified for Chair Wiggins that any outdoor equipment storage in a commercial, vacant property for a period of over 24 hours is considered permanent outdoor storage. She responded to clarifying questions as well.

(7:21:40) – Mr. Robertson explained that his client had a three-year contract with Southwest Gas, with the possibility of an additional three-year extension, and the property would be used to securely store equipment. He also noted his agreement to the Conditions of Approval and informed Commissioner Perry that no explosives would be stored on the property. Chairperson Wiggins entertained public comments and when none were forthcoming, a motion.

(7:23:48) – Commissioner Borders moved to approve Special Use Permit LU-2022-0261, 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 Vice Chair Preston.

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

(7:24:19) – Chairperson Wiggins recessed the meeting.

(7:30:34) – Chairperson Wiggins reconvened the meeting. A quorum was still present.

14.G ZA-2022-0263 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM QUALCAN, LLC ("APPLICANT") FOR A RECOMMENDATION FROM THE PLANNING COMMISSION TO THE BOARD OF SUPERVISORS TO AMEND DIVISION 1.20 OF TITLE 18, APPENDIX OF THE CARSON CITY MUNICIPAL CODE ("CCMC") TO AMEND VARIOUS PROVISIONS RELATING TO MARIJUANA GOVERNING THE NUMBER OF RETAIL MARIJUANA STORES ALLOWED IN CARSON CITY AND THE AVAILABILITY OF DRIVE-THROUGH SERVICES AT MEDICAL MARIJUANA DISPENSARIES AND RETAIL MARIJUANA STORES.

(7:32:36) – Chairperson Wiggins introduced items 14.G and 14.H to be discussed concurrently. Ms. Ferris gave background and reviewed the appropriate Staff Reports. She explained that item 14.G had been requested by the applicant and was a proposal for an amendment to the Carson City Municipal Code (CCMC) to increase the number of retail marijuana stores authorized in Carson City from two to three and to provide for drive-through sales at medical marijuana dispensaries and retail marijuana stores. She noted that Section 678B.260 of the Nevada Revised Statutes ("NRS") permits up to four retail marijuana stores in Carson City. Ms. Ferris also explained that item 14.H had been agendized by Staff in response to a request from the Carson City Board of Supervisors for a recommendation from the Planning Commission to the Board to amend Division 1.20 of Title 18, Appendix of the CCMC to establish various provisions relating to marijuana governing curbside pickup at medical marijuana dispensaries and retail marijuana stores. Ms. Ferris and Mr. Reese responded to clarifying questions as well. Mr. Reese noted that the content of the proposed ordinance for item 14.G had been provided by the applicant; however, the proposed ordinance for item 14.H had been Drafted by the District Attorney's Office. Ms. Sullivan reviewed the findings of fact and explained that item 14.G did not request a policy decision, but it was "a text amendment" recommendation to the Board of Supervisors.

(7:51:30) – Chairperson Wiggins was informed that drive-through alcohol sales were also not allowed in Carson City. Commissioner Perry was informed by Ms. Ferris that Southern Nevada allowed drive-through dispensaries. Mr. Reese clarified that the Nevada Cannabis Compliance Board had established regulations for curbside pickup. Chairperson Wiggins entertained public comments.

(7:54:13) – Applicant representatives Matt Robertson and Bruce Robertson introduced themselves. Matt Robertson believed that the drive-through was safer than the curbside pickup as they would have a security guard placed in the drive-through itself and all vehicle passengers must be over 21 years old. The Commission was informed that the applicants had established businesses in Clark and Washoe Counties and they would have security cameras in the drive-through areas. Commissioner Esswein was informed that a menu would not be available at the start of the drive-through as most items would be pre-ordered. Commissioner Loyd expressed concern that the security issues had not been addressed in the proposed ordinance and the Robertsons were amenable to addressing that concern. Ms. Ferris clarified that State law allowed for two medical marijuana dispensaries and up to four retail shops. Chairperson Wiggins entertained public comments.

(8:06:36) – Will Adler introduced himself as a representative of the two existing cannabis dispensaries Rise and Sierra Wellness and referenced his clients' written public comments, incorporated into the record. Mr. Adler noted that had his clients known there would be an effort to have additional recreational stored, they would have applied for that. He also believed that Rise and Sierra Wellness had "seen a noticeable drop in all sales in the Carson City market" after the opening of a store in Mound House. Mr. Adler noted that a curbside business was necessary during the COVID-19 pandemic when clients were not allowed inside a store, adding that they have streamlined their processes since then.

(8:11:56) – Deni French introduced himself as a Carson City resident and explained that he preferred the marijuana establishments over car washes; however, he was concerned about the locations, calling the process complicated, and recommended against approval of the request. Ms. Ferris clarified that a Special Use Permit would be required for the actual storefronts as a next step. Ms. Sullivan offered to explain the noticing process to Mr. French.

(8:16:35) – Mr. Adler was informed by Mr. Reese that the curbside pickup and the drive-through ordinances may conflict for now and he likened them to the introduction of two bills during the legislative session adding that the final recommendations were up to this Commission. Commissioner Borders was concerned about "who will get the final contract" should more than one applicant vie for the allowable establishments. Discussion ensued and Ms. Sullivan believed that having an effective date for applications may provide a solution; however, she believed that the agenda order may also be "tricky" should there be more applicants. Ms. Ferris clarified for Vice Chair Preston that the applicant had submitted an application for a Special Use Permit in addition to the proposed text amendment to the CCMC; however, it had not been agendized because the applicant had "additional work to do with their traffic study." Mr. Adler explained to Commissioner Loyd that the two recreational marijuana establishments in Carson City had been grandfathered in because of State legislative action since they were also medical dispensaries.

(8:29:02) – Commissioner Esswein inquired whether a lottery system could be instituted based on Commissioner Border's previous question. Chairperson Wiggins noted that the Commission could a) recommend a third recreational marijuana establishment; b) deny the request; c) follow state law and approve four recreational marijuana establishments; or d) follow a lottery process or establish a deadline for the applications. Mr. Robertson did not object to the idea of having four stores. Commissioner Border reiterated his concern that the curbside pickup and the drive-through options are still prohibited in the City's ordinance and Chairperson Wiggins recommended addressing that first (item 14.H). Vice Chair Preston wished to ensure that the other restrictions, such as proximity to schools, are followed during the Special Use Permit process.

(8:36:36) – Chairperson Wiggins entertained additional Commissioner discussion regarding the addition of a third retail recreational marijuana store and explained "I don't like protectionist policies that only allow certain people to have economic advantage," and was in favor of following State law and allowing four recreational marijuana stores. Commissioner Killgore seemed to be in agreement with a "hear, hear" comment. Commissioner Perry stated, "I'm on the side of stay with two [stores]...don't add." He also believed that some of the findings such as the Master Plan and economic vitality could not be made, referencing the written public comments that were received, adding that having four establishments would impact public services. Commissioner Esswein was not opposed to having four stores; however, he wished to see "much broader public noticing." Commissioner Borders did not want to see any changes unless some rules were established on "how an additional license is going to be awarded." He also wished to add a section on drive-throughs. Mr. Reese explained that allowing four businesses "would allow both current applicants or awardees to come forward on a first-come-first-served basis.

Mr. Adler explained that there actually were fairness and timing issues, adding that the applicants already had a location in mind not far from his client's current location. Commissioner Preston wished to defer to the State's curbside pick-up regulations. She also believed that the City's population has not increased and recommended keeping the number at two stores. Commissioner Loyd was also in favor of following the State's curbside pick-up regulations and was in favor of increasing the number of retail establishments per State law and "capitalism will determine who the winner is." Chairperson Wiggins recapped the Commission's discussion noting that the members wished to follow the Cannabis Compliance Board's upcoming revisions.

Mr. Reese clarified that the City's ordinance did not allow drive-through sales; however, the curbside pickup was allowed. Mr. Adler noted that the City's curbside pickup regulations had additions above and beyond State regulations. Commissioner Perry explained that State Law had placed a cap on the number of dispensaries based on population and had provided an option whereby "the political subdivision of the State can decide whether they want recreational marijuana and how many." Discussion ensued regarding the public hearing process and Ms. Sullivan recommended noticing the four marijuana establishments "in the spirit of transparency" and explained that the public had most likely "not personalized the text amendment." Commissioner Preston recommended tabling the item as she personally had not received proper notice due to the non-delivery of her paper. Discussion ensued and the applicant agreed to the continuation of the item and to the proposing of four stores instead of three.

(9:14:10) – Commissioner Esswein moved to continue the item to the July 27, 2022 Planning Commission meeting, subject to additional public notice regarding the approval of four possible recreational marijuana stores. The motion was seconded by Commissioner Killgore.

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

(9:16:03) – Commissioner Perry reiterated his concerns resulting in a “nay vote” noting that some of the findings such as the Master Plan and economic vitality could not be made and the impact the additional stores would have on public services.

14.H ZA-2022-0292 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM THE CARSON CITY BOARD OF SUPERVISORS (“BOARD” OR “APPLICANT”) FOR A RECOMMENDATION FROM THE PLANNING COMMISSION TO THE BOARD TO AMEND DIVISION 1.20 OF TITLE 18, APPENDIX OF THE CARSON CITY MUNICIPAL CODE (“CCMC”) TO ESTABLISH VARIOUS PROVISIONS RELATING TO MARIJUANA GOVERNING CURBSIDE PICKUP AT MEDICAL MARIJUANA DISPENSARIES AND RETAIL MARIJUANA STORES.

Based on the discussion of item 14.H, Chairperson Wiggins entertained a motion.

(9:05:54) – Commissioner Esswein moved to recommend to the Board of Supervisors approval of an ordinance amending Division 1.20 of Title 18, Appendix of the Carson City Municipal Code to establish various provisions to marijuana governing curbside pickup under certain conditions at medical marijuana dispensaries and retail marijuana stores. The motion was seconded by Commissioner Borders.

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

15. STAFF REPORTS (NON-ACTION ITEMS)

- DIRECTOR'S REPORT TO THE COMMISSION. (HOPE SULLIVAN)

- FUTURE AGENDA ITEMS.

- COMMISSIONER REPORTS/COMMENTS

16. PUBLIC COMMENT

(9:17:23) – Chairperson Wiggins entertained public comments. Mr. French called the discussion helpful and hoped that the community appreciated the thoughts and effort that had gone into the discussion. Mr. Adler also thanked the Commission for their due diligence.

(9:18:18) – Kelsey Penrose introduced herself and stated for the record that "Katherine Ardesco [item 14.E], the owner of Dark Willow Emporium, blatantly, knowingly, and willfully lied on the record. She has absolutely been providing tattoos at her shop without an SUP since it opened in May which can be viewed right now on her multiple social media sites." Ms. Penrose believed that "issuing her an SUP sets a very dangerous precedent," while other businesses had waited for months to obtain an SUP, adding that businesses dealing with blood-borne pathogens must be looked at "at a higher level."

17. FOR POSSIBLE ACTION: ADJOURNMENT

(9:20:19) – Chairperson Wiggins adjourned the meeting at 9:20 p.m.

The Minutes of the June 29, 2022 Carson City Planning Commission meeting are so approved this 27th day of July, 2022.

Late Material
6/27/2022

Green Thumb

325 W. Huron Street
No. 700
Chicago, IL 60654
312.471.6720
gtigrows.com

Carson City Planning Commission - Zoning Issue (supplement to previous comments)

Green Thumbs Industries GTI, doing business as Rise Carson City, would like to inform the Carson City Planning Commission that our position has not changed when it comes to the licensing of additional recreational-only licenses in Carson City. GTI is the owner of the third-ranked license in Carson City, as the scores from the state process indicate.

As this Zoning Ordinance change is for the opening of the 3rd and 4th retail-only marijuana stores it is our wish that you understand the owner of the 3rd license has yet to see a demonstrated need for an additional license in the part of Carson City South of Highway 50. As of today, our only customer comments about cannabis access in Carson City have been related to its inaccessibility to most parts of towns not immediately off of the I-580 corridor. As this is the only "access to cannabis" concern that we have heard of it is at this time that GTI has no desire to open up operations for our 3rd license if Carson City doesn't also expand what areas of its master plan are appropriate to zone cannabis within.

As the proposed SUP that is before this board today indicates, additional licenses do not equate to additional opportunities for Carson City. A second license within 1500 feet of Carson City's first cannabis operation is not just short-sighted but it is without a doubt unwise for the community. Several communities have found a detrimental impact when they allowed too many cannabis operations within a limited geographic space.

Carson City has asked Rise and Sierra Well to be the quietest and most polite community members possible and Rise is here to say we have delivered on our end, time and again. The SUP before you and the group driving it does not appear to understand what Carson City's current operators understand, Cannabis in Carson is quiet and controlled not a 24-hour drive though that is visible from the next county over.

Thank you,

Aaron Laughlin

Regional Director- GTI