

MINUTES
Carson City Planning Commission Regular Meeting
Wednesday, July 27, 2022 ● 5:00 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

Heather Ferris, Planning Manager

Benjamin Johnson, Senior Deputy District Attorney

Stephen Pottéy, Senior 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.

1. CALL TO ORDER

(5:02:00) – Chairperson Wiggins called the meeting to order at 5:02 p.m.

2. ROLL CALL AND DETERMINATION OF QUORUM

(5:02:11) – 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	Absent	

3. PLEDGE OF ALLEGIANCE

(5:02:31) – Chairperson Wiggins led the Pledge of Allegiance.

4. PUBLIC COMMENTS

(5:02:54) – Chairperson Wiggins entertained public comments. Deni French introduced himself as a Carson City resident and inquired whether the Commission would allow comments after each item. He also noted that he would provide public comment on item 6.C.

(5:05:20) – Joy Trushenski introduced herself as a Carson City resident and expressed her opposition to adding more marijuana dispensaries, whether medical or recreational. She believed that marijuana was a harmful drug when smoked or ingested. Ms. Trushenski cited harm to lungs and brain function such as decision making or reaction time, drug craving, erectile dysfunction, temporary psychosis, and other long-lasting mental disorders. Chairperson Wiggins encouraged members of the public to provide comments during specific agenda items, he also acknowledged receipt of written public comments which will be made part of this meeting’s record.

5. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – June 29, 2022

(5:08:23) – Chairperson Wiggins introduced the item and entertained comments or changes; however, none were forthcoming. He also entertained a motion.

(5:09:02) – Commissioner Borders moved to approve the minutes of the June 29, 2022 meeting as presented. The motion was seconded by Commissioner Killgore.

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

6. MEETING ITEMS

6.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 RELATING 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.

(5:09:52) – Chairperson Wiggins introduced the item. Ms. Manzo presented the Staff Report, incorporated into the record, and responded to clarifying questions. Pillar Income Asset Management representative

Jonathan Clayton spoke on behalf of the applicant and noted his agreement to the Conditions of Approval. He also informed Chairperson Wiggins that there were no plans to request additional time extensions. He also entertained public comments.

(5:14:52) – Mr. French noted that he did not “like the height” of the project. He also expressed concern that there were no plans to plant trees on the street. Ms. Manzo clarified that the previously approved site plan included trees and complied with the Carson City Municipal Code (CCMC) for landscaping. There were no additional comments; therefore, Chairperson Wiggins entertained a motion.

(5:16:05) – Vice Chair Preston moved to approve an extension of the expiration date for LU-2020-0045 to December 15, 2023, as the approved Special Use Permit continues to be appropriate, and the activity permitted by the Special Use Permit will not adversely impact other properties in the area or the public interest. The motion was seconded by Commissioner Borders.

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

6.B LU-2022-0296 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM THE CARSON CITY PUBLIC WORKS DEPARTMENT (“APPLICANT”) FOR A SPECIAL USE PERMIT TO ALLOW AN ADDITION TO THE EXISTING FLEET MAINTENANCE BUILDING FOR TIRE AND WELDING OPERATIONS ON A PARCEL ZONED PUBLIC REGIONAL (“PR”), LOCATED AT 3303 BUTTI WAY, ASSESSOR’S PARCEL NUMBER (“APN”) 010-031-04.

(5:16:49) – Chairperson Wiggins introduced the item. Ms. Ferris presented the subject property and the Staff Report, incorporated into the record, and responded to clarifying questions. Carson City Public Works Deputy Director Dan Stucky introduced himself and acknowledged agreeing with the Conditions of Approval. He also informed Commissioner Borders that although the Public Works Department preferred combining Special Use Permit requests for efficiency purposes, each project progressed at different rates. Chairperson Wiggins entertained public comments and when none were forthcoming, a motion.

(5:21:40) – Commissioner Borders moved to approve LU-2022-0296 based on the ability to make the required findings and subject to the conditions of approval included in the staff report. The motion was seconded by Commissioner Esswein.

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

6.C 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 VARIOUS PROVISIONS OF THE CARSON CITY MUNICIPAL CODE (“CCMC”) RELATING TO MARIJUANA TO (1) AUTHORIZE AN INCREASE IN THE NUMBER OF RETAIL MARIJUANA STORES ALLOWED IN CARSON CITY, AND (2) AUTHORIZE DRIVE-THROUGH SERVICES AT MEDICAL MARIJUANA DISPENSARIES AND RETAIL MARIJUANA STORES.

(5:22:24) – Chairperson Wiggins introduced the item. Ms. Ferris noted that items 6.C and 6.D would be addressed separately. She gave background and presented the agenda materials, which are incorporated into the record, including a proposed ordinance to increase the number of retail marijuana establishments to four but still prohibiting drive-through services. Ms. Ferris highlighted the attached public comments and acknowledged the presence of applicant representative Matt Robinson and Qualcan Chief Executive Officer Michael Cristalli. She also informed Commissioner Esswein that the applicants would be required to have a Carson City business license which could be appealed to the Board of Supervisors, adding that State law had allocated four dispensaries; however, the City had set a limit of two dispensaries in Carson City. Discussion ensued on the selection process of licenses based on the State’s ranking, as Commissioner Borders inquired about the process of selecting the fourth-ranked license holder to be selected over the third-ranked one. Chairperson Wiggins invited the applicants to the comments table.

(5:36:20) – Mr. Cristalli introduced himself and noted that Qualcan was a Nevada company. Mike Railey Planning Manager at Christy Corporation, Ltd. also introduced himself. Mr. Cristalli explained that should the third-ranked licensee be given priority; it would provide the current licensees a monopoly since all three represented that same company. He believed that additional competition provided a benefit to the consumers. Ms. Ferris clarified that Qualcan had a “conditional license through the State of Nevada” and now they were requesting a Special Use Permit in Carson City. Mr. Cristalli clarified that the project included a restaurant in addition to the dispensary, adding that he was a member of the Board of Directors of the Nevada Cannabis Association that worked closely with the Cannabis Compliance Board. Chairperson Wiggins entertained public comments.

(5:46:35) – Steve Mahoney explained that his wife had founded Canabella, which he called “the other guy.” He also believed that “the State’s conditional permits do apply here, and the rules do apply here.” He stated that they were the third-approved licensee by the State and had the City allowed three dispensaries, they would have opened a retail store. He believed that “in fairness, we should participate,” and was in favor of “a condition that required Carson City participation [of licensees].”

(5:50:19) – Carson City resident Fawn Lamb spoke against adding dispensaries and cautioned against having “Nevada repeat California’s mistakes by growing too much, too fast.”

(5:52:13) – Andrew Orton introduced himself as a Reno resident and with GTI dispensaries, which had been awarded a third license that had remained unused due to limiting the number of dispensaries in Carson City. Mr. Orton believed there was “no substantial community need to saturate the area with additional dispensaries.”

(5:53:46) – Will Adler of Silver State Government Relations introduced himself as representing both Sierra Well and GTI and clarified that the two entities were not related businesses. He clarified that the City of Reno had issued their licenses based strictly on the State scores, as they had not seen the applications. Mr. Adler explained that GTI had not pursued the third license because the City had limited the number of dispensaries and because of zoning restrictions.

(5:57:25) – Rick McCann introduced himself as “from Las Vegas, Nevada.” He highlighted the health issues and the ethical issues of having the Board of Supervisors allow the dispensaries after Carson City residents had voted against it. Mr. McCann opposed the addition of marijuana establishments and referenced a *Nevada Appeal* column by former Supervisor Shelly Aldean titled *Enough is Enough* and incorporated into the record.

(6:01:05) – Paul McGrath introduced himself as a long-time resident of Carson City and distributed a pamphlet about Carson City exceeding Las Vegas and Reno in drug-related deaths. Mr. McGrath believed that the presence of drugs at a time of death should be made public and recommended revoking the current licenses “until we get this thing under control,” calling the actions of the 2018 Board of Supervisors unethical “for bringing cannabis to this community.” He also recommended not adding additional marijuana dispensaries in the area.

(6:04:45) – Betsy Strasbourg acknowledged that the City was responsible for the number of dispensaries even though the State had allowed four in Carson City. She believed that with the addition of one in Lyon County and the presence of one in Washoe Valley, there already were four accessible dispensaries in the area and they served residents well. She believed that the Board of Supervisors in 2017 had acted in the City’s best interest in limiting the number of dispensaries to two. Ms. Strasbourg did not wish to change the rules “to satisfy the request of one Las Vegas investing company.” She also believed that the owners of the current dispensaries had been abiding by the rules and had no incidents according to the Carson City Sheriff’s Office. Ms. Strasbourg did not wish to expand usage and cited the example of San Francisco

which had eliminated the sales tax on cannabis to compete with black market pricing. She urged the Commission not to extend the additional licenses.

(6:07:46) – Karen Stephens agreed with Ms. Strasbourg’s comments and explained that the tax revenue from cannabis was not reaching the schools. She also believed that the two current dispensaries could handle the demand in Carson City. Ms. Stephens was also opposed to having one in the downtown area noting that it would “ruin the small town feel here.”

(6:09:30) – Richard Nagel was also opposed to having two additional dispensaries, especially now that there was one in Mound House and another one in Washoe Valley. Mr. Nagel also noted that the Carson City Sheriff’s Office had requested another dog for school drug searches and cited examples of personal acquaintances who had become “psychotic” believing that the City did not have the mental health resources to handle the cannabis related side effects.

(6:11:22) – Tasha Cousti introduced herself as a Carson City resident and believed that additional marijuana retail licenses would create additional risks for the health and safety of Carson City residents. Ms. Cousti indicated that the proposed Qualcan site was 100 feet away from her grandparents’ home; therefore, she was concerned about the traffic and safety of her family, especially during curbside pickup and urged the Commissioners to deny the license.

(6:14:03) – Sarah Adler of Belz and Case Government Affairs introduced herself and clarified that she had been working with Jeannie White and her family (whose home is 100 feet away from the proposed Qualcan site) and pointed out that even though the applicant had removed the drive-through option, it was still part of their application as she questioned their intention. She noted that the restaurant might become a cannabis consumption lounge and highlighted a complaint issued by the Cannabis Control Board to a Qualcan related dispensary.

(6:16:35) – Jeannie White explained that should the Qualcan dispensary be built at the proposed location, 100 feet from their front door, the drive through would be on their property. She stated that even without the drive-through, the restaurant noise, the curbside pickup traffic, and the trash dumpsters would be disruptive as “I’m almost 90 years old and have issues with a cancer diagnosis.” Ms. White was concerned about the safety of their children, grandchildren, great-grandchildren, and great-great-grandchildren.”

(6:19:30) – Mr. French believed that due to a lot of growth in the City, the Commission should maintain the status quo for the time being. Chairperson Wiggins entertained additional public comments and when none were forthcoming, he invited Ms. Ferris to respond to the previous comments.

(6:21:02) – Ms. Ferris clarified that the tax revenue not reaching the schools was “a state issue.” She also noted that most of the comments were related to the next agenda item and not to the proposed ordinance. Commissioner Loyd was informed that the new draft ordinance had not been reviewed by the Carson City Sheriff’s Office because it had “no change in what we had presented to him previously” which was a request for additional dispensaries.

(6:22:28) – Chairperson Wiggins recessed the meeting.

(6:34:11) – Chairperson Wiggins reconvened the meeting. A quorum was still present.

(6:24:23) – Commissioner Loyd inquired about a conditional versus a permanent license. Ms. Ferris clarified that the current Qualcan license [issued by the State] was conditional and set to expire on February 5, 2023 which might have to be extended by the Cannabis Compliance Board should they not have a facility constructed and final approvals obtained from State and local governments. Commissioner Esswein was informed that there were no other business types in Carson City that have restrictions on the number of businesses.

(6:36:22) – Chairperson Wiggins entertained discussion. He believed that limiting the cannabis dispensary licenses to two in Carson City in 2017 had made sense at the time; however, he did not believe that it was within the Commission’s purview to limit the number of licenses, and that “the Sheriff is okay with it.” He believed that the zoning limitations would be discussed in 6.D and was in favor of deferring to State law and taking out the two-dispensary limit. Commissioner Esswein also believed that this was a policy decision, best made by elected officials, and was in favor of “taking it out of the zoning ordinance.” He recommended removing paragraph J from the proposed ordinance and leaving paragraph K as it is now (co-locating retail establishments with medical marijuana dispensaries.)

(6:40:35) – Commissioner Loyd was informed by Mr. Johnson that if the CCMC does not specify the number of marijuana establishments, then it would default to State Law. Commissioner Loyd noted that should the number of establishments remain in CCMC, she wished to propose adding language similar to “as of February 6, 2023, if no additional dispensaries [have] received their unconditional license, then we should wait until the state reissues through an application process, to determine further ranking. I think it’s been long enough.” She believed that many of the establishments ranked by the State have been acquired by other companies. Commissioner Esswein questioned why the number of licenses had been present in the zoning code.

(6:46:08) – Commissioner Borders noted that there had been no public presence when the Commission had first considered the item in the previous month’s meeting, which is why he believed the decision was tabled at the last Commission meeting. He also provided background on the Board of Supervisors’ decision in 2017 and thanked members of the community for their input. He suggested leaving the ordinance alone and recommending to the Board of Supervisors not to change it, adding that the Planning Commission made zoning decision and not policy. Commissioner Killgore stated that his job was to serve the public and because of the public input, he had changed his opinion and believed that the issue should be passed to the elected officials for a decision. Vice Chair Preston also believed that the determination of the number of marijuana establishments was not the Commission’s purview, and she disagreed with the findings of fact. Chairperson Wiggins entertained additional comments from the Commissioners; however, none were forthcoming.

(6:52:42) – Commissioner Borders moved to recommend to the Board of Supervisors no changes to the marijuana ordinance. The motion was seconded by Commissioner Killgore.

RESULT:	APPROVED (4-2-0)
MOVER:	Borders
SECONDER:	Killgore
AYES:	Preston, Borders, Esswein, Killgore
NAYS:	Wiggins, Loyd
ABSTENTIONS:	None
ABSENT:	Perry

(6:53:16) – Chairperson Wiggins clarified his “nay” vote by stating that he “wanted to eliminate this out of our purview and out of this section of the code.” Commissioner Loyd noted her agreement with the Chair’s opinion.

6.D LU-2022-0262 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM QUALCAN, LLC (“APPLICANT”) FOR A SPECIAL USE PERMIT TO ALLOW FOR A RETAIL MARIJUANA STORE ON A PARCEL ZONED GENERAL COMMERCIAL (“GC”), LOCATED AT 5100 S CARSON STREET, ASSESSOR’S PARCEL NUMBER (“APN”) 009-301-06.

(6:53:51) – Chairperson Wiggins introduced the item. Ms. Ferris explained that per the discussion during item 6.C the applicant may choose to table the item. Mr. Cristalli requested continuing the item until the Board of Supervisors reaches a decision. Chairperson Wiggins entertained a motion. Ms. Ferris clarified that should the item be re-agendized, it would be noticed to the public at least 10 days prior to the meeting.

(6:55:58) – Commissioner Esswein moved to continue the item for discussion after the Board of Supervisors’ decision. The motion was seconded by Commissioner Killgore.

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

7. STAFF REPORTS (NON-ACTION ITEMS)

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

(6:57:19) – Ms. Ferris updated the Commission on the actions taken by the Board of Supervisors noting that the Board had adopted all the Zoning Map Amendments relating to the City’s park properties and the Growth Management Commission’s recommendations.

- FUTURE AGENDA ITEMS.

(6:57:48) – Ms. Ferris announced that Special Use Permits for an in-residence daycare facility, a virtual reality arcade, a continued use for a billboard, and an expansion for a non-conforming use for an RV facility would be discussed at the next meeting.

- COMMISSIONER REPORTS/COMMENTS

None.

8. PUBLIC COMMENT

(6:58:42) – Chairperson Wiggins entertained public comments. Mr. French called the evening’s meeting educational.

9. FOR POSSIBLE ACTION: ADJOURNMENT

(6:59:36) – Chairperson Wiggins adjourned the meeting at 6:59 p.m.

The Minutes of the July 27, 2022 Carson City Planning Commission meeting are so approved this 31st day of August, 2022.