

**MINUTES**  
**Carson City Planning Commission Regular Meeting**  
**Wednesday, August 31, 2022 ● 5:00 PM**  
**Community Center Robert “Bob” Crowell Boardroom**  
**851 East William Street, Carson City, Nevada**

**Commission Members**

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

**Staff**

Hope Sullivan, Community Development Director  
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](http://www.Carson.org/minutes).

**1. CALL TO ORDER**

(5:00:32) – Chairperson Wiggins called the meeting to order at 5:00 p.m.

**2. ROLL CALL AND DETERMINATION OF QUORUM**

(5:00:41) – Roll was called, and a quorum was present.

<b>Attendee Name</b>	<b>Status</b>	<b>Arrived</b>
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**

(5:01:05) – Commissioner Borders led the Pledge of Allegiance.

**4. PUBLIC COMMENTS**

(5:01:24) – Chairperson Wiggins entertained public comments; however, none were forthcoming.

**5. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – JULY 27, 2022**

(5:01:51) – Chairperson Wiggins introduced the item and entertained comments or changes; however, none were forthcoming. He also entertained a motion.

**(5:02:09) – Commissioner Borders moved to approve the minutes of the July 27, 2022 meeting as presented. The motion was seconded by Commissioner Esswein.**

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

**6. MEETING ITEMS**

**6.A LU-2022-0325 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM ROGERS MEDIA CO. (“APPLICANT”) FOR A SPECIAL USE PERMIT (“SUP”) TO RETAIN AN EXISTING BILLBOARD ON PROPERTY ZONED GENERAL COMMERCIAL (“GC”) LOCATED AT 800 OLD CLEAR CREEK ROAD, ASSESSOR’S PARCEL NUMBER (“APN”) 009-302-09.**

(5:02:41) – Chairperson Wiggins introduced the item. Ms. Ferris gave background, introduced the subject property, and presented the Staff Report which is incorporated into the record. She also noted the presence of applicant Matt Rogers in the Boardroom and recommended approval, based on the fact that Staff had been able to make the seven findings of fact, adding that no public comments were received regarding the item.

(5:05:34) – Mr. Rogers introduced himself as the president of Rogers Media Company and acknowledges reading and agreeing with the Conditions of Approval outlined in the Staff Report. Commissioner Loyd pointed out that the property taxes (approximately \$14,000) were unpaid on the property. Mr. Rogers explained that they had a lease from property owner William Kugler, and they had paid a “business and possessions tax” and a “billboard license fee” both of which were current. Ms. Sullivan referenced Finding No. 5 which states: *The project meets the definition and specific standards set forth elsewhere in this Title (Title 18) for such particular use and meet the purpose statement of that district.* Commissioner Loyd noted that the Assessor’s website indicated that \$6,235.51 in property taxes was due on August 15, 2021. Commissioner Killgore noted that he opposed billboards; however, this particular one was advertising for a hospital. Discussion ensued and Commissioner Borders recommended a conditional approval, requesting that said property taxes were paid in 30 days. Vice Chair Preston agreed, noting that the taxes may have

been paid but the information may not have yet been inputted. The Commission seemed in favor of granting conditional approval for 45 days. There were no public comments. Chairperson Wiggins entertained a motion.

**(5:16:09) – Commissioner Borders moved to approve LU-2022-0325, based on the findings and subject to the Conditions of Approval outlined in the Staff Report; however, the approval would be conditional upon the property owner showing proof of payment of property taxes within 45 days. The motion was seconded by Commissioner Loyd.**

Commissioner Loyd was informed by Ms. Ferris that should the property taxes not get paid, Staff would begin the revocation process of the Special Use Permit.

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

**6.B LU-2022-0323 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM JAY DEMARCO (“APPLICANT”) FOR A SPECIAL USE PERMIT (“SUP”) TO ALLOW FOR THE ESTABLISHMENT OF A CHILDCARE FACILITY (ACCESSORY TO A RESIDENTIAL USE) ON PROPERTY ZONED SINGLE FAMILY – 6,000 (“SF6”) LOCATED AT 1863 VAN EPPS DRIVE, ASSESSOR’S PARCEL NUMBER (“APN”) 010-513-02.**

(5:17:21) – Chairperson Wiggins introduced the item. Ms. Ferris provided background and reviewed the Staff Report, incorporated into the record. She noted that Staff had been able to make all the findings of fact and recommended approval, subject to the Conditions of Approval outlined in the Staff Report. Ms. Ferris explained that one written comment had been received and incorporated into the record as late material. She also responded to clarifying questions. Commissioner Loyd inquired about the issues raised in the public comment letter and was informed that a childcare facility was listed as a conditional use in the Single Family 6000 (SF6) zoning; however, the uses described in the public comment are not allowed in that zoning area.

(5:21:38) – Co-applicant Yvonne Friedman introduced herself and noted that she had read and agreed with the Conditions of Approval. She also addressed the concerns related to childcare facilities in general, stating that she had planned for staggered pickup and drop-off times and parents would use the three spaces in the driveway. Ms. Friedman also explained that Staff would use the garage to park their vehicles, adding that they felt comfortable communicating with neighbors. She clarified for Commissioner Borders that the State Childcare License would not be granted until this Commission approves the Special Use Permit and

informed Commissioner Perry that the “other operator” of the childcare facility was the homeowner. Ms. Friedman explained that she had grown up in a childcare facility owned by her mother. Commissioner Perry noted that many of the childcare facilities approved by the Commission had been in residential neighborhoods and received confirmation from Ms. Ferris that a conversation addressing the public comment had taken place with its writer. There were no other public comments. Chairperson Wiggins entertained a motion.

**(5:26:10) – Commissioner Perry moved to approve the special use permit in Case No. LU-2022-0323, 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 Killgore.**

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

**6.C LU-2022-0324 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM SYSTEM’S EDGE, LLC (“APPLICANT”) FOR A SPECIAL USE PERMIT (“SUP”) TO ALLOW FOR A VIRTUAL REALITY ARCADE ON A PARCEL ZONED DOWNTOWN MIXED-USE (“DT-MU”) LOCATED AT 1087 S CARSON STREET, ASSESSOR’S PARCEL NUMBER (“APN”) 004-055-12.**

(5:27:15) – Chairperson Wiggins introduced the item. Ms. Ferris reviewed the Staff Report which is incorporated into the record and responded to clarifying questions. Commissioner Loyd inquired about health inspections and Ms. Ferris explained that the business license application would trigger any necessary inspections, including one by the Health Department if food items are sold. Commissioner Borders expressed concern about parking and Ms. Ferris clarified that according to “specific parking standards for Downtown Mixed-Use, which can be found in Division 6,” any change of use did not trigger an evaluation in parking.

(5:31:21) – Applicant Jacob Bainton and applicant representative Sam Douglas introduced themselves. Mr. Douglas received confirmation from Ms. Ferris that Condition No. 3 stated that “the use has to be initiated within 12 months” to ensure no extension is required, adding that the first extension is granted by the Community Development Director. She also clarified that the Special Use Permit would be granted until the use changes. Mr. Bainton explained to Commissioner Borders that the estimated 20-30 parking spaces would be used throughout the day, with most patrons staying “for an hour or less.” He also noted that their business peak times would be after the close of most businesses, with operating hours of 3-11 p.m.

(5:33:39) – Commissioner Loyd stated that the property owners were “up to date on their taxes” and inquired about the equipment health precautions taken between uses. Mr. Bainton stated that the goggles and headsets would be wiped down and cleaned, and the magnetic facemasks would be removed from the headsets, cleaned, and dried. He also described a virtual reality arcade and its use to Commissioner Perry. Chairperson Wiggins entertained public comments.

(5:37:13) – Deni French introduced himself as a Carson City resident, called the project “great,” and inquired about Americans with Disabilities Act (ADA) accessibility. Ms. Ferris clarified that a change in occupancy would require a building inspection that will look into the ADA requirements. There were no public comments; therefore, Chairperson Wiggins entertained a motion.

**(5:39:07) – Commissioner Killgore moved to approve LU-2022-0324 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.**

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

**6.D LU-2022-0295 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM COMSTOCK COUNTRY RV (“APPLICANT”) FOR A SPECIAL USE PERMIT (“SUP”) TO EXTEND AN EXISTING NONCONFORMING RECREATIONAL VEHICLE PARK (“RV PARK”) USE ONTO AN ADJACENT PARCEL AND CONTINUATION OF EXISTING NON-CONFORMITIES, ON A PROPERTY ZONED GENERAL COMMERCIAL (“GC”) LOCATED AT 5400 SOUTH CARSON STREET, ASSESSOR’S PARCEL NUMBERS (“APNS”) 009-302-03 AND -17.**

(5:40:30) – Chairperson Wiggins introduced the item. Ms. Manzo presented the Staff Report and the accompanying documents, which are incorporated into the record, and responded to clarifying questions. She also recommended approval based on Staff’s ability to make the seven findings of fact and highlighted a change (as noted in the late material) to Condition of Approval No. 8 which will now read:

*8. Prior to the issuance of a site improvement permit, the applicant shall have plans approved which include the construction of all offsite driveway realignment improvements. The applicant shall demonstrate that all offsite improvements shall be constructed prior to the final inspection for the site improvement permit or as otherwise approved by the City Engineer and the Fire Department.*

(5:47:30) – Commissioner Esswein was informed that the existing area of the park would be discontinued and possibly redeveloped in the future. Ms. Ferris also clarified for Commissioner Loyd that the Special

Use Permit request was for “an extension of a non-conforming use onto an adjacent property” allowable by the Zoning Code.

(5:51:56) – Applicant Matthew Lepire noted that he had read the Conditions of Approval and proposed the following changes to the Conditions of Approval:

*Condition No. 2 to now read: The existing non-conforming uses, specifically related to the length of stay, setback from the right-of-way line or exterior boundary, minimum setbacks from internal access streets, space between RVs including pop-outs, and RV space surface, may continue. All on and off-site improvements shall conform to City standards and requirements.*

*Condition No. 5 to now read: Prior to the issuance of a site improvement permit, the applicant shall have plans approved that demonstrate the water main connections will be relocated so that each parcel has a separate meter and backflow preventer, or as otherwise approved by the City Engineer and the Fire Department.*

*Condition No. 8 to now read: Prior to the issuance of a site improvement permit, the applicant shall have plans approved which include the construction of all offsite driveway realignment improvements. The applicant shall demonstrate that all offsite improvements shall be constructed prior to the final inspection for the site improvement permit, or as otherwise approved by the City Engineer and Fire Department.*

*Condition No. 9 to now read: Prior to the issuance of a site improvement permit, the applicant shall have plans approved that demonstrate all onsite utilities shall be private. Any shared utilities shall have an easement. A maintenance agreement for the shared utilities shall be provided, or as otherwise approved by the City Engineer and the Fire Department.*

Discussion also ensued regarding Condition No. 7, and Mr. Pottéy clarified that the issuance of a permit occurred after the recording of the parcel map. Ms. Ferris explained that parcel maps were reviewed at the Staff level and that in this case, it had already been reviewed and approved, and a notice of decision for a tentative parcel map had been provided to the applicant. Mr. Lepire also responded to clarifying questions by the Commissioners. Ms. Ferris explained that the length of stay was defined by the City Code and had tax implications. Mr. Lepire explained that their RV spaces exceed City standards and Commissioner Esswein believed that the layout of the spaces provided ample space for emergency and service vehicle access. Chairperson Wiggins entertained public comments.

(6:18:08) – Mr. French requested clarification on the new parcels and wished to understand what would happen with the existing buildings such as the pool, laundry facilities, offices, employee quarters, and showers/restrooms. Ms. Ferris clarified that the parcel map was not being considered by the Commission adding that a tentative map had already been approved. She also explained that all the existing amenities would remain as is. Chairperson Wiggins was not in favor of limiting the length of stay for RVs due to the housing availability, cost, and the temporary nature of many RV users. Commissioner Perry had hoped for the incorporation of the revised Conditions of Approval in order to ensure all the requested changes had

been incorporated. Commissioner Borders noted his dislike for the continuation of non-conforming uses; however, he understood it was necessary for the new design. Chairperson Wiggins entertained a motion.

**(6:24:25) – Commissioner Perry moved to approve the special use permit Case No. LU-2022-0295, based on the ability to make the required findings, and subject to the Conditions of Approval contained in the staff report with the following changes to the Conditions of Approval discussed earlier.**

***Condition No. 2 to now read: The existing non-conforming uses, specifically related to the length of stay, setback from the right-of-way line or exterior boundary, minimum setbacks from internal access streets, space between RVs including pop-outs, and RV space surface, may continue. All on and off-site improvements shall conform to City standards and requirements.***

***Condition No. 5 to now read: Prior to the issuance of a site improvement permit, the applicant shall have plans approved that demonstrate the water main connections will be relocated so that each parcel has a separate meter and backflow preventer, or as otherwise approved by the City Engineer and the Fire Department.***

***Condition No. 8 to now read: Prior to the issuance of a site improvement permit, the applicant shall have plans approved which include the construction of all offsite driveway realignment improvements. The applicant shall demonstrate that all offsite improvements shall be constructed prior to the final inspection for the site improvement permit, or as otherwise approved by the City Engineer and Fire Department.***

***Condition No. 9 to now read: Prior to the issuance of a site improvement permit, the applicant shall have plans approved that demonstrate all onsite utilities shall be private. Any shared utilities shall have an easement. A maintenance agreement for the shared utilities shall be provided, or as otherwise approved by the City Engineer and the Fire Department.***

The motion was seconded by Commissioner Killgore.

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

**7. STAFF REPORTS (NON-ACTION ITEMS)**

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

(6:28:21) – Ms. Sullivan updated the Commission on an upcoming appeal to the Board of Supervisors disputing the Planning Commission’s decision regarding renting the 1555 Kings Canyon Road property. She also noted that the first reading of an ordinance allowing four marijuana dispensaries had been adopted by the Board of Supervisors which had also adopted the final map of the Anderson Ranch development.

**- FUTURE AGENDA ITEMS.**

(6:29:35) – Ms. Sullivan announced an early 4 p.m. start time for the September meeting in which two Special Use Permit requests, a tentative subdivision map, a zoning code amendment, a request to amend a Condition of approval that can’t be met, and several zoning code amendments would be discussed.

**- COMMISSIONER REPORTS/COMMENTS**

(6:32:01) – Ms. Ferris clarified for Commissioner Killgore that the upcoming Special Use Permit was for the location of a marijuana dispensary. Commissioner Borders informed the Commission that the Board of Supervisors had been informed that the Planning Commission had voted against having four marijuana dispensaries; however, the vote had been to not do anything because the number of dispensaries was not in the Board’s purview.

**8. PUBLIC COMMENT**

(6:39:20) – Chairperson Wiggins entertained public comments. Mr. French recommended that everyone watch the Board of Supervisor’s meeting regarding the marijuana dispensaries.

**9. FOR POSSIBLE ACTION: ADJOURNMENT**

(6:48:39) – Chairperson Wiggins adjourned the meeting at 6:48 p.m.

The Minutes of the August 31, 2022 Carson City Planning Commission meeting are so approved this 28<sup>th</sup> day of September 2022.

**From:** Dana Whaley  
**To:** Planning Department  
**Subject:** LU-2022-0323  
**Date:** Wednesday, August 24, 2022 2:46:12 PM

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Good afternoon, My name is Dana Whaley and I live in the neighborhood that is requesting a zone change under LU-2022-0323 for a child care business. I am writing this email as I am not sure I will be able to attend the meeting but feel I need to voice my reasons why I don't feel it should pass. One we have zoning areas for a reason and a business should be in a business zone if they want to run a business of any kind that involves cash transactions and people. Once you allow this to happen how do you tell the next person who wants to run a car repair shop out of his garage at the house next door NO or the house next to the child care facility decides he wants to open a marijuana dispensary out of his house. What makes it okay for one to have a business in a residential area but not the next one . I believe this was the reason that zoning laws were made to protect our neighborhoods from this happening.

Thank You Dana Whaley

[dodgerdanaw@yahoo.com](mailto:dodgerdanaw@yahoo.com)