

DRAFT MINUTES
Carson City Planning Commission Regular Meeting
Wednesday, October 26, 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

Hope Sullivan, Community Development Director

Heather Ferris, Planning Manager

Adam Tully, 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

(5:00:10) – Chairperson Wiggins called the meeting to order at 5:00 p.m.

2. ROLL CALL AND DETERMINATION OF QUORUM

(5:00:19) – 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

(5:00:38) – Commissioner Borders led the Pledge of Allegiance.

4. PUBLIC COMMENTS

(5:01:05) – Chairperson Wiggins entertained public comments; however, none were forthcoming.

5. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – SEPTEMBER 28, 2022

(5:01:29) – Chairperson Wiggins introduced the item and entertained comments or changes; however, none were forthcoming. He also entertained a motion.

(5:01:48) – Commissioner Perry moved to approve the minutes of the September 28, 2022 meeting as presented. The motion was seconded by Commissioner Borders.

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

6. MEETING ITEMS

6.A LU-2020-0033 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM WOOD RODGERS, INC (“APPLICANT”) FOR A ONE-YEAR TIME EXTENSION TO OCTOBER 28, 2023 FOR AN APPROVED SPECIAL USE PERMIT (“SUP”) TO ALLOW FOR THE CONSTRUCTION AND OPERATION OF A CONCRETE BATCH PLANT AND ROCK CRUSHING OPERATION WITH SILOS EXCEEDING 45-FEET IN HEIGHT, ON PROPERTY ZONED GENERAL INDUSTRIAL AIRPORT (“GIA”), LOCATED AT 4500 RYAN WAY, ASSESSOR’S PARCEL NUMBER (“APN”) 005-072-06.

(5:02:08) – Chairperson Wiggins introduced the item. Ms. Ferris presented the subject property, gave background on the project, and reviewed the Staff Report and accompanying documents. She explained that the request for an extension was due to the length of time taken by the Federal Emergency Management Agency (FEMA) approval process. She also noted Staff had erroneously agendized a one-year extension; however, the applicant had requested an 18-month extension. She recommended granting the one-year extension now due to the upcoming expiration date and offered to agendize the additional six-month extension for the next meeting. Ms. Ferris and Mr. Pottéy responded to clarifying questions by the Commissioners. Commissioner Borders recommended including a clause in the next extension request to disallow additional extensions.

(5:06:45) – Applicant representative Jillian Wilbrecht introduced herself and noted her agreement with the Conditions of Approval outlined in the Staff Report. She also explained that they anticipated the FEMA approval within “a few months;” however, they preferred to receive an 18-month extension to “make sure we don’t have to come back again.” Chairperson Wiggins entertained public comments; however, none

were forthcoming. He also entertained additional discussion by the Commissioners. Commissioner Borders reiterated his previous comments about not granting multiple extensions. Chairperson Wiggins entertained a motion.

(5:09:14) – Vice Chair Preston moved to approve an extension of the expiration date for LU2020-0033 to October 28, 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 Killgore.

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

6.B LU-2022-0445 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM LAMAR ADVERTISING COMPANY (“APPLICANT”) FOR A SPECIAL USE PERMIT (“SUP”) TO RETAIN AN EXISTING BILLBOARD ON PROPERTY ZONED GENERAL COMMERCIAL (“GC”) LOCATED AT 4440 HWY 50 EAST, ASSESSOR’S PARCEL NUMBER (“APN”) 008-281-11.

(5:10:00) – Chairperson Wiggins introduced the item and entertained disclosures. Commissioner Loyd read into the record a prepared disclosure statement, advised of a disqualifying conflict of interest, and stated that she would not participate in discussion and action. Ms. Ferris presented the Staff Report and accompanying documents, incorporated into the record, and responded to clarifying questions. She stated that although the applicant has converted the light fixtures to a shielded LED unit in an effort to reduce the amount of light dissipating from the units, Planning Division Staff had not been provided with the opportunity to review and approve the modifications to the light fixtures; therefore, the applicant was not in compliance with Condition No. 8 of the current Special Use Permit (SUP). She also referenced the public comments, incorporated into the record, and explained that Condition No. 8 would now read: *Lighting the billboard shall be prohibited.* Ms. Ferris recommended approval with the revised Conditions of approval, noting that Staff were able to make all seven findings in the affirmative with the revised Condition of Approval No. 8. Chairperson Wiggins noted that Condition of Approval No. 9 would be irrelevant with the amendment to Condition No. 8.

(5:16:24) – Lamar Advertising representative Danny Selby introduced himself and received confirmation that the revised Condition No. 8 would only apply to this billboard. He also explained that they had used directional lighting for their billboards, adding that the new lights were LED versions of the one they had for 15 years. Mr. Selby explained that the glossy material was provided by the client; however, the material on the reverse side of the billboard had been provided by them and was less glossy. Commissioner Borders

recommended the denial of the SUP due to a lack of cooperation from the applicant. Mr. Selby explained that they had complied with the residents' requests and had reverted to non-LED lights. He also noted that he would comply with the revised Condition No. 8; however, for this billboard only and not the others they had in Carson City. Ms. Sullivan explained that the billboard was near a residential area; therefore, the applicant's attempts to mitigate the issues may not have been noticeable. She also stated that the Commission would have to make the findings of fact which included neighborhood compatibility. The applicant requested the removal of Condition No. 9 and Ms. Ferris added that Condition No. 7 could be removed as well. Chairperson Wiggins entertained public comments.

(5:26:08) – Kristofer Wickstead introduced himself as an adjacent homeowner and reiterated the contents of his email, which is incorporated into the record. He also explained that the billboard is visible from his dining room window day and night and objected to its proximity to the residences. Mr. Wickstead believed that the billboard company had not adhered to its obligations and requirements, especially the use of the glossy material, and thanked the Commission for considering his comments. He also believed that billboards should be 1,000 feet away from residences.

(5:29:13) – Chairperson Wiggins was in favor of eliminating Conditions No. 7 and 9 and revising Condition No.8 to eliminate all lighting. Commissioner Killgore believed that the glossy material would be problematic during the day as well and expressed his opposition to billboards in general. Commissioner Borders and Vice Chair Preston wished to review the SUP in a year and believed that a less glossy material should be requested from the client. Mr. Selby was informed that he would be responsible for being compliant, the residents would monitor the use of the glossy material, and Staff would monitor the complaints.

(5:32:10) – Chairperson Wiggins summarized the discussion as follows:

- Condition No. 4 would now read: *Without further notice, the subject special use permit shall expire on October 31, ~~2027~~ 2023, unless a new special use permit to continue the use of the off-premises sign is acquired by that date. It is the Applicant's responsibility to submit a complete special use permit application in sufficient time to be scheduled for review prior to the expiration date.*
- Condition No. 7 would be eliminated.
- Conditions No. 8 and 9 would remain unchanged.

(5:33:08) – Commissioner Borders moved to approve LU-2022-0445, based on the findings and subject to the conditions of approval contained in the staff report with the amendments noted above. The motion was seconded by Commissioner Esswein.

(5:33:42) – Commissioner Killgore clarified that his “nay” vote was based on the billboard being “very detrimental to the residents nearby” and called it “a blight.”

RESULT:	APPROVED (5-1-1)
MOVER:	Borders
SECONDER:	Esswein
AYES:	Wiggins, Preston, Borders, Esswein, Perry
NAYS:	Killgore
ABSTENTIONS:	Loyd
ABSENT:	None

6.C LU-2022-0397 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM TOM METCALF (“APPLICANT”) FOR A SPECIAL USE PERMIT (“SUP”) TO ALLOW FOR A GUEST BUILDING GREATER THAN 1,000 SQUARE FEET IN SIZE ON A PROPERTY ZONED SINGLE FAMILY RESIDENTIAL – 1 ACRE-PLANNED UNIT DEVELOPMENT (“SF1A-P”) LOCATED AT 2669 SKYVIEW COURT, ASSESSOR’S PARCEL NUMBER (“APN”) 007-671-09.

(5:34:23) – Chairperson Wiggins introduced the item. Ms. Manzo reviewed the Staff Report and accompanying documentation, both of which are incorporated into the record, and responded to clarifying questions. She also referenced the written public comments that have been incorporated into the record.

(5:40:42) – Applicant Tom Metcalf introduced himself and noted that his family would be purchasing three of the lots, one of which would be built as a mother-in-law structure. He also explained that the size of the additional structure had increased by 176 square feet because of the materials he wished to use. Mr. Metcalf acknowledged his agreement with the Conditions of Approval in the Staff Report. Roxanne Brown indicated that she would be living in the guest house.

(5:45:42) – Commissioner Perry inquired why the applicant wished to build separate structures and not add to the main house. Mr. Metcalf explained that Ms. Brown was not old and preferred to live separately, adding that structurally, the larger home would be too large. Chairperson Wiggins entertained public comments.

(5:49:28) – Dave Fisher introduced himself as a homeowner and was in favor of adding 1,100 square feet to the main residence. He also believed that adjacent homeowners would request similar structures, and possibly larger ones.

(5:52:46) – Bruno and Kelly Bielat introduced themselves as living “behind the property in question.” Mr. Bielat agreed with Commissioner Perry that the additional structure should be attached to the main residence. He also expressed concern that many of the homeowners would follow suit and build their own larger structures, wishing to maintain the integrity of their property. Mr. Bielat believed that if a berm was built on one side of a property, the other side would be flooded and believed “we fought hard to maintain the integrity of our neighborhood.” Mrs. Bielat suggested that Mr. Metcalf purchase another lot and build a home on that lot instead.

(5:57:25) – Emily Beglin believed that the proposed guest house was almost 1,200 square feet which was the size of an entry-level home, adding that it would increase the density in the neighborhood. (6:00:48) – Ms. Beglin believed that since the future inhabitant of the second structure was “young;” therefore, “she would be perfectly fine to buy another house in Carson City.”

(5:53:32) – Frank MacDonnell explained that he lived north of the property and had many vacant lots around his home. He was concerned that two homes would be built on one-acre lots.

(6:00:01) – David Miller agreed with the previous comments by his neighbors.

(6:01:40) – Mr. Metcalf referenced the Covenants, Conditions, and Restrictions (CC&Rs) calling them restrictive because they wouldn’t be allowed to build Ms. Brown a house on another lot, as they require a minimum home size of 2,500 square feet. He added that many of the lots were also restrictive; therefore, they had planned “who got which lot” carefully, adding that the other lots would be unable to accommodate a second structure.

(6:03:47) – Ms. Manzo clarified for Commissioner Loyd that the guest building ordinance required that a property have a deed restriction that did not allow renting out the property. Commissioner Perry was informed by Mr. Metcalf that the code allowed a structure of up to 1,000 square feet and that additional connection fees are not required since the guest houses cannot be rented.

(6:06:39) – Ms. Sullivan summarized the issues as follows: A thousand-square-foot guest building is allowed in the Single-Family One-Acre zoning, and the discussion at hand is whether or not the findings could be met for another 176 square feet. There were no additional comments.

(6:11:01) – Chairperson Wiggins moved to approve special use permit LU-2022-0397, 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 Vice Chair Preston.

RESULT:	APPROVED (4-3-0)
MOVER:	Wiggins
SECONDER:	Preston
AYES:	Wiggins, Preston, Esswein, Loyd
NAYS:	Borders, Killgore, Perry
ABSTENTIONS:	None
ABSENT:	None

(6:11:22) – Commissioner Perry explained “the basis of my ‘nay’ is that I do believe it will result in prejudice to other properties in the vicinity.” Commissioner Killgore agreed with Commissioner Perry’s explanation. Commissioner Perry recommended revisiting guest houses during the Title 18 reviews.

6.D VAR-2022-0394 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM LEE HUTCHINS (“APPLICANT”) FOR A

VARIANCE TO REDUCE THE REQUIRED MINIMUM LOT SIZE FOR A PROPERTY ZONED MOBILEHOME-12,000 (“MH12”) TO CREATE FOUR RESIDENTIAL LOTS ON A PROPERTY LOCATED AT 3419 OTHA STREET, ASSESSOR’S PARCEL NUMBER (“APN”) 008-192-02.

(6:13:41) – Chairperson Wiggins introduced the item. Ms. Manzo presented the Staff Report, incorporated into the record, and responded to clarifying questions. She also recommended denial of the application due to Staff’s inability to make Findings No. 1 and 2 of the three Findings. Ms. Manzo stated that a parcel map was recorded on the west side of Otha Street in 2007, and that in reviewing the record for the 2007 subdivision request (PM-07-120), a minor variance had been approved to reduce the minimum lot size; however, the applicant was now seeking a variance to subdivide the property in a similar manner which would increase the possible density from 3 to 4 dwelling units. She noted that the Carson City Municipal Code (CCMC) 18.02.085.9 (Limitations on Variances) stated that variances should not be granted that change the permitted residential density of a zoning district. Ms. Sullivan explained that she had spoken to the applicant several years ago and had initially told him “no;” however, after he had pointed out the approval “across the street” Ms. Sullivan had explained that she would honor the minor variance, which was not the discussion item at this time.

(6:22:12) – Applicant Lee Hutchins introduced himself and explained that when he had purchased the property, he had noticed that the one across the street had four lots; therefore, he also wished to have the same configuration. Chairperson Wiggins entertained public comments.

(6:23:49) – Barbara Patterson introduced herself as the owner of “the 3200 block on Otha Street.” She gave background on the properties and noted that they had requested to have four dwellings per acre; however, their request had been denied. She also stated that they had not been notified and were surprised when one of the lots had been allowed to have four dwellings. Les Patterson indicated that they had not had water issues until the property on the west of theirs had been built and occupied. Ms. Manzo clarified for Commissioner Perry that a minor variance required signatures from all abutting property owners to be granted, which, in this case, had not been obtained. Mr. Hutchins explained that he had tried various ways of obtaining the signature of one property owner. There were no other comments. Chairperson Wiggins entertained a motion.

(6:35:21) – Commissioner Esswein moved to deny variance VAR-2022-0394, based on the inability to make Variance Findings No. 1 and No. 2. The motion was seconded by Commissioner Perry.

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

(6:36:26) – Commissioner Loyd explained that her “nay” vote was based on her ability to make the Findings. She also believed that not addressing density in a minor variance was a loophole.

6.E ZA-2022-0403 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FROM GREEN THUMB INDUSTRIES INC. (“APPLICANT”) FOR A RECOMMENDATION TO THE BOARD OF SUPERVISORS (“BOARD”) REGARDING AN ORDINANCE AMENDING LOCATION REQUIREMENTS FOR MEDICAL MARIJUANA DISPENSARIES AND MARIJUANA RETAIL STORES.

(6:36:57) – Chairperson Wiggins introduced the item. Ms. Ferris gave background and presented the Staff Report and supporting documentation, all of which are incorporated into the record. She highlighted the applicant’s request to amend CCMC 18.04.135 and 18.04.150 to allow marijuana retail stores and medical marijuana dispensaries in the General Commercial and General Industrial zoning districts without being limited by the specific Section, Township and Range. She noted that Staff was recommending denial of the request, adding that they had received a revised request from the applicant yesterday, to add marijuana dispensaries and retail stores to the list of conditional uses in Retail Commercial zoning districts, in addition to their initial request. Ms. Ferris reminded the Commission that they would be unable to consider the revised request without it being noticed; however, she recommended discussing the existing request to provide direction to Staff.

(6:43:50) – Commissioner Preston indicated that the November meeting agenda was already full and was informed that the item could be discussed in the December meeting, if approved by the applicant. Ms. Ferris also reviewed the noticing requirements for Commissioner Killgore and informed Commissioner Perry that it would be preferable to present “one cohesive ordinance to the Board [of Supervisors].” Ms. Sullivan explained that the Board of Supervisors had developed locational criteria in 2015 and now the applicant was requesting to change the criteria. She clarified that Staff had initially recommended denial (of the earlier request) based on the absence of a cause to change the locational criteria.

(6:48:45) – Silver State Government Relations representative Will Adler introduced himself and noted that he was representing clients GTI and Rise. He stated that the zoning change request is based on the changes in the cannabis licensing policy in Carson City. Mr. Adler reiterated the concerns raised by Rise during earlier cannabis discussions, noting that a density issue has been created by doubling the number of marijuana stores. He also expressed concern that under the current zoning laws, no properties were available for cannabis shops and referenced the new State laws which do not allow the shops to exist within 1,500 feet of gaming establishments.

(6:54:02) – Chairperson Wiggins was informed that the justification made by Mr. Adler was not in the current application; therefore, that finding could not be made. Mr. Adler noted that they had rushed the application. Commissioner Borders inquired whether stores opened prior to the opening of a Casino would be grandfathered and Mr. Tully offered to look into it and report back. Vice Chair Preston requested more contrasting colors on the maps for better decision-making and recommended revisiting CCMC 18.04.130 and 18.04.135 to understand the redundancies. Commissioner Loyd requested “more justification” from

the applicant for next month’s discussion. Commissioner Perry wished to understand the need for the zoning expansion request and Mr. Adler clarified that GTI/Rise would keep its current location and use its second license to use by February 2023. Mr. Adler explained that once locations are identified, the lease rates would increase. Chairperson Wiggins entertained public comments; however, none were forthcoming.

(7:07:20) – Chairperson Wiggins favored the removal of the zoning restrictions and believed that the barriers would be handled via the Special Use Permit. Commissioner Perry preferred to follow Staff’s recommendation to deny the request as presented and wished to have the applicant return with a more specific request, noting that the net was being cast wide. He also believed that there were a lot of commercially zoned areas in Carson City. Commissioner Killgore agreed with the potential property price increases and was concerned about the restrictions; however, he noted that he was not eager to hear public comment regarding the item. Commissioner Borders believed that a denial would create confusion, should another proposal come along. Ms. Ferris recommended continuing the item. Vice Chair Preston recommended discussing the item in December; however, Mr. Adler preferred a November hearing because of the State’s February deadline. Commissioner Borders recommended continuing the item and Ms. Ferris suggested continuing it to date uncertain. Mr. Adler offered to redo the application.

(7:16:48) – Commissioner Esswein moved to continue the item to date uncertain. 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

7. STAFF REPORTS (NON-ACTION ITEMS)

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

None.

- FUTURE AGENDA ITEMS.

(7:17:01) – Ms. Sullivan indicated that two items that were planned to be agendized for November would not be heard at the next meeting. She also stated that Special Use Permits for a nursing home project, a model home, a tattoo shop, a beauty salon, and for an apartment development would be agendized for the next meeting.

- COMMISSIONER REPORTS/COMMENTS

(7:18:50) – Commissioner Esswein requested a discussion on the review or repeal of CCMC Chapter 17.10. Vice Chair Preston suggested a discussion on the differences between General Commercial and Retail Commercial zoning. Commissioner Perry stated that he had requested that Staff post the Growth Management Plan on the Planning Division’s website. He also believed that a discussion on accessory dwellings in Title 18 was necessary. Vice Chair Preston also noted that some of the accessory dwellings were being used as Air B&Bs and wished to address that. Commissioner Killgore noted that he would not wish to mandate what people do with their accessory dwellings. Commissioner Loyd also wished to have a discussion regarding accessory dwellings but for the use of affordable housing.

8. PUBLIC COMMENT

(7:25:10) – Chairperson Wiggins entertained public comments: however, none were forthcoming.

9. FOR POSSIBLE ACTION: ADJOURNMENT

(7:25:20) – Chairperson Wiggins adjourned the meeting at 7:25 p.m.

The Minutes of the October 26, 2022 Carson City Planning Commission meeting are so approved on this 15th day of 7:25November 2022.