

CARSON CITY PLANNING COMMISSION

Minutes of the July 28, 2010 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, July 28, 2010 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Commissioner Malkiat Dhami
Commissioner Daniel Heath
Commissioner James Shirk
Commissioner William Vance
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (5:00:54) - Chairperson Kimbrough called the meeting to order at 5:00 p.m. Roll was called; a quorum was present. Commissioner Vance led the pledge of allegiance. Chairperson Kimbrough advised of having been reappointed to the commission, and introduced newly appointed Commissioners Heath and Shirk. At his request, both gentlemen provided background information on their experience relative to their interest in commission service. Chairperson Kimbrough welcomed Commissioners Heath and Shirk.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - June 30, 2010 (5:04:16) - Commissioner Vance moved to approve the minutes. Vice Chairperson Mullet seconded the motion. Motion carried 7-0.

C. MODIFICATION OF AGENDA (5:04:44) - None.

D. PUBLIC COMMENTS (5:04:51) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:05:35) - Mr. Plemel advised that the City's Permit Center, including the Planning Division, Building Division, and Business License Division, is moving to 108 East Proctor Street, just north of City Hall. He further advised that the Permit Center would be closed August 4 through 6 for the actual move, and would reopen at the new location on August 9th.

F. DISCLOSURES (5:06:44) - None.

G. CONSENT AGENDA (5:06:55) - None.

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H. PUBLIC HEARING MATTERS:

H-1. RESOLUTION 2010-PC-1 - ACTION TO ADOPT RESOLUTION 2010-PC-1 COMMENDING STEVE REYNOLDS FOR SIX YEARS OF SERVICE ON THE PLANNING COMMISSION (5:08:03) - Chairperson Kimbrough introduced this item, and invited former Commissioner Steve Reynolds to the podium. Chairperson Kimbrough expressed appreciation for Commissioner Reynolds' commission service, and read the language of the Resolution into the record. Chairperson Kimbrough entertained a motion to adopt the resolution. **Commissioner Vance so moved. Commissioner Wendell seconded the motion. Motion carried 7-0.** Chairperson Kimbrough thanked former Commissioner Reynolds.

(5:11:26) Former Commissioner Reynolds expressed appreciation for the opportunity to have served as a commissioner, and an interest in the commission's future decisions "when the freeway starts becoming very important in this community and some of that property around it starts coming into development." The commissioners, City staff, and citizens present applauded.

H-2. AB-10-038 - ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN APPLICATION FOR ABANDONMENT OF PUBLIC RIGHT-OF-WAY FROM TRI-STATE SURVEYING (PROPERTY OWNERS: HERMAN C. BAUER, ALEXANDER KIRSCH, AND JEANNIE BANGHAM) TO REDUCE THE EXISTING RIGHT-OF-WAY WIDTH BY EIGHT FEET, ADJACENT TO PROPERTIES ZONED RESIDENTIAL OFFICE ("RO"), LOCATED AT NORTH MINNESOTA, NORTH DIVISION, AND WEST ANN STREETS, APNs 001-191-02, -05, AND -06 (5:12:03) - Chairperson Kimbrough introduced this item. Ms. Pruitt oriented the commissioners to the subject property, using displayed slides. She commended the application materials compiled by Greg Phillips of Tri-State Surveying. She reviewed the agenda materials in conjunction with displayed slides, and noted staff's recommendation of approval. In response to a question, Mr. Sharp advised that the applicant will be responsible for constructing sidewalks, pursuant to condition of approval 5. Discussion followed.

(5:20:03) Greg Phillips, of Tri-State Surveying, expressed appreciation for Ms. Pruitt's presentation. He acknowledged agreement with the conditions of approval. In response to a question, he advised of having been hired by the applicant to survey the property boundary and topography for design purposes. He provided background information and explained the purposes for the abandonment to "gain more property frontage." He explained the intent to acquire "more room to work with the setbacks." In response to a question, he advised that most of the adjacent neighborhood structures "are already inside of the existing setbacks." The subdivision was originally created in 1875. "It will be consistent with surrounding properties." In response to a comment, Mr. Phillips provided additional background information on the abandonment application. In response to a question, he advised that the sidewalk improvements are applicable only to the northern half of the block. He acknowledge that the existing sidewalks meet the current Code requirements. "There are no proposed sidewalk improvements for the south half of the block."

Chairperson Kimbrough entertained additional commissioner questions or comments and public comments. Mr. Sharp provided additional clarification of the purpose for the abandonment application. "... that gives them an assurance that they're going to have the property to deal with when they go to redevelop the property. It's a win / win for both parties. It's a win for the City because we're not giving anything away

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until such time as these utilities and sidewalks are built, and we don't need the extra right-of-way. The curb is in the right spot ...”

Chairperson Kimbrough entertained additional commissioner comments or questions. When none were forthcoming, he entertained a motion. **Commissioner Wendell moved to recommend that the Board of Supervisors approve an abandonment of public right-of-way application, AB-10-038, for an eight-foot wide portion of North Minnesota Street, West Ann Street, and North Division Street, totaling a 3,814 square foot area, more or less, adjacent to properties located at 803 North Minnesota Street, 444 West Washington Street, and 812 North Division Street, APNs 001-191-02, 001-191-05, and 001-191-06, based on seven findings and subject to the conditions of approval contained in the staff report. Vice Chairperson Mullet seconded the motion. Motion carried 7-0.** Mr. Plemel advised that the commission's recommendation would be forwarded to the Board of Supervisors on August 19th.

H-3. SUP-10-041 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM BALWINDER S. THIND (PROPERTY OWNER: HARBANS HANDA AND B.S. THIND) TO ALLOW “TRUCK AND TRAILER RENTALS,” ON PROPERTY ZONED RETAIL COMMERCIAL (“RC”), LOCATED AT 1600 NORTH CARSON STREET, APN 001-156-03 (5:29:27) - Chairperson Kimbrough introduced this item. Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. She noted that the applicant is requesting to have six trucks and trailers on site, and responded to corresponding questions of clarification. Commissioner Heath expressed concern over a history of non-compliance at the property, and inquired as to the number of units on the property at the time one of the photographs was taken. In reference to pages 4 and 5 of the staff report, Ms. Pruitt advised of having met with the applicant, on a number of occasions, since June 2010. She further advised that the applicant is familiar with the conditions of approval. “The party that we were dealing with last year is not the same party we're dealing with today.”

In reference to condition of approval 6, Commissioner Shirk inquired as to the status of the carport. Ms. Pruitt expressed the belief that the carport has not yet been permitted, but noted the August 27, 2010 deadline. She assured the commission that staff will follow up with the applicant if the subject special use permit is approved. In response to a question, she expressed the understanding that the applicant's intent is to park the six rental units to the rear of the subject site. She expressed the opinion that the applicant should provide clarification for the record. In response to a further question, she expressed the understanding that the rental units will be parked on site rather than on the street. Mr. Plemel suggested adding a condition of approval to indicate that the display of rental units should be on site rather than on the street. Chairperson Kimbrough summarized the discussion to include two additional conditions of approval: for the applicant to restrict parking to one particular place on the site and no parking of the rental units on public streets adjacent to the site. In reference to the site plan, included in the agenda materials, Mr. Plemel noted the location of the six rental units in the “northwest corner of the lot.”

(5:41:10) Balwinder Thind introduced himself for the record and, in response to a question, advised of the intent to remove the carport “on Monday.” He acknowledged agreement with the conditions of approval, including the two additional, as suggested during this meeting. He further acknowledged the intent to never have more than six rental units parked on site at any given time. He further acknowledged that the business is an authorized “drop-off point for U-Haul.” In response to a question, he advised that dropped-off rental vehicles are transferred to the Highway 50 location “right away.” (5:44:01) Rollin Smith introduced himself for the record and advised of having assisted Mr. Thind in preparing the application materials.

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Chairperson Kimbrough entertained public comment and, when none was forthcoming, a motion. **Commissioner Dhami moved to approve SUP-10-041, a special use permit application from Balwinder Thind, to allow commercial truck and trailer rental, on property in the retail commercial zoning district, located at 1600 North Carson Street, APN 001-156-03, based on seven findings and subject to conditions of approval contained in the staff report, in addition to the two conditions discussed at this meeting. Commissioner Vance seconded the motion. Motion carried 7-0.**

H-4. SUP-04-095 ACTION TO CONSIDER A REQUIRED FIVE-YEAR REVIEW OF AN EXISTING SPECIAL USE PERMIT FOR CINDERLITE AND MACTEC ENGINEERING (PROPERTY OWNER: GOLDEN SIERRA INVESTMENTS & BLM) FOR AN EXTRACTION OPERATION, ON PROPERTY ZONED PUBLIC REGIONAL (“PR”) AND CONSERVATION RESERVE (“CR”) LOCATED AT 6100 GONI ROAD, APNs 008-011-06, -11, -57, AND -58 (5:46:00) - Chairperson Kimbrough introduced this item, and Ms. Pruitt oriented the commissioners to the subject site, using a displayed parcel map. She reviewed the agenda materials, and read condition of approval 14 into the record. She noted no modifications to condition of approval 14 were recommended by staff. She narrated pertinent slides, and reviewed the public noticing process, as outlined in the staff report. She noted the e-mail correspondence received from Mr. and Mrs. Ramirez, included in the agenda materials. In reference to pages 4 - 6, of the staff report, she reviewed recommended revisions to the existing conditions of approval. She noted a correction to condition of approval 21 to indicate, “The next scheduled *review* for SUP-04-095 ...” She further noted staff’s recommendation of approval of the five-year review.

In reference to the July 20, 2004 letter from Greg Lehman, of Cinderlite Trucking, Inc., included in the agenda materials, Mr. Sharp advised of having met with the applicant several days ago. Prior to that, he advised of having viewed the video tape of the June 2005 Planning Commission meeting which clarifies the intent for Cinderlite “to make a cash contribution at the time ... the City reconstructs Goni Road.” In his recent meeting with the applicant, he advised of having ensured the applicant’s understanding of condition of approval 14. In response to a question regarding condition of approval 23, Ms. Pruitt referred to the September 2, 2004 letter from Carson City School District Director of Operations Mike Mitchell, included in the agenda materials.

(6:00:22) Greg Lehman introduced himself for the record, and confirmed his understanding of condition of approval 14. He acknowledged agreement with all other conditions of approval.

Chairperson Kimbrough entertained public comment. (6:01:11) Craig Holmes, a resident of Kelvin Road and Goni Canyon Preservation League Board of Directors President, emphasized that he was providing individual testimony. He inquired as to plans to re-pave Goni Road, clarifying “the road is really not in that bad of shape. ... I drive that road every day and, frankly, the road hasn’t changed appreciably.”

Mr. Sharp explained that the Regional Transportation Commission programs street improvements, and that the Goni Road reconstruction is not currently programmed. “It doesn’t mean that it won’t be done three, five, six years from now ...” In response to a question, Mr. Sharp advised of the intent to continue making “normal repairs to that street ... We think we can keep after it from a maintenance standpoint for years down the road.”

Mr. Holmes expressed appreciation for Cinderlite Trucking, Inc. and stated, “... really, they’ve been good neighbors.” He advised that the Cinderlite trucks “don’t speed, they’re always clean ...” He further advised

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that “the Lehmans live in the neighborhood. They contribute time, equipment, and fuel to our annual neighborhood cleanup. They really care about what goes on in our neighborhood.” He expressed support for Cinderlite and reiterated “they’re good neighbors.”

(6:04:54) Thomas Gray, a Goni Canyon Preservation League Board of Directors member, emphasized that he would provide individual testimony. He advised of having been “quite critical” during the last special use permit review hearing. “But I’ve changed my opinion. ... For the last several years, Cinderlite and the Lehman family have been major contributors to the community ... They’ve donated lots of time and materials to neighborhood projects ...” Mr. Gray advised that Greg Lehman has served as a voluntary Goni Canyon Preservation League Board of Directors member. “He has been instrumental in ... increasing the communication and airing out issues.” Mr. Gray reiterated that the Lehmans participate in the annual neighborhood cleanup projects, and provided additional detail relative to their donations of time and equipment. He advised that Greg Lehman “has been a significant watchdog in the community,” and explained that “he ... follows or confronts or shadows people who look suspicious going up Goni Canyon ... He has reported them to the Sheriff on occasion if they’ve done something wrong.” Mr. Gray provided additional detail of various contributions by Cinderlite and the Lehman family to the neighborhood. “Cinderlite and the Lehman family are assets to the community.” In reference to the condition of Goni Road, Mr. Gray advised that he is a bicyclist. He confirmed there are no “huge potholes,” but advised that cracking “has increased a lot in the last few years. It’s not a hazard, but it’s definitely wearing.”

(6:11:12) Tricia Lincoln advised she is a resident of the Goni Canyon area, that she serves as a member of the Open Space Advisory Committee, and a member of the Goni Canyon Preservation League Board of Directors. She, too, emphasized that her testimony would be offered as an individual. She expressed appreciation for the relationship between the residents, Cinderlite Trucking, Inc., and the Lehmans. “We’ve all gotten to know each other a lot better through the neighborhood involvement that has come out of all of this. The Goni Canyon Preservation League, while it existed prior to this, has really become more active and the Lehmans are all part of that ...” Ms. Lincoln advised that “the Lehmans have been very responsive if we see a truck, their own truck or somebody else’s truck, that’s going up or down Goni Road speeding, they immediately ... take care of it.” She expressed appreciation for their responsiveness and involvement. She expressed concern over the condition of Goni Road and suggested that the Regional Transportation Commission and the City Engineer “keep a close watch.” In reference to one of the displayed photographs, she advised that the Lehmans had landscaped the entrance to the Cinderlite pit as well as the southern boundary of the pit. She further advised that any blasting is done with “very minimal noise.” She commended Cinderlite as a “very good neighbor ... and a very good business. They contribute significantly ... to the City in general [and] to our neighborhood.” She expressed appreciation for Mr. Lehman’s agreement to condition of approval 14, and support for staff’s recommendation of approval.

Chairperson Kimbrough commended the Lehmans as “a really good example of how to work in a community ...” Vice Chairperson Mullet advised of having served on the commission during the June 2005 commission meeting, and provided an overview of the contentious testimony relative to “the amount of traffic and the delinquency that happened up that canyon.” He commended the Lehmans on improving the situation. In response to a question, Mr. Sharp advised that Goni Road improvements will be programmed by the Regional Transportation Commission whenever appropriate. He provided background information on the “12 years” indicated in condition of approval 14, and explained it “was an estimate of how long, at that time, that the Public Works [Department] and [Regional] Transportation Commission thought that the road would last. It was all based on projections of truck traffic ... It was an estimate ... in order to establish

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this cost and to create the condition.” Mr. Sharp expressed the hope that the road will last longer than 12 years, assured the commissioners the condition of the road will be continually monitored, and that pavement management techniques will be applied, as appropriate.

Chairperson Kimbrough entertained additional questions or comments and, when none were forthcoming, a motion. **Commissioner Wendell moved to approve the five-year review of SUP-04-095, a special use permit to allow an extraction operation known as Cinderlite Goni Road Pit, located at 6100 Goni Road, APNs 008-011-58, 008-011-57, 008-011-06, and 008-011-11, based on the evaluation of the conditions of approval and with the modified conditions of approval as recommended by the staff, specifically delineation of conditions of approval 9 and 23, and the addition of the language specifically the next scheduled update for SUP-04-095 will be the Planning Commission meeting in July 2015, for condition of approval 21. Commissioner Shirk seconded the motion.** Based on previous discussion, Ms. Pruitt requested Commissioner Wendell to indicate that the language of condition of approval 21 should be changed from “update” to “review.” **Commissioner Wendell amended his motion accordingly. Commissioner Shirk continued his second.** Commissioner Vance expressed a preference to “go with the motion that was recommended by staff.” Chairperson Kimbrough entertained additional discussion and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 6-1.** Chairperson Kimbrough thanked the neighbors for their attendance and participation.

I. STAFF REPORTS

I-1. COMMISSIONER REPORTS / COMMENTS (6:20:42) - None.

I-2. DIRECTOR’S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (6:20:52) - Mr. Plemel reported on the growth management recommendation submitted to the Board of Supervisors at their July 1st meeting. He reviewed the tentative agenda for the August commission meeting.

J. ACTION TO ADJOURN (6:23:21) - Commissioner Vance moved to adjourn the meeting at 6:23 p.m. Vice Chairperson Mullet seconded the motion. Motion carried 7-0.

The Minutes of the July 28, 2010 Carson City Planning Commission meeting are so approved this 25th day of August, 2010.

MARK KIMBROUGH, Chair