

DRAFT MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, March 27, 2019 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Mark Sattler	Vice Chair – Charles Borders, Jr.
Commissioner – Alex Dawers	Commissioner – Paul Esswein
Commissioner – Teri Preston	Commissioner – Hope Tingle
Commissioner – Jay Wiggins	

Staff

Lee Plemel, Community Development Director
 Hope Sullivan, Planning Manager
 Ben Johnson, Deputy District Attorney
 Steven Pottéy, Engineering Project Manager
 Heather Ferris, Associate Planner
 Tamar Warren, Deputy Clerk

NOTE: A recording of these proceedings, the board’s agenda materials, and any written comments or documentation provided to the recording secretary 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.

An audio recording of this meeting is available on www.Carson.org/minutes.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE

(4:59:46) – Chairperson Sattler called the meeting to order at 5:00 p.m. Roll was called. A quorum was present. Commissioner Preston led the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Mark Sattler	Present	
Vice Chair Charles Borders, Jr.	Present	
Commissioner Alex Dawers	Present	
Commissioner Paul Esswein	Present	
Commissioner Teri Preston	Present	
Commissioner Hope Tingle	Present	
Commissioner Jay Wiggins	Present	

B. PUBLIC COMMENTS

(5:00:36) – Chairperson Sattler entertained public comments; however, none were forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – JANUARY 30, 2019 AND FEBRUARY 27, 2019.

(5:01:23) – Chairperson Sattler entertained comments or changes and when none were forthcoming, a motion. Mr. Johnson cited the Nevada Revised Statute (NRS) which states that “minutes must be approved within 45 days

or at the next meeting unless there is good cause is shown”. Mr. Johnson noted that in this case there was good cause, “due to staffing in the Clerk’s Office”.

(5:02:13) – MOTION: I move to approve the minutes of the January 30, 2019 with a date correction in the header.

RESULT:	APPROVED (7-0-0)
MOVER:	Borders
SECONDER:	Tingle
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(5:02:40) – Commissioner Esswein indicated that he had been present during a vote, and wished the record corrected. Chairperson Sattler noted a date correction in the header.

(5:02:40) – MOTION: I move to approve the minutes of the February 27, 2019 with a date correction.

RESULT:	APPROVED (7-0-0)
MOVER:	Esswein
SECONDER:	Dawers
AYES:	Sattler, Borders, Dawers, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

D. MODIFICATION OF AGENDA

There were no modifications to the agenda.

E. PUBLIC HEARING MATTERS

E.1 SUP-18-178 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A SPECIAL USE PERMIT FOR EIGHT APARTMENT BUILDINGS WITH 143 TOTAL COMBINED UNITS ON PROPERTY LOCATED WITHIN THE RETAIL COMMERCIAL ZONING DISTRICT, 4530 AND 4580 COCHISE STREET, APN’S 009-265-01, -02, -03, 009-287-06 AND -07.

(5:03:40) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report with accompanying photographs and documentations, and responded to qualifying questions. She also reviewed the conditions of approval and noted that Condition 15 will read “...the applicant shall enter into an improvement agreement to pay for two percent of the cost required to install a traffic control signal...” and noted that Transportation Manager Lucia Maloney, City Engineer Dan Stucky, and Engineering Project Manager Steven Pottéy were present in the audience to answer questions about traffic. Commissioner Tingle inquired about guest parking and Ms. Sullivan clarified that apartment complex requirements were two spaces per unit and that guest parking was required when streets that abut a project are unable to accommodate on-street parking.

(5:20:15) – Chairperson Sattler acknowledged receipt of a letter from the Carson City School District. Commissioner Dawers believed that “a traffic signal would greatly benefit a [school] bus stop”. Transportation Manager Lucia Maloney explained that “school age trips” are considered when providing spaces for “civic amenities that help with circulation and getting in and out”.

(5:25:15) – Applicant Randy Walter, PLACES Consulting Services, noted that he was representing the current property owners, Steve Dontcho and Robert French. Mr. Walter indicated that the number of students in an apartment complex is not as high as those in a single-family housing development and should the school bus need to pick up students “it’ll be very easy to come in from Overland”, adding that “the residential components will both help and enforce that mixed use component, and we’ll probably see more services provided because of that.” He also discussed the water services for the project, and the improvements they planned on doing. Mr. Walter addressed the traffic concerns and believed that a traffic signal may be required and confirmed for Chairperson Sattler that he agreed with all the conditions of approval, including the modified ones.

(5:40:41) – Commissioner Tingle inquired about workforce housing and was informed that the applicant would “provide a housing type (apartments) which fits the mold of more affordable places to live”, adding that most of this project was produced “relatively economically” with the exception of grading, to meet the affordability goal. Commissioner Tingle also inquired about the lack of controls at the intersection of Cochise Street and West Appion Way. Commissioner Esswein suggested varying heights to the barrier trees for better screening and wished to see the change reflected in the conditions of approval. Commissioner Borders was informed that the apartments will not be gated. Commissioner Dawers received confirmation that the applicants will prefer to add a condition of approval to require the building of a school bus stop area, should the city approve or require it. Chairperson Sattler entertained public comments.

PUBLIC COMMENT

(5:52:52) – Darlynn Branton introduced herself as a Clearview Drive resident and expressed safety concerns regarding fire access. She also pointed out that Sunday traffic was heavy on Overland Street because of a church in the area and wanted to know what a “half street improvement” meant. Ms. Branton was in favor of a traffic signal at Carson Street and Appion Way, and a roundabout at the Appion Way and Cochise Street intersection.

(5:54:28) – Tony Pilant introduced himself as a Carson City resident who lives “about a hundred yards” from the development. He noted that many people use Cochise Street as a shortcut and if the road has cars parked on both sides, it will be difficult for first responders to go through it, adding that the area was susceptible to fires. Mr. Pilant also believed that the designs presented are one of the better ones he has seen; however, he did not believe open space is available as part of the design. He believed that “good flood control” was necessary and believed that there was no planned parking for staff and guests.

(6:00:40) – Ms. Sullivan referenced the Carson City Fire Department’s comments in the agenda materials which addressed meeting all the international fire codes including turning radii. She also read the requirements outlined in condition 12 and invited Mr. Pottéy to elaborate on half street improvements. Additionally, she recommended that the school bus parking condition read “As part of the site improvement permit the applicant shall consult with the School District regarding the incorporation of a bus stop”. She wished to that condition five “require an exhibit demonstrating compliance with the open space requirement and the exhibit indicating programming of open space areas shall be included in the application for a site improvement permit and that on-site programming must be designed to meet the needs of the residents”. Ms. Sullivan clarified that balconies qualified as private open

space. She referenced condition 25 which addressed drainage, She indicated that Staff is aware that this area is in transition because of the highway interchange and that they are not looking at each project in isolation.

(6:04:52) – Mr. Pottéy explained that half street improvement were a development standards requirement which would entail constructing half the street “going from the center of the right-of-way”. Chairperson Sattler indicated that the Parks and Recreation Department’s recommendation was also included. Ms. Sullivan explained that public access easements have always been considered with every project. Chairperson Sattler entertained a motion.

(6:08:10) – Ms. Sullivan clarified the modifications to condition 15 to read: “Prior to the issuance of a construction permit, the applicant shall enter into an improvement agreement to pay for 2.5 percent of the cost required to install a traffic control signal at S. Carson Street/Appion Way, in an amount not to exceed \$30,000. The surety for this agreement must be in the form of cash, and shall be used by the City to pay for the design/construction of a traffic control signal or traffic control signal/device, or held for a period of no more than 10 years. If the funds are not utilized for said traffic control signal/device within 10 years, funds shall be released. If 2.5 percent of the cost of the improvement is less than \$30,000, the difference shall be reimbursed.” Ms. Sullivan also reviewed the modification to condition seven, requested by Commission Esswein, to read: “As part of the site improvement permit application, the applicant shall submit a detailed landscape plan demonstrating compliance with both Division Three and Division Seven of the Development Standards. The landscape plan shall include a six foot solid wall and dense landscaping that will staggered in varying heights with the majority having the ability to reach a maturity height of at least six feet along the southern property line. The landscape plan shall also include the proposed streetscape design along Cochise Street.” Lastly, Ms. Sullivan iterated an added condition to read: “As part of the site improvement permit the applicant shall consult with the School District regarding the incorporation of a bus stop.” The applicant was in agreement with the proposed changes by Ms. Sullivan.

(6:10:35) – Mark Beutner introduced himself as an area resident, living on the corner of Voltaire and West Patrick Streets, near an upcoming hotel. Mr. Beutner believed that the problem will reside at Cochise Street and Appion Way, as streets could be widened but not lengthened, adding that most people will take shortcuts on Cochise and South Curry Streets. Chairperson Sattler entertained a motion.

(6:13:16) – MOTION: I move to approve SUP-18-178, based on the ability to make the required findings, and subject to the conditions of approval, with the amended Conditions 7 and 15, and with the additional consideration of consulting with the School District regarding a bus stop.

RESULT:	APPROVED (5-2-0)
MOVER:	Preston
SECONDER:	Dawers
AYES:	Sattler, Borders, Dawers, Preston, Wiggins
NAYS:	Esswein, Tingle
ABSTENTIONS:	None
ABSENT:	None

(6:13:55) – Commissioner Tingle clarified that she had voted against the motion because the findings did not fully support Finding three, four, six, and seven.

(6:14:32) – Ms. Maloney clarified for Commissioner Borders that each project was not being considered “in a vacuum and that the Commission’s decisions will be taken into consideration as part of the South Carson Project. She also announced that the Redevelopment Authority Citizens Committee had funded a “Circulation Study” to begin in July 2019, to review the parallel streets and those with side connections to Carson Street.

(6:15:48) – Commissioner Esswein explained that he had voted against the motion noting “until the traffic situation can be adequately identified and plans made to mitigate the congestion, I don’t believe that we should be going forward with this project”.

E.2 SUP-19-009 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A SPECIAL USE PERMIT TO CONTINUE THE USE OF AN EXISTING BILLBOARD LOCATED AT 3700 HIGHWAY 50 EAST, APN 008-271-04.

(6:16:56) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report with accompanying photographs and recommended approval because no modifications are proposed by the applicant, which means there were no changes to the original conditions of approval, and their ability to meet all seven required findings. She also acknowledged the presence of the applicant in the audience and confirmed for Vice Chair Borders that the conditions that were approved five years ago would still apply today.

(6:18:45) – Applicant William Kugler noted that he had read and had read and was in agreement with the Staff Report. There were no public comments. Chairperson Sattler entertained a motion.

(6:19:09) – MOTION: I move to approve SUP-19-009, based on the findings and subject to the conditions of approval contained in the staff report

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

E.3 SUP-19-013 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A SPECIAL USE PERMIT FOR A DOG BOARDING FACILITY OFFERING DAYCARE, OVERNIGHT BOARDING, AND GROOMING ON PROPERTY LOCATED WITHIN THE RETAIL COMMERCIAL ZONING DISTRICT, 3101 SOUTH CARSON STREET, APN 009-112-11.

(6:20:07) – Chairperson Sattler introduced the item. Ms. Ferris presented the Staff Report with accompanying documents, incorporated into the record, and referenced receipt of five additional opposing form letters as late material now totaling 31. She acknowledged the presence of applicant Chelsey Avery who would answer questions. Chairperson Sattler expressed concern about the expansion which would add many additional dogs, and believed that some dogs may be able to jump over the six-foot fence. Commissioner Esswein was informed that the Fire Marshall had consulted with the State Fire Marshall and it was determined that such a facility would not require an alarm. Mr. Plemel clarified that the building must comply with the fire requirements of the building code. Discussion ensued regarding Special Use Permits versus construction plans and Mr. Plemel

believed that the applicant will have to comply with the fire code during the construction Phase. Commissioner Esswein also wished to see the evening hours limited to 5:00 p.m. Commissioner Dawers was informed that the outdoor kennels would be limited to the 5 p.m. hours.

(6:42:12) – Ms. Avery explained that loud dogs would go out individually because she would not want to have “angry neighbors”. Chairperson Sattler cited anecdotal information regarding barking dogs near businesses. Ms. Avery noted that the Dodge dealership “makes its own noise” with the loudspeakers. Commissioner Tingle cited several veterinary boarding facilities near apartment complexes and recommended having across-the-board criteria for all dog boarding facilities. Commissioner Dawers was concerned that a fire alarm was not required a building that would house 40 dogs. Ms. Avery explained that the 40-dog number was with the expansion, adding that other similar facilities with more than 40 dogs did not have fire alarms or sprinklers. Ms. Sullivan clarified that the Municipal Code was amended in 2013 and since then there have not been kennel Special Use Permit applications, adding that dog boarding was an allowed use in Industrial and General Commercial zoning districts, without a Special Use Permit. Commissioner Wiggins inquired about limiting the noise to certain decibels as a result of a sound study; however, Ms. Ferris was not certain how an accurate sound test may be achieved prior to occupying the property; however Commissioner Wiggins suggested setting the noise level limits for future compliance. Ms. Ferris believed that any noise compliance would be difficult to enforce. Commissioner Tingle believed that compliance would be based on complaints. Discussion ensued regarding tying added conditions to findings. Chairperson Sattler entertained public comments and requested that the comments be limited to 3 minutes.

PUBLIC COMMENT

(7:01:39) – Gordon Smiley, adjacent property owner, noted that many of his tenants are veterans or elderly, and if they leave because of the noise, he may not be able to rent his mobile homes.

(7:03:17) – Dan Knox introduced himself as a 346 Springview drive and read a prepared statement regarding the noise and the lack of acoustical noise analysis report.

(7:10:30) – Diane Jones introduced herself as a resident of 3140 Parkview Drive and expressed concern over noise and cited OSHA decibel levels.

(7:15:42) – Gene Erskine introduced himself as an adjacent property owner and explained that the previous business owners had barking dogs and one of his tenants had moved out because of the dogs. Chairperson Sattler confirmed for Mr. Erskine that the Commission had received many opposing letters.

(7:19:11) – William Bright introduced himself as a veteran and resident of the apartment building next door to the business, adding that the noise factor was of concern and that the Dodge dealership stopped work at 5 p.m.

(7:23:06) – Lydia Sittman introduced herself as a resident “a couple of streets back behind” and spoke in favor of the business and explained that the dogs in her neighborhood barked also. Ms. Sittman believed that many residents need dog boarding, especially with the new residences that are being built.

(7:24:08) – Lori Dickerson, a resident of Somerset Drive, also spoke in favor of the business because most were on the north end of town. She was also pleased that someone would stay with the dogs overnight and as a working person preferred the 7 a.m. to 7 p.m. hours. Ms. Dickerson also highlighted the noise from the automobile dealership and the motorcycle noise from Carson Street.

(7:26:13) – Property owner Andrew Kassels explained that he had already removed a previous tenant at the request of Mr. Erskine. He also noted that he had visited the applicant’s business in the [San Francisco] Bay Area and had observed that they were responsible business owners who were not going to let dogs run around all day. Mr. Kassels explained that the applicant had sent a letter to all the neighbors and had received only two responses. He also called the form letter signed by many neighbors “a derogatory letter that someone had formulated”. Mr. Kassels believed that the applicants were bringing jobs and a service to the community.

(7:29:54) – Commissioner Esswein suggested the following amendments to the conditions of approval: Condition seven to read: “The applicant must install a fire alarm and fire sprinkler systems, subject to the requirement of the Carson City Building Code and applicable life safety codes.” He also believed that condition 27 should read: “Animal access to outdoor areas, including outdoor kennel areas shall be limited to between the hours of 8:00 am and 5:00 pm and to limit the number of dogs outside after 5 pm to one dog at a time.” Commissioner Esswein was concerned about the noise level in the evenings. Both he and Commissioner Dawers were in favor of outdoor noise mitigation. Both Chairperson Sattler and Commissioner Preston cited examples of noise issues. Commissioner Borders stated he would make a motion

(7:40:19) – MOTION: I move to deny SUP-19-013, based on the findings and subject to the conditions of approval contained in the staff report.

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

(7:41:35) – Mr. Plemel reminded the applicants that this is the final decision; however, they could appeal to the Board of supervisors within 10 days,

(7:42:19) – Chairperson Sattler recessed the meeting.

(7:48:18) – Chairperson Sattler reconvened the meeting. A quorum was still present.

E.4 TSM-17-005-1 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING A REQUEST TO MODIFY THE CONDITIONS OF APPROVAL OF TENTATIVE MAP TSM-17-005, A TENTATIVE SUBDIVISION MAP KNOWN AS BLACKSTONE RANCH PHASE 1 LOCATED SOUTH OF ROBINSON STREET, EAST OF NORTH SALIMAN ROAD, AND NORTH OF EAST FIFTH STREET, APN 010-041-77.

(7:48:19) – Chairperson Sattler introduced the item. Ms. Sullivan presented the agenda materials and noted that the project was already approved; however, the applicant was requesting this modification to the condition of approval to the Tentative Map. Chairperson Sattler acknowledged receipt of late materials from Charles Robinson opposing the item.

(7:56:06) – Ken Anderson of Odyssey Engineering acknowledged that he had received the Staff Report and was in agreement with it. Commissioner Tingle expressed concern about the water table and the standing war. Chairperson Sattler entertained public comments.

PUBLIC COMMENT

(8:00:30) – Charles Robinson introduced himself and expressed concern regarding flooding. An East Fifth Street resident noted that a nearby field contained six inches of standing water. He also wished to discuss the traffic issues brought by the development; however, Mr. Johnson explained that the topic was not agendized, therefore, the discussion would violate the Open Meeting Law.

(8:03:54) – MOTION: I move to recommend to the Board of Supervisors approval of a modification to Condition of Approval number 28 of the Blackstone Ranch Subdivision Phase One as provided for in the March 27, 2019 staff report to the Planning Commission, based on the findings and subject to the conditions of approval

RESULT:	APPROVED (7-2-0)
MOVER:	Dawers
SECONDER:	Borders
AYES:	Sattler, Borders, Dawers, Preston, Wiggins
NAYS:	Esswein, Tingle
ABSTENTIONS:	None
ABSENT:	None

F. STAFF REPORTS (NON-ACTION ITEMS)

F.1 DIRECTOR'S REPORT TO THE COMMISSION

(8:04:50) – Mr. Plemel announced that the appeal of the RV park on Hot Springs Road would be heard by the Board of Supervisors on April 4, 2019.

FUTURE AGENDA ITEMS

(8:06:02) – Mr. Plemel reviewed several items to be discussed at the next meeting. Chairperson Sattler suggested a cutoff date for late material. Mr. Plemel was in agreement.

COMMISSIONER REPORTS/COMMENTS

None.

G. PUBLIC COMMENT

None.

H. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(8:09:07) – MOTION: Commissioner Borders moved to adjourn. Chairperson Sattler adjourned the meeting at 8:09 p.m.

The Minutes of the March 27, 2019 Carson City Planning Commission meeting are so approved this 24th day of April, 2019.

MARK SATTLER, Chair