

**CARSON CITY PLANNING COMMISSION**  
**Minutes of the September 25, 2013 Meeting**  
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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, September 25, 2013 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

**PRESENT:** Chairperson George Wendell  
Vice Chairperson Paul Esswein  
Commissioner Malkiat Dhami  
Commissioner Walt Owens  
Commissioner Mark Sattler

**STAFF:** Lee Plemel, Community Development Department Director  
Susan Dorr Pansky, Planning Manager  
Joseph Ward, Senior Deputy District Attorney  
Kathleen King, Deputy Clerk / 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 A QUORUM, AND PLEDGE OF ALLEGIANCE (5:00:11)** - Chairperson Wendell called the meeting to order at 5:00 p.m. Roll was called; a quorum was present. Commissioners Kimbrough and Steele were absent. At Chairperson Wendell's request, Vice Chairperson Esswein led the pledge of allegiance.

**B. PUBLIC COMMENTS (5:01:17)** - Chairperson Wendell entertained public comment; however, none was forthcoming.

**C. POSSIBLE ACTION ON APPROVAL OF MINUTES - July 31, 2013 (5:03:37)** - Commissioner Sattler moved to approve the minutes, as presented. Commissioner Owens seconded the motion. Motion carried 5-0.

**D. MODIFICATION OF AGENDA (5:04:17)** - Chairperson Wendell entertained modifications to the agenda; however, none were forthcoming.

**E. DISCLOSURES (5:04:30)** - Chairperson Wendell entertained disclosures of the commissioners. Vice Chairperson Esswein advised that his wife is an associate of, and that he has a social relationship with, Attorney Michael Suglia and that he would recuse himself from participating in discussion and action of item G-1. Commissioner Sattler disclosed that his wife is an employee of the Greenhouse Garden Center. In response to a question, Mr. Ward advised that Commissioner Sattler would not personally benefit from participating in discussion and action of item G-1, and did not see any reason for Commissioner Sattler to recuse himself. In response to a further question, he expressed the opinion that Vice Chairperson Esswein's recusal was appropriate.

**F. CONSENT AGENDA (5:06:17)** - None.

**G. PUBLIC HEARING MATTERS**

**G-1. SUP-09-055(A) POSSIBLE ACTION TO CONSIDER A REQUEST TO AMEND**

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**A PREVIOUSLY APPROVED SPECIAL USE PERMIT FROM ROB LAUDER (PROPERTY OWNERS: BERNARD / BERNARD, CUCCARO, LLC AND WILLIAM F. AND D. HORNE, ET AL.) FOR PERMANENT OUTDOOR DISPLAY OF MERCHANDISE, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 1803, -05, -07, -09, -11, -15, -17, -19, AND -21 NORTH CARSON STREET, APNs 002-091-03, -04, AND -06 (5:07:47)** - Vice Chairperson Esswein stepped from the dais and took a seat in the meeting room. Chairperson Wendell introduced this item, and Ms. Dorr Pansky reviewed the September 25, 2013 memorandum which was distributed to the commissioners and staff prior to the start of the meeting. She reviewed the agenda materials in conjunction with displayed slides, noting staff's recommendation of approval with the conditions outlined in the staff report. She responded to corresponding questions of clarification.

Chairperson Wendell invited the applicant or his representative to the podium. (5:30:59) Robert Lauder, of RL Engineering, introduced himself for the record. He acknowledged having reviewed the conditions of approval and of having been made aware of staff's recommendation of approval. He expressed disagreement "with certain of the recommendations." In response to a previous question, he advised of one space available for lease at the subject shopping center. In conjunction with displayed photographs, he reviewed the "old layout." He discussed objections to conditions of approval 10, 9, and 8, and responded to corresponding questions of clarification. Discussion followed.

Chairperson Wendell invited the applicant's representative to the podium. (5:51:22) Attorney Mike Suglia advised that he had been retained by Applicant Gene Munnings. In conjunction with displayed slides, he discussed the benefits of Evergreen Gene's store to the community and Mr. Munnings' community involvement. Mr. Suglia acknowledged "an expansion of the prior permit;" that "it should have come before the commission." He explained, "it wasn't done out of arrogance or out of defiance. It was done out of fear; fear that there'd be so many conditions imposed, conditions that cost a business, conditions that would hurt the business." Mr. Suglia expressed apology and assured the commission "with approval of this application, it will stay strictly within the guidelines; whatever this commission recommends." He further clarified objections to conditions of approval 10, 9, and 8. He expressed agreement with staff's recommendation of approval, noting that the proposed amendment "meets all the requirements of the master plan. It's good for Carson City." He requested the commission's approval of the proposed amendment, and responded to corresponding questions of clarification.

In response to a comment, Mr. Suglia referred to page 6 of the staff report and reiterated apology, on behalf of Mr. Munnings, for the encroachment. He advised of having been informed by Mr. Munnings that, in 2009, "one of the commissioners wanted him to have a grease trap even though he doesn't water the plants so the water runs on the ground. He puts them in trays so the water doesn't run on the ground. He also has a license from the State of Nevada to operate a nursery. And so, it was more out of fear. It was not out of defiance or trying to get away with something. He's right out in the open." In response to a further question, Mr. Suglia noted the condition of approval requiring review of the proposed amendment in one year. At Chairperson Wendell's request, Mr. Suglia summarized his comments relative to disagreement with conditions of approval 10, 9, and 8.

Chairperson Wendell entertained public comment. (6:14:53) Chester Parks, owner of Nevada Gun Exchange, expressed the opinion that Mr. Munnings "does do what he feels like and he expanded so much that he's hurt most of the parking in there." He discussed issues associated with insufficient parking, expressed support for Mr. Munnings' business, and the preference that he would "move those plants back a little bit and give us all some room and a little more parking. He says he's got seven

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parking spaces tied up. He's got ten. He's got a truck and a trailer and a car, plus his seven spots so that doesn't leave much for anybody."

(6:16:31) Debbie Dean described the location of her residence "roughly a block behind [Mr. Munnings'] business." She advised that she walks to the Grocery Outlet to do her shopping, and estimated she is "through that area at least five times a week." She expressed the opinion that "[Mr. Munnings] is the best thing that has happened there since 1998 when [she] moved in." She described the care Mr. Munnings takes of his store and its surroundings, and expressed appreciation for his business.

(6:18:10) Donald Shiffer advised that he assists Mr. Parks at Nevada Gun Exchange. He acknowledged opposition to the proposed amendment, and discussed concerns associated with parking lot ingress and egress.

(6:20:23) Carley Hornberger expressed support for Mr. Munnings' business in consideration of the current economy. She expressed appreciation for Mr. Munnings' customer service.

(6:22:05) Nolan Prater, a "friend and customer of the Nevada Gun Exchange," referred to a photograph at page 15 of the late material and discussed vehicles parked in the parking lot. He further discussed concerns associated with insufficient visibility at the entrance / exit to the parking lot. He discussed additional concerns associated with temporary signage blocking the entrance to the parking lot.

(6:25:06) Pamela Bass advised of having frequently visited Mr. Munnings' store "as long as he's been there." She expressed appreciation for the business, and advised of never having had a problem with parking or oncoming traffic.

(6:26:18) Mary Randall expressed support for Mr. Munnings' store, and advised of never having "had a problem."

(6:27:53) DeeDee Foremaster advised that she is "a disability specialist," and has "one of the grants that provides disability information for this City." She further advised of having been "in [Mr. Munnings'] place of business and, when you're a person with a disability, the first thing you're very, very, very careful about is to always stay away from the doors that are going to open. So if you are in an electric wheelchair, you're going to basically stay away from the area where the doors are going to open. So you're going to have a tendency to stay to the outside of the sidewalk to begin with. Thirty-six inches is a required handicapped distance. Forty-eight inches is wonderful." Ms. Foremaster advised of having seen "no problem with accessibility." She suggested requiring "an extra handicapped spot near that end of the shopping center." She expressed appreciation for the method by which Mr. Munnings has "beautified this area in a dilapidated shopping center." She reiterated the suggestion to require an additional handicapped parking space near the gun shop. She displayed a photograph of "the garden next to [her] homeless center," and described the irrigation system installed by Mr. Munnings at his own expense.

(6:37:57) Marcia Truesdale advised that she works next door to the Do Drop In Center, and confirmed "the improvement to the side yard in our business community." She expressed appreciation for the "service that [Mr. Munnings] has offered in this community, not just with his business and the plants but with the church and with the Senior Follies. He is an active, supportive member in the church and in the community." She expressed appreciation for the "passion ... and the knowledge that [Mr.

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Munnings] has for his plants and his materials.”

(6:40:02) Carson Shopping Center Manager Bill Horne expressed support for the proposed amendment, and thanked Community Development Department staff. He expressed agreement with Mr. Suglia “and what we’re trying to do,” and apology for allowing deviation “from the original permit.” He advised that his “goal, as a landlord, is to try [his] best in operating the center to promote the businesses and allow them to be successful.” He expressed the belief that Mr. Munnings’ “encroachments were done to promote his business.” He acknowledged “we were in the wrong. [He] allowed it to happen because [he] believed it necessary for [Mr. Munnings] to survive.” He expressed unhappiness over “two tenants that are unhappy with each other,” and the belief that the plan will address a lot of the concerns of Mr. Parks. He expressed apology to Mr. Parks for “the way they have been treated.” He expressed the belief that Nevada Gun Exchange “is very necessary,” and concern that “business has been down for them ...” He discussed improvements to the shopping center since the opening of Mr. Munnings’ business, and provided background information on the prior condition of the shopping center. He acknowledged “a parking issue,” and advised that it is in the process of being addressed with a new plan. In conjunction with displayed slides, he discussed the proposed new parking and circulation plan.

In response to a question, Mr. Horne discussed steps taken to mitigate the issues between the tenants. In response to a question, he advised of not having reviewed the conditions of approval. “... but I’ve listened to the comments on the ... conditions that the tenant is not happy with.” He requested the commission’s consideration to “adjust” conditions of approval 10, 9, and 8, as suggested by Mr. Lauder and Mr. Suglia.

Chairperson Wendell entertained additional questions of the commissioners. In response to a question, Mr. Horne advised that Mr. Munnings has leased one unit. Commissioner Owens suggested that Mr. Munnings has “created an outdoor business with a small indoor spot.” Mr. Horne acknowledged the accuracy of the statement, but stated, “we are in a depression.” Commissioner Owens acknowledged the understanding that “everything is evolving and changing because of ... the position that we’re in as a community.” Mr. Horne reiterated the desire to help ensure the success of his tenants. He further reiterated that “this particular tenant brings beauty to the center, brings beauty to Carson City, could be a destination almost ...” He expressed the belief that “the plan is good for the center and is good for the City and it’s good for [Mr. Munnings].” Mr. Horne acknowledged that Mr. Munnings is also currently utilizing the unrented unit, #1850.

Chairperson Wendell called again for public comment. (6:57:10) Sandra Davis advised of having patronized the shopping center since approximately 2000. She advised of never having experienced any problem with parking or pedestrians. She expressed support for Mr. Munnings’ business, and advised that she patronizes his shop.

(6:58:28) At Chairperson Wendell’s request, Mr. Parks stepped to the podium. Mr. Parks acknowledged having listened to the testimony provided during the meeting. In response to a further question, he advised he had not reviewed the conditions of approval or the proposed plans. He further advised that he has no personal problem with Mr. Munnings. “He just seems to have grown out in the middle of everything and we just can’t get any decent parking.” In response to a question, he advised that most of his questions had been answered. He reiterated the concern over pedestrian safety.

Chairperson Wendell provided the applicant or any of his representatives the opportunity to provide

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additional comment. At Chairperson Wendell's request, Mr. Munnings identified himself from the audience. (7:00:27) Rob Lauder acknowledged that Mr. Munnings' business has "encroached on the parking." "The end result that we're presenting actually increases the parking." In response to a comment, Mr. Lauder disagreed with providing additional handicapped parking for Nevada Gun Exchange. He explained that "in a normal design process of a parking lot, there are codified ratios of the minimum number of handicapped spaces to the total spaces in the parking lot. Along with that, it's also codified that there be unloading zones. Almost by definition, when you add a parking space, you have to add an unloading zone and that basically takes a parking space away. So by adding handicapped parking, we will decrease the available parking."

Chairperson Wendell called again for public comment. (7:03:23) DeeDee Foremaster suggested specifically designating parking for Nevada Gun Exchange.

At Chairperson Wendell's request, William Horne stepped to the podium. (7:04:22) Mr. Horne acknowledged having heard Ms. Foremaster's suggestion. In response to a further question, he advised of never having considered the suggestion. Ms. Dorr Pansky advised that staff would not support a condition of approval for specifically designated parking. In response to a comment, Mr. Plemel acknowledged the property manager and the tenants could work out the details. He reiterated that staff would not support including the suggestion as a condition of approval. Mr. Horne discussed difficulties associated with designating parking places, specifically enforcement. (7:08:17) In response to a question, Mr. Parks reiterated the need for additional parking. Commissioner Owens suggested addressing the issue of Mr. Munnings parking his truck and trailer in one of the "prime [parking] spots." Mr. Horne agreed to request Mr. Munnings to park in a different place, but clarified he would not pursue legal enforcement.

Chairperson Wendell called again for public comment. (7:10:20) Spencer Bass advised of having assisted Mr. Munnings for "a few years." He discussed difficulties associated with an appropriate parking place for the truck and trailer. He advised that he has never experienced problems with parking or pedestrians, and that the chain complained of by Mr. Parks is "never up during business hours."

Chairperson Wendell called again for public comment and, when none was forthcoming, entertained questions or comments of the commissioners. In reference to condition of approval 22, at page 4 of the staff report, Ms. Dorr Pansky advised that a recommendation to revoke would be pertinent to the entire special use permit. She acknowledged that Mr. Munnings would have the right to appeal any revocation to the Board of Supervisors and, ultimately, to the District Court. Mr. Plemel advised that the commission's decision would be final, unless the applicant chooses to appeal. He reviewed the appeal process for the record, and responded to additional questions of clarification.

In response to a question, Ms. Dorr Pansky advised that staff would agree with "the recommendation to leave the corner as is but with a three-foot maximum height, not a 40-inch maximum height. All the other conditions, staff would like to stand as is." Mr. Plemel offered additional clarification. In response to a question, Mr. Lauder advised that the display area is 40 square feet.

Chairperson Wendell entertained additional questions or comments of the commissioners. Mr. Plemel acknowledged that the outdoor display would remain permanent, if approved by the commission. In response to a question, Mr. Lauder expressed a preference for a approval of the proposed amendments, with the previously stated conditions. He clarified he would "rather have approval with [staff's]

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conditions than no approval.”

Chairperson Wendell discussed concerns with regard to any sort of pedestrian impediment. Chairperson Wendell entertained additional commissioner questions or comments and, when none were forthcoming, a motion. In response to a question, Mr. Ward advised that Chairperson Wendell could offer a motion. **Chairperson Wendell moved to approve SUP-09-055(A), an amendment to a previously approved special use permit from Rob Lauder (property owners: Bernard - Bernard - Cuccaro, LLC, and William F. and D. Horne, et al.), for permanent outdoor display of merchandise, on property zoned retail commercial, located at 1803, -05, -07, -09, -11, -15, -17, and -21 North Carson Street, APNs 002-091-03, -04, and -06, based on the findings and subject to the conditions of approval outlined in the staff report. Commissioner Dhami seconded the motion. Motion failed 2-2.**

In consideration of the tie vote and the reduced number of commissioners, Mr. Ward advised of the need for three affirmative votes to pass the motion. He suggested considering the action as a denial or that the chairperson entertain another motion. Following discussion with staff, Mr. Ward further suggested that action could be deferred until such time as the full commission could be present.

Following discussion, Chairperson Wendell advised that he would offer another motion. **Chairperson Wendell moved to approve SUP-09-055(A), an amendment to a previously-approved special use permit from Rob Lauder (property owners Bernard - Bernard - Cuccaro, LLC and William F. and D. Horne, et al.) for permanent outdoor display of merchandise, on property zoned retail commercial, located at 1803, -05, -07, -09, -11, -15, -17, and -21 North Carson Street, APNs 002-091-03, -04, and -06, based on the findings and subject to the conditions of approval outlined in the staff report. Commissioner Owens seconded the motion. Motion carried 3-1. Mr. Plemel repeated the appeal process. Vice Chairperson Esswein returned to the dais.**

**G-2. POSSIBLE ACTION TO ADOPT RESOLUTION 2013-PC-2, COMMENDING WILLIAM VANCE FOR NINE YEARS’ SERVICE ON THE PLANNING COMMISSION (7:33:25)** - Chairperson Wendell introduced this item, and Mr. Plemel reviewed the agenda materials. Chairperson Wendell entertained a motion. **Commissioner Sattler moved to adopt Resolution No. 2013-PC-R-2, and present the same to Mr. Vance at the next commission meeting. Commissioner Dhami seconded the motion. Motion carried 5-0.**

## **H. STAFF REPORTS**

**H-1. DIRECTOR’S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (7:35:18)** - Mr. Plemel reported that the Board of Supervisors recently approved the Planning Commission’s recommendation to adopt the revised commission bylaws. He further reported on the status of the Planning Division fee ordinance. He advised of the possibility that the October commission meeting would be cancelled.

**H-2. COMMISSIONER REPORTS / COMMENTS (7:37:20)** - Commissioner Dhami advised he would be absent from the December commission meeting. Commissioner Sattler expressed appreciation for the recent revision to the commission’s bylaws.

**I. PUBLIC COMMENTS (7:37:58)** - Chairperson Wendell entertained public comments; however, none were forthcoming.

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**J. ACTION ON ADJOURNMENT** (7:38:37) - Commissioner Sattler moved to adjourn the meeting at 7:38 p.m. Vice Chairperson Esswein seconded the motion. Motion carried 5-0.

The Minutes of the September 25, 2013 Carson City Planning Commission meeting are so approved this 19<sup>th</sup> day of November, 2013.

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GEORGE D. WENDELL, Chair