

DRAFT MINUTES
Carson City Planning Commission Regular Meeting
Wednesday, August 26, 2020 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Charles Borders, Jr.
Commissioner – Paul Esswein
Commissioner – Teri Preston
Commissioner – Jay Wiggins

Vice Chair – Alex Dawers
Commissioner – Richard Perry
Commissioner – Hope Tingle

Staff

Lee Plemel, Community Development Director
Hope Sullivan, Planning Manager
Benjamin Johnson, Deputy District Attorney
Steven Pottéy, Engineering Project Manager
Heather Ferris, Associate Planner
Tamar Warren, Senior Public Meetings 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 and the approved minutes of this meeting are available on www.Carson.org/minutes.

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

(5:00:08) – Chairperson Borders called the meeting to order at 5:00 p.m. Roll was called and a quorum was present. Commissioner Perry led the Pledge of Allegiance.

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

B. PUBLIC COMMENTS

(5:01:04) – Chairperson Borders introduced the item and read the Notice to Public, incorporated into the agenda, regarding the way public comment will be handled during the Governor’s Declaration of Emergency directive caused by the COVID-19 pandemic. He noted that the public comments will be heard at this time; however, they will be discussed during the relevant portions on the agenda.

(5:01:20) – Chairperson Borders entertained public comments; however, none were forthcoming.

C. FOR POSSIBLE ACTION: APPROVAL OF THE MINUTES – JULY 29, 2020 AND AUGUST 5, 2020 WORKSHOP

(5:03:02) – Chairperson Borders introduced the item and entertained comments and/or corrections.

(5:03:23) – Commissioner Esswein moved to approve the minutes of the July 29, 2020 meeting as presented. The motion was seconded by Commissioner Preston.

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

(5:03:23) – Vice Chair Dawers moved to approve the minutes of the August 5, 2020 workshop as presented. The motion was seconded by Commissioner Esswein.

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

D. MODIFICATION OF AGENDA

(5:04:42) – Chairperson Borders introduced the item and received confirmation from Mr. Plemel that Public Hearing Items E.6, E.7, and E.8 had been withdrawn as requested in writing by the applicants. Mr. Plemel also clarified that Staff and the applicant had requested, via two memoranda incorporated into the record, that Public Hearing Items E.2 and E.3 be continued to the September 30, 2020 meeting.

E. MEETING ITEMS

PUBLIC HEARING

E.1 LU-2020-0008 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO EXPAND AN

EXISTING MULTI-FAMILY RESIDENTIAL USE FROM 11 UNITS TO 12 UNITS BY CONVERTING AN EXISTING SINGLE UNIT INTO TWO UNITS OF APPROXIMATELY 1,633 SQUARE FEET AND 1,475 SQUARE FEET IN SIZE, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 2610 NORTH CARSON STREET, APN 001-032-24.

(5:05:51) – Chairperson Borders introduced the item. Ms. Ferris gave background on the subject property, and presented the Staff Report with accompanying documentation, all of which are incorporated into the record. She also recommended approval based on the ability to make the required findings and noted that applicant Rob McFadden was present via telephone to respond to questions. Chairperson Borders was informed by Ms. Ferris that the entire parking lot of the property would be paved. Ms. Ferris also noted that parking space #20, identified in Condition of Approval No. 12, may be reduced to accommodate a compact vehicle and not be completely eliminated.

(5:11:26) – Applicant Rob McFadden acknowledged reading and agreeing with the Conditions of Approval outlined in the Staff Report. He also explained to Commissioner Preston that as new owners, they had “a pretty sophisticated facelift planned for the front building...it’s going to look like a commercial building that’s built in the modern times,” adding that the sign will be updated to match the new look of the building. Chairperson Borders entertained additional questions or comments and when none were forthcoming, a motion.

(5:13:07) – Vice Chair Dawers moved to approve Special Use Permit LU-2020-0008 based on the ability to make the required findings and subject to the conditions of approval. The motion was seconded by Commissioner Esswein.

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

PUBLIC HEARING

E.2 LU-2020-0024 - For Possible Action: Discussion and possible action regarding a request for a Special Use Permit to modify a municipal well site by adding an emergency backup generator on property zoned Public Regional (PR), located at 2115 Desert Peach Drive, APN 007-521-97.

(5:13:40) – Chairperson Borders introduced the item and reminded the Board of the earlier request [agenda item D] to continue the item, and entertained a motion.

(5:14:34) – Vice Chair Dawers moved to continue item E.2 (LU-2020-0024) to the Planning Commission meeting of September 30, 2020. The motion was seconded by Commissioner Tingle.

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

PUBLIC HEARING

E.3 LU-2020-0025 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO MODIFY A MUNICIPAL WELL SITE BY ADDING AN EMERGENCY BACKUP GENERATOR ON PROPERTY ZONED PUBLIC COMMUNITY (PC), LOCATED AT 5355 EAST 5TH STREET, APN 010-021-43.

(5:15:22) – Chairperson Borders introduced the item and reminded the Board of the earlier request [agenda item D] to continue the item, and entertained a motion. Ms. Sullivan clarified for Commissioner Perry that the items would be continued because a third well site required a variance and public works had requested discussing all three items during the same meeting.

(5:15:12) – Commissioner Esswein moved to continue item E.3 (LU-2020-0025) to the Planning Commission meeting of September 30, 2020. The motion was seconded by Vice Chair Dawers.

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

PUBLIC HEARING

E.4 LU-2020-0027 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A METAL STORAGE CONTAINER ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 1860 RUSSELL WAY, APN 002-101-91.

(5:17:38) – Chairperson Borders introduced the item. Ms. Sullivan presented the agenda materials which are incorporated into the record and noted the presence of Parks and Recreation Department Project Manager Nick Wentworth via WebEx. She also stated that Staff had been able to make the seven required findings in the affirmative, subject to the Conditions of Approval. Commissioner Tingle recommended placing the container on the north side of the building, calling the location “optimal.” Chairperson Borders referenced Condition of Approval No. 9 and wished to see the container “screened properly” to match the Multipurpose Athletic Center (MAC) and to hide the container. He also believed that landscaping was not appropriate at the location.

(5:23:06) – Mr. Wentworth explained that the area “running north-south direction is in a landscaped area” with decomposed granite and plants and drip irrigation could be rearranged in that area. He also stated that planting new vegetation “on the west side of the new container” would cause them to lose parking spaces. He suggested a third option in the “overflow parking area.” Mr. Wentworth informed Chairperson Borders that he had read and agreed with the rest of the Conditions of Approval.

(5:24:50) – Commissioner Preston was informed that the manufacturer’s logo was currently on the container; however, it could be painted, along with the rest of the container. Commissioner Esswein was in agreement with Commissioner Tingle’s location preference. Additionally, he preferred a wall to a chain link fence as a screen. Ms. Sullivan clarified for Commissioner Perry that the Special Use Permit was subject to a review in five years, adding that she had recommended the review to take place administratively. Chairperson Borders acknowledged the need for temporary storage and believed that landscaping will not take care of the screening. Commissioner Preston preferred to issue the Special Use Permit for two years and requested building permanent storage buildings. She also believed that the temporary storage could be subject to vandalism. Ms. Sullivan clarified that the Board may request a review in two years, or ensure the Special Use Permit is for two years only. Commissioner Esswein recommended denying the request and storing the kayaks in the Corporate Yard. Discussion ensued regarding having a permanent storage location. Mr. Wentworth called the storage container “a temporary solution” and was not in favor of the additional expense and loss of parking spaces to landscaping. Ms. Sullivan recommended deferring the screening. Chairperson Borders entertained a motion.

(5:47:57) – Commissioner Perry moved to approve LU-2020-0026, based on the ability to make the required findings and subject to the Conditions of Approval contained in the Staff Report including the following modifications [to the Conditions of Approval, read by Ms. Sullivan]:

- 9. The metal storage containers shall be painted either to blend with the primary or adjacent structures or painted earth-tone colors to minimize visual impacts. Graffiti shall be removed in accordance with the city's graffiti ordinance. All metal storage containers in use shall be in a condition free from rust, peeling paint, or other visible forms of deterioration. Metal storage containers shall be screened with chain link fencing with slats, concrete masonry unit (CMU) block walls and/or landscaping although screening may be deferred for two years and addressed when the Planning Commission conducts its two-year review. Metal storage containers and their screening and landscaping shall be maintained in good repair. Any metal storage*

containers that are not maintained in good repair or that are dilapidated or dangerous, shall be repaired or removed, following an order to comply from the director.

11. A metal storage container Special Use Permit shall be reviewed in two years by the Planning Commission. At that time, the applicant shall explain how permanent storage shall be addressed.

12. The proposed northern location shall be the location of the container.

Vice Chair Dawers seconded the motion. Chairperson Borders entertained additional comments and when none were forthcoming, a vote.

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

PUBLIC HEARING

E.5 LU-2020-0030 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A 3,000 SQUARE FOOT, FOUR BAY, EQUIPMENT STORAGE BUILDING ON PROPERTY ZONED PUBLIC REGIONAL (PR), LOCATED AT 3303 BUTTI WAY, APN 010-031-04.

(5:50:15) – Chairperson Borders introduced the item. Ms. Ferris gave Background on the subject property and presented the Staff Report, incorporated into the record, noting that no public comment had been received regarding the project. Ms. Ferris also stated that she had spoken with Public Works Senior Project Manager Rob Fellows who had expressed no objections to the Conditions of Approval. There were no Commissioner comments; therefore, Chairperson Borders entertained a motion.

(5:53:53) – Commissioner Esswein moved to approve LU-2020-0030 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 Tingle.

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

PUBLIC HEARING

E.6 LU-2020-0028 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A 42 SINGLE FAMILY RESIDENTIAL ATTACHED DEVELOPMENT ON PROPERTY ZONED NEIGHBORHOOD BUSINESS (NB), LOCATED AT EMERSON DRIVE JUST NORTH OF COLLEGE PARKWAY, APN 002-751-07.

This item was withdrawn as discussed in agenda item D.

PUBLIC HEARING

E.7 LU-2020-0029* FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST TO AMEND A SPECIAL USE PERMIT (LU-2019-0080) TO ALLOW TANDEM PARKING ON PROPERTY ZONED NEIGHBORHOOD BUSINESS (NB), LOCATED AT EMERSON DRIVE JUST NORTH OF COLLEGE PARKWAY, APN 002-751-07.

This item was withdrawn as discussed in agenda item D.

PUBLIC HEARING

E.8 SUB-2020-0008 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A TENTATIVE SUBDIVISION MAP TO CREATE 42 SINGLE FAMILY LOTS ON A 5.5-ACRE PARCEL ZONED NEIGHBORHOOD BUSINESS (NB) KNOWN AS EMERSON COTTAGES, LOCATED ON EMERSON DRIVE, NORTH OF COLLEGE PARKWAY, APN 002-751-07.

This item was withdrawn as discussed in agenda item D.

PUBLIC HEARING

E.9 ZA-2020-0006 - FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING RECOMMENDATIONS TO THE BOARD OF SUPERVISORS CONCERNING AN ORDINANCE RELATED TO HEMP CULTIVATION, AMENDING TITLE 18 (ZONING), CHAPTER 18.03 (DEFINITIONS) TO AMEND DEFINITIONS RELATED TO HEMP; AMENDING CHAPTER 18.04 (USE DISTRICTS) TO ESTABLISH IN WHICH ZONING DISTRICTS HEMP CULTIVATION IS PERMITTED AS A PRIMARY OR CONDITIONAL USE; AND AMENDING TITLE 18 APPENDIX (DEVELOPMENT STANDARDS), DIVISION 1 (LAND USE AND SITE DESIGN) TO ADD SECTION 1.21 (HEMP CULTIVATION) TO ESTABLISH DEVELOPMENT STANDARDS FOR HEMP CULTIVATION.

(5:54:42) – Chairperson Borders introduced the item. Mr. Plemel reviewed the Staff Report, incorporated into the record, including a draft of the *ordinance related to hemp, adding zoning provisions and*

development standards for the regulation of hemp cultivation. He also discussed odor control issues that might arise in agricultural areas that are close to residential neighborhoods and the areas designated as Conservation Reserve, which are generally private properties not conducive to agricultural crops. Mr. Plemel also clarified that the action in this meeting would be a recommendation to the Board of Supervisors. Chairperson Borders believed that Special Use Permits should be required for hemp cultivation in districts zoned as Industrial; however, Commissioner Esswein disagreed. Commissioner Wiggins believed that a Special Use Permit would provide an opportunity for the public to weigh in. Mr. Plemel clarified that a Special Use Permit is required for marijuana growth in areas zoned as Industrial.

(6:03:04) – Commissioner Preston received clarification that other types of herbs did not require a Special Use Permit to be grown in Industrial zones. Mr. Plemel received a recommendation from the Commission that no Special Use Permit should be required for growing hemp in Industrial zones. Vice Chair Dawers was informed that the Conservation Reserve districts would allow agricultural use. Commissioner Perry expressed concern about using City Water for agricultural use. He was also informed by Mr. Plemel that should the crop exceed the THC threshold, the violation will be reported to the State for testing with the consequence of being destroyed. Commissioner Perry recommended having cultivators provide proof of being licensed by the State. Chairperson Borders entertained a motion.

(6:24:15) – Commissioner Perry moved to recommend to the Board of Supervisors approval of an ordinance related to hemp cultivation as presented in the Staff Report with the following modifications:

- *Adding hemp cultivation as a permitted use within the Conservation Reserve zoning district.*
- *Amending Section 1.21 (Hemp Cultivation Facilities) of the Development Standards to add the requirement that the applicant have a valid State permit to cultivate hemp.*

The motion was seconded by Commissioner Esswein.

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

F. STAFF REPORTS (NON-ACTION ITEMS)

- DIRECTOR'S REPORT TO THE COMMISSION

(6:25:27) – Chairperson Borders introduced the item. Mr. Plemel updated the Commission on the Planning Commission items heard by the Board of Supervisors. He explained that the Board had overturned the Commission’s recommendation of approving the private streets for the Emerson Drive

Tentative Subdivision Map Amendment. Mr. Plemel also noted that Tahoe Western Asphalt (TWA) had provided an update to the Board regarding the status of the Nevada Division of Environmental Protection (NDEP) permit, adding that a review of the conditions and status of compliance by TWA was planned for the October 2020 Planning Commission meeting.

- FUTURE AGENDA ITEMS

(6:28:04) – Mr. Plemel reminded the Commission of the upcoming Title 18 workshop on September 2, 2020 and noted that he had reached out to the public via a press release to solicit comments. He also stated that several Special Use Permits and a Zoning Code Amendment would be agendized for the September 30, 2020 Planning Commission meeting.

- COMMISSIONER REPORTS/COMMENTS

(6:30:58) – Chairperson Borders inquired whether a motion to deny the Emerson Development request would have made a difference in the decision made by the Board of Supervisors and Mr. Plemel did not believe so. Mr. Johnson clarified that a vote not to approve the item would have been the same as denying a request, adding that in the future the Commission could consider a “positive motion” to deny a request. Commissioner Tingle noted a possible conflict for the September 2, 2020 workshop.

G. PUBLIC COMMENT

(6:34:15) – There were no public comments.

H. FOR POSSIBLE ACTION: ADJOURNMENT

(6:34:40) – Chairperson Borders adjourned the meeting at 6:34 p.m.

The Minutes of the, August 26, 2020 Carson City Planning Commission meeting are so approved this 30th day of September, 2020.