

CARSON CITY PLANNING COMMISSION

Minutes of the July 29, 2009 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, July 29, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Commissioner Connie Bisbee
Commissioner Malkiat Dhami
Commissioner Steve Reynolds
Commissioner William Vance

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 public record. These materials are available for review, in the Clerk-Recorder's Office, during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE

(5:00:55) - Chairperson Kimbrough called the meeting to order at 5:00 p.m. Roll was called; a quorum was present. Commissioner Wendell was absent. Chairperson Kimbrough and the commissioners welcomed Commissioner Malkiat Dhami. Commissioner Dhami led the pledge of allegiance. Vice Chairperson Mullet arrived at 5:04 p.m. Commissioner Reynolds arrived at 5:08 p.m.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - June 24, 2009 (5:02:31) -

Commissioner Bisbee moved to approve the minutes. Commissioner Vance seconded the motion. Motion carried 4-0.

C. MODIFICATION OF AGENDA (5:03:44) - None.

D. PUBLIC COMMENTS (5:03:52) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:04:40) - None.

F. DISCLOSURES (5:04:52) - None.

G. CONSENT AGENDA (5:05:04) - None.

H. PUBLIC HEARING MATTERS

H-1. SUP-04-090a ACTION TO CONSIDER A REQUEST FROM GRANITE CONSTRUCTION COMPANY TO EXTEND THE EXPIRATION DATE OF AN APPROVED SPECIAL USE PERMIT, FROM JULY 25, 2009 TO JULY 25, 2011, TO ALLOW ADDITIONAL TIME FOR THE COMMENCEMENT OF THE CONCRETE BATCH PLANT OPERATIONS, TO BE LOCATED AT 5855 SHEEP DRIVE, APN 008-522-06 (5:06:17) - Chairperson Kimbrough introduced this item. Ms. Pruitt reviewed the staff report, oriented the commissioners to the subject property using a displayed aerial photograph, and provided an overview of the agenda materials.

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(5:09:54) Jessica Rash, of Granite Construction Company, introduced herself for the record, thanked Planning Division staff for their assistance in preparing the subject request, and expressed agreement with the conditions of approval. She acknowledged that no concrete has been batched for “some time.” In response to a further question, she advised that the concrete batch plant is on site but has not been erected.

Chairperson Kimbrough opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Vance moved to approve a two-year extension for special use permit SUP-04-090a from July 25, 2009 to July 25, 2011, to allow the applicant additional time for the construction industry to improve. Vice Chairperson Mullet seconded the motion. Motion carried 6-0.**

H-2. SUP-09-054 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM DANIEL SCHULTE OF YESCO OUTDOOR MEDIA (PROPERTY OWNER: PAUL A. FISCHER) TO RENEW A PERMIT FOR AN EXISTING CONFORMING BILLBOARD, ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 5354 HIGHWAY 50 EAST, APN 008-384-34 (5:12:28) - Chairperson Kimbrough introduced this item. Mr. Plemel oriented the commissioners to the subject site using a displayed aerial photograph, and reviewed the staff report. He noted staff’s recommendation of approval subject to the conditions outlined in the staff report.

(5:14:49) Daniel Schulte, of YESCO Outdoor Media, acknowledged his agreement with the conditions of approval, and thanked Planning Division staff for their assistance.

Chairperson Kimbrough opened this item to public comment and, when none was forthcoming, entertained a motion. **Commissioner Bisbee moved to approve SUP-09-054, a special use permit request from Daniel Schulte, Young Electric Sign Company, to allow the continued use of a double-faced, 24.75-foot-high, 12 feet by 24 feet or 288 square-foot off premises billboard sign, on property zoned general industrial, located at 5354 Highway 50 East, APN 008-384-34, based on findings and subject to the conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 6-0.**

H-3. SUP-09-055 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM ROB LAUDER OF RL ENGINEERING (PROPERTY OWNER: BERNARD-BARNARD-CUCCARO, LLC, WILLIAM F. AND D. HORNE, ET AL.) FOR A PERMANENT OUTDOOR DISPLAY OF MERCHANDISE, ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 1803, 1805, 1807, 1809, 1811, 1815, 1817, 1819, AND 1821 NORTH CARSON STREET, APNs 002-091-03, -04, AND -06 (5:16:32) - Chairperson Kimbrough introduced this item. Ms. Pruitt oriented the commissioners to the subject site using a displayed aerial photograph, reviewed the staff report, and narrated additional slides. She read into the record conditions of approval 7 and 10, and noted staff’s recommendation of approval of the special use permit application. In response to a question, Ms. Pruitt reviewed pertinent special use permits from a list dating back to 1980. In response to a further question, she reviewed zoning designations for stores such as The Home Depot, Lowe’s, and Wal-Mart which move their landscape products outside during the spring and summer. Mr. Plemel further clarified that the same outdoor display standards apply regardless of the zoning designation. The Home Depot and Lowe’s have special use permits for their outside displays. At Commissioner Reynolds’ request, Ms. Pruitt explained the purpose of the time limit for outdoor displays as prescribed by the ordinance. She advised that the subject submittal is “very similar to previous submittals ... It’s very specific to where the display can go.” Ms. Pruitt commended the applicant for including multiple parcels of land in order to provide a

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clear understanding of the area designated for outdoor sales and display. “The other positive aspect ... is everyone on site benefits rather than just one business in this particular location ...” Ms. Pruitt responded to additional questions of clarification.

Commissioner Vance noted that the site plan indicates a requirement to keep doors and walkways clear within five feet, and suggested including corresponding language in condition of approval 10. Ms. Pruitt agreed, and confirmed the matter as one of “health, safety, and welfare.” Commissioner Vance responded to questions of clarification. Ms. Pruitt referred to the June 30, 2009 e-mail provided by Engineering Division staff and included in the agenda materials, and suggested using similar language. Discussion followed.

(5:28:56) Rob Lauder, of RL Engineering, advised of having met on site with Fire Inspector Duane Lemons to discuss access, and that the site plan included in the agenda materials was produced following said meeting. In reference to the site plan, he acknowledged that “those areas ... assigned meet that standard ...” Commissioner Vance discussed the importance of “all the tenants being aware of that,” and expressed concern that the language of the condition of approval “is a little more vague than that.” He suggested that Fire Department personnel could periodically conduct compliance checks. Mr. Lauder advised of the property owner’s agreement with the conditions of approval.

Chairperson Kimbrough opened this item to public comment and, when none was forthcoming, entertained additional questions of the commissioners. In response to a question, Ms. Pruitt advised that the Carson City Municipal Code does not differentiate between new and used merchandise in consideration of display. In response to a further question, Mr. Plemel explained the distinction between advertising and outdoor displays for sale of merchandise. Ms. Pruitt further clarified the question by reading condition of approval 9 into the record.

Commissioner Reynolds expressed concern that there was no indication of the number of parking places to be used for outdoor display merchandise. In consideration of the potential for establishing a precedent, he expressed the opinion that the total number of parking places available should be reviewed and a determination made that the request does not impact customer parking. Ms. Pruitt advised of having discussed this matter with the applicant. She referred to page 4 of the staff report, and advised that staff had evaluated the on-site parking and determined the existing 47 spaces would be reduced by two. Commissioner Reynolds suggested including a statement that reducing the number of parking spaces by two would not impact the shopping center. He expressed an additional concern in consideration of future, similar requests resulting in a “retail section that looks like a yard sale for six blocks.” In response to a question, Ms. Pruitt advised that special use permits, if approved, “go with the land unless specifically noted.” Commissioner Reynolds expressed no opposition to allowing outdoor display merchandise “in the current economic condition,” but requested a three-year review. Vice Chairperson Mullet expressed similar concerns, and agreed with imposing a time limit. He discussed additional concern over the potential of landscape products running off into the storm drainage system. Discussion followed.

Chairperson Kimbrough recognized Mr. Lauder. (5:46:44) Mr. Lauder noted the length of time the ordinance “has been on the books. It’s not like anybody has been prevented from making these applications.” He discussed the “relatively significant expense” associated with the special use permit application process, and expressed the opinion that the cost itself is a deterrent to making application.

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Mr. Benton advised of the requirement for the applicant to agree to any additional condition of approval. Ms. Pruitt advised that Planning Division staff deals quite often with inquiries pertinent to outdoor display sales, noting that they are allowed outright for periods of thirty days. In reference to a previous question, she reiterated that, since 1980, there have been less than two dozen special use permits for outdoor display sales. She further reiterated the benefit that all the retail establishments on the subject site have been included as part of the special use permit application.

Chairperson Kimbrough entertained a motion. In consideration of the expense associated with the special use permit application process, **Commissioner Reynolds moved to approve special use permit 09-055, a special use permit to allow permanent outdoor display and sales of merchandise in the retail commercial zoning district, located at odd numbers 1803 through 1821 North Carson Street, APNs 002-091-03, -04, and -06, with the added condition that this special use permit will be reviewed in a five-year period at which time it could be renewed for another five years or renewed on a permanent basis, based on the other findings and subject to the conditions of approval contained in the staff report. Commissioner Vance seconded the motion.** In response to a question, Mr. Lauder agreed to the additional condition of approval. In response to a question, Mr. Benton advised that the commission is precluded from taking action to bind the decision of future commissions. The condition of approval imposing a five-year review can be added, but the Planning Commission, at that time, would have the option of taking its own action. **Commissioner Reynolds retracted that portion of his motion which would encroach on the decision of a future commission. Commissioner Vance continued his second.** In response to a question, Mr. Plemel advised that no new application would be required for the five-year review. He responded to additional questions of clarification. Chairperson Kimbrough called for a vote on the pending motion; **motion carried 6-0.**

H-4. ZCA-09-057 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON AN ORDINANCE AMENDING TITLE 18, ZONING, CHAPTER 18.03, DEFINITIONS, TO MODIFY THE DEFINITIONS OF “TRUCK,” “PICKUP,” AND OTHER TRUCKS AND VEHICULAR EQUIPMENT OF A COMMERCIAL NATURE; AND AMENDING CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 2.3, GENERAL PARKING REQUIREMENTS, RELATING TO THE PARKING OF PICKUP TRUCKS, PANEL VANS, AND OTHER TRUCKS, COMMERCIAL TRAILERS, OR VEHICULAR EQUIPMENT OF A COMMERCIAL NATURE, WITHIN RESIDENTIAL ZONING DISTRICTS (5:55:48) - Chairperson Kimbrough introduced this item. Mr. Plemel provided background information, and reviewed the agenda report in conjunction with a SlideShow presentation. Following a brief discussion regarding van dimensions, Commissioner Bisbee expressed concern over ensuring that handicapped transportation requirements are considered in the proposed ordinance. Mr. Plemel responded to additional questions, and discussion ensued, regarding gross vehicle weight restrictions, the proposed ordinance language pertinent to residential districts, contractor’s pickup trucks, and the provisions of the current ordinance.

Chairperson Kimbrough opened this item to public comment. (6:17:57) Lakeview Property Owners Association President Richard Schneider distributed a photograph and accompanying narrative to the commissioners and staff, and reviewed the same.

Chairperson Kimbrough called for additional public comment and, when none was forthcoming, entertained additional questions, comments, or a motion of the commissioners. **Commissioner Reynolds moved to recommend to the Board of Supervisors the approval of ZCA-09-057, an ordinance amending the Carson City Municipal Code, Title 18, Chapter 18.03, and the Development Standards, Division 2, Parking and Loading, amending the provisions relating to parking of panel vans and pickup trucks**

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in residential districts, as recommended by staff, based on the findings contained in the staff report. Commissioner Bisbee seconded the motion. Motion carried 6-0. Mr. Plemel advised that the ordinance would be agendized for first reading by the Board of Supervisors on August 20th.

H-5. ZCA-09-056 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON AN ORDINANCE AMENDING TITLE 17, DIVISION OF LAND, SUBDIVISION OF LAND, CHAPTER 17.06, SUBDIVISION FINAL MAPS, SECTION 17.06.015, TIME LIMIT FOR RECORDING, AND CHAPTER 17.09, PLANNED UNIT DEVELOPMENT, SECTION 17.09.055, TIME LIMITS FOR FILING APPLICATION AND FOR FINAL APPROVAL, TO INCREASE THE TIME FOR FILING FINAL MAPS FROM TWO YEARS TO FOUR YEARS AFTER THE INITIAL TENTATIVE APPROVAL, AND TO INCREASE THE TIME FOR FILING SUBSEQUENT PHASE MAPS FROM ONE YEAR TO TWO YEARS (6:23:43)

- Chairperson Kimbrough introduced this item. Ms. Pruitt reviewed the staff report and the attached agenda materials. She advised of having received comments in support of the zoning code amendment from Manhard Consulting representatives. In response to a question, Mr. Plemel advised that the proposed ordinance is not mandatory, but allowed pursuant to the state statute. He pointed out that the statutory amendment is effective until 2013, at which time the time limit will revert to two years. He expressed the opinion that, in the current economic climate, "things aren't changing so fast that we need to have that ... control." He expressed the further opinion that extending approvals won't "have a negative impact on our regulations and our codes."

Chairperson Kimbrough opened this item to public comment and, when none was forthcoming, entertained a motion. Commissioner Vance moved to recommend to the Board of Supervisors approval of ZCA-09-056, a zoning code amendment amending the Carson City Municipal Code, Title 17, Division of Land, Subdivision of Land, Chapter 17.06, Final Maps, Section 17.06.015, Time Limit for Recording, and Chapter 17.09, Planned Unit Development, Section 17.09.055, Time Limits for Filing Application for Final Approval, to increase the time for filing final maps from two years to four years after the initial tentative approval, and to increase the time for filing subsequent phase maps from one year to two years, based on the findings contained in the staff report. Vice Chairperson Mullet seconded the motion. Motion carried 6-0.

I. STAFF REPORTS

I-1. COMMISSIONER REPORTS / COMMENTS (6:31:37) - None.

I-2. DIRECTOR'S REPORT TO THE PLANNING COMMISSION; and I-3. FUTURE AGENDA ITEMS (6:32:28) - Mr. Plemel reported that the Board of Supervisors adopted the small wind turbine ordinance at their July 2nd meeting. He reviewed the tentative August commission agenda.

J. ACTION ON ADJOURNMENT (6:34:58) - Commissioner Bisbee moved to adjourn the meeting at 6:34 p.m. Commissioner Reynolds seconded the motion. Motion carried 6-0.

The Minutes of the July 29, 2009 Carson City Planning Commission meeting are so approved this _____ day of August, 2009.

MARK KIMBROUGH, Chair