

CARSON CITY PLANNING COMMISSION

Minutes of the March 30, 2011 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, March 30, 2011 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 Mark Sattler
Commissioner Jim Shirk
Commissioner William Vance
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
Randal Munn, Chief 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 (5:01:32) - Chairperson Kimbrough called the meeting to order at 5:01 p.m. Roll was called; a quorum was present. Commissioner Dhami led the pledge of allegiance. Commissioner Shirk arrived at 5:05 p.m.

B. COMMISSION ACTION ON APPROVAL OF MINUTES (5:02:19) - Commissioner Wendell moved to accept the minutes, as prepared. Commissioner Sattler seconded the motion. Motion carried 6-0.

C. MODIFICATION OF AGENDA (5:02:39) - At Mr. Plemel's request, Chairperson Kimbrough agreed to introduce items H-3(A) and (B) together.

D. PUBLIC COMMENTS (5:03:01) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:03:58) - None.

F. DISCLOSURES (5:04:05) - None.

G. CONSENT AGENDA (5:04:13) - None.

H. PUBLIC HEARING MATTERS:

H-1. SUP-11-012 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM THE NEVADA DEPARTMENT OF TRANSPORTATION (PROPERTY OWNER: NEVADA DEPARTMENT OF TRANSPORTATION) FOR A BILLBOARD, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 2400 HIGHWAY 50 EAST, APN 002-105-01 (5:05:21) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the agenda materials

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in conjunction with displayed slides. He reviewed the public noticing process, as outlined in the staff report, and advised of having received no comments from adjacent property owners. He advised of having spoken to the owner of the shopping center to the west of the subject billboard site, who expressed concerns over future on-premises signage. Mr. Plemel informed said property owner that the separation requirements are relative to other billboards not on-premises signage. He referred to e-mail communication between Parks Planner Vern Krahn and NDOT Right-of-Way Staff Specialist Susan WhiteWolf, which had been distributed to the commissioners and staff prior to the start of the meeting. Mr. Plemel advised that the proposed billboard meets all City requirements, noting staff's recommendation of approval subject to the conditions outlined in the staff report.

(5:10:28) Nevada Department of Transportation Right-of-Way Supervisor Ron Dietrich provided background information on the billboard replacement. He acknowledged agreement with the conditions of approval outlined in the staff report. He responded to questions of clarification relative to the billboard replacement. (5:13:05) In response to a question, Bob Harbin, of CBS Outdoor Advertising, advised that previous installation delays had been relative to the economy. In response to a further question, he advised that the proposed billboard will not have digital technology. He responded to additional questions regarding lighting, and acknowledged that the new billboard will not require as much electricity.

Chairperson Kimbrough entertained public comment and, when none was forthcoming, additional questions, comments, or a motion of the commissioners. **Commissioner Vance moved to approve SUP-11-012, a special use permit application from the Nevada Department of Transportation to allow a 28-foot tall, 400-square-foot, off-premises advertising sign, on property zoned general commercial, located at the northeast corner of Highway 50 East and Russell Way, APN 008-161-29, subject to the conditions of approval contained in the staff report. Commissioner Sattler seconded the motion. Motion carried 6-0.**

H-2. ZMA-11-015 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON A ZONING MAP AMENDMENT APPLICATION FROM RICHARD SHELDREW (PROPERTY OWNER: RICHARD SHELDREW) TO CHANGE THE ZONING, ON PROPERTY LOCATED AT 1365 AND 1393 MEDICAL PARKWAY, APNs 007-531-05 AND -06, FROM SINGLE-FAMILY ONE ACRE (SF1A) TO RETAIL COMMERCIAL (RC) (5:15:24) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the agenda materials in conjunction with displayed slides. He noted staff's recommendation of approval subject to the conditions outlined in the staff report. He reviewed the noticing process and advised of having received no response.

(5:18:40) Richard Sheldrew introduced himself for the record, provided an overview of the application included in the agenda materials, and responded to questions of clarification regarding current use of the property.

Chairperson Kimbrough entertained public comment and, when none was forthcoming, a motion. **Commissioner Wendell moved to recommend to the Board of Supervisors approval of ZMA-11-015, a zoning map amendment to change the zoning, on property located at 1365 and 1393 Medical Parkway, APNs 007-531-05 and 007-531-06, from single-family one-acre (SF1A) to retail commercial. Vice Chairperson Mullet seconded the motion. Motion carried 7-0.** Mr. Plemel advised that the commission's recommendation would be agendized for the Thursday, April 21st Board of Supervisors meeting.

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H-3(A) ZMA-11-013 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON A ZONING MAP AMENDMENT APPLICATION FROM PALMER ENGINEERING GROUP AND SILVER STATE HIGH SCHOOL (PROPERTY OWNER: JZJP LLC, SAMANTHA PARTNERS, LLC, LEICHTFUSS BROTHERS PROPERTY) TO CHANGE THE ZONING, ON PROPERTY LOCATED AT 900 MALLORY WAY, 788 FAIRVIEW DRIVE, AND 900 FAIRVIEW DRIVE, APNs 009-551-03, -08, AND -31, FROM LIMITED INDUSTRIAL (LI) TO GENERAL COMMERCIAL (GC); and H-3(B) SUP-11-014 ACTION TO CONSIDER A SPECIAL USE PERMIT REQUEST FROM PALMER ENGINEERING GROUP AND SILVER STATE HIGH SCHOOL (PROPERTY OWNER: JZJP LLC, SAMANTHA PARTNERS, LLC, LEICHTFUSS BROTHERS PROPERTY) TO ALLOW A CHARTER HIGH SCHOOL IN GENERAL COMMERCIAL (GC) ZONING, LOCATED AT 900 MALLORY WAY, 788 FAIRVIEW DRIVE, AND 900 FAIRVIEW DRIVE, APNs 009-551-03, -08, AND -31 (5:21:20) - Chairperson Kimbrough introduced these items, and Mr. Plemel provided an overview of staff's presentation. Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. She noted that Mallory Way is a private street, not maintained by the City. She narrated slides pertinent to the application materials.

Mr. Plemel reviewed the public noticing process, as outlined in the agenda materials, and advised of having received four letters, by the time the agenda materials were published, in opposition to the application. He advised of having received a telephone call from a property owner in the vicinity of Mallory Way and Fairview Drive, who expressed general concerns regarding traffic and compatibility with the school use in the neighborhood. He provided an overview of the additional letters distributed to the commissioners and staff prior to the start of the meeting. He reviewed the findings included in the staff report. In consideration of the concerns expressed by surrounding property owners, he suggested that the commission first take action on the special use permit.

In response to a question, Mr. Plemel advised that the property owners are responsible for maintenance of Mallory Way. He acknowledged that, based on the circulation plan submitted as part of the application, most of the traffic will be accessing the school site from Mallory Way and exiting onto Fairview Drive. Mr. Plemel introduced Parks and Recreation Department Director Roger Moellendorf, and acknowledged that Governor's Field is adjacent to the proposed school site.

(5:40:50) Project Planner George Szabo provided an overview of the applicant's presentation, and reviewed the application materials in conjunction with the City's comprehensive master plan, portions of which were included in the agenda materials, and with displayed slides. He reviewed the proposed site plan, as displayed in the meeting room. He responded to questions of clarification relative to emergency access and fencing. He acknowledged that the "only people driving onto Fairview [Drive] will be parents dropping off ... students on the other side." In response to a question, Mr. Szabo advised that the charter school operates 3 to 4 buses. In response to a further question, he advised that the "space is planned for a thousand students," but noted there are "less than 20 percent ... on campus at any one time." In response to a further question, he advised that no signal light had been planned for the crosswalk, but offered to consider it. In response to a further question, he advised that the main entrance "is just visual from the drive-by situation ... but you can't stop on Fairview and come in."

(6:02:00) Commercial Real Estate Broker John Uhart advised of having served as the leasing agent and property manager for the 900 Mallory Way building for the past four years. He discussed the existing

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tenants and uses of properties adjacent to and surrounding the subject site. He advised that “the area has been and is transitioning more to what the Carson City master plan is calling for in the future which is a mixed-use, retail commercial type of neighborhood.” He responded to questions of clarification relative to the buildings to the east of Building C.

(6:07:07) Silver State Charter Schools Founder and Executive Director Steve Knight provided background information on charter schools in general and plans to expand from the existing site on North Carson Street. In reference to a displayed graph from the State Department of Education, he advised that Silver State Charter School has grown approximately 30 percent every year since its inception. “We’re at 500-plus students now. Our junior high that we just opened a year ago started with 43 students. We’re at ... just under 100 right now.” Mr. Knight discussed education philosophies, teacher qualifications, Silver State Charter School operations, technology requirements, and various programs. He expressed objection to a recent *Nevada Appeal* article in its depiction of Silver State Charter School students, reviewed the incident-free history at the current location, and emphasized that the campus is closed. In consideration of being “a good neighbor,” Mr. Knight expressed a willingness to participate in repairing and upgrading Mallory Way. With regard to the proposed location, he reviewed the necessity of visibility in consideration of the advertising and publicity required for a charter school and the requirement for easy access to fiber optics. He discussed ongoing collaboration with the local school district and those in adjacent counties.

In response to a question, Mr. Knight advised that Silver State Charter School will continue to work with Carson High School sports programs. He discussed plans for expansion of charter school sports programs, the possibility of intermural competition, and plans for cooperative agreements between Silver State Charter School and the Parks and Recreation Department. He responded to questions of clarification relative to emergency access and proposed traffic circulation patterns. In response to a further question regarding the proximity of the traffic signal at the intersection of Fairview Drive and Roop Street, he advised of anticipating no traffic problems associated with bus movements to and from Mallory Way. He responded to questions of clarification relative to fencing and physical education programs. In response to a further question, he advised of having spoken with *Nevada Appeal* representatives about the proposed plan. “There’s no neighbors really close. They’re out past the D Building ...” He advised of having spoken with an adjacent neighbor’s representative. He acknowledged not having attempted to contact “any of the neighbors further down Mallory Way.” In response to a comment, Mr. Knight agreed with the concept of talking with neighbors about the proposal, but advised of having only recently reviewed the letters in opposition, distributed as late information. With regard to the concerns expressed, he reiterated the problem-free history at the present location. He advised that the charter school has two deans and a “good disciplinary policy,” and assured the commission, “We’ll make sure that it’s not going to be a problem.” In response to a question, he advised of no plans to upgrade Mallory Way as part of the proposed project. He reiterated a willingness to participate in improving the street, together with the adjacent property owners. Discussion followed. Mr. Knight acknowledged the understanding that the City will only take over Mallory Way if it is improved to City standards.

(6:45:48) Mark Palmer, of Palmer Engineering, advised of having researched the site and that accesses relative to utilities and emergency vehicles “are pretty much taken care of ...” He referenced the bus schedule, included in the agenda materials, and advised that “almost all their schedules are off the peak hour.” He provided historic information on the process associated with the proposed charter school project. In response to a previous question, he advised that all of the concerns expressed in writing have been addressed in the application materials. He further advised of having “researched the road issue on Mallory

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Way. We can't find anything on it as far as ownership, maintenance. Usually those things are set up as part of an industrial subdivision where it identifies maintenance on that roadway. There is nothing there that we've been able to find. We've been looking at it for about a month. So we're assuming that it's ownership of all those owners ..." He reiterated a willingness to participate in upgrading the road, together with the other property owners. He advised of having reviewed all the special use permit conditions of approval, and expressed agreement with the same.

Mr. Palmer responded to questions of clarification relative to research into the ownership of Mallory Way. Commissioner Vance suggested that Mr. Palmer speak with a representative of the Allison, MacKenzie law firm, and Vice Chairperson Mullet suggested that he speak with Attorney Gary Sheerin relative to the ownership of Mallory Way. Mr. Palmer acknowledged having researched the feasibility of the Huck Furniture building, and advised that it wouldn't fulfill the needs of the charter school. Vice Chairperson Mullet expressed concern over the proposal amounting to spot zoning. In response to a further question, Mr. Palmer advised of no intention to propose changing the existing speed limit on Mallory Way. Mr. Palmer acknowledged current use of Mallory Way by young people to access the cycling center and the gym.

Chairperson Kimbrough entertained public comment. (7:02:06) Alicia Johnson, of the Allison, MacKenzie law firm, advised that she represents the three heirs of Harold E. Heitmiller, "who was ... the originator of this industrial area." She reviewed the properties owned by the Heitmiller family, including the road which "is parcel 4." She advised of a "non-exclusive easement written on that road, presumably for the use of everyone on that road. There is no easement agreement." She advised that the Heitmiller family's main concern is "that they were never approached. The first they ever heard of this was getting ... the public notice." She advised of an additional concern that "there is no maintenance agreement. Nothing is going to require Silver State to do anything legally to improve this road." She expressed appreciation for the expressions of willingness to improve the road, but noted "there's nothing in their proposal that requires them to do that." She advised that consistent maintenance has been done "on the road through the years, filling potholes and that sort of thing, but the road ... is not in good shape." She expressed concern over who will take responsibility for snow removal, and noted the industrial uses adjacent to the proposed site. On behalf of her clients, she expressed concern that "this is not an appropriate area for children." She expressed disbelief that the students will "never, ever ... be outside of those fences." She commended the idea of the charter school, but reiterated the opinion that the proposed location is not the best, "particularly when the road has not been addressed ..." She suggested that "had [the applicants] come to us earlier, ... these things might have been able to be worked out." She expressed disbelief over the research not having revealed the owners of the road. On behalf of the Heitmiller family, she requested denial of the special use permit application.

Chairperson Kimbrough requested Mr. Sharp to comment on the City's responsibility over a private road. Mr. Sharp inquired as to whether Ms. Johnson's client originally developed the property and, if so, the reason for no maintenance agreement. He further inquired as to the reason the road was not constructed in such a way as to drain properly and the reason it is currently in such poor shape. He advised that one of the property owners requested the City to assume maintenance of Mallory Way, and that the City is not interested in assuming maintenance unless it is brought to City standards. He pointed out that the charter school had nothing to do with the road getting into its existing condition. "That road has been in poor shape long before the school ever got to this site." Mr. Sharp commended Mr. Knight on his willingness to cooperate in repairing and maintaining the road "even though they didn't ruin the road." Mr. Sharp

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expressed the opinion that there would be no reason to include road maintenance as a condition of approval. He further commended the proposed site in consideration of the possibility of the road being improved and maintained. In response to a question, Mr. Sharp suggested there were apparently no requirements for the road to be properly constructed or drained at the time the parcel map was developed. He pointed out there are many private accesses around town and “it’s up to the property owners to maintain those. This is ... not the only place in town where there aren’t maintenance agreements and there’s roads in bad condition.” Mr. Plemel explained that “despite the potholes, it meets the access requirements. ... To the extent that it didn’t and it needed to have some of that as part of a condition of approval, ... we would include it, but as it is it meets ... the minimum standards for access.”

In response to a question, Ms. Johnson advised that her client called her upon receipt of the public notice from the Planning Division. She referred to her letter included in the agenda materials in response to a further question. Commissioner Sattler noted there had been no complaint from Ms. Johnson’s client relative to the church. Ms. Johnson expressed concern over “the additional traffic,” and over her clients never having been approached. She advised that her client has considered approaching the property owners to organize an effort to improve and maintain the road, “but it is very, very expensive. ... they know that times are tough right now and it’s hard to go and ask people for that kind of money when they probably don’t have it.” Chairperson Kimbrough noted Mr. Knight’s statement of willingness, on the record, to contribute toward road improvement / maintenance. Ms. Johnson acknowledged a willingness to meet with charter school representatives to discuss the issues.

(7:15:05) Linda Oakes pointed out her property at 940 Mallory Way and described its proximity to Building C. She advised of having lost a tenant due to “things going on in that building,” and provided examples of the same. She expressed concern over her tenants and noted that “everything else is going to stay limited industrial on that block and these people function in that capacity. They run businesses that have heavy equipment. They have sensitive machinery. They don’t want to be disturbed. They moved there for that reason.” Ms. Oakes expressed concern over nuisance issues, and the opinion that the school will not fit in the limited industrial environment.

(7:18:07) Carson Valley Welding Owner Don Heldorn advised that he has an eight-year lease with a four-year option. He discussed concerns relative to parking, and advised that he rents two properties. On behalf of his landlord, Gary Sheerin, he expressed concerns over property values “if you spot zone a school ...” In reference to the possibility of entering into cooperative agreements with the City, Mr. Heldorn expressed the opinion “they’re sugar-coating their proposal for this site plan and making me feel like you’re on their side.” He expressed the opinion that the special use permit application should be denied “because we’re not given enough time to gather our facts.” He discussed traffic, circulation, and trespass concerns, and advised of other concerns that he couldn’t “bring ... right now because [he] hadn’t had proper time to bring them together.”

(7:24:51) Joel McMenamy advised that he rents from Linda Oakes’ father. He advised of a transfer company at the end of the street which utilizes “big trucks” which create “a lot of blockage up at the end of the street.” He advised of just having learned about the proposal, but noted “it sounds like it’s been in planning for a long time.” He discussed concerns over noise and loitering issues.

(7:26:55) Don Heldorn played a recorded voice mail message from Sunny Heinrich, a neighbor of the current charter school location.

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Chairperson Kimbrough called for additional public comment; however, none was forthcoming. Mr. Palmer acknowledged agreement with the conditions of approval. He read into the record condition of approval 21 relative to development of an after-school loitering policy, and condition of approval 22 relative to designating a neighborhood liaison for the project. With regard to citizen concerns expressed relative to not having had sufficient time to develop comments for the commission, Chairperson Kimbrough advised that the commission's action on the zoning map amendment will be forwarded to the Board of Supervisors as a recommendation.

Chairperson Kimbrough entertained additional questions, comments, or a motion of the commissioners. In response to a question of clarification, Mr. Knight advised of no plans for on-street parking. He reminded the commission that the charter school teachers are scheduled in two shifts "so only half come in at any one time." Based on the testimony and the information contained in the agenda materials, **Commissioner Wendell moved to recommend to the Board of Supervisors approval of ZMA-11-013, a zoning map amendment to change the zoning of three parcels, totaling 6.6 acres, APNs 009-551-03, 009-551-08, and 009-551-31, from limited industrial to general commercial, property located at 788 and 900 Fairview Drive and 900 Mallory Way, based on the findings contained in the staff report. Commissioner Sattler seconded the motion.** Chairperson Kimbrough entertained a motion on the special use permit. **Commissioner Wendell moved to approve SUP-11-014, a special use permit application to allow a public charter school campus facility as a conditional use, on property to be rezoned from limited industrial to general commercial, located at 788 and 900 Fairview Drive and 900 Mallory Way, APNs 009-551-03, 009-551-08, 009-551-31, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Sattler seconded the motion.** Chairperson Kimbrough entertained discussion relative to the special use permit application and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 7-0.** Chairperson Kimbrough entertained discussion relative to the zoning map amendment and, when none was forthcoming, called for a vote on the pending motion. **Motion carried 7-0.** Mr. Plemel explained that the commission's decision relative to the special use permit is final, but conditioned upon approval of the zoning map amendment. He confirmed that the commission's recommendation on the zoning map amendment will be submitted to the Board of Supervisors on April 21st. He requested anyone with questions regarding appeals to contact the Planning Division and provided the contact information. Chairperson Kimbrough recessed the meeting at 7:37 p.m. and reconvened at 7:41 p.m.

I. STAFF REPORTS:

I-1. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (7:41:44) - Mr. Plemel reviewed commission recommendations recently forwarded to the Board of Supervisors. He reviewed the tentative agenda for the April commission meeting.

I-2. COMMISSIONER REPORTS / COMMENTS (7:43:25) - None.

J. ACTION TO ADJOURN (7:43:34) - Commissioner Vance moved and Commissioner Sattler seconded a motion to adjourn at 7:43 p.m. The motion carried 7-0.

The Minutes of the March 30, 2011 Carson City Planning Commission meeting are so approved this 27th day of April, 2011.

MARK KIMBROUGH, Chair