CARSON CITY PLANNING COMMISSION
Minutes of the October 26, 2011 Meeting
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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, October 26, 2011 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Commissioner Malkiat Dhami
Commissioner Paul Esswein
Commissioner Mark Sattler
Commissioner Jim Shirk
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Moreen Scully, 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 (5:00:23) - Chairperson Kimbrough called the meeting to order at 5:00 p.m. Roll was called; a quorum was present. Commissioner Vance was absent. Commissioner Wendell led the pledge of allegiance. Chairperson Kimbrough welcomed Commissioner Esswein who, at Chairperson Kimbrough's request, provided background information on his work and community service experience. Chairperson Kimbrough congratulated Commissioner Wendell on his reappointment, and expressed appreciation for his service to the commission.

B. PUBLIC COMMENTS (5:04:22) - Chairperson Kimbrough entertained public comment; however, none was forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES - September 28, 2011 (5:05:27) - Commissioner Shirk moved to approve the minutes, as presented. Commissioner Sattler seconded the motion. Motion carried 6-0.

D. MODIFICATION OF AGENDA (5:06:14) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:06:02) - None.

F. DISCLOSURES (5:06:22) - None.

G. CONSENT AGENDA (5:06:34) - None.

H. PUBLIC HEARING MATTERS

H-1. SUP-11-059 POSSIBLE ACTION TO CONSIDER A REQUEST FROM YESCO SIGN COMPANY (PROPERTY OWNER: HERMAN BAUER) FOR A FIVE-YEAR REVIEW OF A PREVIOUSLY-APPROVED SPECIAL USE PERMIT FOR AN EXISTING BILLBOARD, ON

PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 4440 HIGHWAY 50 EAST, APN 008-281-11 (5:07:53) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the agenda materials in conjunction with displayed slides. He reviewed the public noticing process, as outlined in the staff report, and advised of having received no comments as of today's date. He further advised of no complaints relative to the subject billboard over the past five years. He noted staff's recommendation of approval, subject to the conditions as outlined in the staff report.

Chairperson Kimbrough invited the applicant to the podium. (5:11:20) YESCo Outdoor Media Business Development Director Danny Schulte introduced himself for the record and acknowledged his agreement with the conditions of approval. Mr. Schulte expressed appreciation for the assistance and cooperation of Planning Division staff. In response to a comment, a brief discussion took place regarding the history of the subject billboard.

Chairperson Kimbrough entertained public comment. (5:12:58) Kris Wickstead advised that his home is situated on "the parcel behind the billboard." He noted "a lot of billboards in Carson City and a lot of them are actually blank right now ..." He reviewed the locations of billboards along Highway 50 and their associated advertisements. He questioned the value of the subject billboard in consideration of the public service announcement currently advertised. He estimated "40 percent of the time this billboard has had a YESCo advertisement on it." He displayed a letter, dated December 7, 2006, from former Planning Division Director Walter Sullivan relative to extension of an 8-foot fence. He described the subject billboard as "a pretty big drain on [his] property value." He noted that "property values are in decline," reiterated that "the billboard's of questionable value," and, based on the December 7, 2006 letter stated, "it isn't certainly of the clean history that was originally stated." At Chairperson Kimbrough's request, Mr. Wickstead provided the December 2006 letter to Mr. Plemel, who committed to returning it.

In response to a question, Mr. Wickstead advised that the fence was not completed. "There was 132 feet of fence that was secondarily completed. There was still a gap in the fence that [he] had to pay an additional $100 ... to complete to make sure that it connected with the Post Office fence, as existing ... But otherwise, it had a rather unsightly gap ... if you were at the Post Office ..." In response to a further question, Mr. Wickstead advised that YESCo had stipulated to work with the Wickstead family and Mr. Sullivan to mitigate the impact of the billboard. "The result of that was a letter from Mr. Sullivan stating that a fence needed to be completed. So I don't know if you call that a condition of approval, but that had to be done and so it wasn't something that was necessarily volunteered. It was something that Mr. Sullivan decided on based on our discussions back and forth with everyone."

Chairperson Kimbrough provided background information on the Code provisions relative to billboards, and Mr. Plemel provided additional clarification. In consideration of the December 7, 2006 letter, Mr. Plemel suggested that if the fence was not completed as it should have been, "maybe that's something that can be addressed to mitigate the impacts of this ... special use permit. That's a proper part of this discussion." Mr. Wickstead acknowledged the fence is now complete. Mr. Plemel responded to questions of clarification regarding the provisions of Carson City Municipal Code, Section 4.8.3.

(5:24:04) Mr. Wickstead expressed the opinion that "while the billboard is existing and did meet the requirements at the time, there was obviously a tainted process getting there or a difficult process getting there, especially for a resident of Carson City." He suggested reconsidering the 1,000-foot standard. At Mr. Plemel's request, Mr. Wickstead pointed out his residence on a displayed aerial photograph.

Chairperson Kimbrough entertained additional public comment and, when none was forthcoming, offered the applicant an opportunity for rebuttal. (5:27:13) Mr. Schulte reviewed the history of the special use permit relative to the subject billboard, the associated Code requirements, construction of the billboard, and construction of the fence.

In consideration of the special use permit, Mr. Plemel advised that economic viability and return on investment is not within the commission's purview. "The Planning Commission, in reviewing special use permits, has specific findings [pursuant to] the Carson City Municipal Code that have to be made ... And you can have conditions of approval to mitigate and make those findings ..."

Chairperson Kimbrough entertained additional questions, comments, or a motion of the commissioners. **Commissioner Wendell moved to approve SUP-11-059, a special use permit application from Herman Bauer and Danny Schulte, of YESCo, to allow the continued use of a double-faced, maximum 28-feet high, 10.5 feet by 36 feet or 378 square feet off-premises billboard sign, on property zoned general commercial, located at 4440 Highway 50 East, APN 008-281-11, based on the findings and subject to the conditions of approval contained in the staff report. Commissioner Sattler seconded the motion. Motion carried 6-0.** Mr. Plemel reviewed the appeal process.

H-2. ZCA-11-051 POSSIBLE ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, APPENDIX - DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.8, REQUIREMENTS FOR BILLBOARDS AND OFF-PREMISES SIGNS, BY ADDING A NEW SUBSECTION 4.8.7, OFF-PREMISES SIGNS ON CITY BUS SHELTERS, TO ALLOW ADVERTISING ON PASSENGER BUS SHELTERS, SUBJECT TO SPECIFIC CRITERIA (5:33:32) - Chairperson Kimbrough introduced this item, and Ms. Pruitt reviewed the agenda materials in conjunction with displayed slides. She reviewed the public noticing process, as outlined in the staff report, and advised of having received no comments.

In response to a question, Mr. Plemel provided clarification of the language of Section 4.8.2(d)(1) and (2). Discussion followed, and Commissioner Esswein noted that the subject item will increase the number of off-premises signs in the community. Commissioner Wendell pointed out that the JAC buses have advertising signage, and that the bus shelter advertising is "just another avenue for additional revenue ... to support the program itself which is going to benefit the City."

Chairperson Kimbrough invited the applicant to the podium. (5:51:23) Transit Coordinator Ken Smithson introduced himself for the record, and expressed appreciation for "the productive discussion we had in August ... and your good suggestions." He thanked Planning Division staff for their assistance in presenting the subject item for the commission's consideration. He expressed agreement with all the proposed regulations. He assured the commission that graffiti will be prevented or mitigated. "If the sign is damaged by graffiti, we'll either try to remove it or we'll replace the sign. That's part of the advertising policy as well." Mr. Smithson further assured the commission that bus shelters are not being constructed for the purpose of advertising. "We're putting shelters out to serve the public and we identify locations based on customer surveys and where we see large numbers of people gathering to wait for the bus. So, even in those two locations that were pointed out where advertising will not be permissible, we're going to put a shelter out because the seniors and other persons would benefit ..." In response to a previous comment, Mr. Smithson advised of having been informed by *Nevada Appeal* staff of the belief that "they

can sell one advertising panel for $500 a month." He reviewed calculations which indicate that the bus shelter advertising could generate $40,000 for the City.

In response to a question, Mr. Smithson advised that Transportation Division staff is "sensitive to the fact that these are see-through shelters and we want to maintain that. We're agreeable to limiting it to one panel." Chairperson Kimbrough entertained additional comments or questions of the commissioners, and of the public. Commissioner Esswein reviewed suggested revisions to the proposed ordinance included in the agenda materials. In response to a question, Ms. Pruitt reviewed the conditions under which a sign permit would be required.

Chairperson Kimbrough entertained additional questions or comments and, when none were forthcoming, a motion. **Commissioner Dhami moved to recommend to the Board of Supervisors the approval of ZCA-11-051, a zoning code amendment amending the Carson City Municipal Code, Title 18, Zoning, Chapter 18.16, Development Standards, Division 4, Signs, by adding a new section, Section 4.8.7, Off-Premises Signs located on City Bus Shelters, based on the findings contained in the staff report. Commissioner Esswein seconded the motion. Motion carried 6-0.**

I. STAFF REPORTS

I-1. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (6:00:51) - Mr. Plemel reviewed commission recommendations which had been forwarded to the Board of Supervisors in October. He reviewed the tentative agenda for the November commission meeting.

I-2. COMMISSIONER REPORTS / COMMENTS (6:02:43) - Chairperson Kimbrough advised of having attended the recent American Planning Association meeting in Sparks, and thanked Mr. Plemel for making the opportunity available to the commissioners.

J. PUBLIC COMMENTS (6:04:17) - Chairperson Kimbrough entertained public comment; however, none was forthcoming.

K. ACTION ON ADJOURNMENT (6:04:23) - Commissioner Sattler moved to adjourn the meeting at 6:04 p.m. Commissioner Wendell seconded the motion. Motion carried 6-0.

The Minutes of the October 26, 2011 Carson City Planning Commission meeting are so approved this 30th day of November, 2011.

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MARK KIMBROUGH, Chair