

CARSON CITY PLANNING COMMISSION

Minutes of the April 25, 2012 Meeting

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A regular meeting of the Carson City Planning Commission was scheduled for 5:00 p.m. on Wednesday, April 25, 2012 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

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

STAFF: Lee Plemel, Planning Division Director
Tina Russom, 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 (5:01:28) - Chairperson Kimbrough called the meeting to order at 5:01 p.m. Roll was called; a quorum was present. At Chairperson Kimbrough's request, Commissioner Dhami led the pledge of allegiance.

B. PUBLIC COMMENTS (5:02:18) - Chairperson Kimbrough entertained public comment; however, none was forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES - March 28, 2012 (5:03:18) - Chairperson Kimbrough introduced this item, and entertained a motion. **Commissioner Vance moved to approve the minutes. Commissioner Sattler seconded the motion. Motion carried 7-0.**

D. MODIFICATION OF AGENDA (5:03:41) - Chairperson Kimbrough entertained modifications to the agenda. Mr. Plemel suggested addressing item H-1 following item H-2. No further modifications were requested.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (5:04:09) - None.

F. DISCLOSURES (5:04:14) - None.

G. CONSENT AGENDA (5:04:20) - None.

H. PUBLIC HEARING MATTERS:

H-1. PRESENTATION COMMENDING CRAIG MULLET FOR SIX YEARS OF SERVICE ON THE PLANNING COMMISSION (6:14:30) - Chairperson Kimbrough introduced this item; stepped from the dais to the podium, where he requested former Commissioner Craig Mullet to join him; and read into the record the language of the resolution included in the agenda materials. Chairperson

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Kimbrough presented the resolution to Mr. Mullet, and returned to the dais. The commissioners, City staff, and citizens present applauded.

(6:16:44) Mr. Mullet thanked the commission and City staff, “the citizens of Carson City for the pleasure and honor of serving ... and ... the Board of Supervisors” for the appointment. He expressed appreciation for the opportunity to have worked with past and present City staff. He congratulated Mr. Plemel and Principal Planner Jennifer Pruitt on their “advancements over the years.” He thanked the commissioners for their hard work and forbearance. He expressed support for the commission to begin “refining the signage ordinance ...” He expressed appreciation to have participated in the last master planning process, and commended staff on “a masterful job” of involving the community in that process. He recounted some of the more difficult commission decisions during his time of service, but encouraged the new commissioners in their endeavors. He thanked the community and the commission, and Chairperson Kimbrough commended his comments. The commissioners, City staff, and citizens present again applauded.

H-2. SUP-12-019 - POSSIBLE ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM SILVER STATE CHARTER SCHOOL (PROPERTY OWNER: SILVER STATE CHARTER SCHOOL) TO EXCEED THE PERMITTED FREESTANDING SIGN HEIGHT AND OVERALL SIGN AREA FOR AN OFFICE USE, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 788 AND 900 FAIRVIEW DRIVE AND 900 MALLORY WAY, APNs 009-551-03, -08, AND -31 (5:05:25) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the agenda materials in conjunction with displayed slides. Mr. Plemel reviewed the public noticing process, as outlined in the agenda materials, and advised of having received no response. He noted staff’s recommendation of approval, subject to the conditions and the findings included in the staff report.

In response to a question, Mr. Plemel recommended including conditions of approval 10, 11, and 12 “based on concerns that we’ve heard from the Planning Commission in the past on these types of signs and the fact that they’re requesting more signage.” In response to a further question, he advised that the conditions of approval relative to the Capital Christian Center sign on Snyder Avenue were different. In response to a further question, he advised there were no conditions of approval imposed on the sign at Carson High School.

(5:18:34) At Chairperson Kimbrough’s request, Silver State Charter Schools Superintendent Steve Knight introduced himself for the record. He introduced Alpine Signs Owner Cathy Deutsch, who was present in the meeting room. In response to a previous question, he expressed a willingness to dim the sign to conform with requirements. He reviewed the sign application, including details of the proposed signage and the importance of advertising to the success of the charter school.

(5:26:32) In response to a question, Ms. Deutsch expressed a willingness to comply with conditions of approval relative to dimming the sign at night. She acknowledged the sign is “photocell driven.” In response to a question regarding condition of approval 10, she advised that “most of the units that we sell, that’s standard in the industry. It’s the first time I’ve ever heard that concern and it really ... limits the display considerably because ... the preloaded software that comes with it, ... even for school applications, there’s great graphics.” In response to a further question, Ms. Deutsch expressed the opinion that conditions of approval 10, 11, and 12 should be reconsidered. “... it’s way too constraining because they’ll

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be able to utilize probably only half of what the ability of the software is to perform.” In response to a request for clarification, Ms. Deutsch advised “if you’re going to put up a sign that’s a fixed sign, ... four seconds is a reasonable amount, but it limits so much of the possibilities of what they can do with the graphics that are provided and today’s technology. It’d be like watching TV and putting it on pause. So they’re basically having a billboard effect as opposed to a ... digital sign display.” Ms. Deutsch reiterated never before having such a condition imposed.

Mr. Knight compared the proposed signage to signage at Carson High School and at the Harley-Davidson store. “You’re limiting about a \$40,000 sign.” Mr. Knight narrated video footage, which was displayed in the meeting room, of the Carson High School and Harley-Davidson Store signage. Discussion followed and, in response to a comment, Mr. Knight advised that “huge, TV-type graphics” are not proposed. “We’re trying to reach a reasonable thing. ... It wouldn’t be a long-playing thing. There’d be no reason to do that. Most of the message would be four seconds ... or so.” Mr. Knight expressed no desire to “do a casino display. ... I’m just trying to utilize a sign that has the capabilities that would be presentable and nice and not distracting.” He pointed out that the Harley-Davidson sign is “right on the freeway ... if you want to talk about distracting. We don’t want to distract the drivers and this sign is not that big.”

In response to a comment, Mr. Plemel pointed out that the applicant’s examples pre-date the ordinance. He explained that conditions of approval 11 and 12 are relative to dimming the sign. Ms. Deutsch acknowledged agreement that the proposed sign is designed to accommodate dimming. Mr. Knight acknowledged exception taken to only condition of approval 10. He expressed a willingness, upon notification by the Planning Division, to eliminate any graphic which is too distracting. “I’m not trying to be distracting. I’m just ... trying to utilize the sign, be tasteful, not have a TV program ... We’re trying to do short messages with some movement and animation that would utilize the sign and make it a really nice looking sign.” Mr. Knight acknowledged agreement with conditions of approval 11 and 12, and a request to modify or eliminate condition of approval 10. At Commissioner Shirk’s request, Mr. Knight suggested modifying condition of approval 10, as follows: “... limit the message to four to six second animations before we fade or go to another message.” “So it would not be something like we’re playing something that somebody’s engrossed in.”

In response to a question, Mr. Plemel expressed a preference for deleting condition of approval 10. Mr. Knight acknowledged a willingness to work with Planning Division staff relative to concerns over vehicular distractions. Mr. Plemel acknowledged that four or six seconds is irrelevant. Chairperson Kimbrough reviewed background information on development of the current ordinance. He expressed the opinion that the proposed sign’s “setback and height ... create even more of a problem because people are going to look harder to see the sign versus something higher that they’re going to see farther down the road and closer to the road.” Mr. Knight advised that the westbound direction has “trees in the way so you only get to see the sign for four or five seconds at 35 miles an hour. ... If you’re coming eastbound, nobody’s going to be seeing it ‘til they’re past the intersection. ... So they’re going to not have their attention drawn until they’re way past the beauty school so they’re going to have four to six seconds, at the most, to see the sign anyway.” He reiterated the opinion that the four to six second display “would limit the distraction.” Following a brief discussion, he expressed the opinion “there’s a middle ground that we’re not obtrusive and distracting.” He expressed understanding for avoiding traffic accidents in front of or anywhere near the school.

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Mr. Knight acknowledged the intent to leave the large pine tree. Mr. Plemel acknowledged that the Carson High School sign predates the ordinance. Commissioner Vance noted that the applicant's examples prompted several provisions of the ordinance and "why ... [he] had expected to see [condition of approval] 10 worded exactly the way it is. And the fact that other signs are grandfathered in is ... why it is worded that way. We arrived at a consensus and what we're talking about here tonight is just throwing it all out." Commissioner Vance clarified that the Harley-Davidson store sign is "probably 80 percent in conformance with this condition number 10. ... they were fading in and out and no movement on most of the message. ... they're at least part way there, but still, when it starts moving around, ... it bothers all of us." He expressed concern over establishing a precedent relative to eliminating condition of approval 10. Mr. Knight reiterated the request to modify condition of approval 10 to accommodate some graphical movement.

In response to a question, Mr. Plemel advised that the subject item is a "discretionary action," so condition of approval 10 is "discretionary ... based on the fact that they're requesting additional sign area." He emphasized that the conditions of approval are not "the standards for electronic message displays all throughout Carson City. We pulled these to address potential concerns that are being discussed tonight ... If this was a retail or other commercial use, we wouldn't be here and they'd be putting up the sign and it could have fire and flames and flags flapping ... So, the only opportunity you have in this case is because they're requesting a special use permit and maybe there's some conditions, in this case, that warrant doing this based on the findings ... In fairness, there's been a lot of other applications that came in yesterday and in the past and tomorrow and in the future, until we establish criteria for all commercial signs, that would allow the signs to ... continue to do exactly what Mr. Knight is saying." In consideration of some of the comments appearing to be relative to the "flashing aspect" of the proposed signage, Vice Chairperson Wendell suggested retaining the language relative to time in condition of approval 10. "It would alleviate the flashing aspect of it. You would have a slower movement." Discussion followed.

Chairperson Kimbrough entertained public comment. (5:55:01) In response to a question, Mr. Plemel clarified the height of the proposed signage is 15 feet. Craig Mullet expressed opposition to the charter school advertising for students. "Otherwise it starts to sound like they're actually a for-profit as opposed to a non-profit type of business." Mr. Mullet expressed support for the charter school to be able to advertise its activities. In reference to the "Sheriff's Log," he advised that the intersections of Roop Street and Fairview Drive and Saliman Road and Fairview Drive are "probably the three highest accident frequency intersections in town ..." He expressed concern over motion graphics causing distraction to drivers.

Chairperson Kimbrough entertained additional public comment and, when none was forthcoming, additional commissioner questions or comments. In response to a question, Mr. Plemel explained that conditions of approval 10, 11, and 12 were "pulled from the freeway-oriented sign ordinance. Those are conditions that would apply to any new freeway-oriented sign. ... because they're established, we use them to bring forward to you to address possible issues of brightness and motion on the sign in this case."

Commissioner Esswein expressed an interest in the commission moving forward to develop policies relative to all signs in the community. He noted that the proposed signage is in the commercial district. "Regardless of what the specific use of the facility is, those commercial uses could all put up signs similar to this readerboard ..." He expressed the opinion that the commission should be considering how the sign fits in the neighborhood in terms of the subject special use permit. He expressed the opinion that the

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special use permit “can be conceived as an issue of safety if any other business would be allowed to put this sign up without restriction.” He expressed no opposition to condition of approval 10, but the opinion that “in this situation, if it’s not in the ordinance or a requirement of the development standards, ... we can eliminate [condition of approval] 10 or we could modify it or we could request the applicant to modify it ...” Vice Chairperson Wendell agreed.

Chairperson Kimbrough entertained additional commissioner discussion or a motion. In response to a question, Mr. Plemel advised that the commission’s approval of the special use permit application would designate the proposed signage as within the commercial signage regulations. Vice Chairperson Wendell acknowledged a concern over restricting the signage with condition of approval 10 simply because it was presented as part of a special use permit application. Commissioner Sattler expressed understanding for both sides of the issue.

Mr. Plemel advised that former Commissioner Steve Reynolds, owner of SignPro, has long wanted the commission to comprehensively address electronic message displays. He advised that staffing and timing are issues relative to the process, and that “it’s still ... on the list to ... do that.” He provided additional background information on development of the freeway signage ordinance.

Chairperson Kimbrough suggested removing condition of approval 10, with the requirement that the applicant appear before the commission for review after one year. Mr. Knight acknowledged his agreement with the conditions of approval, with the removal of condition of approval 10 and the requirement to return to the commission after one year. Commissioner Shirk clarified that the one-year review could include the imposition of condition of approval 10, or a modification. Mr. Knight acknowledged his understanding.

Chairperson Kimbrough entertained a motion. In response to a question, Mr. Plemel expressed a preference for the removal of condition of approval 10, with the stipulation that the applicant appear before the commission after one year to reconsider condition of approval 10. **Vice Chairperson Wendell moved to approve SUP-12-019, a special use permit application from Palmer Engineering Group, Ltd., to allow an increase in the permitted sign area for an office use, on property zoned general commercial, located at 788 Fairview Drive, APNs 009-551-03, 009-551-08, and 009-551-31, based on seven findings and subject to the recommended conditions of approval, except for condition of approval 10, contained in the staff report; and further, that the applicant will be called before the commission in one year for an evaluation as to whether condition of approval 10 should be reinstated as part of the special use permit. Commissioner Esswein seconded the motion.** Chairperson Kimbrough entertained discussion. Commissioner Esswein inquired as to the sufficiency of the motion, as stated, and Mr. Plemel acknowledged the same. Ms. Russom advised that the minutes would reflect the detailed discussion. Chairperson Kimbrough called for a vote on the pending motion. **Motion carried 7-0.** Chairperson Kimbrough thanked Mr. Knight.

I. ADMINISTRATIVE MATTERS

I-1. DIRECTOR’S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (6:20:46) - Mr. Plemel reviewed the tentative agenda for the May commission meeting.

I-2. COMMISSIONER REPORTS / COMMENTS (6:21:25) - None.

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J. PUBLIC COMMENTS (6:21:37) - Chairperson Kimbrough noted there were no citizens present in the meeting room.

K. ACTION TO ADJOURN (6:21:50) - Vice Chairperson Wendell moved to adjourn the meeting at 6:21 p.m. Commissioner Vance seconded the motion. Motion carried 7-0.

The Minutes of the April 25, 2012 Carson City Planning Commission meeting are so approved this 30th day of May, 2012.

MARK KIMBROUGH, Chair