

MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, January 28, 2015 ● 5:00 PM
Community Center Sierra Room, 851 East William Street, Carson City, Nevada

Commission Members

Chair – George Wendell	Vice Chair – Paul Esswein
Commissioner – Victor Castro	Commissioner – Malkiat Dhami
Commissioner – Walt Owens	Commissioner – Mark Sattler
Commissioner – Kent Steele	

Staff

Lee Plemel, Community Development Director
Susan Dorr Pansky, Planning Manager
Joseph Ward, Senior Deputy District Attorney
Tamar Warren, Deputy Clerk/ Recording Secretary

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 available for review during regular business hours.

The televised Carson City Planning Commission meetings are available on http://www.breweryarts.org/?page_id=2607.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (5:00:38) – Chairperson Wendell called the meeting to order at 5:00p.m. A quorum was present. Commissioner Sattler led the pledge of allegiance.

Attendee Name	Status	Arrived
Chairperson George Wendell	Present	
Vice Chairperson Paul Esswein	Absent	
Commissioner Victor Castro	Present	
Commissioner Malkiat Dhami	Absent	
Commissioner Walt Owens	Present	
Commissioner Mark Sattler	Present	
Commissioner Kent Steele	Present	

B. PUBLIC COMMENTS (5:01:36) – None.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – December 17, 2014.

(5:02:48) – MOTION: I move to approve the minutes of the December 17, 2014 meeting as presented.

RESULT:	APPROVED (5-0-0)
MOVER:	Owens
SECONDER:	Castro
AYES:	Wendell, Castro, Owens, Sattler, Steele
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Esswein, Dhami

D. MODIFICATIONS OF AGENDA (5:03:16) – None.

(5:03:27) – Mr. Plemel noted that multiple agenda items [F-2(A) and F-2(B), and F-3(A) and F-3(B)] pertaining to the same properties will be discussed together.

E. DISCLOSURES (5:04:00) – Commissioner Sattler disclosed that he worked for a medical equipment company that sold supplies to the physicians and hospitals in the area; however, Carson Tahoe Hospital was not one of them. Therefore, he did not see any potential conflict with agenda items F3(A) and F3(B). Mr. Ward did not see any issues either because Commissioner Sattler did not have a pecuniary interest in the matter.

F. PUBLIC HEARING MATTERS:

F-1 SUP-14-158 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM ROY L. STREET (PROPERTY OWNER: ROY L. STREET) TO ALLOW A MEDICAL MARIJUANA CULTIVATION FACILITY ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 5835 SHEEP DRIVE, APN 008-523-14.

(5:05:08) – Chairperson Wendell introduced the item. Ms. Dorr Pansky presented the agenda materials incorporated into the record, accompanied by a photographs, in a PowerPoint presentation.

(5:10:02) – Commissioner Castro received confirmation that there were no limits on marijuana cultivation and production, but there were limits on dispensaries.

(5:11:06) – Derek Wilson, Rubicon Design Group, spoke on behalf of the applicant, He noted that they met the approval criteria and would not cause any public traffic. He also informed Chairperson Wendell that he had read and agreed with the recommended conditions of approval. Commissioner Owens informed Mr. Wilson that a “facility across the street” housed mentally handicapped patients. Mr. Wilson also noted that the security monitoring company would be local.

PUBLIC COMMENTS

(5:14:15) – Roger Rakow introduced himself as a neighboring property owner and spoke against marijuana in general and a cultivation location in the area specifically. He also objected to the “smell” that would “come out of the vents”. Commissioner Castro noted that the property would be used for cultivation not sale or consumption. Mr. Wilson noted that the business owner had hired an HVAC specialist to ensure no odors escaped the building.

(5:19:42) – MOTION: I move to approve SUP-14-158, a Special Use Permit request from Roy L. Street (property owner: Roy L. Street, DBA Street Properties) to allow a Medical Marijuana Cultivation Facility on property zoned General Industrial (GI), located at 5835 Sheep Drive, APN 008-523-14, based on the findings and subject to the conditions of approval contained in the Staff Report.

RESULT:	APPROVED (4-1-0)
MOVER:	Sattler
SECONDER:	Steele
AYES:	Wendell, Castro, Sattler, Steele
NAYS:	Owens
ABSTENTIONS:	None
ABSENT:	Esswein, Dhami

F-2(A) SUP-14-159 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM NEVADA ORGANIX, LLC (PROPERTY OWNER: DANDINI WALLACH, LLC) TO ALLOW A MEDICAL MARIJUANA CULTIVATION FACILITY ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 3130 N. DEER RUN ROAD, APN 008-541-76.

(5:21:18) – Chairperson Wendell introduced both items F-2(A) and F-2(B).

(5:22:35) – Ms. Dorr Pansky presented the agenda items which are incorporated into the record, and clarified the difference between cultivation and production facilities. She also noted that a letter from adjacent property owners opposing the project was included in the late materials.

(5:28:33) – Commissioner Sattler received clarification that a future agenda discussion regarding a dispensary was for a different location on Clearview Drive. Ms. Dorr Pansky also stated that the applicant had received a provisional certificate from the State for cultivation, production, and dispensing of medical marijuana.

(5:30:05) – Rebecca Gasca, introduced herself as a being from Pistil and Stigma, and representing the applicant. Ms. Gasca gave an introduction of her client, incorporated into the record. She also noted her understanding of, and agreement with, the conditions of approval. Commissioner Owens inquired about the applicant’s awareness of the “facility across the street” housing handicapped individuals. Ms. Gasca stated that the applicants were aware of the facility; however she indicated that there were no State laws prohibiting their operation near such a facility, or near any federal suppliers. She also stated that they worked with their neighbors and would be doing additional outreach, citing an incident in Arizona where their security cameras had recorded a break-in at a neighboring business, adding that no banners and signs would advertise the nature of their business.

PUBLIC COMMENTS

(5:36:54) – Mr. Rakow reiterated his objection to marijuana use and to the facility, and noted several break-ins on his property. Chairperson Wendell suggested staying on-topic as the issue at hand was a Special Use Permit and not the issues relating to marijuana in general.

(5:39:48) – Jeff Fuhrman introduced himself and stated that he owned a trucking and landscape/soil supply company doing business as Nevada Organics. He noted the confusion in the two names, adding that he was being contacted by potential vendors and patients at his house, where his business resides. Mr. Fuhrman explained that he had notified the applicant in November, 2014 through an attorney and had not received a response. Commissioner Owens believed that both names were eligible for licensing by the Secretary of State.

(5:44:54) – Ms. Gasca noted that Mr. Fuhrman’s issue was outside the scope of the Planning Commission, and stated that she could not speak on behalf of the applicant regarding trademark issues. She also suggested that the Commission approve the request at hand, adding that the applicant would address the legal issues separately. Commissioner Sattler was informed that the State would be responsible for the approval of the business name.

(5:47:30) – Mr. Plemel outlined the role of the Planning Commission and added that corporate naming and the decision to allow medical marijuana cultivation, production, and dispensaries were not within its purview.

(5:49:35) – MOTION: I move to approve SUP-14-159 a Special Use Permit request from Nevada Organix, LLC (property owner: Dandini Wallach, LLC) to allow a Medical Marijuana Cultivation Facility on

property zoned General Industrial (GI), located at 3130 N. Deer Run Road, APN 008-541-76 based on the findings and subject to the conditions of approval contained in the Staff Report.

RESULT:	APPROVED (4-1-0)
MOVER:	Steele
SECONDER:	Sattler
AYES:	Wendell, Castro, Sattler, Steele
NAYS:	Owens
ABSTENTIONS:	None
ABSENT:	Esswein, Dhami

(5:50:22) – Commissioner Owens reiterated his objection to the motion which was due to the cultivation plant’s proximity to residences and a handicap care facility.

F-2(B) SUP-14-160 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM NEVADA ORGANIX, LLC (PROPERTY OWNER: DANDINI WALLACH, LLC) TO ALLOW A MEDICAL MARIJUANA PRODUCTION FACILITY ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 3130 N. DEER RUN ROAD, APN 008-541-76.

(5:50:42) – **MOTION: I move to approve SUP-14-160 a Special Use Permit request from Nevada Organix, LLC (property owner: Dandini Wallach, LLC) to allow a Medical Marijuana Production Facility on property zoned General Industrial (GI), located at 3130 N. Deer Run Road, APN 008-541-76 based on the findings and subject to the conditions of approval contained in the Staff Report.**

RESULT:	APPROVED (4-1-0)
MOVER:	Sattler
SECONDER:	Steele
AYES:	Wendell, Castro, Sattler, Steele
NAYS:	Owens
ABSTENTIONS:	None
ABSENT:	Esswein, Dhami

(5:51:28) – Commissioner Owens reiterated his objection to the motion which was due to the production plant’s proximity to residences and a handicap care facility.

F-3(A) ZMA-14-161 FOR POSSIBLE ACTION: TO RECOMMEND TO THE BOARD OF SUPERVISORS APPROVAL OF A ZONING MAP AMENDMENT TO CHANGE THE ZONING OF PROPERTY LOCATED AT 1001 MOUNTAIN ST. AND 608 AND 610 W. WASHINGTON ST., APNS 001-201-15, -16, 26, AND -27, FROM PUBLIC COMMUNITY (PC) TO MULTI-FAMILY APARTMENT (MFA).

(5:52:13) – Chairperson Wendell introduced both item, F-3(A) and F-3(B).

(5:53:31) – Ms. Dorr Pansky presented the agenda materials and noted an opposition letter, all of which are incorporated into the record. Commissioner Castro inquired about other zoning options and was informed that

Commercial zoning would be the second option; however, Staff had advised the applicant on the Multi-Family zoning to stay in step with the Master Plan. He also expressed concern over cutting large trees, which Mr. Plemel noted are cottonwoods and they grow rapidly and interfere with infrastructure. Discussion ensued regarding design standards and infrastructure improvements. Ms. Dorr Pansky clarified that sewer issues would not be discussed in the growth management section because significant changes were not required. Commissioner Sattler cited examples of downed cottonwoods in the area that had grown too large. Chairperson Wendell invited the applicants to the podium.

(6:15:02) – Chris Baker of Manhard Consulting introduced himself and April Copeland of Prestige Care, Inc. Mr. Baker explained that the interior design of the building was not complete, therefore window placements were not shown, adding that they agreed with the conditions of approval.

PUBLIC COMMENTS

(6:18:20) – Casey Otto, a nearby property owner and business office manager for a long-term care facility, introduced himself and indicated that he was concerned with parking. Mr. Otto inquired about the total beds occupying the facility and was informed that there would be 132 beds, and that the parking requirement per code was 76 spaces, although the facility would provide 96 parking spaces.

(6:24:07) – MOTION: I move to recommend to the Board of Supervisors approval of a Zoning Map Amendment ZMA-14-161 to change the zoning of APNs 001-201-15, -16, 26, and -27, from Public Community (PC) to Multi-Family Apartment (MFA) on of property located at 1001 Mountain St. and 608 and 610 W. Washington St.

RESULT:	APPROVED (5-0-0)
MOVER:	Sattler
SECONDER:	Owens
AYES:	Wendell, Castro, Owens, Sattler, Steele
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Esswein, Dhami

(6:25:08) – Ms. Dorr Pansky indicated that the first reading of this item in the Board of Supervisors meeting would take place on February 19, 2015.

F-3(B) SUP-14-162 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FROM CARSON TAHOE HOSPITAL (PROPERTY OWNER: CARSON TAHOE HOSPITAL) TO ALLOW A CONGREGATE CARE HOUSING/SKILLED NURSING/MEMORY CARE FACILITY ON PROPERTY ZONED PUBLIC COMMUNITY (PC), LOCATED AT 1001 MOUNTAIN ST. AND 608 AND 610 W. WASHINGTON ST., APNS 001-201-15, -16, 26, AND -27.

(6:25:23) – MOTION: I move to approve SUP-14-162 a Special Use Permit request from Carson Tahoe Hospital (property owner: Carson Tahoe Hospital) to allow a Congregate Care Housing/Skilled Nursing/Memory Care Facility on property zoned Public Community (PC), located at 1001 Mountain St. and 608 and 610 W. Washington St., APNs 001-201-15, -16, 26, and -27.

RESULT:	APPROVED (5-0-0)
MOVER:	Sattler
SECONDER:	Castro
AYES:	Wendell, Castro, Owens, Sattler, Steele
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Esswein, Dhami

(6:26:25) – Chairperson Wendell recessed the Planning Commission at 6:26 p.m.

GROWTH MANAGEMENT COMMISSION

(6:26:40) – Chairperson Wendell called the meeting to order. Roll was called and a quorum was present.

F-4G M-14-163 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A GROWTH MANAGEMENT REVIEW FROM CARSON TAHOE HOSPITAL (PROPERTY OWNER: CARSON TAHOE HOSPITAL) TO ALLOW A PROPOSED CONGREGATE CARE HOUSING/SKILLED NURSING/MEMORY CARE FACILITY TO USE MORE THAN 7,500 GALLONS OF WATER PER DAY, ON PROPERTY ZONED PUBLIC COMMUNITY (PC), LOCATED AT 1001 MOUNTAIN ST. AND 608 AND 610 W. WASHINGTON ST., APNS 001-201-15, -16, 26, AND -27.

(6:27:15) – Chairperson Wendell introduced the item. Ms. Dorr Pansky presented the agenda materials which are incorporated into the record. She then introduced Danny Rotter, Public Works Engineering Manager, who gave background and presented the Engineering Report, also incorporated into the record, and recommended approval.

(6:31:20) – Commissioner Sattler received confirmation that the limitation requirements of water would eventually be lifted.

(6:33:45) – Chris Baker of Manhard Consulting and applicant representative, explained that the main uses for water in the buildings would be for landscaping and bathroom fixtures. He added that 60 percent of the landscaping would be low maintenance, and low water usage fixtures would be installed in the bathrooms. Mr. Baker also confirmed for Chairperson Wendell that he had read and agreed with the conditions of approval.

There were no public comments.

(6:35:14) – MOTION: I move to approve GM-14-163, a request for a Growth Management approval from Carson Tahoe Hospital (property owner: Carson Tahoe Hospital) to allow for daily water usage above 7,500 gallons per day for Congregate Care Facility on property zoned Public Community (PC), located at 1001 Mountain St. and 608 and 610 W. Washington St., APNs 001-201-15, -16 - 26, and – 27, and subject to the conditions of approval outlined in the Staff Report.

RESULT:	APPROVED (5-0-0)
MOVER:	Castro
SECONDER:	Steele
AYES:	Wendell, Castro, Owens, Sattler, Steele
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Esswein, Dhami

ACTION TO ADJOURN THE GROWTH MANAGEMENT COMMISSION

(6:36:22) – Chairperson Wendell entertained a motion. **Commissioner Sattler moved to adjourn. The motion was seconded by Commissioner Castro. The Growth Management Commission adjourned at**

(6:36:35) – Chairperson Wendell reconvened the Planning Commission.

G. STAFF REPORTS (NON-ACTION ITEMS)

G-1 DIRECTOR'S REPORT TO THE COMMISSION.

(6:36:50) – Mr. Plemel announced that the Hot Springs Road property zoning change recommended by the Planning Commission had been approved by the Board of Supervisors. He also noted that the Historic Resources Commission’s (HRC’s) denial of Herman Bauer’s project for two four-plexes, based on density, was appealed to the Board of Supervisors and the (HRC) decision was overturned.

FUTURE AGENDA ITEMS.

(6:38:54) – Mr. Plemel stated that the Nevada Organix Marijuana Dispensary will be agendized for February, in addition to the Carson Street Shopping Center Special Use Permit request.

COMMISSIONER REPORTS/COMMENTS

(6:39:40) – Commissioner Castro inquired about the status of the previous marijuana dispensary approvals and was informed that two of the three requests had been denied licenses by the State. Commissioner Sattler and Commissioner Castro noted that they had misread the meeting time of the December 17, 2014 meeting which was at 1 p.m.

H. PUBLIC COMMENT

(6:41:23) – None.

I. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(6:42:39) – MOTION: Commissioner Sattler moved to adjourn. The motion was seconded by Commissioner Castro. The meeting was adjourned at 6:43 p.m.

The Minutes of the January 28, 2015 Carson City Planning Commission meeting are so approved this 25th day of February, 2015.

GEORGE WENDELL, Chair