

MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, April 29, 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 – Walt Owens
Commissioner – Mark Sattler	Commissioner – Kent Steele

Staff

Lee Plemel, Community Development Director
 Danny Rotter, Engineering Manager
 Joseph Ward, 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 are available for review during regular business hours.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (4:59:02) – Vice Chairperson Esswein called the meeting to order at 5:00 p.m. A quorum was present. He also led the pledge of allegiance.

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

B. PUBLIC COMMENTS (5:00:18) – None.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – March 25, 2015.

(5:01:14) – MOTION: I move to approve the minutes of the March 25, 2015 meeting as written.

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

D. MODIFICATIONS OF AGENDA

(5:01:35) – Vice Chairperson Esswein noted that SUP-15-23 would not be heard since the applicant had withdrawn the item.

E. DISCLOSURES (5:02:28) – None.

F. PUBLIC HEARING MATTERS:

SUP-15-023 WITHDRAWN—ITEM WILL NOT BE HEARD AND NO ACTION WILL BE CONSIDERED. A SPECIAL USE PERMIT FROM MEDMEN OF NV2 LLC (PROPERTY OWNER: 5250 LTD LLC) TO ALLOW A MEDICAL MARIJUANA CULTIVATION FACILITY ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 5250 HWY 50 EAST, APN 008-384-11.

F-1 SUP-15-020 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM LINDA AND NORMAN RITTER (PROPERTY OWNER: LINDA P. RITTER) TO ALLOW A DETACHED ACCESSORY STRUCTURE THAT EXCEEDS 75% OF THE SIZE OF THE PRIMARY STRUCTURE, ON PROPERTY ZONED SINGLE FAMILY ONE ACRE (SF1A), LOCATED AT 1475 E. CLEARVIEW DR., APN 009-189-21.

(5:02:37) – Vice Chairperson Esswein introduced the item.

(5:03:14) – Mr. Plemel reviewed the agenda materials and noted a correction to the Staff Report, explaining that the property address should have been 1475 East Clearview Drive and not 1575.

(5:06:56) – Linda Ritter introduced herself and Norman “Skip” Ritter as the property owners, and noted that they were able to personally contact all but one of their neighbors to inform them of their proposed plans. She also stated that they had received a copy of the Staff Report and were in agreement with the conditions of approval. Commissioner Castro was informed that the elevations would be checked by the building official in order to comply with FEMA’s flood regulations.

There were no public comments.

(5:10:17) – MOTION: I move to approve SUP-15-020, a Special Use Permit request [from Linda and Norman Ritter (property owner: Linda P. Ritter)] to allow a detached accessory structure that exceeds 75% of the size of the primary structure, on property zoned Single Family One Acre (SF1A), located at 1475 E. Clearview Dr., APN 009-189-21, based on the findings and [subject to] the conditions of approval contained in the Staff Report.

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

F-2 SUP-15-028 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM CARSON CITY HEALTH AND HUMAN SERVICES (PROPERTY OWNER: CARSON CITY) TO ALLOW A DOUBLE-FACED LED CHANGEABLE MESSAGE CENTER

DISPLAY SIGN ON PROPERTY ZONED PUBLIC COMMUNITY/PUBLIC REGIONAL (PC/PR), LOCATED AT 900 E. LONG ST., APN 002-121-19.

(5:11:14) – Vice Chairperson Esswein introduced the item.

(5:11:44) – Mr. Plemel presented the agenda items which are incorporated into the record, accompanied by photographs. Commissioner Sattler received confirmation that the proposed sign was not visible from the residential apartments in the area.

(5:17:00) – Sandy Wartgow, Carson City Health and Human Services, and Mark Lipkowitz of Custom Sign, introduced themselves as the representatives of the applicants. Mr. Lipkowitz noted that the smaller signs with closely-spaced LEDs would be very expensive to manufacture. Ms. Wartgow confirmed that she had read the Staff Report and that she was in agreement with the conditions of approval outlined by Staff. She also noted that the sign would be illuminated during, or close to, their hours of operation. Vice Chairperson Esswein suggested revisiting the LED sign regulations to avoid special use permits.

There were no public comments.

(5:21:35) – MOTION: I move to approve SUP-15-028, a Special Use Permit to allow replacement of the existing City Health and Human Services free-standing monument sign with an LED changeable message center display sign approximately 6 feet 7 inches in height and 40 square feet in sign area, in the same location as the existing sign, based on the findings and subject to the conditions of approval in the Staff Report.

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

(5:22:26) – Vice Chairperson Esswein recessed the Planning Commission.

GROWTH MANAGEMENT COMMISSION AGENDA

ROLL CALL AND DETERMINATION OF A QUORUM

(5:22:33) – Vice Chairperson Esswein called the Growth Management commission to Order. Roll was called and a quorum was present.

F-3 GM-15-024 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A GROWTH MANAGEMENT REVIEW FROM SURF THRU INC. (PROPERTY OWNER: BOLINSKY PROPERTIES LLC) TO ALLOW FOR AVERAGE DAILY WATER USAGE ABOVE 7,500 GALLONS OF WATER FOR A CAR WASH, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 3555 S. CARSON ST., APN 009-122-02.

(5:23:02) – Chairperson Esswein introduced the item.

(5:23:33) – Mr. Plemel gave background and presented the agenda materials. He also noted that a City ordinance required that any commercial or industrial use, averaging over 7,500 gallons of water per day must obtain Growth Management Commission approval. Mr. Plemel explained that the applicant was unable to attend this meeting due to family issues, and that he had read and was in agreement with the Staff Report and the conditions of approval. He also confirmed for Commissioner Sattler that tonight’s approval would be for the water use.

(5:27:00) – Commissioner Castro objected to the addition of another carwash, especially because of the high water usage requirement, totaling 233,235 gallons of excess water usage per year. He voiced concern over the fact that a car wash, unlike a hotel, did not contribute to the City’s tourism. Commissioner Castro expressed interest in hearing from the applicant. Vice Chairperson Esswein wished to understand the applicant’s recycling capabilities prior to approval of the request. Mr. Plemel wished to research the possible time constraints for acting on the application. Ms. Fralick stated that it was within the Commission’s discretion to table the discussion in order to have the applicant present. Mr. Plemel explained that the Public Works engineers were unable to attend this meeting because they were at a conference, adding that the water usage of the carwash would be equal to that of a restaurant. Commissioner Castro was concerned that the City would set a precedent to approve all other carwash requests. Vice Chairperson Esswein suggested adding in the conditions of approvals that they recycle the overage. Mr. Plemel suggested continuing with the other agenda items and returning to these two items after contacting the applicant via telephone to find out about their availability.

(5:38:20) – MOTION: I move to table items F3 and F4 until contact is made with the applicant.

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

(5:38:41) – Vice Chairperson Esswein recessed the Growth Management Commission and the board reconvened as the Planning Commission.

(6:13:53) – Vice Chairperson Esswein called the meeting back to order as the Growth Management Commission and re-introduced the item

(6:14:02) – John Krmptotic of KLS Planning and Design in Reno introduced himself via telephone and answered Commissioners’ questions. In response to a question by Vice Chairperson Esswein, Mr. Krmptotic addressed the recycling issues and explained that the carwash will use 12 to 13 gallons of water per car, per wash. He also noted that the average water usage he had estimated on his application was “on the high-end” at 20 gallons per wash. Mr. Krmptotic stated that the water usage estimate included the landscaping needs. Commissioner Castro acknowledged that the location choice was “smart development” as it would be in a downtrodden area; however, he reiterated his concerns, outlined above. Mr. Plemel read a text message from Danny Rotter, Public Works Engineering Manager, stating that 8,100 gallons of water represented 0.036 percent of the maximum summer water demand. Mr. Krmptotic assured the Commission that the carwash they were proposing was based on “the

best technology out there” relating to water use, and that the landscaping would utilize drip irrigation for best water management. He also stated that they could not go through with a plan without the approval of the Growth Management Commission. Commissioner Owens questioned the viability of adding two more car washes in Carson City when one had already gone out of business.

There were no public comments.

(6:27:05) – MOTION: I move to approve GM-15-024 a request for a Growth Management Review from Surf Thru Inc. (property owner: Bolinsky Properties LLC) to allow for average daily water usage above 7,500 gallons of water for a car wash, on property zoned General Commercial (GC), located at 3555 S. Carson St., APN 009-122-02, based on the findings and subject to the conditions of approval outlined in the Staff Report.

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

F-4 GM-15-025 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A GROWTH MANAGEMENT REVIEW FROM SURF THRU INC. (PROPERTY OWNER: GLADYS PEDERSON TRUST ET AL) TO ALLOW FOR AVERAGE DAILY WATER USAGE ABOVE 7,500 GALLONS FOR A CAR WASH, ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 1250 AND 1300 E. WILLIAM ST., APNS 002-441-10 AND -11.

(6:28:01) – MOTION: I move to approve GM-15-025 a request for a Growth Management Approval from Surf Thru Inc. (property owner: Gladys Pederson Trust et al) to allow for average daily water usage above 7,500 gallons for a car wash, on property zoned General Commercial (GC), located at 1250 and 1300 E. William St., APNs 002-441-10 and -11, based on the findings and subject to the conditions of approval outlined in the Staff Report.

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

F-5 SUP-15-026 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM BIONEVA INNOVATIONS CARSON CITY (PROPERTY OWNER: DESERT INVESTMENT GROUP LLC) TO ALLOW A MEDICAL MARIJUANA PRODUCTION FACILITY ON

PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 2919 N. DEER RUN RD., APN 008-531-46.

(5:39:06) – Vice Chairperson Esswein noted that items F5 and F6 would be addressed together and introduced both items.

(5:40:09) – Mr. Plemel gave background and presented both Staff Reports which are incorporated into the record.

(5:45:08) – Mr. Plemel confirmed for Commissioner Sattler that another medical marijuana facility which had been approved in the same vicinity had received similar objections such as being close to a federal government facility.

(5:45:34) – Robert Lauder with RL Engineering introduced himself and noted that he had prepared the application for the property owner and the operator (BioNeva). He also confirmed that he had read the Staff Report and was in agreement with the outlined conditions of approval. In response to a question by Vice Chairperson Esswein regarding objection letters by Martin Eisenberg, co-trustee of an adjacent property, and Taiyo America, both of which are incorporated into the record, Mr. Lauder explained that the issues raised were legal in nature; however, he personally did not believe that “the grounds are supportable in this state”. Mr. Lauder invited John Orme whom he introduced as “one of the operators” to address the security issues. Mr. Orme explained that the detailed security plan they had submitted to the State had been approved, adding that they had hired local security consultants for perimeter control and for monitoring 24-hour interior and exterior cameras. Mr. Orme also addressed the odor control procedures. Commissioner Sattler was informed that no attempt was made to contact Taiyo America regarding their concerns. Commissioner Owens was told that the two residences and the handicap training and educational facility nearby were not contacted by the applicants as well.

PUBLIC COMMENTS

(5:50:07) – Jerry Vaccaro questioned the need for approvals of more medical marijuana facilities, citing the ratio discrepancy between the production of medical marijuana and the population of Carson City. He was also informed that an applicant who withdraws an application may reapply anytime; however, when an application is denied, they must adhere to a waiting period. Vice Chairperson Esswein also informed Mr. Vaccaro that there were not limits set for cultivation and processing facilities within the City limits; however, the number of dispensaries were limited to two. Commissioner Sattler noted that the State had approved the permits and this board was to decide whether to grant the special use permits based on zoning.

(5:57:00) – Mark Turner, BioNeva representative, noted that their business would be market driven and that they were moving the process forward in order not to lose their eligibility with the State. He added that the investment would not be made without a return opportunity.

(6:00:11) – MOTION: I move to approve SUP-15-026, a Special Use Permit from BioNeva Innovations Carson City, LLC (property owner: Desert Investment Group LLC) to allow a Medical Marijuana Production Facility on property zoned General Industrial (GI), located at 2919 N. Deer Run Rd., APN 008-531-46, based on the findings and subject to the conditions of approval contained in the Staff Report.

(6:01:00) – Vice Chairperson Esswein expressed his understanding of the public’s concern regarding not having limitations on the number of medical marijuana facilities; however, he noted that the decision has been made in the City’s ordinance which could only be changed by the Board of Supervisors.

RESULT:	APPROVED (3-1-0)
MOVER:	Sattler
SECONDER:	Castro
AYES:	Esswein, Castro, Sattler
NAYS:	Owens
ABSTENTIONS:	None
ABSENT:	Wendell, Steele

F-6 SUP-15-027 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM BIONEVA INNOVATIONS CARSON CITY (PROPERTY OWNER: DESERT INVESTMENT GROUP LLC) TO ALLOW A MEDICAL MARIJUANA CULTIVATION FACILITY ON PROPERTY ZONED GENERAL INDUSTRIAL (GI), LOCATED AT 2919 N. DEER RUN RD., APN 008-531-46.

(6:01:25) – Vice Chairperson Esswein entertained a motion based on the earlier discussion.

(6:01:47) – MOTION: I move to approve SUP-15-027, a Special Use Permit request from BioNeva Innovations Carson City, LLC (property owner: Desert Investment Group LLC) to allow a Medical Marijuana Cultivation Facility on property zoned General Industrial (GI), located at 2919 N. Deer Run Rd., APN 008-531-46, based on the findings and subject to the conditions of approval contained in the Staff Report.

RESULT:	APPROVED (3-1-0)
MOVER:	Sattler
SECONDER:	Castro
AYES:	Esswein, Castro, Sattler
NAYS:	Owens
ABSTENTIONS:	None
ABSENT:	Wendell, Steele

(6:02:52) – Ms. Fralick requested that the correct name of Desert Investment Group, LLC be included in the motion, and not Desert Investment Capital Group, LLC.

(6:03:19) – Vice Chairperson Esswein recessed the Planning Commission meeting to contact the applicant for discussion of items F3 and F4 of the Growth Management Commission.

(6:29:00) – The Board reconvened as the Planning Commission.

G. STAFF REPORTS (NON-ACTION ITEMS)

G-1 DIRECTOR'S REPORT TO THE COMMISSION.

(6:29:25) – Mr. Plemel announced that Planning Manager Susan Dorr Pansky was on MLOA, and that she had a baby boy named Max. He also noted that no new Planning Commission items had been heard by the Board of Supervisors. Mr. Plemel updated the Commission on the Downtown Street Project public open house, adding that the historic theme had been the public’s favorite. He encouraged visiting the new website

www.CarsonProud.com, which would the project information and timelines. Mr. Plemel also noted that the public open house for the 30 percent review would take place on June 22, 2015.

FUTURE AGENDA ITEMS

(6:31:55) – Mr. Plemel explained that the annual Growth Management Commission Reviews will take place in May. He also noted that a tentative 18-lot, one acre subdivision review for a development on Hillview Drive, a lot line adjustment, and the Capitol Mall Project, information on which will be forwarded to the Commission ahead of time will be scheduled to be heard.

COMMISSIONER REPORTS/COMMENTS

H. PUBLIC COMMENT (6:36:58) – None.

I. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(6:37:19) – MOTION: Commissioner Sattler moved to adjourn. The motion was seconded by Commissioner Owens. The meeting was adjourned at 6:37 p.m.

The Minutes of the April 29, 2015 Carson City Planning Commission meeting are so approved this 27th day of May, 2015.

PAUL ESSWEIN, Vice Chair