

DRAFT MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, June 28, 2017 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Paul Esswein	Vice Chair – Mark Sattler
Commissioner – Charles Borders, Jr.	Commissioner – Elyse Monroy
Commissioner – Daniel Salerno	Commissioner – Candace Stowell

Staff

Lee Plemel, Community Development Director
Hope Sullivan, Planning Manager
Dan Stuckey, City Engineer
Dan Yu, Deputy District Attorney
Tamar Warren, Deputy Clerk

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.

An audio recording of this meeting is available on www.Carson.org/minutes.

A. ROLL CALL, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE

(5:00:49) – Chairperson Esswein called the meeting to order at 5:00 p.m. Roll was called and a quorum was present. Commissioner Monroy led the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Paul Esswein	Present	
Vice Chairperson Mark Sattler	Present	
Commissioner Charles Borders, Jr.	Absent	
Commissioner Elyse Monroy	Present	
Commissioner Daniel Salerno	Present	
Commissioner Candace Stowell	Present	

B. PUBLIC COMMENTS

(5:01:41) – Chairperson Esswein entertained public comments; however, none were forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – May 24, 2017 and May 31, 2017

(5:02:20) – **MOTION: I move to approve the minutes [of the May 24, 2017 and May 31, 2017 meetings] as written.**

RESULT:	APPROVED (3-0-2)
MOVER:	Salerno
SECONDER:	Sattler
AYES:	Esswein, Sattler, Salerno
NAYS:	None
ABSTENTIONS:	Monroy, Stowell
ABSENT:	Borders

C-1 FOR INFORMATION ONLY: NOTICE OF SUBMISSION OF CLERICAL CORRECTION TO MINUTES OF THE APRIL 26, 2017 MEETING APPROVED BY THE COMMISSION ON MAY 31, 2017.

(5:04:10) – Ms. Sullivan referenced a memorandum, incorporated into the record, and informed the Commission of a corrected error in the April 26, 2017 meeting minutes. Chairperson Esswein received confirmation that the item was informational only, and that no action was required by the Commission.

D. MODIFICATION OF AGENDA

(5:04:46) – there were no modifications to the agenda.

E. DISCLOSURES

(5:04:58) – There were no disclosures by the Commissioners.

F. PUBLIC HEARING MATTERS

F-1 SUP-17-064 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM THE CARSON CITY SCHOOL DISTRICT (PROPERTY OWNER: CARSON CITY SCHOOL DISTRICT, AGENT J. P. COPOULOS) TO ALLOW EXPANSION OF 3,061 SQUARE FEET TO AN EXISTING 54,315 SQUARE FEET TO A TOTAL OF 57,376 SQUARE FEET AND MODIFICATION OF A SCHOOL (FRITSCH ELEMENTARY) ON PROPERTY ZONED PUBLIC (P), LOCATED AT 504 BATH STREET, APN 001-111-01.

(5:05:16) – Chairperson Esswein introduced the item. Ms. Sullivan presented the Staff Report which is incorporated into the record, along with accompanying slides. She also noted that Carson City School District representative Mark Johnson and project architect John Copoulos were present to answer any questions.

(5:07:25) – Chairperson Esswein entertained public comment and when none were forthcoming, a motion.

(5:07:44) – MOTION: I move to approve SUP-17-064, a request from the Carson City School District (property owner: Carson City Schools, agent J. P. Copoulos) for a Special Use Permit to allow modification of Fritch School by of 3,061 square feet, from 54,315 square feet to 57,376 square feet to create connections of all the buildings for a single point of entry, by enclosing an existing canopy, adding a corridor, office space, and classrooms on a property zoned public, located at 504 Bath Street, APN 001-111-01, based on the findings and subject to the conditions of approval contained in the Staff Report.

RESULT:	APPROVED (5-0-0)
MOVER:	Sattler
SECONDER:	Salerno
AYES:	Esswein, Sattler, Monroy, Salerno, Stowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Borders

F-2 SUP-17-066 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM GRANT & JOAN FAMILY TRUST (PROPERTY OWNER: GRANT & JOAN FAMILY TRUST) TO ALLOW A SIX FOOT TALL FENCE IN THE FRONT YARD SETBACK ON PROPERTY ZONED SINGLE FAMILY 6,000 (SF6), LOCATED AT 610 WESTVIEW AVENUE, APN 003-056-13.

(5:09:07) – Chairperson Esswein introduced the item. Ms. Sullivan presented the Staff Report, with accompanying slides, which is incorporated into the record, and recommended approval with the seven conditions included in the Staff Report. She also noted that the property owner was present to answer the Commissioners’ questions.

(5:14:23) – Vice Chair Sattler received confirmation that the wrought iron portion of the fence was three feet high; however, the posts were six feet high and held wires.

(5:16:45) – Grant Gardner, property owner, introduced himself, and explained that there had been “a lot of misunderstanding with some of the contacts I had with the Planning Commission”. Mr. Gardner noted that the variance application had mentioned the height but not the location of the fence. He also stated that Tahoe Fence had informed him that based on the property zoning, the fence could be placed at the curb line, adding that it was later confirmed by the City Engineer via a phone call. Mr. Gardner stated that the wires were not visible from their home, and that they had prevented deer from eating the vegetation, in addition to providing safety for their dog and grandchild. Chairperson Esswein referenced a letter from City Engineer Steven Pottéy, incorporated into the record as late material, indicating specific conditions of approval. He also clarified that “we [the Planning Commission] cannot make a decision on the location of the fence...we can talk about the height of the fence”. Chairperson Esswein entertained public comment.

PUBLIC COMMENT

(5:25:02) – Carol Payne introduced herself as a neighbor who lived “directly across the street from the applicant’s house”. Ms. Payne referenced her letter, incorporated into the record, and stated her objection to the six-foot post, noting that she was also in favor of relocating the fence away from the curb. Ms. Payne believed that should a variance for a six-foot fence be granted, “our town will be hidden behind six-foot fences”.

(5:28:51) – Pierron Tackes introduced herself as a neighbor and expressed concern that if approved, the fence will set a precedent and a neighborhood standard. Ms. Tackes also believed that the change will “affect neighboring property values” adding that other residents were coping with the deer problem while staying within the [Carson City] Municipal Code, which she believed was not “a specialized circumstance that would grant a variance”. She noted that many people in the neighborhood had expressed a dislike towards the fence, which, she believed would make potential buyers hesitant to move into the neighborhood. There were no other public comments.

(5:31:17) – Vice Chairperson Sattler was informed that if the posts and the wires were not present, the fence would be considered a three-foot fence. Commissioner Salerno explained that he had visited the property and did not “have a problem with the wire”; however, he wished to see a condition that prohibited the property owners from adding climbing vines to the wires, with the six-foot setback. Commissioner Stowell stated that she would not support the motion to approve the Special Use Permit, noting that it was a mistake and that it did not meet the 7 outlined findings. She also believed that it would set “a terrible precedent”. Chairperson Esswein felt “somewhat conflicted” as there were some sight-obscuring fences in the neighborhood, adding that in this case, the wires would not have been visible had it not been for the post. Commissioner Monroy inquired about establishing a condition that requires the fence to stay “open” and not be obscured by vines, this way if a precedent is established, it will be for six-foot “open” fences. Chairperson Esswein invited Deputy District Attorney Yu to “address the other non-conformities”.

(5:39:38) – Mr. Yu clarified that “the height of walls as well as hedges...are incorporated in the same division standards as a fence”. Discussion ensued regarding the definition of hedges versus tree lines. Chairperson Esswein suggested a motion. Ms. Sullivan recommended an addition to condition of approval number two to read “Enhancements may not be made which might compromise the openness of the fence.”

(5:42:52) – MOTION: I move to approve SUP-17-066, a Special Use Permit request to allow an increase in the permitted fence height in the front yard setback from four feet to six feet, on property zoned Single Family 6,000, located at 610 Westview Avenue, APN 003-056-13, based on the findings in the conditions of approval contained in the Staff Report and including Staff’s recommended addition to condition of approval number two.

(5:43:45) – Ms. Sullivan clarified the addition to condition number two to read: “Enhancements may not be made which might compromise the openness of the fence.”

RESULT:	APPROVED (3-2-0)
MOVER:	Salerno
SECONDER:	Monroy
AYES:	Sattler, Monroy, Salerno
NAYS:	Esswein, Stowell
ABSTENTIONS:	None
ABSENT:	Borders

F-3 SUP-17-067 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM ANTHONY GEORGIADIS, GTI NV (PROPERTY OWNER: DBB HOLDINGS, INC.) TO ALLOW EXPANSION OF AN EXISTING MEDICAL MARIJUANA ESTABLISHMENT DISPENSARY ON PROPERTY ZONED GENERAL COMMERCIAL (GC), LOCATED AT 135 CLEARVIEW DRIVE, UNIT #119, APN 001-161-20.

(5:44:44) – Chairperson Esswein introduced the item. Ms. Sullivan presented the Staff Report and noted that additional outreach to the Carson City Sherriff’s Office regarding the conditions of approval. She had been notified that the Assistant Sherriff had no suggestions for modifications. She also noted that the Staff had been able to make all the outlined findings in the affirmative, and recommended approval. Ms. Sullivan stated that the applicant’s representative was present to answer questions. Commissioner Monroy inquired about the medical

dispensaries having priority to dispense recreational marijuana and wished to understand what the recreational restrictions would be, such as location, and whether they would have different standards. Mr. Plemel noted that no recommendations were expected for recreational marijuana in the time being, adding that this permit request was to expand the medical function. Vice Chair Sattler also expressed concern that the recreational facility would change the traffic flow; however, he was informed that this discussion was for the medical dispensary.

(5:51:36) – Rebecca Gaska introduced herself as the applicant’s representative and noted that they had seen an “uptick” in their sales because they were also serving the needs of Douglas County and the rural areas. She believed that the expansion was needed to ensure participant privacy and for additional shelf space. Chairperson Esswein entertained public comment and when none were forthcoming, he referenced an opposition letter from J & J Summers, LLC, incorporated into the record as late material. He also entertained a motion.

(5:54:59) – MOTION: I move to approve SUP-17-067 a request to revise a Special Use Permit from Anthony Georgiadis, GTI NV (property owner: DBB Holdings, Inc.) to allow an existing Medical Marijuana Dispensary to expand its tenant space on property zoned General Commercial (GC), located at 135 Clearview Drive, Unit 119, APN 001-161-20, based on the findings and subject to the conditions of approval contained in the Staff Report.

(5:55:46) – Commissioner Salerno clarified that he would not vote for the approval of the item, because he believed it was a violation of federal law, adding that upon his appointment on the Commission, he had sworn an oath to follow federal law.

RESULT:	APPROVED (4-1-0)
MOVER:	Sattler
SECONDER:	Stowell
AYES:	Esswein, Sattler, Monroy, Stowell
NAYS:	Salerno
ABSTENTIONS:	None
ABSENT:	Borders

F-4 SUP-17-068 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM PIA WOOD, LITTLE TIMBERS ACADEMY (PROPERTY OWNER: CAPITAL CHRISTIAN CENTER) FOR A CHANGE OF OWNERSHIP OF AN EXISTING CHILD CARE FACILITY, AS REQUIRED BY THE CURRENT SPECIAL USE PERMIT, SUP-05-114, ON PROPERTY ZONED LIMITED INDUSTRIAL (LI), LOCATED AT 1987 OLD HOT SPRINGS ROAD, APN 008-921-10.

(5:56:48) – Chairperson Esswein introduced the item. Ms. Sullivan presented the Staff Report with accompanying slides, and responded to clarifying questions. Commissioner Stowell was informed by Ms. Sullivan that the State had not approached her with inquiries.

(6:01:01) – PowerPoint slides were presented by applicant Pia Wood’s husband who introduced himself as Travis. Mr. Wood gave background on childcare in general, the facility in particular, and its benefits to the community. Vice Chair Sattler complimented the facility on providing safe drop-off and pickup locations. Chairperson Esswein received clarification that the former tenants had vacated the facility on May 31, 2017. Ms. Sullivan

informed Commissioner Stowell that should the establishment request a sign on College Parkway, it would be an off-premise sign. Chairperson Esswein entertained public comments; however, none were forthcoming.

(6:08:01) – MOTION: I move to approve SUP-17-068 a Special Use Permit to allow a child care facility on property zoned Limited Industrial (LI), located at 1987 Old Hot Springs Road, [APN 008-921-10], based on the findings and subject to the conditions of approval contained in the Staff Report.

RESULT:	APPROVED (5-0-0)
MOVER:	Monroy
SECONDER:	Stowell
AYES:	Esswein, Sattler, Monroy, Salerno, Stowell
NAYS:	None
ABSTENTIONS:	None
ABSENT:	Borders

(6:09:02) – Chairperson Esswein reminded all applicants that anyone wishing to appeal this meeting’s decision must be in touch with the Planning Division no later than 10 days from this meeting.

G. STAFF REPORTS (NON-ACTION ITEMS)

G-1 DIRECTOR'S REPORT TO THE COMMISSION.

(6:09:14) – Mr. Plemel reported that the multi-family open space zoning amendment had been approved by the Board of Supervisors. He also informed the Commission that the Builders Association of Nevada zoning map amendment and childcare special use permit had been heard by the Board of Supervisors which had recommended that the Commission “figure out a process to limit the uses”. Mr. Plemel also anticipated an ordinance to be heard by the Planning Commission to recommend marijuana implementation. He stated that several Special Use Permit requests will also be heard in July.

(6:12:15) – Mr. Plemel invited the Commissioners to the American Planning Association webinar scheduled for Wednesday, July 5, 2017, 1-2:30 p.m. He also introduced Dan Stuckey, the new City Engineer. Chairperson Esswein introduced and welcomed Commissioner Stowell as well and Mr. Plemel announced that the last open position on this Commission would be filled by the Board of Supervisors in July. Vice Chair Sattler received confirmation that the Chair and Vice Chair elections will take place during the July Planning Commission Meeting.

FUTURE AGENDA ITEMS

COMMISSIONER REPORTS/COMMENTS

(6:14:44) – Commissioner Stowell inquired about a follow up to SB477 and Mr. Plemel offered to provide a legislative update in the July meeting.

H. PUBLIC COMMENT – none.

I. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(6:16:23) – Chairperson Esswein adjourned the meeting at 6:16 p.m.

The Minutes of the June 28, 2017 Carson City Planning Commission meeting are so approved this 26th day of July, 2017.

PAUL ESSWEIN, Chair