

DRAFT MINUTES
Regular Meeting
Carson City Planning Commission
Wednesday, August 28, 2019 ● 5:00 PM
Community Center Sierra Room
851 East William Street, Carson City, Nevada

Commission Members

Chair – Mark Sattler	Vice Chair – Charles Borders, Jr.
Commissioner – Alex Dawers	Commissioner – Paul Esswein
Commissioner – Teri Preston	Commissioner – Hope Tingle
Commissioner – Jay Wiggins	

Staff

Lee Plemel, Community Development Director
Hope Sullivan, Planning Manager
Ben Johnson, Deputy District Attorney
Steven Pottéy, Engineering Project Manager
Heather Ferris, Associate Planner
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

(5:00:48) – Chairperson Sattler called the meeting to order at 5:00 p.m. Roll was called. A quorum was present. Commissioner Wiggins led the Pledge of Allegiance.

Attendee Name	Status	Arrived
Chairperson Mark Sattler	Present	
Vice Chair Charles Borders, Jr.	Present	
Commissioner Alex Dawers	Present	
Commissioner Paul Esswein	Present	
Commissioner Teri Preston	Present	
Commissioner Hope Tingle	Present	
Commissioner Jay Wiggins	Present	

B. PUBLIC COMMENTS

(5:01:28) – Chairperson Sattler entertained public comments; however, none were forthcoming.

C. POSSIBLE ACTION ON APPROVAL OF MINUTES – July 31, 2019.

(5:01:51) – Chairperson Sattler entertained comments or changes and when none were forthcoming, a motion.

(5:01:58) – MOTION: I move to approve the minutes of the July 31, 2019 [Planning Commission] meeting.

RESULT:	APPROVED (7-0-0)
MOVER:	Esswein
SECONDER:	Borders
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

D. MODIFICATION OF AGENDA

(5:02:44) – Mr. Plemel noted that there were no modifications to the agenda.

E. PUBLIC HEARING MATTERS

E.1 AB-19-104 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AN ABANDONMENT OF A PUBLIC RIGHT-OF-WAY TOTALING APPROXIMATELY 6.7 ACRES IN THE FOLLOWING FOUR SPECIFIC AREAS: THE PORTION OF MORGAN MILL ROAD LOCATED APPROXIMATELY 377 FEET EAST OF ANTLER DRIVE; THE PORTION OF DRAKO WAY EXTENDING SOUTH OF ASTRO DRIVE AND ALL OF CARABOU DRIVE AND UNICORN DRIVE.

(5:02:54) – Chairperson Sattler introduced the item. Ms. Ferris presented the agenda materials along with aerial photographs and recommended approval. She also noted the presence of applicant representative Chris Baker of Manhard Consulting in the audience. Mr. Baker explained that they agreed to the conditions of approval outlined in the Staff Report. There were no public comments.

(5:06:10) – MOTION: I move to recommend that the Board of Supervisors approve AB-19- 104, based on the findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Dawers
SECONDER:	Preston
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.2 AB-19-122 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR AN ABANDONMENT OF A PUBLIC RIGHT-OF-WAY, SPECIFICALLY SOUTH MINNESOTA STREET BETWEEN WEST SECOND STREET AND WEST KING STREET, ADJACENT TO AND BETWEEN APN’S 003-206-02 AND 003-207-04.

(5:36:35) – Chairperson Sattler introduced the item. Ms. Sullivan presented the agenda materials and read into the record finding #6 and added that it had been modified at the request of the Engineering Department and amendments were made to the conditions of approval below to read:

5. Public utility and public drainage easements must be retained over the entirety of the abandoned segment to allow for utilities and to ensure that any future improvements to the abandoned roadway do not impede flood surface flows or storm water drainage.

6. If utility work is required in the public utility and public drainage easement, the surface repair may be limited to City standards for asphalt, concrete, and base material thickness by the party performing the utility work. There will be no obligation to repair to the preexisting surface condition.

(5:10:24) – Ms. Sullivan recommended approval based on the above-mentioned modifications to the conditions of approval. She also acknowledged the presence of Stephanie Hicks, the City’s Real Property Manager and explained that “this puts the future owners on notice that if we need to go in and maintain it, we’ll put in asphalt, we’ll put in concrete, we’re going to patch it, but we’re not obligated to bring it back to whatever condition it was in prior to the work occurring”. Ms. Sullivan reminded the Commission that since only the Board of supervisors could abandon the right-of-way, the Commission would make a recommendation to the Board of Supervisors. She also responded to clarifying questions by the Commissioners, noting that the future owners of the property were not obligated to use the abandoned area for parking. Commissioner Dawers was informed that any easement may be used for utility equipment maintenance.

(5:13:33) – Ms. Hicks noted her agreement to the modifications indicated by Ms. Sullivan. She also explained that the City was the property owner and had leased it to Brewery Arts Center; however, the plan was “to re-convey [the property] back to them”. There were no public comments.

(5:14:47) – MOTION: I move to recommend that the Board of Supervisors approve AB-19-122, an abandonment of a portion of South Minnesota Street between West Second Street and West King Street based on seven findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Borders
SECONDER:	Tingle
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.3 SUP-19-118 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A MARIJUANA PRODUCTION FACILITY, LOCATED AT 4949 HIGHWAY 50 EAST, #A-4, APN 008-371-05.

(5:15:28) – Chairperson Sattler introduced the item and Ms. Ferris presented the agenda materials, incorporated into the record. She noted that Staff recommended approval of the new Special Use Permit due to change of ownership as the result of a merger. She also responded to clarifying questions by the Commissioners.

(5:19:20) – M Jardin Group Director of Operations Jenn Jube introduced herself and acknowledged her agreement to the conditions of approval. She also noted that they intended to work with the community, just as the previous owner had. Vice Chair Borders was informed that the bars would not be removed, even though the new SUP did not require bars. There were no public comments.

(5:21:34) – MOTION: I move to approve SUP-19-118, based on the findings and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Esswein
SECONDER:	Wiggins
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.4 TSM-19-124 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A TENTATIVE SUBDIVISION MAP TO CREATE 29 SINGLE FAMILY LOTS WITHIN THE SCHULZ RANCH SPECIFIC PLAN AREA ON PROPERTY ZONED SINGLE FAMILY 6,000 – SCHULZ RANCH SPECIFIC PLAN AREA, LOCATED AT THE SOUTHERN TERMINUS OF WHEELER PEAK DRIVE, APPROXIMATELY 600 FEET SOUTH OF RACETRACK ROAD AND 750 FEET EAST OF CENTER DRIVE, APN 009-311-47.

(5:22:13) – Chairperson Sattler introduced the item. He also addressed the letters received regarding the item to address the maintenance of views by the builder, noting that “this board, or the property owner, or the Staff have no control over views” regardless of any promises made by the builder of their homes.

(5:24:15) – Ms. Ferris presented the Staff Report, incorporated into the record, and addressed the opposing letters received by adjacent property owners, some as part of late material, with many of the concerns addressing views, adding that she had been unable to find any development restrictions. She also noted that Staff was able to make all 12 findings in the affirmative and suggested recommending approval by the Board of Supervisors, subject to 30 conditions of approval, included in the Staff Report. Ms. Ferris introduced applicant representative Chris Baker of Manhard Consulting and Mark Kreuger, representing the project, and answered Commissioners’ questions, clarifying that the project was within the Specific Plan Area of Schulz Ranch, but not a part of the subdivision.

(5:32:04) – Mr. Baker introduced himself and applicants Mark and Ryan Kreuger and noted the applicant’s agreement to the conditions of approval. He also reviewed a PowerPoint presentation regarding the development which is incorporated into the record and responded to clarifying questions. Chairperson Sattler entertained public comments and reminded members of the public that the Commission is unable to address the view issue and requested that comments remain under three minutes. He also explained the process which allowed for public comment responses by Staff or the applicant after all public comment was heard.

PUBLIC COMMENT

(5:44:21) – Pete Bachstadt introduced himself and noted that he had difficulty following the meeting as he could not hear well. He also wished to know “who’s going to remain entitled to the drainage pond on the extreme east side”. Mr. Bachstadt noted that he had been paying to receive sewer and water and believed that the City was part of the agreement between him and Schulz Ranch.

(5:49:02) – Peter Kennedy introduced himself as a resident of the second phase of the development and inquired whether the new development residents will be charged the landscaping fee they had been paying. He was also concerned about the escalation of the fees.

(5:52:04) – John Marquez introduced himself and read a letter, incorporated into the record, he had sent to the Commission in which he noted that they had been promised a view for an additional cost.

(5:54:35) – Charlie Deyhle introduced himself as Mr. Marquez’ next door neighbor and referenced his letter, incorporated into the record, recommending height restrictions to the new homes, making them single-story.

(5:57:09) – Kimberly Templeton introduced herself as a phase three homeowner and explained that she was told by Lennar Homes that they would not build at this location. She also expressed frustration that her view would be obstructed.

(6:01:42) – Alan Murph explained that work has begun on the subject property and that sagebrush was beginning to be cleared, noting “it doesn’t appear to be [a] tentative [development]”. He also recommended limiting the development to one-story, adding that they had a mosquito problem as well.

(6:05:09) – Chairperson Sattler reiterated his earlier comment that “the [view] issue is with Lennar Homes...we have no control on what you were told”, and believed that if they were charged for view lots, they would have recourse.

(6:06:08) – Lisa Nyssen introduced herself as a property owner in the area and believed that “Lennar played us for suckers and there was lack of ethics and integrity”. Ms. Nyssen also pointed out that a barbwire fence was down and that there were Lennar employees and equipment on the proposed site. She believed that the mosquito issue needs to be addressed and the standing water must be gotten rid of, noting that the wildlife had been “scrambling”.

(6:09:11) – Jan Nyssen introduced himself and requested having larger lot sizes on the western, eastern, and southern sides of the property and believed that “it would mitigate some of the concerns of the homeowners in that area”.

(6:11:10) – Commissioner Dawers expressed concern over drainage and the drainage pond. Mr. Pottéy explained that the area was still under construction and that the park was being worked on first.

(6:15:05) – Mr. Pottéy explained that they would investigate the clearing of the area prior to receiving a permit and noted that they would notify Code Enforcement. He also responded to Mr. Bachstadt’s comments about the sewer and water fees noting that “per City standards there was no development proposed at the time, we weren’t going to allow the stubs”. Chairperson Sattler requested that Mr. Pottéy speak to Mr. Bachstadt after the meeting since because he would be unable to hear his answers.

(6:16:20) – Ms. Ferris explained that a Landscape Maintenance District (LMD) existed for Schulz Ranch; however, she believed that the Parks and Recreation Department would not require the development to participate in the LMD. She also noted that the view issue had already been addressed. Ms. Ferris noted that even though the mosquito issue was not part of this agenda item, she would address it with Vector Control. Discussion ensued regarding LMDs and Ms. Sullivan elaborated on its function and Mr. Plemel offered to look into whether this development could be part of the Schulz Ranch LMD. He also reminded everyone that this was a tentative map

until it was recorded as a final map. Commissioner Esswein believed that as part of the original Schulz Ranch, there would be justification to include the new development in the LMD. He suggested decreasing the front setbacks on Wheeler Drive and increasing the rear setbacks in order to move the homes further from the residences. Commissioner Esswein also recommended building the homes as single-story. Commissioner Preston expressed her disappointment in Lennar Homes regarding the view issue and suggested “taking it up with them”. She also stated that the subject property was not designated as green space; therefore, building on the site was inevitable and that the water and sewer infrastructure was in place. Commissioner Preston also believed that the proposed project would have fewer homes than originally planned, adding that she was not in favor of LMDs in general. Chairperson Sattler received confirmation that the finished elevations would be lower than what exists now.

(6:28:13) – Mr. Baker was concerned that reducing the front setback may get in the way of parking cars in the driveways. He also clarified that the current developers “have nothing to do with Lennar”. Further discussion ensued regarding setbacks and Mr. Baker believed “it is very unfair to limit a property owner’s development potential based on misrepresentations by an adjacent property owner”. Ms. Sullivan clarified that “the Specific Plan already does what Commissioner Esswein has suggested. If you compare the setbacks outlined in the Specific Plan against the setbacks for the base zoning, your front setback is at 15 whereas the base zoning would be 20...your rear setback in the Specific plan is 15 whereas in the base zoning it’s 10.” Mr. Plemel clarified that LMDs were not Specific Plan requirements.

(6:37:04) – Mr. Johnson cited Nevada Revised Statute (NRS) 278.4787 and explained that “in lieu of creating a Homeowners Association (HOA) to maintain landscaping, public lighting, security, walls, or trails, parks, and open space on that property, the developer can request the governing body [i.e. the City] to assume the maintenance for that”. He also did not believe that a developer could be forced into an already-existing LMD. Mr. Baker stated that after discussion with the applicant, they would be amenable to an added condition of approval that “they will be included in the LMD if legally acceptable”. Ms. Sullivan received confirmation that the applicant had volunteered to be included in the LMD. Mr. Baker also explained that they would be “willing to entertain a condition limiting the eastern [units] to one-story”. Commissioner Dawers called that “a great move on the part of the developer”. Commissioner Esswein recommended moving forward with the drainage and Mr. Pottéy offered to work with Lennar Home on timeframe, adding that the project was bonded with attached deadlines.

(6:45:07) – MOTION: I move recommend to the Board of Supervisors approval of a Tentative Subdivision Map TSM-19-124, Schulz Ranch Phase 5, based on the findings and subject to the conditions of approval contained in the staff report including condition #31 which states that homes on the east side will be only one-story in height and #32 is that the developer has volunteered to enter into the Landscape Maintenance District if it can be done legally.

(6:45:56) – Ms. Ferris suggested combining condition #31 with #29 and combine the east side and west side.

(6:46:00) – Ms. Sullivan suggested each added condition begin with “based on the voluntary offer made by the applicant” on the record.

RESULT:	APPROVED (7-0-0)
MOVER:	Borders
SECONDER:	Sattler
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

(6:46:27) – Chairperson Sattler recessed the meeting.

(6:56:55) – Chairperson Sattler reconvened the meeting. A quorum was still present.

ITEMS E-5 AND E-6

(6:57:23) – Chairperson Sattler introduced both items for discussion; however, a separate motion would be required for each item. Ms. Sullivan presented the Staff Reports, incorporated into the record and responded to clarifying questions. Mr. Pottéy also gave an update on the traffic study results noting that they are requiring the developer to widen E Roland Street to 26 feet, although the Fire Department requires “a 20-foot section”. He also explained to Commissioner Esswein that a crosswalk with a signal had not been discussed near Ross Gold Park. Chairperson Sattler entertained public comments.

(7:12:04) – Applicant representative Rachael Kryder, Project Engineer at Resource Concepts, Inc. (RCI), explained that she agreed with the conditions of approval; however, she wished to clarify that condition 13 referred specifically to the bonding for the public improvements portion of the project and not the private ones. Mr. Pottéy explained that “the intent of the 10 percent warranty portion of that condition applies to the public improvements. If there is to be a final map prior to any on-site improvements would also have to be bonded.” Ms. Kryder summarized the project as containing: 17 three-plexes, two three-bedroom units, one two-bedroom unit, each with a two-car garage and that all the garages will front the internal streets. She also clarified that the streets and the utilities will all be private, and that the roadways, utilities, and the property in general will be managed by an HOA. Ms. Kryder reviewed the accesses to the development and explained that they would tie to the water on Oak and Roland Streets, the sewer would be tied to the existing one on Roland Street, the storm drainage will be extended to an existing structure at Snyder and Roland; however, the utilities were already in existence. She also discussed the bike lane, sidewalk, and dark sky requirements. Ms. Kryder relayed their conversations with the School District and noted that they did not oppose the development and that they “currently not seeing student growth”.

(7:17:58) – Ms. Kryder informed Commissioner Borders that the HOA would be responsible for maintaining the roadways, utilities, and landscaping within the private development. Developer Roger Rempfer, Teramont, LLC, clarified that based on comparable sales to like properties in Gardnerville and South Reno, he expected a broad demographic group from retirees to young professionals. Ms. Kryder clarified that the development will have 20 total guest parking spaces. Commissioner Tingle inquired about the median price point and the affordable housing inclusion. Mr. Rempfer noted that the median price point would be about \$350,000, and called it workforce housing. Commissioner Tingle stated that with a less than \$50,000 in annual median income, she did not believe that workforce members could afford these condominiums, adding that healthcare would also be an

issue. Chairperson Sattler reminded the Commission that they have “little or no control over affordable housing”. Commissioner Dawers inquired about improved lighting in the area and expressed concern that the area is not lit properly. Mr. Pottéy explained that “the development standards require lighting based on zoning and the classification of the street”, and believed that a corner light may be required. Chairperson Sattler entertained public comments.

PUBLIC COMMENT

(7:26:26) – Karla Taylor introduced herself as a resident at the corner of Roland and Oak Streets and did not wish to “see our houses lit”. She preferred a quiet neighborhood which was disturbed by the freeway and now with the upcoming development. Ms. Taylor inquired whether the church would be gone, and believed the families who live in the area have been forgotten.

(7:30:34) – Ms. Sullivan explained that the plan was to demolish the church to build the proposed development and that the developer would purchase property from the church. There were no additional comments; therefore, Chairperson Sattler entertained a motion for each agenda item.

E.5 TSM-19-126 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A TENTATIVE SUBDIVISION MAP TO CREATE 51 CONDOMINIUM UNITS ON A 3-ACRE PARCEL ON PROPERTY ZONED MULTI-FAMILY APARTMENT, LOCATED ON THE NORTHEAST CORNER OF EAST ROLAND STREET AND OAK STREET, APN 009-197-02.

(7:31:10) – Chairperson Sattler entertained a motion.

(7:31:13) – MOTION: I move to recommend approval of TSM-19-126 based on the ability to make the required findings and subject to the conditions of approval and subject to the additional condition that lighting surrounding the property be up to City standards.

RESULT:	APPROVED (7-0-0)
MOVER:	Dawers
SECONDER:	Borders
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.6 SUP-19-125 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT TO CONSTRUCT A 51-UNIT CONDOMINIUM DEVELOPMENT ON PROPERTY ZONED MULTI-FAMILY APARTMENT, LOCATED ON THE NORTHEAST CORNER OF EAST ROLAND STREET AND OAK STREET, APN 009-197-02.

(7:32:09) – Chairperson Sattler entertained a motion.

(7:32:11) – MOTION: I move to approve SUP-19-125 based on the ability to make the required findings and subject to the conditions of approval.

RESULT:	APPROVED (7-0-0)
MOVER:	Dawers
SECONDER:	Borders
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.7 SUP-19-123 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A SINGLE-FAMILY RESIDENTIAL USE ON PROPERTY ZONED RETAIL COMMERCIAL, LOCATED AT 1214 NORTH ROOP STREET, APN 002-142-24.

(7:32:57) – Chairperson Sattler introduced the item. Ms. Ferris presented the Staff Report with accompanying documentation, incorporated into the record, and responded to clarifying questions.

(7:35:53) – Applicant Carl Bassett introduced himself and noted his acceptance to the five conditions of approval in the Staff Report. Chairperson Sattler entertained public comments, and when none were forthcoming, a motion.

(7:36:38) – MOTION: I move to approve SUP-18-178, based on the findings, and subject to the conditions of approval contained in the staff report.

RESULT:	APPROVED (7-0-0)
MOVER:	Borders
SECONDER:	Esswein
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

E.8 SUP-19-121 FOR POSSIBLE ACTION: DISCUSSION AND POSSIBLE ACTION REGARDING A REQUEST FOR A SPECIAL USE PERMIT FOR A WIRELESS TELECOMMUNICATIONS FACILITY IN THE DESIGNATED SKYLINE AREA ON PROPERTY ZONED CONSERVATION RESERVE, LOCATED SOUTH OF “C-HILL”, APN 009-021-02.

(7:37:12) – Chairperson Sattler introduced the item. Ms. Sullivan presented the Staff Report, incorporated into the record, and responded to clarifying questions. She also recommended approval, even though it was after the fact, because of Master Plan consistency with the exception of the antennae which she wished to repaint in a dull, neutral color to eliminate the shiny ones. Ms. Sullivan also noted that co-location must be allowed in the future which was “mandated by the code”. She also noted an error in the Staff Report which referenced a 40-foot long

container, which should be a 20-foot container. Ms. Sullivan acknowledged the presence of applicant Barry Bannon of Highlands Wireless in the audience.

(7:44:29) – Chairperson Sattler inquired about any fires caused by solar equipment and Ms. Sullivan explained that the Fire Marshall had been concerned about the project; therefore he, along with Ms. Ferris, had visited the applicant’s Lemmon Valley installation and had consulted with other Fire Marshalls prior to presenting the conditions of approval.

(7:46:04) – Barry Brannon introduced himself as the Chief Operating Officer of Highlands Wireless and clarified for the Chair that no Special Use Permit was required for the Lemmon Valley installation. He also stated that they had not been informed that a permit may be required for the Carson City installation. In response to a question by Chairperson Sattler, Mr. Brannon explained that they are strictly internet service providers (ISPs) and did not provide cellular service, and they handle underserved areas of Carson City. Highlands Wireless CEO John Schmoker introduced himself and informed Vice Chair Borders “we serve all our people via fiber down here in the valley, we microwave it up to the top of the site and send it out to the customers’ house” without the use of satellites. He also clarified that the hillside location was to bypass trees to reach the customer’s dish – transmitted at one-half-of one watt at the five gigabyte realm. Graham Kent, Director of the Nevada Seismological Laboratory and Chief Architect of Alert Wildfire, explained that they “are building networks across the west” along with cameras that have assisted BLM and local fire services. Mr. Kent noted that they would take advantage of co-locating with local ISPs to assist firefighters “for early knockdown opportunities”. Mr. Schmoker explained that the coverage was based on line-of-sight, within two and six miles. Commissioner Esswein was informed that the equipment was enclosed in steel and was padlocked, with two motion-sensitive cameras at the location, with a talkback system.

(7:53:43) – Commissioner Preston inquired about other locations and was informed that Highlands Wireless equipment was present in other locations which did not require Special Use Permits; however, they kept their locations as invisible as possible. Chairperson Sattler entertained public comments.

PUBLIC COMMENT

(7:55:20) – Todd Mason introduced himself as a 22-year Carson City resident and stated that he required good internet service for his business for 24 hours per day and explained that Highlands Wireless has been his only viable option.

(7:57:15) – Scott Morrison introduced himself and thanked the Commission and the City for protecting the skyline. He also requested information on the contents of the container as the area was popular for recreation, and wished to find out the benefit of the service to the community.

(7:59:32) – Dwight Millard introduced himself the property owner and explained that the equipment did not endanger anyone since it was on private property and no one should trespass there even though people hiked there, adding that signs had been ordered to note that. Mr. Millard also believed that the only reason a permit was required was due to the height of the equipment and commended Highlands Wireless for concealing the equipment well. Ms. Sullivan noted that the Fire Marshall has regulated what is stored in the container. She also stated that many of the conditions of approval are fire related.

(8:04:02) – Ms. Sullivan read condition 11 into the record: “It is recognized that the use has established without a Special Use Permit. Should this Special Use Permit be approved, no additional equipment or structures, including

fencing, may be erected outside of the container. Also, the “mountain peaks” that have been attached to the container to avoid horizontal lines must be maintained in place.” She stated that any changes must be approved by the Commission. Ms. Sullivan also noted that should the area be developed, which she believed is discouraged, the equipment may remain where it is via a Special Use Permit. Commissioner Dawers believed that local internet service should be encouraged. Vice Chair Borders believed that the applicant had not provided coverage area information and without approval. Chairperson Sattler wondered whether the decision to approve should be tabled in order to receive a coverage map. Ms. Sullivan referenced a letter from a third-party engineer noting that this was the best site to place the equipment for the type of coverage. Mr. Plemel also believed this was the best location for the coverage. Ms. Sullivan reminded the Commission “we’re not looking at whether or not they can have a telecommunications facility...we’re looking at the visual impact on the scenic quality of Carson City”. Mr. Kent reiterated that the location was “great” for the co-location of the fire cameras as well.

(8:14:23) – Carson City Open Space Administrator Ann Bollinger explained that she had driven to the site and believed that it was the best site for the project and agreed with Staff’s recommendation. Commissioner Esswein noted that he had tried to see the box and had been unable to do so. Commissioner Wiggins was informed that condition 2 would cover the maximum height of 20 feet and any height change would require a modification of the Special Use Permit. Vice Chair Borders was informed that co-locators must be allowed. Discussion ensued regarding the fire cameras and Ms. Sullivan iterated the proposed changes to the conditions of approval to read:

Condition 14: The applicant shall reasonably allow for co-location of at least one other provider’s antennas and equipment on and in the structure by limiting the cost to the providers to a fair and equitable share of the ground lease, design, capital costs for construction, and reasonable maintenance consistent with industry standards. ~~New equipment associated with a co-location will require a modification to the Special Use Permit.~~

~~**Condition 11:** It is recognized that the use has established without a Special Use Permit. Should this Special Use Permit be approved, no additional equipment or structures, including fencing, may be erected outside of the container. Also, the “mountain peaks” that have been attached to the container to avoid horizontal lines must be maintained in place.~~ The existing footprint may not be expanded and any new equipment may not exceed the maximum height of 20 feet. All equipment needs to be painted a dull, neutral color.

(8:24:38) – The applicants were amenable to the modified conditions of approval and recommended that Staff choose the color of the equipment. Commissioner Esswein offered to make a motion.

(8:24:58) – MOTION: I move to approve SUP-19-121, based on the findings and subject to the conditions of approval contained in the Staff Report, as amended.

RESULT:	APPROVED (7-0-0)
MOVER:	Esswein
SECONDER:	Sattler
AYES:	Sattler, Borders, Esswein, Preston, Tingle, Wiggins
NAYS:	None
ABSTENTIONS:	None
ABSENT:	None

F. STAFF REPORTS (NON-ACTION ITEMS)

F.1 DIRECTOR'S REPORT TO THE COMMISSION

(8:26:00) – Mr. Plemel noted that no Planning Commission items were heard by the Board of Supervisors in August; however, on the September 5, 2019 meeting the Board would hear the Schulz Ranch Phase Four final subdivision map. He also highlighted several upcoming items for the Commission’s September meeting, including legislative updates and explained that the second Title 18 workshop will take place on Thursday, September 26, 2019 at 3 p.m. in the Community Development Conference Room A. Mr. Plemel explained that the District Attorney’s Office was working on the Brunswick Canyon effluent easement and that the Parks Department was working on signage and a gate code for the Sherriff’s Office.

FUTURE AGENDA ITEMS

Previously discussed.

COMMISSIONER REPORTS/COMMENTS

(8:28:13) – Chairperson Sattler announced that the apartments being built on Hot Springs Road were affordable housing units. Ms. Sullivan elaborated on the gate codes for Brunswick Canyon for Commissioner Dawers.

G. PUBLIC COMMENT

There were no public comments.

H. FOR POSSIBLE ACTION: FOR ADJOURNMENT

(8:30:33) – MOTION: Chairperson Sattler adjourned the meeting at p.m.

The Minutes of the, August 28, 2019 Carson City Planning Commission meeting are so approved this 25th day of September, 2019.

MARK SATTLER, Chair