



STOREY COUNTY PLANNING COMMISSION MEETING

Thursday July 19, 2018 6:00 p.m.
Storey County Courthouse, District Courtroom
26 South B Street, Virginia City, NV

MEETING MINUTES

CHAIRMAN: Jim Hindle

VICE-CHAIRMAN: John Herrington

COMMISSIONERS:

Larry Prater, Kris Thompson, Laura Kekule, Summer Pellett

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1. **Call to Order:** The meeting was called to order by the Chairman at 6:03 P.M.

Roll Call: Jim Hindle, Summer Pellett, John Herrington, Laura Kekule, and Larry Prater.

Absent: Kris Thompson.

Also Present: Planning Director Austin Osborne, Planner Kathy Canfield, Outside Council Bob Morris, County Commissioner Jack McGuffey, and County Commissioner Marshall McBride.

2. **Pledge of Allegiance:** The Chairman led those present in the Pledge of Allegiance.
3. **Discussion/Possible Action:** Approval of Agenda for July 19, 2018.

Motion: Approve agenda for July 19, 2018, **Action:** Approve, **Moved by** Commissioner Kekule, **Seconded by** Commissioner Prater, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

4. **Discussion/Possible Action:** Approval of Minutes for February 15, 2018.

The minutes for February 15, 2018 have been continued for several meetings due to lack quorum of commissioners that attended the meeting. A quorum of commissioners who attended this meeting includes Virgil Bucchianeri, who has since resigned from the planning commission. Outside Council Bob Morris stated that there is no law which states that a commissioner cannot vote to approve the minutes if he/she was not in attendance. It is common practice to abstain from voting to approve minutes in which a commissioner did not attend, however it is not illegal to vote to approve minutes even if one were absent from the meeting. This was discussed, and Commissioner Kekule stated that she had read the minutes and would participate in the votes to approve the February and May minutes.

Motion: Approve Minutes for February 15, 2018, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by vote (**summary:** Yes=4), **Abstain:** Larry Prater.

5. **Discussion/Possible Action:** Approval of Minutes for May 10, 2018.

Motion: Approve Minutes for May 10, 2018, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

6. **Discussion/Possible Action:** Variance 2018-024 by Loren Pursel. The applicant requests a variance to the rear yard setback for the construction of a one-story addition to an existing building (Red Dog Saloon). The applicant requests the rear yard setback be reduced from the required 10-feet to the proposed 0-feet. The property is located at 76 N. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-084-16.

Planner Canfield summarized the request by Loren Pursel for a reduced rear setback. The property is located between C and B Streets. The parcel contains an existing commercial building (Red Dog Saloon), an outdoor patio and stage, an approved restroom building and a shed. The saloon and outdoor patio are accessed from C Street and the entire parcel is at the C Street elevation with a two-story concrete block retaining wall along the B Street property line. The property is zoned Commercial/Residential (CR) and all surrounding land is also zoned CR.

The applicant is proposing to construct a one-story building addition. The addition will contain an expanded kitchen area for the existing Red Dog Saloon, will encompass the existing storage shed area and will be constructed within the existing rear yard. The proposed addition will be constructed up to the existing retaining wall on the property within the rear yard setback, proposing a 0-foot setback as opposed to the required 10-foot setback. The CR zoning allows for 0-foot setbacks for the front and side yards. No public comment was received by adjacent property owners.

Loren Pursel, applicant: This area has been used for years. The retaining wall is very close to being the property line. Added that the structural engineers would like to tie the roof into the retaining wall for stability of the wall. It has moved a bit over the years. Mentioned that he had talked to a neighbor who said that he couldn't attend this meeting, but would attend the next one (BOCC) if there were any issues regarding the request. Said that the neighbors across the street are supportive.

Commissioner Prater: This setback proposal is appropriate considering that neighboring buildings such as the Silver Queen and others on this block appear to have a zero rear setback.

Chairman Hindle agreed and added that the Oddfellows and Grandma's Fudge buildings look to be zero too.

No Public Comment.

Motion: In accordance with the recommendation by staff, the Findings of Fact under Section 3.A of this report, and other findings deemed appropriate by the Planning Commission, and in compliance with the conditions of approval, I Summer Pellett, recommend approval of a variance (Variance 2018-024) to the rear yard setback for the construction of a one-story addition to an existing building (Red Dog Saloon). The applicant requests the rear yard setback be reduced from the required 10-feet to the proposed 0-feet. The property is located at 76 N. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-084-16. **Action:** Approve, **Moved by** Commissioner Pellett, **Seconded by** Commissioner Prater,

Planner Canfield read the findings into the record:

- (1) The applicant requests a variance (Variance 2018-024) to the rear yard setback for the construction of a one-story addition to an existing building (Red Dog Saloon). The applicant requests the rear yard setback be reduced from the required 10-feet to the proposed 0-feet. The property is located at 76 N. C Street, Virginia City, Storey County, Nevada, Assessor's Parcel Number (APN) 001-084-16.
- (2) The subject property is located within CR Commercial Residential zoning with an existing restaurant as a primary use. The property has existing excavated outdoor space surrounding the building that is located at the "C" Street elevation, two stories below the elevation of the adjacent "B" Street.
- (3) That because of special circumstances applicable to the subject property, including shape, size, topography or location of surroundings, the strict application of the zoning ordinance would deprive the subject property of privileges enjoyed by other properties in the vicinity or under identical zone classification.

- (4) That the granting of the Variance is necessary for the preservation and enjoyment of substantial property rights of the applicant.
- (5) That the granting of the Variance will not, under the circumstances of the particular case, adversely affect to a material degree the health or safety of persons residing or working in the area of the subject property and will not be materially detrimental to the public welfare or materially injurious to property or improvements in the area of the subject property.
- (6) The proposed Variance is in compliance with all Federal, Nevada State, and Storey County regulations.
- (7) The proposed Variance is in compliance with Storey County Code 17.03.140 Variances and 17.30 CR Commercial Residential Zone when all Conditions of Approval are met.
- (8) The proposed Variance is in compliance with and supports the goals, objectives and policies of the 2016 Storey County Master Plan.

Vote: Motion carried by unanimous vote (**summary:** Yes=5).

7. **Discussion/Possible Action:** Ordinance No. 18-274 amendment to the Storey County sign ordinance, Storey County Code Title 17 Zoning, including Chapters 17.84 Signs and Billboards, 17.12 General Provisions, 17.15 Public zone, 17.16 R1 Single-Family Residential zone, 17.20 R2 Multi-Family Residential zone, 17.24 A Agriculture zone, Chapter 17.28 C Commercial zone, 17.30 CR Commercial Residential zone, 17.32 F Forestry zone, 17.34 I1 Light Industrial zone, 17.35 I2 Heavy Industrial zone, 17.40 E Estate zone, 17.44 SPR Special Planning Review zone, and 17.10 Definitions as pertaining to signs and billboards, and other properly related matters. Additional information including, but not limited to, draft text may be obtained from the Planning Department at 775.847.1144 or planning@storeycounty.org, or viewed online at <http://storeycounty.org/517/Updates>. In addition to the provisions of the NRS, any person may complete and return to the Board a statement supporting or opposing the proposed amendments to the county code and/or zoning ordinance.

Planner Canfield: Staff is asking to continue this item. Revisions are still being made regarding input and comments received. Still looking at issues relating to billboards. Reaching out to some of the surrounding counties as to how they are dealing with billboards.

Commissioner Prater: Said he has been contacted by a couple of candidates regarding potentially putting political signs within a fixed distance, for instance maybe 6', 8' or 10 feet of the paved portion of the right-of-way (ROW) rather than completely out of it. It is sometimes difficult to put a sign on private property when the ROW is 50 or 60 feet. Letting a candidate place a sign a fixed distance within the paved portion of the ROW could be considered rather than entirely out of the right-of-way. This would also need approval from the adjacent property owners. Stated that he has property adjacent to Lousetown Road. To stay out of the ROW which is 60', a sign would be in the trees and cannot be seen. Just wanted to put this idea up for discussion. It was also brought up to him by a candidate that during the primary there were signs placed in ROWs, and the county didn't seem to enforce the requirement that signs not be placed in the ROW. Rules apply to everybody, and if certain candidates can do it and others can't then it becomes problematic.

Planner Canfield: What staff is proposing is that we have two sides of town where political signs will be allowed within the county ROW. Staff has located potential sites in each community where signs may be allowed within the ROW. The concern is to make sure that signs are not located within the vision triangle, and are out of county ROWs except for the designated areas.

Commissioner Pellett: Said that she does not support signs placed in the public ROW in undesignated areas. It would be difficult for staff to keep track of "adjacent property owner approval". Enforcement could be challenging.

Bob Morris, Outside Council: May be hard to differentiate. If you just say generally that someone can put a sign in the ROW off the pavement then there doesn't seem that there is any way to really limit that and the concern would be that you have multiple signs in a row. Control of the process could be difficult.

Planning Director Osborne: Staff is not supporting putting signs in the ROW except in the designated areas. There are many challenges in doing that such as property line questions, limitations of surveys, GIS issues and enforcement. Enforcement will never be perfect. There are limitations of resources and ordinances. As far as our office and other

departments that are involved in code enforcement, all of the candidates have been treated equally. No candidate has been asked to remove a sign in the public ROW and another allowed to do something different. If there is a candidate that feels they are being treated differently, they can come to my office or the D.A.'s office to discuss it.

Commissioner Herrington: Are the traditional ROWs where the candidates have been putting their signs for years going to be allowed to be used?

Planning Director Osborne and Planner Canfield: Staff is working on potential locations in each community where signs will be allowed in the public ROW. The two locations that are currently used in Virginia City at the north and south ends will remain as allowable areas to place signs.

No Public Comment

Motion: Continue Ordinance No. 18-274 amendment to the Storey County sign ordinance to the August 23, 2018 planning commission meeting at 6 p.m. and September 4, 2018 Board of County Commissioners meeting at 10 a.m. located at the Storey County Courthouse, District Courtroom, Virginia City, NV, **Action:** Approve, **Moved by** Commissioner Herrington, **Seconded by** Commissioner Pellett, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

8. **Discussion/Possible Action:** Determination of next planning commission meeting.

Motion: Next planning commission meeting to be held on August 23 , 2018, at 6:00 P.M. at the Storey County Courthouse, District Courtroom, Virginia City, Nevada, **Action:** Approve, **Moved by** Commissioner Prater, **Seconded by** Commissioner Kekule, **Vote:** Motion carried by unanimous vote (**summary:** Yes=5).

9. **Discussion/Possible Action:** Approval of claims – None

10. **Correspondence (No Action)** – None

11. **Public Comment (No Action)** – None

12. **Staff (No Action):** None

13. **Board Comments (No Action)** – None

14. **Adjournment (No Action)** - The meeting was adjourned at 6:45 P.M.

Respectfully Submitted, By Lyndi Renaud