

Item # 11B

**City of Carson City
Agenda Report**

Date Submitted: June 10, 2008

Agenda Date Requested: June 19, 2008

Time Requested: 5 minutes

To: Mayor and Board of Supervisors

From: Development Services - Planning Division

Subject Title: Action to approve a Tentative Subdivision Map application from KCXP Investments & Tri State Surveying to subdivide approved airport hangar space known as Jet Ranch, on property zoned Public Regional, located at 2600 College Parkway, Carson City Airport, APN 005-021-04. (TSM-08-047)

Staff Summary: This project received a Special Use Permit and is currently under construction. The applicant is proposing to subdivide the airspace according to NRS 116 to create 12 parcels and a common area. This proposal has been approved by the Carson City Airport Authority.

Type of Action Requested:

- Resolution
- Formal Action/Motion
- Ordinance
- Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval May 28, 2008 by a vote of 5 Ayes, 0 Nays, 2 Absent.

Recommended Board Action: I move to approve a Tentative Subdivision Map application from KCXP Investments & Tri State Surveying to subdivide airport hangar space known as Jet Ranch, on property zoned Public Regional, located at 2600 College Parkway, APN 005-021-04, based on the findings and conditions of approval contained in the staff report.

Explanation for Recommended Board Action: With the recommended conditions of approval, the tentative subdivision meets all the city requirements of the Subdivision Ordinance. Therefore, the Planning Commission and staff recommend that the Board of Supervisors approve the Tentative Subdivision Map. See attached Planning Commission staff report for more information.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 17.05 (Tentative Maps), 18.02.050 (Review).


Fiscal Impact: N/A
Explanation of Impact: N/A
Funding Source: N/A

Alternatives: 1) Refer back to staff and Planning Commission for further review, or 2) Deny TSM-08-047


Supporting Material:

Staff Report
Case Record
Maps

Prepared By: Rose Mary Johnson, Management Assistant III

Reviewed By: 
(Planning Director)


Date: 6/10/08


(Development Services Director)

Date: 6-10-08


(City Manager)

Date: 6-10-08


(District Attorney's Office)

Date: 6-10-08

Board Action Taken:

Motion: _____

1) _____	Aye/Nay
2) _____	_____

(Vote Recorded By)

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: 5-28-08

AGENDA ITEM NO.: G-3

APPLICANT(s) NAME: KCXP Investments & Tri State Surveying
PROPERTY OWNER(s): KCXP Investments

FILE NO. TSM-08-047

ASSESSOR PARCEL NO(s): 005-021-04
ADDRESS: 2600 College Parkway

APPLICANT'S REQUEST: Action to consider a recommendation to the Board of Supervisors regarding a Tentative Subdivision Map application to subdivide airport hangar space known as Jet Ranch (previous Special Use Permit was SUP-07-025), on property zoned Public Regional (PR).

COMMISSIONERS PRESENT: [X] PEERY [X] KIMBROUGH [] BISBEE
[] MULLET [X] REYNOLDS [X] VANCE [X] WENDELL

STAFF REPORT PRESENTED BY: Consent Agenda [X] REPORT ATTACHED
STAFF RECOMMENDATION: [X] CONDITIONAL APPROVAL [] DENIAL
APPLICANT REPRESENTED BY:

APPLICANT/AGENT PRESENT

APPLICANT/AGENT SPOKE

APPLICANT/AGENT NOT PRESENT

APPLICANT/AGENT DID NOT SPEAK

APPLICANT/AGENT INDICATED THAT HE/SHE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

0 PERSONS SPOKE IN FAVOR OF THE PROPOSAL

0 PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO RECOMMEND APPROVAL:

[x] WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT

MOVED: Reynolds SECOND: Wendell PASSED: 5/AYE 0/NO /ABSTAIN 2/ABSENT

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: June 19, 2008

STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF MAY 28, 2008

FILE NO: TSM-08-047

AGENDA ITEM: G-3

STAFF AUTHOR: Heidi Eskew-Herrmann, AICP, Assistant Planner

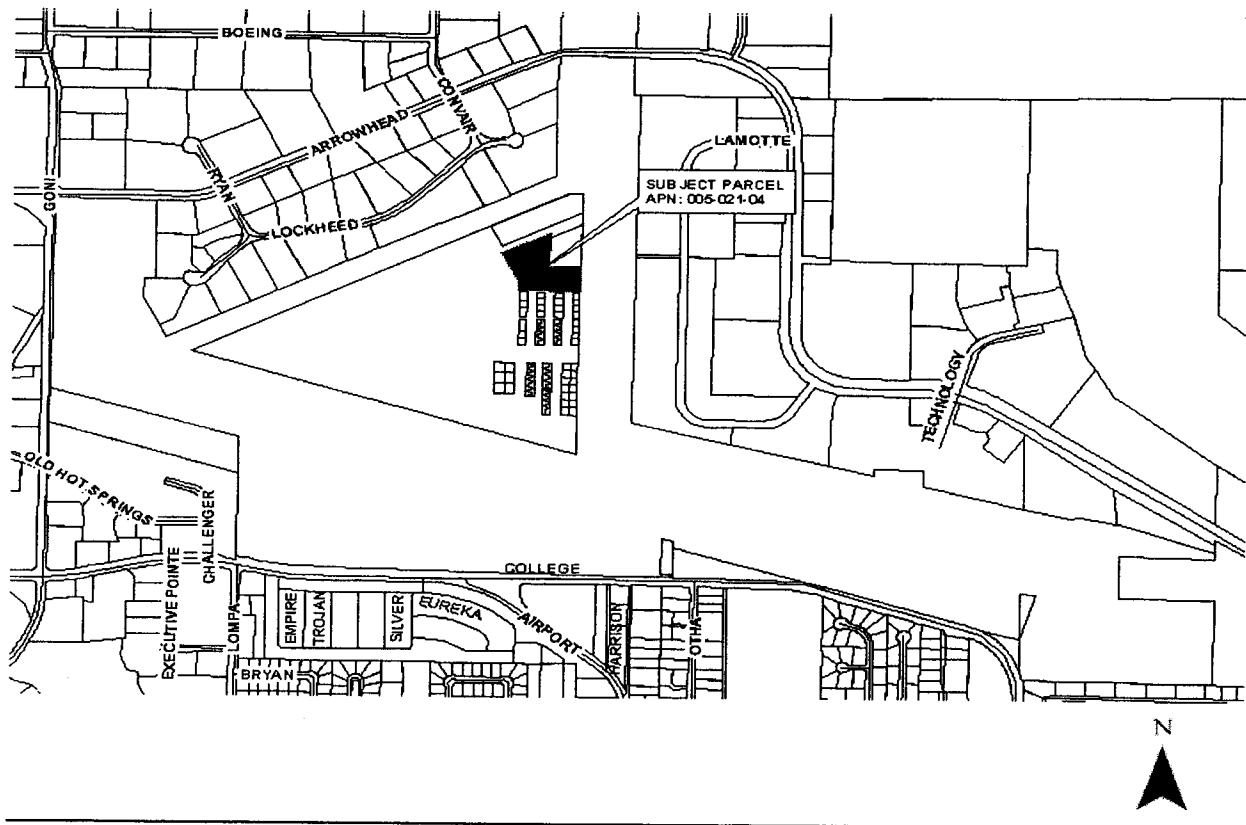
REQUEST: Tentative Map approval for the subdivision of three airplane hangars into 12 individual units plus one common area at the Carson City Airport, located in the Public Regional zoning district.

OWNER: KCXP Investments, LLC

APPLICANT: KCXP Investments, LLC represented by Tri State Surveying, Ltd.

LOCATION/APN: 2600 College Parkway, parcel 207/005-021-04

RECOMMENDED MOTION: “I move to recommend to the Board of Supervisors approval of a Tentative Subdivision Map (TSM-08-047) known as Jet Ranch, a request from Tri State Surveying, Ltd., representing KCXP Investments, LLC., to allow the subdivision of three airplane hangars into 12 individual units plus one common area at the Carson City Airport, on property zoned Public Regional (PR), located at 2600 College Parkway, APN 005-021-04, based on seven findings and subject to the conditions of approval contained in the staff report.”



RECOMMENDED CONDITIONS OF APPROVAL:

The following shall be completed prior to commencement of the use:

1. The applicant must sign and return the Notice of Decision for conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item will be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on- and off-site improvements shall conform to City standards and requirements.
4. A Final Subdivision Map for the property must be recorded within two years of the date of Tentative Subdivision Map approval by the Board of Supervisors. The applicant is responsible for complying with the required conditions of approval and submitting a final map that complies with all conditions of approval at least 30 days prior to the tentative map expiration date. A one-year extension of the tentative map approval period may be granted by the Board of Supervisors upon written request **at least 30 days prior to the tentative map expiration date.**
5. A Final Map application must be reviewed, approved and recorded prior to parceling of the individual units.
6. The applicant must meet and maintain all of the requirements and conditions of approval of the Carson City Airport Authority.
7. The applicant must meet all fire codes and ordinances as they apply towards this request. Additionally, a homeowner's group association must be created for shared maintenance of the community fire protection system.
8. Prior to the recordation of the final map for any phase of the project, the improvements associated with said phase must either be constructed and approved by the city, or the specific performance of said work secured by providing the city with a proper surety in the amount of one hundred fifty percent (150%) of the engineer's estimate. In either case, upon acceptance of the improvements by the city, the developer shall provide the city with a proper surety in the amount of ten percent (10%) of the engineer's estimate to secure

the Developer's obligation to repair defects in workmanship and materials which may appear in the work within one year of acceptance by the city.

The following shall be submitted with any associated permit application:

9. The applicant shall submit a copy of the signed Notice of Decision and conditions of approval with any associated permit application.

The following are general requirements:

10. The applicant must provide full compliance with State of Nevada dust control measures to mitigate dust at all hours within the construction limits.
11. The primary building color must meet Airport Authority design requirements and be similar to the existing surrounding buildings.
12. The Final Map shall comply with all applicable standards including NRS 116, NRS 278 and CCMC Title 17.
13. Dust and erosion control shall be a high priority for the owner and contractor during and after the project's construction so as not to negatively impact the two Parks and Recreation regional facilities that are located in this area.

LEGAL REQUIREMENTS: CCMC 18.04.185 Public Regional (PR); CCMC Title 17 (Division of Land, Subdivision of Land); NRS 116 (Common Interest Ownership Uniform Act)

MASTER PLAN DESIGNATION: Public/Quasi-Public

PRESENT ZONING: Public Regional

KEY ISSUES: Is the applicant in compliance with the provisions of the Nevada Revised Statutes for condominiums and the provisions of the tentative subdivision map ordinance adopted by Carson City?

SURROUNDING ZONING AND LAND USE INFORMATION

NORTH: zoning: Public Regional; use: Airport

SOUTH: zoning: Public Regional; use: Airport

EAST: zoning: Public Regional; use: Airport

WEST: zoning: Public Regional; use: Airport

ENVIRONMENTAL INFORMATION

1. FLOOD ZONE: Zone C (areas of minimal flooding) per FEMA FIRM 40B
2. EARTHQUAKE FAULT: Zone III (moderate shaking potential). Closest fault beyond 500 feet of the subject site.
3. SLOPE/DRAINAGE: Relatively flat
4. SOILS: 71: Urban Land

SITE DEVELOPMENT INFORMATION

1. LOT SIZE: 3.29 acres
2. PROPOSED PARCEL SIZES:
 - Parcel 1: 7,136 sf (0.16 acres)
 - Parcel 2: 3,850 sf (0.09 acres)
 - Parcel 3: 3,850 sf (0.09 acres)
 - Parcel 4: 3,850 sf (0.09 acres)
 - Parcel 5: 3,500 sf (0.08 acres)
 - Parcel 6: 3,500 sf (0.08 acres)
 - Parcel 7: 4,634 sf (0.11 acres)
 - Parcel 8: 5,655 sf (0.13 acres)
 - Parcel 9: 3,500 sf (0.08 acres)
 - Parcel 10: 5,711 sf (0.13 acres)
 - Parcel 11: 2,252 sf (0.05 acres)
 - Parcel 12: 31,605 sf (0.73 acres)
 - Common Area: 64,210 sf (1.47 acres)
3. STRUCTURE HEIGHT:
Stipulated in the Special Use Permit: 26 feet overall for smaller hangars and 58 feet overall for larger hangars.
4. PARKING: Parking, customarily, is satisfied by the person driving to the hangar where the airplane is located and parking inside the hangar or in front of the space being rented/owned.
5. SETBACKS: Zero setbacks were approved by Special Use Permit.
6. VARIANCES REQUESTED: None

BACKGROUND:

The Planning Commission reviewed and approved a Special Use Permit (SUP-07-025) for construction of three hangars consisting of 12 units on March 28, 2007. The applicant is now requesting Tentative Subdivision Map approval to parcel the individual units as well as create one common area to include the hangar tarmac and access to shared underground utilities. The Tentative Subdivision Map proposal was reviewed by the Airport Authority on April 16, 2008.

The applicant received approval for the Site and Civil Improvement plans from the Carson City Airport and the Carson City Building Division (building permit #07-689) in August 2007. In 2007 and 2008, KCXP fully improved the site. Approvals for the site and civil improvements, grading and building construction are contained in permits: SUP-07-025, SI 07-689, BP 07-999, BP 07-1172, BP 07-1456 and BP 08-125.

DISCUSSION:

KCXP Investments LLC, entered into a lease agreement with the Carson City Airport Authority, recorded September 2, 2005 as document number 342119 in the Official Records of Carson City. The lease area is known as Lease Parcel 207, a 3.29 acre parcel within the Carson City Airport.

The applicant, Tri State Surveying, Ltd., on behalf of KCXP Investments, LLC, is requesting Tentative Map approval to allow the subdivision of three hangars into 12 units plus one common area, at the Carson City Airport, which is zoned Public Regional (PR). Each of the hangars will store individual, small, private planes. The hangars will be painted blue and gray in color to blend with the surrounding buildings and the design standards of the Airport Authority. Each hangar will have a bathroom with one sink and toilet. The hangars cannot be used for residential purposes and may only be used in accordance with Carson City Airport requirements.

A site visit was conducted by staff on May 15, 2008. The hangars are located south of Taxiway "C" and on the west side of Taxiway "B". A taxi lane will give hangars access to Taxiway "C". One hangar will have direct access to Taxiway "B".

Special Use Permits and Tentative Subdivision Maps for airport hangars on other lease parcels on the airport authority have been previously approved (e.g. U-94/95-33, U-97/98-45, U-98/99-5). There are presently over 200 hangars covering approximately 561,915 square feet on the airport.

This development is comprised of three airport hangars consisting of a total of 12 individual units and one common area parcel. Two of the buildings have already been constructed and the third and final building is under construction. Site improvements have, for the most part, been constructed, inspected and approved by the Carson City Engineering Division. Remaining site work to be performed includes asphalt paving, raising of utility covers to final grade and submittal of Mylar record drawings. Site development standards are not established in the PR zoning district and as part of the previously approved Special Use Permit application, the Planning Commission approved building setbacks, height, unit width, and lot depth for this project.

The applicant owns a leasehold interest in the property, including the individual structures and the common area. The applicant will establish a unit owners association to be known as Jet Ranch Hangar Community Association. The Jet Ranch Hangar Community Association will maintain the common area, make assessments, and enforce rules established in the CC&R's. The Association has easements to the common area, but does not own the area. The unit owners will "own" the airspace within the units and will have the right to use the common area but will have no ownership in the area outside of their respective air space unit. The present application has been submitted in accordance with the provisions of Nevada Revised Statutes

(NRS) chapter 116, Common Interest Ownership Uniform Act. Nevada Revised Statutes Section 116.2106 permits leased or common-interest communities. In simple terms, this process will allow the applicant to sell a fee interest for the exclusive use of the interior hangar spaces including the common use of the building walls, taxiways, easements and other necessary elements for the duration of the lease. The functioning of this type of condominium is predicated on a document that must be recorded called

"Declaration of Covenants, Conditions and Restrictions", which was submitted to the Planning Division for review as part of the application. NRS 116.2101 provides in part that a common-interest community may be created pursuant to that chapter only by recording a declaration executed in the same manner as a deed. NRS 116.2105 describes the contents of the declaration and, further, NRS 116.2106 describes what is required for lease-hold, common interest projects such as this one.

It is the Planning Commission's role to review the tentative map, since NRS 116.2109 entitled "Plats and Plans", in subsections 1 and 2 requires that "plats and plans" be a part of the declaration and be required for all common interest communities except for cooperatives. The plat and plan must be clear and legible and contain certification that the plat or plan contains all information required by this section. Subsection 2 requires that each plat must comply with the provisions of Chapter 278 of the Nevada Revised Statutes and show:

- (a) the name and survey of the area which is the subject of the plat;
- (b) sufficient description of the real estate;
- (c) extent of any encroachment on any portion of the property which is the subject of the plat;
- (d) the location and dimensions of all easements having a specific location and dimension which serve or burden any portion of the of the common-interest community;
- (e) the location and dimensions of any vertical unit boundaries and that unit's identifying number;
- (f) the location with reference to an established diagram of any horizontal unit boundaries not shown or projected in plans recorded pursuant to Subsection 4 and that unit's identifying number; and
- (g) the location of dimensions of limited common elements, including porches, balconies and patios other than parking spaces and the common elements described in Subsections 2 and 4 of the Nevada Revised Statutes 116.2102.

Subsection 4 calls for the description of the horizontal boundaries of part of a unit located outside a building. Subsection 5 calls for the plan of development with each initial phase of development. This subsection also requires that any contemplated improvements shown must be labeled "Must be built or need not be built". Subsection C further requires sufficient description of any real estate in which the units' owners will own an estate for years labeled as "lease hold real estate". The entire provisions of the subject code, NRS 116.2109, have been attached to this report.

Three on-site 25 foot taxi lanes will give airplanes access to the individual units with the corresponding hangars.

Staff looks to the Airport Authority for guidance regarding construction projects within the airport. The Airport Authority determines that the buildings, as proposed, are in compliance with their regulations; more specifically, the Airport Authority considers that

the apron distance in front of the hangar doors is sufficient to permit the traffic of airplanes, that the size of the units are sufficient for the intended use of the storage of private airplanes, and that the location is in accordance with the Airport Master Plan and prior leases. In addition, the Airport Authority determines that the buildings are of similar quality and materials as those presently in use at the airport. Parking, customarily, is satisfied by the person driving to the hangar where the airplane is located and parks inside the hangar or in front of the space being rented/owned. Parking will be per CCMC Title 19 standards and/or the Airport Manager requirements. Staff cannot foresee any detrimental use affects to the surrounding properties due to the ample setbacks.

PUBLIC COMMENTS: Public notices were mailed to 32 adjacent property owners within 330 feet of the subject site on May 8, 2008. As of the completion of this report, there has been no inquiry and no letters of public comment received. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on May 28, 2008, depending on their submittal date to the Planning and Community Development Department.

OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS: All comments from various city departments and agencies that were received as of May 16, 2008 are attached, in their entirety, to this report.

Fire Department: The applicant must meet all codes and ordinances as they apply towards this request. Additionally, a homeowner's group association must be created for shared maintenance of the community fire protection system.

Building Department: No comments, per conversation with Kevin Gattis, Chief Building Official.

Health Department: No comments at this time.

Parks and Recreation Department: Our department takes no exception to this project; however, the Parks and Recreation Department has two regional facilities (Capital City Gun Club and John D. Winters Centennial Park) downwind of the project site. As a result, dust control and installation of BMP's on this on-going project is of particular concern. These recreation facilities are used all week long, including both daytime and evenings. Our department would like some reassurance that dust and erosion control will be a high priority for the owner and contractor during and after the project's construction.

In addition, the Unified Pathways Master Plan identifies an off-street/paved/shared path on the west and south side of the Airport. However, this proposed trail alignment will not result in any project requirements from the Parks and Recreation Department.

Engineering Division: Recommends approval with conditions

1. Prior to the recordation of the final map for any phase of the project, the improvements associated with said phase must either be constructed and approved by the city, or the specific performance of said work secured by providing the city with a proper surety in the amount of one hundred fifty percent (150%) of the engineers estimate. In either case, upon acceptance of the improvements by the city, the developer shall provide the city with a proper surety in the amount of ten percent (10%) of the engineers estimate to secure the Developers obligation to repair defects in workmanship and materials which appear in the work within one year of acceptance by the city.

State of Nevada, Department of Conservation & Natural Resources, Division of Environmental Protection: Recommends approval of said subdivision with respect to water pollution control, sewage disposal, water quality and water supply facilities. This approval is predicated upon plans for community water supply and wastewater service to the referenced subdivision.

State of Nevada, Department of Conservation and Natural Resources, Division of Water Resources: Recommend disapproval to water quantity as required by statutes for Jet Ranch based on water service by Carson City Utilities, until such time that written notification addressed to this office is received listing the water right permit(s) from the water purveyor with an indication that it has both sufficient uncommitted water rights and developed water source capacity to serve the proposed subdivision. Note: According to comments received from Jeff Sharp, P.E., City Engineer, the development will be served by the Carson City Community Water System and the Carson City Wastewater Collection System. It is anticipated that this division will recommend approval based on the comments.

FINDINGS:

Staff's recommendation is based upon the findings as required by Carson City Municipal Code (CCMC) Section 17.07 enumerated below and substantiated in the public record for the project.

1. **Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.**

All on-site utilities have been constructed and are connected to existing utility lines. All utilities are located underground. Water, sewer, gas, electric and telephone are

available. The storm water will be collected by trench drains and catch basins and routed to an offsite detention basin.

Environmental and health laws and regulations

Environmental and Health laws have been met by the applicant. This project will not generate any hazardous waste.

Disposal of solid waste

Solid waste disposal is available through Waste Management.

Facilities to supply water

The applicant has constructed water facilities (approved under SUP-07-025 and SI 07-689) that serve each hangar and connect to the five fire hydrants on the project site. Water pressures, flows and capacities are adequate to serve the hangars. Estimated daily usage was documented previously in SUP-07-025.

Community or public sewage disposal

Four inch laterals serving each hangar and eight inch sewer lines which connect to the existing eight inch lines have been constructed (approved under SI 07-689). Sewer capacities are adequate to service the site.

According to written comments received from Jeff Sharp, P.E., Carson City Engineer, the development is required to comply with all applicable environmental and health laws concerning water and air pollution and disposal of solid waste. The development will be served by the Carson City Community Water System and the Carson City Wastewater Collection System.

- 2. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.**

The proposed project has been designed to fully utilize the existing extension of utilities within the area.

According to written comments received from Jeff Sharp, P.E., Carson City Engineer, water supplied to the development will meet applicable health standards. Neither Carson City's water supply nor wastewater treatment capabilities will be exceeded by final approval of this development.

3. The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.

According to written comments received from Jeff Sharp, P.E., Carson City Engineer, all other applicable utilities are available in the area to serve this development.

This development will have no impact on schools or recreation and parks. Fire protection will be provided by the Carson City Fire Department, Station Two. Station Two is located at 2400 College Parkway, and it adjoins the airport property. Station Two houses a first-out Type I engine and a Type III wildland brush engine suitable for fighting brush and wild fires. The Fire Department should have adequate response times due to the close proximity with the development.

4. Access to public lands. Any proposed subdivision that is adjacent to public lands shall incorporate public access to those lands or provide an acceptable alternative.

This development is located on a parcel in the center of the Carson City Airport. Therefore, no access to public lands is needed.

5. Conformity with the zoning ordinance and land use element of the City's Master Plan.

The density standards established in the Special Use Permit application are consistent and compatible with the surrounding area. Airport hangars are designed to be functional. The hangars will be consistent and compatible with other buildings within the Airport area. Entrances will be clearly marked and the site will be consistent with the Carson City Development Standards.

The Public Regional (PR) zoning district allows buildings and facilities owned, leased, or operated by the City of Carson City, Carson City School District or any other district, State of Nevada or the government of the United States by Special Use Permit. Special Use Permit approval for this use was granted for this project on March 28, 2007.

The approval of this Tentative Subdivision Map is limited to the parceling of the hangars and associated site improvements. Any future expansion requires Special Use Permit approval.

The following is an excerpt from the Carson City Master Plan (adopted April 6, 2006) sections A-4 and A-5:

The Carson City Airport Master Plan (2001) is an adopted element of the citywide Master Plan. The Airport Master Plan was cooperative effort between the Carson City

Airport Authority (CCAA) and the Federal Aviation Administration (FAA). This Airport Master Plan provides a comprehensive analysis of airport facility needs and alternatives with the purpose of providing guidance for the future development of the facility.

The preparation of the Airport Master Plan is evidence that the CCAA recognizes the importance of the Carson City Airport to the community and the region, as well as the associated challenges inherent in accommodating future aviation needs. The cost of maintaining an airport is an investment which yields impressive benefits to a community. A sound and flexible Master Plan will ensure that the Carson City Airport continues to be a major economic asset for the region.

The primary objective of the Airport Master Plan was to develop and maintain a long-term development program that will yield a safe, efficient, economical and environmental acceptable air transportation facility. The accomplishment of this objective required the evaluation of the existing airport and a determination of what actions should be taken to maintain an adequate, safe and reliable airport facility that meets the needs of the area. The Airport Master Plan provides an outline of the necessary development and gives responsible officials advance notice of future needs to aid in planning, scheduling and budgeting.

6. General conformity with the City's Master plan for streets and highways.

According to written comments received from Jeff Sharp, P.E., Carson City Engineer, the existing and/or proposed streets within and extending to the development are consistent with the Carson City Transportation Plan.

7. The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.

In general, the development will not cause adverse impacts to the existing street system, per Jeff Sharp, P.E., Carson City Engineer.

8. The physical characteristics of the land such as flood plains, earthquake faults, slope and soil.

According to comments received from Jeff Sharp, P.E., Carson City Engineer, the physical characteristics of the area do not preclude the development as proposed. No portion of the development is located within a floodplain.

The site originally sloped (1% and 2%) to the southwest, but has been fully improved, and runoff is contained in a stormwater system that discharges into detention basins on the west side of the project. A geotechnical report was previously submitted with SUP-07-025.

The Soil Survey of Carson City Area, Nevada (Soil Conservation Service, 1975) classifies the onsite soils as Urban Land. Urban Land generally consists of soils that are altered by development to the point that specific classification and description is not feasible.

9. The recommendations and comments of those entities reviewing the subdivision request pursuant to NRS 278.330 thru 278.348, inclusive.

See attached agency comments and conditions of approval included in this staff report.

10. The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.

The Carson City Fire Department has reviewed the project plans and provided comments.

Fire protection will be provided by the Carson City Fire Department, Station Two. Adequate fire flows will be available for fire protection. The Carson City Fire Department has approved the installed fire sprinkler and alarm systems on 03/07/08 for the first building and on 03/31/08 for the second building.

11. Recreation and trail easements.

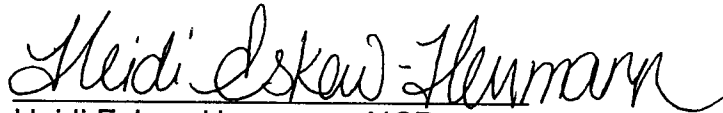
The project area is located within the Carson City Airport and the applicant is not required to provide recreation or trail easements.

It is anticipated that the proposed airport hangars will result in physical activity by the very nature of their operation. The area proposed for these hangars is located within the interior of the airport, between the runways. Due to their separation from the boundary of the airport property, it will not be detrimental to the peaceful enjoyment, economic value or development, nor will it cause objectionable noise, vibrations, fumes, odors, dust, glare or physical activity. It is suspected that the hangars will improve the economic value of the airport property in general and will result in provision of more complete services such as storage facilities for private planes within the airport.

No evidence has been obtained regarding the development of these hangars and the finding that they will be detrimental to the public health, safety, convenience and welfare. To the contrary, the development of the hangars will have a positive effect on the public health, safety, convenience and welfare since the hangars are designed to protect private property from inclement weather and protect expensive and delicate equipment.

Respectfully submitted,

PLANNING AND COMMUNITY DEVELOPMENT DIVISION

A handwritten signature in cursive script that reads "Heidi Eskew-Herrmann". The signature is written in black ink and is positioned above the printed name.

Heidi Eskew-Herrmann, AICP
Assistant Planner

hh\attachments

MEMORANDUM

TO: Community Development
FROM: Duane Lemons, Fire Inspector
DATE: April 28, 2008
SUBJECT: AGENDA ITEMS FOR MAY 28, 2008 PLANNING COMMISSION MEETING

We reviewed the agenda items for the May 28, 2008 Planning Commission Meeting and have the following comments:

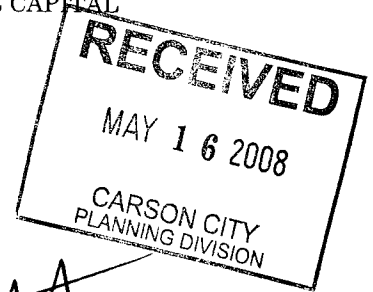
- SUP-07-173 Ken Rose, Metcalf Builders We have no comments or concerns with the applicant's request.
- SUP-08-049 Young Electric Sign, Daniel Schulte We have no comments or concerns with the applicant's request.
- TSM-08-043 Steve Ryckebosch, Western Engineering The applicant must meet all codes and ordinances as they apply towards this request. Additionally, a fuels modification plan may be required.
- MPA-08-044, ZMA-08-045, SUP-08-046 Lumos & Associates The applicant must meet all codes and ordinances as they apply to these requests.
- TSM-08-047 KCXP Investments & Tri State Surveying Applicant must meet all codes and ordinances as they apply towards this request. Additionally, homeowner's group association must be created for shared maintenance of the community fire protection system.
- VAR-08-048 Lumos & Associates, Inc. We have concern with the applicant's request

DL/llb



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

MEMORANDUM



TO: Lee Plemel, Planning Director
Heidi Eskew-Herrmann, Assistant Planner
Jennifer Pruitt, Senior Planner (Hardcopy and Email)

FROM: Roger Moellendorf, Parks & Recreation Director

DATE: May 16, 2008

SUBJECT: TSM-08-047 - Tentative Subdivision Map review comments for Wednesday, May 28, 2008, Planning Commission meeting

TSM-08-047	<p>Our department takes no exception to this project; however, the Parks and Recreation Department has two regional recreation facilities (Capital City Gun Club and JohnD Winters Centennial Park) downwind of the project site. As a result, dust control and installation of BMP's on this on-going project is of particular concern. These recreation facilities are used all week long, including both daytime and evenings. Our department would like some reassurance that dust and erosion control will be a high priority for the owner and contractor during and after the project's construction.</p> <p>In addition, the Unified Pathways Master Plan identifies an off-street / paved / shared path on the west and south side of the Airport property. However, this proposed trail alignment will not result in any project requirements from the Parks and Recreation Department.</p>
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CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES



Carson City Engineering Division Planning Commission Report

File Number TSM 08-047

TO: Planning Commission
FROM:  Jeff Sharp, P.E. – City Engineer
DATE: May 13, 2008
MEETING DATE May 28, 2008

SUBJECT TITLE: Action to consider a Tentative Subdivision Map application known as Jet Ranch from KCXP Investments (property owner: Carson City Airport Authority) to allow a leasehold condominium common interest community development of 12 parcels on 3.29 acres, on property zoned PR, located at the Carson City Airport, 2600 College Parkway, APN 005-021-04.

GENERAL: The Engineering Division has considered the elements of NRS 278.349, the Carson City Municipal Code and the Carson City Development Standards in its review of the tentative map described above.

This recommendation for 'approval with conditions' from the Engineering Division is based on conceptual level analysis that indicates the development as proposed will currently meet or will meet with concurrent improvements, prior to final map approval, Nevada Revised Statutes, the Carson City Municipal Code and the Carson City Development Standards. Detailed site improvement plans and engineering analyses have been prepared for the site and approved under building permit #07-689. Commercial water and sewer connection fees have already been paid by the applicant. Site improvements have for the most part been constructed, inspected and approved by the Engineering Division. Remaining site work to be performed includes asphalt paving, raising of utility covers to final grade and submittal of mylar record drawings.

FINDINGS: The Conceptual Findings by the Engineering Division are:

(a) *Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or*

ENGINEERING DIVISION • 2621 Northgate Lane, Suite 54 • Carson City, Nevada 89706
Phone: (775) 887-2300 Fax: (775) 887-2283 E-mail: engdiv@ci.carson-city.nv.us

public sewage disposal and, where applicable, individual systems for sewage disposal.

The development is required to comply with all applicable environmental and health laws concerning water and air pollution and disposal of solid waste. The development will be served by the Carson City Community Water System and the Carson City Wastewater Collection System.

(b) The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision;

Water supplied to the development will meet applicable health standards. Neither Carson City's water supply nor wastewater treatment capabilities will be exceeded by final approval of this development.

(c) The availability and accessibility of utilities;

All other utilities are available in the area to serve this development.

(d) General conformity with the governing body's master plan of streets and highways;

The existing and/or proposed streets within and extending to the development are consistent with the Carson City Transportation Plan.

(e) The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision;

In general, the development will cause no adverse impacts to the existing street system.

(f) Physical characteristics of the land such as floodplain, slope and soil.

The physical characteristics of the area do not preclude the development as proposed. No portion of the development is located within a floodplain.

RECOMMENDATION: If the tentative map is approved, the Engineering Division has the following conditions of approval for this project:

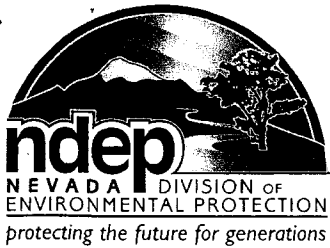
A. General Conditions

1. Prior to the recordation of the final map for any phase of the project, the improvements associated with said phase must either be constructed and approved by the city, or the specific performance of said work secured by providing the city with a proper surety in the amount of one hundred fifty percent (150 %) of the engineers estimate. In either case, upon acceptance of the improvements by the city, the developer shall provide

the city with a proper surety in the amount of ten percent (10 %) of the engineers estimate to secure the Developers obligation to repair defects in workmanship and materials which appear in the work within one year of acceptance by the city.

This completes the list of recommended Engineering Division conditions.

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STATE OF NEVADA

Department of Conservation & Natural Resources

DIVISION OF ENVIRONMENTAL PROTECTION

Jim Gibbons, Governor

Allen Biaggi, Director

Leo M. Drozdoff, P.E., Administrator

April 28, 2008

Walter A. Sullivan, Director
Community Development Department Carson City
2621 Northgate Lane, Suite 62
Carson City, NV 89701



**Re: Jet Ranch Tentative Subdivision Map – 12 Lots, plus 1 Common Area Parcel in Carson City
APN 005-021-04**

Dear Mr. Sullivan:

The Nevada Division of Environmental Protection (“NDEP”) has reviewed the above referenced map for the conditions of water pollution control, sewage disposal, water quality and water supply facilities. Based on this review, NDEP recommends approval of said subdivision with respect to water pollution control, sewage disposal, water quality and water supply facilities. This approval is predicated upon plans for community water supply and wastewater service to the referenced subdivision.

Please be advised that inclusion under NDEP’s Construction Stormwater General Permit is also required for any project involving land disturbances of one or more acres. If the above referenced subdivision falls into this category, a stormwater authorization letter must be obtained from NDEP prior to commencement of land-disturbing activities at the site. To apply for permit coverage, a Notice of Intent must be submitted along with a \$200 filing fee. For further details regarding this requirement, please contact me at 775-687-9429 or visit our website at the following address:

<http://ndep.nv.gov/bwpc/ConstructionNOI/signin.aspx>

If you have any questions concerning this letter, please give me a call at 775-687-9429.

Sincerely,

Steve McGoff, P.E.
Staff Engineer III
Technical Services Branch
Bureau of Water Pollution Control

cc: Cliff Lawson, P.E., NDEP
Ken Iwamura, P.L.S., Tri-State Surveying, Ltd.
KCXP Investments, LLC, 134 Lakes Blvd, Dayton, NV 89403

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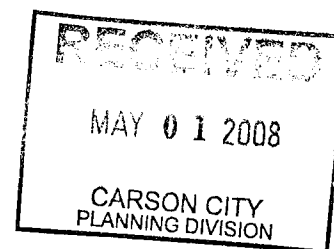




DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES
DIVISION OF WATER RESOURCES

901 S. Stewart Street, Suite 2002
Carson City, Nevada 89701
(775) 684-2800 • Fax (775) 684-2811
<http://water.nv.gov>

April 28, 2008



Subdivision Review No. 20618-T

To: Carson City
2621 Northgate Lane, Suite 62
Carson City, Nevada 89706

Name: Jet Ranch

County: Carson City –within boundaries of Carson City Airport

Location: Section 4, Township 15 North, Range 20 East, M.D.M.

Plat: Tentative map and review fee received April 23, 2008 for 12 lots.

Owner/ Developer: KCXP Investments, LLC
134 Lakes Boulevard
Dayton, Nevada 89403

Engineer: Tri State Surveying, LTD.
425 East Long Street
Carson City, Nevada 89706-2509

Water Supply: Carson City Utilities (not designated)

Subdivision Review No. 20618-T
4/28/2008
Page Two

General: The tentative map does not indicate that the source of water is to be from Carson City Utilities. To date, no letter has been received by this office indicating that there is sufficient water for the subject subdivision.

Action: Recommend disapproval to water quantity as required by statutes for Jet Ranch based on water service by Carson City Utilities, until such time that written notification addressed to this office is received listing the water right permit(s) from the water purveyor with an indication that it has both sufficient uncommitted water rights and developed water source capacity to serve the proposed subdivision.

Best regards,



Thomas K. Gallagher, P.E.
Manager II, Water Rights Section Chief

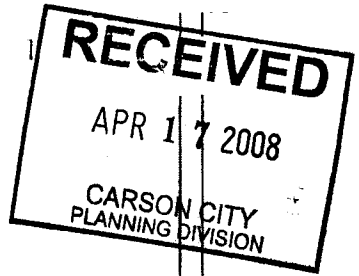
TKG/sem

cc: Division of Real Estate
Public Utilities Commission of Nevada
KCXP Investments, LLC
Tri State Surveying, LTD.
Carson City Utilities

Carson City Planning Division
2521 Northgate Lane, Suite 62, Carson City NV 89706
Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

TSM - 08 - 047



APPLICANT PHONE #

KCXP INVESTMENTS (702) 260-0292

MAILING ADDRESS, CITY, STATE, ZIP

134 LAKES BLVD, DAYTON, NV 89403

ENGINEER PHONE #

TRI STATE SURVEYING, LTD. (775) 887-9911

MAILING ADDRESS, CITY, STATE, ZIP

425 E. LONG ST. CARSON CITY, NV 89706

E-MAIL ADDRESS

kinamura@tristateld.com

PROPERTY ADDRESS, CITY, STATE, ZIP

2600 COLLEGE PKWY, CARSON CITY, NV 89706

PRESENT ZONING APN(S)

180 PR (8-133-74 04)

5-021-04

TENTATIVE MAP FOR A SUBDIVISION

FEE: \$3,500.00

SUBMITTAL PACKET

See checklist.

Application Reviewed and Received By:

PC Date: _____

BOS Date: _____

REQUEST: In accordance with the provisions of Title 17 of the Carson City Municipal Code, application is hereby made for a Planned Unit Development on property situated at:

2600 COLLEGE PKWY, CARSON CITY AIRPORT

The required modifications to Carson City's Land Use Regulations are as follows:

ACKNOWLEDGMENT OF APPLICANT: (a) I certify that the foregoing statement are true and correct to the best of my knowledge and belief; (b) I agree to fulfill all conditions established by the Board of Supervisors.

[Signature]
Applicant's Signature

4/15/08
Date

PROPERTY OWNER'S AFFIDAVIT

I, Tom Gonzales, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

[Signature] 134 Lakes Blvd. 4/15/08
Signature Address Date
Dayton, NV 89403

Use additional page(s) if necessary for other names.

STATE OF NEVADA FL
COUNTY Broward

X On April 15, 2008, personally appeared before me, a notary public, Tom Gonzales, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

[Signature]
Notary Public



NOTE: In order to avoid unnecessary time delays in processing your application, it is important that the application be as complete as possible when submitted. A checklist is available to assist you and your engineer. If you have further questions regarding your application, please call the Planning Division at 775-887-2180.

RECEIVED

APR 25 2008

CARSON CITY
PLANNING DIVISION

Project Description

KCXP Investments LLC, entered into a lease agreement with the Carson City Airport Authority, recorded September 2, 2005 as Document No. 342119 in the Official Records of Carson City. The lease area is known as Lease Parcel 207, a 3.29 acres parcel within the Carson City Airport. The parcel is located at 2600 College Parkway and is currently assessed as APN 5-021-04. The site is zone PR and the Master Plan designation is Public / Quasi-Public.

In 2007 and 2008, KCXP fully improved the site and has constructed two airport hangar buildings and is currently constructing a third. Approvals for the site and civil improvements, grading and building construction are contained SUP 07-025, SI 07-689, BP 07-999, BP 07-1172, BP 07-1456 and BP 08-125. The three buildings consist of 12 individual hangar units. KCXP now wishes to subdivide the hangars for individual ownership.

Ownership will be a leasehold interest subject to the terms of the above-mentioned lease. Ownership of the individual hangar unit will be limited to "airspace" only as stipulated by the attached CCRs. The upper boundary of the airspace being the lower portion of the unfinished ceiling, the lower boundary being unfinished upper surfaces of the lowermost floor and the vertical perimeter boundaries being the inner surfaces of studs or framing of the perimeter walls. No future boundary line adjustments will be allowed.

Under the CCRs, KCXP will create a non-profit owners association which will be known as the Jet Ranch Hangar Community Association. The Association will maintain common areas, enforce rules and makes assessments. Common areas will be subject to utility and access easements. Limited common elements will also be subject to utility and maintenance easements. Unit owners will have the right to use common areas but will have no ownership outside of their unit. Unit owners will become members of the Jet Ranch Hangar Community Association.

Each hangar unit will store individual private planes. Each unit will have a bathroom with one sink and toilet. The hangars cannot be used for residential purposes.

The hangars are located south of Taxiway "C" and on the west side of Taxiway "B". A taxi lane will give hangars access to Taxiway "C". One hangar will have direct access to Taxiway "B". The Airport Authority has determined that the buildings are in compliance with their regulations. The size and location of the units are sufficient for the traffic and storage of individual airplanes.

Special Use Permit 07-025 stipulated the following standards:

Front Setback: 0 from lease parcel line

Side Setback: 0 from lease parcel line

Rear Setback: 0 from the lease parcel line

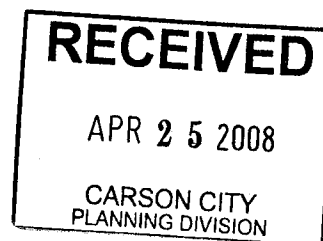
Height: 26 feet overall for smaller hangars and 58 feet overall for larger hangars

All standards have been complied with.

All on-site utilities have been constructed and are connected to existing utility lines. All utilities are located underground. Water, sewer, gas, electric and telephone are available. The storm water will be collected by trench drains and catch basins and routed to an offsite detention basin.

KCXP has agreed to meet the requirements outlined in NRS116 – Common Interest Ownership (Uniform Act).

NRS 278.349(3)
Jet Ranch



3a. Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and where applicable, individual systems for sewage disposal.

Environmental and health laws and regulations

Environmental and Health laws have been met by applicant. This project will not generate any hazardous waste.

Disposal of solid waste

Solid waste disposal is available through Waste Management.

Facilities to supply water

Applicant has constructed water facilities (approved under SUP 07-025 and SI 07-689) that serve each hangar and connect to the five fire hydrants on the project site. Water pressures, flows and capacities are adequate to serve the hangars. Estimated daily usage is documented in SUP 07-025.

Community or public sewage disposal

4" laterals serving each hangar and 8" sewer lines which connect to the existing 8" lines have been constructed (approved under SI 07-689). Sewer capacities are adequate to service the site.

3b. The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.

See 3a.

3c. The availability and accessibility of utilities

The project has access to all available utilities. Carson City will provide sewer and water (services lines have been constructed). Electric services will be provided by Sierra Pacific Power Company, natural gas services will be provided Southwest Gas Corporation and telephone by ATT.

3d. The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks;

Availability of Public Services

Schools – Project will not generate students

Police Protection – Carson City Sheriffs Department (901 E. Musser Street) and Airport Authority Security Officers (on-site)

Fire Protection / Emergency – Carson City Fire Department Station 2 (2400 College Parkway)

3e. Conformity with the zoning ordinances and master plan, except that if any existing zoning ordinance is inconsistent with the master plan, the zoning ordinance takes precedence;

Project parcel is zoned PR and Master plan is Public/Quasi Public. Project is consistent with existing land uses. Project was approved under SUP 07-025.

3f. General conformity with the governing body's master plan of streets and highways;

Project is consistent with the Carson Area Transportation Plan and will not generate significant traffic.

3g. The effect of the proposed subdivision on existing public streets and the need for new streets or highway to serve the subdivision;

Project will not generate significant traffic. No new streets are needed.

3f. Physical characteristics of the land such as flood plain, slope and soil

Project lies within Zone C (areas of minimal flooding) per 1986 FEMA FIRM Map 320001 0040B.

The site originally sloped (1% to 2%) to the southwest, but has been fully improved, runoff is contained in a stormwater system that discharges into detention basins on the west side of the project.

A geotechnical report was submitted with SUP 07-025.

3i. The recommendations and comments of those entities reviewing the tentative map pursuant to NRS 278.330 to 278.348 inclusive;

Carson City staff will provided comments

3j. The availability and accessibility of fire protection, including, but not limited to the availability and accessibility of water and services for the prevention and containment of fires, including fires in wild lands.

Fire Protection will be provided by Carson City Fire Department Station 2 (2400 College Parkway). Adequate flows are available for fire protection. Carson City Fire Department has already approved the installed fire sprinkler and alarm systems on 3-7-08 (first building) and 3-31-08 (second building).

COMPLIANCE WITH NRS 116
COMMON-INTEREST OWNERSHIP (UNIFORM ACT)
JET RANCH

RECEIVED

APR 25 2008

CARSON CITY
PLANNING DIVISION

On August 15, 2005, the Carson City Airport Authority ("Airport") and KCXP Investments, LLC ("KCXP") entered into a lease agreement (as amended, the "Lease") whereby KCXP leased Lot 207 from the Airport for a period of 50 years. Under the Lease, KCXP is only permitted to utilize the subject parcel for aircraft hangars. The Lease permits KCXP to construct individual hangars, sell the hangars and form an association of hangar owners. KCXP, as leaseholder, will construct 3 buildings, subdivide those buildings into a total of 11 individual hangar units (the "Hangars") and sell the Hangars to various purchasers. Regardless of the buildings and the subdivision of the buildings into individual Hangars, the Airport retains ownership of the real property.

KCXP will develop the project as a leasehold condominium development with each purchaser of a Hangar acquiring the physical space between the walls and roof, together with an undivided interest in the common elements of the project. The common elements of the project will consist of the buildings (except each Hangar), driveways, access and entry areas, utility lines and drainage facilities. An owners association to be formed will be responsible for the maintenance of the common elements. The owner of each Hangar will be responsible for maintenance of the owner's Hangar. This development, therefore, is a common-interest ownership community under the Nevada Common-Interest Ownership Act ("Act"), codified in Chapter 116 of the Nevada Revised Statutes ("NRS").

As required by the Act, before conveying the first Hangar in the project, KCXP will form the Jet Ranch Hangar Community Association ("Association"), as a Nevada non-profit corporation. Each person and/or entity purchasing a Hangar will automatically be a member of the Association (NRS 116.3101). As part of the governing documents of the Association, the Association will adopt bylaws (NRS 116.3106) as well as rules and regulations (NRS 116.31065).

In order to established the project as a leasehold condominium common interest community under the Act, KCXP must record a declaration of covenants, conditions and restriction stating the community has been formed and KCXP must cause the final map to be recorded to establish each of the Hangars as separate units. Due to the documents required as part of recording a declaration, the declaration will not be filed until the final map is approved and recorded. A preliminary draft Declaration of Covenants, Conditions and Restrictions for Jet Ranch (A Leasehold Condominium Common Interest Community) ("Declaration") is included in the application packet. This draft Declaration includes all of the required elements for such a document, including but not limited to the name of the common-interest community, the county in which it is located, description of boundaries for each Hangar and description of development rights (NRS 116.2105).

Furthermore, because the underlying property is a leasehold interest, NRS 116.2106 requires that the Lease be recorded and available for public review. A copy of the Lease has

been recorded in the Office of the Carson City Recorder on September 2, 2005 as Document No. 342199 and a copy of the Lease is included in the application packet. Additionally, the recording information must be contained in the Declaration. This information is located in Article II of the Declaration.

To further protect owners of the individual Hangars, NRS 116.2107 requires certain interests be allocated to each Hangar. These interests include but are not limited to, fractional share in the common elements, voting rights, and common expenses. Information relating to such allocated interests is located in Article VI of the Declaration.

The final map must comply with NRS 116.2109. The tentative map provided in the application packet fulfills the spirit and intent of NRS Chapter 278 and the Act. The tentative map shows the preliminary boundary lines for each Hangar and the boundary lines for the common elements. The final map will provide final boundary lines with appropriate data including legal descriptions, common elements and limited common elements (if required under the Act) delineated and all other information required by NRS Chapter 278 and the Act.

Once the Association is formed and the Declaration is filed, the Association will have the authority outlined in NRS 116.3102. It is KCXP's intent to have the Association manage the day-to-day operations of the community, provide for maintenance of common elements and enforce the Declaration in accordance with the provisions of Article IV of the Declaration. Membership in the Association is automatic with the purchase of a Hangar and voting rights are limited to members of the Association. Each Hangar owner will be responsible for maintaining the owner's Hangar. (NRS 116.3107 and Section 4.2 of the Declaration).

The Association bylaws will require that a meeting of the members of the Association be held at least once a year. (NRS 116.3108, *et. seq.*) Insurance is not required per NRS because the use of the hangars is limited to non-residential uses (NRS 116.31138); however, Article XV of the Declaration requires that the Association maintain certain specific insurance and each Hangar owner is required to maintain certain specific insurance. Assessments will be levied every year for maintenance and repair of common elements. The Association will prepare a yearly budget, and this budget will be provided to each member of the Association. (Article XII of the Declaration and NRS 116.31142, *et. seq.*) Since assessments are levied against each Hangar, the Association will have a lien against an owner's Hangar if the owner fails to pay the assessment. (Article XII of the Declaration and NRS 116.3116). Finally, members of the Association will have the right to review and inspect all books, records and paperwork of the Association. (Article XIV of the Declaration and NRS 116.31175, *et. seq.*)

The Declaration is in compliance with the Act and meets all of the requirements outlined in the statute. As part of the final map process, KCXP will ensure all necessary documents, e.g., Declaration, Articles of Incorporation, Bylaws, initial budget, etc. are prepared and recorded as required by law.

