

**City of Carson City
Agenda Report**

Date Submitted: January 12, 2010

Agenda Date Requested: January 21, 2010

Time Requested: 20 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: Action regarding an appeal of the Planning Commission's approval of a Special Use Permit to allow a charter school campus on property to be zoned Public Regional (PR), located at 2222 College Parkway, APN 005-011-03. (SUP-09-037) (Jennifer Pruitt)

Staff Summary: Decisions of the Planning Commission may be appealed to the Board of Supervisors. The Comstock Casino is appealing the approval of the Special Use Permit.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval on December 16, 2009 by a vote of 4 ayes, 1 nay, 1 abstention, and 1 absent.

Recommended Board Action: I move to uphold the Planning Commission's decision to allow a charter school campus on property to be zoned Public Regional (PR), located at 2222 College Parkway, APN 005-011-03, based on the findings for approval and conditions contained in the staff report.

Explanation for Recommended Board Action: See the attached staff memo and Planning Commission staff report for more explanation.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.060 (Appeals), 18.02.080 (Special Use Permits).

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Deny SUP-09-037, or
2) Refer the matter back to the Planning Commission for further review.

- Supporting Material:**
- 1) Staff Memo to Board of Supervisors
 - 2) Letter of appeal and justification
 - 3) Planning Commission Case Record
 - 4) Planning Commission packet

Prepared By: Janice Brod, Management Assistant V

Reviewed By:

_____	Date: _____
(Planning Director)	
_____	Date: _____
(Public Works Director)	
_____	Date: _____
(City Manager)	
_____	Date: _____
(District Attorney's Office)	

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	

(Vote Recorded By)



Carson City Planning Division

2621 Northgate Lane, Suite 62

Carson City, Nevada 89706

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MEMORANDUM

TO: Mayor and Board of Supervisors

FROM: Planning Division *[Signature]*

DATE: December 28, 2009

SUBJECT: MISC-09-105 (SUP-09-037) – Appeal of the Planning Commission's decision to approve a Special Use Permit request to allow a charter school, Silver State School campus on parcel 005-011-03, located at 2222 College Parkway, within the proposed Public Regional (PR) zoning district.

BACKGROUND:

The applicant, Palmer Engineering Group, LTD. requested approval of a Special Use Permit to construct and operate the Silver State School campus within the proposed Public Regional (PR) zoning district. A public school is a conditional use (requiring a special use permit) within the PR zoning district pursuant to the Carson City Municipal Code (CCMC) Section 18.04.185. Schools are prohibited within the Limited Industrial zoning district, which is the current zoning of the subject parcel. Therefore, a Master Plan Amendment (MPA) and a Zoning Map Amendment (ZMA) are also required in this instance. The Planning Commission unanimously recommended approval to the Board of Supervisors of the ZMA and MPA application requests on November 18, 2009.

The subject parcel is approximately 14.05 acres and is located on the northeast corner of Goni Road and Old Hot Springs Road. Vehicular access for the proposed school campus is primarily two access points from Old Hot Springs Road and there is also a secondary access point from the north at Goni Road. The subject site also has pedestrian and bicycle access from College Parkway.

The applicant is proposing to construct a 72,000+ square foot public charter school campus on a 4.7 acre portion of the 14.05 acre site currently owned the Weikel Carson Air Park, Ltd. The subject site currently has three industrial structures, located at the southeastern portion of the site.

On December 16, 2009 the Planning Commission approved SUP-09-037, based on seven findings for approval and subject to the conditions of approval contained in the staff report.

Refer to the attached staff report for a complete background and backup information regarding Special Use Permit application, SUP-09-037.

APPEAL APPLICATION:

Carson City Municipal Code 18.02.060 Appeals states:

(4) Procedures for Filing an Appeal

(a) Standing for Filing an Appeal. Any project applicant or any aggrieved party may file an appeal as specified in this Section provided that the appellant has participated in the administrative process prior to filing the appeal.

(b) Issues for an Appeal. Issues not addressed in the public hearing stage of the administrative process for a project which is being appealed may not be raised as a basis for the appeal unless there is substantial new evidence which has become available accompanied by proof that the evidence was not available at the time of the public hearing. If new information is submitted to the Board, the application shall be referred back to the Commission for further appeal, review and action.

(c) Appeal Application. All appeal applications shall be filed in writing with a letter of appeal to the Director.

(1) The letter of appeal and application shall be submitted within 10 days of the date of the staff or Commission decision for which an appeal is requested.

(2) The appeal letter shall include the appellant's name, mailing address, and daytime phone number and shall be accompanied by the appropriate fee.

(3) The letter shall specify the project or decision for which the appeal is being requested. The letter shall indicate which aspects of the decision are being appealed. No other aspect of the appealed decision shall be heard.

(4) The letter shall provide the necessary facts or other information that support the appellant's contention that the staff or Commission erred in its consideration or findings supporting its decision.

Upon the Planning Division's review of the appeal information provided by the appellant, the appellant has clearly addressed the required appeal criteria noted above.

DISCUSSION:

The appeal letter, dated December 23, 2009, provided by the Audra Miller, Lumos & Associates on behalf of Northern Nevada Comstock Investments, LLC has addressed the contention of the appellant, which notes that the Planning Commission erred in granting the subject Special Use Permit. The appellant notes the facts presented did not support the Planning Commission's decision in making two of the required Special Use Permit findings:

- The project will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity;
- The project will not result in material damage or prejudice to other property in the vicinity.

As noted by the appellant, the primary objection to the proposed Silver State School campus project is the compatibility with the Comstock Casino and the detrimental impact the operation of a school **MAY** have on Comstock Investments future expansion plans. Additional concerns include Gaming License and public safety impacts, which were all discussed and addressed by the applicant in their SUP submittal and at the Planning Commission meetings on November 18, 2009 and December 16, 2009.

The Planning Commission primarily focused on the following matters in making the decision on December 16, 2009:

1. School proximity to the Carson City Airport.
 - The applicant has provided additional information that documents 22 educational facilities within close proximity to Airports, two of which are located in Reno, Nevada. The Carson City Municipal Code does not have any prohibition of schools or daycare facilities in close proximity to airport uses.
2. School proximity to the Comstock Casino site.
 - The applicant has provided additional information that documents eight Junior High School and High School locations in Northern Nevada in close proximity to gaming establishments. Information was also provided regarding the Carson City Gold Dust West Casino (formerly known as the Pinion Plaza Hotel and Casino) which documents the close proximity (within 150 feet) of the Carson City High School to the Gold Dust West site. The Pinion Plaza project was started in 1995 after the Carson High School project, which was built in the 1970's. Currently, the Carson City High School has an enrollment of approximately 2,600 students and has a staff of 122 employees.
3. Impacts of a school on the future expansion of the Comstock Casino.
 - The applicant has noted the Gold Dust West Casino and Hotel, as an example of a casino/gaming project in close proximity to a school use. The Gold Dust West Casino has undertaken multiple projects since the 1995 construction, which include but are not limited to a 146 room hotel, a 32 lane state of the art bowling center, pool and spa construction, parking lot reconfiguration, commercial remodels, addition of a RV Park and restaurant remodel.
 - It is not clear what impacts if any, the Comstock Casino will encounter as a result of future casino expansions in proximity to the proposed school campus.
4. Legal interpretation of the Nevada Gaming Commission and State Gaming Control Board regarding applications for a state gaming license.
 - The applicant has provided additional information regarding Regulation 3 that addresses the Gaming Boards position on locations that may be unsuitable and have emphasized those parts of the regulations that support the position of Silver State High School. Per the applicant and confirmed by the Planning Division staff, Carson City presently has no zoning ordinance that addresses distance proximity required between the locations of Schools and Gaming establishments.

- The Carson City Municipal Code does have a proximity regulation specific to Adult Entertainment facilities and schools, parks, churches, residential use districts or other adult entertainments facility of 1000 feet. See CCMC 18.03 Definitions, Adult Entertainment Facility below.

Adult Entertainment Facility includes all theaters, bookstores, cabarets, model studios, out call business, video stores, or similar businesses which are established for the purpose of offering its patrons services, goods or entertainment characterized by an emphasis on matter depicting, describing or relating to "specified sexual activities" or "specified anatomical areas."

1. For the purposes of this Chapter, "specified anatomical areas" shall include exposed human genitals, pubic region, buttock and female breast below a point immediately above the areola.
 2. For purposes of this Chapter, "specified sexual activities" shall include any form of actual or simulated sexual intercourse, copulation, bestiality, masochism, and fondling or touching "specified anatomical areas."
 3. No adult entertainment facility shall be located within 1,000 feet of a park, church, school, residential use district or other adult entertainment facility or in any general industrial district located west of the east boundary of Sections 21, 28 and 33 of T.16N., R.20 E., M.D.B & M., Sections 4, 9, 16, 21, 28 and 33 of T.15N., R.20 E., M.D.B & M., and Sections 4 and 9 of T.14N., R. 20 E.
5. Proximity of the Fandango Casino and the Galaxy Theaters.
 - The Fandango Casino currently has direct connectivity to the Galaxy Theater in Carson City. The fact that minors utilize the theaters and are directly connected to the gaming facility was addressed. The Galaxy Theater was a recent addition to the gaming establishment campus. The Fandango Casino opened their doors in 2003. In 2005 the Fandango embarked on an expansion which included a parking structure and 100 room hotel room facility. In 2007 the complex was expanded to include a 10 screen multi movie theater.
 6. Silver State School's current proximity to gaming establishments in Carson City.
 - The applicant has noted that current location of the Silver State School, 3716 N. Carson Street, is located in close proximity to limited gaming at the 7-11 and the Bully's Sports Bar both located on College Parkway and N. Carson Street.

The Special Use Permit packet provided to the Planning Commission on December 16, 2009 has addressed the proposal in detail and has addressed the required SUP findings. The information provided to the BOS regarding the appeal of SUP-09-037 does not include additional information from the applicant that was not provided to the Planning Commission other than the draft Planning Commission minutes provided by the Planning Division staff.

STAFF RECOMMENDATION:

Per the Carson City Municipal Code Section 18.02.060(2), the Board of Supervisors may affirm, modify or reverse the decision of the Planning Commission. Staff recommends that the Board of Supervisors uphold the decision of the Planning Commission, to approve the Special Use Permit application, SUP-09-037, subject to the findings for approval and subject to the recommended 46 conditions of approval within the staff report, SUP-09-037.

ALTERNATIVES

1. If the Board of Supervisors finds that the appeal as presented by the applicant has no merit, the Board of Supervisors hereby dismisses the applicant's request; or
2. If the Board of Supervisors finds that the Staff or the Planning Commission erred in its decision:

"I move to reverse the Planning Commission's decision and DENY Special Use Permit SUP-09-037 subject to the recommended findings for denial within the staff report." or
3. If additional information is submitted to the Board of Supervisors that the Board believes warrants further review and consideration on the application by the Planning Commission, refer the matter back to the Planning Commission.



MISC-09405

RECEIVED

DEC 23 2009

CARSON CITY
PLANNING DIVISION

December 23, 2009

Mr. Lee Plemel, AICP
Planning Division Director
2621 Northgate Lane, Suite 62
Carson City, NV 89706

Via Hand Delivery

Re: Appeal of Planning Commission decision for SUP-09-037

Dear Lee,

On behalf of Northern Nevada Comstock Investments, LLC ("Comstock Investments"), I am hereby filing this appeal of the Planning Commission's decision to approve the Special Use Permit ("SUP") application submitted by Palmer Engineering Group ("Palmer") to allow a charter school, Silver State High School ("Silver State"), on parcel APN 005-011-03 located at 2222 College Parkway (SUP 09-037). Scott Tate, Managing Member of Comstock Investments, submitted correspondence and objected at both public hearings to the granting of the SUP application. Comstock Investments owns and operates the Comstock Casino located across the street from Silver State at 3680 Goni Road. Comstock Investments believes the proposed use of the property for a charter school is incompatible with the existing Comstock Casino, and the Planning Commission erred in granting this SUP. Comstock Investments' mailing address is PO Box 1503, Fallon, NV 89407, and the day time phone number for Mr. Tate is 775-423-3111 ext. 223.

Comstock Investments files this appeal because the facts presented did not support the Planning Commission's decision in making two of the required findings of fact for a SUP. Specifically, Comstock Investments believes the following findings could not be made:

1. The project will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity; and
2. The project will not result in material damage or prejudice to other property in the vicinity.

Comstock Investments contends the granting of the SUP will have a detrimental impact on its property and will prejudice Comstock Investments.

REASON FOR APPEAL

Comstock Investments has operated the 14,250 square foot Comstock Casino from the Goni Road location since July 2004. Comstock Casino is an unrestricted gaming facility with 220 slot machines, a sport wagering venue and one restaurant. Prior to opening the Comstock Casino, the facility was operated as a limited gaming establishment, Cheers Food & Spirits, which started operating from the property in 1999. The existing casino building occupies a portion of the 7.5 acre site, and Comstock Investments plans on expanding the facility. A definite timeframe for expansion has not been established, but Comstock Investments' general intent is to expand within the next five (5) years.

The property is zoned Light Industrial ("LI"), as are all of the properties in close proximity to the Comstock Casino and Silver State (south of Hot Springs Road). The properties to the north of Hot Springs Rd. and west of Goni Rd. are zoned General Industrial ("GI"). The Master Plan, as of the date of this letter, shows both Comstock Casino and Silver State's properties as Industrial. The properties surrounding Comstock Casino and Silver State are also shown as Industrial. A school is not permitted in property zoned LI, so Palmer filed applications for a Master Plan Amendment ("MPA") and Zoning Map Amendment ("ZMA") to change the Master Plan designation for Silver State's property to Public/Quasi-Public and Zoning to Public Regional. The Planning Commission recommended approval for the MPA and ZMA, but the Board of Supervisors ("Board") has not acted on these applications as of December 23, 2009. Comstock Investments objected to the MPA and ZMA and continues to object. Since the Board has not made a decision on the MPA and ZMA, this appeal is limited to the SUP.

The primary objection Comstock Investments has to the Silver State project is the compatibility with Comstock Casino, and the detrimental impact the operation of a school may have on Comstock Investments expansion plans. It is logical for the current Master Plan to designate this area of Carson City as Industrial. The Carson City Airport ("CCA") is located next to Silver State, and the uses in the area are commercial and industrial in nature. The operation of a high school is not compatible with these uses, especially the operation of an unrestricted gaming facility. While the Master Plan encourages and supports infill projects as Palmer indicated in its SUP application, the Master Plan also states that friction zones should be discouraged and standards should be established for transitions between uses (Chapter 3 Goal 2.1(d)). Additionally, the Master Plan identifies a goal of retaining and expanding existing employers and coordinating efforts with businesses' master plans and expansion efforts. (Chapter 5 Goal 5.1(a)) While this goal addresses major employers, it is logical to assume this goal should apply to all existing businesses within Carson City, especially businesses that have been operating legally for a number of years and paying the appropriate taxes. Comstock Casino employs approximately 40 people, and Comstock Investments wants to continue investing in its property. When Comstock Investments invests in its property, by default it invests in Carson City and its citizens.

Overall, Comstock Investments believes the operation of Silver State from the proposed location actually creates a friction zone and does not act as a buffer between friction zones as Palmer has argued. Comstock Investments believes a school and casino are two very different and incompatible uses. They have different clientele, hours of operations, goals and objectives and are viewed very differently by society in general. Carson City's land use ordinance acknowledges this incompatibility by precluding schools in LI and GI, where gaming is allowed. These two uses should be buffered, and the road and landscaping is not an adequate buffer. Comstock Investments also contends that as an existing and ongoing operation, the granting of the SUP is in conflict with its future expansion plans, which is contra to the Master Plan's goals and policies.

Specifically, Comstock Investments asserts the operation of a school is incompatible with the existing operation of the Comstock Casino for three reasons: 1) Comstock Investment's Gaming License may be negatively impacted; 2) Permitting a school to operate in close proximity may affect Comstock Investment's expansion plans; and 3) Comstock Investments believes it creates a public safety issue.

GAMING LICENSE

Comstock Investments has an unrestricted gaming license, and per the Gaming Board's regulations, the Gaming Board may consider the proximity of churches and schools when reviewing gaming licenses. Specifically, Regulation 3.0101 states,

The board may recommend that an application for a state gaming license be denied, if the board deems that the place or location for which the license is sought is unsuitable for the conduct of gaming operations. The commission may deny an application for a state gaming license if the commission deems that the place or location for which the license is sought is unsuitable for the conduct of gaming operations.

Without limiting the generality of the foregoing, the following places or locations may be deemed unsuitable:

1. Premises located within the immediate vicinity of churches, schools and children's public playgrounds. The board may recommend and the commission may determine that premises located in the vicinity of churches, schools, and playgrounds are nevertheless suitable upon a sufficient showing of suitability by the applicant. In making their determinations, the board and commission may consider all relevant factors including but not limited to whether the premises have been used previously for licensed gaming or are located in a commercial area.

Comstock Investments agrees with Palmer that the granting of the SUP and operation of Silver State does not automatically jeopardize its gaming license. The granting of the SUP and operation of Silver does, however, shift the burden to Comstock Investments to prove compatibility if the Gaming Board needs to review the license. Currently, Comstock Investments does not have this burden. Based on the criteria in Regulation 3, Comstock Investments is in a suitable location, but the granting of the SUP would make its present location potentially unsuitable. The granting of the SUP unfairly shifts the burden of proof on such an issue to Comstock Investments.

The Planning Commission decided the discretion granted to the Gaming Board, and Comstock Investments ability to prove suitability removed any potential detrimental impact to Comstock Investments. Comstock Investment's disagrees with this determination. The Gaming Board's unsuitability criteria are subjective in nature, and the Gaming Board has latitude on deciding this issue. If Silver State is permitted to operate from the proposed location, Comstock Investments would now have to justify its existence and prove compatibility. Currently, Comstock Investments is basically presumed to be compatible with the surrounding uses. Whenever a person or entity has to prove its compatibility, there is always the distinct possibility that the reviewing agency will reject the arguments and evidence presented. While Silver State has represented it will not object to Comstock Investments operations, the same cannot be said for the community. Suitability is a community issue, which will help define and set the standards. This potential for the community to find the uses incompatible is not speculative. At the second public hearing, one of the neighboring property owners spoke in favor of Silver State and said that Comstock Casino was incompatible with the surrounding uses.

EXPANSION PLANS

During the application review process, Palmer and Silver State explained why they chose the location for the operation of the charter school. They had definite criteria in the selection process, and the Planning Commission acknowledged the criteria during the SUP hearing. Comstock Investments also had criteria when it chose to purchase Cheers Foot & Spirits and begin operating the Comstock Casino. Comstock Investments understands the operation of a casino is an intensive land use, with extended hours of operation, traffic and visual impact. Comstock Investments chose the Goni Road location because it was zoned industrial and in general, the surrounding uses were compatible with a casino. More importantly, Comstock Investments was able to secure additional land so it could expand operations in the future.

Comstock Investments intends on expanding its operations in the next five years and has made financial commitments based on these plans.

Comstock Investments is concerned about how the operation of a school will affect its expansion plans, especially if Carson City amends its ordinances regarding the location of casinos in relation to schools. Currently, Carson City does not have an ordinance addressing minimum distance between schools and casinos, but there is nothing to preclude Carson City from adopting such a regulation in the future. Surrounding communities, Reno and Douglas County, and Las Vegas have such ordinances, so minimum distance requirements are not unusual. As with its gaming license, the Comstock Casino is currently a permitted use, and Comstock Investments does not have to justify its existence or prove compatibility with surrounding uses.

The operation of a school from the adjacent property may change this situation. Once Silver State is permitted to operate from the proposed location, the tone of the neighborhood will change. It will no longer be considered an industrial area but will start to shift to a more mixed use area. With such a shift, the community may no longer believe the Comstock Casino is compatible with these new uses. It is not uncommon for community values to shift or change, and Comstock Investments is legitimately concerned that Carson City may enact an ordinance to limit the interaction of these uses. Additionally, Master Plans are updated on a routine basis. The current Master Plan shows this area as industrial. With the addition of a school, the community may believe the area has shifted to a more non-industrial area and change the Master Plan designation to a different land use category. Such a change could impact Comstock Investments expansion plans.

The Planning Commission decided Comstock Investments' concerns while sincere were too speculative, as it was virtually impossible to determine what may happen in the future. Comstock Investments agrees it is difficult to predict the future, which makes its concerns about the detrimental impact to its property all the more valid. As of now, Comstock Investment does not have a potentially incompatible use near its property. It is surrounded by property shown on the Master Plan as Industrial, and Comstock Investments can be reasonably certain its ongoing and future operations will remain compatible with the uses in this area. With the addition of Silver State, however, an incompatible use will be across the street, and Comstock Investments has no reasonable certainty that its future operations will not be impacted. Comstock Investments has already invested a significant amount of money into Comstock Casino and wants to make sure this investment will not be affected by changes in land use.

The Planning Commission also looked at casinos that currently are located near schools. Palmer identified the Gold West Casino, f.k.a. Pinion Plaza, as a casino in close proximity to a school. Gold West is located near Carson High School and apparently has been permitted to expand over the years. Again, the issue for Comstock Investments is not what has been permitted in the past, but the uncertainty of the future.

PUBLIC SAFETY

Comstock Investments is also concerned about public safety. While Comstock Investments is a diligent casino operator and complies with applicable statutes and ordinances, it believes placing a high school so close to its casino operation is not in the best interest of the community or the children. Comstock Investments is concerned students from Silver State will come onto its property and into the casino without supervision or authorization. Comstock Investments will monitor the situation, but Comstock Investments does not believe it should be required to assume this burden when this issue does not currently exist.

CONCLSUION

Comstock Investments, therefore, respectfully requests the Board of Supervisors reverse the Planning Commission's decision because the granting of a SUP for Silver State will have a detrimental impact on Comstock Investments' property and prejudice Comstock Investments' ability to expand operations.

Sincerely,



Audra Miller, AICP
Planning Manager

AM/

cc: Scott Tate

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: December 16, 2009

AGENDA ITEM NO.: H-1

APPLICANT(s) NAME: Palmer Engineering Group
PROPERTY OWNER(s): Weikel Carson Air Park Ltd.

FILE NO. SUP-09-037

ASSESSOR PARCEL NO(s): 005-011-03
ADDRESS: 2222 College Parkway

APPLICANT'S REQUEST: Action to consider a Special Use Permit application to allow a charter school campus on property to be zoned Public Regional (PR).

COMMISSIONERS PRESENT: KIMBROUGH MULLET STOCKTON
 DHAMI REYNOLDS VANCE WENDELL

STAFF REPORT PRESENTED BY: Jennifer Pruitt **REPORT ATTACHED**
STAFF RECOMMENDATION: **CONDITIONAL APPROVAL**
APPLICANT REPRESENTED BY: Mark Palmer, George Szabo, Steve Knight, John Uhart

APPLICANT/AGENT WAS PRESENT AND SPOKE

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

PERSONS SPOKE IN FAVOR OF THE PROPOSAL **PERSONS SPOKE IN OPPOSITION OF THE PROPOSAL**

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Commissioners:

Malkiat Dhami: Benefits community as a whole to have school here. What is the impact on the future?

Bill Vance: Need to review this under current ordinances, not potential future ordinances. There is a need to be in proximity of airport for the aeronautical program.

George Wendell: Previous issues I had have been addressed. Thanked speakers for pointing out benefits of school to the community.

Roger Stockton: Agrees with other commissioner's comments. Wish we could please everyone, but believes this is a good location based on current ordinances. Impacts? Possibilities at this location?

Craig Mullet: Parking requirements?

Audra Miller, AICP: Lumos Engineering representing Comstock Casino (Mr. Tate) – Objectives to SUP issues: Compatibility/expectation- Master Plan updated in 2006 and shows the area as industrial. 1) The project will result in detriment to economic value of the property; 2) The project will cause prejudice to adjacent properties. With a school on the site, the burden of proof for a gaming license would shift to the Comstock

Casino. What does the future hold-Comstock wants to be a good neighbor. Comstock has land to expand in the future. Findings of SUP cannot be made. At this time there are no existing conflicts for the Comstock Casino in the area. Gaming privileges are not a right, may have to go back to Planning Commission. The issue is the future. Deny SUP-09-037!

Scott Tate: Comstock Casino owner- Need to think about the health, safety and welfare of the community and the kids. We need to be held to specific standards when we are on commissions/committees

Ronnie Hannaman: Chamber of Commerce Director- Silver State High School is Carson City's "second" high school. It benefits the community and has good "vo-tech" programs. Silver State needs the same consideration, Carson City needs this educational facility. Land is always an issue. The new Carson City library will be within 500 feet of a casino (Nugget). No comment on whether or not the school should be built at this location.

Tom Metcalf: Owner of Metcalf Builders- This is a \$14,000,000 project. Self stimulus, supports investment and jobs in this community.

Dan Leck: Real estate appraiser- This can be a benefit to Mr. Tate. I can't see any "detrimental" issues to bringing the school to this location. The highest/best use today doesn't exist. Will the school be detrimental to the casino? No. Ultimately, the school could be a benefit to the Comstock Casino; parents could visit the casino. What does the future hold?

Jody Weikel: Subject site owner-Has two businesses in Carson Air Park. Unofficial parking survey of Comstock Casino, results show that it is a night business.

Steve Knight: Current Silver State School is located next to 7-11, with alcohol and limited gaming, no complaints. We are always good neighbors. We have had no issues with 7-11 or Bully's, both have gaming.

APPEAL PROCESS MENTIONED AS PART OF THE RECORD

MOTION WAS MADE TO APPROVE WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT

MOVED: Wendell SECOND: Vance PASSED: 4/AYE 1/NO 1/ABSTAIN 1/ABSENT
(Mullet) (Reynolds) (Kimbrough)

**STAFF REPORT FOR PLANNING COMMISSION MEETING OF
DECEMBER 16, 2009**

FILE : SUP-09-037

AGENDA ITEM: H-1

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

REQUEST: A Special Use Permit request to allow a Public Charter School as a conditional use on property to be re-zoned from Limited Industrial (LI) to Public Regional (PR).

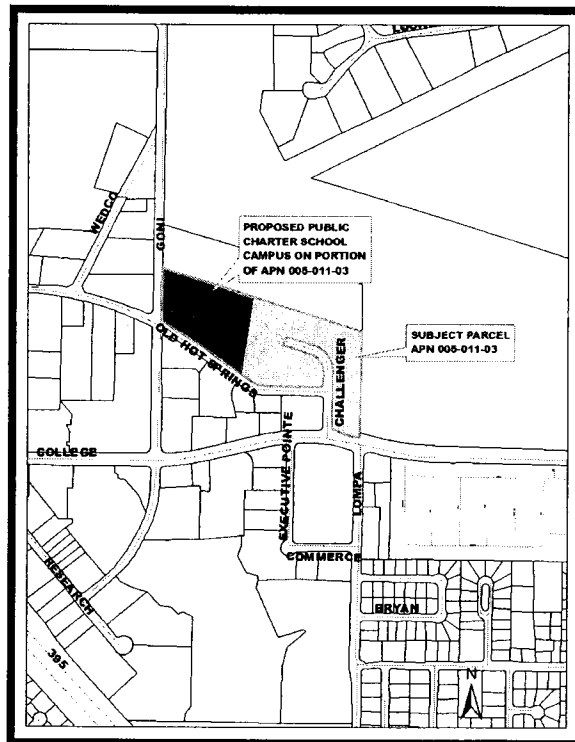
APPLICANT: Palmer Engineering Group, Ltd.

OWNER: Weikel Carson Air Park Ltd.

LOCATION: 2222 College Parkway; APN 005-011-03

MOTION FOR APPROVAL: "I move to approve SUP-09-037, a Special Use Permit application to allow a Public Charter School campus facility as a conditional use on property to be re-zoned from Limited Industrial to Public Regional, located at 2222 College Parkway, APN 005-011-03, based on seven findings and subject to the conditions of approval contained in the staff report."

ALTERNATIVE MOTION FOR DENIAL: "I move to DENY SUP-09-037, a Special Use Permit application to allow a Public Charter School campus facility as a conditional use on property to be re-zoned from Limited Industrial to Public Regional, located at 2222 College Parkway, APN 005-011-03, based on the inability to make the required findings for approval as identified in the staff report."



SPECIAL USE PERMIT RECOMMENDED CONDITIONS OF APPROVAL:

1. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval. Minor modifications to the development plans may be approved by the Director.
2. All on- and off-site improvements shall conform to City standards and requirements.
3. The use for which this permit is approved shall commence within twelve months of the date of final approval. Obtaining a building or construction permit for the proposed construction shall constitute project commencement. A single, one-year extension of time may be granted if requested in writing to the Planning Division 30 days prior to the one year expiration date.
4. The applicant must sign and return the Notice of Decision for conditions for approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, the item will be rescheduled for the next Planning Commission meeting for further consideration.
5. The applicant shall obtain a building permit from the Carson City Building and Safety Division for the proposed construction.
6. The plans submitted for review shall comply with the prescriptive requirements found in the Carson City Building Division handout titled: *Commercial Submittal Requirements*.
7. Lighting fixture details and "cut-sheets" shall be submitted with a Building Permit application in compliance with Development Standards Division 1.3 Lighting. Any lighting fixtures shall be so installed as to project light downward and away from adjoining properties and glare to the sky.
8. Project signage requires an application for a Building Permit, issued through the Carson City Building Division. The sign(s) shall be placed so as to maintain proper separation from above and below ground utilities. Coordination with the civil design engineer for sign placement is highly advised. The sign(s) shall not be placed within any utility, access or drainage easement.
9. The applicant shall submit landscape plans in compliance with the Carson City Development Standards, Division 3 (Landscaping) with building permit plans for review and approval by the Planning Division.
10. Exterior building colors should blend with surrounding development and not cause abrupt changes. Primary building surfaces (excluding trim areas) should be muted or earth-tone in color. Bold colors shall be avoided except when used as accent or trim.

11. Reflective, untreated roofs shall be prohibited unless painted flat, non-glossy paint to compliment or match the primary color of the primary exterior building material(s).
12. All roof-top equipment on new portions of the building shall be screened pursuant to Carson City Development Standards Division 1.1.7.
13. Proper trash enclosures shall be provided pursuant to the Carson City Development Standards 1.2.6.
14. The applicant must meet all applicable State (NRS & NAC 444), Local and Federal codes and ordinances as they apply to this request. Plans for this facility must be submitted and approved by Carson City Health & Human Services.
15. An Avigation Easement on the subject site is required, the easement will include an acknowledgement that the proposed project is within or near the flight path operations area of the Carson City Airport, as such the passage of aircraft may generate possible noise, dust, turbulence and similar activity as made inherent in the operations of aircraft using the air space over Carson City from taking off, landing and or operating at the Carson City Airport.
16. Acceptable screening/fencing alternatives shall be submitted to the Planning Division for review and approval with the required building permit submittal, specifically for the northern and eastern boundaries of the project area.
17. The Maximum building height for the project shall be limited to 35 feet in overall height.
18. Approval of this Special Use Permit, does not allow for "through the fence" access onto the Carson City Airport property. Access to the Carson City Airport property may be approved by the Carson City Airport Authority.
19. Sound proofing materials, noise control, acoustical and vibration mitigations solutions shall be required to be submitted to the Planning Division with the required building permit, and will be the responsibility of the applicant.
20. The project plans will be required to be sent to the Federal Aviation Authority (FAA) for review and approval prior to the required building permit submittal. A copy of the FAA approval must be submitted to the Planning Division with the required building permit.
21. This Special Use Permit shall be reviewed by the Planning Commission two years from the date of initial approval. The applicant shall provide written documentation of compliance with all conditions of approval to the Planning Division for the review at least 45 days prior to the review date. The Planning Commission may require additional reviews as it deems appropriate.

22. This Special Use Permit shall become effective **only** upon approval by the Board of Supervisors of the Zoning Map Amendment application ZMA-09-036 to change a portion of the subject parcel from Limited Industrial to Public Regional and the Master Plan Amendment application MPA-09-035 to change a portion of the subject parcel master plan designation from Industrial to Public/Quasi Public.

Engineering Division Conditions:

23. Curb and gutter, sidewalk, driveway, and storm drainage improvements are required along all street frontages.
24. Street lights are required per Division 12 of the Development Standards.
25. All signs shall be located outside clear vision triangles and PUE's, as well as maintain proper separation from all utilities.
26. Provide a complete grading plan, showing existing and proposed site elevations, swales, cut and fill slopes, and grading quantities.
27. Provide a complete site/drainage plan, covering all aspects of the site development and design, including existing and proposed drainage features and facilities.
28. Submit a complete drainage analysis, including hydraulic and hydrologic calculations, drainage system capacities, design flows, flood flows, detention system requirements, and floodplain issues in the format of section 14.9.1 of the Carson City Development Standards.
29. Project must provide a storm drainage collection system design, including invert elevations, slopes, pipe and/or channel sizes and pad or finished floor elevations.
30. Project must provide onsite detention facilities capable of handling a five year, one hour duration intensity storm.
31. Project must accommodate and pass flows of a one-hundred year, twenty-four hour duration storm through the site.
32. Site grading shall be in accordance with the approved FEMA Conditional Letter of Map Revision (CLOMR) to accommodate conveyance of Goni Canyon Creek.
33. Proposed buildings shall be designed to meet flood hazard reduction standards in accordance with CCMC 12.09.
34. Provide parking lot details, including parking stall dimensions, curbs, striping, signing and lighting.
35. The project shall comply with minimum sidewalk width standards of five feet and ADA access along the sidewalk and ramps.

Utilities Conditions:

36. Fire hydrant(s) - Hydrants on private property, if required by Fire Department, require a check-valve per drawing C-10.4.
37. Fire sprinkler system connection(s) - Requires a double check-valve assembly per drawing C-8.3. If the fire sprinkler system is to contain any hazardous substance, including glycol, a reduced pressure principle assembly is required.
38. Water connection(s) - Indicate size(s) and locate service tap(s) and meter box(es). Indicate whether taps and meters are for domestic or irrigation purposes, and if the water service is to be installed by a properly licensed contractor or by city forces. All meters, vaults or hydrants shall be located behind the sidewalk and not in driveways.
39. Sanitary sewer connection - Indicate lateral size and location. (Laterals cannot be tied into manholes.)
40. Water usage information is required to determine water and sewer privilege to connect charges.
41. Fire flow calculations required by the Fire Department must be signed and sealed by a P.E. and approved by Utilities Engineering. Contact Mark Brethauer at 887-2355, extension 1006, for additional information.
42. Wastewater pretreatment and a wastewater discharge permit will be required. Grease interceptors shall be designed in accordance with the 2006 Uniform Plumbing Code and shall have 24-hour access. Contact the Environmental Control Division at 887-2355 for additional information.
43. Reduced pressure type backflow prevention devices are required for domestic services. Contact Rit Palmer at Utilities, 887-2355, extension 1051, for additional information.
44. A water system analysis which complies with the requirements of Division 15.3.1 is required with the first submittal of the plans which shows that the proposed water system can meet required fire flows and that 60 psi is available at the meters during peak demand periods. The water analysis shall include a narrative report and system map. The report shall provide the calculations for fire flows and system pressure and shall include assumptions made to support the calculations. The map shall show all existing and proposed water mains, PRV's, check valves, system zones, streets and parcels.

45. A sewer system analysis which complies with the requirements of Division 15.3.2 is required with the first submittal of plans which shows that the existing sewer system has sufficient capacity to handle the proposed project. All existing sewer collection lines to which the development utilizes as an outfall must be capable of conveying a peak flow of d/D less than 0.75, or an upgrade of the existing system will be required. The analysis should show the sewer system is at adequate size and depth to serve adjacent properties when extended in the future. The applicant should coordinate the proposed sewage system design with Utilities Engineering prior to proceeding with final plans.
46. The use of potable water during construction for dust control will not be allowed; reclaimed water is available. The use of potable water will be made available when the use of reclaimed water is not allowed due to environmental or health reasons. A no fee permit for reclaimed water use is available seven (7) days a week (except holidays) at the Wastewater Reclamation Plant, 3320 Fifth Street, 887-2360. Please note that the use of reclaimed water without a valid permit is subject to substantial penalties.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 8.02.080 (Special Use Permits); and 18.04.185 (Public Regional).

MASTER PLAN DESIGNATION: Industrial

PROPOSED MASTER PLAN DESIGNATION: Public/Quasi Public/ Industrial

ZONING DESIGNATION: Limited Industrial

PROPOSED ZONING DESIGNATION: Limited Industrial/Public Regional

KEY ISSUE:

- Will the proposal be detrimental or cause material damage to surrounding properties in the vicinity?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Public Regional (PR) – Carson City Airport

SOUTH: Limited Industrial (LI) – Commercial

EAST: Public Regional (PR) – Carson City Airport

WEST: General Industrial (GI) – Vacant

ENVIRONMENTAL INFORMATION:

1. **FLOOD ZONE:** Zones B and A2 – Portions of the subject property are subject to flooding.
2. **SLOPE/DRAINAGE:** The site is level and subject to flooding. Flooding and drainage issues will be addressed with the proposed construction.

3. EARTHQUAKE: There are no identified earthquake faults onsite.

BACKGROUND:

The Silver State High School opened its doors in 2003 and in September of 2009 the school expanded its curriculum to accommodate Junior High School students. The Silver State School facilities are currently located at 3716 North Carson Street. The Silver State School is a **Free Public** on-line distance education junior high and high school. Students attend classes once per week to meet with their teachers and do their remaining class work on-line. This format allows students to make appointments or come in on other days to get individualized help from their teachers.

The school is planned for 1,000 students, although due to the on-line distance nature of the curriculum, no more than 150 students will be on campus at any given time based on a schedule of seven sessions per week.

Charter schools are independent public schools designed and operated by parents, educators, community leaders, education entrepreneurs and others with a contract, or charter, from a public agency, such as a local or state education agency or an institution of higher education. Charter schools are operated free-of-charge to parents and are open to all students. These schools provide parents enhanced educational choices within the public school system. Exempt from many statutory and regulatory requirements, charter schools receive increased flexibility in exchange for increased accountability for improving academic achievement. The first U.S. public charter school opened in 1992. Today, nearly 4,000 charter schools serve more than one million students in 40 states and Washington, D.C.

On April 16, 2009 the applicant submitted the subject applications for review by the Planning Commission in May 2009.

On May 21, 2009 the conceptual plan was presented to the Carson City Airport Authority, the Airport Authority recommended disapproval of the proposed Special Use as proposed. The Airport Authority was concerned about the safety of the students. See the attached minutes from the Airport Authority meeting of May 21, 2009.

On May 29, 2009 the applicant requested a continuance of the subject application.

Since May of 2009, the applicant has been in contact with the Planning Division, with the intentions to pursue the subject site for the proposed project. The Planning Division notified the applicant that the subject project will be held to the schedule timing of amendments identified in the CCMC 18.02.070(6d) Master Plan.

On October 14, 2009, the applicant submitted additional information to be incorporated with the MPA-09-035, ZMA-09-036 and SUP-09-037 applications and requested that the applications move forward for review by the Planning Commission on November 18, 2009.

On November 18, 2009, the Planning Commission unanimously recommended to the BOS approval of a Master Plan Amendment to change the Land Use Designation of a portion (4.7 acres) of APN 005-011-03 from Industrial to Public/Quasi-Public on the 14.05 acre site and the PC unanimously recommended to the BOS approval of the

Zoning Map Amendment to change a portion (4.7 acres) of the subject parcel from Limited Industrial (LI) to Public Regional (PR) on the 14.05 acre site. At this time, these items have not been before the BOS pursuant to the status of this SUP application.

On November 18, 2009, the Planning Commission also discussed the subject SUP in great detail; the applicant requested a continuance at that time to come back before the Planning Commission with additional information regarding the proposed charter school. The items addressed at the Planning Commission meeting are specifically noted in the discussion of this staff report (pages 12-13 of this staff report).

On December 07, 2009, the applicant submitted additional information to be incorporated with the SUP-09-037 application and requested that the application move forward for review by the Planning Commission on December 16, 2009.

DISCUSSION:

The applicant is requesting approval of a Special Use Permit to construct and operate a Public Charter School campus within the proposed Public Regional (PR) zoning district. A public school is a conditional use (requiring a special use permit) within the PR zoning district pursuant to the Carson City Municipal Code (CCMC) Section 18.04.185. Schools are prohibited within the Limited Industrial zoning district. Therefore, a Master Plan Amendment and a Zoning Map Amendment are also required in this instance.

The subject parcel is approximately 14.05 acres and is located on the northeast corner of Goni Road and Old Hot Springs Road. Vehicular access for the proposed Public Charter School campus is primarily two access points from Old Hot Springs Road and there is also a secondary access point from the north at Goni Road. The subject site also has pedestrian and bicycle access from College Parkway.

The applicant is proposing to construct a 72,000+ square foot Public Charter School campus on a 4.7 acre portion of the 14.05 acre site currently owned the Weikel Carson Air Park, Ltd. The subject site currently has three industrial structures, located at the southeastern portion of the site.

PROPOSED SITE DEVELOPMENT INFORMATION

1.	BUILDING SIZE:		
	High School:	1 st Floor	20,796 square feet
		2 nd Floor	19,045 square feet
	Gym/Hanger		11,494 square feet
	Stage Area		4,252 square feet
	Junior High School		10,374 square feet
	Sub-Total		65,961 square feet
	Basement		6,830 square feet
	Total		72,791 square feet

The proposed project has been designed to have a gymnasium structure located on the northern portions of the site that will act as a buffer for the rest of the school project.

2. *PROPOSED STRUCTURE HEIGHT: 35 feet maximum building height.

3. *PARKING:

Required: 92 spaces

Proposed: 136 spaces

The Silver State School parking requirement is based on parking requirements of the existing school criteria. The Silver State School is not a traditional school curriculum.

4. *LANDSCAPING AREA:

Impervious surface (without buildings) 77,146 square feet

Required Landscaping: 15,429 square feet

Proposed Landscaping: 74,515 square feet

5. *SIGNAGE: The applicant will install wall signage on the Silver State School in addition to a monument sign at the corner of Hot Springs Road and Goni Road.

6. EXISTING PARCEL SIZE: 14.05 acres

PROPOSED PARCEL SIZES

Parcel A 4.7 acres Silver State School campus

Parcel B 9.35 acres remainder

*All public district development standards relative to lot area, setbacks, building height, landscaping, off-street parking and signs shall be based on requirements and conditions of the special use permit. It is important to note the proposed Special Use Permit request is dependent of the approval of the subject MPA and ZMA applications, which was acted on by the PC with recommendations of approval to the BOS.

The applicant has noted in the application provided that the location for the charter school was based on a number of issues:

1. Parcel size and accessibility of the school to a major roadway in Carson City;
2. The charter school being in proximity to high speed fiber optics to support its technology;
3. The charter school being located adjacent to the Carson City Airport, to support its aerospace learning center.

The proposed use of the property for public uses meets the intent of the Public/Quasi-Public land use designation. Silver State School's project is based on the need for additional area for growth, which is not readily available at their current location. By locating the school adjacent to the Carson City Airport, this will allow the support needed for the aerospace curriculum to be in close proximity. The current zoning limits the use of the property to those uses permitted within the Limited Industrial zoning district, which are generally commercial/industrial in nature.

Lighting

The applicant shall submit exterior light fixture details with a building permit application for review and approval by the Planning Division. Any lighting fixtures shall be installed as to project light downward and away from adjoining properties and glare to the sky. Site lighting trespass onto adjacent locations and the night sky shall be minimized. Covers must be installed on all lighting fixtures and lamps must not extend below the bottom of the cover.

Parking

Due to the untraditional nature of the Silver State School, the parking criterion is not the traditional parking solution one would encounter. The parking criteria has been tried and tested at the existing site of the Silver State School site. The parking criteria is based on justification provided by the applicant in addition to taking into account the nature and needs of the school campus.

Landscaping

A landscaping plan will provide for unity and consistency for the subject site, which will result in an aesthetically pleasing campus environment. The total landscaped area will be 74,515 square feet.

Division of the 14.05 acre site

As noted in the submittal by the applicant, the existing 14.05 acre site is proposed to be divided, in order to create the 4.7 acre school campus site.

The subject SUP will exclude the remainder 9.35 acre area. The subject site was part of a previously approved Industrial Subdivision. The previous approval allows the property owner to create lots with a recorded record of survey subject to NRS 278.325.

Traffic

A Traffic Impact report was prepared by Palmer Engineering Group, Ltd. That report identifies that a typical high school of this size will generate approximately 850 vehicle trips on weekdays, 288 trips on weekends and 202 morning peak hour trips. However, the Silver State Charter school has seven class sessions per week, resulting in a significant decrease of the student body on campus at any given time, although staff and faculty traffic would remain constant.

Goni Road and College Parkway are currently classified as arterial streets. As such, the roadway has more than adequate capacity to handle the expected increase in traffic volume as a result of the project.

Opposition concerns

As of the writing of this staff report, written comments have been submitted expressing opposition regarding the proposed project. The basis of one opposition is the lack of compatibility of the existing non-restricted gaming use of the Comstock Casino with the proposed school use. The possibility of a negative impact on future expansion of the gaming use is their concern. It is important to note, Carson City does not have a proximity regulation regarding schools and gaming establishments within the zoning ordinance, unlike the City of Reno, Clark County and Douglas County. The current site of the charter school is within 100 feet of a 7-11 convenience store that has a limited gaming license.

The Comstock Casino is located on the property diagonally southwest of the subject parcel on property zoned Limited Industrial. Per the applicant, although this may appear as a minor conflict of land use with the proposed school, the properties are separated by berms, landscaping, and is across both Goni Road and Old Hot Springs Road.

The Carson City Airport Authority has expressed safety concerns regarding the proposed project. The applicant has addressed all concerns identified at the Airport Authority meeting on May 20, 2009, with written responses. The applicant has provided a listing of 22 airports in the United States that have schools in close proximity to airports, two of which are located in Reno, Nevada. A copy of the Airport Authority's minutes has been provided by the applicant for the Planning Commission's use.

A resident of the Comstock Mobile Home Park has concerns regarding water and sewer utilities, and questioned the inadequate line sizes proposed as they relate to the utilities in the park. Jeff Sharp, City Engineer, addressed this item at the Planning Commission meeting on November 18, 2009 noting that the Comstock Mobile Home Park is on a private water and sewer system that will not be impacted by the proposed school development. The applicant has coordinated the utility efforts with both Carson City Utilities and Manhard Consulting Inc. has determined that the existing line sizes are more than adequate to accommodate the proposed use.

Planning Commission issues, specifically noted at the November 18, 2009 meeting.

1. School proximity to the Carson City Airport.
 - The applicant has provided additional information that documents 22 educational facilities within close proximity to Airports, two of which are located in Reno, Nevada. The Carson City Municipal Code does not have any prohibition of schools or daycare facilities in close proximity to airport uses.
2. School proximity to the Comstock Casino site.
 - The applicant has provided additional information that documents eight, Junior High School and High School locations in Northern Nevada in

close proximity to gaming establishments. Information was also provided regarding the Carson City Gold Dust West Casino (formerly known as the Pinion Plaza Hotel and Casino) which documents the close proximity of 150 feet of the Carson City High School and the Gold Dust West site. The Pinion Plaza project was started in 1995 which was after the Carson High School project, which was built in the 1970's. Currently the Carson City High School has an enrollment of approximately 2,600 students and has a staff of 122 employees.

3. Impacts of a school on the future expansion of the Comstock Casino.
 - The applicant has noted the Gold Dust West Casino and Hotel, as an example of a casino/gaming project in close proximity to a school use. The Gold Dust West Casino has undertaken multiple projects since the 1995 construction, which include but are not limited to a 146 room hotel, a 32 lane state of the art, bowling center, pool and spa construction, parking lot reconfiguration, commercial remodels, addition of a RV Park and restaurant remodel.
 - It is not clear what impacts if any, the Comstock Casino will encounter as a result of future casino expansions in proximity to the proposed school campus.
4. Legal interpretation of the Nevada Gaming Commission and State Gaming Control Board regarding applications for a state gaming license.
 - The applicant has provided additional information regarding Regulation 3 that addresses the Gaming Boards position on locations that may be unsuitable and have emphasized those parts of the regulations that support the position of Silver State High School. Per the applicant and confirmed by the Planning Division staff, Carson City presently has no zoning ordinance that addresses distance proximity required between the locations of Schools and Gaming establishments.
 - The Carson City Municipal Code does have a proximity regulation specific to Adult Entertainment facilities and schools, parks, churches, residential use districts or other adult entertainments facility of 1000 feet. See CCMC 18.03 Definitions, Adult Entertainment Facility.
5. Proximity of the Fandango Casino and the Galaxy Theaters.
 - The Fandango Casino currently has direct connectivity to the Galaxy Theater in Carson City. The fact that minors utilize the theaters and are directly connected to the gaming facility was addressed and that the Galaxy Theater was a recent addition to the gaming establishment campus. The Fandango Casino opened their doors in 2003. In 2005 the Fandango embarked on an expansion which included a parking structure and 100 room hotel room facility. In 2007 the complex was expanded to include a 10 screen multi movie theater.

There is no question that the addition of the proposed school campus use to the subject site will increase physical activity that is currently generated on site. Staff has offered 46 conditions of approval to for the subject SUP including, but not limited to the following mitigation measures:

1. An Avigation Easement on the subject site is required. The easement will include an acknowledgement that the proposed project is within or near the flight path operations area of the Carson City Airport, as such the passage of aircraft may generate possible noise, dust, turbulence and similar activity as made inherent in the operations of aircraft using the air space over Carson City from taking off, landing and or operating at the Carson City Airport.
2. Acceptable screening/fencing alternatives shall be submitted to the Planning Division for review and approval with the required building permit submittal, specifically for the northern and eastern boundaries of the project area.
3. The Maximum building height for the project shall be limited to 35 feet in overall height.
4. Sound proofing materials, noise control, acoustical and vibration mitigations solutions shall be required to be submitted to the Planning Division with the required building permit, and will be the responsibility of the applicant. The goal of this condition is to provide the assurances that the school will be designed and equipped with sound insulation, which may include noise attenuating windows; additional roofing and ceiling insulation, improved doors, and related measures intended to reduce the transmission of noise into the proposed charter school facility.
5. The project plans will be required to be sent to the Federal Aviation Authority (FAA) for review and approval prior to the required building permit submittal. A copy of the FAA approval must be submitted to the Planning Division, with the required building permit.
6. This special use permit shall be reviewed by the Planning Commission two years from the date of initial approval. The applicant will provide written documentation of compliance with **all** conditions of approval to the Planning Division for the review at least 45 days prior to the review date. The Planning Commission may require additional reviews as it deems appropriate.

As in all Special Use Permits, the findings to grant approval must be met by the applicant for the project to be approved. The key issue of SUP-09-037 is the required findings for the Special Use Permit pursuant to CCMC 18.02.080 (see below).

PUBLIC COMMENTS: Public notices were previously mailed to 283 adjacent property owners within 300 feet of the subject parcel in accordance with the provisions of NRS and CCMC 18.02.045. As of December 07, 2009, written comments have been received in opposition of this application and the accompanying applications. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

Carson City Health Department:

- Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable State (NRS & NAC 444), Local and Federal codes and ordinances as they apply to this request. Plans for this facility must be submitted and approved by Carson City Health & Human Services.

Carson City Engineering Division:

- The Engineering Division has no preference or objection to the special use request. Please see the attached memo, which includes numerous conditions of approval.

Carson City Fire Department:

- No Fire Department comments at this time.

Carson City Building Division:

The following comments are applicable to MPA 09-035, ZMA 09-036, and SUP 09-037

These comments do not constitute a complete plan review, but are merely observations based on the information and plan sheets provided. The comments do not reflect all submittal requirements necessary for this project, but are those requirements that have generated concerns with similar projects in the past.

1. The building construction requires an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. The plans submitted for review shall comply with the prescriptive requirements found in the Carson City Building Division handout titled: *Commercial Submittal Requirements*. This handout may also be found online at: www.carson-city.nv.us/Index.aspx?page=181

Carson City Parks and Recreation Department:

- The Unified Pathways Master Plan (UPMP) identifies an off-street/paved/shared path directly north of the project site on airport property. As our department understands the site design, the applicant is proposing a taxi way connection from the high school to the airport. This connection needs to accommodate the City's future path. Our department is willing to discuss the related path design issues during the applicant's effort to develop project construction documents and the City's permit process. In addition, the UPMP identifies Goni Road and College Parkway as existing on-street bike lanes. Our department believes the high school should accommodate both pedestrian and bicycle access to the

project site, including an evaluation of regional connectivity issues. As a result, our department would recommend to the Planning Commission that the applicant be required to work with the City's Engineering Department to construct concrete sidewalks along Goni Road and Old Hot Springs Road, provide pedestrian crosswalks at the Goni Road and Old Hot Springs Road intersections, and provide bicycle lanes on Old Hot Springs Road.

SPECIAL USE PERMIT FINDINGS: Staff recommends that the Planning Commission approve the Special Use Permit subject to the recommended conditions of approval and based upon the following findings as required by Carson City Municipal Code (CCMC) Sections 18.02.080 (Special Use Permits) and further substantiated by the applicant's written justification.

1. The project will be consistent with the master plan elements.

Rationale: The proposed Public/Quasi-Public land use designation is consistent with the proposed public school use of the property by the Silver State School, as well as the intended future use of the property for public purposes. The current Master Plan Land Use Designation on the property of Industrial is not consistent with the proposed public school use, and therefore, is proposed to be changed.

The proposed amendment will be in substantial compliance with the following:

GOAL 1.1— PROMOTE THE EFFICIENT USE OF AVAILBLE LAND AND RESOURCES.

1.1b—Urban Service Area

Discourage growth in locations not currently served by urban services or not planned to be served by the city's water and wastewater infrastructure by prohibiting the rezoning of lands for urban development intensities in locations not served or planned to be served by urban services, as identified in the City's Water and Wastewater Master Plan.

The proposed development will be served by the existing water and sewer system. There exists a 12 inch PVC water main in Old Hot Springs Road directly to the south of the proposed project. There is an eight inch PVC sewer line to the west of the property in Goni Road.

GOAL 1.2—PROMOTE INFILL AND REDEVELOPMENT IN TARGETED AREAS

1.2a—Priority Infill and Redevelopment Areas:

Two levels of priority have been identified for areas identified for potential infill and redevelopment on the Land Use Map.

The proposed project is proposed on a portion of a site that is currently undeveloped, yet is surrounded by developed properties. To the north, is the Carson City Airport, to the east are three industrial structures, to the west is undeveloped land and to the south is commercial development.

The proposed project will provide infill in an area which is already supplied by City services including arterial roads capable of handling bus traffic, connections to sewer, water and emergency services.

GOAL 1.4—MANAGE THE IMPACTS OF FUTURE GROWTH WITHIN THE URBAN INTERFACE

1.4a—Vehicular and Pathway Access

Ensure that vehicular and pathway access to surrounding public lands are maintained as development occurs within the Urban Interface—the area at the fringe of the City's core area that borders both urban development and open lands. Require pathways, bicycle facilities, and roadway easements through future developments as identified in the Unified Pathways Master Plan.

GOAL 1.5—FOSTER COOPERATION ON MASTER PLAN ISSUES

1.5b— Coordination with State and Federal Agencies

The City shall coordinate with State and Federal Agencies, including the Bureau of Land Management and Forest Service, whose land holdings are adjacent to the City, to minimize land use conflicts within the urban interface, identify opportunities for shared recreational access or amenities, and to ensure that future plans for federal landholdings are mutually compatible with the goals and policies of this Master Plan.

The property to the north is the Carson City Airport. The applicant is required to apply to the Federal Aviation Administration for a "through the fence" access to the airport as well as the Carson City Airport Authority. As noted by the applicant, the charter school's proximity to the Carson City Airport is important to enhance the school's aerospace program.

1.5d—Coordination of Services

The City shall coordinate with internal service departments as well as other governmental organizations, such as the School District, that provide services to residents, to ensure that existing and new neighborhoods have adequate services and school sites.

The applicant has noted that the proposed school campus has the opportunity to provide compatibility with existing development as well as the ability to establish buffers with the existing land uses where there already exists a, minimum land use friction zone.

2.1a—Range of Land Use Opportunities

Ensure that the Land Use Map provides opportunities for a range of mixed-use, residential, commercial, and employment uses at a variety of scales and intensities.

2.1 d—Land Use Friction Zones

Discourage rezoning of properties that create "friction zones" between land uses—for example, placing incompatible land uses such as industrial and residential adjacent to one another. Enforce standards for transitions between residential and commercial uses and develop standards for mixed-use development to address compatibility issues.

The proposed project introduces a new public charter school in the area that is currently zoned Limited Industrial and is adjacent to the Carson City Airport. Transitions between the adjacent uses are proposed by the applicant in the form of screening, fencing, berming the use of sound proofing materials, noise control, acoustical and vibration mitigations and landscaping.

The applicant noted the proposed project will provide additional educational experience currently not readily available in Carson City, including a technical aerospace center, innovative computer facilities and other educational elements not found in conventional school systems.

GOAL 3.3—MINIMIZE IMPACTS OF POTENTIAL NATURAL DISASTER EVENTS ON THE COMMUNITY

3.3d—Floodplain and Hazard Area Development

Continue to discourage development within the 100-year floodplain and other hazard areas and require development on flood prone properties to be clustered out of the 100-year floodplain as defined by FEMA.

The property has a portion of the 100 year flood plain within its boundaries; in addition the Federal Emergency Management Agency (FEMA) has mapped the "floodway" through the property as an AE floodway. The portion of the property that is located in the floodway within the floodplain will be utilized for sports field as part of the open space.

3.3e—Geologic Hazards

Continue to require any development with an identified earthquake fault on site to have a professional geotechnical report to establish required setbacks from the fault to structures and other mitigation measures.

The site is located in an area designated as having a moderate potential for shaking during earthquakes.

4.2a—Expand Recreation Opportunities

As the City grows, provide additional community parks, pathways, sports complexes, and indoor recreational facilities to meet the needs of future residents. To the degree land can be assembled, distribute future facilities to provide facilities convenient to all major quadrants of the city.

The proposed project will include sports fields for school activities as well as scheduled events at the charter school. These areas will provide recreational opportunities for the Junior High School and High School students.

4.3a—Open Space Master Plan

Continue to review future development proposals for consistency with the City's Open Space Master Plan and continue to coordinate with the Open Space Advisory Committee and the Carson River Advisory Committee on Master Plan issues.

The proposed Master Plan Amendment is consistent with the City's Master Plan for Open Space and with the Carson City Unified Pathways Master Plan (UPMP). The development of this property has an exiting on road bike lane on Goni Road and on College Parkway. This project will be required to accommodate both pedestrian and bicycle access to the project site, including an evaluation of regional connectivity issues, as noted by the comments provided by the Parks & Recreations Department.

GOAL 5.1—MAINTAIN AND ENHANCE PRIMARY JOB BASE

5.1a—Retention/Expansion of Established Employers

Retain and promote the expansion of major employers already established within the community, such as the State of Nevada; Carson-Tahoe Hospital's Regional Medical Center and associated facilities; the Western Nevada Community College; the extensive manufacturing community; finance, real estate and insurance industries (FIR); banking, and other knowledge-based industries. Continue to coordinate the City's ongoing planning efforts and Land Use Map with major employers where applicable to ensure compatibility with their facility master plans and expansion efforts.

The existing charter school has a staff of approximately 30 employees, which will result in an increase of anticipated staff numbers, if the proposed project is approved and constructed.

GOAL 6.1—PROMOTE HIGH QUALITY DEVELOPMENT

6.1a—Durable Materials Require the use of durable, long-lasting building materials for all new development.

6.1b—Neighborhood Design

Promote variety and visual interest in the design of new neighborhoods through the incorporation of varied lot sizes, building styles and colors, garage orientation, and other features, as consistent with the land use policies contained in Chapter 3 of this Plan.

6.1c—Variety and Visual Interest

Promote variety and visual interest in the design of new development through the incorporation of well-articulated building facades, clearly defined entrances and pedestrian connections, landscaping, and other features as consistent with the City's Development Standards.

The building materials selected for the proposed facility will focus on a high level of materials for resiliency and durability with the goal of minimizing maintenance and upkeep costs for the campus.

Sound proofing materials, noise control, acoustical and vibration mitigations solutions will be required to be submitted to the Planning Division at time of the required building permit, and will be the responsibility of the applicant. The goal of this condition is to provide the assurances that the school will be designed and equipped with sound insulation, which may include noise attenuating windows; additional roofing and ceiling insulation, improved doors, and related measures intended to reduce the transmission of noise into the proposed charter school facility.

Architectural design of the proposed school will adhere to the functional norms which will include prominent features include columns, split faced block and stucco is proposed as well as large expanses of glass, per the applicant.

GOAL 6.2—PROMOTE COMPATIBLE INFILL AND REDEVELOPMENT

6.2a—Neighborhood Compatibility

Ensure that infill and redevelopment is of a scale and character that is compatible with and enhances the surrounding development context through the use of appropriate height and density transitions, similar setbacks and lot coverage, garage and loading area location and configuration, connectivity to surrounding development, and other neighborhood specific design considerations.

GOAL 9.3—MAINTAIN THE QUALITY AND CHARACTER OF ESTABLISHED NEIGHBORHOODS

9.3b—Compatibility of Infill and Redevelopment

Ensure that infill and redevelopment is designed in a manner that minimizes impacts on and is compatible with existing neighborhoods through the use of appropriate height and density transitions, similar setbacks and lot coverage, garage and loading area location and configuration, the development of park and recreational facilities, connectivity to existing neighborhoods by a pathways system, and other neighborhood specific design considerations.

The applications submitted will allow for the construction of a new school campus which will allow for the development of an undeveloped portion of the subject site, which is surrounded by developed properties. Height transitions have been suggested by the Airport Authority and are noted in the conditions of approval.

GOAL 11.1—ESTABLISH AN INTEGRATED MULTI-MODAL TRANSPORTATION SYSTEM

11.1b—Regional Coordination

Maintain an active presence in regional and state-level transportation planning activities (such as the completion of the Carson City Freeway) to identify opportunities for joint planning/construction efforts, enhanced levels of service, and to monitor the impacts of potential projects on the community. Coordinate ongoing road improvement projects with recommendations contained in the City's Unified Pathways Master Plan as appropriate to promote the most efficient use of rights-of-way and resources.

11.1c—Plan Overlap/Implementation

Seek opportunities for coordination in the implementation of the City's Transportation, Transit, and Unified Pathways Plans. Actively encourage ridership of the City's transit system.

The proposed project is adjacent to the Carson City Airport that is already served by Goni Road and College Parkway. The subject site is also within ½ mile of the new Carson City Freeway, and is served by an existing on-road bike facility as shown on the CCUPMP.

GOAL 12.1—ESTABLISH A CITY-WIDE SYSTEM OF MULTI-USE PATHWAYS

12.1a—Enhance the Pathways Network

Continue to maintain and expand the City's existing network of pathways to link distinct geographic locations within the community and to provide improved access to and

between neighborhoods, activity centers, schools, and other destinations. Provide multi-use paths where necessary as identified on the Unified Pathways Master Plan map to cross physical barriers, establish direct connections between neighborhoods, activity centers, schools (as consistent with the Safe Route to School public safety program), and other destinations, and to take advantage of available opportunities such as utility and open space corridors where possible.

12.1c—Section-by-Section Implementation

Seek opportunities to complete individual sections of the City's adopted Unified Pathways Master Plan on a site-by-site and "missing link" basis as future development occurs. Continue to require future development to construct, to City standard, on-site sidewalks and connections to adjacent pedestrian and bicycle systems as needed and coordinate the dedication of rights-of-way for planned pathway connections at the time of development.

As noted in these findings the proposed project is consistent with the UPMP. This project will be required to accommodate both pedestrian and bicycle access to the project site, including an evaluation of regional connectivity issues.

2. The project will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.

The proposed campus is set back a significant distance from existing commercial uses and is not anticipated being detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties. With the recommended conditions of approval, the proposed uses will generate no significant noise, vibrations, fumes, odors, dust, glare or physical activity which could have an adverse impact on adjacent uses.

Any lighting fixtures shall be so installed as to project light downward and away from adjoining properties and glare to the sky. Site lighting trespass onto adjacent locations and the night sky shall be minimized. Covers must be installed on all lighting fixtures and lamps must not extend below the bottom of the cover.

The conceptual landscape plans show landscaped area in excess of minimum Carson City landscaping requirements (74,515 square feet provided). The square footage of landscaping for the 4.7 acre parcel will constitute 36% of the subject site's surface. Final landscape plans submitted with the building permit will ensure compliance with other City standards for landscaping.

Sound proofing materials, noise control, acoustical and vibration mitigations solutions shall be required to be submitted to the Planning Division with the required building permit, and will be the responsibility of the applicant. The goal of this condition is to provide the assurances that the school will be equipped with sound insulation, which may include noise attenuating windows, additional roofing and ceiling insulation, improved doors, and related measures intended to reduce the transmission of noise into the proposed charter school facility.

*This Special Use Permit shall be reviewed by the Planning Commission two years from the date of initial approval. The applicant shall provide written documentation of compliance with **all** conditions of approval to the Planning Division for the review at least 45 days prior to the review date. The Planning Commission may require additional reviews as it deems appropriate.*

3. The project will have little or no detrimental effect on vehicular or pedestrian traffic.

Per the information provided by the Engineering Division this request is not in conflict with any Engineering Master Plans for streets.

A Traffic Impact report was prepared by Palmer Engineering Group, Ltd. That report identifies that a typical high school of this size will generate approximately 850 vehicle trips on weekdays, 288 trips on weekends and 202 morning peak hour trips. However, the Silver State Charter school has seven class sessions per week, resulting in a significant decrease of the student body on campus at any given time, although staff and faculty traffic would remain constant.

It is noted that Goni Road and College Parkway are currently classified as arterial streets. As such, the roadway has more than adequate capacity to handle the expected increase in traffic volume as a result of the project.

4. The project will not overburden existing public services and facilities, including schools, police and fire protection, water, sanitary sewer, public roads, storm drainage, and other public improvements.

Adequate water, sewer, road, and storm drainage facilities exist or will be required by the applicant to serve the proposed development. The facility will be required to meet all other additional requirements of the Carson City Fire Department and the Carson City Sheriff's Department.

A Drainage Impact Report was completed by Palmer Engineering Group, Ltd. and submitted to City Staff on April 16, 2009. The report notes that the conveyance of the Goni Canyon Creek storm water through this site will be based on the Hydrologic and Hydraulic Report for the FEMA Condition Letter of Map Revision report dated December 1997 by Lumos and Associates.

A Water Impact Report was completed and submitted by Palmer Engineering Group, Ltd. to City Staff on April 16, 2009. Per the report, Carson City Utilities has indicated that they do not expect any issues providing domestic and irrigation water with the existing infrastructure in the immediate vicinity.

5. The project meets the definition and specific standards set forth elsewhere in this title for such a particular use and meets the purpose statement of that district.

The Public Regional zoning district identifies Federal, state and city facilities and uses whose main purpose is to sustain wide regional needs as acceptable uses. The Conditional Uses permitted in the PR District which require approval of a Special Use Permit include:

- *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.*

All public district development standards relative to lot area, setbacks, building height, landscaping, off-street parking and signs shall be based on requirements and conditions of the special use permit and in this case have been incorporated into the conditions of approval in this staff report.

6. The project will not be detrimental to the public health, safety, convenience and welfare.

The proposed campus, with staff's recommended conditions of approval, will meet all the requirements of the Carson City Municipal Code and will not be detrimental to the public health, safety, convenience, and welfare, but will provide a much needed service to the residents of Carson City.

7. The project will not result in material damage or prejudice to other property in the vicinity.

By developing this parcel of land with the proposed school and related amenities, including an aerospace technical learning center which would effectively be supported by the airport to the north; a sports field to the east adjacent to the existing limited industrial development, and a commercially developed parcel of land across Old Hot Springs Road to the south, this proposal effectively minimizes potential land conflicts with its adjacent boundaries.

One cannot overlook that placing a school on the subject site has the possibility of impacting the adjacent gaming establishment. It is not anticipated that the proposed use will result in a detrimental impact to other properties within the vicinity.

The school is planned for 1,000 students, although due to the on-line distance nature of the curriculum, no more than 150 students will be on campus at any given time based on a schedule of seven sessions per week. This curriculum will result in a significant decrease of the student body on campus at any given time and that is an important factor in the proposed use.

The Comstock Casino is located on the property diagonally southwest of this parcel on property zoned Limited Industrial. Although this may appear as a minor conflict of land use with the proposed school, the properties are separated by berms, landscaping, and is across both Goni Road and Old Hot Springs Road.

If a motion for denial is made, here are the appropriate findings for denial: If the Planning Commission wishes to deny the application based on the evidence presented, the following findings are recommended for denial pursuant to the Carson City Municipal Code (CCMC) Sections 18.02.080 (Special Use Permits).

1. The project will **not** be consistent with the master plan elements.

The proposed charter school campus use is not consistent with Goal 2.1 d—Land Use Friction Zones.

Discourage rezoning of properties that create “friction zones” between land uses—for example, placing incompatible land uses such as industrial and residential adjacent to one another. Enforce standards for transitions between residential and commercial uses and develop standards for mixed-use development to address compatibility issues.

It is possible that the proposed charter school campus will create incompatible land uses between the adjacent commercial, industrial and public zoning districts and the subject parcel.

2. The project **will be** detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and will cause no objectionable noise, vibrations, fumes, odors, dust, glare or physical activity.

The use of the charter school campus will be detrimental to the use, peaceful enjoyment, economic value and development of surrounding properties. The Carson City Airport Authority recommended denial of the proposed Special Use noting safety and airport liability as primary concerns.

7. The project **will** result in material damage or prejudice to other property in the vicinity.

The surrounding property owners rely on the current status and operational levels of the existing industrial uses on site to determine expected impacts to their properties. The charter school use could cause material damage and prejudice to surrounding property owners, specifically by impacting future plans of the Comstock Casio for expansion. Currently the use of a School is prohibited within the Limited Industrial zoning district.

Respectfully submitted,
PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments:
Application (SUP-09-037)
Carson City Engineering Division comments
Carson City Fire Department comments
Carson City Building Division
Carson City Health Department comments
Carson City Parks & Recreation Department comments
Public comments

RECEIVED

JAN 12 2010

CARSON CITY
PLANNING DIVISION

Carson City Board of Supervisors

To whom it may concern,

My name is Jake Moebius my wife and I operate two business on College Parkway. I have sat with interest through the both of the planning commission hearings and the one Board of Supervisor meeting regarding the special use permit for Silver State High School. I find it amazing that a single property owner (Mr. Tate with Comstock Casino) has been able to garner so much interest in his objection. As I understand it, the City of Carson sent out over 280 notices to effected property owners and only Mr. Tate has raised any objection. According to my math, that would put no less than 279 affected property owners in favor of the special use permit, among them my wife and I.

It seems the primary, albeit only, objection is hinged on a fuzzy worry that at some future date it might be conceivable that an expansion of the gaming license at Comstock Casino could be compromised if the proposed High School were allowed to be built. Yet the appeal by Lumos and associates does not site a single point of fact regarding this concern. Nevada re-legalized gambling on March 19, 1931, it would seem that during the last 78 years there might be at least a single case of a gaming license that was negatively affected by re-zoning that Lumos could site in their appeal, yet they offered none. Mr. Tate alleges that the purchase of property adjoining his casino was to enable some future expansion and it might not occur if the special use permit was approved. I submit that it is not the duty of the Board of Supervisors to insure that each property owner has some codified right that any real estate investment they might make is never subject to a negative impact regarding zoning. I am sure, many persons have been before this Board protesting some project that was subsequently approved, and on the basis it could impact their property value.

It seems that the proposed project is one which would enjoy full support of the Supervisors. It brings much needed construction to this area, which is wonderful. It brings much needed additional school space to the city without indebting the citizenry, which is wonderful. It improves the graduation rate for students entering this area's workforce, which is wonderful. It inspires some students to view education in another more positive way, which is wonderful. And its location will be an asset with the close proximity to the manufacturing and business sector.

To not embrace this project, with the only objection coming from a single community member with a selfish vested interest in it's failure, would to some seem to be a hard to explain position within the community.

Sincerely
Jake Moebius

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A regular meeting of the Carson City Planning Commission was scheduled for 3:00 p.m. on Wednesday, December 16, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Vice Chairperson Craig Mullet
Commissioner Malkiat Dhami
Commissioner Steve Reynolds
Commissioner Roger Stockton
Commissioner William Vance
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
Joel Benton, Senior Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: This is a partial transcription of the above-entitled minutes, prepared at the request of Planning Division staff. A recording of the entire proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE
(3:02:58) - Vice Chairperson Mullet called the meeting to order at 3:02 p.m. Roll was called; a quorum was present. Chairperson Kimbrough was absent. Commissioner Vance led the pledge of allegiance. Commissioner Reynolds arrived at 3:14 p.m.

H. PUBLIC HEARING MATTERS:

H-1. SUP-09-037 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM PALMER ENGINEERING GROUP (PROPERTY OWNER: WEIKEL CARSON AIR PARK, LTD.) TO ALLOW A CHARTER SCHOOL CAMPUS ON PROPERTY TO BE ZONED PUBLIC REGIONAL (PR), LOCATED AT 2222 COLLEGE PARKWAY, APN 005-011-03 (3:16:07)
- Commissioner Reynolds recused himself from this item "due to business associations," and stepped from the dais. Vice Chairperson Mullet introduced this item. Ms. Pruitt oriented the commissioners to the subject site, using a displayed aerial photograph, and reviewed the agenda materials. She noted 46 conditions of approval included in the staff report, and specifically reviewed mitigation measures, as provided in conditions of approval 15, 16, 17, 19, 20, and 21. She further reviewed the public noticing process, as outlined in the staff report, and listed the written comments received, copies of which were included in the agenda materials. In reference to the May 21, 2009 Airport Authority minutes included in the agenda materials, she noted that Airport Authority Chair Harlow Norvell was present in the meeting room to address questions. She narrated pertinent slides. She advised of having received a telephone call from Airport Authority Counsel Steve Tackes earlier in the day, who requested her to emphasize that the Airport Authority had not approved the project.

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(3:34:00) Site Planner / Urban Designer George Szabo introduced the development team, provided an overview of the presentation format, and reviewed the conceptual site plan which was displayed in the meeting room. He acknowledged agreement with the conditions of approval.

(3:38:30) Silver State Charter Schools Superintendent and Principal Steve Knight introduced Silver State Charter Schools Board members, who were present in the meeting room, and provided detailed information regarding the operation of Silver State Charter Schools.

(3:47:07) In response to a previous question, Mr. Palmer reviewed various required distances between schools and gaming establishments throughout Nevada. He provided an overview of new information, provided by Commercial Realtor John Uhart, which was included in the agenda materials. He requested to amend condition of approval 20 to indicate "if required by the FAA." Mr. Plemel read condition of approval 20 into the record, and explained the requirement. In reference to condition of approval 18, Mr. Palmer assured the commission there will be no "through the fence" operation. In consideration of the Parks and Recreation Department request for trailhead access, he advised of no problem "in working with Parks and establishing that, but the airport may have a problem with that. They don't want just somebody to have a hiking trail go on to airport property and not have control over that." Mr. Palmer reiterated a willingness to work with Parks and Recreation Department representatives "as part of that application in the future," noting the need for caution. Following the discussion, Mr. Palmer acknowledged a willingness to leave condition of approval 20 as stated. He clarified his concern with regard to "getting into a process that isn't necessarily required but could delay the school a significant amount of time." He advised of having been informed by Mr. Knight of his favorable discussions with Airport Authority Chair Harlow Norvell.

(3:58:58) In reference to a question from the October commission meeting, Commercial Realtor John Uhart explained the criteria used to establish property value. "In this particular case, Mr. Tate's property is ... an infill piece. It's not necessarily large enough for a ... shopping center. It's certainly large enough for what we consider a neighborhood strip mall, perhaps office buildings, medical or professional, or ... a specific need." Mr. Uhart noted that Mr. Tate's property is located at a signalized intersection, and advised that such locations "will also bring in fast food, restaurants, those type of users. And those are dictated basically by parcel size, demographics, traffic counts, and such." Mr. Uhart advised that retail, office, and industrial properties across northern Nevada, at this time, are "an average of 20 percent vacant." This represents "triple ... what we were. And what comes into play now is a supply and demand for that piece of property." Mr. Uhart advised that gaming is "down over 20 percent all across Nevada ... so I'm not so sure that anything will be built there in the long run ..." Based on the vacancy rate, he explained "land value is going to be a specific use; ... someone who wants that land ..." In consideration of investment, "then we have to look at rents ..." In consideration of Mr. Tate's property, Mr. Uhart predicted "we are down the road with any type of development of any nature ... in that area." He further predicted "value is always going to hold ... either for that specific use or ... for an investor in the future, a developer-type who will build on a piece of property like that." He reviewed research information indicating that taxable sales in Carson City, from 2008 to 2009, decreased 23.8 percent. He noted that the proposed charter school is a "\$14 to \$15 million project ... It's going to generate jobs, it's going to generate construction materials, all of which are way down." He reviewed additional research information pertinent to building construction taxable sales, and discussed the benefits of the proposed project to the community. He advised of having invested a great deal of time "combing Carson City ... trying to find a suitable site ... and this particular piece of property" meets the need of Silver State Charter School.

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Vice Chairperson Mullet entertained questions or comments of the commissioners and, when none were forthcoming, entertained public comment. (4:06:55) Audra Miller, of Lumos and Associates representing the Comstock Casino, referred to Mr. Tate's objection, at the October commission meeting, to the master plan amendment, zoning map amendment, and special use permit. After having reviewed the supplemental information provided by the applicant, Ms. Miller renewed objection to the special use permit. She explained the issue, for Comstock Casino, is "about compatibility and expectations." In reference to the City's recently-updated comprehensive master plan, she noted the "whole area was shown as industrial. This makes sense because the airport is in this area, the Comstock Casino is there, and there are many industrial properties in the vicinity." Property owners' participation in a master plan update process involves "certain expectations ... Most notably, they want some sort of assurance as to what the future holds or what the City thinks the future holds for not only their property, but the properties surrounding them. ... they want to be good neighbors and they want to make sure that their businesses are going to remain viable and that they are actually going to be able to achieve their long-term plans ..." In consideration of the applicants' criteria for their use, "the same is true for Comstock Casino. They want to be in an area where they're not going to offend the general public, they want to be on a main street, they want to make sure they have sufficient land to expand ..." In reference to the City's comprehensive master plan, at Chapter 5, Ms. Miller noted Goal 5.1(a) "to retain and expand existing employers and coordinate with those employers to ensure compatibility for expansion plans." She noted the goal represents "sensitivity in your master plan for existing uses."

On behalf of the Comstock Casino, Ms. Miller expressed the belief that the proposed project does not meet two of the required special use permit findings. "(1) The project will be detrimental to the use, peaceful enjoyment, and economic value of the surrounding properties; and (2) it will result in material damage or prejudice to the property owners." Ms. Miller expressed the belief that there are currently no conflicts or incompatible uses in the area of the Comstock Casino, nor in the foreseeable future, based on the current master plan. Comstock Casino representatives have expressed understanding with regard to existing casinos, most notably the Pinion Plaza, in close proximity to a school. "But that is the here and now. They are concerned about the future." Ms. Miller noted that "community values change over time and what is important today or not important today can change very easily tomorrow. While Carson City does not have a specific standard on the minimum separation between schools and casinos, ordinances get amended all the time and that could change." Ms. Miller noted Comstock Casino's right to expand, based on the current zoning. "If the ordinance is changed at all to change the situation where there are considerations for schools, like other uses, they would probably have to come in and get an SUP which means the burden now shifts to them to defend their business operation and their expansion plans."

Ms. Miller noted that gaming licenses are privilege licenses, and read into the record a portion of the pertinent statute. "Right now, [Mr. Tate] doesn't have to show anything ... if he needed to change his license, but if the school comes in, the burden then shifts to him and he has to prove that it is still a suitable use." The Gaming Control Board will consider ordinances passed by Carson City if there is a conflict with current zoning. Ms. Miller reiterated Comstock Casino representatives' concern over the future. In consideration of the casino, as an existing, ongoing operation, Ms. Miller respectfully requested the commission's denial of the special use permit. She acknowledged no additional burden to the casino owner under existing City ordinances.

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(4:13:15) Comstock Casino Owner Scott Tate discussed the importance of making decisions in consideration of the public's health, welfare, and safety. He expressed concern over the safety of students in proximity to "quite busy Goni Road" and within 200 feet of a non-restricted gaming facility. He discussed the strict standards to prohibit underage gambling, drinking, and sale of tobacco products. He reiterated the request for the commission to consider the community's health, safety, and welfare.

(4:15:03) Carson City Chamber of Commerce Executive Director Ronni Hannaman noted that a second high school has been needed in Carson City "for a long time." She discussed the benefit of Silver State Charter School's vocational and technical programs. She noted the applicant was not requesting public funding "from the few people who pay property taxes here." She further noted the lack of available land in Carson City. In reference to the Carson Nugget's recent proposal, she pointed out that the proposed library will be much closer to a gaming facility than the proposed charter school. She expressed support for the proposed project.

(4:18:11) Metcalf Builders CEO Tom Metcalf advised that he serves as a board member of the Associated Builders and Contractors, has served as past president of the Builders Association of Western Nevada and past chair of the Carson-Tahoe Regional Healthcare Board of Trustees, and was appointed by the Governor to the State Public Works Board. He advised that the State Public Works Board was presented with "\$1.4 billion in requests for vertical construction for the State of Nevada. We authorized \$810 million to the legislature and the legislature approved \$157 million for two years of construction." In reference to Mr. Uhart's comments, he advised "this project could be \$14 to \$15 million. ... That \$14 to \$15 million in this community, in a ten-year period, will recycle two to three times. That's \$30 to \$45 million in this community." In consideration of the City's current 13 percent unemployment rate, he advised that the construction industry is at a "25%-plus unemployment rate." In response to a question regarding new construction versus renovation costs, he advised that "it depends on specific use. ... It can be less expensive to renovate an existing building, but ... for a higher education building of this specificity, that most likely, the most economical would be to build brand new because you're building around curriculum and you're building around a specific use."

(4:21:03) Dan Leck, MAI, advised of having done business in Carson City for the past twenty years. He further advised that Mr. Uhart had recently inquired of him as to "any detrimental issues associated with bringing the school there." Mr. Leck advised that "highest and best use today is whatever somebody can use that property for. The demand does not exist." He expressed the opinion that the commission would have to decide the issue of compatibility. He expressed the further opinion that the proposed school will not be detrimental. "I think it will, ultimately in the case of Mr. Tate, be a benefit for him." He discussed various scenarios where parents of students may patronize the casino. In reference to Ms. Miller's presentation, he discussed the importance of "living with what we have today." He discussed gaming trends in consideration of "children and gaming," and expressed the personal opinion that the proposed development will not detrimentally impact the Comstock Casino. He advised that Mr. Tate owns the Bonanza Inn and Casino in Fallon, and that "single-family homes and apartments" abut the property along the southern, southwestern, and southeastern borders. He expressed the opinion that the proximity of the residential properties has not hurt Mr. Tate's Fallon establishment. He noted that the Silver State Charter School will be supervised.

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(4:26:50) Jodi Weikel advised that she operates two businesses in the Carson Air Park and that, since the last meeting, she has repeatedly driven by the Comstock Casino and counted the number of cars. She acknowledged her research results were unscientific and reviewed average counts at various times of the day. She advised that most of the area businesses operate Monday through Friday, from 6:00 a.m. to 5:00 p.m., and that the casino starts “ramping up ... around 5:00 [p.m.]”

(4:28:28) Steve Knight expressed support for Mr. Tate’s concern regarding student safety. He advised that the Silver State Charter School’s current location is “30 feet from the 7-Eleven which does sell alcohol and cigarettes ... and ... right across the street is Bully’s Casino.” He further advised of never having had a complaint about any student attempting to purchase alcohol or cigarettes or attempting to gamble.

Vice Chairperson Mullet called for additional public comment and, when none was forthcoming, entertained additional questions, comments, or discussion of the commission. In consideration of his previous concerns relative to the health, safety, and welfare of students, the potentially adverse impact to the Comstock Casino, and the potentially adverse impact to airport expansion, Commissioner Wendell advised of having listened to all the testimony and reviewed all of the documentation. He commended Mr. Palmer, Mr. Uhart, and Ms. Pruitt on the comprehensive information provided, and the citizens on their testimony regarding the school’s benefit to the community. He expressed support for the special use permit, and offered to make a motion. Commissioner Vance expressed agreement with Commissioner Wendell’s comments, and the opinion that the commission is obligated to review the application under the existing ordinances and conditions. “Under that, it imposes ... absolutely no hardship for gaming expansion at the Comstock.” Commissioner Vance expressed strong support for the proposed development, and the opinion that the school needs to be in close proximity to the airport “if they are to carry forward with future plans which is to have some sort of an aeronautical operation there ...” Commissioner Dhami advised of having listened carefully to the testimony provided, and expressed support for the proposed development. He expressed the opinion there will be no adverse impact to the casino. Commissioner Stockton expressed agreement with previous comments in consideration of basing “a decision today off what might be changed somewhere down the road.” He expressed understanding for Mr. Tate’s concerns, and advised of having reviewed all the material from the last commission meeting. He expressed the opinion the proposed development represents an appropriate use of the property with minimal impact based on the existing regulations and ordinances.

In response to a question, Ms. Pruitt explained the differences between an adult facility and a gaming facility as defined in the ordinance. Mr. Plemel advised that the information was included in the agenda materials to demonstrate that the ordinance “doesn’t ignore setbacks between uses. There are instances where we do use setbacks and gaming is not one of those uses.” In response to a question regarding parking, Ms. Pruitt acknowledged the uncertainty of future uses, but advised that the current parking requirements apply to the currently proposed use. She advised that Mr. Knight had worked with Planning Division staff, in 2003, regarding parking requirements at the current location of Silver State Charter School. “Parking in 2003 was very specific to the site, very specific to the school. Since then, we have worked with them; they’ve dealt with parking passes. We haven’t had any issues with the parking situation on site.” Ms. Pruitt advised that school representatives very specifically understand their parking needs, and expressed certainty that parking requirements will be satisfied for the proposed development.

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DRAFT

In response to a question, Mr. Palmer advised that the school was designed in consideration of “ultimate build out for the entire capacity of the space and the needs. We don’t exactly know what that’s going to be twenty years from now, but we want to accommodate that if those things come in place.” In consideration of available funding, Mr. Palmer expressed the belief that as large a facility as possible will be built, in the first phase, to accommodate existing students and future capacity. Mr. Knight discussed the statutory requirement for physical education credits. In response to a further question, he discussed use of the Silver State Charter School facility by state agencies and private organizations. He acknowledged the Silver State Charter School is a public facility. In response to a previous question, Mr. Szabo reviewed parking requirements pursuant to the Carson City Municipal Code. In response to a comment, Mr. Palmer advised of having considered locating the building further to the east to accommodate more distance between the school and the casino. “We have a flood plain to contend with and that’s one of the reasons why that’s a field.”

Vice Chairperson Mullet acknowledged the difficulties associated with the decision in consideration of the need for a school and the concerns of existing property owners. He entertained a motion. **Commissioner Wendell moved to approve SUP-09-037, a special use permit application to allow a public charter school campus facility as a conditional use on property to be rezoned from limited industrial to public regional, located at 2222 College Parkway, APN 005-011-03, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Vance seconded the motion. Motion carried 4-1-1, Commissioner Reynolds abstaining.** Mr. Plemel advised that the commission’s recommendations of approval for the zoning map amendment and master plan amendment, from the October commission meeting, will be forwarded to the Board of Supervisors at their January 7, 2010 meeting. He explained that the validity of the special use permit is contingent upon the Board’s approval of the zoning map and master plan amendments. He further advised of the ten-day appeal period associated with the commission’s approval of the special use permit application. Vice Chairperson Mullet thanked the applicants, their representatives, and the citizens for their attendance and participation.

City of Carson City Agenda Report

Date Submitted: January 12, 2010

Agenda Date Requested: January 21, 2010

Time Requested: 20 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: Action to introduce, on first reading, Bill No. _____, an ordinance to amend the zoning on a portion of the parcel from Limited Industrial (LI) to Public Regional (PR), located at 2222 College Parkway, APN 005-011-03. (ZMA-09-036) (Jennifer Pruitt)

Summary: The proposed Zoning Map Amendment would allow a 4.7 acre portion of the property to be zoned Public Regional (PR), in order for the land to be developed for the proposed Silver State High School campus. The 9.35 acre remainder of the subject site would retain the existing Limited Industrial zoning designation.

Type of Action Requested

Resolution

Ordinance - First Reading

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval on November 18, 2009 with a vote of 5 ayes, 0 nays and 2 absent.

Recommended Board Action: I move to introduce, on First Reading, Bill No. _____, an ordinance to amend the zoning on a portion of the parcel from Limited Industrial (LI) to Public Regional (PR), located at 2222 College Parkway, APN 005-011-03, based on the findings contained in the staff report.

Explanation for Recommended Board Action: The Board of Supervisors, pursuant to the Carson City Municipal Code, is required to take final action on all zoning map amendments. This is the first of two readings to amend the Title 18 City Zoning Map by ordinance. A Special Use Permit for the proposed Charter School was approved by the Planning Commission on December 16, 2009. Approval of the Master Plan Amendment and Zoning Map Amendment is required in order for the project to proceed. See the complete staff report to the Planning Commission for more information.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.075 (Zoning Map Amendments).

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives:

- 1) Approve the Zoning Map Amendment
- 2) Deny the Zoning Map Amendment.
- 3) Refer the matter back to Planning Commission for further review.

Supporting Material:

- 1) Ordinance
- 2) Planning Commission Case Record
- 3) Staff Report

Prepared By: Janice Brod, Management Assistant V

Reviewed By:

_____	Date: _____
(Planning Director)	
_____	Date: _____
(Public Works Director)	
_____	Date: _____
(City Manager)	
_____	Date: _____
(District Attorney's Office)	

Board Action Taken:

Motion: _____	1) _____	Aye/Nay
	2) _____	_____

(Vote Recorded By)

ORDINANCE NO. 2010- _____

BILL NO. _____

AN ORDINANCE TO CHANGE THE ZONING OF APPROXIMATELY A 4.7-ACRE PORTION OF APN 005-011-03 FROM LIMITED INDUSTRIAL (LI) TO PUBLIC REGIONAL (PR), OF APN 005-011-03.

Fiscal Effect: None

THE CARSON CITY BOARD OF SUPERVISORS HEREBY

ORDAINS: THE CARSON CITY BOARD OF SUPERVISORS HEREBY ORDAINS:

SECTION I:

An application for a Zoning Map Amendment on Assessor's Parcel Number 005-011-03, property located at 2222 College Parkway, Carson City, Nevada, was duly submitted by the Carson City Planning Division in accordance with Section 18.02.075, et seq. of the Carson City Municipal Code (CCMC). The request will result in the zoning designation of approximately a 4.7 acre portion of the subject property changing from Limited Industrial (LI) to Public Regional (PR). After proper noticing pursuant to NRS 278 and CCMC Title 18, on November 18, 2009, the Planning Commission, during a public hearing, reviewed the Planning Division staff report, took public comment and voted 7 ayes, 0 nays to recommend to the Board of Supervisors approval of the Zoning Map Amendment.

SECTION II:

Based on the findings that the Zoning Map Amendment would be in substantial compliance with the goals, policies and action programs of the Master Plan, that the Amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity, that the Amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare, and that the request satisfied all other requirements for findings of fact enumerated in CCMC Section 18.02.075(5), the zoning map of Carson City is amended changing the zoning designation of approximately a 4.7-acre portion of property identified as 2222 College Parkway, APN 00-011-03, from Limited Industrial (LI) to Public Regional (PR), as shown on "Exhibit A," attached.

PROPOSED this ____ day of _____, 2010.

PROPOSED BY Supervisor _____

PASSED on the ____ day of _____, 2010.

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

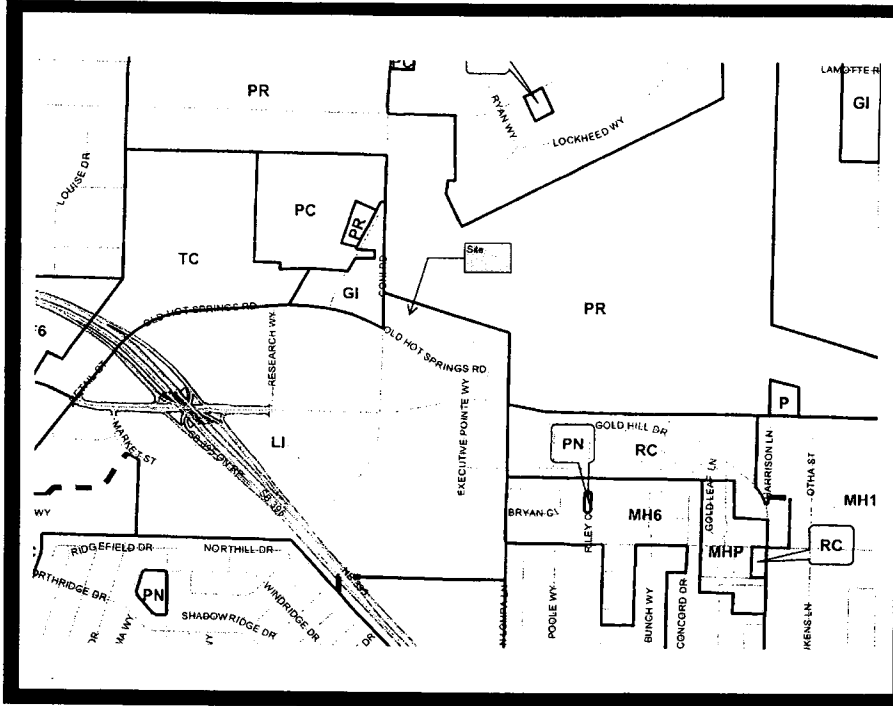
ROBERT L. CROWELL, Mayor

ATTEST:

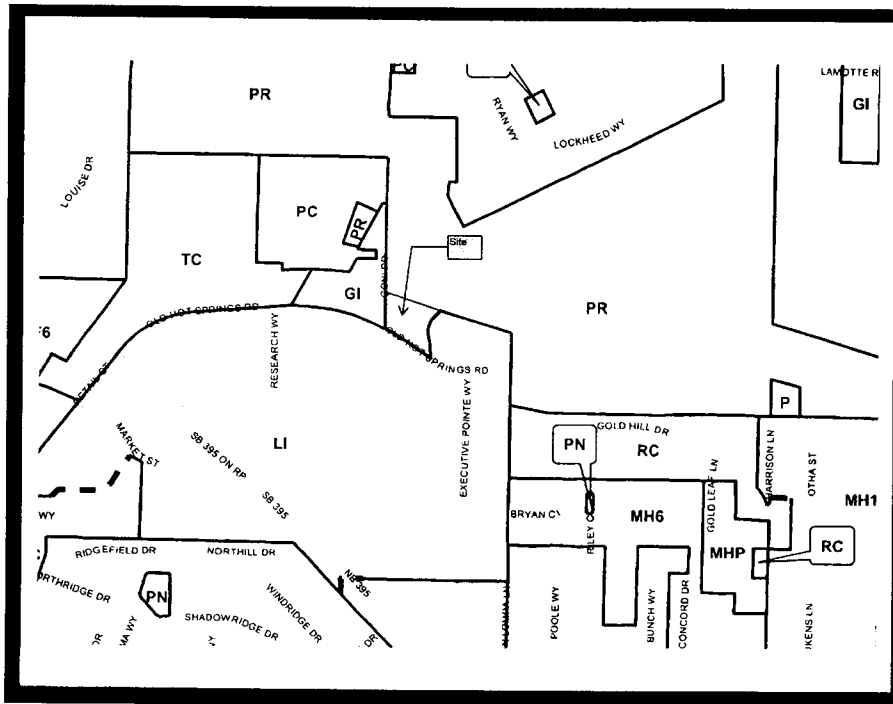
ALAN GLOVER, Clerk-Recorder

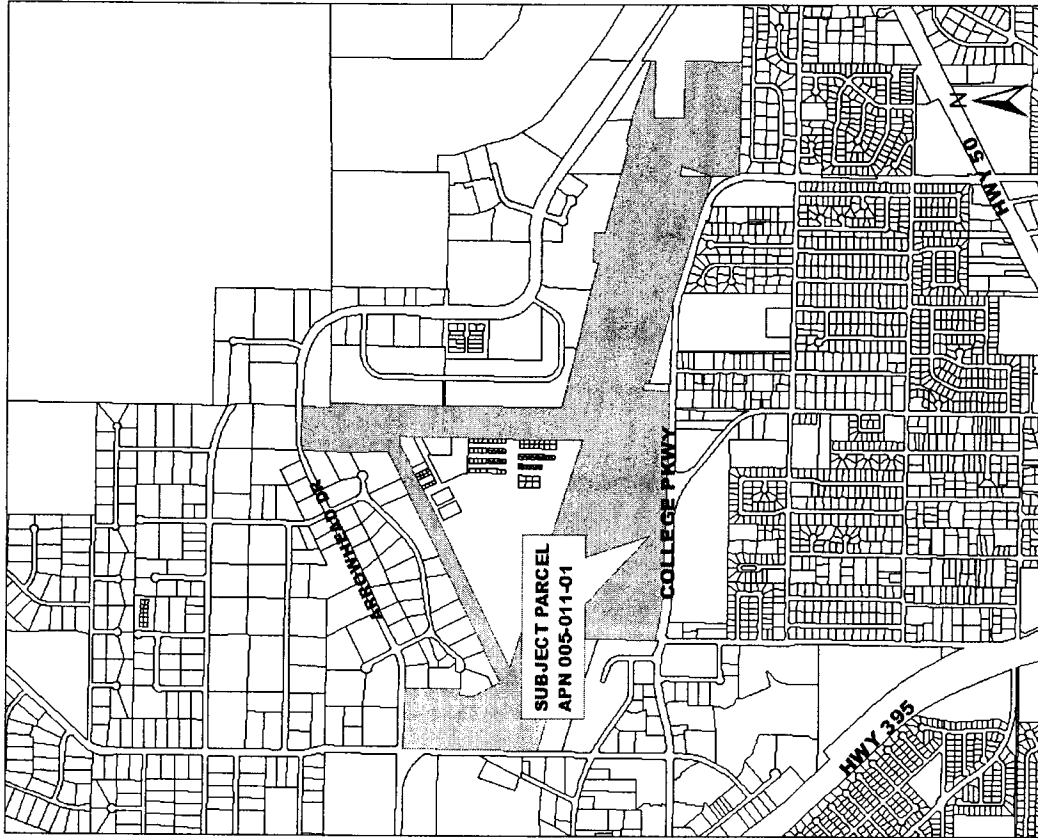
This ordinance shall be in force and effect from and after the ____ of _____, 2010.

EXISTING ZONING MAP



PROPOSED ZONING MAP





VICINITY MAP ADM-09-101

CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: November 18, 2009

AGENDA ITEM NO.: H-3(B)

APPLICANT(s) NAME: Palmer Engineering Group
PROPERTY OWNER(s): Weikel Carson Air Park Ltd.

FILE NO. ZMA-09-036

ASSESSOR PARCEL NO(s): 005-011-03
ADDRESS: 2222 College Parkway

APPLICANT'S REQUEST: Action to make a recommendation to the Board of Supervisors on a Zoning Map Amendment application to change the zoning on a portion of the parcel from Limited Industrial (LI) to Public Regional (PR).

COMMISSIONERS PRESENT: KIMBROUGH MULLET STOCKTON
 DHAMI REYNOLDS VANCE WENDELL

STAFF REPORT PRESENTED BY: Jennifer Pruitt REPORT ATTACHED
STAFF RECOMMENDATION: APPROVAL
APPLICANT REPRESENTED BY: Mark Palmer, Steve Knight, George Szabo

___ APPLICANT/AGENT WAS
PRESENT AND SPOKE

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

No persons spoke in favor or in opposition of the proposal

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

N/A

MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT

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

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: January 7, 2010

**City of Carson City
Agenda Report**

Date Submitted: January 12, 2010

Agenda Date Requested: January 21, 2010

Time Requested: 10 minutes

To: Mayor and Board of Supervisors

From: Public Works - Planning Division

Subject Title: Action to approve a Master Plan Amendment application to modify a portion of a parcel from Industrial (I) to Public/Quasi-Public (P/QP) for property located at 2222 College Parkway, APN 005-011-03. (MPA-09-035) (Jennifer Pruitt)

Summary: The proposal would amend the boundaries of the Master Plan Land Use Map to remove the current Industrial designation from a 4.7 acre portion of the subject site and change it to the Public/Quasi-Public designation. The 9.35 acre remainder of the subject property would retain the existing Industrial designation. This application is being processed concurrently with ZMA-09-036 for a public charter school campus.

Type of Action Requested:

Resolution

Ordinance

Formal Action/Motion

Other (Specify)

Does This Action Require A Business Impact Statement: Yes No

Planning Commission Action: Recommended approval on November 18, 2009 by a vote of 5 Ayes, 0 Nays, and 2 Absent.

Recommended Board Action: I move to approve a Master Plan Amendment application to modify a portion of a parcel from Industrial to Public/Quasi-Public for property located at 2222 College Parkway, APN 005-011-03. based on the findings contained in the staff report.

Explanation for Recommended Board Action: The Board of Supervisors is required to take final action on all Master Plan Amendments. A Special Use Permit for the proposed Charter School was approved by the Planning Commission on December 16, 2009. Approval of the Master Plan Amendment and Zoning Map Amendment is required in order for the project to proceed. See the attached staff report to the Planning Commission for further information.

Applicable Statute, Code, Policy, Rule or Regulation: CCMC 18.02.070 (Master Plan).

Fiscal Impact: N/A

Explanation of Impact: N/A

Funding Source: N/A

Alternatives: 1) Deny the application, or
2) Refer the matter back to Planning Commission for further review.

Supporting Material:

- 1) Resolution 2009-PC-1
- 2) Case Record
- 3) Staff report

Prepared By: Janice Brod, Management Assistant V

Reviewed By:

_____	Date: _____
(Planning Director)	
_____	Date: _____
(Public Works Director)	
_____	Date: _____
(City Manager)	
_____	Date: _____
(District Attorney's Office)	

Board Action Taken:

Motion: _____

1) _____	Aye/Nay
2) _____	_____

(Vote Recorded By)

RESOLUTION 2009-PC-1

A RESOLUTION RECOMMENDING TO THE BOARD OF SUPERVISORS APPROVAL OF MPA-09-035, A MASTER PLAN AMENDMENT TO CHANGE THE MASTER PLAN LAND USE DESIGNATION OF A PORTION OF APN 005-011-03, APPROXIMATELY 4.7 ACRES, LOCATED AT 2222 COLLEGE PARKWAY, FROM "INDUSTRIAL" TO "PUBLIC/QUASI-PUBLIC."

WHEREAS, NRS 278.210 requires that any adoption of a master plan amendment shall be by resolution of the Planning Commission; and

WHEREAS, the Planning Commission has given proper notice of the proposed amendment in accordance with the provisions of NRS 278.315 and CCMC 18.02.070, and is in conformance with City and State legal requirements; and

WHEREAS, on November 18, 2009, the Planning Commission obtained public testimony and duly considered recommendations and findings for the proposed master plan amendment, and approved Master Plan Amendment request MPA-09-035 by an affirmative vote of a two-thirds majority of the Commission, at least five members of the seven-member Commission, pursuant to NRS 278.210, based on four findings of fact; and

WHEREAS, the mission of Silver State High School is to provide a quality, public secondary alternative high school and junior high school campus to meet the specific educational needs and concerns of students that are in danger of dropping out of school.

NOW, THEREFORE, the Carson City Planning Commission hereby recommends to the Carson City Board of Supervisors approval of the Master Plan Amendment to change the Master Plan Land Use designation of a portion of APN 005-011-03, located at 2222 College Parkway, from "Industrial" to "Public/Quasi-Public," as illustrated in the attached Exhibit A.

ADOPTED this 18th day of November, 2009

VOTE: AYES: Commissioner William Vance
Commissioner Steve Reynolds
Commissioner George Wendell
Vice Chairperson Craig Mullet
Chairperson Mark Kimbrough

NAYS: None.

ABSENT: Commissioner Malkiat Dhani
Commissioner Roger Stockton

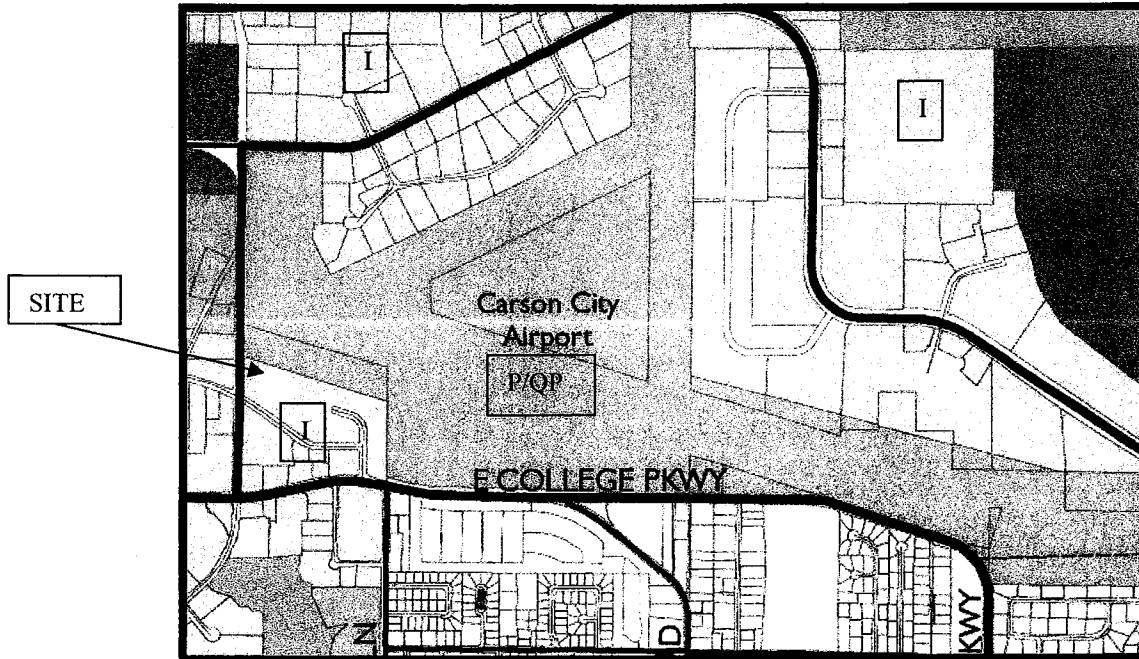

Mark Kimbrough, Chairman

ATTEST:

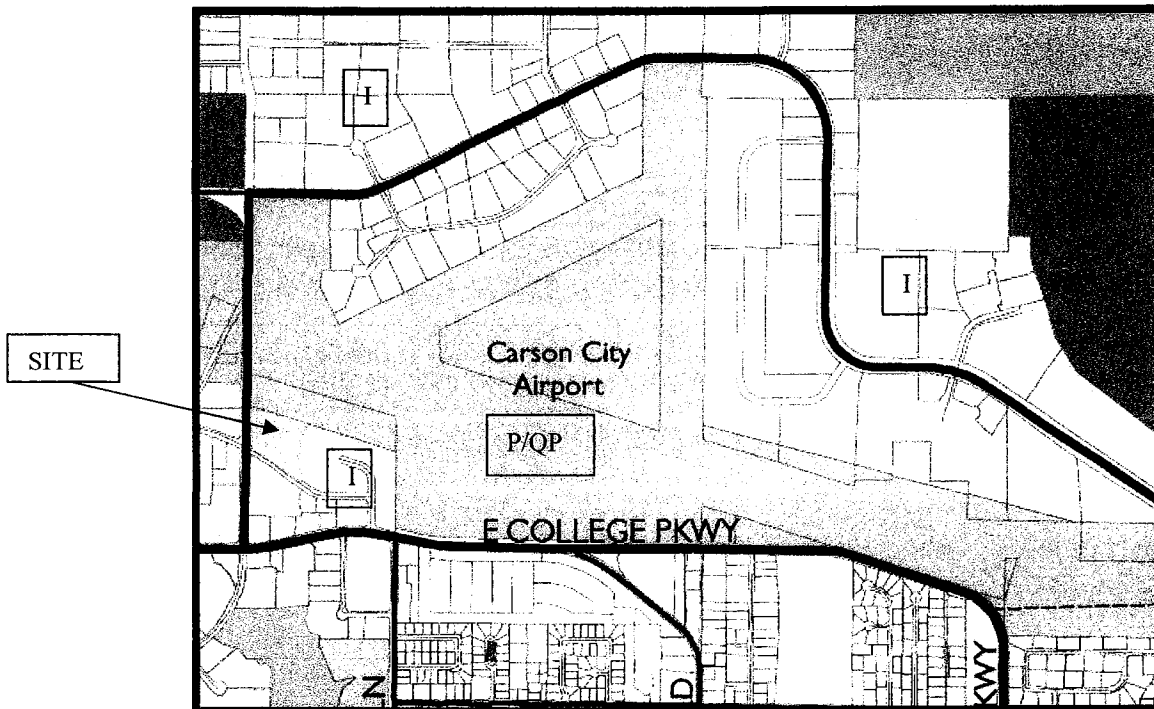
LEE PLEMEL, AICP, Planning Director

EXHIBIT "A"

EXISTING MASTER PLAN DESIGNATION



PROPOSED MASTER PLAN DESIGNATION



Public Quasi-Public

P/QP



Industrial

I



CARSON CITY PLANNING COMMISSION

CASE RECORD

MEETING DATE: November 18, 2009

AGENDA ITEM NO.: H-3(A)

APPLICANT(s) NAME: N/A
PROPERTY OWNER(s): N/A

FILE NO. MPA-09-035

ASSESSOR PARCEL NO(s): 005-011-03
ADDRESS: 2222 College Parkway

APPLICANT'S REQUEST: Action to adopt a resolution making a recommendation to the Board of Supervisors regarding a Master Plan Amendment to modify a portion of a parcel from Industrial (I) to Public/Quasi-Public (P/QP).

COMMISSIONERS PRESENT: [X] KIMBROUGH [X] MULLET [] STOCKTON
[] DHAMI [X] REYNOLDS [X] VANCE [X] WENDELL

STAFF REPORT PRESENTED BY: Jennifer Pruitt [X] REPORT ATTACHED
STAFF RECOMMENDATION: [X] APPROVAL
APPLICANT REPRESENTED BY: Mark Palmer, Steve Knight (SSCS), George Szabo

[X] APPLICANT/AGENT WAS PRESENT AND SPOKE

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

No persons spoke in favor or in opposition of the proposal.

DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Public comments:

Anne Cox-Comstock MHP- Concern that MHP is "full of seniors"; concerns of impacts on water and sewer system. Litter, loitering students, multiple cars, "rap music", "monitoring of students".

Scott Tate-representing Comstock Casino (owner)- Concerns for health, safety and welfare of students; proximity to casino, traffic concerns, student safety. Casinos are held to a high standard by the State regarding under-aged gambling. There is a difference between the limited gaming facilities referenced in the application and the unlimited gaming of the Comstock Casino.

Jake Mobius- representing the school site property owner. Pilots look for open spaces to crash land, not buildings.

Steve Knight-Silver State Charter School- No complaints from 7-11 near existing school regarding kids trying to gamble or buy cigarettes or alcohol. Kids are monitored around the premises. No vandalism at the school.

**MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AND CONDITIONS AS
ENUMERATED ON THE STAFF REPORT**

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

SCHEDULED FOR THE BOARD OF SUPERVISORS

DATE: January 7, 2010

**STAFF REPORT FOR PLANNING COMMISSION MEETING OF
NOVEMBER 18, 2009 (modified)**

FILES : MPA-09-035 and ZMA-09-036

AGENDA ITEMS: H-3A and H-3B

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

REQUEST:

1. A Master Plan Amendment to change the Land Use Designation of a portion (4.7 acres) of APN 005-011-03 from Industrial to Public/Quasi-Public on a 14.05 acre site.
2. A Zoning Map Amendment to change a portion (4.7 acres) of the subject parcel from Limited Industrial (LI) to Public Regional (PR) on a 14.05 acre site.

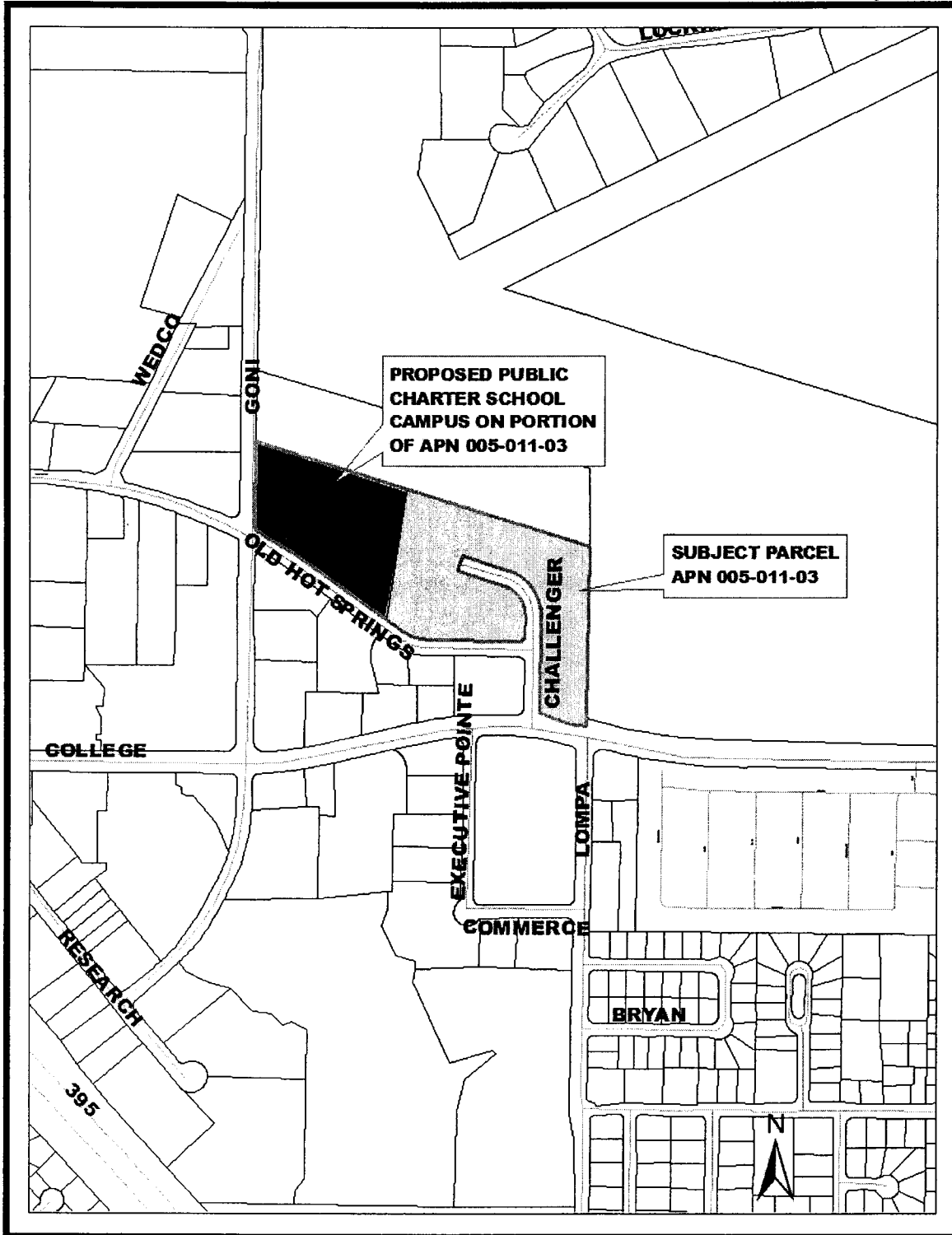
APPLICANT: Palmer Engineering Group, Ltd.

OWNER: Weikel Carson Air Park Ltd.

LOCATION: 2222 College Parkway; APN 005-011-03

MPA-09-035 **RECOMMENDED MOTION:** “I move to adopt Resolution 2009-PC-1 recommending to the Board of Supervisors approval of MPA-09-035, a Master Plan Amendment to change the Master Plan Land Use designation of a portion of APN 005-011-03, from Industrial to “Public/Quasi-Public” based on the findings contained in the staff report.”

ZMA-09-036 **RECOMMENDED MOTION:** “I move to recommend to the Board of Supervisors approval of ZMA-09-036, a Zoning Map Amendment to change the zoning of a portion (4.7 acres) of the subject parcel, APN 005-011-03, from Limited Industrial (LI) to Public Regional, property located at 2222 College Parkway, based on the findings contained in the staff report.”



LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.070 (Master Plan); 18.02.075 (Zoning Map Amendments); and 18.04.185 (Public Regional).

MASTER PLAN DESIGNATION: Industrial

PROPOSED MASTER PLAN DESIGNATION: Public/Quasi Public/ Industrial

ZONING DESIGNATION: Limited Industrial

PROPOSED ZONING DESIGNATION: Limited Industrial/Public Regional

KEY ISSUES:

- Would the Zoning Map Amendment be consistent with the proposed Carson City Master Plan?
- Will the proposal be detrimental or cause material damage to surrounding properties in the vicinity?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Public Regional (PR) – Carson City Airport
SOUTH: Limited Industrial (LI) – Commercial
EAST: Public Regional (PR) – Carson City Airport
WEST: General Industrial (GI) – Vacant

ENVIRONMENTAL INFORMATION:

1. FLOOD ZONE: Zones B and A2 – Portions of the subject property are subject to flooding.
2. SLOPE/DRAINAGE: The site is level and subject to flooding. Flooding and drainage issues will be addressed with the proposed construction.
3. EARTHQUAKE: There is not an identified earthquake fault onsite.

BACKGROUND:

The Silver State High School opened its doors in 2003 and in September of 2009 expanded its curriculum to accommodate Junior High School students. The Silver State School facilities are currently located at 3716 North Carson Street. The Silver State School is a ***Free Public*** on-line distance education junior high and high school. Students attend classes once per week to meet with their teachers and do their remaining class work on-line. This format allows students to make appointments or come in on other days to get individualized help from their teachers.

The school is planned for 1,000 students, although due to the on-line distance nature of the curriculum, no more than 150 students will be on campus at any given time based on a schedule of seven sessions per week.

Charter schools are independent public schools designed and operated by parents, educators, community leaders, education entrepreneurs and others with a contract, or charter, from a public agency, such as a local or state education agency or an institution of higher education. Charter schools are operated free-of-charge to parents and are open to all students. These schools provide parents enhanced educational choices within the public school system. Exempt from many statutory and regulatory requirements, charter schools receive increased flexibility in exchange for increased accountability for improving academic achievement. The first U.S. public charter school opened in 1992. Today, nearly 4,000 charter schools serve more than one million students in 40 states and Washington, D.C.

On April 16, 2009 the applicant submitted the subject applications for review by the Planning Commission in May 2009.

On May 21, 2009 the conceptual plan was presented to the Carson City Airport Authority, the Airport Authority recommended disapproval of the proposed Special Use as proposed. The Airport Authority was concerned about the safety of the students. See the attached minutes from the Airport Authority meeting of May 21, 2009.

On May 29, 2009 the applicant requested a continuance of the subject applications.

Since May of 2009, the applicant has been in contact with the Planning Division, with the intentions to pursue the subject site for the proposed project. The Planning Division notified the applicant that the subject project will be held to the schedule timing of amendments identified in the CCMC 18.02.070(6d) Master Plan.

On October 14, 2009 the applicant submitted additional information to be incorporated with the MPA-09-035, ZMA-09-036 and SUP-09-037 applications and requested that the applications move forward for review by the Planning Commission on November 18, 2009.

DISCUSSION:

The applicant is requesting approval of a Special Use Permit to construct and operate a Public Charter School campus within the proposed Public Regional (PR) zoning district. A public school is a conditional use (requiring a special use permit) within the PR zoning district pursuant to the Carson City Municipal Code (CCMC) Section 18.04.185. Schools are prohibited within the Limited Industrial zoning district. Therefore, a Master Plan Amendment and a Zoning Map Amendment are also required in this instance.

The subject parcel is approximately 14.05 acres and is located on the northeast corner of Goni Road and Old Hot Springs Road. Vehicular access for the proposed Public Charter School campus is primarily two access points from Old Hot Springs Road and there is also a secondary access point from the north at Goni Road. The subject site also has pedestrian and bicycle access from College Parkway.

The applicant is proposing to construct a 72,000+ square foot Public Charter School campus on a 4.7 acre portion of the 14.05 acre site currently owned the Weikel Carson Air Park, Ltd. The subject site currently has three industrial structures, located at the southeastern portion of the site.

PROPOSED SITE DEVELOPMENT INFORMATION

1.	BUILDING SIZE:		
	High School:	1 st Floor	20,796 square feet
		2 nd Floor	19,045 square feet
	Gym/Hanger		11,494 square feet
	Stage Area		4,252 square feet
	Junior High School		10,374 square feet
	Sub-Total		65,961 square feet
	Basement		6,830 square feet
	Total		72,791 square feet

As proposed the proposed project has been designed to have a gymnasium structure located on the northern portions of the site that will act as a buffer for the rest of the school project.

2. *PROPOSED STRUCTURE HEIGHT: 35 feet maximum building height.

3.	*PARKING:	
	Required:	92 spaces
	Proposed:	136 spaces

The Silver State School parking requirement is based on parking requirements of the existing school criteria. The Silver State School is not a traditional school curriculum.

4.	*LANDSCAPING AREA:	
	Impervious surface (without buildings)	77,146 square feet
	Required Landscaping:	15,429 square feet
	Proposed Landscaping:	74,515 square feet

5. *SIGNAGE: The applicant will install wall signage on the Silver State School in addition to a monument sign at the corner of Hot Springs Road and Goni Road.

6. EXISTING PARCEL SIZE: 14.05 acres

PROPOSED PARCEL SIZES

Parcel A	4.7 acres	Silver State School campus
Parcel B	9.35 acres	remainder

*All public district development standards relative to lot area, setbacks, building height, landscaping, off-street parking and signs shall be based on requirements and conditions of the special use permit.

The applicant has submitted the following applications to be processed concurrently for the 4.7 acre portion of the parcel: A Master Plan Amendment from Industrial to Public Quasi Public, a Zoning Map Amendment application, ZMA-09-036, to change the existing zoning of Limited Industrial to Limited Industrial and Public Regional, and a Special Use Permit application to allow a 72,000+ square foot public charter school campus on site, proposed to be developed in a single phase.

It is important to note the proposed Special Use Permit request is dependent of the approval of the subject MPA and ZMA applications.

The Master Plan Amendment will make the Master Plan Land Use Designation consistent with the intended long-term use of the property; a public charter school for the residents of Carson City.

The applicant has noted in the applications provided that the location for the charter school was based on a number of issues:

1. Parcel size and accessibility of the school to a major roadway in Carson City;
2. The charter school being in proximity to high speed fiber optics to support its technology;
3. The charter school being located adjacent to the Carson City Airport, to support its aerospace learning center.

The proposed use of the property for public uses meets the intent of the Public/Quasi-Public land use designation. Silver State School's project is based on the need for additional area for growth, which is not readily available at their current location. By locating the school adjacent to the Carson City Airport, this will allow the support needed for the aerospace curriculum to be in close proximity. The current zoning limits the use of the property to those uses permitted within the Limited Industrial zoning district, which are generally commercial/industrial in nature.

Master Plan Consistency

The proposed Public/Quasi-Public land use designation is consistent with the future ownership of the property by the Silver State School, as well as the intended future use of the property for public purposes. The current Master Plan Land Use designation on the property of Industrial is not consistent with the proposed public school use. The Public Quasi Public designation is consistent with the adjacent land use designation of the airport.

Master Plan-Zoning Consistency

The Master Plan Land Use Map shows the future anticipated or desired land use condition. The zoning of a parcel, which may presently be different than or inconsistent with the present Master Plan designation for a parcel, provides the specific property development entitlements—i.e. what types of uses are permitted. As noted in the Master Plan, a school is a Primary use identified in the Public/Quasi-Public Land Use Designation.

The following is a summary of the zoning districts that are consistent with the applicable Master Plan Land Use designations in the vicinity.

Master Plan Designation	Consistency Zoning Designations
Public/Quasi-Public	Public (P) Public Community (PN) Public Neighborhood (PN) Public Regional (PR)
Industrial	Limited Industrial (LI) General Industrial (GI) Air Industrial Park (AIP)

As noted in the table above, the existing Master Plan Designation and Zoning Designation are not consistent with a school use. The proposed change will result in Master Plan Designations and Zoning Designations that are consistent as noted in the Carson City Master Plan adopted in 2006.

Lighting

The applicant shall submit exterior light fixture details with a building permit application for review and approval by the Planning Division. Any lighting fixtures shall be installed as to project light downward and away from adjoining properties and glare to the sky. Site lighting trespass onto adjacent locations and the night sky shall be minimized. Covers must be installed on all lighting fixtures and lamps must not extend below the bottom of the cover.

Parking

Due to the untraditional nature of the Silver State School, the parking criterion is not the traditional parking solution one would encounter. The parking criteria has been tried and tested at the existing site of the Silver State School site. The parking criteria is based on justification provided by the applicant in addition to taking into account the nature and needs of the school campus.

Landscaping

A landscaping plan will provide for unity and consistency for the subject site, which will result in an aesthetically pleasing campus environment. The total landscaped area will be 74,515 square feet.

Division of the 14.05 acre site

As noted in the submittal by the applicant, the existing 14.05 acre site is proposed to be divided, in order to create the 4.7 acre school campus site.

The subject SUP will exclude the remainder 9.35 acre area. The subject site was part of a previously approved Industrial Subdivision. The previous approval allows the property owner to create lots with a recorded record of survey subject to NRS 278.325.

Traffic

A Traffic Impact report was prepared by Palmer Engineering Group, Ltd. That report identifies that a typical high school of this size will generate approximately 850 vehicle trips on weekdays, 288 trips on weekends and 202 morning peak hour trips. However, the Silver State Charter school has seven class sessions per week, resulting in a significant decrease of the student body on campus at any given time, although staff and faculty traffic would remain constant.

Goni Road and College Parkway are currently classified as arterial streets. As such, the roadway has more than adequate capacity to handle the expected increase in traffic volume as a result of the project.

Opposition concerns

As of the writing of this staff report, written comments have been submitted expressing opposition regarding the proposed project. The basis of one opposition is the lack of compatibility of the existing non-restricted gaming use of the Comstock Casino with the proposed school use. The possibility of a negative impact on future expansion of the gaming use is their concern. It is important to note, Carson City does not have a proximity regulation regarding schools and gaming establishments within the zoning ordinance, unlike the City of Reno, Clark County and Douglas County. The current site of the charter school is within 100 feet of a 7-11 convenience store that has a limited gaming license.

The Comstock Casino is located on the property diagonally southwest of this parcel on property zoned Limited Industrial. Per the applicant, although this may appear as a minor conflict of land use with the proposed school, the properties are separated by berms, landscaping, and is across both Goni Road and Old Hot Springs Road.

The Carson City Airport Authority has expressed safety concerns regarding the proposed project. The applicant has addressed all concerns identified at the Airport Authority meeting on May 20, 2009, with written responses. The applicant has provided a listing of 22 airports in the United States that have schools in close proximity to the airport, two of which are located in Reno, Nevada. A copy of the Airport Authority's minutes has been provided by the applicant for the Planning Commission's use.

A resident of the Comstock Mobile Home Park has concerns regarding water and sewer utilities, and questioned the inadequate line sizes. The applicant has coordinated the utility efforts with both Carson City Utilities and Manhard Consulting Inc. has determined that the existing line sizes are more than adequate to accommodate the proposed use.

There is no question that the addition of the proposed school campus use to the subject site will increase physical activity that is currently generated on site. Staff has offered 46 conditions of approval to for the subject SUP including, but not limited to the following mitigation measures:

1. An Avigation Easement on the subject site is required. The easement will include an acknowledgement that the proposed project is within or near the flight path operations area of the Carson City Airport, as such the passage of aircraft may generate possible noise, dust, turbulence and similar activity as made inherent in

the operations of aircraft using the air space over Carson City from taking off, landing and or operating at the Carson City Airport.

2. Acceptable screening/fencing alternatives shall be submitted to the Planning Division for review and approval with the required building permit submittal, specifically for the northern and eastern boundaries of the project area.
3. The Maximum building height for the project shall be limited to 35 feet in overall height.
4. Sound proofing materials, noise control, acoustical and vibration mitigations solutions shall be required to be submitted to the Planning Division with the required building permit, and will be the responsibility of the applicant. The goal of this condition is to provide the assurances that the school will be designed and equipped with sound insulation, which may include noise attenuating windows; additional roofing and ceiling insulation, improved doors, and related measures intended to reduce the transmission of noise into the proposed charter school facility.
5. The project plans will be required to be sent to the Federal Aviation Authority (FAA) for review and approval prior to the required building permit submittal. A copy of the FAA approval must be submitted to the Planning Division, with the required building permit.
6. This special use permit shall be reviewed by the Planning Commission two years from the date of initial approval. The applicant will provide written documentation of compliance with all conditions of approval to the Planning Division for the review at least 45 days prior to the review date. The Planning Commission may require additional reviews as it deems appropriate.

As in all Special Use Permits, the findings to grant approval must be met by the applicant for the project to be approved. The key issue of SUP-09-037 is the required findings for approval for the Special Use Permit pursuant to CCMC 18.02.080.

PUBLIC COMMENTS: Public notices were mailed to 283 adjacent property owners within 300 feet of the subject parcel in accordance with the provisions of NRS and CCMC 18.02.045. As of November 06, 2009, written comments have been received in opposition of this application and the accompanying applications. Any comments that are received after this report is completed will be submitted prior to or at the Planning Commission meeting, depending on their submittal date to the Planning Division.

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

Carson City Health Department:

- Carson City Health and Human Services has no comments regarding the project as described in the packet received. The applicant must meet all applicable State (NRS & NAC 444), Local and Federal codes and ordinances as they apply to this request. Plans for this facility must be submitted and approved by Carson City Health & Human Services.

Carson City Engineering Division:

- The Engineering Division has no preference or objection to the special use request. Please see the attached memo, which includes numerous conditions of approval.

Carson City Fire Department:

- No Fire Department comments at this time.

Carson City Building Division:

The following comments are applicable to MPA 09-035, ZMA 09-036, and SUP 09-037

These comments do not constitute a complete plan review, but are merely observations based on the information and plan sheets provided. The comments do not reflect all submittal requirements necessary for this project, but are those requirements that have generated concerns with similar projects in the past.

GENERAL COMMENTS

1. The building construction requires an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. The plans submitted for review shall comply with the prescriptive requirements found in the Carson City Building Division handout titled: *Commercial Submittal Requirements*. This handout may also be found online at: www.carson-city.nv.us/Index.aspx?page=181

Carson City Parks and Recreation Department:

- The Unified Pathways Master Plan (UPMP) identifies an off-street/paved/shared path directly north of the project site on airport property. As our department understands the site design, the applicant is proposing a taxi way connection from the high school to the airport. This connection needs to accommodate the City's future path. Our department is willing to discuss the related path design issues during the applicant's effort to develop project construction documents and the City's permit process. In addition, the UPMP identifies Goni Road and College Parkway as existing on-street bike lanes. Our department believes the high school should accommodate both pedestrian and bicycle access to the project site, including an evaluation of regional connectivity issues. As a result, our department would recommend to the Planning Commission that the applicant be required to work with the City's Engineering Department to construct concrete sidewalks along Goni Road and Old Hot Springs Road, provide pedestrian crosswalks at the Goni Road and Old Hot Springs Road intersections, and provide bicycle lanes on Old Hot Springs Road.

MASTER PLAN AMENDMENT FINDINGS: Staff recommends the following findings for approval of the Master Plan Amendment pursuant to the Carson City Municipal Code Section 18.02.070, Master Plan.

- 1. *The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.***

Rationale: The proposed Public/Quasi-Public land use designation is consistent with the proposed public school use of the property by the Silver State School, as well as the intended future use of the property for public purposes. The current Master Plan land designation on the property of Industrial is not consistent with the proposed public school use, and therefore, is proposed to be changed.

The proposed amendment will be in substantial compliance with the following:

GOAL 1.1— PROMOTE THE EFFICIENT USE OF AVAILBLE LAND AND RESOURCES.

1.1b—Urban Service Area

Discourage growth in locations not currently served by urban services or not planned to be served by the city's water and wastewater infrastructure by prohibiting the rezoning of lands for urban development intensities in locations not served or planned to be served by urban services, as identified in the City's Water and Wastewater Master Plan.

The proposed development will be served by the existing water and sewer system. There exists a 12 inch PVC water main in Old Hot Springs Road directly to the south of the proposed project. There is an eight inch PVC sewer line to the west of the property in Goni Road.

GOAL 1.2—PROMOTE INFILL AND REDEVELOPMENT IN TARGETED AREAS

1.2a—Priority Infill and Redevelopment Areas:

Two levels of priority have been identified for areas identified for potential infill and redevelopment on the Land Use Map.

The proposed project is proposed on a portion of a site that is currently undeveloped, yet is surrounded by developed properties. To the north, is the Carson City Airport, to the east are three industrial structures, to the west is undeveloped land and to the south is commercial development.

The proposed project will provide infill in an area which is already supplied by City services including arterial roads capable of handling bus traffic, connections to sewer, water and emergency services.

GOAL 1.4—MANAGE THE IMPACTS OF FUTURE GROWTH WITHIN THE URBAN INTERFACE

1.4a—Vehicular and Pathway Access

Ensure that vehicular and pathway access to surrounding public lands are maintained as development occurs within the Urban Interface—the area at the fringe of the City's core area that borders both urban development and open lands. Require pathways, bicycle

facilities, and roadway easements through future developments as identified in the Unified Pathways Master Plan.

GOAL 1.5—FOSTER COOPERATION ON MASTER PLAN ISSUES

1.5b— Coordination with State and Federal Agencies

The City shall coordinate with State and Federal Agencies, including the Bureau of Land Management and Forest Service, whose land holdings are adjacent to the City, to minimize land use conflicts within the urban interface, identify opportunities for shared recreational access or amenities, and to ensure that future plans for federal landholdings are mutually compatible with the goals and policies of this Master Plan.

The property to the north is the Carson City Airport. The applicant is required to apply to the Federal Aviation Administration for a “through the fence” access to the airport as well as the Carson City Airport Authority. As noted by the applicant, the charter school’s proximity to the Carson City Airport is important to enhance the school’s aerospace program.

1.5d—Coordination of Services

The City shall coordinate with internal service departments as well as other governmental organizations, such as the School District, that provide services to residents, to ensure that existing and new neighborhoods have adequate services and school sites.

The applicant has noted that the proposed school campus has the opportunity to provide compatibility with existing development as well as the ability to establish buffers with the existing land uses where there already exists a, minimum land use friction zone.

2.1a—Range of Land Use Opportunities

Ensure that the Land Use Map provides opportunities for a range of mixed-use, residential, commercial, and employment uses at a variety of scales and intensities.

2.1 d—Land Use Friction Zones

Discourage rezoning of properties that create “friction zones” between land uses—for example, placing incompatible land uses such as industrial and residential adjacent to one another. Enforce standards for transitions between residential and commercial uses and develop standards for mixed-use development to address compatibility issues.

The proposed project introduces a new public charter school in the area that is currently zoned Limited Industrial and is adjacent to the Carson City Airport. Transitions between the adjacent uses are proposed by the applicant in the form of screening, fencing, berming the use of sound proofing materials, noise control, acoustical and vibration mitigations and landscaping.

The applicant noted the proposed project will provide additional educational experience currently not readily available in Carson City, including a technical aerospace center, innovative computer facilities and other educational elements not found in conventional school systems.

GOAL 3.3—MINIMIZE IMPACTS OF POTENTIAL NATURAL DISASTER EVENTS ON THE COMMUNITY

3.3d—Floodplain and Hazard Area Development

Continue to discourage development within the 100-year floodplain and other hazard areas and require development on flood prone properties to be clustered out of the 100-year floodplain as defined by FEMA.

The property has a portion of the 100 year flood plain within its boundaries; in addition the Federal Emergency Management Agency (FEMA) has mapped the "floodway" through the property as an AE floodway. The portion of the property that is located in the floodway within the floodplain will be utilized for sports field as part of the open space.

3.3e—Geologic Hazards

Continue to require any development with an identified earthquake fault on site to have a professional geotechnical report to establish required setbacks from the fault to structures and other mitigation measures.

The site is located in an area designated as having a moderate potential for shaking during earthquakes.

4.2a—Expand Recreation Opportunities

As the City grows, provide additional community parks, pathways, sports complexes, and indoor recreational facilities to meet the needs of future residents. To the degree land can be assembled, distribute future facilities to provide facilities convenient to all major quadrants of the city.

The proposed project will include sports fields for school activities as well as scheduled events at the charter school. These areas will provide recreational opportunities for the Junior High School and High School students.

4.3a—Open Space Master Plan

Continue to review future development proposals for consistency with the City's Open Space Master Plan and continue to coordinate with the Open Space Advisory Committee and the Carson River Advisory Committee on Master Plan issues.

The proposed Master Plan Amendment is consistent with the City's Master Plan for Open Space and with the Carson City Unified Pathways Master Plan (UPMP). The development of this property has an exiting on road bike lane on Goni Road and on College Parkway. This project will be required to accommodate both pedestrian and bicycle access to the project site, including an evaluation of regional connectivity issues, as noted by the comments provided by the Parks & Recreations Department.

GOAL 5.1—MAINTAIN AND ENHANCE PRIMARY JOB BASE

5.1a—Retention/Expansion of Established Employers

Retain and promote the expansion of major employers already established within the community, such as the State of Nevada; Carson-Tahoe Hospital's Regional Medical Center and associated facilities; the Western Nevada Community College; the extensive manufacturing community; finance, real estate and insurance industries (FIR); banking, and other knowledge-based industries. Continue to coordinate the City's ongoing planning efforts and Land Use Map with major employers where applicable to ensure compatibility with their facility master plans and expansion efforts.

The existing charter school has a staff of approximately 30 employees, which will result in an increase of anticipated staff numbers, if the proposed project is approved and constructed.

GOAL 6.1—PROMOTE HIGH QUALITY DEVELOPMENT

6.1a—Durable Materials Require the use of durable, long-lasting building materials for all new development.

6.1b—Neighborhood Design

Promote variety and visual interest in the design of new neighborhoods through the incorporation of varied lot sizes, building styles and colors, garage orientation, and other features, as consistent with the land use policies contained in Chapter 3 of this Plan.

6.1c—Variety and Visual Interest

Promote variety and visual interest in the design of new development through the incorporation of well-articulated building facades, clearly defined entrances and pedestrian connections, landscaping, and other features as consistent with the City's Development Standards.

The building materials selected for the proposed facility will focus on a high level of materials for resiliency and durability with the goal of minimizing maintenance and upkeep costs for the campus.

Sound proofing materials, noise control, acoustical and vibration mitigations solutions will be required to be submitted to the Planning Division at time of the required building permit, and will be the responsibility of the applicant. The goal of this condition is to provide the assurances that the school will be designed and equipped with sound insulation, which may include noise attenuating windows; additional roofing and ceiling insulation, improved doors, and related measures intended to reduce the transmission of noise into the proposed charter school facility.

Architectural design of the proposed school will adhere to the functional norms which will include prominent features include columns, split faced block and stucco is proposed as well as large expanses of glass, per the applicant.

GOAL 6.2—PROMOTE COMPATIBLE INFILL AND REDEVELOPMENT

6.2a—Neighborhood Compatibility

Ensure that infill and redevelopment is of a scale and character that is compatible with and enhances the surrounding development context through the use of appropriate height and density transitions, similar setbacks and lot coverage, garage and loading area location and configuration, connectivity to surrounding development, and other neighborhood specific design considerations.

GOAL 9.3—MAINTAIN THE QUALITY AND CHARACTER OF ESTABLISHED NEIGHBORHOODS

9.3b—Compatibility of Infill and Redevelopment

Ensure that infill and redevelopment is designed in a manner that minimizes impacts on and is compatible with existing neighborhoods through the use of appropriate height and density transitions, similar setbacks and lot coverage, garage and loading area location and configuration, the development of park and recreational facilities, connectivity to existing neighborhoods by a pathways system, and other neighborhood specific design considerations.

The applications submitted will allow for the construction of a new school campus which will allow for the development of an undeveloped portion of the subject site, which is surrounded by developed properties. Height transitions have been suggested by the Airport Authority and are noted in the conditions of approval.

GOAL 11.1—ESTABLISH AN INTEGRATED MULTI-MODAL TRANSPORTATION SYSTEM

11.1b—Regional Coordination

Maintain an active presence in regional and state-level transportation planning activities (such as the completion of the Carson City Freeway) to identify opportunities for joint planning/construction efforts, enhanced levels of service, and to monitor the impacts of potential projects on the community. Coordinate ongoing road improvement projects with recommendations contained in the City's Unified Pathways Master Plan as appropriate to promote the most efficient use of rights-of-way and resources.

11.1c—Plan Overlap/Implementation

Seek opportunities for coordination in the implementation of the City's Transportation, Transit, and Unified Pathways Plans. Actively encourage ridership of the City's transit system.

The proposed project is adjacent to the Carson City Airport that is already served by Goni Road and College Parkway. The subject site is also within ½ mile of the new Carson City Freeway, and is served by an existing on-road bike facility as shown on the CCUPMP.

GOAL 12.1—ESTABLISH A CITY-WIDE SYSTEM OF MULTI-USE PATHWAYS

12.1a—Enhance the Pathways Network

Continue to maintain and expand the City's existing network of pathways to link distinct geographic locations within the community and to provide improved access to and

between neighborhoods, activity centers, schools, and other destinations. Provide multi-use paths where necessary as identified on the Unified Pathways Master Plan map to cross physical barriers, establish direct connections between neighborhoods, activity centers, schools (as consistent with the Safe Route to School public safety program), and other destinations, and to take advantage of available opportunities such as utility and open space corridors where possible.

12.1c—Section-by-Section Implementation

Seek opportunities to complete individual sections of the City's adopted Unified Pathways Master Plan on a site-by-site and "missing link" basis as future development occurs. Continue to require future development to construct, to City standard, on-site sidewalks and connections to adjacent pedestrian and bicycle systems as needed and coordinate the dedication of rights-of-way for planned pathway connections at the time of development.

As noted in these findings the proposed project is consistent with the UPMP. This project will be required to accommodate both pedestrian and bicycle access to the project site, including an evaluation of regional connectivity issues.

2. The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

Rationale: A public charter school placed on this site creates an opportunity to provide compatibility with existing development as well as the ability to establish buffers with the existing land uses where there already exists a minimum land use friction zone.

By developing this parcel of land with the proposed school and related amenities, including an aerospace technical learning center which would effectively be supported by the airport to the north; a sports field to the east adjacent to the existing light industrial development, and a commercially developed parcel of land across Old Hot Springs Road to the south, this proposal effectively minimizes potential land conflicts with its adjacent boundaries.

One cannot overlook that placing a school on the subject site has the possibility of impacting the adjacent gaming establishment. It is not anticipated that the proposed use will result in a detrimental impact to other properties within the vicinity.

The school is planned for 1,000 students, although due to the on-line distance nature of the curriculum, no more than 150 students will be on campus at any given time based on a schedule of seven sessions per week. This curriculum will result in a significant decrease of the student body on campus at any given time and that is an important factor in the proposed use.

The Comstock Casino is located on the property diagonally southwest of this parcel on property zoned Limited Industrial. Although this may appear as a minor conflict of land use with the proposed school, the properties are separated by berms, landscaping, and is across both Goni Road and Old Hot Springs Road.

3. Is the proposed amendment in response to changing conditions?

Rationale: The applicant indicates that the proposed amendment is in response to changing conditions in Carson City. The Silver State School is currently seeking land that will not only provide for development of a new school campus, but will also allow for future expansion to include a new aerospace division and sports field. The subject site is recognized by the applicant for its potential to serve that use and is also served by existing infrastructure. The existing charter school has a staff of 30 employees. It is estimated that the staff will increase to approximately 40 employees.

4. Will the requested amendment further the City's desired pattern of growth?

Rationale: The applicant states that the proposed amendment will further the City's desired pattern of growth and the pattern of growth for the Silver State School.

Per the applicant, the proposed amendment will promote the development of the Silver State High School and Junior High School, which also will provide alternative education opportunities for the student population in Carson City.

ZONING MAP AMENDMENT FINDINGS: Staff recommends the following findings for approval pursuant to the Carson City Municipal Code Section 18.02.075(5), Zoning Map Amendments, and further substantiated in the applicant's written justification.

1. The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.

Rationale: The proposed project is consistent with the Master Plan policies identified in this staff report on pages 15-20.

2. The proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

Rationale: The proposed amendment will provide for zoning that is compatible with existing and planned future uses on adjacent properties. The property directly to the south has been identified for commercial and industrial uses. The subject site is also adjacent to vacant Industrial land to the west. This ZMA will allow the Silver State School to develop the school campus on site.

The proposed Public Regional zoning designation will provide for compatible uses and zoning. The PR zoning means Federal, state and city facilities and uses whose main purpose is to sustain wide regional needs. 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 are common within the PR zoning district.

The subject site, is directly to the south of the Carson City Airport which is currently zoned Public Regional.

All Public Regional district development standards relative to lot area, setbacks, building height, landscaping, off-street parking, signs and uses shall be based on requirements

and conditions of the special use permit. The Special Use Permit requirement will also initiate the notification of properties within the vicinity of the subject site.

One cannot overlook that placing a school on the subject site has the possibility of affecting the adjacent gaming establishment. It is not anticipated that the proposed use will result in a detrimental impact to other properties within the vicinity. The applicant has noted that the Comstock Casino is located on the property diagonally southwest of this parcel on property zoned Limited Industrial. Although this may appear as a minor conflict of land use with the proposed school, the properties are separated by berms, landscaping, and is across both Goni Road and Old Hot Springs Road.

The school is planned for 1,000 students, although due to the on-line distance nature of the curriculum, no more than 150 students will be on campus at any given time based on a schedule of seven sessions per week. This curriculum will result in a significant decrease of the student body on campus at any given time and that is an important factor in the proposed use.

- 3. The proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact the public health, safety and welfare.**

Rationale: The subject site is accessible from the Carson City Freeway, by the way of College Parkway. Carson City Fire Station #2 is in close proximity, just over ¼ of a mile to the southeast. Carson Tahoe Regional Hospital is in close proximity at 2.5 miles to the northwest.

Hot Springs Road contains a 12 inch water main which will be the connection point for the subject site. Information provided by the Carson City Utilities Department notes connection into the 12 inch water main will not be problematic.

Per the information provided, the proposed amendment will not negatively impact existing or planned public services and will not adversely impact the public health, safety and welfare.

- 4. That sufficient consideration has been exercised by the applicant in adapting the project to existing improvements in the area.**

Rationale: Water, sewer and road facilities exist in the vicinity to serve the proposed development. The use will not generate the need for additional schools. The campus will be required to meet all other additional requirements of the Carson City Fire Department and Carson City Sheriff's Department.

A portion of the 100-year flood plain encroaches onto the eastern section of the site. The portion of encroachment will be utilized for a sports field as part of the open space for the proposed school campus.

This request is not in conflict with any Engineering Master Plans for streets or storm drainage. Per the Engineering Division mitigation measures are contained in the Special Use Permit regarding impacts to traffic, pedestrian facilities and public services.

Respectfully submitted,
PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments:

Application (MPA-09-035)
Application (ZMA-09-036)
Carson City Engineering Division comments
Carson City Fire Department comments
Carson City Building Division
Carson City Health Department comments
Carson City Parks & Recreation Department comments
Planning Commission Resolution 2009-PC-1
Draft Ordinance
Public comments

File # (Ex: MPR #07-111)	MPA 09-035, ZMA 09-036 & SUP 09-037
Brief Description	Silver State HS Annex @ Carson City Airport
Project Address or APN	Corner of Goni & Old Hot Springs Rd
Bldg Div Plans Examiner	Don Wilkins
Review Date	October 15, 2009
Total Spent on Review	

BUILDING DIVISION COMMENTS:

The following comments are applicable to MPA 09-035, ZMA 09-036, and SUP 09-037

These comments do not constitute a complete plan review, but are merely observations based on the information and plan sheets provided. The comments do not reflect all submittal requirements necessary for this project, but are those requirements that have generated concerns with similar projects in the past.

GENERAL COMMENTS

1. The building construction requires an application for a Building Permit, issued through the Carson City Building Division. This will necessitate a complete review of the project to verify compliance with all adopted construction codes and municipal ordinances applicable to the scope of the project.
2. The plans submitted for review shall comply with the prescriptive requirements found in the Carson City Building Division handout titled: *Commercial Submittal Requirements*. This handout may also be found online at: www.carson-city.nv.us/Index.aspx?page=181
3. Provide a **Geotechnical Report** for the proposed construction. The Geotechnical Report for the proposed location shall include a complete assessment of the potential consequences of any liquefaction and soil strength loss, including estimation of differential settlement, lateral movement or reduction in foundation soil-bearing capacity, and shall address mitigation measures. ('06 IBC 1802.2 & 1802.2.7 #2)
4. Due to the architectural complexities (egress, high occupant loads with children, etc.) associated with the schools, the project shall employ registered design professionals (Architects and Engineers) for the design of the facility. (CCMC 15.05.010 Section 106.1)



CARSON CITY FIRE DEPARTMENT

"Service with Pride. Commitment. Compassion"

MEMORANDUM

- Revised -

TO: Community Development

FROM: Duane Lemons, Fire Inspector

DATE: October 22, 2009

SUBJECT: AGENDA ITEMS FOR NOVEMBER 18, 2009 PLANNING COMMISSION MEETING.

We reviewed the agenda items for the November 19, 2009 Planning Commission Meeting and have the following comments:

- SUP-09-080 Carson City, Darren Selby We have no concern with the applicant's request.
- MPA-09-035 Palmer Engineering Group We have no concern with the applicant's request.
- ZMA-09-036 Palmer Engineering Group We have no concern with the applicant's request.
- SUP-09-037 Palmer Engineering Group We have no concern with the applicant's request.
- SUP-09-082 Down the Road, LLC We have no concern with the applicant's request.
- SUP-09-037 Silver State High School Applicant must meet all codes and ordinances as they relate to this request.

DL/llb



CARSON CITY, NEVADA
CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

RECEIVED
NOV 05 2009
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CARSON CITY
PLANNING DIVISION

MEMORANDUM

TO: Lee Plemel, Planning Director
Jennifer Pruitt, Senior Planner (Hardcopy and Email)

FROM: Roger Moellendorf, Parks and Recreation Director
Juan F. Guzman, Open Space Manager
Vern L. Krahn, Park Planner

DATE: November 4, 2009

SUBJECT: Parks and Recreation Department's comments for the Wednesday, November 18, 2009, Planning Commission meeting.

MPA-09-083	No comments
MISC-09-078	No comments
SUP-09-080	No comments
MPA-09-035 ZMA-09-036 SUP-09-037	Refer to our department's previous comments, dated May 12, 2009, currently on file with the Planning Division.
SUP-09-082	No comments
MPA-09-084	Our department supports the Carson River Advisory Committee's request to amend the Carson River Master Plan (Refer to attached memorandum and exhibits dated November 4, 2009)
ZCA-09-085	No comments

PARKS & RECREATION DEPARTMENT • 3303 Butti Way, Building #9 • 89701 • (775) 887-2262

Parks • Recreation • Open Space • Facilities • Lone Mountain Cemetery

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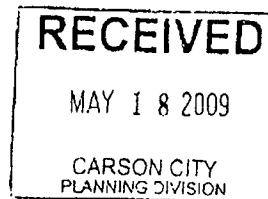
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May 19, 2009

Via Hand Delivery

Jennifer Pruitt
Principal Planner
Carson City Planning Division
2621 Northgate Lane, Suite 62
Carson City, NV 89706



Re: Silver State High School/Land Use Applications;
File No.s MPA-09-035; ZMA-09-036; SUP-09-037

Dear Jennifer:

This law firm has been retained by Northern Nevada Comstock Investments, LLC ("NNCI") with regard to the above-referenced land use applications. NNCI is the owner Assessor's Parcel Numbers 008-124-22 and 008-124-20 located at the southwest corner of Goni Road and Old Hot Springs Road (3680 Goni Road). NNCI's property is directly across the intersection of Goni Road and Old Hot Springs Road from the proposed Silver State High School site.

NNCI operates the Comstock Casino on the Goni Road Property. The Comstock Casino is located on approximately 7.5 acres and includes a 14,250 square foot gaming facility. The casino offers 220 slot machines, a sports wagering venue and one restaurant. The Comstock employs approximately 40 people with an estimated annual payroll of \$1 million.

The Comstock Casino has been in operation for approximately five years, opening the non-restricted facility in July, 2004. Previously, the facility operated for five years (opened in 1999) at this location as a restricted gaming facility known as Cheers Food & Spirits. Cheers Food & Spirits originally operated under the direction of Gene Wallace for 15 years in a location approximately two blocks west of the current Comstock Casino.

NNCI also currently has a 10,000 square foot warehouse on the Goni Road property which serves as a significant slot repair facility. This slot repair facility serves various commonly owned gaming operations in the region.

The current operations utilize approximately 2 of the 7.5 acres owned by NNCI. Future plans of NNCI call for the development of a more full serve facility. Management envisions the development of an additional 40,000 square feet and will include several amenities. Future amenities may include multiple restaurants, spa, meeting/banquet space, and a lodging facility.

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Jennifer Pruitt
May 19, 2009
Page 2

NNCI is very concerned about the high school use proposed for the northeast corner of Goni and Old Hot Springs Roads. The operation of a high school and possibly a future junior high school, as described in the applicant's materials, is simply not compatible with the existing nonrestricted gaming use on the NNCI property. Obviously, as a pre-existing use the current Comstock Casino should not be jeopardized by the school, but it is possible that school's existence in that location may preclude the future expansion of NNCI's gaming activities. NNCI has invested millions of dollars in the acquisition and development of its existing Goni Road facilities. This investment has been made in reliance upon the surrounding zoning and land use classifications.

Pursuant to the Regulations of the Nevada Gaming Commission and the State Gaming Control Board, applications for a state gaming license may be denied if the Gaming Control Board determines that the proposed location for which a license is sought is unsuitable. Specifically, Regulation 3.010 provides, in part, as follows:

...the following places or locations may be deemed unsuitable:

1. Premises located within the immediate vicinity of churches, schools and children's public playgrounds. (emphasis added).

The location of the proposed high school is immediately across the intersection from the Comstock Casino. As such, if permitted, the high school may impact NNCI's current gaming license and would certainly threaten any efforts to expand the Comstock's gaming activities in the future.

In addition to the referenced Gaming Regulation, Nevada case law also supports the conclusion that schools and gaming establishments should not be located in close proximity. In Clark County v. Simon & Tucker,¹ the Nevada Supreme Court upheld a local Liquor and Gaming Licensing Board's denial of a gaming license based upon the proposed location in a shopping center across the street from a junior high school.

Although Carson City has no specific ordinance precluding the location of gaming establishments near schools, other local jurisdictions in Nevada have chosen to set very specific limits in this regard. Pursuant to Douglas County Code Section 20.685.040, an applicant seeking to engage in gaming activities must demonstrate, among other things, that the proposed gaming establishment will not cause material prejudice to a public or private school whose property line is within 2,500 feet of the property line of the gaming establishment. In Clark County, areas in which gaming is allowed (Gaming Enterprise Districts) may not be expanded to include property that is

¹ Clark County Liquor and Gaming Licensing Board v. Simon & Tucker, Inc., 106 Nev. 96, 787 P.2d 782 (1990).

Jennifer Pruitt
May 19, 2009
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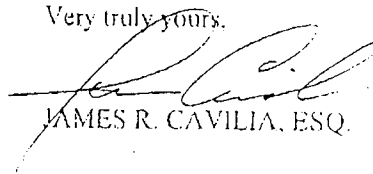
1,500 feet from property upon which a public or private school is located.² The City of Reno has adopted a similar provision, providing that the building footprint of a casino must be located at least 500 feet from the nearest existing school.³ The property lines of NNCI and the applicant in this matter are less than 100 feet apart. In fact, the high school building as proposed would likely be less than 250 feet from the existing Comstock Casino building.

NNCI appreciates the value and importance of Silver State High School to the local community. NNCI likewise appreciates the desire of the high school's administration to develop a first class, permanent facility in Carson City. Unfortunately, this proposed location is simply not appropriate. As recognized by the Nevada gaming regulators, the Nevada Supreme Court and various local jurisdictions, nonrestricted gaming and schools are just not compatible uses. As you know, the Carson City Development Code repeatedly acknowledges the importance of compatibility of neighboring land uses. The applicant's proposed school use is simply not compatible with the adjacent, existing gaming use of NNCI. In the applicant's submittals to Carson City the uses to the West, North, East and South of the site are repeatedly referenced. Unfortunately, the applicant never mentions the use to the southwest. This adjacent existing and ongoing gaming use is just not compatible with the proposed high school.

Based upon the foregoing, NNCI respectfully opposes the applications of Silver State High School for a master plan amendment, a zoning map amendment and a special use permit. NNCI encourages the Carson City Planning Commission to reject the applications for the reasons described above.

As always, if you have any questions or comments with regard to NNCI or the contents of this correspondence, do not hesitate to contact me.

Very truly yours,



JAMES R. CAVILIA, ESQ.

JRC:om

cc: Northern Nevada Comstock Investments, Inc.

² Clark County Code, Section 30.48.260.

³ Reno Land Development Code, Section 18.08.205 (d)(3)(b)(i)(ii)

ANDREW MACKENZIE
MIKE PAVLAKIS
JOAN C. WRIGHT
PATRICK V. FAGAN
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(1932-1997)

GEORGE V. ALLISON
OF COUNSEL

November 10, 2009

Via Hand Delivery

Jennifer Pruitt
Principal Planner
Carson City Planning Division
2621 Northgate Lane, Suite 62
Carson City, NV 89706

RECEIVED

NOV 10 2009

CARSON CITY
PLANNING DIVISION

Re: Silver State High School/Lane Use Applications;
File No.s MPA-09-035; ZMA-09-036; SUP-09-037

Dear Jennifer:

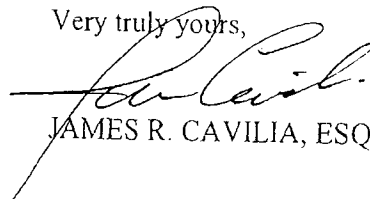
As you know, this law firm represents Northern Nevada Comstock Investments, LLC ("NNCI"), the owner and operator of the Comstock Casino located on the southwest corner of Goni Road and Old Hot Springs Road (3680 Goni Road). The Comstock Casino is directly across the Goni and Old Hot Springs Road intersection from the proposed Silver State High School site.

As I communicated to you back in May of this year, NNCI is very concerned about the proposed high school use in this area and is accordingly opposed to the land use applications referenced above. We have reviewed the supplemental information provided on behalf of Silver State High School with correspondence dated October 14, 2009. None of the supplemental material or arguments has changed NNCI's opinion that the proposed high school use is simply not compatible with the existing non-restricted casino gaming use.

By this correspondence NNCI renews its opposition to the applications of Silver State High School for a master plan amendment, a zoning map amendment, and a special use permit. We respectfully encourage the Carson City Planning Commission to reject the applications for the reasons described in our May 19, 2009 correspondence to you.

Thank you for your consideration and do not hesitate to contact me with any comments or questions.

Very truly yours,



JAMES R. CAVILIA, ESQ.

JRC:nm

cc: Northern Nevada Comstock, LLC
Nevada Gaming Control Board

PO BOX 646, CARSON CITY, NV 89702 • 402 N. DIVISION ST., CARSON CITY, NV 89703
TEL: (775) 687-0202 • FAX: (775) 882-7918 • WWW.ALLISONMACKENZIE.COM

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MAY 21 2009

CARSON CITY
PLANNING DIVISION

Date: May 21, 2009

To: Jennifer Pruitt, Principal Planner

From: Ann Z. Cox, JD, resident of Comstock Mobile Home Park

Re: Carson City Airport Upgrade
Silver State High School Project

Thank you for agreeing to meet with me yesterday. I was tied up at work until almost 1PM today but did receive your voice mail—again, thank you. I am going to the meeting tonight. I made a specific point to drive by the marquis at the City Center and it did say the meeting was May 20! Briefly, here are my concerns. I am sure I will have more after attending tonight's meeting and the one next week.

AIRPORT UPGRADE

My concerns for the airport upgrade are the following:

- 1) The estimated length of the project: in months and which months. Weather permitting and other issues pending the startup, a good guess is acceptable.
- 2) The amount of personnel involved in the project; the amount of heavy equipment assigned to move old asphalt. Also where is that material to be taken for disposal? Will College Parkway be utilized in that removal of old material?
- 3) The amount of moving equipment, and the types that will be assigned to the job.
- 4) Hours of construction: Hauling of materials
7AM-7PM Mon-Fri
10AM-5PM-Saturday and Sunday
- 5) Hot Plant operation:
5AM-10PM
- 6) Crushing:
7AM-10PM all days
- 7) Discussion of issues that might stall the operation (not weather).
- 8) When is the FAA grant funding expected to be available. Is the amount still \$9,000,000? Will it be in a lump sum or paid in increments?
- 9) Comstock Mobile Home Park (where I reside) has 250 units with approximately 450 residents. Some are quite elderly and some are not much past 55 years of age.

However, that mix of ages creates very broad and indefinite sleep patterns. I think a start time of 5AM with a quitting time of 10 PM would be objectionable, or very objectionable, by most of our residents!

9a) To say we are buffered by the terminal building and the hangars does little to solve excess noise problems. As it is, we hear planes 24/7 and have learned to live with that noise, especially in the mornings of the weekend.

9b) I would like someone to outline the project describing the construction phases in a time frame. I realize longer days and longer hours are more financially feasible, however, we residents must have some consideration as to our well-being.

SILVER STATE HIGH SCHOOL

1) Impact on traffic on completion. Cars, traffic on streets.

2) Water and Sewer Issues. Engineering studies say the project will tap into a 12" water line and an 8" sewer line. Our water pressure is quite weak presently, so the additional use will obviously diminish that pressure.

2a) I saw a comment: "no pipes with a d/D of .75 or greater between the proposed site and the treatment plant." "Gravity mains only serve the area." This appears to say that there will be no pumping of sewage to the treatment plant. Our park is old, and the sewer line has, many times, been plugged even inside the park. I have a concern the sewer issues are not being fully addressed.

3) How safe is a two story building within the confines of the airport?

4) The projections for the doubling of the staff and a student count estimated to 1,000, is only a projection. A huge campus and large state-of-the-art building will bring more and more students, and our neighborhood will undoubtedly be very impacted in many ways because of the granting of this special use permit.

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A regular meeting of the Carson City Planning Commission was scheduled for 3:00 p.m. on Wednesday, November 18, 2009 in the Community Center Sierra Room, 851 East William Street, Carson City, Nevada.

PRESENT: Chairperson Mark Kimbrough
Vice Chairperson Craig Mullet
Commissioner Steve Reynolds
Commissioner William Vance
Commissioner George Wendell

STAFF: Lee Plemel, Planning Division Director
Jennifer Pruitt, Principal Planner
Jeff Sharp, City Engineer
Melanie Bruketta, Chief Deputy District Attorney
Kathleen King, Recording Secretary

NOTE: A recording of these proceedings, the commission's agenda materials, and any written comments or documentation provided to the recording secretary during the meeting are part of the public record. These materials are available for review, in the Clerk's Office, during regular business hours.

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE

(3:02:50) - Chairperson Kimbrough called the meeting to order at 3:02 p.m. Roll was called; a quorum was present. Commissioners Dhami and Stockton were absent. Commissioner Wendell led the pledge of allegiance. Commissioner Reynolds arrived at 3:07 p.m.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - October 28, 2009 (3:04:29) -

Commissioner Vance moved to approve the minutes, as presented. Vice Chairperson Mullet seconded the motion. Motion carried 5-0.

C. MODIFICATION OF AGENDA (3:04:48) - None.

D. PUBLIC COMMENT (3:04:55) - None.

E. STAFF PUBLIC SERVICE ANNOUNCEMENTS (3:05:33) - None.

F. DISCLOSURES (3:05:40) - None.

G. CONSENT AGENDA (3:05:50) - Chairperson Kimbrough entertained requests to specifically hear the consent agenda item. Mr. Plemel provided an overview of the consent agenda item for the benefit of the public., and noted staff's recommendation of approval. Chairperson Kimbrough entertained public comment and, when none was forthcoming, a motion. **Commissioner Vance moved to approve the consent agenda. Commissioner Wendell seconded the motion. Motion carried 4-0.**

G-1. SUP-09-080 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM DARREN SELBY (PROPERTY OWNER: CARSON CITY) FOR A PERMANENT OFFICE TRAILER, ON PROPERLY ZONED CONSERVATION RESERVE (CR), LOCATED AT 3600 FLINT DRIVE, APN 008-521-20, LEASED PORTION APN 008-521-99

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H. PUBLIC HEARING MATTERS:

H-1. SUP-09-082 ACTION TO APPROVE A SPECIAL USE PERMIT APPLICATION FROM MARK LOPICCOLO (PROPERTY OWNER: DOWN THE ROAD, LLC, LAURA FITZSIMMONS) TO ALLOW A TEN-FOOT TALL FENCE ALONG THE REAR PROPERTY LINE, ON PROPERTY ZONED SINGLE FAMILY 6000 (SF6), LOCATED AT 5 EAST SUNSET WAY, APN 003-252-12 (3:08:34) - Chairperson Kimbrough introduced this item. Ms. Pruitt oriented the commissioners to the location of the subject property, and reviewed the agenda report. She provided an overview of the written responses to the public noticing process included in the agenda materials. She noted the specific findings included in the staff report, together with comments from Building and Engineering Division, Fire Department, and Health and Human Services Department representatives. She further noted that the applicant was not present in the meeting room.

In response to a question, Ms. Pruitt advised of having processed, in the Planning Division and presented to the Planning Commission, special use permits for rear-yard and front-yard fences which exceed the Code requirements. In response to a further question, she advised of “fences taller than ten feet, specifically in cases of pools and tennis courts.” She further acknowledged past approval of solid fences in excess of ten feet; noting that tennis court fences are typically not solid. In response to a comment, she advised that said approvals may not have been recent. In reference to photographs included in the agenda materials, Vice Chairperson Mullet noted utility lines which appear to “run parallel or directly above this fence line.” In response to a question, Ms. Pruitt was uncertain as to whether NV Energy had been contacted with regard to the subject special use permit. She reiterated that the applicant is in the process of undergrounding utility lines as part of the project. She expressed the understanding that the proposed fencing will not impact on-site utilities. In response to a question, she advised of having visited the site on two separate occasions. “It didn’t seem like there was an issue regarding setbacks for the structures from the Governor’s Mansion. The issue seemed to be that they have equipment stored; neatly, but stored in the rear of the utility buildings. Also, there’s a dog run with a couple dogs to the rear ...” Ms. Pruitt acknowledged that the Governor’s Mansion was one of the properties included in the required public noticing process. Vice Chairperson Mullet expressed concern over a utility pole in the applicant’s yard in consideration of the proximity of the proposed ten-foot fence to overhead utility lines.

Chairperson Kimbrough invited the applicant to the podium; however, no one was forthcoming. Ms. Pruitt acknowledged the understanding that the applicant’s intent is to replace the existing fence with a new fence. She advised of having spoken with the applicant within the last couple days, and expressed the understanding that the applicant agrees with the conditions of approval. In response to a further question, she advised that the applicant may return to the commission, if necessary.

Chairperson Kimbrough entertained public comment and, when none was forthcoming, a motion. **Commissioner Reynolds moved to approve SUP-09-082, a special use permit application from Mark Lopiccolo to allow an increase of fence height from six feet to ten feet within the rear-yard setback, on property zoned single-family 6,000, located at 5 East Sunset Way, APN 003-252-12, based on the seven findings and subject to the conditions of approval contained in the staff report, which were accepted by the applicant. Commissioner Wendell seconded the motion.** Commissioner Vance advised of having visited the property earlier in the day, and expressed the opinion that “this thing is going to stand out like a sore thumb. It’s going to be terribly ugly.” Discussion took place with regard to the proposed height of the fence, and Commissioner Vance reiterated the opinion “it’s going to stand out like a sore

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thumb.” He expressed the further opinion, “It isn’t right.” He suggested an eight-foot or a seven-foot fence as an alternative. Ms. Pruitt read a portion of page 5 of the staff report into the record, indicating the alternative to approve an eight-foot fence in consideration of possible commission reservations. She acknowledged the applicant was not present in the meeting room, but reiterated the applicant’s option to return to the commission with concerns over the action. She reiterated having provided a copy of the staff report to the applicant, and advised of having discussed the possibility of an eight-foot high fence. Commissioner Vance reiterated opposition to the ten-foot fence.

In reference to a displayed conceptual photograph of the ten-foot fence, Vice Chairperson Mullet noted the utility wires appeared to be 2 to 3 feet from the top of the fence. Ms. Pruitt reiterated that the applicant is undergrounding utilities as part of the improvement project. Mr. Sharp offered to request a NV Energy evaluation. He noted all the trees in the vicinity of the fence, and expressed doubt that anyone would utilize the proposed fence to access the overhead wires. He suggested that NV Energy may specify a certain distance between the top of the fence and the utility lines. In consideration of the proximity of the dog run to the subject property and the many events held at the Governor’s Mansion, Commissioner Wendell expressed surprise that “all those property owners along there have not come in and requested ten-foot fences.” Commissioner Reynolds suggested “the only place it would be a real eyesore for, if you would count it that, would be the property that’s requesting it anyway.” He expressed the opinion that ten feet “is a reasonable barrier between a two-story house and the different events that go on and things that are stored at the Governor’s Mansion.” Vice Chairperson Mullet acknowledged the benefit of the ten-foot fence height, and reiterated concern over a safety issue in consideration of the overhead utility lines. Commissioner Reynolds advised that, if the overhead line is a power line, “he can’t build that close anyway.” He expressed the opinion that the utility lines are not an issue. Chairperson Kimbrough entertained additional discussion and, when none was forthcoming, expressed uncertainty over the proposed ten-foot fence. He called for a vote on the pending motion. **Motion carried 3-2.**

H-2. MPA-09-084 ACTION TO ADOPT A RESOLUTION MAKING A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING AN AMENDMENT TO THE 1996 CARSON RIVER MASTER PLAN, MAKING A MINOR REVISION TO THE CARSON RIVER ADVISORY COMMITTEE MISSION STATEMENT AMENDING THE COMMITTEE GOALS (3:28:23) - Chairperson Kimbrough introduced this item, and Mr. Plemel reviewed the agenda materials. In response to a question, Park Planner Vern Krahn advised of the Carson River Advisory Committee’s primary focus on the watershed within Carson City. The Carson River Advisory Committee (“CRAC”) recognizes the Carson River “goes all the way up to Alpine County ... and eventually ends up down at Lahontan [Reservoir.]” Mr. Krahn reiterated the intent of the proposed amendment is pertinent to the watershed within Carson City. Vice Chairperson Mullet expressed appreciation for the clarification provided in the proposed revision of the committee’s goals. In response to a further question, Mr. Krahn provided background information on the CRAC’s annual goal-setting workshop, as outlined in his November 4, 2009 memo included in the agenda materials. He read into the record a pertinent portion of the July 2, 2009 Board of Supervisors minutes, copies of which were included in the agenda materials. Discussion followed.

Commissioner Wendell advised of having compared the CRAC’s mission statement, adopted in 1996, and the revised mission statement. He commended Mr. Krahn and the CRAC on “an excellent job.” In reference to the original mission statement, he expressed concern over a potential conflict between the CRAC and its support staff. He congratulated staff and the CRAC on specifically defining the CRAC’s

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role in consideration of alleviating any misunderstanding. Mr. Krahn provided background information on the CRAC's discussions relevant to revising its mission statement. He thanked Commissioner Wendell for his "insightful comments." Mr. Krahn advised that the CRAC "spent a lot of time" reviewing the Carson River master plan element during the Envision Carson City comprehensive master planning process, from 2004 to 2006. He noted the CRAC's conclusion that "over a ten-year time frame, ... that document was as solid as the day it was written." He commended the original authors of the Carson River master plan element. Chairperson Kimbrough noted the Carson River master plan element is an award-winning document. Mr. Krahn commented that the document has "stood the test of time." He suggested "the community should be proud of ... the original members of the CRAC ... [and] the real solid legacy of people who have stayed with that committee and have really made an effort to make sure that stuff gets implemented on the River."

Chairperson Kimbrough entertained public comment and, when none was forthcoming, a motion. **Commissioner Wendell moved to adopt Resolution 2009-PC-6 recommending to the Board of Supervisors approval of a master plan text amendment application to modify the mission statement and goals of the Carson River master plan element, as recommended by the Carson River Advisory Committee, based on the findings contained in the staff report. Vice Chairperson Mullet seconded the motion. Motion carried 5-0.** Chairperson Kimbrough thanked Mr. Krahn for his attendance and participation. In response to a question, Mr. Plemel explained the process associated with a textual amendment to the Carson River master plan element.

H-3(A) MPA-09-035 ACTION TO ADOPT A RESOLUTION MAKING A RECOMMENDATION TO THE BOARD OF SUPERVISORS REGARDING A MASTER PLAN AMENDMENT TO MODIFY A PORTION OF A PARCEL FROM INDUSTRIAL (I) TO PUBLIC / QUASI-PUBLIC (P / QP) FOR PROPERTY LOCATED AT 2222 COLLEGE PARKWAY, APN 005-011-03 (3:45:03) - Chairperson Kimbrough introduced this item and items H-3(B) and (C) and, at Mr. Plemel's request, recessed the meeting at 3:46 p.m. Chairperson Kimbrough reconvened the meeting at 3:51 p.m. Ms. Pruitt corrected item 3 of the Environmental Information, at page 7 of the staff report, to indicate there is no identified earthquake fault onsite. She reviewed the agenda materials in conjunction with displayed slides.

(4:02:15) Silver State Charter Schools Founder, Executive Director, and Principal Steve Knight distributed to the commissioners and staff a Silver State Charter Schools brochure. He provided background information on his experience as a "commercial, instrument-rated pilot, with advanced ground instructor ratings," as a major with the Civil Air Patrol, and as a State aerospace officer. He introduced the Silver State Charter Schools Board President and Vice President, who were present in the meeting room. He provided background information on the mission and purpose of the Silver State Charter School, and described its history and present location. He discussed "major thrusts" of the Silver State Charter School, including aerospace and "tying our technology into real world." He discussed the interest in relocating to the proposed location to be near the airport and the community's industrial area. He discussed the design of the proposed building to accommodate approximately 1,000 students. He emphasized that "1,000 kids do not show up everyday," and explained the online curriculum format.

(4:11:35) Land Planner George Szabo expressed appreciation to Planning Division staff for the comprehensive agenda report, and provided background information on his involvement in the proposed project. He explained the intent to address the written concerns submitted by the Carson City Airport

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Authority and the Comstock Casino representatives. He advised of having reviewed the special use permit conditions of approval and of his agreement with the same. He reviewed the proposed project in conjunction with a displayed conceptual site plan. He pointed out the location of the Comstock Casino in relation to the proposed site, and advised “as near as we can determine, there are really no requirements relative to the proximity of gaming uses and schools.” He noted that the existing casino entrances are 200 to 300 feet away. He pointed out the location of the area proposed by the Comstock Casino for expansion, and noted the entrances “would be, of course, even further away which is something like 350 to 450 feet.” He further noted this would be “further than many of the schools in Reno that are in proximity to casinos ...” In reference to Mr. Knight’s presentation, he reminded the commissioners that “kids come in shifts and they do a lot of the stuff away from there.” Mr. Szabo suggested that “any high school student could find trouble” if they wanted to. He described the site plan as “real interesting,” in consideration of the Silver State Charter School’s plans for expansion.

(4:20:35) Civil Engineer Mark Palmer noted the Engineering Division conditions of approval included in the agenda materials, and suggested “most of them” are addressed in the existing site plan. He advised of an “indeterminate [earthquake] fault that’s in Goni Road” just off the northwest corner of the property. He expressed little concern due the requirement to conduct a geotechnical study on the entire site. “If there is an earthquake fault up in that corner, if it’s on the property, we would discover it and the requirement for building code, from that distance, is 50 feet and we’d be way in excess of that.” Mr. Palmer advised that the site is located within a flood plain, and of extensive studies done by the previous property owners. He indicated the outlines of the 100-year flood plain, and discussed plans to “incorporate this whole 100-year storm through here and convey it onto the other site which has already done a flood plain study that accepts all this drainage.” Mr. Palmer advised that the rest of the site is within a “B” flood zone. “In order to get some presence for the school, we do want to raise it up some,” probably two to three feet. Mr. Palmer advised of existing utilities in both Goni Road and along the frontage of the subject property. He further advised of having discussed, with Parks and Recreation Department representatives, “connecting up the trail system, which would include a bike lane on the roadway itself and a wider trail system to accommodate that also.” He noted the Parks and Recreation Department conditions of approval included in the agenda materials. He provided background information on Commercial Realtor John Uhart’s involvement in locating the subject site.

(4:25:42) Commercial Realtor John Uhart provided background information his residence and business in the area, and advised of having worked with Silver State Charter Schools over the past six years. He discussed consideration given to three possible sites in Carson City and one at the Douglas County Airport. “This particular site ... there’s certain things that we do need to really have a successful high school of this magnitude in our area; close to manufacturing, close to freeway ingress / egress, and a site that ... will facilitate the building ... for the school.” Mr. Uhart described the subject site as “ideal ... as we have found the last couple years looking.” He advised that there are 22 schools, grammar through high school, throughout the United States, “that are within one mile or less of an airport.” He described particulars of four high schools which are on airport property, two of which are located on land leased from the Reno-Tahoe Airport Authority at the Reno-Tahoe International Airport.

(4:29:00) Mr. Palmer advised that numerous sites have been considered relevant to the school’s needs; that urban planning has been considered, from the engineering perspective, and that property size and suitability have been considered, from the realty perspective. He explained, “When we were denied by the Airport

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[Authority], we took a step back” to look at other sites. “For the last six months, we’ve been doing that and we’ve come back to this site because it just doesn’t work anywhere else.” He requested the commissioners’ consideration.

In response to a question, Mr. Palmer advised of having talked with Regional Transportation Commission representatives, who advised of plans to accommodate JAC service if the site is developed for the school. In response to a further question, he advised of having discussed the runway realignment with the Carson City Airport Engineer, and that it “doesn’t really affect this site at all as far as building placement and distance from that runway.” (4:31:56) Mr. Knight provided additional clarification.

Chairperson Kimbrough inquired as to how the Airport Authority “fits in the scheme of things” if they’ve denied the proposal. Ms. Pruitt advised of the understanding that there is no requirement for the proposal to be re-presented to the Airport Authority. The commissioners should take the Airport Authority concerns into consideration, the same as any other property owner in the area. Staff was adamant with the applicant that, as result of concerns from Airport Authority, the applicant would need to address every concern in writing. In response to a further question, Ms. Pruitt directed Chairperson Kimbrough to pages 14 and 15 for the Parks and Recreation Department comments. At Chairperson Kimbrough’s request, Ms. Pruitt pointed out the Comstock Mobile Home Park on a displayed aerial photograph.

Chairperson Kimbrough opened this item to public comment. (4:34:25) Ann Cox, a resident of the Comstock Mobile Home Park, advised of having previously addressed the Airport Authority. She emphasized her support for education of all types. She expressed concern regarding the elderly residents in the Comstock Mobile Home Park, concern over additional “impact” to the mobile home park’s utility systems, traffic congestion, litter, loitering students, and creating a friction zone between students and the rest of the neighborhood. She inquired as to the necessity of a 72,790-square-foot building “if we’re only going to have 150 students and 30 to 40 additional staff.” She further inquired as to the method by which students will be monitored, and expressed the opinion, after having driven by the Silver State Charter School earlier in the day, “that they are not being very well monitored now.” She commended Ms. Pruitt on a well-written staff report and excellent presentation.

(4:38:13) Scott Tate, representing Northern Nevada Comstock Investments and the Comstock Casino, expressed support for education and for the Silver State Charter School’s success. He expressed concern over the health, safety, and welfare of the students, and over the proposed location in consideration of the “kids being ... basically 100 feet ... from our facility.” He expressed reservations over the proximity of the existing casino to the proposed school location. He expressed additional concern over increased traffic on Goni Road. He discussed strict standards imposed by the State and the City with regard to underage gambling and drinking. He advised of training programs in place at the Comstock Casino, and stated, “we work hard to monitor that and prohibit that activity.” He expressed serious concern over the proximity of minors near a gaming facility. He acknowledged Carson City does not have an ordinance with respect to this type of activity. He advised of an excess of \$8 million invested in the Northern Nevada Comstock Investments property, and of “long-term aspirations to develop a more significant facility on the corner of Goni Road and College Parkway.” He reviewed the specifics of a May 19, 2009 letter, included in the agenda materials, from Attorney Jim Cavilia. He noted the critical difference between restricted and non-restricted gaming facilities. He reiterated the “enormous amount of money invested for future expansion,” and expressed concern over “our ability to realize those development plans.”

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In response to a question, Mr. Tate clarified that he is sole owner of the Comstock Casino and Northern Nevada Comstock Investments. He advised that he additionally owns the Cactus Jack's Senator's Club and discussed improvements and renovations to the former Silver Dollar Casino. Commissioner Reynolds noted the proximity of the Galaxy Fandango movie theater connected to the Casino Fandango by a walkway, and inquired as to the impact of a casino on youth. Mr. Tate provided historic information on gaming trends in America, and noted the most recent trend back to "adult-driven" gaming venues. He advised that each of his establishments have a dining venue in which minors are welcome, accompanied by adults. He explained the "strong approach" to prohibiting underage gambling at all of his establishments. In reference to the Galaxy Fandango, he commended the facility and noted that it was separated from the gaming facility "to a great degree." Mr. Tate acknowledged his previous reference to the school as a "threat to ... expansion" of his Comstock Casino facility. He pointed out, on a displayed aerial photograph, his seven acres of property, two of which are currently developed. He suggested that, if an ordinance is enacted to prohibit gaming within 500 feet of the school, "I've got all this money invested in a piece of ground I can't do anything with." He reiterated concern over minors in close proximity to the Comstock Casino facility.

In response to a question, Mr. Tate pointed out, on the displayed aerial photograph, the boundaries of his property in proximity to the proposed school site. In response to a further question, he referred to the May 19, 2009 letter from Attorney Cavilia, and noted the citation of Nevada Gaming Regulation 3.010 which prohibits the development of "non-restricted gaming facilities ... in the vicinity of schools, churches, and parks." He clarified that actual proximity is left to the interpretation of local authorities. In response to a further question, he advised that the cited Nevada Gaming Regulation "could prohibit [him] from developing." He acknowledged that, regardless of the property he presently owns, he may be prohibited, in the future, from any expansion plans based on state law. He acknowledged this as his concern and advised he has "3 ½ million reasons to be scared about it." He further acknowledged he has \$8 million invested in his property. In response to a further question, he reviewed the purchase history of his property. In response to a further question, he advised of having been approached by Maverik Convenience Store representatives and "turned down a lot of money to sell that property ... to Maverik Convenience Stores." He reiterated concern over the substantial investment in his property. He acknowledged concern that his ability to sell the developed and undeveloped property to another gaming establishment would be hampered by development of the school in the proposed location. He further acknowledged the likelihood that another gaming establishment would have difficulty expanding the existing gaming establishment in consideration of the proximity of the proposed school.

(4:56:30) Jake Mobius advised that he and his wife operate two businesses "on the current property" owned by his mother-in-law. In response to a question, he clarified that his mother-in-law owns the property proposed for development of the school. He reviewed the purchase history of the property and advised that he has "worked on site" since the mid-1980s. He further advised of plane crashes "in the proximity; one directly south in the field that's still vacant above ... the Catholic Church. The other one hit a hangar in the airport." He explained that "pilots typically aren't looking for big buildings to target. They prefer open space; their survival rate is improved by that." Mr. Mobius expressed the opinion that the concerns over student safety in the proximity of the airport are "unfounded." He reviewed statistical information regarding student deaths relevant to automobile accidents, school violence, and tornados, and regarding aircraft-related deaths. He expressed the understanding that the existing industrial zoning would allow development of a church "which would complicate Comstock Casino in the same manner as the school." He advised that his mother-in-law could sell the property to other manufacturers "that would easily employ

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well in excess of 200 or 300 people at the site “so the traffic concerns would be as great or even greater depending upon the number of businesses that would occupy that four acres.” He advised that his father-in-law was a pilot at the time he purchased the property and “a real believer in education.” He expressed the opinion that the “family considers it an honor to find this type of a buyer for that use as opposed to just another manufacturing facility.” He expressed support for the zoning change.

(5:01:09) Mr. Knight advised of never having received a complaint from the 7-Eleven store “30 or 40 feet out of our south door” in the past six years. He explained that “this is testing week and we had tons of kids that finished early and they were in the parking lot.” He acknowledged trash problems. “Almost every morning, we find stuff there.” He advised of numerous occasions requiring calls to the Sheriff’s Department to “have them haul a drunk out of the parking lot or somebody sleeping or camping in the parking lot ...” He discussed the general problem of teenage smoking, and advised that it is strongly discouraged at Silver State Charter School. He acknowledged there may have been students waiting for the bus following early completion of their testing requirements. “In six years, we’ve had two police responses for anything that approached ‘Get there quickly’ and probably four or five responses where ‘If you can get back in the next hour or two or half hour or two so we can have you talk to a student about some situation.’” Mr. Knight advised of “zero vandalism.” In response to a question, he advised that Silver State Charter School has two deans on campus and three licensed administrators, “plus our licensed staff,” who are all responsible for security.

Chairperson Kimbrough closed public comment. Ms. Pruitt acknowledged the zoning map amendment is not pertinent to the property purchased. Ms. Bruketta noted that the commission is simply recommending a zoning map amendment to the Board of Supervisors. She clarified, for the record, that there is no law or regulation prohibiting a casino in close proximity to a school. If the zoning was to be changed and the casino was to expand operations and apply for a separate gaming license, the Gaming Control Board would consider the fact that the zoning had changed and that gaming took place prior to that change. In response to a question, Ms. Bruketta reiterated that the State Gaming Control Board would consider previous operation of the casino in light of a request to issue a separate license or expand an existing license. She read into the record Nevada Gaming Commission Regulation 3.010(2). Ms. Pruitt acknowledged the understanding that airport representatives are working on airport property in substantial compliance with their master plan. Mr. Plemel acknowledged expansion of airport uses, but clarified it is taking place on airport property in accordance with the airport master plan. Commissioner Wendell suggested the expansion of uses will translate into additional traffic at the airport. Mr. Plemel provided a brief overview of the airport master plan. Vice Chairperson Mullet suggested that the runway realignment will provide for airline charter services and smaller connector services to begin utilizing the airport. Mr. Plemel expressed the understanding that the primary purpose of the runway realignment was to improve safety, especially at the east end of the airport which is adjacent to residential development.

In response to a previous question, Mr. Sharp reviewed conditions of approval 44 and 45 requiring water and sewer analyses to be completed by the developer and submitted with the building permit application. He explained that the existing system will be evaluated in consideration of estimated water and sewer demands from the proposed development. He advised that Mr. Palmer has conducted a preliminary analysis. The conditions are included because of the requirement for final analyses, such as stamped engineering reports. Based on the information submitted as part of Mr. Palmer’s preliminary analysis and on discussions with utilities division personnel, Mr. Sharp advised that the City’s infrastructure will not be impacted by the proposed development. He was uncertain as to the reasons for the utilities issues at the

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Comstock Mobile Home Park, but advised that the Comstock Mobile Home Park has its own private water and sewer distribution system. "So, the City doesn't maintain anything inside the mobile home park itself." Mr. Sharp reiterated that the City infrastructure for water and sewer is "absolutely adequate adjacent to that mobile home park." In consideration of concerns expressed, Commissioner Reynolds acknowledged other schools and "pretty high tech offices" which operate "beside ... very busy airports." With regard to the safety issue, he referenced other airports with schools adjacent to or on airport property. He suggested the key issue is whether a school is compatible or in conflict with a casino. He expressed the opinion that "the rest of it has been relatively well answered."

Vice Chairperson Mullet expressed the opinion that, given the choice, "we wouldn't necessarily ... put a school ... in close proximity to an airport." He noted a parcel just north of the Catholic Church, and suggested it would "keep them in the same local proximity to the manufacturing, gets them another 400 feet from the airport property ..." (5:18:35) John Uhart advised of an "intimate" familiarity with the referenced parcel, and that "it's not large enough for what they want to do."

Chairperson Kimbrough expressed concern over Mr. Tate's "huge investment," and understanding for his stated concerns. He expressed the opinion that the commission doesn't "have any authority to ... tell you in the future that expansion might have a difficult time with the Gaming Control Board." He expressed understanding and the hope that the commission would "be there to support [Mr. Tate] in that change of using more property for gaming." He reiterated concern over protecting Mr. Tate's investment. In response to a question, Ms. Bruketta advised that the commission has no authority to bind future commissions. She further advised that the commission's "job today is to make the findings on whether or not you support this master plan amendment." Chairperson Kimbrough expressed the opinion that the findings to support the application have been made, but reiterated concern over Mr. Tate's investment. He expressed the hope that the Gaming Control Board and the City will look favorably upon future expansion of the Comstock Casino.

Vice Chairperson Mullet suggested the commission's purview to determine a burden or restriction of "surrounding properties' use of their property. ... The big one is the airport ..., but we're all kind of going in that same direction about the casino." He expressed concern over an additional burden placed on the casino operator to have to monitor "because now they have a concentration of adolescents that could be wandering in." He suggested this should be worked out between the school representatives and the casino representatives. Commissioner Wendell expressed concern over the health, welfare, and safety of the students in close proximity to the airport in consideration of its potential expansion, as well as the close proximity of the casino and its further expansion. In addition, he expressed concern over the potential legal ramifications for both the airport, the City, the casino, and the school. He expressed concern over "opening up a can of worms ... by approving this particular application." In response to a question, Ms. Bruketta advised that the action would be discretionary on the part of the commissioners. "Unless you abuse that discretion, there is no liability." Ms. Bruketta noted the requirement for findings "one way or the other."

Chairperson Kimbrough entertained a motion. **Commissioner Vance moved to adopt Resolution 2009-PC-1 recommending to the Board of Supervisors approval of MPA-09-035, a master plan amendment to change the master plan land use designation of a portion of APN 005-011-03, from Industrial to Public / Quasi-Public, based on the findings contained in the staff report. Commissioner Reynolds seconded the motion.** In response to a question, Mr. Plemel requested the commission to continue taking action in the order designated in the staff report. He explained the condition of approval of the master plan

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amendment and the zoning map amendment to be approved before the special use permit could be approved. Chairperson Kimbrough called for additional discussion and, when none was forthcoming, a vote on the pending motion. **Motion carried 5-0.**

H-3(B) ZMA-09-036 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON A ZONING MAP AMENDMENT APPLICATION FROM PALMER ENGINEERING GROUP (PROPERTY OWNER: WEIKEL CARSON AIR PARK, LTD.) TO CHANGE THE ZONING ON A PORTION OF THE PARCEL FROM LIMITED INDUSTRIAL (LI) TO PUBLIC REGIONAL (PR), LOCATED AT 2222 COLLEGE PARKWAY, APN 005-011-03 (5:26:37) - Chairperson Kimbrough entertained a motion. Commissioner Vance moved to recommend to the Board of Supervisors approval of ZMA-09-036, a zoning map amendment to change the zoning of a portion, 4.7 acres, of the subject parcel APN 005-011-03, from limited industrial to public regional, property located at 2222 College Parkway, based on the findings contained in the staff report. Commissioner Reynolds seconded the motion. Motion carried 5-0.

H-3(C) SUP-09-037 ACTION TO CONSIDER A SPECIAL USE PERMIT APPLICATION FROM PALMER ENGINEERING GROUP (PROPERTY OWNER: WEIKEL CARSON AIR PARK, LTD.) TO ALLOW A CHARTER SCHOOL CAMPUS, ON PROPERTY TO BE ZONED PUBLIC REGIONAL (PR), LOCATED AT 2222 COLLEGE PARKWAY, APN 005-011-03 (5:27:35) - Chairperson Kimbrough entertained a motion. Commissioner Vance moved to approve SUP-09-037, a special use permit application to allow a public charter school campus facility as a conditional use, on property to be rezoned from limited industrial to public regional, located at 2222 College Parkway, APN 005-011-03, based on seven findings and subject to the conditions of approval contained in the staff report. Commissioner Reynolds seconded the motion for discussion purposes. In consideration of the commission's purview over special use permits, Commissioner Reynolds expressed the opinion that the applicant has the responsibility to demonstrate alleviation of any real concern by adjacent property owners. He advised of "real questions about the casino compatibility." He noted very specific concerns delineated by the Nevada Gaming Commission regulations, even though the Carson City Municipal Code does not address it specifically. "Really, the only discussion I've seen by the applicant is that, while the distance, measured in hundreds of feet is there, there's a 7-Eleven next door with a limited gaming license that hasn't been an issue." Commissioner Reynolds expressed the opinion that "a charter school in this location could be a very successful endeavor, but I think we need to address this concern and ... the applicant has to show us that information." He expressed an interest in additional discussion, but advised he "hasn't seen any body of proof." He commended the Silver State Charter School, and noted the tough decision.

Chairperson Kimbrough suggested the concern should be evidenced in the required findings. Commissioner Vance suggested the basis of the concern is speculation that Carson City will someday change its codes. "There is no problem based on today's ... codes ..." Chairperson Kimbrough noted that the State handles gaming licenses not the City. Ms. Pruitt advised of the applicant's offer to return to the commission to provide the information requested by Commissioner Reynolds. She acknowledged the previous actions can be held in abeyance until such time as the applicant can return to the commission. Chairperson Kimbrough acknowledged that Commissioner Reynolds was not alone in the concerns he expressed. Ms. Pruitt suggested that the commission take action to continue this item to the next commission meeting. In the meantime, the applicant can provide additional information to staff which will be presented to the commission. **Commissioner Reynolds withdrew his second.**

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(5:33:38) Mr. Palmer expressed confidence that the applicant can provide the information requested by Commissioner Reynolds. He noted the applicant's option to request a continuance. He requested that the continuance be "specific to that issue with the casino because I know we can bring that information back to the board." He further noted the applicant's option to request the commission to proceed with action and, in the event of a denial, appeal to the Board of Supervisors. Chairperson Kimbrough noted the time constraint associated with the current meeting, and expressed a preference for the applicant to request a continuance. Discussion followed and, in response to a question, Mr. Plemel assured Mr. Palmer that staff would keep the master plan amendment action on its scheduled track. At Mr. Palmer's request, Chairperson Kimbrough recessed the meeting at 5:36 p.m. Mr. Plemel advised of an Airport Authority meeting scheduled in the same meeting room at 6:00 p.m. Ms. Bruketta advised that continuance of the special use permit application cannot be limited to the issues surrounding the casino. "The commission has the right to hear everything relating to the special use permit."

Chairperson Kimbrough reconvened the meeting at 5:39 p.m. (5:40:16) Mr. Palmer requested a continuance of the special use permit application and respectfully requested the commission to discuss with staff the issue of the master plan amendment and the zoning code amendment being forwarded to the Board of Supervisors prior to the special use permit application being reagendaized before the commission. In reference to the pertinent Carson City Municipal Code section, Mr. Plemel advised that the report from the Planning Commission to the Board must be within thirty days unless the hearing date has been continued with the applicant's concurrence. Mr. Palmer acknowledged his satisfaction.

Commissioner Vance withdrew his previous motion. **Commissioner Vance moved to continue SUP-09-037, a special use permit application to allow a public charter school campus facility. Vice Chairperson Mullet seconded the motion. Motion carried 5-0.** Chairperson Kimbrough thanked the applicant, his representatives, and the citizens for their attendance and participation.

H-4. ZCA-09-085 ACTION TO MAKE A RECOMMENDATION TO THE BOARD OF SUPERVISORS ON A ZONING CODE AMENDMENT, AN ORDINANCE AMENDING THE CARSON CITY MUNICIPAL CODE, TITLE 18, ZONING, CHAPTER 18.16, DEVELOPMENT STANDARDS, DIVISION 4, SIGNS, SECTION 4.4.7, ADMINISTRATION, EXCEPTIONS, TO MODIFY THE REGULATIONS RELATING TO THE TEMPORARY DISPLAY OF BANNERS AND OTHER SIGN DEVICES, AND OTHER MATTERS PROPERLY RELATED THERETO (5:43:02) - Chairperson Kimbrough introduced this item. Mr. Plemel requested continuance of this item to the December commission meeting. Chairperson Kimbrough entertained a motion. **Commissioner Reynolds moved to continue. Commissioner Wendell seconded the motion. Motion carried 5-0.**

H-5. MPA-09-083 ACTION TO MAKE RECOMMENDATIONS TO THE BOARD OF SUPERVISORS ON THE ANNUAL MASTER PLAN REPORT, INCLUDING RECOMMENDED ACTIONS FOR THE IMPLEMENTATION OF THE GOALS AND POLICIES OF THE MASTER PLAN, AND OTHER MATTERS PROPERLY RELATED THERETO (5:44:13) - Chairperson Kimbrough introduced this item. Mr. Plemel explained that this item is not contingent on the master plan amendment cycle, and requested continuance to the December commission meeting. Chairperson Kimbrough entertained a motion. **Commissioner Reynolds moved to continue this item. Commissioner Wendell seconded the motion. Motion carried 5-0.** Chairperson Kimbrough entertained public comment for the subject and previous item; however, none was forthcoming.

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H-6. MISC-09-078 ACTION TO ELECT A PLANNING COMMISSION CHAIR AND VICE CHAIR FOR THE PERIOD DECEMBER 2009 TO NOVEMBER 2010 (5:45:03) - Chairperson Kimbrough expressed an interest in continuing as commission chair, but advised that he would be absent from the December meeting. Chairperson Kimbrough entertained a motion for chair and vice chair. **Commissioner Reynolds moved to elect Mark Kimbrough as chairperson and Craig Mullet as vice chair for the coming year. Commissioner Vance seconded the motion. Motion carried 5-0.**

I. STAFF REPORTS

I-1. COMMISSIONER REPORTS / COMMENTS (5:46:03) - None.

I-2. DIRECTOR'S REPORT TO THE PLANNING COMMISSION AND FUTURE AGENDA ITEMS (5:46:09) - Mr. Plemel advised that the commission's denial of Aurelio Acebedo's variance application was appealed to the Board of Supervisors. The Board of Supervisors upheld the commission's denial by a vote of 3-2. Mr. Plemel provided an overview of the tentative December commission agenda.

J. ACTION ON ADJOURNMENT (5:47:24) - Vice Chairperson Mullet moved to adjourn the meeting at 5:47 p.m. Commissioner Reynolds seconded the motion. Motion carried 5-0.

The Minutes of the November 18, 2009 Carson City Planning Commission meeting are so approved this _____ day of December, 2009.

MARK KIMBROUGH, Chair

RECEIVED

OCT 22 2009

CARSON CITY PLANNING DIVISION

Carson City Planning Division
2621 Northgate Lane, Suite 62 • Carson City NV 89706
Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

MASTER PLAN AMENDMENT

FILE # MPA - 09 - 035

FEE: \$3,050.00 + noticing fee

PROPERTY OWNER

Weikel Carson Air Park Ltd.

MAILING ADDRESS, CITY, STATE, ZIP

2222 College Parkway, Carson City NV 89706
PHONE # 775-887-7500 FAX # 775-882-2952

Mike Stephenson, PE Palmer Engineering Group Ltd
Name of Person to Whom All Correspondence Should Be Sent
APPLICANT/AGENT

Palmer Engineering Group, Ltd.
MAILING ADDRESS, CITY, STATE ZIP

611 North Nevada Street, Carson City NV 89703
PHONE # 775-884-0479 FAX # 775-884-4226

E-MAIL ADDRESS
mike@palmer-eng.com

NOTE: Master Plan Amendment applications are only accepted four times per year and must be submitted by the January, April, July and October deadline dates.

SUBMITTAL PACKET

- 6 Completed Application Packets (1 Original + 5 Copies) containing the following:
 - Application Form
 - Site Plan
 - Proposal Questionnaire With Both Questions and Answers Given
 - Applicant's Acknowledgment Statement
 - Documentation of Taxes Paid-to-Date (1 copy)
 - Project Impact Reports (Engineering) (4 copies)
 - CD containing application digital data (preferably in pdf format)

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

Project's Assessor Parcel Number(s):
005-011-03

Street Address
2222 College Parkway, Carson City, NV 89706

ZIP Code

Project's Master Plan Designation
Industrial

Project's Current Zoning
L1

Nearest Major Cross Street(s)
Hot Springs Road

Briefly describe the components of the proposed project: In accordance with Carson City Municipal Code (CCMC) Section: 18.02.070. In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal. Silver State High School is applying for this MPA to change the land use of a portion of this parcel from Industrial to Public/Quasi-Public for a new campus of their public charter school and to provide airport access for their aerospace curriculum. A separate application for a Zone Map Amendment and Special Use Permit will be submitted concurrently to allow that portion of the property to be designated Public Regional.

PROPERTY OWNER'S AFFIDAVIT

I, Joni L. Weikel, 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.

Joni L. Weikel
Signature

2222 E. College Parkway
Address

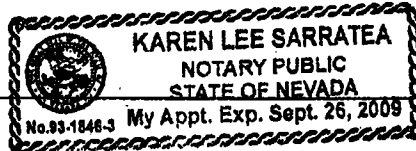
4-14-09
Date

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

STATE OF NEVADA
COUNTY

On April 14, 2009, Joni L. Weikel personally appeared before me, a notary public, 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.

Karen Lee Sarratea
Notary Public



MASTER PLAN AMENDMENT
for
SILVER STATE HIGH SCHOOL

**Northeast Corner
Goni & Hot Springs Roads
Carson City, Nevada 89706**

**Assessor Parcel Number
005-011-03**

SW 1/4 of Section 4, T15N, R20E, MDB&M

Prepared for:

**Weikel Carson Air Park, Ltd.
2222 E. College Parkway
Carson City, Nevada 89706
Phone (775) 887-7500
Fax (775) 882-7952**



Prepared by:

**Palmer Engineering Group, Ltd.
611 North Nevada Street
Carson City, Nevada 89703
Phone (775) 884-0479
Fax (775) 884-4226**

**April 2009
Job No. 090302**

PROJECT SUMMARY
Silver State High School
APN 05-011-03

Silver State High School is proposing a Master Plan Amendment (MPA) to be submitted concurrently with a Zone Map Amendment and Special Use Permit for a parcel of land totaling approximately 4.7 acres in size and being a portion of APN 05-011-03. It is located on the Northeast corner of Goni Road and Old Hot Springs Road. A map depicting its location is attached as an exhibit.

Currently the school leases a building located at the northeast corner of US 395 and College Parkway that does not allow for expansion and has no access to aerospace facilities.

Silver State School has retained GL Szabo & Associates and Palmer Engineering Group, Ltd, to prepare the application for the Master Plan Amendment, Zone Map Amendment and Special Use Permit for a new school that includes a combination High School and Middle School plus an aerospace technical center. This portion of the parcel of land proposed for the school is currently undeveloped, with the eastern portion of the parcel developed with three (3) buildings used for industrial purposes accessed by a cul-de-sac.

The parcel is currently shown on the Carson City Master Plan as Industrial. The property is bordered by Carson City Airport as Public/Quasi-Public to the north, Industrial to the south, Industrial to the East, and Industrial to the west across Goni Road.

Silver State High School is applying for a Master Plan Amendment to change a portion of the parcel currently master planned Industrial to allow for the development of a public school adjacent to the Carson City Airport to allow expansion, plus provide access for the aerospace segment of the school. A separate application for a Zone Map Amendment and Special Use Permit will be submitted concurrently to allow that portion of the property to be designated Public Regional (PR) as is the adjacent Airport property.

This request for a Master Plan Amendment is pursuant to the Carson City Municipal Code, Title 18 - Zoning, Chapter 18.02 - Administrative Provisions, Section 18.02.070 - Master Plan.

The proposed Master Plan Amendment is needed by Carson City for the purposes of protecting the public health and meeting a public purpose.

**Questionnaire Supporting the Application
for a
MASTER PLAN AMENDMENT**

a-1 Consistency with Master Plan - The proposed amendment is in substantial compliance with the goals, policies and action programs of the Master Plan.

CHAPTER 3: A BALANCED LAND USE PATTERN

Theme: The Carson City Master Plan seeks to establish a balance of land uses within the community by providing employment opportunities, a diverse choice of housing, recreational opportunities and retail services.

Does the proposed amendment discourage growth outside areas planned to be served by community water and wastewater facilities as identified in the Water and Wastewater Master Plans (1.1b)?

This development will be served by the existing water and sewer system. There exists a 12" PVC water main in Old Hot Springs Road directly to the south of the project. There is an existing 8" PVC sewer line to the west of the property in Goni Road. If pipe slopes or sewer capacity is an issue, the development also has the ability to connect to the 8" sewer line that presently serves the property accessed by the cul-de-sac off from East College Parkway.

Does the proposed amendment promote infill and redevelopment in an identified priority area (1.2a)?

The portion of this property proposed for the school is currently undeveloped, but is partly surrounded by developed properties, namely the Carson City Airport to the north, three industrial buildings to the east, and a commercial development to the south that includes a bank and related uses. The property to the west across Goni Road is undeveloped.

This project would provide infill in an area that already is supplied by Carson City services including arterial roads capable of handling bus traffic, connections to water and sewer, and emergency services.

Does the proposed amendment, at adjacent county boundaries, minimize potential land use conflicts with adjacent properties (1.5a)?

A public charter school placed on this site creates an opportunity to provide compatibility with existing development as well as the ability to establish buffers with the existing land uses where there already exists a minimum land use friction zone. By developing this parcel of land with the proposed school and related amenities, including an aerospace technical learning center which would effectively be supported by the airport to the north; a sports field to the east adjacent to the existing light industrial development, and a commercially developed parcel of land across Old Hot Springs Road to the south, this proposal effectively minimizes potential land conflicts with its adjacent boundaries. A casino sets on the property diagonally southwest of this parcel on property zoned Limited Industrial. Although this may appear as a minor conflict of land use with the proposed school, the properties are separated by berms, landscaping, and is across both Goni Road and Old Hot Springs Road.

Does the proposed amendment, adjacent to State and Federal lands, ensure compatibility with planned adjacent uses and access (1.5b)?

The north boundary of the property borders the Carson City Airport. Locating the public charter school next to the airport enhances the school's aerospace department by providing direct access to the airport, further ensuring compatibility as a public use. In addition, as part of the development of the project, a "through the fence" access to the airport will be developed as part of the application to the Federal Aviation Administration.

Is the proposed amendment located to be adequately served by city services including fire and sheriff offices, and coordinated with the School District to ensure the adequate provision of schools (1.5d)?

The project is located at the intersection of Goni Road and Old Hot Springs Road that is currently served by city water and sewer and provides access for both the fire and sheriff departments. There will be a bus drop off road in front of the school that will be designed to provide adequate turning radii for fire trucks as well as quick access for sheriff department vehicles.

The new building will allow for anticipated expansion of the existing school and will provide additional school bus service which results in less of a demand on the existing school district.

Does the proposed amendment promote a citywide range of mixed use, residential, commercial and employment uses at a variety of scales and intensities (2.1a)?

Development of the property as planned will provide for additional educational experiences currently not readily available in Carson City, including a technical aerospace center, innovative computer facilities and other educational facilities not found in conventional school systems.

Construction of the school will provide employment opportunities in the construction industry as well as support professional services needed for services of supplies, and various other sectors of the workforce in Carson City including teachers and support staff.

Does the proposed amendment, in identified Mixed-Use areas, promote mixed-use development patterns as appropriate for the surrounding context consistent with the land use descriptions of the applicable Mixed-Use designation, and meet the intent of the Mixed-Use Evaluation Criteria (2.1b, 2.2b, 2.3b, Land Use Districts)?

Although this project is not located specifically in a Mixed Use Area, the development of the project will provide mixed use by allowing for a public charter school adjacent to land zoned Public Regional and Light Industrial. This allows for a "mixed use" area surrounding the airport and is appropriate in context of the surrounding parcels of land.

Does the proposed amendment discourage rezoning of properties that create "friction zones" between adjacent land uses, particularly industrial and residential uses (2.1d)?

The proposed amendment introduces a new public charter school in the area that is currently zoned Industrial adjacent to the airport, which is zoned Public. This provides a minimal friction zone on the property being developed but will also be separated by a flood zone that will be used as a sports field. This will provide consistency with the airport property to the north and will prevent further development of the property.

Does the proposed amendment encourage development outside the primary floodplain and away from geologic hazard areas (3.3d, e)?

The property has a portion of the 100 year flood plain within its boundaries. In addition the Federal Emergency Management Agency (FEMA) has mapped the "floodway" through the property which is described as a Zone AE floodway, described as "the floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood can be carried without substantial increases in flood heights". The portion of the property that is located in the floodway within the floodplain will be utilized for a sports field as part of open space.

The site will be graded to allow for additional floodwaters to be routed into the floodway, minimizing the depth of flow in the floodplain, in addition, the school building and facilities will be constructed so that the finish floor will be one foot above the floodplain as required by the FEMA. See FEMA exhibits.

The site is located in an area designated as having a moderate potential for shaking during earthquakes. Although there are no known geologic hazards located within the parcel, there is a questionable fault shown on the earthquake hazards map that is in the proximity of Goni Road that is west of the west boundary of the of the property and is shown as having the least potential hazard for surface displacement. See Earthquake Hazard Map exhibits.

Does the proposed amendment provide for zoning consistent with the Land Use designation (Land Use table descriptions)?

The parcel is currently zoned as Limited Industrial. Public schools are not allowed in Industrial zoning, however the parcel is also adjacent to Public zoning where schools are a conditional use. The school will be located in Public zoning if the Master Plan and Zone Map amendment are approved with a Special Use Permit which will be submitted under a separate application. The proposed amendment provides for zoning consistent with the Land Use designation.

Does the proposed amendment meet the location criteria for the applicable Land Use designation (Land Use descriptions)?

The proposed amendment is consistent with the use of Public Zoning.

Does the proposed amendment, if located within an identified Specific Plan Area (SPA), meet the applicable policies of the SPA (Land Use Map, Chapter 8)?

Not Applicable

CHAPTER 4: EQUITABLE DISTRIBUTION OF RECREATIONAL OPPORTUNITIES

Theme: The Carson City Master Plan seeks to continue providing a diverse range of park and recreational opportunities to include facilities and programming for all ages and varying interests to serve both existing and future neighborhoods.

Does the proposed amendment provide opportunities to expand parks and recreation opportunities (4.2a)?

The proposed amendment will include sports fields for school activities as well as scheduled events held by the public charter school. These activities will provide recreational opportunities for the middle school and high school.

Is the proposed amendment consistent with the Open Space Master Plan and Carson River Master Plan (4.3a)?

The proposed amendment is consistent with the city's Master Plan for Open Space and with the Carson City Unified Pathways Master Plan (CCUPMP). The development of this property has an existing on road bike lane on Goni Road and on College Parkway. The CCUPMP also shows an off street paved/shared multiuse route along East College Parkway that continues west between this parcel and the airport, connecting back to Goni Road. It appears that this is shown on airport property, although provisions could be made on the proposed school campus to either connect or continue this facility to provide for pedestrian and bicycle access to this parcel.

CHAPTER 5: ECONOMIC VITALITY

Theme: The Carson City Master Plan seeks to maintain its strong diversified economic base by promoting principles which focus on retaining and enhancing the strong employment base, include a broader range of retail services in targeted areas and include the roles of technology, tourism, recreational amenities and other economic strengths vital to a successful community.

Does the proposed amendment help maintain and enhance the primary job base (5.1)?

The proposed public charter school has an existing staff of approximately 30 employees. The proposed new facility will allow for the future expansion of grades 9-12, as well as the addition of a junior high school. It is estimated that the employment will be increased in proportion to the number of students to approximately 40, which will include additional teaching positions as well as administrative and support staff not only maintaining the primary job base, but increasing the number of jobs in the short term future.

Does the proposed amendment encourage a citywide housing mix consistent with the labor force and non-labor force populations (5.1j)?

Not Applicable

Does the proposed amendment encourage the development of regional retail centers (5.2a)?

Not Applicable

Does the proposed amendment encourage reuse or redevelopment of the underused retail spaces (5.2b)?

Not Applicable

Does the proposed amendment support heritage tourism activities, particularly those associated with historic resources, cultural institutions and the State Capitol (5.4a)?

Not Applicable

Does the proposed amendment promote revitalization of the Downtown core (5.6a)?

Not Applicable

Does the proposed amendment encourage the incorporation of additional housing in and around the Downtown (5.6c)?

Not Applicable

CHAPTER 6: LIVABLE NEIGHBORHOODS AND ACTIVITY CENTERS

Theme: The Carson City Master Plan seeks to promote safe, attractive and diverse neighborhoods, compact mixed-use activity centers, and a vibrant, pedestrian-friendly Downtown.

Does the proposed amendment promote compatibility with surrounding development for infill projects or adjacent to existing rural neighborhoods (6.2a, 9.3b, 9.4a)?

This amendment to the Master Plan is proposed to permit the construction of a new school which would allow for the development of an undeveloped site which is partly surrounded by developed properties; Carson City Airport to the north, three industrial buildings to the east, and a commercial development to the south that includes a bank and related uses. The property to the west across Goni Road is undeveloped.

This project promotes compatibility with the surrounding development and adjacent uses and would provide infill in an area that will provide consistency with the surrounding properties.

If located in an identified Mixed-Use Activity Center or m Area, does the proposed amendment provide for the appropriate mix, size and density of land uses consistent with the Mixed-Use district policies (7.1a,b)?

Not Applicable

Does the proposed amendment encourage an appropriate mix of housing models and densities based upon the local, size and surrounding neighborhood context (9.1a)?

Not Applicable

Does the proposed amendment discourage "spot" rezoning of parcels within established rural neighborhoods that have not been identified as higher density on the Land Use Map or that are not contiguous with lots zoned for a comparable density (9.4b)?

Not Applicable

CHAPTER 7: A CONNECTED CITY

Theme: The Carson City Master Plan seeks to promote a sense of community by linking its many neighborhoods, employment areas, activity centers, parks, recreational amenities and schools with an extensive system of interconnected roadways, multi-use pathways, bicycle facilities, and sidewalks.

Does the proposed amendment promote transit-supportive development patterns (e.g. mixed-use, pedestrian-oriented, higher density) along major travel corridors to facilitate future transit (11.2b)?

The proposed amendment is adjacent to the airport that is already served by Goni Road and College Parkway, plus it is within 1/2 mile of the new Carson City Freeway. In addition it is served by existing on-road bicycle facilities as shown on the Carson City Unified Pathways Master Plan.

It will be served by district school buses which will use existing major travel corridors that could also support alternative transit systems in the future.

Does the proposed amendment promote enhanced roadway connections and networks consistent with Transportation Master Plan (11.2c)?

The site is located less than one mile from the Carson City Freeway and has direct access off College Parkway and Goni Road, both of which have the ability to serve the proposed school facilities traffic needs which is consistent with the Transportation Master Plan.

Does the proposed amendment provide for appropriate pathways through the development and to surrounding lands, including parks and public lands, consistent with the Unified Pathways Master Plan and the proposed use and density (12.1a, c)?

The proposed amendment is consistent with the Carson City Unified Pathways Master Plan (CCUPMP). The development of this property has an existing on road bike lane on Goni Road and on College Parkway. The CCUPMP also shows an off street paved/shared multiuse route along East College Parkway that continues west between this parcel and the airport, connecting back to Goni Road. It appears that this is shown on airport property, although provisions could be made on the proposed school campus to either connect or continue this facility to provide for pedestrian and bicycle access to this parcel which would be consistent with the Unified Pathways Master Plan.

b-1 Compatible Land Uses - The proposed amendment will provide for land uses compatible with the existing adjacent land uses and will not adversely impact the public health, safety or welfare.

Adjacent Land Uses:

<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Public/Quasi-Public (Airport)	Public Regional (PR)
East	Public/Quasi-Public (Airport)	Public Regional (PR)
South	Industrial	Limited Industrial (LI)
West	Industrial	General Industrial (GI)

c-1 Response to Changed Conditions - The proposed amendment addresses changed conditions that have occurred since the plan was adopted by the Board of Supervisors and the requested amendment represents a more desirable utilization of land

Silver State High School is currently seeking land that will not only provide for the development of a new school, but that will also allow for future expansion to include a new aerospace division and a sports field. The property that is currently under consideration for a Master Plan Amendment, Zone Plan Amendment and Special Use Permit is recognized for its potential to serve that use and is served by existing facilities. This proposed use for the land provides for a more efficient and desirable use of the land both for the applicant and for Carson City.

d-1 Desired Pattern of Growth - The proposed amendment will promote the desired pattern for the orderly physical growth of the city and guides development of the city based on the projected population growth with the least amount of natural resource impairment and the efficient expenditure of funds for public services.

The proposed amendment promotes the development of Silver State High School and allows for the expansion of the school that provides a need for the growing student population in Carson City. The land is currently served by an existing road system and utilities thereby minimizing the expenditure of funds for the future growth of the new parcels.

ACKNOWLEDGEMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.

James Wick
Signature of Applicant

4-14-09
Date

RECEIVED

OCT 22 2009

CARSON CITY PLANNING DIVISION

Carson City Planning Division
2621 Northgate Lane, Suite 62 • Carson City NV 89706
Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

ZONING MAP AMENDMENT

FILE # ZMA - 09 - - ZMA - 09 - 036

FEE: \$2,450.00 + noticing fee + CD containing application data (all to be submitted once application is deemed complete by staff).

PROPERTY OWNER

Weikel Carson Air Park Ltd.
MAILING ADDRESS, CITY, STATE, ZIP

SUBMITTAL PACKET

2222 College Parkway, Carson City, NV 89706
E-MAIL ADDRESS

- Application Form
- Site Plan
- Proposal Questionnaire With Both Questions and Answers Given, Supporting Documentation
- Applicant's Acknowledgment Statement
- 6 Completed Application Packets (1 Original + 5 Copies)
- Documentation of Taxes Paid-to-Date (1 copy)
- Project Impact Reports (Engineering-4 copies)

PHONE # 775-887-7500 FAX # 775-882-2952

Mike Stephenson, PE

Application Reviewed and Received By:

Name of Person to Whom All Correspondence Should Be Sent
APPLICANT/AGENT
Palmer Engineering Group, Ltd.
611 North Nevada Street, Carson City, NV
MAILING ADDRESS, CITY, STATE ZIP 89703

Submittal Deadline: See attached PC application submittal schedule.

PHONE # 775-884-0479 FAX # 775-884-4226

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

E-MAIL ADDRESS mike@palmer-eng.com

Project's Assessor Parcel Number(s)
005-011-03

Street Address ZIP Code
2222 College Parkway, Carson City, NB 89706

Project's Master Plan Designation
Industrial

Project's Current Zoning
LI

Nearest Major Cross Street(s)
Hot Springs Road

Briefly describe the components of the proposed project: in accordance with Carson City Municipal Code (CCMC), Section 18.02.075. In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal.

Silver State High School is applying for this ZMA to change the zoning of a portion of this parcel from Limited Industrial to Public Regional for a new campus for their public charter school and to provide airport access for their aerospace curriculum. A separate application for a Master Plan Amendment and Special Use Permit will be submitted concurrently to allow that portion of the property to be designated Public Regional.

PROPERTY OWNER'S AFFIDAVIT

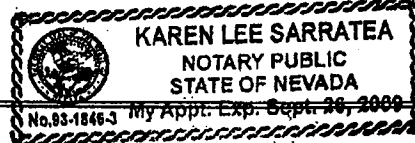
I, Joni L. Weikel, being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and I agree to, the filing of this application.

Joni L. Weikel Signature 2222 E. College Parkway Address 4-14-09 Date

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

On April 14, 2009, Joni L. Weikel personally appeared before me, a notary public, 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.

Karen Lee Sarratea
Notary Public



ZONE MAP AMENDMENT
for
SILVER STATE HIGH SCHOOL

**Northeast Corner
Goni & Hot Springs Roads
Carson City, Nevada 89706**

**Assessor Parcel Number
005-011-03**

SW 1/4 of Section 4, T15N, R20E, MDB&M

Prepared for:

**Weikel Carson Air Park, Ltd.
2222 E. College Parkway
Carson City, Nevada 89706
Phone (775) 887-7500
Fax (775) 882-7952**



Prepared by:

**Palmer Engineering Group, Ltd.
611 North Nevada Street
Carson City, Nevada 89703
Phone (775) 884-0479
Fax (775) 884-4226**

**April 2009
Job No. 090302**

PROJECT SUMMARY

Silver State High School

APN 05-011-03

Silver State High School is proposing a Zone Map Amendment (ZMA) to be submitted concurrently with a Master Plan Amendment and Special Use Permit for a parcel of land totaling approximately 4.7 acres in size and being a portion of APN 05-011-03. It is located on the Northeast corner of Goni Road and Old Hot Springs Road. A map depicting its location is attached as an exhibit.

The school currently leases a building located at the northeast corner of North Carson Street and College Parkway that does not allow for expansion, nor does it have access to aerospace facilities.

Silver State High School has retained GL Szabo & Associates and Palmer Engineering Group, Ltd, to prepare the application for the Zone Map Amendment, Master Plan Amendment and Special Use Permit for a new school that includes a combination High School and Middle School plus an aerospace technical center. This portion of the parcel of land proposed for the school is currently undeveloped, with the eastern portion of the parcel developed with three (3) buildings used for industrial purposes accessed by a cul-de-sac.

The parcel is currently shown on the Carson City Zone Map as Limited Industrial. The property is bordered by Carson City Airport as Public Regional to the north, Limited Industrial to the south, Limited Industrial to the East, and General Industrial to the west across Goni Road.

Silver State High School is applying for a Zone Map Amendment to change a portion of the parcel currently zoned Limited Industrial to allow for the development of a public school adjacent to the Carson City Airport to allow expansion, plus provide access for the aerospace segment of the school. A separate application for a Master Plan Amendment and Special Use Permit will be submitted concurrently to allow that portion of the property to be designated Public Regional (PR) as is the adjacent Airport property.

This request for a Zone Map Amendment is pursuant to the Carson City Municipal Code, Title 18 - Zoning, Chapter 18.02 - Administrative Provisions, Section 18.02.075 - Zoning Map Amendments and Zoning Code Amendments.

The proposed Zone Map Amendment is needed by Carson City for the purposes of protecting the public health and meeting a public purpose.

**Questionnaire Supporting the Application
for a
ZONE MAP AMENDMENT**

1 That the proposed amendment is in substantial compliance with and supports the goals and policies of the Master Plan.

A. In reviewing the attached Carson City Master Plan Policy Checklist, determine which Policies are applicable to the proposal. Explain what features of the proposed project support your selection of Goals and Policies concerning land use and related policies for the neighborhood where the subject parcel is located.

CHAPTER 3: A BALANCED LAND USE PATTERN

Theme: The Carson City Master Plan seeks to establish a balance of land uses within the community by providing employment opportunities, a diverse choice of housing, recreational opportunities and retail services.

Does the proposed amendment discourage growth outside areas planned to be served by community water and wastewater facilities as identified in the Water and Wastewater Master Plans (1.1b)?

This development will be served by the existing water and sewer system. There exists a 12" PVC water main in Old Hot Springs Road directly to the south of the project. There is an existing 8" PVC sewer line to the west of the property in Goni Road. If pipe slopes or sewer capacity is an issue, the development also has the ability to connect to the 8" sewer line that presently serves the property accessed by the cul-de-sac off from East College Parkway.

Does the proposed amendment promote infill and redevelopment in an identified priority area (1.2a)?

The portion of this property proposed for the school is currently undeveloped, but is partly surrounded by developed properties, namely the Carson City Airport to the north, three industrial buildings to the east, and a commercial development to the south that includes a bank and related uses. The property to the west across Goni Road is undeveloped.

This project would provide infill in an area that already is supplied by Carson City services including arterial roads capable of handling bus traffic, connections to water and sewer, and emergency services.

Does the proposed amendment, at adjacent county boundaries, minimize potential land use conflicts with adjacent properties (1.5a)?

A public charter school placed on this site creates an opportunity to provide compatibility with existing development as well as the ability to establish buffers with the existing land uses where there already exists a minimum land use friction zone. By developing this parcel of land with the proposed school and related amenities, including an aerospace technical learning center which would effectively be supported by the airport to the north; a sports field to the east adjacent to the existing light industrial development, and a commercially developed parcel of land across Old Hot Springs Road to the south, this proposal effectively minimizes potential land conflicts with its adjacent boundaries.

Does the proposed amendment, adjacent to State and Federal lands, ensure compatibility with planned adjacent uses and access (1.5b)?

The north boundary of the property borders the Carson City Airport. Locating the public charter school next to the airport enhances the school's aerospace department by providing direct access to the airport, further ensuring compatibility as a public use. In addition, as part of the development of the project, a "through the fence" access to the airport will be developed as part of the application to the Carson City Airport Authority and applicable agencies.

Is the proposed amendment located to be adequately served by city services including fire and sheriff offices, and coordinated with the School District to ensure the adequate provision of schools (1.5d)?

The project is located at the intersection of Goni Road and Old Hot Springs Road that is currently served by city water and sewer and provides access for both the fire and sheriff departments. There will be a bus drop off road in front of the school that will be designed to provide adequate turning radii for fire trucks as well as quick access for sheriff department vehicles.

The new building will allow for anticipated expansion of the existing school and will provide additional school bus service which results in less of a demand on the existing school district.

Does the proposed amendment promote a citywide range of mixed use, residential, commercial and employment uses at a variety of scales and intensities (2.1a)?

Development of the property as planned will provide for additional educational experiences currently not readily available in Carson City, including a technical aerospace center, innovative computer facilities and other educational facilities not found in conventional school systems.

Construction of the school will provide employment opportunities in the construction industry as well as support professional services needed for services of supplies, and various other sectors of the workforce in Carson City including teachers and support staff.

Does the proposed amendment, in identified Mixed-Use areas, promote mixed-use development patterns as appropriate for the surrounding context consistent with the land use descriptions of the applicable Mixed-Use designation, and meet the intent of the Mixed-Use Evaluation Criteria (2.1b, 2.2b, 2.3b, Land Use Districts)?

Although this project is not located specifically in a Mixed Use Area, the development of the project will provide mixed use by allowing for a public charter school adjacent to land zoned Public Regional and Light Industrial. This allows for a "mixed use" area surrounding the airport and is appropriate in context of the surrounding parcels of land.

Does the proposed amendment discourage rezoning of properties that create "friction zones" between adjacent land uses, particularly industrial and residential uses (2.1d)?

The proposed amendment introduces a new public charter school in the area that is currently zoned Industrial adjacent to the airport, which is zoned Public. This provides a minimal friction zone on the property being developed but will also be separated by a flood zone that will be used as a sports field. This will provide consistency with the airport property to the north and will prevent further development of the property.

Does the proposed amendment encourage development outside the primary floodplain and away from geologic hazard areas (3.3d, e)?

The property has a portion of the 100 year flood plain within its boundaries. In addition the Federal Emergency Management Agency (FEMA) has mapped the "floodway" through the property which is described as a Zone AE floodway, described as "the floodway is the channel of a stream plus any adjacent floodplain areas that must be kept free of encroachment so that the 1% annual chance flood

can be carried without substantial increases in flood heights". The portion of the property that is located in the floodway within the floodplain will be utilized for a sports field as part of open space.

The site will be graded to allow for additional floodwaters to be routed into the floodway, minimizing the depth of flow in the floodplain, in addition, the school building and facilities will be constructed so that the finish floor will be one foot above the floodplain as required by the FEMA. See FEMA exhibits.

The site is located in an area designated as having a moderate potential for shaking during earthquakes. Although there are no known geologic hazards located within the parcel, there is a questionable fault shown on the earthquake hazards map that is in the proximity of Goni Road that is west of the west boundary of the of the property and is shown as having the least potential hazard for surface displacement. See Earthquake Hazard Map exhibits.

Does the proposed amendment provide for zoning consistent with the Land Use designation (Land Use table descriptions)?

The parcel is currently zoned Limited Industrial. Public schools are not allowed in Industrial zoning; however the parcel is adjacent to Public zoning where schools are allowed under conditional use. The school will be located in Public zoning if the Zone Map and Master Plan amendments are approved with a Special Use Permit which will be submitted under a separate application. The proposed amendment provides for zoning consistent with the Land Use designation.

Does the proposed amendment meet the location criteria for the applicable Land Use designation (Land Use descriptions)?

The proposed amendment is consistent with the use of Public Zoning.

Does the proposed amendment, if located within an identified Specific Plan Area (SPA), meet the applicable policies of the SPA (Land Use Map, Chapter 8)?

Not Applicable

CHAPTER 4: EQUITABLE DISTRIBUTION OF RECREATIONAL OPPORTUNITIES

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Does the proposed amendment provide opportunities to expand parks and recreation opportunities (4.2a)?

The proposed amendment will include sports fields for school activities as well as scheduled events held by the public charter school. These activities will provide recreational opportunities for the middle school and high school.

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Does the proposed amendment help maintain and enhance the primary job base (5.1)?

The proposed public charter school has an existing staff of approximately 20 employees. The proposed new facility will allow for the future expansion of grades 9-12, as well as the addition of a junior high school. It is estimated that the employment will be increased in proportion to the number of students to approximately 40, which will include additional teaching positions as well as administrative and support staff not only maintaining the primary job base, but increasing the number of jobs in the short term future.

Does the proposed amendment encourage a citywide housing mix consistent with the labor force and non-labor force populations (5.1j)?

Not Applicable

Does the proposed amendment encourage the development of regional retail centers (5.2a)?

Not Applicable

Does the proposed amendment encourage reuse or redevelopment of the underused retail spaces (5.2b)?

Not Applicable

Does the proposed amendment support heritage tourism activities, particularly those associated with historic resources, cultural institutions and the State Capitol (5.4a)?

Not Applicable

Does the proposed amendment promote revitalization of the Downtown core (5.6a)?

Not Applicable

Does the proposed amendment encourage the incorporation of additional housing in and around the Downtown (5.6c)?

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Does the proposed amendment promote compatibility with surrounding development for infill projects or adjacent to existing rural neighborhoods (6.2a, 9.3b, 9.4a)?

This amendment to the Zone Map is proposed to permit the construction of a new school which would allow the development of an undeveloped site which is partly surrounded by developed properties; Carson City Airport to the north, three industrial buildings to the east, and a commercial development to the south that includes a bank and related uses. The property to the west across Goni Road is undeveloped.

This project promotes compatibility with the surrounding development and adjacent uses and would provide infill in an area that will provide consistency with the surrounding properties.

If located in an identified Mixed-Use Activity Center or in Area, does the proposed amendment provide for the appropriate mix, size and density of land uses consistent with the Mixed-Use district policies (7.1a,b)?

Not Applicable

Does the proposed amendment encourage an appropriate mix of housing models and densities based upon the local, size and surrounding neighborhood context (9.1a)?

Not Applicable

Does the proposed amendment discourage "spot" rezoning of parcels within established rural neighborhoods that have not been identified as higher density on the Land Use Map or that are not contiguous with lots zoned for a comparable density (9.4b)?

Not Applicable

CHAPTER 7: A CONNECTED CITY

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Does the proposed amendment promote transit-supportive development patterns (e.g. mixed-use, pedestrian-oriented, higher density) along major travel corridors to facilitate future transit (11.2b)?

The proposed amendment is adjacent to the airport that is already served by Goni Road and College Parkway, plus it is within 1/2 mile of the new Carson City Freeway. In addition it is served by existing on-road bicycle facilities as shown on the Carson City Unified Pathways Master Plan.

It will be served by district school buses which will use existing major travel corridors that could also support alternative transit systems in the future.

Does the proposed amendment promote enhanced roadway connections and networks consistent with Transportation Master Plan (11.2c)?

The site is located less than one mile from the Carson City Freeway and has direct access off College Parkway and Goni Road, both of which have the ability to serve the proposed school facilities traffic needs which is consistent with the Transportation Master Plan.

Does the proposed amendment provide for appropriate pathways through the development and to surrounding lands, including parks and public lands, consistent with the Unified Pathways Master Plan and the proposed use and density (12.1a, c)?

The proposed amendment is consistent with the Carson City Unified Pathways Master Plan (CCUPMP). The development of this property has an existing on road bike lane on Goni Road and on College Parkway. The CCUPMP also shows an off street paved/shared multiuse route along East College Parkway that continues west between this parcel and the airport, connecting back to Goni Road. It appears that this is shown on airport property, although provisions could be made on the proposed school campus to either connect or continue this facility to provide for pedestrian and bicycle access to this parcel which would be consistent with the Unified Pathways Master Plan.

2 That the proposed amendment will provide for land uses compatible with existing adjacent land uses and will not have detrimental impacts to other properties in the vicinity.

A. Describe land uses and zoning adjoining your property (for example: North: two houses, Single-Family One Acre zoning; East: restaurant, retail Commercial zoning, etc.), and how your zoning will be compatible with those uses and not cause detrimental impacts.

<i>Direction</i>	<i>Land Use</i>	<i>Zoning</i>
North	Public/Quasi-Public (Airport)	Public Regional (PR)
East	Public/Quasi-Public (Airport)	Public Regional (PR)
South	Industrial	Limited Industrial (LI)
West	Industrial	General Industrial (GI)

The change in zoning of this parcel from Limited Industrial to Public Regional will merely shift the boundary line between these compatible land uses, resulting in negligible impact to the zoning or land use.

B. Describe land use and zoning changes in the general vicinity which have occurred in the previous five-year period.

According to the Carson City Planning Department, in 1996 the land use classification of the properties north and east of this parcel was Public Regional. In 2006, these parcels were re-classified Public/Quasi-Public (Airport). Land use of the properties south and west remained Industrial.

In 2000, the zoning classification for properties north and east of this parcel was Public. In 2002, the zoning changed to Public Regional. Zone classification of the properties south and west remained Limited Industrial and General Industrial, respectively.

See history documents from Planning in exhibits.

- 3 That the proposed amendment will not negatively impact existing or planned public services or facilities and will not adversely impact public health, safety and welfare.**

Approval of this amendment for re-zoning this parcel from Limited Industrial to Public Regional should not have a negative impact on public services or facilities. This site is readily accessible from the Carson Freeway (1/2 mile to nearest on-ramp) by way of a main collector street, College Parkway. The Airport Fire Station is just over ¼ mile away, also on College Parkway. Carson Tahoe Regional Healthcare is just minutes away at a distance of about 2.5 miles with two access routes by way of a) the freeway to College Parkway or b) Arrowhead Drive to Goni Road.

- 4 That sufficient consideration has been exercised by the applicant in adapting the project to existing improvements in the area. Be sure to indicate the source of information that you are providing (private engineer, Development Engineering, title report, or other sources) Describe how your proposed Zoning Map Amendment will not adversely impact drainage, sewer, water, traffic, schools, emergency services, roadways and other city services.**

A. Is drainage adequate in the area to support the density that may occur with rezoning? How will drainage be accommodated? How have you arrived at this conclusion?

A portion of the 100-year floodplain, as defined by FEMA, encroaches onto the eastern section of this property. A zone 'AE' floodway lies within the floodplain, also along the eastern portion of this parcel. The portion of the property that is located in the floodway will be utilized for a sports field as part of open space.

The site will be graded to allow for additional floodwaters to be routed into the floodway, minimizing the depth of flow in the floodplain. Furthermore, the school building and facilities will be constructed so that the finish floor will be at least one foot above the floodplain as required by the FEMA. This information was derived from the National Flood Insurance Program's Flood Insurance Rate Map, FIRM Map Number 3200010103E, dated January 16, 2009. See exhibits.

B. Are the water supplies in the area of your project adequate to meet your needs without degrading supply and quality to others? Is there adequate water pressure? Are the lines in need of replacement? Talk to the Utilities Department for the required information.

Hot Springs Road contains a 12" water main which would be the connection point for this property. According to the Water Department (Mark Brethauer and Curtis Horton), they have not experienced any problems, or complaints, in that area and connecting to the 12" line would not be a problem. Based on their recent fire flow reports for the area, water pressure and capacity is adequate to meet the needs of this project.

C. Are roadways sufficient in the area to serve the density that may occur from the rezoning? How have you arrived at this conclusion?

This project is bounded on the west by Goni Road and the south by Old Hot Springs Road and the east by the cul-de-sac on Challenger Way. College Parkway is a collector street just south of this project with an access ramp to the Carson Freeway about ½ mile away. Given the proximity to the freeway with a collector street nearby, road capacity is not expected to be adversely affected by rezoning this parcel from Industrial to Public Regional.

D. Will the school district be able to serve the student population that may occur from this re-zoning? How have you arrived at this conclusion?

Approval of the re-zoning and the approval of a special use permit allowing Silver State High to build a new school on this parcel will enable an expansion to increase student enrollment and curriculum. This in turn will increase the school district's capacity to serve the city's student population.

E. Are adequate means of access available for emergency vehicles to serve the site? What is the approximate response time for emergency vehicles? If your application is approved to re-zone the property, will additional means of access be required for increased density? Or will existing access ways be adequate? How have you arrived at this conclusion?

Given the proximity of this site to Carson City's Freeway by way of a major collector street, College Parkway, emergency vehicle access to the school will be very good. Carson City's Airport Fire Station on College Parkway is merely seconds away at less than 1/2 mile from the site. Carson Tahoe Regional Healthcare is just minutes away at a distance of about 2.5 miles with two access routes by way of a) the freeway to College Parkway or b) Arrowhead Drive to Goni Road.

ACKNOWLEDGEMENT OF APPLICANT

I certify that the foregoing statements are true and correct to the best of my knowledge and belief.



Signature of Applicant

4-14-09
Date

RECEIVED

OCT 22 2009

CARSON CITY PLANNING DIVISION

Carson City Planning Division
2621 Northgate Lane, Suite 62 • Carson City NV 89706
Phone: (775) 887-2180 • E-mail: plandept@ci.carson-city.nv.us

FOR OFFICE USE ONLY:

CCMC 18.02

FILE # SUP - 09 - 1 SUP - 09 - 037

SPECIAL USE PERMIT

PROPERTY OWNER
Weikel Carson Air Park, Ltd.

FEE: \$2,450.00 MAJOR
\$2,200.00 MINOR (Residential zoning districts)

MAILING ADDRESS, CITY, STATE, ZIP

+ noticing fee and CD containing application digital data (all to be submitted once the application is deemed complete by staff)

2222 College Parkway, Carson City, NV 89706
PHONE # 775-887-7500 FAX # 775-882-2952

SUBMITTAL PACKET

- 6 Completed Application Packets (1 Original + 5 Copies) including:
 - Application Form
 - Site Plan
 - Building Elevation Drawings and Floor Plans
 - Proposal Questionnaire With Both Questions and Answers Given
 - Applicant's Acknowledgment Statement
 - Documentation of Taxes Paid-to-Date (1 copy)
 - Project Impact Reports (Engineering) (4 copies)

Name of Person to Whom All Correspondence Should Be Sent

APPLICANT/AGENT
Palmer Engineering Group, Ltd.

Mike Stephenson, PE

MAILING ADDRESS, CITY, STATE ZIP

611 North Nevada Street
Carson City, NV 89703

PHONE # 775-884-0479 FAX # 775-884-4226

mike@palmer-eng.com

E-MAIL ADDRESS

Application Reviewed and Received By:

Submittal Deadline: See attached PC application submittal schedule.

Note: Submittals must be of sufficient clarity and detail such that all departments are able to determine if they can support the request. Additional information may be required.

Project's Assessor Parcel Number(s): 005-011-03	Street Address 2222 College Parkway, Carson City, NV 89706	ZIP Code
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Project's Master Plan Designation Industrial	Project's Current Zoning L1	Nearest Major Cross Street(s) Hot Springs Road
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Briefly describe your proposed project: (Use additional sheets or attachments if necessary). In addition to the brief description of your project and proposed use, provide additional page(s) to show a more detailed summary of your project and proposal. In accordance with Carson City Municipal Code (CCMC) Section: 18.04.185 or Development Standards, Division _____, Section _____, a request to allow as a conditional use is as follows:

See attached

School in Public Regional Use District under Conditional Use

PROPERTY OWNER'S AFFIDAVIT

Joni L. Weikel, 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.

Joni L. Weikel
Signature

2222 E. College Parkway
Address

4-14-09
Date

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

STATE OF NEVADA
COUNTY

On April 14, 2009, Joni L. Weikel, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document.

Karen Lee Sarratea
Notary Public

personally appeared before me, a notary public,
KAREN LEE SARRATEA
NOTARY PUBLIC
STATE OF NEVADA
My Appt. Exp. Sept 26, 2009

NOTE: If your project is located within the historic district, airport area, or downtown area, it may need to be scheduled before the Historic Resources Commission, the Airport Authority, and/or the Redevelopment Authority Citizens Committee prior to being scheduled for review by the Planning Commission. Planning personnel can help you make the above determination.

Special Use Permit
Weikel Carson Air Park Ltd.

Special Use Permit

Silver State High School is applying for this SUP to allow development of their school as a conditional use for land to be designated Public Regional. Besides the need for additional area for growth, approval of this use permit would allow development of a public school adjacent to the airport to support their aerospace curriculum. Separate applications for Master Plan and Zone Map Amendments are being submitted concurrently to allow that portion of the property to be designated Public Regional (PR).