Carson City Agenda Report

Agenda Date Requested: February 7, 2013
Time Requested: 5 minutes

To: Mayor and Board of Supervisors
From: Public Works – Planning Division
Subject Title: For Possible Action: To adopt Bill No. 102, on second reading, Ordinance No. 2013—, an ordinance approving a development agreement between Carson City and CNM Family, LLC, regarding the development of a commercial subdivision know as Arrowhead Business Park, located on Ryan Way, Assessors Parcel Numbers 005-072-05 and -06, to extend the approval of the tentative subdivision map, and other matters properly related thereto. (Lee Plemel)
Summary: The primary purpose of the development agreement is to extend the approval of the tentative subdivision map for three years, which would expire on January 18, 2013, if no further action is taken.
Type of Action Requested: Resolution Formal Action/Motion Ordinance Other (Specify)
Does This Action Require a Business Impact Statement: Yes No
Prior Board Action: Approved the ordinance on first reading on January 17, 2013, by a vote of 5 ayes and 0 nays.
Recommended Board Action: I move adopt Bill No. 102, on second reading, Ordinance No. 2013—, an ordinance approving a development agreement between Carson City and CNM Family, LLC, regarding the development of a commercial subdivision know as Arrowhead Business Park, located on Ryan Way, Assessors Parcel Numbers 005-072-05 and -06, to extend the approval of the tentative subdivision map, and other matters properly related thereto.
Explanation for Recommended Board Action: The proposed action would extend the approval of the subdivision for three years. All other conditions and requirements for the development of the commercial subdivision would remain in effect. NRS allows an extension of time for the filing of a final map for a subdivision by approval of a development agreement. The subject property remains vacant and undeveloped.

Applicable Statue, Code, Policy, Rule or Regulation: NRS 278.360 (Requirements for presentation of final map or series of final maps; extensions of time); CCMC 17.05 (Tentative

Maps); 17.06 (Final Maps); 17.08 (Development Agreements).

Fiscal Impact: N/A

Date Submitted: January 29, 2013

Explanation of Impact: N/A
Funding Source: N/A
Alternatives: 1) Do not approve the development agreement and allow the tentative subdivision map approval to expire.
Supporting Material: 1) Ordinance & Agreement
Prepared By: Janice Brod, Grants Program Coordinator
Reviewed By: (Planning Division Director) (Public Works Director) (City Manager) (District Aftorney Fairlice (Finance Director) Date: /-29-/3 Date: /-29-/3 Date: /-29-/3 Date: /-29-/3 Date: /-29-/3 Date: /-29-/3 Date: /-29-/3
Board Action Taken:
Motion:1)
(Vote Recorded By)

BILL NO. 102

ORDINANCE NO. 2013-

AN ORDINANCE APPROVING A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND CNM FAMILY, LLC, REGARDING THE DEVELOPMENT OF A COMMERCIAL SUBDIVISION KNOW AS

ARROWHEAD BUSINESS PARK, LOCATED ON RYAN WAY, ASSESSORS PARCEL NUMBERS 005-072-05 AND -06, TO EXTEND

THE APPROVAL OF THE TENTATIVE SUBDIVISION MAP, AND

OTHER MATTERS PROPERLY RELATED THERETO.

Fiscal effect: N/A

THE BOARD OF SUPERVISORS OF CARSON CITY DO ORDAIN:

SECTION I:

WHEREAS, Carson City desires to enter into a development agreement with CNM

Family, LLC, concerning the development of land know as Assessor's Parcel Numbers 005-072-

05 and -06, generally located on Ryan Way north of Arrowhead Drive, Carson City Nevada.

WHEREAS, the Carson City Board of Supervisors finds that the contents of the

development agreement conform to the Carson City Municipal Code 17.08 and Nevada Revised

Statues 278.0203; and

WHEREAS, the Board finds that the provisions of the development agreement are

consistent with the Carson City Master Plan and the original approval of Tentative Commercial

Subdivision know as Arrowhead Business Park Tentative Map.

NOW, THEREFORE, the Board hereby approves by ordinance the attached

development agreement between Carson City and CNM Family, LLC, concerning the

development of land know as Assessor's Parcel Numbers 005-072-05 and -06, generally located

on Ryan Way north of Arrowhead Drive, Carson City Nevada, said agreement being attached

and incorporated herein as Exhibit "1".

The Board further directs that the City Clerk shall cause a certified copy of this ordinance and original agreement between Carson City and CNM Family, LLC, to be filed with the Carson City Recorder.

PROPOSED on			
PROPOSED BY Supervisor			
PASSED	, 2013.		
VOTE:			
AYES:			
NAYS:			
MITS.			
ABSENT:			
	ROBERT L. CROWELL, Mayor		
ATTEST:			
ALAN GLOVER, Clerk-Recorder			
This ordinance shall be in force and effect of the year 2013.	from and after theday of the month of		

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT made and entered into thisday of
, 2013, by and between CNM Family, LLC, a Nevada limited liability
company as Developer of that certain project known as ARROWHEAD BUSINESS
PARK, hereinafter referred to as "DEVELOPER," and CARSON CITY, a consolidated
municipality of the State of Nevada, hereinafter referred to as "CARSON CITY."

RECITALS:

- ARROWHEAD BUSINESS PARK, is a proposed development encompassing 7.48 acres of real property, more or less, located on Ryan Way in Carson City, Nevada, Assessor Parcel Numbers 005-072-05 and -06, more particularly described in Exhibit "A";
- 2. On January 18, 2007, the Carson City Board of Supervisors approved a Tentative Industrial Subdivision Map for Forty-Five (45) lots, a copy of the official minutes and conditions of approval of such action is attached hereto as Exhibit "B" and incorporated herein by this reference ("THE PROJECT");
- 3. Due to certain market and economic conditions that have developed since THE PROJECT tentative map approval, the DEVELOPER and CARSON CITY believe that it is mutually beneficial to enter into a Development Agreement and each mutually desire that THE PROJECT be developed in accordance with this Development Agreement.
- 4. CARSON CITY and DEVELOPER desire to hereinafter have the provisions of this Development Agreement govern the development activities of THE PROJECT.

NOW THEREFORE, for good and valuable consideration, and the mutual covenants, conditions, and promises herein contained, the parties do agree as follows:

I.

PROJECT CHARACTERISTICS

THE PROJECT is a planned unit development project within the Airport Industrial Park Zoning.

Based upon the present tentative planned unit project map, THE PROJECT will be comprised of Forty-Five (45) lots as set forth in the approvals.

II.

ADMINISTRATION OF THE PROJECT

THE PROJECT shall be developed in accordance with the approvals by the Carson City Board of Supervisors set forth in Exhibit "B" with the following characteristics and requirements:

2.1 Expiration by Inaction

This Agreement adopted pursuant to CCMC 17.08. requires that THE PROJECT shall be diligently pursued and the approvals referenced above (if no extension has been granted) shall expire if the final map and commencement of construction of THE PROJECT is not recorded and begun by January 18, 2016.

2.2 <u>Further Covenants</u>

CARSON CITY shall not require any payments, contributions, economic concessions, or other conditions for approvals, contemplated within or by this Development Agreement other than as provided herein, or as provided in the Board of Carson City Supervisor's approval of January 18, 2007. Nothing set forth in this

paragraph is to be construed to mean that Carson City can not charge its standard permit fees.

2.3 <u>Mutual Cooperation</u>

CARSON CITY shall cooperate with DEVELOPER to obtain all necessary approvals, permits or to meet other requirements which are or may be necessary to implement the intent of THE PROJECT approval in this Agreement. Nothing contained within this paragraph, however, shall require CARSON CITY or its employees to function on behalf of DEVELOPER nor shall this Agreement be construed as an implicit pre-approval of any further actions required by CARSON CITY

III.

MISCELLANEOUS

3.1 Carson City Code

THE PROJECT shall comply with all ordinances and fees adopted by CARSON CITY, applied on a uniform basis to all development projects in CARSON CITY.

Final map shall comply with the Exhibit "B" conditions and be recorded in accordance with all applicable CARSON CITY ordinances.

The proposed development shall be in accord with the objective of Title 17 of Carson City Municipal Code.

Should any provision of this Agreement be deemed to be in conflict with the Exhibit "B" conditions of approval, the Exhibit "B" conditions shall control.

APPLICABLE LAW AND ATTORNEYS' FEES

This Development Agreement shall be construed and enforced in accordance with the laws of the State of Nevada. Should any legal action be brought by either party relating to this Development Agreement or to enforce any provision herein, the prevailing party of such action shall be entitled to reasonable attorneys' fees, court costs and such other costs as may be fixed by the court.

V.

SUCCESSORS AND ASSIGNS

The parties hereto agree that the terms and conditions of this Agreement shall bind and inure to the benefit of the parties' successors and assigns.

VI.

ENTIRE AGREEMENT

This Agreement constitutes the entire understanding between the parties with respect to the subject matter hereof, and supersedes all other agreements, written or oral, between the parties with respect to such subject matter.

VII.

HOLD HARMLESS AND INDEMNIFICATION

DEVELOPER hereby agrees to, and shall hold CARSON CITY, its elective and appointive boards, commissions, officers, agents and employees harmless from any liability for damage or claims for property damage which may arise from DEVELOPER's or DEVELOPER'S contractors', subcontractors', agents', or employees' operations under this Development Agreement, whether such operations by DEVELOPER or by any of DEVELOPER's contractors, subcontractors, or by any one or

more person directly or indirectly employed by, or acting as agent for DEVELOPER or any of DEVELOPER's contractors or subcontractors. DEVELOPER agrees to, and shall defend CARSON CITY, its elective and appointive boards, commissions, officers, agents and employees, from any suits or actions at law or in equity for damage caused or alleged to have been caused by reason of the aforesaid operations.

VIII.

PROJECT AS PRIVATE UNDERTAKING

It is specifically understood and agreed by and between the parties hereto that the subject PROJECT is a private development and no partnership, joint venture or other association of any kind is formed by this Development Agreement. The only relationship between CARSON CITY and DEVELOPER is that of a government entity regulating the development of private property within the parameters of applicable law and the owner of such private property.

FURTHER ASSURANCES

In the event of any legal action instituted by any third party or other government entity or official challenging this Development Agreement CARSON CITY and DEVELOPER shall cooperate and use their best efforts in defending any such action.

Effective this	day of		, 2013.
CNM Family LLC, a Nevada L Liability Company	imited	CARSON CITY, a consolidated municipality.	
By: Claude Cognian, Treasurer	M·./	Ву:	Robert Crowell, Mayor
Approved as to form:			
CARSON CITY DISTRICT ATTORNEY			
Dv.			

STATE OF NEVADA)
COUNTY OF WAShoe : SS.
SARSON CITY
)



NOTARY PUBLIC

SPECIAL CONSENT RESOLUTION OF THE MEMBERS

The undersigned being all of the Members of CNM FAMILY, LLC, a Nevada limited liability company ("Company"), hereby consent to the following resolution in lieu of a meeting:

RESOLVED, that the Members consent and approve that CLAUDE COGNIAN be named as Treasurer of CNM FAMILY, LLC, and he is authorized and empowered to act as Treasurer on behalf of the Company.

The undersigned, being all of the Members of CNM FAMILY, LLC hereby adopt and approve the foregoing resolution.

Date April 74, 2008.

CNM FAMILY, LLC

By:

CHARLES N. MATHEWSON, Trustee

of

the Charles N. Mathewson Trust

dated July 22, 1992

Its: Managing Member

EXHIBIT "A"

All that certain real property situate within Section 4, Township 15 North, Range 20 East, M.D.M, in Carson City, Nevada more particularly described as follows:

Parcels 35 and 36 as shown on the Amended Official Plat for Carson City Industrial Airpark filed for record in the Office of the Carson City Recorder on December 14, 1971 in as Map 363, File 98759.

APN's: 005-072-05 and 005-072-06

DEVELOPMENT SERVICES DEPARTMENT

國 ADMINISTRATION

3505 Butti Way Carson City, NV 89701-3498 Ph: 775-887-2355 Fx: 775-887-2112

BUILDING and SAFETY DIVISION PERMIT CENTER 2621 Northgate Lane, Suite 6 Carson City, NV 89706-1319

Ph: 775-887-2310

W CAPITAL PROJECTS

3505 Butti Way Carson City, NV 89701-3498 Ph: 775-887-2355 Ex: 775-887-2112

CONTRACTS

3505 8uttl Way Carson City, NV 89701-3498 Ph: 775-887-2355 Fx: 775-887-2112

M ENGINEERING DIVISION

2621 Northgate Lane, Suite 54 Carson City, NV 89706-1319 Ph: 775-887-2300 Fx: 775-887-2283

₩ FLEET SERVICES

3303 Buttl Way, Building 2 Carson City, NV 89701-3498 Ph: 775-887-2356 Ex: 775-887-2258

PLANNING DIVISION

2621 Northgate Lane, Suite 62 Carson City, NV 89706-1319 Ph: 775-887-2180 Fx: 775-887-2278

選 PUBLIC WORKS OPERATION

(Water, Sewer, Wastewater, Streets, Landfill, Environmental) 3505 Buttl Way Carson City, NV 89701-3498 Ph: 775-887-2355 Fx: 775-887-2112

図 TRANSPORTATION

3505 Butti Way Carson City, NV 89701-3498 Ph: 775-887-2355 F≈ 775-887-2112

CARSON CITY NEVADA

Consolidated Municipality and State Capital



BOARD OF SUPERVISORS January 18, 2007

NOTICE OF DECISION



A request for approval of a Tentative Subdivision Map,TSM-06-031, known as Arrowhead Business Park, from Silver State Consultants (property owner: Arrowhead Business Park, LLC) to allow an industrial subdivision development of 7.48 acres resulting in 45 lots, on property zoned Air Industrial Park (AIP), located at 4500 Ryan Way, APN 008-403-26 and 008-403-10, pursuant to the requirements of the Carson City Municipal Code.

The Board of Supervisors conducted a public hearing on January 18, 2007 with City and State legal requirements, and approved the Tentative Subdivision Map TSM-06-031 based on the findings contained in the staff report and subject to the following conditions.

RECOMMENDED CONDITIONS OF APPROVAL:

The following shall be specific revisions to the Tentative Map:

- The tentative map shall show the extensions of water and sewer mains to serve the development.
- The tentative map and the final map shall contain the following note: "Building doors and/or garage openings facing upstream to the flood plain flow shall be water resistant and able to withstand hydraulic forces."
- The tentative map and final map shall clearly delineate which areas are reserved for flood flow passage between buildings.

- 4. The tentative map and the final map shall include the following note to restrict storage and non-vehicle use from areas reserved for flood flow passage between buildings: "Storage, mounting of equipment and all other non vehicular uses are not permitted in areas reserved for flood flow passage between buildings".
- 5. The tentative map shall show the complete water and sewer layout.
- 6. The tentative map shall show the completion of the paving of Ryan Way.
- The revised Tentative Map shall be reviewed and signed by the Planning Director and City Engineer.

Specific Conditions to be included in the Design of the Improvement Plans

- 8. Paving of Ryan Way, including the cul-de-sac, is required. These improvements shall be shown on the improvement plans.
- 9. In accordance with CCDS 12.10 and 12.11.10, pavement sections shall be based on subgrade strength values determined by Resistance Value or California Bearing Ratio (CBR) as shown in the Soils Engineering Report. Refer to CCDS Division 17 for soils report requirements. In no case shall the proposed pavement section be less than the minimum section prescribed in standard drawing C-1.11.
- Storm drainage facility improvements shall be designed in accordance with CCDS Division 14. A Technical Drainage Study is required with submittal of Improvement Plans in accordance with CCDS 14.9 through 14.10.
- 11. On site storm runoff detention shall be sized to limit flows from a 5-year storm (Q5) to their pre-developed condition, in accordance with CCDS 14.1.8.
- 12. The storm drainage design will need to consider routing of the potential upstream 100-year flood through the site. A minimum value of 500 cfs shall be assumed to enter the site along the north property line.
- 13. Building finish floors shall be set to one-foot above the 100-year flood plain using a modified flow of 500 cfs. Elevation certificates and supporting documents shall be submitted with improvement or building permit applications.

- 14. In accordance with CCDS 15.3, offsite water mains shall be analyzed to determine system capability to provide adequate flows and pressures, and sewer mains shall be analyzed to determine system capability to provide capacity for the ultimate tributary population. These analyses shall be prepared by qualified Nevada Civil Engineers.
- 15. A water main extension is required to serve the project. Water shall be extended from the intersection of Ryan Way and Arrowhead Dr. to the development. All main extensions shall be done pursuant to City and State standards. The main extension shall be shown on the improvement plans.
- 16. A sewer main extension is required to serve the project. Sewer shall be extended from the intersection of Ryan Way and Arrowhead Dr. to the development. All main extensions shall be done pursuant to City and State standards. The main extension shall be shown on the improvement plans.
- 17. Coordinate with the local postmaster for details and locations of mailboxes.
- 18. All parking areas shall comply with Carson City Standard Detail C-3.0.
- 19. A grading plan which complies with Division 19 is required.
- 20. An erosion control plan is required,
- 21. All water sewer and storm drain systems shall comply with City standards.

The following shall be Completed Prior to Submitting for Construction Permit of Final Map:

- 22. Final improvement plans for the development shall be prepared in accordance with CCDS Division 19 and the Standard Specifications and Details for Public Works Construction, as adopted by Carson City.
- 23. The applicant shall obtain a dust control and stormwater pollution prevention permit from the Nevada Division of Environmental Protection (NDEP). The site grading must incorporate proper dust control and erosion control measures.

24. A detailed storm drainage analysis, water system analysis, and sewer system analysis shall be submitted to the Development Engineering Department prior to approval of a final map.

General Conditions

- 25. Prior to the recordation of the final map, the associated improvements must either be constructed and approved by the city, or the specific performance of said work secured by providing the city with a proper surety in the amount of 150 percent of the engineers estimate. In either case, upon acceptance of the improvements by the city, the developer shall provide the city with a proper surety in the amount of 10 percent of the engineers estimate to secure the Developers obligation to repair defects in workmanship and materials which appear in the work within one year of acceptance by the city.
- 26. The final map need not show any division of the land within the industrial subdivision but only must show the exterior boundary of the industrial subdivision pursuant to NRS 278.325.
- 27. Individual parcels within the industrial subdivision may be created pursuant to the provisions of NRS 278.325. (Mapping for industrial or commercial development).
- 28. The commercial subdivision shall function as an industrial center unit for the purposes of the Carson City Municipal Code, Title 18, Zoning, and the Development Standards, including but not limited to parking, signs, landscaping, access, site improvements, etc.
- 29. Provisions for maintenance of fire lines and associated equipment, landscaping, parking areas, and drainage shall be provided for in a common site maintenance agreement.
- 30. Hours of construction shall be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday and Sunday. If the hours of construction are not adhered to, the Carson City Building Department will issue a warning for the first violation, and upon a second violation, will have the ability to cause work at the site to cease immediately.
- 31. This project shall meet all codes and ordinances pertinent to the building type and occupancy classification as required by the Fire Department and Building Division.

- 32. Lights must be recessed or shielded with a 90-degree cutoff so that light is projected downward and not horizontally or upward. Light sources or refractors shall not extend below the bottom of the shield. Any lighting facilities shall be so installed as to project light downward and away from adjoining properties and glare to the sky. (Development Standards Division 1.3). Exterior light fixture details must be submitted with a building permit application for review and approval by the Planning and Community Development Department prior to installation.
- 33. Screening of roof-mounted equipment from view must be integrated into the building design. All equipment shall be located below the highest vertical element of the building. Wall mounted air conditioning units shall be integrated into the design and/or screened.
- 34. Materials and finishes shall be selected for architectural harmony and enhancement of the architectural theme as well as aesthetic quality, durability and ease of maintenance. Materials, finishes and colors shall be varied where appropriate to provide architectural interest.
- 35. Exterior building colors should blend with surrounding development and not cause abrupt changes. Primary building surfaces (excluding trim areas) should be muted or earthtone in color. Bold colors shall be avoided except when used as accent or trim.
- 36. Variations of building details, form, line, color and materials shall be employed to create visual interest. Variations in wall planes are encouraged to prevent monotonous appearance in buildings. Large expanses of walls devoid of any articulation or embellishment shall be avoided.
- 37. A lot line deletion or merger and re-subdivision is required.
- 38. Completion of the paying of Ryan Way, including the cul-de-sac, is required.
- 39. Extensions of water and sewer mains are required to serve the development.
- 40. The project shall not interfere and alter the flow path of existing channels upstream and downstream of the project, unless the respective property owners agree to allow modifications.
- 41. Building doors and/or garage openings facing upstream to the flood plain flow shall be water resistant and able to withstand hydraulic forces.

- 42. The final map shall restrict storage and non-vehicle use from areas reserved for flood flow passage between buildings.
- 43. A storm water flow of 500 cfs shall be assumed to enter the site form the north property line for all calculations.
- 44. All onsite water, sewer and storm drain systems shall be privately maintained.
- 45. All parcel maps or preferably final maps shall be in substantial accord with the approved tentative map.
- 46. Prior to submittal of any parcel map or preferably final map, the Development Engineering Department shall approve all on-site and off-site improvements. The applicant shall provide construction plans to the Development Engineering Department for all required on-site and off-site improvements, prior to any submittals for approval of a final map. The plan must adhere to the recommendations contained in the project soils and geotechnical report.
- 47. Lots not planned for immediate development shall be left undisturbed and mass grading and clearing of natural vegetation shall not be allowed. Any and all grading shall comply with City standards. A grading permit from the Nevada Division of Environmental Protection shall be obtained prior to any grading. Noncompliance with this provision shall cause a cease and desist order to halt all grading work.
- 48. With the submittal of any parcel map or preferably final maps, the applicant shall provide evidence to the Planning and Community Development Department from the Health and Fire Departments indicating the agencies' concerns or requirements have been satisfied. Said correspondence shall be included in the submittal package for any parcel map or preferably final maps and shall include approval by the Fire Department of all hydrant locations.
- 49. The following note shall be placed on all parcel maps or preferably final maps stating:
 - A. "These parcels are subject to Carson City's Growth Management Ordinance and all property owners shall comply with provisions of said ordinance."
 - B. "All development shall be in accord with Tentative Map (TSM-06-031)."

- 50. All other departments' conditions of approval, which are attached, shall be incorporated as conditions of this report.
- 51. Placement of all utilities, including AT&T Cablevision, shall be underground within the subdivision. Any existing overhead facilities shall be relocated prior to the submittal of a parcel map or preferably final maps.
- 52. The applicant must sign and return the Notice of Decision for conditions for approval within ten (10) days of receipt of notification after the Board of Supervisors meeting. If the Notice of Decision is not signed and returned within ten (10) days, then the item will be rescheduled for the next Planning Commission meeting for further consideration.
- 53. The applicant shall adhere to all City standards and requirements for water and sewer systems, grading and drainage, and street improvements.
- 54. A "will serve" letter from the water and wastewater utilities shall be provided to the Nevada Health Division prior to approval of a final map.
- 55. The District Attorney and Planning Division shall approve any CC&R's prior to recordation of the first final map.
- A Final Subdivision Map for the property must be recorded within one year of the date of Tentative Subdivision Map approval by the Board of Supervisors. The applicant is responsible for complying with the required conditions of approval and submitting a final map that complies to all conditions of approval at least 30 days prior to the tentative map expiration date. A one-year extension of the tentative map approval period may be granted by the Planning and Community Development Director upon written request at least 30 days prior to the tentative map expiration date.

This decision was made on a vote of 5 ayes and 0 nays.

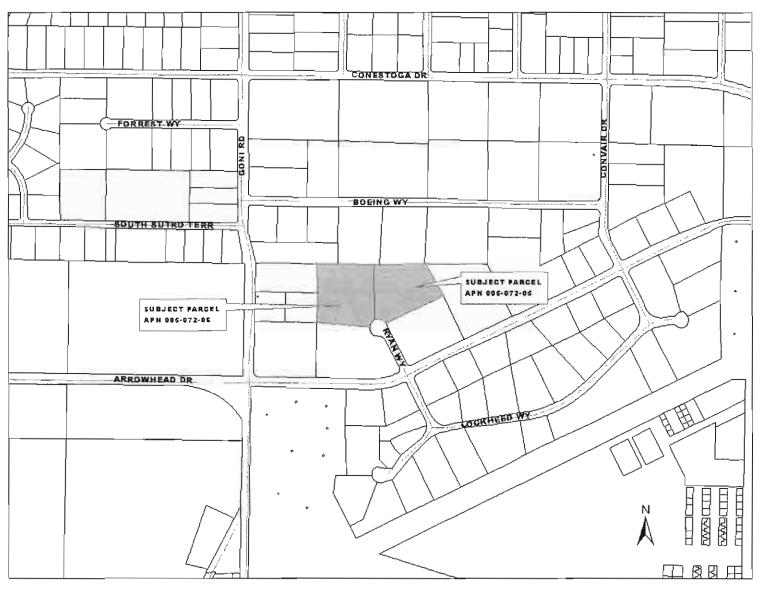
Walter A. Sullivan, Planning Director

Mailed 1/23/07 , By @mT

PLEASE SIGN AND RETURN THIS NOTICE OF DECISION WITHIN TEN DAYS OF
RECEIPT
APPLICANT and/or OWNER SIGNATURE 1/26/07 DATE
CACIFIC RYM MISSET - APPLICANT LEWIS TERCE (Applicant and/or Owner Printed Name
(Applicant altero) Cantel Printed Name
RETURN TO

Carson City Planning Division 2601 Northgate Lane, Suite 62 Carson City, NV 89706

VICINITY MAP



Arrowhead Business Park
Commercial/Industrial Subdivision

