



# STAFF REPORT

**Report To:** Board of Supervisors

**Meeting Date:** November 17, 2016

**Staff Contact:** Hope Sullivan, Planning Manager (hsullivan@carson.org)

**Agenda Title:** For Possible Action: To consider an appeal of the Planning Commission's approval of a Special Use Permit (SUP-16-090) for an unlimited gaming casino, a bar, and additional signage on property zoned Retail Commercial (RC), located at 3246 North Carson Street, APN 007-462-06.

**Staff Summary:** The Planning Commission approved a Special Use Permit for an unlimited gaming casino, bar, and additional signage at its meeting of September 28, 2016. A decision of the Planning Commission may be appealed to the Board of Supervisors. The appellant is appealing the decision of the Planning Commission on the following assertions: (1) inconsistency with the Master Plan, (2) the inability to make the required findings; and (3) the lack of the Commission's review for compliance with Title 4 of the Carson City Municipal Code. The appeal was filed by Garrett D. Gordon of Lewis Roca Rothgerber Christie LLP on behalf of the Carson Nugget Casino Hotel, Fandango Casino & Hotel, Gold Dust West Casino Hotel, Carson City Max Casino and SlotWorld Casino.

**Agenda Action:** Formal Action/Motion

**Time Requested:** 1 hour

---

## **Proposed Motion**

I move to deny the appeal and uphold the decision of the Planning Commission to approve a Special Use Permit for an unlimited gaming casino, a bar, and additional signage on property zoned Retail Commercial, located at 3246 North Carson Street, subject to the conditions approved by the Planning Commission.

## **Board's Strategic Goal**

Quality of Life

## **Previous Action**

The Planning Commission considered the subject Special Use Permit (SUP-16-090) at its meeting of September 28, 2016. After conducting a public hearing, the Planning Commission voted 6-1 to approve the request for a Special Use Permit based on the ability to make the required findings and subject to conditions of approval.

## **Background/Issues & Analysis**

See attached staff memo dated November 2, 2016.

## **Applicable Statute, Code, Policy, Rule or Regulation**

CCMC 18.02.060 (Appeals), CCMC 18.02.080 (Special Use Permit); CCMC 18.04.130 Retail Commercial (RC)

## **Financial Information**

Is there a fiscal impact?  Yes  No

If yes, account name/number:

Is it currently budgeted?  Yes  No

Explanation of Fiscal Impact: N/A

**Alternatives**

(1) Deny the appeal and approve the Special Use Permit subject to different conditions of approval as necessary to make the required findings in the affirmative;

(2) Approve the appeal and deny the Special Use Permit noting the findings that can not be met in the affirmative,

(3) If additional information is submitted to the Board that it believes warrants further review and consideration, refer the matter back to the Planning Commission for further consideration.

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

2) \_\_\_\_\_

Aye/Nay

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



# Carson City Planning Division

108 E. Proctor Street  
Carson City, Nevada 89701  
(775) 887-2180 – Hearing Impaired: 711  
planning@carson.org  
www.carson.org/planning

## MEMORANDUM

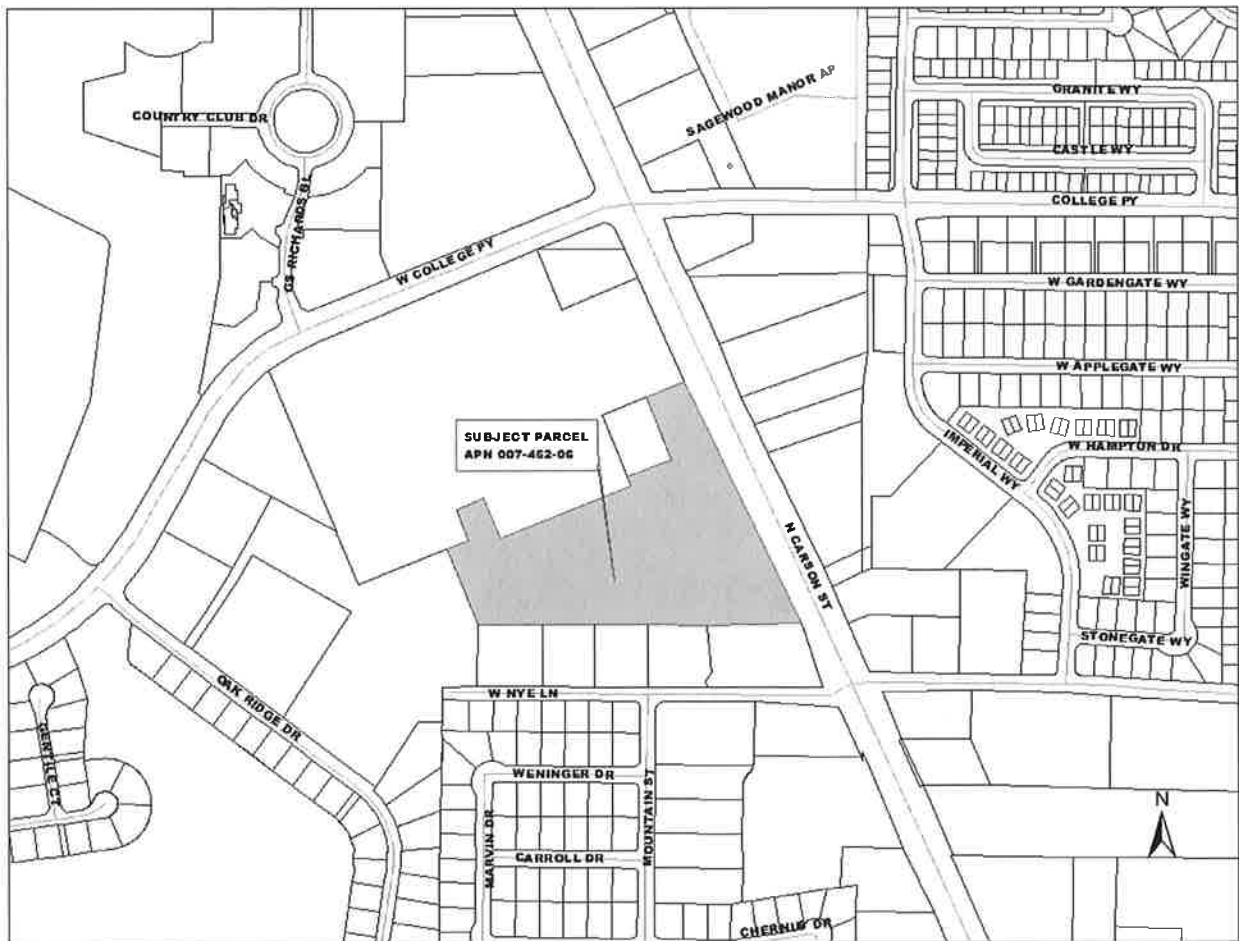
Board of Supervisors Meeting of November 17, 2016

**TO:** Board of Supervisors

**FROM:** Hope Sullivan, AICP  
Planning Manager

**DATE:** November 2, 2016

**SUBJECT:** MISC-16-133 – Appeal of the Planning Commission’s approval of a request from Silver Bullet of Nevada, LLC for a Special Use Permit for an unlimited gaming casino, bar, and additional signage on property zoned Retail Commercial (RC), located at 3246 North Carson Street, APN: 007-462-06. (SUP-16-090)



## DISCUSSION

On September 28, 2016, the Planning Commission considered a request from Silver Bullet of Nevada, LLC for a Special Use Permit to allow the operation of an unlimited gaming casino, bar, and additional signage. At the Planning Commission meeting, public testimony was solicited. Attorney Severin Carlson representing Silver Bullet of Nevada LLC spoke, as did Attorney Garrett Gordon representing Fandango Casino and Hotel, Carson Nugget Casino Hotel, Gold Dust West Casino Hotel, Max Casino, and Slot World Casino. Other speakers at the public hearing were residents Patrick Anderson, Donna DePauw, and Nugget owner Dean DiLullo. After public comment, the Commission deliberated, and voted 6-1 to approve the Special Use Permit subject to the conditions of approval.

The appellant is appealing the decision of the Planning Commission, based on the following assertions.

1. The application is not consistent with the objectives of the Master Plan elements;
2. The application will be detrimental to the economic value of the general neighborhood and will result in material damage and prejudice to other properties in the vicinity; and
3. The application does not conform to the Gaming License provisions as set forth in the Carson City Municipal Code.

Staff offers the following analysis of the Planning Commission's decision related to these assertions by the appellant.

### 1. Master Plan Consistency

The Master Plan is the officially adopted advisory policy document that outlines the City's vision and goals for the future. The Master Plan consists of 12 guiding principles, 35 goals, and 141 implementation strategies. It is commonplace for proposed projects to further certain goals and utilize certain implementation strategies while not addressing others.

By way of example, suppose there is a hypothetical project involving a public / private partnership to develop a pilot housing project in downtown. This would be consistent with Goal 5.6 regarding promoting downtown revitalization, and consistent with implementing strategy 5.6c:

*"Encourage the incorporation of additional housing in and around Downtown to establish a mixed-use environment that encourages around-the-clock activity, supports Downtown businesses, and promotes the perception of Downtown as a safe, vibrant, and inviting urban neighborhood."*

However, this hypothetical project would not further Goal 10.1 by preserving and enhancing historic resources, nor would further strategy 3.1a:

*"Continue to coordinate future development with the Carson River Master Plan and the ongoing efforts of the Carson River Advisory Board."*

As the hypothetical project is consistent with Goal 5.6 and implementing strategy 5.6c, staff would find it to be consistent with the Master Plan. The hypothetical project does not further Goal 10.1, but it is not in conflict with Goal 10.1 either. Similarly, the hypothetical project does not further strategy 3.1.a, but it is not in conflict with it either.

With respect to the subject request, the Planning Commission found the request to be consistent with implementing strategy 5.2b:

*Guiding Principle 5: A strong diversified economic base.*

*Goal 5.2: Promote expansion of retail service base.*

*Implementing strategy 5.2b:*

*“Encourage the redevelopment and reuse of underutilized retail spaces along major gateway corridors (such as the vacant K-Mart building on North Carson Street, the Eagle Station and Southgate Shopping Centers on South Carson Street, and the Downtown central business district) with tenants that will serve the broader community. Use available tools, such as adding additional redevelopment districts, to attract retail tenants to underutilized spaces, and continue to explore the use of incentive programs such as capital projects subsidies (e.g.: access improvements and façade upgrades) and land subsidies to mitigate rising and prohibitive land costs.”*

The subject Special Use Permit is to allow a casino and bar use in an existing tenant space at 3246 North Carson Street, property adjacent to the vacant K-Mart building. The shopping center on the subject property was improved in 2000, but the subject tenant space has never been occupied. The Planning Commission noted the need for businesses to occupy this underutilized shopping center.

The appellant alleges that the subject Special Use Permit fails to comply with implementing strategies 5.2a and 8.1a as follows.

*Guiding Principle 5: A strong diversified economic base.*

*Goal 5.2: Promote expansion of retail service base.*

*Implementing Strategy 5.2a:*

*“Encourage the development of regional retail development consisting of shops, restaurants, entertainment venues, offices, hotels, premium amenities and upscale gaming venues in the City to allow residents access to a variety of retail services and entertainment needs close to home, and to attract patrons from surrounding growth areas. Work with local and regional economic development organizations, such as the Carson City Retail Recruitment Team and the Chamber of Commerce, on the development of a marketing strategy designed to attract national retailers to the community, particularly within the Downtown CBD and where access can be provided from the Carson City Freeway.”*

*Guiding Principle 8: A vibrant downtown center for the community.*

*Goal 8.1: Promote Downtown Revitalization.*

*Implementing strategy 8.1a:*

*“The integration of a broader mix of uses (including housing) is encouraged throughout the Downtown area. However, higher-intensity uses that tend to generate significant amounts of pedestrian and vehicular traffic (e.g: hotel/casinos, convention space, retail) should be concentrated along Carson Street and in area 3 highlighted on the Downtown Character Areas diagram that follows this section. Grouping active uses in these key locations within Downtown will help establish a series of “destinations” for Downtown residents and the*

*surrounding community, while helping to preserve a more residential character of the surrounding neighborhoods.”*

The Planning Commission considered each of these implementing strategies identified by the appellant, and did not modify the findings identified in the staff report to find that the subject Special Use Permit constituted a regional retail development, nor that the Special Use Permit would further goals in the downtown area. However, as noted in the hypothetical project, not furthering a goal of the Master Plan does not constitute conflict with the Master Plan.

Goal 8.1 does not assert that all new casino development should be concentrated in the Downtown Mixed Use Area. The Goal provides locational criteria, noting that if a casino is located in the Downtown Mixed Use Area, it should be located either in the area designated on the Downtown Character Areas diagram as “Urban Mixed Use” or along Carson Street as opposed to in the neighborhood fringes. Goal 8.1 does not preclude a casino from locating outside of downtown.

2. Special Use Permit Findings 2 and 7 regarding economic value and material damage

Carson City Municipal Code Section 18.02.080 notes that the Special Use Permit may be granted upon making each of the seven required findings in the affirmative. Finding 2 states:

*“Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity.”*

Finding 7 states:

*“Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.”*

The Planning Commission was able to make all seven findings in the affirmative with conditions of approval. Specifically as related to economic value, the Planning Commission found that commercial uses to the north and to the east would likely benefit from more visitors to this area.

With respect to material damage, the Commission specifically reviewed noise, traffic, and security,

3. Title 4: Gaming License Regulations

Title 4 of the Carson City Municipal Code addresses business licenses, the surcharge for enhancement or improvement of telephone system used for reporting emergencies, room rental tax, liquor board and liquor licensing and sales, gaming licenses and regulations, peddler’s licenses, transient facility child-tending agencies, and invasive body decoration establishments. The Planning Commission is not a reviewing body nor the enforcement agent for Title 4.

Recognizing that there are requirements in Title 4 relative to obtaining a gaming license, the Planning Commission included Condition of Approval 14, which states:

*“Prior to establishment of the use (final building inspection), the applicant shall demonstrate compliance with all applicable provisions of Chapter 4.14 of the Carson City Municipal Code.”*

Chapter 4.14 of the Carson City Municipal Code is Gaming Licenses and Regulations. Therefore, all applicable regulations addressed in Chapter 4.14, including Board consideration of a license transfer, must be completed prior to establishing the use. As a final building inspection will not be conducted until the applicant demonstrates compliance with all provisions of Chapter 4.14, the space cannot be occupied and the use cannot be established absent demonstrated compliance with all provisions of the Gaming Licensing regulations.

The appellant notes that Condition of Approval 13 was modified during the Planning Commission meeting to allow commencement of construction prior to obtaining all necessary licenses. The appellant expresses concern that the developer could argue a vested right and establish the use without meeting all licensing requirements. Recognizing this risk, Condition of Approval 13 includes that following language:

*“At the time of building permit application, the applicant shall acknowledge the provisions of Section 4.14.045 of the Carson City Municipal code and agree that any work occurring under the requested building permits is being done at the owner’s risk and that the issuance of building permits do not constitute a vested right. The applicant shall also acknowledge in the letter that the City will not conduct a final inspection for purposes of issuing a Certificate of Occupancy and will not issue a business license until such time as the applicant has demonstrated possession of a transferred unrestricted gaming license consistent with the provisions of Section 4.14.045 and 4.14.050 of the Carson City Municipal Code.”*

Recognizing that Title 4 of the Municipal Code is outside of its jurisdiction, the Planning Commission did not review the substance of Title 4, but rather mandated compliance via the conditions of approval. This action by the Planning Commission does not nullify or compromise the requirements of Title 4. Rather, it establishes a sequence for code compliance. Should the applicant not be able to transfer the gaming license in compliance with all applicable regulations, the Special Use Permit would be void.

#### Standing

In his letter of October 24, 2016, the attorney for Silver Bullet of Nevada, LLC has questioned if the appellant has standing. Staff has referred that question to the District Attorney’s office.

#### **RECOMMENDATION**

Staff recommends that the Board of Supervisors deny the appeal, and uphold the Planning Commission’s approval of the Special Use Permit based on the ability to make required findings subject to conditions included in the approval.

Attachments:

October 3, 2016 Appeal Letter from Garrett D. Gordon, Lewis Roca Rothgerber Christie, LLP  
Planning Commission Notice of Decision for SUP-16-090  
Draft Minutes of the September 28, 2016 Planning Commission meeting  
September 28, 2016 Planning Commission Staff Report and Late Information  
October 24, 2016 Letter from Severin A. Carlson, Kaempfer Crowell



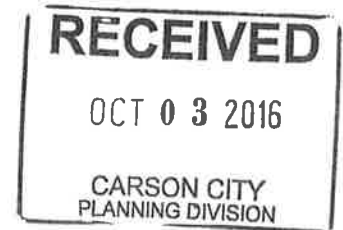
Lewis Roca Rothgerber Christie LLP  
50 West Liberty Street  
Suite 410  
Reno, NV 89501

775.823.2900 main  
775.823.2929 fax  
lrrc.com

**Garrett D. Gordon**  
Admitted in Nevada  
775.321.3420 direct  
775.321.5569 fax  
ggordon@lrrc.com

October 3, 2016

VIA HAND DELIVERY



Lee Plemel, AICP  
Community Development Director  
108 E. Proctor Street  
Carson City, Nevada 89701

**Re: Appeal of the Carson City Planning Commission decision on September 28, 2016 to approve SUP 16-090 (the "Application")**

Dear Board of Supervisors:

This firm represents the Carson Nugget Casino Hotel, Fandango Casino & Hotel, Gold Dust West Casino Hotel, Carson City Max Casino and SlotWorld Casino (together, the "Appellants" or "Existing Operators") whose mailing address is c/o Garrett Gordon, Esq. 50 W. Liberty Street, Suite 410, Reno, Nevada 89501; (775) 823-2900.

The Appellants are appealing the Carson City Planning Commission's decision to approve a Special Use Permit for Silver Bullet of Nevada, LLC (the "Applicant") that would allow the operation of an unlimited gaming casino and bar at 3246 North Carson Street (the "Property"). Specifically, the Appellants are appealing the approval of the Application for several reasons, including but not limited to: (i) the Application is not consistent with the objectives of the Master Plan elements, (ii) the Application will be detrimental to the economic value of the general neighborhood and will result in material damage and prejudice to other properties in the vicinity, and (iii) the Application does not conform to the Gaming License provisions as set forth in the Carson City Municipal Code ("CCMC").

As described in this letter, we respectfully request that the Carson City Board of Supervisors reverse the Planning Commission's decision and deny the Application for the reasons set forth herein.

**I. Standard of Review**

Nevada Revised Statutes ("NRS") 278.315, entitled "Special Exceptions," provides the statutory authority for the Carson City Planning Commission to approve special use permits under certain circumstances. A planning commission has discretionary authority to grant a special use permit; if this discretionary act is supported by substantial evidence, then there is

no abuse of discretion.<sup>1</sup> Substantial evidence is evidence which “a reasonable mind might accept as adequate to support a conclusion.”<sup>2</sup> Finally, the Carson City Code further defines this standard as...“a preponderance of evidence must indicate that the proposed use...” satisfies the Special Use Permit findings.<sup>3</sup>

Here, the Planning Commission’s approval of the Application is not supported by substantial evidence. There is insufficient evidence to support the Planning Commission’s conclusion that the Application is consistent with the Carson City Master Plan because the Planning Commission failed to adequately consider all relevant portions of the Master Plan, and therefore lacks a factual basis for its conclusions. Moreover, the Planning Commission failed to adequately consider whether the requested Special Use Permit complies with the City’s Gaming License provisions and therefore lacks substantial evidence to support its decision. By failing to consider the City’s Gaming License provisions, the Commission has abused its discretion by approving the Application based on the assumption that the Applicant will obtain an unrestricted gaming license under CCMC 4.14.045. Because the Planning Commission failed to adequately consider all relevant factual findings the Planning Commission’s approval of the proposed Special Use Permit is not supported by substantial evidence.

## II. Master Plan

Just as zoning determinations must accord substantial compliance with the master plan under Nevada’s statutory scheme, so too should the granting of special use permits.<sup>4</sup> Additionally, an exercise of discretion by a local administrative board will not be sustained in court on the basis of conclusions reached “in the absence of circumstances which reasonably justify such conclusions.”<sup>5</sup>

The Application’s staff report (the “Staff Report”) focused almost exclusively on Goal 5.2b to justify the approval of the Application while failing to fully consider that the Application is inconsistent with Goals 5.2a and 8.1a. **Furthermore, Carson City Planning staff acknowledged on the record that the Application failed to comply with Goals 5.2a and 8.1a.** As such, there is insufficient evidence that the Application substantially complies with the objectives of the Master Plan elements and there are no facts or circumstances on which to base the approval of the Application.

---

<sup>1</sup> *Enterprise Citizens v. Clark Co. Comm’rs*, 112 Nev. 649,653, 918 P.2d 305, 308 (1996).

<sup>2</sup> *Whitemaine v. Aniskovich*, 124 Nev. 302, 308, 183 P.3d 137, 141 (2008).

<sup>3</sup> CCMC Section 18.02.080, entitled Special Use Permit (conditional uses), requires that the [f]indings from “a preponderance of evidence must indicate that the proposed use..”.

<sup>4</sup> *Nova Horizon, Inc. v. City Council of the City of Reno*, 105 Nev. 92, 96, 769, P.2d 721, 724 (1989) (concluding that zoning determinations must substantially comply with the master plan for land use under NRS 278.250(2)).

<sup>5</sup> *City of Henderson v. Henderson Auto Wrecking, Inc.*, 77 Nev. 118, 122, 359 P.2d 743, 745 (1961) (internal citation omitted).

Page 6 of the Staff Report refers to certain findings that are required by CCMC Section 18.02.080, including that the Application ***“will be consistent with the objectives of the Master Plan elements.”*** The Staff Report references Goal 5.2b – Encourage Reuse/Redevelopment of Underused Retail Spaces, but fails to reference any gaming related elements in the Master Plan.

Goal 5.2a of the Master Plan states,

*Encourage the development of regional retail developments consisting of shops, restaurants, entertainment venues, offices, hotels, **premium amenities and upscale gaming venues in the City** to allow residents access to a variety of retail service and entertainment needs close to home, and to **attract patrons from surrounding growth areas.***

The relocation of a grandfathered license, without 100 hotel rooms, with only a bar and restaurant are in no way a “premium amenity” or “upscale gaming venue” similar to the Carson Nugget Casino Hotel and Fandango Casino & Hotel venues which provide numerous amenities and attract patrons from the surrounding growth area. This project will not create any premium amenities or an upscale gaming venue; therefore, is not consistent with the Master Plan elements.

Goal 8.1a of the Master Plan states,

*The integration of a broader mix of uses (including housing) is encouraged throughout the Downtown area. However, higher-intensity uses that tend to generate significant amounts of pedestrian and vehicular traffic (e.g., **hotel/casinos**, convention space, retail) **should be concentrated along Carson Street and in area 3 highlighted on the Downtown Character Areas diagram that follows this section.** Grouping active uses in these key locations within Downtown will help establish a series of “destinations” for Downtown residents and the surrounding community, while helping to preserve the more residential character of the surrounding neighborhoods.*

According to this Goal, hotels and casinos should be located within area 3 of the Downtown Character Area diagram. Attached as **Exhibit “A”** is the Downtown Character Area diagram. **Clearly, the Property is not located within area 3.** Moreover, the Applicant’s written description of the project in the Staff Report states that the Applicant is under contract to purchase the grandfathered, Horseshoe Club license and plans to relocate it to the Property. In other words, the Application does not only contemplate approving a casino located outside of the Downtown Character Area, but also contemplates moving a casino license from an existing property located within the Downtown Character Area. This proposal is clearly inconsistent with the objectives of the Master Plan.

Because the approval of the requested Special Use Permit relies too heavily on one portion of the Master Plan while failing to adequately address other relevant portions of the Master Plan, the requested Special Use Permit fails to substantially comply with the Master

Plan. Moreover, the Staff Report fails to specifically consider Goal 8.1a of the Master Plan, so no consideration was given to whether an unrestricted gaming establishment should be moved from one of the Downtown Character Areas—which directly conflicts with Goal 8.1a. Given these provisions are not adequately addressed in the Application, the Applicant has failed to provide the necessary substantial evidence that the Application is consistent with the Master Plan. Therefore, the Board of Supervisors should reverse the Planning Commission’s decision and deny the Application.

### III. Economic Value

The Staff Report refers to certain findings required by CCMC Section 18.02.080, including that the Application “will not be detrimental to the economic value of the surrounding neighborhood and “will not result in the material damage or prejudice to the other property in the vicinity”. These provisions, read in conjunction with Master Plan Goal 5.2A which encourages premium amenities and upscale gaming venues in the City to attract patrons from surrounding growth areas, do not support the proposed project.

The purpose of these provisions is to encourage new upscale gaming venues, that include the 100 rooms, to attract patrons from the surrounding growth area. This proposed project is a proposed neighborhood casino that will not attract any new customers from surrounding areas, but rather only displace current customers and dollars from the Existing Operators. For example, if the Project’s average daily win is \$50 per machine per day and there are 250 slot machines, the average win per year would average \$4,500,000. **These are not new dollars, but dollars taken away from the Existing Operators who collectively employ over 1,100 people and have been opened for decades.**

Given the Applicant does not contemplate the construction of 100 hotel rooms, the Project is not considered an upscale gaming venue that will attract patrons from the surrounding growth area. Therefore, the Application will be “detrimental” to the “economic value” of the Existing Operators and will “materially damage and prejudice” the Existing Operators given the displacement of the existing local customers. Therefore, the Application should be denied.

Additionally, the Application directly conflicts with Master Plan Goals 5.6a and 5.6b which focus on downtown revitalization and the retention and expansion of existing Downtown businesses. By moving an unrestricted gaming license from one of the Downtown Character Areas and establishing a gaming venue that does not attract patrons from the surrounding growth area, the proposed use will be detrimental to established businesses in the Downtown area in contravention of the established Master Plan.

#### IV. Carson City Gaming License

The Planning Commission failed to fully consider that the Applicant has not obtained the grandfathered, Horseshoe Club license (neither the State nor local licenses) and the numerous barriers that the Applicant must overcome to do so. Accordingly, the Planning Commission has placed the City in a precarious legal position since the Planning Commission allowed the Applicant to begin construction prior to obtaining these required licenses (a condition to allow construction to commence prior to receiving all necessary licenses was made the night of the Planning Commission hearing). A number of cases hold that if a government agency grants a developer formal permission to build a particular project and the developer incurs certain expenses in reliance on that permission, the developer may acquire a “vested right” to complete the project as approved.<sup>6</sup>

As previously discussed, the Applicant is under contract to purchase the grandfathered, Horseshoe Club license and relocate it to the Property. NRS 463.302 states, “[t]he Board shall not approve a move and transfer” until **“the license receives all necessary approvals from the local government having jurisdiction over the location to which the establishment wants to move and transfer its license.”** Below are the applicable CCMC provisions that apply and a discussion why these provisions cannot be satisfied.

1. When CCMC 4.14.045 was enacted, it was in response to concerns about problems being experienced by existing gaming entities in the City and a dilution of their market share in a limited market. Therefore, only limited exemptions to the effect of the 100-room rule were approved. Those were for existing non-restricted licensees, applicants for non-restricted licenses prior to August 1, 2002, and former non-restricted licensees who applied for a new license within 180 days of the ordinance becoming effective. None of those exemptions apply on their face to the Horseshoe Club license which no longer exists. Only a new application will be accepted for that location by the State and Carson City (we recently learned that Silver Bullet of Nevada LLC applied for a new State license at the Horseshoe Club on September 26, 2016; see **Exhibit “B”**) **so the ordinance and 100 room requirement should then apply without any exemption.**
2. Section 4.14.046 of CCMC provides that if gaming operations cease for 24 months at any location, the 100-room exemptions do not apply unless the licensee demonstrates that the discontinuance of gaming is for the demolition and reconstruction of the structure in which the gaming takes place. **This ordinance contemplates the existence of a viable licensee (i.e. a person/entity with an active gaming license who has only “ceased gaming operations” not surrendered its license ), not simply an entity that has no license whatsoever.**

---

<sup>6</sup> See *Lakeview Development Corp. v. City of South Lake Tahoe*, 915 F.2d 1290, 1294 (1990) (citing A.L.R.3d 13 (1973)).

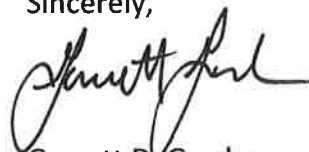
3. CCMC Section 4.14.045(5) permits the transfer of a “license” in **good standing**. Here, there is simply **no license in good standing to be transferred** and no licensee to carry out the act of a transfer.
4. Finally, CCMC 4.14.050(1) forbids transfer to another person or location without the consent of a majority of the Board of Supervisors. That hasn’t happened here, and **it is inappropriate to approve this Special Use Permit until the Board of Supervisors approves the transfer of a grandfathered license** (assuming the Applicant can overcome the other transferability problems discussed herein).

The Planning Commission failed to fully consider that the Applicant is attempting to transfer an unrestricted gaming license that does not comply with the Carson City Municipal Code or the Carson City Master Plan, which is required by NRS 463.302 prior to obtaining approval for transfer from the State Gaming Board. However, the Planning Commission’s conditional approval of the Special Use Permit now allows the Applicant to begin construction prior to obtaining approval from the Gaming Board and Board of Supervisors as required under CCMC 4.14.050(1). As stated above, this places the City in a precarious legal position because the Applicant will have begun construction prior to obtaining the required licenses and, given the uncertainty of whether the licenses will ever be obtained, this could result in the development of the proposed location without the project ever being realized.

**V. Conclusion**

For the reasons stated in this letter, the Applicant failed to meet its burden of providing substantial evidence that the Application meets all applicable findings and CCMC provisions. Additionally, the Planning Commission failed to fully consider all relevant portions of the Master Plan and the Carson City Municipal Code requirements for the transfer of an unrestricted gaming license. Therefore, there is no factual basis for the Planning Commission’s approval of the Special Use Permit relative to these factors. Accordingly, the Board of Supervisors should reverse the Planning Commission’s decision and deny the Application.

Sincerely,



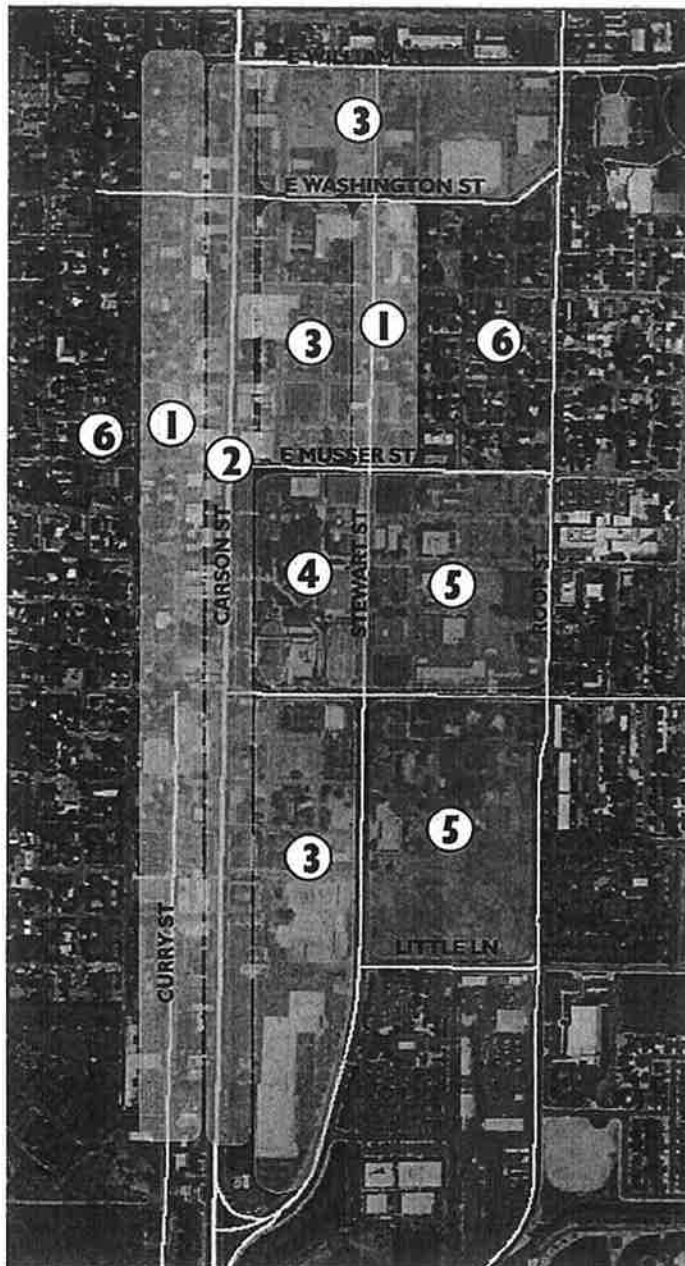
Garrett D. Gordon

Lewis Roca Rothgerber Christie LLP

**Exhibit “A”**

**DOWNTOWN CHARACTER AREAS**

**DOWNTOWN CHARACTER AREAS**



**1 NEIGHBORHOOD TRANSITION**

- Height of buildings steps down towards surrounding residences (typically 3 stores max.)
- Massing of buildings becomes less blocky and "urban"—more residential character
- Primarily mix of office, residential, and small-scale retail uses

**2 MAIN STREET MIXED-USE**

- Retain traditional "main street" character
- Infill and redevelopment encouraged in keeping with established core area
- Vertical mixed-use required to encourage pedestrian activity
- Heights may "step-up" away from Carson Street, but will generally be limited to 3-4 stories. Limited areas of increased height allowed where already established (e.g., Adjacent to Ormsby House)

**3 URBAN MIXED-USE**

- High concentrations of vacant or underutilized land with significant infill and redevelopment opportunities
- Building heights will vary, but may go as high as 8-10 stories on some blocks
- Concentrations of active uses such as convention space, casinos, hotels, urban residential, and supporting retail encouraged
- Vertical mixed-use buildings encouraged along major street frontages or public spaces

**4 CAPITOL COMPLEX**

**5 STATE OFFICE COMPLEX**

**6 DOWNTOWN NEIGHBORHOODS**

- These neighborhoods are not included within the Downtown boundary but play an important supporting role in promoting Downtown revitalization efforts
- Infill and redevelopment encouraged provided it is compatible with the scale and historic character of the surrounding area



**Exhibit “B”**

# Nevada Gaming Control Board

## Location Details - Public

### Location Information

---

**00213-11 HORSESHOE CLUB****Name:** SILVER BULLET OF NV, LLC**Status:** Application-Pending**DB As:** HORSESHOE CLUB**Account Type:** Nonrestricted**DB At:****Physical:** 402 N CARSON ST  
CARSON CITY NEVADA 89701**Mailing:** 402 N CARSON ST  
CARSON CITY NEVADA 89701

### Status Dates

---

**Applied:** 09/26/2016**Started:****Closed:** N/A

### Old Names

---

No old names found.

### Approvals

---

No approvals found.

### Conditions

---

No conditions found.

### Owners

---

**HORSESHOE CLUB****(00213-11)****Name****Relationship****Status****Effective****Removed**

SILVER BULLET OF NV, LLC (33840-01)

DBAS

Application- 09/26/2016  
Pending



## Carson City Planning Division

108 E. Proctor St.  
Carson City, Nevada 89701  
(775) 887-2180  
Planning@carson.org  
www.carson.org

**RECEIVED**

OCT 14 2016

CARSON CITY  
PLANNING DIVISION

★ CLERK ★  
**FILED**  
Time 11:49

**PLANNING COMMISSION**  
**September 28, 2016**

OCT 04, 2016  
By C. Eggert  
Deputy  
Carson City, Nevada

### NOTICE OF DECISION

An application was received, SUP-16-090, to consider a request for a Special Use Permit from Silver Bullet of Nevada, LLC (property owner: C & A Investments, LLC) to allow the operation of an unlimited gaming casino, bar, and additional signage on property zoned Retail Commercial (RC), located at 3246 N. Carson St., APN: 007-462-06, pursuant to the requirements of the Carson City Municipal Code.

The Planning Commission conducted a public hearing on September 28, 2016, in conformance with City and State legal requirements, and approved SUP-16-090, based on the findings contained in the staff report and subject to the following conditions of approval.

### CONDITIONS OF APPROVAL:

1. The applicant must sign and return the Notice of Decision for conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on- and off-site improvements shall conform to City standards and requirements.
4. The use for which this permit is approved shall commence within 12 months of the date of final approval. A single, one year extension of time may be requested in writing to the Planning Division thirty days prior to the one year expiration date. Should this permit not be initiated (obtain a Building Permit) within one year and no extension granted, the permit shall become null and void.
5. All projects and improvements must be performed in accordance with Nevada State Revised Statute (NRS) 623 & 624 and Carson City Municipal Code (CCMC) 15.05.020.

6. All Repairs, replacements, and alterations must have proper building permits and comply with 2012 International and Building Codes, 2012 International Mechanical Code, 2012 Fuel Gas Code, 2012 International Energy Conservation Code, and Northern Nevada Amendments.
7. All Contractors are required to carry state and local license.
8. Project must comply with the 2012 International Fire Code and Northern Nevada Fire Code amendments.
9. Project is a A-2 occupancy and requires fire sprinklers and fire alarms.
10. A reduced pressure backflow preventer will be required on the domestic water line.
11. A grease interceptor must be added to the existing sewer line outside the building.
12. The water and sewer connection fee form must be completed and submitted along with accompanying calculations for the construction permit phase of the process.
13. ~~The applicant shall demonstrate possession of a transferred unrestricted gaming license prior to the issuance of any building permit in lieu of providing 100 guest rooms consistent with Section 4.14.045 of the Carson City Municipal Code.~~

At the time of building permit application, the applicant shall acknowledge the provisions of Section 4.14.045 of the Carson City Municipal Code and agree that any work occurring under the requested building permits is being done at the owner's risk and that the issuance of building permits do not constitute a vested right. The applicant shall also acknowledge in the letter that the City will not conduct a final inspection for purposes of issuing a Certificate of Occupancy and will not issue a business license until such time as the applicant has demonstrated possession of a transferred unrestricted gaming license consistent with the provisions of Section 4.14.045 and 4.14.050 of the Carson City Municipal Code.

14. Prior to establishment of the use (final building inspection), the applicant shall demonstrate compliance with all applicable provisions of Chapter 4.14 of the Carson City Municipal Code.
15. Construction plans will require review by Health and Human Services.
16. An asbestos assessment will be required on all applicable materials being demolished or disturbed per CCMC 12.12.065
17. Carson City Acknowledgement of Asbestos Assessment form will be required per CCMC 12.12.065
18. Depending on asbestos assessment results, an Environmental Protection Agency 10 Day Notification may also be required.

19. Facility will be required to install a properly sized grease interceptor and possibly be required to connect the trash enclosure as well.
20. The electronic message portion of the sign shall be equipped with technology that automatically dims the display according to ambient light conditions. Sign brightness shall be limited to 0.3 foot-candles over ambient light, measured at a distance of 10 times the square root of the electronic message center sign area (approximately 56 feet, to be verified based on the actual size of the sign display area when installed). The applicant shall contact the Planning Division to arrange testing once the sign is installed.
21. The minimum message hold time shall be three seconds.
22. Transition time between messages shall be a maximum of one second.
23. Video graphics may be displayed as part of the electronic message center usage, provided that the text messaging complies with the other operational parameters.
24. No sound display is allowed with the sign.

This decision was made on a vote of 6ayes, 1nay.

  
\_\_\_\_\_  
Hope Sullivan, AICP  
Planning Manager

HS:ec

Mailed by: 10/6/16

By: RMT

**PLEASE SIGN AND RETURN THIS NOTICE OF DECISION WITHIN  
TEN DAYS OF RECEIPT**

This is to acknowledge that I have read and will comply with the Conditions of Approval as approved by the Carson City Planning Commission.

  
OWNER/APPLICANT SIGNATURE

10-13-16  
DATE

MICHAEL E. POGAM  
PLEASE PRINT YOUR NAME HERE

**RETURN TO:**

Carson City Planning Division  
108 E. Proctor St., Carson City, NV 89701

- Enclosures: 1. Planning Commission Notice of Decision (2 copies)-Please sign and return only one. The second one is for your records.
2. Self-addressed stamped envelope

**PARTIAL DRAFT MINUTES  
CARSON CITY PLANNING COMMISSION MEETING  
SEPTEMBER 28, 2016.**

**F-3 SUP-16-090 FOR POSSIBLE ACTION: TO CONSIDER A REQUEST FOR A SPECIAL USE PERMIT FROM SILVER BULLET OF NEVADA, LLC (PROPERTY OWNER: C & A INVESTMENTS, LLC) TO ALLOW THE OPERATION OF AN UNLIMITED GAMING CASINO, BAR, AND ADDITIONAL SIGNAGE ON PROPERTY ZONED RETAIL COMMERCIAL (RC), LOCATED AT 3246 N. CARSON ST., APN: 007-462-06.**

(6:08:42) – Chairperson Esswein introduced the item. Ms. Sullivan presented the Staff Report and accompanying photographs, and responded to clarifying questions by the commissioners. She also clarified that the square footage of the property was larger than first indicated in the application. Ms. Sullivan explained that this Commission would only grant Special Use Permits for a Casino and a bar; however, they were not authorized to issue gaming or liquor licenses. Ms. Sullivan addressed the concerns she had received from a nearby resident regarding outdoor music and noted that the applicant may consider ambient music in the doorways, similar to stores in a shopping center. As for the issue raised regarding HVAC noise, Staff believed that any occupant of the property would generate the same amount of noise. Ms. Sullivan also noted that after speaking with the Carson City Sheriff's Office, she had learned that they were accustomed to the same procedures and owner in South Carson. She also compared and contrasted the goals of the Master Plan to the plans for the subject property, incorporated in the Staff Report, and recommended approval of the item.

(6:28:02) – Sev Carlson introduced himself as the applicant representative and a Partner at Kaempfer Crowell Law Firm, and confirmed that the applicant agreed with all the conditions of approval, including the proposed amendment for Condition 13. He also clarified that the Gaming Control Board instructed applicants to have all local approvals prior to obtaining the State level approvals. He also agreed with Ms. Sullivan's presentation that the Commission's decision was for land use only. Mr. Carlson noted that the concrete cinderblock wall and existing landscaping should provide an additional buffer for the noise discussion regarding the south side of the property, adding that the messages on the digital sign "would not move any faster and will mirror what we do in the south location". Subject to obtaining a liquor license, Mr. Carlson noted that a full bar will be featured, and reviewed the sign packet, incorporated into the record.

Chairperson Esswein entertained public comments.

**PUBLIC COMMENT**

(6:35:10) – Garrett Gordon introduced himself as an attorney for Lewis Roca Rothgerber Christie, LLP representing five Carson City gaming operators: Casino Fandango, Carson Nugget, Gold Dust West, Max Casino, and SlotWorld. Mr. Gordon presented an opposition letter to SUP 15-077, incorporated into the record. Chairperson Esswein clarified that this Commission was not responsible for issuing a gaming license.

(6:47:40) – Donna DePauw introduced herself as a 30-year resident of West Nye Lane and noted that other facilities by the same developer “are well run and well maintained”. She also expressed concern about the outdoor lighting, outdoor music, the noise from the HVAC condensers, the vandalism, and the security.

(6:56:32) – Mr. Carlson clarified that the “old Kmart building” and the proposed venue, which has never been occupied, are under different ownership and that they will implement the same security plan as Bodine’s on the south side of Carson City. He also noted that the applicant will comply with the request of the Gaming Control Board and the Carson City Sheriff’s Office regarding interior and exterior lighting and security requirement. Ms. Sullivan clarified that any modification to the current plan would require further public hearings. She also stated that West Nye was a dead-end street.

(7:02:22) – Patrick Anderson, a Mountain Street resident, introduced himself and noted that he would welcome any development in the area as that shopping center was in great need of revitalization. Dean DiLullo, owner of the Carson Nugget Casino, gave background on his former successes in the casino industry and indicated that he had made his decision to purchase the Nugget Casino in downtown Carson City based on the City’s Master Plan. Mr. DiLullo believed that the proposed casino would not add anything new to the City. He indicated that north side of town needed a hotel with the required 100 rooms and not a shopping center casino. He cited the example of the Horseshoe casino, and believed that if casinos begin leaving the downtown area, other businesses will follow. Mr. DiLullo urged the Commission to “consider sticking with your Master Plan” and to follow a sustainable growth plan.

(7:08:46) – Commissioner Owens disclosed that he knew Court Cardinal, one of the owners of Casino Fandango. Chairperson Esswein stated “we have some disagreement over the applicability of certain items on the Master Plan expressed by the applicant, Staff, and the public, which deserves some consideration by this board”. He added that the Master Plan was the document “guiding the development in this City”; however, it “is not set in stone” and that the language could be interpreted in many ways. Chairperson Esswein believed that calling for casinos in the downtown area was not a land use decision but a business decision, noting that the proposed use would fit “under goal 52B of the Master Plan”. Commissioner Owens believed that the applicant did not meet criteria number six, as the facility would draw from the local economy and will not provide growth. Commissioner Salerno believed that competition provided by another casino was “a good thing in the free enterprise system”. He also noted that the proposed facility is “in dire need of improvement”, calling the project “a good start”, adding that he was in favor of the project.

There were no further discussions on the item and Chairperson Esswein entertained a motion.

**(7:14:10) – MOTION: “I move to approve SUP-16-090, a request from Silver Bullet of Nevada, LLC (property owner: C & A Investments, LLC) for a Special Use Permit to allow the operation of an unlimited gaming casino, bar, and additional signage on property zoned Retail Commercial – Planned Unit Development, located at 3246 N. Carson St., APN: 007-462-06, based on the findings and subject to the conditions of approval contained in the Staff Report, along with the amendment to number 13 of the Conditions of Approval.”**



<b>RESULT:</b>	<b>APPROVED (6-1-0)</b>
<b>MOVER:</b>	Sattler
<b>SECONDER:</b>	Salerno
<b>AYES:</b>	Esswein, Sattler, Borders, Green, Monroy, Salerno
<b>NAYS:</b>	Owens
<b>ABSTENTIONS:</b>	None
<b>ABSENT:</b>	None

**STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF SEPTEMBER 28, 2016**

**FILE NO: SUP-16-090**

**AGENDA ITEM: F-3**

**STAFF AUTHOR:** Hope Sullivan, Planning Manager

**REQUEST:** To consider a request for a Special Use Permit from Silver Bullet of Nevada, LLC (property owner: C & A Investments, LLC) to allow the operation of an unlimited gaming casino, bar, and additional signage on property zoned Retail Commercial – Planned Unit Development (RC – P), located at 3246 N. Carson St., APN: 007-462-06.

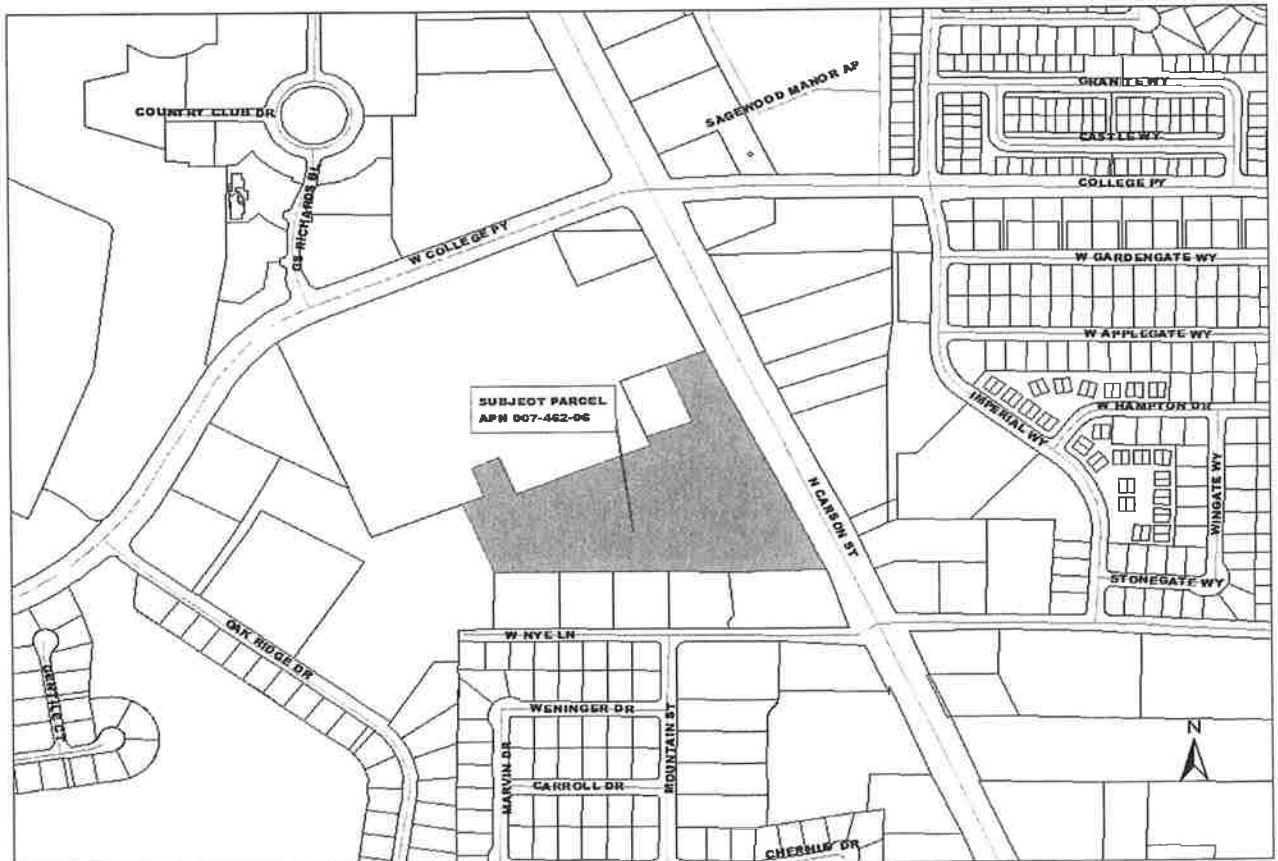
**APPLICANT/AGENT:** Silver Bullet of Nevada, LLC

**OWNER:** C & A Investments, LLC

**LOCATION:** 3246 North Carson Street

**APN:** 007-462-06

**RECOMMENDED MOTION:** “I move to approve SUP-16-090, a request from Silver Bullet of Nevada, LLC (property owner: C & A Investments, LLC) for a Special Use Permit to allow the operation of an unlimited gaming casino, bar, and additional signage on property zoned Retail Commercial – Planned Unit Development, located at 3246 North Carson Street, APN 002-462-06, based on the findings and subject to the conditions of approval contained in the staff report.”



**RECOMMENDED CONDITIONS OF APPROVAL:**

1. The applicant must sign and return the Notice of Decision for conditions of approval within 10 days of receipt of notification. If the Notice of Decision is not signed and returned within 10 days, then the item may be rescheduled for the next Planning Commission meeting for further consideration.
2. All development shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.
3. All on- and off-site improvements shall conform to City standards and requirements.
4. The use for which this permit is approved shall commence within 12 months of the date of final approval. A single, one year extension of time may be requested in writing to the Planning Division thirty days prior to the one year expiration date. Should this permit not be initiated (obtain a Building Permit) within one year and no extension granted, the permit shall become null and void.
5. All projects and improvements must be performed in accordance with Nevada State Revised Statute (NRS) 623 & 624 and Carson City Municipal Code (CCMC) 15.05.020.
6. All Repairs, replacements, and alterations must have proper building permits and comply with 2012 International and Building Codes, 2012 International Mechanical Code, 2012 Fuel Gas Code, 2012 International Energy Conservation Code, and Northern Nevada Amendments.
7. All Contractors are required to carry state and local license.
8. Project must comply with the 2012 International Fire Code and Northern Nevada Fire Code amendments.
9. Project is a A-2 occupancy and requires fire sprinklers and fire alarms.
10. A reduced pressure backflow preventer will be required on the domestic water line.
11. A grease interceptor must be added to the existing sewer line outside the building.
12. The water and sewer connection fee form must be completed and submitted along with accompanying calculations for the construction permit phase of the process.
13. The applicant shall demonstrate possession of a transferred unrestricted gaming license prior to the issuance of any building permit in lieu of providing 100 guest rooms consistent with Section 4.14.045 of the Carson City Municipal Code.
14. Prior to establishment of the use (final building inspection), the applicant shall demonstrate compliance with all applicable provisions of Chapter 4.14 of the Carson City Municipal Code.
15. Construction plans will require review by Health and Human Services.

16. An asbestos assessment will be required on all applicable materials being demolished or disturbed per CCMC 12.12.065
17. Carson City Acknowledgement of Asbestos Assessment form will be required per CCMC 12.12.065
18. Depending on asbestos assessment results, an Environmental Protection Agency 10 Day Notification may also be required.
19. Facility will be required to install a properly sized grease interceptor and possibly be required to connect the trash enclosure as well.
20. The electronic message portion of the sign shall be equipped with technology that automatically dims the display according to ambient light conditions. Sign brightness shall be limited to 0.3 foot-candles over ambient light, measured at a distance of 10 times the square root of the electronic message center sign area (approximately 56 feet, to be verified based on the actual size of the sign display area when installed). The applicant shall contact the Planning Division to arrange testing once the sign is installed.
21. The minimum message hold time shall be three seconds.
22. Transition time between messages shall be a maximum of one second.
23. Video graphics may be displayed as part of the electronic message center usage, provided that the text messaging complies with the other operational parameters.
24. No sound display is allowed with the sign.

**LEGAL REQUIREMENTS:** CCMC 18.02.080 (Special Use Permits), CCMC 18.04.130 Retail Commercial (RC); Development Standards Division 4 (Signs)

**MASTER PLAN DESIGNATION:** Mixed Use Commercial (MUC)

**PRESENT ZONING:** Retail Commercial – PUD (RC - P)

**KEY ISSUES:** Will the proposed unlimited gaming casino and bar use, as well as additional signage be compatible with the surrounding neighborhood and be in keeping with the standards of the Carson City Municipal Code?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

NORTH: Retail Commercial - PUD (RC - P) / Shopping Center  
EAST: Retail Commercial (RC) / Retail (Paint Store, Tire Store)  
WEST: Single Family 6000 (SF6) / Vacant  
SOUTH: Residential Office – PUD (RO - P) / Offices

**ENVIRONMENTAL INFORMATION:**

FLOOD ZONE: Zone X shaded (between the 100 year flood and 500 year flood)  
EARTHQUAKE POTENTIAL: Zone I, Severe earthquake potential  
SLOPE/DRAINAGE: Site is improved and flat

**SITE DEVELOPMENT INFORMATION:**

LOT SIZE: 10.1 acres

EXISTING STRUCTURE SIZE: 85,805 square feet (existing building)  
STRUCTURE USED FOR PROPOSED USE: 17,908 square feet  
VARIANCES REQUESTED: None

**PREVIOUS REVIEW:**

SUP-07-222: Special Use Permit for wine sales

U-00/01-13: Special Use Permit for a sign

U-99/00-5: Special Use Permit for a shopping center

**DISCUSSION:**

The subject property is currently improved with a shopping center. The property is located on the west side of North Carson Street. There is a shopping center north of the site, and the Silver West Professional Offices located to the south of the site. Vacant residentially zoned land is located to the east of the existing building, but the applicant is not proposing to utilize that portion of the building. Existing uses in the shopping center are a dialysis center, a property management company, a yogurt shop, a coffee shop, and a pizza shop. A majority of the shopping center is vacant. The applicant proposes to utilize 17,908 square feet of the 85,805 square foot of building area.

The applicant is proposing to improve the existing interior space with a casino including gaming, a full service restaurant and a bar. The facility is proposed to be open 24 hours a day, 7 days a week. Per the provisions of Section 18.04.130 of the Carson City Municipal Code (CCMC), both a bar use and an unlimited gaming use are conditional uses in the RC zoning district, and may only be established upon issuance of a Special Use Permit.

Exterior improvements include exterior lighting, building signage, and modifications to the shopping center freestanding sign. As detailed in the sign plans, new exterior lighting will be located under a parapet, and will not illuminate in an upward direction. The modified, freestanding shopping center sign will be 345.2 square feet where 300 square feet is allowed per code. Therefore, a Special Use Permit is required for the freestanding sign. Note the applicant proposes to utilize the existing sign frame. Building signage is proposed to comply with code.

Chapter 4.14 of the Municipal Code addresses Gaming Licenses and Regulations. Section 4.14.045.1 of this Chapter includes a requirement for 100 guest rooms on the same property as the gaming facility. However, this provision is not applicable if the unrestricted gaming license is transferred in consistent with the provisions of Section 4.14.045. The applicant proposes to transfer in a gaming license that has been in existence prior to 2002. Therefore, guest rooms are not required. Staff has included a proposed condition that the applicant shall demonstrate possession of a transferred unrestricted gaming license in lieu of providing 100 room consistent with the provisions of Section 4.14.045 of the Carson City Municipal Code prior to the issuance of any building permit.

Per the provisions of Section 18.02.080 of the CCMC, the Planning Commission, after conducting a public hearing, has the authority to grant a Special Use Permit upon making seven required findings of fact.

Staff recommends that the Planning Commission approve SUP-16-090 based on the discussion in this staff report and the ability to make the required findings in the affirmative as noted on the following pages.

**PUBLIC COMMENTS:** Public notices were mailed to 59 property owners within 600 feet of the subject site on September 9, 2016. As of the writing of this report, no comments in support or in opposition of the request have been received. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting, depending on the date of submission of the comments to the Planning Division.

**OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS:** The following comments were received by various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

**Building Division:**

1. All projects and improvements must be performed in accordance with Nevada State Revised Statute (NRS) 623 & 624 and Carson City Municipal Code (CCMC) 15.05.020.
2. All Repairs, replacements, and alterations must have proper building permits and comply with 2012 International and Building Codes, 2012 International Mechanical Code, 2012 Fuel Gas Code, 2012 International Energy Conservation Code, and Northern Nevada Amendments.
3. All Contractors are required to carry state and local license.

**Fire Department:**

1. Project must comply with the 2012 International Fire Code and Northern Nevada Fire Code amendments.
2. Project is an A-2 occupancy and requires fire sprinklers and fire alarms.

**Engineering Division:**

1. A reduced pressure backflow preventer will be required on the domestic water line.
2. A grease interceptor must be added to the existing sewer line outside the building.
3. The water and sewer connection fee form must be completed and submitted along with accompanying calculations for the construction permit phase of the process.

**Health and Human Services:**

1. Construction plans will require review by Health and Human Services.

**Environmental Control Authority:**

1. An asbestos assessment will be required on all applicable materials being demolished or disturbed. Per CCMC 12.12.065
2. Carson City Acknowledgement of Asbestos Assessment form will be required. Per CCMC 12.12.065
3. Depending on asbestos assessment results an EPA 10 Day Notification may also be required.
4. Facility will be required to install a properly sized grease interceptor and possibly even be required to connect the trash enclosure as well.

**Transportation:**

No comments

**FINDINGS:** Staff's recommendation is based upon the findings as required by CCMC Section 18.02.080 (Special Use Permits) enumerated below and substantiated in the public record for the project.

**1. Will be consistent with the objectives of the Master Plan elements**

*Goal 5.2b – Encourage Reuse/Redevelopment of Underused Retail Spaces.*

*“Encourage the redevelopment and reuse of underutilized retail spaces along major gateway corridors (such as the vacant K-Mart building on North Carson Street, the Eagle Station and Southgate Shopping Centers on South Carson Street, and the Downtown central business district) with tenants that will serve the broader community....”*

The subject property is an under-utilized shopping center. The proposed use will provide an entertainment amenity in the community that is not currently available, and make an attractive but primarily vacant shopping center vibrant.

Staff would note that the propose sign, although larger than allowed by code, will utilize the existing sign frame.

**2. Will not be detrimental to the use, peaceful enjoyment, economic value, or development of surrounding properties or the general neighborhood; and is compatible with and preserves the character and integrity of adjacent development and neighborhoods or includes improvements or modifications either on-site or within the public right-of-way to mitigate development related to adverse impacts such as noise, vibrations, fumes, odors, dust, glare or physical activity.**

The proposed use will occupy a space in an existing shopping center. Existing uses to the north and east are commercial uses, which will likely benefit from more visitors to this area. To the rear of the portion of the building that will be occupied are office buildings.

Some concerns have been brought to the staff's attention that, if realized, would cause this finding to NOT be met. Staff has investigated these concerns, identified below, and does not find that they will be realized. Therefore, staff can make this finding in the affirmative.

Music Playing Indoors and Outdoors: No outdoor entertainment is proposed. The applicant's lease does authorize "ambient" music for the exterior. It is not unusual for a commercial use to provide ambient music at its entranceways. It is typically not audible in front of another tenant space.

Condenser units / HVAC noise: If the SUP is approved, the scope of work is a tenant improvement. Any tenant who occupies the space will utilize HVAC and similar equipment. In fact, existing uses in the building are utilizing the HVAC. The "back of house" for this space is on the south side and adjacent to office uses.

Traffic on Nye: In approaching the subject property from both the north and the south, staff did not find access to be confusing. Staff finds it unlikely that vehicles will seek to access the subject property from Nye.

Drug Trafficking / Security: The applicant proposes to utilize a security operation that is similar to

the security operation at Bodine's in the southern portion of the city. The Sheriff's office has advised that the existing security operation at the southern Bodine's is effective, and the existing use is not a burden on the Sheriff's office. The Sheriff's office has further opined that if this same security operation was put in place in the proposed Bodine's, the sheriff's office would find it to be adequate.

Overnight Parking: Staff interprets overnight parking to mean camping in a vehicle. Section 18.05.030.a of the CCMC states "No automobile, recreational vehicle, tent, train, boxcar, semi-truck trailer, passenger coach, bus streetcar body or similar enclosure may be used or erected for storage or occupied for living or sleeping purposes in any use district." The applicant will not have an ability to allow or disallow overnight parking as it is prohibited.

The staff finds that the proposed sign will not be detrimental to the community. The sign will utilize the existing frame, thus will not be taller than the existing sign.

**3. *Will have little or no detrimental effect on vehicular or pedestrian traffic.***

Staff does not find that this request will have a detrimental effect on vehicular or pedestrian traffic. The proposed use will occupy existing space in an existing shopping center. Parking requirements, road improvement requirements, and access requirements, so as to promote safety, were all determined at the time the subject property was improved.

In terms of the sign, staff also finds that it will not have a detrimental impact on traffic provided the following operational practices are applied. Note staff has recommended these operational practices for all electronic signs that have come before the Planning Commission.

1. The electronic message portion of the sign shall be equipped with technology that automatically dims the display according to ambient light conditions. Sign brightness shall be limited to 0.3 foot-candles over ambient light, measured at a distance of 10 times the square root of the electronic message center sign area (approximately 56 feet, to be verified based on the actual size of the sign display area when installed). The applicant shall contact the Planning Division to arrange testing once the sign is installed.
2. The minimum message hold time shall be three seconds.
3. Transition time between messages shall be a maximum of one second.
4. Video graphics may be displayed as part of the electronic message center usage, provided that the text messaging complies with the other operational parameters.
5. No sound display is allowed with the sign.

**4. *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.***

The site is currently improved and served with water and sewer. The site was designed and improved with the necessary storm water drainage improvements. The use is a non-residential use, thus will not have an impact on schools. The sheriff's office has advised that it has a very good relationship with Bodine's in the southern part of the City, and finds that, particularly given the intent to utilize similar security operations, the proposed casino and bar will not be a burden.



**5. Meets the definition and specific standards set forth elsewhere in this Title for such particular use and meets the purpose statement of that district.**

As previously noted, a bar use and unlimited gaming are Conditional Uses in the RC zoning district. Staff has reviewed the terms of the planned unit development, and found that the planned unit development did not modify the uses allowed in the RC zoning. Additionally, per Section 4.6.5 of the Development Standards, variations to the sign regulations and standards may be permitted by Special Use Permit approval. With the approval of this Special Use Permit and recommended conditions of approval, the request will meet the applicable definitions and specific standards found in the code.

**6. Will not be detrimental to the public health, safety, convenience and welfare.**

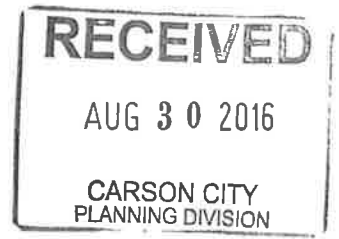
The proposed use, as conditioned, will be a community amenity and will not be detrimental to the public health, safety, and welfare. Staff did receive a concern regarding the impact of the use on the nearby John Mankins Park. Parks and Recreation staff has advised that the presence of Bodine's in the southern part of the City has not had any negative impacts on neighboring Fuji Park. This information was provided with input from operations staff, whom are responsible for maintaining the park. The Parks and Recreation staff further pointed out that it did not find the proposed casino would be in conflict with the park.

**7. Will not result in material damage or prejudice to other property in the vicinity, as a result of proposed mitigation measures.**

Staff has recommended conditions of approval to avoid material damage to other properties in the vicinity. With the incorporation of these conditions, staff can make this finding in the affirmative.

Attachments:

- Building Division comments
- Fire Department comments
- Health and Human Services comments
- Engineering comments
- Environmental Control comments
- Application (SUP-16-090)



August 30, 2016

SUP-16-090:

1. All projects and improvements must be performed in accordance with Nevada State Revised Statute (NRS) 623 & 624 and Carson City Municipal Code (CCMC) 15.05.020.
2. All Repairs, Replacement, and Alterations must have proper building permits and comply with International Building Codes, Uniform Plumbing Code, Uniform Mechanical Code or International Mechanical code, Fuel Gas Code, Electrical Code, International Energy Conservation Code, and Northern Nevada Amendments.
3. All Contractors are required to carry State and local license.

Thanks.

***Shawn Keating***

Chief Building Official  
Carson City Community Development  
108 E. Proctor Street  
Carson City, NV 89701

Main 775-887-2310  
FAX 775-887-2202

***Shawn Keating CBO***

*"There's no use talking about the problem unless you talk about the solution"*

**Building Official**

**Carson City Community Development Department**

Web page <http://www.carson.org/index.aspx?page=172>

[skeating@carson.org](mailto:skeating@carson.org)

Office 775-887-2310 X 7052

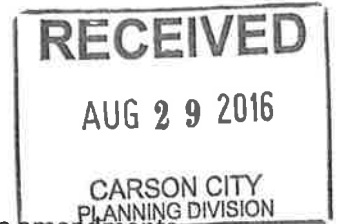
Fax 775-887-2202

Cell 775-230-6623

August 29, 2016

SUP 16-090:

1. Project must comply with the 2012 IFC and Northern Nevada Fire Code amendments.
2. Project is an A-2 occupancy and requires fire sprinklers and fire alarms.



***Dave Ruben***

Fire Marshal

Carson City Fire Department

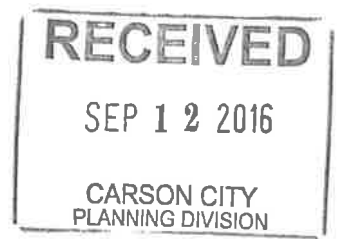
777 S. Stewart Street

Carson City, NV 89701

Direct 775-283-7153

Main 775-887-2210

FAX 775-887-2209



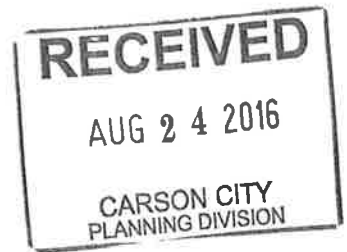
September 12, 2016

**Health Department**

**SUP-16-090**

Plans for this Casino need to be submitted to the Carson City Building Department for Health and Human Services review.

Dustin Boothe  
Health Department



**Engineering Division  
Planning Commission Report  
File Number SUP 16-090**

**TO:** Planning Commission

**FROM:** Rory Hogen, E.I.

**DATE:** Aug. 23, 2016

**MEETING DATE:** Sept. 28, 2016

**SUBJECT TITLE:**

Action to consider an application for a Special Use Permit from Silver Bullet of Nevada LLC to open a small casino and restaurant in an existing building at 3246 N Carson St, aprn 07-462-06.

**RECOMMENDATION:**

The Engineering Division has no preference or objection to the special use request.

**DISCUSSION:**

The Engineering Division has reviewed the conditions of approval within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 18.02.080, Conditional Uses. All construction and improvements must meet the requirements of Carson City and State of Nevada Codes and Development Standards. Public Works has three requirements: 1) A reduced pressure backflow preventer will be required on the domestic water line, 2) a grease interceptor must be added to the existing sewer line outside the building, and 3) the water and sewer connection fee form must be completed and submitted along with accompanying calculations for the construction permit phase of the process.

**CCMC 18.02.080 (2a) - Adequate Plans**

The information submitted by the applicant is adequate for this analysis.

**CCMC 18.02.080 (5a) - Master Plan**

The request is not in conflict with any Engineering Master Plans for streets or storm drainage.

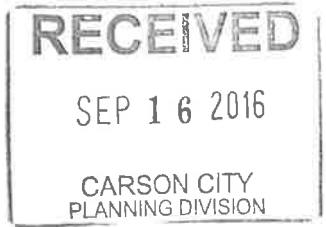
**CCMC 18.02.080 (5c) - Traffic/Pedestrians**

The proposal will not affect traffic or pedestrian facilities.

**CCMC 18.02.080 (5d) - Public Services**

Existing facilities appear to be adequate for this project.

SUP 16-090 casino TI for 3246 N Carson St aprn 07-462-06



09/16/2016

SUP -16-090

Environmental Control

After initial plan review the Carson City Environmental Control Authority (ECA), a Division of Carson City Public Works Department (CCPW), has the following requirements per the Carson City Municipal Code (CCMC) and the Uniform Plumbing Code (UPC) for the SUP –16-090(Casino) project:

1. An asbestos assessment will be required on all applicable materials being demolished or disturbed. Per CCMC 12.12.065
2. Carson City Acknowledgement of Asbestos Assessment form will be required. Per CCMC 12.12.065
3. Depending on asbestos assessment results an EPA 10 Day Notification may also be required.
4. Facility will be required to install a properly sized grease interceptor and possibly even be required to connect the trash enclosure as well.

Please notify Mark Irwin if you have any questions regarding these comments, I can be reached at 775-283-7380.

Sincerely;

Mark Irwin  
Environmental Control Officer 3

c: Kelly Hale, Environmental Control Supervisor

**RECEIVED**  
AUG 26 2016  
CARSON CITY  
PLANNING DIVISION

**Carson City Planning Division**  
108 E. Proctor Street • Carson City NV 89701  
Phone: (775) 887-2180 • E-mail: [planning@carson.org](mailto:planning@carson.org)

**FILE # SUP - 16 - - SUP - 16 - 090**

APPLICANT: Silver Bullet of Nevada, LLC      PHONE #: (775) 782-9711

MAILING ADDRESS, CITY, STATE, ZIP: 1627 U.S. Highway 395, Minden, NV 89423

EMAIL ADDRESS: [mpegram@carsonvalleyinn.com](mailto:mpegram@carsonvalleyinn.com)

PROPERTY OWNER: C & A Investments, L.L.C.      PHONE #: (775) 687-0202

MAILING ADDRESS, CITY, STATE, ZIP: c/o Allison MacKenzie, 402 N. Division St., Carson City, NV 89703

EMAIL ADDRESS: [jcavilia@allisonmackenzie.com](mailto:jcavilia@allisonmackenzie.com)

APPLICANT AGENT/REPRESENTATIVE: Severin A. Carlson      PHONE #: (775) 852-3900

MAILING ADDRESS, CITY STATE, ZIP: 50 W. Liberty Street, Suite 700, Reno, NV 89501

EMAIL ADDRESS: [scarlson@kcnvlaw.com](mailto:scarlson@kcnvlaw.com)

**FOR OFFICE USE ONLY:**  
CCMC 18.02

**SPECIAL USE PERMIT**

**FEE: \$2,450.00 MAJOR  
\$2,200.00 MINOR (Residential zoning districts)  
+ noticing fee**

**SUBMITTAL PACKET**

- 8 Completed Application Packets (1 Original + 7 Copies) including:
  - Application Form
  - Written Project Description
  - 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)
  - CD containing application digital data (to be submitted once the application is deemed complete by staff)

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.

<u>Project's Assessor Parcel Number(s)</u> 007-462-06	<u>Street Address</u> <u>ZIP Code</u> 3246 N. Carson Street, Carson City, NV 89703
<u>Project's Master Plan Designation</u> Mixed-Use Commercial	<u>Project's Current Zoning</u> RC-P
<u>Nearest Major Cross Street(s)</u> W. College Parkway and W. Nye Lane	

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: 18.04.130.3, or Development Standards, Division 4, Section 4.4.1, a request to allow as a conditional use is as follows:

the operation of a casino (gaming (unlimited)), including a bar, both of which require a special use permit. The casino will also include a restaurant which will serve alcoholic beverages which operation is a permitted use. A special use permit is also sought for signage at the property under

**PROPERTY OWNER'S AFFIDAVIT**

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

Signature: Joanne Ballardini      Address: 402 N Division St.      Date: 7/22/16  
Ballardini Family Trust, Manager      Carson City, NV 89703

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

STATE OF NEVADA )  
COUNTY                    )

On July 22, 2016, Joanne Ballardini, 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.

[Signature]  
Notary Public

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.

Page 1

**SONJA FISCHER**  
NOTARY PUBLIC  
STATE OF NEVADA  
APPT. No. 04-89854-12  
MY APPT EXPIRES MARCH 14, 2018

# WRITTEN PROJECT DESCRIPTION



**WRITTEN PROJECT DESCRIPTION**  
**SPECIAL USE PERMIT APPLICATION**  
**SILVER BULLET OF NEVADA, LLC**  
**FILE # SUP – 16- \_\_\_\_\_**

Silver Bullet of Nevada, LLC (“Silver Bullet” or the “Applicant”) seeks a special use permit for its operation of a casino (gaming (unlimited)), including a bar, both of which require a special use permit, to be operated in the Northtown Plaza, 3246 N. Carson Street (the “Project” or “Casino”). The Project will also include a full service restaurant, inside the Casino, which will serve alcoholic beverages, which operation is a permitted use. The Casino, including its restaurant, will be open 24-hours per day. The Applicant also seeks a special use permit to make changes to an existing pylon sign for the Northtown Plaza, as well as for signage attached to the Project.

The Project will be located inside of a portion of an existing building within the Northtown Plaza, more commonly known as Building 3, consistently of approximately 16,500 square feet of space that is currently vacant and has never been occupied. The Applicant will be occupying the Project in accordance with the terms and conditions of a long-term lease with the owner of Northtown Plaza, C & A Investments, LLC (“C & A Investments” or the “Landlord”). The Applicant will be making numerous tenant improvements to the approximate 16,500 square feet of space within its portion of Building 3.

The Applicant is in contract to purchase the non-restricted gaming license(s) associated with the Horseshoe Club (the “Gaming License”). Since the Gaming License has been in existence prior to 2002, the Applicant is not required to maintain, on the same parcel of property, no fewer than one hundred (100) guest rooms in accordance with Carson City Municipal Code 4.14.045. The Applicant is seeking Nevada Gaming Control Board and Nevada Gaming Commission approval to transfer the Gaming License into its name and for approval to conduct business at the Project.

Although the Gaming License is grandfathered and therefore the Applicant does not need to maintain no fewer than one hundred (100) guest rooms, pursuant to NRS 463.302, as a part of the transfer of the Gaming License to Applicant to operate the Casino at the proposed location, Nevada state law requires the license to be transferred to a location within a designated redevelopment area. C & A Investments, as the property owner of Northtown Plaza and the Applicant have confirmed with City Staff, that the Project is located in Carson City’s Redevelopment Area No. 2.

**SITE PLAN**  
**(See Large Site Plan)**

**Property Owner:** C & A Investments, LLC  
 c/o Allison Mackenzie  
 402 N. Division Street  
 Carson City, Nevada 89703

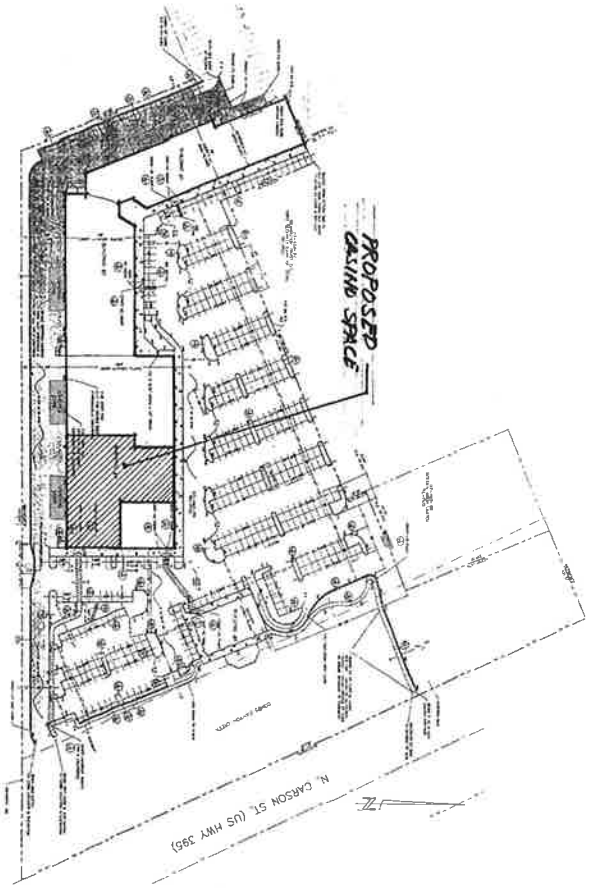
**Applicant:** Silver Bullets of Nevada LLC  
 1627 U.S. Highway 395,  
 Minden, Nevada 89423

**Assessor's Parcel #: 07-462-06**  
 3246 North Carson Street  
 Carson City, Nevada

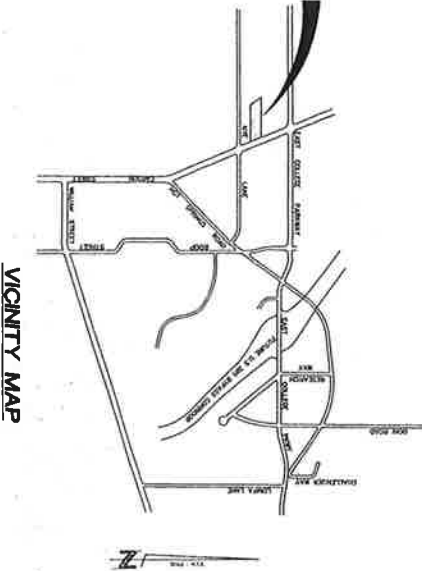
**Request:** Special use permit to allow a casino in  
 a general commercial zoning.

**Site Plan prepared by:** Studio HBA LLC, Architect  
 Lumos and Associates (original civil engineer)

**SITE PLAN**



**PROJECT SITE**



**BODINES NORTHTOWN  
 SPECIAL USE PERMIT  
 SITE PLAN  
 NEVADA**



**BUILDING ELEVATIONS  
AND FLOOR PLANS  
(See Large Floor Plans)**



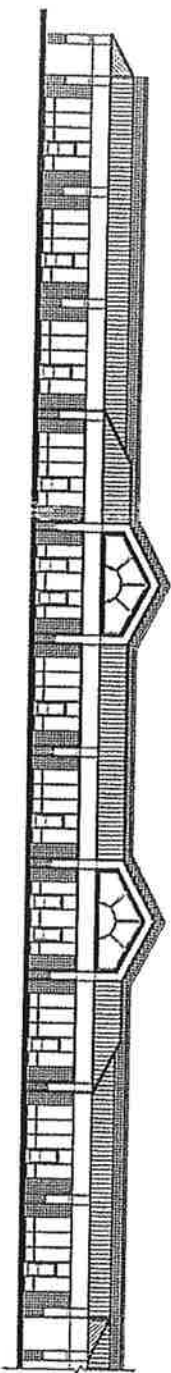
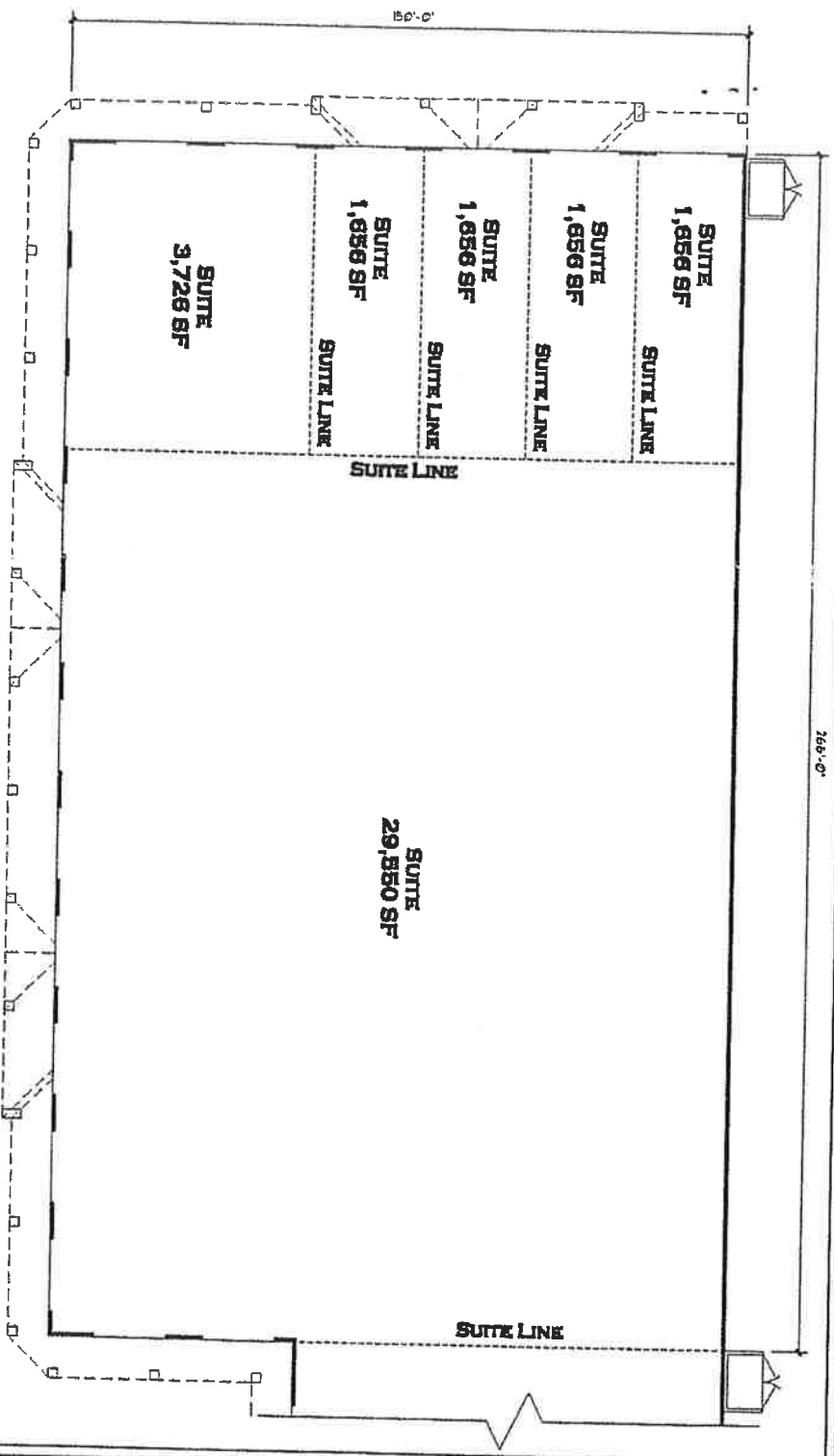
**Q&D**  
CONSTRUCTION  
INC.



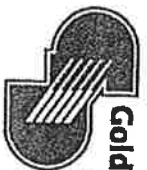
**Don Mackley**  
Architect, Ltd.

**PROPOSED  
BUILDING 3  
FLOOR PLAN**

1" = 40'-0"  
0 5 10 40 FEET

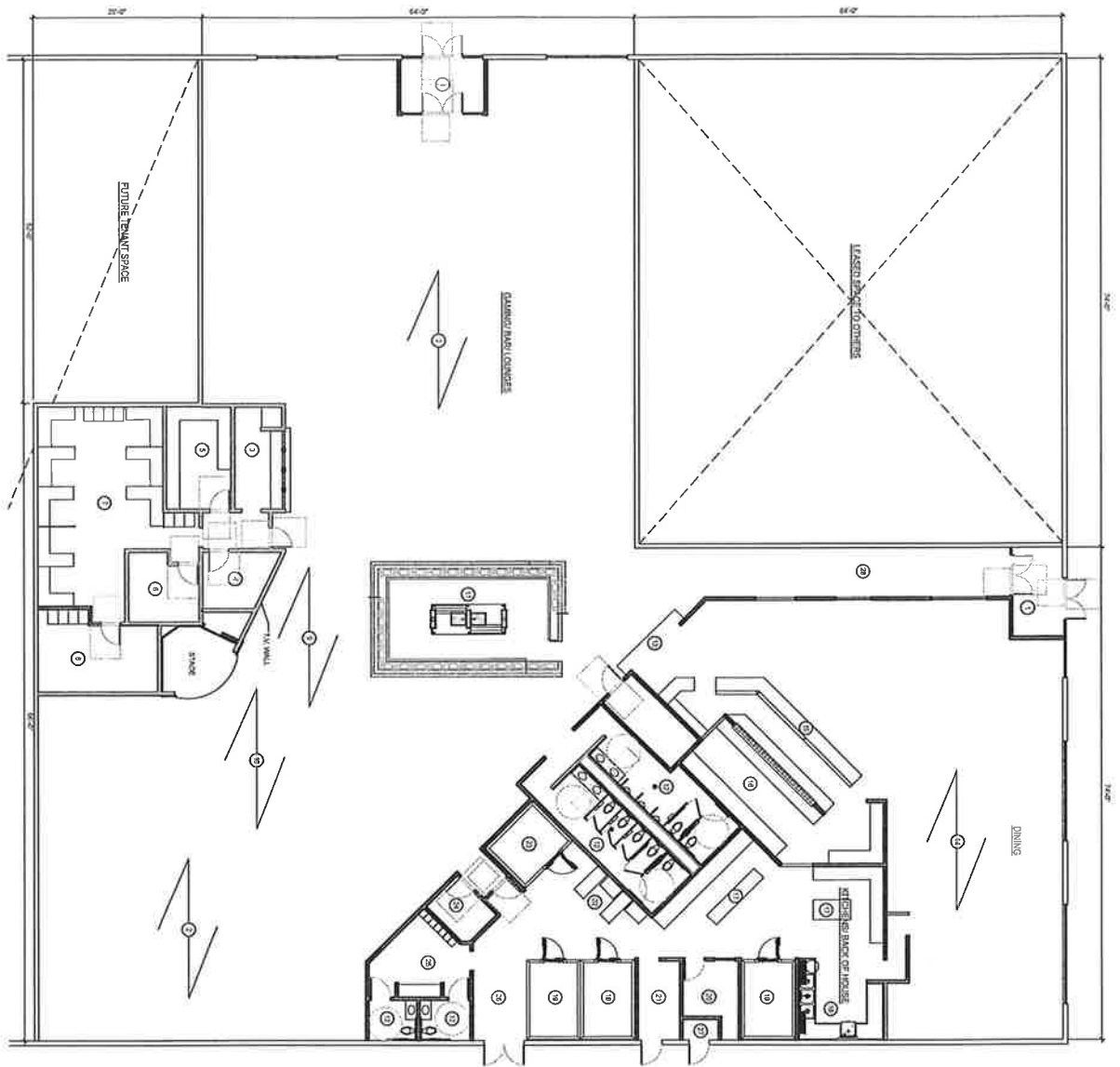


**BUILDING 3 ELEVATION**



**Gold Dust Commercial  
Associates**  
311 Up North Carson Street  
Carson City, NV 89701  
775-883-3936

**NORTHTOWN PLAZA**  
CARSON CITY, NEVADA



FLOOR PLAN  
SCALE 1/8" = 1'-0"

1  
A1.0

USE LEGEND	
1	ENTRY
2	GAMING AREA
3	SPORTS BOOK/QUEST SERVICES
4	MANAGER OF THE DAY OFFICE
5	COUNT
6	I.T.T.
7	ACCOUNTING CLERICALS
8	ACCOUNTING MANAGER OFFICE
9	SPORTS BOOK LOUNGE
10	STAGE & LOUNGE
11	BAR
12	RESTROOM
13	RESTAURANT ENTRY
14	RESTAURANT DINING ROOM
15	DINER COUNTER
16	COOK LINE
17	KITCHEN PREP
18	DISHWASHING
19	WALK IN COOLER / FREEZER
20	CHEF OFFICE
21	TRASH
22	BRY STORAGE
23	KEO COOLER
24	SECURITY
25	EMPLOYEES ROOM
26	RECEIVING
27	FIRE RISER ROOM
28	GALLERY

A1.0  
FLOOR PLAN

**BODINES CASINO NORTH TOWN**  
**NORTH TOWN PLAZA**  
CARSON CITY, NEVADA

STUDIO HBA LLC  
P.O. BOX 18427 RENO, NEVADA 89501  
(775) 782-5006

# SIGN PACKAGE



**YESCO.**

YESCO LLC

5376 Capital Cir. Suite 104  
Boca, NY 14822

Phone: 718.298.3731

Office: 718.298.3731

NY CONTRACTOR LICENSE NO.  
031268 / 031428

This drawing was prepared by using the  
methods and procedures set forth in the  
Manual for the Preparation of Plans  
and Specifications for the Construction of  
Public Works, 1988 Edition, IBC.

© 2014 by YESCO LLC

All rights reserved

This drawing is the property of YESCO LLC  
and is loaned to you for your use only.  
It is not to be reproduced, copied, or  
distributed in any form without the  
written consent of YESCO LLC. The  
owner of the drawing is YESCO LLC.  
The user of this drawing is responsible for  
its use and for any errors or omissions  
therein. YESCO LLC is not responsible  
for any errors or omissions in the  
drawing or for any consequences  
resulting therefrom.

CLIENT:

**Boodine's Casino**

3228 N CANTON ST

ADDRESS:

CANTON CITY, NY

CITY:

TOM WESTHEIMER

ACCOUNT MANAGER

MEASUREMENT DATE

△ JAN GRANGE 2/18/14

△ JAN GRANGE 7/28/14

△ JAN GRANGE 7/28/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

△ JAN GRANGE 8/14/14

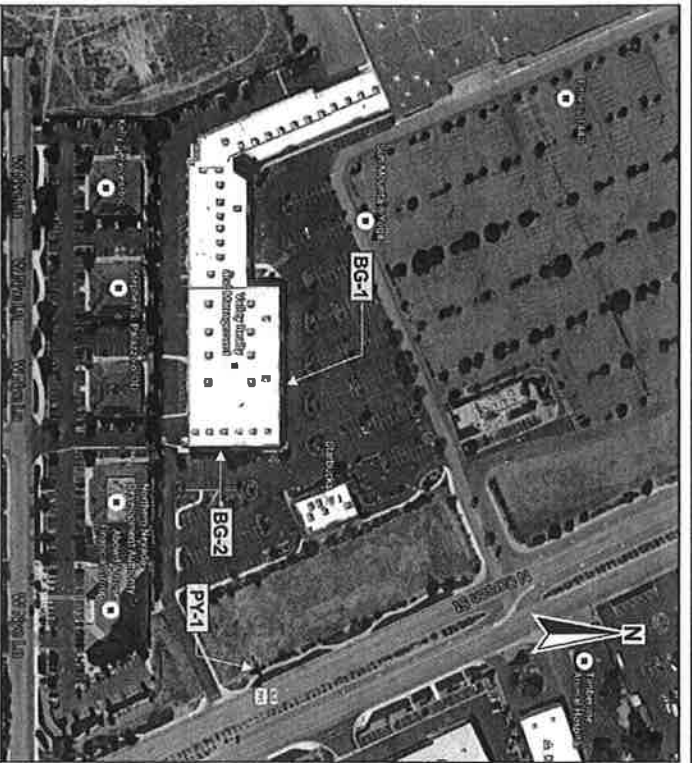
# Boodine's

## CASINO

### EXTERIOR SIGNAGE

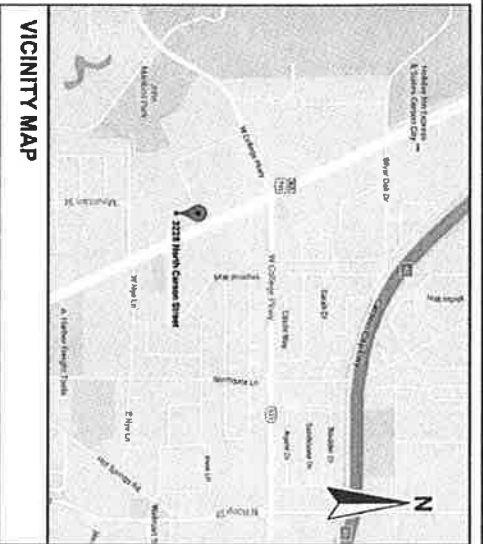
DATE	5/12/2014
PROJECT	Boodine's Casino
CLIENT	Boodine's Casino
ADDRESS	3228 N CANTON ST CANTON CITY, NY
CITY	CANTON CITY, NY
ACCOUNT MANAGER	TOM WESTHEIMER
MEASUREMENT DATE	JAN GRANGE 2/18/14 JAN GRANGE 7/28/14 JAN GRANGE 7/28/14 JAN GRANGE 8/14/14 JAN GRANGE 8/14/14
APPROVAL	
DESIGNER	DATE
CHECKED	DATE
LABORER	DATE
OWNER	DATE
ESTIMATOR	DATE
PROJECT NUMBER	571267
DRAWING NUMBER	CV-1





AERIAL PHOTO

METHOD OF ATTACHMENT  
N.T.S.



VICINITY MAP

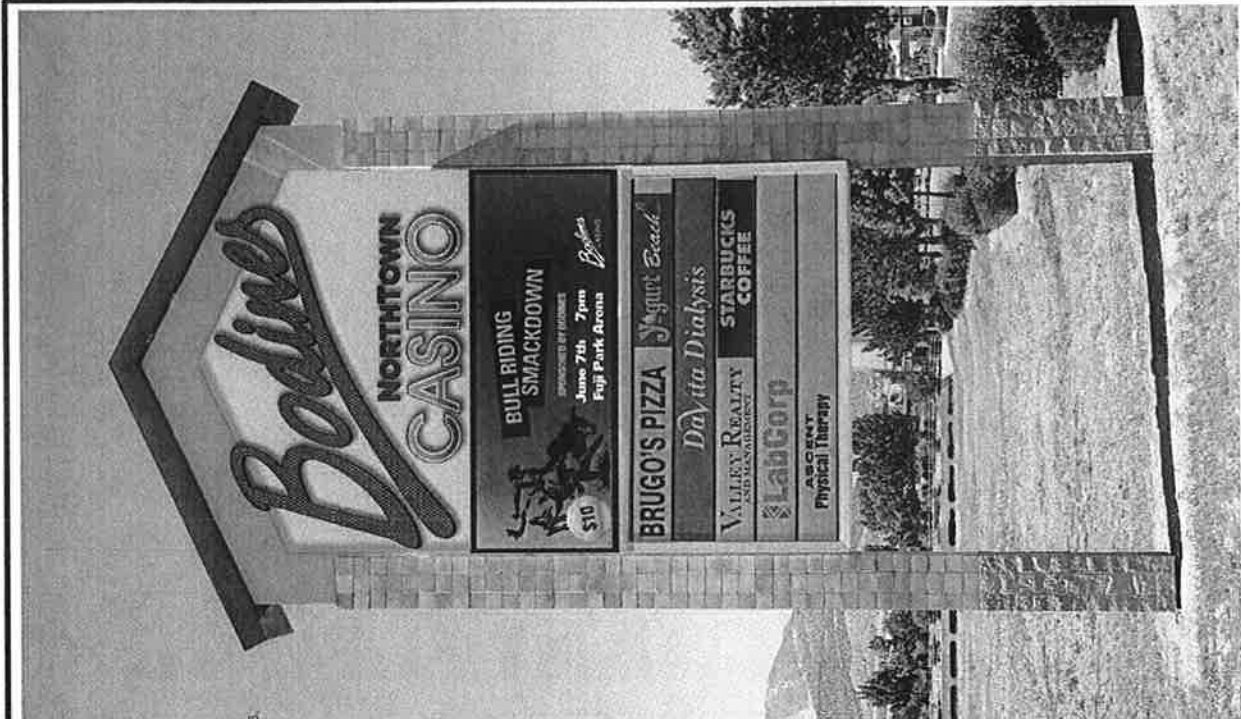
SIGN	PROJECT	ELECT. LOAD	SQ. FT.
PY-1	REFURBISH OFF ILLUMINATED Pylon SIGN		
BG-1	SF ILLUMINATED SIGN		
BG-2	SF ILLUMINATED SIGN		
<b>TOTAL</b>			

**GENERAL NOTES**

**SPECIAL INSTRUCTIONS**  
FIELD SURVEY REQUIRED  
PRIOR TO PRODUCTION  
SALESMAN TO VERIFY VOLTAGE

NOTE: POWER TO BE SUPPLIED BY CUSTOMER      ELECTRICAL PERMIT BY OTHERS

<p><b>YESCO.</b></p> <p>YESCO LLC</p>	<p>5230 Capital Cir. Suite 104 New York, NY 10002 Phone: 775.258.3131 N.J. CONTRACTOR LICENSE NO. 0374289 / 0074290</p>	<p>Notice to the Customer: The undersigned, YESCO LLC, is the contractor for the above-referenced project. The customer shall be responsible for obtaining all necessary permits and approvals from the appropriate authorities. The customer shall also be responsible for providing all materials and labor required for the project. The contractor shall be responsible for the quality of workmanship and shall provide a warranty on the work. All rights reserved.</p>
	<p>Client: <b>Bodini's Casino</b> 3228 N CARSON ST CARSON CITY, NV G.P.N.</p>	<p>Project: <b>REFURBISH OFF ILLUMINATED Pylon SIGN</b></p>



**NEW ADDED SIGN AREA**

AREA	36.4 FT <sup>2</sup>
------	----------------------

**NEW SIGN AREA**

ROCKIES	113.2 FT <sup>2</sup>
CASINO	24.1 FT <sup>2</sup>
NORTHTOWN	6.7 FT <sup>2</sup>
ENC	82.2 FT <sup>2</sup>
TENANTS	119 FT <sup>2</sup>
TOTAL	246.2 FT <sup>2</sup>

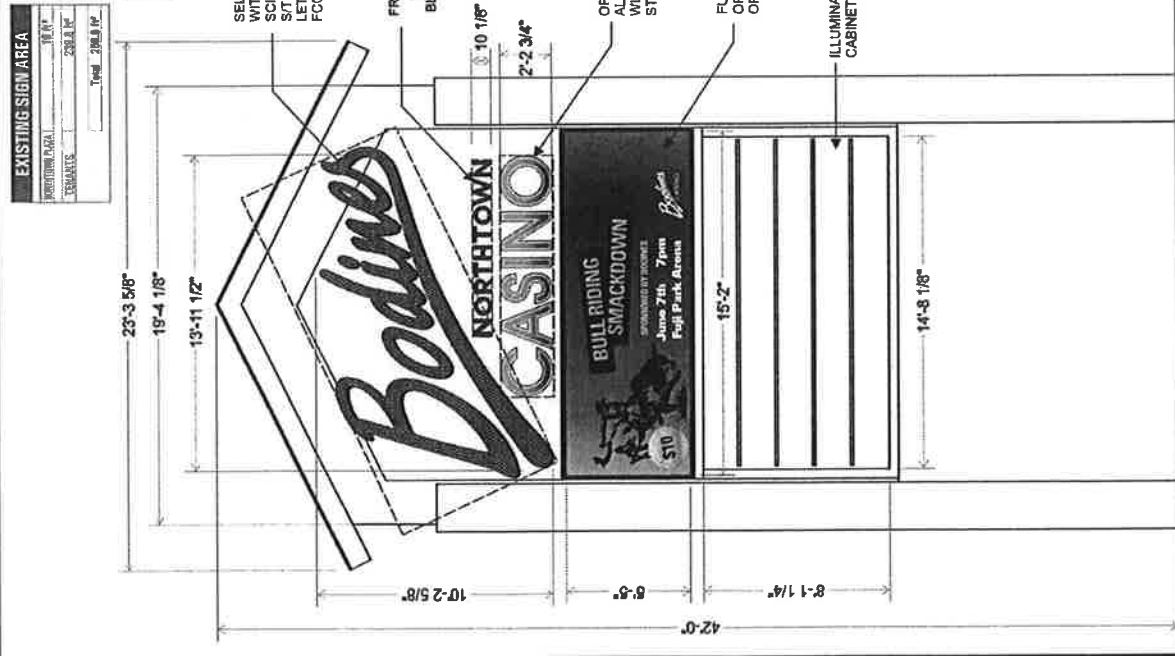
SELF CONTAINED OPEN FACE BRUSHED GOLD ALUMINUM LETTERS WITH FACES PAINTED DARK RED PMS #187  
SCINTILLANT LED BULBS ILLUMINATION  
S/T STEADY BURNS RUBY RED NEON AROUND LETTERS LETTER BORDER.  
FCO HEAVY GAUGE SHEET METAL PAINTED SATIN BLACK

FRONT LIT CHANNEL LETTERS  
NEED ILLUMINATION  
RED LED ILLUMINATION  
BLACK TRIM CAP & RETURNS

OPEN FACE GOLD BRUSHED ALUMINUM VERTICAL GRAIN WITH DIT NOVAL GOLD STEADY BURN NEON

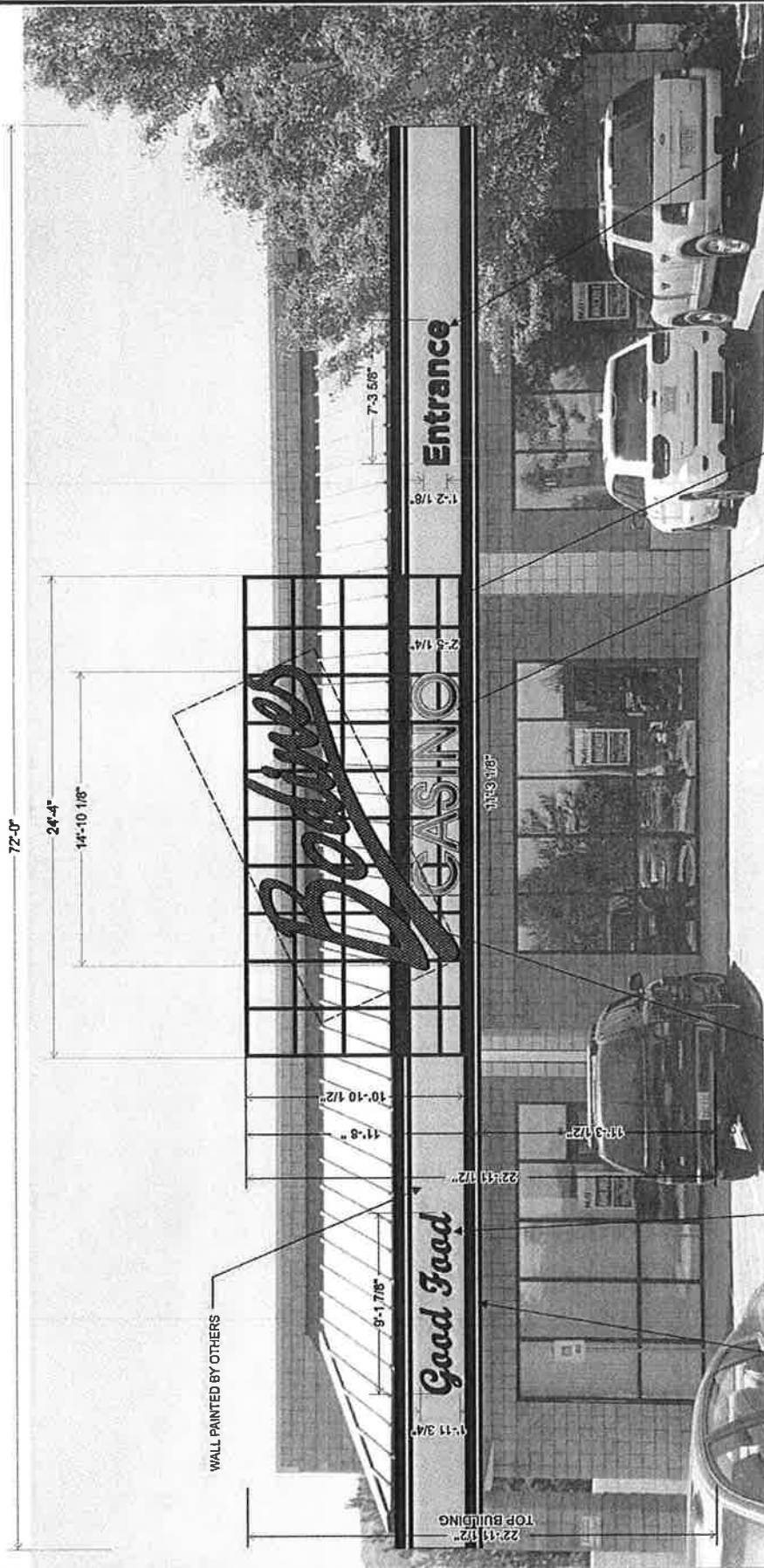
FULL COLOR ELECTRONIC DISPLAY  
OPTION 1: 10 MM MATRIX 180 X448  
OPTION 2: 20 MM MATRIX 80X224

ILLUMINATED TENANTS CABINET



EXISTING SIGN

BG-1 DOUBLE FACE ILLUMINATED  
Scale: 3/16" = 1'-0"



**FRONT LIT CHANNEL LETTERS**  
RED LED ILLUMINATION  
BLACK TRIM CAP & RETURNS

SIGN AREA	
BODINE'S	133.8 IN
CASINO	27 IN
GOOD FOOD	18.0 IN
ENTRANCE	9.2 IN
TOTAL: 188 IN	

AREA CALCULATION

ITEM	2.0
------	-----





**YESCO.**

YESCO LLC

1500 Capital G. Suite 104  
New, NY 10992  
Office: 775-265-3131  
NY CONTRACT LICENSE NO.  
007026 / 007020

**Notice to the Client**

All drawings and documents prepared by YESCO LLC are the property of YESCO LLC and shall remain the property of YESCO LLC.

© 2018 by YESCO LLC  
All rights reserved.

Read the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

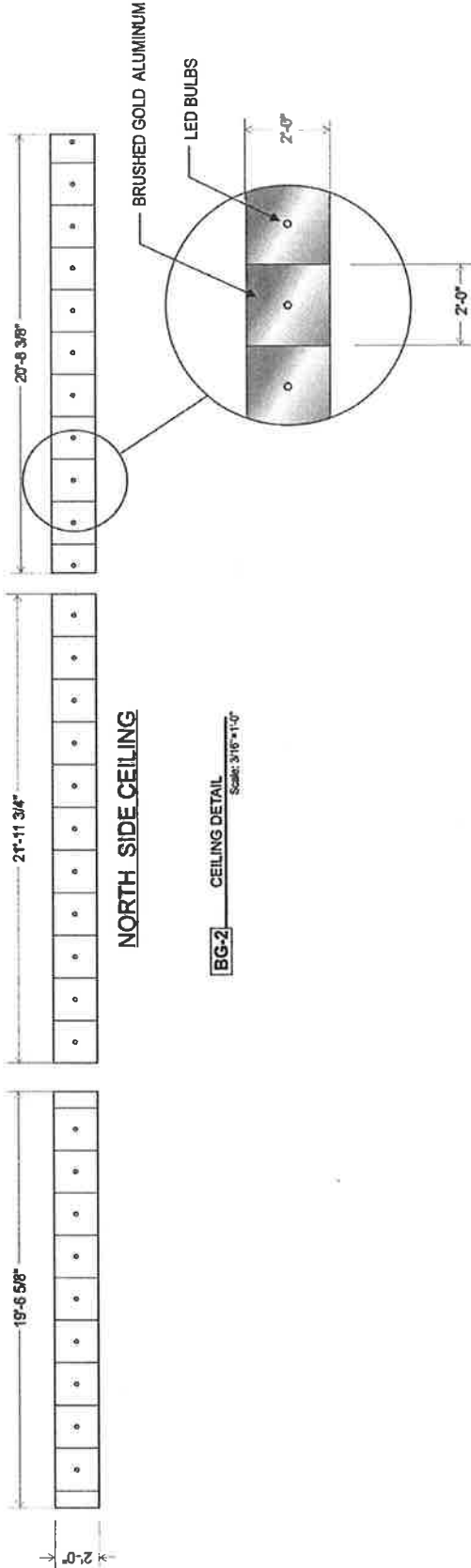
Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.

Make the notes attached to the drawings. They contain important information and instructions for the contractor.



**NORTH SIDE CEILING**

**EG-2** CEILING DETAIL  
Scale: 3/16" = 1'-0"

**CEILING DETAIL**



**PROPOSED CEILING**

APPROVAL	
CUSTOMER	DATE
DESIGNED	DATE
DRAWN	DATE
ESTIMATING	DATE
SURVEY	DATE
DESIGN NUMBER	571267
PROJECT NUMBER	
SHEET	4.0

PROPOSAL QUESTIONNAIRE WITH  
BOTH QUESTIONS AND ANSWERS  
GIVEN



**SPECIAL USE PERMIT APPLICATION QUESTIONNAIRE**  
**SILVER BULLET OF NEVADA, LLC**  
**FILE # SUP – 16- \_\_\_\_\_**

**Question 1: How will the proposed development further and be in keeping with, and not contrary to, the goals of the Master Plan Elements?**

Explanation:

Silver Bullet of Nevada, LLC (“Silver Bullet” or the “Applicant”) is proposing the operation of a 24-hour casino with a full menu restaurant and bar, both serving beer, wine, and liquor by the drink, to be located within a portion of an existing building within the Northtown Plaza located at 3246 N. Carson Street (the “Project” or the “Casino”) which will be known as Bodines Casino Northtown. The Project will consist of approximately 16,500 square feet of space within the existing Northtown Plaza Building 3. The Casino will operate pursuant to a grandfathered non-restricted gaming license, specifically the license formerly associated with the Horseshoe Club in downtown Carson City, (the “Gaming License”). The Applicant is currently in escrow to purchase the Gaming License. The owner of Northtown Plaza, C & A Investments, L.L.C., and the Applicant have confirmed that the subject property is located in Carson City’s Redevelopment Area Number 2, thereby allowing a transfer of the Gaming License to the Project’s proposed location in compliance with NRS 463.302. Since the Gaming License has been in existence prior to 2002, the Casino is not required to maintain, on the same parcel of property, no fewer than one hundred (100) guest rooms in accordance with Carson City Municipal Code 4.14.045. A special use permit is required for the operation of the Casino with a non-restricted (unlimited license), as well as the operation of a bar. The restaurant with alcohol service is a permitted use subject to obtaining the requisite liquor license. The Applicant’s proposed changes to an existing pylon sign are subject to a special use permit. The Applicant’s proposed signage on the building is not subject to a SUP the signage meets the Carson City Municipal Codes’ size requirements and will be placed at/or below the parapet line of the building, as depicted in the enclosed sign package. Since the Project will be located within an existing building within an existing retail commercial center, the project provides further viability to the Northtown Plaza as well as furthers and keeps in line with the goals of the master Plan Elements that were considered at the time Northtown Plaza was first developed.

Master Plan Policy Checklist Items:

**Chapter 3: A Balanced Land Use Pattern**

**Is or does the proposed development:**

- **Meet the provision of the Growth Management Ordinance (1.1d, Municipal Code 18.12)**
  - The Project does not propose any residential development, nor is the Project in a residential zoning district. Therefore, the 1988 Growth Management

Ordinance, as contained in Chapter 18.12 of the City's Municipal Code, does not apply.

- **Use sustainable building materials and construction techniques to promote water and energy conservation (1.1e, f)**
  - Although the Project is located in a portion of an existing building at the Northtown Plaza, the intended tenant improvements will consist of building materials and construction techniques which promote energy efficiency, as well as water and energy conservation commensurate for a business that will operate 24 hours per day.
- **Located in a priority infill development area (1.2a)**
  - Yes, the Project is located in a Moderate Priority Area, as it will be located in a vacant portion of an existing building within the Northtown Plaza. The Northtown Plaza is located in one of Carson City's major gateway corridors.
- **Provide pathway connections and easements consistent with the adopted Unified Pathways Master Plan and maintain access to adjacent public lands (1.4a)**
  - Although there are no public lands adjacent to the Project, the Northtown Plaza has pedestrian pathway connections, including sidewalks to adjacent parcels, in addition to traditional vehicular ingress and egress.
- **Protect existing site features, as appropriate, including mature trees or other character-defining features (1.4c)**
  - The Project is located on a site that has already been developed – the Northtown Plaza. As such, disturbances to existing native stands of mature trees or distinctive topographic features, and other character-defining features, will be minimal, if not non-existent since the Project will be located within an existing building at the Northtown Plaza. Tenant improvements will be made inside of a portion of an existing building. New signage will be placed on the Casino building and modifications will be made to an existing pylon sign. Existing landscaping around the pylon sign may be trimmed, improved, moved, or replaced.
- **At adjacent county boundaries or adjacent to public lands, coordinated with the applicable agency with regards to compatibility, access and amenities (1.5a, b)**
  - The Project is not located adjacent to county boundaries or adjacent to public lands and therefore does not require coordination with the applicable agency regarding compatibility, access, and amenities.



- **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, Appendix C)**
  - The Project will be located in an existing building within the Northtown Plaza, which was built within the Mixed-Use Commercial Master Plan Designation and is currently zoned Retail Commercial.
- **Meet adopted standards (e.g. setbacks) for transitions between non-residential and residential zoning districts (2.1d)**
  - The Applicant is not seeking any change in existing zoning. The Project is going to be located in an existing building within the Northtown Plaza, which has little to no undeveloped adjacent land next to it and has existing buffers between it and adjacent parcels, including existing landscaping, walkways, and cinderblock walls.
- **Protect environmentally sensitive areas through proper setbacks, dedication, or other mechanisms (3.1b)**
  - The Project is not located in proximity to any Environmentally Sensitive Areas. The Project is going to be located in an existing building within the Northtown Plaza. The majority of the adjacent parcels surrounding Northtown Plaza have been fully developed, although not all of the developed parcels are being fully utilized at this time.
- **Sited outside the primary floodplain and away from geologic hazard areas or follows the required setbacks or other mitigation measures (3.3d, e)**
  - The Project is going to be located in an existing building within the Northtown Plaza, which has been previously sited with required setbacks or other mitigation measures (i.e. retention basins run between Northtown Plaza and Carson Street).
- **Provide for levels of services (i.e. water, sewer, road improvements, sidewalks, etc.) consistent with the Land Use designation and adequate for the proposed development (Land Use table descriptions)**
  - The Project is going to be located in an existing building within the Northtown Plaza. At the time the Northtown Plaza was planned and developed, traffic flow in and out of the Northtown Plaza was designed to be appropriate at the time of full build out. Furthermore, facilities for water and sewer usage were planned, designed and built for full buildout. The Project being located within an existing building does not increase the requirements

for water, sewer, road improvements, or sidewalks, etc. The Applicant's representative has confirmed with Stephen Pottey, P.E. from Carson City's Development Engineering Department that there are no anticipated capacity issues for sewer, water, or traffic at the site.

- **If located within an identified Specific Plan Area (SPA), meet the applicable policies of that SPA (Land Use Map, Chapter 8)**
  - The Project is not located within a Specific Plan Area.

#### **Chapter 4: Equitable Distributions of Recreational Opportunities**

##### **Is or does the proposed development:**

- **Provide park facilities commensurate with the demand created and consistent with the City's adopted standards (4.1b)**
  - The Project is located within an existing retail commercial center, the Northtown Plaza, which has been fully developed and constructed, although it does contain vacant space available for new tenants such as the Applicant. The Project will be located in a portion of an existing vacant building within the Northtown Plaza. The Project does not create a demand for park facilities and since the Northtown Plaza is fully developed, there is no vacant land within the subject parcel to provide for park facilities.
- **Consistent with the Open Space Master Plan and Carson River Master Plan (4.3a)**
  - The Project is located within an existing retail commercial center, the Northtown Plaza, which has been fully developed and built out, although it does contain vacant space available for new tenants such as the Applicant. The Project will be located in an existing vacant building within the Northtown Plaza. The Project, being located within the existing Northtown Plaza is consistent with the Open Space Master Plan and Carson River Master Plan and does not impact or reduce any open space as it is located within an existing building within the Northtown Plaza.

## Chapter 5: Economic Vitality

### Is or does the proposed development:

- **Encourage a citywide housing mix consistent with the labor force and non-labor force populations (5.1j)**
  - The Project is not a housing project. The Project offers entertainment, gaming, restaurant and bar options to Carson City's labor force and non-labor force populations, subject to age restrictions relative to gaming and bar activities.
- **Encourage the development of regional retail centers (5.2a)**
  - The Project fills vacant space within an existing building of a retail center which has been historically underutilized. The presence of a new business will invigorate activity at the Northtown Plaza and potentially spur on additional development adjacent to or near the Project.
- **Encourage reuse or redevelopment of underused retail spaces (5.2b)**
  - Northtown Plaza is located in Redevelopment Area Number 2, and is adjacent to the former K-Mart building. It is clearly underutilized retail space within Carson City. The Project will put approximately 16,500 square feet of space to use and will likely draw additional businesses to the Northtown Plaza to further utilize the remaining vacant space within the Northtown Plaza.
- **Support heritage tourism activities, particularly those associated with historic resources, cultural institutions and the State Capitol (5.4a)**
  - The Project is not located in or around any historic resources, cultural institutions or the State Capitol, so as to support heritage tourism activities. The Project, however, does offer entertainment, gaming, dining and bar options to both residents and visitors of Carson City, subject to age restrictions relative to gaming and alcohol sales.
- **Promote revitalization of the Downtown core (5.6a)**
  - Although the Project is not located within the Downtown core, transferring the non-restricted gaming license to Silver Bullet of Nevada, LLC for operation at the Project reduces the number of grandfathered non-restricted licenses located in the Downtown core, thereby promoting revitalization through new non-gaming uses at the former Horseshoe Club location in Downtown Carson City.

- **Incorporate additional housing in and around Downtown, including lofts, condominiums, duplexes, live-work units (5.6c)**
  - The Project is not located in or around Downtown and is not a housing project.

## **Chapter 6: Livable Neighborhoods and Activity Centers**

### **Is or does the proposed development:**

- **Use durable, long-lasting building materials (6.1a)**
  - The Project will be located within an existing building within the Northtown Plaza. Tenant improvements within the existing building will use durable, long-lasting building materials commensurate with creating a comfortable and inviting gaming, entertainment, and dining for patrons.
- **Promote variety and visual interest through the incorporation of varied building styles and colors, garage orientation and other features (6.1b)**
  - The Project will be located within an existing building within the Northtown Plaza. The existing building style is not being changed; however, the tenant improvements within the existing building will promote a variety and visual interest within the casino, restaurant and bar facility. The proposed exterior signage on the building will compliment the building architecture and create visual interest.
- **Provide variety and visual interest through the incorporation of well-articulated building facades, clearly identified entrances and pedestrian connections, landscaping and other features consistent with the Development Standards (6.1c)**
  - The Project does not contemplate the construction of any new buildings, as the Project will be located inside an existing building within the Northtown Plaza. The Northtown Plaza provides existing well-articulated building facades, clearly identified entrances, pedestrian connections, and landscaping and other features. The Project will have two entrances for customers: one on the east side of the Casino and one on the North side of the Casino, both with unique signage.
- **Provide appropriate height, density and setback transitions and connectivity to surrounding development to ensure compatibility with surrounding development for infill projects or adjacent to existing rural neighborhoods (6.2a, 9.3b, 9.4a)**
  - The Project is located inside a building within the existing Northtown Plaza and does not include the construction of any new buildings or development on

vacant land. The Northtown Plaza maintains setbacks and transitions relative to surrounding development.

- **If located in an identified Mixed-Use Activity Center area, contain the appropriate mix, size and density of land uses consistent with the Mixed-Use district policies (7.1a, b)**
  - The Project is located within the Northtown Plaza which is within a Mixed-Use Activity Center located at College Parkway and North Carson Street, which is a major gateway corridor. The Northtown Plaza offers a convenient place for the community to shop, work, and gather, in close proximity to residential neighborhoods and includes pedestrian access from those neighborhoods. The Project will enhance the offerings of the Northtown Plaza for the community to shop and gather by providing additional entertainment and dining options.
- **If located Downtown:**
  - **Integrate an appropriate mix and density of uses (8.1a, e)**
  - **Including buildings at the appropriate scale for the applicable Downtown Character Area (8.1b)**
  - **Incorporate appropriate public spaces, plazas and other amenities (8.1d)**
    - The Project is not located Downtown.
- **Incorporate a mix of housing models and densities appropriate for the project location and size (9.1a)**
  - The Project is not residential in nature requiring a mix of housing models and densities.

## **Chapter 7: A Connected City**

### **Is or does the proposed development:**

- **Promote transit-supportive development patterns (e.g. mixed-use, pedestrian-oriented, higher density) along major travel corridors to facilitate future transit (11.2b)**
  - The Project is going to be located inside an existing building within the Northtown Plaza. The Northtown Plaza was planned, designed, and constructed with traffic flow in and out of the project as appropriate at the time of buildout, with sufficient facilities in place to accommodate all tenant spaces being fully occupied.

- **Maintain or enhance roadway connections and networks consistent with the Transportation Master Plan (11.2c)**
  - The Project is going to be located inside an existing building within the Northtown Plaza. The Northtown Plaza was planned, designed, and constructed with traffic flow in and out of the project as appropriate at the time of buildout, with sufficient facilities in place to accommodate all tenant spaces being fully occupied.
- **Provide appropriate pathways through the development and to surrounding lands, including parks and public lands, consistent with the Unified Pathways Master Plan (12.1a, c)**
  - The Project is going to be located inside an existing building within the Northtown Plaza. Northtown Plaza was planned, designed, and constructed with traffic flow in and out of the project as appropriate at the time of buildout, with sufficient facilities in place to accommodate all tenant spaces at full occupancy. Northtown Plaza has existing pedestrian pathways with landscaping.

**Question 2: Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?**

Explanation:

The effect of the project will not be detrimental to the immediate vicinity or the general neighborhood, but will enhance and improvement the immediate vicinity and general neighborhood. The project is generally located in Northtown Plaza on the North side of Carson City near the intersection of N. Carson Street and W. College Parkway.

- A. Describe the general types of land uses and zoning designations adjoining your property (or example: North: two houses, Single-Family 12,000 zoning; East: restaurant, Retail Commercial zoning; West: undeveloped lot, Retail Commercial zoning; South: apartment complex, Retail Commercial zoning).**

The Project has a Master Plan Designation of Mixed Use Commercial which spans throughout the shopping center, as well as to neighboring properties to the south of the Project which are adjacent to West Nye Lane. The Mixed Use Commercial Master Plan Designation also exists to the east of the project on the east side of Carson Street, as well as north of the project on both sides of Carson Street running north of West College Parkway.

The Project's location is zoned Retail Commercial. The adjoining parcels to the immediate north and west of the Project are also zoned Retail Commercial, which include the former K-Mart building, a former McDonald's location, and the existing Bully's Sports Bar. To the south, there exist three parcels zoned Retail Commercial which each have professional office buildings located on West Nye Lane. To the southwest, there are two parcels zoned Residential

Office which also have professional office buildings and are due west of the three previously mentioned parcels on West Nye Line. The Northtown Plaza and these five parcels are separated by an existing cinderblock wall and mature landscaping. Immediately east of the Project and on the east side of North Carson Street are a number of parcels also zoned Retail Commercial, including the following: Les Schwab Tire Center, JM Furniture, Burger King, a veterinary hospital, and vacant land.

On the north side of College Parkway, there exist two parcels of land zoned Retail Commercial. Save Mart is located on one parcel, which shares common ownership with the Northtown Plaza. The other parcel is vacant land.

Adjacent to the parcel containing the former K-Mart (northwest of the Project) is a parcel of land zoned Neighborhood Commercial which houses a skilled nursing facility, Sierra Place Senior Living. Next to that parcel and adjacent to the K-Mart parcel, as well as adjacent to the southwest corner of Northtown Plaza is a vacant parcel of land zoned Single Family Residential 12,000 sq. ft. A cinder block wall, in conjunction with mature landscaping, runs along the border of these parcels, providing a visual and sound barrier between the parcels.

**B. Explain why your project is similar to existing development in the neighborhood, and why it will not hurt property values or cause problems, such as noise, dust, odors, vibration, fumes, glare, or physical activity, etc. with neighboring property owners. Will the project involve any uses that are not contained within a building? If yes, please describe. If not, please state that all uses will be within a building. Explain how construction-generated dust (if any) will be controlled. Have other properties in your area obtained approval of a similar request? How will your project differ in appearance from your neighbors? Your response should consider the proposed physical appearance of your proposal, as well as comparing your use to others in the area.**

The Project is similar to existing development in the area in that it offers the public retail amenities in the form of a casino, bar, and restaurant. The entirety of the Project's operations will be contained inside an existing building within the Northtown Plaza. The Project will not hurt property values or cause problems as there will be no abnormal noise, dust, odors, vibration, fumes, glare of physical activity that is not already existent at the Northtown Plaza and consistent with Retail Commercial uses.

Construction generated dust will be minimal as the Project is being housed in an existing building within the Northtown Plaza. Construction will be limited to tenant improvements inside the existing building, placement of signage on the building, and modifying signage on an existing pylon sign.

The Northtown Plaza currently offers similar uses to the Project with restaurant and sports bar offerings. Restaurants and other retail services (furniture, tires, and veterinary services) are offered in the same area on the other side of Carson Street.

The Project's appearance will only differ with respect to its interior design and layout and signage relative to the Project since there will be no material changes to the exterior of the existing building that will house the Project, such as the installation of doors and signage.

**C. Provide a statement explaining how your project will not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood.**

The Project will be located inside an existing building within Northtown Plaza. No changes are being made to the layout or design of the Northtown Plaza as it exists today. The Applicant is simply becoming a tenant, occupying vacant space within the Northtown Plaza. At the time the Northtown Plaza was planned, developed, and constructed, sufficient consideration was given to ensure that the project would meet retail commercial zoning so as to not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood. The Project's proposed use within the Northtown Plaza is compatible with other existing uses within the Northtown Plaza and the surrounding area.

**D. Consider the pedestrian and vehicular traffic that currently exists on the road serving your project. What impacts will your development have when it is successfully operating? Will vehicles be making left turns? Will additional walkways and traffic lights be needed? Will you be causing traffic to substantially increase in the area? What will be the emergency vehicle response time? State how you have arrived at your conclusions. What City department have you contacted in researching your proposal? Explain the effect of your project with the existing traffic in the area.**

The Project will be located in an existing building within the Northtown Plaza. At the time the Northtown Plaza was planned, developed and constructed, pedestrian and vehicular traffic was considered with full buildout and occupancy of the Northtown Plaza. As such, any increase in traffic to the Northtown Plaza has already been considered as a part of full build out and occupancy. There is one left hand turn ingress point off of North Carson Street and one left hand turn ingress point off of West College Parkway. Egress to North Carson Street is by right hand turn only. Egress to West College Parkway can be made by both right and left hand turns, depending on the location adjacent to West College Parkway. According to the Carson City Sheriff's Office, emergency response times should not be adversely impacted by the Project. Furthermore, Development Engineering Staff has concluded that there are no anticipated capacity issues for traffic with respect to the Project, as it consists of tenant improvements to an existing building within the Northtown Plaza. Further, the Sherriff's Office does not anticipate any problems with response times, which currently run an average of 6 minutes and 19 seconds for emergency and priority 1 calls and 19 minutes and 23 seconds for lesser priority calls, as of the publication of comparable statistics for July 2016.



**E. Explain any short-range and long-range benefit to the people of Carson City that will occur if your project is approved.**

Short-range benefits offered to the people of Carson City include the Northtown Plaza acquiring a new tenant that will occupy approximately 16,500 square feet of space, create temporary construction jobs and generate permitting fees associated with the Project.

Short-range and long-range benefits include permanent jobs related to the operation of the Project, collection of tax revenue as a result of the Project operating in Carson City, as well as providing additional entertainment, gaming, bar, and restaurant options to the people of Carson City and visitors to Carson City.

An additional long-range benefit is the presence of a new business in the Northtown Plaza, so as to attract other potential new tenants thereby decreasing the vacancy rate at the Northtown Plaza, as well as indirectly encouraging development on adjacent parcels, including but not limited to the parcel on which the former K-Mart building is located.

**Question 3. Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity?**

Explanation:

Sufficient consideration has been exercised by the Applicant in adapting the Project to existing improvements in the vicinity, largely in part through the Applicant's decision to site the Project in an existing building within the Northtown Plaza.

**A. How will your project affect the school district? Will your project add to the student population or will it provide a service to the student population? How will your project affect the Sheriff's Office?**

The Project will not have any impact on the school district in that it will not add to the student population. The Project will provide residents of Carson City, including students, an additional dining option; however, the casino and bar amenities are for patrons 21 years of age and over. The Applicant has spoken to the Sheriff's Office which has indicated that the Project will not result in any abnormal affect on the Office. The Sheriff's Office has indicated that there is a potential for calls to the Office relate to gaming operations, serving of alcoholic beverages, and the 24-hour operation of the Project, but such calls to similar types of businesses do not happen with any great frequency. The Sheriff's Office also works with these types of businesses to educate the business on the types of issues that come up with gaming operations and serving alcoholic beverages. The Sheriff's Office indicated that it does not have a concern about any impact on its Office and is not concerned about response times.

**B. If your project will result in the covering of land area with paving or a compacted surface, how will drainage be accommodated? Talk to Engineering for the required information.**

The Project is located in an existing building which is a part of the Northtown Plaza. The Northtown Plaza is already fully developed and the Project is merely becoming a tenant within the shopping center. The Applicant will be making tenant improvements to the building and installing signage on the building, as well as modifying an existing pylon sign. There will be no additional covering of land or paving taking place within Northtown Plaza as a part of the Applicant's Project.

**C. Are the water supplies serving your project adequate to meet your needs without degrading supply and quality to others in the area? Is there adequate water pressure? Are the lines in need of replacement? Is your project served by a well? Talk to Public Works for the required information.**

Water supplies are adequate without degrading supply or quality to others in the area. Water pressure is anticipated to be adequate and water lines do not need to be replaced. The Project is not served by a well. Water supply and water pressure was designed to be appropriate at time of full build out of the Northtown Plaza. Development Engineering Staff has concluded that there are no anticipated capacity issues for water service to the Project.

**D. Is there adequate capacity in the sewage disposal trunk line that you will connect to in order to serve your project or is your site on a septic system? Please contact Public Works for the required information.**

Sewer capacity should be adequate as it was designed to be appropriate at time of full build out of the Northtown Plaza. The Project is not on a septic system. Development Engineering Staff has concluded that there are no anticipated capacity issues for sewer service to the Project.

**E. What kind of road improvements are proposed or needed to accommodate your project? Have you spoken to Public Works or Regional Transportation regarding road improvements?**

Since the Project will be located in an existing building within the Northtown Plaza, no road improvements are needed, nor are they being proposed to accommodate the Project. At the time Northtown Plaza was developed, consideration was given to roads contemplating full buildout of the Northtown Plaza. The Applicant's representative has spoken to Development Engineering confirming that no road improvements are necessary.

**F. Indicate the source of the information you are providing to support your conclusions and statements made in this packet (private engineer, Public Works, Regional Transportation, title report, or other sources).**

The information provided to support the conclusions and statements made in this packet has been gathered by the Applicant's legal counsel, Kaempfer Crowell, through searching public records, including but not limited to the City's Master Plan, municipal code, development code, the Assessor's Office, the City's GIS Mapping System, as well as through discussions with Development/Planning Staff, Development Engineering Staff, and the Sheriff's Office.

**G. If outdoor lighting is to be a part of the project please indicate how it will be shielded from adjoining property and the type of lighting (wattage/height/placement) provided.**

The proposed lighting will be placed in existing exterior ceiling at the north entrance. LED bulbs (1-2 watts each) will be used at this location.

The proposed globe lighting at the north entry of the proposed Casino serves two purposes. First, it provides additional lighting at the asphalt/curb transition as a safety measure. Second, it strengthens the coordinated look between the new casino and the existing Bodines Casino in south Carson City, which uses the globe lighting at its primary entrance. The proposed lighting for the Casino will not have any negative impact on the "night sky," nor will it be visible from neighboring residences.

**H. Describe the proposed landscaping, including screening and arterial landscape areas (if required by the zoning code). Include a site plan with existing and proposed landscaping shown on the plan which complies with City ordinance requirements.**

Landscaping, consisting of a variety of trees, shrubs, and ground cover, already exists at the Northtown Plaza. The Project will be located within an existing building within the Northtown Plaza with existing landscaping throughout Northtown Plaza.

**I. Provide a parking plan for your project. If you are requesting approval for off-site parking within 300 feet, provide plans showing (1) parking on your site, (2) parking on the off-site parking lot, and (3) how much of the off-site parking area is required for any business other than your own. Design and dimensions of parking stalls, landscape islands, and traffic aisles must be provided.**

The Project will be located in an existing building within the Northtown Plaza. As such, parking for the Project has already been determined at the time the Northtown Plaza was developed for having a mixed use of retail commercial facilities within the Northtown Plaza. Neither the Northtown Plaza, nor the Project is seeking any off-site parking associated with the Project. All parking will be on-site within the existing parking layout.

**ACKNOWLEDGEMENT OF APPLICANT**

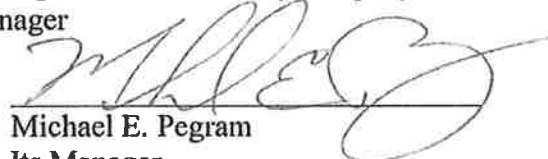
I certify that the forgoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City code requirements.

**Applicant:**

**Date:** 8-15-16

SILVER BULLET OF NEVADA, LLC,  
a Nevada limited liability company

By: PEGRAM, LLC,  
a Washington limited liability company  
Its Manager

By:   
Michael E. Pegram  
Its Manager

**APPLICANT'S  
ACKNOWLEDGEMENT STATEMENT**

ACKNOWLEDGMENT OF APPLICANT

I certify that the forgoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one-year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City code requirements.



Applicant

8-15-16

Date

**DOCUMENTATION OF TAXES PAID  
(1 COPY)**

Secured Tax Payment Inquiry

8/16/16 13:47:05 TC0100B

Parcel #..... 007-462-06  
 Property Loc... 3228 N CARSON ST  
 Billed to..... C & A INVESTMENTS, LLC  
 P O BOX 1984  
 CARSON CITY, NV 89702-0000

2017 Roll #...: 002478  
 District.....: 1.6  
 Tax Service...:  
 Land Use Code: 400

Outstanding Taxes:

Prior Year	Tax	Penlty/Intrst	Total	Amount Paid	Total Due
------------	-----	---------------	-------	-------------	-----------

No Prior Year Taxes

Current Year

08/15	17,312.03		17,312.03	.00	17,312.03
10/03	17,310.00		17,310.00	.00	34,622.03
01/02	17,310.00		17,310.00	.00	51,932.03
03/06	17,310.00		17,310.00	.00	69,242.03
Totls	69,242.03	.00	69,242.03	.00	69,242.03

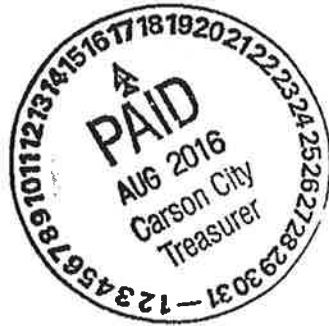
F9=Scan >/< >

F12=End

F13=Show History

F14=Print Summary

F17=Assessor's File Inquiry



ck#4083  
 \$69,242.03  
 [Signature]



PROJECT IMPACT REPORTS  
(ENGINEER)

## Shelly Capurro

---

**From:** Stephen Pottey <SPottey@carson.org>  
**Sent:** Thursday, July 21, 2016 11:58 AM  
**To:** Shelly Capurro  
**Subject:** RE: 3228 N Carson St

Shelly,

Yes, those conclusions would still apply to that address. Thanks for checking. Our mapping system that shows all of the city utilities only has the one address, but the same principle would apply to all addresses within that parcel. Thanks much.

Stephen Pottéy P.E.  
Project Manager, Development Engineering  
Direct: 775.283.7079  
[spottey@carson.org](mailto:spottey@carson.org)

**From:** Shelly Capurro [<mailto:SCapurro@kcnvlaw.com>]  
**Sent:** Wednesday, July 20, 2016 9:40 AM  
**To:** Stephen Pottey  
**Subject:** RE: 3228 N Carson St

Hi Stephen,

Just for clarification...on the application we were going to list 3246 as the street address, and below 3228 is referenced. I believe both addresses are included in parcel number 007-462-06, but possibly different structures within the same parcel and project. The space we are referring to is the building that has the real estate company as a tenant, and it's next door to the structure with Starbucks. Just wanted to confirm that the Engineering conclusions are the same for both structures.

Thank you!

*Shelly*



Shelly J. Capurro  
Associate Director of Legislative Affairs  
Kaempfer Crowell  
50 West Liberty Street, Suite 700  
Reno, Nevada 89501  
Tel: (775) 852-3900  
Fax: (775) 327-2011  
Email: [scapurro@kcnvlaw.com](mailto:scapurro@kcnvlaw.com)



Please consider the environment before printing this email

This e-mail communication is a confidential attorney-client communication intended only for the person named above. If you are not the person named above, or the employee or agent responsible for delivery of the following information, you are hereby notified that any dissemination, distribution, or copying of this communication is strictly prohibited. If you have received this communication in error, please notify us immediately by telephone (702) 792-7000. Also, please e-mail the sender that you have received the communication in error. We will gladly reimburse your telephone expenses. Thank you.

IRS Circular 230 Notice: To ensure compliance with requirements imposed by the IRS, we inform you that any federal tax advice contained in this communication (including any attachments) is not intended or written to be used, and cannot be used, for the purpose of (i) avoiding penalties under the Internal Revenue Code or (ii) promoting, marketing or recommending to another party any transaction or matter addressed herein.

**From:** Stephen Pottéy [<mailto:SPottéy@carson.org>]  
**Sent:** Monday, July 18, 2016 4:42 PM  
**To:** Shelly Capurro  
**Subject:** 3228 N Carson St

Shelly,

The Development Engineering department, has come to the conclusion that there are no anticipated capacity issues for sewer, water, or traffic at 3228 N Carson St with regards to the proposed tenant improvements. Please submit this email with the rest of your documentation for your Special Use Permit application. Thanks much.

**Stephen Pottéy P.E.**

Project Manager, Development Engineering

Direct: 775.283.7079

[spottey@carson.org](mailto:spottey@carson.org)



## Carson City Planning Division

108 E. Proctor Street  
Carson City, Nevada 89701  
(775) 887-2180 – Hearing Impaired: 711  
planning@carson.org  
www.carson.org/planning

### MEMORANDUM

Late Material

Planning Commission Meeting of September 28, 2016

**TO:** Planning Commission

**Item F-3**

**FROM:**  Hope Sullivan, AICP  
Planning Manager

**DATE:** September 27, 2016

**SUBJECT:** SUP-16-090 Silver Bullet of NV

In the staff report on the above referenced application, the staff has included Condition #13, which states:

“The applicant shall demonstrate possession of a transferred unrestricted gaming license prior to the issuance of any building permit in lieu of providing 100 guest rooms consistent with Section 4.14.045 of the Carson City Municipal Code.”

The applicant has asked staff to reconsider this condition due to the amount of time involved in transferring the gaming license. Given this consideration, staff would recommend modifying proposed Condition #13 to read:

“At the time of building permit application, the applicant shall acknowledge the provisions of Section 4.14.045 of the Carson City Municipal Code and agree that any work occurring under the requested building permits is being done at the owner’s risk and that the issuance of building permits do not constitute a vested right. The applicant shall also acknowledge in the letter that the City will not conduct a final inspection for purposes of issuing a Certificate of Occupancy and will not issue a business license until such time as the applicant has demonstrated possession of a transferred unrestricted gaming license consistent with the provisions of Section 4.14.045 of the Carson City Municipal Code.”

Please do not hesitate to call me if you have any questions.

**SUP-16-090**  
**Silver Bullet of Nevada, LLC**

**Bodines Casino Northtown**  
**Carson City Planning Commission**  
**September 28, 2016, 5:00 p.m.**

*Late Material*  
F-3



# Bodines Casino Northtown

## Special Use Permit:

(1) Non-restricted Gaming

(2) Bar

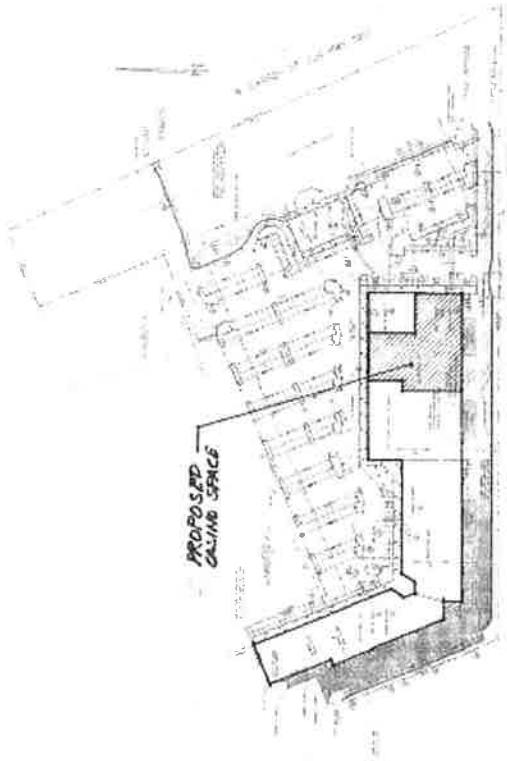
(3) Modifying Free Standing Sign



BODINES NORTHTOWN  
SPECIAL USE PERMIT  
SITE PLAN  
NEVADA



KAEMPFER  
CROWELL



SITE PLAN



VICINITY MAP

Property Owner: C B R Investments, LLC  
176 Allison Meadows  
401 N. Dobbson Street  
Carson City, Nevada 89202

Applicant: Silver Buffet of Nevada LLC  
1827 U.S. Highway 395A  
Nixon, Nevada 89423

Assistant's Permit #: 27-462-06  
3186 Spanish Carson Street  
Carson City, Nevada

Request: Special use permit to allow a casino in a general commercial zoning.

Site #14  
Prepared by: Studio HBA, LLC, Architect  
Landscape Architect (original civil engineer)



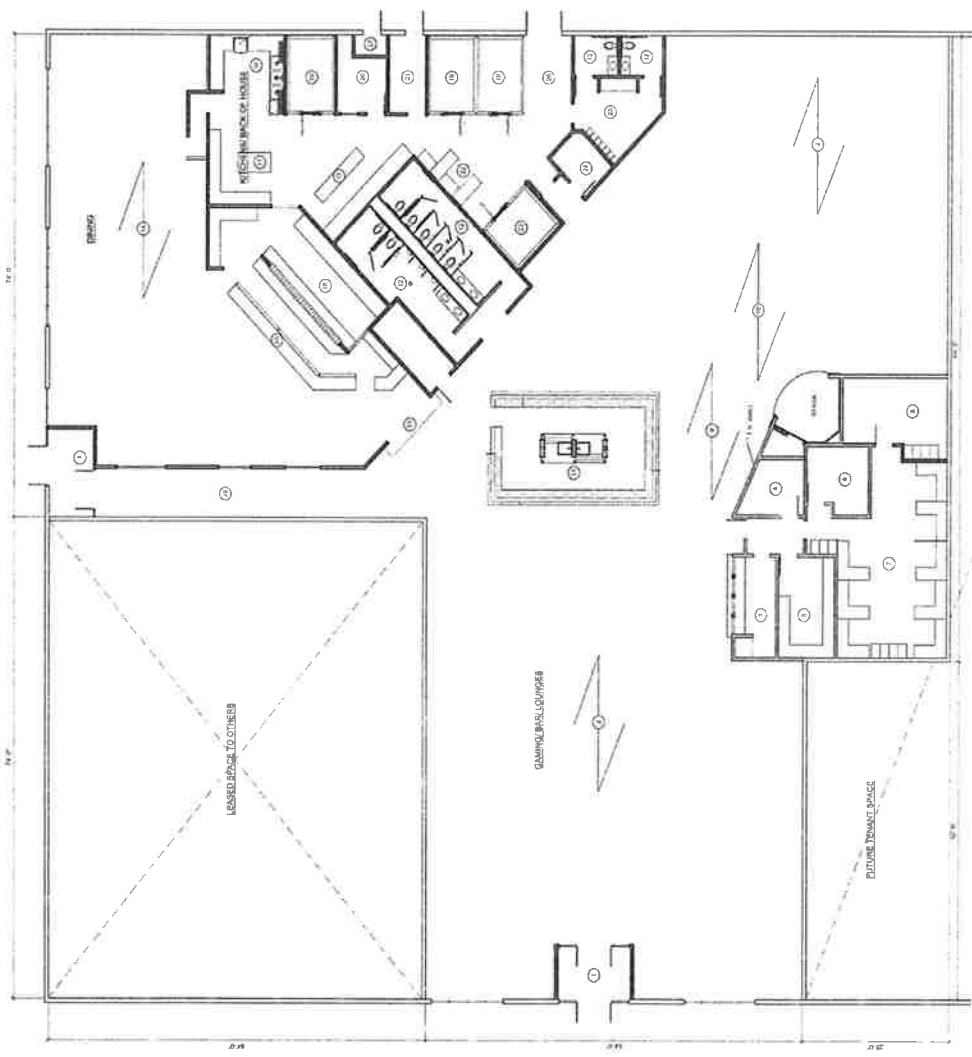
**BODINES CASINO NORTH TOWN  
NORTH TOWN PLAZA**  
CARSON CITY, NEVADA

FLOOR PLAN  
**A1.0**

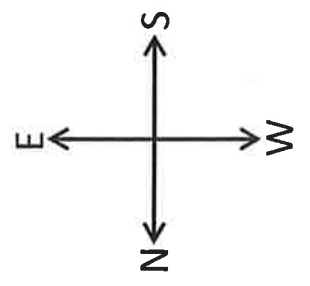
**KAEMPFFER  
CROWELL**

**USE LEGEND**

- 1 ENTRY
- 2 GAMING AREA
- 3 SPORTS BOOK/MAST SERVICE
- 4 MANAGER OF THE DAY OFFICE
- 5 COOKING
- 6 RESTAURANT
- 7 ACCOUNTING OFFICE
- 8 ACCOUNTING MANAGER OFFICE
- 9 SPORTS BOOK/CLERK
- 10 STORAGE & STORAGE
- 11 BAR
- 12 RESTROOMS
- 13 RESTAURANT ENTRY
- 14 RESTAURANT DINING ROOM
- 15 BAR/COUNTER
- 16 COOK LINE
- 17 KITCHEN AREA
- 18 DISHWASHER
- 19 WALK IN COOLER/FREEZER
- 20 CORP OFFICE
- 21 TRAIN
- 22 EMP STORAGE
- 23 HRIS-COOKER
- 24 SECURITY
- 25 EMPLOYEE ROOM
- 26 RECEIVING
- 27 FIRE ALARM ROOM
- 28 GALLERY



FLOOR PLAN  
DATE: 10.14.11





# Bodines Casino Northtown

- Planning Commission can make the requisite 7 findings as set forth in the Staff Report
- Applicant agrees with Staff's Proposed Conditions and the proposed amendment to Condition #13

# Bodines Casino Northtown

## Non-restricted Gaming

- Grandfathered License
- Northtown location is within Redevelopment Area No. 2
- Conditions require proof of transfer of valid grandfathered non-restricted license from State of Nevada prior to C of O

# Bodines Casino Northtown

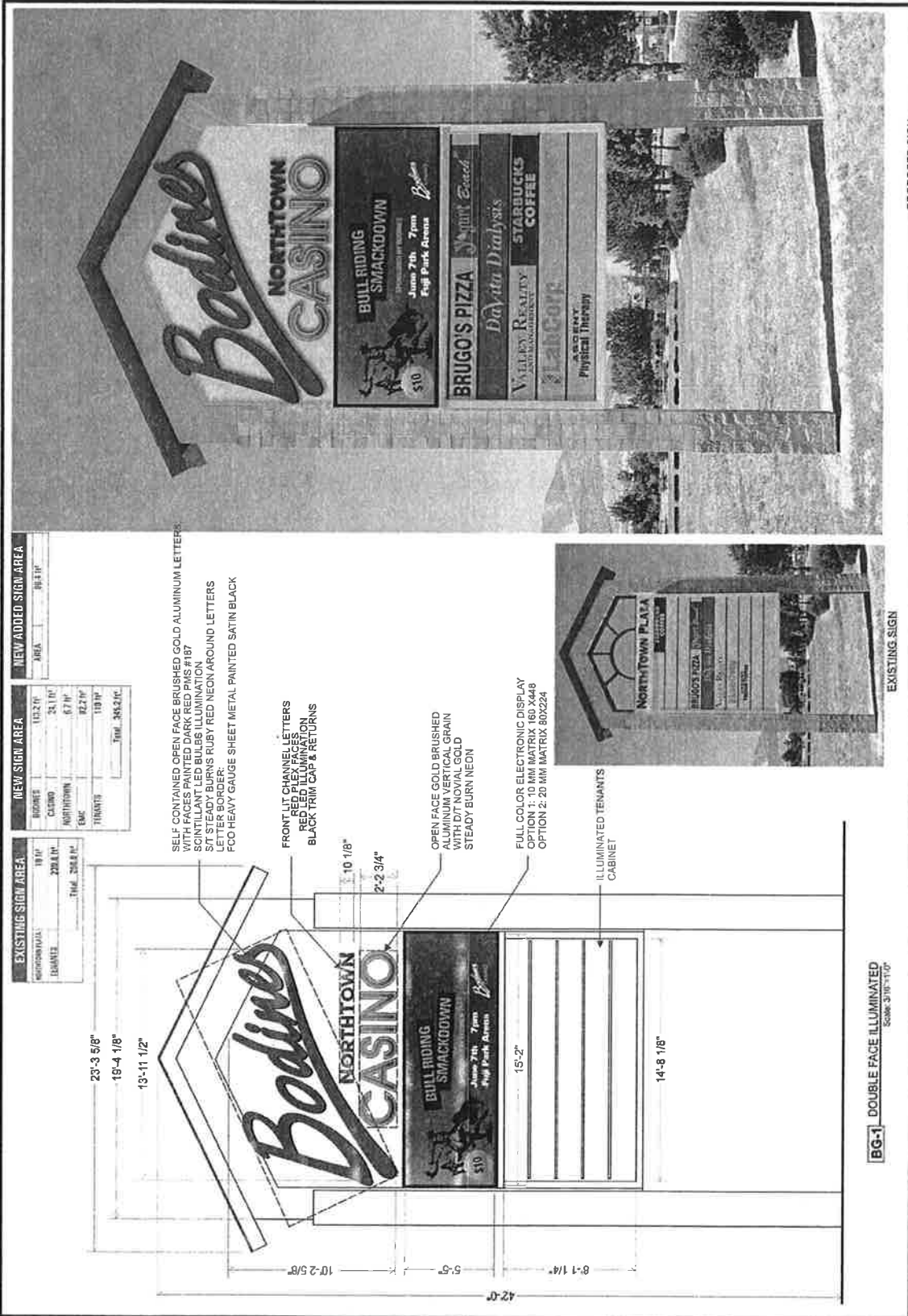
## Bar

- Full Bar in Casino with beer, wine and liquor
- Full Service Restaurant with beer, wine and liquor

# Bodines Casino Northtown

## Freestanding Sign

- 345.2 square feet (300 allowed)
  - Utilizing Existing Sign Frame
- Digital Sign is smaller than Bodines South location, but will scroll at same interval



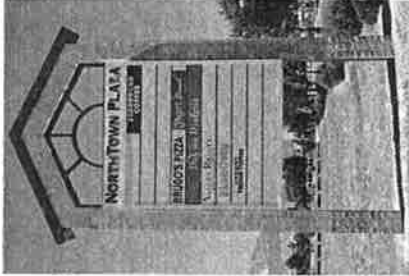
EXISTING SIGN AREA		NEW SIGN AREA		NEW ADDED SIGN AREA	
HEIGHT	18' 0"	HEIGHT	13'-2"	AREA	94.3 SF
WIDTH	228.8"	CLEAR	24.1"		
		INSTALLATION	67"		
		EMC	72.7"		
		TENANTS	119"		
				Total	34.2 SF

SELF CONTAINED OPEN FACE BRUSHED GOLD ALUMINUM LETTERS WITH FACES PAINTED DARK RED PMS #187  
 SIGN WITH LED BULBS ILLUMINATION  
 SIGN LETTERS RUBBY RED NEON AROUND LETTERS  
 LETTER BORDER  
 FCC HEAVY GAUGE SHEET METAL PAINTED SATIN BLACK

FRONT LIT CHANNEL LETTERS  
 RED LED ILLUMINATION  
 BLACK TRIM CAP & RETURNS

OPEN FACE GOLD BRUSHED ALUMINUM VERTICAL GRAIN WITH DIT NOVAL GOLD STEADY BURN NEON

FULL COLOR ELECTRONIC DISPLAY  
 OPTION 1: 10" X 6"  
 OPTION 2: 20" MM MATRIX 80X224



EXISTING SIGN

**YESCO.**  
YESCO LLC

8330 Capital Ct, Suite 104  
Herc, NV 89002  
Office: 778.388.3131  
N/C CONTRACTOR LICENSE NO  
0071289 / 0176280

Notice to the Customer:  
 YESCO LLC is not responsible for the accuracy of the information provided in this drawing. YESCO LLC is not responsible for the accuracy of the information provided in this drawing. YESCO LLC is not responsible for the accuracy of the information provided in this drawing.

© 2015 by YESCO LLC  
All rights reserved

**Bodine's Casino**  
 5228 N CARSON ST  
 ADDRESS:  
 CARSON CITY, NV  
 CITY:  
 TOM WEAVER/BRY  
 ACCOUNT EXECUTIVE:  
 PERSONNEL DATE  
 AD CHANGE 7/15/15  
 AD CHANGE 7/15/15  
 AD CHANGE 7/15/15  
 AD CHANGE 8/17/15  
 AD CHANGE 8/17/15

APPROVAL

CUSTOMER DATE  
 LANDSCAPE DATE  
 SALES DATE  
 ESTIMATING DATE  
 CHECKED DATE  
 DESIGNED NUMBER  
**571267**  
 ASSIGNED NUMBER

SHEET **1.0**

# Bodines Casino Northtown

## Building Signage & Exterior Lighting

8380 Capital Ct, Suite 104  
Reno, NV 89502  
Office: 775.358.3131  
NV CONTRACTOR LICENSE NO  
0074288 / 0074290

Notice to the Customer  
The undersigned has prepared the above drawings to the best of my knowledge and belief in accordance with the provisions of the Nevada State Board of Architectural Examiners, Chapter 645, NRS, and the provisions of the Nevada State Board of Professional Engineers, Chapter 640, NRS, and the provisions of the Nevada State Board of Professional Land Surveyors, Chapter 640, NRS.

© 2018 by YESCO LLC  
All rights reserved

Notes: 1. The client is responsible for obtaining all necessary permits and approvals from the appropriate authorities. 2. The client is responsible for providing all necessary information and data to the architect. 3. The client is responsible for providing all necessary information and data to the engineer. 4. The client is responsible for providing all necessary information and data to the land surveyor.

CLIENT:

**Bodine's Casino**  
3228 N CARSON ST  
JARRAR, NV

CITY: CARSON CITY, NV

DESIGNER: TOM WEATHERBY  
ARCHITECT EXECUTIVE:

DATE: 11/13/17  
PROJECT: 11/13/17  
DRAWING: 11/13/17  
SCALE: 1/8" = 1'-0"

APPROVAL:

CUSTOMER: DATE:

LANDLORD: DATE:

SALES: DATE:

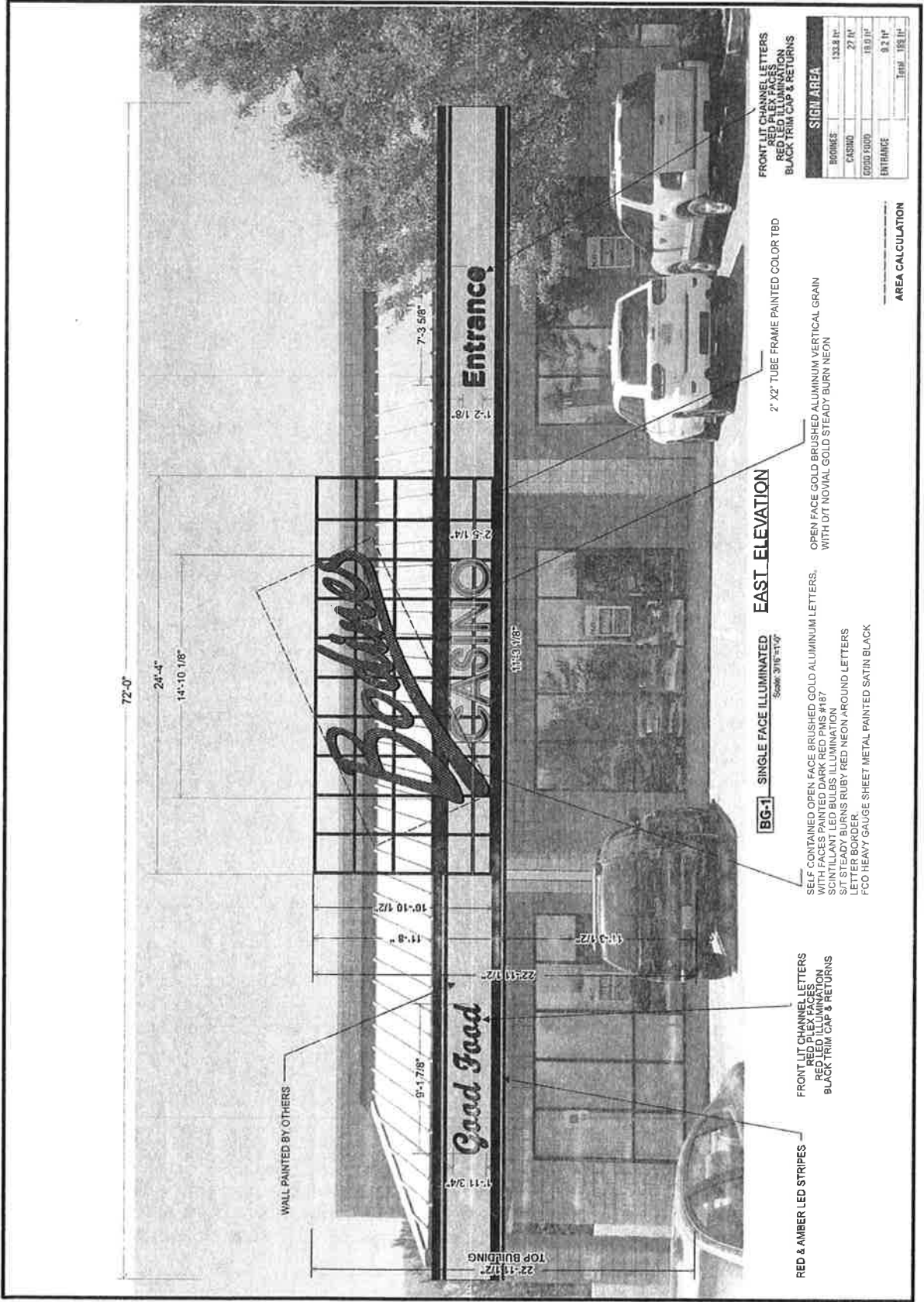
ESTIMATING: DATE:

SURVEY: DATE:

CUSTOMER NUMBER: **571267**

ALERT NUMBER:

SHEET: **2.0**



FRONT LIT CHANNEL LETTERS  
RED LED ILLUMINATION  
BLACK TRIM CAP & RETURNS

SIGN AREA	
BOODIES	132.8 sq ft
CASINO	27 sq ft
GOOD FOOD	18.0 sq ft
ENTRANCE	0.2 sq ft
Total: 188 sq ft	

AREA CALCULATION

5350 Capital Dr. Suite 104  
Reno, NV 89502  
Office: 775.359.3131  
NV CONTRACTOR LICENSE NO  
075688 / 074680

Notice to the Customer:  
This drawing was prepared by YESCO LLC for the customer's use. It is the customer's responsibility to ensure that all information is accurate and that all necessary permits are obtained. YESCO LLC is not responsible for any errors or omissions in this drawing.

© 2018 by YESCO LLC  
All rights reserved.

When this drawing is used for any purpose, the user must acknowledge that it was prepared by YESCO LLC. The user must also acknowledge that YESCO LLC is not responsible for any errors or omissions in this drawing. The user must also acknowledge that YESCO LLC is not responsible for any damages, including consequential damages, arising from the use of this drawing.

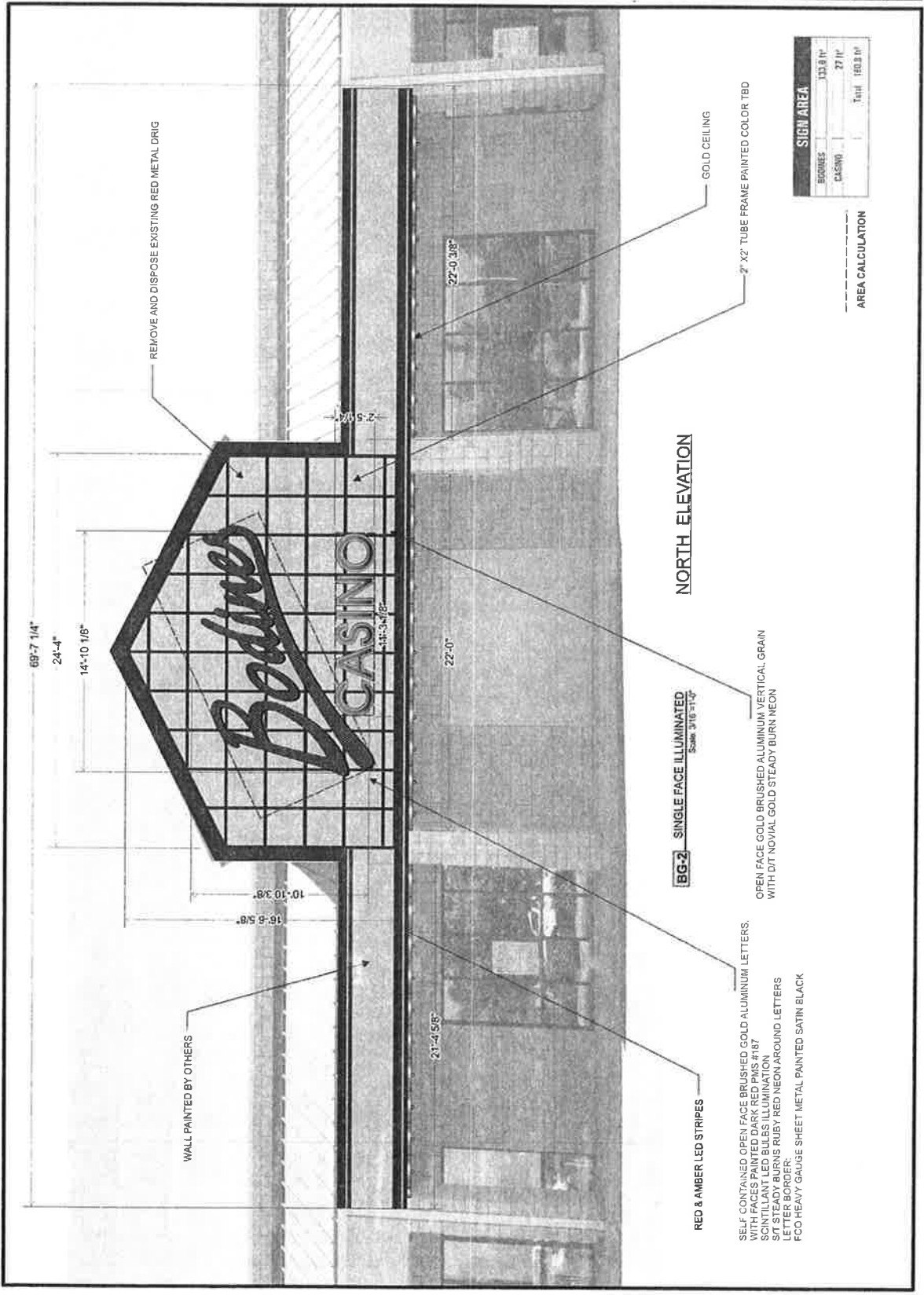
**Bodines' Casino**  
3228 N CARSON ST  
ADDRESS:  
CARRSON CITY, NV  
CITY:  
TOM HENNERBY  
ACCOUNT MANAGER

ISSUED: 04/17/18  
DATE:  
REVISED: 04/17/18  
DATE:  
REVISED: 04/17/18  
DATE:

APPROVAL:  
DATE:  
DATE:  
DATE:  
DATE:  
DATE:

DESIGNER: DATE:  
DRAWN: DATE:  
SALES: DATE:  
ESTIMATOR: DATE:  
SURETY: DATE:  
DESIGN NUMBER:  
**571267**  
ARCHIVE NUMBER:

SHEET: **3.0**







YESCO LLC  
 5350 Capital Ct. Suite 104  
 Hiram, NY 10982  
 Office: 713.393.3131  
 NY CONTRACTOR LICENSE NO.  
 007439 / 007490

Notice to the Customer  
 This drawing was created by using  
 AutoCAD software. The user has not  
 been trained in the use of AutoCAD  
 software. The user has not been  
 trained in the use of AutoCAD  
 software. The user has not been  
 trained in the use of AutoCAD  
 software.

© 2018 by YESCO LLC  
 All rights reserved

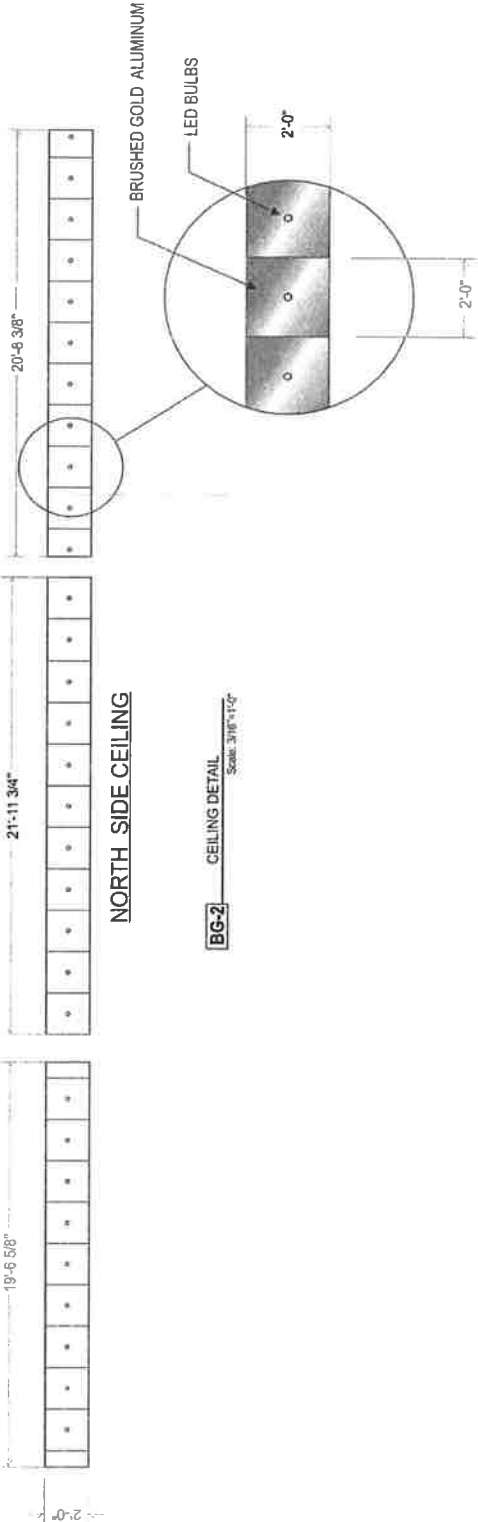
Client  
**Boodine's Casino**  
 3222 N CARSON ST  
 ADDRESS  
 CARSON CITY, NV  
 CITY  
 TOM WEATHERBY  
 ACCOUNT EXECUTIVE

REVISIONS  
 DATE  
 1. 10/10/18  
 2. 10/10/18  
 3. 10/10/18  
 4. 10/10/18  
 5. 10/10/18

APPROVAL  
 CUSTOMER DATE  
 LAMINATOR DATE  
 SALES DATE  
 ESTIMATOR DATE  
 SURVEY DATE

DESIGN NUMBER  
**571267**  
 ARCHIVE NUMBER

SHEET  
**4.0**



CEILING DETAIL

**BG-2** CEILING DETAIL  
 Scale: 3/16" = 1'-0"



PROPOSED CEILING

# Bodines Casino Northtown

Questions?

Thank you.

**Lewis Roca**  
**ROTHGERBER CHRISTIE**

Lewis Roca Rothgerber Christie LLP  
50 West Liberty Street  
Suite 410  
Reno, NV 89501

775.823.2900 main  
775.823.2929 fax  
lrrc.com

Late Info  
F-3

**Garrett D. Gordon**  
Admitted in Nevada  
775.321.3420 direct  
775.321.5569 fax  
ggordon@lrrc.com

September 28, 2016

VIA E-MAIL



Carson City Planning Commission  
c/o Hope Sullivan, Planning Manager  
Community Center  
851 East Williams Street  
Carson City, Nevada 89701  
*hsullivan@carson.org*

Re: Opposition to SUP 15-077 (the "Application") for  
Silver Bullet of Nevada, LLC ("Applicant")

Dear Planning Commissioners:

This firm represents Carson Nugget Casino Hotel, Fandango Casino & Hotel, Gold Dust West Casino Hotel, Carson City Max Casino and SlotWorld Casino (together, the "Existing Operators") who oppose the request for a Special Use Permit by Silver Bullet of Nevada, LLC that would allow the operation of an unlimited gaming casino and bar at 3246 North Carson Street (the "Property"). Specifically, the Existing Operators oppose this Application for several reasons, including but not limited to: (i) the Application is not consistent with the objectives of the Master Plan elements, (ii) the Application will be detrimental to the economic value of the general neighborhood and will result in material damage and prejudice to other properties in the vicinity, (iii) the Application does not conform to the Nonconforming Use provisions set forth in the Carson City Municipal Code ("CCMC"), and (iv) the Application does not conform to the Gaming License provisions as set forth in CCMC.<sup>1</sup>

As described in this letter, we respectfully request that the Carson City Planning Commission deny the Application for the reasons set forth herein.

<sup>1</sup> For purposes of CCMC 18.02.060, the Existing Operators reserve the right to make additional arguments under NRS and CCMC provisions including, but not limited to, any provisions set forth in the Silver Oak Planning Unit Development documents given these documents were referenced in the Staff Report but not attached to the Staff Report nor available when this letter was drafted.

**I. Standard of Review**

Nevada Revised Statutes (“NRS”) 278.315, entitled “Special Exceptions,” provides the statutory authority for the Carson City Planning Commission to approve special use permits under certain circumstances. A planning commission has discretionary authority to grant a special use permit; if this discretionary act is supported by substantial evidence, then there is no abuse of discretion.<sup>2</sup> Substantial evidence is evidence which “a reasonable mind might accept as adequate to support a conclusion.”<sup>3</sup> Finally, the Carson City Code further defines this standard as “a preponderance of evidence” must indicate that the proposed use satisfies the Special Use Permit findings.<sup>4</sup>

Here, the Applicant has not met its burden to provide “substantial evidence” that all applicable findings are satisfied nor has the Applicant provided “substantial evidence” that the Application complies with the City’s Nonconforming Use provisions and/or the City’s Gaming License provisions. Because the Planning Commission does not have substantial evidence on these items, the Application must be denied otherwise it would be an abuse of discretion by the Planning Commission.

**II. Master Plan**

Page 6 of the Application’s staff report (“Staff Report”) refers to certain findings that are required by CCMC Section 18.02.080, including that the Application “***will be consistent with the objective of the Master Plan elements.***” The Staff Report references Goal 5.2b – Encourage Reuse/Redevelopment of Underused Retail Spaces, but fails to reference any gaming related elements in the Master Plan.

Goal 5.2a of the Master Plan states,

*Encourage the development of regional retail developments consisting of shops, restaurants, entertainment venues, offices, hotels, premium amenities and upscale gaming venues in the City to allow residents access to a variety of retail service and entertainment needs close to home, and to attract patrons from surrounding growth areas.*

The relocation of a grandfathered license, without 100 hotel rooms, with only a bar and restaurant are in no way a “premium amenity” and “upscale gaming venue” similar to the Carson Nugget Casino Hotel and Fandango Casino & Hotel venues which provide numerous amenities and attract patrons from the surrounding growth area. This project will not create any premium amenities or upscale gaming venue; therefore, is not consistent with the Master Plan.

<sup>2</sup> *Enterprise Citizens v. Clark Co. Comm’rs*, 112 Nev. 649,653, 918 P.2d 305, 308 (1996).

<sup>3</sup> *Whitemaine v. Aniskovich*, 124 Nev. 302, 308, 183 P.3d 137, 141 (2008).

<sup>4</sup> CCMC Section 18.02.080. entitled Special use permit (conditional uses), requires that the [f]indings from “a preponderance of evidence must indicate that the proposed use..”.

Goal 8.1a of the Master Plan states,

*The integration of a broader mix of uses (including housing) is encouraged throughout the Downtown area. However, higher-intensity uses that tend to generate significant amounts of pedestrian and vehicular traffic (e.g., hotel/casinos, convention space, retail) should be concentrated along Carson Street and in area 3 highlighted on the Downtown Character Areas diagram that follows this section. Grouping active uses in these key locations within Downtown will help establish a series of “destinations” for Downtown residents and the surrounding community, while helping to preserve the more residential character of the surrounding neighborhoods.*

According to this Goal, hotels and casinos should be located within area 3 of the Downtown Character Area diagram. Attached as **Exhibit “A”** is the Downtown Character Area diagram. **Clearly the Property is not located within area 3.** Moreover, the Applicant’s written description of the project in the Staff Report states that the Applicant is under contract to purchase the grandfathered, Horseshoe Club license and plans to relocate it to the Property. In other words, the Application does not only contemplate approving a casino located outside of the Downtown Character Area, also but contemplates moving a casino license from an existing property located within the Downtown Character Area. This proposal is clearly inconsistent with the objective of the Master Plan.

Finally, neither of these provisions are adequately addressed in the Application so the Applicant has failed to provide the necessary substantial evidence that the Application is consistent with the Master Plan; therefore, the Applicant should be denied.

### III. Economic Value

The Staff Report refers to certain findings required by CCMC Section 18.02.080, including that the Application “will not be detrimental to the economic value of the surrounding neighborhood and “will not result in the material damage or prejudice to the other property in the vicinity”. These provisions, read in conjunction with Master Plan Goal 5.2A which encourages premium amenities and upscale gaming venues in the City to attract patrons from surrounding grow areas, do not support the proposed project.

The purpose of these provisions is to encourage new upscale gaming venues, that include the 100 rooms, to attract patrons from the surrounding growth area. This proposed project is a proposed neighborhood casino that will not attract any new customers from surrounding areas, but rather only displace current customers and dollars from the Existing Operators. For example, if the Project’s average daily win is \$50 per machine per day and there are 250 slot machines, the average win per year would average \$4,500,000. **These are not new dollars, but dollars taken away from the Existing Operators who collectively employ over 1,100 people and have been opened for decades.**

Given the Applicant does not contemplate the construction of 100 hotel rooms, the Project is not considered an upscale gaming venue that will attract patrons from the surrounding growth area. Therefore, the Application will be “detrimental” to the “economic value” of the Existing Operators and will “materially damage and prejudice” the Existing Operators given the displacement of the existing local customers. Therefore, the Application should be denied.

IV. Nonconforming Uses

Under 18.04.030, a lawful use of land not in conformance with the “regulations herein prescribed” may be continued. Here, the Horseshoe Club did not comply with the 100 hotel room requirement so is considered a Nonconforming Use. The Project will not comply with the 100 hotel room requirement so is also considered a Nonconforming Use. Under 18.04.030, a Nonconforming Use which is operationally abandoned or discontinued for a period of 12 consecutive months or more shall not be resumed. The Horseshoe Club has abandoned and discontinued the unlimited gaming use without 100 rooms for more than 12 months; therefore, this use cannot be resumed at the Horseshoe Property or at the Property.

CCMC 18.04.030 also states that a Nonconforming Use shall not be extended or expanded except by Special Use Permit. Assuming there is an unlikely path to get around the 12 month deadline discussed above, the Application does not include a Special Use Permit to extend/expand the unlimited gaming use without 100 hotel rooms from the Horseshoe Club Property to the Property. For these reasons, the Application should be denied.

V. Carson City Gaming License

As previously discussed, the Applicant is under contract to purchase the grandfathered, Horseshoe Club license and relocate it to the Property. NRS 463.302 states, “[t]he Board shall not approve a move and transfer” until “**the license receives all necessary approvals from the local government having jurisdiction over the location to which the establishment wants to move and transfer its license.**” Below are the applicable CCMC provisions that apply and a discussion why these provisions cannot be satisfied.

1. When CCMC 4.14.045 was enacted, it was in response to concerns about problems being experienced by existing gaming entities in the City and a dilution of their market share in a limited market. Therefore, only limited exemptions to the effect of the 100-room rule were approved. Those were for existing non-restricted licensees, applicants for non-restricted licenses prior to August 1, 2002, and former non-restricted licensees who applied for a new license within 180 days of the ordinance becoming effective. **None of those exemptions apply on their face to the Horseshoe Club license which no longer exists.** Only a new application will be accepted for that location by the State and Carson City (we recently learned that Silver Bullet of Nevada LLC applied for a

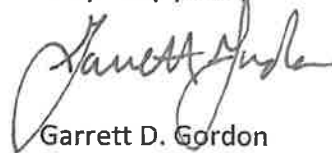
new State license at the Horseshoe Club on September 26, 2016; see Exhibit "B") so the ordinance and 100 room requirement should then apply without any exemption.

2. Section 4.14.046 of CCMC provides that if gaming operations cease for 24 months at any location, the 100-room exemptions do not apply unless the licensee demonstrates that the discontinuance of gaming is for the demolition and reconstruction of the structure in which the gaming takes place. **This ordinance contemplates the existence of a viable licensee (i.e. a person/entity with an active gaming license who has only "ceased gaming operations" not surrendered its license ), not simply an entity that has no license whatsoever.**
3. CCMC Section 4.14.045(5) permits the transfer of a "license" in **good standing**. Here, there is simply **no license in good standing to be transferred** and no licensee to carry out the act of a transfer.
4. Finally, CCMC 4.14.050(1) forbids transfer to another person or location without the consent of a majority of the Board of Supervisors. That hasn't happened here, and it is inappropriate to approve this Special Use Permit until the Board of Supervisors approves the transfer of a grandfathered license (assuming the Applicant can overcome the other transferability problems discussed herein). **This requirement cannot simply be demonstrated to staff as contemplated in Condition No. 13 of the Staff Report, but rather must go to the Board of Supervisors for approval.**

## VI. Conclusion

For the reasons stated in this letter, the Applicant has failed to meet its burden of providing substantial evidence that the Application meets all applicable findings and CCMC provisions. Accordingly, the Application should be denied by the Planning Commission.

Very truly yours,



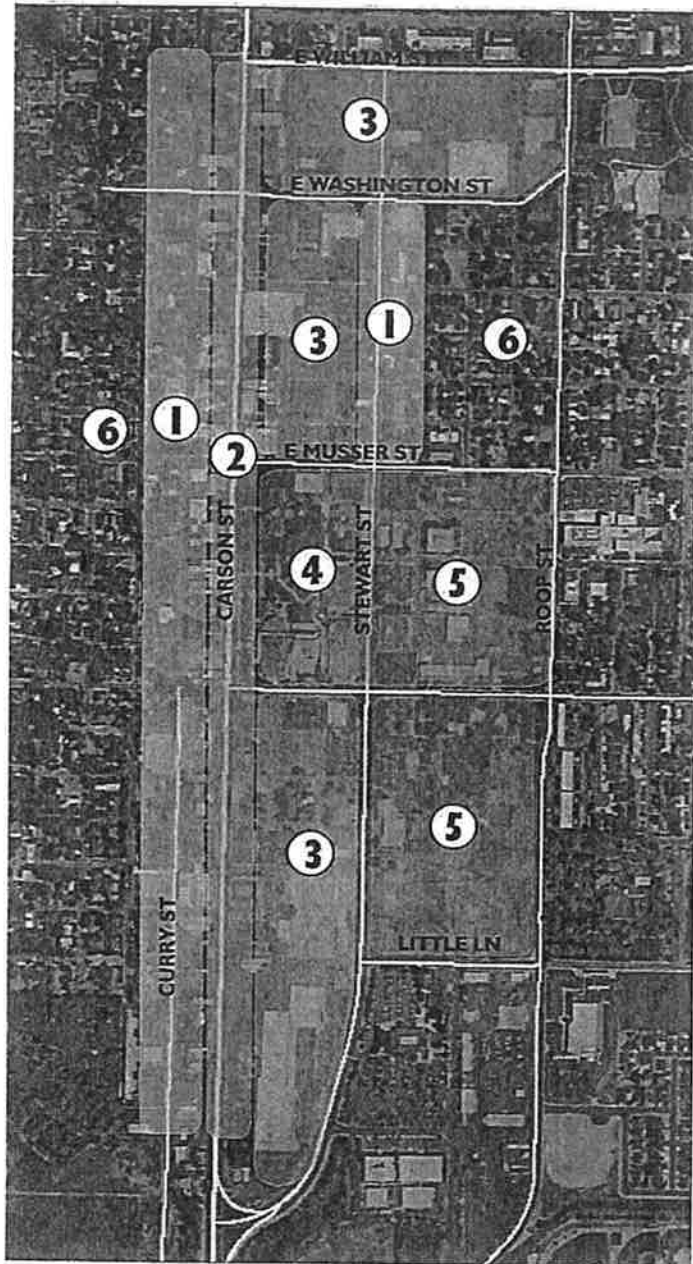
Garrett D. Gordon  
Lewis Roca Rothgerber Christie LLP

**Exhibit "A"**



**DOWNTOWN CHARACTER AREAS**

**DOWNTOWN CHARACTER AREAS**



**1 NEIGHBORHOOD TRANSITION**

- Height of buildings steps down towards surrounding residences (typically 3 stores max.)
- Massing of buildings becomes less blocky and "urban"—more residential character
- Primarily mix of office, residential, and small-scale retail uses

**2 MAIN STREET MIXED-USE**

- Retain traditional "main street" character
- Infill and redevelopment encouraged in keeping with established core area
- Vertical mixed-use required to encourage pedestrian activity
- Heights may "step-up" away from Carson Street, but will generally be limited to 3-4 stories. Limited areas of increased height allowed where already established (e.g., Adjacent to Ormsby House)

**3 URBAN MIXED-USE**

- High concentrations of vacant or underutilized land with significant infill and redevelopment opportunities
- Building heights will vary, but may go as high as 8-10 stories on some blocks
- Concentrations of active uses such as convention space, casinos, hotels, urban residential, and supporting retail encouraged
- Vertical mixed-use buildings encouraged along major street frontages or public spaces

**4 CAPITOL COMPLEX**

**5 STATE OFFICE COMPLEX**

**6 DOWNTOWN NEIGHBORHOODS**

- These neighborhoods are not included within the Downtown boundary but play an important supporting role in promoting Downtown revitalization efforts
- Infill and redevelopment encouraged provided it is compatible with the scale and historic character of the surrounding area

**Exhibit "B"**

# Nevada Gaming Control Board

## Location Details - Public

### Location Information

---

**00213-11 HORSESHOE CLUB****Name:** SILVER BULLET OF NV, LLC**Status:** Application-Pending**DB As:** HORSESHOE CLUB**Account Type:** Nonrestricted**DB At:****Physical:** 402 N CARSON ST  
CARSON CITY NEVADA 89701**Mailing:** 402 N CARSON ST  
CARSON CITY NEVADA 89701

### Status Dates

---

**Applied:** 09/26/2016**Started:****Closed:** N/A

### Old Names

---

No old names found.

### Approvals

---

No approvals found.

### Conditions

---

No conditions found.

### Owners

---

**HORSESHOE CLUB****(00213-11)****Name****Relationship****Status****Effective****Removed**

SILVER BULLET OF NV, LLC (33840-01)

DBAS

Application- 09/26/2016  
Pending

**KAEMPFER**

**CROWELL**

ATTORNEYS AT LAW

RENO OFFICE

SEVERIN A. CARLSON

[scarlson@kcnvlaw.com](mailto:scarlson@kcnvlaw.com)  
775.884.8317

LAS VEGAS OFFICE  
1980 Festival Plaza Drive  
Suite 850  
Las Vegas, NV 89135  
Tel: 702.792.7000  
Fax: 702.796.7181

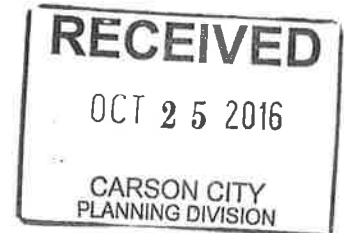
RENO OFFICE  
50 West Liberty Street  
Suite 700  
Reno, NV 89501  
Tel: 775.852.3900  
Fax: 775.327.2011

CARSON CITY OFFICE  
510 West Fourth Street  
Carson City, NV 89703  
Tel: 775.684.8300  
Fax: 775.682.0257

October 24, 2016

*Via E-Mail & Reno-Carson Messenger Service*

Carson City Board of Supervisors  
c/o Lee Plemel, AICP  
Community Development Director  
108 E. Proctor Street  
Carson City, Nevada 89701



**Re: Carson City Planning Commission Decision of September 28, 2016  
approving SUP 16-090**

Dear Board of Supervisors:

This Firm represents Silver Bullet of Nevada, LLC (“Silver Bullet”), the applicant for a Special Use Permit, that proposes to operate, 24-hours a day, a casino (with a non-restricted gaming license<sup>1</sup>), which will include a full bar, as well as a full service restaurant to be known as Bodines Northtown (the “Casino” or the “Project”), in the Northtown Plaza shopping center, located at 3246 N. Carson Street, also known as Assessor’s Parcel Number 007-462-06 (the “Subject Property”).

Silver Bullet applied for a special use permit to allow for the operation of a non-restricted/unlimited gaming casino, bar, and additional signage on the Subject Property, which is zoned Retail Commercial – Planned Unit Development (RC-P). On September 28, 2016, the Carson City Planning Commission (the “Planning Commission”), by a 6-1 vote, approved the special use permit application.

Five (5) casinos located in Carson City, the Carson Nugget, Casino Fandango, Gold Dust West, Max Casino, and Slot World (the “Operators”)<sup>2</sup>, by and through their counsel, opposed Silver Bullet’s application before the Planning Commission, essentially arguing that Silver Bullet should have to provide 100 guest rooms if it wishes to operate a non-restricted casino, despite

<sup>1</sup> Silver Bullet intends to transfer a grandfathered non-restricted gaming license to operate the Casino at the Subject Property so as to comply with Section 4.14.045 of the Carson City Municipal Code, thereby alleviating the requirement of providing 100 guest rooms.

<sup>2</sup> The Operators are located between approximately 1.6 miles and 4.0 miles away from the proposed location for Bodines Northtown. The average distance between Bodines Northtown and any one of the operators is 2.8 miles.

Silver Bullet's intention to use a grandfathered non-restricted license for its operations. Specifically, the Operators claim that the special use permit application is: (1) not consistent with the objectives of the Master Plan elements, (2) will be detrimental to the economic value of the general neighborhood and will result in material damage and prejudice to other properties in the vicinity, and (iii) does not conform to the Gaming License Provisions as set forth in the Carson City Municipal Code ("CCMC").

For the reasons set forth herein, Silver Bullet asks that you find the Operators have no standing to bring their immediate appeal and therefore find that you do not have jurisdiction to consider the appeal. In the event you find that the Operators do have standing to bring their appeal, Silver Bullet respectfully requests that you substantively deny it in its entirety, as the Planning Commission's findings were properly based on the preponderance of the evidence presented at the time of its hearing the special use permit application.

I. The Operators have no standing to bring the immediate appeal.

Pursuant to CCMC Section 18.02.060(4), "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." CCMC § 18.302.060(4) (emphasis added). Although the Operators participated in the administrative process before the Planning Commission, the Operators are not aggrieved parties and therefore do not have standing. If a person or entity appealing a decision from the Planning Commission to the Board of Supervisors does not have standing, then the Board of Supervisors has no jurisdiction to consider the appeal. *City of North Las Vegas v. Eighth Judicial District Court*, 122 Nev. 1197, 1207, 147 P.3d 1109, 1116 (2006). Upon a challenge, it is incumbent upon the Board of Supervisors to determine standing before proceeding with an appeal.

It is the Operators' burden to prove they have standing. The Nevada Supreme Court has defined an aggrieved party as "one whose personal or property right has been "adversely or substantially affected." *Kay v. Nunez*, 122 Nev. 1100, 1106, 146 P.3d 801, 806 (2006) (internal quotation omitted).<sup>3</sup> Generally, an entity is deemed to be aggrieved only if it "can demonstrate that the land use decision will adversely affect his, her or its interests, and that such interest is personal and specific and not shared by the general public." *120 W. Fayette St, LLP v. Mayor of Baltimore*, 407 M.D. 257, 271, 964 A.2d 662 (2009). Most other courts agree. *Va. Beach*

---

<sup>3</sup> NRS Chapter 278 defines the term "aggrieved" persons for counties with populations over 700,000. NRS 278.3195(1). This definition is not applicable to the instant appeal as Carson City does not meet the minimum population threshold of that provision. For general appellate purposes, the definition stated in *Kay* applies: one whose personal or property right has been adversely and substantially affected. *Kay*, 122 Nev. 1100, 1106, 146 P.3d at 806. While counties have the right to broaden the definition of "aggrieved" purposes through adoption of local ordinances, thereby allowing additional persons the right to appeal land use decisions, Carson City has not done so. *See, e.g., City of N. Las Vegas*, 112 Nev. at 1206, 147 P.3d at 1115 (discussing individuals county's right to broaden definition of "aggrieved"); *see also* CCMC 18.02.060 (silent as to any expansion on the definition of "aggrieved" party for purposes of appeal rights). Thus, the general definition of "aggrieved" as stated in *Kay* applies to the present appeal.

*Beautification Commission v. Board of Zoning Appeals*, 344 S.E. 2d 899 (Va. 1986); *Wyman v. Braman*, 298 A.D. 2d 787 (N.Y.A.D. 2002) (persons who did not own adjacent or contiguous property lacked standing to challenge zoning variance); *Comm. For Responsible Dev. On 25<sup>th</sup> St. v. Mayor and City Council of Balt.*, 137 M.D. App. 60, 86, 767 A.2d 906 (2001) (“generally to be considered an aggrieved party, the complaining property owner must be ‘within a sight or sound’ range of the property that is subject of the complaint.”).

Nevada law similarly provides that any claim of special or particular damages must differ “in kind from the general public.” *L&T Corp. v. Henderson*, 98 Nev. 501, 654 P.2d 1015 (1982). Most courts agree with the United States Supreme Court that entities who only have an interest in “matters of public concern” “in common with other people” do not have standing. *Arizona Christian School Tuition Org. v. Winn*, 131 S.Ct. 1436 (U.S. 2001); *Citizens for Cold Springs v. City of Reno*, 126 Nev. 263, 218 P.3d 847 (2009).

Furthermore, almost uniformly, the courts have denied the right of review to those persons whose only objection to granting a variance or exception is that it would create business competition. *See, e.g., Mott’s Realty Corp. v. Town Plan & Zoning Comm.*, 152 Conn. 535, 209 A.2d 179 (1965); *Whitney Theatre Co. v. Bd. of Zoning Appeals*, 150 Conn. 285, 189 A.2d 39 (1963); *Zuckerman v. Bd. of Zoning Appeals*, 144 Conn. 160, 128 A. 2d 325 (1956); *Benson v. Zoning Bd. of Appeals*, 129 Conn. 280, 27 A.2d 389 (1942); *Circle Lounge & Grille, Inc. v. Bd. of Appeals*, 324 Mass. 427, 86 N.2. 2d 920 (1949).

Here, the Operators cannot demonstrate that the Planning Commission’s granting of a special use permit will adversely affect their interests and that their interests are specific and not shared by the general public. Furthermore, any specific interests the Operators may claim relative to business competition are not a valid legal basis for the Board of Supervisors to overturn the Planning Commission’s findings and decision.

## II. The Planning Commission and Planning Staff Appropriately Considered the Master Plan in Approving and Recommending the issuance of the Special Use Permit.

The Operators’ argument that the approval of the special use permit should fail because it relies too heavily on one portion of the Master Plan while allegedly failing to adequately address other relevant portions of the Master Plan is without merit. First, NRS 278.250 governs many aspects of planning and zoning and provides not only for the adoption of master plans, but also for zoning in accordance with an adopted master plan. The master plan of a community is a “standard that commands deference and presumption of applicability,” ***but should not be viewed as a “legislative straightjacket from which no leave can be taken.”*** *Enterprise Citizens v. Clark County*, 112 Nev. 649, 659, 918 P.2d 305, 311 (1996) (*Nova Horizon v. City Council, Reno*, 105 Nev. 92, 96, 769 P.2d 721, 723 (1989)) (emphasis added). The Operators seek to have the Master Plan serve as a straightjacket in this instance, where Planning Staff has appropriately highlighted that Bodines Northtown will be consistent with the objectives of the Master Plan elements.

Specifically, Planning Staff highlighted that Bodines Northtown accomplishes certain Master Plan elements, such as putting to use underused retail space located within Carson City's Redevelopment Area No. 2.

In response, the Operators claim that the Project also had to comply with Master Plan Goal 5.2a and Goal 8.1a relative to encouraging "premium amenities and upscale gaming venues" and to concentrate hotel/casinos along Carson Street and in Downtown Carson City. The Operators' application of Goal 5.2a and 8.1a is misplaced because the Project involves a grandfathered non-restricted gaming license, not a new non-restricted gaming license that would require the operator to provide 100 hotel rooms. The Operators' application of these goals is also misplaced in that Silver Bullet intends to provide premium amenities at Bodines Northtown, as it does at its existing Bodines location in South Carson City. Furthermore, although not located in Downtown Carson City, Bodines Northtown is still located along Carson Street, which is consistent with Goal 8.1a.

The Planning Commission did not abuse its discretion in considering the various Master Plan elements and finding that the Project promotes many of the Master Plan goals.

III. The Planning Commission appropriately found that the Special Use Permit would not be detrimental to the economic value of the surrounding neighborhood or material damage or prejudice to other property in the vicinity of Bodines Northtown.

Despite the Operators' casinos being an average of 2.8 miles away from Bodines Northtown, they try to claim that the Planning Commission's approval of the special use permit will be detrimental to the economic value of the Operators and will materially damage and prejudice the Operators. Section 18.02.080 of the CCMC, however, does not operate to protect the Operators' business interests from competition. Section 18.02.080 serves to protect the economic value of the "surrounding neighborhood" and to protect against material damage or prejudice to "the other property in the vicinity."

The Operators do not operate their casinos adjacent to the Project, but rather miles away from the Project. The land on which the Operators maintain their casinos is neither in the "surrounding neighborhood" nor in the "vicinity" of the Project. Silver Bullet would submit that Section 18.02.080 serves to protect property in the vicinity of the Project from an incompatible or inconsistent land use, consistent with the case law cited above that does not afford protection against competition, which is readily evident in the Operators' statements to the Planning Commission and appeal documents.

The Planning Commission appropriately considered the substantial evidence before it to conclude that the Project was consistent with Retail Commercial zoning and surrounding uses around the Project and did not abuse its discretion when approving the special use permit.

IV. Privileged Licensing is not within the purview of the Planning Commission.

Granting or denying a privileged license, such as a non-restricted gaming license, under Carson City's Title 4, is not within the purview of the Planning Commission. As such, the Planning Commission appropriately made no decision relative to Silver Bullet's ability to transfer a grandfathered non-restricted gaming license, but rather conditioned its approval of the special use permit on Silver Bullet's having "demonstrated possession of a transferred unrestricted gaming license consistent with the provisions of Section 4.15.045 of the Carson City Municipal Code." See Condition #13 of Planning Commission's Approval of Special Use Permit. In order to effectuate a transfer of the grandfathered license and to meet the aforementioned condition, Silver Bullet will have to receive the consent of the majority of the Board of Supervisors pursuant to Section 4.15.045 and Section 4.14.050 of the CCMC.

The Planning Commission's decision to not venture into the requirements of Title 4, which is the Board of Supervisor's purview, does not constitute error by the Planning Commission and therefore the Operators' appeal on these grounds should be denied.

V. Conclusion.

For the reasons set forth above, Silver Bullet respectfully requests that you find the Operators lack standing to appeal the September 28, 2016 decision of the Planning Commission. Should the Operators be found to maintain standing, their appeal should be substantively denied as the Planning Commission properly considered the substantial evidence before it when approving the special use permit for Bodines Northtown.

Cordially,

KAEMPFER CROWELL



Severin A. Carlson

SAC:adg

cc: Silver Bullet of Nevada, LLC