

CARSON CITY PLANNING COMMISSION

Minutes of the November 18, 2009 Meeting

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

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

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

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

A. CALL TO ORDER, DETERMINATION OF QUORUM, AND PLEDGE OF ALLEGIANCE (3:02:50) - Chairperson Kimbrough called the meeting to order at 3:02 p.m. Roll was called; a quorum was present. Commissioners Dhami and Stockton were absent. Commissioner Wendell led the pledge of allegiance. Commissioner Reynolds arrived at 3:07 p.m.

B. COMMISSION ACTION ON APPROVAL OF MINUTES - October 28, 2009 (3:04:29) - Commissioner Vance moved to approve the minutes, as presented. Vice Chairperson Mullet seconded the motion. Motion carried 5-0.

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

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

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

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

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

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

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H. PUBLIC HEARING MATTERS:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

In response to a question, Mr. Tate pointed out, on the displayed aerial photograph, the boundaries of his property in proximity to the proposed school site. In response to a further question, he referred to the May 19, 2009 letter from Attorney Cavilia, and noted the citation of Nevada Gaming Regulation 3.010 which prohibits the development of "non-restricted gaming facilities ... in the vicinity of schools, churches, and parks." He clarified that actual proximity is left to the interpretation of local authorities. In response to a further question, he advised that the cited Nevada Gaming Regulation "could prohibit [him] from developing." He acknowledged that, regardless of the property he presently owns, he may be prohibited, in the future, from any expansion plans based on state law. He acknowledged this as his concern and advised he has "3 1/2 million reasons to be scared about it." He further acknowledged he has \$8 million invested in his property. In response to a further question, he reviewed the purchase history of his property. In response to a further question, he advised of having been approached by Maverik Convenience Store representatives and "turned down a lot of money to sell that property ... to Maverik Convenience Stores." He reiterated concern over the substantial investment in his property. He acknowledged concern that his ability to sell the developed and undeveloped property to another gaming establishment would be hampered by development of the school in the proposed location. He further acknowledged the likelihood that another gaming establishment would have difficulty expanding the existing gaming establishment in consideration of the proximity of the proposed school.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

I. STAFF REPORTS

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

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

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

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

MARK KIMBROUGH, Chair