

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

FILE : SUP-09-037

AGENDA ITEM: H-1

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

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

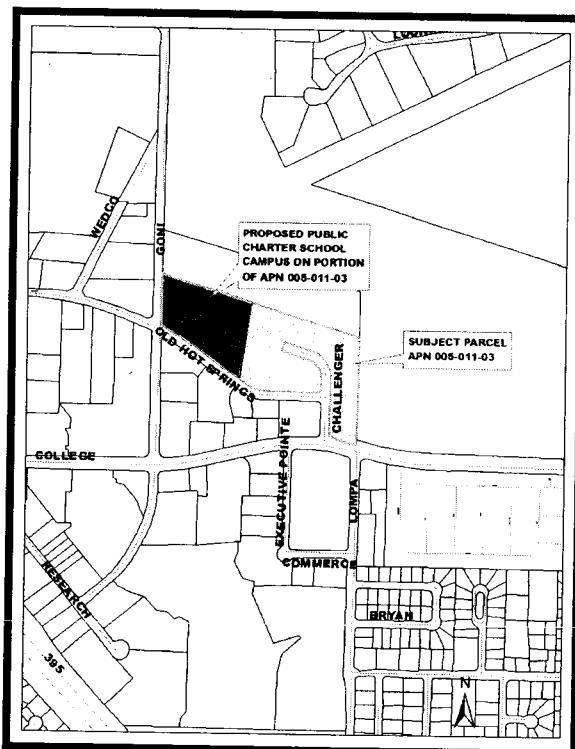
APPLICANT: Palmer Engineering Group, Ltd.

OWNER: Weikel Carson Air Park Ltd.

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

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

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



SPECIAL USE PERMIT RECOMMENDED CONDITIONS OF APPROVAL:

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

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

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

Engineering Division Conditions:

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

Utilities Conditions:

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

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

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

MASTER PLAN DESIGNATION: Industrial

PROPOSED MASTER PLAN DESIGNATION: Public/Quasi Public/ Industrial

ZONING DESIGNATION: Limited Industrial

PROPOSED ZONING DESIGNATION: Limited Industrial/Public Regional

KEY ISSUE:

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

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Public Regional (PR) – Carson City Airport

SOUTH: Limited Industrial (LI) – Commercial

EAST: Public Regional (PR) – Carson City Airport

WEST: General Industrial (GI) – Vacant

ENVIRONMENTAL INFORMATION:

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

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

BACKGROUND:

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

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

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

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

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

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

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

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

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

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

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

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

DISCUSSION:

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

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

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

PROPOSED SITE DEVELOPMENT INFORMATION

1. BUILDING SIZE:

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

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

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

3. *PARKING:

Required: 92 spaces

Proposed: 136 spaces

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

4. *LANDSCAPING AREA:

Impervious surface (without buildings) 77,146 square feet

Required Landscaping: 15,429 square feet

Proposed Landscaping: 74,515 square feet

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

6. EXISTING PARCEL SIZE: 14.05 acres

PROPOSED PARCEL SIZES

Parcel A 4.7 acres Silver State School campus

Parcel B 9.35 acres remainder

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

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

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

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

Lighting

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

Parking

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

Landscaping

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

Division of the 14.05 acre site

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

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

Traffic

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

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

Opposition concerns

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

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

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

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

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

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

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

3. Impacts of a school on the future expansion of the Comstock Casino.

- The applicant has noted the Gold Dust West Casino and Hotel, as an example of a casino/gaming project in close proximity to a school use. The Gold Dust West Casino has undertaken multiple projects since the 1995 construction, which include but are not limited to a 146 room hotel, a 32 lane state of the art, bowling center, pool and spa construction, parking lot reconfiguration, commercial remodels, addition of a RV Park and restaurant remodel.
- It is not clear what impacts if any, the Comstock Casino will encounter as a result of future casino expansions in proximity to the proposed school campus.

4. Legal interpretation of the Nevada Gaming Commission and State Gaming Control Board regarding applications for a state gaming license.

- The applicant has provided additional information regarding Regulation 3 that addresses the Gaming Boards position on locations that may be unsuitable and have emphasized those parts of the regulations that support the position of Silver State High School. Per the applicant and confirmed by the Planning Division staff, Carson City presently has no zoning ordinance that addresses distance proximity required between the locations of Schools and Gaming establishments.
- The Carson City Municipal Code does have a proximity regulation specific to Adult Entertainment facilities and schools, parks, churches, residential use districts or other adult entertainments facility of 1000 feet. See CCMC 18.03 Definitions, Adult Entertainment Facility.

5. Proximity of the Fandango Casino and the Galaxy Theaters.

- The Fandango Casino currently has direct connectivity to the Galaxy Theater in Carson City. The fact that minors utilize the theaters and are directly connected to the gaming facility was addressed and that the Galaxy Theater was a recent addition to the gaming establishment campus. The Fandango Casino opened their doors in 2003. In 2005 the Fandango embarked on an expansion which included a parking structure and 100 room hotel room facility. In 2007 the complex was expanded to include a 10 screen multi movie theater.

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

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

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

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

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

Carson City Health Department:

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

Carson City Engineering Division:

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

Carson City Fire Department:

- No Fire Department comments at this time.

Carson City Building Division:

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

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

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

Carson City Parks and Recreation Department:

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

be required to work with the City's Engineering Department to construct concrete sidewalks along Goni Road and Old Hot Springs Road, provide pedestrian crosswalks at the Goni Road and Old Hot Springs Road intersections, and provide bicycle lanes on Old Hot Springs Road.

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

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

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

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

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

1.1b—Urban Service Area

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

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

GOAL 1.2—PROMOTE INFILL AND REDEVELOPMENT IN TARGETED AREAS

1.2a—Priority Infill and Redevelopment Areas:

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

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

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

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

INTERFACE

1.4a—Vehicular and Pathway Access

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

GOAL 1.5—FOSTER COOPERATION ON MASTER PLAN ISSUES

1.5b— Coordination with State and Federal Agencies

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

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

1.5d—Coordination of Services

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

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

2.1a—Range of Land Use Opportunities

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

2.1 d—Land Use Friction Zones

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

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

The applicant noted the proposed project will provide additional educational experience

currently not readily available in Carson City, including a technical aerospace center, innovative computer facilities and other educational elements not found in conventional school systems.

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

3.3d—Floodplain and Hazard Area Development

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

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

3.3e—Geologic Hazards

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

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

4.2a—Expand Recreation Opportunities

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

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

4.3a—Open Space Master Plan

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

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

GOAL 5.1—MAINTAIN AND ENHANCE PRIMARY JOB BASE

5.1a—Retention/Expansion of Established Employers

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

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

GOAL 6.1—PROMOTE HIGH QUALITY DEVELOPMENT

6.1a—Durable Materials

Require the use of durable, long-lasting building materials for all new development.

6.1b—Neighborhood Design

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

6.1c—Variety and Visual Interest

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

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

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

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

GOAL 6.2—PROMOTE COMPATIBLE INFILL AND REDEVELOPMENT

6.2a—Neighborhood Compatibility

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

GOAL 9.3—MAINTAIN THE QUALITY AND CHARACTER OF ESTABLISHED NEIGHBORHOODS

9.3b—Compatibility of Infill and Redevelopment

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

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

GOAL 11.1—ESTABLISH AN INTEGRATED MULTI-MODAL TRANSPORTATION SYSTEM

11.1b—Regional Coordination

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

11.1c—Plan Overlap/Implementation

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

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

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

12.1a—Enhance the Pathways Network

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

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

12.1c—Section-by-Section Implementation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- *Buildings and facilities owned, leased, or operated by the City of Carson City, Carson City School District or any other district, State of Nevada or the government of the United States.*

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Respectfully submitted,
PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments:

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

**Additional Information to Support the Applications for
Master Plan Amendment, Zone Change, and Special Use Permit
for
Silver State High School
for the
12/16/2009 Carson City Planning Commission Meeting**

The following information is provided as a supplement to the application for a Master Plan Amendment, Zone Map Amendment and Special Use Permit for Silver State High School in response to the Carson City Planning Commission meeting of November 18, 2009. Specifically, this supplement is to provide information relative to the objections proffered by Comstock Casino in proposed location of the High School.

There was much discussion among members of the Carson City Planning Commission regarding the location of the proposed Silver State High School in respect to the existing Comstock Casino and the possible future expansion property in the future.

We have attached the specific Regulation 3 that addresses the Gaming Boards position on locations that may be unsuitable and have emphasized those parts of the regulations that support the position of Silver State High School and furthermore provide those references as follows;

"1. ...The board may recommend and the commission may determine that premises located in the vicinity of churches, school, and playgrounds are nevertheless suitable upon a sufficient showing of suitability by the applicant."

"2. Premises located in a place where gaming is contrary to a valid zoning ordinance of any county or city.nevertheless suitable upon a sufficient showing by the applicant that the premises have been used for licensed gaming prior to the effective date of the zoning ordinance."

Carson City Planning presently has no zoning ordinance that address distances required between the locations of schools and Gaming Casino's. Clearly, the existing gaming property has been used for licensed gaming prior to the effective date of the zoning ordinance since no ordinances have been adopted yet.

In addition, we have attached exhibits showing both the distances to the existing Comstock Casino and the property to the south that is proposed for future casino expansion as well as the distance between Carson City High School and Gold Dust West. The exhibit shows the existing distance from the property line of the Proposed Silver State High School to the property line of the parcel for the Comstock Casino expansion to be approximately 330'. Carson High School property is located approximately 150' from the Gold Dust West Gaming Property, essentially 180' closer to a non restricted gaming property than is proposed with the new school.

In conclusion, the casino voicing opposition to the school based on impacting its existing gaming license is not valid, since the premises would have already been used for licensed gaming. Furthermore, speculation that a future gaming license will then be threatened due to its proximity to the school is not relative since Carson City does not have an ordinance in place that precludes the location of gaming establishments near schools and already has its schools located closer to a Gaming establishment with an unlimited Gaming License.

- MPA - 0 9 - 0 3 5
- ZMA - 0 9 - 0 3 6
- SUP - 0 9 - 0 3 7

REGULATION 3

LICENSING: QUALIFICATIONS

- 3.010 **Unsuitable locations.**
- 3.012 **Ownership of rights to operate or designate operators of gaming devices.**
- 3.015 **Applications for restricted licenses.**
- 3.020 **Ownership of premises where gaming conducted.**
- 3.021 **[Reserved.]**
- 3.030 **[Reserved.]**
- 3.040 **Time requirement.**
- 3.050 **Financial requirements.**
- 3.060 **Foreign gaming.**
- 3.070 **Multiple licensing criteria.**
- 3.080 **Unsuitable affiliates.**
- 3.090 **Standards for commission action.**
- 3.093 **Licensing of a natural person under the age of twenty-one.**
- 3.095 **Property report. [Repealed.]**
- 3.100 **Employee report.**
- 3.110 **Key employee.**

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

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

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

2. Premises located in a place where gaming is contrary to a valid zoning ordinance of any county or city. The board may recommend and the commission may determine that premises located where gaming is contrary to a valid zoning ordinance are nevertheless suitable upon a sufficient showing by the applicant that the premises have been used for licensed gaming prior to the effective date of the zoning ordinance and that there is good cause why the use should be allowed to continue.

3. Premises having a substantial minor clientele. The board may recommend and the commission may determine that premises having a substantial minor clientele are nevertheless suitable if the applicant demonstrates that it has taken sufficient precautions to separate areas frequented by minors from the gaming operation.

4. Premises lacking adequate supervision or surveillance.

5. Premises difficult to police.

6. Brothels.

7. Any other premises where the conduct of gaming would be inconsistent with the public policy of the State of Nevada.

(Amended: 10/90.)

3.012 Ownership of rights to operate or designate operators of gaming devices. As used in this section, "gaming rights" means the right, created by contract or otherwise, to operate gaming devices or to designate in any manner the operator of gaming devices at an establishment. "Gaming rights holder" means any person holding gaming rights who is not the operator of the primary business and is not otherwise licensed at the establishment or as an operator of a slot machine route.

1. The commission may require any gaming rights holder to apply for a finding of suitability pursuant to NRS 463.162(5)(a). Without limiting the board's ability to require a nonrestricted investigation in any case, a nonrestricted investigation shall generally be required of any gaming rights holder who holds gaming rights at three or more establishments at which restricted gaming is conducted.

2. An applicant for a restricted license shall furnish to the board complete information on any interest held by a gaming rights holder in the gaming establishment, copies of all agreements involving the gaming rights, and such other information as the board may require.

1990, *Journal of the Royal Statistical Society, Series B*, 48, 113-120. The author would like to thank the editor and two anonymous referees for their helpful comments and suggestions.

四

60

10

150
m

120

100

YANKEE
VALLEY
STATION

HIGH SCHOOL
1-2 STORY

1000000000

High School
1942

卷之三

492

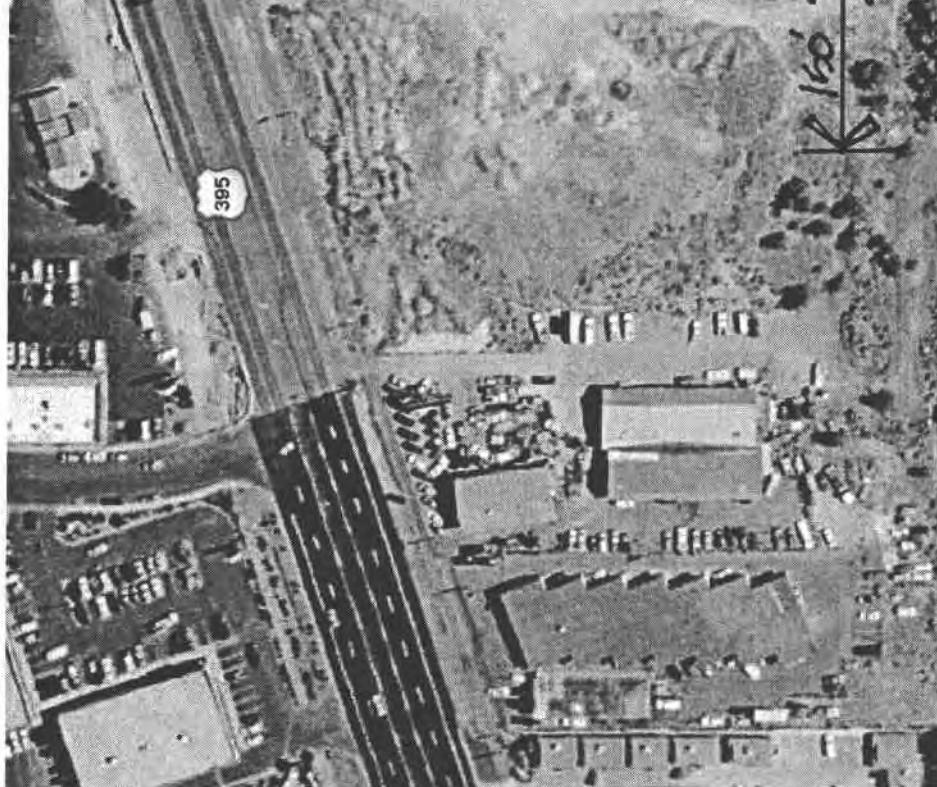
12485

ADJUSTED PARCEL 3

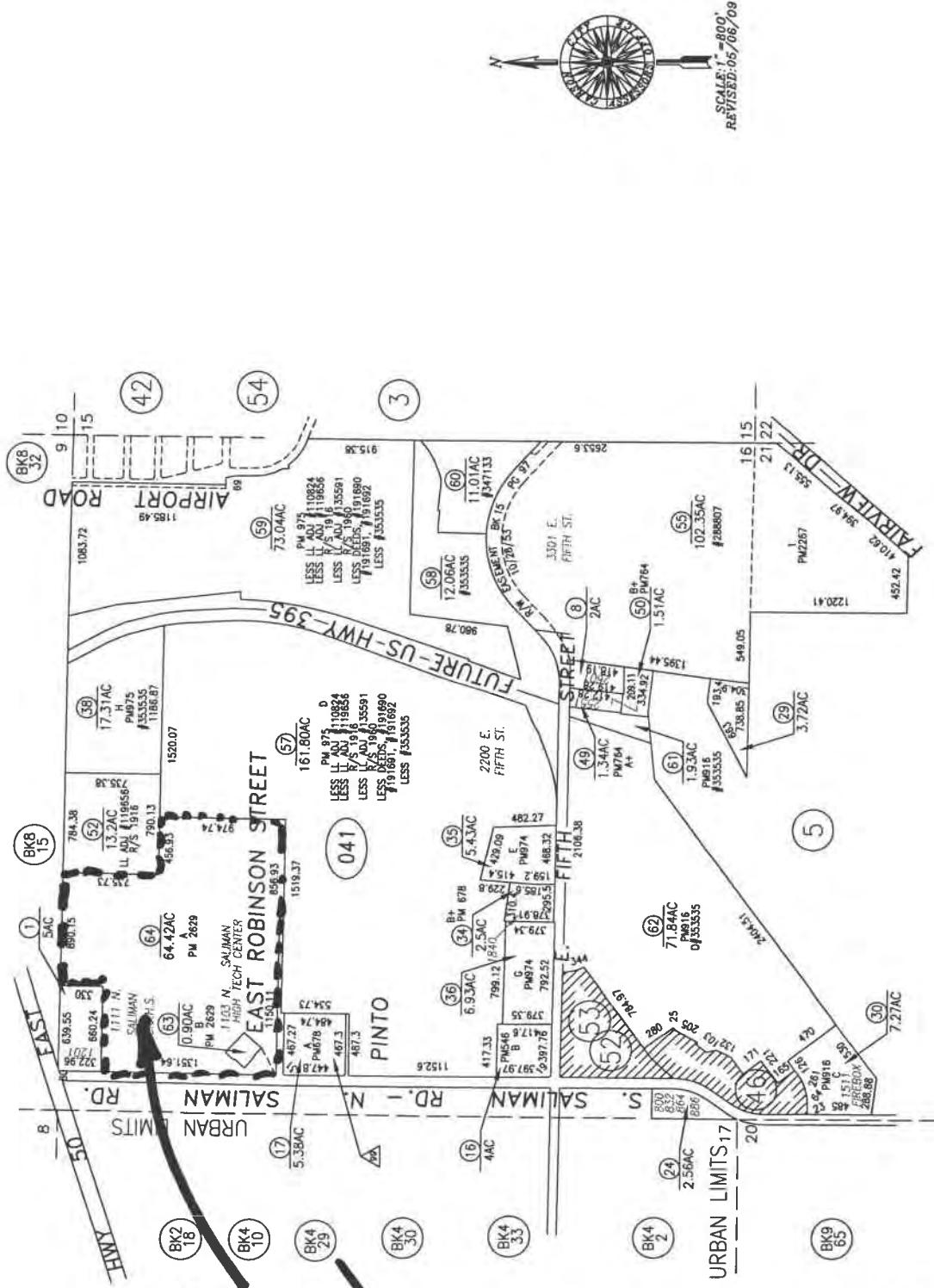
Google
2009

© 2009 Google
Image U.S. Geological Survey

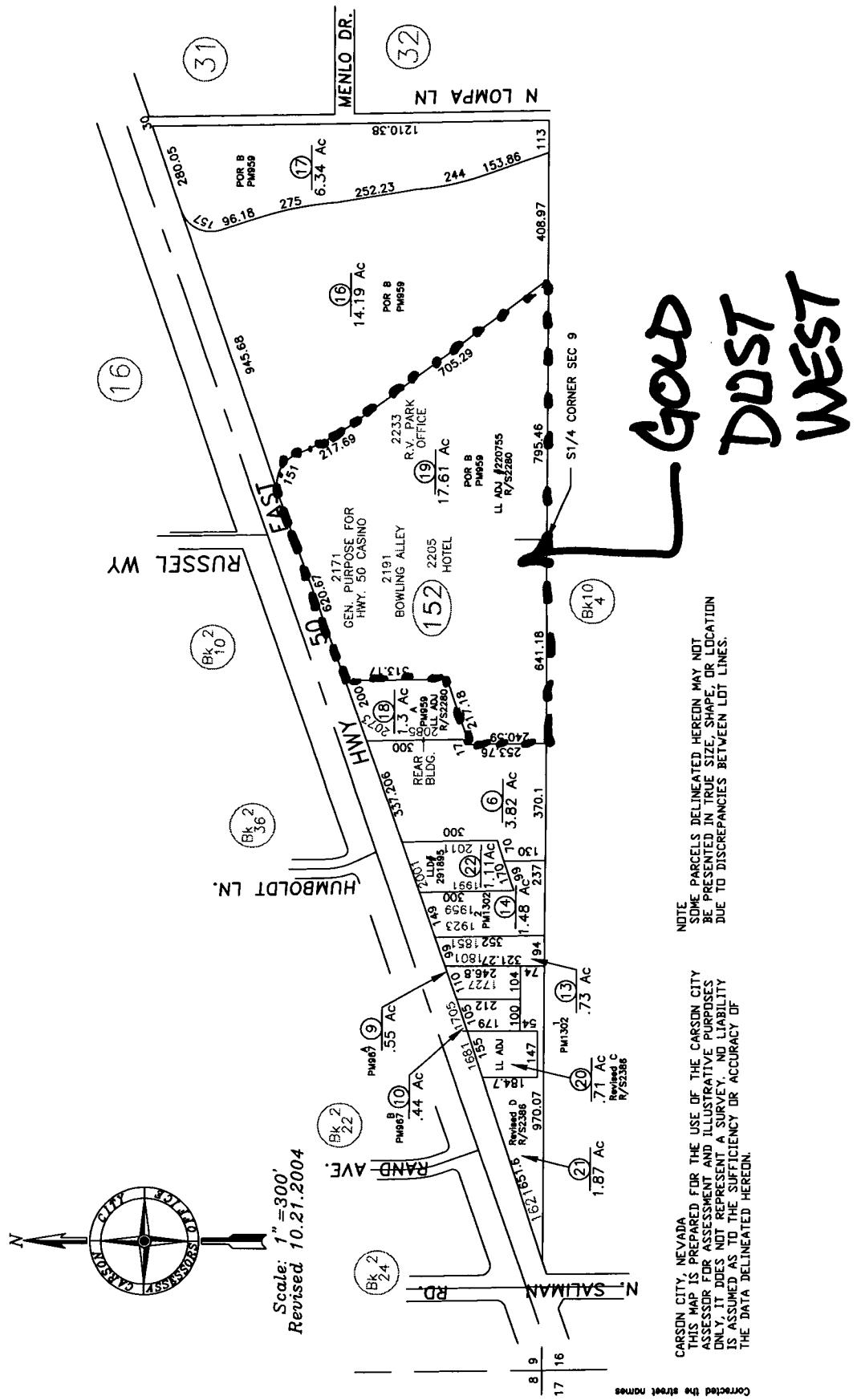
150'
150'



PORTION NW 1/4 SECTION 16 AND SECTION 21, T. 15 N., R. 20 E., M.D.B. & M.



50th
Hilka
Carnation



Middle Schools and High Schools Near Gaming**1- O'Brien Middle School**

Quick Mart with slots directly across street

2- Pine Middle School

2 Convenient stores within 2 blocks

3- Hug High School

Jackson's, 7-11, and Winners Corner within 3 blocks

4- McQueen High School

Raley's Shopping Center within 2 blocks which contains Bully's Sports Bar

5- North Valley High School

Quick Stop across street

6- Reed High School

Smith's Shopping Center across street which contains Bully's Sports Bar

Safeway 3 blocks away

7- Reno High School

7-11, Longs Drug Store and CVS within 2 blocks

8- Washoe High School

Bar across street

7-11 2 blocks away

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

FILES : MPA-09-035, ZMA-09-036, SUP-09-037

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

STAFF AUTHOR: Jennifer Pruitt, Principal Planner

REQUEST:

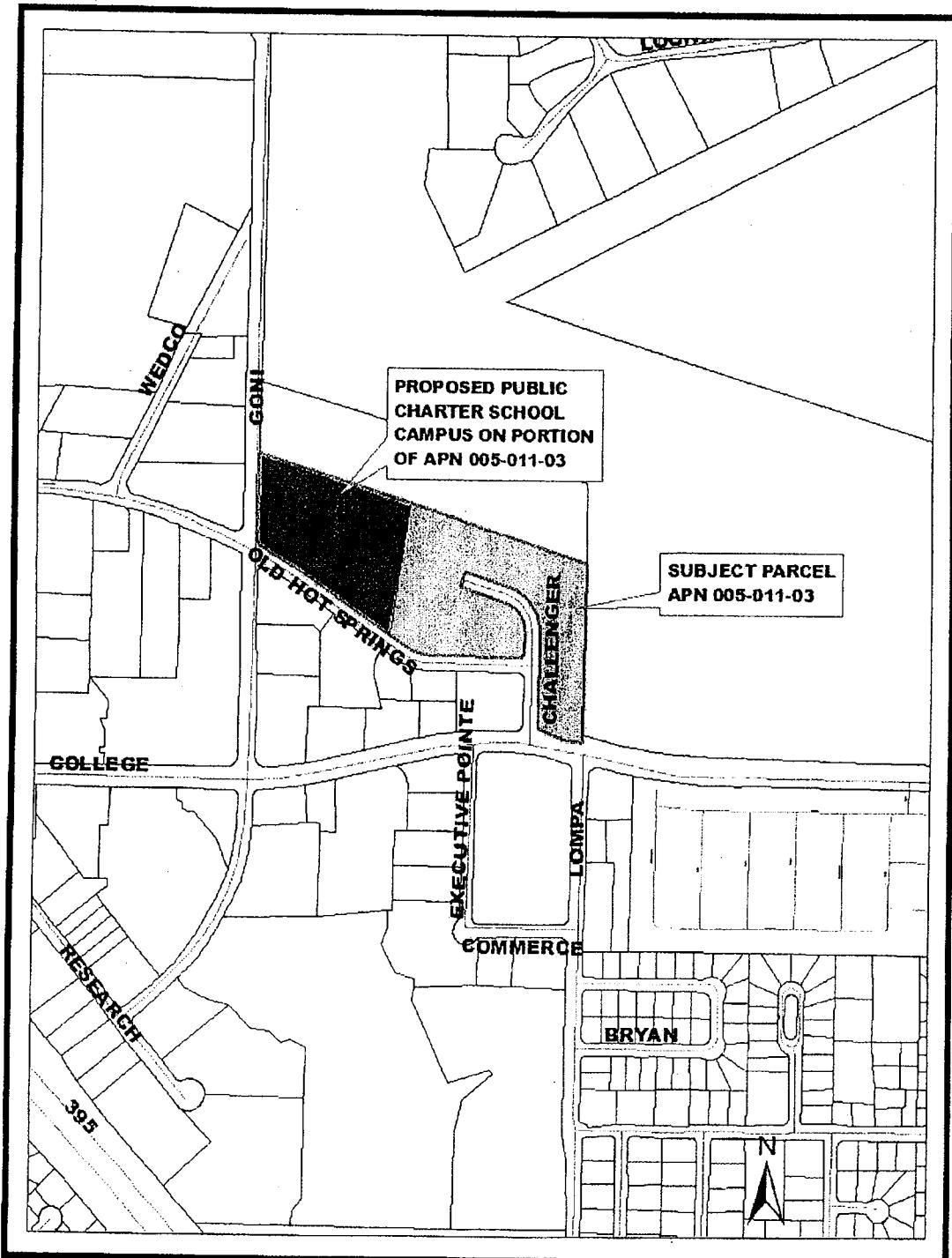
1. A Master Plan Amendment to change the Land Use Designation of a portion (4.7 acres) of APN 005-011-03 from Industrial to Public/Quasi-Public on a 14.05 acre site.
2. A Zoning Map Amendment to change a portion (4.7 acres) of the subject parcel from Limited Industrial (LI) to Public Regional (PR) on a 14.05 acre site.
3. A Special Use Permit request for a Public Charter School campus facility as a conditional use on property to be re-zoned from Limited Industrial (LI) to Public Regional (PR).

APPLICANT: Palmer Engineering Group, Ltd.

OWNER: Weikel Carson Air Park Ltd.

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

| | |
|------------|--|
| MPA-09-035 | RECOMMENDED MOTION: <u>"I move to adopt Resolution 2009-PC-1 recommending to the Board of Supervisors approval of MPA-09-035, a Master Plan Amendment to change the Master Plan Land Use designation of a portion of APN 005-011-03, from Industrial to "Public/Quasi-Public" based on the findings contained in the staff report."</u> |
| ZMA-09-036 | RECOMMENDED MOTION: <u>"I move to recommend to the Board of Supervisors approval of ZMA-09-036, a Zoning Map Amendment to change the zoning of a portion (4.7 acres) of the subject parcel, APN 005-011-03, from Limited Industrial (LI) to Public Regional, property located at 2222 College Parkway, based on the findings contained in the staff report."</u> |
| SUP-09-037 | MOTION FOR APPROVAL: <u>"I move to approve SUP-09-037, a Special Use Permit application to allow a Public Charter School campus facility as a conditional use on property to be re-zoned from Limited Industrial to Public Regional, located at 2222 College Parkway, APN 005-011-03, based on seven findings and subject to the conditions of approval contained in the staff report."</u> |
| SUP-09-037 | MOTION FOR DENIAL: <u>"I move to approve SUP-09-037, a Special Use Permit application to allow a Public Charter School campus facility as a conditional use on property to be re-zoned from Limited Industrial to Public Regional, located at 2222 College Parkway, APN 005-011-03, based on the inability to make the required findings for approval as identified in the staff report."</u> |



SPECIAL USE PERMIT RECOMMENDED CONDITIONS OF APPROVAL:

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

11. Reflective, untreated roofs shall be prohibited unless painted flat, non-glossy paint to compliment or match the primary color of the primary exterior building material(s).
12. All roof-top equipment on new portions of the building shall be screened pursuant to Carson City Development Standards Division 1.1.7.
13. Proper trash enclosures shall be provided pursuant to the Carson City Development Standards 1.2.6.
14. The applicant must meet all applicable State (NRS & NAC 444), Local and Federal codes and ordinances as they apply to this request. Plans for this facility must be submitted and approved by Carson City Health & Human Services.
15. An Aviation Easement on the subject site is required, the easement will include an acknowledgement that the proposed project is within or near the flight path operations area of the Carson City Airport, as such the passage of aircraft may generate possible noise, dust, turbulence and similar activity as made inherent in the operations of aircraft using the air space over Carson City from taking off, landing and or operating at the Carson City Airport.
16. Acceptable screening/fencing alternatives shall be submitted to the Planning Division for review and approval with the required building permit submittal, specifically for the northern and eastern boundaries of the project area.
17. The Maximum building height for the project shall be limited to 35 feet in overall height.
18. Approval of this Special Use Permit, does not allow for "through the fence" access onto the Carson City Airport property. Access to the Carson City Airport property may be approved by the Carson City Airport Authority.
19. Sound proofing materials, noise control, acoustical and vibration mitigations solutions shall be required to be submitted to the Planning Division with the required building permit, and will be the responsibility of the applicant.
20. The project plans will be required to be sent to the Federal Aviation Authority (FAA) for review and approval prior to the required building permit submittal. A copy of the FAA approval must be submitted to the Planning Division with the required building permit.
21. This Special Use Permit shall be reviewed by the Planning Commission two years from the date of initial approval. The applicant shall provide written documentation of compliance with all conditions of approval to the Planning Division for the review at least 45 days prior to the review date. The Planning Commission may require additional reviews as it deems appropriate.
22. This Special Use Permit shall become effective only upon approval by the Board of Supervisors of the Zoning Map Amendment application ZMA-09-036 to change a portion of the subject parcel from Limited Industrial to Public Regional and the

Master Plan Amendment application MPA-09-035 to change a portion of the subject parcel master plan designation from Industrial to Public/Quasi Public.

Engineering Division Conditions:

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

Utilities Conditions:

36. Fire hydrant(s) - Hydrants on private property, if required by Fire Department, require a check-valve per drawing C-10.4.

37. Fire sprinkler system connection(s) - Requires a double check-valve assembly per drawing C-8.3. If the fire sprinkler system is to contain any hazardous substance, including glycol, a reduced pressure principle assembly is required.
38. Water connection(s) - Indicate size(s) and locate service tap(s) and meter box(es). Indicate whether taps and meters are for domestic or irrigation purposes, and if the water service is to be installed by a properly licensed contractor or by city forces. All meters, vaults or hydrants shall be located behind the sidewalk and not in driveways.
39. Sanitary sewer connection - Indicate lateral size and location. (Laterals cannot be tied into manholes.)
40. Water usage information is required to determine water and sewer privilege to connect charges.
41. Fire flow calculations required by the Fire Department must be signed and sealed by a P.E. and approved by Utilities Engineering. Contact Mark Brethauer at 887-2355, extension 1006, for additional information.
42. Wastewater pretreatment and a wastewater discharge permit will be required. Grease interceptors shall be designed in accordance with the 2006 Uniform Plumbing Code and shall have 24-hour access. Contact the Environmental Control Division at 887-2355 for additional information.
43. Reduced pressure type backflow prevention devices are required for domestic services. Contact Rit Palmer at Utilities, 887-2355, extension 1051, for additional information.
44. A water system analysis which complies with the requirements if Division 15.3.1 is required with the first submittal of the plans which shows that the proposed water system can meet required fire flows and that 60 psi is available at the meters during peak demand periods. The water analysis shall include a narrative report and system map. The report shall provide the calculations for fire flows and system pressure and shall include assumptions made to support the calculations. The map shall show all existing and proposed water mains, PRV's, check valves, system zones, streets and parcels.
45. A sewer system analysis which complies with the requirements if Division 15.3.2 is required with the first submittal of plans which shows that the existing sewer system has sufficient capacity to handle the proposed project. All existing sewer collection lines to which the development utilizes as an outfall must be capable of conveying a peak flow of d/D less than 0.75, or an upgrade of the existing system will be required. The analysis should show the sewer system is at adequate size and depth to serve adjacent properties when extended in the future. The applicant should coordinate the proposed sewage system design with Utilities Engineering prior to proceeding with final plans.

46. The use of potable water during construction for dust control will not be allowed; reclaimed water is available. The use of potable water will be made available when the use of reclaimed water is not allowed due to environmental or health reasons. A no fee permit for reclaimed water use is available seven (7) days a week (except holidays) at the Wastewater Reclamation Plant, 3320 Fifth Street, 887-2360. Please note that the use of reclaimed water without a valid permit is subject to substantial penalties.

LEGAL REQUIREMENTS: CCMC 18.02.050 (Review); 18.02.070, (Master Plan); 18.02.075 (Zoning Map Amendments); 18.02.080 (Special Use Permits); and 18.04.185 (Public Regional).

MASTER PLAN DESIGNATION: Industrial

PROPOSED MASTER PLAN DESIGNATION: Public/Quasi Public/ Industrial

ZONING DESIGNATION: Limited Industrial

PROPOSED ZONING DESIGNATION: Limited Industrial/Public Regional

KEY ISSUES:

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

SURROUNDING ZONING AND LAND USE INFORMATION:

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

ENVIRONMENTAL INFORMATION:

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

BACKGROUND:

The Silver State High School opened its doors in 2003 and in September of 2009 expanded its curriculum to accommodate Junior High School students. The Silver State School facilities are currently located at 3716 North Carson Street. The Silver State School is a Free Public on-line distance education junior high and high school. Students

attend classes once per week to meet with their teachers and do their remaining class work on-line. This format allows students to make appointments or come in on other days to get individualized help from their teachers.

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

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

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

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

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

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

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

DISCUSSION:

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

The subject parcel is approximately 14.05 acres and is located on the northeast corner of Goni Road and Old Hot Springs Road. Vehicular access for the proposed Public Charter School campus is primarily two access points from Old Hot Springs Road and

there is also a secondary access point from the north at Goni Road. The subject site also has pedestrian and bicycle access from College Parkway.

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

PROPOSED SITE DEVELOPMENT INFORMATION

1. **BUILDING SIZE:**

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

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

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

3. ***PARKING:**

| | |
|-----------|------------|
| Required: | 92 spaces |
| Proposed: | 136 spaces |

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

4. ***LANDSCAPING AREA:**

| | |
|--|--------------------|
| Impervious surface (without buildings) | 77,146 square feet |
| Required Landscaping: | 15,429 square feet |
| Proposed Landscaping: | 74,515 square feet |

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

6. EXISTING PARCEL SIZE: 14.05 acres

PROPOSED PARCEL SIZES

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

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

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

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

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

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

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

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

Master Plan Consistency

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

Master Plan-Zoning Consistency

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

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

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

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

Lighting

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

Parking

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

Landscaping

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

Division of the 14.05 acre site

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

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

Traffic

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

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

Opposition concerns

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

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

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

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

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

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

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

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

OTHER CITY DEPARTMENT OR OUTSIDE AGENCY COMMENTS:

Carson City Health Department:

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

Carson City Engineering Division:

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

Carson City Fire Department:

- No Fire Department comments at this time.

Carson City Building Division:

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

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

GENERAL COMMENTS

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

Carson City Parks and Recreation Department:

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

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

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

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

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

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

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

1.1b—Urban Service Area

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

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

GOAL 1.2—PROMOTE INFILL AND REDEVELOPMENT IN TARGETED AREAS

1.2a—Priority Infill and Redevelopment Areas:

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

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

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

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

1.4a—Vehicular and Pathway Access

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

GOAL 1.5—FOSTER COOPERATION ON MASTER PLAN ISSUES

1.5b—Coordination with State and Federal Agencies

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

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

1.5d—Coordination of Services

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

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

2.1a—Range of Land Use Opportunities

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

2.1 d—Land Use Friction Zones

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

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

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

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

3.3d—Floodplain and Hazard Area Development

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

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

3.3e—Geologic Hazards

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

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

4.2a—Expand Recreation Opportunities

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

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

4.3a—Open Space Master Plan

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

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

GOAL 5.1—MAINTAIN AND ENHANCE PRIMARY JOB BASE

5.1a—Retention/Expansion of Established Employers

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

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

GOAL 6.1—PROMOTE HIGH QUALITY DEVELOPMENT

6.1a—Durable Materials

Require the use of durable, long-lasting building materials for all new development.

6.1b—Neighborhood Design

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

6.1c—Variety and Visual Interest

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

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

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

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

GOAL 6.2—PROMOTE COMPATIBLE INFILL AND REDEVELOPMENT

6.2a—Neighborhood Compatibility

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

GOAL 9.3—MAINTAIN THE QUALITY AND CHARACTER OF ESTABLISHED NEIGHBORHOODS

9.3b—Compatibility of Infill and Redevelopment

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

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

GOAL 11.1—ESTABLISH AN INTEGRATED MULTI-MODAL TRANSPORTATION SYSTEM

11.1b—Regional Coordination

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

11.1c—Plan Overlap/Implementation

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

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

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

12.1a—Enhance the Pathways Network

Continue to maintain and expand the City's existing network of pathways to link distinct geographic locations within the community and to provide improved access to and between neighborhoods, activity centers, schools, and other destinations. Provide multi-use paths where necessary as identified on the Unified Pathways Master Plan map to cross physical barriers, establish direct connections between neighborhoods, activity

centers, schools (as consistent with the Safe Route to School public safety program), and other destinations, and to take advantage of available opportunities such as utility and open space corridors where possible.

12.1c—Section-by-Section Implementation

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

The proposed Public Regional zoning designation will provide for compatible uses and zoning. The PR zoning means Federal, state and city facilities and uses whose main purpose is to sustain wide regional needs. Buildings and facilities owned, leased, or operated by the City of Carson City, Carson City School District or any other district, State of Nevada or the government of the United States are common within the PR zoning district.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- *Buildings and facilities owned, leased, or operated by the City of Carson City, Carson City School District or any other district, State of Nevada or the government of the United States.*

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

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

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

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

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

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

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

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

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

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

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

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

and develop standards for mixed-use development to address compatibility issues.

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

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

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

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

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

Respectfully submitted,
PUBLIC WORKS DEPARTMENT, PLANNING DIVISION

Jennifer Pruitt

Jennifer Pruitt, AICP, LEED AP
Principal Planner

Attachments:

Application (MPA-09-035)
Application (ZMA-09-036)
Application (SUP-09-037)
Carson City Engineering Division comments
Carson City Fire Department comments
Carson City Building Division
Carson City Health Department comments
Carson City Parks & Recreation Department comments
Planning Commission Resolution 2009-PC-1
Draft Ordinance
Public comments

ORDINANCE NO. 2009-_____

BILL NO. _____

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

DRAFT

Fiscal Effect: None

THE CARSON CITY BOARD OF SUPERVISORS HEREBY

ORDAINS: THE CARSON CITY BOARD OF SUPERVISORS HEREBY ORDAINS:

SECTION I:

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

SECTION II:

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

PROPOSED this ____ day of _____, 2009.

PROPOSED BY Supervisor _____

PASSED on the ____ day of _____, 2009.

VOTE: AYES: _____

NAYS: _____

ABSENT: _____

BOB CROWELL, Mayor

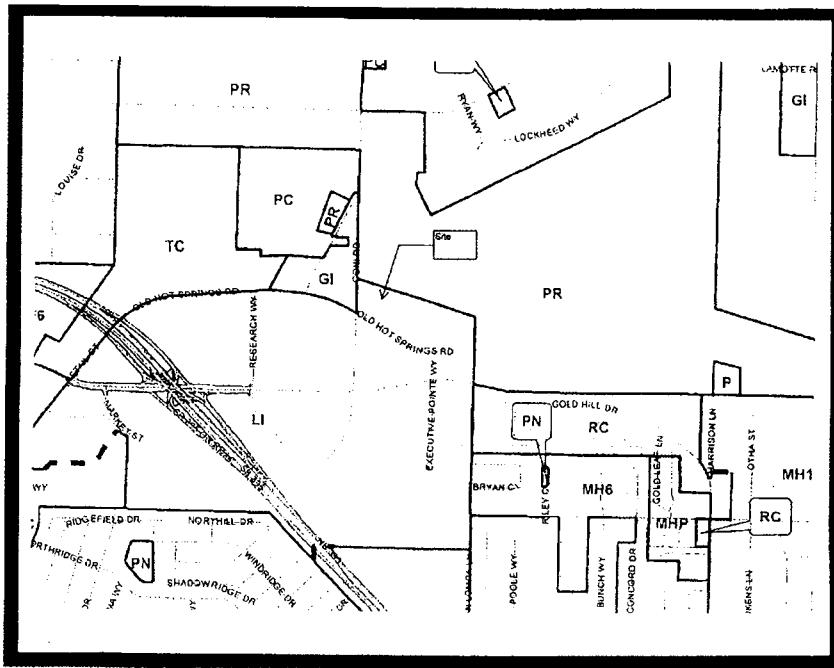
ATTEST:

ALAN GLOVER, Clerk-Recorder

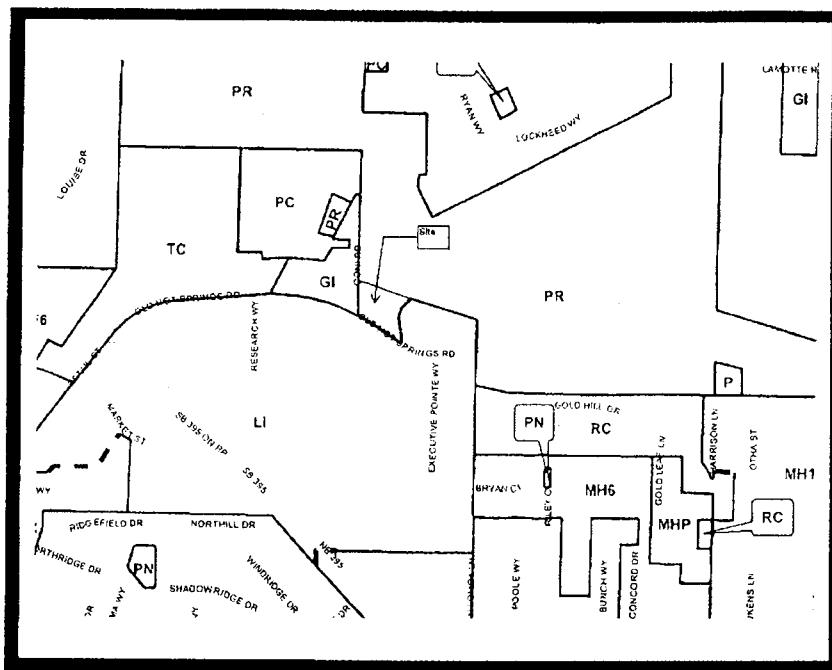
This ordinance shall be in force and effect from and after the _____ of
_____, 2009.

Exhibit “A”

EXISTING ZONING MAP



PROPOSED ZONING MAP



RESOLUTION 2009-PC-1

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

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

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

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

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

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

ADOPTED this 18th day of November, 2009

VOTE: AYES:

NAYS:

ABSENT:

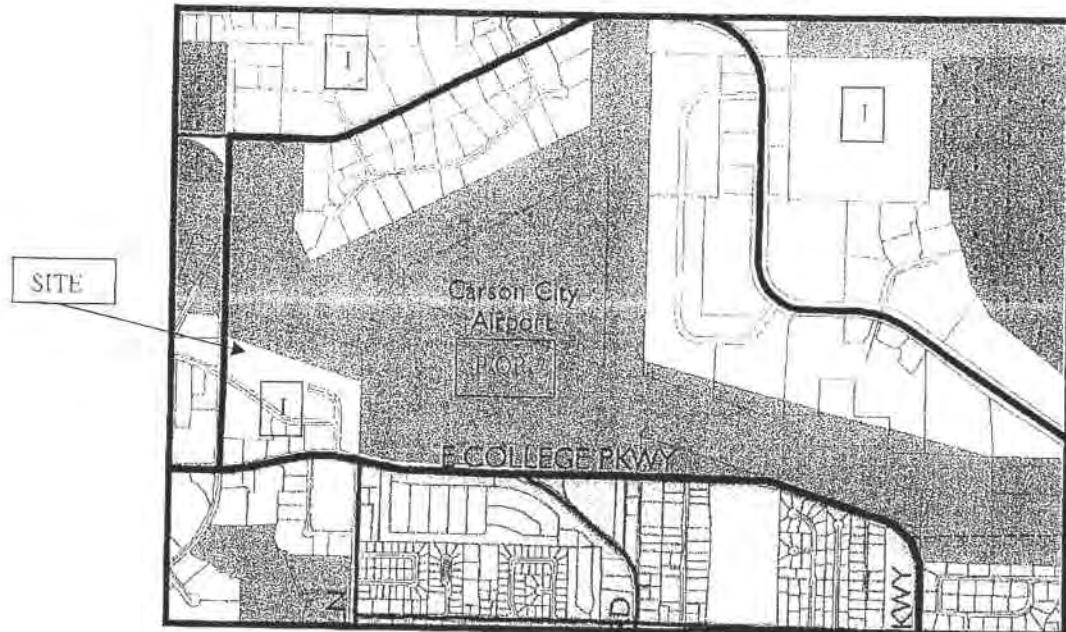
Mark Kimbrough, Chairman

ATTEST:

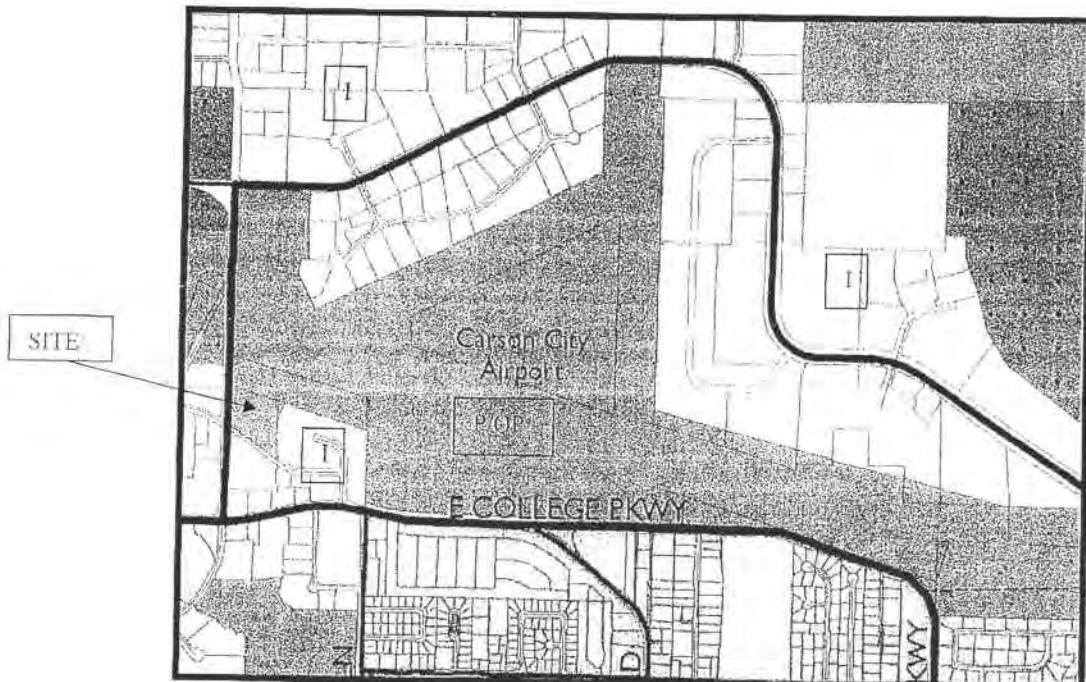
LEE PLEMEL, AICP, Planning Director

EXHIBIT "A"

EXISTING MASTER PLAN DESIGNATION



PROPOSED MASTER PLAN DESIGNATION



Public Quasi-Public

P/QP



Industrial

I





CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL
DEVELOPMENT SERVICES

Engineering Division
Planning Commission Report
File Number SUP 09-037

RECEIVED

NOV 03 2009

CARSON CITY
PLANNING DIVISION

TO: Planning Commission
FROM: *JS* Jeff Sharp, P.E. – City Engineer
DATE: November 3, 2009

MEETING DATE: November 18, 2009

SUBJECT TITLE:

Action to consider an application for a Special Use Permit from Palmer Engineering Group on behalf of property owner Weikel Carson Air Park, Ltd for a charter high school campus on property zoned Light Industrial located at 2222 E. College Parkway, APN 005-011-03.

RECOMMENDATION:

The Engineering Division has no preference or objection to the special use request. If the request is approved, then the following conditions of approval are recommended.

Engineering Division Requirements:

1. Curb and gutter, sidewalk, driveway, and storm drainage improvements are required along all street frontages.
2. Street lights are required per Division 12 of the Development Standards.
3. All signs shall be located outside clear vision triangles and PUE's, as well as maintain proper separation from all utilities.
4. Provide a complete grading plan, showing existing and proposed site elevations, swales, cut and fill slopes, and grading quantities.
5. Provide a complete site/drainage plan, covering all aspects of the site development and design, including existing and proposed drainage features and facilities.
6. Submit a complete drainage analysis, including hydraulic and hydrologic calculations, drainage system capacities, design flows, flood flows, detention system requirements, and floodplain issues in the format of section 14.9.1 of the Carson City Development Standards.
7. Project must provide a storm drainage collection system design, including invert elevations, slopes, pipe and/or channel sizes and pad or finished floor elevations.
8. Project must provide onsite detention facilities capable of handling a five year, one hour duration intensity storm.
9. Project must accommodate and pass flows of a one-hundred year, twenty-four hour duration storm through the site.
10. Site grading shall be in accordance with the approved FEMA Conditional Letter of Map Revision (CLOMR) to accommodate conveyance of Goni Canyon Creek.

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

11. Proposed buildings shall be designed to meet flood hazard reduction standards in accordance with CCMC 12.09.
12. Provide parking lot details, including parking stall dimensions, curbs, striping, signing and lighting.
13. The project shall comply with minimum sidewalk width standards of 5 feet and ADA access along the sidewalk and ramps.

Carson City Utilities Requirements:

1. Fire hydrant(s) - Hydrants on private property, if required by Fire Department, require a check-valve per drawing C-10.4.
2. Fire sprinkler system connection(s) - Requires a double check-valve assembly per drawing C-8.3. If the fire sprinkler system is to contain any hazardous substance, including glycol, a reduced pressure principle assembly is required.
3. Water connection(s) - Indicate size(s) and locate service tap(s) and meter box(es). Indicate whether taps and meters are for domestic or irrigation purposes, and if the water service is to be installed by a properly licensed contractor or by city forces. All meters, vaults or hydrants shall be located behind the sidewalk and not in driveways.
4. Sanitary sewer connection - Indicate lateral size and location. (Laterals cannot be tied into manholes.)
5. Water usage information is required to determine water and sewer privilege to connect charges.
6. Fire flow calculations required by the Fire Department must be signed and sealed by a P.E. and approved by Utilities Engineering. Contact Mark Brethauer at 887-2355, extension 1006, for additional information.
7. Wastewater pretreatment and a wastewater discharge permit will be required. Grease interceptors shall be designed in accordance with the 2006 Uniform Plumbing Code and shall have 24-hour access. Contact the Environmental Control Division at 887-2355 for additional information.
8. Reduced pressure type backflow prevention devices are required for domestic services. Contact Rit Palmer at Utilities, 887-2355, extension 1051, for additional information.
9. A water system analysis which complies with the requirements if Division 15.3.1 is required with the first submittal of the plans which shows that the proposed water system can meet required fire flows and that 60 psi is available at the meters during peak demand periods. The water analysis shall include a narrative report and system map. The report shall provide the calculations for fire flows and system pressure and shall include assumptions made to support the calculations. The map shall show all existing and proposed water mains, PRV's, check valves, system zones, streets and parcels.
10. A sewer system analysis which complies with the requirements if Division 15.3.2 is

required with the first submittal of plans which shows that the existing sewer system has sufficient capacity to handle the proposed project. All existing sewer collection lines to which the development utilizes as an outfall must be capable of conveying a peak flow of d/D less than 0.75, or an upgrade of the existing system will be required.

The analysis should show the sewer system is at adequate size and depth to serve adjacent properties when extended in the future. The applicant should coordinate the proposed sewage system design with Utilities Engineering prior to proceeding with final plans.

11. The use of potable water during construction for dust control will not be allowed; reclaimed water is available. The use of potable water will be made available when the use of reclaimed water is not allowed due to environmental or health reasons. A no fee permit for reclaimed water use is available seven (7) days a week (except holidays) at the Wastewater Reclamation Plant, 3320 Fifth Street, 887-2360. Please note that the use of reclaimed water without a valid permit is subject to substantial penalties.

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.

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 impact traffic or pedestrian facilities. Mitigation measures are contained in the recommended conditions of approval.

CCMC 18.02.080 (5d) - Public Services

The proposal will impact existing public services. Mitigation measures are contained in the recommended conditions of approval.

Palmer Engineering Group, Ltd.

611 North Nevada Street • Carson City, NV 89703 • (775) 884-0479 Fax: 884-4226

July 15, 2009

Mr. Lee Plemel, Director
Carson City Planning
2621 Northgate Lane, Suite 62
Carson City, Nevada 89706

Re: Weikel Carson Air Park Limited

Dear Mr. Plemel:

After meeting with Silver State High School Officials it has been determined that further consideration of this item needs to be addressed by the School Board before continuing. We respectfully request a continuance of Items H-2(A) MPA-09-035, H-2(B) ZMA-09-036 and H-2 (C) SUP-09-037 previously scheduled for the August 26, 2009 Carson City Planning Commission Meeting Agenda.

We understand that the next available meeting for consideration of Master Plan Amendment application submittal deadline would be October 8th, 2009 for consideration for the November 18th, 2009 meeting.

If you have any questions, please call me at 884.0479. Thank you for your attention to this matter.

Sincerely,

Mark B. Palmer, P.E.
Principal
Palmer Engineering Group, Ltd.

c: Steve Knight, Executive Director/Principal
Jennifer Pruitt, CC Planning
John Uhart

Palmer Engineering Group, Ltd.

611 North Nevada Street • Carson City, NV 89703 • (775) 884-0479 Fax: 884-4226

May 29, 2009

Mr. Lee Plemel, Director
Carson City Planning
2621 Northgate Lane, Suite 62
Carson City, Nevada 89706

Re: Weikel Carson Air Park Limited

Dear Mr. Plemel:

Upon further consideration we respectfully request a continuance of Items H-2(A) MPA-09-035, H-2(B) ZMA-09-036 and H-2 (C) SUP-09-037 previously scheduled for the May 27, 2009 Carson City Planning Commission Meeting Agenda.

If you have any questions, please call me at 884.0479. Thank you for your attention to this matter.

Sincerely,

Mark B. Palmer, P.E.
Principal
Palmer Engineering Group, Ltd.

c: Steve Knight, Executive Director/Principal
Jennifer Pruitt, CC Planning

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

BUILDING DIVISION COMMENTS:

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

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

GENERAL COMMENTS

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



CARSON CITY FIRE DEPARTMENT

"Service with Pride, Commitment, Compassion"

MEMORANDUM

- Revised -

TO: Community Development

FROM: Duane Lemons, Fire Inspector

DATE: October 22, 2009

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

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

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

DL/lb



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

MEMORANDUM



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

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

DATE: November 4, 2009

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

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

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

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

ANDREW MACKENZIE
MIKE PAVLAKIS
JOAN C. WRIGHT
PATRICK V. FAGAN
KAREN A. PETERSON
JAMES R. CAVILIA
CHRIS MACKENZIE
DAWN ELLERBROCK



ALLISON · MACKENZIE
PAVLAKIS · WRIGHT & FAGAN
ATTORNEYS AND COUNSELORS AT LAW

RYAN D. RUSSELL
JENNIFER M. MAHE
ALICIA G. JOHNSON
JOEL W. LOCKE

MIKE SOUMBENIOTIS
(1932-1997)

GEORGE V. ALLISON
OF COUNSEL

November 10, 2009

Via Hand Delivery

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

RECEIVED

NOV 10 2009

CARSON CITY
PLANNING DIVISION

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

Dear Jennifer:

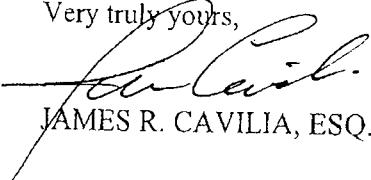
As you know, this law firm represents Northern Nevada Comstock Investments, LLC ("NNCI"), the owner and operator of the Comstock Casino located on the southwest corner of Goni Road and Old Hot Springs Road (3680 Goni Road). The Comstock Casino is directly across the Goni and Old Hot Springs Road intersection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

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

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

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

Very truly yours,



JAMES R. CAVILIA, ESQ.

JRC:nm

cc: Northern Nevada Comstock, LLC
Nevada Gaming Control Board

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

RECEIVED

Date: May 21, 2009

MAY 21 2009

To: Jennifer Pruitt, Principal Planner

**CARSON CITY
PLANNING DIVISION**

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

Re: Carson City Airport Upgrade
Silver State High School Project

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

AIRPORT UPGRADE

My concerns for the airport upgrade are the following:

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

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

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

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

SILVER STATE HIGH SCHOOL

- 1) Impact on traffic on completion. Cars, traffic on streets.
- 2) Water and Sewer Issues. Engineering studies say the project will tap into a 12" water line and an 8" sewer line. Our water pressure is quite weak presently, so the additional use will obviously diminish that pressure.
- 2a) I saw a comment: "no pipes with a d/D of .75 or greater between the proposed site and the treatment plant." "Gravity mains only serve the area." This appears to say that there will be no pumping of sewage to the treatment plant. Our park is old, and the sewer line has, many times, been plugged even inside the park. I have a concern the sewer issues are not being fully addressed.
- 3) How safe is a two story building within the confines of the airport?
- 4) The projections for the doubling of the staff and a student count estimated to 1,000, is only a projection. A huge campus and large state-of-the-art building will bring more and more students, and our neighborhood will undoubtedly be very impacted in many ways because of the granting of this special use permit.

Palmer Engineering Group, Ltd.

611 North Nevada Street • Carson City, NV 89703 • (775) 884-0479 Fax: 884-4226

RECEIVED

October 14, 2009

OCT 22 2009

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

CARSON CITY
PLANNING DIVISION

MPA - 09 - 035

ZMA - 09 - 036

SUP - 09 - 037

Re: Silver State High School Land Use Applications
MPA -09-035;ZMA-09-036;SUP-09-037

Dear Jennifer;

This supplement is to provide information relative to a letter received from the Comstock Casino in opposition to the proposed to Silver State High School Land Use Applications.

Specifically, Northern Nevada Comstock Investments letter dated May 12, 2009 was received by Carson City Planning in opposition to the location of the school in the original application and is attached for reference. The letter espouses the incompatibilities in land use between gaming and a school and further expands on the possible impacts to the existing gaming license and future expansion of the casino to the neighboring parcel to the south.

The decision to have the new school in this location was based on a number of issues. The first being parcel size and accessibility of the school to a major roadway; second, being the proximity to a high speed fiber optics to support its technology; and finally its desire to be located adjacent to the airport to support its aerospace learning center.

The school was well aware of its proximity to the Casino and talked to planning prior to making application to ensure that there were no ordinances in effect that would prohibit a school in that location. Although the letter from NNCI quotes various ordinances and codes from other jurisdictions that stipulate specific conditions and distances from casinos, Carson City does not preclude the location of gaming establishments near schools. In fact, the school at its present location, operating under a Special Use Permit is within 100' of a 7-11 convenience store that has a limited gaming license.

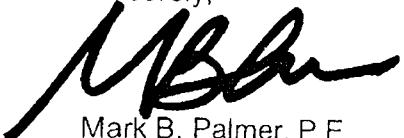
The attached drawing shows the distances to the existing Comstock Casino and the property to the south that is proposed for future casino expansion. Although we do not know where the exact location of the future casino expansion would be on the property to the south, we have shown the existing distance to the property line from the footprint of the proposed school to the property line to be approximately 450'. The future casino footprint would more than likely be in excess of 500' distance.

To minimize the minor conflicts in land use and future use of the adjacent properties, the school has proposed providing landscaped berms to provide a visual and sound buffer from the Casino.

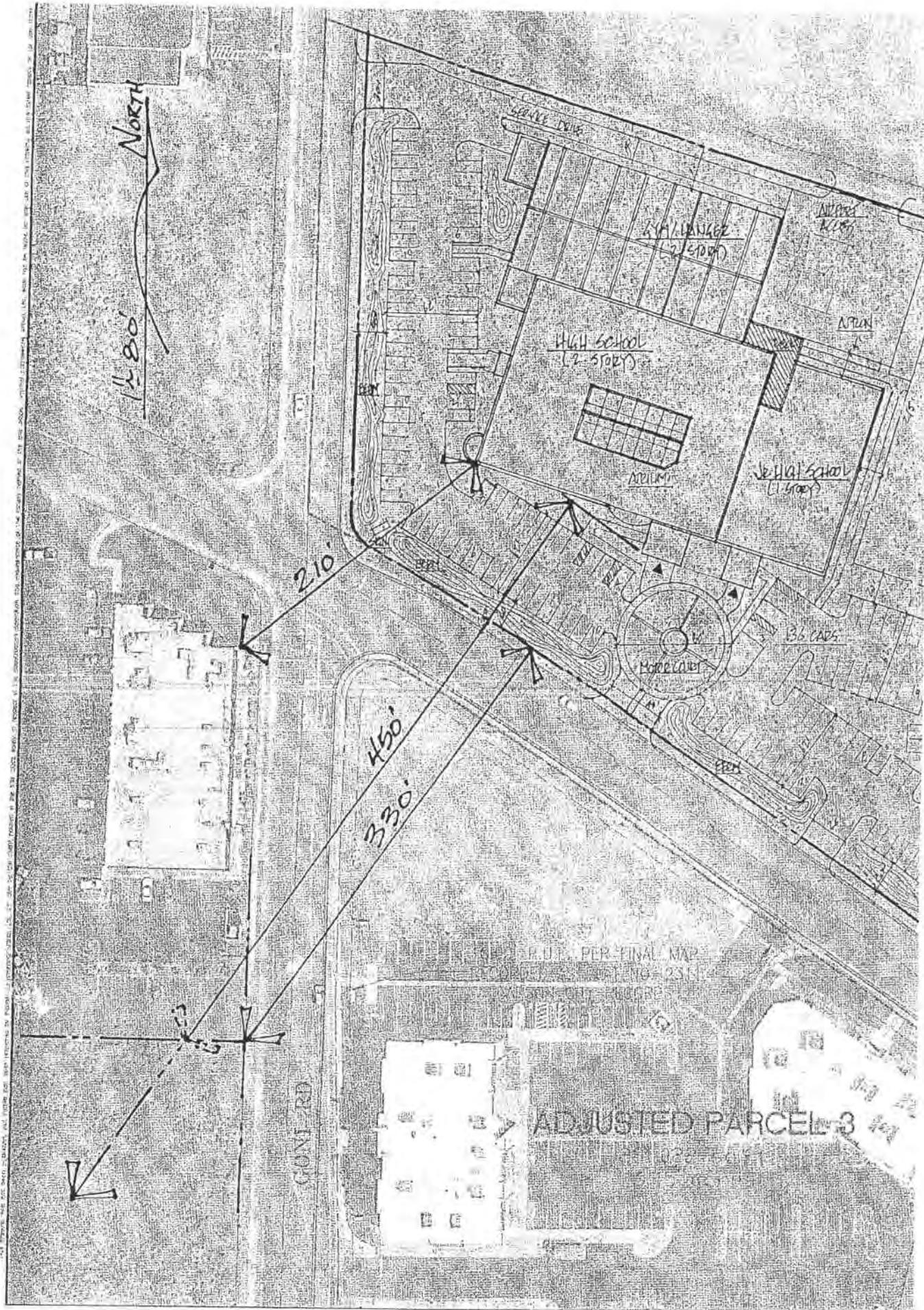
The letter also makes a statement to the effect that the Casino's location is not referenced in the application. The following is a statement made in both the application for the Master Plan Amendment and Zone Map Amendment: "A casino sits on the property diagonally southwest of this parcel on property zoned Limited Industrial. Although this may appear as a minor conflict of land use with the proposed school, the properties are separated by berms, landscaping, and is across both Goni Road and Old Hot Springs Road."

In conclusion, the casino voicing opposition to the school based on impacting its existing gaming license is only conjecture and since it will already be grandfathered in when the school is in place, we believe the point is mute. Furthermore, speculation that a future gaming license will then be threatened due to its proximity to the school is not relative since Carson City does not preclude the location of gaming establishments near schools. In any sense, if a future casino is contemplated on the parcel to the south, its footprint will more than likely will be more than 500 feet away.

Sincerely,



Mark B. Palmer, P.E.
President
Palmer Engineering Group, Ltd.



ANDREW MACKENZIE
MIKE PAVLAKIS
JOAN C. WRIGHT
PATRICK V. FAGAN
KAREN A. PETERSON
JAMES R. CAVILIA
CHRIS MACKENZIE
DAWN ELLERBROCK



ALLISON · MACKENZIE
PAVLAKIS · WRIGHT & FAGAN
ATTORNEYS AND COUNSELORS AT LAW

RYAN D. RUSSELL
JENNIFER M. MAHE
ALICIA G. JOHNSON
JOE W. LOCKE

MIKE SOUMENOTIS
(775) 682-1997

GEORGE V. ALLISON
OF COUNSEL

May 19, 2009

Via Hand Delivery

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



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

Dear Jennifer:

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

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

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

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

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

Jennifer Pruitt
May 19, 2009
Page 2

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

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

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

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

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

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

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

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

Jennifer Pruitt
May 19, 2009
Page 3

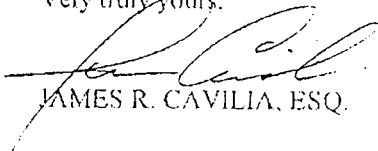
1,500 feet from property upon which a public or private school is located.² The City of Reno has adopted a similar provision, providing that the building footprint of a casino must be located at least 500 feet from the nearest existing school.³ The property lines of NNCI and the applicant in this matter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

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

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

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

Very truly yours,



JAMES R. CAVILIA, ESQ.

JRC:nm

cc: Northern Nevada Comstock Investments, Inc.

² Clark County Code, Section 30.48.260.

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

**Additional Information to Support the Applications for
Master Plan Amendment, Zone Change, and Special Use Permit
for
Silver State High School
for the
11/18/2009 Carson City Planning Commission Meeting**

The following information is provided as a supplement to the application for a Master Plan Amendment, Zone Map Amendment and Special Use Permit for Silver State High School in response to the Airport meeting of May 21, 2009. In addition, this supplement is to provide information relative to a letter received from the Comstock Casino in opposition to the proposed location of the High School.

. The Airport Board responses are referenced to either the board member or person from the public commenting on the issue at hand.

- Chairman Lewis:

Voiced concerns about safety issues and building a school next door to what will be a more active airport in the future. Later in the discussion There was an aircraft accident on the Weikel property in the mid 1980's

Response:

The proposed school is not located on airport property and is adjacent to the runway, not at the end where there may be more of a concern for most safety issues. We have provided a list of 22 (twenty two) schools within a short radius of various airports that have coexisted for years including 2 (two) in Reno that are adjacent to airports.

The school is proposed at this location adjacent to the airport to support their aerospace curriculum. The school is in partnership with the Civil Air Patrol and U.S. Air force and has the exclusive use of their aerospace book for use in education. Although there will be no flight operations or the repairing of aircraft, they have a strong interest in aerospace and aviation. The airport receiving approval for its instrument approach and becoming more active in the future makes it more attractive for the school and increases its safety.

The Weikels have owned the property since 1978. They are not aware of an aircraft accident on the property for as long as they have owned it. Although the applicant is aware that there may always be an issue with aircraft accidents on take off and landing, this property is not located at the end of the runway.

- Member Carter:

Liked the idea of another high school in Carson City and didn't have any concerns.

Response:

The Nevada Department of Education has recognized the need for the charter school and has sponsored the Silver State High School including the support of the subject matter and

curriculum offered by the school. The School is partnering with WNC for electronics courses to be included in next year's credits. The school is interested in the airport location so that students have access to the businesses around the airport and have the ability to participate in on the job training and/ job shadowing in aviation and aerospace industries.

- Member Peterson:

The proposed location of this school is off the preferred or departure end of the runway within the "noise shadow" of departing aircraft and he sees it as a big conflict with good relations. In addition, Member Peterson referenced an occurrence at the Williamsburg Airport in Virginia where a school was in a lawsuit with a local airport for being disruptive. Later in the discussion It raises our exposure and does not want to increase liability.

Response:

As supported in a statement by Mr. Sullivan and further discussed by the Airports' Legal Council, conditions of approval may be placed on the Special Use Permit for the project and be recorded against the property that address noise, turbulence, dust and other liabilities the airport may want to include. The school is well aware of the noise and other factors, and will include measures that would minimize the impact inside the school with architecture, building positions and green construction. In this case, there is no issue with what was built first, and with "hold harmless" agreements and additional assurances that can be requested by the airport, the relationship between the school and airport can be a model of compatibility and cooperation.

- Member Kelly:

Noise can be a large issue. The aviation schools he is aware of are using an existing building that's been "grandfathered in" but not building a brand new facility next to it.

Response:

The school is aware of the noise issue. An Aeronautical themed school has to be located near an airport. As previously discussed, measures will be taken to minimize noise to the learning environment. The gymnasium will be located between the classrooms and the runway to act as a buffer. Building materials will be used, not only for noise abatement, but to create an energy efficient building to reduce power and energy consumption. The use of an existing building adjacent to the airport doesn't address the land use issue and doesn't provide for all of the other school related uses.

- Vice Chairman Sullivan:

There was a development at the east end of the runway that the Planning Commission put on a condition that addressed noise, turbulence, dust and a number of other issues. But it was a condition of approval by the Planning Commission in the approval of an SUP. If the

board moves for approval, he would like to see a recommendation to the Planning Commission for the same type of condition to be placed on the SUP.

Response:

The School understands that conditions of approval may be placed on the Special Use Permit for the project to address noise, turbulence, dust and other liability issues that the airport may want, which may include the condition that they be recorded against the property. The applicant has no issues with working with planning staff to develop conditions that mitigate any perceived impacts to the airport and to ensure compatibility between the airport operations and the school.

- Member McClelland:

Familiar with the school and feels they have helped a lot of people. Had questions in regard to the through-the-fence-access.

Response: The school's applications are for a Master plan Amendment, Zone Change and Special Use Permit. This does not include an application for a through-the-fence access. If a through the fence operation is desired by the school on this property in the future, it is an issue that will be brought back to the Airport Authority and Federal Aviation Administration. The school understands that a through-the-fence access is not a right and has not included this request in this application to the Planning Commission.

- Member Saylo:

May have a conflict because he is a member of the Carson City School Districts Strategic Planning Committee. Had questions regarding liability and legal exposure.

Response:

As discussed in the previous narrative, the airports liability and exposure can be mitigated through conditions of approval, "hold harmless" agreements, and other stipulations that can be recorded against the property to minimize liability to both parties.

- **PUBLIC COMMENT**

- Joel Flamenbaum:

Expressed concerns about building height and wind turbulence due to a predominant area that winds come from and the problems with various other areas of turbulence on departure and take-off.

Response:

Based on the FAA Advisory Circular that provides guidelines to control the heights of objects around airports and information obtained from Jim Clague, the engineer representing the airport, the maximum building height is 35 to 36 feet. The maximum height of the gymnasium, which is the closest part of the school to the airport runway, is thirty three feet tall or two feet under that standard. The FAA studies shows that an obstruction, when

evaluated against the factors such as aircraft operational capabilities, electronic and procedural requirements and airport hazard standards, has no substantial adverse effect upon the safe and efficient use of navigable airspace. These standards take turbulence and other navigational concerns into consideration

- Ann Cox

Lives in Mobile Home Park across the Street. Is concerned about water and sewer utilities and expressed reservations that the existing line sizes are inadequate.

Response:

We have provided 2,800 gallons of water per day estimate for the school which is based on past usage and historic records projected to include the new school attendance. The school would be served off an existing 12" water main and 10" sewer main. We have coordinated these efforts with both Carson City Utilities and Manhard Consulting Ltd, which both have indicated that existing line sizes are more than adequate and are consistent with the existing sewer model. In addition, Carson City Utilities have indicated that they have not experienced any problems or complaints in the area. (See attached correspondence and fire flow reports)

- Gene Shelton

Owns property adjacent to the subject property across the street on Goni and is probably the closest occupied building to the proposed high school. Expressed concerns about noise and channeling the water going to the Irwin Union Bank property. He doesn't have an objection to the high school other than he doesn't want future conflicts based on what is done with his property.

Response:

The school is well aware of the noise and other factors, and will include measures that would minimize the impact inside the school. The gymnasium will be the closest to the runway and will not contain any windows, thereby providing an efficient buffer against noise, wind and sound. In addition, "green" construction will be utilized, not only minimizing power usage, but further providing further mitigation against the adverse conditions that occur adjacent to an airport. The site design allows for the passage of the 100 year storm event through the use of the athletic fields as a conveyance and will be maintained as a floodway in compliance with Federal Emergency Management Agency (FEMA) floodplain standards. The flows will outlet through an existing culvert onto the former Irwin Union Bank property which was designed to accept and pass the 100 years storm.

- Bill Abbott

Expressed that the location is extremely objectionable and it's going to cause him to make choices in his flying habits that may not be airport appropriate. "I'm going to be contradicting other traffic out there that may not be aware of the school."

Response:

While we have no control over individual pilot's flying habits, we would certainly hope that pilots would not contradict other traffic in order to avoid a "perceived" obstruction. Since the building would be designed in compliance with FAA standards and recommendations, the building would not present itself as a hazard and therefore would have no substantial adverse effects on the safe and efficient use of navigable airspace.

- Joe Raphael

He retired from the Air Force and unfortunately saw planes drop out of the sky almost all around the airbase runway. He has been here about 20 years and recalled another crash that went down the runway almost to the fence, and another hanging in the trees to the left of 27 across College Parkway.

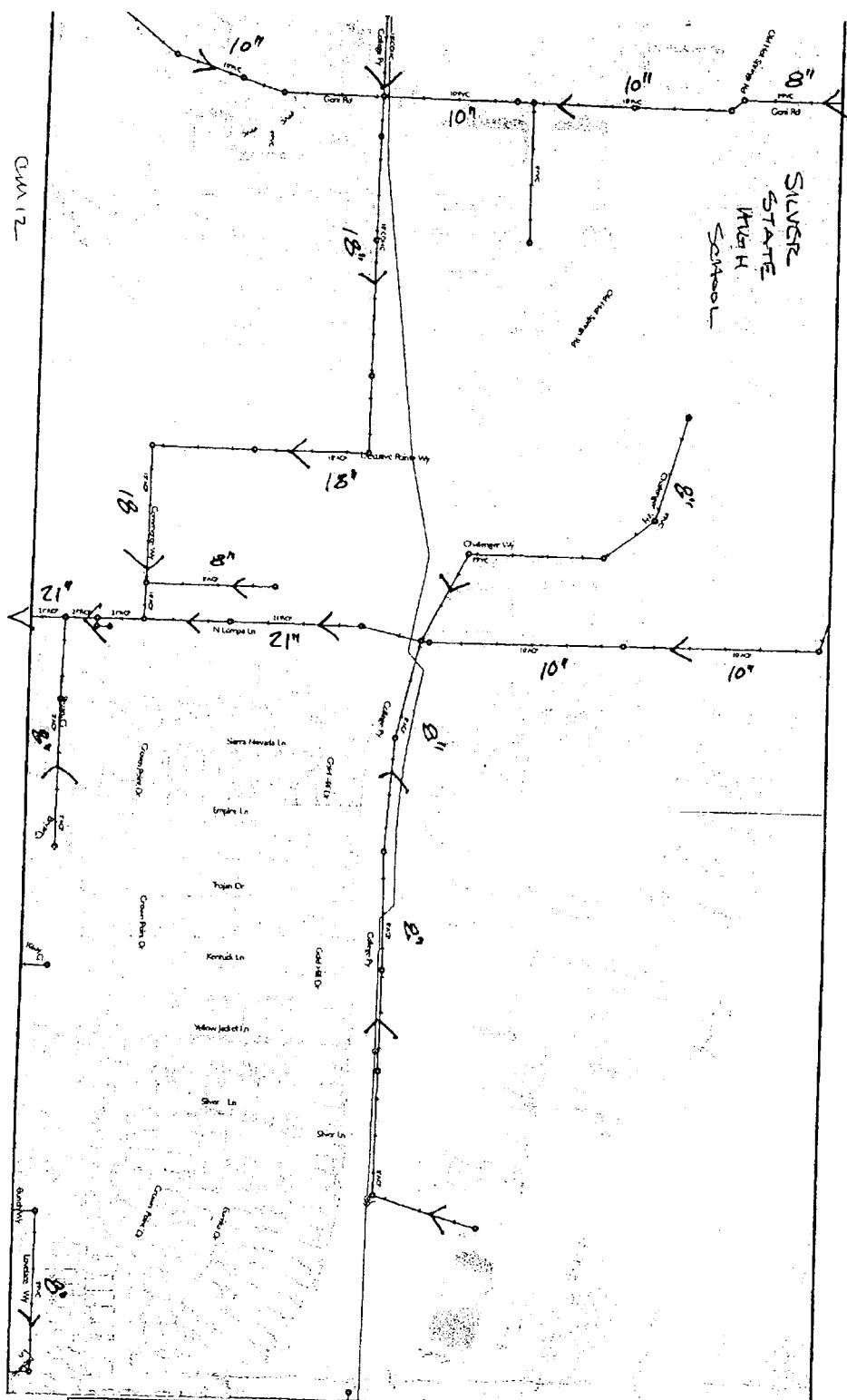
Response:

Although we cannot control where planes "drop out of the sky", we believe that this site's location will not be any more susceptible to aircraft mishaps than any other locations surrounding the airport. We further believe that, since it is located adjacent to the runway instead of in an approach or departure path, that it will have less exposure than other sites in the area. Since the building will be designed in compliance with FAA guidelines for height restrictions and within the obstruction surface limitations, that there will be no additional safety issues presented with the proposed school.

In conclusion, the comments from the Airport board were, in general, about safety and airport liability. Although there were many comments about airplane crashes in the general vicinity, the specific location of the property adjacent to the runway and not at the end is the best location for a school that has aeronautical interests. As shown on the attached list, there are many schools even without aviation interest in the vicinity of airports with significantly more flight operations than Carson City.

As indicated by several approvals in the past by Carson City Planning Commission, and by statements made by both the Airport Committee Vice Chairman and Legal Council, specific conditions can be and should be made part of the Special Use Permit that both encourage the compatible use of a site that has aviation related activities yet minimize the airports exposure to liability.

| Airport | City | State | School Name | Distance from Airport |
|--|-------------|-------|---|-----------------------|
| Flabob Airport | Riverside | CA | Flabob Airport Prep Academy | 0.01 |
| Reno Tahoe International Airport | Reno | NV | Ace Academy | 0.01 |
| Ted Stevens Airport | Reno | NV | RTI (Washoe County High School) | 0.04 |
| Nogales County Airport | Anchorage | AK | Anchorage Montessori | 0.15 |
| New Castle County Airport | Nogales | AZ | Lincoln Elementary School | 0.4 |
| Cheyenne Regional Airport | New Castle | DE | Layton Preparatory | 0.42 |
| Montgomery Regional | Cheyenne | WY | Miller Elementary School | 0.43 |
| Erie International Airport | Montgomery | AL | Martin Luther King Elementary | 0.48 |
| Detroit City Airport | Erie | PA | Westlake Middle School | 0.5 |
| Scholes International Airport | Detroit | MI | Edward (Duke) Ellington Conservatory of Music/Art | 0.51 |
| Tweed New Haven Airport | Galveston | TX | Oppe Elementary School | 0.56 |
| Stewart International Airport | New Haven | CT | St. Bernadette's Catholic School | 0.63 |
| Nogales County Airport | New Windsor | NY | Little Brittan Elementary School | 0.69 |
| Cheyenne Regional Airport | Nogales | AZ | Mexicayotl Charter School | 0.7 |
| Bob Hope International Airport | Cheyenne | WY | Demming Elementary School | 0.73 |
| Buffalo Niagara International Airport | Burbank | CA | Providencia Elementary | 0.83 |
| Buffalo Niagara International Airport | Cheektowaga | NY | Maryvale High School | 0.9 |
| Sacramento Airport | Cheektowaga | NY | Maryvale Middle School | 0.91 |
| Rogue Valley - Medford International Airport | Sacramento | CA | Alice Birney Elementary | 0.92 |
| Minot International Airport | Medford | OR | Cascade Christian High School | 0.96 |
| Tucson International Airport | Minot | ND | Bishop Ryan High School | 0.98 |
| | Tucson | AZ | Los Ranchitos Elementary School | 1 |



Sewer Runb

1 inch = 200 feet

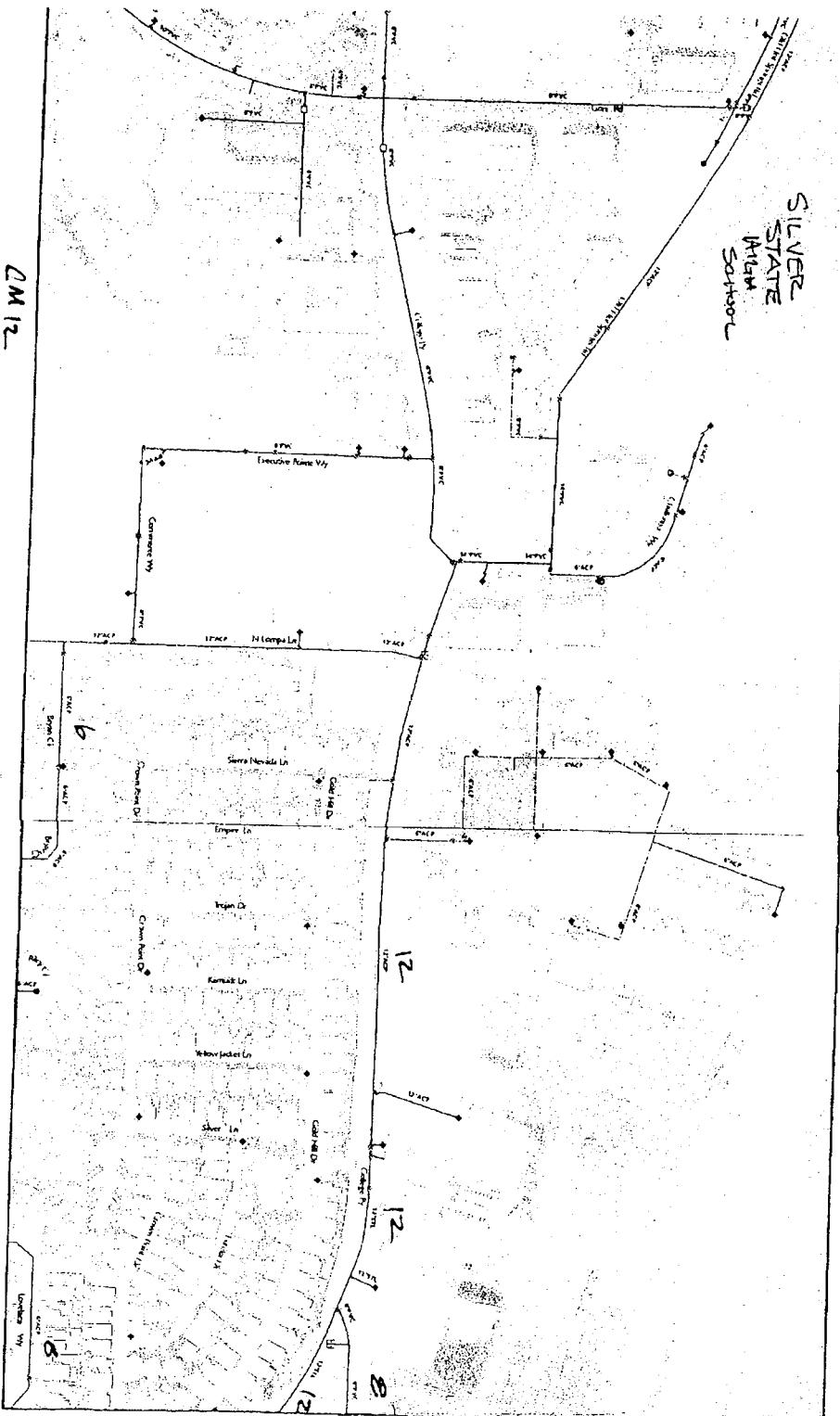
Review Notes

May 16, 2009

Photos: Hawn: 2008

110

Map Page: CC



Water Runbook

1 in. = 200 km
Revision Notes

August 14, 2005

Mike Stephenson, P.E.

From: Mark Brethauer [MBrethauer@ci.carson-city.nv.us]
Sent: Friday, March 27, 2009 2:01 PM
To: P.E. Mike Stephenson
Subject: Re: Water Service - Silver State Charter High School



Challenger-Hots Challenger-HotS
prings2.pdf (40..prings.pdf (88 ...

Mike,

I spoke to Curtis Horton and he indicated that they have not experienced any problems, or complaints, in that area at all and connecting to the 12" water line along Old Hot Springs Road would not be a problem. See attached fire flow reports for that area.

Mark Brethauer, P.E.
Senior Project Manager.
Carson City Public Works, Engineering
3505 Butti Way
Carson City, NV 89701
Ph: 775-887-2116 X1006
Fax: 775-887-2112
E-mail: mbrethauer@ci.carson-city.nv.us

>>> "Mike Stephenson, P.E." <mike@palmer-eng.com> 3/27/2009 1:42 PM >>>
Mark,

Attached is the portion of the city's Zone Map Amendment application questionnaire which relates to the existing water lines. I've also attached the water map for the area, for your ease of reference.

The property is at the NE corner of Goni & Hot Springs Road, APN 05-011-03. The school is interested in the undeveloped western 'half' of the parcel - between Goni & the Challenger Way cul-de-sac, north of Hot Springs Road & south of the airport.

A very preliminary estimate of water demand is 6,000 gpd.

Thanks for your help. Any questions, please call.

Best regards,

Mike Stephenson, PE
Project Manager
Palmer Engineering Group, Ltd.
775-884-0479 (Fax 884-4226)



Civil Engineers

Surveyors

Water Resources Engineers

Water & Wastewater Engineers

Construction Managers

Environmental Scientists

Landscape Architects

Planners

April 14, 2009

Mr. Mike Stephenson, P.E.
Palmer Engineering Group, Ltd.
611 Nevada Street
Carson City, NV 89703

Re: Silver State Charter High School - Carson City Sewer Capacity

Dear Mike:

The proposed project is to be located generally at the corner of Goni Road and Old Hot Springs Road. Even though you are proposing a land use change, from Limited Industrial to Public, the estimated flow rate generated is the same. The Carson City Sewer model (currently in HYDRA) with the existing flows based on land use shows that there are no pipes with a d/D of 0.75 or greater between the proposed site and the treatment plant. This area is only served by gravity mains.

If you have any questions, please feel free to contact me at 882-5630 ext 4914.

Sincerely,
MANHARD CONSULTING, LTD.

Rebecca Bernier, P.E.
Project Manager

The signature is handwritten in black ink and appears to read "Rebecca Bernier". Below the signature, the text "Rebecca Bernier, P.E." and "Project Manager" are printed in a standard font.



Pressure Zone 4880

CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

WATER UTILITY DIVISION FIRE FLOW DATA SHEET

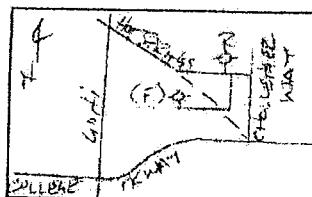
TESTING PERSONNEL: ED HART
DATE OF TEST: 5/19/04 TIME OF TEST: 8:00 AM
REQUESTED BY: JIM WEBER - LUMOS 883-7077 FAX 883-7114

TEST LOCATIONS: (Street & Cross Street or Address)
Hart Sparks & Challenger Way

COMMENTS: TAKE RESIDUAL FROM 1 1/2" METER
*BE SURE GATE VALVES ARE OFF

MAINLINE SIZE: 6" TO F.H.

PRESSURE: Static (S) 80 PSI
Residual (R) 70 PSI
Pitot (P) 80 PSI



LOCATION MAP

EXIT COEFFICIENT (C) .845 EXIT DIAMETER (INCHES) (D) 2.5
 $Q = \text{FLOW QUANTITY FROM HYDRANT}$
 $Q = (29.83) \times (C) \times (D^2) \times (\sqrt{P})$
 $Q = (29.83) \times (.845) \times (2.5^2) \times (7.0711)$
 $Q_1 = 1114$ Gallons Per Minute

AVAILABLE WATER CALCULATION

$$D_1 = (S) - (R)$$

$$Q_A = Q_1 \sqrt{D_2 / D_1}$$

$$D_1 = 80 - 70 = 10$$

$$Q_A = 1114 \sqrt{60 / 10}$$

$$D_2 = (S) - 20 \text{ PSI}$$

$$Q_A = 2728.7$$

$$D_2 = 80 - 20 \text{ PSI} = 60$$

IF $Q_A \geq Q_1$, THEN $Q_{AT} = [(Q_A - Q_1) \cdot 1] + Q_1$

$$Q_{AT} = [(2728.7 - 1114) \cdot 1] + 2728.7 = 2870.17$$

Q_{AT} = 2870 G.P.M. = Total Available Water At 20 PSI Residual

UTILITIES DEPARTMENT

Environmental Control Authority • 3300 Butti Way, #7 • 89701 • (702) 887-2340

Wastewater Reclamation Plant • 3320 E. 5th Street • 89701 • (702) 887-2360

Utility Billing • 2621 Northgate Lane, #66 • 89706 • (702) 887-2370

Sewer Utility • 3300 Butti Way, #7 • 89701 • (702) 887-2340

Water Utility • 3300 Butti Way, #9 • 89701 • (702) 887-2355



CARSON CITY, NEVADA

CONSOLIDATED MUNICIPALITY AND STATE CAPITAL

WATER UTILITY DIVISION FIRE FLOW DATA SHEET

TESTING PERSONNEL: M BRETHAUER / RM HOWARD
DATE OF TEST: 2/2/01 TIME OF TEST: 1:30 PM
REQUESTED BY: JIM HADDAD

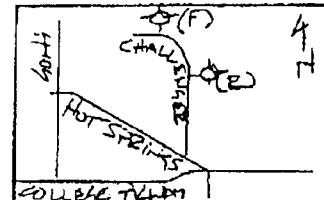
TEST LOCATIONS: (Street & Cross Street or Address)

HOT SPRINGS & CHALLENGER WAY

COMMENTS: 60ft. BENDS OFF

MAINLINE SIZE: 8"

PRESSURE: Static (S) 82 PSI
Residual (R) 72 PSI
Pitot (P) 68 PSI



LOCATION MAP

EXIT COEFFICIENT (C) .73 EXIT DIAMETER (INCHES) (D) 25
 $Q = \text{FLOW QUANTITY FROM HYDRANT}$
 $Q = (29.83) \times (C) \times (D^2) \times (\sqrt{P})$
 $Q = (29.83) \times (.73) \times (6.25) \times (0.24)$
 $Q_1 = 1,122.3 \text{ Gallons Per Minute}$

AVAILABLE WATER CALCULATION

$$D_1 = (S) - (R)$$

$$Q_A = Q_1 \sqrt{D_2/D_1}$$

$$D_1 = 82 - 72 = 10$$

$$Q_A = 1,122.3 \sqrt{62/10}$$

$$D_2 = (S) - 20 \text{ PSI}$$

$$Q_A = 2,794.5$$

$$D_2 = 82 - 20 \text{ PSI} = 62$$

IF $Q_A \geq Q_1$, THEN $Q_{AT} = [(Q_A - Q_1) \cdot 1] + Q_1$

$$Q_{AT} = [(2,794.5 - 1,122.3) \cdot 1] + 2,794.5 = 2,961.7$$

$Q_{AT} = 2,962 \text{ G.P.M. = Total Available Water At 20 PSI Residual}$

UTILITIES DEPARTMENT

Environmental Control Authority • 3300 Butti Way, #7 • 89701 • (702) 887-2340

Wastewater Reclamation Plant • 3320 E. 5th Street • 89701 • (702) 887-2360

Utility Billing • 2621 Northgate Lane, #66 • 89706 • (702) 887-2370

Sewer Utility • 3300 Butti Way, #7 • 89701 • (702) 887-2340

Water Utility • 3300 Butti Way, #9 • 89701 • (702) 887-2355

CARSON CITY AIRPORT AUTHORITY
Minutes of the May 21, 2009 Meeting

Page 1

DRAFT

A regular meeting of the Carson City Airport Authority was scheduled for 6:00 p.m. on Thursday, May 21, 2009 in the Carson City Airport Terminal Building, 2600 East College Parkway, #6, Carson City, Nevada.

PRESENT: Chairman Steve Lewis
Vice Chairman Walter Sullivan
Member Alex Carter
Member John Kelly
Member David McClelland
Member Don Peterson
Member Ray Saylo

STAFF: Casey Pullman, Airport Manager
Jim Clague, Airport Engineer
Steve Tackes, Airport Counsel
Jano Barnhurst, Transcription Recording Secretary

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

A. CALL TO ORDER, ROLL CALL AND DETERMINATION OF QUORUM. (1-0010) - Chairman Lewis called the meeting to order at 6:00 p.m. Roll was called; a quorum was present. He introduced and welcomed Ray Saylo, Chief Deputy of the Carson City Sheriff's Department as the newest member and who is serving in the capacity of the City position.

B. PLEDGE OF ALLEGIANCE. (1-0028) - Chairman Lewis led the pledge of allegiance.

C. APPROVAL OF THE MINUTES OF PAST MEETINGS OF THE AIRPORT AUTHORITY. (1-0035) - Chairman Lewis made a correction to the minutes of the April 15, 2009 meeting. Agenda Item M, "Weigel" should be "Weikel". **Member McClelland moved to accept the minutes of the April 15, 2009 meeting as corrected. The motion was seconded. Motion carried 5-0-2. Members Carter and Saylo abstained.**

D. MODIFICATION OF THE AGENDA. (1-0059) - Chairman Lewis modified the agenda as follows: Item G Public Hearings - Item 1 will be heard as Item 3; Item 2 will be heard as Item 4; Item 3 will be heard as Item 5; Item 4 will be heard as Item 6; Item 5 will be heard as Item 2; Item 6 will be heard as Item 7; Item 7 will be heard as Item 1. Items 8, 9 and 10 will remain as is.

E. PUBLIC COMMENT. (1-0080) - Chairman Lewis introduced the item and invited the public to approach. Robert Dickinson discussed that a lot of people are looking for affordable hangars because the ones that are available are out of everyone's price range. He asked the Carson City Airport Authority (CCAA) whether plain hangars could be put in that would rent reasonably for \$300-\$350 per month. He gets at least three inquiries a week for hangars but doesn't know where to send them. The feedback he's getting is either \$400 or more per month to rent or \$300,000-\$400,000 to sell. He further commented that just because you own an airplane doesn't mean you're rich. Chairman Lewis thanked Mr. Dickinson for his comments and called for any further public comments.

CARSON CITY AIRPORT AUTHORITY
Minutes of the May 21, 2009 Meeting
Page 2

DRAFT

(1-0126) Robert Lumbard, Nevada Museum of Military History, advised that he passed out the design plan for their anticipated building at the last CCAA meeting. He inquired about getting a letter of consent from the Board in order to obtain a Special Use Permit (SUP). He'd like to be on the agenda for the next meeting if he can not obtain it before then. Chairman Lewis suggested he talk with Airport Manager, Casey Pullman, to see if that could be accomplished. Chairman Lewis thanked him for his comments, called for further public comment, and when there was none, he closed public comment.

F. CONSENT AGENDA. All matters listed under the consent agenda are considered routine, and may be acted upon by the Airport Authority with one action and without an extensive hearing. Any member of the authority or any citizen may request that an item be taken from the consent agenda, discussed and acted upon separately during this meeting. The Chairman or the Vice-Chairman retains discretion in deciding whether or not an item will be pulled off the consent agenda.

(1-0155) - None.

G. PUBLIC HEARINGS.

G-1. DISCUSSION AND POSSIBLE ACTION ON ITEMS RELATED TO THE CARSON CITY HILL REMOVAL PROJECT, INCLUDING MONTHLY STATUS REPORTS, POTENTIAL CHANGES TO THE WORK OR WORK SCHEDULE, CONSTRUCTION CHANGE ORDERS, AND OTHER RELATED ITEMS. (1-1650) - (Heard as Item 3) Chairman Lewis introduced the item. Mr. Clague advised that the work by Peavine Construction on the hill for Taxiway D is complete and came in under budget. Some of the remaining materials will be used in the runway project. The final engineering cost is unknown because bills are still coming in from the materials tester and there is still work in order to close out the project for the FAA. They ran one day over the contract period but he intends to waive the \$1,000 a day liquidated damages unless the Board recommends otherwise. Chairman Lewis opined that Peavine Construction did a great job and commended them for the work they did. They left the area neat and were very responsible. He entertained a motion as to whether the Board should charge them the \$1,000 for the extra day. In response to a question, Mr. Tackes replied that the contract permits the Board to charge them damages, but it's not required. In response to a question, Mr. Clague replied that he didn't recall receiving any complaints and didn't think anyone noticed when the blasting occurred. Chairman Lewis stated that if the Board is comfortable without a motion, they will accept Mr. Clague's report. He called for public comment on the item and seeing none, it was closed.

G-2. DISCUSSION AND POSSIBLE ACTION TO AWARD THE CONSTRUCTION CONTRACT CONTINGENT ON FAA APPROVAL TO THE LOW BIDDER FOR THE CARSON CITY AIRPORT REHABILITATE AND REALIGN RUNWAY 9/27 AND TAXIWAY A AND CONSTRUCT TAXIWAY D. ACTION ON THIS ITEM COULD ALSO BE CONTINGENT ON APPROVAL BY THE CARSON CITY PLANNING COMMISSION TO PLACE A CRUSHING OPERATION AND/OR A HOT PLANT ONSITE DURING THE CONSTRUCTION OF THE PROJECT. (1-1743) - (Heard as Item 4) Chairman Lewis introduced the item and Mr. Clague advised that the bid opening was Tuesday and now that the cost of the project is known, the FAA has indicated that the connector would be eliminated and Taxiway D would not be paved at this time. Under the stimulus plan, the project is to realign and reconstruct runway 9/27 and Taxiway A. The lowest bids included producing material on site. El Camino Construction came in as the lowest bidder, Granite Construction as second low bidder, and Road and Highway Builders as third low bidder. El Camino failed to submit a schedule with their bid proposal which meant that some criteria could not be evaluated. He read the

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 3

DRAFT

“Contractor’s Schedule” of the bid proposal into the record and indicated that because El Camino failed to submit a schedule, their proposal should be considered unresponsive. Mr. Clague recommended rejecting El Camino’s bid and awarding the contract to Granite Construction contingent on approval of the SUP to produce materials on site and concurrence from the FAA to award it to Granite Construction in the amount of \$8,910,322. Mr. Tackes concurred with Mr. Clague’s recommendation stating that he reviewed the documents and confirmed that a schedule is required making El Camino’s bid non-compliant. He further recommended that action be taken to reject El Camino’s bid and award the bid to Granite Construction subject to the SUP and FAA approval.

In response to a question, Mr. Clague replied that he contacted El Camino to advise them that he considered their proposal unresponsive because the schedule was not attached. They submitted a schedule later but as it was required to be attached to the bid, it could not be considered. In response to a question, Mr. Tackes replied that the deadline for submitting the bids was at 2:00 but the schedule was not included. Whether it was legitimately forgotten is unknown but exceptions are not permitted. In response to another question, Mr. Tackes replied that El Camino could file a claim due to a technicality, but not including a critical component in the bid is a solid reason to reject it. In response to another question, Mr. Tackes replied that El Camino was given a courtesy call so they could be at the meeting to respond. Chairman Lewis inquired if anyone from El Camino was present but no one responded. In response to a question, Mr. Clague replied that Taxiway D will not be done at this time or with this grant. In response to a question, Mr. Tackes replied that the grant is for \$9 million but the lowest bid came in at \$9.5 million. The FAA was adamant that unless bids were received for substantially below \$9 million, they would not allow the construction of Taxiway D and it became a question of what should be cut. In response to a question, Mr. Smith replied that in terms of affecting people who live and operate on the field, the entire Airport will be shut down this summer. Regarding Taxiway D, pilots will continue to cross the center of the runway to get to the departure end of 27. It doesn’t mean that the absence of Taxiway D is a status quo or that it’s going to cause the closure of the Airport. In response to a question, Mr. Clague replied that he did a cursory review of Granite’s schedule, and the time period is feasible. The orange section of the new runway would be constructed before the existing runway is taken out of commission so there is an opportunity to use the new runway on a temporary basis. The contract period allows 35 days for the green section to be accomplished which will be done in double shifts. In response to another question, Mr. Clague replied that the orange section of Runway 27 will be usable while the green section is under construction as long as the work is being accomplished 300 feet away. In response to another question, Mr. Clague replied that there would be about 300 feet of unusable area on Runway 9. In response to another question, Mr. Clague replied that the contract says that the orange section has to be paved. In response to another question, Mr. Clague replied that he cannot officially say that the shorter section of the runway will be usable during construction of the green section and it does not say that in the bid documents, however the bid documents indicate that that section of the runway is paved out before the green section is started. In response to another question, Mr. Clague replied that he has previously worked with Granite Construction and they are very accommodating. If it’s not a big impact to their operations, they would not request additional money as they’ve bid it a certain way.

Member Peterson expressed his confusion and concern regarding continuing operations being a priority and would be shocked if the orange section of 27 wasn’t available for operations until the old 27 is closed and the new green section begun. Finishing the orange section before the green section is started should have been a requirement before the old 27 and the Airport were closed and the orange section is operational. Mr. Tackes responded that that was why the shortened time period for construction of the

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 4

DRAFT

green section was in place - to minimize the amount of runway closure. If there is a way to keep it open while it's under construction, it will be, but building that into the contract would almost be an impossibility. Member Peterson commented that it would be very easy to stipulate that before closing the whole 27, a new runway would be available to use. Mr. Tackes responded that to change the agreement, he would recommend rejecting all bids and walking away from the grant because there isn't time to redo it and new additions cannot be added now. Member Peterson expressed his astonishment that the requirement of continuous availability of the Airport wasn't in the RFQ. In response to a question, Mr. Clague replied that it's very specific that they don't start the green section before the orange section is done and it's up to the Airport to make it operational. The contractor is going to complete the orange section before the green section is started. In response to another question, Mr. Clague replied that there is an inspection process to ensure that the orange section meets specifications in the contract and will be inspected as soon as it is finished. In response to another question, Mr. Clague replied that it will be painted. In response to another question, Mr. Clague replied that the FAA will be inspecting it at the conclusion of the entire project. In response to a comment, Mr. Clague replied that it's not the responsibility of the contractor to determine whether the runway is operational. In response to another question, Mr. Clague replied that a temporary access to Runway 27 was in the bid and would be an add-on only if Phase 2 of Taxiway A didn't get constructed. Chairman Lewis commented that in a meeting with the pilots, it was discussed that there would be a potential Airport closure upwards of 35-39 days which is why the contractor has been assessed a \$15,000 a day penalty if it's not met. The plan is to work around their schedule, but also meet with them in order to mutually work together to minimize Airport closures. There is still an opportunity to work something out as far as an agreeable schedule between the users and the contractor. Mr. Tackes commented that the contract provides for limitations on the construction to try and keep the runway open, but it was not bid that the contractor would come in with a proposal to construct a temporary runway in order for the Airport to stay open all the time. If that had been done, it wouldn't be close to the \$9 million award. "We've gone as far as we could in the contract but we have to exercise some flexibility with them to minimize it as much as possible." Taxiway A will be usable until construction is at the very end of the new Taxiway A. Mr. Clague commented that it would be a temporary connection from the existing taxiway to the end of the new runway. Another option would be a sub-grade for Taxiway D and some temporary asphalt ramps could be put in if anyone chose to taxi down the dirt taxiway. Member Kelly expressed his understanding that the orange section will be completed and most of it will be able to be used and during the period that the green section is being built, there may be a displaced threshold on the orange section. There will be a period of time when the two are attached that there will be a runway closure. Chairman Lewis asked for other comments from Board members and seeing none, opened the Item to public comment.

In response to a question by Robert Dickinson, Mr. Clague replied that in order to build the green section, the existing runway has to be torn out. Runway 9/27 and Taxiway A will be reconstructed. Chairman Lewis advised that the east side of the Airport will be lifted up about ten feet so the current Taxiway A will be ten feet under the ground. Mr. Dickinson opined that they should build the orange and green sections together and continue to use the portion of the existing runway, and use the existing taxiway, build ramps on the east to the orange section and finish the orange to green sections which is a full runway. Member Peterson commented that an RFQ is in place with specifications and dates and if it's not done now, the \$9 million grant is lost. Mr. Dickinson commented that it was bad planning, because it's been the same discussions at all the meetings, the bid has gone out and is waiting for approval, but still can't get a definitive answer as to whether or not the Airport will be closed. A quite lengthy and somewhat heated discussion ensued among Mr. Dickinson, the Board and staff regarding construction of the various sections

CARSON CITY AIRPORT AUTHORITY
Minutes of the May 21, 2009 Meeting

Page 5

DRAFT

of the runway and taxiway. Mr. Tackes then commented that an enormous amount of time has been spent trying to minimize the cost of the project, do the planning and meeting with the community. "A redesign is not going to happen." Chairman Lewis called for further public comments.

In response to a question by Gary Phillips of NDOT, Mr. Clague replied that 140 calendar days has been allotted in the contract for construction of the orange section. The entire existing runway will be available for use. After the orange section is constructed, then they will move to the green and/or yellow sections at the same time. The green section has a stipulation of 35 calendar days which will be done in double shifts. The approximate start time is dictated by when the grant offer is made. The offer on any of these types of stimulus grants has to be done by June 17th. In response to another question, Mr. Clague replied that the grant has to be offered and accepted by the CCAA. In response to another question, Mr. Clague replied that the earliest start date would be late June to early July. In response to a question, Chairman Lewis replied that June 17th is the last day the grant can be offered. In response to a question by Ralph Smith of Valley Construction, Chairman Lewis replied that the difference between El Camino's and Granite's bids was \$485,851. Mr. Tackes added that the difference in their base bids was only \$700. In response to a question, Mr. Clague replied that the time element will have to be played by ear as this is a long project. "If you want your runway reconstructed, your taxiway reconstructed, we're just going to have to work with the elements and figure this out before they proceed."

Ann Cox commented that 450 people live in Comstock Mobile Home Park which is very close to the runway and the construction. She noted that the hauling hours, crushing hours, and operation of the hot plant are very unreasonable and will severely impact those people. Mr. Clague responded that the intent is to have the least impact on the public by keeping everything on the Airport and put the crusher and hot plant as far away from any residences as possible. He explained that an earth berm will be constructed to prevent noise from emanating beyond the Airport. The hauling will be from the stockpiled areas to the crushing operation. Crushing at the Airport minimizes impact as it prevents trucks from traveling on College Parkway carrying material every day. Chairman Lewis noted that the Airport's neighbors were taken into consideration but Ms. Cox responded that she received notice only two weeks ago. "None of us were notified that this was all being decided before we were even notified of the hours. I think 5:00 a.m. to 10:00 p.m. is very unreasonable. I can hear the shooting range constantly right across the street. I know that we will be hearing this and especially in summer when you leave your windows open." Chairman Lewis thanked Ms. Cox for her comments and brought the item back to the Board. He then entertained a motion to either accept or reject the El Camino bid based upon the recommendation from staff. **Vice Chairman Sullivan moved to reject El Camino Construction's bid for not meeting its specifications. Member Peterson seconded the motion. Motion carried 7-0.** Chairman Lewis then entertained a motion to award the contract to Granite Construction Company pending the outcome of the SUP request as their bid is based upon crushing on site and FAA approval. **Vice Chairman Sullivan moved to award the construction contract to Granite Construction as being the lowest and most responsible bidder contingent upon FAA approval to the lower bidder for the Carson City Airport to rehabilitate and realign Runway 9/27 and Taxiway A and construct Taxiway D contingent upon approval of the special use permit by the Carson City Planning Commission and approval of this matter by the FAA. Member Peterson seconded the motion. Motion carried 7-0.**

G-3. DISCUSSION AND POSSIBLE ACTION TO AUTHORIZE THE CHAIRMAN OF THE CARSON CITY AIRPORT AUTHORITY TO ACCEPT THE ARRA GRANT OFFER (AIP NO. 3-32-0004-17) IN AN APPROXIMATE AMOUNT OF \$9,000,000 PLUS CONTINGENCIES

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 6

DRAFT

FROM THE FAA WHEN THE GRANT OFFER BECOMES AVAILABLE. (1-3100) - Heard as Item 5) Chairman Lewis introduced the item and Mr. Clague advised that when this was written, the results of the bid were unknown which is why it is \$9 million plus contingencies. The FAA was contacted once the discrepancy with El Camino's bid was known and negotiated with them to determine what effective alternatives were needed to include in the bid. They were also given the engineering construction management fee and approximate administrative costs. They have been advised that the project total is over \$9,600,000 and are moving forward with trying to obtain additional funds. They promised the \$9 million and think they can get the \$600,000. He will notify the FAA tomorrow of the amount and they will most likely make a grant offer of \$9,600,322. This item is to authorize the Chairman to accept that offer because there will be only a moment's notice when the FAA makes the offer. Mr. Tackes added that he will be giving a similar presentation to the Board of Supervisors (BOS) so the Mayor will be authorized as well. The Board has already voted to accept up to \$18 million in stimulus funds, so the purpose is to fine tune it so approval better matches the grant. In response to a question, Chairman Lewis advised to amend it to allow either the Chairman or Vice Chairman to sign. In response to another question, Mr. Tackes responded that it will also be amended for the Mayor or Mayor Pro Tem. Chairman Lewis called for further questions from the Board and seeing none, opened the item for public comment. Seeing none, he closed public comment and entertained a motion. **Vice Chairman Sullivan moved to authorize either the Chairman or Vice Chairman of the Carson City Airport Authority to accept the grant offer of approximately \$9,600,322, (AIP 3-32-0004-17) from the FAA when the grant becomes available. Since it also has to be signed by the Mayor, if the Mayor isn't available, the Mayor Pro Tem may sign it. Motion seconded by Member Peterson. Motion carried 7-0.**

G-4. DISCUSSION AND POSSIBLE ACTION TO APPROVE THE PBS&J CONTRACT TO PROVIDE THE CONSTRUCTION MANAGEMENT, INSPECTION, AND MATERIALS TESTING FOR THE CARSON CITY AIRPORT REHABILITATE AND REALIGN RUNWAY 9/27 AND TAXIWAY A AND CONSTRUCT TAXIWAY D PROJECT. APPROVAL OF THIS ITEM IS CONTINGENT ON RECEIPT OF THE FAA GRANT OFFER. (1-3250) - (Heard as Item 6) Chairman Lewis introduced the item and Mr. Clague advised that he would like to move forward so PBS&J can be compensated. A lot of the work done immediately after the bidding phase is construction management services. He revised his initial engineer's report and stated that Task 1 is actually Task 4. The hours for the staff engineer were also reviewed and the time frame was adjusted based on the deductible alternatives that the FAA required. The amount of the fee is not to exceed \$640,000. Chairman Lewis commented that Task 6 was still included on the handouts provided but should be Task 4. In response to a question, Mr. Tackes replied that the fees are for construction management and testing. Mr. Clague narrated a breakdown of the fees which are incorporated into the record. At the conclusion of the project, an engineer's report will be prepared for the FAA and the inspection reports and record drawings will be provided to them as well. The AIP is updated to reflect that the project was completed. In response to a question, Mr. Clague responded that the fees are not necessarily based on a percentage of the total amount of the contract. It is not calculated that way but a good rule of thumb is that the construction management fee be within 7-10 percent of the construction cost. When compared to construction costs, it's in the 7 percent range. In response to another question, Mr. Clague replied that the \$640,000 is sufficient to cover the project and reiterated that it needs to be contingent on receipt of the FAA grant. In response to another question, Mr. Clague replied that Taxiway D and the connector are not included in this fee. In response to a comment, Mr. Tackes replied that it's not appropriate for the contractor to supervise their own work and the FAA requires an independent review. It's a big project and other construction management companies advised that the number is feasible. In response to another question, Mr. Tackes

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 7

DRAFT

replied that there is no bidding process but the information was submitted early in order to allow for review. For professional services including engineering services, Nevada law requires a request for qualifications to determine who the most qualified candidate is and then negotiate contract fees. Several firms were evaluated last summer. This is not a bid but is according to the same fees that were approved last August. A lengthy discussion then ensued between Mr. Tackes and Member McClelland regarding the amount of the contract. Mr. Clague commented that he wanted to be sure there was enough money to do the job and assure the FAA that they got what they paid for. Chairman Lewis commented that he had spoken with a professional contract management company and it appears that it is in sync with a competitor. Vice Chairman Sullivan commented that he also checked with a local engineering firm and a City certified engineer who agreed with the 7-10 percent and felt the scope of work was very complete. Chairman Lewis opened the item for public comment. In response to a question by Robert Dickinson, Chairman Lewis replied that there are specific hours which are outlined in the proposal. Two pages of details are specific to the scope of work, number of man hours projected, and cost per man hour. The \$640,000 comes out to roughly 7.2 percent that falls well within the standard range. Mr. Clague's estimate is acceptable as it appears. With no further public comment, Chairman Lewis entertained a motion. **Vice Chairman Sullivan moved to approve the PBS&J contract to provide the construction management inspection and materials testing for the Carson City Airport rehabilitation and realignment of runway 9/27 Taxiway A and construct Taxiway D project. Approval of this item is contingent upon receipt of the FAA grant. The amount of this contract is not to exceed \$640,000 on a time and material basis.** Mr. Tackes advised that Taxiway D is not included in this contract and Chairman Lewis requested that Task #4 be specifically mentioned. **Vice Chairman Sullivan amended his motion to withdraw the construction of Taxiway D and include Task #4. Member Peterson seconded the motion. Motion carried 7-0.**

G-5. DISCUSSION AND POSSIBLE ACTION REGARDING A PRESENTATION FROM KCXP INVESTMENTS LLC ON THE STATUS OF CONSTRUCTION OF THE JET RANCH PROJECT (1-1548) - (Heard as Item 2) Chairman Lewis introduced the item and recused himself as he is closely tied to the project. Vice Chairman Sullivan assumed duties of the Chair. Ralph Smith with Valley Construction Company represents KCXP on this project. The project has been restarted with preliminary redesign and construction of the interior. It will meet local code but the tenant improvements may be scaled down. It wasn't noticed on the agenda that they would be asking for an extension although it was discussed at the last meeting. Mr. Tackes apologized and said that he didn't review the minutes until after the agenda went out but that Member Peterson had expressly stated to bring it back with the request for an extension. He asked to bring the request back at the next meeting. No one has asked to penalize them or take any action against them and they have kept the Board informed. Mr. Smith advised that he has a letter requesting the extension along with a project schedule. KCXP has agreed to 15 working days for the redesign and 30 working days for the redesign to be submitted and approved by the Building Department. There will be 90 working days for completion and issuance of the certification of occupancy which is a total of 27 weeks for the completion instead of eight months as previously calculated. This will not affect the exterior of the building. He passed copies of the letter and project schedule to members of the Board. Vice Chairman Sullivan asked for comments or questions by members of the Board, counsel, engineer, then members of the public. Seeing no comments, Vice Chairman Sullivan closed public comment, apologized to Mr. Smith and advised that he would be on next month's agenda.

G-6. DISCUSSION AND POSSIBLE ACTION REGARDING ADOPTION OF RESOLUTION TO ACCEPT BIDS PER NRS 244.281 FOR ANTENNA COLLOCATION AND

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 8

DRAFT

LAND LEASE, AS FOLLOWS: (1) EXAMINATION OF APPRAISAL; (2) DETERMINATION OF WHETHER TO ISSUE AN INVITATION TO BID; (3) DETERMINATION OF APPROPRIATE MINIMUM LEASE RATE AND TERMS OF THE LEASE AND PERMITTED USES; AND (4) SET DEADLINE FOR BIDS AND THE DATE FOR THE BID OPENING AND CONSIDERATION. (2-0077) - (Heard as Item 7) Chairman Lewis introduced the item and Mr. Tackes advised that they have already negotiated a lease with Verizon to place their transmitters and antennas at the 39 foot level of the beacon tower. It was then sent over to the City and the DA's office who rejected it because it includes an underlying ground lease, and needs to go through the same process as hangar leases - it needs an appraisal and be put out to bid. An appraisal rate came in at \$1,300 a month. He negotiated a rate with Verizon at \$1,500 a month and recommended it be put out to bid for \$1,500 a month under the terms of the lease negotiated with Verizon. He expects Verizon to be the only entity who bids because it's such a specialized use. If the Board adopts the resolution, he will immediately put it out for publication in order to open bids and award it next month. "Verizon needs to get out on the tower as soon as possible because they are already sending rent payments due to their belief that the earlier approval was a done deal." In response to a question, Mr. Tackes replied that the antennas will be centered at the 39 foot level which is relatively low. AT&T has the prime spot because they built the tower and there are two other companies on it as well. "It has been a tremendous money maker." Chairman Lewis called for further questions from the Board and when there were none, he opened it for public comment. Seeing none, he entertained a motion. **Member Kelly moved to issue the resolution and invitation to bid as recommended by counsel and authorize counsel set dates in compliance with the statute and keep a \$1,500 a month minimum bid price.** Member Sullivan seconded the motion. Motion carried 7-0.

G-7. DISCUSSION AND POSSIBLE ACTION REGARDING CONSENT TO GRANTING OF A SPECIAL USE PERMIT FOR SILVER STATE HIGH SCHOOL APN 05-011-03. (1-0160)

(Heard as Item 1) Chairman Lewis introduced the item and Steve Knight, Executive Director of Silver State High School introduced himself. He is a past member of the first Airport Authority and pilot. He advised that they are a charter school and have their own School Board. He then introduced several members of the Board that were present for the meeting. He also introduced Mark Palmer of Palmer Engineering who prepared the planning concept. He oriented the CCAA to the site by narrating a map which showed an overview of the Airport and flood plain. The school is in the process of purchasing a portion of a 5.7 acre parcel at the end of the Airport runway with an option on the rest for future expansion. He explained that the school is on the furthest edge of the flood plain. There is a developed floodway designated by Carson City and they plan to have athletic fields there and take Airport water and spread it out over the area minimizing the impact as it goes off the property and accepting the water that comes on the property. In response to a question, Mr. Palmer replied that a portion of the site will be filled to make the school more visible. He stated that the finished floor is going to be a couple feet above what is there now. He explained the general layout of the site and the location of the school, gymnasium and parking lot. The gymnasium was the biggest concern because of the height, but will be limited to 34-35 feet. The football field will be an abbreviated field and the gymnasium will also be a hangar because they will have an aviation program. They aren't in the process now but there may be an issue with the Airport or FAA about a through-the-fence operation. As part of the school is related to aviation they want a section of it dedicated for that purpose with an observation deck and an area for an airplane to use for training purposes. Chairman Lewis confirmed that the location of the property is east of Goni Road and north of Old Hot Springs Road. The north is bordered by CCAA property and the east is bordered by the Weikel property. Mr. Knight advised that Silver State High School is a charter school and is fully accredited by the Northwest School of Accreditation. They are a free and public school and are one of the top 20 high

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 9

DRAFT

schools in the entire State. Fifty eight schools out of 500 in the State are high achieving or above. The school has an enrollment of 500 students who make them high achieving and do well in the State mandated testing. They are a hybrid distance ed school meaning the students attend on an assigned day and have an option of attending on other days. Most of them attend multiple days and 30-40 percent attend all five days. The school is high tech and every room has smart boards and video monitors. The students film and edit the Nevada Day parade and put together the website presentation. They have pneumatics and started the aviation segment this year. They are in partnership with the Civil Air Patrol and U.S. Air Force and have the exclusive permission and distribution of the aerospace book for aerospace education. They are a flight instruction school, not aviation instruction. They are trying to teach aerospace so need the ability to pull an airplane in an on site hangar for instruction. There would be no flight operations or repairing aircraft, although some aspects of mechanics may be taught. They have a good representation of pilots and a very strong interest in aerospace and aviation. The school is a tailored high school with the regular subjects. They are currently located by Big 5 and are quickly running out of room. They will be adding 7th and 8th grades which would be one third of the school and currently anticipate about 750 high school students and 250 7th and 8th graders. All of the teachers work full time at the school, some are part time at WNC and all teach subjects they are certified to teach. They are doing very well in their fifth year, and had 70 students graduate this year. They don't have fights or gang problems and run it very close to a community college type atmosphere. They are partnering with WNC for some electronic courses for next year's credits. They also want to be by the Airport because of the industry. They want to be able to place their students and involve the different businesses with on the job training or job shadowing. The construction of the school was designed with pods to teach thematic subjects and a lot of labs. The Department of Education is their sponsor for the first state sponsored school. Mr. Knight said he is on the School Board for the Montessori Charter School and they have an option to purchase and may lease some of the land.

Chairman Lewis thanked him for his presentation and stated that this is an airport first and foremost and as such generates a lot of noise and dust. The Airport has been here a long time and invested a lot of taxpayers' money to be here well into the future. He voiced his concerns about safety issues and building a school next door to what some day may be a more active Airport. Last November, the Airport had its first instrument approach approved which is a circling the land approach and requires BFR minimums. They are working on a straight in approach or a modified straight in approach which will be only to Runway 27. Some of the obstructions that are within the center of the Airport are going to require obstruction lighting if they are approved for a modified straight in to Runway 27. The access to the school's hangar is simply an access road for vehicles, is not designed for aircraft and has obstructions with which to be concerned. Certain things can be worked out, but in order to have access to the Airport, the CCAA would require through-the-fence access for which an annual fee is charged. He reminded the Board members that they are just considering consent to granting a SUP. Chairman Lewis entertained questions of the applicant.

Member Carter commented that he liked the idea of another high school in Carson City and really didn't have any concerns. Member Peterson commented that when he lived in Virginia he operated out of Williamsburg Airport which was privately owned public use. The owners of the Airport did not build it but had been there many years. North of the Airport was a high school which also had been there for many years, yet neither knew which had been there first. For ten years, the high school pursued a lawsuit to close the Airport for being disruptive which nearly bankrupted its owners. Towards the end of the trial, someone saw an aerial photograph of the Airport in the lobby of the terminal but there was no high school in the photo. That was after ten years of lawsuits. The proposed location of this school is off the preferred or departure end of the runway within the "noise shadow" of departing aircraft and he sees it as a big conflict.

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 10

DRAFT

with good relations. Federal funding with the Airport will ensure its continuous survival for many decades but Board members will be taking phone calls from the school and its successors for many years. "Parents of children who are being interrupted in the middle of class have a right to pick up the phone and call us. I see it as an incompatible use."

Member Kelly stated that noise is going to be a large issue and inquired as to how the school is going to mitigate distractions to the students during a busy event at the Airport and whether windows will be sound proofed or built to code. Mr. Knight responded that there is a high school at the Riverside Flabob Airport. The Walton Foundation put in a charter school as part of a partnership with the Airport. Noise is within the architecture of the building, and would be minimized in the interior of the pods. It is a hybrid school with the curriculum and books online. Students work on computers and every room is high tech. The students do one on one studies with teachers in small groups. The luxury of high tech is sound in the rooms. Teachers use lapel mikes which feed into overhead speakers. "It's not a technological challenge in our school." In response to a question, Mr. Knight replied that they would build to whatever was needed for sound. In response to a comment, Mr. Knight replied that he is a commercial and instrument rated pilot and is fully aware of the noise factor and by no means would they create problems for the Airport for noise abatement, jeopardize the operations, or reduce intended operations of the Airport. Mr. Palmer commented that when they looked at this site, the first thing they looked at was being next to the Airport which is why the gymnasium is on that side. It will be reinforced block construction with no windows on that side. The gymnasium would be slightly higher than the rest of the two story building and act as a buffer. Particular attention was paid to the height limitations to be as far from it as possible. In response to another question, Mr. Knight replied that at no time would they ever be taxiing under power on the access road. They would tow from the pad and it would be only occasionally. An aircraft would be there just for aerodynamics. Member Kelly expressed his concern that even though they may not use the access road now, the Board is considering granting them a right but in several years the school may change. Several years ago, an elementary school was being considered on Arrowhead Drive which was even farther away but the Board voted against it because of the noise and safety factor of having a large group of people near the Airport. The Airport would want to mitigate that by eliminating danger to as many people as possible because it puts a lot of people at risk just because of the location. Mr. Knight replied that an aviation themed school has to be near an airport. Member Kelly commented that most of the aviation schools he is aware of are probably using some sort of an existing building or something that's been grandfathered in but not building a brand new facility right next to it. "I think it's a bad fit."

In response to a question by Vice Chairman Sullivan, Mr. Knight replied that all the students' coursework is done over the internet and not all have to attend every day. They have students in various communities around the State and have a percentage of students that never come in or come in occasionally. Vice Chairman Sullivan commented that there was a development that was close to the east end of the Airport and the Planning Division put on a condition that addressed noise, turbulence, dust, and a number of other issues, but it was a condition of approval by the Planning Commission in the approval of a SUP. It was also recorded against the property that they were aware of the Airport, along with all the noise, dust, etc. If the Board moves for approval, he would like to see a recommendation to the Planning Commission for the same type of condition to be placed on the SUP. In response to a question, Mr. Palmer replied that project plans will be sent to the FAA for review and approval. Vice Chairman Sullivan commented that he would like to see those as conditions of approval that are recommended to the Planning Commission. Mr. Palmer replied that the school would want those conditions and wants to go through all the comments from the Board in order to address them. In response to a question, Vice Chairman Sullivan replied that

CARSON CITY AIRPORT AUTHORITY
Minutes of the May 21, 2009 Meeting
Page 11

DRAFT

use now is for a school but the use could change in the future and that would be something to address in the conditions when working with the Planning Division.

In response to a question by Member McClelland, Mr. Knight replied that it was not Airport property nor were they looking at approval on through-the-fence access. Chairman Lewis responded that the issue was whether the CCAA has problems with a school being adjacent to the fence line of the Airport and that it is only a yes or no recommendation to the Planning Commission. Mr. Palmer advised that the property is zoned light industrial and they are going before the Planning Commission to request a change in the Master Plan from light industrial to public so it would be compatible with the Airport zoning. "It would actually be a Master Plan amendment, change of land use, and SUP." In response to a question, Mr. Knight replied that they don't want to get anywhere on the other side of the Airport because the school has to have a visible physical presence. They can't hide it back in the industrial area where people don't know about it and being somewhere else would limit their theamics for the aviation aspect. An intent of the school is to be near the industries in order to work with them. Member McClelland commented that he was familiar with the school and feels they have helped a lot of challenged people. In response to a question, Mr. Knight replied that they have 500 students spread out through seven sessions throughout the week and only a portion of them come in. There are usually 80-100 at any one time, including staff. In response to another question, Mr. Knight replied that aerospace is one of the theamics. They also do web design, game design, video production, audio production and all the things in a regular high school. They try to do things that lead towards jobs. "Aerospace is a major interest of mine and at least half of the Board."

Member Saylo advised that he may have a conflict with this issue as he is a member of the Carson City School District's Strategic Planning Committee. In response to a question, Chairman Lewis replied that the Board would be able to place any stipulations they can on the issue. Mr. Tackes advised that the Board is being asked for feedback as there is a Planning Commission meeting next week in which the proponents will be presenting this item and this is the CCAA's opportunity to decide what message they want to communicate to the Planning Commission. If there are conditions, that would be the time to express them. He advised that Title 19 does not permit through-the-fence access on this part of the Airport but that doesn't mean that there could not be through-the-fence access. Title 19 was written with through-the-fence access on the north and east side of the Airport. When the City first developed the industrial area, the concept was that they would encourage joint usage between the industrial development and the Airport. When Goni Road was realigned, one of the landowners claimed that some of his rights were taken away including his right of access to the Airport. "We went on record saying there is no through-the-fence access there. People don't have a right to through-the-fence access there as they do in other places. It's not just a matter of applying Title 19."

Chairman Lewis commented that though-the-fence is not a right. The Board cannot guarantee a right if the school is approved and built. Mr. Palmer commented that they would expect that that would be one of the conditions if the item is approved but it is not being considered at this time. In response to a question, Mr. Tackes replied that additional assurances could be requested and the Airport could be named as an additional insured. In response to a comment, Mr. Tackes replied that the Spanish Springs Airport has a development and school right off the end of the runway, and there's a photo of a Cessna that crashed on take-off into a new uninhabited house. That is a concern that needs to be considered. There was a plane that did a departure stall and crashed into the hangars. Everyone knows that you don't take-off at the end of the runway. Taking off earlier is more in the zone of where things happen. Member Peterson commented, "it raises our exposure and if we're insured and they hold us harmless so that any claims that

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 12

DRAFT

come to us from dead students would go back to them. I wouldn't want to increase the exposure of the Airport on that scale." Mr. Tackes advised that in a 2006 case, *Sisolak vs. Clark County*, the Nevada Supreme Court said that extracting certain requirements out of approval of a special use permit typically are not binding on the applicant unless there's compensation for it. It has created havoc since 2006 with Airport planning. The Airport's concerns should be outlined and ask for what is needed but sometimes just asking and getting something may not actually offer the protection. The *Sisolak* case is a hot button issue with the State's aviation department. Chairman Lewis commented that there was an aircraft accident on the Weikel property in the mid-eighties. The pilot came up and stalled and ended up on the Weikel side of the fence line and the plane burned. He wanted to put on the record that there has been an accident in that area and let the Board know that Mr. Peterson's concern is warranted. "One of the most dangerous points of any aircraft flight is the take-off. Just because you're a couple of hundred feet off the center line doesn't guarantee that your school is going to be safe." He then opened the item to public comment.

(1-1141) In response to a question by Joel Flamenbaum, Mr. Palmer replied that the maximum height is 35 to 36 feet but the building is two feet under that. Mr. Flamenbaum expressed his concern about wind turbulence due to a predominant area that winds come from and the problems with various other areas of turbulence on departure and take-off.

Ann Cox who lives across the street in Comstock Mobile Home Park, expressed her concern about the 2,800 gallons of water per day estimate for the school. The park has a twelve inch water line and an eight inch sewer line. The water pressure in the park is very low. The park is 37 years old and an eight inch sewer line is probably not adequate for the park because plumbers are in there a lot and things are getting backed up. The infrastructure will probably be a big concern to the 450 residents in the park. She also expressed her concern about the ingress, egress, noise, safety, and traffic factors. Member McClelland suggested she make her comments known to the Planning Commission.

Gene Shelton commented that he owns property adjacent to the subject property across the street on Goni and is probably the closest occupied building to the proposed high school. The property is zoned general industrial and one of his concerns is the same as what the Board has expressed about what happens in several years. General industrial is the heaviest industrial use zoning in Carson City and allows just about any type of industrial use. The City has conflict charts they use between various zoning and he feels that between general industrial and a high school, it would probably fit within those conflict zones. Regarding noise, his building and windows rattle when planes take off. "I can't believe that noise is not going to be an issue with the building." He expressed concern that they were going to channel the water going to the Irwin Bank property and spread it out over athletic fields, but Irwin Bank has made provisions for the water to be re-channeled and if the water is spread out, he wondered how they will get it back to exit their property to fit with Irwin Bank's provisions. He further commented that the property cut off from the Airport at the time the extension on Goni Road was put through was his property and the property of a previous owner which was involved in a lawsuit with the City. The claims made for the value of the property were that it was cut off from the Airport and through-the-fence. The City defended those claims by indicating that there was no right to come through-the-fence to the property by reasoning that Title 19 did not provide for access to the property through any property that wasn't originally owned by Carson City. Regarding the gym concrete floor, he wondered if it would be removable as playing basketball on a concrete floor is problematic for kids. He stated he doesn't have an objection to the high school other than he doesn't want future conflicts based on what is done with his property because 75 percent of it is still vacant. At the request of Chairman Lewis, Mr. Shelton recited his address as 3868 Goni Road.

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 13

DRAFT

Bill Abbott stated that there are better locations connected to the Airport that would be much more appropriate. As a pilot, he's going to consider the school every time he takes off and will probably use 9 instead of 27 because he would rather land in a vacant field than take a chance of hitting a school. The location is extremely objectionable and it's going to cause him make choices in his flying habits that may not be airport appropriate. "I'm going to be contradicting other traffic out there that may not be aware of the school. If somebody has a stall in their take-off and needs to land straight ahead and they see a field they can land in, that's probably what they're going to pick, although it could unfortunately be football game night. The location is extremely inappropriate and there are better locations."

Joe Raphael echoed the comments of the Board members and thinks the charter school does a fine job although he is opposed to the location. He retired from the air force and unfortunately saw airplanes drop out of the sky almost all around the airbase runway. He has been here about 20 years and recalled another crash that went down the runway almost to the fence, and another hanging in the trees to the left of 27 across College Parkway. Chairman Lewis called for further public comment and when there was none, he closed public comment. He asked Mr. Clague for his comments.

Mr. Clague commented that his concern with form 75-60 is when the FAA looks at the obstruction, they may not be aware of the Airport's plans to have a modified straight in approach which would affect what is considered an obstruction. When they contacted him regarding any potential problems, he was unaware of the modified straight in approach at the time. In the design criteria for airports, the number one non-land use the FAA recommends is having a school nearby. Chairman Lewis asked the Board members for any further discussion.

In response to a question, Mr. Clague replied that it is common for a nearby development to contact him for an engineering opinion. In response to another question, Mr. Clague replied that the billable hours were minor and didn't think they were billed. Vice Chairman Sullivan commented that there are some conditions that can be made to minimize some issues that were brought up but the issue now is the location. In response to a question, Vice Chairman Sullivan recalled a residential development on the corner of College Parkway and Sherman. He worked on a condition of approval that brought up some of the issues that Member Peterson mentioned and also spoke about noise and dust. It was a fairly long condition of approval which was recorded against the property. The Airport could work with the Planning Division to have a similar condition put on this project as well as some other issues, sending plans to the FAA and dealing with through-the-fence at a later time. Chairman Lewis entertained a motion. **Member Peterson moved that the Airport Authority disapprove the request for special use as proposed. The motion was seconded. Motion carried 4-2-1.** Vice Chairman Sullivan commented that this will go to the Planning Commission and they may want to know the reason for the recommendation from the CCAA. Member Peterson said the minutes of the meeting could be offered but didn't want to add an explanation other than this discussion. Mr. Tackes advised that he and Mr. Clague will be at the Planning Commission meeting to discuss another issue and will be in a position to convey it. Vice Chairman Sullivan inquired if it was possible to get summary minutes to the Planning Commission as their meeting is next Wednesday and wants them to understand what was said at this meeting. Mr. Tackes replied that he would look into it.

G-8. DISCUSSION AND POSSIBLE ACTION REGARDING CONSIDERATION OF THE TENTATIVE 2009/2010 FY BUDGET AND APPROVAL OF THE FINAL 2009/2010 BUDGET PER NRS 354.596 AND 354.598; AUTHORIZATION TO CERTIFY AND TRANSMIT SAME TO THE DEPARTMENT OF TAXATION AND THE NEVADA TAX COMMISSION;

CARSON CITY AIRPORT AUTHORITY
Minutes of the May 21, 2009 Meeting
Page 14

DRAFT

AUTHORIZATION FOR STAFF TO MAKE THE REQUIRED FILINGS. (2-0138) - Chairman Lewis introduced the item and Member Carter offered to review all the items individually or answer questions regarding specific items. He recommended that the Board approve the tentative budget to make it the final budget. Chairman Lewis directed Member Carter to give the bottom line figures. Member Carter advised that tentatively for 2010, operational income charges for services are \$339,265 with \$11,000 budgeted for interest for a revenue of \$350,265. Expenses are totaled at \$311,100, leaving an operational profit of \$39,165. For the present year, \$41,200 was budgeted, and with an increase in expenses, there is expected additional income which is about the same as budgeted. The \$9 million FAA grant and a \$150,000 AWOS grant are also budgeted. Overall profit should be \$31,665 at the end of the year. Chairman Lewis called for questions from the Board. In response to a question, Mr. Tackes explained that the purported increase from \$52,500 to \$70,000 in legal fees is a misnomer. The augmented item shows that actual legal expenses were closer to \$110,000 to \$115,000. Changing airport managers was not anticipated nor were a variety of other things that happened, all of which cost additional legal expenses. An abnormally large amount of money was spent last year which is why it was cut back. "My goal is to try to keep it down. I believe in this Airport, and I do everything I can to keep my expenses at a minimum but a lot of stuff pops up. The only alternative is to engage another lawyer who I guarantee will charge more per hour than my discount rate." Vice Chairman Sullivan expressed his appreciation and acknowledged that Mr. Tackes does a lot of work. Mr. Tackes commented that he's going to pass along as much as he can to Mr. Pullman who has already taken on many things. Mr. Tackes continued that he's also done a better job tracking legal expenses that are directly related to the AIP project so those can be billed back to the FAA. There has been a submittal for \$10,000 and another one is pending. In response to a question, Mr. Tackes replied that when people apply for land leases, they need to reimburse for engineering and legal review in the preparation of those leases. Mr. Pullman commented that he will be working with Mr. Tackes to relieve him from as many duties as possible and is willing to take on all that he can. His goal is to be under budget without failure. Chairman Lewis called for further questions and seeing none, opened the item to public comment. Seeing none, he entertained a motion. **Member Peterson moved to accept the proposed budget for 2009/2010 and authorize the Treasurer and staff certify and transmit the budget to the Department of Taxation and Nevada State Tax Commission.** The motion was seconded by Vice Chairman Sullivan. Motion carried 7-0.

G-9. DISCUSSION AND POSSIBLE ACTION REGARDING AUGMENTATION OF 2008/2009 FY BUDGET (2-0287) Chairman Lewis introduced the item and Member Carter advised of an opportunity to avoid problems with the Department of Taxation due to some overruns in the 2008/2009 budget. "Due to unforeseen expenses, last year we went over budget \$19,000 in operational expenses. We have until the end of the fiscal year, June 30th, to submit an augmented budget and want to get approval from the Board to augment and review the numbers mid-June year-to-date and to see if we can come in without a loss." Chairman Lewis called for questions from the Board and seeing none, opened the item for public comment. Seeing none, he entertained a motion. **Vice Chairman Sullivan moved that the Board approve the augmentation of the 2008/2009 budget as recommended by the Treasurer and authorize the Treasurer and staff to certify and transmit the same as appropriate.** Member Peterson seconded the motion. Motion carried 7-0. Chairman Lewis thanked Mr. Pullman and commented that he directed him to get involved in this process as his job will be running the Airport under the new budget.

G-10. DISCUSSION AND POSSIBLE ACTION TO APPROVE AN EMPLOYEE BENEFITS PACKAGE FOR NEW AIRPORT MANAGER (2-0339) Chairman Lewis introduced the item and Member Peterson advised that he prepared a package based on a commercial business approach. He

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 15

DRAFT

circulated it to the subcommittee and based on their input, revised the package and hopes to present it next month after review by the entire CCAA. He explained that his company uses Applied Staffing, and essentially sold all of his employees to them and they rent everyone back which allows a much bigger group insurance pool. It saves his company about \$29,000 a year and they do all the tax filings, processing payroll and have legal services available for labor issues. Everyone saves money and there is no downside. "Normally they demand a minimum of five people to avoid adverse selection but when I contacted them, they gave special permission to accept us as is. We discovered we couldn't use the City package and tried to equal or improve some of the City benefits, but the PERS question needs to be resolved. The basic benefits will be equally fine direct or through Applied Staffing. It's an administrative service. The W-2 comes from them, the individual is ours, and we have the authority to hire and fire the individual." Mr. Tackes asked Member Peterson to send him the information on Applied Staffing and he will check on the PERS eligibility. Member Peterson opined that an airport with one or two employees doesn't want to do its own payroll, administration, and labor law, and this potentially drops the insurance premium and relieves the paperwork. A two month process has already been agreed upon and he wants the Board to review the revised package prior to the next meeting. If PERS can be accepted, the Board could propose to go with the Applied Staffing approach or move forward as originally discussed. Chairman Lewis called for public comment and when there was none, he deferred the item to the June meeting.

H. AIRPORT ENGINEER'S REPORT. (2-0413) - Chairman Lewis introduced the item and Mr. Clague advised that an AIP grant in the amount of \$150,000 will be awarded to install an AWOS. "We are still waiting on the electrical portion of the design and will submit it to the FAA for approval to advertise the project in a timely manner and get it done during the summer. The options are a Super AWOS and an AWOS 3. When the bid is evaluated, the CCAA can decide what type of AWOS to get."

I. AIRPORT MANAGER'S REPORT. (2-0433) - Chairman Lewis introduced the item and Mr. Pullman advised that cold asphalt repairs are being done throughout the airfield, especially in the larger cracks that pose a threat to aircraft. The terminal is being painted utilizing Dirk and John as the labor force. He suggested posting an airport information sign outside. There is a sign available that can be put on the roof and electricity is available for lighting. It could be tied in fairly easily, look nice, and create more visibility. The outside painting is under budget and he plans to use the remaining money into tearing up the floor, baring the concrete and repainting it a couple of different colors. If the terminal looks better it can bring in more activity. He has implemented an Airport Activity Permit. People have previously been allowed to use the facilities without any type of contract. The Activity Permit requires them to abide by Airport rules and regulations. The Airport has the right to collect money in usage fees for parties, etc., if just for the use of electricity. Non-profits are fine, but there needs to be a method to bring in revenue for the terminal. He's contemplating an idea of implementing a long term parking fee for people who want to park their vehicles in the terminal lot. Some have group cars and the Airport should be collecting a fee which could bring in more revenue and possibly clean up the parking lot. If someone is coming in a lot and utilizing their vehicle, they could use the Airport's FBO's to fill up their aircraft and offset that monthly charge. Three or four people are working on the Open House, but the Airport will be ready and it should turn out well. He also has had many people interested in affordable hangars and Airport owned hangars. He is starting to regulate tailgating because it is a major security issue and has gone on too long. People are doing it and not taking responsibility. He's getting the word out that it will be enforced. Security patrols are being paid \$5,000 a year but he doesn't know what kind of security they are providing although they are not at the Airport all night. They send reports only when something happens or if something is spotted. He has received only one report since he's been here and has gone through previous reports which

CARSON CITY AIRPORT AUTHORITY

Minutes of the May 21, 2009 Meeting

Page 16

DRAFT

turn out to be nothing major. He thinks it's something that can be reduced or even eliminated and possibly save the Airport \$5,000 a year for something that may not be a viable service.

J. LEGAL COUNSEL'S REPORT. (2-0559) - Chairman Lewis introduced the item and Mr. Tackes advised that a complaint was filed with the FAA regarding an earlier grant, the acquisition of 24 acres of land that was purchased from Serpa. The complaint was that the appraisal was not reliable and too much money was spent. The appraiser responded to the allegations and the FAA asked to engage a review appraiser who confirmed that the value paid was appropriate and the appraisal was correct. Both appraisers were MAI certified. The FAA asked the review appraiser to address two additional points and it was resubmitted. There have been communications indicating the matter is resolved however, there has been no definitive response. It is another source of legal and appraisal expenses and the Airport FAA representative has advised to include it in a recovery grant. Chairman Lewis asked Mr. Tackes to submit a report next month regarding the appraisals' legal costs and ancillary costs. In response to a question, Mr. Tackes replied that it is critical to the FAA that the supplement to the review appraisal is in by May 15th. He asked them if it would impact the grant but they don't believe the grant proposal is in jeopardy.

K. TREASURER'S REPORT. (2-0620) - Chairman Lewis introduced the item and Mr. Carter advised that the final reimbursement for the hill removal project was received and Mr. Pullman immediately put it into the money market account which is \$478,788.94. There is roughly \$10,500 in the checking account and \$670 in the maintenance account.

L. REPORT FROM AUTHORITY MEMBERS. (2-0633) - None.

M. AGENDA ITEMS FOR NEXT REGULAR MEETING. (2-0645) - Chairman Lewis advised that the request for extension from Jet Ranch and the benefits package will be added in addition to the award of the antenna lease offer and museum item. In response to a comment, Mr. Tackes replied that Mr. Lumbard needs an approval from the Board as to conceptual plans that have already been reviewed. The item should be put on the next agenda. Vice Chairman Sullivan suggested adding the plans to the building department, but the Chairman could sign it if a SUP is necessary. Mr. Tackes commented that they need approval on the conceptual plans in order to apply for a SUP. Vice Chairman Sullivan commented that the Chairman can sign the plans and the SUP application as they are general business items. Mr. Tackes suggested that Mr. Lumbard find out exactly what is needed. Chairman Lewis told him to come back and talk to Mr. Pullman, but believes he can sign off on it since it has already been reviewed. If not, it will be agendized for the next meeting.

N. ACTION ON ADJOURNMENT. (2-0700) - Chairman Lewis adjourned the meeting at 9:45 p.m.

The Minutes of the May 21, 2009 Carson City Airport Authority meeting are so approved this _____ day of June, 2009.

Steve Lewis, Chairman