

October 8, 2015

Carson City Planning Department  
Planning Division  
108 E Proctor Street  
Carson City, Nevada 89701

Re: Appeal of the Planning Commission's decision to grant a special use permit on September 30, 2015 to property owners Mark Turner and Sean Richards to allow multi-family apartments in a RC zoning, located on GS Richards Blvd, APNS 007-461-22 and -23.

Planning Division,

At the Planning commission meeting on September 30, 2015 by a 5-2 vote, Property owners, Mark Turner and Sean Richards were granted a special use permit on property within the Planned Unit Development (PUD) known as Silver Oak. Parcels APNs 007-461-22 and 007-461-23 are located within the Silver Oak Commercial Village that is zoned for retail and commercial use in accordance with the PUD (RC-PUD). Within this zone commercial and retail is allowed. There may be a mix of residential but not the sole singular use of multi-family. Multi-family apartment complexes were never contemplated, discussed, envisioned or allowed. Silver Oak Planned Unit Development has been in existence for almost 20 years and is more than 50% built. The guidelines of zoning and land use of have been strictly adhered to thus far resulting is in a development that is attractive, compatible and much sought as area to live in. If changes of land use within the planned development are desired there is a process is in place with the use of amendments to the PUD. We brought this major fact to the planning department and Planning Commission but the decisions were made to disregard the PUD in place and grant a special use permit. This action sets a precedent within our development that could allow for similar projects not compatible with the PUD throughout the village. See Attachment A.

This is the principal point we are appealing. The integrity of the PUD should be maintained and not disregarded by the Planning Department and Planning Commission. Significant changes within the PUD have an avenue to allow for change. The property owners can initiate an action and amend the current PUD. As property owners we are part of the PUD. When we purchased our properties we knew we were buying into a Planned Development and for us this was a major consideration in our purchase. We are asking the Board of Supervisors to reverse the special use permit that was granted by the Planning Commission and allow this request of Turner and Richards to be considered and acted upon in the correct method within the existing Silver Oak PUD.

Secondly, we are appealing the proposed project itself. It is of high density. Discussion during the meeting alluded to the fact that this proposed density was in fact comparable to apartment complex recently built or under construction in Reno. Carson City is not Reno. We also protested against the design of this proposed project. It is not compatible in design to the existing buildings in the area. We adjacent property owners feel we have invested heavily with much success in creating an area that is visually

appealing and in keeping with the open space that was originally considered in the Planned Development. The existing development within Silver Oak has been of a compatible nature and this project is a substantial departure from this vision.

In closing we would like to conclude that we are not opposed to change. We realize that this planned unit development has been in effect since the mid 1990's. Perhaps it is time for change, but it needs to take into account the overall PUD, the overall project density, and the representations made to this community and its property owners. It is the responsibility of the owners to consider the proposed changes not the responsibility of the Planning Department and Planning Commission.

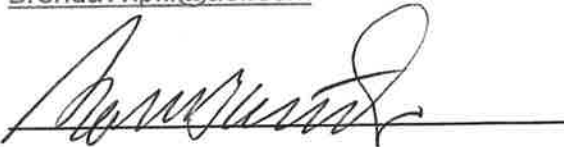
Thank you.



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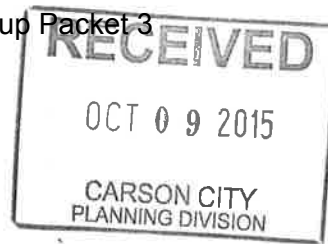
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## ATTACHMENT A

Mayor Robert Crowell  
Carson City Board of Supervisors

Re: SUP-15-077

Dear Mayor and Board of Supervisors:

This letter is written relative to the above-referenced Special Use Permit matter involving a proposed ninety unit apartment complex to be located on two parcels within the Silver Oak Planned Unit Development with a land use category of RC-PUD. The operative document that governs the development within the area of the subject property is the Silver Oak PUD, as amended. The Development Agreement for the Silver Oak PUD, as amended, is specific that all the matters submitted as part of the application for the PUD, and its amendments are also a part of the Silver Oak PUD. It is not the Carson City Master plan at this point that is the operative document relating to the subject property but the Silver Oak PUD and its' Design Guidelines, CC&Rs and related submittals showing everything from streetscapes to acceptable architectural styles.

Somewhere in the consideration of this matter, those statements and submittals were swept under the rug by the applicant and allowed to be put on the back shelf by the staff.

There never was a discussion of apartments as a component land use in Silver Oak--- period. There was always a discussion of "mixed uses" in the Commercial Village but the land use categories at that time did not contain a mixed use district. The concept of having retail, commercial and residential uses in the same structure was considered and as this Board knows from its activities in downtown Carson City it is that mix of different land uses that can bring vibrancy to commercial areas with residential and retail uses.

It is inappropriate and not in accord with the Silver Oak PUD to entirely supplant the RC-PUD land use category with a conditional use that is in essence a spot rezoning of a parcel within an existing PUD. Can a residential use be a part of the land uses for that category? I believe that it absolutely can, but it cannot be the ONLY land use in that otherwise RC-PUD land use designation.

The Silver Oak PUD has voluminous information and detail as to its general design guidelines and the character of the nearly 700 acre "community".

If there truly is a good reason to change it then it must be done through an Amendment to the PUD and not through spot rezoning in the guise of Special Use Permits. That violates the intent of planning, as a general premise in any community and specifically an approved, existing PUD with the detail that was provided through all of the prior amendments to the Silver Oak PUD and the Development Agreement. If the Applicant believes that they have the better mousetrap they must proceed through the appropriate Amendment process to provide them the flexibility to serve the market they envision.

The Applicant provided no evidence that the proposed development would “further or be in keeping and not contrary to the goals” of the Silver Oak PUD—which is the operative “masterplan” for the property in question. To do so would have required the Applicant to relate to the Design Guidelines and the CC&Rs which are applicable to the property and which were a part of the original and subsequent approvals of the Silver Oak PUD and Development Agreement. Other than the unsupported statements of Mr. Turner, there is no question that the proposed apartment buildings will be anything other than an “eye sore” in the “vicinity and general neighborhood”.

The decision approving the original Silver Oak PUD specifically provides at Condition 14 that “all development shall be in accord with the planned unit development application.” The proposed project is not in accord with the original project submittal or any subsequent amendments. No “stand-alone” apartments were ever considered anywhere within the PUD and are not part of the planned unit development application.

The Design Guidelines which were a part of the PUD application provide in Section 1.1 that the architectural character to be followed is French Country, English Cottage, Craftsman and Prairie style with allowed interpretation of those styles. I think we can all agree that the caricature of the proposed apartment building is in no way reflective of those styles or any interpretation of those styles.

In Ordinance 1995-5, Bill No. 105 approved by the Board of Supervisors in February of 1995, that Board reiterated that the “permitted uses of the land, the density or intensity of the land use and the maximum height and size of any proposed buildings are provided for in the approved Silver Oak PUD map, the conditions of the Map and the Development Agreement.”

The Board of Supervisors in making the 2<sup>nd</sup> Addendum to the Development Agreement incorporated the 2<sup>nd</sup> Addendum and the Original Development Agreement specifically citing the SF12,000 PUD, RC-PUD, TC-PUD, RO-PUD and NB-PUD zoning designations with accessory uses customarily incidental thereto. At that time it went on to provide for the limitation to 1181 single family units, later increased by an Amendment to the PUD and the Development Agreement to a total of 1205.

The 1998 Amended PUD provided that the Design Guidelines and standards included in that application “assure a quality development, creates a community theme and integrate the proposed overall development approach with the new Master plan for

community wide elements, residential areas, commercial/office areas, drainage and open space and parks and landscape easements.” The proposed project is indirect conflict with these earlier approvals.

Moreover, in December of 1993 Silver Oak executed an acknowledgment of conditions for the Planned Unit Development that provided the conditions of approval in addition to the project application and related studies, design guidelines, CC&Rs and the conditions agreed to at the public hearing approving the Silver Oak Project. Those conditions included reference to the development matrix as to the unit type and maximum allowable density which were related to the standards of development for both residential cluster areas and standard residential development areas. Stipulations for the Residential/Office-PUD and adjacent properties was for “unified looking” structures.

The requirement for the Project Applicant to give consideration to adapting the project to existing improvements in the vicinity is nowhere to be found in this application or the approval. The proposal is devoid of any effort to create the intended mixed use of RC land uses within the context of the PUD which again is the operative planning document in this part of Carson City.

While the proposed Project Application attempts to skirt multiple issues within the CC&Rs and the PUD—the “Master Plan” in response to Question 1 is the Silver Oak PUD, as amended—not the City Master Plan. The land use category is RC-PUD as set forth in the approval—all land use designations are followed with the note of PUD for a reason. The PUD designation for land uses is what ties the SILVER OAK 650+/- acres together as an integrated plan with commonality other than just connecting streets and paths. Contrary to the statements of Mr. Frame the SILVER OAK PUD does not provide for multifamily housing in other than the designated Cluster Areas throughout the PUD.

The response of the Applicant to Question 2 relating to multifamily housing is in error since multifamily was never intended for the project except in the cluster areas and as an “ancillary use” thereto in those land use areas such as RC-PUD where there was a predominant use of Retail or Commercial with ancillary residential—not an abandonment of the underlying land use designation and a spot re-zoning to a special use permit use. To do this makes a mockery out of the PUD process and the premises upon which approvals were granted originally.

Would a retail office, commercial project with 10 or 20 residential units fit the PUD designation—clearly it would as long as the overall project density issue is resolved. However, to have an allowed conditional use be the only use within a zone designated RC-PUD violates the terms and requirements of the SILVER OAK PUD. If the Applicant believes that the proposed project is that compelling they must go through an amendment to the planned unit development approval and get the changes that they require through that process not through a backdoor attempt to rezone a portion of the project.

The Board must consider that if this application is allowed that endorsement will be equally applicable to every other property in the Silver Oak Commercial Village, without regard to density or architectural design. Perhaps if you visualize what that would look like you will agree that the project as presented is neither appropriate nor allowed and does not satisfy the requirements of a conditional use in a RC-PUD land use district.

We should never pass up the opportunity to do the right thing. Direct this property owner to either bring forth an Amendment to the PUD or to work with the neighbors to design a compatible project that incorporates the RC uses and a mix of residential units with an acceptable architectural design.

It is not the roof styles and the different look that will attract the market but rather the integrated different uses with those services readily available within the development and surrounding area that will attract the market.

Respectfully,

SDH