



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: August 16, 2018

Staff Contact: Hope Sullivan, AICP, Planning Manager

Agenda Title: For Possible Action: To introduce, on first reading, Bill No. ____, an ordinance approving an amendment to a development agreement between Carson City and Roventini, LLC, to extend the tentative planned unit development map expiration date to September 6, 2019, for the development known as Clearview Ridge, located west of Cochise Street between West Roventini Way and West Overland Street, east of Voltaire Street, APNs 09-263-06, -07, -08, and -09, and matters properly related thereto. (Hope Sullivan)

Staff Summary: The Clearview Ridge Planned Unit Development tentative map expires on September 6, 2018, unless the Board approves an extension of time as permitted under the current development agreement. The developer is requesting an extension of time to 2019 as the firms handling the technical drawings are backlogged, and need additional time to finalize drawings.

Agenda Action: Formal Action/Motion

Time Requested: 10 minutes

Proposed Motion

"I move to introduce, on first reading, Bill No. ____, an ordinance approving an amendment to the development agreement between Carson City and Roventini, LLC to extend the tentative planned unit development map expiration date to September 6, 2019, for the development known as Clearview Ridge, located West of Cochise Street between West Roventini Street and West Overland Street, APN's 09-263-06, -07, -08, and -09, and matters properly related thereto."

Board's Strategic Goal

Quality of Life

Previous Action

At its meeting of September 21, 2006, the Board of Supervisors approved a Tentative Planned Unit Development known as Clear View Ridge. Condition 45 of the approval required that the Final Subdivision Map be recorded within two years.

At its meeting of April 17, 2008, the Board of Supervisors approved a one year extension, causing the expiration date to be September 21, 2009.

At its meeting of July 16, 2009, the Board of Supervisors entered into a Development Agreement with Roventini, LLC relative to Clearview Ridge. Per that agreement, the final map was to be recorded by September 6, 2012.

At its meeting of October 4, 2012, the Board of Supervisors approved a two year extension causing the expiration date to be September 6, 2014.

At its meeting of August 21, 2014, the Board of Supervisors approved a one year extension, causing the expiration date to be September 6, 2015.

At its meeting of May 7, 2015, the Board of Supervisors approved a three year extension, causing the expiration date to be September 6, 2018.

Background/Issues & Analysis

The approved Tentative Planned Unit Development will expire on September 6, 2018 unless the development agreement is extended. Past requests for extensions were to allow time for the housing market to improve. The request for the current extension notes that "due to the unusually high demand for services from the residential construction market, many of the most reliable firms are heavily backlogged in getting their workload completed as to schedule." These backlogs are preventing the applicant from completing his plans.

In 2015, the applicant completed off-site improvements associated with the development.

Staff finds that the 2006 approval is consistent with the regulations currently in effect, and allowing the planned unit development to remain in effect would not result in a non-conforming development.

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 17.09 (Planned Unit Development), CCMC 17.08 (Development Agreements), NRS 278.0205 (Agreement Amendments)

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number:

Is it currently budgeted? Yes No

Explanation of Fiscal Impact:

Alternatives

Do not amend the agreement and allow the tentative PUD map to expire in September.

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

Summary: An Ordinance amending a development agreement between Carson City and Roventini, LLC.

BILL NO. ____

ORDINANCE NO. 2018-__

AN ORDINANCE APPROVING AN AMENDMENT TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND ROVENTINI, LLC, TO EXTEND THE TENTATIVE PLANNED UNIT DEVELOPMENT MAP EXPIRATION DATE TO SEPTEMBER 6, 2019, FOR THE DEVELOPMENT KNOWN AS CLEARVIEW RIDGE, LOCATED WEST OF COCHISE STREET BETWEEN WEST ROVENTINI WAY AND WEST OVERLAND STREET, EAST OF VOLTAIRE STREET, APN'S 9-263-06, -07, -08 AND -09, AND MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

WHEREAS, CARSON CITY and ROVENTINI, LLC entered into a Development Agreement that was approved by the Board of Supervisors as Ordinance 2009-15, Bill No. 114 on July 16, 2009 (hereinafter "Development Agreement"); and

WHEREAS, CARSON CITY and ROVENTINI, LLC amended the Development Agreement through Bill No. 105, Ordinance No. 2015-5, approved by the Board of Supervisors on May 21, 2015; and

WHEREAS, CARSON CITY AND ROVENTINI, LLC desire to amend the Development Agreement by agreeing to the Second Amendment to the Development Agreement (hereinafter "Amendment") to extend the expiration date to September 6, 2019; and

WHEREAS, the land that is the subject of this Amendment is comprised of land commonly known as Carson City Assessor's Parcel Numbers 009-263-06, -07, -08, and -09 located at 449 West Roventini Way, West Overland Street, Voltaire Street and Roventini Way, Carson City Nevada; and

WHEREAS, 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 not affected by this Amendment and are provided for in the approved Clearview Ridge Planned Unit Development Map, the conditions of the Map, and the Development Agreement; and

WHEREAS, the Carson City Board of Supervisors finds that the contents of the Amendment conforms with CCMC 17.08, NRS 278.0205 and Carson City's Master Plan; and

WHEREAS, the Board finds that the provisions of the development agreement are consistent with the Carson City Master Plan and the original approval of Planned Unit Development Tentative Map.

NOW, THEREFORE, the Board hereby approves by ordinance the Second Amendment to the Development Agreement between CARSON CITY and ROVENTINI, LLC to make the expiration date September 6, 2019 and associated with all or portions of Carson City Assessor's Parcel Numbers 009-263-06, -07, -08, and -09.

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

PROPOSED on _____, 2018.

PROPOSED BY Supervisor _____

PASSED _____, 2018.

VOTE:

AYES:

NAYS:

ABSENT:

ROBERT L. CROWELL, Mayor

ATTEST:

SUE MERRIWETHER, Clerk-Recorder

This ordinance shall be in force and effect from and after the _____ day of the month of _____ of the year 2018.

**SECOND AMENDMENT TO
THE DEVELOPMENT AGREEMENT
between Carson City
and Roventini, LLC**

1. **AMENDMENTS.** All provisions of the original Development Agreement dated May 21, 2011, Document #390476 and the First Amendment dated May 21, 2015, Document #456376 as recorded with the Carson City Recorder's Office on June 10, 2009 and August 3, 2015 respectively, attached hereto as Exhibit A, remain in full force and effect with the exception of the following amendments:

Section 2.7 of the Agreement is amended and substituted in its entirety by the following:

2.7 Expiration by Inaction

This Agreement adopted pursuant to CCMC 17.08 requires that THE PROJECT shall be diligently pursued and the approvals referenced above shall expire if the off-site improvements for Phase 1 of THE PROJECT, as illustrated within the attached Exhibits 1, 2, and 3, as such are shown on the Improvement Plans submitted and approved by the Engineering Division under Permit #14-530 are not completed and a final inspection approved by December 31, 2015. If such off-site improvements are completed and a final inspection approved by December 31, 2015, the approvals referenced above shall expire (if no extension has been granted) if the final map for Phase 1 of THE PROJECT is not recorded by September 6, 2019. If the map for Phase 1 is recorded prior to September 6, 2019, this Agreement shall automatically extend the time for an additional two (2) year period from said date within which the next succeeding map for the next succeeding phase must be filed. So long as DEVELOPER files each phase within the two (2) year extension period provided in this Agreement, as envisioned herein, this Agreement shall remain in full force and effect. DEVELOPER may request additional extensions beyond those dates contemplated above if done in writing prior to expiration.

2. **INCORPORATED DOCUMENTS.** Exhibit A (original Agreement with the First Amendment) is attached hereto, incorporated by reference herein and made a part of this amended Agreement.

IN WITNESS WHEREOF, the Parties hereto have entered into this Agreement as of the day and year first above written and intend to be legally bound thereby.

CARSON CITY

ROVENTINI, LLC

By: Robert L. Crowell, Mayor

By: