



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** June 4, 2020

Staff Contact: Hope Sullivan, AICP, Planning Manager

Agenda Title: For Possible Action: Discussion and possible action to introduce, on first reading, Bill No. _____, an ordinance approving the fourth addendum to a development agreement between Carson City and Silver Oak Development Company Limited Partnership to modify Article 2.2 Cluster Housing of the Silver Oak Development Agreement; and providing other matters properly related thereto on properties zoned Single Family 12,000 Planned Unit Development (SF-12 P), located on the south side of Silver Oak Drive, east of Siena Drive and Red Leaf Drive, and a parcel located southwest of Eagle Valley Ranch Road, and further identified as APNs 007-552-44, 007-552-38, 007-552-19 and 007-552-41. (Hope Sullivan, hsullivan@carson.org)

Staff Summary: The Silver Oak Planned Unit Development (PUD) was approved on September 16, 1993. The conditions and terms of approval of the PUD were incorporated into a development agreement adopted on January 6, 1994 as Ordinance No. 1994-1. The PUD includes four cluster housing blocks, one of which is already developed. The applicant is seeking to reduce the maximum number of units in Block DD, located south of Silver Oak Drive and east of Siena Drive, from a maximum of 92 units to 64 units. For Blocks "CC," "DD," and "EE," the applicant proposes to eliminate references to zero lot line townhomes and limitations on lot coverage, and to modify the required setbacks. The Board of Supervisors may amend the development agreement. The Planning Commission makes a recommendation to the Board.

Agenda Action: Ordinance - First Reading **Time Requested:** 5 Minutes

Proposed Motion

I move to introduce, on first reading, Bill No. _____.

Board's Strategic Goal

Quality of Life

Previous Action

April 29, 2020: The Planning Commission recommended approval by a vote of 7 - 0, 0 absent, 0 abstention.

Background/Issues & Analysis

See the report to the Planning Commission regarding PUD-2020-0002, attached to the previous item staff report.

Attachments:
Draft Ordinance

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 17.08.020; NRS 278.0205; Article 2 of the Carson City Charter.

Financial Information

Is there a fiscal impact? No

If yes, account name/number:

Is it currently budgeted? No

Explanation of Fiscal Impact:

Alternatives

Do not amend the Development Agreement.

Attachments:

[DA Amendment Silver Oak.docx](#)

[DA Exhibit A Silver Oak.docx](#)

Board Action Taken:

Motion: _____

1) _____

2) _____

Aye/Nay

(Vote Recorded By)

Summary: An ordinance to amend the Development Agreement between Carson City and Silver Oak Development Company.

BILL NO. ____

ORDINANCE No. 2020-__

AN ORDINANCE APPROVING A FOURTH ADDENDUM TO A DEVELOPMENT AGREEMENT BETWEEN CARSON CITY AND SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP TO MODIFY ARTICLE 2.2 CLUSTER HOUSING OF THE SILVER OAK DEVELOPMENT AGREEMENT; AND PROVIDING OTHER MATTERS PROPERLY RELATED THERETO.

The Board of Supervisors of Carson City do ordain:

SECTION I:

1. On January 6, 1994, the Carson City Board of Supervisors entered into a Development Agreement for a planned unit development (“PUD”) with Silver Oak Development Company Limited Partnership (hereinafter “Silver Oak”) which was approved by the Board of Supervisors as Ordinance 1994-1 on January 6, 1994 (hereinafter the “Development Agreement.”) The Development Agreement was amended by the First Addendum to Development Agreement dated June 16, 1994 and recorded as File No. 000163818 and recorded July 1, 1994 in the Carson City Recorder’s office. The Development Agreement was amended by the Second Addendum to Development Agreement dated February 2, 1995 and recorded as File No. 000171938 and recorded February 6, 1995 in the Carson City Recorder’s office. The Development Agreement was amended by the Third Addendum to Development Agreement dated December 20, 2001 but was not recorded in the Carson City Recorder’s office. Carson City and Silver Oak desire to amend the Development Agreement by agreeing to the Fourth Addendum to Development Agreement (hereinafter “Addendum” attached hereto as Exhibit “A”.)

2. The land which is subject to this addendum includes four cluster housing blocks. The addendum reduces the maximum number of units in Block DD, located south of Silver Oak Drive and east of Siena Drive, from a maximum of 92 units to 64 units. For Blocks “CC,” “DD,” and “EE,” the addendum eliminates references to zero lot line townhomes and limitations on lot coverage and modifies the required setbacks, and other development standards.

3. The Carson City Board of Supervisors finds that the contents of the Addendum conform with CCMC 17.08.020, NRS 278.0205 and Carson City’s Master Plan.

NOW, THEREFORE, the Board of Supervisors hereby ordains:

1. The modifications to the Silver Oak PUD made by this Addendum do not affect the rights of residents to maintain and enforce the provisions of the plan.

2. The modifications to the Silver Oak PUD made by this Addendum are consistent with the efficient development and preservation of the entire PUD, do not adversely affect either the enjoyment of land abutting upon or across a street from the planned unit development or the public interest, and are not granted solely to confer a private benefit upon any person.

3. The Fourth Addendum to Development Agreement between Carson City and Silver Oak is attached and incorporated herein as Exhibit "A" and is associated with only Article 2.2 of the original Development Agreement.

4. The Board of Supervisors further directs that the Carson City Clerk shall cause a certified copy of this ordinance and the Addendum to be recorded with the Carson City Recorder.

PROPOSED on _____, 2020.

PROPOSED by _____.

PASSED _____, 2020.

VOTE: AYES: SUPERVISORS: _____

NAYS: SUPERVISORS: _____

ABSENT: SUPERVISORS: _____

Robert Crowell, Mayor

ATTEST:

Aubrey Rowlatt
CLERK/RECORDER

This ordinance shall be in force and effect from and after the _____ day of _____, 2020.

Exhibit "A"

FOURTH ADDENDUM TO DEVELOPMENT AGREEMENT

This Fourth Addendum to Development Agreement made this _____ day of _____, 2020, by and between SILVER OAK DEVELOPMENT COMPANY LIMITED PARTNERSHIP, a Nevada limited partnership (hereinafter "Developer"), and CARSON CITY, a consolidated municipality of the State of Nevada, hereinafter referred to as "CARSON CITY".

RECITALS

1. On September 16, 1993, the Carson City Board of Supervisors considered the SILVER OAK project (hereinafter the "PROJECT") and approved the PROJECT by passing on first reading Bill No. 167 which was later heard on second reading and passed as Ordinance 1994-1 on January 6, 1994 (hereinafter the "DEVELOPMENT AGREEMENT.") The DEVELOPMENT AGREEMENT was amended by the FIRST ADDENDUM TO DEVELOPMENT AGREEMENT dated June 16, 1994, and recorded as File No. 000163818 on July 1, 1994 in the Carson City Recorder's office. The DEVELOPMENT AGREEMENT was amended by the SECOND ADDENDUM TO DEVELOPMENT AGREEMENT dated February 2, 1995, and recorded as File No. 000171938 on February 6, 1995 in the Carson City Recorder's office. The DEVELOPMENT AGREEMENT was amended by the THIRD ADDENDUM TO DEVELOPMENT AGREEMENT dated December 20, 2001, and was not recorded in the Carson City Recorder's office.

2. The parties find that certain variances granted by the Board should be modified relating to development in the Cluster Housing and are desirable additions to the DEVELOPMENT AGREEMENT. CARSON CITY and the DEVELOPER mutually desire to amend, modify and restate portions of the DEVELOPMENT AGREEMENT as hereinafter set forth.

NOW THEREFORE for good and valuable consideration herein the parties do agree as follows:

I

Article 2.2 pertaining to "Cluster Housing" is hereby amended and restated to provide in its entirety as follows:

Contained within the PUD Tentative Map for THE PROJECT are various areas designated for cluster housing. These areas are delineated as Blocks "BB", "CC", "DD", "EE". These blocks have associated with them maximum allowable densities as follows:

- "BB" – 160 units
- "CC" – 145 units
- "DD" – 64 units
- "EE" – 66 units

These blocks of units shall be developed with a final map for each of the separate blocks, utilizing not more than the maximum allowable density.

Development of a block of units shall be by a final map showing the layout and design of the entire block with detail showing typical unit types, private common areas design and characteristics and parking detail.

Cluster housing standards set forth in the approved development matrix restrict lot sizes to not less than four thousand (4,000) square feet with not less than forty (40) foot frontages. The height of a unit cannot exceed twenty-eight (28) feet. This limitation supersedes the condition of approval 3G that allows for a building height of 35 feet.

Additionally, the front, rear, side yard, and street side yard characteristics for various units within a clustered housing area are as follows:

Front 10 feet to living space
 18 feet to garage measured from back of sidewalk if there is a sidewalk on the property.

Rear 10 feet for units with front access garages
 5 feet from alleys to garage doors from alleys or rear property lines if a rear access.

Side Yard 5 feet; or
 0 feet on one side and 10 feet on other

Street Side 10 feet

The above standards supersede condition of approval 3H.

At the time of application for a site improvement permit for block "CC," "DD," or "EE," the developer shall submit a signal warrant analysis for the intersection of Silver Oak Drive and North Carson Street reflecting build out of all three blocks.

II

This Agreement shall bind the heirs, executors, administrators, successors, and assigns of the respective parties.

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be executed as of the day and year first above written.

CARSON CITY

By: _____
ROBERT CROWELL, MAYOR

ATTEST:

AUBREY ROWLATT, CLERK/RECORDER

SILVER OAK DEVELOPMENT
COMPANY LIMITED PARTNERSHIP

By: _____
MARK TURNER