



STAFF REPORT

Report To: Board of Supervisors **Meeting Date:** June 18, 2020

Staff Contact: Hope Sullivan, AICP, Planning Manager

Agenda Title: For Possible Action: Discussion and possible action regarding the adoption of Bill No. 108, on second reading, 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.

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

Proposed Motion

I move to adopt Ordinance No. 2020- _____.

Board's Strategic Goal

Quality of Life

Previous Action

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

June 4, 2020: The Board of Supervisors introduced the ordinance by a vote of 4 – 0, 1 recusal.

Background/Issues & Analysis

See the attached report to the Planning Commission without attachments regarding PUD-2020-0002.

Attachments:

Draft Ordinance

April 29, 2020 Report to Planning Commission without attachments

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 adopt the ordinance and do not amend the Development Agreement.

Attachments:

[DA Amendment Silver Oak.docx](#)

[PUD-2020-0002 - 4-29-20 Staff Report to Planning Commission.pdf](#)

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. 108

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

PARTNERSHIP

SILVER OAK DEVELOPMENT
COMPANY LIMITED

By: _____
MARK TURNER

STAFF REPORT FOR PLANNING COMMISSION MEETING OF APRIL 29, 2020

FILE NO: PUD-2020-0002

AGENDA ITEM: E.3

STAFF CONTACT: Hope Sullivan, Planning Manager

AGENDA TITLE: For Possible Action: Discussion and possible action regarding a request for a modification to the Silver Oak Planned Unit Development and associated Development Agreement so as to modify the development standards in the areas identified as Cluster Housing areas “CC,” “DD,” and “EE,” and modifying the boundaries of Cluster Housing area “DD” to incorporate 0.94 acres of area originally designated as open space, on properties zoned Single Family 12,000 Planned Unit Development (SF-12 P), located on the southside 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 as Ordinance No. 1994-1, adopted on January 6, 1994. 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. The applicant is also proposing that the boundary of Block DD be expanded easterly to incorporate .94 acres of designated open space into residential lots. 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 PUD and the associated development agreement. The Planning Commission makes a recommendation to the Board.

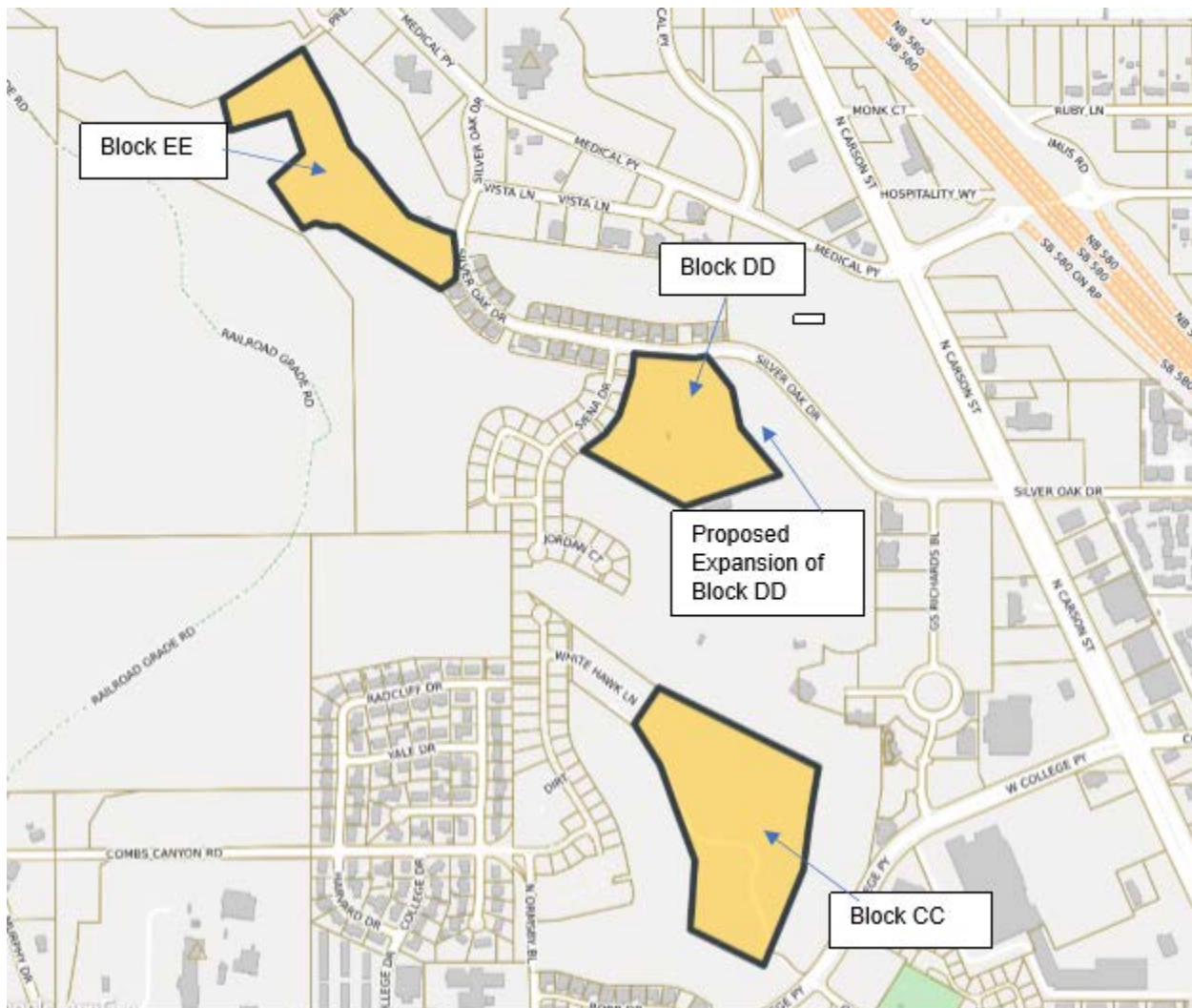
PROPOSED MOTION: I move to recommend approval of the modifications to the Silver Oak Planned Unit Development and associated Development Agreement, specifically Section 2.2 of the Development Agreement, as noted in items 1 through 11, based on the findings as identified in the staff report and the conditions of approval.

Summary of Modifications to the Development Agreement

1. The allowable density in Block “DD” is changed from 92 units to 64 units.
2. The following wording is to be removed “with building types of zero lot line townhome, common wall or similar units referenced in the project approval.”
3. The following wording is to be removed “Lot coverage cannot exceed thirty five (35%) percent of the lot areas, including covered parking and ...”
4. Modify the reference to building height to state “The building height may not exceed 28 feet. This limitation supersedes the condition of approval that allows for a building height of 35 feet.”
5. Modify the front setback requirements to state the requirement is ten feet to the house, 18 feet to the garage, measured from the back of sidewalk if there is a sidewalk on the property.
6. Modify the rear setback requirements to state the requirement is ten feet for front access units, and five feet to garage doors from alleys or rear property lines if a rear access.
7. Modify the side setback requirements to state the requirement is five feet, or zero on one

- side and ten feet on the other.
8. Wording that the two story elements shall not exceed 50 percent of the structure's frontage shall be removed.
 9. Wording that a maximum of two units in a row with the same setback shall be removed.
 10. Wording will be added that at the time of application for a site improvement permit for block "CC," "DD," or "EE," the applicant shall submit a signal warrant analysis for the intersection of Silver Oak Drive and North Carson Street reflecting build out of all three blocks.
 11. The boundary of Block DD may be expanded as proposed.

VICINITY MAP:



RECOMMENDED CONDITIONS OF APPROVAL:

1. All lot areas and lot widths shall meet the zoning requirements approved as part of this planned unit with the submittal of a final map.
2. The applicant shall preserve as many trees as practicable within the common open space areas. Mature trees damaged by fire and others in poor health shall be removed only after approval of the planning and community development department.
3. The homeowner's association shall maintain all common open space areas including the area devoted to the guest parking.
4. Required minimum lot area and setback requirements shall be stated on all final maps.
5. As part of the final map for Block "DD," an easement must be created for the water main that crosses the golf course from the southeast corner of Block "DD," northeasterly to Silver Oak Drive.
6. The final map for Block "DD" shall incorporate the following:
 - A. The development water mains must have two connections to the existing City water system. One connection shall be off Silver Oak Drive, east of the check valve. The other connection must be south of the project. If not already in place suitable easements meeting current City Standards for the southern connection are required.
 - B. All water services and hydrants must be perpendicular to the water main.
 - C. Water meters for lots 5, 6, 7, 13, 14 and 15 shall be located behind the sidewalk
 - D. All meters shall be located outside driving surfaces, including driveways.
 - E. The tentative map contemplated a traffic signal at Silver Oak Drive and North Carson Street. For the site improvement permit, a traffic impact analysis must be submitted which analyzes signal warrant analysis for MUTCD warrants 1 and 2 for current and future traffic volumes, with and without the project. The traffic impact analysis must also analyze the level of service at this intersection.
 - F. The emergency access shall be gated with an automated gate.
 - G. The street section shown only allows for parking on one side. The site improvement plans must show that streets must be striped and signed for parking on one side only.
 - H. A wet stamped water main analysis must be submitted in accordance with CCDS 15.3.1(a) to show that adequate pressure will be delivered to the meter and fire flows meet the minimum requirements of the Carson City Fire Department.
 - I. A wet stamped sewer main analysis must be submitted that includes addressing the effect of flows on the existing City system. See section 15.3.2 of CCDS.
 - J. A Technical Drainage Study meeting the requirements of section 14 of the Carson City Development Standards must be submitted with the permit and plans. The study must analyze the runoff that was originally estimated for this piece of Silver Oak and compare that to the estimated runoff for the subject project.
 - K. There is a missing storm drainage connection in this regional system from the fairway basin north of Silver Oak Drive to the basin south of Fairway Drive. A storm drain connection must be installed with this project.
 - L. Any engineering work done on this project must be wet stamped and signed by an engineer licensed in Nevada. This will include site, grading, utility and erosion control plans as well as standard details.
 - M. All construction work must be to Carson City Development Standards (CCDS) and meet the requirements of the Carson City Standard Details.
 - N. Addresses for units will be provided at the time of final map.
 - O. Fresh water must be used for Dust control.

- P. A private testing agreement will be necessary for the compaction and material testing in the street right of way. The form can be obtained through Carson City Permit Engineering.
- Q. An erosion control plan meeting section 13 of CCDS will be required in the plan set.
- R. Any existing water and sewer services not being used must be abandoned at the main.
- S. New electrical service must be underground.
- T. Any work performed in the street right of way will require a traffic control plan and a timeline type schedule to be submitted before the work can begin. A minimum of one week notice must be given before any work can begin in the street right of way.
- U. Please show all easements on the construction drawings.
- V. A Construction Stormwater Permit from the Nevada Division of Environmental Protection (NDEP) will be required.
- W. A Dust Control Permit from NDEP will be required.
- X. The water main connection in Silver Oak Drive must be east of the system single check, to ensure the subdivision is connected to the 4960 water pressure zone.

LEGAL REQUIREMENTS: CCMC 17.09 (Planned Unit Development)

MASTER PLAN DESIGNATION: Medium Density Residential (MDR) & Open Space (OS)

ZONING DISTRICT: Single Family 12,000-Planned Unit Development (SF12-P)

KEY ISSUES: Can the proposed modifications be supported by the required findings?

SURROUNDING ZONING AND LAND USE INFORMATION:

NORTH: Single Family 12,000-Planned Unit Development (SF12-P)/Vacant land, open space, single family homes

SOUTH: Single Family 12,000-Planned Unit Development (SF12-P)/ open space, single family homes

WEST: Single Family 12,000-Planned Unit Development (SF12-P)/ open space, single family homes

EAST: Single Family 21,000-Planned Unit Development (SF12-P)/ open space

ENVIRONMENTAL INFORMATION:

FLOOD ZONE: X-shaded

SLOPE/DRAINAGE: The area is flat

EARTHQUAKE: Severe/ moderate

SITE HISTORY:

The Silver Oak Planned Unit Development (PUD) Tentative Map was approved by the Board of Supervisors on September 16, 1993 and covered 651 acres of land. The development was approved with 293 acres of open space, 78.9 acres of commercial area, 13.6 acres for a school/park site, 225 acres for single family and cluster development, for a total of 1,181 lots, and 40 acres of roadways. In January of 1998 the Silver Oak PUD was amended to include 24 additional dwelling units, providing for a total of 1,205 dwelling units, rather than the originally approved 1,181 dwelling units.

In January of 1994 the Carson City Board of Supervisors approved a development agreement with Silver Oak Development Company which set out the conditions and terms of approval. On

June 16, 1994 an addendum was approved by the Board of Supervisors and recorded July 1, 1994. On January 2, 1995 the Board approved a second addendum to the development agreement between Carson City and Silver Oak Development Company Limited Partnership to modify certain previously approved setback variances and other related matters. In 1997 there was a revised development agreement proposed by Silver Oak, but that agreement was not completed or recorded.

Over the years there were several changes to the Silver Oak PUD, resulting in the reduction of the number of lots proposed for the development. As an example, Carson Tahoe Hospital purchased a section of the Silver Oak Development area for completion of the Carson Tahoe Hospital Campus.

In August 2005, City staff and the applicant met to discuss the options regarding the setback inconsistencies in the Silver Oak Development. It was decided at that time that a Variance application would allow City staff and the Silver Oak Development to develop a plan for consistent implementation and review of setbacks to be utilized on parcels which would be developed in future development phases of parcels recorded under Silver Oak Phases listed as 16, 17 and 18 under VAR-05-195. Eventually, Phase 20 was also allowed to vary from the original setback requirements under VAR-14-016. When Phase 21 was recorded, as FPUD-16-012 the developer was allowed to use a variation of the required setbacks in conjunction with the recording of the map. Setbacks in Phase 22 and 23 were modified under VAR-17-195 and VAR-18-179 respectively. Staff has supported consistency in setbacks for the individual phases within this development.

The tentative map and development agreement identify four blocks: “BB,” “CC,” “DD,” and “EE” that are intended for cluster housing. Per the Development Agreement, these lots will be developed with building types of zero lot line, townhome, common wall or similar units. The Development Agreement identifies the maximum allowable density in each block as follows:

“BB”	160 units
“CC”	145 units
“DD”	92 units
“EE”	66 units

The Development Agreement also provides the following development standards for the cluster blocks.

Minimum Lot Size:	4000 square feet
Minimum Frontage Width	40 feet
Maximum Lot Coverage	35 percent
Maximum Height	28 feet (finished grade to ridgeline)
Front Setback	18 feet (to garage if there is a driveway apron) 5 feet (to garage if no driveway apron) 10 feet (to living space) 10 feet (two story elements)
Rear Setback	10 foot with average of 15 feet 15 feet (two story elements)
Side Setback	5 feet (garages) 12 feet (zero lot or blank wall side) 7 feet (one story element, building to property line)

- 12 feet (two story element, building to property line)
- 15 feet (one story element, building to building)
- 20 feet (two story element, building to building)

Two story elements shall not exceed 50% of the structure's frontage.

Maximum of two units in a row with the same setback.

Note the Board's Notice of Decision of the PUD states the maximum building height in the cluster areas is 35 feet, thus there is conflict with the Development Agreement.

The approved Silver Oak Tentative Map included a total of 651 acres, with 293 acres of open space including "The Hill," golf course, landscaped areas, pedestrian walkways, and buffer areas. Per the Development Agreement, residential construction tax monies could be credited for the park facility, and the pedestrian and bike paths along Winnie Lane, Ormsby Boulevard, College Parkway, and Silver Oak Drive.

Based on an analysis of existing conditions, that applicant has found that the Silver Oak PUD currently has an area of 609.66 acres, with 269.015 acres of open space. This calculates to 44.13 percent open space.

DISCUSSION

The applicant is seeking a modification to the PUD so as to reduce the total amount of open space by 0.94 acres yielding 43.97 percent of the entire PUD as open space, and to modify the development standards in the cluster blocks as follows. Wording proposed to be deleted appear with a strike-through. Wording proposed to be added appears in bold and underlined.

<p>"BB" 160 units "CC" 145 units "DD" 92 units "EE" 66 units</p>	<p><u>64 units</u></p>
<p>Minimum Lot Size: Minimum Frontage Width Maximum Lot Coverage Maximum Height Front Setback</p>	<p>4000 square feet 40 feet 35 percent 28 feet (finished grade to ridgeline) 18 feet (to garage if there is a driveway apron) 5 feet (to garage if no driveway apron) 10 feet (to living space) 10 feet (two story elements) 10 foot with average of 15 feet 15 feet (two story elements) 5 feet (garages) <u>10 feet for front access garage</u> <u>5 feet from alley to garage</u></p>
<p>Rear Setback</p>	<p>12 feet (zero lot or blank wall side) 7 feet (one story element, building to property line) 12 feet (two story element, building to property line) 15 feet (one story element, building to building) 20 feet (two story element, building to building)</p>
<p>Side Setback</p>	<p>12 feet (zero lot or blank wall side) 7 feet (one story element, building to property line) 12 feet (two story element, building to property line) 15 feet (one story element, building to building) 20 feet (two story element, building to building)</p>

Streetside Setback **5 feet on each side or 0 on one side and 10 feet on the other**
5 feet

Two story elements shall not exceed 50% of the structure's frontage.

Maximum of two units in a row with the same setback.

The applicant is requesting that the maximum building height be 28 feet, thus eliminating the confusion of conflicting standards.

Per CCMC 17.09.045, the Board of Supervisors is authorized to approve a PUD, and the Planning Commission makes a recommendation to the Board. Similarly, the Board of Supervisors is authorized to approved a modification to a PUD, and the Planning Commission makes a recommendation to the Board.

PUBLIC COMMENTS: Public notices were mailed on April 17, 2020 to 300 property owners within 900 feet of the subject sites pursuant to the provisions of NRS and CCMC. Staff has received a number of inquiries related to the application, but has not received any written communication. Any comments that are received after this report is complete 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: The following comments were received from various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

Engineering Division:

The Engineering Division has no preference or objection to the PUD revision provided that the following conditions of approval are met:

- The site improvements must meet the revised requirements of the Silver Oak Development Agreement, and all other applicable Carson City Development Standards and Standard Details.
- The site improvements must meet the requirements set forth in the Conceptual Subdivision Map review letter for CSM-19-175.
- An easement must be provided for the water main that crosses the golf course.
- The water main connection in Silver Oak Drive must be east of the system single check, to ensure the subdivision is connected to the 4960 water pressure zone.

The Engineering Division has reviewed the application within our areas of purview relative to adopted standards and practices and to the provisions of CCMC 17.07.005. The following Tentative Map Findings by the Engineering Division are based on approval of the above conditions of approval:

1. *Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.*

The requested change has a negligible impact on water and sewer demand and is submitted concurrently with an application for a site improvement permit that decreases the number of units for Block DD from the 92 units that were approved with

the tentative map down to 64. This results in a decreased sewer and water demand from what was previously approved. Sewer, water, storm drain, and traffic impact studies are being reviewed with the site improvement permit.

2. *The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.*
The City has sufficient system capacity and water rights to meet the required water allocation for the subdivision.
3. *The availability and accessibility of utilities.*
Water and sanitary sewer utilities are available and accessible.
4. *The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.*
The road network necessary for the subdivision is available and accessible. The applicant will be required to do a signal warrant analysis at the intersection of Silver Oak Drive and North Carson Street per the requirements of the Silver Oak development agreement.
5. *Access to public lands. Any proposed subdivision that is adjacent to public lands shall incorporate public access to those lands or provide an acceptable alternative.*
Development engineering has no comment on this finding.
6. *Conformity with the zoning ordinance and land use element of the city's master plan.*
Development engineering has no comment on this finding.
7. *General conformity with the city's master plan for streets and highways.*
The development is in conformance with the city's master plan for streets and highways.
8. *The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.*
The existing infrastructure is sufficient to meet the additional demand imposed by the subdivision.
9. *The physical characteristics of the land such as flood plains, earthquake faults, slope and soil.*
The site is more than 500 feet from the nearest known earthquake fault line according to USGS mapping and is in a FEMA X shaded flood zone which has no special design requirements.
10. *The recommendations and comments of those entities reviewing the subdivision request pursuant to NRS 278.330 thru 278.348, inclusive.*
Development engineering has no comment on this finding.
11. *The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.*

The subdivision has sufficient secondary access. The water main analysis submitted with the site improvement plans is being updated to include a fire hydrant flow test to determine available fire flow capacity at the connection points.

12. *Recreation and trail easements.*

Development engineering has no comment on this finding.

These comments are based on the tentative map plans and reports submitted. All applicable code requirements will apply whether mentioned in this letter or not.

Fire Department

Project must comply with the International Fire Code and northern Nevada fire code amendments as adopted by Carson City.

FINDINGS

Per CCMC Section 17.07.005 (Findings) and Section 17.09.050 (Approval or Denial of Application), the approval or denial of a PUD shall be based on the specific findings outlined below. Staff will first address the findings outlined in Section 17.07.005, followed by the findings outlined in Section 17.09.050.

Section 17.07.005 (Findings):

1. ***Environmental and health laws and regulations concerning water and air pollution, the disposal of solid waste, facilities to supply water, community or public sewage disposal and, where applicable, individual systems for sewage disposal.***

Future development is required to comply with all applicable environmental and health laws concerning water and air pollution and disposal of solid waste.

2. ***The availability of water which meets applicable health standards and is sufficient in quantity for the reasonably foreseeable needs of the subdivision.***

Water supplied to the development will meet applicable health standards. The proposed modifications will decrease the water demand of the development.

3. ***The availability and accessibility of utilities.***

All utilities are available in the area to serve this development.

4. ***The availability and accessibility of public services such as schools, police protection, transportation, recreation and parks.***

The Silver Oak PUD is served by existing schools, sheriff protection, transportation facilities and parks. The proposed modifications will not create increased demand from what existing standards would create. The noted public services are available and accessible.

5. ***Access to public lands. Any proposed subdivision that is adjacent to public lands shall incorporate public access to those lands or provide an acceptable alternative.***

The proposed modifications will not impact access to public lands.

6. *Conformity with the zoning ordinance and land use element of the City's Master Plan.*

The proposed modifications are consistent with the zoning. The proposed modifications, specifically the expansion into the open space area is not consistent with the Master Plan designation of open space. If all findings can be met to approve the modification to the PUD, the Master Plan land use map should be updated to re-designate areas designated as Open Space to Medium Density Residential. Currently, the zoning is inconsistent with the Master Plan designation, and the request is consistent with the zoning.

7. *General conformity with the City's Master plan for streets and highways.*

The development is in conformance with the City's Master Plan for streets and highways.

8. *The effect of the proposed subdivision on existing public streets and the need for new streets or highways to serve the subdivision.*

The existing infrastructure is sufficient to meet the additional demand imposed by the anticipated development of Blocks "CC," "DD," and "EE" as proposed to be modified.

9. *The physical characteristics of the land such as flood plains, earthquake faults, slope and soil.*

The site is more than 500 feet from the nearest known earthquake fault line according to USGS mapping and is in a FEMA X-shaded flood zone, which has not special design requirements.

10. *The recommendations and comments of those entities reviewing the subdivision request pursuant to NRS 278.330 thru 278.348, inclusive.*

The referenced NRS citations address a tentative map. The Silver Oak PUD tentative map was approved August 31, 1993. The subject request is NOT for a tentative map, but rather to modify the development standards and to expand the boundary of Block DD.

11. *The availability and accessibility of fire protection including, but not limited to, the availability and accessibility of water and services for the prevention and containment of fires including fires in wild lands.*

Each of the blocks will accommodate secondary access as required by the Fire Code. As part of the site improvement construction plan review, a water main analysis will be conducted to determine the available fire flow capacity at the connection points.

12. *Recreation and trail easements.*

The proposed modifications will not impact any recreation or trail easement.

Section 17.09.050 (Approval or Denial of PUD Application) identifies the findings that must be made with regard to approval of a PUD application, including in what respects the plan would or would not be in the public interest with consideration of the following:

1. *In what respects the plan is or is not consistent with the statement of objectives of the Planned Unit Development ordinance.*

The request is to modify the standards associated with an existing planned unit development, not to create a new planned unit development. The proposed modifications will not change the permitted uses, will not change the timing of development, and will reduce as opposed to increase the density.

CCMC 17.09.095 identifies specific design standards for planned unit developments. The proposed modifications will not modify any of the specified design standards.

CCMC 17.09.100 requires that a minimum of 30 percent of the gross area of the planned unit development be set aside for open space. The proposed modifications will result in 43.97 percent of the gross area of the planned unit development being set aside for open space, thus retaining compliance with the requirements of a planned unit development.

2. *The extent to which the plan departs from zoning and Planned Unit Development regulations otherwise applicable to the property, including but not limited to density, size and use, and the reasons such departures are or are not deemed to be in the public interest.*

The proposed plan does not depart from the PUD regulations. Within the parameters of the PUD regulations, the applicant is proposing to modify the development standards including lot coverage and setbacks as well as to change the boundaries of Block DD. As in the original approval of the PUD, the applicant is utilizing a lot size and setbacks that are smaller than that required in the underlying zoning district. The result is 43.97 percent open space with both private and public recreational amenities. The departure from the base zoning regulations is in the public interest.

3. *The purpose, location and amount of the open space in the Planned Unit Development, the reliability of the proposals for maintenance and conservation of the open space and the adequacy or inadequacy of the amount and purpose of the open space as related to the proposed density and type of residential development.*

The purpose, location and amount of open space in the PUD is appropriate for the project, and consistent with the requirements. The reduction of 0.94 acres of open space will not compromise the adequacy of the open space. The area of land proposed to be incorporated into Block DD is not a functional part of the golf course. The proposed modifications do not change maintenance responsibilities.

4. *A physical design of the plan and in the manner in which such design does or does not make adequate provision for public services, provide adequate control over vehicular traffic, parking requirements, and further the amenities of light and air, recreation and visual enjoyment.*

The proposed modifications will reduce the demand on public services. The on-site roadway network in the PUD is adequate for the anticipated vehicular traffic. Of note, per Section VI of the Development Agreement, upon completion of the hotel casino facility, improvement of the Silver Oak Avenue / North Carson Street intersection and signal will be required. To ensure the safety of the intersection, staff recommends that the development agreement be amended to require a signal warrant analysis at the intersection of Silver Oak Drive and North Carson Street at the time of application for site improvement permit for blocks "CC," "DD," and "EE."

5. *The relationship, beneficial or adverse, of the proposed Planned Unit Development to the neighborhood in which it is proposed to be established.*

The PUD was approved twenty-five years ago. The areas that are subject to the modification are substantially surrounded by open space. Staff finds that the proposed modification will not impact the relationship to the neighborhood any more or less than the existing PUD.

6. *In the case of a plan which proposes a development over a period of years, the sufficiency of the terms and conditions intended to protect the interest of the public and the residents of the Planned Unit Development in the integrity of the plan.*

The proposed modification will not impact the phasing plan.

Attachments:

Ordinance 1994-1 (Recorded Document 000155121)
Application PUD-2020-0002