

**City of Carson City  
Agenda Report**

**Date Submitted:** July 3, 2014

**Agenda Date Requested:** July 17, 2014

**Time Requested:** 90 minutes

**To:** Mayor and Supervisors

**From:** Community Development – Planning Division

**Subject Title:** For Possible Action: Request to modify the existing Governor's Square Planned Unit Development from Mark Turner (property owner: Stewart and 50 Plaza LLC and Yort LLC) to convert six commercial lots to residential uses, thereby increasing the total number of residential units to a maximum of 60, on property zoned Neighborhood Business-Planned Unit Development (NB-P), located at 1205, -15, -35, -45, -65, and -85 Barossa Way, APNs 004-361-01, -02, -03, -04, -05 and -06. (PUD-14-039) (Susan Dorr Pansky)

**Summary:** Approval of this request would result in the conversion of six existing commercial lots in the Governor's Square Planned Unit Development to residential lots and increase the overall number of approved residential units in the Planned Unit Development from 48 to 60 in support of the development of 12 duplex units.

**Type of Action Requested:**

☐ Resolution  
☒ Formal Action/Motion

☐ Ordinance  
☐ Other (No Action)

**Does This Action Require a Business Impact Statement:** ☐ Yes ☒ No

**Planning Commission Action:** Recommended approval at the June 25, 2014 meeting by a vote of 4 Ayes and 3 Nays. An initial motion to deny the request failed by a vote of 3 Ayes and 4 Nays.

**Recommended Board Action:** I move to approve the request from Mark Turner (property owners: Stewart and 50 Plaza LLC and Yort LLC) to modify the existing Governor's Square Planned Unit Development to convert six commercial lots to residential uses, thereby increasing the total number of residential units to a maximum of 60, on property zoned Neighborhood Business – Planned Unit Development, located at 1205, -15, -35, -45, -65, and -85 Barossa Way, APNs 004-361-01, -02, -03, -04, -05, and -06, based on the findings and subject to the conditions of approval outlined in the staff report.

**Explanation for Recommended Board Action:** This action will modify the existing Governor's Square Planned Unit Development to eliminate the previously approved commercial uses and increase the total number of residential units to a maximum of 60. All original conditions of approval for the Governor's Square Planned Unit Development will remain in effect, except where modified to accommodate this request. Additional conditions of approval have been recommended to address the new residential uses. Please see the attached Staff Memo, Additional Public Comment, Planning Commission Case Record, Planning Commission Late Information and Planning Commission Staff Report for additional information.

**Applicable Statute, Code, Policy, Rule or Regulation:** Nevada Revised Statutes Chapter 278A (Planned Development), Carson City Municipal Code, Section 17.09 (Planned Unit Development), Carson City Municipal Code, Section 18.02.050 (Review)

**Fiscal Impact:** N/A

**Explanation of Impact:** N/A

**Funding Source:** N/A

**Alternatives:**

1. Modify the recommended conditions of approval for the request.
2. Refer the request back to staff and the Planning Commission for further review.
3. Deny the request.


**Supporting Material:**

1. Staff Memo
2. Additional Public Comment
3. Planning Commission Case Record
4. Planning Commission Late Information
5. Planning Commission Staff Report

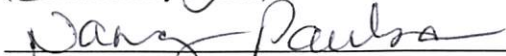
**Prepared By:** Susan Dorr Pansky, Planning Manager

**Reviewed By:**   
(Community Development Director)

Date: 7.8.14

  
(District Attorney's Office)

Date: 7/8/14

  
(Finance Director)

Date: 7/8/14

  
(City Manager)

Date: 7/8/14

**Board Action Taken:**

Motion: \_\_\_\_\_

1) \_\_\_\_\_

Aye/Nay

2) \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_  
(Vote Recorded By)



# Community Development Department

108 E. Proctor Street  
Carson City, Nevada 89701  
(775) 887-2180 – Hearing Impaired: 711

## MEMORANDUM

Board of Supervisors Meeting of July 17, 2014

**TO:** Board of Supervisors

**FROM:** Susan Dorr Pansky, Planning Manager

**DATE:** July 17, 2014

**SUBJECT:** PUD-14-039 – Request to Modify Governor's Square Planned Unit Development

At their June 25, 2014 meeting, the Planning Commission reviewed a request to modify the Governor's Square Planned Unit Development (PUD) to convert six existing commercial parcels to residential uses to accommodate up to 12 duplex units. This modification would increase the total number of residential units in the PUD from 48 to 60.

A total of seven emails in opposition of the proposed modification were received from existing property owners in the Governor's Square PUD. These emails are included in the attached staff report and as late information that was provided to the Planning Commission.

In addition to the emails received, several Governor's Square PUD property owners attended the Planning Commission and voiced their opposition to the modification. Major concerns stated in the emails received and at the meeting are outlined below along with staff's responses:

- **The addition of residential units that would be exclusively rental properties and the impact that would have on property values. There has been no distinction between the project as a residential development versus a business renting residences.**

*When considering residential development, staff does not differentiate between owner-occupied properties versus rental properties. Several of the individually-owned units in the Governor's Square PUD are rental properties and there is no zoning distinction between an individual or business renting a single property versus an individual or business renting several properties. For business licensing purposes, a business license is required if more than three units are owned by the same entity and being rented. Staff notes that this would be the case whether a company owned more than three units or an individual owned more than three units.*

- **Compatibility of the new residential units that have different rules than the current homeowners' association.**

*Staff recognizes that if the new residences do not have to abide by the same rules as the existing development, conflicts will likely arise. As a result, staff has recommended a condition of approval that the applicant work with the homeowners' association to develop rules and regulations that are compatible with the existing development. This is*

*required to be submitted to the Planning Division and District Attorney's office for review and approval.*

- **The use of common open space, including the park in the center of development, by new residential occupants.**

*It is staff's responsibility to ensure that the common open space for the PUD continues to meet the minimum requirement of 30 percent of the total project. The project's current open space percentage is just over 47 percent. Planning staff does not have the ability to dictate who among the property owners can use the open space. From the City's standpoint, any property owner and/or their assigns within the approved PUD has the right to use the common open space. Any agreement on how the common open space is used is an issued to be resolved between the applicant and the homeowners' association.*

- **Traffic will be significantly increased with the new residential units versus the originally proposed commercial uses.**

*Staff posed this question to a local traffic engineer that is unassociated with proposed modification to determine what the estimated Average Daily Trip (ADT) count for 12 duplex units would be versus the type of commercial uses allowed in the Neighborhood Business zoning district, estimated at approximately 9,000 square feet of space (six buildings at approximately 1,500 square feet each. The results are as follows:*

<b>Proposed Use</b>	<b>Average Daily Trips</b>	<b>Peak AM Trips</b>	<b>Peak PM Trips</b>
12 Duplex Units	70	5	6
9,000 square feet of Office Space*	211	28	89

*\*Office Space is the least intense of the uses that would be allowed in the Neighborhood Business zoning district.*

- **No garages are proposed for the duplex units and this will have a significant impact on parking.**

*Of the 156 total parking spaces (including garages) that exist on the property, 29 of them were specifically designated for the commercial uses. The proposed residential duplexes will require 30 parking spaces per Carson City Development Standards. The Planning Commission staff report analyzed the parking and determined that enough parking, in excess of the minimum requirement for the development, exists to allocate an additional space to the proposed duplexes. Staff has recommended a condition of approval that the applicant come to an agreement with the homeowners' association to use this additional space.*

- **Adequate coordination with, and notice from, the homeowners' association has not occurred.**

*Staff has not been specifically involved in the discussions between the applicant and the homeowners' association. However, the applicant and the current president of the homeowners' association, Mr. Riley Kerr, testified at the Planning Commission hearing*

*that there have been ongoing discussions regarding the proposed development. Mr. Kerr indicated that a meeting of the homeowners' association general membership was held and notices were hand delivered to each property owner. In cases where renters were present rather than owners, the renters were asked to contact their landlords to inform them of the general membership meeting. According to testimony, this meeting was noticed only two days before it was held. Staff recognizes that this was likely not enough notice to ensure that as many property owners could attend as possible. In a subsequent phone call with Mr. Kerr after the Planning Commission meeting, staff was told that another meeting of the general membership of the homeowners' association was held on June 29, 2014, and that discussions continue between the homeowners' association and the applicant to resolve potential issues and meet the conditions of approval recommended by staff.*

- **Not enough properties were noticed by the City as a part of the application.**

*Pursuant to Carson City Municipal Code, Section 17.09.45 (Planned Unit Developments, Hearing on Application), all properties within 300 feet of the proposed modification were notified not less than 10 days before the Planning Commission meeting.*

- **The development has poor traffic circulation due to the closure of several streets and the addition of 12 residential units will have further impact on the community.**

*Two streets within the PUD, Toscana Way and Fonterra Way, were approved for emergency access only with the original PUD and never intended for normal traffic. The closure of Tesoro Way was initiated by the homeowners' association as a result of traffic problems including cut-through traffic from Figuero Way and sight distance issues at the intersections of Toscana/Tesoro Ways and Fonterra/Tesoro Ways. According to the Fire Chief, the Fire Department determined that they could support the closure of Tesoro Way because it is a private street. This approval came with the stipulation that the homeowners' association grant emergency access at this Tesoro Way through either removable devices (such as bollards) or a gate with Knox Box access. Bollards were installed and the Fire Department approved the street closure. The homeowners' association retains the option to reopen Tesoro Way if they choose to do so.*

After extensive public testimony and deliberation by the Planning Commission, Commissioner Esswein made a motion to deny the project based on the findings that the proposed modification would alter the neighborhood as original approved, and that there has been insufficient coordination with the existing homeowners' association. This motion failed by a vote of 3-4. The Planning Commission ultimately recommended approval of the modification by a vote of 4-3 with the conditions of approval outlined in the staff report.

Additional public comment was received after the Planning Commission meeting and is included in this packet for review.

If you have any questions, please contact Susan Dorr Pansky at (775) 283-7076 or via email at [spansky@carson.org](mailto:spansky@carson.org). Thank you.

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**From:** james alexander <architja@hotmail.com>  
**Sent:** Saturday, June 28, 2014 9:07 AM  
**To:** Planning Department  
**Subject:** Planned Unit Development Barossa Way

James Alexander  
1281 Barossa Way  
Carson City, Nevada 89701  
June 28, 2014

To: Board of Supervisors

Ward 1      Ward 2      Ward 3      Ward 4  
Karen Abowd   Brad Bonkowski   John McKenna   Jim Shirk

Ladies and Gentlemen,

The Carson City Planning Department's direction and presentation of this PUD has been an abject failure thus far for the following reasons:

1) There has been no distinction made (or studied) between the project as a residential development, and, as a business renting residences. The latter brings with it enormous social/economic consequences affecting existing home values. The Planning Department apparently considers the differences negligible, since both are "Residential" zoned. However, every existing home shown on the Vicinity Map is an individually owned home; there are NO businesses renting more than their own residence in this neighborhood. The developer, to his credit has stated many times to our group, "This is a RENTAL PROJECT." That means it will be a business renting 11 residences, or something similar. A rental project is not necessary for economic success on this development.

As presented at the Public Hearing of June 25, many townhouse owners are already looking at losses exceeding \$100,000 on their property due to the current state of the community economy. It seems the developer, along with city leadership, feels these homeowners (myself included) are now ready for further fleecing. Our purchased homes are being used to enhance their future development. This project may be legally correct-- however, by approving the rentals at this location the Planning Department has abdicated its moral responsibility. It is the responsibility of all Carson City government to respect and protect the Planned Unit Development process, including the original Site Development Plan which was present at our purchases, and if possible, the existing homeowner's property value. This government has shown no interest whatsoever in our property value.

2) The number of daily auto trips is greatly affected by the use (residential/commercial) of the property. The Planning Department is obviously confused, or doesn't care, about the existing (and future) street closures--why are they closed? Why not have ALL the streets open? The HOA opinion (that ALL are closed) is not a professional design decision, should not have been allowed in the Planned Unit Development in 2011, and should not guide the city now. This is not a decision to be handled by an HOA "vote".

3) The Planning Department is obviously confused, or doesn't care, about the notification of people affected by this project-- for instance, were the homeowners to the east of Governors Square notified or not? And if approved, you will have homes (with children) within 11 feet of Roop Street-- does it continue with a 25 MPH speed limit? How many people does that decision affect?

4) Prior to the June 25 hearing, according to directions on the public notification, I wrote a letter via email stating my objections to this project. There exists at least 6 other letters that were sent, at least 5 of them were in opposition to the project. Many areas of concern in these letters were not addressed, or mentioned, at the Public Hearing-- were the letters even read? By whom? I have not received, nor did I expect, a reply.

In summary, the Planning Commissioners voted 4/3 in favor of proceeding with the project, as is. The comments at our Public Hearing show that the Governors Square development already contains the best America produces; concerned, hardworking, taxpaying, intelligent, homebuyers-- who came to Carson City to invest in a future-- who would like to leave a nest egg for their children-- and who deserve better representation than they are getting. This city should be proud to have them as inhabitants. It should try to keep them! Vote NO on the RENTAL PROJECT!

Sincerely,  
James Alexander  
Licensed California Architect # C10661

Copy to:  
Bank of America  
Governors Square Townhouses

# CARSON CITY PLANNING COMMISSION

## CASE RECORD

MEETING DATE: June 25, 2014

AGENDA ITEM NO.: F-4

APPLICANT(s) NAME: Mark Turner

FILE NO. PUD-14-039

PROPERTY OWNER(s): Stewart and 50 Plaza LLC, Yort LLC

ASSESSOR PARCEL NO(s): 004-361-01, -02, -03, -04, -05, and -06

ADDRESS: 1205, -15, -35, -45, -65, -85 Barossa Way

APPLICANT'S REQUEST: For Possible Action: To consider a request for modification of the Governor's Square Planned Unit Development to convert six commercial lots to residential uses on property zoned Neighborhood Business-Planned Unit Development (NB-P).

COMMISSIONERS PRESENT: ☒ KIMBROUGH ☒ ESSWEIN ☒ SATTLER  
☒ DHAMI ☒ STEELE ☒ OWEN ☒ WENDELL

STAFF REPORT PRESENTED BY: Susan Dorr Pansky ☒ REPORT ATTACHED

STAFF RECOMMENDATION: ☒ CONDITIONAL APPROVAL

APPLICANT REPRESENTED BY: Mark Turner

☒ APPLICANT/AGENT WAS  
PRESENT AND SPOKE

APPLICANT/AGENT INDICATED THAT HE HAS READ THE STAFF REPORT, AGREES AND UNDERSTANDS THE FINDINGS, RECOMMENDATIONS, AND CONDITIONS, AND AGREES TO CONFORM TO THE REQUIREMENTS THEREOF.

### DISCUSSION, NOTES, COMMENTS FOR THE RECORD:

Mark Turner- There are storage areas, will be doing redwood type fencing.

Mark Sattler- Setbacks to Roop Street?

Malkiat Dhami- Will the units be rentals or converted to condos?

Wendell- How many units are for rent?

Mark Kimbrough- Would rental rates match existing rental rates? Has there been positive movement with HOA?

Mark Sattler- Buyers at west paid a premium for a new one?

### Public Comment

Brad Bonkowski- Owner of one of the LLC's. North and south buildings for commercial were to be 2-story on the ends. Trying to take the trash enclosure out to get last parking space. Clarifications on the height of structures and parking.

Elizabeth Kautura- 1201 Toscano- Bought townhome 3 years ago. No issues with commercial use but concerned about money class of people will be there. Her property will be devalued. Have not heard from HOA about the majority of property owners opinions. Association has not had a meeting to discuss what is desired by residents. Aware that businesses were going to go on vacant land but not residents. Property value concerns.

James Alexander- Townhouse owner- Bought in 2007 for \$220,000. More traffic, higher density, blocked views, property values. Residential rental business to neighborhood. South property should be bought by HOA and made into a park.



Riley Kerr- Added lots are not part of the association but the street parking is a part of the community. Parking given to commercial property as an easement. Association and builder need to revise easement to fit residential.

Helen Swintek- Resident- has a rental unit on Barossa Way- They have to go by all of the HOA requirements. New units should have to follow the same requirements.

Mallory Wilson- Estimated that duplex units will sell for approximately \$260,000 for 2. Average townhome price is \$136,000 so it's comparable. Property owners should have done their due diligence. Traffic is higher for commercial use than residential.

Sandra Chamberlain- Barossa Way resident- Paid \$275,000 for her unit in 2007. When new units are constructed it is very enclosed. Increased density concern, increased traffic, quality of life. No longer have convenient guest parking. Aware that it was going to be commercial but did not feel it would have an adverse impact. Concerned about residential garbage vs. commercial garbage.

Roger Merritt- Townhouse resident- "Renters" will be walking into the existing common area to park. Don't want foot traffic from interior parking on walkways to duplexes. Parking isn't enough for the duplexes and they will use the interior parking as well (Read statement of opposition into the record). Would like to see new HOA requirements before approval of project.

James Alexander- Trip count on commercial property is limited.

Kathryn Cass- An original townhome owner- Represented to them that there would be a commercial use. Property value concerns.

Don Heldorn- Property owner- Against project. Why does property need to be commercial? Commercial goes home at night. Would like more time.

Riley Kerr- On HOA board. HOA only represents the residential portion. Need to get the easement changed to residential first.

Brad Bonkowski- Conditions address concerns about HOA, CC&R's, cost sharing agreement.

Rory Cass- Mom is a resident in development. Should follow original approval. Where did the developer's word go that this would be commercial?

Bob Swintek- Paid \$20,000 for "view". Will take another hit with new units being built.

Brenda Heldorn- Chose the townhouse because it's the only thing like it in Carson City. If they sell, where will they buy?

Mark Turner- Quality of construction in conjunction with agreement with HOA would create a good product and not a slum.

### **Commissioners**

Paul Esswein- Concerns about all of the streets that are closer and now additional density. Thinks they should open it up. Noted daytime commercial parking vs. night residential parking.

Andi Wilson- Paid back HOA dues when they bought the property.

Riley Kerr- They did notify all property owners by taking flyers around to their doors.

Paul Esswein- Commercial parking is a daytime use vs. residential at night. There will be conflicts.

Agreements and CC&R's should be the same. Duplex is a less intense use than a 4-plex. If they commission votes based on lower income rental, they would be violating the law.

Wendell- Laws dictate how development is to be addressed. Must be based on fact, not emotion.

Mark Kimbrough- HOA has to agree with CC&R's. Concern with pedestrian access across Barossa. Put some safe crossings in across Barossa.

Kent Steele- No matter how the lots are developed, traffic volume will increase and crossings need to be addressed. Need to coordinate with HOA, citizens, and property managers to ensure rules are spelled out really well. Closed access needs to be addressed.

**Paul Esswein- made motion to deny. Proposed change will alter the neighborhood as approved previously. Coordination is insufficient at this time. Failed 3 to 4**

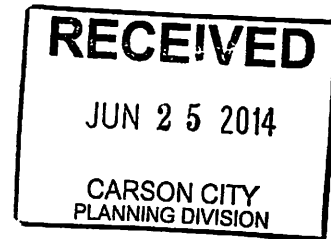
**MOTION WAS MADE TO RECOMMEND APPROVAL WITH THE FINDINGS AND CONDITIONS AS ENUMERATED ON THE STAFF REPORT**

**MOVED: Wendell    SECOND: Kimbrough    PASSED:    4/AYE    3/NO    0/ABSTAIN    0/ABSENT**

**SCHEDULED FOR THE BOARD OF SUPERVISORS**

**DATE: July 17, 2014**

**From:** Joel <joely10@hotmail.com>  
**Sent:** Wednesday, June 25, 2014 1:58 PM  
**To:** Planning Department  
**Cc:** Joel  
**Subject:** Subject: Planned Unit Development File No: PUD-14-039  
  
**Importance:** High



## COMMENTS

As an owner of property in the vicinity (and one of the 48 effected residential units comprising the existing Governor's Square Planned Unit Development) of the subject PUD-14-039, I am submitting the following comments for review by the Commissioners.

The Commissioners have been asked to review a *"...request to modify the existing Governor's Square Planned Unit Development to allow conversion of six commercial lots to residential uses, thereby increasing the total number of residential units in the Planned Unit Development from 48 to a maximum of 60."*

The requested modification should be **denied** for the following reasons and factors:

- The existing Governor's Square Planned Unit Development was carefully considered and approved less than 10 years ago. It represents the type of medium density residential/light business mixture which the Planning Commission saw as best suited to the nature and resources available in Carson City, then, and in the future.
- The intervening 'Great Recession' of 2008 forced normal economic development and commercial activity to come to a standstill at the time when this stage of the existing Governor's Square Planned Unit Development would have been completed with building and leasing of the 6 commercial lots.
- The 'Great Recession' produced the economic conditions which forced the previous

owners of the six commercial lots to fail to pay their taxes and set up the tax sale of

the property to the current owners for a fraction of the property's value. It should be

noted that every residential unit owner in the existing Governor's Square Planned

Unit Development has a far greater financial investment *in each* of their single properties than the new owners do *in all* six commercial lots.

- In addition to having a much greater singular (let alone combined) investment which

is adversely effected by the request, it should be noted that all of the 48 residential

unit owners purchased their properties *based on the existing Governor's Square*

*Planned Unit Development* which included 6 commercial lots fronting the main road

adjacent to the PUD.

- A change to 12 residences would further tax the existing resources of Carson City at

a time when revenues are only barely coming back to previous pre-recession levels.

- A change to 12 residences introduces many traffic problems as well as parking problems to existing residents.

- A change to 12 residences in such close proximity to the existing 48 members of the

Governor's Square Planned Unit Development condominiums poses a potential denigration of the existing residences which are all conforming to carefully planned

and architecturally designed specifications *and* whose upkeep and maintenance are

overseen by condominium bylaws of the existing Governor's Square Planned Unit

Development HomeOwners Association and its paid Property Management experts.

For these reasons the Commissioners should deny this request and keep Carson City a thoughtfully planned and beautiful Capitol city befitting the Great State of Nevada.

Thank you for your kind and thoughtful consideration.

Joel C. Richard  
1212 Fonterra Way

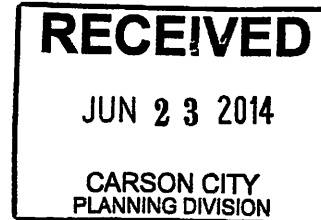
## Susan Dorr Pansky

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**From:** Roger <rodgerdodger10@sbcglobal.net>  
**Sent:** Saturday, June 21, 2014 10:28 AM  
**To:** Planning Department  
**Cc:** Gary @ Jo Ann Nelson  
**Subject:** Roger Merritt

To: Carson City Planning Commission

From: Roger Merritt  
1252 Toscana Way  
Carson City, NV 89701  
209256onezerothreefive



Re: PUD - 14-039

I own a townhouse at Governors Square. I DO NOT approve of the proposed zoning change from commercial to residential property. In my opinion, this change will cause property value to plummet and cause undue burden on the the current property owners in Governors Square.

When I purchased my property in December 2011 was aware of the commercial property adjoining the the Governors Square complex. I excepted in fact that the 6 COMMERCIAL LOTS might be developed, but never would have bought and invested in my property if they would/could be re-zoned residential properties.

At this point, I have been made aware that maybe the Board representing the owners of Governors Square may have made decisions without do authority and all the owners in Governors Square may not have even been made aware of this proposed change. I have been personally just made aware of this within days.

I PROPOSE A POSTPONEMENT on this decision giving more time to clarify the issues and give EVERYONE a equal and fair voice. This proposed change is MAJOR and should be done cautiously, correctly and in GOOD FAITH.

Again, I DO NOT APPROVE OF THIS ZONING CHANGE without proper notification and all the important issues being considered, reviewed and agreed upon by all parties.

Thank you

Roger Merritt

**STAFF REPORT FOR THE PLANNING COMMISSION MEETING OF JUNE 25, 2014**

**FILE NO: PUD-14-039**

**AGENDA ITEM: F-4**

**STAFF AUTHOR:** Susan Dorr Pansky, Planning Manager

**REQUEST:** Request to modify the existing Governor's Square Planned Unit Development from Mark Turner (property owners: Stewart and 50 Plaza LLC and Yort LLC) to convert six commercial lots to residential uses, thereby increasing the total number of residential units to a maximum of 60, on property zoned Neighborhood Business - Planned Unit Development (NB-P), located at 1205, -15, -35, -45, -65, and -85 Barossa Way, APNs 004-361-01, -02, -03, -04, -05, and -06.

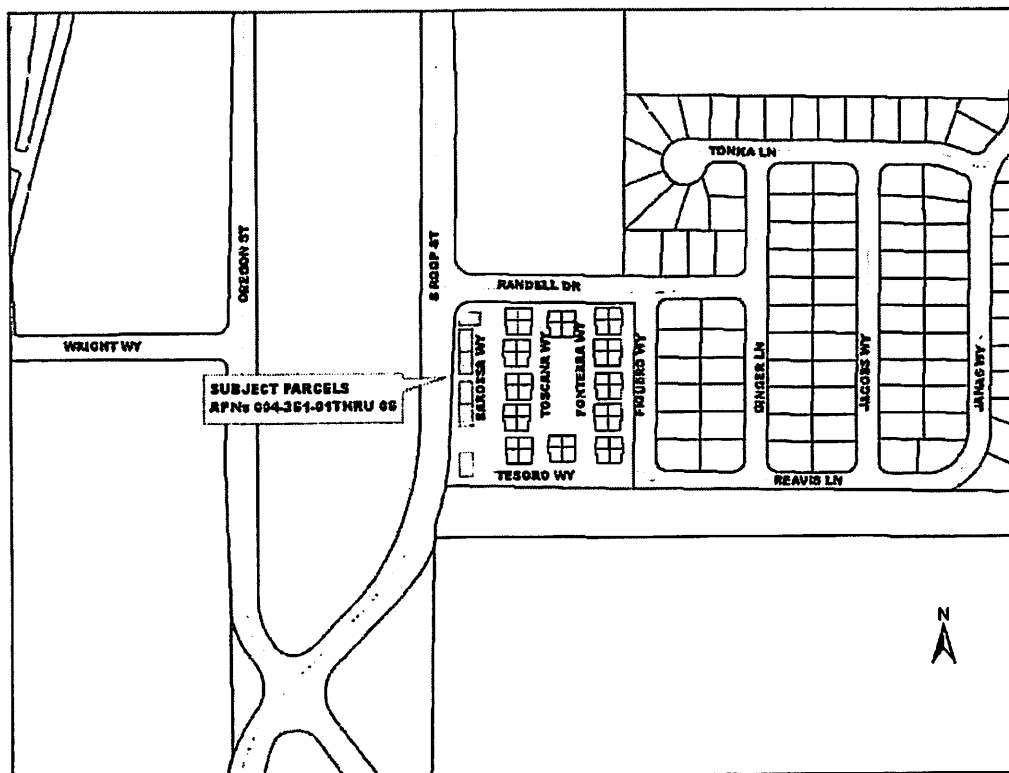
**APPLICANT:** Mark Turner

**OWNER:** Stewart and 50 Plaza LLC and Yort LLC

**LOCATION:** 1205, -15, -35, -45, -65, and -85 Barossa Way

**APN(s):** 004-361-01, -02, -03, -04, -05, and -06

**RECOMMENDED MOTION:** "I move to approve PUD-14-039, a request from Mark Turner (property owners: Stewart and 50 Plaza LLC and Yort LLC) to modify the existing Governor's Square Planned Unit Development to convert six commercial lots to residential uses, thereby increasing the total number of residential units to a maximum of 60, on property zoned Neighborhood Business - Planned Unit Development, located at 1205, -15, -35, -45, -65, and -85 Barossa Way, APNs 004-361-01, -02, -03, -04, -05, and -06, based on the findings and subject to the conditions of approval outlined in the staff report."



## RECOMMENDED CONDITIONS OF APPROVAL:

The following conditions include previously approved conditions of approval for PUD-05-086 (Governor's Square/Toscana Village Planned Unit Development) as well as new and/or revised conditions associated with the modification request. **Bold, underlined** text is added, ~~[stricken]~~ text is deleted.

1. All parcel maps, **lot line adjustment maps** or preferably final maps shall be in substantial accord with the approved tentative map **and approved Planned Unit Development modification**.
2. Prior to submittal of any parcel map or preferably final map, the Development Engineering ~~[Department]~~ **Division** shall approve all on-site and off-site improvements. The applicant shall provide construction plans to the Engineering ~~[Department]~~ **Division** for all required on-site and off-site improvements, prior to any submittals for approval of a final map. The plan must adhere to the recommendations contained in the project soils and geotechnical report.
3. Lots not planned for immediate development shall be left undisturbed and mass grading and clearing of natural vegetation shall not be allowed. Any and all grading shall comply with City standards. A grading permit from the Department of Environmental Protection shall be obtained prior to any grading. Noncompliance with this provision shall cause a cease and desist order to halt all grading work.
4. All lot areas and lot widths shall meet the zoning requirements approved as part of this Planned Unit Development **or Planned Unit Development modification** with the submittal of any **lot line adjustment**, parcel map or preferably final map.
5. With the submittal of any parcel map or preferably final maps, the applicant shall provide evidence to the Planning ~~[and Community Development Department]~~ **Division** from the Health and Fire Departments indicating the agencies' concerns or requirements have been satisfied. Said correspondence shall be included in the submittal package for any parcel map or preferably final maps and shall include approval by the Fire Department of all hydrant locations.
6. A note shall be placed on all parcel maps or preferably final maps stating:  
  
"These parcels are subject to Carson City's Growth Management Ordinance and all property owners shall comply with provisions of said ordinance."
7. All other departments' conditions of approval, which are attached, shall be incorporated as conditions of this report. **Conditions of approval from other departments for the Planned Unit Development modification are included in the recommended conditions of approval.**

8. Placement of all utilities, including Carson Cable Television, shall be underground within the subdivision. Any existing overhead facilities shall be relocated prior to the submittal of a parcel map or preferably final maps.
9. The applicant must sign and return the Notice of Decision for conditions of approval within 10 days of receipt of notification after the Board of Supervisors meeting. If the Notice of Decision is not signed and returned within ten days, then the item will be rescheduled for the next Planning Commission meeting for further consideration.
10. Hours of construction will be limited to 7:00 a.m. to 7:00 p.m., Monday through Friday, and 7:00 a.m. to 5:00 p.m. on Saturday and Sunday. If the hours of construction are not adhered to, the Carson City Building [Department] **Division** will issue a warning for the violation, and upon a second violation, will have the ability to cause work at the site to cease immediately.
11. The Landscaping proposed on site shall be in compliance with CCMC Development Standards, Division 3, Landscaping. The landscaping shall be comprised of shade trees, accent trees, shrubbery, lawn and non-living material. Perimeter and park landscaping shall include additional trees to those shown on the Conceptual Landscaping Plan. These trees shall be irrigated using a common system maintained by the Homeowner's Association or an approved alternative, to ensure their survival. **Landscaping for the open space surrounding the new residential units shall also be in compliance with Development Standards Division 3, Landscaping.**
12. Security lighting shall be strategically placed on site throughout the facility to deter vandalism. However, all security lighting must be directed downward. The design of the light standards must include cutoffs and shields, if necessary, to prevent any spillover of light or glare onto adjacent properties.
13. The pedestrian path on the south of the subject site shall be a six foot minimum with a material approved by the Parks and Recreation Department, preferably constructed of compacted native material or decomposed granite. **The homeowners' association shall be responsible for all landscaping/drip irrigation system and path maintenance associated with this path. These maintenance responsibilities include, but are not limited to, regular weeding, tree and shrub pruning, path surface restoration, trash/dog feces pick up, plant replacements, drip irrigation system repair and providing water to the path's adjacent plant material.**
14. The temporary sales office shall be landscaped and lighted to the satisfaction of Planning and Community Development. Any sign shall require approval of a sign permit.
15. The applicant shall adhere to all Carson City standards and requirements for water and sewer systems, grading and drainage, and street improvements.



16. The applicant shall obtain a dust control permit from the Nevada Division of Environmental Protection. The site grading must incorporate proper dust control and erosion control measures.
17. A detailed storm drainage analysis, water system analysis, and sewer system analysis shall be submitted to the Engineering Department prior to approval of a final map.
18. Prior to the recordation of the final map for any phase of the project, the improvements associated with the project must either be constructed and approved by Carson City, or the specific performance of said work secured, by providing the City with a property surety in the amount of one hundred fifty percent (150%) of the engineer's estimate. In either case, upon acceptance of the improvements by the City, the developer shall provide the City with a proper surety in the amount of ten percent (10%) of the engineer's estimate to secure the developer's obligation to repair defects in workmanship and materials which appear in the work within one year of acceptance by the City.
19. No on-street parking shall be allowed and all streets shall be signed in a manner acceptable by the City.
20. A "will serve" letter from the water and wastewater utilities shall be provided to the Nevada Health Division prior to approval of a final map. **An updated will serve letter shall be required for the Planned Unit Development modification to change the commercial use to residential.**
21. The District Attorney and Planning and Community Development Division shall approve the CC&Rs prior to approval of the first final map. **The applicant shall provide revised CC&Rs addressing modifications for the duplexes to the Planning Division and District Attorney for review and approval along with confirmation that the existing homeowners' association is in agreement with the modifications prior to recordation. The revised CC&Rs for the duplexes shall be compatible with the CC&Rs for the existing Planned Unit Development and shall address the use of additional parking required for the duplexes.**
22. The homeowners' association shall maintain all common open space areas including the area devoted to guest parking. **The applicant shall provide a copy of the agreement with the homeowners' association addressing maintenance of the common areas associated with the duplexes to the Planning Division and District Attorney for review and approval.**
23. PUD-05-086 is subject to the approval of AB-05-088 and SUP-05-087.

24. The proposed building envelopes are the proposed parcels. A 10.6 foot setback is proposed from Randell Drive, a 25.4 foot setback is proposed from Figuero Way, a 12.8 foot setback is proposed from South Roop Street and a 51 foot setback is proposed from the southern property line of the proposed Planned Unit Development. **Minimum setbacks for the new residential duplex units shall be 10 feet eight inches from South Roop Street, 20 feet from Randell Drive, 24 feet six inches from the southern property line and eight feet between buildings, with the exception of the two northernmost buildings, which will be five feet between buildings. Due to the proposed spacing between the buildings and the building types, building construction shall be based on Table R302.1(1), R302.1(2) and Section R302.3 of the 2012 IRC.**
25. The map shall reflect the correct flood zone designation of Zone B and Zone AH.
26. The map shall reflect relocation of the two handicap parking spaces behind the commercial buildings south five parking spaces to coincide with the pedestrian connection.
27. The map shall reflect the 6,496 square foot central park area shifted two parking spaces to the north to allow continuous pedestrian connection east and west.
28. The map shall reflect pedestrian connections from Figuero Way to the units facing the street.
29. Mail cluster boxes shall be dispersed through the project. The locations shall be approved by the Engineering Division and the United States Postal Service. **Any new mailbox clusters for the new residential duplex units shall also adhere to this requirement.**
30. All street names and addressing shall be reviewed and approved by Carson City GIS Department.
31. The right-of-way/PUE abandonment AB-05-088 shall be recorded prior to the final map recordation. New 10 foot wide PUEs shall be granted along all frontages of the project.
32. The applicant shall adhere to all Carson City standards and requirements for water and sewer systems, grading and drainage, and street improvements, as outlined in the Development Standards for Water, Sewer and reclaimed Water, Storm Drainage, Transportation and other applicable Divisions and required by the Standard Specifications and Details for Public Works Construction, as adopted by Carson City. No deviations from the standards are allowed.
33. Building permits for unit/home construction shall not be issued until streets and infrastructure improvements are deemed substantially complete by the City.

34. 100% compliance of all landscaping improvements is required prior to occupancy of dwelling/commercial units excluding the temporary sales office.
35. The map shall show the square footage of the total roadways.
36. The minimum road width shall be 20 feet and an all weather surface.
37. An emergency fire access road shall be designed for fire department access and emergency evacuation of residents.
38. Addresses shall be clearly visible from the street.
39. Fire flow shall be provided by hydrants meeting with the approval of the Carson City Fire Department. Maximum spacing shall be 500 feet between hydrants and a maximum frontage of 250 feet.
40. All fire codes and ordinances pertinent to the building occupancy classification shall be addressed.
41. The developer will incur all costs related to moving the existing boxes including a new concrete pad and required bolts. The Post Office must be notified when this move is to take place, and if a temporary location will be needed when the street is realigned.
42. **All development related to the Planned Unit Development modification shall be substantially in accordance with the development plans approved with this application, except as otherwise modified by these conditions of approval.**
43. **The maximum number of residential units shall be 60 for the entire Planned Unit Development.**
44. **The residential duplex units shall be architecturally compatible with the existing residences in the Planned Unit Development.**
45. **Two parking spaces per each new dwelling unit shall be required plus one guest parking space for every two new dwelling units. The total required parking for the duplexes is 30 spaces.**
46. **Private open space areas for the benefit of individual duplexes may be fenced provided that the total amount of private open space does not exceed 25% of the total open space for the project.**
47. **Fencing must be in compliance with Carson City Development Standards. One continuous fence along Roop Street shall not be allowed and is required to be broken up in a manner acceptable to the Planning Division to provide space between each of the duplex buildings. A minimum of three feet between the fence**

**and the sidewalk on Roop Street and Randell Way shall be required and this area shall be landscaped.**

- 48. The applicant may retain the option to revert all or a portion of the parcels for the same office/retail uses approved under the original Planned Unit Development provided that commercial and residential buildings are grouped together. If the only a portion of the parcels revert back to office/retail, the applicant must demonstrate that adequate parking is available for both uses within the spaces allotted to this portion of the Planned Unit Development.**
- 49. The applicant shall submit a copy of the Notice of Decision and conditions of approval with any Building Permit application.**
- 50. Residential submittals shall show compliance with the following codes, and adopted amendments:**
- **2012 International Building Code**
  - **2009 International Energy Conservation Code**
  - **2012 International Fire Code**
  - **2012 Uniform Mechanical Code**
  - **2012 International Mechanical Code**
  - **2012 Uniform Plumbing Code**
  - **2011 National Electrical Code**
  - **2009 ICC/ANSI A117.1 (For accessible design)**
  - **2011 Northern Nevada Amendments**
  - **2012 Northern Nevada Amendments**
- 51. The project requires 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.**
- 52. As a part of the submittal, include a complete "Architectural Design Analysis", which shall include a complete breakdown of the allowable area and height versus the actual area and height.**
- 53. The location and construction type of the units will be based on Table R302.1(1), R302.1(2) and Section R302.3 2012 IRC.**
- 54. The project must follow the 2012 International Fire Code with Northern Nevada Amendments as adopted by Carson City.**

**LEGAL REQUIREMENTS:** NRS Chapter 278A (Planned Development), CCMC 17.07 (Findings), CCMC 17.09 (Planned Unit Development), CCMC 18.04.120 (Neighborhood Business)

**MASTER PLAN DESIGNATION:** High Density Residential (HDR)

**PRESENT ZONING:** Neighborhood Business – Planned Unit Development (NB-P)

**KEY ISSUES:** Will the proposed conversion of existing commercial lots to new residential be compatible with the surrounding area? Will the addition of new duplex residential be beneficial to the City?

**SURROUNDING ZONING AND LAND USE INFORMATION:**

WEST: Public (P)/Nevada Department of Transportation Corporate Yard  
EAST: Neighborhood Business – Planned Unit Development/Existing Governor's Square PUD  
NORTH: Neighborhood Business (NB)/U.S. Post Office  
SOUTH: Public/Community (PC)/Governor's Field  
**ENVIRONMENTAL INFORMATION:**

FLOOD ZONE: X Shaded, areas of minimal flooding  
EARTHQUAKE FAULT: Severe - Zone I, fault beyond 500 feet  
SLOPE/DRAINAGE: Slope is flat and site has been previously graded

**SITE DEVELOPMENT INFORMATION:**

LOT SIZE: 8,899 square feet/.2 acres  
PROPOSED NUMBER OF STRUCTURES: Six  
PROPOSED NUMBER OF RESIDENTIAL UNITS: 12  
PROPOSED STRUCTURE SIZE: 2,194 square feet (1,097 square feet per unit)  
STRUCTURE HEIGHT: Approximately 23.5 feet  
REQUIRED PARKING: 30 spaces (two spaces for each unit plus one guest space for every two units)  
PROPOSED PARKING: 29 existing spaces on Barossa Way that were originally approved for commercial uses  
REQUIRED SETBACKS (Per Original PUD Approval):

- From Randell Drive – 10.6 feet
- From Roop Street – 12.8 feet
- From Southern Property Line – 51 feet
- Between Buildings – 12 feet

PROPOSED SETBACKS:

- From Randell Drive – 20 feet
- From Roop Street – 10.7 feet
- From Southern Property Line – 24.5 feet
- Between Buildings – Eight feet, with the exception of between the two northernmost buildings, which is five feet

**PREVIOUS REVIEWS:**

- CSM-04-208 – Conceptual Subdivision Map for Heatherglenn Villa Planned Unit Development (now Governor's Square)
- PUD-05-086 – Planned Unit Development for Toscana Village (now Governor's Square)
- SUP-05-087 – Special Use Permit for a temporary sales office associated with Governor's Square
- AB-05-088 – Right-of-Way Abandonment associated with Governor's Square
- FPUD-06-187 – Final Map for Governor's Square Planned Unit Development

## **HISTORY:**

The Governor's Square Planned Unit Development is located in the Neighborhood Business zoning district and was approved by the Board of Supervisors on July 21, 2005 under the name of Toscana Village. The approved Planned Unit Development (PUD) includes 48 attached residential units and six commercial parcels on 3.78 acres. Open space for the development exceeds the minimum PUD requirement of 30 percent at approximately 46.3 percent. The open space was subsequently increased to 47.6 percent when some concrete parking pads were deleted from the plan in August 2007. Approved parking for the PUD includes 120 spaces (2.5 spaces per unit) for the residential units and 29 spaces for the commercial uses (based on one space for every 325 square feet of gross floor area) for a total of 149 parking spaces. Actual parking on the site is slightly higher at 156 spaces.

All of the original 48 residential units have been constructed, as well as all of the interior surface improvements including roadways, sidewalks and parking. Landscaping and open space amenities associated with the original 48 units has also been constructed. The six commercial parcels and surrounding landscaping have not yet been constructed.

## **DISCUSSION:**

The applicant is requesting to change the approved use of the six existing commercial lots associated with the PUD to a residential use in the form of two-family dwellings, also known as duplexes. The proposal includes a maximum of 12 additional residential units in six buildings, which would bring the total number of residential units for the PUD to 60. A modification to the PUD is required in this instance pursuant to Carson City Municipal Code (CCMC), Section 17.09.060(3), Planned Unit Developments – Final Approval (applicable sections highlighted in **bold**):

Hearing. A public hearing on an application for Final Map and Zoning Map Amendment approval of the plan or any part thereof, shall not be required if the plan, or any part thereof, submitted for final approval is in substantial compliance with the plan that has been granted tentative approval. The plan submitted for final approval shall be in substantial compliance with the plans previously approved if modifications by the landowner do not:

- a. **Vary the proposed gross density of the number of units proposed;**
- b. **Involve a reduction of the area set aside for common or private open space or modify or modify the maintenance agreements;**
- c. Increase the total ground coverage of buildings or involve a substantial change in the height of buildings;
- d. Vary circulation, drainage or utility patterns;
- e. **Vary the substance of the covenants, conditions, and restrictions.**

The applicant's proposal includes increasing the total density of the project, modifying the maintenance agreement for the open space and modifying the covenants, conditions and restrictions. Additionally, CCMC Section 17.09.075 states that minor amendments may be authorized by the Community Development Director and City Engineer provided that there is not an increase in the density of a project. In this case, there is an increase in the proposed density that further substantiates the requirement for a modification to the PUD.

### Density

The applicant is proposing to increase the gross density of the project from 48 units to 60 units, which equates to an increase in density from approximately 13 units per acre to approximately 16 units per acre. The regulations for PUDs do not specify a maximum density for projects located in the Neighborhood Business zoning district; therefore staff refers to the Master Plan designation for the project to determine acceptable density. The Master Plan designation for parcels on which this PUD is located is High Density Residential (HDR), which allows for densities ranging between eight and 36 units per acre. The proposed 16 units per acre is within the allowed density range.

### Open Space

The proposal includes small fenced areas for the duplexes which would convert some of the common open space to private open space. This will modify the ratio of common open space to private open space on the overall site. However, because the open space percentage is 47.6 percent of the site (well over the 30 percent requirement) and only approximately four percent is currently private, staff is not concerned about the modification. CCMC Section 17.09.100, Open Space, allows up to 25 percent of the open space to be private. The exact locations of the fences have not yet been determined and staff has recommended conditions of approval related to the fencing and to the percentage of the total site that may be designated as private open space.

### Parking

The current proposal for 12 duplex units requires two parking spaces per unit plus one additional guest parking space for every two units. Based on this formula, 30 parking spaces are required for the proposed duplex uses. The original PUD approval included 29 parking spaces on Barossa and Tesoro Ways that were specifically designated for the approved commercial uses and these could be used for the residential duplexes instead. However, because 30 spaces are required and the current commercial parking allotment is short one space, staff has done a parking analysis for the entire PUD to determine whether or not enough parking exists on the site to accommodate the requirement of this additional space. The results of the analysis are as follows:

Description	Required Spaces	Actual Spaces
Existing Residential	96	96
Guest Parking	24	31
Commercial Uses	29	29
<b>Total</b>	<b>149</b>	<b>156</b>

The table above demonstrates that there are six more spaces in the PUD than required for the approved uses, and an accommodation can be made to allow one additional space to be used for the duplexes.

### Maintenance Agreement and Modification of CC&Rs

Staff understands that the applicant intends to enter into an agreement with the current homeowners' association to modify the maintenance responsibility of the common open space that will be associated with the duplexes and to modify the adopted covenants, conditions and

restrictions (CC&Rs) to accommodate the duplexes. This is acceptable to staff provided that all common open space areas continue to be maintained by a homeowners' association, the use of the additional required parking discussed in the paragraph above is addressed in the agreement, and that the CC&Rs related to the duplex uses and their associated parking areas are compatible with the CC&Rs of the existing residential units. For example, if the CC&Rs for the existing residences states that parking spaces are to be used for the parking of fully operational vehicles only or that recreational vehicles shall not be allowed in the parking spaces, then the CC&Rs for the duplexes shall have similar requirements to ensure continuity throughout the community. Staff has recommended a condition of approval that the agreement and modified CC&Rs be provided to the Planning Division for review and approval prior to finalization.

On a related note, a six foot decomposed granite path was constructed as a part of the original PUD and appears to be maintained by the homeowners' association but this has not been confirmed. Staff recommends adding a condition that clarifies the maintenance of this path shall be the responsibility of the homeowners' association as this was not made clear in the original PUD conditions of approval.

#### Compatibility

Upon reviewing the proposed application, staff has determined the conversion of commercial parcels to residential lots is an acceptable modification to the PUD and will not have a detrimental impact on the surrounding neighborhood. Residential uses are, by their nature, less intense and intrusive than commercial uses and are generally compatible with other residential uses. The proposed density is similar to the density that already exists in the development, which will not cause a significant increase in the intensity of the residential use beyond what is already present. Private open space is proposed as a part of this modification, which will allow residents in the duplexes small individual yard areas. While garages are not proposed for the new units, resulting in additional cars in the parking lot, it has been demonstrated that the existing parking has capacity to support the minimum parking requirements for the duplexes.

The conditions of approval recommended by staff include all of the conditions from the original PUD approval and incorporate new or revised conditions where necessary to address the modification proposed by the applicant.

**PUBLIC COMMENTS:** Public notices were mailed to 49 adjacent property owners within 300 feet of the subject site. As of the writing of this report, staff has received five letters of opposition from surrounding residents. These letters are included in the attachments of this staff report. Any comments that are received after this report is completed will be submitted to the Planning Commission prior to or at the meeting on June 25, 2014, depending on the date of submission of comments to the Planning Division.

**OTHER CITY DEPARTMENTS OR OUTSIDE AGENCY COMMENTS:** The following comments were received by various city departments. Recommendations have been incorporated into the recommended conditions of approval, where applicable.

#### Building Division:

1. Residential submittals shall show compliance with the following codes, and adopted amendments:



- 2012 International Building Code
  - 2009 International Energy Conservation Code
  - 2012 International Fire Code
  - 2012 Uniform Mechanical Code
  - 2012 International Mechanical Code
  - 2012 Uniform Plumbing Code
  - 2011 National Electrical Code
  - 2009 ICC/ANSI A117.1 (For accessible design)
  - 2011 Northern Nevada Amendments
  - 2012 Northern Nevada Amendments
2. Project requires 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.
  3. As a part of the submittal, include a complete "Architectural Design Analysis", which shall include a **complete** breakdown of the allowable area and height versus the actual area and height.
  4. The location and construction type of the units will be based on Table R302.1(1), R302.1(2) and Section R302.3 2012 IRC.

**Engineering Division:**

The Engineering Division has no preference or objection to the request. The Will Serve letter for Governor's Square will have to be updated to change the commercial use to residential.

**Fire Department:**

The project must follow the 2012 International Fire Code with Northern Nevada Amendments as adopted by Carson City.

**Environmental Control Authority:**

No comments received.

**Health and Human Services:**

No comments.

**School District:**

No comments received.

**Parks and Recreation:**

The HOA will be responsible for all landscaping/drip irrigation system and path maintenance associated with the decomposed granite path between Roop Street and Reavis Lane. These

maintenance responsibilities include but are not limited to regular weeding, tree and shrub pruning, path surface restoration, trash/dog feces pick up, plant replacements, drip irrigation system repair, and providing water to the path's adjacent plant material.

**FINDINGS:** Staff recommends approval of the Planned Unit Development based on the findings outlined below, pursuant to CCMC 17.07.005 (Findings), subject to the recommended conditions of approval, and further substantiated by the applicant's written justification.

- 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.**

All applicable City, State and Federal regulations with regard to environmental and health laws and regulations listed above were met with the original implementation of the PUD and any regulations that will pertain to the new development will also be required to be met. The PUD is served by public water and sewer utility stubs are already in place for connection of the proposed residential development.

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

Public water is available for the proposed development and water utility stubs are already in place on site.

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

All utilities are available on site and have been stubbed to the proposed development area.

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

Public services including transportation, schools, police and fire protection, recreation and parks are within close proximity to the site and able to support the addition of the proposed residential use.

- 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.**

Access to the adjacent Linear Park trail owned by Carson City was provided as a part of the original development and remains accessible today.

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

The proposed development conforms with the Neighborhood Business-Planned Unit Development zoning ordinance and the High Density Residential land use designation in

the City's Master Plan.

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

The project is in general conformity with the 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 project has adequate access to the established street network and will not have negative impact on traffic circulation.

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

The majority of the site was constructed as a part of the previously approved PUD and conforms to the physical characteristics of the site. The proposed residential use will conform to the physical characteristics of the remaining vacant portion of the site and will utilize existing site improvements.

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

All reviewing entities' recommendations and comments have been incorporated into the recommended conditions of approval where applicable.

**11. Recreation and trail easements.**

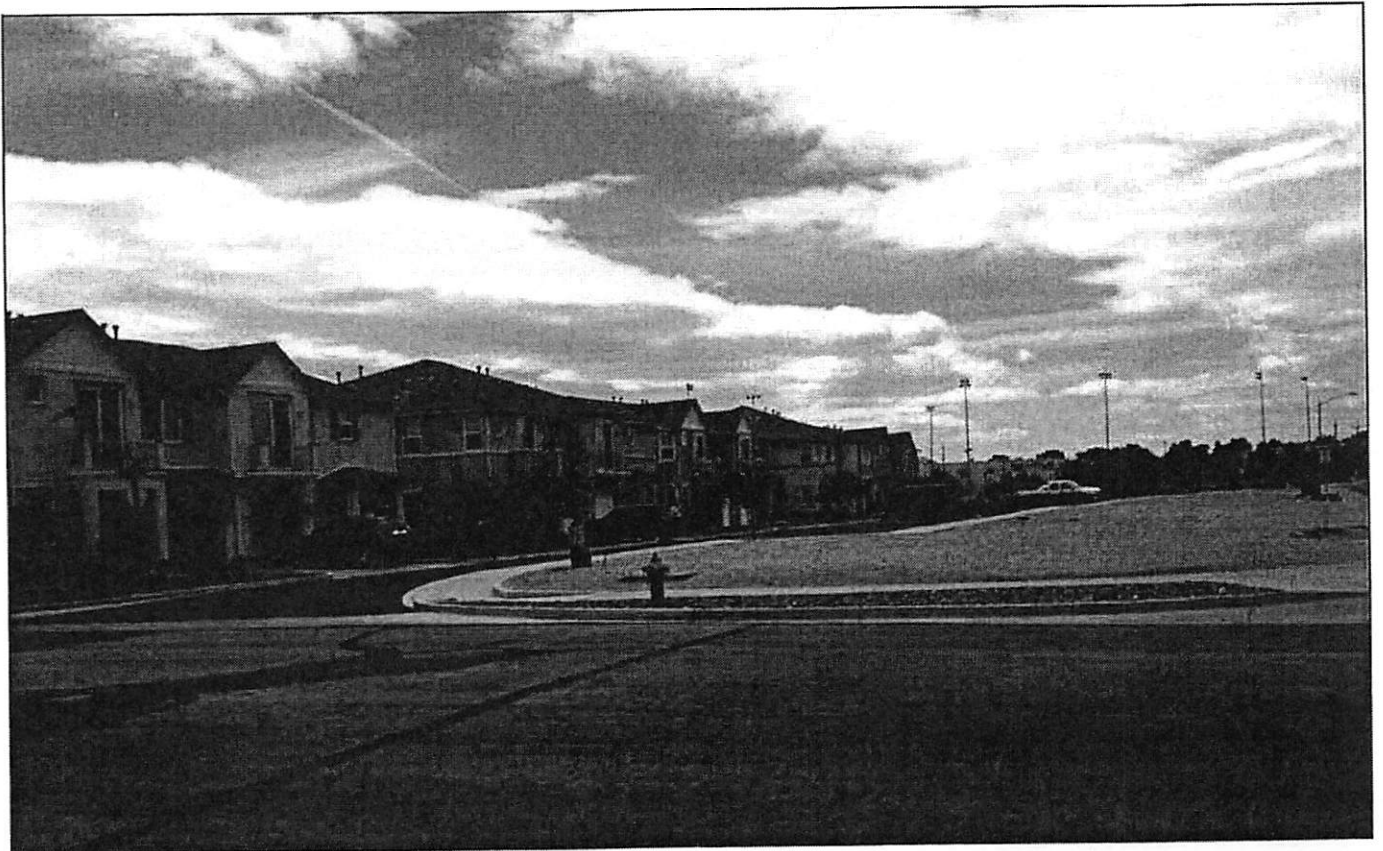
Pedestrian pathways and connections to public trails and sidewalks had been previously constructed to serve the development and remain in place today.

**Attachments:**

Site Photos  
Staff Comments  
Public Comment Letters (5)  
Application (PUD-14-039)



**View Looking Northeast**



**View Looking Southeast**

<b>File # (Ex: MPR #07-111)</b>	<i>PUD-14-039</i>
<b>Brief Description</b>	<i>Construct 5 two unit dwellings and one sfd</i>
<b>Project Address or APN</b>	<i>APN 004-361-01 through 6</i>
<b>Bldg Div Plans Examiner</b>	<i>Kevin Gattis</i>
<b>Review Date</b>	
<b>Total Spent on Review</b>	

**BUILDING DIVISION COMMENTS:**

1. Residential submittals shall show compliance with the following codes, and adopted amendments:
  - 2012 International Building Code
  - 2009 International Energy Conservation Code
  - 2012 International Fire Code
  - 2012 Uniform Mechanical Code
  - 2012 International Mechanical Code
  - 2012 Uniform Plumbing Code
  - 2011 National Electrical Code
  - 2009 ICC/ANSI A117.1 (For accessible design)
  - 2011 Northern Nevada Amendments
  - 2012 Northern Nevada Amendments
  
2. Project requires 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.
  
3. As a part of the submittal, include a complete "Architectural Design Analysis", which shall include a **complete** break down of the allowable area and height versus the actual area and height.
  
4. The location and construction type of the units will be based on Table R302.1(1), R302.1(2) and Section R302.3 2012 IRC.

**Engineering Division  
Planning Commission Report  
File Number PUD 14-039**

**TO:** Planning Commission

**FROM** Rory Hogen, E.I.

**DATE:** May 26, 2014      **MEETING DATE:** June 25, 2014

**SUBJECT TITLE:**

Action to consider a change in the PUD for Governor's Square to change 6 parcels along the west side of Barossa Way from commercial use to residential use, 1205 through 1285 Barossa Way, apns 04-361-01 through 06.

**RECOMMENDATION:**

The Engineering Division has no preference or objection to the special use request. The Will Serve letter for Governor's Square will have to be updated to change the commercial use to residential use.

**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 plans are adequate for this review.

**CCMC 18.02.080 (5a) - Master Plan**

The request is not in conflict with any Engineering Master Plans for streets.

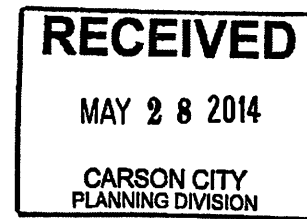
**CCMC 18.02.080 (5c) - Traffic/Pedestrians**

The request is not in conflict with pedestrian or traffic movements.

**CCMC 18.02.080 (5d) - Public Services**

New City water, sewer or access services will be needed for this project, but part of this was planned for in the original construction drawings and will serve letter. The sewer and water mains are already in place.

PUD 14-039 use change from commercial to residential for 1205 -1285 Barossa Way apns 04-361-01 through 06



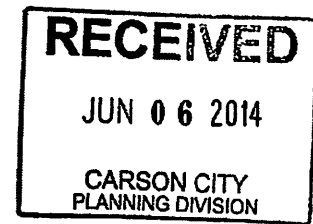
Fire has the following comments on PUD- 14-039:

1. The project must follow the 2012 International Fire Code with Northern Nevada Amendments as adopted by Carson City.

***Dave Ruben***

Captain – Fire Prevention  
Carson City Fire Department  
777 S. Stewart Street  
Carson City, NV 89701

Direct 775-283-7153  
Main 775-887-2210  
FAX 775-887-2209



June 6, 2014

**SUP-14-027**

No concerns based on application submitted.

**SUP-14-033**

No concerns based on application submitted.

**SUP-14-034**

Applicant needs to apply for all applicable licenses (Health, Business, Liquor, etc.)

**SUP-14-036 & VAR-14-037**

No concerns based on application submitted.

**SUP-14-039**

No concerns based on application submitted.

**TSM-14-022**

1. Update map to include proposed domestic well locations for each lot with a 100' radius around each well. Due to slope and site restrictions, domestic wells must be proposed in an area that would feasibly permit access by a well driller (i.e., within the building envelope). Please note that each lot must meet setback requirements addressed in NAC 444.792.
2. Percolation tests conducted to prepare the Tentative Map report show favorable results, but will not be honored for septic system design/construction. Each lot will have to conduct two (2) percolation tests as described in NAC 444.796 – 444.7968.
3. Address detention basin and culvert maintenance responsibility.

Dustin Boothe, MPH, REHS  
Carson City Health and Human Services  
900 E. Long St.  
Carson City, NV 89706  
(775) 887-2190 ext. 7220



**Susan Dorr Pansky**

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**From:** Vern Krahn  
**Sent:** Monday, June 16, 2014 3:10 PM  
**To:** Susan Dorr Pansky  
**Cc:** Roger Moellendorf; Scott Fahrenbruch  
**Subject:** HOA / North of Governors' Field - Maintenance Condition of Approval

Susan.....

Per your request, here is our department's condition of approval language for the D.G Path and adjacent landscaping between Roop Street and Reavis Lane on the north side to the Linear Ditch.

The HOA will be responsible for all landscaping/drip irrigation system and path maintenance associated with the decomposed granite path between Roop Street and Reavis Lane. These maintenance responsibilities included but are not limited to regular weeding, tree and shrub pruning, path surface restoration, trash/dog feces pick up, plant replacements, drip irrigation system repair, and providing water to the path's adjacent plant material.

Please let me know, if you have any questions....  
Thanks for working with us !!!

VERN

**Rea Thompson**

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**From:** james alexander <architja@hotmail.com>  
**Sent:** Wednesday, June 11, 2014 4:53 PM  
**To:** Planning Department  
**Subject:** Planned Unit Development Barossa Way



James Alexander  
1281 Barossa Way  
Carson City, Nevada 89701

Gentlemen,

I own one of the townhouses on Barossa Way and I belong to the Governors Square HOA. This development has been a disaster for homeowners since its conception, beginning with a design requiring the closure of two of its streets (Toscana & Fonterra), then proceeding through the nation's financial difficulty of recession, and includes the homeowner association's 2011 brainstorm of closing yet another street (Tesoro). All the while the Carson City Planning Department has done nothing to defend the process of planned development design or the homeowner's investment. The comedy of errors has brought about our existing 48 unit development with three dead-end streets, while 28 of its interior units have only one means of entry/exit; altogether a condition that remains stupid-- if not illegal.

Now we are presented with yet another change to the original approved (October, 2006) subdivision map-- a change that brings more traffic, higher density, blocked views, and further lowered property values. It will bring a residential rental business into the neighborhood as opposed to our mostly present residential property owners, thereby creating a transient population with all its usual distractions, as well as a normal lack of care for the property. We understand, the City would like to provide low-cost housing for more inhabitants, but that is not our problem to resolve. There is at present, no rental business in our neighborhood. It is a significant, unnecessary, and destructive change to introduce rentals here. The need for low-cost housing should not be fulfilled at our neighborhood's expense.

Almost any Commercial development could be designed to be an asset in our neighborhood, and some of the property could be converted to a park. This is particularly feasible on the south end where it adjoins the creek (currently used as a trash dump), the bike path, and Little League ball fields.

Finally, the Banks of Wall Street are responsible for the sorry economic condition of our Community and its Real Estate Business, not the working class tax-paying homebuyers. I suggest you make future plans to assist us rather than them!

Sincerely,  
James Alexander  
Licensed California Architect # C10661

Copy to:  
Bank of America  
Governors Square Townhouses

June 12, 2014

Carson City Planning Division  
108 E. Proctor Street  
Carson City, NV 89701  
Attn: Susan Dorr Pansky- Planning Manager  
[spansky@carson.org](mailto:spansky@carson.org)  
775-283-7076



Re: File No. PUD-14-039

**Planning Commission:**

I am the owner of the property at 1221 Barossa Way in Carson City, Nevada. I recently attended a HOA board meeting that included a presentation by Mark Turner (proposed Developer) describing conversion of six commercial lots to residential use. I am unable to attend the public hearing on June 25<sup>th</sup>, so I am writing this letter to address my concerns.

I am opposed to this conversion for the following reasons:

1. The proposed residential units do not have garages, as the existing units do.
2. The proposed units will not be part of the HOA, and will not be required to maintain their units in similar quality to HOA units.
3. The proposed units will take all the guest and owner parking on Barossa Way.
4. The proposed units have a high potential to reduce the value of my property.
5. It will be difficult to prevent occupants of the proposed units from utilizing our HOA maintained common areas.
6. There is no obligation for the developer to maintain architectural continuity with the existing development.
7. There is no requirement for the developer to force a subsequent buyer of the project to abide by any commitments to the HOA. It is typical for a developer to own the property using an LLC and fold the LLC, thus relieving them from commitments to the HOA.
8. This proposed development will cause an increase in traffic on Barossa Way (already narrow street).
9. The proposed development will be rental units with family renters, there is no safe area for children to play except Barossa Way.
10. In a MEMO dated May 27, 2014 from Mark Turner to Susan Dorr Pansky (see attachment) I take exception to some justification provided by the applicant as follows:
  1. Changing from SIX units to TWELVE units may not create a lower traffic count.
  2. Residential construction should be similar to existing development.
  3. No objection
  4. Maybe
  5. The existing HOA has no input on this.

**Regarding the Special Use Permit application Questionnaire:**

**Question One, Explanation A**

1. No comment
2. No comment
3. No comment
4. No assurance of this
5. How is this known?
6. How is this known?
7. No assurance of this
8. No assurance of this
9. No comment
10. No comment
11. How is this known?
12. No comment
13. How is this known? Is there a commercial development proposed to make a comparison?

**Question 2, Explanation A**

1. Is there a commercial development proposed to make a comparison?

**Question 2, Explanation B**

1. No one knows if fewer vehicle trips into and out of the neighborhood will result.
2. No comment
3. The existing HOA will have no input on this.
4. No comment

**Question 2, Explanation C**

1. Is there a commercial development proposal to make a comparison?

**Question 2, Explanation D**

1. This is unknown changing from SIX to TWELVE units may increase the total trips per day.

**Question 2, Explanation E**

1. No comment

**Question 3**

1. The existing HOA has no input on this development and perhaps the applicant could change his intention.

**Question 3, Explanation A- No comment**

**Explanation B- No comment**

**Explanation C- No comment**

**Explanation D- No comment**

**Explanation E- Speculation**

**Explanation F- Speculation**

**Explanation G- No comment**

**Explanation H- No comment**

**Explanation I-**

1. Four of the 28 parking spaces are designated handicapped parking. Twenty Four are needed for this development leaving NONE on Barossa Way for existing home owners. The parking on the south side is maintained by the existing HOA and will not be available for use.

**Conclusion:**

The applicant has declared that the development will be separate from the existing Governor's Square Homeowners Association leaving 48 property owners with no input into the now and future similarity to existing homes.

**Solution:**

The applicant can remain or become a member of the existing HOA.

For these reasons I am asking the Planning Commission to deny the request to modify the planned unit development.

Respectfully,

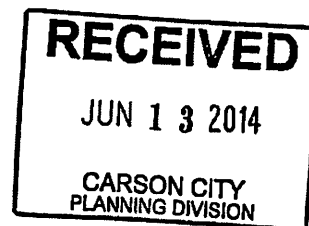
Barry Bangert  
1221 Barossa Way  
Carson City, NV 89701  
760-421-2290

Cc: Governor's Square Townhomes C/O Valley Realty Management  
mikkenzy@vrmonline.com

**Susan Dorr Pansky**

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**From:** Kjkantura <kjkantura@aol.com>  
**Sent:** Friday, June 13, 2014 6:14 AM  
**To:** Planning Department  
**Subject:** PUD-14-039 (NO)



To whom it may concern;

I am against the proposal of PUD-14-039.

As a property owner in the Governors' Square complex the proposed building of apartments will negatively impact my property value and the value of all other unit owners property.

- \* There is not enough parking. A huge influx of auto's into the complex will cause conflict.
- \* Apartments attract single family parents and the influx of children into such a small area would result in children playing throughout the complex and into the courtyards.
- \* Owners care for their property. The apartments will have renters which will have little or no reason to upkeep their property. They also would not have to abide by current Governor's Square restrictions.
- \* The view of the terrain would be negatively impacted as we currently see the mountains. The building of new structures would be the new view.

At the last association meeting many of these issues were discussed in length. There was a unanimous opinion that a negative impact to our property value would occur if the construction proceeds. Other options were discussed as well as the Association purchasing the land if possible.

In conclusion; The piece of land is too small for these units and placing them next to the existing complex is not beneficial and will negatively impact the current owners. There is ample land elsewhere to build these type units.

Say NO to this proposed development,

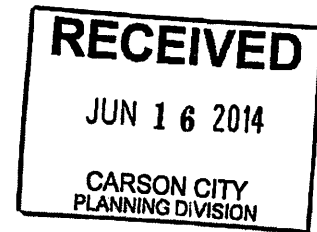
Ken Kantura  
1201 Toscana Way  
Carson City, NV  
89701

**Susan Dorr Pansky**

---

**From:** Helen Swintek <hswintek@hotmail.com>  
**Sent:** Sunday, June 15, 2014 8:20 PM  
**To:** Planning Department

[planning@carson.org](mailto:planning@carson.org)



Robert and Helen Swintek  
1291 Barossa Way  
Carson City Nevada 890711

June 15, 2014

Gentlemen,

We own a unit on Barossa Way in Governor Square. This complex has been going downhill from the day we bought it. Problems have included construction defects, false statements from the real estate, mismanagement from HOA, poor service and landscaping, closing of streets, and more. Now we have found out that there has been a change in the zoning for more units. The units are increasing from 48 to 60. The complex was planned for only 48 units. That means more cars in the parking lot which we, the HOA owners, are paying for and maintaining. This will also cause more people, more noise, and there are only 2 ways out of the complex. Where will the children of these units play when their parents cannot take them to the park? This is all just another blight to the complex. People will sell their units at a loss. Rents will go down and the HOA will be dissolved because of lack of money coming in. To me, this sounds like a formula for a slum start up. I hope these statements will make you reevaluate your decisions, and consider the impacts they will have on our investments.

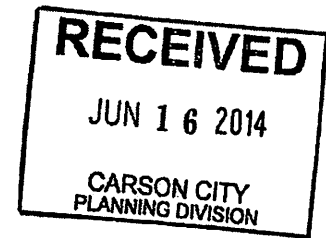
Sincerely,

Robert Swintek

**Susan Dorr Pansky**

---

**From:** glnjp@aol.com  
**Sent:** Monday, June 16, 2014 10:46 AM  
**To:** Planning Department  
**Subject:** File No- PUD-14-039



TO: Carson City Planning Commission

FROM: Jo Ann Nelson 1201 Fonterra Way, Carson City, Nv 89701

RE: PUD -14-039      convert 6 commercial lots to residential uses      (hearing 6/25/14)

I am an owner at Governors Square (48 unit Townhouses). The following are reasons NOT TO APPROVE a modification to change the 6 commercial lots into residential use.

1. As an original owner, I was well aware that these 6 parcels would be for commercial use as we signed a disclosure from Centex addressing this issue. My husband and I (both Real Estate Owners/Broker) did not feel that this low density one story commercial property would impact the value of our new purchase.
2. Our CC & R's 13.13 addresses the "commercial use disclosure".
3. The owners on Barossa Way paid a premium for there homes for the "View". If 2 story duplexes are build, these residents will surely loose there view. The owner of this property has already indicated that the duplexes will not be built as compatible to the existing townhouses.
4. These 6 commercial parcels are NOT part of Governor Square, they are only tided together by a "Easement and Cost Sharing Agreement" recorded on 7/06/09, File # 391323. Again, this agreement is for 6 commercial units not residential duplexes. (item E of the shared agreement)
5. In this "shared agreement" the commercial units have designated parking spaces. The use of these parking spaces probably would be at a minimum. The businesses would probably be in the nature of an insurance co, small real estate office, or businesses of that nature which limits the traffic from 8am to approx. 6 pm and may be no weekends. **LOW IMPACT ON PRESENT COMMUNITY.**
6. If the property is rezoned then the shared agreement must also be revisited and the Governors Square Association would likely not be designating parking spaces to such a high impact project. The parking lot is part and parcel belonging to Governors Square Association not to the 6 parcels. The 6 commercial parcels only have "use" of these spaces.
7. In the shared agreement there is also a provision to allow the use of the Association's "common area" by the commercial users. Again, there would be very low " impact use. If residential use is allowed then the "shared agreement" concerning the "common area" too would have to be altered and removed from this agreement.

8. Being these 6 parcels are not part of Governor Square Association, then the Association will have NO control on issues like cars on blocks, bedding hanging out of windows, kids, and dogs running loose, lots of traffic and parties late into the night. We feel that this will impact the value of our property in an negative way. The owner has already indicated that they will not put in writing rules compatible to Governor Square CC & R's or the Association's Rules and Regulations. The owners want the Association to "take our word" that things will be kept in control. When it is NOT written is isn't so!

Since these are 6 separate parcels, there could be 6 separate owners to deal with and without written CC & R's and Rules and Regulations recorded, the Governors Square owners will be at the mercy of possibly uncaring owners.

9. The notice of public hearing only gives the name of Mark Turner, but does not show the name of other owners. However, the Board of Directors have many emails from City Supervisor, Brad Bronkowski stating that he is the purchaser. This property did not go to the tax sale as the purchaser asked that the sale be halted. So I would hope there is no special favors since a public official is involved.

10. As a past member of the Board of Directors for the Association, and a retired Real Estate Owner and Manager, I feel I have good insight on this issue. I feel that that in the best interest of the residents of Governor Square the property should remain with a neighborhood Business zoning.

11. The owners can still build out as commercial and will not be financially injured as the property sold for the taxes of \$14,000. in total. My best estimated value of each lot is approx \$10,000. and going us with the new boom.

For the above reasons the planning commission should keep this property as **LOW IMPACT COMMERCIAL ZONING**. There are many apartment complexes in the Carson Area with still a lot of vancancies and this should not add to this glut.



Carson City Planning Division  
108 E. Proctor Street • Carson City NV 89701  
Phone: (775) 887-2180 • E-mail: [planning@carson.org](mailto:planning@carson.org)

FOR OFFICE USE ONLY:

**PUD - 14 - 072A**

**TENTATIVE MAP FOR A PUD**

Mark B. Turner (Lanturn Investments, LLC) 775-745-0881

APPLICANT PHONE #

2051 Evergreen Drive, Carson City, NV 89703

MAILING ADDRESS, CITY, STATE, ZIP

**STATE FEES:** See checklist. Submit the two state checks at the time of initial application submittal.

**FEE:** \$3,450.00 + noticing fee + CD containing application digital data (all to be submitted once the application is deemed complete by staff)

**SUBMITTAL PACKET**

See checklist (fill out checklist and return to staff with the application packet)

Application Reviewed and Received By:

**RECEIVED**

MAY 27 2014

CARSON CITY  
PLANNING DIVISION

ENGINEER

PHONE #

MAILING ADDRESS, CITY, STATE, ZIP

E-MAIL ADDRESS

[silveroakmark@me.com](mailto:silveroakmark@me.com)

PROPERTY ADDRESS, CITY, STATE, ZIP

NB 004-361-01 through 06

PRESENT ZONING

APN(S)

**REQUEST:** In accordance with the provisions of Title 17 of the Carson City Municipal Code, application is hereby made for a Planned Unit Development on property situated at:  
1205, 1215, 1235, 1245, 1266, 1285

The required modifications to Carson City's Land Use Regulations are as follows:

The applicant proposes to convert the six above parcels from commercial pads to residential units for the purpose of constructing (6) duplex units.

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**ACKNOWLEDGMENT OF APPLICANT:** (a) I certify that the foregoing statement are true and correct to the best of my knowledge and belief; (b) I agree to fulfill all conditions established by the Board of Supervisors.

  
Applicant's Signature

5/27/2014

Date

**PROPERTY OWNER'S AFFIDAVIT**

Brad Bonkowski

being duly deposed, do hereby affirm that I am the record owner of the subject property, and that I have knowledge of, and agree to, the filing of this application.

  
Signature

1205, 1215, 1235, 1245, 1266, 1285

Address

5/27/2014

Date

Use additional page(s) if necessary for other names.

STATE OF NEVADA  
COUNTY of Carson City

On 5/27/2014

, 20, personally appeared before me, a notary public, Brad Bonkowski, personally known (or proved) to me to be the person whose name is subscribed to the foregoing document and who acknowledged to me that he/she executed the foregoing document.

  
Notary Public



EMILY TEDORE

Notary Public - State of Nevada  
Appointment Recorded in Carson City  
No: 12-9076-3 - Expires October 1, 2018

**NOTE:** In order to avoid unnecessary time delays in processing your develop project, it is important that it be as complete as possible when submitted. A checklist is available to assist you and your engineer. If you have further questions regarding your application, please call the Planning Division at 775-887-2180.

# Memo

**To:** Carson City Planning Division, Susan Dorr Pansky  
**From:** Mark Turner  
**CC:** File  
**Date:** 5/27/2014  
**Re:** PUD 14-039 Governor's Square PUD Modification description and justification

Dear Susan:

Enclosed please find the application (28 copies) for PUD Modification for 14-039 Governor's Square. Also please find enlarged exhibits as requested

This request began as a Special Use Permit to convert 1205, 1215, 1235, 1245, 1266, and 1285 Barossa Way from commercial pads to residential duplex units. After the initial SUP application was submitted, it was determined that a PUD modification was a more appropriate process given the circumstances.

The applicant wishes to convert the six commercial pads approved in the original PUD Agreement to six residential pads for the purpose of constructing six duplexes which will be available for rent.

## JUSTIFICATION

The applicant believes that conversion of these commercial pads to residential use is justified for the following reasons:

1. A residential use of these pads will create a lower traffic count into and out of the neighborhood than a commercial use.
2. All of the structures currently in Governor's Square are residential in nature; it follows that more residential construction will be the most consistent form of development with what currently exists.
3. Some of the existing residences in Governor's Square are already being rented out to tenants.
4. The construction of these duplex units will provide affordable and well-located housing in the middle of Carson City. Many places of employment are nearby and can be accessed by walking or biking from the proposed development site.
5. The proposed structures have been designed and will be colored to blend well with the existing buildings in Governor's Square to maintain a consistent appearance from the outside.

The original SUP application that was submitted contains a more comprehensive discussion of the benefits and attributes of residential construction as opposed to the commercial pads that were approved with the original PUD Agreement. More information can be furnished upon request.

Regards,

Mark B. Turner

## **SPECIAL USE PERMIT APPLICATION QUESTIONNAIRE**

State law requires that the Planning Commission, and possibly the Board of Supervisors, consider and support the questions below with facts in the record. These are called "FINDINGS". Since staff's recommendation is based on the adequacy of your findings, you need to complete and attach the Proposal Questionnaire with as much detail as possible to ensure that there is adequate information supporting your proposal. The questionnaire lists the findings in the exact language found in the Carson City Municipal Code (CCMC), then follows this with a series of questions seeking information to support the findings. (On an attached sheet, list each question, read the explanation, then write your answer in your own words.) Answer the questions as completely as possible so that you provide the Commission and possibly the Board with details that they will need to consider your project. If the question does not apply to your situation, explain why.

**BEFORE A SPECIAL USE PERMIT CAN BE GRANTED, FINDINGS FROM A PREPONDERANCE OF EVIDENCE MUST INDICATE THAT THE FACTS SUPPORTING THE PROPOSED REQUEST ARE INCORPORATED INTO YOUR APPLICATION. GENERAL REVIEW OF PERMITS**

Source: CCMC 18.02.080. (1) The Planning Commission, and possibly the Board of Supervisors, in reviewing and judging the merit of a proposal for a special use permit shall direct its considerations to, and find that in addition to other standards in this title, the following conditions and standards are met:

### **Question 1.**

**How will the proposed development further and be in keeping with, and not contrary to, the goals of the Master Plan Elements?**

**Explanation A.**

As an overview, this project involves converting the use of six already-approved but currently vacant commercial pads to a residential use. These pads are located at the Governor's Square Town-homes on Roop and Randell and have remained undeveloped since the origin of the project several years ago. The pads are directly adjacent to Roop Street between the Post Office and Governor's Field. The intended residential use will involve six duplex units, or twelve rentable residences, one for each of the six pads.

This Special Use request, if granted, will accomplish a number of items on the Master Plan Policy Checklist including, but not limited to the following:

1. Meets the provisions of the Growth Management Ordinance. (Chapter 3)
2. Because the construction will be required to meet the current IECC codes adopted by Carson City, it will promote the conservation of both energy and water. (Chapter 3)

3. The project will complete an undeveloped pocket and will in fact be an infill development. (Chapter 3)
4. The project will add site features to a currently vacant and barren piece of ground. Landscaping that is consistent with what currently exists at Governor's square will be installed. (Chapter 3)
5. Will provide a less-intense usage of land and infrastructure than a commercial development. (Chapter 3)
6. Will easily connect to already installed utility infrastructure and use less water and power than a commercial development. (Chapter 3)
7. Will provide appearances that are more consistent with the existing residential theme. (Chapter 6)
8. Will provide an alternative housing product that is an upgrade from standard apartment life. There is not a large supply of this type of housing available in Carson City. (Chapter 5)
9. Provides rental housing close to job centers such as NDOT, DMV, The Bryan Building, Legislature, Post Office, Courthouse, Lowes, and the Carson Mall. (Chapter 5)
10. Provides housing with walkable/bike-able access to the downtown area as well as recreational facilities like Governor's Field and Park, Mills Park, and the Library. (Chapter 7)
11. Provides a less-impactive transition of use to the existing residential use than commercial uses. (Chapter 6)
12. Provides rental housing along major travel corridors, thus making it possible to easily access City bus service. (Chapter 7)
13. Reduces the traffic load on the neighborhood from what a commercial enterprise would impose. (Chapter 7)

In every case, this form of development (residential) appears to be a better alternative to the commercial development that was approved for this particular piece of land.

## **Question 2.**

**Will the effect of the proposed development be detrimental to the immediate vicinity? To the general neighborhood?**

## **Explanation A.**

It would be hard to find a more fitting use for this property than what is proposed herein. Other than doing nothing, this form of development will be the least impactive to the existing residences to the East because of the similarity of use, both being residential.

To the west is the DOT facility, to the north is the post office, and to the south is the Linear Park and Governor's field none of which would be affected by development of this property.

### **Explanation B.**

**Explain why your project is similar to existing development in the neighborhood, and why it will not hurt property values or cause problems, such as noise, dust, odors, vibration, fumes, glare, or physical activity, etc. with neighboring property owners. Will the project involve any uses that are not contained within a building? If yes, please describe. If not, state that all uses will be within a building. Explain how construction-generated dust (if any) will be controlled. Have other properties in your area obtained approval of a similar request? How will your project differ in appearance from your neighbors? Your response should consider the proposed physical appearance of your proposal, as well as comparing your use to others in the area.**

1. The intended use for the land will be residential. This is much more compatible with the existing town home project than commercial given the relatively small space. It will result in fewer vehicle trips into and out of the neighborhood than the currently approved commercial use. This use, if approved, will result in a reduced impact to the adjacent town homes from the currently approved use.
2. The units will be built with slab on grade floors to minimize excavation activity and the need to move dirt to and from the site. Construction hours will match the City standards to minimize impact to the residents during the construction phase.
3. The appearance of the finished construction will more closely match the town home design than a commercial project because we will use two-story construction like the town homes. Conceptual drawings are attached. The footprint of the designs will match or be less than the current pad size. Roof pitches and materials will be very similar to what already exists at the site. HVAC equipment will be standard residential equipment.
4. Dust from construction will be controlled with water from hoses and sprinklers as needed.

### **Explanation C.**

**Provide a statement explaining how your project will not be detrimental to the use, peaceful enjoyment or development of surrounding properties and the general neighborhood.**

As previously stated, the proposed use is residential, which is the same as what exists to the east and a less-intense use than the already approved commercial use. The existing residential area to the east is really the only area that could be impacted by the development of the site. The uses to the north (post office), south (park), and west (DOT) would not be impacted in a meaningful way by any form of development on the site.

The proposed use presents an improvement for the existing residential from the commercial use.

#### **Explanation D.**

**Consider the pedestrian and vehicular traffic that currently exists on the road serving your project. What impact will your development have when it is successfully operating? Will vehicles be making left turns? Will additional walkways and traffic lights be needed? Will you be causing traffic to substantially increase in the area? What will be the emergency vehicle response time? State how you have arrived at your conclusions. What City department have you contacted in researching your proposal? Explain the effect of your project with the existing traffic in the area.**

Again, the approved use for this land is commercial (NB). The proposed use is a lower intensity use than what is approved for the site. The proposed use will reduce total trips per day into and out of the neighborhood as compared to commercial use at buildout. Unlike many SUP requests, this request proposes to reduce the intensity of an already approved use. The result is a net reduction in impacts to City services and adjacent property owners across the board

Emergency vehicle response time to the site will not be affected by this development. Response time to this site is theoretically shorter than most residential developments in the City due to the proximity of the Stewart Street Fire Station and Sheriff's Department on Musser Street.

#### **Explanation E.**

**Explain any short-range and long-range benefit to the people of Carson City that will occur if your project is approved.**

Short range benefits include permit fees to Carson City, sales tax revenue on building materials purchased, and the economic activity of construction locally.

Long term benefits include additional housing options for those between apartments and home ownership and housing in close proximity to important work centers as well as increased property tax remittances for Carson City after buildout.

#### **Question 3.**

**Has sufficient consideration been exercised by the applicant in adapting the project to existing improvements in the vicinity?**

Yes. Given the constraints of the site, the design is similar to what currently exists at Governor's Square. It is our intention to use exterior colors, textures, and landscaping that compliment what exists in the town home project.

#### **Explanation A.**

**How will your project affect the school district? Will your project add to the student population or will it provide a service to the student population? How will your project affect the Sheriff's Office?**

The future residents of the duplex units may have school age children that will attend Carson City schools. It is not possible at this time to determine how many school age children may inhabit these units.

The project adds twelve more residences in Carson City that may require service from CCSO in the future.

#### **Explanation B.**

**If your project will result in the covering of land area with paving or a compacted surface, how will drainage be accommodated? Talk to Engineering for the required information.**

The proposed use is a reduction in square footage of overall hardscape and rooftop from what is currently approved. Therefore drainage into the existing infrastructure will be reduced from original projections. We did not consult with any departments regarding reductions in burdens on infrastructure, drainage, or City services.

#### **Explanation C.**

**Are the water supplies serving your project adequate to meet your needs without degrading supply and quality to others in the area? Is there adequate water pressure? Are the lines in need of replacement? Is your project served by a well? Talk to Public Works for the required information.**

The proposed use is a reduction of burden on water and sewer services in Carson City over the approved commercial use. All parcels are connected to City water and sewer. We did not consult with any City departments regarding reductions in burdens on infrastructure, drainage, or City services. Landscape will be low water use landscape involving drip irrigation. No live turf will be used in the landscape.

#### **Explanation D.**

**Is there adequate capacity in the sewage disposal trunk line that you will connect to in order to serve your project, or is your site on a septic system? Please contact Public Works for the required information.**

The proposed use is a reduction of burden on water and sewer services in Carson City over the approved commercial use. All parcels are connected to City sewer. We did not

consult with any City departments regarding reductions in burdens on infrastructure, drainage, or City services.

#### **Explanation E.**

**What kind of road improvements are proposed or needed to accommodate your project? Have you spoken to Public Works or Regional Transportation regarding road improvements?**

The proposed use is a reduction of burden on road improvements in Carson City over the approved commercial use. We did not consult with any City departments regarding reductions in burdens on infrastructure, drainage, or City services.

#### **Explanation F.**

**Indicate the source of the information that you are providing to support your conclusions and statements made in this packet (private engineer, Public Works, Regional Transportation, title report, or other sources).**

Because this SUP application represents an across the board reduction in impact from the currently zoning designation it was not necessary to conduct much research. Lightening of burden on infrastructure and reduced intensity of use theoretically reduces cost to City departments, infrastructure and surrounding property owners.

#### **Explanation G.**

**If outdoor lighting is to be a part of the project, please indicate how it will be shielded from adjoining property and the type of lighting (wattage/height/placement) provided.**

All exterior lighting will be residential in nature and will closely match what exists on the town homes in the neighborhood. No "spotlights" will be permitted or used on the buildings.

#### **Explanation H.**

**Describe the proposed landscaping, including screening and arterial landscape areas (if required by the zoning code). Include a site plan with existing and proposed landscaping shown on the plan which complies with City ordinance requirements.**

Proposed landscaping will involve fencing along Roop Street and drip-irrigated shrubs and trees. No live turf areas will be installed, landscaping that conserves water will be employed. We will work with planning to finalize landscape and fencing designs to their satisfaction if this initial concept is approved.



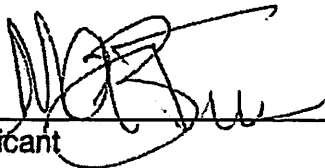
**Explanation I.**

**Provide a parking plan for your project. If you are requesting approval for off-site parking within 300 feet, provide site plans showing (1) parking on your site, (2) parking on the off-site parking lot, and (3) how much of the off-site parking area is required for any business other than your own. Design and dimensions of parking stalls, landscape islands, and traffic aisles must be provided.**

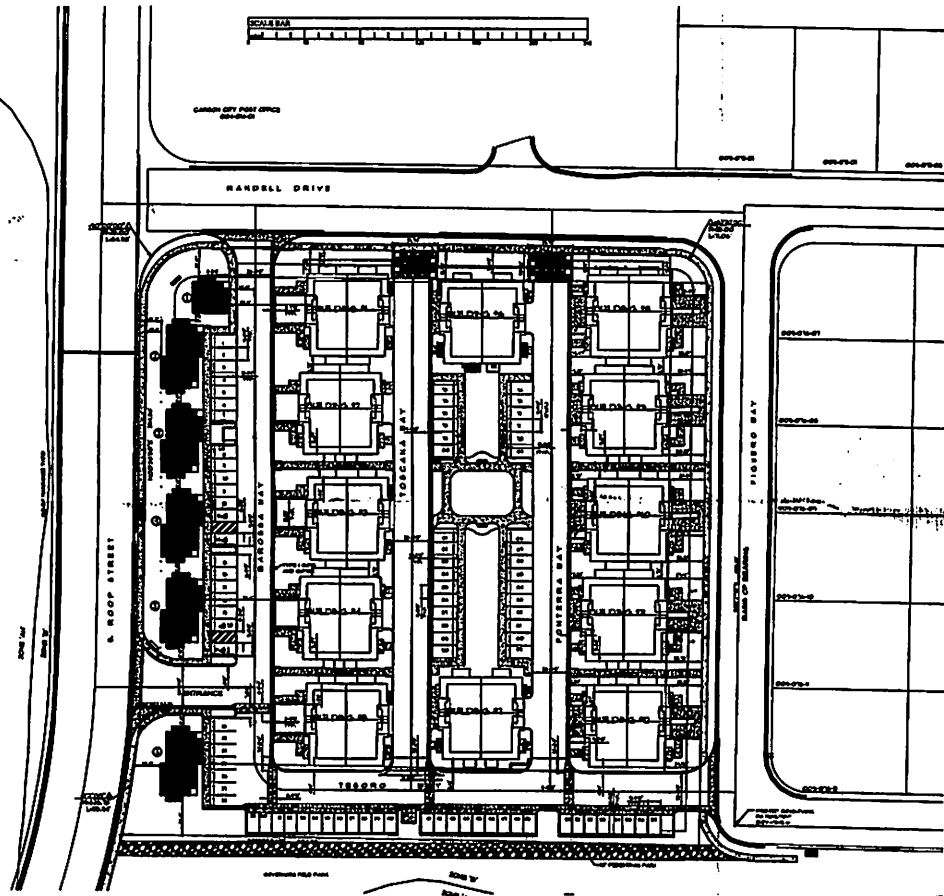
Twenty Eight (28) existing parking stalls are specifically dedicated for use by this development of 12 units directly in front of the proposed area of development. Additional parking exists along the south side of the development for guest usage. This is depicted on the enclosed site plan.

**ACKNOWLEDGMENT OF APPLICANT**

I certify that the forgoing statements are true and correct to the best of my knowledge and belief. I agree to fully comply with all conditions as established by the Planning Commission. I am aware that this permit becomes null and void if the use is not initiated within one year of the date of the Planning Commission's approval; and I understand that this permit may be revoked for violation of any of the conditions of approval. I further understand that approval of this application does not exempt me from all City code requirements.

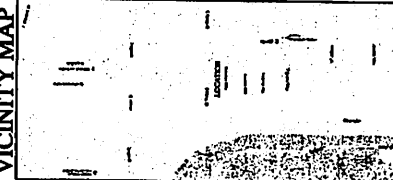
  
\_\_\_\_\_  
Applicant

5-16-2014  
\_\_\_\_\_  
Date

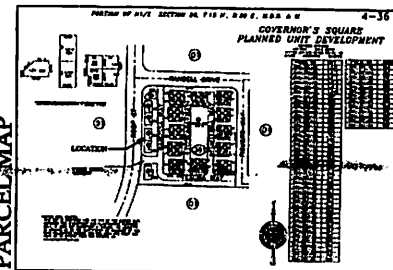


# **SITE PLAN**

**VICINITY MAP**



**PARCEL MAP**



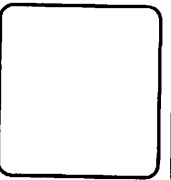
NO.	REVISIONS	DATE

**LANTURN INVESTMENTS LLC**  
 PO Box 21815 - Carson City, NV 89721  
 Telephone: (775) 684-9275

**DUPLEX PLANS**  
 Addresses: 1205, 1213, 1236, 1245, 1266, & 1285  
 Barossa Way - Carson City, Nevada  
 APN: 004-361-11 (part 6)

**SITE PLAN**

**1097 Sq Ft PER  
DUPLEX UNIT**

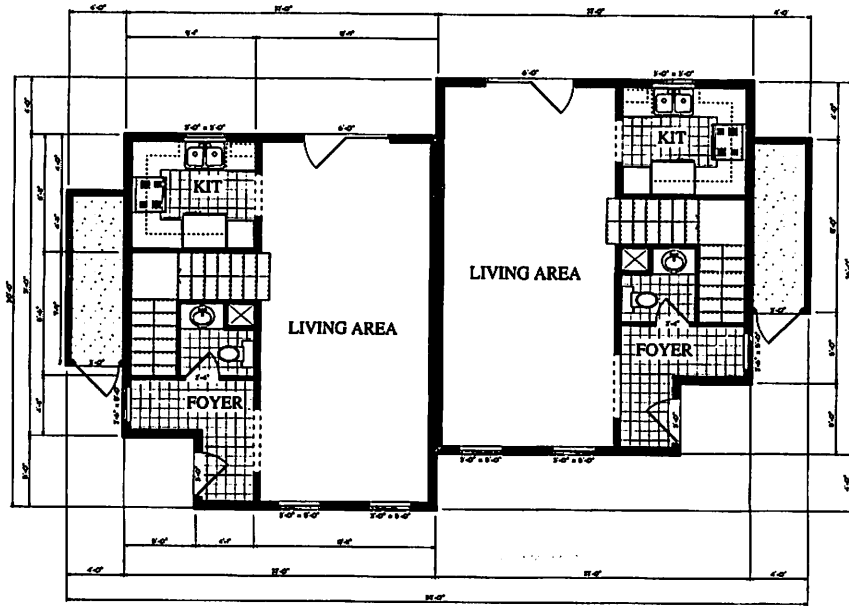


DATE: May 16, 2014

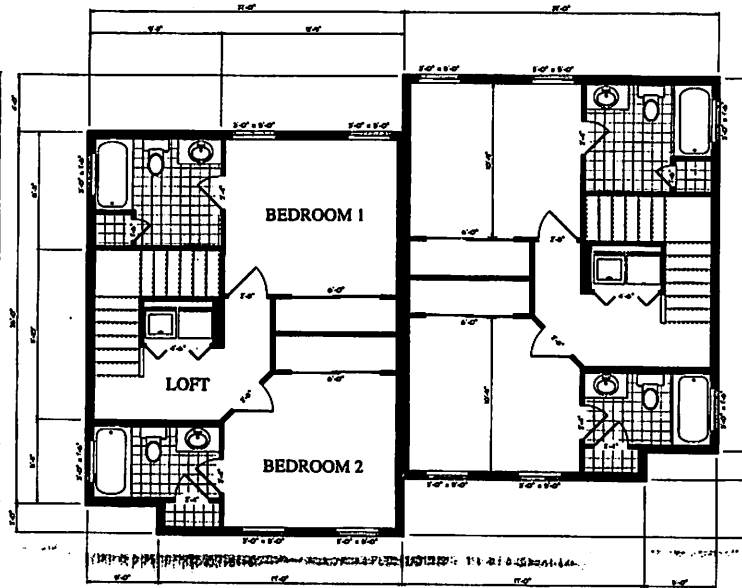
SHEET: **A1**

RECEIVED  
MAY 21 2014  
CARSON CITY  
PLANNING DEPT.

TFD-14-039



**MAIN LEVEL PLAN**  
547 SQ. FT. PER UNIT THIS LEVEL. SCALE 1/8" = 1'-0"



**UPPER LEVEL PLAN**  
530 SQ. FT. PER UNIT THIS LEVEL. SCALE 1/8" = 1'-0"

NO.	REVISION/REMARKS	DATE

**RIDGELINE**  
DEVELOPMENT  
PO Box 21815 - Carson City, NV 89721  
Telephone: (775) 884-9225  
Lic. #0070073 (03) \$950,000.00 Limit  
Expiry: 03/1/2016

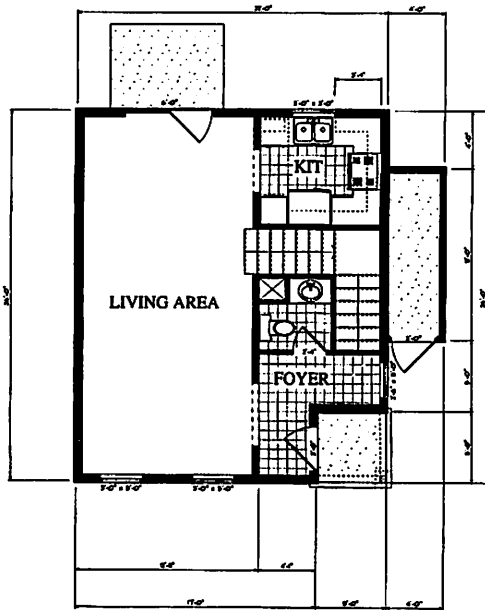
**DUPLEX PLANS**  
ROOP STREET  
1097 SQ. FT. PER UNIT

**FLOOR PLANS**

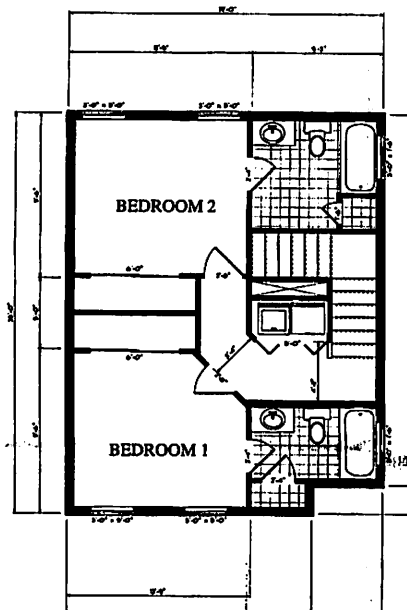
Contractor: "Project Designer"  
These plans and specifications are prepared by the architect and are subject to change without notice. The architect is not responsible for the construction of the building or for the performance of the building. The architect is not responsible for the construction of the building or for the performance of the building. The architect is not responsible for the construction of the building or for the performance of the building.

PROJECT NAME	SHEET
DATE January 21, 2014	<b>A1</b>

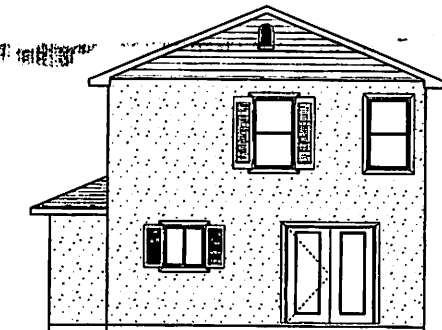




**MAIN LEVEL PLAN**  
 347 SQ. FT. PER UNIT THIS LEVEL



**UPPER LEVEL PLAN**  
 330 SQ. FT. PER UNIT THIS LEVEL



**S. ROOP ST. ELEVATION**

REVISIONS NO. DESCRIPTION DATE	
LANTURN INVESTMENTS LLC PO Box 21815 - Carson City, NV 89721 Telephone: (775) 684-9273	
DUPLEX PLANS Addresses: 1205, 1213, 1236, 1245, 1266, & 1285 Barossa Way - Carson City, Nevada APN: 004-361-1 (1 Unit 6)	
FLOOR PLANS	1097 Sq Ft PER DUPLEX UNIT
DATE: May 16, 2014 SHEET: A2.1	

RECEIVED  
 MAY 17 2014  
 CARSON CITY  
 PLANNING DEPARTMENT

TRD-14-039