



STAFF REPORT

Report To: Board of Supervisors

Meeting Date: December 17, 2015

Staff Contact: Susan Dorr Pansky, Planning Manager

Agenda Title: For Possible Action: To consider an appeal of the Planning Commission's approval of a request from Jeff Frame (property owners: Mark Turner and Sean Richards) for a Special Use Permit to allow multi-family apartments in a Retail Commercial (RC) zoning district on property zoned Retail Commercial-Planned Unit Development (RC-PUD), located on GS Richards Boulevard and Country Club Drive, APNs 007-461-22 and 007-461-23. (SUP-15-077) (Susan Dorr Pansky, spansky@carson.org)

Staff Summary: The Special Use Permit (SUP-15-077) for a 90-unit multi-family apartment complex was reviewed and conditionally approved by the Planning Commission on September 30, 2015. Decisions of the Planning Commission may be appealed to the Board of Supervisors. An appeal of the Planning Commission's approval of SUP-15-077 was jointly filed by two property owners in the vicinity of the proposed project. The Board of Supervisors may uphold, modify or reverse the Planning Commission's decision.

Agenda Action: Formal Action/Motion

Time Requested: 2 Hours

Proposed Motion

I move to deny the appeal and uphold the Planning Commission's approval of the Special Use Permit (SUP-15-077) to allow multi-family apartments in a Retail Commercial zoning district on property zoned Retail Commercial-Planned Unit Development, located on GS Richards Boulevard and Country Club Drive, APNs 007-461-22 and 007-461-23, based on the findings and subject to the conditions of approval outlined in the staff report.

Board's Strategic Goal

N/A

Previous Action

The Planning Commission approved the application by a vote of 5 ayes and 2 nays at their September 30, 2015 meeting.

Background/Issues & Analysis

Please see the attached staff memos from the District Attorney and the Planning Division, letter from the appellants, response letter from the applicant, opposition and support letters from various parties, Planning Commission case record and Planning Commission staff report for complete explanation.

Attachments:

- 1) District Attorney Memo to Board of Supervisors
- 2) Staff Memo to Board of Supervisors
- 3) Appeal Letter from Richard and Brenda Wipfli and Robert and Pam Bauter received October 9, 2015
- 4) Appeal Response Letter from Garrett Gordon, Lewis Roca Rothgerber on behalf of the applicant received on December 2, 2015

- 5) September 30, 2015 Planning Commission Case Record
- 6) September 30, 2015 Planning Commission Staff Report including Late Material
- 7) Support Request Letter to Silver Oak Residents from Appellants
- 8) Opposition and Support Letters
- 9) Silver Oak Development Agreement
- 10) Addendum #1 - Silver Oak Development Agreement
- 11) Addendum #2 - Silver Oak Development Agreement
- 12) Addendum #3 - Silver Oak Development Agreement

Applicable Statute, Code, Policy, Rule or Regulation

CCMC 18.02.060 (Appeals), CCMC 18.02.080 (Special Use Permit), CCMC 18.04.130 (Retail Commercial)

Financial Information

Is there a fiscal impact? Yes No

If yes, account name/number:

Is it currently budgeted? Yes No

Explanation of Fiscal Impact:

Alternatives

1) If the Board of Supervisors finds that the Planning Commission erred in approving SUP-15-077, reverse the Planning Commission's decision and deny the Special Use Permit based upon findings for denial, or modify the approval.

2) If additional information is submitted to the Board of Supervisors that the Board believes warrants further review and consideration of the application by the Planning Commission, refer the matter back to the Planning Commission.