



# CITY OF ELKO

## Planning Department

Website: [www.elkocitynv.gov](http://www.elkocitynv.gov)  
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### PUBLIC MEETING NOTICE

The City of Elko Planning Commission will meet in a regular session on Tuesday, February 6, 2018 in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, and beginning at 5:30 P.M., P.S.T.

Attached with this notice is the agenda for said meeting of the Commission. In accordance with NRS 241.020, the public notice and agenda were posted on the City of Elko Website at <http://www.elkocitynv.gov/>, the State of Nevada's Public Notice Website at <https://notice.nv.gov/>, and in the following locations:

ELKO COUNTY COURTHOUSE – 571 Idaho Street, Street, Elko, NV 89801

Date/Time Posted: January 31, 2018 2:10 p.m.

ELKO COUNTY LIBRARY – 720 Court Street, Elko, NV 89801

Date/Time Posted: January 31, 2018 2:05 p.m.

ELKO POLICE DEPARTMENT – 1448 Silver Street, Elko NV 89801

Date/Time Posted: January 31, 2018 2:15 p.m.

ELKO CITY HALL – 1751 College Avenue, Elko, NV 89801

Date/Time Posted: January 31, 2018 2:00 p.m.

Posted by: Shelby Archuleta, Planning Technician  
Name Title

Shelby Archuleta  
Signature

The public may contact Shelby Archuleta by phone at (775) 777-7160 or by email at [sarchuleta@elkocitynv.gov](mailto:sarchuleta@elkocitynv.gov) to request supporting material for the meeting described herein. The agenda and supporting material is also available at Elko City Hall, 1751 College Avenue, Elko, NV.

Dated this 31<sup>st</sup> day of January, 2018.

### NOTICE TO PERSONS WITH DISABILITIES

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the City of Elko Planning Department, 1751 College Avenue, Elko, Nevada, 89801 or by calling (775) 777-7160.

Cathy Laughlin  
Cathy Laughlin, City Planner

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING AGENDA**  
**5:30 P.M., P.S.T., TUESDAY, FEBRUARY 6, 2018**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

The Agenda for this meeting of the Elko City Planning Commission has been properly posted for this date and time in accordance with NRS requirements.

**ROLL CALL**

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

**APPROVAL OF MINUTES**

January 4, 2018 – Special Meeting **FOR POSSIBLE ACTION**

**I. NEW BUSINESS**

**A. PUBLIC HEARING**

1. Review, consideration, and possible recommendation to City Council for Rezone No. 10-17, filed by Surebrec Holdings, LLC, for a change in zoning from AG (General Agricultural) to IC (Industrial Commercial), approximately 62.03 acres of property, to allow for future development, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally northeast of the intersection of Statice Street and Delaware Avenue. (APN 006-10C-006)

2. Review, consideration, and possible recommendation to City Council for Rezone No. 11-17, filed by MRP, LLC, for a change in zoning from LI (Light Industrial) to IC (Industrial Commercial), approximately 1.5 acres of property, to allow for commercial uses, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Silver Street, between River Street and 1<sup>st</sup> Street (350 W. Silver Street, APN 001-691-007).

3. Review, consideration, and possible recommendation to City Council for Rezone No. 12-17, filed by Swire Coca-Cola, USA, for a change in zoning from AG (General Agricultural) to LI (Light Industrial), approximately 3.00 acres of property, to allow for the continued use of a beverage distribution center, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of West Idaho Street, approximately 2,500 feet east of I-80 Exit 298.

4. Review, consideration, and possible action of Conditional Use Permit No. 1-18, filed by Autumn Colors, LLC, which would allow for the development of duplex townhomes within a CT (Commercial Transitional) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of the intersection of Cattle Drive and Mountain City Highway. (APN 001-01F-316)

5. Review, consideration, and possible recommendation to City Council for Rezone No. 1-18, filed by The City of Elko, for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi-Public), approximately 1.314 acres of property, to allow for incorporation into the Elko City Parks, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest corner of the intersection of College Avenue and Golf Course Road (1401 College Ave, APN 001-200-002).

6. Review, consideration, and possible recommendation to City Council for Rezone No. 2-18, filed by Jason B. Land, on behalf of Blaine Branscomb, for a change in zoning from R (Single-Family and Multi-Family Residential) to RO (Residential Office), approximately 0.086 acres of property, to allow for a professional office, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Court Street, approximately 50 feet east of 9<sup>th</sup> Street (910 Court Street, APN 001-281-002).

7. Review, consideration, and possible action on Variance No. 1-18, filed by Jason B. Land, on behalf of Blaine Branscomb for a reduction of the required lot area from 6,000 sq. ft. to 3,750 sq. ft., front lot width from 60 feet to 37.50 feet, and the required interior side yard setback from 5 1/2 feet to 0 feet, in conjunction with a zone change from R (Single-Family and Multi-Family Residential) to RO (Residential Office), and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Court Street, approximately 50 feet east of 9<sup>th</sup> Street (910 Court Street, APN 001-281-002).

## **B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**

1. Review, consideration, and possible action on the 2017 Annual Report of Planning Commission activities. **FOR POSSIBLE ACTION**
2. Review and consideration of Annexation No. 2-17 filed by Surebrec Holdings, LLC, consisting of approximately 62.03 acres of property located northeast of the intersection of Statice Street and Delaware Avenue, and matters related thereto. **FOR POSSIBLE ACTION**
3. Review and consideration of Annexation No. 3-17 filed by Swire Coca-Cola, USA, consisting of approximately 3.00 acres of property located on the north side of West Idaho Street, approximately 2,500 feet east from I-80 Exit 298, and matters related thereto. **FOR POSSIBLE ACTION**
4. Review, consideration, and possible action and possible approval of Final Plat No. 2-18, filed by Autumn Colors, LLC, for the development of a subdivision entitled Autumn Colors Estates, Phase 5 involving the proposed division of approximately 5.85 acres divided into 41 lots for residential development within the R (Single Family and Multiple Family Residential) and CT (Commercial Transitional) Zoning Districts, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast corner of the intersection of Cattle Drive and Mountain City Highway (001-01F-316).

5. Review, consideration, and possible action to initiate an amendment to the City of Elko Master Plan, specifically The Proposed Future Land Use Atlas Map 8, and matters related thereto. **FOR POSSIBLE ACTION**

## **II. REPORTS**

- A. Summary of City Council Actions.
- B. Summary of Redevelopment Agency Actions.
- C. Professional articles, publications, etc.
  1. Zoning Bulletin
- D. Preliminary agendas for Planning Commission meetings.
- E. Elko County Agendas and Minutes.
- F. Planning Commission evaluation. General discussion pertaining to motions, findings, and other items related to meeting procedures.
- G. Staff.


## COMMENTS BY THE GENERAL PUBLIC

Pursuant to N.R.S. 241, this time is devoted to comments by the public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified as an item for possible action. **ACTION WILL NOT BE TAKEN**

**NOTE:** The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another specified date and time. Additionally, the Planning Commission reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

## ADJOURNMENT

Respectfully submitted,

  
Cathy Laughlin  
City Planner

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**SPECIAL MEETING MINUTES**  
**5:30 P.M., P.S.T., THURSDAY, JANUARY 4, 2018**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**CALL TO ORDER**

Aaron Martinez, Chairman of the City of Elko Planning Commission, called the meeting to order at 5:30 p.m.

**ROLL CALL**

**Present:** Aaron Martinez  
David Freistroffer  
Jeff Dalling  
Kevin Hodur  
Stefan Beck  
Tera Hooiman

**Excused:** John Anderson

**City Staff:** Scott Wilkinson, Assistant City Manager  
Jeremy Draper, Development Manager  
Cathy Laughlin, City Planner  
John Holmes, Fire Marshal  
Shelby Archuleta, Planning Technician

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments made at this time.*

**APPROVAL OF MINUTES**

December 5, 2017 – Regular Meeting **FOR POSSIBLE ACTION**

**\*\*\*Motion: Approve the meeting minutes from December 5, 2017.**

**Moved by Jeff Dalling, Seconded by Kevin Hodur.**

*\*Motion passed unanimously. (6-0)*

**I. NEW BUSINESS**

**A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS**

1. Review, consideration, and possible action to initiate an amendment to the City of Elko district boundary, specifically APN 001-200-002, removing the R (Single-Family Multi-Family Residential) Zoning District and replacing it with the PQP (Public, Quasi-Public) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Cathy Laughlin, City Planner, explained that this is part of the process of trying to clean up several of the areas within the City that are inappropriately zoned. Staff feels that this parcel, owned by the City of Elko, is inappropriately zoned as Residential; it should be PQP. The Master Plan calls the entire area Public. This initiation would allow the City of Elko as the applicant to apply for a rezone for the parcel that the City of Elko owns, which is the old Police Department parcel. Staff proposes it be PQP, which would allow for the City to move forward with that parcel in the future.

**\*\*\*Motion: Initiate an amendment to the City of Elko district boundary and direct staff to bring it back as a public hearing as presented.**

**Moved by David Freistroffer, Seconded by Kevin Hodur**

*Motion passed unanimously. (6-0)*

2. Review, consideration, and possible action to develop the Calendar Year 2018 Planning Commission Annual Work Program, and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Laughlin wanted to go over what was in the 2017 Work Program. It consisted of the completion of the Residential Business District, which was completed. It also had revising the Sign Ordinance, which has been started, complete the Zoning Ordinance Amendment 1-16, which is on hold, and review Zoning for residential parking in the Corridor, which was not started and is not proposed in the 2018 Work Program. Moving Forward the Planning Commission should take into consideration even though those items were on the work program and we only show that we completed one of them, there were other projects started in 2017 that were not part of the work program. One of those was Ordinance 825, which was adding Section 3-2-29 for the marijuana establishments, Ordinance 818, which was the Home Occupation Zoning Amendment, and Master Plan Amendment 1-17, which took a great amount of time and we expanded that beyond the Land Use and Transportation Components; we added in the maps and other pages. We also did revisions to the Planning Department Applications and fee schedules. Those are things that we completed that were not part of the 2017 Work Program. Even the Residential Business District took a little longer. What Ms. Laughlin is proposing is at the pleasure of Planning Commission, because it is their work program and it is for them to direct staff and give input on what they would like to see worked on in 2018. The proposal is to continue to revise the Sign Ordinance, it has been started, Ms. Laughlin has a thick file on it, and it has been requested to have a committee started for that. She was just trying to get everything organized before the committee is started. Staff is also in the process of reviewing the Zoning for the RMH Districts, which is the Manufactured Home Districts. Staff would like to revise the map. That is a huge undertaking that has been started. In the revision of the map each

subdivision is looked at, how it was created, what type of park it is, looking back at the mapping and CCNR's, and everything. The way the Zoning Map currently reads is it just shows RMH. Staff would like to get the RMH Districts cleared up and the map revised. Staff would also like to review and revise 3-3 the Subdivision section of the Code, which Mr. Wilkinson had already started on. Staff would like to complete the Planning and Zoning Applications and Fee schedule as well. Those are the four items that are proposed for the 2018 Work Program.

Commissioner Jeff Dalling thought it looked great. He wanted the Planning Commission to get some planning training, not so much ethics, conduct, or open meeting law.

Ms. Laughlin said she continues to watch the Nevada Chapter of Planning and all the Planning magazines for somewhere close to have some type of training. This year's training is in New Orleans.

Commissioner Dalling thought it would be nice for them to be a little more educated and knowledgeable about what they are doing.

Chairman Aaron Martinez asked if the Planning and Zoning Fees were a part of the fee modification that they had already went through, and if they anticipated going into that further.

Ms. Laughlin said it was, and it was in the final stages now. At the last City Council meeting in December they directed Staff to go into the Business Impact Statement and that will be a public hearing on January 9th. Once the public hearing of the Business Impact Statement has been done then it will go back to City Council one more time for finalization. The Commission has not seen the application revisions. Staff has gone through those applications and they are now with Legal Counsel. The applications will not be coming to the Commission.

Chairman Martinez said the schedule had not been accepted and until the Business Impact Statement results come back it is on hold.

Ms. Laughlin said she was anticipating it would be accepted and the Resolution adopted in February.

Chairman Martinez asked if Ms. Laughlin was looking for someone from the Planning Commission to champion the Sign Ordinance Committee.

Ms. Laughlin said she hadn't put much thought into it. She had been vetting different communities and their Sign Ordinances to try to see what direction to go. Reece Keener approached Ms. Laughlin about having a committee. She wanted to go through her file first and get a draft started first before starting the committee. It will be a complete re-write of the entire section of the Code.

Scott Wilkinson, Assistant City Manager suggested checking the NRS, as it pertains to Planning Commissions, to determine how, or if, a committee can be created to do work and bring it back to the Planning Commission. We will have to comply with the NRS however we approach it.

Chairman Martinez said with it being on the Planning Commission's Work Program; a special committee will be dictating a lot of decisions that will be presented to the Planning Commission.



He thought it would be like taking the Commission out of the process; to only come from a review standpoint versus a conception standpoint.

Ms. Laughlin thought it would be similar to when they did the Residential Business District.

Mr. Wilkinson wasn't sure that they could create committees.

Chairman Martinez stated that the Planning Commission wanted to be involved based on it being on their work program.

Mr. Wilkinson said if a committee was created the Planning Commission would create that committee. If the Planning Commission is unable to delegate that type of work, then we will do it as staff administratively. Then the Planning Commission can designate somebody to be a point for the Commission to work day to day with staff. The Planning Commission is a different advisory board, which is governed under the NRS. He wasn't sure they could create a community committee that gets involved. They may need to just show up to the public hearings and the Planning Commission Meetings.

Chairman Martinez suggested that the Planning Commission could host a workshop, or two.

Mr. Wilkinson said they will figure it out and the Planning Commission will be involved in all of the decisions along the way.

Commissioner David Freistroffer asked if the intent from Council was to get community business members to work on it.

Ms. Laughlin said she wasn't sure. She told Mr. Keener that she would have to read into NRS and see if they could do that. Ms. Laughlin also added that this would go to the City Council for their review as well.

**\*\*\*Motion: Approve the Elko Planning Commission 2018 Work Program as provided by Cathy Laughlin.**

**Moved by Jeff Dalling, Seconded by David Freistroffer.**

***\*Motion passed unanimously. (6-0)***

## **II. REPORTS**

### **A. Summary of City Council Actions**

*Ms. Laughlin reported at the December 12<sup>th</sup> City Council meeting they talked about the Business Impact Statement. For the upcoming meeting on January 9<sup>th</sup> there will be a Public Hearing on the Master Plan Amendment, they have to have a majority vote for approval. If they request any amendments, it will come back to the Planning Commission. If they approve it by majority, it will be final at that time. The City*

*Council will also consider the recommendation from the Planning Commission on the Marijuana Establishment Ordinance, which will also be a public hearing. The City Council will also have a Public Hearing on an Appeal that was filed by Lyfe Recovery on the Planning Commission's denial of the halfway house. They will also conduct the Public Hearing of the Business Impact Statement for the Planning and Zoning fees. If they approve that, then it will go to one more final meeting.*

**B. Summary of Redevelopment Agency Actions**

*Ms. Laughlin reported that there will be an RDA meeting on January 9<sup>th</sup>. The only item on the agenda is a change order funding consideration. On January 25<sup>th</sup> there will be a RAC meeting and there is currently nothing on the agenda. The 2018 Storefront Grant Program is underway and applications will be accepted until March 30<sup>th</sup>.*

**C. Professional articles, publications, etc.**

**1. Zoning Bulletin**

**D. Preliminary agendas for Planning Commission meetings**

**E. Elko County Agendas and Minutes**

**F. Planning Commission evaluation - General discussion pertaining to motions, findings, and other items related to meeting procedures.**

*Ms. Laughlin reminded the Commissioners that they had received an email from Shanell in regards to submitting their financial statements.*

**G. Staff**

**COMMENTS BY THE GENERAL PUBLIC**

*There were no public comments made at this time.*

**ADJOURNMENT**

There being no further business, the meeting was adjourned.

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Aaron Martinez, Chairman

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Jeff Dalling, Secretary

**Elko City Planning Commission  
Agenda Action Sheet**

1. **Review, consideration and possible recommendation to City Council for Rezone No. 10-17, filed by Surebrec Holdings, LLC., for a change in zoning from AG (General Agriculture District) to IC (Industrial Commercial), approximately 62.03 acres of property located generally northeast of the intersection of Statice Street and Delaware Ave., FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: ***PUBLIC HEARINGS, NEW BUSINESS***
4. Time Required: **15 Minutes**
5. Background Information: **The applicant has applied for annexation into the City of Elko and with that annexation, the property is automatically zoned AG, General Agriculture District.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution which approves Rezone No. 10-17**
9. Findings:
  - **The proposed zone district is in conformance with the Master Plan Land Use Component.**
  - **The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.**
  - **The proposed zone district is consistent with City of Elko Wellhead Protection Plan.**
  - **The proposed rezone is consistent with City Code 3-2-4 (B), (C), & (D)**
  - **The proposed rezone is in conformance with Section 3-2-11 Industrial Commercial District.**
  - **The property is large enough to meet the development standards specified in Section 3-2-11 of City Code.**
  - **The proposed rezone is consistent with City Code 3-2-17**

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/16**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: Rezone 10 17

Applicant(s): Surebrec Holdings, LLC

Site Location: CCC-1CC-CCC - NE corner of Static + Delaware

Current Zoning: (AG) upon annex Date Received: 11/02/17 Date Public Notice: 1/23/18

COMMENT: This is to rezone the Parcel from AG to IC upon Annexation.

\*\*If additional space is needed please provide a separate memorandum\*\*

Assistant City Manager: Date: 1/26/18 Recommend approval as presented by staff

SAW  
Initial

City Manager: Date: 2/1/18 No comments/concerns.

CC  
Initial



City of Elko  
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## CITY OF ELKO STAFF REPORT

<b>DATE:</b>	January 26, 2018
<b>PLANNING COMMISSION DATE:</b>	February 6, 2018
<b>AGENDA ITEM NUMBER:</b>	I-A-1
<b>APPLICATION NUMBER:</b>	REZONE 10-17
<b>APPLICANT:</b>	Surebrec Holdings, LLC
<b>PROJECT DESCRIPTION:</b>	Zone Designation for Proposed Annexation
<b>ADDITIONAL APPLICATION:</b>	Annexation Application 2-17

A zone designation upon annexation of property to Industrial Commercial (IC).



### **STAFF RECOMMENDATION:**

RECOMMEND APPROVAL, subject to facts, findings and conditions.

## **PROJECT INFORMATION**

**PARCEL NUMBER:** 006-10C-006; will be issued a new APN upon finalization of the annexation.

**PARCEL SIZE:** 62.03 acres

**EXISTING ZONING:** General Agriculture (Elko County); Petition of the annexation was accepted by City Council on 1/23/2018

**MASTER PLAN DESIGNATION:** (IND-BS PARK) Industrial Business Park

**EXISTING LAND USE:** Undeveloped land

### **NEIGHBORHOOD CHARACTERISTICS:**

- The property is surrounded by:
  - North: Elko County Property / Undeveloped
  - West: Elko County Property / Partially developed Residential
  - South: Industrial Business Park (IBP) / Developed
  - East: I-80 corridor

### **PROPERTY CHARACTERISTICS:**

- The property is currently undeveloped.
- The property will be accessed from Ruby Vista Drive and Statice Street

### **MASTER PLAN AND CITY CODE SECTIONS:**

Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko – Redevelopment Plan
- City of Elko Wellhead Protection Program
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-11 Industrial Commercial Districts
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

### **BACKGROUND:**

1. The application has been filed by Surebrec Holdings, LLC.
2. The proposed zone district includes all of APN 006-10C-006 which is the area identified in annexation application 2-17.

3. The proposed zone district is located northwesterly of the I-80 interstate right-of-way. The area was a portion of a larger property controlled by the State of Nevada. The City Council took action May 23, 2017 committing two-acre feet of water to Surebrec Holdings LLC in order to facilitate County approval of the parcel map to facilitate transfer of ownership.
4. The applicant owns the property.
5. The proposed zone district is consistent with the Master Plan Landuse Component and Transportation Component of the plan.
6. The area fronts the I-80 corridor and Statice Street.
7. The surrounding area is partially developed with light industrial land uses, vacant land owned by the state located within the City's incorporated boundary and outside the incorporated boundary, and low density residential development located outside the City's incorporated boundary and separated by a roadway.
8. City water mains are located adjacent to the I-80 frontage and the Statice Street frontage
9. Sanitary sewer exists in Ruby Vista Drive but is too shallow to be utilized as a point of connection for gravity service. A lift station and forced main could be considered for this point of connection. A more practical point of connection would require a bore under I-80 to a point of connection near Union Pacific Way.
10. Other non-city utilities are located in the immediate vicinity.
11. This application is being processed concurrent with annexation application 2-17.
12. The City Council accepted the petition for the subject annexation on January 23, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission.

#### **MASTER PLAN:**

##### **Land use:**

1. The Master Plan Land Use Atlas shows the area as Industrial Business Park.
2. Supporting zone districts for Industrial Business Park are Industrial Business Park, Light Industrial and Industrial Commercial.
3. Objective 5: Encourage development that strengthens the core of the City, and ensure all new annexations are logical and orderly and do not promote sprawl.
4. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
5. Objective 8: Ensure that new development does not negatively impact countywide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.
6. Corresponding zone districts for Industrial Business Park are Industrial Business Park, Light Industrial and Industrial Commercial.

The proposed zone district is in conformance with the Master Plan Land Use Component.

##### **Transportation:**

1. The area will be accessed from Statice Street or Ruby Vista Drive. The area could also be accessed from Delaware Avenue, which would be considered a secondary access.

2. Static Street is classified as an Industrial Collector.
3. Ruby Vista Drive is classified as a Minor Arterial.
4. Delaware Avenue is classified as a local roadway.

The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.

**ELKO REDEVELOPMENT PLAN:**

1. The property is not located within the redevelopment area.

**ELKO WELLHEAD PROTECTION PLAN:**

1. The property is located inside the 2-5 year capture zone for a City well located adjacent to the property.

The proposed zone district is consistent with City of Elko Wellhead Protection Plan.

**SECTION 3-2-4**

1. The Planning Commission can recommend to the City Council a zone classification for annexed territory other the default Agriculture District. The applicant has filed this application in conformance with the code requesting the Industrial/Commercial District. The proposed district is in conformance with the Master Plan.
2. The property meets the area requirements for the proposed zone district.

The proposed zone change is in conformance with Elko City Code Section 3-2-4.

**SECTION 3-2-11**

1. The size of the property meets the area requirements required under this section code.
2. Conformance with this section will be required as the property develops.

**SECTION 3-2-17**

1. Conformity with the section is required has the property develops. The property is undeveloped and the provisions of code can be met as the property is developed.

**SECTION 3-2-21:**

1. The applicant has conformed to this section of code with the filing of the application.

**SECTION 3-8**

1. This parcel is not designated in a Special Flood Hazard Area (SFHA).

**FINDINGS**

1. The proposed zone district is in conformance with the Master Plan Land Use Component.



2. The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The proposed zone district is consistent with City of Elko Wellhead Protection Plan.
4. The proposed zone district rezone is in conformance with City Code 3-2-4(B)(C) and (D).
5. The proposed zone district is in conformance with Section 3-2-11, IC-Industrial Commercial Districts.
6. The property is large enough to meet the development standards specified in Section 3-2-11 of Elko City Code.
7. The proposed zone district is in conformance with City Code 3-2-17.
8. The proposed zone district is consistent with surrounding land uses.
9. The topography of the area is well suited for the proposed commercial and light industrial land uses.
10. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

**STAFF RECOMMENDATION:**

Staff recommends this item be **conditionally approved** with the following conditions:

**Engineering Department:**

1. The parcel described by metes and bounds does not match the parcel of record. Please revise the legal description to reference the map instead of the metes and bounds description. The revision is required prior to Council consideration of the application.

**Planning Department:**

1. Council approval of Annexation 3-17 is required prior to action taken on this application.
2. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.

**Development Department:**

1. The department recommends approval.

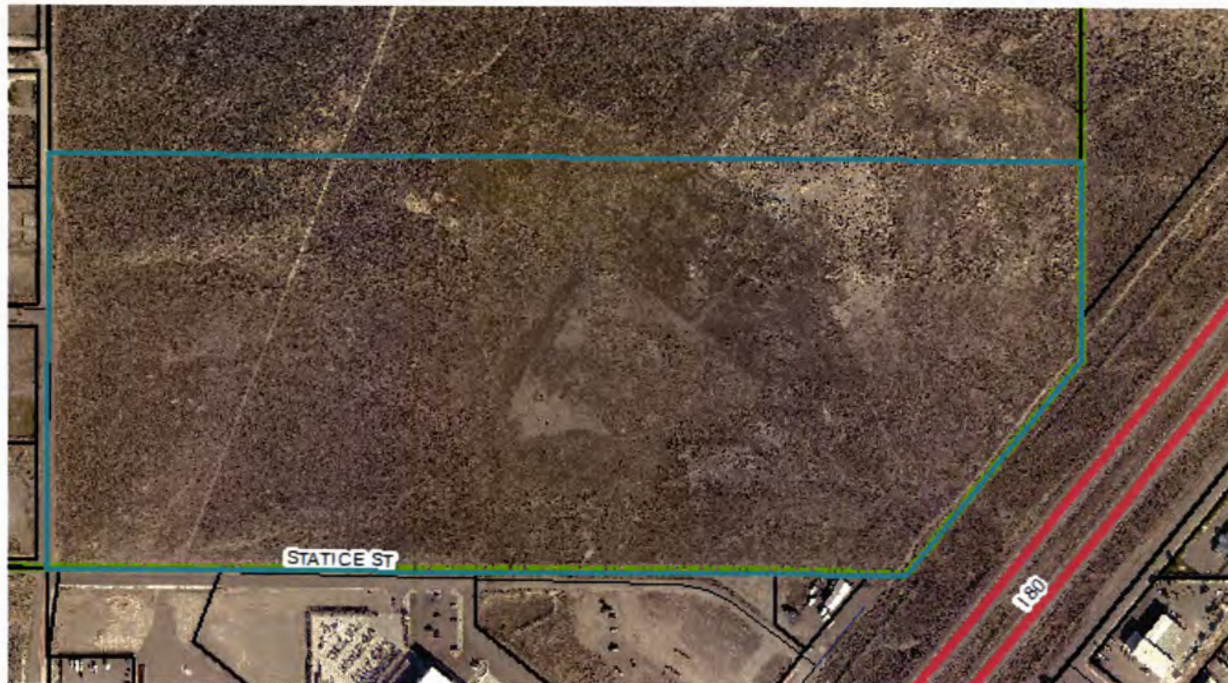


**CITY OF ELKO**  
**DEVELOPMENT DEPARTMENT**  
**1755 COLLEGE AVENUE**  
**ELKO, NEVADA 89801**  
**(775)777-7210**  
**(775)777-7219 FAX**

To: Elko City Planning Commission  
From: Jeremy Draper, Development Manager  
RE: Rezone 10-17, Surebrec Holdings, LLC, Annex 2-17  
Date: January 19, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Rezone Application 10-17.

### **Project Information**



- The along Statice Street between Delaware Street and Ruby Vista Drive.
- The property is being considered for annexation as annexation 2-17.
- The property is identified as APN 006-10C-006.
- The parcel is currently undeveloped.
- The parcel will be zoned AG-Agricultural upon annexation.
- The proposed zone is IC-Industrial Commercial.
- The proposed rezone would result in a rezone of proposed parcel 1 being 62.03 acres of IC.
- The property is bound by Industrial Business Park to the south, and Industrial Commercial to the east with county property to the north and west.

- The property is not located within a FEMA Floodzone.

## **Master Plan**

### **Land Use:**

- The Land Use component of the Master Plan identifies this area as Industrial Business Park.
- Objective 6-Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
- Objective 7-Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
- Objective 8-Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.
- Corresponding zoning districts are IBC-Industrial Business Park, LI-Light Industrial, and IC-Industrial Commercial.

## **Elko Wellhead Protection Plan**

- The property is located within the 5-year capture zone.
- Conformance with the Wellhead Protection Plan is required.

## **Section 3-2-4-Establishment of Zoning Districts**

- Conformance with this section is required

## **Section 3-2-11-(B)-(IC) Industrial Commercial District**

- Conformance with this section is required

## **Section 3-2-17-Traffic, Access, Parking and Loading Regulations**

- Conformance with this section is required

## **Section 3-2-21-Amendments**

- Conformance with this section is required

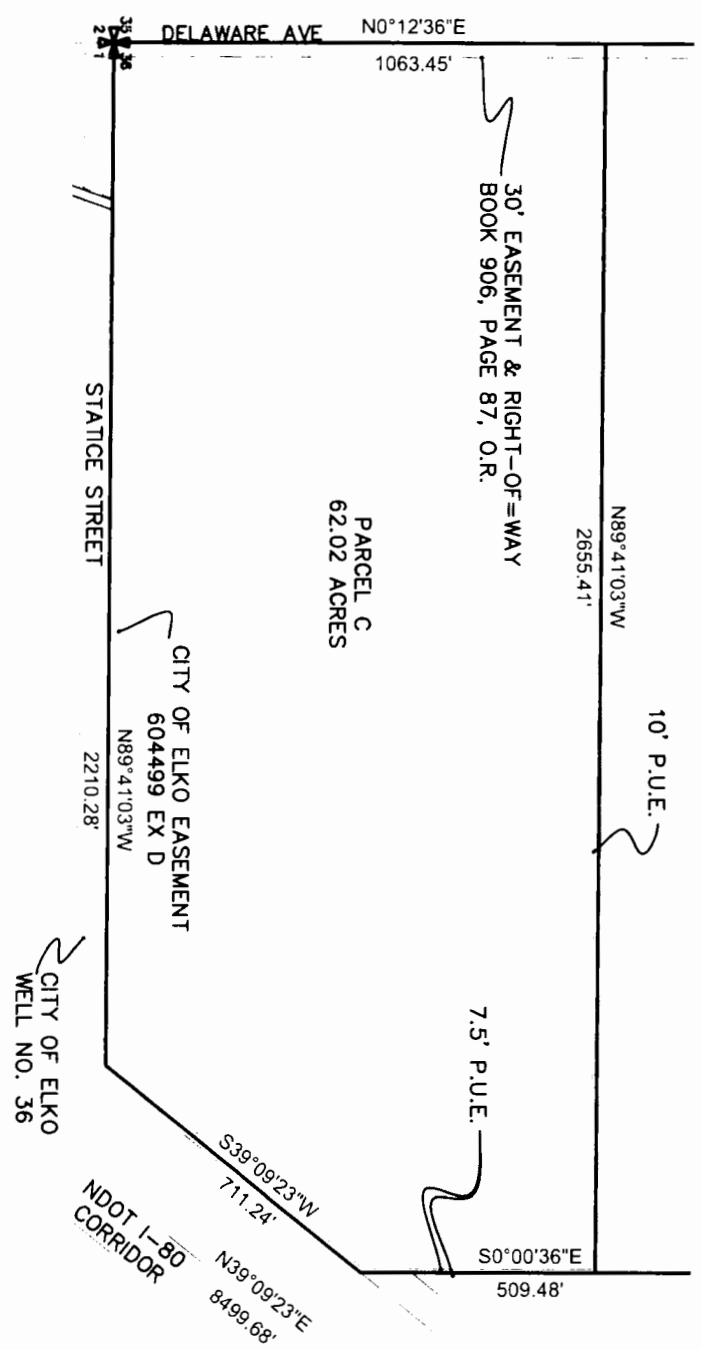
## **Findings**

1. The proposed rezone does not appear to frustrate the goals and policies of the Land Use Component of the Master Plan.

2. Industrial Commercial is a corresponding district of Industrial Business Park Land Use designation
3. The proposed rezone is in conformance with City Code 3-2-4-B and C
4. The proposed rezone is in conformance with City Code 3-2-11-B.
5. The proposed rezone is in conformance with City Code 3-2-17
6. The proposed rezone is in conformance with City Code 3-2--8
7. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan.
8. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

### **Recommendation**

The City of Elko **Development Department** recommends that the proposed zone changes be approved.




GRAPHIC SCALE  
SCALE IN FEET



EXISTING ZONING = OPEN SPACE  
PROPOSED ZONING = COMMERCIAL & INDUSTRIAL

RECEIVED

JAN 16 2018

SHEET 1	OF 1	SUREBREC HOLDINGS LLC		 <b>ENGINEERING</b> 445 5TH STREET, SUITE 201 ELKO NEVADA 89801 TEL (775) 738-3113 FAX (775) 738-6199 WWW.AMENGINEERING.ORG
		DATE: JANUARY 2018	ANNEXATION of PARCEL "C"	
		DRAWN BY: RSR	A PORTION OF	
		CHECKED BY: BEJ	SECTION 36, TOWNSHIP 35 NORTH	
		JOB NO.: 193.000	RANGE 55 EAST, M.D.M.	
		ELKO COUNTY	NEVADA	

**RECEIVED**

JAN 09 2018

LEGAL DESCRIPTION:

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF ELKO, STATE OF NEVADA, BOUNDED AND DESCRIBED AS FOLLOWS: PARCEL C, AS SHOWN ON A PARCEL MAP, FILED IN THE OFFICE OF THE COUNTY RECORDER OF ELKO COUNTY, STATE OF NEVADA, ON JANUARY 5, 2018 AS FILE NO. 735391



# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

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January 30, 2018

Surebree Holdings, LLC  
207 Brookwood Drive  
Elko, NV 89801

Re: Rezone No. 10-17 & Annexation No. 2-17

Dear Applicant Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in black ink that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
00186000AY	MARG BHEKUNVOO1 LLC		405 PARK AVE FL 4	NEW YORK NY	10022-4405
00186000AH	BARTHOLOMEW, RICHARD & CONNIE		4280 E IDAHO ST	ELKO NV	89801
001860053	BOART LONGYEAR NEVADA	ATTN: TAX DEPARTMENT	2570 W 1700 S	SALT LAKE CITY UT	84104-4268
001860109	CANYON CROSSING HOMEOWNERS ASSO	C/O EQUUS MANAGEMENT G	5480 RENO CORPORATE DR STE 100	RENO NV	89511-2281
001862065	CANYON CROSSING HOMEOWNERS ASSO	C/O EQUUS MANAGEMENT G	5480 RENO CORPORATE DR STE 100	RENO NV	89511-2281
037057001	CROUCH, RODNEY L & ANDRIA L		161 KITTRIDGE CYN UNIT 16	ELKO NV	89801-4637
0018660031	DERMODY FAMILY LIMITED PARTNERS		PO BOX 7097	RENO NV	89510-7097
037057008	DRAPER, ROBERT E		421 KITTRIDGE CYN UNIT 14	ELKO NV	89801-4681
001860065	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
037057014	HACKWORTH, ROYCE L ET AL	C/O JR ENTERPRISES	160 KITTRIDGE CANYON RD UNIT 5	ELKO NV	89801-4636
001860051	HAFERS 247 PROPERTIES LC LLC		1992 E CRESTHILL DR	HOLLADAY UT	84117-4374
037057002	HICKEY, JOSEPH D		6684 S BUFFALO DR	LITTLETON CO	80120-3832
037064003	HUNT, ROSEMARIE FRIEDA ETAL		12 LOIS LN	NEWPORT NEWS VA	23608-2223
001860050	HICARUS REAL ESTATE LLC		11079 S TRAILWOOD CV	SANDY UT	84092-4971
001860058	IDAHO STREET PROPERTIES LLC		875 E 2ND ST	RENO NV	89502-1119
037064006	KEOSKY, FRITZ C & DOROTHY A		PO BOX 2087	ELKO NV	89803-2087
001860052	L B INVESTMENTS LLC		4280 IDAHO ST	ELKO NV	89801-4695
037064001	LEVIE, ALLEN J & JULIE L		162 KITTRIDGE CYN UNIT 2	ELKO NV	89801-4642
001862014	LUPERCIO, ERNEST		4348 EL DORADO DR	ELKO NV	89801-1626
00610C005	NEVADA, DIVISION OF STATE LANDS		901 S STEWART ST STE 5003	CARSON CITY NV	89701-5246
0018600BA	NEVADA, STATE OF	C/O DEPARTMENT OF AGRICU	405 S 21ST ST	SPARKS NV	89431-5557
001862015	RAMIREZ, JOHN G JR & MICHELLE M		16926 NE HALSEY ST	PORTLAND OR	97230-6010
037057010	RAMIREZ, LORENZO		162 KITTRIDGE CYN UNIT 8	ELKO NV	89801-4642
001860111	REALTY INCOME PROPERTIES 6 LLC	C/O NEWMONT MINING CO T	6363 S FIDDLERS GREEN CIR	GREENWOOD VILLAGE CO	80111-5011
037064002	RIZZI, KENNETH R & DIXIE L		162 KITTRIDGE CYN UNIT 1	ELKO NV	89801-4642
037056007	ROSE, JOHN C III & RANAE M TR		160 KITTRIDGE CANYON RD UNIT 5	ELKO NV	89801-4636
037056008	ROSE, JOHN C III & RANAE M TR		160 KITTRIDGE CANYON RD UNIT 5	ELKO NV	89801-4636
037056002	ROSE, JOHN C III & RANAE M TR		160 KITTRIDGE CANYON RD UNIT 5	ELKO NV	89801-4636
037056001	ROSE, JOHN C III & RANAE M TR		160 KITTRIDGE CANYON RD UNIT 5	ELKO NV	89801-4636
037057003	ROSE, JOHN C III & RANAE M TR		160 KITTRIDGE CANYON RD UNIT 5	ELKO NV	89801-4636
037057009	SALAS, JOSE A ET AL		3961 ASTER ST	ELKO NV	89801
001860112	SIERRA PACIFIC POWER CO	DBA NV ENERGY	6226 W SAHARA AVE	LAS VEGAS NV	89146-3060
037064008	SIMS, TERRANCE		689 KITTRIDGE CANYON RD UNIT 3	ELKO NV	89801-4664
001860120	SUREBREC HOLDINGS LLC		PO BOX 8070	RENO NV	89507-8070
001860110	TREADWAY INVESTMENT CO LLC		2125 CONSTITUTION BLVD	WEST VALLEY CITY UT	84119-1219
0018600AN	US RENTALS INC	C/O FISCHER & CO: GALL. N TV	13727 NOEL RD STE 900	DALLAS TX	75240-1355
001562002	USA	C/O BLM-SUPPORT SERVICES:	3900 E IDAHO ST	ELKO NV	89801-4692



037064007; VEGA, JOEL ET AL

161 KITTRIDGE CYN UNIT 10

ELKO NV

89801-4637

2007 KITTRIDGE CYN UNIT 10  
FROM THE ORIGINAL SITE  
FOLIOS TO VOLUME 24 PAGES 15

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 6, 2017 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

- Rezone No. 10-17, filed by Surebrec Holdings, LLC for a change in zoning from AG (Agricultural) to IC (Industrial Commercial), approximately 62.03 acres of property, specifically a portion of APN 006-106-006, located generally on the northeast corner of the intersection of Statice Street and Delaware Avenue, more particularly described as: All that real property situated in the County of Elko, State of Nevada, filed in the office of the County Recorder of Elko County, State of Nevada, on January 5, 2018 as File No. 735391.

The intent of the zone change is to allow for future development.

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

**ELKO CITY PLANNING COMMISSION**



**CITY OF ELKO PLANNING DEPARTMENT**

1751 College Avenue \* Elko \* Nevada \* 89801  
(775) 777-7160 phone \* (775) 777-7119 fax

**APPLICATION FOR ZONE CHANGE**

**APPLICANT(s):** Surebrec Holdings, LLC

**MAILING ADDRESS:** 207 Brookwood Drive, Elko, Nevada 89801

**PHONE NO (Home)** 775-219-8199 **(Business)** \_\_\_\_\_

**NAME OF PROPERTY OWNER (If different):** \_\_\_\_\_  
(Property owner's consent in writing must be provided.)

**MAILING ADDRESS:** Same

**LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):**

**ASSESSOR'S PARCEL NO.:** 006-10C-006 **Address** O Static St

**Lot(s), Block(s), & Subdivision** 36 35N 55E

**Or Parcel(s) & File No.** 730066

**FILING REQUIREMENTS:**

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1<sup>st</sup> Tuesday of every month).

**Fee:** A \$300.00 non-refundable filing fee.

**Area Map:** A map of the area proposed for this zone change must be provided.

**Plot Plan:** A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information must be provided.

**Legal Description:** A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (LI to R, for example).

**Note:** One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

**Other Information:** The applicant is encouraged to submit other information and documentation to support this Rezone Application.

RECEIVED

Initial \_\_\_\_\_

1. Identify the existing zoning classification of the property: \_\_\_\_\_  
OS Open Space

2. Identify the zoning Classification being proposed/requested: \_\_\_\_\_  
IC Industrial Commercial

3. Explain in detail the type and nature of the use anticipated on the property: \_\_\_\_\_  
A mixture of commercial and small scale industrial uses which may include retail and service activities, office buildings, public and quasi-public land uses, building and material sales, lumber yards, automotive dealerships, and/or conditional uses permitted to include gas station, RV parks, residential uses.  
Using light industrial and/or commercial development standards where appropriate.

4. Explain how the proposed zoning classification relates with other zoning classifications in the area:  
The proposed zone is complimentary to other zoning in the area.

5. Identify any unique physical features or characteristics associated with the property:  
Flat

**(Use additional pages if necessary to address questions 3 through 5)**

**By My Signature below:**

- I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- I have carefully read and completed all questions contained within this application to the best of my ability.


**Applicant / Agent** \_\_\_\_\_ Robert Fitzgerald  
(Please print or type)

**Mailing Address** \_\_\_\_\_ 207 Brookwood Drive  
Street Address or P.O. Box

\_\_\_\_\_ Elko, Nevada 89801  
City, State, Zip Code

Phone Number: 775-219-8199 \_\_\_\_\_

Email address: rob.fitz@earthlink.net \_\_\_\_\_

**SIGNATURE:**  \_\_\_\_\_

---

**FOR OFFICE USE ONLY**

File No.: 10-17 Date Filed: 11/2/17 Fee Paid: \$300 CK# 1043

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**Elko City Planning Commission  
Agenda Action Sheet**

1. **Review, consideration and possible recommendation to City Council for Rezone No. 11-17, filed by MRP, LLC, for a change in zoning from (LI) Light Industrial to (IC) Industrial Commercial, approximately 1.5 acres of property located generally north side of Silver Street between River Street and 1<sup>st</sup> Street, APN 001-691-007, FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: ***PUBLIC HEARINGS, NEW BUSINESS***
4. Time Required: **15 Minutes**
5. Background Information: **The applicant is requesting a rezone of the property to allow for commercial uses in addition to the light industrial uses**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 11-17 subject to the following conditions: (stated in City Planner memo)**
9. Findings:
  - **The proposed rezone is in conformance with the Master Plan Land Use Component.**
  - **The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.**
  - **The proposed zone district is consistent with City of Elko Wellhead Protection Plan.**
  - **The proposed zone district is consistent with the City of Elko Redevelopment Plan.**
  - **The proposed zone district is in conformance with City Code 3-2-4(B) & (C)**
  - **The proposed zone district is in conformance with Section 3-2-11 IC- Industrial Commercial Districts.**
  - **The proposed zone district is in conformance with City Code 3-2-17**

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/6**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: Rezone 11-17

Applicant(s): MRP, LLC

Site Location: 350 W Silver St.

Current Zoning: L1 Date Received: 11/28/17 Date Public Notice: 1/23/18

COMMENT: This is to rezone the property from L1 to IC to allow leases to retail stores.

\*\*If additional space is needed please provide a separate memorandum\*\*

Assistant City Manager: Date: 1/30/18 Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 2/1/18 No comments/concerns.

cc

Initial



City of Elko  
1751 College Avenue  
Elko, NV 89801  
(775) 777-7160  
FAX (775) 777-7219

**CITY OF ELKO STAFF REPORT**

**MEMO DATE:** January 30, 2018  
**PLANNING COMMISSION DATE:** February 6, 2018  
**AGENDA ITEM NUMBER:** I.A.2  
**APPLICATION NUMBER:** REZONE 11-17  
**APPLICANT:** MRP LLC  
**PROJECT DESCRIPTION:** North side of Silver St between River St and 1<sup>st</sup> Street

A rezone from Light Industrial (LI) to Industrial Commercial (IC) providing for commercial uses in addition to the light industrial uses



**STAFF RECOMMENDATION:**

RECOMMEND APPROVAL, subject to findings of facts, and conditions.



## **PROJECT INFORMATION**

**PARCEL NUMBER:** 001-691-007

**PARCEL SIZE:** 1.5 acres

**EXISTING ZONING:** (LI) Light Industrial

**MASTER PLAN DESIGNATION:** (COMM-GEN) Commercial General

**EXISTING LAND USE:** One lot partially developed and leased with Commercial and Industrial uses. Area available for expansion.

### **NEIGHBORHOOD CHARACTERISTICS:**

- The property is surrounded by:
  - North: Light Industrial (LI) / Developed
  - West: Light Industrial (LI) / Developed
  - South: Industrial Commercial (IC) / Partially Developed
  - East: Light Industrial (LI) / Developed

### **PROPERTY CHARACTERISTICS:**

- The property is partially developed. One half of the lot is currently vacant
- The property is generally flat.
- The property will be accessed from Silver Street with rear access from Main Street

### **MASTER PLAN AND CITY CODE SECTIONS:**

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-11(B) Industrial Commercial District (IC)
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

### **BACKGROUND:**

1. The application has been filed by MRP, LLC, owner of the property.
2. The proposed zone district includes all of APN 001-691-007.
3. The parcel is identified as Lot C Block 10 of the Elko Industrial Subdivision
4. The parcel is partially developed with commercial and light industrial land uses.
5. The parcel is located on the north side of Silver Street approximately 225' west of 2<sup>nd</sup> Street.

6. The proposed zone district is compatible with the Land Use Component and Transportation Component of the City's Master Plan.
7. The area proposed for rezone fronts Silver Street and the rear of the property fronts Main Street.
8. The surrounding area is developed or partially developed with light industrial and/or commercial uses.
9. City staff has reviewed a business license request for a retail establishment within the developed property. Retail establishments are not part of the permitted uses in Light Industrial (LI). The fact should not be considered a basis for a zone amendment.
10. The property owner has plans for two buildings equal in size and appearance for the property. It is currently only developed with one building which was built in 1998. This fact should not be considered a basis for a zone amendment.

**MASTER PLAN:**

**Land use:**

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. Industrial Commercial is listed as a corresponding zoning district for Highway Commercial in the Master Plan.
3. The listed Goal of the Land Use component states "Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors".
4. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity and overall sustainability.
5. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
6. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
7. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed zone district is in conformance with the Master Plan Land Use Component.

**Transportation:**

1. The area will be accessed from Silver Street with a secondary rear access from Main Street.
2. Silver Street is classified as a Principal Arterial.

The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.

**ELKO REDEVELOPMENT PLAN:**

1. The property is located within the redevelopment area.

2. The proposed zone district is compatible with the goals and objectives of the Redevelopment Plan providing for additional commercial uses and economic growth to the downtown.

The proposed zone district is in conformance with the Elko Redevelopment Plan.

**ELKO WELLHEAD PROTECTION PLAN:**

1. The property is not located within any identified capture zones for City wells.

**SECTION 3-2-4:**

1. The property meets the area requirements for the proposed zone district.
2. The existing development does not exceed the maximum height in the City Airport Master Plan.

The proposed zone change is in conformance with Elko City Code Section 3-2-4.

**SECTION 3-2-11(B):**

1. The IC- Industrial Commercial zoning district allows for light industrial and commercial uses. Development standards are based on the use of the property. Due to the location and current tenants of the existing development, the property would be considered commercial use and be required to develop to the standards set forth in section 3-2-10 of the Elko City Code.
2. The existing development meets the requirements under 3-2-11 for minimum area, minimum lot width, front and rear yard setbacks, side yard setback and maximum building height for commercial development.
3. The site plan indicates the rear setback at 9.25 feet which does not meet the required setback for Light Industrial development as stipulated in Section 3-2-11 of city code. The current uses of the existing building are commercial.
4. The existing development is consistent with the listed commercial principal uses.
5. The existing development is not adjacent to a residential zoning district therefore a conditional use permit is not required.
6. The existing development meets the requirements for the provisions of landscaping.

The proposed zone change is in conformance with Elko City Code Section 3-2-11.

**SECTION 3-2-17:**

1. The existing development meets the requirements under 3-2-17.
2. If the developer expands upon the property, conformity with the section 3-2-17 is required.

The proposed zone change is in conformance with Elko City Code Section 3-2-17.

**SECTION 3-2-21:**

1. The applicant has conformed to this section of code with the filing of the application.

**SECTION 3-8:**

1. This parcel is located outside a Special Flood Hazard Area (SFHA).

## **FINDINGS**

1. The proposed rezone is in conformance with the Master Plan Land Use Component.
2. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The proposed zone district is consistent with City of Elko Wellhead Protection Plan.
4. The proposed zone district is consistent with the City of Elko Redevelopment Plan.
5. The proposed zone district is in conformance with City Code 3-2-4(B) & (C)
6. The proposed zone district is in conformance with Section 3-2-11 IC- Industrial Commercial Districts.
7. The proposed zone district is in conformance with City Code 3-2-17
8. The proposed zone district is consistent with surrounding land uses.
9. The topography of the area is well suited for the proposed light industrial and commercial land uses
10. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

## **STAFF RECOMMENDATION:**

Staff recommends this item be **approved** subject to the following conditions:

## **CONDITIONS:**

### **Planning Department:**

1. Compliance with all staff conditions.

### **Engineering Department:**

1. Revise the legal description to match the most recently recorded survey prior to Council consideration of the application.



CITY OF ELKO  
DEVELOPMENT DEPARTMENT  
1755 COLLEGE AVENUE  
ELKO, NEVADA 89801  
(775)777-7210  
(775)777-7219 FAX

To: Elko City Planning Commission  
From: Jeremy Draper, Development Manager  
RE: Rezone 11-17, MRP, LLC, 3500 W Silver St  
Date: January 12, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Rezone Application 11-17.

### Project Information



- The property is located generally 700 ft west of the intersection of 2<sup>nd</sup> Street and Silver Street.
- The property is identified as APN 001-691-007
- The parcel is partially developed.
- The parcel is currently zoned LI-Light Industrial District.
- The proposed rezone would result in a rezone of proposed parcel 1 being 1.50 acres of IC-Industrial Commercial.

- The property is bound by Light Industrial to the north, east, and west and Industrial Commercial to the south.
- The property is not located within a FEMA Floodzone.

### **Master Plan**

#### **Land Use:**

- The Land Use component of the Master Plan identifies this area as General Commercial.
- Objective 6-Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
- Corresponding zoning districts for General Commercial are C-General Commercial, CC-Convenience Commercial, CT-Commercial Transitional, PC-Planned Commercial, IC-Industrial Commercial.

### **Elko Wellhead Protection Plan**

- The property is located outside the 30-year capture zone.
- Conformance with the Wellhead Protection Plan is required.

### **Section 3-2-4-Establishment of Zoning Districts**

- Conformance with this section is required

### **Section 3-2-11-(B)-(IC) Industrial Commercial District**

- It would appear from the current and proposed uses within the building that the development standards of the Commercial zone should be followed.
- Conformance with this section is required

### **Section 3-2-17-Traffic, Access, Parking and Loading Regulations**

- Conformance with this section is required

### **Section 3-2-21-Amendments**

- Conformance with this section is required

### **Findings**

1. The proposed rezone does not appear to frustrate the goals and policies of the Land Use Component of the Master Plan.
2. The proposed rezone is in conformance with City Code 3-2-4-B and C
3. The proposed rezone is in conformance with City Code 3-2-11-B.

4. The proposed rezone is in conformance with City Code 3-2-17
5. The proposed rezone is in conformance with City Code 3-2--8
6. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan.
7. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

### **Recommendation**

The City of Elko **Development Department** recommends that the proposed zone changes be approved.

# KONAKIS ENGINEERING, LLC

Civil & Water Resources Engineering  
Land Surveying

225 Silver Street, Suite 106  
Elko, Nevada 89801  
732.385.1199



RECEIVED

JAN 09 2018

PS

## LEGAL DESCRIPTION

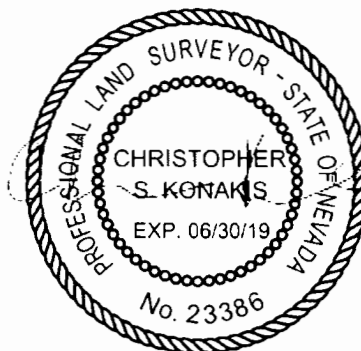
### APN 001-691-007

The land referred to herein is situated in the State of Nevada, City of Elko and more particularly described as follows:

Block 10 Lot "C" as shown on "Record of Survey of Block 10, Lot B Elko Industrial Park" located in Section 15, Township 34 North, Range 55 East, M.D.B.&M., Elko County, Nevada filed in the office of the County Recorder of Elko County, Nevada, on October 30, 1996, as File No. 396517.

Description Prepared By:

Christopher S. Konakis, PLS  
Konakis Engineering, LLC  
225 Silver Street, Suite 106  
Elko, Nevada 89801



1/9/2018

END OF DESCRIPTION





**CITY OF ELKO**  
Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

---

January 30, 2018

MRP, LLC  
PO BOX 2730  
Elko, NV 89803

Re: Rezone No. 11-17

Dear Applicant/Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in black ink that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001381005	ALVAREZ, FERNANDO & DELLA		648 CEDAR ST	ELKO NV	89801-3228
001331002	BARRICK GOLD EXPLORATION INC	ATTN: REGIONAL LAND DEPT	460 WEST 50 NORTH SUITE 500	SALT LAKE CITY UT	84101-1240
001332002	BLACH DISTRIBUTING CO		131 W MAIN ST	ELKO NV	89801-3698
001332001	BLACH DISTRIBUTING CO		131 W MAIN ST	ELKO NV	89801-3698
001332003	BLACH INVESTMENT GROUP LLC		131 W MAIN ST	ELKO NV	89801-3698
001331001	BLACH INVESTMENT GROUP LLC		131 W MAIN ST	ELKO NV	89801-3698
001691008	BLACH INVESTMENT GROUP LLC		131 W MAIN ST	ELKO NV	89801-3698
001324002	CRESCITELLI, LUIS ET AL		17321 IRVINE BLVD # 110	TUSTIN CA	92780
001335009	EDWARDS, RICHARD M		PO BOX 455	ELKO NV	89803-0455
001691009	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001381010	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801-3401
001324001	HANINGTON, GARY		PO BOX 1038	ELKO NV	89803-1038
001691006	KINSLING, CHRISTOPHER M TR		2340 HYPERION AVE	LOS ANGELES CA	90027-4712
001331003	LEWIS, GEORGE		449 WATER ST	ELKO NV	89801-3739
001381008	LV HOUSING SOLUTIONS LLC		235 KEPLER DR	ELKO NV	89801-2527
001381003	LV HOUSING SOLUTIONS LLC		235 KEPLER DR	ELKO NV	89801-2527
001381009	LV HOUSING SOLUTIONS LLC		235 KEPLER DR	ELKO NV	89801-2527
001323002	MARFISI, P MICHAEL TR ET AL		PO BOX 871	ELKO NV	89803-0871
001382005	MARIN, JESUS & JACQUELINA		139 W RIVER ST	ELKO NV	89801-3650
001335006	MARTINEZ, JOSE C & MARICELA		145 RIVER ST	ELKO NV	89801-3644
001382004	MASTIN, DENNIS D & VIRGINIA J		4310 W COMMANDER DR	WINNEMUCCA NV	89445-7245
001382003	MASTIN, DENNIS D & VIRGINIA J	PMB 12	4310 W COMMANDER DR	WINNEMUCCA NV	89445-7245
001335007	MURILLO, LUCIANO & MARIA J		2530 CINDY CIR	ELKO NV	89801-4444
001335004	NUNEZ, ISMAEL RODRIGUEZ ET AL		702 LAST CHANCE RD UNIT 1	ELKO NV	89801-8748
001382002	ORIGEL, BELEN		150 S 1ST ST	ELKO NV	89801-3673
001382001	POLL, WM JACK & CHERYL D		170 S 1ST ST	ELKO NV	89801-3673
001335005	RODRIGUEZ, DAMIAN & ANA F		157 RIVER ST	ELKO NV	89801-3644
001381001	THORNBURG, GILBERT G TR E TAL		PO BOX 1772	ELKO NV	89803-1772
001382006	THORNBURG, GILBERT G TR ET AL		PO BOX 1772	ELKO NV	89803-1772
001335008	TORRES, IRINEO		125 RIVER ST	ELKO NV	89801-3644
001692005	URIBE, JOSE ET AL		270 S 2ND ST	ELKO NV	89801-3617
001692001	URIBE, JOSE/URIBE, ALFREDO		270 S 2ND ST	ELKO NV	89801-3617
001692004	URIBE, JOSE/URIBE, ALFREDO		270 S 2ND ST	ELKO NV	89801-3617
001692003	URIBE, JOSE/URIBE, ALFREDO		270 S 2ND ST	ELKO NV	89801-3617

001381002 WESTERN MOUNTAIN ROOFING INC

10346 VILAS DR

SANDY UT

84092-4415

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 6, 2018 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

Rezone No. 11-17, filed by MRP, LLC for a change in zoning from LI (Light Industrial) to IC (Industrial Commercial), approximately 1.5 acres of property, specifically APN 001-691-007, located generally on the north side of W. Silver Street, approximately 427 feet west of 2<sup>nd</sup> Street, more particularly described as: APN 001-691-007 The land referred to herein is situated in the State of Nevada, City of Elko and more particularly described as follows:

Block 10 Lot "C" as shown on "Record of Survey of Block 10, Lot B Elko Industrial Park" located in Section 15, Township 34 North, Range 55 East, M.D.B.&M., Elko County, Nevada filed in the office of the County Recorder of Elko County, Nevada, on October 30, 1996, as File No. 396517.

The intent of the zone change is to allow for commercial uses.

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

**ELKO CITY PLANNING COMMISSION**



# CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue \* Elko \* Nevada \* 89801

(775) 777-7160 phone \* (775) 777-7119 fax

## APPLICATION FOR ZONE CHANGE

APPLICANT(s): M R P LLC  
 MAILING ADDRESS: PO Box 2730 Elko, NV 89803  
 PHONE NO (Home) 775-397-8788 (Business) same  
 NAME OF PROPERTY OWNER (if different): same  
 (Property owner's consent in writing must be provided.)  
 MAILING ADDRESS: same  
 LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):  
 ASSESSOR'S PARCEL NO.: 001-691-007 Address 350 W Silver St.  
 Lot(s), Block(s), & Subdivision attached  
 Or Parcel(s) & File No. \_\_\_\_\_

### FILING REQUIREMENTS:

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1<sup>st</sup> Tuesday of every month).

**Fee:** A \$300.00 non-refundable filing fee.

**Area Map:** A map of the area proposed for this zone change must be provided.

**Plot Plan:** A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information must be provided.

**Legal Description:** A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (L to R, for example).

**Note:** One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

**Other Information:** The applicant is encouraged to submit other information and documentation to support this Rezone Application.

RECEIVED

1. Identify the existing zoning classification of the property: Light Industrial (ZLI)
2. Identify the zoning Classification being proposed/requested: (IC) Industrial Commercial
3. Explain in detail the type and nature of the use anticipated on the property: The proposed rezoning would allow us to lease space to retail stores in addition to our current tenants. Currently, Social Security Administration & The State of Nevada have offices as well as Major Drilling & Fast Glass. Modified vapors has leased our last available space & they are a retail store, needing the commercial/industrial change. M.R.P. LLC is also working on some new site plans for the vacant lot adjacent to the existing Silver St. Square. Having the option to lease the "new location" to retail businesses would be a valuable asset to us & the community.
4. Explain how the proposed zoning classification relates with other zoning classifications in the area: The planning commission & City Council approved the same zoning change across the street for Modified vapors at their current location of 345 W. Silver St. The change will enhance the businesses along Silver St, there are other retail locations within several blocks of said property.
5. Identify any unique physical features or characteristics associated with the property: Our current building Silver St. Square has many great long term tenants, we are in the process of getting some drawings done for the adjacent lot. It is our intention to bring many more great business back to downtown Elko.

(Use additional pages if necessary to address questions 3 through 5)

**By My Signature below:**

- I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- I have carefully read and completed all questions contained within this application to the best of my ability.

**Applicant / Agent** M.R.P. LLC Angie Heguy, R. Scott Burns  
(Please print or type)

**Mailing Address** P.O. Box 2730  
Street Address or P.O. Box

Elko, NV 89803  
City, State, Zip Code

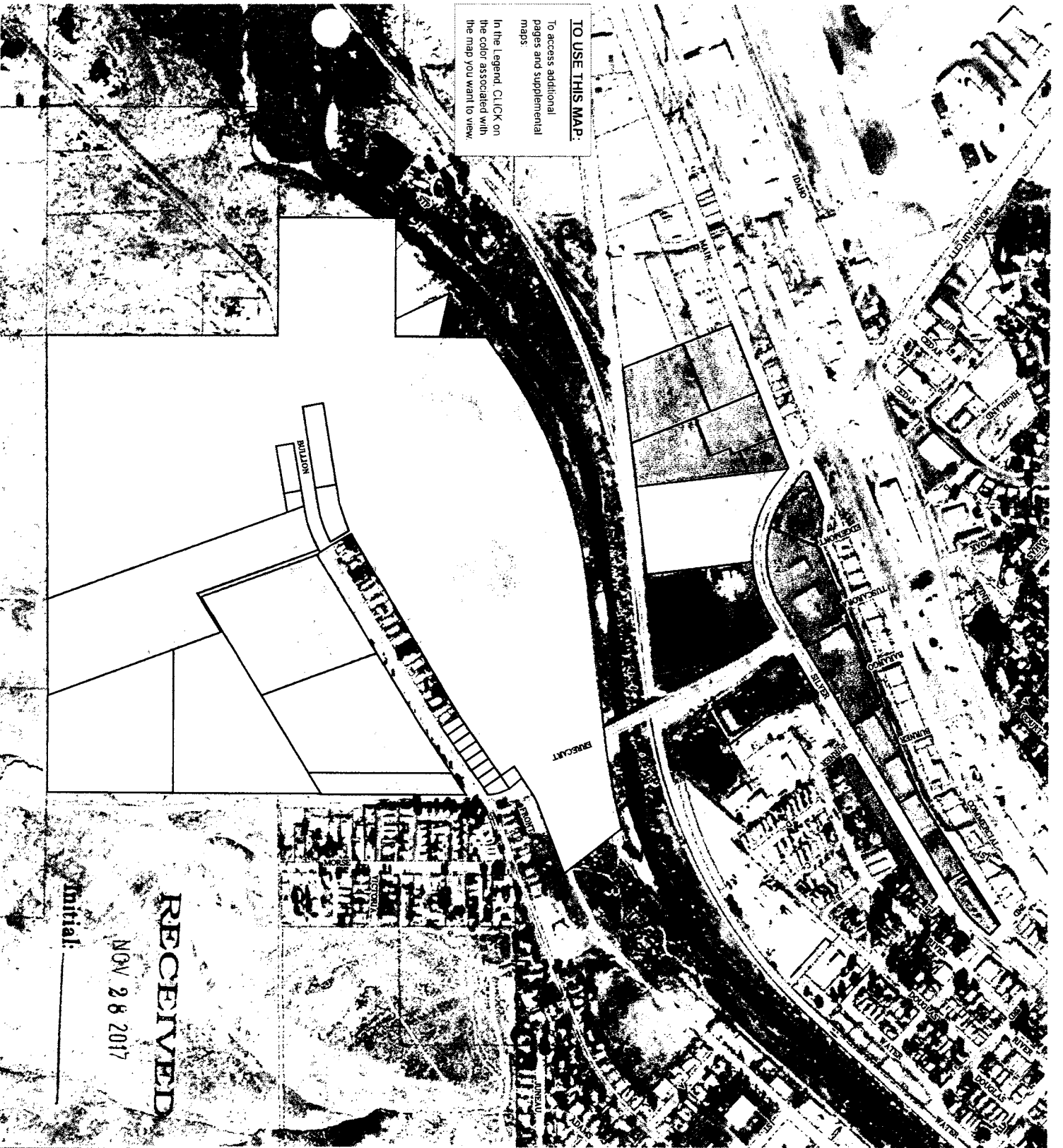
Phone Number: 775-397-8788

Email address: angieheguy@gmail.com

**SIGNATURE:** Angie Heguy, Manager  
R. Scott Burns, Member

**FOR OFFICE USE ONLY**

**File No.:** 11-17 **Date Filed:** 11/28/17 **Fee Paid:** \$300 CK# 1592

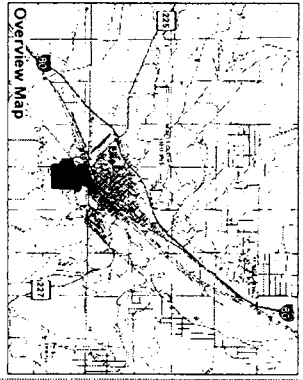


**TO USE THIS MAP:**  
 To access additional pages and supplemental maps  
 In the Legend, CLICK on the color associated with the map you want to view.

**RECEIVED**  
 NOV 28 2017  
 Initial: \_\_\_\_\_

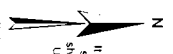
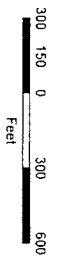
**Book 001 Page 690**

**Index Map**



**Legend**

- Public Land
- County Line
- Plat 690
- Page 1
- Page 2

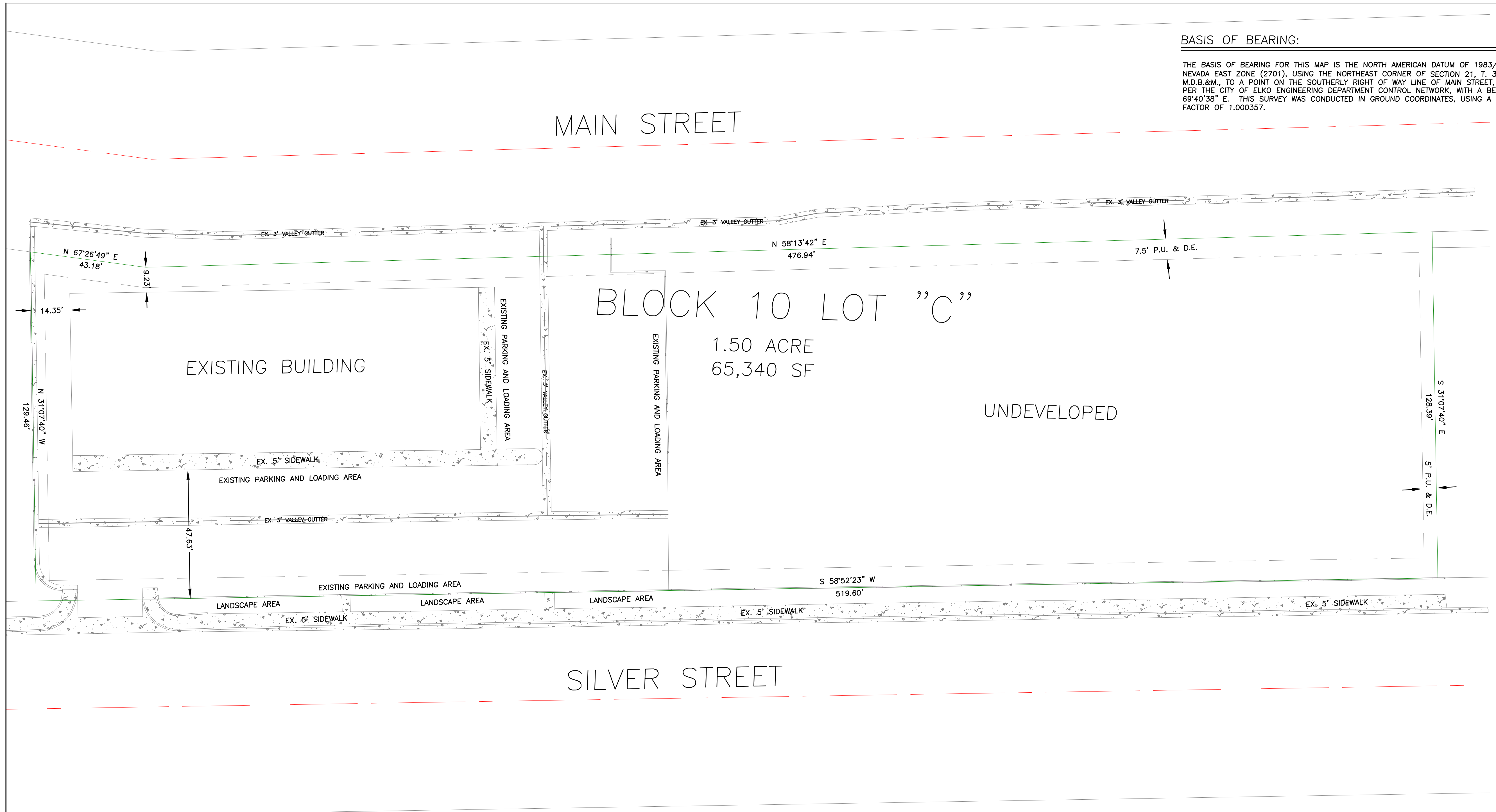


This map does NOT represent a survey. It is compiled from official records, including surveys and deeds. Recorded documents under approval by Elbert County Assessor; other uses are forbidden.

**FOR ASSESSMENT USE ONLY**

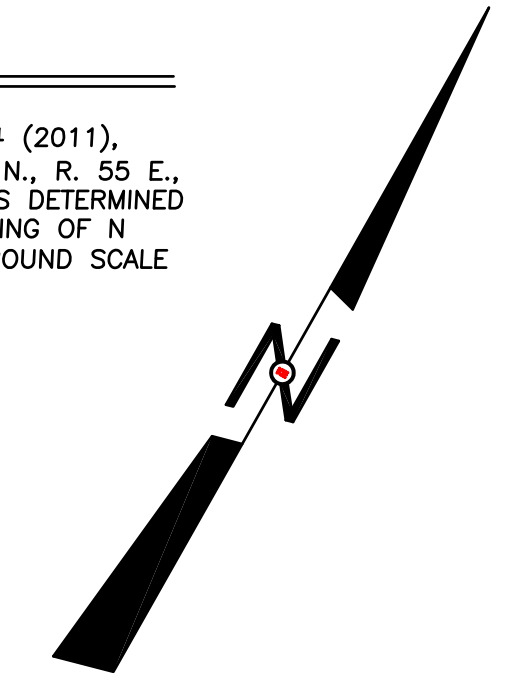
Background DRG was downloaded from the W. M. Keck Earth Sciences & Mining Research Information Center  
 Last Update: 10/14/09 JLS





**BASIS OF BEARING:**

THE BASIS OF BEARING FOR THIS MAP IS THE NORTH AMERICAN DATUM OF 1983/94 (2011), NEVADA EAST ZONE (2701), USING THE NORTHEAST CORNER OF SECTION 21, T. 34 N., R. 55 E., M.D.B.&M., TO A POINT ON THE SOUTHERLY RIGHT OF WAY LINE OF MAIN STREET, AS DETERMINED PER THE CITY OF ELKO ENGINEERING DEPARTMENT CONTROL NETWORK, WITH A BEARING OF N 69°40'38" E. THIS SURVEY WAS CONDUCTED IN GROUND COORDINATES, USING A GROUND SCALE FACTOR OF 1.000357.



**KONAKIS ENGINEERING, LLC**  
 CIVIL & WATER RESOURCES ENGINEERING  
 LAND SURVEYING  
 (775) 738-5319  
 225 SILVER STREET, STE. 106  
 ELKO, NEVADA 89801

SURVEYED BY:	ENK
DRAWN BY:	CSK
CHECKED BY:	CSK
DATE:	1/8/2018
JOB NO.:	2017-044

**SCALE**  
 HORIZ: 1"=20'  
 VERT: NA

MRP LLC  
 PLOT PLAN  
 350 WEST SILVER STREET  
 ELKO ELKO COUNTY NEVADA

**REFERENCES:**

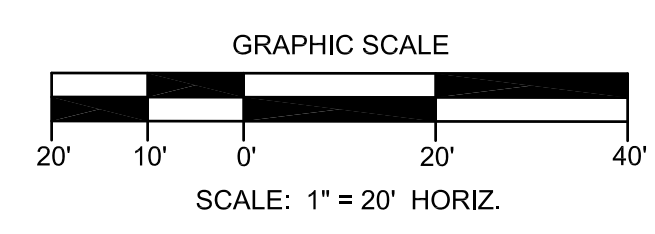
- "RECORD OF SURVEY OF BLOCK 10, LOT B ELKO INDUSTRIAL PARK", RECORDED IN THE OFFICE OF THE ELKO COUNTY RECORDER AS FILE NO. 396517, ON OCTOBER 30, 1996.

**SURVEY NOTES:**

- DATE OF SURVEY: 12/21/17
- SOURCE OF BOUNDARY AND EASEMENT INFORMATION: "RECORD OF SURVEY OF BLOCK 10, LOT B ELKO INDUSTRIAL SUBDIVISION" ON FILE IN THE OFFICE OF THE ELKO COUNTY RECORDER, ELKO, NEVADA, FILE NO. 396517.
- CURRENT ZONING FOR PARCEL IS LI LIGHT INDUSTRIAL WITH PROPOSED ZONING TO BE CHANGED TO IC INDUSTRIAL COMMERCIAL.
- BASIS OF HORIZONTAL DATUM: CITY OF ELKO CONTINUOUSLY OPERATING BASE STATION

**LEGEND:**

- = EXISTING CONCRETE
- = ROADWAY CENTERLINE
- = PARCEL BOUNDARY
- = EASEMENT BOUNDARY
- = VALLEY GUTTER FLOWLINE

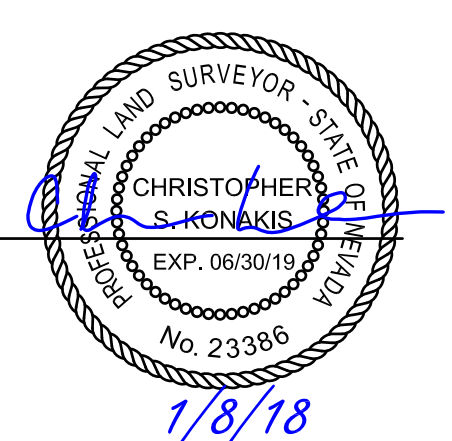


**LAND SURVEYOR'S CERTIFICATE:**

I, CHRISTOPHER S. KONAKIS, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, CERTIFY THAT:

- THIS PLAT REPRESENTS THE RESULTS OF A SURVEY PERFORMED UNDER MY DIRECT SUPERVISION AND DIRECTION AT THE INSTANCE OF M R P LLC.
- THE LANDS SURVEYED LIE WITHIN SECTION 15 T. 34 N., R. 55 E., M.D.B.&M., ELKO, COUNTY, NEVADA. THE SURVEY WAS COMPLETED ON THE 21ST DAY OF DECEMBER, 2017.
- THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE SURVEY WAS COMPLETED, AND THE SURVEY WAS CONDUCTED IN ACCORDANCE WITH CHAPTER 625 OF THE NEVADA ADMINISTRATIVE CODE.
- THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED, AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

CHRISTOPHER S. KONAKIS, P.L.S. 23386



REV	DATE	DESCRIPTION	BY	APVD

**SHEET**  
 S-1  
 OF  
 1

**Elko City Planning Commission  
Agenda Action Sheet**

1. **Review, consideration and possible recommendation to City Council for Rezone No. 12-17, filed by Swire Coca-Cola, USA, for a change in zoning from (AG) General Agriculture to (LI) Light Industrial, approximately 3 acres of property located generally on the north side of West Idaho Street, approximately 2,500 feet east of I-80 Exit 298, FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: ***PUBLIC HEARINGS, NEW BUSINESS***
4. Time Required: **15 Minutes**
5. Background Information: **The applicant is requesting a rezone of the property in conjunction with an annexation into the City of Elko. The default zone with annexation is AG – General Agriculture.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 12-17 subject to the following conditions: (stated in City Planner memo)**
9. Findings:
  - **The proposed rezone is in conformance with the Master Plan Land Use Component.**
  - **The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.**
  - **The proposed zone district is consistent with City of Elko Wellhead Protection Plan.**
  - **The proposed zone district is in conformance with City Code 3-2-4(B)(C) & (D).**
  - **The proposed zone district is in conformance with Section 3-2-12(A) LI, GI Industrial Districts.**
  - **The proposed zone district is in conformance with City Code 3-2-17**
  - **The proposed zone district is consistent with surrounding land uses.**

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/6**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: Rezone 12-17

Applicant(s): Swire Coca-Cola, USA

Site Location: 3400 W. Idaho St.

Current Zoning: AG (per Ann) Date Received: 12/19/17 Date Public Notice: 1/23/18

COMMENT: This is to rezone the property from AG to L1, upon annexation to allow for the continued use of a beverage distribution facility.

\*\*If additional space is needed please provide a separate memorandum\*\*

Assistant City Manager: Date: 1/30/18 Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 2/1/18 No comments/concerns.

W

Initial



City of Elko  
1751 College Avenue  
Elko, NV 89801  
(775) 777-7160  
FAX (775) 777-7119

## CITY OF ELKO STAFF REPORT

**DATE:** January 11, 2018  
**PLANNING COMMISSION DATE:** February 6, 2018  
**AGENDA ITEM NUMBER:** I-A-3  
**APPLICATION NUMBER:** REZONE 12-17  
**APPLICANT:** Swire Coca-Cola, USA  
**PROJECT DESCRIPTION:** Zone Designation for Proposed Annexation  
**ADDITIONAL APPLICATION:** Annexation Application 3-17

A zone designation upon annexation of property to Light Industrial (LI).



**STAFF RECOMMENDATION:**

RECOMMEND APPROVAL, subject to findings of fact, and conditions.

## **PROJECT INFORMATION**

**PARCEL NUMBER:** 006-09G-039; will be issued a new APN upon finalization of the annexation.

**PARCEL SIZE:** 3 acres

**EXISTING ZONING:** Currently in Elko County; (AG) General Agriculture zoning with final approval of the annexation application. Petition of the annexation was accepted by City Council on 1-9-2018.

**MASTER PLAN DESIGNATION:** (IND-GEN) Industrial General

**EXISTING LAND USE:** Developed land consistent with Light Industrial Principal Permitted Use

### **NEIGHBORHOOD CHARACTERISTICS:**

- The property is surrounded by:
  - North: Elko County Property / Developed as Barrick parking lot
  - West: General Agriculture (AG) / Undeveloped
  - South: General Agriculture (AG) / Undeveloped
  - East: Elko County Property / Developed as trailer court

### **PROPERTY CHARACTERISTICS:**

- The property is developed.
- The property is generally flat.
- The property will be accessed from West Idaho Street

### **MASTER PLAN AND CITY CODE SECTIONS:**

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-12 LI, GI Industrial Districts
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

### **BACKGROUND:**

1. Swire Coca-Cola, USA, owner of the property, has filed the application.
2. The applicant has applied for annexation into the City of Elko. The City Council accepted the petition for the subject annexation on January 9, 2018, and directed Staff to continue

- with the annexation process by referring the matter to the Planning Commission.
3. The application is being processed concurrent with annexation application 3-17.
  4. The proposed zone district includes all of APN 006-09G-039 which is the area identified in annexation application 3-17.
  5. The property is located approximately 2,500 feet east of I-80 Exist 298. The City of Elko has recently received applications for new development and expansion of existing development in the immediate vicinity. This is partially due to the water line extension to exit 298 in 2016.
  6. The surrounding area is partially developed with light industrial land uses.
  7. The area proposed for rezone fronts West Idaho Street.
  8. City utilities have not been extended to the edge of the property. The property owner has entered into an agreement with Golden Gate Petroleum and the City of Elko for a water line extension along Sheep Creek Trail. Construction is expected to begin spring 2018. Sewer is not available in close vicinity to the property. The property owner would be required to install dry sewer along the frontage of the property and connect when it is available.
  9. Other non-city utilities are located in the immediate vicinity.
  10. The requested zoning district is in conformance with the City of Elko Master Plan.

**MASTER PLAN:**

**Land use:**

1. The Master Plan Land Use Atlas shows the area as General Industrial.
2. Supporting zone districts for General Industrial are General Industrial, Light Industrial and Industrial Commercial.
3. Objective 5: Encourage development that strengthens the core of the City, and new annexations that are logical and orderly and do not promote sprawl.
4. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.
5. Objective 8: Encourage new development that does not negatively impact Countywide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed zone district is in conformance with the Master Plan Land Use Component.

**Transportation:**

1. The area will be accessed from West Idaho Street.
2. West Idaho Street is classified as a Minor Collector.
3. The proposed zone change is commensurate with the surrounding transportation infrastructure.

The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.

**ELKO REDEVELOPMENT PLAN:**

1. The property is not located within the redevelopment area.

**ELKO WELLHEAD PROTECTION PLAN:**

1. The property is located outside the 30-year capture zone for several City wells.

**SECTION 3-2-4 Establishment of Zoning Districts**

1. The Planning Commission can recommend to the City Council a zone classification for annexed territory other than the default Agriculture District. The applicant has filed this application in conformance with the code requesting the Light Industrial Zoning District. The proposed district is in conformance with the Master Plan.
2. The property meets the area requirements for the proposed zone district.

The proposed zone change is in conformance with Elko City Code Section 3-2-4.

**SECTION 3-2-12(A) – Light Industrial District –LI**

1. The existing development meets the requirements under 3-2-12 for minimum area, minimum lot width, front and rear yard setbacks, side yard setback and maximum building height.
2. The existing development is consistent with the listed principal uses permitted.
3. The existing development does not abut a residential zoning district therefore; a conditional use permit is not required.
4. The existing development meets the requirements for the provisions of landscaping.

The proposed zone change is in conformance with Elko City Code Section 3-2-12.

**SECTION 3-2-17:**

1. Existing development meets the requirements under 3-2-17.
2. Conformity with the section is required if the existing facilities are expanded or the use changes.

The proposed zone change is in conformance with Elko City Code Section 3-2-17.

**SECTION 3-2-21:**

1. The applicant has conformed to this section of code with the filing of the application.

**SECTION 3-8**

1. This parcel is not designated in a Special Flood Hazard Area (SFHA).

**FINDINGS**

1. The proposed rezone is in conformance with the Master Plan Land Use Component.
2. The proposed rezone is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure.
3. The proposed zone district is consistent with City of Elko Wellhead Protection Plan.

4. The proposed zone district is in conformance with City Code 3-2-4(B)(C) & (D).
5. The proposed zone district is in conformance with Section 3-2-12(A) LI, GI Industrial Districts.
6. The proposed zone district is in conformance with City Code 3-2-17
7. The proposed zone district is consistent with surrounding land uses.
8. The topography of the area is well suited for the proposed light industrial land uses
9. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

**STAFF RECOMMENDATION:**

Staff recommends this item be **conditionally approved** with the following conditions:

**Planning Department:**

1. Council approval of Annexation 3-17 is required prior to action taken on this application.

**Development Department:**

1. The rezone not be finalized until the conditions for annexation 3-17 are met and the annexation is of record





**CITY OF ELKO**  
**DEVELOPMENT DEPARTMENT**  
**1755 COLLEGE AVENUE**  
**ELKO, NEVADA 89801**  
**(775)777-7210**  
**(775)777-7219 FAX**

To: Elko City Planning Commission  
From: Jeremy Draper, Development Manager  
RE: Rezone 12-17, Swire Coca-Cola, W. Idaho Street  
Date: January 12, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Rezone Application 12-17.

**Project Information**



- The property is located generally 3,100 ft east of the intersection of I-80 and W. Idaho St.
- The property is identified as a portion of APN 006-09G-036.
- The parcel is currently developed as Swire Coca-Cola.

- Annexation Application 3-17 is currently being considered for approval for this property.
- The parcel will be zoned AG-General Agricultural District upon annexation.
- The proposed rezone would result in a rezone of proposed parcel 1 being 3.00 acres of LI-Light Industrial District.
- The property is bound by AG, to the south and west, county property to the east and north.
- The property is not located within a FEMA Floodzone.

### **Master Plan**

#### **Land Use:**

- The Land Use component of the Master Plan identifies this area as General Industrial per amendment 1-17.
- Objective 6: Encourage multiple scales of commercial development to serve the needs of the community, and that of individual neighborhoods
- Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
- Corresponding zoning districts for the General Industrial Land Use are LI-Light Industrial, IC-Industrial Commercial, and GI-General Industrial.

### **Elko Wellhead Protection Plan**

- The property is not located within the current wellhead capture zone, however it should be noted that the City of Elko has long range plans for a new well within 4,500 ft of this property.

### **Section 3-2-4-Establishment of Zoning Districts**

- Conformance with this section is required

### **Section 3-2-12-(A)- (LI) Light Industrial District**

- Conformance with this section is required

### **Section 3-2-17-Traffic, Access, Parking and Loading Regulations**

- Conformance with this section is required

### **Section 3-2-21-Amendments**

- Conformance with this section is required

### **Findings**

1. The proposed rezone appears to be compatible with, and not frustrate the City of Elko Master Plan goals and policies found in the Land Use Component.
2. The proposed rezone is in conformance with City Code 3-2-4-B and C
3. The proposed rezone is in conformance with City Code 3-2-17
4. The proposed rezone is in conformance with City Code 3-2-12-(A)
5. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan.
6. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

### **Recommendation**

The City of Elko **Development Department** recommends that the proposed zone changes be approved with the following conditions:

1. The rezone not be recorded until the conditions for from annexation 3-17 are met and the annexation is of record.

## **LEGAL DESCRIPTION**

The land referred to herein is situated in the State of Nevada, County of Elko, described as follows:

Parcel 1 as shown on that certain Parcel Map for Frances Adeline Warmbrodt filed in the office of the County Recorder of Elko County, State of Nevada, on October 12, 1988, as File No. 263740, as amended by Certificate recorded January 23, 1989, being a portion of Sections 19 and 20, Township 34 North, Range 55 East, M.D.B.&M..



**CITY OF ELKO**  
Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

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January 30, 2018

Swire Coca-Cola, USA  
Attn: Mr. Dan Reid  
12634 South 265 West  
Draper, UT 84020

Re: Rezone No. 12-17 and Annexation No. 3-17

Dear Applicant Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in black ink that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
006090006	BAR L RANCH ET AL		PO BOX 1478	ELKO NV	89803-1478
001679009	BAR L RANCH ET AL		PO BOX 1478	ELKO NV	89803-1478
001679002	BAR L RANCH ET AL		PO BOX 1478	ELKO NV	89803-1478
001679006	BAR L RANCH ET AL		PO BOX 1478	ELKO NV	89803-1478
00609G037	BARRICK GOLDSTRIKE MINES INC A	ATTN: REGIONAL LAND DEPT	460 W 50 N STE 500	SALT LAKE CITY UT	84101-1240
00609G003	BOGUE, CLARENCE E ET AL	COS SUTHERLAND, JAMES ETAL	PO BOX 1731	ELKO NV	89803-1731
00609G012	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
00609G031	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
00609G030	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
00609G009	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
00609G008	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
00609G005	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
00609G027	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001660106	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801-3401
00609G004	ESM 2 LLC		PO BOX 2347	ELKO NV	89803-2347
00609G002	ESM 2 LLC		3250 SUNDANCE DR	ELKO NV	89801-7909
00609G025	JPL INVESTMENTS LLC		1764 W 2900 S	OGDEN UT	84401-3255
00609G011	JPL INVESTMENTS LLC		1764 W 2900 S	OGDEN UT	84401-3255
00609G010	JPL INVESTMENTS LLC		1764 W 2900 S	OGDEN UT	84401-3255
001679004	MILLER, BRUCE & SIDNIE TR		PO BOX 1478	ELKO NV	89803-1478
001679003	MILLER, BRUCE & SIDNIE TR ETAL		PO BOX 1478	ELKO NV	89803-1478
00609N007	NETHERTON, ED & SHARON		34 CAMP CREEK RD	TROY MT	59935-9694
001679005	NETHERTON, ED & SHARON		34 CAMP CREEK RD	TROY MT	59935-9694
00609G039	PETE'S TRAILER PARK LLC		6366 RIO VISTA LN	CARSON CITY NV	89701-9348
00609G038	PETE'S TRAILER PARK LLC		6366 RIO VISTA LN	CARSON CITY NV	89701-9348
00609G019	SKIVINGTON, JACK A TR ET AL		440 CORRAL LN UNIT 5	SPRING CREEK NV	89815-9700
00609G034	SKIVINGTON, JACK A TR ET AL		440 CORRAL LN UNIT 5	SPRING CREEK NV	89815-9700
00609G024	SKIVINGTON, JACK A TR ET AL		440 CORRAL LN UNIT 5	SPRING CREEK NV	89815-9700
00609G006	SUTHERLAND, JAMES N & JANICE I A		PO BOX 1731	ELKO NV	89803-1731
00609G017	TSA LLC	C/O NORMA	1132 S 500 W	SALT LAKE CITY UT	84101-3018
00609G016	TSA LLC	C/O NORMA	1132 S 500 W	SALT LAKE CITY UT	84101-3018

Handwritten notes and signatures are present in the right margin of the document, including a large signature that appears to read "James N. Sutherland".

## **NOTICE OF PUBLIC HEARING**

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 6, 2018 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

Rezone No. 12-17, filed by Swire Coca-Cola, USA for a change in zoning from AG (Agricultural) to LI (Light Industrial), approximately 3.00 acres of property, specifically APN 006-06G-036, located generally on the north side of West Idaho Street, approximately 2,500 feet east of I-80 Exit 298, more particularly described as:

The land described herein is situated in the State of Nevada, County of Elko, described as follows:

Parcel 1 as shown on that certain Parcel Map for Frances Adeline Warmbrodt filed in the office of the County Recorder of Elko County, State of Nevada, on October 12, 1988, as File No. 263740, as amended by Certificate recorded January 23, 1989, being a portion of Sections 19 and 20, Township 34 North, Range 55 East, M.D.B.&M.

The intent of the zone change is to allow for the continued use of a beverage distribution center.

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

**ELKO CITY PLANNING COMMISSION**



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue \* Elko \* Nevada \* 89801
(775) 777-7160 phone \* (775) 777-7119 fax

APPLICATION FOR ZONE CHANGE

APPLICANT(s): Swire Coca-Cola, USA
MAILING ADDRESS: 12634 South 265 West, Draper, UT 84020
PHONE NO (Home) (Business) 801.816.5670
NAME OF PROPERTY OWNER (If different):
(Mailing address)
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 006-09G-036 Address 3400 West Idaho Street
Lot(s), Block(s), & Subdivision
Or Parcel(s) & File No. Parcel 1, Map #263740

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed. Complete applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1st Tuesday of every month).

Fee: A \$300.00 non-refundable filing fee.

Area Map: A map of the area proposed for this zone change must be provided.

Plot Plan: A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information must be provided.

Legal Description: A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (LI to R, for example).

Note: One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

Other Information: The applicant is encouraged to submit other information and documentation to support this Rezone Application.

RECEIVED

Initial



1. Identify the existing zoning classification of the property: Highway Commercial

2. Identify the zoning Classification being proposed/requested: Light Industrial

3. Explain in detail the type and nature of the use anticipated on the property: Beverage distribution center

4. Explain how the proposed zoning classification relates with other zoning classifications in the area: We understand that the City is in the process of a master plan review and that the requested zoning change to Light Industrial will be consistent with the new City master plan, as well as with the use.

5. Identify any unique physical features or characteristics associated with the property: None known

**(Use additional pages if necessary to address questions 3 through 5)**

**By My Signature below:**

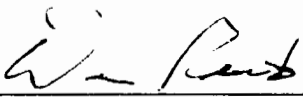
- I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- I have carefully read and completed all questions contained within this application to the best of my ability.

**Applicant / Agent** Dan Reid, Swire Sr. Manager For Construction  
(Please print or type)

**Mailing Address** 12634 South 265 West  
Street Address or P.O. Box  
Draper, UT 84020  
City, State, Zip Code

Phone Number: 801.816.5670

Email address: dreid@swirecc.com

**SIGNATURE:** 

---

**FOR OFFICE USE ONLY**

File No.: 12-17 Date Filed: 12/19/17 Fee Paid: PD \$300 CC # 6559

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Blue Stakes Location Center  
**Call Toll Free**  
**1-800-662-4111**  
 Two Working Days Before You Dig

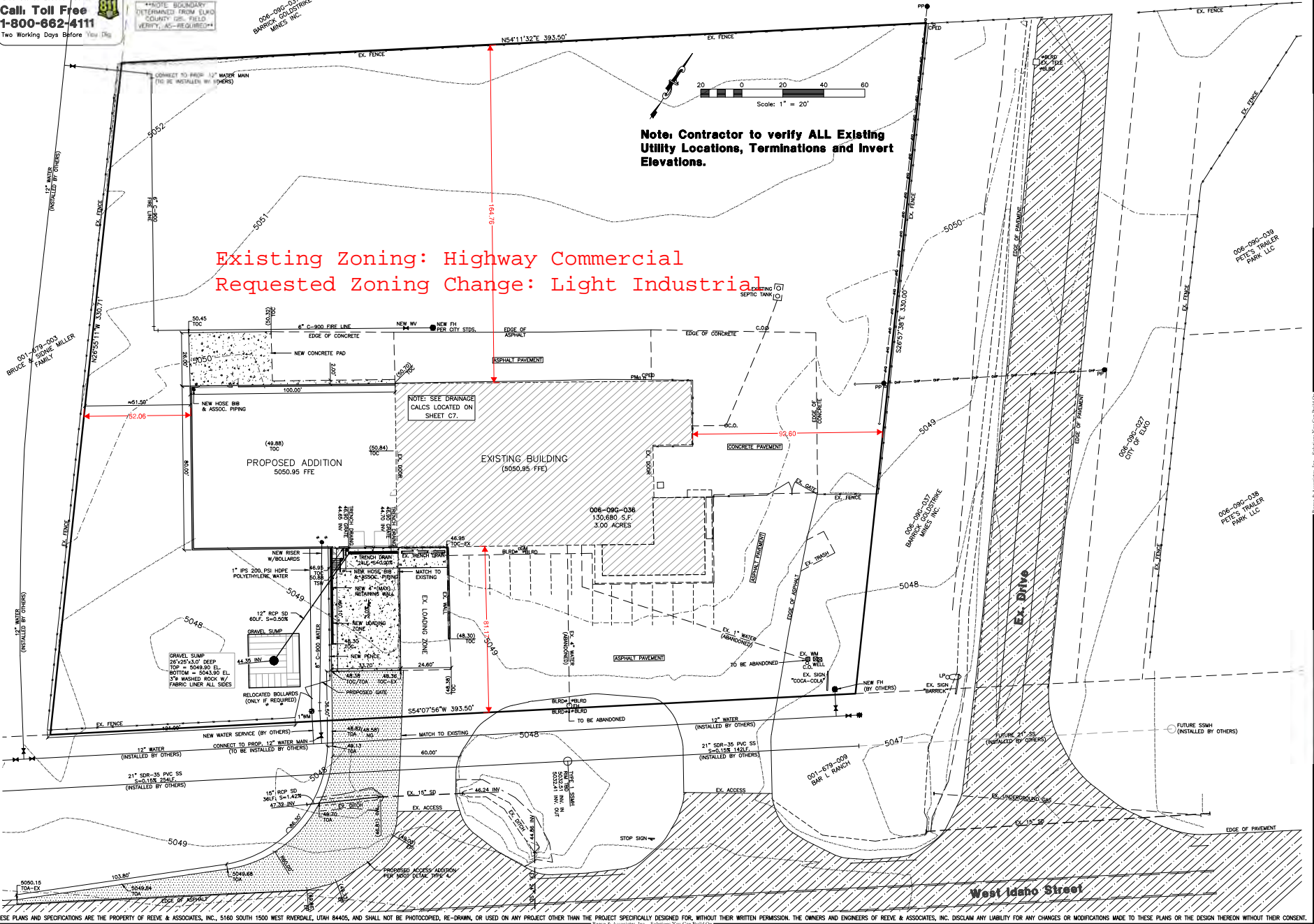
PROPERTY BOUNDARY  
 DETERMINED FROM ELMO  
 COUNTY DE. FIELD  
 SURVEY, AS REQUIRED

006-090-037  
 BANNEY FIELDS/DRIVE  
 MILES INC.

**Note: Contractor to verify ALL Existing  
 Utility Locations, Terminations and Invert  
 Elevations.**

**Existing Zoning: Highway Commercial  
 Requested Zoning Change: Light Industrial**

1/27/2018 11:48:58 AM C:\48501\17 - 3400 W. 30th St. Elmo - SW\Improvement\Construction - Plans.dwg  
 Reeve & Associates, Inc. - Salt Lake City, Utah, Inc. - Salt Lake City, Utah, Inc.



**Reeve & Associates, Inc.**  
 PROFESSIONAL ENGINEERS  
 UTAH LICENSE NO. 10181  
 ILLINOIS LICENSE NO. 011-01108

**BIG-D  
 CONSTRUCTION**

REVISIONS	DATE	DESCRIPTION
03-03-17	TP	Design Completed
08-14-17	TP	Water Main Layout
08-14-17	TP	Water Main Layout
08-30-17	TP	Water Main Layout
11-29-17	TP	Water Main Layout

**Swire Coca-Cola  
 Improvement Plans**  
 CITY OF ELMO, ELMO COUNTY, UT

**Proposed Site/Grading/Utility Plan**



**Project Info.**  
 Engineer: J. NATK REEVE  
 Drafter: T. PRIDEMORE  
 Begin Date: FEBRUARY 22, 2017  
 Name: SWIRE COCA-COLA BUILDING ADDITION IMPROVEMENT PLANS  
 Number: 4805-12

Sheet **4** of **7** Sheets

THESE PLANS AND SPECIFICATIONS ARE THE PROPERTY OF REEVE & ASSOCIATES, INC., 5160 SOUTH 1500 WEST RIVERDALE, UTAH 84405, AND SHALL NOT BE PHOTOCOPIED, RE-DRAWN, OR USED ON ANY PROJECT OTHER THAN THE PROJECT SPECIFICALLY DESIGNED FOR, WITHOUT THEIR WRITTEN PERMISSION. THE OWNERS AND ENGINEERS OF REEVE & ASSOCIATES, INC. DISCLAIM ANY LIABILITY FOR ANY CHANGES OR MODIFICATIONS MADE TO THESE PLANS OR THE DESIGN THEREON WITHOUT THEIR CONSENT.

**Elko City Planning Commission  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Conditional Use Permit No. 1-18, filed by Autumn Colors LLC., which would allow for the development of duplex townhomes within a CT (Commercial Transitional) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: ***NEW BUSINESS, PUBLIC HEARINGS***
4. Time Required: **15 Minutes**
5. Background Information: **Bailey & Associates was issued a CUP June 5, 2012 for a development of a multiple family residential complex consisting of 96 units. CUP 8-12 was approved based on the site plan exhibit showing 6-plexes. The developer has revised the site plan and is reducing the number of units per building from 6 to 2, therefore requiring a new Conditional Use Permit.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Move to conditionally approve Conditional Use Permit 1-18 with the following conditions: (listed in City Planner Memo)**
9. Findings:
  - **The proposed development is in conformance with the Land Use component of the Master Plan**
  - **The proposed development is in conformance with the existing transportation infrastructure and the Transportation component of the Master Plan**
  - **The site is suitable for the proposed use.**
  - **The proposed development is in conformance with the City Wellhead Protection Program.**
  - **The proposed use is consistent with surrounding land uses.**
  - **The proposed use is in conformance with City Code 3-2-9 (B) Commercial Transitional with the approval of the Condition Use Permit**
  - **The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-8 and 3-2-18 of the Elko City Code.**
  - **The proposed development conforms to the stipulations contained the Development Agreement; File 666547**
10. Prepared By: **Cathy Laughlin, City Planner**

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/16**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: Conditional Use Permit 1-18  
Applicant(s): Autumn Colors, LLC  
Site Location: CO1 - OIF - 3ile, NE corner of Cattle Dr + Main City Hwy  
Current Zoning: CT Date Received: 1/2/18 Date Public Notice: 1/23/18  
COMMENT: This is to allow for the development of Duplex Townhomes within CT District,

\*\*If additional space is needed please provide a separate memorandum\*\*

Assistant City Manager: Date: 2/1/18 recommend approval as presented by staff with the exception of condition 11 recommended by the Development Dept.

SAW  
Initial

City Manager: Date: 2/1/18 No comments/concerns.

W  
Initial



City of Elko  
1751 College Avenue  
Elko, NV 89801  
(775) 777-7160  
FAX (775) 777-7119

**CITY OF ELKO STAFF REPORT**

**DATE:** February 1, 2018  
**PLANNING COMMISSION DATE:** February 6, 2018  
**AGENDA ITEM NUMBER:** I. A. 4  
**APPLICATION NUMBER:** Conditional Use Permit 1-18  
**APPLICANT:** Autumn Colors, LLC  
**PROJECT DESCRIPTION:** Development of Multi-Family Townhomes  
**RELATED APPLICATIONS:** Final Plat 2-18

A Conditional Use Permit for the development of townhomes within a CT –Commercial Transitional zoning district. The CUP would allow for 12 buildings consisting of six townhomes in each building and 10 buildings consisting of two townhomes in each building.



**STAFF RECOMMENDATION:**

RECOMMEND APPROVAL, subject to findings of fact and conditions.

## **PROJECT INFORMATION**

**PARCEL NUMBER:** A portion of 001-01F-316

**PROPERTY SIZE:** 8.71 acres as shown on Rezone application 7-12

**EXISTING ZONING:** CT –Commercial Transitional

**MASTER PLAN DESIGNATION:** (COMM-GEN) Commercial General

**EXISTING LAND USE:** Undeveloped

### **NEIGHBORHOOD CHARACTERISTICS:**

- The property is surrounded by undeveloped land to the north, south, and west. Properties to the east are developed with six-plex townhomes and single family residences.

### **PROPERTY CHARACTERISTICS:**

- The property is currently undeveloped.
- The property is generally flat.
- The property is accessed from Autumn Colors Dr. with a future connection to Cattle Drive
- The property is not in the flood zone.

### **APPLICABLE MASTER PLANS AND CITY CODE SECTIONS:**

- City of Elko Master Plan-Land Use Component
- City of Elko Master Plan-Transportation Component
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Code 3-2-3 General Provisions
- City of Elko Code 3-2-4 Establishment of Zoning Districts
- City of Elko Code 3-2-9 Commercial Transitional District (CT)
- City of Elko Code 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Code 3-2-18 Conditional Use Permits
- City of Elko Code 3-8 Flood Plain Management

## **BACKGROUND INFORMATION**

- The applicant has filed Final Plat application 2-28. The application is for the final phase of the Autumn Colors subdivision.
- The application for the Conditional Use Permit was filed as required under City Code 3-2-9 (B)(3). The proposed conditional use would supersede CUP 8-12 which was approved for a site planning showing a total of 96 units of six-plexes. Seventy-two of the ninety-six

units have been constructed and the proposed change change to duplex townhomes for the final 20 units will result in a reduction of four units.

- The area identified in the application is located within the area approved under Preliminary Plat 5-12. The Preliminary Plat includes the area proposed for multi-family development in the proposed CT district. The proposed application is in conformance with the approved preliminary plat.
- The area of the CUP development of townhomes is approximately 8.71 acres as shown on Rezone 7-12.
- The area is located on the north side of Mountain City Highway between Cattle Drive and Sage Crest Drive.
- The area consists of townhomes developed under Phase 1 and Phase 2 of the Autumn Colors subdivision and the area proposed for development as duplex townhomes identified as APN 001-01F-316.
- The property is not located in the Redevelopment Area.
- The proposed development is not only governed under city code but must conform with the stipulations of a Development Agreement identified as File 666547 on record with the Elko County Recorder's Office. The development agreement allows for reduction in lot size, reduction in setbacks for principal buildings, maximum building size, minimum useable floor area, fencing and exterior requirements, and parking requirements.

## **MASTER PLAN**

### **Land Use**

1. The Master Plan Land Use Atlas shows the area as Commercial General.
2. The listed Goal of the Land Use component states "Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors".
3. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity, and overall sustainability.
4. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and that of individual neighborhoods.
5. Objective 8: Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The conditional use permit is in conformance with the Master Plan Land Use Component

### **Transportation**

1. The Master Plan identifies State Route 225 as Principal Arterial.
2. The Master Plan identifies Cattle Drive as a Residential Collector. The recommended right-of-way width for a residential collector is 60 feet. The right-of-way for Cattle Drive is of record.
3. Sage Crest Drive north of the State Route 225 is not classified in the Master Plan. A 60 foot right-of-way is of record.
4. The site has pedestrian access along Mountain City Highway to the end of the completed



townhomes.

The conditional use permit is in conformance with the Master Plan Transportation Component and existing transportation infrastructure

### **ELKO WELLHEAD PROTECTION PLAN**

- The property is located outside the 30-year capture zone for several City wells.

### **SECTION 3-2-3 GENERAL PROVISIONS**

- Section 3-2-3 (C) 1 of City code specifies use restrictions. The following use restrictions shall apply.
  1. Principal Uses: Only those uses and groups of uses specifically designated as “principal uses permitted” in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses
  2. Conditional Uses: Certain specified uses designated as “conditional uses permitted” may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance hereinafter specified in this chapter or imposed by the planning commission or city council.
  3. Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

1. Section 3-2-3(C) states that certain specified uses designated as “conditional uses permitted” may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance specified in Chapter 3 or imposed by the Planning Commission or City Council.
2. Section 3-2-3(D) states that “No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.”

The proposed development is required to have an approval as a conditional use to be in conformance with this section of code.

### **SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS**

1. Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection.
2. Section 3-2-4(B)(4) stipulates that no yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

The proposed development conforms to the code with the stipulations of the Development Agreement considered in the evaluation.

### **SECTION 3-2-9 COMMERCIAL TRANSITIONAL DISTRICT**

1. Section 3-2-9(B) The purpose of the CT zoning district is to establish a transitional zone between more intense commercial districts and residential districts, particularly along higher volume traffic corridors, and to promote a pattern of land use suitable for the development of professional and business offices and limited service, retail and commercial activities. The CT district is intended to protect established residential neighborhoods from the type of land use associated with high levels of noise, illumination and traffic that could be detrimental to the characteristics of the residential neighborhood.
2. Section 3-2-9(3)(d) Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.
3. Section 3-2-9(3) The minimum lot area shall be fifteen thousand (15,000) square feet. The minimum lot width shall be one hundred feet (100'). The maximum lot coverage shall be fifty percent (50%). A minimum front yard setback of thirty feet (30') shall be required. A minimum rear yard setback of ten feet (10') shall be required. A minimum side yard setback of zero feet (0') to five and one-half feet (5 1/2') shall be required. Interior side yards which abut any residential district shall observe the five and one-half foot (5 1/2') setback required as part of the R zoning district. A minimum exterior side setback of thirty feet (30') shall be required. Building height shall not exceed thirty five feet (35'), or requirements contained within the city airport master plan, whichever is the most restrictive. The gross area proposed for the townhouse development is 8.71 acres. It appears the proposed setbacks are meeting the code requirements.
4. Development of the property is required to be in conformance with City code, requirements stipulated in the Development Agreement and conditions for the CUP. It appears the property can be developed in conformance with the requirements stipulated in City code.

The proposed development conforms to the code with the stipulations of the Development Agreement considered in the evaluation. In making this determination, the entire area of the existing developed area was considered.

### **SECTION 3-2-17 TRAFFIC, ACCESS, PARKING AND LOADING REGULATIONS**

- Conformance with this section is required

### **SECTION 3-2-18 CONDITIONAL USE PERMITS**

#### General Regulations:

1. Certain uses of land within designated zoning districts shall be permitted as principal uses only upon issuance of a conditional use permit. Subject to the requirements of this chapter, other applicable chapters, and where applicable to additional standards established by the Planning Commission, or the City Council, a conditional use permit for such uses may be issued.
2. Every conditional use permit issued, including a permit for a mobile home park, shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
3. Every conditional use permit issued shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
4. Conditional use permits shall be reviewed from time to time by City personnel. Conditional use permits may be formally reviewed by the Planning Commission. In the event that any or all of the conditions of the permit or this chapter are not adhered to, the conditional use permit will be subject to revocation.

### **3-8 FLOOD PLAIN MANAGEMENT**

1. The parcel is not located within a designated flood plain.

### **FINDINGS**

- The proposed development is in conformance with the Land Use component of the Master Plan
- The proposed development is in conformance with the existing transportation infrastructure and the Transportation component of the Master Plan
- The site is suitable for the proposed use.
- The proposed development is in conformance with the City Wellhead Protection Program.
- The proposed use is consistent with surrounding land uses.

- The proposed use is in conformance with City Code 3-2-9 (B) Commercial Transitional with the approval of the Condition Use Permit
- The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-2-18, and 3-8 of the Elko City Code.
- The proposed development conforms to the stipulations contained the Development Agreement; File 666547.

**STAFF RECOMMENDATION:**

Staff recommends **APPROVAL** of CUP 1-18 with the following conditions:

**Planning Department Conditions:**

1. The CUP 1-18 be approved for the building layout as shown in the provided site plan Exhibit A.
2. All landscaping shall include a combination of trees and shrubs. Landscaping shall be installed and not obstruct the view of oncoming traffic at the intersections.
3. Owner or developer is to provide such maintenance and care as is required to obtain the effect intended by the original landscape plan for the development.
4. CUP 1-18 to be recorded with the Elko County Recorder within 90 days of approval.
5. Connectivity from Sagecrest Drive to Cattle Drive pedestrian access shall be provided for.

**Development Department:**

Included in Memorandum dated January 8, 2018 from Community Development Manager

1. The permit is granted to the applicant, Autumn Colors, LLC.
2. The permit shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
3. The applicant applies for and receives Final Plat approval and is consistent with preliminary plat 5-12.

4. Development of the property is to conform to the Commercial Transitional District or requirements stipulated in the Development Agreement.
5. The NDOT right-of-way is to be landscaped. A landscape plan will be required for submittal and approval. NDOT approval will be required. The landscape plan is to include features which create a "front" for the development adjacent to the State Route 225.
6. The sidewalk adjacent to State Route 225 shall be offset and approved by NDOT.
7. The exterior of the building shall be compatible with surrounding areas. Stucco and rock are to be incorporated into the exterior of the structures.
8. The proposed park is to be fenced preventing access directly to State Route 225. The park is to include community amenities such as a tot lot.
9. The common areas are to be maintained in an acceptable manner at all times.
10. Setback from State Route 225 is to be 30 feet.
11. The conditions from CUP 8-12 be included and adhered to as part of this CUP.

**Fire Department Conditions:**

1. All buildings shall comply with the 2012 International Fire Code chapter 5 section 503.1.1 and shall extend to within 150 ft. of all portions of the building(s).
2. Additional access might be required to meet the requirements of the 2012 IFC Chapter 5 Section 503.2.1 for this complex.
3. Fire Department access shall meet the minimum dimensions as listed in the 2012 IFC section 503.2.1
4. Dead end access roads shall have an approved method for turning around a fire apparatus in compliance with the 2012 International Fire Code chapter 5, section 503.2.4, 503.2.5 and appendix D.
5. Fire apparatus access roads shall meet the requirements of the 2012 International Fire Code chapter 5, and City of Elko Fire Department requirements for turning radius, approach and departure angles, and grade.
6. Fire department access roads shall comply with the 2012 International Fire Code sections 503.2.1 and Appendix D section D105.1 through D105.3 for buildings in excess of thirty feet in height.

7. Signage shall be provided in compliance with the 2012 IFC appendix D 103.6 Building signage shall be provided and meet the requirements of the City of Elko Fire Department and the 2012 IFC.
8. Projects that exceed 100 or 200 dwelling units shall comply with a the appropriate section of the 2012 International Fire Code Appendix D sections D106.1 and D106.2
9. One- or two family residential developments shall comply with the 2012 IFC appendix D 107.
10. Fire flow shall be determined by the City of Elko Fire Department and listed on submitted plans.
11. Fire Department access, method of turn around, and required fire flow shall be met and maintained as required by the 2012 IFC, for phased projects. A phased development plan shall be provided and approved by the fire department.



**City of Elko Development Department**  
**1755 College Avenue**  
**Elko, NV 89801**  
**(775) 777-7210**  
**FAX (775) 777-7219**

## **Memorandum**

To: Elko Planning Department  
From: Jeremy Draper, PE – Development Manager  
RE: Conditional Use Permit No. 1-18, Autumn Colors Townhomes  
Date: January 8, 2018

The City of Elko Development Department has provided this correspondence to aid in the Planning Commission's review of Conditional Use Permit No. 1-18, which modifies CUP 8-12. Applicable Master Plan Sections, Coordinating Plans, and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-3 General Provisions
- City of Elko Zoning – Section 3-2-4 Zoning Districts
- City of Elko Zoning – Section 3-8 Flood Plain Management
- City of Elko Zoning – Section 3-2-9 (B) Commercial Transitional District
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-18 Conditional Use Permits



## **BACKGROUND INFORMATION**

1. The area of townhomes was developed under CUP 8-12, allowing for a total of 96 townhomes from 16-sixplex townhome buildings. The applicant has constructed 72 townhomes in 12-sixplex townhome building and is requesting the remaining townhomes be 20-duplex townhome units for a total of 92 townhomes.
2. The area is approximately 8.71 acres in size and is a portion of the property is identified as APN 001-01A-018.
3. The property is currently zoned Commercial Transitional (CT) for the area identified in item 1.
4. The application is within the area approved in Preliminary Plat 5-12. The preliminary Plat includes the area proposed for multi-family development in the proposed CT district. A review of the preliminary plat has found that the proposed change is still in conformance with the approved preliminary plat in that the total number of lots is being reduced and no significant changes to the size of the remaining lots result from this reduction.
5. The property is located between Sage Crest Drive and Cattle Drive on the northeast side of State Route 225.
6. The property is a partially developed parcel.
7. Public improvements are required on the Mountain City Highway (SR 225) frontage and require NDOT approval, a modification of standards through the subdivision process may be required.



8. No public improvements exist on the Cattle Drive frontages. Public improvements will be required with development.
9. The parcel is bifurcated by the Adobe Creek Drainage.
10. Multi-family development exists to the southeast of the property.
11. The Preliminary Plat 5-12 shows a total of 230 lots. Lots 1 – 134 are intended for single family detached housing, lots 135 – 230 are shown as townhomes. The area encompassing the Adobe Creek drainage is offered for dedication in addition to several residential streets offered for dedication.
12. Phases 1-4 of the Autumn Colors subdivision have been constructed to date, phase 5 of the subdivision with the proposed townhomes in this application, and remaining single family residential lots on Autumn Colors and Snowy River shall make up the final phase.
13. The development is subject to a Development Agreement shown as File 666547 on record with the Elko County Recorder's Office.
14. The CUP is for 72-sixplex townhomes and 20 duplex townhomes for a total of 92 townhomes within a CT-Commercial Transitional Zoning district. This is a total of four less townhomes than planned for in CUP 8-12 and Preliminary Plat 5-12.

**MASTER PLAN:**

**Land use:**

1. Land Use is shown as General Commercial. High Density residential development would be appropriate at this location.
2. The parcel is located on the periphery of the community.
3. The zoning is consistent with the zone classifications identified in the Master Plan to support General Commercial land use. It should be noted that the CT zone provides for multi-family development under the Conditional Use Permit process and does **not** provide for a lower density single-family residential use. There are few remaining developable parcels within the community that are suitably located that could accommodate multi-family development. Townhomes fall under the multiple-family dwelling definition in ECC 3-2. As stated in ECC 3-2-9-B under CUP for properties zoned CT included multifamily housing residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.

4. The listed Goal of the Land Use component states “Promote orderly, sustainable growth and efficient land use to improve quality of life and ensure new development meets the needs of all residents and visitors”.
5. Objective 1 under the Land Use component of the Master Plan states “Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups.”
  - a. Best Practice 1.1 – Single Family – The proposed subdivision meets several of the methods described to achieve a diverse mix of single family homes in the community.
  - b. Best Practice 1.2 – Design requirements may be incorporated into the Development Agreement.
  - c. Best Practice 1.3 – The location of the proposed subdivision appears to support the City striving for a blended community by providing a mix of housing types in the neighborhood and is supported by existing infrastructure. This CUP is a requirement for the multiple-family housing component of the Autumn Colors Subdivision.
  - d. Best Practice 1.4 – The proposed subdivision appears to support the practice.
6. Objective 8 under the Land use component of the Master Plan states “Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.” Staff believes there will be no negative impacts to natural systems and no issue with regard to human health and safety.

**Transportation:**

1. The Master Plan identifies State Route 225 as Principal Arterial.
2. The Master Plan identifies Cattle Drive as a Residential Collector. The recommended right-of-way width for a residential collector is 60 feet. The right-of-way for Cattle Drive is of record.
3. Sage Crest Drive north of the State Route 225 is not classified in the Master Plan. A 60 foot right-of-way is of record.
4. Objective 1 under the Transportation component of the Master Plan states “Provide a balanced transportation system that accommodates vehicles, bicycles, and pedestrians, while being sensitive to, and supporting the adjacent land uses.”
  - a. Best Practice 1.1 – Incorporate “Complete Streets” principals into existing and future roadways. The right-of-way width at 60 feet is adequate to accommodate the

proposed Class II pathway into the final full width construction of the road as adjacent property is developed.

5. At full build out, the proposed subdivision is expected to generate approximately 1,840 Average Daily Trips based on 9.57 trips/single family unit and 5.81 trips/townhome (Source ITE trip Generation, 8th Edition). A traffic study is warranted for the proposed project. In addition, the Nevada Department of Transportation will require a traffic study. A traffic study was provided with the subdivision process.

**ELKO REDVELOPMENT PLAN:**

1. The property is not located within the Redevelopment Area.

**ELKO WELLHEAD PROTECTION PLAN:**

1. The property does not lie within capture zones for the City wells.

**SECTION 3-2-3 GENERAL PROVISIONS**

1. Section 3-2-3(C)(1) of City code specifies use restrictions. The following use restrictions shall apply:
  - a. Principal Uses: Only those uses and groups of uses specifically designated as "principal uses permitted" in zoning district regulations shall be permitted as principal uses; all other uses shall be prohibited as principal uses.
  - c. Accessory Uses: Uses normally accessory and incidental to permitted principal or conditional uses may be permitted as hereinafter specified.

Other uses may apply under certain conditions with application to the City.

2. Section 3-2-3(C) states that certain specified uses designated as "conditional uses permitted" may be permitted as principal uses subject to special conditions of location, design, construction, operation and maintenance specified in Chapter 3 or imposed by the Planning Commission or City Council.
3. Section 3-2-3(D) states that "No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to

present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.”

#### **SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS**

1. Section 3-2-4(B) Required Conformity To District Regulations: The regulations set forth in this chapter for each zoning district shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as provided in this subsection:
  1. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, moved, or structurally altered, unless in conformity with all regulations specified in this subsection for the district in which it is located.
  2. No building or other structure shall hereafter be erected or altered:
    - a. To exceed the heights required by the current City Airport Master Plan;
    - b. To accommodate or house a greater number of families than as permitted in this chapter;
    - c. To occupy a greater percentage of lot area; or
    - d. To have narrower or smaller rear yards, front yards, side yards or other open spaces, than required in this title; or in any other manner contrary to the provisions of this chapter.
  3. No part of a required yard, or other open space, or off street parking or loading space, provided in connection with any building or use, shall be included as part of a yard, open space, or off street parking or loading space similarly required for any other building.
  4. No yard or lot existing on the effective date hereof shall be reduced in dimension or area below the minimum requirements set forth in this title.

#### **SECTION 3-8-Floodplain Management**

1. The property is not located within a designated flood plain.

#### **SECTION 3-2-9-B-CT Commercial Transitional District**

1. Section 3-2-9(B) The purpose of the CT zoning district is to establish a transitional zone between more intense commercial districts and residential districts, particularly along

higher volume traffic corridors, and to promote a pattern of land use suitable for the development of professional and business offices and limited service, retail and commercial activities. The CT district is intended to protect established residential neighborhoods from the type of land use associated with high levels of noise, illumination and traffic that could be detrimental to the characteristics of the residential neighborhood.

2. Section 3-2-9(3)(d) Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.
3. Section 3-2-9(4) The minimum lot area shall be fifteen thousand (15,000) square feet. The minimum lot width shall be one hundred feet (100'). The maximum lot coverage shall be fifty percent (50%). A minimum front yard setback of thirty feet (30') shall be required. A minimum rear yard setback of ten feet (10') shall be required. A minimum side yard setback of zero feet (0') to five and one-half feet (5 1/2') shall be required. Interior side yards which abut any residential district shall observe the five and one-half foot (5 1/2') setback required as part of the R zoning district. A minimum exterior side setback of thirty feet (30') shall be required. Building height shall not exceed thirty five feet (35'), or requirements contained within the city airport master plan, whichever is the most restrictive. The gross area proposed for the townhouse development is 8.71 acres. It appears the proposed setbacks are meeting the code requirements and the Development Agreement as recorded with the Elko County Recorder's Office as File 666547.
4. Development of the property is required to be in conformance with City code, requirements stipulated in the Development Agreement and conditions for the CUP. It appears the property can be developed in conformance with the requirements stipulated in City code.

**SECTION 3-2-17-Traffic, Access, Parking and Loading Regulations**

1. It appears the proposed development will meet the requirements. Civil improvement plans will be required to conform to the code.

**RECOMMENDATION**

The City of Elko, Development Department recommends conditional approval of the Conditional Use Permit 1-18 based on the following:

1. The permit is granted to the applicant, Autumn Colors, LLC.
2. The permit shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development

requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.

3. The applicant applies for and receives approval for Final Plat 2-18.
4. Development of the property is to conform to the Commercial Transitional District and/or requirements stipulated in the Development Agreement.
5. The NDOT right-of-way is to be landscaped. A landscape plan will be required for submittal and approval. NDOT approval will be required. The landscape plan is to include features which create a "front" for the development adjacent to the State Route 225.
6. The sidewalk adjacent to State Route 225 shall be offset and approved by NDOT.
8. The exterior of the building shall be compatible with surrounding areas. Stucco and rock are to be incorporated into the exterior of the structures.
9. The common areas are to be maintained in an acceptable manner at all times.
10. Setback from State Route 225 is to be 30 feet.
11. The conditions from CUP 8-12 be included and adhered to as part of this CUP.



**CITY OF ELKO**  
Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

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January 30, 2018

Autumn Colors, LLC  
780 W. Silver Street  
Elko, NV 89801

Re: Conditional Use Permit No. 1-18 and Final Plat No. 2-18

Dear Applicant Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in black ink that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:

CSP 1-18 Autumn Colors, LLC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
00101F232	ALEGRIA, FRED		3732 BOULDER CREEK	ELKO NV	89801-3820
00101F261	AUTUMN COLORS LLC		780 W SILVER ST STE 104	ELKO NV	89801-3820
00101F238	AUTUMN COLORS LLC		780 W SILVER ST STE 104	ELKO NV	89801-3820
00101F241	AUTUMN COLORS LLC		780 W SILVER ST STE 104	ELKO NV	89801-3820
00101F247	BAILEY & SONS INVESTMENT COMPAN		780 W SILVER ST STE 104	ELKO NV	89801-3820
00101F206	BAKER, MARK A		3718 AUTUMN COLORS DR	ELKO NV	89801
00101F216	BEARD, JUSTIN D & SHEREE L		3761 BOULDER CRK	ELKO NV	89801
00101F244	BECKSTEAD, JACE C		PO BOX 1387	CARLIN NV	89822-1387
00101F214	BLAIR, RYAN D & RYAN J		3789 BOULDER CRK	ELKO NV	89801
00101F217	BRADEN, MICHAEL P & PHYLLIS A		3747 BOUDLER CREEK	ELKO NV	89801-3820
00101F209	BRIGGS, CHARLES L II		3754 AUTUMN COLORS DR	ELKO NV	89801
00101F312	BROWN, LISA A		3800 SNOWY RIV	ELKO NV	89801
00101F231	BROWN, PATRICK & ANDREA		3718 BOULDER CRK	ELKO NV	89801-7804
00101F301	CARRILLO, BRIANN ET AL		3803 BOULDER CRK	ELKO NV	89801-7807
00101F208	CASAPIA, HECTOR		3742 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F234	CHAVEZ, ERIC R		3760 BOULDER CRK	ELKO NV	89801
00101F210	CORONA, JOSE F & MELANIE H		3766 AUTUMN COLORS DR	ELKO NV	89801
00101F308	CRANDALL, LEVI & BRIANNA		3856 SNOWY RIV	ELKO NV	89801
00101F249	CZEREPAK, LIDIA		3741 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F252	DALTON, LINDSEY		3735 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F314	DEUTSCH, JARED & KELSEY C		3816 BOULDER CREEK	ELKO NV	89801
00101F304	EDAVAN, VIDAL O JR ET AL		3845 BOULDER CRK	ELKO NV	89801-7807
00101F345	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801-3401
00101F207	FLOREZ, MICHAEL E		3730 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F250	FRANCOIS, MITCHELL J		3739 AUTUMN COLORS DR	ELKO NV	89801-3820
00101F246	FRARY, KAITLIN		3761 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F212	GONZALEZ, ERIC & CAITLYN		3790 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F254	GUITAR, CHERISH S		3731 AUTUMN COLORS DR	ELKO NV	89801
00101F245	GUSKY, SARINA K		3759 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F237	HANNAH, STEVE		3801 AUTUMN COLORS DR	ELKO NV	89801
00101F239	HEBERLEIN, ERICA		3797 AUTUMN COLORS DR	ELKO NV	89801
00101F235	HENDRICKS, GRAEMIE C TR ET AL		3774 BOULDER CRK	ELKO NV	89801-7804
00101F307	HERNANDEZ, JORGE & NATALIE		3870 SNOWY RIVER	ELKO NV	89801



00609B001	HERR, ROY & KIM	372 MOUNTAIN CITY HWY UNIT 11	ELKO NV	89801-9517
00101F303	HONG, HARVEY & CHARLINE TR	486 SPRING CREEK PKWY	SPRING CREEK NV	89815-5320
00101F236	HRDLICKA, MARIO & JADRANKA	3788 BOULDER CRK	ELKO NV	89801
00101F243	JACAWAY, GARY L & ROBIN L	780 W SILVER ST STE 104	ELKO NV	89801-3820
00101F253	KEATEN, RENDY	3733 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F251	KROUPA, ROBIN R	3737 AUTUMN COLORS DR	ELKO NV	89801-7805
00101F219	LADOUCEUR, GUILLAUME	3719 BOULDER CRK	ELKO NV	89801
00101F315	LE, BENJAMIN	PO BOX 426	ELKO NV	89803-0426
00101F213	LEAVELL, JANET K	3802 AUTUMN COLORS DR	ELKO NV	89801-7806
00101F248	LIBRO, DENNIS & MARY	7485 ALLEN RD	WINNEMUCCA NV	89445-8224
00609B045	LIPPARELLI, BARRY W & LYNN M TR	517 IDAHO ST	ELKO NV	89801-3756
00609B046	LIPPARELLI, BARRY W & LYNN M TR	207 MOUNTAIN CITY HWY	ELKO NV	89801-9508
00101F302	MEZA, EDEL GUADALUPE ET AL	3817 BOULDER CRK	ELKO NV	89801-7807
00101F311	PALHEGYI, MICHAEL D	3814 SNOWY RIV	ELKO NV	89801-4737
00101F310	PRESTWICH, JORDAN L	3828 SNOWY RIVER	ELKO NV	89801
00101F233	PUTNAM, BRYCE S	PO BOX 2745	ELKO NV	89803-2745
00101F215	RAYMOND, GARRETT M & MARISA T	3775 BOULDER CRK	ELKO NV	89801
00101F305	RODRIGUEZ, RUBEN R TR ET AL	3859 BOULDER CRK	ELKO NV	89801-7807
00609J023	SAFFORES, GREGORY S	PO BOX 651	COTATI CA	94931-0651
00101F309	SANDOVAL, JUAN & TARA L	3842 SNOWY RIVER	ELKO NV	89801
00101F306	SILVA, SERGIO & DELIA	3861 SNOWY RIV	ELKO NV	89801-4737
00101F242	SLOAN, LEANDER J	3791 AUTUMN COLORS DR	ELKO NV	89801
00101F313	SOLIS, ARMANDO ET AL	3802 BOULDER CRK	ELKO NV	89801-7807
00101F240	STEWART, ASHLEY A	3795 AUTUMN COLORS DR	ELKO NV	89801
00101E039	SUNDANCE MINI STORAGE LP	181 W BULLION RD UNIT 4	ELKO NV	89801-4184
00101E040	SUNDANCE MINI STORAGE LP	181 W BULLION RD UNIT 4	ELKO NV	89801-4184
006090900	USA	C/O BLM-SUPPORT ST 3900 E IDAHO ST	ELKO NV	89801-4692
00101F211	VAZQUEZ-NAVA, DAVID ET AL	3778 AUTUMN COLORS DR	ELKO NV	89801
00101F218	WILKY, STEPHEN L & VICKI	3733 BOULDER CRK	ELKO NV	89801-7804
00609B061	WINES, IRA T & HEATHER D	HC 32 BOX 240	TUSCARORA NV	89834-9703
00609B002	WRIGHT, JAMES J TR	HC 32 BOX 180	TUSCARORA NV	89834-9702
00101F317	WRIGHT, JAMES J TR			

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## NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a series of public hearings on Tuesday, February 6, 2018 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on these matters under consideration in person, by writing, or by representative.

The specific item to be considered under public hearing format is:

**Conditional Use Permit No. 1-18, filed by Autumn Colors, LLC which would allow for the development of duplex townhomes within a CT (Commercial Transitional) Zoning District, and matters related thereto. The subject property is located generally on the northeast corner of the intersection of Cattle Drive and Mountain City Highway. (APN 001-01F-316)**

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

**ELKO CITY PLANNING COMMISSION**



**CITY OF ELKO PLANNING DEPARTMENT**

1751 College Avenue \* Elko \* Nevada \* 89801

(775) 777-7160 phone \* (775) 777-7119 fax

**APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL**

**APPLICANT(s):** AUTUMN COLORS LLC

(Applicant must be the owner or lessee of the proposed structure or use.)

**MAILING ADDRESS:** 780 W SILVER ST

**PHONE NO. (Home)** 7753853659 **(Business)** 775-777-7773

**NAME OF PROPERTY OWNER (If different):**

(Property owner's consent in writing must be provided.)

**MAILING ADDRESS:**

**LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):**

**ASSESSOR'S PARCEL NO.:** 00101F316 **Address** 3800 MOUNTAIN CITY HWY

**Lot(s), Block(s), & Subdivision** SEC 7 TWP 34N RGE 55E MDB&M

**Or Parcel(s) & File No.** 00101F316

**FILING REQUIREMENTS**

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1<sup>st</sup> Tuesday of every month).

**Fee:** A \$750.00 non-refundable fee.

**Plot Plan:** A plot plan provided by a properly licensed surveyor depicting the proposed conditional use permit site drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information that shows the use will be compliant with Elko City Code.

**Elevation Plan:** Elevation profiles including architectural finishes of all proposed structures or alterations in sufficient detail to explain the nature of the request.

**Note:** One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

**Other Information:** The applicant is encouraged to submit other information and documentation to support this conditional use permit application.

**RECEIVED**

1. Current zoning of the property: CT

2. Cite the provision of the Zoning Ordinance for which the Conditional Use Permit is required:  
PREVIOUS TM APPROVED AND SLIGHTLY MODIFIED WITH THIS APPLICATION PREVIOUS ZONING FOR THE AREA  
IN QUESTION IS CT REQUIRING CUP FOR DEVELOPMENT OF MF

3. Explain in detail the type and nature of the use proposed on the property: PREVIOUSLY APPROVED TM WAS FOR TOWNHOMES AND THIS APPLICATION MAINTAINS THE SAME USE  
JUST FOUR FEWER UNITS AND CONFIGURED WITH A SPACE BETWEEN THE TOWNHOMES NO OTHER  
CHANGES ARE PROPOSED

4. Explain how the use relates with other properties and uses in the immediate area: EXACT FLOOR PLAN AND EXTERIOR USES AND TEXTURES ORIENTED IN SAME MANNER JUST 4 FEWER  
UNITS

5. Describe any unique features or characteristics, e.g. lot configuration, storm drainage, soil conditions, erosion susceptibility, or general topography, which may affect the use of the property: NONE

6. Describe the general suitability and adequacy of the property to accommodate the proposed use: PREVIOUSLY APPROVED AND CONSISTENT WITH SAME USE AND MAINTAINS SAME  
FINDINGS OF PREVIOUS APPROVAL

7. Describe in detail the proposed development in terms of grading, excavation, terracing, drainage, etc.: NO MODIFICATIONS TO GRADING, EXCAVATION OR DRAINAGE ARE PROPOSED WITH THESE CHANGES

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8. Describe the amounts and type of traffic likely to be generated by the proposed use: LESS TRAFFIC AS THERE WILL BE FEWER UNITS

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9. Describe the means and adequacy of off-street parking, loading and unloading provided on the property: TWO OFF STREET PARKING STALLS WILL BE PROVIDED WITHIN THE GARAGES OF EACH OF THE TOWNHOUSES IN ADDITION TO A 20' CONCRETE DRIVEWAY AND A PRIVATE 24' ACCESS DRIVEWAY

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10. Describe the type, dimensions and characteristics of any sign(s) being proposed: NONE

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11. Identify any outside storage of goods, materials or equipment on the property: NONE AS REGULATED BY THE CCRS OF THE HOA

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12. Identify any accessory buildings or structures associated with the proposed use on the property: NONE AS REGULATED BY THE CCRS OF THE HOA

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**(Use additional pages if necessary to address questions 3 through 12)**

**By My Signature below:**

I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

I have carefully read and completed all questions contained within this application to the best of my ability.

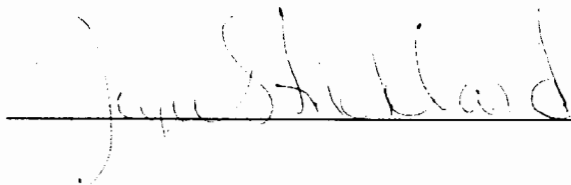
Applicant / Agent JON D BAILEY  
(Please print or type)

Mailing Address 780 W SILVER ST  
Street Address or P.O. Box

ELKO, NV, 89801  
City, State, Zip Code

Phone Number: 775-385-3659

Email address: JBAILEYPE@GMAIL.COM

SIGNATURE: 

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**FOR OFFICE USE ONLY**

File No.: 1-18 Date Filed: 1/2/18 Fee Paid: \$ 750 CV# 20778

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FOR Reference ONLY



# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7119

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### CITY OF ELKO PLANNING COMMISSION ACTION REPORT Regular Meeting of June 5, 2012

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on June 5, 2012, under Public Hearing format, in accordance with notification requirements contained in Section 3-2-18(F) of the City Code:

Conditional Use Permit No. 8-12, filed by Bailey & Associates with authorization from Willow Glen Investment Group, LLC, for the development of a multiple family residential complex consisting of 96 units on approximately 8.71 acres of property within a CT (Commercial Transitional) Zoning District, and matters related thereto.

The subject property is located generally on the northwest corner of Mountain City Highway and Sagecrest Drive (APN 001-01A-018).

WHEREAS, the Planning Commission, upon review and consideration of the application, supporting data, public input and testimony, Conditionally approve Conditional Use Permit No. 8-12 subject to the following conditions:

1. Conditions 1-3 in the Planning Department's memo dated May 26, 2012, listed as follows:
  - 1) That Conditional Use Permit No. 8-12 is approved for the development of a multi-family housing complex in accordance with the submitted site plan labeled Exhibit "A".
  - 2) The Conditional Use Permit will expire if not activated within one (1) year of the date of approval.
  - 3) The applicants shall file a parcel map application and record such map, to separate the property from the adjoining portion of the development within 12 months of the approval.
2. The 21 conditions in the Development Department's memo dated May 29, 2012, with a change to condition number 7, listed as follows:
  - 1) The permit is granted to the applicant, Bailey and Associates.
  - 2) The permit shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning

Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.


- 3) The conditional use permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
- 4) Rezone application 7-12 is approved.
- 5) Preliminary Plat 5-12 is approved.
- 6) The applicant applies for and receives Final Plat approval.
- 7) Development of the property is to conform to the Commercial Transitional District and/or requirements stipulated in the Development Agreement.
- 8) The NDOT right-of-way is to be landscaped. A landscape plan will be required for submittal and approval. NDOT approval will be required. The landscape plan is to include features which created a "front" for the development adjacent to the State Route 225.
- 9) The sidewalk adjacent to State Route 225 shall be offset and approved by NDOT.
- 10) The Master Plan is amended. The Development Department supports the proposed land use in this area. Commercial Transitional or High Density land use adjacent to the State Route 225 is appropriate. Transitioning from more intense land use to a lesser intense land use appears appropriate at this location.
- 11) A Development Agreement is required prior to or in conjunction with Final Plat submittal.
- 12) Traffic study and approval from NDOT.
- 13) Hydrology study and approval from NDOT.
- 14) The exterior of the building shall be compatible with surrounding areas. Stucco and rock are to be incorporated into the exterior of the structures.
- 15) The proposed park is to be fenced preventing access directly to State Route 225. The park is to include community amenities such as a tot lot.



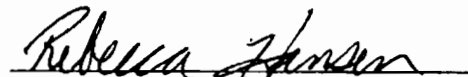
- 16) The park is to be developed with the Phase 1 development.
  - 17) The common areas are to be maintained in an acceptable manner at all times.
  - 18) Setback from State Route 225 is to be 30 feet.
  - 19) If applicable, the CC&R's are to reference the development agreement.
  - 20) The CC&R's are to require the same type of fencing for all the townhome units.
  - 21) Address the Engineering Department's memo dated May 29, 2012.
3. The conditions in the Engineering Department's memo dated May 29, 2012, listed as follows:
- 1) The common area is to be landscaped with a combination of trees and shrubs and shall be maintained by the property owner, landscaping shall be installed so as to not obstruct the view of oncoming traffic at the intersections.
  - 2) A hydrology report will be required to be submitted with the civil improvements plans.
  - 3) A soils report will be required to be submitted with the civil improvement plans.
  - 4) A traffic study will need to be completed for the proposed subdivision as stated in the application.
4. The conditions in the Fire Department's memo dated May 30, 2012, listed as follows:
- 1) All buildings shall comply with the 2009 International Fire Code chapter 5 section 503.1.1 and shall extend to within 150 ft. of all portions of the building(s).
  - 2) Additional access is required to meet the requirements of the 2009 IFC Chapter 5 for this complex.
  - 3) Fire Department access shall meet the minimum dimensions as listed in the 2009 IFC section 503.2.1
  - 4) Dead end access roads shall have an approved method for turning around a fire apparatus in compliance with the 2009 International Fire Code chapter 5, section 503.2.4, 503.2.5 and appendix D.
  - 5) Fire apparatus access roads shall meet the requirements of the 2009 International Fire Code chapter 5, and Elko Fire Department requirements for turning radius, approach and departure angles, and grade.

- 6) Fire department access roads shall comply with the 2009 International Fire Code sections 503.2.1 and Appendix D section D105.1 through D105.3 for buildings in excess of thirty feet in height.
- 7) Signage shall be provided in compliance with the 2009 IFC appendix D 103.6 Building signage shall be provided and meet the requirements of the Elko Fire Department and the 2009 IFC.
- 8) Projects that exceed 100 or 200 dwelling units shall comply with a the appropriate section of the 2009 International Fire Code Appendix D sections D106.1 and D106.2
- 9) One- or two family residential developments shall comply with the 2009 IFC appendix D 107.
- 10) Fire flow shall be determined by the Elko Fire Department and listed on submitted plans.
- 11) Fire Department access, method of turn around, and required fire flow shall be met and maintained as required by the 2009 IFC, for phased projects. A phased development plan shall be provided and approved by the fire department.

**The applicant is advised of the right to appeal this decision to the City Council within 10 days of the date of approval.**

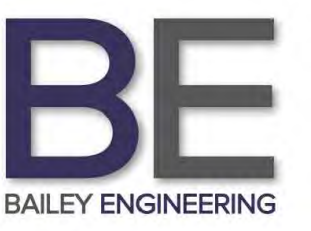
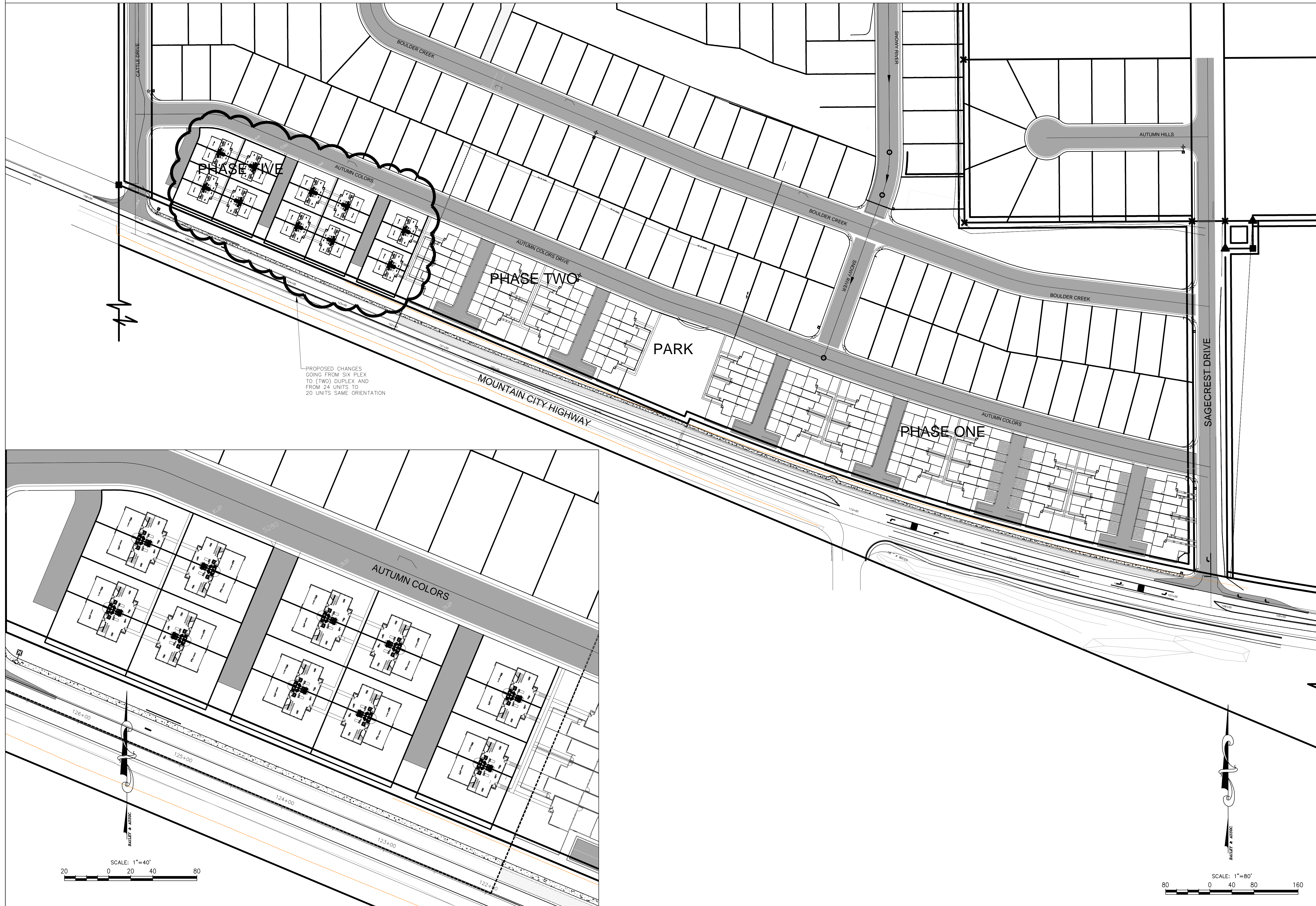
  
\_\_\_\_\_  
Greg Evangelatos, City Planner

Attest:

  
\_\_\_\_\_  
Rebecca Hansen, Planning Clerk

CC: Applicant  
Scott Wilkinson, Development Manager  
Ted Schnoor, Building Official  
Josh Carson, Fire Marshal  
Jeremy Draper, Civil Engineer  
Shanell Owen, City Clerk  
Delmo Andreozzi, Assistant City Manager

# REVISED CUP AUTUMN COLORS



PLLC  
P.E. NV# 17979  
780 W. Silver #104 Elko, NV  
(775)365-3659



JON D. BAILEY

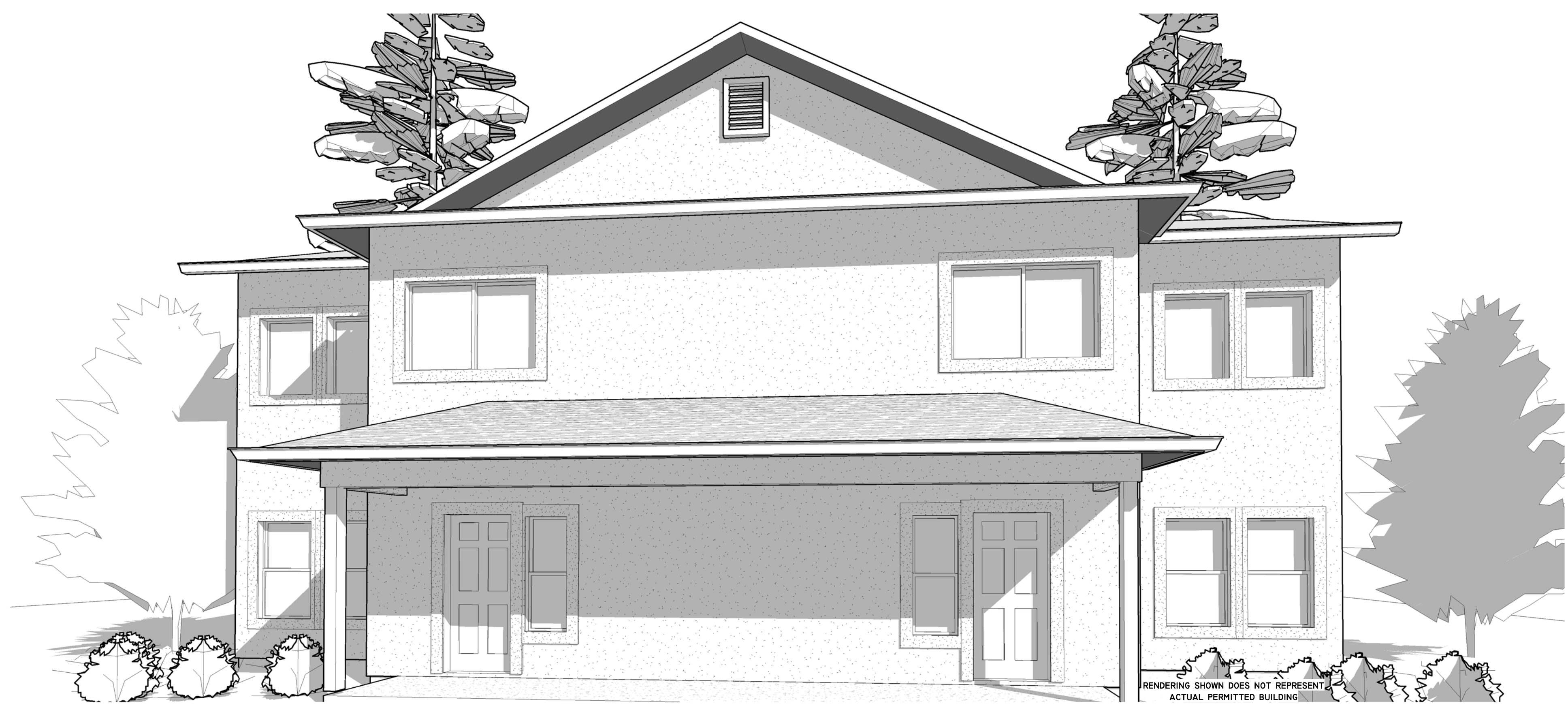
Number	Date & Description

**AUTUMN COLORS PHASE 5**  
3800 MOUNTAIN CITY HIGHWAY  
ELKO, NV 89801

DESIGN BY:	JP	RS
DRAWN BY:		
CHECKED BY:		
DATE:		
JOB NO.:		
SCALE:		AS NOTED

SHEET TITLE  
**SHEET 1**  
OF 1

THIS DRAWING AND SPECIFICATIONS ARE THE PROPERTY OF N8RD CORPORATION. NO PART OF THIS DRAWING OR SPECIFICATIONS MAY BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, ELECTRONIC OR MECHANICAL, INCLUDING PHOTOCOPYING, RECORDING, OR BY ANY INFORMATION STORAGE AND RETRIEVAL SYSTEM, WITHOUT THE WRITTEN PERMISSION OF N8RD CORPORATION. THE USER OF THIS DRAWING AND SPECIFICATIONS SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR VERIFYING THE ACCURACY OF ALL INFORMATION PROVIDED BY THE USER AND FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES. THE USER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND APPROVALS FROM THE APPROPRIATE AGENCIES.



## Duplex Model

REVISION SCHEDULE		
NO.	DATE	DESCRIPTION

**DESIGN PROFESSIONAL NOTES**

1. THESE DRAWINGS HAVE BEEN PREPARED TO INDICATE THE LOCATION, NATURE AND EXTENT OF A PROPOSED WORK OF IMPROVEMENT, AND TO SHOW THAT THE WORK OF IMPROVEMENT WILL CONFORM TO THE PROVISIONS OF THE ADOPTED CODES, ORDINANCES AND REGULATIONS OF THE AUTHORITY HAVING JURISDICTION WITHIN WHICH THE PROPOSED WORK SHALL BE PERFORMED.
2. REFERENCES SHALL BE FROM THE ADOPTED INTERNATIONAL RESIDENTIAL CODE OR AS NOTED BY SPECIFICITY WITHIN DRAWINGS.
3. DRAWINGS REPRESENT A PROPOSED WORK OF IMPROVEMENT. THE AS-BUILT WORK OF IMPROVEMENT MIGHT VARY FROM DRAWINGS. DESIGN PROFESSIONAL NOT RESPONSIBLE FOR THE CONSTRUCTION OF THE WORK OF IMPROVEMENT. DRAWINGS ARE NOT INDICATING METHODS OF CONSTRUCTION. THE BUILDER SHALL PROVIDE ALL MEASURE NECESSARY TO PROTECT THE WORK DURING CONSTRUCTION; SUCH MEASURES SHALL INCLUDE, BUT NOT BE LIMITED TO: BRACING, SHORING FOR LOADS DUE TO CONSTRUCTION EQUIPMENT, ETC. CONSTRUCTION MATERIALS SHALL BE SPREAD OUT IF PLACED ON FLOOR OR ROOF. LOADS SHALL NOT EXCEED THE DESIGN LIVE LOAD PER SQUARE FOOT. PROVIDE ADEQUATE SHORING AND/OR BRACING WHERE STRUCTURE HAS NOT ATTAINED FINAL PRESCRIPTIVE DESIGN STRENGTH.
4. ALL WORK SHALL CONFORM TO THE MINIMUM STANDARDS OF THE ADOPTED CODES. R106.8 RESPONSIBILITY. IT SHALL BE THE DUTY OF EVERY PERSON WHO PERFORMS WORK FOR THE INSTALLATION OR REPAIR OF BUILDING, STRUCTURE, ELECTRICAL, GAS, MECHANICAL OR PLUMBING SYSTEMS FOR WHICH THE ADOPTED CODES ARE APPLICABLE, TO COMPLY WITH THE ADOPTED CODES.
5. SQUARE FOOTAGES AS SHOWN ON DRAWINGS ARE CALCULATED USING INTERNATIONAL RESIDENTIAL CODE AND ANSI Z765 STANDARDS AND ARE BASED ON PLAN DIMENSIONS ONLY AND MAY VARY FROM THE ACTUAL SQUARE FOOTAGES OF THE WORK AS BUILT.
6. THESE DRAWINGS SHALL BE FINAL, FOR AHJ APPROVAL, WHEN STAMPED, SIGNED AND DATED; ALL OTHER VERSIONS SHALL BE CONSIDERED PRELIMINARY AND/OR NOT FOR CONSTRUCTION.
7. DRAWINGS REPRESENT INTERIOR FINISHES FOR REFERENCE ONLY. VERIFY ALL INTERIOR FINISHES WITH OTHERS, INCLUDING, BUT NOT LIMITED TO: FLOORING, CABINETRY, SHELVING, ETC.
8. ALL SPECIFIED HARDWARE SHALL BE SIMPSON STRONG-TIE OR EQUIVALENT OR BETTER.
9. ALL STRUCTURAL COMPOSITE LUMBER SHALL BE TRUSJOIST BY WEYERHAEUSER OR EQUIVALENT OR BETTER.
10. BUILDER SHALL VERIFY ALL DIMENSIONS PRIOR TO STARTING CONSTRUCTION. DESIGN PROFESSIONAL SHALL BE NOTIFIED OF ANY DISCREPANCIES OR INCONSISTENCIES.
11. DIMENSIONS SHALL TAKE PRECEDENCE OVER SCALE SHOWN ON DRAWINGS.
12. NOTES AND DETAILS ON DRAWINGS SHALL TAKE PRECEDENCE OVER GENERAL NOTES AND TYPICAL DETAILS.
13. ALL INSTALLED MANUFACTURED PRODUCTS SHALL BE INSTALLED PER MANUFACTURER'S INSTRUCTIONS AND SPECIFICATIONS. ANY SUCH DOCUMENTATION SHALL BE PROVIDED BY THE INSTALLER. R106.1.2 MANUFACTURER'S INSTALLATION INSTRUCTIONS, AS REQUIRED BY CODE, SHALL BE AVAILABLE ON THE JOB SITE AT THE TIME OF INSPECTION.
14. DESIGN PROFESSIONAL NOT RESPONSIBLE FOR SITE CONDITIONS AND SHALL MAKE NO DETERMINATIONS FOR ANY SUCH PROVISIONS THAT REGULATE THE STRENGTH OF SOILS, WATER TABLE AND/OR FLOOD HAZARDS, ETC. AND SHALL PROVIDE ONLY FOR SUCH DESIGN AS REQUIRED AND DETERMINED BY THE AUTHORITY HAVING JURISDICTION, AS CAN BE PROVIDED FOR AND PERFORMED PRESCRIPTIVELY.
15. BUILDER TO FIELD VERIFY SITE CONDITIONS AND UTILITIES. ALL UTILITY CONNECTIONS SHALL BE DESIGNED AND/OR PROVIDED BY OTHERS AND SHALL BE IN ACCORDANCE WITH ALL JURISDICTION REQUIREMENTS. R111.1 CONNECTION OF SERVICE UTILITIES. NO PERSON SHALL MAKE CONNECTIONS FROM A UTILITY, SOURCE OF ENERGY, FUEL OR POWER TO BUILDING OR SYSTEM THAT IS REGULATED BY THIS CODE FOR WHICH A PERMIT IS REQUIRED, UNTIL APPROVED BY THE BUILDING OFFICIAL.
16. THE MAIN FORCE RESISTING CONSTRUCTION SYSTEM USED SHALL BE PLATFORM LIGHT FRAME CONSTRUCTION R301.1.2, THE STRUCTURAL ELEMENTS OF WHICH WHERE EXCEEDING THE LIMITS OF R301, OR OTHERWISE NOT CONFORMING TO THE CODE, SHALL BE DESIGNED IN ACCORDANCE WITH ACCEPTED ENGINEERING PRACTICE.
17. ALL APPLIANCE AND FIXTURE LOCATIONS FOR REFERENCE ONLY, FIELD VERIFY LOCATIONS.

**BUILDING DESIGN CRITERIA**

AUTHORITY HAVING JURISDICTION (AHJ): CITY OF ELKO  
 OCCUPANCY GROUP: R-3 (DUPLEX DWELLING)/ U-1 (ATTACHED GARAGE)  
 TYPE OF CONSTRUCTION: V-B  
 ALLOWABLE HEIGHT: 35'  
 NUMBER OF STORIES: 1 STORY  
 ELEVATION: <6000'  
 FROST DEPTH: 30" BELOW FINISH GRADE  
 SEISMIC DESIGN CATEGORY: D1  
 GROUND SNOW LOAD Pg: 32 PSF  
 ROOF DL: 15 PSF  
 FLOOR LL: 4.0 PSF  
 FLOOR DL: 22 PSF  
 BASIC WIND SPEED: RISK CATEGORY II, 90 MPH (3-SEC GUST), EXPOSURE C  
 ADOPTED CODES: 2009 INTERNATIONAL BUILDING CODE WITH APPENDICES C, E, F, G, H, I AND J AND NECESSARY ADMINISTRATIVE PROVISIONS  
 2009 INTERNATIONAL RESIDENTIAL CODE WITH THE EXCEPTION OF CHAPTERS 11-42 BUT WITH APPENDICES H, AND K AND NECESSARY ADMINISTRATIVE PROVISIONS  
 2009 UNIFORM MECHANICAL CODE WITH APPENDICES A, B, C, AND D  
 2009 UNIFORM PLUMBING CODE WITH APPENDICES A, B, D, E, I, L AND NECESSARY ADMINISTRATIVE PROVISIONS  
 2009 INTERNATIONAL FIRE CODE AND NECESSARY ADMINISTRATIVE PROVISIONS  
 2008 NATIONAL ELECTRICAL CODE AND NECESSARY ADMINISTRATIVE PROVISIONS  
 2009 INTERNATIONAL ENERGY CONSERVATION CODE AND NECESSARY ADMINISTRATIVE PROVISIONS  
 CITY OF ELKO AMENDMENTS

**SHEET INDEX**

TITLE SHEET	A0
1ST FLOOR PLAN	A1
2ND FLOOR PLAN	A1.1
EXTERIOR ELEVATIONS	A2
BUILDING SECTIONS	A3
FOUNDATION PLAN	S1
SECOND FLOOR FRAMING	S2
ROOF FRAMING PLAN	S3
DETAILS	D1
DETAILS	D2
DETAILS	D3
ELECTRICAL PLAN	E1
MECHANICAL PLAN	M1
PLUMBING PLAN	P1

**BUILDING AREAS**

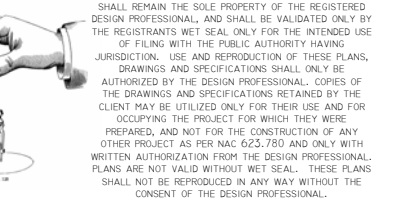
UNIT 2 GARAGE	475 SF
UNIT 2 2ND FLOOR	838 SF
UNIT 2 1ST FLOOR	564 SF
UNIT 1 GARAGE	475 SF
UNIT 1 2ND FLOOR	838 SF
UNIT 1 1ST FLOOR	564 SF
COVERED PORCH	116 SF

DUPLEX MODEL  
STOCK PLAN  
CITY OF ELKO  
NEVADA

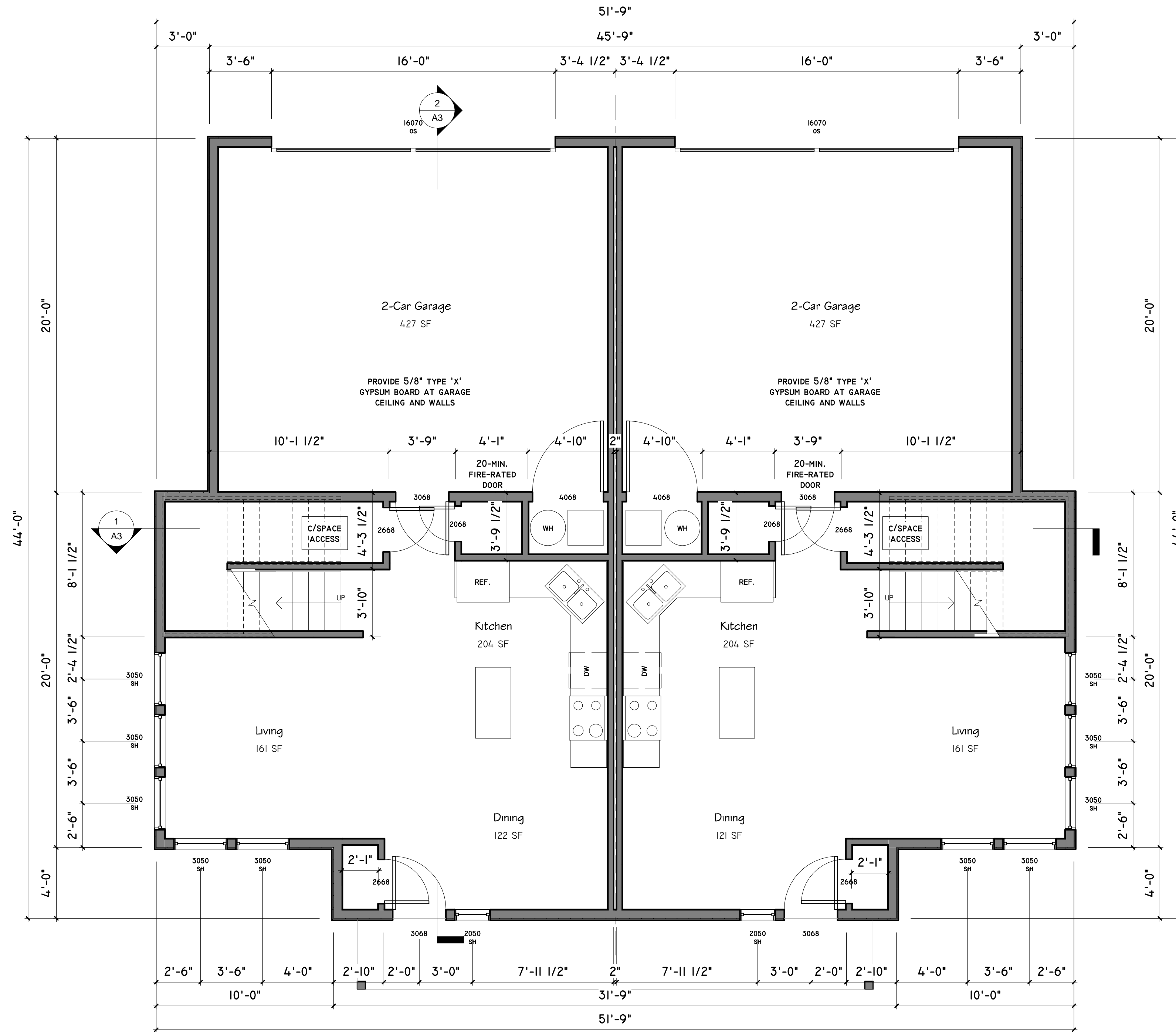
ISSUE DATE  
12/29/17

A0

TITLE SHEET



REVISION SCHEDULE		
NO.	DATE	DESCRIPTION



1st Floor Plan

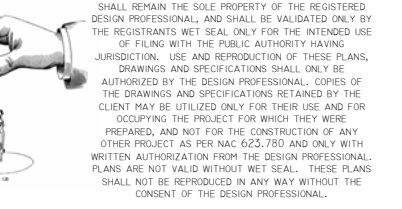
1/4" = 1'-0"

DUPLEX MODEL  
STOCK PLAN  
CITY OF ELKO  
NEVADA

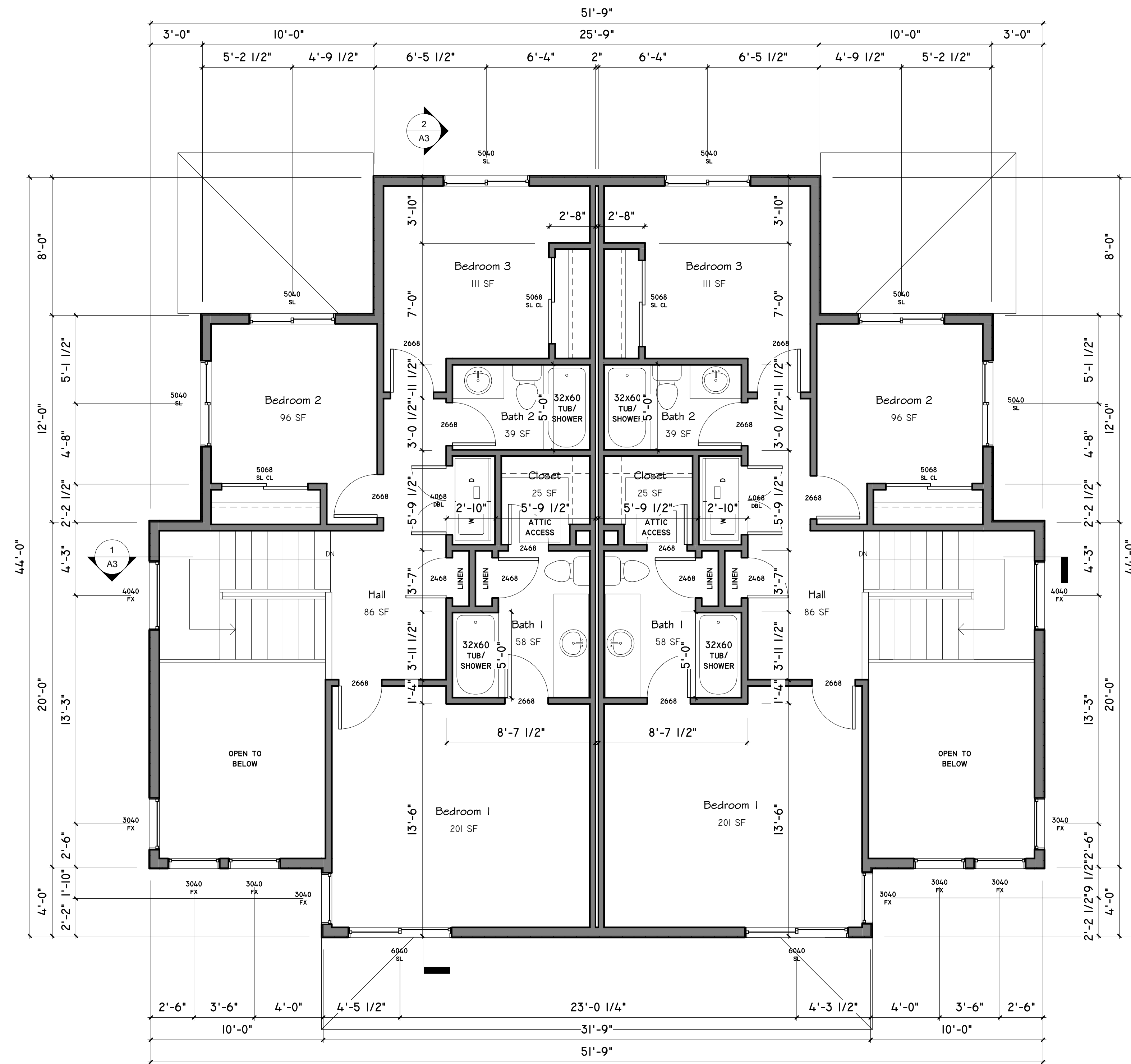
ISSUE DATE  
12/29/17

**A1**

1st FLOOR PLAN



REVISION SCHEDULE		
NO.	DATE	DESCRIPTION



2nd Floor Plan  
1/4" = 1'-0"

DUPLEX MODEL  
STOCK PLAN  
CITY OF ELKO  
NEVADA

ISSUE DATE  
12/29/17

**A1.1**

2nd FLOOR PLAN



**Elko City Planning Commission  
Agenda Action Sheet**

1. **Review, consideration and possible recommendation to City Council for Rezone No. 1-18, filed by The City of Elko, for a change in zoning from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi Public), approximately 1.314 acres of property, specifically APN 001-200-002, FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: **PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **This amendment, was initiated by the Planning Commission January 4, 2018.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Manager, Memo from City Planner**
8. Recommended Motion: **Take no action on this agenda item, until after initiation to amend the Master Plan.**
9. Findings:
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution:



## LEGAL DESCRIPTION TO ACCOMPANY A ZONE CHANGE

A parcel within the southeast quarter of Section 10, and the southwest quarter of Section 11, Township 34 North, Range 55 East, M.D.B.&M., which is further described as follows:

Beginning at a point at the intersection of the northwesterly right-of-way of College Avenue and the southwesterly right-of-way of Golf Course Road, that bears North  $1^{\circ}18'56''$  East, a distance of 804.85 feet from the centerline monument at the intersection of Court Street and 13<sup>th</sup> Street as shown on the map of the Smith's Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927;

Thence, North  $48^{\circ}11'00''$  West, along the right-of-way of Golf Course Road a distance of 264.70 feet;

Thence, South  $14^{\circ}49'00''$  West, a distance of 202.00 feet;

Thence along a tangent circular curve to the left, with a radius of 14.70 feet, a central angle of  $90^{\circ}00'00''$ , and an arc length of 23.09 feet, to a point along the northeasterly right-of-way of VFW Drive;

Thence, South  $48^{\circ}11'00''$  East along said northeasterly right-of-way of VFW Drive, a distance of 235.30 feet;

Thence, along a tangent circular curve to the left, with a radius of 14.70 feet, a central angle of  $90^{\circ}00'00''$ , and an arc length of 23.09 feet, to a point along the northwesterly right-of-way of College Avenue;

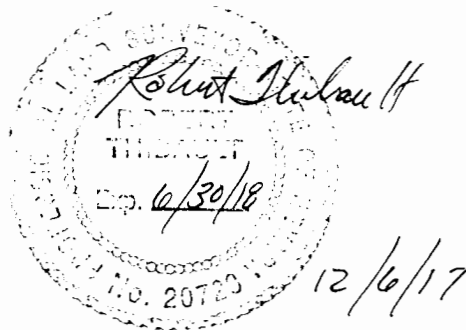
Thence, North  $41^{\circ}49'00''$  East along said northwesterly right-of-way of College Avenue, a distance of 202.00 feet more or less, to the point of beginning.

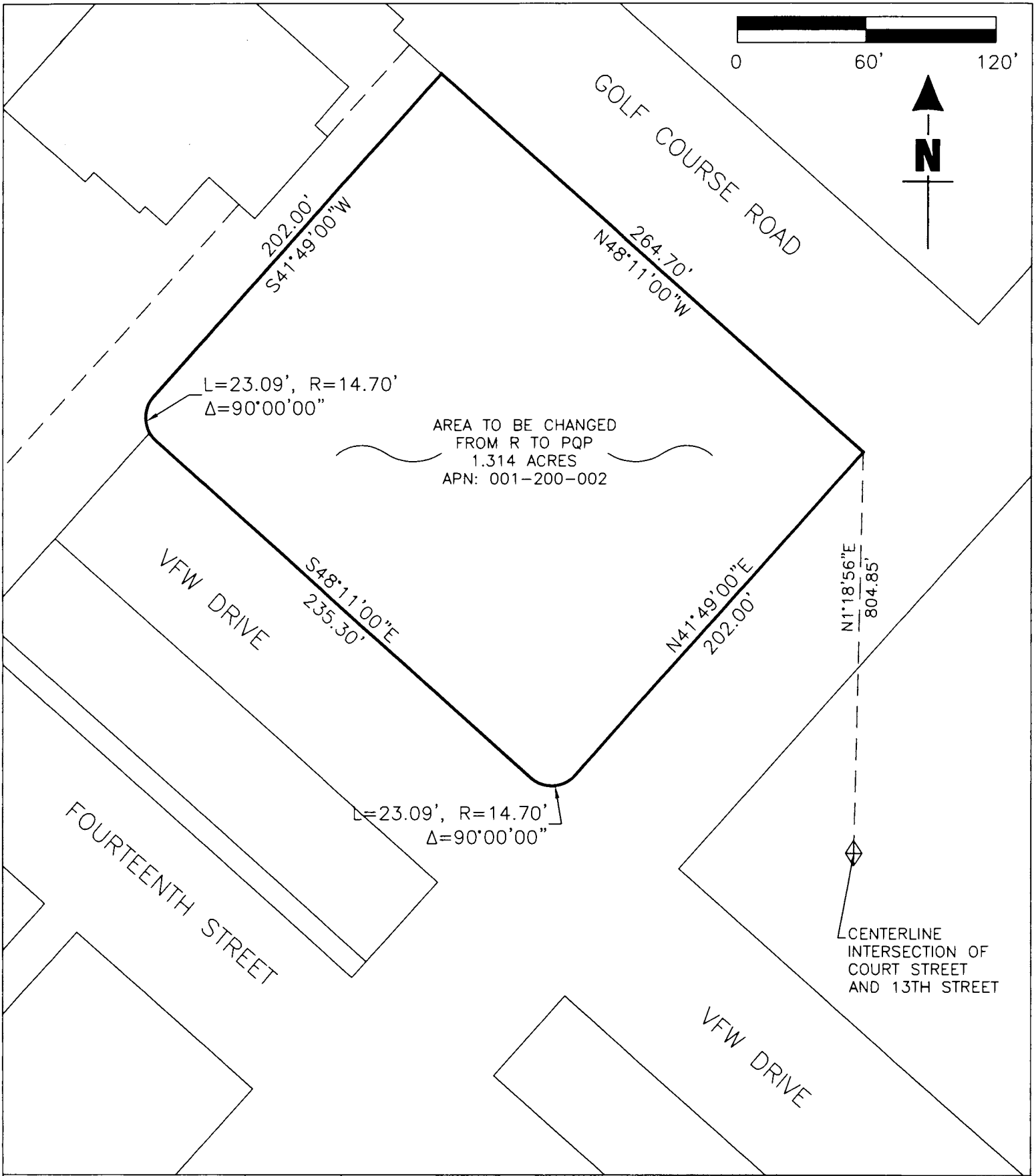
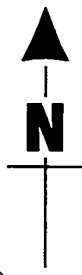
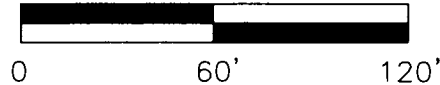
This parcel contains a total of  $\pm 1.314$  acres.

The basis of bearings for this description is the map of the Smith's Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927.

Description prepared by:

Robert Thibault, PE, PLS  
City of Elko  
Civil Engineer





AREA TO BE CHANGED  
FROM R TO PQP  
1.314 ACRES  
APN: 001-200-002

N1°18'56"E  
804.85'

CENTERLINE  
INTERSECTION OF  
COURT STREET  
AND 13TH STREET



CITY OF ELKO  
1751 COLLEGE AVE.  
ELKO, NEVADA 89801  
775-777-7210

SCALE  
HORZ 1"=60'  
VERT NONE

# DISPLAY MAP FOR ZONE CHANGE APN: 001-200-002

DRAWN BY  
BT  
CHECKED BY  
BT  
DATE  
12/6/2017

APN: 001-200-004  
MEDICAL CLINIC

RECEIVED

DEC 19 2017

Initial

20.1'

24.9'

16.5 FT TALL  
ACCESSORY BUILDING  
976 SF

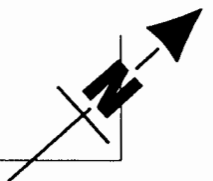
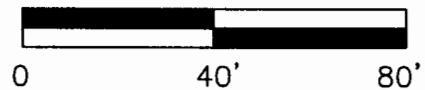
VFW DRIVE

PROPERTY LINE

GOLF COURSE ROAD

APN: 001-200-002  
CITY OF ELKO  
FORMER POLICE DEPARTMENT

COLLEGE AVENUE



CITY OF ELKO  
1751 COLLEGE AVE  
ELKO, NEVADA 89801  
775-777-7210

SCALE  
HORZ 1"=60'  
VERT NONE

# SITE PLAN FOR ZONE CHANGE APN: 001-200-002

DRAWN BY  
BT  
CHECKED BY  
BT  
DATE  
12/12/17

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202005	ANDREOZZI, ROBERTA *		1360 CEDAR ST	ELKO NV	89801-3418
001252010	BEACH, JACKIE LEE & LORRAINE K. *		572 13TH ST	ELKO NV	89801-3407
001202008	BYERS, DIANNA F		1385 OAK ST	ELKO NV	89801-3433
001203005	CAVALIERE, RICHARD J & JANICE J. *		10566 RIDGECREST DR	JACKSON CA	95642-9348
001202009	COSHWAY, JON & DOROTHY		1375 OAK ST	ELKO NV	89801-3433
001250001	ELKO LODGE NO 15 OF MASONS		PO BOX 15	ELKO NV	89803-0015
001620014	ELKO, CITY OF *		1755 COLLEGE AVE	ELKO NV	89801
001200002	ELKO, CITY OF *		1755 COLLEGE AVE	ELKO NV	89801
001620018	ELKO, CITY OF *		1755 COLLEGE AVE	ELKO NV	89801
001620017	ELKO, CITY OF *		1755 COLLEGE AVE	ELKO NV	89801
001560001	ELKO, CITY OF (PARKS)	C/O MAIN CITY PARK	1515 IDAHO ST	ELKO NV	89801-4021
001200004	ELKO, COUNTY OF		540 COURT ST	ELKO NV	89801-3515
001250003	GIRL SCOUTS OF THE SIERRA NEVAD		605 WASHINGTON ST	RENO NV	89503-4328
001250002	GIRL SCOUTS OF THE SIERRA NEVAD		605 WASHINGTON ST	RENO NV	89503-4328
001200005	HCP/UTAH LLC	C/O EASLEY, MCCALEB & ASS INC	101 S 200 E STE 200	SALT LAKE CITY UT	84111-3104
001252001	HONEA, RYAN C & LACHELLE M. *		588 13TH ST	ELKO NV	89801-3407
001202007	HOUCHIN, KENNETH W		875 14TH ST	ELKO NV	89801-3414
001202010	JACKSON, HARRY B SR *		1365 OAK ST	ELKO NV	89801-3030
001203007	JACKSON, REN		1380 OAK ST	ELKO NV	89801-3434
001203004	KENNEDY, MARK E. *		1340 OAK ST	ELKO NV	89801-3434
001202006	KNIGHT, BENJAMIN *		1376 CEDAR ST	ELKO NV	89801-3418
001252011	LOPATEGUI, JESUS & DENISE TR. *		515 14TH ST	ELKO NV	89801-3410
001203006	MCBETH, TWYLA P ETAL		838 A ST	ELKO NV	89801-2905
001252002	NAVYOR, RORY ET AL		1376 COLLEGE AVE	ELKO NV	89801-3428
001252009	PACINI, KAREN L. *		550 13TH ST	ELKO NV	89801-3407
001252004	PRICKETT, KENNETH W. *		537 14TH ST	ELKO NV	89801-3410
001252003	PUCCINELLI, CAROL A ET AL		13725 48TH PL W	EDMONDS WA	98026-3417
001203009	RHOADS, DEAN A & SHARON L TR. *		PO BOX 8	TUSCARORA NV	89834-0008
001202011	SHINN, KAREN L. *		1355 OAK ST	ELKO NV	89801-3433
001200001	VETERANS OF FOREIGN WARS OF THE		PO BOX 1266	ELKO NV	89803-1266
001203014	WEBB, WILLIAM Z		1375 COLLEGE AVE	ELKO NV	89801-3427
001203010	WHITE, JUDITH A. *		1351 COLLEGE AVE	ELKO NV	89801-3427
001203015	WINTERMOTE, KELLY *		1387 COLLEGE AVE	ELKO NV	89801-3427

\* = 20 years inside the criminal society  
 Address is wrong for records

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 6, 2018 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

Rezone No. 1-18, filed by The City of Elko for a change in zoning from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi Public), approximately 1.314 acres of property, specifically APN 001-200-002, located generally on the northwest corner of the intersection of College Avenue and Golf Course Road, more particularly described as: A parcel within the southeast quarter of Section 10, and southwest quarter of Section 11, Township 34 North, Range 55 East, M.D.B.&M., which is further described as follows:

Beginning at a point at the intersection of the northwesterly right-of-way of College Avenue and the Southwesterly right-of-way of Golf Course Road, that bears North  $1^{\circ}18'56''$  East, a distance of 804.85 feet from the centerline monument at the intersection of Court Street and 13<sup>th</sup> Street as shown on the map of Smith's Addition to the City of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927;

Thence, North  $48^{\circ}11'00''$  West, along the right-of-way of Golf Course Road a distance of 264.70 feet;

Thence, South  $14^{\circ}49'00''$  West, a distance of 202.00 feet;

Thence along a tangent circular curve to the left, with a radius of 14.70 feet, a central angle of  $90^{\circ}00'00''$ , and an arc length of 23.09 feet, to point along the northeasterly right-of-way of VFW Drive;

Thence, South  $48^{\circ}11'00''$  East along said northeasterly right-of-way of VFW Drive, a distance of 235.30 feet;

Thence, along a tangent circular curve to the left, with a radius of 14.70 feet, a central angle of  $90^{\circ}00'00''$ , and an arc length of 23.09 feet, to a point along the northwesterly right-of-way of College Avenue;

Thence, North  $41^{\circ}49'00''$  East along said northwesterly right-of-way of College Avenue, a distance of 202.00 feet more or less, to the point of beginning.

This parcel contains a total of  $\pm 1.314$  acres.

The basis of bearings for this description is the map of Smith's Addition to the city of Elko, recorded in the office of the Elko County Recorder as file no. 43255, on November 5, 1927.

The intent of the zone change is to allow for incorporation into the Elko City Parks.

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

**ELKO CITY PLANNING COMMISSION**



## CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue \* Elko \* Nevada \* 89801

(775) 777-7160 phone \* (775) 777-7119 fax

### APPLICATION FOR ZONE CHANGE

APPLICANT(s): City of Elko  
MAILING ADDRESS: 1751 College Ave  
PHONE NO (Home) \_\_\_\_\_ (Business) 775-777-7160  
NAME OF PROPERTY OWNER (If different): City of Elko  
(Property owner's consent in writing must be provided.)  
MAILING ADDRESS: \_\_\_\_\_  
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):  
ASSESSOR'S PARCEL NO.: 001-200-002 Address 1401 College Ave  
Lot(s), Block(s), & Subdivision \_\_\_\_\_  
Or Parcel(s) & File No. \_\_\_\_\_

#### FILING REQUIREMENTS:

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1<sup>st</sup> Tuesday of every month).

**Fee:** A \$300.00 non-refundable filing fee.

**Area Map:** A map of the area proposed for this zone change must be provided.

**Plot Plan:** A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information must be provided.

**Legal Description:** A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (LI to R, for example).

**Note:** One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

**Other Information:** The applicant is encouraged to submit other information and documentation to support this Rezone Application.

1. Identify the existing zoning classification of the property: R - Single Family and MOH - Family Residential

2. Identify the zoning Classification being proposed/requested: PGP - Public, Quasi-Public

3. Explain in detail the type and nature of the use anticipated on the property: this property is to be incorporated into the City of Elk Park

4. Explain how the proposed zoning classification relates with other zoning classifications in the area: property is adjacent to the City Municipal Swimming Pool and the City Park, which are zoned PGP

5. Identify any unique physical features or characteristics associated with the property: N/A

(Use additional pages if necessary to address questions 3 through 5)

**By My Signature below:**

I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.

I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

I have carefully read and completed all questions contained within this application to the best of my ability.

**Applicant / Agent** City of Elko  
(Please print or type)

**Mailing Address** 1751 College Ave  
Street Address or P.O. Box

Elko, NV 89801  
City, State, Zip Code

Phone Number: \_\_\_\_\_

Email address: \_\_\_\_\_

**SIGNATURE:** Cathy Layne

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**FOR OFFICE USE ONLY**

**File No.:** 1-18 **Date Filed:** 12/12/17 **Fee Paid:** N/A

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# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@elkocitynv.gov](mailto:planning@elkocitynv.gov)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

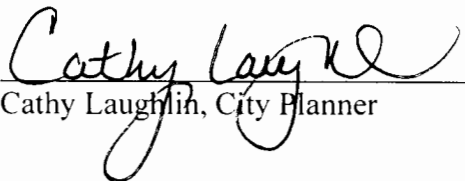
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CITY OF ELKO  
PLANNING COMMISSION ACTION REPORT  
Special Meeting of January 4, 2018

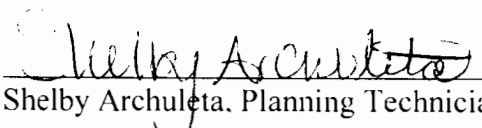
WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on January 4, 2018 per City Code Sections 3-2-21:

Initiate an amendment to the City of Elko district boundary, specifically APN 001-200-002, removing the R (Single-Family Multi-Family Residential) Zoning District and replacing it with the PQP (Public, Quasi-Public) Zoning District, and matters related thereto.

WHEREAS, the Planning Commission, upon review and consideration of the application and supporting data, public input and testimony, initiate an amendment to the City of Elko district boundaries, and direct staff to bring the item back as a public hearing.

  
Cathy Laughlin, City Planner

Attest:

  
Shelby Archuleta, Planning Technician

CC: Jeremy Draper, Development Manager (via email)  
Shanell Owen, City Clerk

**Elko City Planning Commission  
Agenda Action Sheet**

1. **Review, consideration and possible action of Rezone No 2-18, filed by Jason Land on behalf of Blaine Branscomb, for a change in zoning from R (Single Family and Multiple Family Residential) to RO (Residential Office), approximately 0.086 acres of property located generally on the south side of Court Street, approximately 50 feet east of 9<sup>th</sup> Street, FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: **PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **The applicant is requesting a rezone of the property to allow for the property to be converted to an office, conditioned upon approval of a Conditional Use Permit. Variance 1-18 application has also been filed with rezone application for lot size, front lot width and interior side setback.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 2-18**
9. Findings:
  - **The proposed rezone does not appear to frustrate the Master Plan's goals and policies of the Land Use Component. Strict conformance with the Master Plan under section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity. Residential Office is not a corresponding district of Downtown Mixed Use. The proposed zone district meets several of the Objectives 2 and 4 of the Land Use Component of the Master Plan.**
  - **The proposed rezone is consistent with the Transportation component of the Master Plan. The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.**
  - **The proposed zone district and repurposing the property and structure conforms to the redevelopment plan.**
  - **The proposed rezone is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells.**

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/6**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: Rezone 2-18

Applicant(s): Jason B Land

Site Location: 910 Court Street - APN CCI-281-002

Current Zoning: R Date Received: 1/10/18 Date Public Notice: 1/23/18

COMMENT: This is to rezone the property from R to BC to allow for a financial advisory office.

\*\*If additional space is needed please provide a separate memorandum\*\*

Assistant City Manager: Date: 1/30/18 Recommend approval  
as presented by staff

SAW

Initial

City Manager: Date: 2/1/18 No comments/concerns.

WJ

Initial



City of Elko  
1751 College Avenue  
Elko, NV 89801  
(775) 777-7160  
FAX (775) 777-7119

## CITY OF ELKO STAFF REPORT

**MEMO DATE:** January 18, 2018  
**PLANNING COMMISSION DATE:** February 6, 2018  
**APPLICATION NUMBER:** REZONE 2-18  
**AGENDA ITEM:** 1.A.6  
**APPLICANT:** Jason Land  
**PROJECT DESCRIPTION:**

A rezone from (R) Single Family and Multiple Family Residential to (RO) Residential Office to allow for a professional office with approved CUP.



### **STAFF RECOMMENDATION:**

RECOMMEND APPROVAL, subject to facts, findings, and conditions.

## **PROJECT INFORMATION**

**PARCEL NUMBER:** 001-281-002

**PARCEL SIZE:** .086 acres, 3,750 sq. ft.

**EXISTING ZONING:** (R) Single Family and Multiple Family Residential

**MASTER PLAN DESIGNATION:** (MU-DTWN) Mixed Use Downtown

**EXISTING LAND USE:** Developed with a single family dwelling

### **NEIGHBORHOOD CHARACTERISTICS:**

- The property is surrounded by:
  - North & Northeast: (R) Single and Multiple Family / Developed
  - Southeast: (RO) Residential Office / Developed
  - South: (C) Commercial / Developed

### **PROPERTY CHARACTERISTICS:**

- The property is developed.
- The property fronts Court Street.
- Access to the property for parking is off the alley at the rear of the parcel.

### **MASTER PLAN AND CITY CODE SECTIONS:**

Applicable Master Plans and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-5(F) RO – Residential Office District
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management

### **BACKGROUND:**

1. The parcel is identified as APN 001-281-002.
2. The applicant is not the property owner but has entered into an agreement to purchase the property.
3. The property owner has filed written authorization with the City dated January 10, 2018 allowing the applicant to submit the application.
4. The property is located approximately 100 feet east of the Court Street and 9<sup>th</sup> Street intersection.
5. The area of the parcel is approximately 3,750 square feet.
6. The parcel is approximately 37.50 feet in width. The parcel is smaller than the typical 50 foot wide or larger lot encountered in this area of the community.
7. The property was built in approximately 1910 and as the recent survey shows, the west wall of the principal structure is constructed on the property line.
8. The property has been vacant since 2009. Any legal non-conforming uses are considered abandoned.

9. The required off street parking for business uses does not exist on the property. The required off street parking for residential uses does exist on the property. The applicant intends on demolishing an existing garage structure and developing the required off street parking with the approval of a CUP for an office use.

**MASTER PLAN:**

**Land use:**

1. The Master Plan Land Use Atlas shows a portion of the area as Mixed Use Downtown.
2. RO- Residential Office zoning district is not listed as a corresponding zoning district for Mixed Use Downtown. The proposed RO district is consistent with current RO uses and/or residential uses in the immediate vicinity.
3. Objective 2: Encourage revitalization and redevelopment of the downtown area to strengthen its role as the cultural center of the community
4. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity, and overall sustainability.
5. Downtown Mixed Use: This land use designation includes land uses that are located in or close to the historic downtown area. The area will capitalize on the existing fabric of the downtown and its walkable grid system. Mixed-use allows for a variety of land uses, and configurations. Housing or office use may be located within the same structure, with retail use primarily on the first floor.

Strict conformance with the Master Plan under section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity.

**Transportation:**

1. The property fronts Court Street.
2. Parking will be established at the rear of the property off the alley.

The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.

**ELKO REDEVELOPMENT PLAN:**

1. The property is located within the redevelopment area. The proposed district supports several objectives in the redevelopment plan. The more important objective being repurposing of buildings and/or properties and thereby eliminating blight in the area and increasing economic activity in the area.

The proposed zone district and repurposing the property and structure conforms to the redevelopment plan.

**ELKO WELLHEAD PROTECTION PLAN:**

1. The property is located within the 5 year capture zone for several City wells.
2. Conformance with the Wellhead Protection Plan is required.

The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells.

**SECTION 3-2-4 Establishment of Zoning Districts:**

1. The minimum lot area required is 5,000 square for areas of the community platted with 50 foot wide lots. The parcel area does not meet either criteria stipulated for the lot area in Section 3-2-5 of city code.
2. The required lot dimensions for the proposed district in this area of the community would be 50 feet in width by 100 feet in depth as stipulated in Section 3-2-5 of city code.
3. The property is developed and the structure does not meet the setback requirements stipulated in Section 3-2-5 of city code.

As a result of the above referenced non-conformance issues, the applicant has applied for variances on the lot size, lot width and the interior side yard setback under Variance application 1-18.

**SECTION 3-2-5 (RO) Residential Office:**

1. As noted in the evaluation under Section 3-2-4 the property does not conform with area, dimension and setback requirements stipulated for the district.
2. Variance 2-18 application has been submitted for consideration by the Planning Commission to address the conformance deficiencies.

Approval of variance application 2-18 is a required condition of the zone application to address identified non-conforming issues.

**SECTION 3-2-17 Traffic, Access, Parking and Loading Regulations:**

1. There is off-street parking located in the rear of the parcel and it meets the 2 off street parking stalls code requirement for a principal permitted use as a single family residence. The parking is not ADA compliant. Development of ADA off-street parking is required to conform with this section of code if the property is developed as a conditionally permitted use or more intense use than single family residence.

The applicant has committed to removal of the existing garage to develop ADA compliant off-street parking to be located at the rear of the property and accessed from the alley way if the property is issued a CUP and developed as an office use.

**SECTION 3-2-21 Amendments:**

1. The applicant has conformed to this section of code with the filing of the application.

**SECTION 3-8**

1. This parcel is not located in a designated Special Flood Hazard Area (SFHA).

**FINDINGS**

1. The proposed rezone does not appear to frustrate the Master Plan's goals and policies of the Land Use Component. Strict conformance with the Master Plan under section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity. Residential Office is not a corresponding district of Downtown Mixed Use. The proposed zone district meets several of the Objectives 2 and 4 of the Land Use Component of the Master Plan.

2. The proposed rezone is consistent with the Transportation component of the Master Plan. The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.
3. The proposed zone district and repurposing the property and structure conforms to the redevelopment plan.
4. The proposed rezone is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells.
5. The property does not conform to Section 3-2-4 of city code. As a result of the above referenced non-conformance issues, the applicant has applied for variances on the lot size, lot width and the interior side yard setback under Variance application 1-18. Approval of the variance application is required as a condition of the zone application.
6. The proposed rezone is not in conformance with Section 3-2-5(R) Residential Office, a variance for lot size and interior side setback will be required prior to approval of the application.
7. The property as developed is in conformance with City Code 3-2-17 for the principal permitted use as a single family residence. The applicant has committed to removal of the existing garage to develop ADA compliant off-street parking to be located at the rear of the property and accessed from the alley way if the property is issued a conditional use permit to be developed as an office use.
8. The parcel is not located within a designated Special Flood Hazard Area.
9. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.
10. The proposed rezone is consistent with surrounding land uses.

**STAFF RECOMMENDATION:**

Staff recommends this item be **conditionally approved** with the following conditions:

**Planning Department:**

1. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property.

**Development Department:**

1. A variance be granted for the lot size, lot width and interior side yard setback for the principle structure.





**CITY OF ELKO**  
**DEVELOPMENT DEPARTMENT**  
**1755 COLLEGE AVENUE**  
**ELKO, NEVADA 89801**  
**(775)777-7210**  
**(775)777-7219 FAX**

To: Elko City Planning Commission  
From: Jeremy Draper, Development Manager  
RE: Rezone 2-18, Jason Land, 910 Court St.  
Date: January 12, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Rezone Application 2-18.

### **Project Information**



- The property is located generally 100 ft east of the intersection of 9<sup>th</sup> Street and Court Street.
- The property is identified as APN 001-281-002.
- The parcel is currently developed.
- The parcel is currently zoned R-Single Family and Multiple Family Residential.
- The proposed rezone would result in a rezone of proposed parcel 1 being 0.086 acres of RO-Residential Office.
- The property is bound by Single Family and Multiple Family Residential, to the north and east, General Commercial to the south and RO to the east.

- The property is not located within a FEMA Floodzone.

### **Master Plan**

#### **Land Use:**

- The Land Use component of the Master Plan identifies this area as Downtown Mixed Use.
- Objective 2-Encourage revitalization and redevelopment of the downtown area to strengthen its role as the cultural center of the community.
- Objective 4-Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity, and overall sustainability.
- Objective 6-Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
- Corresponding zoning districts for Downtown Mixed Use are C-General Commercial.

### **Elko Wellhead Protection Plan**

- The property is located within the 5-year capture zone.
- Conformance with the Wellhead Protection Plan is required.

### **Section 3-2-4-Establishment of Zoning Districts**

- Conformance with this section is required

### **Section 3-2-5-(F)-(RO) Residential Office District**

- Conformance with this section is required

### **Section 3-2-17-Traffic, Access, Parking and Loading Regulations**

- Conformance with this section is required

### **Section 3-2-21-Amendments**

- Conformance with this section is required

### **Findings**

1. The proposed rezone does not appear to frustrate the goals and policies of the Land Use Component of the Master Plan.

2. Residential Office is not a corresponding district of Downtown Mixed Use, but provides limited commercial opportunities and meets the goals as listed in Objective 4.
3. The proposed rezone is in conformance with City Code 3-2-4-B and C
4. The proposed rezone is not in conformance with City Code 3-2-5-F, a variance for setbacks and lot size will be required.
5. The proposed rezone is in conformance with City Code 3-2-17
6. The proposed rezone is in conformance with City Code 3-2--8
7. The proposed rezone is in conformance with the City of Elko Wellhead Protection Plan.
8. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

### **Recommendation**

The City of Elko **Development Department** recommends that the proposed zone changes be approved with the following conditions:

1. A variance be granted for the lot size, lot width and side yard setback for the principle structure.





# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

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January 30, 2018

Jason Land  
PO BOX 281329  
Lamoille, NV 89828

Re: Rezone No. 2-18 and Variance No. 1-18

Dear Applicant Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in black ink that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:

*Parzone 2-18-1 Variance 1-18 Jason B. Land*

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001241008	AGUIRRE, THERESA A		965 COURT ST	ELKO NV	89801-3942
001241012	AHLIN, JASON & MEGAN		530 N 300 E	SPANISH FORK UT	84660-1530
001241011	BECK, STEFAN W		PO BOX 1075	ELKO NV	89803-1075
001241034	BLACKMAN, DAVID A TR ET AL	} 1 p.c.	997 COURT ST	ELKO NV	89801-3942
001241033	BLACKMAN, DAVID A TR ET AL		997 COURT ST	ELKO NV	89801-3942
001281005	BUCKNER, EDWARD V TR ET AL		784 PALACE PKWY	SPRING CREEK NV	89815-7438
001276004	CHADWICK FOUNDATION INC		C/O NEVADA BANI PO BOX 807	CALENTE NV	89008-0807
001236001	ELKO ASSOCIATES LTD		C/O WESTSTATES   PO BOX 2688	ELKO NV	89803-2688
001282012	ETCHEBERRY, MARY M TR		97042 WOODSTORK LN	FERNANDINA BEACH FL	32034-0845
001273001	GALLAGHER, MARY LOUISE SEWELL TR	JOHN GALLAGHER PO BOX 2838		RENO NV	89505-2838
001281001	GILBERT, PAUL L		13267 REEDLEY ST	PANORAMA CITY CA	91402-4019
001241007	GILLINS, DANIEL & IOLANDA		3533 RIDGECREST DR	ELKO NV	89801-2453
001282002	HEGUY, EMILY N		1020 COURT ST	ELKO NV	89801-3945
001281003	HILLS HOMES LLC		451 VALLEY BEND DR	SPRING CREEK NV	89815-5733
001276006	KUNZ PROPERTIES LLC		PO BOX 1465	HOLLISTER CA	95024-1465
001284004	KUNZ PROPERTIES LLC		PO BOX 1465	HOLLISTER CA	95024-1465
001276003	KUNZ PROPERTIES LLC	} 1 p.c.	PO BOX 1465	HOLLISTER CA	95024
001281007	LAL, DIPAK BHAI ET A;		411 10TH ST	ELKO NV	ELKO NV
001281008	LAUGHLIN, PATRICK J & CATALINA F		371 MOUNTAIN CITY HWY UNIT 7	ELKO NV	89801-9516
001281009	LOCKIE, DAVID B ET AL		919 IDAHO ST	ELKO NV	89801-3918
001241018	LOSTRA ENTERPRISES LLC		930 COLLEGE AVE	ELKO NV	89801-3420
001284003	MCCONNELL, JOEL A TR ET AL		1832 SEQUOIA DR	ELKO NV	89801-1612
001273003	MONTES DE OCA, DANNY & TAMMY S		1709 JANIE CT	ELKO NV	89801-7910
001273010	MOWRAY, SEAN & JUDITH E		2205 COLONIAL DR	ELKO NV	89801-4566
001284002	NEVADA BANK & TRUST CO		PO BOX 807	CALENTE NV	89008-0807
001241013	NYREHN, DELMAR J & EVELYN C		596 9TH ST	ELKO NV	89801-3327
001282011	PAGE INVESTMENTS LLC		603 PINE ST	ELKO NV	89801-3543
001241005	PATTANI, JAMES A & PATRICIA L		1009 COURT ST	ELKO NV	89801-3944
001281006	PEREZ, GUADALUPE ET AL		700 LAST CHANCE RD UNIT 3	ELKO NV	89801-8747
001281010	R HANK WOODY LLC		C/O LIPPARELLI, P, 2633 SPEARPOINT DR	RENO NV	89509-7029
001273005	SALDANA-DERODRIGUEZ, CONSUELO	} 1 p.c.	837 IDAHO ST	ELKO NV	89801-3825
001273004	SALDANA-DERODRIGUEZ, CONSUELO		837 IDAHO ST	ELKO NV	89801-3825
001282001	STEFLIK, DANIEL M & LAURIE JO		1010 COURT ST	ELKO NV	89801-3945

001241010 THIBAUT, ROBERT & ADELINE		901 COURT ST	ELKO NV	89801-3942
001273009 US BANK NATIONAL ASSOCIATION *	} 1 p.c. LAKEE0012	2800 E LAKE ST	MINNEAPOLIS MN	55406-1930
001273008 US BANK NATIONAL ASSOCIATION *		2800 E LAKE ST	MINNEAPOLIS MN	55406-1930
001273007 US BANK NATIONAL ASSOCIATION *		2800 E LAKE ST	MINNEAPOLIS MN	55406-1930
001285005 VAUGHN INDUSTRIAL PARK *	} 1 p.c.	316 CALIFORNIA AVE # 12	RENO NV	89509-1650
001280001 VAUGHN INDUSTRIAL PARK *		316 CALIFORNIA AVE # 12	RENO NV	89509-1650
001281004 WAHREN BROCK, JON A		1800 GRISWOLD DR UNIT 1	ELKO NV	89801-1625
001241014 WRIGHT, WILLIAM B JR TR ET AL *		705 COURT ST	ELKO NV	89801-3330
001241009 ZELCO LLC SERIES 2		901 COURT ST	ELKO NV	89801-3942

35

\* Different Property owners  
from the original 300ft  
radius to achieve 80 parcels

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 6, 2018 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

Rezone No. 2-18, filed by Jason B. Land, on behalf of Blaine Branscomb for a change in zoning from R (Single-Family and Multi-Family Residential) to RO (Residential Office), approximately 0.086 acres of property, specifically APN 001-281-002, located generally on the south side of Court Street, approximately 50 feet east of 9th Street, more particularly described as: Lot 10 & the Southwesterly ½ of Lot 9, Block 7 City of Elko, Nevada  
The intent of the zone change is to allow for a professional office.

### **And**

Variance No. 1-18, filed by Jason B. Land, on behalf of Blaine Branscomb for a reduction of the required lot area from 6,000 sq. ft. to 3,750 sq. ft., front lot width from 60 feet to 37.50 feet, and interior side yard setback from 5 1/2 feet to 0 feet, in conjunction with a zone change from R (Single-Family and Multi-Family Residential) to RO (Residential Office), and matters related thereto. The subject property is located generally on the south side of Court Street, approximately 50 feet east of 9<sup>th</sup> Street (910 Court Street, APN 001-281-002).

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

**ELKO CITY PLANNING COMMISSION**





# CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue \* Elko \* Nevada \* 89801

(775) 777-7160 phone \* (775) 777-7119 fax

RECEIVED

## APPLICATION FOR ZONE CHANGE

JAN 10 2018

**APPLICANT(s):** JASON B. LAND  
**MAILING ADDRESS:** P.O. Box 281329 Lamoille NV 89828  
**PHONE NO (Home)** 775-340-0062 **(Business)** 775-757-7388  
**NAME OF PROPERTY OWNER (If different):** \_\_\_\_\_  
*(Property owner's consent in writing must be provided.)*  
**MAILING ADDRESS:** \_\_\_\_\_  
**LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):**  
**ASSESSOR'S PARCEL NO.:** 001-281-002 **Address** 910 COURT STREET  
**Lot(s), Block(s), & Subdivision** lot 10 the Southwesternly 1/2  
**Or Parcel(s) & File No.** of lot 9 block 7 city of ELKO map # 1

### FILING REQUIREMENTS:

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1<sup>st</sup> Tuesday of every month).

**Fee:** A \$300.00 non-refundable filing fee.

**Area Map:** A map of the area proposed for this zone change must be provided.

**Plot Plan:** A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, distances between buildings, parking and loading areas, driveways and other pertinent information must be provided.

**Legal Description:** A complete legal description of the boundary of the proposed zone change must be provided as well as a map depicting the area to be changed stating the wording: area to be changed from "x" to "x"; (L1 to R, for example).

**Note:** One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

**Other Information:** The applicant is encouraged to submit other information and documentation to support this Rezone Application.

1. Identify the existing zoning classification of the property: R

2. Identify the zoning Classification being proposed/requested: RO

3. Explain in detail the type and nature of the use anticipated on the property: I AM  
A FINANCIAL ADVISOR. I WOULD LIKE TO  
RUN MY BUSINESS FROM THE PROPERTY  
AT 910 CANAL STREET. MY HOURS RUN  
FROM 9:00 AM TO 4:00 PM MONDAY  
THROUGH FRIDAY. I WOULD CONDUCT MY  
BUSINESS VIA PHONE CALLS & FACE TO  
FACE APPOINTMENTS.

4. Explain how the proposed zoning classification relates with other zoning classifications in the area: THE PROPERTY TO SOUTHWEST IS ALSO  
ZONED RO. THE PROPERTY TO THE PROPERTIES  
TO THE SOUTH ARE COMMERCIAL.

5. Identify any unique physical features or characteristics associated with the property: VARIANCE IS REQUIRED FOR SIDE SETBACK  
& APPLIED FOR

(Use additional pages if necessary to address questions 3 through 5)

**By My Signature below:**

- I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- I have carefully read and completed all questions contained within this application to the best of my ability.

**Applicant / Agent** JASON B. LAND  
(Please print or type)

**Mailing Address** PO Box 281329  
Street Address or P.O. Box

LAMOILLE NV 894628  
City, State, Zip Code

Phone Number: 775-340-0062

Email address: jason.land@edwardjones.com

**SIGNATURE:** Jason B Land

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**FOR OFFICE USE ONLY**

**File No.:** 2-18 **Date Filed:** 1/16/18 **Fee Paid:** \$300 **ck#** 1015

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RECEIVED

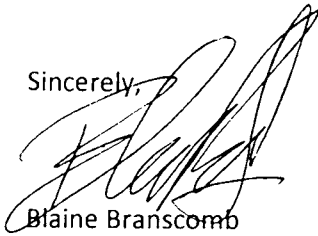
JAN 10 2018

City of Elko Planning Department  
1751 College Avenue  
Elko, NV 89801

Dear Sir or Madam,

I am the owner of 910 Court Street, Elko NV 89801. I approve and consent to Jason Land applying for both a variance and zone change to the aforementioned property. My mailing address is 101 Court Street, Elko NV 89801. Furthermore, I can be reached at (775) 934-1150.

Sincerely,

A handwritten signature in black ink, appearing to read 'Blaine Branscomb', written over the word 'Sincerely,'.

Blaine Branscomb

**Elko City Planning Commission  
Agenda Action Sheet**

1. **Review, consideration and possible action of Variance No. 1-18, filed by Jason B. Land on behalf of Blaine Branscomb, for a reduction of the required lot area from 6,000 sq. ft. to 3,750 sq. ft., front lot width from 60 feet to 37.50 feet and the required interior side yard setback from 5 ½ feet to zero feet, in conjunction with a zone change from R (Single Family and Multiple Family Residential) to RO (Residential Office), and matters related thereto, FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: **PUBLIC HEARINGS,**
4. Time Required: **15 Minutes**
5. Background Information: **The applicant is requesting a variance for the required lot size, lot width and side yard setback for an existing residence.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Conditionally approve Variance No. 1-18, with the following conditions: (stated in City Planner memo)**
9. Findings:
  - **The proposed variance does not appear to frustrate the Master Plan's goals and policies of the Land Use Component. Strict conformance with the Master Plan under section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity. Residential Office is not a corresponding district of Downtown Mixed Use. The proposed zone district meets several of the Objectives 2 and 4 of the Land Use Component of the Master Plan.**
  - **The proposed variance is consistent with the Transportation component of the Master Plan. The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.**
  - **The proposed variance and repurposing the property and structure conforms to the redevelopment plan.**
  - **The proposed variance is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells.**
  - **The property does not conform to Section 3-2-4 of city code. Approval of the variance application is required to bring the property into conformance.**

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/6**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: Variance 1-1E

Applicant(s): Jason B. Land

Site Location: 910 Court Street - APN C01-281-002

Current Zoning: R Date Received: 1/10 Date Public Notice: 1/23/18

COMMENT: This is for a reduction of the lot area from 6,000<sup>sq</sup> to 3,750<sup>sq</sup>, front lot width from 140' to 37.50', and the interior side setback from 5 1/2' to 0', in conjunction with a zone change.

**\*\*If additional space is needed please provide a separate memorandum\*\***

Assistant City Manager: Date: 1/31/18 recommend approval as presented by staff

SAW

Initial

City Manager: Date: 2/1/18 No comments/concerns.

CE

Initial



City of Elko  
1751 College Avenue  
Elko, NV 89801  
(775) 777-7160  
FAX (775) 777-7119

## CITY OF ELKO STAFF REPORT

**REPORT DATE:** January 18, 2018  
**PLANNING COMMISSION DATE:** February 6, 2018  
**AGENDA ITEM NUMBER:** I.A.7  
**APPLICATION NUMBER:** Variance 1-18  
**APPLICANT:** Jason Land  
**PROJECT DESCRIPTION:** 910 Court Street, Elko  
**ADDITIONAL APPLICATIONS:** Rezone 2-18

**A Variance request to reduce:**

1. Minimum required lot area from 6,000 sq. ft. to 3,750 sq. ft.
2. Minimum required lot width of 60 ft. to 37.5 ft.
3. Interior side yard setback from 5.5' to 0'.



**STAFF RECOMMENDATION:**

RECOMMEND CONDITIONAL APPROVAL, subject to findings of fact, and conditions.

### PROJECT INFORMATION

**PARCEL NUMBER:** 001-281-002

**PARCEL SIZE:** 3,750 sq. ft.

**EXISTING ZONING:** (R) Single Family and Multiple Family Residential.  
Application has been submitted for a rezone to RO  
– Residential Office

**MASTER PLAN DESIGNATION:** (MU-DTWN) Mixed Use Downtown

**EXISTING LAND USE:** Residential

**BACKGROUND:**

1. The applicant is not the property owner but has entered into an agreement to purchase the property. Final approval of the variance will be contingent upon the sale of the property to Jason Land.
2. The property was built in approximately 1910 and as the recent survey shows, the west wall of the principal structure is constructed on the property line.
3. The property has been vacant since 2009 therefore, any legal non-conforming status has been abandoned.
4. The applicant has indicated that if he purchases the property, he intends to tear down the existing carport structure off the alley or rear of the property. The carport has not been considered in this application for the variance, only the principal structure.

**NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:  
North & Northeast: (R) Single and Multiple Family / Developed  
Southeast: (RO) Residential Office / Developed  
South: (C) Commercial / Developed

**PROPERTY CHARACTERISTICS:**

The property is currently developed.  
The property is generally flat.  
The property will be accessed from Court Street and alley way

**APPLICABLE MASTER PLAN AND CITY CODE SECTIONS:**

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Zoning – Section 3-2-5 Residential
- City of Elko Zoning – Section 3-2-21 Amendments
- City of Elko Zoning – Section 3-8 Flood Plain Management
- City of Elko Zoning – Section 3-2-22 Variances

**MASTER PLAN - Land use:**

1. The Master Plan Land Use Atlas shows the area as Mixed Use Downtown. This land use



designation includes land uses that are located in or close to the historic downtown area. The area will capitalize on the existing fabric of the downtown and its walkable grid system. Mixed-use allows for a variety of land uses, and configurations.

2. RO- Residential Office zoning district is not listed as a corresponding zoning district for Mixed Use Downtown, however it does not frustrate the goals and objectives of the Master Plan.
3. Objective 2: Encourage revitalization and redevelopment of the downtown area to strengthen its role as the cultural center of the community
4. Objective 4: Consider a mixed-use pattern of development for the downtown area, and for major centers and corridors, to ensure the area's adaptability, longevity and overall sustainability.
5. Downtown Mixed Use: This land use designation includes land uses that are located in or close to the historic downtown area. The area will capitalize on the existing fabric of the downtown and its walkable grid system. Mixed-use allows for a variety of land uses, and configurations. Housing or office use may be located within the same structure, with retail use primarily on the first floor

The proposed variance is not in strict conformance with the Master Plan, however, it doesn't frustrate the goals and objectives of the Master Plan.

**MASTER PLAN - Transportation:**

1. The area will be accessed from Court Street and alley way
2. Court Street is classified as a minor collector.

The proposed variance is in conformance with the Transportation component of the Master Plan.

**ELKO REDEVELOPMENT PLAN:**

1. The property is located within the Central Business District of the redevelopment area. The proposed variance supports several objectives in the redevelopment plan. The more important objective being repurposing of buildings and/or properties and thereby eliminating blight in the area and increasing economic activity in the area.

The proposed variance and repurposing the property and structure conforms to the redevelopment plan.

**ELKO WELLHEAD PROTECTION PLAN:**

1. The property is located within the 5 year capture zone for several City wells.
2. Conformance with the Wellhead Protection Plan is required.

The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells.

**SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS**

1. The minimum lot area required is 5,000 square for areas of the community platted with 50 foot wide lots. The parcel area does not meet either criteria stipulated for the lot area in Section 3-2-5 of city code.
2. The required lot dimensions for the proposed district in this area of the community would be 50 feet in width by 100 feet in depth as stipulated in Section 3-2-5 of city code.
3. The property is developed and the structure does not meet the setback requirements stipulated in Section 3-2-5 of city code.

As a result of the above referenced requirements, this application addresses the non-conformance with Elko City Code on the lot size, lot width and the interior side yard setback.

### **SECTION 3-2-5(G)**

1. Minimum area stipulated for the district is six thousand (6,000) square feet. 3-2-5(G)(2)a states: A single lot or parcel of land of record in the office of the county recorder as of the effective date of the city subdivision ordinance (December 9, 1975), and which does not meet minimum requirements for lot area, lot width or lot depth shall be considered a buildable lot for one single-family dwelling, provided all other requirements of this chapter are satisfied
2. Minimum lot width stipulated for the district of sixty feet (60')
3. Minimum setbacks stipulated for the district are as follows:  
Front Yard: A minimum setback of fifteen feet (15')  
Rear Yard: A minimum setback of twenty feet (20')  
Interior Side: A minimum setback of five and a half feet (5½')

The existing accessory structure is not considered in this variance application as the applicant has provided documentation that the accessory structure will be demolished.

The property is not in conformance and therefore application was submitted for the variance.

### **SECTION 3-2-21:**

1. The applicant has conformed to this section of code with the filing of the application.

### **SECTION 3-2-22**

B. Procedure: Any person requesting a variance by the planning commission shall include:

#### **Application Requirements**

1. The variance application is in support of a non-conforming use.
2. The existing use of the property has been in place as a legal nonconforming use.
3. The variance process should not be utilized to provide a development (financial) advantage for a certain property. The variance process is appropriate to allow a use of property consistent to similar types of uses.
4. It does appear that granting of the variance will not substantially impair the intent or purpose of the Zoning Ordinance or effect a change in the land use.

5. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor be detrimental to the public interest, health, safety and general welfare.
6. The granting of the variance will not substantially impair affected natural resources.

### **SECTION 3-8**

1. This parcel is not designated in a Special Flood Hazard Area (SFHA).

### **FINDINGS**

1. The proposed variance does not appear to frustrate the Master Plan's goals and policies of the Land Use Component. Strict conformance with the Master Plan under section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity. Residential Office is not a corresponding district of Downtown Mixed Use. The proposed zone district meets several of the Objectives 2 and 4 of the Land Use Component of the Master Plan.
2. The proposed variance is consistent with the Transportation component of the Master Plan. The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.
3. The proposed variance and repurposing the property and structure conforms to the redevelopment plan.
4. The proposed variance is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City wells.
5. The property does not conform to Section 3-2-4 of city code. Approval of the variance application is required to bring the property into conformance.
6. The proposed variance is not in conformance with Section 3-2-5(R) Residential Office, Approval of the variance application is required to bring the property into conformance.
7. The parcel is not located within a designated Special Flood Hazard Area.
8. It does not appear that granting of the variance will result in material damage or prejudice to other properties in the vicinity, nor will granting of the variance be detrimental to the interest, health, safety and general welfare of the public.
9. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance.
10. Granting of the variance will not impair natural resources.
11. The proposed variance is consistent with surrounding land uses.

### **STAFF RECOMMENDATION:**

Staff recommends this item be **conditionally approved** with the following conditions:

**CONDITIONS:**

**Development Department:**

1. A variance is granted for the side yard setback of the existing principle structure to be reduced to 0', the lot width is reduced to 37.5' and the lot size is reduced to 3,750 sf.
2. The garage is removed from the property.

**Building Department:**

1. Walls, roof < 5' from property line require 1 hour fire protection per City Building code table R302.1
2. Projections (overhangs) not allowed <2' of property line 2' to <5' requires 1 hour underside per R302.1
3. Openings (windows etc.) < 3' from the property line not allowed, 3' to < 5' 25% max of wall area allowed per R302.1

**Planning Department:**

1. Compliance with all staff recommendations.
2. Approval of Rezone 2-18
3. Existing accessory structure must be demolished.
4. Commencement within one year and completion within eighteen (18) months.

**Public Works Department:**

1. Applicant must provide required off street parking



CITY OF ELKO  
DEVELOPMENT DEPARTMENT  
1755 COLLEGE AVENUE  
ELKO, NEVADA 89801  
(775)777-7210  
(775)777-7219 FAX

To: Elko City Planning Commission  
From: Jeremy Draper, Development Manager  
RE: Variance 1-18, Jason Lund, 910 Court St  
Date: January 19, 2018

The City of Elko Development Department is providing this correspondence to aid the Planning Commission's review of Variance Application 1-18.

### Project Information



- The property is located generally 100 ft east of the intersection of 9<sup>th</sup> Street and Court Street.
- The property is identified as APN 001-281-002.
- The parcel is currently developed.
- The parcel is currently zoned R-Single Family and Multiple Family Residential.
- The proposed rezone 2-18 would result in a rezone of proposed parcel 1 being 0.086 acres of RO-Residential Office.

- The property is bound by Single Family and Multiple Family Residential, to the north and east, General Commercial to the south and RO to the east.
- The property is not located within a FEMA Floodzone.
- The application is for a variance from ECC 3-2-5-G1, specifically the sideyard setback, lot width, and lot size.

### **Master Plan**

#### **Land Use:**

- The Land Use component of the Master Plan identifies this area as Mixed Use Downtown.

#### **Transportation**

- The property fronts Court Street, a collector roadway

### **Elko Wellhead Protection Plan**

- The property is located within the 5-year capture zone.

### **Section 3-2-5-F-Residential Office**

- Conformance with this section is required

### **Section 3-2-17-Traffic, Access, Parking and Loading Regulations**

- It appears that the property is in conformance with this section

### **Section 3-2-22-Variances**

#### **Procedure**

- The applicant states the section of code from which the variance has been requested.
- A legal description of the parcel has been provided.
- A plot plan showing the proposed location of property lines related to the location of the existing accessory structure is provided but is not by a properly licensed surveyor
- Filing fees have been deposited with the Planning Department.

#### **Application Requirements**

- **There are special circumstances or features, i.e., unusual shape, configuration, exceptional topographic conditions or other extraordinary situations or conditions applying to the property under consideration.**

The special circumstance(s) cited in the application has an existing primary structure that was constructed as a residential property and encroached into the interior sideyard setback. The structure was constructed prior to the existing codes being adopted and zoning being established.

The lot size is less than the minimum 5,000 sf lot allowed for existing lots of record.

- **The special circumstance or extraordinary situation or condition results in exceptional practical difficulties or exceptional undue hardships, and where the strict application of the provision or requirement constitutes an abridgment of property right and deprives the property owner of reasonable use of property.**

The applicant indicates a variance is required for the existing condition not meeting the required setbacks, lot width, or lot size of the RO zoning district.

- **Such special circumstances or conditions do not apply generally to other properties in the same zoning district.**

There are several properties in the vicinity of the proposed zone change that were developed and may not meet the required setbacks, lot width, or lot size of the RO District.

- **The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor be detrimental to the public interest, health, safety and general welfare.**

It does appear that granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor will granting of the variance be detrimental to the interest, health, safety and general welfare of the public.

- **The granting of the variance will not substantially impair the intent or purpose of the zoning ordinance or effect a change of land use or zoning classification.**

It does appear that granting of the variance will not substantially impair the intent or purpose of the Zoning Ordinance or effect a change in the land use.

- **The granting of the variance will not substantially impair affected natural resources.**

The Development Department has determined that granting of the variance will not impair natural resources.

### **Findings**

1. The special circumstances cited in the application are related to the existing conditions of the residential use and the property as developed does not conform to the current zone.
2. It does not appear that granting the variance will result in material damage or prejudice to other properties in the vicinity. Granting of the variance does not appear to be detrimental to the interest, health, safety and general welfare of the public.
3. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance.

4. Granting of the variance will not impair natural resources.

**Recommendation**

The City of Elko **Development Department** recommends that the variance be approved with the following conditions:

1. A variance is granted for the sideyard setback of the existing principle structure to be reduced to 0', the lot width is reduced to 37.5' and the lot size is reduced to 3,750 sf.
2. The garage is removed from the property.







**CITY OF ELKO**  
Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue · Elko, Nevada 89801 · (775) 777-7160 · Fax (775) 777-7119

---

January 30, 2018

Jason Land  
PO BOX 281329  
Lamoille, NV 89828

Re: Rezone No. 2-18 and Variance No. 1-18

Dear Applicant Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in black ink that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001241008	AGUIRRE, THERESA A		965 COURT ST	ELKO NV	89801-3942
001241012	AHLIN, JASON & MEGAN		530 N 300 E	SPANISH FORK UT	84660-1530
001241011	BECK, STEFAN W		PO BOX 1075	ELKO NV	89803-1075
001241034	BLACKMAN, DAVID A TR ET AL		997 COURT ST	ELKO NV	89801-3942
001241033	BLACKMAN, DAVID A TR ET AL		997 COURT ST	ELKO NV	89801-3942
001281005	BUCKNER, EDWARD V TR ET AL		784 PALACE PKWY	SPRING CREEK NV	89815-7438
001276004	CHADWICK FOUNDATION INC	C/O NEVADA BANI PO BOX 807		CALIENTE NV	89008-0807
001236001	ELKO ASSOCIATES LTD	C/O WESTSTATES   PO BOX 2688		ELKO NV	89803-2688
001282012	ETCHEBERRY, MARY M TR		97042 WOODSTORK LN	FERNANDINA BEACH FL	32034-0845
001273001	GALLAGHER, MARY LOUISE SEWELL T	JOHN GALLAGHER PO BOX 2838		RENO NV	89505-2838
001281001	GILBERT, PAUL L		13267 REEDLEY ST	PANORAMA CITY CA	91402-4019
001241007	GILLINS, DANIEL & IOLANDA		3533 RIDGECREST DR	ELKO NV	89801-2453
001282002	HEGUY, EMILY N		1020 COURT ST	ELKO NV	89801-3945
001281003	HILLS HOMES LLC		451 VALLEY BEND DR	SPRING CREEK NV	89815-5733
001276006	KUNZ PROPERTIES LLC		PO BOX 1465	HOLLISTER CA	95024-1465
001284004	KUNZ PROPERTIES LLC		PO BOX 1465	HOLLISTER CA	95024-1465
001276003	KUNZ PROPERTIES LLC		PO BOX 1465	HOLLISTER CA	95024
001281007	LAL, DIPAK BHAI ET A;		411 10TH ST	ELKO NV	89801-3903
001281008	LAUGHLIN, PATRICK J & CATALINA F		371 MOUNTAIN CITY HWY UNIT 7	ELKO NV	89801-9516
001281009	LOCKIE, DAVID B ET AL		919 IDAHO ST	ELKO NV	89801-3918
001241018	LOSTRA ENTERPRISES LLC		930 COLLEGE AVE	ELKO NV	89801-3420
001284003	MCCONNELL, JOEL A TR ET AL		1832 SEQUOIA DR	ELKO NV	89801-1612
001273003	MONTES DE OCA, DANNY & TAMMY S		1709 JANIE CT	ELKO NV	89801-7910
001273010	MOWRAY, SEAN & JUDITH E		2205 COLONIAL DR	ELKO NV	89801-4566
001284002	NEVADA BANK & TRUST CO		PO BOX 807	CALIENTE NV	89008-0807
001241013	NYREHN, DELMAR J & EVELYN C		596 9TH ST	ELKO NV	89801-3327
001282011	PAGE INVESTMENTS LLC		603 PINE ST	ELKO NV	89801-3543
001241005	PATTANI, JAMES A & PATRICIA L		1009 COURT ST	ELKO NV	89801-3944
001281006	PEREZ, GUADALUPE ET AL		700 LAST CHANCE RD UNIT 3	ELKO NV	89801-8747
001281010	R HANK WOODY LLC	C/O LIPPARELLI, P, 2633 SPEARPOINT DR		RENO NV	89509-7029
001273005	SALDANA-DERODRIGUEZ, CONSUELO		837 IDAHO ST	ELKO NV	89801-3825
001273004	SALDANA-DERODRIGUEZ, CONSUELO		837 IDAHO ST	ELKO NV	89801-3825
001282001	STEFLIK, DANIEL M & LAURIE JO		1010 COURT ST	ELKO NV	89801-3945

001241010	THIBAUT, ROBERT & ADELINE		901 COURT ST	ELKO NV	89801-3942
001273009	US BANK NATIONAL ASSOCIATION	LAKE0012	2800 E LAKE ST	MINNEAPOLIS MN	55406-1930
001273008	US BANK NATIONAL ASSOCIATION	LAKE0012	2800 E LAKE ST	MINNEAPOLIS MN	55406-1930
001273007	US BANK NATIONAL ASSOCIATION	LAKE0012	2800 E LAKE ST	MINNEAPOLIS MN	55406-1930
001285005	VAUGHN INDUSTRIAL PARK		316 CALIFORNIA AVE # 12	RENO NV	89509-1650
001280001	VAUGHN INDUSTRIAL PARK		316 CALIFORNIA AVE # 12	RENO NV	89509-1650
001281004	WAHRENBRUCK, JON A		1800 GRISWOLD DR UNIT 1	ELKO NV	89801-1625
001241014	WRIGHT, WILLIAM B JR TR ET AL		705 COURT ST	ELKO NV	89801-3330
001241009	ZELCO LLC SERIES 2		901 COURT ST	ELKO NV	89801-3942

## NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, February 6, 2018 beginning at 5:30 P.M. P.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

The specific items to be considered under public hearing format are:

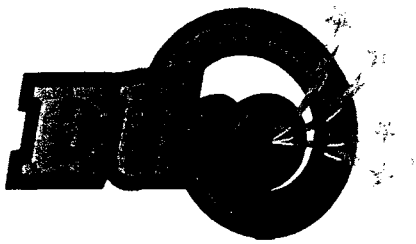
Rezone No. 2-18, filed by Jason B. Land, on behalf of Blaine Branscomb for a change in zoning from R (Single-Family and Multi-Family Residential) to RO (Residential Office), approximately 0.086 acres of property, specifically APN 001-281-002, located generally on the south side of Court Street, approximately 50 feet east of 9th Street, more particularly described as: Lot 10 & the Southwesterly ½ of Lot 9, Block 7 City of Elko, Nevada  
The intent of the zone change is to allow for a professional office.

### **And**

Variance No. 1-18, filed by Jason B. Land, on behalf of Blaine Branscomb for a reduction of the required lot area from 6,000 sq. ft. to 3,750 sq. ft., front lot width from 60 feet to 37.50 feet, and interior side yard setback from 5 1/2 feet to 0 feet, in conjunction with a zone change from R (Single-Family and Multi-Family Residential) to RO (Residential Office), and matters related thereto. The subject property is located generally on the south side of Court Street, approximately 50 feet east of 9<sup>th</sup> Street (910 Court Street, APN 001-281-002).

Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

**ELKO CITY PLANNING COMMISSION**



# CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue \* Elko \* Nevada \* 89801

(775) 777-7160 \* (775) 777-7119 fax

RECEIVED

## APPLICATION FOR VARIANCE

JAN 10 2018

APPLICANT(s): JASON B. LAND  
MAILING ADDRESS: P.O. Box 281329 LAMOILLE NV 89828  
PHONE NO (Home) 775-340-0062 (Business) 775-738-8811  
NAME OF PROPERTY OWNER (If different): \_\_\_\_\_

*(Property owner's consent in writing must be provided.)*

MAILING ADDRESS: \_\_\_\_\_

LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):

ASSESSOR'S PARCEL NO.: 001-281-002 Address 910 COURT STREET

Lot(s), Block(s), & Subdivision lot 10 the Southwesterly 1/2\*

Or Parcel(s) & File No. of lot 9, block 7 City of Elko Map 1

### FILING REQUIREMENTS:

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1<sup>st</sup> Tuesday of every month).

**Fee:** A \$100.00 non-refundable fee must be paid.

**Plot Plan:** A plot plan provided by a properly licensed surveyor depicting the existing condition drawn to scale showing property lines, existing and proposed buildings, building setbacks, parking and loading areas, driveways and other pertinent information must be provided.

**Elevation Plan:** Elevation profile of all proposed buildings or alterations in sufficient detail to explain the nature of the request must be provided.

**Note:** One .pdf of the entire application must be submitted as well as one set of legible, reproducible plans 8 1/2" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

**Other Information:** The applicant is encouraged to submit other information and documentation to support this Variance application.

The APPLICANT requests the following variance from the following section of the zoning ordinance:

3-2-5 (G1)

1. The existing zoning classification of the property R with rezone application to RO

2. The applicant shall present **adequate** evidence demonstrating the following criteria which are necessary for the Planning Commission to grant a variance:

a) Identify any special circumstances, features or conditions applying to the property under consideration. i.e., unusual shape, configuration, exceptional topographic conditions or other extraordinary situations or conditions

Property built in 1910 on property boundary.

b) Identify how such circumstances, features or conditions result in practical difficulty or undue hardship and deprive the property owner of reasonable use of property.

Property is existing but will be modified to current codes.

c) Indicate how the granting of the variance is necessary for the applicant or owner to make reasonable use of the property.

Property is existing. Demolition is no feasible.

d) Identify how such circumstances, features or conditions do not apply generally to other properties in the same Land Use District.

Court Street is an older portion of the city with all the properties built in the setbacks.

e) Indicate how the granting of the variance will not result in material damage or prejudice to other properties in the vicinity nor be detrimental to the public health, safety and general welfare.

west street, has many properties  
built in the setbacks. It is  
surrounded by several businesses in the area.

f) Indicate how the variance will not be in conflict with the purpose or intent of the Code.

The property is existing.

g) Indicate how the granting of the variance will not result in a change of land use or zoning classification.

It won't as it is currently  
zoned R & applicable zoning  
RO has been applied for.

h) Indicate how granting of the variance will not substantially impair affected natural resources.

It won't.

3. Describe your ability (i.e. sufficient funds or a loan pre-approval letter on hand) and intent to construct within one year as all variance approvals **must** commence construction within one year and complete construction within 18 months per City Code Section 3-2-22 F.1.:

Property is existing & will be remodeled  
in allotted time.

**(Use additional pages if necessary to address questions 2a through h)**

**This area intentionally left blank**



**By My Signature below:**

I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspecting said property as part of this application process.

I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

I have carefully read and completed all questions contained within this application to the best of my ability.

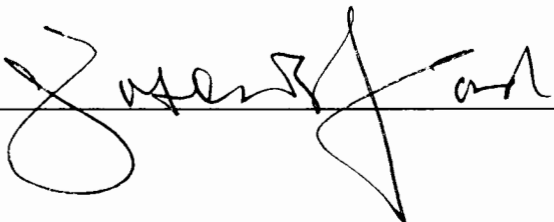
**Applicant / Agent** JASON B. LADD  
(Please print or type)

**Mailing Address** P.O. Box 281329  
Street Address or P.O. Box

LAMOILLE NV 89828  
City, State, Zip Code

Phone Number: 775-340-0062

Email address: jason.ladd@edwardjones.com

**SIGNATURE:** 

---

**FOR OFFICE USE ONLY**

**File No.:** 1-18 **Date Filed:** 1/10/18 **Fee Paid:** \$100 CK# 1016

RECEIVED

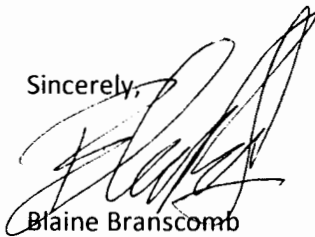
JAN 10 2018

City of Elko Planning Department  
1751 College Avenue  
Elko, NV 89801

Dear Sir or Madam,

I am the owner of 910 Court Street, Elko NV 89801. I approve and consent to Jason Land applying for both a variance and zone change to the aforementioned property. My mailing address is 101 Court Street, Elko NV 89801. Furthermore, I can be reached at (775) 934-1150.

Sincerely,

A handwritten signature in black ink, appearing to read "Blaine Branscomb", written over the word "Sincerely,".

Blaine Branscomb

## Cathy Laughlin

---

**From:** Land, Jason B <Jason.Land@edwardjones.com>  
**Sent:** Wednesday, January 10, 2018 2:19 PM  
**To:** Cathy Laughlin  
**Subject:** 910 Court Street

Cathy,

Thank you for your help today. My intent is to demolish the garage to make room for parking.

My Best

**Jason B. Land, AAMS | Financial Advisor**  
2213 N. 5th Street, Suite A  
Elko, NV 89801  
Telephone: 775-738-8811  
Fax: 888-789-5186

**Administrative Questions?**

[diana.chaffin@edwardjones.com](mailto:diana.chaffin@edwardjones.com)

[brittany.sarman@edwardjones.com](mailto:brittany.sarman@edwardjones.com)

**We are unable to execute trade instructions via email**

"The worst things you can do for the ones you love are the things they could and should do for themselves."—Abraham Lincoln

Jason Land, AAMS®  
Financial Advisor  
Edward Jones  
2213 North 5th Street  
Suite A  
Elko, NV 89801-2458  
(775) 738-8811  
[www.edwardjones.com](http://www.edwardjones.com)

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**Elko City Planning Commission  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on the 2017 Annual Report of Planning Commission activities. FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: *MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS*
4. Time Required: **10 Minutes**
5. Background Information: **Pursuant to City Code Section 3-4-23, the Planning Commission is required to prepare and present an annual report of its activities to the City Council.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information:
8. Recommended Motion: **Move to approve the 2017 Annual Report of Planning Commission Activities as presented, and forward a recommendation to City Council to approve the report.**
9. Prepared By: **Cathy Laughlin, City Planner**
10. Agenda Distribution:

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/6**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: 2017 Planning Commission Annual Report

Applicant(s): N/A

Site Location: N/A

Current Zoning: N/A Date Received: N/A Date Public Notice: N/A

COMMENT: This is to approve the 2017 Planning Commission Annual Report.

\*\*If additional space is needed please provide a separate memorandum\*\*

Assistant City Manager: Date: 1/30/18 Recommend approval

SHW

Initial

City Manager: Date: 2/1/18 No comments/concerns.

CC

Initial

**City of Elko  
Planning Commission  
2017 Annual Report**

**Chairman Aaron Martinez**

**Vice-Chairman David Freistroffer**

**Secretary Jeff Dalling**

**Commissioner John Anderson**

**Commissioner Kevin Hodur**

**Commissioner Tera Hooiman**

**Commissioner Stefan Beck**

# ***APPLICATIONS PROCESSED***

*A summary of the tasks and accomplishments of the City of Elko Planning Commission for the 2017 calendar year:*

<u>Application</u>	<u>2017</u>	<u>2016</u>	<u>2015</u>
Annexations	3	1	3
Boundary Line Adjustments (admin.)	1	4	4
Conditional Use Permits	6	4	10
Appeals (City Council)	1	0	0
Curb, Gutter, Sidewalk Waivers	1* (C.C.)	3* (C.C.)	5 (C.C)
Appeals (City Council)	0	0	0
Home Occupation Permits (admin.)	37*	43*	39*
Land Sales/Leases/Acquisitions (C.C.)	2*	2*	2*
Parcel Maps (mostly administrative)	8*	7	10*
Parking Waivers	0	0	1
Reversions to Acreage (City Council)	2	5	1
Revocable Permits (mostly City Council)	4	3	3*
Rezones	12	10	15*
Appeals (City Council)	0	0	1
Subdivisions			
Pre-Applications, Stage 1	0	2	2
Preliminary Plats	2	2	2
Final Plats	2	4	6
Temporary Sign Clearances (admin.)	4	3	5
Temporary Use Permits	4	3	4
Vacations	1	3	9
Variances	5	2	6*
* see next page	<b>TOTAL</b>	<b>95</b>	<b>101</b>
		<b>128</b>	

# ***APPLICATIONS PROCESSED Cont.***

## **Application**

### **Curb, Gutter, & Sidewalk Waivers**

1 – 2015 application on hold

2 – 2016 applications on hold

1 – 2017 application on hold

### **Home Occupation Permits (admin.)**

1 – 2017 application paid but never finished

1 – 2017 application withdrawn

2 – 2016 applications paid but never finished

1 – 2016 application withdrawn

2 - 2015 applications paid but never finished

### **Land Sales/Leases/Acquisitions (C.C.)**

1 – 2017 application in progress

1 - 2015 application refunded

1 - 2015 application on hold

### **Parcel Maps**

3 – 2017 applications refunded

1 - 2015 application refunded

### **Revocable Permits**

1 - 2015 application refunded

### **Rezones**

1 - 2015 application withdrawn and money applied to a new application

### **Variances**

1 - 2015 application refunded



***INTERACTION WITH and SUPPORT OF  
the  
REDEVELOPMENT AGENCY  
and the  
REDEVELOPMENT ADVISORY COUNCIL***

- **Analyzed applications within the Redevelopment Area for general conformance with the Redevelopment Plan.**
- **Commissioner Dalling is a member of the Redevelopment Advisory Council and therefore keeps the Planning Commission informed of redevelopment happenings.**

***CITY OF ELKO  
MASTER PLAN and other  
PROJECT PLANS***

- **Completed a new zoning district along the 5<sup>th</sup> Street corridor to be consistent with the City of Elko Master Plan**
- **Final Stages of Amendment to The Land Use Component, Transportation Component, and several Atlas Maps of the City of Elko Master Plan. (In Progress)**
- **Updated the City of Elko Land Inventory.**
- **Zoning revisions or clarification on properties throughout the City of Elko. (Ongoing)**
- **Review zoning for the RMH districts, revise map. (In progress)**

***CITY OF ELKO  
ZONING and SUBDIVISION  
ORDINANCE and CITY CODE  
AMENDMENTS***

- **Section 3-2-22 Street Designs – Address rural road standards for improvement. (In Progress)**
- **New Residential Business District for the 5<sup>th</sup> Street Corridor was completed.**
- **Ordinance 818 an update to Section 3-2-18 (G) for Home Occupations was completed.**
- **Add Section 3-2-29 Marijuana Establishments and Medical Marijuana Establishments Prohibited. (In Progress)**
- **Revisions to the Planning Department applications and fee schedule. (In Progress)**
- **Revisions to the Section 3-9 Sign Ordinance. (In progress)**
- **Revisions to Sections 3-3 Subdivisions (In progress)**

# ***PLANNING DEPARTMENT FILING FEES COLLECTED***

	<u>2017</u>	<u>2016</u>
Annexations	\$ 2,250	\$ 500
Conditional Use Permits	\$ 4,875	\$ 3,000
Curb, Gutter and Sidewalk Waivers	\$ 50	\$ 150
Home Occupation Permits	\$ 800	\$ 1,075
Parking Waivers	\$ 0	\$ 0
Parcel Maps	\$ 1,425	\$ 1,825
Reversions to Acreage	\$ 600	\$ 1,500
Revocable Permits	\$ 1,600	\$ 1,200
Rezoning	\$ 3,000	\$ 3,000
Subdivisions	\$ 6,925	\$ 7,125
Temporary Use Permits	\$ 400	\$ 600
Vacations	\$ 600	\$ 1,800
Variances	\$ 500	\$ 200

**TOTAL FEES COLLECTED FOR 2017  
\$ 23,025**

**2016 - \$21,975 (difference of \$1,050)**

**Elko City Planning Commission  
Agenda Action Sheet**

1. Title: **Review and consideration of Annexation No. 2-17, filed by Surebrec Holdings, LLC, consisting of approximately 62.03 acres of property located northeast of the intersection of Statice Street and Delaware Avenue, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: ***NEW BUSINESS, MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS***
4. Time Required: **15 Minutes**
5. Background Information: **The subject property is located northeast of the intersection of Statice Street and Delaware Avenue. (APN 006-10C-006). The property owner recently acquired the property from the State of Nevada.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Forward a recommendation to City Council to adopt an ordinance which conditionally approves Annexation No. 2-17 subject to the following conditions: (stated in City Planner memo)**
9. Findings:
  - **The annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of IC- Industrial Commercial would ensure conformance with the land use designation shown in the Master Plan.**
  - **The annexation is consistent with the City's Transportation Component of the Master Plan.**
  - **Annexation of the property provides an immediate accrual to the tax base for the City.**
  - **Annexation of the property does provide the opportunity for continued light industrial and commercial land uses along Ruby Vista Drive, a Minor Arterial and Statice Street, an Industrial Collector ensuring the highest and best uses of the proposed roadways.**
  - **The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, identifies the area as having potential for annexation.**

(Continued on Back)

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/6**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: Annexation 2-17

Applicant(s): Surebrec Holdings, LLC

Site Location: 006-10C-006 NE corner of Static + Delaware

Current Zoning: (AG) ~~per annex~~ Date Received: 11/02/17 Date Public Notice: #2312 N/A

COMMENT: This is to annex approx. 6203 acres into the city limits located on the northeast corner of Static Street and Delaware Avenue.

\*\*If additional space is needed please provide a separate memorandum\*\*

Assistant City Manager: Date: 1/26/18 recommend approval as presented by staff

SAW

Initial

City Manager: Date: 2/1/18 No comments/concerns.

cc

Initial



City of Elko  
1751 College Avenue  
Elko, NV 89801  
(775) 777-7160  
FAX (775) 777-7119

## CITY OF ELKO STAFF REPORT

**DATE:** January 26, 2018  
**PLANNING COMMISSION DATE:** February 6, 2018  
**AGENDA ITEM NUMBER:** I. B. 2.  
**APPLICATION NUMBER:** Annexation 2-17  
**APPLICANT:** Surebrec Holdings, LLC  
**PROJECT DESCRIPTION:** 62.03 Acres  
**ADDITIONAL APPLICATION:** Rezone 10-17

An annexation of approximately 62.03 acres. The parcel is located in Elko County adjacent to city property as shown below.



**STAFF RECOMMENDATION:**

RECOMMEND APPROVAL, subject to findings of fact and conditions as stated in this report.

## **PROJECT INFORMATION**

**PARCEL NUMBER:** 006-10C-006

**PARCEL SIZE:** 62.03 Acres

**EXISTING ZONING:** General Agriculture (Elko County) applicant has requested Industrial Commercial zoning under rezone application 10-17

**MASTER PLAN DESIGNATION:** Industrial Business Park (IND-BS PARK)

**EXISTING LAND USE:** Undeveloped

### **NEIGHBORHOOD CHARACTERISTICS:**

- The property is surrounded by:
  - North: Elko County Property / Undeveloped
  - West: Elko County Property / Partially developed Residential
  - South: Industrial Business Park (IBP) / Developed
  - East: I-80 corridor

### **PROPERTY CHARACTERISTICS:**

- The property is currently undeveloped.
- The property will be accessed from Ruby Vista Drive and Statice Street

### **MASTER PLAN AND CITY CODE SECTIONS:**

Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012
- Nevada Revised Statutes - 268.610 to 268.670, inclusive
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Wellhead Protection Program

### **BACKGROUND INFORMATION:**

1. The petition has been filed by Surebrec Holdings, LLC.
2. The applicant owns the property.
3. The petition includes all of APN 006-10C-006 lying northwesterly of the I-80 interstate right-of-way. The area was a portion of a larger property controlled by the State of



- Nevada. The City Council took action May 23, 2017 committing two-acre feet of water to Surebrec Holdings LLC in order to facilitate County approval of the parcel map to facilitate transfer of ownership.
4. The City Council accepted the petition for the subject annexation on January 23, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission.
  5. Annexation of the property is consistent with the Master Plan Landuse Component and Transportation Component of the plan.
  6. The area fronts the I-80 corridor and Statice Street.
  7. The area is identified as having annexation potential in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012.
  8. City water mains are located adjacent to the I-80 frontage and the Statice Street frontage
  9. Sanitary sewer exists in Ruby Vista Drive but is too shallow to be utilized as a point of connection for gravity service. A lift station and forced main could be considered for this point of connection. A more practical point of connection would require a bore under I-80 to a point of connection near Union Pacific Way.
  10. Other non-city utilities are located in the immediate vicinity.
  11. Annexation of the property promotes the extension of Ruby Vista Drive as a frontage roadway adjacent to the I-80 corridor.
  12. The property is encumbered with several utility easements. All the easement are logically located with the exception of the unknown location of an AT&T utility. There is an existing easement and utility agreement between the State of Nevada and the City that will require amendment. The agreement contains provisions governing utility easements located on the property. The applicant is agreeable to the proposed amendments. City Council accepted the petition for the subject annexation on January 23, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission.
  13. Elko County was notified of the proposed annexation on January 16, 2018. They responded on January 24, 2018 with no concerns.
  14. The applicant has requested an Industrial/Commercial zone classification for the area upon annexation of the property. The application is being processed concurrent with the annexation application.

## **MASTER PLAN:**

### **Land Use:**

1. Land Use is shown as Industrial Business Park.
2. The petitioner has filed an application for an Industrial/Commercial (IC) district to be designated on the property upon annexation of the property. The application will be processed in conjunction with the annexation application but acted on separately.
3. Supporting zone districts for Industrial Business Park are Industrial Business Park, Light Industrial and Industrial Commercial.
4. Objective 5: Encourage development that strengthens the core of the City, and new annexations that are logical and orderly and do not promote sprawl.
5. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.

6. Objective 8: Encourage new development that does not negatively impact countywide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed annexation is in conformance with the Land Use Component of the Master Plan.

**Transportation:**

1. The area will be accessed from Statice Street or Ruby Vista Drive. The area could also be accessed from Delaware Avenue, which would be considered a secondary access.
2. Statice Street is classified as an Industrial Collector.
3. Ruby Vista Drive is classified as a Minor Arterial.
4. Delaware Avenue is classified as a local roadway.

The proposed annexation is compatible with the Transportation Component of the Master Plan. Master Plan.

**DEVELOPMENT FEASIBILITY, LAND USE, WATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE AND ANNEXATION POTENTIAL REPORT – NOVEMBER 2012**

1. The area is identified as having annexation potential as shown in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012.
2. The area can be served of the existing 5400 water zone. There is a 24-inch water line along the frontage of Statice Street. There is a 24-inch water line fronting the property on the I-80 frontage.
3. There is power located on Statice Street frontage as well as at the intersection of Ruby Vista Dr. and Statice Street.
4. There is natural gas located at the intersection of Ruby Vista Dr. and Statice Street.
5. Developable area is estimated to be approximately 62.03 acres less typical roadway and utility reductions.
6. The property is currently undeveloped.
7. Sewer is currently not available in this location. Design of sewer may take into consideration boring under I-80 to Union Pacific Way.
8. Annexation of the area is logical and orderly and supports long range planning in the City's Master Plan.

The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the report.

**NEVADA REVISED STATUTE:**

**NRS 268.636(1)** states whenever the majority of property owners of any territory lying **contiguous** to a city desire to annex such territory to the city, they may cause an accurate map of plat of the territory to be made under the supervision of a competent surveyor. The map is to be filed with the city.

The property owner's representative has submitted the required map. The applicant owns the entire area proposed for annexation. The property boundary is approximately 7,149.86 feet with 3,431 feet contiguous to City of Elko boundary on the south, I-80 frontage and east lot lines. This

equates to approximately 48% of the property boundary as contiguous to the City's incorporated boundary.

**NRS 268.646 requires minimum factors to be considered in the review of a proposed annexation.**

**NRS 268.646(1)** requires the evaluation of factors such as population, population density, land area and land uses, per capita assessed valuation, topography, proximity to other populated areas and the likelihood of significant growth within the next 10 years in the area and adjacent areas.

The total area proposed for annexation is approximately 62.03 acres.

The topography of the area is well suited for the proposed commercial and light industrial land uses.

The location and proposed land uses of the area are supported by existing and proposed roadways.

There is a high probability of property development based on recent and current property development in the immediate vicinity. There is a lack of additional acreage for this type of land use promoting efficient utilization of the existing and proposed roadways located in this area of the community.

**NRS 268.646 (2)** requires the evaluation for the need for organized community services, the present cost of and adequacy of governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

**General**

Annexation of the property does provide the opportunity to provide continued light industrial and commercial land uses along Ruby Vista Dr.

**Land Division and Potential Zoning**

The property is undeveloped. The property is large enough to support parceling or subdivision as it is currently one large undeveloped parcel.

The application identifies the zoning classification that is being requested upon annexation of the property as Industrial Commercial. The purpose of the (IC) Industrial Commercial zoning district is to provide and preserve transitional areas characterized by surrounding commercial and industrial districts appropriate for a mixture of commercial uses and small scale industrial uses which are not associated with excessive levels of noise, dust, odor, vibration or smoke.

The proposed zoning would be complimentary to the land use shown in the Master Plan.

**Sewer**

Sanitary sewer does not exist in the immediate area. Sewer service will be extended into the area as property development occurs.

### **Water**

City of Elko water exists in the immediate area. The property can be served off the existing 5400 water zone with the water line that exists on the Statice Street frontage as well as the line existing on the I-80 frontage.

### **Access**

Primary access will be from Statice Street, an Industrial Collector and/or from Ruby Vista Drive, a Minor Arterial.

### **Other Services**

The size and location of the property will not place any significant burden on other City services.

**NRS 268.646(3)** requires the evaluation of the proposed annexation and of alternative actions on adjacent areas, on mutual social and economic interests and on local governmental structure of the county.

Annexation of the property is not expected to have any long-term adverse impacts on adjacent areas. The area fronts the I-80 right-of-way and light industrial development. The area is isolated from County residential development by either developed roadways or access easements. Code requirements for property development and uses allowed in the proposed district and/or the designated land use in the Master Plan will ensure that property development will not have an adverse impact on surrounding areas.

Development of the property will result in a positive economic impact to the community.

Annexation and development of the property will not adversely influence the local government structure of the County nor the City.

**NRS 268.646(4)** requires the evaluation of the proposed annexation and of alternative actions upon the availability of water and requirement of water and other natural resources throughout the affected area.

The City currently has approximately 18,000-acre feet of water rights available and is utilizing approximately 50% of that supply. Based on the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, there was projected deficit of 700 – 800 (3.8% – 4.4% of the total) acre feet of water to serve annexed areas in addition to areas identified as having annexation potential. Upon adoption of the report, the Council determined that through optimization of the plan and optimization of water usage, the projected shortfall did not present a significant concern. Areas identified in the report as having annexation potential provide orderly and logical growth of the City and are generally aligned with future transportation and utility corridors.

The Council has taken action, subsequent to the adoption of the report, to approve a realignment of Errecart Blvd. reducing area required for annexation along the Errecart Blvd alignment. This decision has resulted in a net reduction of projected water consumption by over 500 acre feet, nearly offsetting the projected deficit referenced.

Proper storm water controls would mitigate any potential impacts from storm water runoff.

Annexation of the property will not negatively impact other natural resources in the area.

**NRS 268.646(5)** requires a determination by the Bureau of Land Management that the territory proposed to be annexed is suitable for residential, commercial, or industrial development, or will be opened to private acquisition.

The area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management.

**NRS 268.646(6)** requires a determination that the annexation is consistent with any applicable comprehensive regional plan, area plan or master plan and any program of annexation adopted and certified pursuant to NRS 268.625.

The City of Elko Master Plans specifically addresses the annexation of property under Objective 5 as outlined in Best Practice 5.1 and Best Practice 5.3. City Staff has identified areas having potential for annexation that promote logical and orderly growth of the community. Those areas are identified in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. The proposed annexation is in an area that is identified as having annexation potential.

The Land Use component of the Master Plan contains an exhibit showing the area as Industrial Business Park, which is consistent with the corresponding zoning district of Industrial Commercial.

**NRS 268.663(3)** requires the portions of the county roads, which provide the primary access to the subdivision, are also annexed and become city streets.

Delaware Avenue is currently a partially developed County roadway. The westerly portion of the roadway (developed) is dedicated right-of-way. The easterly portion of the roadway is recorded as an access easement and is undeveloped. Staff is recommending a condition of the annexation for the applicant to dedicate the easement portion of the roadway as a right-of-way allowing for the potential development of the roadway if required. The dedication of right-of-way would extend past the Delaware Ave. and Aster Street intersection. Delaware Avenue will not be the primary access to the property but may be developed as a secondary access.

Ruby Vista Drive currently ends at the intersection of Statice Street. Staff is recommending a condition of the annexation that the applicant to dedicate Ruby Vista Drive frontage as a right-of-way allowing for the development of the roadway for primary access to the parcel and a continuation of Ruby Vista Drive. The right-of-way will connect to right-of-way of record acquired under prior annexations.

Statice Street as a partially developed roadway located within the City's incorporated boundary. Statice Street has been developed within an existing 62' wide roadway easement. Staff is recommending as a condition of the annexation that the applicant to dedicate Statice Street 20' wide easement as a right-of-way allowing for the development and full build out of Statice Street to be utilized as primary access to the parcel.

#### **City Code Section 3-2-4**

The petitioner has filed an application for an Industrial/Commercial (IC) district to be designated on the property upon annexation of the property. The application will be processed in

conjunction with the annexation application but acted on separately.

The following section of code provides the Planning Commission and City Council the discretion to designate an appropriate zone district after holding the appropriate public hearing:

Section 3-2-4 D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

### **CITY OF ELKO WELLHEAD PROTECTION PROGRAM**

The property is adjacent to an existing well and therefore a portion of the property is within the 2-year capture zone and the remainder of the parcel is within the 5-year capture zone. Future development will require conformance to the City of Elko Wellhead Protection Program.

### **FINDINGS**

1. The annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of IC- Industrial Commercial would ensure conformance with the land use designation shown in the Master Plan.
2. The annexation is consistent with the City's Transportation Component of the Master Plan.
3. Annexation of the property provides an immediate accrual to the tax base for the City.
4. Annexation of the property does provide the opportunity for continued Light Industrial and Commercial land uses along Ruby Vista Drive, a Minor Arterial and Statice Street, an Industrial Collector ensuring the highest and best uses of the proposed roadways.
5. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, identifies the area as having potential for annexation.
6. The area proposed for annexation is not localized or isolated.
7. The area proposed for annexation promotes development of future transportation and utility corridors thus promoting future growth opportunities for the City.
8. Annexation of the area will not have any immediate or negative impact on City resources. The area is located within the existing 5400 water zone and can be served from existing infrastructure.

9. Other, required, utilities such as sewer, power and gas will be installed at developer expense to facilitate development of the property.
10. The topography of the area is well suited for the proposed commercial and light industrial land uses.
11. Development of the property will result in a positive economic impact to the community.
12. Annexation and development of the property will not adversely influence the local government structure of the County nor the City.
13. The proposed annexation satisfies considerations and/or concerns identified as minimum factors for consideration under NRS 268.646

**STAFF RECOMMENDATION:**

Staff recommends conditional approval of Annexation 2-17 to be forwarded to the City Council based on the conditions outlined below. If approved by the City Council, the conditions will be included in the annexation ordinance.

**Planning Department:**

1. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.
2. Right-of-Way for Delaware Avenue shall offered for dedication through the intersection with Aster Street. The offer of dedication shall be filed with the City with 45 days of annexation.
3. Right-of Way for Statice Street shall be offered for dedication from the intersection of Delaware Avenue extending to the intersecting property line of APN 001-860-065. The remainder of the easement shall remain for the designated use. The offer of dedication shall be filed with the City with 45 days of annexation.
4. Right-of Way for Ruby Vista shall be offered for dedication connecting existing right-of-way to the west and to the east. The offer of dedication shall be filed with the City with 45 days of annexation.

**Development Department:**

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.
2. The property owners present a deed of dedication for right-of-way for Delaware Street, Statice Street, and Ruby Vista Drive, within 45 days of acceptance of the annexation by the City. The property owner shall work with City on the alignment of these right-of-ways prior to being offered for dedication.
3. It appears from map 730066 that the property may be encumbered by an existing easement for ATT fiber, the map does not indicate the location of this easement through the parcel. The property owner shall contact AT&T, verify the location of the AT&T easement, and provide documentation of that location to the City. This condition is to be satisfied prior to concurrent with property development.

**Utility Department:**

1. Applicant vacates the existing waterline easements and replaces the easements with a right-of-way.





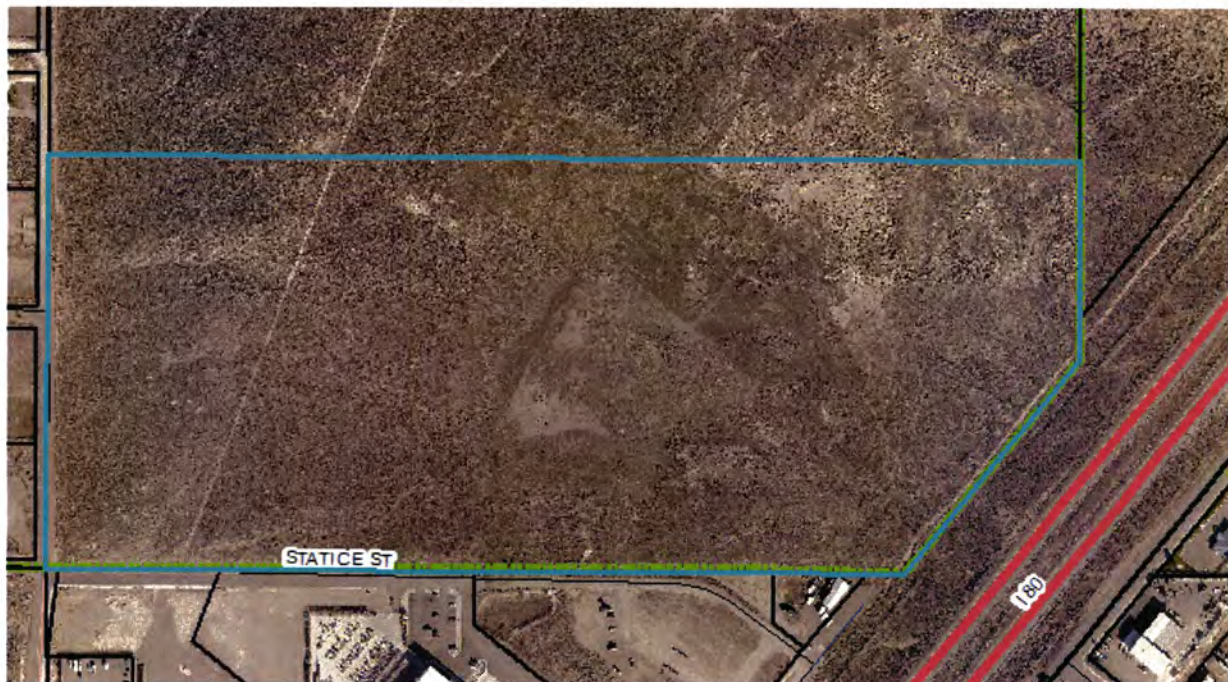
**CITY OF ELKO  
DEVELOPMENT DEPARTMENT  
1755 COLLEGE AVENUE  
ELKO, NEVADA 89801  
(775)777-7210  
(775)777-7219 FAX**

To: Planning Commission  
From: Jeremy Draper, Development Department  
Date: January 18, 2018  
Re: Annexation Petition 2-17, Surebrec Holding, LLC

The City of Elko Development Department has reviewed the annexation application offers the following comments for consideration to aid the Planning Commission's review of the above referenced application: Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Streets and Highways Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012
- Nevada Revised Statutes - 268.610 to 268.670, inclusive
- City of Elko Zoning – Section 3-2-4 Zoning Districts
- City of Elko Wellhead Protection Program

**BACKGROUND INFORMATION:**



1. The petition includes that portion of APN 006-10C-006 lying just north of the intersection of Ruby Vista Drive and Statice St and contains approximately 62.03 acres of land.
2. The area is identified as having annexation potential as shown in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012.
3. The area fronts Statice Street, Ruby Vista Drive and Delaware Avenue.
4. There is City water and City sewer within the vicinity of the property.
5. The City has a non-exclusive waterline easement as was granted by the State and is record number 604499. It appears that this agreement provided for a specific number of water taps in part for the easements being granted.
6. Other non-city utilizes are located in the immediate area.
7. The area was included in the land use component of the master plan showing the area as Industrial Business Park.
8. The applicant has indicated they will request a rezone for an Industrial Commercial District in conjunction with the annexation application, this is being reviewed as rezone application 10-17.
9. The proposed annexation is logical and orderly.

#### **MASTER PLAN:**

##### **Land Use:**

1. Land Use is shown as Industrial Business Park.
2. The petitioner has submitted an application, rezone 10-17, for the rezone to an IC-Industrial Commercial District.
3. Section 3-2-4-D of City Code states that a review of conformance with the City master plan, including land use designation shall be performed by the planning commission. The applicant has applied for a rezone to an IC-Industrial Commercial District zone.
4. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
5. Objective 8: Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

##### **Transportation:**

1. The area fronts Statice Street, an Industrial Collector, Ruby Vista Drive, a Minor Arterial, and Delaware Street, a local roadway.
2. Delaware Street currently exists as a 30' wide roadway within Section 35, and a 30' wide easement and right-of-way within Section 36 on the property considered for annexation. As a condition of annexation this 30' easement should be offered for dedication as right-of-way.
3. Statice Street exists as an existing 62' wide future roadway, access, drainage and utility easement within the City, on the properties south of this property considered for annexation. There is an existing 20' wide waterline easement along the southern property line and adjacent to the roadway easement. The developer shall dedicate this 20' easement as right-of-way, expanding the right-of-way at the Delaware Street intersection to provide a better alignment up to a point where Statice Street changes directions, the remainder should be dedicated as a utility easement.

4. Ruby Vista Drive contains a 20' waterline easement over the existing waterline. The City has determined the appropriate alignment for Ruby Vista Drive and has completed a legal description for this right-of-way this right-of-way shall be offered for dedication as part of the annexation.

**DEVELOPMENT FEASIBILITY, LAND USE, WATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE AND ANNEXATION POTENTIAL REPORT – NOVEMBER 2012**

1. The area is identified as having annexation potential.
2. This area is adjacent to developed property currently located within the incorporated boundary of the City.
3. The area can be served off of the existing 5400 water zone. A water line is existing in Statice Street and Ruby Vista Drive.
4. Developable area is estimated to be approximately 62.03 acres, the property is currently undeveloped. For industrial properties the assumed density is approximately 1 unit per 13.4 acres, or a total of 4.6 units of Industrial property. The assumption for commercial properties is 1 unit per 2.5 acres, or a total of 24.8 units of Commercial property. It can be anticipated as this property develops within the IC zoning district a mixture of Industrial and Commercial uses will be developed.
5. Sewer is currently unavailable in this location. There is a sewer main within the Ruby Vista Drive right-of-way, approximately 700' southwest of this property within the Ruby Vista Drive right-of-way. However this sewer main is too shallow to be extended and provide service to this property. The City utility plan identified this area to be served by sewer resulting from a bore underneath I-80.
6. Annexation of the area is logical and orderly.

**NEVADA REVISED STATUTE:**

**NRS 268.636(1)** states whenever the majority of property owners of any territory lying **contiguous** to a city desire to annex such territory to the city, they may cause an accurate map of plat of the territory to be made under the supervision of a competent surveyor. The map is to be filed with the city.

The property owner's representative has submitted the required map.

**NRS 268.646 requires minimum factors to be considered in the review of a proposed annexation.**

**NRS 268.646(1)** requires the evaluation of factors such as population, population density, land area and land uses, per capita assessed valuation, topography, proximity to other populated areas and the likelihood of significant growth within the next 10 years in the area and adjacent areas.

The total annexed area consists of approximately 62.03 acres.

The property is currently undeveloped and proposed to be developed as an IC property. There are existing county residential properties to the west of this property that appear to be fully developed. The proposed zone does provide for a mix of commercial and industrial properties. It does not appear that there will be any adverse effects on population or significant growth in population resulting from this annexation.

**NRS 268.646 (2)** requires the evaluation for the need for organized community services, the present cost of and adequacy of governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

### **General**

Annexation of the property does provide the opportunity to provide continued light industrial land use along Ruby Vista Drive, a Minor Arterial.

### **Land Division and Potential Zoning**

The property is undeveloped. Developable area is estimated to be approximately 62.03 acres, the property is currently undeveloped. For industrial properties the assumed density is approximately 1 unit per 13.4 acres, or a total of 4.6 units of Industrial property. The assumption for commercial properties is 1 unit per 2.5 acres, or a total of 24.8 units of Commercial property. It can be anticipated as this property develops within the IC zoning district a mixture of Industrial and Commercial uses will be developed.

The application identifies the zoning classification requested upon annexation as IC-Industrial Commercial.

The purpose of the IC zoning district is to provide and preserve transitional areas characterized by surrounding commercial and industrial districts appropriate for a mixture of commercial uses and small scale industrial uses which are not associated with excessive levels of noise, dust, odor, vibration or smoke.

### **Sewer**

Sewer is currently unavailable in this location. There is a sewer main within the Ruby Vista Drive right-of-way, approximately 700' southwest of this property within the Ruby Vista Drive right-of-way. However this sewer main is too shallow to be extended and provide service to this property. The City utility plan identified this area to be served by sewer resulting from a bore underneath I-80.

### **Water**

City of Elko water service exists in the Ruby Vista Drive and Statrice Street areas, this property can be serviced from the existing 5400 water zone.

### **Access**

A proposed layout of facilities has not been provided for this property but it is expected that primary access will be from either Ruby Vista Drive, or Statrice Street.

### **Other Services**

The size and location of the property is not expected to place any significant burden on other City services.

**NRS 268.646(3)** requires the evaluation of the proposed annexation and of alternative actions on adjacent areas, on mutual social and economic interests and on local governmental structure of the county.

Annexation of the property is **not** expected to have any long-term adverse impacts on adjacent areas.

**NRS 268.646(4)** requires the evaluation of the proposed annexation and of alternative actions upon the availability of water and requirement of water and other natural resources throughout the affected area.

The City currently has approximately 18,000 acre feet of water rights available and is utilizing approximately 50% of that supply. Based on the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, the City could face a potential **shortfall** of 700 – 800 acre feet of water to serve annexed areas in addition to areas identified as having annexation potential. Areas identified as having annexation potential provide orderly and logical growth of the City and are generally aligned with future transportation corridors.

Proper storm water controls would mitigate any potential impacts from storm water runoff.

Annexation of the property will not negatively impact other natural resources in the area.

**NRS 268.646(5)** requires a determination by the Bureau of Land Management that the territory proposed to be annexed is suitable for residential, commercial, or industrial development, or will be opened to private acquisition.

The area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management.

**NRS 268.646(6)** requires a determination that the annexation is consistent with any applicable comprehensive regional plan, area plan or master plan and any program of annexation adopted and certified pursuant to NRS 268.625.

The City of Elko Master Plans specifically addresses the annexation of property under Objective 5 as outlined in Best Practice 5.1 and Best Practice 5.3. City Staff has identified areas having potential for annexation that promote logical and orderly growth of the community. The proposed annexation is in an area that is identified as having annexation potential.

The Land Use component of the Master Plan contains an exhibit showing the area as industrial business park.

**NRS 268.663(3)** requires the portions of the county roads which provide the primary access to the subdivision are also annexed and become city streets.

Delaware Street exists partially as a dedicated right-of-way and partially as an easement, a condition of annexation will be dedicate the other half of this right-of-way. It is not anticipated that this right-of-way will provide primary access to this parcel.

**City Code Section 3-2-4**

A companion rezone application has been filed with the City requesting a zone of IC-Industrial Commercial.

The following section of code provides the PC and CC the discretion to designate an appropriate zone district after holding the appropriate public hearing:

Section 3-2-4 D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

### **CITY OF ELKO WELLHEAD PROTECTION PROGRAM**

The property is located within the 5 year capture area, with a portion in the southeast corner of the property within the 2 year capture area of the wellhead protection area. Conformance with this plan is required.

### **SUMMARY**

#### **Factors for consideration**

1. The area is identified as having annexation potential in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. The annexation of this property appears to promote the logical and orderly growth of the City.
2. The area is identified in the Master Plan as suitable for industrial business park land use.
3. The City resources committed in support for development of the property under an IC land use are minimal.
4. Maintenance obligations are not a concern with the annexation of the property. City obligations for infrastructure maintenance will occur as the property develops.
5. The property is currently developed and the property owners have indicated they wish to subdivide the property.

### **FINDINGS**

1. The annexation is consistent with the City' Land Use Component of the Master Plan. Appropriate zoning of the property is required as the property develops to ensure conformance with the land use designation shown in the Master Plan.

2. The annexation is consistent with the City' Transportation Component of the Master Plan.
3. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, identifies the area as having potential for annexation.
4. The area proposed for annexation is not localized, isolated and does promote future transportation and utility corridors promoting future growth opportunities within the City.
5. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Additional utility and roadway infrastructure will be installed at developer expense to facilitate development of the property.

### **RECOMMENDATION**

The City of Elko Development Department recommends approval of Annexation 2-17 be forwarded to the City Council based on the following conditions:

1. The property owners shall receive a rezone of their property to be consistent with the Land Use designation in the City of Elko Master Plan.
2. The property owners present a deed of dedication for right-of-way for Delaware Street, Statice Street, and Ruby Vista Drive, within 45 days of acceptance of the annexation by the City. The property owner shall work with City on the alignment of these right-of-ways prior to being offered for dedication.
3. It appears from map 730066 that the property may be encumbered by an existing easement for ATT fiber, the map does not indicate the location of this easement through the parcel. The property owner shall contact AT&T and verify the location of the AT&T easement and provide documentation of that location to the City.

RECEIVED

JAN 16 2018

Exhibit B



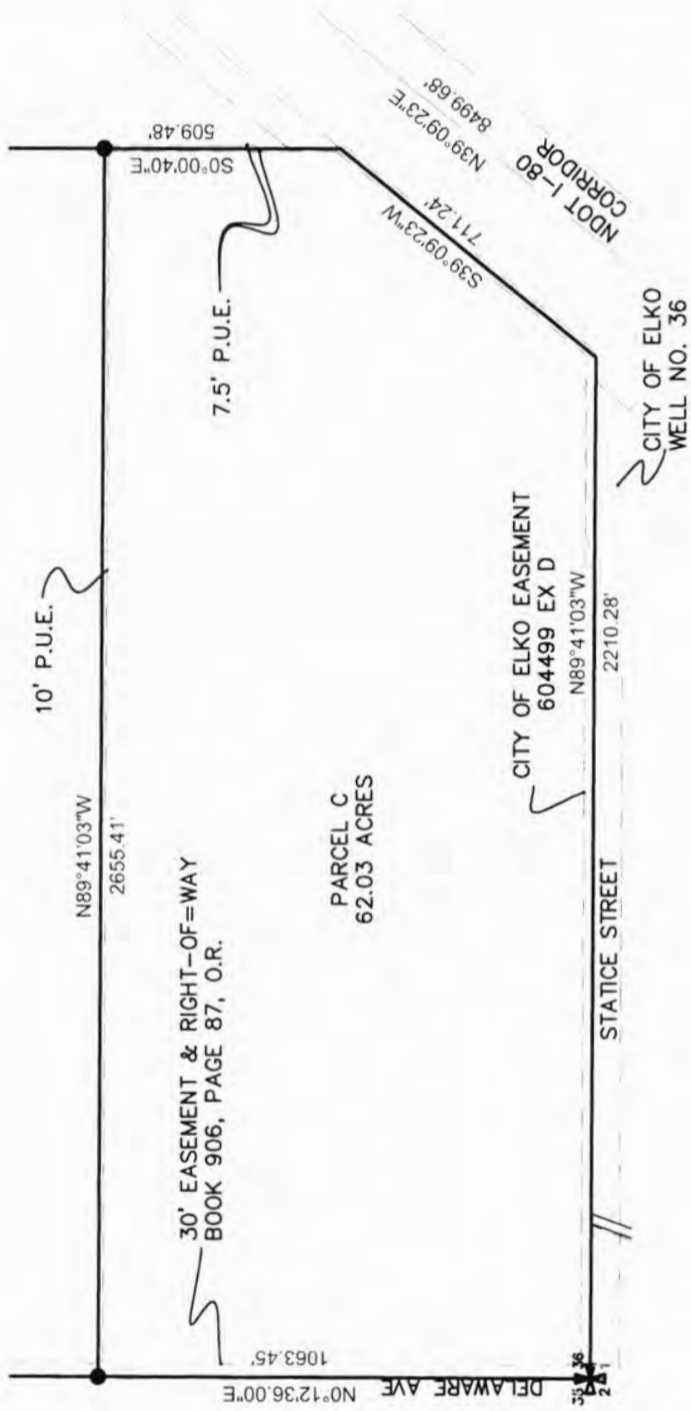
445 5TH STREET, SUITE 201  
 ELKO NEVADA 89801  
 TEL: (775) 726-1118  
 FAX: (775) 726-6199  
 WWW.AMENGINEERING.ORG

- TOPOGRAPHIC SURVEYING
- QUALITY ASSURANCE
- CONSTRUCTION MANAGEMENT
- CIVIL ENGINEERING

SUREBREC HOLDINGS LLC  
 ANNEXATION MAP  
 OF  
 SECTION 36, TOWNSHIP 35 NORTH  
 RANGE 55 EAST, M.D.M.  
 ELKO COUNTY  
 NEVADA

DATE: JANUARY 2018  
 DRAWN BY: RSR  
 CHECKED BY: BEJ  
 JOB NO.: 193.000

SHEET 1 OF 1



GRAPHIC SCALE  
 SCALE IN FEET



PLANNING AND SURVEYING DIVISION



RECEIVED

JAN 09 2018

Exhibit A

LEGAL DESCRIPTION:

ALL THAT REAL PROPERTY SITUATED IN THE COUNTY OF ELKO, STATE OF NEVADA, BOUNDED AND DESCRIBED AS FOLLOWS: PARCEL C, AS SHOWN ON A PARCEL MAP, FILED IN THE OFFICE OF THE COUNTY RECORDER OF ELKO COUNTY, STATE OF NEVADA, ON JANUARY 5, 2018 AS FILE NO. 735391



# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

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January 30, 2018

Surebrec Holdings, LLC  
207 Brookwood Drive  
Elko, NV 89801

Re: Rezone No. 10-17 & Annexation No. 2-17

Dear Applicant Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in cursive script that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:

JOHN W. KINGWELL  
SUPERVISOR/ PLANNER  
CODE ENFORCEMENT  
775-748-0214  
[jkingwell@elkocountynv.net](mailto:jkingwell@elkocountynv.net)

PEGGY PIERCE-FITZGERALD  
PLANNING TECHNICIAN/  
GIS OPERATOR  
775-748-0215  
[pfitzgerald@elkocountynv.net](mailto:pfitzgerald@elkocountynv.net)



## Elko County Planning & Zoning Division

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540 Court Street, Suite 104  
Elko, Nevada 89801  
775-738-6816 Ext. #3 (fax) 775-738-4581  
[www.elkocountynv.net](http://www.elkocountynv.net)

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January 24, 2018

Shelby Archuleta  
City of Elko Planning Technician  
1751 College Ave.  
Elko, NV 89801

Hello Shelby,

In reference to Annexation No. 2-17, Elko County does not oppose or have any concerns at this time.

John W. Kingwell  
Elko County Planning and Zoning

**RECEIVED**

JAN 29 2018

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# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@elkocitynv.gov](mailto:planning@elkocitynv.gov)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

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January 16, 2018

Elko County Planning and Zoning  
Attn: John Kingwell  
540 Court Street, Suite 104  
Elko, NV 89801

Re: Annexation No. 2-17

In accordance with the Communication Policy between the City of Elko and Elko County and pursuant to Section 268.670 (1) of Nevada Revised Statutes, the City of Elko hereby notices and advises the Board of County Commissioners of the County of Elko of the City's intention to consider annexation of contiguous territory as petitioned by Surebrec Holdings, LLC. Please find enclosed a double-sided copy of the application for annexation and map of the area for your review and comment.

The subject property consists of approximately 62.03 acres and is located generally on the northeast corner of the intersection of Statice Street and Delaware Avenue.

The subject property satisfies minimum State criteria for annexation.

Review by the Elko City Planning Commission is scheduled for February 6, 2018.

Please submit written comments to the City of Elko Planning Department as soon as possible. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

Shelby Archuleta  
Planning Technician

Enclosures



**CITY OF ELKO PLANNING DEPARTMENT**

1751 College Avenue \* Elko \* Nevada \* 89801

(775) 777-7160 \* (775) 777-7119 fax

**APPLICATION FOR ANNEXATION**

The applicant (100% of all property owners) hereby petitions the Elko City Council to annex to the City of Elko certain real property by ordinance, to be adopted pursuant to NRS 268.670. Said property petitioned for annexation is legally described as follows: (Attach if necessary)

See Attached

ASSESSOR PARCEL NUMBER (S): 006-10C-006  
(This is not the legal description)

**PROPERTY OWNERS:** (Attach additional pages if necessary)

Robert Fitzgerald  
Surebrec Holdings, LLC  
(Print Name) Signature Telephone Number  
775-219-8199

207 Brookwood Dr, Elko, NV 89801  
Mailing Address

(Print Name) Signature Telephone Number

Mailing Address

(Print Name) Signature Telephone Number

Mailing Address

RECEIVED

Initial: \_\_\_\_\_

**FILING REQUIREMENTS:**

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice, and will take a minimum of 8 weeks.

**Fee:** 10 acres or less \$500.00, greater than 10 acres through 50 acres \$750.00, greater than 50 acres \$1,250.00. The filing fee shall be paid in full prior to consideration of the annexation request by the Planning Commission.

**Annexation Map:** An annexation map or record of survey of the area proposed for annexation provided by a properly licensed surveyor. Such map shall include the proposed acreage to be annexed, and the length and percentage of common boundary (at least 15%) with the corporate limits of the City. If the property abuts a road not already in the City limits, at least one half of the road must be included in the map and legal description (see N.R.S. 268.663).

**Legal Description:** A complete legal description of all property proposed for annexation.

**Plot Plan:** If the property is improved, a surveyed plot plan showing property lines, existing buildings, building setbacks, parking and loading areas and any other pertinent information.

**Note:** One .pdf (email is okay) of the entire application must be submitted, as well as one set of legible, reproducible plans 8 ½" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

**Other Information:** The applicant is encouraged to submit other information and documentation to support this Annexation request

1. Identify the existing zoning classification of the property: Open Space

2. Identify the zoning classification being requested upon annexation: I.C.  
*(A separate zone change application must be submitted for the requested classification.)*

3. Explain in detail the type and nature of the use anticipated for the property.

A mixture of commercial and small scale industrial uses which may include retail and service activities, office buildings, public and quasi-public land uses, building and material sales, lumber yards, automotive dealerships, and/or conditional uses permitted to include gas station, RV parks, residential uses.

Using light industrial and/or commercial development standards where appropriate.

4. Identify any unique physical features or characteristics associated with the property.

Flat, no unique physical features

5. Identify the type and extent of City infrastructure anticipated for service to the property such as streets, sewer, and water service.

Street, Sewer, and Water Service

6. Identify any water rights which will support the annexed property: \_\_\_\_\_

2AF that was dedicated to create the parcel

**(Use additional pages if necessary to address questions 3 through 6)**

**By My Signature below:**

I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspection said property as part of this application process.

I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

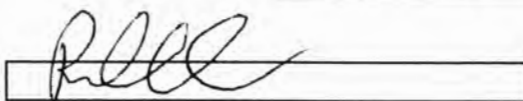
I have carefully read and completed all questions contained within this application to the best of my ability.

**Applicant / Agent** Surebrec Holdings, LLC  
(Please print or type)

**Mailing Address** 207 Brookwood Drive  
Street Address or P.O. Box  
Elko, Nevada 89801  
City, State, Zip Code

Phone Number: 775-219-8199

Email address: rob.fitz@earthlink.net

**SIGNATURE:** 

**FOR OFFICE USE ONLY**

File No.: 2-17 Date Filed: 11/2/17 Fee Paid: \$1,250 CK# 1042



**Elko City Planning Commission  
Agenda Action Sheet**

1. Title: **Review and consideration of Annexation No. 3-17, filed by Swire Coca-Cola, USA, consisting of approximately 3 acres of property located north of West Idaho Street, identified as APN 006-09G-036, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: ***NEW BUSINESS, MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS***
4. Time Required: **15 Minutes**
5. Background Information: **The subject property is located north of West Idaho Street (APN 006-09G-036), approximately 2,500 feet east of I-80 Exit 298.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Forward a recommendation to City Council to adopt an ordinance which conditionally approves Annexation No. 3-17 subject to the following conditions: (stated in City Planner memo)**
9. Findings:
  - **The proposed annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of LI- Light Industrial would ensure conformance with the land use designation shown in the Master Plan**
  - **The proposed annexation is consistent with the City's Transportation Component of the Master Plan.**
  - **Annexation of the property provides an immediate accrual to the tax base for the City.**
  - **Annexation of the property provides an opportunity for expanded Light Industrial uses.**
  - **Annexation of the property is consistent with the goals, objectives, supports long range planning as outlined in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report dated November 2012. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.**
  - **The area proposed for annexation is not localized or isolated.**

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/6**

**\*\*Do not use pencil or red pen, they do not reproduce\*\***

Title: Annexation 3-17

Applicant(s): Swire Coca-Cola, USA

Site Location: 3400 W. Idaho St.

Current Zoning: AG (upon amend) Date Received: 12/19/17 Date Public Notice: N/A

COMMENT: This is to annex 300 acres into the City limits located at 3400 W. Idaho St.

**\*\*If additional space is needed please provide a separate memorandum\*\***

Assistant City Manager: Date: 1/31/18 Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 2/1/18 No comments/concerns.

W

Initial



City of Elko  
1751 College Avenue  
Elko, NV 89801  
(775) 777-7160  
FAX (775) 777-7119

## CITY OF ELKO STAFF REPORT

**DATE:** January 31, 2018  
**PLANNING COMMISSION DATE:** February 6, 2018  
**AGENDA ITEM NUMBER:** I. B. 3.  
**APPLICATION NUMBER:** Annexation 3-17  
**APPLICANT:** Swire Coca-Cola, USA  
**PROJECT DESCRIPTION:** 3 Acres  
**ADDITIONAL APPLICATION:** Rezone 12-17

An annexation of approximately 3 acres. The property is located in Elko County adjacent to the City's incorporated boundary as shown below.



### **STAFF RECOMMENDATION:**

RECOMMEND APPROVAL, subject to findings of fact and conditions as stated in this report.

## **PROJECT INFORMATION**

**PARCEL NUMBER:** 006-09G-039

**PARCEL SIZE:** 3 Acres

**EXISTING ZONING:** General Agriculture (Elko County) applicant has requested Light Industrial zoning under rezone application 12-17

**MASTER PLAN DESIGNATION:** General Industrial (IND-GEN)

**EXISTING LAND USE:** Light Industrial – Swire Coca-Cola, USA

### **NEIGHBORHOOD CHARACTERISTICS:**

- The property is surrounded by:
  - North: Elko County Property / Developed as Barrick parking lot
  - West: General Agriculture (AG) / Undeveloped
  - South: General Agriculture (AG) / Undeveloped
  - East: Elko County Property / Developed as trailer court

### **PROPERTY CHARACTERISTICS:**

- The property is currently developed.
- The property is generally flat.
- The property will be accessed from West Idaho Street

### **MASTER PLAN AND CITY CODE SECTIONS:**

Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012
- Nevada Revised Statutes - 268.610 to 268.670, inclusive
- City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
- City of Elko Wellhead Protection Program

### **BACKGROUND INFORMATION:**

1. The petition has been filed Swire Coca-Cola, USA.
2. The applicant owns the property.

3. The petition includes all of APN 006-09G-039. The property is located adjacent to West Idaho Street near the 298 interchange on I-80.
4. City Council accepted the petition for the subject annexation on January 9, 2018, and directed Staff to continue with the annexation process by referring the matter to the Planning Commission.
5. Annexation of the property is consistent with Land Use and Transportation components of the Master Plan.
6. The area fronts West Idaho Street.
7. The area is not identified as having annexation potential in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. That plan, for the most part, identified areas as having annexation based on established of transportation and utility corridors potential in the plan.
8. City utilities have not been extended to the property. The property owner has entered into an agreement with Golden Gate Petroleum and the City of Elko for a water line extension along Sheep Creek Trail from the existing water line located in Section 19 to West Idaho Street. Construction of the water line extension is expected to begin spring 2018.
9. Sewer is not available in close vicinity to the property. The property owner will be required to install dry sewer along the frontage of the property at the time of use expansion and connect to the sanitary sewer when the service becomes available. The existing facility is utilizing septic for sanitary sewer.
10. Other non-city utilities are located in the immediate area.
11. The applicant has requested a Light Industrial zone classification for the area upon annexation of the property. The application is being processed concurrent with the annexation application.
12. Elko County was notified of the proposed annexation on January 16, 2018. The County responded on January 24, 2018 expressing no concerns.
13. The proposed annexation is a logical and orderly addition to the City's incorporated boundary.

### **MASTER PLAN:**

#### **Land Use:**

1. Land Use is shown as General Industrial.
2. The petitioner has filed an application for a Light Industrial district to be designated on the property upon annexation of the property. The application will be processed in conjunction with the annexation application but acted on separately and conditioned upon final approval of the annexation.
3. Supporting zone districts for General Industrial are General Industrial, Light Industrial and Industrial Commercial.
4. Objective 5: Encourage development that strengthens the core of the City, and new annexations that are logical and orderly and do not promote sprawl.
5. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to promote economic sustainability and strengthen the community's image.
6. Objective 8: Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed annexation is in conformance with the Land Use Component of the Master Plan.

**Transportation:**

1. The area will be accessed from West Idaho Street.
2. West Idaho Street is classified as a Minor Collector.

The proposed annexation is compatible with the Transportation Component of the Master Plan. Master Plan.

**DEVELOPMENT FEASIBILITY, LAND USE, WATER INFRASTRUCTURE,  
SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE  
AND ANNEXATION POTENTIAL REPORT – NOVEMBER 2012**

1. The area is not identified as having annexation potential in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. That plan, for the most part, identified areas as having annexation based on established of transportation and utility corridors potential in the plan.
2. The property is adjacent to undeveloped land within the City of Elko.
3. The area can be served from the existing 5400 water zone. A water main was constructed along Cattle Drive in 2016
4. The property owner along with Golden Gate Petroleum and the City of Elko have an approved agreement for the water line extension down Sheep Creek Trail to the property requesting annexation.
5. Developable area is estimated to be approximately 3 acres. The property is partially developed.
6. Sewer is currently not available in this location. The city has completed preliminary design work for the establishment of sanitary sewer in the area.
7. Annexation of the area is a logical and orderly expansion of the City's incorporated boundary.

The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the report. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.

**NEVADA REVISED STATUTE:**

**NRS 268.636(1)** states whenever the majority of property owners of any territory lying **contiguous** to a city desire to annex such territory to the city, they may cause an accurate map of plat of the territory to be made under the supervision of a competent surveyor. The map is to be filed with the city.

The property owner's representative has submitted the required map. The applicant owns the entire area proposed for annexation. The property boundary is approximately 1,461.42 feet with 730.71 feet contiguous to City of Elko boundary on the south and westerly lot lines. This equates to approximately 50% of the property boundary as contiguous to the City's incorporated boundary.

**NRS 268.646 requires minimum factors to be considered in the review of a proposed annexation.**

**NRS 268.646(1)** requires the evaluation of factors such as population, population density, land area and land uses, per capita assessed valuation, topography, proximity to other populated areas and the likelihood of significant growth within the next 10 years in the area and adjacent areas.

The total area proposed for annexation is approximately 3 acres. The Elko County Assessor's Office indicates initial development of the property occurring in 1988 under the current use.

The location and proposed land uses of the area are supported by existing and proposed roadways.

There is a high probability of property development based on recent and current property development in the immediate vicinity. This is due to the water line extension to I-80 Exit 298.

**NRS 268.646 (2)** requires the evaluation for the need for organized community services, the present cost of and adequacy of governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

**General**

Annexation of the property does provide the opportunity to provide continued light industrial land use along Idaho Street. Idaho Street is classified as a major arterial and falls under NDOT jurisdiction. The location provides excellent access to either I-80 or the community.

**Land Division and Potential Zoning**

The property is partially developed. The size area and existing uses does not appear to support further property division.

The application identifies the zoning classification that is being requested upon annexation of the property as Light Industrial. The purpose of the (LI) Light Industrial zoning district is to provide and preserve areas reserved primarily for less intensive industrial use and activity normally associated with previously prepared materials and with minimal levels of noise, dust, odor, vibration or smoke, and to preclude encroachment of land uses such as residential uses that could be in conflict with the industrial and manufacturing environment.

The proposed zoning would be complimentary to the land use shown in the Master Plan.

**Sewer**

Sanitary sewer does not exist in the immediate area. A dry gravity sewer will be installed along the frontage of the property until a time that the city can complete the installation of a lift station and force main to the WRF. The property is currently developed with the use of septic system.

**Water**

City of Elko water does not exist in the immediate area. The property can be served off the existing 5400 water zone with the extension of the water line from existing water line in Section 19 extending to West Idaho Street. Plans for the water line extension have been approved by the City of Elko and the State. There is an agreement between Golden Gate Petroleum, Swire Coca-Cola and the City of Elko that has been approved by the City Council to cost share on the project.

The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the report. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.

### **Access**

Primary access is off West Idaho Street, a major arterial, under NDOT jurisdiction.

### **Other Services**

The size, location and use of the property will not place any significant burden on other City services.

**NRS 268.646(3)** requires the evaluation of the proposed annexation and of alternative actions on adjacent areas, on mutual social and economic interests and on local governmental structure of the county.

Annexation of the property will not have any long-term adverse impacts on adjacent areas. The property is partially developed.

Annexation and development of the property will not adversely influence the local government structure of the County nor the City.

**NRS 268.646(4)** requires the evaluation of the proposed annexation and of alternative actions upon the availability of water and requirement of water and other natural resources throughout the affected area.

The City currently has approximately 18,000-acre feet of water rights available and is utilizing approximately 50% of that supply. Based on the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, there was projected deficit of 700 – 800 (3.8% – 4.4% of the total) acre feet of water to serve annexed areas in addition to areas identified as having annexation potential. Upon adoption of the report, the Council determined that through optimization of the plan and optimization of water usage, the projected shortfall did not present a significant concern. Areas identified in the report as having annexation potential provide orderly and logical growth of the City and are generally aligned with future transportation and utility corridors.

The Council has taken action, subsequent to the adoption of the report, to approve a realignment of Errecart Blvd. reducing area required for annexation along the Errecart Blvd alignment. This decision has resulted in a net reduction of projected water consumption by over 500 acre feet, nearly offsetting the projected deficit referenced.

Proper storm water controls would mitigate any potential impacts from storm water runoff.



Annexation of the property will not negatively impact other natural resources in the area.

**NRS 268.646(5)** requires a determination by the Bureau of Land Management that the territory proposed to be annexed is suitable for residential, commercial, or industrial development, or will be opened to private acquisition.

The area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management.

**NRS 268.646(6)** requires a determination that the annexation is consistent with any applicable comprehensive regional plan, area plan or master plan and any program of annexation adopted and certified pursuant to NRS 268.625.

The City of Elko Master Plans specifically addresses the annexation of property under Objective 5 as outlined in Best Practice 5.1 and Best Practice 5.3. City Staff has identified areas having potential for annexation that promote logical and orderly growth of the community. Those areas are identified in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. This area is not identified as having annexation potential in the report. That plan, for the most part, identified areas as having annexation based on established of transportation and utility corridors potential in the plan. The proposed annexation is consistent with the goals, objectives and supports long range planning as outlined in the report. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.

The Land Use component of the Master Plan contains an exhibit showing the area as General Industrial. Light Industrial is a corresponding zoning district for the General Industrial identified in the Master Plan.

**NRS 268.663(3)** requires the portions of the county roads which provide the primary access to the subdivision are also annexed and become city streets.

Idaho Street is currently a NDOT right-of-way at this location and appears to currently be located within the City of Elko. The developer would be required to obtain NDOT approval for changes to ingress/egress to the property or address NDOT requirements for expanded uses on the property.

#### **City Code Section 3-2-4**

The petitioner has filed an application for a Light Industrial (LI) district to be designated on the property upon annexation of the property. The application will be processed in conjunction with the annexation application but acted on separately.

The following section of code provides the Planning Commission and City Council the discretion to designate an appropriate zone district after holding the appropriate public hearing:

Section 3-2-4 D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of

this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

### **CITY OF ELKO WELLHEAD PROTECTION PROGRAM**

A proposed well (test hole/monitoring well currently exists) approximately 4,200 feet from the property is expected to be installed as development occurs in the area. At that time, it could be expected that this property will be located within the 5-10 year capture zones. The City of Elko may complete the installation of a sewer main and lift station prior to the installation of the proposed well to eliminate a number of septic systems and leach fields in the area.

### **FINDINGS**

1. The proposed annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of LI- Light Industrial would ensure conformance with the land use designation shown in the Master Plan
2. The proposed annexation is consistent with the City's Transportation Component of the Master Plan.
3. Annexation of the property provides an immediate accrual to the tax base for the City.
4. Annexation of the property provides an opportunity for expanded Light Industrial uses.
5. Annexation of the property is consistent with the goals, objectives, supports long range planning as outlined in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report dated November 2012. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilizing the Exit 298 interchange. This property now factors into fulfilling that objective.
6. The area proposed for annexation is not localized or isolated.
7. The proposed annexation is consistent with the future transportation objectives of the City.
8. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Extension of water infrastructure is required and has been planned for including certain actions taken by the City Council identified in this report.
9. Other, required, utilities will be installed at developer expense to facilitate development of the property.
10. The topography of the area is well suited for the proposed commercial and light industrial land uses.

11. Expanded uses on the property will result in a positive economic impact to the community.
12. Annexation and development of the property will not adversely influence the local government structure of the County nor the City.
13. The proposed annexation satisfies considerations and/or concerns identified as minimum factors for consideration under NRS 268.646

**STAFF RECOMMENDATION:**

Staff recommends approval of Annexation 3-17 to be forwarded to the City Council based on the conditions outlined below. If approved by the City Council, the conditions will be included in the annexation ordinance.

**Development Department:**

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.

**Utility Department:**

1. City Code 9-5-61 states the customer must connect within 90 days once the sewer is within 300 feet of any building. The applicant is required to install dry sewer on their property frontages, as typically required when sewer does not yet exist in the location.
2. The property owner will extend the water main on their frontages and connect to the City water no later than 90 days after service is available to their property line.
3. The onsite ground water well will be abandoned within 90 days of connecting to the City water system.
4. No cross connection between the existing well and the City's system during the period of time required to abandon the onsite ground water well.



**CITY OF ELKO  
DEVELOPMENT DEPARTMENT  
1755 COLLEGE AVENUE  
ELKO, NEVADA 89801  
(775)777-7210  
(775)777-7219 FAX**

To: Planning Commission  
From: Jeremy Draper, Development Department  
Date: January 16, 2018  
Re: Annexation Petition 3-17, Coca-Cola

The City of Elko Development Department has reviewed the annexation application offers the following comments for consideration to aid the Planning Commission's review of the above referenced application: Applicable Master Plan Sections, NRS Sections and City Code Sections and other coordinating plans are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Streets and Highways Component
- City of Elko Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012
- Nevada Revised Statutes - 268.610 to 268.670, inclusive
- City of Elko Zoning – Section 3-2-4 Zoning Districts
- City of Elko Wellhead Protection Program

**BACKGROUND INFORMATION:**



1. The petition includes that portion of APN 006-09G-036 lying approximately 3,100' east of Idaho Street and Interstate 80 containing more or less 3.00 acres of land.
2. The area is not identified as having annexation potential as shown in the adopted Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. However, this should not exclude the area for consideration for annexation.
3. The area fronts W. Idaho Street.
4. A project in which developers will extend City water to the edge of the property has been approved and is expected to be constructed in the spring of 2018. The property lies within the 5400 water service zone. City sewer does not exist in this area, however preliminary design has been completed by the City of Elko Engineering Department, the development would be required to install a dry sewer until such time as a force main is install to provide sewer services to this area of the City.
5. Other non-city utilities are located in the immediate area.
6. The area is identified as Industrial Business Park Land Use in the City of Elko Master Plan Land Use Component, amendment 1-17.
7. The applicant has submitted a rezone application for a Light Industrial Zone.
8. The proposed annexation appears logical and orderly.

#### **MASTER PLAN:**

##### **Land Use:**

1. Land Use is shown as Industrial Business Park per amendment 1-17.
2. The petitioner has submitted an application for rezone to an LI-Light Industrial District.
3. Section 3-2-4-D of City Code states that a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission.
4. Objective 7: Promote high quality and visually appealing industrial uses, where appropriate, to ensure economic sustainability as well as strengthen the community's image.
5. Objective 8: Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

##### **Transportation:**

1. The area fronts W. Idaho St., a Major Arterial under NDOT jurisdiction.

#### **DEVELOPMENT FEASIBILITY, LAND USE, WATER INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION INFRASTRUCTURE AND ANNEXATION POTENTIAL REPORT – NOVEMBER 2012**

1. The area is not identified as having annexation potential.
2. This area is adjacent to vacant property currently located within the incorporated boundary of the City.
3. The area can be served of the existing 5400 water zone. An water line is being proposed to be extended from Cattle Drive to serve this property.
4. Developable area is estimated to be approximately 3.00 acres, the property is currently developed as Swire Coca-Cola and is expected to be expanded upon.

5. Sewer is currently unavailable in this location. The developer will be required to install a dry sewer and utilize a septic system until such time that a force main is installed to the Water Reclamation Facility.
6. Annexation of the area does appear to be logical and orderly and continues the development of land near exit 298 of I-80.

**NEVADA REVISED STATUTE:**

**NRS 268.636(1)** states whenever the majority of property owners of any territory lying **contiguous** to a city desire to annex such territory to the city, they may cause an accurate map of plat of the territory to be made under the supervision of a competent surveyor. The map is to be filed with the city.

The property owner's representative has submitted the required map.

**NRS 268.646 requires minimum factors to be considered in the review of a proposed annexation.**

**NRS 268.646(1)** requires the evaluation of factors such as population, population density, land area and land uses, per capita assessed valuation, topography, proximity to other populated areas and the likelihood of significant growth within the next 10 years in the area and adjacent areas.

The total annexed area consists of approximately 3.00 acres.

The property is currently developed.

**NRS 268.646 (2)** requires the evaluation for the need for organized community services, the present cost of and adequacy of governmental services and controls in the area, probable future needs for such services and controls, and the probable effect of the proposed formation and of alternative courses of action on the cost and adequacy of services and controls in the area and adjacent area.

**General**

Annexation of the property does provide the opportunity to provide continued light industrial land use along Idaho Street, a Major Arterial under NDOT jurisdiction.

**Land Division and Potential Zoning**

The property is developed and does not appear to be of sufficient size to accommodate parceling or subdivision.

The application identifies the zoning classification requested upon annexation as LI-Light Industrial.

The purpose of the LI zoning district is to provide and preserve areas reserved primarily for less intensive industrial use and activity normally associated with previously prepared materials and with minimal levels of noise, dust, odor, vibration or smoke, and to preclude encroachment of land uses such as residential uses that could be in conflict with the industrial and manufacturing environment.

### **Sewer**

Sanitary sewer does not exist in the immediate area. A dry sewer and septic system will be required to be installed and utilized until a force main can be installed providing service to the Water Reclamation Facility.

### **Water**

City of Elko water service does not exist in the immediate area. The property can be served off the existing 5400 water zone with the extension of a waterline from Cattle Drive plans have been submitted and approved for this extension.

### **Access**

Primary access is from Idaho Street.

### **Other Services**

The size and location of the property is not expected to place any significant burden on other City services.

**NRS 268.646(3)** requires the evaluation of the proposed annexation and of alternative actions on adjacent areas, on mutual social and economic interests and on local governmental structure of the county.

Annexation of the property is **not** expected to have any long-term adverse impacts on adjacent areas.

**NRS 268.646(4)** requires the evaluation of the proposed annexation and of alternative actions upon the availability of water and requirement of water and other natural resources throughout the affected area.

The City currently has approximately 18,000 acre feet of water rights available and is utilizing approximately 50% of that supply. Based on the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, the City could face a potential **shortfall** of 700 – 800 acre feet of water to serve annexed areas in addition to areas identified as having annexation potential. Areas identified as having annexation potential provide orderly and logical growth of the City and are generally aligned with future transportation corridors.

Proper storm water controls would mitigate any potential impacts from storm water runoff.

Annexation of the property will not negatively impact other natural resources in the area.

**NRS 268.646(5)** requires a determination by the Bureau of Land Management that the territory proposed to be annexed is suitable for residential, commercial, or industrial development, or will be opened to private acquisition.

The area proposed for annexation does not fall under the jurisdiction of the Bureau of Land Management.

**NRS 268.646(6)** requires a determination that the annexation is consistent with any applicable

comprehensive regional plan, area plan or master plan and any program of annexation adopted and certified pursuant to NRS 268.625.

The City of Elko Master Plans specifically addresses the annexation of property under Objective 5 as outlined in Best Practice 5.1 and Best Practice 5.3. City Staff has identified areas having potential for annexation that promote logical and orderly growth of the community. The proposed annexation is not in an area that was identified as having annexation potential; however, it should not be excluded from consideration for annexation.

The Land Use component of the Master Plan contains an exhibit showing the area as industrial business park.

**NRS 268.663(3)** requires the portions of the county roads which provide the primary access to the subdivision are also annexed and become city streets.

Idaho Street is currently a NDOT right-of-way easement at this location and appears to be currently located within the City.

#### **City Code Section 3-2-4**

A companion rezone application has been filed with the City requesting a zone of LI-Light Industrial.

The following section of code provides the PC and CC the discretion to designate an appropriate zone district after holding the appropriate public hearing:

Section 3-2-4 D. Classification Of Annexed Areas: All territory which is annexed to the city after the effective date hereof shall be zoned upon annexation AG general agriculture, unless the planning commission shall recommend and/or the city council shall otherwise designate the zoning district after holding duly advertised public hearings in accordance with section 3-2-21 of this chapter. As part of considering any petition for annexation of territory to the city, a review of conformance with the city master plan, including land use designation, shall be performed by the planning commission, with recommendations forwarded to the city council. If said annexation necessitates substantial amendment to the master plan, the planning commission may adopt such amendment only after holding duly advertised public hearings in accordance with Nevada Revised Statutes section 278.210.

#### **CITY OF ELKO WELLHEAD PROTECTION PROGRAM**

The property is not located within the wellhead protection area.

#### **SUMMARY**

##### **Factors for consideration**

1. The area was not identified as having annexation potential in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012. The annexation of this property appears to promote the logical and orderly growth of the City.



2. The area is identified in the Master Plan as suitable for industrial business park land use.
3. The City resources committed in support for development of the property under an LI land use are minimal.
4. Maintenance obligations are not a concern with the annexation of the property. City obligations for infrastructure maintenance will occur as the property develops.
5. The property is currently developed and the property owners have indicated they wish to subdivide the property.

### **FINDINGS**

1. The annexation is consistent with the City' Land Use Component of the Master Plan. Appropriate zoning of the property is required as the property develops to ensure conformance with the land use designation shown in the Master Plan.
2. The annexation is consistent with the City' Transportation Component of the Master Plan.
3. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, does not identify the area as having potential for annexation, however the property should not be excluded from consideration for annexation.
4. The area proposed for annexation is not localized, isolated and does promote future transportation and utility corridors promoting future growth opportunities within the City.
5. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Additional utility and roadway infrastructure will be installed at developer expense to facilitate development of the property.

### **RECOMMENDATION**

The City of Elko Development Department recommends approval of Annexation 3-17 be forwarded to the City Council based on the following conditions:

1. The property owners shall receive a rezone of their property to be consistent with the Land Use designation in the City of Elko Master Plan.

Exhibit A

## LEGAL DESCRIPTION

The land referred to herein is situated in the State of Nevada, County of Elko, described as follows:

Parcel 1 as shown on that certain Parcel Map for Frances Adeline Warmbrodt filed in the office of the County Recorder of Elko County, State of Nevada, on October 12, 1988, as File No. 263740, as amended by Certificate recorded January 23, 1989, being a portion of Sections 19 and 20, Township 34 North, Range 55 East, M.D.B. & M..

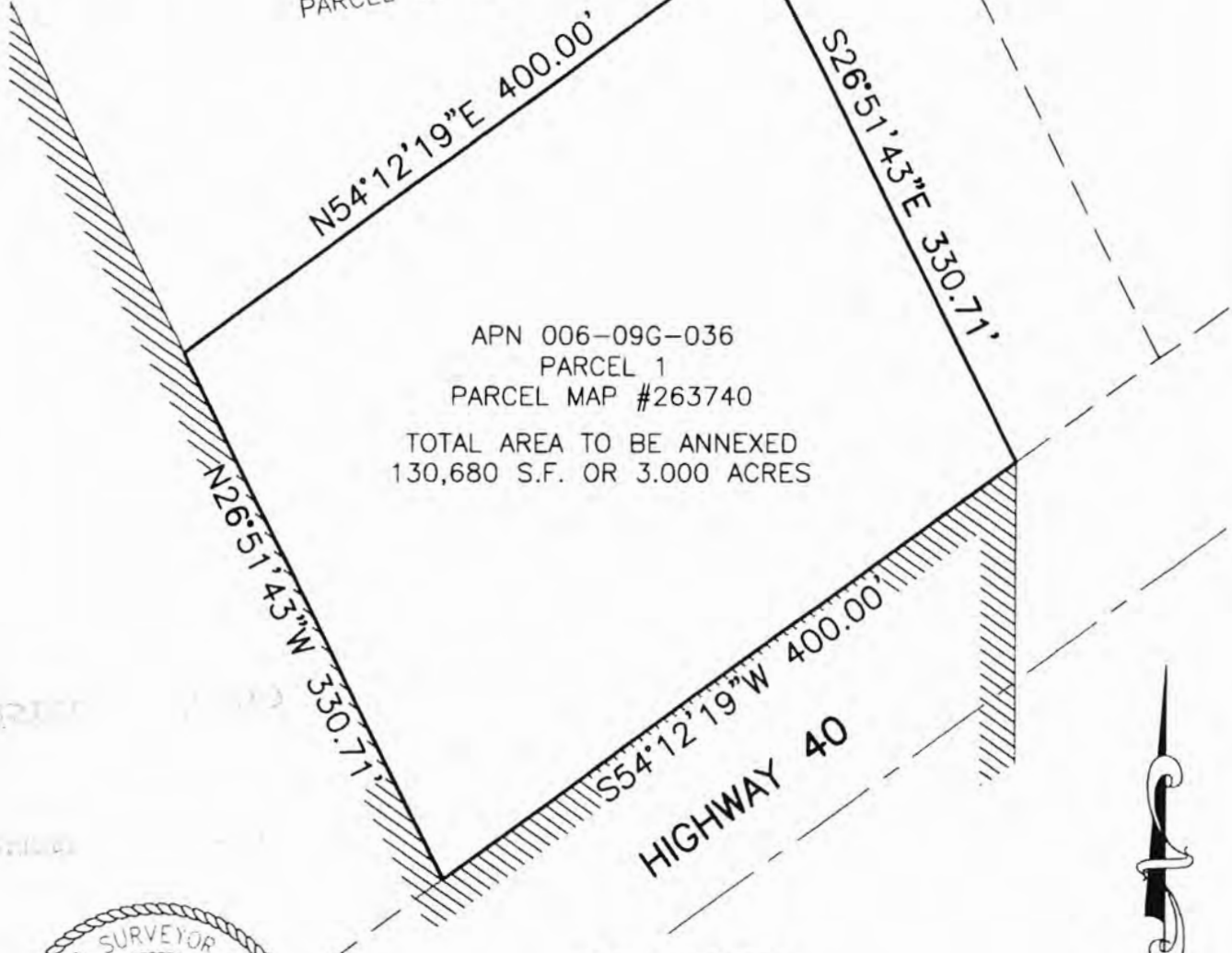
# AREA TO BE ANNEXED TO THE CITY OF ELKO

Exhibit B

PARCEL 2  
PARCEL MAP #263740

APN 006-09G-036  
PARCEL 1  
PARCEL MAP #263740

TOTAL AREA TO BE ANNEXED  
130,680 S.F. OR 3.000 ACRES



HIGHWAY 40



## LEGEND

- = ROAD CENTERLINE
  - = ADJOINING PROPERTY
  - = AREA TO BE ANNEXED
  - = EXISTING ELKO CITY LIMITS
- 1"=100'



# Reeve & Associates, Inc.

5160 S 1500 W, RIVERDALE, UTAH 84405  
 TEL: (801) 621-3100 FAX: (801) 621-2666 [www.reeve-assoc.com](http://www.reeve-assoc.com)  
 LAND PLANNERS • CIVIL ENGINEERS • LAND SURVEYORS  
 TRAFFIC ENGINEERS • STRUCTURAL ENGINEERS • LANDSCAPE ARCHITECTS

### Project Info.

Designer: N. ANDERSON  
 Date: 12-5-17  
 Name: ANNEXATION  
 Number: 4805-12  
 Scale: 1"=100'



# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

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January 30, 2018

Swire Coca-Cola, USA  
Attn: Mr. Dan Reid  
12634 South 265 West  
Draper, UT 84020

Re: Rezone No. 12-17 and Annexation No. 3-17

Dear Applicant Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in black ink that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:

JOHN W. KINGWELL  
SUPERVISOR/ PLANNER  
CODE ENFORCEMENT  
775-748-0214  
[ikingwell@elkocountynv.net](mailto:ikingwell@elkocountynv.net)

PEGGY PIERCE-FITZGERALD  
PLANNING TECHNICIAN/  
GIS OPERATOR  
775-748-0215  
[pfitzgerald@elkocountynv.net](mailto:pfitzgerald@elkocountynv.net)



## Elko County Planning & Zoning Division

---

540 Court Street, Suite 104  
Elko, Nevada 89801  
775-738-6816 Ext. #3 (fax) 775-738-4581  
[www.elkocountynv.net](http://www.elkocountynv.net)

---

January 24, 2018

Shelby Archuleta  
City of Elko Planning Technician  
1751 College Ave.  
Elko, NV 89801

Hello Shelby,

In reference to Annexation No. 3-17, Elko County does not oppose or have any concerns at this time.

John W. Kingwell  
Elko County Planning and Zoning

**RECEIVED**

JAN 29 2018

---



# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@elkocitynv.gov](mailto:planning@elkocitynv.gov)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7219

---

January 16, 2018

Elko County Planning and Zoning  
Attn: John Kingwell  
540 Court Street, Suite 104  
Elko, NV 89801

Re: Annexation No. 3-17

In accordance with the Communication Policy between the City of Elko and Elko County and pursuant to Section 268.670 (1) of Nevada Revised Statutes, the City of Elko hereby notices and advises the Board of County Commissioners of the County of Elko of the City's intention to consider annexation of contiguous territory as petitioned by Swire Coca-Cola, USA. Please find enclosed a double-sided copy of the application for annexation and map of the area for your review and comment.

The subject property consists of approximately 3.00 acres and is located generally on the north side of West Idaho Street, approximately 2,500 feet east from I-80 Exit 298.

The subject property satisfies minimum State criteria for annexation.

Review by the Elko City Planning Commission is scheduled for February 6, 2018.

Please submit written comments to the City of Elko Planning Department as soon as possible. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Please feel free to contact me if you have any questions concerning this matter.

Sincerely,

Shelby Archuleta  
Planning Technician

Enclosures

**Elko City Council  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to accept a petition for annexation of property to the City, filed and processed as Annexation No. 3-17 by Swire Coca-Cola, Inc, consisting of approximately 3 acres of property located on the north side of West Idaho Street, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **January 9, 2018**
3. Agenda Category: **PETITION**
4. Time Required: **10 Minutes**
5. Background Information:
6. Budget Information:  
    Appropriation Required: **N/A**  
    Budget amount available: **N/A**  
    Fund name: **N/A**
7. Business Impact Statement: **Not Required**
8. Supplemental Agenda Information: **Application and Map**
9. Recommended Motion: **Pleasure of the Council**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Committee/Other Agency Review:
12. Council Action:  
\*\* **A motion was made by Councilman Keener, seconded by Councilwoman Simons, to accept the Petition for Annexation No. 3-17, to include assessor's parcel number 006-09G-036 and refer the matter to the Planning Commission for further consideration and recommendation to the City Council.**  
  

*The motion passed unanimously. (4-0 Councilman Rice was absent.)*
13. Agenda Distribution: **Swire Coca-Cola, USA  
Attn. Mr. Dan Reid  
12634 South 265 West  
Draper, UT 84020**



## CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue \* Elko \* Nevada \* 89801

(775) 777-7160 \* (775) 777-7119 fax

### APPLICATION FOR ANNEXATION

The applicant (100% of all property owners) hereby petitions the Elko City Council to annex to the City of Elko certain real property by ordinance, to be adopted pursuant to NRS 268.670. Said property petitioned for annexation is legally described as follows: (Attach if necessary)  
 (See Attachment)

ASSESSOR PARCEL NUMBER (S): Parcel 1, APN 006-09G-036, Map # 263740  
*(This is not the legal description)*

#### PROPERTY OWNERS: (Attach additional pages if necessary)

Swire Coca-Cola, USA	<i>[Signature]</i>	801.816.5760
(Print Name)	Signature	Telephone Number
12634 South 265 West, Draper, UT 84020 Mailing Address		

(Print Name)	Signature	Telephone Number
 Mailing Address		

(Print Name)	Signature	Telephone Number
 Mailing Address		



**FILING REQUIREMENTS:**

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. Applications go before the City Council, Planning Commission, and back to City Council twice, and will take a minimum of 8 weeks.

**Fee:** 10 acres or less \$500.00, greater than 10 acres through 50 acres \$750.00, greater than 50 acres \$1,250.00. The filing fee shall be paid in full prior to consideration of the annexation request by the Planning Commission.

**Annexation Map:** An annexation map or record of survey of the area proposed for annexation provided by a properly licensed surveyor. Such map shall include the proposed acreage to be annexed, and the length and percentage of common boundary (at least 15%) with the corporate limits of the City. If the property abuts a road not already in the City limits, at least one half of the road must be included in the map and legal description (see N.R.S. 268.663).

**Legal Description:** A complete legal description of all property proposed for annexation.

**Plot Plan:** If the property is improved, a surveyed plot plan showing property lines, existing buildings, building setbacks, parking and loading areas and any other pertinent information.

**Note:** One .pdf (email is okay) of the entire application must be submitted, as well as one set of legible, reproducible plans 8 ½" x 11" in size. If the applicant feels the Commission needs to see 24" x 36" plans, 10 sets of pre-folded plans must be submitted.

**Other Information:** The applicant is encouraged to submit other information and documentation to support this Annexation request

1. Identify the existing zoning classification of the property: Highway Commercial
2. Identify the zoning classification being requested upon annexation: Light Industrial  
*(A separate zone change application must be submitted for the requested classification.)*
3. Explain in detail the type and nature of the use anticipated for the property.  
Beverage distribution center. Product is delivered to this location from regional bottling plants and suppliers,  
warehoused in this location, then distributed to local stores, restaurants, etc.
4. Identify any unique physical features or characteristics associated with the property.  
None known.

5. Identify the type and extent of City infrastructure anticipated for service to the property such as streets, sewer, and water service.

City waterline extension to serve the property is in progress.

"Sheep Trail and West Idaho Street Water Main Extension"

6. Identify any water rights which will support the annexed property: None

(Use additional pages if necessary to address questions 3 through 6)

**By My Signature below:**

I consent to having the City of Elko Staff enter on my property only for the sole purpose of inspection said property as part of this application process.

I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)

I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.

I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.

I have carefully read and completed all questions contained within this application to the best of my ability.

**Applicant / Agent** Dan Reid, Swire Sr. Manager For Construction  
(Please print or type)

**Mailing Address** 12634 South 265 West  
Street Address or P.O. Box  
Draper, UT, 84070  
City, State, Zip Code

Phone Number: 801.816.5760

Email address: dreid@swirecc.com

**SIGNATURE:** 

**FOR OFFICE USE ONLY**

File No.: 317 Date Filed: 12/19/17 Fee Paid: \$500 CC# 6559

**Elko City Planning Commission  
Agenda Action Sheet**

1. **Review, consideration and possible approval of Final Plat No. 2-18, filed by Autumn Colors, LLC., for the development of a subdivision entitled Autumn Colors Estates, Phase 5 involving the proposed division of approximately 5.85 acres of property into 21 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District and 20 lots for townhome development within the CT (Commercial Transitional) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: ***PUBLIC HEARINGS, NEW BUSINESS***
4. Time Required: **15 Minutes**
5. Background Information: **Subject property is located generally northeast of the intersection of Mountain City Highway and Cattle Drive (APN 001-01F-316). Preliminary Plat was recommended to City Council to conditionally approve by Planning Commission June 5, 2012 and conditionally approved by City Council June 26, 2012. Phase 5 is the final phase of the subdivision.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Memo from Development Director, Memo from City Planner**
8. Recommended Motion: **Recommend to City Council to conditionally approve Final Plat 2-18**
9. Findings:
  - **The subdivision is in conformance with the Land Use and Transportation components of the Master Plan.**
  - **Modifications to development standards have been approved with the development agreement shown as File 666547 on record with the Elko County Recorder's Office.**
  - **Based on the Development Agreement, the subdivision is in conformance with 3-2-4-Establishment of Zoning Districts.**
  - **Based on the Development Agreement, the subdivision is in conformance with 3-2-5-E-Single-Family and Multiple-Family Zoning Districts.**
  - **Based on the Development Agreement, the subdivision is in conformance with 3-2-9 CT- Commercial Transitional Zoning District.**
  - **The subdivision is in conformance with 3-2-17 Traffic, Access, Parking and Loading Regulations.**
  - **The subdivision is in conformance with 3-3-5 with less than 2 years since last final plat was recorded.**

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/16**

**\*\*Do not use pencil or red pen, they do not reproduce\*\***

Title: Final Plat 2-18 Autumn Colors Estates Phase 5

Applicant(s): Autumn Colors, LLC

Site Location: 3800 Inter City Hwy - NE corner of Inter City Hwy & Cattle Dr.

Current Zoning: R+CT Date Received: 1/16 Date Public Notice: N/A

COMMENT: This is for 41 lots on 5.85 acres in R and CT Zoning Districts.

(Lot Calcs are located in the file if you need to see them)

**\*\*If additional space is needed please provide a separate memorandum\*\***

Assistant City Manager: Date: 1/31/18

Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 2/1/18 No comments/concerns.

WJ

Initial



City of Elko  
1751 College Avenue  
Elko, NV 89801  
(775) 777-7160  
FAX (775) 777-7119

## CITY OF ELKO STAFF REPORT

**DATE:** January 22, 2018  
**PLANNING COMMISSION DATE:** February 6, 2018  
**AGENDA ITEM NUMBER:** I.B.4  
**APPLICATION NUMBER:** Final Plat 2-18  
**APPLICANT:** Autumn Colors, LLC  
**PROJECT DESCRIPTION:** Generally located on the north side of Mountain City Highway between Cattle Drive and Sagecrest Drive  
**ADDITIONAL APPLICATIONS:** CUP 1-18

A Final Map for the division of approximately 5.85 acres into 21 lots for single family residential development within an R (Single Family and Multiple Family Residential) Zoning District and 20 lots for townhome development with the CT (Commercial Transitional) Zoning District.



**STAFF RECOMMENDATION:**

RECOMMEND to APPROVE this item subject to findings of fact and conditions.

## **PROJECT INFORMATION**

**PARCEL NUMBERS:** 001-01F-316

**PARCEL SIZE:** 5.85 acres for this Phase 5 of the subdivision; the entire subdivision is 37.33 acres. In Phase 5, 1.01 acres are offered for dedication for street development

**EXISTING ZONING:** (R) Single Family and Multiple-Family Residential and (CT) Commercial Transitional

**MASTER PLAN DESIGNATION:** (RES-MD) Residential Medium Density and (COMM-GEN) Commercial General

**EXISTING LAND USE:** Vacant

### **NEIGHBORHOOD CHARACTERISTICS:**

The property is surrounded by:  
North: Property located in Elko County / Undeveloped  
East: Residential (R) / Developed  
South: Commercial (C) / undeveloped  
West: Property located in Elko County / Undeveloped

### **PROPERTY CHARACTERISTICS:**

The property is an undeveloped residential and commercial transitional parcel. This is the final phase of the Autumn Colors Estates Subdivision. The proposed development will be considered new development.

### **MASTER PLAN, COORDINATING PLANS, and CITY CODE SECTIONS:**

Applicable Master Plan Sections, Coordinating Plans, and City Code Sections are:

- City of Elko Master Plan – Land Use Component
- City of Elko Master Plan – Transportation Component
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Zoning – Section 3-2-3 General Provisions
- City of Elko Zoning – Section 3-2-4 Zoning Districts
- City of Elko Zoning – Section 3-2-5(E) Single-Family and Multi-Family Residential District
- City of Elko Zoning – Section 3-2-5(G) Residential Zoning Districts Area, Setback And Height Schedule For Principal Buildings

- City of Elko Zoning – Section 3-2-9 (CT) Commercial Transitional Zoning District
- City of Elko Zoning – Section 3-8 Flood Plain Management
- City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Zoning – Chapter 3 Subdivisions

### **BACKGROUND INFORMATION**

1. The City Council accepted the Preliminary Plat at its meeting on June 26, 2012.
2. The Development is subject to a Development Agreement shown as File 666547 on record with the Elko County Recorder's Office. The development agreement allows for reduction in lot size, reduction in setbacks for principal buildings, maximum building size, minimum useable floor area, fencing and exterior requirements, and parking requirements.
3. The Final Plat for Autumn Colors Phase 1 was recorded on February 22, 2013.
4. The Final Plat for Autumn Colors Phase 2 was recorded on January 17, 2014.
5. The Final Plat for Autumn Colors Phase 3 was recorded on July 8, 2015
6. The Final Plat for Autumn Colors Phase 3 Certificate of Amendment was recorded on July 30, 2015
7. The Final Plat for Autumn Colors Phase 4 was recorded on June 29, 2017
8. Final Plat for Autumn Colors Phase 5 application has been presented before the expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2).
9. The application is for a total of 41 lots. Of those 41, 20 are for townhomes and 21 are for detached single family residences. The proposed density is 8.47 units per acre.
10. The total subdivided area is approximately 5.85 acres in size
11. Approximately 1.01 acres are offered for dedication for street development.
12. The property is located off Mountain City Highway, NDOT jurisdiction.

### **MASTER PLAN:**

1. Conformance with the Land Use component of the Master Plan was evaluated with review and approval of the Preliminary Plat. The Final Plat is in conformance with the Preliminary Plat.
2. Conformance with the Transportation component of the Master Plan was evaluated with review and approval of the Preliminary Plat. The Final Plat is in conformance with the Preliminary Plat.

The subdivision is in conformance with the Land Use and Transportation components of the Master Plan.

### **ELKO REDEVELOPMENT PLAN:**

1. The property is not located within the Redevelopment Area.

### **ELKO WELLHEAD PROTECTION PLAN:**

1. The property lies outside of the 30 year capture zone for the City of Elko.



**SECTION 3-2-3 GENERAL PROVISIONS**

1. 3-2-3(C) The proposed development is in conformance with the principal uses provided for in the Single Family Residential District.
2. It appears the area proposed for the subdivision is suitable for the development of single family residential units and townhome units taking into consideration flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community.

The proposed subdivision is in conformance with Section 3-2-3.

**SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS**

1. Required conformity to district regulations as listed in Section 3-2-5 and 3-2-9 is required.
2. Lot area requirement standards have been reduced with the approved development agreement shown as File 666547 on record with the Elko County Recorder's Office.

Project is in conformance with 3-2-4 with the reductions for area and setbacks as shown in the development agreement as shown as File 666547 on record with the Elko County Recorder's Office.

**SECTION 3-2-5(E) Residential Zoning Districts**

1. 3-2-5(E) Single Family and Multiple Family Residential District. Lots 521-541 must comply with principal permitted uses as listed in this section.

Project is in conformance with 3-2-5(E) with the p

**SECTION 3-2-5(G) Residential Zoning District**

1. Lot dimensions were approved with the Preliminary Plat. Development, including area and setback requirement standards have been approved with the development agreement shown as File 666547 on record with the Elko County Recorder's Office.

Project is in conformance with 3-2-5(G) with the reductions for area and setbacks as shown in the development agreement as shown as File 666547 on record with the Elko County Recorder's Office.

**SECTION 3-2-9 CC, CT Commercial Districts**

1. Conditional Uses Permitted: Multiple-family residential developments which contain five (5) or more units located on a single lot or parcel; townhouse, condominium or attached housing developments.
2. CUP 8-12 was approved for the development of townhomes, 96 units of 6 units per building. A new CUP application 1-18 has been submitted for approval of the remaining

24 units to be reduced to 20 units which are designed at 2 per building instead of 6.

3. Property development standards have been reduced for lot area, lot width, and setbacks with the development agreement.
4. CUP 1-18 must be approved for conformance with this section of code.

Project is in conformance with 3-2-9 with the reductions for area and setbacks as shown in the development agreement as shown as File 666547 on record with the Elko County Recorder's Office.

### **SECTION 3-2-17**

1. As the property develops, conformance with 3-2-17 will be required.

It appears the proposed development will meet the requirements of 3-2-17.

### **SECTION 3-3-5 PRELIMINARY PLAT STAGE (STAGE II)**

- F. Significance of Preliminary Approval, subject to the provisions of this section and NRS 278.360, the final plat shall be recorded within 2 years of the date of recording of the previous final plat.

### **SECTION 3-3-6 FINAL PLAT STAGE (STAGE III)**

**Pre-submission Requirements (A)(1)** – The Plat is in conformance with the zone requirements approved under the Development Agreement. A Conditional Use Permit application 1-18 will be heard in conjunction to this final plat application but acted on separately. The CUP 1-18 will replace CUP 8-12 which was previously approved for a total of 24 townhome units in Phase 5.

**Pre-submission Requirements (A)(2)** – The proposed final plat conforms closely to the preliminary plat. A slight modification in the number of lots and size of lots has been submitted but these changes would be considered minor revisions and support the development.

**Pre-submission Requirements (A)(3)** – The Title Sheet includes an affidavit for public utilities and no objections were received from public utilities upon notification for the Preliminary Plat.

### **SECTION 3-3-8 INFORMATION REQUIRED FOR FINAL PLAT SUBMITTAL**

1. Compliance with this section is required. See Development Department memo dated January 23, 2018.

### **SECTION 3-8**

1. The property is not located within a designated flood plain.

## **FINDINGS**

1. The subdivision is in conformance with the Land Use and Transportation components of the Master Plan.
2. Modifications to development standards have been approved with the development agreement shown as File 666547 on record with the Elko County Recorder's Office.
3. Based on the Development Agreement, the subdivision is in conformance with 3-2-4-Establishment of Zoning Districts.
4. Based on the Development Agreement, the subdivision is in conformance with 3-2-5-E-Single-Family and Multiple-Family Zoning Districts.
5. Based on the Development Agreement, the subdivision is in conformance with 3-2-9 CT-Commercial Transitional Zoning District.
6. The subdivision is in conformance with 3-2-17 Traffic, Access, Parking and Loading Regulations.
7. The subdivision is in conformance with 3-3-5 with less than 2 years since last final plat was recorded.
8. The subdivision is in conformance with 3-3-6-Final Plat (Stage III).
9. The subdivision is in conformance with 3-3-8-Information required for Final Plat Submission.
10. The subdivision is in conformance with 3-3-20-General Provisions for Subdivision Design.
  - a. The subdivision does not appear to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility or similar conditions which are likely to prove harmful to the health and safety and general welfare of the community or the future property owners.
11. The subdivision is in conformance with 3-3-21-Street Location and Arrangement.
12. The subdivision is in conformance with 3-3-22-Street Design.
13. The subdivision is in conformance with 3-3-23-Block Design.
14. The subdivision is in conformance with 3-3-24-Lot Planning as modified by the Development Agreement.
15. The subdivision is in conformance with 3-3-25-Easement Planning.
16. The subdivision is in conformance with 3-3-26-Street Naming.
17. The subdivision is in conformance with 3-3-27-Street Lighting Design Standards.
18. The subdivision is in conformance with 3-3-40-Responsibility for Improvements.
19. The subdivision is in conformance with 3-3-41-Engineering Plans.
20. The subdivision is in conformance with 3-3-42-Construction and Inspection.
21. The subdivision is in conformance with 3-3-43-Required Improvements.
22. The sub-divider shall enter into a performance agreement to address the conditions found in 3-3-44-Agreement to Install Improvements.
23. The sub-divider shall provide a performance guarantee as stipulated in the performance agreement and 3-3-45-Performance Guarantee.
24. A modification of standards is required per 3-3-70-Modification of Standards
25. The subdivision is in conformance with 3-8 Floodplain Management.

26. The Final Plat is in conformance with the Preliminary Plat.
27. All Final Plat revisions are required prior to City Council consideration of the application.

### **RECOMMENDATION**

Staff recommends **approval** of the subdivision based on the following conditions:

#### **Development Department**

(see Memorandum from Development Manager Jeremy Draper dated January 23, 2018)

1. The Applicant shall complete all required subdivision improvements within two (2) years of the date of approval. Approval of the Final plat shall expire if the final plat is not recorded within two (2) years of the date on which the subdivider recorded the previous Final Plat, pursuant to NRS 278.360. This plat shall be recorded prior to June 27, 2019. The applicant may request an extension of time as provided for under provisions of City Code.
2. The final plat is approved for 20 townhome lots and 21 single family residential lots.
3. The Utility Department will issue a Will Serve Letter.
4. Final approval for civil improvement plans
5. State approval of the subdivision.
6. A Performance Agreement with regard to the dedication of public improvements shall be presented with the final plat for approval. The developer shall enter into the Performance Agreement within 30 days of approval of the final plat by City Council.
7. The vicinity map on page 1 of the plat needs to be adjusted to identify the location of the subdivision.
8. A drainage easement is required to be recorded over Common Area A near Cattle Drive.
9. Lot 531 shall have access restricted to Autumn Colors Drive. Note on map required.
10. Lot 532 and 537 shall have access restricted to Snowy River. Note on map required.
11. The developer shall clarify the depth of lots 513-520, the other townhome lots have a depth of 79.00'.
12. Provide a bearing for lots 504, 505, 512, 513, and 520.
13. The plat shall identify the location of the City boundary.
14. The plat shall identify the staking of all lot corners, per ECC 3-3-43.
15. The council should consider a modification of standards, not requiring the installation of curb and gutter as required in ECC 3-3-43-B, Curbs for the frontage of Mountain City Highway (SR 225).
16. NDOT approval is required for improvements on Mountain City Highway (SR 225).
17. A jurat shall be provided for NDOT approval.
18. Update the dates in the jurats to reflect 2018.

#### **Public Works Department**

1. All public improvements per City code at time of development.

#### **Utilities Department**

1. Civil Plans for water and sewer will be reviewed at time of submittal and offer any

feedback in the form of redline comments.

**Planning Department**

1. All revisions to map must be completed prior to City Council consideration for approval.
2. Common Area A needs to be landscaped and properly cared for and maintained in a manner that is acceptable to the City of Elko.
3. Existing cluster of post office boxes for County residents needs to be addressed with in the Final Plat. Location, easement, distance to intersection, and traffic conditions all should be addressed.



CITY OF ELKO  
DEVELOPMENT DEPARTMENT  
1755 COLLEGE AVENUE  
ELKO, NEVADA 89801  
(775)777-7210  
(775)777-7219 FAX

To: Elko Planning Commission  
From: Jeremy Draper, PE, Development Manager  
RE: Final Subdivision Plat Review for Autumn Colors-Phase 5  
Date: January 24, 2018

The City Development Department has reviewed the final subdivision plat for conformance with the applicable Master Plan section, Coordinating Plans, and City Code Sections.

### Background Information



1. The Final Plat for Autumn Colors Phase 1 was recorded on February 22, 2013.
2. The Final Plat for Autumn Colors Phase 2 was recorded on January 17, 2014.
3. The Final Plat for Autumn Colors Phase 3 was recorded on July 8, 2015.
4. The Final Plat for Autumn Colors Phase 4 was recorded on June 29, 2017.
5. The Final Plat for Autumn Colors Phase 5 has been presented prior to the expiration of the subdivision proceedings in accordance with NRS 278.360 (1)(a)(2).

6. The Subdivision is subject to a Development Agreement shown as File 666547 on record with the Elko County Recorder's Office.
7. The application includes 20-townhome lots and 21 single-family lots.
8. The townhome lots will be subject to the approval and the conditions of CUP 1-18.
9. The subdivision is located near the intersection of Mountain City Highway (SR 225) and Cattle Drive.
10. Public improvements along SR 225 are subject to NDOT approval. NDOT has stipulated in its letter dated September 20, 2017 that in its opinion, curb and gutter are not required on the SR 225 frontage.
11. The townhome development is locating in a CT-Commercial Transitional District
12. The single-family housing is located in a R-Single-Family and Multiple-Family District.
13. The proposed routing of water and sewer utilities outside of the SR 225 right of way is consistent with prior approvals of the subdivision. An 18" waterline will be routed in Cattle Drive for future extension to Exit 298.

**Master Plan**  
**Land Use Component**

- The area is identified as Commercial General along the SR 225 frontage and as Residential Medium Density for the remainder of the property.
- Corresponding zoning districts are
  - Commercial General
    - C-General Commercial
    - CC-Convenience Commercial
    - CT-Commercial Transitional
    - PC-Planned Commercial
    - IC-Industrial Commercial
  - Residential-Medium Density
    - R-Single-Family and Multiple-Family Residential
    - R1-Single-Family Residential
    - R2-Two-Family Residential
    - PUD-Planned Unit Development
    - RO-Residential Office
    - RB-Residential Business
    - RMH-2-Mobile Home Subdivision
    - RMH-3-Manufactured Home Subdivision
- Applicable objectives of the Land Use Component are
  - Objective 1-Promote a diverse mix of housing options to meet the needs of a variety of lifestyles, incomes, and age groups.
  - Objective 8-Encourage new development that does not negatively impact County-wide natural systems, or public/federal lands such as waterways,

wetlands, drainages, floodplains, etc., or pose a danger to human health and safety.

### **Transportation Component**

- The subdivision takes access from Cattle Drive, a Residential Collector, and is connected to Mountain City Highway (SR 225), a Principal Arterial under NDOT jurisdiction.
- Roadways internal to the subdivision are considered local streets.
- Applicable objectives of the Transportation Component are
  - Objective 1-Provide a balanced transportation system that accommodates vehicles, bicycles, and pedestrians, while being sensitive to, and supporting the adjacent land uses.
  - Objective 2-Provide a backbone of arterial roadways to emphasize regional vehicle travel and provide adequate capacity to move large traffic volumes, including truck traffic, safely and efficiently.

The subdivision is in conformance with the Master Plan.

### **Section 3-2-4-Establishment of Zoning Districts**

- Conformance with this section is required.

### **3-2-5-Residential Zoning Districts**

- E. R-Single-Family and Multiple-Family Residential District
- Conformance with this section is required as modified by the Development Agreement.
  - The plat complies with the requirements under the Development Agreement under this zone.
  - Location of single-family residences shall be in conformance with the setbacks found in the Development Agreement.

### **3-2-9-CC, CT Commercial Districts**

- B. CT-Commercial Transitional District
- Conformance with this section is required as modified by the Development Agreement and in conformance with CUP 1-18.
  - The plat complies with the requirements under the Development Agreement under this zone.

### **3-2-17-Traffic, Access, Parking and Loading Regulations**

- Conformance with this section is required.



- All lots shall be provided with the required number of off street parking spaces.
- Access to lost shall conform with this section.

### **3-2-18-Conditional Use Permits**

- Conformance with this section is required, the development of the townhomes shall be in conformance with CUP 1-18.

### **3-3-5-Preliminary Plat Stage (Stage II)**

- F. Significance of Preliminary Approval, subject to the provisions of this section and NRS 278.360, the final plat shall be recorded within 2 years of the date of recording of the previous final plat.

### **Section 3-3-6-Final Plat Stage (Stage III)**

#### A. Presubmission Requirements

1. Zoning-The area in which the subdivision is located is zoned CT- Commercial Transitional for the townhomes, and R-Single-Family and Multiple-Family Residential for the single-family residents. The area being developed in the CT zone is being done under CUP 1-18. A zoning amendment is not required.
2. Preparation of Final Plat-The Final Plat conforms closely with the prepared preliminary plat 5-12 with the exception of the number of townhome lots. The preliminary plat provided for a total of 96 townhomes, the developer has requested to reduce the number of townhomes to a total of 92.
3. Easements-The final plat has the required approval from public utilities for easements. **A drainage easement shall be recorded over Common Area A.**

### **Section 3-3-8-Information Required for Final Plat Submission**

- A. Form and Content-The final plat conforms to the required size specifications and provides the appropriate affidavits and certifications.
- B. Identification Data
1. The subdivision map identified the subdivision, and provides its location by section, township, range and county. **The vicinity map should be adjusted to identify the location of the subdivision**
  2. The subdivision map was prepared by a properly licensed surveyor.
  3. The subdivision map provides a scale, north point, and date of preparation.
- C. Survey Data
1. The boundaries of the tract are fully balanced and closed.
  2. All exceptions are noted on the plat.

3. The location and description of cardinal points are tied to a section corner.
4. The location and description of any physical encroachments upon the boundary of the tract are noted on the plat.

D. Descriptive Data

1. The name, right of way lines, courses, lengths and widths of all streets and easements are noted on the plat.
2. All drainageways are noted on the plan. **A drainage easement should be recorded over Common Area A.**
3. All utility and public service easements are noted on the plat.
4. The location and dimensions of all lots, parcels and exceptions are shown on the plat.
5. All residential lots are numbered consecutively on the plat.
6. There are no sites dedicated to the public shown on the plat.
7. The location of adjoining subdivisions are noted on the plat with required information.
8. There are no deed restrictions proposed. **Lots 531, 532, and 537 shall have access restricted to Autumn Colors Drive and Snowy River respectfully.**

E. Dedication and Acknowledgment

1. The owner's certificate has the required dedication information for all easements and right of ways.
2. The execution of dedication is acknowledged and certified by a notary public.

F. Additional Information

1. All centerline monuments for streets are noted as being set on the plat.
2. The centerline and width of each right of way is noted on the plat.
3. The plat indicates the location of monuments that will be set to determine the boundaries of the subdivision.
4. The length and bearing of each lot line is identified on the plat. **The developer shall clarify the depth of lots 513-520, it appears they may be labeled incorrectly.**
5. The city boundary adjoining the subdivision is not identified on the plat. **The plat shall identify the location of the City boundary.**
6. The plat identifies the location of the section lines, and 1/16<sup>th</sup> section line adjoining the subdivision boundaries.

G. City Engineer to Check

1. The Engineer shall check the final map for accuracy of dimensions, placement of monuments, the establishment of survey records, and conformance with the preliminary map.
  - a) Closure calculations have been provided.
  - b) Civil improvement plans have been provided and are under review.
  - c) Civil improvement plans for drainage are under review.
  - d) An engineer's estimate has been provided.
2. It appears the lot closures are within the required tolerances.

H. Required certifications

1. The Owner's Certificate is shown on the final plat.
2. The Owner's Certificate offers for dedication all right of ways shown on the plat.
3. A Clerk Certificate is shown on the final plat, certifying the signature of the City Council.
4. The Owner's Certificate offers for dedication all easements shown on the plat.
5. A Surveyor's Certificate is shown on the plat and provides the required language.
6. The City Engineer's Certificate is listed on the plat.
7. A certificate from the Nevada Division of Environmental Protection is provided with the required language.
8. A copy of review by the state engineer is not available at this time.
9. A certificate from the Division of Water Resources is provided on the plat with the required language.
10. The civil improvement plans identify the required water meters for the subdivision.

**3-3-20-General Provisions for Subdivision Design**

- A. Conformance with Mater Plan-The proposed subdivision is in conformance with the requirements and objectives of the Mater Plan, Land Use and Transportation Components. The proposed subdivision is in conformance with the City zoning ordinances.
- B. There are no public sites offered for dedication with this subdivision.
- C. The land for the subdivision appears to be suitable for subdividing. The subdivision does not appear to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility or similar conditions which are likely to prove harmful to the health and safety and general welfare of the community or the future property owners.

**3-3-21-Street Location and Arrangement**

- The proposed subdivision is in conformance with this section, all streets are platted in conformance with the City Master Plan. Local Residential Street are arranged to discourage pass through traffic.

**3-3-22-Street Design**

- The proposed subdivision appears to be in conformance with this section.

**3-3-23-Block Design**

- The proposed subdivision appears to be in conformance with this section.

### **3-3-24-Lot Planning**

- The proposed subdivision is subject to a Development Agreement filed as file 666547 modifying the minimum lot dimensions. The subdivision is in conformance with Development Agreement.

### **3-3-25-Easement Planning**

- The subdivision has offered for dedication the required utility and drainage easements as required by this section.

### **3-3-26-Street Naming**

- All proposed street names are an extension of existing streets from previous phases and conform to the Preliminary Plat.

### **3-3-27-Street Lighting Design Standards**

- The required street lighting is identified on the civil improvement plans.

### **3-3-40-Responsibility for Improvements**

- The developer shall be responsible for all required improvements.

### **3-3-41-Engineering Plans**

- Civil improvement plans have been submitted and are under review.

### **3-3-42-Construction and Inspection**

- The developer has submitted plans for review to receive all required permits.

### **3-3-43-Required Improvements**

- Civil improvement plans have been submitted and are under review for conformance with this section of code.
- Civil improvements include curb, gutter and sidewalk, paving and utilities within the Autumn Colors Drive, Snowy River, and Cattle Drive right of ways.
- Civil improvements including sidewalk are shown within the SR 225 right of way.

### **3-3-44-Agreement to Install Improvements**

- The subdivider will be required to enter into a Performance Agreement to address the conditions of this section.

### **3-3-45-Performance Guarantee**

- The subdivider shall provide a Performance Guarantee as stipulated in the Performance Agreement.

### **3-3-70-Modification of Standards**

- A. Where in the opinion of the planning commission, there exists extraordinary conditions of topography, land ownership, or adjacent development, the city council may modify the provisions of this chapter, or any other provision in this code, in such a manner and to the minimum extent necessary to carry out the intent of this chapter.
- The subdivision has frontage along Mountain City Highway (SR 225), an NDOT right of way. NDOT has indicated they do not want to have curb and gutter along this frontage.
  - **The council should consider a modification of standards, not requiring the installation of curb and gutter as required in ECC 3-3-43-B, Curbs for the frontage of Mountain City Highway (SR 225) based on the findings of the Planning Commission.**
  - The proposed routing of water and sewer utilities outside of the SR 225 right of way is consistent with prior approvals of the subdivision. An 18" waterline will be routed in Cattle Drive for future extension to Exit 298. Sewer for the subdivision is located within the boundary of the subdivision, properties with annexation potential could connect to the utilities located within the Cattle Drive right of way.
  - **The council should consider a modification of standards, not requiring the installation of water and sewer infrastructure as required in ECC 3-3-43-G & H, Sanitary Sewer and Water Supply, along the frontage of Mountain City Highway (SR 225) based on the findings of the Planning Commission.**
- C. Additional Necessary Requirements: In modifying the standards or requirements of this chapter, as outlined heretofore, the council may make such additional requirements as are necessary in its judgement to secure substantially the objectives of the standards or requirements so modified.

### **3-8-Floodplain Management**

- The proposed subdivision is not located within a special flood hazard area.

### **8-18-Public Improvement Standards**

- Conformance with this section is required.

### **9-7-Construction Site Runoff Control**

- During construction of the subdivision and the erection of the housing, the developer shall be in conformance with this section of code.

### **9-8-Postconstruction Runoff Control and Water Quality Management**

- Conformance with this section is required.

### **Findings**

- The subdivision is in conformance with the Land Use and Transportation components of the Master Plan.
- The subdivision is in conformance with 3-2-4-Establishment of Zoning Districts.
- The subdivision is in conformance with 3-2-5-E-Single-Family and Multiple-Family Zoning Districts.
- The subdivision is in conformance with 3-2-17 Traffic, Access, Parking and Loading Regulations.
- The subdivision is in conformance with 3-3-6-Final Plat (Stage III).
- The subdivision is in conformance with 3-3-8-Information required for Final Plat Submission.
- The subdivision is in conformance with 3-3-20-General Provisions for Subdivision Design.
  - The subdivision does not appear to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility or similar conditions which are likely to prove harmful to the health and safety and general welfare of the community or the future property owners.
- The subdivision is in conformance with 3-3-21-Street Location and Arrangement.
- The subdivision is in conformance with 3-3-22-Street Design.
- The subdivision is in conformance with 3-3-23-Block Design.
- The subdivision is in conformance with 3-3-24-Lot Planning as modified by the Development Agreement.
- The subdivision is in conformance with 3-3-25-Easement Planning.
- The subdivision is in conformance with 3-3-26-Street Naming.
- The subdivision is in conformance with 3-3-27-Street Lighting Design Standards.
- The subdivision is in conformance with 3-3-40-Responsibility for Improvements.
- The subdivision is in conformance with 3-3-41-Engineering Plans.
- The subdivision is in conformance with 3-3-42-Construction and Inspection.
- The subdivision is in conformance with 3-3-43-Required Improvements.

- The subdivider shall enter into a performance agreement to address the conditions found in 3-3-44-Agreement to Install Improvements.
- The subdivider shall provide a performance guarantee as stipulated in the performance agreement and 3-3-45-Performance Guarantee.
- A modification of standards is required per 3-3-70-Modification of Standards for curb and gutter, sanitary sewer and water supply not being installed in SR 225.

### **Recommendation**

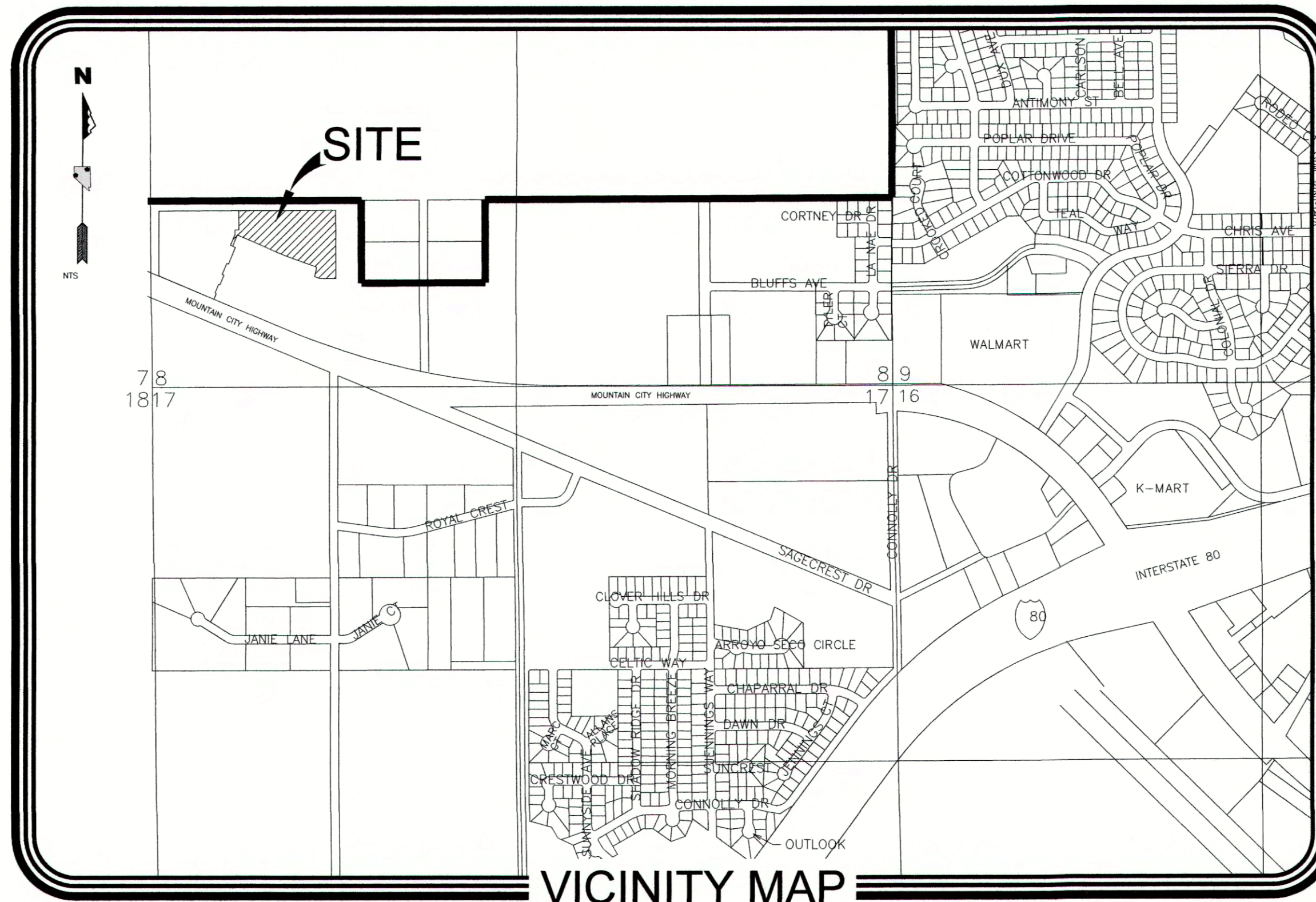
The City of Elko Development Department recommends approval of the subdivision based on the following conditions:

1. The Applicant shall complete all required subdivision improvements within two (2) years of the date of approval. Approval of the Final plat shall expire if the final plat is not recorded within two (2) years of the date on which the subdivider recorded the previous Final Plat, pursuant to NRS 278.360. This plat shall be recorded prior to June 27, 2019. The applicant may request an extension of time as provided for under provisions of City Code.
2. The final plat is approved for 20 townhome lots and 21 single family residential lots.
3. The Utility Department will issue a Will Serve Letter.
4. Final approval for civil improvement plans
5. State approval of the subdivision.
6. A Performance Agreement with regard to the dedication of public improvements shall be presented with the final plat for approval. The developer shall enter into the Performance Agreement within 30 days of approval of the final plat by City Council.
7. The vicinity map on page 1 of the plat needs to be adjusted to identify the location of the subdivision prior to City Council consideration.
8. A drainage easement over Common Area A near Cattle Drive shall be shown on the final plat prior to City Council consideration.
9. Lot 531 shall have access restricted to Autumn Colors Drive, a note shall be added to the final plat prior to City Council consideration.
10. Lot 532 and 537 shall have access restricted to Snowy River, a note shall be added to the final plat prior to City Council consideration.
11. The developer shall clarify the depth of lots 513-520, the other townhome lots have a depth of 79.00' prior to City Council consideration.
12. Provide a bearing for lots 504, 505, 512, 513, and 520 on the final plat prior to City Council consideration.
13. The plat shall identify the location of the City boundary prior to City Council consideration.
14. The plat shall identify the staking of all lot corners, per ECC 3-3-43 prior to City Council consideration.

15. The council should consider a modification of standards, not requiring the installation of curb and gutter as required in ECC 3-3-43-B, Curbs for the frontage of Mountain City Highway (SR 225) based on the findings of the Planning Commission.
16. The council should consider a modification of standards, not requiring the installation of water and sewer infrastructure as required in ECC 3-3-43-G & H, Sanitary Sewer and Water Supply, along the frontage of Mountain City Highway (SR 225) based on the findings of the Planning Commission.
17. NDOT approval is required for improvements on Mountain City Highway (SR 225).
18. A jurat shall be provided on the final plat for NDOT approval prior to City Council consideration.
19. Update the dates in the jurats to reflect 2018 prior to City Council consideration.



# FINAL MAP OF AUTUMN COLORS ESTATES ~ PHASE 5



## NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

THIS FINAL MAP IS APPROVED BY THE DIVISION OF ENVIRONMENTAL PROTECTION OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES. THIS APPROVAL CONCERNS SEWAGE DISPOSAL, WATER POLLUTION, WATER QUALITY, AND WATER SUPPLY FACILITIES AND IS PREDICATED UPON PLANS FOR A PUBLIC WATER SUPPLY AND A COMMUNITY SYSTEM FOR DISPOSAL OF SEWAGE.

BUREAU OF WATER POLLUTION CONTROL \_\_\_\_\_ DATE \_\_\_\_\_

## ELKO CITY COUNCIL CERTIFICATE

AT A REGULAR MEETING OF THE ELKO CITY COUNCIL HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, THIS MAP WAS APPROVED FOR SUBDIVISION PURPOSES PURSUANT TO N.R.S. 278.461 THROUGH 278.469, INCLUSIVE, AND ALL APPLICABLE LOCAL ORDINANCES. ALL OFFERS OF DEDICATION SHOWN HEREON WERE ACCEPTED FOR PUBLIC USE.

MAYOR, CITY OF ELKO \_\_\_\_\_ DATE \_\_\_\_\_

ATTEST: CLERK, CITY OF ELKO \_\_\_\_\_ DATE \_\_\_\_\_

## SURVEYOR'S CERTIFICATE

I, ERIC V. SNYDER, A PROFESSIONAL LAND SURVEYOR LICENSED IN THE STATE OF NEVADA, CERTIFY THAT:

1. THIS IS A TRUE AND ACCURATE REPRESENTATION OF THE LANDS SURVEYED UNDER MY SUPERVISION AT THE INSTANCE OF AUTUMN COLORS LLC.
2. THE LANDS SURVEYED LIE WITHIN SECTION 8, TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.M.
3. THIS PLAT COMPLIES WITH THE APPLICABLE STATE STATUTES AND ANY LOCAL ORDINANCES IN EFFECT ON THE DATE THAT THE GOVERNING BODY GAVE ITS FINAL APPROVAL.
4. THE MONUMENTS DEPICTED ON THE PLAT WILL BE OF THE CHARACTER SHOWN AND OCCUPY THE POSITIONS INDICATED BY JANUARY 30, 2019 AND AN APPROPRIATE FINANCIAL GUARANTEE WILL BE POSTED WITH THE GOVERNING BODY BEFORE RECORDATION TO ENSURE THE INSTALLATION OF THE MONUMENTS.

ERIC V. SNYDER  
PLS 11194



1/8/18

## ELKO CITY PLANNING COMMISSION CERTIFICATE

AT THE REGULAR MEETING OF THE PLANNING COMMISSION OF THE CITY OF ELKO, STATE OF NEVADA, HELD ON THE \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, A TENTATIVE MAP OF THIS SUBDIVISION WAS DULY AND REGULARLY APPROVED PURSUANT TO N.R.S. 278.330 AND THIS FINAL MAP SUBSTANTIALLY COMPLIES WITH SAID TENTATIVE MAP AND ALL CONDITIONS PURSUANT THERETO HAVE BEEN MET.

CHAIRMAN, ELKO CITY PLANNING COMMISSION \_\_\_\_\_ DATE \_\_\_\_\_

## DIVISION OF WATER RESOURCES CERTIFICATE

THIS PLAT IS APPROVED BY THE DIVISION OF WATER RESOURCES OF THE DEPARTMENT OF CONSERVATION AND NATURAL RESOURCES CONCERNING WATER QUANTITY, SUBJECT TO REVIEW OF APPROVAL ON FILE IN THIS OFFICE.

DIVISION OF WATER RESOURCES \_\_\_\_\_ DATE \_\_\_\_\_

## NOTES

1. IN ADDITION TO THE EXISTING EASEMENTS AND THE EASEMENTS SHOWN, A 5' WIDE PUBLIC UTILITY EASEMENT IS HEREBY GRANTED ALONG THE COMMON LOT LINES OF LOTS 502 & 503, 506 & 507, 510 & 511, 514 & 515, 518 & 519, AND ALONG THE SIDE LOT LINES 521 THROUGH 541, AND ALONG THE REAR LOT LINES OF LOTS 501 THROUGH 541, AND A 5' PRIVATE RECIPROCAL DRAINAGE EASEMENT IS HEREBY GRANTED ALONG THE COMMON LOT LINES OF LOTS 502 & 503, 506 & 507, 510 & 511, 514 & 515, 518 & 519, AND ALONG THE SIDE LOT LINES 521 THROUGH 541, AND ALL SIDE LOT LINES OF LOTS 521 THROUGH 541, AND A 7.5' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT WILL BE GRANTED ALONG ALL PROPOSED STREET RIGHTS-OF-WAY.
2. THE TOTAL SUBDIVIDED AREA IS ±5.85 ACRES.  
THE TOTAL AREA OFFERED AS DEDICATED ROADWAY IS ±1.01 ACRES.  
THE TOTAL LOT AREA (41) IS ±4.35 ACRES.  
THE TOTAL COMMON AREA IS ±21,168 SQUARE FEET.

## BASIS OF BEARINGS

THE RECORD OF SURVEY FOR WILLOW GLEN INVESTMENT GROUP, LLC., RECORDED IN THE OFFICE OF THE ELKO COUNTY RECORDER ON FEBRUARY 6, 2012, AS FILE NO. 651824.

## REFERENCES

1. THE FINAL MAP OF AUTUMN COLORS ESTATES ~ PHASE 1, RECORDED IN THE OFFICE OF THE ELKO COUNTY RECORDER ON FEBRUARY 22, 2013 AS FILE NO. 668425.
2. THE FINAL MAP OF AUTUMN COLORS ESTATES ~ PHASE 2, RECORDED IN THE OFFICE OF THE ELKO COUNTY RECORDER ON JANUARY 17, 2014 AS FILE NO. 682937.
3. THE FINAL MAP OF AUTUMN COLORS ESTATES ~ PHASE 3, RECORDED IN THE OFFICE OF THE ELKO COUNTY RECORDER ON JULY 8, 2015 AS FILE NO. 700141.
4. THE FINAL MAP OF AUTUMN COLORS ESTATES ~ PHASE 4, RECORDED IN THE OFFICE OF THE ELKO COUNTY RECORDER ON JUNE 29, 2017 AS FILE NO. 727521.

## NV ENERGY CERTIFICATE

A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED TO NV ENERGY WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING UTILITY SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS, AT LOCATIONS MUTUALLY AGREED UPON BY THE OWNER OF RECORD AT THE TIME OF INSTALLATION AND THE UTILITY COMPANY.

SIERRA PACIFIC POWER COMPANY \_\_\_\_\_ DATE \_\_\_\_\_

D/B/A/ NV ENERGY

PRINTED NAME \_\_\_\_\_

## SOUTHWEST GAS CERTIFICATE

A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED TO SOUTHWEST GAS WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INSTALLING AND MAINTAINING SERVICE FACILITIES TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH SAID UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS.

SOUTHWEST GAS CORPORATION \_\_\_\_\_ DATE \_\_\_\_\_

PRINTED NAME \_\_\_\_\_

## UTILITY COMPANIES CERTIFICATE

THE PUBLIC UTILITY EASEMENTS, ARE APPROVED BY THE RESPECTIVE PUBLIC UTILITIES EXECUTED BELOW.

FRONTIER \_\_\_\_\_ DATE \_\_\_\_\_

SATVIEW BROADBAND \_\_\_\_\_ DATE \_\_\_\_\_

## OWNER'S CERTIFICATE

KNOWN OF ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, JON BAILEY, MANAGING MEMBER OF AUTUMN COLORS LLC, BEING THE OWNER OF THE PARCELS SHOWN ON THIS MAP, DOES HEREBY CONSENT TO THE PREPARATION AND FILING OF THIS MAP AND OFFER FOR DEDICATION ALL OF THE EASEMENTS AND RIGHT-OF-WAYS FOR PUBLIC ACCESS, UTILITY AND DRAINAGE PURPOSES AS DESIGNATED HEREON.

IN WITNESS I, JON BAILEY, MANAGING MEMBER OF AUTUMN COLORS LLC., SET MY HAND THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017.

JON BAILEY  
MANAGING MEMBER OF AUTUMN COLORS LLC.

STATE OF NEVADA )  
COUNTY OF ELKO ) S.S.

ON THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2017, PERSONALLY APPEARED BEFORE ME, A NOTARY PUBLIC, JON BAILEY, PERSONALLY KNOWN (OR PROVED) TO ME TO BE THE PERSON WHOSE NAME IS SUBSCRIBED TO THE ABOVE INSTRUMENT WHO ACKNOWLEDGED THAT HE EXECUTED THE FOREGOING INSTRUMENT AS MANAGING MEMBER OF AUTUMN COLORS LLC.

NOTARY PUBLIC IN AND FOR \_\_\_\_\_ COUNTY, \_\_\_\_\_

(MY COMMISSION EXPIRES: \_\_\_\_\_)

## COUNTY ASSESSOR'S CERTIFICATE

I, KATRINKA RUSSELL, CERTIFY THAT THE ASSESSOR'S PARCEL NUMBERS SHOWN ON THIS PLAT ARE CORRECT AND THAT THE PROPOSED PARCELS ARE A DIVISION OF ASSESSOR'S PARCEL NO. 001-01F-316.

KATRINKA RUSSELL, ELKO COUNTY ASSESSOR \_\_\_\_\_ DATE \_\_\_\_\_

## COUNTY TREASURER'S CERTIFICATE

I, REBECCA ERICKSON, CERTIFY THAT ALL PROPERTY TAXES ON PARCEL NO. 001-01F-316 HAVE BEEN PAID FOR THE FISCAL YEAR 2017-2018.

REBECCA ERICKSON, COUNTY TREASURER \_\_\_\_\_ DATE \_\_\_\_\_

## CITY ENGINEER'S CERTIFICATE

I, ROBERT THIBAUT, ENGINEER FOR THE CITY OF ELKO, DO HEREBY CERTIFY THAT I HAVE EXAMINED THIS MAP AND FIND IT SUBSTANTIALLY THE SAME AS IT APPEARED ON THE TENTATIVE MAP WITH ALL APPROVED ALTERATIONS AND THAT ALL PROVISIONS OF N.R.S. 278.010 THROUGH 278.630, INCLUSIVE, AND ALL LOCAL ORDINANCES APPLICABLE AT THE TIME OF APPROVAL OF THE TENTATIVE MAP HAVE BEEN COMPLIED WITH, AND THAT I AM SATISFIED THIS MAP IS TECHNICALLY CORRECT AND THAT THE MONUMENTS AS SHOWN ARE OF THE CHARACTER AND OCCUPY THE POSITIONS INDICATED.

ENGINEER FOR THE CITY OF ELKO \_\_\_\_\_ DATE \_\_\_\_\_

ADD JURAT FOR NDOT APPROVAL.

FILE No. \_\_\_\_\_  
FILED AT THE REQUEST OF  
SUMMIT ENGINEERING CORP.  
DATE: \_\_\_\_\_, 2018  
TIME: \_\_\_\_\_ M.

D. MIKE SMALES  
ELKO COUNTY RECORDER

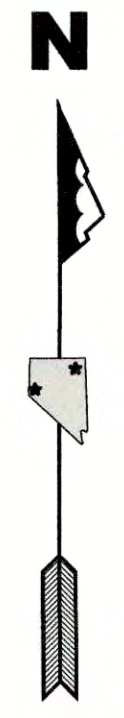
<b>FINAL MAP OF AUTUMN COLORS ESTATES PHASE 5</b>	
BEING A SUBDIVISION OF PARCEL R-1 OF FILE NO. 700141 LOCATED IN THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8, TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.M.	
ELKO	ELKO COUNTY
1150 LAMOILLE HWY. ELKO, NV. 89801 PHONE: (775) 738-8058 FAX: (775) 738-8087 elko@summitnv.com	
SHEET 1 OF 2	12/28/2017

APN: 006-09J-023  
 GOVERNMENT LOT  
 BOOK 521, PAGE 666  
 ELKO COUNTY  
 ZONE AR  
 APPROXIMATE 1/16 SECTION LINE

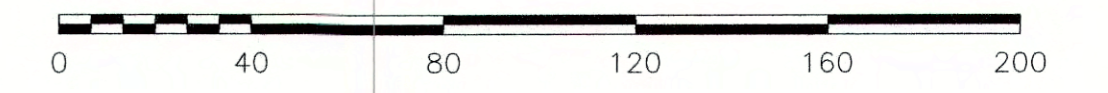
**AUTUMN COLORS  
 ESTATES PHASE 3  
 FILE NO. 700141  
 (NOT A PART)**

**LEGEND:**

- ⊕ FOUND SECTION CORNER MONUMENT AS NOTED
- ⊕ FOUND 1/4 SECTION CORNER MONUMENT AS NOTED
- FOUND 5/8" REBAR WITH PLASTIC CAP - PLS 20723
- FOUND 5/8" REBAR, NO CAP OR TAG
- ▲ 5/8" REBAR W/ CAP "PLS 11194" (FRONT) OR FENCE POST (REAR) TO BE SET AT PROPERTY CORNER
- ✕ FOUND 5/8" REBAR WITH PLASTIC CAP - PLS 7000
- CALCULATED POINT, NOTHING FOUND OR SET
- SET CENTERLINE STREET MONUMENT - PLS 11194 (123.45') EASEMENT DISTANCE
- (R) RADIAL BEARING
- SS SANITARY SEWER



1" = 40'



EXISTING 10' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT PER FILE 651824.

60' PUBLIC RIGHT OF WAY PER RIGHT-OF-WAY CORRECTIVE DEED, FILE NO. 181448, RECORDED IN THE OFFICE OF THE ELKO COUNTY RECORDER ON SEPTEMBER 9, 1983 IN BOOK 435, PAGE 16

ELKO COUNTY

APPROXIMATE CITY LIMIT

FOUND REBAR IS 0.78' SOUTH OF CALCULATED POSITION AND MAY HAVE BEEN DISTURBED.

WERE THESE INTENDED TO BE 79.00'

EXISTING 10' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT PER FILE 651824.

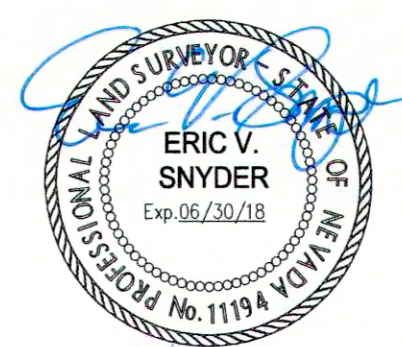
**MOUNTAIN CITY HIGHWAY  
 (EXISTING, PUBLIC)**

CITY OF ELKO

APN: 001-01E-033  
 DOC NO. 534477  
 ZONE C

FD 2" AL CAP "DAVIS SURVEYING, 1993"

Curve #	Delta	Radius	Length
C1	23°07'58"	36.00'	14.53'
C2	23°07'58"	100.00'	40.37'
C3	90°19'05"	20.00'	31.53'
C4	2°49'29"	150.00'	7.39'
C5	15°07'12"	150.00'	39.58'
C6	5°11'17"	150.00'	13.58'
C7	89°38'43"	20.01'	31.31'
C8	90°19'05"	20.00'	31.53'
C9	89°41'06"	20.00'	31.31'
C10	23°07'58"	150.00'	60.56'
C11	23°07'58"	125.00'	50.47'



1/8/18

**FINAL MAP  
 OF  
 AUTUMN COLORS ESTATES  
 PHASE 5**

BEING A SUBDIVISION OF PARCEL R-1 OF FILE NO. 700141  
 LOCATED IN THE SOUTH 1/2 OF THE SOUTHWEST 1/4 OF SECTION 8,  
 TOWNSHIP 34 NORTH, RANGE 55 EAST, M.D.M.

ELKO ELKO COUNTY NEVADA

1150 LAMOILLE HWY.  
 ELKO, NV. 89801  
 PHONE: (775) 738-8058  
 FAX: (775) 738-8257  
 elko@summitnv.com

SHEET 2 OF 2

12/28/2017



# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
Email: [planning@ci.elko.nv.us](mailto:planning@ci.elko.nv.us)

1751 College Avenue • Elko, Nevada 89801 • (775) 777-7160 • Fax (775) 777-7119

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January 30, 2018

Autumn Colors, LLC  
780 W. Silver Street  
Elko, NV 89801

Re: Conditional Use Permit No. 1-18 and Final Plat No. 2-18

Dear Applicant Agent:

Enclosed is a copy of the agenda for an upcoming Planning Commission meeting. Highlighted on the agenda is an item or items that you have requested to be acted on at the meeting. Also enclosed is pertinent information pertaining to your request. Please review this information before the meeting.

The Planning Commission requests that you, or a duly appointed representative, be in attendance at this meeting to address the Planning Commission. If you will not be able to attend the meeting but wish to have a representative present, please submit a letter to the Planning Commission authorizing this person to represent you at the meeting.

If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

A handwritten signature in black ink that reads "Shelby Archuleta".

Shelby Archuleta  
Planning Technician

Enclosures

CC:



# CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue \* Elko \* Nevada \* 89801

(775) 777-7160 \* (775) 777-7119 fax

## APPLICATION FOR FINAL PLAT APPROVAL

**APPLICANT(s):** Autumn Colors LLC

**MAILING ADDRESS:** 780 W Silver St

**PHONE NO (Home)** 775-777-7773 **(Business)** \_\_\_\_\_

**NAME OF PROPERTY OWNER (If different):** \_\_\_\_\_  
*(Property owner consent in writing must be provided)*

**MAILING ADDRESS:** 780 W Silver St

**LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):**

**ASSESSOR'S PARCEL NO.:** 00101f316 **Address** 3800 Mtn City Hwy

**Lot(s), Block(s), & Subdivision** 34N 55E Lot 8

**Or Parcel(s) & File No.** \_\_\_\_\_

**PROJECT DESCRIPTION OR PURPOSE:** subdivision to single family lots

**APPLICANT'S REPRESENTATIVE OR ENGINEER:** Jon D Bailey, P.E.

### FILING REQUIREMENTS:

**Complete Application Form:** In order to begin processing the application, an application form must be complete and signed. *Complete* applications are due at least 21 days prior to the next scheduled meeting of the Elko City Planning Commission (meetings are the 1<sup>st</sup> Tuesday of every month), and must include the following:

1. One .pdf of the entire application, and ten (10) 24" x 36" copies of the final plat folded to a size not to exceed 9"x12" provided by a properly licensed surveyor, as well as one (1) set of reproducible plans 8 1/2" x 11" in size and any required supporting data, prepared in accordance with Section 3-3-8 of Elko City Code (see attached checklist).
2. Pre-Submission Requirements:
  - a. The final plat shall meet all requirements of the zoning district in which located, and any necessary zoning amendment shall have been adopted by the Elko City Council prior to filing of the final plat.
  - b. The final plat shall conform closely to the approved preliminary plat and be prepared in accordance with the provisions of the City Subdivision Ordinance.
  - c. The final plat submittal shall include a letter signifying approval of utility easements by all public utilities involved, and shall be so indicated by an affidavit on the map.
  - d. A complete set of construction plans for all public improvements associated with the final plat shall have been approved or substantially approved by the City Engineer.

**Fee:** \$600.00 + \$25.00 per lot including remainder parcels; non-refundable.

**Other Information:** The applicant is encouraged to submit other information and documentation to support the request.

## Final Plat Checklist 3-3-8

Identification Data	
<input checked="" type="checkbox"/>	Subdivision Name
<input checked="" type="checkbox"/>	Location and Section, Township and Range
<input checked="" type="checkbox"/>	Name, address and phone number of subdivider
<input checked="" type="checkbox"/>	Name, address and phone number of engineer/surveyor
<input checked="" type="checkbox"/>	Scale, North Point and Date of Preparation
<input checked="" type="checkbox"/>	Location maps
Survey Data (Required)	
<input checked="" type="checkbox"/>	Boundaries of the Tract fully balanced and closed
<input checked="" type="checkbox"/>	Any exception within the plat boundaries
<input checked="" type="checkbox"/>	The subdivision is to be tied to a section corner
<input checked="" type="checkbox"/>	Location and description of all physical encroachments
Descriptive Data	
<input checked="" type="checkbox"/>	Street Layout, location, widths, easements
<input checked="" type="checkbox"/>	All drainageways, designated as such
<input checked="" type="checkbox"/>	All utility and public service easements
<input checked="" type="checkbox"/>	Location and dimensions of all lots, parcels
<input checked="" type="checkbox"/>	Residential Lots shall be numbered consecutively
<input checked="" type="checkbox"/>	All sites to be dedicated to the public and proposed use
<input checked="" type="checkbox"/>	Location of all adjoining subdivisions with name date, book and page
<input checked="" type="checkbox"/>	Any private deed restrictions to be imposed upon the plat
Dedication and Acknowledgment	
<input checked="" type="checkbox"/>	Statement of dedication for items to be dedicated
<input checked="" type="checkbox"/>	Execution of dedication acknowledged by a notary public
Additional Information	
<input checked="" type="checkbox"/>	Street CL, and Monuments identified
<input checked="" type="checkbox"/>	Street CL and width shown on map
<input checked="" type="checkbox"/>	Location of mounuments used to determine boudaries
<input checked="" type="checkbox"/>	Each city boundary line crossing or adjoining the subdivision
<input checked="" type="checkbox"/>	Section lines crossing the subdivision boundaries
City Engineer to Check	
<input checked="" type="checkbox"/>	Closure report for each of the lots
<input checked="" type="checkbox"/>	Civil Improvement plans
<input checked="" type="checkbox"/>	Estimate of quantities required to complete the improvements
Required Certifications	
<input checked="" type="checkbox"/>	All parties having record title in the land to be subdivided
<input checked="" type="checkbox"/>	Offering for dedication
<input checked="" type="checkbox"/>	Clerk of each approving governing body
<input checked="" type="checkbox"/>	Easements
<input checked="" type="checkbox"/>	Surveyor's Certificate
<input checked="" type="checkbox"/>	City Engineer
<input checked="" type="checkbox"/>	State Health division
<input checked="" type="checkbox"/>	State Engineer
<input checked="" type="checkbox"/>	Division of Water Resources
<input checked="" type="checkbox"/>	City Council

**By My Signature below:**

- I consent to having the City of Elko Staff enter on my property for the sole purpose of inspection of said property as part of this application process.
- I object to having the City of Elko Staff enter onto my property as a part of their review of this application. (Your objection will not affect the recommendation made by the staff or the final determination made by the City Planning Commission or the City Council.)
- I acknowledge that submission of this application does not imply approval of this request by the City Planning Department, the City Planning Commission and the City Council, nor does it in and of itself guarantee issuance of any other required permits and/or licenses.
- I acknowledge that this application may be tabled until a later meeting if either I or my designated representative or agent is not present at the meeting for which this application is scheduled.
- I acknowledge that, if approved, I must provide an AutoCAD file containing the final subdivision layout on NAD 83 NV East Zone Coordinate System to the City Engineering Department when requesting final map signatures for recording.
- I have carefully read and completed all questions contained within this application to the best of my ability.

**Applicant / Agent** Jon D Bailey  
(Please print or type)

**Mailing Address** 780 W Silver St  
Street Address or P.O. Box  
Elko, NV 89801  
City, State, Zip Code

Phone Number: 7753853659

Email address: jbaileype@gmail.com

**SIGNATURE:** \_\_\_\_\_  
DocuSigned by:  
Jonathan Bailey  
FB21AC7300D8486

*Common Area 'A' not counted as a lot.*

**FOR OFFICE USE ONLY** *(41 lots x 25) + 600 = 1625*

**File No.:** 2-18 **Date Filed:** 1/16/18 **Fee Paid:** 1625 *CK# 26992*

JAN 16 2018

**ENGINEER'S ESTIMATE - PHASE THREE AUTUMN COLORS**

(FOR BONDING PURPOSES ONLY AT THE CITY OF ELKO)

PROJECT: AUTUMN COLORS PHASE 5  
 DEVELOPER: AUTUMN COLORS LLC  
 ENGINEER: JON BAILEY, P.E

PREPARED BY: JDB  
 DATE: 01/16/18  
 AREA: 5.25 Acres  
 NUMBER OF LOTS/UNITS: 41

**-STREETS-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
2&1/2" ASPHALT CONCRETE PAVEMENT		SF	\$1.00	\$0.00
3" ASPHALT CONCRETE PAVEMENT	52,834	SF	\$1.75	\$92,459.50
4" ASPHALT CONCRETE PAVEMENT		SF	\$1.85	\$0.00
6" ASPHALT CONCRETE PAVEMENT		SF	\$1.95	\$0.00
2" -4" BASE MATERIAL		SF	\$0.40	\$0.00
5" BASE MATERIAL		SF	\$0.35	\$0.00
6" BASE MATERIAL		SF	\$0.45	\$0.00
9" BASE MATERIAL	52,834	SF	\$0.65	\$34,342.10
12" BASE MATERIAL		SF	\$0.85	\$0.00
FOG SEAL		SY	\$0.05	\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

**-GRADING-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
ROADWAY (WITHIN RIGHT-OF-WAY)	2,446	CY	\$3.10	\$0.00
ON-SITE (MASS GRADING)		CY	\$2.75	\$0.00
				\$0.00
				\$0.00

**-CONCRETE-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
CURB & GUTTER WITH BASE	2,183	LF	\$18.00	\$39,294.00
MEDIAN CURB WITH BASE		LF	\$10.00	\$0.00
SIDEWALK 4' WITH BASE	2,183	LF	\$12.00	\$26,196.00
SIDEWALK 5' WITH BASE		LF	\$15.00	\$0.00
ALLEY SECTION		SF	\$5.00	\$0.00
VALLEY GUTTER		SF	\$5.50	\$0.00
LONGITUDINAL VALLEY GUTTER		LF	\$15.00	\$0.00
DRAINAGE SWALE		LF	\$10.00	\$0.00
				\$0.00
				\$0.00
				\$0.00

**-WALLS-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
RETAINING WALL 4' - 6'		LF	\$50.00	\$0.00
RETAINING WALL 6' - 8'		LF	\$75.00	\$0.00
SOUND BARRIER 6' - 8'		LF	\$98.50	\$0.00
SOUND BARRIER 8' - 10'		LF	\$127.50	\$0.00
ROCKERY RETAINING WALL 1' - 3'		LF	\$28.00	\$0.00
ROCKERY RETAINING WALL 3' - 6'		LF	\$55.00	\$0.00
ROCKERY RETAINING WALL 6' - 10+'		LF	\$95.00	\$0.00
				\$0.00
				\$0.00

**PAGE 1 SUBTOTAL: \$192,291.60**

**ENGINEER'S ESTIMATE (Cont.)**

**-SANITARY SEWER-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
MANHOLE 48" DIAMETER	8	EA	\$1,800.00	\$14,400.00
MANHOLE 60" DIAMETER		EA	\$2,000.00	\$0.00
DROP MANHOLE 48" DIAMETER		EA	\$2,000.00	\$0.00
DROP MANHOLE 60" DIAMETER		EA	\$2,250.00	\$0.00
SERVICE LATERALS 4" DIAMETER	41	EA	\$275.00	\$11,275.00
MANHOLE TYPE V		EA	\$5,000.00	\$0.00
SEWER MAIN 8" DIAMETER	1,518	LF	\$20.00	\$30,360.00
SEWER MAIN 10" DIAMETER		LF	\$24.00	\$0.00
SEWER MAIN 12" DIAMETER		LF	\$28.00	\$0.00
SEWER MAIN 15" DIAMETER		LF	\$38.00	\$0.00
SEWER MAIN 18" DIAMETER		LF	\$48.00	\$0.00
				\$0.00
				\$0.00

**-STORM DRAIN-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
MANHOLE 48" DIAMETER		EA	\$1,800.00	\$0.00
MANHOLE 60" DIAMETER		EA	\$2,000.00	\$0.00
MANHOLE TYPE V		EA	\$5,000.00	\$0.00
CATCH BASIN TYPE I		EA	\$750.00	\$0.00
CATCH BASIN TYPE II		EA	\$1,500.00	\$0.00
CATCH BASIN TYPE III		EA	\$600.00	\$0.00
CATCH BASIN TYPE IV	1	EA	\$1,250.00	\$1,250.00
SIDEWALK DRAIN		EA	\$750.00	\$0.00
YARD DRAIN		EA	\$500.00	\$0.00
LATERAL 10" DIAMETER		LF	\$27.00	\$0.00
STORM DRAIN MAIN 12" DIAMETER		LF	\$33.00	\$0.00
STORM DRAIN MAIN 15" DIAMETER		LF	\$36.00	\$0.00
STORM DRAIN MAIN 18" DIAMETER	126	LF	\$40.00	\$5,040.00
STORM DRAIN MAIN 21" DIAMETER		LF	\$45.00	\$0.00
STORM DRAIN MAIN 24" DIAMETER		LF	\$50.00	\$0.00
STORM DRAIN MAIN 27" DIAMETER		LF	\$65.00	\$0.00
STORM DRAIN MAIN 30" DIAMETER		LF	\$75.00	\$0.00
STORM DRAIN MAIN 36" DIAMETER		LF	\$90.00	\$0.00
STORM DRAIN MAIN 42" DIAMETER		LF	\$110.00	\$0.00
STORM DRAIN MAIN 48" DIAMETER		LF	\$130.00	\$0.00
STORM DRAIN MAIN 54" DIAMETER		LF	\$163.00	\$0.00
STORM DRAIN MAIN 60" DIAMETER		LF	\$182.00	\$0.00
STORM DRAIN MAIN 72" DIAMETER		LF	\$216.00	\$0.00
ROCK RIPRAP 6" - 12" DEPTH	523	SF	\$3.50	\$1,830.50
ROCK RIPRAP 8" - 16" DEPTH		SF	\$4.00	\$0.00
ROCK RIPRAP 12" - 24" DEPTH		SF	\$5.00	\$0.00
HEADWALLS 12" - 36"		EA	\$1,500.00	\$0.00
HEADWALLS 42" - 72"	1	EA	\$4,300.00	\$4,300.00
TRASH RACK 24" & SMALLER		EA	\$5,000.00	\$0.00
TRASH RACK 27"		EA	\$6,000.00	\$0.00
TRASH RACK 30"		EA	\$7,000.00	\$0.00
TRASH RACK 36"		EA	\$8,000.00	\$0.00
TRASH RACK 42"		EA	\$9,000.00	\$0.00
TRASH RACK 48"		EA	\$10,000.00	\$0.00
TRASH RACK 54"		EA	\$12,000.00	\$0.00
5x10 double box culvert		LF	\$525.00	\$0.00
5x10 double box culvert		LF	\$526.00	\$0.00

**PAGE 2 SUBTOTAL: \$68,455.50**



ENGINEER'S ESTIMATE (Cont.)

**-PUBLIC UTILITIES-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
STREET LIGHTS	2	EA	\$1,100.00	\$2,200.00
ELECTRIC SERVICE	2,183	LF	\$12.00	\$26,196.00
TELEPHONE	2,183	LF	\$2.50	\$5,457.50
10" C900 WM	722	LF	\$40.00	\$28,880.00
12" C900 WM		LF	\$40.00	\$0.00
18" C900 WM	563	LF	\$45.00	\$25,335.00
GAS	2,183	LF	\$20.00	\$43,660.00
CABLE TELEVISION	2,183	LF	\$8.00	\$17,464.00
WATER METERS	41	EA	\$250.00	\$10,250.00
FHA ASSEMBLY	1	EA	\$1,500.00	\$1,500.00

**-MISCELLANEOUS-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
LANDSCAPING		LS	\$5,000.00	\$0.00
EROSION CONTROL		LS	\$500.00	\$0.00
STREET SIGNS		EA	\$260.00	\$0.00
TRAFFIC CONTROL SIGNS		EA	\$215.00	\$0.00
SURVEY MONUMENTS	3	EA	\$500.00	\$1,500.00
STREET BARRICADES		EA	\$1,110.00	\$0.00
DITCH FENCING 54"		LF	\$15.00	\$0.00
EMERGENCY ACCESS CONTROL GATE		EA	\$3,000.00	\$0.00
LOT MONUMENTS	164	EA	\$30.00	\$4,920.00
PAVEMENT MARKINGS (STRIPING, ETC.)		LS	\$550.00	\$0.00

**PAGE 1 SUBTOTAL:** \$192,291.60  
**PAGE 2 SUBTOTAL:** \$68,455.50  
**PAGE 3 SUBTOTAL:** \$167,362.50  
**PAGE 1-3 SUBTOTAL:** \$428,109.60  
**10% CONTINGENCY:** \$42,810.96  
**TOTAL:** \$470,920.56  
  
**AMOUNT OF SECURITY: \$470,920.00**

STAMP, SIGNATURE AND DATE

**ENGINEER'S ESTIMATE - PHASE TWO - REDUCTION**

(FOR BONDING PURPOSES ONLY AT THE CITY OF ELKO)

PROJECT: AUTUMN COLORS PHASE 5  
 DEVELOPER: AUTUMN COLORS LLC  
 ENGINEER: JON BAILEY, P.E.

PREPARED BY: JDB  
 DATE: 01/16/18  
 AREA:

NUMBER OF LOTS/UNITS: 41 Acres

**-STREETS-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
2&1/2" ASPHALT CONCRETE PAVEMENT		SF	\$1.00	\$0.00
3" ASPHALT CONCRETE PAVEMENT		SF	\$1.75	\$0.00
4" ASPHALT CONCRETE PAVEMENT		SF	\$1.85	\$0.00
6" ASPHALT CONCRETE PAVEMENT		SF	\$1.95	\$0.00
2" -4" BASE MATERIAL		SF	\$0.40	\$0.00
5" BASE MATERIAL		SF	\$0.35	\$0.00
6" BASE MATERIAL		SF	\$0.45	\$0.00
9" BASE MATERIAL		SF	\$0.65	\$0.00
12" BASE MATERIAL		SF	\$0.85	\$0.00
FOG SEAL		SY	\$0.05	\$0.00
				\$0.00
				\$0.00
				\$0.00
				\$0.00

**-GRADING-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
ROADWAY (WITHIN RIGHT-OF-WAY)	UNDER SEP. PERMIT	CY	\$3.10	\$0.00
ON-SITE (MASS GRADING)	UNDER SEP. PERMIT	CY	\$2.75	\$0.00
				\$0.00
				\$0.00

**-CONCRETE-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
CURB & GUTTER WITH BASE		LF	\$18.00	\$0.00
MEDIAN CURB WITH BASE		LF	\$10.00	\$0.00
SIDEWALK 4' WITH BASE		LF	\$12.00	\$0.00
SIDEWALK 5' WITH BASE		LF	\$15.00	\$0.00
ALLEY SECTION		SF	\$5.00	\$0.00
VALLEY GUTTER		SF	\$5.50	\$0.00
LONGITUDINAL VALLEY GUTTER		LF	\$15.00	\$0.00
DRAINAGE SWALE		LF	\$10.00	\$0.00
				\$0.00
				\$0.00

**-WALLS-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
RETAINING WALL 4' - 6'		LF	\$50.00	\$0.00
RETAINING WALL 6' - 8'		LF	\$75.00	\$0.00
SOUND BARRIER 6' - 8'		LF	\$98.50	\$0.00
SOUND BARRIER 8' - 10'		LF	\$127.50	\$0.00
ROCKERY RETAINING WALL 1' - 3'		LF	\$28.00	\$0.00
ROCKERY RETAINING WALL 3' - 6'		LF	\$55.00	\$0.00
ROCKERY RETAINING WALL 6' - 10+		LF	\$95.00	\$0.00
				\$0.00
				\$0.00

**PAGE 1 SUBTOTAL: \$0.00**

ENGINEER'S ESTIMATE (Cont.)

**-SANITARY SEWER-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
MANHOLE 48" DIAMETER		EA	\$1,800.00	\$0.00
MANHOLE 60" DIAMETER		EA	\$2,000.00	\$0.00
DROP MANHOLE 48" DIAMETER		EA	\$2,000.00	\$0.00
DROP MANHOLE 60" DIAMETER		EA	\$2,250.00	\$0.00
SERVICE LATERALS 4" DIAMETER		EA	\$275.00	\$0.00
MANHOLE TYPE V		EA	\$5,000.00	\$0.00
SEWER MAIN 8" DIAMETER		LF	\$20.00	\$0.00
SEWER MAIN 10" DIAMETER		LF	\$24.00	\$0.00
SEWER MAIN 12" DIAMETER		LF	\$28.00	\$0.00
SEWER MAIN 15" DIAMETER		LF	\$38.00	\$0.00
SEWER MAIN 18" DIAMETER		LF	\$48.00	\$0.00
				\$0.00
				\$0.00

**-STORM DRAIN-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
MANHOLE 48" DIAMETER		EA	\$1,800.00	\$0.00
MANHOLE 60" DIAMETER		EA	\$2,000.00	\$0.00
MANHOLE TYPE V		EA	\$5,000.00	\$0.00
CATCH BASIN TYPE I		EA	\$750.00	\$0.00
CATCH BASIN TYPE II		EA	\$1,500.00	\$0.00
CATCH BASIN TYPE III		EA	\$600.00	\$0.00
CATCH BASIN TYPE IV		EA	\$1,250.00	\$0.00
SIDEWALK DRAIN		EA	\$750.00	\$0.00
YARD DRAIN		EA	\$500.00	\$0.00
LATERAL 10" DIAMETER		LF	\$27.00	\$0.00
STORM DRAIN MAIN 12" DIAMETER		LF	\$33.00	\$0.00
STORM DRAIN MAIN 15" DIAMETER		LF	\$36.00	\$0.00
STORM DRAIN MAIN 18" DIAMETER		LF	\$40.00	\$0.00
STORM DRAIN MAIN 21" DIAMETER		LF	\$45.00	\$0.00
STORM DRAIN MAIN 24" DIAMETER		LF	\$50.00	\$0.00
STORM DRAIN MAIN 27" DIAMETER		LF	\$65.00	\$0.00
STORM DRAIN MAIN 30" DIAMETER		LF	\$75.00	\$0.00
STORM DRAIN MAIN 36" DIAMETER		LF	\$90.00	\$0.00
STORM DRAIN MAIN 42" DIAMETER		LF	\$110.00	\$0.00
STORM DRAIN MAIN 48" DIAMETER		LF	\$130.00	\$0.00
STORM DRAIN MAIN 54" DIAMETER		LF	\$163.00	\$0.00
STORM DRAIN MAIN 60" DIAMETER		LF	\$182.00	\$0.00
STORM DRAIN MAIN 72" DIAMETER		LF	\$216.00	\$0.00
ROCK RIPRAP 6" - 12" DEPTH		SF	\$3.50	\$0.00
ROCK RIPRAP 8" - 16" DEPTH		SF	\$4.00	\$0.00
ROCK RIPRAP 12" - 24" DEPTH		SF	\$5.00	\$0.00
HEADWALLS 12" - 36"		EA	\$1,500.00	\$0.00
HEADWALLS 42" - 72"		EA	\$4,300.00	\$0.00
TRASH RACK 24" & SMALLER		EA	\$5,000.00	\$0.00
TRASH RACK 27"		EA	\$6,000.00	\$0.00
TRASH RACK 30"		EA	\$7,000.00	\$0.00
TRASH RACK 36"		EA	\$8,000.00	\$0.00
TRASH RACK 42"		EA	\$9,000.00	\$0.00
TRASH RACK 48"		EA	\$10,000.00	\$0.00
TRASH RACK 54"		EA	\$12,000.00	\$0.00
5x10 double box culvert		LF	\$525.00	\$0.00
				\$0.00

PAGE 2 SUBTOTAL: **\$0.00**

ENGINEER'S ESTIMATE (Cont.)

**-PUBLIC UTILITIES-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
STREET LIGHTS		EA	\$1,100 00	\$0 00
ELECTRIC SERVICE		LF	\$12 00	\$0 00
TELEPHONE		LF	\$2 50	\$0 00
10" C900 WM		LF	\$40 00	\$0 00
12" C900 WM		LF	\$40 00	\$0 00
18" C900 WM		LF	\$45 00	\$0 00
GAS		LF	\$20 00	\$0 00
CABLE TELEVISION		LF	\$8 00	\$0 00
WATER METERS		EA	\$250 00	\$0 00
FHA ASSEMBLY		EA	\$1,500 00	\$0 00

**-MISCELLANEOUS-**

DESCRIPTION	QUANTITY	UNIT	UNIT PRICE	TOTAL
LANDSCAPING		LS	\$5,000 00	\$0 00
EROSION CONTROL		LS	\$500 00	\$0 00
STREET SIGNS		EA	\$260 00	\$0 00
TRAFFIC CONTROL SIGNS		EA	\$215 00	\$0 00
SURVEY MONUMENTS		EA	\$500 00	\$0 00
STREET BARRICADES		EA	\$1,110 00	\$0 00
DITCH FENCING 54"		LF	\$15 00	\$0 00
EMERGENCY ACCESS CONTROL GATE		EA	\$3,000 00	\$0 00
LOT MONUMENTS		EA	\$30 00	\$0 00
PAVEMENT MARKINGS (STRIPING, ETC.)		LS	\$550 00	\$0 00

PAGE 1 SUBTOTAL: \$0.00  
 PAGE 2 SUBTOTAL: \$0.00  
 PAGE 3 SUBTOTAL: \$0.00  
 PAGE 1-3 SUBTOTAL: \$0.00  
 10% CONTINGENCY: \$0.00  
 TOTAL: \$0.00

AMOUNT OF SECURITY: \$0.00

STAMP, SIGNATURE AND DATE

**Elko City Planning Commission  
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action to initiate an amendment to the City of Elko Master Plan, specifically the Atlas Map 8, and matters related thereto.  
FOR POSSIBLE ACTION**
2. Meeting Date: **February 6, 2018**
3. Agenda Category: *MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS*
4. Time Required: **10 Minutes**
5. Background Information:
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information:
8. Recommended Motion: **Move to initiate an amendment to the City of Elko Master Plan Future Land Use Atlas Map 8 and direct staff to bring the item back as a resolution and public hearing.**
9. Prepared By: **Cathy Laughlin, City Planner**
10. Agenda Distribution:

**STAFF COMMENT FLOW SHEET**  
**PLANNING COMMISSION AGENDA DATE: 2/16**

\*\*Do not use pencil or red pen, they do not reproduce\*\*

Title: Initiate Amendment to Master Plan  
Applicant(s): City of Elk  
Site Location: N/A  
Current Zoning: N/A Date Received: N/A Date Public Notice: N/A

COMMENT: \_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

\*\*If additional space is needed please provide a separate memorandum\*\*

Assistant City Manager: Date: 1/31/18 Recommend initiation  
of amendment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

SAW  
Initial

City Manager: Date: 2/1/18 No comments/concerns.  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

W  
Initial



# CITY OF ELKO

## Planning Department

Website: [www.elkocity.com](http://www.elkocity.com)  
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### *Memorandum*

To: Planning Commission  
From: Cathy Laughlin –City Planner  
Date: January 29, 2018  
Meeting Date: February 6, 2018

#### **Agenda Item:**

- 1. Review, consideration, and possible action to initiate an amendment to the City of Elko Master Plan, specifically the Atlas Map 8, and matters related thereto. FOR POSSIBLE ACTION**

#### **Additional Information:**

In the process of initiating a zone change from Residential to Public-Quasi-Public for the City of Elko parcel located at 1401 College Ave. it was determined that the rezone would not be in strict conformance with the Master Plan as the Master Plan references the area as Residential Medium Density. The area surrounding that parcel is Medical and Civic in nature and therefore justifies an amendment to the Atlas Map 8 for future land use to identify the parcels as Public. Corresponding zoning districts for Public are PQP-Public, Quasi-Public. This initiation would amend the Atlas Map 8 for the highlighted parcels from Res-Md to Public.



Cathy Laughlin  
City Planner

# Zoning Bulletin

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# Standing—Association of neighborhoods challenges county approval of planned use development

Developer argues that association lacks standing to bring such a judicial challenge

Citation: *Greater Towson Council of Community Associations v. DMS Development, LLC*, 2017 WL 4990670 (Md. Ct. Spec. App. 2017)

---

Contributors

Corey E. Burnham-Howard

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MARYLAND (11/01/17)—This case addressed the issue of whether a community-associations group had standing (i.e., the legal right to seek judicial review) to challenge a zoning board's decision to grant a developer a waiver of local "open space" requirements and to approve a planned unit development.

**The Background/Facts:** DMS Development, LLC ("DMS") proposed a planned unit development ("PUD") in Towson, an unincorporated community in Baltimore County (the "County"). DMS proposed that the PUD would contain a "mixed residential dormitory and commercial project."

Baltimore County Code ("BCC") required new developments to provide a certain amount of recreational "open space" depending on the number of residential units. The County granted to DMS a waiver of the local open space requirement, and the County set the fee to be paid in lieu of meeting the open space requirements at "zero" dollars. Ultimately, the County Council approved the PUD.

Thereafter, the Greater Towson Council of Community Associations ("GTC"), among others, challenged the PUD approval and the open space waiver. GTC was an "umbrella group" that represented more than 30 neighborhoods in Towson. Eventually, the County Board of Appeals (the "Board") affirmed the decision to approve the PUD. The Board also approved the open space waiver at the zero-dollar waiver fee.

GTC then filed two separate petitions for judicial review. One challenged the PUD approval and the other challenged the open space requirement waiver. Those cases were consolidated before the circuit court.

DMS asked the circuit court to dismiss the actions. DMS argued that GTC lacked standing (i.e., the right to assert the claims in the judicial forum). The circuit court denied DMS's motions to dismiss. The circuit court found that GTC had standing because GTC had participated as a party before the Board in both cases, and because one of GTC's member neighborhood association members owned a community park and garden near the PUD. With regard to the open space waiver case specifically, the circuit court found that GTC had a strong interest in DMS's payment of a higher waiver fee because of the benefits it could bring to GTC's member neighborhoods in the County.

The circuit court later affirmed both of the Board's decisions.

GTC appealed. DMS again argued that GTC lacked standing to maintain an appeal.

**DECISION: Judgment of Circuit Court vacated and matter remanded with instructions to dismiss.**

The Court of Special Appeals of Maryland held that GTC lacked standing to petition for judicial review both the Board's decision to grant DMS a waiver of the local open space requirements and to approve the PUD.

In so holding, the court explained that, under Maryland law, in order to have standing to petition for judicial review, a party must meet "two conditions precedent." First, the party "must have been a party to the proceeding before the Board." Second, the party must be "aggrieved" in that the party's "personal or property rights are adversely affected by the decision of the Board . . . in a way different from that suffered by the public generally." Here, the

appellate court found that “GTC did not put forth any evidence of its own property ownership, nor that it was specially aggrieved in some other way” different from the general public.

The court emphasized that while a party may have standing before the Board, it can lack standing to petition for judicial review in the circuit court (because there is a lower threshold for standing before a Board than a judiciary). The court also emphasized that “Maryland’s policy relating to ‘association standing’ in land use actions” requires a neighborhood or community association itself to “be ‘aggrieved’ by the decision of the Board regardless of its members’ property ownership.” In other words, the court said that an association lacks standing to sue where it has no property interest of its own—separate and apart from that of its members.

Here, since GTC lacked any property ownership of its own, it was “required to overcome the difficult burden[of] alleging and proving how the Board’s decision in the open space waiver case harmed GTC differently than others in the community,” said the court. The court found there was “no evidence in the record . . . that GTC was ‘specially aggrieved’ by the decision to permit the zero dollar waiver fee any more than the general public—including all resident property owners in Baltimore County.” The court also found that GTC was not an “aggrieved” party based on the property interests of any of the individual resident members of the neighborhoods, which were, in turn, members of GTC—since, to have standing, the association had to, itself, be “aggrieved” by the Board’s decision and could not rely on its members’ property ownership or interests.

Thus, finding that GTC lacked standing, the appellate court concluded that the circuit court erred in denying DMS’ motions to dismiss GTC’s petitions for judicial review in both cases.

See also: *Bryniarski v. Montgomery County Bd. of Appeals*, 247 Md. 137, 230 A.2d 289 (1967).

See also: *Ray v. Mayor and City Council of Baltimore*, 430 Md. 74, 90, 59 A.3d 545 (2013).

## **Rezoning/Eminent Domain/Due Process—City rejects landowner’s request to rezone property**

Landowner alleges that rezone denial constitutes unconstitutional taking of property

· Citation: *Diversified Holdings, LLP v. City of Suwanee*, 2017 WL 4985523 (Ga. 2017)

GEORGIA (11/02/17)—This case addressed the issue of whether inverse condemnation was an available remedy on review of a particular zoning classification. It also addressed the issue of whether a city’s refusal to rezone property violated a property owner’s due process rights.

**The Background/Facts:** Diversified Holdings, LLP (“Diversified”) owned 30 acres of undeveloped land (the “Property”) in the City of Suwanee (the “City”). The Property was zoned for commercial use in accordance with the City’s 2030 Comprehensive Plan. Claiming that it has been unable to sell the Property as zoned for more than two decades, Diversified applied to the City for rezoning of the Property to allow for multifamily use. The City denied Diversified’s request to rezone.

Diversified then filed suit in superior court. Diversified alleged that the City’s decision to deny Diversified’s rezoning request constituted an unconstitutional taking of the Property.

The superior court concluded that the City’s current zoning of the Property caused Diversified a “significant detriment.” Evidence showed that the fair market value of the Property would increase “tremendously” if it were rezoned—from between \$600,000 and \$1.5 million to approximately \$5.9 million. However, the superior court also concluded that the City’s decision did not constitute an abuse of discretion and did not work an unconstitutional taking because the existing commercial zoning of Diversified’s Property was “compatible with the surrounding commercial uses and [was] consistent with the City’s comprehensive plan and economic development” and was therefore “substantially related to the public health, safety, morality, and welfare.”

Diversified appealed. The City also cross-appealed the finding that Diversified showed a significant detriment.

**DECISION: Judgment of Superior Court affirmed.**

The Supreme Court of Georgia first held that inverse condemnation was not an available remedy for Diversified, here. The court explained that inverse condemnation claims draw their remedies from the eminent domain provisions in the Fifth Amendment of the United States Constitution (as well as Article 1, Section 3, Paragraph I of the Georgia Constitution), which protects against uncompensated “takings.” The court explained that such takings are seen when the “government encroaches upon or occupies private land for its owner proposed use,” or when a “regulation of property . . . violates constitutional due process guarantees.” The court noted that, with regard to regulatory action, when a regulation results in a permanent physical infringement of property or deprives the property owner of “all economically beneficial uses,” such action will be deemed a “per se taking” (i.e., on its face taking). With regard to cases that fall outside of those two categories, the court explained that courts look at certain factors to determine whether the regulation has “interfered with distinct investment-backed expectations.” Those factors include: the “economic impact of the regulation on the claimant and, particularly, the extent to which the regulation has interfered with distinct investment-backed expectations”; and “the character of the government action” (i.e., physical invasion versus “public program adjusting the benefits and burdens of economic life to promote the common good”). In summary, said the court, a party challenging a government regulation as an uncompensated exercise of the government’s eminent domain power must show that the regulation is “so onerous that its effect is tantamount to a direct appropriation or ouster.”

The court further explained that zoning “does not ordinarily present the

kind of affirmative public use at the expense of the property owner that effects a taking.” Zoning claims are typically “rooted in due process guarantees against arbitrary exertion of the police power rather than in the government’s authority to take private property through eminent domain,” said the court. “When the property owner’s right to the unfettered use of his property confronts the police power under which zoning is effected, due process guarantees act as a check against the arbitrary and capricious use of that police power,” said the court. Therefore, in order to strike a balance (between police power and property rights), “a zoning classification that substantially burdens a property owner may be justified if it bears a substantial relation to the public health, safety, morality, or general welfare,” said the court. Lacking such a justification, the zoning may be set aside as “arbitrary or capricious,” and cannot stand.

Here, Diversified had alleged both an inverse condemnation and a due process violation. The court concluded that because Diversified requested relief in the form of rezoning without seeking damages for a taking, their claim was properly understood as sounding in due process. Again, under the due process analysis, the court said that Diversified’s challenge of the validity of the zoning “must show, by clear and convincing evidence, that the zoning at issue presents a significant detriment to the landowner and is insubstantially related to—in other words, does not ‘substantially advance’—the public health, safety, morality, and welfare.”

In looking at the validity of the City’s decision to deny the rezoning request, the court explained that the following factors had to be considered:

(1) existing uses and zoning of nearby property; (2) the extent to which property values are diminished by the particular zoning restrictions; (3) the extent to which the destruction of property values of the plaintiffs promotes the health, safety, morals or general welfare of the public; (4) the relative gain to the public, as compared to the hardship imposed upon the individual property owner; (5) the suitability of the subject property for the zoned purposes; and (6) the length of time the property has been vacant as zoned considered in the context of land development in the area in the vicinity of the property.

Balancing those factors here, the court concluded that the City’s denial of Diversified’s petition to rezone the Property for multi-family housing should be affirmed. The court said this was because the zoning decision was not “arbitrary or capricious,” but rather was “substantially related to the public’s healthy, safety, morality, and welfare” as: the area around the Property was zoned for commercial use; the City’s Comprehensive Plan provide for the Property’s commercial zoning; such zoning was adopted after “extensive study and public debate”; the Property had no sidewalks and therefore was hazardous for pedestrians; and businesses abutted the Property.

See also: *Guhl v. Holcomb Bridge Road Corp.*, 238 Ga. 322, 232 S.E.2d 830 (1977).

---

**Case Note:**

*In its decision, the court emphasized that its decision clarified that the “substantially advances” standard that derives from constitutional due process guarantees “has no place in an eminent domain or inverse condemnation proceeding.” “Consequently,*

where a landowner claims harm from a particular zoning classification, inverse condemnation is not an available remedy unless the landowner can meet the separate and distinct requirements for such a claim.”

---

*Case Note:*

The City had also cross-appealed the superior court's finding that Diversified showed a significant detriment. Because the appellate court affirmed the trial court's decision that the denial of Diversified's application was not arbitrary or capricious, the appellate court did not reach the City's contention on cross appeal.

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## Validity of Zoning Ordinance—City ordinance imposes overlay district that prohibits “mobile home parks or courts”

Property owner seeking to construct mobile homes argues that the term “mobile home parks or courts” was unconstitutionally vague

Citation: *Edwards v. City of Warner Robins*, 2017 WL 4870994 (Ga. 2017)

GEORGIA (10/30/17)—This case addressed the issue of whether the term “mobile home court or park” as used in a city's zoning ordinance was “unconstitutionally vague” as applied. The case also addressed whether a city's denial of a property owner's request to replace an existing mobile home or construct new mobile homes violated the property owner's vested rights.

**The Background/Facts:** Since 1973, Charles Edwards (“Edwards”) and his wife, Carol Edwards, (collectively, the “Edwardses”) had rented out a mobile home on each of three lots (the “1973 lots”) that Edwards owned in the City of Warner Robins (the “City”). In June 1997, the Edwardses purchased properties (the “1997 lots”) adjoining the three 1973 lots, with all lots then owned comprising seven acres with 36 lots. Each lot either had a mobile home on it or was being held out for use by a mobile home.

At the time of the Edwardses' 1997 lots purchase, however, mobile homes were prohibited on the 1973 lots and the 1997 lots under the City's 1994 Base Environs Overlay District (“BEOD”) Ordinance. The BEOD was an overlay district that prohibited “manufactured housing” or “mobile homes” in the zoning district where the Edwardses' owned property. The BEOD Ordinance did provide exemptions for nonconforming uses. Thus, the Edwardses' original three mobile homes (on the 1973 lots) had been permitted since 1994 as nonconforming uses.

In 1997, the Edwardses requested, and the City granted, a rezoning of the

Edwardses' properties to an R-MH zoning designation, which allowed mobile home uses.

In 2008, the City amended the BEOD Ordinance by replacing a table, and in doing so, stated that "mobile home parks or courts" and "related structures" were prohibited in the BEOD Ordinance.

In February 2009, the City notified the Edwardses that even though the underlying R-MH zoning of their properties allowed mobile homes, the BEOD took precedence and did not allow them.

In August 2011, the Edwardses asked the City to allow them to: (1) upgrade a mobile home on one of the 1973 lots; and (2) to put additional mobile homes on the 1997 lots. The City denied those requests.

The Edwardses then appealed the City's denial of their requests. Among other things, the Edwardses argued that the City's denial of their requests were improper because the BEOD Ordinance was "unconstitutionally vague and overbroad" as applied to them. They also argued that the denial unconstitutionally violated their vested rights to use the properties for mobile homes.

Finding no material issues of fact in dispute, and deciding the matter based on the law alone, the superior court granted summary judgment on the Edwardses' claims in favor of the City.

The Edwardses appealed. On appeal, they again argued that the term "mobile home court or park" in the 2008 BEOD Ordinance amendment was "unconstitutionally vague" and that it was unclear if the BEOD Ordinance precluded them from placing additional mobile homes on their properties. In the alternative, they argued that even if it was clear that a large group of related mobile homes would qualify as a "mobile home park or court," the BEOD Ordinance was unconstitutionally vague because it was "not clear whether this language prohibits the placement of a single mobile home in the BEOD area." Further, the Edwardses argued that the BEOD Ordinance unconstitutionally hampered the use of their properties by violating their vested rights to use the properties for mobile homes.

**DECISION: Judgment of district court superior court affirmed.**

The Supreme Court of Georgia concluded that the BEOD Ordinance term "mobile home park or court" was not, as the Edwardses had argued, unconstitutionally vague as applied. The court explained that the BEOD Ordinance would be void if it was "so vague that persons of 'common intelligence must necessarily guess at its meaning and differ as to its application.'" Here, the court found that persons of common intelligence would understand that the term "mobile home park or court" encompassed the kind of aggregation of commonly owned mobile homes that the Edwardses had or had sought. Indeed, the court noted that the Edwardses had explained that they wanted to develop a "manufactured home park" or a "mobile home park" on their properties. Accordingly, the court concluded that the BEOD Ordinance was not vague as applied to Appellants' situation.

As to the Edwardses' argument that the BEOD Ordinance was vague as to the placement of a single mobile home in the BEOD area, the court would not address that issue since the Edwardses were "not in that situation" and thus lacked standing (i.e., the legal right) to raise that argument.

Finally, the court also held that the BEOB Ordinance did not, as the Edwardses had argued, violate the Edwardses' vested rights to use the properties for mobile homes. The court noted that since the City's zoning ordinance prohibited the expansion of nonconforming uses, the City's denial of the Edwardses' request to replace a mobile home on one of the 1973 lots was "not unconstitutional." As for the additional mobile homes that the Edwardses sought to place on the 1997 lots, the court concluded that the Edwardses had not acquired a vested right to put those mobile homes on those properties, as they did not own the property until after the BEOB Ordinance prohibition on mobile homes was adopted. The court explained that "vested rights to develop property in accordance with prior zoning are personal" and did not transfer to the Edwardses when they purchased the 1997 lots.

Further, the court concluded that the City's grant of the 1997 rezone of the properties to R-MH designation did "not change th[at] result." The court said that the Edwardses could not have reasonably relied on that rezoning to erect mobile homes on the properties because the rezoning changed only the underlying zoning classification, and it did not change the BEOB Ordinance, which had always prohibited mobile home parks.

See also: *Gouge v. City of Snellville*, 249 Ga. 91, 287 S.E.2d 539 (1982).

## Conditional Use—City grants conditional use permit for professional office use in residential zoning district

Neighboring resident challenges the conditional use permit, arguing that accessible parking requirements were not met and use did not conform to character of the neighborhood as required

Citation: *Harrington v. City of Davis*, 16 Cal. App. 5th 420, 224 Cal. Rptr. 3d 351 (3d Dist. 2017)

CALIFORNIA (10/20/17)—This case addressed the issue of whether a city improperly issued a conditional use permit for a professional office space use that failed to provide accessible parking.

**The Background/Facts:** Catherine LeBlanc ("LeBlanc") and Christopher Sanborn ("Sanborn") owned real property (the "Property") in the City of Davis (the "City"). The Property was improved by a single family home, and was located in the City's "residential garden apartment" (R-3 or R-3-M) zoning district. In that zoning district, a variety of conditional uses could be permitted, including professional offices.

The previous owner of the Property had obtained a building permit and conditional use permit ("CUP") authorizing use of the Property for profes-



sional office space. However, that owner stopped using the Property for commercial purposes in 2011, and the original CUP had then expired.

In October 2013, LeBlanc applied to the City for a CUP authorizing use of the Property as a professional office space. The City's Planning Commission approved the CUP. Notably, in approving the CUP, the Planning Commission determined that, based on the square footage of the professional office space, a minimum of three parking spaces for the use were required. It was determined that those three spaces would be provided in a tandem configuration, with one parking space provided in a garage and two spaces in the driveway.

Michael Harrington ("Harrington") lived next door to the Property. Harrington appealed the City's grant of the CUP to LeBlanc. Harrington argued that the City erred in approving the CUP because the professional office use was "not of the same general character as the other conditional and general permitted uses within R-3-M." Harrington also argued that the parking plan for the Property and the professional office use did "not conform to law."

Ultimately, the City Council upheld the Planning Commission's approval of the CUP.

Several months later, upon LeBlanc's inquiry, the City notified LeBlanc that an accessible parking space was not required at the Property. Harrington again appealed, arguing that an accessible parking space was required. The City Council denied Harrington's appeal, concluding that an accessible parking space was not required on the Property.

Harrington then filed a legal action in court. The superior court denied Harrington's petition, and he again appealed.

On appeal, Harrington argued that the City erred in granting the CUP to LeBlanc because the CUP violated the City's Municipal Code. Harrington contended that: (1) the CUP required LeBlanc to provide accessible parking spaces; (2) the issuance of the CUP effectuated a change in occupancy that triggered the accessible parking requirements for new construction under the City's Building Code; (3) the CUP contemplated alterations to the Property that triggered the Building Code's accessible parking requirements; (4) the City Council failed to make sufficient findings to support the conclusion that compliance with accessible parking requirements would be technically infeasible; and (5) the CUP conflicted with the City's Municipal Code because the Municipal Code required protection of the "residential character" of an R-3 district.

**DECISION: Judgment of superior court affirmed.**

The Court of Appeal, Third District, California, rejected all of Harrington's claims. The court first concluded that, contrary to Harrington's claims, the CUP did not require LeBlanc to provide an accessible parking space since provision of an accessible parking space was not a condition of approval for the CUP.

Second, the court concluded that the expiration of the previous CUP on the Property changed the permitted use of the Property under the zoning code, but did not, as Harrington had argued, change the occupancy classification under the Building Code. Under the Building Code, there was no change in occupancy classification of a building unless the building official issued a certifi-

icate of occupancy—which did not occur here when the previous CUP expired. Substantial evidence showed that, upon expiration of the previous CUP, the occupancy was not converted from B occupancy (commercial) back to R3 (residential); the occupancy was and remained “B.”

Third, the court rejected Harrington’s claims that the CUP contemplated alterations to the Property that triggered the Building Code’s accessible parking requirements, finding that Harrington had waived that argument by failing to raise it at the administrative level and exhaust his administrative remedies.

Fourth, addressing Harrington’s claims that the City Council failed to make sufficient findings to support the conclusion that compliance with accessible parking requirements would be technically infeasible, the court found that the City Council properly made no technical infeasibility findings with regard to parking at the Property because “there was no attempt to rely on the technical infeasibility exemption,” in light of the determination that accessible parking was not required.

Finally, the court concluded that, contrary to Harrington’s claims, the CUP did not conflict with the City Municipal Code’s required protection of the “residential character” of an R-3 district because the City Council had found that LeBlanc’s proposed professional office use was “of the same general character as the other conditional and general permitted uses within the [R-3-M zoning district].”

## Zoning News from Around the Nation

### MARYLAND

The Prince George’s County Council has approved zoning to allow a marijuana dispensary to operate in the county, “permitting it to open 300 feet or farther from residential properties and at least 500 feet from schools, day care centers and parks.”

Source: *The Washington Informer*; <http://washingtoninformer.com>

### OHIO

The Cleveland Council recently adopted zoning legislation “that allows state-licensed medical marijuana cultivators, processors, retail dispensaries and testing laboratories to operate in certain zones in the city.” Reportedly, the city legislation includes state restrictions such as limiting operations’ proximities to within 500 feet of schools, parks, churches, and libraries.

Source: *News 5 Cleveland*; [www.news5cleveland.com](http://www.news5cleveland.com)

### WISCONSIN

State legislatures passed a property rights bill—the “Homeowners Bill of Rights”—which was headed to Governor Scott Walker’s desk for signature. The bill reportedly is a response to the United States Supreme Court decision

in *Murr v. St. Croix County*. In that decision, two lots owned by the same family were deemed “substandard” after zoning regulations changed. The court had ruled that local regulators could effectively treat the two neighboring lots owned by the same family as if they were a single parcel of property. The Homeowners Bill of Rights would “let property owners build on and sell substandard lots if they were legal when they were created.” It would also prohibit merging adjacent lots that share the same owner without the owner’s permission. . . . Other parts of the bill would make it easier to get conditional-use permits and variances, maintain non-conforming structures, dredge private ponds, appeal assessments when a homeowner refuses to let the assessor inside the house, and hang the American flag when condominium or homeowner association rules might prohibit that.

Source: *Milwaukee Journal-Sentinel*; [www.jsonline.com](http://www.jsonline.com)

# Zoning Bulletin

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# Preemption—County ordinance requires shooting facilities to obtain permit

Shooting range owner argues ordinance is preempted by state law governing firearms regulation

Citation: *Kitsap County v. Kitsap Rifle and Revolver Club*, 405 P.3d 1026 (Wash. Ct. App. Div. 2 2017)

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WASHINGTON (11/21/17)—This case addressed the issue of whether a county ordinance requiring shooting facilities to obtain an operating permit was preempted by state law, which explicitly preempted the entire field of “firearms regulation.” It also addressed whether that county ordinance violated the Second Amendment to the United States Constitution.

**The Background/Facts:** In September 2014, Kitsap County adopted Ordinance No. 515-2014, which established a new chapter to the Kitsap County Code (“KCC”) entitled “Firearms Discharge.” That chapter, KCC 10.25 required all existing and proposed shooting facilities to obtain an operating permit within 90 days of the ordinance’s effective date, and provided that the failure to obtain a permit would result in closure of the facility. It also required shooting facilities to meet detailed standards.

The Kitsap Rifle and Revolver Club (the “Club”), which operated a shooting range in the County, failed to submit an application for an operating permit by the deadline and informed the County that it did not intend to apply for a permit. The County then filed a legal action against the Club. The County asked the court to declare that the Club was in violation of KCC 10.25, and asked the court to enjoin the Club from operating its shooting facility until it received a permit. In that legal action, the Club argued that KCC 10.25 was invalid or unenforceable on various grounds, including that: (1) KCC 10.25 was preempted by state statutory law, RCW 9.41.290, which expressly provides that state law “fully occupies and preempts the entire field of firearms regulation . . . including [the discharge of firearms]”; and (2) KCC 10.25 violated the Second Amendment to the United States Constitution (and its similar state constitutional counterpart—Article 1, section 24 of the Washington Constitution), which guarantees the right to bear arms.

Finding no material issues of fact in dispute and deciding the matter on the law alone, the trial court ultimately granted summary judgment in favor of the County. The court ruled that RCW 9.41.290 did not preempt KCC 10.25 because KCC 10.25 was not a firearms regulation. The court also summarily rejected the Club’s argument that KCC 10.25 violated the constitutional right to bear arms. The court thus concluded that KCC 10.25 was enforceable against the Club’s shooting facility and that operation of the facility without an operating permit was a violation of KCC 10.25.

The Club appealed.

**DECISION: Judgment of Superior Court affirmed.**

The Court of Appeals of Washington, Division, 2, concluded that KCC 10.25 was not preempted by RCW 9.41.290, and was valid and enforceable against the Club.

In so concluding, the court first held that RCW 9.41.290 did not apply here because KCC 10.25 was not a firearms regulation. The court reached this finding based on several supporting factors. First, the court noted that RCW 9.41.290 did not make any reference to the regulation of shooting facilities, and thus, the court concluded that there was no indication that the legislature intended to preempt local ordinances requiring shooting facilities to obtain operating permits. Second, the court noted that KCC 10.25 did not expressly regulate the discharge of firearms (or a person's ability to discharge a firearm), but only regulated "shooting facilities." Third, the court noted that RCW 9.41.290 expressly acknowledged that local governments may enact laws and ordinances relating to firearms as long as they are "authorized by state law . . . and consistent with this chapter." The court found that KCC 10.25's requirement that a shooting facility obtain an operating permit was "an exercise of the County's police power that [was] authorized under state law." Fourth, the court noted that state supreme court cases addressing RCW 9.41.290 had "limited the scope of preemption" and what was viewed as a "firearms regulation."

Moreover, the court held that even if RCW 9.41.290 did apply, KCC 10.25 fell within the exception to preemption in RCW 9.41.300(2)(a), which allowed for local regulation of the discharge of firearms "where there is a likelihood that humans, domestic animals, or property will be jeopardized." Looking at the stated purposes for adoption of KCC 10.25, the court found that it was "enacted to address the reasonable likelihood that the operation of shooting ranges would jeopardize humans and property," and thus fell within the exception to preemption in RCW 9.41.200(2)(a).

Finally, the court also concluded that KCC 10.25 did not violate the Second Amendment of the United States Constitution, or Article 1, section 24 of the Washington Constitution. The court explained that for Second Amendment challenges, courts must: (1) determine whether the challenged law burdens conduct protected by the Second Amendment; and if so, (2) then apply the appropriate level of scrutiny. Here, finding that the County presented no significant argument on whether KCC 10.25 implicated the Second Amendment, the court assumed, without deciding, that it did. Next, finding the Ninth Circuit and "a majority of other circuit courts" applied "intermediate scrutiny" to firearms regulation, the court here did so as well. The court explained that a law survives intermediate scrutiny "if it is substantially related to an important government purpose." Here, the court found that the County had an important government interest in public safety—"ensuring that shooting facilities do not endanger people or property." And, the court found that KCC 10.25 substantially related to that interest, as the permit required facilities to meet certain standards involving safety issues. Accordingly, the court concluded that KCC 10.25 did not violate the Second Amendment.

See also: *Watson v. City of Seattle*, 189 Wash. 2d 149, 401 P.3d 1 (2017).

See also: *District of Columbia v. Heller*, 554 U.S. 570, 128 S. Ct. 2783, 171 L. Ed. 2d 637 (2008).

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**Case Note:**

*Although the right to bear arms is protected by both the United States and Washington Constitutions, those rights are not identical, and, the court noted that the state right had to be interpreted separately from its federal counterpart. In doing that, the appellate court here found that KCC 10.25 was also a “reasonable regulation” that did not violate Article 1, Section 24 of the Washington Constitution.*

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## **Repeal of Regulations—Board of County Commissioners gives express approval for town’s rezoning of annexed property, and then rescinds that approval**

Property owner contends board lacked authority to rescind the approval

Citation: *Waterman Family Limited Partnership v. Boomer*, 2017 WL 5559857 (Md. 2017)

MARYLAND (11/20/17)—As a question of first impression (i.e., the first time addressed by the courts), this case addressed the issue of whether a Maryland county may rescind its approval of a municipality’s rezoning of annexed land.

**The Background/Facts:** Waterman Family Limited Partnership (“Waterman”) owned approximately 148 acres of land in Queen Anne’s County (the “County”). Waterman’s land was zoned “Countryside” (“CS”). In June 2014, Waterman asked the Town of Queenstown (the “Town”) to annex the property to the Town and to rezone the property to “Planned Regional Commercial” (“PRC”). (Under Maryland law, a municipality can annex unincorporated land contiguous to the municipality’s boundaries if certain procedures are followed.) (See Maryland Code, Local Government Article (“LG”) §§ 4-403, 4-404.)



In September 2014, the Town Commissioners voted to annex Waterman's property, and in October 2014 they voted to approve Waterman's requested rezoning. The Town's new PRC zoning classification was "substantially different" from the County's prior CS classification, allowing for a "substantially higher density" than the CS classification. Under Maryland law, LG § 4-416(b), although a municipality that has planning and zoning authority has exclusive jurisdiction over the planning and zoning in any area that the municipality annexes, that authority is subject to the proviso that, for a period of five years after annexation, the municipality may not allow development of the annexed land for uses "substantially different" from that authorized under the county zoning applicable to the property prior to the annexation. That proviso is subject to the exception that the county may give "express approval" for the new municipal zoning before the five-year period expires. Accordingly, Waterman's property could not be developed with that higher density within five years after annexation, unless the County gave its express approval to the new PRC zoning classification. The Town Commissioners thus made the effectiveness of the rezoning ordinance for Waterman's property contingent in part on the County's approval of the rezoning.

On November 25, 2014, the Board of County Commissioners (the "County Commissioners") gave express approval for the Town's rezoning of the annexed Waterman property. However, at that time, the County government happened to be in a period of transition as a result of November 2014 elections. On December 2, 2014, the newly elected County Commissioners took office. On December 9, 2014, the newly elected County Commissioners rescinded the resolution that their predecessors had passed to approve the rezoning of Waterman's property.

Waterman then filed legal actions appealing the rescission and asking the Circuit Court to declare the resolution rescinding rezoning approval to be void. The Town joined those actions, and the actions were consolidated.

The Circuit Court held that the County Commissioners had "no statutory right of reconsideration" once the County had granted express approval waiving the five-year delay under LG § 4-416. The Circuit Court declared that the County resolution rescinding approval had "no legal force and effect."

The County then asked the Circuit Court to reconsider its decision, which the Circuit Court denied. The County then appealed.

The Court of Special Appeals reversed the Circuit Court's judgment. The Court of Special Appeals held that although LG § 4-416 itself did not explicitly provide that a county may rescind approval of a new zoning classification of land recently annexed by a municipality, the Mary-

land Constitution generally authorized the county commissioners of a home rule county to repeal public local law by resolution, as occurred here.

Waterman and the Town filed a petition for a writ of *certiorari*, which the Court of Appeals of Maryland granted.

**DECISION: Judgment of Court of Special Appeals affirmed.**

The Court of Appeals of Maryland agreed that neither the text nor the legislative history of LG § 4-416 explicitly provided that a county could rescind approval of a new zoning classification of land recently annexed by a municipality. However, the court found that, under the common law, county commissioners had the authority to rescind such approval, and that nothing in the text or legislative history of LG § 4-416 indicated an intent to preclude a county from exercising whatever authority the county may have under existing law to rescind an action taken by its governing body.

The court found that, under the common law, as a general rule, “the governing body of a local government ‘has the right to reconsider its actions and ordinances, and adopt a measure or ordinance that has previously been defeated or rescind one that has been previously adopted before the rights of third parties have vested.’” The court said that general principle was “related to the idea that a legislative body ordinarily lacks authority to restrict the legislative activities of its successors.” Were it otherwise, explained the court, “legislative action would be frozen in time with local officials unable to react to changed circumstances or to pursue policies presently preferred over those previously adopted.”

Consistent with that common law authority, the court noted that the Maryland Constitution explicitly confers authority on a code home rule county—like the County here—to repeal a public local law (as the Court of Special Appeals had found). (See Maryland Constitution, Article XI-F.) The parties here had debated whether the County resolution rescinding Waterman’s rezoning approval was a “public local law” under Maryland. The Court of Appeals found it unnecessary to decide that question to resolve the case, since it had determined that the County Commissioners had common law authority to rescind the resolution. However, the court did say that it would “be inclined to agree” with the Court of Special Appeals that the County resolution at play here was a public local law of the County.

For those reasons, the Court of Appeals concluded that the County had the authority to rescind its assent to the Town’s rezoning of Waterman’s property in conjunction with the Town’s annexation of the property. Accordingly, under LG § 4-406, the new PRC zoning classification for the property would not become effective until five years after annexation, unless the County should approve the rezoning in the interim.

See also: *Dal Maso v. Board of County Com'rs of Prince George's County*, 182 Md. 200, 34 A.2d 464 (1943).

See also: *State v. Fisher*, 204 Md. 307, 104 A.2d 403 (1954).

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**Case Note:**

Another party—*Queen Anne's Conservation Association*—also joined the County's appeals.

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**Case Note:**

Notably, here there was no contention that *Waterman* or the Town had taken any action reliant on the County resolution approving the rezoning during the two-week interval before the new Board of County Commissioners rescinded it.

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**Case Note:**

In its decision, the court noted that the general power of a governing body to rescind a prior law or policy on a matter subject to its jurisdiction “may be constrained in particular circumstances, as when a party has acquired a vested right in the governing body’s prior policy decision.” However, said the court, “[a]bsent such circumstances, the governing body retains the option of changing its mind.”

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## **Authority/Public and low-income housing—Property owner asks zoning board of appeals to waive deed restrictions to allow for residential use**

Property owner and zoning board of appeals dispute whether board has authority under affordable housing law to waive deed restrictions

Citation: *135 Wells Avenue, LLC v. Housing Appeals Committee*, 478 Mass. 346, 84 N.E.3d 1257 (2017)

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MASSACHUSETTS (11/13/17)—This case addressed the issue of whether a local zoning board of appeals had the power to alter a land's deed restrictions.

**The Background/Facts:** 135 Wells Avenue, LLC (“Wells”) owned a 6.3-acre parcel of land (the “Parcel”) in the City of Newton (the “City”). The Parcel was located in an area known as Wells Avenue Office Park (the “Office Park”), which was in a limited manufacturing zoning district and was subject to a restrictive covenant owned by the City. Among other things, the City’s deed restrictions on the Parcel precluded any residential use.

Wells sought to construct a 334-unit residential rental unit complex on the Parcel, with 84 of the units (25%) reserved as affordable housing pursuant to Massachusetts statutory law, G.L. c. 40B §§ 20-23.

Under G.L. c. 40B, a developer who seeks to build a housing development that contains at least 25% affordable housing (intended for those earning less than 80% of the medium income in the area) may apply directly to the zoning board of appeals of a local municipality for a “comprehensive permit,” rather than applying to each individual agency that typically would have control over some subset of the necessary permits. (See G.L. c. 40B § 21.) Under G.L. c. 40B, the municipality’s zoning board of appeals “has authority to review the application in its entirety, to override local requirements or regulations, and to issue ‘permits or approvals’ to the same extent, and with the same authority, as any of those local agencies.”

In furtherance of its proposed development, in May 2014, Wells sought from the City’s aldermen a “modification, waiver, or release of the deed restriction” to permit a residential use and to allow development in a “nonbuild zone.” At the same time, Wells applied to the City’s zoning board of appeals (“ZBA”) for a comprehensive permit under G.L. c. 40B to build the proposed residential rental complex. In its G.L. c. 40B application, Wells requested that the ZBA “waive” the deed restrictions and permit the proposed residential use.

In November 2014, the aldermen declined to modify the deed restrictions. In January 2015, the ZBA ruled that it lacked authority under G.L. c. 40B to waive or modify the deed restriction.

Thereafter, Wells appealed to the Massachusetts Department of Housing and Community Development (“HAC”). HAC affirmed the ZBA’s decision that the ZBA lacked authority to amend the deed restriction.

Wells then sought judicial review of the HAC decision in land court. The land court judge also concluded that neither the ZBA nor the HAC had the authority under G.L. c. 40B to require the City to amend the deed restriction so as to allow the requested residential use.

Wells then appealed to the Appeals Court and also sought direct ap-

pellate review. The Supreme Judicial Court of Massachusetts allowed the application for direct appellate review.

On appeal, Wells argued that G.L. c. 40B provides zoning boards of appeals with the authority to amend restrictive covenants. Wells pointed to G.L. c. 40B, § 21, which provides in relevant part:

The board of appeals . . . shall have the same power to issue permits or approvals as any local board or official who would otherwise act with respect to such application, including but not limited to the power to attach to said permit or approval conditions and requirements with respect to height, site plan, size or shape, or building materials.

Wells maintained that the amendment to the restrictive covenant that it was seeking the “functional equivalent of a ‘permit[ ] or approval[ ]’ with the meaning of G.L. c. 40B. Wells contended that the meaning of the phrase “permits or approvals” encompassed modification to a restrictive covenant. Wells argued that the phrase “permits or approvals,” in this context, included “amendments to a restrictive covenant where, as here, the provisions in the restrictive covenant are similar to those applicable to a zoning decision . . . .” Wells further contended that “there are distinct differences in kind between a property interest that is an affirmative easement and a property interest that is a negative easement,” and thus that the City had less of an ownership right to them. Finally, Wells suggested that the deed restrictions were not, in fact, a legitimate property interest, but, rather, merely zoning restrictions.

**DECISION: Judgment of land court affirmed.**

The Supreme Judicial Court of Massachusetts held that the ZBA did not have the power to alter the deed restrictions.

In so holding, the court concluded that, contrary to Wells’ contentions, modification to a restrictive covenant was “a fundamentally different action” from the types of “permits or approvals” that G.L. c. 40B authorized a local zoning board to undertake.

Wells had pointed to dictionary definitions of “permits” and “approvals,” but the court found that the language of G.L. c. 40B, § 21, itself “defined the term ‘permits or approvals’ ” in that the statute: “delineate[d] the types of local agencies that [could grant permits or approvals (i.e., ‘local board[s] or official[s]’), and then enumerate[d] the types of authorizations that fall within the statutory meaning of permits or approvals (e.g., ‘conditions and requirements with respect to height, site plan, size or shape, or building materials’).”

Wells had contended that the amendments to the restrictive covenant would be the functional equivalent of “permits or approvals” “because they [were] functionally the same as authorizations that have been deemed permits or approvals in other contexts.” Wells pointed to past amendments made to the restrictive covenant by the City aldermen. Wells argued that the process of applying for an amendment involved

an application to the aldermen, who serve essentially as a “local board,” “a review procedure, and the issuance of an authorization that affects the way that land may be used, similar to the process for seeking G.L. c. 40B approval.” The court, however, found it “clear” that “the alderman’s allowance of prior amendments to the restrictive covenants were not the functional equivalent of permits or approvals” because: “the aldermen were not sitting as a local permitting authority when allowing the amendments pursuant to G.L. c. 40, § 3, and the amendments, which affected a real property interest held by the [C]ity, were not the same types of permissions as regulations concerning ‘building construction and design, siting, zoning, health, safety, [or] environment.’ ”

Moreover, rejecting Wells’ argument that a negative easement was “somehow qualitatively different from a positive easement in terms of ownership rights,” the court stated that “both affirmative and negative easements are to be treated, equally, as easements.”

Further, rejecting Wells’ suggestion that the deed restrictions were not, in fact, a legitimate property interest, but, rather, merely zoning restrictions, the court stated that “[d]espite their similarity to zoning provision, the deed restrictions are a property interest, a restrictive covenant on land, that [could] not be abrogated any any act by a zoning board.”

See also: *Zoning Bd. of Appeals of Groton v. Housing Appeals Committee*, 451 Mass. 35, 883 N.E.2d 899 (2008).

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**Case Note:**

*Wells had also presented an alternative argument that the restrictive covenant was invalid because the nature of the property had changed such that the covenant no longer provided the benefit intended when it was purchased. The court rejected that argument finding that, although the Park was not supporting any manufacturing uses and was thus not being used for the price purpose for which the restrictive covenant was created, the restrictions still provided a valuable benefit to the City in that it restricted all residential use of land, “while maintaining an active economic district, protecting certain areas as open space, and maintaining buffer zones which protect[ed] the [a local river] from encroaching development.”*

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# Zoning News from Around the Nation

## MARYLAND

Frederick County officials are reportedly working to draft a compromise ethics reform bill for the upcoming General Assembly session. Currently, “the law prohibits members of the County Council and county executive from accepting campaign donations from people who have pending zoning applications.” Current law also “requires the officials to disclose any ex parte communications about applications while they are pending.” Under the proposals being considered, reform would include a prohibition on campaign donations from people who work for applicants seeking zoning changes, which would include attorneys, architects, engineers and traffic consultants. Another proposal being considered would add candidates from the Planning Commission to the prohibition.

Source: *The Frederick News-Post*; [www.fredericknewspost.com](http://www.fredericknewspost.com)

## MISSOURI

The City of Springfield is considering a bill aimed at regulating short-term rentals. Among other things, the bill would require owners to obtain annual business licenses and certificates of occupancy. The bill would also institute distance requirements between different short-term rentals in certain areas of the city. The bill will undergo public comment in January and is expected to be presented by the city’s Planning and Zoning Commission to the City Council in February.

Source: *Springfield News-Leader*; [www.news-leader.com](http://www.news-leader.com)

## PENNSYLVANIA

An inclusionary zoning bill is being considered by the Philadelphia City Council. The bill “aims to promote affordable housing by mandating developers to set aside about 10 percent of units for affordable housing in properties featuring nine or more units. In lieu of affordable housing, developers could pay between \$11,000 and \$30,000 per unit into the Philadelphia Housing Trust Fund, depending on specifications of the project.” Reportedly, proponents of the bill believe it will help alleviate the city’s affordable housing crises, while opponents worry the bill will “leav[e] developers more vulnerable to additional costs, possibly pushing them out of the market entirely.”

Source: *Billy Penn*; <https://billypenn.com>



## Elko County Planning Commission

540 Court Street, Suite 104, Elko, Nevada 89801

Phone (775) 738-6816 Fax (775) 738-4581

[www.elkocountynv.net](http://www.elkocountynv.net)

### COMMISSIONERS

David Galyen

Dena M. Hartley

David Hough

Mike Judd

Jack Larason

Richard Genseal

Mark Wetmore

### PLANNING SUPERVISOR

John Kingwell

### GIS/CADD OPERATOR

Peggy Pierce-Fitzgerald

## PUBLIC MEETING NOTICE

**The Elko County Planning Commission, County of Elko, State of Nevada, will meet on Thursday, January 18, 2018, in the Nannini Administration Building, Suite 102, 540 Court Street, Elko, Nevada 89801 at 5:15 PM. Pacific Time Zone**

Attached with this Notice is the Agenda for said meeting of the Board.

This Notice is posted pursuant to NRS 241 as amended by the 2017 Legislature and is to be posted at the following places no later than three full working days before the meeting:

ELKO COUNTY MANAGER'S OFFICE

ELKO COUNTY COURTHOUSE

ELKO COUNTY LIBRARY

ELKO CITY HALL

ELKO COUNTY WEBSITE: [www.elkocountynv.net](http://www.elkocountynv.net)

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**ROBERT K. STOKES**

**Elko County Manager**



## **WELCOME TO AN ELKO COUNTY BOARD OR COMMISSION MEETING!**

We are pleased you are interested in a meeting of one of Elko County's Boards or Commissions. Below is some basic information about our meetings and procedures for you to participate in your government.

### **AGENDAS**

The agenda is available on the Elko County website at [www.elkocountynv.net](http://www.elkocountynv.net). Hard copies are made available at the meeting, upon request at the County Manager's Office or posted as per NRS 241. Meetings are broadcast live from our website, under the Meetings tab on the home page of the website and then under Agendas, Videos, etc. You can also click the Watch Our Meetings tab on the right side of the home page. Videos of the meeting are available within 24 hours of the end of the meeting. Minutes, when finalized and approved by the Board/Commission, are also posted to that page.

### **PUBLIC COMMENT**

The public's participation in our meetings is valued and appreciated. The Board/Commission can only take action on items that are listed on an agenda properly posted prior to the meeting. During Comments by the General Public, speakers may address matters not listed on the agenda. The Open Meeting Law does not expressly prohibit responses to public comment by the Commissioners, but no deliberation on a matter can be considered without notice to the public. Public comment will be called for on all agenda items marked For Possible Action.

If you are planning to speak during the meeting, please sign the sign-in-sheet at the back of the meeting room. This helps our recording clerk get the correct spelling of your name. When comments are called for, please approach the podium and state your name and who you represent.

If submitting comments or information on an agenda item, please submit to the County Manager's Office as soon as possible in order to provide opportunity for Board/Commission members to review and to avoid possible delays in a decision if not all information is presented previous to the start of a meeting. If information is presented at the meeting, you need to provide at least 10 copies, making sure to submit a copy to the recording secretary for the official public record. All information submitted becomes part of the public record and is added to the backup information for that agenda item on our website with 24 hours of the adjournment of the meeting.

Another avenue for making comments on agenda items, especially if you can't make a meeting, is called e-Comment. If you open the agenda under the process described above, you will find a link by the agenda called e-Comment. Click on the link and follow the directions to register to comment and you are set to comment on specific agenda items. Please note that the e-comment period for a specific agenda closes 24 hours before the start of the meeting to allow those comments to be transmitted to our Board/Commission members and recording staff. Those reports are also uploaded to our agenda on the website.

### **CONSENT AGENDA**

Items listed under the Consent Agenda are considered to be routine in nature and are normally approved by one motion without extensive discussion. If a Board/Commission member wishes to comment or discuss a particular item, that item can be removed from the consent agenda and considered as a separate action during the meeting.



**ELKO COUNTY PLANNING COMMISSION  
COUNTY OF ELKO, STATE OF NEVADA MEETING  
THE NANNINI ADMINISTRATION BUILDING, SUITE 102,  
540 COURT STREET, ELKO, NEVADA 89801.**

**5:15 PM Pacific Time Zone**

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**Thursday, January 18, 2018**

**IN ACCORDANCE WITH NRS 241, THE COMMISSION MAY: (I) CHANGE THE ORDER OF THE AGENDA, (II) COMBINE TWO OR MORE AGENDA ITEMS FOR CONSIDERATION, (III) REMOVE AN ITEM FROM THE AGENDA OR DELAY DISCUSSION RELATING TO AN ITEM ON THE AGENDA AT ANY TIME, (IV) AND IF THE AGENDA IS NOT COMPLETED, RECESS THE MEETING AND CONTINUE ON ANOTHER SPECIFIED DATE AND TIME. THE PUBLIC CAN COMMENT ON ANY AGENDA ITEM BY BEING ACKNOWLEDGED BY THE CHAIR WHILE THE COMMISSION CONSIDERS THAT AGENDA ITEM.**

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**POSTING**

This agenda is posted pursuant to NRS 241 as amended by the 2017 Legislature and was posted at the following locations no later than 9:00 a.m. (Pacific Time Zone), on January 12, 2018: ELKO COUNTY COMMUNITY DEVELOPMENT, ELKO COUNTY MANAGER'S OFFICE, ELKO COUNTY COURTHOUSE, ELKO COUNTY LIBRARY, ELKO CITY HALL, ELKO COUNTY WEBSITE ([www.elkocountynv.net](http://www.elkocountynv.net)), STATE OF NEVADA'S PUBLIC NOTICE WEBSITE (<https://notice.nv.gov>).

**REQUEST FOR AGENDA INFORMATION**

The public may acquire this agenda and supporting materials, pursuant to NRS 241 by contacting John Kingwell at (775) 748-0214 or via email to [jkingwell@elkocountynv.net](mailto:jkingwell@elkocountynv.net) or, Peggy Pierce Fitzgerald at (775) 748-0215 or via email to [pfitzgerald@elkocountynv.net](mailto:pfitzgerald@elkocountynv.net). Materials are available from the Elko County Planning and Zoning Office, Nannini Administration Building, located at 540 Court Street, Suite 104, Elko, Nevada 89801 or on the Elko County website at [www.elkocountynv.net](http://www.elkocountynv.net).

**NOTICE OF THE APPEAL PROCESS**

Anyone aggrieved by an action of this Planning Commission may appeal such decision to the Elko County Board of County Commissioners within 10 calendar days of said action. An appeal form may be obtained from the Division of Planning and Zoning located at 540 Court Street, Suite 104, in Elko. When completed, return the appeal form with the required \$250.00 filing fee to the Division of Planning and Zoning within the 10 calendar day period.

**NOTICE TO PERSONS WITH DISABILITIES**

Members of the public who are disabled and require special accommodations or assistance at the meeting are requested to notify the Elko County Planning Commission in writing at 540 Court Street, Suite 104, Elko, Nevada 89801, email [pfitzgerald@elkocountynv.net](mailto:pfitzgerald@elkocountynv.net) or [jkingwell@elkocountynv.net](mailto:jkingwell@elkocountynv.net) or by calling (775) 738-6816.

**PROCEDURES**

The public will be given the opportunity to comment on any agenda item by being acknowledged by the chair prior to action being taken by the Planning Commission.

Breaks and recess actions shall be called for at the pleasure of the Commission rather than by agenda schedule. Please place your cell phones on manner mode.

"FOR POSSIBLE ACTION" identifies an action item subject to a vote of the Commission.

**A. CALL TO ORDER AT 5:15 P.M.**

**B. PLEDGE OF ALLEGIANCE**

**C. ORGANIZATION OF BOARD**

C.1. 2018 Election of New Officers  
Election of Chairman  
FOR POSSIBLE ACTION

Election of Vice Chairman  
FOR POSSIBLE ACTION

**D. APPROVAL OF MINUTES**

D.1. Elko County Planning Commission Minutes  
FOR POSSIBLE ACTION  
Minutes of December 21, 2017

**E. COMMENTS BY THE GENERAL PUBLIC**

Pursuant to NRS 241 this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.  
NON-ACTION

**F. PRELIMINARY HEARINGS**

F.1. Application No. 18-2000-0001, A Preliminary Hearing.  
Koinonia Construction Inc.

## FOR POSSIBLE ACTION

An application filed by Koinonia Construction Inc. requesting a change of zoning on two (2) parcels of land from Commercial-2, (C-2), to Residential-1, (R-1), for the construction of residential dwellings.

### Location:

APN 049-025-008, A .620 acre parcel of land within Spring Creek Tract 403, Block 25, Lot 8. Physical address is 723 Bronco Drive in Spring Creek, NV. Owner: Koinonia Construction Inc.

### Location:

APN 049-018-002, A .60 acre parcel of land within Spring Creek Tract 403, Block 18, Lot 2. Physical address is 710 Bronco Drive in Spring Creek, NV. Owner: Koinonia Construction Inc.

## G. PUBLIC HEARINGS

## H. OTHER BUSINESS

NON-ACTION

## I. STAFF UPDATE AND COMMISSIONERS COMMENTS

This time is devoted to comments by Elko County Planning Commissioners and/or County Staff for general information or update purposes. No action may be taken upon a matter raised under this item of the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION

## J. COMMENTS BY THE GENERAL PUBLIC

Pursuant to NRS 241 this time is devoted to comments by the general public, if any, and discussion of those comments. No action may be taken upon a matter raised under this item on the agenda until the matter itself has been specifically included on a successive agenda and identified to be an action item.

NON-ACTION

## K. ADJOURNMENT

## E-COMMENT

e-Comment Report for 01-18-18

[e-Comments for 01-18-18.JPG](#)

## POSTING CERTIFICATE

Posting Certificate

Jan 18, 2018 Regular Meeting

[1-18-2018, Certificate of Posting.pdf](#)

**ELKO COUNTY IS AN EQUAL OPPORTUNITY PROVIDER AND EMPLOYER.**