



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

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

PUBLIC MEETING NOTICE

The City of Elko Planning Commission will meet in a special session on Monday, July 9, 2018 in the Council Chambers at Elko City Hall, 1751 College Avenue, Elko, Nevada, and beginning at 5:30 P.M., P.D.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: July 2, 2018 2:10 p.m.

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

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

ELKO POLICE DEPARTMENT– 1448 Silver Street, Elko NV 89801

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

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

Date/Time Posted: July 2, 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 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 2nd day of July, 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
SPECIAL MEETING AGENDA
5:30 P.M., P.D.S.T., MONDAY, JULY 9, 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

June 5, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

I. UNFINISHED BUSINESS

A. PUBLIC HEARING

1. Review and consideration of Preliminary Plat No. 7-18, filed by DDS Properties, LLC, for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east side of Jennings Way, approximately 120' north of Courtney Drive. (APN 001-01H-001).

II. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Variance No. 5-18, filed by Golden Gate Petroleum of Nevada, LLC, to allow for a second freestanding sign on the parcel, for an increase in allowable sign area from 200 sq. ft. to 678.5 sq. ft. and the

allowed sign height from 45' to 60', within an C -General Commercial Zoning District, (APN 001-679-011), and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of West Idaho Street, approximately 742 feet east of I-80, Exit 298. (3600 W. Idaho Street -APN 001-679-011)

2. Review, consideration, and possible recommendation to City Council for Rezone No. 5-18, filed by High Desert Engineering, on behalf of Elko County, HCPI/UTAH, LLC, and Veterans of Foreign Wars, for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi-Public), approximately 2.797 acres of property, and matters related thereto. **FOR POSSIBLE ACTION**

The subject properties are located generally on the northeast side of 14th Street between Cedar Street and College Avenue. (APNs 001-200-004, 001-200-005, 001-200-001).

3. Review, consideration, and possible action on Variance No. 6-18, filed by Veterans of Foreign Wars for a reduction of the required setback from any street line; VFW Drive street line 18' required to 1.3', College Avenue street line 19.5' required to 15.4', 14th St. street line 16.5' required to 2.7', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the west corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)

4. Review, consideration, and possible action on Variance No. 7-18, filed by HCPI/UTAH, LLC for a reduction of the required setback from any interior lot line, from 27' to 0' on the Northwest, 29' to 5.1' on the Northeast, 27' to 10.3' on the Southeast, 29' to 9.7' on the Southwest, and increase the maximum lot coverage from 35% to 73% within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the west side of Golf Course Drive, approximately 205' south of Cedar Street. (855 Golf Course Drive - APN 001-200-005)

5. Review, consideration, and possible action on Variance No. 8-18, filed by Nevada Health Centers, on behalf of Elko County, for a reduction of the required interior side setback from 43' to 0' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the southeast corner of the intersection of Cedar Street and 14th Street. (762 14th Street - APN 001-200-004)

6. Review, consideration, and possible recommendation to City Council for Rezone No. 6-18, filed by Elko West Properties, LLC, for a change in zoning from PC (Planned Commercial) to C (General Commercial), approximately 60.75 acres of property, to allow for multifamily development, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. (APN 001-770-004).

7. Review, consideration, and possible action of Conditional Use Permit No. 4-18, filed by Elko West Properties, LLC, which would allow for development of an apartment complex and townhomes within a C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. (APN 001-770-004).

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible action on a transfer of Conditional Use Permit No. 3-03 to new property owner, filed by Melissa Duke on behalf of Sonora LLC., which would allow for a beauty salon within a RO- Residential Office Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The location of said property is generally on the west corner of the intersection of 7th Street and Pine Street. (685 Pine Street).

2. Review, consideration, and possible recommendation to City Council for Vacation No. 1-18, filed by DDS Properties, LLC for the vacation of a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area approximately 7,036 square feet, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east side of Jennings Way, approximately 150' north of Courtney Drive. (APN 001-01H-001)

3. Review, consideration and possible recommendation to City Council for Revocable Permit No. 3-18, filed by Veterans of Foreign Wars to occupy a portion of VFW Drive and 14th Street right-of-way to accommodate on-street parking, and a portion of VFW Drive to accommodate an existing awning and sign, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)

4. Review, consideration and possible action on Temporary Use Permit No. 1-18, filed by Koinonia Construction, Inc., the temporary use of a single family residence to be used as a model home sales office, APN 001-61J-027, and matters related thereto.

FOR POSSIBLE ACTION

The subject property is located generally on the southwest side of Copper Trail approximately 580 feet northwest of Copper Street (2793 Copper Trail).

5. Review, consideration, and possible approval of Final Plat No. 9-18, filed by Riverside Villas Nevada, LLC, for the development of a subdivision entitled Riverside Villas a Condominium Development Phase 1 involving the proposed division of approximately 7.872 acres divided into 24 lots and 1 remainder for residential development within the C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest corner of the intersection of S. 12 Street and Opal Drive (APN 001-630-077).

III. 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
REGULAR MEETING MINUTES
5:30 P.M., P.D.S.T., TUESDAY, JUNE 5, 2018
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

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

ROLL CALL

Present: David Freistroffer
Jeff Dalling
John Anderson
Stefan Beck

Excused: Ian Montgomery
Kevin Hodur
Tera Hooiman

City Staff: Scott Wilkinson, Assistant City Manager
Jeremy Draper, Development Manager
Cathy Laughlin, City Planner
Bob Thibault, Civil Engineer
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

May 1, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from May 1, 2018 as presented.**

Moved by Jeff Dalling, Seconded by John Anderson.

**Motion passed unanimously. (4-0)*

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review and consideration of Preliminary Plat No. 7-18, filed by DDS Properties, LLC, for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east side of W Jennings Way, approximately 120' north of Courtney Drive. (APN 001-01H-001).

Scott Wilkinson, Assistant City Manager, recommended tabling the item. He explained that portions of some of the lots in the subdivision included City owned right-of-way. Staff has no indication from the City Council that that would be acceptable, until a vacation application is processed. There is not enough information to consider the item.

Dusty Shipp, DDS Properties, owner/developer, wanted to express some frustration on their part on the project. He thought it seemed like they were hitting a lot of road blocks from getting the project moving. They were working on the project since last summer/fall. They had met with City Staff on what would be required. The lot has a lot of topography, so there are some water feed issues to try to get all the lots serviced with water. They went through a lot of design to try to figure out how to make that work, and moving thousands of yards of material to make it function for this project. In recent months, March 12th they had a Stage 1 Meeting. They thought they had everything cleared up. It seemed to go well and everyone seemed to be on the same page and headed in the right direction. After the meeting they were struggling with grading a lot, so Mr. Shipp decided that it would be better to remove three lots, because of the topography and all the issues with trying to get enough setback between homes to be able to have flow lines. The City required them to have a second Stage 1 meeting, which happened on April 17th. At that meeting there was a large discussion, mainly from Mr. Wilkinson, regarding lessening the amount of lots. Mr. Wilkinson stated that it was not working well with the Master Plan. They found out even though that was such an issue it was never brought up in the first meeting. They were told at that point that they would not have support from City Staff because of that. They decided to go ahead and pursue that and move forward, because they felt they had enough evidence to support what they were trying to do. During the second meeting they also discussed the fact that they were crunched for time to get the asphalt done before fall. They were told that if they could get the required documentation turned in by the next day that they could potentially get on the May Planning Commission meeting. Ms. Carter worked through the night and got it turned in by 8 o'clock the next morning. When she turned it in she was told they couldn't do that for some reason. Now were here at the June meeting. A few days ago they had to deal with the vacation issue. Nothing was said since April's meeting. They scrambled and got the vacation application turned in within a few days. He thought it seemed like they are scrambling on their end, trying to make sure that everything that is wanted by staff is met, but they aren't getting anywhere. He thought it was too late to get the project out of the ground this year, which is sad because there is a lot of demand for housing in Elko right now. He thought it was going to be another year and half until this project hits the ground, because of timings. He wanted to voice his frustration. He didn't think it mattered whether the Commission tabled the item, or not, to the end result. Commissioner Dalling was at both of the Stage 1 meetings and he seemed to get the concept of what they were trying to do, and was supportive.

Commissioner Jeff Dalling asked if they moved the item forward, if Mr. Shipp still couldn't get the project going this year.

Mr. Shipp said based on the time frame it sounded like if it was tabled tonight it wouldn't go to City Council until the end of July. By the time they get approvals it would be August. To build a 26 lot subdivision in two months is not going to happen.

Jeremy Draper, Development Manager, explained that for the vacation process the City has received the application for vacation. It will be on the June 12th City Council meeting. City Council has to accept the application. If they accept it, then it will come to the Planning Commission. The Planning Commission will consider the application on July 9th. If the Planning Commission approves the vacation, their recommendation will go back to the City Council on July 24th. The approval of the Preliminary Plat would be conditioned on the final vacation being accepted by the City Council and the right-of-way being vacated for the lots that are shown. It is possible that July 24th, City Council could hear the final vacation, and also consider the Preliminary Plat with any conditions. That would give Mr. Shipp the opportunity to come back in August for Final Plat, and get the approvals for the Final Plat in August. In the meantime Mr. Shipp has a grading permit to move a whole bunch of dirt. That is the timeline to get the vacation and the Preliminary Plat through.

Mr. Wilkinson wanted to discuss the developer's responsibility to understand and coordinate their project. When there is a Stage 1 meeting and the Developer changes their mind, and they present something under an application that differs from the Stage 1 meeting, then there needs to be another Stage 1 meeting. They had to go through that process. Staff didn't change the layout of the subdivision, the Developer chose to do that. It's a responsibility of the Developer to have a good understanding of their project when they come to the City of Elko under a Stage 1. They are to present their plans to the City of Elko. When they go back and reconsider their grading plan, and they have to change their subdivision plans, then they have to go through the process again. Fundamentally, staff doesn't process applications where people don't have permission to have any type of action taken on their property. Staff supports the vacation of the right-of-way, they believe that is an appropriate process, but until the City Council takes action, indicating that the City is willing to move that direction, Mr. Wilkinson didn't think the Commission could consider the application at this point in time. The City Manager's office recommended tabling the item. As Mr. Draper indicated, in order to even have a final approval on the Preliminary Plat you have to have the vacation approved. Both those can occur. We cannot have a final approval on the vacation until the end of July. The Preliminary Plat and the Vacation can run concurrent with each other.

Cathy Laughlin, City Planner, clarified that the Preliminary Plat was not on the May Planning Commission agenda because it is a public hearing and there are NRS requirements that have to be followed. After the second Stage 1 meeting it was beyond the time to get the public hearing notifications out in order to make it for the May meeting.

Commissioner Stefan Beck asked Mr. Shipp if he was up against a weather limitation for his paving. He also asked if that milestone was removed if he would be able to continue on, assuming everything fell into place at the August meeting.

Mr. Shipp didn't think, at this point, that they could make it. Whether this is tabled or not, he thought it was too late. If it would have been on April meeting, then there would have potentially been a chance for the project to happen this year. It doesn't make a lot of sense to grade, and spend all the money to grade, if it's going to sit. They had discussed the timeframe of mailings at the second Stage 1 meeting. Everyone felt like it was tight, but if they could get it in the next day that it could still happen.

Commissioner Dalling stated he was at the Stage 1 and he thought they had discussed that it would be on the May meeting. He didn't know why the other stuff didn't come up. They had talked about the City right-of-way, so he didn't know how it got missed.

Chairman David Freistroffer explained that staff had recommended tabling this item. He said he heard Mr. Shipp's concerns about what transpired.

*****Motion: Table the item.**

Moved by Stefan Beck, Seconded by John Anderson.

**Motion passed. (3-1, Commissioner Dalling voted no)*

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible approval of Final Plat No. 8-18, filed by Parrado Partners, LP, for the development of a subdivision entitled Great Basin Estates Phase 2 involving the proposed division of approximately 13.907 acres divided into 19 lots and 1 remainder parcel for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally between Opal Drive and Flagstone Drive on Granite Drive. (001-633-030).

Bob Morley, 640 Idaho Street, explained that he was filling in for Mr. Capps, who is the owner of Parrado Partners. This project is pretty straight forward. It is the second phase of the subdivision. It is for 19 lots. Ms. Laughlin sent him the conditions from staff. Mr. Capps reviewed those and is in agreement with the conditions.

Ms. Laughlin explained that the Final Plat was for Great Basin Estates Phase 2. She then went over the City of Elko Staff Report dated May 29, 2018. Staff recommended approval of the subdivision Preliminary Plat based on the conditions listed in the Staff Report.

Mr. Draper said the Development Department agreed with Ms. Laughlin's presentation. He wanted to highlight a couple of the conditions from the Development Department. The Performance Agreement shall be secured in accordance with 3-3-45 and it shall be for the full amount of the improvements. Mr. Capps is aware of that. The Performance Agreement shall be approved by the City Council. The developer shall enter into the Performance Agreement within 30 days of approval by City Council. All other conditions are standard conditions. The Engineers

Estimate be provided prior to City Council to finalize Performance Agreement. With those conditions Mr. Draper recommended approval.

Bob Thibault, Civil Engineer, stated that the Engineering Department recommended approval as presented by staff.

John Holmes, Fire Marshal, recommended that the subdivision follow the 2012 IFC Appendix D. He recommended approval.

Mr. Wilkinson recommended approval as presented by Staff.

Chairman Freistroffer said it looked like a good project.

*****Motion: Forward a recommendation to City Council to conditionally approve Final Plat 8-18 subject to the conditions listed in the City of Elko Staff Report dated May 29, 2018 listed as follows:**

Development Department:

1. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-45 of city code. In conformance with Section 3-3-44 of city code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in city code.
2. The Performance Agreement shall be approved by the City Council.
3. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
4. The Final Plat is approved for 19 single family residential lots and 1 remainder lot.
5. The Utility Department will issue a Will Serve Letter for the subdivision.
6. State approval of the subdivision is required.
7. Conformance with Preliminary Plat conditions is required.
8. Civil improvements are to comply with Chapter 3-3 of City code.
9. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition Standard Specifications for Public Works. All Right-of-Way and utility improvements are to be certified by the Engineer of Record for the project.
10. An engineer's estimate for the public improvements shall be provided prior to the final plat being presented to the City Council to allow for finalization of the required Performance Agreement.

Fire Department:

1. Follow the 2012 International Fire Code Appendix D, Section D106 regarding Access Roads within Residential Developments.

Commissioner Dalling's findings to support his recommendation was the Final Plat for Great Basin Estates Phase 2 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Plat is in conformance with the Preliminary Plat. The proposed subdivision is in conformance with the Land Use Component of the Master Plan. The proposed subdivision is in conformance with Transportation Component of the Master Plan. Based on the modification of

standards for lot dimensions granted under the Preliminary Plat Application, the proposed development conforms to Sections 3-3-20 through 3-3-27 (inclusive). The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of City Code. The subdivider has submitted civil improvement plans in conformance with Section 3-3-41 of City Code. The plans have been approved by city staff. The Subdivider has submitted plans to the City and State Agencies for review to receive all required permits in accordance with the requirements of Section 3-3-42 of City Code. The Subdivider has submitted civil improvement plans, which are in conformance with Section 3-3-43 of City Code. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-44 of City Code. The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of City Code. Based on the Modifications of Standards for lot dimensions granted under the Preliminary Plat Application, the proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), and 3-2-17 of City Code. The proposed development is in conformance with Section 3-8 of City Code. The subdivision is in conformance with 3-8 Floodplain Management.

Moved by Jeff Dalling, Seconded by Stefan Beck.

**Motion passed unanimously. (4-0)*

2. Review, consideration and possible granting of Parking Waiver 1-18, filed by Charm Hospitality, LLC to waive eleven required off-street parking spaces in connection with a hotel expansion within the C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Idaho Street, approximately 595 feet east of E Jennings Way (3019 Idaho Street).

Michelle Leedy, Charm Hospitality, explained that they were proposing an expansion to the North side of the building, which would take out some of the parking spots. They currently have 77 rooms and she thought the current requirement was 20 spaces more than the rooms in the hotel with meeting space, which would put them at a 97 parking spot requirement.

Chairman Freistoffer asked if they were sharing some of the parking lot with the adjacent property.

Ms. Leedy explained that the 9 spaces on the High Desert Inn side are shared.

Ms. Laughlin explained that the applicant was the property owner. The applicant has submitted a set of plans to the Building Department for an expansion to their existing facility. The proposed addition will result in about 4,306 sq. ft. added to the existing structure. The proposed addition includes an indoor pool, meeting room, fitness center, and a small kitchen to serve the existing dining area. She then went over the City of Elko Staff Report dated May, 29 2018. Staff recommended approval.

Mr. Draper stated that the Development Department agreed with the findings and the presentation, and recommended approval of the waiver.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval for the parking waiver only

Mr. Wilkinson recommended approval as presented by staff.

Chairman Freistroffer asked if the dining area was primarily used by the guests. (Yes)

Commissioner Dalling thought they needed parking. He thought before the Commission determined that they didn't need to have the required parking, sometimes they have to look at the grey area. He felt that this would be a good fit, because it's a hotel, and the hotel guests will be eating in the restaurant.

Chairman Freistroffer was in agreement. He thought the daytime use, the dining area and the meeting room, were complimentary and not at the same time as the night time use, which the hotel is, and the hotel guests are the main patrons of the restaurant. It seems like they are caught in the engineering calculation recommendation for parking spaces.

Commissioner Dalling pointed out that there were places in town that have horrific parking, because they got around the parking requirements. This situation doesn't feel like it's trying to skirt the requirements.

Chairman Freistroffer understood that there was some shared parking spaces along the property boundary. That flexibly helps alleviate some of the parking issue, but those spaces can't be counted because they are on the other property. He didn't think they would be creating a problem with this parking waiver.

*****Motion: Grant Parking Waiver 1-18.**

Commissioner Dalling's findings to support his recommendation was that the existing use and proposed expansion are in conformance with the Land Use Component of the Master Plan. The existing use and proposed use is compatible with the Transportation Component of the Master Plan and is consistent with the existing Transportation infrastructure. The property is not located in the Redevelopment Area. The existing use and proposed use is in conformance with the Wellhead Protection Plan. The existing use and proposed use is in conformance with Section 3-2-10 of City Code. The proposed expansion includes amenities that are typically associated with the existing use and is not expected to generate additional traffic resulting in a parking deficit.

Moved by Jeff Dalling, Seconded by Stefan Beck.

**Motion passed unanimously. (4-0)*

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported on May 8th the City Council held the 1st reading for Zoning Ordinance Amendment 1-18, which was the modification to the development standards for the IC District. The 2nd reading was held and approved for the annexation of the JoyGlobal/Netherton properties. On May 22 City Council approved a bike rack project for the downtown area with the Elko Velo Group, the Kimber Rezone was approved, and approved the rezone for the JoyGlobal/Netherton parcels. The 2nd reading was held and approved the Zoning Ordinance Amendment 1-18 for the IC Zoning District.

B. Summary of Redevelopment Agency Actions.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

Ms. Laughlin reminded the Commission that the July Meeting would be held on Monday, July 9th. On the June 26th City Council meeting John Anderson and Stefan Beck would be considered for reappointment for four years to the Planning Commission.

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.

Chairman Freistroffer said with the two Stage 1 meetings that they had. His understanding was that some City Staff objected to the comments made by a Planning Commission representative at the Stage 1 meeting. The Planning Commission's job is to ask layman's questions, help make the entire process better for the City, and to act as a layman's accountability for City staff by asking tough questions. He said he was distressed by having the representative, which was Commissioner Dalling, be asked not to attend the meetings anymore. He hasn't had time to take care of it since it happened, because it was the end of school. He wanted to have a talk about what the point of the meetings are. He wondered if they could make the process better. He explained that he can't cancel college classes to be at the Stage 1 Meetings. He has to be able to send people from the Planning Commission.

Mr. Wilkinson wanted to know who said Jeff Dalling couldn't attend another meeting.

Chairman Freistroffer said he had heard it from two sources, including Mr. Dalling.

Mr. Wilkinson asked if Mr. Dalling was told at the meeting that he couldn't attend any other meeting.

Commissioner Dalling said it was not at that meeting, he was told by several City Staff

Ms. Laughlin thought there was a comment made that was in reference to the Subdivision not being in conformance to the Master Plan, that Mr. Dalling liked the subdivision and the way it was presented and it didn't matter if it was part of the Master Plan Density or not. There was never any comment made at that meeting, or after that meeting that Mr. Dalling wasn't welcome to come to any other meetings. Staff stated that it was important to know what the Master Plan has in it.

Commissioner Dalling said he had left the meeting and everyone else was told to stay behind. He said he was not a city employee. He represented everyone, he had the City's interest in mind, but he was also there to represent the City of Elko, as in the people. His job isn't to just do what staff tells him to do. He thought there was a reason the Planning Commission had to be at the Stage 1 meetings, so that there is a check and balance.

Mr. Wilkinson said that there is code that has to be enforced. The Code required the Planning Commission to be represented. What is to be done in those meetings is have the developer convey their intentions, and they need to demonstrate how they are in conformance with code. Subdivisions are to be in conformance to the Master Plan, which includes the density. It's not appropriate to, especially when having a discussion about whether a development is in conformance with Master Plan or not, and when the density has gone from a certain density to even less, to disregard the Master Plan. It is up to the Developer to demonstrate that. It's not appropriate for anyone from the Planning Commission, or staff, to say were not going to conform to the Master Plan. If there are individuals, whether they're staff, or representatives from the Planning Commission, that are going to disregard the code, there will be a discussion about who starts attending those meetings. There is nothing in the code about the day or time of the Stage 1 meetings. The developer needs to make themselves available based on a variety of circumstances. This developer had been supported through the annexation process, the zoning process, and all of that. This developer has been given a grading permit early on. They actually started grading the property without a grading permit, which caused storm water issues for the City of Elko. No one has decided who from the Planning Commission is going to attend a meeting. There was some comment about the inappropriateness of stating "We don't care about the Master Plan."

Commissioner Dalling stated he never said he didn't care about the Master Plan.

Mr. Wilkinson said that was inappropriate and that was a discussion in the meeting. The code requires us to strive to conform to the Master Plan.

Chairman Freistroffer apologized for having to bring the concern up. He thought the bottom line was the person he picked felt unwelcome at future meetings. That is still a problem, and let's work through it.

Mr. Wilkinson wanted to know who from staff conveyed that message.

Chairman Freistroffer thought that they could have any representative of the Planning Commission at the meeting.

Mr. Wilkinson thought the committee was defined in the code.

Commissioner Beck said he had a soft spot, because he spent a lot of time in the mining industry trying to get under deadlines. He didn't know what happened and wasn't taking sides. When someone comes up and voices frustration because they think they are doing everything. If there's something they could do to help the contractors and make it as smooth as they can, so they can come to Elko and its user friendly.

Chairman Freistroffer said it took him a couple times attending the Phase 1 meetings to understand what they were about. It's on the Developer to present and to follow code and rules, and to ask City Staff for advice. Staff isn't able to answer all the questions right then, but they are able to identify all the probabaly's, and maybe's.

Mr. Wilkinson said that was correct. Then when the developer makes application, which is Stage 2, they should be going through all of the Code and checking off their conformance. Then it becomes staff's responsibility to evaluate and verify that the application is complete, or if there are any issues. Mr. Wilkinson said he didn't look at an application until he got a staff flow sheet.

Commissioner Dalling said he went to the meeting, and he thought it went well. There was a lot of give and take for the Developer. Mr. Dalling thought they had a good product. Mr. Wilkinson was against it, but everyone else was in agreeance. They ended it with the thought that it would be on the May Planning Commission agenda.

Mr. Wilkinson objected to Commissioner Dalling saying he was against the subdivision.

Commissioner Dalling clarified that Mr. Wilkinson was against the density.

Mr. Wilkinson said they needed to strive to meet the Master Plan. This is a good project if they can justify their density because of grading issues. It is not incumbent on staff to just accept, without any information, that that's an acceptable layout of a subdivision. That was the discussion. Initially they had more lots, then they came back with less lots, so that is going further away from the objectives and goals of the Master Plan. He objected to the fact of someone stating on the record that he was against a project. This was a good project, and he was in support of the annexation, the rezone, subdividing the property, but there are steps to take and rules to follow.

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

David Freistroffer, Chairman

Tera Hooiman, Secretary

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review and consideration of Preliminary Plat No. 7-18, filed by DDS Properties LLC, for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single Family Residential) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: **PUBLIC HEARINGS, UNFINISHED BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **Subject property is located east of Jennings Way approximately 120' north of Cortney Drive. (APN 001-01H-001)**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Recommend to City Council to conditionally approve Preliminary Plat 7-18 based on facts, findings and conditions as presented in Staff Report dated June 27, 2018.**
9. Findings: **See Staff Report dated June 27, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **DDS Properties, LLC
930 Idaho Street
Elko, NV 89801

Carter Engineering
P.O. Box 794
Elko, NV 89803**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Preliminary Plat 7-18 Humboldt Hills
Applicant(s): DDS Properties, LLC
Site Location: E. of Jennings Way ≈ 150' N of Courtney Dr - AD1 001-01H-001
Current Zoning: R1 Date Received: 4/10/18 Date Public Notice: 6/25/18
COMMENT: This is for a 26 lot Subdivision on 9.443 acres
of property.

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

Assistant City Manager: Date: 6/27/18
Recommend approval as presented in the
Staff report dated 6/27/18

SAW

Initial

City Manager: Date: 6/29/18
Based upon 4/18/18 letter from Carter Engineering, Subdivision
appears to be in conformance w/ Master Plan via a "Modification
From Standards." Recommend approval.

CC

Initial



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

CITY OF ELKO STAFF REPORT

MEMO DATE: June 27, 2018
PLANNING COMMISSION DATE: July 9, 2018
AGENDA ITEM NUMBER: I.A.1
APPLICATION NUMBER: Preliminary Plat 7-18
APPLICANT: DDS Properties, LLC
RELATED APPLICATIONS: Vacation 1-18

A Preliminary Plat for the proposed division of approximately 9.443 acres of property into 26 lots for residential development within an R1 (Single Family Residential) Zoning District



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE subject to findings of fact and conditions stated in this report.

PROJECT INFORMATION

PARCEL NUMBERS: 001-01H-001

PARCEL SIZE: 9.443 Acres (26 lots)

EXISTING ZONING: (R1) Single Family Residential

MASTER PLAN DESIGNATION: (RM) Residential Medium Density

EXISTING LAND USE: Vacant

NEIGHBORHOOD CHARACTERISTICS:

The property is bordered by:

- } North: Public, Quasi-Public (PQP) Developed and Property in Elko County/ BLM/ Undeveloped
- } East: Property located in Elko County/ Private and BLM/ Undeveloped
- } South: Residential (R1) / Developed
- } West: Public, Quasi-Public (PQP) / Developed

PROPERTY CHARACTERISTICS:

- } The property is currently undeveloped and moderately sloping throughout the area.
- } The property is located adjacent to Jennings Way.

MASTER PLAN:

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 Airport Master Plan
- } City of Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2102
- } City of Elko Redevelopment Plan
- } City of Elko Wellhead Protection Plan
- } City of Elko Zoning – Chapter 3-3 Subdivisions
- } 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, Residential Zoning Districts
- } City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
- } City of Elko Zoning – Section 3-2-28 Hillside Development Regulations and Guidelines
- } City of Elko Zoning – Section 3-8 Flood Plain Management
- } City of Elko Public Ways and Property – Chapter 7 Street Vacation Procedures
- } City of Elko – Title 9 Chapter 8 Post Construction Runoff Control and Water Quality Management

BACKGROUND INFORMATION

1. The applicant owns the property.
2. The area proposed for subdivision is identified as APN 001-01H-001.
3. The area is undeveloped.
4. The area is located east of Jennings Way, approximately 120' north of Cortney Drive.
5. The area is not a continuation of any other subdivision.
6. A Stage 1 meeting for the proposed subdivision was on March 8, 2018. The initial subdivision proposal included a total 29 lots. The applicant elected to modify the proposed subdivision from the proposed 29 to 26 lots. A second Stage 1 meeting was held on April 17, 2018 to elevate the revised subdivision.
7. The area is zoned R1-Single Family Residential.
8. The area is approximately 9.443 acres in size. The Preliminary Plat includes the entire parcel.
9. The Preliminary Plat shows a total of 26 lots. The proposed density is approximately 2.75 units per acre.
10. Phasing of the subdivision is not proposed.
11. Approximately 1.865 acres are being offered for dedication. The dedication includes streets and drainage areas.
12. A grading permit for this property was issued on January 16, 2018.

MASTER PLAN

Land use:

1. The land use is shown as Medium Density Residential. Medium Density is identified as having a density of 5 - 8 units per acre.
2. R1 – Single Family Residential is listed as a corresponding district for the Medium Density Designation 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 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.”
 - 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.
 - 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.
5. Objective 8 of 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.

The proposed subdivision and development is in general conformance with the Land Use component of the Master Plan.

Transportation:

1. The merged area will be accessed from Jennings Way.
2. The proposed vacation 1-18 will maintain the same width of roadway for Jennings Way as located at the intersection of Cortney Drive.
3. Jennings Way is classified as a Minor Arterial roadway. The roadway classification is subject to possible change to a Major Arterial once the roadway is connected to East Jennings Way. The reclassification at a point in time will be dependent of the functionality of the roadway and may/or may not require additional width.
4. The Master Plan recommends a right of way width of 80 feet for a Minor Arterial and 100 feet for a Major Arterial, and as required in Section 3-3-22. Jennings Way exists as an 80 foot right of way at all locations of record.
5. The area proposed for vacation has been determined to be excess right-of-way.
6. The Master Plan identifies Jennings Way as a minor arterial. Upon connectivity with East Jennings Way the roadway will function as a Major Arterial.
7. The proposed street, Eagle Ridge Loop, will function as a local residential street.
8. Upon full build out, the proposed subdivision is expected to generate approximately 248.82 Average Daily Trips based on 9.57 trips/townhome (Source ITE trip Generation, 8th Edition). Ingress/Egress to the subdivision will be Eagle Ridge Loop with no direct access from the residential lots onto Jennings Way.

The proposed subdivision and development is in conformance with the Transportation Component of the Master Plan.

ELKO AIRPORT MASTER PLAN

The proposed subdivision and development does not conflict with the Airport Master Plan.

**CITY OF ELKO DEVELOPMENT FEASIBILITY, LANDUSE, WATER
INFRASTRUCTURE, SANITARY SEWER INFRASTRUCTURE, TRANSPORTATION
INFRASTRUCTURE AND ANNEXATION POTENTIAL REPORT - NOVEMBER 2102**

1. The property is located on the perimeter of the community and the report was reviewed to determine if the proposed subdivision was in conformance with the objectives of the plan.

The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2102.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is not located within a capture zone for any wells.

The proposed subdivision and development are in conformance with the Wellhead Protection Program. The sanitary sewer will be connected to a programmed sewer system and all street drainage will report to a storm sewer system.

SECTION 3-3-5 PRELIMINARY PLAT STAGE (STAGE II)

Preliminary Plat 3-3-5(A) – The proposed subdivision and development have been designed in accordance with the existing zoning. A zoning amendment is not required.

Preliminary Plat Approval 3-3-5(E)(2)(a) – Requires findings that the subdivision will not result in undue water or air pollution:

Preliminary Plat Approval (E)(2)(a)(1) – The area is not located within a designated flood zone. The area abuts private property located under County jurisdiction. The existing topography shows areas of concentrated storm water flows that could create localized flooding or water damage. The condition has been addressed as shown in the grading plan.

Preliminary Plat Approval (E)(2)(a)(2) – The proposed subdivision and development will be connected to the City's programmed sanitary sewer system therefore the ability of soils to support waste disposal does not require evaluation prior to preliminary plat approval.

Preliminary Plat Approval (E)(2)(a)(3) – Extensive grading is proposed, minimizing the slopes areas and possible negative effects on effluent discharged from the area. There will potential for sediment and erosional issues during construction. This will be addressed with the development of a Storm Water Pollution Prevention Plan.

No long term issues associated with erosion are anticipated.

Preliminary Plat Approval (E)(2)(a)(4) – The proposed subdivision and development will be connected to the City's programmed sanitary sewer system. The applicant provided an estimated average sanitary sewer discharge is approximately 9,100 gpd.

There is adequate capacity at the Water Reclamation Facility to support the proposed subdivision and development.

Preliminary Plat Approval (E)(2)(a)(5) – The proposed subdivision and development must conform with applicable environmental and health laws and regulations.

There are no obvious considerations or concerns which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations.

Preliminary Plat Approval (E)(2)(b) – The City of Engineering Department is required to model the anticipated water consumption of the subdivision. The City of Elko Utility Department will be required to submit a "Tentative Will Serve Letter" to the State of Nevada. The water modeling requires an update to reflect the increased number of lots. The required commitment for water service for the proposed subdivision is approximately 29.12 acre feet of water per year. The required peak hour commitment for water service for the proposed subdivision is

approximately 33.8 gpm. Current City wide annual water usage is approximately 50% of the total allocated amount.

There is adequate capacity within the City's water supply to accommodate the proposed subdivision.

Preliminary Plat Approval (E)(2)(c) – The proposed subdivision and subsequent development of the property is expected to reduce the potential for erosion in the immediate area. Development of the property will not cause unreasonable soil erosion. Development of homes may decrease the holding capacity of the land but will minimize the potential for erosion. Landscaping of yard areas increases the holding capacity of land mitigating, to a certain degree, the reduced holding capacity resulting from street and home construction. A hydrology report dated April 2018 was submitted with the application in support of the storm drain design.

The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in the water holding capacity of the land thereby creating a dangerous or unhealthy condition.

Preliminary Plat Approval (E)(2)(d) - Sufficient infrastructure and pumping capacity exists to provide the required water volume to serve the proposed subdivision and development. The Developer will extend properly sized infrastructure as required for development of the property.

The proposed subdivision and development will not create an unreasonable burden on the exiting water supply.

Preliminary Plat Approval (E)(2)(e) – The proposed subdivision and development will add approximately 248 Average Daily Trips to Jennings Way. A traffic study is not required with this subdivision.

The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets.

Preliminary Plat Approval (E)(2)(f) - The Master Plan Land Use Map shows the area as Medium Density Residential. The surrounding area is characterized by PQP and developed single family land uses and undeveloped areas. The proposed subdivision and development have been designed in accordance with the existing zoning, the topography of the land and consideration of traffic congestion as a result of ingress/egress points on Jennings Way. Limitation on ingress/egress to one location requires a looped road dictating the lot layout. The proposed grading plan indicates approximately 1.33 (approximately 14%) acres of the total area is slope areas. The slope areas are required to transition to abutting properties. The internal slope areas have been steepened to maximum extent practical for slope maintenance and buildable area considerations. It appears the developer has provided the optimum subdivision design in consideration of property constraints. The result is a density of 2.75 units per acre versus the minimum density 4 units per acre specified in the Master Plan.

The proposed subdivision and development is in general conformance with the Master Plan based on the constraints of establishing reasonable grades for roadways, lot grading and slope maintenance.

Preliminary Plat Approval (E)(2)(g) – Utilities are available in the immediate area and can be extended for the proposed development.

Preliminary Plat Approval (E)(2)(h) – Schools, Fire and Police and Recreational Services are available throughout the community.

SECTION 3-3-7 INFORMATION REQUIRED FOR PRELIMINARY PLAT SUBMITTAL

Identification Data (B)(1) – The subdivision name, location and section, township and range, is shown on Sheet 1.

Identification Data (B)(2) – The name, address and phone of the subdivider is shown on Sheet 1.

Identification Data (B)(3) – The engineer's contact information is shown on Sheet 1.

Identification Data (B)(4) – The scale, north point, preparation and revision information is shown on 1.

Identification Data (B)(5) – The location map is shown on Sheet 1.

Identification Data (B)(6) – A legal description is shown on Sheet 1.

Existing Conditions Data (C)(1) – A topographic map is shown on Sheet 3. The information submitted shows areas having the potential for concentrated storm water runoff which could impact down gradient lots. The areas are located outside the jurisdiction of the City. The proposed grading plan shows a drainage swale redirecting the potential flows to the Jennings Way right-of-way. The grading plan also shows a drainage swale conveying storm water from the abutting property to the east.

Existing Conditions Data (C)(2) – As referenced above there are washes directing storm water onto the property. The Developer has addressed the issue as shown on the grading plan.

Existing Conditions Data (C)(3) – There are no Special Flood Hazards within or adjacent to the area.

Existing Conditions Data (C)(4) – Sheet 1 of the plat identifies all the roadways, easements and corporate limits within and adjacent to the tract.

Existing Conditions Data (C)(5) – The relevant information such as parcel map is or name, book and page is not shown for abutting or across the street properties.

Existing Conditions Data (C)(6) – The zone for the area is shown on Sheet 1.

Existing Conditions Data (C)(7) – Dimensions of all tract boundaries, gross and net acreage of tract is shown on Sheet 1.

Proposed Conditions Data (D)(1) – The proposed street layout is shown. All the streets are named and proposed for dedication. The grades of the proposed streets are shown on the grading plan. The continuation of roadways is not required of the proposed subdivision.

Proposed Conditions Data (D)(2) – The lot layout is shown. The area and dimensions for each lot are shown.

Proposed Conditions Data (D)(3) – Typical easements will be required along all lot lines. A lot detail was included with the application.

Proposed Conditions Data (D)(4) – The required information is on Sheet 1. In addition to roadway dedication there are drainage areas on the north and south boundaries of the tract offered for dedication.

Proposed Conditions Data (D)(5) – No zone changes are proposed.

Proposed Conditions Data (D)(6) – CC & R's are not proposed.

Proposed Conditions Data (D)(7) – A grading plan with estimated quantities is shown on Sheet 3. Mass grading of the property has been permitted and initiated.

Proposed Conditions Data (D)(8) – The subdivider will be required to comply with the City of Elko's storm water regulations.

Proposed Utility Methods (E)(1) – Sheet 2 shows the proposed sewage disposal infrastructure connecting to the City's infrastructure. Preliminary calculations were provided with the application in support of the proposed infrastructure.

Proposed Utility Methods (E)(2) – Sheet 2 shows the proposed water supply infrastructure connecting to the City's infrastructure. Preliminary calculations were provided with the application in support of the proposed infrastructure.

Proposed Utility Methods (E)(3) – The Preliminary Plat shows storm water infrastructure. The design was based on a hydrology report dated April 2018.

Proposed Utility Methods (E)(4) – Utilities in addition to City utilities must be provided with civil improvements plans required for final plat submittal.

Proposed Utility Methods (E)(5) – The City Utility Department will issue Intent to Serve letters upon City Council approval of the Preliminary Plat.

SECTION 3-3-20 GENERAL PROVISIONS FOR SUBDIVISION DESIGN:

- A. Conformance with Master Plan: The proposed subdivision is in general conformance with the Master Plan objectives for density and applicable zoning. A detailed discussion is provided on the density under the Master Plan section of this report.
- B. Public Facility Sites: No public facility sites are proposed for dedication.
- C. Land suitability: The area proposed for subdivision is suitable for the proposed development based on the findings in this report.

The proposed subdivision is in general conformance with Section 3-3-20 of City code.

SECTION 3-3-21 STREET LAYOUT AND ARRANGEMENT:

- A. Conformance with Plan: The proposed subdivision embraces portions of Jennings Way that is proposed for vacation. No other streets require platting to conform to any traffic plans.

- B. Layout: Street continuation through the proposed subdivision is not required.
- C. Neighborhood Plan: Not applicable.
- D. Extensions: No street extensions through the proposed subdivision is required. There is adequate access to surrounding adjoining lands all of which are platted.
- E. Arrangement of Residential Streets: The arrangement of streets prevents outside traffic from utilizing the neighborhood for cut through traffic.
- F. Protection of Residential Properties: There are lots abutting Jennings Way which is classified as an arterial street. The lots do not access Jennings Way.
- G. Parallel Streets: Consideration of street location is not required.
- H. Topography: The residential streets have been designed to address the topography of the area.
- I. Alleys: No alleys are proposed.
- J. Half Streets: No half streets are proposed.
- K. Dead End Streets: There are no dead end streets proposed.
- L. Intersection Design: The proposed intersection with Jennings Way is code compliant.

The proposed subdivision is in conformance with Section 3-3-21 of City code.

SECTION 3-3-22 STREET DESIGN:

- A. Required Right of Way Widths:
 - a. Jennings Way; Minor Arterial: Minor Arterial – 80 feet. The proposed right-of-way width for Jennings Way after vacation is 80 feet.
 - b. Eagle Ridge Loop; Residential Street: 50 feet.
- B. Street Grades: The proposed street grades are code compliant.
- C. Vertical Curves: The vertical curves are code compliant.
- D. Horizontal Alignment: The horizontal alignment of the streets and intersection

The proposed subdivision is in conformance with Section 3-3-22 of City code.

SECTION 3-3-23 BLOCK DESIGN:

- A. Maximum Length of Blocks: The block design does not exceed the maximum length of a block and maximizes block length.
- B. Pedestrianways: Pedestrianways are not proposed.

The proposed subdivision is in conformance with Section 3-3-23 of City code.

SECTION 3-3-24 LOT PLANNING:

- A. Lot Width, Depth and Area: The lots are in conformance with the specifications stipulated for the zoning. All lots will have improved frontage.
- B. Lot Depth: The lots are in conformance with the stipulated lot depth. All lots have fronts at least 60 feet in width. The frontage for lots on inside curves is measured 30 feet from the street line.
- C. Building Setback: The proposed subdivision, when developed, can meet setback requirements.
- D. Side Lot Lines: The side lot lines are substantially at right angles to the street lines. Deviations occur on inside curves and are appropriate.
- E. Accessibility: Every lot abuts a proposed public street.
- F. Prohibitions: Lots 1 and 16 through 20 abut an arterial street. Those lots access the proposed the local street.

The proposed subdivision is in conformance with Section 3-3-23 of City code with the approval of Lots 1 and 16 through 20 as double front lots abutting an arterial and access restricted to Eagle Ridge Loop.

SECTION 3-3-25 EASEMENT PLANNING:

- A. Utility Easements: Note 13 on the preliminary plat specifies side and rear lot line easements of 5 feet. This equates to a total easement width of 10 feet. Overhead utilities are not allowed within the subdivision.
- B. Underground Utilities: Note 13 on the preliminary plat specifies side and rear lot line easements of 5 feet. This equates to a total easement width of 10 feet. Overhead utilities are not allowed within the subdivision. The utility companies, at their discretion, may request a wider easement on the rear lot line. The proposed side lot line easements conform to code.
- C. Lots Facing Curvilinear Streets. Overhead utilities are not allowed within the subdivision.
- D. Public Drainage Easement. A major surface drainage is addressed on the south boundary. The area is offered for dedication and is not a part of lot areas.
- E. Land Not Considered Lot Area: Areas requiring dedication have been identified and are not included in lot area.
- F. Lots Backing On To Arterial Streets: There are no lots proposed which back onto an arterial street.
- G. Water and Sewer Lines: The utilities are shown in the streets.

The proposed subdivision is in conformance with Section 3-3-25 of City code.

SECTION 3-3-26 STREET NAMING:

The subdivider has proposed street names. The street name does not duplicate other streets.

The proposed subdivision is in conformance with Section 3-3-26 of City code.

SECTION 3-3-27 STREET LIGHTING DESIGN STANDARDS:

Conformance is required with presentation of civil improvements plans.

SECTIONS 3-3-40 through 3-3-45 (inclusive)

All the referenced sections are applicable to final plat submission, approval and construction of civil improvement plans.

SECTION 3-3-50 PARK LAND DEDICATIONS

There is no offer of dedication for park lands.

SECTION 3-3-70 MODIFICATION FROM STANDARDS:

1. Section 3-3-20(A) – The density for the subdivision is approved at 2.75 units per acre versus the minimum density of 4 units per acre stipulated in the Master Plan.
2. Section 3-3-24(F) - Lots 1 and 16 through 20 are approved as double fronts lots with access restricted to Eagle Ridge Loop.

SECTION 3-2-3 GENERAL PROVISIONS:

Section 3-2-3(C)(1) of City code specifies use restrictions. The following use restrictions shall apply:

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.

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.

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 developer has identified areas of concentrated and uncontrolled runoff and proposed a grading plan addressing those issue. The proposed grading plan and resultant slope heights appears to be manageable by individual property owners.

The proposed subdivision and development is in conformance with Section 3-2-3 of City code.

SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS:

2. 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:
3. 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 subdivision and development is in conformance with Section 3-2-4 of City code.

SECTION 3-2-5(B) R1 Single Family Residential:

1. Section 3-2-5(B)(2). Principal Uses Permitted:
 - a. One single-family dwelling of a permanent character in a permanent location with each dwelling unit on its own parcel of land and provided all area and setback requirements are met.
 - b. Publicly owned and operated parks and recreation areas and centers.
 - c. Electric power substations, sewer lift stations, and water pump stations wherein service to district residents requires location within the district.

The proposed subdivision and development is in conformance with Section 3-2-5(B)(2). Conformance with Section 3-2-5(B) is required as the subdivision develops.

SECTION 3-2-5(G)

1. Lot areas are shown. All the Lots meet the minimum area requirements.
2. Lot dimensions are shown and are in conformance with the code.

The proposed subdivision and development is in conformance with Section 3-2-5(G) of City code.

SECTION 3-2-17

1. The proposed roadway is classified as a residential street in accordance with the Master Plan.
2. The proposed lots are large enough to develop the required off-street parking to be located outside the front and interior side yards.
3. Access for Lot 1, 16, 17, 18, 19 & 20 is restricted to Eagle Ridge Loop. A note on the Final Map is required.

The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops.

SECTION 3-2-28 HILLSIDE DEVELOPMENT

1. The property was analyzed to determine if the property development stipulated in Section 3-2-28 applied to the property. The average slope as defined in City Code 3-2-28 is 12.85%, less than average 15% threshold stipulated in the code.

The proposed subdivision and development is in conformance with Section 3-2-28 of City code.

SECTION 3-8 FLOOD PLAIN MANAGEMENT

The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with section 3-8 of City code.

TITLE 8; CHAPTER 7 STREET VACATION PROCEDURES

1. The proposed vacation is being processed independent of the proposed subdivision in order to address a condition to address the above referenced right-of-way acquisition agreement independent of subdivision approval.
2. A 7.5 foot wide utility easement is required on the proposed Jennings Way alignment and shall be included in the City Council order vacating the right-of-way.

The proposed subdivision, with approval of vacation 1-18, is in conformance with Section 8-7 of City code.

TITLE 9 CHAPTER 8 POST CONSTRUCTION RUNOFF CONTROL AND WATER QUALITY MANAGEMENT

Final design of the subdivision is required to conform to the requirements of this title.

GENERAL COMMENTS

1. A Hydrology Report is on file for this area.
2. A soils report is required with the **final plat submittal**.
3. A complete set of civil improvement plans will be required with the final plat.

OTHER

The following permits will be required for the project:

1. Storm water general permit, required submittals to the City of Elko are a plan view showing the storm water controls, a copy of the Storm Water Pollution Prevention Plan (SWPPP) and a copy of the certified confirmation letter.
2. A Surface Area Disturbance (SAD) is required in the disturbed area is equal to or greater than five acres. A copy of the SAD permit is required to be submitted to the City of Elko.
3. A street cut permit from the City of Elko.
4. A grading permit from the City of Elko has been issued.

5. All other applicable permits and fees required by the City of Elko.
6. The City of Elko also requires submittal of the plans from the individual utility companies before permits will be issued for the project.

FINDINGS

1. The proposed subdivision and development is in general conformance with the Land Use component of the Master Plan.
2. The proposed subdivision and development is in conformance with the Transportation Component of the Master Plan.
3. The proposed subdivision and development does not conflict with the Airport Master Plan.
4. The proposed subdivision does not conflict with the City of Elko Development Feasibility, Land use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report - November 2102.
5. The property is not located within the Redevelopment Area.
6. The proposed subdivision and development are in conformance with the Wellhead Protection Program. The sanitary sewer will be connected to a programmed sewer system and all street drainage will report to a storm sewer system.
7. The proposed subdivision and development have been designed in accordance with the existing zoning. A zoning amendment is not required. The proposed subdivision is in conformance with Section 3-3-5(A) of City code.
8. In accordance with section 3-3-5(E)(2) the proposed subdivision and development will not result in undue water or air pollution based on the following:
 - a. The area is not located within a designated flood zone. Potential for water damage from concentrated storm water runoff has been addressed as shown on the grading plan.
 - b. The proposed subdivision and development will be connected to the City's programmed sanitary sewer system therefore the ability of soils to support waste disposal does not require evaluation prior to preliminary plat approval.
 - c. Extensive grading is proposed, minimizing the slopes areas and possible negative effects on effluent discharged from the area. No long term issues associated with erosion are anticipated.
 - d. There is adequate capacity at the Water Reclamation Facility to support the proposed subdivision and development.
 - e. There are no obvious considerations are concerns which indicate the proposed subdivision would not be in conformance with all applicable environmental and health laws and regulations.

- f. There is adequate capacity within the City's water supply to accommodate the proposed subdivision.
 - g. The proposed subdivision and development is not expected to result in unreasonable erosion or reduction in the water holding capacity of the land thereby creating a dangerous or unhealthy condition.
 - h. The proposed subdivision and development will not create an unreasonable burden on the exiting water supply.
 - i. The proposed subdivision and development will not cause unreasonable traffic congestion or unsafe conditions with respect to existing or proposed streets.
 - j. The proposed subdivision and development is in conformance applicable zoning ordinances and is in general conformance with the Master Plan based on the constraints of establishing reasonable grades for roadways, lot grading and slope maintenance.
 - k. Utilities are available in the immediate area and can be extended for the proposed development.
 - l. Schools, Fire and Police and Recreational Services are available throughout the community.
9. The proposed subdivision submittal is in conformance with Section 3-3-7 of City code with the following exception:
-) Existing Conditions Data (C)(5)
- 10. The proposed subdivision is in general conformance with Section 3-3-20 of City code.
 - 11. The proposed subdivision is in conformance with Section 3-3-21 of City code.
 - 12. The proposed subdivision is in conformance with Section 3-3-22 of City code.
 - 13. The proposed subdivision is in conformance with Section 3-3-23 of City code.
 - 14. The proposed subdivision is in conformance with Section 3-3-24 of City code with the approval of Lots 1 and 16 through 20 as double front lots abutting an arterial and access restricted to Eagle Ridge Loop.
 - 15. The proposed subdivision is in conformance with Section 3-3-25 of City code.
 - 16. The proposed subdivision is in conformance with Section 3-3-26 of City code.
 - 17. The proposed subdivision and development is in conformance with Section 3-2-3 of City code.
 - 18. The proposed subdivision and development is in conformance with Section 3-2-4 of City code.
 - 19. The proposed subdivision and development is in conformance with Section 3-2-5(B)(2). Conformance with Section 3-2-5(B) is required as the subdivision develops.

20. The proposed subdivision and development is in conformance with Section 3-2-5(G) of City code.
21. The proposed subdivision and development is in conformance with Section 3-2-17. Conformance with Section 3-2-17 is required as the subdivision develops.
22. The proposed subdivision and development is in conformance with Section 3-2-28 of City code.
23. The proposed subdivision and development is not located in a designated special flood hazard area and is in conformance with section 3-8 of City code.
24. The proposed subdivision with approval of vacation 1-18 is in conformance with Section 8-7 of City code.

STAFF RECOMMENDATION:

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

CONDITIONS:

Planning Department:

1. The Preliminary Plat is to be revised showing the Jennings Way right-of-way to be vacated rather than “straightened”.
2. The Preliminary Plat is to be revised, prior to Council consideration of the preliminary plat, to include the relevant information such as parcel map identification or name, book and page is not shown for abutting or across the street properties.
3. City Council approval of the proposed Jennings Way right-of-way vacation is required prior to City Council approval of the preliminary plat.
4. Preliminary Plat approval of the preliminary constitutes authorization for the sub-divider to proceed with preparation of the final plat and associated engineering plans.
5. Preliminary Plat approval does not constitute authorization to proceed with site improvements prior to approval of the engineering plans by the City and the State.

Engineering Department:

1. Total post-construction peak runoff from the site should not exceed pre-construction peak runoff. Infiltration is not recommended due to complaints of ground water seepage in this area. Consider other types of flow reducing devices.

Development Department:

1. The applicant submits an application for Final Plat within a period of four (4) years in accordance with NRS 278.360(1)(a). Approval of the Preliminary Plat will automatically lapse at that time.

2. A soils report is required with Final Plat submittal.
3. Final Plat civil improvements are to comply with Chapter 3-3 of City code.
4. The subdivision shall comply with Chapter 9-8 of City code.
5. The Utility Department will issue an Intent to Serve letter.
6. A note shall be added to the **final plat** restricting the access for lots 1, 16, 17, 18, 19, and 20 to be limited to Eagle Ridge Loop. Driveway access for lot 20 shall be restricted to the east property line, or the front yard as defined by Elko City Code 3-3-2.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

DDS Properties, LLC
930 Idaho Street
Elko, NV 89801

Re: Vacation No. 1-18 & Preliminary Plat 7-18

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,

Shelby Archuleta
Planning Technician

Enclosures

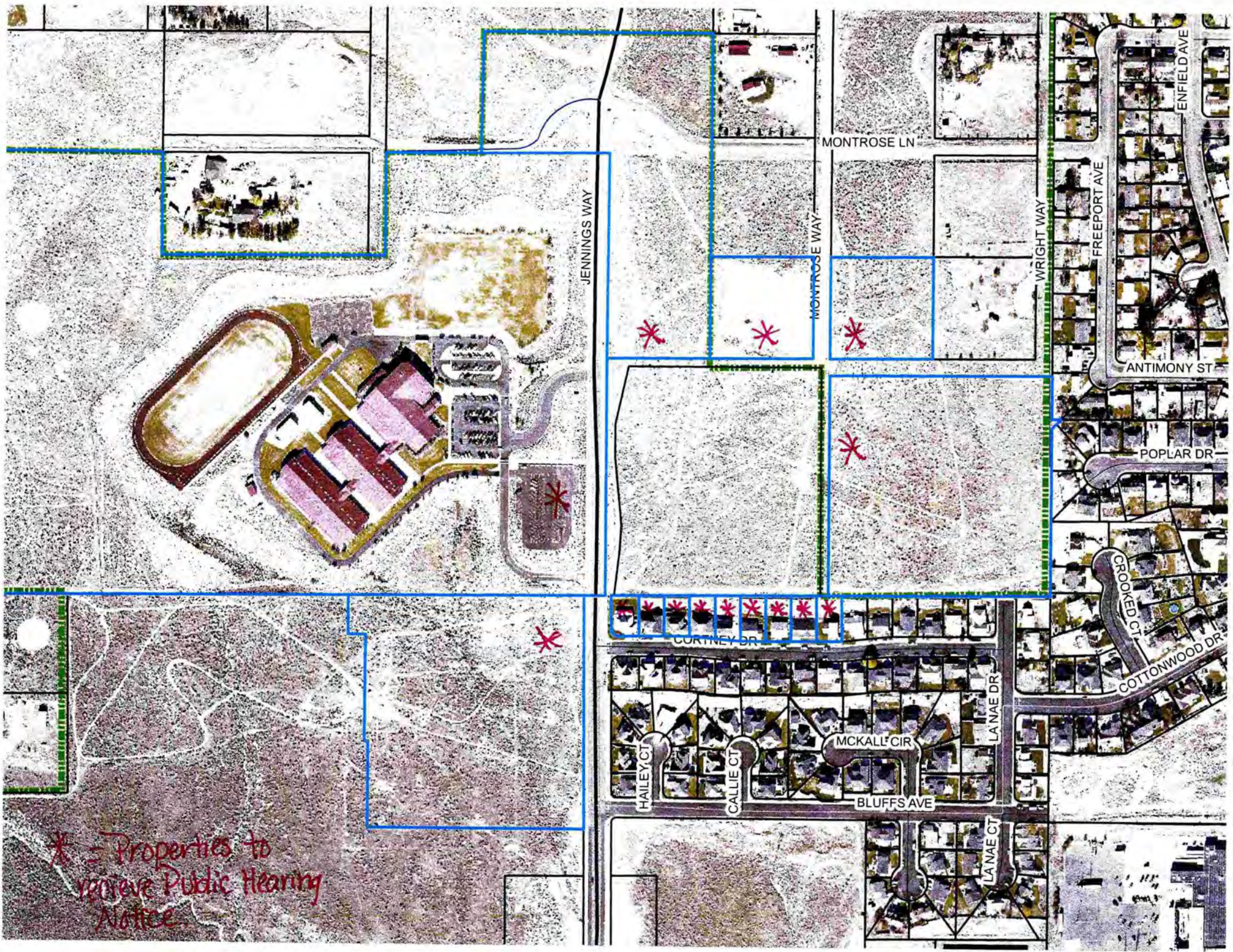
CC: Carter Engineering: lanalcarter@live.com

High Desert Engineering, 640 Idaho Street, Elko, NV 89801

PP 7-18 Humboldt Hills

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
00101C045	ANDERSON, RICHARD D & MELISSA		638 CORTNEY DR	ELKO NV.	89801-2440
00101C065	CHRISTENSEN, RAY L II ET AL		416 BOSSIER RD	BARKSDALE AFB LA	71110-2044
00101C064	DAMIAN, RICHARD ALLAN		20403 93RD PL S UNIT 4	KENT WA	98031-0011
00101A017	ELKO COUNTY SCHOOL DISTRICT		PO BOX 1012	ELKO NV.	89803-1012
00101A002	ELKO JENNINGS PARTNERS LLC		725 2ND ST	ELKO NV.	89801-3009
00101C068	ENGELMEIER, KEVIN D & DULCY C		658 CORTNEY DR	ELKO NV.	89801-2457
00101C043	KNOTTS, RICHARD JOHN ET AL		634 CORTNEY DR	ELKO NV.	89801-2440
00101C039	LIEBSACK, NATHAN J ET AL		626 CORTNEY DR	ELKO NV.	89801-2440
00609J027	LIEVANOS, ISAAC		3345 ARGENT AVE	ELKO NV.	89801-4415
00101C067	MILLER, MATTHEW T		654 CORTNEY DR	ELKO NV.	89801-2457
00609J028	ROBERSON, DAVE		746 MONTROSE LN	ELKO NV.	89801-2467
00101C041	SINGH, TOCHI ET AL		630 COURTNEY DR	ELKO NV.	89801
00101C066	SYNKOV, VASILY		650 CORTNEY DR	ELKO NV.	89801-2457
006090900	USA	C/O BLM-SUPPORT SERVICES AP	3900 E IDAHO ST	ELKO NV.	89801-4692
00101A016	USA	C/O BLM-SUPPORT SERVICES AP	3900 E IDAHO ST	ELKO NV.	89801-4692

14



* = Properties to
receive Public Hearing
Notice.

NOTICE OF PUBLIC HEARINGS

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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 item to be considered under public hearing format is:

Preliminary Plat No. 7-18, filed by DDS Properties, LLC, for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. The subject property is located generally on the east side of Jennings Way, approximately 150' north of Courtney Drive. (APN 001-01H-001).

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

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

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

May 17, 2018

NV Energy
Mr. Robert Lino
4216 Ruby Vista Dr.
Elko, NV 89801-1632

SUBJECT: Preliminary Plat No. 7-18/Humboldt Hills

Dear Mr. Lino:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

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

May 17, 2018

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702

SUBJECT: Preliminary Plat No. 7-18/Humboldt Hills

To Whom It May Concern:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

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

May 17, 2018

Satview Broadband
Mr. Steve Halliwell
3550 Barron Way, Suite 13A
Reno, NV 89511

SUBJECT: Preliminary Plat No. 7-18/Humboldt Hills

Dear Mr. Halliwell:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

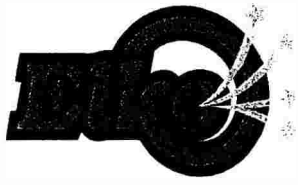
Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

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

May 17, 2018

Frontier Communications
Mr. William Whitaker
111 W. Front Street
Elko, NV 89801

SUBJECT: Preliminary Plat No. 7-18/ Humboldt Hills

Dear Mr. Whitaker:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocitynv.gov
Email: planning@elkocitynv.gov

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

May 17, 2018

Elko County School District
Mr. Jeff Zander
PO Box 1012
Elko, NV 89803

SUBJECT: Preliminary Plat No. 7-18/Humboldt Hills

Dear Mr. Zander:

Enclosed for your review and information is a copy of the submitted preliminary plat for the proposed Humboldt Hills subdivision, which is tentatively scheduled for consideration by the Elko City Planning Commission at their June 5, 2018 meeting.

Please submit written comments to the Elko City Planning Department. If we do not receive written comments prior to the scheduled meeting, we will assume you have no concerns regarding this application.

Thank you for your attention to this matter.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

**ENVIRONMENTAL
PROTECTION**

April 30, 2018

Ryan Limberg
Utilities Director
1751 College Avenue
Elko, NV 89801

**Re: Tentative Map – Humboldt Hills
26 lots in the City of Elko**

Dear Mr. Limberg:

The Nevada Division of Environmental Protection (NDEP) has reviewed the above referenced subdivision and recommends denial of said subdivision with respect to water pollution and sewage disposal.

Further review of the Tentative Map requires submittal of the following:

- To further process this submittal the NDEP requires an intent to serve or will serve letter from the municipal sewer service provider.

If you have any questions regarding this letter please contact me at (775) 687-9546, or rfahey@ndep.nv.gov.

Sincerely,



Ryan Fahey, Staff Engineer
Technical Services Branch
Bureau of Water Pollution Control

cc:

Cathy Laughlin, City Planner, City of Elko, 1751 College Avenue, Elko, NV 89801
Engineer: Carter Engineering, LLC, P.O. Box 794, Elko, NV 89803
Developer: DDS Properties, LLC, 930 Idaho Street, Elko, NV 89801

Control No. 11804

Carter Engineering, LLC
Civil Engineering

P. O. Box 794
Elko, Nevada 89803
775-397-2531



April 18, 2018

Cathy Laughlin, City Planner
City of Elko
1751 College Avenue
Elko, Nevada 89801

RECEIVED

APR 18 2018

Subject: Humboldt Hills Subdivision - 26 lots

Dear Cathy,

Please accept this letter as supplemental information for the Preliminary Plat for Humboldt Hills subdivision.

On Thursday March 12th, 2018 a Stage 1 meeting for this development took place. The schematic plan presented by my client Dusty Shipp and I showed 29 lots. The area of the parcel is 9.443 acres for a density of 3.07 units per acre. We were given support to move forward to the Preliminary Plat stage.

After the Stage 1 meeting we started working on the Preliminary Plat, refining grading and layout. Street grades approaching 9% in the Stage 1 schematic were reduced to 7%. Three lots were removed, two in the middle and one along the easterly boundary. This was done to improve the buildability and livability of the remaining lots. This also gives flexibility to the type of home that can be built.

Because of the reduction in lots staff required a second Stage 1 meeting on April 17th, 2018. It is understood from the second Stage 1 meeting that this subdivision does not meet the requirements of the Master Plan for Residential Medium Density of 4-8 units per acre. With the 26 lot layout the density is now 2.75 units per acre, less than the density of 3.07 units per acre with the 29 lot layout.

The 29 lot layout had a buildable area of approximately 3.22 acres. The 26 lot layout has a buildable area of approximately 3.71 acres. The buildable area is the area left after lot line setbacks, slope, slope setbacks and rear drainage swales are considered. Not included is any area lost due to side lot line slopes.

This property has some challenges regarding grading and elevation that make it difficult to meet this requirement for Residential Medium Density of 4-8 units per acre.

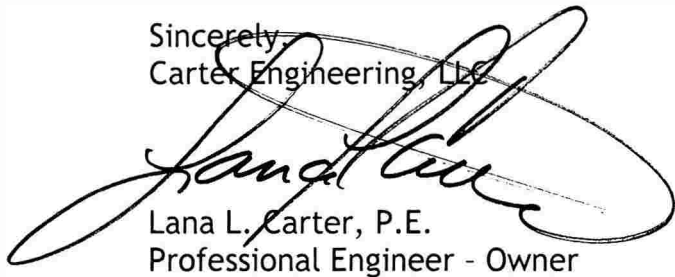
This property has an Average Slope (AS) as defined by City Code 3-2-28 B of 12.85%. This is under the requirement of 15% to be considered a Hillside Area but it does demonstrate the steepness of the property.

In addition, the property must be graded to provide an elevation at the street of less than 5316 as required by the Utilities Department to have adequate pressure for City of Elko water service. The elevation at the north easterly corner of the property is 5360 and therefore considerable area is lost to the slope to meet this requirement. The buildable area lost to slope is 1.33 acres without including building code requirements for setbacks from slopes. This includes the slope along the northerly and easterly boundary as well as the interior slope at the back of lots 21-23. An additional 0.26 acres is lost due to building code requirements shown in Figure R403.1.7.1 for foundation clearance from slopes. The total lost due to slopes and setbacks for the slopes is 1.59 acres.

If this unusable area was not considered, then the density of the remaining area is $9.443 \text{ acres} - 1.59 \text{ acres} = 7.85 \text{ acres}$. At 26 lots the density is 3.31 for the remaining portion.

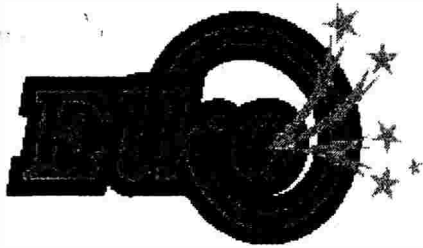
I appreciate the opportunity to provide this additional information to you. Please feel free to contact me should you have any questions.

Sincerely,
Carter Engineering, LLC

A large, stylized handwritten signature in black ink, appearing to read 'Lana L. Carter', is written over the typed name and title.

Lana L. Carter, P.E.
Professional Engineer - Owner

Copy: Dusty Shipp, DDS Properties, LLC
Jeremy Draper, P.E., City of Elko
Scott Wilkinson, City of Elko



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 * (775) 777-7219 fax

APPLICATION FOR PRELIMINARY PLAT (STAGE II) APPROVAL

****PRIOR TO SUBMITTING THIS APPLICATION, PRE-APPLICATION (STAGE I) MUST BE COMPLETE****

APPLICANT(s): DDS PROPERTIES, LLC

MAILING ADDRESS: 930 Idaho Street, Elko, Nevada 89801

PHONE NO (Home): (Business): (775) 777-2949

NAME OF PROPERTY OWNER (If different from same as owner)

(Property owner consent in writing must be provided)

MAILING ADDRESS:

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

ASSESSOR'S PARCEL NO.: 001-01H-001 Address: Not addressed

Lot(s), Block(s), & Subdivision

Or Parcel(s) & File No. Parcel 1 of File No. 2782

APPLICANT'S REPRESENTATIVE OR ENGINEER: Lana L. Carter - Carter Engineering, LLC

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), and must include the following:

1. One .pdf of the entire application, and ten (10) 24" x 36" copies of the preliminary 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 3-3-7 of the Elko City Code (see attached checklist).
2. A Development Master Plan when, in the opinion of the Planning Commission, the proposed subdivision is sufficiently large enough to comprise a major part of a future neighborhood or the tract initially proposed for platting is only a part of a larger land area.
3. A preliminary grading plan for subdivisions involving property characterized by an average slope greater than ten percent (10%).

Fee: \$750.00 + \$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.

RECEIVED

PROJECT DESCRIPTION OR PURPOSE: The purpose of this project is to create a 26 lot single family residential subdivision from vacant land off of West Jennings Way. There will be one entrance into the project by Eagle Ridge Loop. Utility main extensions will come into the project at this location. None of the lots will have access directly onto West Jennings Way. None of the utility services will be connected to the main lines in West Jennings Way. Lots 1-6 have proposed grading to accommodate walk out basements. This subdivision has an average slope as defined by 3-2-28 B of 12.85% which is under 15% and is therefore not defined as a Hillside Area. This project is located in Zone X (areas of minimal flood hazard). The public improvements along the West Jennings Way frontage will be installed as part of this project.

(Use additional pages if necessary)

Preliminary Plat Checklist 3-3-7

Date	Name
Identification Data	
✓	Subdivision Name
✓	Location and Section, Township and Range
✓	Reference to a Section Corner or Quarter-Section Corner
✓	Name, address and phone number of subdivider
✓	Name, address and phone number of engineer/surveyor
✓	Scale, North Point and Date of Preparation
✓	Dates of Revisions
✓	Location maps
✓	Legal description of boundaries
Existing Conditions Data	
✓	2' contours on city coordinate system
N/A	Location of Water Wells NONE IN THE AREA
✓	Location of Streams, private ditches, washes and other features
✓	Location of Designated flood zones
✓	The Location, widths and Names of all platted Streets, ROW
✓	Municipal Corporation Lines
✓	Name, book and page numbers of all recorded plats
✓	Existing Zoning Classifications
✓	Zoning of Adjacent Properties
✓	Dimensions of all tract boundaries, gross and net acreage
Proposed Conditions Data	
✓	Street Layout, location, widths, easements
N/A	Traffic Impact Analysis NOT REQUIRED
✓	Lot Layout, including dimensions of typical lots
✓	Corner Lot Layout
✓	Lot layout on Street Curves
✓	Each lot numbered consecutively
✓	Total number of lots
✓	Location, Width and proposed use of easements
✓	Location, extent and proposed use of all land to be dedicated
N/A	Location and boundary of all proposed zoning districts ALREADY ZONED
N/A	Draft of proposed deed restrictions NO DEED RESTRICTIONS
✓	Preliminary Grading Plan
✓	Conceptual cut and fill
✓	Estimated quality of material to be graded
✓	SWPPP
Proposed Utilities	
✓	Sewage Disposal, design for sewage disposal
✓	Water Supply, Evidence of adequate volume and quality
✓	Storm Drain, Preliminary Calculations and Layout
✓	Telephone, Power, Gas, Television
	Will Serve Letter by Engineering Department

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

Dusty Shipp

(Please print or type)

Mailing Address

930 Idaho Street

Street Address or P.O. Box

Elko, Nevada 89801

City, State, Zip Code

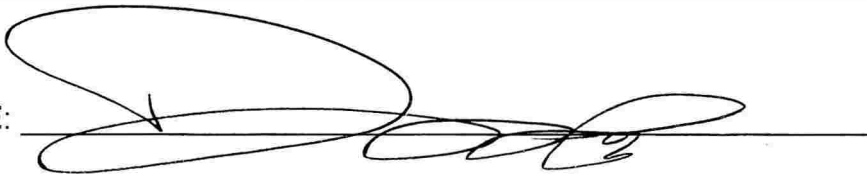
Phone Number:

775-777-2949

Email address:

dustyshipp@gmail.com

SIGNATURE:

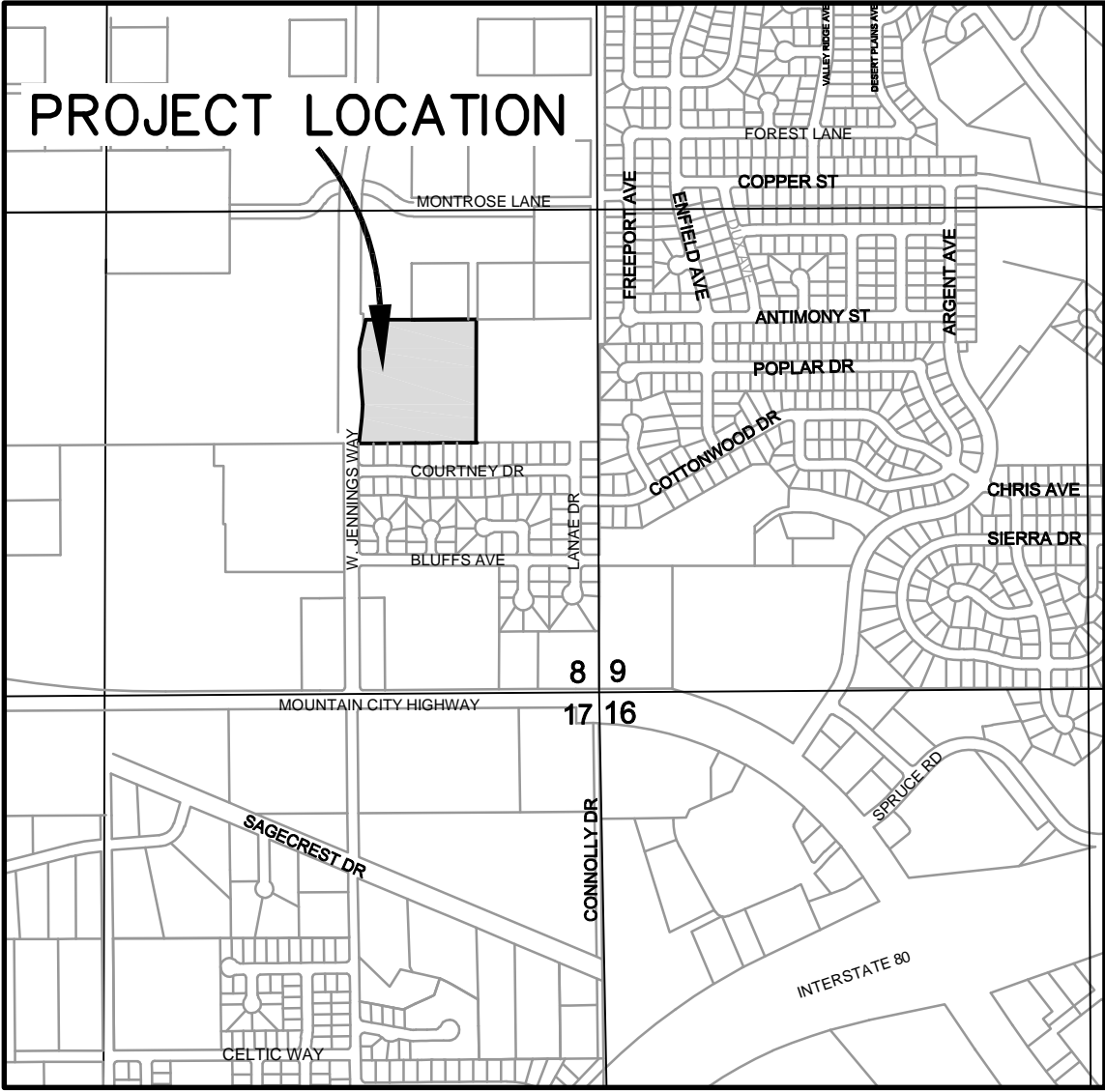
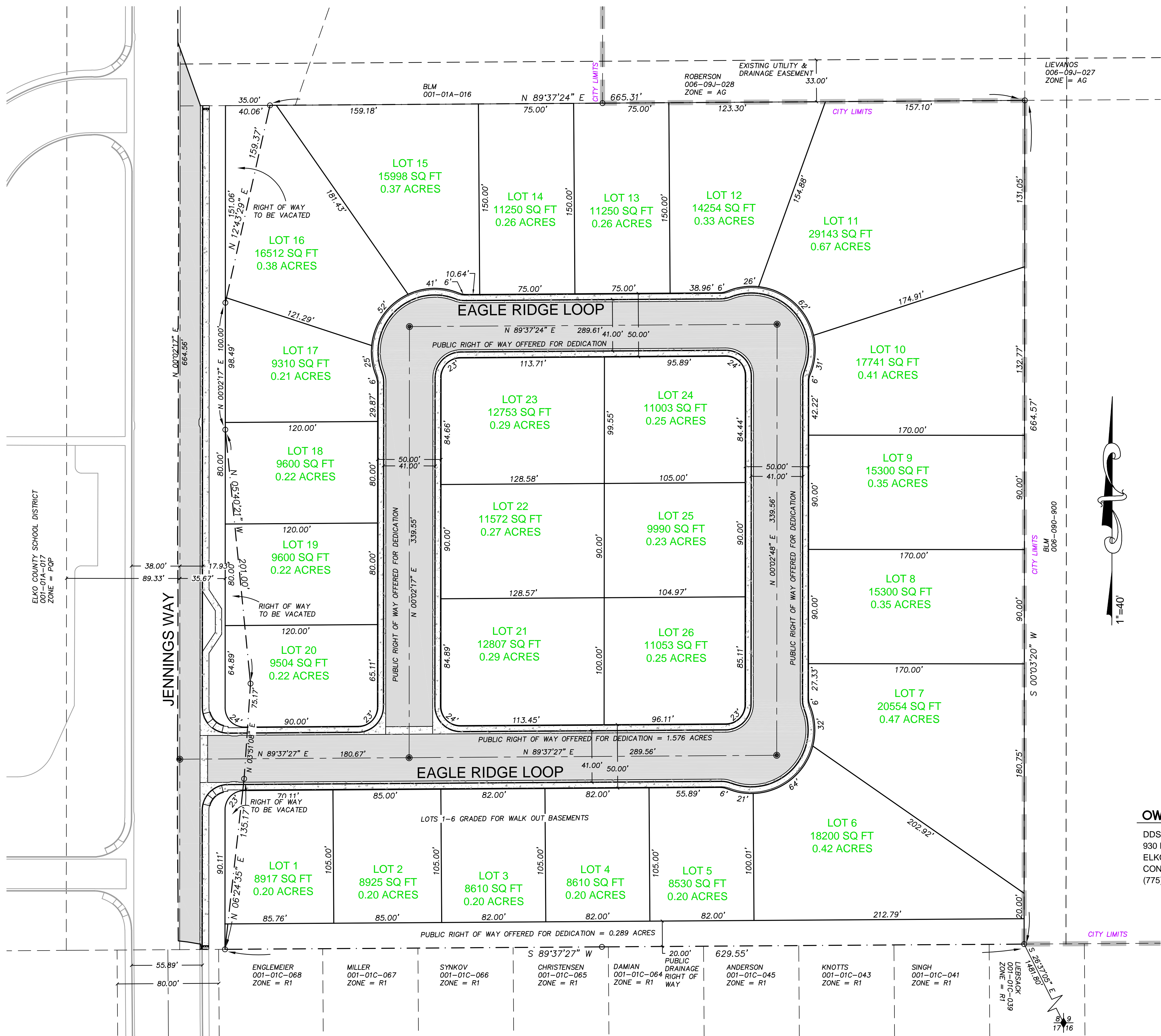


FOR OFFICE USE ONLY

FileNo.: 7-18 **Date Filed:** 4/10/18 **Fee Paid:** \$ 1400 **CK#** 2079

26 Lots x 25 = 650
+ 750
\$1,400

PRELIMINARY PLAT - HUMBOLDT HILLS



VICINITY MAP PROJECT INFORMATION

1. ZONING: R1 - SINGLE FAMILY RESIDENTIAL
2. APN = 001-01H-001.
3. LEGAL DESCRIPTION = PARCEL NO. 1 OF FILE NUMBER 727682, IN THE OFFICE OF THE ELKO COUNTY RECORDER.
4. TOTAL AREA IS 9.443 ACRES.
5. 26 LOTS TOTAL.
6. NO DEED RESTRICTIONS.
7. NO ADDRESS ASSIGNED TO THE PARCEL.
8. SUBDIVISION TO BE SERVED BY THE FOLLOWING UTILITY COMPANIES
CITY OF ELKO - WATER, SEWER & STORM DRAIN
SW GAS - NATURAL GAS
FRONTIER - COMMUNICATIONS AND TELEPHONE
NV ENERGY - ELECTRICAL
SATVIEW BROAD BAND - COMMUNICATIONS AND TELEVISION
ELKO SANITATION - WASTE DISPOSAL
9. THIS PROPERTY IS LOCATED IN ZONE X (AREA OF MINIMAL FLOOD HAZARD) PER FEMA FIRM MAP 320027C.
10. THE ESTIMATED SANITARY SEWER CONTRIBUTION IS 350 GPD/LOT. 26 LOTS x 350 GPD/LOT = 9,100.00 GPD.
11. THE ESTIMATED WATER DEMAND IS 1.12 AC-FT/YEAR/LOT. 26 LOTS x 1.12 AC-FT/YEAR/LOT = 29.12 AC-FT/YEAR.
12. TOTAL GROSS ACREAGE 9.443 ACRES
TOTAL RIGHT OF WAY ACREAGE OFFERED FOR DEDICATION
EAGLE RIDGE LOOP 1.576 ACRES
SOUTHERLY DRAINAGE 0.289 ACRES
TOTAL NET ACREAGE 7.578 ACRES
13. IN ADDITION TO THE EASEMENTS SHOWN A 7.5' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT IS PROVIDED ALONG ALL STREET FRONT LOT LINES AND A 5.0' WIDE PUBLIC UTILITY AND DRAINAGE EASEMENT IS PROVIDED ALONG ALL SIDE AND REAR LOT LINES.
14. JENNINGS WAY SIDEWALK TO BE 5' WIDE. OTHER SIDEWALKS TO BE 4' WIDE.
15. NO LOTS SHALL ACCESS JENNINGS WAY.
16. NO UTILITY SERVICES SHALL BE FROM JENNINGS WAY MAINS.

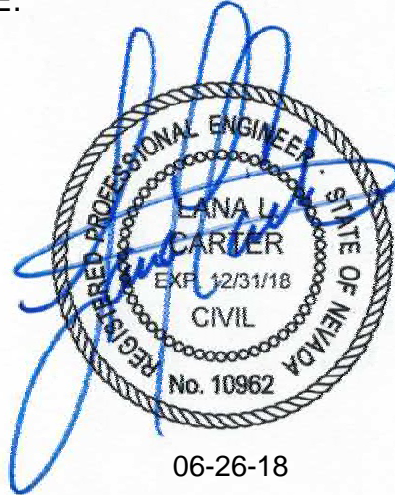
PROJECT CONTACTS

OWNER-DEVELOPER	CIVIL ENGINEER
DDS PROPERTIES, LLC 930 IDAHO STREET ELKO, NEVADA 89801 CONTACT: DUSTY SHIPP (775) 777-2949	CARTER ENGINEERING, LLC P.O. BOX 794 ELKO, NEVADA 89801 CONTACT: LANA L. CARTER, P.E. (775) 397-2531

ENGINEER'S CERTIFICATION

I, LANA L. CARTER, A REGISTERED PROFESSIONAL CIVIL ENGINEER IN THE STATE OF NEVADA, DO HEREBY CERTIFY THAT THIS PRELIMINARY PLAT HAS BEEN PREPARED UNDER MY DIRECTION AND WAS COMPLETED ON THE 9TH DAY OF APRIL, 2018.

LANA L. CARTER, P.E.



SCALE: 1"=40'

REV	DATE	DESCRIPTION
1	4-18-18	20' DRAINAGE RIGHT OF WAY AT SOUTHERLY BORDER
2	6-28-18	ADJUSTED DRAINAGE TO RIGHT LANE
3	6-28-18	ADD OFFERED FOR DEDICATION TO PROPOSED ROW

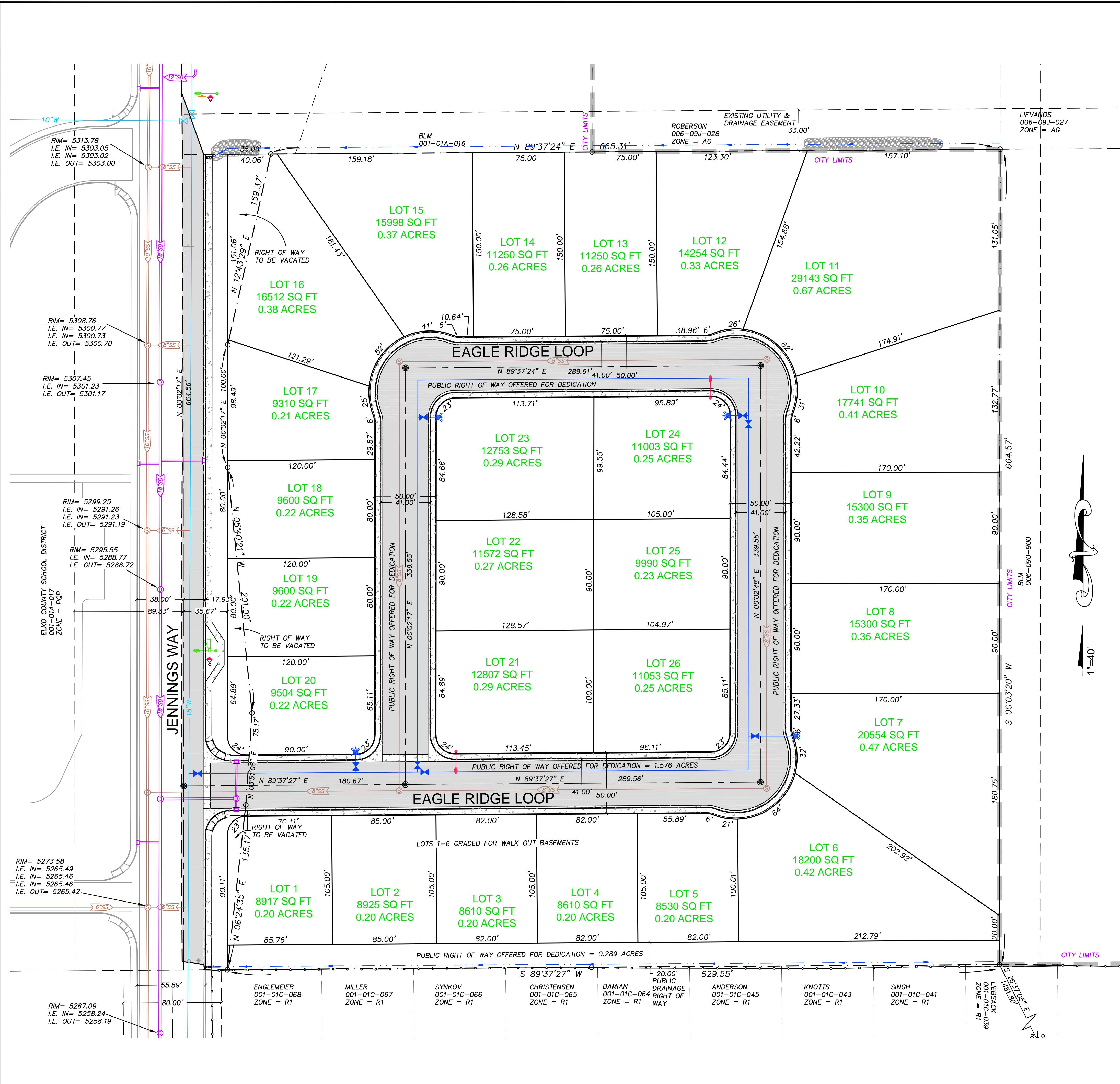
Carter Engineering, LLC
Civil Engineering
P. O. Box 794
Elko, Nevada 89803
775-397-2531

DDS PROPERTIES, LLC
HUMBOLDT HILLS
PRELIMINARY PLAT - LAYOUT
ELKO, NEVADA

DESIGN BY:	LLC
DRAWN BY:	LLC
CHECKED BY:	LLC
DATE:	04-09-18
JOB NO:	05-2016
DWG NO:	2016-04

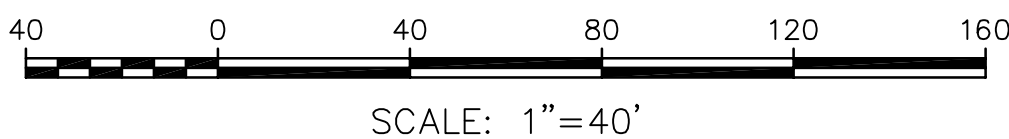
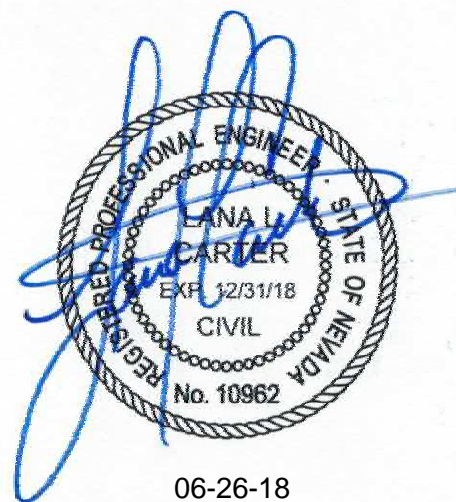
SCALE	
HORIZ:	1"=40'
VERT:	N/A

SHEET	
1	
OF 5	



LEGEND

EXISTING SANITARY SEWER MANHOLE	
EXISTING SANITARY SEWER LINE	
EXISTING SANITARY SEWER MANHOLE	
PROPOSED SANITARY SEWER LINE	
EXISTING CURB INLET	
PROPOSED TYPE 4-R CURB INLET	
PROPOSED STORM DRAIN	
EXISTING GAS LINE	
EXISTING WATER LINE	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
PROPOSED WATER LINE	
PROPOSED WATER VALVE	
PROPOSED FIRE HYDRANT	
EXISTING TELEPHONE PEDESTAL	
EXISTING UNDER GROUND POWER LINE	
EXISTING POWER BOX	
EXISTING STREET LIGHT	
PROPOSED STREET LIGHT	
PROPOSED CONCRETE	
PROPOSED PAVEMENT	



SCALE: 1"=40'

REV	DATE	DESCRIPTION
1	4-18-18	20' DRAINAGE RIGHT OF WAY AT SOUTHERLY BORDER
2	6-28-18	ADJUST DRAINAGE TO RIGHT OF WAY
3	6-28-18	ADD OFFERED FOR DEDICATION TO PROPOSED ROW

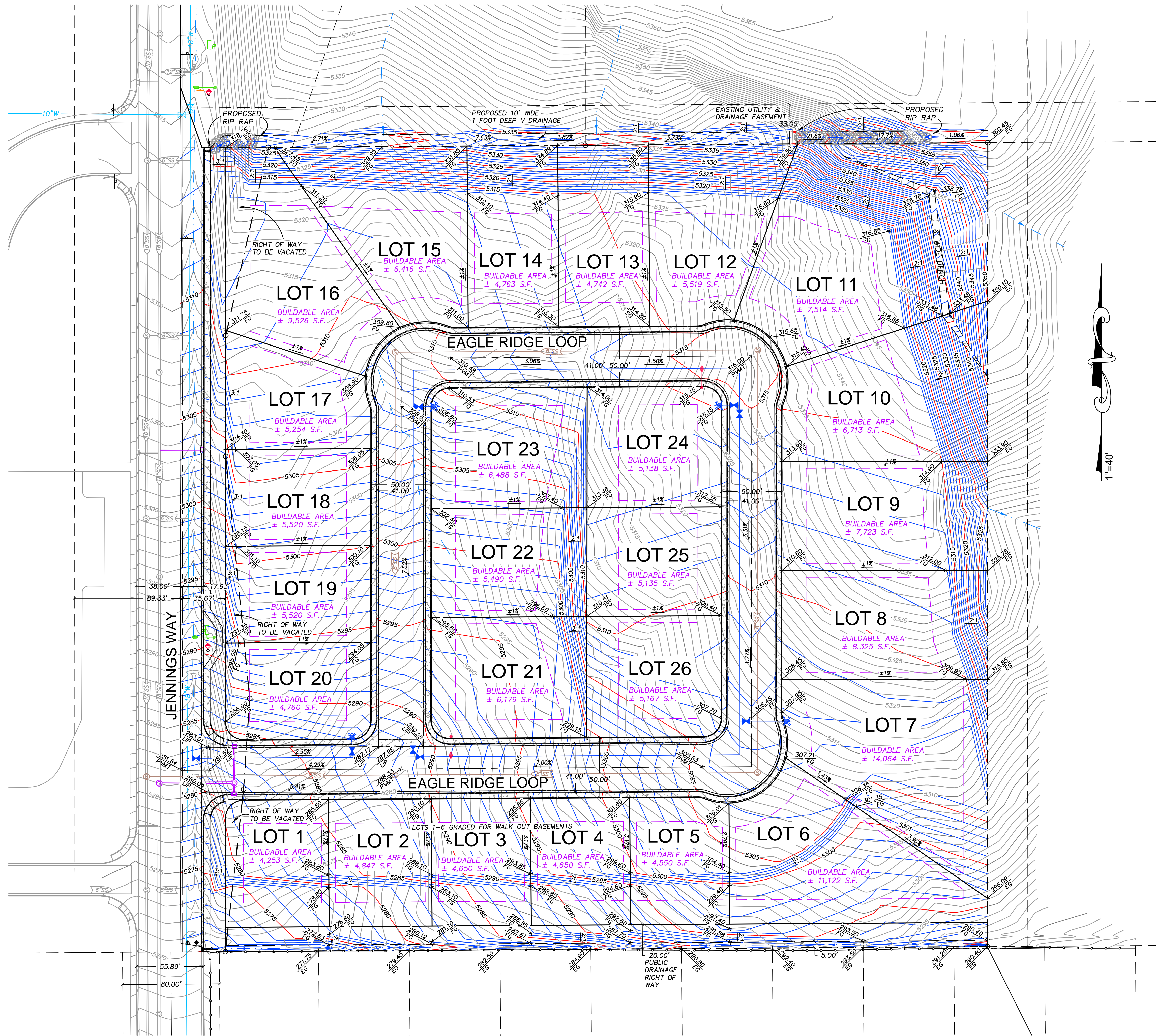
Carter Engineering, LLC
Civil Engineering
P. O. Box 784
Elko, Nevada 89803
775-397-2531

DDS PROPERTIES, LLC
HUMBOLDT HILLS
PRELIMINARY PLAT - UTILITIES
ELKO, NEVADA

DESIGN BY:	LLC
DRAWN BY:	LLC
CHECKED BY:	LLC
DATE:	04-08-18
JOB NO:	05-2016
DWG NO:	2016-04

SCALE	
HORIZ:	1"=40'
VERT:	N/A

SHEET	
2	
OF 5	



NOTES:

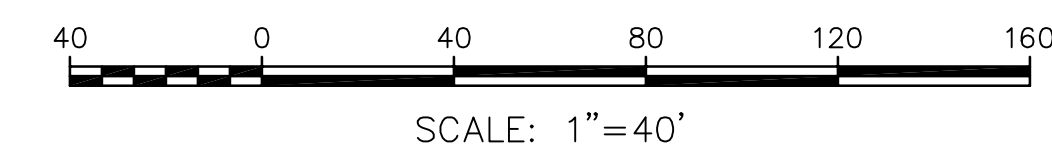
- THE ESTIMATED EARTHWORK QUANTITIES ARE AS FOLLOWS:
UNCLASSIFIED EXCAVATION = 90,375 CY CUT
UNCLASSIFIED EMBANKMENT = 19,124 CY FILL
THE ABOVE QUANTITIES ARE BANK CUBIC YARDS. SHRINK OR SWELL HAS NOT BEEN CONSIDERED.
- ADD 5000 FEET TO SPOT ELEVATIONS.
- THE INTENT OF THE GRADING IS FOR ALL THE LOTS AT OR BELOW ELEVATION 5316 FOR WATER SERVICE.
- THE FINAL GRADING OF THE LOTS WILL BE DONE TO ELIMINATE CROSS LOT DRAINAGE.
- SLOPES ADJACENT TO STREETS SHALL NOT EXCEED 3:1.
- INTERIOR SLOPES SHALL NOT EXCEED 2:1.
- RETAINING WALLS BETWEEN INTERIOR LOT LINES SHALL NOT EXCEED 6 FEET.
- THE BUILDABLE AREA SHOWN IS THE AREA LEFT AFTER SET BACKS AND SLOPES.
- THIS PROJECT REQUIRES EXPORT EXCAVATION. PER THE OWNER THE EXPORT EXCAVATION WILL BE USED AT THE GOLDEN HILLS SUBDIVISION AND OTHER SITES NEEDING IMPORT FILL. THE OWNER AGREES TO SUBMIT GRADING PLANS FOR THESE SITES AS THESE LOCATIONS ARE MADE KNOWN.
- THE EXISTING GROUND TOPOGRAPHY SHOWN ON THIS PLAN IS FROM A SURVEY PERFORMED BY HIGH DESERT ENGINEERING ON 3-21-17.
- LOTS 1-6 ARE GRADED FOR WALK OUT BASEMENTS.
- THE AVERAGE SLOPE OF THIS SUBDIVISION PER 3-2-28 B IS 12.84% WHICH IS LESS THAN 15% AND THEREFORE THIS IS NOT A HILLSIDE AREA.

ABBREVIATIONS FOR SPOT ELEVATIONS

EG	EXISTING GRADE
FG	FINISH GRADE
LIP	LIP OF GUTTER PAN
PVMT	FINISH GRADE PAVEMENT

LEGEND

EXISTING SANITARY SEWER MANHOLE	
EXISTING SANITARY SEWER LINE	
EXISTING SANITARY SEWER MANHOLE	
PROPOSED SANITARY SEWER LINE	
EXISTING CURB INLET	
EXISTING STORM DRAIN	
PROPOSED TYPE 4-R CURB INLET	
PROPOSED STORM DRAIN	
EXISTING GAS LINE	
EXISTING WATER LINE	
EXISTING WATER VALVE	
EXISTING FIRE HYDRANT	
PROPOSED WATER LINE	
PROPOSED WATER VALVE	
PROPOSED FIRE HYDRANT	
EXISTING TELEPHONE PEDESTAL	
EXISTING UNDER GROUND POWER LINE	
EXISTING POWER BOX	
EXISTING STREET LIGHT	
PROPOSED STREET LIGHT	
PROPOSED CONCRETE	
EXISTING DRAINAGE SWALE	
PROPOSED DRAINAGE SWALE	



DESIGN BY: LLC
DRAWN BY: LLC
CHECKED BY: LLC
DATE: 04-09-18
JOB NO: 05-2016
DWG NO: 2016-04

DDP PROPERTIES, LLC
HUMBOLDT HILLS
PRELIMINARY PLAT - GRADING
ELKO, NEVADA

SCALE
HORIZ: 1"=40'
VERT: N/A

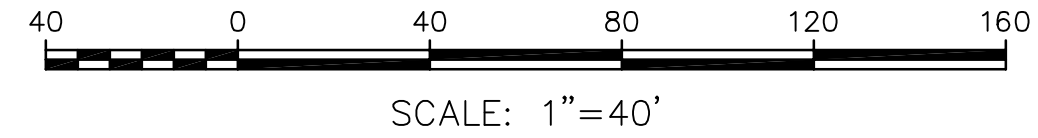
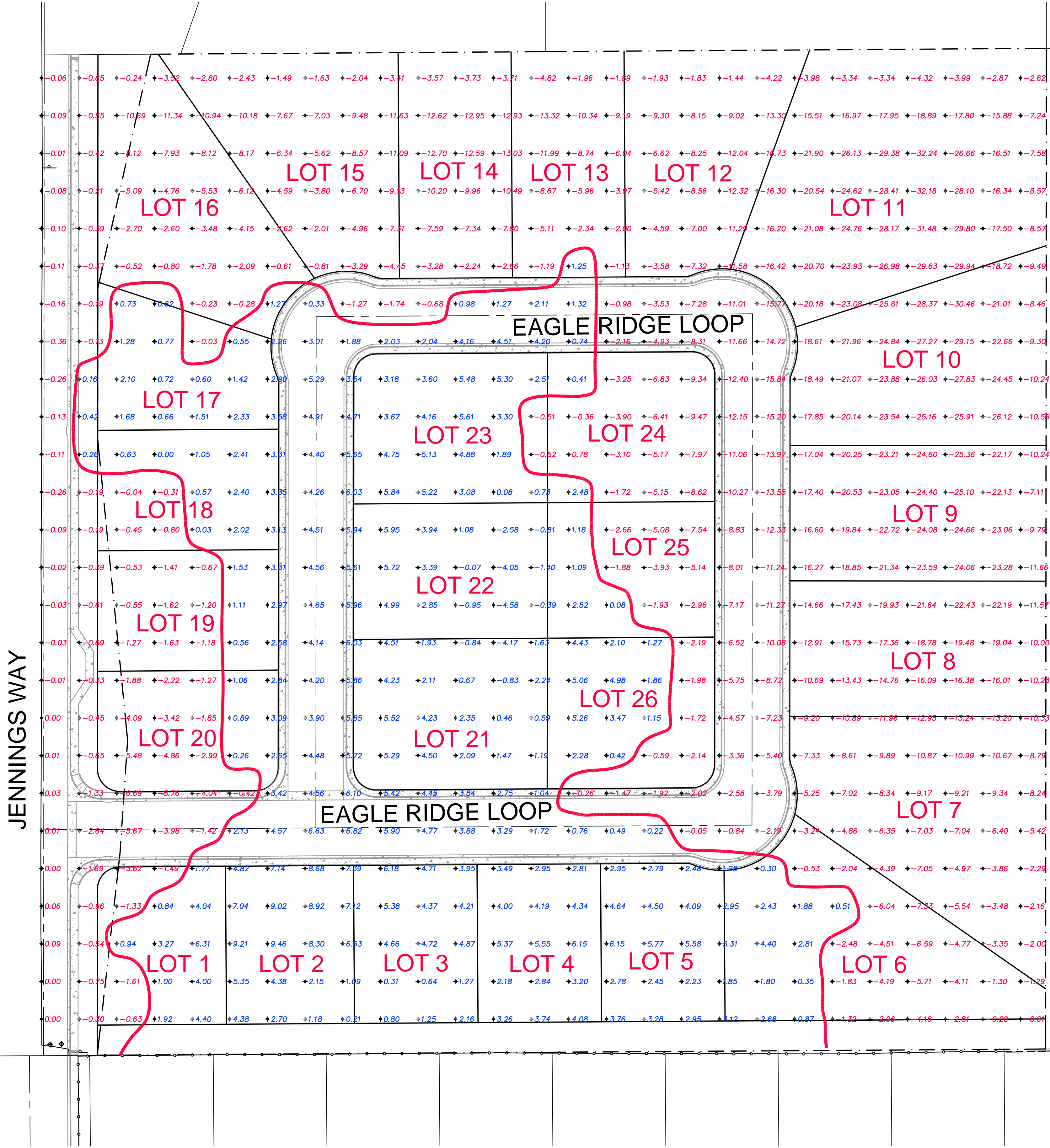
SHEET
3
OF 5

DATE
1 4-18-18
2 6-26-18
3 6-26-18

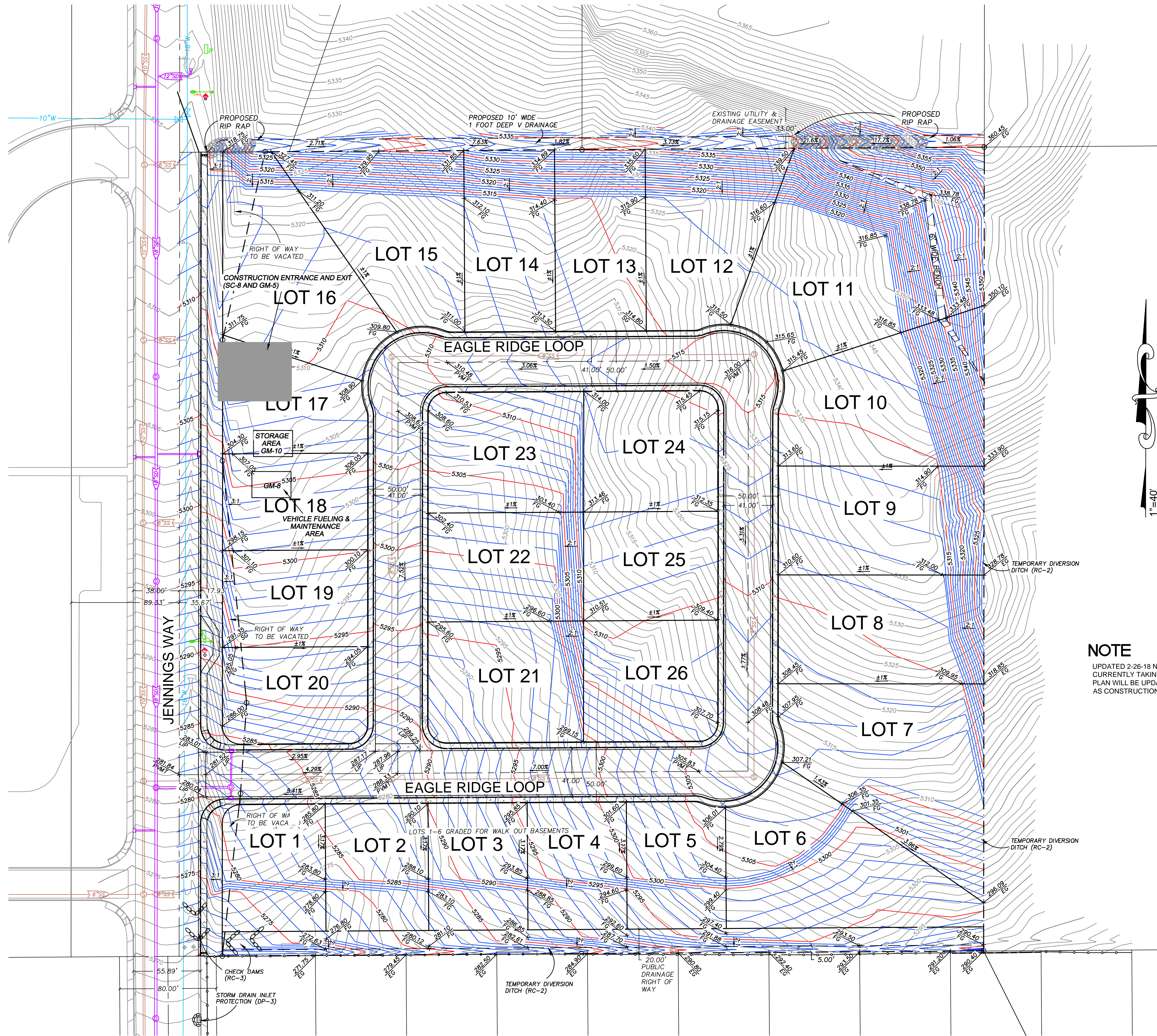
REV
1
2
3

DESCRIPTION
20' DRAINAGE RIGHT OF WAY AT SOUTHERLY BORDER
AND NOTED FROM TO RIGHT TO BE
ADD OFFERED FOR DEDICATION TO PROPOSED ROW

Carter Engineering, LLC
Civil Engineering
P. O. Box 784
Elko, Nevada 89803
775-397-2531

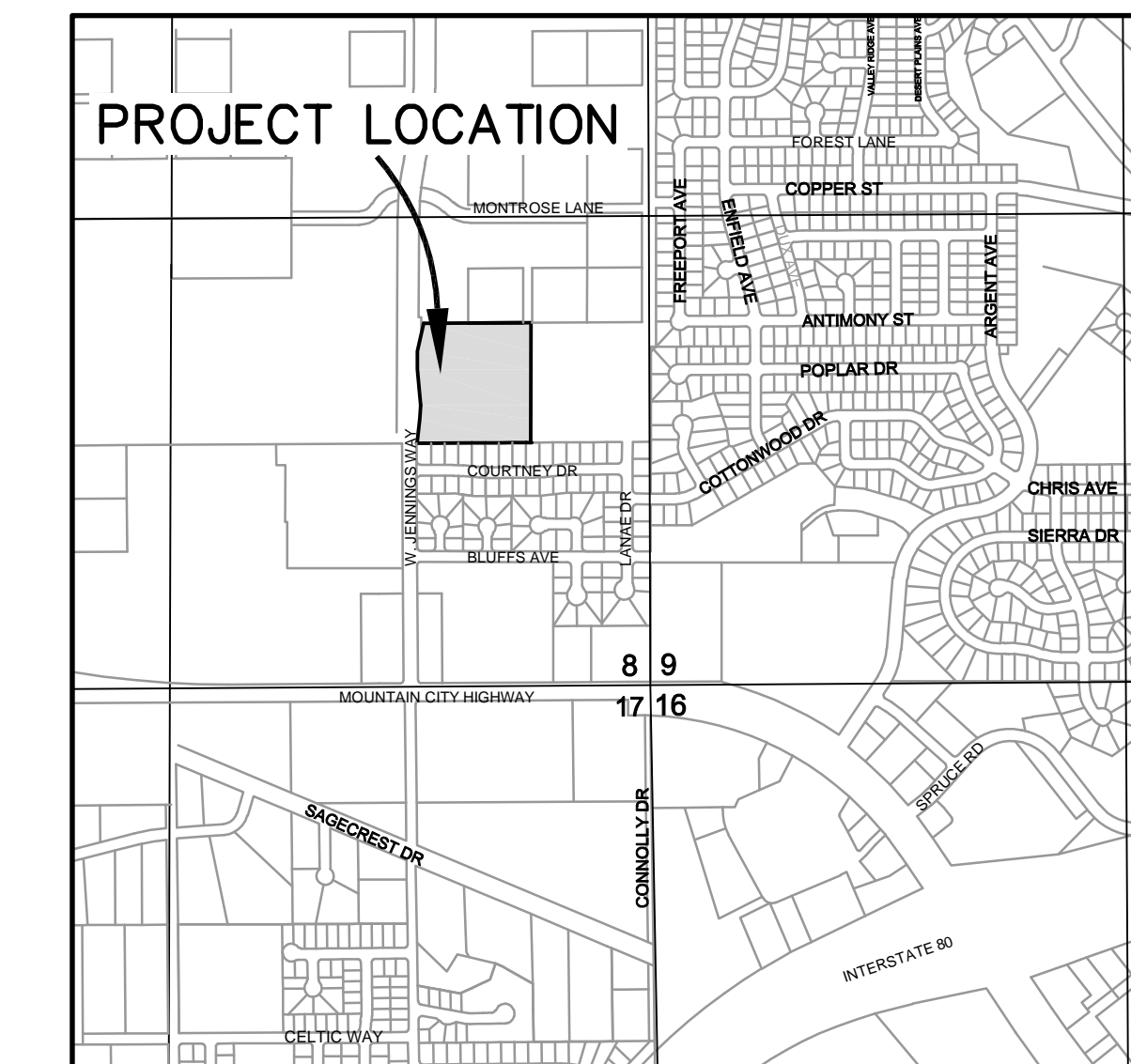


DESIGN BY: LLC		DATE: 4-18-18	DESCRIPTION 20 DRAINAGE RIGHT OF WAY AT SOUTHERLY BORDER ADDITIONAL DRAINAGE TO RIGHT OF WAY ADD OFFERED FOR DEDICATION TO PROPOSED ROW
DRAWN BY: LLC		REV: 1	
CHECKED BY: LLC		2	
DATE: 04-08-18		3	
JOB NO: 05-2016			
DWG NO: 2016-04			
SCALE HORIZ: 1"=40' VERT: N/A			
SHEET 4 OF 5			
DDS PROPERTIES, LLC HUMBOLDT HILLS PRELIMINARY PLAT - CUT & FILL ELKO, NEVADA			
Carter Engineering, LLC Civil Engineering P. O. Box 784 Elko, Nevada 89803 775-397-2531			



NOTES: (BMP)

1. ALL BMPs BASED ON CITY OF ELKO CONSTRUCTION SITE BEST MANAGEMENT PRACTICES HANDBOOK.
2. EC-4 AND EC-5 SHALL BE IMPLEMENTED TO CONTROL DUST.
3. CONSTRUCTION ENTRANCE-EXIT IS NOT CONSTRUCTED AS BOTH POINTS OF ACCESS ARE TO GRAVEL ROADS.
4. DURING CONSTRUCTION TEMPORARY DIVERSION DIKES AND DITCHES (RC-2) WILL BE USED INSTEAD OF FIBER ROLLS (SC-1). FIBER ROLLS WILL BE INSTALLED AFTER SLOPE CONSTRUCTION AT THE TOE OF THE SLOPE.
5. ALL DISTURBED AREAS SHALL BE REVEGETATED PER (EC-8) IF NOT LANDSCAPED.



SECTION 8, TOWNSHIP 34 NORTH, RANGE 55 EAST
VICINITY MAP

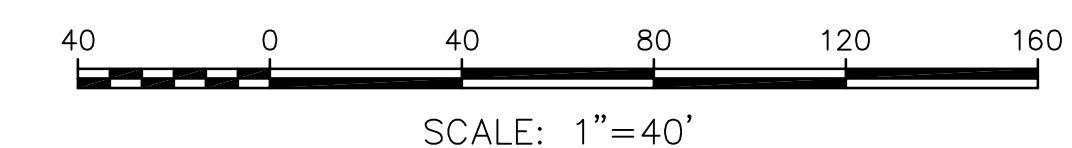
NOTE

UPDATED 2-26-18 NO WORK CURRENTLY TAKING PLACE. THIS PLAN WILL BE UPDATED AS SOON AS CONSTRUCTION STARTS AGAIN

PROJECT CONTACTS

GENERAL CONTRACTOR

BRAEMAR CONSTRUCTION
930 IDAHO STREET
ELKO, NEVADA 89801
CONTACT: DUSTY SHIPP OR JULIE BACON
(775) 777-2949



SCALE: 1"=40'

DESCRIPTION		DATE
20 DRAINAGE RIGHT OF WAY AT SOUTHERLY BORDER 20 DRAINAGE RIGHT OF WAY TO RIGHT OF WAY ADD OFFERED FOR DEDICATION TO PROPOSED ROW	REV	1
	2	4-18-18
	3	6-22-18

Carter Engineering, LLC
Civil Engineering
P. O. Box 784
Elko, Nevada 89803
775-397-2531

DDS PROPERTIES, LLC
HUMBOLDT HILLS
PRELIMINARY PLAT - EROSION CONTROL
ELKO, NEVADA

DESIGN BY:	LLC
DRAWN BY:	LLC
CHECKED BY:	LLC
DATE:	04-09-18
JOB NO:	05-2016
DWG NO:	2018-04

SCALE	1"=40'
HORIZ:	1"=40'
VERT:	N/A

SHEET	5
OF	5

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review, consideration and possible action on Variance No. 5-18, filed by Golden Gate Petroleum of Nevada, LLC to allow for a second freestanding sign on a parcel, for an increase in allowable sign area from 200 sq. ft. to 678.5 sq. ft. and the increase in allowed sign height from 45' to 60', within an C -General Commercial Zoning District, (APN 001-679-011), and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: **PUBLIC HEARINGS,**
4. Time Required: **15 Minutes**
5. Background Information: **The applicant has requested a second freestanding sign to be allowed on the parcel, an increase in the allowable sign area as well as an increase in the allowable height for the proposed new sign to be installed for the new Golden Gate Petroleum facility. The proposed sign will be located at the west corner of the property along the I-80 corridor, which is not considered frontage ECC 3-9-7(A)(1).**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Conditionally approve Variance No. 5-18, based on facts, findings and conditions as presented in the Staff Report dated June 28, 2018**
9. Findings: **See Staff Report dated June 28, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Golden Gate Petroleum of Nevada, LLC
16580 Wedge Parkway, Suite 300
Reno, NV 89511**

**YESCO
Attn. Gordie Rogers
1154 W. Main Street
Elko, NV 89801
twheatherby@yesco.com
grogers@yesco.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Variance 5-18

Applicant(s): Golden Gate Petroleum of Nevada

Site Location: 3600 W. Idaho St.

Current Zoning: AG Date Received: 4/9 Date Public Notice: 4/17

COMMENT: This is to allow for an increase in allowable sign height from 45' to 60', and an increase in allowable sign area from 200sqft to 678.5 sqft.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/28/18

Recommend approval as presented in the staff Report dated 6/28/18

SAW

Initial

City Manager: Date: 6/29/18

Planning Department condition number 2 is not necessary. The June 22, 2018 FAA Aeronautical Study does not address approach and/or departure procedures. Otherwise, no other 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

REPORT DATE:	June 28, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.A.1
APPLICATION NUMBER:	Variance 5-18
APPLICANT:	Golden Gate Petroleum of Nevada, LLC
PROJECT DESCRIPTION:	3600 W. Idaho Street

A variance request from provisions under Section 3-9 Sign Regulations to allow more than one sign per parcel, to increase allowable sign area from 200 sq. ft. to 678.5 sq. ft. an increase maximum allowed sign height from 45' to 60'.



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE, subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-679-011

PARCEL SIZE: 7.821 acres

EXISTING ZONING: C- General Commercial Zoning District

MASTER PLAN DESIGNATION: (COMM-HWY) Commercial Highway

EXISTING LAND USE: Currently being developed as Commercial use

BACKGROUND:

1. The property owner is the applicant, Golden Gate Petroleum of Nevada, LLC.
2. The property is currently under development as a new truck stop, gas station, convenience store, casino and fast food restaurant.
3. The lot area is approximately 7.821 acres.
4. The adjacent parcels are undeveloped and do not have a freestanding sign on their property therefore there is not a distance between signs or a congestion of signage concern.
5. The business relies on I-80 traffic visibility for their business.
6. Sign area allowance is determined by the lineal footage of the building parallel to the adjacent street frontage. The building orientation is such that the length of building is 100' long parallel with West Idaho Street. 2 fuel bay canopies are not considered in the calculation as they are not attached to the principal structure.
7. The proposed sign height is 60 feet. Based on the proposed location of the sign, the sign height will be approximately 33 feet higher than the east bound lane of I-80 and 30 feet higher than the west bound lane of I-80.
8. The parcels along West Idaho Street are all large parcels which allow for substantial distance separation between signs.
9. North of I-80, approximately 2,100 feet to the northeast of the property is a series of (5) five off premise billboards along the I-80 corridor. These billboards vary between 35' and 45' in height. These billboards are located outside the city limits.
10. South of I-80. Approximately 3,600 feet to the northeast of the property is a series of (4) four off premise billboards along the I-80 corridor. These billboards vary between 35' and 45' in height. These billboards are located outside the city limits.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- } North, East and South: (AG) General Agricultural / Undeveloped
- } West: County Property / Developed as Industrial Uses

APPLICABLE MASTER PLAN AND CITY CODE SECTIONS:

- } City of Elko Master Plan – Land Use Component
- } City of Elko Airport Master Plan
- } City of Elko Redevelopment Plan
- } City of Elko Zoning – Section 3-2-10 Commercial Zoning Districts
- } City of Elko Zoning – Section 3-2-22 Variances
- } City of Elko Zoning – Section 3-9 Sign Regulations

MASTER PLAN - Land Use:

1. The Master Plan Land Use Atlas shows the area as Commercial Highway.
2. C- General Commercial zoning district is listed as a corresponding zoning district for Commercial Highway.
3. Objective 6: Encourage multiple scales of commercial development to serve the needs of the region, the community, and individual neighborhoods.
4. The new facility as well as the proposed sign meet Objective 6 of the Land Use document.

The proposed sign with variance approval is in conformance with the Land Use Component of the Master Plan.

CITY OF ELKO AIRPORT MASTER PLAN:

1. FAA application 7640 was submitted on April 4, 2018 and received approval on June 6, 2018. This approval was based on a higher elevation and the north corner of the property. A revised application was submitted on June 12, 2018 for the proposed location and received approval on June 22, 2018.

The proposed sign with variance approval is in conformance with the City of Elko Airport Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area.

SECTION 3-2-10 COMMERCIAL ZONING DISTRICT:

There are no signage regulations stipulated in Section 3-2-10 of the City code.

SECTION 3-2-22 VARIANCES:

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

Application Requirements

1. 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 applicant has stated that Elko City Code does not consider freeway frontage as “street frontage” because there is no entrance to the property from the freeway.
 -) The applicant has also stated that the two fuel canopies with lengths of 119’ and 164’ are not considered the building and therefore not used in the calculation for the area allowed. It is a very large parcel with a relatively small building.
2. 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 has stated that a freeway oriented sign is necessary to attract approximately 4400 daily potential customers to this location.
 -) The applicant has stated that disallowing I-80 freeway frontage eliminates allowance for a second freestanding sign on the parcel.
 -) The applicant has stated that in order for the sign to be readable from the west in time to allow safe exit from the freeway, the sign must be larger than is allowed by the square footage formula contained in the sign code. Fuel price digit height of 89” proposed is legible at a maximum of approximately 4860’. This would allow motorist to make a decision to exit approximately 2300’ prior to the freeway exit. The location is a Sinclair branded location and their branding requirement dictate an 11’6 high x 16’ wide logo cabinet at the top of a freeway sign. 2 additional cabinets advertising amenities within the convenience store add 258 sq. ft. to the sign. If the 2 fuel canopies were considered in the allowable sq. ft. computations, the total building frontage would be $383' \times 2 = 766$ sq. ft. allowable and would not require a variance for the allowable size.
 -) The applicant has stated that the lower elevation of the store and fuel islands makes it very difficult to see from the freeway.
3. Such special circumstances or conditions do not apply generally to other properties in the same zoning district.
 -) The applicant has stated that the surrounding uses are not commercial use and do not rely on interstate traffic for their business. Komatsu does have a freestanding sign on the north side of the interstate and it is approximately 60’ in height.
 -) The property to the east is currently zoned agriculture, but when developed will need to be in conformance with the land use component of the Master Plan and have a zone corresponding to Highway-Commercial.

4. 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.
 -) The applicant has stated that the proposed sign will not block the view of any adjacent business, and there are no residences for approximately 1 mile east of the sign. No hazard to public health, safety, or general welfare is created by the sign. The digital fuel price portion of the sign is automatically dimmed at night and is adjustable in 1% increments to avoid glare at night but maximize visibility during daylight hours.
5. 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.
 -) The applicant has stated that the sign will be placed off the Interstate frontage road and outside the 10' wide utility easement adjacent to the property lines. The applicant stated that there are no other freeway oriented on-premise signs in the vicinity and does not create any "clutter" along the freeway or interfere with any traffic control devices.
 -) Application form 7640 for approval by the FAA was submitted and approved for the location and height as presented.
6. The granting of the variance will not substantially impair affected natural resources.
 -) The applicant states that no trees or other vegetation will be removed for the sign installation. There are no creeks, ponds or other bodies of water that are affected by the sign. No wildlife will be affected by the sign.

SECTION 3-9 SIGN REGULATIONS:

1. It is the intent of this chapter to promote and protect the health, safety and welfare of the citizens of the city by establishing standards to ensure the placement of safe, effective signage throughout the city. Specific regulations and standards are intended to address the following:
 - A. To ensure that signs erected within the city are constructed of safe, durable materials and secured in a manner adequate to withstand physical stresses.
 - B. To protect and enhance property values and create an attractive economic and business climate.
 - C. To protect and enhance the physical beauty and appearance of the community.
 - D. To reduce sign or advertising distractions and obstructions that may adversely affect or conflict with traffic control signs, signals and other traffic control devices.
 - E. To reduce visual clutter along streets and roadways thus providing each sign user an opportunity for effective identification and advertising by addressing the quantity, height and area of freestanding signs on all sites.
2. Each property, lot or parcel of record within any commercial or industrial zoning district of the city is permitted the following:

- j One freestanding sign on each street frontage, except that a gasoline service station may have one additional trade name or pricing sign if the premises has only one street frontage and except that an automotive dealership may have one sign for each new car dealership. Frontage along a freeway or interstate highway is not considered street frontage.
- j Directional or instructional signs which do not advertise a business, other than the business logo but which identify restrooms, public telephones, walkways or signs providing direction, such as parking lot entrances and exit signs and those of a similar nature. Directional signs are limited to one sign per driveway approach and shall not exceed an area of six (6) square feet.

The proposed variance will allow the parcel to have a freestanding sign on Idaho Street frontage as well as I-80 frontage for a total of two freestanding signs on the parcel.

3. Sign Height:

- j The maximum height of a freestanding sign shall be twenty five feet (25') if located on property abutting a street right of way having a twenty five (25) mile per hour or less speed limit.
- j The maximum height of a freestanding sign shall be thirty five feet (35') if located on property abutting a street right of way having a speed limit greater than twenty five (25) miles per hour.
- j The maximum height of a freestanding sign shall be forty five feet (45') if located on property within one hundred feet (100') of the Interstate Route 80 right of way.

The proposed sign exceeds the allowable height of 45' stipulated in Section 3-9 of city code. Variance is requested to allow for a height of 60'.

4. Sign Area:

- j The maximum area of a freestanding sign shall be two (2) square feet of sign area for every one linear foot of building frontage facing the adjacent street.

The proposed sign exceeds the allowable area stipulated in Section 3-9 of city code. Variance requested to allow for an area of 678.5 sq. ft.

FINDINGS

1. The proposed sign with variance approval is in conformance with the Land Use Component of the Master Plan.
2. The proposed sign with variance approval is in conformance with the City of Elko Airport Master Plan.
3. The property is not located within the redevelopment area.
4. There are no signage regulations stipulated in Section 3-2-10 of the City code.

5. In accordance with section 3-2-22, the applicant has demonstrated that the canopy for the gas pumps can't be considered in the allowable square footage calculation and therefore requiring a variance for the allowable size of sign.
6. In accordance with Section 3-2-22, the applicant has demonstrated that the visibility from eastbound and westbound I-80 traffic with distance required prior to exit is an important consideration for the business. The lower elevation of the store makes it difficult for visibility from I-80.
7. In accordance with section 3-2-22, the adjacent parcel fronting West Idaho Street is undeveloped and the cited conditions therefore do not generally apply to other properties in the area.
8. Granting of the variance will not result in material damage or prejudice to other properties in the vicinity. This finding is based on the zoning of the adjacent properties as well as distance separation due to large parcels.
9. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. The proposed signage will not result distractions and obstructions that may adversely affect or conflict with traffic control signs, signals and other traffic control devices. In addition, granting of the variance will not result in visual clutter along streets and roadways and will provide each sign user an opportunity for effective identification and advertising by addressing the quantity, height and area of freestanding signs on all sites.
10. Granting of the variance will not impair natural resources nor be detrimental to the public health, safety and general welfare.

STAFF RECOMMENDATION:

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

Planning Department:

1. Commencement within one year and completion within eighteen (18) months.
2. A sign permit is required for the work.
3. Conformance to plans approved as a part of the variance.
4. Subject to review in two (2) years if determined necessary by the Planning Commission.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

Golden Gate Petroleum of Nevada, LLC
16580 Wedge Parkway, Suite 300
Reno, NV 89511

Re: Variance No. 5-18

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,

Shelby Archuleta
Planning Technician

Enclosures

CC: YESCO, Attn: Gordi Rogers, 1154 W. Main Street, Elko, NV 89801

Variance 5-18 Golden Gate Petroleum

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001679009	BAR L RANCH ET AL	} 1 p.c	PO BOX 1478	ELKO NV	89803-1478
001679012	MILLER, BRUCE & SIDNIE ET AL		PO BOX 1478	ELKO NV	89803-1478

①

Mailed 6/28/18

NOTICE OF PUBLIC HEARINGS

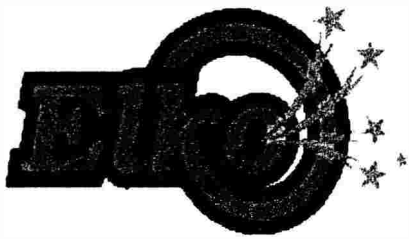
NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.S.T. at Elko City Hall, 1751 College Avenue, Elko, Nevada, and that the public is invited to provide input and testimony on this matter under consideration in person, by writing, or by representative.

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

Variance No. 5-18, filed by Gordy Rogers, of YESCO, on behalf of Golden Gate Petroleum of Nevada, LLC, to allow for a second freestanding sign on the parcel, for an increase in allowable sign area from 200 sq. ft. to 678.5 sq. ft. and the allowed sign height from 45' to 60', within an C-General Commercial Zoning District, (APN 001-679-011), and matters related thereto. The subject property is located generally on the north side of West Idaho Street, approximately 742 feet east of I-80, Exit 298. (3600 W. Idaho Street - APN 001-679-011)

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) 777-7219 fax

APPLICATION FOR VARIANCE

APPLICANT(s): Golden Gate Petroleum of Nevada, LLC

MAILING ADDRESS: 16580 Wedge Parkway, Suite 300, Reno NV 89511

PHONE NO (Home) _____ **(Business)** 775-850-3010

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.: 001-679-003 **Address** 3600 W. Idaho St, Elko NV

Lot(s), Block(s), & Subdivision _____

Or Parcel(s) & File No. File number 736178

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 \$500.00 non-refundable fee must be paid. If in conjunction with a Rezone Application a \$250.00 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:

3-9-7-B-3 Maximum Sign Height of 45' for freestanding signs within 100' of I-80 RoW.

3-9-7-C1 Maximum Square Footage of 200 Sq Ft (2 x 100' building frontage)

3-9-7-A1 An additional freestanding sign on the parcel reading "To I-80"

1. The existing zoning classification of the property Conditionally approved as Commercial "C"

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

See attachment

- 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.

See attachment

- c) Indicate how the granting of the variance is necessary for the applicant or owner to make reasonable use of the property.

See attachment

- d) Identify how such circumstances, features or conditions do not apply generally to other properties in the same Land Use District.

See attachment

- 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.

See Attachment

- f) Indicate how the variance will not be in conflict with the purpose or intent of the Code.

See Attachment

- g) Indicate how the granting of the variance will not result in a change of land use or zoning classification.

See Attachment

- h) Indicate how granting of the variance will not substantially impair affected natural resources.

See Attachment

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.: Permit for construction of the gas station/convenience store approved 6-4-18 after water brought to the property to meet conditions for commercial zoning. Site work is underway with anticipated completion date of 8-31-18. Regular sign permit for other signs (building, canopy and entrance freestanding sign) not requiring a variance were applied for 6-7-18.

(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 Gordie Rogers/YESCO
(Please print or type)

Mailing Address 1154 W. Main St
Street Address or P.O. Box
Elko, NV 89801
City, State, Zip Code

Phone Number: 775-738-5710

Email address: grogers@yesco.com

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 5-18 **Date Filed:** 6/18/18 **Fee Paid:** \$500 **CK #** 30767

RE: Variance application for Golden Gate Petroleum 3600 W Idaho St, Elko NV Questions 2a – 2h.

a) Identify any special circumstances, features or conditions applying to the property under consideration.

- 1) The current sign code does not consider freeway frontage as "street frontage" because there is no entrance to the property from the freeway.
- 2) This is a very large parcel with a relatively small building (100' store front) which the freestanding sign square footage is based on. There are also 2 fuel canopies with lengths of 119' and 164'.
- 3) Due to budget, geographical & esthetics reason the ideal NE hilltop location for a freeway oriented sign has been eliminate as a possibility. Current request is for the North west corner of the parcel which is appx 2257' from the west bound underpass on I-80 and appx 2493 from the east bound I-80 exit.

b) Identify how such circumstances, features or conditions result in practical difficulty or undue hardship and deprive the property owner of reasonable use of the property.

- 1) Disallowing I-80 freeway frontage eliminates allowance for a 2nd freestanding sign on this parcel.
A freeway oriented sign is necessary to attract appx 4400 daily potential customers to this prime freeway location.
- 2) Maximum square footage by sign code is determined by 2 X the building frontage of 100'.
In order for the sign to be readable from the west in time to allow safe exit from the freeway, the sign must be much larger than is allowed by the square footage formula contained in the sign code. Proposed 89" fuel price is readable at a minimum 3026' to a max of 4860'. This would allow eastbound motorists to make a decision to exit appx 2300' prior to the freeway exit. This digital gas price sign is 236.5 sq.ft. Also, this is a Sinclair branded location and their branding requirements dictate a 11'6" high X 16' wide (184 sq. ft.) logo cabinet at the top of a freeway sign. 2 additional cabinets advertising amenities within the convenience store add 258 sq. ft. for a total of 678.5 Sq. Ft. If the 2 fuel canopies were considered in the allowable sq. ft. computations, the total building frontage would be 383' X 2 = 766 sq. ft. allowable.
- 3) An additional 15' of height (60' overall height) is requested for visibility over the hilltop of at least the brand & fuel price from the East. The additional 15' also helps prevent vandalism to the sign from below.

c) Indicate how granting of the variance is necessary for the applicant or owner to make reasonable use of the property.

With the additional freeway sign, readable square footage and height, the sign will be readable in both directions in time to safely exit I-80 and do business at the Golden Gate Petroleum location. In this instance the lower elevation of the actual convenience store and fuel islands make it very difficult to see from the freeway Signs of this type have been proven to add 15% - 25% additional traffic and revenue to similar properties. A freeway-oriented sign was recently added to a 3-year-old existing Golden Gate location in Carson City, NV with similar increase in activity.

d) Identify how such circumstances, features or conditions do not apply generally to the other properties in the same Land Use District.

The surrounding properties are zoned agricultural and there is some light Industrial across I-80 Northwest of the site for JoyGlobal/Komatsu & Coach America. None of these surrounding uses are retail in nature and do not depend on interstate traffic for their livelihood. Note that Joy Global/Komatsu does have a freestanding sign appx 60' in height.

e) Indicate how granting of the variance will not result in Material damage or prejudices to other properties in the vicinity not be detrimental to the public health, safety and general welfare.

The proposed sign does not block the view of any adjacent business, no residences are in site of the sign for appx 1 mile east and those are shielded by trees to the west. No hazard to public health, safety or general welfare is created by the sign. The digital fuel price portion of the sign is automatically dimmed at night and is adjustable in 1% increments to avoid glare at night but maximize visibility during daylight hours.

f) Indicate how the variance will not conflict with the purpose or intent of the Code.

Sign will be engineered to required codes and wind loads and built of the finest materials. Proposed placement is well off the Interstate frontage road, within the parcel and does not encroach in 10' wide utility easement adjacent to the property lines. The sign will increase the property value and the business & economic climate in this area and the city in general. There are no other freeway oriented on-premise signs in the vicinity and does not create any "clutter" along the freeway or interfere with any traffic control devices. Application form 7640 for approval by the FAA was submitted 4-4-2018. ASN is 2018-AWP-7510-OE and the Project is YESCO-000462346-18 for location 62.5' higher in ground elevation at the Northeast corner of the property (appx 525' closer to the airport) and was approved with no conditions on 6-6-2018. A revised application ASN 2018-AWP-11134-OE Project Name YESCO-000473153-18 was submitted 6-12-18 for this location with a conditional verbal approval from FAA specialist that this minor change would not have to go through the complete 45+ day review process with approval expected within 7 days or less.

g) Indicate how the granting of the variance will not result in a change of the land use or zoning classification.

Zoning change is conditionally approved from Agricultural to Commercial (pending bringing water to the site) and the sign is consistent with a commercial property for this size and location.

h) Indicate how granting of the variance will not substantially impair affected natural resources.

No trees or other vegetation will be removed for the sign installation. There are no creeks, ponds or other bodies of water that are affected by the sign. No wildlife will be affected by the sign.



Mail Processing Center
Federal Aviation Administration
Southwest Regional Office
Obstruction Evaluation Group
10101 Hillwood Parkway
Fort Worth, TX 76177

Aeronautical Study No.
2018-AWP-11134-OE
Prior Study No.
2018-AWP-7510-OE

Issued Date: 06/22/2018

Gordie Rogers
Yesco
1154 W Main Street
Elko, NV 89801

**** DETERMINATION OF NO HAZARD TO AIR NAVIGATION ****

The Federal Aviation Administration has conducted an aeronautical study under the provisions of 49 U.S.C., Section 44718 and if applicable Title 14 of the Code of Federal Regulations, part 77, concerning:

Structure:	Sign Pylon sign
Location:	Elko, NV
Latitude:	40-48-38.08N NAD 83
Longitude:	115-49-17.60W
Heights:	5047 feet site elevation (SE) 60 feet above ground level (AGL) 5107 feet above mean sea level (AMSL)

This aeronautical study revealed that the structure does not exceed obstruction standards and would not be a hazard to air navigation provided the following condition(s), if any, is(are) met:

Based on this evaluation, marking and lighting are not necessary for aviation safety. However, if marking/lighting are accomplished on a voluntary basis, we recommend it be installed in accordance with FAA Advisory circular 70/7460-1 L Change 1.

This determination expires on 12/22/2019 unless:

- (a) the construction is started (not necessarily completed) and FAA Form 7460-2, Notice of Actual Construction or Alteration, is received by this office.
- (b) extended, revised, or terminated by the issuing office.
- (c) the construction is subject to the licensing authority of the Federal Communications Commission (FCC) and an application for a construction permit has been filed, as required by the FCC, within 6 months of the date of this determination. In such case, the determination expires on the date prescribed by the FCC for completion of construction, or the date the FCC denies the application.

NOTE: REQUEST FOR EXTENSION OF THE EFFECTIVE PERIOD OF THIS DETERMINATION MUST BE E-FILED AT LEAST 15 DAYS PRIOR TO THE EXPIRATION DATE. AFTER RE-EVALUATION OF CURRENT OPERATIONS IN THE AREA OF THE STRUCTURE TO DETERMINE THAT NO SIGNIFICANT AERONAUTICAL CHANGES HAVE OCCURRED, YOUR DETERMINATION MAY BE ELIGIBLE FOR ONE EXTENSION OF THE EFFECTIVE PERIOD.

This determination is based, in part, on the foregoing description which includes specific coordinates, heights, frequency(ies) and power. Any changes in coordinates, heights, and frequencies or use of greater power, except those frequencies specified in the Colo Void Clause Coalition; Antenna System Co-Location; Voluntary Best Practices, effective 21 Nov 2007, will void this determination. Any future construction or alteration, including increase to heights, power, or the addition of other transmitters, requires separate notice to the FAA. This determination includes all previously filed frequencies and power for this structure.

If construction or alteration is dismantled or destroyed, you must submit notice to the FAA within 5 days after the construction or alteration is dismantled or destroyed.

This determination does include temporary construction equipment such as cranes, derricks, etc., which may be used during actual construction of the structure. However, this equipment shall not exceed the overall heights as indicated above. Equipment which has a height greater than the studied structure requires separate notice to the FAA.

This determination concerns the effect of this structure on the safe and efficient use of navigable airspace by aircraft and does not relieve the sponsor of compliance responsibilities relating to any law, ordinance, or regulation of any Federal, State, or local government body.

If we can be of further assistance, please contact our office at (206) 231-2989, or dan.shoemaker@faa.gov. On any future correspondence concerning this matter, please refer to Aeronautical Study Number 2018-AWP-11134-OE.

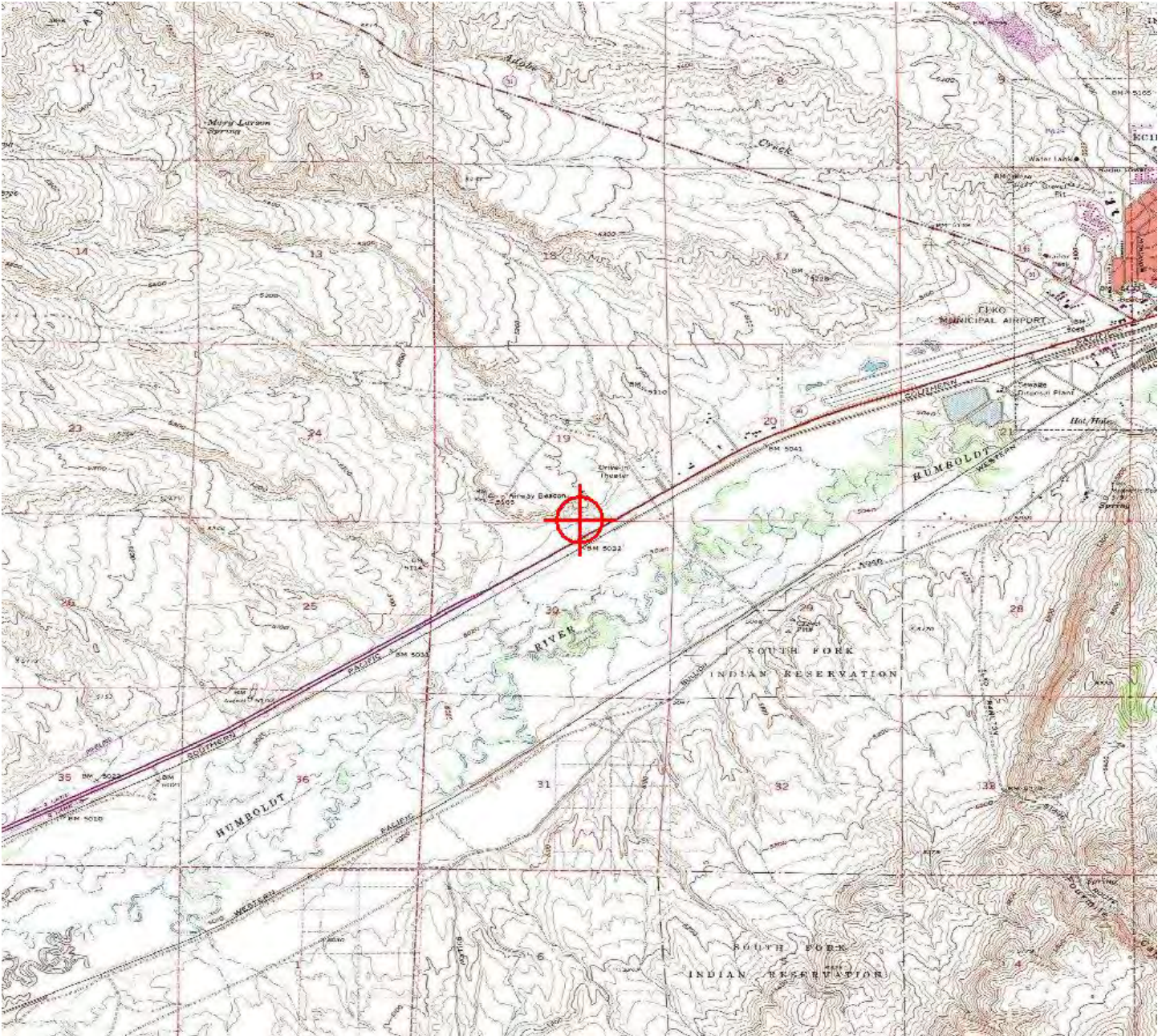
Signature Control No: 367496325-368488139

(DNE)

Daniel Shoemaker
Specialist

Attachment(s)
Map(s)

TOPO Map for ASN 2018-AWP-11134-OE







Client

YESCO - Reno
Tom Weatherby

Install Location

Sinclair / Golden Gate
Elko, NV

Sales

John Boyd
970.390.6800
JohnB@Sunshine.US.com

3/16/18

RECEIVED

APR 10 2018



11' x 21'6" x ??? Double-face Cabinet for thru-pole mounting
89" LED's Red and Green populated single-price
16" red/green UNLEADED/DIESEL LED product label
Pole Diameter:
Pole Centers:
120 Volts, 35 Amps draw required (supplied by others)

16" Green CASH/CREDIT MODULE

Sign alternated between red unleaded, green diesel
credit and green diesel cash as shown above. SET CYCLE
TIME TO 3 SECONDS.

- ☐ Green pricer same build as red
- ☒ Same layout both sides
- ☐ Digits back to back

Cabinet Specs

Digit Size & Style: 89" LED (dual populated)
"UNL" Digit Color: Red
"DSL" Digit Color: Green
Overall Cab. Size: 11' x 21'6" x ???
Cabinet Color: black
S/F or D/F: D/F
Build Type: Thru-Pole Mounting

Label Specs

Label Panel: 16" alternating
Red LED's - "UNLEADED"
Green LED's - "DIESEL"

16" GREEN LED
CASH CREDIT

- ☒ Optimum digit spacing
- ☐ Minimum digit spacing
- ☒ Weld collars provided/pole specs by others
- ☐ Control box placement to be determined
- ☐ Label colors for representation only
- ☒ sq ft: 236.5

This original drawing is provided as part of a planned project and is not to be exhibited, copied or reproduced without the written permission of Sunshine Electronic Display Corporation or its authorized agent. All installation details are suggested only. All signs must be installed in accordance with NATIONAL, STATE, ELECTRICAL AND BUILDING CODES. Sunshine Electronic Display Corporation has no responsibility for wind loads, installations or electrical circuits. These are the sole responsibility of the Buyer/user.
Actual LED size and con. duration may vary





GOLDEN GATE PETROLEUM

SINCLAIR - ELKO, NEVADA

RECEIVED

APR 09 2018



YESCO

YESCO LLC

800-B Bennie Lane
Reno, NV 89512

Office: 775.359.3131

NV CONTRACTOR LICENSE NO
0074289 | 0074290

Notice to the Customer

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Note: The colors depicted on this rendering may not match actual colors used on the finished display. Please refer to the detail drawing for the approved color specifications.

Note: The cost of providing electrical wiring to the sign area, all required permits and all special inspections are not included in this sign proposal.

Note: The proportion of signs shown on building and landscape area photos is an approximate representation.

CLIENT:

**SINCLAIR
GOLDEN GATE**

3600 W IDAHO ST.

ADDRESS:

ELKO, NEVADA 89801

CITY:

TOM WEATHERBY

ACCOUNT EXECUTIVE:

DESIGNER	DATE
BRENT	3/20/18
1 BRENT	3/22/18
2 BRENT	4/06/18

APPROVAL

CUSTOMER DATE

LANDLORD DATE

DESIGN DATE

SALES DATE

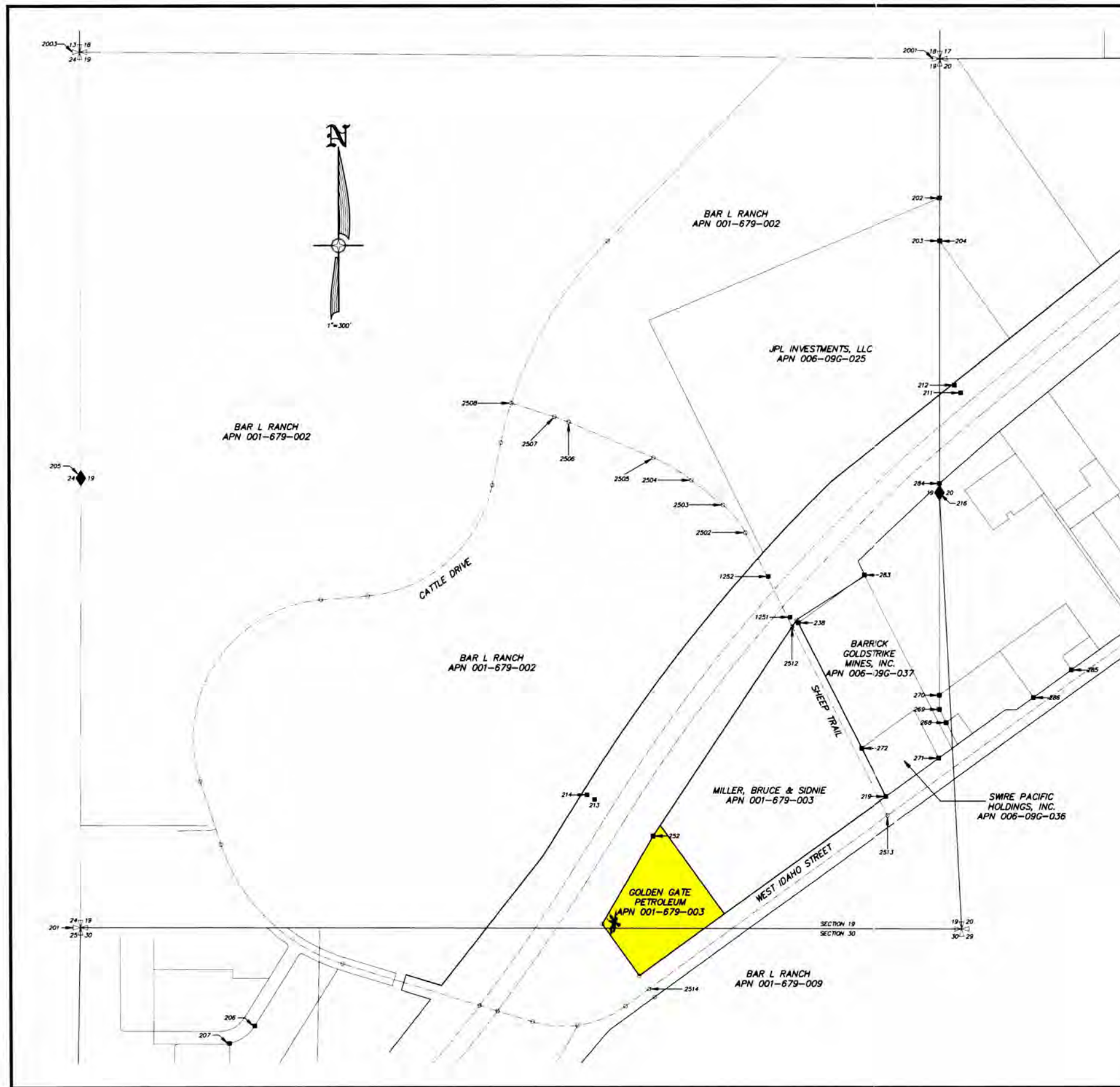
ESTIMATING DATE

SURVEY DATE

DESIGN NUMBER
OPY-12400

ARCHIVE NUMBER

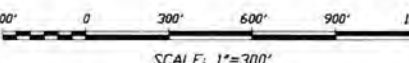
SHEET
CV-1



POINT NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION
201	28463590.599	587126.986	5114.18	FND 19/24/25/30 B4BLM BC
202	28463630.520	592438.734	5093.18	FND LARGE BOLT
203	28467778.434	592438.488	5099.22	FND 5/8 RB
204	28467777.124	592441.019	5098.60	FND 3/4IN PIPE
205	28463333.368	587188.480	5129.20	FND 1/4 19/24 B4BLM BC
206	28462991.023	588237.502	5078.77	FND 6203 CAP
207	28462883.948	588063.687	5087.77	FND 6203 CAP
208	28462332.638	588610.593	5043.56	FND 6203 CAP
209	28462943.181	587121.862	5037.11	FND 19/24 30 B4BLM BC
210	28460898.597	584871.190	5085.42	MON DW63+52.28 PC-55.71
211	28460850.750	592567.189	5097.31	MON DW654+09.31PT-73.69
212	28460898.680	592528.237	5099.84	MON DW654+09.31PT-135.14*
213	28464370.412	590319.581	5115.78	MON DW620+77.95 PC-115.58
214	28464398.798	590274.232	5117.27	MON DW620+77.95 PC-169.07
215	28461177.351	587511.094	5040.88	MON DW677+16.04 PC-64.73
216	28465235.745	592436.511	5085.07	FND 3/4IN PIPE
217	28465888.674	593991.701	5045.90	FND 8/16 CONC MON W/BRASS PIN
218	28465871.606	593957.047	5046.06	FND 1/2IN RB
219	28464387.100	592105.113	5049.07	FND 5072 CAP
220	28465448.249	591587.468	5085.28	FND 5072 CAP
221	28464145.715	590678.569	5102.31	FND NDOT AC
222	28464338.279	592476.066	5049.27	FND 2161 CAP
223	28464919.614	592434.633	5049.97	FND 2161 CAP
224	28465006.208	592434.768	5050.68	FND 2161 CAP
225	28464621.007	592428.425	5047.12	FND 5072 CAP
226	28464682.074	591955.517	5052.61	FND 5072 CAP
227	28465740.733	591972.643	5096.18	FND 1/2IN RB
228	28466296.771	592436.349	5076.61	FND 5/8 RB
229	28465180.454	593245.686	5043.02	FND 6341 CAP
230	28464990.856	593012.048	5043.23	FND 2161 CAP
231	28465548.694	591516.828	5064.65	SET NAIL
232	28465731.913	591586.448	5067.95	SET NAIL
233	28474180.006	592424.277	5288.35	FND 7/8/17/18 93 DAVIS AC
234	28468887.452	592440.096	5132.10	FND 17/18/20 83 BLM BC
235	28471535.231	592432.227	5178.59	FND 1/2 POST AND 1/4 WOOD RCK
236	28468931.630	587188.128	5172.91	FND 18/19/21/24 84 BLM BC
237	28471530.583	587188.663	5267.14	FND 1/4 18/21 84 BLM BC
238	28474164.486	587194.527	5376.96	FND 12/7/13/18 89 BLM BC
239	28474185.955	589773.018	5356.09	FND 1/2 IN RB

POINT NO.	NORTHING	EASTING	ELEVATION	DESCRIPTION
2514	28463212.735	590650.195		"K" 1.882+45.28 POT
2513	28464271.220	592115.500		"K" 1.380+52.88 PI
2513	28464271.220	592115.500		"ST" 0+00.00 PI
2512	28465424.964	591530.904		"ST" 12+83.40 ANGLE POINT
2502	28465996.125	591246.681		"ST" 19+31.37 PC
2503	28466165.597	591109.163		"ST" 21+51.39 PT
2504	28466317.101	590917.608		"ST" 24+55.61 PC
2505	28466454.209	590885.784		"ST" 26+55.77 PT
2506	28466673.407	590165.913		"ST" 32+29.98 PC
2507	28466705.185	590079.740		"ST" 33+21.83 PT
2508	28466788.982	589815.489		"ST" 35+29.06 PI

SURVEY CONTROL



DESIGNED BY:	TCR	DATE:	JANUARY 2017
DRAWN BY:	TCR	CHECKED BY:	TCR
APPROVED BY:	TCR	DATE:	JANUARY 2017
GOLDEN GATE PETROLEUM SITE CONSTRUCTION DRAWINGS SURVEY CONTROL			
NEVADA ELKO COUNTY ELKO			

YESCO LLC
800-B Bennie Lane
Reno, NV 89512
Office: 775.359.3131
NV CONTRACTOR LICENSE NO. 0074289 / 0074290

Notice to the Customer

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Note: The colors depicted on this rendering may not match actual colors used on the finished display.
Note: The cost of providing electrical wiring to the sign area, all required permits and all special inspections are no included in this sign proposal.
Note: The proportion of signs shown on building and landscape area photos is an approximate representation.

CLIENT:
SINCLAIR GOLDEN GATE
3600 W IDAHO ST
ADDRESS:
ELKO, NEVADA 89801
CITY:
TOM WEATHERBY
ACCOUNT EXECUTIVE:

DESIGNER	DATE
BRENT	3/20/18
1 BRENT	3/22/18
2 BRENT	4/06/18
3 JIM GRANDE	6/11/18
4 JIM GRANDE	6/14/18

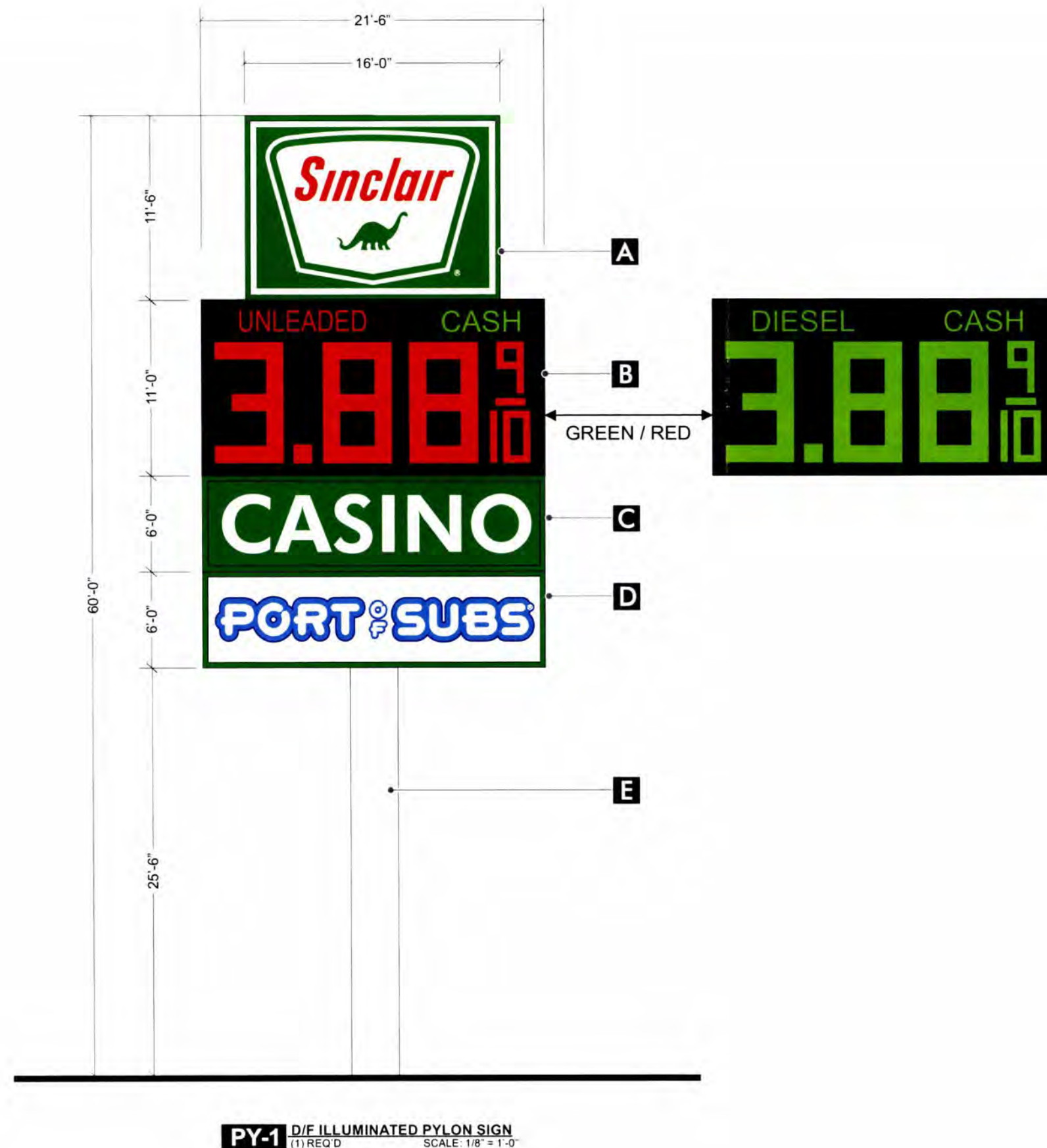
APPROVAL

CUSTOMER	DATE
LANDLORD	DATE
DESIGN	DATE
SALES	DATE
ESTIMATING	DATE
SURVEY	DATE

DESIGN NUMBER
OPY-12400-1

ARCHIVE NUMBER

SHEET
SP-1



PY-1 D/F ILLUMINATED PYLON SIGN
(1) REQ'D SCALE: 1/8" = 1'-0"

SCOPE OF WORK

MANUFACTURE AND INSTALL ONE D/F ILLUMINATED
PYLON SIGN W/ LED GAS PRICE DISPLAYS.

NOTE:

SINCLAIR R176 SIGN CABINET SUPPLIED BY CUSTOMER.
YESCO TO RECEIVE, INSPECT & INSTALL ON PYLON.

SIGN SPECS

A	SINCLAIR R176 TYPE SIGN CABINET	PAINT	ALUMINUM SINCLAIR GREEN (PMS 348)
		ILLUMINATION FACES	INTERNAL LED WHITE FLEX FACES WITH 1ST SURFACE GREEN (PMS 348) & RED (#33) TRANSLUCENT VINYL
B	LED GAS PRICE CHANGER	89" TALL LED CHARACTERS. 16" LED - GRADE 16" LED - CASH / CREDIT	
C	AD CABINET	TYPE	ALUMINUM
		PAINT ILLUMINATION FACES	SINCLAIR GREEN (PMS 348) INTERNAL LED WHITE FLEX FACES WITH 1ST SURFACE TRANSLUCENT VINYL. SEE COLOR KEY.
D	AD CABINET	TYPE	ALUMINUM
		PAINT ILLUMINATION FACES	SINCLAIR GREEN (PMS 348) INTERNAL LED WHITE FLEX FACES WITH 1ST SURFACE TRANSLUCENT VINYL. SEE COLOR KEY
E	POLE	36" DIAMETER STEEL TUBE (OR AS REQ'D BY ENGINEERING). PAINT WHITE	

SHOP DRAWING REQ'D. YES/NO ENG. DRAWING REQ'D. YES/NO ELEC. HOOKUP INCLUDED YES/NO

COLOR KEY

VINYL	3M - TRANSLUCENT
COLOR	VIVID GREEN 3730-156L / PMS 348
VINYL	AVERY - TRANSLUCENT
COLOR	TWILIGHT BLUE A6591-T
VINYL	AVERY - TRANSLUCENT
COLOR	WAVE BLUE A9526-T
VINYL	AVERY - TRANSLUCENT
COLOR	BABY BLUE A9502-T

NOTE: UNLESS OTHERWISE NOTED, THE COLORS DEPICTED ON THIS RENDERING
MAY NOT MATCH ACTUAL COLORS ON FINISHED DISPLAY. PLEASE REFER TO
COLOR CALLOUTS AND THEIR APPROPRIATE VENDOR SPECIFIED SAMPLES FOR
APPROVED COLOR SPECIFICATIONS

678.5 SQ. FT.



YESCO.

YESCO LLC

800-B Bennie Lane

Reno, NV 89512

Office: 775.359.3131

NV. CONTRACTOR LICENSE NO.
0074289 / 0074290

Notice to the Customer

This drawing was created to assist you
in visualizing our proposal. The ideas
herein are the property of YESCO.
Permission to copy or reuse this drawing
can only be obtained through a
written agreement with YESCO.

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Note: The colors depicted on this rendering
may not match actual colors used on the
finished display. Please refer to the detail drawing for the
approved color specifications.

Note: The cost of providing electrical wiring
to the sign area, all required permits and
all special inspections are no included in
this sign proposal.

Note: The proportion of signs shown on
building and landscape area photos is an
approximate representation.

CLIENT:

**SINCLAIR
GOLDEN GATE**

3600 W IDAHO ST.

ADDRESS:

ELKO, NEVADA 89801

CITY:

TOM WEATHERBY

ACCOUNT EXECUTIVE:

DESIGNER	DATE
BRENT	3/20/18
1 BRENT	3/22/18
2 BRENT	4/06/18
3 JIM GRANDE	6/11/18
4 JIM GRANDE	6/14/18

APPROVAL

CUSTOMER DATE

LANDLORD DATE

DESIGN DATE

SALES DATE

ESTIMATING DATE

SURVEY DATE

DESIGN NUMBER
OPY-12400-1

ARCHIVE NUMBER

SHEET

P-2

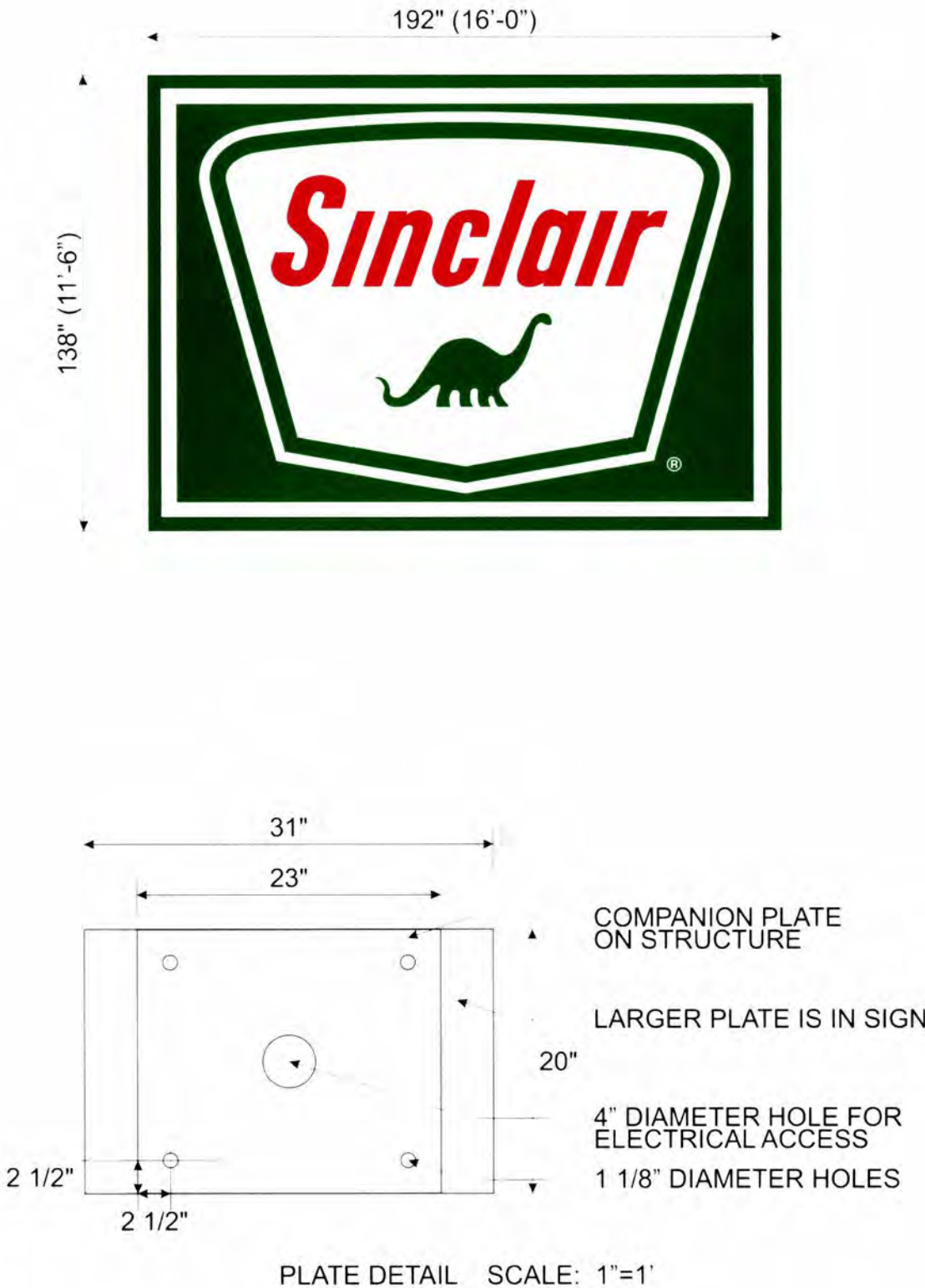
SINCLAIR R176 SIGN CABINET

ALUMINUM CABINET PAINTED SINCLAIR GREEN (PMS 348)
WITH INTERNAL LED ILLUMINATION

SINCLAIR - WHITE FLEX FACES
WITH FIRST SURFACE DECORATION
GREEN (PMS 348) & RED (#33) TRANSLUCENT VINYL

NOTE:

SINCLAIR R176 SIGN CABINET SUPPLIED BY CUSTOMER.
YESCO TO RECEIVE, INSPECT & INSTALL ON PYLON.



YESCO LLC

800-B Bennie Lane
Reno, NV 89512

Office: 775.359.3131

NV CONTRACTOR LICENSE NO
0074289 0074290

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Note: The proportion of signs shown on building and landscape area photos is an approximate representation.

CLIENT:

SINCLAIR
GOLDEN GATE

3600 W IDAHO ST.

ADDRESS:

ELKO, NEVADA 89801

CITY:

TOM WEATHERBY

ACCOUNT EXECUTIVE:

DESIGNER	DATE
BRENT	3/20/18
1. BRENT	3/22/18
2. BRENT	4/06/18

APPROVAL

CUSTOMER DATE

LANDLORD DATE

DESIGN DATE

SALES DATE

ESTIMATING DATE

SURVEY DATE

DESIGN NUMBER
OPY-12400

ARCHIVE NUMBER

SHEET
P-2

**Elko City Planning Commission
Agenda Action Sheet**

1. Review, consideration and possible recommendation to City Council for Rezone No. 5-18, filed by High Desert Engineering on behalf of Elko County, HCPI/Utah LLC & Veterans of Foreign Wars, for a change in zoning from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), approximately 2.797 acres of property, **FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: **PUBLIC HEARINGS,**
4. Time Required: **15 Minutes**
5. Background Information:
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Memo**
8. Recommended Motion: **Move to approve the location of the existing accessory structures as shown on the site plan for VFW parcel APN 001-200-001 and forward a recommendation to City Council to adopt a resolution which conditionally approves Rezone No. 5-18 based on facts, findings and conditions as presented in Staff Report dated June 5, 2018.**
9. Findings: **See Staff Report dated June 5, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **High Desert Engineering
640 Idaho Street
Elko, NV 89801
tcballew@frontiernet.net**

**VFW Post 2350
P.O. Box 1266
Elko, NV 89803
jhire@frontiernet.net**

**HCPI / Utah LLC
c/o Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801
zag@gerberlegal.com**

Agenda Item # II.A.2

**Elko County
c/o Robert Stokes
540 Court Street Suite 101
Elko, NV 89801
rstokes@elkocountynv.net**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: R zone... 5-19

Applicant(s): Elko County / HCP1/UTAH, LLC / VFW

Site Location: 762 14th Street, 855 Golf Course Drive, 646 VFW Drive

Current Zoning: R Date Received: 5/23 Date Public Notice: 6/25

COMMENT: This is to change the zone on APNs 001-200-004, 005, + 001 from R to PDP to match the zone of the parcels to the uses.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/28/18

Recommend approval as presented in the staff report dated 6/5/18

SAW

Initial

City Manager: Date: 6/29/18

No comments/concerns.

U

Initial



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 5, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.A.2
APPLICATION NUMBER:	Rezone 5-18
APPLICANT:	High Desert Engineering on behalf of Elko County, HCPI / Utah LLC. & Veterans of Foreign Wars
ADDITIONAL APPLICATION:	Variance Application 6-18, 7-18 & 8-18, Rev. 3-18, PM 3-18

A change in zoning district boundary from R- Residential to PQP – Public, Quasi-Public



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBERS: 001-200-001, 001-200-004 & 001-200-005

PARCEL SIZE: 2.797 acres for all three parcels combined

EXISTING ZONING: R- Single Family and Multiple Family Residential

MASTER PLAN DESIGNATION: (PUBLIC) Public as per Master Plan Amendment 1-18

EXISTING LAND USE: Developed land consistent with Public, Quasi-Public uses

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) Northwest: PQP- Public, Quasi, Public / Developed
-) Northeast: PQP- Public, Quasi, Public / Developed
-) Southwest: R- Residential / Developed
-) Southeast: PQP- Public, Quasi, Public / Developed

PROPERTY CHARACTERISTICS:

-) The area is currently developed with public, quasi-public land uses.
-) The area is generally flat.
-) The area is accessed from Golf Course Road, Cedar Street, 14th Street and College Ave.

MASTER PLAN 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 Wellhead Protection Plan
-) City of Elko Zoning – Section 3-2-4 Establishment of Zoning Districts
-) City of Elko Zoning – Section 3-2-8 PQP, Public, Quasi-Public 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. APN 001-200-001 is owned by Veterans of Foreign Wars.
2. APN 001-200-004 is owned by Elko County.

3. APN 001-200-005 is owned by HCPI / Utah LLC.
4. The rezone includes all of APN 001-200-001, 001-200-004 & 001-200-005.
5. The area fronts 14th Street, Cedar Street, Golf Course Road, VFW Drive and College Avenue.
6. The properties are currently being served by City of Elko water and sewer and other non-city utilities.
7. Conditional Use Permit 1-97 was approved on April 1, 1997 for the expansion of the existing medical facility for the surgical center.
8. A resolution was approved by City Council on May 13, 1997, recorded on May 15, 1997, vacating a portion of Oak Street right-of-way between 14th Street and Golf Course Road.
9. APN 001-200-004 (Parcel 1 owned by Elko County) and APN 001-200-005 (Parcel 2 owned by HCPI / Utah LLC.) were created by Parcel Map filed with the Elko County Recorder on July 7, 1998 as file number 429234.
10. A declaration of easements, covenants and restrictions was recorded with Elko County Recorder on July 15, 1998 as file number 429561 for the access easement to Parcel 2 as well as miscellaneous CC&R's for both properties.
11. Each parcel will have a variance application to run concurrent with the rezone application in order to be in conformance with the PQP – Public, Quasi-Public zoning district.
12. VFW has applied for a revocable permit 3-18 to occupy the City of Elko right-of-way for existing parking and an existing canopy area.

MASTER PLAN:

Land use:

1. Land Use is shown as Public.
2. Supporting zone districts for Public are PQP-Public, Quasi-public.
3. The existing land use of the properties is consistent with the designated land use.
4. Zone classification of the properties are required to conform to the Master Plan.
5. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community.

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

Transportation:

1. The area will be accessed from Golf Course Road, Cedar Street, 14th Street, VFW Drive and College Avenue.
2. College Avenue is classified as a Collector.
3. 14th Street and Golf Course Road are classified as Commercial / Industrial Collectors.
4. Cedar Street is classified as a Collector.

The proposed zone district is compatible with the Transportation Component of the Master Plan 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 sits within the 5 year capture zone for City of Elko well.
2. The existing uses do not create a hazard to our City of Elko wells.

SECTION 3-2-4 Establishment of Zoning Districts:

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 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. All three properties do not meet the setback requirements for the PQP zoning district.

As a result of the above referenced non-conformance issues, the applicant has applied for variances for the setback requirements under Variance application 6-18, 7-18, and 8-18 for all three developed parcels. Parcel 001-200-005, HCPI / Utah LLC, variance application will also address the non-conformance issue of lot coverage. Parcel 001-200-001 owned by VFW, will also address the non-conformance of the encroachments with a revocable permit application.

SECTION 3-2-8 – PQP Public, Quasi-Public District:

1. All three parcels of the existing development do not meet the requirements under 3-2-8 for front and rear yard setbacks or side yard setbacks.
2. Parcel 001-200-005, HCPI / Utah LLC., does not meet the requirement for maximum lot coverage.
3. The existing uses are consistent with the listed principal uses permitted.
4. The existing development on parcel 001-200-001 owned by VFW, has two accessory structures which will require location approval by the Planning Commission.

As a result of the above referenced non-conformance issues, the applicant has applied for variances for the setback requirements under Variance application 6-18, 7-18, and 8-18 for all three developed parcels. Parcel 001-200-005, HCPI / Utah LLC, variance application will also address the non-conformance issue of lot coverage. Parcel 001-200-001, VFW, will also address the non-conformance of the encroachments with a revocable permit application.

SECTION 3-2-17:

1. Parking for HCPI / Utah LLC parcel 001-200-005 is part of the declaration of easements, covenants and restrictions that was recorded with Elko County Recorder on July 15, 1998 as file number 429561
2. Parking for VFW, parcel 001-200-001 has been requested as part of a revocable permit application 3-18 as it is currently partially or completely within City of Elko right-of-way. The revocable permit is not required as this would be considered a legal non-conforming use, the property owner has decided to request the revocable permit to bring the property into conformance.

Existing development meets the requirements under 3-2-17 or will be considered a legal non-conforming use.

SECTION 3-2-21:

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

SECTION 3-8:

1. The parcels are 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 properties are not located in the Redevelopment Area.
4. The proposed zone district is consistent with City of Elko Wellhead Protection Plan.
5. The proposed zone district is in conformance with City Code 3-2-4(B).
6. The proposed zone district is in conformance with Section 3-2-8 PQP – Public, Quasi-Public District with the approval of the variance applications.
7. Existing development meets the requirements under 3-2-17 or will be considered a legal non-conforming use.
8. The proposed zone district is consistent with surrounding 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:

Development Department:

1. A parcel map be recorded modifying the boundary of parcels 001-200-004 and -005 to follow the building walls and keep each building on their own properties so portions of the building do not cross a property line.
2. The Planning Commission consider the location of all accessory structures per ECC 3-2-8

Planning Department:

1. Variance applications 6-18, 7-18 and 8-18 are approved and all the conditions are satisfied.
2. VFW parcel APN 001-200-001 be approved a revocable permit to occupy the right-of-way and enter into a license agreement with the City of Elko.
3. All conditions for the rezone are satisfied prior to the Mayor signing the resolution to rezone the property

VETERANS OF FOREIGN WARS; HCPI/UTAH, LLC; & ELKO COUNTY

Application for Rezone

Parcel 1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:

Beginning at the intersection point of the prolonged NW'ly line of College Avenue and the NE'ly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears S. $20^{\circ}39'50''$ E. 605.98 feet, being Corner No. 1;

thence first course N. $48^{\circ}11'$ W. along the NE'ly line of 14th Street, 240.00 feet to Corner No. 2;

thence second course N. $41^{\circ}49'$ E. along the prolonged SE'ly line of Oak Street, 50.00 feet to Corner No. 3;

thence third course S. $48^{\circ}11'$ E. 240.00 feet to Corner No. 4;

thence fourth course S. $41^{\circ}49'$ W. along the prolonged NW'ly line of College Avenue, 50.00 feet to Corner No. 1, the Point of Beginning.

Containing 12,000 square feet and situated wholly within the SE1/4 SE1/4 Section 10, T. 34 N., R. 55 E., M.D.B. & M.

Parcel 2

A tract of land situate in the SE1/4 SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows:

Commencing at the centerline monument at the intersection of Oak Street and Thirteenth Street;

thence N $41^{\circ}49'$ E, and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right of way of Fourteenth Street;

thence S $48^{\circ}11'$ E, and along the easterly right of way of Fourteenth Street, a distance of 40.00 feet to the point of beginning;

RECEIVED

MAY 23 2018

VETERANS OF FOREIGN WARS; HCPI/UTAH, LLC; & ELKO COUNTY

Application for Rezone

Parcel 2 (con't)

thence continuing S 48°11' E, and along said right of way, a distance of 240.00 feet;

thence S 41°49' W, a distance of 10.00 feet;

thence N 48°11' W, a distance of 240.00 feet;

thence N 41°49' E, a distance of 10.00 feet to the Point of Beginning, containing 2400.00 square feet, more or less.

Parcel 3

Parcel 1 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

Parcel 4

Parcel 2 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

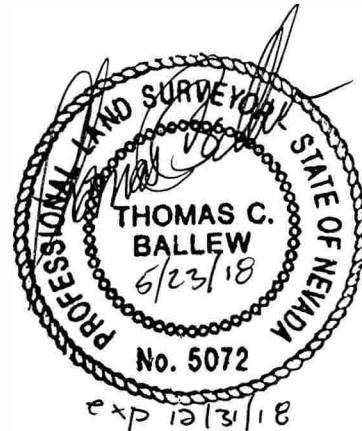
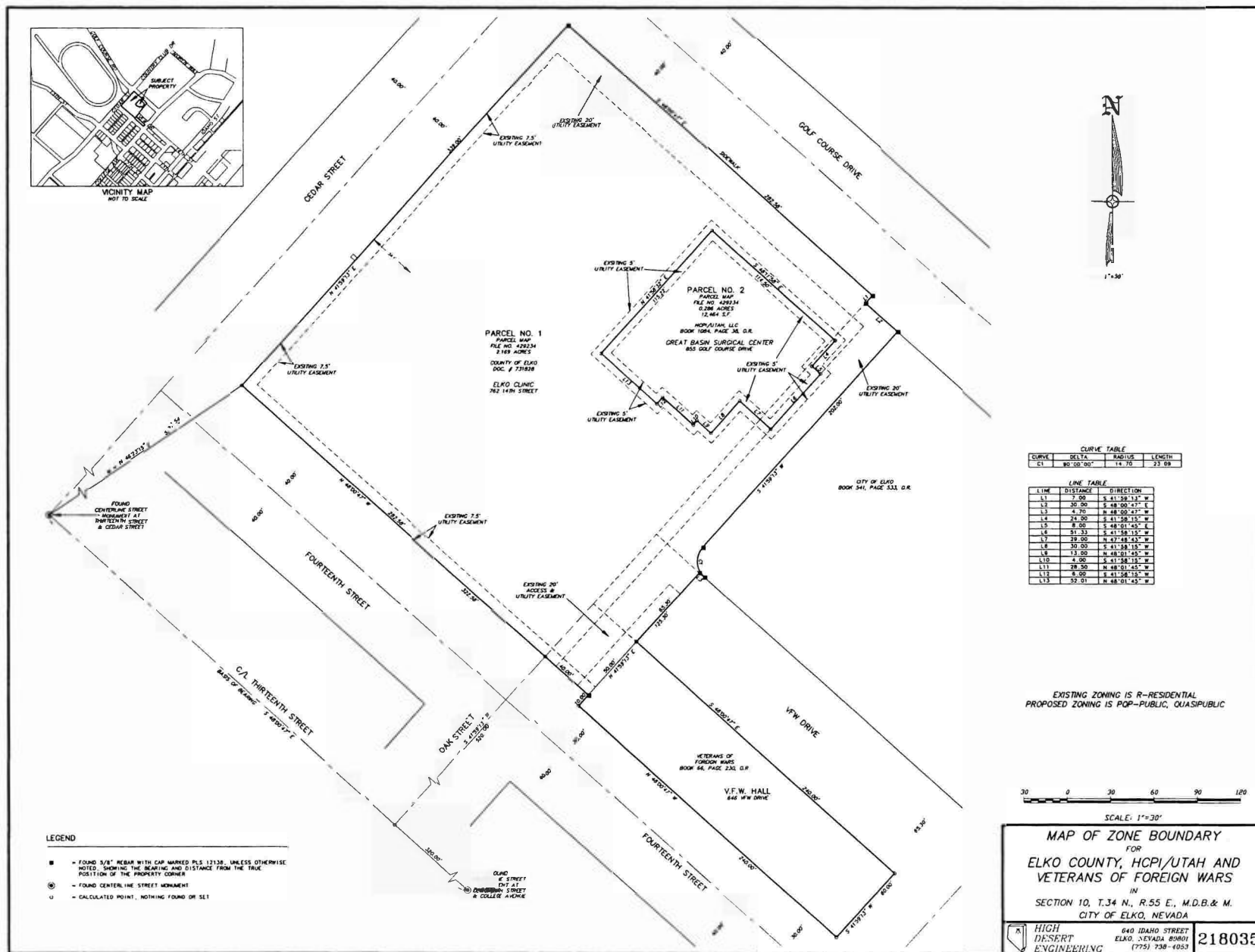


Exhibit B





CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

High Desert Engineering
640 Idaho Street
Elko, NV 89801

Re: Rezone No. 5-18, Variance No. 6-18, Variance No. 7-18, Variance No. 8-18 & Revocable Permit No. 3-18

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,

Shelby Archuleta
Planning Technician

Enclosures

CC: VFW Post 2350, PO Box 1266, Elko, NV 89803
HCPI/Utah, LLC, C/O Gerber Law Offices, LLP, 491 4th Street, Elko, NV 89801
Elko County, C/O Robert Stokes, 540 Court Street Suite 101, Elko, NV 89801

Rez 5-18, Var 8-18

YPNO	PANAME
001202004	ARDANS PROPERTIES LLC
001202003	BESSERT, SKYLER ET AL

PMADD1	PMADD2	PMCTST	PZIP
1350 CEDAR ST	ELKO NV	89801-3418	
1342 CEDAR ST	ELKO NV	89801-3418	

②

Mailed 6/28/18

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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 5-18, filed by High Desert Engineering, on behalf of Elko County, HCPI/UTAH, LLC, and Veterans of Foreign War for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi Public), approximately 2.797 acres of property, specifically APN 001-200-004, 001-200-005, and 001-200-001, located generally on the northeast side of 14th Street between Cedar Street and College Avenue, more particularly described as:

Parcel 1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:

Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears S. 20°39'50"E.

605.98 feet, being Corner No. 1;

Thence first course N. 48°11' W. along the northeasterly line of 14th Street, 240.00 feet to Corner No. 2;

Thence second course N. 41°49' E. along the prolonged southeasterly line of Oak Street, 50.00 feet to Corner No. 3;

Thence third course S. 48°11' E. 240.00 feet to Corner No. 4;

Thence fourth course S. 41°49' W. along the prolonged northwesterly line of College Avenue, 50.00 feet to Corner No. 1, the Point of Beginning.

Containing 12,000 square feet and situated wholly within the SE ¼ SE ¼ Section 10, T. 34N., R. 55 E., M.D.B. & M.

Parcel 2

A tract of land situate in the SE ¼ SE ¼ of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows:

Commencing at the centerline monument at the intersection of Oak Street and Thirteenth Street;

Thence N 41°49' E. and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right-of-way of Fourteenth Street;

Thence S 48°11' E, and along the easterly right-of-way of Fourteenth Street, a distance of 40.00 feet to the point of beginning;

Thence continuing S 48°11' E, and along said right-of-way, a distance of 240.00 feet;

Thence S 41°49' W, a distance of 10.00 feet;

Thence N 48°11' W, a distance of 240.00 feet;

Thence N 41°49' E, a distance of 10.00 feet to the Point of Beginning, containing 2400.00 square feet, more or less.

Parcel 3

Parcel 1 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

Parcel 4

Parcel 2 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

The intent of the zone change is to match zone to the use of the parcels.

- Variance No. 8-18, filed by Nevada Health Centers, on behalf of Elko County, for a reduction of the required interior side setback from 42.12' to 0' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on the southeast corner of the intersection of Cedar Street and 14th Street. (762 14th Street - APN 001-200-004)

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

ELKO CITY PLANNING COMMISSION

Rez 5-18, Var 6-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001252010	BEACH, JACKIE LEE & LORRAINE K		572 13TH ST	ELKO NV	89801-3407
001250001	ELKO LODGE NO 15 OF MASONS		PO BOX 15	ELKO NV	89803-0015
001250002	GIRL SCOUTS OF THE SIERRA NEVAD		605 WASHINGTON ST	RENO NV	89503-4328
001252001	HONEA, RYAN C & LACHELLE M		588 13TH ST	ELKO NV	89801-3407
001252002	NAYLOR, 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

⑧

~~8~~ Mailed 6/28/18

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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 5-18, filed by High Desert Engineering, on behalf of Elko County, HCPI/UTAH, LLC, and Veterans of Foreign War for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi Public), approximately 2.797 acres of property, specifically APN 001-200-004, 001-200-005, and 001-200-001, located generally on the northeast side of 14th Street between Cedar Street and College Avenue, more particularly described as:

Parcel 1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:
Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears S. 20°39'50"E. 605.98 feet, being Corner No. 1;
Thence first course N. 48°11' W. along the northeasterly line of 14th Street, 240.00 feet to Corner No. 2;
Thence second course N. 41°49' E. along the prolonged southeasterly line of Oak Street, 50.00 feet to Corner No. 3;
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Thence fourth course S. 41°49' W. along the prolonged northwesterly line of College Avenue, 50.00 feet to Corner No. 1, the Point of Beginning.
Containing 12,000 square feet and situated wholly within the SE ¼ SE ¼ Section 10, T. 34N., R. 55 E., M.D.B. & M.

Parcel 2

A tract of land situate in the SE ¼ SE ¼ of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows:
Commencing at the centerline monument at the intersection of Oak Street and Thirteenth Street;
Thence N 41°49' E. and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right-of-way of Fourteenth Street;
Thence S 48°11' E, and along the easterly right-of-way of Fourteenth Street, a distance of 40.00 feet to the point of beginning;
Thence continuing S 48°11' E, and along said right-of-way, a distance of 240.00 feet;
Thence S 41°49' W, a distance of 10.00 feet;
Thence N 48°11' W, a distance of 240.00 feet;
Thence N 41°49' E, a distance of 10.00 feet to the Point of Beginning, containing 2400.00 square feet, more or less.

Parcel 3

Parcel 1 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

Parcel 4

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

ELKO CITY PLANNING COMMISSION

Rez 5-18, Var 6-18, Var 7-18, Var 8-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202008	BYERS, DIANNA F		1385 OAK ST	ELKO NV	89801-3433
001200002	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
001200005	HCPI/UTAH LLC		1920 MAIN ST STE 1200	IRVINE CA	92614-7230
001202007	HOUCHIN, KENNETH W		875 14TH ST	ELKO NV	89801-3414
001203007	JACKSON, REN		1380 OAK ST	ELKO NV	89801-3434
001200001	VETERANS OF FOREIGN WARS OF THE		PO BOX 1266	ELKO NV	89803-1266

6

Mailed 6/28/18

NOTICE OF PUBLIC HEARING

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The intent of the zone change is to match zone to the use of the parcels.

- Variance No. 6-18, filed by Veterans of Foreign Wars for a reduction of the required setback from any street line; VFW Drive street line 18' required to 1.3', College Avenue street line 19.5' required to 15.4', 14th St. street line 16.5' required to 2.7', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto. The subject property is located generally on the west corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)
- Variance No. 7-18, filed by HCPI/UTAH, LLC for a reduction of the required setback from any Street Line from 22.5' to 0' on the Cedar St. Street Line, from 19.5' to 5.1' on the Golf Course Drive Street Line, and from 19.5' to 9.7' on the 14th St. Street Line, and a reduction of the required interior side setback from 26' to 10.3' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on west side of Golf Course Drive, approximately 205' south of Cedar Street. (855 Golf Course Drive - APN 001-200-005)
- Variance No. 8-18, filed by Nevada Health Centers, on behalf of Elko County, for a reduction of the required interior side setback from 42.12' to 0' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on the southeast corner of the intersection of Cedar Street and 14th Street. (762 14th Street - APN 001-200-004)

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

ELKO CITY PLANNING COMMISSION

Rez 5-18, Var 6-18 + Var 8-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202005	ANDREOZZI, ROBERTA		1360 CEDAR ST	ELKO NV	89801-3418
001203005	CAVALIERE, RICHARD J & JANICE J		10566 RIDGECREST DR	JACKSON CA	95642-9348
001202009	COSHWAY, JON & DOROTHY		1375 OAK ST	ELKO NV	89801-3433
001202012	GARZA, VICTORIA A		PO BOX 294	ELKO NV	89803-0294
001202010	JACKSON, HARRY B SR		1365 OAK ST	ELKO NV	89801-3030
001203004	KENNEDY, MARK E		1340 OAK ST	ELKO NV	89801-3434
001202006	KNIGHT, BENJAMIN		1376 CEDAR ST	ELKO NV	89801-3418
001203006	MCBETH, TWYLA P ETAL		838 A ST	ELKO NV	89801-2905
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
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

13

Mailed 6/28/18

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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) 777-7219 fax

APPLICATION FOR ZONE CHANGE

APPLICANT(s):	High Desert Engineering, LLC		
MAILING ADDRESS:	640 Idaho Street, Elko, NV 89801		
PHONE NO (Home)		(Business)	775-738-4053
NAME OF PROPERTY OWNER (If different):	on behalf of Elko County, HCPI/UTAH, LLC and Veterans of Foreign Wars (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.:	001-200-004,001-200-005&001-200-006	Address	
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 1st Tuesday of every month).

Fee: A \$500.00 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: R-Residential

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

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

The properties are currently occupied. We will not be changing the nature or use of the properties after they are re-zoned.

4. Explain how the proposed zoning classification relates with other zoning classifications in the area: The properties are currently zoned R. We are requesting rezoning to PQP per conversations with the City of Elko staff that this is the appropriate zoning for this property

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

None

(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

Thomas c. Ballew, PE,PLS

(Please print or type)

Mailing Address

640IdahoS teet

Street Address or P.O. Box

Elko, NV 89801

City, State, Zip Code

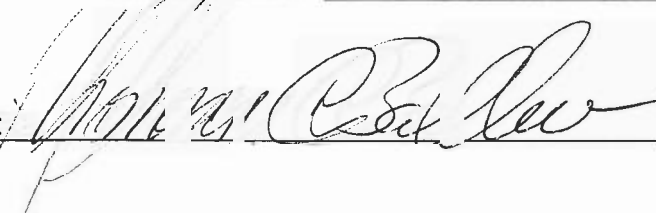
Phone Number:

775-738-4053

Em ail-address:

tcballew@frontiernet.net

SIGNATURE



FOR OFFICE USE ONLY

File No.: 5-18 **Date Filed:** 5/23/18 **Fee Paid:** \$500 **CL#** 27652

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

Applicant/Agent

VFW Post 2350

(Please print or type)

Mailing Address

PO Box 1266

Street Address or P.O. Box

731 VFW Dr. Elko NV. 89801

City, State, Zip Code


Phone Number:

775-738-7816

Email address:

jhire@frontiernet.net

SIGNATURE:



FOR OFFICE USE ONLY

File No.: _____ **Date Filed:** _____ **Fee Paid:** _____

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Applicant / Agent HCPI/ Utah, LLC

(Please print or type)

Mailing Address C/O Gerber Law Offices, LLP

Street Address or P.O. Box

491 4th Street, Elko NV 89801

City, State, Zip Code

Phone Number: 775-777-4357

Email address: zag@gerberlegal.com

SIGNATURE: HCPI/ Utah, LLC
By: HCP, Inc., its managing member
By: Angela Playle
By: Angela Playle, SVP and Deputy General Counsel, Real Estate

FOR OFFICE USE ONLY

File No.: _____ **Date Filed:** _____ **Fee Paid:** _____

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Applicant / Agent

Robert K. Stokes

(Please print or type)

Mailing Address

540 Court St., Suite 101

Street Address or P.O. Box

Elko, NV 89801

City, State, Zip Code

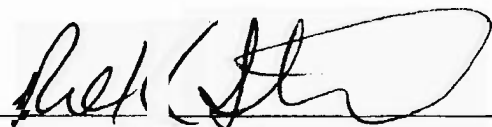
Phone Number:

(775) 738-5398

Email address:

rstokes@elkocountynv.net

SIGNATURE: _____



FOR OFFICE USE ONLY

File No.: _____ Date Filed: _____ Fee Paid: _____

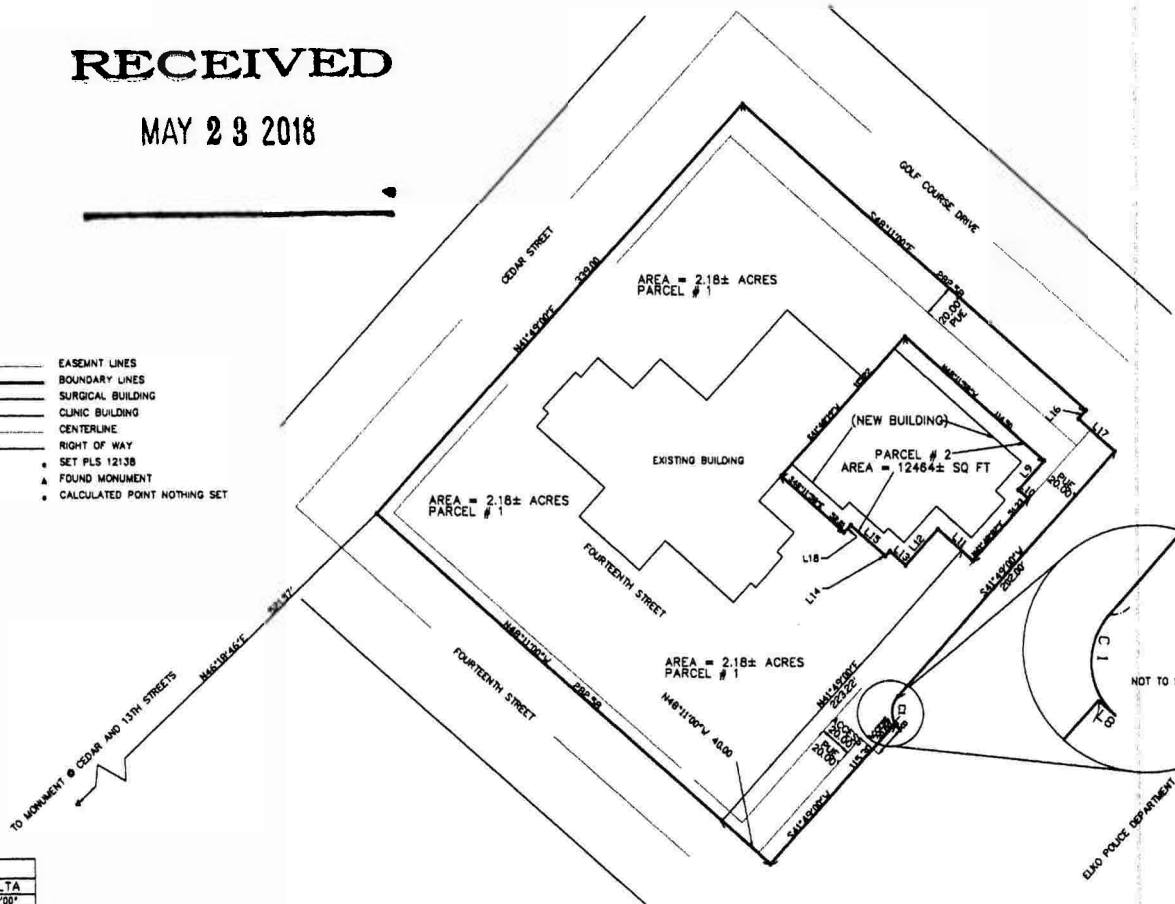
RECEIVED

MAY 23 2018

SCALE 1" = 40'

LEGEND

- ===== EASEMENT LINES
- ===== BOUNDARY LINES
- ===== SURGICAL BUILDING
- ===== CLINIC BUILDING
- ===== CENTERLINE
- ===== RIGHT OF WAY
- SET PLS 12138
- ▲ FOUND MONUMENT
- CALCULATED POINT NOTHING SET



CURVE TABLE			
CURVE	LENGTH	RADIUS	DELTA
C1	83.09	1478.95	90°00'00"

LINE TABLE		
LINE	LENGTH	BEARING
L8	4.70	N48°11'00"W
L9	24.00	N41°48'00"E
L10	8.00	N48°11'50"W
L11	29.00	S47°58'56"E
L12	30.00	N41°48'00"E
L13	13.00	S48°11'50"E
L14	4.00	N41°48'00"E
L15	28.50	S48°11'50"E
L16	7.00	S41°49'00"W
L17	30.00	S48°11'00"E
L18	6.00	S41°48'00"W

NOTES

- 1) BASIS OF BEARINGS = CENTERLINE OF OAK STREET AS SHOWN ON SMITHS ADDITION TO THE CITY OF ELKO, FILED IN THE ELKO COUNTY RECORDERS OFFICE AS FILE NO. 43265.
- 2) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 2.47 ACRES.
- 3) ALL BOUNDARIES WILL HAVE A 7.50 UTILITY EASEMENT ON ROAD FRONTAGES AND 5.00' ON ALL OTHER BOUNDARIES UNLESS OTHERWISE NOTED.
- 4) AGREEMENTS CONCERNING SHARED PARKING, UTILITIES, AND ACCESS CAN BE FOUND IN THE CC & R'S RECORDED ALONG WITH THIS PARCEL MAP.

SURVEYOR'S CERTIFICATE

1. ERIC L. HEARON, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF NEVADA, CERTIFY THAT:
2. THIS PLAT REPRESENTS THE RESULTS OF A SURVEY CONDUCTED UNDER MY DIRECT SUPERVISION AT THE INSTANCE OF BOYER COMPANY.
3. THE LANDS SURVEYED LIE WITHIN SECTION 10, T.34 N. R.55 E., M.D.M., AND THE SURVEY WAS COMPLETED ON JUNE 30, 1998.
4. 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.
5. THE MONUMENTS DEPICTED ON THE PLAT ARE OF THE CHARACTER SHOWN, OCCUPY THE POSITIONS INDICATED AND ARE OF SUFFICIENT NUMBER AND DURABILITY.

ERIC L. HEARON, P.L.S.
CERTIFICATE NO. 12138



APPROVAL - CITY OF ELKO PLANNING COMMISSION

THIS MAP IS HEREBY APPROVED FOR SUBDIVISION PURPOSES PURSUANT TO N.R.S. 278.451 - 278.459 INCLUSIVE BY THE CITY OF ELKO PLANNING COMMISSION AS WITNESSED BY THE UNDERSIGNED CHAIRMAN OR ITS AUTHORIZED REPRESENTATIVE.

Dennis C. Crode 7-2-98
CHAIRMAN OR PLANNING REPRESENTATIVE DATE



FILED DATA
FILE NO. 429234

FILED AT THE REQUEST OF
MILESTONE SURVEYING, INC.

DATE 07 July, 1998

TIME 01:18 P.M.

Jerry D. Reynolds
JERRY D. REYNOLDS
ELKO COUNTY RECORDER

OWNER'S CERTIFICATE:

KNOW ALL MEN BY THESE PRESENTS THAT THE UNDERSIGNED, DR. DAVID HOGLE, PRESIDENT OF OCTAGON LAND COMPANY BEING THE OWNERS OF THOSE PARCELS AS SHOWN ON THIS MAP, DO HEREBY CONSENT TO THE PREPARATION AND RECORDATION OF THIS MAP AND OFFER FOR DEDICATION ALL OF THE EASEMENTS, PUBLIC UTILITY, PUBLIC DRAINAGE AND PUBLIC RIGHT OF WAY AS DESIGNATED HEREON. IN WITNESS WHEREOF, THE UNDERSIGNED, SET OUR HANDS ON THE DATES SHOWN.

OWNERS ADDRESS 782 14TH STREET
ELKO, NEVADA 89601

OWNERS TELEPHONE NO. 702-738-3111

David Hogle 7-6-98
DR. DAVID HOGLE (PRESIDENT OF OCTAGON LAND COMPANY) DATE

STATE OF NV } S.S.
COUNTY OF ELKO

THIS INSTRUMENT WAS ACKNOWLEDGED BEFORE ME ON THE 6th DAY OF July 1998, BY DR. DAVID HOGLE.

Vicki A. Brady
NOTARY PUBLIC # 60 FOR ELKO COUNTY, NEVADA
DATE MY COMMISSION EXPIRES April 27, 2001



APPROVAL - PUBLIC UTILITIES

THE PUBLIC UTILITY EASEMENTS, AS DESIGNATED HEREON, ARE APPROVED BY THE RESPECTIVE UTILITIES, EXECUTING BELOW.

Malcolm Bell 7-2-98
CITIZENS TELECOM
Mike M... 7-7-98
SERRA PACIFIC POWER CO.
... 7-2-98
SOUTHWEST GAS CORPORATION
... 7-2-98
T.C.I. TELEVISION OF NEVADA, INC.

APPROVAL - CITY OF ELKO

ON THE 6th DAY OF JULY 1998, THIS MAP WAS APPROVED FOR SUBDIVISION PURPOSES PURSUANT TO N.R.S. 278.451 - 4278.459 INCLUSIVE AND ANY APPLICABLE LOCAL ORDINANCES; AND ANY OFFERS OF ANY DEDICATION SHOWN HEREON WERE ACCEPTED FOR PUBLIC USE.

... 7-2-98
CITY ENGINEER

COUNTY ASSESSOR'S CERTIFICATE

I, JOE ASHMORE, CERTIFY THAT THE ASSESSOR'S PARCEL NUMBERS SHOWN ON THIS PLAT ARE CORRECT AND THAT THE PROPOSED PARCELS ARE A DIVISION OF SAID ASSESSOR'S PARCEL NO. 001-200-003.

Joe Ashmore 7-2-98
ELKO COUNTY ASSESSOR
Heister Oct DATE

COUNTY TREASURER'S CERTIFICATE

I, CEARAR SALICHA, CERTIFY THAT ALL PROPERTY TAXES ON PARCEL NO. 001-200-003 HAVE BEEN PAID FOR THIS FISCAL YEAR.

Cesar Salicha 7-7-98
CEARAR SALICHA
ELKO COUNTY TREASURER DATE

REFERENCES

SMITHS ADDITION TO THE CITY OF ELKO, FILE # 43265
PRELIMINARY TITLE REPORT ORDER # 98011008 STEWART TITLE

PREPARED BY: BOYER COMPANY BY REQUEST OF RICHARD KINDALL	PREPARED BY: MILESTONE SURVEYING, INC.	P.O. BOX 8408 ELKO, NEVADA 89603 PH. 702.738.4818 FAX 702.738.4817
TITLE: PARCEL MAP ELKO REGIONAL MEDICAL CENTER	SCALE 1" = 40' DRAWING NO. 98036.1PM	REVISION

SEE GOALS
ON 1984 PG 488

2055

RECEIVED

MAY 23 2018

ELKO COUNTY

RESOLUTION AND ORDER VACATING A STRIP OF
FOURTEENTH STREET, 10 FEET IN WIDTH AND
APPROXIMATELY 240 FEET IN LENGTH, BETWEEN OAK
STREET AND COLLEGE AVENUE, ALL WITHIN THE CITY OF
ELKO, STATE OF NEVADA

WHEREAS, the Board of Supervisors of the City of Elko, Nevada, unanimously resolved at a regular meeting of the Board held on June 9, 1992, that it publish and mail by certified mail to the abutting property owners a notice of its intentions to vacate a strip of Fourteenth Street 10 feet in width and approximately 240 feet in length, between Oak Street and College Avenue, more particularly described on Exhibit "A" attached hereto and made a part hereof by this reference.

WHEREAS, the Notice was duly published and mailed, all as required by law, as more fully appears from the Affidavit of Publication and Mailing and return receipts on file in the City Office of the City of Elko; and,

WHEREAS, at the time and place set in the Notice, to-wit: the hour of 7:30 o'clock p.m., on July 14, 1992, in the City Hall, Elko, Nevada, a hearing before the Board of Supervisors was duly had, and no persons having appeared to object to the proposed vacation, and the Board having deemed it for the best interests of the public that the area be vacated, subject to certain terms and conditions, and that no person or persons would be materially injured thereby; and,

WHEREAS, it appearing to the satisfaction of the Board of Supervisors that a strip of Fourteenth Street 10 feet in width and approximately 240 feet in length, between Oak Street and College Avenue in the City of Elko, Nevada, is no longer required for public use and convenience and that vacation thereof will inure to the benefit of the City of Elko and be for the best interests of the public, and that neither the public nor any person will be materially injured thereby;

NOW, THEREFORE, upon motion duly made by Supervisor Bill Srickland and seconded by Supervisor Nora Hatfield, IT IS HEREBY UNANIMOUSLY RESOLVED AND ORDERED:

I.

That a strip of Fourteenth Street 10 feet in width and approximately 240 feet in length, between Oak Street and College Avenue in the City of Elko, Nevada described on Exhibit "A" attached hereto, be, and the same is hereby, vacated and shall revert to and is hereby vested in VETERANS OF FOREIGN WARS OF THE UNITED STATES, GASPER J. SALAZ POST NO. 2350, as owners of the property abutting the parcel being vacated, provided further that this vacation, and the title of the abutting owners received pursuant thereto, shall be subject to all existing poles, lines, cables, pipes, drains, utility

GOICOCHEA & DI GRAZIA, LTD.
LAW OFFICE CENTER
530 Idaho Street, P.O. Box 1359
Elko, Nevada, 89801
Telephone: (702) 738-6001

FOR 791 REC 703

ELKO COUNTY

installations, easements, rights-of-way and licenses now existing. The City acknowledges the payment from the above-named property owners of all actual costs incurred by the City of Elko, including a \$100.00 attorney fee.

II.

That the City of Elko and the Board of Supervisors, officers and employees thereof, make no warranties, covenants, representations, or guarantees as to the validity of this vacation procedure, or as to the right, title, interest or estate, if any, any person or entity may acquire as the result thereof.

III.

That the City Clerk of the City of Elko shall certify to the copy of this Resolution and Order, and this Resolution and Order, or a certified copy hereof, be recorded in the Office of the County Recorder of Elko County, Nevada, and be endorsed by the Elko County Recorder upon the proper map or plat on file in the Office of said County Recorder, so as to clearly indicate thereon the vacation of a strip of Fourteenth Street 10 feet in width and approximately 240 feet in length, between Oak Street and College Avenue, situate in the City of Elko, County of Elko, State of Nevada.

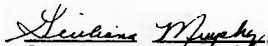
END OF RESOLUTION AND ORDER.

DATED this 5th day of July, 1992.

CITY OF ELKO

By: 
JAMES POLKINGHORNE, Mayor

ATTEST:


GIULIANA MURPHY, City Clerk

GORIOECHEA & DI GRAZIA, LTD.
LAST OFFICE COUNTY
1320 Idaho Street, P.O. Box 1320
Elko, Nevada 89801
Telephone: (702) 738-6871

ELKO COUNTY

STATE OF NEVADA)
 (ss
County of Elko)

On this 15th day of July, 1992, personally appeared before me,
a Notary Public, JAMES POLKINGHORNE and GIULIANA MURPHY, the Mayor and City
Clerk, respectively, of the CITY OF ELKO, and acknowledged to me that they executed
the foregoing instrument for and on behalf of the CITY OF ELKO.

Dawn Stout
NOTARY PUBLIC



ELKO COUNTY

EXHIBIT "A"

A tract of land situate in the SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows: commencing at the centerline monument the intersection of Oak Street and Thirteenth Street thence N 41°49' E, and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right of way of Fourteenth Street; thence S 48°11' E, and along the easterly right of way of Fourteenth Street, a distance of 40.00 feet to the point of beginning; thence continuing S 48°11' E, and along said right of way, a distance of 240.00 feet; thence S 41°49' W, a distance of 10.00 feet; thence N 48°11' W, a distance of 240.00 feet; thence N 41°49' E, a distance of 10.00 feet to the point of beginning, containing an area 2400.00 square feet more or less.

INDEXED

324255

FEE 8
FILED
FILED FOR RECORD
AT REQUEST OF
City of Elko
92 JUL 28 P102

RECORDED BY 791 - 703
JERRY D. REYNOLDS
ELKO CO. RECORDER

324255

GORIOECHEA & DI GRAZIA, LTD.
LAW OFFICE CENTER
530 Union Street, P.O. Box 1258
Elko, Nevada 89801
Telephone no. (703) 738-9091

BOOK 791 PAGE 706

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MAY 23 2018

BOOK

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GRANT, BARGAIN AND SALE DEED

THIS INDENTURE, made as of the 27th day of March, 1951, by and between the CITY OF ELKO, a Municipal Corporation and body politic and corporate within the County of Elko, State of Nevada, first party, and VETERANS OF FOREIGN WARS, OF THE UNITED STATES, GASPER J. SALAZ POST NO. 2350, City of Elko, County of Elko, State of Nevada, second party,

W I T N E S S E T H:

That for and in consideration of the sum of TEN DOLLARS (\$10.00), by the second party to the first party in hand paid, the receipt whereof is hereby acknowledged, said first party does by these presents grant, bargain and sell unto the said second party, its successors and assigns, all those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:

Beginning at the intersection point of the prolonged NW'ly line of College Avenue and the NE'ly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Streets bears S. 20° 39' 50" E. 605.98 feet, being Corner No. 1; thence first course N. 48° 11' W. along the NE'ly line of 14th Street 240.00 feet to Corner No. 2; thence second course N. 41° 49' E. along the prolonged SE'ly line of Oak Street, 50.00 feet to Corner No. 3; thence third course S. 48° 11' E. 240.00 feet to Corner No. 4; thence fourth course S. 41° 49' W. along the prolonged NW'ly line of College Avenue, 50.00 feet to Corner No. 1, the point of beginning.

Containing 12,000 square feet and situated wholly within the SE $\frac{1}{4}$ SE $\frac{1}{4}$ Section 10, T. 34 N., R. 55 E., M.D.B. & M.

That the use of said land shall be at all times confined and limited to legally constituted and duly organized fraternal, veterans and auxiliary to veterans' organizations, civic and charitable orders and bodies. That said land shall never be used for any commercial purpose. That the foregoing covenants be and they hereby are declared to be covenants running with the land.

Together with the tenements, hereditaments and appurtenances thereunto belonging or in anywise

ORVILLE R. WILSON
ATTORNEY AT LAW
ELKO, NEVADA

appertaining, and the reversion and reversions,
remainder and remainders, rents, issues and
profits thereof.

TO HAVE AND TO HOLD, all and singular the said real
property, together with the appurtenances, subject to the coven-
ants running with the land hereinabove set forth, unto the said
second party, its successors and assigns.

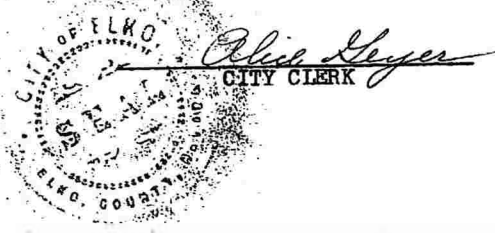
IN WITNESS WHEREOF, the said first party has caused
these presents to be executed in its Corporate name, and its
Corporate Seal to be affixed hereunto by DAVID DOTTA, Mayor of
said City, and attested by ALICE GEYER, City Clerk, hereunto
duly authorized by Resolution of the Board of Supervisors of
said City, all as of the day and year first hereinabove written.



CITY OF ELKO

BY: David Dotta
MAYOR

ATTEST:



ORVILLE R. WILSON
ATTORNEY AT LAW
ELKO, NEVADA

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review, consideration and possible action of Variance No. 6-18, filed by Veterans of Foreign Wars for a reduction of the required setback from any street line; VFW Drive street line 18' required to 1.3', College Avenue street line 19.5' required to 15.4', 14th St. street line 16.5' required to 2.7', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto, FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: ***PUBLIC HEARINGS***
4. Time Required: **15 Minutes**
5. Background Information: **The applicant is requesting a variance for the required setbacks from any street line for an existing structure.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Conditionally approve Variance No. 6-18 based on the facts, findings and conditions as presented in the Staff Report dated June 25, 2018**
9. Findings: **See Staff Report dated June 25, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **High Desert Engineering
640 Idaho Street
Elko, NV 89801
tcballew@frontiernet.net

VFW Post 2350
P.O. Box 1266
Elko, NV 89803
jhire@frontiernet.net**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Variance 6-18

Applicant(s): Veterans of Foreign War

Site Location: 646 VFW Drive - APN 001-200-001

Current Zoning: B Date Received: 6/13 Date Public Notice: 6/25

COMMENT: This is to reduce the required setback from Any Street
Line from 19.5' to 15.4' on the College Ave Street Line, from 16.5'
to 2.7' on the 14th St. Street line, and from 18' to 1.3' on the VFW Dr Street Line

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/25/18

Recommend approval as presented in the
Staff report dated 6/25/18

SAW

Initial

City Manager: Date: 6/29/18

No comments/concerns.

W

Initial



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 25, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.A.3
APPLICATION NUMBER:	Variance 6-18
APPLICANT:	Veterans of Foreign Wars
PROJECT DESCRIPTION:	646 VFW Drive
RELATED APPLICATIONS:	REZ 5-18; REVOCABLE 3-18

A variance request from provisions under Section 3-2-8, requiring minimum setbacks from any street line in a Public, Quasi-Public District. The minimum setback requirements from any street line within the PQP District are 1 ½ times the building height for the principal building.



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE, subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-200-001

PARCEL SIZE: 0.331 acres

EXISTING ZONING: (R) Single Family and Multiple Family Residential, Rezone application 5-18 is scheduled to be heard at the July 9, 2018 Planning Commission meeting for a change in zoning to a PQP-Public, Quasi-Public zoning district upon conditions to be met.

MASTER PLAN DESIGNATION: (PUBLIC) Public/Quasi-Public

EXISTING LAND USE: Developed Land consistent with Public, Quasi-Public uses

BACKGROUND:

1. The property owner is the applicant, Veterans of Foreign Wars.
2. The property is currently developed as the VFW Hall.
3. The property fronts, VFW Drive, 14th Street, and College Avenue.
4. The property measures 60' wide by 240' deep. The property is narrow and has been developed overtime with several legal non-conforming uses.
5. The properties are currently being served by City of Elko water and sewer and other non-city utilities.
6. A resolution was approved by City Council on May 13, 1997, recorded on May 15, 1997, vacating a portion of Oak Street right-of-way between 14th Street and Golf Course Road.
7. The applicant has applied for a revocable permit 3-18 to occupy the City of Elko right-of-way for existing parking and an existing canopy area. Approval of the revocable permit is not required for approval of the variance application.
8. The property is improperly zoned for the developed use of the property.
9. The applicant has applied for a rezone of the property from R to PQP, filed as rezone 5-18. Approval of the rezone application is required as a condition for approval of the variance application.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) North: PQP- Public, Quasi, Public / Developed
-) East: PQP- Public, Quasi, Public / Partially Developed
-) West: R- Residential / Developed
-) South: R- Residential / Developed

APPLICABLE MASTER PLAN SECTIONS AND CITY CODE SECTIONS:

-) City of Elko Master Plan – Land Use Component
-) City of Elko Redevelopment Plan
-) City of Elko Zoning – Section 3-2-8 Public, Quasi-Public Districts

) City of Elko Zoning – Section 3-2-22 Variances

MASTER PLAN - Land Use:

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP-Public, Quasi-Public zoning district is listed as a corresponding zoning district for Public.
3. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community.

The approval of the variance from the setback requirements stipulated for the proposed rezone in application 5-18 is in conformance with the Land Use Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area and consideration of the plan is not required.

SECTION 3-2-8 PUBLIC, QUASI-PUBLIC DISTRICT:

1. Under the property development standards for permitted principal uses, the minimum setback from any street line not less than one and one-half (1 ½) times the height of the principal building.
 - a. Based on elevations provided the following setbacks are required:
 - i. VFW Drive
 1. 12' building height
 2. 18' setback from VFW Drive required
 3. 6.9' setback provided to building, 1.3' from awning over entrance
 - ii. College Ave
 1. 13' building height
 2. 19.5' setback from College Ave required
 3. 15.4' setback provided to building
 - iii. 14th Street
 1. 11' building height
 2. 16.5' setback from 14th Street required
 3. 2.7' setback provided to building
2. The minimum setback from interior and rear lot lines shall be not less than the height of the principal building, plus one additional foot for each five feet (5') or part thereof that such building exceeds thirty five feet (35') in the aggregate horizontal dimension of the wall generally parallel to such side or rear lot line.
 - a. Based on elevations provided the following setbacks are required:
 - i. Rear setback
 1. 16' building height
 2. 50' building horizontal distance, 3' additional setback
 3. 19' rear yard setback required
 4. 122' setback provided to building
3. Accessory building are permitted and their uses are customarily incidental to a permitted use, the location of accessory building, whether attached or detached, shall be located in accordance with the location on the lot as approved by the planning commission.
 - a. The provided site plan indicates two portable sheds, and a covered patio. The planning commission should consider accepting the location of these accessory structures as shown on the site plan.

Approval of Variance 6-18 in conjunction with approval of Rezone 5-18 will bring the property into conformance with Section 3-2-8 of City code.

SECTION 3-2-22 VARIANCES:

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

Application Requirements

1. 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 property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use.
 -) As currently developed there are encroachments into setbacks.
 -) The City encouraged the applicant to rezone the property to conform to the Master Plan and existing use of the property.
 -) The special circumstance is directly related to the property being improperly zoned for the developed use of the property.
2. 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 property is improperly zoned for the developed use of the property.
 -) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use.
 -) As currently developed there are encroachments into setbacks.
 -) The City encouraged the applicant to rezone the property to conform to the Master Plan and existing use of the property.
 -) The exceptional practical difficulty is directly related to the fact the property is improperly zoned for the existing use of the property and the variance is required to legally rezone the property and address the required setbacks stipulated in the proposed zone.
3. Such special circumstances or conditions do not apply generally to other properties in the same zoning district.
 -) The special circumstance of fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use is limited in extent in the district and does not generally apply to other properties in the district. The identified issue is restricted to a small number of properties within the civic center area of the community.
4. 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.
 -) The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with several legal non-conforming issues including the

use of the property as a Public/Quasi-Public use. The applicant is not seeking the variance to develop or expand the use of the property. Granting of the variance will not result in any material damage or prejudice to other properties.

5. 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.
 -) The granting of the variance is directly related to an improperly zoned property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification.
6. The granting of the variance will not substantially impair affected natural resources.
 -) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use and the granting of the variance will not impair natural resources.

FINDINGS

-) The proposed variance approval is in conformance with the Land Use Component of the Master Plan.
-) The property is not located within the redevelopment area and consideration of the plan is not required.
-) Approval of Variance 6-18 in conjunction with approval of Rezone 5-18 will bring the property into conformance with Section 3-2-8 of City code.
-) The special circumstance is directly related to the property being improperly zoned for the developed use of the property.
-) The exceptional practical difficulty is directly related to the fact the property is improperly zoned for the existing use of the property and the variance is required to legally rezone the property and address the required setbacks stipulated in the proposed zone.
-) The special circumstance of fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use is limited in extent in the district and does not generally apply to other properties in the district. The identified issue is restricted to a small number of properties within the civic center area of the community.
-) The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use. The applicant is not seeking the variance to develop or expand the use of the property.

-) The granting of the variance is directly related to an improperly zoned property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification.
-) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use and the granting of the variance will not impair natural resources.

STAFF RECOMMENDATION:

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

1. Approval of rezone application 5-18.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

VFW Post 2350
PO Box 1266
Elko, NV 89803
jhire@frontiernet.net

Re: Rezone No. 5-18, Variance No. 6-18, & Revocable Permit No. 3-18

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,

Shelby Archuleta
Planning Technician

Enclosures

CC: High Desert Engineering, 640 Idaho Street, Elko, NV 89801

Rez 5-18, Var 6-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001252010	BEACH, JACKIE LEE & LORRAINE K		572 13TH ST	ELKO NV	89801-3407
001250001	ELKO LODGE NO 15 OF MASONS		PO BOX 15	ELKO NV	89803-0015
001250002	GIRL SCOUTS OF THE SIERRA NEVAD		605 WASHINGTON ST	RENO NV	89503-4328
001252001	HONEA, RYAN C & LACHELLE M		588 13TH ST	ELKO NV	89801-3407
001252002	NAYLOR, 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

⑧

~~8~~ Mailed 6/28/18

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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 5-18, filed by High Desert Engineering, on behalf of Elko County, HCPI/UTAH, LLC, and Veterans of Foreign War for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi Public), approximately 2.797 acres of property, specifically APN 001-200-004, 001-200-005, and 001-200-001, located generally on the northeast side of 14th Street between Cedar Street and College Avenue, more particularly described as:

Parcel 1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:
Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears S. 20°39'50"E. 605.98 feet, being Corner No. 1;
Thence first course N. 48°11' W. along the northeasterly line of 14th Street, 240.00 feet to Corner No. 2;
Thence second course N. 41°49' E. along the prolonged southeasterly line of Oak Street, 50.00 feet to Corner No. 3;
Thence third course S. 48°11' E. 240.00 feet to Corner No. 4;
Thence fourth course S. 41°49' W. along the prolonged northwesterly line of College Avenue, 50.00 feet to Corner No. 1, the Point of Beginning.
Containing 12,000 square feet and situated wholly within the SE ¼ SE ¼ Section 10, T. 34N., R. 55 E., M.D.B. & M.

Parcel 2

A tract of land situate in the SE ¼ SE ¼ of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows:
Commencing at the centerline monument at the intersection of Oak Street and Thirteenth Street;
Thence N 41°49' E. and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right-of-way of Fourteenth Street;
Thence S 48°11' E, and along the easterly right-of-way of Fourteenth Street, a distance of 40.00 feet to the point of beginning;
Thence continuing S 48°11' E, and along said right-of-way, a distance of 240.00 feet;
Thence S 41°49' W, a distance of 10.00 feet;
Thence N 48°11' W, a distance of 240.00 feet;
Thence N 41°49' E, a distance of 10.00 feet to the Point of Beginning, containing 2400.00 square feet, more or less.

Parcel 3

Parcel 1 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

Parcel 4

Parcel 2 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

The intent of the zone change is to match zone to the use of the parcels.

- Variance No. 6-18, filed by Veterans of Foreign Wars for a reduction of the required setback from any street line; VFW Drive street line 18' required to 1.3', College Avenue street line 19.5' required to 15.4', 14th St. street line 16.5' required to 2.7', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto. The subject property is located generally on the west corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)

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

ELKO CITY PLANNING COMMISSION

Rez 5-18, Var 6-18, Var 7-18, Var 8-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202008	BYERS, DIANNA F		1385 OAK ST	ELKO NV	89801-3433
001200002	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
001200005	HCPI/UTAH LLC		1920 MAIN ST STE 1200	IRVINE CA	92614-7230
001202007	HOUCHIN, KENNETH W		875 14TH ST	ELKO NV	89801-3414
001203007	JACKSON, REN		1380 OAK ST	ELKO NV	89801-3434
001200001	VETERANS OF FOREIGN WARS OF THE		PO BOX 1266	ELKO NV	89803-1266

6

Mailed 6/28/18

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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 5-18, filed by High Desert Engineering, on behalf of Elko County, HCPI/UTAH, LLC, and Veterans of Foreign War for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi Public), approximately 2.797 acres of property, specifically APN 001-200-004, 001-200-005, and 001-200-001, located generally on the northeast side of 14th Street between Cedar Street and College Avenue, more particularly described as:

Parcel 1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:

Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears S. 20°39'50"E.

605.98 feet, being Corner No. 1;

Thence first course N. 48°11' W. along the northeasterly line of 14th Street, 240.00 feet to Corner No. 2;

Thence second course N. 41°49' E. along the prolonged southeasterly line of Oak Street, 50.00 feet to Corner No. 3;

Thence third course S. 48°11' E. 240.00 feet to Corner No. 4;

Thence fourth course S. 41°49' W. along the prolonged northwesterly line of College Avenue, 50.00 feet to Corner No. 1, the Point of Beginning.

Containing 12,000 square feet and situated wholly within the SE ¼ SE ¼ Section 10, T. 34N., R. 55 E., M.D.B. & M.

Parcel 2

A tract of land situate in the SE ¼ SE ¼ of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows:

Commencing at the centerline monument at the intersection of Oak Street and Thirteenth Street;

Thence N 41°49' E. and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right-of-way of Fourteenth Street;

Thence S 48°11' E, and along the easterly right-of-way of Fourteenth Street, a distance of 40.00 feet to the point of beginning;

Thence continuing S 48°11' E, and along said right-of-way, a distance of 240.00 feet;

Thence S 41°49' W, a distance of 10.00 feet;

Thence N 48°11' W, a distance of 240.00 feet;

Thence N 41°49' E, a distance of 10.00 feet to the Point of Beginning, containing 2400.00 square feet, more or less.

Parcel 3

Parcel 1 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

Parcel 4

Parcel 2 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

The intent of the zone change is to match zone to the use of the parcels.

- Variance No. 6-18, filed by Veterans of Foreign Wars for a reduction of the required setback from any street line; VFW Drive street line 18' required to 1.3', College Avenue street line 19.5' required to 15.4', 14th St. street line 16.5' required to 2.7', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto. The subject property is located generally on the west corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)
- Variance No. 7-18, filed by HCPI/UTAH, LLC for a reduction of the required setback from any Street Line from 22.5' to 0' on the Cedar St. Street Line, from 19.5' to 5.1' on the Golf Course Drive Street Line, and from 19.5' to 9.7' on the 14th St. Street Line, and a reduction of the required interior side setback from 26' to 10.3' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on west side of Golf Course Drive, approximately 205' south of Cedar Street. (855 Golf Course Drive - APN 001-200-005)
- Variance No. 8-18, filed by Nevada Health Centers, on behalf of Elko County, for a reduction of the required interior side setback from 42.12' to 0' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on the southeast corner of the intersection of Cedar Street and 14th Street. (762 14th Street - APN 001-200-004)

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

ELKO CITY PLANNING COMMISSION

Rez 5-18, Var 6-18 + Var 8-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202005	ANDREOZZI, ROBERTA		1360 CEDAR ST	ELKO NV.	89801-3418
001203005	CAVALIERE, RICHARD J & JANICE J		10566 RIDGECREST DR	JACKSON CA	95642-9348
001202009	COSHWAY, JON & DOROTHY		1375 OAK ST	ELKO NV	89801-3433
001202012	GARZA, VICTORIA A		PO BOX 294	ELKO NV	89803-0294
001202010	JACKSON, HARRY B SR		1365 OAK ST	ELKO NV	89801-3030
001203004	KENNEDY, MARK E		1340 OAK ST	ELKO NV.	89801-3434
001202006	KNIGHT, BENJAMIN		1376 CEDAR ST	ELKO NV.	89801-3418
001203006	MCBETH, TWYLA P ETAL		838 A ST	ELKO NV.	89801-2905
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
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

(13)

Mailed 6/28/18

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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

APPLICATION FOR VARIANCE

RECEIVED

JUN 13 2018

APPLICANT(s): Veterans of Foreign Wars
MAILING ADDRESS: PO Box 1266, Elko, NV 89803
PHONE NO (Home) _____ (Business) (775) 738-7816
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.: 001-200-001 Address 646 VFW Drive, Elko, NV 89801
Lot(s), Block(s), & Subdivision See attached legal description
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 1st Tuesday of every month).

Fee: A \$500.00 non-refundable fee must be paid. If in conjunction with a Rezone Application a \$250.00 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:

3-2-8 © 1: Minimum setback from any street line.

1. The existing zoning classification of the property PQP: Public, Quasi-Public
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

The existing building and patio cover on the property have been in place for
many years.

- 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.

The zoning of the property is being changed, along with other properties in the
area, in order to better adhere to existing City of Elko codes. This variance is
needed due to the change of zoning.

- c) Indicate how the granting of the variance is necessary for the applicant or owner to make reasonable use of the property.

The variance will allow the continued historical use of the property.

- d) Identify how such circumstances, features or conditions do not apply generally to other properties in the same Land Use District.

The circumstances do apply t the other properties in the immediate vicinity.

The purpose of the rezone on all these properties is to bring them into closer
conformance with City of Elko codes.

- 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.

Granting the variance will allow the continued historical use of the property.

- f) Indicate how the variance will not be in conflict with the purpose or intent of the Code.

The granting of the variance will cause the property to be in better conformance with City of Elko codes.

- g) Indicate how the granting of the variance will not result in a change of land use or zoning classification.

The change of zoning of the property and the granting of the variance will cause the property to be in better conformance with City of Elko codes.

- h) Indicate how granting of the variance will not substantially impair affected natural resources.

No change in the use of the property will be made due to the variance.

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.

The improvements to the property are existing.

(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 VETERANS OF FOREIGN WARS / WALT LODDIN
(Please print or type)

Mailing Address PO Box 1266
Street Address or P.O. Box
ELKO, NV 89803
City, State, Zip Code

Phone Number: (775) 340-5684

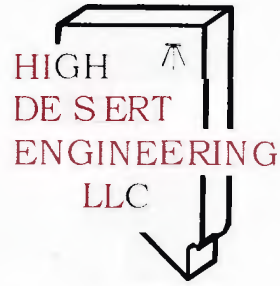
Email address: WALTJCPA@GMAIL.COM

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 12-18 **Date Filed:** 6/13/18 **Fee \$:** 250 **CK#** 3951

Thomas C. Ballew, P.E., P.L.S.
Robert E. Morley, P.L.S.
Duane V. Merrill, P.L.S.
Floyd M. Fisk, P.E.



(775) 738-4053 Phone
(775) 753-7693 Fax
640 Idaho Street
Elko, NV 89801

June 13, 2018

RECEIVED

JUN 13 2018

VFW – Northeast Side - Building Height= 12'



VFW – Southeast Side - Building Height= 13'



Veterans of Foreign Wars
Building Photographs

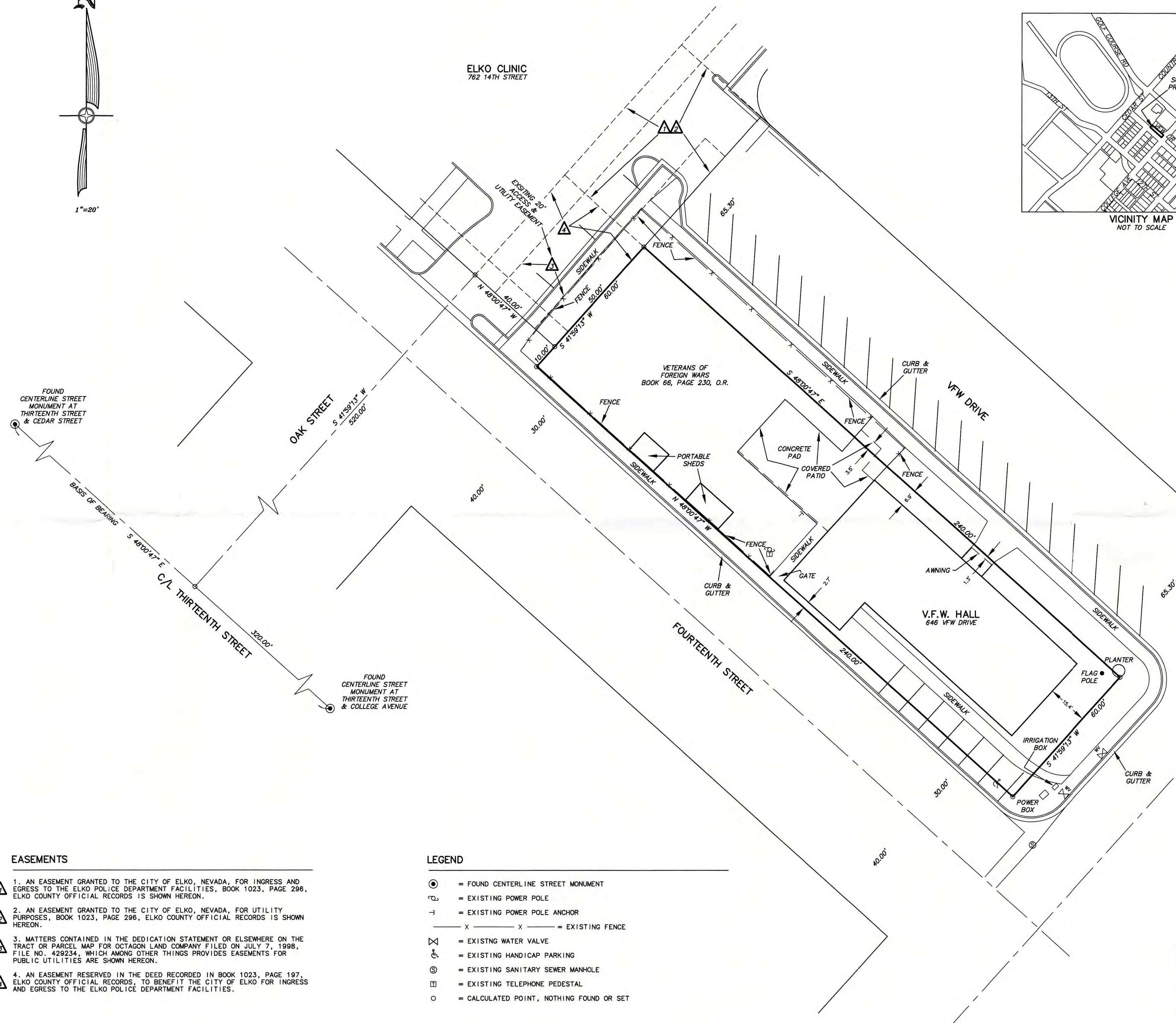
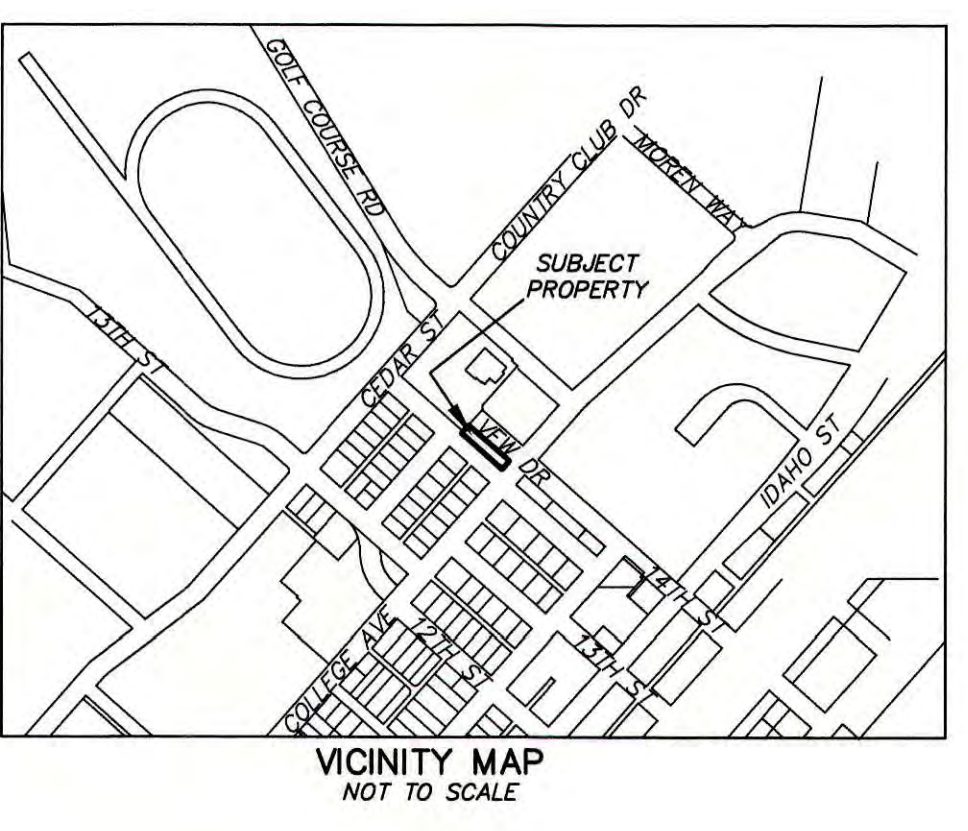
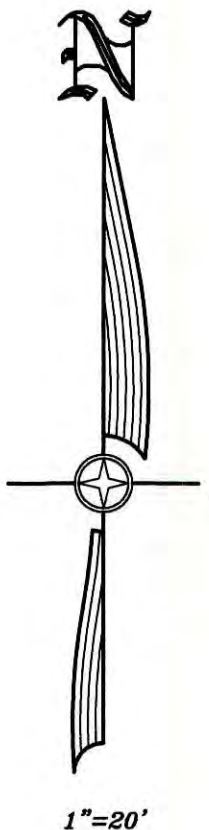
page 2 of 2

VFW – Southwest Side - Building Height = 11'



VFW – Northwest Side - Building Height= 16'





- EASEMENTS**
- 1. AN EASEMENT GRANTED TO THE CITY OF ELKO, NEVADA, FOR INGRESS AND EGRESS TO THE ELKO POLICE DEPARTMENT FACILITIES, BOOK 1023, PAGE 296, ELKO COUNTY OFFICIAL RECORDS IS SHOWN HEREON.
 - 2. AN EASEMENT GRANTED TO THE CITY OF ELKO, NEVADA, FOR UTILITY PURPOSES, BOOK 1023, PAGE 296, ELKO COUNTY OFFICIAL RECORDS IS SHOWN HEREON.
 - 3. MATTERS CONTAINED IN THE DEDICATION STATEMENT OR ELSEWHERE ON THE TRACT OR PARCEL MAP FOR OCTAGON LAND COMPANY FILED ON JULY 7, 1998, FILE NO. 429234, WHICH AMONG OTHER THINGS PROVIDES EASEMENTS FOR PUBLIC UTILITIES ARE SHOWN HEREON.
 - 4. AN EASEMENT RESERVED IN THE DEED RECORDED IN BOOK 1023, PAGE 197, ELKO COUNTY OFFICIAL RECORDS, TO BENEFIT THE CITY OF ELKO FOR INGRESS AND EGRESS TO THE ELKO POLICE DEPARTMENT FACILITIES.

- LEGEND**
- = FOUND CENTERLINE STREET MONUMENT
 - ⊙ = EXISTING POWER POLE
 - = EXISTING POWER POLE ANCHOR
 - x — = EXISTING FENCE
 - ⊗ = EXISTING WATER VALVE
 - ♿ = EXISTING HANDICAP PARKING
 - ⊙ = EXISTING SANITARY SEWER MANHOLE
 - ⊞ = EXISTING TELEPHONE PEDESTAL
 - = CALCULATED POINT, NOTHING FOUND OR SET

RECEIVED
JUN 13 2018

20 0 20 40 60 80
SCALE: 1"=20'

SITE PLAN
FOR
VETERANS OF FOREIGN WARS
IN
SECTION 10, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA

HIGH DESERT ENGINEERING, 640 IDAHO STREET, ELKO, NEVADA 89801, (775) 738-4053

218025

**Elko City Planning Commission
Agenda Action Sheet**

1. Review, consideration, and possible action on Variance No. 7-18, filed by HCPI/UTAH, LLC for a reduction of the required setback from any interior lot line, from 27' to 0' on the Northwest, 29' to 5.1' on the Northeast, 27' to 10.3' on the Southeast, 29' to 9.7' on the Southwest, and increase the maximum lot coverage from 35% to 73% within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. **FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: **PUBLIC HEARINGS**
4. Time Required: **15 Minutes**
5. Background Information: **The applicant is requesting a variance for the required interior yard setbacks as well as an increase in maximum lot coverage for an existing structure in conjunction with a rezone to PQP.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Move to table due to an error in the public hearing notification.**
9. Findings: **See Staff Report dated June 25, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **High Desert Engineering
640 Idaho Street
Elko, NV 89801
tcballew@frontiernet.net

HCPI / Utah LLC
c/o Gerber Law Office LLP
491 4th Street
Elko, NV 89801
zag@gerberlegal.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Variance 7-18

Applicant(s): HCP1/UT, 9H, LLC

Site Location: 855 Golf Course Drive - APN 001-200-005

Current Zoning: R Date Received: 6/13 Date Public Notice: 6/25

COMMENT: This is for a reduction of the required setback from any street line from 22.5'
to 0' on the Cedar St. Street Line, from 19.5' to 0' on the Golf Course Dr. Street Line, + from 19.5' to 0'
on the 14th St. Street Line, and a reduction of the required int. side setback from 26' to 0'

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/27/18

Recommend table item

SAW

Initial

City Manager: Date: 6/29/18

Table item.

W

Initial

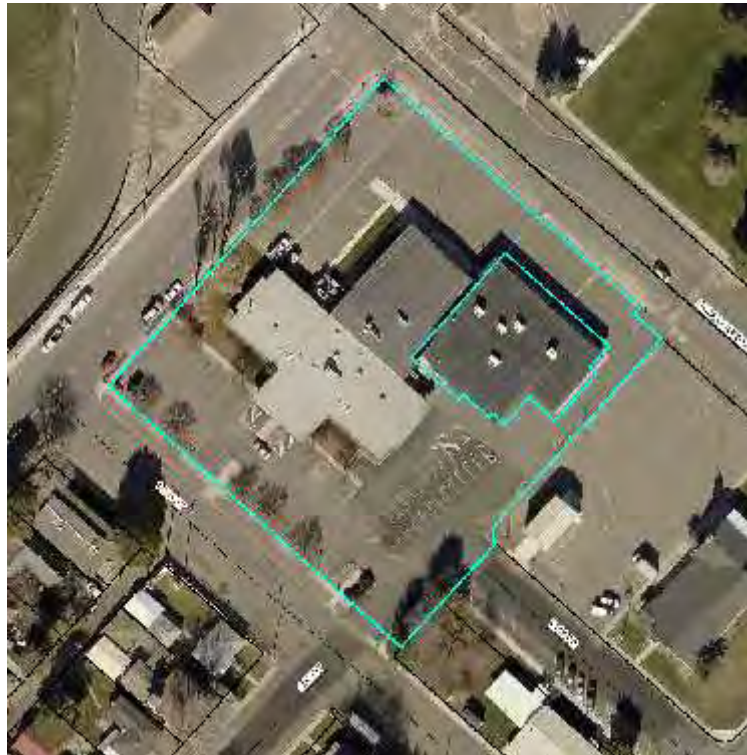


City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7219

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 25, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.A.4
APPLICATION NUMBER:	Variance 7-18
APPLICANT:	HCPI/Utah LLC.
PROJECT DESCRIPTION:	855 Golf Course Road
RELATED APPLICATIONS:	Rez 5-18, PM 3-18

A variance request from provisions under Section 3-2-8, requiring minimum setbacks from any street line in a Public, Quasi-Public District. The minimum setback requirements from any street line within the PQP District are 1 ½ times the building height for the principal building.



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE, subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-200-005

PARCEL SIZE: +/- 12,464 Sq. Ft. with recordation of PM 3-18

EXISTING ZONING: (R) Single Family and Multiple Family Residential, Rezone application 5-18 is scheduled to be heard at the July 9, 2018 Planning Commission meeting for a change in zoning to a PQP-Public, Quasi-Public zoning district upon conditions to be met.

MASTER PLAN DESIGNATION: (PUBLIC) Public/Quasi-Public

EXISTING LAND USE: Developed Land consistent with Public, Quasi-Public uses

BACKGROUND:

1. The property owner is the applicant, HCPI/Utah LLC.
2. The property is currently developed as a medical facility and currently unoccupied.
3. The property fronts 14th Street, Cedar Street and Golf Course Road.
4. The properties are currently being served by City of Elko water and sewer and other non-city utilities.
5. A resolution was approved by City Council on May 13, 1997, recorded on May 15, 1997, vacating a portion of Oak Street right-of-way between 14th Street and Golf Course Road.
6. A parcel map was recorded with Elko County Recorder on July 7, 1998, file number 429234, creating the two parcels for the development of the surgical center on Parcel 2.
7. A declaration of easements, covenants and restrictions was recorded with Elko County Recorder on July 15, 1998 as file number 429561 for the access easement to Parcel 2 as well as miscellaneous CC&R's for both properties.
8. The property is improperly zoned for the developed use of the property.
9. The applicant has applied for a rezone of the property from R to PQP, filed as rezone 5-18 to run concurrent with the variance application. Approval of the rezone application is required as a condition for approval of the variance application.
10. The applicant has applied for a parcel map 3-18 approval to correct errors on the previous recorded parcel map, file number 429234. The approval of the parcel map will run concurrent with the rezone and variance applications.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) North: PQP- Public, Quasi, Public / Developed
-) East: PQP- Public, Quasi, Public / Partially Developed
-) West: R- Residential / Developed, part of Rezone 5-18
-) South: R- Residential / Developed, part of Rezone 5-18

APPLICABLE MASTER PLAN SECTIONS AND CITY CODE SECTIONS:

-) City of Elko Master Plan – Land Use Component

- } City of Elko Redevelopment Plan
- } City of Elko Zoning – Section 3-2-8 Public, Quasi-Public Districts
- } City of Elko Zoning – Section 3-2-22 Variances

MASTER PLAN - Land Use:

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP-Public, Quasi-Public zoning district is listed as a corresponding zoning district for Public.
3. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community.

The approval of the variance from the setback requirements stipulated for the proposed rezone in application 5-18 is in conformance with the Land Use Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area and consideration of the plan is not required.

SECTION 3-2-8 PUBLIC, QUASI-PUBLIC DISTRICT:

1. The minimum setback from interior and rear lot lines shall be not less than the height of the principal building, plus one additional foot for each five feet (5') or part thereof that such building exceeds thirty five feet (35') in the aggregate horizontal dimension of the wall generally parallel to such side or rear lot line. Due to the fact that this parcel is entirely located within another parcel, the setbacks were not calculated based on street line but rather interior yard setbacks.
 - a. Based on elevations provided the following setbacks are required, all horizontal measurements for setback requirements are for the principal building on this parcel:
 - i. Northwest interior side yard setback
 1. 15' building height
 2. 95' building horizontal distance, 12' additional setback
 3. 27' interior side yard setback required
 4. 0' setback provided to adjacent building
 - ii. Northeast interior side yard setback
 1. 13' building height
 2. 112.3' building horizontal distance, 16' additional setback
 3. 29' interior side yard setback required
 4. 5.1' setback provided to building from property line
 - iii. Southeast interior side yard setback
 1. 15' building height
 2. 95' building horizontal distance, 12' additional setback
 3. 27' interior side yard setback required
 4. 10.3' setback provided to building from interior lot line
 - iv. Southwest interior side yard setback
 1. 13' building height
 2. 112.3' building horizontal distance, 16' additional setback
 3. 29' interior side yard setback required
 4. 9.7' setback provided to building from property line

The property, as developed, does not meet interior side yard setback requirements.

2. Maximum Lot Coverage: The total ground floor area of all buildings shall not exceed thirty five percent (35%) of the net site area
 - a. The property exceeds the 35% of the net site area requirement.

Approval of Variance 7-18 in conjunction with approval of Rezone 5-18 will bring the property into conformance with Section 3-2-8 of City Code.

SECTION 3-2-22 VARIANCES:

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

Application Requirements

1. 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 property fronts three right of ways and shares a common wall with the principal structure on Parcel 1 and therefore, has 0' interior yard setback.
 -) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use.
 -) As currently developed there are encroachments into setbacks.
 -) The City encouraged the applicant to rezone the property to conform to the Master Plan and existing use of the property.
 -) The special circumstance is directly related to the property being improperly zoned for the developed use of the property.
2. 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 property is improperly zoned for the developed use of the property.
 -) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use.
 -) As currently developed there are encroachments into setbacks.
 -) The City encouraged the applicant to rezone the property to conform to the Master Plan and existing use of the property.
 -) The exceptional practical difficulty is directly related to the fact the property is improperly zoned for the existing use of the property and the variance is required to legally rezone the property and address the required setbacks stipulated in the proposed zone.
3. Such special circumstances or conditions do not apply generally to other properties in the same zoning district.
 -) The special circumstance of fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use is limited in extent in the district and does not generally apply to other properties in the district. The identified issue is restricted to a small number of properties within the civic center area of the community.
4. 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.
 -) The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use. The applicant is not seeking the variance to develop or expand the use of the property. The applicant has stated

that granting of the variance will not result in any material damage or prejudice to other properties.

5. 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.
 -) The granting of the variance is directly related to an improperly zoned property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification.
6. The granting of the variance will not substantially impair affected natural resources.
 -) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use and the granting of the variance will not impair natural resources.

FINDINGS

1. The proposed variance approval is in conformance with the Land Use Component of the Master Plan.
2. The property is not located within the redevelopment area and consideration of the plan is not required.
3. The property is a lot with interior property lines on all sides, and no common property line that is considered a part of a street line. Interior setback requirements for the PQP zoning district cannot be met.
4. The property as developed, exceeds the thirty five percent of the net site area lot coverage.
5. Approval of Variance 7-18 in conjunction with approval of Rezone 5-18 will bring the property into conformance with Section 3-2-8 of City Code.
6. The special circumstance is directly related to the property being improperly zoned for the developed use of the property.
7. The exceptional practical difficulty is directly related to the fact the property is improperly zoned for the existing use of the property and the variance is required to legally rezone the property and address the required setbacks stipulated in the proposed zone.
8. The special circumstance of fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use is limited in extent in the district and does not generally apply to other properties in the district. The identified issue is restricted to a small number of properties within the civic center area of the community.
9. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use. The applicant is not seeking the variance to develop or expand the use of the property.

10. The granting of the variance is directly related to an improperly zoned property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification.
11. The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use and the granting of the variance will not impair natural resources.

STAFF RECOMMENDATION:

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

1. Approval of Rezone 5-18.
2. Parcel map 3-18 is to be approved, recorded and all conditions satisfied.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

HCPI/ Utah, LLC
C/O Gerber Law Offices, LLP
491 4th Street
Elko, NV 89801

Re: Rezone No. 5-18 & Variance No. 7-18

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,

Shelby Archuleta
Planning Technician

Enclosures

CC: High Desert Engineering, 640 Idaho Street, Elko, NV 89801

Rez 5-18, Var 6-18, Var 7-18, Var 8-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202008	BYERS, DIANNA F		1385 OAK ST	ELKO NV	89801-3433
001200002	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
001200005	HCPI/UTAH LLC		1920 MAIN ST STE 1200	IRVINE CA	92614-7230
001202007	HOUCHIN, KENNETH W		875 14TH ST	ELKO NV	89801-3414
001203007	JACKSON, REN		1380 OAK ST	ELKO NV	89801-3434
001200001	VETERANS OF FOREIGN WARS OF THE		PO BOX 1266	ELKO NV	89803-1266

⑥

Mailed 6/28/18

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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 5-18, filed by High Desert Engineering, on behalf of Elko County, HCPI/UTAH, LLC, and Veterans of Foreign War for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi Public), approximately 2.797 acres of property, specifically APN 001-200-004, 001-200-005, and 001-200-001, located generally on the northeast side of 14th Street between Cedar Street and College Avenue, more particularly described as:

Parcel 1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:
Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears S. 20°39'50"E. 605.98 feet, being Corner No. 1;
Thence first course N. 48°11' W. along the northeasterly line of 14th Street, 240.00 feet to Corner No. 2;
Thence second course N. 41°49' E. along the prolonged southeasterly line of Oak Street, 50.00 feet to Corner No. 3;
Thence third course S. 48°11' E. 240.00 feet to Corner No. 4;
Thence fourth course S. 41°49' W. along the prolonged northwesterly line of College Avenue, 50.00 feet to Corner No. 1, the Point of Beginning.
Containing 12,000 square feet and situated wholly within the SE ¼ SE ¼ Section 10, T. 34N., R. 55 E., M.D.B. & M.

Parcel 2

A tract of land situate in the SE ¼ SE ¼ of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows:
Commencing at the centerline monument at the intersection of Oak Street and Thirteenth Street;
Thence N 41°49' E. and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right-of-way of Fourteenth Street;
Thence S 48°11' E, and along the easterly right-of-way of Fourteenth Street, a distance of 40.00 feet to the point of beginning;
Thence continuing S 48°11' E, and along said right-of-way, a distance of 240.00 feet;
Thence S 41°49' W, a distance of 10.00 feet;
Thence N 48°11' W, a distance of 240.00 feet;
Thence N 41°49' E, a distance of 10.00 feet to the Point of Beginning, containing 2400.00 square feet, more or less.

Parcel 3

Parcel 1 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

Parcel 4

Parcel 2 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

The intent of the zone change is to match zone to the use of the parcels.

- Variance No. 6-18, filed by Veterans of Foreign Wars for a reduction of the required setback from any street line; VFW Drive street line 18' required to 1.3', College Avenue street line 19.5' required to 15.4', 14th St. street line 16.5' required to 2.7', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto. The subject property is located generally on the west corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)
- Variance No. 7-18, filed by HCPI/UTAH, LLC for a reduction of the required setback from any Street Line from 22.5' to 0' on the Cedar St. Street Line, from 19.5' to 5.1' on the Golf Course Drive Street Line, and from 19.5' to 9.7' on the 14th St. Street Line, and a reduction of the required interior side setback from 26' to 10.3' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on west side of Golf Course Drive, approximately 205' south of Cedar Street. (855 Golf Course Drive - APN 001-200-005)
- Variance No. 8-18, filed by Nevada Health Centers, on behalf of Elko County, for a reduction of the required interior side setback from 42.12' to 0' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on the southeast corner of the intersection of Cedar Street and 14th Street. (762 14th Street - APN 001-200-004)

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

APPLICATION FOR VARIANCE

JUN 13 2018

RECEIVED

APPLICANT(s): HCPI / UTAH, LLC
MAILING ADDRESS: 3000 Meridian Blvd., Suite 200, Franklin, TN 37067
PHONE NO (Home) _____ (Business) (615) 324-6900
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.: 001-200-005 Address 855 Golf Course Drive, Elko
Lot(s), Block(s), & Subdivision _____
Or Parcel(s) & File No. Parcel No. 2, File No. 429234

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 \$500.00 non-refundable fee must be paid. If in conjunction with a Rezone Application a \$250.00 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:

3-2-8 © 1: Minimum setback from any street line.

3-2-8(c) 4: MAXIMUM LOT COVERAGE.

1. The existing zoning classification of the property PQP: Public, Quasi-Public
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

The existing building on the property have been in place for many years.

- 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.

The zoning of the property is being changed, along with other properties in the
area, in order to better adhere to existing City of Elko codes. This variance is
needed due to the change of zoning.

- c) Indicate how the granting of the variance is necessary for the applicant or owner to make reasonable use of the property.

The variance will allow the continued historical use of the property.

- d) Identify how such circumstances, features or conditions do not apply generally to other properties in the same Land Use District.

The circumstances do apply t the other properties in the immediate vicinity.

The purpose of the rezone on all these properties is to bring them into closer
conformance with City of Elko codes.

- 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.

Granting the variance will allow the continued historical use of the property.

- f) Indicate how the variance will not be in conflict with the purpose or intent of the Code.

The granting of the variance will cause the property to be in better conformance
with City of Elko codes.

- g) Indicate how the granting of the variance will not result in a change of land use or zoning classification.

The change of zoning of the property and the granting of the variance will cause
the property to be in better conformance with City of Elko codes.

- h) Indicate how granting of the variance will not substantially impair affected natural resources.

No change in the use of the property will be made due to the variance.

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.

The improvements to the property are existing.

(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 HCP Utah, LLC
(Please print or type)

Mailing Address co Geberlaw Offices LLC 414 h Street
Street Address or P.O. Box

Elko, NV 89801

City, State, Zip Code

Phone Number: 775-~~997~~ 777 4357

Email address: zag@geberlaw.com

HCP Utah, LLC

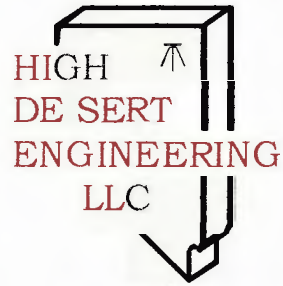
By: HCP, Inc., its managing member

SIGNATURE: Angela M. Playle
Angela M. Playle, Senior Vice President and Deputy General Counsel, Real Estate Operations

FOR OFFICE USE ONLY

File No.: 7-18 **Date Filed:** 6/13/18 **Fee Paid:** \$250 **CR#** 14241

Thomas C. Ballew, P.E., P.L.S.
Robert E. Morley, P.L.S.
Duane V. Merrill, P.L.S.
Floyd M. Fisk, P.E.



(775) 738-4053 Phone
(775) 753-7693 Fax
640 Idaho Street
Elko, NV 89801

June 13, 2018

Surgical Center– Northeast Side - Building Height= 13'



RECEIVED

JUN 13 2018

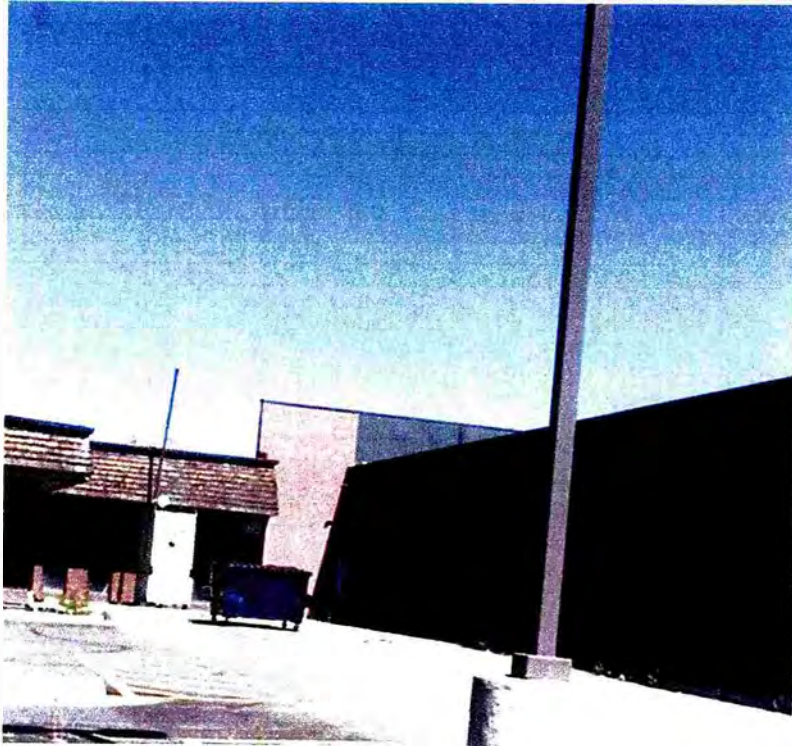
Surgical Center– Southeast Side - Building Height= 15'



Surgical Center
Building Photographs

page 2 of 2

Surgical Center – Southwest Side - Building Height= 13'

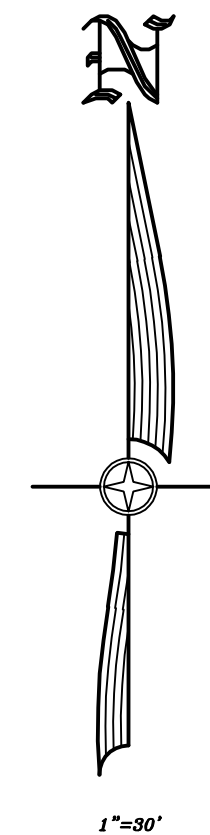
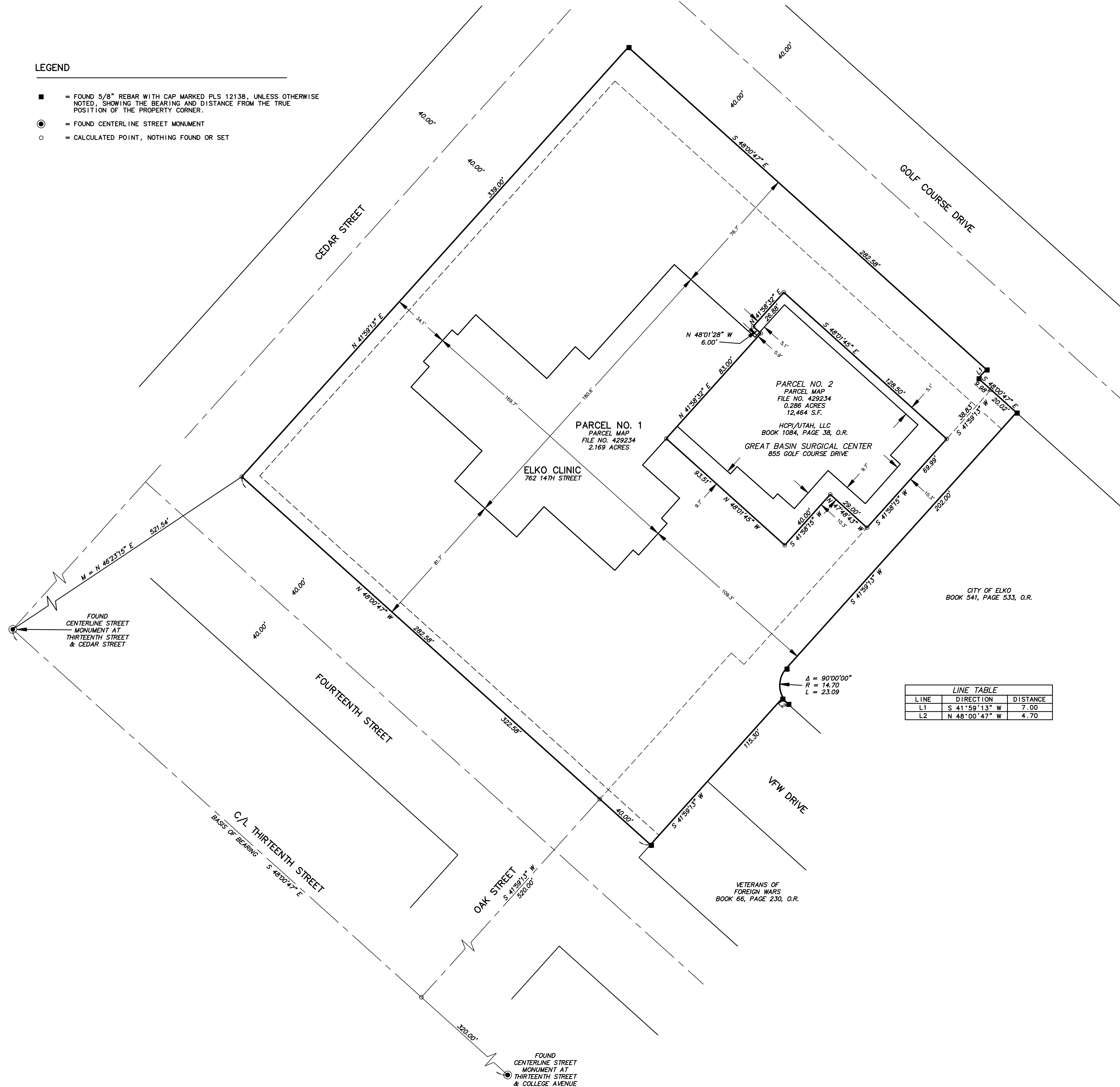


Surgical Center – Northwest Side - Building Height = 15'



LEGEND

- = FOUND 5/8" REBAR WITH CAP MARKED PLS 12138, UNLESS OTHERWISE NOTED, SHOWING THE BEARING AND DISTANCE FROM THE TRUE POSITION OF THE PROPERTY CORNER.
- = FOUND CENTERLINE STREET MONUMENT
- = CALCULATED POINT, NOTHING FOUND OR SET



SCALE: 1"=30'

SITE PLAN
FOR
NEVADA HEALTH CENTERS
IN
SECTION 10, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA



HIGH
DESERT
ENGINEERING

640 IDAHO STREET
ELKO, NEVADA 89801
(775) 738-4053

218024

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review, consideration and possible action of Variance No. 8-18, filed by Elko County for a reduction of the required interior yard setback from 43' to 0', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto, FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: ***PUBLIC HEARINGS***
4. Time Required: **15 Minutes**
5. Background Information: **The applicant is requesting a variance for the required interior yard setback for an existing structure.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Conditionally approve Variance No. 8-18 based on the facts, findings and conditions as presented in the Staff Report dated June 25, 2018**
9. Findings: **See Staff Report dated June 25, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**

II. Agenda Distribution: **High Desert Engineering
640 Idaho Street
Elko, NV 89801
tcballew@frontiernet.net**

**Elko County
Robert K. Stokes
540 Court Street Suite 101
Elko, NV 89801
rstokes@elkocountynv.net**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Variance 8-18
Applicant(s): Nevada Health Centers / Elko County
Site Location: 762 14th Street - APN 001-200-004
Current Zoning: R Date Received: 6/13 Date Public Notice: 6/25
COMMENT: This is for a reduction of the required interior side
Setback from 42.12' to 0'

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/25/18
Recommend approval as presented in the
Staff report dated 6/25/18

SAW

Initial

City Manager: Date: 6/29/18
No comments/concerns

CC

Initial

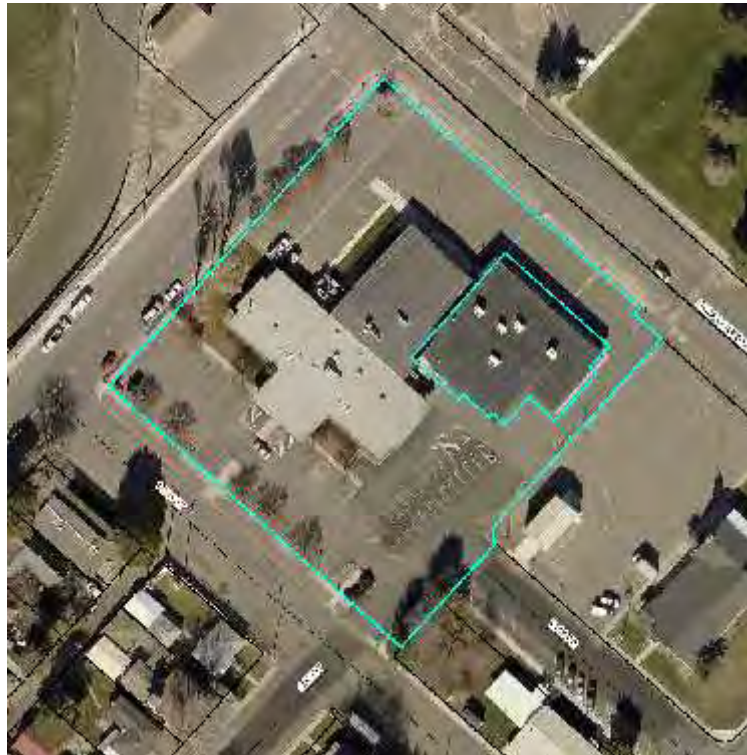


City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7219

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 25, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.A.5
APPLICATION NUMBER:	Variance 8-18
APPLICANT:	Elko County
PROJECT DESCRIPTION:	762 14th Street
RELATED APPLICATIONS:	Rez 5-18, PM 3-18

A variance request from provisions under Section 3-2-8, requiring minimum setbacks from any street line in a Public, Quasi-Public District. The minimum setback requirements from any street line within the PQP District are 1 ½ times the building height for the principal building.



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE, subject to findings of fact, and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-200-004

PARCEL SIZE: +/- 2.169 acres with recordation of PM 3-18

EXISTING ZONING: (R) Single Family and Multiple Family Residential, Rezone application 5-18 is scheduled to be heard at the July 9, 2018 Planning Commission meeting for a change in zoning to a PQP-Public, Quasi-Public zoning district upon conditions to be met.

MASTER PLAN DESIGNATION: (PUBLIC) Public/Quasi-Public

EXISTING LAND USE: Developed Land consistent with Public, Quasi-Public uses

BACKGROUND:

1. The property owner is the applicant, Elko County. The owner has the property leased to Nevada Health Centers and are currently working on a deed transfer to them.
2. The property is currently developed as a medical facility.
3. The property fronts 14th Street, Cedar Street and Golf Course Road.
4. The properties are currently being served by City of Elko water and sewer and other non-city utilities.
5. A resolution was approved by City Council on May 13, 1997, recorded on May 15, 1997, vacating a portion of Oak Street right-of-way between 14th Street and Golf Course Road.
6. A parcel map was recorded with Elko County Recorder on July 7, 1998, file number 429234, creating the two parcels for the development of the surgical center on Parcel 2.
7. A declaration of easements, covenants and restrictions was recorded with Elko County Recorder on July 15, 1998 as file number 429561 for the access easement to Parcel 2 as well as miscellaneous CC&R's for both properties.
8. The property is improperly zoned for the developed use of the property.
9. The applicant has applied for a rezone of the property from R to PQP, filed as rezone 5-18 to run concurrent with the variance application. Approval of the rezone application is required as a condition for approval of the variance application.
10. The applicant has applied for a parcel map 3-18 approval to correct errors on the previous recorded parcel map, file number 429234. The approval of the parcel map will run concurrent with the rezone and variance applications.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) North: PQP- Public, Quasi, Public / Developed
-) East: PQP- Public, Quasi, Public / Partially Developed
-) West: PQP- Public, Quasi, Public / Developed
-) South: R- Residential / Developed

APPLICABLE MASTER PLAN SECTIONS AND CITY CODE SECTIONS:

- } City of Elko Master Plan – Land Use Component
- } City of Elko Redevelopment Plan
- } City of Elko Zoning – Section 3-2-8 Public, Quasi-Public Districts
- } City of Elko Zoning – Section 3-2-22 Variances

MASTER PLAN - Land Use:

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP-Public, Quasi-Public zoning district is listed as a corresponding zoning district for Public.
3. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community.

The approval of the variance from the setback requirements stipulated for the proposed rezone in application 5-18 is in conformance with the Land Use Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the redevelopment area and consideration of the plan is not required.

SECTION 3-2-8 PUBLIC, QUASI-PUBLIC DISTRICT:

1. Under the property development standards for permitted principal uses, the minimum setback from any street line not less than one and one-half (1 ½) times the height of the principal building.
 - a. Based on elevations provided the following setbacks are required:
 - i. Cedar Street
 1. 13' building height
 2. 19.5' setback from Cedar Street required
 3. 34.1' setback provided to buildingThe property, as developed, meets the required setback from street line
 - ii. Golf Course Road
 1. 15' building height
 2. 22.5' setback from Golf Course Road required
 3. 76.7' setback provided to buildingThe property, as developed, meets the required setback from street line
 - iii. 14th Street
 1. 13' building height
 2. 19.5' setback from 14th Street required
 3. 81.7' setback provided to buildingThe property, as developed, meets the required setback from street line
2. The minimum setback from interior and rear lot lines shall be not less than the height of the principal building, plus one additional foot for each five feet (5') or part thereof that such building exceeds thirty five feet (35') in the aggregate horizontal dimension of the wall generally parallel to such side or rear lot line.
 - a. Based on elevations provided the following setbacks are required:
 - i. Interior side yard setback
 1. 13' building height
 2. 180.6' building horizontal distance, 30' additional setback

3. 43' interior side yard setback required
 4. 0' setback provided to building as there is a shared wall between parcel 1 and parcel 2
- The property, as developed, does not meet interior side yard setback requirements

Approval of Variance 8-18 in conjunction with approval of Rezone 5-18 will bring the property into conformance with Section 3-2-8 of City Code.

SECTION 3-2-22 VARIANCES:

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

Application Requirements

1. 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 property fronts three right of ways and shares a common wall with the principal structure on Parcel 2 and therefore, has 0 setback from interior side yard.
 -) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use.
 -) As currently developed there are encroachments into setbacks.
 -) The City encouraged the applicant to rezone the property to conform to the Master Plan and existing use of the property.
 -) The special circumstance is directly related to the property being improperly zoned for the developed use of the property.
2. 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 property is improperly zoned for the developed use of the property.
 -) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use.
 -) As currently developed there are encroachments into setbacks.
 -) The City encouraged the applicant to rezone the property to conform to the Master Plan and existing use of the property.
 -) The exceptional practical difficulty is directly related to the fact the property is improperly zoned for the existing use of the property and the variance is required to legally rezone the property and address the required setbacks stipulated in the proposed zone.
3. Such special circumstances or conditions do not apply generally to other properties in the same zoning district.
 -) The special circumstance of fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use is limited in extent in the district and does not generally apply to other properties in the district. The identified issue is restricted to a small number of properties within the civic center area of the community.

4. 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.
 -) The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use. The applicant is not seeking the variance to develop or expand the use of the property.
5. 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.
 -) The granting of the variance is directly related to an improperly zoned property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification.
6. The granting of the variance will not substantially impair affected natural resources.
 -) The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use and the granting of the variance will not impair natural resources.

FINDINGS

1. The proposed variance approval is in conformance with the Land Use Component of the Master Plan.
2. The property is not located within the redevelopment area and consideration of the plan is not required.
3. The property shares a common wall with the principal structure on Parcel 2, therefore cannot meet interior yard setback requirements.
4. Approval of Variance 8-18 in conjunction with approval of Rezone 5-18 will bring the property into conformance with Section 3-2-8 of City Code.
5. The special circumstance is directly related to the property being improperly zoned for the developed use of the property.
6. The exceptional practical difficulty is directly related to the fact the property is improperly zoned for the existing use of the property and the variance is required to legally rezone the property and address the required setbacks stipulated in the proposed zone.
7. The special circumstance of fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use is limited in extent in the district and does not generally apply to other properties in the district. The identified issue is restricted to a small number of properties within the civic center area of the community.

8. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity. The applicant is seeking the variance to address a fully developed property with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use. The applicant is not seeking the variance to develop or expand the use of the property.
9. The granting of the variance is directly related to an improperly zoned property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification.
10. The property is fully developed with several legal non-conforming issues including the use of the property as a Public/Quasi-Public use and the granting of the variance will not impair natural resources.

STAFF RECOMMENDATION:

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

1. Approval of rezone application 5-18.
2. Parcel map 3-18 is to be approved, recorded and all related conditions satisfied.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

Elko County
C/O Robert Stokes
540 Court Street Suite 101
Elko, NV 89801

Re: Rezone No. 5-18 & Variance No. 8-18

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,

Shelby Archuleta
Planning Technician

Enclosures

CC: High Desert Engineering, 640 Idaho Street, Elko, NV 89801

Rez 5-18, Var 8-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202004	ARDANS PROPERTIES LLC	1350 CEDAR ST	ELKO NV	89801-3418	
001202003	BESSERT, SKYLER ET AL	1342 CEDAR ST	ELKO NV	89801-3418	

②

Mailed 6/28/18

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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:

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Parcel 1

All those certain lots, pieces or parcels of land situate, lying and being in the City of Elko, County of Elko, State of Nevada, particularly described as follows:
Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears S. 20°39'50"E. 605.98 feet, being Corner No. 1;
Thence first course N. 48°11' W. along the northeasterly line of 14th Street, 240.00 feet to Corner No. 2;
Thence second course N. 41°49' E. along the prolonged southeasterly line of Oak Street, 50.00 feet to Corner No. 3;
Thence third course S. 48°11' E. 240.00 feet to Corner No. 4;
Thence fourth course S. 41°49' W. along the prolonged northwesterly line of College Avenue, 50.00 feet to Corner No. 1, the Point of Beginning.
Containing 12,000 square feet and situated wholly within the SE ¼ SE ¼ Section 10, T. 34N., R. 55 E., M.D.B. & M.

Parcel 2

A tract of land situate in the SE ¼ SE ¼ of Section 10, Township 34 North, Range 55 East, M.D.B. & M.; more particularly described as follows:
Commencing at the centerline monument at the intersection of Oak Street and Thirteenth Street;
Thence N 41°49' E. and along the centerline of Oak Street, a distance of 520.00 feet to a point on the easterly right-of-way of Fourteenth Street;
Thence S 48°11' E, and along the easterly right-of-way of Fourteenth Street, a distance of 40.00 feet to the point of beginning;
Thence continuing S 48°11' E, and along said right-of-way, a distance of 240.00 feet;
Thence S 41°49' W, a distance of 10.00 feet;
Thence N 48°11' W, a distance of 240.00 feet;
Thence N 41°49' E, a distance of 10.00 feet to the Point of Beginning, containing 2400.00 square feet, more or less.

Parcel 3

Parcel 1 as shown on the Elko Regional Medical Center Parcel Map filed in the office of the Elko County Recorder, Elko, Nevada, at file number 429234.

Parcel 4

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The intent of the zone change is to match zone to the use of the parcels.

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

ELKO CITY PLANNING COMMISSION

Rez 5-18, Var 6-18, Var 7-18, Var 8-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202008	BYERS, DIANNA F		1385 OAK ST	ELKO NV	89801-3433
001200002	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
001200005	HCPI/UTAH LLC		1920 MAIN ST STE 1200	IRVINE CA	92614-7230
001202007	HOUCHIN, KENNETH W		875 14TH ST	ELKO NV	89801-3414
001203007	JACKSON, REN		1380 OAK ST	ELKO NV	89801-3434
001200001	VETERANS OF FOREIGN WARS OF THE		PO BOX 1266	ELKO NV	89803-1266

} NCP.C.

6

Mailed 6/28/18

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Thence continuing S 48°11' E, and along said right-of-way, a distance of 240.00 feet;
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Parcel 4

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The intent of the zone change is to match zone to the use of the parcels.

- Variance No. 6-18, filed by Veterans of Foreign Wars for a reduction of the required setback from any street line; VFW Drive street line 18' required to 1.3', College Avenue street line 19.5' required to 15.4', 14th St. street line 16.5' required to 2.7', in conjunction with a zone change from R (Single Family and Multiple Family Residential) to PQP (Public, Quasi-Public), and matters related thereto. The subject property is located generally on the west corner of the intersection of College Avenue and VFW Drive. (646 VFW Drive - APN 001-200-001)
- Variance No. 7-18, filed by HCPI/UTAH, LLC for a reduction of the required setback from any Street Line from 22.5' to 0' on the Cedar St. Street Line, from 19.5' to 5.1' on the Golf Course Drive Street Line, and from 19.5' to 9.7' on the 14th St. Street Line, and a reduction of the required interior side setback from 26' to 10.3' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on west side of Golf Course Drive, approximately 205' south of Cedar Street. (855 Golf Course Drive - APN 001-200-005)
- Variance No. 8-18, filed by Nevada Health Centers, on behalf of Elko County, for a reduction of the required interior side setback from 42.12' to 0' within a PQP (Public, Quasi-Public) Zoning District, in conjunction with a zone change application, and matters related thereto. The subject property is located generally on the southeast corner of the intersection of Cedar Street and 14th Street. (762 14th Street - APN 001-200-004)

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

ELKO CITY PLANNING COMMISSION

Rez 5-18, Var 6-18 + Var 8-18

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001202005	ANDREOZZI, ROBERTA		1360 CEDAR ST	ELKO NV.	89801-3418
001203005	CAVALIERE, RICHARD J & JANICE J		10566 RIDGECREST DR	JACKSON CA	95642-9348
001202009	COSHWAY, JON & DOROTHY		1375 OAK ST	ELKO NV.	89801-3433
001202012	GARZA, VICTORIA A		PO BOX 294	ELKO NV.	89803-0294
001202010	JACKSON, HARRY B SR		1365 OAK ST	ELKO NV.	89801-3030
001203004	KENNEDY, MARK E		1340 OAK ST	ELKO NV.	89801-3434
001202006	KNIGHT, BENJAMIN		1376 CEDAR ST	ELKO NV.	89801-3418
001203006	MCBETH, TWYLA P ETAL		838 A ST	ELKO NV.	89801-2905
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
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

(13)

Mailed 6/28/18

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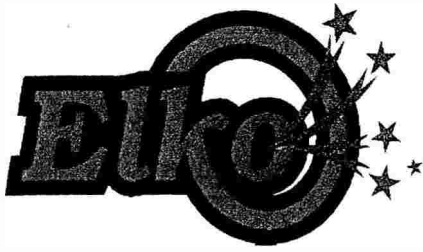
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Additional information concerning this item may be obtained by contacting the Elko City Planning Department at (775) 777-7160.

ELKO CITY PLANNING COMMISSION



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue* Elko* Nevada* 89801

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

RECEIVED

JUN 13 2018

APPLICATION FOR VARIANCE

APPLICANT(s): Nevada Health Centers (tenant) - Elko County, Nevada (Owner)
MAILING ADDRESS: 762 14th Street, Elko, NV 89801
PHONE NO (Home) _____ (Business) (775) 888-6661
NAME OF PROPERTY OWNER (If different): Elko County, Nevada
(Property owner's consent in writing must be provided.)
MAILING ADDRESS: 540 Court Street, Suite 101, Elko, NV 89801
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
ASSESSOR'S PARCEL NO.: 001-200-004 Address 762 14th Street, Elko
Lot(s), Block(s), & Subdivision _____
Or Parcel(s) & File No. Parcel No. 1, File No. 429234

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 \$500.00 non-refundable fee must be paid. If in conjunction with a Rezone Application a \$250.00 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:

3-2-8 © 1: Minimum setback from any street line.

1. The existing zoning classification of the property PQP: Public, Quasi-Public
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

The existing building on the property have been in place for many years.

- 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.

The zoning of the property is being changed, along with other properties in the
area, in order to better adhere to existing City of Elko codes. This variance is
needed due to the change of zoning.

- c) Indicate how the granting of the variance is necessary for the applicant or owner to make reasonable use of the property.

The variance will allow the continued historical use of the property.

- d) Identify how such circumstances, features or conditions do not apply generally to other properties in the same Land Use District.

The circumstances do apply t the other properties in the immediate vicinity.

The purpose of the rezone on all these properties is to bring them into closer
conformance with City of Elko codes.

- 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.

Granting the variance will allow the continued historical use of the property.

- f) Indicate how the variance will not be in conflict with the purpose or intent of the Code.

The granting of the variance will cause the property to be in better conformance
with City of Elko codes.

- g) Indicate how the granting of the variance will not result in a change of land use or zoning classification.

The change of zoning of the property and the granting of the variance will cause
the property to be in better conformance with City of Elko codes.

- h) Indicate how granting of the variance will not substantially impair affected natural resources.

No change in the use of the property will be made due to the variance.

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.

The improvements to the property are existing.

(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 Rdoe H K Sto Kes
(Please print or type)

Mailing Address 540 Court Street, Suite 1
Street Address or P.O. Box
Elko, NV 89801
City, State, Zip Code

Phone Number: 775-738-5398

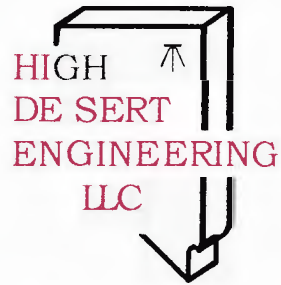
Email address: rstokes@elkocountynv.net

SIGNATURE: 

FOR OFFICE USE ONLY

File No.: 8-18 **Date Filed:** 6/13/18 **Fee Paid:** \$250 ck# 14242

Thomas C. Ballew, P.E., P.L.S.
Robert E. Morley, P.L.S.
Duane V. Merrill, P.L.S.
Floyd M. Fisk, P.E.



(775) 738-4053 Phone
(775) 753-7693 Fax
640 Idaho Street
Elko, NV.89801

June 13, 2018

Nevada Health Center – Northeast Side - Building Height= 15'



RECEIVED

JUN 13 2018

Nevada Health Center – Southeast Side - Building Height= 13'



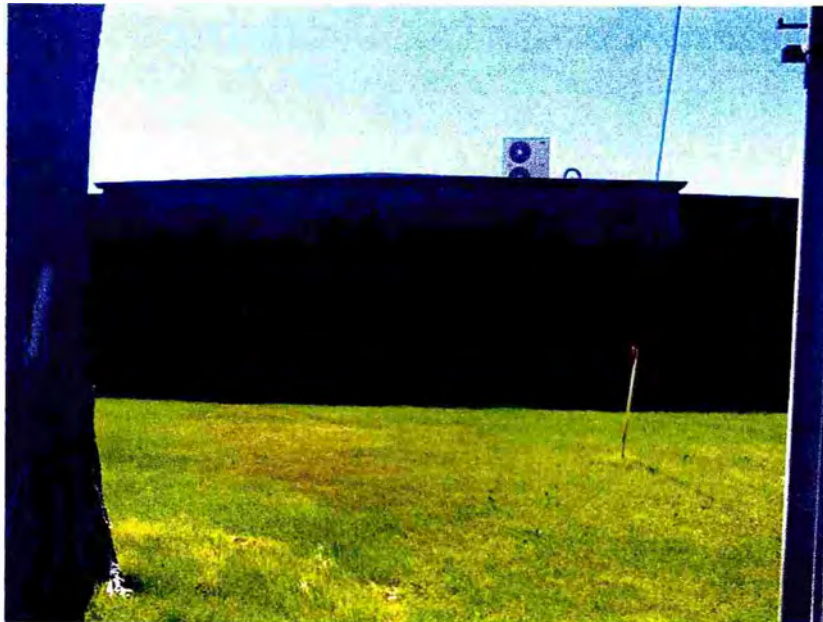
Nevada Health Center
Building Photographs

page 2 of 2

Nevada Health Center – Southwest Side - Building Height= 12'

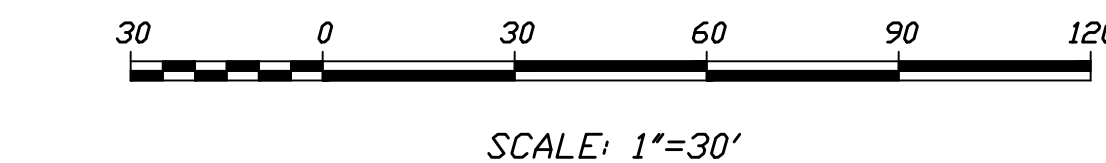
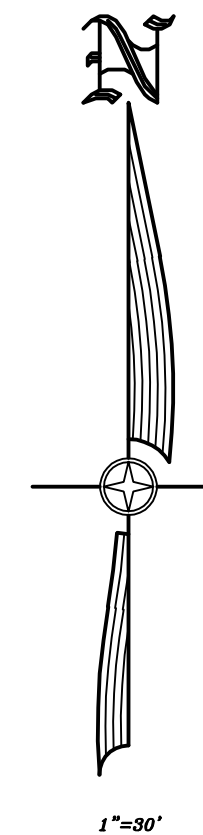
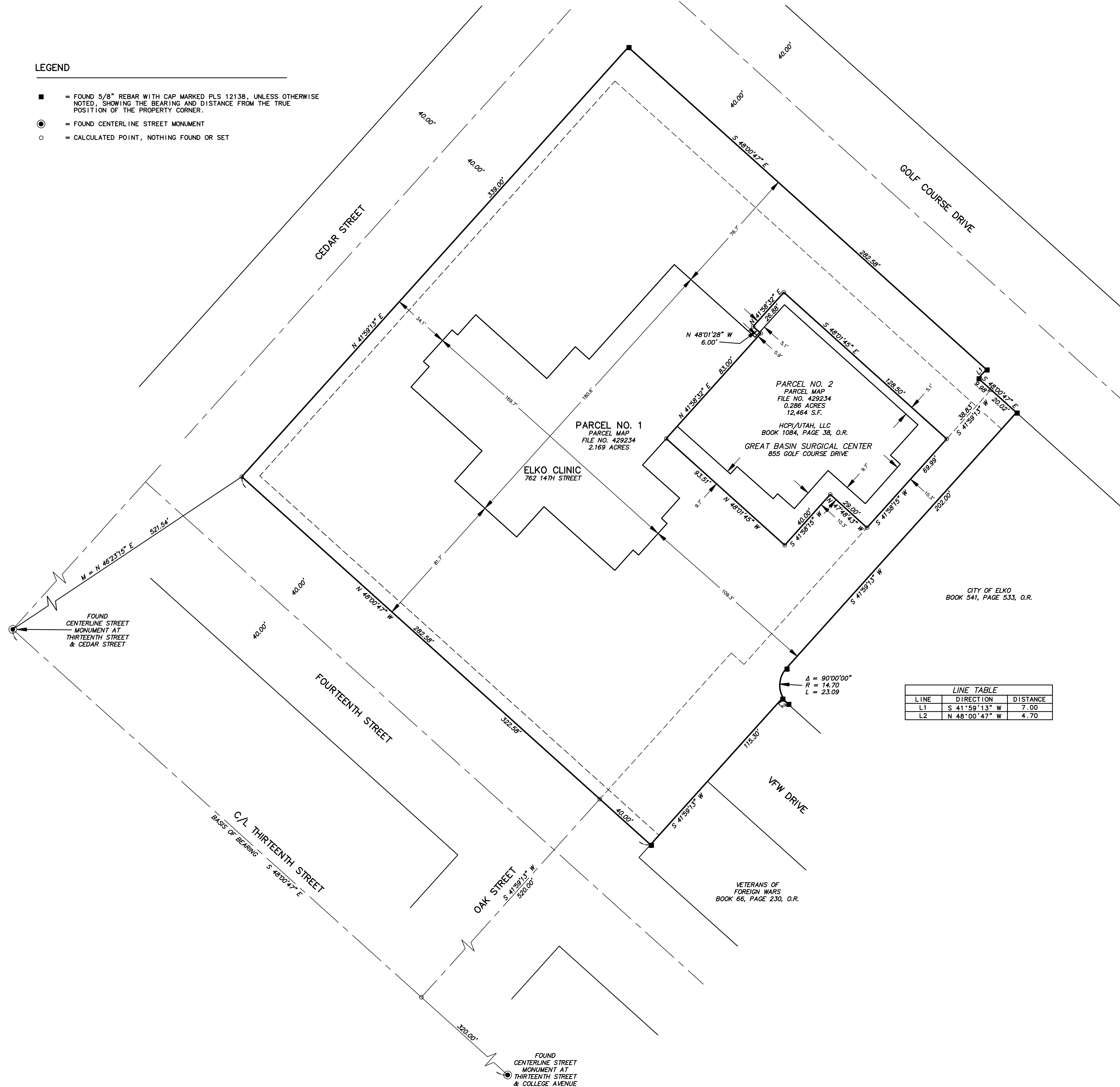


Nevada Health Center– Northwest Side - Building Height= 13'



LEGEND

- = FOUND 5/8" REBAR WITH CAP MARKED PLS 12138, UNLESS OTHERWISE NOTED, SHOWING THE BEARING AND DISTANCE FROM THE TRUE POSITION OF THE PROPERTY CORNER.
- = FOUND CENTERLINE STREET MONUMENT
- = CALCULATED POINT, NOTHING FOUND OR SET



SITE PLAN
FOR
NEVADA HEALTH CENTERS
IN
SECTION 10, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA

HIGH
DESERT
ENGINEERING

640 IDAHO STREET
ELKO, NEVADA 89801
(775) 738-4053

218024

**Elko City Planning Commission
Agenda Action Sheet**

1. **Review, consideration and possible recommendation to City Council for Rezone No. 6-18, filed by Elko West Properties LLC, for a change in zoning from PC (Planned Commercial) to C (General Commercial), approximately 60.75 acres of property, to allow for multi-family residential development, and matters related thereto, FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: **PUBLIC HEARINGS,**
4. Time Required: **15 Minutes**
5. Background Information: **Subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. Developer is proposing a townhome and apartment development.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Memo**
8. Recommended Motion: **Move to table Rezone 6-18 and bring back concurrent with Preliminary Plat application**
9. Findings: **See Staff Report dated June 26, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Elko West Properties LLC
c/o Jon Bailey
780 West Silver Street
Elko, NV 89801
jbaileype@gmail.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Rezone 6-18

Applicant(s): Elko West Properties, LLC

Site Location: S. Side of Errecart Blvd, ≈ 545' W of Lamoille Hwy - 001-770-004

Current Zoning: PC Date Received: 6/13 Date Public Notice: 6/25

COMMENT: This is to change the zone on APN-001-770-004
from PC to C to allow for multifamily development.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/27/18
Recommend table item as requested
by applicant

SPW

Initial

City Manager: Date: 6/29/18

Table item.

CC

Initial

Shelby Archuleta

From: Jon Bailey <jbaileype@gmail.com>
Sent: Wednesday, June 27, 2018 12:22 PM
To: Cathy Laughlin; Shelby Archuleta
Subject: July 9 meeting

Hi Cathy

Can we continue the July 9th meeting for the CUP and zone change on our property until I can submit the preliminary plat so they can all track concurrently?

Thank you

Jon

Sent from my iPhone



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 26, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.A.6
APPLICATION NUMBER:	Rezone 6-18
APPLICANT:	Elko West Properties, LLC
RELATED APPLICATION:	CUP 4-18

A change in zoning district boundary from PC- Planned Commercial to C – General Commercial



STAFF RECOMMENDATION:

RECOMMEND TO TABLE as requested by the applicant



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

Elko West Properties, LLC
C/O Jon Bailly
780 West Silver Street
Elko, NV 89801
Jbaileype@gmail.com

Re: Rezone No. 6-18 & Conditional Use Permit No. 4-18

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,

Shelby Archuleta
Planning Technician

Enclosures

CC:

ReZ 6-18 + CUP 4-18 ELKO West Properties, LLC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
001925057	*AMERICAN MEDFLIGHT INC		209 STATE HIGHWAY 121 BYP #11	LEWISVILLE TX	75067-4203
00192A020	*BRUNER, JAY E		1914 DOGWOOD CT	ELKO NV	89801-4864
00609M003	*CBM SERVICES INC	C/O MICHAEL D TOWERS ATTN: BOB & JUNE WOMACK	2470 CHRISTINE WAY	PAHRUMP NV	89060-4026
001770008	*COTOKO INC		8395 HIDDEN CROSSING LN	LAS VEGAS NV	89129-4893
001920080	*CULLEY, MARY ET AL		PO BOX 544	WARSAW MO	65355-0544
001925060	*CUMMINGS, DAWN ET AL		1710 OAKWOOD DR	ELKO NV	89801-8819
001770005	ELKO HOLDING GROUP LLC	C/O BACCARAT LADY, LLC	301 VILBERTI CT	LAS VEGAS NV	89144-4013
001770009	*ELKO MOUNTAIN VILLAGE LLC		25 S MAIN ST STE 120	CENTERVILLE UT	84014-1846
001770011	*ELKO MOUNTAIN VILLAGE LLC		25 S MAIN ST STE 120	CENTERVILLE UT	84014-1846
001770010	*ELKO MOUNTAIN VILLAGE LLC		25 S MAIN ST STE 120	CENTERVILLE UT	84014-1846
00609E021	*ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
00609E019	*ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001925035	*ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001770003	ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
001920064	*ELKO, CITY OF		1755 COLLEGE AVE	ELKO NV	89801
006090009	ELKO, COUNTY OF		571 IDAHO ST	ELKO NV	89801-3715
001920063	*FAITH EVANGELICAL LUTHERAN CHUR		1700 STITZEL RD	ELKO NV	89801-8842
001920066	*FAITH EVANGELICAL LUTHERAN CHUR		1700 STITZEL RD	ELKO NV	89801-8842
00609E015	*GERBER, LENORE C TR ET AL		237 JUNIPER ST	ELKO NV	89801-3159
00192A021	*GOODALE, DORIS M		1616 STITZEL RD	ELKO NV	89801-4879
001925062	*GUZMAN, RICK O & CARMEN A		1702 OAKWOOD DR	ELKO NV	89801 8819
006090048	HEATON, JON C		15 W SOUTH TEMPLE STE 1700	SALT LAKE CITY UT	84101-1549
001925061	*INGHAM, GLEN T		1706 OAKWOOD DR	ELKO NV	89801-8819
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001925059	*JOSEPHSON, DAVID N ET AL		1714 OAKWOOD DR	ELKO NV	89801-8819
001925034	*LAMPERT, SEASON		1624 STITZEL RD	ELKO NV	89801-4879
001740019	*MEMORIAL MEDICAL CENTER FOUNDAT		2801 ATLANTIC AVE	LONG BEACH CA	90806-1737
001920067	*MONTGOMERY, REGINALD L TR ET AL		741 SPRING VALLEY PKWY	SPRING CREEK NV	89815-6227

Handwritten notes in the original image:

- Next to 001770009, 001770011, 001770010: } 1 p.c.
- Next to 00609E021, 00609E019, 001925035, 001770003, 001920064: } NO P.C.
- Next to 001920063, 001920066: } 1 p.c.
- Next to 001920067: } 1 pc

001920068 *MONTGOMERY, REGINALD L TR ET AL
 001920058 *ORMAZA SERIES(LAMOILLE HWY) LLC
 001925058 *PARKIN, ABIGAIL J
 001770013 PBDK, LLC
 001770014 PBDK, LLC } 1 pc

741 SPRING VALLEY PKWY	SPRING CREEK NV	89815-6227
PO BOX 339	ELKO NV	89803-0339
1718 OAKWOOD DR	ELKO NV	89801-8819
PO BOX 339	ELKO NV	89803-0339
PO BOX 339	ELKO NV	89803-0339

001770012 PHC-ELKO INC
 00192A019 *PREMO, DYLAN J ET AL
 001925033 *SMITH, RANDY
 001920056 *STITZEL, RITA
 001925001 *THORSEN, CARL T & GRETHE LISE T
 001730010 TIPTON, R THOMAS TR ET AL

C/O PROPERTY
 VALUATION SERVICE

14400 METCALF AVE	OVERLAND PARK KS	66223-2989
1910 DOGWOOD CT	ELKO NV	89801-4864
1620 STITZEL RD	ELKO NV	89801-4879
PO BOX 236	CARLIN NV	89822-0236
1827 CYPRESS MESA DR	HENDERSON NV	89012-6164
3405 E JAEGER CIR	MESA AZ	85213-3237

C/O 5NAME LLC

(31)

* = Property Owners Outside
 the original 300ft radius
 to achieve 30 parcels.

Mailed 6/28/18

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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 6-18, filed by Elko West Properties, LLC, for a change in zoning from PC (Planned Commercial) to C (General Commercial), approximately 60.75 acres of property, specifically APN 001-770-004, located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway, more particularly described as:

A parcel of land being the same as Parcel No. 3 of the Parcel Map for the city of Elko, Nevada, recorded April 7, 1999, File No. 443291, Records of Elko County, Nevada, situate within a portion of the Northwest Quarter of Section 24, Township 34 North, Range 55 East, M.D.B. & M., Elko, Nevada, and being more particularly described as follows:

Beginning at the West Quarter corner of said Section 24, also being the Southwest corner of said Parcel No. 3, from which the Northwest corner of said Section 24 bears North $00^{\circ}07'27''$ West a distance of 2806.55 feet;

Thence along the West boundary of said Section 24 North $00^{\circ}07'27''$ West a distance of 476.64 feet to the intersection of the Southerly right-of-way of Errecart Boulevard as shown on said Parcel Map 443291;

Thence departing said West boundary and along said Southerly right-of-way North $56^{\circ}24'15''$ East a distance of 488.13 feet;

Thence along a tangent circular curve to the right with a radius of 1425.00 feet and a central angle of $29^{\circ}07'51''$ an arc length of 724.51 feet;

Thence North $85^{\circ}32'06''$ East a distance of 490.73 feet;

Thence along a tangent circular curve to the left with a radius of 1075.00 feet and a central angle of $61^{\circ}12'52''$ an arc length of 1148.52 feet;

Thence North $24^{\circ}19'14''$ East a distance of 125.87 feet;

Thence along a tangent circular curve to the right with a radius of 925.00 feet and a central angle of $14^{\circ}42'50''$ and arc length of 237.55 feet to a point on the East boundary of said Parcel No. 3;

Thence departing said Southerly right-of-way and along said East boundary with a non-tangent line South $00^{\circ}23'58''$ West a distance of 1895.90 feet to the Southeast corner of said Parcel No. 3;

Thence departing said East boundary and along the South boundary of said Parcel No. 3 South $88^{\circ}31'03''$ West a distance of 2632.17 feet to the Point of Beginning.

Said parcel contains an area of approximately 60.75 acres.

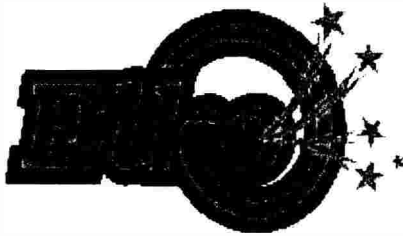
Basis of Bearings: Identical to the Parcel Map for the City of Elko, Nevada, recorded April 7, 1999, File No. 443291, Records of Elko County, Nevada, being the line between the found Northwest corner and the found west quarter corner of Section 24, Township 34 North, Range 55 East, MDM, taken as S $00^{\circ}07'27''$ E.

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

- Conditional Use Permit No. 4-18, filed by Elko West Properties, LLC, which would allow for development of an apartment complex and townhomes within a C (General Commercial) Zoning District, and matters related thereto. The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. (APN 001-770-004).

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) 777-7219 fax

RECEIVED

JUN 13 2018

APPLICATION FOR ZONE CHANGE

APPLICANT(s):	Bailey & Sons Investment Company {ELKO WEST PROPERTIES LLC}		
MAILING ADDRESS:	780 W Silver St		
PHONE NO (Home):	775-385-3659	(Business):	775-777-7773
NAME OF PROPERTY OWNER (If different):	Elko West Properties LLC		
(Property owner's consent in writing must be provided.)			
MAILING ADDRESS:	780 W Silver St Elko, NV 89801		
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001770004	Address:	0 Errecart
Lot(s), Block(s), & Subdivision	Lot 24 Township 34 N Range 55 E		
Or Parcel(s) & File No.	Parcel 3 Fe 43 924 291		

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 \$500.00 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:

2. Identify the zoning Classification being proposed/requested:

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

4. Explain how the proposed zoning classification relates with other zoning classifications in the area:

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

(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

Jon D Bailey

(Please print or type)

Mailing Address

740 W SLUR 5

Street Address or P.O. Box

ELKO NV 89801

City, State, Zip Code

Phone Number:

775-385-3659

Email address:

jbailey@gma.com

SIGNATURE:



FOR OFFICE USE ONLY

File No.: 12-18 Date Filed: 12/13/18 Fee Paid: \$500 CK# 293383

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Conditional Use Permit No. 4-18, filed by Elko West Properties, LLC., which would allow for the development of an apartment complex and townhomes within a C (General Commercial) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: ***NEW BUSINESS, PUBLIC HEARINGS***
4. Time Required: **15 Minutes**
5. Background Information: **The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Move to table item and bring back concurrent with Preliminary Plat application**
9. Findings: **See Staff Report dated June 26, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Elko West Properties LLC
c/o Jon Bailey
780 West Silver Street
Elko, NV 89801
jbaileype@gmail.com**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Conditional Use Permit 4-18

Applicant(s): Elko West Properties, LLC

Site Location: S. Side of Errecart Blvd ≈ 545' W. of Lamoille Hwy - 001-770-004

Current Zoning: PC Date Received: 6/12 Date Public Notice: 6/25

COMMENT: This is to Allow for the development of an Apartment
Complex and Townhomes within a General Commercial Zoning
District

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/27/18

I recommend table item as requested
by applicant

SAW

Initial

City Manager: Date: 6/29/18

Table item.

CC

Initial

Shelby Archuleta

From: Jon Bailey <jbaileype@gmail.com>
Sent: Wednesday, June 27, 2018 12:22 PM
To: Cathy Laughlin; Shelby Archuleta
Subject: July 9 meeting

Hi Cathy

Can we continue the July 9th meeting for the CUP and zone change on our property until I can submit the preliminary plat so they can all track concurrently?

Thank you

Jon

Sent from my iPhone



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

CITY OF ELKO STAFF REPORT

DATE:	June 25, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.A.7
APPLICATION NUMBER:	Conditional Use Permit 4-18
APPLICANT:	Elko West Properties, LLC
PROJECT DESCRIPTION:	Development of 72 Multi-Family Townhomes, and 71 Multi-Family Apartment Units
RELATED APPLICATIONS:	Rez 6-18

A Conditional Use Permit for the development of 72 multi-family townhomes and 71 multi-family apartment units and within a C – General Commercial zoning district.



STAFF RECOMMENDATION:

RECOMMEND TO TABLE as requested by applicant.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

Elko West Properties, LLC
C/O Jon Bailly
780 West Silver Street
Elko, NV 89801
jbaileype@gmail.com

Re: Rezone No. 6-18 & Conditional Use Permit No. 4-18

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.

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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,

Shelby Archuleta
Planning Technician

Enclosures

CC:

Rez 6-18 + CUP 4-18 ELKO West Properties, LLC

YPNO	PANAME	PMADD1	PMADD2	PMCTST	PZIP
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001920066	*FAITH EVANGELICAL LUTHERAN CHUR		1700 STITZEL RD	ELKO NV	89801-8842
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001920067	*MONTGOMERY, REGINALD L TR ET AL	} 1 pc	741 SPRING VALLEY PKWY	SPRING CREEK NV	89815-6227

001920068 *MONTGOMERY, REGINALD L TR ET AL
 001920058 *ORMAZA SERIES(LAMOILLE HWY)LLC
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 001770013 PBDK, LLC
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C/O PROPERTY
 VALUATION SERVICE

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3405 E JAEGER CIR	MESA AZ	85213-3237

C/O SNAME LLC

(31)

* = Property Owners Outside
 the original 300ft radius
 to achieve 30 parcels.

Mailed 6/28/18

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN that the Elko City Planning Commission will conduct a public hearing on Tuesday, July 9, 2018 beginning at 5:30 P.M. P.D.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 6-18, filed by Elko West Properties, LLC, for a change in zoning from PC (Planned Commercial) to C (General Commercial), approximately 60.75 acres of property, specifically APN 001-770-004, located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway, more particularly described as:

A parcel of land being the same as Parcel No. 3 of the Parcel Map for the city of Elko, Nevada, recorded April 7, 1999, File No. 443291, Records of Elko County, Nevada, situate within a portion of the Northwest Quarter of Section 24, Township 34 North, Range 55 East, M.D.B. & M., Elko, Nevada, and being more particularly described as follows:

Beginning at the West Quarter corner of said Section 24, also being the Southwest corner of said Parcel No. 3, from which the Northwest corner of said Section 24 bears North $00^{\circ}07'27''$ West a distance of 2806.55 feet;

Thence along the West boundary of said Section 24 North $00^{\circ}07'27''$ West a distance of 476.64 feet to the intersection of the Southerly right-of-way of Errecart Boulevard as shown on said Parcel Map 443291;

Thence departing said West boundary and along said Southerly right-of-way North $56^{\circ}24'15''$ East a distance of 488.13 feet;

Thence along a tangent circular curve to the right with a radius of 1425.00 feet and a central angle of $29^{\circ}07'51''$ an arc length of 724.51 feet;

Thence North $85^{\circ}32'06''$ East a distance of 490.73 feet;

Thence along a tangent circular curve to the left with a radius of 1075.00 feet and a central angle of $61^{\circ}12'52''$ an arc length of 1148.52 feet;

Thence North $24^{\circ}19'14''$ East a distance of 125.87 feet;

Thence along a tangent circular curve to the right with a radius of 925.00 feet and a central angle of $14^{\circ}42'50''$ and arc length of 237.55 feet to a point on the East boundary of said Parcel No. 3;

Thence departing said Southerly right-of-way and along said East boundary with a non-tangent line South $00^{\circ}23'58''$ West a distance of 1895.90 feet to the Southeast corner of said Parcel No. 3;

Thence departing said East boundary and along the South boundary of said Parcel No. 3 South $88^{\circ}31'03''$ West a distance of 2632.17 feet to the Point of Beginning.

Said parcel contains an area of approximately 60.75 acres.

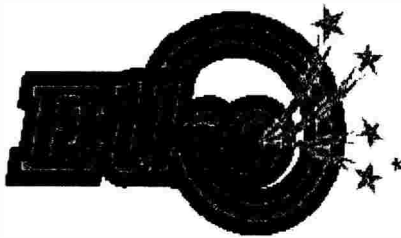
Basis of Bearings: Identical to the Parcel Map for the City of Elko, Nevada, recorded April 7, 1999, File No. 443291, Records of Elko County, Nevada, being the line between the found Northwest corner and the found west quarter corner of Section 24, Township 34 North, Range 55 East, MDM, taken as S $00^{\circ}07'27''$ E.

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

- Conditional Use Permit No. 4-18, filed by Elko West Properties, LLC, which would allow for development of an apartment complex and townhomes within a C (General Commercial) Zoning District, and matters related thereto. The subject property is located generally on the south side of Errecart Boulevard, approximately 545' west of Lamoille Highway. (APN 001-770-004).

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) 777-7219 fax

APPLICATION FOR CONDITIONAL USE PERMIT APPROVAL

APPLICANT(s): Bailey & Sons Investment Company {ELKO WEST PROPERTIES LLC}

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

MAILING ADDRESS: 780 W Silver St Elko, NV 89801

PHONE NO. (Home) 775-777-7773

(Business) 775-777-7773

NAME OF PROPERTY OWNER (if different): Elko West Properties

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

MAILING ADDRESS: 780 West Silver st Elko, NV 89801

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

ASSESSOR'S PARCEL NO.: 001770004

Address 0 Errecart Blvd

Lot(s), Block(s), & Subdivision: Lot 2.4, Townsite Range 55, E...

Or Parcel(s) & File No. Parcel 3 file 443921

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 \$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: Commercial or Planned Commercial

2. Cite the provision of the Zoning Ordinance for which the Conditional Use Permit is required:
Title 32-10

3. Explain in detail the type and nature of the use proposed on the property:

THE PROPOSED USE CONSISTS OF MULTI-FAMILY TO BE CONSTRUCTED IN TWO PHASES.

PHASE ONE CONSISTS OF 72 TOWNHOMES WITH 3 BEDROOM 2.5 BATH AND 2 CAR GARAGES.

PHASE TWO CONSISTS OF 71 APARTMENTS OF 2 BEDROOM AND 2 BATH WITH PARKING.

4. Explain how the use relates with other properties and uses in the immediate area:

THE PROPOSED USE PROVIDES DENSITY HOUSING NEAR THE REGIONAL HOSPITAL WHILE INCORPORATING THE NATURAL FEATURES OF THE LAND THAT PROVIDES FOR VIEWS OF THE CITY AND ACCESS TO TRAILS AND THE FOOTHILLS OF ELKO. THE PROJECT HAS PROVIDED ACCESS TO THE COUNTY ARCHERY RANGE AND THE COUNTY RACE TRACK EACH OF WHICH DO NOT CURRENTLY HAVE EASEMENTS ACROSS THE PROPERTY.

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:

THE SITE SLOPES FROM SOUTH TO NORTH AND THE NATURAL TERRAIN HAS BEEN INCORPORATED TO THE DESIGN INCLUDING PRESERVATION OF RIDGES AND PERPETUATION OF EXISTING DRAINAGE WAYS. EXISTING FLOW PATTERNS WILL BE MAINTAINED WITH THE PROPOSED PROJECT AND ONSITE STORM DRAIN DETENTION WILL BE UTILIZED TO ENSURE ANY PEAK CHANGES IN FLOW RATES WILL BE MITIGATED. SOIL TESTING HAS BEEN COMPLETED AND THE RECOMMENDATIONS OF THE GEOTECHNICAL REPORT WILL BE FOLLOWED WITH THE DEVELOPMENT OF THE PROJECT.

6. Describe the general suitability and adequacy of the property to accommodate the proposed use:

THE SITE IS VACANT WITH AN EXISTING ERRECART BOULEVARD FRONTAGE ALONG THE ENTIRE NORTHERN PROPERTY LINE ALLOWING IDEAL ACCESS TO A COMMERCIAL PROJECT. THE PROJECT IS WITHIN THE 5400 WATER ZONE AND BOTH SEWER AND WATER UTILITIES ARE AVAILABLE AT THE PROPERTY EDGE. ERRECART BOULEVARD WILL BE IMPROVED AND EXTENDED ALONG THE FRONTAGE OF THE PROJECT ALLOWING FOR AN ADDITIONAL BENEFIT TO THE CITY IN DEVELOPING A PORTION OF WHAT COULD BE A REGIONAL ROAD FRONTAGE IN THE FUTURE.

7. Describe in detail the proposed development in terms of grading, excavation, terracing, drainage, etc.: THE PROJECT SITE SLOPES FROM SOUTH WEST TO NORTHEAST. A PROPOSED DETENTION BASIN IS PLANNED AT THE NORTHEAST CORNER OF THE PROPERTY WHICH WILL DETAIN INCREASES IN FLOWS IN THE DESIGN STORM EVENT TO PREVENT ANY ADVERSE IMPACTS TO DOWNSTREAM PROPERTIES. THE EXISTING DRAINAGE WAYS AND HISTORICAL DRAINAGE PATTERNS WILL BE MAINTAINED WITH THE PROJECT. A PRELIMINARY GRADING PLAN IS INCLUDED AS PART OF THE CUP APPLICATION AND ATTACHED HERETO
8. Describe the amounts and type of traffic likely to be generated by the proposed use: IT IS ANTICIPATED THAT APPROXIMATELY 10 TRIPS PER DAY PER UNIT WILL BE GENERATED BY THE PROPOSED PROJECT. THIS TRAFFIC WILL PREDOMINATELY CONSIST OF COMMUTER TO AND FROM WORK TRAFFIC.
9. Describe the means and adequacy of off-street parking, loading and unloading provided on the property: OFFSTREET PARKING HAS BEEN DESIGNED TO MEET OR EXCEED THE PROVISIONS OF ELKO COUNTY CODE FOR MULTI FAMILY DEVELOPMENT. THE TOWNHOMES INCLUDE A 2-CAR GARAGE FOR EACH UNIT IN ADDITION TO GUEST PARKING SPREAD THROUGHOUT THE SITE. THE APARTMENT PROJECT INCLUDES 1.7 PARKING STALLS/UNIT WHICH EXCEEDS THE PARKING REQUIRED OF 1.5 STALLS/UNIT. ACCESSIBLE STALLS FOR THE APARTMENTS INCLUDE (6) VAN ACCESSIBLE STALLS.
10. Describe the type, dimensions and characteristics of any sign(s) being proposed: SIGNAGE WILL BE MOUNTAIN STYLE THEMATIC WITH STONE AND WOOD ACCENTS AND CONSISTENT THROUGHOUT THE ENTIRE PROJECT'S 65+ ACRES. SIGN DIMENSIONS AND CHARACTERISTICS WILL BE CONSISTENT WITH THE REQUIREMENTS OF THE ELKO CITY MUNICIPAL CODE.
11. Identify any outside storage of goods, materials or equipment on the property: OUTDOOR STORAGE OF MATERIALS WILL BE CONSISTENT WITH OTHER PROJECTS OF SIMILAR SIZE. STORAGE AREAS WILL BE IDENTIFIED IN THE SWPPP AND BMP PLAN AND MAINTAINED ON A WEEKLY INSPECTION SCHEDULE.
12. Identify any accessory buildings or structures associated with the proposed use on the property: THERE ARE NO PROPOSED ACCESSORY STRUCTURES WITH EITHER DEVELOPMENT. PHASE ONE WILL HAVE A UNIT DEDICATED AS A MODEL HOME AND OFFICE DURING THE PROJECT MARKETING PHASE AND UPON BUILDOUT WILL BE SOLD AS A MODEL HOME. PHASE TWO WILL HAVE AN ONSITE MANAGER'S OFFICE AND CLUBHOUSE ON THE FIRST FLOOR IN ONE OF THE BUILDINGS LOCATED BY THE ENTRANCE. PLEASE REFERENCE ARCHITECTURAL DRAWINGS.

(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, P.E. MANAGER**
(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: 

FOR OFFICE USE ONLY

File No.: 4-18 **Date Filed:** 12/12/18 **Fee Paid:** \$ 750 **CX#** 28339

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on a transfer of Conditional Use Permit No. 3-03 to new property owner, filed by Melissa Duke on behalf of Sonora LLC., which would allow for a beauty salon within a RO- Residential Office Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: **NEW BUSINESS**
4. Time Required: **15 Minutes**
5. Background Information: **CUP 3-03 was approved on May 6, 2003 for a beauty salon. The original applicant has since sold the property and it was converted back into a single family residence. The new property owner would like to convert it back to a beauty salon and is required to have the CUP transferred to the new owner.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Move to approve the transfer of Conditional Use Permit 3-03 based on facts, findings and conditions as presented in the Staff Report dated June 22,2018**
9. Findings: **See Staff Report dated June 22, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Sonora LLC
P.O. Box 1597
Elko, NV 89803

Melissa Duke
200 Juniper Street
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Conditional Use Permit Transfer 3-03
Applicant(s): Melissa Duke / Sonora, LLC
Site Location: 685 Pine Street - APN 001-231-004
Current Zoning: RO Date Received: 5/31 Date Public Notice: N/A
COMMENT: This is to Transfer CUP 3-03 from Tammi Buzzetti to Melissa Duke / Sonora, LLC, which was issued for a beauty salon.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/22/18
Recommend approval as presented in the staff report dated 6/22/18

SAW

Initial

City Manager: Date: 6/29/18

Since property was sold on 3/26/14, and no business has been located at this address since sale, is a transfer the proper process? CUP's are personal to the permittee and applicable to the specific use and to the specific property for which it was issued. Not opposed to a CUP, but concerned about the amount of time between sale and use of property as a business.

Initial CC



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

CITY OF ELKO STAFF REPORT

MEMO DATE:	June 22, 2018
PLANNING COMMISSION DATE:	July 9, 2018
APPLICATION NUMBER:	CUP 3-03
AGENDA ITEM:	II.B.1
APPLICANT:	Melissa Duke on behalf of Sonora LLC.
PROJECT DESCRIPTION:	685 Pine Street

A transfer of conditional use permit 03-03 for new ownership of a beauty salon within an RO- Residential Office zoned property.



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to facts, findings, and conditions stated in this memo.

PROJECT INFORMATION

PARCEL NUMBER: 001-231-004

PARCEL SIZE: 5,000 sq. ft.

EXISTING ZONING: (RO) Residential Office

MASTER PLAN DESIGNATION: (RES-MD) Residential Medium Density

EXISTING LAND USE: Was developed as a beauty salon in 2003, converted back to residence sometime after 3/26/2014

NEIGHBORHOOD CHARACTERISTICS:

- } The property is surrounded by:
 - o North, South, East & West: (R) Single and Multiple Family / Developed

PROPERTY CHARACTERISTICS:

- } The property is developed.
- } The property fronts Pine Street and 7th Street.
- } Access to the property for parking is off the alley at the rear of the parcel.

BACKGROUND:

1. The parcel is identified as APN 001-231-004.
2. The property owner has filed written authorization with the City dated May 25, 2018, allowing the applicant to submit the application on behalf of Sonora LLC.
3. The existing Conditional Use Permit 03-03 was conditionally approved by the Planning Commission on May 6, 2003. There were four conditions stated in the conditionally approved CUP, all of which have been satisfied. With the transfer of CUP, the new permittee would be required to comply with the existing conditions.
4. There is an approved parking waiver 1-03 to allow for a reduction of required parking from eight (8) spaces to six (6) spaces approved on May 6, 2003.
5. Mrs. Buzzetti, the CUP 3-03 permittee, sold the property on March 26, 2014. There has not been a business license issued for that location since the sale.
6. The applicant is proposing changing the use from single family residence to beauty salon as approved with CUP 3-03.
7. CUP 3-03 was not recorded with the Elko County Recorder's office.
8. The property is located on the northwest corner of Pine Street and 7th Street intersection.
9. The area of the parcel is 5,000 square feet.
10. The structure was built in approximately 1916.

MASTER PLAN AND ELKO CITY CODE SECTIONS:

Applicable Master Plans and Elko 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 Wellhead Protection Plan
- } City of Elko Zoning – Section 3-2-3 General Provisions
- } 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 3-2-18 Conditional Use Permit

MASTER PLAN:

Land use:

1. The Master Plan Land Use Atlas shows a portion of the area as Medium Density Residential.
2. Objective 2: Encourage revitalization and redevelopment of the downtown area to strengthen its role as the cultural center of the community
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. RO- Residential Office is listed as a corresponding zoning district for the Medium Density Residential Land Use.

The transfer of the Conditional Use Permit is in conformance with the Land Use Component of the Master Plan.

Transportation:

1. The property fronts Pine Street and 7th Street.
2. Parking will be established at the rear of the property off the alley.

The transfer of the Conditional Use Permit is consistent with the Transportation Component of the Master Plan. The proposed use, 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 Conditional Use 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 transfer of the Conditional Use Permit is in conformance with the Redevelopment Plan.

ELKO WELLHEAD PROTECTION PLAN:

1. The property is located within the 5 year capture zone for several City wells.
2. The proposed use of the property and allowed uses under the RO- Residential Office zoning district do not present a hazard to City wells.

The transfer of Conditional Use Permit is in conformance with the Wellhead Protection Plan.

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 use of the property requires a transfer of the existing conditional use permit to conform to Section 3-2-3 of City code.

The transfer of the existing conditional use permit is in conformance with Section 3-2-3 of City code.

SECTION 3-2-5 (RO) RESIDENTIAL OFFICE:

1. Barber and beauty shops is listed as a conditional permitted use under 3-2-5(F)(3).

The transfer of the existing conditional use permit is in conformance with Section 3-2-5(F)(3) of City code.

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

1. Parking waiver 1-03 was approved for a reduction in required parking from eight to six, as provided.

The property as developed with the approved parking waiver 1-03 is in conformance with City Code 3-2-17 for the conditionally permitted use as a beauty salon.

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.

With the filing of the application for the transfer from permittee to new owner, the applicant is in conformance with Section 3-2-18 of City code.as conformed to this section of code

FINDINGS

1. The existing conditional use permit is consistent with the Land Use Component of the Master Plan. The existing conditional use permit meets Objectives 2 and 4 of the Land Use Component of the Master Plan.
2. The existing conditional use is consistent with the Transportation Component of the Master Plan. The proposed use, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system.
3. The transfer of the Conditional Use Permit is in conformance with the Redevelopment Plan.
4. The transfer of Conditional Use Permit is in conformance with the Wellhead Protection Plan.
5. The transfer of the existing conditional use permit is in conformance with Section 3-2-3 of City code.
6. The existing conditional use permit is in conformance with Section 3-2-5(F)(3) of City code.
7. With the filing of the application, for the transfer from permittee to new owner, the applicant is in conformance with Section 3-2-18 of City code.
8. The property as developed and with approved parking waiver 1-03 is in conformance with City Code 3-2-17.

STAFF RECOMMENDATION:

Staff recommends the Conditional Use Permit 3-03 transfer to new owner, Sonora LLC, be **approved** with the conditions as stated in approved CUP 3-03:

1. That Conditional Use Permit #3-03 is transferred allowing the continuation of an approved use as a beauty salon in an RO (Residential Office) zoning district as

generally shown on site plan labeled Exhibit “A”, subject to the following conditions:

2. The floor plan shall be limited to four service chairs.
3. The conditional use permit shall expire within one (1) year unless the approved use has been inaugurated.
4. That the beauty salon shall conform to all applicable building code and fire code requirements.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

Melissa Duke
200 Juniper Street
Elko, NV 89801

Re: Conditional Use Permit No. 3-03 Transfer

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,

Shelby Archuleta
Planning Technician

Enclosures

CC: Sonora, LLC, PO Box 1597, Elko, NV 89803

CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

(775) 777-7160 phone* (775) 777-7219 fax

APPLICATION FOR CONDITIONAL USE PERMIT TRANSFER

APPLICANT(s): Melissa Duke

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

MAILING ADDRESS: 200 Juniper Street Elko NV 89801

PHONE NO. (Home) 775-777-9372 (Business) 775-934-8514

NAME OF PROPERTY OWNER (If different): Sonora LLC.

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

MAILING ADDRESS: PO BOX 1597 Elko, NV 89803-1597

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

ASSESSOR'S PARCEL NO.: 001-231-004 Address 685 Pine Street Elko, NV 89801

Lot(s), Block(s), & Subdivision 23.24 - 30

Or Parcel(s) & File No. _____

1. Explain in detail the type and nature of the use proposed on the property: Hair and Body studio Hair services and massage therapy.

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: No fee is required.

Note: One .pdf of the entire application must be submitted.

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

RECEIVED

MAY 31 2018

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 Melissa Duke
(Please print or type)

Mailing Address 200 Durbin St
Street Address or P.O. Box

Elko, NV 89801
City, State, Zip Code

Phone Number: 775.934.8514

Email address: mduke13@gmail.com

SIGNATURE: [Signature]

FOR OFFICE USE ONLY

File No.: 3-03 Date Filed: 5/31/18 Fee Paid: N/A

Cathy Laughlin

From: Janet Pescio <the_cove09@yahoo.com>
Sent: Friday, May 25, 2018 4:40 PM
To: Cathy Laughlin
Subject: City Planning meeting

Hi Cathy,

My niece Mellisa Duke will be attending the July 9th planning committee meeting and she will be representing me with zoning concerns for a home I own at 685 Pine Street.

Thank you

Janet Pescio

Sent from my iPhone



CITY OF ELKO

Planning Department

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

CITY OF ELKO

PLANNING COMMISSION ACTION REPORT

Regular Meeting of May 6, 2003

WHEREAS, the following item was reviewed and considered by the Elko City Planning Commission on May 6, 2003 under Public Hearing format; in accordance with notification requirements contained in Section 3-2-18 (F) of the City Code:

Review and consideration of Conditional Use Permit #3-03, filed by Tammy Buzzeti, to allow a beautician salon in a Residential Office (RO) zoning district.

The subject property is located generally at the intersection of 7th Street and Pine Street (685 Pine Street).

WHEREAS, the Planning Commission, upon review and consideration of the application and supporting data, public input and testimony, approved Conditional Use Permit #3-03 with the following conditions:

1. That Conditional Use Permit #3-03 is granted to allow a beauty salon in an RO (Residential Office) zoning district as generally shown on site plan labeled Exhibit "A", subject to the following conditions:
2. The floor plan shall be limited to four service chairs.
3. The conditional use permit shall expire within one (1) year unless the approved use has been inaugurated.
4. That the beauty salon shall conform to all applicable building code and fire code requirements.

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

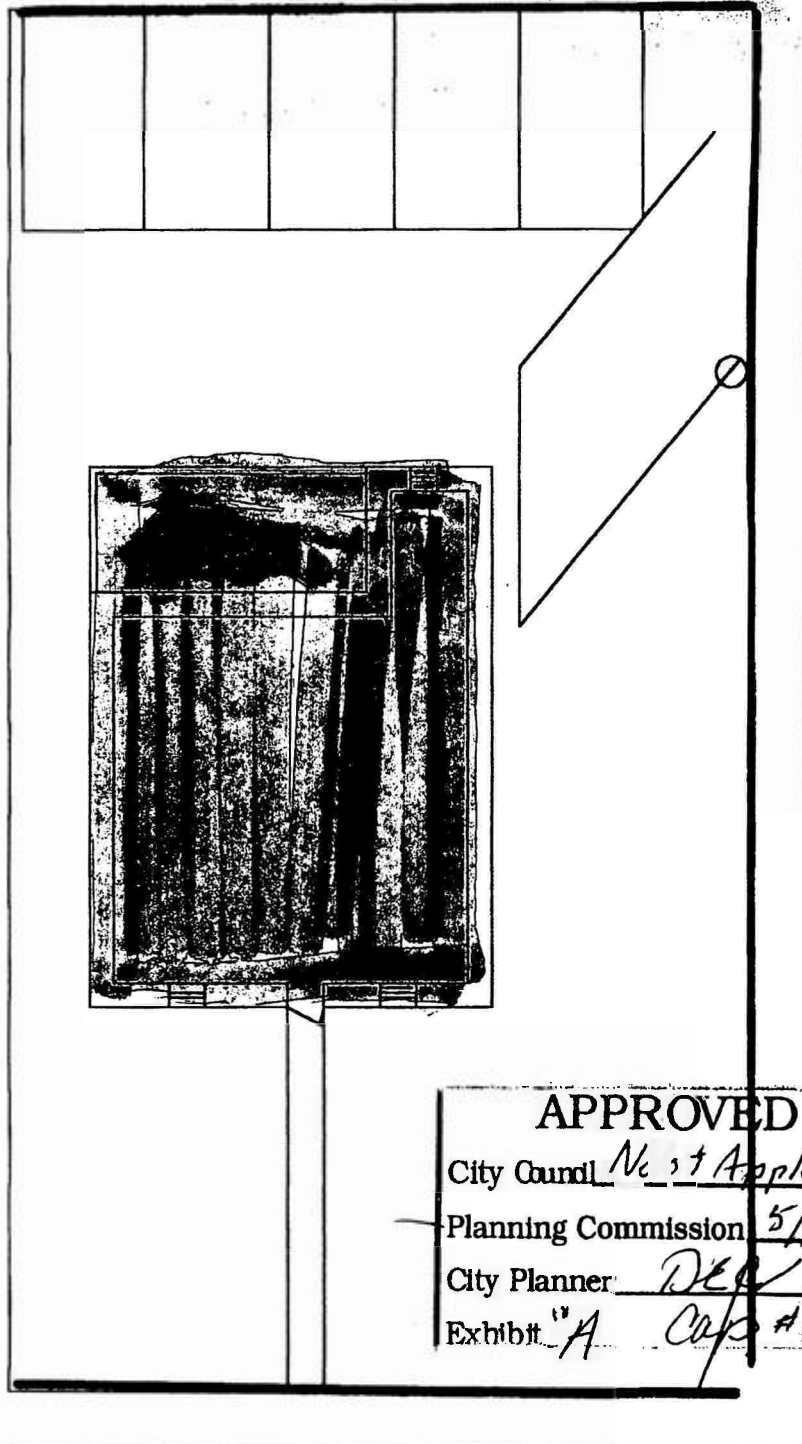
Dennis Crooks, City Planner

Attest:

Shanell Owen, Administrative Assistant

CC: Applicant
Ferron Konakis, City Engineer
Dennis Petersen, Building Official
Lori Lynch, City Clerk

ALLEY



7TH STREET

APPROVED	
City Council	<i>Not Applicable</i>
Planning Commission	<i>5/6/63</i>
City Planner	<i>DEA</i>
Exhibit	<i>A</i> <i>Caps #3-03</i>

PINE STREET

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible recommendation to City Council for Vacation No. 1-18, filed by DDS Properties, LLC., for the vacation of a portion of Jennings Way right-of-way abutting APN 001-01H-001, consisting of an area approximately 7,036 sq. ft., and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: ***NEW BUSINESS, MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS***
4. Time Required: **15 Minutes**
5. Background Information: **The applicant is requesting the vacation of a portion of Jennings Way to align the property boundary parallel with the center line of the street for a proposed subdivision entitled Humboldt Hills**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Memo**
8. Recommended Motion: **Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-18 based on facts, findings and conditions as presented in the Staff Report dated June 20, 2018.**
9. Findings: **See Staff Report dated June 20, 2018.**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **DDS Properties LLC.
930 Idaho Street
Elko, NV 89801**
**Carter Engineering
lanalcarter@live.com**

**High Desert Engineering
640 Idaho Street
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Vacation 1-18

Applicant(s): IDS Properties, LLC

Site Location: Portion of Jennings Way ROW adj. to 001-01H-001

Current Zoning: R1 Date Received: 6/1 Date Public Notice: N/A

COMMENT: This is to vacate a portion of the Jennings Way
right-of-way adjacent to APN 001-01H-001.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/22/18

Recommend approval as presented in
the staff report dated 6/20/18

SAW

Initial

City Manager: Date: 6/29/18

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

REPORT DATE:	June 20, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.B.2
APPLICATION NUMBER:	Vacation 1-18
APPLICANT:	DDS Properties, LLC
PROJECT DESCRIPTION:	APN 001-01H-001
RELATED APPLICATIONS:	Preliminary Plat 7-18

Vacation of slope easements located on the easterly side of Jennings Way approximately 130' north of Cortney Drive associated with the referenced subdivision.



STAFF RECOMMENDATION:

RECOMMEND to APPROVE subject to findings of fact and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER:	NA; Jennings Way (a part of)
PARCEL SIZE:	7,036 square feet
PROPOSED ZONING:	(R1) Single Family Residential
MASTER PLAN DESIGNATION:	(RES-MD) Residential Medium Density
EXISTING LAND USE:	Undeveloped, to be merged with proposed Humboldt Hills Subdivision

BACKGROUND:

1. The total area Jennings Way being considered for vacation is 7,036 SF identified as two parcels of varying length and width.
2. A deed of dedication was approved by City Council on September 13, 2005 for the Jennings Way right-of-way, and recorded as document number 561378. The City of Elko had entered into an agreement with the property owners, Wyatt and Melinda Chambers, in lieu of compensation for the land, the City of Elko agreed to install one 8 inch sewer line lateral, two 8 inch line water line laterals and construct the paved roadway and curb and gutter along Jennings Way.
3. The area proposed for vacation will be merged with the area proposed for subdivision under Preliminary Plat 7-18.
4. The area proposed for vacation will be zoned R1 upon merger with the adjacent property.
5. The City Council accepted the petition for vacation at their meeting June 12, 2018.

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- } North: Agriculture and PQP (County) / Undeveloped
- } East: BLM (County) / Undeveloped
- } South: R1-Residential (City) / Developed
- } West: PQP- Public Quasi Public (City) / Developed

PROPERTY CHARACTERISTICS:

- } The property is currently undeveloped.
- } The property can be accessed from Jennings Way

MASTER PLAN AND CITY CODE SECTIONS:

Applicable Master Plans Sections, Coordinating Plans and City Code Sections are:

-) NRS 278.479 to 278.480, inclusive
-) City of Elko Master Plan – Land Use Component
-) City of Elko Master Plan – Transportation Component
-) City of Elko Redevelopment Plan
-) City of Elko Code – Section 3-2-4 Establishment of Zoning Districts
-) City of Elko Code – Section 3-2-5 Residential Zoning Districts
-) City of Elko Code – Section 8-7 Street Vacation Procedures

NRS 278.479 to 278.480 inclusive

1. 278.480(4) If any right-of-way or easement required for a public purpose that is owned by a city or a county is proposed to be vacated, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, shall, not less than 10 business days before the public hearing described in subsection 5.
2. NRS 278.480 (5) Except as otherwise provided in subsection 6, if, upon public hearing, the governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, is satisfied that the public will not be materially injured by the proposed vacation, it shall order the street or easement vacated. The governing body, or the planning commission, hearing examiner or other designee, if authorized to take final action by the governing body, may make the order conditional, and the order becomes effective only upon the fulfillment of the conditions prescribed. An applicant or other person aggrieved by the decision of the planning commission, hearing examiner or other designee may appeal the decision in accordance with the ordinance adopted pursuant to NRS 278.31895.
3. Per NRS 278.480(6) Public utility companies have been notified of the vacation on June 12, 2018.
4. It does not appear that there are any City utilities located within the area proposed to be vacated.

MASTER PLAN – Land Use:

1. The Master Plan Land Use Atlas shows a portion of the area as Medium Density Residential.
2. R1- Single Family Residential Zoning District is listed as a corresponding zoning district for Medium Density

The proposed vacation is in conformance with the Land Use Component of the Master Plan.

MASTER PLAN - Transportation:

1. The merged area will be accessed from Jennings Way.
2. This vacation will maintain the same width of roadway for Jennings Way as located at the intersection of Cortney Drive.
3. Jennings Way is classified as a Minor Arterial roadway. The roadway classification is subject to possible change to a Major Arterial once the roadway is connected to East Jennings Way. The reclassification at a point in time will be dependent of the

- functionality of the roadway and may/or may not require additional width.
4. The Master Plan recommends a right of way width of 80 feet for a Minor Arterial and 100 feet for a Major Arterial, and as required in ECC 3-3-22. Jennings Way exists as an 80 foot right of way at all locations of record.
 5. The area proposed for vacation has been determined to be excess right-of-way.

The proposed vacation is in conformance with the Transportation Component of the Master Plan.

REDEVELOPMENT PLAN

The area proposed for vacation is not located within the Redevelopment Area.

ELKO CITY CODE SECTION 3-2-4 ESTABLISHMENT OF ZONING DISTRICTS

The area proposed for vacation will be merged with the adjacent property. As a result the total area of the merged areas will meet the area requirements for the existing zone district.

The proposed vacation is in conformance with Section 3-2-4 of City code.

ELKO CITY CODE SECTION 3-2-5 RESIDENTIAL ZONING DISTRICTS

1. The area proposed for vacation will be merged with the adjacent property. The merged areas meet all the area and dimensions stipulated in code.

The proposed vacation is in conformance with Section 3-2-5 of City code.

ELKO CITY CODE SECTION 8-7 STREET VACATION PROCEDURES

1. The proposed vacation is being processed independent of the proposed subdivision in order to address a condition to address the above referenced right-of-way acquisition agreement independent of subdivision approval.
2. A 7.5 foot wide utility easement is required on the proposed Jennings Way alignment and shall be included in the City Council order vacating the right-of-way.

The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.

FINDINGS

-) The proposed vacation is in conformance with NRS 278.479 to 278.480, inclusive.
-) The proposed vacation is in conformance with the Land Use Component of the Master Plan.
-) The proposed vacation is in conformance with the Transportation Component of the Master Plan.
-) The area proposed for vacation is not located within the Redevelopment Area.
-) The proposed vacation is in conformance with Section 3-2-4 of City code.
-) The proposed vacation is in conformance with Section 3-2-5 of City code.

-) The proposed vacation with the recommended conditions is in conformance with Section 8-7 of City code.
-) The proposed vacation will not materially injure the public and is in the best interest of the City.

STAFF RECOMMENDATION:

Staff recommends forward a recommendation to City Council to adopt a resolution which conditionally APPROVES the proposed vacation with the following conditions:

1. The applicant is responsible for all costs associated with the recordation of the vacation.
2. A 7.5' utility easement be recorded along the new right of way line for Jennings Way, this shall be included in the City Council's order vacating the right-of-way and shall be shown on the final plat.
3. Property Owner/Applicant shall sign an agreement with the City of Elko relinquishing of all rights associated with previous agreement between City of Elko and Wyatt and Melinda Chambers prior to recordation of the vacation.
4. The vacation shall be recorded independent and prior to preliminary plat approval.
5. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.

EXHIBIT A
JENNINGS WAY STREET VACATION

May 29, 2018

Parcels of land located in Section 8, T.34 N., R.55 E., M.D.B. & M., City of Elko County, Nevada, being portions of Jennings Way as previously dedicated to the City of Elko by deed recorded in the Office of the Elko County Recorder, Elko, Nevada as Document No. 561378 more particularly described as follows:

PARCEL1

Beginning at Corner No. 1, a point being the Northwest Corner of Parcel No. 1 as shown on the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682 and also being a point on the existing Easterly right of way of Jennings Way, the True Point of Beginning;

Thence S 12° 43' 29" W, 159.37 feet along the West Line of said Parcel No. 1 also being along the said existing Easterly right of way of Jennings Way to Corner No. 2;

Thence N 00° 02' 17" E, 155.22 feet to Corner No. 3;

Thence N 89° 37' 24" E, 35.00 feet to Corner No. 1, the point of beginning, containing 2,716 Square Feet, more or less.

PARCEL2

Beginning at Corner No. 1, a point being the Southwest Corner of Parcel No. 1 as shown on the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682 and also being a point on the existing Easterly right of way of Jennings Way, the True Point of Beginning;

Continued on Page 2

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JUN 01 2018

Continued from Page 1
Jennings Way Street Vacation

Thence N 00° 02' 17" E, 409.34 feet to Corner No. 2, a point being on the Westerly Line of said Parcel No. 1 and also being a point on the said existing Easterly right of way of Jennings Way;

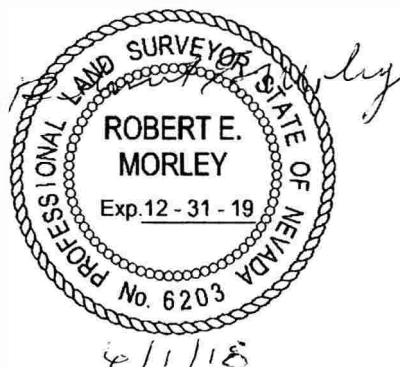
Thence S 05° 40' 21" E, 201.00 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 3;

Thence S 03° 51' 08" W, 75.17 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 4;

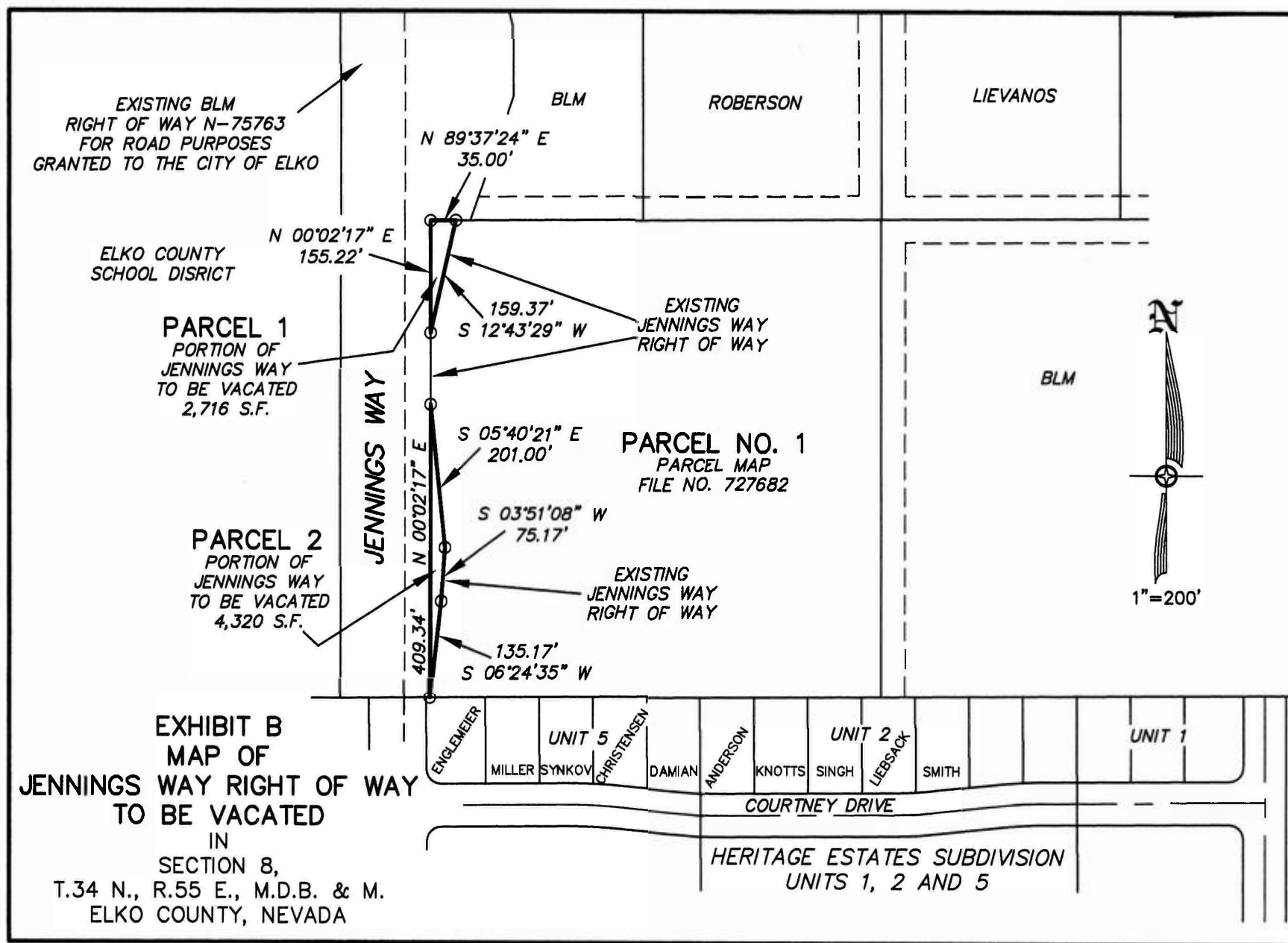
Thence S 06° 24' 35" W, 135.17 feet along the said Westerly Line of Parcel No. 1, also being along the said existing Easterly right of way of Jennings Way to Corner No. 1, the point of beginning, containing 4,320 Square Feet, more or less.

The basis of bearings for the above described parcels is the Parcel Map for DDS Properties, LLC, on file in the Office of the Elko County Recorder, Elko, Nevada, as File No. 727682.

Reference is hereby made to Exhibit B, Map of Jennings Way Right of Way to Be Vacated attached hereto and made a part hereof.



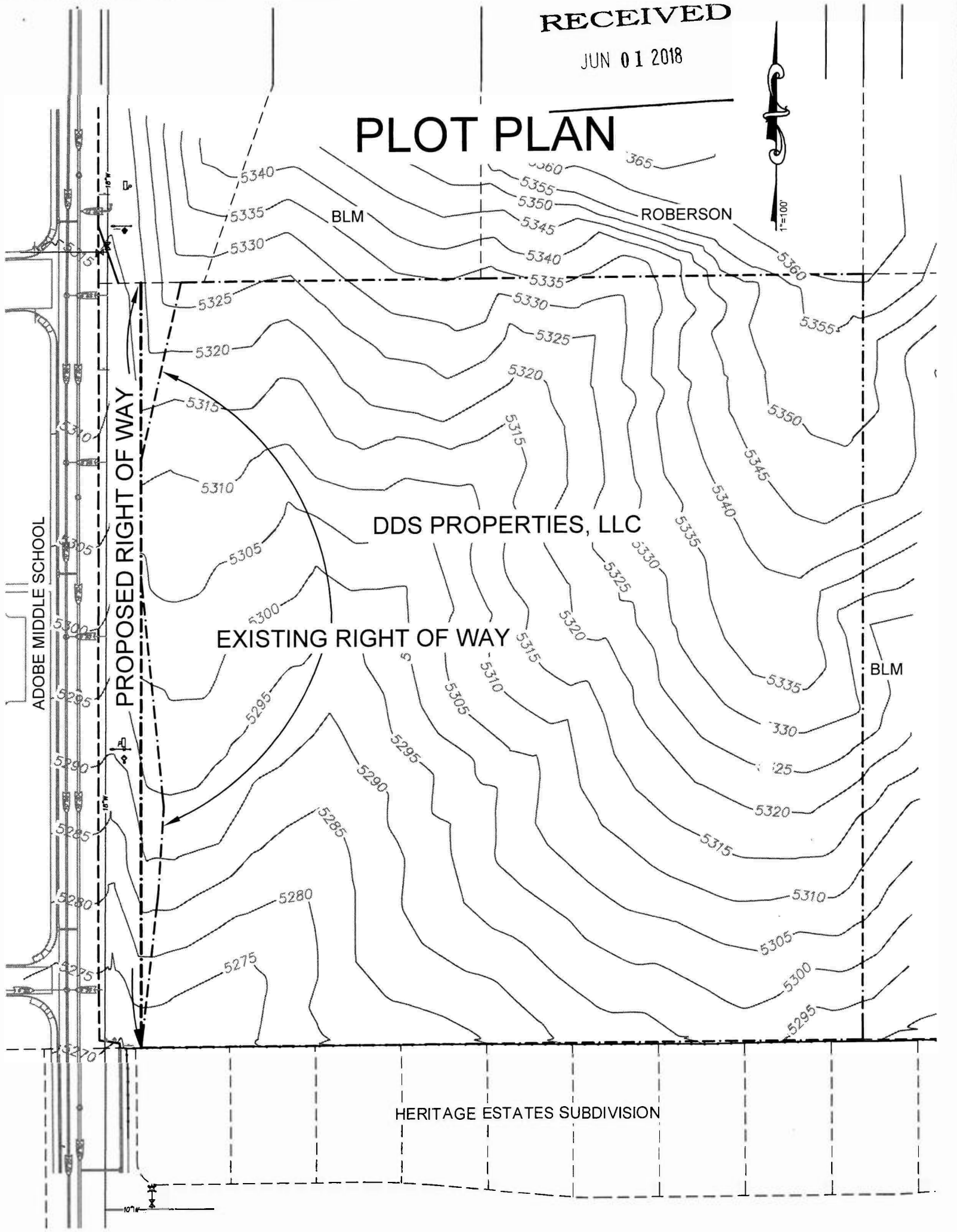
JUN 01 2018



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JUN 01 2018

PLOT PLAN





CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

DDS Properties, LLC
930 Idaho Street
Elko, NV 89801

Re: Vacation No. 1-18 & Preliminary Plat 7-18

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.

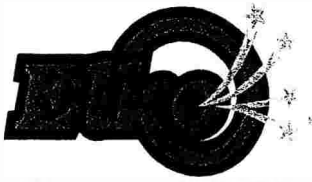
Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

CC: Carter Engineering: lanalcarter@live.com

High Desert Engineering, 640 Idaho Street, Elko, NV 89801



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

June 13, 2018

Elko County Planning and Zoning
540 Court Street, Suite 104
Elko, NV 89801

RE: Vacation No. 1-18/DDS Properties, LLC

In accordance with the Communication Policy between the City of Elko and Elko County, 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 Vacation No. 1-18, filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way.

Please find enclosed a copy of the application and related site plan for your review and comment.

Review by the Elko City Planning Commission is scheduled for their July 9, 2018, special meeting.

Please submit written comments to the Elko City Planning Department. 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

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

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

June 13, 2018

NV Energy
Mr. Jake Johnson
6100 Neil Road
Reno, NV 89511

SUBJECT: Proposed Vacation No. 1-18

Dear Mr. Johnson:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

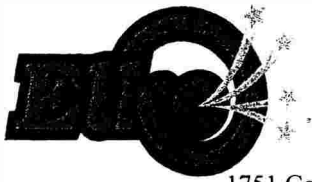
Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

June 13, 2018

Southwest Gas Corporation
Engineering Department
PO Box 1190
Carson City, NV 89702-1190

SUBJECT: Proposed Vacation No. 1-18

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

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

June 13, 2018

Satview Broadband

Mr. Steve Hallwell

3550 Barron Way, Suite 13A

Reno, NV 89511

SUBJECT: Proposed Vacation No. 1-18

Dear Mr. Hallwell:

Please be advised that the City of Elko Planning Department is processing a request filed DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta

Planning Technician

sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

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

June 13, 2017

Frontier Communication
Mr. William Whitaker
111 W. Front Street
Elko, NV 89801

SUBJECT: Proposed Vacation No. 1-18

Dear Mr. Whitaker:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

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

June 13, 2018

Beehive Broadband
2000 N. Sunset Road
Lake Point, UT 84074

SUBJECT: Proposed Vacation No. 1-18

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures

Shelby Archuleta

From: Teresa Gust <teresa.e@canyonconstructionco.com>
Sent: Tuesday, June 19, 2018 1:06 PM
To: Shelby Archuleta
Cc: Pamela Lattin
Subject: Proposed Vaction No.1-18

Elko Heat does not have any interests in the area.

Thank you
Teresa Gust
Accounting Clerk
Canyon Construction &
Elko Heat Co.
Phone: (775) 738-2210 ext 107
Fax: (775) 753-8049
teresa.e@canyonconstructionco.com



CITY OF ELKO

Planning Department

Website: www.elkocity.com

Email: planning@ci.elko.nv.us

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

June 13, 2018

Elko Heat
P.O. Box 2347
Elko, NV 89803

SUBJECT: Proposed Vacation No. 1-18

To Whom It May Concern:

Please be advised that the City of Elko Planning Department is processing a request filed by DDS Properties, LLC to vacate a portion of the Jennings Way right-of-way located generally on the west side of APN 001-01H-001. Please see enclosed map.

The City respectfully requests your assistance in determining whether there are any utility improvements or any other such interests within the area proposed to be vacated.

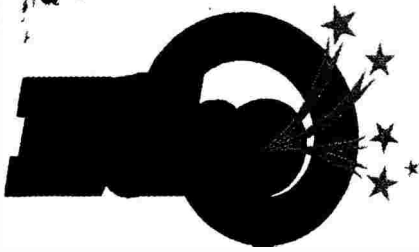
Please advise the Elko City Planning Department in writing concerning your agency's needs or interests as affected by this requested vacation, or submit a letter or email stating none of your interests are in the area, as **we are required to receive and maintain records of all responses from all local utilities per NRS 278.480(6)**. The Planning Commission will consider this item on July 9, 2018. Thank you for your time and effort in this matter!

If you have any questions, please contact our office at 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician
sarchuleta@elkocitynv.gov

Enclosures



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801 *

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

APPLICATION FOR VACATION OF CITY STREET, EASEMENT OR OTHER PUBLIC RIGHT-OF-WAY

APPLICANT(s): DDS PROPERTIES LLC

MAILING ADDRESS: 930 IDAHO STREET, ELKO, NEVADA 89801

PHONE NO (Home) _____ (Business) 775 777 2949

NAME OF PROPERTY OWNER (If different) SAME AS APPLICANT

(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.: 001-01H-001 Address NOT ADDRESSED

Lot(s), Block(s), & Subdivision _____

Or Parcel(s) & File No. ADJACENT TO PARCEL 1 OF FILE NO 727682

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.

Fee: A \$600.00 non-refundable fee.

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.

Legal Description: A complete legal description of the area proposed for vacation along with an exhibit depicting the area for vacation.

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 the request.

RECEIVED

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

DDS PROPERTIES, LLC, 930 IDAHO STREET, ELKO, NEVADA 89801

(Name)

(Address)

OWNER(S) OF THE PROPERTY ABUTTING THE AREA BEING REQUESTED FOR VACATION:

(Name)

(Address)

1. Describe the nature of the request: The purposes of this request it to vacate two
portions of the existing Jennings Way right of way to create a parallel boundary
with the center line of the street.
2. Describe any utilities currently located in the area proposed for vacation, and if any are present
how they will be addressed: No utilities are located in this requested vacated area.

Use additional pages if necessary

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 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 effect 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 Dusty Shipp
(Please print or type)

Mailing Address 930 Idaho Street
Street Address or P.O. Box

Elko, Nevada 89801
City, State, Zip Code

Phone Number: 775-777-2949

Email address: dustyshipp@gmail.com

SIGNATURE: _____



FOR OFFICE USE ONLY

File No.: 1-18 **Date Filed:** 6/1/18 **Fee Paid:** \$600 CE# 2115

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: Review, consideration and possible recommendation to City Council for Revocable Permit No. 3-18, filed by Veterans of Foreign Wars to occupy a portion of VFW Drive and 14th Street right-of-way to accommodate on-street parking, and a portion of VFW Drive to accommodate a portion of an existing awning and sign, and matters related thereto. **FOR POSSIBLE ACTION**
2. Meeting Date: July 9, 2018
3. Agenda Category: **NEW BUSINESS, MISC. ITEMS**
4. Time Required: 10 Minutes
5. Background Information: The VFW had a recent survey of the property in order to apply for a rezone from R- Residential to PQP-Public, Quasi-Public. The survey showed that a portion of the existing awning and sign are within the City of Elko right-of-way. They do not have any off street parking and utilize the parking off VFW Drive and 14th Street for their parking. This application is in conjunction with the rezone 5-18 and variance 6-18 applications and will bring the property into conformance with ECC 3-2-17.
6. Business Impact Statement: Not Required
7. Supplemental Agenda Information: Staff Report and Application
8. Recommended Motion: Recommend to City Council to Approve Revocable Permit 3-18 for parking, existing awning and sign in VFW Drive and 14th Street right-of-way subject to execution of a Standard License Agreement between the Applicant and the City of Elko based on facts, findings and conditions as presented in the Staff Report dated June 22, 2018.
9. Findings: See Staff Report dated June 22, 2018
10. Prepared By: Cathy Laughlin, City Planner
11. Committee/Other Agency Review:
12. Agenda Distribution: **High Desert Engineering**
640 Idaho Street
Elko, NV 89801
tcballew@frontiernet.net

VFW Post 2350
P.O. Box 1266
Elko, NV 89803
jhire@frontiernet.net

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Revocable Permit 3-18

Applicant(s): VFW

Site Location: 1646 VFW Dr.

Current Zoning: R Date Received: 6/14 Date Public Notice: N/A

COMMENT: This is for parking on VFW Dr + 14th Street
and portion of an awning on VFW Dr.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/22/18

Recommend approval as presented in the
staff report dated 6/22/18

SAW

Initial

City Manager: Date: 6/29/18

No comments/concerns.

CC

Initial

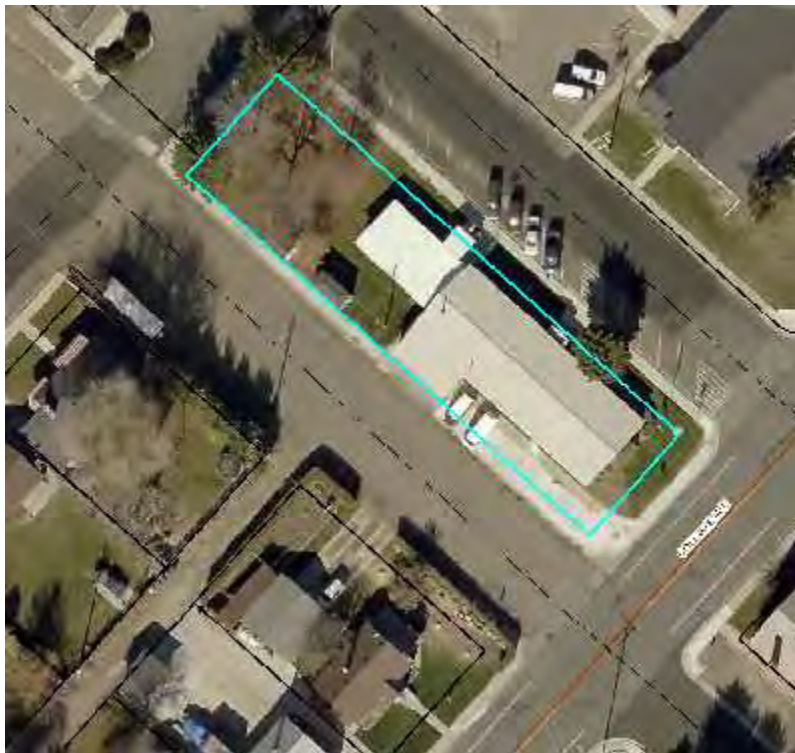


City of Elko
1751 College Avenue
Elko, NV 89801
(775) 777-7160
FAX (775) 777-7119

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 22, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.B.3
APPLICATION NUMBER:	Revocable Permit 3-18
APPLICANT:	Veterans of Foreign Wars
PROJECT DESCRIPTION:	646 VFW Drive
RELATED APPLICATIONS:	REZ 5-18, VAR 6-18

A Revocable Permit to allow for parking within public Rights-of-Way along VFW Drive and 14th Street, allowing for a portion of an awning to occupy public Right-of-way and an existing sign. The property use is the existing VFW Hall.



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBER: 001-200-001

BUILDING SIZE: ± 3,744 sq. ft.

EXISTING ZONING: (R) Single Family and Multiple-Family Residential District, Rezone 5-18 is to be considered on July 9, 2018 to change the zoning to (PQP) Public, Quasi-Public

MASTER PLAN DESIGNATION: (PUBLIC) Public, Quasi-Public

EXISTING LAND USE: Existing VFW Hall

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- } North: PQP- Public, Quasi, Public / Developed
- } East: PQP- Public, Quasi, Public / Partially Developed
- } West: R- Residential / Developed
- } South: R- Residential / Developed

BACKGROUND:

- } The building is currently in use as the VFW Hall.
- } The parking is currently considered a legal non-conforming use.
- } Due to the width of the lot and building coverage no off street parking is provided at this location.
- } The VFW has a lease with the City of Elko for a storage building located at 001-200-002, the former police station.
- } There are 8 parking spaces on 14th Street and 18 parking spaces on VFW Drive.
- } ADA parking and accessible route is from the 14th Street parking.
- } A portion of the awning for the covered patio encroaches into the VFW Drive right-of-way.
- } One post of the existing sign encroaches into the VFW Drive right-of-way.
- } The applicant has applied for a rezone of the property from the existing Single Family Multiple Family Residential District (R) to a Public/Quasi Public District (PQP). Approval of this application is required as a condition for approval of the revocable permit.
- } The applicant has applied for a variance of setback requirements stipulated in the PQP district to address non-conforming setback issues. Approval of this application is required as a condition for approval of the revocable permit.

APPLICABLE MASTER PLAN AND CITY CODE SECTIONS:

- } City of Elko Master Plan – Land Use Component
- } City of Elko Redevelopment Plan
- } City of Elko Zoning – Section 3-2-8 Public, Quasi-Public Districts
- } City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations

MASTER PLAN - Land Use:

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP-Public, Quasi-Public zoning district is listed as a corresponding zoning district for Public.
3. Objective 3: Strengthen, preserve, and promote the area around the City Park, City Hall, and Convention Center as the civic heart of the community.
4. The current use, not zone district, conforms to the Master Plan.

The existing use of the property with possible approvals of rezone application 5-18 and variance application are in conformance with the Land Use Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

SECTION 3-2-8 PUBLIC, QUASI-PUBLIC DISTRICT:

1. The property has several non-conforming issues with the existing zone and the proposed zone.
2. A portion of the awning for the covered patio encroaches not only into the setbacks, but into the VFW right-of-way.

Approval of Variance 6-18 is required for the property to be in conformance with Section 3-2-8 of city code.

SECTION 3-2-17, TRAFFIC, ACCESS, PARKING, AND LOADING REQUIREMENTS

Generally all required parking provided for use by a property shall be located off-street and shall be set back from every lot line a sufficient distance to assure that no part of any parked vehicle will project over the lot line.

- } Required parking for a Social Club shall be 1 parking space per 200 square feet of useable floor area, based on 3,744 SF this equates to 19 spaces
- } A total of 26 on street, legal non-conforming, parking spaces are striped on VFW Drive (18) and 14th Street (8).

Approval of Revocable Permit 3-18 is required for the property to be in conformance with Section 3-2-17 of city code.

SECTION 3-9 SIGN REGULATIONS

1. Each property, lot or parcel of record within any commercial or industrial zoning district of the city are permitted one freestanding sign on each street frontage.
2. Signs are not permitted in any residential zoning district.
3. The existing sign is considered a legal non-conforming sign but would not be allowed to be enlarged or expanded upon in the properties current zoning district, Residential.

The existing sign with possible approvals of rezone application 5-18 and Revocable Permit 3-18 are in conformance with the Section 3-9 of Elko City Code.

FINDINGS

1. The existing use of the property with possible approvals of rezone application 5-18 and variance application are in conformance with the Land Use Component of the Master Plan.
2. The property is not located within the Redevelopment Area.
3. Approval of Variance 6-18 is required for the property to be in conformance with Section 3-2-8 of city code.
4. Approval of Revocable Permit 3-18 is required for the property to be in conformance with Section 3-2-17 of city code.
5. Approval of Rezone 5-18 and Revocable Permit 3-18 is required for the property to be in conformance with Section 3-9 of city code.

STAFF RECOMMENDATION:

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

1. Approval of rezone application 5-18 is required.
2. Approval of variance application 6-18 is required.
3. A revocable license agreement between the applicant and the City of Elko is required.
4. The existing parking shall have the required number of ADA spaces.
5. A written legal description of the area is required. The legal description and an approved site plan are to be a part of the license agreement.
6. The applicant is responsible for maintenance of the occupied right-of-way to City standards. The maintenance includes striping of parking spaces. This condition will be incorporated into the license agreement.

JUN 14 2018

EXHIBIT "A"

Veterans of Foreign Wars – Revocable Permit

June 12, 2018

Permit Area 1:

A portion of 14th Street, located in the City of Elko, Elko County, Nevada, within the SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M. and more particularly described as follows:

Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears South 20°29'37" East, a distance of 605.98 feet; thence South 41°59'13" West, a distance of 10.00 feet, to Corner No. 1, the True Point of Beginning;

thence continuing South 41°59'13" West, a distance of 9.00 feet to Corner No. 2;

thence North 48°00'47" West, a distance of 88.00 feet to Corner No. 3;

thence North 41°59'13" East, a distance of 9.00 feet to Corner No. 4;

thence South 48°00'47" East, a distance of 88.00 feet to Corner No. 1, the Point of Beginning, containing 792 square feet, more or less.

Reference is hereby made to Exhibit "B", Veterans of Foreign Wars, Revocable Permit Areas, attached hereto and made a part hereof.

Veterans of Foreign Wars – Revocable Permit

June 12, 2018

Permit Area 2:

A portion of VFW Drive, located in the City of Elko, Elko County, Nevada, within the SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M. and more particularly described as follows:

Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears South 20°29'37" East, a distance of 605.98 feet; thence North 41°59'13" East, a distance of 64.50 feet, to Corner No. 1, the True Point of Beginning;

thence North 48°00'47" West, a distance of 240.00 feet to Corner No. 2;

thence North 41°59'13" East, a distance of 20.00 feet to Corner No. 3;

thence South 48°00'47" East, a distance of 240.00 feet to Corner No. 4;

thence South 41°59'13" West, a distance of 20.00 feet to Corner No. 1, the Point of Beginning, containing 4,800 square feet, more or less.

Reference is hereby made to Exhibit "B", Veterans of Foreign Wars, Revocable Permit Areas, attached hereto and made a part hereof.

Veterans of Foreign Wars – Revocable Permit

June 12, 2018

Permit Area 3:

A portion of VFW Drive, located in the City of Elko, Elko County, Nevada, within the SE1/4 of Section 10, Township 34 North, Range 55 East, M.D.B. & M. and more particularly described as follows:

Beginning at the intersection point of the prolonged northwesterly line of College Avenue and the northeasterly line of 14th Street of the City of Elko, from which the monument marking the intersection of center lines of Court and 13th Street bears South 20°29'37" East, a distance of 605.98 feet; thence North 41°59'13" East, a distance of 50.00 feet; thence North 48°00'47" West, a distance of 123.00 feet to Corner No. 1, the True Point of Beginning;

thence continuing North 48°00'47" West, a distance of 11.50 feet to Corner No. 2;

thence North 41°59'13" East, a distance of 4.00 feet to Corner No. 3;

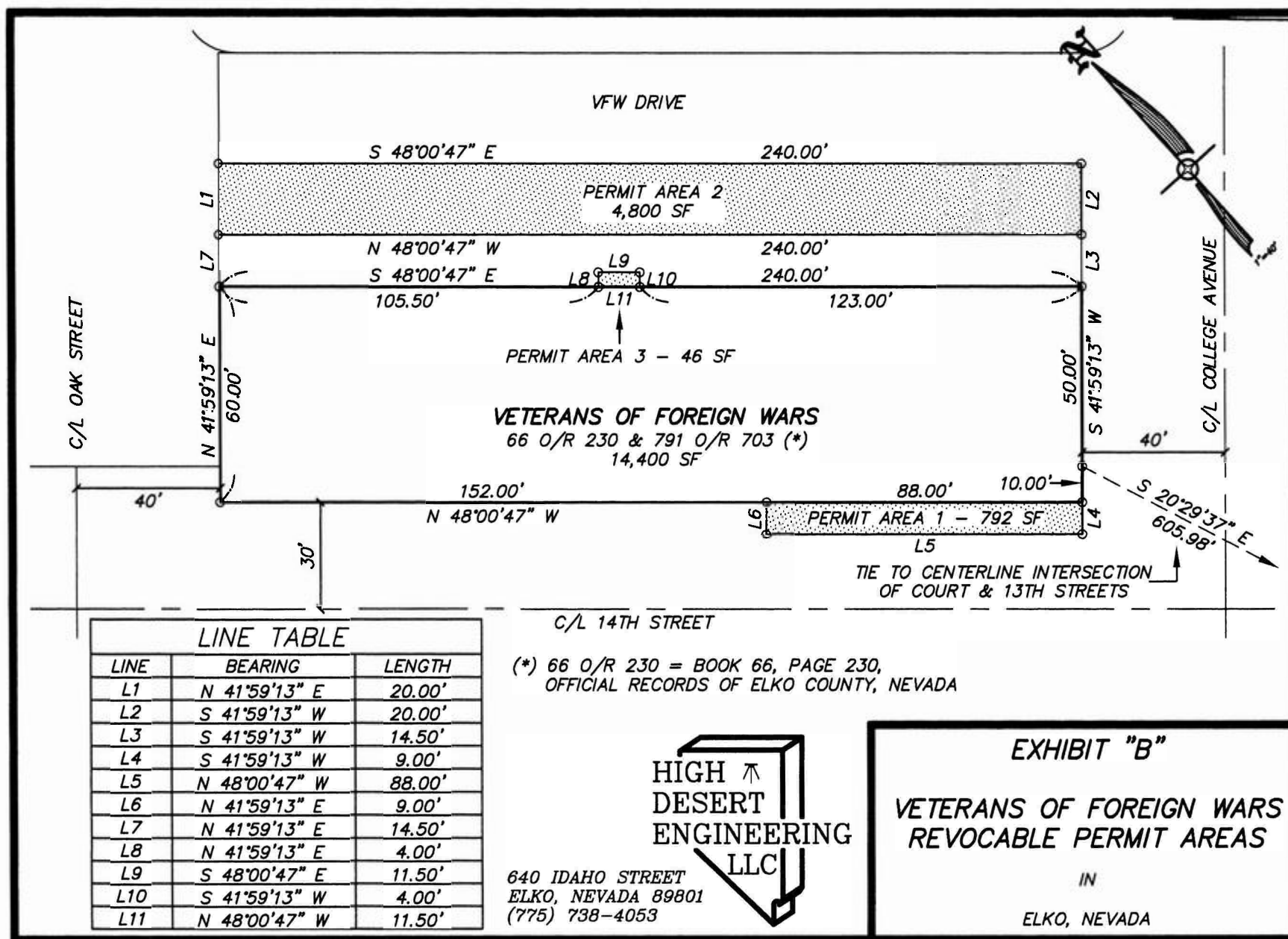
thence South 48°00'47" East, a distance of 11.50 feet to Corner No. 4;

thence South 41°59'13" West, a distance of 4.00 feet to Corner No. 1, the Point of Beginning, containing 46 square feet, more or less.

Reference is hereby made to Exhibit "B", Veterans of Foreign Wars, Revocable Permit Areas, attached hereto and made a part hereof.



JUN 14 2018





CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

VFW Post 2350
PO Box 1266
Elko, NV 89803
jhire@frontiernet.net

Re: Rezone No. 5-18, Variance No. 6-18, & Revocable Permit No. 3-18

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,

Shelby Archuleta
Planning Technician

Enclosures

CC: High Desert Engineering, 640 Idaho Street, Elko, NV 89801



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR REVOCABLE PERMIT TO OCCUPY CITY OF ELKO PROPERTY

APPLICANT(s): Veterans of Foreign Wars
MAILING ADDRESS: PO Box 1266, Elko, NV 89803
PHONE NO (Home) _____ (Business) (775) 738-7816
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.: 001-200-001
Address 646 VFW Drive, Elko, NV 89801
APPLICANT'S REPRESENTATIVE OR ENGINEER: Thomas C. Ballew, High Desert Eng.

FILING REQUIREMENTS:

Complete Application Form: In order to begin processing the application, an application form must be complete and signed.

Fee: A \$400.00 non-refundable filing fee.

Legal Description: A certified metes and bounds legal description of the boundary of the area to be used by the applicant must be provided.

Plot Plan: A plot plan provided by a properly licensed surveyor drawn to scale showing the proposed boundary lines, proposed structures, signs, landscaping, etc.

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 the request.

RECEIVED

JUN 14 2018

Describe the proposed use of the property: The property is currently used as a meeting
hall for the local chapter of the Veterans of Foreign Wars. This use will not change

(Dimensions) See attached legal description feet X feet (Attach Plot Plan)

(Use additional pages if necessary to address the question)

This area intentionally left blank,

THE APPLICANT HEREBY AGREES TO COMPLY WITH THE FOLLOWING:

1. That if this permit is granted, the applicant agrees that the property involved shall be subject to any utility easements affecting said area, including all existing utility mains, pipelines, laterals, sewer lines, water lines, gas lines, telephone lines, cables, television cables, electrical lines and wires, gas wires, drains and other pipes, wires and cables, and lines now located on, over, under or within said property area, strip or any portion thereof.
2. That if this permit is granted, the applicant hereby agrees that their use of said area shall be only for landscaping, driveways, fences, carports, signs, and any other such similar uses involving non-permanent structures.
3. That the applicant understands and agrees that said permit, if granted, is revocable by the City of Elko, should the City of Elko determine said right-of-way is needed for public use. Revocation of the permit to occupy the right-of-way shall be 30 days from the date of certified mailing to the permit holder, notifying permittee of the City's intent to revoke.
4. That the applicant hereby agrees that the removal and/or relocation of the permittee's improvements, desired to be retained and salvaged by the permittee, shall be the responsibility of the permittee and at the permittee's expense. Any improvements remaining after the 30 day notification period shall be removed by the City of Elko to accomplish the City's plan for public use of said area.
5. That the applicant further agrees to comply with all applicable codes and ordinances pertaining to the applicant's use of said right-of-way.

Applicant / Agent

VETERANS OF FOREIGN WARS / WALT TODDARD
(Please print or type)

Mailing Address

P.O. Box 126

Street Address or P.O. Box

ELKO, NV 89803

City, State, Zip Code

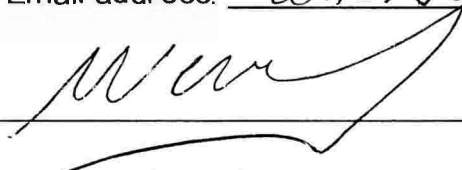
Phone Number:

(775) 340-5684

Email address:

WALTJCPA@GMAIL.COM

SIGNATURE:



FOR OFFICE USE ONLY

File No.:

3-18

Date Filed:

6/14/18

Fee Paid:

\$400 CK#31952

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review, consideration, and possible action on Temporary Use Permit No. 1-18, filed by Koinonia Construction Inc., for the temporary use of a single family residence to be used as a model home sales office, APN 001-61J-027, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: ***NEW BUSINESS, MISCELLANEOUS ITEMS***
4. Time Required: **15 Minutes**
5. Background Information: **Copper Trails Unit 2 Final Plat was approved on August 9, 2016. The proposed model home location is one of the approved lots for the Unit 2 Final Plat.**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Memo**
8. Recommended Motion: **Conditionally Approve Temporary Use Permit 1-18 based on the facts, findings, and conditions as presenting in the Staff Report dated June 20, 2018.**
9. Findings: **See Staff Report dated June 20, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Koinonia Construction Inc.
Luke Fitzgerald
207 Brookwood Drive
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Temporary Use Permit 1-18
Applicant(s): Koinonia Construction, Inc
Site Location: 2793 Copper Trail
Current Zoning: R1 Date Received: 6/18 Date Public Notice: N/A
COMMENT: This is to allow a temporary sales office within
a model home.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/28/18
Recommend approval as presented in the
staff reported dated 6/20/18

SAW

Initial

City Manager: Date: 6/29/18
No comments/concerns.

CE
Initial



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

CITY OF ELKO STAFF REPORT

REPORT DATE:	June 20, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.B.4
APPLICATION NUMBER:	Temporary Use Permit 1-18
APPLICANT:	Koinonia Construction LLC
PROJECT DESCRIPTION:	2793 Copper Trail
ADDITIONAL APPLICATIONS:	N/A

A Temporary Use Permit to allow a temporary office within a model home currently owned by applicant



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact.

PROJECT INFORMATION

PARCEL NUMBER: 001-61J-027

PROPERTY SIZE: 3,989 sq. ft.

EXISTING ZONING: R1 (Single-Family Residential District)

MASTER PLAN DESIGNATION: Residential Medium Density

EXISTING LAND USE: Residential

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

- } North (R1) Residential / Partially developed
- } East: (R1) Residential / Partially developed
- } South: (R) Residential / Developed as apartments
- } West: (R1) Residential / Partially developed

PROPERTY CHARACTERISTICS:

- } A single family residence was just constructed on the property.
- } The parcel is fairly flat.
- } The driveway slab to garage meets ADA accessibility.

BACKGROUND:

- } The subdivision final plat for Unit 2 was approved by City Council on August 9, 2016. It was approved for a 21 lot subdivision.
- } A building permit was issued for the single family residence on 10/24/2017.
- } A Certificate of Occupancy was issued for the single family residence on 5/25/2018
- } Copper Trails is in the beginning phase of several for a larger subdivision.
- } Applicant has indicated 5-15 customers per week to visit office.
- } The property has an approved development standards agreement recorded 4/12/2013 as document 670590. This allows for smaller min. lot size, setback reductions as well as standards for fencing, exteriors, & parking.

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 Zoning – Section 3-2-3 (C) (5) Temporary Use Permit
-) City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
-) City of Elko Zoning – Section 3-8 Flood Plain Management

CITY OF ELKO MASTER PLAN

Land Use

1. The Master Plan identifies the area as residential medium density.
2. R1- Single Family Residential is a corresponding zoning district for residential medium density.

The proposed use is in conformance with the Land Use component of the City of Elko Master Plan.

Transportation

1. The property is accessed off of Copper Trail.
2. Copper Trail is classified as a Local Residential.

The proposed use is in conformance with the Transportation component of the City of Elko Master Plan.

SECTION 3-2-3(C)(5)

1. Section 3-2-3(C)(5) of City code specifies temporary uses. The following use restrictions shall apply:

Temporary Uses: Certain temporary uses such as interim administrative and sales offices, sales offices for mobile and manufactured homes, model home sales complex for residential subdivisions, materials storage, mixing, assembly, manufacturing of a portable nature and similar uses determined to be functionally comparable, and, as specified in this subsection C5, temporary emergency shelters, temporary camping and temporary campgrounds may be permitted by temporary use permit.

The Temporary use is in conformance with Elko City Code 3-2-3(C)(5).

SECTION 3-2-17

1. Copper Trail is classified as a Local Residential.
2. Parking Requirement: There are two off street parking provided, slope of parking does not appear to exceed requirement for ADA parking stall and access aisle. The parking is

located within the front yard setback for the house.

3. For the square footage of the garage office, 2 off street parking would be required by code.
4. Applicant has indicated that accessibility from office to inside home will be a temporary ramp system.

The Temporary use is in conformance with Elko City Code 3-2-17.

SECTION 3-8:

1. The parcel is not located in a designated flood zone.

FINDINGS:

1. The proposed use is in conformance with the City of Elko Master Plan Land Use and Transportation components.
2. The temporary use is in conformance with Elko City Code 3-2-3(C)(5).
3. The temporary use can provide the required off-street parking for the office as per Elko City Code 3-2-17.
4. The proposed property provides ADA accessibility to the office within the garage and home with a portable ramp.
5. The parcel is not located in a designated flood zone.

STAFF RECOMMENDATION:

City Staff recommends **APPROVAL** of TUP 1-18 as submitted subject to the findings, facts, and following conditions:

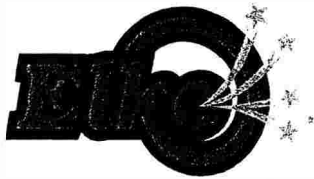
Building Department:

1. Provide accessible elements as required by ICC A117.1-2009, accessible routes, restrooms etc. (ICC A117.1-2009) This standard provides technical criteria for making sites, facilities, buildings, and elements accessible. The administrative authority shall provide scoping provisions to specify the extent to which these technical criteria apply. These scoping provisions shall address the application of this standard to: each building and occupancy type; new construction, alterations, temporary facilities, and existing buildings; specific site and building elements; and to multiple elements or spaces provided within a site or building.

Planning Department:

1. Permit is issued for the time period of one (1) year.
2. All items/materials stored must be inert.

3. The model home is used as a sales office and not as a construction job site office.
4. Off street parking to be designated for guests of the model home office and employee parking must be located off site.
5. Planning Department must be notified if the home sells or if the office is being relocated.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

Koinonia Construction, Inc.
Attn: Luke Fitzgerald
207 Brookwood Drive
Elko, NV 89801

Re: Temporary Use Permit 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.

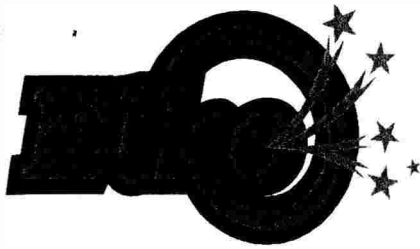
If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

CC:



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue* Elko* Nevada* 89801

(775) 777-7160 phone* (775) 777-7219 fax

APPLICATION FOR TEMPORARY USE PERMIT

APPLICANT(s): Koinonia Construction Inc
MAILING ADDRESS: 207 Brookwood Dr Elko NV 89801
PHONE NO. (Home) 775 303 8492 (Business) _____
NAME OF PROPERTY OWNER (if different): _____
(Property owner consent in writing must be provided.)
MAILING ADDRESS: Same
ADDRESS AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):
2793 Copper Trail
ASSESSOR PARCEL NOS 00 1-61J-027

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 fee.

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 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 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 temporary use permit application.

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JUN 18 2018

1. Identify the zoning of the property: RI
2. Explain in detail the type and nature of the use proposed on the property: Sales Office in the Garage which is ADA Accessible
will have Temp ADA Ramp to House
3. Describe the type of vehicles and traffic likely to be associated with the proposed temporary use: Customers maybe 5 to 15 per week
4. Identify any outside storage of goods, materials or equipment on the property: None
5. Describe the projected time frame associated with the temporary use: 6mo
Till this Phase built out
6. Describe any long term plans for permanent buildings or structures on the property: will be single family residence once ~~complete~~
this phase of the project is sold out

Use additional pages if necessary to address questions)

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 _____

(Please print or type)

Mailing Address _____

Street Address or P.O. Box

Elko NV 89801

City, State, Zip Code

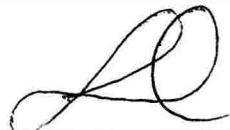
Phone Number: _____

775 303 84912

Email address: _____

elkohike@gmail.com

SIGNATURE: _____



FOR OFFICE USE ONLY

File No.: 1-18 **Date Filed:** 6/18/18 **Fee Paid:** \$300 **CC#** 7606



Koinonia Construction Inc.
207 Brookwood Drive, Elko, NV 89801

B-2 Lic# 0082378 - Bid Limit \$3,500,000
C-5 Lic# 0082497 - Bid Limit \$200,000
C-15 Lic# 0082498 - Bid Limit \$200,000

Luke Fitzgerald- 775-303-8492 - luke.koinonia@gmail.com
John Smales - 775-778-1539 - johns.koinonia@gmail.com

Plot Plan - Lot 25 Copper Trails (APN# Pending)

General Notes:

1. The contractor is responsible for soil preparation in accordance with the geotechnical recommendation for the project (by others) and the structural plans.

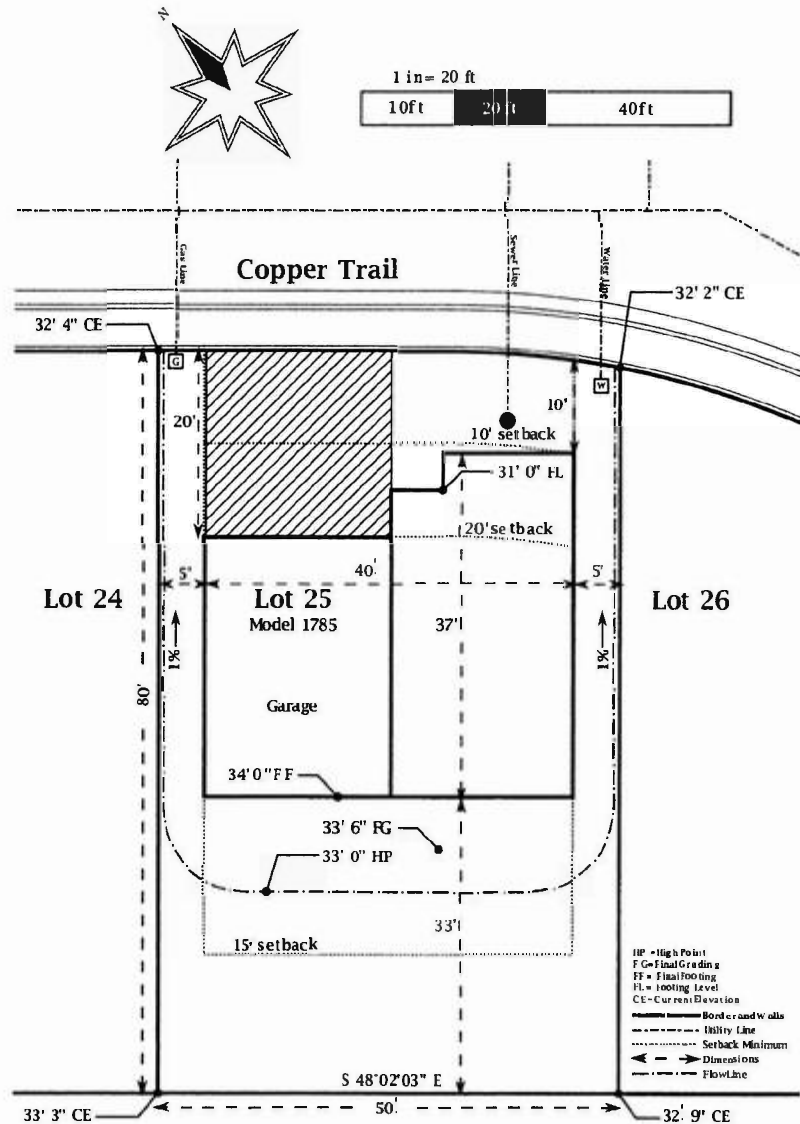
2. Verify utility meter locations and POC's prior to extending utilities. Sewer lateral to be 4" SDR 35 PVC @ s=2% minimum.

3. Install a 6' solid wood fence along the side and rear lot line and provide a 3' wide man gate on one side of each house. All fences to be approved by builder.

4. Add 5200 feet to all spot elevations.

FEMA Note:

This parcel is not within a FEMA area of special flood hazard



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**Elko City Planning Commission
Agenda Action Sheet**

1. **Review, consideration and possible approval of Final Plat No. 9-18, filed by Riverside Villas Nevada LLC., for the development of a subdivision entitled Riverside Villas a Condominium Development Phase 1 involving the proposed division of approximately 7.872 acres of property into 24 lots and 1 remainder for residential development within the C (General Commercial) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **July 9, 2018**
3. Agenda Category: ***MISC. ITEMS, PETITIONS, AND COMMUNICATIONS***
4. Time Required: **15 Minutes**
5. Background Information: **Subject property is located northwest corner of the intersection of S. 12th Street and Opal Drive. Preliminary Plat was conditionally approved by City Council on June 12, 2018. (APN 001-630-077).**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Application, Staff Report**
8. Recommended Motion: **Recommend to City Council to conditionally approve Final Plat 9-18 based on facts, findings and conditions as presented in the Staff Report dated June 21, 2018.**
9. Findings: **See Staff Report dated June 21, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Riverside Villas Nevada, LLC
180 North University Avenue, Suite 200
Provo, UT 84601**

**High Desert Engineering
Mr. Bob Morley
640 Idaho Street
Elko, NV 89801**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 7/9

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

Title: Final Plat 9-18 Riverside Villas a Condominium Development Ph1
Applicant(s): Riverside Villas Nevada, LLC
Site Location: 1525 Opal Drive, Bldg D+E
Current Zoning: C Date Received: 6/18 Date Public Notice: N/A
COMMENT: This is for 24 Lots and a Common area on
7.872 Acres

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 6/22/18
Recommend approval as presented in
the staff report dated 6/21/18

SAW

Initial

City Manager: Date: 6.1.29/18
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

REPORT DATE:	June 21, 2018
PLANNING COMMISSION DATE:	July 9, 2018
AGENDA ITEM NUMBER:	II.B.5
APPLICATION NUMBER:	Final Plat 9-18
APPLICANT:	Riverside Villas Nevada, LLC
PROJECT DESCRIPTION:	Riverside Villas Condominium, Phase 1

A Final Map for the division of approximately 7.872 acres into 24 condominium units with the conversion of existing apartment units within a C (General Commercial) Zoning District and one remaining lot.



STAFF RECOMMENDATION:

RECOMMEND to CONDITIONALLY APPROVE subject to findings of fact and conditions as stated in this report.

PROJECT INFORMATION

PARCEL NUMBERS: 001-630-077

PARCEL SIZE: 7.872 Acres (97 lots)

EXISTING ZONING: (C) General Commercial

MASTER PLAN DESIGNATION: (RES- HD) Residential High Density

EXISTING LAND USE: Developed

NEIGHBORHOOD CHARACTERISTICS:

The property is surrounded by:

-) North: PQP & PUD / Undeveloped
-) East: Commercial (C) / Undeveloped
-) South: Commercial (C) / Developed
-) West: Commercial (C) / Developed

PROPERTY CHARACTERISTICS:

The property is currently developed with a high density residential uses.

MASTER PLAN 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 – Chapter 3-3 Subdivisions
-) 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 3-2-10, Commercial Zoning Districts
-) City of Elko Zoning – Section 3-2-17 Traffic, Access, Parking and Loading Regulations
-) City of Elko Zoning – Section 3-8 Flood Plain Management

BACKGROUND:

-) The subdivision application has been filed by Riverside Villas Nevada, LLC
-) The property is owned by the applicant.
-) The Final Plat for the subdivision has been presented to the City in accordance with NRS 278.3601(1)(a).
-) The Preliminary Plat was conditionally approved by the City Council on June 12, 2018.

-) The Preliminary Plat showed a total of 96 lots as condominiums and 1 common area lot. The proposed density is approximately 12.32 units per acre.
-) The Final Plat presented consists of 24 proposed lots with 1 remainder lot. The proposed lots involve two of the eight buildings shown for subdivision under the preliminary plat application. The remaining six buildings are not included in the common lot area.
-) Phasing was not shown on the Preliminary Plat.
-) The area is approximately 7.872 acres in size.
-) The area is identified as APN 001-630-077.
-) There is no acreage offered for dedication.
-) The applicant has provided a copy of the CCR's for the proposed subdivision. The proposed CCR's have been reviewed by the City's legal counsel.
-) The applicant has provided a copy of the Home Owners Association Bylaws for the proposed subdivision. The proposed Home Owners Association Bylaws have been reviewed by the City's legal counsel.
-) The area is located north of S. 12th Street and west of Opal Drive.
-) The area is zoned C- General Commercial.
-) The area is fully developed as an apartment complex. The complex includes two separate properties. The initial development was approved as a condominium project and was processed as a subdivision of property under Final Plat 8-07. The final plat (8-07) was approved by the City Council on January 8, 2008.
-) The condominium project was converted to an apartment complex under Map of Reversion 3-11. The map of reversion (3-11) was approved by the City Council on November 8, 2011.
-) There have been three Conditional Use permits applied for and approved for the multifamily use of the property. The permits are as follows:
 - o Conditional Use Permit 3-06, approved on January 3, 2007 for 252 multi-family units (condominiums) in a general commercial district.
 - o Conditional Use Permit 13-13, approved on August 6, 2013 for 156 multi-family units (apartments) in a general commercial district.
 - o Conditional Use Permit 2-15, approved February 17, 2015 for 156 multi-family units (apartments) in a general commercial and recorded with the Elko County Recorder as file #701327 on August 12, 2015 for multi-family (apartments) adding phase 2 to the project.
-) Both properties are responsible for meeting the conditions outlined in the Conditional Use Permit.
-) There is a reciprocal easement agreement (686483) of record governing the use and interaction of both properties. The agreement has been amended twice as recorded and on file as 692683 and 701413.

MASTER PLAN:

Land use:

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 and the Master Plan.

The proposed subdivision is in conformance with the Land Use Component of the Master Plan.

Transportation:

1. 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 proposed subdivision is in conformance with the Transportation Component of the Master Plan.

ELKO REDEVELOPMENT PLAN:

The property is not located within the Redevelopment Area.

ELKO WELLHEAD PROTECTION PLAN:

1. The property does not lie within any capture zones for city wells.
2. The sanitary sewer is connected to a programmed sewer system and all street drainage reports to a storm sewer system.

The proposed subdivision is in conformance with the Wellhead Protection Program.

SECTION 3-3-6 FINAL PLAT STAGE (STAGE III)

Pre-submission Requirements (A)(1) – The proposed Final Plat is in conformance with the zone requirements.

Pre-submission Requirements (A)(2) – The proposed Final Plat conforms to the preliminary plat.

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

- 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 identifies the subdivision, and provides its location by section, township, range and county.
 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 drainage ways are noted on the plan.

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, the map identifies the location of all condominium units in a typical plan view and section view of the buildings. For reference the front of each building is identified on Sheet 2.
 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. A copy of the CC&R's for this project were provided with the preliminary plat and have been reviewed.
- 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. No roadway improvements are required for this subdivision. .
 2. The centerline and width of each right of way is noted on the plat.
 3. No monuments will be set as part of this subdivision.
 4. The length and bearing of each lot line is identified on the plat.
 5. The city boundary adjoining the subdivision is not identified on the plat, as the plat is not adjoining a boundary.
 6. The plat identifies the location of the section lines, and 1/16th 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) No Civil improvements are required as part of this subdivision.
 - c) No Civil improvements are required as part of this subdivision
 - d) No Civil improvements are required as part of this subdivision, an engineer's estimate is not required.
 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. Water meters for the subdivision are currently in place. A will serve letter was provided in 2008 for the subdivision.

SECTIONS 3-3-20 through 3-3-27 (inclusive)

1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process.

The proposed subdivision conforms to Sections 3-3-20 through 3-3-27 (inclusive).

SECTION 3-3-40 RESPONSIBILITY FOR IMPROVEMENTS

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

SECTION 3-3-41 ENGINEERING PLANS

The property was developed under a prior subdivision approval process. Engineering plans are not required in association with the proposed subdivision.

SECTION 3-3-42 CONSTRUCTION AND INSPECTION

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

SECTION 3-3-43 REQUIRED IMPROVEMENTS

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

SECTION 3-3-44 AGREEMENT TO INSTALL IMPROVEMENTS

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

An agreement to install improvements is required under code and can be structured to address the unique circumstances associated with the proposed subdivision.

SECTION 3-3-45 PERFORMANCE GUARANTEE

The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision.

As noted under Section 3-3-44 an agreement to install improvements is required per city code. The agreement can be structured to address the unique circumstances associated with the proposed subdivision and the performance guarantee can be addressed accordingly.

SECTIONS 3-2-3, 3-2-4, 3-2-5, 3-2-10 and 3-2-17

1. The proposed subdivision was evaluated for conformance to the referenced sections of code during the preliminary plat process and prior approvals under the subdivision process.

The proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5, 3-2-10 and 3-2-17 of city code.

SECTION 3-8 FLOODPLAIN MANAGEMENT

The proposed subdivision has been removed from the FEMA Special Flood Hazard Area by a Letter of Map Revision submitted to and approved by FEMA. A small portion of the property is located within a FEMA Special Flood Hazard Area. That area is to remain undeveloped.

The proposed development is in conformance with Section 3-8 of city code.

FINDINGS

1. The Final Plat for Riverside Villas Condominiums, Phase 1 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City code.
2. The Final Plat is in conformance with the Preliminary Plat.
3. The proposed subdivision is in conformance with the Land Use Component of the Master Plan.
4. The proposed subdivision is in conformance with Transportation Component of the Master Plan.
5. The proposed subdivision conforms to Sections 3-3-20 through 3-3-27 (inclusive).
6. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The proposed subdivision is in conformance with Section 3-3-40 of City code.
7. The property was developed under a prior subdivision approval process. Engineering plans are not required in association with the proposed subdivision. The proposed subdivision is in conformance with Section 3-3-41 of City code.
8. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The Subdivider will be responsible for any required State approvals to be in conformance with Section 3-3-42 of city code.
9. The property was developed under a prior subdivision approval process. The property is fully developed as a multi-family use. No additional improvements are required in association with the proposed subdivision. The proposed subdivision is in conformance with Section 3-3-43 of City code.
10. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-44 of City code. An agreement to install improvements is required under code and can be structured to address the unique circumstances associated with the proposed subdivision.
11. The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of city code. As noted under Section 3-3-44 an agreement to install improvements is required per city code. The

agreement can be structured to address the unique circumstances associated with the proposed subdivision and the performance guarantee can be addressed accordingly.

12. All required public improvements are in place, no additional improvements are required as a part of this subdivision process.
13. The proposed subdivision conforms to Sections 3-2-3, 3-2-4, 3-2-10 and 3-2-17 of city code.
14. The proposed subdivision is in conformance with Section 3-8 of City code.

RECOMMENDATION

Staff recommends **approval** of the subdivision based on the following conditions:

Development Department

1. The Final Plat is approved for 24 residential condominium units and 1 remainder lot including the common area for the facility.
2. State approval of the subdivision is required.
3. Conformance with Preliminary Plat conditions is required.
4. The Owner/Developer is to record the final plat within 2 years of the date City Council approves the final plat.
5. Identify the location of the pedestrian easement which was granted for the extension of the HARP trail, prior to being presented City Council.
6. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be structured to address the unique circumstances associated with the proposed subdivision.
7. The Performance Agreement shall be approved by the City Council.
8. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.

Fire Department

1. Follow the 2012 International Fire Code Appendix D, Section D106 regarding Access Roads within Residential Developments.



CITY OF ELKO

Planning Department

Website: www.elkocity.com
Email: planning@ci.elko.nv.us

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

July 2, 2018

Riverside Villas Nevada, LLC
180 North University Avenue, Suite 200
Provo, UT 84601

Re: Final Plat No. 9-18

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,

Shelby Archuleta
Planning Technician

Enclosures

CC: High Desert Engineering, Mr. Bob Morley, 640 Idaho Street, Elko, NV 89801

JUN 21 2018

Typical Unit Boundary

Parcel name: Typical Unit Boundary

North: 500.3467 East : 957.2765
Line Course: S 00-00-00 W Length: 19.83
North: 480.5167 East : 957.2765
Line Course: S 90-00-00 E Length: 2.65
North: 480.5167 East : 959.9265
Line Course: N 00-00-00 E Length: 6.67
North: 487.1867 East : 959.9265
Line Course: S 90-00-00 E Length: 13.69
North: 487.1867 East : 973.6165
Line Course: S 00-00-00 W Length: 1.42
North: 485.7667 East : 973.6165
Line Course: S 90-00-00 E Length: 22.81
North: 485.7667 East : 996.4265
Line Course: N 00-00-00 E Length: 5.42
North: 491.1867 East : 996.4265
Line Course: S 90-00-00 E Length: 12.00
North: 491.1867 East : 1008.4265
Line Course: N 00-00-00 E Length: 18.57
North: 509.7567 East : 1008.4265
Line Course: N 90-00-00 W Length: 55.06
North: 509.7567 East : 953.3665
Line Course: S 00-00-00 W Length: 9.41
North: 500.3467 East : 953.3665
Line Course: S 90-00-00 E Length: 3.92
North: 500.3467 East : 957.2865

Perimeter: 171.44 Area: 1,193.31 sq. ft. 0.027 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0100 Course: S 90-00-00 E

Error North: 0.00000 East : 0.01000

Precision 1: 17,145.00

JUN 21 2018

Parcel B

Parcel name: Parcel B

North: 28472443.4880 East : 610909.6688
Line Course: N 69-58-22 E Length: 811.21
North: 28472721.3003 East : 611671.8249
Line Course: S 04-37-13 E Length: 355.87
North: 28472366.5868 East : 611700.4909
Line Course: S 25-22-47 W Length: 50.00
North: 28472321.4124 East : 611679.0601
Line Course: S 04-37-13 E Length: 100.00
North: 28472221.7374 East : 611687.1153
Line Course: S 06-58-35 E Length: 20.00
North: 28472201.8855 East : 611689.5445
Curve Length: 177.90 Radius: 880.00
Delta: 11-34-58 Tangent: 89.25
Chord: 177.60 Course: S 77-13-56 W
Course In: S 06-58-35 E Course Out: N 18-33-33 W
RP North: 28471328.4007 East : 611796.4295
End North: 28472162.6367 East : 611516.3398
Line Course: S 71-26-27 W Length: 338.44
North: 28472054.9168 East : 611195.5002
Curve Length: 116.17 Radius: 1220.00
Delta: 5-27-20 Tangent: 58.13
Chord: 116.12 Course: S 74-10-07 W
Course In: N 18-33-33 W Course Out: S 13-06-13 E
RP North: 28473211.4713 East : 610807.1940
End North: 28472023.2380 East : 611083.7835
Line Course: N 22-30-13 W Length: 319.89
North: 28472318.7701 East : 610961.3483
Line Course: N 22-30-13 W Length: 135.00
North: 28472443.4906 East : 610909.6781

Perimeter: 2424.49 Area: 342,910.61 sq. ft. 7.872 acres

Mapcheck Closure - (Uses listed courses, radii, and deltas)

Error Closure: 0.0097 Course: N 74-40-15 E

Error North: 0.00257 East : 0.00936

Precision 1: 249,946.39



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue* Elko* Nevada* 89801

(775) 777-7160 * (775) 777-7219 fax **RECEIVED**

JUN 18 2018

APPLICATION FOR FINAL PLAT APPROVAL

APPLICANT(s):	Riverside Villas Nevada, LLC - Contact: Branson Brinton		
MAILING ADDRESS:	180 North University Avenue, Suite 200, Provo, UT 84601		
PHONE NO (Home):		(Business):	(385) 207-7225
NAME OF PROPERTY OWNER (If different):	NA		
(Property owner consent in writing must be provided)			
MAILING ADDRESS:			
LEGAL DESCRIPTION AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
ASSESSOR'S PARCEL NO.:	001-630-007	Address:	1525 Opal Drive
Lot(s), Block(s), & Subdivision			
Or Parcel(s) & File No.	Parcel 2A, Pam of Reversion, File No. 665925		
PROJECT DESCRIPTION OR PURPOSE:	Riverside Villas Condo Conversion		
APPLICANT'S REPRESENTATIVE OR ENGINEER:	High Desert Engineering, LLC		

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), 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: \$750.00 + \$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 as per Elko City Code 3-3-8

Identification Data	
	Subdivision Name
	Location and Section, Township and Range
	Name, address and phone number of subdivider
	Name, address and phone number of engineer/surveyor
	Scale, North Point and Date of Preparation
	Location maps
Survey Data (Required)	
	Boundaries of the Tract fully balanced and closed
	Any exception within the plat boundaries
	The subdivision is to be tied to a section corner
	Location and description of all physical encroachments
Descriptive Data	
	Street Layout, location, widths, easements
	All drainageways, designated as such
	All utility and public service easements
	Location and dimensions of all lots, parcels
	Residential Lots shall be numbered consecutively
	All sites to be dedicated to the public and proposed use
	Location of all adjoining subdivisions with name date, book and page
	Any private deed restrictions to be imposed upon the plat
Dedication and Acknowledgment	
	Statement of dedication for items to be dedicated
	Execution of dedication acknowledged by a notary public
Additional Information	
	Street CL, and Monuments identified
	Street CL and width shown on map
	Location of mounuments used to determine boudaries
	Each city boundary line crossing or adjoining the subdivision
	Section lines crossing the subdivision boundaries
City Engineer to Check	
	Closure report for each of the lots
	Civil Improvement plans
	Estimate of quantities required to complete the improvements
Required Certifications	
	All parties having record title in the land to be subdivided
	Offering for dedication
	Clerk of each approving governing body
	Easements
	Surveyor's Certificate
	City Engineer
	State Health division
	State Engineer
	Division of Water Resources
	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

Riverside Villas Nevada, LLC - Contact Branson Brinton

(Please print or type)

Mailing Address

180 N University Avenue, Suite 200

Street Address or P.O. Box

Provo, UT 84601

City, State, Zip Code

Phone Number:

(385) 207-7225

Email address:

bbrinton@pegdev.com

SIGNATURE:



FOR OFFICE USE ONLY

24 Lots + Common = 25x25 =
\$ 625
+ 750
\$ 1375

File No.: 9-18 Date Filed: 6/18/18 Fee Paid: \$ 1375.00 CL# 14252

Shelby Archuleta

From: Nick Weaver <nickw@bluedicap.com>
Sent: Monday, June 18, 2018 4:22 PM
To: Jeremy Draper; Cathy Laughlin; Shelby Archuleta
Cc: Branson Brinton
Subject: Final Plat Application
Attachments: Application - FINAL PLAT.PDF; Riverside Villas Owners Bylaws.doc; Riverside Villas Dec CCRs 15 May 2018[2].docx; Articles.pdf

All,

Please see the attached documents containing our Final Plat Application. Bob Morley and his team should have the Plat Map itself in the office of the city before closing hours today. The remainder of the application can be found attached here.

Please note that on the application document under the section: BY My Signature Below; it illustrates acknowledgements, while the PDF would not allow me check those boxes we have read, understand, acknowledge and agree to all the items in the section and consent as to have the City of Elko Staff enter on the property as part of their review.

Assuming you find this application combined with High Desert Engineers (Bob Morley's Team) Plat Map to be complete please put this project on July Planning Commission Agenda.

Best,

Nicholaus Weaver
Investment Analyst



180 N. University Ave, Ste. 250
Provo, UT 84601
Cell: (435) 215-5544
Fax: 801.356.5600
Email: Nickw@bluedicap.com

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JUN 18 2018

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BARBARA K. CEGAVSKE
Secretary of State
202 North Carson Street
Carson City, Nevada 89701-4201
(775) 684-5708
Website: www.nvsos.gov



040604

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JUN 18 2018

Nonprofit
Articles of Incorporation
(PURSUANT TO NRS CHAPTER 82)

USE BLACK INK ONLY - DO NOT HIGHLIGHT

ABOVE SPACE IS FOR OFFICE USE ONLY

1. Name of Corporation:	Riverside Villas Community Association
2. Registered Agent for Service of Process: (check only one box)	<input checked="" type="checkbox"/> Commercial Registered Agent: InCorp Services, Inc. Name <input type="checkbox"/> Noncommercial Registered Agent (name and address below) <u>OR</u> <input type="checkbox"/> Office or Position with Entity (name and address below) Name of Noncommercial Registered Agent <u>OR</u> Name of Title of Office or Other Position with Entity Nevada Street Address City Zip Code Nevada Mailing Address (if different from street address) City Zip Code
3. Names and Addresses of the Board of Directors/Trustees: (each Director/Trustee must be a natural person at least 18 years of age; attach additional page if more than four directors/trustees)	1) Cameron Gunter Name 3773 Howard Hughes Pkwy, Suite 500S Las Vegas NV 89169-6014 Street Address City State Zip Code 2) Michael Bingham Name 3773 Howard Hughes Pkwy, Suite 500S Las Vegas NV 89169-6014 Street Address City State Zip Code 3) Name Street Address City State Zip Code 4) Name Street Address City State Zip Code
4. Purpose: (required; continue on additional page if necessary)	The purpose of the corporation shall be: Other Activities Related to Real Estate
5. Name, Address and Signature of Incorporator: (attach additional page if more than one incorporator)	I declare, to the best of my knowledge under penalty of perjury, that the information contained herein is correct and acknowledge that pursuant to NRS 239.330, it is a category C felony to knowingly offer any false or forged instrument for filing in the Office of the Secretary of State. Cameron Gunter Name 3773 Howard Hughes Pkwy, Suite 500S Las Vegas NV 89169-6014 Address City State Zip Code X Incorporator Signature
6. Certificate of Acceptance of Appointment of Registered Agent:	I hereby accept appointment as Registered Agent for the above named Entity. If the registered agent is unable to sign the Articles of Incorporation, submit a separate signed Registered Agent Acceptance form. X Authorized Signature of Registered Agent or On Behalf of Registered Agent Entity Date

APPROVAL – CITY OF ELKO PLANNING COMMISSION

AT A REGULAR MEETING OF THE CITY OF ELKO, NEVADA, PLANNING COMMISSION HELD ON THE 5TH DAY OF MAY, 2018, A TENTATIVE MAP OF THIS SUBDIVISION WAS DULY AND REGULARLY APPROVED PURSUANT TO N.R.S. 278.330. THIS FINAL MAP SUBSTANTIALLY COMPLIES WITH SAID TENTATIVE MAP AND ALL ALL CONDITIONS PURSUANT THERETO HAVE BEEN MET.

CHAIRMAN, CITY OF ELKO PLANNING COMMISSION DATE

APPROVAL – CITY OF ELKO
CITY COUNCIL

AT A REGULAR MEETING OF THE CITY OF ELKO, NEVADA, CITY COUNCIL HELD ON THE 5TH DAY OF MAY, 2018, 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, AS SHOWN HEREON, WERE ACCEPTED FOR PUBLIC USE.

MAYOR, CITY OF ELKO, NEVADA DATE

ATTEST: CITY CLERK, CITY OF ELKO, NEVADA DATE

APPROVAL – NEVADA DIVISION OF WATER RESOURCES

THIS FINAL 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.

NEVADA DIVISION OF WATER RESOURCES DATE

APPROVAL – NEVADA DIVISION OF ENVIRONMENTAL PROTECTION

THIS FINAL PLAT IS APPROVED BY THE NEVADA 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.

DIVISION OF HEALTH DATE

APPROVAL – PUBLIC UTILITIES

THE PUBLIC UTILITY EASEMENTS, AS DESIGNATED HEREON, ARE APPROVED BY THE RESPECTIVE UTILITIES EXECUTING BELOW.

FRONTIER COMMUNICATIONS DATE

SIERRA PACIFIC POWER COMPANY, D/B/A NV ENERGY DATE

SATVIEW BROADBAND DATE

SOUTHWEST GAS CORPORATION DATE

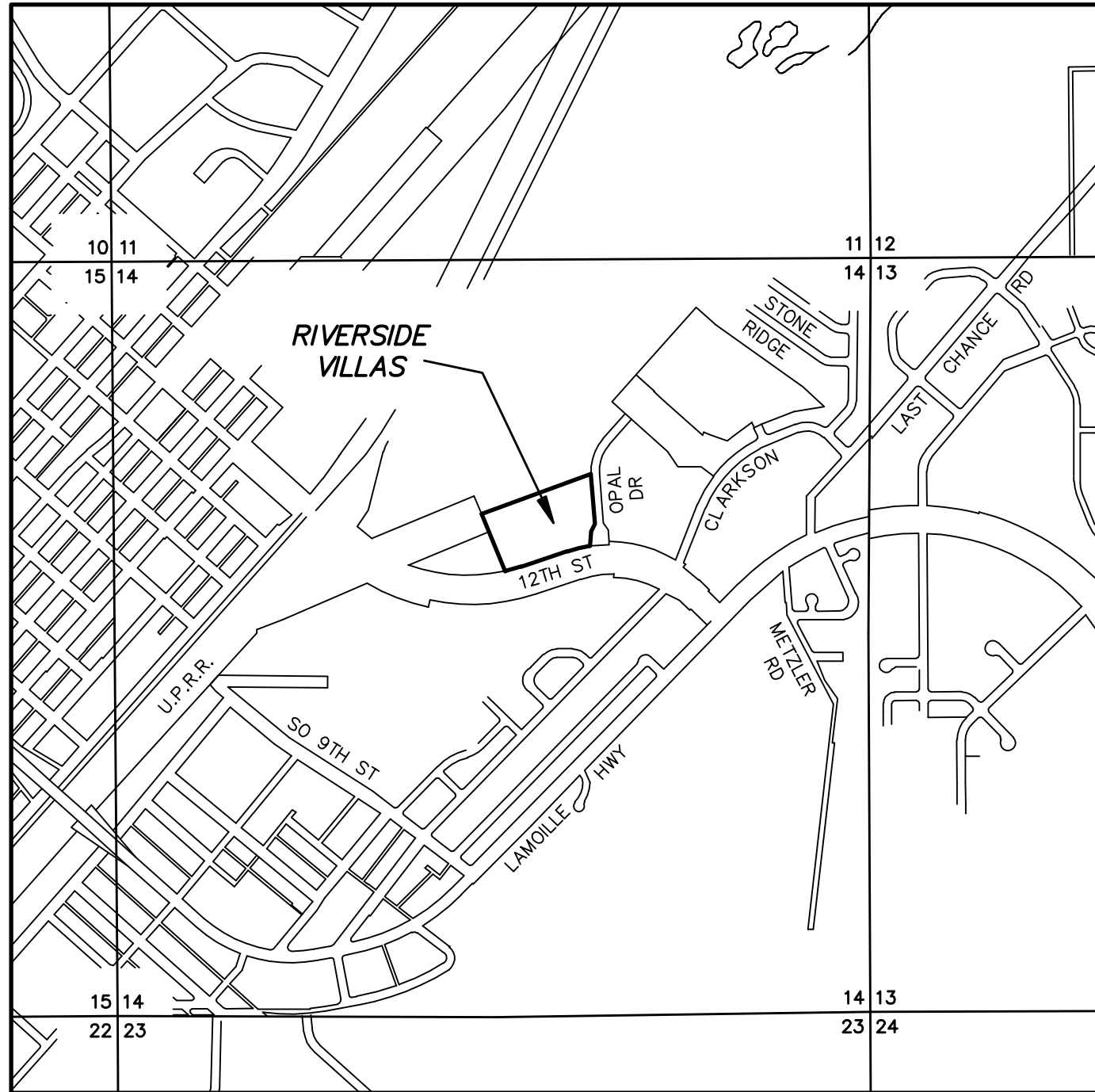
NOTES:

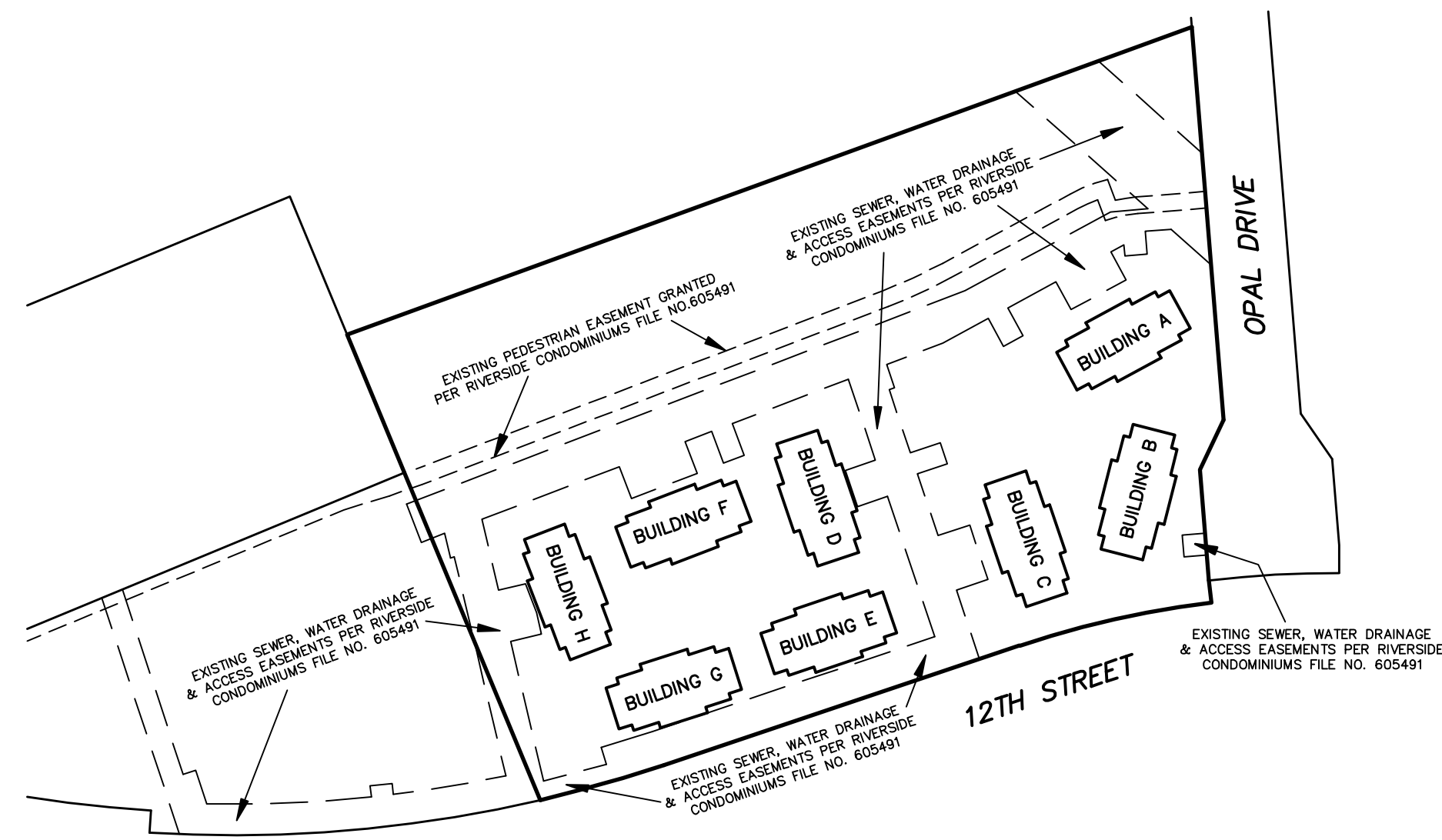
- 1) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 7.872 ACRES.
- 2) BASIS OF BEARINGS: THE LINE BETWEEN THE FOUND NORTHEAST AND SOUTHEAST CORNERS OF SECTION 11, T.34 N., R.55 E., M.D.B. & M., TAKEN AS S 00° 26' 07" E.
- 3) A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED SPECIFICALLY TO NV ENERGY WITHIN EACH 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.
- 4) A PUBLIC UTILITY EASEMENT IS HEREBY GRANTED SPECIFICALLY TO SOUTHWEST GAS CORP. WITHIN EACH PARCEL FOR THE EXCLUSIVE PURPOSE OF INGRESS/EGRESS, INSTALLING, MAINTAINING, INSPECTING AND REPAIRING UTILITY FACILITIES WHICH PROVIDE SERVICE TO THAT PARCEL, WITH THE RIGHT TO EXIT THAT PARCEL WITH ADDITIONAL UTILITY FACILITIES FOR THE PURPOSE OF SERVING ADJACENT PARCELS. RIGHTS ARE ALSO GRANTED TO USE EXISTING PUBLIC RIGHTS-OF-WAY FOR THE PURPOSE OF MAINTAINING, INSTALLING, INSPECTING AND REPAIRING SAID UTILITY FACILITIES.

LEGEND

- ◇ = SECTION CORNER AS NOTED.
- = FOUND 5/8" REBAR WITH CAP MARKED PLS 6203.
- = CALCULATED POINT ONLY, NOTHING FOUND OR SET

RIVERSIDE VILLAS
A CONDOMINIUM DEVELOPMENT
PHASE 1
CITY OF ELKO, NEVADA





IN ADDITION TO ANY EASEMENTS SHOWN ON THIS DETAIL, PARCEL B AS SHOWN HEREON IS SUBJECT TO THE 20' UTILITY EASEMENT GRANTED TO THE CITY OF ELKO BY DOCUMENT NO. 455372, ELKO COUNTY, NEVADA OFFICIAL RECORDS. THE EASEMENTS SHOWN ON THE FINAL MAP FOR RIVERSIDE CONDOMINIUMS PHASE 1, FILE NO. 605491 AND THE EASEMENTS SHOWN ON THE MAP OF REVERSION FOR SIGNATURE DEVELOPERS, LLC, FILE NO. 665925 WITH THE EXCEPTION OF THE BLANKET UTILITY EASEMENT GRANTED BY NOTE 6 OF THE SAID FINAL MAP OF RIVERSIDE CONDOMINIUMS PHASE 1 AND CITED AS REMAINING IN EFFECT BY NOTE 7 OF THE SAID MAP OF REVERSION FOR SIGNATURE DEVELOPERS.

NOTE 6 OF THE SAID FINAL MAP OF RIVERSIDE CONDOMINIUMS PHASE 1 GRANTS A BLANKET UTILITY EASEMENT FOR GAS, POWER, TV AND TELEPHONE SERVICES WITHIN THE COMMON AREA SHOWN ON LOT 2A OF THE SAID FINAL MAP OF RIVERSIDE CONDOMINIUMS PHASE 1 AND IS CITED AS REMAINING IN EFFECT BY NOTE 7 OF THE SAID MAP OF REVERSION FOR SIGNATURE DEVELOPERS. THIS EASEMENT IS HEREBY AMENDED AND REPLACED BY A BLANKET UTILITY EASEMENT GRANTED BY THIS MAP WITHIN THE COMMON ELEMENT ON PARCEL B AS SHOWN HEREON. SEE NOTES UNDER COMMON ELEMENTS ON THIS SHEET.

JOSHUA TREE SHELTER
PARCEL 3
PARCEL MAP
FILE NO. 625691
ZONING: GENERAL INDUSTRIAL

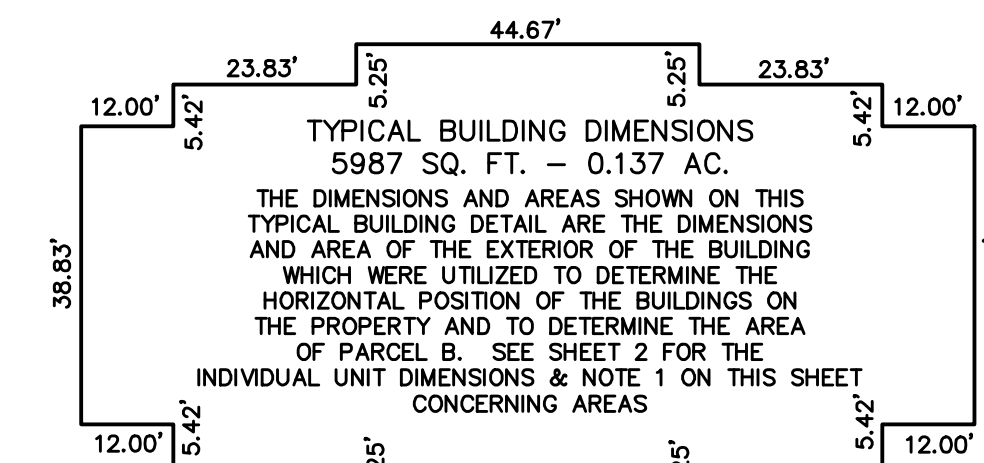
NOTES:

1) THE TOTAL SUBDIVIDED AREA OF THIS MAP EQUALS 7.872 ACRES.

THE AREAS LISTED BELOW ARE THE HORIZONTAL AREAS AT GROUND LEVEL:

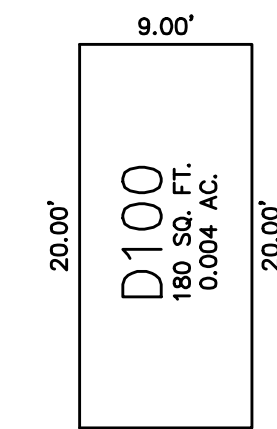
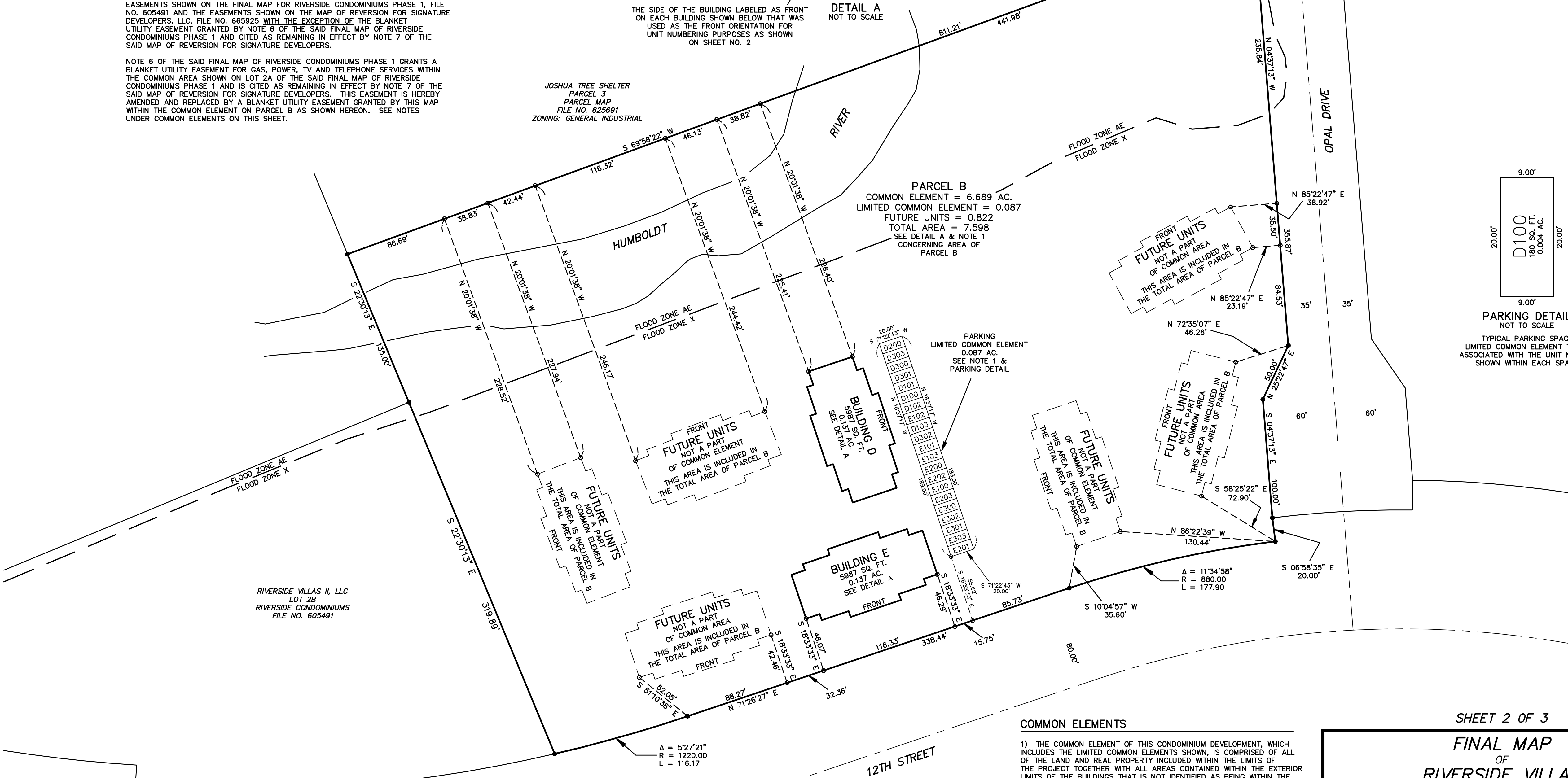
COMMON ELEMENT WITHIN THE EXTERIOR LIMITS OF EACH BUILDING = 0.020 AC.
LIMITED COMMON ELEMENT WITHIN EXTERIOR LIMITS OF EACH BUILDING = 0.008 AC.
AREA OF THE UNITS WITHIN EACH BUILDING = 0.109 AC.
TOTAL AREA WITHIN EXTERIOR LIMITS OF EACH BUILDING = 0.137 AC.

COMMON ELEMENT OUTSIDE THE EXTERIOR LIMITS OF ALL BUILDINGS = 6.689 AC.
LIMITED COMMON AREA OUTSIDE THE EXTERIOR LIMITS OF ALL BUILDINGS = 0.087 AC.
AREA OF FUTURE UNITS NOT INCLUDED IN COMMON ELEMENT = 0.822 AC.
TOTAL AREA OUTSIDE THE OUTSIDE LIMITS OF ALL BUILDINGS = 7.598 AC.



THE SIDE OF THE BUILDING LABELED AS FRONT ON EACH BUILDING SHOWN BELOW THAT WAS USED AS THE FRONT ORIENTATION FOR UNIT NUMBERING PURPOSES AS SHOWN ON SHEET NO. 2

DETAIL A
NOT TO SCALE



COMMON ELEMENTS

1) THE COMMON ELEMENT OF THIS CONDOMINIUM DEVELOPMENT, WHICH INCLUDES THE LIMITED COMMON ELEMENTS SHOWN, IS COMPRISED OF ALL OF THE LAND AND REAL PROPERTY INCLUDED WITHIN THE LIMITS OF THE PROJECT TOGETHER WITH ALL AREAS CONTAINED WITHIN THE EXTERIOR LIMITS OF THE BUILDINGS THAT IS NOT IDENTIFIED AS BEING WITHIN THE BOUNDARIES OF THE UNITS AS SHOWN HEREIN.

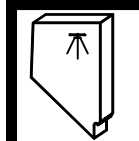
2) THE COMMON AND LIMITED COMMON ELEMENTS OF THIS CONDOMINIUM DEVELOPMENT MAY BE FURTHER DEFINED IN THE DECLARATION AS PROVIDED FOR IN N.R.S. 116.2105.

50 0 50 100 150 200

SCALE: 1"=50'

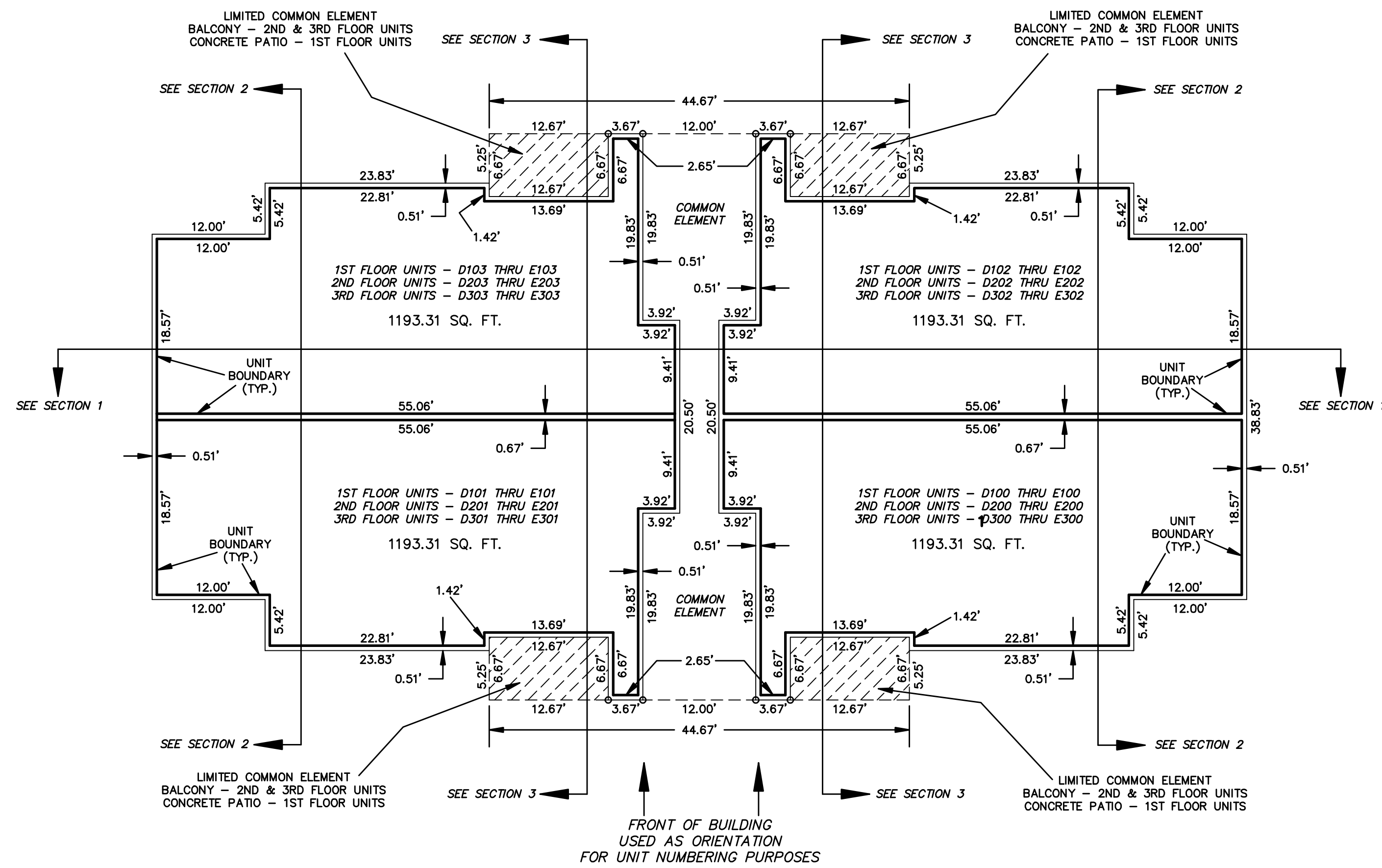
SHEET 2 OF 3

FINAL MAP
OF
RIVERSIDE VILLAS
A CONDOMINIUM DEVELOPMENT
PHASE 1
IN
SECTION 14, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA



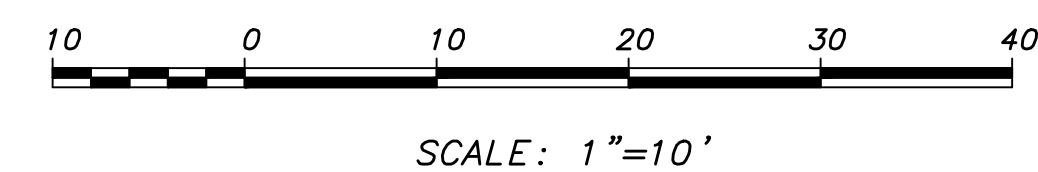
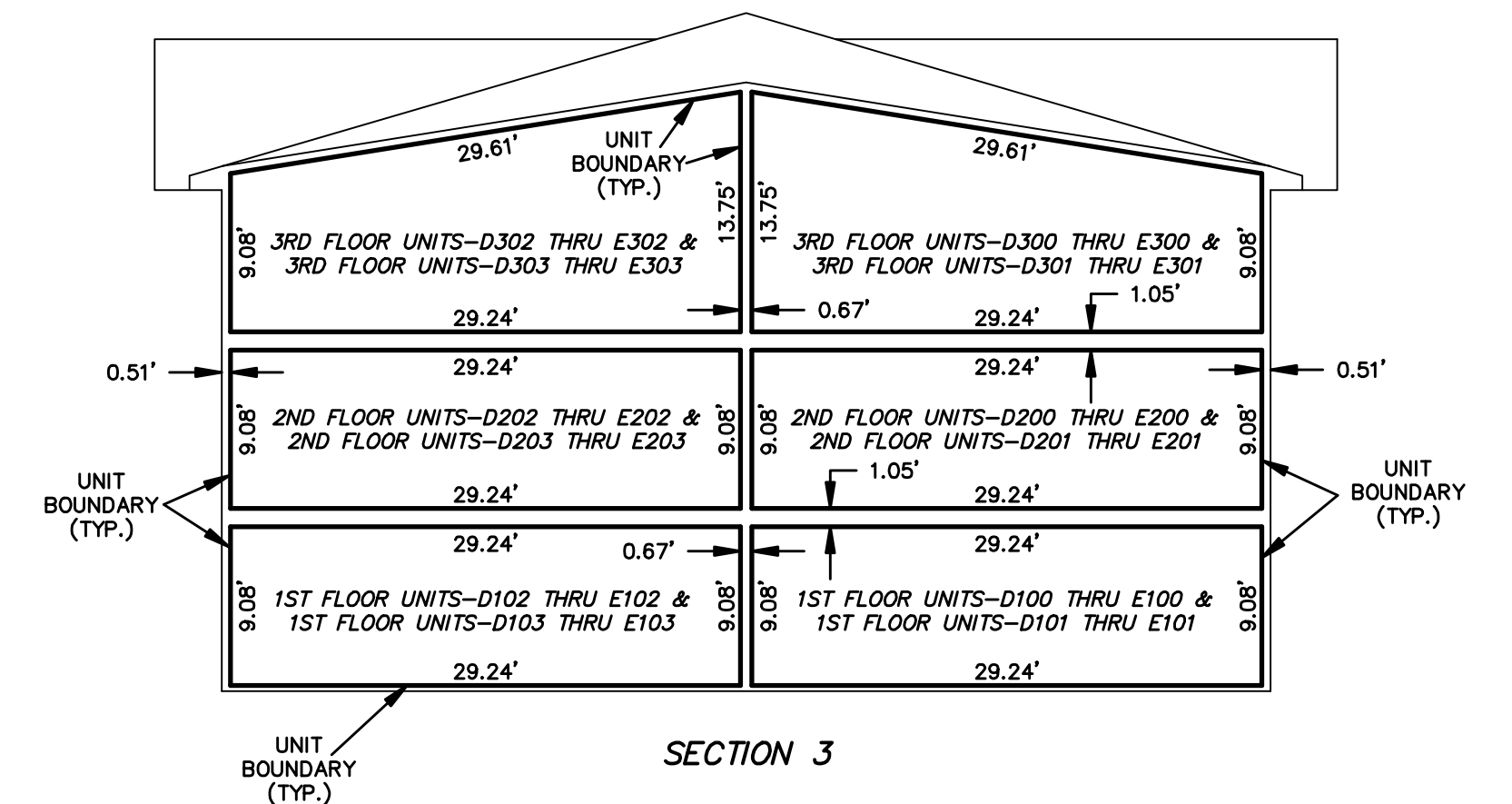
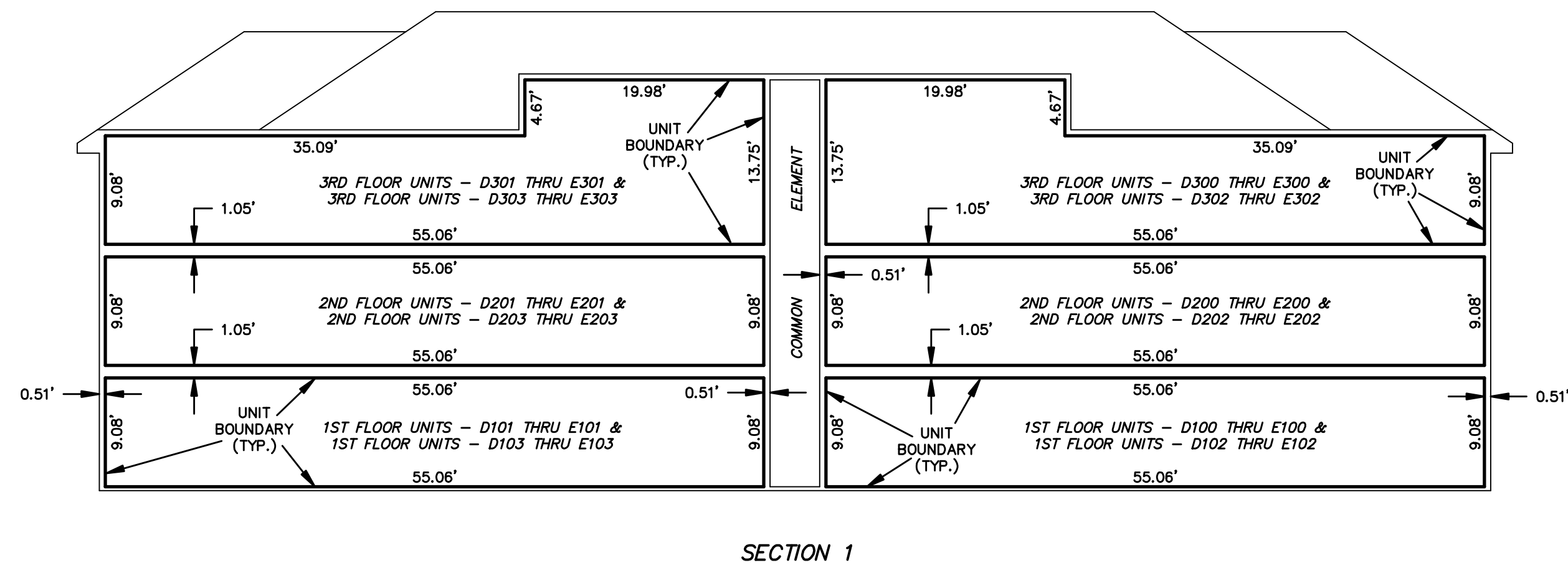
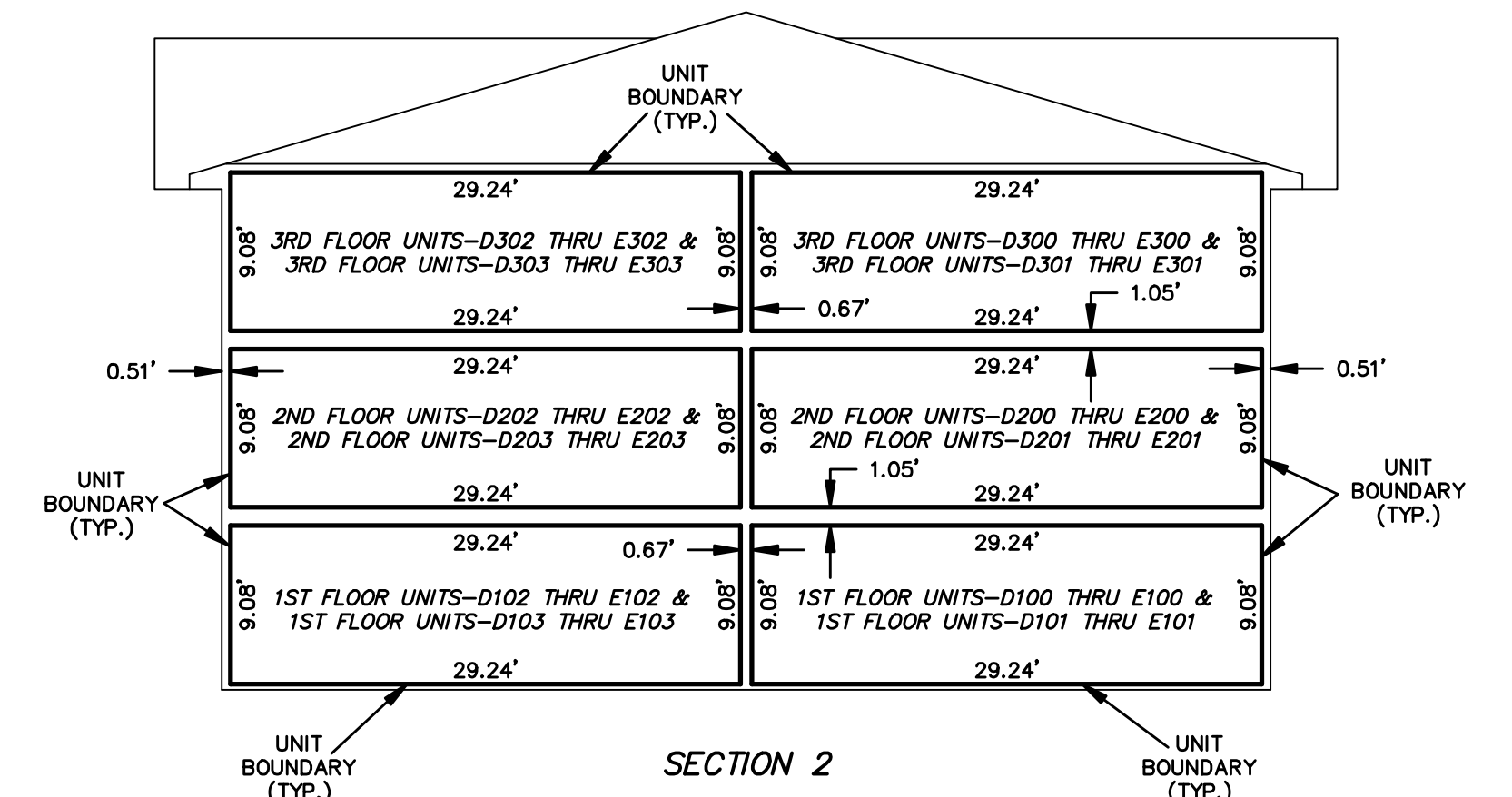
HIGH DESERT
ENGINEERING,
LLC
640 IDAHO STREET
ELKO, NEVADA 89801
(775) 738-4053

218040



FRONT OF BUILDING
USED AS ORIENTATION
FOR UNIT NUMBERING PURPOSES

**BUILDINGS D AND E
TYPICAL UNIT DIMENSIONS**
ALL AREAS CONTAINED WITHIN THE EXTERIOR LIMITS
OF THE BUILDINGS NOT IDENTIFIED AS BEING WITHIN THE
BOUNDARY OF THE UNITS AS SHOWN HEREON, ARE TO BE PART OF
THE COMMON ELEMENT OF THIS CONDOMINIUM DEVELOPMENT
WHICH INCLUDES THE LIMITED COMMON ELEMENTS SHOWN



SHEET 3 OF 3

FINAL MAP
OF
RIVERSIDE VILLAS
A CONDOMINIUM DEVELOPMENT
PHASE 1
IN
SECTION 14, T.34 N., R.55 E., M.D.B. & M.
CITY OF ELKO, NEVADA

HIGH DESERT ENGINEERING, LLC
640 IDAHO STREET
ELKO, NEVADA 89801
(775) 738-4053

218040

Zoning Bulletin

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Signs/Variances—City denies church's variance request for digital lettering on sign

Church argues variance is warranted due to “practical difficulties” of carrying out church use without digital sign lettering

Citation: *Antioch Community Church v. Board of Zoning Adjustment of City of Kansas City*, 2018 WL 1599776 (Mo. 2018)

Contributors

Corey E. Burnham-Howard

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MISSOURI (04/03/18)—This case addressed the issues of whether, with regard to a church's request for a nonuse zoning variance for a digital display on a monument sign in front of the church building: (a) the presence of digital lettering on the monument sign changed the sign type from monument to digital such that the city's board of zoning adjustment lacked authority under the zoning code to grant the church's request for a nonuse variance; and (b) the church showed "practical difficulties" in carrying out the church's use of the property without a nonuse variance for digital lettering on its sign.

The Background/Facts: Antioch Community Church (the "Church") was located in a residential zone in the City of Kansas City (the "City"). For more than 60 years, the Church had a "monument" type sign with a manual message display with individual removable hanging letters. In 2010, at a cost of \$11,426, the Church upgraded its monument sign to include a digital display. The Church sought neither a permit nor a variance from the City prior to its 2010 installation of the digital lettering on its monument sign.

Approximately one year after the Church added the digital display to the monument sign, the City issued a citation to the Church. The City maintained that the Church's digital lettering was violating the City zoning code—specifically Section 88-445-06-A-4(a), which prohibited "any form of digital or electronic display" on monument signs in residential areas.

The Church appealed the citation to the City's Board of Zoning Adjustment ("BZA"). However, before the appeal could be heard, the Church filed an application with the BZA for a variance "to allow [a] digital display on [the] existing monument sign."

The BZA rejected the Church's request for a variance because it determined the addition of a digital display on the monument sign changed the "type" of sign from a monument sign to a digital sign. Section 88-445-12 of the City zoning code provided that the BZA could "grant variances to the requirements for signs, except as to type and number." The BZA further provided that even if the addition of the digital display did not change the sign "type," it denied the variance because the Church "failed to establish [the] undue hardship or practical difficulty" necessary for granting a variance.

Once the variance request was denied, the BZA ruled on the Church's appeal of its zoning violation citation, finding against the Church.

The Church then filed an action with the circuit court, challenging both the BZA's denial of the variance request and the BZA's decision on the appeal of the citation.

The circuit court ruled in the Church's favor. The court found: (1) that the addition of digital lettering was not a change in sign type and therefore the BZA did have the authority to grant the variance; and (2)

the Church “adequately established the existence of ‘practical difficulties’ so the denial of the variance was not supported by competent and substantial evidence.”

The City appealed.

DECISION: Judgment of Circuit Court affirmed in part and reversed in part.

The Supreme Court of Missouri, en banc, first agreed with the Church and the circuit court that the addition of digital lettering was not a change in sign type such that the BZA did have the authority to grant the variance. In so holding, the court looked at the City zoning code’s definition of “monument sign.” The code defined a “monument sign” as a “sign placed upon a base that rests upon the ground where the width of the base of the sign is a minimum of 75 percent of the width of the longest part of the sign.” The court found that the “Church’s sign fit within this definition of ‘monument sign’ both before and after the change in the lettering from manual to digital,” since the definition did not include any language about what kind of lettering was required on a monument sign. Moreover, the court found that a different section of the City zoning code acknowledged the existence of “digital monument signs,” permitting them in non-residential zoning districts. Since the sign “type” remained the same despite the change in lettering display, the court concluded that the BZA did have authority to grant the variance to the Church.

However, the court also concluded that the BZA properly denied the Church’s requested variance because the Church failed to show “practical difficulties” in carrying out the Church’s use of the property as a church without the nonuse variance for the digital lettering.

Again, since the City zoning code (section 88-445-06-A-4(a)) prohibited “any form of digital or electronic display” on monument signs in residential areas, the Church needed a variance to maintain its sign. Missouri statutory law (RSMo § 89.090.1(3)), noted the court, provides that boards of adjustment can grant variances when: “there are practical difficulties or unnecessary hardship in the way of carrying out the strict letter of such ordinance.” Citing prior case law, the court noted that for “nonuse” variances, such as that sought by the Church here, the applicant must show that there are “practical difficulties” in carrying out the permitted use of the property because of conflicts with the zoning requirement, thus necessitating the nonuse variance. In other words, here, the Church had to show that it had “practical difficulties” in using its property as a church without a variance allowing it to have digital lettering on its monument sign.

The Church attempted to make such a showing. It argued that: (1) the lack of a digital sign impaired the Church’s ability to “meaningfully convey its non-commercial religious message” because the Church’s

aging membership found it “extremely difficult” to go outside and manually change the lettering on the old non-digital sign; (2) the larger digital letters allowed the Church to more clearly convey its message and help it recruit new church members; and (3) it showed “economic hardship and ‘unique factual circumstances’ ” in that the Church spent more than \$11,000 on the digital display because it knew another church in a different city had no issues with such a display upgrade.

The court rejected all of the Church’s arguments, finding they did not amount to “practical difficulties” in carrying out the church use. The court explained that there were “guidelines” to utilize in considering applications for nonuse variance, which boards of zoning adjustment should look to in determining whether practical difficulties have been shown:

“(1) how substantial the variation is in relation to the requirement, . . . (3) whether a substantial change will be produced in the character of the neighborhood or a substantial detriment to adjoining properties created, (4) whether the difficulty can be obviated by some method, feasible for the applicant to pursue, other than a variance, and (5) whether in view of the manner in which the difficulty arose and considering all of the above factors the interests of justice will be served by allowing the variance.”

Here, the court found that the Church’s variance requested from the prohibition on digital sign displays in residential zoning districts would not meet the various criteria. The court found the Church’s offered reasons for the variance explained the Church’s “preference” for the digital sign, but not a “practical difficulty” in carrying out the Church’s use of the property as a church. Rejecting the Church’s arguments as to “practical difficulty,” the court said that the Church: (1) could utilize a younger church member or hire someone to change the non-digital lettering on the sign; (2) had operated since 1853 without digital lettering; and (3) could not justify the variance because of the unfortunate waste of money caused by the Church’s failure to make the expenditure without checking on zoning requirements.

See also: *Matthew v. Smith*, 707 S.W.2d 411 (Mo. 1986).

See also: *Slate v. Boone County Bd. of Adjustment*, 810 S.W.2d 361 (Mo. Ct. App. W.D. 1991).

Case Note:

On appeal, the Church alternatively had asked the court to hold that the portion of the City’s zoning code prohibiting digital monument signs in residential zones violated the First Amendment by favoring commercial speech over non-commercial speech. The court found that the Church had failed to preserve that claim for appeal. In any case, the court viewed this argument of the Church’s as being that: “the zoning code’s prohibition against digital signs in residential areas has a disparate impact on churches because the zon-

ing code does not allow churches to obtain variances allowing them to have a digital display.” The court noted that it had found the Church was not barred from obtaining a variance if it met the requirements for a variance. Rather, “[t]he Church simply failed to meet those requirements.” Thus, the court concluded: “[t]he Church does not and cannot argue the ordinance was unconstitutional when the reason for denial of the variance was its own failure of proof”

Zoning Authority—County land use regulation prohibits fractional ownership of campgrounds

Campground owner contends regulation exceeds county’s zoning authority

Citation: *Board of County Commissioners of Teton County v. Mackay Investments, LLC*, 2018 WY 34, 413 P.3d 1120 (Wyo. 2018)

WYOMING (03/28/18)—This case addressed the issue of whether a county zoning regulation prohibiting fractional ownership of campgrounds exceeded the county’s zoning authority.

The Background/Facts: Mackay Investments, LLC (“Mackay”) owned and operated two campgrounds in Teton County (the “County”). Pursuant to a settlement agreement between Mackay and the County, as well as a County Land Development Regulation aimed at promoting tourism, long-term camping was prohibited at both of Mackay’s campgrounds.

In 2015, Mackay transferred undivided tenant in common fee ownership interests to 21 separate entities at each of its campgrounds. Mackay retained an undivided tenant in common fee ownership interest in each of the campgrounds. Thus, each of the campgrounds was then owned by 22 separate entities as undivided tenants in common or as tenants in common with an undivided interest in the whole.

In 2016, the County sent Mackay a Notice of Violation, asserting that tenant in common ownership of the campgrounds violated a section of the county Land Development Regulations that prohibited fractional ownership of campgrounds.

Mackay responded by filing a declaratory judgment action in the district court. Mackay asked the district court to find that the Land Development Regulation prohibiting fractional ownership of camp-

grounds exceeded the County's regulatory zoning authority and was unenforceable. Mackay argued that the County only had authority to regulate use of land, and that the County had failed to show how regulation of the transfer of an ownership interest in the campgrounds affected use of land.

The County, on the other hand, asserted that its regulation prohibiting fractional ownership of campgrounds was "directly related to use . . . of the land encompassing the campgrounds."

Finding there were no issues of material fact in dispute, and deciding the matter on the law alone, the district court granted summary judgment in favor of Mackay. The court agreed with Mackay that the regulation prohibiting fractional ownership of campgrounds was unenforceable because it was beyond the County's zoning authority.

The County appealed.

DECISION: Judgment of district court affirmed.

Agreeing with Mackay and the district court, the Supreme Court of Wyoming held that the County Land Development Regulation prohibiting fractional ownership of campgrounds exceeded the County's zoning authority.

In so holding, the court explained that, pursuant to Wyoming statutory law (Wyo. Stat. Ann. § 18-5-201), the County's "general zoning authority" was: "to promote the public health, safety, morals and general welfare of the county" by regulating and restricting "the use, condition of use or occupancy of lands for residence, recreation, agriculture, industry, commerce, public use and other purposes in the unincorporated area of the county." Thus, determined the court, the County could regulate the "use" and "occupancy" of lands, but was not authorized to regulate the ownership of lands. Accordingly, said the court, a county's zoning authority does not include the right to regulate land ownership absent a showing that a change in ownership will result in a change in use.

The County had argued that the disputed regulation of campground fractional ownership was intended to ensure that camping spaces were available for visiting tourists and aimed for an "increased turnover of campsites," and was therefore a regulation on the use of campgrounds and a valid exercise of the its zoning authority.

Reviewing the plain language of the regulation prohibiting fractional ownership of campgrounds, the court disagreed. The court noted that the new tenant in common owners, under their transaction agreements with Mackay, were subject to exactly the same time limitations on camp site occupancy as Mackay was before the transactions. The court found nothing in the disputed regulation that altered the length of occupancy or affected the rate of turnover at the two campgrounds. The regulation

prohibiting fractional ownership did not control the use of the campsites or have any impact on the use of the land. It controlled only the ownership of the land, not its use, found the court. Accordingly, the County regulation prohibiting fractional ownership of campgrounds was beyond the County's zoning authority and unenforceable, concluded the court.

Limitations Period/Time for Proceedings—County contends wireless communication provider's legal challenge to permit denial is outside of the Telecommunication Act's statute of limitations period, and therefore time barred

Parties dispute when “final action” occurs in zoning decisions, triggering Act's 30-day clock

Citation: *Athens Cellular, Inc. v. Oconee County, Georgia*, 886 F.3d 1094 (11th Cir. 2018)

The Eleventh Circuit has jurisdiction over Alabama, Florida, and Georgia.

ELEVENTH CIRCUIT (GEORGIA) (04/2/18)—This case addressed the issue of whether a telecommunications provider, which was denied a special use permit by a county board, met the 30-day statutory limitations period of the Telecommunications Act of 1996 (the “TCA”) to timely appeal the county board's final action. The case addressed how to assess when the TCA's statute of limitations period begins to run.

The Background/Facts: In May 2014, Athens Cellular, Inc., doing business as Verizon Wireless, (“Verizon”) submitted an application to the Planning Department of Oconee County (the “County”) for a Special Use Permit (the “Permit”) to construct a cellular communications tower that would “enhance its wireless service.” Eventually, at its August 5, 2014 meeting, the County Board of Commissioners (the “Board”) denied the Permit. That day, the Commissioners signed a document denying the Permit (the “Document”). On August 7, the Doc-

ument was placed in the County's Ordinances and Resolutions books, according to "customary procedure." Then, on September 2, 2014, at the Board's next regular monthly meeting, the Board approved the minutes of the August 5 meeting at which it had voted on Verizon's application.

On September 5, 2014, Verizon sought a copy of the August 5 meeting minutes, which it found on the County website. The meeting minutes referred to the Document denying the Permit. Verizon had to submit an Open Records Request to obtain a copy of the Document, and received a copy of the Document on September 10.

On September 24, 2014, Verizon filed a legal action in court, challenging the denial of the Permit. Verizon argued that the Board's decision had the effect of prohibiting its provision of personal wireless services, in violation of § 332(c)(7)(B)(i)(II) of the Telecommunications Act of 1996 (the "TCA").

The TCA provides certain federal substantive and procedural limitations on the local permitting process for the construction of cellular communications towers "in order to facilitate broader extension of wireless services to the American people." Section 332(c)(7)(B)(i)(II) provides that a "local government . . . shall act on any request for authorization to place, construct, or modify personal wireless service facilities within a reasonable period of time . . . , taking into account the nature and scope of such request." (47 U.S.C.A. § 332(c)(7)(B)(ii).) It also requires that "[a]ny decision . . . to deny a request [for such authorization] shall be in writing and supported by substantial evidence." (47 U.S.C.A. § 332(c)(7)(B)(iii).)

Here, Verizon argued that the Board's decision to deny the Permit was "not supported by substantial evidence, as required by § 332(c)(7)(B)(iii)." Verizon asked the court to issue an injunction requiring the Board to issue the Permit.

The County responded to Verizon's action, arguing it was untimely and therefore time-barred under the TCA. Section 332(c)(7)(B)(v) of the TCA requires that "[a]ny person adversely affected by any final action by a State or local government . . . that is inconsistent with [§ 332(c)(7)(B)'s limitations] may, within 30 days after such action . . . , commence an action in any court of competent jurisdiction." (47 U.S.C.A. § 332(c)(7)(B)(v).) The County argued that Verizon failed to file the lawsuit within the TCA's 30-day limitations period. Verizon contended that the 30-day limitations period began to run on August 7, 2014, when the County Clerk (the "Clerk") entered the Document evidencing the Board's August 5 vote in the County's Ordinances and Resolutions books "pursuant to custom."

The District Court agreed with the County. It dismissed Verizon's action as time-barred.

Verizon appealed. On appeal, Verizon contended that the TCA's statute of limitations began to run after September 2, 2014, when the Board formally approved the minutes of the August 5 meeting at which it had voted to deny the Permit.

DECISION: Judgment of district court reversed, and matter remanded.

Agreeing with Verizon, the United States Court of Appeals, Eleventh Circuit, held that the TCA's 30-day statute of limitations period for challenging the Board's denial of Verizon's Permit did not begin to run until the denial became a "final action"—which occurred on September 2, 2014, when the Board approved the minutes of the August 5 meeting at which the Permit was denied.

In so holding, the Eleventh Circuit looked to the TCA, Georgia law, and the County Code for their guidance on when a local permitting decision becomes a "final action"—thus starting the 30-day clock under the TCA. The court said that "[o]nly when an applicant receives sufficient notice does [a local board's] decision become 'final,' and only then can the thirty-day [TCA] clock begin to run." The court found that the TCA provided "no express answer" as to when an action is "final" and the 30-day clock begins. Still, the court determined that although Congress "did not explicitly instruct local governments to provide aggrieved parties with 'actual notice' of the issuance of their final permitting decisions and where the decision might be found, it could not have intended that aggrieved parties receive no notice at all, because that would effectively deprive the parties of their right to judicial review under [the TCA] 47 U.S.C.A. 332(c)(7)(B)(v)." Looking further, the Eleventh Circuit noted that the United States Supreme Court had defined "final action" under the TCA as "the issuance of the written notice of denial," thus signifying that the high Court understands the TCA to require "notice." Moreover, the Eleventh Circuit noted that the United States Supreme Court had further enumerated that for agency action to become final, two conditions must be met: "First, the action must mark the consummation of the agency's decision making process—it must not be of a merely tentative . . . nature[;] [a]nd second, the action must be one by which rights or obligations have been determined, or from which legal consequences will flow."

Next, consulting Georgia law and the County Code, the court concluded that Georgia's Open Meetings Act dictated the procedures for "final action" on zoning decisions—thus providing "constructive notice" to zoning applicants (such as Verizon, here) as to when an application denial would be "final." Georgia's Open Meeting Act required: a written summary of "subjects acted on" at meetings; minutes of the meeting to be prepared and "promptly recorded"; a vote on whether to approve those minutes at the board's "next regular meet-

ing”; and such approved meeting minutes to be made “open to public inspection, but in no case later an immediately following [the board’s] next regular meeting.” (See O.C.G.A. §§ 50-14-1(e)(2)(A) and 50-14-1(e)(2)(B).)

Applying Georgia’s Open Meeting Act’s procedural requirements to the case at hand, the Eleventh Circuit found that the Board had “plenary power over the August 5 minutes: it could approve the minutes, revise them, or postpone its approval decision until the next month’s meeting in October.” As it turned out, at its September 2, 2014 meeting, the Board approved the August 5 minutes in full. This, concluded the court, was when the Board’s denial of the Verizon’s Permit became a “final action,” starting the TCA’s 30-day statute of limitations period. In other words, it was at the September 2 meeting that the Board approved the August 5 meeting minutes and thus “the Board’s ‘decision-making process’ was . . . consummated, and the relevant legal consequences under the TCA [flowed].” “Verizon’s action, filed on September 24, was therefore timely,” concluded the court. Accordingly, the District Court erred in dismissing Verizon’s case.

See also: *T-Mobile South, LLC v. City of Roswell, Ga.*, 135 S. Ct. 808, 190 L. Ed. 2d 679 (2015).

See also: *Bennett v. Spear*, 520 U.S. 154, 177-78, 117 S. Ct. 1154, 137 L. Ed. 2d 281, 44 Env’t. Rep. Cas. (BNA) 1161, 27 Env’t. L. Rep. 20824 (1997).

Zoning News from Around the Nation

CALIFORNIA

In early April 2018, amendments were made to the housing transit bill—Senate Bill 827—which would allow for construction of taller residential buildings near public transportation stations. Among the amendments: the “maximum height of buildings that could be built under the bill has been reduced to five stories from eight”; and the effective date of the bill, should it become law, would be 2012 instead of 2019. The bill was expected to go before its first committee hearing on April 17.

Source: *Curbed San Francisco*; <https://sf.curbed.com>

PENNSYLVANIA

In early April, the Philadelphia City Council announced a “package of affordable housing bills,” which includes new “inclusionary zoning

bonuses that would allow developers in many zoning districts to build denser and taller buildings if they provide affordable housing.”

Source: *WhyY*; <http://planphilly.com>

LOUISIANA

State Senators have approved legislation—Senate Bill 462— which asserts “state authority over local zoning efforts to create affordable housing.” Specifically, Senate Bill 462 “would forbid municipal and parish governments from requiring developers to set aside a certain number of low income units in order to receive building permits for apartment, condo, single family and other housing projects.” Notably, the bill would reportedly “replace the term ‘inclusionary zoning’ with ‘voluntary economic incentive policies,’ which would circumvent the usual way local governments create more affordable housing”

Source: *The Advocate*; www.theadvocate.com

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Rezoning—City amends zoning ordinance to allow for previously prohibited uses in zoning district

Residents allege zoning amendment constitutes illegal rezoning and impermissible spot-zoning

Citation: *Gerald Emmett Beard v. City of Ridgeland*, 2018 WL 1869589 (Miss. 2018)

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MISSISSIPPI (04/19/18)—This case addressed the issue of whether a city’s amendment of a zoning ordinance to allow for certain previously prohibited uses constituted an illegal zoning and/or impermissible “spot zoning.”

The Background/Facts: In February 2014, the City of Ridgeland (the “City”) adopted a comprehensive Zoning Ordinance and Map. Soon thereafter, the City’s Director of Community Development pursued the siting of a Costco in the City, offering to Costco six potential sites to consider. Ultimately, Costco chose its preferred site (the “Site”). Under the 2014 Zoning Ordinance, the Site was zoned C-2. C-2 districts did not permit—as permitted or conditional uses—gas stations, fast-food drive-through restaurants, drive-through pharmacies, banks, drive-through automatic teller machines (“ATMs”), food-product carry-out or delivery stores, or laundry and dry-cleaning pickup stations. After working closely with Costco representatives on the language, the City drafted and then adopted, in June 2015, a zoning amendment that created as a permitted use in C-2 districts a “Large Master Planned Commercial Development” (“LMPCD”). The zoning amendment allowed uses previously prohibited in C-2 districts, including service stations, banks, drive-through ATMs, food product and carry-out and delivery stores, laundry and dry-cleaning pickup, fast-food drive-through restaurants, and drive-through pharmacies.

Area residents (the “Residents”) challenged the June 2015 zoning ordinance amendment as invalid for, among other things, failure by the City to provide proper notice before its adoption. The City then repealed the zoning amendments, noticed a public hearing, and in April 2016, adopted a new amended zoning ordinance (of substantially similar language to the June 2015 amendment).

The Residents challenged the adoption of the April 2016 amended zoning ordinance. They argued that the amendment constituted illegal rezoning or spot-zoning.

The City argued that the zoning change was “a mere textual amendment.”

The circuit court affirmed the City’s April 2016 zoning amendment.

The Residents appealed, arguing again that the April 2016 zoning amendment constituted illegal rezoning and/or impermissible spot-zoning.

DECISION: Judgment of Circuit Court reversed, and matter remanded.

The Supreme Court of Mississippi agreed with the Residents, concluding that the April 2016 zoning amendment constituted both illegal rezoning and impermissible spot-zoning.

In arguing that the zoning amendment was illegal rezoning, the Residents had pointed to a City zoning ordinance, which provided criteria for rezoning. That ordinance allowed re-zoning only if: (1) there was a mistake in the original zoning; or (2) “the character of the neighborhood has changed to such an extent as to justify reclassification, and that there is a public need for re-zoning.” No mistake had been claimed, and the Residents contended that in the short time between the 2014 adoption of the Zoning Ordinance and Map and the 2016 zoning amendment, there had been no substantial change in the neighborhood character. The appellate court agreed. It held that “the City il-

legally rezoned” the Site “[b]ecause, almost immediately after adopting a new comprehensive zoning ordinance and map in 2014, the City sought to change the zoning of the proposed Costco site to allow numerous prohibited uses, and . . . those additional uses effectively transformed the [Site] from a C-2 district to a C-3 district”

The Residents had also argued that the 2016 zoning amendment was primarily for the private interest of Costco so that it could build on the Site, and therefore constituted impermissible spot-zoning. Looking at the City Zoning Ordinance’s guidelines for amendments to zoning ordinance text, the court found that under those guidelines, a rezoning would be considered illegal spot-zoning “if the proposed amendment is for a small parcel of land singled out for special and privileged treatment.” Here, the court found that the 2016 zoning amendment was “created and . . . focused solely on Costco and its activities.” Because the City “engaged in illegal spot-zoning by singling out a parcel of land for special and privileged treatment,” the court found that the April 2016 zoning amendment was “arbitrary, capricious, and unsupported by substantial evidence.”

See also: *Modak-Truran v. Johnson*, 18 So. 3d 206 (Miss. 2009).

Variance—Board of Zoning Adjustment grants variance for church addition based on “exceptional condition” in that building structure contributed to local historic district

Neighbors argue contributing nature of structure is not sufficient to constitute “exceptional condition” warranting a variance

Citation: *Dupont Circle Citizens Association v. District of Columbia Board of Zoning Adjustment*, 2018 WL 1748313 (D.C. 2018)

DISTRICT OF COLUMBIA (04/12/18)—This case addressed the issue of whether the presence on property of a structure that contributes to a historic district constitutes an “exceptional condition” justifying a zoning variance.

The Background/Facts: St. Thomas’ Episcopal Parish (the “Parish”) has occupied its current site in the District of Columbia (“D.C.”) for 120 years. In 1970, the main church was destroyed by fire. Since that time, the church has operated out of the only remaining structure on the property—the Parish Hall.

In September 2015, the Parish proposed to build an addition to the Parish Hall. Although one building would remain, its western side would include a four-story church element, and its eastern side would include a multifamily

residential building with approximately 56 units in seven stories. Because the zoning district in which the Parish was located limited buildings to no more than 80% of the lot, and the proposed project would occupy 86.7% of the lot, the Parish sought an area variance from D.C.'s Board of Zoning Adjustment (the "BZA").

The BZA granted the Parish's requested variance. In doing so, the BZA found that the fact that the Parish Hall was a contributing building to the local historic district amounted to an "exceptional condition that would create a practical difficulty in complying with the existing lot occupancy regulations." The BZA concluded that such practical difficulty warranted variance relief.

Two neighborhood associations (the "Neighbors") challenged the BZA's order granting the area variance to the Parish. The Neighbors argued that the Parish had failed to meet the requirements for an area variance. The Neighbors disagreed that the fact that the Parish Hall contributed to the local historic district amounted to an "exceptional condition," warranting an area variance.

DECISION: Judgment of Board of Zoning Adjustment vacated, and matter remanded.

The District of Columbia Court of Appeals agreed with the Neighbors. It held that the presence of a contributing structure to a historic district is "not sufficient to constitute an exceptional condition" warranting a variance.

The court explained that a board of zoning adjustment may grant an area variance if it finds: "(1) there is an extraordinary or exceptional condition affecting the property; (2) practical difficulties will occur if the zoning regulations are strictly enforced; and (3) the requested relief can be granted without substantial detriment to the public good and without substantially impairing the intent, purpose, and integrity of the zone plan." The court further explained that "the extraordinary or exceptional conditions affecting a property can arise from a confluence of factors; however, the critical requirement is that the extraordinary or exceptional condition must affect a single property." That requirement may be satisfied by, among other things, "features of the lot such as irregular shape or narrow width, a characteristic of the land, [a] condition inherent in the structures built upon the land, or prior zoning actions regarding the property." "

Here, the court recognized that the presence of a historic landmark building which restricted development opportunities would amount to an "exceptional condition." However, in comparison, the court disagreed with the BZA that the presence of a contributing structure to a historic district—such as the Parish Hall here—was sufficient to constitute an exceptional condition. The court said that "[t]he presence of a contributing structure is thus less akin to the presence of a landmark building than to the property's inclusion in a historic district, which does not qualify as an exceptional circumstance."

Defending the BZA's finding of exceptional condition on another ground, the Parish argued that as a "public service organization" a more flexible standard should be applied to it with regard to finding exceptional conditions. This "public service doctrine," established by case law, provides that: "[w]here a public service organization applies for an area variance . . . it must show (1) that the specific design it wants to build constitutes an institutional necessity,

not merely the most desired of various options, and (2) precisely how the needed design features require the specific variance sought.”

The Neighbors argued that the Parish’s argument was moot because the Parish did not qualify as a public service organization but was “merely a private organization dedicated to particular religious beliefs and practices.”

Here, the court held that a church could be a public service organization entitled to additional flexibility in a board’s variance analysis. However, here, the BZA had not explicitly found that the Parish itself was a public service organization. Thus, concluding that the Parish could “not demonstrate an exceptional condition affecting its property through the mere presence of a structure that contributes to a historic district,” the court vacated the BZA’s decision and remanded for consideration of whether the Parish was entitled to additional flexibility as a public service organization and whether the requested variance could be justified under the public service doctrine.

See also: *Monaco v. District of Columbia Bd. of Zoning Adjustment*, 407 A.2d 1091 (D.C. 1979).

See also: *Draude v. District of Columbia Bd. of Zoning Adjustment*, 527 A.2d 1242, 40 Ed. Law Rep. 808 (D.C. 1987).

Case Note:

In remanding the matter, the court said that the BZA should consider that the variance was requested because of the Parish’s desire to erect both a church and a residential building on the lot, which formerly was occupied only by the church.

Fees—Property owners bring class action against county, seeking to recover development impact fees

Parties dispute whether impact fees are subject to the rational nexus/rough proportionality test for a government taking

Citation: *Dabbs v. Anne Arundel County*, 2018 WL 1724642 (Md. 2018)

MARYLAND (04/10/18)—This case addressed the issue of whether area-wide impact fees are subject to the rational nexus/rough proportionality test for a government taking.

The Background/Facts: Beginning in 1987, Anne Arundel County (the “County”) imposed road and school impact fees on land developers and builders. Under the County’s Impact Fee Ordinance, those who paid impact fees might become eligible for refunds of those fees under certain circumstances such as the County’s failure to utilize or encumber within a specified period of time the collected fees for present or future eligible capital improve-

ments—like the “expansion of the capacity of public schools, roads, and public safety facilities.”

Eventually, property owners in the county brought a class action lawsuit against the County, seeking to recover development impact fees. The “Dabbs” Class demanded refunds for an unspecified amount of impact fees collected by the County between fiscal years (“FY”) 1997-2003. The Dabbs Class sought that refund on the ground that the impact fees were not expended or encumbered in a timely manner as required under the County’s Impact Fee Ordinance.

The circuit court found that the County had applied the Impact Fee Ordinance as required, and concluded that there were no impact fees available for refund.

The Dabbs Class appealed. On appeal, the Dabbs Class argued that the County’s Impact Fee Ordinance was subject to the “rational nexus/rough proportionality test” for a government taking. In two different cases (*Nollan* and *Dolan*), the United States Supreme Court had held that “a unit of government may not condition the approval of a land-use permit on the owner’s relinquishment of a portion of his property unless there is a ‘nexus’ and ‘rough proportionality’ between the government’s demand and the effects of the proposed land use.” Here, the Dabbs Class argued that with regard to impact fees, the County had to “demonstrate that its expenditure of impact fees was attributable reasonably to new development and each such expenditure reasonably benefitted ‘new development’ and/or individual ‘against whom the fee was charged.’” The Dabbs Class argued that the County could not meet that test, and that therefore the impact fees should be refunded.

The Court of Special Appeals rejected the Dabbs Class’ argument. The court held that the rough proportionality/rough nexus test had no application here.

The Dabbs Class then petitioned for certiorari, which was granted by the Court of Appeals of Maryland.

DECISION: Judgment of Court of Special Appeals affirmed.

The Court of Appeals of Maryland held that area-wide impact fees, such as those imposed under the County’s Impact Fee Ordinance, were not subject to the rational nexus/rough proportionality test for a government taking.

In so holding, the court explained that the rational nexus/rough proportionality test for a government taking had been expanded recently by the United States Supreme Court (in *Koontz*) to “apply to a narrow set of monetary exactions, i.e., a condition of the payment of money for favorable governmental action on a required permit application for a specific parcel of land.” The United States Supreme Court had held that “a monetary exaction for mitigation as a condition for issuing a land-use permit to enable development of an individual property must meet the nexus and rough proportionality requirements [test].” In other words, the Supreme Court held that “challenges to governmental demands for money (except application fees) in connection with the permit review process for a specific property are subject to nexus and rough proportionality analysis.”

Analyzing the Supreme Court cases, the Court of Appeals of Maryland emphasized that the nexus and rough proportionality analysis applied very

narrowly: “when the government commands the relinquishment of funds linked to a specific, identifiable property interest such as a bank account or parcel of real property” Here, the Court of Appeals of Maryland found that the County’s Development Impact Fee Ordinance did not fit that narrow window for application of the nexus and rough proportionality analysis. The court found that the Ordinance here did not direct a property owner to make a conditional monetary payment to obtain approval of an application for a permit of any particular kind, nor did it impose the condition on a particularized or discretionary basis. Rather, the court found that the Ordinance was “imposed broadly on all properties, within defined geographical districts, that may be proposed for development,” leaving “no discretion in the imposition or the calculation of the fee.” In other words, the Ordinance here imposed an impact fee on a generalized district-wide basis, making no determination as to whether an actual permit would issue to a payor individual with a property interest. And, the County impact fee was “predetermined” based on a specific monetary schedule and applied to all persons wishing to develop property in the district.

The Court of Appeals of Maryland said the law recognized that cases such as that here where impact fees are imposed on a generally applicable basis are not subject to a rough proportionality or nexus analysis.

See also: *Waters Landing Ltd. Partnership v. Montgomery County*, 337 Md. 15, 650 A.2d 712 (1994).

See also: *Dolan v. City of Tigard*, 512 U.S. 374, 114 S. Ct. 2309, 129 L. Ed. 2d 304, 38 Env’t. Rep. Cas. (BNA) 1769, 24 Env’tl. L. Rep. 21083 (1994).

See also: *Nollan v. California Coastal Com’n*, 483 U.S. 825, 837, 107 S. Ct. 3141, 97 L. Ed. 2d 677, 26 Env’t. Rep. Cas. (BNA) 1073, 17 Env’tl. L. Rep. 20918 (1987).

See also: *Koontz v. St. Johns River Water Management Dist.*, 570 U.S. 595, 599, 133 S. Ct. 2586, 2591, 186 L. Ed. 2d 697, 76 Env’t. Rep. Cas. (BNA) 1649 (2013).

Case Note:

The Dabbs Class had also argued that amendments to the County’s Impact Fee Ordinance unconstitutionally interfered with their vested rights in refunds. The circuit court rejected those claims. The Court of Special Appeals affirmed. The Court of Appeals of Maryland also affirmed, finding the amendments to the County Impact Fee Ordinance, which codified the County’s pre-existing administrative procedures for counting impact fee encumbrances, did “not work substantive change in policy” interfering with the vested rights of the Dabbs Class. Moreover, the Court of Appeals found that the Dabbs Class’ alleged right to refund of the development impact fee did not vest, and thus, the county had the right to repeal the refund provision of the ordinance.

Standing—Landowners challenge constitutionality and construction of statutes governing rezoning of another's property

City argues that landowners lack standing to bring such challenges

Citation: *Byron v. Synco Properties, Inc.*, 2018 WL 1385339 (N.C. Ct. App. 2018)

NORTH CAROLINA (03/20/18)—This case addressed the issue of whether landowners, in seeking to invalidate city approval of another property owner's rezoning application, had standing to challenge the constitutionality and construction of the statutes governing the rezoning.

The Background/Facts: In late 2014, SYNCO Properties, Inc. ("SYNCO") filed an application with the City of Charlotte (the "City") to rezone a tract of land it owned in the city. Pursuant to North Carolina statute (N.C. Gen. Stat. § 160A-385 (2013))—the "Protest Petition Statute"—several local property owners (the "Petitioners") filed a protest petition (the "Protest Petition") with the City opposing the proposed rezoning. Then, in July 2015, the North Carolina General Assembly, via Session Law 2015-160, replaced the protest procedure in the Protest Petition Statute with a "Citizen Comment" procedure, effective August 1, 2015. Thereafter, in September 2015, SYNCO withdrew its rezoning application, but then filed a new rezoning application the following day. In January 2016, the City Council approved SYNCO's second rezoning application.

William M. Byron and Dana T. Byron (the "Byrons") filed a declaratory judgment action seeking to invalidate the City Council's approval of SYNCO's rezoning application. The Byrons were landowners in the city, but they had not been among the Petitioners who had filed a Protest Petition opposing SYNCO's first rezoning application.

In their declaratory judgment action, the Byrons brought several claims, including allegations that: (1) the City and SYNCO misinterpreted the Protest Petition Statute and its applicability (and thus violated the Protest Petition Statute); (2) the City's actions violated the Byrons' due process rights; and (3) replacement of the protest petition procedures with citizen comment procedures deprived the Byrons of their constitutional right to petition the government for redress. Generally, with regard to those claims, the Byrons argued that because SYNCO filed its first rezoning application prior to the effective date of the Session Law 2015-160 (which replaced the protest petition procedure with the "Citizen Comment" procedure), the rezoning under its second rezoning application was a "zoning ordinance change[] initiated" prior to the session law's effective date. The Byrons argued that the City was thus required to have followed the Protest Petition Statute in the consideration of SYNCO's

rezoning application. The Byrons further argued that since the City failed to do so, as a result, the City's rezoning decision in favor of SYNCO was invalid.

The City and SYNCO argued that the Byrons lacked standing to bring their claims (i.e., the legal right to bring their action in court).

The trial court found that the Byrons had standing, but nonetheless dismissed all the claims against the City and SYNCO.

The Byrons appealed. The Byrons argued on appeal only that the trial court: (1) incorrectly concluded that the City was not required to apply the Protest Petition Statute to the rezoning due to its misinterpretation of the effective date of Session Law 2015-160; (2) wrongfully concluded their challenges to certain zoning statutes and session laws were moot; and (3) impermissibly dismissed their constitutional challenges to those zoning statutes and session laws. The Byrons did not appeal their claimed inherent invalidity of the rezoning decision itself.

Again, the City and SYNCO argued that the Byrons lacked standing to bring those claims.

DECISION: Judgment of superior court affirmed.

The Court of Appeals of North Carolina agreed with the City and SYNCO and held that the Byrons lacked standing to bring their appealed claims.

In so holding, the court distinguished the different standing doctrines applicable to: (1) zoning ordinance challenges; (2) statutory construction and validity claims; and (3) constitutional challenges to zoning ordinances. The court said "[a] rezoning ordinance may be challenged in a declaratory judgment action 'only . . . by a person who has a specific personal and legal interest in the subject matter affected by the zoning ordinance and who is directly and adversely affected thereby.' " Comparatively, "[s]tanding to challenge a statute requires that the statute directly and adversely affect the plaintiff." And, "standing to challenge the constitutionality of a zoning ordinance or statute requires that the plaintiff demonstrate injury or immediate danger of injury to a constitutionally protected interest in the property subject to that ordinance or statute."

Here, in applying the standing doctrines, the court emphasized that the Byrons sought to "revive their declaratory judgment action only as to their challenges of the interpretation and constitutionality of the statutes and session laws governing the City's rezoning decision, rather than the inherent validity of the rezoning decision itself." Thus, the court did not look to whether the Byrons had standing to challenge the rezoning decision (as they had sought to do in the claims not at issue on appeal), "but whether they had standing to seek a declaratory judgment determining the construction and constitutionality of the session laws and statutes governing that rezoning."

The court concluded that the Byrons lacked standing to challenge the City's interpretation of Session Law 2015-160 and the applicability of the Protest Petition Statute. Looking at the standing doctrines, the court said that the Byrons could only seek a declaratory judgment proclaiming their preferred interpretation of the statute if they were "directly and adversely affected" by its enactment and replacement of the protest petition procedures with citizen comments. However, the court noted that the Byrons were never entitled to

access the remedies of Protest Petition Statute (as the statute allowed the remedy only by property owners within a certain proximity to the proposed rezoning). Thus, the court concluded that the Byrons, as parties not subject to or able to avail themselves of the Protest Petition Statute, were not “directly and adversely affected” by the unavailability of a statutory procedure they were never entitled to enjoy in the first instance—and therefore did not have standing to bring their claim interpreting the language “initiated on” in Session Law 2015-160.

The court further held that the Byrons did not have standing to bring their constitutional claims. The court found that the Byrons claims were solely as persons with a “general interest as . . . citizen[s] in good government in accordance with the provisions of the Constitution[,]” rather than as those “who [are] in immediate danger of sustaining a direct injury.”

See also: *Wake Cares, Inc. v. Wake County Bd. of Educ.*, 190 N.C. App. 1, 660 S.E.2d 217, 231 Ed. Law Rep. 951 (2008), decision *aff’d*, 363 N.C. 165, 675 S.E.2d 345 (2009).

See also: *Charles Stores Co. v. Tucker*, 263 N.C. 710, 140 S.E.2d 370 (1965).

Zoning News from Around the Nation

CONNECTICUT

The state’s General Assembly recently passed House Bill 5515, “which would empower local zoning commissions throughout the state to regulate the brightness and illumination of advertising signs and billboards.” The bill exempts from such regulations signs that do not have the technological capability to have brightness adjusted. The bill next goes to the state Senate for consideration.

Source: *New Haven Independent*; www.newhavenindependent.org

LOUISIANA

The Louisiana House Municipal Affairs Committee recently voted to “approve a ban that would forbid local governments from requiring developers to include affordable housing in new developments.” Municipalities could still provide incentives to developers to encourage the building of affordable housing. Opponents of the bill included City of New Orleans officials, while proponents of the bill included the Home Builders Association of Greater New Orleans.

Source: *The Times-Picayune*; www.nola.com

PENNSYLVANIA

In late April, the Philadelphia Planning Commission put a 45-day hold on City Council legislation “intended to overhaul community notification requirements about zoning changes.” The proposed regulation would, among other

things, “require developers to send up to two rounds of certified mail to neighbors in a 250-foot radius of a property seeking a zoning change.” Opponents claim such requirements are onerous and unnecessary. The bill is reportedly being changed to revise the “certified mail” requirement to a “certificate of mailing” requirement.

Source: *WHYY*; <https://whyy.org>