



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 regular session on Tuesday, October 2, 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: September 26, 2018 2:10 p.m.

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

Date/Time Posted: September 26, 2018 2:05 p.m.

ELKO POLICE DEPARTMENT– 1448 Silver Street, Elko NV 89801

Date/Time Posted: September 26, 2018 2:15 p.m.

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

Date/Time Posted: September 26, 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 26th day of September, 2018.

NOTICE TO PERSONS WITH DISABILITIES

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

Cathy Laughlin
Cathy Laughlin, City Planner

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING AGENDA
5:30 P.M., P.D.S.T., TUESDAY, OCTOBER 2, 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

September 6, 2018 – Special Meeting **FOR POSSIBLE ACTION**

I. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review and consideration of Site Plan Review No. 1-18, filed by The State of Nevada for approval of the location of an accessory building in the PQP (Public, Quasi-Public) Zoning District. **FOR POSSIBLE ACTION**

The subject property is located generally on the northwest side of Idaho Street, approximately 450' northeast of Convention Drive. (1951 Idaho Street – APN 001-560-002)

II. REPORTS

- A. Summary of City Council Actions.
- B. Summary of Redevelopment Agency Actions.
- C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

E. Elko County Agendas and Minutes.

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

G. Staff.

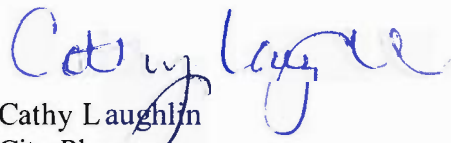
COMMENTS BY THE GENERAL PUBLIC

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

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

ADJOURNMENT

Respectfully submitted,


Cathy Laughlin
City Planner

CITY OF ELKO
PLANNING COMMISSION
SPECIAL MEETING MINUTES
5:30 P.M., P.D.S.T., THURSDAY, SEPTEMBER 6, 2018
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

NOTE: The order of the minutes reflects the order business was conducted.

CALL TO ORDER

Jeff Dalling, Vice-Chairman of the City of Elko Planning Commission, called the meeting to order at 5:30 p.m.

ROLL CALL

Present: **Jeff Dalling**
 John Anderson
 Stefan Beck
 Tera Hooiman

Excused: **David Freistroffer**
 Evi Buell
 Ian Montgomery

City Staff Present: **Scott Wilkinson, Assistant City Manager**
 Cathy Laughlin, City Planner
 Bob Thibault, Civil Engineer
 Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

August 7, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the August 7, 2018 Minutes as presented.**

Moved by Tera Hooiman, Seconded by John Anderson.

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

I. NEW BUSINESS

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible action on a transfer of Conditional Use Permit No. 4-86 to new property owner, filed by Cristina Giammalvo on behalf of Kathern L. Stringfield, which would allow for a child care center and a preschool within a R (Single-Family and Multi-Family) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The location of said property is generally on the northwest corner of the intersection of 2nd Street and Sewell Drive. (1737 Sewell Drive – APN 001-640-035).

Cathy Laughlin, City Planner, explained that this existing CUP 4-86 was conditionally approved by the Planning Commission on September 16, 1986. There were two conditions that were stated in the Conditional Use Permit, and they have been satisfied. Kathy Stringfield is the current permittee of Conditional Use Permit 4-86, she is the owner of the property and is selling the property and the business to the applicant. They stated that they were proposing that the transfer would be done around Oct 1, 2018. CUP 4-86 was recorded with the Elko County Recorder's Office. It is specific to being a child care center and at the address of 1737 Sewell Drive. The proposed transfer is not conflicting with the approved use or the specific property. The property is currently being ran as Noah's Ark Daycare Center, and the existing structure was permitted on April 22, 1988. Ms. Laughlin continued to go over the City of Elko Staff Report dated July 31, 2018. Staff recommended approval with the conditions listed in the Staff Report. One additional condition was added, which was that the transfer of Conditional Use Permit 4-86 shall be recorded with the Elko County Recorder's Office after the recordation of the Deed of Sale to Cristina Giammalvo. This is to occur within one year of approval of the Conditional Use Permit Transfer by the Planning Commission, or the transfer will automatically lapse and be of no effect.

Bob Thibault, Civil Engineer, had no comments and recommended approval.

Scott Wilkinson, Assistant City Manager, had no comments and recommend approval as presented by staff.

Ms. Laughlin stated that the Fire Department did not have any conditions or requirements.

*****Motion: Approve the transfer of Conditional Use Permit No. 4-86 subject to the conditions in the City of Elko Staff Report dated July 31, 2018, listed as follows:**

Conditions as stated in approved CUP 4-86:

1. The parking spaces are to be located entirely upon the applicants property along 2nd Street, and frontage along Sewell Drive be designated a loading zone, with no parking allowed during the hours of operation.
2. This conditional use permit shall automatically lapse and be of no effect one year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which this permit is issued.

Planning Department Condition:

1. The transfer of CUP 4-86 shall be recorded with the Elko County Recorder's office after the recordation of the deed of sale to Cristina Giammalvo. This to occur within 1 year of approval of the CUP transfer by the Planning Commission or the CUP transfer will automatically lapse and be of no effect.

Commissioner Beck's findings to support his recommendation was the existing conditional use permit is consistent with the Land Use Component of the Master Plan. 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. The transfer of Conditional Use Permit is in conformance with the Wellhead Protection Plan. The transfer of the existing conditional use permit is in conformance with Section 3-2-3 of City Code. The existing conditional use permit is in conformance with Section 3-2-5(E)(3) of City Code. 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. The property as developed is in conformance with City Code 3-2-17 as legal non-conforming.

Moved by Stefan Beck, Seconded by Tera Hooiman.

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

2. Review, consideration, and possible action and possible approval of Final Plat No. 11-18, filed by Parrado Partners, LP, for the development of a subdivision entitled Great Basin Estates Phase 3 involving the proposed division of approximately 9.65 acres divided into 38 lots 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 at the extension of Village Parkway and Opal Drive. (001-633-030).

Robert Capps, 1706 Flagstone Drive, stated that he was ok with the conditions as presented. The Final Plat complies exactly with the Preliminary Plat.

Ms. Laughlin went over the City of Elko Staff Report dated August 23, 2018. Staff recommended conditional approval based on the findings and conditions listed in the staff report.

Mr. Thibault recommended approval as presented by Ms. Laughlin.

Ms. Laughlin stated that the Fire Department had no concerns.

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Forward a recommendation to City Council to conditionally approve Final Plat No. 11-18 subject to the conditions in the City of Elko Staff Report dated August 23, 2018, listed as follows:**

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 38 single family residential lots.
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.
11. Modify Planning Commission approval jurat to the 3rd day of May, 2016 prior to City Council approval.

Commissioner Beck's findings to support his motion was that the Final Plat for Great Basin Estates Phase 3 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 Plat. Based on the modification of standards for lot dimensions granted under the preliminary plat application, the proposed development conforms with 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 modification 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 Stefan Beck, Seconded by John Anderson.

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

A. PUBLIC HEARING

1. Review, consideration, and possible action on Variance No. 9-18, filed by Moises Luna for a reduction of the required interior side yard setback from 5 1/2' to 0' and the required rear yard setback from 10' to 0' for an accessory building within an R (Single-Family and Multi-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Benti Way, approximately 257' east of Spruce Road. (927 Benti Way - APN 001-621-015)

Ms. Laughlin went over the City of Elko Staff Report dated August 23, 2018. Staff had two different recommendations, if it is denied why, or if it is conditionally approved there are conditions listed in the Staff Report. She then she showed some photos and explained them. The property owner did put in a drain between the shed and the fence to capture any drainage, but the roof of the shed does shed water towards the property owner's property and the Peace Park. She explained that there were two windows on the rear of the house, that if the shed was located within the setbacks they would be blocked, restricting egress.

Commissioner Stefan Beck asked if it was enough of a violation of any codes that that could not be allowed.

Ms. Laughlin explained that that's why there was a Variance application. A Variance would bring the property into conformance with the Elko City Code, if approved. If the Variance is denied the applicant will be required to remove the shed. The setback of the rear, towards the Peace Park, is 10 feet, and side setback is 5 %o feet. The Fire Department recommended denial and had the same concerns that the rest of staff had. If approved the shed would be required to comply with fire rating standards.

Mr. Thibault recommended denial based on the shed being on an existing easement. There can't be structures on easements. Alternatively, if the Planning Commission were to approve the Variance, the applicant would be required to vacate the easement.

Mr. Wilkinson stated that the City Manager had a recommendation for denial based on staff report findings.

Commissioner Tera Hooiman asked if the applicant turned the shed to face the back of the house if he would lose the two bedrooms.

Ms. Laughlin explained that there would be two feet between back of the house and the front of the shed.

Commissioner Hooiman said that wouldn't work.

Ms. Laughlin explained that the windows were bedroom windows, they are required to have an egress out of the bedroom, and there is a clearance required by Building Code. If the applicant were to build the shed on the other side of the property it would be close to the flood zone. She stated that it was unfortunate that lot is 6,600 square feet. The minimum lot size in the R Zone is 6,000 square feet. The lot is a little more than the minimum lot size and it's a large size house, so it is built setback to setback. There was a different application not too long ago for a shed and there were other locations on the property that the shed could have been place. This one they are built out to the setbacks. The only difference is accessory buildings can be as close as 10 feet from the rear property line.

Mr. Wilkinson added that a smaller shed could always be built to meet the setbacks.

Commissioner Beck suggested changing the geometry of the shed.

Ms. Laughlin explained that there was 20 feet between the back of the house and the back lot line. If we are requiring a 10 foot setback, and there needs to be room for the egress from the bedroom windows, that would leave about 6 feet.

Commissioner Beck said the shed could be 6 feet deep and then the length could be expanded.

Mr. Wilkinson said then the question would be if a narrow shed would be practical. That would be something to take into consideration.

Vice-Chairman Jeff Dalling added that there was always the option for a storage unit.

Ms. Laughlin pointed out that the applicant had arrived. She thought that the applicant needed to answer questions and discuss the six items that a Variance needs to be in conformance with.

Vice-Chairman Dalling explained to the applicant that he had missed most of the discussion on his item, and that they had moved his item to the end to try to help him out on time. He asked if the applicant would like to come and address the Commission.

Moises Luna, 927 Benti Way, explained that he didn't know it was going to be a problem putting his shed there, because he looked around and everyone has sheds like that. He explained that when he did his awning he called the Building Department and asked if he needed permits. They told him as long as the awning wasn't touching the house he didn't need it. He sees sheds all over town like this, so he didn't think it would be a problem. To meet the setbacks, like the Commission said, it would have to be about 5 feet wide, and take up the yard, and he wouldn't have any yard for his kids to play in. He stated if he could meet the requirements he would, but where ever he sets the sheds he couldn't meet the setbacks.

Commissioner Beck asked if the applicant didn't know there were certain rules and regulations. He asked if the applicant put a lot of time and effort into building the shed.

Mr. Luna stated that he put a lot of time, money, and work into it. He even put extra drainage on the side, so that when the water would come off the shed it would go down into the grading. He never knew there was setbacks, because when you look around town everyone has sheds against their fences, because everyone wants to take advantage of their small lots.

Vice-Chairman Dalling said it made sense that he built it in the corner. Mr. Dalling stated that he liked big lots better, especially in Elko, because everyone has toys. Unfortunately, the City does have setback requirements. The last one the Commission denied already had stucco on it.

Mr. Luna explained that he stopped construction as soon as he got the stop work notice. He said he wanted to do everything right.

Vice-Chairman Dalling asked Mr. Luna if he had considered having a storage shed, if the Commission denied his request.

Mr. Luna said the thing was he had already put a lot of money into the shed. It made it hard on him, and he would have to tear it all down.

Reece Keener asked if the shed was sitting on a concrete slab.

Mr. Luna said he put the corner posts in with cement, so he can't move it. He stated he would have nowhere to put his stuff if this was denied, because it's all in his garage now and he doesn't have very much room to park his cars. He said he was breaking the off-street parking code, because he couldn't park his cars in the garage.

Commissioner Beck said he was going to have to side on the rule and the Zoning Ordinance. In the Staff Report under Findings it states that granting the variance will substantially impair intent or purpose of the Zoning Ordinance. He asked if it would be a big deal if they made an exception here, would it open a can of worms. Would it be a real issue to make an exception? Would that make things more difficult down the road?

Mr. Luna added the he spoke with his neighbors, and they are ok with him leaving the shed where it is. He said the shed is not blocking his next door neighbor's view, because his lot is lower.

Mr. Wilkinson thought, in this circumstance, they probably had enough information that they've determined, the other corner of the property is not a suitable location. This is a normal size lot. People build big homes on lots that create these issues. The Commission has heard testimony that we have this across the community. Typically they are purchased from Home Depot, across the street on Idaho, they move them in and no one even knows and you don't have to have a building permit. Here you are having one constructed, which is a little different. He thought the Commission could also determine that meeting the setbacks would result in a shed configuration that would not be practical. That's another finding. Whether or not that gets the Commission to a hardship would be up to the Commission as they deliberate. Asking for forgiveness after you

start something probably isn't a hardship, but the applicant did call the Building Department and asked if he needed a building permit, so he made an effort to do that. Technically, he didn't need a permit because of the size. What didn't get conveyed was that it couldn't put it in the setbacks. These sheds that are purchased at Home Depot don't need a building permit. People just have them delivered and set in the backyard. Those are a little different because they could be relocated pretty easily if there were any complaints. Setbacks are important. They address safety issues, such as fire and things like that. Maintaining setbacks maintain the integrity of neighborhoods and they address the fire issues.

Commissioner Beck read the findings listed in the Staff Report. The applicant did make a good faith effort to at least contact the Building Department.

*****Motion: Conditionally approve Variance No. 9-18 based on the facts, findings, and conditions in the City of Elko Staff Report dated August 23, 2018.**

Moved by Stefan Beck.

After the motion Mr. Wilkinson explained that to grant a variance you have all six findings. On the fourth finding, Mr. Wilkinson thought the Planning Commission would have to have a finding that states granting of the variance will not substantially impair. Staff has a finding that they believe it will impair the intent and purposed of the Zoning Ordinance. He thought if the Commission was going to consider a conditional approval of the variance, you have to state for the record that the Planning Commission has determined that granting the variance will not substantially impair the intent or purpose of the Zoning Ordinance. If you have a finding that it will, you should not grant a variance.

Commissioner Beck asked, specific to Mr. Luna's situation, how it was going to impair the general concept of the Zoning Ordinance.

Mr. Wilkinson explained that was what the Commissioners were deliberating. If you have a finding that it will impair, you shouldn't grant the variance. You have to have these six findings, but one of them can't be that you're going to impair the intent of the Zoning Ordinance. You will have to reconsider staff's finding No. 4. If you are recommending a conditional approval your finding should be based on that granting of the variance will not substantially impair the intent of the Zoning Ordinance.

Commissioner Beck said that the Zoning Ordinance was a broad brush.

Mr. Wilkinson said to grant the variance the Commission would have a finding that by granting this variance it will not substantially impair the Zoning that applies under the broad brush that Commissioner Beck has talked about. If granting this variance impairs the broad brush zoning, then we shouldn't grant the variance. All he was saying was that the finding needed to be adjusted to be consistent with the recommendation.

Commissioner Beck thought that was why they had these meetings, to address each individual situation.

Mr. Wilkinson stated that he wasn't disputing that, he was just stating that there needed to be a different finding than what was read into the record before.

***** Commissioner Beck amended finding No. 4 to state that granting of the variance will not impair the intent or purpose of the Zoning Ordinance.**

The motion died for lack of second.

*****Motion: Recommend denial of Variance No. 9-18 based on findings that not all six of the findings are met, and including the findings listed in the City of Elko Staff Report dated August 23, 2018, listed as follows:**

It does not appear that granting the variance will result in material damage or prejudice to other properties in the vicinity. It appears that the FEMA floodway would present a higher level of hazard for the structure or contents within the structure if it was located in the northeast corner. Granting of the variance does not appear to be detrimental to the interest, health, safety and general welfare of the public. Granting of the variance will substantially impair the intent or purpose of the zoning ordinance. Granting of the variance will not impair natural resources. It appears that the features or conditions of the property result in practical difficulty or undue hardship and deprive the property owner of reasonable use of property.

Moved by Tera Hooiman, seconded by John Anderson.

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

Vice-Chairman Dalling informed Mr. Luna that he had the right to an appeal and to see Ms. Laughlin for information on how to file an appeal.

Mr. Luna asked if it was denied.

Vice-Chairman Dalling explained that it was denied at the Planning Commission level, if appealed it would go to the City Council for their review.

Mr. Thibault explained that Ms. Laughlin was checking to see if a majority of the Planning Commission members was required to approve, or deny, or if it was just a majority of the quorum.

Mr. Wilkinson stated that staff would double check with the City Attorney and the NRS to see what decision was made. If this action doesn't stand then another hearing will need to be set up.

Vice-Chairman Dalling explained to Mr. Luna that at the moment the variance request was denied, but staff was going to look into if there would need to be another hearing with more members present.

Mr. Luna asked if he would have to wait until the next Planning Commission Meeting.

Vice-Chairman Dalling explained that Ms. Laughlin would get in touch with him on the official decision and what his rights are on an appeal.

Mr. Luna asked if he could start reporting people that have their sheds right next to their fences.

Mr. Wilkinson explained that he could make those complaints to the City.

Mr. Luna said he was going to start reporting people and he wanted to see someone start doing something about it.

II. REPORTS

A. Summary of City Council Actions.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there would be an RDA Meeting on Tuesday at 3pm.

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.

Commissioner John Anderson said when the 8 Mile Subdivision housing development was first put in this room was packed. One group wanted the Peace Park, and the other group wanted this development. The main argument was the fence line. One group said the Peace Park would fill up with little kids and they would be putting holes in the fence getting in the Peace Park destroying it. The other people said no, because of the setbacks. The setback was a big deal they put in to keep stuff away from the fence. That is what the Planning Commission stood for. They can't come in now and say despite trying you made an honest mistake. The Planning Commission has stood for that original decision throughout the town, they can't go through now and change their minds. The applicants argument that there are so many like that, most of them were built before there were setbacks in place. If anyone comes in now and wants another one they will get denied, just like Mr. Luna did. He said the shed could have been cut in half and each one would be in compliance.

Ms. Laughlin said no, that the shed would have to be 10 feet away from the fence, no matter what.

Commission Anderson said if there was one shed and it would fit within the one you put up against the fence.

Ms. Laughlin explained that you can't put a shed up against a fence, no matter what size it is.

Commissioner Beck said what turned him was when the applicant said he had tried to get a building permit.

Vice-Chairman Dalling thought the applicant had only tried to get a permit for the canopy.

Ms. Laughlin explained that the applicant had tried to get a permit for both the shed and the canopy structure. The canopy structure was not required a building permit because it wasn't attached to the house. The Building Department asked him how big the shed was, it was under 200 square feet, so it didn't require a building permit. There has been some turnover in the Building Department, so it could have been an error, but they are now aware that accessory structures need to meet the setback requirements even if they aren't required a building permit. The applicant came in and got an electrical permit for the awning. The applicant has complied with our requirements, just when we told him to stop and come in for a variance he did.

Commissioner Beck said he learned a lesson. He sees why the rules are in place and why they need to be followed.

Reece Keener said they were small lots. He asked if there were any CC&R's that prohibit accessory structures.

Mr. Wilkinson explained that this area was not under a Development Agreement. The lot actually exceeds the minimum lot size required in Code. The issue we have, that is across the City, is that builders are building homes from setback to setback, and it's not leaving anyone any room for storage. People should understand when they are buying a property like that, they are buying a house with very small yard area. Setbacks are intended to preserve yard areas, it has to do with the clutter and density of neighborhoods; more importantly, especially with storage sheds where you store gasoline, if they aren't fire rated and a fire breaks out, it will encroach into the neighbor's property readily. It's really important from that perspective that people are truly meeting a hardship when we look at variances. 98 or 99% of variance applications are not justified. A Variance is meant to get someone the same use of their property as everyone else in that Zoning District, it is not to get them more use than everyone else.

Mr. Keener said it was a tough call, but he thought the Board made the right decision. He thought if they would have approved it they would have set themselves up for the same exact scenario in every one of the yards in the area.

Commissioner Hooiman felt as a board they try to be super consistent with stuff like this, because they don't want to open a can of worms for everyone else. She felt that if they approved one it would open Pandora's Box.

Vice-Chairman Dalling said it was a tough call and he thought they did the right thing. He felt as a property owner you should look into options.

G. Staff.

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.

Jeff Dalling, Vice-Chairman

Tera Hooiman, Secretary

**Elko City Planning Commission
Agenda Action Sheet**

1. Title: **Review and consideration of Site Plan Review No. 1-18, filed by The State of Nevada for approval of the location of an accessory building in the PQP (Public, Quasi-Public) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**
2. Meeting Date: **October 2, 2018**
3. Agenda Category: ***NEW BUSINESS***
4. Time Required: **10 Minutes**
5. Background Information: **The subject property is located generally on the northwest side of Idaho Street, approximately 450' northeast of Convention Drive. (1951 Idaho Street – APN 001-560-002)**
6. Business Impact Statement: **Not Required**
7. Supplemental Agenda Information: **Staff Report, Application**
8. Recommended Motion: **Approve Site Plan Review No. 1-18 subject to the findings of fact, and conditions listed in the Staff Report dated September 24, 2018.**
9. Findings: **See Staff Report dated September 24, 2018**
10. Prepared By: **Cathy Laughlin, City Planner**
11. Agenda Distribution: **Nevada, State of
Attn: Ross Baker
1263 South Stewart Street
Carson City, NV 89712**

STAFF COMMENT FLOW SHEET
PLANNING COMMISSION AGENDA DATE: 10/2

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

Title: Site Plan Review 1-18

Applicant(s): State of Nevada (NDOT)

Site Location: 1951 Idaho Street - APN 001-560-002

Current Zoning: PQP Date Received: 9/5/18 Date Public Notice: N/A

COMMENT: This is to approve the location of an accessory structure in a PQP Zoning District.

If additional space is needed please provide a separate memorandum

Assistant City Manager: Date: 9/25/18

Recommend approval as presented by staff

SAW

Initial

City Manager: Date: 9/25/18

No comments/concerns.

LS

Initial



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

CITY OF ELKO STAFF REPORT

DATE:	September 24, 2018
PLANNING COMMISSION DATE:	October 2, 2018
AGENDA ITEM NUMBER:	I. A. 1
APPLICATION NUMBER:	Site Plan Review 1-18
APPLICANT:	State of Nevada
PROJECT DESCRIPTION:	Expansion of existing facility

A site plan review for the expansion of the current State of Nevada Department of Transportation facility with the addition of an accessory building on the parcel.



STAFF RECOMMENDATION:

RECOMMEND APPROVAL, subject to findings of fact and conditions.

PROJECT INFORMATION

PARCEL NUMBER: APN 001-560-002

PROPERTY SIZE: 14.31 acres

EXISTING ZONING: PQP –Public, Quasi, Public

MASTER PLAN DESIGNATION: Public

EXISTING LAND USE: Developed as the current State of Nevada
Department of Transportation facility

NEIGHBORHOOD CHARACTERISTICS:

- The property is surrounded by developed land to the north, south, east and west. It is surrounded by properties zoned PQP, Public, Quasi-Public to the west and south, Commercial to the east and Residential to the north.

PROPERTY CHARACTERISTICS:

- The property is currently developed.
- The property is fairly flat
- The property is accessed from Idaho Street
- The property is not in the flood zone.

APPLICABLE MASTER PLANS AND CITY CODE SECTIONS:

- City of Elko Master Plan-Land Use Component
- City of Elko Master Plan-Transportation Component
- City of Elko Redevelopment Plan
- City of Elko Wellhead Protection Plan
- City of Elko Code 3-2-3 General Provisions
- City of Elko Code 3-2-4 Establishment of Zoning Districts
- City of Elko Code 3-2-8 Public, Quasi-Public District
- City of Elko Code 3-2-17 Traffic, Access, Parking and Loading Regulations
- City of Elko Code 3-8 Flood Plain Management

BACKGROUND INFORMATION

- The application for the Site Plan Review was filed as required under City Code 3-2-8 (E).
- All accessory structures whether attached or detached, shall be located in accordance with location on the lot as approved by the Planning Commission.
- The property is not located in the Redevelopment Area.

MASTER PLAN

Land Use

1. The Master Plan Land Use Atlas shows the area as Public.
2. PQP- Public, Quasi-Public is listed as a corresponding zoning district for Public in the Master Plan Land Use.
3. Master Plan states that Public land use designation is applied to community and public and quasi-public uses such as those associated with government, non-profit, and utilities. Uses of land must comply with the Elko City Code, and must be compatible with, and not frustrate, the Master Plan's goals and policies.
4. Objective 8: Ensure that new development does not negatively impact County-wide natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

The proposed development is in conformance with the Master Plan Land Use Component

Transportation

1. The Master Plan identifies Idaho Street as a Principal Arterial.
2. The site has pedestrian access along Idaho Street as well as Convention Drive.
3. The proposed accessory structure will be used for equipment currently on the parcel and will not increase existing traffic counts.

The proposed development is in conformance with the Master Plan Transportation Component and existing transportation infrastructure

ELKO WELLHEAD PROTECTION PLAN

- The property is located in the 2-year capture zone for City wells. Development will be required to conform to the Elko Wellhead Protection Plan. The issue will be addressed within the plan review process.

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(D) states that “No land may be used or structure erected where the land is held by the planning commission to be unsuitable for such use or structure by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, low bearing strength, erosion susceptibility, or any other features likely to be harmful to the health, safety and general welfare of the community. The planning commission, in applying the provisions of this section, shall state in writing the particular facts upon which its conclusions are based. The applicant shall have the right to present evidence contesting such determination to the city council if he or she so desires, whereupon the city council may affirm, modify or withdraw the determination of unsuitability.”

The proposed development is required to have an approval of the proposed accessory structure to be in conformance with ECC 3-2-3 as required in ECC 3-2-8(E).

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

1. The intent of the district is to accommodate public or quasi-public institutional uses.
2. Section 3-2-8(E) Property Development Standards for Accessory Buildings:
 - Maximum Height: Regulations applicable to the principal building shall apply.
 - Location: Accessory buildings, whether attached or detached, shall be located in accordance with location on the lot as approved by the Planning Commission.

The proposed development conforms with the development standards of this section of code for accessory structures.

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

- Conformance with this section is required. The current facility is in conformance

3-8 FLOOD PLAIN MANAGEMENT

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

FINDINGS

- The proposed development is in conformance with the Land Use component of the Master Plan
- The proposed development is in conformance with the existing transportation infrastructure and the Transportation component of the Master Plan
- The site is suitable for the proposed use.
- The proposed expansion of the development is required to conform with the City Wellhead Protection Program.

- The proposed use is consistent with surrounding land uses.
- The proposed use is in conformance with City Code 3-2-8 PQP, Public-Quasi, Public with the approval of the accessory structure.
- The proposed development is in conformance with 3-2-3, 3-2-17, and 3-8 of the Elko City Code.

STAFF RECOMMENDATION:

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

Fire Department:

1. A separate submittal for the fire suppression system must be submitted to the City of Elko Fire Department.

Utility Department:

1. Please confirm that there is no water or sewer services for the building or provide a plumbing plan if there are services to the building.



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

September 26, 2018

Nevada, State of
Attn: Ross Baker, PE
1263 South Stewart St.
Carson City, NV 89712

Re: Site Plan Review 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.

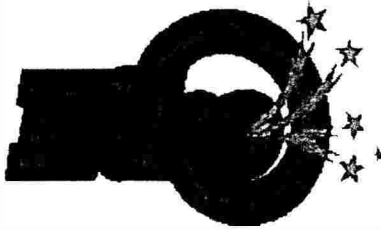
If you have any questions regarding this meeting, the information you received, or if you will not be able to attend this meeting, please call me at your earliest convenience at (775) 777-7160.

Sincerely,

Shelby Archuleta
Planning Technician

Enclosures

CC:



CITY OF ELKO PLANNING DEPARTMENT

1751 College Avenue * Elko * Nevada * 89801

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

APPLICATION FOR SITE PLAN REVIEW APPROVAL

APPLICANT(s):	Nevada, State of		
MAILING ADDRESS:	1263 South Stewart Street Carson City, NV 89712		
PHONE NO. (Home)		(Business)	775-888-7950
NAME OF PROPERTY OWNER (If different):			
<i>(Property owner consent in writing must be provided.)</i>			
MAILING ADDRESS:			
ADDRESS AND LOCATION OF PROPERTY INVOLVED (Attach if necessary):			
1951 Idaho Street			
Elko, NV 89801			
ASSESSOR PARCEL NO(S):	001-560-002		

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 \$200.00 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 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

Revised 12/04/15

SEP 05 2018

Page 1

1. Identify the zoning of the property: PQP
2. Explain in detail the type and nature of the use proposed on the property:
The use will remain as a highway maintenance station. The proposed improvement will add a self-contained paint spray booth for maintenance of highway equipment.
3. Describe the type of vehicles and traffic likely to be associated with the proposed use:
The type of vehicles to be painted will be the plows, trailers, heavy equipment, and similar highway maintenance equipment which is already stored, operated, and maintained onsite.
4. Identify any outside storage of goods, materials or equipment on the property:
The property currently stores highway equipment outdoors. This type and nature of outdoor storage and equipment will remain unchanged.
5. Describe the suitability of the property to accommodate the proposed use and how the use relates to other properties and uses in the immediate area: The property is currently used as a
a highway maintenance station and this will remain unchanged. In the past, painting operations have
occurred outside. The proposed paint booth will allow painting operations to occur indoors. Because the
overall operations of the maintenance station will continue unchanged, there will be no adverse affect
on neighboring properties.
6. Identify any accessory buildings or structures associated with the proposed use on the property: None.

(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

Ross Baker, PE

(Please print or type)

Mailing Address

1263 South Stewart St

Street Address or P.O. Box

Carson City, NV 89712

City, State, Zip Code

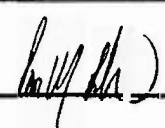
Phone Number:

775-888-7950

Email address:

rbaker@dot.nv.gov

SIGNATURE:

 9/24/2018

FOR OFFICE USE ONLY

File No.: 1-18 Date Filed: 9/5/18 Fee Paid: N/C

NDOT Elko Paint Booth

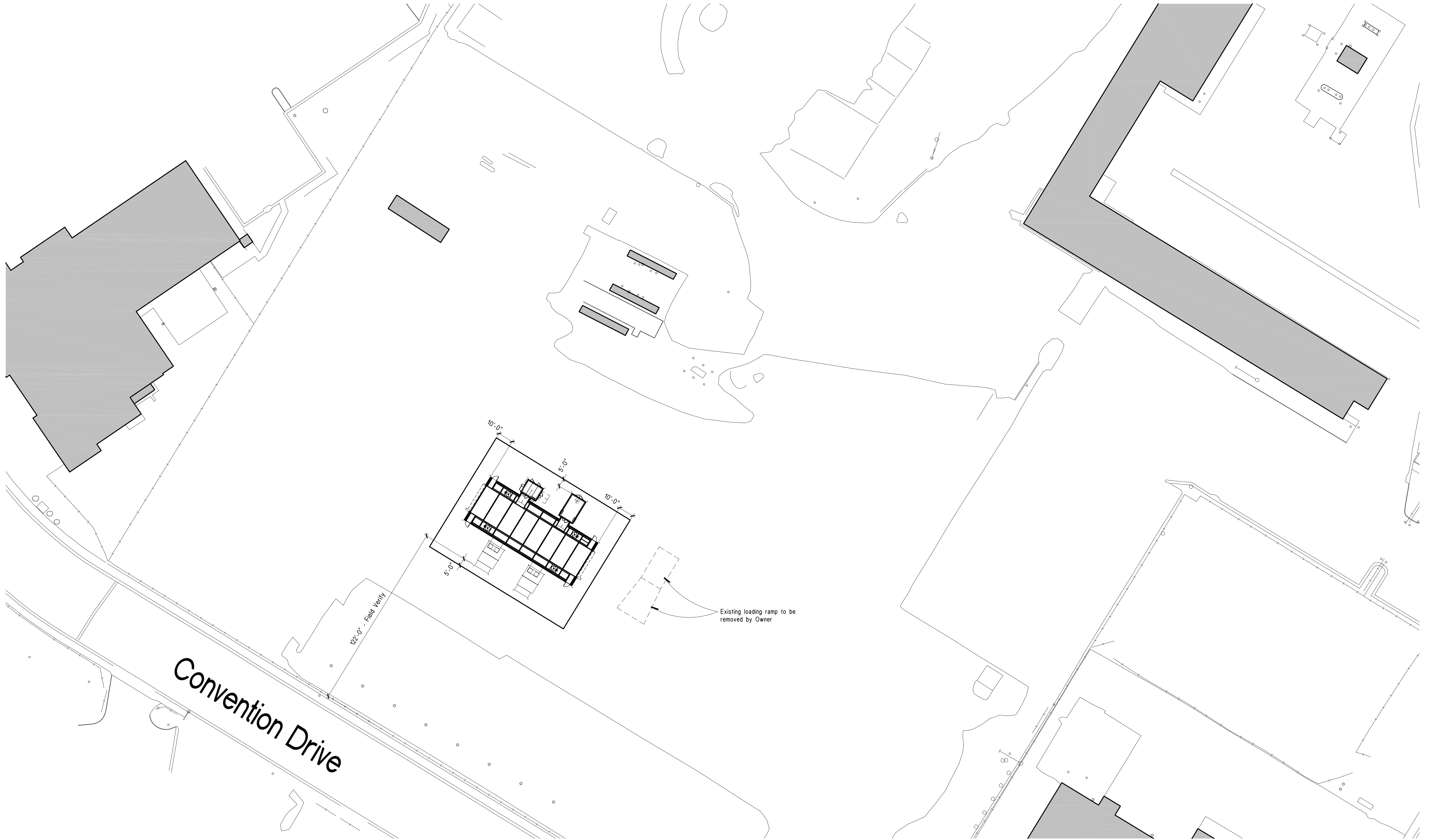
Nevada Department Of Transportation
1951 Idaho Street
Elko, Nevada 89501

Nevada Department Of Transportation
1263 South Stewart Street
Carson City, Nevada 89712

August 1, 2018
Schematic Design

1702 g101.dwg August 1, 2018 5:00 PM





1 Partial Site Plan
1" = 30'-0"



1702.a001.dwg August 1, 2018 5:00 PM

PRELIMINARY
Not For Construction

Professional Seal	Date	Revision

© Copyright H + K Architects

Consultant

H+K ARCHITECTS
5485 Reno Corporate Drive, Suite 100
Reno, Nevada 89511-2262
P 775+332+6640
F 775+332+6642
hkarchitects.com

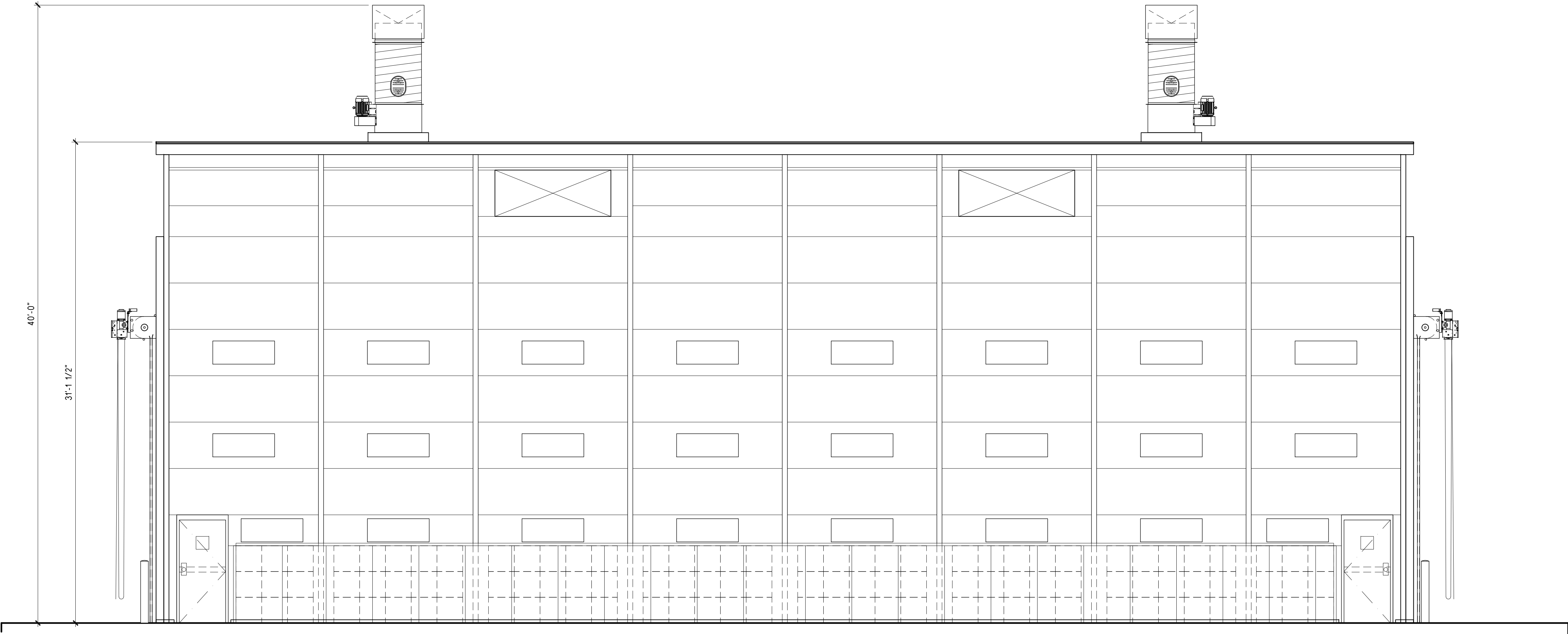
NDOT Elko Paint Booth

Nevada Department of Transportation
1951 Idaho Street
Elko, Nevada 89501

Overall Site Plan

August 1, 2018
H+K Project No.: 1702
A001





1 Exterior Elevation

1/4" = 1'-0"

Professional Seal △ Date Revision

Consultant

H+K ARCHITECTS

5485 Reno Corporate Drive, Suite 100
Reno, Nevada 89511-2262

P 775+332+6640
F 775+332+6642

hkarchitects.com

NDOT Elko Paint Booth

Nevada Department of Transportation
1951 Idaho Street
Elko, Nevada 89501

Exterior Elevations

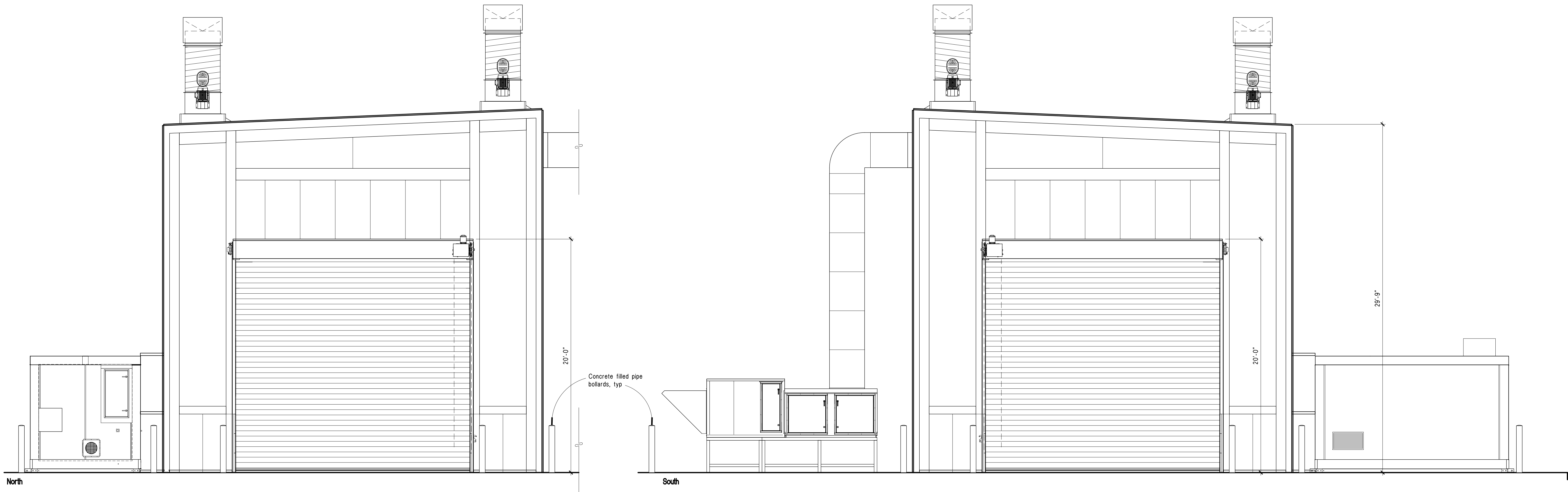
August 1, 2018
H+K Project No.: 1702

A301



PRELIMINARY
Not For Construction

© Copyright H + K Architects



1 Exterior Elevations

1/4" = 1'-0"

1702.dwg August 1, 2018 5:00 PM

PRELIMINARY
Not For Construction

Professional Seal △ Date Revision

© Copyright H + K Architects

Consultant

H+K ARCHITECTS

5485 Reno Corporate Drive, Suite 100
Reno, Nevada 89511-2262

P 775+332+6640
F 775+332+6642

hkarchitects.com

NDOT Elko Paint Booth

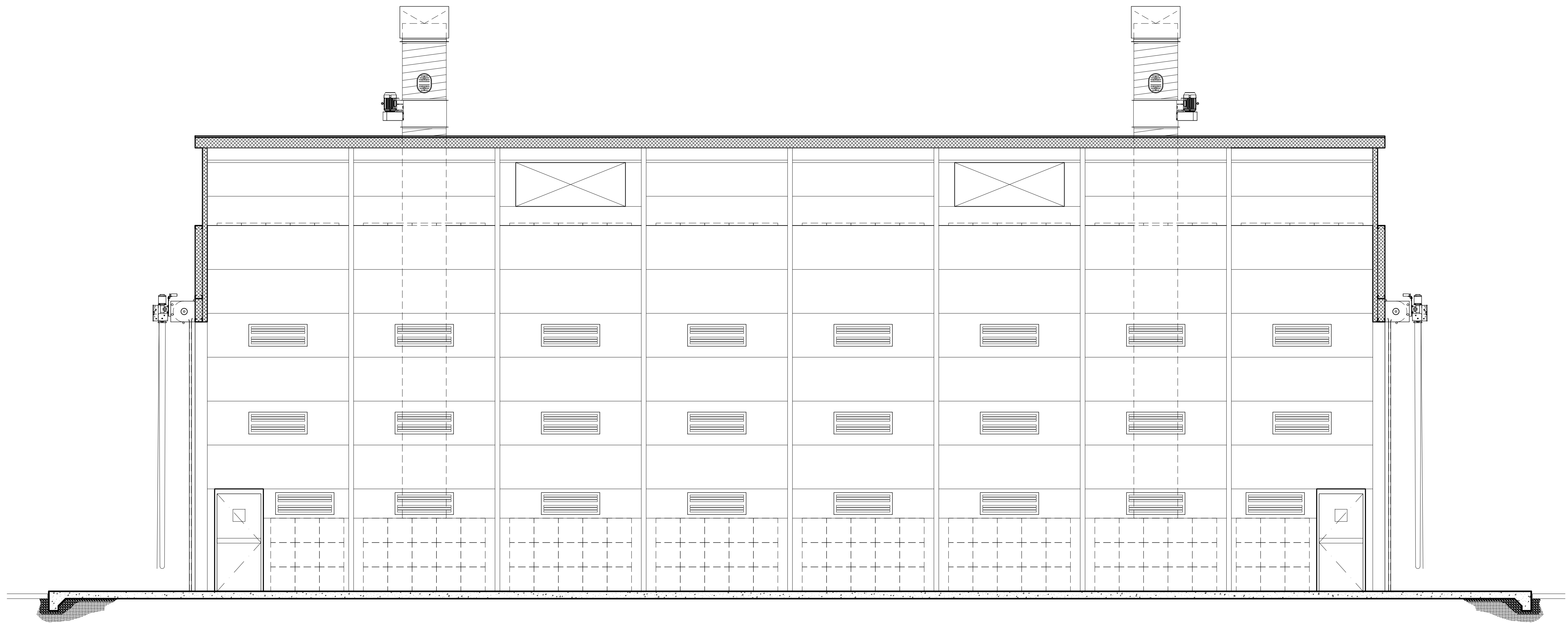
Nevada Department of Transportation
1951 Idaho Street
Elko, Nevada 89501

Exterior Elevations

August 1, 2018
H+K Project No.: 1702

A302





1 Longitudinal Section

1/4" = 1'-0"

1702 a401.dwg August 1, 2018 5:00 PM

PRELIMINARY
Not For Construction

Professional Seal △ Date Revision

© Copyright H + K Architects

Consultant

H+K ARCHITECTS

5485 Reno Corporate Drive, Suite 100
Reno, Nevada 89511-2262

P 775+332+6640
F 775+332+6642

hkarchitects.com

NDOT Elko Paint Booth

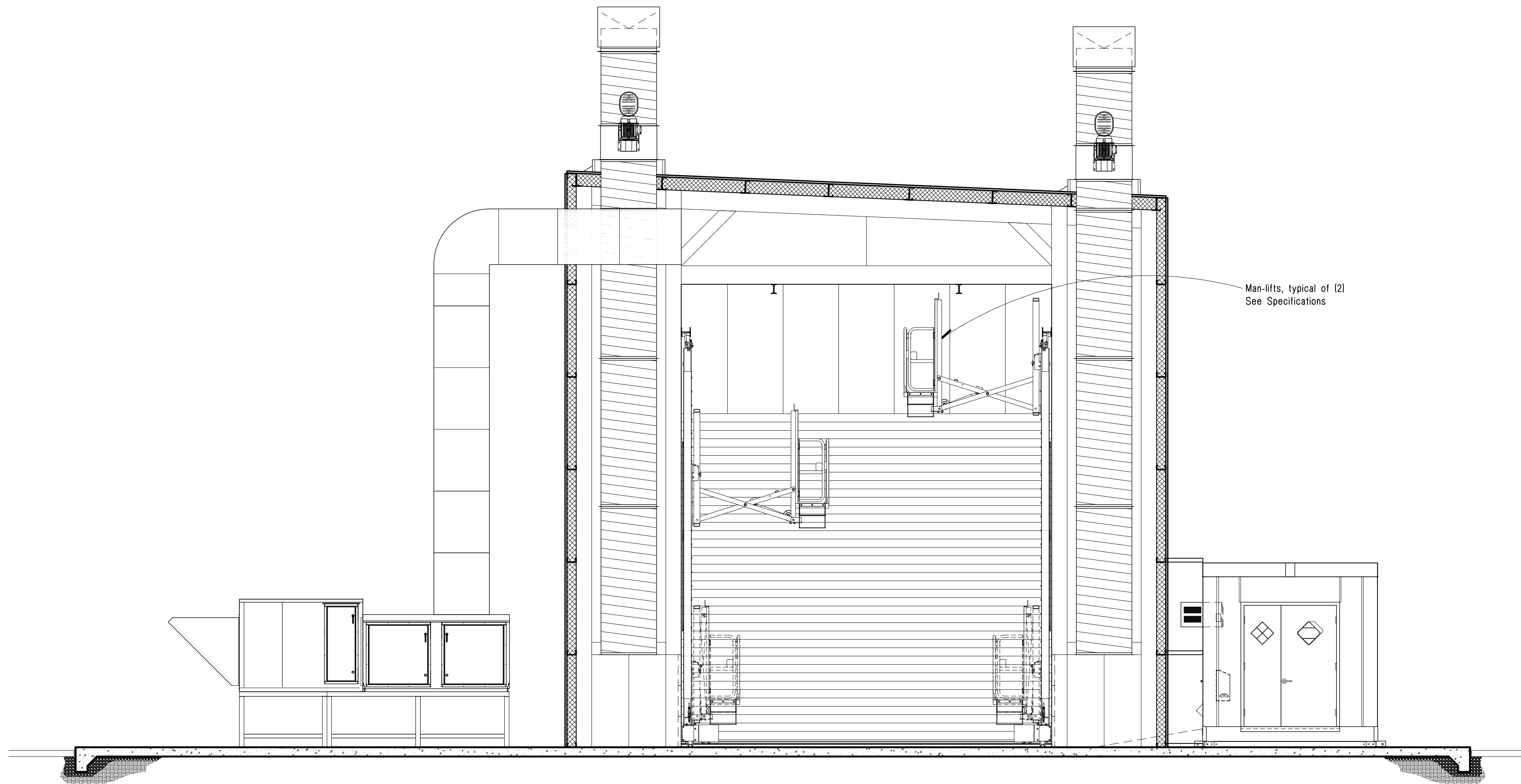
Nevada Department of Transportation
1951 Idaho Street
Elko, Nevada 89501

Building Sections

August 1, 2018
H+K Project No.: 1702

A401





1 Cross Section
1/4" = 1'-0"

1702_A402.dwg August 1, 2018 5:00 PM

PRELIMINARY
Not For Construction

Professional Seal	△	Date	Revision
© Copyright H + K Architects			

Consultant

H+K ARCHITECTS
5485 Reno Corporate Drive, Suite 100
Reno, Nevada 89511-2262
P 775+332+6640
F 775+332+6642
hkarchitects.com

NDOT Elko Paint Booth

Nevada Department of Transportation
1951 Idaho Street
Elko, Nevada 89501

Building Sections

August 1, 2018
H+K Project No.: 1702

A402

