

STAFF REPORT

RW-12-04

1. **SUBJECT:**

A zone change request submitted by Larry D. Marcuerquiaga to rezone property from R-3 (Multiple Family Residential) to N-C (Neighborhood Commercial).

2. **LOCATION:**

The parcel is located at 537 and 547 Baud Street, in Winnemucca, Nevada. Assessor's parcel #'s 15-396-04 and 15-396-05.

3. **BACKGROUND INFORMATION:**

Previous Applications:

There have been no previous applications on this property.

Current Zoning: R-3 (Multiple-Family Residential)

Proposed Zoning: N-C (Neighborhood Commercial)

Master Plan: HDR (High Density Residential)

Lot Area: 15-396-04 6,540 square feet
15-396-05 10,960 square feet

Access: Access is obtained from Baud Street.

Utilities:

Sierra Pacific Power currently supplies electricity to this area
The City of Winnemucca provides water and sewer service to the site.
Southwest Gas provides natural gas to the area.

Response From Referrals:

Jeff Johnson, County Assessor "It will require us to revalue the land using a commercial land value rather than a multi-family residential value."

No other comments have been received from referrals as of May 3, 2012.

Applicable Regulations:

The R-3 zoning district allows single family residences; multiple-housing facilities; uses typically found in neighborhoods. There is a mix of uses allowed with a special use permit. See attached copy of R-3 ordinance Chapter 17.64. The minimum lot size in the R-3 zoning district is 7,500 square feet. The set-backs for this zoning district are 10 feet front, 5 feet sides and 10 feet rear.

The N-C zoning districts allows single family dwellings; antique shops/stores & bed and breakfast inns. There is a mix of uses allowed with a special use permit. See attached copy of N-C ordinance Chapter 17.77. The minimum lot size in the N-C zoning district is 2,000 square feet. The set-backs for this zoning district are 5 feet front; 0 foot side set-back unless the property is adjacent to a residential zone which

would require 10 feet; 5 foot rear setback if property abuts an alley, 15 feet no alley or adjacent to a residential zone. The purpose of the N-C zoning district is to provide locations for limited shopping or service facilities serving a residential neighborhood.

4. **ANALYSIS & FINDINGS:**

- A. The applicant is requesting a zoning district that will make the lot more desirable to build a business. The properties adjacent to this site are zoned GC and R-3. Both parcels are currently vacant. Uses in the area include residences, an apartment building, an accounting business, the library, DA's office, the Masonic Hall. These businesses and residences have been in this area for many years. Businesses and residences in the area have co-habited with no problems or issues documented. The Master Plan designations for this area are COMM (Commercial) and HDR (High Density Residential). Applicant's lot size is 6,540 square feet for APN: 15-396-04; 10,960 square feet for APN: 15-396-05. The N-C zoning has a 2,000 square foot minimum lot size requirement.
- B. There have been other rezone requests like this one, to rezone residentially zoned property to a zoning district which allows not only single-family residences but also limited commercial uses. Those applications were approved. This area has been developed for the past thirty plus + years. The Master Plan for this property is HDR (30 units/1acre; 1,452 sf lot size). Zoning in the immediate vicinity is G-C and R-3 with most of the G-C zoned property having a HDR master plan designation. This zone change to N-C would not impact the uses on properties adjacent to this property (the residential uses or commercial uses). The area residents are used to the current activity and there have been no complaints or problems reported. There is no information to indicate this action will be detrimental to properties surrounding or adjacent to the area requested for the zone change.
- C. This zone change does conform to the Master Plan designation of HDR, in terms of minimum lot size and the allowed use of single-family residences, for this area.
- D. Public sewer and water systems service this property. Therefore, this zone change will not adversely affect the public health, safety and general welfare of the area.
- E. This zone change will not alter the development pattern or the types of uses allowed in the area. While the commercial and residential zoning districts are not always complimentary and do not allow similar types of uses, commercial and residential development has occurred on adjacent properties. This zoning will not be out of place with the zoning surrounding it. Therefore, the newly proposed zone will have no effect on the existing developed land use pattern in the immediate area, specifically, with respect to the question of land use compatibility. Some of the adjacent residential uses consist of stick-built single-family residences (also zoned G-C) that have been in this area for many years. The various commercial uses have been in the area for many years also.

5. **STAFF RECOMMENDATION:**

After careful consideration, staff recommends **approval** of this zone change application to rezone this property from R-3 to N-C.

6. **SUPPORT MATERIAL:**

- A. Application and Assessor's parcel map
- B. N-C Zoning Information

Betty Lawrence
Senior Planning Technician

Chapter 17.77

N-C NEIGHBORHOOD COMMERCIAL DISTRICT

Sections:

- 17.77.010 Purpose
- 17.77.020 Allowed uses.
- 17.77.030 Prohibited uses.
- 17.77.040 Uses allowed with a special use permit following a public hearing.
- 17.77.050 Area and yard requirements.
- 17.77.070 Site plan review provisions.
- 17.77.080 Access, parking and loading area requirements.
- 17.77.090 Sign standards.

17.77.010 Purpose.

To provide locations for limited shopping or service facilities serving a residential neighborhood. (Ord. 617 § 1.1 Exh. A (part), 1996)

17.77.020 Allowed uses.

- A. Antique shops/stores. ;
- B. Bed and breakfast inns;
- C. Residential: one single-family dwelling. (Ord. 620 § 1.2, 1996; Ord. 617 § 1.1 Exh. A (part), 1996)

17.77.030 Prohibited uses.

- A. Billboards;
- B. Industrial uses: see "Manufacturing";
- C. Recreational vehicles for any residential or accessory use;
- D. Adult bookstores;
- E. Adult motion picture theaters;
- F. Adult entertainment in cabarets and/or bars. (Ord. 617 § 1.1 Exh. A (part), 1996)

17.77.040 Uses allowed with a special use permit.

- A. Convenience stores, with or without gasoline sales;
- B. Day care center;
- C. Drug stores;
- D. Facilities and services with minimal parking requirements appropriate in serving a residential neighborhood as determined by the planning commission;
- E. Financial institutions services including, but not limited to:
 1. Banks;
 2. Savings and loan,
 3. Loan and lending activities,

17.77.040

- 4. Credit union operations,
- 5. Check cashing facilities;
- F. Food and beverage establishments;
- G. Health clubs: see "Personal services";
- H. Laundromats;
- I. Medical/professional services and facilities including, but not limited to:
 - 1. Dental offices,
 - 2. Medical offices; ,
 - 3. Clinics and labs;
- J. Meeting halls/social, service and/or fraternal organizations;
- K. Multi-family residential units (apartments);
- L. Nurseries, plants, trees, landscaping services;
- M. Outside display;
- N. Professional services and offices providing professional services to individuals or businesses as defined in Chapter 17.08 including, but not limited to:
 - 1. Law offices,
 - 2. Real estate offices,
 - 3. Insurance offices,
 - 4. Architectural offices,
 - 5. Surveying offices. (Ord. 620 § 1.3, 1996; Ord. 617 § 1.1 Exh. A (part), 1996)

17.77.050 Area and yard requirements.

- A. Minimum lot area: 2000 square feet
- B. Yard Requirements:
 - 1. Front: 5 feet.
 - 2. Side: 0 feet - 10 feet - adjacent to a residential zone.
 - 3. Rear: 15 feet - no alley or adjacent to a residential zone.
5 feet - abutting an alley. (Ord. 617 § 1.1 Exh. A (part), 1996)

17.77.070 Site plan review provisions.

See Chapter 17.24. (Ord. 617 § 1.1 Exh. A (part), 1996)

17.77.080 Access, parking and loading area requirements.

See Chapter 17.25. (Ord. 617 § 1.1 Exh. A (part), 1996)

17.77.090 Sign standards.

See Chapter 17.27. (Ord. 617 § 1.1 Exh. A (part), 1996)

APPLICATION FOR REZONING

Note: The applicant is responsible for the accuracy of the information provided. Please fill in all the spaces. If an item does not apply, please put N/A (not applicable) on the line. Include the parcel number and/or the address of the property. Please provide a clear, legible, location map and a copy of the Assessor's Parcel map of the property with this application, if available. **PLEASE USE BLACK INK.**

City of Winnemucca Humboldt County

Applicant/Agent LARRY D. MARCUERQUIAGA

Location/Address of Property 537, 547 BAND ST

Assessor's Parcel # 015-396-04, 015-396-05

Rezone said property from R3 ~~HOA~~ to NC

Note: If more than one zone change is being requested, describe each parcel separately and indicate the zone requested for each.

Record Owner of Property: (a signed, notarized Affidavit of Ownership is required)

Name of Owner LARRY D. MARCUERQUIAGA & JULY A. MARCUERQUIAGA

Mailing Address P.O. Box 219 Paradise Valley
Nevada, 89426 Phone 725-578-0002

FOR DEPARTMENT USE	
Received By <u>Betty</u>	Date Received <u>3-29-12</u>
Application No. <u>RW-12-04</u>	Name <u>marcuerquiaga, Larry</u>
M	

RPC 5/10

WCC setPH

WCC PH

REQUIRED INFORMATION

The following information is required for this application. If the material is missing, Staff is authorized to return the application and take no further action until a complete application has been filed. (Enter N/A next to any item that does not apply - Use additional pages as necessary)

1. Reason for request: (Include any changes that have occurred in the area that would warrant granting this request.) Make lot more desirable to build business on. 10 out 14 lots are already zoned commercial in view of Master Plan designation

2. Will the newly proposed zone change have any affect upon the existing developed land use pattern in the immediate area, specifically, will the zone change affect land use compatibility?

Yes

No

If yes, please state how it will. _____

3. Will the proposed zone change adversely affect the public health, safety and general welfare?

Yes

No

If yes, state how it will. _____

4. Will the proposed zone change conflict with the adopted General Plan for the area?

Yes

No

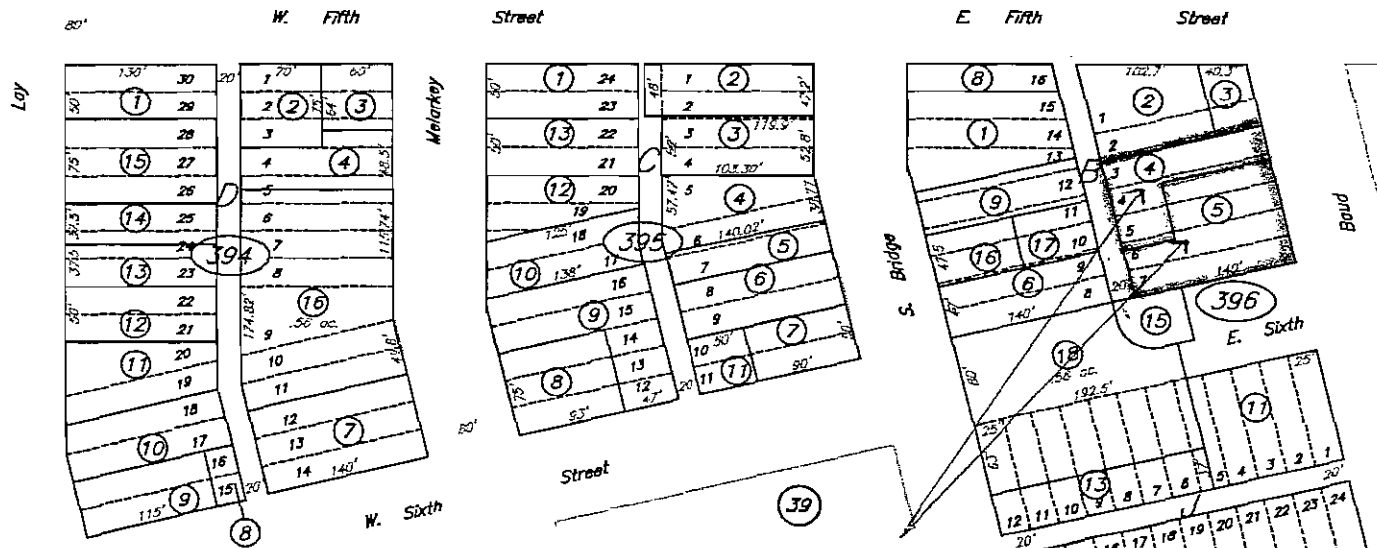
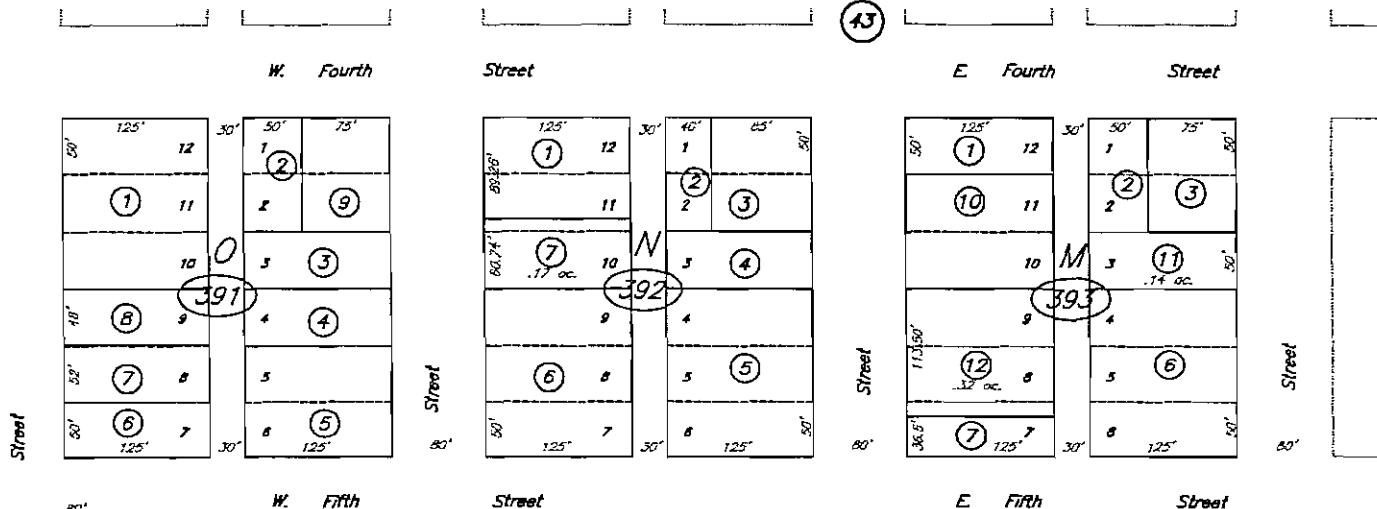
If yes, please explain how it will. Majority of lots are already zoned commercial

Portion of W1/2 NW 1/4 Of Section 29

RECEIVED

JUN 30 2008

REGIONAL PLANNING
DEPARTMENT



41

40

RW-12-04
MARCQUERQUIAGA, LARRY & JUDY
R-3 TO N-C
537 & 547 BAUD STREET
AP#'S 015-396-04 & 015-396-05

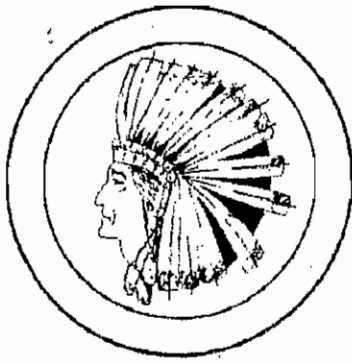
39

BK.
16

NOTE: This plat is for assessment
purposes only, and does not represent
a survey of the lands on this plat.

Winnemucca
HUMBOLDT COUNTY

HUMBOLDT COUNTY REGISTER'S OFFICE
WINNEMUCCA, NEVADA 89401



REGIONAL PLANNING DEPARTMENT

HUMBOLDT COUNTY COURTHOUSE WINNEMUCCA, NV 89445
OFFICE (775) 623-6392 FAX (775) 623-6395

NOTICE OF PUBLIC HEARING

NOTICE IS HEREBY GIVEN THAT ON **THURSDAY, MAY 10, 2012** at 5:30 P.M. the **Humboldt County Regional Planning Commission** will hold a public hearing in the Meeting Room, Humboldt County Courthouse, Second Floor, Winnemucca, Nevada to consider the following:

RW-12-04 A rezone application submitted by Larry & Judy Marcuerquiaga to change the zoning from R-3 (Multiple-Family Residential District, lot area 7,500 sq. ft.) to N-C (Neighborhood Commercial District, minimum lot area 2,000 sq. ft.) on 537 & 547 Baud Street; assessor's parcel #'s 015-396-04 & 015-396-05.

"SUBJECT TO CHANGE"

NOTE: If you plan to attend this meeting, please contact the Planning Department office before the meeting to verify this agenda item has not been withdrawn or rescheduled.

NOTICE TO PERSONS WITH DISABILITIES: Members of the public who are disabled and require special assistance or accommodations at the meeting are requested to notify the **COUNTY ADMINISTRATOR** in writing at the Humboldt County Courthouse, Room 205, Winnemucca, Nevada 89445, or by calling (775) 623-6300 at least one (1) day in advance of the meeting.