

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, JANUARY 3, 2017
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

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

ROLL CALL

Present: David Freistroffer
Aaron Martinez
John Anderson
Kevin Hodur
Stefan Beck
Tera Hooiman (5:38pm)
Jeff Dalling (5:48pm)

City Staff: Scott Wilkinson, Assistant City Manager
Jeremy Draper, Development Manager
Cathy Laughlin, City Planner
Bob Thibault, City Engineer
John Holmes, Fire Marshal
Shelby Knopp, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

December 6, 2016 – Regular Meeting **FOR POSSIBLE ACTION**

*****A motion was made by David Freistroffer, seconded by Kevin Hodur to approve the December 6, 2016 regular meeting minutes as presented.**

****Motion Passed (3-0 Commissioner Beck Abstained)***

A motion was made by David Freistroffer, seconded by Kevin Hodur to approve the December 6, 2016 special meeting minutes as presented.

****Motion Passed (3-0 Commissioner Beck Abstained)***

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible recommendation to City Council for Rezone No. 8-16, filed by Chap Enterprises, LLC, for a change in zoning from R (Single-Family And Multiple-Family Residential) to PUD (Planned Unit Development), approximately 1,900 sq. ft. of property to allow for better access into existing garages used in conjunction with Country River Village condominiums, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the south side of Flagstone Drive, approximately 283 feet west of Clarkson Drive. (APNs 001-633-005 & 006).

Bob Morley, High Desert Engineering, explained he would address the first three agenda items at the same time, because they are all related. The rezones are on Clarkson Drive, where the Country River Condominiums are, and they are abutted on the northerly boundary by Great Basin Estates. The owners of Chap Enterprises approached Mr. Capps, with Parrado Partners, and asked him if he would be willing to deed them some property, in order to give them better access to the carport that is shown on the drawing. He agreed to do that, they decided to do a land exchange and a Boundary Line Adjustment to compensate for that area. In order for the properties being added to the existing properties to be zoned the same as the existing properties the area that is going to Parrado Partners will need to be rezoned from PUD to Residential and the area that is going to Chap Enterprises will need to be rezoned from Residential to PUD. When Great Basin Estates was developed there was an existing 15' access easement along the boundary of Great Basin Estates that was used as access for the parking garages for Country River Village. There is also a 15' access easement on the boundary of Country River Village. Now that they are doing a Boundary Line Adjustment and the rezones, the easement doesn't have to go all the way through in order to access Country River's property. They don't need an access easement through the property that is being deeded to lot 4.

Cathy Laughlin, City Planner, explained that there is already a curb cut off of Clarkson. That access is split, half on the Country River Village and half on Great Basin Estates.

Commissioner Tera Hooiman arrived.

Ms. Laughlin said this application is in conjunction with a Boundary Line Adjustment. Staff has reviewed and approved the BLA. This is the process of several applications, the BLA, Rezone, and Vacation of the access easement. Staff recommends forwarding a

recommendation to City Council to adopt a resolution that would conditionally approve this rezone based on the conditions listed in the staff memo dated January 3, 2017.

Jeremy Draper, Development Manager, said the Development Department is also in favor of this rezone. They do recommend that the Boundary Line Adjustment to be recorded prior to the rezone being recorded. They recommend approval and hoped to see this project completed.

Bob Thibault, City Engineer, wanted to offer a little history to explain how they got this far. Great Basin Estates was once slated to be an additional phase for Country River Villages. So that access along the common property line made more sense to be used by both. Now with the houses going in they are trying to clean it up. He said that the Engineering Department had no additional comments and recommended approval.

John Holmes, Fire Marshal and Scott Wilkinson, Assistant City Manager both had no comments and recommended approval as conditioned by Staff.

*****A motion was made by David Freistroffer, seconded by Kevin Hodur to forward a recommendation to City Council to adopt a resolution that would conditionally approve Rezone 8-16 subject to the conditions in the City of Elko Staff Report dated January 3, 2017, listed as follows:**

Planning Department:

1. Compliance with all staff conditions.

Development Department:

1. BLA 3-16 is to be recorded prior to the recordation of the rezone.

Commissioner Freistroffer's findings are that Rezone 8-16 is not in strict conformance with the City of Elko Master Plan Land Use Component. The proposed rezone is in conformance with the Transportation Component, the City of Elko Wellhead Protection Plan, and City of Elko Zoning Sections 3-2-4(B) & (C), 3-2-11(B), 3-2-17, 3-2-15. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

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

2. Review, consideration, and possible recommendation to City Council for Rezone No. 9-16, filed by Parrado Partners, LP, for a change in zoning from PUD (Planned Unit Development) to R (Single-Family and Multiple-Family Residential), approximately 3,059 sq. ft. of property to allow for better access into existing garages used in conjunction with Country River Village condominiums, and matters related thereto. **FOR POSSIBLE ACTION**
The subject property is located generally on the northwest corner of Clarkson Drive and 12th Street. (APN 001-870-000).

Ms. Laughlin had no further comment but that this was filed by Parrado because it is the property that Parrado will be accepting in the Boundary Line Adjustment.

Mr. Draper had nothing additional, similar comments as the previous application.

Mr. Thibault, Mr. Holmes, and Mr. Wilkinson had no additional comments and recommended approval.

*****A motion was made by David Freistroffer, seconded by Tera Hooiman to forward a recommendation to City Council to adopt a resolution, which conditionally approves Rezone 9-16 subject to the conditions in the City of Elko Staff Report dated January 3, 2017 listed as follows:**

Planning Department:

1. Compliance with all staff conditions.

Development Department:

1. BLA 3-16 is to be recorded prior to the recordation of the rezone.

Commissioner Freistroffer's findings are that Rezone 9-16 is not in strict conformance with the City of Elko Master Plan Land Use Component. The proposed rezone is in conformance with the Transportation Component, the City of Elko Wellhead Protection Plan, and City of Elko Zoning Sections 3-2-4(B) & (C), 3-2-11(B), 3-2-17, 3-2-15. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

3. Review, consideration, and possible recommendation to City Council for Vacation No. 2-16, filed by The Capps Group, Inc., on behalf of Parrado Partners LP for the vacation of a portion of the access easement currently used by County River Village A #1 Common Area APN 001-870-000, located on lots 3 & 4 for the Great Basin Estates Subdivision Phase 1A, APN 001-633-005 and 006, consisting of an area approximately 225 feet in width by 15 feet in depth, and matters related thereto.
FOR POSSIBLE ACTION

Commissioner Jeff Dalling arrived.

Ms. Laughlin had no further comments.

Mr. Draper said the Development Department recommend approval. He also wanted to remind the Commission that this is just a vacation of the access easement, no utility easements were vacated as a part of this process.

Mr. Thibault, Mr. Holmes, and Mr. Wilkinson recommend approval as conditioned by staff.

*****A motion was made by David Freistroffer, seconded by Kevin Hodur to forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation 2-16 subject to the conditions in the City of Elko Staff Report dated January 3, 2017 listed as follows:**

1. The applicant shall record a boundary line adjustment 3-16 between the properties to preserve the access for the adjacent property, prior to the vacation of the access easement.
2. 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.
3. The applicant is responsible for all costs associated with the recordation of the vacation.

Commissioner Freistroffer's findings are that Vacation 2-16 is in conformance with the City of Elko Master Plan Land Use and Transportation components, NRS 278.479 to 278.480, inclusive, and the City of Elko Code Sections 3-2-5(E) and 8-7.

**Motion passed unanimously. (7-0)*

A. PUBLIC HEARING

3. Review, consideration, and possible recommendation to City Council for Rezone No. 10-16, filed by James Q. Winer, on behalf of The Pointe at Ruby View, LLC, for a change in zoning from R1 (Single-Family Residential) to RS (Residential Suburban) to allow for the development of a subdivision, and matters related thereto.
FOR POSSIBLE ACTION

The subject property is approximately 93.52 acres located generally north of E. Jennings Way and south of Statice Street. (APN 001-562-009)

Lana Carter, Carter Engineering, PO Box 794, explained that the parcel is currently zoned R1 and they are requesting Residential Suburban. They feel that it would give a good buffer between the R1 Zoning to the south and the County property to the north, that are the larger parcels. The intent of this subdivision is to develop with larger parcels, so the RS Zoning is what they would desire. The rural effect of the RS Zoning is also attractive to the applicant.

Ms. Laughlin said that they saw the potential development plans in the Stage 1 Subdivision Meeting for this property. It would fit within the RS Zoning District what they are proposing to do in a 4 Phase Subdivision. She wanted to bring the Commissions attention to the fact that this Rezone is not in strict conformance with the Master Plan Land Use Component, but since it is already annexed into the City it is not required to be in strict conformance, just as you saw in the last applications. The Planning Department recommend forwarding a recommendation to City Council to adopt a resolution, which would conditionally approve this Rezone.

Mr. Draper said the Development Department also recommend approval of this proposed zone change. They did review this more in depth because of the size of the proposed zone change, approximately 93 acres from R1 Single Family to RS. The RS Zone does allow for looser development standards, as far as the roadway development and minimizing the amount of curb, gutter and sidewalk that is required. They have met with the applicant on those improvements. One of the reasons they are looking at this and recommending approval is because the topography in the area lends itself towards this type of development, with the requirement of septic systems. Because of the topography it would take four different gravity lines to get the sewer out of this area, or possible lift stations, which is cost prohibitive for any type of development in this area. The deviance from the City Code still needs to go before the City Council. If that is approved they will need to be on septic systems, which requires a half acre minimum lot size. That is also the minimal lot size in the RS Zone. The surrounding properties are unlikely to develop as residential areas.

Mr. Thibault explained that the Engineering Department initially had a condition that the applicant provide a legal description and a display map from a properly licensed surveyor, which has been received. Engineering Department recommend approval.

Mr. Holmes said his only concern was with the ingress and egress issues, however He did recommend approval as conditioned by Staff.

Mr. Wilkinson recommend approval as conditioned by Staff. He asked the application if it would create an issue if the rezone was conditioned on the final approval of the subdivision.

Jim Winer, PO 1892, explained that it would not create an issue, it is tied together. Without the zoning the development won't happen.

Mr. Wilkinson recommend the Planning Commission consider an additional condition, that the rezone becomes effective after a final map of the subdivision is approved.

Chairman Martinez was concerned with the density, which is being proposed in this development, it doesn't foot the bill for the services that are going to be provided and maintenance over the course of a lifetime. He thought with the density being so low in the RS that it shouldn't be allowed in the City Limits. Most developments probably don't pencil out when you look at those services and how much they bring to the table, in terms of tax revenue, to the services provided by the City. His other concerns were with roadway maintenance, hydrology, and tie-ins to private driveways. Based on the Stage 1 Meeting, the flow lines for the hydrology are going to be the required maintenance of the property owners, which could potentially be a problem. He asked the applicant if they had plans to address the hydrology and edge of roadway maintenance issues.

Mr. Winer said he will tackle the tax question first. The same question came up in a meeting with the Mayor. He met with County Assessor's Office and the Mayor also worked with Dawn Stout to figure out an assumption for tax revenue. It came out to be around \$4,700 a lot per year in property taxes. He said that Ms. Carter could answer the hydrology questions better than he could.

Chairman Martinez asked if staff could verify the assessment value.

Mr. Draper said he had done his own research on that. Looking at Royal Crest and Autumn Colors, as a comparison, the average tax per square foot in Royal Crest brought in is \$0.12 a square foot, Autumn Colors is \$0.55 a square foot.

Chairman Martinez asked if that was property square footage. (Yes)

Mr. Draper said half acre lots on Royal Crest and Tamarack with \$400,000 homes bring in around \$5,200 a year in property taxes, which gets subdivided.

Mr. Winer said the minimum lot size they are proposing is 0.65 acres up to an acre.

Ms. Carter said there were a few lots that were slightly larger because of the topography. There are 87 potential lots.

Mr. Winer said the original design was 70 lots.

Ms. Carter said it was closer to 80. They have increased the density to make the project more viable financially and for that concern as well.

Mr. Wilkinson thought the \$4,700 was a conservative number based on Mr. Draper's research.

Chairman Martinez said they had some questions about the hydrology and the maintenance of the drainage swale and the edge of asphalt.

Ms. Carter explained that their street section would be what the City requires for the shoulders of the road. They do require a two foot shoulder. They talked about having requirements for the driveway entrances in the CCNR's and a detail that shows what they are to look like, that must be met before they can get their Certificate of Occupancy. There will be a specific culvert size that will be required, as well as required end sections, and the driveway entrances will be required to be paved to the garage. They plan to do what's proper for the asphalt maintenance on the shoulders.

Chairman Martinez said he has a problem with CCNR's because there is no one to enforce them. Through a development standpoint we can require the developer to provide roadway shouldering, Type 1 curb and gutter along the edge of the pavement, as well as driveway approaches on behalf of developer, in order to guarantee that we are provided a particular product.

Mr. Winer explained that there is no way of knowing, on these lots with the topography, where a person is going to put their house. How do you put a driveway in when you don't know where the house will be? Mr. Strickland brought up at the Stage 1 meeting that Royal Crest had no drainage standards for driveways and that created a problem for the City. They asked how they could help and he gave a recommendation on the size of the culverts.

Ms. Carter said he recommended a 12 inch culvert. She was going to size the culvert per a hydrology study, but it would be a minimum of 12 inches.

Mr. Winer said the discussion at the meeting was to put standards in the notes and jurats of the recorded document.

Mr. Draper stated that they were getting off the subject of the rezone. Another thing they could do is, as the Subdivision Map gets approved they can work with Ms. Carter on a standard detail. Then Staff can incorporate the standard details into the list of standard details they have throughout the City. As the plans got approved for the homes then they could give the homeowner the standard details. Mr. Draper said he was not too concerned with the hydrology and maintenance concerns that other staff members have.

Mr. Winer explained the next step is looking at potential layouts and there are approximately 13 corner lots. There is no way to know on those corner lots which way the homeowner will want the house to face. There is still time to secure the need for drainage and culverts and also get some documents recorded that will work for the City.

Mr. Wilkinson thought the discussion they were having would be more related to the Preliminary Plat. The applicant is required to provide quite a bit of the information we're asking for at the Preliminary Plat Stage.

Chairman Martinez said this is pertinent information and it directly relates to the R and RS Zone. He has a concern that they were going to be granting a rezone with insufficient standards that are currently in place.

Mr. Winer explained that the designs that are going forward are based on the future designs that the City is moving towards.

Mr. Wilkinson didn't know where the discussion was coming from that the current designs are inadequate. He didn't think that you could go out and point to road failures in the RS Zone today.

Chairman Martinez pointed out that there is edge of pavement failure in almost every RS Zone in the City. Most of it is due to not enough shouldering, snow removal, and erosion.

Mr. Draper explained that they have had issues with the asphalt that was placed the year of development of The Pointe Phase 1, and Royal Crest. So to say that that is road failure or edge of pavement failure is a possibility, but if you look at the pavement that was placed that year every section has failed.

Chairman Martinez added that it is hard to argue the fact that edge of pavement adjoining curb and gutter is ten times less likely to fail. He asked if the developer would be interested in rolled curb and no driveways.

Mr. Winer said he would not be interested in doing that.

Chairman Martinez asked if the Preliminary Plat would be submitted reflecting the new roadway development standards. The Planning Commission has not been provided the new standards, so they don't know if they are adequate or not.

Mr. Wilkinson added that the Planning Commission can condition plats. Even if you don't think the standards are adequate you can condition the Plat. That's another reason he thought they should add the condition that the rezone not be in effect until the Final Plat is approved.

Chairman Martinez said that was a great point.

Jerry Ray, 3623 Statice Street, said he owns two corner parcels on Statice Street. This scares him, because of the current condition of Statice Street. There is no road base to it. He moved off of Sundance, because everything was shoved in there and there was a lot of traffic.

Chairman Martinez explained that the subdivision would point all traffic away from Statice Street.

Ms. Carter added that the access will come off of Jennings Way and ends in two cul-de-sacs. There is no access through the development onto Statice. There will be Emergency access that will be gated off for Fire Department in case they need to get in there.

Commissioner Freistroffer wanted to discuss another possible condition with the Planning Commission. The possible condition was based on the discussion heard earlier. He wanted to know if they wanted to have an estimate on tax collection. He thought it would be beneficial to add a condition that the applicant provide a cost or benefit analysis to the City Council along with the Planning Commission's recommendation.

Mr. Wilkinson explained that the Planning Commission cannot make decisions that burden City Council, but they can ask for that type of information.

Mr. Winer asked for clarification on the additional condition.

Commissioner Freistroffer clarified that the condition would be for the applicant to provide an estimate of the tax that would be generated under an R1 Zone verses an RS Zone.

Mr. Draper stated that he can work with Mr. Winer on providing the information that is being asked for.

Ms. Carter pointed out if this stays zoned as R1, with the smaller lots, it will need to be on the City sewer. It is really a big hardship to get sewer to these lots. It would take three or four different lines to gravity feed this property and four lift stations. It would also take lines through private property and BLM property. That's a lot of infrastructure with very little benefit. It's not realistic that this property could ever be developed into those smaller lots. That's why they are proposing the bigger lots, not to try to side public improvements.

Commissioner Freistroffer asked if the zoning has been in place since the property was purchased.

Mr. Winer said it has been in place for many years.

Chairman Martinez thought that Commissioner Freistroffer was not trying to point towards a high density. They understand that sewer cannot get out of the area. There are costs that are

coming in to play that have the Commission concerned from a long term stand point. He asked staff if everything they were asking for could be accommodated under the R1 Zoning.

Mr. Draper explained the subdivision they are proposing could go in the R1 District. What they are wanting to do is sell larger lots and have the same feel as Royal Crest. It would eliminate some of the public improvements, which is something that could be done through a Variance or a Waiver. Sewer is the big driver. This area is above the current pressure zones, so they will have a hydro-pneumatic pressure system. NRS requires that systems serves less than 150 homes. It would provide service to the entire subdivision, separate from the current pressure zones. There are more things at play than just getting out of public improvements.

Chairman Martinez said that the additional infrastructure would require additional maintenance from the City.

Mr. Draper and Chairman Martinez continued to discuss the cost of the maintenance and installation of additional infrastructure.

Mr. Wilkinson said the lesson learned here is this is the type of discussion that should be happening when your Annexing property into the City. That wasn't done with this property. We do have the property annexed and now we need to figure out how to serve it. He thought the applicant, Planning, Development, and Engineering had come up with a pretty good plan. Trying to provide some financial information based on the proposed zone, to show how that would relate to covering cost of service over time, would be appropriate. Looking at the proposed development the tax revenue over time would be a benefit. The lesser development standards support lesser density to a certain extent, because the City won't have to replace a bunch of concrete in 20 years. We need to try to figure out, in this area in particular and there are a couple more, how to serve those areas and allow them to develop.

Chairman Martinez asked if the City of Elko was not obligated to provide utilities until a Will Serve Letter was provided.

Mr. Wilkinson said that was correct, but if you look at the NRS, the valuation, and there are some minimum factors to be considered under an annexation. He believed that the City had a responsibility to determine how it's going to serve an area for a variety of services, not just utilities.

Chairman Martinez said he didn't think the City was obligated to provide those, there are other means.

Commissioner Kevin Hodur said this seems like, based on the terrain and the situation, the most economical developmental solution of this parcel.

Commissioner Freistroffer wanted to see more analysis presented for City Council so they can make an informed decision. He also thought the Commission needed to think about what they needed to condition a Final Plat with to make it as functional as possible.

*****A motion was made by David Freistroffer, seconded by Kevin Hodur to forward a recommendation to City Council to adopt a resolution, which conditionally approves**

Rezone No. 10-16 subject to the conditions in the City of Elko Staff Report dated January 3, 2017, with additional conditions from the Planning Commission, listed as follows:

Planning Department:

1. Compliance with all staff conditions.

Development Department:

2. BLA 4-16 is to be recorded prior to the recordation of the rezone.

Planning Commission

1. The rezone be conditioned on approval of the Final Plat by City Council.
2. The recommendation forwarded to City Council by the Planning Commission contain a financial analysis of the proposed zoning change.

Commissioner Freistroffer's findings were that Rezone No. 10-16 is not in strict conformance with the City of Elko Master Plan Land Use Component. Strict conformance is not required with properties already located within the city boundary. The proposed rezone is consistent with the existing transportation infrastructure, surrounding land uses, the City of Elko Wellhead Protection Plan, and City of Elko Zoning Sections 3-2-4(B) & (C), 3-2-17, and 3-2-5(A). Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc. or pose a danger to human health and safety.

****Motion passed unanimously. (7-0)***

4. Review, consideration, and possible recommendation to City Council for Variance No. 2-16, filed by Jacques Errecart on behalf of PN'P Investments, LLC, for a reduction of the required front yard setback from 15 feet to 6' 10", and the required interior side yard setback from 5 1/2 feet to 2' 6", in conjunction with a zone change from GI (General Industrial) to R (Single Family and Multiple Family Residential), and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of River Street, approximately 147 feet west of 10th Street (955 River Street).

Jacques Errecart, 518 Commercial Street, said he will explain this item and the rezone, which is related, at the same time. In relation to the conditions listed in the City of Elko Staff Report dated January 3, 2017, the variances for the side and front yard setbacks are correct and the covered patio will be removed. He asked, on behalf of the client, if they could include the variance for the accessory building being in excess of 1,000 square feet. The clients are purchasing another residence, and they have a buyer for their existing residence, so currently they are making two mortgage payments. That's the basis of asking for the accessory structure to be included. The accessory structure is a garage that against the rear property line that abuts the alley. It is 1,086 square feet.

Ms. Laughlin said in our City Code, Section 3-2-5(E)(7), the accessory building limitations in the R District does allow 1000 square feet as the maximum. The accessory structure would require a variance because it does exceed the limitations. The application that we received was

strictly for the front setback and the side setback, so that is what has been reviewed and that is what the Staff Report reflects.

Chairman Martinez clarified that the accessory structure variance would not be considered because it wasn't included on the application.

Ms. Laughlin clarified that the covered patio in question was abutting the property line and if it was left up it would also require a variance application.

Mr. Wilkinson explained that a variance application requires public notice advertising as well as property owner notices within a certain distance. It presents some difficulties to try to modify applications after the public noticing process, which is required under City Code and NRS, has been complete.

Ms. Laughlin reminded the Commissioners that they have a public comment letter in their packet. The letter is from the public notices that the Planning Department sends out.

Mr. Draper said that the Development Department reviewed this Variance Application and recommend approval with the following conditions: the variance for the principle structure reduce the required front yard setback from 15 feet to 6' 10", variance for the accessory structure reduce the required side yard setback from 5 ½ feet to 2' 6", the covering to be removed from the covered patio, and a request for a variance application to be submitted for the accessory structure exceeding 1,000 square feet. The Building Department had a condition in regards to the protection of the garage as it relates to the side yard setback, any roof projections at the property line shall be protected 1 hour on the underside, protection is required when a projection is within 5 feet to 2 feet of the property line, roof projection overhang is not allowed within 2 feet of a property line.

Mr. Thibault, Mr. Holmes, and Mr. Wilkinson had no additional comments and recommended approval as conditioned by staff.

Commissioner Dalling asked if the letter that Ms. Laughlin mentioned was from Jeni Lee Powell and if it needed to be read into the public record.

Ms. Laughlin explained that the letter was submitted for last month's meeting and we weren't sure if she was going to be at this month's meeting so we included in the Packet. She clarified that the conditions need to be specific to the front setback for the residence and the side setback for the accessory structure.

Commissioner Dalling asked Mr. Draper to read Ms. Powell's letter into the record.

Mr. Draper read the Letter from Jeni Lei Powell into the record.

Chairman Martinez said both parcels on either side are residential but zone GI and the ones behind they are zoned GI but are Commercial uses.

Mr. Draper said that was correct.

Commissioner Dalling asked if the applicant had a buyer for the property, but they were trying to secure financing.

Mr. Errecart stated that was correct. The buyer who is going to purchase the property is using a particular financing that requires the property to be zoned residential.

Commissioner Hodur asked how many properties in this area had the issue of being used different from their zone.

Mr. Draper stated there are several. This is a 1938 property and zoning came through in the 70's, so that's how this happened.

Commissioner Freistroffer mentioned that for variances the Planning Commission is trying to be consistent with, granting them when they are not applicable to a zoning district, and that it would be a substantial hardship if it is not granted. Both of those things come straight from the City Code.

*****A motion was made by David Freistroffer, seconded by Kevin Hodur to conditionally approve Variance No. 2-16 with the conditions in the City of Elko Staff Report date January 3, 2017 listed as follows:**

Development Department:

1. A variance is granted for the principle structure reducing the required front yard setback from 15' to 6'-10".
2. A variance is granted for the accessory structure for the side yard setback to be reduced from 5.5' to 2'-6".
3. The covered patio located within the side yard setback is to be removed.
4. A variance application for the accessory building exceeding 1,000 square feet be submitted for evaluation and possible approval by the planning commission.

Building Department:

1. Any roof projections at the property line shall be protected 1 hour on the underside. This protection is required when the projection is within 5 feet to 2 feet of the property line. Roof projection, overhang, is not allowed within 2 feet of a property line

Planning Department:

1. Compliance with all staff recommendations.
2. Approval of Rezone 8-16

Commissioner Freistroffer's findings were that Variance No. 2-16 is consistent with the Master Plan Land Use and Transportation components, surrounding land uses, and Elko City Code Sections 3-2-4, 3-2-5(G), 3-8, 3-2-21, and 3-2-22. It does not appear that granting the variance will result in material damage or prejudice to other properties in the vicinity. Granting of the variance does not appear to be detrimental to the interest, health, safety and general welfare of the public. The proposed variance is not in conformance with Section 3-2-5(E)(7) Accessory building size limitations in (R) Residential District.

****Motion passed unanimously. (7-0)***

5. Review, consideration, and possible recommendation to City Council for Rezone No. 7-16, filed by Jacques Errecart on behalf of PN'P Investments, LLC, for a change in zoning from GI (General Industrial) to R (Single Family and Multiple Family Residential) to allow financing of an existing single family residence, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of River Street, approximately 147 feet west of 10th Street

Ms. Laughlin brought up that this rezone is not in strict conformance with the City of Elko Master Plan Land Use Component, but strict conformance is not required.

Mr. Draper referred the Commission to the three conditions listed in the Development Department memo.

Mr. Thibault stated that the Engineering Department recommended approval provided that the necessary variances be approved.

Mr. Holmes recommended approval as conditioned by staff.

Mr. Wilkinson recommend approval as conditioned by staff. We need to clarify that the Building Department conditions for Variance Application 2-16 be satisfied before the rezone is effective.

*****A motion was made by Kevin Hodur, Seconded by David Freistroffer to forward a recommendation to City Council which conditionally approves Rezone No 7-16 subject to the conditions listed in the City of Elko Staff Report dated January 3, 2017 including the Building Department condition from Variance 2-16, listed as follows:**

Development Department:

1. A variance for the front yard setback on the principal structure be granted by the Planning Commission.
2. A variance for the side yard setback on the accessory structure be granted by the Planning Commission.
3. A variance for the size of the accessory structure be granted by the Planning Commission.

Planning Department:

1. The applicant merges the lots into one parcel.
2. Compliance with all staff recommendations.

Building Department:

1. Any roof projections at the property line shall be protected 1 hour on the underside. This protection is required when the projection is within 5 feet to 2 feet of the property line. Roof projection, overhang, is not allowed within 2 feet of a property line

Commissioner Hodur's findings were that Rezone 7-17 is not in strict conformance with the City of Elko Master Plan Land Use Component, strict conformance is not required for properties already located within the City boundary. Development under the proposed rezone will not adversely impact natural systems or Public Federal Lands, such as water ways, wetlands, drainages, flood plains, etc., or pose a danger to human safety and health. The proposed rezone is consistent with the existing Transportation Component, surrounding land uses, and the City of Elko Wellhead Protection Plan. The proposed rezone is not in conformance with setbacks stipulated in Section 3-2-5(E). Approval of a variance is required before the zone change is approved by the City Council. The proposed rezone is not in conformance with the accessory building size limitations stipulated in Section 3-2-5(E)(7). Approval of a variance is required before the zone change is approved by the City Council. The proposed rezone is in conformance with Elko City Code 3-2-4(B) & (C) and 3-2-17.

**Motion passed unanimously. (7-0)*

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible recommendation to City Council for Vacation No. 3-16, filed by Craig Kidwell on behalf of Kidwell Center, LLC for the vacation of a portion of 8th Street, adjacent to APN 001-352-006, consisting of an area approximately 100 feet in width by 17 feet in depth, and matters related thereto.

FOR POSSIBLE ACTION

The subject property is located generally on the southwest corner of 8th Street and Commercial Street (790 Commercial Street).

Craig Kidwell, 790 Commercial Street, said the property is located on the corner of Commercial and 8th Street. The area they are asking to vacate is 100 feet by 17 feet, a total of 1,700 square feet. It houses seven parking spots and a tree. The building was built in 1979 and completed in 1980. It was originally an insurance agency, since then it has been Barrick and Home Health. The applicant bought it in 2014 and it had been vacant for three years. It was falling apart and was a dump. They rehabilitated the building after they bought it. They put stucco on the outside of the building, trimmed the tree, painted the lines for the parking stalls, sealed the parking area, and landscaped. The City has never maintained that 1,700 square feet. That parking area was not repaved with 8th Street, it is deteriorating and is a hazard. Right now it needs to be ripped out and re-asphalted. That's what they are intending to do and why they are asking for the vacation. The property next to the movie theater is City Property and is also not maintained. It has been recommended by staff to deny this vacation. The main reason to recommend denial was to maintain public parking. He said he would agree to a deed restriction that will never allow that area to be developed and that it be maintained as public parking. The applicant went through the reasons for denial from the Staff Report dated January 3, 2017. He talked to Jon Karr twice about having the RDA pay for it, once before the City Council Meeting and once before tonight's meeting. Before the City Council Meeting Mr. Karr thought it was a good idea, but before tonight's meeting he said he didn't think it was a good use for RDA money. He also reached out to the DBA, they are also in support of this.

Chairman Martinez asked the applicant if he was asking the City to vacate this property so he could maintain the right-of-way,

Mr. Kidwell stated that he is already maintaining it. He is already paying for snow removal, leaf removal, and trash removal.

Chairman Martinez was perplexed as to why the applicant would want this parcel when they are able to maintain it on their own, it would add increased liability to them as a property owner, and the City would allow them to breach the right-of-way to reconstruct the asphalt parking lot.

Mr. Kidwell said if he is going to invest in a building, it is to help that building.

Chairman Martinez explained that the problem the Planning Commission runs into in this situation is creating a standard. If they start to vacate right-of-way for this particular property, then other property owners will want them to do the same thing for them. What Chairman Martinez is seeing is a downtown parcel in an area that is effected by the lack of parking. With the granting of this right-of-way vacation it's almost like the Planning Commission is assisting the applicant in further boasting that private parking for future land sale.

Mr. Kidwell said they will leave it open for public parking and they are just trying to maintain it.

Ms. Laughlin explained that she would address several of Mr. Kidwell's comments. In the City Code Section 3-2-17, the reason that we have the provision in our code that if a property is located within 400 feet of the Central Business District you are not required to provide off-street parking, is because there is clearly a deficiency and a lack of public parking in the downtown area. There are very few properties that have onsite parking. With that provision in the code, Mr. Kidwell is not required to provide on-site parking. He does have parking places off of the alley, which many of these business do. With the vacation, without the deed restriction, at any point he could be approved to build, according to our Commercial Zoning regulations, to the property line. The reason the NRS 278.479 to 278.480 was stated in the memo was because you need to determine that the public will not be materially injured by the proposed vacation. There are several references in the memo to the RDA Plan. Part of that is to promote as much public parking as we can. A deed restriction can be put on the property to allow a continued use for public parking, but it can also be lifted at any time by the governing body who placed it. Ms. Laughlin's recommendation to deny this vacation is because it is public parking and it should be public parking. It is currently not signed as public parking.

Chairman Martinez asked if it was in the application for a deed restriction to be applied.

Ms. Laughlin explained that was brought up at the City Council meeting.

Mr. Draper said the Development Department also recommended denial after they spent some time reviewing this application. In the Master Plan Transportation Component it is identified that 8th Street is a collector street. A collector street does not eliminate parking, it actually provides for on street parking. The right-of-way requirement for angled parking is 85 feet and 65 feet for parallel parking. One of the things that was envisioned in the Master Plan was to promote additional on-street, angled parking to increase the number of public parking spaces downtown. The Preliminary Plan for the City of Elko Redevelopment Project Area has several provisions

that talk about parking. On-street parking involves provisions of defined parking spaces within the public right-of-way, on-street parking is not reserved or limited to exclusive use of the abutting property owner, but is made available to public on a first come, first serve basis. Mr. Draper felt they needed to maintain that as they move forward with the Redevelopment of downtown. He then went through a few different provisions of different Plans for downtown that regarded maintaining public parking downtown.

Mr. Thibault said the Engineering Department also recommend denial. The area is used by the public and should remain public property. If the property were vacated there should be a public parking and access easement recorded, along with a utility easement if there are any existing utilities in the area. After 30 years, when the lot needs to be repaved, the City wouldn't be able to require it be repaved, nor would they be able to use tax dollars to repave it themselves, if the area is vacated.

Mr. Holmes had no comment.

Mr. Wilkinson said the City Manager's Office would recommend denial based on the findings as presented by Staff, and more specifically on-street public parking should be preserved per the RDA Plan.

Commissioner Dalling pointed out that Jon Karr is with the RAC not the RDA.

Chairman Martinez understood the fact that the applicant would like to have control over that property so he could invest in it and maintain it.

Mr. Kidwell said he would like to take over the property and maintain it himself.

Chairman Martinez said it seemed like everything Mr. Kidwell is wanting to do is able to be done without vacating the property. The precedence that they would open up by allowing the vacation would be unknown.

Mr. Wilkinson thought they needed to determine that the right-of-way is excess to justify a vacation.

***** A motion was made by David Freistroffer, seconded by Kevin Hodur to forward a recommendation to City Council to deny Vacation No. 3-16 subject to the following findings:**

Mr. Freistroffer's findings were that Vacation No. 3-16 is not in conformance with the City of Elko Redevelopment Plan, with NRS 278.479 to 278.480, City Code 3-2-10, or City Code 3-2-17(I)(2) as they are not required on-site parking due to the proximity to the public parking corridor. The proposed vacation would reduce the width of 8th Street to be less than the required width as identified in 3-3-22 for a collector roadway.

****Motion passed unanimously. (7-0)***

2. Review and consideration of Annexation No. 1-16 filed by Elko Inc., on behalf of Coach USA Inc., consisting of approximately 5.01 acres of property located

southwest of the intersection of P and H Drive and West Idaho Street, and matters related thereto. **FOR POSSIBLE ACTION**

Nitin Bhakta, Summit Engineering, 1150 Lamoille Hwy, said he was available to answer any questions.

Ms. Laughlin explained that staff has done a great amount of due diligence in the utility infrastructure design work and making sure that they can provide water and sewer to this property prior to annexation. Water has been provided nearby. Staff has also done some in-house design work for the sewer extension. The Planning Department recommended conditionally approving the annexation with the conditions listed in the Staff Memo.

Mr. Draper said the Development Department also recommend approval. This whole area was developed with the water rights, which were given to these properties in an agreement with the City of Elko. Part of the agreement was that once water was provided to that area, they would consider annexing into the City of Elko and provide those water rights back to City. Coach USA is the first in a few annexation applications that the Planning Commission will see in the next year. Half of P & H Drive is coming to the City of Elko, the other half will be added once the other parcel annexes.

Chairman Martinez asked if the City was in conversation with all the property owners in the area to get them annexed into the City.

Mr. Draper said they were in conversation with Joy Global and a few others in the area. There are two properties that run off of their own water system, which is part of the pond located on the property. As soon as they are able to connect to City water they will need to do some upgrades to their system and run some additional infrastructure in Idaho Street and P & H Drive. The State would like to see that water system go away when they become a part of the City of Elko Water System.

Mr. Wilkinson explained that the number of employees they serve is an issue. The system doesn't meet the State Requirements for the need. Around 2013 the operator of that system quit. Joy Global had to step in and take over as the operator and hire a licensed operator. We went to the Council and transferred the control of the water over to Joy Global so they could operate the system. Mr. Wilkinson has had conversations with the State, they are excited to see the water line extended to a much larger area of the community. The State would like to see that system go away once that area gets annexed into the City. The City is not interested in inheriting that system. He recommend approval per Staff's recommendations.

Mr. Thibault recommended approval. The whole Exit 298 area requires a lift station to get the sewer back to the treatment plant. One lift station would service the whole area. The only requirement the property owner would have would be to put in dry sewer along both frontages, at this time.

Mr. Holmes had no comment.

Commissioner Freistroffer asked what the land use designation is for this property.

Mr. Draper answered that it is Industrial Business Park.

***** A motion was made by Jeff Dalling, seconded by David Freistroffer to forward a recommendation to City Council to adopt a resolution which conditionally approves Annexation No. 1-16 subject to the conditions listed in the City of Elko Staff Report dated January 3, 2017 listed as follows:**

1. The property owners shall submit a rezone application to be consistent with the Land Use designation in the City of Elko Master Plan.

Commissioner Dalling's findings were that Annexation No. 1-16 is consistent with the City's Land Use Component of the Master Plan. Appropriate zoning of the property is required as the property develops to ensure conformance with the land use designation shown in the Master Plan. The annexation is consistent with the City's Transportation Component of the Master Plan. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, identifies the area as having potential for annexation. The area proposed for annexation is not localized, isolated and does promote future transportation and utility corridors promoting future growth opportunities within the City. Annexation of the area is not expected to have any immediate or negative impact on City resources. The area can be served from the existing 5400 water zone. Additional utility and roadway infrastructure will be installed at developer expense to facilitate development of the property.

**Motion passed unanimously. (7-0)*

4. Review and consideration of Final Plat No. 8-16, filed by Scott Reutner Properties, LLC, for the subdivision entitled Aspen Heights Subdivision involving the proposed division of approximately 2.5 acres of property into 9 lots for residential development within an R (Single-Family and Multiple-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally on the South side of Celtic Way approximately 120 ft. west of Shadow Ridge Dr. (APN 001-660-011).

Tom Ballew High Desert Engineering 640 Idaho Street, said he was there for any questions.

Ms. Laughlin said this final plat is in conformance with the Preliminary Plat that was previously approved by the Planning Commission, as well as City Council. There weren't any modifications made. The Commission did put a condition on the Preliminary Plat for the depth to be increased on one of the lots at the end of the cul-de-sac, City Council removed that condition.

Commissioner Dalling asked if there was a reason City Council took off the condition.

Ms. Laughlin explained that City Council felt that the square footage area requirement on the lot was sufficient.

Mr. Draper said the Development Department recommend approval of the subdivision with a few conditions, which are minimal. He wanted the Commission to be aware that when the subdivision to the south, Golden Heights Subdivision, was developed Alan's Place drains onto this property. There is a 15 foot wide public drainage easement that will perpetuate that drainage. Mr. Ballew has proposed an open ditch and some low impact development methods to try to capture and slow the flow as it goes through some of these properties. It would then daylight onto Celtic Way and go to existing storm drain systems. There are nine conditions listed in the Development Department Memo.

Mr. Thibault said the Engineering Department recommend approval. He just had some technical comments on the map itself.

Mr. Holmes had no comments.

Mr. Wilkinson recommended approval as conditioned by Staff.

***** A motion was made by Kevin Hodur, Seconded by Jeff Dalling to forward a recommendation to City Council to conditionally approve Final Plat No. 8-16 subject to the conditions in the City of Elko Staff Report dated January 3, 2017, listed as follows:**

Development Department

(See Memorandum from Development Manager Jeremy Draper dated December 20, 2016)

1. The Applicant shall complete all required subdivision improvements within two (2) years. Approval of the Final Plat shall expire if within two (2) years the applicant has not completed the required subdivision improvements. The applicant may request an extension of time as provided for under provisions of City code.
2. The Utility Department will issue a Will Serve letter.
3. Provide and Engineer's Estimate for the required subdivision improvements.
4. Final approval for civil improvement plans shall be required prior to commencement of construction.
5. State approvals for the subdivision shall be required prior to commencement of construction.
6. A Performance Agreement with regard to the dedicated public improvements shall be in place **prior** to the City of Elko Certifying the Final Map as required in 3-3-44.
7. Appropriate security is required **prior** to the City of Elko Certifying the Final Map as required in 3-3-45.
8. The surveyor shall update the expiration date on their stamp prior to certifying the map.
9. The lengths identified in the curve table are incorrect and need to be recalculated.

Engineering Department

1. Revise the curve table to correct the curve lengths. The curve radii are shown under the length column.
2. In note 1, there are multiple references to a "New Street", please revise to "Starley Circle".
3. In the owner certificate, add rights-of-ways to the offer of dedication.
4. Provide an engineer's estimate of construction costs.

Public Works Department

1. All public improvements per City code at time of development.

Utilities Department

1. Civil Plans for water and sewer will be reviewed at time of submittal and offer any feedback in the form of redline comments.

Commissioner Hodur's findings were that Final Plat No. 8-16 conforms to the Preliminary Plat, the City of Elko Master Plan Land Use and Transportation Components, the City of Elko Wellhead Protection Plan, and City of Elko Zoning Sections 3-2-3, 3-2-4, 3-2-5, 3-8, 3-2-17, and 3-3.

****Motion passed unanimously. (7-0)***

5. Election of Officers. FOR POSSIBLE ACTION

Pursuant to Section 3-4-3 A. of the City Code, the Planning Commission shall elect a Chairperson, Vice-Chairperson and Secretary in January every year.

Commissioner Freistroffer nominated Kevin Hodur as Secretary; a vote was taken and failed.

Chairman Martinez nominated Jeff Dalling as Secretary; a vote was taken and passed.

Chairman Martinez nominated David Freistroffer as Vice-Chairman, a vote was taken and passed unanimously.

Commissioner Freistroffer nominated Aaron Martinez as Chairman, a vote was taken and passed unanimously.

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that on November 15th City Council appointed Mr. Hodur to fill the vacancy from the resignation of Mr. Haley, they accepted the resignation of Jose Negrete and authorized staff to start the recruitment process, and they approved the first reading and set the Public Hearing of Ordinance 805 for December 13th.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that on November 15th the RDA tabled the agenda item to accept the donation of the property at the corner of 5th and Idaho Street and they asked to see proposals brought back from different developers who are interested in the property. They approved the Storefront Improvement Grant Program, which will begin accepting applications in January of 2017. They considered the possibility of a Special Improvement District for sidewalks in the 400 Block of Railroad and Commercial Street

and the 500 Block of Commercial Street, and they directed Staff to start the process by reaching out to the property owners for the petition. They discussed the Public-Private Partnership request from Page Investments, LLC and remanded it to the RAC for further discussion. On December 1st there was a RAC meeting. They recommended to the RDA to approve entering into the Public-Private Partnership for the \$39,750 with Page Investments, LLC. We presented the options of different types of bonds and funding possibilities to the RAC and they have recommended to the RDA that we allocated no more than 60% of the tax increment to go towards bond options.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

E. Elko County Agendas and Minutes.

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

Ms. Laughlin said they had started the surveys for the Residential Business District on 5th Street. There has been 3 business surveys returned and 4 residential. We are hoping to bring that back on the February agenda.

There was further discussion regarding the Residential Business District.

G. Staff.


COMMENTS BY THE GENERAL PUBLIC

No public comments were made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.


Aaron Martinez, Chairman


Jeff Dalling, Secretary