

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

**CALL TO ORDER**

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

**ROLL CALL**

**Present:**     **David Freistroffer**  
                  **Jeff Dalling**  
                  **Kevin Hodur**  
                  **Stefan Beck** (*excused himself at 7:00 p.m.*)  
                  **Tera Hooiman** (*arrived at 5:32 p.m.*)

**Excused:**     **Aaron Martinez**  
                  **John Anderson**

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

**PLEDGE OF ALLEGIANCE**

**COMMENTS BY THE GENERAL PUBLIC**

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

**APPROVAL OF MINUTES**

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

**\*\*\*Motion: Approve the minutes from January 4, 2018 as presented.**

**Moved by Kevin Hodur, Seconded by Stefan Beck.**

*\*Motion passed unanimously. (5-0)*

**I. NEW BUSINESS**

## A. PUBLIC HEARING

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

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

Luke Fitzgerald, 207 Brookwood Drive, explained that he was requesting that 62 acres be annexed into the City and zone the parcel Industrial Commercial.

Cathy Laughlin, City Planner, went over the City of Elko Staff Report dated January 26, 2018. Staff recommended that this item be conditionally approved with the conditions listed in the City of Elko Staff Report.

Jeremy Draper, Development Manager, said the Development Department recommended approval of this application. They provided their review in a memo, which was attached in the packet. Mr. Draper explained that as this is a new annexation it must conform to the Land Use Component of the Master Plan. The proposed zoning is in conformance with the Land Use Component, so he recommended approval.

Bob Thibault, Civil Engineer, said the Engineering Department recommended approval. He explained that he did have one condition regarding the legal description. The original legal description had some errors. The legal description that was provided in the packet is the revised, correct legal description, so he recommended approval as presented.

John Holmes, Fire Marshal, recommended approval.

Scott Wilkinson, Assistant City Manager, recommended approval as presented by staff. He also pointed out that there were ten findings, which were articulated into the Planning Department's Staff Memo. Those should be read into the record, along with the recommended conditions.

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution, which would conditionally approve Rezone No. 10-17 subject to the conditions listed in the City of Elko Staff Report dated January 26, 2018, listed as follows:**

### **Engineering Department:**

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

### **Planning Department:**

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

2. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.

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

Moved by Kevin Hodur, Seconded by Tera Hooiman.

*\*Motion passed unanimously. (5-0)*

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

2. Review and consideration of Annexation No. 2-17 filed by Surebrec Holdings, LLC, consisting of approximately 62.03 acres of property located northeast of the intersection of Statice Street and Delaware Avenue, and matters related thereto.

### **FOR POSSIBLE ACTION**

Mr. Fitzgerald explained that they were requesting annexation into the City. He also mentioned he had a comment on one of the conditions of the Rezone application regarding relinquishing rights to the easement. There was still some discussions with the State on exactly what those consisted of, and they should have complete answers by the end of the week.

Ms. Laughlin went through the City of Elko Staff Report dated January 26, 2018. Staff recommended conditional approval of the annexation to be forwarded to the City Council with the conditions listed in the Staff Report. She then went through the Planning Department conditions.

Mr. Draper wanted to elaborate on the water line easements. When the City acquired the easements for the lines, they were under an agreement with the State. As part of that agreement, the City pays the State yearly, based on the length of the easements. The Utility Department is working with the State to revise the agreement, remove the easements from the agreement, and reduce the yearly payment. The City also has some offers for connections to the water line, which will stay with the State at this time. Mr. Fitzgerald has agreed to relinquish his rights to the agreement the City has with the State, which goes with the successor of the property. The Development Department has reviewed the application and recommended approval of the



annexation. He wanted to go over a few things in regards to the Transportation Component of the Master Plan. Delaware Street will serve as a County Roadway. Since it is being annexed into the City, there will be an additional 30 feet that will need to be dedicated, so there will be a full width roadway at least through Aster Street. Statice Street is interesting. There is a 62-foot wide easement across three parcels, which has allowed Statice Street to be developed as it is. North of the property line, on Mr. Fitzgerald's property, there is a 20-foot easement over a 24-inch water line. In discussions with the Utilities Department, as that is going to be adjacent to the roadway, they felt it best to have the 20-foot easement converted to right-of-way over the waterline to where Statice Street moves away from the property line. The reason for that is to provide access to the water line in the event that it has a break, so the City would not be encroaching onto private property in order to make a repair and the City would have more control over it. There would be a 20-foot utility easement over a portion of line, and we would work with the developer to ensure there would be no encroachment on to the easement. Building is not allowed on easements, but due to the size of the line, the City would want to make sure they are well away from it. Mr. Draper said he would be petitioning Council, once the annexation is approved, to allow him to pursue converting the easement for Statice Street to right-of-way, so there will be an 82-foot right-of-way. The corner property is being developed by Kenworth, Mr. Draper is in discussion with them about dedicating that right-of-way to the City, and they seem receptive to that. Sewer is stubbed on Ruby Vista Drive, but it is too shallow to tie into to continue it as a gravity main. The City is evaluating the options of boring underneath I-80 and connecting to the line on Union Pacific, or doing a small lift station. We are working with the Utility Department on that, and will continue to work with the Developer. The third right-of-way is Ruby Vista. When the two adjacent parcels were annexed, a condition of the annexation was that they dedicate the Ruby Vista right-of-way to the City. So the City does have right-of-way from Youth Center Road down along I80, with just a small gap to fill in. We already have a preliminary design for that, and now we just need to work with the applicant to have that dedicated to the City of Elko. He then went over the Development Department Conditions.

Mr. Thibault had no additional comments or concerns and recommended approval as presented.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff. He called attention to the thirteen findings, which should be read into the record. He suggested the Planning Commission revise Finding No. 13 to include "and has been evaluated in consideration of NRS.268.663 subsection 3, which has to do with the road evaluation that was completed.

Commissioner Jeff Dalling asked how long it would take to find out on the AT&T easement, and how hard it would be to get an answer out of AT&T.

Mr. Draper said it would take 30 to 90 Days.

Mr. Wilkinson explained that that information would not be required before property development. The annexation will be in ordinance form, and he thought it was good that that was addressed. It's a little different, because typically the conditions should be what is needed to annex the property. This one is a little different, because AT&T doesn't have that well marked. It's not a condition that has to be satisfied to annex the property. Mr. Wilkinson mentioned that



the Planning Commission might want to add a 14<sup>th</sup> finding that references NRS 268.610 through 268.670 inclusive, which is a catchall.

**\*\*\*Motion: Forward a recommendation to City Council to adopt an ordinance, which conditionally approves Annexation No. 2-17 subject to the conditions in the City of Elko Staff Report dated January 26, 2018, listed as follows:**

**Planning Department:**

1. The applicant enters into an agreement with the City relinquishing or identifying any residual rights that may exist under the agreement between the State of Nevada and the City.
2. Right-of-Way for Delaware Avenue shall be offered for dedication through the intersection with Aster Street. The offer of dedication shall be filed with the City with 45 days of annexation.
3. Right-of Way for Statice Street shall be offered for dedication from the intersection of Delaware Avenue extending to the intersecting property line of APN 001-860-065. The remainder of the easement shall remain for the designated use. The offer of dedication shall be filed with the City with 45 days of annexation.
4. Right-of Way for Ruby Vista shall be offered for dedication connecting existing right-of-way to the west and to the east. The offer of dedication shall be filed with the City with 45 days of annexation.

**Development Department:**

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.
2. The property owners present a deed of dedication for right-of-way for Delaware Street, Statice Street, and Ruby Vista Drive, within 45 days of acceptance of the annexation by the City. The property owner shall work with City on the alignment of these right-of-ways prior to being offered for dedication.
3. It appears from map 730066 that the property may be encumbered by an existing easement for ATT fiber, the map does not indicate the location of this easement through the parcel. The property owner shall contact AT&T, verify the location of the AT&T easement, and provide documentation of that location to the City. This condition is to be satisfied prior to/or concurrent with property development.

**Utility Department:**

1. Applicant vacates the existing waterline easements and replaces the easements with a right-of-way.

Commissioner Hodur's findings to support his recommendation was the annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of IC – Industrial Commercial would ensure conformance with the land use designation as shown in the Master Plan. The annexation is consistent with the City's Transportation Component of the Master Plan. Annexation of the property provides an immediate accrual to the tax base for the City. Annexation of the property does provide the opportunity for continued Light Industrial and Commercial land uses along Ruby Vista Drive, a Minor Arterial and Statice Street, an Industrial Collector ensuring the highest and best uses of the

proposed roadways. The Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure and Annexation Potential Report dated November 2012, identifies the area as having potential for annexation. The area proposed for annexation is not localized or isolated. The area proposed for annexation promotes development of future transportation and utility corridors, thus promoting future growth opportunities for the City. Annexation of the area will not have any immediate or negative impact on City resources. The area is located within the existing 5400 water zone and can be served from existing infrastructure. Other, required, utilities, such as sewer, power, and gas will be installed at developer expense to facilitate development of the property. The topography of the area is well suited for the proposed commercial and light industrial land uses. Development of the property will result in a positive economic impact to the community. Annexation and development of the property will not adversely influence the local government structure of the County nor the City. The proposed annexation satisfies considerations and/or concerns identified as minimum factors for consideration under NRS 268.646. The annexation has been evaluated in consideration of NRS 268.663 Section 3. The annexation has been evaluated under NRS 268.610 through 268.670, inclusive.

Moved by Kevin Hodur, Seconded by Stefan Beck.

*\*Motion passed unanimously. (5-0)*

#### A. PUBLIC HEARING

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

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

Pedro Ormaza, 225 W. Silver Street, explained that the property is currently zoned Light Industrial and they wanted to change it so they could add another building, and open it up to retail businesses, which they can't have under the current zone. They have the Vape Shop that moved in already, so they need to get it changed.

Ms. Laughlin went over the City of Elko Staff Report dated January 30, 2017. Staff issued Modified Vapors a temporary business license after the rezone application was received, based on the final approval of this rezone. Staff recommended conditional approval, subject to the conditions listed in the Staff Report.

Mr. Draper said the Development Department recommended approval.

Mr. Thibault explained, like the other rezone, this application had an error in the legal description, so he requested that be corrected. The corrected legal description was included in the packet. He recommended approval with no other conditions.



Mr. Holmes had no comments.

Mr. Wilkinson recommended approval as presented by staff. He called attention to the ten findings in the Staff Report, which should be sited into the record.

Vice-Chairman Freistroffer said since this was next to other IC, it sounded like a good idea and a good use for that property.

Mr. Wilkinson said staff would like to see many of the industrial uses in the downtown area convert to more appropriate type uses.

Commissioner Dalling thought it was a good fit.

**\*\*\*Motion: Forward a recommendation to the City Council to adopt a resolution, which would approve Rezone No. 11-17.**

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

**Moved by Kevin Hodur, Seconded by Tera Hooiman.**

*\*Motion passed unanimously. (5-0)*

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

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

Kyle Potokar, with Big D Construction representing Swire Coca-Cola, USA, explained that Swire wished to rezone the property to allow for an expansion of the existing warehouse, in coordination with the incoming water line extension coming along Sheep Creek Trail under I-80.

Ms. Laughlin went over the City of Elko Staff Report dated January 11, 2018. Staff recommended conditional approval with the conditions listed in the Staff Report.

Mr. Draper said the Development Department recommended approval of the Rezone. He wanted to expand on a few things. Idaho Street, in front of this property, is NDOT right-of-way. Any improvements along the Idaho Street frontage will need to be coordinated with NDOT. This property is outside of the current Wellhead Protection zone, but it should be noted that the City does have plans to put in a well off the frontage road, approximately 4,500 feet from this property. That could bring this property into the 20-year capture zone. As development occurs on the property that should be noted, and we should be aware of the conditions in the Wellhead Protection Plan. Development Department had one condition that was listed in the Staff Report.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff.

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution, which would conditionally approve Rezone No., 12-17, subject to the conditions in the City of Elko Staff Report dated January 11, 2018, listed as follows:**

**Planning Department:**

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

**Development Department:**

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

Commissioner Hodur's findings to support his recommendation was the proposed zone district is in conformance with the City of Elko Master Plan Land Use Component. The proposed zone district is compatible with the Master Plan Transportation Component and is consistent with the existing transportation infrastructure. The proposed zone district is consistent with the City of Elko Wellhead Protection Plan. The Proposed zone district is in conformance with City Code 3-2-4(B), (C), and (D). The proposed zone district is in conformance with Section 3-2-12(A), LI, GI Industrial Districts. The proposed zone district is in conformance with City Code 3-2-17. The proposed zone district is consistent with surrounding land uses. The topography of the area is well suited for the proposed light industrial land uses. Development under the proposed zone district will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or pose a danger to human health and safety.

Moved by Kevin Hodur, Seconded by Stefan Beck.

*\*Motion passed unanimously. (5-0)*



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

3. Review and consideration of Annexation No. 3-17 filed by Swire Coca-Cola, USA, consisting of approximately 3.00 acres of property located on the north side of West Idaho Street, approximately 2,500 feet east from I-80 Exit 298, and matters related thereto. **FOR POSSIBLE ACTION**

Mr. Potokar explained that Swire wished to annex the parcel in coordination with the rezone for the future water line and the building expansion.

Ms. Laughlin went over Staff Memo dated January 31, 2018. The applicant has entered into an agreement with Golden Gate Petroleum, as well as the City of Elko, to bring the water line from the extension of Cattle Drive along Sheep Creek Trail. They plan to start the construction of the water line extension later this month. Sewer is not available in close vicinity to this parcel. The parcel is currently utilizing a septic system. The City is looking at a lift station for this parcel. Staff recommended approval of the annexation with the conditions listed in the Staff Report.

Mr. Draper stated that the Development Department recommended approval of the annexation. He had a few things to expand on. When they talk about having dry sewer in Idaho Street, which means they would install a sewer main that is not connected to anything. When Golden Gate was proposing some parceling, the City obtained an easement from them for the installation of a force main lift station, which will provide the sewer service for the entire 298 area. It would pump the sewer back to the treatment plant, because it is not feasible to install a gravity system. Coca-Cola has an existing septic system, which will possibly need to be expanded based on the expansion of their property. Once we have the minimum flow with the development in this area, the Utility Department will begin the budgeting process to have the force main installed. He then went through a few things included in the Development Department Memo. He recommended approval with the Development Department condition listed in the Staff Report.

Mr. Thibault recommend approval.

Mr. Holmes recommended approval.

Mr. Wilkinson recommend approval as presented by staff. He also recommended that the first sentence of Condition No. 1 from the Utility Department be struck. It is informational only. The second sentence of that condition would be appropriate as a condition for annexation. He recommended a revision to finding 13 and adding a finding 14, which would be the same as the previous annexation that was considered.

Mr. Potokar explained that in the Summary Section of the Development Department Memo, it says that the owner wishes to subdivide the property, and that is not the owner's intent.

**\*\*\*Motion: Forward a recommendation to City Council to adopt an Ordinance, which would conditionally approve Annexation No. 3-17 subject to the conditions listed in the City of Elko Staff Report dated January 31, 2018, listed as follows:**

### **Development Department:**

1. The property owners shall receive approval for a zone designation for the property to be consistent with the Land Use designation in the City of Elko Master Plan.

**Utility Department:**

1. The applicant is required to install dry sewer on their property frontages, as typically required when sewer does not yet exist in the location.
2. The property owner will extend the water main on their frontages and connect to the City water no later than 90 days after service is available to their property line.
3. The onsite ground water well will be abandoned within 90 days of connecting to the City water system.
4. No cross connection between the existing well and the City's system during the period of time required to abandon the onsite ground water well.

Commissioner Hodur's findings to support his recommendation was the annexation is consistent with the City's Land Use Component of the Master Plan. The proposed zoning of LI – Light Industrial would ensure conformance with the land use designation shown in the Master Plan. The proposed annexation is consistent with the City's Transportation Component of the Master Plan. Annexation of the property provides an immediate accrual to the tax base for the city. Annexation of the property provides an opportunity for expanded Light Industrial uses. Annexation of the property is consistent with the goals, objectives, supports long range planning as outlined in the Development Feasibility, Land Use, Water Infrastructure, Sanitary Sewer Infrastructure, Transportation Infrastructure, and Annexation Potential Report dated November 2012. The alignment for water service to annexed property south/east of the I-80 corridor has been re-evaluated. Extension of water service utilizing the Sheep Creek Trail underpass is significantly less expensive than routing utilization the Exit 298 interchange. This property now factors into fulfilling that objective. The area proposed for annexation is not localized or isolated. The proposed annexation is consistent with the future transportation objectives of 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. Extension of water infrastructure is required and has been planned for including certain actions taken by the City Council identified in this report. Other, required, utilities will be installed at developer expense to facilitate development of the property. The topography of the area is well suited for the proposed commercial and light industrial land uses. Expanded used on the property will result in a positive economic impact to the community. Annexation and development of the property will not adversely influence the local government structure of the County nor the City. The proposed annexation satisfies the considerations and/or concerns identified as minimum factors for consideration under NRS 268.646. The annexation has been evaluated in consideration of NRS 268.663 Section 3. The annexation has been evaluated under NRS 268.610 through 268.670, inclusive.

Moved by Kevin Hodur, Seconded by Stefan Beck.

*\*Motion passed unanimously. (5-0)*



**The Planning Commission took a break at 7:00pm.**

**Commissioner Stefan Beck excused himself from the meeting at 7:00 p.m.**

#### **A. PUBLIC HEARING**

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

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

Jon Bailey, 780 W. Silver Street, explained that this was the last phase of their Autumn Colors Development. They made a small change to the townhouses, so that's why they are back again.

Ms. Laughlin went over the City of Elko Staff Report dated February 1, 2018. Staff recommended approval with the conditions listed in the Staff Report.

Mr. Draper wanted to clarify a few things. As he has been reviewing this application, he had also been in contact with NDOT to discuss improvements along Mountain City Highway and intersection improvements on Cattle Drive as part of this development. This also falls within the Final Plat subdivision process. We have been trying to work hard with NDOT on getting everything aligned for Cattle Drive for future uses and connectivity with exit 298. This intersection could be a major intersection in the future. When the property was first developed, the City had some conditions that they provide hydrology studies and a traffic study. The developer provided those studies and they were reviewed by the City and DOT. He recommended approval with the conditions listed, but asked that Condition No. 11 be removed. Upon further review, he felt that it wasn't necessary to restate that.

Mr. Thibault recommended approval.

Mr. Holmes explained that he had conditions that were listed, but he had nothing further to add.

Mr. Wilkinson recommended approval as presented by staff.

**Motion: Conditionally approve Conditional Use Permit No. 1-18 subject to the conditions in the City of Elko Staff Report dated February 1, 2018, removing condition 11 from the Development Department, listed as follows:**

#### **Planning Department Conditions:**

1. The CUP 1-18 be approved for the building layout as shown in the provided site plan Exhibit A.
2. All landscaping shall include a combination of trees and shrubs. Landscaping shall be installed and not obstruct the view of oncoming traffic at the intersections.

3. Owner or developer is to provide such maintenance and care as is required to obtain the effect intended by the original landscape plan for the development.
4. CUP 1-18 to be recorded with the Elko County Recorder within 90 days of approval.
5. Connectivity from Sagecrest Drive to Cattle Drive pedestrian access shall be provided for.

**Development Department:**

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

1. The permit is granted to the applicant, Autumn Colors, LLC.
2. The permit shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.
3. The applicant applies for and receives Final Plat approval, and is consistent with preliminary plat 5-12.
4. Development of the property is to conform to the Commercial Transitional District or requirements stipulated in the Development Agreement.
5. The NDOT right-of-way is to be landscaped. A landscape plan will be required for submittal and approval. NDOT approval will be required. The landscape plan is to include features, which create a "front" for the development adjacent to the State Route 225.
6. The sidewalk adjacent to State Route 225 shall be offset and approved by NDOT.
7. The exterior of the building shall be compatible with surrounding areas. Stucco and rock are to be incorporated into the exterior of the structures.
8. The proposed park is to be fenced preventing access directly to State Route 225. The park is to include community amenities such as a tot lot.
9. The common areas are to be maintained in an acceptable manner at all times.
10. Setback from State Route 225 is to be 30 feet.

**Fire Department Conditions:**

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



6. Fire department access roads shall comply with the 2012 International Fire Code sections 503.2.1 and Appendix D section D105.1 through D105.3 for buildings in excess of thirty feet in height.
7. Signage shall be provided in compliance with the 2012 IFC appendix D 103.6 Building signage shall be provided and meet the requirements of the City of Elko Fire Department and the 2012 IFC.
8. Projects that exceed 100 or 200 dwelling units shall comply with a the appropriate section of the 2012 International Fire Code Appendix D sections D106.1 and D106.2
9. One- or two family residential developments shall comply with the 2012 IFC appendix D 107.
10. Fire flow shall be determined by the City of Elko Fire Department and listed on submitted plans.
11. Fire Department access, method of turn around, and required fire flow shall be met and maintained as required by the 2012 IFC, for phased projects. A phased development plan shall be provided and approved by the fire department.

Commissioner Hodur's findings to support its recommendation are the proposed development is in conformance with the Land Use Component of the Master Plan. The proposed development is in conformance with the existing transportation infrastructure and the Transportation Component of the Master Plan. The site is suitable for the proposed use. The proposed development is in conformance with the City Wellhead Protection Program. The proposed use is consistent with surrounding land uses. The proposed use is in conformance with City Code 3-2-9(B) Commercial Transitional with the approval of the Conditional Use Permit. The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-2-18, and 3-8 of the Elko City Code. The development conforms to the stipulations contained in the Development Agreement: File 666547.

Moved by Kevin Hodur, Seconded by Tera Hooiman.

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

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

4. Review, consideration, and possible action and possible approval of Final Plat No. 2-18, filed by Autumn Colors, LLC, for the development of a subdivision entitled Autumn Colors Estates, Phase 5 involving the proposed division of approximately 5.85 acres divided into 41 lots for residential development within the R (Single Family and Multiple Family Residential) and CT (Commercial Transitional) Zoning Districts, and matters related thereto. **FOR POSSIBLE ACTION**

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

Ms. Laughlin went over the City of Elko Staff Report dated January 22, 2018. She recommended approval with the conditions listed in the Staff Report.

Mr. Draper went through the Development Department Memo dated January 23, 2018. He then went over his recommended conditions listed in the Development Memo. He added that he had an additional condition on a supplemental memo that had been handed out, which was "Additional right-of-way may be required for Cattle Drive based on a review of the intersection design by NDOT. NDOT approval is required and any additional right-of-way shall be show on the plat prior to council consideration. He explained that NDOT wanted to have Cattle Drive perpendicular to Mountain City Highway. NDOT is working with their Carson City office and should have an answer back by the end of the week, so we can provide that recommendation to Mr. Bailey. He stated that Condition No. 1 the date should be June 29, 2019.

Mr. Thibault had nothing to add and recommended approval.

Mr. Holmes recommended approval.

Mr. Wilkinson suggested a couple revisions to the findings; Finding No. 24 should read "Council approval of a modification of standards is required per 3-3-70 Modification of Standards for curb and gutter, sanitary sewer and water supply not being installed in SR 225". He noticed that the Development Department conditions were revised subsequent to the publication of the Planning Department Staff Report. He encouraged the Commission to go through the recommendations of the Development Department in the memo. He also recommended, on No. 15, concluding stating, "As recommended by NDOT". He asked Mr. Draper if he had the date of the letter from NDOT.

Mr. Draper stated it was September 20, 2017.

Mr. Wilkinson suggested adding the date with that condition. He suggested adding that the finding is based on the adjacent development and the existing utility locations to No. 16.

Commissioner Hodur asked if they should strike Condition 14 from the Development Department conditions.

Mr. Draper explained that it was stated in the legend, so they could strike that condition if they wished.

**\*\*\*Motion: Forward a recommendation to City Council to conditional approve Final Plat No. 2-18 subject to the conditions in the City of Elko Staff Report dated January 22, 2018, listed as follows:**

**Development Department:**

**(See Memorandum from Development Manager Jeremy Draper dated January 23, 2018)**

- 1. The Applicant shall complete all required subdivision improvements within two (2) years of the date of approval. Approval of the Final plat shall expire if the final plat is not recorded within two (2) years of the date on which the sub-divider recorded the previous Final Plat, pursuant to NRS 278.360. This plat shall be recorded prior to June 29, 2019. The applicant may request an extension of time as provided for under provisions of City Code.**
- 2. The final plat is approved for 20 townhome lots and 21 single-family residential lots.**
- 3. The Utility Department will issue a Will Serve Letter.**



4. Final approval for civil improvement plans
5. State approval of the subdivision.
6. A Performance Agreement with regard to the dedication of public improvements shall be presented with the final plat for approval. The developer shall enter into the Performance Agreement within 30 days of approval of the final plat by City Council.
7. The vicinity map on page 1 of the plat needs to be adjusted to identify the location of the subdivision prior to City Council consideration.
8. A drainage easement over Common Area A near Cattle Drive shall be shown on the final plat prior to City Council consideration.
9. Lot 531 shall have access restricted to Autumn Colors Drive. A Note shall be added to the final plat prior to City Council consideration.
10. Lot 532 and 537 shall have access restricted to Snowy River. A Note shall be added to the final plat prior to City Council consideration.
11. The developer shall clarify the depth of lots 513-520; the other townhome lots have a depth of 79.00', prior to City Council consideration.
12. Provide a bearing for lots 504, 505, 512, 513, and 520 on the final plat prior to City Council consideration.
13. The plat shall identify the location of the City boundary prior to City Council consideration.
14. The council should consider a modification of standards, not requiring the installation of curb and gutter as required in ECC 3-3-43-B, Curbs for the frontage of Mountain City Highway (SR 225) based on the findings of the Planning Commission, and as recommended by the NDOT in their letter dated September 2047
15. The council should consider a modification of standards, not requiring the installation of water and sewer infrastructures required in Elko City Code 3-3-43 (G) and (H), Sanitary Sewer and Water supply, along the frontage of Mountain City Highway (SR 225) based on the findings of the Planning Commission. Finding is based on adjacent development and existing utility locations.
16. NDOT approval is required for improvements on Mountain City Highway (SR 225).
17. A jurat shall be provided on the final plat for NDOT approval prior to City Council consideration.
18. Update the dates in the jurats to reflect 2018 prior to City Council consideration.
19. Additional right-of-way may be required for Cattle Drive based on a review of the intersection design by NDOT. NDOT approval is required and any additional right-of-way shall be shown on the plat prior to council consideration.

**Public Works Department:**

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

**Utilities Department:**

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

**Planning Department:**

1. All revisions to map must be completed prior to City Council consideration for

approval.

2. Common Area A needs to be landscaped and properly cared for and maintained in a manner that is acceptable to the City of Elko.
3. Existing cluster of post office boxes for County residents needs to be addressed with in the Final Plat. Location, easement, distance to intersection, and traffic conditions all should be addressed

Commissioner Hodur's findings to support his recommendation was the subdivision is in conformance with the Land Use and Transportation Components of the Master Plan. Modifications to development standards have been approved with the development agreement shown as File 666547 on record with the Elko County Recorder's Office. Based on the Development Agreement, the subdivision is in conformance with 3-2-4 – Establishment of Zoning Districts, 3-2-5 (E) Single-Family and Multiple-Family Zoning Districts, 3-2-9 CT – Commercial Transitional Zoning District. The subdivision is in conformance with 3-2-17 Traffic, Access, Parking and Loading Regulations, 3-3-5 with less than 2 years since the last final plat was recorded, 3-3-6 Final Plat (Stage III), and 3-3-8 Information required for Final Plat Submission. The subdivision is in conformance with 3-3-20 General Provisions for Subdivision Design. The subdivision does not appear to be unsuitable for use by reason of flooding, concentrated runoff, inadequate drainage, adverse soil or rock formation, extreme topography, erosion susceptibility, or similar conditions, which are likely to prove harmful to the health and safety and general welfare of the community or the future property owners. The subdivision is in conformance with 3-3-21 Street Location and Arrangement, 3-3-22 Street Design, 3-3-23 Block Design, 3-3-24 Lot Planning as modified by the Development Agreement, 3-3-25 Easement Planning, 3-3-26 Street Naming, 3-3-27 Street Lighting Design Standards, 3-3-40 Responsibility for improvements, 3-3-41 Engineering Plans, 3-3-42 Construction and Inspection, and 3-3-43 Required Improvements. The sub-divider shall enter into a performance agreement to address the conditions found in 3-3-44 Agreement to Install Improvements. The sub-divider shall provide a performance guarantee as stipulated in the performance agreement and 3-3-45 Performance Guarantee. Council approval is required for a modification of standards as required per 3-3-70 Modification of Standards for curb and gutter, sanitary sewer and water supply not being installed in SR 225. The subdivision is in conformance with 3-8 Floodplain Management. The Final Plat is in conformance with the Preliminary Plat. All Final Plat revisions are required prior to City Council consideration of the application.

Moved by Kevin Hodur, Seconded by Tera Hooiman.

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

#### **A. PUBLIC HEARING**

5. Review, consideration, and possible recommendation to City Council for Rezone No. 1-18, filed by The City of Elko, for a change in zoning from R (Single-Family and Multiple-Family Residential) to PQP (Public, Quasi-Public), approximately



1.314 acres of property, to allow for incorporation into the Elko City Parks, and matters related thereto. **FOR POSSIBLE ACTION**

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

**NO ACTION WAS TAKEN ON THIS ITEM**

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

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

Jason Land, 1526 Sustacha Drive, Lamoille, NV, said he was asking for change in zoning from Residential to Residential Office.

Ms. Laughlin went over the City of Elko Staff Report dated January 18, 2018. She recommended conditional approval with the conditions listed in the Staff Report.

Mr. Draper wanted to go back to the Land Use Component of the Master Plan. When staff reviewed the application they determined that it met three of the objectives; Objective 2, 4, and 6, which is to encourage revitalization, redevelopment of the downtown area, consider mixed use pattern of development for the downtown area, and to encourage multiple scales of commercial development. The only listed use within the Master Plan for Downtown Mixed Use Area is Commercial. One of the purposes of Residential Office is to provide limited Commercial opportunities, so staff believes that meets the intent of the Land Use Designation in the Master Plan. He recommended approval with the Development Department condition listed in the Staff Report.

Mr. Thibault recommended approval.

Mr. Holmes had no further comments and recommended approval.

Mr. Wilkinson recommended approval as presented by staff. He wanted to reinforce a few observations. Under the Redevelopment Plan repurposing buildings and eliminating blight is important. Under the Mixed Use issue, the designation of the Master Plan, the Downtown Mixed Use is envisioned as an intense use. With the zoning and the surrounding land uses, this type of possibility finds a happy medium between the two and supports the Redevelopment Plan.

Commissioner Dalling asked the applicant what he was planning to do with the building.

Mr. Land explained that he was an advisor with Edward Jones and he had an office on N. 5<sup>th</sup> Street. He explained that he would rather have his firm pay him, than he pay his landlord.

Leanne Hill, 451 Valley Bend Drive, Spring Creek, NV, explained that she owned a rental at 916 Court Street. She thought anything that's improved upon the property would be beneficial to them.

**\*\*\*Motion: Forward a recommendation to City Council to adopt a resolution, which conditionally approves Rezone No. 2-18 subject to the conditions listed in the City of Elko Staff Report dated January 18, 2018, listed as follows:**

**Planning Department:**

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

**Development Department:**

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

Commissioner Hodur's findings to support his recommendation was the proposed rezone does not appear to frustrate the Master Plan's goals and policies of the Land Use Component. Strict conformance with the Master Plan under Section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity. Residential Office is not a corresponding district of Downtown Mixed Use. The proposed zone district meets several of the Objectives 2 and 4 of the Land Use Component of the Master Plan. The proposed rezone is consistent with the Transportation Component of the Master Plan. The proposed zone district, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system. The proposed zone district and repurposing the property and structure conforms to the redevelopment plan. The proposed rezone is consistent with the City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City Wells. The property does not conform to Section 3-2-4 of City Code. As a result of the above referenced non-conformance issues, the applicant has applied for variances on the lot size, lot width and the interior side yard setback under Variance application 1-18. Approval of the variance application is required as a condition of the zone application. The proposed rezone is not in conformance with Section 3-2-5(R) Residential Office, a variance for lot size and interior side setback will be required for approval of the application. The property as developed is in conformance with City Code 3-2-17 for the principal permitted use as a single-family residence. The applicant has committed to removal of the existing garage to develop ADA compliant off-street parking to be located at the rear of the property and accessed from the alleyway if the property is issued a conditional use permit to be developed as an office use. The parcel is not located within a designated Special Flood Hazard Area. Development under the proposed rezone will not adversely impact natural systems, or public/federal lands such as waterways, wetlands, drainages, floodplains etc., or posed a danger to human health and safety. The proposed rezone is consistent with surrounding land uses.

Moved by Kevin Hodur, Seconded by Jeff Dalling.

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



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

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

Ms. Laughlin went over the City of Elko Staff Report dated January 18, 2018. She recommended conditional approval with the conditions listed in the Staff Report.

Mr. Draper wanted to focus on the application requirements. Ms. Laughlin talked a little about the six requirements. We have to find special circumstances or features that justify a variance for this particular property. The structure was constructed prior to existing codes being adopted and the zone being established. The lots were allowed to be less than 5,000 square feet, which at the time of development was allowed because it was not required by code. One of the items that needs to be considered is whether such special circumstances, or conditions, apply to additional properties in the same zoning district. As this is proposed to be an RO Zone, it does not apply to additional properties, but there is potential for other properties to have the same variance requirements due to lot size and location to property lines. Staff does not believe this will result in material damage or prejudice to the other properties. The Development Department recommended approval with the conditions in the Staff Report.

Mr. Thibault and Mr. Holmes recommended approval.

Mr. Wilkinson recommended approval as presented by staff. He recommended a few revisions on the Planning Department Staff Report. Condition 5 should read, "The property does not conform to...." Condition 6 should read, "The property is not in conformance with Section ...". In addition to the listed findings, Mr. Wilkinson recommended including the first finding from the Development Department's memo.

Commissioner Hodur asked if this application confirmed that this property was going to be turned into an office.

Ms. Laughlin explained that if the applicant was granted a Conditional Use Permit to allow the use of an office on the property, the applicant would have to provide parking for that office. By providing the parking, the applicant would have to provide it where the garage is located. The garage is not included in the variance because the applicant stated that he was going to demolish it. If the applicant left it as a principle permitted use as a Single Family Residence, then he would need to return to the Planning Department and apply for an additional variance for the garage.

Vice-Chairman Freistroffer said one of the conditions for variance was the openings. He asked if there were several windows on that side of the house.

Mr. Land said no.

Ms. Laughlin pointed out that there was one window that would have to be boarded up, which is on the wall parallel to Court Street.

Mr. Land said that window was boarded from the inside. He added that he not intended to have a window there, and asked if he was allowed to have a window there, or not.

Ms. Laughlin stated that he was not allowed to have a window at that location.

**\*\*\*Motion: Conditionally approve Variance No. 1-18 subject to the conditions in the City of Elko Staff Report dated January 18, 2018, listed as follows:**

**Development Department:**

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

**Building Department:**

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

**Planning Department:**

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

**Public Works Department:**

1. Applicant must provide required off street parking

Commissioner Hodur's findings to support its recommendation are the proposed variance does not appear to frustrate the Master Plan's goals and policies of the Land Use Component. Strict conformance with the Master Plan under Section 3-2-21 is not required and the proposed zone district is consistent with existing land uses in the immediate vicinity. Residential Office is not a corresponding district of Downtown Mixed use. The proposed zone district meets several of the Objectives 2 and 4 of the Land Use Component of the Master Plan. The proposed variance is consistent with the Transportation Component of the Master Plan. The proposed zone district, intensity of use and limitation of intensity of use will not create any significant cumulative issues on the existing transportation system. The proposed variance and repurposing the property and structure conforms to the Redevelopment Plan. The proposed variance is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the proposed district do not present a hazard to City Wells. The property does not conform to Section 3-2-4 of City Code. Approval of the variance application is required to bring the



property into conformance. The proposed variance is not in conformance with Section 3-2-5(R) Residential Office, Approval of the variance application is required to bring the property into conformance. The parcel is not located within a designated Special Flood Hazard Area. It does not appear that granting of the variance will result in material damage or prejudice to other properties in the vicinity, nor will granting of the variance be detrimental to the interest, health, safety and general welfare of the public. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. Granting of the variance will not impair natural resources. The proposed variance is consistent with surrounding land uses. The special circumstances cited in the application are related to the existing conditions of the residential use and the property as developed does not conform to current zone.

Moved by Kevin Hodur, Seconded by Tera Hooiman.

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

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

1. Review, consideration, and possible action on the 2017 Annual Report of Planning Commission activities. **FOR POSSIBLE ACTION**

Ms. Laughlin went over the 2017 Annual Report of Planning Commission activities.

Vice-Chairman Freistroffer thanked staff for working on all the applications last year.

**\*\*\*Motion: Approve the 2017 Annual Report of Planning Commission activities as presented, and forward a recommendation to City Council to approve said report.**

Moved by Jeff Dalling, Seconded by Tera Hooiman.

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

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

Ms. Laughlin said that they just did an Atlas Map 8 revision, but they made some errors and overlooked a few properties that should have been included in the last amendment. These properties are up for discussion. The parcels known as the Girl Scout House, Masonic Lodge, VFW Hall, Old Police Department parcel, Elko Clinic, and the Surgical Center are all shown on the Land Use Atlas as Residential. Staff is proposing that those be Public. The reason they took no action on Rezone No 1-18 was that staff would like it to be in conformance with the Master Plan. Parcels that are south of the Peace Park, which is the current location of the State offices, and they are shown as medium density residential. Staff proposed General Commercial for those parcels. South of Cattle Drive, above I-80 at Exit 298, staff is proposing above the Cattle Drive right-of-way to remain Industrial Business Park, and below that to be Commercial. It is all shown as Industrial Business Park right now, with the exception of a few Commercial areas.

Consideration for west of the City properties at Exit 298. It was shown as low density residential and staff is proposing that as Industrial General to provide additional industrial area in case there are some further annexations.

Mr. Wilkinson explained that staff would provide a detailed analysis on the proposed change along Cattle Drive to give the Commissioners the information on why staff is proposing that. He said they would need to evaluate and justify the change for showing some industrial outside of the expansion area, because he wasn't sure that the City could annex that area. He thought there were other targeted uses in that area that could interfere with that type of designation.

Ms. Laughlin continued with the consideration of the east Railroad Corridor to go to General Industrial. Right now, it has no classification. With the development along Manzanita staff feels that there are areas that could have potential UP leases. The final revision was for the Courthouse parcels to go to Public.

Vice-Chairman Freistroffer asked what the Courthouse parcels were currently

Ms. Laughlin said they were classified as Residential and Mixed Use.

Vice-Chairman Freistroffer asked if this item was to initiate and if they would get details next month. (Yes)

Ms. Laughlin explained that if the Commissioners felt this was something that they didn't want to see then they needed to speak up now.

Vice-Chairman Freistroffer asked what the reasoning was for the General Industrial on the west side.

Mr. Draper explained that Staff meets with the utilities every quarter, and last week in that meeting there was some discussion of a potential development in that area for a large industrial use. That was the determination to provide a land use for this area, even though it is outside the City Limits. Staff has not evaluated that area for annexation potential yet, so that will need to take place.

Vice-Chairman Freistroffer said it made sense to have the general industrial on edge of town, because they are trying to get rid of it centrally.

Mr. Draper said portions of that area are BLM property that the County applied for, for their ATV area. There could be some conflict there with this type of designation.

Mr. Wilkinson said that might be appropriate. He thought they should change a portion of the Railroad property to Industrial Business Park.

Vice-Chairman Freistroffer clarified that Mr. Wilkinson was proposing Industrial Business Park on the west side of Silver Street.

Mr. Wilkinson said yeah. The City doesn't want any General Industrial down there. If there were a land use designation in the Master Plan that would discourage that, it would be better. He



suggested going out towards the east side and having a cut off. He suggested Industrial Business Park until Union Pacific, and Union Pacific east GI.

Commissioner Hodur asked if they would be directing staff to bring it back as a resolution.

Ms. Laughlin said it would be brought back as initiation again.

**\*\*\*Motion: Direct staff to change the railroad parcel on the east side of town to Industrial Business Park west of Union Pacific Way and remain General Industrial east of Union Pacific Way, and bring the item back to the next meeting.**

**Moved by Kevin Hodur, Seconded by Tera Hooiman.**

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

## **II. REPORTS**

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

*Ms. Laughlin reported that City Council finalized the last Master Plan Amendment 1-17. They considered the Planning Commission's action to deny Section 3-2-29 of the Elko City Code to prohibit marijuana establishments. They voted against that and set the matter for first reading. It went through the first reading and was headed to second reading. They heard an appeal on the decision from the Planning Commission to deny CUP 6-17 for Lyfe Recovery Services for the halfway house on Winchester Drive. They approved the CUP and added another condition that they have 180 days to comply with 3-2-17 for requirements for the parking. They will be required a Variance to park in the front setback, and she will have to show that she can meet the required parking for the property, or apply for a waiver for what she can't meet. The City Council also set a limit of 11 occupants for the home. She has the capability of having 22.*

*Mr. Wilkinson added that the City receives complaints almost daily as they continue to operate. Staff will be doing a report to the City Council on that.*

*Vice-Chairman Freistroffer asked if the CUP would come back to the Planning Commission.*

*Ms. Laughlin explained that the parking waiver and/or the variance would come back to the Planning Commission, if those applications come in.*

*Mr. Wilkinson said the applicant had legal representation at the City Council that brought up issues with the Disabilities Law. He thought the Council was trying to find a happy medium, while understanding the Planning Commission's position and recommendation. They also had communication from the community and the courts on the need for a facility like that. A limit on occupancy wasn't presented to the Planning Commission or the City Council, but they decided that that might be an appropriate condition, providing that they convert their entire front yard area into parking.*

*Ms. Laughlin explained that there were currently five residents at the facility, which have been issued there from Drug Court, and three of the five have vehicles plus the one staff member.*

*Ms. Laughlin reported that the business impact statement was finalized for the application fee increase. Staff is now working on the revisions to the applications. City Council approved the Planning Commission 2018 Work Program.*

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.

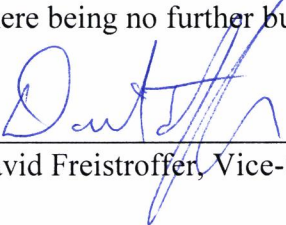
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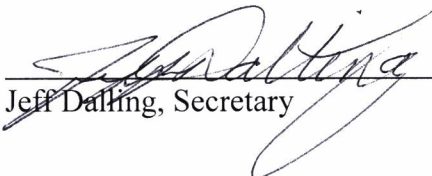
#### **COMMENTS BY THE GENERAL PUBLIC**

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

#### **ADJOURNMENT**

There being no further business, the meeting was adjourned.

  
\_\_\_\_\_  
David Freistroffer, Vice-Chairman

  
\_\_\_\_\_  
Jeff Darling, Secretary