

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, FEBRUARY 7, 2017
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

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
 Tera Hooiman
 Jeff Dalling
 Kevin Hodur

Excused: **Stefan Beck**

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

January 3, 2017 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from the January 3, 2017 regular meeting as presented.**

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Variance No. 1-17, filed by Jacques Errecart on behalf of PN'P Investments, LLC, to allow an accessory structure in excess of 1,000 square feet 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, explained that this was an application to fix a problem with an accessory building in excess of 1000 square feet, the actual square footage of the accessory building is 1086 square feet.

Cathy Laughlin, City Planner, reminded the Commission that they saw a variance on the same property at last month's meeting, as well as a rezone. When staff was reviewing the previous variance application, for the front setback of the primary structure and the side setback for the accessory structure, it was determined that the accessory building exceeded the 1000 square feet allowed by the Zoning Code. Staff put a condition on the rezone that the applicant also apply for variance for the size of the accessory building. There are a few conditions listed in the Staff Report. One of those is that the Rezone needs to be finalized.

Jeremy Draper, Development Manager, said the Development Department reviewed the application and recommend approval of the variance for the existing accessory building. He pointed out the Building Department condition and read it to the Commission.

Bob Thibault, City Engineer, recommend approval.

John Holmes, Fire Marshal, had no concerns at the time.

Scott Wilkinson, Assistant City Manager, recommend approval as presented by staff.

*****Motion:** Conditionally Approve Variance No. 1-17, with the list of conditions listed in the Elko City Staff Report dated January 13, 2017 listed as follows:

Development Department:

1. A variance is granted for the accessory building as constructed to exceed 1,000 square feet.

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. 1-17 is consistent with the City of Elko Master Plan Land Use and Transportation Components. 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 the purpose of the Zoning Ordinance. Granting of the variance will not impair natural resources. The proposed variance is consistent with surrounding land uses. The proposed variance is in conformance with Elko City Code Sections 3-2-4, 3-8, 3-2-21, and 3-2-22.

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

2. Review, consideration, and possible recommendation to City Council for Rezone No. 1-17, filed by Allie Bear, for a change in zoning from RMH (Mobile Home Park and Mobile Home Subdivision) to LI (Light Industrial), approximately 9.634 acres of property to allow for parking and storage of equipment, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the North side of E Idaho Street, approximately 588 feet west of Elko County Road Shelbie Way. (APN 001-861-002).

Allie Bear, Box 1856, said the acreage was a little different than what the county had, which was 8.780.

Ms. Laughlin said that this property was annexed into the City of Elko in May of 1998 and rezoned that same month to RMH. It was never developed as RMH and it is still undeveloped land. It does follow the Master Plan Land Use Component. She recommended to forward a recommendation to City Council to adopt a resolution, which would approve the rezone.

Mr. Draper, recommend approval. Any development or use of the property will require the installation of public improvements.

Mr. Thibault recommend approval.

Mr. Holmes had no concerns

Mr. Wilkinson recommend approval.

Ms. Laughlin added that there was a condition from the Utility Department. It stated that the parcel is located within the Wellhead Protection Area, for two City wells, and it is located adjacent to City Well 96. Measures must be taken to insure that the change in zoning does not pose a contamination risk to those wells. There is currently no City sewer to this area. The concern from the Utility Department was what the proposed use for property was, to consider possible contamination. That will be assessed at the time of the Business License.

Mr. Wilkinson asked if that was a proposed condition in the resolution.

Ms. Laughlin explained that the Utility Department left it as a condition.

Mr. Wilkinson said that was a condition that couldn't be satisfied before the Rezone Resolution was signed. He didn't think they should include that as a condition of the Rezone. It would just be a requirement for property use or property development.

Allie Bear explained that her property was not adjacent to the City Well.

Mr. Draper pointed out that she was in the 2 year capture zone of the Wellhead Protection Area. There are some additional requirements within the Wellhead Protection Zone. The Protection Plan will need to be followed when this property is developed.

Chairman Aaron Martinez asked the applicant if she was comfortable with all the conditions outlined for this application.

Ms. Bear said she had some questions about the improvements, since there won't be any roads or gutters coming off of the highway.

Chairman Martinez said that will happen in the next phase of project. The applicant will have the opportunity to propose the improvements or not.

Ms. Bear said the property will be used to park equipment.

*****Motion:** Forward a recommendation to City Council to adopt a resolution which approves Rezone No. 1-17.

Commissioner Hodur's findings were that Rezone No. 1-17 is in conformance with the City of Elko Master Plan Land Use Component and existing transportation infrastructure. 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. The proposed rezone is consistent with the surrounding land use and the proposed uses for the undeveloped parcel appear to be compatible with the LI (Light Industrial) District. The proposed rezone is consistent with City of Elko Wellhead Protection Plan, City Code 3-2-4(B) & (C), 3-2-17, 3-2-12(A), and provides a buffer between the urbanized City and the rural county developments.

Moved by Kevin Hodur, **Seconded by** David Freistroffer.

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

3. Review, consideration, and possible action on Conditional Use Permit No. 1-17, filed by Southwest Gas Co., which would allow for the development of an office, warehouse, and a truck barn abutting an R (Single-Family and Multi-Family

Residential) and R1 (Single Family Residential) Zoning Districts, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the North side of Ruby Vista Dr., approximately 1755ft East of E. Jennings Way. (APN 001-564-011)

Ryan Cooley, 744 Commercial St, said he was here to answer any questions.

Byron Smith, LCA Architects, 392 5th Street, explained that there was a change in the plans that were submitted with the application. Southwest Gas has decided to push the fence out on the eastern portion of the property, as well as the fence on the north side of the site. The area inside the fence will be surfaced with a Type 2 road mix.

Ms. Laughlin said there are some conditions listed in the Staff Memo. There is a condition from the City Clerk regarding changing the address for the business license. Staff recommend conditionally approving the CUP.

Mr. Draper recommend approval. The Southwest Gas proposed facility has a large parcel that they would like to develop, they are only going to develop the lower portion of the parcel. The reason for the Conditional Use Permit is because the two parcels behind are Zoned Residential, so anytime that an Industrial property abuts a Residential property it requires a Conditional Use Permit. The Planning Commission has been asked to review the requirement for a screen wall as part of this review. That is one of the things that was reviewed in the analysis of this application. One of the proposed conditions is that if they expand the footprint, to include the upper portion of the property, that's when they would need to install the screen wall between their property and the Residential Properties. There is a large drainage ditch that encumbers a portion of the property. There is also an existing easement that allows the City to get down to the culvert to do maintenance. The applicant would like to modify the easement. The City would like to work with them and get that done. He then went over some items included in the Development Department Memo and the conditions that were listed in the memo. He also recommended that they install landscaping to provide screening of the laydown yard.

Chairman Martinez asked about the surrounding zoning.

Mr. Draper pulled up the GIS Map and explained the surrounding zoning areas.

Chairman Martinez asked if the R1 and R areas would not be screened unless Southwest Gas expanded into the upper area of the parcel.

Mr. Draper explained that he would recommend if the applicant does expand the footprint, as long as it is in conformance with the Conditional Use permit, that, at the time of expansion, they provide the screening. It would be a screen wall with landscaping, to soften the wall. He explained that the Residential area will be above the Facility, topography wise, which is why a screen wall is not required at this time.

Chairman Martinez pointed out that they got a few public comments on the rezone regarding the relaxed development standards of the IC Zoning District.

Mr. Draper clarified that the IC District follows the Commercial District landscape requirements.

Chairman Martinez asked if Mr. Draper's only additional modification to his conditions was the additional screen wall along Ruby Vista Drive to conform to the fence extension.

Mr. Draper clarified that it would be required to be screened by landscaping.

Commissioner Freistroffer suggested an additional condition that would read: additional landscaping to be provided east of the eastern access to the eastern extent of the fencing.

Mr. Thibault recommend approval and explained the Engineering Department conditions listed in the Staff Report.

Mr. Smith explained that the parking calculations were based on direction from Mr. Draper to use a ratio of 1:100 for the truck bays, 1:1700 for the warehouse, and 1:300 for the administration rooms.

Mr. Thibault pointed out that he saw those requirements in the code, but he couldn't calculate the square footages that the applicant might have used to come up with 26 spaces. Typically there is a parking space analysis on the plans.

Mr. Draper added that the parking calculations will be evaluated further once the plans are submitted to the Building Department for a permit.

Mr. Holmes had no comment.

Chairman Martinez asked if the building would have fire sprinklers and if the infrastructure to connect the building to water was already in the area.

Mr. Draper said there is sufficient water in the area, as well as a stub for connection.

Mr. Wilkinson recommended approval as presented by staff.

Chairman Martinez asked where the laydown yard would be located.

Mr. Smith explained that the whole area behind the fence, that parallels Ruby Vista Drive, is a secured area and that's where all of the laydown space will be. Southwest Gas does not stock pile material.

Mr. Draper asked Mr. Smith if he would review the materials of the building on the exterior.

Mr. Smith explained that they will utilize concrete masonry units for the screen wall, which are the same as they will be using on the building. They will also be using metal siding. They are still studying colors, but it will be earth toned on the exterior. There will be a metal roof on all of the buildings except the warehouse and the truck barn, and those will have a flat roof with a single membrane.

Chairman Martinez asked if the CMU wall that Mr. Smith mentioned ran the entire frontage and the sides.

Mr. Smith clarified that wall just ran the front and the rest of the property will be 8' chain link fencing.

Chairman Martinez asked if the chain link fence will have slats.

Mr. Smith said they are not proposing slats. He then asked if they needed to use slats. He noticed that Cummings had slats on the sides but not in the back. If they will be required to put in slats, they would like to request that the same condition be applicable to them.

Mr. Wilkinson explained that they had Cummings use a slatted fence because they have a more intense use. They also added a landscape requirement along the fence line as well.

Chairman Martinez thought the Southwest Gas Applicant should have the same requirements that Cummings had. He was in agreement with Mr. Smith on not having slats in the fence in the back. He thought that they would probably never expand the footprint, so they wouldn't need a screen wall in the back.

Mr. Draper said that he's had discussion with Southwest Gas and they envisioned that the only expansion of the upper footprint would be for additional laydown yard.

Mr. Thibault said if they were considering screening they would also need to consider the topography of the adjacent lots. In the rear the property is significantly higher than where Southwest Gas is building. The same applies to the eastern property line, it is also significantly higher. Whatever gets built up there will be looking down into the property, over the fence, so slats there may not be effective.

Mr. Cooley explained that they were planning on putting masonry fence along the whole front of the property. They can extend it onto right hand side. For security purposed they were hoping that they wouldn't have to slat, since the drainage area is part of their property it would be beneficial to be able to keep an eye on it. The only other place would be between Southwest Gas and Cummings, they would be sharing the same property line, so he didn't think there would be a reason to screen between the two of them.

Chairman Martinez asked if Cummins fence was already screened on that side.

Mr. Cooley said yes and the fence is also 3 feet onto Cumming's property.

Chairman Martinez said that Cummins had screen wall and landscape requirements on the shared property line with the proposed Southwest Gas Facility.

Mr. Wilkinson explained that was reflective of a more intense use.

Commissioner Jeff Dalling asked how wide the frontage of the lot was.

Mr. Draper said it is 636 feet.

Commissioner Dalling said they needed to remember that this was not a City lot, it is a big lot.

Commissioner Freistroffer said he liked the condition that would trigger the screen wall up above, and also the condition adding additional landscaping on the Northeastern side of the property, because that is viewable from the road.

Commissioner Dalling asked what their proposed landscape percentage was.

Mr. Smith said he didn't have that percentage.

*****Motion: To conditionally approve Conditional Use Permit No. 1-17 with the list of conditions in the Elko City Staff Report dated January 24, 2017, with an additional condition listed as follows:**

Development Department:

Included in Memorandum dated January 30, 2017 from Development Manager

1. The conditional use permit is granted to the property owner(s) allowing for the construction of a new facility.
2. The permit shall be personal to the property owner(s) 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 property owner records the conditional use permit.
4. The conditional use permit shall automatically lapse and be of no effect one year from the issuance unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.
5. The northwest half of the property, located above the change in grade, shall provide a screen wall from the residential properties at the time that portion of the property is developed. Screening adjacent to the residential property should be a combination of a screen and landscaping.
6. The building be constructed with materials similar to those presented on the elevation plan for the proposed building.
7. Landscaping shall be installed as indicated on the plans submitted, and maintained by the property owner.
8. Screening of the laydown yard shall be provided as indicated on the plans.
9. Landscaped areas should be utilized as part of a Low Impact Development for the property to cut off the peak flow increase caused by the development.

City Clerk:

1. Change of address for business license must be processed prior to moving locations.

Engineering Department:

1. The revised access easement needs to connect to the public right-of-way, not to the private driveway
2. Please demonstrate how the parking requirement of 26 spaces was calculated.

Planning Commission:

1. Additional landscaping in front of the chain link fence to the east of the access to the eastern extent of the fencing next to the drainage.

Commissioner Freistroffer's findings are that Conditional Use Permit No. 1-17 is in conformance with the City of Elko Master Plan Land Use and Transportation Components, City of Elko Wellhead Protection Program, surrounding land uses, and City of Elko Code Sections 3-2-3, 3-2-4, 3-2-11(B), 3-2-17, 3-2-18, and 3-8. Development under the proposed conditional use 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. The site is suitable for the proposed use.

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

4. Review, consideration, and possible action on Variance No. 2-17, filed by Chad & Denise Bradshaw, for a reduction of the required interior side yard setback from 5 ½ feet to 6 inches and the required rear yard setback from 10 feet to 6 inches and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Palmers Court, approximately 142 feet west of Masters Lane (204 Palmers Court).

Mike Lostra, 930 College Avenue, explained that Mr. and Mrs. Bradshaw received a letter from the City informing them that they built this accessory structure, in excess of 120 square feet, within the setbacks of their property. Per the City's request Mr. and Mrs. Bradshaw applied for the variance and have hired Lostra Engineering to aid them with the variance.

Ms. Laughlin said that a letter was sent to Mr. and Mrs. Bradshaw from the Building Department and the Planning Department. Mr. Draper and herself were in the vicinity on another inspection and noticed this accessory structure. It was just recently built and being stuccoed. It appeared to be right on the property lines. The letter clearly stated that they needed to submit for a Building permit and provide a site plan. The site plan would show that it would not meet the requirements for the setbacks and it would need to be moved out of the rear and side setbacks. The applicants never obtained proper authorization from the City of Elko. It does exceed the 120 square foot requirement, but even if an accessory structure is less than the 120 square feet, and does not require a building permit, we still require that it not be located within setbacks. It's a little different when there is a right-of-way or an alley to the rear of the property, there can be a 0 foot setback in that case. They must obtain a 10 foot setback in the rear and 5 ½ feet on the side. We want to make sure the drainage is maintained on their property and not running off on the

adjacent property. Drainage is a critical item, as well as fire separation, that's the reason we have setbacks. The Planning Department recommend denial based on the findings listed in the Staff Report.

Mr. Draper recommend denial. There are some specific items that need to be considered when a Variance Application is reviewed and considered. Mr. Draper then went through the specific items that needed to be considered and his findings listed in the Development Department memo dated January 30, 2017.

Mr. Thibault recommend denial. He didn't see a real hardship here. The minimal allowable rear yard, for this zone, is 1,200 square feet. He estimated this rear lot to be almost double that. It is a large lot with adequate space.

Chairman Martinez asked if there was a culvert in the rear of the property. (Yes)

Mike Lostra explained that there is a drainage easement in the rear of the lot. He also added that a building permit has been issued for a block wall that goes around the back and the sides of the property, which is under construction.

Chairman Martinez asked how high the wall was.

Mr. Lostra said it was 6 feet tall.

Commissioner Dalling asked if it was cinder block. (Yes)

Chairman Martinez asked if the wall was going to go between the accessory structure and the adjoining parcel. (Yes) He also pointed out that the eve of the accessory structure would be really close to the property line. Technically the hydraulic flows could be discharging into the abutting property.

Mr. Lostra said that they could. He suggested the Commission put on a condition for rain gutters, to deter the water from the other property.

Mr. Holmes agreed with the Building Department condition and had no other comments.

Mr. Wilkinson thought, fundamentally, what they needed to consider was if they were going to reward people with variances when they don't pull building permits and come in and ask for forgiveness after the fact. The City Manager's Office recommend that the Variance application be denied, based on the findings of staff.

Chad Bradshaw, 204 Palmers Court, said this was 100% his fault. He came down to the City 17 years ago and they said as long as it was 12' by 16' that it wouldn't require a permit. He assumed it was still that way. He said he will do whatever it takes.

Commissioner Dalling said he saw the City's point in not wanting to reward bad behavior, but he also saw Mr. Bradshaw's point.

Mr. Wilkinson pointed out that the findings that need to be made, according to the code, are important.

Chairman Martinez said that the Commission is constantly struggling between setting a precedence and trying to do the right thing. At the same time the Commission is responsible for looking between the lines of the code to make the best decision that the Commission sees appropriate. The findings that Mr. Wilkinson mentioned are the critical factor.

Commissioner Dalling asked if the structure was on a concrete slab.

Mr. Lostra explained that it is slab on grade. It does not go to frost depth, but it is under the square footage requirement to go to frost depth.

Commissioner Dalling asked if it was just a storage shed. (Yes)

Mr. Wilkinson asked if there were easements around the property line and if the structure encroached into those easements. (Yes) So there is a setback issue and an easement encroachment.

Chairman Martinez asked if any evaluation had been made on moving the structure and if it would be possible.

Mr. Lostra said in his opinion he thought if they tried to move it, with the slab on grade and a stucco finish, they might as well abandoned the building.

Mr. Bradshaw added that the structure was decorated the same as the house. He suggested that they go higher with the wall, so the wall would take care of the issue.

Mr. Draper explained that one of the conditions from the Building Department stated that any structure within two feet of the property line overhangs are not allowed per Building Code. An overhang or a rain gutter would not be allowed, so the roof would need to be modified.

Mr. Lostra suggested a series of conditions in order to grant the Variance, something above and beyond because of the unique situation.

Mr. Bradshaw said if they wouldn't have had the backyard already put in, or if it wouldn't have been stuccoed, he would have torn the structure down and rented a storage shed.

Commissioner Freistroffer said there is an easement where it's built and the Building Code would require that it be modified. He thought those were mitigating factors. He looks that the motions they make be within the realm of using the Code correctly. He wasn't sure he could formulate a motion that would fit within the Code. He thought Mr. Draper's analysis was spot on.

Chairman Martinez asked what would happen if they denied this application.

Mr. Wilkinson explained that the applicant had the right to appeal the decision to City Council. Other than that it would be up to the applicant to determine how to bring property into

conformance with the Code. They wouldn't have any recommendation on how the applicant would address that.

Chairman Martinez explained that he was looking for the course of action that the City would take.

Mr. Wilkinson said the City would be following up with the applicant and having expectations that they address that over time. If they refuse to do that the City Council could decide to take legal action to force compliance.

*****Motion: Deny Variance No. 2-17 based on the following findings:**

Commissioner Freistroffer's findings were that the granting of the variance will substantially impair the intent or purpose of the zoning ordinance. Proper authorization from the City of Elko was not obtained prior to the structure being built, therefore it is not in conformance with Section 2-1-14. It does appear that granting the variance will result in material damage or prejudice to other properties in the vicinity. Granting of the variance does appear to be detrimental to the interest, health, safety and general welfare of the public. Granting of the Variance will not impair natural resources. Granting of the variance could affect proper drainage from the roof of the structure to remain on the property itself and not onto adjacent property. It appears that the applicant can make reasonable use of the property without the granting of the variance. It doesn't appear that the features or conditions of the property result in practical difficulty or undue hardship and deprive the property owner of reasonable use of property.

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

5. Review, consideration, and possible recommendation to City Council for Rezone No. 2-17, filed by Elko, Inc., for a change in zoning from AG (General Agricultural) to LI (Light Industrial), approximately 5.01 acres of property to allow for the continued use of the existing Coach USA bus facility, and matters related thereto.

FOR POSSIBLE ACTION

The subject property is located generally southwest of the intersection of P and H Drive and West Idaho Street. (APN 006-09N-001).

Nitin Bhakta, 1150 Lamoille Hwy, said he was available for any questions.

Ms. Laughlin said that with the Annexation that was on the agenda from last month, any property that is annexed into the City of Elko does come in with an automatic Zone of Agriculture. This application is for the rezoning of this property to Light Industrial. Staff feels that is a proper zone for the existing use, as well as the surrounding uses. The Planning Department recommends that the Commission forwards a recommendation to City Council to adopt the Resolution to rezone this property to Light Industrial.

Mr. Draper recommend approval. He then went through the Development Department memo dated December 16, 2016.

Mr. Thibault recommended approval.

Mr. Holmes had no concerns.

Mr. Wilkinson recommend approval subject to the final annexation of the property.

Commissioner Freistroffer asked if the annexation needed to be a condition of the Rezone.

Mr. Wilkinson explained that they can't rezone the property if it's not in the City, so it doesn't need to be a condition.

*****Motion: Forward a recommendation to City Council to adopt a resolution that would approve Rezone No. 2-17.**

Commissioner Hodur's findings were that the proposed Rezone is in strict conformance with the City of Elko Master Plan Land Use Component. 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), 3-2-12(A), and 3-2-17. 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.

Moved by Kevin Hodur, Seconded by David Freistroffer.

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

6. Review, consideration, and possible approval of Preliminary Plat No. 1-17, filed by James Q. Winer on behalf of The Pointe at Ruby View, LLC, for the development of a subdivision entitled Bizkaia Subdivision involving the proposed division of approximately 93.52 acres of property into 87 lots for residential development within the proposed RS (Residential Suburban) Zoning District, and matters related thereto.
FOR POSSIBLE ACTION

Subject property is located generally north of E. Jennings Way and South of Statice Street. (APN 001-562-009).

Lana Carter, Carter Engineering, said that they support staff's recommendation to table this item. She wanted to give a brief presentation and take any feedback to the owner. They are proposing an 87 lot subdivision with larger lots ranging from .5 acres to 2.5 acres. All of the lots will be accessed from Bizkaia Blvd, which will come off the extension of Jennings Way. There will be no traffic, from this subdivision, that will exit onto Statice Street. There will be an emergency access just for the Fire Department off of Statice Street. They will be tapping into the City's water, but will have to put in a pressure station that will be located in the northwest corner of the property. Because of the topography in the area they proposing septic systems. That's one of the reasons this item is being tabled, because they need to get NDEP approval. They are working

with NDEP on getting the approval, as well as state health. There are some other items that staff would like to see prior to coming to the Commission for a preliminary hearing.

Jerry Ray, PO Box 633, said being a resident on Statice Street he has some concerns, a lot of it being the septic systems. They rely completely on well water. Suddenly you put 87 houses on septic next to them, there are some possibilities of contamination of the drinking water. That would present problems for property owners. They are all on 2.5 acre lots. Resale, once the water is bad, would be impossible, unless the City wanted to talk about connection fees to tap them into the water line at the pump station. He wanted to know the grades of the subdivision roads coming up the hills. You have one lane roads coming and going to a County road that would not be accessible, today, without homeowners and their personal equipment. He was worried about the fire danger in the area and the only emergency access out onto Statice. You would not be able to drive an ambulance up Statice Street today. The neighborhood has a lot of concerns about the whole project.

Ms. Carter explained that one of the City's requirements is to have NDEP approval. To get 87 septic systems approved, NDEP is requiring the owner to get a ground water study, which is quite expensive and thorough. They require a model and a projection of what the systems will do to the ground water in 50 years. There are some very strict rules. If there is anything that indicates that they will be harming the upper aquifer, they will not grant approval. All the grades on site are very manageable, they run within the 3 to 4% range. The steepest grade is Bizkaia Boulevard, which is a 6% grade. They will not be doing any mass grading of the site. The only spots that will be graded are the roads and the home pad. The larger lots it give a better transition to rural living.

Commissioner Dalling asked if Ms. Carter had an estimate on what it would cost to connect this subdivision to City sewer.

Ms. Carter explained that it would take three pump stations to get a gravity fed sewer system to this area. They would have to run a sewer line down Statice Street, two lines across BLM property, and then they would have to get permission from Southwest Gas to run a line through the side of their property. Nothing is impossible, but it's very impractical.

Mr. Holmes said they would need a working relationship with County to see if they could improve the conditions on Statice Street, so they would have emergency access.

Chairman Martinez asked if it would be on behalf of the developer or the County.

Mr. Holmes said it is up for discussion.

Mr. Draper brought up that we received a response from the County that required it to be a graveled access road, because it would be considered a private access easement. We are required to send legal notices to the abutting property owners of the property that is being discussed. That was done properly, we also advertised this in the Elko Daily Free Press. Mr. Draper then went through the Development Department memo dated January 31, 2017.

Mr. Thibault went through the Engineering Department Conditions. He said the most comparable subdivision, that is located in the City, is Royal Crest Drive.

Ms. Laughlin wanted to address a comment from the public regarding the RS District. One of the permitted uses in the RS Zone is sheltering farm animals. The City Code Section 5-3-17 was modified, so non-domestic animals are allowed, to a certain extent, in the RS Zone.

Mr. Holmes had a concern for the safety of ingress and egress, with only one way in and out. There needs to be more consideration on this matter. Also, Statice Street should be constructed to an all-weather access road standard.

Mr. Wilkinson recommend the item be tabled. He then went through the Assistant City Manager Memo dated February 2, 2017.

Commissioner Freistroffer wanted clarification of the development of the emergency access road.

Chairman Martinez pointed out that the Development Department had that identified as a graveled road.

Mr. Holmes said he would prefer paving, because if its gravel it will have the same problem, in time, as there is currently.

Mr. Draper asked Mr. Holmes if he would consider something that was compliant with the IFC, stating that the road would support a 7,500 pound vehicle. (Yes)

Mr. Wilkinson explained that on other subdivisions, for the secondary or emergency access, they have done the all-weather, as long as they demonstrated that the thickness of the base, or subgrade, would support 7,500 pounds. It has been done in the past, but the Fire Department needs some time to consider the road developments.

Mr. Draper said the emergency access would be about 2,600 feet long and 20 feet wide. The Public Works Department has said they would consider going out to repair it, if it came into disrepair, because it does service emergency access for the subdivision.

Mr. Wilkinson thought under the NRS, if that is approved as an emergency access, it will be the responsibility of the City to maintain it.

Jerry Ray said it would not be affective to only pave a portion of the road mentioned. He also mentioned that the City is no longer in a housing shortage.

Shecky Overholster, Elko Realty, 1085 Idaho Street, said he had a question on the Master Plan and the secondary access. With the density below Jennings to Ruby Vista, now with an apartment building, a hotel, and two other subdivisions, one being a townhome, it seems like the density is piling up on this subdivision. Allowing something outside the Master Plan, for the expansion of Jennings into the 5th Street, as well as the water access, seems a little self-serving on this one subdivision, in light of the Master Plan.

Mr. Draper said one of the things they have considered is this Commission just took action to rezone this parcel from R1 to RS, which does allow for this type of development. In review of

the rezone application it was found it was not in conformance of the Master Plan. The rezone, if it was not being proposed as a preliminary plat, could go through. With this being part of the preliminary plat, it was not something that wasn't realized until the analysis of the preliminary plat. This Plat has to be in conformance with the Master Plan.

Mr. Wilkinson commented that this zone is a better transition zone, from a higher density within the city to the lower density that is in Kitteridge Canyon. Other than Agricultural, this is the lowest density residential zone that is allowed into the City.

Mr. Overholster said his concern was Jennings and Ruby Vista. That intersection was, at one point, slated for a traffic signal light, and now there will be more residential lots above that intersection. He said he was also concerned with the frequent zone changes in this area.

Mr. Wilkinson explained that there was a comprehensive plan to extend Jennings. One thing to understand is, in the Master Plan there are several Zone Districts that would support that type of land use.

Mr. Overholster said it seems like they are land locking a lot, with the dead end cul-de-sacs.

Mr. Wilkinson explained that for subdivision planning you want to discourage cut through traffic.

Ms. Carter asked if the Master Plan was calling for a higher density in this area, and if that was why they were not in conformance with the Master Plan. (Yes)

Mr. Draper explained that the Master Plan calls for 5 to 8 units per acre. Even some of the newer subdivisions, like Brookwood, that are considered Medium Density, do not meet that requirement.

Chairman Martinez asked Mr. Draper to address the concerns of the additional traffic burden on the Jennings and Ruby Vista intersection.

Mr. Draper explained that the Jennings and Ruby Vista intersection does not have that much traffic. It is a Level of Service A, which is less than 2,000 trips per day. In order to get a traffic signal at that location there are a list of 8 to 10 criteria that must be met. One of the criteria is the number of vehicle trips that come to that intersection. With our current flows, we are a long way from having a traffic signal there. One of the triggering events for a traffic signal is an increase in accidents. With the addition of the proposed subdivision, it might kick it up to a Level B, but it would be on the low end.

Chairman Martinez asked about the waiver for curb, gutter, and sidewalk.

Mr. Draper said they have already submitted the curb, gutter, and sidewalk waiver, but staff has not had time to review it yet. The Code states, for an RS Zone, is that sidewalk may be of a different material, concrete, asphalt, as long as it is a hard surface. The current Code, for street design, does not say that curb and gutter is not required. It just states that the sidewalk may be a different material. When staff did this analysis on another RS Zoned property off of Sagecrest and West Jennings, because of the classification of Sagecrest Drive, the curb, gutter, and sidewalk

waiver was denied. With the proposed uses of the internal roads, the applicant is proposing a multi-use pathway on one side of the street. That is something that goes above what the proposed zone change would be, which would be that the RS Zone for local rural roadways would not be required to provide the pedestrian path. Once that goes to a Collector, that's where it would go further away from the standard, because it would typically have curb, gutter, and sidewalk on both sides of the street. They have proposed a 33 foot wide paved roadway with a 10 foot multi-use pathway. They have provided some additional information to consider, and will be presented to City Council with the waiver.

Mr. Wilkinson clarified that under Street Design, anytime you hit over 600 vehicle trips per day, the subdivision code requires the road to be developed to a Collector standard.

Mr. Draper explained that the current code classifies that as a Rural Residential Collector. The problem with that is there is no definition for that in the current Code. They are still going through the street design code, but they are proposing it be to a Standard Residential Collector, which would require curb, gutter, and sidewalk in most sites.

Mr. Wilkinson mentioned that Bizkaia is clearly a road that should be developed to that standard.

Chairman Martinez asked if the Planning Commission's recommendation to City Council would need to include which roads need to fit the street design standards.

Mr. Draper explained that the waiver could be a process prior to Planning Commission approval. The application will be processed this month, if it is approved it will be conditioned on the approval of the Preliminary Plat. It is up to Staff to make the determination of the road classifications, since they were not determined in the Master Plan.

*****Motion:** Table the item until the information requested in the Development Department Memo January 31, 2017 can be provided for review and approval of the Preliminary Plat.

Moved by Jeff Dalling.

Commissioner Dalling amended his motion to include Mr. Wilkinson's memo.

Seconded by Kevin Hodur.

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

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible action on the 2016 Annual Report of Planning Commission activities. **FOR POSSIBLE ACTION**

Ms. Laughlin presented the 2016 Annual Report.

*****Motion: Approve the 2016 Annual Report as presented and forward a recommendation to City Council to approve the report.**

Moved by David Freistroffer, Tera Hooiman seconded.

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

2. Review, consideration, and possible action to develop the Calendar Year 2017 Planning Commission Annual Work Program, and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Laughlin explained that the proposed 2017 Work Program looked similar to the 2016 Work program. That is not due to not getting things done, we have just started things that we have not had time to complete. We have also taken on items, which were not listed on the previous work program, which did get completed. She then explained the items included on the 2017 Annual Work Program. Another two items that we will be doing, but weren't included in the Work Program, are amendments to the Master Plan, and an amendment to Section 3-2-18 regarding Home Occupation Permits. You may add those to the Work Program if you wish.

Chairman Martinez said that he wanted to keep all four items that were listed, but he thought the Residential Business District and the Sign Ordinance were really important initiatives that the Planning Commission needed to do.

Mr. Wilkinson suggested they change the street design item to Zoning Amendments to Section 3-3.

*****Motion: Forward the Elko City Planning Commission 2017 Annual Work Program to City Council for Approval.**

Moved by David Freistroffer, Seconded by Jeff Dalling.

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

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported that City Council, on January 24, 2017, had the first reading of Ordinance 816, the second reading will be February 14, 2017. They also approved the Rezone filed by PN'P Investments on River Street. They approved Rezone 8-16, 9-16, and the Vacation filed by Chap Enterprises and Parrado Partners. Rezone 10-16 was approved, Vacation 3-16 was denied, and the Final Plat for Aspen Heights was approved.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that the RDA had a meeting on January 10, 2017. They tabled a request for a Participation Agreement with Page Investments for the demolition of a building on the corner of 10th and Idaho Street. They approved the creation of a Public-

Private Partnership Policy. They amended their budget to include line items for the Demolition Program. They also approved the expenditure of \$200,000 towards the expansion and transformation of the Centennial Park. They took no action on the adoption of a debt policy. They also voted to support the Planning Commission's recommendation to deny Vacation 3-16. There was a RAC meeting on January 26, 2017. They approved the prioritization list of the projects for a recommendation to the RDA on the Downtown Corridor Project. They also reviewed and approved the Public-Private Partnership Demolition Program. There is a vacancy on the RAC.

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 that staff is looking into getting tablets for the Planning Commissioners, if they are interested and they feel they would use them and be beneficial. The tablets would be the property of the City of Elko and subject to the IT Policy. The tablets would replace the binders and the agenda packets would be downloaded. The Commissioners would have access to Wi-Fi, as well as the Master Plan and City Codes.

Commissioner Freistroffer said he would be interested in the tablet.

Commissioner Dalling said he enjoys the paper copy.

Chairman Martinez said he was in favor and he saw it as a cost saver.

Commissioner Hooiman said she was also in favor of the tablet.

Commissioner Anderson said he was ok with either way.

Commissioner Dalling then said he would be ok with the tablet, since everyone else was in favor.

Commissioner Hodur said going digital made a great deal of sense.

Ms. Laughlin explained that they were in the preliminary process and they still have to work through a lot of details.

Chairman Martinez said it would help him to have an email associated with the tablet, to deal with the public.

G. Staff.

COMMENTS BY THE GENERAL PUBLIC

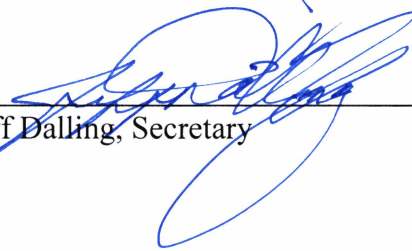
There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Aaron Martinez, Chairman



Jeff Dalling, Secretary