

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, MARCH 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
 Jeff Dalling
 Kevin Hodur
 Stefan Beck

Excused: **Tera Hooiman.**

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

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

February 7, 2017 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the Planning Commission meeting minutes from Tuesday, February 7, 2017 as presented.**

Moved by David Freistroffer, Seconded by Kevin Hodur.

****Motion passed. (5-0, Commissioner Beck Abstained)***

II. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible approval of Final Plat No. 2-17, filed by Parrado Partners LP, for the development of a subdivision entitled Great Basin Estates Phase 1B involving the proposed division of approximately 15.804 acres, of which 1.897 acres of property will be divided into 12 lots with a remainder of 13.097 acres for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located generally at the intersection of Opal Drive and Flagstone Drive (APN 001-633-008 & 001-633-016).

Bob Morley, High Desert Engineering, explained that the proposed subdivision is located off of Clarkson and Opal Drive on Flagstone Drive. The tentative map for Great Basin Estates was approved in May of 2016 for 24 lots of the subdivision. The final subdivision plats were separated into two units, Phase 1A and 1B, of 12 lots each. Phase 1A was done first, primarily because the lots in that portion of the subdivision were not located within the flood plain and the other 12 lots were. It was split up so that Parrado could develop the first lots right away. The final map for the first 12 lots was approved and recorded in September of 2016. The map before you tonight is Phase 1B, which is the remaining 12 lots. The grading necessary to remove these 12 lots from the flood plain has been complete and the Letter of Map Revision has been submitted to FEMA and has been approved. The Letter of Map Revision, which will take these lots out of the 100 year flood plain, appeal period will be up on April 3, 2017, so it will become effective on April 3, 2017. That area of the subdivision will be removed from the flood plain. All of the improvements for these 12 lots was constructed in Phase 1A.

Chairman Aaron Martinez asked if the LOMR Application had been approved and if they were waiting on the appeal period.

Mr. Morley stated that was correct.

Jeremy Draper, Development Manager, said as the applicant indicated this is the second part of Phase 1 and he recommend approval. The Developer has completed the public improvements as a condition of Phase 1A. He then went through the Development Department conditions listed in the Staff Report date March 7, 2017. This property was part of a special flood hazard area, it's been removed through the installation of fill material. As part of that removal the City made them submit a Conditional Letter of Map Revision to FEMA, which was done prior to any work being completed on this project. FEMA has reviewed and accepted the revisions as proposed by the Developer. There is one Ditch in the area that will remain as a part of the 100 year flood zone.

Cathy Laughlin, City Planner, recommend approval.

Bob Thibault, City Engineer, had one minor revision to the map, to revise Note 2 and Note 6 to reference Phase 1A.

John Holmes, Fire Marshal, had no comments or concerns.

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

Chairman Martinez asked if the grading modification affected the drainage ditch.

Mr. Draper explained that the grading modified it as a more defined channel. It provided for additional capacity in the channel.

Chairman Martinez asked if all the fill was import. (Yes) He then asked when the original Plat was approved.

Mr. Draper said the Preliminary Plat was approved on May 24, 2016, Phase 1A was approved June 14, 2016, and recorded on September 6, 2016.

Chairman Martinez asked if the curb, gutter, sidewalk, and utilities were in place.

Mr. Draper said it was a condition of Phase 1A for those improvements to be in place.

*****Motion:** Conditionally approve Final Plat 2-17, with the conditions listed in the Staff Report dated March 7, 2017, listed as follows:

Development Department

(See Memorandum from Development Manager Jeremy Draper dated February 28, 2017)

1. Preliminary Plat conditions as appropriate.
2. The Utility Department will issue a Will Serve after acceptance by the City Council
3. State approvals for the subdivision.
4. A Performance Agreement with regard to the dedicated public improvements is in place and the City of Elko may certify the Final Map as required in 3-3-44.
5. Appropriate security is required in place with the City of Elko
6. Phase 1B shall not be certified prior to the effective date of the LOMR for this subdivision being April 3, 2017.
7. Add a note to the cover sheet of the plat referencing FEMA Case No. 16-09-0367P with an effective date of April 3, 2017 removing this property from the 100 year special flood hazard area, SFHA.

Engineering Department

1. Revise note 2 and note 6 to reference Phase 1A

Commissioner Freistroffer's findings were that Final Plat No. 2-17 was in conformance with the Master Plan Land Use and Transportation Components, and Elko City Code Sections 3-2-5 and 8-7.

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

3. Review, consideration, and possible action to initiate an amendment to the City of Elko Master Plan, specifically the Land Use component, the Transportation component, and the Atlas, and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Laughlin explained that Mr. Draper had included a memo in the packet that outlines the proposed amendments to the Master Plan. This step is just for initiation, we will be bringing it back with full amendments.

Mr. Draper explained that Staff would like to do a comprehensive update of the Master Plan. Look at everything that has been done over the last few years and compare that to the Master Plan. The Master Plan was last updated in 2011, there have been a couple version updates since then. Mr. Draper then went through the proposed amendments in his memo, which was included in the agenda packet.

Ms. Laughlin commented that Staff will be looking at all areas and one other thing they would want to take a look at is the Land Use Component. If we go forward with the Residential Business District on 5th Street that will need to be added.

Mr. Thibault, Mr. Holmes, and Mr. Wilkinson had no comments or concerns.

Chairman Martinez asked how far the update is intended to go. Are they opening it up to anything in the Master Plan? What is the time frame for getting the update done? He thought the Land Use was the number one section that needed to be looked at. The maps are outdated. He saw some things that could help portray the long term vision for the Land Use and tying that in with the most updated roadway network. He then asked if they were able to revise the Long Term Project list that is in the Master Plan.

Mr. Wilkinson explained that they were planning to review the projects listed in the tables. We have an opportunity, we don't amend the Master Plan often. We should try to do a significant update to the Master Plan reflecting the conditions today. If we want to involve the Arts and Culture and Parks and Recreation Boards it will be several month long process.

Chairman Martinez said he had some ideas for short and long term projects. He encouraged the other Commissioners to look at some projects as well as the Land Uses and Roadway Maps. He then asked for a timeframe of events that need to take place to get this rolling.

Mr. Draper said it would be best to do the initiation tonight, give the Commission some time to review this more in depth, and get comments into staff over the next month. We could do a May presentation to the Commission and forward recommendation to City Council.

Chairman Martinez asked if the comments needed to be in prior to the next meeting.

Mr. Draper said if staff can get the comments in the next two weeks, then they can get the comments into the proposed changes.

Mr. Wilkinson said he had concerns with considering proposed roadways in the Master Plan. He also mentioned that it might be difficult to get quorums' at the Arts and Culture and Parks and Recreation Board meetings in order to update those sections of the Master Plan.

*****Motion:** Initiate an amendment to the City of Elko Master Plan as outline, and direct staff to bring this item back for discussion at next month's meeting.

Moved by Kevin Hodur, Seconded by David Freistroffer.

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

2. Review, consideration, and possible action to initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions, 3-2-18 Conditional Use Permits and 4-1-20 Home Occupations, and matters related thereto. **FOR POSSIBLE ACTION**

Ms. Laughlin explained as times change we are seeing different types of occupations being proposed for Home Occupation permits. Trying to make sure they are complying with Section 3-2-17 of the City Code, which is the off-street parking requirement, is what triggered the changes to this Section of the Code. She then went through the proposed changes.

Commissioner David Freistroffer asked how requiring business to have off street parking for vehicles associated with their home occupation would work for businesses already established on the tree streets, which don't have off street parking.

Ms. Laughlin explained that it would be required from this point on and some businesses don't have a vehicle that they use for the business. This requirement would be more for the large trucks and trailers, to keep the applicants from parking them on the streets. She then continued explaining the proposed changes.

Chairman Martinez asked if a work truck would be allowed to park on the street if the applicant had no off-street parking. (No)

Chairman Martinez thought that was a problem. He also thought there needed to be a language modification that would allow a circumstance that is not going to be detrimental to the residence.

Ms. Laughlin said the applicant could address it with a Parking Waiver, or if it was a legal non-conforming use.

Chairman Martinez asked if this was not going to be retroactive.

Ms. Laughlin explained that staff is just trying to clear up this section of the Code and make it so that it can be enforced.

Chairman Martinez said he doesn't want to restrict it too much, to where someone is not in compliance with their Home Occupation Permit because they have one vehicle with a decal on it and no off street parking.

Ms. Laughlin said those aren't the ones that they get complaints on. We get complaints on tree trimming and shredding trucks, the big trucks. The Home Occupation Permit is to allow for the startup businesses, if they are so big that they should be renting a place, then they shouldn't have a Home Occupation Permit. If we keep it within those parameters, then when they get to a bigger size they should be leasing a space.

Mr. Wilkinson added that they could allow a vehicle up to a certain gross weight.

Commissioner Jeff Dalling asked if the only person that was allowed at the Home Occupation was the owner of the business.

Ms. Laughlin explained that no employee, other than the permittee or other occupants of the permitted dwelling, shall report to work at the permitted dwelling. But a certain amount of customers are allowed to go to the dwelling.

Chairman Martinez pointed out that if they are hiring staff then it's time for them to rent a commercial space.

Mr. Wilkinson added that it also creates parking issues when employees are showing up to a residence for work.

Chairman Martinez asked if they were basing what an appropriate business is off the definition.

Ms. Laughlin said yes.

Commissioner Stefan Beck hoped whatever changes that were made would reflect the independence of Elko.

Ms. Laughlin explained that the City of Elko doesn't have an enforcement officer, so the only enforcement that we do is when we get complaints.

*****Motion:** Initiate an amendment to the City Zoning Ordinance, specifically Sections 3-2-2 Definitions, 3-2-18 Conditional Use Permits, and 4-1-20 Home Occupations, and direct staff to bring the item back as a public hearing.

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

I. UNFINISHED BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible action to define the district boundaries and set development standards for the Residential Business District and matters related thereto. **FOR POSSIBLE ACTION.**

Ms. Laughlin explained that the results from the surveys are listed in the memo that was included in the agenda packet. Out of the 10 business on the 5th Street corridor, we received 4 completed surveys. We also sent out a letter with the surveys to 40 residential property owners and we received 4 completed surveys back. A majority of the businesses were in favor of the district, they were in favor of the proposed development standards, and it was a 50/50 tie on the lit art element. There was only one Residential property owner that was in favor of the lit art element and three opposed. There are only a few things that have been modified in the District since the last time you saw this. We have added that the District Boundaries may be amended as per section 3-2-21, but with a maximum distance allowed east or west of 5th Street of 175 feet. That is right now the largest lot that will be rezoned into the district. There are also several parcels that abut a drainage easement that the City of Elko has, which goes from Walnut to Oak, which is also 175 feet from 5th Street. Another thing to consider is there are three properties that are along this corridor that have the same property owner the second property in. If we want to consider accepting those properties into the district now, then it solves one of two things. Two of the three use their second parcel for parking for their business. We currently have an application in from Eide Bailey to combine the two parcels into one. Ms. Laughlin has also spoken to the Warline's, and they are also going to consider combining their two parcels. The issue is, right now, they don't meet the Residential setbacks, so they would also have to file a variance. If we accept them into the district now and then process the application they wouldn't have to file for a variance. The Commission had directed staff to go back and look further into existing residential compliance to setbacks. The proposed setbacks for Commercial uses zero foot setbacks. That is what the setbacks are for the Commercial District. Fire and building Code would prevail, where a lot of developers would not want to comply with certain restrictions on zero setbacks. Residential Uses, if it is a new development they would have to comply with what the Residential District requires now. For existing Residential we are proposing on the front five feet, the rear five feet, interior side three feet, and exterior side at five feet. Approximately 75% of the existing structures would comply with the proposed setbacks. Under Landscaping we added in, with approval from the Planning Department a lighted art element incorporated into the business signage would be allowed in lieu of the required landscaping, only if the developed property has circumstances that restrict the development from providing the required landscaping. Staff felt that if they combined this with the signage it would eliminate some clutter, while still allowing the business to draw business to their property.

Mr. Wilkinson thought there were a couple of good examples of why they should consider expanding the boundary. You have some business that front 5th Street, which have acquired property next door and that property was more valuable to demolish the structure that was on it and convert it to parking. If you allow for that possibility, rather than just restrict it to just fronting 5th Street, the Businesses, over time, as they grow can be more successful.

Chairman Martinez asked if the Rezone Applications, to rezone into this new district, would go straight to City Council.

Ms. Laughlin explained that it would be just like a Rezone Application. It would come to the Planning Commission and then the Commission's recommendation would go to City Council.

Chairman Martinez asked if there would be any circumstance in which City Council would act solely on the application.

Ms. Laughlin said not on a Rezone.

Chairman Martinez liked what staff did with including the art element with the sign, he agreed with that. He then asked if there are currently no structures within the proposed setbacks for residential.

Ms. Laughlin explained that about 25% of the Residential structures are located within the proposed setbacks. If we were to try to make everybody in compliance today, we would have to go to a zero setback. You have to keep in mind that there are very wide right-of-ways on both the side streets and 5th Street that won't be vacated.

Commissioner Freistroffer agreed with staff, that they needed to have the ability to expand the boundary down the side streets. He asked if the 175 feet was based on the one property. He was concerned that 175 feet was too much.

Ms. Laughlin explained that one property line still has to be on 5th Street. Staff is looking at it as it would be a combination of several parcels. Staff had left it at 175 feet, because 75% of the west side of 5th Street has the drainage easement at 175 feet, so you really couldn't expand beyond that anyways.

Commissioner Freistroffer said that it will cause the people who visit that low impact business to park on the street.

Ms. Laughlin said that if it was a new development they would be required to provide off-street parking.

Commissioner Freistroffer said that at least half of the customers will just pull up on the street, the business parking will take up at least half of the block.

Ms. Laughlin said the third lot in could never be rezoned into the district, unless it was combined with the first two lots.

Commissioner Freistroffer said that then the customers would park in front of the next two houses and across the street. This new zone has the potential to change the character of an entire block end and is slightly encroaching on a Residential area. He thought that 175 feet was too much. He suggested two lots in, as a maximum, which would allow for business to be viable, but not allow them to take up two thirds of a block.

Mr. Wilkinson asked how deep Eide Bailey's and Warline's lots were.

Eide Bailey's lots were 125 feet in. Warline's lots were 100 feet in.

Mr. Draper suggested they require the main entrance for the business be located off of 5th Street.

Chairman Martinez thought that would cause more traffic problems.

Mr. Wilkinson thought if they looked at 100 or 125, but he thought they should include the vacant parcel in its entirety, so that we aren't split zoning a property.

Ms. Laughlin pointed out that in one of the surveys that was received, they requested 525 Fir Street be included in the new zone. That property would not be allowed in the district if it was changed to 100 or 125 feet, because this property goes to 175 feet.

Commissioner Dalling asked what the demand was on 5th Street for this new commercial district. He didn't see the demand.

Mr. Wilkinson said one thing we know, is that if it's not rezoned there won't be any demand. By Rezoning, you're allowing for the market to decide, over time, what is appropriate.

Commissioner Freistroffer said since he has been on the Commission they have had 3 or 4 types of variances along 5th Street. He thought they denied one that wouldn't have been denied under the new zone.

Mr. Wilkinson said this area has always been identified as an area to clean up non-conforming uses in the Work Plan.

Commissioner Freistroffer said this is a district that has properties that have a lower price than other areas in town. Price and demand are related to each other. This District could have different types of businesses, since the price is lower.

Mr. Wilkinson asked if most of the existing businesses were improperly zoned. (Yes)

Commissioner Dalling thought they might have a problem getting appraisals on these properties because they wouldn't be zoned R. He didn't want to be putting an undue burden on the residential home owners.

Ms. Laughlin said she has spoken with other jurisdictions, Boise and Twin Falls both have areas similar to this. She asked them how they address the appraisals. They said as long as residential is listed under the Principal Permitted Uses within that district, it can be appraised as residential. She had also been told the same thing by local banks and mortgage companies.

Commissioner Freistroffer asked if staff would be willing to change the 175 feet, in order to keep the Residential character.

Mr. Wilkinson suggested 125 feet as a maximum depth. That would solve some of the issues for some of the other properties.

Ms. Laughlin said that she could reach out, and bring back documentation next month, from appraisers, banks, and mortgage companies.

Chairman Martinez thought that would appropriate for what Commissioner Dalling brought up.

Commissioner Freistroffer said they could re-name the District.

Chairman Martinez asked if this was just a name thing that they could work around.

Mr. Wilkinson reminded the Commission that they went through that already. There were several different names that were proposed. We are revisiting what we have already taken action on.

Chairman Martinez mentioned that that action could be more problematic in this case.

Mr. Wilkinson said that staff brought them more information and they had the same discussion. He suggested looking at the proposed changes, and then bring it back to decide whether you want to reevaluate the name of the District based on the information that Ms. Laughlin brings. You could take action to determine the depth and accept the other proposed changes, if they are appropriate, and then direct staff to bring it back on the next agenda.

Commissioner Freistroffer asked the Commission if they had comments on a maximum depth of 125 feet.

Commissioner Beck asked what they were trying to accomplish with this new district.

Chairman Martinez explained that they are making this particular zoning district a unique location, which would allow anybody who owned property within the district to leverage more land across that property than any other place in the City. They are also relaxing requirements, beyond anything that is listed anywhere else in the City.

Commissioner Dalling asked if there was a building built on 509 Ash Street, would they have to provide off-street parking.

Mr. Wilkinson said they would have to provide all required off-street parking.

Commissioner Dalling asked if that was because it would be new construction. (Yes) He didn't see how that size of lot could have a low impact business.

Commissioner Freistroffer pointed out that the list of permitted uses would limit that. He mentioned that when you create a new district, like they are doing, it will make an impact on the surrounding residential neighborhood. People don't always park in the provided spots when they visit business.

Chairman Martinez asked if on-street parking would count towards the off-street parking requirement, regardless if it is new construction or not.

Ms. Laughlin said the on-street parking is counted towards the off-street parking for Commercial Uses.

Mt. Wilkinson said when they did 5th Street, they allowed on street parking, so that provision needs to be in there.

Ms. Laughlin asked if the Commission was considering adding the three parcels, with the same property owner for the second parcel in, to be added into the district now, or leaving it at the single parcel and then they would be required a Rezone Application.

Mr. Wilkinson said if they went with a depth, the boundary would include those other parcels.

Ms. Laughlin said the way it is stated is: the district boundaries may be amended as per 3-2-21, which would be a Rezone Application, and that the maximum distance allowed would be 125 feet. With the Reversion to Acreage it wouldn't automatically rezone the second parcel, unless we included it in the district boundary now.

Commissioner Freistroffer asked if they should include something that describes the initial boundary line.

Mr. Thibault said that they could write a legal description that describes the red line in the exhibit and call that the initial boundary.

Mr. Wilkinson said if the Commission likes the boundary displayed, their action could be to direct staff to create the legal description based on that boundary, and we can make sure that we can adjust the text to read "up to 125 feet in depth".

*****Motion:** To direct staff to research, and bring back, information from mortgage and appraisal companies on the viability for this planned zone for Residential Appraisals.

Moved by David Freistroffer, None seconded.

****Motion Failed***

*****Motion:** For staff to determine the initial boundary line for this zone based on the red line displayed in the exhibit.

Moved by David Freistroffer, None seconded.

****Motion Failed***

Motion: Direct that the new limit, where the boundary can be expanded to, be 125 feet.

Moved by David Freistroffer, None seconded.

****Motion Failed***

Chairman Martinez wanted to have the ability to amend the boundary, based on the best recommendations that the Commission and the City Council feel is appropriate.

Mr. Wilkinson said they would have to amend code in order to amend that boundary.

Chairman Martinez felt uncomfortable throwing 125 feet in the requirements without thinking it through and knowing where that line was compared to the majority of the properties on that street.

Commissioner Freistroffer rescinded his previous motions.

*****Motion:** Direct staff to bring back this Residential Business District proposal as presented today with the following amendment: That they bring back research on the mortgage and appraisal viability for this district for residential mortgages.

Moved by David Freistroffer, Seconded by Jeff Dalling.

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

*****Motion:** Direct staff to bring back this Residential Business District proposal as presented today with the following amendment: Use the exhibit that has been presented as the initial boundary and create a legal description.

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

*****Motion:** Direct staff to bring back this Residential Business District proposal as presented today with the following amendment: The zoning limit may be extended no further than 125 feet off of 5th Street.

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported at the City Council meeting on February 14th, they reviewed and accepted the 2016 Annual Report from the Planning Commission, they reviewed and accepted the 2017 Planning Commission Work Program, and they approved Resolution 8-17, which was authorization of the funds for the RDA for the Centennial Tower and the Centennial Park Project in the amount of \$50,000 and \$200,000. They also held the second reading of Ordinance 816, which was the annexation of Coach USA, it is complete and finalized. At the City Council meeting on February 28th, they approved the Resolution 11-17, which was the rezone filed by Allie Bear, and they approved the Resolution 12-17 for the rezone filed by Coach USA.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported at the RDA meeting on February 14th, they reviewed and accepted the Annual Report, they amended the RAC bylaws, and they accepted the resignation of David Roberts and appointed Jeff Dalling to fill that position. They also reviewed and approved the phasing sequencing for the \$5 Million, Phase 1 of the Downtown Corridor Project as recommended by the RAC. At the RAC meeting on February 23rd, they elected officers, and they reviewed the Demolition Grant Program and forwarded a recommendation to the RDA to approve the Program.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

Chairman Martinez reminded the Commissioners to get their comments on the Master Plan Update to staff in the next two weeks.

E. Elko County Agendas and Minutes.

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

G. Staff.

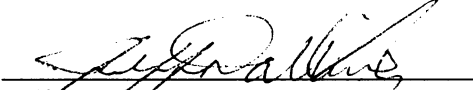
COMMENTS BY THE GENERAL PUBLIC

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