

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.S.T., TUESDAY, MAY 2, 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 Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

APPROVAL OF MINUTES

April 4, 2017 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from the April 4, 2017 Planning Commission Meeting as presented.**

Moved by David Freistroffer, Seconded by Kevin Hodur.

****Motion passed. (5-0 Commissioner Dalling Abstained)***

I. UNFINISHED BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible approval of the Residential Business District and matters related thereto. **FOR POSSIBLE ACTION.**

Cathy Laughlin, City Planner, explained that at the last meeting the Planning Commission had directed staff to reach out to get additional information regarding the appraisals of these properties in relation to the zoning that is proposed for this district. Ms. Laughlin reached out to the Director of the Real Estate Division of Nevada, she is who regulates all appraisers. Her email reply was included in the packet. We asked if she could clarify the concerns that we had in regards to a General Appraiser verses a Residential Appraiser. She clearly stated that a Residential Appraiser can appraise property as long as they are working under a General Appraiser. The appraisal of the property needs to be based on what the fullest potential of that property. We have this issue and concern all over the City of Elko, it is not just related to 5th Street. We also sent out letters to several different mortgage and lending companies in town with a copy of the district, and asked them if they would respond back and let us know if they had any issues or concerns with the proposed district. We only received one reply, which stated they didn't see any issues. Ms. Laughlin didn't believe that this new district would have a negative impact on the properties.

Jeremy Draper, Development Manager, had no comments.

Bob Thibault, City Engineer, had no comments

John Holmes, Fire Marshal, had no comments.

Scott Wilkinson, Assistant City Manager, had no comments or concerns.

Chairman Aaron Martinez asked if there was a way to orchestrate the district to where the existing residential lots could have the latitude of being classified as strictly residential, which wouldn't attach the commercial principal use.

Ms. Laughlin thought they would be opening up rezone applications. Similar to what we're trying to get away from. She thought if they wanted to leave the current residential uses as residential then they could just rezone the 10 commercial lots.

Mr. Wilkinson explained that what Mr. Martinez asked for was a sub district within this new district. He thought that would convolute the whole process. He also didn't know how they would decide which properties would never have the potential for a commercial use. It also wouldn't be consistent with what they are proposing under the Master Plan.

Chairman Martinez said it would be more of trying to target the existing residences as they are now. A majority of the lots in the area are residential. He was anticipating that there would be a streamline process, within the confinements of this district, which would allow the property owners to rezone. If we could achieve this it would alleviate the appraisal burden.

Mr. Wilkinson pointed out that they would have to amend the amendment process within the code, in addition to adding this district. One of the objectives of this zone was to address the setbacks and nonconforming uses. Let's not lose sight of that.

Ms. Laughlin pointed out that this district is following the Master Plan.

Commissioner Jeff Dalling said he wished they would have gotten letters from appraisers in town. He also contacted the Nevada Board of Appraisers and they said the same thing. No one in town works under a General Appraiser, so they would still have to get someone to come in from out of town.

Mr. Wilkinson said that they frequently need appraisals that require people to come in from out of town.

Chairman Martinez explained that he wanted to try to understand the parameters and the flexibility of the initiative. We need to weigh this to see if the property owners are getting more benefits than burdens. This district may increase the property values beyond the price of a general appraisal. It seems like this will be an added benefit.

Ms. Laughlin asked if they would be having this conversation if there was General Appraiser in Elko.

Chairman Martinez answered probably not.

Ms. Laughlin said that the Planning Commission cannot determine things based on what is, or isn't, here.

Commissioner Dalling said he would still have the conversation, because if he owned a property in that district he would still have to pay twice as much for an appraisal.

Ms. Laughlin explained that this item will come back as a public hearing, which each property owner will have to opportunity to speak on behalf or against the District. There is a long ways to go before it is approved as a District.

Commissioner David Freistroffer stated he was in favor of moving forward at this point. He agreed with Mr. Martinez on weighing the potential positives against the potential negatives. Right now, he thought they would see more positive outcomes, which would outweigh the increased appraisal prices.

Commissioner Kevin Hodur liked what he saw. He thought there would always be conflicts like this when discussing types of zoning and personal property rights. At this point he would like to hear from the residents, and see this item move onto a public hearing.

Chairman Martinez reminded the Commission that they have reached out to property owner's for their concerns and received mostly positive feedback.

Commissioner Dalling said he didn't want to get in the way of passing this district, he just wanted to point out the appraisal fees. He personally didn't see any growth happening in this area.

Ms. Laughlin said there is a property for sale on 5th Street, and she has had more calls on that property in two weeks than any other property for a year.

Commissioner Dalling said he just didn't see a big growth pattern.

Chairman Martinez explained that this type of initiative is not something that happens overnight. This is not short term planning, this is extreme long term planning.

Ms. Laughlin said in the packet there are some revisions to the district. The only revision that was made since the last meeting was the District Boundary, which Mr. Thibault just added the legal description.

*****Motion: Direct Staff to bring this item back as a public hearing as presented.**

Moved by David Freistroffer, Seconded by Kevin Hodur.

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

II. NEW BUSINESS

A. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible action and possible approval of Final Plat No. 3-17, filed by Sierra Blue Development & Holdings, LLC, for the development of a subdivision entitled Golden Hills Estates, Unit 2 Phase 3 involving the proposed division of approximately 2.202 acres divided into 9 lots for residential development within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally at the intersection of Mittry Avenue and Tasha Way (001-619-014, 001-619-015, & 001-619-019). Preliminary Plat was recommended to City Council to conditionally approve by Planning Commission July 10, 2013 and conditionally approved by City Council August 13, 2013

Mr. Draper explained that this is the final phase of this subdivision, based on some tentative maps that have been around for a while. This is on Tasha way and Mittry Avenue, extending Mittry and connecting it to Tasha Way. They are proposing nine lots, three lots on each of the remaining parcels. The civil improvement plans were submitted and approved in 2009, so the contractor and the engineer have been working off of those plans. Mr. Draper spoke with Mr. Ballew about those, when they constructed phase two they made some grading changes. Mr. Draper then went through his recommendations from the Development Department Memo dated April 20, 2017.

Ms. Laughlin recommended conditional approval with no additional comments.

Mr. Thibault had one technical comment, to update the Assessor's Parcel Numbers on both the Assessor's and Treasurer's jurats on the front page of the plat.

Mr. Holmes had no comments or concerns.

Mr. Wilkinson recommended approval as presented by staff.

*****Motion: Forward a recommendation to City Council to conditionally approve Final Plat 3-17 with the conditions listed in the City Staff Report dated May 2, 2017 listed as follows:**

Development Department:

(see Memorandum dated April 20, 2017 which includes the following conditions):

1. Council approval of the plat will expire within 24 months unless extended as provided for in City code.
2. Prior staff approval of the civil improvement plans is still valid. Additional plans will be required to address the retaining walls as appropriate.
3. State approvals for the subdivision.
4. Conformance with Preliminary Plat conditions.
5. A soils report is required.
6. The Utility Department will issue a Will Serve letter after the Council approval of the Final Plat. The will serve will be for the 9 lots in Unit 2 Phase 3.
7. The Developer shall complete all required subdivision improvements within two (2) years. Approval of the Final Plat shall expire if within two (2) years the applicant has not completed the required subdivision improvements. The applicant may request an extension of time as provided for under provisions of City code.
8. Access for Lot 6 Block J is restricted to Tasha Way. Access for Lot 5 Block K is restricted to Tasha Way.
9. A traffic study is not required.
10. A Performance Agreement with regard to the dedicated public improvements is required within 30 days of Council approval of the final plat.
11. A Performance Agreement with regard to the dedicated public improvements shall be in place prior to the City of Elko Certifying the Final Map as required in 3-3-44.
12. Appropriate security is required prior to the City of Elko Certifying the Final Map as required in 3-3-45.

Engineering Department:

1. Update the assessor's parcel numbers shown in the Assessor's Certificate and Treasurer's Certificate.

Public Works Department:

1. Public improvements required at time of development.

Commissioner Hodur's findings were that Final Plat 3-17 is in conformance with the City of Elko Master Plan Land Use Component and Transportation Component, and City Code Sections 3-2-3, 3-2-4, 3-2-5, 3-3-6, 3-3-8, 3-3 and 8-7.

Moved by Kevin Hodur, Seconded by David Freistroffer.

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

2. Review and consideration of the 2017 City of Elko land inventory update. FOR POSSIBLE ACTION

Ms. Laughlin explained that every few years, as things change, we need to update the land inventory. We took some extra time to clear up some issues. There are two properties that we want to change the property determination from utilities to sell. They are located on the corner of 8th Street and Elm Street and 8th and Maple Street. We always assumed they were for storm drainage, but staff has gone through and there is no storm drainage or utilities in that area. The property owner on corner of 8th and Elm wants to purchase the one next to him. There is one other property that we have changed the classification to, and we have changed it to retain a portion and sell a portion. That is a small sliver of land that's next to Mountain View Park entrance. The adjacent property owner would like to purchase a portion. There are several other small changes that are highlighted on the spreadsheet that was included in the packet, as well as an additional parcel that we just received a parcel number for today, it was not included in the packet.

Mr. Draper, Mr. Thibault, Mr. Holmes, and Mr. Wilkinson had no comments.

*****Motion: Forward a recommendation to City Council to update the City of Elko Land Inventory as presented, with the additional property at 200 W. River Street, APN 001-381-010.**

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 district boundaries, specifically APN 001-660-137 and a portion of 001-660-034, removing the RE-Residential Estate District and replacing with the R-Residential District, and matters related thereto. FOR POSSIBLE ACTION

Elko City Code Section 3-2-21 allows the Planning Commission to initiate on its own motion a change to the district boundaries. The RE – Residential Estate District was repealed by Ordinance 372, September 22, 1987. We currently have two undeveloped parcels which have a portion of those parcels zoned RE. This amendment, initiated by the Planning Commission, if approved, will bring back as public hearing a rezone of the parcels from RE- Residential Estate to R – Residential.

Ms. Laughlin explained that when they started writing the Ordinance for the Residential Business District, they were looking at the Zoning Code and the numbers. 3-2-5 is Residential and 3-2-6 used to be Residential Estate District, which is a zoning district that was within the City of Elko and it was repealed in 1987. There is still a portion of a parcel and a whole parcel

that still have this Residential Estate Zoning on them, which is not legal because the district does not exist anymore. City Code Section 3-2-21 allows the Planning Commission to initiate a change in the district boundaries, in other words a rezone on these properties. The City of Elko will be the applicant, not the property owners. We would rezone these to Residential. Mr. Thibault did a map and a legal description for this application. With this initiation we would come back to the Planning Commission with a rezone application with the City of Elko being the applicant.

Chairman Martinez asked if there are other zoning districts that have been eliminated that potentially still remain.

Ms. Laughlin answered just this one.

Mr. Draper, Mr. Thibault, and Mr. Holmes had no comments.

Mr. Wilkinson recommended approval.

*****Motion: Initiate an amendment to the City of Elko District Boundary and direct staff to bring it back as a public hearing.**

Moved by Kevin Hodur, Seconded by David Freistroffer.

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

III. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported at the last couple City Council meetings they went through the first and second readings of Ordinance 818, and was approved.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that there was a RAC meeting on April 27th, they reviewed the Storefront Grant Applications and they made a recommendation to the RDA. The RDA will meet on May 9th to determine the recipients and the grant amount. There was an RDA meeting where we proposed a project in the alley of the 400 Block of Downtown for a consolidated garbage collection area.

Chairman Martinez asked if there were more applications received than available funding for the Storefront Grant.

Ms. Laughlin said yes. There was funding for \$50,000 and we received requests for \$116,000. Some of the applications were determined incomplete by the RAC. They made a recommendation that the RDA still consider funding two of those projects with a Public-Private Partnership.

There was further discussion regarding the Storefront Grant applications.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

Ms. Laughlin reported that staff is still working with the Bizkaia Subdivision Developer and working through issues. They will be bringing back the Preliminary Plat sometime soon.

E. Elko County Agendas and Minutes.

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

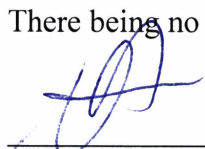
G. Staff.

COMMENTS BY THE GENERAL PUBLIC

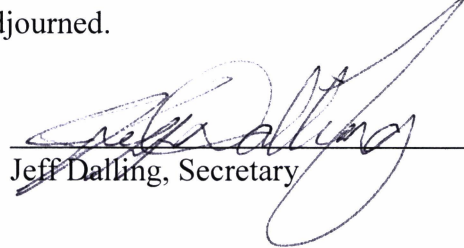
There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Aaron Martinez, Chairman



Jeff Darling, Secretary