

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING AGENDA
5:30 P.M., P.D.S.T., TUESDAY, MAY 5, 2020
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA
GoToMeeting.com
<https://global.gotomeeting.com/join/906677325>

CALL TO ORDER

Jeff Dalling, Chairman of the City of Elko Planning Commission, called the meeting to order at 5:30 p.m.

ROLL CALL

Present: **Jeff Dalling**
 Tera Hooiman
 Gratton Miller
 Giovanni Puccinelli
 John Anderson
 Stefan Beck

Absent: **Evi Buell**

City Staff Present: **Scott Wilkinson, Assistant City Manager**
 Cathy Laughlin, City Planner
 Michele Rambo, Development Manager
 Matthew Griego, Fire Chief
 Bob Thibault, Civil Engineer
 Ty Trouten, Police Chief
 Shelby Archuleta, Planning Technician

PLEDGE OF ALLEGIANCE

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review, consideration, and possible action on Conditional Use Permit No. 1-20, filed by Bill Dupee & Amber Dupee-Johnson, which would allow for a bar to be located within the Central Business District, specifically 401 Railroad Street, and matters related thereto. **FOR POSSIBLE ACTION**

As required by Elko City Code 3-2-10(5)(C) any new business such as a bar within the Central Business District requires a Conditional Use Permit.

Amber Dupee explained that they were wanting to open up a Brew Pub. There would be no hard alcohol, only craft beer that would be made on site, with the addition of some other local beers. They are planning to start off with small appetizers and progressing to other appetizers. They don't plan on staying open on weekends later than 10 p.m. They are not looking to create a bar scene, there will be no smoking and minimal music.

Cathy Laughlin, City Planner, went through the City of Elko Staff Report dated April 17, 2020. Staff recommended conditional approval with the conditions and findings in the Staff Report.

Ty Trouten, Police Chief, went over the Police Department Conditions that were listed in the Staff Report.

Chairman Jeff Dalling asked Chief Trouten if he had discussed the Police Department conditions with the applicants.

Chief Trouten explained that he had not spoken with the applicants, but he had been speaking with Ms. Laughlin.

Michele Rambo, Development Manager, had no comments or concerns.

Bob Thibault, Civil Engineer, had no additional comments.

Matt Griego, Fire Chief, had no comments or concerns.

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

Commissioner Gratton Miller asked if the applicants would be having vats in the building, or if they would be doing the brewing off-site.

Bill Dupee explained that they would be brewing in the building.

Ms. Dupee wanted to touch on the Police Department condition on the hours of operation. She explained that they would be closing at 10 p.m. They didn't plan on staying open any later than that, except to let people finish their drinks. On weekdays they were looking at closing at 8 p.m.

***** Motion: Conditionally approve Conditional Use Permit No. 1-20 subject to the conditions in the City of Elko Staff Report dated April 17, 2020, listed as follows:**

- 1. The permit is granted to the applicant Bill Dupee and Amber Dupee-Johnson for a brewery and/or bar establishment subject to compliance with all conditions imposed by a conditional use permit.**
- 2. The permit shall be personal to the permittee and applicable only to the specific use (bar establishment) and to the specific property (401 Railroad Street) 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. CUP 1-20 to be recorded with the Elko County Recorder within 90 days after the business license is issued for the bar.
4. Signage will require review and comment by the Redevelopment Agency prior to approval by the City.
5. Applicant shall install and maintain exterior security lighting that illuminates both the Railroad and 4th Street frontages as well as the alleyway adjacent to the establishment. The security lighting shall be sufficient to make easily discernible the appearance and conduct of all persons and patrons in the vicinity of the front and side entrances, and shall be positioned so as not to cause excessive glare for persons located outside of the vicinity of the front and side entrances, such as pedestrians, motorists, and owners and occupants of neighboring properties.
6. Applicant shall remove all bottles, cans, trash, broken glass, debris, and bodily fluids from abutting properties upon closing on each day applicant's business is open.
7. Applicant shall maintain an active account with Elko Sanitation at all times for the collection of garbage, refuse and waste within the common collection area of the 400 block.

Police Department:

1. Communicate effectively and proactively with Elko Police Department regarding management and safety of the business, such as; provide notice as to management or supervision changes, problems with security, changes with lighting, camera systems, security, weapons polices, etc.
2. Zero tolerance of employee consumption of alcohol while they are on shift.
3. Security cameras are required and a minimum of ten days stored video footage from the security system to be maintained at all times.
4. Business hours to be determined as appropriate by the Planning Commission. Elko Police Department recommends closing time on Friday and Saturday of 2:00 a.m. (following day) and all other days of the week close time of 1:00 a.m. (following day).

Commissioner Beck's findings to the support the motion were the conditional use is in conformance with the Land Use Component of the Master Plan. The conditional use is in conformance with the Transportation Component of the Master Plan and existing transportation infrastructure. The conditional use is in conformance with the Wellhead Protection Plan. Approval of the Conditional Use Permit is required for the proposed use to be in conformance to Sections 3-2-3 & 3-2-10 of the Elko City Code. The proposed use is in conformance with Sections 3-2-4, 3-2-17, and 3-2-18 of the Elko City Code. The proposed use conforms to Section 3-8 of Elko City Code.

Made by Stefan Beck, Seconded by Gratton Miller.

**Motion Passed Unanimously. (6-0)*

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration and possible approval of Final Map No. 1-20, filed by Kelly Builders, LLC, for the development of a subdivision entitled Townhomes at Ruby View involving the proposed division of approximately 1.297 acres of property into 10 townhouse lots for residential development and 1 common lot within the R (Single Family and Multiple Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located on the south side of Indian View Heights Drive at the intersection of Griswold Drive. (APN 001-530-026)

Ms. Rambo went over the City of Elko Staff Report dated April 20, 2020. Staff recommended approval. She explained that the Planning Commission would need to add a couple conditions. The first one is to consider changing the public access easement to a reciprocal access easement that benefits only the property owner. The second one is to fill in the two missing dimensions along the access easement.

Ms. Laughlin recommended conditional approval as presented.

Mr. Thibault explained that his two conditions were mentioned by Ms. Rambo, so he recommended conditional approval as presented.

Chief Griego had no concerns and recommended approval.

Ms. Archuleta explained that Mr. Wilkinson was having technical difficulties, but he stated that he did not have any comments or concerns on this application.

*****Motion: Recommend that the City Council accept, on behalf of the public, the parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication; that the final map substantially complies with the tentative map; that the City Council approve the agreement to install improvements in accordance with the approved construction plans that satisfies the requirements of Title 2, Chapter 3, and conditionally approve Final Map 1-20 with conditions listed in the Staff Report dated April 20, 2020 with additions, listed as follows:**

1. **The Developer shall execute a Performance and Maintenance Agreement in accordance with Section 3-3-21 of City code. The Performance Agreement shall be secured in accordance with Section 3-3-22 of City code. In conformance with Section 3-3-21 of City code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Map approval by the City Council unless extended as stipulated in City code.**
2. **The Performance and Maintenance Agreement shall be approved by the City Council.**
3. **The Developer shall enter into the Performance and Maintenance Agreement within 30 days of approval of the Final Map by the City Council.**
4. **The Final Map for Townhomes at Ruby View is approved for 10 townhouse lots and 1 common lot.**
5. **The Utility Department will issue a Will Serve Letter for the subdivision.**
6. **Site disturbance shall not commence prior to approval of the project's construction plans by the Nevada Department of Environmental Protection.**
7. **Construction shall not commence prior to Final Map approval by the City Council**

- and issuance of a will-serve letter by the City of Elko.
8. Conformance with the conditions of approval of the Tentative Map is required.
 9. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition of the Standard Specifications for Public Works. All right-of-way and utility improvements are to be certified by the Engineer of Record for the project.
 10. Consider changing the Public Access Easement to a Reciprocal Access Easement that benefits only the property owner.
 11. Fill in the two missing dimensions along the Access Easement.

Commissioner Beck's findings to support the motion were the Final Map for Townhomes at Ruby View has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Map is in conformance with the Tentative Map. The proposed subdivision is in conformance with the Land Use and Transportation Component of the Master Plan. The proposed development conforms with Sections 3-3-9 through 3-3-16 (inclusive). The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-17 of City Code. The Subdivider has submitted construction plans in conformance with Section 3-3-18 of City Code. The Subdivider has submitted plans to the City and State agencies for review to receive all required permits in accordance with the requirements of Section 3-3-19 of City Code. The Subdivider has submitted construction plans which, having been found to be in conformance with Section 3-3-20 of City Code, have been approved by City Staff. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-21 of City Code. The Subdivider will be required to provide a Performance and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City Code. The proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), and 3-2-17 of City Code. The proposed development is in conformance with Section 3-8 of City Code.

Made by Stefan Beck, Seconded by Giovanni Puccinelli.

**Motion Passed Unanimously. (6-0)*

2. Review, consideration and possible approval of Final Map No. 2-20, filed by Koinonia Development, LP, for the development of a subdivision entitled Mountain View Townhomes – Unit 1 involving the proposed division of approximately 1.00 acres of property into 12 townhouse lots for residential development and 1 common lot approximately 26,784 sq. ft. in area and 1 remainder parcel approximately 2.38 acres in size, within the CT (Commercial Transitional) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

Subject property is located on the south side of N 5th Street at the intersection of Mary Way. (APN 001-610-096, 001-610-097, 001-610-098, 001-610-099, and a portion of 001-610-075)

Luke Fitzgerald and Tom Ballew stated that they were available for questions.

Ms. Rambo went over the City of Elko Staff Report dated April 20, 2020. Staff recommended approval with the findings and conditions listed in the Staff Report.

Ms. Laughlin recommended conditional approval as presented by staff.

Mr. Thibault recommended approval as presented by staff.

Chief Griego had no comments and recommended approval.

Ms. Laughlin stated that the City Manager's office recommended approval as presented.

*****Motion: Recommended that the City Council accept, on behalf of the public, the parcels of land offered for dedication for public use in conformity with the terms of the offer of dedication; that the final map substantially complies with the tentative map; that the City Council approve the agreement to install improvements in accordance with the approved construction plans that satisfies the requirements of Title 2, Chapter 3, and conditionally approve Final Map 2-20 with conditions listed in the Staff Report dated April 20, 2020, listed as follows:**

1. The Developer shall execute a Performance and Maintenance Agreement in accordance with Section 3-3-21 of City code. The Performance Agreement shall be secured in accordance with Section 3-3-22 of City code. In conformance with Section 3-3-21 of City code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Map approval by the City Council unless extended as stipulated in City code.
2. The Performance and Maintenance Agreement shall be approved by the City Council.
3. The Developer shall enter into the Performance and Maintenance Agreement within 30 days of approval of the Final Map by the City Council.
4. The Final Map for Mountain View Townhomes – Unit 1 is approved for 12 townhouse lots and 1 common lot.
5. The Utility Department will issue a Will Serve Letter for the subdivision.
6. Site disturbance shall not commence prior to approval of the project's construction plans by the Nevada Department of Environmental Protection.
7. Construction shall not commence prior to Final Map approval by the City Council and issuance of a will-serve letter by the City of Elko.
8. Conformance with the conditions of approval of the Tentative Map is required.
9. The Owner/Developer is to provide the appropriate contact information for the qualified engineer and engineering firm contracted to oversee the project along with the required inspection and testing necessary to produce an As-Built for submittal to the City of Elko. The Engineer of Record is to ensure all materials meet the latest edition of the Standard Specifications for Public Works. All right-of-way and utility improvements are to be certified by the Engineer of Record for the project.
10. Fire Department Turnaround to be constructed to 2018 IFC Appendix D 102.1 Access and Loading...*approved driving surface capable of supporting the imposed load of fire apparatus weighing up to 75,000 pounds.*
11. Fire department turn around be labeled as "FIRE DEPARTMENT TURN-AROUND ACCESS EASEMENT".

Commissioner Beck’s findings to support the motion were the Final Map for Mountain View Townhomes – Unit 1 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Map is in conformance with the Tentative Map. The proposed subdivision is in conformance with the Land Use and Transportation Components of the Master Plan. The proposed development conforms with Sections 3-3-9 through 3-3-16 (inclusive). The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-17 of City Code. The Subdivider has submitted construction plans in conformance with Section 3-3-18 of City Code. The Subdivider has submitted plans to the City and State agencies for review to receive all required permits in accordance with the requirements of Section 3-3-19 of City Code. The Subdivider has submitted construction plans which, having been found to be in conformance with Section 3-3-20 of City Code, have been approved by City Staff. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-21 of City Code. The Subdivider will be required to provide a Performance and Maintenance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-22 of City Code. The proposed development conforms to Sections 3-2-3, 3-2-4, 3-2-5(E), 3-2-5(G), and 3-2-17 of City Code. The proposed development is in conformance with Section 3-8 of City Code.

Made by Stefan Beck, Seconded by Gratton Miller.

**Motion Passed Unanimously. (6-0)*

3. Review, consideration and possible recommendation to City Council for the 2020 City of Elko Land Inventory update. **FOR POSSIBLE ACTION**

City of Elko Land Inventory spreadsheet is to be updated when necessary

Ms. Laughlin went over the proposed changes to the City of Elko Land Inventory.

Commissioner Gratton Miller had a question on the Well 16 property. He asked if the property would be available to the land owners adjacent to the Well first.

Ms. Laughlin explained that staff had received applications from both adjacent property owners to purchase the property. The Nevada Revised Statutes does require that the City sell it at a public auction. Right now it is in the process of being sold. Staff will need to get an appraisal and then it will go to City Council as a public hearing and public auction.

*****Motion: Forward a recommendation to City Council to approve an update to the City Land Inventory.**

Made by Stefan Beck, Seconded by Giovanni Puccinelli.

**Motion Passed Unanimously. (6-0)*

APPROVAL OF MINUTES

March 3, 2020 – Regular Meeting FOR POSSIBLE ACTION

*****Motion: Approve the Planning Commission Minutes dated March 3, 2020**

Moved by Stefan Beck, Seconded by Giovanni Puccinelli

**Motion Passed Unanimously. (6-0)*

II. REPORTS

A. Summary of City Council Actions.

Cathy reported that City Council, on April 14th, approved an Amendment to the Great Basin Performance Agreement and the Master Plan Amendment. She also reported the Planning Department would be accepting applications again.

B. Summary of Redevelopment Agency Actions.

Cathy reported that the RDA had a meeting on April 14th. They approved over \$101,000 in Storefront Improvement Grants and extended one 2019 Grant.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

NOTE: The Chairman or Vice Chairman reserves the right to change the order of the agenda and if the agenda is not completed, to recess the meeting and continue on another specified date and time. Additionally, the Planning Commission reserves the right to combine two or more agenda items, and/or remove an item from the agenda, or delay discussion relating to an item on the agenda at any time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



Jeff Dalling, Chairman



Tera Hooiman, Secretary