

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.D.S.T., TUESDAY, JUNE 2, 2020
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA
GoToMeeting.com
<https://global.gotomeeting.com/join/123367613>

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
 Giovanni Puccinelli
 Evi Buell
 John Anderson
 Stefan Beck
 Gratton Miller

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

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 of Conditional Use Permit No. 2-20, filed by Scott and Leslie Rangel, which would allow for a professional office within an RO (Residential Office) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the west corner of the intersection of 9th Street and Court Street. (902 Court Street - APN 001-281-001)

Leslie Rangel stated that she was available to answer any questions.

Cathy Laughlin, City Planner, announced that the public phone line was working for anyone that wanted to call in to give public comments. She then went over the City of Elko Staff Report dated May 18, 2020. Staff recommended conditional approval with the conditions and findings listed in the Staff Report.

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

Bob Thibault, Civil Engineer, recommended approval with no additional comments or concerns.

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

Scott Wilkinson, Assistant City Manager, had no comments concerns and recommended approval as presented by staff.

*****Motion: Conditionally approve Conditional Use Permit No. 2-20 subject to the conditions in the City of Elko Staff Report dated May 18, 2020, listed as follows:**

- 1. CUP 2-20 shall automatically lapse and be of no effect one (1) year from the date of its issue unless the permit holder is actively engaged in developing the specific property to the use for which the permit was issued.**
- 2. The CUP 2-20 to be recorded with the Elko County Recorder within 90 days after the commencement of the work for the conversion from single family dwelling to professional office.**
- 3. The permit is granted to the applicant Scott and Leslie Rangel for the use of a professional office.**
- 4. The permit shall be personal to the permittee and applicable only to the specific use and to the specific property for which it is issued. However, the Planning Commission may approve the transfer of the conditional use permit to another owner. Upon issuance of an occupancy permit for the conditional use, signifying that all zoning and site development requirements imposed in connection with the permit have been satisfied, the conditional use permit shall thereafter be transferable and shall run with the land, whereupon the maintenance or special conditions imposed by the permit, as well as compliance with other provisions of the zoning district, shall be the responsibility of the property owner.**
- 5. The conditions of Variance 2-20 be met prior to occupancy of the building.**
- 6. Revocable Permit 2-20 is approved by City Council for the parking encroachment into the public right-of-way.**
- 7. Merge lots 11 and 12 prior to certificate of occupancy to be issued for the building.**

Commissioner Buell's findings to support the motion were the proposed conditional use, under the conditionally approved Residential Office district is consistent with the Land Use

Component of the Master Plan. The proposed conditional use meets Objectives 2 and 4 of the Land Use Component of the Master Plan. The proposed conditional use is consistent with the Transportation Component of the Master Plan. The proposed use, intensity of use and limitations of intensity of use will not create any significant cumulative issues on the existing transportation system. The proposed conditional use and repurposing the property and structure conforms to the Redevelopment Plan. The proposed conditional use is consistent with City of Elko Wellhead Protection Plan. The proposed use of the property and allowed uses under the RO-Residential Office Zoning District do not present hazard to City wells. The proposed use of the property requires a conditional use permit to conform to Section 3-2-3 of City Code. The proposed conditional use based on conditional approval of Variance 2-20 conforms to Section 3-2-4 of City Code. The proposed conditional use is in conformance with Section 3-2-5(F)(3) RO-Residential Office based on conditional approval of Variance 2-20. The property as developed is in conformance with City Code 3-2-17 for the principal permitted use as a single family residence. Additional parking and ADA access is required for conformance under the proposed conditional use. Parking in the interior side yard setback will be required to be approved as part of Variance 2-20. The parcel is not located within a designated Special Flood Hazard Area. 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 proposed conditional use permit is consistent with existing land uses in the immediate vicinity.

Moved by Commissioner Evi Buell, Seconded by Commissioner Tera Hooiman.

**Motion passed unanimously. (7-0)*

2. Review, consideration, and possible action on Variance No. 2-20, filed by Scott and Leslie Rangel, for a reduction of the required interior side yard setback from 10' to 2.2', exterior side yard setback from 12' to 9.8', front yard setback from 15' to 11.7' and required off street parking to be located within the interior side yard setback for a professional office in an RO (Residential Office) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the west corner of the intersection of 9th Street and Court Street. (902 Court Street - APN 001-281-001)

Ms. Rangel stated that Lana Carter and Bob Morley were also available for questions.

Ms. Laughlin went through the City of Elko Staff Report dated May 18, 2020. Staff recommended conditional approval with the conditions and findings listed in the staff report.

Ms. Rambo had no comments or concerns.

Mr. Thibault recommended approval with no additional comments or concerns.

Chief Griego had no comments or concerns and recommended approval

Mr. Wilkinson had no comments and recommended approval as presented by staff.

*****Motion: Conditionally approve Variance No. 2-20 subject to the condition in the City of Elko Staff Report dated May 18, 2020, listed as follows:**

- 1. The variance is granted for the principal structure and parking within the interior side yard setback. No new structures or accessory structures to be constructed within the required setbacks.**
- 2. Commencement within one year and completion within eighteen (18) months.**

Commissioner Buell's findings to support the motion were the variance approval is in conformance with the Land Use Component of the Master Plan. The property is located within the Redevelopment Area. The proposed variance and repurposing the property and structure conforms to the Redevelopment Plan. The property does not conform to Section 3-2-4 of City Code. Approval of the variance application is required to bring the property into conformance. The proposed variance is not in conformance with Section 3-2-5(R) Residential Office, Approval of the variance application is required to bring the property into conformance. Approval of Variance No. 2-20 will bring the property into conformance with Section 3-2-17 of City Code. It does not appear that granting of the variance will result in material damage or prejudice to other properties in the vicinity, nor will granting of the variance be detrimental to the interest, health, safety and general welfare of the public. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. Granting of the variance will not impair natural resources. The proposed variance is consistent with surrounding land uses.

Moved by Commissioner Evi Buell, seconded by Commissioner Giovanni Puccinelli.

**Motion passed unanimously. (7-0)*

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

- 1. Review and consideration of Temporary Use Permit No. 1-20, filed by High Desert Imaging, LLC., on behalf of Silver River Properties, LLC, for the temporary use of a mobile MRI unit located within a C (Commercial) Zoning District, and matters related thereto. FOR POSSIBLE ACTION**

The subject property is located on the northeast side of Mountain City Hwy approximately 145' from North Cedar St. (APN 001-131-009) Within A+ Urgent Care at 976 Mountain City Hwy.

Steve Mims, Administrator of High Desert Imaging, stated that he was available to answer questions.

Ms. Laughlin went over the City of Elko Staff Report dated May 18, 2020. Staff Recommended conditional approval with the conditions and findings listed in the Staff Report. One of the things that was not mentioned in the Staff Report, because it is still a draft and hasn't been adopted, is the City of Elko has been working as part of a very lengthy process to develop a Comprehensive Economic Development Strategy for Northeastern Nevada through the NNRDA. Part of the

goals and objectives of this Strategy is to provide additional healthcare services and providers to the area as possible. Ms. Laughlin felt approving this Temporary Use Permit would be in support of this strategy. If the application were to be denied, Ms. Laughlin felt it would force everyone to the only other provider in town for an MRI.

Ms. Rambo had no comments or concerns and supported all the comments from Ms. Laughlin.

Mr. Thibault had no comments or concerns.

Chief Griego had no comments or concerns and recommended approval.

Mr. Wilkinson had no comments and recommended approval as presented by staff.

Chairman Jeff Dalling said that he had a few questions for the applicant. He explained that he was on the Planning Commission four years ago when it came through, and it was a little controversial then. He said four years seemed like a lot of time to get this done. There have been other people on Mountain City Highway that had to do beautification projects because of the fact that it is Mountain City Highway and we are trying to make it nicer. You guys were bringing in a trailer and parking it next to a building. It was a little controversial because it didn't seem fair. Chairman Dalling said he remembered the reason the Temporary Use Permit was approved was because it would be good for the community. He felt that four years was plenty of time and he thought they would be in a permanent building by this time. He then asked Mr. Mims to explain why four years wasn't long enough.

Mr. Mims said that he appreciated the comments and support that they have received. In consideration of extending this permit four years does seem like a long time. They were trying to bring a business here and move here. Him and his family love the Elko area and wanted to make a place to spend rest of their lives. In doing that they wanted to bring a way to support themselves, and that was expanding a radiology business and opening an imaging center. Four years ago it was a new business, and they thought they would know within year or two if the business would be successful. Fortunately, they are still here, and even with the current COVID-19 crisis they are still successful and hanging in there. It is certainly not due to lack of effort. Mr. Mims stated that his ideal situation was that they would have their own building, more parking, and a unique site. They have explored various sites. They have looked at the Surgery Center that was supposed to go in by JC Penney, which is something they are still considering doing. Ideally, they thought quickest thing they could do was to move the MRI inside the building that they are in now, which was their plan four years ago. A Plus Urgent Care has expanded their business, so they have taken over more space, which pinched the applicant for space to move the MRI into the building. In addition to that there is a physical therapist inside the building as well. That opportunity doesn't look as promising as it did before. The other thing they have looked at is the old Elko Diagnostic Imaging space, and due to the cost of that space, it is cost prohibitive. Their goal is to provide high quality medical imaging and to keep the community here. They are certainly not rolling in the dough. They are cash flow positive, which is great, but it is very expensive to build a building, do the improvements, and move the equipment that they have. In the last 6 months, Mr. Mims has gotten a quote for moving from Philips Medical Equipment. Just to move the CT and the MRI it was going to be \$350,000. Before construction even begins and preparing the site, it is going to be \$350,000 just to get those two pieces of equipment out and moved. It's challenging, and the last thing they want to do is raise the prices. They like

having the significant difference between the hospital and them. Mr. Mims didn't want to get any closer to the hospital prices, so they can afford to move. He was trying to do that within the means that they have now. This is still something that they are trying to accomplish, but it is taking more time than they expected.

Chairman Dalling said it has been four years and you haven't secured a new lease on a new building, but you did go in to this knowing it was temporary. He stated that the applicant said they are out looking for a place, but then he saw in their application that they are asking for "five years, or preferably longer." Mr. Dalling asked the applicant if they wanted to talk about that.

Mr. Mims explained that he was asking for a period of time that he thought they could accomplish this in. Ask for five and try to get it done in three was his goal, versus asking for three and having to come back and do this all over again. They have done their best to make it look good. They have put up signage and built the trailer inside the building, so it looks part of the space. The location of the MRI makes it difficult to see. Aesthetically, they are trying to keep it as nice as they can. Their goal was to accomplish this in the first four years, but they didn't achieve that. One thing they did achieve was a successful business and they are keeping people in the community. Mr. Mims stated that his goal was to ask for as many years as they could and try to get it done within those years.

Chairman Dalling said he felt if the Commission gave the applicant four years, he would take it and be back for another four. He asked the applicant if two years would help out.

Mr. Mims didn't think two years was enough time. The time that it takes to find space, design the space, and have physicists come out makes this a huge project. Mr. Mims explained that he did an imaging center in Carson City that took 3.5 years. It takes a very significant amount of time and capital. The COVID thing hasn't helped. They are doing their best to stay open, but it has impacted the cash flow.

Mr. Wilkinson asked the applicant to provide an in depth description of the business. He thought it was important to understand that some of the operation takes place inside the main building. The Temporary Use applies to some of the equipment, not all of the equipment for the business. Mr. Wilkinson also asked the applicant to inform the Planning Commission of the number of employees and their average salary, or the range of salaries for those jobs. He thought the applicant could talk to the Planning Commission about the impact it would have on the business if this permit was not granted.

Mr. Mims explained that there is only one piece of equipment in the trailer, which is the MRI. Within their business they offer the following services: x-ray, ultrasound, DEXA, CT, Mammography, and MRI. The number of staff changes, but it is between 8 and 10. They also offer opportunities for students going through X-ray school to come in to get their training as well. The average salary ranges from \$15 per hour to \$46 per hour. If this application was not approved it would be devastating to the business. They wouldn't be able to offer MRI services, which would make it a challenge to be in business.

Chairman Dalling thought this was great service, and he thought that was why the Planning Commission approved it last time. He didn't understand and wished they could give it a forever permit, because it sounded like it was always going to be there.

Mr. Mims said he would have preferred the same thing. Having the need to get a Temporary Use Permit was something that he wasn't aware of until they were pretty far along in the project. When they bought the equipment and the trailer they were not aware that they needed a Temporary Use Permit.

*****Motion: Conditionally approve Temporary Use Permit No. 1-20 subject to the following conditions found in the City of Elko Staff Report dated May 18, 2020, listed as follows:**

Planning Department:

1. The use is permitted for a period of 4 years
2. The temporary use applies to APN 001-131-009
3. The applicant shall maintain fire access around the MRI trailer.
4. All items/materials stored must be inert.

Commissioner Buell's findings to support the motion were the proposed TUP is in conformance with the Land Use Component of the Master Plan. The proposed TUP is in conformance with the Transportation Component of the Master Plan. The proposed TUP is in conformance with Elko City Code 3-2-3(C)(5). The proposed TUP is in conformance with Elko City Code 3-2-17. The parcel is not located in a designated flood zone.

Moved by Commissioner Evi Buell, Seconded by Giovanni Puccinelli.

**Motion passed unanimously. (7-0)*

2. Review, consideration, and possible recommendation to City Council for Vacation No. 1-20, filed by Brian and Dena Starkey, for the vacation of the southeasterly portion of Juniper Street and northeasterly portion of 6th Street, consisting of an area approximately 3,636 sq. ft., and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east corner of the 6th Street and Juniper Street intersection, (698 6th Street- APN 001-231-001)

Brian Starkey explained that what they were here for was to get the place cleaned up. It is a corner with no sidewalk, and it's kind of a no man's land. Vacating the area would take care of it and clean it up.

Ms. Laughlin went over the City of Elko Staff Report dated May 18, 2020. Staff recommended conditional approval with the conditions and findings listed in the Staff Report.

Chairman Dalling asked if the applicant was aware of the requirements, and if he was okay with them.

Mr. Starkey stated that he was ok with the conditions. He added that he appreciate the City's help with doing the patch back work.

Ms. Rambo had no comments.

Mr. Thibault had no comments and recommended approval.

Chief Griego had no comments or concerns and recommended approval.

Mr. Wilkinson had no comments or concerns.

***** Motion: Forward a recommendation to City Council to adopt a resolution which conditionally approves Vacation No. 1-20 subject to the conditions listed in the City of Elko Staff Report dated May 18, 2020, listed as follows:**

- 1. Approved conditions are to be included in the Resolution.**
- 2. The applicant is responsible for all costs associated with the recordation of the vacation.**
- 3. Written response from all non-City utilities is on file with the City of Elko with regard to the vacation in accordance with NRS 278.480(6) before the order is recorded.**
- 4. Required public improvements be completed within one (1) year from date of approval by the City Council of vacation 1-20.**
- 5. The vacation will not be recorded until public improvements have been completed and accepted by City of Elko staff.**

Commissioner Buell's findings to support the recommendation were the proposed vacation is in conformance with the City of Elko Master Plan Land Use Component. The proposed vacation is in conformance with the City of Elko Master Plan Transportation Component. The proposed vacation is in conformance with the Redevelopment Plan. The proposed vacation is in conformance with NRS 278.479 to 480, inclusive. The proposed vacation is in conformance with City Code 3-2-5(E) and 8-7.

Moved by Commissioner Evi Buell, Seconded by Commissioner Tera Hooiman.

**Motion passed unanimously. (7-0)*

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported at the City Council Meeting on May 12th they approved the Final Map and Performance Agreement for the Ruby View Townhomes, approved the Final Map, Performance Agreement, and Slope and Utility Easement for the Mountain View Townhomes, and they approved the Land Inventory Update. They also accepted the petition for the Starkey Vacation.

B. Summary of Redevelopment Agency Actions.

Ms. Laughlin reported that the RDA and RAC had not had any meetings.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Miscellaneous Elko County

E. Training

Ms. Laughlin announced that the July Planning Commission Meeting would be held at The Convention Center in the Turquoise Room to provide for proper distance separation.

Commissioner Buell stated that she wouldn't be able to attend the next meeting live.

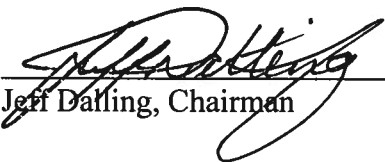
COMMENTS BY THE GENERAL PUBLIC

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