

**CITY OF ELKO**  
**PLANNING COMMISSION**  
**REGULAR MEETING MINUTES**  
**5:30 P.M., P.D.S.T., TUESDAY, JUNE 4, 2019**  
**ELKO CITY HALL, COUNCIL CHAMBERS,**  
**1751 COLLEGE AVENUE, ELKO, NEVADA**

**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:**      **Ian Montgomery**  
                 **Jeff Dalling**  
                 **John Anderson**  
                 **Stefan Beck**  
                 **Tera Hooiman**  
                 **Gratton Miller**

**Excused:**      **Evi Buell**

**City Staff Present:**   **Scott Wilkinson, Assistant City Manager**  
                                 **Cathy Laughlin, City Planner**  
                                 **Michele Rambo, Development Manager**  
                                 **Bob Thibault, Civil 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**

May 7, 2019 – Regular Meeting **FOR POSSIBLE ACTION**

**\*\*\* Motion: Approve the May 7, 2019 minutes as presented.**

**Moved by Tera Hooiman, Seconded by Stefan Beck.**

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

**I. NEW BUSINESS**

## A. PUBLIC HEARING

1. Review, consideration, and possible action of Conditional Use Permit No. 4-19, filed by Elko County School District, which would allow for the expansion of the current Elko High School campus with the addition of a new building, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally north of the intersection of 11<sup>th</sup> Street and College Avenue. (1297 College Avenue - APN 001-191-001 & 001-191-004).

Cathy Laughlin, City Planner, went over the City of Elko Staff Report dated May 20, 2019. Staff recommended approval with the findings and conditions listed in the Staff Report. The Parcel Map requirement is requested because the applicant has stated that they intend on combining the two parcels into one parcel.

Michele Rambo, Development Manager, had no comments.

Bob Thibault, Civil Engineer, recommended approval as presented by the Planning Department.

John Holmes, Fire Marshal, had no comments.

Scott Wilkinson, Assistant City Manager, recommended approval, assuming that the off-street parking doesn't increase with the addition of the building. The City receives a lot of complaints from the neighboring properties. He suggested that the applicant discuss that issue

Ms. Laughlin explained that the way that the campus has been fenced off; there is no access into the campus from College Avenue. She stated that the last few times she drove by there was no on-street parking being utilized.

Casey Kelly, Elko County School District, said they fenced the area off last summer and it hasn't been an issue this year. He also mentioned that they hadn't received any complaints on the on-street parking.

Commissioner Stefan Beck was curious if there was going to be a physics lab in the new building.

Mr. Kelly said yes. There would be physics and science. They are trying to get as close to STEM as they can.

**\*\*\*Motion: Conditionally approve Conditional Use Permit No. 4-19 subject to the conditions in the City of Elko Staff Report dated May 20, 2019, listed as follows:**

1. The permit is granted to the applicant Elko County School District.
2. 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.

3. A variance for the College Ave. street line setback for the principal building is required to be approved prior to issuing a building permit. All conditions of VAR 1-19 to be met prior to occupancy of the building.
4. Slope stabilization will be required on all slope areas.
5. A Parcel Map for the consolidation of the two parcels be approved and recorded prior to issuing a building permit for the new building.
6. CUP 4-19 to be recorded with the Elko County Recorder within 90 days after the commencement of the construction of the new building.

Commissioner Montgomery's findings to support the motion was the proposed development is in conformance with the Land Use Component of the Master Plan. The proposed conditional use permit meets Objectives 3 & 8 of the Land Use Component of the Master Plan. The proposed development is in conformance with the existing transportation infrastructure and the Transportation Component of the Master Plan. The proposed development conforms with the goals and objectives of the Redevelopment Plan. The site is suitable for the proposed use. The proposed development is in conformance with the City Wellhead Protection Program. The proposed use is consistent with surrounding land uses. The proposed use is in conformance with City Code 3-2-8 PQP, Public-Quasi, Public with the approval of the Conditional Use Permit and Variance 1-19 for street line setback reduction. 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 parcel is not located within a designated Special Flood Hazard Area. The proposed development is in conformance with 3-2-3, 3-2-4, 3-2-17, 3-2-18, and 3-8 of the Elko City Code with the approval of the variance for street line setback that is associated with the CUP.

Moved by Ian Montgomery, Seconded by Tera Hooiman.

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

2. Review, consideration, and possible action on Variance No. 1-19, filed by Elko County School District for a reduction of the required setback from any Street Line from 59.25' to 20' on the College Avenue Street Line, within a PQP (Public, Quasi-Public) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally north of the intersection of 11<sup>th</sup> Street and College Avenue. (1297 College Avenue - APN 001-191-001 & 001-191-001).

Ms. Laughlin went over the City of Elko Staff Report dated May 18, 2019. Staff recommended conditional approval with the findings and conditions listed in the Staff Report.

Ms. Rambo had no comments

Mr. Thibault recommended approval as presented.

Mr. Holmes had no comments or concerns.

Mr. Wilkinson had no comments or concerns. He thought a general finding for granting variances for the school district was the limitations in land, a growing population of students, and they need new facilities to accommodate that. He thought if the Commission wanted to consider a finding like that it could be beneficial. There are some very specific circumstances that are listed, but the bottom line is that that's where the high school is and they only have so much land available to work with.

Chairman Dalling thought that was a good idea. He thought it was important to add that the overall extenuating circumstance is that it's the high school, they have to build, and they are land locked. He thought that would help their case more.

Ms. Laughlin asked the Commission to make one change to the staff recommended Condition No. 2 to scratch out the Parcel Map Application number, as the Planning Department has not received that Parcel Map Application yet. .

**\*\*\*Motion: Conditionally approve Variance No. 1-19 subject to the condition in the City of Elko Staff Report dated May 18, 2019, with a modification to Condition 2 listed as follows:**

- 1. Approval of CUP 4-19.**
- 2. A Parcel Map to combine APNs 001-191-001 & 001-191-004 is to be approved, recorded and all conditions satisfied.**

**Commissioner Beck's findings to support the motion were that the proposed variance is in conformance with the Land Use Component of the Master Plan. The property is located within the Redevelopment Area and meets the goals and objectives of the plan. The property will have street frontage on all four sides, with the consolidation of the two parcels into one. Approval of VAR 1-19 is required to be in conformance with Elko City Code 3-2-8. The property as developed with the addition of the proposed building does not exceed the thirty-five percent of the net site area lot coverage. Approval of Variance 1-19 in conjunction with approval of the parcel map to consolidate the two parcels into one will bring the proposed new development into conformance with Section 3-2-8 of City Code. The special circumstance is directly related to the property as it is developed as the only high school in the City of Elko. It is somewhat land locked and with a growing population, it requires expansion of its classroom facilities. The special circumstance of a fully developed property with several legal non-conforming issues. This circumstance does not generally apply to other properties in the district. The granting of the variance will not result in material damage or prejudice to other properties in the vicinity, nor be detrimental to the public interest, health, safety, and general welfare. The granting of the variance is directly related to the zoning of the property and will not impair the intent or purpose of the zoning and will not change the use of the land or zoning classification. The granting of the variance will not impair natural resources. The Planning Commission realizes that there is limited space at the present time for high school expansion, so they**

want to do everything they can to allow for the expansion of the high school and to support growth and education in Elko County.

Moved by Stefan Beck, Seconded by Gratton Miller.

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

3. Review, consideration, and possible action on Variance No. 2-19, filed by David & Juliane Ernst for a reduction of the required exterior side yard setback from 15' to 4.5' and the required interior side yard setback from 5.5' to 1.1' for a residence in an R (Single-Family and Multi-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the northeast side of 3<sup>rd</sup> Street, approximately 36' southeast of Pine Street. (604 3<sup>rd</sup> Street- APN 001-224-009)

Ms. Laughlin went over the City of Elko Staff Report dated May 21, 2019. Staff recommended conditional approval with the findings and conditions listed in the Staff Report.

Ms. Rambo had no comments.

Mr. Thibault stated that the Engineering Department recommended approval. He had one concern that just came to mind. The applicant submitted an application, yesterday, for a vacation of 9 feet along the 3<sup>rd</sup> Street property line. His questions was if they allow for 4.5' exterior side yard setback, does that mean they can build to within 4.5' of the new property line in the future. Or, are they then required 15 feet, back to the original setback requirement, which would put them out of conformance again? Mr. Thibault asked if Mr. Wilkinson had any thought on that.

Mr. Wilkinson said if the property line changes they can build out to that setback at some future date if they desire. We are granting a variance today based on existing conditions. There is no guarantee that the vacation will happen. If property line changes and they want to expand, they would be able to do that, as long as they are meeting the setback on the exterior yard.

Mr. Thibault asked if it was the setback of 4.5 feet.

Mr. Wilkinson said no, they would have to meet the Code.

Mr. Thibault asked if it was the setback of 15 feet.

Mr. Wilkinson said that was correct.

Mr. Thibault pointed out that the existing building wouldn't meet 15 feet.

Mr. Wilkinson said they wouldn't be able to expand that direction on the home.

Mr. Thibault asked if the existing building would still be conforming.

Ms. Laughlin said yes, because the variance would be approved prior to the vacation.

Mr. Holmes had no comments or concerns.

Mr. Wilkinson wanted to back up to Mr. Thibault's comment. He asked if a variance would be recorded. (No) He thought the Commission should condition this application that it is 4.5' if the property line is not adjusted, and it would be 'X' amount if the property line is adjusted. That way, if the property line is adjusted you will still have a conforming property.

Mr. Thibault said they could say 4.5 from the current location of the property line. They could adjust it.

Mr. Wilkinson said if they did 4.5, and the property line adjusts they could move out. He thought by granting this variance they should condition it 4.5' based on the property line of record today, or the variance is granted for 4.5' plus 9', which would be 13.5' if a future vacation of the roadway is approved. He thought that should be the variance that is granted.

Chairman Jeff Dalling asked if there was any discussion. He thought Mr. Wilkinson had a pretty good point.

Commissioner Tera Hooiman asked if they were conditionally approving the 4.5' right now, not 13.5'.

Mr. Wilkinson said it would be an "or". Mr. Wilkinson suggested that the Commission modify their motion to say 4.5' based on property lines of record today, which is June 4, 2019; or grant a variance up to 13.5' if a portion of 3<sup>rd</sup> Street is vacated. That way when the street is vacated, the property owner will still have a variance and they will still have legal conforming property based on the variance.

**\*\*\* Motion: Conditionally approve Variance No. 2-19 subject to the condition in the City of Elko Staff Report dated May 21, 2019, with the addition of a condition, listed as follows:**

**Planning Department:**

1. Compliance with all staff recommendations.
2. Commencement within one year and completion within eighteen (18) months.
3. Conformance to plans approved as a part of the variance.
4. Subject to review in two (2) years if determined necessary by the planning commission.

**Building Department:**

1. If approved the following shall apply:
  - All walls within 5 feet of property line are required to have a fire-resistance rating. This shall be a 1 hour rating tested in accordance with ASTM E 119 or UL 263 with exposure from both sides. The projection or roof overhang shall have a fire-resistance rating of 1 hour on the underside if located greater than 2 feet or less than 5 feet from the property line. Roof projections or overhangs are not allowed within 2 feet of a property line. Openings less than 3 feet to property line are not allowed. Openings up to 25% maximum of wall area from 3 feet to 5 feet of property line are allowed. These requirements are as per Table R302.1(1) 2009



International Residential Code. And table R302.1 of Elko city amended building codes.

**Public Works Department:**

1. Applicant must provide required public improvements along 3<sup>rd</sup> Street. This can be done in conjunction with the building permit.

**Planning Commission:**

1. Exterior side yard setback reduction is approved for 4.5' based on the lot of record on June 4, 2019, or 13.5' if 9.00' of 3<sup>rd</sup> Street is vacated.

**Commissioner Hooiman's findings to support the motion were that the proposed variance is in conformance with the Land Use Component of the Master Plan and is consistent with existing land uses in the immediate vicinity. The proposed variance is consistent with the Transportation Component of the Master Plan. The property is not located within the Redevelopment Area and consideration of the plan is not required. The proposed variance is consistent with City of Elko Wellhead Protection 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 with Code. A single lot or parcel of land of record in the office of the County Recorder as of the effective date of the City Subdivision Ordinance (December 9, 1975), and which does not meet minimum requirements for lot area, lot width or lot depth shall be considered a buildable lot for one single-family dwelling. Therefore, the minimum lot width of 60' is not required based on this exception. The developed property does not meet side setback requirements stipulated in Section 3-2-5(G) R – Single Family and Multiple Family Residential. The structure encroaches into both the interior side yard and exterior side yard setback areas. Approval of the variance application is required to bring the property into conformance with Code. The property does not conform to Section 3-2-17 of City Code. Development of the required parking areas will be required as part of the building permit approval. In accordance with Section 3-2-22, the applicant has demonstrated that the existing structure has been in place for over 24 years and it appears the structure predates the current setbacks stipulated in code and encroaches into the current stipulated setbacks. In accordance with Section 3-2-22, the applicant has demonstrated that his circumstance prevents the applicant from obtaining building permits to modernize the structure depriving the applicant full use of the structure. In accordance with Section 3-2-22, the applicant has demonstrated that the property has unique circumstances based on the fact that the main structure already encroaches into both side yard setback areas and there is some significant topographic issues, namely slope, affecting the property. Granting of the variance will not result in material damage or prejudice to other properties in the vicinity. This finding is based on the fact that the existing structure has been in this same location for over 100 years and the small additions will not extend beyond the existing exterior walls. Granting of the variance will not substantially impair the intent or purpose of the zoning ordinance. Single family is listed as a principal use in the underlying zone. Granting of the variance will not impair natural resources. The parcel is not located within a designated Special Flood Hazard Area.**

**Moved by Tera Hooiman, Seconded by Stefan Beck.**

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

## **II. REPORTS**

### **A. Summary of City Council Actions.**

*Ms. Laughlin reported that the Planning Department had been very quiet on the City Council Meetings.*

*Ms. Rambo reported that the City Council continued table the Great Basin Estates Phase 3 Final Plat. She was trying to find a way to get it approved. There was a public utility easement for NV Energy that was approved, as well as the Orchard Cove Preliminary Plat.*

### **B. Summary of Redevelopment Agency Actions.**

*Ms. Laughlin reported that the Redevelopment Agency had a meeting recently. They approved the Storefront Grant Program Applicants, there were two applications. They approved the continuation of the Grant program to expend remainder of this year's funds. They have extended that. They also approved the next project for the Downtown Corridor, which will be the block ends for 4<sup>th</sup>, 5<sup>th</sup>, and 6<sup>th</sup> Streets.*

### **C. Professional articles, publications, etc.**

#### **1. Zoning Bulletin**

### **D. Miscellaneous Elko County**

### **E. Training**

*Ms. Laughlin said there was a one page flyer included in the packet for this month's training*

*Ms. Laughlin also reminded the Commissioner's that the meeting next month will be on July 2<sup>nd</sup>, and to remind the Planning staff if there would be any absences.*

*Commissioner Hooiman informed the Commission that she would be absent for the July Meeting.*

*Commissioner Beck also informed the Commission that he would be absent for the July Meeting.*

## **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.

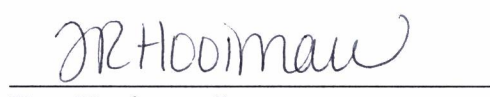
## **ADJOURNMENT**

There being no further business, the meeting was adjourned.



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Jeff Dalling, Chairman



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Tera Hooiman, Secretary