

CITY OF ELKO
PLANNING COMMISSION
REGULAR MEETING MINUTES
5:30 P.M., P.D.S.T., TUESDAY, JUNE 5, 2018
ELKO CITY HALL, COUNCIL CHAMBERS,
1751 COLLEGE AVENUE, ELKO, NEVADA

CALL TO ORDER

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

ROLL CALL

Present: **David Freistroffer**
 Jeff Dalling
 John Anderson
 Stefan Beck

Excused: **Ian Montgomery**
 Kevin Hodur
 Tera Hooiman

City Staff: **Scott Wilkinson, Assistant City Manager**
 Jeremy Draper, Development Manager
 Cathy Laughlin, City Planner
 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 1, 2018 – Regular Meeting **FOR POSSIBLE ACTION**

*****Motion: Approve the minutes from May 1, 2018 as presented.**

Moved by Jeff Dalling, Seconded by John Anderson.

**Motion passed unanimously. (4-0)*

I. NEW BUSINESS

A. PUBLIC HEARING

1. Review and consideration of Preliminary Plat No. 7-18, filed by DDS Properties, LLC, for the development of a subdivision entitled Humboldt Hills involving the proposed division of approximately 9.443 acres of property into 26 lots for residential development within the R1 (Single-Family Residential) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the east side of W Jennings Way, approximately 120' north of Courtney Drive. (APN 001-01H-001).

Scott Wilkinson, Assistant City Manager, recommended tabling the item. He explained that portions of some of the lots in the subdivision included City owned right-of-way. Staff has no indication from the City Council that that would be acceptable, until a vacation application is processed. There is not enough information to consider the item.

Dusty Shipp, DDS Properties, owner/developer, wanted to express some frustration on their part on the project. He thought it seemed like they were hitting a lot of road blocks from getting the project moving. They were working on the project since last summer/fall. They had met with City Staff on what would be required. The lot has a lot of topography, so there are some water feed issues to try to get all the lots serviced with water. They went through a lot of design to try to figure out how to make that work, and moving thousands of yards of material to make it function for this project. In recent months, March 12th they had a Stage 1 Meeting. They thought they had everything cleared up. It seemed to go well and everyone seemed to be on the same page and headed in the right direction. After the meeting they were struggling with grading a lot, so Mr. Shipp decided that it would be better to remove three lots, because of the topography and all the issues with trying to get enough setback between homes to be able to have flow lines. The City required them to have a second Stage 1 meeting, which happened on April 17th. At that meeting there was a large discussion, mainly from Mr. Wilkinson, regarding lessening the amount of lots. Mr. Wilkinson stated that it was not working well with the Master Plan. They found out even though that was such an issue it was never brought up in the first meeting. They were told at that point that they would not have support from City Staff because of that. They decided to go ahead and pursue that and move forward, because they felt they had enough evidence to support what they were trying to do. During the second meeting they also discussed the fact that they were crunched for time to get the asphalt done before fall. They were told that if they could get the required documentation turned in by the next day that they could potentially get on the May Planning Commission meeting. Ms. Carter worked through the night and got it turned in by 8 o'clock the next morning. When she turned it in she was told they couldn't do that for some reason. Now were here at the June meeting. A few days ago they had to deal with the vacation issue. Nothing was said since April's meeting. They scrambled and got the vacation application turned in within a few days. He thought it seemed like they are scrambling on their end, trying to make sure that everything that is wanted by staff is met, but they aren't getting anywhere. He thought it was too late to get the project out of the ground this year, which is sad because there is a lot of demand for housing in Elko right now. He thought it was going to be another year and half until this project hits the ground, because of timings. He wanted to voice his frustration. He didn't think it mattered whether the Commission tabled the item, or not, to the end result. Commissioner Dalling was at both of the Stage 1 meetings and he seemed to get the concept of what they were trying to do, and was supportive.

Commissioner Jeff Dalling asked if they moved the item forward, if Mr. Shipp still couldn't get the project going this year.

Mr. Shipp said based on the time frame it sounded like if it was tabled tonight it wouldn't go to City Council until the end of July. By the time they get approvals it would be August. To build a 26 lot subdivision in two months is not going to happen.

Jeremy Draper, Development Manager, explained that for the vacation process the City has received the application for vacation. It will be on the June 12th City Council meeting. City Council has to accept the application. If they accept it, then it will come to the Planning Commission. The Planning Commission will consider the application on July 9th. If the Planning Commission approves the vacation, their recommendation will go back to the City Council on July 24th. The approval of the Preliminary Plat would be conditioned on the final vacation being accepted by the City Council and the right-of-way being vacated for the lots that are shown. It is possible that July 24th, City Council could hear the final vacation, and also consider the Preliminary Plat with any conditions. That would give Mr. Shipp the opportunity to come back in August for Final Plat, and get the approvals for the Final Plat in August. In the meantime Mr. Shipp has a grading permit to move a whole bunch of dirt. That is the timeline to get the vacation and the Preliminary Plat through.

Mr. Wilkinson wanted to discuss the developer's responsibility to understand and coordinate their project. When there is a Stage 1 meeting and the Developer changes their mind, and they present something under an application that differs from the Stage 1 meeting, then there needs to be another Stage 1 meeting. They had to go through that process. Staff didn't change the layout of the subdivision, the Developer chose to do that. It's a responsibility of the Developer to have a good understanding of their project when they come to the City of Elko under a Stage 1. They are to present their plans to the City of Elko. When they go back and reconsider their grading plan, and they have to change their subdivision plans, then they have to go through the process again. Fundamentally, staff doesn't process applications where people don't have permission to have any type of action taken on their property. Staff supports the vacation of the right-of-way, they believe that is an appropriate process, but until the City Council takes action, indicating that the City is willing to move that direction, Mr. Wilkinson didn't think the Commission could consider the application at this point in time. The City Manager's office recommended tabling the item. As Mr. Draper indicated, in order to even have a final approval on the Preliminary Plat you have to have the vacation approved. Both those can occur. We cannot have a final approval on the vacation until the end of July. The Preliminary Plat and the Vacation can run concurrent with each other.

Cathy Laughlin, City Planner, clarified that the Preliminary Plat was not on the May Planning Commission agenda because it is a public hearing and there are NRS requirements that have to be followed. After the second Stage 1 meeting it was beyond the time to get the public hearing notifications out in order to make it for the May meeting.

Commissioner Stefan Beck asked Mr. Shipp if he was up against a weather limitation for his paving. He also asked if that milestone was removed if he would be able to continue on, assuming everything fell into place at the August meeting.

Mr. Shipp didn't think, at this point, that they could make it. Whether this is tabled or not, he thought it was too late. If it would have been on April meeting, then there would have potentially been a chance for the project to happen this year. It doesn't make a lot of sense to grade, and spend all the money to grade, if it's going to sit. They had discussed the timeframe of mailings at the second Stage 1 meeting. Everyone felt like it was tight, but if they could get it in the next day that it could still happen.

Commissioner Dalling stated he was at the Stage 1 and he thought they had discussed that it would be on the May meeting. He didn't know why the other stuff didn't come up. They had talked about the City right-of-way, so he didn't know how it got missed.

Chairman David Freistroffer explained that staff had recommended tabling this item. He said he heard Mr. Shipp's concerns about what transpired.

*****Motion: Table the item.**

Moved by Stefan Beck, Seconded by John Anderson.

**Motion passed. (3-1, Commissioner Dalling voted no)*

B. MISCELLANEOUS ITEMS, PETITIONS, AND COMMUNICATIONS

1. Review, consideration, and possible approval of Final Plat No. 8-18, filed by Parrado Partners, LP, for the development of a subdivision entitled Great Basin Estates Phase 2 involving the proposed division of approximately 13.907 acres divided into 19 lots and 1 remainder parcel 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 between Opal Drive and Flagstone Drive on Granite Drive. (001-633-030).

Bob Morley, 640 Idaho Street, explained that he was filling in for Mr. Capps, who is the owner of Parrado Partners. This project is pretty straight forward. It is the second phase of the subdivision. It is for 19 lots. Ms. Laughlin sent him the conditions from staff. Mr. Capps reviewed those and is in agreement with the conditions.

Ms. Laughlin explained that the Final Plat was for Great Basin Estates Phase 2. She then went over the City of Elko Staff Report dated May 29, 2018. Staff recommended approval of the subdivision Preliminary Plat based on the conditions listed in the Staff Report.

Mr. Draper said the Development Department agreed with Ms. Laughlin's presentation. He wanted to highlight a couple of the conditions from the Development Department. The Performance Agreement shall be secured in accordance with 3-3-45 and it shall be for the full amount of the improvements. Mr. Capps is aware of that. The Performance Agreement shall be approved by the City Council. The developer shall enter into the Performance Agreement within 30 days of approval by City Council. All other conditions are standard conditions. The Engineers

Estimate be provided prior to City Council to finalize Performance Agreement. With those conditions Mr. Draper recommended approval.

Bob Thibault, Civil Engineer, stated that the Engineering Department recommended approval as presented by staff.

John Holmes, Fire Marshal, recommended that the subdivision follow the 2012 IFC Appendix D. He recommended approval.

Mr. Wilkinson recommended approval as presented by Staff.

Chairman Freistroffer said it looked like a good project.

*****Motion: Forward a recommendation to City Council to conditionally approve Final Plat 8-18 subject to the conditions listed in the City of Elko Staff Report dated May 29, 2018 listed as follows:**

Development Department:

1. The Developer shall execute a Performance Agreement in accordance with Section 3-3-44 of city code. The Performance Agreement shall be secured in accordance with Section 3-3-45 of city code. In conformance with Section 3-3-44 of city code, the public improvements shall be completed within a time of no later than two (2) years of the date of Final Plat approval by the City Council unless extended as stipulated in city code.
2. The Performance Agreement shall be approved by the City Council.
3. The Developer shall enter into the Performance Agreement within 30 days of approval of the Final Plat by the City Council.
4. The Final Plat is approved for 19 single family residential lots and 1 remainder lot.
5. The Utility Department will issue a Will Serve Letter for the subdivision.
6. State approval of the subdivision is required.
7. Conformance with Preliminary Plat conditions is required.
8. Civil improvements are to comply with Chapter 3-3 of City code.
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 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. An engineer's estimate for the public improvements shall be provided prior to the final plat being presented to the City Council to allow for finalization of the required Performance Agreement.

Fire Department:

1. Follow the 2012 International Fire Code Appendix D, Section D106 regarding Access Roads within Residential Developments.

Commissioner Dalling's findings to support his recommendation was the Final Plat for Great Basin Estates Phase 2 has been presented before expiration of the subdivision proceedings in accordance with NRS 278.360(1)(a)(2) and City Code. The Final Plat is in conformance with the Preliminary Plat. The proposed subdivision is in conformance with the Land Use Component of the Master Plan. The proposed subdivision is in conformance with Transportation Component of the Master Plan. Based on the modification of

standards for lot dimensions granted under the Preliminary Plat Application, the proposed development conforms to Sections 3-3-20 through 3-3-27 (inclusive). The Subdivider shall be responsible for all required improvements in conformance with Section 3-3-40 of City Code. The subdivider has submitted civil improvement plans in conformance with Section 3-3-41 of City Code. The plans have been approved by city staff. 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 3-3-42 of City Code. The Subdivider has submitted civil improvement plans, which are in conformance with Section 3-3-43 of City Code. The Subdivider will be required to enter into a Performance Agreement to conform to Section 3-3-44 of City Code. The Subdivider will be required to provide a Performance Guarantee as stipulated in the Performance Agreement in conformance with Section 3-3-45 of City Code. Based on the Modifications of Standards for lot dimensions granted under the Preliminary Plat Application, 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. The subdivision is in conformance with 3-8 Floodplain Management.

Moved by Jeff Dalling, Seconded by Stefan Beck.

**Motion passed unanimously. (4-0)*

2. Review, consideration and possible granting of Parking Waiver 1-18, filed by Charm Hospitality, LLC to waive eleven required off-street parking spaces in connection with a hotel expansion within the C (General Commercial) Zoning District, and matters related thereto. **FOR POSSIBLE ACTION**

The subject property is located generally on the north side of Idaho Street, approximately 595 feet east of E Jennings Way (3019 Idaho Street).

Michelle Leedy, Charm Hospitality, explained that they were proposing an expansion to the North side of the building, which would take out some of the parking spots. They currently have 77 rooms and she thought the current requirement was 20 spaces more than the rooms in the hotel with meeting space, which would put them at a 97 parking spot requirement.

Chairman Freistroffer asked if they were sharing some of the parking lot with the adjacent property.

Ms. Leedy explained that the 9 spaces on the High Desert Inn side are shared.

Ms. Laughlin explained that the applicant was the property owner. The applicant has submitted a set of plans to the Building Department for an expansion to their existing facility. The proposed addition will result in about 4,306 sq. ft. added to the existing structure. The proposed addition includes an indoor pool, meeting room, fitness center, and a small kitchen to serve the existing dining area. She then went over the City of Elko Staff Report dated May, 29 2018. Staff recommended approval.

Mr. Draper stated that the Development Department agreed with the findings and the presentation, and recommended approval of the waiver.

Mr. Thibault recommended approval.

Mr. Holmes recommended approval for the parking waiver only

Mr. Wilkinson recommended approval as presented by staff.

Chairman Freistroffer asked if the dining area was primarily used by the guests. (Yes)

Commissioner Dalling thought they needed parking. He thought before the Commission determined that they didn't need to have the required parking, sometimes they have to look at the grey area. He felt that this would be a good fit, because it's a hotel, and the hotel guests will be eating in the restaurant.

Chairman Freistroffer was in agreement. He thought the daytime use, the dining area and the meeting room, were complimentary and not at the same time as the night time use, which the hotel is, and the hotel guests are the main patrons of the restaurant. It seems like they are caught in the engineering calculation recommendation for parking spaces.

Commissioner Dalling pointed out that there were places in town that have horrific parking, because they got around the parking requirements. This situation doesn't feel like it's trying to skirt the requirements.

Chairman Freistroffer understood that there was some shared parking spaces along the property boundary. That flexibly helps alleviate some of the parking issue, but those spaces can't be counted because they are on the other property. He didn't think they would be creating a problem with this parking waiver.

*****Motion: Grant Parking Waiver 1-18.**

Commissioner Dalling's findings to support his recommendation was that the existing use and proposed expansion are in conformance with the Land Use Component of the Master Plan. The existing use and proposed use is compatible with the Transportation Component of the Master Plan and is consistent with the existing Transportation infrastructure. The property is not located in the Redevelopment Area. The existing use and proposed use is in conformance with the Wellhead Protection Plan. The existing use and proposed use is in conformance with Section 3-2-10 of City Code. The proposed expansion includes amenities that are typically associated with the existing use and is not expected to generate additional traffic resulting in a parking deficit.

Moved by Jeff Dalling, Seconded by Stefan Beck.

**Motion passed unanimously. (4-0)*

II. REPORTS

A. Summary of City Council Actions.

Ms. Laughlin reported on May 8th the City Council held the 1st reading for Zoning Ordinance Amendment 1-18, which was the modification to the development standards for the IC District. The 2nd reading was held and approved for the annexation of the JoyGlobal/Netherton properties. On May 22 City Council approved a bike rack project for the downtown area with the Elko Velo Group, the Kimber Rezone was approved, and approved the rezone for the JoyGlobal/Netherton parcels. The 2nd reading was held and approved the Zoning Ordinance Amendment 1-18 for the IC Zoning District.

B. Summary of Redevelopment Agency Actions.

C. Professional articles, publications, etc.

1. Zoning Bulletin

D. Preliminary agendas for Planning Commission meetings.

Ms. Laughlin reminded the Commission that the July Meeting would be held on Monday, July 9th. On the June 26th City Council meeting John Anderson and Stefan Beck would be considered for reappointment for four years to the Planning Commission.

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.

Chairman Freistroffer said with the two Stage 1 meetings that they had. His understanding was that some City Staff objected to the comments made by a Planning Commission representative at the Stage 1 meeting. The Planning Commission's job is to ask layman's questions, help make the entire process better for the City, and to act as a layman's accountability for City staff by asking tough questions. He said he was distressed by having the representative, which was Commissioner Dalling, be asked not to attend the meetings anymore. He hasn't had time to take care of it since it happened, because it was the end of school. He wanted to have a talk about what the point of the meetings are. He wondered if they could make the process better. He explained that he can't cancel college classes to be at the Stage 1 Meetings. He has to be able to send people from the Planning Commission.

Mr. Wilkinson wanted to know who said Jeff Dalling couldn't attend another meeting.

Chairman Freistroffer said he had heard it from two sources, including Mr. Dalling.

Mr. Wilkinson asked if Mr. Dalling was told at the meeting that he couldn't attend any other meeting.

Commissioner Dalling said it was not at that meeting, he was told by several City Staff.

Ms. Laughlin thought there was a comment made that was in reference to the Subdivision not being in conformance to the Master Plan, that Mr. Dalling liked the subdivision and the way it was presented and it didn't matter if it was part of the Master Plan Density or not. There was never any comment made at that meeting, or after that meeting that Mr. Dalling wasn't welcome to come to any other meetings. Staff stated that it was important to know what the Master Plan has in it.

Commissioner Dalling said he had left the meeting and everyone else was told to stay behind. He said he was not a city employee. He represented everyone, he had the City's interest in mind, but he was also there to represent the City of Elko, as in the people. His job isn't to just do what staff tells him to do. He thought there was a reason the Planning Commission had to be at the Stage 1 meetings, so that there is a check and balance.

Mr. Wilkinson said that there is code that has to be enforced. The Code required the Planning Commission to be represented. What is to be done in those meetings is have the developer convey their intentions, and they need to demonstrate how they are in conformance with code. Subdivisions are to be in conformance to the Master Plan, which includes the density. It's not appropriate to, especially when having a discussion about whether a development is in conformance with Master Plan or not, and when the density has gone from a certain density to even less, to disregard the Master Plan. It is up to the Developer to demonstrate that. It's not appropriate for anyone from the Planning Commission, or staff, to say were not going to conform to the Master Plan. If there are individuals, whether they're staff, or representatives from the Planning Commission, that are going to disregard the code, there will be a discussion about who starts attending those meetings. There is nothing in the code about the day or time of the Stage 1 meetings. The developer needs to make themselves available based on a variety of circumstances. This developer had been supported through the annexation process, the zoning process, and all of that. This developer has been given a grading permit early on. They actually started grading the property without a grading permit, which caused storm water issues for the City of Elko. No one has decided who from the Planning Commission is going to attend a meeting. There was some comment about the inappropriateness of stating "We don't care about the Master Plan."

Commissioner Dalling stated he never said he didn't care about the Master Plan.

Mr. Wilkinson said that was inappropriate and that was a discussion in the meeting. The code requires us to strive to conform to the Master Plan.

Chairman Freistroffer apologized for having to bring the concern up. He thought the bottom line was the person he picked felt unwelcome at future meetings. That is still a problem, and let's work through it.

Mr. Wilkinson wanted to know who from staff conveyed that message.

Chairman Freistroffer thought that they could have any representative of the Planning Commission at the meeting.

Mr. Wilkinson thought the committee was defined in the code.

Commissioner Beck said he had a soft spot, because he spent a lot of time in the mining industry trying to get under deadlines. He didn't know what happened and wasn't taking sides. When someone comes up and voices frustration because they think they are doing everything. If there's something they could do to help the contractors and make it as smooth as they can, so they can come to Elko and its user friendly.

Chairman Freistroffer said it took him a couple times attending the Phase 1 meetings to understand what they were about. It's on the Developer to present and to follow code and rules, and to ask City Staff for advice. Staff isn't able to answer all the questions right then, but they are able to identify all the probabaly's, and maybe's.

Mr. Wilkinson said that was correct. Then when the developer makes application, which is Stage 2, they should be going through all of the Code and checking off their conformance. Then it becomes staff's responsibility to evaluate and verify that the application is complete, or if there are any issues. Mr. Wilkinson said he didn't look at an application until he got a staff flow sheet.

Commissioner Dalling said he went to the meeting, and he thought it went well. There was a lot of give and take for the Developer. Mr. Dalling thought they had a good product. Mr. Wilkinson was against it, but everyone else was in agreeance. They ended it with the thought that it would be on the May Planning Commission agenda.

Mr. Wilkinson objected to Commissioner Dalling saying he was against the subdivision.

Commissioner Dalling clarified that Mr. Wilkinson was against the density.

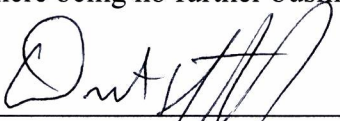
Mr. Wilkinson said they needed to strive to meet the Master Plan. This is a good project if they can justify their density because of grading issues. It is not incumbent on staff to just accept, without any information, that that's an acceptable layout of a subdivision. That was the discussion. Initially they had more lots, then they came back with less lots, so that is going further away from the objectives and goals of the Master Plan. He objected to the fact of someone stating on the record that he was against a project. This was a good project, and he was in support of the annexation, the rezone, subdividing the property, but there are steps to take and rules to follow.

COMMENTS BY THE GENERAL PUBLIC

There were no public comments made at this time.

ADJOURNMENT

There being no further business, the meeting was adjourned.



David Freistroffer, Chairman



Tera Hooiman, Secretary